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FEDERAL REGISTER

VOLUME 6 NUMBER 171

Washington, Wednesday, September 3, 1941

The President

RETAILERS-FOR-DEFENSE WEEK TO AID IN THE SALE OF DEFENSE SAVINGS STAMPS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Treasury, pursuant to the authority of the Public Debt Act of 1941, is offering Defense Savings Stamps, in small denominations, for sale to the people of the United States; and

WHEREAS national trade associations of our country representing more than one million retail stores have pledged the whole-hearted support of their members in assisting the Treasury Department to sell Defense Savings Stamps, and have agreed to observe the week of September 15 to 20, 1941, as Retailers-for-Defense Week to Aid in the Sale of Defense Savings Stamps, and to make an intensive effort during that time to acquaint the American shopping public with the advantages of buying Defense Savings Stamps:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the week of September 15 to 20, 1941, as Retailers-for-Defense Week to Aid in the Sale of Defense Savings Stamps, and do call upon the people of the United States to cooperate in making that week a period of outstanding achievement in the sale of Defense Savings Stamps.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of August in the year of our Lord nineteen hundred and [SEAL] forty-one and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2507]

[F. R. Doc. 41-6568; Filed, September 2, 1941; 11:25 a. m.]

EXECUTIVE ORDER

SUSPENDING THE PROVISIONS OF THE SATURDAY HALF-HOLIDAY ACT OF MARCH 3, 1931, AS TO CERTAIN EMPLOYEES OF THE WAR DEPARTMENT AND OF THE COAST GUARD

WHEREAS section 5 (a) of the act approved June 28, 1940, 54 Stat. 676, 678, authorizes the President "to suspend, in whole or in part, for the War and Navy Departments and for the Coast Guard and their field services, during the period of the national emergency declared by him on September 8, 1939, to exist, the provisions of the Act of March 3, 1931 (46 Stat. 1482; U.S.C. 5, 26 (a)), if in his judgment such course is necessary in the interest of national defense", such provisions, in effect, establishing Saturday half-holidays for certain Government employees; and

WHEREAS I find it necessary in the interest of national defense to suspend the provisions of the said act of March 3, 1931, as to certain hereinafter-mentioned employees of the Government to which section 5 (a) of the said act of June 28, 1940, is applicable:

NOW, THEREFORE, by virtue of the authority vested in me by section 5 (a) of the said act of June 28, 1940, I hereby suspend for the duration of the national emergency declared by me on September 8, 1939, to exist, the provisions of the said act of March 3, 1931, as to all employees of the War Department and its field services who are engaged in, or directly connected with, the construction of works necessary to the military establishment in the United States, and as to all employees of the Coast Guard and its field services engaged in, or directly connected with, the construction, alteration, or repair of vessels or shore facilities of the Coast Guard.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 29, 1941.

[No. 8876]

[F. R. Doc. 41-6548; Filed, August 30, 1941; 12:20 p. m.]

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FEDERAL REGISTER

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EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the following-described areas, including water areas below mean high tide, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

Lands in the Vicinity of Sitka

(1) Makhnati Island Area.

Beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941;

From the point of beginning, by metes and bounds:

S. 58° W., 2500 feet, to the southern point of Nepovorotni Rocks;
S. 83° W., 5600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island;
N. 6° W., 4200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island;
N. 24° E., 3000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude;
East, 2900 feet, to a point in course No. 45 in meanders of U. S. Survey No. 1496, on west side of Japonski Island;
Southeasterly, with the meanders of Japonski Island, U. S. Survey No. 1496 to angle point No. 35, on the southwestern point of Japonski Island;
S. 60° E., 3300 feet, along boundary line of Naval Reservation described in Executive Order No. 8216, July 25, 1939, to the point of beginning.

The area described, including land and water, aggregates 610 acres, more or less.

(2) Long Island Area.

All of Long Island and the small islands and rocks adjacent thereto, lying between 56°59'40" and 57°00'06" north latitudes and 135°19'50" and 135°21'49" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 110 acres, more or less.

(3) Cape Burunof Area.

All of Cape Burunof and the small islands and rocks adjacent thereto, lying between 56°58'33" and 56°59'25" north latitudes and 135°21'30" and 135°23'30" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 140 acres, more or less.

(4) Peisar Island Area.

All of Peisar Island and the small islands and rocks adjacent thereto, lying between 56°52'40" and 56°53'50" north latitudes and 135°25'30" and 135°27'30" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 200 acres, more or less.

(5) Legma Island Area.

All of Legma Island and the small islands and rocks adjacent thereto, lying between 56°48'35" and 56°50'10" north latitudes and 135°26'15" and 135°27'36" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8255, April 1940.

The area described aggregates 410 acres, more or less.

(6) Shoals Point Area.

Beginning at a point on line of mean high tide on the east side of Kruzof Island, 57°03'11" north latitude, 135°36'06" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8256, March 1931;

From the point of beginning, by metes and bounds:

West, 15,840 feet, to a point;
South, 15,840 feet, to a point on line of mean high tide on south side of Kruzof Island;
Northeasterly, with meanders, around Shoals Point to point of beginning.

The area described aggregates 4,070 acres, more or less.

(7) Cape Egdecumbe—Sitka Point, Kruzof Island Area.

Beginning at a point on line of mean high tide on the north side of Sitka Sound, 56°59'47" north latitude, 135°46'00" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8256, March 1931;

From the point of beginning, by metes and bounds:

North, 10,560 feet, to a point;
West, 9,666 feet, to a point on line of mean high tide on the west side of Kruzof Island;
Southeasterly, with meanders around Engano Point, Cape Edgecumbe, Trubitsin Point and Sitka Point to the point of beginning.

The area described aggregates 2,600 acres, more or less.

(8) Beaver Point, Kruzof Island Area.

Beginning at a point on line of mean high tide on the west side of Kruzof Island, 57°04'45" north latitude, 135°50'48" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8256, March 1931;

From the point of beginning, by metes and bounds:

East, 4,833 feet, to a point;
North, 5,333 feet, to line of mean high tide on the west shore of Kruzof Island;
Southwesterly, with meanders around Beaver Point, to the place of beginning.

The area described aggregates 370 acres, more or less.

Lands in the Vicinity of Seward

(1) Rocky Point Area.

Beginning at a point on line of mean high tide, on the shore of Resurrection Bay, 60°01'18" north latitude, 149°26'00" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940;

From the point of beginning, by metes and bounds:

West, 5,560 feet, to a point;
South, 25,200 feet, to a point;
East, 3,330 feet, to a point on line of mean high tide on the shore of Resurrection Bay;
Northeasterly, around Caines Head with meanders of Resurrection Bay, to the place of beginning.

The area described aggregates 4,650 acres, more or less.

(2) Resurrection Peninsula Area.

Beginning at a point on line of mean high tide on the shore of Resurrection Bay, 59°58'39" north latitude, 149°18'14" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940;

From the point of beginning, by metes and bounds:

North, 9,000 feet, to a point on the line of mean high tide on the shore at Thumbs Cove;
Southwesterly, with meanders of Thumbs Cove and Resurrection Bay to the place of beginning.

The area described aggregates 900 acres, more or less.

(3) Renard Island Area.

All of Renard Island and rocks adjacent thereto, lying between 59°53'38" and 59°56'36" north latitudes, and 149°18'48" and 149°22'15" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 1,510 acres, more or less.

(4) Hive Island Area.

All of Hive Island and rocks adjacent thereto, lying between 59°52'31" and 59°53'16" north latitudes and 149°22'06" and 149°23'24" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 225 acres, more or less.

(5) Rugged Island Area.

All of Rugged Island and rocks adjacent thereto, lying between 59°49'54" and 59°52'04" north latitudes and 149°22'10" and 149°25'00" west longitudes, as shown on United States Coast and Geodetic Chart No. 8529, June 1940.

The area described aggregates 1,020 acres, more or less.

(6) Cheval Island Area.

All of Cheval Island and rocks adjacent thereto, lying between 59°45'42" and 59°46'56" north latitudes and 149°30'24" and 149°31'48" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 330 acres, more or less.

(7) Barwell Island Area.

All of Barwell Island and rocks adjacent thereto, lying between 59°51'18" and 59°51'38" north latitudes and 149°17'00" and 149°17'24" west longitudes, as shown on United States Coast and Geodetic Survey Chart No. 8529, June 1940.

The area described aggregates 36 acres, more or less.

Lands in the Vicinity of Kodiak

(1) North Cape, Spruce Island Area.

Beginning at a point on line of mean high tide on the south shore of Marmot Bay, 57°57'30" north latitude 152°26'48" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8534, May 1937;

From the point of beginning, by metes and bounds:

S. 45° E., 1,050 feet, to a point on line of mean high tide on the south shore of North Cape;
Northwesterly, with meanders of Marmot Bay, around North Cape to the point of beginning.

The area described aggregates 520 acres, more or less.

(2) South Point and East Cape, Spruce Island Area.

Beginning at a point on line of mean high tide on the south shore of Marmot Bay, 57°55'12" north latitude, 152°21'18" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8534, May 1937;

From the point of beginning, by metes and bounds:

S. 45° W., 13,440 feet, across Spruce Island, to a point on line of mean high tide on the north shore of Narrow Strait;
Northeasterly, with meanders of Narrow Strait and Marmot Bay, around South Point and East Cape to the point of beginning.

The area described aggregates 1,980 acres, more or less.

(3) Cape Greville—Cape Chiniak Area.

Beginning at a point on line of mean high tide on the west shore of the Gulf of Alaska, 57°34'08" north latitude and 152°11'54" west longitude, as shown on United States Coast and Geodetic Survey Chart No. 8535, December 1935;

From the point of beginning, by metes and bounds:

North, 8,000 feet, to a point;
West, 35,000 feet, to a point;
North, 8,470 feet, to a point on line of mean high tide on south shore of Kalsin Bay;
Southeasterly, with meanders of Kalsin Bay, Isthmus Bay, Chiniak Bay and Pacific Ocean, around Cape Chiniak to the point of beginning.

The area described aggregates 10,380 acres, more or less.

Executive Order No. 8344 of February 10, 1940, withdrawing Kodiak and other islands, Alaska, for classification and in aid of legislation, is hereby revoked so far as it affects any of the above-described lands.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 3406 of February 13, 1921, reserving 168 parcels of land in Alaska for lighthouse purposes, so far as such order affects Parcels No. 120, Caines Head, and No. 161, Hive Island.

This order shall be subject (1) to the said Executive order No. 3406, so far as such order affects Parcels No. 118, Rugged Island, and No. 160, Barwell Island, and (2) to Executive Order No. 4223 of May 11, 1925, reserving lands in Alaska for

lighthouse purposes, so far as such order affects Rugged Island.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 29, 1941.

[No. 8877]

[F. R. Doc. 41-6549; Filed, August 30, 1941; 12:20 p. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 5643 OF JUNE 8, 1931, PRESCRIBING REGULATIONS COVERING REPRESENTATION AND POST ALLOWANCES

By virtue of the authority vested in me by section 19 of the act of February 23, 1931, 46 Stat. 1207, 1209 (U.S.C., title 22, sec. 12), and section 3 of that act as amended by the act of April 24, 1939, 53 Stat. 583 (U.S.C., title 22, sec. 23c), it is ordered that Executive Order No. 5643 of June 8, 1931, prescribing regulations governing representation and post allowances, be, and it is hereby, amended by changing the first sentence of the antepenultimate paragraph thereof to read as follows:

"A post allowance granted to an officer or employee is available only during the part of the fiscal year in which he remains within the district to which he is assigned, except in those cases in which the Secretary of State, in his discretion, may determine otherwise with respect to post allowances payable since July 1, 1940."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 29, 1941.

[No. 8878]

[F. R. Doc. 41-6547; Filed, August 30, 1941; 12:20 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 10—FEDERAL LAND BANKS GENERALLY

CONDITIONAL PAYMENTS BY BORROWERS

Part 10 of Title 6, Code of Federal Regulations, is amended by revoking § 10.769 and by adding §§ 10.387-50 to 10.387-56, as follows:

§ 10.387-50 *Acceptance of conditional payments.* Conditional payments accepted by a Federal land bank shall be held for subsequent credit upon indebtedness to the bank in accordance with the provisions of section 13 Eighteenth of the Federal Farm Loan Act and the rules and regulations of the Farm Credit Administration. As used herein, the term "indebtedness" means indebtedness owing under purchase-money mortgages and real estate sales contracts as well as indebtedness incurred under the provisions of the Federal Farm Loan Act.*

*§§ 10.387-50 to 10.387-56, inclusive, issued under the authority contained in 50 Stat. 708; 12 U.S.C., Sup., 781, Eighteenth.

§ 10.387-51 *Interest.* Interest shall be allowed on conditional payments in accordance with the following terms and conditions:

(a) The rate at which interest is allowed the borrower on a conditional payment shall be the effective interest rate applicable to the indebtedness in connection with which such conditional payment is held on the dates that interest on the conditional payment is credited. The rate of interest is subject to change to conform with these provisions. As used herein, "effective interest rate" means the rate actually charged the borrower on the unmatured portion of the indebtedness in connection with which a conditional payment is held for subsequent credit.

(b) Interest shall be allowed on conditional payments from the date of acceptance of such payments by the bank; provided that interest shall not be allowed upon any amount which has not been held for the credit of the borrower as an unapplied conditional payment for a period of at least one month.

(c) Interest allowed on a conditional payment shall be credited to the borrower and held by the bank in the same manner as conditional payments are credited and held by the bank. Under this provision interest will be compounded.

(d) Interest shall be credited (1) on regular installment dates of the indebtedness on account of which the conditional payment is accepted for subsequent credit; (2) on the date such indebtedness is paid in full; and (3) on the date the entire balance of unapplied conditional payments to the credit of the borrower is applied on the indebtedness.*

§ 10.387-52 *Application of conditional payments on indebtedness.* Conditional payments shall be applied on the borrower's indebtedness in connection with which they are held in accordance with the following terms and conditions:

(a) As the borrower may direct in writing, the bank shall pay out of conditional payments to the borrower's credit any portion of the indebtedness on regular installment dates.

(b) At its option the bank may pay out of conditional payments to the borrower's credit any portion of the indebtedness as and when the same becomes due and payable, if it is not otherwise paid by the borrower at or before maturity.

(c) If at any time the balance of unapplied conditional payments to a borrower's credit equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be paid out of such balance.

(d) In the event of the borrower's death or bankruptcy, or in the event of transfer of the indebtedness by the bank or conveyance of title to the property securing the indebtedness by the borrower, the bank at its option may apply all or any portion of the conditional payments to the borrower's credit on the indebtedness.*

§ 10.387-53 *Disposition of unapplied conditional payments after payment of indebtedness in full.* Any balance of unapplied conditional payments held in connection with the borrower's indebtedness shall be refunded to the borrower by the bank when the indebtedness is paid in full.*

§ 10.387-54 *Evidence of acceptance of conditional payments.* Upon acceptance of a conditional payment, the bank shall furnish the borrower with a receipt, which shall identify the indebtedness in connection with which the conditional payment is accepted, and set forth generally the conditions under which such payments are held. The form of receipt used by a bank shall have the approval of the Farm Credit Administration.*

§ 10.387-55 *Accounting to registrar for conditional payments.* Conditional payments accepted and held in connection with loans pledged with the registrar, together with interest credits allowed thereon, must be accounted for to the registrar in the same manner as unapplied insurance proceeds.*

§ 10.387-56 *Conditional payments heretofore accepted by banks.* Nothing herein shall be understood to abrogate or otherwise affect agreements applicable to conditional payments, which prior to the effective date of these amendments to the regulations, were made by borrowers and accepted by the Federal land banks.*

[SEAL] J. A. SMITH,
Acting Land Bank Commissioner.

[F. R. Doc. 41-6570; Filed, September 2, 1941; 11:35 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-15]

PART 701—AGRICULTURAL CONSERVATION PROGRAM[1]

SUBPART B—1940

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1940 Agricultural Conservation Program Bulletin, as amended, is further amended as follows:

(1) Section 701.101, (*Allotments, yields, productivity indexes, payments and deductions*), paragraph (f), subparagraph (2) is amended by establishing, for Burley tobacco, a State acreage allotment of 1 acre for Michigan, and by changing the national acreage allotment for Burley tobacco from 375,073 acres to 375,074 acres.

(2) Section 701.101, paragraph (f), subparagraph (4), is hereby amended as follows:

(i) By the addition of Allegan County, Michigan, and Orange County, Virginia, to the list of counties receiving Burley tobacco county average yields and assigning county average yields of 860 pounds and 800 pounds, respectively, for such counties.

(ii) By the addition of Greensville County, Virginia, to the list of counties receiving Fire-cured and Dark air-cured tobacco county average yields and assigning to said county a county average yield of 610 pounds per acre.

(iii) By deleting from the list of counties receiving county average yields for cigar filler Type 41 tobacco Juniata and Snyder Counties, Pennsylvania, and by adding them to the list of counties receiving county average yields for cigar filler and binder tobacco (other than Types 41 and 45) and assigning to said counties, county average yields per acre of 1,402 pounds and 1,280 pounds, respectively.

Done at Washington, D. C., this 2d day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-6574; Filed, September 2, 1941; 11:37 a. m.]

[1] 4 F.R. 3867.

PART 734—CONSERVATION MATERIALS AND SERVICES PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture by Public Law 121, 77th Congress, approved June 21, 1941, the following regulations are hereby prescribed for the determination of fair prices which may be paid for such conservation materials and services as the Administrator of the Agricultural Adjustment Administration determines are to be furnished under purchase orders in any given area in connection with the agricultural conservation program:

§ 734.1 *Regulations governing the fixing of fair prices for conservation materials and services acquired under purchase orders.*

(a) A fair price shall be the lowest price at which, with free competition among the vendors in position to serve the farmers in the county, the county agricultural conservation committee is able to arrange for the material or service to be furnished under purchase orders for local delivery and which the committee determines, in accordance with such instructions as the Agricultural Adjustment Administration deems necessary for proper administration, is fair and reasonable both to the producers obtaining such material or service and to the vendors who are selling it. In determining what is fair and reasonable to the farmers there shall be taken into consideration (1) the relative prices of other goods and services normally purchased by them; (2) the prices at which the farmers can obtain the same materials or services through other channels; (3) the prices of other materials or services which could be effectively utilized by the farmers as substitutes; (4) in the case of materials, the prices obtained in the first instance by the original producers thereof; and (5) the value of the materials or services to the farmers in conserving and improving the fertility of their soil.

(b) In determining what is fair and reasonable to the vendors, there shall be taken into consideration (1) the cost, in a free competitive market without artificial scarcity, of the material or service to the vendors, including, in the case of materials, the cost of transportation by the most economical means from the point of production to the point of consumption, and (2) a reasonable margin to the vendors for their services in dispensing the material or service, which shall not be in excess of the margin customarily obtained by such vendors in the locality in connection with ordinary cash transactions involving similar materials or services. (§ 734.1 is issued under the authority contained in sections 7-17, inclusive, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; Public No. 121 approved June 21, 1941; 16 U.S.C. 590g-590q.)

Done at Washington, D. C. this 29th day of August 1941. Witness my hand and the seal of The Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-6544; Filed, August 30, 1941; 11:33 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 821—SUGAR QUOTAS

SUPPLEMENT TO DECISION AND ORDER OF THE SECRETARY OF AGRICULTURE ALLOTTING THE 1941 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

Pursuant to § 821.53 of the "Decision and Order of the Secretary of Agriculture Allotting the 1941 Sugar Quota for the Domestic Beet Sugar Area", dated May 9, 1941, and the increase in the 1941 sugar quota for the domestic beet sugar area of 156,503 short tons of sugar, raw value, set forth in General Sugar Quota Regulations, Series 8, No. 1, Revision 4, a quantity of sugar equal to such increase is hereby prorated as follows:

Processor	*Additional allotment (short tons, raw value)*
The Amalgamated Sugar Company	11,756
American Crystal Sugar Company	18,153
Central Sugar Company, Inc	1,329
Franklin County Sugar Company	1,323
The Garden City Company	972
Great Lakes Sugar Company	3,757
The Great Western Sugar Company	41,797
Gunnison Sugar, Inc	785
Holly Sugar Corporation	22,821
Isabella Sugar Company	1,117
Lake Shore Sugar Company	1,707
Layton Sugar Company	983
Los Alamitos Sugar Company	1,100
Menominee Sugar Company	820
Michigan Sugar Company	7,039
Monitor Sugar, Division of Robert Gage Coal Company	1,934
Mount Clemens Sugar Beet Growers' Ass'n	648
The National Sugar Manufacturing Co	770
Ohio Sugar Company	778
Paulding Sugar Company	723
Spreckels Sugar Company	17,095
Superior Sugar Refining Company	995
Union Sugar Company	2,570
Utah-Idaho Sugar Company	15,528
Others	0
Total	156,503

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 29th day of August 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6543; Filed, August 30, 1941; 11:33 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[Order No. 27, Amendment No. 3[1]]

PART 927—MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

Whereas, the Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on March 30, 1940, and, on April 25, 1940, made effective, as of May 1, 1940, the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area; and

Whereas, the Secretary, having reason to believe that amendment of said order, as amended, would tend to effectuate the declared policy of the act, gave, on the 20th day of September 1940, notice of a hearing which was held on October 7 and 8 at New York City, on October 9 and 10 at Syracuse, New York, on October 11 at Albany, New York, and on

[1] Amendment to § 927.0, and § 927.4, issued under the authority contained in 46 Stat. 31 (1933); 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. § 601 et seq. (Supp. IV 1939).

October 15 and 16 at New York City, at which all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter issued Amendment No. 1; and

Whereas, the Secretary, having reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, gave, on the 6th day of May 1941, notice of a hearing which was held on May 14 and 15 at New York City, on May 16 and 17 at Albany, New York, and on May 19, 20, 21, 22, and 23 at New York City at which all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter issued Amendment No. 2; and

Whereas, the Secretary, having reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, gave, on the 25th day of July 1941, notice of a hearing which was held at New York City on August 1 and 2, on August 5 and 6 at Watertown, New York, and on August 7 and 8 at Albany, New York, at which all interested parties were afforded an opportunity to be heard on proposed amendments to said order as amended; and

Whereas, the Secretary of Agriculture finds (§ 927.0), upon the evidence introduced at said latter hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on said order and amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

1. That widespread drought and adjustments caused by the needs of the national defense have created an emergency among producers of milk for the New York metropolitan milk marketing area which makes necessary adjustment of the Class I and Class II–A prices at an earlier date than is possible to reach conclusions as to amendments of other portions of Order No. 27, as amended;

2. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8c of the act, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

3. That the order, as amended, as herewith amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

4. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as amended, as herewith amended, will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that the order, as amended, regulating the handling of milk in the New York metropolitan marketing area be and it is hereby amended as follows:

(a) Change the sentence in § 927.4 (a) (3) to read as follows:

(3) For Class I milk the price per hundredweight during each month shall be, except as specified in subparagraphs (4), (5) and (6) of this paragraph, as set forth in the table in this subparagraph plus, during each month prior to April 1, 1942, 46 cents.

(b) In § 927.4 (a) (7) strike the words "as follows:" and inset in lieu thereof the words "as set forth in the following table, plus, during each month prior to April 1, 1942, 15 cents.

(c) Change § 927.4 (a) (8) to read as follows:

(8) For Class II–B milk the price during each month prior to April 1, 1942, shall be 27 cents less than the Class II–A price and, during each month thereafter, 12 cents less than the Class II–A price.

This amendment No. 3 to the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, is hereby issued, to become effective at such time as may subsequently be declared, and the official seal of the Department of Agriculture is affixed hereto in the city of Washington, District of Columbia, this 29th day of August 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–6545; Filed, August 30, 1941; 11:34 a. m.]

[Order No. 57]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Sec.
957.1 Definitions.
957.2 General cull regulation.
957.3 Grade, size, and quality regulations.
957.4 Inspection and Certification.
957.5 Compliance.
957.6 Shipments which are exempt.
957.7 Administrative Committee.
957.8 Right of the Secretary.
957.9 Expenses and assessments.
957.10 Reports.
957.11 Effective time and termination.
957.12 Duration of immunities.
957.13 Agents.
957.14 Derogation.
957.15 Personal liability.
957.16 Separability
957.17 Amendments.
957.18 Effect of termination or amendment.

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of agricultural commodities, including Irish potatoes, as in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Acting Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such Irish potatoes during the base period, August 1919–July 1929, conducted a public hearing in Idaho Falls, Idaho, on December 19 and 20, 1940 and in Twin Falls, Idaho, on December 21, 1940, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as in the current of interstate and foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and proposed order.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, it is hereby found that:

(1) The terms and provisions of this order prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(2) This order is limited in its application to the smaller regional production area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance

of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(3) This order and all of the terms and conditions of this order will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said area specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power with respect to the articles that the producers thereof buy equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

The marketing agreement was tentatively approved by the Acting Secretary on May 24, 1941. Subsequent to the tentative approval of the marketing agreement on May 24, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area), of more than fifty (50) percentum of the volume of such Irish potatoes, produced in said area, refused or failed to sign such tentatively approved marketing agreement. It was determined on the 26th day of August 1941, in accordance with the provisions of the act, and such determination[1] was approved by the President of the United States on the 28th day of August 1941, that:

(1) The aforesaid refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(2) The issuance of this order is the only practical means, pursuant to such act, of advancing the interest of the producers of such Irish potatoes;

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum conducted by the Acting Secretary and who, during the representative period determined by the Acting Secretary, were engaged, within the production area specified herein, in the production for market of the commodity specified herein; and

(4) The issuance of this order is approved or favored by producers who participated in the aforesaid referendum conducted by the Acting Secretary and who, during such representative period determined by the Acting Secretary, produced for market, within the production area specified in this order, at least two-thirds of the volume of such commodity produced by all producers who participated in the said referendum.

It is, therefore, ordered, That such handling of Irish potatoes produced in Malheur County, Oregon, and in the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all the counties in Idaho lying south of the aforesaid counties in Idaho, as is in the current of interstate or foreign commerce between the aforesaid area and any point outside thereof, or so as directly to burden, obstruct or affect such commerce, shall, from and after the date hereinafter specified, be in conformity to and in compliance with the terms and conditions of this order.

§ 957.1 *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or the Under Secretary of Agriculture of the United States, or the Assistant Secretary of Agriculture of the United States.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. § 601 et seq., Supp. V, 1939), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Area" means and includes Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

(e) "Potatoes" means and includes all varieties of Irish potatoes grown within the aforesaid area.

(f) "Handler" is synonymous with "shipper" and means any person (except a common carrier of potatoes owned by another person) who first ships potatoes in fresh form.

(g) "Ship" means to transport, sell, or in any other way to ship or place potatoes in the current of interstate or foreign commerce between the aforesaid area and any point outside thereof, or so as directly to burden, obstruct, or affect such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal period" means the period beginning on July 1 of each year and ending on June 30 of the following year.

(j) "U. S. Standards for Potatoes" means the United States Standards for Potatoes issued by the Secretary on April 30, 1940, effective on May 15, 1940, and such modification thereof as may hereafter be issued by the Secretary.

(k) "Culls" means potatoes which do not meet the requirements set forth in § 957.2 hereof or a modification thereof made effective by the Secretary.*

*§§ 957.1 to 957.18, inclusive, issued under the authority contained in 48 Stat. 31, 49 Stat. 750, 50 Stat. 246; 7 U.S.C., and Sup., 601 et seq.

§ 957.2 *General cull regulation*—(a) *Limitation of shipments.* The Secretary shall issue an order, whenever he determines that the initial committee herein provided for is prepared to exercise its powers and perform its duties herein assigned, which will provide for the regulation pursuant to this section being and becoming effective at the time specified in said order. After the effective time specified in said order issued pursuant to the provisions of this paragraph, no handler shall, except as provided herein, ship potatoes which do not meet the requirements of the U. S. No. 2 or better grade, as such grades are defined in said U. S. Standards for Potatoes, except that a mixture of varieties may be shipped: *Provided,* That no potatoes of the U. S. No. 2 grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(b) *Suspension or modification.* The Administrative Committee may recommend to the Secretary the suspension or modification of § 957.2 (a) hereof, and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to do so will tend to effectuate the declared policy of the act, he shall suspend the operation of § 957.2 (a) hereof, or modify the regulation thereof, so as to permit the shipment of potatoes, the shipment of which otherwise would be prohibited pursuant to § 957.2 (a). Such suspension or modification may be made applicable, during a specified period, to any or all varieties of potatoes. In like manner and upon the same basis, the Secretary may terminate any such suspension or modification.

(c) *Notice.* No regulation issued by the Secretary, pursuant to the provisions of this section, shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to the provisions of this section, shall be forwarded promptly to the Administrative Committee; said Administrative Committee shall give such notice thereof as may be reasonably calculated

[1] See Department of Agriculture, Surplus Marketing Administration, *infra.*

to bring each such regulation to the attention of all interested parties.*

§ 957.3 *Grade, size, and quality regulations*—(a) *Marketing policy.* The Administrative Committee shall, prior to making any recommendation pursuant to this section or § 957.2 hereof, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable by the committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the committee for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States: (1) the available crop of potatoes, including the grades and sizes thereof, in the area and in other States; (2) probable shipments of potatoes from other States which compete with potato shipments from the area; (3) the level and trend in consumer income; and (4) other pertinent factors bearing on the marketing of potatoes.

(b) *Committee recommendations.* (1) Whenever the Administrative Committee deems it advisable, in order to effectuate the declared policy of the act, to regulate the shipment of potatoes, grown in the area, by grades, sizes, or qualities, or combinations thereof, during any specified period, it shall so recommend to the Secretary. In making such recommendations such committee shall give due consideration to the following factors: (i) market prices, including prices by grades and sizes of potatoes for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, maturity, and conditions of potatoes in the area, including the grades and sizes of potatoes remaining in the area; (iv) supplies from competitive regions producing potatoes; and (v) the trend in consumer income.

(2) At the time of submitting such recommendation, the Administrative Committee shall furnish to the Secretary the pertinent data and information upon which it acted in making such recommendation; and, also, the committee shall submit such other data and information as the Secretary may request.

(c) *Establishment of regulations.* Whenever the Secretary shall find, from the recommendation and information submitted by the Administrative Committee, or from other available information, that to limit the shipment of potatoes would tend to effectuate the declared policy of the act, he shall, during the period specified in the regulation thus issued by the Secretary, limit the shipments of potatoes grown in such area to potatoes of specified grades, sizes, or qualities, or combinations thereof, and any such limitation may apply to any or all varieties and may specify tolerances for particular defects in quality.

(d) *Exemption certificates.* (1) Before the institution of any limitation of shipments pursuant to this section, the Administrative Committee shall adopt procedural rules pursuant to which exemption certificates will be issued to producers; and such procedural rules shall become effective upon approval by the Secretary. The Administrative Committee shall, after the procedural rules have been approved by the Secretary, give such notice thereof as may be reasonably calculated to bring such rules to the attention of all interested persons. In the event the Secretary issues a regulation pursuant to this section, the committee shall determine the percentage which the quantity of grades, sizes, and qualities of potatoes permitted to be shipped under such regulation is of the total quantity of such potatoes, except culls, which would be available for shipment in the area in the absence of such regulation; and the committee shall forthwith announce such percentage. An exemption certificate shall thereafter be issued to any producer in the area who furnishes proof satisfactory to the Administrative Committee, that he will be prevented, because of the regulation established, from shipping as large a percentage of any specified variety or varieties, except culls, as the percentage for all producers of the variety or varieties in the area. Such exemption certificate shall permit the respective producer to whom the certificate is issued to ship or have shipped a quantity of the restricted or prohibited grades, sizes, and qualities sufficient to permit the respective producer to ship or have shipped as a large proportion of his crop of each such variety of potatoes, grown in such area, as the average for all producers of the particular variety in the area. The Administrative Committee shall maintain a record of all applications submitted for exemption certificates, pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of potatoes thus to be exempted, together with a record of all shipments of exempted potatoes; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of potatoes thus exempted, and such additional information as may be requested by the Secretary.

(2) The Administrative Committe may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption certificate should be issued and, if so, the quantity of potatoes which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided,* That the committee shall not authorize an employee or employees (i) to determine the grades, sizes and qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation or (ii) to determine the percentage that the quantity of a particular variety or varieties of potatoes, grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

(3) If any producer is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective producer, such producer may appeal to the committee: *Provided,* That such appeal must be taken promptly after the decision by the respective employee or employees. If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate or with regard to an appeal, as aforesaid, by said producer from the determination of an employee or employees, such producer may appeal to the Secretary: *Provided,* That such appeal shall be taken promptly after the determination by the committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate, the application for an exemption certificate, or an appeal from the action of the committee with respect to an application for an exemption certificate shall be final and conclusive.

(e) *Notice.* No regulations issued by the Secretary pursuant to the provisions of this section shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to this section, shall be forwarded promptly to the Administrative Committee and thereupon the committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of all interested parties.*

§ 957.4. *Inspection and certification.* During any period in which the shipment of potatoes is regulated pursuant to the provisions of § 957.2 or § 957.3 hereof, each handler shall, prior to making each shipment of potatoes, cause each such shipment to be inspected by a Federal or Federal-State Inspector: *Provided,* That this requirement shall not be applicable (a) to any shipment of potatoes which has been so inspected, (b) to any shipment of potatoes for seed purposes in containers bearing the official seed certification tag of the State from which the respective shipment is made, or (c) to any shipment of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Each handler shall, promptly after making each shipment of potatoes, submit to the Administrative Committee a copy of the certificate or memorandum issued by the Federal-State Inspection Service with regard to the respective shipment of potatoes, and such certificate or memorandum shall state the grade, size, and quality of the potatoes in such shipment.*

§ 957.5 *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited in accordance herewith; and no handler shall ship potatoes except in conformity to the provisions hereof, and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions hereof.*

§ 957.6 *Shipments which are exempt.* (a) Potatoes officially certified as seed potatoes by the official seed potato certification agency of the State from which the respective shipment is made shall be exempt, when shipped for seed purposes in containers bearing the official State seed certification tag of the respective State, from regulation under the provisions of § 957.2 (a) hereof or § 957.3 (c) hereof. The Secretary may prescribe, on the basis of the recommendation and information submitted by the Administrative Committee, or on the basis of other available information, adequate safeguards to prevent such seed potatoes, shipped as aforesaid, from entering the commercial channels of trade other than as seed potatoes for use as seed.

(b) Potatoes shipped for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies or potatoes shipped for manufacturing purposes for conversion into by-products shall be exempt from the provisions of § 957.2 (a) hereof and exempt from the provisions of any regulation issued pursuant to § 957.3 (c) hereof. The Secretary may prescribe, on the basis of the recommendation and the information submitted by the Administrative Committee, or on the basis of other available information, adequate safeguards to prevent potatoes shipped to charitable institutions or for distribution by relief agencies or for manufacturing purposes for conversion into by-products from entering the commercial channels of trade for any other purpose.

(c) The Secretary may prescribe, on the basis of the recommendation and information submitted by the Administrative Committee, or on the basis of other available information that potatoes shipped for feed for livestock shall be exempt from the provisions of any regulation issued pursuant to § 957.3 (c) hereof. The Secretary may prescribe, on the basis of the recommendation and information submitted by the committee, or on the basis of other available information, adequate safeguards to prevent potatoes thus shipped for feed for livestock from entering commercial channels of trade for any other purpose.*

§ 957.7 *Administrative Committee*—(a) *Membership and organization.* (1) The Administrative Committee, consisting of eight members, is hereby established to administer the terms and provisions hereof. The initial members and their respective alternates shall be as follows:

District 1

Representing producers:

F. L. Hansen of Idaho Falls, Idaho, as member, and his alternate is W. C. Roberts of Sugar City, Idaho;

F. L. Westfall of Aberdeen, Idaho, as member, and his alternate is L. M. Young, of Tyhee, Idaho;

Representing handlers:

C. R. Holden of Idaho Falls, Idaho, as member, and his alternate is L. E. Stephens of Blackfoot, Idaho.

District 2

Representing producers:

Ray Pershall of Marsing, Idaho, as member, and his alternate is Frank Hopper of Weiser, Idaho;

Representing handlers:

George Weitz of Caldwell, Idaho, as member, and his alternate is Preston Capell of Nampa, Idaho.

District 3

Representing producers:

L. H. Draney of Burley, Idaho, as member, and his alternate is Roy Marquis of Paul, Idaho;

Luke Sonner of Buhl, Idaho, as member, and his alternate is Henry Schwab of Eden, Idaho;

Representing handlers:

John Brooks of Burley, Idaho, as member, and his alternate is W. B. Savage of Kimberly, Idaho.

Each of the aforesaid members and his respective alternate shall serve for a term ending on June 30, 1942, and, in the event that the respective person's successor has not been selected and qualified by June 30, 1942, such person shall serve until his successor has been selected and qualified.

(2) The Administrative Committee shall, subsequent to the year 1941, have the following number of members who shall be selected from the indicated districts of the area:

(i) District 1: Two producers and one handler from the counties of Oneida, Power, Bingham, Jefferson, Clark, and all counties lying east thereof in Idaho;

(ii) District 2: One producer and one handler from Malheur County, Oregon, and the counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

(iii) District 3: Two producers and one handler from the remaining designated counties in Idaho included in the area, and not included in District 1 or District 2.

(3) There shall be an alternate member for each member of the Administrative Committee; and each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual serves as an alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

(4) The producers who may be selected as members of the Administrative Committee, subsequent to the year 1941, shall be individuals who are producers of potatoes in the respective district for which selected or officers or employees of a corporate producer or corporate producers in such district: *Provided,* That no producer shall be eligible for selection on said committee if such producer has been, during the then current fiscal period, engaged in handling potatoes other than potatoes of his own production, except as an officer or employee of a producers' cooperative marketing association. The handlers who may be selected as members of the Administrative Committee, subsequent to the year 1941, shall be individuals who are handlers of potatoes in the respective district for which selected or officers or employees of a handler or handlers in such district.

(b) *Nomination and selection of succeeding members of Administrative Committee.* (1) The Administrative Committee shall, after the year 1941, hold or cause to be held prior to June 15 of each year a meeting of producers and a meeting of handlers, in each of the districts designated in § 957.7 (a) hereof, for the purpose of designating nominees from among whom the Secretary shall select members and alternates of the committee; and at each such meeting at least two nominees shall be designated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district. In arranging for such meetings, the Administrative Committee may, if it deems such to be desirable, utilize the services and facilities of the Idaho State Potato Growers' Association, if such Association will so permit, or the Growers and Shippers Association of Idaho Falls, Inc., if such Association will so permit, or other organization or agency. Each producer is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective dis-

trict in which such producer is engaged in producing potatoes: *Provided*, That in the event a producer is engaged in producing potatoes in more than one district, such producer shall elect the district within which he shall participate in designating nominees as aforesaid. Each producer shall be entitled to cast only one vote regardless of the number of districts in which he produces potatoes. Only producers may participate in designating producer nominees. Only handlers shall participate in designating nominees for handler members and alternates. Each handler is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district in which such handler is engaged in handling potatoes: *Provided*, That in the event a handler is engaged as a handler in more than one district, such handler shall elect the district within which he may participate in designating nominees. Each handler shall be entitled to cast only one vote regardless of the number of districts in which he may be engaged as a handler. The Secretary shall select the producer members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by producers as provided in this section. The Secretary shall select the handler members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by handlers as provided in this section.

(2) In the event nominations are not made for membership on a committee, pursuant to the provisions of § 957.7 (b) (1), by June 15 of the respective year, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Administrative Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

(3) Each person selected as a member of the Administrative Committee or an alternate member thereof, shall promptly qualify by filing with the Secretary a written acceptance of the appointment.

(4) The members of the Administrative Committee and their respective alternates shall be selected to serve for a fiscal period and, if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified; and the initial members of the committee and their respective alternates shall serve until June 30, 1942, and if their respective successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

(c) *Compensation.* Each member and each alternate serving in place of a member of the Administrative Committee may receive compensation in an amount not in excess of five ($5.00) dollars per day for attendance at each meeting of the committee; and, in addition to said per diem, the aforesaid member and alternate may be reimbursed for necessary expenses actually incurred in attending each such meeting.

(d) *Procedure.* (1) The Administrative Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A majority of all members shall be necessary to constitute a quorum of the committee.

(2) For any decision of the Administrative Committee to be valid, a majority of the votes of all members shall be necessary. Except as provided herein, each member, or alternate member when acting as a member, shall vote in person.

(3) The Administrative Committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, or radiograph; and any such vote which is not cast in person at a meeting shall be confirmed promptly in writing.

(4) The Administrative Committee shall select a chairman, a secretary, and such other officers as it may deem advisable; and the committee shall adopt such rules, not inconsistent with the provisions hereof, relative to the method of conducting its business, as it may deem advisable. The Administrative Committee shall give to the Secretary the same notice of its meetings as is given to the members thereof.

(e) *Powers.* The Administrative Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violation hereof; and

(4) To recommend to the Secretary amendments hereto.

(f) *Duties.* The Administrative Committee shall have the following duties:

(1) to act as intermediary between the Secretary and any producer or handler;

(2) to keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary or his authorized agent or representative;

(3) to furnish the Secretary such available information as may be requested by the Secretary;

(4) to select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) to cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(6) to prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection by any producer or handler at the office of the committee;

(7) to perform such duties in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the respective committee by the Secretary;

(8) to submit to the Secretary such available information as may be requested by the Secretary;

(9) to consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of potatoes grown in any region outside of the area.

(g) *Funds.* All funds received by the Administrative Committee pursuant to any provision hereof shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) the Secretary may, at any time, require the committee and its members to account for all receipts and disbursements; and (2) whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.*

§ 957.8 *Right of the Secretary.* The members of the Administrative Committee provided for herein, including successors and alternates thereof, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act; and, upon such disapproval at any time, such action by a committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.*

§ 957.9 *Expenses and assessments*—(a) *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to perform its functions, in accordance with the provisions hereof, during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who ships potatoes shall pay, upon demand, to the Administrative Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes shipped by such handler, during the applicable fiscal period, and the total quantity of potatoes shipped by all handlers during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers: *Provided*, That the assessment rate shall not be in excess of fifty cents per carload or truck load.

(2) The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the respective committee. Any such increase in the rate of assessment shall be applicable to all potatoes shipped during the specified fiscal period. In order to provide funds to enable the Administrative Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler.

(2) The Administrative Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

(d) *Funds.* All money collected by the Administrative Committee pursuant to the provisions hereof shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the Administrative Committee and the members thereof, including alternate members when serving as members, to account for all receipts and disbursements.*

§ 957.10 *Reports.* For the purpose of enabling the Administrative Committee to perform its functions pursuant to the provisions hereof, each handler shall furnish to the committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, such information as may thus be requested by the committee, subject to approval by the Secretary, with regard to each shipment of potatoes.*

§ 957.11 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the then preceding fiscal period, have been engaged in the production of potatoes for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the Administrative Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustee, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Administrative Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Administrative Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.*

§ 957.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.*

§ 957.13 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.*

§ 957.14 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 957.15 *Personal liability.* No member or alternate of said committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.*

§ 957.16 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.*

§ 957.17 *Amendments.* Amendments hereto may be proposed, from time to time, by the Administrative Committee or by the Secretary.*

§ 957.18 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or the Secretary, or of any

other person with respect to any such violation.*

Issued at Washington, D. C., this 2d day of September 1941, to be effective on and after 12:01 a. m., P. s. t., September 5, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6573; Filed, September 2, 1941; 11:37 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATIONALITY SERVICE

PART 116—CIVIL AIR NAVIGATION

Sec.
116.1 Regulation and supervision.
116.2 Scope and definitions.
116.3 Landing requirements.
116.4 Entry and clearance.
116.5 Entry of aircraft of scheduled airlines.
116.6 Clearance of aircraft of scheduled airlines.
116.7 Documents.
116.8 Documents for entry.
116.9 Documents for clearance.
116.10 Omission of lists of aliens employed on board aircraft.
116.11 Residue cargo; customs.
116.12 General provisions; customs.
116.13 Public health requirements.
116.14 General provisions; entry and clearance.
116.15 Penalties.

NOTE: For the text of the regulations in this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *infra*.

[General Order No. C-34]

PART 116—CIVIL AIR NAVIGATION

AUGUST 27, 1941.

Pursuant to the authority contained in section 1 of Reorganization Plan No. V, effective June 14, 1940 (5 F.R. 2132, 2223); R. S. 161 (5 U.S.C. 22); section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892, 8 U.S.C. 102); section 24 of the Immigration Act of 1924 (Act of May 26, 1924, 43 Stat. 166, 8 U.S.C. 222); section 7 (d) and section 11 (b) and (c) of the Air Commerce Act of 1926, as amended (Act of May 20, 1926, 44 Stat. 572, 574, and 575, 48 Stat. 1116, 52 Stat. 1029, 49 U.S.C. 177 (d) and 181 (b) and (c)), and § 90.1, chapter 1, title 8, Code of Federal Regulations (5 F.R 3503), the following regulations are prescribed for the application of the immigration laws and regulations to civil air navigation:

Title 8, Code of Federal Regulations, Chapter 1—Immigration and Naturalization Service—Part 116, §§ 116.1 to 116.17, inclusive, are revoked, the revocation to be effective on and after November 1, 1941 with the exception that they shall remain in effect as to matters which occurred or liabilities which accrued before that date.

Those sections are superseded by new §§ 116.1 to 116.15, inclusive, of that Title, which are "Air Commerce Regulations" issued by the Attorney General, the Secretary of the Treasury, the Federal Security Administrator, and the Secretary of Commerce, applying to civil air navigation the laws and regulations relating to immigration, customs, public health, and entry and clearance. The new sections also appear under three other designations, i. e., as §§ 4.1 to 4.10e, Title 19 (Customs Duties); §§ 11.501 to 11.515, Title 42 (Public Health); and §§ 9.1 to 9.15, Title 46 (Shipping), Code of Federal Regulations.

Sections 116.16 to 116.50, inclusive, of Part 116, Title 8, Code of Federal Regulations, are reserved for possible expansion in the "Air Commerce Regulations" above mentioned.

To Title 8, Code of Federal Regulations, Chapter 1—Immigration and Naturalization Service—Part 116, are added §§ 116.51 to 116.62, which shall be effective on and after November 1, 1941, and shall read as follows:

Sec.
116.51 Inclusion of other regulations.
116.52 Aircraft; how considered.
116.53 Airmen; how considered.
116.54 Inspection of aliens arriving by aircraft.
116.55 Deportation of aliens arriving by aircraft who are excluded.
116.56 Crew lists.
116.57 Manifests of passengers.
116.58 Preexamination in Canada of aircraft passengers.
116.59 Chinese arriving by aircraft.
116.60 Penalties.
116.61 Designation of airports of entry for aliens.
116.62 Withdrawal of designation of airport of entry for aliens.

§ 116.51 *Inclusion of other regulations.* The following sections of this Part include as a part thereof the definitions in the preceding sections of this Part and any amendments which may be made thereto.*

*§§ 116.51 to 116.62, inclusive, issued under the authority contained in section 1 Reorganization Plan No. V, R. S. 161, section 23, 39 Stat. 892, section 24, 43 Stat. 166, and sections 7(d) and 11(b) and (c), 44 Stat. 572, 574, and 575; 48 Stat. 1116, 52 Stat. 1029, 5 F.R. 2132, 2223; 5 U.S.C. 22, 8 U.S.C. 102, 222, and 49 U.S.C. 177(d), 181(b) and (c). Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 116.52 *Aircraft; how considered.* Aircraft arriving from Canada or Mexico and landing at a land border port of entry and aircraft departing from such port of entry for Canada or for Mexico shall for the puposes of the immigration laws and regulations, except as otherwise provided in this Part, be regarded the same as other common carriers arriving at or departing from land border ports of entry. All other aircraft operating in foreign commerce or between areas of the United States shall for the purposes of the immigration laws and regulations be subject to the same requirements and liabilities as are vessels (operating on water) except as otherwise provided in this Part or by statute specifically relating to aircraft.*

CROSS REFERENCE: For alien passengers on airships, see 22 CFR 63.3.

§ 116.53 *Airmen; how considered.* Any alien employed in any capacity on board an aircraft arriving in the United States from any place outside thereof shall be considered as a seaman, and the provisions of the immigration laws and regulations applicable to vessels and alien seamen shall apply, except as otherwise provided in this Part, to such aircraft and alien airmen. In any case in which a seaman would be ordered detained on board, the airman may be released in such appropriate custody as in the opinion of the immigration officer in charge will insure the airman's prompt departure from the United States.*

CROSS REFERENCE: For members of the crew of airships, see 22 CFR 63.2 For alien seamen, see 8 CFR, Part 120.

§ 116.54 *Inspection of aliens arriving by aircraft.* Any alien arriving by aircraft in any area from any foreign place or any take-off outside the United States or from any other area except the Mainland shall not be considered as having legally entered the United States unless and until he has been inspected and lawfully admitted.*

§ 116.55 *Deportation of aliens arriving by aircraft who are excluded.* Any alien excluded from admission to the United States shall be returned to the country or area of the United States (except the Mainland) whence he came, at the expense of the owner, agent, lessee, or operator of the aircraft by which the alien came; and when detention is found necessary, the alien shall be detained at the expense of such owner, agent, lessee, or operator.*

§ 116.56 *Crew lists.* The provisions of section 36 of the Immigration Act of 1917 (39 Stat. 896, 8 U.S.C. 171) shall be complied with as required by §§ 116.8, 116.9 or 116.10 as to aliens employed on board any aircraft arriving in the United States from any place outside thereof and as to such aliens not on board at the time the aircraft departs from any such place and as to aliens leaving the United States as employees on an aircraft who were not such when it last arrived. Any failure to comply with any provision of this section shall constitute a violation of section 36, above, for each alien concerning whom there is such failure. Immigration lists containing the name of any employee shall be filed for permanent record.*

§ 116.57 *Manifests of passengers.* The provisions of sections 12, 13, and 14 of the Immigration Act of 1917 (39 Stat. 882–884, 8 U.S.C. 148, 149, 150) shall be complied with as required by §§ 116.8 and 116.9 as to passengers arriving or departing on aircraft. Passengers carried between the Virgin Islands of the United States and Puerto Rico shall be listed only on the same declaration of aircraft commander as required for listing merchandise so carried. In every case the lists must be accompanied by information sheets as required by §§ 116.8 and 116.9. Any failure to comply with the foregoing provisions of this section shall constitute a violation of section 14, above, for each person concerning whom there is such failure. Immigration lists containing the name of any passenger and the information sheets shall be filed for permanent record.*

§ 116.58 *Preexamination in Canada of aircraft passengers.* The endorsement on forms issued by officers of the Immigration and Naturalization Service to persons preexamined in Canada who travel to the United States by aircraft shall be as prescribed in §§ 114.1–114.4 of this Title, and the period of validity of said forms shall be as prescribed therein. Upon surrendering such properly endorsed forms at the airport of entry for aliens, the rightful holders will be admitted, provided their status has undergone no change between the time of issuance of the forms and the arrival of the holders at the airport of entry. The airport of entry at which persons preexamined in Canada actually enter the United States shall be the "record" port of entry for all purposes. Aliens excluded from admission to the United States upon preexamination in Canada shall be accounted for as heretofore by the office at which exclusion occurs.*

§ 116.59 *Chinese arriving by aircraft.* Nothing in this Part shall be construed as amending the laws and regulations relating to the admission and exclusion of Chinese and requiring that all such persons shall apply for admission to the United States at seaports and land-border ports of entry for Chinese designated in §§ 205.1, 205.2, or 205.3 of this title.

§ 116.60 *Penalties.* (a) Any person who violates any provision of this Part which relates to immigration shall be subject to the civil penalty of $500 authorized by section 11 (b), Air Commerce Act of 1926, as amended (49 U.S.C. 181 (b)), except that where such offense in connection with an aircraft would be a violation of the immigration laws and general regulations if the aircraft were a vessel (operating on water), the penalty shall be the same as would apply in the case of a vessel.

(b) In the collection of the penalties the procedure prescribed in the general immigration regulations for the imposition and collection of fines (involving vessels) or for prosecutions under section 10 of the Immigration Act of 1917, as amended (39 Stat. 881, 43 Stat. 167; 8 U.S.C. 146), as the case may be, will initially be followed.

(c) Remission or mitigation of a penalty will be considered only in case of application therefor. If the deposit of the amount of the proposed penalty is not made with the collector of customs or acceptable bond is not furnished providing for the payment of such penalty, or so much thereof as may not be remitted or mitigated by the Attorney General, clearance of the aircraft shall be withheld by the collector of customs, and in case the violation is by the owner or person in command of the aircraft the penalty shall be a lien against the aircraft, which shall be seized by an immigration officer or inspector designated by the Attorney General and placed in the custody of the customs officer in charge at the airport of landing if seizure was made thereat. Similar action will be taken if seizure is made at any place other than an airport of landing. If the owner or owners of the airport and the seized aircraft are identical, the aircraft should, if practicable, be removed to another available hangar or other suitable place for storage. Seizure will not be made of any such aircraft apparently damaged beyond the recovery of the amount of the statutory penalty. Immediately after the authorized seizure, or prior thereto if circumstances permit, a full report in the case shall be submitted by the immigration officer in charge to the United States Attorney for the district in which the seizure was made, for the possible further action prescribed by the statute. The report shall note the cost incurred in seizing and guarding the aircraft, and an estimate of the further cost likely to be incurred.*

§ 116.61 *Designation of airports of entry for aliens.* Application for designation of an airport as a port of entry for aliens shall be made to the Attorney General and shall state whether the airport has been approved by the Secretary of Commerce as a properly equipped airport and has been designated by the Secretary of the Treasury as a port of entry for civil aircraft. An airport will not be designated by the Attorney General as an airport of entry for aliens without such prior approval and designation, and unless it appears to the satisfaction of the Attorney General that conditions render such designation necessary or advisable, and unless adequate facilities have been or will be provided thereat, without cost to the Federal Government, for the proper inspection and disposition of aliens, including office space and temporary detention quarters found necessary.*

CROSS REFERENCE: For list of airports of entry for aliens, see 8 CFR 110.3.

§ 116.62 *Withdrawal of designation of airport of entry for aliens.* The designation of an airport of entry as an airport of entry for aliens may be withdrawn whenever, in the judgment of the Attorney General, there appears just cause for such action.*

[SEAL] LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Acting Attorney General.

[F. R. Doc. 41-6466; Filed, August 27, 1941; 2:33 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

ORDER AMENDING RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED

By virtue of the authority vested in the Secretary of Agriculture by sections 8 and 8a (6) of the Commodity Exchange Act, as amended (7 U.S.C., sec. 12 and 7 U.S.C., Sup. V, sec. 12a (6)), section 1.5, part 1 of the Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as Amended, comprising section 1.5, part 1, chapter I, title 17, Code of Federal Regulations, is amended to read as follows:

§ 1.5 *Information confidential; disclosures to contract-market committees and officials.* No officer or employee of the Department of Agriculture shall publish, divulge, or make known in any manner, except insofar as may be required in the performance of his official duties or by a court of competent jurisdiction, any facts or information regarding the business of any person which may come to the knowledge of such officer or employee through any inspection or examination of the reports or records of, or through any information given by, any person pursuant to the Commodity Exchange Act or rules and regulations in this part: *Provided, however,* That this prohibition shall not apply to disclosures made in good faith to the Business Conduct Committee or other proper committee or official of a contract market of matters in respect to which such contract market has responsibility or duty under the Commodity Exchange Act, or which, in the judgment of the Chief of the Commodity Exchange Administration, adversely affect such market or are prejudicial to the interests of producers or consumers. (Sec. 8, 42 Stat. 1003, sec. 8a (6), as

added by sec. 10, 49 Stat. 1501; 7 U.S.C. 12, 7 U.S.C., Sup. 12a (6))

Done at Washington, D. C., this 29th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6541; Filed, August 30, 1941; 11:33 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—AIR COMMERCE REGULATIONS

REGULATIONS FOR THE APPLICATION TO CIVIL AIR NAVIGATION OF THE LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

The Secretary of the Treasury, the Federal Security Administrator, the Secretary of Commerce, and the Attorney General, within their respective authorities, prescribe the following regulations for the application to civil air navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration, which, entitled "Air Commerce Regulations", shall be §§ 4.1 to 4.10e, title 19 (Customs Duties); §§ 11.501 to 11.515, title 42 (Public Health); §§ 9.1 to 9.15, title 46 (Shipping); and §§ 116.1 to 116.15, title 8 (Aliens and Nationality); Code of Federal Regulations, and shall be effective on and after November 1, 1941:

Sec.

4.1 Regulation and supervision.
4.2 Scope and definitions.
4.3 Landing requirements.
4.4 Entry and clearance.
4.5 Entry of aircraft of scheduled airlines.
4.6 Clearance of aircraft of scheduled airlines.
4.7 Documents.
4.8 Documents for entry.
4.9 Documents for clearance.
4.10 Omission of lists of aliens employed on board aircraft.
4.10a Residue cargo; customs.
4.10b General provisions; customs.
4.10c Public health requirements.
4.10d General provisions; entry and clearance.
4.10e Penalties.

NOTE: For §§ 4.11, 4.12, 4.13, see 19 CFR.

§ 4.1 *Regulation and supervision.* The following regulations in this part[1] are prescribed by the Secretary of the Treasury, the Federal Security Administrator, the Secretary of Commerce, and the Attorney General, within their respective authorities, under the Air Commerce Act of 1926, as amended, sections 7 (b), (c), (d), 9 (b), and 11 (b) and (c) [49 U.S.C. 177 (b), (c), (d), 179 (b), 181 (b) and (c)]; Tariff Act of 1930, section 644 [19 U.S.C. 1644]; Reorganization Plan No. I of the President, sections 201 (a) and 205 (b) [4 F.R. 2727, 2728]; and Reorganization Plan No. V of the President, section 1 [5 F.R. 2132, 2223].*

[1] These regulations entitled "Air Commerce Regulations" appear under four designations, i. e., as §§ 4.1 to 4.10e, title 19 (Customs Duties); §§ 11.501 to 11.515, title 42 (Public Health); §§9.1 to 9.15, title 46 (Shipping); and §§ 116.1 to 116.15, title 8 (Aliens and Nationality), Code of Federal Regulations.

*The general authority, in addition to R.S. 161, 5 U.S.C. 22, and that cited in § 4.1 for the regulations in §§ 4.1 to 4.10e, inclusive, is: with respect to customs, R.S. 251; sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624; with respect to public health, sec. 5, 27 Stat. 451; 42 U.S.C. 94; and with respect to immigration, sec. 23, 39 Stat. 894; sec. 24, 43 Stat. 166; 8 U.S.C. 102, 222.

NOTE: Those provisions read:

AIR COMMERCE ACT OF 1926, AS AMENDED

SEC. 7 (b). The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

SEC. 9 (b). The term "United States", when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying airspace; but shall not include the Canal Zone.

SEC. 11 (b). Any person who (1) violates any entry or clearance regulation made under section 7 (c) of this Act, or (2) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. Any person violating any customs or public health regulation made under section 7 (b) of this Act, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs or public-health laws, which penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds $20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(c) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

TARIFF ACT OF 1930

SEC. 644. The authority vested by section 7 of the Air Commerce Act of 1926 in the Secretary of the Treasury, and in the Secretary of Commerce, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, respectively, shall extend to the application in like manner of any of the provision of this Act or of any regulations promulgated hereunder.

REORGANIZATION PLAN NO. I OF THE PRESIDENT

SEC. 201 (a). • • • the Public Health Service in the Department of the Treasury and its functions and personnel (including the Surgeon General of the Public Health Service) • • • transferred from the Department of the Treasury; • • • are hereby consolidated under one agency to be known as the Federal Security Agency, with a Federal Security Administrator at the head thereof • • •. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Security Agency by this section and shall be responsible for the coordination of their functions and activities. • • •

SEC. 205 (b). All the functions of the Secretary of the Treasury relating to the administration of the Public Health Service • • • are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

REORGANIZATION PLAN NO. V OF THE PRESIDENT

SECTION 1. The Immigration and Naturalization Service of the Department of Labor (including the Office of the Commissioner of Immigration and Naturalization) and its functions are transferred to the Department of Justice and shall be administered under the direction and supervision of the Attorney General. All functions and powers of the Secretary of Labor relating to the administration of the Immigration and Naturalization Service and its functions or to the administration of the immigration and naturalization laws are transferred to the Attorney General • • •.

§ 4.2 *Scope and definitions.* For the purposes of the regulations contained in this part:

(a) Every paragraph and clause relates to customs, public health, entry, clearance, and immigration, except where it applies only to certain of these matters, which is shown by headnote or context.

(b) The term "United States" when used in a geographical sense means the territory comprising the several States, Territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying airspace, but shall not include the Canal Zone.

(c) The term "area" shall mean any one of the following parts of the United States:

(1) The Mainland,

(2) Alaska, but to be regarded as part of the Mainland for immigration purposes,

(3) Hawaii,

(4) Puerto Rico,

(5) Virgin Islands, an area for the purpose of the immigration laws except as provided in further immigration regulations specifically mentioning those Islands in 8 CFR Part 116, but shall be regarded as foreign territory for other purposes,

(6) Such area as shall hereafter be specified to include possessions of the United States not mentioned herein.

The regulations in this part shall not be applicable in the Philippine Islands, the Islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and other insular possessions not specified herein, nor to the Virgin Islands except as specified in subparagraph (5) of this paragraph until notice supplementary hereto is given.

(d) The term "aircraft" means civil aircraft, i. e., any aircraft not used exclusively in the governmental service of the United States or a foreign country, but includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(e) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(f) The term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States or from area to area and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

(g) The term "airport of entry" means any airport designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft; also by the Attorney General as a port of entry for aliens arriving on such aircraft; and by the Federal Security Administrator as a place for quarantine inspection.*

§ 4.3 *Landing requirements*—(a) *Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of Civil Aeronautics, Washington, D. C. The first landing shall be at an airport of entry, unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., who upon granting such permission shall immediately notify the Surgeon General, Public Health Service, the Commissioner of Immigration and Naturalization, and any other agency affected thereby. In cases where such permission is given, the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, merchandise, and baggage carried therein. When such admission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers, and if the aircraft arrives substantially in accordance with schedules on file with the immigration authorities, no inspection charge shall be made for overtime service by immigration officers.

(b) *Advance notice of arrival.* No aircraft coming into any area from any place outside thereof may land in such area unless notice of the intended flight has been furnished to the collector or deputy collector of customs at the airport of entry at or nearest the intended place of first landing in such area; nor unless the same notice has been furnished to the quarantine and the immigration officers in charge at or nearest such place. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of first landing prior to the arrival of the aircraft. Such advance notice will not be required in the case of aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated and also with the immigration officer in charge for such place.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 4.10a) shall, without receiving permission from the quarantine and the customs officers in charge, depart from the place of landing, or discharge any merchandise, passengers, or baggage; and no aircraft arriving in the United States from any place outside thereof or in an area from another area except directly from the Mainland shall discharge any passenger or employee without permission from the immigration officer in charge.

(d) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make a forced landing in the United States, the aircraft commander or operator shall not allow any merchandise or baggage to be removed from the landing place without permission from a customs officer, nor allow any passenger or person employed thereon to depart from such landing place without permission of the quarantine and immigration officers, unless such removal or departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest airport of entry or other customs port of entry in that area and also with the nearest quarantine officer and immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the postal service.*

§ 4.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered (see § 4.8) in such area if landing is made therein. Aircraft coming into any area from another area shall be entered (see § 4.9 (e)) in such area if landing is made therein and if carrying merchandise or passengers.

(b) Entry shall be made by the aircraft commander at the airport of entry at which the first landing is made in the area. If, pursuant to § 4.3 (a), the first landing occurs at a place not an airport of entry, entry shall be made at the nearest airport of entry or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing from any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying passengers that must be listed in clearance declaration (§ 4.9 (b), (e)) or

added by sec 10 49 Stat 1501 7 U S C 12 7 U S C Sup 12a (6))

Done at Washington D C this 29th day of August 1941 Witness my hand and the seal of the Department of Agriculture

(SEAL) GROVER B HILL
Acting Secretary of Agriculture.

[F R Doc 41 6841, Filed August 30 1941, 11 33 a m]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—AIR COMMERCE REGULATIONS

REGULATIONS FOR THE APPLICATION TO CIVIL AIR NAVIGATION OF THE LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

The Secretary of the Treasury, the Federal Security Administrator, the Secretary of Commerce, and the Attorney General, within their respective authorities, prescribe the following regulations for the application to civil air navigation of the laws and regulations relating to customs, public health, entry and clearance, and immigration, which, entitled "Air Commerce Regulations", shall be §§ 4.1 to 4.10e, title 19 (Customs Duties); §§ 11.501 to 11.515, title 42 (Public Health); §§ 9.1 to 9.15, title 46 (Shipping); and §§ 116.1 to 116.15, title 8 (Aliens and Nationality); Code of Federal Regulations, and shall be effective on and after November 1, 1941:

Sec.

4.1 Regulation and supervision.
4.2 Scope and definitions.
4.3 Landing requirements.
4.4 Entry and clearance.
4.5 Entry of aircraft of scheduled airlines.
4.6 Clearance of aircraft of scheduled airlines.
4.7 Documents.
4.8 Documents for entry.
4.9 Documents for clearance.
4.10 Omission of lists of aliens employed on board aircraft.
4.10a Residue cargo; customs.
4.10b General provisions; customs.
4.10c Public health requirements.
4.10d General provisions; entry and clearance.
4.10e Penalties.

NOTE: For §§ 4.11, 4.12, 4.13, see 19 CFR.

§ 4.1 *Regulation and supervision.* The following regulations in this part[1] are prescribed by the Secretary of the Treasury, the Federal Security Administrator, the Secretary of Commerce, and the Attorney General, within their respective authorities, under the Air Commerce Act of 1926, as amended, sections 7 (b), (c), (d), 9 (b), and 11 (b) and (c) [49 U.S.C. 177 (b), (c), (d), 179 (b), 181 (b) and (c)], Tariff Act of 1930, section 644 [19 U S C 1644]; Reorganization Plan No I of the President sections 201 (a) and 205 (b) 4 F R 2727 2728 and Reorganization Plan No V of the President, section 1 [5 F R 2132 2223] *

*The general authority in addition to R S 161 5 U S C 22 and that cited in § 4.1 for the regulations in §§ 4.1 to 4.10e inclusive is with respect to customs R S 251 sec 624 46 Stat 759, 19 U S C 66 1624 with respect to public health, sec 5 27 Stat 451 42 U S C 94 and with respect to immigration sec 23 39 Stat 894, sec 24 43 Stat 166, 8 U S C 102, 222

NOTE Those provisions read

AIR COMMERCE ACT OF 1926, AS AMENDED

SEC. 7 (b). The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

SEC. 9 (b). The term "United States", when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying airspace; but shall not include the Canal Zone.

SEC. 11 (b). Any person who (1) violates any entry or clearance regulation made under section 7 (c) of this Act, or (2) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe. Any person violating any customs or public health regulation made under section 7 (b) of this Act, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs or public-health laws which penalty or forfeiture may be remitted or mitigated by the Secretary of the Treasury. In case the violation is by the owner or person in command of the aircraft the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and or if not paid the penalty is a lien by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil causes in admiralty except that either party may demand trial by jury of any issue of fact if the value in controversy exceeds $20 and facts so tried shall not be reexamined otherwise than in accordance with the rules of the common law. The fact that in a libel proceeding in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(c) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

TARIFF ACT OF 1930

SEC. 644. The authority vested by section 7 of the Air Commerce Act of 1926 in the Secretary of the Treasury, and in the Secretary of Commerce, by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of customs, and of the laws and regulations relating to the entry and clearance of vessels, respectively, shall extend to the application in like manner of any of the provision of this Act or of any regulations promulgated hereunder.

REORGANIZATION PLAN NO. I OF THE PRESIDENT

SEC. 201 (a). * * * the Public Health Service in the Department of the Treasury and its functions and personnel (including the Surgeon General of the Public Health Service) * * * transferred from the Department of the Treasury; * * * are hereby consolidated under one agency to be known as the Federal Security Agency, with a Federal Security Administrator at the head thereof * * *. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Security Agency by this section and shall be responsible for the coordination of their functions and activities. * * *

SEC. 205 (b). All the functions of the Secretary of the Treasury relating to the administration of the Public Health Service * * * are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

[1] These regulations entitled "Air Commerce Regulations" appear under four designations, i. e., as §§ 4.1 to 4.10e, title 19 (Customs Duties); §§ 11.501 to 11.515, title 42 (Public Health); §§9.1 to 9.15, title 46 (Shipping); and §§ 116.1 to 116.15, title 8 (Aliens and Nationality), Code of Federal Regulations.

REORGANIZATION PLAN NO V OF THE PRESIDENT

SECTION 1 The Immigration and Naturalization Service of the Department of Labor (including the Office of the Commissioner of Immigration and Naturalization) and its functions are transferred to the Department of Justice and shall be administered under the direction and supervision of the Attorney General All functions and powers of the Secretary of Labor relating to the administration of the Immigration and Naturalization Service and its functions or to the administration of the immigration and naturalization laws are transferred to the Attorney General • • •.

§ 4.2 *Scope and definitions.* For the purposes of the regulations contained in this part:

(a) Every paragraph and clause relates to customs, public health, entry, clearance, and immigration, except where it applies only to certain of these matters, which is shown by headnote or context.

(b) The term "United States" when used in a geographical sense means the territory comprising the several States, Territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying airspace, but shall not include the Canal Zone.

(c) The term "area" shall mean any one of the following parts of the United States:

(1) The Mainland,

(2) Alaska, but to be regarded as part of the Mainland for immigration purposes,

(3) Hawaii,

(4) Puerto Rico,

(5) Virgin Islands, an area for the purpose of the immigration laws except as provided in further immigration regulations specifically mentioning those Islands in 8 CFR Part 116, but shall be regarded as foreign territory for other purposes,

(6) Such area as shall hereafter be specified to include possessions of the United States not mentioned herein.

The regulations in this part shall not be applicable in the Philippine Islands, the Islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and other insular possessions not specified herein, nor to the Virgin Islands except as specified in subparagraph (5) of this paragraph until notice supplementary hereto is given.

(d) The term "aircraft" means civil aircraft, i. e., any aircraft not used exclusively in the governmental service of the United States or a foreign country, but includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(e) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(f) The term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States or from area to area and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938

(g) The term "airport of entry" means any airport designated by the Secretary of the Treasury as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft; also by the Attorney General as a port of entry for aliens arriving on such aircraft; and by the Federal Security Administrator as a place for quarantine inspection.*

§ 4.3 *Landing requirements*—(a) *Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of Civil Aeronautics, Washington, D. C. The first landing shall be at an airport of entry, unless permission to land elsewhere than at an airport of entry is first granted by the Commissioner of Customs, Washington, D. C., who upon granting such permission shall immediately notify the Surgeon General, Public Health Service, the Commissioner of Immigration and Naturalization, and any other agency affected thereby. In cases where such permission is given, the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, merchandise, and baggage carried therein. When such admission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers, and if the aircraft arrives substantially in accordance with schedules on file with the immigration authorities, no inspection charge shall be made for overtime service by immigration officers.

(b) *Advance notice of arrival.* No aircraft coming into any area from any place outside thereof may land in such area unless notice of the intended flight has been furnished to the collector or deputy collector of customs at the airport of entry at or nearest the intended place of first landing in such area; nor unless the same notice has been furnished to the quarantine and the immigration officers in charge at or nearest such place. Such notice shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the airport of entry, or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the airport of entry or such other place of first landing prior to the arrival of the aircraft. Such advance notice will not be required in the case of aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated and also with the immigration officer in charge for such place.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 4.10a) shall, without receiving permission from the quarantine and the customs officers in charge, depart from the place of landing, or discharge any merchandise, passengers, or baggage; and no aircraft arriving in the United States from any place outside thereof or in an area from another area except directly from the Mainland shall discharge any passenger or employee without permission from the immigration officer in charge.

(d) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make a forced landing in the United States, the aircraft commander or operator shall not allow any merchandise or baggage to be removed from the landing place without permission from a customs officer, nor allow any passenger or person employed thereon to depart from such landing place without permission of the quarantine and immigration officers, unless such removal or departure is necessary for purposes of safety or the preservation of life or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest airport of entry or other customs port of entry in that area and also with the nearest quarantine officer and immigration officer and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the postal service.*

§ 4.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States shall be entered (see § 4.8) in such area if landing is made therein. Aircraft coming into any area from another area shall be entered (see § 4.9 (e)) in such area if landing is made therein and if carrying merchandise or passengers.

(b) Entry shall be made by the aircraft commander at the airport of entry at which the first landing is made in the area. If, pursuant to § 4.3 (a), the first landing occurs at a place not an airport of entry, entry shall be made at the nearest airport of entry or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing from any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying passengers that must be listed in clearance declaration (§ 4.9 (b), (e)) or

residue cargo (see § 4.10a) or merchandise in bond (Chapter XVI, Customs Regulations, 1937; 19 CFR Part 16) shall be cleared (see § 4.9) in the area from which departing.

(d) The clearance shall be obtained by the aircraft commander at the customs port of entry (whether or not an airport of entry) at or nearest the place of last take-off from the area, unless some other place is designated for that purpose by the Collector of Customs.

(e) This section shall not apply to the entry of aircraft of scheduled airlines complying with the terms of § 4.5, nor to the clearance of such aircraft complying with the terms of § 4.6, nor to the clearance of any aircraft holding a permit issued by the Secretary of Commerce authorizing departure without clearance.*

§ 4.5 *Entry of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines coming into the United States from any place outside thereof shall make entry in the area of first landing.

(b) Aircraft operated by scheduled airlines coming from one area into another area shall make entry therein, if:

(1) Carrying to or over that area passengers that must be listed in clearance declaration (§ 4.9 (b), (e)); or

(2) Carrying residue cargo (§ 4.10a); or

(3) Carrying merchandise in bond (Chap. XVI, Customs Regulations, 1937; 19 CFR Part 16).

(c) Entry required by this section in an area shall be made by the aircraft commander at the place of landing provided for under § 4.3.*

§ 4.6 *Clearance of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines departing for any place outside the United States may clear from the area of departure, but clearance shall be mandatory only during any period covered by a proclamation of the President that a state of war exists between foreign nations, or the aircraft is:

(1) Beginning a flight in that area; or

(2) Carrying from that area merchandise or such passengers as must be listed in clearance declaration (§ 4.9); or

(3) There are one or more aliens that must be listed on the part of clearance declaration relating to aliens employed (§ 4.9).

(b) Aircraft operated by scheduled airlines departing from any area for another area shall clear in the area from which departing, if:

(1) Carrying passengers that must be listed on clearance declaration (§ 4.9 (b), (e)); or

(2) Carrying residue cargo (§ 4.10a); or

(3) Carrying merchandise in bond (Chap. XVI, Customs Regulations, 1937; 19 CFR Part 16).

(c) Clearance required by this section may be obtained by the aircraft commander at the customs port of entry (whether or not an airport of entry) at or nearest each place at which merchandise or passengers, or both, are taken aboard for discharge beyond the area. In such case the clearance shall be limited to the passengers and merchandise taken aboard at such place. Otherwise the clearance shall be obtained at the customs port of entry (whether or not an airport of entry) at or nearest the place of last take-off in the area unless some other place for clearance is designated by the Collector of Customs.*

§ 4.7 *Documents.* (a) The forms described in §§ 4.8 and 4.9 shall be the primary documents required for entry and clearance of aircraft and the listing of passengers and merchandise carried thereon and aliens employed on board thereof. The forms of aircraft commander's entry declaration and aircraft commander's clearance declaration shall be customs Forms 7523 and 7525, respectively, approved by the Commissioner of Customs, the Administrator of Civil Aeronautics, and the Commissioner of Immigration and Naturalization. The form of information sheet concerning passengers arriving on aircraft shall be Form I–466 approved by the Commissioner of Immigration and Naturalization.

(b) The forms described in §§ 4.8 and 4.9, except information sheets, may be obtained from collectors of customs upon prepayment by the owner or operator of the aircraft. A small quantity of such forms will be set aside by collectors of customs for free distribution or official use. The forms of information sheets may be obtained upon prepayment from the Superintendent of Documents, Government Printing Office, Washington, D. C. A small quantity of information sheets will be set aside by immigration officers in charge for free distribution or offical use. The forms may be printed by private parties provided the forms so printed conform to the official form in size, wording, arrangement, and quality and color of paper.*

§ 4.8 *Documents for entry.* (a) At the time any aircraft arriving from outside the United States lands in any area in which making of entry is required by § 4.4 or § 4.5, the aircraft commander shall deliver

(1) The aircraft's journey log book to the quarantine officer for inspection as to entries required by § 4.10c, and

(2) An aircraft commander's entry declaration in accordance with this section.

Aircraft arriving in an area from another area shall deliver documents as specified by § 4.9 (e) and § 4.10a.

(b) The aircraft commander's entry declaration shall set forth:

(1) Identification marks of aircraft,
(2) Name and address of owner,
(3) Name of aircraft commander,
(4) Place and date of arrival,
(5) Place and date of last departure from port or place outside the United States;

and shall contain:

(6) Immigration list in the English language, typewritten or printed in ink, of all aliens employed in any capacity on board the aircraft at the time of arrival, showing full name (family name and given name), age, sex, country of which citizen or subject, country of birth, race (in accordance with instructions on back of information sheets required by this section in the case of passengers), number of airman's certificate, if any, place and date of engagement, and position on the aircraft, and which of such aliens, if any, are to be discharged in the United States. This requirement applies only to an aircraft which is arriving from outside the United States but does not apply to any aircraft arriving at a land border airport from Canada or Mexico nor when such information is furnished in accordance with § 4.10.

(7) Immigration list in the English language, typewritten or printed in ink, of all passengers, showing full name (family name and given name), age, sex, country of which citizen or subject, and place and country of embarkation. Additional facts as to passengers shall be furnished on information sheets as required by paragraph (c) of this section. This subparagraph shall not apply to passengers arriving at a land border airport from Canada or Mexico, or in travel between the Mainland and Alaska.

(8) Customs inward manifest when the aircraft arrives from a foreign port or place if such aircraft has on board merchandise or baggage. The inward manifest, properly executed, having the airway bills attached, will be acceptable, provided such manifest bears a notation such as "Express as per airway bills attached" and shows the waybill numbers. Customs Form 5119 may be used in lieu of the inward manifest if the merchandise or baggage consists of a single shipment and does not exceed one hundred dollars in value. (For rule applicable to arrival in an area from another area, see § 4.9 (e).)

NOTE. If equipment has been added or repairs made abroad to an aircraft of United States registry, the procedure applicable to vessels in such cases under the customs regulations in force at the time of arrival of such aircraft shall be followed. (Art. 128, Customs Regulations, 1937; 19 CFR § 2.10.)

(9) A statement subscribed by the aircraft commander that the information in the immigration lists and information sheets as required is to the best of his knowledge and belief correct and complete, and an oath to the inward manifest to be subscribed and sworn to by the aircraft commander. Such oath may be executed before a customs officer having authority to administer oaths in the performance of his official duties, or other person having authority to administer oaths generally.

(10) Notice reading, "The journey log book shall contain the statements prescribed for the United States public health requirements (42 CFR 11.513)."

(c) The aircraft commander's entry declaration required by this section shall be in triplicate and be disposed of as follows:

(1) The original and both copies of the immigration lists shall be detached by the aircraft commander and immediately upon arrival at the airport of entry or other first place of landing in an area shall be delivered by him to the immigration officer in charge at such airport or place, with an information sheet in the case of each passenger unless within an exception prescribed on the back of that sheet. One of these copies shall be forwarded promptly by the immigration officer to the Civil Aeronautics Administration, Washington, D. C.

(2) The original and triplicate of the inward manifest shall be delivered by the aircraft commander immediately to the customs officer in charge at such airport or place. The duplicate thereof shall be retained by the aircraft commander and forwarded promptly by him to the comptroller of customs in whose district such airport or place is located.

(3) The original inward manifest delivered to the customs officer shall be forwarded by him to the comptroller of customs above mentioned with appropriate notations thereon showing the disposition of the merchandise covered thereby. The triplicate copy of the inward manifest shall be retained by the customs officer as a record of entry of the aircraft (Commerce).*

§ 4.9 *Documents for clearance.* (a) At the time of the departure of any aircraft from any area from which clearance is required by § 4.4 or § 4.6 the aircraft commander shall deliver:

(1) Shipper's export declarations on Commerce Form 7525 to the customs officer in charge for all cargo on the aircraft (also for the aircraft itself if being flown from the United States for foreign account), and

(2) An aircraft commander's clearance declaration in accordance with this section.

The above documents may be filed *pro forma* if the aircraft is departing from the United States and prior to departure a bond be given on Commerce Form 1378B or 1380 and the completed documents be delivered pursuant thereto not later than the fourth day after departure, provided that during any period covered by a proclamation of the President that a state of war exists between foreign nations no aircraft shall be cleared for a foreign port until the shipper's export declarations have been filed with the customs officer in charge.

(b) The clearance declaration shall set forth:

(1) Identification marks of aircraft,
(2) Name and address of owner,
(3) Name of aircraft commander,
(4) Place and date of departure,
(5) Place of destination,
(6) Place and date of last arrival in the area,

and shall contain:

(7) Immigration list in the English language, typewritten or printed in ink, showing full name (family name and given name), age, sex, and country of which citizen or subject, of each alien who was employed in any capacity on the aircraft at the time of last arrival from any place outside the United States and (as shall be noted on the list) has been discharged in the United States or has either deserted or is in hospital there; also the same information as to each alien leaving the United States as an employee on the aircraft who was not such when it last arrived in the United States (such alien to be indicated as additional.) This requirement applies only to a departure to any place outside the United States but not to a departure from the Mainland or Alaska to Canada or Mexico, nor if such information is furnished in accordance with § 4.10.

(8) Immigration list in the English language, typewritten or printed in ink, of all passengers departing on the aircraft, showing full name (family name and given name), age, sex, country of which citizen or subject, and as to any alien, the place and date of last arrival in the United States. Additional facts as to the passengers, when the aircraft is departing for another area, shall be furnished on information sheets as required by paragraph (e) of this section. This subparagraph shall not apply to passengers departing from the Mainland or Alaska to Canada or Mexico, or in travel between the Mainland and Alaska.

(9) Outward manifest containing the following data with respect to each shipment: marks, numbers, description and quantity of articles, and name and address of consignee.

(10) A statement subscribed by the aircraft commander that the information in the immigration lists is to the best of his knowledge and belief correct and complete, and an oath to the outward manifest to be subscribed and sworn to by the aircraft commander. Such oath may be executed before a customs officer having authority to administer oaths in the performance of his official duties, or other person having authority to administer oaths generally.

(c) The aircraft commander's clearance declaration shall consist of the original, with one copy if the aircraft is departing from the United States, and two copies whenever required by paragraph (e) of this section. The original immigration lists shall be detached and promptly filed by the aircraft commander with the immigration officer in charge. The original outward manifest shall be delivered by the aircraft commander to the customs officer in charge to be retained by him as a record of clearance.

(d) The copy of the clearance declaration for a departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge that clearance is granted.

(e) The two copies of the clearance declaration shall be furnished by the aircraft commander when the clearance is to another area and the aircraft is

(1) carrying to or over that area passengers that must be listed on clearance declaration; or

(2) carrying residue cargo (§4.10a); or

(3) carrying merchandise in bond (Chap. XVI, Customs Regulations, 1937; 19 CFR Part 16).

The copies must have the endorsement of the customs officer in the area from which clearing that permit to proceed is granted. These copies and an information sheet concerning each passenger, unless within an exception prescribed on the back of that sheet, shall upon arrival in the area to which cleared be disposed of by the aircraft commander as follows:

(i) The two copies of the immigration lists shall be detached, signed on the back as to correctness and completeness of the lists and of such information sheets, and delivered by the aircraft commander, together with such sheets, to the immigration officer in charge at the place of entry for use there as a list of arriving passengers.

(ii) The outward manifests shall be sworn to before the customs officer in charge at such place of entry and delivered to him. One copy shall be retained by such officer as the coasting manifest and the other transmitted by him to the Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington, D. C.*

CROSS REFERENCE: For export of aircraft, see Laws and Regulations administered by the Secretary of State governing the International Traffic in Arms, Ammunition, and Implements of War and other Munitions of War, and supplements thereto; 32 CFR Part 1.

§ 4.10 *Omission of lists of aliens employed on board aircraft.* The information required by §§ 4.8 to 4.9 as to aliens employed on board an aircraft may be omitted from the aircraft commander's entry and clearance declarations in the case of aircraft operated by a scheduled airline if its schedules and a list (on a form approved by the Commissioner of Immigration and Naturalization) of such information as to all aliens employed on board the aircraft have been filed by the operator of the aircraft with the Immigration and Naturalization) of such of arrival (and at the airport of departure if other than the airport of arrival) shown on such schedules. From that list such officer shall keep as to each alien a card record on a form prescribed by the Commissioner of Immigration and Naturalization. Whenever an alien so listed shall be left in a hospital in the United States or ceases to be in the employ of the operator, the latter

shall file with such immigration officer at such airport a report covering the date, place, and manner of leaving the alien in a hospital or the discontinuance of his employment. The name, place and date of employment of any other or additional alien on board, for inclusion in the list so filed, shall be reported promptly by the operator to such immigration officer at such airport.*

§ 4.10a *Residue cargo; customs.* (a) Tariff Act of 1930, section 442 (19 U.S.C. 1442):

* * * Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof.

(b) Tariff Act of 1930, section 443 (19 U.S.C. 1443):

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(c) Tariff Act of 1930, section 444 (19 U.S.C. 1444):

Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with a certified copy of his manifest.

(d) *Merchandise destined beyond place of first landing.* Aircraft arriving in an area with merchandise on board from any place outside the United States destined to or through another area may proceed with such merchandise to the place of first landing in the other area under the procedure prescribed in the next paragraph, upon the giving of a bond on customs Form 7567 or 7569 (see T.D. 45474, 61 Treas. Dec. 362, 378, 380). When such aircraft has on board no merchandise from any place outside the United States and if no bond on customs Form 7567 or 7569 is on file covering such aircraft, but immediate clearance is requested, a bond on Commerce Form 1378B, "Bond of vessel or aircraft to produce complete manifest and/or export declarations", shall be required, unless a term bond on Commerce Form 1380 has been filed.

(e) *Documents.* An aircraft commander's entry declaration as prescribed in § 4.8 shall be filed at the port of first arrival in the United States from any place outside thereof. Upon departure from such port of first arrival there shall be filed a manifest in duplicate of all foreign cargo then retained on board. For this purpose two additional copies of the outward manifest on the aircraft commander's clearance declaration, as prescribed in § 4.9, shall be used. These duplicate manifests, together with a copy of the complete inward manifest on the aircraft commander's entry declaration filed on arrival from the foreign port or place and certified by the properly authorized customs officer, with a certificate (customs Form 3221, appropriately modified) attached thereto, shall be furnished to the aircraft commander for deposit at the next port. Commerce Form 1385 shall not be used.

(f) Except as specified in this section, the customs regulation requirements applicable to residue vessel cargo shall apply to residue aircraft cargo.*

CROSS REFERENCE: For residue vessel cargo, see Art. 150, Customs Regulations, 1937; see 19 CFR § 2.20.

§ 4.10b *General provisions; customs.* Except as otherwise in the regulations in this part provided aircraft arriving from contiguous foreign territory and the persons, merchandise, and baggage carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft, and the passengers and merchandise and baggage carried thereon, arriving from any other place outside the United States, shall be subject to the customs laws and regulations applicable to vessels so arriving, in so far as such laws and regulations are applicable to aircraft.*

§ 4.10c *Public health requirements—*(a) *Release by Public Health Service.* No passengers or persons employed on board any aircraft arriving from any place outside the United States or landing in an area from another area shall be permitted to leave the aircraft at the place of first landing or the airport of entry in the United States except by authority of the quarantine officer assigned thereto. Such aircraft and any mail, baggage, cargo, or other contents on board shall be held at such place or airport until released by such officer. (For procedure in the case of emergency or forced landing, see § 4.3 (d).)

(b) *Special sanitary treatment.* Any aircraft arriving from any foreign port or place which the quarantine officer declares to be of such menace that it can not be adequately or safely handled at the airport of first or intended landing shall be required to proceed with all passengers and persons employed on board and all mail, baggage, cargo, or other contents on board, as may be designated by such officer, to an airport indicated by such officer to have adequate facilities for such treatment as shall be prescribed by him.

(c) *Entries in journey log book of arriving aircraft.* Any aircraft departing for the United States from any place outside thereof shall have entered in the journey log book[1] statements as to the occurrence of plague, cholera, yellow fever, typhus fever, and smallpox in the country from which the aircraft departed and in countries in which landings are made en route. There also shall be entered in the journey log book statements as to any sanitary measures undergone before departure or at such landings. These statements shall be verified and signed by the officers in charge of the airports from which the aircraft departed and at which it landed en route. In addition the aircraft commander shall enter a statement as to the occurrence of any sickness among the passengers and persons employed on board and as to any sanitary treatment performed en route.

(d) *Spraying of arriving aircraft.* Any aircraft bound for the United States, from any place in South America or tropical Africa, or from any other region where yellow fever may appear, shall be sprayed during flight with an insecticide approved by the Surgeon General of the Public Health Service. The spraying shall be performed as soon as possible after departure from the last foreign port, in accordance with such method as may be prescribed by the Surgeon General of the Public Health Service. The same provision applies to aircraft bound for the mainland of the United States from any United States insular port.

(e) *Statement of whereabouts of passengers and crew.* The commander of any aircraft arriving in the United States from any place in the Western Hemisphere located within the region bounded by 30 degrees south latitude and 13 degrees north latitude, or from any place in the African Continent located within the region bounded by 8 degrees south latitude and 16 degrees north latitude, or from any other place where yellow fever may appear, shall furnish the quarantine officer with a written statement showing the whereabouts of all passengers and members of the crew for a period of 6 days prior to embarkation for the United States.

(f) *Importations of living disease organisms and vectors, shaving brushes, and parrots.* Importations of living disease organisms and vectors, of shaving or lather brushes, and of birds of the parrot family are subject to the special regulations prescribed therefor.

CROSS REFERENCES: For regulations relating to living disease organisms and vectors, see 42 CFR § 11.234; also at 3 F.R. 555.

For regulations relating to brushes, see 42 CFR, 1939 Supp., § 11.233; also at 4 F.R. 1287.

[1] For this purpose, a journey log book is any document or book containing the following information: (1) nationality and identification marks of aircraft; (2) name and address of owner of aircraft; (3) name and address of commander of aircraft; (4) point of origin; (5) point of ultimate destination; (6) place and time of departure on trip; (7) intermediate stops and time of arrival at each stop; and (8) remarks; signed by the aircraft commander.

For regulations relating to parrots, see 42 CFR, 1939 Supp., Part 16; also at 4 F.R. 1766.

(g) *Entries in journey log book of departing aircraft.* Any aircraft clearing from any area for any place outside the United States may obtain from the quarantine officer for entry in the journey log book[1] information regarding the occurrence of plague, cholera, yellow fever, typhus fever, and smallpox in the area.

(h) *General provisions.* Except as otherwise provided in the regulations in this part aircraft and the passengers and merchandise and baggage carried thereon, arriving from any place outside the United States, shall be subject to the United States quarantine laws and regulations applicable to vessels so arriving, in so far as such laws and regulations are applicable to aircraft.*

§ 4.10d *General provisions—entry and clearance.* All navigation laws and regulations pertaining to the entry and clearance of vessels shall apply to civil aircraft to such extent and upon such conditions as are specified in the regulations in this part.*

§ 4.10e *Penalties.* (a) Any person violating any customs regulation relating to aircraft or any provision of the customs laws or regulations made applicable to aircraft by § 4.10b shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture, as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury.

(b) Any person violating any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 4.10c shall be subject to a civil penalty of $500, and any aircraft used in connection with such violation shall be subject to seizure and forfeiture, as provided for in the public health laws and section 11 (b) and (c) of the Air Commerce Act of 1926 (49 U.S.C. 181 (b), (c)). Such penalty and forfeiture may be remitted or mitigated by the Federal Security Administrator.

(c) Any person violating any of the provisions of the regulations in this part relating to the entry and clearance of aircraft under the laws and regulations administered by the Secretary of Commerce shall be subject to a civil penalty of $500 and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture in accordance with the provisions of the Air Commerce Act of 1926, as amended. Such penalty and forfeiture may be remitted or mitigated by the Secretary of Commerce.

[1] For this purpose, a journey log book is any document or book containing the following information: (1) nationality and identification marks of aircraft; (2) name and address of owner of aircraft; (3) name and address of commander of aircraft; (4) point of origin; (5) point of ultimate destination; (6) place and time of departure on trip; (7) intermediate stops and time of arrival at each stop; and (8) remarks; signed by the aircraft commander.

(d) For the penalty of any violation of the regulations in this part relating to immigration, see further regulations in 8 CFR Part 116 applying immigration laws and regulations to civil air navigation.

(e) Liability to penalties with respect to any one of the sets of laws, i. e., the customs laws, the public health laws, the entry and clearance laws, and the immigration laws, under which the regulations in this part are prescribed, shall be separate from such liability with respect to any other set of such laws.*[1]

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.
PAUL V. MCNUTT,
Federal Security Administrator.
SOUTH TRIMBLE, Jr.,
Acting Secretary of Commerce.
FRANCIS BIDDLE,
Acting Attorney General.

AUGUST 28, 1941.

[F. R. Doc. 41-6536; Filed, August 29, 1941; 4:28 p. m.]

[1] With respect to other laws and regulations relating to aircraft, inquiry may be made of the Collector of Customs.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 923—TUNGSTEN

General Preference Order M-29 to Conserve the Supply and Direct the Distribution of Tungsten

Whereas, the national defense requirements have created a shortage of tungsten, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 923.3 *General preference order—*(a) *Definitions.* For the purposes of this Order:

(1) "Tungsten" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, containing tungsten (commercially recognized).

(ii) The element tungsten in pure form, ferro-tungsten, tungsten in the form of metal powder, and other combinations with other elements in semi-manufactured or manufactured form, prepared for consumption in the manufacture of steel, or for other purposes.

(iii) All chemical compounds having tungsten as an essential and recognizable component;

(iv) All scrap or secondary material containing commercially recoverable tungsten as defined in (i), (ii), and (iii) above.

(2) The term "person" means any individual, partnership, association, corporation or other form of business enterprise.

(3) The term "producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of tungsten.

(4) The term "processor" means any person who prepares ores, concentrates or any chemical or metallurgical forms of tungsten for any industrial use.

(5) The term "dealer" means any person who procures tungsten either by importing or from domestic sources for resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(6) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A-10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

(b) *Directions as to deliveries.* Deliveries of tungsten by any person shall be made only in accordance with the following directions:

(1) *A-10 assigned to certain defense orders.* Deliveries under all Defense Orders to which a preference rating of A-10 or higher has not been specifically assigned are hereby assigned a preference rating of A-10.

(2) *Sequence of preference ratings.* Preference ratings in order of precedence are: AA, A-1-a, A-1-b, etc., . . .

A–1–j; A–2, A–3, etc., . . . A–10, etc., AA being the highest rating presently assigned.

(3) *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any delivery, or as to whether a particular order is a Defense Order, the matter is to be referred to the Division of Priorities for determination, with a statement of all pertinent facts.

(4) *Sequence of deliveries.* (i) Every delivery under a Defense Order shall be made in preference to deliveries under other orders whenever, and to the extent, necessary to fulfill the delivery schedule provided in the Preference Rating Certificate covering such delivery, or in the contract or purchase order if no Certificate has been issued. Deliveries bearing no preference rating or lower preference ratings shall be deferred to the extent necessary to assure those deliveries bearing higher preference ratings, even though such deferment may cause defaults under existing contracts or purchase orders. Each person who has Defense Orders on hand must so schedule his production and deliveries that deliveries under Defense Orders will be made on the dates required, giving precedence in case of unavoidable delay to deliveries bearing the higher preference ratings.

(ii) The sequence of deliveries bearing the same preference rating shall be governed by the delivery dates specified in the respective Preference Rating Certificates assigned thereto, or if the ratings were assigned by order or direction of the Director of Priorities, but no Certificates were issued, then by the dates specified in the contracts or purchase orders. In any case where preference ratings and delivery dates are the same, and it is impossible to make all deliveries on schedule, the matter is to be referred to the Division of Priorities for determination.

(5) *Delivery schedules.* No earlier delivery date shall be specified in any Defense Order than required by the production or delivery schedules of the person placing the Defense Order. No preference rating will be assigned to any contract or purchase order specifying delivery dates earlier or quantities greater than required by the production or delivery schedules of the person placing the contract or purchase order.

(6) *Use of material obtained under allocation or preference rating.* Any person who obtains a delivery of tungsten under an order or specific direction of the Director of Priorities, or a delivery of such material bearing a preference rating, must use such material, or an equivalent amount thereof, for the purpose specified in connection with the issuance of the order, direction, or rating.

(7) *Acceptance of defense orders.* Defense Orders for tungsten, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such material, subject to the following provisions:

(i) Defense Orders shall be accepted even if acceptance will render impossible, or result in deferment of:

(*a*) Deliveries under non-defense orders previously accepted; or

(*b*) Deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities.

(ii) Defense Orders need not be accepted:

(*a*) If delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities; or

(*b*) If the tungsten ordered is not of the kind usually produced or capable of being produced by the person to whom the Defense Order is offered; or

(*c*) If the person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale, but there shall be no discrimination against Defense Orders in establishing such prices or terms of sale; or

(*d*) If compliance with the delivery dates specified in such defense orders would require the termination or alteration before completion of a specific production schedule already commenced, but this provision shall not authorize rejection when such schedule can be terminated or altered without substantial loss to the producer or processor.

(8) *Rejected orders and deferred deliveries.* When a Defense Order for tungsten has been rejected or delivery thereunder has been unreasonably or improperly deferred in violation of this Order, the person seeking to place such order or obtain such delivery may file with the Division of Priorities a verified report in the form to be prescribed by the Division of Priorities, setting forth the facts in connection with the rejection or deferment. When the facts set forth justify such action, the Director of Priorities will thereupon direct the person against whom complaint is made to submit a sworn statement, setting forth the circumstances concerning the alleged rejection or deferment. Thereafter, such action will be taken by the Director of Priorities as he deems appropriate.

(9) *Intra-company deliveries.* The prohibitions or restrictions contained in this Order shall, in the absence of a contary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division, or section of the same or any other business enterprise owned or controlled by the same person.

(10) *Effect of order: damages.* The prohibitions or restrictions in this order shall, in the absence of a contrary direction, apply to all deliveries made after the effective date of this order, including deliveries under contracts or purchase orders accepted either prior to or subsequent to such effective date. No person shall be held liable for damages or penalties for any default under any contract or purchase order which results directly or indirectly from his compliance with the terms of this order.

(11) *Inventory restrictions.* Unless specifically authorized by the Director of Priorities, no person shall, after the effective date of this Order, knowingly make delivery of tungsten, and no person shall accept delivery thereof, in an amount, quantity, or number which will increase for any current month the inventory of such tungsten of the person accepting delivery, in the same or other forms, in excess of the amount, quantity, or number necessary to meet required deliveries of the products of the person accepting delivery, on the basis of his current method and rate of operation. This provision shall not prohibit or restrict:

(i) Deliveries for direct export out of the United States provided that such exports shall have been licensed by the Administrator of Export Control;

(ii) Deliveries of imported tungsten to any person importing the same, either directly or through an agent;

(iii) Deliveries of tungsten to the Metals Reserve Corporation.

(12) *Restrictions on making and accepting deliveries.* Beginning September 1, 1941, no producer, processor or dealer shall make, and no person shall accept delivery of, tungsten unless the person seeking delivery shall have filed in duplicate (one copy with the person from whom the tungsten is ordered, and one copy with the Division of Priorities) not later than the 20th day of the month next preceding the month in which delivery is specified, Form PD–9, or such other form or forms as the Division of Priorities may from time to time prescribe. The Director of Priorities may in his discretion from time to time issue specific directions exempting particular customers or classes of customers from the provisions of this paragraph (b) (12) on the basis of the limited character of their requirements for tungsten.

(13) *Special restrictions on deliveries of ferro-tungsten, tungsten metal powder, and tungsten chemical compounds to be processed into tungsten metal powder.* In addition to all other limitations and restrictions contained in this order, beginning September 1, 1941, no person shall make or accept delivery of ferro-tungsten, tungsten metal powder, or tungsten chemical compounds to be processed into tungsten metal powder

without the specific authority of the Director of Priorities. During each calendar month, the Director of Priorities will at such time or times as he may determine allocate the supply of ferro-tungsten, tungsten metal powder, and tungsten chemical compounds to be processed into tungsten metal powder, among persons seeking deliveries, and specifically direct the manner and quantities in which deliveries thereof may be made and accepted. In making any such allocations and directions, the Director of Priorities may take into consideration any person's stocks on hand and supply otherwise available to him, of tungsten ore, concentrates or scrap materials, as well as of ferro-tungsten and tungsten metal powder and tungsten chemical compounds. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Priorities, without regard to any preference ratings assigned to particular contracts or purchase orders.

(14) *Limitations on deliveries and manufacture of tungsten chemical compounds.* Beginning September 1, 1941, in the absence of a contrary direction by the Director of Priorities, no person shall, during any calendar month, accept deliveries of tungsten chemical compounds or manufacture such compounds from tungsten ore or concentrates, to be used in either case for purposes other than the manufacture of tungsten metal powder, in a quantity which will in the aggregate by weight exceed 90% of the average monthly quantity of tungsten chemical compounds delivered to, and manufactured by him for such purposes during the year ending June 30, 1941.

(15) *Civilian deliveries.* Subject to the limitations and restrictions contained in this Order and after satisfaction of all Defense Orders, and other orders bearing preference ratings, deliveries under any other contracts or purchase orders may be made. Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of tungsten after the satisfaction of all defense requirements, direct or indirect, shall be in accordance with such program as the Office of Price Administration and Civilian Supply may determine.

(c) *Records.* All persons affected by this order shall keep and preserve for a period of not less than two years accurate and complete records of their inventories of tungsten, and of the details of all transactions in such material. Such records shall include the dates of all contracts or purchase orders, and in any Preference Rating Certificates accompanying them, the dates of actual deliveries thereunder, description of the material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights, and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of all Defense Orders either accepted or offered and rejected, and other pertinent information.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(e) *Reports.* (1) All persons affected by this order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(2) Until otherwise instructed by the Office of Production Management, no producer who regularly and promptly files such reports as may be requested by the Bureau of Mines will be required to file any reports with said Office.

(f) *False statements and violations.* (1) Any person who wilfully falsifies any records which he is required to keep by the terms of this order or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities, the Office of Production Management, or the Bureau of Mines; and any person who obtains a delivery or a preference rating for a delivery by means of a material and wilful misstatement, may be prohibited by the Director of Priorities from making or obtaining further deliveries of tungsten. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 of the Criminal Code (18 U.S.C. 80).

(2) Any person affected by this order who violates any of its provisions or a provision of any other order issued by the Director of Priorities, may be prohibited by the Director from making or receiving deliveries of tungsten, or he may be subjected to such other or further action as the Director may deem approprate.

(g) *Appeal.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Notification of customers.* Any person who is prohibited from, or restricted in, making deliveries of tungsten by the provisions of this order shall, as soon as practicable, notify each of his regular customers of the requirements of this order, but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this order.

(i) *Revocation of general preference order M–3 and supplementary order M–3–a.*[1] General Preference Order M–3 to direct the distribution of Ferro-Tungsten, Tungsten Metal Powder, and Tungsten Compounds, and Supplementary Order M–3–a, both issued on March 26, 1941, by the Director of Priorities, are hereby revoked effective as of the effective date of this order.

(j) *Effective Dates.* This order shall take effect on the 31 day of August 1941, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress, 3rd Session, as amended by Public No. 89, 77th Congress, sec. 9, Public No. 783, 76th Congress)

Issued this 30 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–6537; Filed, August 30, 1941; 10:44 a. m.]

PART 945—TRICRESYL AND TRIPHENYL PHOSPHATES

General Preference Order M–16 to Conserve the Supply and Direct the Distribution of Tricresyl and Triphenyl Phosphates

Whereas the national defense requirements have created a shortage of Tricresyl and Triphenyl Phosphates for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 945.1 *General preference order*—(a) *Priority control.* Control of the supply and direction of the distribution of Tricresyl and Triphenyl Phosphates is hereby taken by the Director of Priorities, and all future transactions of any kind in Tricresyl and Triphenyl Phosphates are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August, 1941, except as herein otherwise specifically provided.

(b) *A–10 rating assigned to additional orders.* An A–10 rating is hereby assigned to any contract or order placed or offered by any purchaser of Tricresyl and Triphenyl Phosphates for the delivery of Tricresyl and Triphenyl Phosphates required by the purchaser to fulfill any defense order which he has on hand, and any such contract or order shall itself be deemed a defense order.

(c) *Directions with respect to residual supply.* Any allocations made or any

[1] 6 F.R. 1675, 3039.

preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of Tricresyl and Triphenyl Phosphates after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(d) *Effective dates.* This Order shall take effect on the 30th day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, Mar. 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941; sec. 2 (a), Public No. 671, 76th Congress, as amended; sec. 9, Public No. 783, 76th Congress)

Issued this 30th day of August 1941.

—E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–6564; Filed, September 2, 1941; 10:54 a. m.]

SUBCHAPTER B—PRIORITIES DIVISION

PART 950—CUTTING TOOLS [1]

Supplementary Order No. E–2–a to Direct the Use and Distribution of Cutting Tools

Whereas, it is found that the demands of the national defense program have created a present and increasing shortage of Cutting Tools, as hereinafter defined; and

Whereas, it is further found that such shortage will prevent deliveries of such tools under present and future Naval and Army contracts and orders and related subcontracts and suborders unless the total present and future supply be conserved and the present and future distribution thereof be directed; and

Whereas, it is further found that the best interests of the national defense require that priority be accorded to such deliveries and that the power conferred upon me to direct and insure priority for such deliveries be exercised;

Now, therefore, it is hereby ordered that:

§ 950.2 *Supplementary order*—(a) *Definition.* For the purposes of this Order:

(1) "Cutting Tools" means all metal Cutting Tools of the following types, whether the same be regulars or specials:

Drills, reemers, countersinks, counterbores, spotfacers, taps, chasers for self-opening die heads, chasers for collapsing taps, milling cutters, form tools (flat and circular), gear cutting and gear finishing tools, hobs, boring bars and boring tools (both solid and inserted type), and machine broaches. Furthermore, all of the above tools that have inserted or brazed cutting edges made with cemented carbide tips or hard-alloy tips are included.

(i) "Special" means an item of a type or size not regularly listed in a manufacturer's catalogue as of June 1, 1941, and includes machine broaches.

(ii) Items may be included or excluded from time to time by order of the Director of Priorities.

(2) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the Government of any country listed above or any other country including those in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii) or (iii) above.

(3) An A–10 rating is hereby assigned to any contract or order placed or offered by any person for the delivery of Cutting Tools required by him to fulfill any Defense Order which he has on hand, and any such contract or order shall itself be deemed a Defense Order.

(4) "Person" means any individual, partnership, association, corporation or other form of business enterprise, and agents thereof.

(5) "Manufacturer" means any Person engaged in the production of Cutting Tools.

(6) "Distributor" means any Person who purchases Cutting Tools for the purposes of resale.

(b) *Preference ratings and direotions.* Deliveries of Cutting Tools shall be made by a Manufacturer or a Distributor only in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent, necessary to assure fulfillment of the delivery schedule specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., . . . A–1–j; A–2, A–3, etc., . . . A–10.

(3) Deliveries under all Defense Orders which have not be assigned a higher preference rating are hereby assigned a preference rating of A–10.

(4) Deliveries of Cutting Tools by a Manufacturer to a Distributor for the purpose of permitting the Distributor to fulfill Defense Orders are hereby assigned a preference rating of A–10, provided the Distributor at the time he places his contract or purchase order for such rated deliveries certifies in writing to the manufacturer that he will deliver such tools only in fulfillment of Defense Orders.

(5) Defense Orders for Cutting Tools, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such Cutting Tools, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of, deliveries under non-defense orders previously accepted.

(ii) Defense Orders need not be accepted

(*a*) if delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted, unless acceptance is specifically directed by the Director of Priorities;

(*b*) if the Person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) if the Cutting Tools ordered are not of the kind usually produced or capable of being produced by the Person to whom the Defense Order is offered.

(6) Contracts or orders shall be scheduled for production, and/or deliveries under the same shall be made, in accordance with the preference ratings assigned thereto and the delivery dates specified. That is, production and/or deliveries shall be deferred under contracts or orders bearing no preference rating, or a lower preference rating, to the extent necessary to insure production and/or deliveries by the time specified under contracts or orders bearing a higher preference rating, even though such deferment may cause a default in an existing contract or order. (For example, a Manufacturer has an order assigned an A–1–a rating calling for delivery on De-

[1] 6 F.R. 3673.

cember 1, 1941, and an order assigned an A–1–b rating calling for delivery on November 1, 1941. The Manufacturer should defer production and/or deliveries on the order rated A–1–b, if, and only to the extent that, such deferment is necessary in order to make deliveries under the order rated A–1–a by December 1, 1941.) *Provided, however,* That where immediate compliance with a higher preference rating assigned to a contract or order would interfere with work already in actual production, such compliance may be postponed by a Manufacturer until the completion of the stage of production in which the lower rated or non-rated orders or contracts are, at the time that the Manufacturer received notice of the higher rating. *Provided, however,* That (i) such postponement shall not, in any case, exceed a period of ten days, and that (ii) the above-mentioned provision for postponement shall not apply to deliveries under contracts or orders which have been assigned an AA rating.

(7) After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Manufacturers and Distributors may make deliveries of Cutting Tools under other contracts or orders subject, however, to the restrictions specified in paragraph (c) below, and subject to the restriction, in accordance with paragraph (b) (4) above, that no Distributor shall make deliveries of Cutting Tools obtained under an A–10 rating except in fulfillment of Defense Orders.

(8) Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of Cutting Tools after the satisfaction of all defense requirements, direct or indirect, shall be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(9) When deliveries of Cutting Tools have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Tool and Equipment Group, setting forth the facts in connection with such deferment or rejection.

(10) Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(c) *Restrictions and prohibitions.* Except with respect to special Cutting Tools, orders for which are on hand at the effective date of this Order, and as to which production has been actually commenced at that time:

(1) No Manufacturer or Distributor shall accept any orders for Cutting Tools, or schedule production or make deliveries thereof, unless the intending purchaser shall have certified to the Manufacturer or Distributor that the deliveries of the Cutting Tools desired, taking into consideration other Cutting Tools of the same description which said purchaser has, either on hand or on order with other Manufacturers or Distributors, will not at any time effect an increase of such Cutting Tools in such purchaser's inventories beyond a 90 day supply thereof, determined on the basis of such purchaser's expected method and rate of operation.

(d) *Records, information and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, and quantities; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; and the parties involved in each transaction. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request.

(e) *Appeal.* Any Person affected by this Order who deems compliance therewith would work an unreasonable hardship upon him may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, attention Tool and Equipment Group, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons upon which such Person predicates his claim to relief. The Director of Priorities will, thereupon, take such action as he deems appropriate.

(f) *Notification of customers.* All Manufacturers or Distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this Order.

(g) *Revocation of previous order.* This Order supersedes and revokes all previous Orders, directions and communications of the Priorities Division, inconsistent herewith, and may be modified or terminated by the Director of Priorities at any time.

(h) *Effective date.* This Order shall take effect on the 28 day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (O.P.M. Regulation 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; sec. 2 (a) Public No. 671, 76th Congress, as amended by Public No. 89, 77th Congress; sec. 9, Public No. 783, 76th Congress)

Issued this 28 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–6526; Filed, August 29, 1941; 3:06 p. m.]

[Preference Rating Order No. P–18–a]

PART 954—MATERIALS FOR THE PRODUCTION OF CUTTING TOOLS SPECIFIED HEREIN

§ 954.2 *Preference rating order.* For the purpose of facilitating the acquisition of Material for the production of Defense Products, a preference rating is hereby assigned to deliveries to the above-named Producer and to deliveries to his Suppliers, upon the following terms:

(a) *Definitions.* (1) "Producer" means the specific person to whom this Order is addressed above.

(2) "Defense Products" means the following items to be produced by the Producer, provided the said items are required to fill Defense Orders as hereinafter defined:

All metal Cutting Tools of the following types, whether the same be regulars or specials:

Drills, reamers, countersinks, counterbores, spotfacers, taps, chasers for self-opening die heads, chasers for collapsing taps, milling cutters, form tools (flat and circular), gear cutting and gear finishing tools, hobs, boring bars and boring tools (both solid and inserted type), and machine broaches. Furthermore, all of the above tools that have inserted or brazed cutting edges made with cemented carbide tips or hard-alloy tips are included.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of Material which will enter directly or indirectly, at any stage, into the production of the Defense Products.

(4) "Material" means any commodity, equipment, accessories, parts, assemblies or products listed on Exhibit A annexed hereto and made a part hereof.

(5) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast

and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the Government of any country listed above or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States", (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

(6) An A–10 preference rating is hereby assigned to any contract or order placed or offered by any person for Defense Products required by him to fulfill any Defense Orders which he has on hand, and any such contract or order shall itself be deemed a Defense Order.

(b) *Assignment of preference rating.* Preference Rating A–1–a is hereby assigned to deliveries of Material which will enter directly or indirectly, at any stage, into the production by the Producer of the Defense Products.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(1) The Producer;

(2) Any Supplier who has been furnished with a signed copy of this Order in the manner specified in paragraph (d).

(d) *Application of preference rating.* The Producer, or any Supplier who has been so furnished with a signed copy of this Order, to apply the preference rating to deliveries to him must:

(1) Execute a copy of this Order by signing the acceptance at the end hereof, and file such signed copy with the Division of Priorities of the Office of Production Management; and

(2) Furnish one additional copy of this Order, signed by him in the same manner, to each of his Suppliers with whom he has placed a contract or purchase order for Material to the delivery of which he elects to apply the preference rating. After he has furnished one such copy to a particular Supplier, he need furnish no additional copy to that Supplier to cover any subsequent deliveries of Material entering into the production of the Defense Products. The Producer or Supplier who has applied the rating shall identify subsequent purchase orders which are covered by the rating by specifying thereon the number and serial number of this Order and the preference rating hereby assigned.

(e) *Restrictions on application of rating.* The Preference Rating hereby assigned shall not be applied:

(1) Unless the Material to be delivered cannot be secured when required without such rating;

(2) To obtain deliveries greater in quantity, or on dates earlier, than required for the delivery on schedule of the Defense Products or of Material entering into the Defense Products.

(f) *Records and reports.* (1) The Producer, and each Supplier who applies the preference rating hereby assigned, shall keep and preserve for a period of at least two years accurate and complete records and information concerning:

(i) All applications of such preference rating, including the kinds, values, quantities and delivery dates of Material covered by each such application, together with the name and address of each Supplier to whose deliveries of Material the rating has been applied.

(ii) Inventories and stocks on hand of Material of the kind covered by each application of the rating.

(iii) Contracts and purchase orders on his books, including delivery schedules, for the Defense Products or for Material which will enter directly or indirectly, at any stage, into the production of the Defense Products.

(2) The Producer, and each Supplier who applies the preference rating, shall file reports containing such information concerning the matters specified in paragraph (f) (1) and concerning any other pertinent matters, with the Division of Priorities, Office of Production Management, as shall from time to time be required by said Division. Until further order, such information shall be furnished to the Division of Priorities by the Producer and by each such Supplier, to the extent, in the form, and at the time specified in Form PD–81.

(3) The Producer, and each Supplier who applies the preference rating, shall submit from time to time to an audit and inspection by representatives of the Division of Priorities concerning the matters specified in paragraph (f) (1).

(g) *Use of higher preference ratings.* If any delivery entitled to be rated under this Order is assigned a higher preference rating by an individual preference rating certificate or by any other Order issued by the Director of Priorities, the Producer or Supplier may use the higher rating instead of the rating assigned by this Order.

(h) *False statements.* Any person who willfully falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited by the Director of Priorities from receiving further deliveries of any Material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under section 35 of the Criminal Code (18 U.S.C. 80).

(i) *Revocation of previous order.* This Order supersedes and revokes Preference Rating Order No. P–18, heretofore on the 31st day of July, 1941, issued by the Director of Priorities; and no Producer or Supplier shall, after the effective date of this Order, apply the preference rating assigned by said preference rating order to subsequent deliveries of Material. Every Producer and Supplier is required to return to the Division of Priorities, Tool and Equipment Group, Office of Production Management, Social Security Building, Washington, D. C., all unused copies of said Preference Rating Order No. P–18 and to notify of the provisions and requirements of this paragraph each Supplier to whom the preference rating assigned by said preference rating order has been applied.

(j) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to the Producer or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation or expiration.

(k) *Effective date.* This Order shall take effect on the 28th day of August, 1941, and, unless sooner revoked, shall expire on the 30th day of November, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress, as amended by Public No. 89, 77th Congress; Sec. 9, Public No. 783, 76th Congress)

Issued this 28th day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

Exhibit A

High speed steel, carbon tool steel and alloy steel bars, sheets, rods, shapes, forgings and castings.
Cutting tools, including cemented carbides
Abrasives
Measuring instruments and gages
Maintenance and shop supplies (restricted to items necessary for proper operation and maintenance of manufacturing equipment and facilities)

Acceptance

To be Signed by an Authorized Official of the Producer or Supplier before Applying the Rating Assigned by the Foregoing Order.

(Before signing this Acceptance read carefully sections (c), (d), and (e) of the foregoing Order.)

The Producer o
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PART 967—FORMALI
HYDE, HEXAMETI
SYNTHETIC RESIN

Amendment to G
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Resins Produced

Section 967.1
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[1] 6 F.R. 4301.

The Producer or Supplier named below hereby accepts the foregoing Order and certifies to the Director of Priorities of the Office of Production Management that he is entitled to apply the preference rating assigned by the foregoing Order in accordance with its terms.

Dated this ____ day of _____ 1941.

_____
(Legal name of producer or supplier)

By: _____
(Name and title of authorized individual)

(Section 35 of the Criminal Code, 18 U.S.C. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

Additional copies of this Order may be secured from the Division of Priorities, Office of Production Management, Washington, D. C., or photostatic copies may be made and used by persons entitled to apply the preference rating.

[F. R. Doc. 41-6532; Filed, August 29, 1941; 3:11 p. m.]

PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

Amendment to General Preference Order No. M-25[1] to Conserve the Supply and Direct the Distribution of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins Produced Therefrom

Section 967.1 (c) (2) is hereby amended to read as follows:

§ 967.1 *General preference order.*

* * * * *

(c) * * * (2) Deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated in Classification I, are hereby assigned a preference rating of B-4, and deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated under Classification II, are hereby assigned a preference rating of B-8. In Classifications I and II, the preference ratings, hereinabove mentioned in this paragraph (c) (2), are granted only to deliveries of Resins the use of which is essential to the functioning of the classified article or use, except that,

(i) Until September 30, 1941, a preference rating of B-8 is hereby assigned to deliveries of Synthetic Resins Molding Powder to radio manufacturers in an amount not in excess of 75 per cent (75%) of a radio manufacturer's requirements for molded radio cabinets for September, provided such requirements were covered by a firm order on or before August 23, 1941; and

(ii) Until September 30, 1941 radio manufacturers who manufacture their own Synthetic Resins Molding Powder may use such powder for molded radio cabinets in an amount not in excess of 75 per cent (75%) of the quantity of such powder scheduled prior to August 23, 1941, for such use in September.

No such preference ratings are assigned to deliveries of Resins if satisfactory substitutes therefore are available. The quantities of Resins available for the production of articles in Classification II may be limited in amount, in which event such limited amount shall be equitably distributed.

This Order shall take effect immediately. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 28 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6533; Filed, August 29, 1941; 3:10 p. m.]

PART 969—PHENOLS

General Preference Order M-27 To Conserve the Supply and Direct the Distribution of Phenols

Whereas the national defense requirements have created a shortage of Phenols, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 969.1 *General preference order*—(a) *Priority control.* Control of the supply and direction of the distribution of Phenols is hereby taken by the Director of Priorities, and all future transactions of any kind in Phenols are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August, 1941, except as herein otherwise specifically provided.

(b) *Additional definition.* For the purposes of this Order "Phenols" means:

(1) Synthetic phenols of all grades and from whatever source derived;

(2) The acids, either in pure or crude form, recovered from coal tar distillates, comprising chiefly phenol, ortho cresol, meta cresol, para cresol and xylenols and various mixtures of these products.

(c) *A-10 rating assigned to additional orders.* An A-10 rating is hereby assigned to any contract or order placed or offered by any purchaser of Phenols for the delivery of Phenols required by the purchaser to fulfill any defense order which he has on hand, and any such contract or order shall itself be deemed a defense order.

(d) *Directions with respect to residual supply.* Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of Phenols after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(e) *Effective dates.* This Order shall take effect on the 30 day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, Mar. 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941; sec. 2 (a), Public No. 671, 76th Congress, as amended; sec. 9, Public No. 783, 76th Congress)

Issued this 30 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6565; Filed, September 2, 1941; 10:54 a. m.]

PART 971—ALCOHOL

General Preference Order No. M-30 to Conserve the Supply and Direct the Distribution of Ethyl Alcohol and Related Compounds

Whereas, the national defense requirements have created shortages of Ethyl Alcohol and related compounds for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered that:

§ 971.1 *General preference order*—(a) *Definitions.* For the purpose of this order:

(1) "Ethyl Alcohol", means ethyl alcohol from whatever source derived, having a proof of 160° or more, and shall include tax-paid and denatured alcohol produced in industrial alcohol plants classified as such under regulations No. 3 of the Bureau of Industrial Alcohol of the U. S. Treasury Department under Sections 3070 to 3124 inclusive of the Internal Revenue Code.

(2) For the purposes of this order "related compounds" means acetic acid, acetic anhydride, acetone, ethyl ether, ethyl acetate, butyl alcohol, butyl acetate, isopropyl alcohol and isopropyl acetate, from whatever source derived.

(3) "Person" means any person, firm, corporation, or other form of business enterprise.

(4) "Producer" means any Person engaged in the production of Ethyl Alcohol or related compounds, and includes any Person who has Ethyl Alcohol or any related compounds produced for him pursuant to toll agreement, and any person who has purchased or purchases Ethyl Alcohol or any related compounds for purposes of resale.

[1] 6 F.R. 4301.

(5) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

(b) *Preference ratings and directions.* Deliveries of Ethyl Alcohol or any related compounds shall be made only in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent necessary, to assure fulfillment of the delivery schedule specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., . . . A–1–j; A–2, A–3, etc. . . : A–10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(4) Defense Orders for Ethyl Alcohol or any related compounds whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such Ethyl Alcohol, or any related compounds, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of;

(*a*) Deliveries under non-defense orders previously accepted, or

(*b*) Deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities;

(ii) Defense Orders need not be accepted:

(*a*) if delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities;

(*b*) if the Person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) if the Ethyl Alcohol, or any related compounds, ordered is not of the kind usually produced or capable of being produced by the Person to whom the Defense Order is offered;

(5) When deliveries of Ethyl Alcohol or any related compounds under Defense Orders have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(6) Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply for Ethyl Alcohol or any related compounds after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(7) After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers may make deliveries of Ethyl Alcohol or any related compounds under other contracts or orders without limitation until otherwise directed by the Director of Priorities.

(8) Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(c) *Records, information and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of Ethyl Alcohol and related compounds, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(d) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Effective dates.* This Order shall take effect on the 28 day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress; Sec. 9, Public No. 783, 76th Congress)

Issued this 28 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–6531; Filed, August 29, 1941; 3:09 p. m.]

PART 971—ALCOHOL

General Preference Order No. M–31 to Conserve the Supply and Direct the Distribution of Methyl Alcohol (Methanol)

Whereas, the national defense requirements have created a shortage of Methyl Alcohol (Methanol) for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered that:

§ 971.2 *General preference order—*(a) *Definitions.* For the purposes of this Order:

(1) "Methyl Alcohol" (Methanol), commonly known as wood alcohol, means Methyl Alcohol in any form and from whatever source derived.

(2) "Person" means any person, firm, corporation, or other form of business enterprise.

(3) "Producer" means any Person engaged in the production of Methyl Alcohol and includes any Person who has Methyl Alcohol produced for him pursuant to toll agreement, and any person who has purchased or purchases Methyl Alcohol for purposes of resale.

(4) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

(b) *Preference ratings and directions.* Deliveries of Methyl Alcohol shall be made only in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent necessary, to assure fulfillment of the delivery schedule specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., * * * A–1–j; A–2, A–3, etc., * * * A–10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(4) Defense Orders for Methyl Alcohol, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such Methyl Alcohol, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of,

(*a*) deliveries under non-defense orders previously accepted, or

(*b*) deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities;

(ii) Defense Orders need not be accepted

(*a*) if delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities;

(*b*) if the Person seeking to place the Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) if the Methyl Alcohol ordered is not of the kind usually produced or capable of being produced by the Person to whom the Defense Order is offered;

(5) When deliveries of Methyl Alcohol under Defense Orders have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(6) Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of Methyl Alcohol after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(7) After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers may make deliveries of Methyl Alcohol under other contracts or orders without limitation until otherwise directed by the Director of Priorities.

(8) Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be determination with a statement of all pertinent facts.

(c) *Records, information and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of Methyl Alcohol, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(d) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Effective dates.* This Order shall take effect on the 28th day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress; Sec. 9, Public No. 783, 76th Congress)

Issued this 28th day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6530; Filed, August 29, 1941; 3:09 p. m.]

PART 972—POTASSIUM PERCHLORATE

General Preference Order No. M–32 to Conserve the Supply and Direct the Distribution of Potassium Perchlorate

Whereas, the national defense requirements have created a shortage of potassium perchlorate for defense, for private account, and for export and it is neces-

sary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered that:

§ 972.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Potassium Perchlorate" means Potassium Perchlorate in any form and from whatever source derived.

(2) "Person" means any person, firm, corporation, or other form of business enterprise.

(3) "Producer" means any Person engaged in the production of potassium perchlorate and includes any Person who has potassium perchlorate produced for him pursuant to toll agreement.

(4) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

(b) *Preference ratings and directions.* Deliveries of potassium perchlorate shall be made only in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent necessary, to assure fulfillment of the delivery schedule specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., . . . A–1–j; A–2, A–3, etc., . . . A–10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(4) Defense Orders for Potassium Perchlorate, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such Potassium Perchlorate, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of,

(*a*) deliveries under non-defense orders previously accepted, or

(*b*) deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities;

(ii) Defense Orders need not be accepted

(*a*) if delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities;

(*b*) if the Person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) if the Potassium Perchlorate ordered is not of the kind usually produced or capable of being produced by the Person to whom the Defense Order is being offered;

(5) When deliveries of potassium perchlorate under Defense Orders have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(6) Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply for potassium perchlorate after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(7) After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers may make deliveries of potassium perchlorate under other contracts or orders without limitation until otherwise directed by the Director of Priorities.

(8) Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(c) *Records, information and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of potassium perchlorate, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders, accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(d) *Appeal.* Any Person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Effective dates.* This Order shall take effect on the 28 day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress; Sec. 9, Public No. 783, 76th Congress)

Issued this 28 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41–6529; Filed, August 29, 1941; 3:09 p. m.]

PART 973—POTASSIUM PERMANGANATE

General Preference Order No. M–33 to Conserve the Supply and Direct the Distribution of Potassium Permanganate

Whereas, the national defense requirements have created a shortage of potassium permanganate for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered that:

§ 973.1 *General preference order*—(a) *Definitions.* For the purpose of this Order:

(1) "Potassium Permanganate" means Potassium Permanganate in any form and from whatever source derived.

(2) "Person" means any person, firm, corporation, or other form of business enterprise.

(3) "Producer" means any Person engaged in the production of potassium permanganate and includes any Person who has Potassium permanganate produced for him pursuant to toll agreement.

(4) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

(b) *Preference ratings and directions.* Deliveries of potassium permanganate shall be made only in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent necessary, to assure fulfillment of the delivery schedule specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., . . . A–1–j; A–2, A–3, etc., . . . A–10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(4) Defense Orders for Potassium Permanganate, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such Potassium Permanganate, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of,

(*a*) deliveries under non-defense orders previously accepted, or

(*b*) deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities;

(ii) Defense Orders need not be accepted

(*a*) if delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities;

(*b*) if the Person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) if the Potassium Permanganate ordered is not of the kind usually produced or capable of being produced by the Person to whom the Defense Order is being offered;

(5) When deliveries of potassium permanganate under Defense Orders have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(6) Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of potassium permanganate after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(7) After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers may make deliveries of potassium permanganate under other contracts or orders without limitation until otherwise directed by the Director of Priorities.

(8) Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(c) *Records, information and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of potassium permanganate, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders, accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(d) *Appeal.* Any Person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Effective dates.* This Order shall take effect on the 28 day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941.

(O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress; Sec. 9, Public No. 783, 76th Congress)

Issued this 28 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6528; Filed, August 29, 1941; 3:08 p. m.]

PART 974—TOLUENE (TOLUOL)

General Preference Order No. M-34 to Conserve the Supply and Direct the Distribution of Toluene (Toluol)

Whereas, the national defense requirements have created a shortage of Toluene for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 974.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Person" means any person, firm, corporation, or other form of business enterprise.

(2) "Producer" means any Person engaged in the production of Toluene and includes any Person who has Toluene produced for him pursuant to toll agreement, and any person who has purchased or purchases Toluene for purposes of resale.

(3) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for delivery to, or for the account of, the government of any country listed above or any other country in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A-10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i), (ii), or (iii) above.

(b) *Preference ratings and directions.* Deliveries of Toluene shall be made in accordance with the following directions:

(1) Deliveries under Defense Orders shall be made in preference to deliveries under all other orders whenever, and to the extent, necessary to assure fulfillment of the delivery schedule, specified in such Defense Orders or in any individual preference rating certificates assigned thereto, whichever schedule be earlier.

(2) Preference ratings, in order of precedence, are: AA, A-1-a, A-1-b, etc., * * * A-1-j; A-2, A-3, etc., * * * A-10.

(3) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A-10.

(4) Defense Orders for Toluene, whether or not accompanied by a Preference Rating Certificate, must be accepted and fulfilled in preference to any other contracts or purchase orders for such Material, subject to the following provisions:

(i) Defense Orders must be accepted even if acceptance will render impossible, or result in deferment of,

(*a*) deliveries under non-defense orders previously accepted, or

(*b*) deliveries under Defense Orders previously accepted bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities;

(ii) Defense Orders need not be accepted

(*a*) if delivery on schedule thereunder would be impossible by reason of the requirements of Defense Orders previously accepted bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities;

(*b*) if the Person seeking to place the Defense Order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against Defense Orders in establishing such prices or terms;

(*c*) if the Toluene ordered is not of the kind usually produced or capable of being produced by the Person to whom the Defense Order is offered.

(c) *Directions with respect to residual supply.* After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers shall make deliveries of Toluene under other contracts or orders in accordance with the following directions:

(1) Deliveries of Toluene to persons who use the same in the production of coal-tar intermediates, dyes, synthetic medicinals or other coal-tar finished products, and who prior to deliveries thereof have certified to the Producer that the Toluene desired will be used in the production of organic chemicals, shall be given primary preference over deliveries of Toluene for any other non-defense uses.

(2) To the extent that Supplies of Toluene are available after defense needs and the needs specified in paragraph (c) (1) above are satisfied, such supplies may be sold and delivered to anyone without limitation, until further order of the Director of Priorities.

(d) *Grievances.* When deliveries of Toluene have been unreasonably or improperly deferred, or when orders therefor have been rejected (for any reason other than the restrictions contained in this Order), the Person aggrieved may file with the Division of Priorities a verified report in form to be prescribed by the Division of Priorities, attention Chemicals Section, setting forth the facts in connection with such deferment or rejection.

(e) *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any delivery, or whether an order or contract placed or offered to be placed, constitutes a Defense Order, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(f) *Records, information, and inspection.* All Persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of Toluene, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Division of Priorities. All Persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any Person until so requested and until forms therefor are prescribed by the Division of Priorities.

(g) *Notification of customers.* All Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not ex-

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(h) *Appeal.* A
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PART 975—PHOSP

General Preference
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cuse any customer from the obligation of complying with the terms of this Order.

(h) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect on the 28th day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E. O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public No. 671, 76th Congress, as amended by Public No. 89, 77th Congress; Sec. 9, Public No. 783, 76th Congress)

Issued this 28th day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6527; Filed, August 29, 1941; 3:08 p. m.]

PART 975—PHOSPHORUS OXYCHLORIDE

General Preference Order M-35 To Conserve the Supply and Direct the Distribution of Phosphorus Oxychloride

Whereas, the national defense requirements have created a shortage of Phosphorus Oxychloride for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 975.1 *General preference order*—(a) *Priority control.* Control of the supply and direction of the distribution of Phosphorus Oxychloride is hereby taken by the Director of Priorities, and all future transactions of any kind in Phosphorus Oxychloride are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August, 1941, except as herein otherwise specifically provided.

(b) *A-10 rating assigned to additional orders.* An A-10 rating is hereby assigned to any contract or order placed or offered by any purchaser of Phosphorus Oxychloride for the delivery of Phosphorus Oxychloride required by the purchaser to fulfill any defense order which he has on hand, and any such contract or order shall itself be deemed a defense order.

(c) *Directions with respect to residual supply.* Any allocations made or any preference ratings or other directions issued by the Director of Priorities with respect to the residual supply of Phosphorus Oxychloride after the satisfaction of all defense requirements, direct or indirect, will be in accordance with such Program as the Office of Price Administration and Civilian Supply may determine.

(d) *Effective dates.* This Order shall take effect on the 30th day of August, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (O.P.M. Reg. 3, Mar. 8, 1941, 6 F.R. 1596; E. O. 8629, Jan 7, 1941, 6 F.R. 191; E. O. 8875, Aug. 28, 1941; sec. 2 (a), Public No. 671, 76th Congress, as amended; sec. 9, Public No. 783, 76th Congress)

Issued this 30th day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6566; Filed, September 2, 1941; 10:55 a. m.]

[Limitation Order L-1]

PART 976—MOTOR TRUCKS AND PUBLIC PASSENGER CARRIERS

To Limit, and To Facilitate the Acquisition of Scarce Materials for, the Production of Certain Motor Truck and Public Passenger Carrier Defense Products

Whereas, the manufacture of "Motor Truck and Public Passenger Carrier Defense Products" requires the utilization of large quantities of scarce materials; national defense requirements have created a shortage in these materials for defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and

Whereas, it is necessary in the interests of defense to stimulate the production of "Heavy Trucks"; and

Whereas, the present supply of scarce materials will be insufficient for defense and essential civilian requirements if the rate of production of "Medium Motor Trucks" should increase over levels prevailing from January 1, 1941 to June 30, 1941; and

Whereas, therefore, it is appropriate in the interests of defense and to meet essential civilian requirements to limit the volume of production of "Motor Truck and Public Passenger Carrier Defense Products", to afford priority assistance in the procurement of scarce materials required to maintain an average annual rate of production within such limits, such measures to be operative for a limited period of time only, and to require each producer to reduce and eliminate the use of scarce materials in the production of such products; and

Whereas, it is hoped that such measures will reduce the requirements for scarce materials in the production of "Motor Truck and Public Passenger Carrier Defense Products", will encourage use of existing inventory, an appropriate scheduling in the replenishment of inventory and will, accordingly, permit the continuation of priority assistance beyond the limited period of time presently provided in this Order,

Now, therefore, it is hereby ordered that:

§ 976.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Producer" means any individual, partnership, association, corporation or other form of enterprise which is or may be engaged in the manufacture or assembly of one or more "Motor Truck and Public Passenger Carrier Defense Products".

(2) "Motor Truck and Public Passenger Carrier Defense Product" means any of the following items:

(i) "Heavy Motor Truck" — which means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of three tons or more, or, the chassis, body or cab therefor.

(ii) "Medium Motor Truck"—which means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of one and one-half tons or more, but less than three tons, or, the chassis, body or cab therefor.

(iii) "Truck-trailer"—which means semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis of body therefor.

(iv) "Public Passenger Carrier"—which means motor or electric coach for city, suburban or intercity public carrier passenger transportation, having a seating capacity of not less than 15 persons, or the chassis or body therefor.

(v) "Replacement Parts" — which means only the following functional parts (including components entering into such parts) used for the repair of heavy trucks, medium trucks, truck-trailers and public passenger carriers: engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; also the exhaust, cooling, fuel and electrical systems including generators, lights, reflectors, and batteries; also gauges, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears, coupling devices; and, but only as to parts for public passenger carriers, heating, ventilating and door-opening equipment. Replacement parts

do not include parts entering into the production or assembly of new heavy trucks, medium trucks, truck-trailers or public passenger carriers.

(b) *Filing of form PD 95.*[1] Each Producer, irrespective of whether or not he desires to invoke priority assistance pursuant to this Order, shall, on or before September 30, 1941, file with the Automotive, Railroad and Agricultural Equipment Branch, Office of Production Management, Washington, D. C., Form PD 95: *Provided, however,* That any producer, who may elect to operate under the limitations on production hereinafter imposed in paragraph (c), or, to whom no limitation on production is applicable under this Order by virtue of the exemption provided in paragraph (d), need not file a form PD 95; but, if such Producer desires to invoke priority assistance pursuant to this Order, he should, on or before September 30, 1941, file a Form PD 95.

Copies of this Form may be obtained by writing to the Automotive, Railroad and Agricultural Equipment Branch, Office of Production Management, Washington, D. C.

Upon receipt of Form PD 95, the Office of Production Management will determine the number of finished units of each category of Motor Truck and Public Passenger Carrier Defense Products which the Producer may produce during the three-months period September 1, 1941 to November 30, 1941. Thereupon a "Motor Truck and Public Passenger Carrier Defense Products Limitation and Rating Order, Form L-1, Series 1", will be issued to the Producer which will impose the limitation upon his production and afford him priority assistance.

(c) *Limitation on production of small producer.* The following limitations, applicable in the case of any Producer who elects to operate under the limitations provided in this paragraph, are hereby imposed on the production of such Producer during the period from September 1, 1941 to August 30, 1942:

(i) The Producer of heavy motor truck chassis, medium motor truck chassis or public passenger carrier chassis will be limited in the aggregate number of such vehicles which he may produce to 200;

(ii) The Producer of truck-trailer chassis will be limited in the number of such vehicles which he may produce to 200.

(d) *No limitation on the production of replacement parts, bodies or cabs.* (i) The Producer of Replacement Parts will not be limited in the number of such parts which he may produce.

(ii) The Producer of Bodies or Cabs for heavy motor trucks, medium motor trucks, truck-trailers or public passenger carriers will not be limited in the number of such Bodies or Cabs which he may produce.

(e) *Reduction and elimination of scarce materials.* Each Producer shall comply with such instructions as have been or may be issued from time to time by the Director of Priorities of the Office of Production Management, with respect to the reduction or elimination of scarce materials in the production of Motor Truck and Public Passenger Carrier Defense Products.

(f) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All records required to be kept by this Order shall upon request be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(h) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(i) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director or Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress, as amended by Public No. 89, 77th Congress; sec. 9, Public No. 783, 76th Congress)

Issued this 30th day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6567; Filed, September 2, 1941; 10:55 a. m.

[1] Filed with the original document.

PART 977—MANILA FIBER AND MANILA CORDAGE

General Preference Order M-36 to Conserve the Supply and Direct the Distribution of Manila Fiber and Manila Cordage

Whereas, the uncertainty of future shipments of Manila Fiber from abroad and National Defense requirements for Manila Cordage have created a shortage thereof for defense and for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 977.1 *General preference order*—(a) *Regulations incorporated in this order.* Except as expressly modified by the terms of this Order, all of the provisions and definitions of Priorities Regulation No. 1,[1] Part 944, issued August 27, 1941, by the Director of Priorities, as amended from time to time, are hereby incorporated in and made a part of this Order as fully and with the same effect as if specifically herein set forth.

(b) *Definitions for the purposes of this order.* (1) "Manila Fiber" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp.

(2) "Manila Cordage" means cables and ropes $\frac{3}{16}$" in diameter and larger, and trawl twines used for fishing nets, in which Manila Fiber either alone or in combination with other materials is used.

(3) "Class A Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will at least equal the fiber quality requirements of Federal Specifications T-R-601a.

(4) "Class B Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will give a Becker value, not in excess of thirty-nine, such Becker value to be determined according to the methods set forth in said Federal Specifications T-R-601a.

(5) "Class C Cordage" means Manila Cordage which contains no Manila Fiber of the following grades: AB Davao or non-Davao, CD Davao or non-Davao, E Davao or non Davao, F Davao or non-Davao, I Davao, JI Davao, G Davao, 52 Davao, and in addition to which is so processed that the Manila Fiber therein contained is combined or mixed with at least an equal amount of fiber other than Manila Fiber.

(6) "Processor" means any Person who spins, twists, weaves or otherwise uses Manila Fiber in the production of Manila Cordage.

For the purposes of this Order the term "Processor" shall also mean any Person who imports Manila Cordage.

(7) "Dealer" means any Person who procures Manila Cordage for storage or for sale, and includes selling agents, warehousemen and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such Manila Cordage.

(c) *Restrictions on deliveries of manila fiber.* No Person shall hereafter make delivery and no Person shall accept delivery of Manila Fiber, unless specifically authorized by the Director of Priorities: *Provided, however,* That deliveries of imported Manila Fiber may be made without restriction to any Person importing the same, either directly or through an agent: *Further provided,* That deliveries of Manila Fiber may be made without restriction by any Person importing the same to any Processor as herein defined: *And further provided,* That deliveries of Manila Fiber may be made without restriction by or to Defense Supplies Corporation and by or to any other agency of the Federal Government.

(d) *Restrictions on processing of Manila fiber.* (1) Unless specifically authorized by the Director of Priorities, no Person shall hereafter begin the processing of any Manila Fiber except for the purpose of manufacturing Class A, Class B or Class C Cordage.

(2) Unless specifically authorized by the Director of Priorities, no Person shall, after midnight August 30, 1941, begin the processing of any Manila Fiber for the purpose of manufacturing any Class A or Class B Cordage except for sale or delivery to fulfill those categories of orders specified in (e) (2) below.

(3) Manila Fiber may be processed for the purpose of manufacturing Class C Cordage without restriction.

(e) *Restrictions on sales and deliveries of Class A and Class B Cordage.* (1) No processor shall sell or deliver to a Dealer and no Dealer shall buy or accept delivery of any Class A or Class B Cordage so long as the inventory thereof in the hands or under the control of the Dealer is sufficient to enable such Dealer to fulfill those categories of orders specified in (e) (2) below, which he will be required to fulfill within ninety days thereafter as indicated by his customary rate of operation.

(2) No Processor or Dealer shall sell or deliver Class A or Class B Cordage except to fulfill the following categories of orders:

(i) Defense Orders.

(ii) Purchase Orders for Class A or Class B Cordage for use by Persons in the following categories of usage:

(a) Marine—for use by or for ships, towing, commercial fishing, and on inland waterways.

(b) Oil Wells—for use as drilling cables, catlines, spinning lines and torpedo lines.

(c) Mining—for use for hoisting and transmission of power.

(3) Notwithstanding the provisions of (e) (1) and (e) (2), any Processor or Dealer may sell or deliver Class A or Class B Cordage for direct export out of the United States of America, if such export shall have been specifically licensed by the Administrator of Export Control.

(4) Class C Cordage and other Manila Cordage not included within Class A or Class B Cordage may be sold and delivered without restriction.

(f) *Effective date and termination.* This Order shall take effect on the 29 day of August, 1941, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 28 day of February, 1942 (O. P. M. Reg. 3, Mar. 7, 1941, 6 F. R. 1596; E. O. 8629, Jan. 7, 1941, 6 F. R. 191; sec. 2 (a), Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress)

Issued this 29 day of August 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-6538; Filed, August 30, 1941; 10:44 a. m.]

[1] 6 F.R. 4489.

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ADMINISTRATOR OF EXPORT CONTROL

EXPORT CONTROL SCHEDULE NO. 20

The commodity forms, conversions, and derivatives determined in this Schedule are in addition to those appearing in the Comprehensive Export Control Schedule issued September 1, 1941, and will be incorporated in the next issue of the Comprehensive Export Control Schedule to be published October 1, 1941.

By virtue of the Military Order of December 19, 1940, and Executive Order No. 8712, I, William E. Chickering, Deputy Administrator of Export Control, have, in the absence of the Administrator, determined that:[1]

1. Effective August 30, 1941, the forms, conversions, and derivatives of the articles and materials designated in Proclamation No. 2506[2] of August 27, 1941, shall include the following, in addition to items previously determined:

Unit of quantity	Commodity description	Department of Commerce No.
	WOOD AND PAPER	
Lb.	Wood Pulp (Air Dry Weight): Screenings and all other wood pulp not listed in previous numbered Export Control Schedules	4619

By direction of the President:

WILLIAM R. CHICKERING,
Lieutenant Colonel, A. G. D.,
Acting Administrator of Export Control.

AUGUST 30, 1941.

[F. R. Doc. 41-6546; Filed, August 30, 1941; 11:51 a. m.]

[1] The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

[2] 6 F.R. 4469.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT TO PRICE SCHEDULE NO. 15—COPPER

Part 1309, Price Schedule No. 15,[1] issued August 12, 1941, is hereby amended in the following respects:

Section 1309.51 *Maximum prices for copper,* is hereby amended by striking paragraph (a) thereof and substituting therefor the following:

§ 1309.51 *Maximum prices for copper.* (a) On and after August 12, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1309.53 hereof, no person shall sell, offer to sell, deliver or transfer copper to any person other than the Metals Reserve Company and no person other than the Metals Reserve Company shall buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1309.60: *Provided, however,* That any person, who, between July 1, 1941 and August 12, 1941 has acquired copper in carload lots (for resale in less than carload lots) at prices not more than ½¢ per pound in excess of the maximum prices established by this Schedule, may be permitted to sell and deliver such copper at prices not more than ½¢ per pound in excess of the maximum prices for less than carload lots established by this Schedule upon application to the Office of Price Administration and Civilian Supply for exception to this Schedule. Lower prices than those set forth in Appendix A may, however, be charged, demanded, paid or offered.

Section 1309.53 *Permission to carry out contracts entered into prior to August 12, 1941,* is hereby amended by striking the text thereof and substituting therefor the following:

§ 1309.53 *Permission to carry out contracts entered into prior to August 12, 1941.* Any person who has, prior to August 12, 1941, entered into a contract of sale or other firm commitment calling for delivery or transfer, after that date, of copper at prices higher than the maximum prices established by this Schedule may make application, upon forms available upon request, to the Office of Price Administration and Civilian Supply for permission to carry out such contract or commitment at the contract price. Such permission will be granted only: (a) where the applicant has entered into a firm commitment with a purchaser prior to August 12, 1941 at a price not more than ½¢ per pound in excess of the maximum prices established by this Schedule, and where such firm commitment is actually carried out prior to

[1] 6 F.R. 4008.

December 31, 1941, or such later date as may be permitted in each case upon application to the Office of Price Administration and Civilian Supply, or (b) where the applicant is a dealer and the permission is necessary to protect the applicant against loss and where the contract or firm commitment was entered into prior to August 12, 1941, and the copper, or the purchase contract for the copper, to fulfill such contract or firm commitment was acquired prior to April 25, 1941.

Section 1309.60 *Appendix A—Maximum prices*, is hereby amended by striking the text thereof and substituting therefor the following:

§ 1309.60 *Appendix A — Maximum prices*—(a) *Maximum base prices.* (1) The maximum base prices for electrolytic, lake, or other fire refined copper in the shape of wire bars or ingot bars made to meet the American Society of Testing Materials Standard specification B5–27 for electrolytic copper, or American Society of Testing Materials Standard specification B4–27 for lake copper, shall be 12¢ per pound delivered in carload lots at Connecticut Valley points.

(2) The maximum base price for casting copper in the shape of wire bars or ingot bars made by fire refining to a standard of 99.5 per cent pure including silver as copper shall be 11¾¢ per pound in carload lots f. o. b. refinery.

(b) *Differentials for other kinds, grades, shapes or forms.* For copper of any other kind, grade, shape or form there shall be added to or subtracted from the maximum base price the customary premiums or discounts for such kind, grade, shape or form which would have been added to or subtracted from the maximum base price on August 11, 1941.

(c) *Differentials for deliveries at points other than Connecticut Valley points.* For deliveries at any point other than a Connecticut Valley point there shall be added to or subtracted from the maximum base price for Connecticut Valley points set forth in paragraph (a) (1) above the customary differential which, on August 11, 1941, would have been added to or subtracted from said base price adjusted for the kind, grade, shape or form differential. The same delivery differentials shall apply to lake copper as are applied to electrolytic copper.

(d) *Differentials for less than carload lots.* For less than a carload lot the maximum price shall be f. o. b. shipping point and shall be calculated by adding to the maximum base price adjusted for the kind, grade, shape, form and delivery differentials the following premiums:

Quantity	*Price per lb.*
0–499 pounds	2¢
500–999 pounds	1½¢
1,000–4,999 pounds	1¢
5,000 pounds to carload	¾¢

The above prices for less than a carload lot shall not apply to a sale, delivery, or transfer by the refiner or producer of copper.

(e) *Differentials for less than carload lot shipments by a refiner or producer.* A refiner or producer of copper shall be permitted to sell less than carload lots at a price not more than ½¢ per pound above the maximum base price adjusted for the kind, grade, shape, form and delivery differentials.

This amendment is issued pursuant to the authority contained in Executive Order No. 8734.[1]

Issued this 28th day of August 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6534; Filed, August 29, 1941; 3:38 p. m.]

PART 1344—TUNGSTEN

CIVILIAN ALLOCATION PROGRAM FOR TUNGSTEN CHEMICAL COMPOUNDS

It is essential that there be provided an increasing supply of tungsten and tungsten chemical compounds to serve the growing needs of the defense effort and vital civilian demands. To insure the obtaining of priority for deliveries of tungsten related to military defense needs, the Priorities Division, Office of Production Management, has issued General Preference Order No. M 29. That order will further diminish the supply of tungsten available for civilian chemical manufacture. It is therefore necessary to restrict the use and manufacture of tungsten chemical compounds manufactured from tungsten ore or concentrates.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734,[2] particularly Section 2 (a) thereof, the following program is announced:

§ 1344.1 *Allocation of materials.* No person shall accept delivery of tungsten chemical compounds or manufacture chemical compounds from tungsten ore or concentrates, except for use in executing Defense Orders or in the manufacture of tungsten metal powder, in a quantity which for any calendar month will in the aggregate by weight exceed 90% of the average monthly quantity of tungsten chemical compounds delivered to and manufactured by him, except for use in executing Defense Orders or in the manufacture of tungsten metal powder, during the period July 1, 1940 to June 30, 1941.*

*§§ 1344.1 to 1344.5, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1344.2 *Definitions.* The terms used in this program shall be defined as they are defined in General Preference Order M–29.*

§ 1344.3 *Avoidance of excessive inventories.* No person shall accumulate excessive inventories of tungsten chemical compounds under this program.*

§ 1344.4 *Enforcement.* The foregoing program is to be administered and enforced by the Office of Production Management.*

§ 1344.5 *Effective date and expiration.* This program shall take effect on September 1, 1941 and shall, unless sooner terminated by the Administrator, expire on December 31, 1941.*

Issued this 28th day of August 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6535; Filed, August 29, 1941; 3:39 p. m.]

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[1] 6 F.R. 1917.

[2] 6 F.R. 1917.

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 261—TRESPASS

REVOCATION OF SECTION 261.10 (REGULATION T–8½)

By virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 11, 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), Regulation T-8½ of the rules and regulations governing the occupancy, use, protection and administration of the National Forests, which constitutes § 261.10, Part 261, Chapter II, Title 36, Code of Federal Regulations, is hereby revoked.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 29th day of August 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6542; Filed, August 30, 1941; 11:33 a. m.]

TITLE 42—PUBLIC HEALTH

CHAPTER I—PUBLIC HEALTH SERVICE

PART 11—FOREIGN QUARANTINE

Sec.
11.501 Regulation and supervision.
11.502 Scope and definitions.
11.503 Landing requirements.
11.504 Entry and clearance.
11.505 Entry of aircraft of scheduled airlines.
11.506 Clearance of aircraft of scheduled airlines.
11.507 Documents.
11.508 Documents for entry.
11.509 Documents for clearance.
11.510 Omission of lists of aliens employed on board aircraft.
11.511 Residue cargo; customs.
11.512 General provisions; customs.
11.513 Public health requirements.
11.514 General provisions; entry and clearance.
11.515 Penalties.

For the text of the regulations in this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *supra.*

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

PART 9—AIR COMMERCE REGULATIONS

Sec.
9.1 Regulation and supervision.
9.2 Scope and definitions.
9.3 Landing requirements.
9.4 Entry and clearance.
9.5 Entry of aircraft of scheduled airlines.
9.6 Clearance of aircraft of scheduled airlines.
9.7 Documents.
9.8 Documents for entry.
9.9 Documents for clearance.
9.10 Omission of lists of aliens employed on board aircraft.
9.11 Residue cargo; customs.
9.12 General provisions; customs.
9.13 Public health requirements.
9.14 General provisions; entry and clearance.
9.15 Penalties.

For the text of the regulations in this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *supra*.

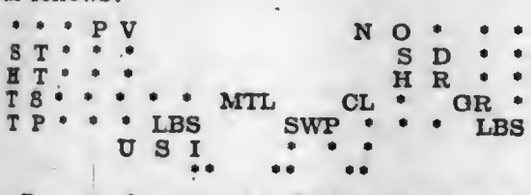
[Order No. 138]

GENERAL RULES AND REGULATIONS

AMENDMENTS

Corrections

The name plate in § 54.18–12 appearing at page 4263 of the FEDERAL REGISTER for August 21, 1941, is corrected to read as follows:



Paragraph (m) of § 59.3 appearing at page 4265 is corrected to read as follows:

(m) Where structural steel is used for the fabrication of davit frames or davit arms the material shall conform to the following requirements:

(In substantial agreement with A. S. T. M. Spec. A–131–39)

Tensile strength psi..... 60,000 to 72,000
Yield point min. psi..... 0.5 T. S.
Elongation in 8 in. min. per cent...1,500,000 Ten. Str.
Elongation in 2 inches min. per cent.. 22

In § 59.37, appearing at page 4267, the word "fairloads" in the first sentence following the colon should read "fairleads."

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS

PART 241—SHIP WARRANT REGULATIONS [1]

Subpart A—Definitions

Sec.
241.1 Definitions.

Subpart B—Priorities

241.11 Effective date of priorities.
241.12 Priority of warrant holding vessels.
241.13 Priority as between warrant holding vessels.
241.14 No suspension of servicing warrant holding vessel.
241.15 Suspension of servicing non-warrant holding vessel.
241.16 Priority between warrant holding vessels of same class.
241.17 Facility not to impair servicing of warrant holding vessel.
241.18 Appropriate provisions in facility contracts.

Subpart C—Warrants

241.31 Classes of warrants.
241.32 Form of warrant.

Subpart D—Application for Warrants

241.41 Eligible vessels.
241.42 Form of application and undertaking.
241.43 Commission to determine class of warrant; conditions.
241.44 Finality of Commission determination as to conditions.

Subpart E—Modification, Revocation or Surrender

241.51 Revocation of warrant.
241.52 Grounds for revocation.
241.53 Withdrawal of warrant.
241.54 Return of warrant.

Subpart F—General Provisions

241.61 Manning, repairing, etc. of vessels.
241.62 Exactions from warrant holders.
241.63 Unjust discrimination.
241.64 Right to amend regulations.

Subpart G—Prohibitions and Penalty

241.71 Alteration or counterfeiting of warrant.
241.72 False statement or representation.
241.73 Penalty provision of Act.

Subpart A—Definitions

§ 241.1 *Definitions.* As used in the regulations in this part the following terms unless the context indicates otherwise, shall be construed as follows:

(a) *Vessel.* "Vessel" shall mean watercraft or other artificial contrivance, documented under the laws of the United States or of a foreign nation, of whatsoever description, used or capable of being used as a means of transportation on water, other than a vessel plying exclusively the inland waters (including rivers, canals, harbors, bays, sounds and lakes, other than the Great Lakes) of the United States, unless the Commission in specific cases shall determine that in the interest of national defense, such a vessel should hold a warrant;

(b) *Citizen of United States.* "Citizen of the United States" shall mean (in addition to natural persons, citizens under the laws of the United States) corporations, partnerships, and associations existing, authorized, or organized under the laws of the United States or any State, district, Territory, or possession thereof;

(c) *Commission.* "Commission" shall mean the United States Maritime Commission;

(d) *Act.* "Act" shall mean An Act, Approved July 14, 1941 (Public Law 173, 77th Congress);

(e) *Facilities.* "Facilities" shall include services pertaining to, and physical equipment employed in the loading, discharging, lighterage or storage of cargo, the procurement of bunker fuel and coal, and towing, overhauling, drydocking or repair of vessels as defined herein, other than facility incapable of or not engaging in the business of servicing vessels of more than 1,000 gross tons;

(f) *Warrant.* "Warrant" shall mean the original copy of the document hereinafter described in § 241.32 issued by the Commission with respect to a vessel or the license papers of vessels of less than 1,000 gross tons as provided in § 241.31 (c);

(g) *Undertaking.* "Undertaking" shall mean a document filed as an application for a warrant or warrants in the form in § 241.42 set forth;

(h) *Warrant holding vessel.* "Warrant holding vessel" shall mean any vessel documented under the laws of the United States or of a foreign nation, exhibiting a valid warrant of any class provided for in § 241.31 hereof or any vessel (other than a railroad car ferry, tug boat, salvage vessel or other vessel used in servicing vessels) which exhibits license papers showing it to be of less than 1,000 gross tons;

(i) *Non-warrant holding vessel.* "Non-warrant holding vessel" shall mean any other vessel documented under the laws of the United States or of a foreign nation not included in (h) above;

(j) *Charter hire or equivalent.* "Charter hire or equivalent" shall mean compensation under any (1) charter party, or (2) bill of lading or other contract of affreightment; and

(k) *Repair.* "Repair" shall include any reconstruction, alteration, reconditioning, outfitting or equipping of vessels.* [Sec. 1.01]

*§§ 241.1 to 241.73, inclusive, issued under authority contained in the Act, approved July 14, 1941 (Public Law 173—77th Congress) and Executive Order of August 26, 1941, (No. 8871 [1]).

Subpart B—Priorities

§ 241.11 *Effective date of priorities.* Thirty days after approval of the regulations in this part by the President, the use of facilities in the United States, its Territories or possessions, including the Philippine Islands and the Panama Canal Zone, by vessels shall be subject to priority in accordance with the terms and provisions of the Act, and the regulations in this part, and Executive Order of August 26, 1941, (No. 8871), (6 FR. 4469).* [Sec. 2.01]

§ 241.12 *Priority of warrant holding vessels.* Every facility shall accord priority as to the services rendered by such facility to warrant holding vessels as against non-warrant holding vessels, notwithstanding the fact that a non-warrant holding vessel presents itself or applies for such service before a warrant holding vessel.* [Sec. 2.02]

§ 241.13 *Priority as between warrant holding vessels.* As between warrant holding vessels, facilities shall give priority in accordance with the ascending order of the classes shown by their warrants; for example, a vessel exhibiting a Class A–1 warrant is to have preference over all vessels exhibiting Class A–2 warrants or lower.* [Sec. 2.03]

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[1] The material in brackets at the end of each section identifies the section as contained in "Ship Warrant Regulations" approved by the United States Maritime Commission August 14, 1941 and approved by the President August 26, 1941.

[1] 6 FR. 4469.

§ 241.14 *No suspension of servicing warrant holding vessel.* In case a facility shall have begun servicing a warrant holding vessel, it need not suspend such servicing because of the subsequent request for such service on behalf of a vessel bearing a warrant of a higher class than that of the vessel being serviced.* [Sec. 2.04]

§ 241.15 *Suspension of servicing non-warrant holding vessel.* In case a facility shall have begun servicing a non-warrant holding vessel and a warrant holding vessel presents itself or applies for service at such facility, the servicing of the warrant holding vessel shall not be postponed or delayed because of the servicing of the non-warrant holding vessel and the servicing of the non-warrant holding vessel shall be suspended or deferred to the extent necessary: *Provided*, That if the servicing of the non-warrant holding vessel has proceeded to such a point that it would be unsafe to remove it, or if the time required to remove it and to prepare the facility for servicing the warrant holding vessel would exceed the time required to complete the servicing, such servicing may be continued and completed.* [Sec. 2.05]

§ 241.16 *Priority between warrant holding vessels of same class.* As between warrant holding vessels of the same class, preference shall be given by facilities in the usual order of business: *Provided*, That when necessary and advisable in the interests of national defense, the Commission may specify the order in which vessels holding warrants shall be accorded priority at any facility or facilities.* [Sec. 2.06]

§ 241.17 *Facility not to impair servicing of warrant holding vessel.* If an application for service is received by a facility on behalf of a warrant holding vessel, such facility shall not service a non-warrant holding vessel if the servicing of such non-warrant holding vessel would impair the ability of the facility to service such warrant holding vessel.* [Sec. 2.07]

§ 241.18 *Appropriate provisions in facility contracts.* All contracts entered into with respect to servicing by facilities shall contain appropriate conditions to the effect that priority will be granted by the facilities in the manner herein provided, and that no duty or liability shall accrue because of the necessity of granting any priority herein provided.* [Sec. 2.08]

Subpart C—Warrants

§ 241.31 *Classes of warrants.* Warrants for vessels will be issued with the following classes:

(a) *Class A–1.* Class A–1 shall apply to vessels of 1,000 or more gross tons employed under an undertaking relating to (1) the importation of substantial quantities of strategic and critical materials, or (2) the transportation of substantial quantities of other materials when such transportation is requested by any defense agency, or (3) the transportation in the foreign or domestic commerce of the United States of substantial quantities of materials deemed by the Commission to be essential to the defense of the United States, and which vessels are of a type and capacity which the Commission deems appropriate for such importation or transportation. Class A–1 shall also apply to railroad car ferries, and to tug boats, salvage vessels and other vessels used in servicing vessels;

(b) *Class A–2.* Class A–2 shall apply to vessels of 1,000 or more gross tons employed in the transportation in the foreign or domestic commerce of the United States of substantial quantities of materials deemed by the Commission to be essential to the economic welfare of the United States, or the employment of which is otherwise desirable for the maintenance of such foreign or domestic commerce; and

(c) *Class A–3.* Class A–3 shall consist of vessels of less than 1,000 gross tons (other than railroad car ferries, tug boats, salvage and other vessels used in servicing vessels). Vessels in Class A–3 shall not apply for nor hold a warrant but shall instead exhibit their license papers to facilities as evidence of their classification hereunder.* [Sec. 3.01]

§ 241.32 *Form of warrant.* The form of warrant shall be as follows:

No. ------ Class ------

UNITED STATES OF AMERICA
UNITED STATES MARITIME COMMISSION

MERCHANT SHIP WARRANT

The {motor / steam} Vessel ----------, of -------- net tonnage, documented at the port of ---------- under the laws of ----------, is entitled to priority of class ------ with respect to the use of facilities for loading, discharging, lighterage or storage of cargoes, the procurement of bunker fuel or coal, and the towing, overhauling, drydocking or repair of merchant vessels in the United States, its Territories and possessions, including the Philippine Islands and the Panama Canal Zone, as provided by An Act, Approved July 14, 1941, and the Regulations made thereunder.

THIS WARRANT IS REVOCABLE AT ANY TIME WITHOUT NOTICE.

Unless revoked it is valid until ----------, 194--.

UNITED STATES MARITIME COMMISSION,

By: ----------,
Secretary.

*[Sec. 3.02]

Subpart D—Application for Warrants

§ 241.41 *Eligible vessels.* Warrants (except for vessels in Class A–3) may be issued by the Commission upon application by the owner, charterer or duly authorized managing agent, for any vessel documented under the laws of the United States, or owned by a citizen of the United States, or documented under the laws of a foreign nation and not owned by a citizen of the United States.* [Sec. 4.01]

§ 241.42 *Form of application and undertaking.* The form of such application shall consist of an undertaking with Schedules A and B attached thereto in the following forms:

UNITED STATES MARITIME COMMISSION

UNDERTAKING FOR MERCHANT SHIP WARRANTS

The undersigned hereby applies for Merchant Ship Warranta for the vessels described in Schedules A and B attached hereto and made a part hereof. The undersigned undertakes:

(1) To employ said vessels in the trade route set opposite the name of each vessel, and in no other, except with the consent of the United States Maritime Commission, unless said Commission shall otherwise prescribe by fair and reasonable conditions imposed in the issuance or continued effectiveness of such warrants;

(2) To carry only the class or classes of cargo or passengers indicated in the attached Schedule A with respect to each of such vessels, unless said Commission shall otherwise prescribe by fair and reasonable conditions imposed in the issuance or continued effectiveness of such warrants;.

(3) To charge not more than the amount set forth in the attached Schedule A as charter hire or equivalent, unless said Commission shall otherwise prescribe by fair and reasonable conditions imposed in the issuance or continued effectiveness of such warrants;

(4) To inform the Commission in writing of any commitments with respect to any vessels under the control of the undersigned entered into with respect to voyages to be performed after the date of the filing hereof;

(5) To inform the Commission of any vessels which may come under or pass from the control of the undersigned in any manner after the date of the filing hereof;

(6) To obligate any charterer or subcharterer of any vessel under the control of the undersigned by an appropriate condition in the agreement for such charter or subcharter, to accept, for the period of such agreement, each and all of the terms of this undertaking with respect to any vessel so chartered or subchartered; and

(7) To return any warrant to the Commission by registered mail as soon as possible after receipt of notice of revocation or modification thereof by the Commission or after surrender or expiration thereof. The undersigned understands that this undertaking is given to induce the issuance of the warrants requested; that any warrant issued will be in reliance upon the truth of the statements herein and in Schedules A and B contained; and that any such warrant may be modified or revoked at any time by the Commission. In filing this undertaking the undersigned is acting for and on behalf of the masters and owners or charterers of all of the vessels subject hereto.

(Applicant)

By: ----------
(Title)

Date ------, 194 .

(a) Schedule A

Schedule A

(For all vessels for which warrants are requested)

To be Appended to Undertaking

Filed by ----------, on ---------, 194...

(Name of vessel) (Maximum charter)

Trade Voyages Cargo Passengers	*Hire or Equivalent* [1]

[1] If applicant is to carry cargo under bills of lading, the actual rates under which each of the commodities is to be transported must be appended to this undertaking unless a tariff or minimum rate schedule showing such rates already is on file with the Commission in connection with a conference agreement or otherwise, or is on file pursuant to law with the Interstate Commerce Commission or any State commission, in which case such tariff or minimum rate schedule may be incorporated into this Schedule "A" by reference as "Maximum Charter Hire or Equivalent."

(b) Schedule B.

Schedule B

(For each vessel for which a warrant is requested)

To Be Appended To Undertaking

Filed by ----------, on ----------, 194..

1. Name of owner/agents/charterers ------ (Strike inapplicable)
2. Name and type of vessel S. S./M. S. ------
3. Port of registry ----------
4. Flag ----------
5. Official No. ----------
6. Cross register tonnage ----------
7. Net register tonnage ----------
8. Total deadweight tonnage ----------
9. Draft light ---------- loaded ----------
10. Bale cubic (total cargo cubic) capacity ---
11. If tanker, indicate cubic capacity for dry cargo ----------
12. Grain cubic capacity ----------
13. Number of hatches and size of each -----
14. Number of decks (cargo space) ----------
15. Height of tweendecks ----------
16. Lifting capacity of booms ----------
17. Heavy lift equipment and hatch location ----------
18. Bunker capacity ----------
19. Type bunkers used ----------
20. Daily fuel consumption at sea ----------
21. Passenger accommodations: Number of rooms --- Total capacity, each class ---
22. Fresh water capacity: Domestic -------- Boiler --- daily evaporator capacity ---
23. Average speed ----------
24. Refrigerated space: Number of compartments ---- cubic ---- Minimum temperature ----------
25. No. of Cargo deep tanks ---- cubic ---- deadweight capacity ----------
26. Now trading ----------

*[Sec. 4.02]

§ 241.43 *Commission to determine class of warrant; conditions.* With respect to undertakings for warrants the Commission in approving any undertaking shall have the right to issue a warrant of the class it deems appropriate, subject to such fair and reasonable conditions in modification of or in addition to any representation contained in the undertaking relating to the trade in which the vessel shall be employed, the voyages which it shall undertake, the class or classes of cargo or passengers to be carried, the maximum rate of charter hire or equivalent, and such incidental and supplementary matters as are prescribed by the Commission in the form of undertaking.* [Sec. 4.03]

§ 241.44 *Finality of Commission determination as to conditions.* The determination under § 241.43 by the Commission as to what conditions are fair and reasonable shall be final, but the acceptance of a warrant issued subject to compliance with such conditions shall not constitute a waiver of any rights of the owner, charterer or managing agent which may arise from compliance with any such conditions.* [Sec. 4.04]

Subpart E—Modification, Revocation or Surrender

§ 241.51 *Revocation of warrant.* The Commission reserves the right to revoke any warrant without prior notice or hearing if it is reasonably satisfied that the vessel for which such warrant is issued has violated in any substantial manner the representations contained in the undertaking filed for the issuance of such warrant, or any conditions imposed by the Commission under § 241.43.* [Sec. 5.01]

§ 241.52 *Grounds for revocation.* Warrants may be revoked or modified after reasonable notice to the owner, charterer or managing agent, if in the opinion of the Commission, the undertaking supporting such warrant, or the conditions attached to the issuance thereof, are not at the time of such notice appropriate to the classification shown by the warrant or the purposes of the Act.* [Sec. 5.02]

§ 241.53 *Withdrawal of warrant.* In the event of amendment of the regulations in this part, the Commission reserves the right to withdraw any or all warrants for modification or revocation.* [Sec. 5.03]

§ 241.54 *Return of warrant.* Upon revocation, modification, expiration or surrender, the warrant shall be removed from the vessel and returned immediately to the Commission.* [Sec. 5.04]

Subpart F—General Provisions

§ 241.61 *Manning, repairing, etc., of vessels.* Nothing herein shall require the owner or charterer of any vessel to relinquish the manning, storing, victualing, supplying, fueling, maintaining, or repairing of his vessel to any other person or persons.* [Sec. 6.01]

§ 241.62 *Exactions from warrant holders.* Nothing herein shall authorize the exaction of any sum from any holder of a warrant solely for the privilege of carrying cargo on any route.* [Sec. 6.02]

§ 241.63 *Unjust discrimination.* There shall be no unjust discrimination between ports of the United States.* [Sec. 6.03]

§ 241.64 *Right to amend regulations.* The right is reserved to modify, amend, supplement or rescind the regulations in this part.* [Sec. 6.04]

Subpart G—Prohibitions and Penalty

§ 241.71 *Alteration or counterfeiting of warrant.* No person shall in any manner alter, erase or insert any matter in the face of any warrant or reproduce or counterfeit any warrant.* [Sec. 7.01]

§ 241.72 *False statement or representation.* No person shall make any wilfully false statement or representation in order to procure or retain a warrant or to procure or retain a classification for a warrant.* [Sec. 7.02]

§ 241.73 *Penalty provision of Act.* Section 6 of the Act provides:

> Whoever wilfully violates any rule, regulation, or order issued under the authority conferred herein shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years or both: *Provided*, That the District Court of the Canal Zone and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction over offenses committed against the provisions of this Act within the Canal Zone and the Philippine Islands, respectively.

* [Sec. 7.03]

By order of the Commission.

[SEAL] W. C. PEET, Jr.,
Secretary.

Approved:

FRANKLIN D. ROOSEVELT,
THE WHITE HOUSE,
August 26, 1941.

[F. R. Doc. 41-6525; Filed, August 29, 1941; 1:37 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-ord-483]

SUMMARY OF COST-PLUS-A-FIXED-FEE MANUFACTURING CONTRACT

CONTRACTOR: THE BALDWIN LOCOMOTIVE WORKS

Contract [1] for: Medium Tanks, * * *
Amount: $39,253,925.00.
Place: Washington, D. C.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 7544 P 11-3030 A 1005-01
ORD 7544 P 11-3030 A (1005).105-01

This contract, entered into this 24th day of October 1940.

TITLE I—*Manufacture of Tanks*

ARTICLE I-A. *Statement of work.* The Contractor shall, as an independent contractor and not as an agent of the Government, in the shortest practicable time, furnish the labor, materials and supplies (other than those furnished by the Government), and services, and do all things necessary for the completion of the following work:

(a) To manufacture and assemble * * * Medium Tanks, * * *, in accordance with approved detailed plans and specifications to be furnished to the Contractor by the Government.

ART. I-B. *Estimates.* It is estimated that the total cost of the work covered by this Title I will be approximately thirty-five million, two hundred seventy-

[1] Approved by the Assistant Secretary of War, October 24, 1940.

seven thousand, five hundred dollars ($35,277,500.00), exclusive of the Contractor's fee and exclusive of the cost of such items as are to be furnished by the Government.

ART. I–C. *Consideration.* 1. In consideration for its undertaking under this Title I the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Title II.

(b) A fixed fee in the amount of two million, three hundred ninety-seven thousand, five hundred dollars ($2,397,500.00), which shall constitute complete compensation for the Contractor's services, under this Title, including profit.

(c) The sum of * * * on delivery of each tank as partial payment, or rental charge, Total $1,578,425.00.

ART. I–D. *Advances.* At any time and from time to time after the execution of this contract, the Government, at the request of the Contractor and subject to the approval of the Chief of Ordnance, as to the necessity therefor, shall advance to the Contractor, without the payment of interest thereon by the Contractor, not to exceed such total sum as the Secretary of War may prescribe, not in excess of ten per cent of the estimated cost of the work under this contract.

If at any time the Secretary of War deems the security provided for in this Article I–D to be inadequate to protect the interests of the Government, he may require, and the Contractor shall furnish, such additional security in the form of surety bonds in amounts not exceeding the total of advances made pursuant to Section 1 of Article I–D, as may be satisfactory to the Secretary of War.

TITLE II—*Cost of the Work Under Title I*

ART. II–A. *Reimbursement for costs.* The Contractor shall be reimbursed in the manner hereinafter described for its costs in the performance of the work under Title I, as approved or ratified by the Contracting Officer.

ART. II–B. *Payments—Reimbursement for costs.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article II–A upon certification to and verification by the Contracting Officer for any proper expenditures incurred in the prosecution of the work, including, but without limiting the generality of the foregoing, the cost of the following special items, viz: dies, jigs, gages, patterns, fixtures, foundations, installations of machinery and similar items. Generally, reimbursement will be made semi-monthly but may be made at more frequent intervals if requested by the Contractor and if the circumstances warrant.

Payment of the fixed fee. The fixed fee prescribed in Title I hereof shall be paid at the rate of * * * per tank completed, inspected and accepted.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall immediately pay to the Contractor the unpaid balance of the cost of the work determined under Article II–A hereof, and of the fees.

TITLE III—*Complementary Provisions*

ART. III–A. *Complementary contract.* This contract is complementary to, and is conditioned upon the execution of a lease between Defense Plant Corporation and the Contractor providing, among other things, for the furnishing of machinery, equipment, and facilities (not including dies, jigs, gages, patterns, fixtures, foundations and similar items) by Defense Plant Corporation to the Contractor for the manufacture of a maximum daily production of * * * tanks. The lease shall further provide that the cost to Defense Plant Corporation of acquiring said machinery, equipment and facilities, together with interest thereon at the rate of * * * % per annum from the date of each expenditure for such cost to the date of repayments, will be amortized or repaid to Defense Plant Corporation as rental, payable by the Contractor as tanks are manufactured and delivered by the Contractor and payment received therefor, the amount of which shall be prorated on the basis of the manufacture, delivery of, and payment for, * * * tanks.

ART. III–B. *Adjustment of rental and carrying charges.* Inasmuch as the rental charge is based upon the cost to Defense Plant Corporation of the acquisition of the machinery, equipment and facilities to be supplied to the Contractor for the purpose of manufacturing tanks hereunder and interest thereon as hereinbefore provided and the carrying charges are based upon the cost to the Contractor of insurance required to be maintained by him on said machinery, equipment and facilities, the exact amounts of the rental charge and the carrying charges cannot be determined until completion or termination of this contract, and, therefore, upon the completion or termination of this contract and the determination of the amount of such charges an adjustment shall be made between the parties hereto of the amounts paid or to be paid by the Government for the rental charge and the carrying charges.

TITLE IV—*Termination*

ART. IV–A. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

TITLE V—*General Provisions*

ART. V–A. *Government title.* The title of all work completed or in the course of construction or manufacture and to all tanks finished or unfinished shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under this contract, shall vest in the Government.

ART. V–B. *Changes.* The Contracting Officer, at any time, by a written order and without notice to the sureties, may make changes in drawings, plans and/or specifications except Federal specifications.

This contract is authorized by the following laws: Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6550; Filed, September 2, 1941; 9:50 a. m.]

[Contract No. W–ORD–483]

SUMMARY OF SUPPLEMENTAL AGREEMENT No. 1 TO COST-PLUS-A-FIXED-FEE MANUFACTURING CONTRACT

CONTRACTOR: THE BALDWIN LOCOMOTIVE WORKS, EDDYSTONE, PENNSYLVANIA

Fixed fee: $2,397,500.00. As amended by this Agreement $2,532,492.20.

Contract for: The manufacture of Medium Tank, * * *, and Sets of Spare Parts.

Place: Eddystone, Pennsylvania.

Estimated cost of project: $35,277,500.00 (exclusive of Contractor's fee), as amended by this Agreement $37,233,909.00, (exclusive of Contractor's fee).

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 7544 P 11–3030 A 1005–01
ORD 7544 P 11–3030 A (1005).105–01

This supplemental agreement,[1] entered into this 30th day of April 1941.

On the 24th day of October, 1940, the parties hereto entered into a Cost-Plus-A-Fixed-Fee Contract, for the manufacture and assembly of Medium Tanks, * * *, said contract being Contract No. W–Ord–483.

It has been determined to be in the best interest of the Government to have spare parts for the Medium Tank, * * *, produced concurrently with the Tanks, * * *.

In consideration of the premises and obligations herein made and undertaken, the parties hereto mutually agree as follows:

1. It is agreed that Article I–A, Section 1 (a) on page 2 of the contract be amended as follows:

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[1] Approved by the Under Secretary of War, June 20, 1941.

(a) On line 3 after the words "by the Government", the following words be added:

"and * * * of spare parts for the Medium Tank, * * *."

3. It is further agreed that Article I-B, Section 1 be amended as follows:

(a) On page 3 of the contract in line 2 of Section 1, the following words be deleted:

"Thirty-five Million, Two Hundred Seventy-seven Thousand, Five Hundred Dollars ($35,277,500.00)"

and the following be substituted therefor:

"Thirty-seven Million, Two Hundred Thirty-three Thousand, Nine Hundred Nine Dollars ($37,233,909.00)"

4. It is further agreed that Article I-C be amended as follows:

(a) On page 4 in line 1 of Section 1, after the words "this Title I", the following be added:

"as amended by Supplemental Agreement No. 1"

(b) On page 4 in line 1 of Section 1 (b), the following be deleted:

"(Two Million, Three Hundred Ninety-seven Thousand, Five Hundred Dollars ($2,397,500.00)".

and the following be substituted therefor:

"Two Million, Five Hundred Thirty-two Thousand, Four Hundred Ninety-two Dollars and Twenty Cents ($2,532,492.20)"

6. It is further agreed that Article II-B, Section 3 (a) be amended as follows:

(a) On page 17 in line 3 of sub-section (a) after the word "accepted", the following be added:

"and at the rate of * * * Dollars for each set of Spare Parts completed, inspected and accepted."

8. The total estimated cost of the work (exclusive of contractor's fee) called for under Article I of the contract, as amended by this Supplemental Agreement, is increased by one million, nine hundred fifty-six thousand, four hundred nine dollars ($1,956,409.00), from thirty-five million, two hundred seventy-seven thousand five hundred dollars ($35,277,500.00) to thirty-seven million, two hundred thirty-three thousand, nine hundred nine dollars ($37,233,909.00).

9. The total fixed fee of the contractor for the entire project is increased by one hundred thirty-four thousand, nine hundred ninety-two dollars and twenty cents ($134,992.20), from two million, three hundred ninety-seven thousand, five hundred dollars ($2,397,500.00) to two million, five hundred thirty-two thousand, four hundred ninety-two dollars and twenty cents ($2,532,492.20) by reason of this Supplemental Agreement.

This contract is authorized by the following law:

The Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6551; Filed, September 2, 1941; 9:50 a. m.]

[Contract No. W 535 ac-196]

SUMMARY OF CONTRACT FOR EMERGENCY PLANT FACILITIES

CONTRACTOR: BOEING AIRCRAFT COMPANY, SEATTLE, WASHINGTON

Contract[1] for: Emergency plant facilities.

Amount: $2,900,000.00; interest: $24,000.00.

Place: Seattle, Washington.

The emergency plant facilities covered by this contract are authorized by, are for the purposes set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 803 P 532-99 A 0025-13
AC 803 P 540-99 A 0025-13

This contract, entered into this 20th day of June 1941.

ARTICLE I. *Emergency plant facilities to be acquired or constructed.* 1. The Contractor shall, with due expedition by contract with others or otherwise acquire, construct and install the Emergency Plant Facilities generally described below and set forth in further detail in Appendix A hereto annexed, furnishing or causing to be furnished the labor, materials, tools, machinery, equipment, facilities, supplies and services, and doing or causing to be done all other things necessary for the acquisition, construction and installation thereof. The Emergency Plant Facilities are designated as constituting a complete addition to an existing plant. All of said Emergency Plant Facilities shall be in general accordance with the drawings, specifications and instructions, if any, set forth in Appendix A.

It is estimated that the total cost of the acquisition, construction and installation of the Emergency Plant Facilities will be approximately two million nine hundred thousand dollars ($2,900,000.00).

3. The title to all the Emergency Plant Facilities shall be in the Contractor. The Contractor shall, however, allow no mortgage or other lien to be an encumbrance upon the Emergency Plant Facilities (including the lien of any mortgage now existing upon property of the Contractor and any lien existing upon the Facilities prior to their acquisition), and shall make no conveyance or transfer title of such Facilities or of any item thereof, unless the written consent thereto of the Contracting Officer is first obtained, provided that in the event of the assignment of claims arising out of this contract in accordance with the provisions of Article VII hereof, the Government will not, because a mortgage or other lien has become an encumbrance upon the Emergency Plant Facilities in violation of the provisions of this Section, refuse payment of sums due as Government Reimbursement for Plant Costs in excess of the indebtedness secured by such mortgage or other lien.

5. Except as provided in Section 4 of this Article and specifically set forth in Appendix A, no salaries of the Contractor's executive officers, no part of the expense incurred in conducting the Contractor's main office or regularly established branch offices, and no overhead expenses of the Contractor of any kind shall be included in the cost of the work as set forth in the Final Cost Certificate. Interest on funds expended shall be included in such cost.

6. In the event that, after the filing of the Final Cost Certificate in connection with the Emergency Plant Facilities described in Appendix A, the Contracting Officer shall determine that further Emergency Plant Facilities, in connection with the complete addition to an existing plant, covered by this contract are required for the purpose contemplated in this contract, he may enter into a contract amending this contract and Appendix A and the additional cost of such further Emergency Plant Facilities shall be determined by the filing of an amendment to the Final Cost Certificate in the same manner as hereinbefore provided in respect of the Final Cost Certificate.

7. The Contractor shall, to the extent of its ability, take all cash and trade discounts, rebates, allowances, credits, salvage, commissions and bonifications available to the Contractor, and when unable to take advantage of such benefits it shall promptly notify the Contracting Officer in writing to that effect and the reason therefor. In determining the actual net cost of articles and materials of every kind required for the purpose of this contract, there shall be deducted from the gross cost thereof all such cash and trade discounts, rebates, allowances, credits, salvage, commissions, and bonifications which have accrued to the benefit of the Contractor or would have so accrued except for fault or neglect on the part of the Contractor. Such benefits lost through no fault or neglect on the part of the Contractor shall not be deducted from gross costs.

ART. II. *Payments to contractor by government.* 3. The payments to be made by the Government to the Contractor on account of the Government Reimbursement for Plant Costs under this contract shall be made regardless of any claim which the Government may

[1] Approved by the Under Secretary of War, June 28, 1941.

have against the Contractor under the Contract for Supplies or any prior or subsequent contract of like nature.

ART. III. *Disposition of emergency plant facilities on termination or completion of contract.*—1. *Notice of termination.* The Contracting Officer may at any time give written notice (hereinafter called the Termination Notice) to the Contractor terminating this contract; and upon receipt of the Termination Notice the Contractor shall, in the event that the acquisition, construction and installation of the Emergency Plant Facilities shall not have been completed, proceed with the steps to be taken by it under Section 4 of Article II, provided the Contractor shall fail to exercise the right of retention conferred upon it hereinafter in this Article.

2. *Rights of the contractor.* (a) The Contractor shall have the right, exercisable by a written Retention Notice, given within 90 days after the giving of a Termination Notice by either party or within 90 days after the termination of this contract under Section 2 of Article II hereof, to retain under this paragraph for its own use outright, free of any interest of the Government, and/or to negotiate under paragraph (b) hereof for such retention of, any separate Complete Plant and/or of any item or group of items constituting a Complete Addition to an Existing Plant or of the entire Emergency Plant Facilities.

(c) In respect of any of the Emergency Plant Facilities not designated in the Retention Notice for either retention by the Contractor or for negotiation, or in respect of the entire Emergency Plant Facilities if no Retention Notice be given within the time allowed therefor in this Section 2, the Contractor, promptly after the giving of the Retention Notice or the expiration of such time, as the case may be, shall promptly proceed in accordance with the provisions of clause (1) or clause (2) of subparagraph (b) of this Section 2, as the case may be.

(e) The Contractor shall have the right, to the extent permitted by law with respect to any facilities not retained by the Contractor under paragraphs (a) or (b) of this Section, to negotiate with the Contracting Officer with reference to the leasing of all or any part thereof for such period and upon such terms which may include provision for renewal and an option to purchase the same as the Contractor and Contracting Officer may agree upon, subject to the approval of the Head of the Department.

(f) If on termination of this contract any property included in Emergency Plant Facilities retained by the Contractor or any other property of the Contractor is located in any building or on any land comprised in Emergency Plant Facilities transferred to the Government, the Contractor may, and promptly upon the request of the Contracting Officer shall, remove such property in a neat and workmanlike manner, leaving such land or building in as good condition as before such removal without defects or obstructions caused thereby.

3. *Rights of the Government.*

4. No chattel which is part of the Emergency Plant Facilities shall be or become part of any realty whatsoever by reason of affixation to such realty, nor shall any chattel whatsoever be or become, by reason of such affixation, part of any realty which is included in the Emergency Plant Facilities.

ART. IV. *Loss or destruction of facilities and maintenance.* 1. In the event that all of the Emergency Plant Facilities or any items or group of items thereof shall, prior to the transfer by the Contractor to the Government, be destroyed or damaged by the operation of any risk required to be covered in respect of such facilities by insurance under Section 3 of Article 1 hereof, or of any risk in respect thereof actually covered by insurance carried by the Contractor, the Contractor shall immediately notify in writing the Contracting Officer and may on its own initiative, and the Government may by written notice given within 60 days require the Contractor to apply the proceeds of the Insurance coverage in respect of such facilities to to the restoration, reconditioning or replacement thereof.

ART. VII. *Assignment of contractor's claims.* 1. Claims for monies due or to become due to the Contractor from the Government arising out of this contract may be assigned to any bank, trust company or other financing institution, including any Federal lending agency; and any such assignment may cover all or any part of any claim or claims arising or to arise out of this contract and may be made to any one or more such institutions or to any one party as agent or trustee for two or more such institutions participating in the financing of this contract. Any claims so assigned may be subject to further assignment; and any bond, promissory note or other evidence of indebtedness secured by any such assignment may be rediscounted, hypothecated as collateral for a loan or credit, or sold with or without recourse. In the event of the assignment or reassignment of any claim for monies due or to become due under this contract, the assignee thereof shall file written notice of the assignment together with a true copy of the instrument of assignment with (a) the General Accounting Office of the Government, (b) the Contracting Officer or the Head of the Department or agency, (c) the surety or sureties upon the bond or bonds, if any, in connection with such contract, and (d) with the Finance Officer, * * *, who is hereby designated to make all payments under this contract. In no event shall copies of any plans, specifications or other similar documents marked "Secret" and annexed or attached to this contract be furnished to any assignee of any claim arising under this contract or to any other person not otherwise entitled to receive same.

ART. XII. *Cancellation of provisions of supply contract.* It is mutually understood and agreed between the parties that this contract is the contract contemplated in and referred to in Article 28 of Contract W 535 ac-16; that the plant facilities covered by this contract are those referred to therein; that this contract with reference to the construction and/or acquisition thereof is in all respects satisfactory to the Contractor; and that said paragraph and all provisions thereof are in all respects cancelled hereby and hereafter of no effect.

ART. XV. *Identification of equipment.* The Contractor shall separately inventory the items of equipment, machinery and tools covered by this contract and shall, so far as practicable, mark or identify the same as to render the items readily identifiable as having been constructed or acquired hereunder.

ART. XVII. *Tax amortization.* In the event that the Contractor makes timely application under Sections 23 and 124 of the Internal Revenue Code in accordance with rules governing such applications to the Advisory Commission to the Council of National Defense and to the Department of War for a Certificate of Government Protection with respect to terms contained in this contract or a Necessity Certificate for any item or group of items of the Emergency Plant Facilities and the Contractor is thereafter refused the timely issuance of any of such certificates by either such Commission or the Department of War, this contract shall terminate forthwith with the same effect as though a Termination Notice had been filed pursuant to Section 1 of Article III hereof.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6552; Filed, September 2, 1941; 9:50 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1857-FD]

IN THE MATTER OF THE APPLICATION OF THE M. A. HANNA COMPANY FOR PERMISSION TO ACCEPT AND RETAIN DISTRIBUTORS DISCOUNTS ON COAL PURCHASED AND RESOLD BY IT TO M. A. HANNA COAL AND DOCK COMPANY AND M. H. HUSSEY CORPORATION

NOTICE OF AND ORDER FOR HEARING

The M. A. Hanna Company, a corporation organized under the laws of Ohio, with its principal offices in Cleveland, Ohio, being registered with the Division as a distributor, No. 3962, filed its petition praying:

1. That the Division determine that the ownership of stock in M. A. Hanna

Coal and Dock Company (100%) and in the M. H. Hussey Corporation (97%) by The M. A. Hanna Company is bona fide, is not established to secure an indirect price reduction, and is not within the prohibitions of Paragraphs 11 and 12 of section 4, Part II (i) of the Act.

2. That, on transactions made prior and subsequent to the requested determination set out in (1) above, the petitioner be permitted to accept and retain distributors discounts on coal purchased and resold by it to the M. A. Hanna Coal and Dock Company, and the M. H. Hussey Corporation, retail dealers.

It is ordered, That a hearing on such matter be held on October 9, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before October 6, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: August 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6553; Filed, September 2, 1941; 9:58 a. m.]

No. 171——6

[Docket No. 1865-FD]

IN THE MATTER OF THE APPLICATION OF RANDALL FUEL COMPANY, INC., TO RECEIVE SALES AGENT'S COMMISSION AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO RANDALL BROTHERS, INC.

NOTICE OF AND ORDER FOR HEARING

Randall Fuel Company, Inc., a corporation organized under the laws of Kentucky, with offices in Atlanta, Georgia and Cincinnati, Ohio, acting as sales agent for certain producers and registered with the Division as a distributor, No. 7554, filed its petition praying:

1. That the Division determine that no ownership or control exists between Randall Brothers, Inc., and the Randall Fuel Company, Inc., within the prohibition of Unfair Trade Practices 11 and 12 of section 4, Part II (i) of the Act, Subsection (b) (8) of § 304.12 of the Rules and Regulations for the Registration of Distributors, or Rule 10 of Section II of the Marketing Rules and Regulations.

2. That the Division further determine that the relations existing between Randall Fuel Company, Inc., and Randall Brothers, Inc., are bona fide, are not established to secure indirect price reductions for Randall Brothers, Inc.

3. That petitioner be permitted to accept and retain all discounts and commissions, both prior and subsequent to the date of the requested determinations as set out in (1) and (2) above, on sales by it as distributor or sales agent to Randall Brothers, Inc.

4. For such further relief as may be deemed necessary.

The petition alleges, among other things, that Luther H. Randall is president of each of the aforesaid corporations; that Luther H. Randall owns 95 of the 1900 outstanding shares of stock of Randall Brothers, Inc.; that Luther H. Randall owns approximately 25% of the outstanding stock of Randall Fuel Company, Inc.; that Randall Brothers, Inc., owns 166 of the 1,000 outstanding shares of Randall Fuel Company, Inc.; and that there is no relation as between the remaining stockholders of Randall Brothers, Inc., and Randall Fuel Company, Inc., with the exception of Mrs. Luther H. Randall, who owns 100 of the 1,000 outstanding shares of Randall Fuel Company, Inc., and 10 of the 1,900 outstanding shares of Randall Brothers, Inc.

It is ordered, That a hearing on such matter be held on October 14, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other persons who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before October 11, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: August 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6554; Filed, September 2, 1941; 9:58 a. m.]

[Docket No. A-707]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATION AND MINIMUM PRICE FOR CERTAIN COALS PRODUCED BY THE CODE MEMBERS IN DISTRICT NO. 7 BY AMENDING THE DESCRIPTION FOR THE COALS IN KEY SIZE NO. 41

ORDER DENYING RELIEF

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 7, requesting an amendment to the definition of Key Size No. 41 in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck;

District Board 1 having filed a petition of intervention;

A hearing in this matter having been held pursuant to an Order of the Director before a duly designated Examiner of the Division at a hearing room thereof

in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the Director;

The Director having made Findings of Fact, and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition filed herein by District Board 7 be, and they hereby are, denied.

Dated: August 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6555; Filed, September 2, 1941; 9:58 a. m.]

[Docket No. A-929]

PETITION OF RADFORD BROTHERS, A CODE MEMBER IN DISTRICT NO. 4, FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1307, FOR ALL SHIPMENTS EXCEPT TRUCK PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto:

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: August 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6556; Filed, September 2, 1941; 9:59 a. m.]

[Docket No. A-947]

PETITION OF BIG BEND COLLIERIES, INC., ET AL., FOR THE ESTABLISHMENT OF EFFECTIVE MINIMUM PRICES FOR SUBSTANDARD COALS PRODUCED FROM THE BRAZIL BLOCK VEIN IN DISTRICT NO. 11, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING MOTION TO AMEND ORIGINAL PETITION

The original petition herein prayed for certain maximum reductions in the effective minimum prices established for substandard Brazil Block Vein Coals, such reductions not to be applicable during the months of April to August inclusive.

The original petitioner has filed a motion for leave to amend the original petition and now prays that said reductions shall not be applicable to shipments of such coal in Size Groups 1 and 2 only during the months of April to August, inclusive.

There has been no opposition to the amendment of the petition as requested.

Now, therefore, it is ordered, That the motion of the original petitioner, for leave to amend its original petition, be and the same hereby is granted.

It is further ordered, That the last paragraph contained in the Notice of and Order for Hearing, dated July 21, 1941, be, and the same hereby is, deleted, and the following inserted in its place:

Size group numbers	*Maximum reduction (cents [1])*
Size Groups Nos. 1 to 2, inclusive	50
Size Group No. 3	50
Size Groups Nos. 4 to 6, inclusive	25
Size Group No. 7	25

[1] These reductions will not be applicable to shipments made during the months of April to August, inclusive.

Dated: August 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6557; Filed, September 2, 1941; 9:59 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON [1]

The Acting Secretary of Agriculture of the United States (hereinafter referred to as the "Acting Secretary"), having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power with respect to articles that farmers buy equivalent to the purchasing power of such Irish potatoes during the base period, August 1919–July 1929, conducted a public hearing in Idaho Falls, Idaho, on December 19 and 20, 1940, and in Twin Falls, Idaho, on December 21, 1940, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

The marketing agreement was tentatively approved by the Acting Secretary on May 24, 1941. Subsequent to the tentative approval of the marketing agreement of May 24, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes covered by such order) of not less than fifty (50) percentum of the volume of the Irish potatoes covered by such order, produced within the production area defined in such order, refused or failed to sign the aforesaid tentatively approved marketing agreement:

Now, therefore, pursuant to the provisions of said act, it is hereby determined that:

(1) The aforesaid refusal or failure of said handlers to sign the aforesaid tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(2) The issuance of such order, which regulates the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement, is the only practical means, pursuant to said act, of advancing the interests of the producers of such Irish potatoes;

(3) The issuance of the aforesaid order is approved or favored by at least two-thirds of the producers who participated in a referendum conducted by the Acting Secretary and who, during the representative period determined by the Acting Secretary, were engaged, within the production area specified in said tentatively approved marketing agreement and the aforesaid order, in the production for market of the commodity specified therein; and

(4) The issuance of the aforesaid order is approved or favored by producers who participated in a referendum conducted by the Acting Secretary and who, during the representative period determined by the Acting Secretary, produced for market, within the production area specified in said order, at least two-thirds of the volume of such Irish potatoes, produced by all producers who participated in said referendum.

Issued at Washington, D. C., this 26th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
President of the United States.

Date: August 28, 1941.

[F. R. Doc. 41-6572; Filed, September 2, 1941; 11:37 a. m.]

[1] See Title 7, Chapter IX, *supra*.

[Docket No. AO 33–A 7]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 32, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA [1]

Notice is hereby given of a hearing to be held in the Catholic Community Center, 220 East Jefferson Street, Fort Wayne, Indiana, beginning at 10:00 a. m., c. d. s. t., September 15, 1941, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 32, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) revising § 932.4 (b) (1) and (2) of the order, as amended, so as to continue upward indefinitely the price schedule set out in such sections, beginning where it now ends with a Class I price of $2.85 and a Class II price of $2.10 per hundredweight, to be effective when the Class III price exceeds $2.10 per hundredweight, as proposed by the Wayne Cooperative Milk Producers, Inc., and (2) revising § 932.9 (a) and (b) of the order, as amended, so that deductions for marketing services may be paid directly to a qualified cooperative association with respect to the milk of its own members, as proposed by the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

Dated: August 26, 1941, Washington, D. C.

[F. R. Doc. 41–6571; Filed, September 2, 1941; 11:37 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 2, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Brookshire Shirt Company, Inc., 19 Edson Street, Amsterdam, New York; Apparel; Shirts, Sport Shirts; 5 learners (75% of the applicable hourly minimum wage); December 30, 1941.

A. B. Coddington Garment Company, 614 Monroe Street, LaPorte, Indiana; Apparel; Skirts; 5 learners (75% of the applicable hourly minimum wage); September 2, 1942.

Gean Edwards Manufacturing Company, 2200 North 11th Street, Milwaukee, Wisconsin; Apparel; Jackets, Coats; 5 learners (75% of the applicable hourly minimum wage); September 2, 1942.

Hoosier Factories, Inc., Michigan City, Indiana; Apparel; Pants; 5 percent (75% of the applicable hourly minimum wage); September 2, 1942.

Edward Hyman Company, 1830 S. Hill Street, Los Angeles, California; Apparel; Washable Service Apparel; 5 percent (75% of the applicable hourly minimum wage); September 2, 1942.

Klinkerfues Brothers Company, 901–907 East 7th Street, St. Paul, Minnesota; Apparel; Jackets, Ski Suits, Sportswear; 12 learners (75% of the applicable hourly minimum wage); December 16, 1941.

J. A. Lamy Manufacturing Company, Pacific and Osage Streets, Sedalia, Missouri; Apparel; Pants, Overalls, Jackets; 20 learners (75% of the applicable hourly minimum wage); November 25, 1941.

Lanier Manufacturing Company, Easley, South Carolina; Apparel; Shirts, Pants; 20 learners (75% of the applicable hourly minimum wage); December 30, 1941.

Marx Clothing Company, 110 South Mulberry Street, Mt. Carmel, Illinois; Apparel; Men's Suits; 5 percent (75% of the applicable hourly minimum wage); September 2, 1942.

The George W. Prior Company, 1735 Lawrence Street, Denver, Colorado; Apparel; Shirts, Sportswear; 5 learners (75% of the applicable hourly minimum wage); September 2, 1942.

Reliance Manufacturing Company, Twelfth and K Streets, Bedford, Indiana; Apparel; Work Shirts, Work Pants; 75 learners (75% of the applicable hourly minimum wage); December 30, 1941.

I. Schneierson and Sons, 113 West Redwood Street, Baltimore, Maryland; Apparel; Children's Dresses; 50 learners (75% of the applicable hourly minimum wage); December 16, 1941.

Mitchel Schneider Company, Inc., 50 West 19th Street, New York, N. Y.; Apparel; Ladies' Rayon Underwear and Bed Jackets; 10 percent (75% of the applicable hourly minimum wage); December 16, 1941.

Spitzer Manufacturing Corporation, 440 North Wells Street, Chicago, Illinois; Apparel; Chenille Robes, Percale House Coats, Cotton Dresses; 5 learners (75% of the applicable hourly minimum wage); September 2, 1942.

Stock Shirt Manufacturing Company, 31 North Cherry Street, York, Pennsylvania; Apparel; Dress Shirts; 10 learners (75% of the applicable hourly minimum wage); December 30, 1941.

The Conay Glove Company, 419 Fourth Avenue, New York, N. Y.; Gloves; Leather Dress Gloves; 3 learners; March 2, 1942.

J. Wiesselmann and Company, Inc., 599–601 Broadway, New York, New York; Gloves; Knit Fabric Gloves; 5 percent; September 2, 1942.

Athens Hosiery Mills, Inc., Tellico Avenue, Athens, Tennessee; Hosiery; Seamless Hosiery; 5 percent; September 2, 1942.

Hillsboro Hosiery Mills, Inc., Hillsboro, New Hampshire; Hosiery; Seamless Hosiery; 5 learners; September 2, 1942.

Plymouth Hosiery Mills, Inc., 919 Mills Street, High Point, North Carolina; Hosiery; Seamless Hosiery; 5 learners; September 2, 1942.

Supreme Hosiery Dye Works, 35 Eighth Street, Passaic, New Jersey; Hosiery; Full Fashioned Hosiery; 25 learners; May 2, 1942.

Kaufmann and Company, Inc., 2022 West Broad Street, Richmond, Virginia;

[1] 6 F.R. 3936.

Millinery; Popular-Priced Millinery; 12 learners; March 2, 1942.

Boott Mills, Lowell, Massachusetts; Textile; Cotton Goods; 150 learners; December 2, 1941. (This certificate replaces one issued effective June 9, 1941.)

Signed at Washington, D. C., this 2d day of September 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6575; Filed, September 2, 1941; 11:39 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 2, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Louis Gertler Suitcase Company, 305 Magazine Street, New Orleans, Louisiana; Suitcase Manufacturing; 1 learner; 12 weeks for any one learner; 28 cents per hour; Luggage Maker; March 17, 1942.

McKinnon Leather Products Corporation, Buffalo, New York; Footballs, Basketballs, Soccer and Volley Balls, Boxing Gloves, Helmets, Shoulder Pads; 5 learners; 320 hours for any one learner; 30 cents per hour; Machine operators on football helmets; March 2, 1942.

The Mintz Company, 12435 Euclid Avenue, East Cleveland, Ohio; Venetian Blinds; 15 learners; 4 weeks for any one learner; 25 cents per hour; Venetian blind assembler; October 14, 1941.

Newton Brothers, Versal, Utah; Wholesale manufacturing of saddles, harness, boots, cinches, saddle trees, strap work; 2 learners; 12 weeks for any one learner; 25 cents per hour; Saddle Maker; December 9, 1941.

Signed at Washington, D. C., this 2nd day of September 1941.

GUSTAV PECK,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6576; Filed September 2, 1941; 11:39 a. m.]

[Administrative Order No. 126]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 36 FOR THE WOOLEN INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the woolen industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public

Robert P. Brecht, Chairman, Philadelphia, Pennsylvania.
Clyde E. Dankert, Hanover, New Hampshire.
Amy Hewes, South Hadley, Massachusetts.
Burton R. Morley, University, Alabama.
Philip Taft, Providence, Rhode Island.

For the Employees

George Baldanzi, New York, New York.
Louis Guilmet, Lawrence, Massachusetts.
Emil Rieve, New York, New York.
Horace Riviere, Manchester, New Hampshire.
Arthur Valente, Washington, D. C.

For the Employers

Willard H. Cummings, Newport, Maine.
John H. Halford, Bridgeport, Pennsylvania.
J. L. Hutcheson, Jr., Rossville, Georgia.
Moses Pendleton, New York, New York.
Harold Walter, Uxbridge, Massachusetts.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "woolen industry" means:

(a) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto.

(b) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk).

(c) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk).

(d) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto.

(e) The manufacturing of batting, wadding or filling made entirely of wool or animal fiber (other than silk).

(f) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 per cent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber.

(g) The manufacturing, dyeing or other finishing of the products enumerated in clauses (b), (c), (d), and (e) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 per cent by weight of wool or animal fiber (other than silk), with a margin of tolerance of 2 per cent to meet the exigencies of manufacture.

3. The definition of the woolen industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet on September 24, 1941, at 10 a. m. in Conference Room 3229, Department of Labor Building, Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of Section

13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 27th day of August 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-6577; Filed, September 2, 1941; 11:39 a. m.]

[Administrative Order No. 128]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE No. 34 FOR THE PROPERTY MOTOR CARRIER INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Baird Snyder, Acting Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Carl R. Anderson from Industry Committee No. 34 for the Property Motor Carrier Industry and do hereby appoint in his place, as a representative for the employees in the industry, Mr. D. C. Brown, of Akron, Ohio.

Signed at Washington, D. C., this 29th day of August 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-6578; Filed, September 2, 1941; 11:39 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6135]

NOTICE RELATIVE TO WILKES-BARRE BROADCASTING CORPORATION (NEW)

Application dated June 20, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Wilkes-Barre, Pa.; operating assignment specified: Frequency, 1210 kc. (1240 kc. NARBA); power, 250 w.; hours of operation, unlimited. Requests facilities WBAX.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with the applications of Central Broadcasting Company, Docket No. 6169; Northeastern Pennsylvania Broadcasters, Inc., Docket No. 6170; and Key Broadcasters, Inc., Docket No. 6171, for the following reasons:

1. To determine whether the applicant, its officers, directors and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the station proposed herein would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Scranton-Wilkes-Barre, Pennsylvania, as contemplated by the Standards of Good Engineering Practice.

4. To determine whether public interest, convenience and necessity would be served by a grant of this application and the applications of Key Broadcasters, Inc., Docket No. 6171, Central Broadcasting Company, Docket No. 6169, and the Northeastern Pennsylvania Broadcasters, Inc., Docket No. 6170, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Wilkes-Barre Broadcasting Corporation, Hotel Sterling, Wilkes-Barre, Pennsylvania.

Dated at Washington, D. C., August 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-6558; Filed, September 2, 1941; 10:32 a. m.]

[Docket No. 6167]

NOTICE RELATIVE TO HUGH MCCLUNG (NEW)

Application dated March 22, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Fresno, California; operating assignment specified: frequency, 1,590 kc.; power, 5 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To obtain full information with respect to the connections and relationships, direct and indirect, nature, extent, and effect thereof, between this applicant and the licensees of radiobroadcast stations in the area proposed to be served or elsewhere.

2. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

3. To determine the areas and populations now receiving interference-free primary service from Station KYOS, which it is expected would receive similar service from the station proposed herein.

4. To determine the character of the program service proposed to be rendered and the extent to which such service is now being rendered by any other station or stations serving the proposed service area, in whole, or in part.

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity would be served by the grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hugh McClung, Hotel Tioga, Merced, California.

Dated at Washington, D. C., August 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-6559; Filed, September 2, 1941; 10:32 a. m.]

[Docket No. 6169]

NOTICE RELATIVE TO CENTRAL BROADCASTING CO. (NEW)

Application dated June 11, 1941, for construction permit; class of service, broadcast; class of station, broadcast, location, Wilkes-Barre, Pennsylvania; operating assignment specified: Frequency, 1,250 kc.; power, 250 w.; hours of operation, unlimited. Requests facilities of WBAX.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with the applications of Northeastern Pennsylvania Broadcasters, Inc., Docket No. 6170; Key Broadcasters, Inc., Docket No. 6171; and Wilkes-Barre Broadcasting Corporation, Docket No. 6135, for the following reasons:

1. To determine whether the applicant, its officers, directors and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the station proposed herein would provide interference-free primary service to (a) the business districts, (b) the residential districts and (c) the metropolitan district of Scranton-Wilkes-Barre, Pennsylvania, as contemplated by the Standards of Good Engineering Practice.

4. To determine whether public interest, convenience and necessity would be served by a grant of this application and the applications of Wilkes-Barre Broadcasting Corporation, Docket No. 6135, Key Broadcasters, Inc., Docket No. 6171, and the Northeastern Pennsylvania Broadcasters, Inc., Docket No. 6170, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Central Broadcasting Company, % James J. Jennings, 414 Bridge Street, New Cumberland, Pennsylvania.

Dated at Washington, D. C., August 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6560; Filed, September 2, 1941; 10:32 a. m.]

[Docket No. 6170]

NOTICE RELATIVE TO NORTHEASTERN PENNSYLVANIA BROADCASTERS, INC. (NEW)

Application dated May 31, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Wilkes-Barre, Pennsylvania; operating assignment specified: Frequency, 1240 kc.; power 250 w.; hours of operation, unlimited. Requests facilities WBAX.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with the applications of Wilkes-Barre Broadcasting Corporation, Docket No. 6135; Central Broadcasting Company, Docket No. 6169; and Key Broadcasters, Inc., Docket No. 6171, for the following reasons:

1. To determine whether the applicant, its officers, directors, and stockholders are qualified in all respect to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the station proposed herein would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Scranton-Wilkes-Barre, Pennsylvania, as contemplated by the Standards of Good Engineering Practice.

4. To determine whether the proposed station would provide a minimum field intensity of 25 to 50 mv/m to the business districts of Wilkes-Barre, Pennsylvania, as contemplated by the Standards of Good Engineering Practice.

5. To determine whether public interest, convenience and necessity would be served by a grant of this application and the applications of Wilkes-Barre Broadcasting Corporation, Docket No. 6135, Central Broadcasting Company, Docket No. 6169, and the Key Broadcasters, Inc., Docket No. 6171, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382(b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Northeastern Pennsylvania Broadcasters, Inc., c/o Robert J. Doran, Attorney, Wilkes Barre Deposit & Savings Bank Building, Wilkes-Barre, Pennsylvania.

Dated at Washington, D. C., August 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6561; Filed, September 2, 1941; 10:32 a. m.]

[Docket No. 6171]

NOTICE RELATIVE TO KEY BROADCASTERS, INC. (NEW)

Application dated June 21, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Wilkes-Barre, Pa.; operating assignment specified: Frequency, 1,240 kc.; power, 250 w.; hours of operation, unlimited. Requests facilities of WBAX.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with the applications of Northeastern Pennsylvania Broadcasters, Inc., Docket No. 6170; Central Broadcasting Company, Docket No. 6169; and Wilkes-Barre Broadcasting Corporation, Docket No. 6135, for the following reasons:

1. To determine whether the applicant, its officers, directors and stockholders are qualified in all respect to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the station proposed herein would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Scranton-Wilkes-Barre, Pennsylvania, as contemplated by the Standards of Good Engineering Practice.

4. To determine whether public interest, convenience and necessity would be served by a grant of this application and the applications of Wilkes-Barre Broadcasting Corporation, Docket No. 6135, Central Broadcasting Company, Docket No. 6169, and the Northeastern Pennsylvania Broadcasters, Inc., Docket No. 6170, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Key Broadcasters, Inc., % J. E. Elicker, Pioneer Ave., Dallas, Pennsylvania.

Dated at Washington, D. C., August 28, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6562; Filed, September 2, 1941; 10:33 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE TO MANUFACTURERS OF MEDICAL SUPPLIES, ETC.

By virtue of the authority vested in me by OPM Regulation No. 3,[1] and pursuant to § 944.4[2] of Regulation No. 1 of the Division of Priorities, the Director of Priorities, will issue on and after August 25, 1941, individual orders directed to manufacturers of:

Adhesive plasters.
Anaesthesia apparatus and supplies.
Biologicals, antitoxins and serums.
Clinical thermometers.
Diagnostic instruments.
Hospital laboratory equipment and supplies.
Hospital operating room equipment.
Hypodermic syringes and needles.
Instruments (surgical and dental).
Medicinal chemicals (limited to medical use only).
Rubber hospital sundries.
Sterilizers, hospital.
Surgical dressings.
X-Ray equipment and supplies (medical and dental).

assigning preference ratings to specified quantities of material necessary for such manufacture.

Any manufacturer of the foregoing products who wishes to qualify for such an order should apply to the Health Supplies Section, Office of Production Management, Washington, D. C.

Dated August 26, 1941.

E. R. STETTINIUS, Jr., *Director of Priorities.*

[F. R. Doc. 41-6563; Filed, September 2, 1941; 10:54 a. m.]

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[1] 6 F.R. 1596.
[2] 6 F.R. 4490.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-378]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION AND KITTERY ELECTRIC LIGHT COMPANY

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1941.

The above-named persons, having filed applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof, regarding the following transactions:

Kittery Electric Light Company, a subsidiary of New England Gas and Electric Association, a registered holding company, proposes to issue and sell $150,000 principal amount of unsecured Serial Notes, First Series, 3½%, due 1966, and $60,000 of additional common stock represented by 1,200 shares having a par value of $50 per share. The Serial Notes will be purchased by John Hancock Mutual Life Insurance Company through The First Boston Corporation, Boston, Massachusetts, as agent for the company. The additional shares of common stock will be acquired by New England Gas and Electric Association at par.

The purpose of the proposed transaction is to provide Kittery Electric Light Company with funds necessary to repay existing indebtedness and to cover expenditures in connection with the construction, completion, extension and improvement of the company's facilities.

Said applications having been filed on August 11, 1940 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said applications under section 6 (b) of said Act that the requirements of section 6 (b) have been satisfied, and with respect to said applications under section 10 of said Act that no adverse findings are necessary under section 10 (b) and 10 (c) (1), and that the transaction has the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications shall be and hereby are granted forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6540; Filed, August 30, 1941; 11:32 a. m.]

[File No. 1-2747]

IN THE MATTER OF LAKESIDE MONARCH MINING COMPANY, 10¢ PAR COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1941.

The Salt Lake Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 10¢ Par Common Stock of Lakeside Monarch Mining Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Thursday, September 25, 1941, at the office of the Securities & Exchange Commission, 444 Seventeenth Street Denver, Colorado, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Gilbert C. Maxwell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6569; Filed, September 2, 1941; 11:31 a. m.]

[File No. 46-150]

IN THE MATTER OF TRUSTEES UNDER PENSION TRUST AGREEMENT, GENERAL UTILITY INVESTORS CORPORATION, ASSOCIATED POWER CORPORATION, NY PA NJ UTILITIES COMPANY, ASSOCIATED GAS AND ELECTRIC CORPORATION, AND ASSOCIATED GAS AND ELECTRIC COMPANY

ORDER CONSENTING TO WITHDRAWAL OF MOTION FOR MODIFICATION OF CONDITION IN COMMISSION'S ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1941.

The Commission having on June 29, 1939, issued its order in the above matter containing, among others, the following condition:

(4) Associated Power Corporation shall make no payments which will reduce the principal of its convertible obligations held by NY PA NJ Utilities Company to less than $340,000 (which is the principal amount due thereon after the cancellation mentioned in Paragraph (2) above), and shall not reduce its open account indebtedness to NY PA NJ Utilities Company below $300,000;

NY PA NJ Utilities Company, on March 2, 1940, having filed a motion for modification of the above condition so as to permit the dissolution and liquidation of Associated Power Corporation; and a hearing having been held on said motion; and

NY PA NJ Utilities Company, on August 8, 1941, having filed a request with this Commission for the withdrawal of said motion for modification of the above condition for the reason that affirmative action by the Commission on declarations and application filed with respect to the merger of Associated Power Corporation into NY PA NJ Utilities Company would effectuate the necessary modification; and the Commission having on this date issued its order permitting such declarations to become effective and granting such application (File 70-377);

The Commission consents to the withdrawal of such motion, and to that effect

It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 41-6579; Filed, September 2, 1941; 11:44 a. m.]

[File No. 70-383]

IN THE MATTER OF TRACY DEVELOPMENT COMPANY AND NEW YORK STATE ELECTRIC & GAS CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1941.

The above-named parties, both subsidiaries of NY PA NJ Utilities Company, a registered holding company, having

filed declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 7 and 12 (f) and Rule U-43 of the Rules and Regulations promulgated thereunder, regarding the sale by Tracy Development Company of all its properties, real, personal and mixed, to New York State Electric & Gas Corporation in consideration of payment by the latter of the nominal sum of $1.00, and the assumption by the latter of the First Mortgage 6% Gold Bonds due October 1, 1944 of Tracy Development Company, as of December 31, 1936 being then in the principal amount of $116,000 (being as of the present time in principal amount of $114,000);

Said declarations having been filed on August 15, 1941 and an amendment having been filed subsequent thereto, such amendment having been filed on August 21, 1941;

Notice of the filing of such declarations having been duly given in the form and manner prescribed in Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declarations within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the Public Service Commission of the State of New York has consented to the transfer by Tracy Development Company of its assets to New York State Electric & Gas Corporation for the consideration hereinabove stated; but had not approved accounting entries to be made for the purpose of reflecting such acquisition on the books of New York State Electric & Gas Corporation, but has reserved jurisdiction for the purpose of passing upon such accounting entries;

The above-named parties having requested that the Commission advance the effective date of said declarations, as amended; and the Commission finding that the requirements of sections 7 and 12 (f) and Rule U-43 of the Rules and Regulations promulgated thereunder are satisfied, and that it is appropriate that the said declarations be permitted to become effective without, however, at this time, passing upon any accounting entries proposed to be made in connection therewith; and the Commission being satisfied that the effective date of such declarations, as amended, should be advanced;

It is hereby ordered, That pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations as so amended be permitted to become effective forthwith, subject, however, to the condition, in accordance with the order of the Public Service Commission of the State of New York incorporated in said application, that no journal entries be made on the books of New York State Electric & Gas Corporation for the purpose of reflecting such acquisition of property unless and until such proposed entries shall have been approved by the Public Service Commission of the State of New York.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6580; Filed, September 2, 1941; 11:44 a. m.]

[File No. 70-377]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY AND ASSOCIATED POWER CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1941.

The above-named persons, having filed declarations and an application, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10 and 12 thereof and Rules U-42, U-43, and U-44 thereunder, regarding the following transactions:

NY PA NJ Utilities Company, a registered holding company, proposes to merge Associated Power Corporation and thereby acquire and receive all the assets of Associated Power Corporation and assume all its liabilities.

The following securities and open accounts receivable, now owned by the Associated Power Corporation, are proposed to be acquired by NY PA NJ Utilities Company:

Issue	Shares or P/A	Carrying value
Rochester Gas & Electric Corp., 6% cum. preferred stock series C	*Shares* 610	$61,234.12
Metropolitan Edison Co., $7 cum. preferred stock	600	54,000.00
Mohawk Valley Co., 6% cons. ref. bonds due 1961	$34,000	33,150.00
Broad River Power Co., 1st & Ref. 5s series A, due 1954	$66,000	55,440.00
Granville Electric Co., 6% open account		190,810.67
Patchogue Electric Light Co., 6% open account		340,818.38
Total		735,453.17

The Mohawk Valley bonds are an assumed obligation of NY PA NJ Utilities Company and upon consummation of the merger will be cancelled.

NY PA NJ Utilities Company, upon consummation of the proposed merger, will cancel $154,353.80 of the Granville Electric Company indebtedness which amount represents the principal of such indebtedness and has agreed to a condition to this order prohibiting the payment of the balance of $36,456.87, which amount represents interest on such indebtedness, until further order of the Commission.

Other assets to be acquired as at April 30, 1941, which include cash, accrued interest receivable, dividends receivable, and deferred charges, total $5,944.54.

The following liabilities of Associated Power Corporation, all owing to NY PA NJ Utilities Company, will be cancelled:

6% convertible obligations due 3/1/63	$340,000.00
6% open account	363,000.00
Accrued interest on convertible obligations	826.47
Accrued interest on open account	1,815.00
Total	705,641.47

Other liabilities of Associated Power Corporation to be assumed by NY PA NJ Utilities Company are accounts payable to Associates, accrued taxes, and other current liabilities, totalling $2,406.96.[1]

Upon merger, the common stock of Associated Power Corporation will be returned to it for cancellation.

The said declarations and application, having been filed on August 9, 1941, and said amendments having been filed thereto, the last of said amendments having been filed on August 30, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations and application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations pursuant to Rules U-42, U-43, and U-44 to become effective, and finding with respect to said application under section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act.

It is hereby ordered, pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations as amended be and hereby are permitted to become effective, and that the aforesaid application as amended be and hereby is granted forthwith subject to the additional condition that Granville Electric Company shall not make any payments on account of its open account indebtedness of $36,456.87 to NY PA NJ Utilities Company, and NY PA NJ Utilities Company shall not receive any amounts in payment thereof, except on further order of this Commission.

It is further ordered, That jurisdiction be and is hereby retained as to the value at which the assets acquired are to be recorded on the books of NY PA NJ Utilities Company, said NY PA NJ Utilities Company having agreed to such reservation of jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6581; Filed, September 2, 1941; 11:44 a. m.]

SEP 8 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 172

Washington, Thursday, September 4, 1941

The President

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE PAYMENT OF INTEREST ON POSTAL-SAVINGS CERTIFICATES ISSUED BY THE CANAL ZONE POSTAL SERVICE

By virtue of and pursuant to the authority vested in me by section 274 of title 2 of the Canal Zone Code, as amended by section 2 of the act of June 13, 1940, c. 358, 54 Stat. 389, I hereby prescribe the following regulations governing the payment of interest on postal-savings certificates issued by the Canal Zone Postal Service:

SECTION 1. *Rate of interest.* Postal-savings certificates issued by the Canal Zone Postal Service shall bear interest at the rate of one-half of one per centum for each period of three full calendar months from the date of issue.

SECTION 2. *Time of payment.* Interest on all postal-savings certificates shall be payable when the certificates are paid.

SECTION 3. *Application to outstanding deposit money orders.* The provisions of this order shall apply to all outstanding deposit money orders issued by the Canal Zone Postal Service prior to August 13, 1940.

SECTION 4. *Revocation of prior order.* Executive Order No. 7234 of November 25, 1935, entitled "Deposit Money Orders Issued by the Canal Zone Postal Service", is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 30, 1941.

[No. 8879]

[F. R. Doc. 41-6582; Filed, September 2, 1941; 12:30 p. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER OF JANUARY 17, 1873, TO PERMIT AN OFFICER OR EMPLOYEE OF THE FEDERAL GOVERNMENT TO HOLD THE OFFICE OF CHANCELLOR OF THE UNIVERSITY OF PUERTO RICO

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), and as President of the United States, the Executive Order of January 17, 1873, as amended, prohibiting, with certain exceptions, Federal officers and employees from holding State, Territorial, and municipal offices, is hereby further amended so as to permit any officer or employee of the Federal Government to hold the office of Chancellor of the University of Puerto Rico: *Provided*, that the holding of such office shall not in any manner interfere or conflict with the incumbent's performance of his regular duties as an officer or employee of the Federal Government.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 30, 1941

[No. 8880]

[F. R. Doc. 41-6583; Filed, September 2, 1941; 12:30 p. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8771 OF JUNE 6, 1941 ENTITLED, "AUTHORIZING THE UNITED STATES MARITIME COMMISSION TO TAKE OVER CERTAIN FOREIGN MERCHANT VESSELS"

By virtue of and pursuant to the authority vested in me by the act of Congress entitled, "An Act to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes", approved June 6, 1941 (Public Law 101, 77th Congress), Executive Order No. 8771[1] of June 6, 1941 entitled, "Authorizing the United States Maritime Commission to Take Over Certain Foreign Merchant Vessels" is hereby amended so that the provisions thereof shall be applicable to any or all foreign merchant vessels, including all appurtenances thereto as described in said order, lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, at

[1] 6 F.R. 2759.

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any time after June 6, 1941 and up to and including June 30, 1942.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Sept. 2, 1941.

[No. 8881]

[F. R. Doc. 41-6586; Filed, September 2, 1941; 3:01 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[Order No. 41-1]

PART 941—MILK IN CHICAGO, ILLINOIS, MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA [1]

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective July 1, 1940, Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, which order, as amended, was further amended, effective July 1, 1941,[2]

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on June 19, 1941, a marketing agreement, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of said act, notice was given, on the 30th day of July 1941, of a public hearing which was held at Chicago, Illinois, beginning on August 4, 1941, at which time and place all interested parties were afforded an opportunity to be heard on a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

After such hearing, handlers of more than fifty percent of the volume of milk covered by said order, as amended, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area, in the same manner as said order, as amended by this amendment.

The requirements of section 8c (9) of said act have been complied with.

It is hereby found, upon the evidence introduced at the above-mentioned public hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearing on said order and on said order, as amended, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

§ 941.0 *Findings.* (a) That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e of said act, are not reasonable in view of the prices of feeds, the available supplies of feed, and other economic conditions which affect the market supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(b) That the order, as amended, and as hereby amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this amendment to the order, as amended, and all of its terms and conditions, as so amended, will tend to effectuate the declared policy of the acts.

Pursuant to the powers conferred upon the Secretary by said act, it is hereby ordered that Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area be and it is hereby amended as follows:

1. Delete § 941.5 (a) (2) and substitute therefor the following:

§ 941.5 *Minimum prices*—(a) *Class prices.*

* * * * * * *

(2) Class I milk: The price per hundredweight for Class I milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 70 cents; and during the delivery periods of May and June the price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b), plus 50 cents: *Provided,* That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.20 per hundredweight.

2. Delete § 941.5 (a) (3) and substitute therefor the following:

(3) Class II milk—The price per hundredweight for Class II milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 32 cents; and during the delivery periods of May and June the price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section plus 20 cents.

3. Delete § 941.5 (a) (5) and substitute therefor the following:

(5) Class IV milk—multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided,* That such price shall be subject to the following adjustments: Add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound, or subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the Class IV price shall be subject to the following adjustments: Add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

4. Delete § 941.5 (b) and substitute therefor the following:

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk shall be the price for Class III milk, determined pursuant to subparagraph (4) of paragraph (a) of this section, or that derived from the following formula, whichever is higher:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture by six (6).

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph.

(3) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value."

(4) To the combined butter and cheese value add 30 percent thereof.

(5) Multiply the sum computed in subparagraph (4) above by 3.5.

5. Delete § 941.5 (c) and substitute therefor the following:

(c) *Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.5 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

Now, therefore, the undersigned, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues this amendment to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 29th day of August, and declares this order, as amended, to be effective on and after the 6th day of September 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6624; Filed, September 3, 1941; 11:22 a. m.]

[1] §§ 941.0 and 941.5 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. 601 et seq. (Supp. IV, 1938).

[2] See Department of Agriculture, Surplus Marketing Administration, *infra.*

PART 945—MILK IN WASHINGTON MARKETING AREA

Sec.
945.0 Findings.
945.1 Definitions.
945.2 Market administrator.
945.3 Reports of handlers.
945.4 Classification of milk.
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945.9 Expenses of administration.
945.10 Effective time, suspension, or termination.

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE WASHINGTON MARKETING AREA

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective as of February 1, 1940, Order No. 45 regulating the handling of milk in the Washington marketing area,[1]

H. A. Wallace, Secretary of Agriculture, tentatively approved on January 18, 1940, a marketing agreement regulating the handling of milk in the Washington marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement and to said order would tend to effectuate the declared policy of the act, notice was given on the 16th day of June 1941 of a public hearing, which was held on June 23, 24, and 25 at Washington, D. C., at which times and place all interested parties were afforded an opportunity to be heard on a proposal to amend said tentatively approved marketing agreement and said order.

After such hearing, handlers of more than fifty percent of the volume of milk covered by said order, as hereby amended, which is marketed within the Washington marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area.

The requirements of section 8c (9) of said act have been complied with.

It is hereby found upon the evidence introduced at the above-mentioned public hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearing on said order, and being in addition to the other findings and determinations

[1] See Department of Agriculture, Surplus Marketing Administration, *infra.*

made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

§ 945.0 *Findings.* (a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of the act, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as hereby amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held;

(c) That each handler's prorata share of the cost of administration of the order, as hereby amended, as provided herein, is fair and equitable; and

(d) That the issuance of this amendment to the order, and all of the terms and conditions of the order, as hereby amended, will tend to effectuate the declared policy of the act.

Now, therefore, the undersigned, pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, hereby issues the following order, as amended, regulating the handling of milk in the Washington milk marketing area, and hereby orders that such handling of milk in the said marketing area as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in compliance with the following terms and conditions:*

*§§ 945.0 to 945.10, inclusive, issued under the authority contained in 48 Stat. 31, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup., 601 et seq.

§ 945.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States.

(3) The term "Washington marketing area," hereinafter referred to as the "marketing area," means the territory included within the boundary lines of the District of Columbia and that territory in the State of Maryland included between the District of Columbia Line and the following boundaries: Beginning at the junction of the southeastern boundary of the District of Columbia Line and Route 224, thence south on Route 224 to Oxon Hill, thence east on St. Barnaby Road to Gordon's Corner, thence northeast on Suitland-Silver Hill Road continuing through Suitland to the Junction of Route 4, thence northwest on Route 4 to Hillside, thence north on Crystal Spring Road continuing through Capitol Heights to 61st Street, thence north on 61st Street to the District of Columbia Line; thence northeasterly and thence northwesterly along said District Line to Kenilworth Avenue, thence north on Kenilworth Avenue to Defense Highway, thence east on Defense Highway, thence north on Edmonston Road to Greenbelt, and around the outside limits of Greenbelt, thence returning on Edmonston Road to Branchville Road, thence west on Branchville Road to the Baltimore-Washington Boulevard, thence south on the Baltimore-Washington Boulevard to Metzerott Road, thence west on Metzerott Road to Riggs Valley Road, thence to County Road, thence west to Blair Road, thence north to Piney Branch Road, continuing north on Piney Branch Road to White Oak at intersection of Colesville Road, thence continuing north on Colesville Road to Colesville, thence west on Clement Road to Brookville Road, thence south on Brookville Road to Wheaton, thence on Lincoln Avenue to Kensington, thence west on Knowles Avenue and continuing west on Strathmore Avenue to Rockville Pike, thence south on Rockville Pike to Grosvenor Lane, thence west on Grosvenor Lane to Old Georgetown Road, thence north on Old Georgetown Road to Bellsmill Road, thence west on Bellsmill Road to the Seven Locks Road, thence south on Seven Locks Road to Bradley Road, thence west on Bradley Road continuing to Conduit Road, thence southeasterly on Conduit Road to the District of Columbia Line.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is purchased or received by a handler at a plant approved or licensed for the sale of milk for fluid consumption in the marketing area, and from which milk or cream for bottling purposes is disposed of in the marketing area.

(6) The term "handler" means any person, irrespective of whether such person is also a producer or a cooperative association of producers, who engages in such handling of milk or cream disposed of in the marketing area for Classes I and II uses as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products: *Provided*, That this definition shall not include producers or cooperative associations of producers which do not handle milk or cream through their own receiving or bottling plant.

(7) The term "market administrator" means the person designated pursuant to § 945.2 as the agency for the administration hereof.

(8) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members, and (ii) to have and exercise full authority in the sale of milk of its members.

(9) The term "delivery period" means the current marketing period from the first to the last day of each month, both inclusive.*

§ 945.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violations of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(2) Pay, out of the funds provided by § 945.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 945.3 or (ii) made payments pursuant to § 945.8;

(5) Promptly verify the information contained in the reports submitted by handlers; and

(6) Check the weight and butterfat test of milk received from producers by each handler each month and report the results of the butterfat tests to producers or to their cooperative association. The market administrator may designate an independent agency to check the weight and butterfat test of milk received by handlers.*

§ 945.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 8th day after the end of each delivery period (i) the receipts of milk at each plant from producers, and the weighted average butterfat test thereof, (ii) the receipts of milk at each plant from handlers and cooperative associations, and the average butterfat test thereof, (iii) the receipts of cream at each plant from handlers and cooperative associations, and the average butterfat test thereof, (iv) the receipts at each plant of the milk, if any, produced by him, and the average test thereof, (v) the receipts of milk at each plant from new producers, and the average test thereof, (vi) the name and address of each new producer, (vii) the utilization of all milk and cream received, computed pursuant to § 945.4 (d), and (h) the names of handlers from whom or to whom milk or cream was received or delivered.

(2) Within 10 days after the market administrator's request with respect to any producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (i) the name and address, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered, (iv) the farm scores and cattle scores recorded by the respective health departments requiring permits to sell milk to handlers in the marketing area, and (v) the number of days upon which deliveries were made.

(3) On or before the 16th day after the end of each delivery period, at the request of the market administrator, his producer pay roll, which shall show (i) the total delivery of milk for each producer with the average butterfat test thereof, (ii) the premium rate paid each producer, (iii) the net amount of payment to each producer made pursuant to § 945.8, and (iv) any deductions and charges made by the handler, and authorizations therefor.

(b) *Verification of reports.* Each handler shall provide the market administrator or his agent with reasonable access to:

(1) Those records and facilities which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and for the verification of the payments required by §§ 945.5 and 945.8;

(2) Those facilities necessary for the checking of the weighing and sampling of milk and for determining the utilization of milk by the handler; and

(3) The plants and storage facilities under his control.*

§ 945.4 *Classification of milk*—(a) *Basis of classification.* All milk purchased or received by a handler from producers, cooperative associations, and other handlers, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Except as provided in paragraph (c) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk: All milk disposed of in the form of fluid milk, and all milk the utilization of which is not classified in Class II or Class III;

(2) Class II milk: All milk disposed of in the form of flavored or manufactured milk drinks, cream for consumption as cream, cream buttermilk, and cottage cheese; and

(3) Class III milk: (i) All milk the cream therefrom which is disposed of to a manufacturer of ice cream or ice cream mix, American cheese, and butter sold at wholesale, who does not engage in the processing or distribution of milk or cream for fluid consumption, other than to his own employees, or sell milk or cream to establishments selling milk or cream for fluid consumption in the Washington marketing area, and which is used by such manufacturer to produce ice cream or ice cream mix, American cheese, and butter sold at wholesale: *Provided*, That a statement of such use by the purchaser is filed with the market administrator and subject to his verification; and (ii) milk or cream used by a handler to produce ice cream or ice cream mix in his plant, which is not approved by the District of Columbia Health Department to sell milk or cream for fluid consumption within the District of Columbia.

(c) *Interhandler or cooperative association sales.* Milk or skim milk delivered by a handler to another handler shall be classified as Class I milk, and cream so delivered shall be classified as Class II milk: *Provided*, That if a different classification is agreed upon in writing between the receiving handler and the selling cooperative association or handler then the milk, skim milk, and cream shall be classified according to such written agreement: *Provided*, That, in no event, the amount so reported in any class be greater than the amount used in that class by the receiving handler.

(d) *Computation of the volume of milk to be accounted for by the handler in each class.* For each delivery period, the market administrator shall compute for each handler the volume of milk that he is to account for in each class as follows:

(1) Total receipts of milk from producers: Add together the total pounds of milk received from producers and produced by such handler;

(2) Net receipts of butterfat: Add together the pounds of butterfat contained in milk received from producers and produced by such handler and subtract the pounds of butterfat in milk and cream disposed of for the account of a cooperative association;

(3) Total pounds of butterfat accounted for in all classes: Add together the pounds of butterfat disposed of by such handler for each class use and subtract the pounds of butterfat received from other handlers and cooperative associations and classified pursuant to paragraph (c) of this section;

(4) Total pounds of milk to be classified: Divide the net receipts of butterfat in pounds or the total pounds of butterfat accounted for in all classes, determined pursuant to subparagraphs (2) and (3), respectively, of this paragraph, whichever is the larger, by the average test of milk received from producers;

(5) Class I milk: Multiply the weight of the various units disposed of by such handler which are classified as Class I milk by the number of units irrespective of the butterfat test thereof, add thereto the pounds of Class I milk delivered to other handlers, not including such milk disposed of for the account of the association, and classified pursuant to paragraph (c) of this section, subtract the pounds of Class I milk received from other handlers and associations of producers, and add any difference in pounds between the net receipts of butterfat and total pounds of butterfat accounted for in all classes determined pursuant to subparagraph (2) and (3), respectively, of this paragraph divided by the average test of milk received from producers by such handler;

(6) Class III milk: Subtract from the pounds of butterfat in the milk classified as Class III milk, including the pounds of butterfat in the milk or cream delivered to other handlers, not including the butterfat in such milk or cream disposed of for the account of the association, and classified as Class III milk pursuant to paragraph (c) of this section, the pounds of butterfat in milk or cream received from other handlers and associations of producers and classified as Class III milk pursuant to paragraph (c) of this section, and divide by the average test of milk received from producers; and

(7) Class II milk: Subtract the pounds of Class I and Class III milk combined from the total pounds of milk to be classified as determined pursuant to subparagraph (4) of this paragraph.*

§ 945.5 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraph (b) of this section, each handler shall pay not less than the following prices, at the time and in the manner set forth in § 945.8, and subject to paragraphs (b), (c), and (d) of § 945.8 for milk purchased or received from producers and associations of producers.

(1) Class I milk: $3.57 per hundredweight during delivery periods prior to May 1, 1942, and thereafter $3.17 per hundredweight: *Provided*, That the price of Class I milk disposed of by a handler from a plant not having a health department permit to sell fluid milk or fluid cream in the District of Columbia shall

be $3.11 per hundredweight during delivery periods prior to May 1, 1942, and thereafter $2.71 per hundredweight: *And provided further*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income groups including persons who are on relief, the price shall be not less than $2.395 per hundredweight during delivery periods prior to May 1, 1942, and thereafter $1.995 per hundredweight.

(2) Class II milk: $2.10 per hundredweight during delivery periods prior to May 1, 1942, and thereafter $1.90 per hundredweight: *Provided*, That the price of Class II milk disposed of by a handler from a plant not having a health department permit to sell fluid milk or fluid cream in the District of Columbia, the price shall be not less than $1.87 per hundredweight during delivery periods prior to May 1, 1942, and thereafter $1.67 per hundredweight, or the price of Class III milk as determined under subparagraph (c) of this paragraph.

(3) Class III milk: Average of weekly market quotations (using the midpoint of any weekly range as one quotation) of approved sweet cream for Pennsylvania, Newark, and Lower Merion Township, as reported by the United States Department of Agriculture, Agricultural Marketing Service, for the delivery period, minus 50 cents, divided by 33, multiplied by 4.

(b) *Sales outside the marketing area.* In lieu of prices set forth in paragraph (a) of this section, the prices to be paid by handlers for Class I milk and Class II milk disposed of from those wagons or trucks which do not travel within the marketing area at any time while containing any milk or cream shall be such prices as were paid to farmers in the market where such milk was disposed of for milk of equivalent use, as ascertained by the market administrator: *Provided*, That with respect to Class I sales outside the marketing area for which no price can be ascertained on the basis provided for in this paragraph, then the price for Class I milk set forth in § 945.5 applicable for the plant at which such milk was received from producers shall apply.*

§ 945.6 *Application of provisions*—(a) *Handlers who are also producers.* No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Virginia handlers: Any handler whose plant is located in the State of Virginia and who is subject to such regulation of the Virginia Milk Commission as provides for the payment to producers of class prices identical with, or in excess of, the prices set forth in § 945.5 hereof, who complies with § 945.3 (a) (1) and (2) and (b) of this order, and who reports the total payments made for milk received from producers as directed by the market administrator, shall not be subject to other provisions of this order.*

§ 945.7 *Determination of prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk disposed of by each handler receiving milk from other producers, as follows: multiply the hundredweight of milk in each class by the prices applicable pursuant to § 945.5, add the resulting values together, and divide by the hundredweight of milk received computed pursuant to § 945.4 (d) (1).

(b) *Announcement of prices to be paid producers and of other market information.* The market administrator shall mail to all handlers and shall publicly announce:

(1) For handlers who receive milk from producers who are not members of a cooperative association on or before the 11th day after the end of each delivery period with respect to each such handler who made the report pursuant to § 945.3 and as soon after the 11th day after the end of each delivery period as such information becomes available for any other such handler:

(i) The composite price for milk containing 4 percent butterfat, for each such handler for such delivery period as determined in accordance with paragraph (a) of this section;

(ii) The percentage of producer's deliveries for which premium rates apply pursuant to § 945.8; and

(iii) The Class III price for such delivery period.

(2) As soon after the 11th day after the end of each delivery period as such information becomes available the following data compiled and listed separately for handlers not disposing of any milk or cream for fluid consumption in the District of Columbia, and handlers disposing of any milk or cream for fluid consumption in the District of Columbia:

(i) The total pounds of milk received from producers and new producers by all handlers, the total and average butterfat content thereof, pounds of milk in each class, and the total value of such milk at the minimum prices per hundredweight specified herein;

(ii) The average minimum price per hundredweight of milk, containing 4 percent butterfat, f. o. b. handler's bottling plant, received by all handlers from producers together with the average premiums per hundredweight paid producers by them and the percentage of producers' deliveries for which the premium rates apply pursuant to § 945.8;

(iii) The total pounds of butterfat received by all handlers who bottle milk or cream for fluid consumption within the marketing area; and

(iv) The names and addresses of all handlers for the delivery period.*

§ 945.8 *Payments to producers*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period each handler shall make payment, subject to paragraphs (b), (c), (d), and (e) of this section, for the total value of milk received from producers and associations of producers during the delivery period computed pursuant to § 945.7, except as provided for in paragraph (f) of this section, as follows:

(1) To each producer except as provided in subparagraph (2) of this paragraph at not less than the composite price for milk containing 4 percent butterfat, computed pursuant to § 945.7.

(2) To a cooperative association for (i) milk which is caused to be delivered to a handler from producers by a cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subparagraph (1) of this paragraph minus an amount equal to the hundredweight of milk or milk equivalent of the cream disposed of for the account of the association times the respective class prices, subject also to paragraphs (b), (c), (d), and (e) of this section, weighted by the amount of milk in each class calculated pursuant to § 945.4 (d), and (ii) other milk or cream, in each use classification determined pursuant to § 945.4 (c), received by such handler for the account of an association of producers at not less than the class prices for milk containing 4 percent butterfat and the milk equivalent of cream obtained by dividing the butterfat content of such cream by the average test of milk received from producers by such handler, plus the weighted average premium per hundredweight payable to producers and new producers by such handler.

(b) *Errors in payment.* Errors in making the payment prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has purchased or received from any producer or association of producers during the delivery period milk having an average butterfat content other than 4.0 percent, such handler in making the payments pursuant to paragraph (a) of this section to such producer shall add to the uniform price for such producer or association of producers for each one-tenth of 1 percent of average butterfat content above 4.0 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content below 4.0 percent not more than, 5 cents per hundredweight. The butterfat content of milk received shall be determined by taking the average of not less than 3 separate butterfat tests made from fresh samples during each delivery period. The market administrator may designate an independent laboratory to make these tests. If a laboratory is designated by the market administrator, handlers shall pay their producers the butterfat differential in accordance with such tests. If no laboratory is designated by the market administrator, these tests may be conducted by an independent laboratory

agreed upon by the handlers and the producers, in which case the expense of such butterfat testing shall be borne jointly and equally by each handler and each producer delivering to him, and the producers' share may be deducted from the amount paid them by handlers, provided, the handler shall be responsible for any errors in these tests.

(d) *Location adjustments to producers.* In making payments pursuant to paragraph (a) of this section the handlers may deduct 18 cents per hundredweight with respect to milk received from producers who have been delivering their entire supply of milk for the preceding 4 full delivery periods at a plant in which no milk is bottled or finally processed for distribution to consumers and which is located more than 35 miles from the District of Columbia: *Provided*, That handlers may make such a deduction on all milk received at such plant from new producers whose milk is not received on truck routes transferred to such a plant.

(e) *Premiums to be paid by handlers.* In making the payments pursuant to paragraphs (a) (1) and (a) (2) of this section, handlers shall pay premium differentials determined by applying the premium rates set forth in this paragraph for each producer on the same percentage of each producer's total deliveries as that percentage which the combined total of Class I milk and Class II milk, as computed pursuant to § 945.4 (d), is to the total receipts from producers. The premium rates referred to in this paragraph shall be determined from the following schedule with respect to the cattle scores and farm scores recorded for each producer by the respective health departments requiring permits to sell milk to handlers in the marketing area:

Farm score	With cattle score under 95	With cattle score 95 or over, but under 98	With cattle score 98 or over
	Per cwt.	*Per cwt.*	*Per cwt.*
Under 80	$0.00	$0.00	$0.00
80.0–84.9	.00	.03	.09
85.0–89.9	.02	.08	.14
90.0–94.9	.08	.14	.20
95.0–97.9	.20	.26	.32
Over 97.9	.31	.37	.43

If more than one score has been recorded during any month, this simple average of the scores so recorded shall be used. Producers whose health department does not provide for cattle scores in their scoring system shall be considered as having a cattle score of 98 or over and the score given them by the health department shall be considered the farm score for the purpose of applying premiums under the above schedule.

(f) Handlers may distribute the payments they are required to make to producers for milk received by them on any uniform basis other than that specified above in this section that is approved by the market administrator.*

§ 945.9 *Expense of administration and marketing services*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, except those handlers exempted pursuant to § 945.6 (a), shall pay to the market administrator on or before the 15th day after the end of each delivery period an amount equal to 2 cents per hundredweight with respect to all milk received by him from producers, associations of producers, or produced by him during such delivery period, which was classified as Class I and Class II milk or such lesser amount, the exact amount to be determined by the market administrator: *Provided*, That each handler which is a cooperative association shall pay such prorata share of expense of administration only on such Class I milk and Class II milk actually received from producers at a plant operated by such cooperative association from which milk is disposed of in the marketing area. If the market administrator designates an independent agency to determine the butterfat content of milk received by handlers from producers as permitted under § 945.8 (c) each handler shall pay to the market administrator an amount equal to not more than 7½ cents per test, the exact amount to be determined by the market administrator: *Provided*, That one-half of any amount collected for such tests of any producer's milk may be deducted from the payments handlers are required to make the respective producers under § 945.8.

(b) *Marketing services.* If the market administrator designates an independent agency to determine the butterfat content of milk received by handlers from producers as permitted under § 945.8 (c) each handler shall deduct from his payments to each producer an amount equal to not more than 7½ cents per test the exact amount to be determined by the market administrator, and shall pay such deduction to the market administrator on or before the 15th day after the end of each delivery period. Such moneys shall be used by the market administrator to pay the independent laboratory for the verification of weight, sampling, and testing of milk received from producers.

(c) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.*

§ 945.10 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

Issued at Washington, D. C., on this 29th day of August 1941, to be effective on and after 12:01 A. M, e. s. t., September 6, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6625; Filed, September 3, 1941; 11:22 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 55—MOTION PICTURE SERVICE[1]

§ 55.4 *Admission charge.*

* * * * * *

(b) Paragraph (b) of this section is rescinded. (R.S. 161; 5 U.S.C. 22) [Par.

[1] § 55.4 (b) is rescinded and § 55.5 is amended.

8, AR 210–390, July 1, 1938, as amended by Cir. 79, W.D., July 27, 1940, and Cir. 178, W.D., Aug. 22, 1941]

§ 55.5 *Patronage eligibility.* (a) Admission to motion picture shows shall be restricted to:

(1) Military personnel on active duty and members of their households.

(2) Civilians residing within the limits of the post, camp, or station.

(b) Display frames advertising performances will not be located where they can be viewed by the public when passing the reservation. The distribution of any advertising issued by the theater officer will be confined to the post, and the advertising media will be so marked. (R.S. 161, 5 U.S.C. 22) [Par. 10, AR 210–390, July 1, 1938, as amended by Cir. 178, W.D., Aug. 22, 1941]

[SEAL] J. A. ULIO,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 41–6596; Filed, September 3, 1941; 9:35 a. m.]

CHAPTER VII—PERSONNEL

PART 71—ENLISTMENT IN THE REGULAR ARMY [1]

§ 71.2 *Classes ineligible for enlistment.* (a) The enlistment, or acceptance with a view to enlistment, in the Regular Army or Regular Army Reserve of the following persons is prohibited:

(1) Insane or intoxicated persons.

(2) Deserters from the Army, Navy, or Marine Corps in time of war, except as indicated in (b) of this section.

(3) Persons who have been convicted of a felony, except as indicated in (b) of this section.

(4) Persons who have been imprisoned under sentence of a court.

(b) The act of Congress approved July 29, 1941 (sec. III, Bull. No. 23, W.D. 1941), authorizes the Secretary of War to waive the provisions of paragraph (a) (2) and (3) of this section in especially meritorious cases. A person in this category may make written application to The Adjutant General for permission to enlist or reenlist, inclosing with the application such evidence that he may desire to prove his contention that his case is a meritorious one and that an exception should be made. (41 Stat. 765; 10 U.S.C. 42; Act of July 9, 1941, Public Law 189—77th Cong.) [Par. 12 a and c, AR 600–750, April 10, 1939, as amended by Cir. 176, W.D., Aug. 20, 1941]

[SEAL] J. A. ULIO,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 41–6595; Filed, September 3, 1941; 9:35 a. m.]

[1] § 71.2 is amended.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

[Amendment 127, Civil Air Regulations]

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 15th day of August 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective September 15, 1941, the Civil Air Regulations are amended:

1. By adding a new Part to read as follows:

Sec.
22.0 Classification of lighter-than-air pilot certificates.
22.1 Lighter-than-air pilot certificate requirements.
22.2 Lighter-than-air pilot certificates.
22.3 Pilot regulations.
22.4 Definitions.

§ 22.0 *Classification of lighter-than-air pilot certificates.*

§ 22.00 *Grades.* Lighter-than-air pilot certificates are classified in the following grades:

(1) Student lighter-than-air pilot certificate.

(2) Private lighter-than-air pilot certificate.

(3) Commercial lighter-than-air pilot certificate.

(4) Free balloon pilot certificate.*

*§§ 22.0 to 22.4, inclusive, issued under the authority contained in Secs. 205, 601, 605, 52 Stat. 984, 1007, 1008; 49 U.S.C., Sup., 425, 551, 552.

§ 22.1 *Lighter-than-air pilot certificate requirements.*

§ 22.10 *Student lighter-than-air pilot certificate.* To be eligible for a student lighter-than-air pilot certificate an applicant shall comply with the following requirements.

§ 22.100 *Age.* Applicant shall be at least 16 years of age. If applicant be less than 21 years of age at the time of making application, he shall submit with his application the written consent of either parent, or legal or natural guardian to the issuance of the pilot certificate sought.

§ 22.101 *Character.* Applicant shall not be temperamentally unsuited for flying.

§ 22.102 *Citizenship.* Applicant may be of any nationality.

§ 22.103 *Education.* If an applicant is unable to read, speak, and understand the English language, appropriate operation limitations may be entered upon his student lighter-than-air pilot certificate.

§ 22.104 *Physical condition.* Applicant shall comply with the following requirements as to physical condition, demonstrated by examinations conducted in accordance with § 22.241.

(a) *Eye.* Applicant shall have:

(1) A visual acuity of at least 20/50 in each eye separately, without correction: *Provided,* That, if the vision in either or both eyes is poorer than 20/50 and is brought up to 20/30 or better in each eye by glasses, the applicant may be qualified on condition that such glasses be worn while piloting lighter-than-air aircraft;

(2) An average of 30 millimeters or less, on the depth perception apparatus, with or without glasses: *Provided,* That, if the depth perception is greater than 30 millimeters without correction and can be corrected to at least 30 millimeters by glasses, the applicant may be qualified upon condition that such glasses be worn while piloting lighter-than-air aircraft;

(3) No diplopia unless corrected by glasses in which case such glasses shall be worn while piloting lighter-than-air aircraft; and

(4) No serious pathology of the eye.

(b) *Ear, nose, throat, and equilibrium.* Applicant shall be able to hear the whispered voice at 3 feet; shall have no acute or chronic disease of the internal ear, no disease or malformation of the nose or throat which may interfere with or be aggravated by flying, and no disturbance in equilibrium.

(c) *General physical condition.* Applicant shall have no organic or functional disease or structural defect or limitation which would interfere with the safe piloting of lighter-than-air aircraft.

(d) *Nervous system.* Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

(e) *Exceptions to physical requirements.* An applicant may receive a certificate in spite of a failure to comply with the above physical requirements, if his physical deficiency is such as not to interfere with his safe piloting of lighter-than-air aircraft. Any applicant receiving a certificate under these conditions may be restricted to particular types of operation or particular lighter-than-air aircraft.

§ 22.105 *Aeronautical knowledge.* No requirement is prescribed.

§ 22.106 *Aeronautical experience.* No requirement is prescribed.

§ 22.107 *Aeronautical skill.* No requirement is prescribed.

§ 22.11 *Private lighter-than-air pilot certificate.* To be eligible for a private lighter-than-air pilot certificate an applicant shall comply with the following requirements:

§ 22.110 *Age.* Applicant shall be at least 18 years of age. If applicant be less than 21 years of age at the time of making application, he shall submit with his application the written consent of either parent, or legal or natural guardian to the issuance of the pilot certificate sought.

§ 22.111 *Character.* Same as in § 22.101.

§ 22.112 *Citizenship.* Same as in § 22.102.

§ 22.113 *Education.* Applicant shall be able to read, speak and understand the English language.

§ 22.114 *Physical condition.* The same as in § 22.104, except that a certificate may be issued to an applicant who does not meet these physical requirements if his flying experience gained prior to his disability offsets his physical deficiency. Such applicant may be restricted to particular operations or particular lighter-than-air aircraft.

§ 22.115 *Aeronautical knowledge.* Applicant shall pass a written examination covering so much of the provisions of Parts 01, 22 and 60 as are pertinent to his certificate, prevailing weather conditions in the United States as encountered in flying, and the forecasting thereof, the analyzing of weather maps and sequence reports as furnished by the United States Weather Bureau, practical air navigation problems and the use of maps, navigation by terrain (pilotage) and by dead reckoning, including the use of instruments and other aids to navigation in visual-contact flying, and the general servicing and operation of airships.

§ 22.116 *Aeronautical experience.* Applicant shall have logged at least 50 flight hours actually at the controls of airships, including not less than 5 hours of solo flight and not less than 5 hours of cross-country flight. At least 5 hours of such time shall have been logged within the 60 days immediately preceding the date of filing the application.

§ 22.117 *Aeronautical skill.* Applicant shall satisfactorily demonstrate his ability to pilot airships in solo flight and in addition to normal take-offs and landings to perform satisfactorily the following maneuvers:

(a) A series of right and left turns and figure eights;

(b) Ascents and descents at rates up to 600 feet per minute not permitting gas pressure to exceed 1½ inches of water during ascents or to fall below 1 inch of water during descents;

(c) Land the airship 200 pounds heavy and 200 pounds light.

(d) Such other maneuvers as the Administrator deems necessary.

§ 22.118 *Military competence.* An applicant who is or was within the 60 days preceding application a member of the regular Army, Navy, Marine Corps or Coast Guard or a reserve member of any such service on active duty for a period of at least one year will be deemed to have met the requirements of §§ 22.115, 22.116 and 22.117 if he submits to an inspector of the Administrator a certificate from the appropriate officer in charge of flying in his service, stating that the applicant is, or was within the 60 days preceding application, on flying status as a lighter-than-air pilot and competent to pilot airships.

§ 22.12 *Commercial lighter-than-air pilot certificate.* To be eligible for a commercial lighter-than-air pilot certificate an applicant shall comply with the following requirements:

§ 22.120 *Age.* Applicant shall be at least 18 years of age. If applicant be less than 21 years of age at the time of making application, he shall submit with his application the written consent of either parent, or legal or natural guardian to the issuance of the pilot certificate sought.

§ 22.121 *Character.* Applicant shall not be temperamentally unsuited for flying.

§ 22.122 *Citizenship.* Applicant shall be:

(a) A citizen of the United States, or

(b) A citizen of a foreign country which grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign country, or

(c) An alien who has filed his declaration of intention to become a citizen of the United States and notifies the Administrator of the serial number of such declaration and of the date thereof and of the court in which it is filed: *Provided,* That the certificate is, in such case, subject to revocation if the holder does not from time to time keep the Administrator advised of the status of the proceedings in court and does not diligently and successfully prosecute them and become admitted as a citizen.

§ 22.123 *Education.* Applicant shall be able to read, speak, write, and understand the English language.

§ 22.124 *Physical requirements.* Applicant shall comply with the following requirements as to physical condition:

(a) *Eye.* Applicant shall have: (1) A visual acuity of at least 20/20 in each eye separately without correction: *Provided,* That, if the vision in either or both eyes is not poorer than 20/50 and is brought up to 20/20 or better in each such eye by glasses, the applicant may be qualified upon condition that correcting glasses be worn while piloting lighter-than-air aircraft;

(2) An average depth perception of 30 millimeters or less with or without glasses: *Provided,* That, if the depth perception is greater than 30 millimeters without correction, and can be corrected to at least 30 millimeters by glasses, the applicant may be qualified upon condition that correcting glasses be worn while piloting lighter-than-air aircraft;

(3) No diplopia;

(4) Not more than one diopter of hyperphoria;

(5) Properly balanced eye muscles with an abduction of three diopters or more;

(6) Sufficient accommodation to pass a test prescribed by the Administrator based primarily upon ability to read official aeronautical maps;

(7) Normal fields of vision; and

(8) No pathology of the eye.

(b) *Ear, nose, throat, and equilibrium.* Applicant shall be able to hear the whispered voice at 8 feet with each ear separately; shall have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed perforations of the ear drum; no disease or malformation of the nose or throat which may interfere with, or be aggravated by, flying; and no disturbance of equilibrium.

(c) *General physical condition.* Applicant shall have no organic or functional disease or structural defect or limitation which would interfere with the safe piloting of lighter-than-air aircraft.

(d) *Nervous system.* Applicant shall have no disease of the mental or nervous system and no abnormality of the personality.

(e) *Exceptions to physical requirements.* Applicant may receive a certificate in spite of a failure to comply with the above physical requirements if his flying experience gained prior to his disability offsets such physical deficiency, in which case the applicant may be restricted to particular operations or particular lighter-than-air aircraft endorsed upon the certificate.

§ 22.125 *Aeronautical knowledge.* The same as in § 22.115 and, in addition, the applicant shall pass a written examination on the theory and practice of flight, the maintenance of non-rigid airships and the maintenance and proper use of airship power units, the use of such instruments and other navigational aids, both in airships and on the ground, necessary for the navigation of airships by instrument, and meteorology as applied to weather analysis and forecast.

§ 22.126 *Aeronautical experience.* Applicant shall show a total of at least 200 hours of flight time actually at the controls of airships of which at least 5 hours shall have been logged within the 60 days immediately preceding the date of the filing of the application and including:

(a) Not less than 50 hours in solo flight;

(b) Not less than 10 hours in cross-country fight;

(c) Not less than 10 hours in flight during the hours of darkness;

(d) Not less than 20 hours of instrument instruction and practice in flight: *Provided,* That not more than 10 hours of this requirement may be instruction and practice under simulated conditions not in flight when approved by the Administrator; and

(e) In lieu of not to exceed 50 hours of the 200-hour total flight time requirement, applicant may show an equal or greater amount of flight time while participating as a crew member when acceptable to the Administrator.

§ 22.127 *Aeronautical skill.* Same as in § 22.117 except that: the (a) In the maneuvers required by § 22.117 (a) the altitude of the ship shall not vary up or down in excess of 100 feet of the assigned flight altitude.

(b) In the maneuvers required by § 22.117 (b) ascents and descents at rates

up to 1200 feet per minute shall be made under the same pressure limitations.

(c) Applicant shall also demonstrate satisfactorily his ability to perform, solely by instrument, the following:

(1) Straight, level flight for given period of time;

(2) Moderate 180 degree and 360 degree precision turns in both directions;

(3) Ascents and descents at rates up to 1000 feet per minute;

(4) Climbing and diving turns and recovery therefrom;

(5) Estimating arrival time taking into account wind, air-speed and drift while in flight or under simulated conditions;

(6) Such other maneuvers as the Administrator deems necessary.

§ 22.128 *Radio skill.* Applicant shall demonstrate satisfactorily his ability to perform while in flight the following:

(a) Tuning radio;
(b) Orientation;
(c) Following radio range;
(d) Locating cone of silence;
(e) Letting-down-through on the range by a satisfactory airship instrument approach procedure for the particular airport used in connection with the test; and
(f) Such other maneuvers as the Administrator deems necessary.

§ 22.129 *Military competence.* An applicant who within 60 days preceding the application has been an active member of the regular Army, Navy, Marine Corps or Coast Guard or a reserve member of any such service on active duty for a period of not less than 1 year will be deemed to have met the requirements of §§ 22.125, 22.126, 22.127 and 22.128 if he submits to an inspector of the Administrator a certificate from the appropriate officer in charge of flying in his service that he was on flying status as a lighter-than-air pilot with an instrument rating at the time of his separation from the service and was at that time competent to pilot airships.

§ 22.13 *Free balloon pilot certificate.* To be eligible for a free balloon pilot certificate an applicant shall comply with the following requirements:

§ 22.130 *Age.* Same as § 22.110.

§ 22.131 *Character.* Applicant shall not be temperamentally unsuited for flying.

§ 22.132 *Citizenship.* Applicant may be of any nationality.

§ 22.133 *Education.* Applicant shall be able to read, speak, write and understand the English language.

§ 22.134 *Physical condition.* Same as § 22.114.

§ 22.135 *Aeronautical knowledge.* Same as § 22.115.

§ 22.136 *Aeronautical experience.* Applicant shall have had a minimum of 6 instruction flights in free balloons of not less than 1 hour duration each and shall have logged at least 1 hour of actual solo flight time within the 90 days immediately preceding the date of filing the application. The date of such solo flight shall be certified to by the instructor on the student lighter-than-air pilot certificate.

§ 22.137 *Aeronautical skill.* Applicant shall demonstrate satisfactorily his ability to pilot and maneuver a free balloon in actual solo flight.*

§ 22.2 *Lighter-than-air pilot certificates.*

§ 22.20 *Application.* Application for a lighter-than-air pilot certificate shall be made upon the form prescribed and furnished by the Administrator.

§ 22.200 *Revocation.* No person whose lighter-than-air pilot certificate has been revoked shall apply for or be issued a pilot certificate for a period of 1 year after the revocation except as the order of revocation may otherwise provide.

§ 22.201 *Nontransferability.* A lighter-than-air pilot certificate is not transferable.

§ 22.21 *Duration.* A lighter-than-air pilot certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Administrator within such period, shall continue in effect indefinitely thereafter, unless suspended or revoked, except that it shall immediately expire (1) at the end of each designated period[1] after the date of issuance thereof if the holder of such certificate fails to secure an endorsement by an authorized inspector of the Administrator within the last 45 days of each such period, or (2) at any time an authorized inspector of the Administrator shall refuse to endorse such certificate after inspection or examination.

§ 22.22 *Periodic endorsement requirements.* No lighter-than-air pilot certificate shall receive a periodic endorsement unless the holder thereof (1) shall make application for endorsement on the applicable form prescribed and furnished by the Administrator and (2) shall have logged the hours of solo flight time hereinafter required with respect to the following classes of lighter-than-air pilot certificates or in lieu thereof satisfactorily passes the flight test required for the original issuance of his certificate and (3) shall have satisfactorily passed the physical examination hereinafter required with respect to the following classes of lighter-than-air pilot certificates:

(a) *Student lighter-than-air pilot.* (1) No flight time required.

(2) A physical examination showing at least the same physical condition as that required for the issuance of a student lighter-than-air pilot certificate within the 14 months preceding the expiration of the endorsement period.

(b) *Private lighter-than-air pilot.* (1) Fifteen hours of solo flight time within the endorsement period of an airship.

(2) A physical examination showing at least the same physical condition as that required for the issuance of a private lighter-than-air pilot certificate within the 14 months immediately preceding the expiration of the endorsement period.

(c) *Commercial lighter-than-air pilot.* (1) Twenty hours of solo flight time within the endorsement period in an airship, of which not less than 10 hours shall be solely by instruments. In lieu of not more than 5 hours of this requirement the applicant may show an equal or greater amount of practice under simulated conditions not in flight.

(2) A physical examination showing at least the same physical condition as that required for the issuance of a commercial pilot certificate within the 60 days immediately preceding the expiration of the endorsement period.

(d) *Free balloon pilot.* (1) No flight time required.

(2) A physical examination showing at least the same physical condition as that required for the issuance of a free balloon pilot certificate within the 14 months preceding the expiration of the endorsement period.

§ 22.23 *Special issuance of expired certificates.* (a) The holder of a lighter-than-air pilot certificate of private or commercial grade which has expired because of failure to secure the necessary flight time, may, upon application to any inspector, have the expired certificate endorsed as conveying the privileges of a student lighter-than-air pilot certificate until 1 year from the date of original expiration. After such endorsement, the holder may exercise all the privileges incident to a student lighter-than-air pilot certificate which has been endorsed to permit solo flight.

(b) The holder of an expired private or commercial lighter-than-air pilot certificate, if application is made within 1 year following its expiration, may secure a new private or commercial lighter-than-air pilot certificate, as the case may be, by showing that, as of the date of application, he has met the requirements set forth in § 22.22 for periodic endorsement of his certificate. If application is made more than 1 year following the expiration of a lighter-than-air pilot certificate, the holder thereof may secure a new private or commercial lighter-than-air pilot certificate by showing that, as of the date of application, in the case of a private pilot, he has met the requirements for original issuance of a private lighter-than-air pilot certificate set forth in §22.11, except for §22.115, and in the case of a commercial pilot, he has met the requirements for original issuance of a commercial lighter-than-air pilot certificate set forth in §22.12, except for § 22.125: *Provided*, That the applicant shall pass a written examination on the provisions of the Civil Air Regulations which may be appropriate to his certificate.

(c) The holder of an expired free balloon pilot certificate may secure a new certificate upon proof that he has passed a physical examination showing at least the same physical condition as that required for the issuance of a free balloon pilot certificate within the 14 months preceding the date of application.

[1] The designated period for lighter-than-air pilot certificates will ordinarily be a period of 1 year. This period will be referred to hereafter as the "endorsement period."

(d) No endorsement shall be made under subsection (a) of this section and no certificate shall be issued under subsections (b) or (c) of this section if the lighter-than-air pilot certificate expired while it was the subject of a revocation or suspension proceeding or expired because of the refusal of an inspector to endorse.

(e) In applying this section, the time within which physical examinations and flight time must be secured in order to comply with the periodic endorsement requirements shall be computed from the date of application for special issuance, rather than the date of expiration of the endorsement period as is provided in § 22.22.

§ 22.24 *Examinations and tests.*

§ 22.240 *General procedure.* The examinations and tests prescribed in this Part shall be conducted by an authorized officer or employee of the Administrator or by a properly qualified person designated for the purpose by the Administrator. All examinations and tests will be held at such times and places as the Administrator may designate.

§ 22.241 *Physical examinations.* The following rules will govern the physical examinations given in connection with any lighter-than-air pilot certificate:

(a) The appropriate physical examination prescribed for the original issuance of a lighter-than-air pilot certificate shall be passed before any practical or theoretical test or other examination will be given, and shall be completed within the nine months preceding application for a free balloon pilot certificate or private lighter-than-air pilot certificate, or within the four months preceding application for a commercial lighter-than-air pilot certificate.

(b) In lieu of a physical examination conducted by an authorized medical examiner of the Administrator which is required for issuance or endorsement of a lighter-than-air pilot certificate, a certificate from a medical officer on active duty with the United States Army, Navy, Marine Corps or Coast Guard, who is authorized to conduct physical examinations for flying, stating that he examined the applicant, giving the date of the physical examination, and certifying that at the time of the examination the applicant was on flying status and met the physical requirements for flying prescribed for his military service, will be accepted for any lighter-than-air pilot certificate provided for in this Part: *Provided*, That the physical qualifications of such military examination are not less than those required by these regulations for the grade of pilot certificate applied for.

§ 22.242 *Reexaminations.* (a) An applicant for a private or commercial lighter-than-air pilot certificate or for a free balloon pilot certificate who has failed to pass any prescribed theoretical examination may apply for reexamination at any time after 30 days of the day of failure.

(b) An applicant for a private or commercial lighter-than-air pilot certificate or for a free balloon pilot certificate who has failed to pass any practical examination or test may apply for reexamination only after he has logged at least 3 additional hours of flight time.

§ 22.243 *Aircraft used in tests.* The applicant shall furnish suitable certificated aircraft for any flight test required.*

§ 22.3 *Pilot regulations.*

§ 22.31 *Flight limitation and privileges.*

§ 22.310 *Student lighter-than-air pilot.* (a) The holder of a student lighter-than-air pilot certificate shall not operate a free balloon in solo flight until

(1) he has demonstrated thorough familiarity with the provisions of Part 60 dealing with contact flight by passing a written examination of such provisions and such fact has been certified to by his instructor on the student lighter-than-air pilot certificate;

(2) he shall have had a minimum of six instruction flights in free balloons of not less than 1 hour duration each and such fact has been certified to by his instructor on the student pilot certificate.

(b) The holder of a student lighter-than-air pilot certificate shall not pilot an airship in solo flight until

(1) he has demonstrated thorough familiarity with the provisions of Part 60 dealing with contact flight by passing a written examination of such provisions and such fact has been certified to by his instructor on the student lighter-than-air pilot certificate;

(2) he shall have had a minimum of six instruction flights in free balloons of not less than 1 hour duration each and shall have logged at least 1 hour of actual solo flight in a free balloon and such fact shall be certified to by his instructor on the student lighter-than-air pilot certificate. If the student pilot possesses a free balloon pilot certificate such certification shall not be required;

(3) he shall have had a minimum of 35 hours of dual instruction in airships which shall include level flight, right and left turns, landings and take-offs and shall be deemed competent by his instructor to make such flight, which fact shall be certified to by his instructor on the student lighter-than-air pilot certificate.

(c) The holder of a student lighter-than-air pilot certificate shall not pilot any lighter-than-air aircraft carrying any person other than a certificated commercial lighter-than-air pilot, a member of the crew, or another certificated student lighter-than-air pilot whose presence in the aircraft is authorized by the instructor under whose direction the flight is being made. Such person shall not pilot any lighter-than-air aircraft for hire.

§ 22.311 *Private lighter-than-air pilot.* (a) The holder of a private lighter-than-air pilot certificate shall not pilot an airship carrying any persons or property for hire nor give any flight or instrument instruction therein.

(b) The holder of such certificate may pilot a free balloon for hire and may give flight instruction therein.

§ 22.312 *Commercial lighter-than-air pilot.* The holder of a commercial lighter-than-air pilot certificate may pilot for hire any lighter-than-air aircraft carrying passengers or property and may give either flying instruction or instrument instruction therein.

§ 22.313 *Free balloon pilot.* The holder of a free balloon pilot certificate shall not pilot any lighter-than-air aircraft except a free balloon but may pilot a free balloon for hire carrying passengers or property and give flight instruction therein.

§ 22.32 *Miscellaneous.*

§ 22.320 *Display.* The holder of any lighter-than-air pilot certificate shall keep his certificate in his personal possession at all times when piloting lighter-than-air aircraft and shall present the same for inspection upon request of any passenger, any authorized officer or employee of the Administrator or Board and of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance.

§ 22.321 *Surrender.* The holder of a lighter-than-air pilot certificate shall surrender, upon request, such certificate to any officer or employee of the Administrator if it has been suspended or revoked or if it has expired.

§ 22.322 *Operation during physical deficiency.* The holder of a lighter-than-air pilot certificate shall not pilot any lighter-than-air aircraft during the period of any known physical deficiency which would render him during that period unable to meet the physical requirements with which he complied in order to secure his certificate.

§ 22.323 *Inspection.* An applicant for, or the holder of, a lighter-than-air pilot certificate shall offer full cooperation wtih respect to any inspection or examination which may be made of such person upon proper request by any authorized representative of the Administrator.

§ 22.324 *Simulated instrument flight.* No person shall pilot a lighter-than-air aircraft in flight under simulated instrument conditions unless a certificated lighter-than-air safety pilot shall be present at all times and have ready access to the controls and adequate vision from the aircraft.

§ 22.325 *Log-books.* Every certificated lighter-than-air pilot and every person receiving flight instruction shall keep an accurate record of his flying time in a log-book in which the entries with respect to solo flying time shall be certified to by him and such entries respecting dual instruction shall have been certified to by the lighter-than-air pilot giving the instruction. This log-book shall be presented for inspection upon request and reasonable notice to any authorized representative of the Administrator or Board or of any State or municipal officer enforcing local regulations or laws involving Federal compliance.

§ 22.3250 *Form.* Such log-book shall be a bound record and the entries shall be accurate, legible and in ink or indelible pencil so arranged as to facilitate easy reference thereto.

§ 22.3251 *Content.* The log-book shall contain entries including at least the following: The date of flight; the make and model of the lighter-than-air aircraft flown; the aircraft identification mark; a statement classifying the type of flight (whether solo, dual instruction, instrument or night flying time); the duration of the flight; the points between which such flight was made; and, in addition, when any flight results in serious damage to the aircraft, a notation to this effect.

§ 22.3252 *Logging of flight time.* No flight time shall be logged as such unless the lighter-than-air aircraft flown is a public or certificated aircraft.

§ 22.3253 *Logging of instrument flight time.* No instrument flight time shall be logged as such unless the lighter-than-air aircraft is flown solely by reference to instruments either under actual or properly simulated flight conditions. Over-the-top flying shall not be logged as instrument flight time.*

§ 22.4 *Definitions.*

§ 22.40 *Lighter-than-air aircraft.* A lighter-than-air aircraft is an aircraft whose support is chiefly due to buoyancy derived from aerostatic forces.

§ 22.400 *Free balloon.* A free balloon, as used in this part, shall mean a lighter-than-air aircraft not restrained from free flight by any connection with the ground nor equipped with any power plant or propelling device, the ascent and descent of which may be controlled by releasing ballast or gas and the direction of flight of which is determined by the wind.

§ 22.401 *Airship.* An airship, as used in this part, shall mean a lighter-than-air aircraft other than a fixed or free balloon.

§ 22.41 *Solo flight time.* Solo flight time, as used in this part, shall mean flight time when the pilot is in command and actually at the controls of the lighter-than-air aircraft regardless of the presence of any other crew members in the aircraft who may act under his direction.

§ 22.410 *Actual solo flight time.* Actual solo flight time, as used in this part, shall mean flight time when the pilot is the sole occupant of the lighter-than-air aircraft.

§ 22.42 *Dual instruction.* Dual instruction as used in this part, shall mean flight time as a student at the controls of a lighter-than-air aircraft under the immediate direction of a pilot who is in command of the aircraft and authorized to give instruction therein.*

PART 20—PILOT RATING

2. By amending Part 20, § 20.0 to read as follows:

§ 20.0 *Classification of pilot certificates.* (a) Aircraft pilot certificates, other than glider or lighter-than-air, are classified in the following ascending grades:

(1) Student pilot certificate.
(2) Private pilot certificate.
(3) Commercial pilot certificate.
(4) Airline transport pilot certificate (provided for in all respects in Part 21).

(b) Glider pilot certificates are classified in the following ascending grades:

(1) Student glider pilot certificate.
(2) Private glider pilot certificate.
(3) Commercial glider pilot certificate.

(c) Lighter-than-air pilot certificates are provided for in all respects in Part 22. The provisions of Part 20 shall not apply to lighter-than-air pilot certificates or to lighter-than-air aircraft.

PART 60—AIR TRAFFIC RULES

3. By amending Part 60, section 60.50 to read as follows:

§ 60.50 *Pilot.* No flight shall be made in civil aircraft unless the pilot in charge—

(a) holds a valid instrument rating; or

(b) holds a valid airline transport pilot certificate; or

(c) holds a valid commercial lighter-than-air pilot certificate; or

(d) is an active member of the Regular Army, Navy, Marine Corps, or Coast Guard, or a reserve member of any such service on extended active duty for at least 1 year, and who holds at least a private pilot certificate issued by the Administrator and a military instrument flying rating, or equivalent, issued by his service.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-6618; Filed, September 3, 1941; 10:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4079]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF W. C. OHLENDORF, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., in connection with offer, etc., of respondent's "Dr. Ohlendorf's Tonic", or any other substantially similar medicinal preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, (1) that said preparation constitutes a cure or remedy for, or possesses any therapeutic value in the treatment of, kidney disorders, bladder disorders, rheumatism, neuritis, diabetes, or catarrh of the bladder or bowels; (2) that it possesses any therapeutic value as a diuretic; and (3) that it will tone up the nerves, or that it has any therapeutic value in the treatment of nervous disorders; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. C. Ohlendorf, etc., Docket 4079, August 19, 1941]

In the Matter of William Clarence Ohlendorf, an Individual Trading Under the Names W. C. Ohlendorf, Clarence Ohlendorf, C. Ohlendorf, and Dr. Ohlendorf

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Arthur F. Thomas, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and brief in support of the allegations of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, William Clarence Ohlendorf, individually and trading as W. C. Ohlendorf, Clarence Ohlendorf, C. Ohlendorf, and Dr. Ohlendorf, or trading under any other name, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation designated "Dr. Ohlendorf's Tonic" or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

(a) That said preparation constitutes a cure or remedy for, or that it possesses any therapeutic value in the treatment of, kidney disorders, bladder disorders, rheumatism, neuritis, diabetes, or catarrh of the bladder or bowels;

(b) That said preparation possesses any therapeutic value as a diuretic;

(c) That said preparation will tone up the nerves, or that it has any therapeutic value in the treatment of nervous disorders.

2. Disseminating or causing to be disseminated any advertisement by any

[1] 6 F.R. 1428.

means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6620; Filed, September 3, 1941; 11:09 a. m.]

[Docket No. 4398]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CINCHONA PRODUCTS INSTITUTE, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (ff10) *Advertising falsely or misleadingly—Unique nature or advantages.* Disseminating, etc., any advertisements by any means in commerce, etc., to induce, etc., directly or indirectly, purchase in commerce of the drug quinine or any substantially similar product, which advertisements represent, directly or through inference, that the drug quinine or any substantially similar product, constitutes a certain cure or remedy for malaria, that it is in all cases safe for use, or that it is the only treatment for malaria which is inexpensive and dependable, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Cinchona Products Institute, Inc., Docket 4398, August 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation as to the facts entered into between Eugene R. Pickrell, attorney for respondent herein, and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Cinchona Products Institute, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from, directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that the drug quinine, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, constitutes a certain cure or remedy for malaria, that it is in all cases safe for use, or that it is the only treatment for malaria which is inexpensive and dependable;

(2) Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That Paragraph Seven of the complaint be, and the same hereby is, dismissed.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6619; Filed, September 3, 1941; 11:09 a. m.]

[Docket No. 4486]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF REED-HARLIN GROCER COMPANY ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with sale and distribution of commodities in commerce, and among other things, as in order set forth, and on the part of respondent Ady and Milburn, Inc., and various other seller respondents, their officers, etc., (1) paying or granting, directly or indirectly, to respondents Reed-Harlin Grocer Company, a corporation, and John R. Reed and Orr M. Reed, individuals trading under the firm name and style of West Plains Brokerage Company, or under any other name, any brokerage and any allowances and discounts in lieu of commissions, brokerage or other compensation, upon the purchases made by respondents Reed-Harlin Grocer Company and John R. Reed and Orr M. Reed, individuals trading under the firm name and style of West Plains Brokerage Company; and (2) paying or granting to any buyer or to any agent, representative, or other intermediary therein, wherein such intermediary is in fact acting for or in behalf of, or is subject to the direct or indirect control of such buyer in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchase of commodities made for such buyer's own account; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Reed-Harlin Grocer Company et al., Docket 4486, August 21, 1941]

§ 3.45 (e) 1) *Discriminating in price—Indirect discrimination—Brokerage payments.* In purchasing commodities in commerce, for their own account, and among other things, as in order set forth, and on the part of respondents Reed-Harlin Grocer Company, and John R. Reed and Orr M. Reed trading as West Plains Brokerage Company, and their representatives, etc., (1) accepting from sellers, directly or indirectly, any brokerage, and any allowances and discounts in lieu of brokerage, in whatever manner or form such allowances and discounts may be offered, allowed, granted, paid or transmitted; and (2) accepting from sellers, in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases of commodities made for respondents' own account; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Reed-Harlin Grocer Company et al., Docket 4486, August 21, 1941]

In the Matter of Reed-Harlin Grocer Company, a Corporation; John R. Reed and Orr M. Reed, Individuals Trading Under the Firm Name and Style of West Plains Brokerage Company; Ady and Milburn, Inc., a Corporation; Arkansas State Rice Mill Company, a Corporation; William D. Wright and Frank E. Hockensmith, Individuals Trading Under the Firm Name and Style of Midwest Bean Company; The Great Western Sugar Company, a Corporation; Inness Bros., Inc., a Corporation; Louis S. Taube, Theodore Taube, and Lloyd B. Holden, Individuals Trading Under the Firm Name and Style of L. S. Taube & Co.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers filed herein by respondents Reed-Harlin Grocer Company, a corporation; John R. Reed and Orr M. Reed, individuals trading under the firm name and style of West Plains Brokerage Company; Inness Bros., Inc.; and Louis S. Taube, Theodore Taube and Lloyd B. Holden, individuals trading under the firm name and style of L. S. Taube &

[1] 6 F.R. 1956.

Co.; and the substitute answers of all the other respondents,—admitting all the allegations of the complaint to be true: And the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of an Act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended by the Robinson-Patman Act approved June 19, 1936 (U.S.C. Title 15, Section 13):

It is ordered, That respondents Ady and Milburn, Inc., a corporation; Arkansas State Rice Milling Company, a corporation; William D. Wright and Frank E. Hockensmith, individuals trading under the firm name and style of Midwest Bean Company; The Great Western Sugar Company, a corporation; Inness Bros., Inc., a corporation; and Louis S. Taube, Theodore Taube, and Lloyd B. Holden, individuals trading under the firm name and style of L. S. Taube & Co., their officers, representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the same and distribution of commodities in commerce, as "commerce" is defined in said Act, do forthwith cease and desist: From—

(a) Paying or granting, directly or indirectly, to respondents Reed-Harlin Grocer Company, a corporation, and John R. Reed and Orr M. Reed, individuals trading under the firm name and style of West Plains Brokerage Company, or under any other name, any brokerage and any allowances and discounts in lieu of commissions, brokerage or other compensation, upon the purchases made by respondents Reed-Harlin Grocer Company and John R. Reed and Orr M. Reed, individuals trading under the firm name and style of West Plains Brokerage Company;

(b) Paying or granting to any buyer or to any agent, representative, or other intermediary therein, wherein such intermediary is in fact acting for or in behalf of, or is subject to the direct or indirect control of such buyer in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchase of commodities made for such buyer's own account.

It is further ordered, That in purchasing commodities in commerce, as "commerce" is defined in said Act, for their own account, the respondents Reed-Harlin Grocer Company, a corporation, and John R. Reed and Orr M. Reed, individuals trading under the firm name and style of West Plains Brokerage Company, their representatives, agents and employees, do forthwith cease and desist from:

(a) Accepting from sellers, directly or indirectly, any brokerage, and any allowances and discounts in lieu of brokerage, in whatever manner or form such allowances and discounts may be offered, allowed, granted, paid or transmitted;

(b) Accepting from sellers, in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon purchases of commodities made for respondents' own account.

It is further ordered, That the parties respondent shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail, the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6621; Filed, September 3, 1941; 11:10 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5067]

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

SECTION 1. By virtue of and pursuant to the provisions of the Act of June 30, 1938 (U.S.C. Sup., title 15, chap. 18), the Act of August 9, 1939 (U.S.C. Sup., title 49, chap 11), section 2732 of the Internal Revenue Code, and section 161 of the Revised Statutes (U.S.C., title 5, sec. 22), Part 171 of Title 26, Code of Federal Regulations, is hereby amended by inserting a new subpart designated B (D) to read as follows:

SUBPART B (D)—SEIZURES IN CONNECTION WITH CONTRABAND FIREARMS

§ 171.4e *Delegation of functions.* The Alcohol Tax Unit in the Bureau of Internal Revenue is charged with the duty and responsibility, under the direction of the Commissioner of Internal Revenue, of (a) investigating, preventing, and detecting violations of Subchapter B of Chapter 25 and Part VIII of Subchapter A of Chapter 27 of the Internal Revenue Code, except that collectors of internal revenue, subject to the direction of the Commissioner of Internal Revenue, shall make all inquiries and investigations relating to the filing of special tax returns and shall receive and account for all moneys; (b) investigating, preventing, and detecting violations of the Federal Firearms Act of June 30, 1938 (U.S.C. Sup., title 15, chap. 18), and the regulations thereunder, except that collectors of internal revenue, subject to the direction of the Commissioner of Internal Revenue, shall make all inquiries and investigations relating to the issuance of licenses and shall receive and account for all moneys; (c) detaining and seizing firearms for violation of Subchapter B of Chapter 25 and Part VIII of Subchapter A of Chapter 27 of the Internal Revenue Code, and the custody and disposition, including remission or mitigation of the forfeiture, of firearms so seized; and (d) administering and enforcing the Act of August 9, 1939 (U.S.C. Sup., title 49, chap. 11), and the regulations thereunder, in so far as such act and regulations relate to the seizure and forfeiture of vessels, vehicles, and aircraft used for, or to facilitate, the transportation, carriage, conveyance, concealment, receipt, possession, etc., of any firearm defined by section 1 (b) (2) of such act to be a contraband article; the remission or mitigation of the forfeiture of such vessels, vehicles, aircraft, and the equipment thereof; the custody and disposition of such conveyances; and awards for information leading to the forfeiture of such conveyances: *Provided*, That the remission or mitigation of the forfeiture of any such conveyance, or the release of any such conveyance to a claimant upon payment of the appraised value thereof, shall be subject to the approval of the Secretary of the Treasury: *And provided further*, That the awarding of compensation for information leading to the forfeiture of any such conveyance shall be determined by the Commissioner of Internal Revenue, subject to the approval of the Secretary of the Treasury.

§ 171.4f *Delegation of authority.* The powers necessary for the discharge of the functions delegated to the Alcohol Tax Unit by § 171.4e are hereby conferred and imposed upon the Deputy Commissioner in charge of that Unit to be exercised by him under the direction and supervision of the Commissioner of Internal Revenue, and to district supervisors and other officers and employees of such Unit to be exercised by them under the supervision and direction of the said Deputy Commissioner.

SEC. 2. Treasury Decision 4961,[1] approved January 5, 1940, is revoked to the extent that it is inconsistent herewith.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 29, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6589; Filed, September 2, 1941; 3:22 p. m.]

[T. D. 5065]

PART 182—INDUSTRIAL ALCOHOL

AMENDMENT OF REGULATIONS NO. 3

Pursuant to the authority in section 3105 (a), Internal Revenue Code, Regulations No. 3 is amended as hereinafter set forth.

Article 111, as amended, is further amended by adding thereto the following paragraph:

Effective immediately and until further notice, proprietors of denaturing plants and their bona fide agents may reuse embossed steel drums bearing the identifying symbol of the denaturer for packaging completely denatured alcohol and anti-freeze manufactured with completely denatured alcohol, provided that drums bearing the embossed symbol of one denaturer may not be reused by another denaturer or his agents. New and reused drums, when filled, shall have the date of filling stencilled thereon in addition to all the marks now required by these regulations.

Article 146, as amended, is further amended by adding thereto the following paragraph:

Effective immediately and until further notice, producers of proprietary solvents and their bona fide agents may reuse embossed steel drums bearing the identifying symbol of the producer for packaging proprietary solvent: *Provided*, That drums bearing the embossed symbol of one producer may not be reused by another producer or his agents. New and reused drums, when filled, shall have the date of filling stencilled thereon in addition to all the marks required by these regulations.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 29, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6587; Filed, September 2, 1941; 3:22 p. m.]

[T. D. 5066]

PART 468—REGULATIONS RELATING TO SEIZURES OF VESSELS, VEHICLES, AND AIRCRAFT IN CONNECTION WITH CONTRABAND FIREARMS COVERED BY SECTION 1 (b) (2), ACT OF AUGUST 9, 1939

AMENDING TREASURY DECISION 4961

By virtue of and pursuant to the provisions of the Act of August 9, 1939 (U.S.C., Sup., title 49, chap. 11), and Subchapter B of Chapter 25 of the Internal Revenue Code, the last paragraph of § 468.0, and §§ 468.1 to 468.14, inclusive, and § 468.16 of Treasury Decision 4961,[1] approved January 5, 1940, are amended to read as follows:

§ 468.0 *Introductory.* * * *

The following regulations are hereby prescribed under the Act of August 9, 1939, and Subchapter B of Chapter 25 of the Internal Revenue Code, relative to the seizure and disposition of vessels, vehicles, and aircraft when engaged in the transportation, etc., of contraband firearms, and to the seizure and disposition of the contraband firearms involved.

§ 468.1 *Definitions.* As used in the regulations in this part, except as otherwise indicated by the context:

(a) "Conveyance" means a vessel, vehicle, or aircraft within the scope of the Act of August 9, 1939, and the regulations in this part.

(b) "Seizing officer," "officer seizing," etc., mean the Deputy Commissioner of Internal Revenue in charge of the Alcohol Tax Unit, the district supervisor, investigator in charge, investigator, or inspector of the proper district, or such other officer of internal revenue as may be specially authorized by the Commissioner pursuant to section 3720 of the Internal Revenue Code to seize property legally subject to seizure and who has made or adopted a seizure within the scope of the regulations in this part.

(c) "Secretary" means the Secretary of the Treasury.

(d) "Commissioner" means the Commissioner of Internal Revenue.

(e) "Deputy Commissioner" means the Deputy Commissioner of Internal Revenue in charge of the Alcohol Tax Unit.

(f) "District supervisor" means the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

(g) "Investigator in charge" means the person having charge of a subdivision of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

(h) "Collector" means the collector of internal revenue.

(i) The terms defined in the Act of August 9, 1939, shall have the meanings thereby ascribed to them.*

*§§ 468.1 to 468.12, inclusive, issued under the authority contained in 53 Stat. 1291, I.R.C. Chap. 25, Subchap. B; 49 U.S.C., Sup., Chap. 11.

§ 468.2 *Reports of seizure.* An officer seizing or adopting the seizure of a conveyance or contraband firearm shall promptly make a complete written report to the district supervisor for the district in which the seizure was made. The report shall be in such form and submitted in such manner as the Deputy Commissioner may require.*

§ 468.3 *Custody and storage.* Any conveyance or contraband firearm seized under the law and the regulations in this part shall be in the custody of the district supervisor or investigator in charge for the district in which the seizure is made. The seizing officer shall store the conveyance or contraband firearm in a place designated, either generally or in the particular case, by the district supervisor or investigator in charge. The place of storage shall be in the judicial district in which the seizure occurred. Government storage facilities shall be utilized if practicable. If the conveyance is stored on private premises there shall be secured from the proprietor thereof and forwarded with the report to the district supervisor a receipt for the conveyance coinciding with the description in the report to the district supervisor. Conveyances or contraband firearms may not be used prior to forfeiture and award for official use.*

§ 468.4 *Appraisement.* The district supervisor or investigator in charge shall appraise the conveyance or firearm to determine the value at the time and place of appraisement, or if there is no market for the conveyance or firearm at the place of appraisement, the value in the principal market nearest the place of appraisement. The appraisal may be based upon the report of the seizing officer and any other information which may be acquired.*

§ 468.5 *Advertisement.* If the appraised value does not exceed $1,000, the district supervisor shall cause a notice of the seizure and of the intention to forfeit and sell or otherwise dispose of the property to be published once a week for at least three successive weeks in a newspaper of general circulation in the judicial district in which the seizure occurred. The notice shall not be inserted oftener than three times, unless the district supervisor is of the opinion that, because of circumstances peculiar to the particular case, a greater number of insertions will be to the advantage of the government. The notice shall

(a) Describe the conveyance or firearm seized, and show the registration, motor and serial numbers of the conveyance and the number or other identifying mark of the firearm, if any;

(b) Show the reason for, and time and place of, seizure; and

(c) State that any person desiring to claim the conveyance or firearm may, within 20 days from the date of first publication of the notice in the case of a conveyance and within 30 days from the date of first publication of the notice in the case of a firearm, file with the investigator in charge a claim for the conveyance or firearm and a bond for costs of judicial condemnation with satisfactory sureties in the sum of $250; and that unless such claim and bond are filed within the stated time the conveyance or firearm will be disposed of in accordance with law. The form of notice used in seizures under other laws by the Alcohol Tax Unit will, as far as applicable, be followed.*

§ 468.6 *Requirements as to claim and bond.* The bond and claim shall be in triplicate. The bond shall sufficiently identify the conveyance or firearm, shall run to the United States of America, have sureties approved by the district supervisor, and be conditioned that in case of condemnation of the conveyance or firearm the obligor shall pay all the costs and expenses of the proceeding to obtain the condemnation. Bond, Form 175, may be adapted for the purposes of the regulations in this part. When a claim and bond are received in proper form and the sureties are satisfactory, the district supervisor and the investigator in charge shall proceed in accordance with § 468.8. If the documents are not in satisfactory form when first received by the district supervisor or investigator in charge, a reasonable time for correction may be allowed. If correction is not made within a reasonable time the documents may be treated as nugatory, and the case may proceed as though they had not been tendered. The filing in proper form of the claim and bond does not entitle the claimant to possession of the conveyance or firearm but stops the summary proceedings.*

§ 468.7 *Summary forfeiture.* If the appraised value does not exceed $1,000, and the claim and bond mentioned in § 468.6 are not filed within the time required, the investigator in charge shall

[1] 5 F.R. 107.

[1] 5 F.R. 107.

execute, in quadruplicate, a declaration of forfeiture, one copy of which will be retained and the original and two copies forwarded to the district supervisor. The declaration should state that it is made in accordance with section 609 of the Tariff Act of 1930 in the case of a conveyance and with section 3724 of the Internal Revenue Code in the case of a firearm, and should follow, with necessary modifications, Form 1570. Thereafter the conveyance shall be disposed of in accordance with official instructions duly received by the district supervisor. No notice of public sale of any such forfeited firearm shall be given and no such firearm shall be sold at public sale. Any such firearm forfeited as provided herein shall be delivered by the district supervisor to the Director of Procurement for appropriate disposition.*

§ 468.8 *Presentation for judicial action.* If the appraised value is greater than $1,000, or if the appraised value is not more than $1,000 but a claim and satisfactory bond have been received (see § 468.6), the investigator in charge shall transmit a copy of the report of the seizing officer, and a supplemental report of any pertinent facts and circumstances additional to those disclosed by the seizing officer's report (see § 468.2), to the United States Attorney for the judicial district in which the seizure was made for institution of condemnation proceedings. If the seizure has been advertised the report shall include copies of the newspapers containing the advertisements. Immediately upon reference of a case to the United States Attorney, the district supervisor shall notify the Deputy Commissioner. If deemed appropriate, the Commissioner will, in the case of a conveyance, request the Director of Procurement to petition the court for delivery of the same for official use. See Treasury Decision 4625 (section 3), Cumulative Bulletin XV–1 (1936), page 492.*

§ 468.9 *Petitions for remission or mitigation of forfeiture.* Any person interested in any conveyance or firearm within the scope of the regulations in this part which has been forfeited by summary or administrative proceedings, or which is held for summary or administrative forfeiture, may within the time prescribed (see § 468.10) petition the Secretary for remission or mitigation of the forfeiture, and, if the conveyance or firearm has been sold, or delivered to a governmental agency for official use, for restoration of the proceeds of sale or such part thereof as may be claimed by the petitioner. The petition shall be filed in triplicate with the district supervisor or the investigator in charge.

The petition shall be addressed to the Secretary and shall be executed and sworn to by the petitioner. The petition shall state in clear and concise terms the following:

(a) A complete description of the conveyance or firearm, including registration number and motor and serial numbers of the conveyance and the number or other identifying mark of the firearm, if any, the name of the owner, and of the person from whom seized, as well as the date and place of seizure.

(b) The interest of the petitioner in the conveyance or firearm, which shall be established by bills of sale, contracts, mortgages, or other satisfactory documentary evidence filed with the petition.

(c) The circumstances, to be established by satisfactory proof, relied upon by the petitioner to justify remission or mitigation.

Where the forfeiture and sale have already occurred (see § 468.10), it must be established by satisfactory proof that the petitioner did not know of the seizure prior to the forfeiture, and was in such circumstances as prevented him from knowing thereof.

Where the petitioner is not the one who in person committed the act which caused the forfeiture, the petition should show how the property came into the possession of such other person, and what investigation, if any, was made of such person prior to parting with the conveyance or firearm. If such investigation was not made, the reason for not making it should be stated.*

§ 468.10 *Time for filing petition.* A petition for remission or mitigation of a forfeiture must be seasonably filed. Where the petition is for restoration of the proceeds of sale, it must be filed within three months after the date of sale. In the case of a conveyance or firearm which is retained or awarded for official use, the retention or delivery shall be regarded as a sale for the purposes of the regulations in this part.*

§ 468.11 *Handling of petition.* Where the petition is in proper form, the district supervisor shall, upon completion of any investigation necessary to determine the merits of the petition, forward to the Deputy Commissioner the original of the petition (including all supporting documents), together with the original of the investigation report, a copy of the case report, a copy of the appraisement list, and the district supervisor's recommendation. One copy of the petition will be retained by the district supervisor and one copy by the investigator in charge.*

§ 468.12 *Expenses: Disposition of proceeds.* Expenses in connection with a seizure and forfeiture within the scope of the regulations in this part shall be paid from the internal revenue appropriation. Where a conveyance is forfeited and sold through summary or administrative proceedings, the investigator in charge shall transmit to the collector with the gross proceeds of the sale a statement of all expenses incurred in connection with the seizure and forfeiture. The collector shall, after reimbursing the internal revenue appropriation for all such expenses, deposit the net proceeds as other internal revenue receipts.

Where a forfeited conveyance is transferred to another federal agency, such agency shall reimburse the internal revenue appropriation for the costs of hauling, transporting, towing and storage from the date of seizure to the date of delivery.

If the forfeiture and sale be by court proceedings, the sum recovered after deducting all appropriate charges for marshal's fees, court costs (where no bond was given therefor), etc., is payable to the collector. When such sum is received, the collector shall, after reimbursing the internal revenue appropriation for all expenses incurred in connection with the seizure before delivery of the conveyance to the marshal, deposit the net proceeds as other internal revenue receipts. The investigator in charge shall transmit to the collector immediately the conveyance is delivered to the marshal a statement of such expenses.*

§ 468.13 *Release on payment of appraised value.* If any person claiming an interest in any conveyance within the scope of the regulations in this part offers to pay the appraised value thereof (see § 468.4), and it appears that the claimant has in fact a substantial interest in the conveyance, the Commissioner may, subject to the approval of the Secretary, accept the offer and release the conveyance upon payment of the money, which shall be distributed in accordance with § 468.12.

The offer must be in writing, addressed to the Secretary, signed by the claimant, and submitted in triplicate to the district supervisor or investigator in charge. It must express assent to forfeiture of the conveyance and waive further proceedings. The offer shall be supported by such proof of ownership as in the opinion of the district supervisor is necessary. The district supervisor shall forward the offer to the Deputy Commissioner and retain custody of the conveyance, pending action on the offer and payment of the amount of the offer if it is approved. (53 Stat. 1291; 49 U.S.C., Sup., chap. 11)

§ 468.14 *Awards.* Any person not an officer of the United States who takes and seizes any conveyance within the scope of the regulations in this part, and reports the matter to an officer of internal revenue or who furnishes information leading to the forfeiture of such a conveyance, may be awarded compensation of 25 per centum of the net amount realized, but not exceeding $50,000 in any case which shall be paid out of the internal revenue appropriation. If a forfeited conveyance is destroyed in lieu of sale, or devoted to official use, compensation of 25 per centum of the appraised value, not to exceed $50,000 in any case, may be awarded and paid. Awards may not be paid out of the proceeds of sale.

When information of the existence of legal basis for seizure is furnished to an internal revenue officer in writing, the original will be forwarded immediately to the Commissioner. The officer shall retain a copy. If the information is furnished orally, a memorandum thereof will be made and likewise forwarded. However, appropriate action shall be taken in the case without awaiting instructions from the Commissioner.

The claim of an informer, or of a detector and seizor, shall be executed in triplicate on Form No. 211, appropriately amended. The original of the claim for compensation shall contain the signatures of the respective parties to the claim. Any number of additional copies necessary to complete the district supervisor's files may be required. The claim must show the date when, and the circumstances under which, the information was furnished or the conveyance was detected and seized, and fairly state all the pertinent facts of the case.

The district supervisor of the district in which the claim originated will attach a statement showing the following facts:

(a) The place of seizure; (b) the date of seizure; (c) the statutes on the violation of which the seizure was based; (d) a full description of the conveyance and any other property seized; (e) the names of the persons involved in the violation; (f) the net amount realized from the forfeitures; (g) the date when the amount realized was deposited, and the amount of the certificate of deposit; (h) the amount paid in compromise, if any, and the date of payment; (i) the amount of expenses payable from the internal revenue appropriation; and (j) if the conveyance was released upon payment of the appraised value, or the conveyance was devoted to official use, the appraised value, as well as costs and expenses incurred, or that would properly have been incurred had the ordinary procedure been followed.

The district supervisor shall indicate his approval or disapproval of the claim and shall certify whether or not the claimant was an officer of the United States, and if an informer, whether he furnished the original information in the case, and if a detector and seizor, whether the claimant actually detected and seized the conveyance, and in either case whether any person other than the claimant gave original information in the case.

Claims will be transmitted by the district supervisor to the Commissioner in duplicate. Where there is a decree or order of court designating the informer a copy thereof shall also be forwarded. In a contested case the district supervisor shall forward the applications of all claimants and furnish a statement of the facts bearing on the merits of the several claims together with his recommendation. (53 Stat. 1291; 49 U.S.C., Sup., chap. 11)

§ 468.16 *Procedural details.* With respect to procedural details not expressly covered by the regulations in this part, district supervisors and other officers will follow the procedure governing the forfeiture and disposition of personal property seized under other laws administered by the Alcohol Tax Unit, in so far as applicable and not inconsistent with these or any other regulations or any statutory provision, with such variations as may be appropriate in the circumstances.*

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 29, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–6588; Filed, September 2, 1941; 3:22 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the rules and regulations governing the operations of bridges across all navigable waterways of the United States within California, are hereby amended by adding regulations for the Atchison, Topeka, and Santa Fe Railway bridge across San Joaquin River, inserting these regulations in subparagraph (b) (5) as follows:

§ 203.710 *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.*

* * * * *

(b) (5) *San Joaquin River below Paradise Dam, Middle River, Burns Cut-Off and Potato Slough.*

* * * * *

Atchison, Topeka and Santa Fe Railway bridge, San Joaquin River. Period of day for prompt opening. Between the hours of 8:00 a. m. and 5:00 p. m. daily except Sundays and national holidays, the Santa Fe Railway Bridge crossing the San Joaquin River shall, upon proper signal, be opened promptly for the passage of any vessel or vessels or other watercraft not able to pass underneath.

Between the hours of 5:00 p. m. and 8:00 a. m. daily and on Sundays and national holidays, prompt opening may be assured only by giving reasonable notice in advance to the Railway Company's agent at Stockton, California. When such notice including the time of intended passage is given, prompt opening of the bridge upon proper signal will be insisted upon. Vessels making trips through this bridge without prior notification as stated above, may expect delay at the bridge, but every reasonable means shall be used to expedite openings at all times. A sign giving instructions as to where and how the bridge operator can be reached shall be posted in a conspicuous place on each side of the bridge. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 449) [Regs. Aug. 19, 1941 (E.D. 6371 (Atchison, Topeka—Santa Fe R. R.—San Joaquin R.—Stockton, Cal.)—7/4)]

[SEAL] J. A. ULIO,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 41–6593; Filed, September 3, 1941; 9:34 a. m.]

[1] § 203.710 (b) (5) is amended.

Notices

WAR DEPARTMENT.

[AG 325 (8–12–41) MT–C]

INDUCTION OF THE 125TH OBSERVATION SQUADRON, OKLAHOMA NATIONAL GUARD, EFFECTIVE SEPTEMBER 15, 1941

1. Pursuant to and in compliance with the provisions of Executive Order Number 8756,[1] May 17, 1941, amending Executive Order Number 8633,[2] January 14, 1941, ordering certain units and members of the National Guard of the United States into the active military service of the United States, effective on dates to be announced in War Department orders, September 15, 1941, is hereby announced as the effective date of induction for the following organization:

Unit	*State*
125th Observation Squadron	Oklahoma

2. Separate instructions will be transmitted for the troop movements to be made following induction.

3. The Governor and the Adjutant General of Oklahoma are being furnished copies of this letter. (Sec. 111, 39 Stat. 211, Sec. 49, 41 Stat. 784; 32 U.S.C. 81)

Dated: August 28, 1941.

[SEAL] J. A. ULIO,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 41–6594; Filed, September 3, 1941; 9:34 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1797–FD]

IN THE MATTER OF GIBB COAL CO., REGISTERED DISTRIBUTOR, REGISTRATION No. 3442, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration

[1] 6 F.R. 2474.
[2] 6 F.R. 415.

of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not Gibb Coal Co., Registered Distributor, Registration No. 3442, whose address is Albia, Iowa, the respondent in the above entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors and the Distributor's Agreement, (the "Agreement") executed July 17, 1940, by respondent, pursuant to the Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. During the period from November 16, 1940 to January 24, 1941, respondent purchased from Blakesburg Deep Vein Coal Co., a code member in District No. 12, approximately 190 net tons of screenings, size group No. 8, produced at Mine No. 234 of said code member, located in Wapello County, Iowa, at prices f. o. b. the mine ranging from $1.07 to $1.46 per net ton whereas the effective minimum f. o. b. mine price for said coal, at the time of said transactions, was $1.85 per net ton, as shown in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and resold said coal to various customers, at various destinations, thereby accepting and retaining discounts on said transactions in excess of the maximum discount of 12 cents per net ton established for registered distributors on such transactions by Order of the Director, dated June 19, 1940, in General Docket No. 12, in violation of section 4 II (h) of the Act, § 304.12 (b) (1) of the Rules and Regulations for Registration of Distributors and paragraph (a) of the Agreement.

3. Respondent physically handled the coal referred to in paragraph 2 herein by hauling said coal in its own trucks to a railroad ramp, from which point it was shipped by rail to various customers of the respondent, at various destinations, in violation of section 4 II (h) of the Act, § 304.12 (b) (4) of the Rules and Regulations for Registration of Distributors and paragraph (d) of the Agreement.

4. During the period from November 15, 1940 to January 21, 1941, respondent purchased from Right Way Coal Co., a code member in District No. 12, approximately 126 net tons of screenings, size group No. 8, produced at Mine No. 435 of said code member, located in Monroe County, Iowa, at prices f. o. b. the mine ranging from $1.07 to $1.46 per net ton, whereas the effective minimum f. o. b. mine price for said coal at the time of said transactions was $1.80 per net ton, as shown in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and respondent resold said coal to various customers at various destinations, thereby accepting and retaining discounts on said transactions in excess of the maximum discount of 12 cents per net ton established for registered distributors on such transactions by Order of the Director, dated June 19, 1940, in General Docket No. 12, in violation of section 4 II (h) of the Act, § 304.12 (b) (1) of the Rules and Regulations for Registration of Distributors and paragraph (a) of the Agreement.

5. Respondent physically handled the coal referred to in paragraph 4 herein by hauling said coal in its own trucks to a railroad ramp, from which point it was shipped by rail to various customers of the respondent, at various destinations, in violation of section 4 II (h) of the Act, § 304.12 (b) (4) of the Rules and Regulations for Registration of Distributors and paragraph (d) of the Agreement.

6. During the period from November 15, 1940 to December 17, 1940, respondent purchased from Watkins Coal Co., a code member in District No. 12, approximately 158 net tons of screenings, size group No. 8, produced at Mine No. 579 of said code member, located in Wapello County, Iowa, at prices f. o. b. the mine ranging from $.97 to $1.36 per net ton, whereas the effective minimum f. o. b. mine price for said coal at the time of said transactions was $1.85 per net ton, as shown on Supplement No. 3 to Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and respondent resold said coal to various customers at various destinations, thereby accepting and retaining discounts on said transactions in excess of the maximum discount of 12 cents per net ton established for registered distributors on such transactions by Order of the Director, dated June 19, 1940, in General Docket No. 12, in violation of section 4 II (h) of the Act, § 304.12 (b) (1) of the Rules and Regulations for Registration of Distributors and paragraph (a) of the Agreement.

7. Respondent physically handled the coal referred to in paragraph 6 herein by hauling said coal in its own trucks to a railroad ramp, from which point it was shipped by rail to various customers of the respondent, at various destinations, in violation of section 4 II (h) of the Act, § 304.12 (b) (4) of the Rules and Regulations for Registration of Distributors and paragraph (d) of the Agreement.

8. During the period from November 19, 1940, to January 25, 1941, respondent purchased from Gilger Coal Co., a code member in District No. 12, approximately 152 net tons of screenings, size group No. 8, produced at Mine No. 503 of said code member, located in Wapello County, Iowa, at prices f. o. b. the mine ranging from $1.07 to $1.46 per net ton, whereas the effective minimum f. o. b. mine price at the time of said transactions was $2.00 per net ton, as shown in Supplement No. 3 to Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and respondent resold said coal to various customers, at various destinations, thereby accepting and retaining discounts on said transactions, in excess of the maximum discount of 12 cents per net ton established for registered distributors on such transactions by Order of the Director, dated June 19, 1940, in General Docket No. 12, in violation of section 4 II (h) of the Act, § 304.12 (b) (1) of the Rules and Regulations for Registration of Distributors and paragraph (a) of the Agreement.

9. Respondent physically handled the coal referred to in paragraph 8 herein by hauling said coal in its own trucks to a railroad ramp, from which point it was shipped to various customers of respondent, at various destinations, in violation of section 4 II (h) of the Act, § 304.12 (b) (4) of the Rules and Regulations for Registration of Distributors and paragraph (d) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on October 24, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, at the Post Office, Albia, Iowa.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6600; Filed, September 3, 1941; 10:13 a. m.]

[Docket No. 1780-FD]

IN THE MATTER OF EDWIN R. EBERHART, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 23, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 4, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 10, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the First National Bank Building, Bellaire, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) During the months of February and March, 1941, the defendant sold approximately 1,430 tons of 2" nut and slack coal (Size Group 7) produced by the defendant at his Eberhart Mine (Mine Index No. 1727), located in Tuscarawas County, Ohio, District No. 4, to the Firestone Tire and Rubber Company, Akron, Ohio, at a truck delivered price of $2.30 per net ton whereas the effective minimum price f. o. b. the mine was $1.90 per net ton; and

(b) During the months of March, April and May, 1941, the defendant sold approximately 2,925 tons of 2" nut and slack coal (Size Group 7) produced at the Eberhart Mine (Mine Index No. 1727), located in Tuscarawas County, Ohio, District No. 4, to the Rittman, Ohio, plant of the Ohio Boxboard Company at a truck delivered price of $2.30 per net ton, whereas the effective minimum price f. o. b. the mine was $1.90 per net ton for said coal; and

(c) During the months of March, April and May, 1941, the defendant sold approximately 2,245 tons of 2" nut and slack coal (Size Group 7) produced at his Eberhart Mine (Mine Index No. 1727), located in Tuscarawas County, Ohio, District No. 4, to the Wadsworth, Ohio, plant of the Ohio Match Company at a truck delivered price of $2.25 per net ton, whereas the effective minimum price f. o. b. the mine was $1.90 per net ton for said coal.

(d) The violations as referred to in paragraphs (a), (b) and (c) hereof were accomplished by failing to add not less than the actual charge for or cost of transportation to the minimum f. o. b. mine price when such sale was made f. o. b. destination, all in violation of section 4 II (g) of the Bituminous Coal Act of 1937 and Price Instruction No. 6, as set forth in Supplement No. 1 to Appendix A-4-T, being the Schedule of Effective Minimum Prices for truck shipments for District No. 4.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6601; Filed, September 3, 1941; 10:13 a. m.]

[Docket No. 1813-FD]

IN THE MATTER OF ALSTON COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 17, 1941, pursuant to the provisions of Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 21, 1941, by Bituminous Coal Producers Board for District No. 15, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 20, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at 538 Dwight Building, Kansas City, Missouri.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling for commercial use, as that usage is defined in Price Instruction 9, Part 1, of the Schedule of Effective Minimum Prices for District No. 15 For All Shipments Except Truck, through the defendant's sub-sales agent, Southern Coal Company, Memphis, Tennessee, during the period October 3, 1940, to February 10, 1941, both dates inclusive, to the Cascade Laundry and Cleaning Company, Omaha, Nebraska, approximately 1087.65 tons of 1¼" x 0 washed screenings, produced by said code member at its Alston Mine, Mine Index No. 5, located in District No. 15 at a price of $1.55 per net ton f. o. b. said mine, whereas the effective minimum price established for such coal for commercial use f. o. b. said mine was $1.80 per net ton as contained in said schedule, hence said sales price being 25 cents per net ton f. o. b. said mine below the effective minimum price established for coal for domestic and commercial use as provided for in said schedule.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–6602; Filed, September 3, 1941; 10:13 a. m.]

[Docket No. A–991]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT CERTAIN MINES IN PIKE COUNTY, KENTUCKY, IN THE BIG SANDY-ELKHORN SUBDISTRICT IN DISTRICT NO. 8

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District No. 8 for the revision of the effective minimum prices for the following mines:

FOR SHIPMENT BY TRUCK

Mine index No.	Code member	Mine
2496	Anderson & Mullins Coal Co.	Anderson.
1232	Baker, John	Thompson.
2543	Barrowman, David (Spencer Gap Coal Co.).	Beaver.
1233	Bartley, W. M	Bartley.
1236	Bentley, Harrison	Bentley.
1240	Butler, Cleve	Butler.
1242	Ferguson Creek Coal Co	Ferguson Creek.
1243	Fuller, L. R	Fuller.
1248	Gibson, Bruce	John Kendrick.
2544	Johnson, F. M. (Famous Elkhorn Coal Co.) (formerly Arthur Gray).	Famous.
2853	Hobbs, Zaley	Cline.
1244	Huffman Coal Co., T. N.	T. N. Huffman.
1245	Huffman, W. D	Chloe Creek, Jake Thompson.
1246	Hunt, Faris	Hunt.
536	Johnson, F. M. (Famous Elkhorn Coal Co.).	Bradford.
1249	Kinney, J. J	Kinney.
1250	Lee, Willie	Elkhorn No. 1.
45	Major Elkhorn Coal Co	Major.
1251	Prater, Dock	Prater.
1252	Purity Cannel Coal Co	Purity Cannel.
1253	Ratliff & Collins (Ransom Ratliff).	Syck.
1254	Ratliff, Litt	Ratliff.
2546	Ray, John L	Ray.
2547	Ray, Willie	Willie Ray.
3154	Ross and Caldwell	Tram.
2545	Quinby, David W. (Kentucky-Virginia Coal Co.) (formerly Shelby Coal Co., Inc.).	Big Sandy.
387	Shelby Steam Coal Co., Inc.	Ratliff.
1256	Sowards, Garfield	Sowards.
1257	Spears Ford & Rollie Conley.	Stanley.
1258	Wright & Spears (Evans Wright) (formerly J. L. Spears).	Wright & Spears.
1260	Staton, I. M	Staton.
556	Stewart Elkhorn Coal Co. (J. E. Bowman).	Stewart No. 1.
2481	Stewart, D. M. (formerly Stewart & Miller).	Harless Creek.
1261	Sturgill, Lawrence	Sturgill.
1262	Taylor Coal Co., Inc. The (formerly John Taylor).	Taylor.
2548	Thacker and Thacker (Elbridge T. Thacker).	Fleming.
1263	Thompson, Anthony	Thompson.
62	Utilities Elkhorn Coal Co.	Boldman No. 5 E.
2549	White's Elkhorn Coal Co.	Wade Ratliff.
1236	Wright, F. A. (Wright Coal Co.).	Bevins No. 1 & 2.
1247	Rockhouse Elkhorn Coal Co.	Janney.
2926	Belcher, Elmer (formerly Bart Belcher).	Belcher.
1241	Epling, Isaac	Country Bank Epling.

FOR ALL SHIPMENTS EXCEPT TRUCK

536	Johnson, F. M. (Famous Elkhorn Coal Co.).	Brafford.
1247	Rockhouse Elkhorn Coal Co.	Janney.
556	Stewart Elkhorn Coal Co.	Stewart No. 1.
2481	Stewart, D. M. (formerly Stewart & Miller) (D. M. Stewart).	Harless Crk.
387	Shelby Steam Coal Co., Inc.	Ratliff.
2926	Belcher, Elmer (formerly Bart Belcher).	Belcher.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–6603; Filed, September 3, 1941; 10:14 a. m.]

[Docket No. A–963]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF THE PILOT MOUNTAIN MINE (MINE INDEX NO. 1911) OF THE PILOT MOUNTAIN COAL COMPANY, INC. IN DISTRICT NO. 8 FOR SHIPMENT BY TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for revision of the effective minimum prices for the Pilot Mountain Mine (Mine Index No. 1911) of the Pilot Mountain Coal Company, Inc., for shipment by truck, from:

S. G.—	1	2	3	4	5	6	7	8
to:	240	220	205	210	185	195	135	130

S. G.—	1	2	3	4	5	6	7	8
	335	315	235	260	225	225	170	165

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–6604; Filed, September 3, 1941; 10:14 a. m.]

[Docket No. 1742–FD]

IN THE MATTER OF HERBERT JONES, DOING BUSINESS UNDER THE TRADE NAME OF MACON COUNTY COAL COMPANY, DEFENDANT

NOTICE OF AN ORDER FOR HEARING

A complaint dated June 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 17, 1941, by Bituminous Coal Producers Board for District No. 15, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 22, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Macon, Missouri.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under Section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, between October 1, 1940, and June 1, 1941, sold approximately 3700 tons of 1¼" x ¼" screen sized coal, produced at its #68 mine (Mine Index No. 76) located in Macon County, Missouri, District No. 15, at $1.00 per net ton f. o. b. the mine, to the City of Macon, Missouri;

Whereas the effective minimum price for said 1¼" x ¼" screen sized coal, which is classified as Size Group No. 12, was $1.70 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices, for District No. 15, for Truck Shipments, which transactions resulted in sales of coal at a price which is seventy cents per net ton below the effective minimum price established therefor by the Division.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–6605; Filed, September 3, 1941; 10:14 a. m.]

[Docket No. 1658–FD]

IN THE MATTER OF NELSON L. GOULD, DOING BUSINESS AS GOULD SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3634, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not Nelson L. Gould, doing business as Gould Sales Company, Registered Distributor, Registration No. 3634, the respondent in the above-entitled matter, whose address is 6334 S. Rosebury Avenue, St. Louis, Missouri, has

violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") executed May 17, 1939 and amended September 21, 1939, by the respondent, pursuant to Section 4 II (h) of the Act and subject to the Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that information in possession of the Division is to the effect that:

2. During the period from October 1, 1940 to May 13, 1941, both dates inclusive, the respondent purchased various sizes of coal in substantial quantities, and secured, accepted, and retained distributor's discounts thereon from code member producers, which coal he resold to the Seidel Coal and Coke Company, a retailer, under whose control, financially or otherwise, said respondent was, in violation of paragraph (d) of the Agreement, and § 304.19 (c) of the Rules and Regulations for Registration of Distributors.

3. The transactions referred to in paragraph 2 hereof rendered no service of value to said code member vendors, the resales to the Seidel Coal and Coke Company having been entered into primarily for the purpose of unjustly enriching the respondent and the acceptance of such discounts as a distributor was in violation of paragraph (g) of the Agreement.

4. The respondent, in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal dated May 17, 1939 and amended September 21, 1939, as described in paragraph 1 hereof, failed to state as required on pages 5 and 6 thereof, the financial relations with the Seidel Coal and Coke Company, and the failure to state that material fact was in violation of paragraph (f) of the Distributor's Agreement and contrary to § 304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on October 9, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 516, U. S. District Court Building, St. Louis, Missouri.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6606; Filed, September 3, 1941; 10:14 a. m.]

[Docket No. A-1009]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF CERTAIN MINES IN BELL COUNTY, KENTUCKY, SOUTHERN APPALACHIAN SUBDISTRICT IN DISTRICT NO. 8, FOR SHIPMENT BY TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for revision of the effective minimum prices for shipment by truck of the coals produced at the following mines in Bell County, Kentucky, Southern Appalachian Subdistrict, in District No. 8:

Mine index No.	Code member	Mine
1494	Houston Brothers (E. Houston) (formerly W. M. Baker).	Carolina.
2967	Brooks, Jones & Barnett (Staley Brooks).	Brooks, Jones & Barnett.
1500	Cawood, A. G	Cawood Coal Co.
1501	Cole & Hurst (Cannon Creek Coal Co.).	Cannon Creek.
1502	Cox, Vanus	Cox.
4015	Craft, Harrison	Craft.
1506	Douglas, Simon	

Mine index No.	Code member	Mine
1508	Ellison, Robert	Ellison.
3283	Hardin, George B	Hardin.
3463	Henson, T. J	Red Bird.
1517	Hickman, Fred (Davis Branch Coal Co.).	Davis Branch.
4019	Hodge, Lee	Hodge.
5047	Minton, G. Neal (formerly Holt & Houston).	Military. Minton.
1556	Hurst, Riley (formerly C. E. Taylor).	Taylor.
1520	Ingram, John	Ingram.
4066	Knuckles, J. C	Overlook.
1524	Lane & Owens (Helin Lane).	Lane & Owens.
4011	Mason Coal Company (Hay Wilson).	Mason.
1532	Massey, Hal	Massey.
3464	Miracle, L. D	Miracle.
3554	Moore, Dewey	Moore.
1539	Moyers, T	T. Moyers.
572	New Hope Mining Co. (B. F. Allen).	Creech.
2732	Patterson & Mills (Tom Patterson).	Patterson & Mills.
2585	Renner, Hayes (formerly Homer Renner).	Renner.
3092	Reese & Yoakum (Milton Reese) (formerly Poplar Ridge Coal Co.).	Reese & Yoakum.
1547	Robertson & Chumley (E. M. Robertson).	
2733	Sanders-Ellison Coal Company (formerly Newt. Ellison).	Sanders-Ellison.
2837	Williamson, Gaines (formerly D. T. Neikirk).	D. T. Neikirk. Williamson.
1553	Slusher, Boyd	Boyd Slusher.
4004	Slusher, C. B	Britt.
1560	Thomas, Hubert	Thomas.
1562	Turner & Henson (C. E. Henson).	Turner & Henson.
1570	Wilder, Geo. W	Wilder.
1573	Wilson, Paschal	Wilson.
4018	Williams, Lige & Elcinia Banks (Lige Williams).	Elcinia.
1581	York, Walter	York.
1504	Day, Tilford	New Mathel.
1563	Excelsior Mining Company.	Excelsior.
1529	McGeorge & McCabe (Lee McGeorge).	Mac & Mac.
298	New Long Ridge Coal Company.	Long Ridge.
168	Whipple Coals, Inc	Whipple.
4067	Williams, Henry Kay	Red Rooster.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6607; Filed, September 3, 1941; 10:15 a. m.]

[Docket No. A-1006]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF CERTAIN MINES IN CAMPBELL COUNTY, TENNESSEE, SOUTHERN APPALACHIAN SUBDISTRICT IN DISTRICT NO. 8 FOR SHIPMENT BY TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corrollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for the revision of the effective minimum prices for shipment by truck for the following mines:

Mine index No.	Code member	Mine
1937	Douglas, Jas. L. (Newcomb Blue Gem Coal Co.).	Blue Gem.
1941	Foley, L. D. & R. V	Foley.
1944	Graham, W. M. & H. B	W. M. Graham.
1974	Roberts, Joe (Hickory Creek Coal Co.).	Hickory Creek.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6608; Filed, September 3, 1941; 10:15 a. m.]

[Docket No. 1803-FD]

IN THE MATTER OF EARL BICKMEIER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 7, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 8, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Canton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted

the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise; and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) That the defendant, during the period from November 1940 through February 1941, sold and delivered in trucks owned and controlled by said defendant, to the Rodefer Glass Company at Bellaire, Ohio, approximately 1,085 net tons of mine run coal crushed to ¾'' slack, Size Group No. 8, produced at said defendant's Bickmeier Mine, Mine Index No. 507, located in Belmont County, Ohio, District No. 4, at a delivered price of $1.50 per net ton, whereas the effective minimum f.—o. b. mine price for said coal at the time of said transactions was $1.90 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments.

(b) That the defendant failed to add to the effective minimum price f. o. b. the mine for the coal sold as indicated in (a) above, an amount not less than the actual charge for or cost of transportation from the transportation facilities at the mine to the point from which such charges were assumed and directly paid by the purchaser, a distance of approximately five miles, as required by Price Instruction No. 6 contained in Supplement No. 2 to Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments, which price instruction was promulgated pursuant to section 4 II (g) of the Act and Part II (g) of the Code.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6609; Filed, September 3, 1941; 10:15 a. m.]

[Docket No. 1866-FD]

IN THE MATTER OF THE APPLICATION OF R. C. TWAY COAL SALES COMPANY TO RECEIVE SALES AGENT'S COMMISSIONS ON COAL SOLD TO THE B AND S STOKER COMPANY

NOTICE OF AND ORDER FOR HEARING

The R. C. Tway Coal Sales Company, a corporation organized under the laws of Kentucky, with its principal place of business in Louisvile, Kentucky, being a sales agent for the R. C. Tway Coal Company and other producers, filed its petition praying:

1. That the Division determine that the relationship between the R. C. Tway Coal Sales Company and the B and S Stoker Company is bona fide, is not established to secure an indirect price reduction, and is not within the prohibitions of Paragraphs 11 and 12 of Section 4 II (i) of the Act.

2. That the R. C. Tway Coal Sales Company be permitted to receive sales agent's commissions on coal sold by it to the B and S Stoker Company for the account of R. C. Tway Coal Company and other producers.

The petition alleges, among other things, that the R. C. Tway Coal Sales Company owns 91% of the outstanding stock of the B and S Stoker Company.

It is ordered, That a hearing on such matter be held on October 16, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before October 13, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6610; Filed, September 3, 1941; 10:15 a. m.]

[Docket No. 1863-FD]

IN THE MATTER OF THE APPLICATION OF R. C. TWAY COAL SALES COMPANY FOR PERMISSION TO RECEIVE SALES AGENT'S COMMISSIONS ON COAL SOLD TO THE JAMES COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

The R. C. Tway Coal Sales Company, a corporation organized under the laws of Kentucky with its principal place of business in Louisville, Kentucky, acting as sales agent for the R. C. Tway Coal Company and other producers, filed its petition praying:

1. That the Division determine that the ownership and control of the James Coal Company, a retail dealer, by the R. C. Tway Coal Company and the relationship between the said James Coal Company and the R. C. Tway Coal Sales Company are bona fide, are not established to secure indirect price reductions and are not within the prohibitions of section 4, Part II (i) of the Act, and Rule 10, section II of the Marketing Rules and Regulations;

2. That the R. C. Tway Coal Sales Company be permitted to receive sales agent's commissions on coal sold to the James Coal Company for the R. C. Tway Coal Company and other companies.

The petition alleges, among other things, that the James Coal Company is wholly owned by the R. C. Tway Coal Company; that the majority of the stock in the R. C. Tway Coal Company is owned by R. C. Tway, R. C. Tway, Jr. and W. T. Tway; that the majority of the stock in the R. C. Tway Coal Sales Company is owned by Estelle B. Tway, R. C. Tway, R. C. Tway, Jr., and W. T. Tway; that three of the four directors of the James Coal Company are directors of the R. C. Tway Coal Sales Company; and that three of the officers of the James Coal Company are officers of the R. C. Tway Coal Sales Company.

It is ordered, That a hearing on such matter be held on October 16, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized

to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before October 13, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6611; Filed, September 3, 1941; 10:16 a. m.]

[Docket No. 662-FD]

IN THE MATTER OF THE APPLICATION OF UPPER BUCHANAN SMOKELESS COALS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE: (1) THE RENEWAL OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND (2) THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING THE APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER TO SHOW CAUSE AND NOTICE OF HEARING

Applicant, Upper Buchanan Smokeless Coals, Incorporated, having filed an application with the National Bituminous Coal Commission (predecessor of the Bituminous Coal Division), requesting provisional approval as a marketing agency pursuant to Order No. 6 issued by said National Bituminous Coal Commission on June 21, 1937; and

The Bituminous Coal Division by Order of the Director, dated September 20, 1939, having granted the application of the Upper Buchanan Smokeless Coals, Incorporated, for provisional approval as a marketing agency for one year from the date of said Order of September 20, 1939, subject to renewal upon application therefor; and

Applicant having on August 5, 1941, filed an application for renewal of said Order granting it provisional approval as a marketing agency; and

It appearing necessary and reasonable in order to make a proper determination upon said application for renewal of the Order granting Applicant provisional approval as a marketing agency and in order to protect the public interest and generally to comply with the provisions of the Bituminous Coal Act of 1937, particularly the provisions of Section 12 thereof, and to effectuate the purposes thereof, that Applicant be required to show in detail its activities as a marketing agency since the date of the order granting its provisional approval.

And it appearing necessary and reasonable that the aforementioned order granting Applicant provisional approval as a marketing agency should, if renewed, be modified and amended, as hereinafter described, in order to protect the public interest and generally to comply with the provisions of the Bituminous Coal Act of 1937, particularly the provisions of section 12 thereof, and to effectuate the provisions thereof:

It is therefore ordered, Pursuant to authority granted in the Act, particularly Section 12 thereof, that Applicant be and is hereby required to show in detail its method of operation and activities as a marketing agency since the date of order granting it provisional approval; and

It is further ordered, That Applicant be and is hereby required to show cause why said order granting it provisional approval as a marketing agency, if renewed, should not be modified and amended so as to incorporate therein the provisions set out in Exhibit "A"[1] attached hereto or provisions substantially similar thereto.

It is further ordered, That a hearing for said purposes be held before Joseph D. Dermody, or any other officer or officers of the Division duly designated to preside at such hearing, on October 21, 1941, at 10 a. m. at a hearing room of the Division, 734 15th Street NW., Washington, D. C. On said day, the Chief of the Records Section in Room 502 will advise as to the room where the hearing will be held.

Notice of said hearing is given to applicant and to all other persons who may have an interest in the subject matter of the proceeding. Any person other than Applicant desiring to be heard at said hearing shall file a notice to that effect with the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., on or before October 17, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

The matter concerned herewith is in regard to: (1) the application of Upper Buchanan Smokeless Coals, Incorporated, for renewal of an order of the Director of the Bituminous Coal Division dated September 20, 1939, granting provisional approval to Upper Buchanan Smokeless Coals, Incorporated; (2) the modification and amendment of said order to incorporate therein the provisions contained in Exhibit "A" attached hereto or provisions substantially similar thereto.

Dated: August 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6612; Filed, September 3, 1941; 10:16 a. m.]

[Docket No. 1765-FD]

IN THE MATTER OF LOG CREEK COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING

Hearing in this matter having been scheduled for September 3, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Commissioners' Court Room, County Court House, Evansville, Indiana, before Charles S. Mitchell as Trial Examiner; and

It appearing to the Director that it is advisable to postpone said hearing to a later date;

It is hereby ordered, That the hearing in the above matter be and the same is hereby postponed to September 22, 1941, at the same time and place and before the same Examiner.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6613; Filed, September 3, 1941; 10:16 a. m.]

[Docket No. 1761-FD]

IN THE MATTER OF ALLEN PAYTON, DEFENDANT

ORDER POSTPONING HEARING

Hearing in this matter having been scheduled for September 3, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Commissioners' Court Room, County Court House, Evansville, Indiana, before Charles S. Mitchell as Trial Examiner; and

It appearing to the Director that it is advisable to postpone said hearing to a later date;

It is hereby ordered, That the hearing in the above matter be and the same is hereby postponed to September 20, 1941, at the same time and place and before the same Examiner.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6614; Filed, September 3, 1941; 10:17 a. m.]

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[1] Filed with the original document.

[Docket No. 1703–FD]

IN THE MATTER OF BENCHLEY & VERMILLION COAL COMPANY, DEFENDANT

AMENDMENT TO NOTICE OF AND ORDER FOR HEARING

A complaint dated June 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 11, 1941, and an amended complaint dated August 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 25, 1941 by the Bituminous Coal Producers Board for District No. 4, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint, as amended, be held on October 2, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at Post Office Building, Canton, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint, as amended.

Notice is hereby given that answer to the complaint, as amended, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein, as amended, and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, as amended, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the amended complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, between January 1 and February 28, 1941, both dates inclusive; (a) sold approximately 2,807 tons of 2" nut and slack coal produced at its Benchley & Vermillion Mine (Mine Index No. 1629) located in Stark County, Ohio, District No. 4, to the Akron Coal Company, a registered distributor, for delivery in defendant's trucks, to the Ohio Boxboard Company at Rittman, Ohio, at a delivered price of $2.30 per ton; (b) sold approximately 1,925 tons of 2" nut and slack coal produced at its Seaman Mine (Mine Index No. 2825) located in Stark County, Ohio, District No. 4, to the Akron Coal Company, a registered distributor, for delivery in defendant's trucks to the Ohio Boxboard Company at Rittman, Ohio, at a delivered price of $2.30 per ton; and (c) sold 883 tons of ¾" slack coal produced at its Browning Mine (Mine Index No. 1320) located in Carroll County, Ohio, District No. 4, to the Akron Coal Company for delivery in defendant's trucks to the Ohio Boxboard Company at Rittman, Ohio, at a delivered price of $2.30 per ton. The sales and deliveries of 2" nut and slack coal, for which the effective minimum price f. o. b. the mine was $1.90 per ton, and ¾" slack coal, for which the effective minimum price f. o. b. the mine was $1.80 per ton, at delivered prices of $2.30 per ton were at prices less than the effective minimum prices for said coal plus amounts at least equal to the actual transportation charges and other incidental handling charges from the transportation facilities at the Benchley & Vermillion Mine, the Seaman Mine and the Browning Mine to the point from which all such charges were assumed and directly paid by the purchaser, as set forth in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments and Price Instruction No. 6, as amended, contained in said Schedule, and were in violation of section 4 II (g) of the Act.

Dated: August 30, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–6615; Filed, September 3, 1941; 10:17 a. m.]

[Docket No. 1588–FD]

IN THE MATTER OF TAYLOR-ENGLISH COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8937, DEFENDANT

ORDER SUSPENDING DISTRIBUTOR'S REGISTRATION

The Bituminous Coal Division having on its own motion, pursuant to section 4 II (h) of the Bituminous Coal Act of 1937, and § 304.14 of the Rules and Regulations Governing Distributors, instituted an investigation to determine whether there has been any violation of the requirements of the Act, or Division Orders or its Marketing Rules and Regulations, or terms of the "Agreement by Registered Distributors;"

An investigation having been made and Examiner designated for hearing pursuant to an Order of the Director dated March 8, 1941;

A hearing having been held May 19, 1941, at a hearing room of the Division, Danville, Illinois, pursuant to an Order of the Director, dated March 8, 1941, at which appearances were entered for the defendant; all interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of an Examiner's report, and the proceedings having thereupon been submitted to the Director for his determination;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

It is ordered, That the registration of the defendant, Taylor-English Coal Company, as a distributor, is hereby suspended for a period of six months from the effective date of this Order, without prejudice to the right of the defendant to petition for reinstatement at the end of that period upon satisfaction of the condition hereinafter set forth; and that the defendant, its officers, representatives, agents, servants, employees and attorneys, and all affiliates of the defendant, shall be and are hereby prohibited from receiving or accepting any discounts as registered distributor, either directly or indirectly, on coal purchased by them or any of them during said period of suspension: *Provided, however*, That if defendant shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors within said period of suspension, said suspension shall continue in full force and effect until five days after the affidavit required by § 304.15 shall have been filed with the Division.

It is further ordered, That as a condition to reinstatement as a licensed distributor, the defendant refund all discounts improperly received from the producers involved in the transactions giving rise to this proceeding and a statement concerning such refunds shall be made in the affidavit filed in accordance with § 304.15 of the Distributor's Rules.

It is further ordered, That the defendant, during such period of suspension, shall continue fully to observe, abide by, and remain in all respects subject to all pertinent and applicable provisions of the (1) Bituminous Coal Act of 1937; (2) the Bituminous Coal Code; (3) the Marketing Rules and Regulations; (4) Rules and Regulations for the Registration of Distributors; (5) the Distributor's Agreement; and (6) all Orders of the Division.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6616; Filed, September 3, 1941; 10:17 a. m.]

[Docket No. A–983]

IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF MAXIMUM PRICES FOR ALL COALS

ORDER EXTENDING TIME FOR FILING PETITIONS OF INTERVENTION

A Notice of and Order for Hearing having been issued in this matter on August 13, 1941, providing in part that any person desiring to be admitted as a party to this proceeding shall file a petition of intervention with this Division on or before September 3, 1941; and

A motion having been filed by the Bituminous Coal Producers' Board for District No. 8 to extend the time for filing such petitions of intervention to and including September 8, 1941, alleging in support thereof that it will be impossible for counsel for that Board to set forth its position in a petition of intervention until a meeting of the Board on September 5, 1941; and

A motion having been filed by the Bituminous Coal Producers' Boards for Districts 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, and 13 to extend the time for filing such petitions of intervention to and including September 9, 1941, alleging in support thereof that it has been impossible to acquaint all code members in their respective districts of the importance to individual code members of the above proceeding, and that it will be impossible for all interested code members to file intervening petitions in said proceeding by September 3, 1941; and

A motion having been filed by the American Coal Distributors Association to extend the time for filing such petitions of intervention to and including September 6, 1941, alleging in support thereof that it will be impossible for them to set forth their position in a petition of intervention until a meeting of the Executive Committee on September 3, 1941; and

The Director deeming it appropriate that the time for filing petitions of intervention be extended to September 9, and good cause having been shown therefor:

Now, therefore, it is ordered and notice is hereby given that any person desiring to be admitted as a party to this proceeding shall file a petition of intervention with the Bituminous Coal Division, Department of the Interior, 734 15th Street, N. W., Washington, D. C., on or before September 9, 1941; and in all other respects the Notice of and Order for Hearing in this matter dated August 13, 1941, shall remain in effect.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6617; Filed, September 3, 1941; 10:17 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 161; TRANSFERS OF LANDS AND BUILDINGS TO BUREAU OF EDUCATION RESCINDED

ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands near Tanana, Alaska, lying within the following-described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities, effective upon the transfer of a portion thereof to this Department by Executive order under the act of July 5, 1884, 23 Stat. 103, 43 U.S.C. 1071:

Beginning at corner No. 1 of the Tanana airways landing field and radio site, located on the north side of the Yukon River approximately 400 feet southwest of the new Indian Service Hospital and ¼ mile west of the town of Tanana in latitude 65°11′ N., longitude 152°50′ W., from which a U. S. Coast and Geodetic Bench Mark and Magnetic Station, being a brass plug in a concrete block, bears N. 22°11′E., 443.4 feet.

Thence from the point of beginning by metes and bounds as follows:

N. 0°41′ W., 750.0 feet;
N. 89°19′ E., 1,300.0 feet;
N. 0°41′ W., 600.0 feet;
S. 89°19′ W., 200.0 feet;
N. 0°41′ W., 4,200.0 feet;
S. 89°19′ W., 900.0 feet;
S. 47°32′ W., 6,303.0 feet;
S. 0°41′ E., 580.0 feet;
S. 80°58′ E., 4,565.4 feet along the bank of the Yukon River to the point of beginning, comprising approximately 430.96 acres.

And the transfers of certain lands and buildings within the Fort Gibbon Abandoned Military Reservation made by the letters approved by this Department on June 24 and August 19, 1926, are hereby rescinded so far as they affect any of the above-described lands and any buildings on such lands.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 2, 1941.

[F. R. Doc. 41–6592; Filed, September 3, 1941; 9:32 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 264, COLORADO NO. 27

The following described public lands which are hereby classified under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1269, 49 Stat. 1976, 43 U.S.C. 315f, as necessary and suitable for the purpose are hereby withdrawn under and pursuant to the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, excepting any mineral deposits therein, from all disposal under the public land laws, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 93 W., sec. 32, SE¼NE¼, NE¼SE¼, and S½SE¼, 160 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 25, 1941.

[F. R. Doc. 41–6590; Filed, September 3, 1941; 9:32 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 265, WYOMING NO. 47

The following described public lands are hereby classified under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1269, 49 Stat. 1976, 43 U.S.C. 315f, as necessary and suitable for the purpose and, excepting any mineral deposits therein, withdrawn under and pursuant to the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, from all disposal under the public land laws, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 30 N., R. 119 W., sec. 11, NW¼, 160 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 27, 1941.

[F. R. Doc. 41–6591; Filed, September 3, 1941; 9:32 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION BY THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA [1]

The Secretary of Agriculture of the United States, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective July 1, 1941, the

[1] See Title VII, Chapter IX, *supra*.

order, as amended,[2] regulating the handling of milk in the Chicago, Illinois, marketing area.

There being reason to believe that the issuance of an amendment to said order, as amended, would tend to effectuate the declared policy of the act, notice was given, on the 30th day of July 1941, of a public hearing which was held in Chicago, Illinois, beginning on the 4th day of August 1941, on proposed amendments to said order, as amended, and at said time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended.

After such hearing handlers of more than fifty (50) percent of the volume of milk covered by such order, as amended, and as amended by Amendment No. 1, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, upon which a hearing was held, regulating the handling of milk in the same area in the same manner as said order, as so amended.

The Secretary of Agriculture, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as so amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of proposed Amendment No. 1 to the order, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the said area; and

3. That the issuance of proposed amendment No. 1 to the order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of April 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, Claude R. Wickard, Secretary of Agriculture of the United States, has executed this determination, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 28th day of August 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated: August 29, 1941.

[F. R. Doc. 41-6622; Filed, September 3, 1941; 11:22 a. m.]

[2] 6 F.R. 3130.

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE WASHINGTON MARKETING AREA[1]

The Secretary of Agriculture of the United States, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter called the "act"), issued on January 29, 1940, effective as of February 1, 1940, an order[2] regulating the handling of milk in the Washington marketing area.

The Under Secretary of Agriculture of the United States, having reason to believe that amendments to the said order would tend to effectuate the declared policy of the act, gave, on June 16, 1941, notice of a hearing, which was held on June 22, 23, 24, and 25, 1941, in Washington, D. C., and at said times and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the proposed amendments to the said order.

After the said hearing and after the tentative approval, on August 25, 1941, of a marketing agreement (upon which a hearing was held) regulating the handling of milk in the same marketing area and in the same manner as the order, amended as proposed, handlers of more than fifty (50) percent of the volume of milk covered by such order, amended as proposed, which was produced for sale in the Washington marketing area, refused or failed to sign the tentatively approved marketing agreement:

Now, therefore, pursuant to the provisions of the said act, it is hereby determined that:

(1) The refusal or failure of said handlers to sign the aforesaid tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of the order, amended as proposed, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) That the issuance of the order, amended as proposed, is approved or favored by over two-thirds (⅔) of the producers who participated in a referendum conducted by the Secretary of Agriculture, and who, during the month of June 1941, said month having been determined to be a representative period, were engaged in the production of milk for sale in the said marketing area.

Issued at Washington, D. C., this 28th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
President of the United States.

Dated: August 29, 1941.

[F. R. Doc. 41-6623; Filed, September 3, 1941; 11:22 a. m.]

[1] See Title VII, Chapter IX, *supra*.
[2] 5 F.R. 337.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6162]

NOTICE RELATIVE TO TIDEWATER BROADCASTING CORP. (NEW)

Application dated March 11, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Norfolk, Virginia; operating assignment specified: Frequency, 1490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of R. M. Wallace, G. E. Schnibben, d/b as Norfolk County Broadcasting Company, Docket No. 6163, and Portsmouth Radio Corporation, Docket No. 6164, for the following reasons:

1. To determine whether the applicant, its officers, directors and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct proposed station.

3. To determine whether the proposed station would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Norfolk-Portsmouth-Newport News, Virginia, as contemplated by the Standards of Good Engineering Practice.

4. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

5. To determine whether public interest, convenience and necessity would be served by a grant of this application, and the applications of Portsmouth Radio Corporation (Docket No. 6164) and R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Company (Docket No. 6163) or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such

issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Tidewater Broadcasting Corporation, % Robert G. Hofheimer, 225 City Hall Avenue, Norfolk, Virginia.

Dated at Washington, D. C., August 30, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6597; Filed, September 3, 1941; 10:06 a. m.]

[Docket No. 6163]

NOTICE RELATIVE TO R. M. WALLACE, G. E. SCHNIBBEN, d/b AS NORFOLK COUNTY BROADCASTING COMPANY (NEW)

Application dated May 20, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Norfolk, Virginia; operating assignment specified: Frequency, 1,490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Tidewater Broadcasting Corporation, Docket No. 6162, and Portsmouth Radio Corporation, Docket No. 6164, for the following reasons:

1. To determine whether the applicants are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicants may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed station would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Norfolk-Portsmouth-Newport News, Virginia, as contemplated by the Standards of Good Engineering Practice.

4. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

5. To determine whether public interest, convenience and necessity would be served by a grant of this application, and the applications of Portsmouth Radio Corporation (Docket No. 6164), and Tidewater Broadcasting Corporation (Docket No. 6162) or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

R. M. Wallace, G. E. Schnibben, d/b as Norfolk County Broadcasting Company, % G. E. Schnibben, P. O. Box 191, Florence, South Carolina.

Dated at Washington, D. C., August 30, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6598; Filed, September 3, 1941; 10:06 a. m.]

[Docket No. 6164]

NOTICE RELATIVE TO PORTSMOUTH RADIO CORPORATION (NEW)

Application dated February 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Portsmouth, Va.; operating assignment specified: Frequency, 1,490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of Tidewater Broadcasting Corporation, Docket No. 6162, and R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Company, Docket No. 6163, for the following reasons:

1. To determine whether the applicant, its officers, directors and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed station would provide interference-free primary service to (a) the business districts (b) the residential districts, and (c) the metropolitan district of Norfolk-Portsmouth-Newport News, Virginia, as contemplated by the Standards of Good Engineering Practice.

4. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

5. To determine whether public interest, convenience and necessity would be served by a grant of this application, and the applications of the Tidewater Broadcasting Corporation (Docket No. 6162) and R. M. Wallace and G. E. Schnibben, d/b as Norfolk County Broadcasting Company (Docket No. 6163) or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Portsmouth Radio Corporation, c/o Tom E. Gilman, Professional Building, Portsmouth, Virginia.

Dated at Washington, D. C., August 30, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6599; Filed, September 3, 1941; 10:06 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4537]

IN THE MATTER OF BOCKENSTETTE'S BLUE RIBBON FARMS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at this office in the City of Washington, D. C., on the 28th day of August, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, September 15, 1941, at ten o'clock in the forenoon of that day (central standard time), in Hearing Room, City Hall, Sabetha, Kansas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on

behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6585; Filed, September 2, 1941; 1:22 p. m.]

[Docket No. 4571]

IN THE MATTER OF LIFE SAVERS CORPORATION, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsections (a) and (d) of section 2 of the Clayton Act (U.S.C. title 15, section 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

Count I

PARAGRAPH 1. Respondent Life Savers Corporation is a corporation organized and existing under and by virtue of the laws of the State of Delaware with its principal office and place of business located at Port Chester, New York.

PAR. 2. Respondent is now, and has been since June 19, 1936, engaged in the business of manufacturing and selling a candy confection known "Life Savers" for resale within the various states of the United States, the territories thereof, and in the District of Columbia. In the course and conduct of its said business respondent sells the aforesaid product to purchasers located in the various states of the United States and causes said products when sold to be shipped and transported from its place of business in the State of New York across state lines to the respective purchasers thereof located in each of the several states of the United States, the territories thereof, and in the District of Columbia. There is, and has been at all times mentioned herein, a constant current of trade in said product between respondent located in the State of New York and various purchasers located as aforesaid.

PAR. 3. In the course and conduct of its business as aforesaid, respondent has been and is now engaged in substantial competition in commerce with other manufacturers of candy confections, especially with the Beech-Nut Packing Company, which, for many years prior hereto, has been and is now engaged in selling and shipping such confections in commerce across state lines to purchasers thereof located in the various states of the United States and in the District of Columbia.

Respondent in the course and conduct of its business and since June 19, 1936, has sold its merchandise of like grade and quality to various purchasers among which are multiple retail outlets, department stores, single retail outlets and wholesalers. All such customers are invoiced Life Savers at a price of 65¢ a box less a discount of 20%, the cost of such goods to such customers being 52¢, which is the same price as that at which respondent's principal competitor, the Beech-Nut Packing Company, invoices its competitive product to such class of customers. Such multiple retail outlets, single retail outlets, department stores and the customers of such wholesalers are all competitively engaged with one another in the resale of such products.

PAR. 4. In the course and conduct of its said business, the respondent since February, 1938, has, in addition to the customary 20% discount, granted and paid secretly to some multiple retail outlet customers a quarterly rebate of 10% of the dollar volume of such customers' purchases. The respondent thereby has discriminated in price in favor of such multiple retail outlet customers and against competing single retail outlets, department stores and wholesalers. To other customers competitively engaged with such favored customers, the respondent has not paid or offered to pay and has refused any such rebate.

PAR. 5. The effect of the discrimination in price alleged in Paragraph 4 has been and may be substantially to lessen competition in the line of commerce in which respondent is engaged and to injure competition with respondent and with such customers of respondent who knowingly receive the benefit of such discrimination.

Such discrimination in price by respondent between different purchasers of commodities of like grade and quality in interstate commerce in the manner and form aforesaid is in violation of the provisions of subsection (a) of section 2 of the Act described in the preamble thereof.

Count II

PARAGRAPH 1. Paragraphs 1 and 2 of Count I are hereby adopted and made a part of this Count as fully as if herein set out verbatim.

PAR. 2. In the course and conduct of its business in commerce, respondent since February, 1938, has secretly paid and contracted to pay to approximately one hundred and fifty customers an amount calculated at 10% of the dollar volume of such customers' purchases as compensation and in consideration for services and facilities furnished by such customers in connection with the sale and offering for sale of Life Savers while refusing to make such payment available on proportionally equal terms to all competing customers, or on any terms to some of its 4,500 customers, competing in the distribution of such Life Savers. Such payment is for servicing retail stores covering the display and distribution of Life Savers and is not in addition to the price discrimination referred to in Count I hereof.

PAR. 3. It has been the policy of Life Savers Corporation as set forth in instructions from the Vice-President in Charge of Sales, to conceal from all except the favored customers the details of the agreements relating to compensation of customers for services connected with display facilities. District Managers have been instructed by the Sales Department that their Division Managers should deny to customers any knowledge of such allowances and under no circumstances to tell a customer to write to the respondent as that "more or less puts us on the spot".

PAR. 4. The respondent has endeavored to prevent the spread of the allowances to small customers even though such operators would give exclusive display. District Managers of respondent have refused small retail drug chains an opportunity to earn this display service allowance.

PAR. 5. Respondent in some instances grants compensation for services covering the prominent display and distribution of Life Savers to the extent of eight flavors, in other instances requiring that thirteen or some other number of flavors be so serviced and displayed. Such display service compensation agreements frequently, but not always, contemplate that such customer will no longer display any flavor of Beech-Nut mints or fruit drops.

PAR. 6. The above-described acts and practices of respondent are in violation of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. title 15, section 13).

Wherefore, the premises considered, the Federal Trade Commission on this 18th day of August, A. D. 1941, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Life Savers Corporation, respondent herein, that the 26th day of September, A. D. 1941, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 18th day of August, A. D. 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6584; Filed, September 2, 1941; 1:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-373]

IN THE MATTER OF ELECTRIC BOND AND SHARE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d of September, A. D. 1941.

Electric Bond and Share Company, a registered holding company, having filed a declaration under section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder regarding the acquisition of shares of its $5 and $6 Preferred Stocks through the expenditure of $5,000,000 of its cash, to be effected by purchases from time to time on the New York Curb Exchange; a public hearing on said declaration having been held after appropriate notice; the Commission having examined the record and having made and filed its findings herein;

It is ordered, That said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the following conditions:

(1) That at least two weeks before purchases are commenced the company shall advise its stockholders fully with respect to its intention to make such purchases and the method to be employed, and shall furnish to each stockholder a copy of our findings herein;

(2) That all purchases shall be effected on the New York Curb Exchange and the company shall not solicit or cause to be solicited the sale of any shares to the company;

(3) That the company shall furnish to the Commission, promptly after the 15th day and the last day of each month, a schedule showing for each day covered by such report the number of shares of each class purchased, the prices at which purchased, and the name of the broker through whom purchased; such information to be kept confidential by the company and the Commission subject to further order of the Commission;

(4) That the company shall include in its quarterly reports to stockholders information as to the total number of shares of each class purchased and the aggregate purchase price for each class;

(5) That no purchases shall be made after the expiration of six months from the date of this order, subject, however, to the right of the company to apply for an extension or extensions of such period;

(6) That the Commission reserves jurisdiction; in its discretion, to rescind or modify this order upon notice to the company at any time prior to the expiration of such six months' period or any extension or extensions thereof; any such rescission or modification to be applicable only to such portion of the $5,000,000 as shall not have been previously expended, and

(7) That the Commission reserves jurisdiction to require, at the expiration of such six months' period or any extension or extensions thereof or at the time of any rescission pursuant to paragraph (6), that all shares of preferred stock theretofore acquired be retired and cancelled.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6626; Filed September 3, 1941; 11:52 a. m.]

SEP 8 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 173

Washington, Friday, September 5, 1941

The President

NATIONAL DEFENSE PIPE LINE—SOUTHEASTERN PIPE LINE SYSTEM

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of Congress entitled "An act to facilitate the construction, extension, or completion of interstate petroleum pipe lines related to national defense, and to promote interstate commerce", approved July 30, 1941 (Public Law 197—77th Congress), vests in the President certain powers relating to the construction, extension, completion, operation, and maintenance of interstate pipe lines related to national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by sections 2 and 3 of said act of July 30, 1941, do hereby find and proclaim (1) that it is necessary for national defense purposes that there be constructed and completed a pipe line system for the transportation and distribution of petroleum and petroleum products moving in interstate commerce, the route for which is generally indicated on a map which is on file in the Office of the Petroleum Coordinator for National Defense, detailed survey maps of which shall be of record in the said office, commencing at Port St. Joe, Florida, and extending in a northerly direction through the States of Florida and Georgia, and into Tennessee to a point on the Tennessee River at or in the vicinity of Chattanooga, Tennessee, (2) that Southeastern Pipe Line Company, a private corporation organized under the laws of the State of Delaware, has commenced the work necessary for the construction of such a pipe line system, and has partially constructed the same and represents that it is prepared to complete said pipe line system, and (3) that it is necessary for the purposes of construction, completion, operation, and maintenance of said pipe line system that the Southeastern Pipe Line Company have the right to acquire, by the exercise of the right of eminent domain as provided in the aforesaid act, along the route and between the points hereinbefore identified, (a) such parcels of land or any interests therein, not in excess of 100 acres in each separate parcel, for the location of its storage tanks, pumping stations, delivery facilities, and other facilities in connection therewith, and (b) easements and rights of way, not in excess of 100 feet in width, for the construction, completion, operation, maintenance and removal of the pipe lines, including right of access thereto over adjoining lands: *Provided*, That such right of eminent domain be exercised by the Southeastern Pipe Line Company for the aforesaid purposes prior to June 30, 1943.

The pipe line hereinbefore identified shall be constructed, completed, operated, and maintained subject to such terms and conditions as the President may hereafter from time to time prescribe as necessary for national defense purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 3rd day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2508]

[F. R. Doc. 41-6663; Filed, September 4, 1941; 11:47 a. m.]

EXECUTIVE ORDER

REGULATIONS GOVERNING WITHIN-GRADE SALARY ADVANCEMENTS

By virtue of and pursuant to the authority vested in me by section 7 of the Classification Act of 1923, as amended by the act of August 1, 1941, Public Law

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FEDERAL REGISTER

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200, 77th Congress, 1st Session, I hereby prescribe the following regulations for the administration of the within-grade salary advancement plan established by that section:

SECTION 1. In the administration of the said section 7, the following definitions of terms used therein shall apply:

(a) "Permanent positions" shall include all positions except those designated as temporary by law and those established for definite periods of six months or less.

(b) "Positions within the scope of the compensation schedules fixed by this Act" shall include all permanent positions, including positions in the field services, in the executive and legislative branches, in government-owned or government-controlled corporations, and in the municipal government of the District of Columbia, the compensation of which has been fixed on a per-annum basis, pursuant to the allocation of such positions to the appropriate grade either by the Civil Service Commission or by administrative action of the department or agency concerned, in accordance with the compensation schedules of the Classification Act of 1923, as amended, or the said schedules as adjusted by an authorized differential.

(c) "Quarter" shall mean the three months' period beginning on January 1, April 1, July 1, or October 1.

(d) "Equivalent increase in compensation" shall mean any increase or increases which in total are equal to or greater than the compensation increment in the lowest grade in which the employee has served during the time period of eighteen or thirty months, as the case may be.

(e) "Current efficiency" shall mean the latest efficiency rating on record for the employee, made under a system of efficiency ratings prescribed or approved by the Civil Service Commission.

SECTION 2. In computing the periods of service required by the said section 7 for within-grade advancements there shall be credited to such service:

(a) Continuous civilian employment in any branch, executive department, independent establishment, agency, or corporation of the Federal Government or in the municipal government of the District of Columbia.

(b) Time elapsing on annual, sick, or other leave with pay.

(c) Time elapsing in a non-pay status (including break in service) not exceeding thirty days within any one time period of eighteen or thirty months, as the case may be.

(d) Service rendered prior to absence on furlough or leave without pay where such absence is in excess of thirty days but not exceeding one year.

SECTION 3. In the use of funds available in any fiscal year, periodic salary advancements authorized by section 7 (b) of the Classification Act of 1923, as amended by the said act of August 1, 1941, shall take priority over salary advancements authorized for especially meritorious services by section 7 (f) of that Act, as amended. An additional within-grade compensation advancement authorized by the said section 7 (f) may be granted simultaneously with, or at any time prior to, the periodic increase to which the employee may be eligible under the said section 7 (b). The reports required to be submitted to the Civil Service Commission by the said section 7 (f) shall be submitted at the end of each quarter.

SECTION 4. In the event a change or adjustment is made in an employee's current efficiency rating, either by administrative action or as the result of a review and determination by a board of review in accordance with the provisions of section 9 of said Classification Act of 1923, as amended, the employee's eligibility for salary advancement shall be determined according to the efficiency rating as changed or adjusted and other conditions of the salary advancement plan, and any advancement to which he may be entitled shall be made effective as of the date he would have received

the advancement had no error been made in the original rating.

SECTION 5. Any employee of the Federal Government who in accordance with the provisions of the Selective Training and Service Act of 1940 (Public No. 783, 76th Congress), or of Public Resolution No. 96 approved August 27, 1940, relating to the mobilization of auxiliary military personnel, is restored to the same position or a position of like seniority, status, and pay, without loss of seniority, shall be entitled to receive a salary at a rate of not less than the employee's latest rate prior to his entrance into active military or naval duty plus any within-grade salary advancement or advancements to which he would have been eligible under the provisions of the said section 7 (b) of the Classification Act of 1923, as amended.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
Sept. 3, 1941.

[No. 8882]

[F. R. Doc. 41-6632; Filed, September 4, 1941; 9:42 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE DEPARTMENT OF THE NAVY AS AN AIRCRAFT BOMBING SITE

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the Department of the Navy as an aircraft bombing site:

SAN BERNARDINO MERIDIAN

T. 10 S., R. 10 E., sec. 10; containing 640 acres.

This order shall take precedence over, but shall not rescind or revoke, the Executive order of March 10, 1924, creating Public Water Reserve No. 90, so far as such order affects the above-described land. This order shall be subject to the order of the Secretary of the Interior of October 19, 1920, withdrawing certain lands under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), so far as such order affects the above-described land; and after the present national-defense emergency has been officially terminated, this order shall be without effect upon notice to the Department of the Navy by the Secretary of the Interior that the entire use of the above-described land is needed for reclamation purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 3, 1941.

[No. 8883]

[F. R. Doc. 41-6633; Filed, September 4, 1941; 9:42 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department in connection with the construction of a reservoir and water pipe line to Camp San Luis Obispo:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 14 E.,
sec. 9, lots 1, 2;
sec. 10, N½N½, SW¼NE¼;
sec. 15, lots 1, 2, 7, 8;
containing 465.57 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 3, 1941.

[No. 8884]

[F. R. Doc. 41-6634; Filed, September 4, 1941; 9:42 a. m.]

EXECUTIVE ORDER

REVOKING THE DESIGNATION OF PESKAN, MONTANA, AS A CUSTOMS PORT OF ENTRY

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C. title 19, sec. 2), it is ordered that the designation of Peskan, Montana, as a customs port of entry in Customs Collection District No. 33 (Montana and Idaho), be, and it is hereby, revoked.

This order shall become effective at the close of business on September 15, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Sept. 3, 1941.

[No. 8885]

[F. R. Doc. 41-6635; Filed, September 4, 1941; 9:42 a. m.]

EXECUTIVE ORDER

AUTHORIZING A CLASSIFIED CIVIL SERVICE STATUS TO BE CONFERRED UPON CERTAIN CIVILIAN EMPLOYEES OF THE COAST GUARD WHO WERE TRANSFERRED FROM THE BUREAU OF LIGHTHOUSES OF THE DEPARTMENT OF COMMERCE UNDER REORGANIZATION PLAN NO. II

By virtue of the authority vested in me by Section 2 of the Civil Service Act (22 Stat. 403, 404) and by Section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

Upon recommendation of the Secretary of the Treasury, the Civil Service Commission is authorized and directed to confer a classified civil service status upon any person employed aboard any vessel of the United States Coast Guard who was transferred to the Coast Guard from the Bureau of Lighthouses of the Department of Commerce pursuant to Reorganization Plan No. II and who, on the date of this Order, has not been inducted into the military service of the Coast Guard under the provisions of the Act of August 5, 1939 (53 Stat. 1216), "An Act to perfect the consolidation of the Lighthouse Service with the Coast Guard by authorizing the commissioning, appointment and enlistment in the Coast Guard of certain officers and employees of the Lighthouse Service, and for other purposes".

The classification of any employee under this Order shall be subject to the following limitations:

(1) Such employee must qualify in such appropriate non-competitive tests of fitness as the Civil Service Commission may prescribe.

(2) Such employee must not be disqualified by any provision of Section 3 of Civil Service Rule V or by any other Civil Service Rule or by any provision of the Civil Service Act or any other Statute or Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 3, 1941.

[No. 8886]

[F. R. Doc. 41-6657; Filed, September 4, 1941; 9:42 a. m.]

Rules, Regulations, Orders

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Correction

In the first sentence of § 1.5 appearing at page 4515 of the FEDERAL REGISTER for September 3, 1941, the word "part" immediately preceding the proviso is corrected to read "chapter."

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

[Docket No. 1619-FD]

IN THE MATTER OF FANCY LUMP COAL COMPANY, DEFENDANT

Order Revoking and Cancelling Code Membership

A complaint having been filed with the Bituminous Coal Division on March

19, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging wilful violation by the Fancy Lump Coal Company, a partnership, a code member in District 12, of the Bituminous Coal Code and Rules and Regulations thereunder, as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District 12 for Truck Shipments and with intent to violate the same and violation thereof, sold during the period between October 1, 1940, and March 1, 1941, over 500 tons of coal produced by the defendant at its mine (Mine Index No. 533) located at Bussey, Iowa, at prices below the effective minimum prices, more specifically 1526.16 tons of lump coal, egg coal and screenings at prices of $2.50 per ton for lump coal whereas the effective minimum price for such coals for truck shipments is $2.90; $2.40 per ton for egg coals [1] whereas the effective minimum price for such coals for truck shipment is $2.80; and $1.44, $1.34 and $1.10 per ton for screenings whereas the effective minimum price for such coals for truck shipment is $1.60; and further that improper allowances in the form of commissions had been granted to the Peewee Coal Company, a registered distributor, located at Des Moines, Iowa, on sales of this coal;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on May 29, 1941, at a hearing room of the Division, Des Moines, Iowa;

At the conclusion of the hearing, all parties having joined in waiving the preparation and filing of a report of the Examiner, a record of the proceeding having been submitted to the undersigned who has made Findings of Fact, Conclusions of Law, and has rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, Fancy Lump Coal Company, a partnership of Frank Reed, Leland Reed, Raymond Reed, Russell Driebelbein and Charles Brady, be and it hereby is revoked and cancelled;

And it is further ordered, That prior to any reinstatement of the defendant, Fancy Lump Coal Company, to membership in the Code, the defendant or each or any of the partners thereof, shall pay to the United States a tax in the amount of $1,290.62 as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6649; Filed, September 4, 1941; 10:12 a. m.]

[1] The complaint referred to a rail delivered price of $3.95 for "small" egg coals. However, $3.95 is the rail delivered price for large egg coals. Witness Reed, appearing on behalf of the defendant, offered no objection to the allegation. Therefore, the effective minimum price given is that for large egg or "range" coals.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 55, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

SEPTEMBER 3, 1941.

General License No. 55, is amended to read as follows:

§ 131.55 *General License No. 55.* (a) A general license is hereby granted authorizing any banking institution within the United States to make payments from blocked accounts of China or Japan, or any national thereof, of documentary drafts drawn under revocable or irrevocable letters of credit issued or advised by a domestic bank prior to July 26, 1941, provided:

(1) That such letters of credit were not issued in favor of Japan or China or any national thereof; or

(2) That such drafts have not, since July 26, 1941, been held by or for the account of any blocked country or national thereof.

(b) Banking institutions making any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve Bank weekly reports showing the details of such transactions.

(c) This license shall expire at the close of business on September 30, 1941. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941).

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6664; Filed, September 4, 1941; 11:49 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 72, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

SEPTEMBER 3, 1941.

§ 131.72 *General License No. 72.* (a) A general license is hereby granted authorizing (1) the filing in the United States Patent Office of applications for letters patent for inventions and designs, and the prosecution of such applications, in which any national of any blocked country has at any time on or since the effective date of the Order had any interest, and (2) the receipt of letters patent issued pursuant to any such application, provided the following terms and conditions are complied with:

(i) The person filing or prosecuting any such application, or acting as attorney or agent in connection therewith, shall notify the United States Patent Office in writing that the application is being filed and prosecuted pursuant to this general license; and

(ii) Upon notification by the United States Patent Office that letters patent will be issued and at least twenty days before the payment to such office of the final fee therefor, there shall be filed directly with the Treasury Department a report on Form TFR–172, setting forth, under oath, the information called for therein.

(b) This general license shall also authorize any person who is not a national of any blocked country:

(1) To file and prosecute applications for letters patent in any blocked country;

(2) To receive letters patent granted pursuant to any such application; and

(3) To pay fees currently due to the government of any blocked country, either directly or through an attorney or representative located abroad, for the filing of any such application, and for the granting and maintenance of any patent.

Domestic banks are authorized to effect the payments referred to in (3) and to establish and maintain free dollar accounts if necessary, and only to the extent necessary, to effect such payments. Domestic banks are not authorized to establish or maintain free dollar accounts in cases where such payments may be effected in the manner prescribed in (a) or (b) of General License No. 32, as amended.[1] All banks effecting any such payments shall satisfy themselves that the foregoing terms and conditions are complied with.

(c) All persons engaging in any of the transactions authorized by subparagraphs (1) or (2) under paragraph (b) above shall file promptly with the appropriate Federal Reserve Bank reports setting forth the details of such transactions.

(d) With respect to each payment authorized by paragraph (b) (3) above, reports on Form TFR–132 shall be executed and filed in the manner and form and under the conditions described in General License No. 32, as amended, except that item No. 6 of such form shall be left blank and the originating bank shall indicate on the reverse side of such form:

(1) The specific purpose for which such payment is made;

(2) Whether or not an application for a patent has been filed in, or a patent has been issued by, the United States Patent Office, covering the invention or design involved; and

(3) If such application has been filed in, or such patent issued by, the United States Patent Office, the number thereof.

(e) This general license does not authorize any assignment, grant, encumbrance, creation of a license, or execution of any agreement or arrangement of, under, or with respect to any patent, application therefor, license thereunder, or interest therein, in which any blocked country or national thereof has, on or since the effective date of the Order, had any interest, or any other transaction not specifically authorized by this general license. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 41-6665; Filed, September 4, 1941; 11:49 a. m.]

[1] 6 F.R. 748.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 5 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

SEPTEMBER 3, 1941.

(1) Reference is made to General License No. 72.[1] Attention is directed to the fact that this general license does not authorize any person who is a national of any blocked country to file or prosecute applications for letters patent in any foreign country, to receive letters patent granted pursuant to such applications, or to pay any fees to any foreign country in connection therewith. This general license does not authorize the payment of fees to attorneys or representatives in the United States or in foreign countries for services rendered in connection with any transaction authorized by such general license and does not authorize the effecting or recording of any assignment, grant, encumbrance, creation of a license, or execution of any agreement or arrangement of, under or with respect to any patent, application therefor, license thereunder or interest therein, in which any blocked country or any national thereof, has on or since the effective date of Executive Order No. 8389, as amended, had any interest.

(2) Applications for specific licenses relating to patents and interests therein may be made to the appropriate Federal Reserve Bank on Form TFE–1. Such applications should contain in addition to other information required the following:

(a) Whether an application for letters patent has been filed in, or letters patent issued by, the United States Patent Office if such application or letters patent are involved in, or in any manner affected by, the transaction in question;

(b) If any such application is on file in the United States Patent Office, a true copy thereof should be attached to and made a part of the application for a Treasury license. If letters patent have been issued by the United States Patent Office, a copy thereof should be attached to the application for a Treasury license; and

(c) A brief nontechnical description of the nature of the invention or design covered by such application or letters patent, indicating the use to which such invention may be put.

(3) Attention is also directed to the fact that the Regulations require that reports on Form TFR–300 shall be filed with respect to any patents, applications therefor, assignments thereof, or licenses relating thereto, or any present, future, or contingent interests therein, agreements pertaining thereto, and any other contracts affecting or involving the foregoing, such as the right to receive royalties, licensing arrangements and contracts by which any information in the nature of technical data or otherwise is transmitted or exchanged, in which on either or both June 1, 1940, and June 14, 1941, any foreign country or national thereof had any interest of any nature whatsoever, direct or indirect. In the case of China, Japan, or nationals thereof, a report of the aforementioned interests is required as of July 26, 1941. Attorneys who have in their possession any property in which any of the interests referred to above exists, are required to file a report thereof on Form TFR–300. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6666; Filed, September 4, 1941; 11:49 a. m.]

[1] *Supra.*

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 962—STEEL [1]

Supplementary Order M–21–b Relating to Steel Warehouses

§ 962.3 *Supplementary order*—(a) *Definition.* For the purpose of this Supplementary Order, "Warehouse" means any person who receives physical delivery of steel from a producer for sale or resale in the form received.

(b) *Limitation of deliveries to warehouses.* (1) After October 5, 1941, no Warehouse shall accept from a Producer any delivery of steel on consignment or otherwise until a quota has been established for such Warehouse, pursuant to paragraph (c), and no such delivery shall be made or accepted except within the limits of such quota.

(2) For the period between the effective date of this Supplementary Order and October 5, 1941, no Warehouse shall accept from a producer and no producer shall make to a Warehouse any delivery of any type of steel product in excess of one-third of the deliveries of such type of product by such producer to such Warehouse during the first quarter of 1941.

(c) *Quota.* On or before September 15, 1941, each Warehouse desiring to obtain a quota shall file in quadruplicate with the Director of Priorities a report in form prescribed by the Director. After such filing, the Director shall establish a quota for such Warehouse and shall notify such Warehouse as to the amount of such quota. The Director may from time to time establish a quota for any type of steel product and may vary the amount of any quota established for any product or group of products.

(d) *Assignment of preference rating to deliveries to warehouses.* The Director of Priorities will issue to each Warehouse for which a quota is established pursuant to paragraph (c) a certificate assigning a preference rating of A–9 to deliveries of steel to such Warehouse, within the limits of such quota. Such preference rating may be changed from time to time by the Director of Priorities.

(e) *Limitation of deliveries by warehouses.* Except as permitted by paragraph (f), no Warehouse shall make deliveries of alloy steel from its stock except on defense orders. After making provision for present and anticipated defense orders, and subject to the terms of General Preference Order M–21, a Warehouse may make deliveries of carbon steel from its stock to non-defense customers.

(f) *Exemption of small sales by warehouses.* A Warehouse may, during any calendar month, make deliveries of the materials in the quantities specified below, on any rated or unrated order, provided that the total amount of each such material delivered to all customers in this manner during any calendar month shall not exceed ten percent (10%) of the average monthly deliveries of each such material by the Warehouse to all customers during the first calendar quarter of 1941, and further provided that nothing contained in this paragraph shall be construed to excuse any person from complying with the applicable provisions of General Preference Order M–14, to conserve the supply and direct

[1] 6 F.R. 4005.

the distribution and use of tungsten in high speed steel.

Material	*Deliveries not to exceed*
(1) Alloy tool steel	50 lbs. per item
(2) Stainless steel	50 lbs. per item.
(3) Other alloy steel	300 lbs. per order.

(g) *Special instructions.* The Director of Priorities may from time to time issue specific directions to Warehouses requiring them to earmark stocks or to make deliveries during specified periods in fulfillment of contracts, commitments, or purchase orders for particular purposes or to particular persons. Such directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Priorities, without regard to any preference ratings assigned to particular contracts, commitments or purchase orders.

(h) *Effective dates.* This Supplementary Order shall take effect on the 3d day of September, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (O. P. M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress as amended; sec. 9, Public No. 783, 76th Congress.)

Issued this 3d day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6628; Filed, September 3, 1941; 3:26 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND TIMBER PRODUCTS

AMENDMENT TO PRICE SCHEDULE NO. 19—SOUTHERN PINE LUMBER

Sections 1312.32 and 1312.34 of Price Schedule No. 19 [1] are hereby amended to read as follows:

§ 1312.32 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Southern pine" means the species of shortleaf pine (Pinus eschinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), such longleaf pine (Pinus palustris) as contains less than six annual rings per inch and less than one-third summerwood, or any other Pinus species known commercially as "southern pine".

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which sells less than 75 percent of the volume of its southern pine lumber at retail and which processes, by sawing, or by planing or other comparable method, at least 25 percent of the volume of southern pine logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern pine logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which (1) processes, by sawing, or by planing or other comparable method, less than 25 percent of the volume of such logs or lumber so purchased or received by it, or (2), regardless of the percentage of such processing, sells more than 75 percent of the volume of its southern pine lumber at retail.

(e) "Retail" sale means a sale to a consumer or contractor in a less than carload quantity.

(f) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber or sold, as the case may be, within six months immediately prior to the transaction subject to this Schedule. (Executive Order No. 8734)

§ 1312.34 *Appendix A*—(a) *Maximum f. o. b. mill prices per 1,000 feet board measure:*

BOARDS AND STRIPS (ROUGH GREEN)

Grade	Standard length [1]	8' length	10' length	12' length	14' length	16' length	18' and 20' length
No. 1:							
1 x 3	$34.00	$34.00	$35.00	$35.00	$35.00	$36.50	$37.00
1 x 4	32.00	32.00	33.00	33.00	33.00	34.50	35.00
1 x 6	32.00	32.00	33.00	33.00	33.00	34.50	35.00
1 x 8	33.00	33.00	34.00	34.00	34.00	35.50	36.00
1 x 10	35.00	35.00	36.00	36.00	36.00	37.50	38.00
1 x 12	43.00	43.00	44.00	44.00	44.00	45.50	46.00
No. 2:		6' and 8'					
1 x 2 and 3	26.00	26.00	27.50	28.00	28.00	28.50	30.00
1 x 4	23.00	23.00	24.50	25.00	25.00	25.50	27.00
1 x 6	25.00	25.00	26.50	27.00	27.50	28.00	30.00
1 x 8	25.00	25.00	26.50	27.00	27.50	28.00	30.00
1 x 10	25.50	25.50	28.50	28.50	29.00	29.50	31.50
1 x 12	30.00	30.00	33.00	33.50	34.00	34.50	37.50
No. 3:							
1 x 4	19.00	19.00	20.50	21.00	21.00	21.50	23.00
1 x 6	20.00	20.00	21.50	22.00	22.50	23.00	25.00
1 x 8	20.00	20.00	21.50	22.00	22.50	23.00	25.00
1 x 10	20.50	20.50	23.50	23.50	24.00	24.50	26.50
1 x 12	21.00	21.00	24.00	24.50	25.00	25.50	28.50

ADDITIONS TO ROUGH GREEN PRICES

For Rough, Air Dried, add $1.50.
For Rough, Kiln Dried, add $2.50.
For S1S, S2S, S3S, S4S, S2S and Matched, or Shiplap, Standard or Thinner, add $1.50.
For Ripping or Resawing, add $1.00 per 1,000 board feet for each cut.
For Chemical Anti-Stain Treatment, add 50c.
Where a restricted standard length is specified, either 8' to 18', or 8' to 20', add $1.00.
Odd lengths or fractional lengths shall be counted and priced as next longest even length.

[1] Standard Lengths are 4' to 20', inclusive, in multiples of 2', and the following percentage of short lengths may be included in all shipments in which the lengths are not specifically restricted.

No. 1	5% 8-foot
No. 2	5% 4-foot 5% 6-foot 5% 8-foot

DIMENSION (ROUGH GREEN)

Grade	Random length	8' length	9' length	10' length	12' length	14' length	16' length	18' length	20' length	22' and 24' length
No. 1:										
2 x 3	$31.00	$31.00	$32.00	$31.00	$31.00	$32.00	$33.00	$34.50	$35.50	------
2 x 4	30.00	30.00	31.00	30.00	30.00	31.00	32.00	33.50	34.50	$40.00
2 x 6	29.00	29.00	30.00	29.00	29.00	30.00	30.50	32.50	33.50	39.00
2 x 8	30.00	30.00	31.00	30.00	30.00	31.00	31.50	33.50	34.50	40.00
2 x 10	33.50	33.50	33.50	35.00	35.00	35.00	36.00	39.50	41.50	46.00
2 x 12	35.50	35.50	35.50	37.00	37.00	37.00	38.00	41.50	43.50	48.00
No. 2:										
2 x 3	27.00	27.00	28.00	27.00	27.00	28.00	29.00	30.50	31.50	------
2 x 4	26.00	26.00	27.00	26.00	26.00	27.00	28.00	29.50	30.50	36.00
2 x 6	24.00	24.00	25.00	24.00	24.00	25.00	25.50	27.50	28.50	34.00
2 x 8	25.00	25.00	26.00	25.00	25.00	26.00	26.50	28.50	29.50	35.00
2 x 10	26.50	26.50	27.50	29.50	28.50	28.50	28.50	32.00	34.00	39.50
2 x 12	28.50	28.50	29.50	29.50	29.50	29.50	30.50	34.00	35.00	40.50
No. 3:										
2 x 3	19.00	20.00	21.00	20.00	20.00	21.00	22.00	23.50	24.50	------
2 x 4	18.00	19.00	20.00	19.00	19.00	20.00	21.00	22.50	23.50	------
2 x 6	16.00	17.00	18.00	17.00	17.00	18.00	18.50	20.50	21.50	------
2 x 8	17.00	18.00	19.00	18.00	18.00	19.00	19.50	21.50	22.50	------
2 x 10	18.50	19.50	20.50	22.50	21.50	21.50	21.50	25.00	27.00	------
2 x 12	20.50	21.50	22.50	22.50	22.50	22.50	23.50	27.00	28.00	------

ADDITIONS TO ROUGH GREEN PRICES

For Rough, Air Dried, add $2.00.
For Rough Kiln Dried, add $3.00.
For S1S, S2S, S3S, S4S, add $1.00.
For working to Shiplap, Center Match, Dressed and Matched, or Grooved, add $2.00.
For Ripping or Resawing, add $1.00 per 1,000 board feet for each cut.
For Chemical Anti-Stain Treatment, add 50¢.
Random lengths may be 8' to 16' or 8' to 20'.
Odd or Fractional Lengths, except 9', shall be counted and priced as next longest even length.

[1] 6 F.R. 4142.

§ 1312.34 *Appendix A*—(a) *Maximum f. o. b. mill prices per 1,000 feet board measure*—Continued

FLOORING (NO HEART SPECIFICIATION), PLAIN END, KILN DRIED, STANDARD LENGTHS [1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain:					
1 x 3	$65.00	$57.00	$42.00	------	------
1 x 4	63.00	55.00	40.00	------	------
Near edge grain:					
1 x 3	58.00	50.00	37.00	------	------
1 x 4	56.00	48.00	35.00	------	------
Flat grain:					
1 x 3	50.00	47.00	35.00	$31.00	$21.00
1 x 4	49.00	46.00	34.00	29.00	20.00

Add $2.00 for specified lengths.
Add $2.00 for end-matching standard length flooring.

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9-foot.
C	5% 6 and/or 7-foot. 5% 8 and/or 9-foot.
D and No. 2	5% 4 and/or 5-foot. 5% 6 and/or 7-foot. 5% 8 and/or 9-foot.
No. 3	Not to exceed 20% 4- and 6-foot lengths.

FLOORING (NO HEART SPECIFICATION), END MATCHED, KILN DRIED, 2' TO 8' NESTED

	Grade B and Better	Grade C	Grade D		Grade B and Better	Grade C	Grade D
Edge Grain:				Flat grain:			
1 x 3	$57.00	$50.00	$38.00	1 x 3	$42.00	$39.00	$28.00
1 x 4	55.00	48.00	36.00	1 x 4	41.00	38.00	27.00
Near Edge Grain:							
1 x 3	52.00	47.00	35.00				
1 x 4	51.00	46.00	34.00				

DROP SIDING, KILN DRIED STANDARD LENGTHS [1]

	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Drop siding (All patterns):					
Plain end 6"	$51.00	$48.00	$39.00	$31.00	$25.00
Plain end 8"	53.00	50.00	40.00	32.00	25.00
Bevel siding	47.00	44.00	35.00	30.50	22.00

[1] Add $2.00 for specified lengths.

STANDARD BEADED OR V-GROOVED CEILING, KILN DRIED STANDARD LENGTHS [1]

	Grade P and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Plain end:					
11/16 and ¾	$49.00	$46.00	$34.00	$29.00	------
⅝	40.00	38.00	30.00	26.00	------

Add $2.00 for specified lengths.

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8 and/or 9-foot.
C	5% 6 and/or 7-foot. 5% 8 and/or 9-foot.
D and No. 2	5% 4 and/or 5-foot. 5% 6 and/or 7-foot. 5% 8 and/or 9-foot.
No. 3 not to exceed	20% 4 and 6 foot.

TIMBERS, GREEN, ROUGH, S4S OR S2S

	No. 1 common		No. 2 common	
	8' to 16'	18' and 20'	8' to 16'	18' and 20'
3 x 3 to 4 x 4	$32.00	$36.00	$29.00	$33.00
3 x 6 to 6 x 6	30.00	34.00	27.00	31.00
3 x 8 to 6 x 8	32.00	36.00	28.00	32.00
8 x 8	34.00	38.00	30.00	34.00
3 x 10 to 10 x 10	35.00	39.00	31.00	35.00
3 x 12 to 12 x 12	40.00	44.00	36.00	40.00

Add $2.00 for shiplap or T&G.
Add $4.00 for Beveling or Outgauging.
For odd sizes, price at next larger even size.
Odd or fractional lengths, except 5' and 7', shall be counted and priced as next longest even length.

(b) For mixed car or mixed truck shipments, $2.00 additional per 1,000 feet board measure may be charged. A mixed car shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 500 board feet each, or at least six items amount to not less than 250 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, mouldings, partition, ceiling, siding, plain end flooring, and matched flooring, shiplap, boards, strips, dimension, or timbers.

(c) For export sales, an addition of not more than $3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt the estimated average weights of southern pine per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows: [1]

BOARDS AND STRIPS	
1 x 2" to 1 x 10" Rough	3,200
1 x 12" Rough	3,300
1 x 2" to 1 x 10" S1S or S2S 25/32"	2,500
1 x 12" S1S or S2S 25/32"	2,600
1 x 2" to 1 x 10" S3S or S4S 25/32"	2,400
1 x 12" S3S or S4S 25/32"	2,500
1 x 2" to 1 x 4" D&M	1,900
1 x 6" D&M or Shiplap	2,200
1 x 8" to 1 x 10" D&M or Shiplap	2,300
1 x 12" D&M or Shiplap	2,400
For ¾" dressed boards deduct	100
For 5/8" boards, all workings, deduct	500
For 11/16" boards, all workings, deduct	300
For 13/16" boards, all workings, add	100
For resawing, deduct for each cut	200
For Ripping, no deduction	
For 1¼" and 1½", add	300
DIMENSION	
[2" Dimension, Factory Flooring, and Roof Decking]	
2 x 4" to 2 x 12" Rough green	4,500
2 x 4" to 2 x 12" green. dressed 1⅝"	3,800
2 x 2" to 2 x 8" Rough	3,300

[1] The average weights shown are based upon test weights made upon large quantities of each item of southern pine lumber manufactured by the subscribers to the Southern Pine Association, as set forth in 1939 Standard Specifications for Southern Pine Lumber, of the Southern Pine Association, New Orleans, Louisiana, and adopted by the Board of Governors of the Southern Pine Inspection Bureau of the Southern Pine Association on May 28, 1940, as the official grading rules of the Bureau. The figures given refer to dry weight, except where otherwise specified.

DIMENSION—Continued

2 x 10'' & 2 x 12'' Rough	3,400
2 x 2'' to 2 x 8'' Dressed to 1⅝''	2,500
2 x 10'' & 2 x 12'' Dressed to 1⅝''	2,600
For 1¾'' add	400
For D&M, SL & Gr. for splines, deduct	200

FLOORING

[Plain End and End Matched]

1 x 3'' (For Hollow Back deduct 100 lbs.)	1,800
1 x 4'' (For Hollow Back deduct 100 lbs.)	1,900

DROP SIDING

1 x 6'' (Pat. 116)	2,000
1 x 8'' (Pat. 116)	2,100
1 x 6'' (Pat. 117)	1,700
1 x 8'' (Pat. 117)	1,800
1 x 6'' (other patterns)	1,800
1 x 8'' (other patterns)	1,900
Bevel and SE Siding from 1''	1,000
Bevel and SE Siding from 1¼''	1,300

STANDARD BEADED OR V-GROOVED CEILING

11/16''	1,700
3/4''	1,800
9/16''	1,400

TIMBERS

(Heavy Joists, Timbers, etc. [Over 2'' thick])

Rough, green	4,500
S4S ¼'' scant, green	4,200
S4S ⅜'' scant, green	4,000
S4S ½'' scant, green	3,800
T&G, SL & Gr. for splines, deduct	300

(Executive Order No. 8734)

Issued this 3rd day of September, 1941.
Effective September 5, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6629; Filed, September 3, 1941; 4:18 p. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER II—CIVILIAN CONSERVATION CORPS

[Supplement No. 7 to Instructions of September 7, 1937]

PART 202—SELECTION OF VETERANS' CONTINGENT

CONTINUOUS ENROLLMENTS

AUGUST 25, 1941.

The Director of the Civilian Conservation Corps in letter addressed to the War Department Representative, C.C.C., Adjutant General's Office, under date of July 25, 1941 authorized effective that date substituting continuous enrollment in lieu of periodic enrollment, stating therein:

No change in the procedure for the selection of veteran enrollees is authorized except that they may be selected and enrolled at any time.

In harmony with this authority no change is contemplated in the basic "Instructions Governing the Selection of Veterans to Compose the Veterans Contingent of the Civilian Conservation Corps" released September 7, 1937[1] except as follows:

[1] 2 F.R. 1855.

The first sentence of § 202.6 is modified to read:

§ 202.6 [Paragraph 6] *Certification and notification*—(a) *Certified by regional manager.* Upon receipt of requisition from the office of the Corps Area Commander covering the number of veterans to be selected and enrolled to fill vacancies, the selecting agency will select and certify the appropriate number of veterans for enrollment. The Manager of the selecting agency will then inform the Corps Area Commander through the liaison representative of the number and location of such selectees. Upon receipt of this information the Corps Area Commander will advise the Manager of the selecting agency through the liaison representative of the time and place the veterans are to report, and upon being ordered to report the veteran will be charged to the requisition.

The last sentence of § 202.7 (a) referring to four enrollment periods as amended will be modified as follows:

§ 202.7 [Paragraph 7] *Enrollments, reenrollments, and replacements*—(a) *For period of 6 months.* * * * Enrollment of veterans will be on a continuous rather than a periodic basis.

Reference to enrollment periods in the first sentence of § 202.7 (b) will be eliminated and will read as follows:

(b) *Replacements at any time.* Replacements to fill vacancies may be made through selection and enrollment at any time.

Reference to enrollment periods in § 202.20 (a) [Paragraph 17] will be eliminated and in lieu thereof there will be substituted:

at close of business (date)

The eleven items to be recorded on the report referred to in § 202.20 (b) will be modified as follows:

§ 202.20 [Paragraph 17] *Report of selection and enrollment.* * * *

(b) *Form and substance.*

* * * * * *

(2) Replacement requisition received from the Corps Area Commander.

(3) Adjustments in requisitions authorized by the liaison representative.

(4) Replacement requisition as adjusted (Item #2 plus or minus item #3).

* * * * * *

(7) Total number of veterans in enrollment status at the close of the month.

* * * * * *

(9) Total number of veterans in enrollment status at the close of the month who have made allotments.

(10) Total number of veterans in enrollment status at the close of the month who have not made allotments. (Item #9 plus item #10 should equal item #7.)

(11) Number of pending applications on hand at the close of the month.

This report should be submitted to the liaison representative as promptly as possible subsequent to the close of business at the end of each month.

Otherwise controlling instructions will prevail, and it is expected that Managers of selecting agencies will cooperate with the Corps Area Commander in making the continuous enrollment program effective.

[SEAL] FRANK T. HINES,
Administrator.

Concur:

J. W. FRASER,
Asst. War Department Representative C.C.C.

Approved: August 23, 1941.

CHARLES H. TAYLOR,
Asst. Director, Civilian Conservation Corps.

[F. R. Doc. 41-6539; Filed, August 30, 1941; 11:26 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 143]

SUBCHAPTER C—CARRIERS BY WATER

PART 310—SETTLEMENT OF RATES AND CHARGES OF COMMON CARRIERS

Sec.

310.1 Relinquishment of freight in advance of payment of charges.
310.2 Extension of credit for 48-hour period.
310.3 Extension of credit for 96-hour period.
310.4 Computation of credit period.
310.5 Presentation of freight bills; mailing.
310.6 Extension of credit for additional charges.
310.7 Extension of credit for demurrage charges.
310.8 Collection of freight charges; mailing.

In the Matter of Rules and Regulations Governing the Settlement of Rates and Charges of Common Carriers by Water

At a Session of the Interstate Commerce Commission, Division Two, held at its office in Washington, D. C., on the 29th day of August, A. D. 1941.

It appearing, That by order dated May 12, 1941 the Commission on its own motion instituted an investigation to determine rules and regulations necessary in the public interest to govern the extension of credit in the settlement of rates and charges for the transportation of property by common carriers of property by water, subject to Part III of the Interstate Commerce Act, and to prevent unjust discrimination and undue prejudice and preference, as provided by Section 318 of that Act;

It further appearing, That by said order all common carriers by water subject to the provisions of the Interstate Commerce Act were ordered on or before June 5, 1941 to show to the Commission in writing any cause or reason why the Commission should not thereafter prescribe the rules and regulations appended to that order as Exhibit A;

And it further appearing, That all matters and things involved in the said investigation including answers and responses made by various respondents and other interested parties having had the consideration of Division Two, the said division on the date hereof now finds that the rules and regulations to govern the extension of credit in settlement of rates and charges as above described are necessary in the public interest and to prevent unjust discrimination and undue preference or prejudice, and that the rules and regulations appended as Exhibit A to the order dated May 12, 1941 should in certain respects be modified, amended and changed and shall be adopted and prescribed as so amended; and that reasonable, just and nondiscriminatory, nonprejudicial and nonpreferential rules and regulations are and for the future will be those hereinafter set forth;

It is ordered, That the following regulations shall become effective October 5, 1941, and shall continue in effect until further order of the Commission:

§ 310.1 *Relinquishment of freight in advance of payment of charges.* All common carriers of property by water subject to Part III of the Interstate Commerce Act, after having taken precautions deemed by them to be sufficient to assure payment of their freight charges within the credit periods hereinafter specified, such as examination of the credit rating of the person or persons undertaking to pay the freight charges or the obtaining of satisfactory surety bonds, are hereby authorized to relinquish possession of freight at destination or in advance of the payment of the tariff charges lawfully due thereon and to extend credit to those who undertake to pay such charges, as hereinafter authorized.*

*§§ 310.1 to 310.8, inclusive, issued under authority of sec. 318, 54 Stat. 949; 49 U.S.C 918.

§ 310.2 *Extension of credit for 48-hour period.* Except as otherwise provided in § 310.3, credit may be extended for a period not exceeding 48 hours, computed as provided in § 310.4.*

§ 310.3 *Extension of credit for 96-hour period.* When retention of possession of freight by the carrier until the tariff rates and charges thereon have been paid will retard prompt delivery or will retard prompt release of equipment or terminal facilities of the carrier, credit may be extended for a period not exceeding 96 hours, computed as provided in § 310.4.*

§ 310.4 *Computation of credit period.* (a) When the freight bill is presented to the person or persons undertaking to pay the charges prior to, or at the time of, delivery of the freight, the 48-hour and 96-hour periods of credit shall run from the first 12 o'clock midnight following delivery of the freight.

(b) When the freight bill is presented to the person or persons undertaking to pay the charges subsequent to the time the freight is delivered, the 48-hour and 96-hour periods of credit shall run from the first 12 o'clock midnight following presentation of the freight bill.

(c) Sundays and legal holidays, other than Saturday half holidays, may be excluded from the computation of the periods of credit.*

§ 310.5 *Presentation of freight bills; mailing.* (a) Except as otherwise provided in paragraph (b) of this section and in §§ 310.6 and 310.7, carriers shall present freight bills for all transportation charges to the person or persons undertaking to pay those charges as promptly as practicable but in every case prior to the second 12 o'clock midnight following delivery of the freight.

(b) When information sufficient to enable the carrier to compute the tariff charges is not available to the carrier at the point where it computes the charges, presentation of the freight bill may be delayed until such information is available. In such cases it shall be the duty of the shipper (or consignee, as the case may be) to present, and of the carrier to obtain, the information as promptly as practicable. If, in any case, the necessary information has not become available to the carrier at the point where it computes the charges within 15 days after delivery of the freight, carrier shall present the freight bill and collect charges based upon the best information in its possession and arrange for correction later when detailed information is furnished.

(c) The person or persons undertaking to pay freight charges may elect to have their freight bills presented by means of the United States mails. When mail service is so used, the time of mailing by the carrier shall be deemed to be the presentation of the bills. In case of dispute as to the time of mailing, the post mark shall be accepted as showing such time.*

§ 310.6 *Extension of credit for additional charges.* Where carrier has relinquished possession of freight and collected the amount of tariff charges represented in a freight bill presented by it as the total amount of such charges and another freight bill for additional charges is thereafter presented to the shipper the carrier may extend credit in the amount of such additional charges for a period of 30 days, to be computed as herein set forth, from the date of the presentation of the subsequently presented freight bill.*

§ 310.7 *Extension of credit for demurrage charges.* Where the amount of demurrage charges is determinable under average agreements made in accordance with tariff provisions the carrier may delay the presentation of bills for such demurrage charges for a period not to exceed 15 days from the expiration of the authorized demurrage period and may extend credit in the amount of the demurrage charges accruing during the demurrage period for 15 days from the presentation of the bill for such charges.*

§ 310.8 *Collection of freight charges; mailing.* Mailing by the person or persons paying the freight charges of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges within the credit periods allowed, may be deemed to be the collection of the tariff charges within the credit period. In case of dispute as to the time of mailing, the post mark shall be accepted as showing such time.*

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-6661; Filed, September 4, 1941; 11:47 a. m.]

PART 315—EXEMPTION OF CONTRACT CARRIER OPERATIONS

AUGUST 26, 1941.

§ 315.1 *Oilfield equipment, marshlands, Louisiana and Texas.* Contract carriers by water leasing or chartering vessels for the purpose of transporting machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, to and from points in the marshland oil fields of Louisiana and Texas, are exempted from the requirements of part III of the Interstate Commerce Act for a period of three years from the 26th day of August 1941. (Sec. 201, 54 Stat. 930; 49 U.S.C., Sup. 902 (e))

Effective September 25, 1941.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-6660; Filed, September 4, 1941; 11:46 a. m.]

[Special Series A—No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

REPORT OF THE COMMISSION[1]

DECIDED AUGUST 19, 1941.

Application for authority to construct for experimental service in the transportation of 95 percent nitric acid 5 riveted aluminum alloy tank-car tanks granted.

Victor Willoughby for American Car and Foundry Company.

In our orders entered November 14, 1939, and June 7, 1940, we granted upon applications therein considered authority to build and use for experimental rail service in the transportation of ninety-five percent nitric acid a total of five (5) tank cars equipped with riveted

[1] Under the authority of section 17 (2) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner Johnson for consideration and disposition.

aluminum alloy tanks, to be constructed and used in accordance with our regulations for transportation of dangerous articles as modified by said reports, including appendix covering A. A. R. requirements.

By application number 2840–A filed with the Association of American Railroads under revised date of March 25, 1941, and transmitted to us July 31, 1941, with the recommendations of the Association's mechanical division and Bureau of Explosives, we are asked to authorize American Car and Foundry Company to construct five (5) additional riveted aluminum alloy tanks of tank cars, of nominal capacity 8,095 gallons, conforming to proposed shipping container specification 103C–AL for tank cars, including A. A. R. appendix attached to and made part of order entered November 14, 1939, cars to be used in experimental service tests in the transportation of ninety-five percent nitric acid. Riveted anchors will be used.

In support of the instant application, applicant submits that two cars of specification 103C–AL type have been constructed, one of which has had service for one year in 16 trips over a total of 24,724 miles, with up to 102,760 pounds of acid per trip. At the second semiannual inspection the inside of this tank was found to be in excellent condition, with no change in appearance and no corrosion where rivets met the body of the tank. There was no indication of any straining or distortion of, or damage to, tank or joints.

Upon further consideration of the record and in the light of added facts disclosed, construction and use for trial service of five (5) additional tanks of tank cars, to comply with proposed shipping container specification 103C–AL, including A. A. R. appendix, in accordance with the authority granted November 14, 1939, is forthwith authorized for use in the transportation of ninety-five percent nitric acid. Tanks must be constructed and marked in compliance with said proposed specification 103C–AL, and application and drawings filed as an exhibit herein.

In all respects other than as provided for herein the regulations for the transportation of ninety-five percent nitric acid are and shall remain in full force and effect.

Owners or operators of cars shall make semiannual inspections of the tanks authorized herein and report their condition to the same parties as receive reports required by proposed specification 103C–AL.

By the Commission, Commissioner Johnson.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–6662; Filed, September 4, 1941; 11:47 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 6819 qm–1; O. I. No. 1]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: GILL & BENNETT, GREAT NATIONAL LIFE BUILDING, DALLAS, TEXAS

Amount fixed fee: $20,765.

Estimated construction cost (Art. V–2): $1,673,090.

Type of construction project: Quartermaster Depot.

Location: North Texas.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority QM 8278 P L 29–77 A–0540–12 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 23rd day of June, 1941.

ARTICLE I. *Description of the Work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The Construction of a Quartermaster Depot, including necessary buildings, temporary structures, utilities and appurtenances thereto located at or in the vicinity of North Texas.

ART. III. *Data to be furnished by the Government.* The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. V. * * * *and estimated cost of construction.* The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately one million six hundred seventy-three thousand ninety dollars ($1,673,090) exclusive of Architect-Engineer's fixed fee.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of twenty thousand seven hundred sixty-five Dollars ($20,765.) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. VIII. *Method of payment.* Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. IX. *Drawings and other data to become property of Government.* All drawings, designs and specifications are to become the property of the Government.

ART. XII. *Changes in scope of project.* The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public 611—76th Congress Approved June 13, 1940.

Public 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6671; Filed, September 4, 1941; 11:56 a. m.]

[1] Approved by the Under Secretary of War June 25, 1941.

[Contract No. W 7033 qm–7; O. I. No. 7]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT[1]

CONTRACTOR: HARRY B. FRIEDMAN, 1510 WEST 10TH STREET, FORT WORTH, TEXAS

Contract for construction of North Texas Quartermaster Depot.

Location: Dallas—Fort Worth Area.

Fixed fee: $45,600.

Estimated construction cost exclusive of fixed fee: $1,627,490.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. QM 23099 CBU & A P 99 A0540–N.

This contract, entered into this 4th day of August, 1941.

ARTICLE I. *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a new Quartermaster Depot together with necessary buildings, temporary structures, utilities and appurtenances thereto at Dallas—Fort Worth Area, Texas.

It is estimated that the construction cost of the work covered by this contract will be one million six hundred twenty seven thousand four hundred ninety dollars ($1,627,490) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of forty five thousand six hundred dollars ($45,600) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law: Public No. 139, 77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6672; Filed, September 4, 1941; 11:56 a. m.]

[1] Approved by the Under Secretary of War August 7, 1941.

[Serial No. 4804; 7–17–41]

SUMMARY OF CHANGE ORDER TO CONTRACT FOR SUPPLIES

CONTRACTOR: BEECH AIRCRAFT CORPORATION, WICHITA, KANSAS

Change No. 1[1] to contract No. W 535 ac–19632, dated May 29, 1941; published in FEDERAL REGISTER July 15, 1941.

Subject: Additional Airplanes and Spare Parts.

Affecting: Contract W 535 ac–19632.

Under the provisions of Article 30 of Contract W 535 ac–19632, the Government is granted the right and option at any time on or before * * * to increase the quantity of airplanes called for under the contract by * * * at a unit price of $ * * * for each additional airplane and is granted the further right and option to increase the quantity of spare parts called for under the contract by an amount not exceeding, in money value, * * * per cent of the total cost of additional airplanes that may be purchased under the terms of the option.

In consideration of the premises and the mutual covenants herein contained, it is mutually understood and agreed by the parties hereto that the contract is hereby amended as set forth hereinbelow:

(1) The lot quantity of Airplanes, * * *, called for under the terms of Contract W 535 ac–19632, is hereby increased from * * * to * * * airplanes, total additional cost, $11,463,750.00.

(2) The lot quantity of spare parts called for under the terms of Contract W 535 ac–19632 is hereby increased from a total money value of not to exceed $2,867,832.00 to a total maximum cost of not to exceed $4,014,207.00; total additional cost, $1,146,375.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authority Debit: AC 32 P 12–30 A 0705–2; Debit: AC 18 P 82–30 A 0705–2, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6673; Filed, September 4, 1941; 11:56 a. m.]

[1] Approved by the Under Secretary of War August 2, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1781–FD]

IN THE MATTER OF MATTHEW PHILLIPS, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 17, 1941, by Bituminous Coal Producers Board for District No. 6, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on October 13, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Marion County Court House, Fairmont, West Virginia.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding.

Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The Bituminous Coal Act of 1937, as amended, the Schedule of Effective Minimum Prices and the Marketing Rules and Regulations incidental to the sale and distribution of coal by code members within all districts by selling, during January and February, 1941, to various consumers from a tipple in Chester, West Virginia, located fourteen miles from said mine and to which the producer trucked said coal,

545.46 net tons of 3" lump coal,
132.93 net tons of 1¼" x 3" egg coal,
44.62 net tons of ⅝" x 1¼" nut and pea coal,
14.97 net tons of run of mine coal,
32.51 net tons of ⅝" slack coal,

produced at said mine at less than the effective minimum prices therefor of

$2.75 per net ton for 3" lump coal,
$2.30 per net ton for 1¼" x 3" egg coal,
$2.20 per net ton for ⅝" x 1¼" nut and pea coal,
$2.20 per net ton for run of mine coal,
$1.90 per net ton for ⅝" slack coal,

plus at least the actual cost of transportation from the transportation facilities at said mine to said point of delivery.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6636; Filed, September 4, 1941; 10:09 a. m.]

[Docket No. A-975]

DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT CERTAIN MINES IN KANAWHA COUNTY, WEST VIRGINIA, SUBDISTRICT NO. 4 IN DISTRICT NO. 8 FOR SHIPMENT BY TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said act and the rules of the Division be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for revision of the effective minimum prices for shipment by truck of the coals produced at the following mines in Kanawha County, West Virginia, in Subdistrict No. 4 in District No. 8:

Mine index No.	Code member	Mine
1395	Barnett, Oral C.	Barnett.
1396	Blankenship, W. R.	W. R. Blankenship.
1399	Burgy, Harlan	Tuppers Creek-Burgy No. 2.
3253	Fauber, C. W.	Ellison.
1404	Foster, J. W.	Foster.
5006	Goff, D. H.	
1406	Guthrie, A. W.	Guthrie.
1407	Guthrie & Tate (C. A. Guthrie).	O'Connor.
1409	Haynes, R. J.	Haynes.
3112	Haynes, Talmadge	R. F. Haynes.
1411	Haynes, Willie H.	Willie H. Haynes.
1410	Haynes, W. H.	W. H. Haynes.
1419	Holmes, Leon	Holmes.
3548	Holmes, Russell	Russell Holmes.
2900	Hughes, C. A.	Walker No. 2.
1418	Rose, G. M.	Carpenter Honaker.
1420	Sokolow, Mike P.	Holmes No. 2 Walker.
1421	Taylor, Otis	Independent.
1422	Thaxton, Ben	Newhouse.
3538	Thaxton, J. R.	Thaxton.
1423	Thaxton, L. B.	L. B. Thaxton.
1424	Thaxton, S. M.	S. M. Thaxton.
3155	Thaxton & Walker (J. A. Thaxton).	Tuppers Creek.
1427	Walker, E. W.	E. W. Walker.
1428	Whittington, A. E.	Whittington.
1429	Whittington, Carl	Haynes Whittington.
1430	Whittington, L. H.	Whittington No. 2.
1432	Williams, R. S. (R. S. Williams Coal Co.).	

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6637; Filed, September 4, 1941; 10:09 a. m.]

[Docket No. A-1011]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT THE JEANNE ANNE MINE (MINE INDEX NO. 1448) AND THE JEANNE ANNE #3 MINE (MINE INDEX NO. 616) OF THE WEST VIRGINIA COAL & TRANSPORTATION CO., IN MASON COUNTY, WEST VIRGINIA, KANAWHA SUB-DISTRICT IN DISTRICT NO. 8, FOR SHIPMENT BY TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 29, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petition of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for revision of the effective minimum prices for the Jeanne Anne Mine (Mine Index No. 1448) and the Jeanne Anne #3 Mine (Mine Index No. 616) of the West Virginia Coal & Transportation Company, for shipment by truck, from:

S. G.:

1	2	3	4	5	6	7	8
245	225	205	195	180	195	125	120

to: S. G.:

1	2	3	4	5	6	7	8
270	260	205	235	180	195	155	150

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6638; Filed, September 4, 1941; 10:09 a. m.]

[Docket No. A-519]

PETITION OF A. O. LOSH, A CODE MEMBER IN DISTRICT NO. 3, FOR REDUCTION IN THE MINIMUM PRICES ESTABLISHED FOR THE COALS OF MINE INDEX NO. 662 FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of A. O. Losh, code member in District No. 3, for reduction in the minimum prices established for the coals of Mine Index No. 662 for truck shipment.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6639; Filed, September 4, 1941; 10:09 a. m.]

[Docket No. A-887]

PETITION OF DISTRICT BOARD 8 FOR REVISION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR TRUCK SHIPMENT BY J. S. STEWART (SAXTON COAL COMPANY), A. W. DENHAM, AND ISHAM SMITH, CODE MEMBER PRODUCERS IN DISTRICT NO. 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR CONTINUANCE

A public hearing in the above-entitled matter having been commenced pursuant to an Order of the Director dated June 6, 1941, before Edward J. Hayes, the duly designated Trial Examiner, on July 9, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.; and

The original petitioner having moved that said hearing be continued, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is continued until September 29, 1941, at 10 a. m. at the place and before the officers heretofore designated.

Dated: September 3, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6640; Filed, September 4, 1941; 10:10 a. m.]

[Docket No. 1835-FD]

IN THE MATTER OF DEBEVOISE-ANDERSON COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2193, RESPONDENT

NOTICE AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine

(a) whether or not Debevoise-Anderson Company, Inc., Registered Distributor, Registration No. 2193, whose address is 114 Liberty Street, New York, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated April 19, 1940, executed by respondent, pursuant to order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an order of the Bituminous Coal Division on July 1, 1939, and orders and regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent during the period from January 10, 1941 to March 27, 1941, both dates inclusive, purchased for resale in carload lot quantities, from the Beccaria Coal Mining Co., code member, approximately 515.35 net tons of mine run coal, Size Group No. 3, produced at said code member's Leland No. 8 Mine, Mine Index No. 273, located in Clearfield County, Pennsylvania, District No. 1, and resold said coal to various of its customers. Respondent accepted and retained discounts of 26 cents per net ton from the effective minimum f. o. b. mine price on approximately 108.25 net tons of said coal purchased and resold by it during the period from January 10, to January 13, 1941, both dates inclusive, and 17 cents per net ton from the effective minimum f. o. b. mine price on approximately 407.10 net tons of said coal purchased and resold by it during the period from March 4 to March 27, 1941, both dates inclusive, which discounts were and are in excess of the maximum allowable discount of 12 cents per net ton from the effective minimum price f. o. b. the mine, as established by Order of the Director, dated June 19, 1940 in General Docket No. 12, all in violation of section 4 II (h) of the Act and paragraph (a) of the Agreement.

3. Respondent during the period from January 10 to March 28, 1941, both dates inclusive, purchased for resale in carload lot quantities, from the Beccaria Coal Mining Co., code member, approximately 316.30 net tons of machine cuttings, produced at said code member's Leland No. 8 Mine, Mine Index No. 273, located in Clearfield County, Pennsylvania, District No. 1 and resold said coal to Dobler Brewing Co., of Albany, N. Y., during the aforesaid period, when at the time of said transactions, no temporary or final price or classification for machine cuttings produced at the aforesaid mine had been established by the Division, and said code member had not filed a petition pursuant to section 4 II (d) of the Act for the establishment of a price or classification for such coal, all in violation of the Order of the Director, dated October 9, 1940 in General Docket No. 19, and paragraph (e) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on September 29, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Civil Service Room 203, U. S. Post Office Building, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the Statistical Bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6641; Filed, September 4, 1941; 10:10 a. m.]

[Docket No. 1736-FD]

IN THE MATTER OF NORRIS COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING

Hearing in the above-entitled matter having been scheduled for September 5, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, County Court House, Marion, Illinois, before Charles S. Mitchell, Trial Examiner; and

It appearing to the Director that it is advisable to postpone said hearing to a later date;

It is hereby ordered, That the hearing in the above matter be and the same is hereby postponed to September 18, 1941, at the same time and place and before the same Examiner.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6642; Filed, September 4, 1941; 10:10 a. m.]

[Docket No. 1738-FD]

IN THE MATTER OF CARTERVILLE COAL COMPANY, PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING

Hearing in the above-entitled matter having been scheduled for September 5, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, County Court House, Marion, Illinois, before Charles S. Mitchell, Trial Examiner; and

It appearing to the Director that it is advisable to postpone said hearing to a later date;

It is hereby ordered, That the hearing in the above matter be and the same is hereby postponed to September 18, 1941, at the same time and place and before the same Examiner.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6643; Filed, September 4, 1941; 10:10 a. m.]

[Docket No. 1763-FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of September 29, 1941, at a hearing room of the Bituminous Coal Division at the County Court House, Galesburg, Illinois; and

It appearing to the Director that the hearing in the above-entitled matter should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of September 29, 1941, until 10 o'clock in the forenoon of October 27, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated: September 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6644; Filed, September 4, 1941; 10:11 a. m.]

[Docket No. A-597]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR REDUCTION IN THE LEVEL OF EFFECTIVE MINIMUM PRICES OF COALS IN SIZE GROUPS 6-9, PRODUCED IN DISTRICT 4, FOR SHIPMENT INTO MARKET AREAS 4, 5 AND 7-21, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING CONTINUANCE

This proceeding was instituted by an original petition filed by the Consumers' Counsel Division on January 15, 1941. After several continuances had been granted upon the requests of various parties, the original petitioner on July 29, 1941, filed a Motion to Set Time For Hearing in which it alleged that the interests of consumers in certain market areas were "vitally and adversely affected by further postponement of this matter." Thereupon an Order was issued scheduling a hearing on September 3, 1941, in Washington, D. C. By a Motion filed August 29, 1941, petitioner requested a continuance of the hearing herein from September 3, 1941, to November 3, 1941, in which it stated that District Board No. 4 has not yet completed the collection of data for reclassification of the coals in District 4 which may be relevant to the issues herein; that through illness and resignation, its legal staff is presently handicapped; and that it is now engaged in the preparation of other hearings before this Division and therefore cannot do certain work which it deems necessary for a proper presentation of the matters involved herein.

The present proceeding has been pending a considerable period of time, and it is highly desirable that some final disposition of these matters be made. However, in view of the allegations contained in the Motion, a continuance for a short period may be justified.

It is therefore ordered, That the hearing heretofore scheduled in the above matter for September 3, 1941, be and it is hereby cancelled.

It is further ordered, That the hearing in the above matter be held at 10 o'clock in the forenoon of October 6, 1941, at the place heretofore designated and before the officers previously designated to preside at the hearing.

It is further ordered, That in the event petitioners fail to proceed at the hearing on October 6, 1941, they shall show cause why this proceeding should not be dismissed without prejudice.

Dated: August 30, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-6645; Filed, September 4, 1941; 10:11 a. m.]

[Docket No. A-359]

PETITION OF DISTRICT NO. 14 FOR THE ESTABLISHMENT OF A SPECIAL MINIMUM PRICE FOR CERTAIN COALS PRODUCED AT CERTAIN MINES IN DISTRICT 14 UPON SALES TO EXCELSIOR PREPARATION PLANT, INC., PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6646; Filed, September 4, 1941; 10:12 a. m.]

[Docket No. A-360]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN SUBDISTRICT NO. 3 OF DISTRICT NO. 14 UPON SALES TO AND BY PARIS COAL WASHERY, INC., PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6647; Filed, September 4, 1941; 10:12 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
Cranberry Improvement Co., 1416 Chestnut St., Philadelphia, Pa.	Aug. 23, 1941
W. O. Gulbranson, 900 Hannah St., Houtzdale, Pa.	Aug. 21, 1941
Indiana Builders Supply Co., 601 Citizens Bank Bldg., Evansville, Ind.	Aug. 22, 1941
Little Coal Co., London, Ky.	Aug. 25, 1941
W. E. Lough, Weston, West Va.	Aug. 26, 1941
McNamara Coal Co., 95 North 9th St., Brooklyn, N. Y.	Aug. 26, 1941
Wm. Sammons and Sons, Gunnison, Colo.	Aug. 25, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before September 22, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: September 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6648; Filed, September 4, 1941; 10:13 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 29-A 3]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 12, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE DUBUQUE, IOWA, MARKETING AREA

Notice is hereby given of a hearing to be held in the Court Room of the Federal Building, Dubuque, Iowa, beginning at 10:00 a. m., c. s. t., September 9, 1941, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 12, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the Dubuque Cooperative Dairy Marketing Association, Inc., to (1) revise the marketing area by removing therefrom the territory within the corporate limits of the city of East Dubuque; (2) revise the minimum class prices by using the price as fixed in the Evaporated Milk Code plus a premium over, except Class IV milk, which shall be based on Chicago 92-score butter plus 20 percent; (3) require handlers to pay producers for Class I and Class II milk sold in unregulated markets the price as ascertained by the Market Administrator as the going price for milk of equivalent use sold in such markets; (4) change the butterfat standard for pricing milk from 3.8 percent to 3.5 percent; (5) revise the butterfat differential by basing it on Chicago 92-score butter plus 20 percent, decimal to be carried to nearest $\frac{1}{10}$ cent; and (6) include a provision for payments by non-members of a qualified cooperative association; and on proposed amendments submitted by the Market Administrator for the Dubuque, Iowa, marketing area to (7) revise the definition of delivery period to provide for monthly instead of semi-monthly periods; (8) provide for advance pay-

ments on the 20th day of each delivery period of the approximate value of milk delivered during the first 15 days; (9) change the date of announcement of the blended price from the 8th to the 10th day following the end of the delivery period; (10) make corresponding changes in the dates of payment to and from the producer-settlement fund; and (11) clarify the basis for classification of Class II milk.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

Dated: September 4, 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6667; Filed, September 4, 1941; 11:51 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CHANGE IN PRESIDING OFFICER AT THE ADMINISTRATOR'S HEARING ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 28 FOR THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby appoint Mr. Thomas Holland to be Presiding Officer in place of Mr. Henry T. Hunt, at the Administrator's hearing upon the minimum wage recommendation of Industry Committee No. 28 for the Knitted and Men's Woven Underwear and Commercial Knitting Industry. Said hearing will be held on September 15, 1941, as previously announced in the notice of hearing as amended.

Signed at Washington, D. C., this fourth day of September 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-6668; Filed, September 4, 1941; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302)

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 5, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Ball Brassiere Company, 8 West 30th Street, New York, N. Y.; Apparel; Brassieres; 5 percent (75% of the applicable hourly minimum wage); March 5, 1942.

Louis M. Bogash, Pocomoke City, Maryland; Apparel; Ladies' & Children's Garments; 20 learners (75% of the applicable hourly minimum wage); April 3, 1942.

Clever Maid Uniform Company, 500 South Peoria Street, Chicago, Illinois; Apparel; Women's Washable Uniforms; 5 learners (75% of the applicable hourly minimum wage); September 5, 1942.

Cornbleet Brothers, 120 South Water Street, Henderson, Kentucky; Apparel; Wash Dresses; 24 learners (75% of the applicable hourly minimum wage); February 20, 1942.

The Eastern Isles Importing Company, Inc., Union & Mechanic Streets, Clinton, Massachusetts; Apparel; Women's Pajamas and Gowns; 10 percent (75% of the applicable hourly minimum wage); September 5, 1942. (This certificate replaces one issued effective October 25, 1940.)

Falcon Waist Company, 621 River Street, Troy, New York; Apparel; Ladies' Blouses; 5 percent (75% of the applicable hourly minimum wage); September 5, 1942.

L. Gidding and Company, Inc., Hamilton Street, Bound Brook, New Jersey; Apparel; Children's Dresses; 5 learners (75% of the applicable hourly minimum wage); September 5, 1942.

Hampden Hat and Cap Company, 224 Worthington Street, Springfield, Massachusetts; Apparel; Caps; 2 learners (75% of the applicable hourly minimum wage); November 28, 1941.

Lady Ester Lingerie Corporation, 10th and Walnut Street, Berwick, Pennsylvania; Apparel; Ladies' Slips, Undergarments & Aprons; 30 learners (75% of the applicable hourly minimum wage); January 23, 1942.

Anthony Primus, 403 North Castle, Baltimore, Maryland; Apparel; Naval Uniforms; 1 learner (75% of the applicable hourly minimum wage); September 5, 1942.

California Artificial Flower Company, 400 Resovior Avenue, Providence, R. I.; Artificial Flowers and Feathers; 90 learners; October 17, 1941.

The Elkton Textile Company, Inc., Elkton, Maryland; Hosiery; Full Fashioned Hosiery; 100 learners; May 5, 1942.

Manard Hosiery Mill, 355 N. York Road, Willow Grove, Pennsylvania; Hosiery; Full Fashioned Hosiery; 1 learner; March 5, 1942.

Slatedale Knitting Mills, Inc., Slatedale, Pennsylvania; Hosiery; Seamless Hosiery; 20 learners; May 5, 1942.

Belle Knitting Corporation, 703 South Elmer Avenue, Sayre, Pennsylvania; Knitted Wear; Knitted Underwear, Commercial Knitting; 50 learners; February 20, 1942.

Girard Knitting Mills, 3225 North Amber Street, Philadelphia, Pennsylvania; Knitted Wear; Shaker and Novelty Sweaters; 5 learners; September 5, 1942.

Westwood Knitting Mill, Inc., 419 East 12th Street, Los Angeles, California; Knitted Wear; Knitted Outerwear; 2 learners; January 6, 1942.

Bartow Textile Company, Cartersville, Georgia; Textile; Chenille Bedspreads; 100 learners; February 20, 1942.

Lawtex Corporation, Gaston Street, Dalton, Georgia; Textile; Bedspreads; 20 learners; January 2, 1942.

Opp Cotton Mills, Opp, Alabama; Textile; Cotton Yarns and Cotton Cloth; 3 percent; September 5, 1942.

Pelzer Mills, Pelzer, South Carolina; Textile; Cotton, Rayon, Wool; 3 percent; September 5, 1942.

Sellers Manufacturing Company, Saxapahaw, North Carolina; Textile; Cotton Yarns; 24 learners; December 5, 1941.

Worcester Braiding Company, 161 Summer Street, Worcester, Massachusetts; Textile; Braids; 6 learners; March 10, 1942.

Signed at Washington, D. C., this 4th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6669; Filed, September 4, 1941; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder, (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 5, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

H. Sperber and Son, 124 N. 15th Street, Philadelphia, Pennsylvania; Bias bindings; 5 learners; 6 weeks for any one learner; 30 cents per hour; Calendar and folding machine operator, Biasing and rolling machine operator, Sewing machine operator; December 12, 1941.

Signed at Washington, D. C., this 4th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6670; Filed, September 4, 1941; 11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-200, G-207]

CITY OF DETROIT, MICHIGAN, AND COUNTY OF WAYNE, MICHIGAN, V. PANHANDLE EASTERN PIPELINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION; AND IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION

ORDER CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING

SEPTEMBER 2, 1941.

It appearing to the Commission that:

(a) By order of June 10, 1941, the Commission fixed the date of hearing in the above-entitled proceeding at Docket No. G-200 for July 15, 1941, and hearing thereon was held on July 15, 16, and 18 and was adjourned to reconvene on September 2, 1941;

(b) The proceedings in the above-entitled matters at Docket No. G-200 and Docket No. G-207 involve similar issues and facts:

The Commission *orders* that:

(A) A public hearing in the proceeding at Docket No. G-207 be held commencing on September 2, 1941, at 9:45 a. m. (E. S. T.), at 1800 Pennsylvania Avenue, NW., in the City of Washington, D. C.;

(B) The proceedings in the above-entitled matters at Docket No. G-200 and Docket No. G-207 be and they are hereby consolidated for the purposes of hearing thereon.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-6627; Filed, September 3, 1941; 3:15 p. m.]

[Docket Nos. ID-91, ID-518, ID-506]

IN THE MATTER OF R. B. MACDONALD, H. E. LITTIG, AND GEORGE G. KUHN

ORDER CANCELLING HEARING AND TERMINATING PROCEEDINGS

SEPTEMBER 2, 1941.

It appearing to the Commission that:

(a) On June 24, 1941, the Commission adopted an order fixing July 28, 1941, as the date of hearing on the applications filed by the above-named applicants, pursuant to section 305 (b) of the Federal Power Act, for authorization to hold certain interlocking positions within the purview of said section 305 (b);

(b) Thereafter, on July 24, July 31 and August 9, 1941, the Commission adopted orders postponing the date of hearing in the above matters, the last of these orders postponing the hearing until further order of the Commission;

(c) On August 11, 1941, each of the above-named applicants filed with the Commission Supplemental Information, notifying the Commission that they had resigned from certain positions and that applicants, R. B. MacDonald and H. E. Littig, no longer held positions within the purview of section 305 (b).

The Commission *orders* that: The proceedings herein initiated by the Commission's order of June 24, 1941, be and they are hereby terminated, and the hearing set herein to be held July 28, 1941, and subsequently postponed until further order of the Commission, be and it is hereby cancelled.

By the Commission

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-6631; Filed, September 4, 1941; 9:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-370]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINNESOTA)

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of September, A. D. 1941.

The above-named party, a Minnesota corporation and a registered holding company, having filed an application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly Section 10 thereunder regarding the proposed acquisition from F. O. Hillman, doing business individually as the "Green Lake Light and Power Company" for the cash consideration of $18,000 of the electric transmission and distribution systems now owned by said Hillman and used in serving the Village of Spicer, Minnesota, the inhabitants thereof, the unincorporated community of Green Lake and the adjacent territory, including meters and all appurtenances used in connection with said system owned by him, lists of electric customers and all his rights and interests in and to the electric business owned and operated as the Green Lake Light and Power Company, excepting and excluding, however, the dam, mill, flowage and other rights now owned or used by him in the operation of his plant located on the west shore of Green Lake; and

Said application having been filed on August 1, 1941 and an amendment thereto having been filed on August 22, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

Said party having requested that the effective date of said application, as amended, be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, pursuant to section 10 of said Act, and finding with respect thereto that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act; and

The Commission being satisfied that the date of granting said application, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be

and the same hereby is granted, forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6658; Filed, September 4, 1941; 11:28 a. m.]

[File No. 70-391]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of September, A. D. 1941.

The North American Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof and Rule U-44 thereunder regarding a proposed distribution on or about October 1, 1941, in payment of a dividend on its common stock, of not more than 155,000 shares of the Capital Stock of The Detroit Edison Company; and

Said declaration having been filed on August 27, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and The North American Company having requested that said declaration as filed become effective forthwith; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective pursuant to said section 12 (d) and said Rule U-44, and being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6659; Filed, September 4, 1941; 11:28 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, AUGUST 30, 1941

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,004	48
2. Virgin Islands	13	1
3. Hawaii	227	21
4. Alaska	39	12
5. California	3,711	1,253
6. Louisiana	1,270	596
7. Michigan	2,824	1,384
8. Texas	3,447	1,736
9. Arizona	208	148
10. South Carolina	1,021	614
11. Kentucky	1,529	926
12. Georgia	1,678	1,032
13. Mississippi	1,173	745
14. Alabama	1,522	985
15. New Mexico	286	189
16. North Carolina	1,919	1,311
17. Ohio	3,711	2,542
18. Arkansas	1,047	742
19. New Jersey	2,235	1,619
20. Nevada	59	41
21. Tennessee	1,567	1,254
22. Florida	1,019	831
23. Indiana	1,842	1,092
24. Illinois	4,243	3,774
25. Oregon	586	542
26. Wisconsin	1,686	1,586
27. Idaho	282	266
28. Delaware	143	135
29. Vermont	193	183
30. New Hampshire	264	258
31. Pennsylvania	5,319	5,230
32. Connecticut	918	903
33. Maine	455	450
34. Massachusetts	2,319	2,312
IN EXCESS		
35. West Virginia	1,022	1,025
36. Oklahoma	1,255	1,275
37. Rhode Island	383	400
38. Washington	933	977
39. Wyoming	135	142
40. Missouri	2,033	2,172
41. Iowa	1,364	1,503
42. Minnesota	1,500	1,651
43. Utah	296	341
44. Colorado	604	711
45. New York	7,242	8,738
46. Montana	301	402
47. North Dakota	345	471
48. Kansas	968	1,347
49. South Dakota	346	491
50. Virginia	1,439	2,284
51. Nebraska	707	1,210
52. Maryland	979	2,457
53. District of Columbia	356	9,153

GAINS	
By Appointment	884
By Transfer	32
By Reinstatement	1
Total	917
LOSSES	
By Separation	118
By Transfer	69
Total	187
Total Appointments	72,027

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 19,049.

By direction of the Commission:

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 41-6630; Filed, September 4, 1941; 9:14 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 174

Washington, Saturday, September 6, 1941

The President

EXECUTIVE ORDER

APPOINTMENT OF GUY J. SWOPE, DIRECTOR, DIVISION OF TERRITORIES AND ISLAND POSSESSIONS, DEPARTMENT OF THE INTERIOR, AS ADMINISTRATOR OF THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

By virtue of the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115, 118) and the act entitled "An Act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes", approved February 11, 1936 (49 Stat. 1135), I hereby[1] appoint Guy J. Swope, Director, Division of Territories and Island Possessions, Department of the Interior, as Administrator of the Puerto Rico Reconstruction Administration, *vice* Admiral William D. Leahy, resigned, to serve without additional compensation, and to exercise and discharge the functions, duties, and authority conferred upon the Puerto Rico Reconstruction Administration and the Administrator by Executive Orders No. 7057 of May 28, 1935, No. 7180 of September 6, 1935, as amended by No. 7554 of February 17, 1937, and No. 7689[1] of August 12, 1937.

The said Executive orders are hereby amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 3, 1941.

[No. 8888]

[F. R. Doc. 41-6678; Filed, September 4, 1941; 2:29 p. m.]

EXECUTIVE ORDER

AMENDING REGULATIONS GOVERNING THE EXPORTATION OF ARTICLES AND MATERIALS DESIGNATED IN PROCLAMATIONS ISSUED PURSUANT TO THE PROVISIONS OF SECTION 6 OF THE ACT OF CONGRESS APPROVED JULY 2, 1940

By virtue of and pursuant to the authority vested in me by section 6 of the act of Congress approved July 2, 1940, entitled "AN ACT To expedite the strengthening of the national defense", 54 Stat. 712, 714, as amended, I hereby prescribe that sections 7 and 8 of Executive Order 8712,[1] dated March 15, 1941, shall be amended to read as follows:

7. Export licenses shall not be transferred except by written authorization of the Secretary of State. All export licenses are subject to revocation without notice. If not revoked, licenses are valid for one year from the date of issuance.

8. No article or material, the exportation of which is prohibited or curtailed pursuant to the said section 6, shall be loaded or carried onto an exporting carrier for export by water or by air or presented to such an exporting carrier for loading or presented to the collector of customs for inspection and clearance for exportation until an original license therefor, or such other document as the Secretary of State shall prescribe, has been presented to the collector of customs at the port at which the article or material is to be so loaded, carried, or presented. No such article or material shall be mailed for exportation until an original license, or such other document as the Secretary of State shall prescribe, has been presented to the postmaster at the post office where the article or material is to be mailed. If the article or material is to be exported by any means of export other than by water, air, or mail, such license or other document need not be presented to the collector of customs prior to loading, carrying onto, or presentation to, the exporting carrier, but must be presented to the collector of customs at the port of exit prior to inspection by the customs inspectors or other export inspection officials at that port, and at all events prior to exportation. Upon specific authorization to collector of customs or postmaster by the Secretary of State, the presentation of a license may be waived.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 2, 1941.

[No. 8889]

[F. R. Doc. 41-6679; Filed, September 4, 1941; 3:22 p. m.]

[1] 2 F.R. 1403.

[1] 6 F.R. 1501.

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FEDERAL REGISTER

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TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

ORDER PROMULGATING SECTION 1.19a, PART 1, OF THE RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED

By virtue of the authority vested in the Secretary of Agriculture by section 5 (b) of the Commodity Exchange Act, as amended (7 U.S.C., sec. 7 (b)), §1.19a, Part 1 of the Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as Amended, constituting § 1.19a, Part 1, Chapter I, Title 17, Code of Federal Regulations, is hereby promulgated, effective on and after September 15, 1941, as follows:

§ 1.19a *Contract-market members to report uncleared transactions ("pass-outs") on Form 110.* Each member of a contract market who shall execute uncleared transactions (commonly known as "pass-outs") in any commodity for future delivery on or subject to the rules of such contract market shall report to the Commodity Exchange Administration on Form 110 applicable to such contract market each business day on which he shall execute such uncleared transactions. Such report shall be prepared and filed in accordance with the instructions appearing on Form 110, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the details of each such transaction, including the commodity, future, quantity, and price, and the name of the person from whom bought and to whom sold. (Sec. 5 (b), 42 Stat. 1000; 7 U.S.C. 7 (b))

Done at Washington, D. C., this 5th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6692; Filed, September 5, 1941; 11:16 a. m.]

ORDER AMENDING RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED

By virtue of the authority vested in the Secretary of Agriculture by sections 5 (b), 4g, and 4i of the Commodity Exchange Act, as amended (7 U.S.C. 7 (b), 7 U.S.C., Sup. 6g, 6i), §§ 9.20, 9.21, 10.20, and 10.21 of the Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as Amended, comprising §§ 9.20 and 9.21 of Part 9, and §§ 10.20 and 10.21 of Part 10, Chapter I, Title 17, Code of Federal Regulations, are hereby amended to read as follows:

PART 9—SPECIAL PROVISIONS APPLICABLE TO FATS

§ 9.20 *Amount fixed for reporting on Form 901.* For the purpose of §§ 9.04 and 9.05, the amount specified for reporting accounts on Form 901 is 250,000 pounds, but such specified amount shall not apply to special calls issued under authority of § 9.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7 (b), 7 U.S.C., Sup., 6g)

§ 9.21 *Amount fixed for reporting on Form 903.* For the purpose of §§ 9.10 and 9.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 903 is 250,000 pounds. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C., Sup., 6i)

PART 10—SPECIAL PROVISIONS APPLICABLE TO OILS

§ 10.20 *Amount fixed for reporting on Form 1001.* For the purpose of §§ 10.04 and 10.05, the amount specified for reporting accounts on Form 1001 is 300,000 pounds, but such specified amount shall not apply to special calls issued under authority of § 10.22. (Sec. 5 (b), 42 Stat. 1000, sec. 4g, as added by sec. 5, 49 Stat. 1496; 7 U.S.C. 7 (b), 7 U.S.C., Sup., 6g)

§ 10.21 *Amount fixed for reporting on Form 1003.* For the purpose of §§ 10.10 and 10.14, the amount fixed by the Secretary of Agriculture, under authority of section 4i (2) of the Commodity Exchange Act, for reporting on Form 1003 is 300,000 pounds. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C., Sup., 6i)

Done at Washington, D. C., this 5th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6693; Filed, September 5, 1941; 11:16 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50468]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

WARROAD SEAPLANE BASE, WARROAD, MINNESOTA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR [1]

AUGUST 30, 1941.

The Warroad Seaplane Base, Warroad, Minnesota, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from September 2, 1941. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6695; Filed, September 5, 1941; 11:38 a. m.]

[1] Affects tabulation in 19 CFR 4.13.

TITLE 24—HOUSING CREDIT

CHAPTER V—FEDERAL HOUSING ADMINISTRATION

PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

Section 501.5 (a) of the Regulations effective July 1, 1941 issued by the Administrator pursuant to the provisions of Title I of the National Housing Act, is hereby amended to read as follows:

§ 501.5 *Maximum permissible financing charges.* (a) The maximum permissible financing charges, exclusive of fees and charges as provided by paragraph (e) of this section, which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction, shall be computed as follows:

(1) Class 1 loans having a principal amount not in excess of $2,500 shall not have a financing charge in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one year note, to be paid in equal monthly installments calculated from the date of the note.

(2) Class 1 loans having a principal amount in excess of $2,500 shall not have a charge in excess of an amount equivalent to $4.00 discount per $100 original face amount of a one year note, to be paid in equal monthly instalments calculated from the date of the note.

(3) Class 2 loans shall not have a charge in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one year note, to be paid in equal monthly instalments calculated from the date of the note.

Such charges correctly based on tables of calculations issued by the Federal Housing Administrator are deemed to comply with this section.

PART 502—CLASS 3 PROPERTY IMPROVEMENT LOANS

Section 502.9 (e) of the Regulations effective July 1, 1941 is hereby amended to read as follows:

§ 502.9 *Loan procedure.*

* * * * * *

(e) In the event that property covered by a loan is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured institution, the seller may be released by the insured institution from his obligation upon notice thereof to the Administrator; *Provided*, That if the loan was secured by a first lien upon a fee simple estate, the loan, after the assumption, shall be secured by a first lien on a fee simple interest in the land and building, appurtenances and improvements thereon.

Section 502.10 of the Regulations effective July 1, 1941 is hereby amended by adding the following paragraph:

§ 502.10 *Refinancing.*

* * * * * *

(f) If the refinanced obligations was secured by a first lien upon a fee simple estate, the new obligation shall be secured by a first lien upon a fee simple interest in the land and building, appurtenances and improvements thereon.

Section 502.11 (a) of the Regulations effective July 1, 1941 is hereby amended to read as follows:

§ 502.11 *Claims.* (a) If the borrower fails to make any payment or to perform any other covenant or obligation under the mortgage and such failure continues for a period of 30 days, the note shall be considered in default and the insured institution shall within 60 days thereafter give notice in writing to the Administrator of such default, and similar notices each 60 days until such default is cured and notice thereof is given to the Administrator.

Section 502.13 (j) of the Regulations effective July 1, 1941 is hereby amended to read as follows:

§ 502.13 *Insurance reserve.*

* * * * * *

(j) If at any time a Class 3 loan previously reported for insurance is converted into an insured mortgage under the provisions of Titles II or VI of the Act, upon report of the conversion to the Administrator, there shall be deducted from the insurance reserve outstanding to the credit of the insured institution an amount equal to ten per cent of the net unpaid principal of the loan as of the date of the conversion.

Section 502.14 (b) of the Regulations effective July 1, 1941 is hereby amended to read as follows:

§ 502.14 *Privileges extended to loans reported for insurance under previous regulations.*

* * * * * *

(b) In the event that property covered by a loan made prior to the effective date of the regulations in this part and heretofore or hereafter reported for insurance under the Acts of February 3, 1938 or June 3, 1939 is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured institution, the seller may be released by the insured institution from his obligation upon notice thereof to the Administrator; *Provided*, That all such loans are secured by collateral security in the form of a duly recorded first mortgage, first deed of trust, or similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and building, appurtenances and improvements thereon. If the loan was secured by a first lien upon a fee simple estate, the loan after the assumption shall be secured by a first lien upon a fee simple interest in the land and building, appurtenances and improvements thereon.

(Pub. No. 111, 76th Cong., sec. 2, and Pub. No. 138, 77th Cong., sec. 2.)

The Amendments contained herein are hereby declared to have the same force and effect as if included in and made a part of each Contract of Insurance, and are effective September 15, 1941.

[SEAL] ABNER H. FERGUSON,
Federal Housing Administrator.

SEPTEMBER 3, 1941.

[F. R. Doc. 41-6674; Filed, September 4, 1941; 12:01 p. m.]

TITLE 29—LABOR

CHAPTER II—NATIONAL LABOR RELATIONS BOARD

PART 202—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

AMENDMENTS TO NATIONAL LABOR RELATIONS BOARD RULES AND REGULATIONS—SERIES 2—AS AMENDED [1]

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following amendments to its Rules and Regulations—Series 2—as amended (General Rules and Regulations), which it finds necessary to carry out the provisions of said Act. Said amendments to the Rules and Regulations—Series 2—as amended—shall become effective upon the signature of the original amendments by the members of the Board, and upon the publication thereof in the FEDERAL REGISTER.

Sections 202.32, 202.33, 202.35, 202.37 Rules and Regulations—Series 2—as amended shall read as follows:

§ 202.32 *Intermediate report and transfer of case to the board.* After a hearing for the purpose of taking evidence upon a complaint, the Trial Examiner shall prepare an Intermediate Report. Such report shall contain (a)

[1] Issued under the authority contained in secs. 6 (a), 49 Stat. 452; 29 U.S.C., Sup., 156.

findings of fact, and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practice, a recommendation for such affirmative action by the respondent as will effectuate the policies of the Act. The Intermediate Report shall be transmitted to the Chief Trial Examiner, who shall thereupon file the original of the Intermediate Report with the Board, and cause a copy thereof to be served upon each of the parties. Upon the filing of the Intermediate Report, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon each of the parties and the Regional Director.

The charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, together with the Intermediate Report and exceptions, shall constitute the record in the case.

§ 202.33 *Exceptions to the record and proceeding.* Within thirty days from the date of the entry of the order transferring the case to the Board, pursuant to § 202.32, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions the party filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as a submission of the case to the Board on the record.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within twenty days after the date of the entry of the order transferring the case to the Board (or in Board cases the date of filing the Intermediate Report), pursuant to § 202.32. The Board shall notify the parties of the time and place for oral argument, if such permission is granted.

§ 202.35 *Procedure before the board.* Upon the expiration of the period for filing a statement of exceptions and brief, as provided in § 202.33, the Board may decide the matter forthwith upon the record, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other agent or agency, or may close the case upon compliance with the recommendations of the Intermediate Report, or may make other disposition of the case.

Where the Trial Examiner has found in his Intermediate Report that the respondent has not engaged in and is not engaging in any of the alleged unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions as provided for in § 202.33, the case shall be considered closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this section.

§ 202.37 *Action of the Board after a hearing; filing exceptions to the intermediate report; oral argument.* After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with § 202.36, the Board may:

(a) direct that the Trial Examiner prepare an Intermediate Report, in which case the provisions of §§ 202.32 to 202.35 inclusive, shall in so far as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this Section be reserved to and exercised by the Board; or

(b) reopen the record and receive further evidence before a member of the Board, or other agent or agency; or

(c) issue proposed findings of fact, proposed conclusions of law and proposed order; or

(d) make other disposition of the case.

Within thirty days from the date of filing the Intermediate Report pursuant to paragraph (a) of this Section, or from the date of issuance of proposed findings of fact, proposed conclusions of law, and proposed order, pursuant to paragraph (c) of this Section, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report, or to the proposed findings, conclusions and order, as the case may be, or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon, together with the original and four copies of a brief in support thereof. Immediately upon the filing of the statement of exceptions and brief the party filing the same shall serve copies with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions or brief.

Should any party desire permission to argue orally before the Board, request therefor must be made in writing to the Board within twenty days after the date of the Intermediate Report or the date of the proposed findings, conclusions, and order, as the case may be. The Board shall notify the parties of the time and place for the oral argument, if such permission is granted. Thereafter the Board shall forthwith decide the matter or make other disposition of the case.

Signed at Washington, D. C., this 28th day of August 1941.

H. A. MILLIS,
Chairman.
WM. M. LEISERSON,
Member.

[F. R. Doc. 41-6675; Filed, September 4, 1941; 12:07 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-398]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

An original petition having been filed with the Bituminous Coal Division on November 22, 1940 by District Board No. 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals produced in District No. 2, not heretofore classified and priced; and

Hearings having been held in this matter on January 22 and June 12, 1941, pursuant to Orders of the Director, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated December 11, 1940;[1] and

The preparation and filing of a report by the examiner having been waived, and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;[2]

Now, therefore, it is ordered, That § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices—*(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That § 322.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 2 should be amended by the inclusion of the El Dorado Mine (Mine Index No. 371) in Freight Origin Group 17, in lieu of its present assignment to Freight Origin Group 25, for shipments from Hooker, Pennsylvania, over the Western Allegheny Railroad, and from Bruin, Pennsylvania, over the Baltimore & Ohio Railroad; and by the establishment of the f. o. b. mine price adjustments provided in Supplement R.

It is further ordered, That the prayers of the original petition and all other requests made herein, insofar as they seek relief inconsistent with or other than the relief provided herein, are hereby denied.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

[1] 5 F.R. 5069.
[2] Not filed as part of the original docket.

FOR ALL SHIPMENTS EXCEPT TRUCK

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Freight origin group No.	Size group No. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
358	Armstrong Bros. Coal Co.	Armstrong (Strip) W.	7	Pittsburgh	75	--	--	F	F	F	F	F	F	F	--	--	--	--	--	--	--
813	Brydon Coal Co.	Brydon #1	1	Kittanning	20	E	E	D	D	C	C	D	D	D	--	--	--	--	--	--	--
814	Brydon Coal Co.	Brydon #2	1	Kittanning	20	E	E	D	D	C	C	D	D	D	--	--	--	--	--	--	--
1477	Coal Hollow Coal Co. (James E. G. Stahl).	Coal Hollow	1	L. Freeport	79	F	F	E	E	D	E	F	F	F	--	--	--	--	--	--	--
1807	Dawso, John	Moran (Strip) R.	7	Pittsburgh	75	--	--	--	--	--	F	H	H	H	--	--	--	--	--	--	--
1807	Dawso, John	Moran (Strip) W.	7	Pittsburgh	75	--	--	F	F	F	F	F	F	F	--	--	--	--	--	--	--
366	Felix, Albert (Brentwood Coal & Coke Co.).	Felix #2 (Strip) R.	7	Pittsburgh	75	--	--	--	--	--	F	H	H	H	--	--	--	--	--	--	--
366	Felix, Albert (Brentwood Coal & Coke Co.).	Felix #2 (Strip) W.	7	Pittsburgh	75	--	--	F	F	F	F	F	F	F	--	--	--	--	--	--	--
367	Fresa, M. W. & A. R. Sowers.	Fresa & Sowers #2 (Strip).	8	Pittsburgh	30	--	--	--	--	--	H	H	H	--	--	--	--	--	--	--	--
368	Haney Coal Co.	Haney	1	Freeport	20	E	E	D	D	C	C	D	D	D	--	--	--	--	--	--	--
356	Hayden Coal Co.	Hayden	8	Pittsburgh	31	E	E	E	E	E	E	E	E	E	--	--	--	--	--	--	--
1784	Heley, Andrew & Sons (Dan Heley)	Heley R	7	Pittsburgh	75	--	--	--	--	--	F	G	G	G	--	--	--	--	--	--	--
1784	Heley, Andrew & Sons (Dan Heley)	Heley W	7	Pittsburgh	75	--	--	F	F	F	F	F	F	F	--	--	--	--	--	--	--
369	Madden & Hayes	M. & H. (Strip)	8	Pittsburgh	70	--	--	--	--	--	E	E	E	--	--	--	--	--	--	--	--
1889	Metz & Gelet	Hill Top (Strip)	9	Pittsburgh	74	--	--	--	--	--	H	G	G	G	--	--	--	--	--	--	--
371	P. & O. Construction Corp.	El Dorado (Strip)	1	Freeport	17	F	F	E	E	E	E	F	F	F	--	--	--	--	--	--	--
362	Ross, Paul (Liston Mines).	Liston #1 (Strip)	8	Pittsburgh	80	G	G	H	H	H	H	H	H	H	--	--	--	--	--	--	--
952	Wigton, C. C.	Wigton	1	U. Kittanning	24	E	E	D	D	C	C	D	D	D	--	--	--	--	--	--	--
373	Wolfe Coal Company (J. F. Hassenfretz).	Fair Hills	1	U. Freeport	15	F	F	E	E	D	E	F	F	F	--	--	--	--	--	--	--
1470	Wray, John & Pavlick, Joe.	Schneider (Strip) R.	7	Pittsburgh	75	--	--	--	--	--	F	H	H	H	--	--	--	--	--	--	--
1470	Wray, John & Pavlick, Joe.	Schneider (Strip) W.	7	Pittsburgh	75	--	--	F	F	F	F	F	F	F	--	--	--	--	--	--	--

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R—II

In § 322.9 (c) in Price Schedule No. 1, add the mine index numbers in groups shown. Group 1: 1477; Group 2: 366, 373, 1470, 1784, 1807, 1889; Group 6: 356; Group 8: 362, 367; Group 13: 369; Group 15: 368, 813, 814; Group 17: 371; Group 22: 952.

All mines in Freight Origin Group No. 17 will take the same necessary or permissible adjustments as Freight Origin Group No. 21 for shipments into Market Areas Tidewater, 1– 2– 3– 4– 5– 6– 10–16 and 100, and for movement via Lake Erie and Lake Ontario ports; for shipments into Market Areas 11, 13 and 14, the same adjustments as Freight Origin Group 22 will apply; for shipments into Market Areas 12, the same adjustments as Market Area 21 will supply, except for shipments to specific destinations as shown in § 322.7, where adjustments the same as Freight Origin Group 22 will apply.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump, over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" N/S (9)	1¼" slack (10)	¾" slack (11)
ALLEGHENY COUNTY														
Anderson & Cepull	1934	Zimmer	Pittsburgh	275	265	255	230	215	215	210	220	180	170	160
Armstrong Brothers Coal Company (James Armstrong).	358	Armstrong Bros	Pittsburgh	310	300	290	265	235	235	225	245	205	195	185
Cole Mine, (Gio Giochi)	1857	Cole	Redstone	275	265	255	230	215	215	210	220	180	170	150
Griffiths, Joe	1920	Griffith	Pittsburgh	290	285	275	250	225	225	220	230	195	185	180
MacVicar Coal Co. (T. W. Vicar).	1865	MacVicar	Pittsburgh	275	265	255	230	215	215	210	230	180	170	160
BEAVER COUNTY														
Brush Run Coal Co. (Robert Chaplow).	1829	Chaplow	#5-6-7	300	290	280	255	250	245	225	225	185	175	165
Carver Coal Co. (E. W. Carver).	1922	Marcus #5	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Eiselt, Charles R	1921	Eiselt	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Freed, Allen W. & Sons	1904	McGinness	#6	300	290	280	255	250	245	225	225	185	175	165
Johnson, Thomas F	1959	Johnson	Freeport	300	290	280	255	250	245	225	225	185	175	165
Kuglics Bros	1898	Kuglics	Freeport	300	290	280	255	250	245	225	225	185	175	165
Miller, Burton	1915	Miller	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Morrow, E. J	1960	Morrow	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Neal, G. E	1942	McCarter	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Scarsella, John	1896	Carude	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Scarsella, Patsy	1909	Cisco	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Wickland, Harry	1909	Wickland	Freeport	295	285	275	250	245	240	220	230	185	175	165
BUTLER COUNTY														
Beatty, Frank	1878	Beatty	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Beighey, Ray W. S	1833	Beighey	Freeport	300	290	280	255	250	245	225	225	185	175	165
Coyer, R. W	1937	Coyer	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Currie & Vogan	1835	Currie	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Fleeger, Paul	1836	Stoughton	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Glenn, C. C	1858	Glenn	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Hunter and Ruby	1941	Aggas	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Lemke, Richard and Simeon Coast.	1953	Nancy	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Lindey, J. A	1837	Lindey	Kittanning	325	305	285	265	260	245	245	230	190	180	170
McCommons, Charles T	1838	Barron	Kittanning	300	290	280	255	250	245	225	225	185	175	165
McDowell, Frank	1929	McDowell	Kittanning	325	305	285	265	260	245	245	230	190	180	170
McNees Bros. (Isaac McNees)	1871	McNees	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Malvarose Coal Co. (Joseph Malvarose).	1882	Haney	U. Freeport	325	310	300	290	280	270	250	240	210	200	190
Mensel, Delmont	1866	Knauf	Freeport	325	305	285	265	260	245	245	230	190	180	170
Rice, Arthur L	1811	Dan Watt	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Rovette, Bruno	1875	Rovette	U. Freeport	325	310	300	290	280	270	250	240	210	200	190
Schweikert, Fred J	1930	Dumbaugh	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Sperring, Arthur	1813	McClymonds	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Standard Coal Co	1954	Hettick	U. Freeport	275	265	255	240	230	230	210	220	180	170	165
FAYETTE COUNTY														
Anchor Coal Co	1933	Anchor	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Blaney, W. H	1935	Washington Run	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Bugelli, Louis	1951	Albright	Waynesburg	300	290	280	260	240	230	225	230	210	200	175
Clark, Geo. D	1936	Clark	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Crucio, Santo	1956	Marie	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Donnadio, M.A	1949	Donnadio	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Grimm & Son, Thos. (Thomas Grimm)	1939	Grimm	Pittsburgh	290	280	270	250	230	220	215	220	200	200	175
Hafner & Sons, Carl	1879	Hafner	Pittsburgh	290	280	270	250	230	220	215	230	205	200	175
Hayden Coal Co	356	Hayden	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Hines, Howard	1861	Hines	Pittsburgh	290	280	270	250	230	220	215	230	205	200	175
Houl, Chas. E	1939	Colonial #3 Slate Dump	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Houl, Chas. E	1940	Buffington Slate Dump	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Jordan, Michael	1950	Crawford #7	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Keefer & Co., Jos. (Raymond Hall)	1864	Keefer	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Ross, Paul (Liston Mines)	362	Liston #1	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Latin, John	1881	Black	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Luterotty & Rugg	1947	Baer	U. Freeport	275	265	255	240	220	210	210	210	195	190	175
Marchewka, Nich	1940	Marsh	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Nemchik, Joe, Jr	1872	Nemchik	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Pehur, Paul	1897	Ralph Slate Dump.	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Reed, F. E. (Reed Bros. Coal & Supply).	1945	Paul	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Smith, Hugh W. & Robt. J. (Hugh W. Smith).	1876	Freedom #1	Pittsburgh	290	280	270	250	230	220	215	230	205	200	175
Thrasher, Edgar	1931	Thrasher	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Vajl, Fred	1932	Vajl	Sewickley	265	255	245	235	215	205	205	205	190	185	170
Vanek, Carl	6033	Vanek	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Wells, Noah E	1827	Luce	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
GREENE COUNTY														
Durana, Steve	1848	Durana	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Glogowski, Mike	1938	Glogowski	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Hohmann, Fred	1810	Hohmann	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Reese & Finognari	1912	Long	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Young, C. K. & Sons	1932	Young	Kittanning	305	305	295	285	280	270	235	235	185	170	150
MERCER-VENANGO COUNTY														
Allen, C. C	1902	Allen	Clarion	325	305	285	265	260	245	245	230	180	170	160
Baker, Harvey C	1924	Baker	Kittanning	325	305	285	265	260	245	245	230	180	170	160
Farren, Kenneth	1900	O. K	Brookville	325	305	285	265	260	245	245	230	180	170	160
Jones, A. H	1948	Jones	Brookville	325	305	285	265	260	245	245	230	180	170	160
McDonald, Albert	1916	Strain	L. Kittanning	325	310	290	275	270	255	255	240	185	175	160
VanCamp, Samuel and John	1911	Davies	U. Kittanning	325	310	290	275	270	255	255	240	185	175	160
Whittal & Aaron	1910	Haney	L. Kittanning	325	310	290	275	270	255	255	240	185	175	160
WASHINGTON COUNTY														
Herman, Wm	1919	Herman	Waynesburg	280	270	260	235	230	215	205	215	180	170	160
Hedley, John W	1800	Hedley	Pittsburgh	280	270	260	235	230	215	205	215	180	170	160
McCormick, Wm	1917	McCormick	Pittsburgh	275	265	255	230	230	205	195	205	180	170	160
Pfile Coal Company	1913	Pfile	Pittsburgh	310	300	290	270	250	240	235	240	210	200	175
WESTMORELAND COUNTY														
Anderson Bros	1925	Marie	Redstone	265	255	245	225	220	215	210	205	185	175	165
Cambruzzi, Andrew J	1923	Virgie	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Johnston, Arnold C	1918	Johnston	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Kepple, Harry R	1394	Kepple	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Petrosky, Frank	1914	Petrosky	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Plahs, John & George Shirey	1903	Null	U. Freeport	280	270	260	245	240	230	210	215	195	185	175
Shank, Roy	1877	Old Beacom	Freeport	280	270	260	245	230	230	215	235	195	185	175
Myers, A. L	1939	Myers	Pittsburgh	280	270	260	245	230	230	215	235	195	185	175
Thomas, John	1908	Thomas	Redstone	280	270	260	245	230	230	215	235	195	185	175
Tkach, Stanley	1907	Stanley	Pittsburgh	265	255	245	225	205	200	195	205	185	175	165

[F. R. Doc. 41-6653; Filed, September 4, 1941; 10:15 a. m.]

[Docket No. A-861]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition and amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows:

Commencing forthwith, § 323.6 *(Alphabetical list of code members)* is amended by adding thereto Supplement R-I, § 323.8 *(Special prices—(b) Railroad fuel prices for all movements except via lakes)* is amended by adding thereto Supplement R-II, § 323.8 *(Special prices—(c) Railroad fuel prices for movement via all lakes—all ports)* is amended by adding thereto Supplement R-III, and § 323.23 *(General prices)* is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 20, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group numbers 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
598	Bonnette & Skinner (Ersil Bonnette).	Bonnette	Pittsburgh	32	F	F	F	F	F	F	F	F	F	F						
516	Clark Coal Co. (John A. Clark, Jr.).	Junior Clark #2	Pittsburgh	65	F	F	F	F	F	F	F	F	F	F						
905	Kariekhoff, T. W	Kariekhoff	Redstone	31	F	F	F	F	F	H	F	F	F	F						
676	McCourt, R. J	McCourt	Sewell	20	A	A	A	A	A	A	A	A	A	A				A	A	A
584	Rock Forge Coke Co. c/o Jack Walsh.	Reedrun	M. V. Freeport	70	J	J	J	J	J	J	J	J	J	J						

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R-II.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b) in Price Schedule No. 1. Group No. 1: 598, 516; Group No. 2: 905; Group No. 3: 584; Group No. 5: 676.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R-III.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c) in Price Schedule No. 1. Group No. 1: 598, 516; Group No. 2: 905; Group No. 3: 584; Group No. 5: 676.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", exc bottom size (1)	Lump 2", exc 2" bottom size but over 1¼" (2)	Lump 1¼" and under 2", exc bottom size (3)	All nut and pea 2" and under (4)	Run of mine, semi-anit over 2" (5)	1¼" and 2" slack (6)	¾" slack (7)
Fallon, John T	237	Fallon	H. V. Kitt	Barbour	208	203	203	178	178	168	168
Mills, C. S	230	Mills	Pittsburgh	Harrison	223	218	218	193	193	178	168

[F. R. Doc. 41-6656; Filed, September 4, 1941; 10:16 a. m.]

[Docket No. A-815]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 *(Alphabetical list of code members)* in the Schedule of Effective Minimum Prices for District No. 9, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement" annexed hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated August 21, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement

Mine index	Code member	Mine	Seam	Freight origin group No.
209	Ellis, Mrs. Mattie	Ellis Coal	Stray	30
210	Fields, D. B	Fields	Stray	30
212	Hawes, Sherman & Rex	Hawes	Stray	30
219	Johnson & Chatman	Johnson & Chatman	Stray	30
220	Johnson, Claude	Claude Johnson	Stray	30
223	Johnson, N	Johnson	Stray	30
224	Martin, C. E	Romans	Stray	30
225	Martin, E. Ivan	Martin	Stray	30
769	McCormick, Goldie	Goldie McCormick	Stray	30

The f. o. b. mine prices for coal shipped by Mine Index Nos. 209, 210, 212, 219, 220, 223, 224, 225, 769 to any market area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck; for size groups 5 to 29, inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 41-6655; Filed, September 4, 1941; 10:16 a. m.]

[Docket Nos. A-978 and 979]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 11; IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 11

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: August 19, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine Index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group	Price group
1293 [1]	Faires Coal Mining Co., Inc	Faries	V	PA	10	10
401 [2]	Richardson & May Coal & Mining Corp	Sunshine	VI	LS	63	7

[1] Mine Index No. 1293 shall be included in Price Group 10 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 10 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck. On account of differences in freight rates, Mine Index 1293 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 10 having the same freight rate.

[2] Mine Index No. 401 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck. On account of differences in freight rates, Mine Index No. 401 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 63 having the same freight rate.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II

Mine Index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group	Price group
[1] 1293	Faires Coal Mining Co., Inc	Faries	V	PA	10	10
[2] 401	Richardson & May Coal & Mining Corp	Sunshine	VI	LS	63	7

[1] Mine Index No. 1293 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 36, 41, 92, 97 on pages 28 and 29 of Price Schedule No. 1 for District No. 11 for All Shipments Except Truck.

[2] Mine Index No. 401 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 7, 8, 16, 42, 48, 49, 55, 69, 74, 82, 83, 84, 89, 98 on pages 28 and 29 of Price Schedule No. 1 for District No. 11 for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.
				1 2 3 4 5 6 7 8 9 10, 11 13 14 15 16 17 18, 19 21 22 23 24 25 26 27 28, 29 30 31 32, 33 34

TRICT NO. 11

Original petitions having been duly filed with this Division by the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

[1] Mine Index Nos. 1293 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 36, 41, 92, 97 on pages 28 and 29 of Price Schedule No. 1 for District No. 11 for All Shipments Except Truck.

[2] Mine Index No. 401 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 7, 8, 16, 42, 48, 49, 55, 69, 74, 82, 83, 84, 89, 98 on pages 28 and 29 of Price Schedule No. 1 for District No. 11 for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																														
Supreme Coal Corporation	140	Supreme	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
FOUNTAIN COUNTY																														
M. & H. Coal Company (Eugene Maddox)	139	M. & H	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
PIKE COUNTY																														
Faries Coal Mining Company, Inc	1293	Faries	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
SULLIVAN COUNTY																														
Goines, Otis	141	Goines-Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Goines, Otis	142	Goines-Rib	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40													

[F. R. Doc. 41-6650; Filed, September 4, 1941; 10:13 a. m.]

[Docket No. A-946]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.24 (*General prices*) is amended by adding thereto Supplement R–IV, § 333.25 (*Special prices—(b) Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto Supplement R–V, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

The Rock Creek Mine of Perrin & Horseley (W. E. Horseley) in District No. 13, listed in the original petition, was not included in the attached truck supplement, designated as "Supplement T," for the reason that the Division has no record of the acceptance of a code membership by Perrin & Horseley (W. E. Horseley). Certain other mines in District No. 13 listed in the original petition have not been included in the attached truck supplement, designated as "Supplement T," for the reason that in prior proceedings before the Division, while the said mines were operated by the predecessors of the present operators, minimum prices for the coals produced at the said mines were established.[1]

[1] The following mines listed in the original petition have been omitted from the attached truck supplement, designated as "Supplement T," because minimum prices have been established for the coals produced at the said mines:

Blount County, Ala.:		
863	Poe & Davis (Roy Poe)	#55 Mine.
Jefferson County, Ala.:		
315	Sandlin, T. E.	Ward's Creek Mine.
Marion County, Ala:		
1002	King, Lee	Frank's #1 Mine.
20	Lenard, Ab	Eldridge Mine.
462	Webb, Roy	Kelly #2.
St. Clair County, Ala.:		
1064	Hanners, Arthur L.	Kelly Coal Co.
Tuscaloosa County, Ala.:		
522	Riley Coal Co. (Mrs. T. A. Riley)	Avery Coal Co.
Walker County, Ala.:		
1226	Brasfield & Owen (W. T. Brasfield)	Burnwell Mine.
582	Drummond & Marsh (D. A. Drummond)	Drummond #2 Mine.
592	Estes, Wesley	Grace #2 Mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA				
	CULLMAN COUNTY				
241	Anderton, James	Anderton Coal Co.[1]	1	Black Creek	80
	JEFFERSON COUNTY				
178	Plateau Coal & Coke Co.	Connellsville [1]	1	Blue Creek	31
357	Mt. Olive Coal Co. (H. B. Thompson)	Mt. Olive Coal Co.[2]	1	Pratt	50
	MARION COUNTY				
144	Crick, W. H. (Glen Allen Coal Co.)	Purity [4]	1	Black Creek	101
108	May, Roy	Diamond M–2 [4]	1	Black Creek	101
152	Miles, Roy	Roy Miles #4 [4]	1	Black Creek	101

[1] This mine shall have the same price in size group 18 on all price tables as listed for mine with Index Number 22.
[2] This mine shall have the same price in size group 18 on all price tables as listed for mines with Index Numbers 31 34, etc.
[3] This mine shall have the same prices in size groups 13 and 23 on all price tables as listed for mines with Index Numbers 71, 72, etc.
[4] This mine shall have the same prices in size groups 1, 2, 4, 6, 17, 18 and 26 on all price tables as listed for mine with Index Number 18.
This mine shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 18.
This mine shall have a price in size groups 13 and 19 on all price tables, 10¢ higher than the prices listed for mine with Index Number 14.
[5] This mine shall have the same prices in size groups 1, 4, 6, 17, 18 and 26 on all price tables as listed for mine with Index Number 18.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 13.
This mine shall have the same price in size group 11 on all price tables as listed for mine with Index Number 20.
This mine shall have a price in size group 20 on all price tables, 5¢ higher than the price listed in size group 17 for mine with Index Number 18.
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.
[6] This mine shall have the same prices in size groups 1, 4, 6, 17 and 18 on all price tables as listed for mine with Index Number 18.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

§ 333.6 *General prices*—Supplement R–I—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA—Continued				
	WALKER COUNTY				
142	Big Ridge Coal Co. (Rufus Wilson)	Big Ridge [7]	1	Pratt	120
985	Bridgeman, Van	Bridgeman [8]	1	Black Creek	80
792	Capps, Benny	Tucker #13 [7]	1	Black Creek	80
133	Dye, Jessie	Tucker #20 [7]	1	Black Creek	80
608	Headrick, Robert	Tucker #6½ [9]	1	Black Creek	80
157	Keeton, W. M	Tucker #10 [8]	1	Black Creek	80
631	Murray, William	Murray's [8]	1	Black Creek	80
592	White, H. F	Tucker #14 [4]	1	Black Creek	80
664	Wilson, C. F	Wilson #2 [4]	1	Black Creek	80
153	Drummond, H. E	Pisgah [3]	1	Black Creek	80
597	Franklin, E. B	Tucker #16 [10]	1	Black Creek	80
657	Taft, W. M. (Taft Coal Co.)	Taft Coal Co.[10]	1	Black Creek	80
660	Glover, N. E	Tucker #6 [11]	1	Black Creek	102
1180	Kilgore, Neill	Kilgore [11]	1	Black Creek	80
627	Maublin, Ted	Maublin [12]	1	Black Creek	80
612	Ray, F [13]	Henley & Ray [13]	1	Black Creek	113
128	Myers, Dewey	Myers [14]	1	Black Creek	80
645	Rice, Herman	Rice #4 [13]	1	Black Creek	80
647	Rice, Preston	Rice #1 [14]	1	Black Creek	80
646	Rice, W. P	Rice #3 [13]	1	Black Creek	80

[7] This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 55.
[8] These mines shall have the same prices in size groups 1, 6 and 18 on all price tables as listed for mine with Index Number 22.
These mines shall have a price in size groups 7 and 23 on all price tables, 10¢ under the prices listed in size groups 6 and 18, respectively, for mine with Index Number 22.
These mines shall have a price in size group 12 on all price tables, 20¢ higher than the price listed in size group 13 for mine with Index Number 14.
These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
[9] This mine shall have the same prices in size groups 1, 4, 6, 18 and 26 on all price tables as listed for mine with Index Number 22.
This mine shall have a price in size groups 7 and 23 on all price tables, 10¢ under the prices listed in size groups 6 and 18, respectively, for mine with Index Number 22.
This mine shall have a price in size group 12 on all price tables, 20¢ higher than the price listed in size group 13 for mine with Index Number 14.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
[10] These mines shall have the same prices in size groups 1 and 6 on all price tables as listed for mine with Index Number 22.
These mines shall have a price in size groups 7 and 23 on all price tables, 10¢ under the prices listed in size groups 6 and 18, respectively, for mine with Index Number 22.
These mines shall have a price in size group 12 on all price tables, 20¢ higher than the price listed in size group 13 for mine with Index Number 14.
These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
[11] This mine shall have the same prices in size groups 1 and 6 on all price tables as listed for mine with Index Number 22.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 22.
This mine shall have a price in size group 12 on all price tables, 20¢ higher than the price litsed in size group 13 for mine with Index Number 14.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
[12] This mine shall have the same prices in size groups 1, 2, 4, 13 and 19 on all price tables as listed for mine with Index Number 14.
This mine shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 14.
[13] These mines shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index Number 22.
[14] This mine shall have the same prices in size groups 1, 2, 4, 13, 19 and 26 on all price tables as listed for mine with Index Number 14.
This mine shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 14.
This mine shall have the same price in size group 20 on all price tables as listed in size group 19 for mine with Index Number 14.
[15] These mines shall have the same prices in size groups 1 and 6 on all price tables as listed for mine with Index Number 22.
These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed for size group 6 for mine with Index Number 22.
These mines shall have a price in size group 12 on all price tables, 20¢ higher than the price listed in size group 13 for mine with Index Number 14.
These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II.

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA				
	CULLMAN COUNTY				
241	Anderton, James	Anderton Coal Co	1	Black Creek	80
	JEFFERSON COUNTY				
1162	Colonial Coal & Coke Co. (J. M. McHugh)	Pratt #2 Slope	1	Pratt	30
357	Mt. Olive Coal Co. (H. B. Thompson)	Mt. Olive Coal Co	1	Pratt	50
	MARION COUNTY				
144	Crick, W. H. (Glen Allen Coal Co.)	Purity	1	Black Creek	101
108	May, Roy	Diamond M–2	1	Black Creek	101
152	Miles, Roy	Roy Miles #1	1	Black Creek	101
	WALKER COUNTY				
142	Big Ridge Coal Co. (Rufus Wilson)	Big Ridge	1	Pratt	120
985	Bridgeman, Van	Bridgeman	1	Black Creek	80
792	Capps, Benny	Tucker #13	1	Black Creek	80
133	Dye, Jessie	Tucker #20	1	Black Creek	80
597	Franklin, E. B	Tucker #16	1	Black Creek	80
608	Headrick, Robert	Tucker #6½	1	Black Creek	80
157	Keeton, W. M	Tucker #10	1	Black Creek	80
1180	Kilgore, Neill	Kilgore	1	Black Creek	102
631	Murray, William	Murray's	1	Black Creek	80
128	Myers, Dewey	Myers	1	Black Creek	113
645	Rice, Herman	Rice #4	1	Black Creek	80
647	Rice, Preston	Rice #1	1	Black Creek	80
646	Rice, W. P	Rice #3	1	Black Creek	80
657	Taft, W. M. (Taft Coal Co.)	Taft Coal Co	1	Black Creek	80
592	White, H. F	Tucker #14	1	Black Creek	80
664	Wilson, C. F	Wilson #2	1	Black Creek	80

All of the above mines in the various counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Inder Nos. 1, 2, 3, etc. (See § 333.7 (a) in Price Schedule No. 1.)

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel; subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA				
	JEFFERSON COUNTY				
1162	Colonial Coal & Coke Co. (J. M. McHugh)	Pratt #2 Slope [1]	1	Pratt	30
357	Mt. Olive Coal Co. (H. B. Thompson)	Mt. Olive Coal Co.[1]	1	Pratt	50
	MARION COUNTY				
144	Crick, W. H. (Glen Allen Coal Co.)	Purity [2]	1	Black Creek	101
108	May, Roy	Diamond M–2 [2]	1	Black Creek	101
152	Miles, Roy	Roy Miles #4 [3]	1	Black Creek	101

[1] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Schedule No. 1 for District No. 13 as shown for mines with Index Numbers 71, 72, etc.
[2] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Schedule No. 1 for District No. 13 as shown for mine with Index Number 18.
[3] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Schedule No. 1 for District No. 13 as shown for mines with Index Numbers 18, 19, etc.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA—Continued				
	TUSCALOOSA COUNTY				
522	Riley Coal Co. (Mrs. T. A. Riley)	Avery Coal Co.[4]	1	Milldale	44
	WALKER COUNTY				
985	Bridgeman, Van	Bridgeman [5]	1	Black Creek	80
792	Capps, Benny	Tucker #13 [5]	1	Black Creek	80
153	Drummond, H. E	Pisgah [3]	1	Black Creek	80
133	Dye, Jessie	Tucker #20 [5]	1	Black Creek	80
608	Headrick, Robert	Tucker #6–1/2 [6]	1	Black Creek	80
157	Keeton, W. M	Tucker #10 [6]	1	Black Creek	80
631	Murray, William	Murray's [1]	1	Black Creek	80
592	White, H. F	Tucker #14 [6]	1	Black Creek	80
664	Wilson, C. F	Wilson #2 [6]	1	Black Creek	80
142	Big Ridge Coal Co. (Rufus Wilson)	Big Ridge [6]	1	Pratt	120
1180	Kilgore, Neill	Kilgore [7]	1	Black Creek	102
128	Myers, Dewey	Myers [8]	1	Black Creek	113

[4] This mine shall have a price of $2.70 for size group 22 for Steamship Vessel Fuel.
[5] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Schedule No. 1 for District No. 13 as shown for mine with Index Number 22.
[6] This mine shall have a price of $2.65 for size group 13 for Steamship Vessel Fuel.
[7] This mine shall have a price of $2.85 for size group 13, and a price of $2.75 for size group 23 for Steamship Vessel Fuel.
[8] This mine shall have a price of $2.85 for size groups 13 and 19, and a price of $2.75 for size group 23 for Steamship Vessel Fuel.

§ 333.24 *General prices*—Supplement R–IV

[Prices f.o.b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	VAN BUREN COUNTY, TENNESSEE				
732	Hart, C. W	Hart	3	Sewanee	160

This mine shall have the same prices in all size groups on all price tables as listed for mine with Index Number 99.

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

[Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	VAN BUREN COUNTY, TENNESSEE				
732	Hart, C. W	Hart	3	Sewanee	160

This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mine with Index No. 99. (See § 333.25 (b) in Price Schedule No. 1.)

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Subdistrict	Mine index No.	Seam	Lump: Over 2", Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over ½"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine, modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
BIBB COUNTY																			
Finnen, Dan [1]	Red Feather	2	10	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
BLOUNT COUNTY																			
Sanders, Melvin	New Mine	2	141	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
ETOWAH COUNTY																			
Blanton, R. S.	Blanton	2	131	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
Boyles & Murphy (E. C. Boyles)	Boyles	2	147	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
Henegar & Franklin (L. H. Henegar)	Wilemon	2	132	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
JEFFERSON COUNTY																			
Johnson, Willard H.	#9	2	1204	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
Kathleen Coal Co. (Mrs. Kath. Johnson)	Kathleen Coal Co.	2	149	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
MARION COUNTY																			
Crick, W. H. (Glen Allen Coal Co.)	Purity	2	144	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Hughes, C. R.	C. R. Hughes #1	2	150	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Hughes, C. R.	C. R. Hughes #2	2	151	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Miles, Roy	Roy Miles #4	2	152	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
ST. CLAIR COUNTY																			
Simmons & Williams (T. J. Simmons)	Simmons	4	148	Wadsworth	365	365	340	355	315	315	290	300	275	275	260	190	250	175	275
TUSCALOOSA COUNTY																			
Riley, A. (Riley Coal Co.)	Riley's	2	140	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WALKER COUNTY																			
Big Ridge Coal Co. (Rufus Wilson)	Big Ridge	2	142	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	210	265
Drummond, H. E.	Pisgah	2	153	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Dye, Jessie	Tucker #20	2	133	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Long, L. S.	Joe Wheeler	2	143	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225

[1] This mine was previously classified in size groups 1 and 13 for Southern Minerals Company.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

					Lump: Over 2", Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over ½"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine, modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal [1]
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
BIBB COUNTY																			
Finnen, Dan [2]	Red Feather	2	10	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
BLOUNT COUNTY																			
Sanders, Melvin	New Mine	2	141	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
ETOWAH COUNTY																			
Blanton, R. S.	Blanton	2	131	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
Boyles & Murphy (E. C. Boyles)	Boyles	2	147	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
Henegar & Franklin (L. H. Henegar)	Wilemon	2	132	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
JEFFERSON COUNTY																			
Johnson, Willard H.	#9	2	1204	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
Kathleen Coal Co. (Mrs. Kath. Johnson)	Kathleen Coal Co.	2	149	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
MARION COUNTY																			
Crick, W. H. (Glen Allen Coal Co.)	Purity	2	144	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Hughes, C. R.	C. R. Hughes #1	2	150	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Hughes, C. R.	C. R. Hughes #2	2	151	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Miles, Roy	Roy Miles #4	2	152	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
ST. CLAIR COUNTY																			
Simmons & Williams (T. J. Simmons)	Simmons	4	148	Wadsworth	365	365	340	355	315	315	290	300	275	275	260	190	250	175	275
TUSCALOOSA COUNTY																			
Riley, A. (Riley Coal Co.)	Riley's	2	140	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WALKER COUNTY																			
Big Ridge Coal Co. (Rufus Wilson)	Big Ridge	2	142	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	210	265
Drummond, H. E.	Pisgah	2	153	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Dye, Jessie	Tucker #20	2	133	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Long, L. S.	Joe Wheeler	2	143	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225

[2] This mine was previously classified in size groups 1 and 13 for Southern Minerals Company.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump Over 2", Egg top size over 5"	Egg Top size 5" and under, bot. size 2" and under	Lump 2" and under	Nut top size 2" and under, bot. size 1" and under	Stoker top size 1½" and under, bot. size ½" and under	Stoker top size ¾" and under, bot. size ⅜" and under	Straight and modified M/R	Resultants 5" and under	Resultants 4" and under	Screenings 2" and under	Screenings 1½" and under	Screenings 1¼" and under	Screenings ¾" and under	Screenings ⅜" and under	Industrial coal[1]
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
HAMILTON COUNTY																			
Shadwick, John	Middle Ridge	154	4	No. 10	305	305	295	250	240	220	225	225	225	205	205	195	190	165	260
MARION COUNTY																			
Dunwoody, Jim	Dunwoody	145	4	Battle Creek			330				235	235	235	205	205				235
Oak Hill Mining Co. (I. D. Lawrence)	Oak Hill	146	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260

[1] For sizes included see Size Group Table, § 333.42.

[F. R. Doc. 41–6654; Filed, September 4, 1941; 10:15 a. m.]

[Docket No. A–973]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 15; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief, is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial, and industrial use]

Mine index No.	Code member	Mine name	Productive group No.	Freight origin group No.	Price classification by size group														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1168	Consumers Coal Co.	Consumers	11	171	A	A	A	A	------	A	------	A	A	A	A	------	------	A	------

A is Market Area list price as listed in Price Schedule No. 1.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¾" (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Carr, Charles E. (Acme Coal Co.)	1450	Acme #2	11	Tulsa, Okla.	330	330	330	300	------	270	------	160	220	140	150	------	------	115	------
Central Coal Company, The	1451	Central #3	6	Osage, Kans.	345	345	345	345	------	------	------	------	345	335	335	335	------	------	------
Howell, A. A. (Howell Coal Co.)	1445	Gregg	2	Henry, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
J. C. Coal Company	1452	No. 2	6	Osage, Kans.	345	345	345	345	------	------	------	------	345	335	335	335	------	------	------
Moore, Richard S.	1446	Diamond Block	4	Clay, Mo.	285	285	285	285	275	255	245	220	285	205	220	205	------	125	35
Mullies, C. J.	1447	C. J. Mullies	2	Bates, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Palmer & Son Coal Co. (Ira Palmer)	1441	Palmer	1	Crawford, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Wilson, Joe (Joe Wilson Coal Co.)	1453	Wilson #2	4	Ray, Mo.	285	285	285	285	275	255	245	220	285	205	220	205	------	125	35
Wine, Harvey M.	1068	Harvey Wine	3	Linn, Mo.	250	250	250	250	225	210	195	185	230	180	205	190	------	130	35

[F. R. Doc. 41-6652; Filed, September 4, 1941; 10:14 a. m.]

[Docket No. A-982]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 22 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 22, FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of minimum prices for the coals produced at certain mines in District No. 22, for truck shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 342.4 (*Code member price index*) is amended by adding thereto Supplement R, § 342.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein to the Pavek Mine (Mine Index No. 219) of Edward W. Pavek, the Black Diamond Mine (Mine Index No. 248) of Miller Thatcher, the Silver Tip Mine (Mine Index No. 106) of W. C. Anderson, and the Painted Robe Mine (Mine Index No. 203) of Frank Mizuta, since those mines are affected by unique considerations set forth in an Order designating that portion of Docket No. A-982 relating to them as Docket No. A-982 Part II.

Dated: August 19, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 22

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and Supplements thereto.

FOR TRUCK SHIPMENTS

§ 342.4 *Code member price index*—Supplement R

The following price classifications and minimum prices shall be inserted in proper alphabetical order in Price Schedule No. 1 for District No. 22.

Producer	Mine	Mine index No.	County	Sub-district price group
Purdy, Robert	Black Diamond	296	Fergus	4
Soltez, Joe	Soltez	298	Cascade	7
Yalowitzer, Paul	Squirrel Creek	297	Big Horn	3

§ 342.21 *General prices*—Supplement T

Insert the following code member names, mine names, counties and prices in proper alphabetical order under Sub-Districts 3-4-7, respectively:

Code member mine name	County	Size groups											
		1	2	2A	3	4	5	6	7	8	9	10	11	12
SUB-DISTRICT NO. 3														
Yalowitzer, Paul, Squirrel Creek	Big Horn	----	225	----	----	----	----	----	200	----	150	----	----	----
SUB-DISTRICT NO. 4														
Purdy, Robert, Black Diamond	Fergus	----	400	325	----	----	----	----	275	----	150	110	----	75
SUB-DISTRICT NO. 7														
Soltez, Joe Soltez	Cascade	400	375	----	375	350	350	325	300	225	150	----	100	80

[F. R. Doc. 41-6651; Filed, September 4, 1941; 10:14 a. m.]

FEDERAL REGISTER, *Saturday, September 6, 1941* 4615

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

PRICE SCHEDULE NO. 4 AMENDED

§ 1304.17 *Appendix B—Maximum prices for iron and steel scrap originating from railroads;* of Price Schedule No. 4 is hereby amended by striking out the footnote "*Re-laying quality $5.00 higher" and inserting in place thereof the following footnote:

*The term "rails for rerolling" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for re-laying.

Issued this 5th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6689; Filed, September 5, 1941; 11:00 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN EXTENSION OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE LEATHER AND SHEEP-LINED JACKETS INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936, Public No. 846, 74th Congress (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On March 6, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (6 F.R. 1348), why my decision dated April 28, 1938 (3 F.R. 895) in the Matter of the Determination of the Prevailing Minimum Wage in the Leather and Sheep-Lined Jackets Industry, should not be amended to include the manufacture of all leather, leather trimmed, and sheep-lined garments for men, women or children.

The proposed extension of the determination to include the manufacture and supply of the above named products was based upon evidence before the Department to the effect that these products are manufactured by substantially the same manufacturers as are the other commodities presently subject to the minimum wage determination for the Leather and Sheep-Lined Jackets Industry and that the same minimum wage prevails in the manufacture of the commodities named.

The notice of opportunity to show cause was sent to trade unions, trade publications, to trade associations in the field, and to members of the industry who have previously shown an interest in the wage determination. Notice was given to all other interested parties by publication in the FEDERAL REGISTER (6 F.R. 1348). No objections to the proposal have been filed.

I have examined all the evidence before the Department, including the notice of opportunity to show cause in this matter, and it is my opinion that the prevailing minimum wage for the manufacture of the commodities named above is 42.5 cents per hour or $17.00 per week of forty hours, and I so find. Therefore,

I hereby determine:

§ 202.14 *Leather and sheep-lined jackets.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936, Public No. 846, 74th Congress (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture and supply of all leather, leather trimmed, and sheep-lined garments for men, women, or children, shall be 42.5 cents per hour or $17.00 per week of forty hours, arrived at either upon a time or piece rate basis.

This amended determination shall supersede the determination contained in my decision of April 28, 1938, In the Matter of the Determination of the Prevailing Minimum Wage in the Leather and Sheep-Lined Jackets Industry (3 F.R. 895), and shall be effective, and the minimum wage hereby established shall apply to all such contracts for which contracting agencies of the United States have initiated negotiations or solicited bids, as the case may be, on and after September 19, 1941.

Dated: September 4, 1941.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-6697; Filed, September 5, 1941; 11:58 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN AMENDMENT TO AND THE EXTENSION OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE DRUG AND MEDICINE INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On August 6, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (6 F.R. 3994) why my decision dated July 19, 1939 (4 F.R. 3402) In the Matter of the Determination of the Prevailing Minimum Wages in the Drug and Medicine Industry, should not be (1) extended to coincide with the definition of the Drug, Medicine, and Toilet Preparations Industry as contained in the wage order effective July 7, 1941 (6 F.R. 3008) issued by the Administrator, Wage and Hour Division, pursuant to the provisions of the Fair Labor Standards Act of 1938, and (2) amended by increasing the prevailing minimum wage as determined in my decision of July 19, 1939, from 37.5 cents to 40 cents per hour.

The proposed extension and amendment was predicated upon evidence before the Department of Labor that the Drug, Medicine, and Toilet Preparations Industry, as defined in the aforementioned wage order of the Administrator of the Wage and Hour Division, is predominantly interstate in character and further upon the resultant presumption that the said wage order had had the effect of establishing 40 cents per hour as the prevailing minimum wage in that industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to known members of the industry, trade unions, trade publications, and to trade associations. Notice was also given to interested parties through the national press and by publication in the FEDERAL REGISTER (6 F.R. 3994). No objection or protest to the proposed extension and amendment has been filed.

Upon consideration of the foregoing and all of the facts and circumstances, I hereby determine:

§ 202.28 *Drug and medicine industry.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or packaging of any one or more of the following products of the Drug, Medicine, and Toilet Preparations Industry shall be 40 cents per hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis:

(a) Drugs or medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals;

(b) Dentifrices, cosmetics, perfume, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person;

Provided, That the foregoing shall not be deemed to include the manufacture or packaging of shaving cream, shampoo, essential (volatile) oils, glycerine and soap, or the milling or packaging without further processing of crude botanical drugs.

This determination shall be effective and the minimum wage hereby established shall apply to all contracts sub-

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[6 F.R. 2990.

ject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after September 19, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: September 4, 1941.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 41–6694; Filed, September 5, 1941; 11:19 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE, WASHINGTON

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension of regulation 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges, the following regulations permitting and governing the hunting of deer within the Little Pend Oreille National Wildlife Refuge, Washington, are made and prescribed:

§ 21.563a *Little Pend Oreille National Wildlife Refuge, Washington; hunting of deer.* Deer may be taken in the open season prescribed therefor by the State Game Commission of Washington during the calendar year 1941 on lands of the United States within the exterior boundary of the Little Pend Oreille National Wildlife Refuge, Washington, under the following special provisions, conditions, restrictions, and requirements:

(a) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall have in his possession a valid hunting license issued by the State of Washington authorizing him to hunt deer, which said license shall serve as a Federal permit for hunting deer on the refuge. The license must be exhibited upon the request of any representative of the Washington State Game Commission authorized to enforce the State game laws or of any representative of the Department of the Interior. The licensee shall comply in every respect with the State laws and regulations governing the hunting of deer and must also upon request of any of the aforesaid representatives exhibit for inspection all game killed by him or in his possession. Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of the regulations in this part will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(2) *Disorderly conduct, intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting hereunder, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(3) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by the regulations in this part, shall use such established routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

Date: August 28, 1941.

[F. R. Doc. 41–6684; Filed, September 5, 1941; 9:47 a. m.]

PART 228—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

Sec. 228.8 is hereby amended to read as follows:

§ 228.8 *Closed seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 25 in each calendar year, from 6 o'clock postmeridian September 1 to 6 o'clock antemeridian October 5 in each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 25. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

AUGUST 29, 1941.

[F. R. Doc. 41–6683; Filed, September 5, 1941; 9:47 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W–535–ac–19006; 4810]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION, AC SPARK PLUG DIVISION, FLINT, MICHIGAN

Contract[1] for * * * spark plugs and data.

Amount: $1,149,987.12.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 28 P 82–3037 A 0705–01
AC 30 P 85–3059 A 0705–01

This contract, entered into this 9th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Spark Plugs and Data for the consideration stated one million one hundred forty-nine thousand nine hundred eighty-seven dollars and twelve cents ($1,149,987.12) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Discount. All or any payments made under the terms of this contract are subject to a discount of * * * percent of the amount or amounts stipulated, if payment of the invoice is made within thirty (30) calendar days after date of delivery of the articles invoiced.

Option. The Government is granted the right and option at any time within * * * days from and after date of approval of this contract to increase the quantity or quantities of articles called for under the terms of this contract to any quantity set forth herein.

The Government is granted the further right and option at any time within * * * days from and after date of approval of this contract to increase the quantity or quantities of articles called for under the terms of this contract, at not more than the unit prices stipulated by any amount not exceeding * * * percent of the entire contract price stipulated.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under Act of March 5, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6680; Filed, September 5, 1941; 9:44 a. m.]

[Contract No. W 535 ac–19660; 5092]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: PHILLIPS PETROLEUM CORPORATION, BARTLESVILLE, OKLAHOMA

Contract for: * * * Gallons Aircraft Engine Fuel.

Amount: $1,540,000.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 27 P 83–0235 A 0705–01, the available balance of which is sufficient to cover cost of same:

This contract, entered into this 23d day of June 1941.

Scope of this contract. The contractor shall manufacture and store * * * aircraft engine fuel for the consideration stated one million five hundred forty thousand dollars ($1,540,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6681; Filed, September 5, 1941; 9:44 a. m.]

[Contract No. W–ORD–513]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: REMINGTON ARMS COMPANY, INC., BRIDGEPORT, CONN.

Contract[1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of caliber * * * and caliber * * * Small Arms Ammunition.

Place: Salt Lake City, Utah.

Estimated Cost of work under Title I (exclusive of fixed-fee): $18,586,981.

Fixed-Fee for management service under Title I: $85,500.

Estimated Cost of procuring equipment under Title II: $11,985,000.

Fixed-Fee for procuring equipment under Title II: $88,800.

Estimated Cost of Training Key Personnel under Title III (Optional): $1,000,000.

Fixed-Fee for Training Key Personnel under Title III: $30,000.

Estimated Cost of operation under Title IV (Optional): $54,486,350.

Fixed-Fee for operation under Title IV: * * * per thousand cartridges ball, cal. * * *; * * * per thousand cartridges, AP, Cal. * * *; * * * per thousand cartridges, tracer, cal. * * *; * * * per thousand cartridges, AP, cal. * * *; * * * per thousand cartridges, tracer, cal. * * *.

The new ordnance facility services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27,043 P99 A0141–02
ORD 27,044 P99 A0141–02

This contract, entered into this 30th day of July 1941.

TITLE I—*Management Service*

ARTICLE I–A. *Description of new ordnance facility.* The new ordnance facility, hereinafter referred to as the "Plant", and designated as Utah Ordnance Plant, shall comprise a plant in the environs of Salt Lake City, Utah, upon a site to be furnished and made available by the Government, for the manufacture of Caliber * * * and Caliber * * * Small Arms Ammunition of certain types as specified in Title IV (hereinafter sometimes referred to as the "Ammunition").

ART. I–B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I–A hereof.

2. In the performance of the work described in Section 1 of this Article I–B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design (including necessary design of production equipment) and engineering and for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's drawings, specifications, designs, and details concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I–C. *Estimates.* It is estimated that the total cost of the work under this Title I will be approximately eighteen million five hundred eighty six thousand nine hundred eighty one dollars ($18,586,981), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

[1] 5 F.R. 5284.

[1] Approved by the Under Secretary of War June 19, 1941.

[1] Approved by the Under Secretary of War August 12, 1941.

ART. I–D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of eighty-five thousand five hundred dollars ($85,500.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—*Procurement of Production Equipment*

ART. II–A. *Statement of work.* The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required.

ART. II–B. *Estimates.* It is estimated that the total cost under this Title II will be approximately eleven million nine hundred eighty-five thousand dollars ($11,985,000), exclusive of the Contractor's fee.

ART. II–C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of eighty-eight thousand eight hundred dollars ($88,800), which shall constitute complete compensation for the Contractor's services.

TITLE III—*Training of Key Personnel (Optional)*

ART. III–A. *Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at other Ordnance Plants or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV–A of Title IV.

ART. III–B. *Estimate.* It is estimated that the cost of the work under this Title III will be approximately one million dollars ($1,000,000), exclusive of the Contractor's fee.

ART. III–C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of thirty thousand dollars ($30,000), which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (optional)*

ART. IV–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor within * * * months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are ready for operation and are capable of producing ammunition at the rated capacity of the Plant, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the production of the following types and quantities of Ammunition:

(a) * * * rounds, packed and ready for shipment, Cartridges, Ball, Cal. * * *.

(b) * * * rounds, packed and ready for shipment, Cartridges, Armor Piercing, Cal. * * *.

(c) * * * rounds, packed and ready for shipment, Cartridges, Tracer, Cal. * * *.

(d) * * * rounds, packed and ready for shipment, Cartridges, Armor Piercing, Cal. * * *

(e) * * * rounds, packed and ready for shipment, Cartridges, Tracer, Cal. * * *.

4. Upon written notice to the Contractor not less than * * * days before the completion of the operation provided for in Section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the production of an additional quantity of Ammunition equal to that set forth in Section 3 of this Article IV–A and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant.

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV will be fifty-four million four hundred eighty-six thousand three hundred fifty dollars ($54,486,350), exclusive of the cost of continued operation covered by the option therefor provided in section 4 of Article IV–A hereof, and exclusive of the Contractor's fee.

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. Fixed-fees for operation provided in Article IV–A hereof, as follows:

(a) $* * * fixed-fee per * * * rounds packed and ready for shipment for the Cartridges, Ball, Cal. * * *; and

(b) $* * * fixed-fee per * * * rounds packed and ready for shipment for the Cartridges, Armor Piercing, Cal. * * *; and

(c) $* * * fixed-fee per * * * rounds packed and ready for shipment for the Cartridges, Tracer, Cal. * * *; and

(d) $* * * fixed-fee per * * * rounds packed and ready for shipment for the Cartridges, Armor Piercing, Cal. * * *; and

(e) $* * * fixed-fee per * * * rounds packed and ready for shipment for the Cartridges, Tracer, Cal. * * *.

TITLE V—*Cost of the Work and Payment Therefor*

ART. V–A. *Reimbursement for contractor's expenditures.* The Contractor shall be reimbursed in the manner hereinafter described for its actual expenditures in the performance of the work under this contract, when approved or ratified by the Contracting Officer.

ART. V–B. *Payments—Reimbursement for cost.* 1. *a.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed payrolls for labor, the receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph *a* shall be subject to the provisions of Article V–C.

Payment of the fixed-fees. 2. *a.* The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

b. The fixed-fee provided for in Article II–C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

c. The fixed-fee provided for in Article III–C of Title III shall be paid in ten (10) equal monthly installments less ten percent (10%) of each installment.

d. The fixed-fee provided for in Article IV–C of Title IV shall be paid monthly as it accrues, dependent upon the quantities and types of Ammunition produced and accepted.

Final payment. 4. Upon completion of the work under Titles I, II and II and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V–C. *Advances.* At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract. Such advance or advances shall be made in each case upon the furnishing of such surety bonds in such penal sums not exceeding the total aggregate advance as the Secretary of War may prescribe.

TITLE VI—*Termination*

ART. VI–A. *Termination by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII—*General*

ART. VII–C. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII–D. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws:

Act of July 2, 1940 (Pub. No. 703), continued by Act of June 30, 1941 (Pub. No. 139).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6682; Filed, September 5, 1941; 9:47 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 23]

IN THE MATTER OF MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS AS ESTABLISHED BY THE DIVISION FOR DISTRICTS 1–20, INCLUSIVE, 22 AND 23; AND IN RE A PROPOSAL TO REVIEW AND REVISE THE MARKETING RULES AND REGULATIONS AS ESTABLISHED BY THE DIVISION

NOTICE OF AND ORDER FOR HEARING

The Director of the Bituminous Coal Division having, on the 8th day of August, 1940, in General Docket No. 15, established Marketing Rules and Regulations for the sale and distribution of coal by code members in all districts, pursuant to the Bituminous Coal Act of 1937; and

The Bituminous Coal Division having received numerous inquiries relating to the portions of the aforesaid Marketing Rules and Regulations dealing with terms of payment, and more particularly the payment of interest; and

It appearing desirable that evidence be received relating to the reasonableness and the necessity of revising the aforesaid rules, substantially in the following manner:

(1) By revising and amending Rule 1 (I) of Section VII to read as follows:

The seller shall charge and the buyer shall pay interest from and after the due date of the account, as provided in these Marketing Rules and Regulations, at the rate of not less than five (5) per centum: *Provided,* That in the case of sales made to the Federal, State or Local Governments, or any agency thereof, interest need not be paid at a rate in excess of, but shall be paid at a rate not less than that prescribed by applicable statutes or rules as the maximum rate of interest governing such payments, where that prescribed maximum is less than five (5) per centum per annum.

(2) By revising and amending Rule 1 (K) of said Section VII to read as follows:

Except as provided in Section X of these Marketing Rules and Regulations, no Code Member, his Sales Agent, or a distributor, shall accept as payment in full for any account for the sale of coal any amount which is less than the applicable minimum price for the quantity of coal involved *plus any interest charges required under Rule 1 (I) of this Section: Provided,* That a Code Member, his Sales Agent, or a Distributor may enter into a bona fide general creditors' composition with other creditors of a defaulting purchaser. A copy of such creditors' composition shall be filed with the Statistical Bureau or Bureaus within ten (10) business days from the date of the making thereof.

(3) By revising and amending Rule 2 of Section V and Rule 8 of Section VI to include the following:

(e) If the price herein named is not paid on the date of payment specified in Rule 1 of Section VII of the Marketing Rules and Regulations established by the Bituminous Coal Division of the United States Department of the Interior, the seller shall charge and the buyer shall pay interest as required in the aforesaid Rule 1 of Section VII, commencing on the day following the date payment is due.

It is therefore ordered, That on September 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street Northwest, Washington, D. C., a hearing will be held at which evidence will be received relating to the reasonableness of and the necessity for the revision and amendment of the Marketing Rules and Regulations as hereinbefore provided. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at such hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons who may have an interest in the subject matter thereof. Any person desiring to be heard at such hearing shall file a notice to that effect on or before September 25, 1941, setting forth therein the nature of his interest and a concise statement of the matter he intends to present.

All persons are further notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically stated in the proposed amendments and revisions of Rules 1 (I) and 1 (K) of Section VII, Rule 2 of Section V and Rule 8 of Section VI, of the Marketing Rules and Regulations, other matters necessarily incidental and related thereto which may be raised by the amendments and revisions of the Marketing Rules and Regulations as proposed herein, petitions of interested parties, or otherwise, or which may be nec-

essary corollaries to said proposed amendments and revisions.

Dated: September 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6685; Filed, September 5, 1941; 10:51 a. m.]

[Docket No. 1664-FD]

IN THE MATTER OF FRANK DAVID EWELL, JR., EWELL FUEL CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2838, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on October 8, 1941 at 10 a. m., at a hearing room of the Bituminous Coal Division, at the Civil Service Room, U. S. Court House, Fort Worth, Texas; and

It appearing to the Director that it is advisable to postpone said hearing;

Now therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6686; Filed, September 5, 1941; 10:51 a. m.]

[Docket No. A-694]

PETITION OF DISTRICT BOARD 4 FOR THE ELIMINATION OF A SEPARATE CLASSIFICATION AND PRICE FOR CRUSHED COAL IN DISTRICT NO. 4, EXCEPT IN THE CASE OF THE COAL SHIPPED INTO MARKET AREAS 14, 16, 17, 18, AND 19, AND BY RIVER

ORDER DENYING RELIEF

A petition and an amended petition having been filed with the Bituminous Coal Division by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting certain relief with respect to crushed slack coals;

Intervening petitions having been filed by District Boards 1, 2, 3, 4, 6, and 7, and by the Consolidation Coal Company, Inc., a code member in District 3;

Pursuant to Orders of the Director, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the several petitions filed herein be and they hereby are denied.

Dated: September 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6687; Filed, September 5, 1941; 10:51 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 47-A 5]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 20, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Notice is hereby given of a hearing to be held in the Civic Auditorium, Ridge Street, La Porte, Indiana, beginning at 10:00 a. m., c. d. s. t., September 16, 1941, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 20, as amended,[1] regulating the handling of milk in the La Porte County, Indiana, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the La Porte County Milk Producers Association and the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) increase the price of Class I milk from $2.35 to $2.80 per hundredweight, except such Class I milk as is disposed of for relief purposes, which shall be such Class I price less 30¢; (2) increase the Class II price from $2.05 to $2.50 per hundredweight; (3) increase the percent to be added in the formula for figuring the Class III and Class IV prices; (4) amend § 920.8 (a) (1) and (2) so that the time and method of payment will apply to all milk received by a handler, whether received from a producer within or outside of the State of Indiana; and (5) reword any other provisions of the order to conform to the proposed amendments.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Dated: September 4, 1941.

[F. R. Doc. 41-6677; Filed, September 4, 1941; 2:19 p. m.]

[Docket No. AO 105-A 1]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER NO. 44, REGULATING THE HANDLING OF MILK IN THE QUAD CITIES MARKETING AREA

Notice is hereby given of a hearing to be held in the Main Ballroom of the Fort Armstrong Hotel, Rock Island, Illinois, at 10:00 a. m., c. s. t., September 11, 1941, with respect to proposed amendments to the tentatively approved marketing agreement and Order No. 44,[1] regulating the handling of milk in the Quad Cities marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the Quality Milk Association, the Illinois-Iowa Milk Producers' Association, and the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) increase Class I prices by 28 cents per hundredweight or use a formula based upon the Evaporated Milk Code price plus a premium over; (2) revise the Class II price by use of a formula based upon the Evaporated Milk Code plus a premium over; (3) revise the Class IV price formula to make it comparable with the manufacturing value; (4) add to § 944.8 (f) (3) (i) the provision that "any member of the producer's family may be named as the base holder for the purpose of transfer, but in no case may there be more than one base allotted to one farm"; (5) define the term "producer-handler"; (6) define the method to be used in converting butterfat used in Classes II, III, and IV to its milk equivalent; (7) increase the administrative assessment from 2 to 3 cents per hundredweight; and (8) reword any other provision of the order to conform to the proposed amendments.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Dated: September 4, 1941.

[F. R. Doc. 41-6676; Filed, September 4, 1941; 2:19 p. m.]

[Docket No. AO 1-A 8]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT, AS AMENDED, AND THE ORDER, AS AMENDED, REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice is hereby given of a hearing to be held in the Comstock Room, Palace Hotel, San Francisco, California, beginning at 9:30 a. m., P. s. t., September 12, 1941, with respect to proposed amendments to the marketing agreement, as amended, and the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate such amendments in order to effectuate the declared policy of the act, and evidence as to the specific amendments required.

Proposed amendments have been submitted by the Control Board established pursuant to the provisions of the marketing agreement, as amended, and the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, and provide, in similar terms, that: (1) the salable percentage for the crop year September 1, 1941, to August 31, 1942, shall be sixty-five (65) percent; (b) the surplus percentage for the crop year ending August 31, 1942, shall be thirty-five (35) percent; and (c) "Exhibit A" of the aforesaid marketing agreement, as amended, and order, as amended, shall be further amended in the respects stated in said proposed amendments.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310 South Building, or may be there inspected.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Dated: September 4, 1941.

[F. R. Doc. 41-6691; Filed, September 5, 1941; 11:16 a. m.]

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[1] 6 F.R. 4432.

[1] 5 F.R. 165.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 4-40]

IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND CITIES SERVICE COMPANY

ORDER POSTPONING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of September, A. D. 1941.

The Commission having on August 25, 1941 issued a Notice and Order for Hearing in the above-entitled proceeding directing that a hearing be held on September 5, 1941 at 10 o'clock A. M. in the offices of the Commission, and Cities Service Company having requested that the date for hearing as above be postponed so as to permit further study and consideration of the issues presented by the Notice and Order for Hearing; and

It appearing to the Commission that the request made by the said Cities Service Company is not unreasonable and may appropriately be granted;

It is ordered, That the hearing directed to be held on September 5, 1941 be and the same is hereby postponed until Monday, September 22, 1941 at 10 o'clock in the forenoon before the same officer of the Commission specified in the said Order of August 25, 1941.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6690; Filed, September 5, 1941; 11:03 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, RESPONDENTS

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of September, A. D. 1941.

Notice is hereby given that the Securities and Exchange Commission adopted an order on the 4th day of September, 1941, directing that a hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 be held with respect to Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10 A. M., on the 28th day of October, 1941.

Said order makes respondents in said proceedings Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation; and, after describing the holding company system of said respondents, expresses certain tentative conclusions with respect thereto, among which are that the said holding company system is not confined in its operations to those of a single integrated public utility system, together with such additional systems and other businesses as can be retained under the applicable standards of section 11 (b) (1) of said Act.

Said order provides that respondents shall file their answer to the allegations of said order on or before the 17th day of October, 1941, for the purposes and in the manner more fully set out in the order.

On the basis of the tentative conclusions set forth in said notice of and order for hearing, said order provides that a hearing be held at the time and place hereinbefore stated, at which hearing the respondents and any other interested persons shall be given an opportunity to be heard with respect to the matters therein set forth, and with respect to any issues raised in and matters presented by respondents' answer, and at which hearing the respondents are directed to show cause why an order or orders should not be entered, pursuant to section 11 (b) (1) of said Act, requiring the divestment of properties, securities and other assets for the purpose of limiting the operations of respondents' holding company system as required by the standards of section 11 (b) (1) of said Act, and for the purpose of determining what steps and what action is necessary for that purpose.

Said order further provides that:

(1) At the outset of said hearing respondents shall show cause why an immediate order should not be entered requiring the divestment by the respondents of all their interests in those companies operating in states other than New York, Pennsylvania and New Jersey, which companies are more fully set forth by states in paragraph 6 of said order;

(2) Thereafter there will be considered what evidence should be adduced, what findings should be made and what order or orders should be entered by the Commission, either pursuant to the statements made in respondents' answer or otherwise, in order to limit the operations of the holding company system of the respondents with respect to the properties located in the States of New York, Pennsylvania and New Jersey, which may be retained under the applicable standards of section 11 (b) (1) of the Act, including specifically a determination: (a) of the number of integrated public utility systems, if any, under the control of respondents within the States of New York, Pennsylvania and New Jersey, (b) as to which of such integrated public utility systems, if any, is to be considered as the "single integrated public utility system" retainable under section 11 (b) (1) of said Act, and (c) of the extent, if any, to which additional integrated public utility systems and other businesses may, upon a proper showing, be retained under common con-

trol with any such single integrated public utility system under the applicable standards of section 11 (b) (1) of the Act.

(3) Consideration will also be given, and the respondents and other interested persons shall have an opportunity to be heard, with respect to the time and manner for disposition of any other issues which may be presented in these proceedings, particularly with respect to the appropriate procedure for expediting the determination of the issues herein.

Reference is made to said notice of and order for hearing for a more complete statement of the various matters therein set forth, and a copy of said notice of and order for hearing is on file and open to public inspection at the office of the Securities and Exchange Commission in Washington, D. C., and a copy of said notice of and order for hearing may be had upon written request to the Secretary of said Commission, and said notice of and order for hearing is hereby made a part of this notice as if completely set forth herein.

Notice of said hearing is hereby given to the respondents, each of their subsidiaries and each of the companies in which said respondents have an interest and which are specifically named in the order, and to all other persons including security holders of Associated Gas and Electric Corporation, of its subsidiaries, all States, municipalities, and political subdivisions of States within which are located any utility assets owned or operated by any of the subsidiaries of said respondents, or companies in which respondents have some interest and which are named in the order, and all State Commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over the respondents or over any of the businesses, affairs or operations of any of the subsidiary or affiliated companies of respondents.

Said order further provides that any person proposing to intervene in said proceedings shall file with the Secretary of the Securities and Exchange Commission on or before the 17th day of October, 1941, his request or application therefor as provided by Rule XVII of the Rules of Practice of the said Securities and Exchange Commission, and any such request or application may state the position of such proposed intervener with respect to the allegations and tentative conclusions set forth in the order. The order provides that nothing therein is to be deemed to require any interested person to intervene as a prerequisite to being heard on matters affecting his interests.

By order of the Securities and Exchange Commission this 4th day of September 1941.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6696; Filed, September 5, 1941; 11:47 a. m.]

Reference

SEP 10 1941

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 6 NUMBER 175

Washington, Tuesday, September 9, 1941

The President

FIRE PREVENTION WEEK—1941

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the serious problems of national defense now confronting this country demand the utmost attention to the conservation of our human and physical resources; and

WHEREAS the lives of thousands of persons were lost and property damage of more than a quarter of a billion dollars occurred during the year 1940 as a result of avoidable fires in the United States; and

WHEREAS individual responsibility for protecting human life and safeguarding homes, industries, and public buildings against this grave menace should be impressed upon the entire citizenry:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the week beginning October 5, 1941, as Fire Prevention Week, and I urge public authorities, civic bodies, educators, the press, and the radio to emphasize the dangers attendant upon fires in the present national emergency, and I recommend to all our citizens their active cooperation in the elimination of fire hazards and their prompt action in every situation threatening loss of life or property by fire.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 3rd day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

By the President:

FRANKLIN D ROOSEVELT

CORDELL HULL,
Secretary of State.

[No. 2509]

[F. R. Doc. 41-6709; Filed, September 6, 1941; 10:11 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE DIVISION OF CONTRACT DISTRIBUTION IN THE OFFICE OF PRODUCTION MANAGEMENT AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and in order to define further the functions and duties of the Office of Production Management with respect to the unlimited national emergency as declared by the President on May 27, 1941,[1] and to provide for the more effective utilization of existing plant facilities for defense purposes; the conversion into defense production of civilian industries affected by priorities and raw material shortages; the alleviation of unemployment caused by the effects of such priorities and shortages; the local pooling of facilities and equipment; subcontracting; and the wider diffusion of defense contracts among the smaller business enterprises in every part of the nation, it is hereby ordered as follows:

1. There shall be within the Office of Production Management a Division of Contract Distribution at the head of which shall be a Director appointed by the Office of Production Management with the approval of the President. The Director shall discharge and perform the following responsibilities and duties under the direction and supervision of the Director General acting in association with the Associate Director General:

a. Formulate and promote specific programs for the purchase of supplies for the Army and Navy in smaller units but among a greater number of firms and in as many different localities as possible.

b. Formulate and promote modifications in federal procurement practices and procedures relating to negotiating contracts, bidding practice, performance and bid bonds, and other practices and procedures, to the end that there shall be a wider distribution of defense contracts and purchases.

c. Develop programs for the conversion of plants and industries from civilian to defense production, with the

[1] 6 F.R. 2617.

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assistance of the government if necessary.

d. Stimulate the organization and use of local industrial defense production associations.

e. Promote and stimulate subcontracting wherever feasible.

f. In order to obtain maximum use of existing productive facilities and tools, advise manufacturers and business enterprises the specific ways in which their facilities and tools may be utilized in defense production; advise such manufacturers and businessmen with respect to the procedures and practices of the several federal procurement agencies.

g. Facilitate through the regular commercial banking channels, the Reconstruction Finance Corporation, and the Federal Reserve Banks and their branches, the necessary financing facilities for prime contractors, subcontractors and local industrial defense production associations, and recommend from time to time to the Director General and Associate Director General such additional financial procedures or machinery as shall be required to ensure maximum utilization of existing plant and tool facilities for defense purposes.

h. Provide engineering and technical assistance to such prime contractors, subcontractors, and local industrial defense production associations as may require such assistance in order to participate in defense production.

i. Perform such other duties and responsibilities as the Office of Production Management may from time to time determine.

2. To ensure unity of policy and coordinated consideration of all relevant factors involved in the formulation and execution of industry conversion programs, and contract distribution and subcontracting procedures, all such programs or procedures shall clear through the Division of Contract Distribution.

3. To aid the Director in carrying out the aforesaid responsibilities, there shall be assigned to the Division one or more officers of the Departments of War and the Navy, respectively, and one or more representatives of the Maritime Commission, whose duty shall be to assist as liaison in the speedy and successful carrying out of the aforesaid program.

4. There shall be in the Division of Contract Distribution two Advisory Committees consisting of representatives to be designated by the Director of the Division with the approval of the Office of Production Management. One shall be representative of small business organizations; and the other of industrial, management, and production engineers. The Committees shall, from time to time, upon request by the Director, make findings and submit recommendations to the Director with respect to procurement practices and procedures; contract placements and distribution; industry conversion problems; formation of local production associations; subcontracting; and for such other matters as the Director may require advice and assistance.

5. Within the limits of such funds as may be made available to the Division of Contract Distribution, the Director may appoint industrial and production engineers, economists, statisticians, and such technical and other personnel as he shall deem necessary to carry out the duties assigned to the Division herein.

6. The Director may establish branch offices throughout the United States and its territories to carry out his duties. There shall be assigned to such branch offices such officer personnel or other representatives of the Army, Navy, United States Maritime Commission and other federal procurement agencies as may be required by the Director for liaison purposes.

7. There shall be assigned to the main office and to each field office of the Division a representative of the Labor Division of the Office of Production Management to cooperate with such offices in the Labor Division's efforts toward reemployment of employees of plants whose production has been curtailed by priorities and material shortages.

8. In the execution of the foregoing duties, the Director of the Division of Contract Distribution shall consult and collaborate with the War Department, the Navy Department, the United States Maritime Commission, and other government procurement agencies, which are hereby directed to cooperate with and establish close liaison with such Division to accomplish the purposes of this order.

9. The Defense Contract Service, established pursuant to Regulation No. 9, July 29, 1941,[1] of the Office of Production Management, is hereby abolished. The duties and responsibilities of said Defense Contract Service are hereby assigned to the Division of Contract Distribution. All records, files, and equipment of the Defense Contract Service shall be transferred to the Division of Contract Distribution.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 4, 1941.

[No. 8891]

[F. R. Doc. 41-6703; Filed, September 5, 1941; 2:49 p. m.]

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and statutes of the United States, and in order to define further the functions and duties of the Office for Emergency Management of the Executive Office of the President with respect to the national emergency as declared by the President on May 27, 1941,[2] for the purpose of assuring adequate health and welfare services to meet needs of the national defense program, it is hereby ordered:

1. The term "health and welfare services" as used in this Order means all health, welfare, medical, nutrition, recreation, and related services including those aspects of education under the jurisdiction of the Federal Security Agency.

2. There is established within the Office for Emergency Management of the Executive Office of the President the Office of Defense Health and Welfare Services, at the head of which the Federal Security Administrator shall serve as Director. The Director shall discharge and perform his responsibilities and duties under the direction and supervision of the President. The Director shall receive no salary or other remuneration as such, but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties.

3. Subject to such policies, regulations, and directions as the President may from time to time prescribe, the Office shall:

a. Serve as the center for the coordination of health and welfare services made available by the departments and agencies of the Federal Government, and other agencies public and private, to meet the needs of State and local communities arising from the defense program; and take necessary steps to secure the cooperation of the appropriate Federal departments and agencies relative thereto.

b. Make available to States and localities, upon request, the services of specialists in health and welfare activities to assist in the planning and execution of such local and State programs.

c. Study, plan, and encourage measures designed to assure the provision of adequate defense health and welfare services to the citizens of the Nation during the period of the emergency, and coordinate studies and surveys made by Federal departments and agencies with respect to these fields.

d. Keep the President informed with respect to progress made in carrying out this Order; and perform such related duties as the President may from time to time assign or delegate to it.

4. The Director may provide for the internal organization and management of the Office of Defense Health and Welfare Services. He shall obtain the President's approval for the establishment of the principal subdivisions of the Office and the appointment of the heads thereof.

5. In the study of problems and in the discharge of its functions and responsibilities it shall be the policy of the Office of Defense Health and Welfare Services to collaborate with and to utilize, in so far as practicable, the facilities and services of existing departments and agencies which perform related functions. Furthermore, it shall be the policy of the Office of Defense Health and Welfare Services in carrying out its functions and duties to work with and through the State and local defense councils and other appropriate State and local agencies, and in this connection to cooperate and work in conjunction with the Office of Civilian Defense in its relationships with State and local groups.

6. There shall be in the Office of Defense Health and Welfare Services a Health and Medical Committee to consist of a Chairman to be appointed by the President, the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the United States Public Health Service, the Chairman of the Committee on Medical Research of the Office of Scientific Research and Development, and such others as the President may from time to time determine. The Committee shall advise the Director regarding the health and medical aspects of national defense exclusive of medical research and assist in the coordination of health and medical activities affecting national defense. The members of the Committee shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties.

7. The Director is authorized to appoint such advisory committees and subcommittees, with respect to particular aspects of health, welfare, nutrition, recreation, and related activities as he may find necessary or desirable to assist him in the performance of his duties. Such advisory committees may include representatives from Federal departments and agencies, State and local governments, private organizations and the public at large. The members of advisory committees shall serve as such without compensation, but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties.

8. Within the limits of such funds as may be appropriated or allocated to the Office of Defense Health and Welfare Services by the President, the Director may employ necessary personnel and make provision for the necessary supplies, facilities, and services through the Federal Security Agency. The Office of Defense Health and Welfare Services may use such statistical, informational, fiscal, personnel, and other general business services and facilities as may be made available through the Office for Emergency Management.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Sept. 3, 1941.

[No. 8890]

[F. R. Doc. 41-6705; Filed, September 5, 1941; 3:48 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

ARIZONA

By virtue of the authority vested in me by the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C. title 10, sec. 1341), it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an aerial gunnery range:

GILA AND SALT RIVER MERIDIAN

T. 7 S., R. 1 W., secs. 13 to 36, inclusive, unsurveyed;
Tps. 8 and 9 S., R. 1 W., all, unsurveyed;
T. 7 S., R. 2 W., secs. 13 to 36, inclusive, unsurveyed;
Tps. 8 and 9 S., R. 2 W., all, unsurveyed;
T. 7 S., R. 3 W., secs. 13 to 36, inclusive;
Tps. 8 and 9 S., R. 3 W., all;

[1] 6 F.R. 3889.
[2] 6 F.R. 2617.

T. 10 S., R. 3 W., secs. 4 to 9, 16 to 21 and 28 to 33, inclusive, unsurveyed;
T. 7 S., R. 4 W., secs. 13 to 36, inclusive;
Tps. 8, 9 and 10 S., R. 4 W., all, partly unsurveyed;
T. 7 S., R. 5 W., secs. 13 to 36, inclusive;
Tps. 8, 9 and 10 S., R. 5 W., all, partly unsurveyed;
T. 7 S., R. 6 W., secs. 13 to 36, inclusive;
Tps. 8, 9 and 10 S., R. 6 W., all, partly unsurveyed;
T. 7 S., R. 7 W., secs. 13 to 36, inclusive;
Tps. 8 to 12 S., R. 7 W., all, partly unsurveyed;
T. 7 S., R. 8 W., secs. 13 to 36, inclusive;
Tps. 8 to 12 S., R. 8 W., all, unsurveyed;
T. 7 S., R. 9 W., secs. 13 to 36, inclusive;
Tps. 8 to 12 S., R. 9 W., all, unsurveyed;
Tps. 8 to 12 S., R. 10 W., all, partly unsurveyed;
Tps. 8 to 12 S., R. 11 W., all, partly unsurveyed;
Tps. 8 and 9 S., R. 11½ W., all.

The areas described, including both public and nonpublic lands, aggregate approximately 1,077,500 acres.

This order shall take precedence over, but shall not rescind or revoke (1) Executive Order No. 6910, of November 26, 1934, as amended, so far as such order affects any of the lands in the above-described areas, (2) Executive Order No. 8038[1] of January 25, 1939, establishing the Cabeza Prieta Game Range, so far as such order affects the public lands in Ts. 8 to 11 S., R. 11 W., T. 11 S., Rs. 7 and 8 W., and T. 12 S., Rs. 7 to 11 W., (3) the order of the Secretary of the Interior of July 14, 1938,[2] establishing Grazing District No. 3, so far as such order affects any of the public lands in the above-described areas, and (4) the order of the Secretary of the Interior of March 14, 1929, withdrawing certain lands under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), so far as such order affects the public lands in Ts. 8 to 11 S., R. 11 W., and Ts. 8 and 9 S., R. 11½ W. After the present national defense emergency has been officially terminated, this order, so far as it affects such lands heretofore withdrawn for reclamation purposes, shall be ineffective upon notice to the War Department by the Secretary of the Interior that such lands are needed for reclamation purposes; and the use of any of the other lands in the above-described areas, heretofore withdrawn for the purposes indicated, shall, at that time, revert to the present using agencies upon the issuance of an appropriate order by the President.

The local army commandant in charge of the lands hereby reserved will, after consultation with the local representatives of the Fish and Wildlife Service and the Grazing Service, Department of the Interior, designate not less than two days a month, exclusive of Saturdays and Sundays, on which there will be no firing, to enable the field personnel of such services to carry out their normal patrol and maintenance activities.

The lands in T. 11 S., Rs. 7 and 8 W., T. 12 S., Rs. 7 to 11 W., shall be used by the War Department for aerial gunnery and tow-target firing, and for no other type of firing.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 5, 1941.

[No. 8892]

[F. R. Doc. 41-6724; Filed, September 8, 1941; 9:34 a. m.]

[1] 4 F.R. 437.
[2] 3 F.R. 1795.

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Wheat 507, Supp. No. 2[1]]

PART 728—WHEAT

SUBPART C—1941

Regulations Pertaining to Wheat Marketing Quotas for the 1941 Crop of Wheat

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31; 7 U.S.C. 1301 *et seq.*), as amended, and Public Law No. 74, 77th Congress, approved May 26, 1941, the regulations pertaining to wheat marketing quotas for the 1941 crop year (form Wheat 507) are amended as follows:

Paragraph (a), § 728.251[2] is amended to read as follows:

§ 728.251 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the wheat produced in 1941 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm. The amount of the penalty for which any producer shall remain liable shall be reduced to that proportion of the entire penalty on the farm marketing excess which his share in the 1941 crop of wheat on the farm bears to the total 1941 crop of wheat on the farm where it is determined that (1) the share of such producer in the wheat crop will be handled by or for him separately from the share of any other producer on the farm and (2) the producer, although able and willing to pay his proportionate share of the penalty or, in accordance with § 728.256 or § 728.257, to store or to deliver to the Secretary of Agriculture the number of bushels required to postpone or avoid the payment of such proportionate share, is unable to arrange with the other wheat producers on the farm, within thirty calendar days after the threshing of the 1941 crop of wheat on the farm is completed, for the payment of the penalty on the entire farm marketing excess or the disposition of such farm marketing excess.

Section 728.265 is amended to read as follows:

§ 728.265 *Records to be kept and reports to be made by producers.* Each person who in 1941 harvests wheat which is subject to the provisions of these regulations shall, in conformity with section 373 (b) of the Act, keep the records and make the reports prescribed by this section, which the Secretary of Agriculture hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of Title III of the Act and of the Resolution. The operator of each farm in connection with which a farm marketing excess is determined and for which a marketing card is not issued under § 728.240 or § 728.271 or § 728.272 shall file with the treasurer of the county committee for the county in which the farm is located a report on form Wheat 519 showing for the farm the following information: (a) the total number of bushels of wheat produced thereon in 1941, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of wheat marketed to him, (d) the amount equivalent to the penalty which was deducted from the price or consideration received for the wheat, (e) the amount of unmarketed wheat of the 1941 crop on hand, and (f) the acreage of wheat. The report in connection with any such farm shall be made not later than sixty calendar days next succeeding the day on which the threshing of wheat produced on the farm is completed, or December 31, 1941, whichever is the earlier. Upon the request of the county committee, the operator of any other farm shall make a similar report within 15 days after the request therefor is made. (Sec. 373 (b), 52 Stat. 65, 7 U.S.C. 1373 (b))

Done at Washington, D. C., this 8th day of September, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6742; Filed, September 8, 1941; 11:40 a. m.]

[1] Supp. No. 1 appears at 6 F.R. 3465.
[2] 6 F.R. 2701.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2823]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SOAP LAKE PRODUCTS CORPORATION

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of products:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Mother Nature Soap Lake Salts", "Mother Nature Soap Lake Seltzer", and "Mother Nature Soap Lake Spirit" packaged mineral salts, or other substantially similar products, that said mineral salt preparations (1) will cure eczema or similar skin diseases of systemic origin, or have any beneficial effect in the treatment thereof other than temporarily relieving the itching and discomfort incidental to said diseases; (2) will cure athlete's foot or any body or scalp sores or have any beneficial value in the treatment thereof other than cleansing effect upon surface lesions; (3) will cure poison oak or poison ivy or have any beneficial value in the treatment thereof; (4) will cure pyorrhea or trench mouth or have any beneficial value in the treatment thereof other than as a cleansing agent; (5) will cure ulcers of the stomach or hyperacidity, or constitute a competent and proper treatment therefor, or have any beneficial value in the treatment thereof other than temporarily relieving the pain and discomfort incident thereto by temporarily neutralizing excess acid; (6) when taken internally, will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene, or Buerger's Disease, or constitute a proper treatment therefor or have any beneficial value in the treatment thereof; and (7) when used externally, will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene or Buerger's Disease, or have any beneficial effect in the treatment thereof other than temporarily relieving pain and congestion in the afflicted parts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Soap Lake Products Corporation, Docket 2823, August 19, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence introduced in both the original and supplemental hearings before trial examiners of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, original briefs of counsel for the Commisison and for the respondent, and supplemental brief of counsel for the Commission (no supplemental brief having been filed by the respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Soap Lake Products Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its packaged mineral salts now designated as "Mother Nature Soap Lake Salts", "Mother Nature Soap Lake Seltzer", and "Mother Nature Soap Lake Spirit", or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from representing:

(1) That said mineral salt preparations will cure eczema or similar skin diseases of systemic origin, or have any beneficial effect in the treatment thereof other than temporarily relieving the itching and discomfort incidental to said diseases;

(2) That said mineral salt preparations will cure athlete's foot or any body or scalp sores or have any beneficial value in the treatment thereof other than cleansing effect upon surface lesions;

(3) That said mineral salt preparations will cure poison oak or poison ivy or have any beneficial value in the treatment thereof;

(4) That said mineral salt preparations will cure pyorrhea or trench mouth or have any beneficial value in the treatment thereof other than as a cleansing agent;

(5) That said mineral salt preparations will cure ulcers of the stomach or hyperacidity, or constitute a competent and proper treatment therefor, or have any beneficial value in the treatment thereof other than temporarily relieving the pain and discomfort incident thereto by temporarily neutralizing excess acid;

(6) That said mineral salt preparations, when taken internally, will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene or Buerger's Disease, or constitute a proper treatment therefor or have any beneficial value in the treatment thereof;

(7) That said mineral salt preparations, when used externally, will prevent or cure rheumatism, neuritis, arthritis, lumbago, gangrene or Buerger's Disease, or have any beneficial effect in the treatment thereof other than temporarily relieving pain and congestion in the afflicted parts.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6698; Filed, September 5, 1941; 1: 29 p. m.]

[Docket No. 2832]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THORSON'S SOAP LAKE PRODUCTS COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Thorson's Soap Lake Salts", "Thorson's Effervescent Soap Lake Salts", "Thorson's Soap Lake Liniment" "Thorson's Skin-Aid Soap Lake Ointment", "Thorson's Soap Lake Shampoo" and "Thorson's Skin-Aid Soap Lake Soap" packaged mineral salts, or other substantially similar products, that said mineral salt preparations will prevent or cure, or that they constitute competent treatments for, stomach, liver, bowel or kidney disorders, rheumatism, diabetes, catarrh, skin diseases, female trouble, diseases of the blood, psoriasis, pyorrhea, sore gums, gangrene, foot trouble, eye trouble, eczema, lumbago, dropsy, pleurisy, dyspepsia, ivy or oak poisoning, sunburn, insect bites, chilblains, frost-bite, cramps of muscles, scalds, wounds or sores, high blood pressure, auto-intoxication, nervous ailments, excess acidity, constipation, arthritis, neuritis, or Buerger's disease; or that said preparations possess any therapeutic value in excess of their laxative, diuretic and cleansing properties; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Thorson's Soap Lake Products Company, Docket 2832, August 19, 1941]

In the Matter of Roxie Thorson, Trading as Thorson's Soap Lake Products Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admitted all of the material allegations of fact set forth in said complaint and stated that she waived all intervening procedure and further hearing as to said facts, and upon testimony and other evidence introduced in certain supplemental hearings before trial examiners of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, and upon brief of counsel for the Commission (no brief having been filed by the respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Roxie Thorson, individually and trading as Thorson's Soap Lake Products Company, or trading under any other name, and her representatives, agents and employees, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of her packaged mineral salts now designated as "Thorson's Soap Lake Salts", "Thorson's Effervescent Soap Lake Salts", "Thorson's Soap Lake Liniment", "Thorson's Skin-Aid Soap Lake Ointment", "Thorson's Soap Lake Shampoo", and "Thorson's Skin-Aid Soap Lake Soap", or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from representing:

That said mineral salt preparations will prevent or cure, or that they constitute competent treatments for, stomach, liver, bowel or kidney disorders, rheumatism, diabetes, catarrh, skin diseases, female trouble, diseases of the blood, psoriasis, pyorrhea, sore gums, gangrene, foot trouble, eye trouble, eczema, lumbago, dropsy, pleurisy, dyspepsia, ivy or oak poisoning, sunburn, insect bites, chilblains, frost-bite, cramps of muscles, scalds, wounds or sores, high blood pressure, auto-intoxication, nervous ailments, excess acidity, constipation, arthritis, neuritis, or Buerger's disease; or that said preparations possess any therapeutic value in excess of their laxative, diuretic and cleansing properties.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6699; Filed, September 5, 1941; 1:29 p. m.]

[Docket No. 3498]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE GERRARD COMPANY, INC., ET AL.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making of any contract for the sale, of respondents' machines and appliances in commerce, leasing, selling, or making any contract for the sale thereof on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines or appliances any wire other than that acquired from respondents, or from any other source designated by respondents, prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Cease and desist order, The Gerrard Company, Inc., et al., Docket 3498, August 20, 1941]

In the Matter of The Gerrard Company, Inc., a Corporation, and American Steel & Wire Company, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C. on the 20th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, stipulations as to certain of the facts, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and the exceptions thereto, briefs filed herein, and oral arguments by George W. Williams, attorney for the Commission, and by Knapp, Allen and Cushing, Attorneys for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of that certain act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the Clayton Act:

It is ordered, That the respondents, The Gerrard Company, Inc., a corporation, and American Steel & Wire Company, a corporation, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the leasing, sale, or making of any contract for the sale, of respondents' machines and appliances in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Leasing, selling, or making any contract for the sale of respondents' machines or appliances on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines or appliances any wire other than that acquired from respondents, or from any other source designated by respondents.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6700; Filed, September 5, 1941; 1:30 p. m.]

[1] 4 F.R. 890.

[Docket No. 3688]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SIGNODE STEEL STRAPPING COMPANY

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, leasing, selling, or making any contract for the sale thereof on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any wire or strapping other than that acquired from respondent, or from any other source designated by respondent, prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Cease and desist order, Signode Steel Strapping Company, Docket 3688, August 20, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, a stipulation as to the facts entered into between the respondent and W. T. Kelley, Chief Counsel for the Commission, briefs filed by the attorney for the Commission and the attorneys for the respondent, and oral argument before the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondent, Signode Steel Strapping Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device of any contract with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Leasing, selling, or making any contract for the sale of, respondent's machines, appliances or tools on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any wire or strapping other than that acquired from respondent, or from any other source designated by respondent.

It is further ordered, That said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission, a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6701; Filed, September 5, 1941; 1:32 p. m.]

[1] 4 F.R. 890.

[Docket No. 4404]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ROCKDALE MONUMENT COMPANY

§ 3.6 (a) 31) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages:* § 3.6 (r) 7) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.* In connection with offer, etc., in commerce, of monuments and markers, and among other things, as in order set forth, (1) representing that usual and customary prices at which said products are sold are "wholesale", special or reduced prices or anything other than the regular retail prices for said products; and (2) representing that respondents are the only dealers in monuments offering such products for sale at low prices on the installment plan; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Rockdale Monument Company, Docket 4404, August 22, 1941]

§ 3.6 (n) 2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (bb10) *Advertising falsely or misleadingly—Size or weight.* In connection with offer, etc., in commerce, of monuments and markers, and among other things, as in order set forth, (1) representing that said products are natural granite, or that they are of permanent nature; and (2) representing that the weight of any of said monuments is greater than the actual weight of such monument; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Rockdale Monument Company, Docket 4404, August 22, 1941]

§ 3.6 (y5) *Advertising falsely or misleadingly—Sample, offer or order conformance:* § 3.72 (m10) *Offering deceptive inducements to purchase—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of monuments and markers, and among other things, as in order set forth, using cuts, drawings or picturizations of monuments to show the size, color, nature or quality of respondents' products which do not accurately reflect the actual size, color, nature or quality of the monuments so illustrated, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Rockdale Monument Company, Docket 4404, August 22, 1941]

In the Matter of James J. Collins, Charles J. Hepp, and Catherine Hepp, Individually and Trading as Rockdale Monument Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and a stipulation as to the facts entered into which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, James J. Collins, Charles J. Hepp and Catherine Hepp, individually and trading as Rockdale Monument Company, or trading under any other name or names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of monuments and markers in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that usual and customary prices at which said products are sold are "wholesale", special or reduced prices or anything other than the regular retail prices for said products;

(2) Representing that respondents are the only dealers in monuments offering such products for sale at low prices on the installment plan;

(3) Representing that said products are natural granite, or that said products are of permanent nature;

(4) Representing that the weight of any of said monuments is greater than the actual weight of such monument;

(5) Using cuts, drawings or picturizations of monuments to show the size, color, nature or quality of respondent's products which do not accurately reflect the actual size, color, nature or quality of the monuments so illustrated.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6702; Filed, September 5, 1941; 1:32 p. m.]

[1] 6 F.R. 2115.

[Docket No. 3441]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SCHNECK-WAYNE COMPANY, INC., ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of respondents' clocks, watches, fountain pens, electrical appliances, radios, traveling bags, blankets, silverware, or any other merchandise, (1) supplying, etc., others with any merchandise, together with push or pull cards, punch boards or any other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public; (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing respondents' merchandise or any other merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schneck-Wayne Company, Inc., et al., Docket 3441, August 21, 1941]

In the Matter of Schneck-Wayne Company, Inc., and Gustave B. Wayne and Frank J. Schneck, Individually and as Officers of the Schneck-Wayne Company, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint (no testimony or other evidence having been offered by respondents), report of the trial examiner upon the evidence, and brief of counsel for the Commission (no brief having been filed by respondents and oral argument not having been re-

[1] 4 F.R. 1899.

quested); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Schneck-Wayne Company, Inc., a corporation, its officers, and Gustave B. Wayne and Frank J. Schneck, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their clocks, watches, fountain pens, electrical appliances, radios, traveling bags, blankets, silverware, or any other merchandise, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards or any other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public.

(2) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing respondents' merchandise or any other merchandise to the public.

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6745; Filed, September 8, 1941; 11:50 a. m.]

[Docket No. 3818]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ACME STEEL COMPANY

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, leasing, selling, or making any contract for the sale thereof on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any strapping other than that acquired from respondent, or from any other source designated by respondent, prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Cease and desist order, Acme Steel Company, Docket 3818, August 20, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation as to the facts entered into between the respondent and W. T. Kelley, Chief Counsel for the Commission, which provided, among other things, that a certain statement of facts stipulated to in the Commission's proceeding against Signode Steel Strapping Company (Docket No. 3688), may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of that certain act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondent, Acme Steel Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Leasing, selling, or making any contract for the sale of, respondent's machines, appliances or tools on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any strapping other than that acquired from respondent, or from any other source designated by respondent.

It is further ordered, That said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6746; Filed, September 8, 1941; 11:50 a. m.]

[Docket No. 4178]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF INLAID OPTICAL CORPORATION

§ 3.69 (b) 16) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported product or parts as domestic.* In connection with offer, etc., in commerce, of lenses and eyeglasses, including reading glasses and sunglasses, and other similar products, (1) advertising, offering for sale or selling lenses or eyeglasses, including reading glasses and sunglasses, or other similar products, which are manufactured in whole or in part in Japan or any other foreign country, without clearly disclosing the foreign origin of such products; and (2) representing in any manner whatsoever that respondent's products are made in the United States when in fact such products are manufactured in whole or in part in Japan or any other foreign country; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Inlaid Optical Corporation, Docket 4178, August 21, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before Lewis C. Russell, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner thereon and brief filed in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Inlaid Optical Corporation, a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of lenses and eyeglasses, including reading glasses and sunglasses, and other similar products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Advertising, offering for sale or selling lenses or eyeglasses, including reading glasses and sunglasses, or other similar products, which are manufactured in whole or in part in Japan or any other foreign country, without clearly disclosing the foreign origin of such products;

(2) Representing in any manner whatsoever that respondent's products are made in the United States when in fact such products are manufactured in whole or in part in Japan or any other foreign country.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6747; Filed, September 8, 1941; 11:50 a. m.]

[1] 5 F.R. 4184.

[Docket No. 4339]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MONARCH PRINTERS AND BINDERS

§ 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* In connection with offer, etc., in commerce, of sales promotion cards and other articles of merchandise, (1) selling, etc., sales promotion cards or any other articles of merchandise so designed that their use by retail merchants constitutes, or may constitute, the operation of a game of chance, gift enterprise, or lottery scheme; and (2) supplying, etc., others with sales promotion cards or sales promotion plans or schemes, or any other articles of merchandise which are, or may be, used, without alteration or rearrangement, to conduct a lottery, game of chance, or gift enterprise when distributed to the consuming public; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Monarch Printers and Binders, Docket 4339, August 20, 1941]

§ 3.6 (a) 22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Publisher and printer:* § 3.96 (b) 5) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with offer, etc., in commerce, of sales promotion cards and other articles of merchandise, using the words "Printers" or "Binders" or any other words of similar import or meaning in respondents' trade name or representing through any other means or device, or in any manner, that the respondents are printers and binders unless and until they actually own and operate or directly and absolutely control a plant for the printing and binding of sales promotion cards and other merchandise sold and distributed by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Monarch Printers and Binders, Docket 4339, August 20, 1941]

In the Matter of Ora R. Yates and Charles W. Miller, Individually and Trading as Monarch Printers and Binders

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission on the complaint of the Commission, answer of the respondents, testimony and other evidence before W. W. Sheppard, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and brief filed in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Ora R. Yates and Charles W. Miller, individuals trading as Monarch Printers and Binders or under any other trade name, and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of sales promotion cards and other articles of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling and distributing sales promotion cards or any other articles of merchandise so designed that their use by retail merchants constitutes, or may constitute, the operation of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying or placing in the hands of others, sales promotion cards or sales promotion plans or schemes, or any other articles of merchandise which are used, or which may be used, without alteration or rearrangement, to conduct a lottery, game of chance, or gift enterprise when distributed to the consuming public;

(3) Using the words "Printers" or "Binders" or any other words of similar import or meaning in respondents' trade name or representing through any other means or device, or in any manner, that the respondents are printers and binders unless and until the respondents actually own and operate or directly and absolutely control a plant for the printing and binding of sales promotion cards and other merchandise sold and distributed by them.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6748; Filed, September 8, 1941; 11:51 a. m.]

[1] 6 F.R. 577.

[Docket No. 4540]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SPANGLER CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy or any other mechandise, (1) selling, etc., any merchandise so packed and assembled that sales thereof are to be, or may be, made by means of a lottery, gaming device or gift enterprise; (2) supplying, etc., others with assortments of any merchandise together with push or pull cards, punch boards or other devices which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (3) supplying, etc., others with push or pull cards, punch boards or other devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said candy or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spangler Candy Company, Docket 4540, August 20, 1941]

In the Matter of Arthur G. Spangler, Ernest D. Spangler and Mrs. Faie Spangler, Individually and as Copartners Trading Under the Name of Spangler Candy Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of August, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having duly made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Arthur G. Spangler, Ernest D. Spangler and Mrs. Faie Spangler, individually and as copartners trading under the name of Spangler Candy Company, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade

Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed and assembled that sales thereof are to be made or may be made by means of a lottery, gaming device or gift enterprise;

(2) Supplying to or placing in the hands of others assortments of any merchandise together with push or pull cards, punchboards or other device which said push or pull cards, punchboards or other devices are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(3) Supplying to or placing in the hands of others, push or pull cards, punch boards or other devices either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other devices are to be used or may be used in selling or distributing said candy or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(4) Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-6749; Filed, September 8, 1941; 11:51 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1008]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COAL PRODUCED AT THE SUPREME MINE (MINE INDEX NO. 140) OF THE SUPREME COAL CORPORATION IN THE BRAZIL-CLINTON SUBDISTRICT IN DISTRICT NO. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coal produced at the Supreme Mine (Mine Index No. 140) of the Supreme Coal Corporation in the Brazil-Clinton Subdistrict in District No. 11; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 22, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Code member	Mine	Seam	Subdistrict	Freight origin group	Price group
140	Supreme Coal Corporation	Supreme	B	BC	33	15

Mine Index No. 140 shall be included in Price Group 15 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 15 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck. On account of differences in freight rates, Mine Index No. 140 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 33 having the same freight rate.

§ 331.10 *Special prices; railroad locomotive fuel*—Supplement R–II

Mine index No.	Code member	Mine	Seam	Subdistrict	Freight origin group	Price group
140	Supreme Coal Corporation	Supreme	B	BC	33	15

Mine Index No. 140 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 7, 8, 16, 42, 55, 74, 82, 83, 84, 89, 98, 121, 748 in § 331.10 in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck.

[F. R. Doc. 41-6688; Filed, September 5, 1941; 10:51 a. m.]

[Docket No. A-748]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF IN THE MATTER OF DISTRICT BOARD NO. 15 FOR REVISION OF THE SCHEDULE OF EFFCTIVE MINIMUM PRICES FOR DISTRICT NO. 15, FOR ALL SHIPMENTS EXCEPT TRUCK, AS TO SALES OF RAILROAD LOCOMOTIVE FUEL

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 15 requesting the revision of the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck by amending the Exception applicable to Production Group No. 1 in the Railroad Locomotive Fuel Schedule—Part 3;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The party to this proceeding having waived the preparation and filing of an Examiner's report, and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That § 335.8 (*Special prices*—(b) *Railroad locomotive fuel*) in the Schedule of Effective Minimum Prices for District No. 15, for All Shipments Except Truck be, and it hereby is amended by deleting from the Railroad Locomotive Fuel Schedule thereof the Exception applicable to Production Group No. 1 and inserting in lieu thereof the following Exception:

The actual switching charges not to exceed $6.93 per car may be absorbed from the above prices. On shipments from Mine No. 15 (Mine Index No. 109) and Mine No. 18 (Mine Index No. 158) of the Pittsburg & Midway Coal Mining Company to the Atchison, Topeka & Santa Fe Railway Company, the actual division of revenue applicable via the nearest junction may be absorbed not to exceed $6.93 per car.

It is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent set forth above.

Dated: September 6, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6735; Filed, September 8, 1941; 10:34 a. m.]

[Docket No. A-262]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 16 FOR REVISION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED IN SUBDISTRICT NO. 12 OF DISTRICT NO. 16 FOR TRUCK SHIPMENT

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, by District Board 16, seeking modifications in the effective minimum prices for all mines (truck) in Subdistrict 12 (LaSalle) of District 16, by reducing the prices by 20 cents per ton for Size Groups 1 to 6, and 11; 15 cents for Size Group 8; 45 cents for Size Group 9; 30 cents for Size Group 10; and, 10 cents for Size Group 12;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, in Denver, Colorado; the parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law in this matter, and having rendered an opinion, which are filed herewith:

It is ordered That § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District 16 For All Shipments be, and the same hereby is, amended as follows: Commencing forthwith the effective minimum prices for the coals of all mines in Subdistrict 12 (LaSalle) in District 16, for shipment by truck, are established, as follows:

Size group	1	2	3	4	5	6
Price	$3.50	$3.00	$3.00	$3.50	$3.00	$2.80
Size group	8	9	10	11	12	13
Price	$2.35	$1.30	$1.30	$1.30	$1.30	$2.40

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6736; Filed, September 8, 1941; 10:34 a. m.]

[Docket No. A-318]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 16 FOR THE ESTABLISHMENT OF PRICES FOR CERTAIN COALS NOT HERETOFORE CLASSIFIED

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District No. 16, seeking the establishment of classifications and prices for the coals produced at the Trent Mine (Mine Index No. 140) not heretofore classified and priced;

Temporary relief having been granted pending final determination of this matter;

A hearing having been held before a duly designated examiner of the Bituminous Coal Division at a hearing room of the Division, in Denver, Colorado;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner and the matter having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now therefore it is ordered, That § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District 16 for All Shipments be and it hereby is amended as follows: Commencing forthwith the prices for the coals of the Trent Mine (Mine Index No. 140) of Ralph Robinson (The Trent Coal Company) a truck mine located in Subdistrict 12, shall be those set forth below:

	Size groups											
	1	2	3	4	5	6	8	9	10	11	12	18
Price	350	300	300	350	300	280	235	130	130	130	130	240

and (in § 336.2 (*Code member price index*)) insert the following listing:

Producer	Mine	Mine index No.	County	Subdistrict price group	Truck prices page
Robinson, Ralph (Trent Coal Co., The)	Trent	140	Weld	12	9

Dated: September 6, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6734; Filed, September 8, 1941; 10:33 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 968—SILK WASTE, SILK NOILS AND GARNETTED OR RECLAIMED SILK FIBER

Amendment to General Preference Order No. M–26[1] *to Conserve the Supply and Direct the Distribution of Silk Waste, Silk Noils, and Garnetted or Reclaimed Silk Fiber*

Section 968.1, paragraph (a) (1) is hereby amended to read as follows:

§ 968.1 *General preference order*—(a) *Definitions.*

* * * * *

(1) "Defense Order" means:

(i) Any contract or order for material or equipment delivered to, or for the account of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the gov-

[1] 6 F.R. 4007.

ernment of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A-10 or higher.

(iv) Any contract or order for material or equipment required by the Person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (1), (2) or (3) above.

Section 968.1, paragraph (b) is hereby amended to read as follows:

(b) *Deliveries.* Deliveries of silk waste, silk noils, or garnetted or reclaimed silk fiber may hereafter be made without restriction.

Section 968.1, Paragraph (c) is hereby amended to read as follows:

(c) *Restrictions on processing.* Silk waste, silk noils, or garnetted or reclaimed silk fiber may be partially processed by dressing and spreading the same; but no person shall further process any such silk waste, silk noils, or garnetted or reclaimed silk fiber by carding, combing or otherwise treating the same, (except for the purpose of filling a defense order) as herein defined, unless specifically authorized by the Director of Priorities. Each person so dressing and spreading silk waste, silk noils, or garnetted or reclaimed silk fiber shall keep and preserve accurate and complete records showing the number of pounds thereof so partially processed, and shall execute and file with the Office of Production Management such reports and questionnaires as said Office may from time to time request. No reports or questionnaires are to be filed by any such person until forms therefor are prescribed by the Office of Production Management.

(d) This Order shall take effect immediately.

Issued this 5th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6704; Filed, September 5, 1941; 3:06 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Amendments to Price Schedule No. 8]

PART 1308—SCRAP AND SECONDARY MATERIALS CONTAINING NICKEL

Sections 1308.9, 1308.10 and 1308.11 of Price Schedule No. 8[1] are hereby amended to read as follows:

§ 1308.9 *Definitions.* When used in this Schedule, the term

(a) "Person" includes an individual, partnership, association, corporation or other business entity.

(b) "Maker" of the scrap materials set forth in Appendix A, paragraph (a), of this Schedule means the person who first sells, offers for sale, or delivers such scrap materials such as (1) any manufacturer or fabricator, who, as an incident to his manufacturing process, fabricating or other industrial uses, produces such scrap materials, or (2) any person who, in his business or as an incident to his business, demolishes or dismantles structures, machinery, vehicles or equipment and removes such scrap materials therefrom for the purpose of sale. (Executive Order No. 8734)

§ 1308.10 *Appendix A — Maximum prices for pure nickel scrap, monel metal scrap, nickel steel scrap, stainless steel scrap, and other scrap materials containing nickel.*

INTRODUCTORY

Maximum prices herein established are for the principal kinds or grades of the scrap materials. All other kinds or grades, which are not specified, should be sold at their normal differentials from such principal kinds or grades. Moreover, the maximum prices are established for scrap which meets generally accepted maximum standards in the trade—as, for instance, the Standard Classification for Old Metals of the National Association of Waste Material Dealers, Inc., contained in its Circular O, effective as of June 1, 1940. Scrap which fails to meet such standards should be sold at their normal differentials *below* the established maximum prices.

(a) *Pure nickel scrap, ferro-nickel-chrome-iron scrap, ferro-nickel-iron scrap, monel metal scrap and cupro-nickel alloy scrap.* The maximum prices established for the kinds and grades of scrap materials set forth in this paragraph, apply on sales of scrap, unsuitable and unprepared for industrial consumption. A converter of such scrap materials, as hereinafter defined, may receive, in addition to the maximum prices set forth below, a stated maximum premium for scrap which he has converted. A "converter" of such scrap materials is defined for the purposes of this Price Schedule, as any person, other than a maker of such scrap materials, who:

(1) Sells scrap directly to a consumer thereof; and,

(2) By chemical test or assay, determines the metal constituents of the scrap; and,

(3) On that basis, sorts, grades, treats, packages or briquettes by power press, and otherwise prepares, the scrap, making it suitable for direct industrial consumption; and

(4) Guarantees the delivery of scrap in an agreed amount and analysis.

Unless such person satisfies the four criteria, set forth above, he may not receive a converter's premium. His scrap must not be sold at a price higher than the maximum prices set forth below.

Furthermore, a converter or any other person may receive, in addition to the maximum prices set forth below, a premium of a stated maximum amount on shipments of a specified quanity of material.

Kind or grade of scrap material	*Price, f. o. b. point of shipment*
PURE NICKEL SCRAP	
Containing 98% or more nickel and not more than ½% copper.	26¢ per pound of material.
Containing 90% up to 98% nickel.	26¢ per pound of nickel contained; no payment for any other metals contained.
Converter's Premium	2¢ per pound of material.
Premium on shipments of 2,000 pounds or more of material at one time.	½¢ per pound of material.
FERRO-NICKEL-CHROME-IRON SCRAP	
Containing 20% up to 90% nickel.	26½¢ per pound of nickel contained; 8¢ per pound of chrome contained; no payment for any other metals contained.
Converter's Premium	1½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of material at one time.	½¢ per pound of material.
FERRO-NICKEL-IRON SCRAP	
Containing 14% up to 90% nickel and no chrome.	26½¢ per pound of nickel contained; no payment for any other metals contained.
Converter's Premium	1½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of material at one time.	½¢ per pound of material.
MONEL METAL SCRAP	
New Monel Metal Clippings.	20¢ per pound of material.
Soldered Monel Metal Sheet.	18¢ per pound of material.
No. 1 Grade Monel Castings and Turnings.	
Containing a minimum of 60% nickel, 30% copper, and not more than 3% free iron, clean and dry.	15¢ per pound of material.
Converter's Premium	2¢ per pound of material.
Premium on shipments of 20,000 pounds or more of material at one time.	½¢ per pound of material.
CUPRO-NICKEL ALLOY SCRAP	
Containing 90% or more combined nickel and copper.	26¢ per pound of nickel contained; 8¢ per pound of copper contained; no payment for any other metals contained.
CUPRO-NICKEL ALLOY SCRAP—CON.	
Containing less than 90% combined nickel and copper.	26¢ per pound of nickel contained; no payment for any other metals contained.
Converter's Premium	2¢ per pound of material.
Premium on shipments of 20,000 pounds or more of material at one time.	½¢ per pound of material.

(b) *Stainless steel scrap and nickel steel scrap.* In the event that a consumer of stainless steel scrap or nickel steel scrap shall employ an agent or broker to purchase such scrap for the consumer's use, the consumer may pay the agent or broker for such scrap a sum not exceeding the applicable maximum price set forth below *plus* a commission, in the case of stainless steel scrap, of not more than 5% of such maximum price, *excluding* the $10 premium for briquetting, and in the case of nickel steel scrap, of not more than $1 per gross ton.[1] The commission shall be payable only if (1) the agent or broker guarantees the quality and delivery of an agreed tonnage of the scrap; (2) the commission is shown as a separate charge in invoicing and billing; and (3) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the scrap.

Kind or grade of scrap material	Sheets, clippings, and solids [1]	Turnings and borings [1]
STAINLESS STEEL SCRAP		
18% CHROME-8% NICKEL TYPE		
Containing 16%-20% chrome and 7%-10% nickel. *All other grades or types of chrome-nickel stainless steel scrap.*	$90 per gross ton [2]	$60 per gross ton.[2]
	28¢ per pound of nickel contained; 9½¢ per pound of chrome contained; no payment for any other metals contained.	$30 per gross ton *less* than the applicable maximum price for sheets, clippings and solids.[2]

[1] Price, f. o. b. point of shipment.
[2] Effective September 8, 1941.

The maximum prices set forth above apply on shipments of chrome-nickel type stainless steel scrap in carload lots. On shipments of such scrap in less than carload lots the applicable maximum price shall be $10 per gross ton less than the applicable maximum price on carload lot shipments.[2] The minimum quantity making up a carload lot for the purposes of this Schedule shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination. Such quantity may be made up of any kind or grade of stainless steel scrap, including both the chrome-nickel and the straight-chrome types. If delivery is made by truck, a carload lot shipment will be considered to have been made, for the purposes of this Schedule, if the minimum quantity making up the carload lot is delivered to the buyer within two days after the first shipment of the lot is picked up by truck.

[1] The maximum commission of $1 per gross ton in the case of nickel steel scrap shall become effective September 8, 1941.

Kind or grade of scrap material	Sheets, clippings and solids [1]	Turnings and borings [1]
STRAIGHT-CHROME TYPE		
Containing 12%-14% chrome.	$35 per gross ton.	$30 per gross ton.[2]
Containing 14%-18% chrome.	$40 per gross ton.	$35 per gross ton.[2]
Containing over 18% chrome.	$40 per gross ton plus 6½¢ per pound for each pound of chrome in excess of 18%.[2]	$5 per gross ton *less* than the applicable maximum price for sheets, clippings and solids.[2]

[1] Price, f. o. b. point of shipment.
[2] Effective September 8, 1941.

A maximum of $10 per gross ton may be added to the maximum prices set forth above for sales of stainless steel scrap, both chrome-nickel and straight-chrome types, in the form of power-compressed briquettes (not bundles or bales) which are *suitable* without further preparation for direct charging into an electric furnace. There is no requirement that the briquette actually be charged into an electric furnace; it must merely be suitable for such charging even though it may be charged into another type furnace.

NICKEL STEEL SCRAP

The maximum price at which a grade of steel scrap containing less than 1% of nickel may be sold to a consumer shall be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised.

The maximum price at which a grade of steel scrap containing 1% or more nickel may be sold to a consumer shall be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised, *plus* $1.00 per gross ton for each ¼ of 1% of nickel content.[2] (Executive Order No. 8734)

§ 1308.11 *Appendix B—Maximum prices for secondary monel metal ingot, secondary monel metal shot, and secondary copper-nickel shot.*

Kind or grade of secondary material:	*Price, cents per pound, f. o. b. point of shipment*
Monel Ingot	27
Money Shot	27
Copper-nickel shot containing 48% to 52% Nickel and 52% to 48% copper and not more than ½% foreign materials	25½

[2] The formula shall be applied in accordance with the following table:

1% up to 1.25% nickel content	+$4,
1.25% up to 1.50% nickel content	+$5,
1.50% up to 1.75% nickel content	+$6,
1.75% up to 2.00% nickel content	+$7,
2.00% up to 2.25% nickel content	+$8, etc.

The maximum prices set forth above apply if secondary monel ingot or shot, or secondary copper-nickel shot is sold, shipped, delivered, or carried away, in lots of 30,000 pounds or more; if sold *and* shipped, delivered, or carried away in lots of:

	Cents per pound may be added to such prices
10,000 up to 30,000 pounds	½
2,000 up to 10,000 pounds	1
1,000 up to 2,000 pounds	1½
500 up to 1,000 pounds	2
100 up to 500 pounds	2½
100 pounds	3½

(Executive Order No. 8734.)

Issued this 5th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6713; Filed, September 6, 1941; 11:24 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS [1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Gulf of Mexico, in an area between Anclote Keys and Cedar Keys, Florida, comprising an aerial gunnery target range for army aircraft.

§ 204.88a *Waters of Gulf of Mexico; U. S. Army Air Corps, Aerial Gunnery Target Range between Anclote Keys and Cedar Keys, Fla.*

DANGER ZONE

(a) The target range forms a parallelogram about 40 miles wide extending 60 miles along the west coast of Florida with its eastern boundary marked by a line between Anclote Keys Light and Seahorse Reef Light. The geographic positions locating the corners of the range are as follows:

	Latitude N.	*Longitude W.*
NE corner	28°59′	83°10′
NW corner	28°59′	83°50′
SW corner	28°10′	83°31′
SE corner	28°10′	82°51′

REGULATIONS

(b) (1) The fact that aerial target practice is to take place over this designated area shall be advertised to the public through the usual media for the dissemination of information. Inasmuch as such practice is likely to be engaged in throughout the year without regard to season, such advertising of firing shall be repeated at frequent intervals which shall not exceed three months and which shall be more frequent when, in the opinion of the Commanding Officer responsible for the use of the range, such

[1] § 204.88a is added.

frequent repetition is necessary in the interests of public safety.

(2) Prior to the conducting of each target practice the area shall be patrolled by Army Aircraft to insure that no watercraft are within the dangerous area and any such watercraft seen in the vicinity shall be warned by means of signals that target practice is about to take place. The patrol aircraft shall employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(3) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall, until the conclusion of the practice, remain at such a distance that it will be safe from falling projectiles.

(4) The foregoing regulations shall not deny access to or egress from harbors contiguous to this danger area in the case of regular cargo-carrying vessels proceeding to or from such harbors. In case of the presence of any such vessel in the danger area the officer in charge shall cause the cessation or postponement of fire until the vessel shall have cleared the part of the area in which it might be endangered by falling projectiles. The vessel shall proceed on its normal course and shall not delay its progress unnecessarily.

(5) All aircraft and watercraft shall be presumed to know their whereabouts by distances and directions from land marks or other topographical features along the shore.

(6) These regulations shall be enforced by the Commanding Officer, MacDill Field, Florida, and such agencies as he may designate. (Sec. 7, River and Harbor Act, Aug 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Aug. 26, 1941 (E.D. 7195 (Mexico, Gulf of)—17/5)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-6720; Filed, September 8, 1941; 9:22 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SCIENTIFIC INDUSTRIAL AND LABORATORY INSTRUMENTS INDUSTRY, SURGICAL INSTRUMENTS AND APPARATUS INDUSTRY, AND DENTAL GOODS AND EQUIPMENT MANUFACTURING INDUSTRY

These matters are before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

At my direction the Public Contracts Board, created in accordance with the provisions of Section 4 of said Act by Administrative Order dated October 6, 1936, held public hearings in the matters of the prevailing minimum wages in the above named industries. Each industry was the subject of a separate hearing. Notice of the hearings in each case was sent to all members of the industry as listed in recognized commercial registers, to interested labor organizations, trade associations, and all other known interested parties. Invitation to attend the hearings was also extended through the national press and by publication in the FEDERAL REGISTER (4 F.R. 4810; 5 F.R. 333; 5 F.R. 2640).

On the basis of the evidence presented at the hearings, the Board made and submitted its findings and recommendations, severally as to each industry, which were circularized by the Administrator of the Division of Public Contracts to afford interested parties an opportunity to register objection or approval before a decision was made by me.

Having been until now the subject of separate hearings and proceedings, the three industries are being consolidated as a group for the purposes of this determination, primarily because of the relationship of their products and the similarity of their wage structures as revealed by the evidence of record, including the testimony and exhibits introduced at the hearings, the findings and recommendations of the Public Contracts Board, and the communications and briefs received in response to the notices circularizing the Board's findings and recommendations. This determination otherwise is intended to preserve the identities of the respective industries.

Scientific Industrial and Laboratory Instruments Industry

The Public Contracts Board has found, and it so appears from the record, that a substantial number of workers in the low wage category of this industry perform relatively simple repetitive tasks and that there is uniformity in the minimum wage structure of the industry throughout the United States, with the first significant concentration appearing at 40 cents an hour.

Since the findings and recommendations of the Board were circularized, representatives of the industry have made a showing of the necessity for permitting the employment of learners, in a number not to exceed 10 percent of the factory payroll, for a period of sixty days at not less than 35 cents an hour. Accordingly, and the Board having so recommended, provision for the employment of learners within the limitations mentioned is hereinafter made, as well as for the employment of apprentices at wages below the determined minimum wage for the industry, if their employment conforms to the standards of the Federal Committee on Apprenticeship.

Surgical Instruments and Apparatus Industry

Objections have been filed by representatives of both industry and labor to the findings and recommendations of the Board as circularized by the Administrator of the Division of Public Contracts. The Wholesale Surgical Trade Association, representative of the industry, objected to the Board's finding of 40 cents per hour as the prevailing minimum wage in the industry and contended that the wage data on which the Board based its finding justify a finding of no more than 35 cents an hour.

An analysis of the testimony given at the hearing by representatives of individual members of the industry indicates quite clearly that the larger number of employees receiving below 40 cents an hour are employed in occupations which receive over 40 cents an hour after the expiration of a learning period. Undoubtedly in recognition of this fact and of the need for special consideration for learners, following receipt of the objections filed by the Association, the Board modified its previous recommendation to the extent of suggesting provision for a learner tolerance in the same terms as in the case of the Scientific Industrial and Laboratory Instruments Industry.

The objections filed on behalf of labor at the outset presupposes that the scope of the industry under consideration includes orthopedic appliances, such as trusses and elastic belts, the production of which is said to require a minimum of skilled labor and mostly unskilled labor at relatively low wage rates. The objections then proceed to point out why such appliances should be considered separately and to seek protection for the highly skilled workers employed in the production of surgical instruments.

At no time in the course of the proceeding in this matter has it been the intention to include orthopedic appliances, although use of the term "appliances" in the notice of hearing and subsequent publications might well have given cause for misunderstanding. The term consequently has been deleted from the title of the industry and the appliances in question specifically excluded from the coverage of this determination.

In regard to a determination of a minimum wage rate for the industry's skilled employees my determinations under the Walsh-Healey Public Contracts Act have been limited to consideration of the basic minimum wage prevailing in a given industry in the locality in which the contract materials and supplies are to be manufactured or furnished.

Upon the evidence, and it appearing that there are no substantial variations in the wage level of the industry throughout the country, I concur in and adopt the recommendations of the Board as modified.

Dental Goods and Equipment Manufacturing Industry

Taking into account the wage differential existing in the manufacture of consumable and durable goods, both of which are embraced in the definition of the industry for the purposes of this proceeding, the Board has recommended that the prevailing minimum wage for the manufacture of durable goods be determined at 40 cents per hour and for the manufacture of consumable goods at 35 cents per hour.

Two representatives of labor have filed responses to the recommendations of the Board. One urges that there should be separate minima determined for men and women, of from 50 to 55 cents per hour for the former, and from 35 to 40 cents for the latter. The determination of the prevailing minimum wage for a given industry has not been interpreted as permitting consideration of the distinction in sex of the workers engaged in the industry, any more than it does consideration of the wage rates paid to skilled employees as distinguished from unskilled or the minimum wage workers in the industry. The request for the sex differential might be prompted by the fact that higher percentages of female workers are employed by manufacturers of consumable goods, and what is actually sought is the determination of a higher rate for employees of durable goods manufacturers. This, of course, requires a review of the wage data included in the record for justification of the higher rate. The other representative of labor definitely protested the Board's finding of 40 cents for the durable goods branch of the industry as too low.

In consideration of the wage data of record for this industry, and in consideration of the overlapping aspects of the three industries named herein, I have come to the conclusion that the prevailing minimum wage for durable dental goods should be determined at the same level as for the two industries hereinbefore considered, including the provision for learners. A study of the wage data warrants the further conclusion that local variations in wage structure throughout the Dental Goods and Equipment Manufacturing Industry are of insufficient weight to destroy the general uniformity of the lower levels of the wage structure of the industry as a whole.

Upon consideration of all the facts and circumstances, I hereby determine:

§ 202.39 *Scientific industrial and laboratory instruments, surgical instruments and apparatus, and dental goods and equipment manufacturing industries.* (a) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture or furnishing of any one or more of the hereinafter described products of the Scientific Industrial and Laboratory Instruments Industry and of the Surgical Instruments and Apparatus Industry, and for the manufacture or furnishing of any one or more of the hereinafter designated durable products of the Dental Goods and Equipment Manufacturing Industry, shall be 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis: *Provided,* That apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship: *And provided further,* That learners may be employed at the rate of 35 cents an hour or $14.00 per week of forty hours for a period of not to exceed sixty days, if the total number of employees so classified does not exceed 10 percent of the total number of employees in any one establishment in any given pay roll or work week.

(1) *Products of the scientific industrial and laboratory instruments industry.* Instruments and apparatus of the type used in navigation, surveying, engineering, drafting, target detection, fire control, meteorology, laboratories for physical, chemical, clinical, biological, bacteriological, geological, physiological, and psychological teaching, demonstration, research and testing;

Instruments and apparatus for indicating, measuring, recording or controlling the following:

Quantity.	Position.
Quality	Altitude.
Temperature.	Level.
Combustion.	Attitude.
Pressure.	Angle.
Flow.	Direction.
Density.	Distance.
Intensity.	Speed.
Humidity.	Acceleration.
Conductivity.	

Electrically-actuated instruments used to measure physical quantities; and

Optical glass;

But not including:

Instruments and apparatus for measuring or controlling flow or consumption of water, gas, or gasoline, used in the services rendered by public utilities and service stations in indicating consumer consumption;

Instruments and apparatus used on automobiles;

Clocks and watches; and

Machinists' gauges.

(2) *Products of the surgical instruments and apparatus industry.* Instruments and apparatus used in, or in connection with, or in the aid of the practice of medicine and as particularly applied to surgery, such as surgical and diagnostic instruments and apparatus for medical and surgical treatment, including sutures, ligatures, and sterilizers for surgical purposes,

But not including:

Electro-surgical instruments and apparatus in which electricity is the diagnostic, therapeutic or functioning element, such as X-ray, fluoroscope, and high frequency apparatus and equipment, ultra-violet and infra-red ray and other therapeutic and heating lamps, apparatus and equipment;

Orthopedic appliances, such as trusses, braces, supports, splints, artificial limbs, and elastic belts and stockings; and

Surgical dressings.

(3) *Products of the dental goods and equipment manufacturing industry.*

Durable Goods

Hand instruments, including forceps and pliers, broaches and cutting instruments, for dental use.
Dental chairs.
Dental cabinets.
Equipment units.
Dental sterilizers.
Dental gas apparatus.
Dental X-ray equipment.
Dental compressors, engines and lathes.
Dental lights.
Dental laboratory equipment, other than laboratory furniture.

(b) The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture or furnishing of any one or more of the hereinafter designated consumable products of the Dental Goods and Equipment Manufacturing Industry shall be 35 cents an hour or $14.00 per week of forty hours, arrived at either upon a time or piece work basis.

Consumable Goods

Dental gold.
Dental alloy for amalgams.
Dental cement and filling materials.
Teeth, porcelain and gold.
Orthodontic appliances.
Waxes, compounds and investments.
Rubber dental materials.
Denture materials other than rubber.
Burrs, drills, and similar tools for use with handpieces.
Abrasive points, wheels and disks.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after September 23, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: September 8, 1941.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-6739; Filed, September 8, 1941; 11:28 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm-12696; O. I. No. 122]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY, 225 FOURTH AVENUE, NEW YORK, NEW YORK

Contract for: Textiles.
Amount: $8,802,500.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this eleventh day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Textiles for the consideration stated totaling eight million, eight hundred two thousand, five hundred dollars ($8,802,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-02 A 0515-2, the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives P-C-4, P-C-3 and P-C-1.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6721; Filed, September 6, 1941; 9:23 a. m.]

[Contract No. W 6948 qm-12; O. I. No. 9]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: LEEDS, HILL, BARNARD AND JEWETT, 1000 EDISON BUILDING, LOS ANGELES, CALIFORNIA

Amount fixed fee: For Title I, $17,000; for Title II, $7,278.

Estimated cost of construction project: $1,700,000.

Type of construction project: Water Supply System.

Location: Camp San Luis Obispo, California.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8203 PL-29-77 A 0540-12, the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 21st day of May, 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a complete water supply system, including necessary appurtenances, located at or in the vicinity of Camp San Luis Obispo, California.

ART. I-B. *Character and extent of services.* 1. The Architect-Engineer shall perform the following services:

b. Prepare layout plan of the proposed project and obtain approval thereof.

g. When preliminary drawings are approved by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise the drawings and specifications as required by the Contracting Officer.

h. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor.

ART. I-D. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of seventeen thousand and no/100 dollars ($17,000.00) which shall constitute complete compensation under this Title I for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III, Article III-D hereof.

Title II

Upon the satisfactory completion and acceptance of the work and services to be furnished under Title I, the Government, at its option, may elect to have the Architect-Engineer perform the work and services provided under this Title II. Upon such election, the Contracting Officer shall, by a written order, direct the Architect-Engineer to proceed with such work and services. Title II of this contract shall become operative only if and when such an order is issued by the Contracting Officer and received by the Architect-Engineer.

ART. II-A. *Services to be furnished by architect-engineer.* 1. The Architect-Engineer shall perform the following services:

a. Assist the Contracting Officer in obtaining, analyzing and evaluating proposals or bids for a construction contract or contracts based upon the approved drawings and specifications.

c. Supervise the work designed by him to insure the construction of every part of the work in accordance with the approved drawings and specifications referred to in Paragraph "d" of Article I-B above, and within the areas and boundaries designated for the project.

ART. II-C. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of seven thousand two hundred seventy-eight and no/100 dollars ($7,278.00) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III.

Title III

The provisions of this title shall apply to this entire contract, to-wit: to Title I and likewise to Title II, should Title II become operative as provided therein.

ART. III-A. *Services to be performed by architect-engineer.* The Architect-Engineer shall perform the following services:

b. Perform all other architectural and engineering services within the scope of this contract, required by the Contracting Officer.

ART. III-B. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. III-D. *Reimbursement.* In addition to the payment of the fixed fee as specified in Article I-D and Article II-C hereof, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. III-F. *Method of payment.* 1. Payments to the Architect-Engineer are to be made as follows:

b. Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed-fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. III-G. *Drawings and other data to become property of government.* All drawings and specifications are to become the property of the Government.

This contract is authorized by the following laws:

Public No. 611, 76th Congress, Approved June 13, 1940.

Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6722; Filed, September 8, 1941; 9:23 a. m.]

[Change Order No. I—Date June 13, 1941]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: L. E. DIXON COMPANY, LOS ANGELES, CALIFORNIA

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6948, qm-2,[2] Dated October 3, 1940 (Published in the FEDERAL REGISTER August 20, 1941) between the United States of America and L. E. Dixon Company, Los Angeles, California, for the construction of a permanent tent camp at San Luis Obispo, San Luis Obispo, California.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended: Water Supply System, * * * Buildings, appurtenances, etc.

The above will result in a net increase in the estimated Construction Cost and the Construction Contractor's fixed-fee as follows:

Increase the estimated construction cost by	$2,530,462
Total estimated cost including this change order	7,397,075
Total fixed-fee including this change order	249,475
Increase in construction contractor's fixed fee	63,143

Funds are available under Procurement Authority Nos. QM 8204 P 129 3211 A 0540-12 and QM 8694 P 129 3211 A 0540-12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6723; Filed, September 8, 1941; 9:23 a. m.]

[Contract No. W 535 ac-19341]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: NORTH AMERICAN AVIATION, INC. OF KANSAS (GENERAL MOTORS CORPORATION (FISHER BODY DIVISION), MAJOR SUBCONTRACTOR)

Contract[1] for: * * * Airplanes, Engineering Services and Data.
Estimated cost: $120,000,000.00.
Fixed-fee: $6,540,000.00.
Fixed price for engineering services: $900,000.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 298 P 18-30 A 0705.260-2.. $93,103,000.00
AC 34 P 12-30 A 0705-12.... 34,337,000.00

This contract, entered into this 27th day of June, 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government:

Item (1) * * * Airplanes.

Item (2) The Contractor will furnish complete engineering information and service to the extent required by the major subcontractor, which, without limiting same, shall include the furnishing of all necessary drawings, specifications and parts lists including a breakdown list of spare parts, and the rendering of all engineering information, assistance and service required. (All the things called for in this Item 2 to be furnished for the fixed price set out in Article 3 (b). The Contractor represents that North American Aviation, Inc., having its principal office in Inglewood, California, has agreed with it in writing, a copy of which has been supplied to the Contracting Officer, for the benefit of the Government, to furnish to the Contractor the specifications referred to in Item 1 above and the engineering information and service referred to in this Item, to enable the Contractor to comply with the terms of this contract.

ART. 2. *Estimated cost and fixed price.*

Item	Quantity
(1) * * * Airplanes—estimated cost	$120,000,000.00
(2) Fixed price, engineering services (at fixed price of $900,000.00, as set out in Article 3 (b), and not being included in the estimated cost	900,000.00
Total	120,900,000.00

ART. 3. *Consideration.* (a) The Government will pay the Contractor upon satisfactory delivery of all items specified in Item (1) of Article 1 of this contract, subject to reimbursement for costs as outlined in Article 6 hereof, the cost of the work to be done under this contract plus a fixed fee of six million five hundred forty thousand dollars ($6,540,000.00). It is contemplated and hereby agreed that the Contractor will enter into a contract with a major subcontractor, as defined in Article 37 hereof, for the performance of a variable portion of the work in estimated cost to be performed under this contract.

(b) In addition to the payments to be made under paragraph (a) of this Article 3, the Government will pay the Contractor a fixed sum of nine hundred thousand dollars ($900,000.00), for furnishing complete engineering information and service to the extent required by the major subcontractor under Item (2) of Article 1 hereof, it being understood that the engineering service shall include, without limiting same, the furnishing to the major subcontractor of all necessary drawings, specifications and parts lists, including a breakdown list of spare parts, and the rendering and transmission to the major subcontractor of all necessary engineering information, assistance and services without additional compensation therefor.

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor, subject to the provisions of subparagraph (d) of this article, if applicable, for such expenditures made in accordance with Article 3 as may be approved or ratified by the Contracting Officer upon certification to

[1] Approved by the Under Secretary of War June 19, 1941.

[1] Approved by the Under Secretary of War June 30, 1941.
[2] 6 F.R. 4217.

[1] Approved by the Under Secretary of War June 28, 1941

and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials, or other original papers.

(b) *Payment of a fixed fee.* Ninety per centum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, if any, to which the Contractor may be entitled as provided in paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Payment for engineering services.* The sum payable to the Contractor, as set out in subparagraph (b) of Article 3 hereof, for engineering information and engineering service shall be payable to the Contractor in monthly installments.

(d) *Advance payments.* 1. At any time and from time to time after the approval of this contract, the Government, at the request of the Contractor and subject to the approval of the Chief of the Air Corps as to the present need therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed thirty-six million dollars ($36,000,000.00).

2. As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Secretary of War may prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 20. *Fire insurance.* The Contractor agrees, unless and until otherwise directed in writing by the Contracting Officer, to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for costs is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payments or payments in reimbursement of costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 21. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

ART. 28. *Option to change to a fixed price.* After the Contractor has manufactured and delivered a total of * * * airplanes under the terms of this contract, or at such other time as may be mutually agreed upon by the parties hereto, the parties hereto shall, at the written request of either party given to the other, enter into negotiations to determine whether or not it is possible to reach an agreement, on the basis of the experience then available or on the basis of other pertinent knowledge or information, as to a definite fixed price to be paid by the Government to the Contractor for each of the airplanes and spare parts called for under the terms of this contract, in lieu of the cost plus a fixed fee hereinbefore provided for, and in the event that such an agreement be reached and reduced to writing, it shall provide that the fixed price per unit for each model of the airplanes and spare parts herein called for shall apply, not only to units thereafter to be delivered under the terms of this contract, or in the option for spare parts herein reserved for the Government, but shall likewise apply to units theretofore delivered, for which proper adjustment shall be made.

ART. 29. *Option for spare parts.* The Government is granted the right and option at any time within * * * days after the approval of this contract to increase the work to be done, as set out in Article 1 hereof, by providing for the manufacture and delivery to the Government of certain spare parts for the airplanes called for herein in a quantity up to * * * percent of the total estimated cost of the airplanes to be furnished as aforesaid.

ART. 31. *Subcontracts.* (c) It is agreed that the Contractor may purchase from the General Motors Corporation, upon a fixed price basis, the * * * parts required for the manufacture and assembly of the airplanes called for in Article 1 hereof.

ART. 37. *Agreement of major subcontractor.* (a) The Contractor by this Article designates the General Motors Corporation (Fisher Body Division) of Detroit, Michigan, as its major subcontractor, as defined in Article 38 hereof, and agrees that the signing of this contract by the Contracting Officer shall constitute written approval of the designation of such major subcontractor as required by subparagraph (b) of Article 31 hereof.

This contract authorized under the provisions of sec. 1 (a) Act of July 2, 1940, and sec. 2 (a), Act of June 28, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6740; Filed, September 8, 1941; 11:30 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-506]

PETITION OF HACKATHORN & MYERS, A PRODUCER IN DISTRICT NO. 4 FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES

ORDER DENYING FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by Hackathorn & Myers, a Code member producer in District 4 seeking temporary and final orders reducing the effective minimum prices established for coals of petitioner's X-L Mine (Mine Index No. 721) in Size Groups 6, 7 and 8 when such coals are transported by truck into certain cities and towns in the State of Ohio;

A hearing having been held on March 14, 1941, before a duly designated Examiner of the Division at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The parties having waived the preparation and filing of an Examiner's Report; the undersigned made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith.

It is ordered, That the relief requested by the petition of Hackathorn & Myers herein be and it hereby is denied.

Dated: September 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6725; Filed, September 8, 1941; 10:30 a. m.]

[Docket No. A-693]

PETITION OF DISTRICT BOARD NO. 4 FOR ADJUSTMENT OF SEASONAL DISCOUNTS APPLICABLE TO DOMESTIC COALS OF DISTRICT NO. 4 INTO ALL MARKET AREAS INTO WHICH SUCH COALS MOVE

ORDER DENYING RELIEF

A petition having been filed by District Board 4 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting certain relief with respect to seasonal discounts in Districts 4, 7, and 8;

Intervening petitions having been filed by District Boards 1, 2, 3, 6, and 7;

A hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the several petitions filed herein be and they are hereby denied.

Dated: September 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6726; Filed, September 8, 1941; 10:30 a. m.]

[Dockets No. A-721, A-721—Part II]

PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3; AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3

ORDER REOPENING PROCEEDINGS AS TO MINE INDEX NO. 1193; SEVERING PORTION OF DOCKET NO. A-721 RELATING TO MINE INDEX NO. 1193 AND DESIGNATING SAME AS DOCKET NO. A-721—PART II; AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-721—PART II

An original petition, requesting temporary and permanent relief, was duly filed with this Division in Docket No. A-721, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; and

The Director issued an Order in Docket No. A-721 on March 25, 1941, 6 F.R. 1887, granting temporary relief and conditionally providing that such temporary relief should become final sixty (60) days from the date thereof unless the Director should otherwise order, which Order, *Inter alia*, established temporary and conditionally final prices for the Duffey Mine of A. B. Holcomb (Mine Index No. 1193);

On May 8, 1941, Eugene L. Campbell, J. H. Baker, R. C. Catlette, Bruce Wiseman, J. A. Neal, Lee Matheny, T. C. O'Dell and F. C. Perkins, code members in District No. 3, filed with the Division a petition alleging that they were dissatisfied with the minimum prices for truck shipments provided by the aforesaid Order for coals produced at the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb and requesting a hearing with respect thereto.

As more than sixty (60) days have elapsed since the entry of the Order of the Director granting temporary and conditionally final relief herein, the minimum prices established by the Order of March 25, 1941, 6 F.R. 1887, for the coals of the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, for truck shipment, have become final. However, it appearing that good cause has been shown for the reopening of this proceeding and for a hearing with respect to revision of the minimum prices for truck shipment of the coals produced at the Duffey Mine (Mine Index No. 1193);

Now, therefore, it is ordered, That the portion of Docket No. A-721 relating to Mine Index No. 1193 be severed from the balance of the subject matter thereof and be designated as Docket No. A-721-Part II.

It is further ordered, That the relief heretofore granted in the Order of the Director in Docket No. A-721, dated March 25, 1941, 6 F.R. 1887, for Mine Index No. 1193 shall remain effective pending further proceedings in Docket No. A-721-Part II.

It is further ordered, That a hearing on the prayer for permanent relief in Docket No. A-721-Part II be held, under the applicable provisions of the Act and the Rules and Regulations of the Division, on October 2, 1941, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing shall be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition, or in the petition of Eugene L. Campbell, J. H. Baker, R. C. Catlette, Bruce Wiseman, J. A. Neal, Lee Matheny, T. C. O'Dell, and F. C. Perkins, is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 26, 1941.

All persons are hereby notified that the hearing in the above-entitled matter, and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the revision of the minimum prices established in Docket No. A-721 for coals produced at the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb for truck shipment by raising the minimum price of coals in Size Group 2 from $2.38 to $2.48, in Size Group 5 from $2.03 to $2.23, and in Size Group 7 from $1.73 to $2.03.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6727; Filed, September 8, 1941; 10:30 a. m.]

[Docket Nos. A-906, A-906—Part II]

PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8; AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1 TO 10, INCLUSIVE, OF THE PRINCESS DOROTHY COAL COMPANY, PRINCESS DOROTHY MINE, MINE INDEX 730, OF DISTRICT NO. 8, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER SEVERING PORTION OF DOCKET NO. A-906 RELATING TO THE COALS IN SIZE GROUPS 1 TO 10, INCLUSIVE, PRODUCED AT MINE INDEX NO. 730 FOR ALL SHIPMENTS EXCEPT TRUCK AND DESIGNATING SAME AS DOCKET NO. 906—PART II; ORDER CONTINUING TEMPORARY RELIEF AND TERMINATING CONDITIONALLY FINAL RELIEF HERETOFORE GRANTED AS THE COALS IN SIZE GROUPS 1 TO 10, INCLUSIVE, PRODUCED AT MINE INDEX NO. 730 FOR ALL SHIPMENTS EXCEPT TRUCK; AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-906—PART II

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by District Board 8 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8, including the Princess Dorothy Coal Company, Princess Dorothy Mine, Mine Index No. 730; and

The Director having issued an order in the above-entitled matter on July 9, 1941, 6 F.R. 3640, granting temporary relief and conditionally providing that such temporary relief shall become final sixty (60) days from the date thereof, unless the Director should otherwise order, which order, *inter alia*, established temporary and conditionally final prices for the coals in size groups 1 to 10, inclusive, produced by the Princess Dorothy Coal Company, Princess Dorothy Mine, Mine Index No. 730 for all shipments except truck; and

The Princess Dorothy Coal Company having filed with this Division on August 19, 1941, a petition alleging that it is dissatisfied with the price classifications and minimum prices provided by the aforesaid order for size groups 1 to 10, inclusive, of the coals produced at its Princess Dorothy Mine, Mine Index No. 730, for all shipments except truck, and requesting revision thereof; and

The Director deeming his action, as hereinafter set forth, necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A–906 relating to the coals in size groups 1 to 10, inclusive, produced at Mine Index No. 730 for all shipments except truck be, and it hereby is, severed from the balance of the subject-matter thereof, and designated as Docket No. A–906—Part II.

It is further ordered, That the temporary relief heretofore provided in the order of the Director in Docket No. A–906, dated July 9, 1941, 6 F.R. 3640, for the coals in size groups 1 to 10, inclusive, produced at Mine Index No. 730 for all shipments except truck be, and it hereby is, continued in effect until further order of the Director, but that such temporary relief shall not become final at the expiration of 60 days from July 9, 1941.

It is further ordered, That a hearing on the prayer for temporary and permanent relief in Docket No. A–906—Part II be held, under the applicable provisions of the Act and the rules and regulations of the Division, on October 7, 1941, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On said date the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become parties herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 1, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment of the original petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of said original petition.

The matter concerned herewith is in regard to the reduction of the price classifications and minimum prices established in Docket No. A–906 for the coals produced at the Princess Dorothy Mine, Mine Index No. 730, of the Princess Dorothy Coal Company, a code member producer in District No. 8, for all shipments except truck, by 10 cents as to size groups 1 to 7, inclusive, and by 5 cents as to size groups 8 to 10, inclusive.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6728; Filed, September 8, 1941; 10:31 a. m.]

[Docket No. A–1013]

DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS OF CERTAIN CODE MEMBERS IN SUBDISTRICT NO. 1, AND FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF CODE MEMBERS IN SUBDISTRICT NO. 3, IN DISTRICT NO. 4 FOR RIVER SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the revision of the effective minimum prices for certain coals of certain code members in Subdistrict No. 1 of District No. 4 for river shipment, and for the establishment of minimum prices for the coals of certain code members in subdistrict No. 3 of District No. 4 for river shipment; and, more particularly, for a reduction of 10 cents per net ton in the effective minimum prices for the strip mine coals of code members in Subdistrict No. 1 of District No. 4 for river shipment from mines having river loading facilities; and for the establishment of the effective minimum prices for the deep-mine coals of code members in Subdistrict No. 1 of District No. 4 for such coals of code members in Subdistrict No. 3 of District No. 4, for river shipment from mines having river loading facilities; and for the establishment of minimum prices 10 cents per net ton less than such minimum prices for deep-mine coals of code members in Subdistrict No. 3 of District No. 4 for the strip-mine coals of code members in Subdistrict No. 3 of District No. 4, for river shipment from mines having river loading facilities.

Dated: September 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6729; Filed, September 8, 1941; 10:31 a. m.]

[Docket No. A-1019]

DISTRICT BOARD NO. 4 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES OF THE COALS OF CODE MEMBERS IN SUBDISTRICTS NOS. 3, 4, AND 6 OF DISTRICT NO. 4 FOR ALL SHIPMENTS EXCEPT TRUCK OF OFF-LINE RAILROAD FUEL INTO MARKET AREAS 15, 20, 21, AND 23

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 1, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 25, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the revision of the effective minimum prices of the coals of code members in Subdistricts Nos. 3, 4, and 6 of District No. 4 for all shipments except truck of off-line railroad fuel into Market Areas 15, 20, 21, and 23, and more particularly, for an increase of 10 cents per net ton in the effective minimum prices for such coals.

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6730; Filed, September 8, 1941; 10:32 a. m.]

[Docket No. 1541-FD]

IN THE MATTER OF THE WYATT COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9960, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Director having entered an order in the above-entitled matter dated July 30, 1941 suspending the registration of the defendant, The Wyatt Coal Sales Company, as a distributor, Registration No. 9960, for a period of thirty days from the date of service thereof upon said defendant; and

Said order having been duly served upon said defendant on August 4, 1941; and

The Wyatt Coal Sales Company, defendant herein, having duly filed with the Division on August 29, 1941 an affidavit dated August 28, 1941, pursuant to the provisions of said order dated July 30, 1941 and Section 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Director that said affidavit of The Wyatt Coal Sales Company sufficiently complies with the provisions of said order dated July 30, 1941 and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of The Wyatt Coal Sales Company as a distributor be and it hereby is reinstated.

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6731; Filed, September 8, 1941; 10:32 a. m.]

[Docket No. 1625-FD]

IN THE MATTER OF THE CONSOLIDATED COAL AND STOKER COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1804, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Acting Director having entered an order in the above-entitled matter dated July 11, 1941 suspending the registration of the defendant, the Consolidated Coal and Stoker Company, as a distributor, Registration No. 1804, for a period of thirty days from the date of service thereof upon said defendant; and

Said order having been duly served upon said defendant on July 16, 1941; and

The Consolidated Coal and Stoker Company, defendant herein, having duly filed with the Division on August 28, 1941 an affidavit dated August 26, 1941, pursuant to the provisions of said order dated July 11, 1941 and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Director that said affidavit of the Consolidated Coal and Stoker Company sufficiently complies with the provisions of said order dated July 11, 1941 and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of the Consolidated Coal and Stoker Company as a distributor be and it hereby is reinstated.

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6732; Filed, September 8, 1941; 10:32 a. m.]

[Docket No. 1544-FD]

IN THE MATTER OF COLE FUEL COMPANY, INC., DEFENDANT

ORDER GRANTING APPLICATION FOR REINSTATEMENT OF CODE MEMBERSHIP

A written complaint having been filed on February 6, 1941, by the Bituminous Coal Producers Board for District No. 8, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Cole Fuel Company, Inc., defendant in the above entitled matter, of the Act, the Bituminous Coal Code (the "Code") and the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; and

An order having been made herein on July 22, 1941, by the Acting Director, pursuant to the stipulation of Cole Fuel Company, Inc., and said District Board dated July 16, 1941, cancelling and revoking the code membership of the Cole Fuel Company, Inc., effective five days after the service thereof on Cole Fuel Company, Inc.; and

Said order of cancellation and revocation having been duly served on P. V. Cole, President, on July 26, 1941; and

Cole Fuel Company, Inc., having filed with the Division its application dated August 16, 1941, for reinstatement of code membership to become effective upon the entry of an order by the Division; and

It appearing from said application that Cole Fuel Company, Inc., has paid to the Collector of Internal Revenue at Louisville, Kentucky, the sum of $496.49, pursuant to said order dated July 22, 1941, as a condition precedent to reinstatement of its code membership.

Now, therefore, it is ordered, That said application of Cole Fuel Company, Inc., dated August 16, 1941, for restoration

of its code membership be and it hereby is granted.

Dated: September 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6733; Filed, September 8, 1941; 10:33 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 311]

IN THE MATTER OF L. B. ANDREWS, DOING BUSINESS AS L. B. ANDREWS LIVESTOCK COMMISSION COMPANY ET AL., PETITIONERS

ORDER AND NOTICE OF REOPENING OF PROCEEDING UPON PETITION FOR MODIFICATION

By an order dated October 14, 1937, the Secretary of Agriculture prescribed reasonable rates and charges for selling livestock at the Kansas City Stock Yards, Kansas City, Missouri. On July 30, 1941, the petitioners, members of the Kansas City Live Stock Exchange, doing business at the Kansas City Stock Yards, Kansas City, Missouri, filed a petition seeking a modification of that order so as to permit the petitioners to increase their rates and charges for their services of selling livestock. The reasons alleged by the petitioners for the modification are, in substance, as follows:

1. Improved employment and military training of men has cut into our trained personnel. Higher wages in other industries has depleted our ranks. Low salaries paid in the past are no longer satisfactory to our men. Demands are being made for increased pay due to increased costs of rent and living expenses.

2. We are confronted with increased taxes of every kind, even Social Security levies. Labor and material costs will reflect these ever increasing and unknown factors to an extent that will jeopardize our financial structure.

3. There exists sharp inequalities in the salaries paid by our organization when compared with other industry requiring less skill. There has been a decided improvement in wage incomes in general.

4. Price inflation, increased rents, higher living costs and taxes places undeserved hardships on fixed income employees, such as our non-owner group.

5. We are daily confronted with the competition of country sales rings operating in localities of low expenses. Our rates will no longer afford proper means of meeting such competition and maintaining the high level of service to the producers that the central market must provide. We must maintain ample forces of trained employees to handle the fluctuating volume of business over which we have no control.

6. Ten firms have been selected for the purpose of testing costs. We have endeavored to show costs for the future inasmuch as we have added 10 percent to the salary expense of non-owner employees. No additions have been made for material increases or for taxes.

It appears that an opportunity for a hearing should be afforded to the petitioners and to all other interested persons including the patrons of the petitioners, for the purpose of determining whether the orders heretofore made in this proceeding should be modified.

It is, therefore, ordered That P. & S. Docket No. 311 be reopened for the purpose of affording the petitioners and all other interested persons, including patrons of the petitioners, an opportunity to appear and present such evidence as may be relevant and material to the matters alleged in the petition.

It is further ordered, That all interested persons who desire to be heard shall give notice thereof by filing a petition with the Hearing Clerk of the Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

It is further ordered, That the matter be set down for public hearing before an examiner at a time and place of which due notice shall be given.

It is further ordered, That this order and notice of hearing shall be published in the FEDERAL REGISTER.

It is further ordered, That a copy of this order and notice of hearing shall be served upon the Kansas City Live Stock Exchange by registered mail.

Done at Washington, D. C., this 6th day of September, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6711; Filed, September 6, 1941; 10:47 a. m.]

Commodity Credit Corporation.

PUBLIC ANNOUNCEMENT WITH RESPECT TO THE EXPANSION OF PRODUCTION OF NON-BASIC AGRICULTURAL COMMODITIES

Section 4 of the Act approved July 1, 1941 (Public Law 147—77th Congress) provides as follows:

(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 3 of this Act or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support a price for the producers of any such commodity with respect to which such announcement was made of not less than 85 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, and rice shall be deemed to be non-basic commodities.

Pursuant to the foregoing provisions of law, public announcement is hereby made that I have found it necessary, as a result of the existing emergency, to encourage the expansion of the production of the following commodities: hogs, eggs, evaporated milk, dry skim milk, cheese, and chickens.

In accordance with the provisions of said law, the Department of Agriculture will, through loans, purchases or other operations, support a price for the producers of these commodities of not less than 85 percent of the parity or comparable price therefor during the period ending December 31, 1942.

Done at Washington, D. C., this 29th day of August 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-6741; Filed, September 8, 1941; 11:40 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 8, 1941.

The employment of learners under those Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Athol Paper Box Company, Main Street, Athol, Massachusetts; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Bristol Paper Box Company, Inc., 1305 W. State Street, Bristol, Virginia; Converted Paper Products; Manufacture of assorted set up paper boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Bronstein Candy Company, 1201 Jackson Street, Philadelphia, Pennsylvania; Candy; 5 learners; 4 weeks for any one learner; 25 cents per hour; Candy twister, wrapper and packer; November 18, 1941. (This certificate effective September 9, 1941.)

Casco Paper Box Company, 68 Cross Street, Portland, Maine; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Columbus Paper Box Company, Inc., 344 West Town Street, Columbus, Ohio; Converted Paper Products; Merchandise boxes such as shoes, tablecloth, hardware, bakery, department store; 8 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Cumbow China Decorating Company, Main Street, Abingdon, Virginia; Hand Decoration of China; 5 learners; 4 weeks for any one learner; 25 cents per hour; China decorator; November 17, 1941.

T. James Clarke Box and Label Works, Inc., 38 Charles Street, Jamestown, New York; Converted Paper Products, Paper Drug Boxes; 6 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Davidson Paper Box Company, Concord, North Carolina; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Holeproof Hosiery Company, Roselane Street, Marietta, Georgia; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Lykens Paper Box Company, 641 North Street, Lykens, Pennsylvania; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting, March 7, 1942.

Martinsburg Paper Box Company, Exchange Place, Martinsburg, West Virginia; Converted Paper Products; Set-up Paper Boxes, Box Wrappers; 6 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Musto Brothers, 1312–18 13th Street, North Bergen, New Jersey; Converted Paper Products; Set-up Paper Boxes; 8 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring, and slitting; March 7, 1942.

Pell Paper Box Company, Inc., Water Street, Elizabeth City, North Carolina; Converted Paper Products; Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Quality Paper Box Company, 8 New Street, East Boston, Massachusetts; Converted Paper Products; Set-up Paper Boxes; 5 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Randleman Paper Box Mfg. Company, Inc., Randleman, North Carolina; Converted Paper Products; Set-up Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

The S. G. Redshaw Company, 130 Canal Street, Ansonia, Connecticut; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

The Sheldon Company, 407 E. Pico Street, Los Angeles, California; Bill Folds, Key Cases, Comb Cases, etc.; 1 learner; 6 weeks for any one learner; 26 cents per hour; Table worker; December 15, 1941.

Shetter Paper Box Manufacturing, Howard & Perry, York, Pennsylvania; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Southern Mills, Inc., Senoia, Georgia; Fibre Fabrics Woven from Twisted Paper; 6 learners; 6 weeks for any one learner; 27 cents per hour; Warper, Weaver, Repairer, Finisher; November 3, 1941.

Southern Mills, Inc., Senoia, Georgia; Fibre Fabrics Woven from Twisted Paper; 4 learners; 6 weeks for any one learner; 25 cents per hour; Slitter, Twister, Copper; November 3, 1941.

Stacy Paper Box Company, 1514 Chestnut Avenue, Trenton, New Jersey; Converted Paper Products; Set-up Paper Boxes; 5 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

H. H. Tammen Company, 2669 Larimer Street, Denver, Colorado; Souvenir and Novelties; 5 learners; 4 weeks for any one learner; 25 cents per hour; Decorator, Assembler (on all products except shoes and moccasins and except for workers employed at home); November 17, 1941.

H. H. Tammen Company, 2669 Larimer Street, Denver, Colorado; Souvenir and Novelties; 5 learners; 6 weeks for any one learner; 25 cents per hour; Cutter, Sewing machine operator (on all products except shoes and moccasins and except for workers employed at home); December 15, 1941.

R. Targovnik, 2 West 32nd Street, New York, N. Y.; Umbrella Trimmings; 2 learners; 4 weeks for any one learner; 25 cents per hour; Snap and eyelet machine operator; November 17, 1941.

Taylor Box Company, 73 Eagle Street, Providence, Rhode Island; Converted Paper Products; Set-up Paper Boxes and fancy cloth covered paste board boxes and displays for jewelry; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Thoma Paper Box Company, Inc., 650 Clinton Street, Buffalo, New York; Converted Paper Products; Manufacture of Set-up Paper Boxes; 11 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

The Tropical Paper Box Company, 350 Douglas Road, Coral Gables, Florida; Converted Paper Products; Set-up Paper Boxes; 10 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Wolfsheim and Sachs, Inc., 60 Grosvenor Street, Buffalo, New York; Converted Paper Products; Set-up Paper Boxes; 30 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 7, 1942.

Signed at Washington, D. C., this 8th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6743; Filed, September 8, 1941; 11:47 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 8, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Attman Garment Manufacturing, 1306 Arch Street, Philadelphia, Pennsylvania; Apparel; Dresses, Cotton Bathing Suits, Housecoats; 5 learners (75% of the applicable hourly minimum wage); September 8, 1942.

Besco Shirt Company, 600 Fulton Street, Elizabeth, New Jersey; Apparel; Men's Shirts; 10 percent (75% of the applicable hourly minimum wage); September 8, 1942. (This certificate replaces one issued effective September 17, 1940.)

Clara Bishop, Inc., 7 West 36th Street, New York, New York; Apparel: Corsets & Brassieres; 2 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Classy Form Brassiere Company, Inc., 36 East 31st Street, New York, New York; Apparel; Girdles and Brassieres; 5 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Brewster Shirt Corporation, 1 Franklin Street, New Haven, Connecticut; Apparel; Men's Dress and Sport Shirts; 10 percent (75% of the applicable hourly minimum wage); September 8, 1942. (This certificate replaces one issued effective October 8, 1940.)

Davis Sportswear, Inc., 100 Canal Boulevard, Trenton, New Jersey; Apparel; Jackets and Sportswear; 10 percent (75% of the applicable hourly minimum wage); December 1, 1941.

Essbee Dress Company, 405 Ridge Avenue, Asbury Park, New Jersey; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); September 8, 1942.

Foster Brothers Sportswear, Inc., 21st Street and Hunting Park, Philadelphia, Pennsylvania; Apparel; Men's Sportswear and Women's Beachwear; 75 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Friendly Shirt Company, 304 Morgan Avenue, Brooklyn, New York; Apparel; Men's Shirts; 10 percent (75% of the applicable hourly minimum wage); September 8, 1942.

Gem Undergarment Company, Inc., Slatedale, Pennsylvania; Apparel; Ladies' Undergarments; 10 percent (75% of the applicable hourly minimum wage); September 8, 1942. (This certificate replaces one issued effective March 13, 1941.)

The Gluckin Corporation, Cross Street, Suffern, New York; Apparel; Brassieres; 5 percent (75% of the applicable hourly minimum wage); September 8, 1942. (This certificate replaces one issued for your Orange Avenue Plant effective November 8, 1940.)

Gold Seal Garter Corporation, 29 West 30th Street, New York, New York; Apparel; Girdles, Brassieres; 5 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Gratz Manufacturing Company, Inc., Gratz, Pennsylvania; Apparel; Men's Dress and Sport Shirts; 16 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Iron King Overall Company, 126 West Fayette Street, Baltimore, Maryland; Apparel; Men's Cotton Work Clothing, Overalls, Pants; 15 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Lehigh Sportswear Corporation, 101 W. White Street, Summit Hill, Pennsylvania; Apparel; Washable Service Apparel; 5 percent (75% of the applicable hourly minimum wage); March 13, 1942.

Malouf Manufacturing Company, 146 South West Temple Street, Salt Lake City, Utah; Apparel; Cotton Dresses, Rayon Slips; 10 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Original Novelty Company, 2540 Belmont Avenue, Bronx, New York; Apparel; Infants' & Children's Outerwear; 15 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Panara Brothers, Camden Street, Rockland, Maine; Apparel; Bathrobes; 5 percent (75% of the applicable hourly minimum wage); September 8, 1942.

Pillow Manufacturing Company, Pillow, Pennsylvania; Apparel; Boys' Shirts; 6 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Pullman Wholesale Tailors, 132 South West Temple Street, Salt Lake City, Utah; Apparel; Men's Suits and Overcoats; 16 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Prosterman, Spiesberger Company, 235 West Douglas Avenue, Jacksonville, Illinois; Apparel; Suits, Topcoats, Overcoats; 5 percent (75% of the applicable hourly minimum wage); June 23, 1942.

Shamokin Manufacturing Company, 100 North Rock Street, Shamokin, Pennsylvania; Apparel; Wash Dresses; 53 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Shriner Manufacturing Company, Woodsboro, Maryland; Apparel; Men's Single Pants; 10 learners (75% of the applicable hourly minimum wage); September 8, 1942. (This certificate replaces one issued effective August 11, 1941.)

Silton Brothers, 1128 Washington Avenue, St. Louis, Missouri; Apparel; Leather Jackets; 5 learners (75% of the applicable hourly minimum wage); September 8, 1942.

Topper Undergarment Company, Inc., 63 West 36th Street, New York, New York; Apparel; Junior and Children's Underwear; 4 learners (75% of the applicable hourly minimum wage); January 5, 1942.

United Mills, Inc., Mount Gilead, North Carolina; Apparel; Ladies' Slips; 10 learners (75% of the applicable hourly minimum wage); December 22, 1941.

Weil-Kalter Manufacturing Company, 4th and Cherry Streets, Troy, Missouri; Apparel; Woven Underwear; 10 percent (75% of the applicable hourly minimum wage); September 8, 1942. (This certificate replaces one issued for 5 percent effective November 1, 1940.)

White Swan Uniforms, Inc., New Milford, Connecticut; Apparel; Nurses' and Maids' Uniforms; 5 learners (75% of the applicable hourly minimum wage); September 8, 1942.

White Swan Uniforms, Highland, New York; Apparel; Nurses' and Maids' Uniforms; 5 learners (75% of the applicable hourly minimum wage); September 8, 1942.

Whitehouse Manufacturing Company, 322 East Colfax Avenue, South Bend,

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Indiana; Apparel; Washable Service Apparel; 10 percent (75% of the applicable hourly minimum wage); September 8, 1942. (This certificate replaces one issued effective December 2, 1940.)

Williamson-Dickie Manufacturing Company, 509 West Vickery Boulevard, Fort Worth, Texas; Apparel; Pants, Overalls, Coveralls, Work Shirts; 10 percent (75% of the applicable hourly minimum wage); December 22, 1941.

Eagle Glove and Garment Company, Conner Street, Noblesville, Indiana; Gloves; Work Gloves; 7 learners; March 8, 1942.

Louis Meyers and Son, Inc., 8–10 West Pine Street, Gloversville, New York; Gloves; Leather Dress Gloves; 10 learners; March 8, 1942.

H & P Glove Company, 5–11 Fourth Avenue, Johnstown, New York; Gloves; Leather Dress and Knit Fabric Gloves; 2 learners; March 8, 1942.

Cambria Silk Hosiery Company, 176 W. Louden Street, Olney, Philadelphia, Pennsylvania; Hosiery; Full Fashioned Hosiery; 6 learners; March 8, 1942.

Commonwealth Hosiery Mills, Ellerbe, North Carolina; Hosiery; Seamless Hosiery; 15 learners; May 8, 1942.

Southland Hosiery Mills, Inc., 2210 High Point Road, Greensboro, North Carolina; Hosiery; Seamless Hosiery; 25 learners; May 8, 1942.

Chatham Knit-Wear Company, Inc., Main Street, Chatham, Virginia; Knitted Wear; Knitted Outerwear; 5 learners; September 8, 1942.

Perkiomen Knitting Mills, 239 Jefferson Street, East Greenville, Pennsylvania; Knitted Wear; Knitted Underwear; 5 learners; September 8, 1942.

Castile Silk Company, Main Street, Castile, New York; Textile; Silk and Rayon Broad Goods; 8 learners; March 2, 1942.

Criterion Dyeing and Finishing Company, 407 East 91st Street, New York, New York; Textile; Dyeing; 3 learners; January 19, 1942.

Nolan Textile Company, Dalton, Georgia; Textile; Chenille Bedspreads; 2 learners; September 8, 1942.

Selma Manufacturing Company, Selma Street, Selma, Alabama; Textile; Cotton Bags; 3 percent; September 8, 1942.

Statesville Cotton Mills, Statesville, North Carolina; Textile; Cotton Yarns and Pile Fabrics; 3 percent; September 8, 1942.

Union Mills Company, West Monroe, North Carolina; Textile; Cotton Yarns; 3 percent; September 8, 1942.

Signed at Washington, D. C., this 8th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–6744; Filed, September 8, 1941; 11:47 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 7–401 (E)–1, 315]

IN THE MATTER OF THE APPLICATION OF MARQUETTE AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (e) (1) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED; AND IN THE MATTER OF THE APPLICATION OF TRANSCONTINENTAL & WESTERN AIR, INC. UNDER SECTION 408 (b), SECTION 412 (b), AND SECTION 401 (i) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, FOR APPROVAL OF A CONTRACT DATED OCTOBER 6, 1939 ETC.

NOTICE OF ORAL ARGUMENT

Oral argument on the motion of Marquette Airlines, Inc., and John E. McKelvy for entry of an order in the reopened Marquette Airlines, Inc., grandfather proceeding, Docket No. 7–401–E–1, terminating and finally closing said proceeding, and for entry of an order revising the conditions on which the acquisition of Marquette Airlines, Inc., by Transcontinental & Western Air, Inc., Docket No. 315, was approved, so that the said acquisition may be consummated and the escrow agreement therein provided for may be terminated, will be held before the Board on September 10, 1941, at 10:00 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Fourteenth Street and Constitution Avenue, Northwest, Washington, D. C.

Dated: September 4, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–6707; Filed, September 6, 1941; 9:35 a. m.]

[Docket Nos. 277, 383]

IN THE MATTER OF THE APPLICATIONS OF CARIBBEAN-ATLANTIC AIRLINES, INC., AEROVIAS NACIONALES DE PUERTO RICO, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF ORAL ARGUMENT

Oral argument on the petition of Caribbean-Atlantic Airlines, Inc., for reconsideration of the order of the Board dated August 15, 1941, consolidating the applications of Caribbean-Atlantic Airlines, Inc., Docket No. 277, and Aerovias Nacionales de Puerto Rico, Inc., Docket No. 383, into one proceeding will be held before the Board on September 11, 1941, at 10:00 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Fourteenth Street and Constitution Avenue, Northwest, Washington, D. C.

Dated: Washington, D. C., September 4, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–6708; Filed, September 6, 1941; 9:35 a. m.]

[Docket No. 59–401–E–1]

IN THE MATTER OF THE CESSATION OF EFFECTIVENESS OF THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF TRI-STATE AVIATION CORPORATION

NOTICE OF HEARING

Public hearing on the above-entitled proceeding, being an order directing Tri-State Aviation Corporation to show cause why the Board should not direct that its certificate of public convenience and necessity shall cease to be effective with respect to service authorized by such certificate, is hereby assigned for September 24, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 1851, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Frank P. McIntyre.

Dated Washington, D. C., September 5, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–6712; Filed, September 8, 1941; 9:22 a. m.]

[Docket No. 442]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS CO. (DELAWARE) FOR A TEMPORARY CERTIFICATE OF CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

Further hearing in the above-entitled proceeding, being the application of Pan American Airways Company (Delaware), for a temporary certificate of public convenience and necessity authorizing it to engage in the scheduled transportation of persons, property, and mail between the United States and Africa adjourned on Thursday, September 4, 1941, at the request of the War Department, will be held on Monday, September 8, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: Washington, D. C., September 5, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–6719; Filed, September 8, 1941; 9:22 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5685]

IN THE MATTER OF IOWA UNION ELECTRIC COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 5, 1941.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearing in this proceeding;

The Commission *orders* that:

The hearing in this proceeding heretofore set for September 9, 1941, be and it is hereby postponed to commence October 9, 1941, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41–6706; Filed, September 6, 1941; 9:35 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

RESOLUTION OF THE SOCIAL SECURITY BOARD WITH RESPECT TO THE UNEMPLOYMENT COMPENSATION LAW OF THE STATE OF MINNESOTA

Whereas after reasonable notice and opportunity for hearing [1] was provided on the fourth day of August, 1941, to the Division of Employment and Security in the Department of Social Security of the State of Minnesota on the question of whether or not the unemployment compensation law of the State of Minnesota as amended by chapter 554, Minnesota laws of 1941, no longer contains the provisions specified in subsection (a) of section 1602 of the Internal Revenue Code; and

Whereas the Board has considered the evidence adduced at said hearing and such other evidence as was presented to the Board by the State,

Now, therefore, upon the basis of such evidence the Social Security Board hereby finds that the unemployment compensation law of the State of Minnesota as amended by said chapter 554 of the Minnesota laws of 1941, has not been so changed that it no longer contains the provisions specified in subsection (a) of section 1602 of the Internal Revenue Code.

By direction of the Social Security Board.

LEONA V. MACKINNON,
Acting Secretary to the Board.

Dated: August 5, 1941.

[F. R. Doc. 41–6710; Filed, September 6, 1941; 10:28 a. m.]

[1] 6 F.R. 3754.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–380]

IN THE MATTER OF COMMUNITY TRACTION COMPANY AND CITIES SERVICE POWER & LIGHT COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1941.

The above-named persons having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof, and Rules U-42 and U-43 promulgated thereunder, regarding the acquisition by Community Traction Company of not to exceed $2,700,000 principal amount of such Company's First Mortgage Bonds from Cities Service Power & Light Company; and

Said declarations having been filed on August 13, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations pursuant to Rules U-42 and U-43 to become effective and that the date thereof should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations be and hereby are permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–6714; Filed, September 6, 1941; 11:32 a. m.]

[File No. 54–27]

IN THE MATTER OF DERBY GAS & ELECTRIC CORPORATION AND OGDEN CORPORATION

SUPPLEMENTAL FINDINGS AND OPINION AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of September, A. D. 1941.

In our findings and opinion herein [1] we pointed out certain respects in which the plan for corporate simplification filed by Derby Gas & Electric Corporation pursuant to section 11 (e) of the Holding Company Act should be amended in order to conform, in our judgment, to the standards of the Act. Amendments conforming to the requirements set forth in the opinion have since been made.

In view of the extended discussion in our opinion no comprehensive description of the changes made is necessary here. A few comments seem called for. For the purpose of meeting the views which we expressed in our opinion under the caption "G. Accounting Entries", the revised balance sheet filed pursuant to the opinion sets up as a valuation reserve, on the asset side, an item in the amount of $1,358,023, and the balance of the amount referred to in our opinion as "Reserve Available for Revaluation of Investments" is reflected in the revised balance sheet as Capital Surplus in the amount of $464,258. This treatment gives effect in substance to the requirements which our opinion made in this regard, and the reservation of jurisdiction which we stated in the opinion would be applicable with regard to any balance remaining in the "Reserve Available for Revaluation of Investments" will be applicable with regard to such item of capital surplus. However, losses resulting upon sales of assets are ordinarily chargeable to earned surplus rather than capital surplus. Here, if the reserve of $1,358,023 proves insufficient and it is established that the losses were inherent at the time of the reorganization they may, with our approval, be charged against the capital surplus item of $464,258. We think the balance sheet should carry a footnote to indicate the somewhat peculiar nature of the capital surplus item. We shall impose an appropriate condition accordingly.

It will be observed that the aggregate of the valuation reserve and the item of capital surplus is $1,822,281, instead of the figure of $1,780,810 mentioned in our opinion. This difference of $41,471 is due to augmentation of the capital surplus item by $56,820 by reason of the reduction, in accordance with our opinion, of the amount of new common stock allocated to Ogden Corporation under the plan, and, to diminution of such item by $15,349 because of an increase in that amount in the earned surplus deficit of Derby between July 31, 1940 and May 31, 1941.

The application as now amended estimates total fees and expenses at $156,037 instead of the figure of $131,795 mentioned in our opinion. However, the question of fees and expenses is one of the matters as to which we will reserve jurisdiction.

With regard to the acquisition by Ogden Corporation of the 84,000 shares of new common stock of Derby Gas & Electric Corporation which it is to receive under the plan, subject to our reservation of jurisdiction as to fees and expenses, we find that the standards of Section 10 are complied with.

[1] Holding Company Act Release No. 2875.

The applicants have filed revised solicitation material which is satisfactory.

We now find that the plan as amended is necessary to effectuate the provisions of subsection (b) of section 11 of the Act and is fair and equitable to the persons affected thereby, and, that the transactions contemplated by the plan as amended comply with the applicable sections of the Act and the rules and regulations promulgated thereunder; subject, however, to the conditions and reservations hereinafter expressed.

It is therefore ordered, That the plan as amended be and hereby is approved pursuant to section 11 (e) of the Act, and, that the application as amended be and hereby is granted; subject, however, to the following conditions and reservations:

(a) The conditions prescribed by Rule U-24.

(b) The plan shall not be submitted to the stockholders until a further amendment shall have been filed with us containing a pro forma balance sheet as revised following conference with our staff and three days shall have elapsed without our having notified the applicants that such revised balance sheet is unsatisfactory.

(c) No fees or expenses incurred or to be incurred in connection with the plan may be paid until thirty (30) days after applicants file a notification with this Commission as to the proposed amount of such fees and expenses, with a detailed statement as to the services and expenses for which any such amounts are to be paid. Similar statements shall be filed as to all such fees and expenses which have already been paid. Jurisdiction is reserved as to all fees and expenses, and further hearings thereon may be required prior to approval of payment if such action is deemed by this Commission necessary or appropriate in the public interest or for the protection of investors or consumers.

(d) No charges shall be made to the capital surplus account which will be created pursuant to the plan of reorganization unless notice be given to this Commission thirty (30) days prior to the making of such charge. In the event that the Commission shall notify Derby (or the reorganized corporation) within such thirty (30) days to show cause why such charge should not be disapproved, the charge in question shall not be made unless and until expressly authorized by order of the Commission, and jurisdiction is hereby reserved accordingly.

(e) Jurisdiction is reserved to entertain such further proceedings, to make such other findings and to take such other action as may be appropriate in the premises in connection with the plan or the various steps required to execute the plan.

By the Commission (Commissioners Healy, Purcell and Burke), Chairman Eicher and Commissioner Pike not participating.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41–6715; Filed, September 6, 1941; 11:32 a. m.]

[File No. 1–1800]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (a) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF MAYFLOWER-OLD COLONY COPPER COMPANY CAPITAL STOCK, $25 PAR VALUE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of September, A. D. 1941.

I

It appearing to the Commission:

That Mayflower-Old Colony Copper Company, a corporation organized under the laws of the State of Michigan, is the issuer of Capital Stock, $25 Par Value; and

That said Mayflower-Old Colony Copper Company registered such security on the Boston Stock Exchange, a national securities exchange, by filing on or about June 12, 1935, an application on Form 10 with the said Exchange and with the Commission, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B–1, as amended, promulgated by the Commission thereunder, which registration became effective July 13, 1935, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A–1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A–2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10–K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Mayflower-Old Colony Copper Company; and

That said Rule X-13A–1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the instructions to Form 10–K do not prescribe any period other than such 120 days; and that pursuant to Rule X-13A–1 the annual report must be filed within this initial period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

It further appearing to the Commission:

That said Mayflower-Old Colony Copper Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1940 was due to be filed not later than April 30, 1941; that the extensions of time requested by the registrant have expired; and that no annual report for the fiscal year ended December 31, 1940 has been filed; and

II

The Commission having reasonable cause to believe:

That said Mayflower-Old Colony Copper Company has failed to comply with said Section 13 and said Rules X-13A–1 and X-13A–2 in that it has failed to file its annual report on Form 10–K for the fiscal year ended December 31, 1940 within the time prescribed for filing said report; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Mayflower-Old Colony Copper Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Capital Stock, $25 Par Value, of said Mayflower-Old Colony Copper Company on said Boston Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Frank Kopelman, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records, deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 19th day of September, at 10:00 A. M. at

the Regional Office of the Securities and Exchange Commission, Room 426, Shawmut Bank Building, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6716; Filed, September 6, 1941; 11:33 a. m.]

[File Nos. 31-109, 31-493, 31-108]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

[File Nos. 31-107, 31-106]

COLUMBIA OIL & GASOLINE CORPORATION

[File Nos. 31-422 and 31-423]

COLUMBIA GAS & ELECTRIC CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of September, A. D. 1941.

Panhandle Eastern Pipe Line Company and its wholly-owned subsidiary company, Panhandle Illinois Pipe Line Company, having filed, on November 30, 1935, an application pursuant to sections 2 (a) (4) and 3 (a) (3) of the Act for an order or orders declaring each of them not to be gas utility companies and for an order exempting Panhandle Eastern Pipe Line Company, as a holding company, and every subsidiary company thereof as such, from the provisions of the Act; and thereafter, on March 2, 1937, Panhandle Eastern Pipe Line Company having filed an amendment to its application, filed pursuant to section 3 (a) (3) of the Act, in substitution of its previous application; and subsequently, on February 1, 1941, it having requested an order consenting to the withdrawal of its substituted amended application filed pursuant to section 3 (a) (3) of the Act, and it having requested, on August 13, 1941, an order consenting to the withdrawal of its application filed pursuant to section 2 (a) (4) of the Act, such requests to withdraw being based on the grounds that the subsequent events and the promulgation of Rule U-7 under the Act eliminated the requirement of filing the beforementioned applications; and

Columbia Oil & Gasoline Corporation, on November 30, 1935, having filed an application pursuant to sections 3 (a) (3) and 3 (a) (5) of the Act and Rule U-3 (a) (1) promulgated thereunder for an order exempting it, as a holding company, and every subsidiary company thereof, as such, from the provisions of the Act; and thereafter, it having filed two amendments, each in substitution of the previous application, requesting the same relief; and on August 11, 1941, it having requested an order consenting to the withdrawal of its application, and such request to withdraw being based on the grounds that the subsequent events and the promulgation of Rule U-7 under the Act eliminated the requirement of filing the beforementioned applications; and

It is ordered, That consent to withdraw the applications and amendment thereto filed by Panhandle Eastern Pipe Line Company pursuant to sections 2 (a) (4) and 3 (a) (3) of the Act, bearing File No. 31-108, be and the same hereby is granted; and

It is further ordered, That consent to withdraw the application and amendments thereto filed by Columbia Oil & Gasoline Corporation pursuant to section 3 (a) (3) of the Act, bearing File No. 31-106, be and the same hereby is granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 41-6717; Filed, September 6, 1941; 11:32 a. m.]

[File No. 70-388]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

SUPPLEMENTAL NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of September, A. D. 1941.

Notice is hereby given that an application or declaration (or both) together with an amendment thereto has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Columbia Oil & Gasoline Corporation which joined in an application heretofore filed by the above-named party; and

Notice is further given that any interested person may, not later than September 10, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rule U-20 and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application or declaration which is on file in the office of said Commission for a statement of the transaction therein proposed, which is summarized as follows:

Columbia Oil & Gasoline Corporation joined in the application or declaration (or both) filed by Panhandle Eastern Pipe Line Company on August 20, 1941 (notice regarding such filing subject to Rule U-23 having been issued by the Commission on the 29th day of August, 1941, Holding Company Act Release No. 2975), relating to an agreement made between these two companies dated July 30, 1941, which provided among other things for an extension to and including January 1 1942, of the time within which any shares of the Class A Preferred Stock of Panhandle Eastern Pipe Line Company owned beneficially by Columbia Oil & Gasoline Corporation and held of record by Gano Dunn, Trustee, may be redeemed by Panhandle Eastern Pipe Line Company without payment of a premium of $10 per share in consideration of the waiver by Panhandle Eastern Pipe Line Company of its right to redeem out of earnings, or by refunding or otherwise, on or before October 1, 1941, any of such shares.

Both companies request that the Commission accelerate its order so that such applications or declarations (or both) as amended be granted or become effective not later than September 15, 1941.

Columbia Oil & Gasoline Corporation designates Sections 9 and 10 of the Act as applicable to the proposed transaction.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Recording Secretary.*

[F. R. Doc. 41-6718; Filed, September 6, 1941; 11:33 a. m.]

[File No. 70-381]

IN THE MATTER OF BANGOR GAS LIGHT COMPANY, PENOBSCOT VALLEY GAS CORPORATION, AND AMERICAN GAS AND POWER COMPANY

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of September, A. D. 1941.

Bangor Gas Light Company and Penobscot Valley Gas Corporation and their parent company, American Gas and Power Company, a registered holding company, having filed joint declarations and applications pursuant to the Public Utility Holding Company Act of 1935, (particularly sections 12, 6 (b) and 10 thereof), and Rules U-23, U-43 and U-45 promulgated thereunder as to the following:

(a) The merger of Penobscot Valley Gas Corporation into Bangor Gas Light Company, and the change of name of Bangor Gas Light Company to Bangor Gas Company;

(b) The donation by American Gas and Power Company to Bangor Gas Light Company of 2,000 shares (100%) of the Common Stock of Penobscot Valley Gas Corporation;

(c) The cancellation and donation by American Gas and Power Company of all demand note indebtedness and interest thereon due American Gas and Power Company by Bangor Gas Light Company and Penobscot Valley Gas Corporation (at June 30, 1941—$222,000 face amount of demand notes plus $42,715 accrued interest;)

(d) The appropriation by Bangor Gas Company of the aggregate of the items cancelled and donated by American Gas and Power Company, being the stated value of the Penobscot Valley Gas Corporation Common Stock, mentioned in subparagraph (b) above, and the intercompany debt mentioned in subparagraph (c) above, to its reserve for property, retirement and replacements;

(e) The sale, by Bangor Gas Company to Wilmington Savings Fund Society, Wilmington, Delaware, on October 1, 1941 of $300,000 principal amount of Bangor Gas Company, First Mortgage 4% Sinking Fund Bonds, Series Due 1971, at par;

(f) The payment by Bangor Gas Company, on October 1, 1941 of $300,000 principal amount of Bangor Gas Light Company First Mortgage 5% Bonds which mature October 1, 1941;

Said declarations and applications having been filed on August 13, 1941 and an amendment thereto having been filed on September 6, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations and applications within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The above named parties having requested that said declarations and applications, as amended, become effective and be granted at the earliest practicable date; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations pursuant to Rules U-43 and U-45 to become effective, and with respect to the application filed pursuant to section 6 (b) that said application should be granted, the applicable requirements of said section 6 (b) appearing to have been met, and finding with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act, and being satisfied that the effective date of such declarations, as amended, and the date of granting such applications, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations, as amended, be and hereby are permitted to become effective and that the aforesaid applications, as amended, be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] ORVAL L. DU BOIS, *Recording Secretary.*

[F. R. Doc. 41-6738; Filed, September 8, 1941; 11:26 a. m.]

[File No. 70-53]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINNESOTA), THE MINNEAPOLIS GENERAL ELECTRIC COMPANY, ST. CROIX FALLS MINNESOTA IMPROVEMENT COMPANY, AND MINNESOTA BRUSH COMPANY

SUPPLEMENTAL ORDER APPROVING AMENDMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1941.

The Commission having on July 22, 1941, issued an order herein, subject to the terms and conditions therein stated, granting the applications of the above entitled companies regarding the merger thereof; and prior thereto, on May 31, 1941, the Commission having entered an order in *In the Matter of The Minneapolis General Electric Company*, File No. 70-318, permitting to become effective under section 7 of the Public Utility Holding Company Act of 1935 the declaration of the Minneapolis General Electric Company regarding the sale with recourse to the Electric Home and Farm Authority of certain conditional sales contracts which may be acquired by The Minneapolis General Electric Company in connection with the sale of appliances, in an amount not to exceed $150,000 outstanding at any time; the discount note to be equal to the carrying charges prescribed by the said Electric Home and Farm Authority;

An amendment having been filed herein on September 4, 1941, stating that the above mentioned merger became effective on August 29, 1941, and that pursuant to said order of July 22, 1941 and by virtue of said statutory merger all the estate, property, rights, privileges, franchises and contracts of The Minneapolis General Electric Company are now vested in and held and enjoyed by Northern States Power Company (Minnesota); and it having been requested in said amendment that Northern States Power Company (Minnesota) be permitted to sell certain conditional sales contracts, subject to the terms and conditions in said order of May 31, 1941.

It is hereby ordered, Pursuant to the applicable provision of the Public Utility Holding Company Act of 1935 and subject to the terms and conditions prescribed in Rule U-24 promulgated thereunder that the request in said amendment of September 4, 1941 be and hereby is granted and approved, subject, however, to the terms and conditions of said order of May 31, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6737; Filed, September 8, 1941; 11:26 a. m.]

Reference

SEP 11 1941

THE NATIONAL ARCHIVES

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VOLUME 6 NUMBER 176

Washington, Wednesday, September 10, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.-516]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS MODIFYING THE RESTRICTIONS OF THE JAPANESE BEETLE QUARANTINE BY ADVANCING THE DATE OF TERMINATION OF RESTRICTIONS ON FRUIT AND VEGETABLE SHIPMENTS UNDER § 301.48 OF THE JAPANESE BEETLE QUARANTINE TO SEPTEMBER 8 FOR THE YEAR 1941

Effective September 8, 1941.

It has been determined that the active period of the Japanese beetle in its relation to fruits and vegetables has already ceased for the present season and that it is therefore safe to permit the unrestricted movement of fruits and vegetables from the regulated areas. Therefore, pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the fourth proviso of § 301.48, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 48 on account of the Japanese beetle], it is ordered that the restrictions on the interstate movement of fruits and vegetables imposed by § 301.48–5 of Notice of Quarantine No. 48, revised effective February 12, 1941,[1] be removed effective on and after September 8, 1941. This order advances the termination of the restrictions as to fruits and vegetables provided for in § 301.48–5 from October 16 to September 8, 1941, and applies to this season only.

Done at Washington, D. C., this 6th of September 1941.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 41–6763; Filed, September 9, 1941; 11:10 a. m.]

[1] 6 F.R. 909.

[B.E.P.Q. 503 Third revision]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED

Introductory Note

Effective September 11, 1941.

Instructions as to various methods of treatment of plants in pots, or in soil balls, and of potting soil, as previously authorized in Circulars B.E.P.Q. 486, 489, and 503, are brought together in the present revision of this circular. In addition, the instructions as to treatment of balled nursery stock by methyl bromide solution as specified in paragraph (ii) of subsection (b) are somewhat modified as to treatments within the regulated areas other than New Orleans and vicinity. All treatments apply to both species of white-fringed beetles, *Pantomorus leucoloma* Boh. and *P. peregrinus* Buch., and are uniformly applicable to all regulated areas except the methyl bromide solution treatment of balled nursery stock, the specifications of which vary for the New Orleans area because of the type of soil in that locality. This circular supersedes all instructions in Circulars B.E.P.Q. 486, and 489, and previous issue of 503.

§ 301.72–5c[1] *Administrative instructions; treatments authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.72–5, Chapter III, Title 7, Code of Federal Regulations [Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle], the following methods of treatment for plants in pots, or with soil balls, and potted soil, are hereby authorized effective September 11, 1941, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(a) *Plants in pots or in soil balls*—(1) *Methyl bromide fumigation at atmospheric pressures.* (i) Fumigation must be done with methyl bromide at a dosage of

[1] Superseding §§ 301.72–5a and b.

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FEDERAL REGISTER

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1 pound per 1,000 cubic feet, including the space occupied by the plants, for a period of 4 hours, the soil masses and the air in the fumigation chamber to be at a temperature of not less than 85° F.

(ii) Such fumigation shall apply only to those plants in 3-inch pots or smaller, or in soil balls not greater than 3 inches in diameter when spherical or thicker than 3 inches if not spherical, and the plants shall be stacked on racks so that the gas mixture can have access to all sides of the pots or the soil balls.

(iii) The fumigation shall be done in a tight chamber with gas-tight doors.

(iv) After the chamber is loaded and closed, the appropriate amount of methyl bromide shall be volatilized therein, and the air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period.

(v) The use of a fumigation chamber, lined with sheet metal throughout and with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

(2) *Methyl bromide fumigation under partial vacuum.* (i) Fumigation under partial vacuum equivalent to at least 24.5 inches of mercury must be done with a dosage of 4 pounds of methyl bromide per 1,000 cubic feet of chamber space, including the space occupied by the commodity, with an exposure of 1½ hours, the vacuum to be maintained throughout the entire period.

(ii) The temperature of the soil balls shall be 75° F. or above, and the diameter of the soil balls shall be not greater than 11 inches if spherical, or thicker than 11 inches if not spherical.

(iii) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the air in the chamber and bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(iv) A standard vacuum fumigation chamber which can be closed tight and will withstand an external pressure of at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) in not more than 20 minutes is necessary.

(3) *Methyl bromide solution*—(i) *Treatment method.* (Applicable to all regulated areas).

(a) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays which are watertight and approximately 1 foot deep.

(b) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(c) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(d) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(ii) *Type of material, exposure, and temperature.* (a) In Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter, nor greater than 7 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(b) In all regulated areas other than Orleans Parish, including the City of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied to soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 6 hours. The temperature of the soil balls during the treatment shall not be lower than 62° F.

(b) *Potting soil*—(1) *Carbon disulphide fumigation.* (i) Potting soil shall be treated in a container with carbon disulphide at a dosage of 2 pounds per cubic yard of soil for a period of 48 hours.

(ii) The grade of carbon disulphide shall be comparable to U. S. P. grade having a specific gravity of 1.25 at 68° F.

(iii) The container shall be tight, preferably lined with sheet metal, and shall have a tarpaulin immediately after the fumigant is applied. The container shall not be more than 36 inches deep.

(iv) The soil shall be friable, and wet soil shall not be treated by this method. The fumigant shall be applied to the soil in holes 3 inches deep, the dosage to be evenly divided among holes 1 foot apart over the surface of the soil, and the fumigant shall be covered with soil as soon as it is applied.

(v) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(vi) The condition of the soil and the apparatus used and the method of application of the fumigant must meet with the approval of the authorized inspector of the United States Department of Agriculture.

(2) *Methyl bromide fumigation.* (i) Potting soil must be treated in a container with methyl bromide in a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(ii) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied.

(iii) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(3) *Heat treatment.* (i) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterlizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(ii) The grids shall be constructed of 1-inch pipes, perforated with holes 1/32 inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(iii) The layer of soil in the sterlizing box shall not be more than 2 feet, 6 inches deep.

(c) *Disclaimer.* There has been opportunity to test these treatments on only relatively few varieties of plants and in authorizing the movement of potted plants, nursery stock, or potting soil fumigated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury to either plants or operators.

(d) *Caution*—(1) *Methyl bromide.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants or potting soil. It is a poison and the operators should use approved gas masks when exposed to the gas in concentrations used in fumigation, or while preparing the solution. The plants in the fumigation chamber should be well aerated by blowing air through them, and the room adequately ventilated before it is entered. After fumigating the potting soil by methyl bromide the cover should be removed and the soil allowed to become aerated.

(2) *Carbon disulphide.* Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

Done at Washington, D. C., this 4th day of September, 1941.

[SEAL] P. N. ANNAND,
Chief.

[F. R. Doc. 41-6764; Filed, September 9, 1941; 11:10 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 54—EXCHANGES[1]

§ 54.11 *Contracts.*

* * * * * * *

(f) Contracts for the erection of temporary exchange buildings will contain a statement that the proposed construction is a post exchange transaction and that the post exchange alone is responsible for the debt, and not the Government.

(g) When applicable, contracts for the erection of temporary buildings will contain a statement that immediately upon completion of the building, title thereto passes to the post exchange. (R.S. 161; 5 U.S.C. 22) [Par. 33f and g, AR 210-65, July 1, 1941, as added in Cir. 182, W.D., Aug. 28, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-6754; Filed, September 9, 1941; 10:16 a. m.]

[1] § 54.11 (f) and (g) is added.

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[1]

§ 61.1 *Age and citizenship requirements.*

* * * * * * *

(b) * * *

(4) No appointments in Military Intelligence are made in the grade of colonel.

* * * * * * *

(c) * * *

Section	Grade					
	2d lt.	1st lt.	Capt.	Maj.	Lt. col.	Col.
* * *						
Chaplains		40	44	49	55	55
* * *						

(Sec. 37, 39 Stat. 189, 40 Stat. 73, Sec. 3, 48 Stat. 154, 48 Stat. 939; 10 U.S.C. 353) [Par. 13, AR 140-5, Jun. 17, 1941, as amended by Cir. 180, W.D., Aug. 26, 1941, and Cir. 184, W.D., Aug. 29, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-6753; Filed, September 9, 1941; 10:16 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 71—GENERAL GRAZING REGULATIONS

Title 25, Chapter I, Subchapter I, Grazing, Part 71, General Grazing Regulations, § 71.23 is amended to read as follows:

§ 71.23 *Fees for execution of grazing permits.* The following fees must be charged to cover the approximate cost to the Government of preparing and issuing permits—(a) *To be paid by the permittee, subpermittee, or assignee for each permit.*

Total rental for full term of permit:	*Fees payable*
Not to exceed $100	$1.00
$101-$250	2.50
$251-$500	5.00
For each additional $500 or fraction thereof	1.00

In the case of a subpermit or assignment the fee shall be based on the total amount yet to accrue under the instrument from the effective date thereof. When the permit is extended with the mutual consent of the parties concerned the fee shall be computed from the effective date on the same basis as the original instrument.

(b) *To be paid by each permittee for each allotment and for the tribal land under each permit.*

Total annual rental involved:	
$26-$50	$0.50
$51-$100	1.00
$101-$250	2.50
$251-$500	5.00
$501-$750	7.50
$751 and over	10.00

A minimum fee of $0.25 on income derived from each permit shall be charged in each case where the individual annual rental for each allotment under each permit is less than $26, except that in any case where the individual income accruing from each allotment under any permit is less than $0.25 per annum, such lesser sum shall constitute the total fee due from each individual permittee. (47 Stat. 1417; 25 U.S.C. 413)

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

Date: August 27, 1941.

[F. R. Doc. 41-6751; Filed, September 9, 1941; 10:13 a. m.]

[1] § 61.1 (b) (4) and (c) is amended.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets No. A-414 and A-415]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE DELETION OF THE NAME "BLUE GRASS COAL PRODUCTS CORPORATION" FROM THE SCHEDULE OF EFFECTIVE MINIMUM PRICES; AND PETITION OF DISTRICT BOARD 9 FOR REVISION OF THE MINIMUM PRICES FOR MINE INDEX NOS. 28, 40, 45, 60, 67, 76, 79, 80, AND 81 INTO ALL MARKET AREAS

Petitions having been filed with the Bituminous Coal Division by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting certain revisions in the Schedules of Effective Minimum Prices for District No. 9 for All Shipments Except Truck and for Truck Shipments;

Petitions for leave to intervene having been filed by the Highland Creek Coal Company, the Pine Hill Mining Company, and the Wright Coal Mining Company, code member producers in District 9, and by District Boards 10 and 11;

Temporary relief pending final disposition of the petitions having been granted by Order of the Director;

The petitions having been consolidated, and a hearing in this matter having been held pursuant to Orders of the Director, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck be and it hereby is amended as follows:

1. The lines in § 329.5 (*Alphabetical list of code members*) in said schedule in which the name "Blue Grass Coal Products Corporation" appears are deleted;

2. The reference in § 329.5 (*Alphabetical list of code members*) in said schedule to "#1 Waco" (Mine Index No. 88) is changed to "Waco;"

3. All references to Mine Index No. 81 in said schedule are deleted;

4. Price Instructions 9 and 10 in said schedule are deleted;

5. The lines applying to Mine Index Nos. 28, 40, 45, 60, 67, 76, 79, 80, and 81, and the footnote thereto, appearing in § 329.6 (*General prices*) and § 329.7 (*Special prices*—(b) *Prices for river (free alongside deliveries) and ex-river shipments*) in said schedule are deleted;

6. The following Price Exception is inserted in said schedule, § 329.1 (*Price instructions and exceptions*):

For sales to retail dealers in all market areas, the minimum prices shown in this schedule for Mine Index Nos. 28, 40, 45, 60, 76, 79, 80, 88, and 320 may be reduced by 15 cents per ton in Size Groups 1, 2, and 3, and by 10 cents per ton in Size Groups 4, 5, and 6.

It is further ordered, That the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments be and it hereby is amended as follows:

1. The line in § 329.24 (*General prices in cents per net ton for shipment into any market area*) in said schedule in which the name "Blue Grass Coal Products Corporation" appears is deleted;

2. The reference in § 329.24 (*General prices in cents per net ton for shipment into any market area*) in said schedule to "#1 Waco" (Mine Index No. 88) is changed to "Waco."

And it is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent above set forth and are in all other respects denied.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6760; Filed, September 9, 1941; 10:21 a. m.]

[Docket No. A-319]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER OF THE DIRECTOR GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 16 FOR THE MODIFICATION OF SIZE GROUP 12 IN THE PRICE SCHEDULE FOR DISTRICT 16

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, by District Board No. 16, seeking a change in the description of Size Group 12 in the Schedule of Effective Minimum Prices for District 16 for All Shipments, from 1⅛" x 0 to ¾" x 0;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Denver, Colorado;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law in this matter, and having rendered an Opinion, which are filed herewith;

It is ordered, That § 336.4 (*Size group table*), § 336.5 (*General prices; minimum prices, via rail transportation*) and § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District 16 for All Shipments, be, and the same hereby are amended as follows: The description of Size Group 12 shown in § 336.4 is changed from "Slack 1⅛ x 0" "Slack ¾ x 0;" and, as shown in §§ 336.5 and 336.21 is changed from "1⅛ x 0" to "¾ x 0."

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6761; Filed September 9, 1941; 10:22 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN AMENDMENT TO THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE TAG INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On July 12, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (6 F.R. 3614) why the decision dated October 19, 1938 (3 F.R. 2539) In the Matter of the Determination of the Prevailing Minimum Wages in the Tag Industry, should not be amended by increasing the prevailing minimum wage as determined therein from 33 cents to 40 cents per hour.

The proposed amendment was based upon the belief, supported by a showing of the interstate character of the industry, that the prevailing minimum wage in the industry had increased to 40 cents per hour by reason of the establishment of 40 cents per hour as the minimum wage required to be paid by tag manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 (Wage Order of the Administrator, Wage and Hour Division, U. S. Department of Labor, establishing minimum wage rates in the Converted Paper Products Industry, signed May 29, 1941, effective June 30, 1941, 6 F.R. 2744).

The notice of opportunity to show cause was sent to all known members of the industry, trade unions, trade publications, and to trade associations. Notice was given to other interested parties by publication in the FEDERAL REGISTER (6 F.R. 3614). No objections to the proposed amendment were filed. One response to the notice was received from a member of the industry expressing approval of the amendment.

Upon consideration of the foregoing and all of the facts and circumstances, I hereby determine:

§ 202.22 *Tag industry.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or supply of tags, shall be 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wage hereby established shall apply to all such contracts for which contracting agencies of the United States have initiated negotiations or solicited bids, as the case may be, on and after September 23, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: September 8, 1941.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-6750; Filed, September 8, 1941; 12:09 p. m.]

Notices

WAR DEPARTMENT.

[AG 325 (8-25-41) MT-C]

INDUCTION OF THE 122ND OBSERVATION SQUADRON, LOUISIANA NATIONAL GUARD, EFFECTIVE OCTOBER 1, 1941

1. Pursuant to and in compliance with the provisions of Executive Order Number 8756,[1] May 17, 1941, amending Executive Order Number 8633, January 14, 1941, ordering certain units and members of the National Guard of the United States into the active military service of the United States, effective on dates to be announced in War Department orders, October 1, 1941, is hereby announced as the effective date of induction for the following organization:

Unit	*State*
122d Observation Squadron	Louisiana.

2. Separate instructions will be transmitted for the troop movements to be made following induction.

3. The Governor and the Adjutant General of Louisiana are being furnished copies of this letter. (Sec. 111, 39 Stat. 211, Sec. 49, 41 Stat. 784; 32 U.S.C. 81)

Dated: September 4, 1941.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[1] 6 F.R. 2474.

[F. R. Doc. 41-6752; Filed, September 9, 1941; 10:16 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1732-FD]

IN THE MATTER OF OWL COAL COMPANY, DEFENDANT

ORDER GRANTING LEAVE TO AMEND COMPLAINT

The Bituminous Coal Producers' Board for District No. 11, complainant herein, having filed its written motion, dated August 25, 1941, for leave to amend its complaint dated May 6, 1941, by substituting in lieu of counts 1 and 2 of said complaint new counts 1, 2, 3 and 4, as set forth in said motion; and

A true copy of said motion having been served upon the defendant herein on the 25th day of August 1941; and

No objection to the granting of said motion having been filed herein by the defendant or any other person; and

It appearing to the Director desirable to allow said motion;

It is therefore ordered, That leave be and the same is hereby granted to the complainant herein to amend its complaint, dated May 6, 1941, by substituting in lieu of counts 1 and 2 of such complaint, the following:

1. That since October 1, 1940, the Owl Coal Company has violated the Bituminous Coal Code by selling and delivering coal produced from its McCammon Mine, Mine Index No. 1133, at prices below the effective minimum prices established therefor.

2. That during the period March 1, 1941 to March 4, 1941, inclusive, the Owl Coal Company sold to various purchasers, including Walter Scott, Jessie Mason, Teal Whatker, Harold Walter, Levi Gambill and Chester Dodwers, 21,200 pounds of coal produced from its McCammon Mine at $1.80 per ton; that said coals were prepared over a bar screen of such dimensions that the prepared coals were of such size or sizes as are included in Size Group No. 6; that the effective minimum prices for coals included in Size Group No. 6, produced from the McCammon Mine of the Owl Coal Company is $2.20 per ton; that, therefore, said 21,200 pounds of coal were sold and delivered by the Owl Coal Company in violation of the effective minimum price applicable thereto.

3. That during the period March 20, 1941 to March 31, 1941, inclusive, the Owl Coal Company sold to various purchasers 49,500 pounds of coal produced from its McCammon Mine at $1.80 per ton; that said coals were prepared over a bar screen of such dimensions that the prepared coals were of such size or sizes as are included in Size Group No. 6; that the effective minimum prices for coals included in Size Group No. 6 produced from the McCammon Mine of the Owl Coal Company is $2.20 per ton; that, therefore, said 49,500 pounds of coal were sold and delivered by the Owl Coal Company in violation of the effective minimum price applicable thereto.

4. That the foregoing statement of facts shows that the Owl Coal Company has violated the Bituminous Coal Code and effective minimum prices established thereunder.

Dated: September 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6755; Filed, September 9, 1941; 10:20 a. m.]

[Docket No. 1814-FD]

IN THE MATTER OF DAVIS & DAVIS, DEFENDANT

ORDER GRANTING LEAVE TO AMEND COMPLAINT

Bituminous Coal Producers' Board for District 11 having heretofore filed an original complaint dated June 28, 1941, in the above entitled matter; and

Said Board having filed a motion dated August 25, 1941, for leave to amend its said complaint;

Now, therefore, it is ordered, That the said motion dated August 25, 1941, for leave to amend the original complaint dated June 28, 1941, by substituting "October 1, 1940," in lieu of "October 1, 1941," appearing in the first sentence of Paragraph No. 1 thereof, be and the same is hereby granted.

Dated: September 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6756; Filed, September 9, 1941; 10:20 a. m.]

[Docket No. A-459]

PETITION OF THE BEECH GROVE COAL COMPANY, A PRODUCER IN DISTRICT NO. 4, FOR REVISION OF EFFECTIVE MINIMUM PRICES OF RAIL COAL

ORDER OF THE DIRECTOR DENYING PERMANENT RELIEF

A petition having been filed with the Bituminous Coal Division by Beech Grove Coal Company, a code member producer in District 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction of 15 cents per ton in the minimum prices for all coals for rail shipment produced at the Beech Grove Mine (Mine Index No. 11) of the Beech Grove Coal Company.

Pursuant to an Order of the Director, a public hearing having been held in this matter before a duly designated examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

Temporary relief pending final disposition of the original petition having been denied by Order of the Director, dated January 28, 1941; the preparation and filing of a report by the examiner having been waived and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayer for relief in the original petition of the Beech Grove Coal Company herein be and the same hereby is denied.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6757; Filed, September 9, 1941; 10:20 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

DELEGATION OF AUTHORITY TO INSTITUTE DISCIPLINARY PROCEEDINGS UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Pursuant to the provisions of § 47.6 of the Rules of Practice under the Perishable Agricultural Commodities Act (6 F.R. 3501, 3502), the authority to file formal complaints and other moving papers in disciplinary proceedings under the Perishable Agricultural Commodities Act is hereby delegated to the Officer in Charge of the Regulatory Section of the Fruit and Vegetable Division of the Agricultural Marketing Service, or, in his absence, to the Officer Acting in Charge of said Section.

Done at Washington, D. C., this 4th day of September, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] C. W. KITCHEN,
Chief.

[F. R. Doc. 41-6765; Filed, September 9, 1941; 11:10 a. m.]

Rural Electrification Administration.

[Administrative Order No. 6[illegible]]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 30, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the

Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Alabama 2020C2 Baldwin	$30,000
Colorado 2016C1 Jefferson	39,000
Georgia 2068E1 Grady	67,000
Iowa 2014C1 Humboldt	99,000
Iowa 2038D1 Pocahontas	95,000
Kansas 2032C2 Reno	60,000
Louisiana 2007B2 Grant	36,000
Michigan 2045G3 Cass	125,000
Mississippi 2028F2 Hancock	15,000
Mississippi 2029H1 Oktibbeha	35,000
Oklahoma 2015F1 Tillman	25,000
Oklahoma 2019C1 Craig	218,000
Oregon 2014C2 Umatilla	15,000
South Carolina 2035B1 Abbeville	60,000
Tennessee 2037A2 Hawkins	12,000
Texas 2055C2 Floyd	152,000
Wisconsin 2041D1 Vernon	65,000
Wisconsin 2048C1 Waupaca	47,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-6762; Filed, September 9, 1941; 11:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-396]

IN THE MATTER OF KEYES FIBRE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1941.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on September 19, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 18, 1941.

The matter concerned herewith is in regard to (a) The application of Keyes Fibre Company, a subsidiary of New England Public Service Company, a registered holding company, to issue and sell $1,400,000 principal amount of First Mortgage Sinking Fund 4½% Bonds dated October 1, 1941, due October 1, 1956, to redeem and retire the entire amount of outstanding First Mortgage 6% Bonds ($1,125,000 principal amount), to pay $100,000 of bank loans, to pay approximately $72,000 of notes of a subsidiary company, Waterville Pulpwood Company, endorsed by Applicant, and to provide additional capital. Applicant states that section 6 (b), third sentence (last clause thereof) is applicable.

(b) The application for exemption from Rule U-50 entitled Requirement of Public Invitation of Proposals for the Purchase or Underwriting of Securities.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6766; Filed, September 9, 1941; 11:33 a. m.]

[File No. 1-563]

IN THE MATTER OF CHARLES A. KAUFMAN COMPANY, LTD., COMMON CAPITAL STOCK, PAR VALUE $50

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of September, A. D. 1941.

The Charles A. Kaufman Company, Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Capital Stock, Par Value $50, from listing and registration on the New Orleans Stock Exchange; and

The Commission having ordered that a hearing be held in this matter on September 15, 1941 in Atlanta, Georgia; and

The applicant having requested a postponement of said hearing;

It is ordered, That said hearing be postponed until 2 p. m. on Friday, October 3, 1941, at the office of the Securities and Exchange Commission, Palmer Building, Forsyth & Marietta Streets, Atlanta, Georgia, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine and that general notice thereof be given; and

It is further ordered, That William A. McClain, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6767; Filed, September 9, 1941; 11:33 a. m.]

[File No. 70-395]

IN THE MATTER OF CAMBRIDGE ELECTRIC LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1941.

Notice is Hereby Given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is Further Given that any interested person may, not later than September 25, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Cambridge Electric Light Company, a subsidiary of New England Gas and Electric Association, a registered holding company, proposes to borrow from the First National Bank of Boston an aggregate sum not exceeding $500,000 in such amounts and at such times as funds are required for the payment of bills incurred in connection with budgeted construction for the period from January 1, 1941 to June 30, 1942. Such advances will be evidenced by notes payable to bear interest at a rate not exceeding 2½% per annum. All notes will be dated as issued but in any event prior to June 30, 1942 and will mature not before June 30, 1944, nor after June 30, 1946.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6768; Filed, September 9, 1941; 11:33 a. m.]

[File No. 70-394]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION AND MINNESOTA UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested party may, not later than September 23, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of this interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Minnesota Utilities Company, a subsidiary of American Utilities Service Corporation, a registered holding company, proposes to sell the electric utility property comprising its Twin Valley and Wheaton districts in western Minnesota to Otter Tail Power Company, for the sum of $520,000 in cash. Minnesota Utilities Company also proposes to sell the materials and supplies, merchandise appliances and accounts receivable with respect to such properties of its Twin Valley and Wheaton districts to Otter Tail Power Company; it is estimated that the sale of such current assets and the release of cash working capital employed in the operations of such Twin Valley and Wheaton districts will make available to Minnesota Utilities Company, after payment of current liabilities with respect to the properties in such Twin Valley and Wheaton districts, a net cash balance of approximately $80,000. The electric utility properties of the Twin Valley and Wheaton districts of Minnesota Utilities Company proposed to be sold, consist of the electric generating, transmission and distribution facilities in, about or between the following cities, villages and communities in the State of Minnesota: *Twin Valley District*, Bejou, Polk County; Fertile, Polk County; Gary, Norman County; Hitterdal, Clay County; Mahnomen, Mahnomen County; Twin Valley, Norman County; Ulen, Clay County; Winger, Polk County. *Wheaton District*, Bellingham, Lac qui Parle County; Carlos, Douglas County; Holloway, Swift County; Louisburg, Lac qui Parle County; Milan, Chippewa County; Miltona, Douglas County; Nashua, Wilkin County, Parkers Prairie, Otter Tail County; Tintah, Traverse County; Wheaton, Traverse County.

It is stated that the aforesaid $520,000 to be received by Minnesota Utilities Company from Otter Tail Power Company together with $30,000 of the proceeds from the sale of current assets, or an aggregate of $550,000 will be employed by Minnesota Utilities Company in making payment on account of its note indebtedness to American Utilities Service Corporation and that the remaining $50,000 obtained from the sale of such properties to Otter Tail Power Company will be used as working capital, for construction purposes or for additional payments on the note indebtedness of Minnesota Utilities Company.

American Utilities Service Corporation proposes, upon receipt of the aforesaid $550,000 from Minnesota Utilities Company, to deposit such funds with the trustee under the indenture securing the Collateral Trust 6% Bonds, Series A, of American Utilities Service Corporation, as release moneys, and to use such amount for the purchase of not to exceed $400,000 principal amount of such Collateral Trust 6% Bonds, Series A, and the remainder of $150,000, for the purchase of notes of The Bluefield Telephone Company and Northwestern Illinois Utilities, subsidiaries of American Utilities Service Corporation. (See In the Matter of American Utilities Service Corporation, Bluefield Telephone Company, Northwestern Illinois Utilities Company, Order issued September 6, 1941, File No. 70-375). The Collateral Trust 6% Bonds, Series A, of American Utilities Service Corporation, proposed to be acquired by it, are to be purchased by advertisement or tender, at prices not to exceed the redemption price of such bonds with reservation of the right to reject any and all tenders.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6769; Filed, September 9, 1941; 11:34 a. m.]

[File No. 70-375]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION, THE BLUEFIELD TELEPHONE COMPANY, AND NORTHWESTERN ILLINOIS UTILITIES

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of September, A. D. 1941.

The Bluefield Telephone Company, a subsidiary of American Utilities Service Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding the proposed issuance and sale on or before December 31, 1943, of $250,000 principal amount, of 10 year, unsecured 4% promissory notes to American Utilities Service Corporation, at the principal amount thereof plus accrued interest; and it appearing that the proceeds from such issuance and sale are to be used to reimburse The Bluefield Telephone Company's treasury for capital expenditures heretofore made, or for additions, extensions and betterments to its property; and

The Bluefield Telephone Company having filed an application pursuant to said Act, particularly section 6 (b) thereof, regarding the proposed issuance and sale of 3,178 shares of $100 par value common stock, to American Utilities Service Corporation for $317,800, the proceeds of which are to be employed to redeem 3,178 shares of 6%, $100 par value, preferred stock of The Bluefield Telephone Company, all of which preferred stock is presently owned by American Utilities Service Corporation; and

Northwestern Illinois Utilities, a subsidiary of American Utilities Service Corporation, having filed a declaration pursuant to said Act, particularly section 7 thereof, regarding the proposed issuance and sale of $150,000 principal amount of 4% unsecured promissory notes to mature in twelve months or less to American Utilities Service Corporation for the principal amount thereof plus accrued interest; and it appearing that the proceeds from such issuance and sale are to be used by Northwestern Illinois Utilities for additions, extensions and betterments to its telephone and electric properties; and

American Utilities Service Corporation having filed an application and amendments thereto, pursuant to said Act, particularly section 10 thereof, regarding the proposed acquisition of the aforementioned notes and common stock of The Bluefield Telephone Company and the aforementioned notes of Northwestern Illinois Utilities; and American Utilities Service Corporation having filed an application under said Act, particularly section 12 (d) thereof with respect to the pledge of such securities to be acquired, with Continental Illinois National Bank and Trust Company of Chicago, as Trustee, under the indenture securing the Collateral Trust, 6% Bonds, Series A, of American Utilities Service Corporation; and

Said applications and declaration having been filed on August 8, 1941 and amendments thereto having been filed on September 2, 1941 and September 3, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act and the Commission not having received a

request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The aforementioned parties having requested that the effective date of said filing be at the earliest possible time; and

The Commission finding, with respect to said applications under section 6 (b) of said Act, that the requirements in section 6 (b) are satisfied; and with respect to said declaration under section 7 of said Act that the requirements of section 7 are satisfied; and with respect to said applications under section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1), and that the aforementioned proposed acquisition from Northwestern Illinois Utilities has the tendency required by section 10 (c) (2) of said Act; and with respect to application under section 12 (d) of said Act that the requirements of section 12 (d) are satisfied.

It is hereby ordered, Pursuant to Rule U-23 under said Act and the applicable provisions of said Act and subject to the terms and conditions prescribed under Rule U-24, that the aforesaid applications shall be and hereby are granted forthwith and the aforesaid declaration be and hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6770; Filed, September 9, 1941; 11:34 a. m.]

[File No. 1-15]

IN THE MATTER OF HAMILTON MANUFACTURING COMPANY, CLASS "A" PREFERENTIAL PARTICIPATING STOCK, $10 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of September, A. D. 1941.

The Hamilton Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Class "A" Preferential Participating Stock, $10 Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice, a hearing hearing been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on September 18, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6771; Filed, September 9, 1941; 11:34 a. m.]

SEP 12 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 177

Washington, Thursday, September 11, 1941

Rules, Regulations, Orders

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-984]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment both temporary and permanent of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure for the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 19, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these Supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.									
						1	2	3	4	5	6	7	8	9	10
232	Patterson Red Ash Coal Co. (Wm. Patterson).	Patterson Red Ash.	4	Red Ash	30	A	(1)	(1)	(1)	(1)	B	B	(1)	D	(1)
607	Stanley, E. E. (E. E. Stanley Coal Co.).	Stanley	2	Sewell	10	A	(1)	(1)	(1)	(1)	A	A	B	(1)	(1)

[1] Indicates no classifications effective for these size groups.

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FEDERAL REGISTER

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FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3¼" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight minerun	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Patterson Red Ash Coal Co. (Wm. Patterson).	232	Patterson Red Ash.	4	McDowell	Red Ash	315	.....	280	215	....	180

[F. R. Doc. 41-6758; Filed, September 9, 1941; 10:21 a. m.]

[Dockets Nos. A-209-220, A-292-294, A-311, A-395, A-457-458]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF CERTAIN PRODUCERS IN WILLIAMSON AND SALINE COUNTIES, DISTRICT 10, FOR A REDUCTION OF MINIMUM PRICES

Original petitions have been duly filed, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division on October 21 (Dockets A-209-220), November 4 (Dockets A-292-294), November 5 (Docket A-311), October 28 (Docket A-395), and December 9 (Dockets A-457-458), 1940, by code members in District 10 seeking certain reductions in the established prices applicable to truck mines in District 10. The individual petitioners and the relief requested are as follows: Mitchell Coal Company (A-209), Black Banner Coal Company (A-210), Howerton Coal Company (A-211), Walnut Valley Coal Company (A-212), Willow Springs Coal Company (A-213), Carrier Mills Coal Company (A-214), Vallie Corder (A-215), Steel Tipple Coal Company (A-216), Monroe Moore & Son (A-217), Cherry Hill Mine (A-218), Ogmore Coal Company (A-293), and Square Deal Coal Company (A-395) request the following reductions: Size Group 8—20¢; Size Groups 10, 11, and 12—40¢; Size Group 13—15¢; Size Group 14—5¢; Size Group 15—25¢; New Spillerton Coal Company (A-219) requests similar reductions as to Size Groups 10-15 only. Cedar Hill Coal Company (A-220), in addition to requesting aforestated reductions in Size Groups 8 and 10-15, also prays for a reduction of 20¢ in Size Group 6 Helm Coal Company (A-458), in addition to the reductions in Size Groups 8 and 10-15 requests the following reductions: Size Groups 1-3—40¢; Size Group 4—25¢; Size Group 5—20¢; Size Group 6—15¢; and Size Group 7—5¢. A. O. Strobel (A-292) and Sims Coal Company (A-311) pray for the following reductions: Size Group 8—20¢; Size Groups 10, 11, and 12—65¢; Size Group 13—40¢; Size Group 14—30¢; and Size Group 15—25¢. Moren Coal Company (A-294) requests a reduction of 40¢ in Size Groups 8, 10, and 12. Prices have been established for the foregoing mines for truck shipments only and all of them are presently priced the same;

Augustina Coloni (A-457), a code member for whose mine both rail and truck prices have been established, requests a reduction in Size Groups 1-9 to $1.75, in Size Groups 10-14 to $1.25, and in Size Group 15 to $0.50;

A hearing having been held before a duly designated Examiner of the Division at a hearing room of the Division, in Springfield, Illinois, on December 20, 1940, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and the parties to this proceeding having waived the preparation and filing of an Examiner's report;

Partial temporary relief, pending final disposition of the original petitions, having been granted by an Order of January 31, 1941, 6 F.R. 759; the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

It is ordered, That commencing forthwith, the effective minimum prices applicable to all mines in Section 10 of District 10 which are set forth in § 330.25 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District 10 for Truck Shipments shall be and the same are hereby reduced as follows: Size Group 8 from $1.80 to $1.60; Size Group 9 from $1.75 to $1.50; Size Groups 10, 11, and 12 from $1.65 to $1.50; Size Group 13 from $1.40 to $1.30; and Size Group 15 from $0.75 to $0.65 per ton f. o. b. the mine; and that the effective minimum prices in all size groups for Mine Index 40 (Augustina Coloni) for truck shipments be and the same are hereby established the same as those for the above-mentioned mines in Section 10 of District 10, as herein revised.

It is further ordered, That in all other respects the requested relief herein be and it is hereby denied.

Dated: September 9, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-6784; Filed, September 10, 1941; 10:00 a. m.]

[Docket No. A-980]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF THE BIG FOUR COAL COMPANY, A CODE MEMBER IN DISTRICT 15, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1301 IN DISTRICT NO. 15 FOR RAIL SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for rail shipment for the coals produced at the Big 4 Mine, Mine Index No. 1301) in District No. 15; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 25, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial, and industrial use]

Mine index No.	Code member	Mine name	Producing group No.	Freight origin group No.	Price classification by size group														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1301	Big Four Coal Co. (Dock Smith).	Big 4	10	103	A	A	A	A	---	A	---	A	A	A	---	---	---	A	---

A is Market Area list price as listed in Price Schedule No. 1.

[F. R. Doc. 41-6759; Filed, September 9, 1941; 10:21 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 28, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED,[1] AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[2]

SEPTEMBER 9, 1941.

General License No. 28 is hereby amended to read as follows:

§ 131.28 *General license No. 28.* (a) A general license is hereby granted licensing as a generally licensed national any individual who is:

(1) A citizen of the United States and residing only in the United States; and

(2) A national of any foreign country solely by reason of having been domiciled or resident therein on or since the effective date of the Order;

Provided, however, that this license shall not be deemed to license as a generally licensed national any individual citizen of the United States who is a national of a foreign country by reason of any fact other than that such individual has been domiciled or resident in such foreign country on or since such effective date.

(b) Reports on Form TFR-300 are not required to be filed with respect to the property interests of any individuals licensed herein as generally licensed nationals.

(c) This general license shall not be deemed to affect securities or evidences thereof delivered, or required to be delivered, to a Federal Reserve Bank under the provisions of General Ruling No. 5, as supplemented, or to authorize any transaction with respect to any such securities or evidences thereof or the proceeds thereof.

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 41-6793; Filed, September 10, 1941; 11:27 a. m.]

[1] 6 F.R. 2897, 3715.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 4]

CAMP REGULATIONS

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE PREPARATION AND SUBMISSION OF MEDICAL REPORTS RELATING TO ILLNESSES AND INJURIES OF ASSIGNEES

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Ex-

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, amended June 14, 1941, and July 26, 1941.

ecutive Order No. 8675,[1] of February 6, 1941, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, Paragraph 7, Camp Regulations,[2] in the following respects:

1. By designating the present subparagraph *b* as subparagraph *c* without change.

2. By substituting a new paragraph *b* to read as follows:

b. The camp director is responsible for the preparation, accuracy and submission of such medical reports relating to the illness or injury of assignees as may, from time to time, be required by the Director of the Selective Service System.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 8, 1941.

[F. R. Doc. 41-6787; Filed, September 10, 1941; 11:06 a. m.]

[Amendment No. 5]

CAMP REGULATIONS

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE REPORTING OF DEATHS, SERIOUS INJURIES OR DAMAGE TO PROPERTY IN THE OPERATION OF CONSCIENTIOUS OBJECTOR CAMPS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Executive Order No. 8675,[1] of February 6, 1941, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, Paragraph 20, Camp Regulations,[2] by striking out the present subparagraph *b* and substituting in lieu thereof the following:

b. Any death or serious personal injury and any serious damage to either public or private property shall, within twenty-four hours of its occurrence be reported by telegram to the Camp Operations Division, Selective Service System, Washington, D. C. This report will be made by the person charged with the duty of investigating and reporting the incident. The project superintendent is charged with the duty of investigating and reporting all such incidents involving assignees while under his supervision, and all other such incidents connected with the work project or government-owned vehicles. The camp director is charged with the duty of reporting all other such incidents.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 8, 1941.

[F. R. Doc. 41-6788; Filed, September 10, 1941; 11:06 a. m.]

[1] 6 F.R. 831.
[2] 6 F.R. 2001.

[No. 28]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 51-A, entitled "Daily Record of Treatment, Ill or Injured Assignees," effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

2. Addition of a new form designated as DSS Form 51-B, entitled "Report of Serious Illness or Injury of Conscientious Objectors Serving in Camps of Camp Operations Division, Selective Service System," effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

The foregoing additions shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A[1] to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 3, 1941

[F. R. Doc. 41-6786; Filed, September 10, 1941; 11:06 a. m.]

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ADMINISTRATOR OF EXPORT CONTROL

EXPORT CONTROL SCHEDULE NO. 12

The commodity forms, conversions, and derivatives determined in this Schedule are in addition to those appearing in the Comprehensive Export Control Schedule issued September 1, 1941, and will be incorporated in the next issue of the Comprehensive Export Control Schedule to be published October 1, 1941.

By virtue of the Military Order of December 19, 1940,[3] and Executive Order No. 8712,[4] I, William E. Chickering, Deputy Administrator of Export Control, have, in the absence of the Administrator, determined that:[5]

1. Effective September 10, 1941, the forms, conversions, and derivatives of the articles and materials designated in Proclamation No. 2503[6] shall consist of the following:

Unit of quantity	Commodity description	Department of Commerce No.
	ANIMAL PRODUCTS	
	Furs and Manufactures:	
Piece or lb.	Fur waste, fur pieces, and damaged fur skins.	0758
	TEXTILE FIBERS AND MANUFACTURES	
	Synthetic Fibers and Manufactures:	
Lb.	Rayon waste and staple fiber including rags, clips, and noils, whether or not machined or otherwise advanced (except yarns).	3830
Lb.	Rayon yarn, single and plied	3840
Lb.	Rayon braids, fringes, and narrow trimmings.	3858.5
	WOOD AND PAPER	
	Logs and hewn timber:	
	Softwoods:	
M. bd. ft.	Sitka spruce	*4019
	Sawed timber:	
	Softwoods:	
M. bd. ft.	Sitka spruce	*4069
	Boards, planks and scantling:	
	Softwoods:	
M. bd. ft.	Sitka spruce	*4109
	NONMETALLIC MINERALS	
	Asphalt and bitumen, natural: (Petroleum asphalt, see Petroleum Products.)	
Long ton	Unmanufactured	5470
Lb.	Manufactures, including asphalt emulsion and prepared road asphalt.	5471
	NONFERROUS METALS	
	Cerium:	
Lb.	Ores and concentrates	6645.99
Lb.	Metals and alloys	6649.99
	Thorium:	
Lb.	Ores and concentrates	6645.99
Lb.	Metals and alloys	6649.99
Lb.	Other ores and concentrates in addition to those listed in previous numbered Export Control Schedules.	6645.99
Lb.	Other metals and alloys in addition to those listed in previous numbered Export Control Schedules.	6649.99
Lb.	Plated ware, other than gold or silver, except cutlery.	6650
Lb.	Other metal and metal composition manufactures in addition to those listed in previous numbered Export Control Schedules.	6691.99
	PRECIOUS METALS	
	Sterling and other solid silverware:	
$ Value	Knives, forks, and steak sets	6955
$ Value	Other, including tableware, ornamental silverware, silver solder and manufactures.	6956
	Silver plated ware:	
$ Value	Knives, forks, and steak sets	6958
$ Value	Other, including tableware, ornamental silverware and manufactures.	6959
$ Value	Gold manufactures, including gold and gold plated ware and gold pen points.	6997

2. Effective September 10, 1941, the forms, conversions, and derivatives of Sole Leather and Belting Leather (Items 3 and 4, Proclamation No. 2460)[6] shall include the following in addition to items previously determined:

[1] 5 F.R. 3785.
[2] 5 F.R. 5231.
[3] 6 F.R. 1501.
[4] The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

[6] 6 F.R. 4231.
[6] 6 F.R. 1155.

Unit of quantity	Commodity description	Department of commerce No.
	LEATHER	
Lb.	Sole and Belting Leather: Shoulders, necks, and bellies	*0332

3. Effective September 10, 1941, the forms, conversions, and derivatives of Asbestos (Item 2c, Proclamation No. 2413) shall include the following in addition to items previously determined in Export Control Schedule No. 9:

Unit of quantity	Commodity description	Department of Commerce No.
	NONMETALLIC MINERALS	
	Asbestos:	
	Unmanufactured:	
Long ton	Crude and fiber (fibers less than ¾ of an inch in length).	5,451.99

By direction of the President:

WILLIAM E. CHICKERING,
Lieutenant Colonel, A. G. D.
Acting Administrator of
Export Control.

AUGUST 20, 1941.

[F. R. Doc. 41-6785; Filed, September 10, 1941; 10:22 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Preference Rating Order No. P-22]

PART 958—REPAIRS

§ 958.1 *Preference rating order.* For the purpose of facilitating the acquisition of Material for the Repair of the property or equipment of certain industries and services hereinafter specified, a preference rating is hereby assigned to deliveries of Material for such purpose upon the following terms:

(a) *Definitions.* (1) "Producer" means any individual, partnership, association, corporation, governmental unit, or other organization engaged in one or more of the following industries and services, and such other industries and services as may be added from time to time by supplement to this Order:

(i) The following Federal, State, County, and municipal services: Fire and police services; Highway maintenance.

(ii) *Carriers.* (a) Urban, suburban, interurban, and intercity common, contract, and private carriers of passengers or freight by electric railway, electric coach, motor truck, or bus, including terminals.

(b) Railroads, including terminals.

(c) Shipping—Commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals.

(iii) Chemicals—Plants engaged in producing chemicals by chemical processing of raw materials.

(iv) Coke converting.

(v) Educational institutions (including vocational training).

(vi) Explosives — plants engaged in manufacturing explosives.

(vii) Farm machinery and equipment—plants engaged in manufacturing farm machinery and equipment.

(viii) Food processing or storing—plants engaged in any of the following: milling, refining, preserving, refrigerating, wholesaling or storing of food for human consumption or livestock feed.

(ix) Highway maintenance and equipment—plants engaged in the production of equipment used in highway maintenance.

(x) Hospitals, clinics and sanatoriums.

(xi) Lumber—plants engaged in the production of lumber (including planing, drying, storing, and treating of lumber), cooperage, plywood, and millwork.

(xii) Metallurgy—plants engaged in the production of metals and alloys.

(xiii) Mines and quarries (including ore dressing or processing plants and smelting facilities).

(xiv) Newspapers—plants engaged in the publication of newspapers.

(xv) Petroleum production, refining and transportation—plants and equipment used in petroleum production, refining and transportation.

(xvi) Radio—Commercial broadcasting and communication (not including home receiving sets).

(xvii) Research laboratories—industrial and academic

(xviii) Rubber and rubber products—plants engaged in the production of rubber and rubber products including reclaimed and synthetic rubber

(xix) Shipyards and Ship Repair Yards engaged in building and repairing ships (excluding yards devoted principally to pleasure craft).

(xx) Telephone and telegraph communication.

(2) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(3) "Repairs" means only repairs needed because of an actual or imminent breakdown, from whatever cause, of a Producer's property or equipment.

(4) "Emergency Inventory" means minimum inventory of Material required to provide for Repairs to meet an actual or imminent breakdown, from whatever cause, of a Producer's property or equipment.

(5) "Supplier" means any person with whom a purchase order or contract has been placed by a Producer or any Supplier for:

(i) Material to be used for Repairs;

(ii) Material required for a Producer's Emergency Inventory;

(iii) Material to be physically incorporated in other Material which is to be used for Repairs or which is required for a Producer's Emergency Inventory.

(b) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A-10 is hereby assigned:

(1) To deliveries to a Producer of Material required by him for Repairs or for his Emergency Inventory;

(2) To deliveries to a Supplier of Material which is, in turn, to be delivered to a Producer for Repairs or for his Emergency Inventory or to be physically incorporated in Material to be so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(1) A Producer;

(2) A Supplier, provided that he requires the Material so purchased in order to make deliveries duly rated pursuant to paragraph (b).

(d) *Application of preference rating.* (1) A Producer in order to apply the preference rating to a delivery of material to him must endorse the following statement on the original and all copies of the purchase order or contract for such such Material signed by a responsible official duly designated for such purpose by such Producer.

Purchase Order for Repair or Emergency Inventory—Preference Rating A-10 under Preference Rating Order P-22.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required for the purposes stated therein. Any such purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith.

(2) A Supplier in order to apply the preference rating to a delivery of Material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material signed by a responsible official duly designated for such purpose by such Supplier:

Purchase Order for Material required to fill a duly rated order for Repair or Emergency Inventory. This purchase order bears Preference Rating A-10 under Preference Rating Order P-22.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required to fill an order placed by a Producer or Supplier duly rated in accordance herewith. Any such Supplier's purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(3) A Producer or Supplier placing any such rated purchase orders or contracts

and the Supplier selling the Material covered thereby, must each retain endorsed copies of such purchase orders or contracts segregated from all other purchase orders or contracts for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(e) *Restrictions on application of rating.* The Preference Rating hereby assigned shall not be applied:

(1) By a Producer to obtain Material in excess of his requirements for Repairs or for his Emergency Inventory;

(2) Unless the Material to be delivered cannot be obtained when required without such rating;

(3) By a Supplier to obtain Material in excess of the amount necessary to make rated deliveries.

(f) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order, or wilfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be prohibited from further applying said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(g) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time in whole or in part or in its application to any Producer or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked. No additional applications of this rating to any other deliveries shall thereafter be made by any Producer or Supplier affected by said revocation or expiration.

(h) *Effective date.* This Order shall take effect on the 9th day of September 1941, and unless sooner revoked shall expire on the 28th day of February 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6772; Filed, September 9, 1941; 3:32 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Price Schedule No. 26]

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE FOR DOUGLAS FIR LUMBER

Douglas fir lumber, a Pacific Coast product, is often employed co-extensively and to some extent interchangeably with Southern pine lumber. It is widely used in the construction industry for exterior and interior finish, framing, mill work, sheathings, floorings, and sub-floorings, and in the manufacture of crates, utility furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects, and factories, and in the production of ships and airplanes. The increased need for Douglas Fir lumber has prompted government efforts to secure expanded production, but the supply has failed to keep pace with the augmented demand stemming from the defense program and the accompanying economic expansion. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Issuance of a Price Schedule is therefore necessary to protect consumers and those members of the industry who are attempting to keep prices down.

Accordingly, under the authority vested in me by Executive Order No. 8734,[1] it is hereby directed that:

§ 1312.51 *Maximum prices for Douglas fir lumber.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Douglas fir lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.59: *Provided*, That such maximum prices shall not apply where actual delivery has been made by the mill to a purchaser, or to a carrier for delivery to a purchaser, prior to October 1, 1941.*

*§§ 1312.51 to 1312.59, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1312.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by unusual charges for extending credit or for early delivery, by charges for delivery which exceed the actual cost of such delivery, except as otherwise provided in § 1312.59 (d), by unnecessarily routing lumber through a distribution yard, or by other direct or indirect methods. The seller shall in all cases give the purchaser the option of making his own transportation arrangements.*

§ 1312.54 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of Douglas fir lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every sale of such lumber made during such month, showing the date thereof, the name of the buyer, the prices, and grades sold. Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from purchasing Douglas fir lumber from those persons who fail to comply with this Schedule. Persons who have evidence of any offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade provisions hereof, or of speculation, or of manipulation of prices of Douglas fir lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.56 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1312.57 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, association, partnership, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Douglas fir" means the botanical species of Pseudotsuga taxifolia produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountains.

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing, or by planing or other comparable method, at least 25 per cent of the volume of Douglas fir logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives Douglas fir logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such logs or lumber so purchased or received by it.

(e) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to this Schedule.*

§ 1312.58 *Effective date of the schedule.* This Schedule shall become effective October 1, 1941.*

[1] 6 F.R. 1917.

Grade spreads. No. 2 Green all widths and lengths, 20' and shorter, $2.00 per 1,000 feet less than No. 1 Green of the same width and length.

No. 3, 20' and shorter, 2 x 4, 2 x 6, and 2 x 8 Green $8.00 per 1,000 feet, and 2 x 10 and 2 x 12 Green $9.00 per 1,000 feet, less than No. 1 Green of the same width and length.

No. 2 Dry, all widths and lengths, 20' and shorter, $4.00 per 1,000 feet less than No. 1 Dry of the same width and length.

No. 3 Dry, 20' and shorter, 2 x 4, 2 x 6, and 2 x 8, $10.00 per 1,000 feet, and 2 x 10 and 12", $11.00 per 1,000 feet, less than No. 1 Dry of the same width and length.

For Dimension surfaced ¼" off, add $1.00 per 1,000 feet to the price for the same grade, width and length.

For No. 1, permitting up to 15% No. 2, deduct .50 per 1,000 feet from the No. 1 price of the same width and length.

For working to Shiplap, Center Matched, or Dressed and Matched, add $2.00 per 1,000 feet, droppings to be included at grade differential.

For Rough dry, add $1.00 per 1,000 feet to surfaced dry price.

For Ripping and Resawing, not diagonal or tapered, add for 2 x 4, $2.50, and for 2 x 6 and wider $1.50 per 1,000 feet.

Plank and timbers, green, rough or S4S

	No. 1				Sel. Merch.				Sel. Str.			
	20' and Shtr.	22/24	26/32	34/40	20' and Shtr.	22/24	26/32	34/40	20' and Shtr.	22/24	26/32	34/40
3 x 3	34.00	36.50	39.50	------	38.00	40.50	42.50	------	40.00	42.50	45.50	------
3 x 4	32.50	35.50	38.50	------	36.50	39.50	41.50	------	38.50	41.50	44.50	------
3 x 6 and 3 x 8	31.00	33.00	34.50	37.50	35.00	37.00	38.50	41.50	37.00	39.00	40.50	43.50
3 x 10 and 3 x 12	32.00	34.00	35.50	38.50	36.00	38.00	39.50	42.50	38.00	40.00	41.50	44.50
4 x 4	32.00	34.00	35.50	------	36.00	38.00	40.00	------	38.00	40.00	42.00	------
4 x 6 and 4 x 8	31.00	33.00	34.50	37.50	35.00	37.00	38.50	41.50	37.00	39.00	40.50	43.50
4 x 10 and 4 x 12	30.50	32.50	34.00	37.00	33.50	35.50	37.00	40.00	35.50	37.50	39.00	42.00
8 x 8 and 6 x 8	30.50	32.50	34.00	37.00	33.50	35.50	37.00	40.00	35.50	37.50	39.00	42.00
8 x 8	30.50	32.00	33.00	35.00	34.00	36.00	37.00	40.00	36.50	38.00	39.50	------

	No. 1			Sel. Merch.			Sel. Str.		
	20' and Shtr.	22/30	32/40	20' and Shtr.	22/30	32/40	20' and Shtr.	22/30	32/40
6 x 10 and 6 x 12	29.50	30.50	31.00	31.50	32.50	33.00	33.50	34.50	35.50
8 x 10 and 8 x 12	29.50	30.50	31.00	31.50	32.50	33.00	33.50	34.50	35.50
10 x 10 and 10 x 12	29.50	31.50	30.50	31.50	33.50	34.00	33.50	35.50	36.50
12 x 12	29.50	31.50	30.50	31.50	33.50	34.00	33.50	35.50	36.50

(b) For mixed car, mixed cargo, or mixed truck shipments, $2.00 additional per 1,000 feet board measure may be charged. A mixed car or mixed cargo shipment (where cargo shipment is not greater than carload quantity) consists of three or more items as hereinafter defined, provided at least three items amount to not less than 500 board feet each, or at least six items amount to not less than 250 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, mouldings, partition, ceiling, siding, plain end flooring, end matched flooring, shiplap, boards, strips, dimension, or timbers.

§ 1312.59 *Appendix A—(a) Maximum f. o. b. mill prices per 1,000 feet board measure:*

Flooring, R/L[1] 1 x 4 V. G. B&Btr, $60.00; C, $55.00; D, $45.00; 1 x 4 F. G. B&Btr, $45.00; C, $43.00; D, $38.00.

Drop siding, R/L[1] 1 x 6 M. G. B&Btr, $50.00; C, $48.00; D, $40.00.

Ceiling, R/L[1] ⅝ x 4" M. G. B&Btr, $37.00; C, $35.00; D, $28.00; 1 x 4 M. G. B&Btr, $45.00; C, $43.00; D, $38.00.

[1] Regular Loading Random Length is as follows:

B and better and C grades:
- 4 feet } 3%
- 5 feet }
- 6 feet } 7%
- 7 feet }
- 8 to 20 feet 90%

D Grade 20%

For specified lengths, 12 feet, add $2.00
For specified lengths, 14 feet, add $3.00.
For specified lengths, 16-18 and 20 feet, add $5.00.

No. 1 boards and shiplap, green, surfaced A. L. S.

	R/L 6/20'	6'	8'	9'	10'	12'	14'	16'	18'	20'	22/24'	Add for dry
1 x 4	$28.00	$28.00	$28.00	$30.00	$29.00	$29.00	$29.00	$31.00	$31.00	$31.00	$35.00	$3.00
1 x 6	27.00	27.00	27.00	29.00	28.00	28.00	28.00	30.00	30.00	30.00	34.00	4.00
1 x 8	27.00	27.00	27.00	------	28.00	28.00	28.00	30.00	30.00	30.00	34.00	4.00
1 x 10	28.00	28.00	28.00	------	28.00	28.00	28.00	30.00	30.00	30.00	34.00	4.00
1 x 12	28.00	28.00	28.00	------	28.00	28.00	28.00	30.00	30.00	30.00	34.00	4.00

	R/L 6/20'	6'	8'	9'	10'	12'	14'	16'	18'	20'	22/24'	Add for dry
2 x 3	$28.50	$21.00	$27.00	$30.50	$29.00	$29.00	$29.00	$31.50	$31.50	$31.50	$35.00	$3.50
2 x 4	28.50	21.00	28.50	29.00	28.00	28.50	28.50	29.50	29.50	29.50	32.00	3.50
2 x 6	28.50	21.00	28.50	------	28.00	28.50	28.50	29.00	29.00	29.00	31.00	3.50
2 x 8	27.50	20.00	26.00	------	26.50	26.50	26.50	27.50	27.50	27.50	30.50	4.00
2 x 10	27.50	20.00	26.00	------	27.00	28.00	28.00	28.50	28.50	28.50	30.50	5.50
2 x 12	27.50	20.00	26.00	------	27.00	28.00	28.00	28.50	28.50	28.50	30.50	5.50

For working to Pattern, add $2.00 per 1,000 feet.

For rough random length, add $1.50 to R/L surfaced prices.

For rough specified lengths, add $3.00 to specified length surfaced prices.

No. 1 dimension, green, rough or S4S A. L. S.

Grade spread. No. 2 Dry or Green: $2.00 per 1,000 feet less than No. 1 of same size and length.

No. 3 Green: $6.00 per 1,000 feet less than No. 1 of same size and length.

No. 3 Dry: $8.00 per 1,000 feet less than No. 1 of same size and length.

(c) For export sales, an addition of not more than $3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt estimated average weights of Douglas fir per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows:

	Pounds per 1,000 feet
FLOORING	
1 x 4"	1,800
DROP SIDING	
1 x 6" Pat. 107, 113, 115, 117, 124	1,500
1 x 6" Pat. 103, 108, 111, 114, 118	1,600
1 x 6" Pat. 101, 104, 105, 106, 112 and rustic	1,700
1 x 6" Pat. 102, 109, 110, 116, and V rustic	1,800
CEILING	
5/8 x 4"	1,200
1 x 4"	1,500
FINISH S4S	
1 x 3 and 4"	1,900
1 x 6" and wider	2,000

BOARDS

	Dry	*Green*
1 x 3 and 4"	2,100	2,400
1 x 6" and wider	2,200	2,500

For Shiplap, D&M or C. M., deduct 100 from S4S.

Dimension, plank and small timbers

	S4S standard dry	S4S standard green	CM and S1S or S2S standard	
			Dry	Green
2 x 2"	2,100	2,400		
2 x 4"	2,200	2,500	1,900	2,150
2 x 6"	2,250	2,550	2,050	2,300
2 x 8"	2,250	2,550	2,100	2,400
2 x 10"	2,300	2,600	2,150	2,450
2 x 12"	2,300	2,600	2,150	2,500
3 x 3"	2,400	2,600		
3 x 4"	2,400	2,600	2,050	2,250
3 x 6"	2,600	2,800	2,350	2,500
3 x 8"	2,600	2,800	2,400	2,600
3 x 10"	2,600	2,800	2,450	2,650
3 x 12"	2,600	2,800	2,500	2,700
4 x 4"	2,500	2,700		
4 x 6"	2,600	2,800	2,400	2,600
4 x 8"	2,600	2,800	2,500	2,700
4 x 10"	2,700	2,900	2,550	2,750
4 x 12"	2,700	2,900	2,600	2,800

Dimension surfaced ¼" off:	*S4S ¼" off by indicated width green*
2 x 2", ¼" off each way	2,550
2 x 3", ¼" off each way	2,650
2 x 4", ¼" off each way	2,750
2 x 6", ¼" off each way	2,600
2 x 8", ¼" off each way	2,850
2 x 8", ¼" off by ½" off in width	2,750
2 x 10", ¼" off each way	2,850
2 x 10", ¼" off by ½" off in width	2,750
2 x 12", ¼" off each way	2,850
2 x 12", ¼" off by ½" off in width	2,800
Dimension, rough or sie:	
Green	3,300
2", dry	2,900
3" and thicker, dry	3,100

Issued this 11th day of September 1941.
Effective October 1, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6796; Filed, September 10, 1941; 11:56 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 146]

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended (Act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023), the following finding relative to the transportation of sisal and an exemption from certain provisions of the regulations for the safe carriage of explosives or other dangerous articles or substances, and combustible liquids, effective April 9, 1941, applicable to vessels qualifying under the conditions of the exemption; are hereby promulgated, effective September 10, 1941. The exemption granted herein shall continue in effect until further notice.

I find that vessels, having a wooden bulkhead constructed in the cargo carrying compartment at least eight (8) inches off a boiler room, an engine room, a coal bunker or a galley bulkhead, when any such bulkhead forms a boundary to said cargo carrying compartment, and engaged in transporting a substantially full cargo of sisal or other vegetable fibers (except cotton) stowed "Tween decks" or "Under deck away from heat" render the application of certain of the provisions of § 146.03-34 (g) of the regulations of the Secretary of Commerce governing the transportation of explosives or other dangerous articles on board vessels relative to the stowage of sisal or other vegetable fibers (except cotton) unnecessary for the purposes of safety.

Because of the present National Emergency it is essential to our National Defense to take immediate action to expedite the use of vessels for the purpose of transporting sisal or other vegetable fibers (except cotton) necessary to the manufacture of materials for National Defense; Therefore it is ordered under the authority contained in subsection (11), and under the emergency provisions of said subsection of R.S. 4472, as amended, that any vessel having a wooden bulkhead constructed at least eight (8) inches off a boiler room, engine room, coal bunker or galley bulkhead, when one of these bulkheads forms a boundary of a cargo carrying compartment, and transporting a substantially full cargo of sisal or other vegetable fibers (except cotton), and such portion of the sisal or other vegetable fibers cargo (except cotton) as is stowed "Tween decks" or "Under deck away from heat" are exempt from that provision of § 146.03-34 (g) of the regulations of the Secretary of Commerce governing the transportation of explosives or other dangerous articles on board vessels which requires that such substances be stowed at least twenty (20) feet away from boiler room, engine room, coal bunker or galley bulkhead.

All other provisions of the regulations applying to sisal or other vegetable fibers

(except cotton) and all other applicable provisions of the general and detail regulations shall be observed. (R.S. 4472, as amended; act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023; 46 U.S.C. 170)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-6795; Filed, September 10, 1941; 11:50 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm-12701; O. I. No. 127]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILLIAM WHITMAN COMPANY INC., 78 CHAUNCEY ST., BOSTON, MASS.

Contract for: Textiles.
Amount, $2,652,500.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this eleventh day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards cloth, serge, olive drab and * * * yards, flannel, shirting, olive drab for the consideration stated totaling two million, six hundred fifty-two thousand, five hundred dollars ($2,652,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-02A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directives No. P-C-1 and P-C-4.

FRANK W. BULLOCK,
Major, Signal Corps.
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6773; Filed, September 10, 1941; 9:55 a. m.]

[Contract No. W 669 qm-12756; O. I. No. 369]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REEVES BROTHERS, INC., 54 WORTH ST., NEW YORK, NEW YORK

Contract for: Cloth, Cotton.
Amount, $2,663,080.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twenty-ninth day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Cloth, Cotton, for the consideration stated totaling two million, six hundred sixty-three thousand, eighty dollars ($2,663,080.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-0240 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directives No. P-C-19 and P-C-15.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6774; Filed, September 10, 1941; 9:55 a. m.]

[Serial No. 4823; 7-23-41]

SUMMARY OF CHANGE ORDER [1] TO CONTRACT FOR SUPPLIES

CONTRACTOR: VULTEE AIRCRAFT, INC., VULTEE FIELD, DOWNEY, CALIFORNIA

Change No. 1 to Contract No. W 535 ac-19042 (Published in FEDERAL REGISTER June 17, 1941). Dated May 5, 1941.

Subject: Additional Airplanes and Spare Parts.

Affecting: Contract W 535 ac-19042.

Under the provisions of Article 24 of Contract W 535 ac-19042, the Government is granted the right and option at any time within * * * days from and after the date of approval of said contract to increase the total number of airplanes called for under the contract by a quantity of * * * at a unit price of $* * * per airplane, and is granted the further right and option to increase the quantity of spare parts called for under the terms of the contract by an amount not exceeding in money value * * * per cent of the additional airplanes that may be purchased under the terms of the option.

Section 1 (a) of the Act of July 2, 1940 (Public No. 703—76th Congress) as amended by Section 9 of the Act approved June 30, 1941 (Public No. 139—77th Congress) authorizes the Secretary of War to amend or supplement such existing contracts as he may deem necessary to carry out the purposes specified in said Act to expedite the strengthening of the National Defense.

In consideration of the premises and the mutual covenants herein contained, it is mutually understood and agreed by the parties hereto that the contract is hereby amended as set forth hereinbelow:

(a) The lot quantity of Airplanes, * * *, called for under the terms of Contract W 535 ac-19042, is hereby in-

[1] Approved by the Under Secretary of War August 2, 1941.

creased from • • • to • • • airplanes, total additional cost, $13,199,196.00.

(b) The lot quantity of spare parts called for under the terms of Item 2 of Contract W 535 ac-19042 is hereby increased from a total money value of not to exceed $2,992,090.00 to a total maximum cost of not to exceed $4,311,601.60; total additional cost of $1,319,511.60.

Price adjustment. The first paragraph of Article 26 of the contract is hereby changed to read as follows:

ART. 26. *Price adjustment.* The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authority, Debit: AC 32 P 12-30 A 0705-2, Debit: AC 18 P 82-30 A 0705-2, Debit: AC 34 P 12-30 A 0705-12, Total debit $14,518,707.60, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6775; Filed, September 10, 1941; 9:55 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-962]

PETITION OF DISTRICT BOARD NO. 7 FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS EXCEPT TRUCK FOR SIZE GROUP 10 COALS OF THE CROZER MINE (MINE INDEX NO. 49) OF THE CROZER COAL AND COKE CO. AND OF THE UPLAND MINE (MINE INDEX NO. 197) OF THE UPLAND COAL AND COKE CO. (CODE MEMBERS IN DISTRICT NO. 7)

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 14, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 9, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 7 for the establishment of Price Classification "D" for the Size Group 10 coals of the Crozer Mine (Mine Index No. 49) of the Crozer Coal and Coke Company and of the Upland Mine (Mine Index No. 197) of the Upland Coal and Coke Company for all shipments except truck.

Dated: September 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6778; Filed, September 10, 1941; 9:59 a. m.]

[Docket No. A-999]

PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR RAIL AND TRUCK SHIPMENTS OF THE COALS OF THE HALSTEAD MINE (MINE INDEX NO. 345) OF THE HALSTEAD COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 6, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for revision of the price classifications and minimum prices for coals of the Halstead Mine (Mine Index No. 345) of the Halstead Coal Company, Inc., as follows:

by changing the price classifications for all shipments except truck from "Q" to "M" in Size Groups 1 through 4, from "J" to "E" in Size Group 9, and from "M" to "G" in Size Group 10; and

by changing the price classification for Great Lakes Cargo only from "P" to "M" in Size Groups 1 and 2; and

by changing minimum prices in cents per ton for truck shipments from 245 to 265 in Size Group 1, from 225 to 245 in Size Group 2 and from 185 to 205 in Size Group 5.

Dated: September 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6779; Filed, September 10, 1941; 9:59 a. m.]

[Docket No. A-917]

PETITION OF KEYSTONE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE SIZE GROUP 3 COALS OF MINE INDEX NOS. 251 AND 451 FOR RAILROAD FUEL USE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

The intervener, District Board No. 1, having moved that the hearing in the above-entitled matter be postponed until October 10, 1941, or such other later date as may be set by the Director and having shown good cause why its motion should be granted; and

The original petitioner having acquiesced in the motion for postponement, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from September 10, 1941, to 10 o'clock in the forenoon of October 10, 1941, at the place heretofore designated and before the officer previously designated to preside at the hearing.

Dated: September 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6780; Filed, September 10, 1941; 9:59 a. m.]

[Docket No. 1698-FD]

IN THE MATTER OF SOUTHERN COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8561, RESPONDENT

CORRECTION OF TYPOGRAPHICAL ERRORS IN NOTICE OF AND ORDER FOR HEARING

Certain typographical errors occurred in the Notice of and Order for Hearing dated July 15, 1941, in the above-entitled matter, as follows:

(a) In the fifth line of Paragraph No. 3 the words "Memphis, Tennessee" should be omitted and the words "Cleveland, Ohio" substituted therefor; (b) in the table of shipments contained in Paragraph No. 4 the initials and numbers of the cars appearing in the second column under the heading "Car No." should be omitted and in lieu thereof the following should be substituted: KCS 27113 should be substituted in lieu of KSC 27113, KCS 27251 should be substituted in lieu of KSC 27251, MP 23579 should be substituted in lieu of KCK 23579, KCS 27264 should be substituted in lieu of KSC 27264, KCS 27748 should be substituted in lieu of KSC 27784, SF 85624 should be substituted in lieu of MOP 85624; (c) in the second line of Paragraph No. 6 the words "Straight Creek Coal Company, Inc." should be deleted and the words "Kentucky Glendon Corporation" substituted in lieu thereof; (d) in the ninth line of Paragraph 8 the word "business" should be inserted before the word "days" and after the figure "(10)"; (e) in the table of shipments set forth in Paragraph No. 10 the words "W. A. Wickliffe Coal Co." appearing on the first line in the column entitled "Producer" should be changed to "Hume-Sinclair Coal Mining Company", and the figure "9" in the column headed "Dist. No." should be changed to "15"; (f) in the fourth line of Paragraph No. 12 the words "in District No. 9" should be inserted after the word "vein" and before the word "at".

Now, therefore, it is ordered, That: (a) in the fifth line of Paragraph No. 3 of said Notice of and Order for Hearing the words "Memphis, Tennessee" should be and the same are hereby omitted, and the words "Cleveland, Ohio" substituted therefor; (b) in the table of shipments contained in Paragraph No. 4 the initials and numbers of the cars appearing in the second column under the heading "Car No." should be and the same are hereby omitted and in lieu thereof the following are substituted: KCS 27113 is hereby substituted in lieu of KSC 27113, KCS 27251 is hereby substituted in lieu of KSC 27251, MP 23579 is hereby substituted in lieu of KCK 23579, KCS 27264 is hereby substituted in lieu of KSC 27264, KCS 27748 is hereby substituted in lieu of KSC 27784, SF 85624 is hereby substituted in lieu of MOP 85624; (c) in the second line of Paragraph No. 6 the words "Straight Creek Coal Company" are hereby deleted and the words "Kentucky Glendon Corporation" are hereby substituted in lieu thereof; (d) in the ninth line of Paragraph 8 the word "business" is hereby inserted before the word "days" and after the figure "(10)"; (e) in the table of shipments set forth in Paragraph No. 10 the words "W. A. Wickliffe Coal Co." appearing on the first line in the column entitled "Producer" are hereby changed to "Hume-Sinclair Coal Mining Company", and the figure "9" in the column headed "Dist. No." is hereby changed to "15"; (f) in the fourth line of Paragraph No. 12 the words "in District No. 9" are hereby inserted after the word "vein" and before the word "at".

Dated: September 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6781; Filed, September 10, 1941; 9:59 a. m.]

[Docket No. A-252]

PETITION OF DUQUESNE COAL AND COKE COMPANY FOR REVISION OF PRICE CLASSIFICATION AND OF MINIMUM PRICES AT ITS AURORA MINE, MINE INDEX NO. 8, DISTRICT NO. 2, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice and that the temporary relief heretofore granted be terminated.

Dated: September 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6782; Filed, September 10, 1941; 9:59 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
F. Frank, 1804 W. 59 St., Chicago, Ill.	Aug. 28, 1941
Curtis G. Warfel, 215 Kelso St., Harrisburg, Pa.	Aug. 29, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before September 29, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: September 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6783; Filed, September 10, 1941; 10:00 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL

PAINTROCK PROJECT INVESTIGATIONS, WYOMING

JULY 31, 1941.

The Secretary of the Interior.

SIR: It is recommended that the following described lands, excepting any tract the title of which has passed out of the United States, be withdrawn from public entry under the first form, as provided by Section 10, Act of October 14, 1940 (54 Stat. 1119).

PAINTROCK PROJECT INVESTIGATIONS

Sixth Principal Meridian, Wyoming

T. 51 N., R. 86 W.,
Sec. 29, SW¼;
Sec. 30, S½;
Sec. 31, N½;
Sec. 32, NW¼.
T. 51 N., R. 87 W., Sec. 36, NE¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: August 14, 1941.

FRED W. JOHNSON,
Commissioner, General Land Office.

AUGUST 22, 1941.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 41-6777; Filed, September 10, 1941; 9:55 a. m.]

ADJUSTMENT OF RECLAMATION WITHDRAWAL TO PLAT OF RESURVEY

PINE FLAT RESERVOIR SITE, CALIFORNIA

JULY 14, 1941.

The Secretary of the Interior.

SIR: By Departmental order of November 16, 1932, certain lands in T. 12 S., R. 25 E., M.D.M., California, were withdrawn under the first form as provided in Section 3, Act of June 17, 1902 (32 Stat. 388) in connection with Pine Flat Reservoir Site, California.

Due to a resurvey of this township accepted by the General Land Office on December 6, 1940, it is recommended that the withdrawal of November 16, 1932, with respect to T. 12 S., R. 25 E., M.D.M., California, be adjusted to embrace the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 12 S., R. 25 E.,
Sec. 3, Lot 4, SW¼NW¼, W½SW¼;
Sec. 4, Lots 1, 2, S½NE¼, SW¼SW¼, SE¼;
Sec. 5, SE¼NE¼, Lot 3, N½ of Lot 4, SE¼ of Lot 4, SW¼SW¼NW¼, N½SE¼NW¼, SE¼SE¼NW¼, W½SW¼, NE¼NE¼ SW¼, SE¼SE¼SW¼, N½SW¼SE¼, E½SE¼;
Sec. 6, NE¼ of Lot 1, S½ of Lot 2, Lot 3, S½NE¼, SW¼SE¼, E½SE¼;
Sec. 7, Lot 1, N½NE¼, SE¼NE¼, SE¼ SW¼, SW¼SE¼, E½SE¼;
Sec. 8, NE¼NE¼NE¼, NW¼NW¼NE¼, S½NW¼NE¼, NW¼, W½SW¼, E½SE¼;
Sec. 9, NE¼, W½NW¼, W½SW¼, SE¼SW¼, W½SE¼;
Sec. 10, W½;
Sec. 14, SW¼NW¼, NW¼SW¼;
Sec. 15, S½NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 16, All;
Sec. 17, S½NE¼, NW¼, S½;
Sec. 18, NE¼, Lot 4, E½SE¼;
Sec. 19, Lots 1, 2, 3, 4, E½SW¼, SE¼;
Sec. 20, NE¼, NE¼NW¼, SW¼;
Sec. 21, N½N½, SW¼NW¼, W½SW¼;
Sec. 22, All;
Sec. 23, NW¼NE¼, S½N½, S½;
Sec. 24, N½, N½S½, SW¼SW¼;
Sec. 26, N½NE¼;
Sec. 27, N½NE¼, NE¼NW¼;

T. 12 S., R. 25 E.—Continued.
Sec. 28, N½NW¼, N½SW¼NW¼, SE¼ NW¼, N½NE¼SW¼, N½SW¼SE¼, NW¼SE¼;
Sec. 29, NE¼NE¼, N½SE¼NE¼, SW¼ NE¼, NW¼NW¼, S½NW¼, NW¼SW¼, SW¼SE¼;
Sec. 30, E½NE¼, Lots 3, 4, SE¼SW¼, E½SE¼;
Sec. 31, E½NE¼, SW¼NE¼, Lots 1, 2, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, NE¼, S½NW¼;

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: August 14, 1941.

FRED W. JOHNSON,
Commissioner of the General Land Office.

AUGUST 21, 1941.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 41-6776; Filed, September 10, 1941; 9:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 11, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Quincy Paper Box Company, 230 North 3rd Street, Chicago, Illinois; Converted Paper Products; Manufacture of Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 10, 1942.

Randolph Paper Box Company, 1313 E. Grace Street, Richmond, Virginia; Converted Paper Products; Small, Round and Square Paper Boxes; 8 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 10, 1942.

John H. Swisher and Son, Inc., 501 East 16th Street, Jacksonville, Florida; Cigar Manufacturing; 10 percent; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Cigar Machine Operators; August 28, 1942.

Signed at Washington, D. C., this 10th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6797; Filed, September 10, 1941; 11:59 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 11, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Ashland Manufacturing Company, 652 Roosevelt Avenue, Carteret, New Jersey; Apparel; Wash Dresses; 19 learners (75% of the applicable hourly minimum wage); January 16, 1942.

Banner Maid Company, 808 Washington Street, St. Louis, Missouri; Apparel; Ladies' slips and pajamas; 10 learners (75% of the applicable hourly minimum wage); September 11, 1942. (This certificate replaces one issued effective October 29, 1940.)

Barclay Shirt Company, 1010 Race Street, Philadelphia, Pennsylvania; Apparel; Men's Shirts; 5 learners (75% of the applicable hourly minimum wage); September 11, 1942.

Burnley Shirt Corporation, Twenty-Second Avenue, Meridian, Mississippi; Apparel; Dress shirts; 5 percent (75% of the applicable hourly minimum wage); September 11, 1942.

Chock-Horowitz Company, Hay Street and Ridge Avenue, York, Pennsylvania; Apparel; Pajamas; 10 percent (75% of the applicable hourly minimum wage); September 11, 1942.

Crown Trouser Company, Second and Alder Streets, Philipsburg, Pennsylvania; Apparel; Shirts and Pants; 10 percent (75% of the applicable hourly minimum wage); December 4, 1941.

D & D Shirt Company, Northampton, Pennsylvania; Apparel; Shirt Contracting; 10 percent (75% of the applicable hourly minimum wage); September 11, 1941.

Green Star Manufacturing Company, Sharptown, Maryland; Apparel; Men's Shorts; 40 learners (75% of the applicable hourly minimum wage); December 29, 1941.

The Holbrook Corporation, 34 Meadow Street, New Britain, Connecticut; Apparel; Men's Shirts; 10 percent (75% of the applicable hourly minimum wage); September 11, 1942. (This certificate replaces one issued effective September 27, 1940.)

Jaross Sportswear 1017 South Grand Avenue, Los Angeles, California; Apparel; Sportswear, Women's Slack Suits; 5 learners (75% of the applicable hourly minimum wage); September 11, 1942.

Johnson's Gloves Inc., 307 West Second Street, Marshfield, Wisconsin; Apparel; Leather and Cloth Jackets and Raincoats; 4 learners (75% of the applicable hourly minimum wage); September 11, 1942.

S. Kellner and Sons, 361 Stagg Street, Brooklyn, New York; Apparel; Men's and Boys' Cotton Pajamas; 5 learners (75% of the applicable minimum wage); January 8, 1942.

Laurel Underwear Company, R. D. #2, Pottstown, Pennsylvania; Apparel; Men's, Children's and Ladies' Underwear, Men's and Boys' Cotton Jackets; 2 learners (75% of the applicable hourly minimum wage); September 11, 1942.

Lipson Garment Company, 308 East Ninth Street, Los Angeles, California; Apparel; Ladies' wash dresses, housecoats; 5 learners (75% of the applicable hourly minimum wage); September 11, 1942.

M. & S. Shirt Company, Inc., 32 High Street, Elizabeth, New Jersey; Apparel; Men's Shirts; 10 percent (75% of the applicable hourly minimum wage); September 11, 1942. (This Certificate replaces one issued bearing the expiration date of September 24, 1941.)

Mar-Ann Dress Company, 120 North State Street, Ephrata Pennsylvania; Apparel; Children's Dresses; 170 learners (75% of the applicable hourly minimum wage); January 8, 1942.

E. Mendelson, 125 Broadway, Long Branch, New Jersey; Apparel; Dresses; Cotton Jiggers, Sportswear; 4 learners (75% of the applicable hourly minimum wage); September 11, 1942.

Outdoor Clothing Company, Inc., 9 St. Frances Street. Newark, New Jersey; Apparel; Leather and Sheepskin Coats; 10 learners (75% of the applicable hourly minimum wage); January 8, 1942.

Randa Neckwear Corporation, Hackensack, New Jersey; Apparel; Men's Neckwear; 10 learners (75% of the applicable hourly minimum wage); December 29, 1941.

Progressive Vest Shop, 412 Boston Avenue, Egg Harbor City, New Jersey; Apparel; Men's Vests; 5 learners (75% of the applicable hourly minimum wage); September 11, 1942.

Reliance Manufacturing Company, North Washington Street, Columbus, Indiana; Apparel; Jackets, Pants, and Shirts; 10 percent (75% of the applicable hourly minimum wage); September 11, 1942. (This certificate replaces one issued bearing the expiration date of August 11, 1942.)

The Snow and Baker Company, Whitefield, New Hampshire; Apparel; Overalls; 6 learners (75% of the applicable hourly minimum wage); September 11, 1942. (This certificate replaces one issued effective November 28, 1940.)

Southland Manufacturing Company, Mobile and Grady Streets, Montgomery, Alabama; Apparel; Workshirts; 10 percent (75% of the applicable hourly minimum wage); September 11, 1942. (This certificate replaces one issued effective December 23, 1940.)

Standard Trouser Company, Buckhannon, West Virginia; Apparel; Trousers; 10 percent (75% of the applicable hourly minimum wage); December 4, 1941.

Strauber Brothers, 483 Broadway, New York, New York; Apparel; Ladies' and Children's Slips and Pajamas; 5 learners (75% of the applicable hourly minimum wage); January 8, 1942.

Jack Tobin, Third and Somerset Streets, Philadelphia, Pennsylvania; Apparel; Children's Dresses; 10 percent (75% of the applicable hourly minimum wage); September 11, 1942. (This certificate replaces one issued effective September 27, 1940.)

Venus Lingerie Company, Inc., 35 Benham Avenue, Bridgeport, Connecticut; Apparel; Ladies' Undergarments; 5 percent (75% of the applicable hourly minimum wage); September 11, 1942.

Abraham M. Weiss, 63 Hudson Avenue, Albany, New York, Apparel; Raincoats; 3 learners (75% of the applicable hourly minimum wage); September 11, 1942.

Arrowhead Oconto Glove and Mitten Company, Superior Avenue, Oconto, Wisconsin; Gloves; Work Gloves; 14 learners; March 11, 1942.

Grayson-Wilson-Nolan Glove Company, 606 S. Marengo Avenue; Alhambra, California; Gloves; Knit Fabric and Work Gloves; 2 learners; September 11, 1942.

Concordia Silk Hosiery Company, Inc., A and Courtland Streets, Philadelphia, Pennsylvania; Hosiery; Full Fashioned Hosiery; 10 learners; March 11, 1942.

Graysville Hosiery Mill, 125 E. Main Street, Dayton, Tennessee; Hosiery; Seamless Hosiery; 10 learners; May 11, 1942.

Mac Hosiery Mill, Granite Falls, North Carolina; Hosiery; Seamless Hosiery; 2 learners; September 11, 1942.

Pine Hosiery Mills, Inc., Star, North Carolina; Hosiery Seamless Hosiery; 5 learners; March 11, 1942.

Reitzel Hosiery Mill, R. F. D. 2, Hickory, North Carolina; Hosiery, Seamless Hosiery; 2 learners; September 11, 1942.

The Atlas Underwear Company, North 10th and D. Streets, Richmond, Indiana; Knitted Wear; Knitted Underwear; 5 percent; September 11, 1942.

Beaunit Mills, Inc., Mohawk Street, Cohoes, New York; Knitted Wear; Knitted underwear and commercial knitting; 5 percent; September 11, 1942.

Gutstein and Kaiser Knitting Mills, Center and White Streets, Dupont, Pennsylvania; Knitted Wear; Knitted outerwear; 24 learners; February 19, 1942.

Woodside Cotton Mills Company, Fountain Inn, South Carolina; Textile; Print Cloths, 3 percent; September 11, 1942.

Braham Woolen Mills, Braham, Minnesota; Woolen; Wool batting, Woolen yarn; 2 learners; September 11, 1942.

Robert E. Pent, Coll Street, New Braunfels, Texas; Woolen; Wool combing plant, Manufacturing wool tapes; 5 learners; November 17, 1941.

Signed at Washington, D. C. this 10th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6798; Filed, September 10, 1941; 11:59 a. m.]

NOTICE OF CHANGE OF DATE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 28 FOR THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, on June 21, 1941

(F.R. June 24, 1941), gave notice, pursuant to Section 8 of the Fair Labor Standards Act of 1938, that a public hearing would be held on July 9, 1941, for the purpose of taking evidence on the question whether the recommendation of Industry Committee No. 28 for a minimum wage rate of 40 cents an hour in the Knitted and Men's Woven Underwear and Commercial Knitting Industry shall be approved or disapproved; and

Whereas by an order duly published in the FEDERAL REGISTER July 3, 1941, the date of the hearing was advanced to September 15, 1941; and

Whereas due cause has been shown for the further postponement of the date upon which said hearing shall be held:

Now, therefore, notice is hereby given that:

1. The aforesaid hearing on the recommendation of Industry Committee No. 28 for a minimum wage rate of 40 cents an hour in the Knitted and Men's Woven Underwear and Commercial Knitting Industry shall be held at 10:00 A. M. on September 29, 1941, in Room 3229, United States Department of Labor Building, Washington, D. C., before Thomas Holland, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor;

2. Any interested person who desires to appear at the aforesaid hearing to offer evidence shall file notice of his intention with the Administrator of the Wage and Hour Division not later than September 19, 1941, in the manner specified in paragraph V of the aforesaid notice of June 21, 1941.

3. Except as hereinabove expressly modified, and except for the substitution of Thomas Holland, as Presiding Officer in place of Henry T. Hunt, the aforesaid notice of June 21, 1941, remains in full force and effect.

Signed at Washington, D. C., this tenth day of September 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-6799; Filed, September 10, 1941; 11:59 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-211]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 9, 1941.

It appearing to the Commission that: Good cause has been shown for the postponement of the date fixed for hearing in this matter;

The Commission orders that: The public hearing in this matter heretofore ordered to commence on September 15, 1941, be and it is hereby postponed to such date as shall hereafter be designated by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-6794; Filed, September 10, 1941; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-393]

IN THE MATTER OF STANLEY CLARKE, TRUSTEE OF ASSOCIATED GAS AND ELECTRIC COMPANY, DEBTOR, IN REORGANIZATION UNDER CHAPTER X OF THE BANKRUPTCY ACT

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1941.

The above-named party, having filed a declaration, as amended, pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 6 (a) and 7 thereof, and Rules U-20, U-23, and U-24, promulgated thereunder, regarding extension of the maturity date of the outstanding Trustee's Certificates, in the principal amount of $200,000, due September 13, 1941, to a date not to exceed one year from said September 13, 1941; and

Said declaration having been filed on August 28, 1941, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said Act, and an amendment having been filed on September 8, 1941, and the Commission not having received a request for a hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named party having requested that the Commission advance the effective date of said declaration, as amended, and the Commission finding that the requirements of section 7 are satisfied, and that it is appropriate that the said declaration, as amended, be permitted to become effective, and that the date should be advanced;

It is hereby ordered, Pursuant to said Rule U-23, and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6789; Filed, September 10, 1941; 11:29 a. m.]

[File No. 1-1797]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF ALADDIN GOLD MINING COMPANY, LTD. COMMON CAPITAL STOCK, 10¢ PAR VALUE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1941.

I

It appearing to the Commission:

That Aladdin Gold Mining Company, Ltd., a corporation organized under the laws of the State of Nevada, is the issuer of Common Capital Stock, 10¢ Par Value; and

That said Aladdin Gold Mining Company, Ltd. registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing on or about April 15, 1938, an application on Form 8-A with the said exchange and with the Commission, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective June 19, 1938, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Aladdin Gold Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the instructions to Form 10-K do not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within this initial period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

It further appearing to the Commission:

That said Aladdin Gold Mining Company, Ltd. has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1940 was due to be filed not later than April 30, 1941; and that no annual report for the fiscal year ended December 31, 1940 has been filed; and

II

The Commission having reasonable cause to believe:

(a) The said Aladdin Gold Mining Company, Ltd. has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, the Rules and Regulations, Form 10-K and the Instructions thereto, promulgated by the Commission thereunder in that the annual report filed by it for the fiscal year ended December 31, 1939 fails to contain certified financial statements in the form and for the period as prescribed by Item 8 of Form 10-K and the Instructions thereto and the Rules and Regulations of the Commission; and

(b) The said Aladdin Gold Mining Company, Ltd. has also failed to comply with said section 13 and said Rules X-13A-1 and X-13A-2 in that it has failed to file its annual report for the year ended December 31, 1940 within the time prescribed for filing said report; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Aladdin Gold Mining Company, Ltd., has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, 10¢ Par Value, of said Aladdin Gold Mining Company, Ltd., on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Adrian C. Humphries, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 23d day of September, at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6790; Filed, September 10, 1941; 11:29 a. m.]

[File No. 70-397]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than September 24, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Mountain States Power Company proposes to acquire from Montana-Dakota Utilities Co. the latter company's purchase money note in the face amount of $95,000 in payment of the purchase price of certain existing electric utility properties located in and near Baker, Montana, to be sold by Mountain States Power Company to Montana-Dakota Utilities Co., said purchase money note to be payable in three equal instalments on or before April 1, 1943, January 1, 1944, and October 1, 1944, respectively, bearing interest at the rate of 2½% per annum. The acquisition by Mountain States Power Company of said purchase money note is to be conditioned on the proposed sale thereof at face amount by endorsement without recourse to Northwestern National Bank and Trust Company of Minneapolis, such sale of said purchase money note by Mountain States Power Company to be consummated simultaneously with the receipt by it thereof.

Mountain States Power Company is a subsidiary company of Standard Gas and Electric Company which is a registered holding company while Montana-Dakota Utilities Co. is not a registered holding company nor a subsidiary company thereof. It is stated that there exists between Mountain States Power Company and Montana-Dakota Utilities Co. no intercorporate relationships through holding companies, ownership of securities, or otherwise; that no underwriters' or finders' fees of any kind will be paid; and that after the sale by Mountain States Power Company of said purchase money note, the same will not be an obligation direct or indirect, conditional, or otherwise.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6791; Filed, September 10, 1941; 11:29 a. m.]

[File Nos. 59-11, 59-17]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS

[File No. 54-25]

THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER ON AMENDED APPLICATION NUMBER 1; SALE BY THE UNITED LIGHT AND RAILWAYS COMPANY OF COMMON STOCK OF NORTHERN NATURAL GAS COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1941.

The United Light and Power Company and The United Light and Railways Company, registered holding companies, having filed an application and an amendment thereto pursuant to sections 11 and 12 of the Public Utility Holding Company Act of 1935 with respect to the sale to underwriters for resale to the public of 355,250 shares of the $20 par value Common Stock of Northern Natural Gas Company, a registered holding company and a subsidiary company of such applicants, and the matter having been set down for hearing, which hearing was held on September 8, 1941 after appropriate notice; the record in this matter having been duly considered and the Commission having made and filed its findings and opinion herein;

It is ordered, That said application as amended be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6792; Filed, September 10, 1941; 11:30 a. m.]

Released

SEP 15 1941

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 6 NUMBER 178

Washington, Friday, September 12, 1941

The President

EMERGENCY BOARD, ATCHISON, TOPEKA & SANTA FE RAILWAY AND OTHER CARRIERS—EMPLOYEES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the President, having been duly notified by the National Mediation Board that a dispute between the carriers listed on the attached exhibit "A" and certain of their employees as they are represented by the following labor organizations:

Brotherhood of Locomotive Engineers
Brotherhood of Locomotive Firemen and Enginemen
Order of Railway Conductors of America
Brotherhood of Railroad Trainmen
Switchmen's Union of North America

WHEREAS the President, having been duly notified by the National Mediation Board that certain disputes between the carriers listed on the attached exhibit "B" and certain of their employees as they are represented by the following labor organizations:

International Association of Machinists
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America
International Brotherhood of Blacksmiths, Drop Forgers and Helpers
Sheet Metal Workers' International Association
International Brotherhood of Electrical Workers
Brotherhood Railway Carmen of America
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers
The Order of Railroad Telegraphers
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes
Brotherhood of Maintenance of Way Employes
Brotherhood of Railroad Signalmen of America
National Organization Masters, Mates and Pilots of America
National Marine Engineers' Beneficial Association
International Longshoremen's Association

WHEREAS the President, having been duly notified by the National Mediation Board that certain disputes between the carrier listed on the attached exhibit "C" and certain of its employees as they are represented by the following labor organizations:

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes
International Association of Machinists
International Brotherhood of Blacksmiths, Drop Forgers and Helpers

which disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended, now threaten substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by section 10 of the Railway Labor Act, as amended, do hereby create a board to be composed of 5 persons not pecuniarily or otherwise interested in any organization of railway employees or any carrier, to investigate the aforementioned disputes and report its findings to me within 30 days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars ($75.00) for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public, No. 212, 72d Congress, approved June 30, 1932, 11: 30 a. m., not

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THE PRESIDENT

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FEDERAL REGISTER

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to exceed five dollars ($5.00) per diem for expenses incurred for subsistence.

All expenditures of the Board shall be allowed and paid for out of the appropriation "National Mediation Board Appropriation Act, 1942" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 10th day of September in the year of our Lord one thousand nine hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President

CORDELL HULL
Secretary of State.

[No. 2510]

EXHIBIT "A"

Carriers

Eastern Region

Akron & Barberton Belt Railroad
Akron, Canton & Youngstown Railway
Ann Arbor Railroad
Baltimore & Ohio Railroad
Bessemer and Lake Erie Railroad Co.
Boston and Maine Railroad
Brooklyn Eastern District Terminal
Bush Terminal Company
Central Railroad Co. of New Jersey
Central Vermont Railway, Inc.
Chicago, Indianapolis & Louisville Railway
Chicago Union Station Company
Cincinnati Union Terminal Co.
Delaware and Hudson Railroad Corporation
Delaware, Lackawanna and Western Railroad Co.
Detroit & Toledo Shore Line Railroad
Detroit Terminal Railroad
Detroit, Toledo and Ironton Railroad Company
East Broad Top Railroad & Coal Company
Erie Railroad
Chicago & Erie Railroad
New Jersey & New York Railroad
Grand Trunk Western Railroad Co.
Huntington and Broad Top Mountain Railroad & Coal Co.
Indianapolis Union Railway
Jay Street Terminal
Lehigh & New England Railroad
Lehigh Valley Railroad
Maine Central Railroad Company
Portland Terminal Company
Monongahela Railway
New York Central System
New York Central Railroad Co.—Buffalo & East
New York Central Railroad Co.—West of Buffalo (Incl. Ohio Central Division)
Boston & Albany Railroad
Chicago River & Indiana Railroad Co.—Chicago Junction Railway Company
Cleveland, Cincinnati, Chicago & St. Louis Railway Co. (Incl. Louisville & Jefferson Bridge & Railroad Co. and Peoria & Eastern Railway Co.)
Cleveland Union Terminals Company
New York Central System—Continued
Indiana Harbor Belt Railroad Company
Michigan Central Railroad Company
Pittsburgh & Lake Erie Railroad Co. (Incl. Lake Erie and Eastern Railroad Co.)
New York, Chicago and St. Louis Railroad Co.
New York Dock Railway
New York, New Haven and Hartford Railroad Co.
New York Susquehanna & Western Railroad
Pennsylvania Railroad
Baltimore and Eastern Railroad Co.
Long Island Railroad
Pennsylvania-Reading Seashore Lines
Pere Marquette Railway Co.
Fort Street Union Depot Company
Pittsburgh, Chartiers & Youghiogheny Railway
Pittsburgh & West Virginia Railway Company
Pittsburgh & Shawmut Railroad
Pittsburgh Shawmut and Northern Railroad
Reading Company
River Terminal Railway
Staten Island Rapid Transit Railway
Union Belt of Detroit
Union Depot Company (Columbus, Ohio)
Union Freight Railroad Company (Boston, Massachusetts)
Washington Terminal Company
Wheeling and Lake Erie Railway Company (Incl. Lorain & West Virginia Railway Company)

Southeastern Region

Atlantic Coast Line Railroad
Atlanta and West Point Railroad Co.
Western Railway of Alabama
Atlanta Joint Terminals
Central of Georgia Railway Company
Charleston & Western Carolina Railway
Chesapeake and Ohio Railway
Clinchfield Railroad Company
Florida East Coast Railway Company
Georgia Railroad
Gulf Mobile and Ohio Railroad
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad Company
Louisville & Nashville Railroad Company
Nashville, Chattanooga & St. Louis Railway
Norfolk & Portsmouth Belt Line Railroad
Norfolk and Western Railway
Richmond, Fredericksburg and Potomac Railroad Co.
Seaboard Air Line Railway Company
Southern Railway Company
Alabama Great Southern Railroad Co.
Belt Railway Company of Chattanooga
Cincinnati, Burnside & Cumberland River Ry.
Georgia Southern & Florida Railway
Harriman & Northeastern Railroad
New Orleans & Northeastern Railroad
New Orleans Terminal Company

Southern Railway Company—Continued
St. Johns River Terminal Company
Woodstock & Blocton Railway Company
Tennessee Central Railway Company
Virginian Railway Company

Western Region

Alton Railroad Company
Alton and Southern Railroad
Atchison, Topeka & Santa Fe Railway
Gulf, Colorado & Santa Fe Railway
Panhandle & Santa Fe Railway
Baltimore & Ohio Chicago Terminal Railroad
Belt Railway Company of Chicago
Burlington-Rock Island Railroad Company
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway Company
Chicago and North Western Railway Company
Chicago & Western Indiana Railroad
Chicago, Burlington & Quincy Railroad Co.
Chicago Great Western Railway
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Terre Haute & Southeastern Railway Co.
Chicago, Rock Island & Pacific Railway Company
Chicago, St. Paul, Minneapolis and Omaha Railway
Colorado and Southern Railway Co.
Colorado & Wyoming Railway Company
Davenport, Rock Island and Northwestern Railway
Denver & Rio Grande Western Railroad Company
Denver & Salt Lake Railway Company
Des Moines Union Railway
Duluth, Missabe & Iron Range Railway
Duluth, Winnipeg & Pacific Railway
East St. Louis Junction Railroad
Elgin, Joliet & Eastern Railway Company
Escanaba and Lake Superior Railroad
Fort Worth and Denver City Railway Company
Wichita Valley Railway Company
Fort Worth Belt Railway Company
Galveston, Houston & Henderson Railroad
Galveston Wharves
Great Northern Railway
Green Bay and Western Railroad Company
Kewaunee, Green Bay and Western Railroad Co.
Ahnapee and Western Railway Company
Gulf Coast Lines
New Orleans, Texas & Mexico Railway
Beaumont, Sour Lake & Western Railway
Orange & Northwestern Railway
St. Louis, Brownsville and Mexico Railway Company
Iberia, St. Mary and Eastern Railroad
New Iberia & Northern Railroad
Gulf Coast Lines—Continued
Houston and Brazos Valley Railway Company
San Antonio, Uvalde & Gulf Railroad Company
Sugar Land Railway Company
Rio Grande City Railway Company
Asherton and Gulf Railway Company
San Antonio Southern Railway Company
San Benito and Rio Grande Valley Railway Co.
Asphalt Belt Railway
Houston North Shore Railway
International-Great Northern Railroad
Houston Belt & Terminal Railway Company
Illinois Central Railroad
Yazoo and Mississippi Valley Railroad Co.
Vicksburg, Shreveport & Pacific Railway Co.
Alabama and Vicksburg Railway Company
Gulf and Ship Island Railroad Company
Chicago and Illinois Western Railroad
Kansas City Southern Railway
Kansas City Terminal Railway
Lake Superior Terminal & Transfer Railway
Los Angeles Junction Railway
Louisiana & Arkansas Railway
Manufacturers Railway Company
Midland Valley Railroad
Kansas, Oklahoma & Gulf Railway
Minneapolis & St. Louis Railroad
Railway Transfer Co. of City of Minneapolis
Minneapolis, Northfield and Southern Railway
Minneapolis, St. Paul & Sault Ste. Marie Railway
Duluth, South Shore & Atlantic Railway
Mineral Range Railroad
Minnesota & International Railway Company
Big Fork & International Falls Railway Co.
Minnesota Transfer Railway
Missouri-Kansas-Texas Railroad
Missouri-Kansas-Texas Railroad Co. of Texas
Missouri Pacific Railroad
Missouri-Illinois Railroad Company
Northern Pacific Railway
Northern Pacific Terminal Co. of Oregon
Northwestern Pacific Railroad Company
Ogden Union Railway & Depot Company
Oregon, California & Eastern Railway Co.
Outer Harbor Terminal Railway Company
Peoria and Pekin Union Railway Co.
Port Terminal Railroad Association
Pueblo Union Depot & Railroad Company
St. Joseph Terminal Railroad Company
St. Louis-San Francisco Railway Company
St. Louis, San Francisco and Texas Railway Co.
St. Louis Southwestern Railway
St. Louis Southwestern Railway Co. of Texas
St. Paul Union Depot Company
San Diego & Arizona Eastern Railway
Sioux City Terminal Railway
Southern Pacific Company (Pacific Lines)
Southern Pacific Co.—Former El Paso & Southwestern
Southern Pacific Co.—Former Arizona Eastern Railroad Co.
South Omaha Terminal Railway Company
Spokane, Coeur d'Alene and Palouse Railway Co.
Spokane, Portland and Seattle Railway
Oregon Trunk Railway
Oregon Electric Railway
United Railways Company
Spokane Union Station Company
Terminal Railroad Association of St. Louis
Texas and New Orleans Railroad Company
Texas and Pacific Railway Company
Cisco & Northeastern Railway Company
Abilene & Southern Railway Company
Weatherford, Mineral Wells and Northwestern Railway Co.
Texas-New Mexico Railway Company
Texas Mexican Railway Company
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Union Pacific Railroad
Union Railway (Memphis)
Union Terminal Company (Dallas)
Union Terminal Railway Company (St. Joseph)
Wabash Railway Company
Western Pacific Railroad
Yakima Valley Transportation Company

EXHIBIT "B"

Carriers

Eastern Region

Akron & Barberton Belt R. R.
Akron, Canton & Youngstown Ry. (includes Northern Ohio Ry.)
Ann Arbor Railroad
Baltimore & Ohio Railroad
Baltimore & Ohio (New York Terminals)
Baltimore & Ohio Elevators
Baltimore & Ohio Warehouses (Baltimore and Cincinnati)
B. R. & P. Warehouse Inc. (Rochester)
Terminal Storage Company (Washington)
Dayton & Union Railroad Co.
Bangor and Aroostook R. R. Co.
Bessemer and Lake Erie R. R. Co.
Boston and Maine R. R.
Boston Terminal Co.
Brooklyn Eastern District Terminal
Buffalo Creek Railroad Co.
Bush Terminal Co.
Canadian National Ry. Lines in New England
Champlain & St. Lawrence R. R. Co.
St. Clair Tunnel Co.
United States & Canada Rail Road Co.
Canadian National Ry. Lines in N. Y.

Canton Railroad Co.
Central Railroad Company of New Jersey
New York and Long Branch R. R.
Wharton & Northern R. R.
Central Vermont Railway, Inc.
Central Vermont Terminal, Inc.
Chicago, Indianapolis & Louisville Ry.
Cincinnati Union Terminal Co.
Chicago Union Station Co.
Dayton Union Ry. Co.
Delaware and Hudson R. R. Corporation
Delaware, Lackawanna and Western R. R. Co.
Detroit and Mackinac Ry. Co.
Detroit, Toledo and Ironton R. R. Co.
Detroit & Toledo Shore Line R. R.
Detroit Terminal R. R.
Erie Railroad
Chicago & Erie Railroad
New Jersey & New York R. R.
East Broad Top R. R. & Coal Co.
Grand Trunk Western R. R. Co.
Greenwich & Johnsonville Ry. (N. Y.)
Hudson & Manhattan R. R. Co.
Huntington and Broad Top Mountain R. R. & Coal Co. (Pa.)
Indianapolis Union Ry.
Jay Street Terminal
Lackawanna & Wyoming Valley R. R. Co.
Lehigh Valley R. R.
Mackinac Transportation Co.
Maryland & Pennsylvania R. R. Co.
Maine Central R. R. Co.
Portland Terminal Co.
Merchants Despatch Transportation Corp.
Montour Railroad
Monongahela Railway
Mystic Terminal Co. (Charleston, Mass.)
Montpelier & Wells River R. R. and Barre and Chelsea R. R. Co.
New York Central System
New York Central R. R. Co.—Buffalo & East
New York Central Grain Elevators
New York Central Stockyards (Buffalo)
New York Central R. R. Co.—West of Buffalo
New York Central R. R. Co.—Ohio Central Lines
New York Central R. R. Co.—Grand Central Terminal
Boston & Albany Railroad
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co. (inc. Peoria and Eastern Ry. Co. and Louisville & Jefferson Bridge and R. R. Co.)
Cleveland Union Terminals Co.
Chicago River & Indiana R. R. Co. (Chicago Jct. Ry. Co.)
Indiana Harbor Belt R. R. Co.
Michigan Central R. R. Co.
Detroit Stock Yards
Pittsburgh & Lake Erie R. R. Co.
(Including Lake Erie and Eastern R. R. Co.)
Troy Union Railroad Co.
New York, Susquehanna & Western R. R.
New York Dock Ry.
New York, Chicago and St. Louis R. R. Co.
New York, New Haven and Hartford R. R. Co.
New York Connecting R. R. Co.
New York, Ontario and Western Ry.
Pennsylvania Railroad
Long Island Railroad
Pittsburgh Joint Stock Yards
Baltimore and Eastern R. R. Co.
Pennsylvania-Reading Seashore Lines
Pere Marquette Ry.
Fort Street Union Depot Co.
Pittsburgh & Shawmut R. R.
Pittsburgh, Chartiers & Youghiogheny Ry.
Pittsburgh & West Virginia Ry. Co.
Railroad Perishable Inspection Agency
Reading Company
Philadelphia, Reading & Pottsville Telegraph Co.
Staten Island Rapid Transit Ry.
Toledo Terminal Railroad
Union Belt of Detroit
Union Freight Railroad (Boston)
Union Inland Freight Station (New York)
Union Depot Company (Columbus, Ohio)
Washington Terminal Co.
Wheeling and Lake Erie Ry. Co.
(Including Lorain & West Virginia Ry. Co.)

Southeastern Region

Alabama, Tennessee & Northern R. R.
Albany Passenger Terminal Co.
Atlanta, Birmingham and Coast R. R. Co.
Atlanta Terminal Co.
Atlantic and Yadkin Ry.
Atlantic Coast Line R. R.
Winston-Salem Southbound Ry.
Atlanta Joint Terminals
Atlanta and West Point R. R. Co.
Western Ry. of Alabama
Birmingham Terminal Co.
Central of Georgia Ry. Co.
Chesapeake and Ohio Ry.
Charleston Union Station Co.
Charleston & Western Carolina Ry.
Chattanooga Station Co.
Clinchfield Railroad Co.
Columbus and Greenville Ry.
Columbia Union Station Co.
Durham Union Station Co.
Florida East Coast Ry. Co.
Fruit Growers' Express Co.
Georgia & Florida R. R.
Georgia Railroad
Gulf, Mobile and Ohio R. R.
Gulf Terminal Co.
Jacksonville Terminal Co.
Kentucky & Indiana Terminal R. R. Co.
Lexington Terminal R. R. Co.
Lenoir Car Works
Louisville & Nashville R. R. Co.
Macon, Dublin & Savannah R. R.
Meridian Terminal Co.
Meridian and Bigbee River Ry. Co.
Mississippi Central R. R.
Monroe Railroad Co.
Nashville Terminals Co.
Nashville, Chattanooga & St. Louis Ry.
Norfolk Southern R. R. Co.
Norfolk and Western Ry.
Port Utilities Commission (Charleston)
Relay Depot Assn. (E. St. Louis)
Richmond, Fredericksburg and Potomac R. R. Co.
Richmond Terminals Co.
Savannah & Atlanta Ry. Co.
Savannah Union Station Co.
Seaboard Air Line Ry. Co.
Tampa Union Station
Southern Railway Co.
Alabama Great Southern R. R. Co.
Cincinnati, Burnside & Cumberland River Ry.
Cincinnati, New Orleans & Texas Pacific Ry.
Georgia Southern & Florida Ry.
Harriman & Northeastern R. R.
New Orleans & Northeastern R. R.
New Orleans Terminal Co.
St. Johns River Terminal Co.
Woodstock & Blocton Ry. Co.
Belt Ry. Co. of Chattanooga
Carolina & Tennessee Southern Ry. Co.
State University R. R. Co.
Southern Short Lines
Blue Ridge Ry.
Danville & Western Ry.
Carolina & North Western Ry.
High Point, Randleman, Asheboro and Southern R. R.
Yadkin Railroad
Tennessee Central Ry. Co.
Virginian Railway Co.

Western Region

Arkansas & Memphis Railway Bridge & Terminal Co.
Alameda Belt Line
Addison Miller
Alton and Southern Railroad
Alton Railroad Co.
American Refrigerator Transit Co.
Atchison, Topeka & Santa Fe Ry.
Gulf, Colorado & Santa Fe Ry.
Panhandle & Santa Fe Ry.
Atchison Union Depot & R. R. Co.
Ashley, Drew & Northern Ry. Co.
Baltimore & Ohio Chicago Terminal R. R.
Belt Railway Co. of Chicago
Burlington Refrigerator Express Co.
Burlington-Rock Island R. R. Co.
Butte, Anaconda & Pacific Ry.
Camas Prairie R. R.
Chicago & Eastern Illinois R. R.
Chicago & Illinois Midland Ry. Co.
Chicago and North Western Ry. Co.
Chicago Produce Terminal Co.
Chicago, Burlington & Quincy R. R. Co.
Chicago South Shore and South Bend R. R.
Chicago Tunnel Company
Chicago Tunnel Terminal Co.
Chicago & Western Indiana R. R.
Chicago Great Western Ry. (Includes South St. Paul Terminal) (formerly operated by St. Paul Bridge & Terminal Ry.)
Chicago, Milwaukee, St. Paul and Pacific R. R.
Chicago, Terre Haute & Southeastern Ry. Co.
Chicago, Rock Island & Pacific Ry. Co.
Peoria Terminal Co.
Chicago, St. Paul, Minneapolis and Omaha Ry.
Chicago, West Pullman & Southern R. R.

Colorado and Southern Ry. Co.
Colorado & Wyoming Ry. Co.
Cupples Station (St. Louis)
Dallas Car Interchange & Inspection Bureau
Davenport, Rock Island and Northwestern Ry.
Denver & Salt Lake Ry. Co.
Denver & Rio Grande Western R. R. Co.
Denver Union Terminal Ry. Co.
Des Moines & Central Iowa R. R.
Des Moines Union Ry.
Iowa Transfer Ry. Co.
Duluth, Missabe & Iron Range Ry.
Duluth Union Depot & Transfer Co.
Duluth, Winnipeg & Pacific Ry.
East Portland Freight Terminal
Elgin, Joliet & Eastern Ry. Co.
El Paso Union Passenger Depot Co.
Escanaba and Lake Superior R. R. Co.
Fort Dodge, Des Moines & Southern R. R.
Fort Worth and Denver City Ry. Co.
Wichita Valley Railway Co.
Galveston Wharves
Galveston, Houston & Henderson R. R.
Great Northern Ry.
Green Bay and Western R. R. Co.
Kewaunee, Green Bay and Western R. R. Co.
Ahnapee and Western Ry. Co.
Gulf Coast Lines:
New Orleans, Texas & Mexico Ry.
Beaumont, Sour Lake & Western Ry.
Orange & Northwestern R. R.
St. Louis, Brownsville and Mexico Ry. Co.
New Iberia & Northern R. R.
Houston and Brazos Valley Ry. Co.
San Antonio, Uvalde & Gulf R. R. Co.
Sugar Land Ry. Co.
Rio Grande City Ry. Co.
Asherton and Gulf Ry. Co.
San Antonio Southern Ry. Co.
Iberia, St. Mary and Eastern R. R.
San Benito and Rio Grande Valley Ry. Co.
Asphalt Belt Ry.
Houston North Shore Ry.
International-Great Northern R. R.
Hannibal Union Depot Co.
Harbor Belt Line R. R. (Los Angeles)
Houston Belt & Terminal Ry. Co.
Illinois Central R. R.
Yazoo & Mississippi Valley R. R. Co. (Including Alabama and Vicksburg Ry. Co.-Vicksburg Shreveport & Pacific Ry. Co.)
Gulf and Ship Island R. R. Co.
Chicago & Illinois Western R. R.
Illinois Northern Ry.
Illinois Terminal R. R. Co.
Joliet Union Depot Co.
Kansas City Southern Ry.
Joplin Union Depot Co.
Kansas City Terminal Ry.
Kookuk Union Depot Co.
King Street Station (Seattle)
Lake Superior & Ishpeming R. R. Co.
Lake Superior Terminal & Transfer Ry.
Litchfield and Madison Ry. Co.
Los Angeles Union Passenger Terminal
Longview, Portland & Northern Ry. Co.
Louisiana & Arkansas Ry.
Louisiana and North West R. R.
Market Service Assn. (Chicago)
Memphis Union Station Co.
Midland Valley R. R.
Kansas, Oklahoma & Gulf Ry.
Oklahoma City-Ada-Atoka Ry. Co.
Midland Continental R. R.
Minneapolis, Northfield and Southern Ry.
Minneapolis, St. Paul & Sault Ste. Marie Ry.
Duluth, South Shore & Atlantic Ry.
Mineral Range R. R.
Minneapolis & St. Louis Railroad Co.
Railway Transfer Co. of the City of Minneapolis
Minnesota & International Ry. Co.
Big Fork & International Falls Ry. Co.
Minnesota Transfer Ry.
Minnesota Western Ry. Co.
Missouri-Kansas-Texas R. R. Co.
Missouri-Kansas-Texas R. R. Co. of Texas
Beaver, Meade & Englewood R. R.
Missouri Pacific R. R.
Missouri-Illinois R. R. Co.
Missouri Produce Yard (Kansas City, Mo.)
Missouri and Arkansas Ry. Co.
New Orleans Public Belt R. R.
Northern Pacific Ry.
Northern Pacific Terminal Co. of Oregon
North Pacific Coast Freight Bureau
Northwestern Pacific R. R. Co.
Ogden Union Ry. & Depot Co.
Oregon, California & Eastern Ry. Co.
Pacific Car Demurrage Bureau
Pacific Coast R. R. Co.
Pacific Coast Co.
Pacific Electric Ry.
Pacific Fruit Express
Paris & Mt. Pleasant R. R.
Peoria and Pekin Union Ry. Co.
Port Terminal R. R. Assn. (Houston)
Pueblo Union Depot & Railroad Co.
Pueblo Joint Interchange Bureau
Quanah, Acme & Pacific Ry.
Rapid City, Black Hills & Western R. R.
Rock Island-Frisco Terminal Ry. Co.
St. Joseph Terminal R. R. Co.
St. Louis & O'Fallon Ry. Co.
St. Louis-San Francisco Ry. Co.
St. Louis, San Francisco and Texas Ry. Co.
Birmingham Belt R. R.
St. Louis & Belleville Electric Co.
St. Louis Southwestern Ry.
St. Louis Southwestern Ry. Co. of Texas
Dallas Terminal Ry. & Union Depot Co.
St. Paul Union Depot Co.
Salt Lake City Union Depot & R. R. Co.
San Diego & Arizona Eastern Ry. Co.
Sand Springs Ry. Co.
St. Joseph Union Depot Co.
Sacramento Northern Ry.
Southern Pacific Co. (Pacific Lines)
Southern Pacific De Mexico (In U. S.)
South Omaha Terminal Ry. Co.
Spokane Union Station Co.
Spokane International Ry.
Spokane, Couer d'Alene and Palouse Ry. Co.
Spokane, Portland and Seattle Ry.
Oregon Trunk Ry.
Oregon Electric Ry.
United Railways Co.
Stock Yards District Agency (Chicago)
Terminal Railroad Assn. of St. Louis
Texarkana Union Station Trust
Texas and New Orleans R. R. Co. (Sou. Pac. Lines in Texas and Louisiana)
Texas and Pacific Ry. Co.
Texas Pacific-Missouri Pacific Terminal R. R. of New Orleans
Texas Mexican Railway Co.
Toledo, Peoria & Western R. R.
Trans-Continental Freight Bureau
Tulsa Union Depot Co.
Tremont & Gulf Ry. Co.
Union Pacific R. R.
Union Railway (Memphis)
Union Terminal Co. (Dallas)
Union Terminal Railway Co. (St. Joseph, Mo.)
St. Joseph Belt Railway
Wabash Railway Co.
Weatherford, Mineral Wells and Northwestern Ry. Co.
Western Fruit Express Co.
Western Pacific R. R.
Western Warehousing Co. (Chicago)
Wichita Falls and Southern R. R. Co.
Wichita Union Terminal Ry. Co.
Yakima Valley Transportation Co.

EXHIBIT "C"

Carrier

Railway Express Agency, Incorporated.

[F. R. Doc. 41-6833; Filed, September 11, 1941; 12:05 p. m.]

EXECUTIVE ORDER

AMENDING CERTAIN PROVISIONS OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the Civil Service Act (22 Stat. 403, 404), it is hereby ordered as follows:

Section 6 of Civil Service Rule II is amended to read as follows:

6. *Excepted employees—when classified.* Except as provided in section 7 of this rule, a person holding a position when it is placed in the classified (competitive) service or otherwise is made subject to competitive examination shall, upon recommendation to the Commission by the head of the department or agency in which he is employed, have all the rights which he would have acquired if appointed thereto by competitive examination: *Provided:*

(a) That he has rendered six months of satisfactory active service in such position or in the civilian executive branch of the Federal Government immediately prior to the effective date of the change in status of the position, and continues to serve in such position for sixty days thereafter;

(b) That he shall pass such appropriate noncompetitive tests of fitness as the Commission may prescribe;

(c) That he is not disqualified by any provision of section 3 of Civil Service Rule V or of any other civil service rule or by any provision of the Civil Service Act or any other statute or executive order:

Provided further, that in conferring a classified competitive status upon any

employee under this or any other rule or any statute or executive order, the Commission:

(a) May, in its discretion, exempt from the physical requirements established for any position any employee who has rendered long and faithful service in a civil capacity for the Government;

(b) May consider a person whose name is carried on the compensation rolls of the Employees' Compensation Commission as having rendered satisfactory active service in the position in which he last served for the period which his name is carried on such rolls:

Provided further, that any person who in order to perform active service with the military or naval forces of the United States has left, or leaves, a position (other than a temporary position) which is covered into the classified civil service under this rule, may, upon being reinstated thereto, acquire a classified civil service status: Provided, That he is recommended by the head of the department or agency concerned within one year of his reinstatement and certified as having served with merit for at least six months and that he meets the requirements of clauses (b) and (c) of the first proviso of this section.

Any person who fails to meet the above-stated requirements of this section may, in the discretion of the head of the agency concerned, be retained in the position in which he is serving without acquiring a classified (competitive) status, but such employee may not be promoted, transferred, or assigned to any other classified (competitive) position.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 8, 1941.

[No. 8894]

[F. R. Doc. 41-6801; Filed, September 10, 1941; 2:59 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Supplement No. 12]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART C—1941

Corrections

The rate of payment in dollars per acre for certain counties in F. R. Doc. 41-6514 (filed, August 29, 1941, at 11:18 a. m.) appearing on page 4486 of the issue for Saturday, August 30, 1941, is corrected as follows:

Iowa: Monroe, $1.19; Plymouth, $1.29; Ringgold, $1.13; Sac, $1.53.
Kansas: Phillips, $0.73.
Michigan: Shiawassee, $1.23.
South Dakota: Brookings, $1.03; Codington, $1.05.
Texas: Cass, $0.57; Cottle, $0.85; Hardeman, $0.89; Kenedy, $0.96; Lavaca, $0.87; Reagan, $0.76; Robertson, Area II, $1.03; Rusk, $0.58.
Wisconsin: Outagamic, $1.33.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3092]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SCIENTIFIC APPARATUS MAKERS OF AMERICA, ET AL.

§ 3.7 *Aiding, assisting or abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* A. Entering into or carrying out any understanding, etc., on the part of respondent members of the respondent Association, Surveying-Drafting, Coaters Section of Scientific Apparatus Makers of America, and on the part of all other present and future members thereof, and on the part of their officers, etc., with each other or with any other person or persons, association or corporation, to restrict, restrain, monopolize, or to hinder or suppress competition in the sale and distribution in commerce of products such as prepared tracing papers, tracing cloths, blueprint papers and cloths, other reproduction papers and cloths, field books for engineers, drawing instruments and tools, drawing machines, blueprinting machines and equipment, surveying instruments, current meters and water-stage registers; and particularly, in pursuance of any such understanding, etc., (1) fixing and maintaining, or agreeing to fix and maintain the prices at which said products will be sold by them, (2) fixing and maintaining, or agreeing to fix and maintain the terms and conditions, including the classification of customers, freight allowances and duration of and optional clauses in contracts, in connection with any sales by them of their said products, (3) exchanging information among themselves with regard to the prices, discounts, terms and conditions of sale to be submitted by them when bids for their products are requested, and submitting or agreeing to submit identical, or substantially identical, bids on said products when requests for bids have been received, (4) filing with respondent Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America price lists including discounts, terms and conditions at which they will sell their products, for dissemination by said respondent Association among its members, and (5) agreeing not to sell their said products at a price less, or a discount greater, or on terms and conditions more favorable to the purchaser, than those contained in any of the price lists filed with respondent Survey-Drafting-Coaters Section of Scientific Apparatus Makers of America, or agreeing not to sell said products at a price less or discount greater than, or on terms and conditions of sale more favorable to the purchaser, than those contained in the price list published by the seller; and

B. Aiding and assisting the members of said respondent Association, on the part of such Association and on the part of respondent manager thereof and his successors, and on the part of respondents Keller, Bruning, Allin and Berger, members of its executive committee, and their successors, in carrying out or engaging in any of the acts and practices hereinbefore set forth; and performing any service or function in furtherance of said acts and practices, and particularly, (1) adopting any rule or regulation designed or intended to prevent any deviation on the part of the members of said respondent Association from the prices, discounts and terms fixed and agreed upon by them, as hereinbefore set forth, and (2) receiving from the individual members of said respondent Association price lists, including discounts, terms and conditions of sale, and disseminating such information among said respondent association members; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec 45b) [Cease and desist order, Scientific Apparatus Makers of America et al., Docket 3092, August 25, 1941]

In the Matter of Scientific Apparatus Makers of America, a Corporation; Its Officers and Directors, and Certain of Its Members, Separately and as Representative of Certain Other of Its Members; Carl S. Hallauer, R. E. Gillmor, John M. Roberts and Karl L. Keller, Individually and as Officers and Directors, and as Representative of Other Officers and Directors of Scientific Apparatus Makers of America; Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America; an Association; Its Officers and Certain Members, Separately and as Representative of the Other Members; Arthur L. Parker, Manager, Paul J. Bruning, Chairman, Executive Committee, Karl L. Keller, Member Executive Committee, W. A. Berger, Member Executive Committee, R. Fred Allin,—Individually and as Manager and Chairman and Members of the Executive Committee of the Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America; Charles Bruning Company, Inc., a Corporation; The Huey Company, a Corporation; The Frederick Post Company, a Corporation; Eugene Dietzgen Company, a Corporation; Economy Blue Print Products, Inc., a Corporation; Keuffel & Esser Company, a Corporation; Alphonse A. Brunner, Trading as Keystone Blue Paper Company; The C. F. Pease Company, a Corporation; Charles W. Speidel and Walter A. Kohn, Trading as Chas. W. Speidel & Company; United States Blue Print Paper Company, a Corporation; Jacob H. Weil, Edwin H. Weil, and Manfred R. Krauskopf,—Trading as J. H. Weil & Company,—Separately and as Members and Representative of the Other Members of the Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, the testimony and other evidence taken before duly appointed trial examiners of the Commission theretofore designated by it to serve in this proceeding, the report of the trial examiners thereon and the exceptions to said report, briefs filed herein by the attorney for the Commission and attorneys for the respondents, and the oral arguments by the respective attorneys, and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent members of the respondent Association, Surveying-Drafting, Coaters Section of Scientific Apparatus Makers of America, Charles Bruning Company, Inc., The Frederick Post Company, The Huey Company, Eugene Dietzgen Company, Economy Blue Print Products, Inc., Keuffel & Esser Company, The C. F. Pease Company, Charles W. Speidel and Walter A. Kohn, trading as Chas. W. Speidel & Company, United States Blue Print Paper Company, Jacob H. Weil, Edwin H. Weil and Manfred Krauskopf, trading as J. H. Weil & Company, Alphonse A. Brunner, trading as Keystone Blue Paper Company, and all other present and future members of respondent Association, of which members the aforenamed respondents are representative, their officers, directors, representatives, agents and employees, forthwith Cease and Desist from:

Directly or indirectly, jointly or severally, entering into or carrying out any understanding, agreement, arrangement, combination or conspiracy, with each other or with any other person or persons, association or corporation, to restrict, restrain, monopolize or to hinder or suppress, competition in the sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act of prepared tracing papers, tracing cloths, blueprint papers and cloths, other reproduction papers and cloths, profile and cross-section papers and cloths in sheets and rolls, coordinate papers—graph sheets (except rolled sheets) for engineering and drafting purposes, field books for engineers, drawing instruments, drawing tools (scales, triangles, T-squares, curves), drawing machines, blue-printing machines and equipment, drawing boards and tables, filing cabinets for drawings and blue-prints, lettering devices and lettering pens for the drafting profession, slide rules, planimeters and integrators, surveying instruments, surveying barometers, forestry instruments such as tree calipers, hypsometers, increment borers, current meters and water-stage registers, rods and poles for surveyors' use, tapes chains and plumb bobs, and particularly in pursuance of any such understanding, agreement, arrangement, combination or conspiracy, from directly or indirectly:

(1) Fixing and maintaining, or agreeing to fix and maintain the prices at which said products will be sold by them.

(2) Fixing and maintaining, or agreeing to fix and maintain the terms and conditions, including the classification of customers, freight allowances and duration of and optional clauses in contracts, in connection with any sales by them of their said products.

(3) Exchanging information among themselves with regard to the prices, discounts, terms and conditions of sale to be submitted by them when bids for their products are requested, and submitting or agreeing to submit identical, or substantially identical, bids on said products when requests for bids have been received.

(4) Filing with respondent Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America price lists including discounts, terms and conditions at which they will sell their products, for dissemination by said respondent Association among its members.

(5) Agreeing not to sell their said products at a price less, or a discount greater, or on terms and conditions more favorable to the purchaser than those contained in any of the price lists filed with respondent Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America, or agreeing not to sell said products at a price less or discount greater than or on terms and conditions of sale more favorable to the purchaser than those contained in the price list published by the seller.

It is further ordered, That respondent association, Surveying-Drafting-Coaters Section of Scientific Apparatus Makers of America, Arthur L. Parker, its manager and his successors, Karl Keller, Paul J. Bruning, R. Fred Allin and W. A. Berger, members of its executive committee and their successors, forthwith Cease and Desist from, directly or indirectly, jointly or severally, aiding and assisting the members of said respondent association in carrying out or engaging in any of the acts and practices hereinbefore set forth, and from performing any service or function in the furtherance of said acts and practices, and particularly from—

(1) Adopting any rule or regulation designed or intended to prevent any deviation on the part of the members of said respondent Association from the prices, discounts and terms fixed and agreed upon by them, as hereinbefore set forth.

(2) Receiving from the individual members of said respondent Association price lists, including discounts, terms and conditions of sale, and disseminating such information among said respondent association members.

It is further ordered, That the complaint herein be and the same hereby is dismissed as to respondents Scientific Apparatus Makers of America, its officers and directors, and respondents Carl S. Hallauer, R. E. Gillmor and John M. Roberts, the evidence being insufficient to establish the charges of the complaint with respect to these respondents.

It is further ordered, That the respondents shall, within sixty (60) days after the service upon them of a copy of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[1] 3 F.R. 1420.

[F. R. Doc. 41-6830; Filed, September 11, 1941; 11:37 a. m.]

[Docket No. 4135]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STANDARD DISTRIBUTING COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of any merchandise, (1) supplying, etc., others with any merchandise, together with push or pull cards, punch boards, or any other lottery devices, which said push or pull cards, punch boards, or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with any merchandise or separately, which push or pull cards, punch boards, or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public; and (3) selling, etc., any merchandise by the use of push cards, pull cards, punch boards, or other lottery devices; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Standard Distributing Company, Docket 4135, August 21, 1941]

In the Matter of Philip Harry Koolish and Sara Allen Koolish, Individually, and Trading as Standard Distributing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of August, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Philip Harry Koolish and Sara Allen Koolish, individually, and trading as Standard Distributing Company, or under any other name, jointly or severally, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

(1) Supplying to or placing in the hands of others any merchandise, together with push or pull cards, punch boards, or any other lottery devices, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with any merchandise or separately, which push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing such merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by the use of push cards, pull cards, punch boards, or other lottery devices.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-6831; Filed, September 11, 1941; 11:38 a. m.]

[1] 6 F.R. 661.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 260—APPEALS WITHIN THE BOARD

REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), § 260.4 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended by Board Order 41-393 dated September 9, 1941, by adding thereto the following paragraph:

§ 260.4 *Effective date of this part and application thereof to decisions made prior to such date.*

* * * * *

(d) In determining whether an appeal has been made in accordance with these regulations, the date of filing of a duly executed appeal form prescribed by the Board shall be the date of receipt in the office of the Board in Washington, D. C., or the date of receipt by a Regional Office of the Board, or the date of delivery for the purpose of transmission to the Board's Washington office into the personal custody of a district manager at his office or elsewhere in his district or at his office to a subordinate field agent designated by him, or the date of delivery for the purpose of transmission to the Board's Washington office to any field agent specifically authorized by a Regional Director to receive custody in the district where delivery is made, whichever date is earlier. (Sec. 10, 50 Stat. 34; 45 U.S.C., Sup., 228j)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON, *Secretary of the Board.*

Dated September 10, 1941.

[F. R. Doc. 41-6832; Filed, September 11, 1941; 11:38 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

[Priorities Regulation No. 2]

SUBCHAPTER B—PRIORITIES DIVISION

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

To Make Mandatory All Preference Ratings and to Validate Certain Forms of Preference Rating Certificates

The following Regulation is issued by the Director of Priorities to promote the defense of the United States and for the purpose of improving and facilitating the operation of the Priorities System.

§ 944.22 *All preference ratings made mandatory; certain forms of preference rating certificates validated.* (a) All preference ratings heretofore or hereafter duly issued under the authority of the Director of Priorities shall be mandatory and legally enforceable, any provision in the instrument assigning the same to the contrary notwithstanding.

(b) All Preference Rating Certificates duly issued over the facsimile signature of E. R. Stettinius, Jr., as Director of Priorities are valid and shall continue valid in effect until termination or expiration by the terms thereof or by the circumstances or conditions of their application, or until hereafter cancelled, modified, changed or amended by the Director of Priorities.

(c) Preference ratings may hereafter be validly assigned by the Director of Priorities by means of the following endorsement (or any other form of endorsement prescribed by the Director of Priorities) stamped upon the face of any application for preference rating, including Form PD-1:

Preference Rating ------ is hereby assigned to deliveries of the materials specified in the quantities and on the dates shown in the Schedule.
Date:
D. M. Nelson,
Director of Priorities

(d) This Regulation shall take effect at once. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, Mar. 8, 1941, 6 F.R. 1596, as amended, Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483, sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued September 9, 1941.

D. M. NELSON, *Director of Priorities.*

[F. R. Doc. 41-6802; Filed, September 10, 1941; 4:10 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Amendment to Schedule No. 25]

PART 1343—FATS AND OILS AND THEIR PRODUCTS

ELIMINATION OF SPECULATIVE AND INFLATIONARY PRICE PRACTICES WITH RESPECT TO FATS AND OILS AND THEIR PRODUCTS

Sections 1343.1, 1343.2 and 1343.10 of Schedule No. 25 [1] are hereby amended to read as follows:

§ 1343.1 *Elimination of speculative resales.* No person shall buy or offer to buy, and no person shall sell or offer to sell, fats or oils or their products for the purpose of reselling them at a profit without either (a) further processing them, or (b) performing some other recognized function in the distribution or manufacture thereof.

Any purchase or sale of a futures contract made on a commodity exchange, or any purchase or sale made to fill an order on hand, to avoid transportation expenses, or to facilitate any other recognized manufacturing or distributing process, shall not be deemed to be prohibited by this section. (Executive Order No. 8734, 6 F.R. 1917)

§ 1343.2 *Limitation of forward sales.* No person shall enter into an agreement, contract, order or booking for the purchase or sale of fats or oils or their products, other than crude, imported or fish oil, to be delivered more than forty-five days after the actual date of entering into said agreement, contract, order or booking, except that (a) any purchase or sale of a futures contract made on a commodity exchange, or (b) any purchase or sale by, or on behalf of, or at the direction of, the United States, or any department or agency thereof, shall not be so limited as to delivery. (Executive Order No. 8734, 6 F.R. 1917)

§ 1343.10 *Definitions.* When used in this Schedule:

(a) The term "person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "fats or oils or their products" includes (1) all fats and oils, except butter, and mineral, essential and chemical oils, (2) fats and oils products, a substantial part of which is made from or with fats or oils.

(c) The term "crude oil" means oil in its unrefined state which has been pressed, expelled or extracted from the raw material.

(d) The term "imported oil" means any oil, whether crude or refined, produced outside and shipped to a point within the several states of the United States.

(e) The term "commodity exchange" shall mean a commodity exchange designated as a "contract market" by the Secretary of Agriculture acting in accordance with the provisions of the Commodity Exchange Act. (Executive Order No. 8734, 6 F.R. 1917)

Issued this 11th day of September 1941.

LEON HENDERSON, *Administrator.*

[F. R. Doc. 41-6825; Filed, September 11, 1941; 10:51 a. m.]

[1] 6 F.R. 4491.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

APPENDIX B

The Commission on September 9, 1941, effective immediately amended Appendix B in part as follows:

* * * * *

1644		
a)	1646	Relay broadcast.
1648		
1650		Police.
1652		Motion picture, Geophysical
1656		and Government.
n)	1658	Police and Government.
a1660		

* * * * *

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6812; Filed, September 11, 1941; 9:39 a. m.]

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

The Commission on September 9, 1941, effective immediately, amended the following section to read:

§ 10.41 *State and municipal police stations.* The following frequencies are allocated for use by state and municipal police stations:

1,610 kc.[4]	1,674 kc.	2,326 kc.[4]	2,442 kc.
1,618 kc.[4]	1,682 kc.	2,366 kc.[4]	2,450 kc.
1,626 kc.[4]	1,690 kc.[4]	2,382 kc.	2,458 kc.
1,634 kc.[4]	1,698 kc.[4]	2,390 kc.[4]	2,466 kc.
1,642 kc.[4]	1,706 kc.[4]	2,406 kc.	2,474 kc.
1,650 kc.	1,714 kc.	2,414 kc.	2,482 kc.
1,658 kc.	1,722 kc.	2,422 kc.	2,490 kc.
1,666 kc.	1,730 kc.	2,430 kc.	

[4] Subject to the condition that no interference is caused to Canadian stations.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6811; Filed, September 11, 1941; 9:39 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-613-ORD-1523]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CRUCIBLE STEEL COMPANY OF AMERICA, 405 LEXINGTON AVENUE, NEW YORK, N. Y.

Contract [1] for: * * * shot, * * *.
Amount: $2,600,000.00.
Place: New York Ordnance District—80 Broadway, New York, N. Y.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authority below enumerated, the available balance of which is sufficient to cover the cost thereof: ORD 9015 P11-02 A 1005-01.

This contract, entered into this 6th day of June, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Shot, * * *, for the consideration stated, two million, six hundred thousand ($2,600,000.00) dollars, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * % and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interest may require.

Advance payments. At any time and from time to time after the approval of this contract, at the request of the contractor and subject to the approval of the Chief of Ordnance as to the present need therefor, the Government shall advance to the contractor, without payment of interest therefor by the contractor, sums not exceeding in the aggregate $780,000.00 or 30 percentum (30%) of the contract price as it may be amended, whichever shall be the smaller.

This Contract is authorized by the Act of July 2, 1940.
(Public Number 703, 76th Congress.)

FRANK W. BULLOCK, *Major, Signal Corps, Assistant to the Director of Purchases and Contracts.*

[1] Approved by the Under Secretary of War June 27, 1941.

[F. R. Doc. 41-6806; Filed, September 11, 1941; 9:42 a. m.]

[Contract No. W 669 qm-12664; O. I. No. 71]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY, NEW YORK, NEW YORK

Contract for: Textiles.
Amount: $11,830,980.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this eleventh day of July, 1941.

Scope of this contract. The contractor shall furnish and deliver Textiles, in the quantities, of the kinds and at the prices specified in attached Schedules of Supplies for the consideration stated totaling eleven million, eight hundred thirty thousand, nine hundred eighty dollars ($11,830,980.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2–02A 0515–2, the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives No. P–C–5, P–C–9 and P–C–2.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6807; Filed, September 11, 1941; 9:43 a. m.]

[Contract No. W 7187 qm–1; O. I. No. 1]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: HUNTING, DAVIS & DUNNELLS, INC., 1150 CENTURY BUILDING, PITTSBURGH, PENNSYLVANIA

Amount fixed fee: $40,700.00.
Estimated construction.
Cost (Art. V–2): $5,044,600.00.
Type of construction project: Regulating Station.
Location: Marietta, Pennsylvania.
Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 22315 D A F & E P—99 A0025—13 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 2d day of August 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Regulating Station, including necessary buildings, temporary structures, utilities and appurtenances thereto, located at or in the vicinity of Marietta, Pennsylvania.

ART. III. *Data to be furnished by the Government.* The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. V. The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately five million forty four thousand six hundred dollars ($5,044,600.00) exclusive of Architect-Engineer's fixed fee.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of forty thousand seven hundred dollars ($40,700.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. VIII. *Method of payment.* Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

[1] Approved by the Under Secretary of War August 15, 1941.

ART. IX. *Drawings and other data to become property of Government.* All drawings, designs and specifications are to become the property of the Government.

ART. XII. *Changes in scope of project.* The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law: Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6808; Filed, September 11, 1941; 9:43 a. m.]

[Contract No. W 7187 qm–2; O. I. No. 2]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: BRANN & STUART CO., 1447 BROAD STREET STATION BUILDING, PHILADELPHIA, PENNSYLVANIA

Contract for construction of: A Regulating Station.
Location: Marietta, Pennsylvania.
Fixed fee: $127,968.00.
Estimated construction cost exclusive of fixed fee: $4,916,632.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 22313 D A F & E P99 A 0025–13.

This contract,[1] entered into this 4th day of August 1941.

ARTICLE I. *Statement of work.* The Constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Regulating Station at Marietta, Pa., including necessary buildings, temporary structures, utilities and appurtenances thereto at Marietta, Pa.

It is estimated that the construction cost of the work covered by his contract will be four million nine hundred sixteen thousand six hundred thirty-two dollars ($4,916,632.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

[1] Approved by the Under Secretary of War August 13, 1941.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of one hundred twenty seven thousand nine hundred sixty-eight dollars ($127,968.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments*—1. *Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for constructor's equipment.* Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

5. *Final payment.* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balances of the cost of the work determined under Article II hereof.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6809; Filed, September 11, 1941; 9:43 a. m.]

[Contract No. W 669 qm–12700; O. I. No. 126]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BOTANY WORSTED MILLS, PASSAIC, NEW JERSEY

Contract for: Textiles.
Amount: $4,402,700.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract entered into this eleventh day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Serge, Olive Drab and * * * yards Flannel, Shirting, Olive Drab for the consideration stated totaling four million, four hundred two thousand, seven hundred dollars ($4,402,700.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2–02 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives No. P–C–4 and P–C–1.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6810; Filed, September 11, 1941; 9:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1013]

PETITION OF DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS OF CERTAIN CODE MEMBERS IN SUBDISTRICT NO. 1, AND FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF CODE MEMBERS IN SUBDISTRICT NO. 3, IN DISTRICT NO. 4 FOR RIVER SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the revision of the effective minimum prices for certain coals of certain code members in Subdistrict No. 1 of District No. 4 for river shipment, and for the establishment of minimum prices for the coals of certain code members in Subdistrict No. 3 of District No. 4 for river shipment; and, more particularly, for a reduction of 10 cents per net ton in the effective minimum prices for the strip-mine coals of code members in Subdistrict No. 1 of District No. 4 for river shipment from mines having river loading facilities; and for the establishment of the effective minimum prices for the deep-mine coals of code members in Subdistrict No. 1 of District No. 4 for such coals of code members in Subdistrict No. 3 of District No. 4, for river shipment from mines having river loading facilities; and for the establishment of minimum prices 10 cents per net ton less than such minimum prices for deep-mine coals of code members in Subdistrict No. 3 of District No. 4 for the strip-mine coals of code members in Subdistrict No. 3 of District No. 4, for river shipment from mines having river loading facilities.

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6813; Filed, September 11, 1941; 10:06 a. m.]

[Docket No. 1670-FD]

IN THE MATTER OF THE PITTSBURG & MIDWAY COAL MINING COMPANY, DEFENDANT

CORRECTION OF TYPOGRAPHICAL ERROR IN NOTICE OF AND ORDER FOR HEARING

A typographical error occurred in the Notice of and Order for Hearing, dated August 26, 1941, in the above-entitled matter.

In the second line of the title "In the Matter of The Pittsburgh & Midway Coal Mining Company," the name "Pittsburg" is incorrectly spelled and the "h" should be omitted. The same correction should be made in this word in Section I, Paragraph (6), fifth line, and in Section II, Paragraph (a), first line.

Now, therefore, it is ordered, That in the second line of the title of the above entitled matter, and Section I, Paragraph (6), line 5, and Section II, Paragraph (a), line 1 of said Notice of and Order for Hearing the letter "h" should be and the same hereby is deleted from the word "Pittsburgh."

Dated: September 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6814; Filed, September 11, 1941; 10:06 a. m.]

[Docket No. 1674-FD]

IN THE MATTER OF TAGGERT COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8905, RESPONDENT

ORDER ADVANCING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 6, 1941, at a hearing room of the Bituminous Coal Division at the Post Office Building, Canton, Ohio; and

The Director deeming it advisable that said hearing should be advanced;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be advanced from 10 o'clock in the forenoon of October 6, 1941, to 10 o'clock in the forenoon of September 25, 1941, at the Post Office Building, Canton, Ohio, and before the officer previously designated to preside at said hearing.

Dated: September 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6815; Filed, September 11, 1941; 10:06 a. m.]

[Docket No. A-937 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRELIMINARY AND PERMANENT PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 239 OF THE MARSHALL MINING COMPANY AND MINE INDEX NO. 1900 OF JOHN WORRELL FOR RAIL SHIPMENTS

ORDER DISMISSING PETITION

The original petitioner in the above-entitled proceeding having moved to dismiss this proceeding in so far as it relates to the Locust Point Mine (Mine Index No. 1900) of John Worrell, and to the Knoxville Mine (Mine Index No. 239) of the Marshall Mining Company, and there having been no opposition thereto:

Now, therefore, it is ordered, That the original petition in the above-entitled matter in so far as it refers to Mine Index No. 1900 of John Worrell and Mine Index No. 239 of the Marshall Mining Company be dismissed without prejudice and that the proceedings in the above-entitled docket be closed.

Dated: September 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6816; Filed, September 11, 1941; 10:06 a. m.]

[Docket No. A-983]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF MAXIMUM PRICES FOR ALL COALS

ORDER GRANTING MOTION TO AMEND

On July 23, 1941, the Bituminous Coal Consumers' Counsel filed a petition requesting that the Bituminous Coal Division establish maximum prices for all coals. On September 5, 1941, the Bituminous Coal Consumers' Counsel filed a motion to amend its original petition; and it appearing to the Director that this motion should be granted,

Now, therefore, it is ordered, That the motion of the Bituminous Coal Consumers' Counsel be and it hereby is granted and its original petition be and it hereby is amended to read as follows:

A. Paragraph XI of said petition is amended to read as follows:

XI. An expeditious procedure should be formulated for hearing the bona fide and legitimate claims of code members who seek special higher maximum prices for themselves, alleging that the generally applicable maximum prices would not yield them a fair return on the fair value of their property.

B. Paragraph 1 is amended to read as follows:

1. The Director of the Bituminous Coal Division, by the most expeditious method available to him under the Act, establish maximum prices f. o. b. transportation facilities for all coals produced in each of the producing districts; that such maximum prices be established at average levels approximately twenty (20%) per cent above the present established costs in effect within each of the Districts, and that said proposed maximum prices be established by adding the following amounts to the present minimum prices now in effect as follows:

District:	*Amount*
1	$0.68
2	.61
3	.35
4	.32
5	.61
6	.40
7	.44
8	.35
9	.31
10	.30
11	.23
12	.57
13	.46
14	.68
15	.41
16	.32
17	.64
18	.87
19	.42
20	.50
22	.29
23	.61

C. The following paragraph is added to the petition to be numbered and to read as follows:

4. That the Director specifically provide that a review of said maximum prices may be made after the elapse of not less than six months on a petition by the Consumers' Counsel, or any District Board, or on a petition by any code member who alleges that the existing maximum prices do not yield petitioner a fair return on the fair value of his property, this provision, however, not to prejudice the right of code members to immediately petition for higher maximum prices than the general maximum prices to be established at the present hearing as hereinbefore provided.

Dated: September 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6817; Filed, September 11, 1941; 10:06 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE COOKING, HEATING, AND GAS APPLIANCES MANUFACTURING INDUSTRY

NOTICE OF HEARING

The Cooking, Heating, and Gas Appliances Manufacturing Industry is, for the purpose of this notice, that industry which manufactures stoves, ranges, portable ovens, and self-contained water heaters, whether designed to burn solid or liquid fuel, or any combination of several fuels; appliances and equipment using natural, manufactured, or artificial gases as a fuel; accessories employed upon, or in connection with, gas-fired equipment, such as gas cocks and fittings; gas meters; gas refrigerators; warm air furnaces; cast iron boilers; steel heating boilers (15 lbs. working pressure and under); and radiators.

The Cooking and Heating Appliances branch of the industry is, for the purposes of this notice, that branch which manufactures stoves, ranges, portable ovens, and self-contained water heaters, whether designed to burn solid or liquid fuel, or any combination of solid, liquid, or gas fuel; warm air furnaces; cast iron boilers; steel heating boilers (15 lbs. working pressure and under); and radiators.

The Gas Appliances branch of the industry is, for the purposes of this notice, that branch which manufactures appliances and equipment using natural, manufactured or artificial gases as a fuel; accessories employed upon, or in connection with, gas-fired equipment, such as gas cocks and fittings; gas meters; and gas refrigerators.

All interested parties are hereby notified that a hearing will be held at 10 a. m., Thursday, September 18, 1941 in Room 3229, Department of Labor Building, Washington, D. C., to permit all interested parties to present evidence on the following issues:

(1) Whether or not the industry (as defined in paragraph 1 of this notice) should be considered as an integral industry for the purposes of determining the prevailing minimum wages under the provisions of the Public Contracts Act; or

(2) Whether there should be a separate determination for the Cooking and Heating Appliances Manufacturing Industry as defined in paragraph 2 of this notice, and for the Gas Appliances Manufacturing Industry as defined in paragraph 3 of this notice; and

(3) Whether or not the minimum wage for the manufacture of Cooking and Heating Appliances should be found to be 65 cents an hour or $26.00 per week of 40 hours for plants operating in all states except the states of Alabama, Georgia, North Carolina, Virginia, Kentucky, Tennessee, Mississippi, Florida, South Carolina, Louisiana, and Arkansas, and some lower figure for plants operating in the above-mentioned states; and

(4) Whether or not the minimum wage for the manufacture of Gas Appliances should be found to be 65 cents an hour or $26.00 per week of 40 hours for plants operating in all states except the states of Alabama, Georgia, North Carolina, Virginia, Kentucky, Tennessee, Mississippi, Florida, South Carolina, Louisiana, and Arkansas, and some lower figure for plants operating in the above-mentioned states.

Tabulation of wage schedules voluntarily submitted by members of the industry through the agency of the various trade associations and labor unions will be submitted in evidence at the hearing. Copies of this tabulation may be had on request to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C. Briefs on the issues presented in this notice may be filed with the Administrator on or before September 18, 1941. No form for the brief is prescribed, but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: September 10, 1941.

L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 41-6826; Filed, September 11, 1941; 11:21 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 411, 554, 571, 577, 578]

IN THE MATTER OF THE APPLICATIONS OF NATIONAL AIRLINES, INC., DELTA AIR CORPORATION, BRANIFF AIRWAYS, INC., EASTERN AIR LINES, INC., AND CHICAGO & SOUTHERN AIR LINES, INC., FOR CERTIFICATES AND AMENDMENT OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being the applications of National Airlines, Inc., Delta Air Corporation, Braniff Airways, Inc., Eastern Air Lines, Inc., Chicago & Southern Air Lines, Inc., for certificates of public convenience and necessity and amendment of existing certificate authorizing air transportation between Fort Worth-Dallas, Texas, and New Orleans, Louisiana, via Shreveport, Louisiana, and certain intermediate points, is hereby assigned for public hearing on Monday, September 29, 1941, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 927 16th St. NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., September 9, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-6803; Filed, September 11, 1941; 9:41 a. m.]

[Docket Nos. 303, 460, 427, 429, 591]

IN THE MATTER OF THE APPLICATIONS OF TRANSCONTINENTAL & WESTERN AIR, INC., CHICAGO & SOUTHERN AIR LINES, INC., AND EASTERN AIR LINES, INC., FOR CERTIFICATES AND AMENDMENTS OF EXISTING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being the applications of Transcontinental & Western Air, Inc., for a certificate authorizing air transportation between Indianapolis, Ind., and Detroit, Mich., and for an amendment of its existing certificate on route No. 2 to include Terre Haute, Ind., as an intermediate point; the applications of Chicago & Southern Air Lines, Inc., for certificates authorizing air transportation between St. Louis, Mo., and Detroit, Mich., and between Memphis, Tenn., and Detroit, Mich.; and the application of Eastern Air Lines, Inc., for a certificate authorizing air transportation between Memphis, Tenn., and Detroit, Mich., is hereby assigned for public hearing on Monday, November 3, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057, Commerce Building, 14th and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated: Washington, D. C., September 10, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-6804; Filed, September 11, 1941; 9:42 a. m.]

[Docket No. 219]

IN THE MATTER OF THE PETITION OF NORTHEAST AIRLINES, INC. (FORMERLY BOSTON-MAINE AIRWAYS, INC.) FOR AN ORDER FIXING AND DETERMINING A FAIR AND REASONABLE RATE OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER ROUTE NO. 27

NOTICE OF HEARING

The above-entitled proceeding, being reopened by order of the Board, dated September 2, 1941, for the purpose of receiving further evidence respecting the schedules on Northeast Airlines, Inc.,

over route No. 27, and of making such adjustments in the rate of compensation as may appear to be appropriate in the event that additional schedules should be designated for the transportation of mail, is hereby assigned for public hearing on Monday, September 15, 1941, 10 o'clock a. m. (Eastern Standard Time), in Room 1851 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated Washington, D. C., September 9, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-6805; Filed, September 11, 1941; 9:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-400]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1941.

Notice is hereby given that a declaration has been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than September 20, 1941 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, Debtor, a registered holding company, propose to borrow $5,000,000 and to issue therefor Trustees' Certificates of indebtedness to mature two years after date of issuance.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6827; Filed, September 11, 1941; 11:27 a. m.]

[File No. 59-33]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, RESPONDENTS

[File No. 70-263]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION

[File No. 70-371]

IN THE MATTER OF COLUMBIA OIL & GASOLINE CORPORATION

[File No. 70-387]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER POSTPONING DATE FOR HEARING AND EXTENDING TIME FOR INTERESTED PERSONS TO BE HEARD OR INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1941.

The Commission having on August 25, 1941 issued its Notice of and Order (Holding Company Act Release No. 2963) consolidating the proceedings in the above-captioned matters for hearing on September 16, 1941 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. and such Notice and Order having directed that any persons desiring to be heard or proposing to intervene in connection with these proceedings file with the Secretary of the Commission on or before September 8, 1941 a written statement relative thereto as provided by Rule XVII of the Commission's Rules of Practice; and

Columbia Gas & Electric Corporation and Columbia Oil & Gasoline Corporation having filed a request for a postponement of such consolidated hearing to the 30th day of September, 1941 for the reason that the said respondents require additional time to prepare for the hearing herein; and

The Commission having considered the request for postponement and being of the opinion that under the circumstances the same is reasonable and should be granted;

It is therefore ordered, That the consolidated hearing in the above matters initially set for September 16, 1941 be and the same is hereby postponed to September 30, 1941 at 10 o'clock in the forenoon of that day at the same place and before the same officer of the Commission as specified in the aforesaid Notice and Order, dated August 25, 1941; on such date the hearing room clerk in Room 1102 will advise as to where the hearing will be held; and

It is further ordered, That the time within which persons desiring to be heard or proposing to intervene shall file a written statement relative thereto as provided by Rule XVII of the Commission's Rules of Practice be and the same hereby is extended to the 23rd day of September, 1941.

Notice of such postponement and extension of time within which applications to be heard or to intervene may be filed is hereby given to Respondents and to any other person whose participation in such consolidated proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6828; Filed, September 11, 1941; 11:27 a. m.]

[File No. 31-55]

IN THE MATTER OF PACIFIC GAS AND ELECTRIC COMPANY, ET AL.

ORDER DISMISSING APPLICATION IN PART, GRANTING APPLICATION IN PART, AND DENYING APPLICATION IN PART

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1941.

Pacific Gas and Electric Company and Great Western Power Company of California having applied under sections 3 (a) (1) and 3 (a) (2) of the Public Utility Holding Company Act of 1935 for orders exempting both companies from regulation under the said Act as holding companies, and having applied under section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for orders declaring that neither company is a subsidiary of The North American Company;

Notice and oportunity for hearing on said application having been duly given; a hearing having been held on said application; the trial examiner's report having been filed; exceptions to such trial examiner's report and supporting briefs having been submitted; oral argument having been heard; and the Commission having this day issued its Findings and Opinion herein;

It is ordered, On the basis of the said Findings and Opinion:

(1) That the application of Great Western Power Company of California be and it hereby is dismissed;

(2) That the application of Pacific Gas and Electric Company, insofar as it seeks an order under sections 3 (a) (1) and 3 (a) (2) of the Public Utility Holding Company Act of 1935 exempting it from regulation under the said Act as a holding company, be and it hereby is granted; and

(3) That in all other respects the application of Pacific Gas and Electric Company be and it hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6829; Filed, September 11, 1941; 11:27 a. m.]

SEP 15 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 179

Washington, Saturday, September 13, 1941

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment No. 129 of the Civil Air Regulations]

PART 04—AIRPLANE AIRWORTHINESS

PART 40—SCHEDULED AIRLINE CERTIFICATION

PART 61—SCHEDULED AIRLINE RULES (INTERSTATE)

REVISING THE QUALIFICATIONS FOR, AND THE RULES GOVERNING THE OPERATION OF, AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 5th day of September, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Parts 04, 40 and 61 of the Civil Air Regulations are amended as follows:

1. By amending § 04.530 to read as follows:

§ 04.530 *ACP Landplanes: visual-contact day flying.* The same as specified in § 04.511 and, in addition, the following:

(a) An electrically heated pitot tube, or equivalent, for the air speed indicator.

(b) One additional portable fire extinguisher of the type specified in § 04.510 (j). (See § 04.5811 for installation requirements.)

(c) Fixed fire extinguishing apparatus of an approved type for each engine compartment.

(d) Type certificated radio equipment as specified in Part 40.

(e) A set of spare fuses. (See § 04.5822 for installation requirements.)

(f) A rate-of-climb indicator.

(g) A storage battery—Same as § 04.513 (f).

2. By amending § 04.5812 to read as follows:

§ 04.5812 *Safety belt signal.* When a signal or sign is used to indicate to passengers the times that seat belts should be fastened, such signal or sign shall be located in a conspicuous place and so arranged that it can be operated from the seat of either pilot.

3. Parts 40 and 61 are amended by striking the phrase "air carrier dispatcher" or airline dispatcher" whenever it appears and inserting in lieu thereof the phrase "aircraft dispatcher."

4. By amending § 40.203 to read as follows:

§ 40.203 *Intermediate fields.* Applicant shall show intermediate fields or airports available for safe landings with the load authorized for the route, or part thereof, and located so that the aircraft, when flying along the proposed route, shall at no time be at a distance greater than 50 miles from an intermediate field or airport: *Provided*, That the Administrator may permit or require intermediate fields at greater or less distances if suitable or necessary to provide adequate safety along the proposed route.

5. By amending § 61.322, but not including any paragraph thereof, to read as follows:

§ 61.322 *Day and night operation over water.* The following rules will govern the operation of multi-engine aircraft in day or night operation over water:

6. By striking § 61.323.

7. By the addition of a new section, § 61.340, reading as follows:

§ 61.340 *Seat belt sign.* An aircraft shall not be operated in scheduled air transportation unless a suitable means for warning passengers to fasten seat belts is provided.

8. By amending §§ 61.531 and 61.532 to read as follows:

§ 61.531 *Continuance of pilot competency.* If, within any 90-day period, a

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FEDERAL REGISTER

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first or second pilot has not made at least two take-offs and landings in scheduled air transportation in aircraft of a particular make and model, such person shall not thereafter serve or be employed to serve as a first or second pilot in aircraft of that make and model in such transportation without having made at least three take-offs and landings in such aircraft with one-half to three-fourths useful load, and, if he is to serve in such transportation at night, without having made at least one of the three take-offs and landings at night. No persons shall be carried during such three take-offs and landings other than personnel of the air carrier or other air carriers and inspectors of the Administrator.

§ 61.532 (Unassigned.)

9. By amending § 61.7020 (a) to read as follows:

§ 61.7020 (a) *Visual-contact operation (day or night).* No air carrier aircraft shall be dispatched or shall take off without fuel and oil sufficient, oonsidering the wind and other weather conditions to be encountered during the course of the flight, to complete flight to the first point of landing specified in the clearance, and thereafter to fly for a period of at least 45 minutes at normal cruising consumption for the flight.

10. By amending § 61.7021 (b) to read as follows:

§ 61.7021 (b) *Instrument or over-the-top operation (day or night).* No air carrier aircraft shall be dispatched or shall take off without fuel and oil sufficient, considering the wind and other weather conditions to be encountered during the course of the flight, to complete such flight to the next point of landing specified in the clearance; and thereafter.

(a) To fly to and land at the alternate airport for such point designated in the clearance which is most distant from such point, and thereafter

(b) To fly for a period of at least 45 minutes at normal cruising consumption for the flight.

11. By striking §§ 61.7109, 61.71090 (a), 61.71091 (b), 61.71092 (c), 61.71093 (d), 61.71094 (e), 61.71095 (f), and 61.71096 (g), and inserting in lieu thereof the following new sections:

§ 61.7109 *Instrument or over-the-top clearance.* The following rules with respect to weather conditions shall govern the dispatch of air carrier aircraft in air transportation for instrument or over-the-top flight:

§ 61.71090 *Weather conditions at terminal or intermediate airports.* Air carrier aircraft shall not be dispatched in air transportation unless:

(a) The observed weather information and current weather forecasts, pertaining to all landing points specified in the clearance, give sufficient indication at the time of clearance that the ceilings and visibilities are, or will be, when the flight would arrive at such point or points, at or above the minimums specified in the weather competency letter for letting-down-through; and

(b) The alternate airports required by § 61.71091 are specified.

§ 61.71091 *Alternate airport requirement.* (a) When the observed weather information and current weather forecasts pertaining to a landing point specified in the clearance indicate, at the time of clearance, that the ceiling and visibility are, and will remain until the flight would arrive at such point, at or above the minimums specified in the weather competency letter for letting-down-through, there shall be at least one alternate airport specified on the appropriate flight clearance for such point.

(b) When, at the time of clearance, the ceiling or visibility at a landing point specified in the clearance is below the minimums specified in the weather competency letter for letting-down-through, but the weather reports pertaining to such point at the time of clearance show a trend, by the hourly sequence and current forecasts, that indicates that the weather conditions will improve to or above such minimums upon arrival of the flight at such point, two alternate airports shall be specified in the appropriate flight clearance for such point.

§ 61.71092 *Types of alternate airports.* (a) If an alternate referred to in § 61.71091 is equipped with a radio range, the weather conditions existing thereat at the time of clearance must be equal to, or above, the ceilings and visibilities specified in the weather competency letter for letting-down-through at such airport when using it as an alternate airport and the hourly weather report sequence and current forecasts shall show a trend that indicates that such weather conditions will continue or improve at such alternate airport until the flight shall arrive thereat. The weather minimums at such alternate airport shall in no case be less than one of the following:

(1) A ceiling of 1,000 feet and visibility of 1 mile;

(2) A ceiling of 900 feet with a visibility of 1½ miles; or

(3) A ceiling of 800 feet with a visibility of 2 miles.

(b) If an alternate referred to in § 61.71091 is not equipped with a radio range, the weather conditions existing thereat, at the time of clearance, must be equal to, or better than, broken clouds and a ceiling of 1,000 feet and a visibility of 2 miles, and the hourly weather report sequence and forecasts shall show a trend that gives sufficient indication of weather conditions continuing or improving until the flight shall arrive thereat: *Provided*, That the Administrator may, in the interest of safety, prescribe higher minimums at individual airports.

12. By amending § 61.7100 to read as follows:

§ 61.7100 *Necessity for dispatching authorization.* No scheduled air carrier flight shall be started except on the authority of an aircraft dispatcher whose name appears in the airman competency letter as qualified for the route, or part thereof, on which the flight takes off. No such authority is required for take-offs from an intermediate stop between points specified in the original clearance unless the flight has been delayed for any reason more than 30 minutes. (See § 61.7103 for new flight clearance).

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-6840; Filed, September 12, 1941; 9:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4279]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF R. C. WILLIAMS & COMPANY, INC.

§ 3.45 (e) 1) *Discriminating in price—Indirect discrimination—Brokerage payments.* In the course of commerce, and on the part of respondent corporation, engaged in importing and exporting food products, and on the part of its officers, etc., (1) receiving or accepting, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees, or commissions may be offered, allowed, granted, paid or transmitted; and (2) receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof upon purchases of commodities made by respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, R. C. Williams & Company, Inc., Docket 4279, August 27, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearings as to said facts and expressly waives the filing of briefs and oral argument, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of subsection (c) of section 2 of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act), (U.S.C. Title 15, Sec. 13):

It is ordered, That in the course of commerce, as "commerce" is defined in the aforesaid Clayton Act, the respondent R. C. Williams & Company, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(1) Receiving or accepting, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees, or commissions may be offered, allowed, granted, paid or transmitted;

(2) Receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof upon purchases of commodities made by respondent.

It is further ordered, That the said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-6865; Filed, September 12, 1941; 11:35 a. m.]

[Docket No. 4321]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DETROIT CANDY & TOBACCO JOBBERS ASSOCIATION, INC., ET AL.

§ 3.24 (e) *Coercing and intimidating—Suppliers of competitors:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Theatening withdrawal of patronage.* In connection with the purchase, sale, and distribution of candies, tobaccos, and groceries in commerce, (1) coercing, inducing or persuading, or attempting to coerce, induce or persuade, sellers of candies, tobaccos, and groceries located in States other than the State of Michigan to refrain from selling or offering to sell to competitors or prospective competitors of members of respondent association, or by such means controlling, or attempting to control, the terms and conditions upon which such sellers make sales to competitors or prospective competitors of members of said association; and (2) cooperating with any of its members or others to perform any of the acts and practices prohibited in prohibition (1) hereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Detroit Candy & Tobacco Jobbers Association, Inc., et al., Docket 4321, August 27, 1941]

In the Matter of Detroit Candy & Tobacco Jobbers Association, Inc., an Incorporated Association; Its Officers: Calvin J. Gauss, President, Vene G. Perry, First Vice-President, Jacob Starkstein, Second Vice-President, Archie Cherrin, Secretary, Harry T. Bump, Secretary, Joseph Bianco, Treasurer; Its Directors: Charles Nalbandian, B. J. Mendel, Joel Levy, V. H. Nalbandian; and Its Members: Morris Starkstein, William Starkstein, and Jacob Starkstein, Trading as General Tobacco & Grocery Company, Archie Cherrin, Trading as Joseph Kohn & Company, Joseph Bianco, Trading as B & G Candy Company, Charles Nalbandian, Trading as N. Nalbandian, Joel Levy, Trading as Auto City Candy Company, V. H. Nalbandian, Trading as Chaffee & Company, Inc., Vene G. Perry, Trading as Detroit Candy Co., Calvin J. Gauss, Trading as Charles Gauss Company, Individually and as Representative Members of Said Association

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of certain of respondents, and stipulation as to the facts entered into between counsel for certain of the respondents herein and William T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence, presentation of argument, the filing of briefs, or other intervening procedure, the Commission may issue and serve upon such respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that such

[1] 5 F.R. 3569.

[1] 6 F.R. 2421.

respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Detroit Candy & Tobacco Jobbers Association, Inc., its officers and directors, its agents, employees, or representatives, directly or through any corporate or other device, in connection with the purchase, sale, and distribution of candies, tobaccos, and groceries in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Coercing, inducing, or persuading, or attempting to coerce, induce, or persuade, sellers of candies, tobaccos, and groceries located in States other than the State of Michigan to refrain from selling or offering to sell to competitors or prospective competitors of members of respondent association, or by such means controlling, or attempting to control, the terms and conditions upon which such sellers make sales to competitors or prospective competitors of members of respondent association;

(2) Cooperating with any of its members or others to perform any of the acts and practices prohibited in paragraph (1) hereof.

It is further ordered, That the case growing out of the complaint herein be, and the same hereby is, closed as to members of the Detroit Candy & Tobacco Jobbers Association, Inc., in their individual capacities, without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and resume trial thereof in accordance with its regular procedure.

It is further ordered, That the respondent Detroit Candy & Tobacco Jobbers Association, Inc., shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6896; Filed, September 12, 1941; 11:35 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 516—RECORDS TO BE KEPT BY EMPLOYERS PURSUANT TO SECTION 11 (c) OF THE FAIR LABOR STANDARDS ACT OF 1938

GENERAL REQUIREMENTS

Sec.

516.1 Records.

EMPLOYEE INFORMATION AND DATA TO BE CONTAINED IN EMPLOYERS' RECORDS

516.2 Employees subject to minimum wage and 40-hour week overtime provisions—sections 6 and 7 (a).

516.3 Employees under certain union agreements who are to be paid for overtime over 12 hours a day or 56 hours a week as provided in section 7 (b) (1) or 7 (b) (2).

516.4 Employees subject to minimum wage (section 6) and overtime provisions covering "seasonal industries" as provided in section 7 (b) (3).

516.5 Employees of employers operating under the 14 workweek total exemption from section 7 (a) as provided by section 7 (c).

516.6 Employees totally exempt from overtime payment pursuant to part of section 7 (c) and sections 13 (b) (1) and 13 (b) (2).

516.7 Bona fide executive, administrative, professional, local retail, outside sales employees as referred to in section 13 (a) (1).

516.8 Employees under more than one minimum hourly rate fixed by wage orders.

516.9 Learners, apprentices, messengers, handicapped workers under special certificates as provided in section 14.

516.10 "Red caps" and other employees dependent on tips as part of wages.

516.11 Homeworkers.

516.12 Employees affected by the exemptions provided in sections 13 (a) (2), (3), (4), (5), (6), (8), (9), (10), or (11).

516.13 Records in the case of an overlap of previous sections.

LENGTH OF TIME RECORDS SHALL BE PRESERVED

516.14 Records to be preserved four years.

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LOCATION AND INSPECTION OF RECORDS

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516.17 Computations and reports.

GRANTING OF EXCEPTIONS

516.18 Petitions for exceptions.

REVISION OF REGULATIONS

516.19 Amendment of regulations.

The following amended Regulations—Part 516, §§ 516.1 to 516.19 (Regulations on Records to be Kept by Employers Pursuant to section 11 (c) of the Fair Labor Standards Act of 1938) are hereby issued. These regulations, repealing and superseding all regulations previously issued on records to be kept by employers pursuant to section 11 (c) of the Fair Labor Standards Act, shall become effective on September 15, 1941, and shall continue in force and effect until hereafter modified.

Signed at Washington, D. C., this 13th day of August, 1941.

PHILIP B. FLEMING,
Administrator.

GENERAL REQUIREMENTS

§ 516.1 *Records.* (a) No particular order or form of records is prescribed by the regulations in this part. Every employer subject to any provisions of the Fair Labor Standards Act or of any order issued under this Act shall, however, make and keep records containing the information and data on persons in his employ and their wages, hours, and other conditions and practices of employment as provided in any of the applicable §§ 516.2 through 516.13 of the regulations in this part. Every employer shall preserve his records for the periods of time and under the conditions provided in §§ 516.14 through 516.16. As provided in § 516.17 every employer shall submit such reports and make such extension, recomputation or transcription of those records as the Administrator or his duly authorized and designated representative may require.*

*§§ 516.1 to 516.19, inclusive, issued pursuant to the authority contained in sec. 11 (c), 52 Stat. 1066; 29 U. S. C., Sup., 211.

EMPLOYEE INFORMATION AND DATA TO BE CONTAINED IN EMPLOYERS' RECORDS

§ 516.2 *Employees subject to minimum wage and 40-hour week overtime provisions; sections 6 and 7 (a)—(a) Items required.* Every employer shall maintain and preserve [1] payroll or other records containing the following information and data on each and every employee to whom both sections 6 and 7 (a) of the Fair Labor Standards Act apply:[2]

(1) Name in full [3] (and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records),

(2) Home address,

(3) Date of birth if under 19,

(4) Occupation in which employed,

(5) Time of day and name of the day on which the employee's workweek begins,[4]

(6) (i) Regular hourly rate of pay,[5] and (ii) Basis on which wages are paid,[6]

(7) Hours worked each workday [7] and total hours worked each workweek,

(8) Total daily or weekly straight-time earnings or wages,[8]

[1] For the period records must be preserved, see §§ 516.14 and 516.15.

[2] For additional requirements on *Certain types of employees covered by more than one minimum hourly wage set by one or more wage orders*, see § 516.8.

For additional requirements on *Learners, apprentices, messengers, and handicapped workers under special certificates*, see § 516.9.

For additional requirements on *Employees dependent upon tips or gratuities as a part of wages*, see § 516.10.

For requirements on industrial homeworkers, see § 516.11.

[3] This shall be the same name as that used for Social Security record purposes.

[4] If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

[5] This item is only required to be entered in the records for any week when overtime is worked and overtime excess compensation is due under section 7 (a). When required, it shall be shown as the *hourly rate* of any employee whose total straight-time earnings or wages are derived from one fixed hourly rate throughout the workweek, *or* the *average hourly earnings*, as determined in accordance with paragraph 7 of Interpretative Bulletin No. 4, for any employee employed on any other basis.

[6] This may be shown as "50¢ hr."; "$3.00 a day"; "$3.20, 8 hr. day"; "$15.00 wk."; "$15.00, 40 hr. wk."; "$150 mo."; "piece rates"; "piece rates and bonus."

[7] A "workday" with respect to any employee shall be any consecutive twenty-four hours.

[8] That is: The total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation.

(9) Total weekly overtime excess compensation,[9]

(10) Total additions to or deductions from wages paid each pay period,[10]

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment.*

§ 516.3 *Employees under certain union agreements who are to be paid for overtime over 12 hours a day or 56 hours a week as provided in section 7 (b) (1) or 7 (b) (2)* [11]—(a) *Items required.* Every employer of employees who are employed:

(1) In pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand hours during any period of twenty-six consecutive weeks, or

(2) On an annual basis in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall not be employed more than two thousand hours during any period of fifty-two consecutive weeks;

shall maintain and preserve [12] pay roll or other records containing the following information and data on each and every employee to whom section 6 (minimum hourly wages) of the Fair Labor Standards Act applies and who, as a result of such agreement or amendment thereto, is employed in accordance with section 7 (b) (1) or 7 (b) (2) of the Act (overtime excess compensation for employment over 12 hours a day or 56 hours a week):[13]

(i) Name in full,[14] (And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or pay-roll records)

(ii) Home address,

(iii) Date of birth if under 19,

(iv) Occupation in which employed,

(v) Time of day and name of the day on which the employee's workweek begins,[15]

(vi) (*a*) Regular hourly rate of pay,[16] and (*b*) Basis on which wages are paid,[17]

(vii) Hours worked each workday,[18] and total hours worked each workweek,

(viii) Total daily or weekly straight-time earnings or wages,[19]

(ix) Daily and weekly overtime excess compensation,[20]

(x) Total additions to or deductions from wages paid each pay period,[21]

(xi) Total wages paid each pay period,

(xii) Date of payment and the pay period covered by payment.

(b) *Submission of copy of agreement to Washington.* The employer shall also report and file with the Administrator at Washington, D. C., within thirty days after such collective bargaining agreement has been made, a copy of each such collective bargaining agreement. Likewise, a copy of each amendment or addition thereto shall be reported and filed with the Administrator at Washington, D. C., within thirty days after such amendment or addition has been agreed upon.

(c) *Record of persons and periods employed under agreements.* Every employer shall also make, keep, and preserve a record, either separately or as a part of the payroll:

(1) Listing each and every employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto,

(2) Indicating the period or periods during which the employee, pursuant to

[9] That is: The *excess* compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked. For the basis to be used in determining overtime payments under the Fair Labor Standards Act, see Interpretative Bulletin No. 4.

[10] As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulations Part 531, "*Regulations Determining the Reasonable Cost of Board, Lodging, and Other Facilities.*"

If the additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less *in cash* than the minimum hourly wage provided in section 6 or in an applicable Wage Order, or (2) if the employee works in excess of 40 hours a week and (a) any additions to the wages paid are a part of that employee's wages, or (b) any deductions made are claimed as allowable deductions under section 3 (m) of the Act, the employer shall then maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under section 3 (m) and which need not be maintained on a workweek basis, see Paragraphs 15 through 17 of Interpretative Bulletin No. 3 Rev. October 1940).

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amounts, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/5—coal, one-half ton	$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16–6/22—house rent (wk.)	3.50
6/16–6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see § 516.15 (c).

[11] For an interpretation of these two sections of the Act, see Interpretative Bulletin No. 8, *Collective Bargaining Agreements Under Section 7 (b) (1) and Section 7 (b) (2) of the Fair Labor Standards Act of 1938.*

[12] For the period records must be preserved, see §§ 516.14 and 516.15.

[13] For additional requirements on *Learners, types of employees covered by more than one minimum hourly wage set by one or more Wage Orders*, see § 516.8.

For additional requirements on *Learners, apprentices, messengers, and handicapped workers under special certificates*, see § 516.9.

[14] This shall be the same name as that used for Social Security record purposes.

[15] If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

[16] This item is only required to be entered in the records for any week when overtime is worked and overtime excess compensation is due under either section 7 (b) (1) or 7 (b) (2) of the Act. When required, it shall be shown as the *hourly rate* of any employee whose total straight-time earnings or wages are derived from one fixed hourly rate throughout the workweek, *or* the *average hourly earnings*, as determined in accordance with paragraph 7 of Interpretative Bulletin No. 4, for any employee employed on any other basis.

[17] This may be shown as "50¢ hr."; "$3.00 a day"; "$3.20, 8 hr. day"; "$15.00 wk."; "$15.00 40 hr. wk."; "$150 mo."; "piece rates"; "piece rates and bonus."

[18] A "workday" with respect to any employee shall be any consecutive twenty-four hours. If the employee works less than 12 hours a day, notation of the beginning and ending time of each compensable workperiod during the day will suffice. If the employee works in excess of 12 hours on any day, the total hours worked shall then be shown for that day.

[19] That is: The total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation.

[20] That is: The *excess* compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked. For the basis to be used in determining overtime payments under section 7 (b) of the Fair Labor Standards Act, see Interpretative Bulletin No. 4, particularly Paragraph 72.

[21] As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulations Part 531, "*Regulations, Determining the Reasonable Cost of Board, Lodging, and Other Facilities.*"

If the additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less *in cash* than the minimum hourly wage provided in section 6 or in an applicable Wage Order, or (2) if the employee works in excess of 12 hours a day or 56 hours a week and (a) any additions to the wages paid are a part of that employee's wages or (b) any deductions made are claimed as allowable deductions under section 3 (m) of the Act, the employer shall then maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not claimed under section 3 (m) and which need not be maintained on a workweek basis, see Paragraphs 15 through 17 of Interpretative Bulletin No. 3 Rev. October 1940.)

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amounts, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/5—coal, one half ton	$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16-6/22—House rent (wk.)	3.50
6/16-6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see § 516.15 (c).

an agreement, has been or is employed for either, (i) not more than 1,000 hours during any period of 26 consecutive weeks, or (ii) on an annual basis and for not more than 2,000 hours during any period of 52 consecutive weeks, and

(3) Showing the total hours worked during any period of 26 consecutive weeks, if employed in accordance with section 7 (b) (1), or during each period of 52 consecutive weeks, if employed in accordance with section 7 (b) (2).*

§ 516.4 *Employees subject to minimum wage (section 6) and overtime provisions covering "seasonal industries" as provided in section 7 (b) (3)* [32]*—(a) Items required.* Every employer shall maintain and preserve [33] payroll or other records containing the following information and data on each and every employee to whom section 6 and section 7 (b) (3) of the Fair Labor Standards Act apply: [34]

(1) Name in full,[35] (And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records)

(2) Home address,

(3) Date of birth if under 19,

(4) Occupation in which employed,

(5) Time of day and name of the day on which the employee's workweek begins,[36]

(6) (i) Regular hourly rate of pay,[37] and (ii) Basis on which wages are paid,[38]

(7) Hours worked each workday,[39] and total hours worked each workweek,

(8) Total daily or weekly straight-time earnings or wages,[40]

(9) (i) Daily and weekly overtime excess compensation [41] during the weeks the establishment operates under the 14 workweek partial overtime exemption, and (ii) Total weekly overtime excess compensation [41] during the remaining weeks of the calendar year,

(10) Total additions to or deductions from wages paid each pay period,[42]

(11) Total wages paid each pay period,

(12) Date of payment and the pay period covered by payment.

(b) *Establishment operation records.* Every employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7 (b) (3).

(c) *Posting of notice of weeks taken under the 14 workweek exemption.* (1) In addition every employer shall prepare a legible typewritten or handwritten (in ink) Notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) in this pay period as a part of the 14 workweeks permitted under Section 7 (b) (3) when overtime, at a rate of not less than time and one-half the regular hourly rate, need only be paid for any hours worked over 12 hours a day and 56 hours a week.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____ Signed _____

(2) On the date when employees are paid off for any pay period involving a week or weeks during which the establishment operates under the 14 workweeks partial overtime exemption (from section 7 (a)) provided in section 7 (b) (3), the employer shall prominently post that Notice beside the pay window or the person paying off the employees during all the time employees are being paid. Before posting the Notice the employer shall fill in the blank space in the second paragraph of the Notice with the *number* of weeks which the establishment has then completed of the 14 permissible workweeks.*

§ 516.5 *Employees of employers operating under the 14 workweek total exemption from section 7 (a) as provided by section 7 (c)* [32]*—(a) Items required.* Every employer operating under the complete exemption from section 7 (a) for 14 workweeks of the calendar year as provided in section 7 (c) of the Fair Labor Standards Act [43] and under section 7 (a)

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[32] For industries found to be "of a seasonal nature", see Part 526, *Regulations Applicable to Industries of a Seasonal Nature.*

[33] For the period records must be preserved, see §§ 516.14 and 516.15.

[34] For additional requirements on *Certain types of employees covered by more than one minimum hourly wage set by one or more Wage Orders*, see § 516.8.

For additional requirements on *Learners, apprentices, messengers, and handicapped workers under special certificates*, see § 516.9.

[35] This shall be the same name as that used for Social Security record purposes.

[36] If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

[37] This item is only required to be entered in the records for any week when overtime is worked and overtime excess compensation is due under an applicable part of section 7 of the Act. When required, it shall be shown as the *hourly rate* of any employee whose total straight-time earnings or wages are derived from one fixed hourly rate throughout the workweek, or the *average hourly earnings*, as determined in accordance with paragraph 7 of Interpretative Bulletin No. 4, for any employee employed on any other basis.

[38] This may be shown as "50 hr."; "$3.00 a day"; "$3.20, 8 hr. day"; "$15.00 wk."; "$15.00, 40 hr. wk."; "$150 mo."; "piece rates"; "piece rates and bonus."

[39] A "workday" with respect to any employee shall be any consecutive twenty-four hours. If the employee works less than 12 hours a day during any of the 14 workweeks referred to in section 7 (b) (3), notation of the beginning and ending time of each compensable work period during the day will suffice. If the employee works in excess of 12 hours in any such day, the total hours worked shall then be shown for that day.

[40] That is: The total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation.

[41] That is: The *excess* compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked. For the basis to be used in determining overtime payments under the Fair Labor Standards Act, see Interpretative Bulletin No. 4.

[42] As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulations Part 531, *"Regulations, Determining the Reasonable Cost of Board, Lodging, and Other Facilities."*

If the additions to or deductions from wages paid (1) so effect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less *in cash* than the minimum hourly wage provided in section 6 or in an applicable Wage Order, or (2) if the employee works in excess of 40 hours a week during any period the 14 workweek partial overtime exemption is not applicable or in excess of 12 hours a day or 56 hours a week during any period the 14 workweek partial exemption is in effect and (a) any additions to the wages paid are a part of that employee's wages, or (b) any deductions made are claimed as allowable deductions under section 3 (m) of the Act, the employer shall then maintain records showing those additions to or deductions from wages paid, on a workweek basis. (For legal deductions not claimed under section 3 (m) and which need not be maintained on a workweek basis, see Paragraphs 15 through 17 of Interpretative Bulletin No. 3 Rev. October 1940).

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amounts, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/5—coal, one half ton	$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16–6/22—house rent (wk.)	3.50
6/16–6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see § 516.15 (c).

[43] This section relates to the data and information required to be kept by employers in their records on employees to whom is applicable that part of section 7 (c) of the Act which reads:

In the case of an employer engaged in the first processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables, or in the first processing, within the area of production (as defined by the Administrator), or any agricultural or horticultural commodity during seasonal operations, or in handling, slaughtering, or dressing poultry or livestock, the provisions of subsection 7 (a), during a period or periods of not more than fourteen workweeks in the aggregate in any calendar year, shall not apply to his employees in any place of employment where he is so engaged.

For the Administrator's definition of the "area of production", see Part 536, *Regulations Defining the term "Area of Production" as used in section 7 (c) and in section 13 (a) (10) of the Fair Labor Standards Act.*

for the remainder of the calendar year shall maintain and preserve [44] pay roll or other records containing the following information and data on each and every employee to whom the provisions of sections 6 and 7 of the Fair Labor Standards Act apply: [45]

(1) Name in full,[46] (And on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records.)

(2) Home address,

(3) Date of birth if under 19,

(4) Occupation in which employed,

(5) Time of the day and name of the day on which the employee's workweek begins,[47]

(6) (i) Regular hourly rate of pay,[48] and (ii) Basis on which wages are paid,[49]

(7) Hours worked each workday [50] and total hours worked each workweek,

(8) Total daily or weekly straight-time earnings or wages,[51]

(9) Total weekly overtime excess compensation for the weeks to which section 7 (a) is applicable,[52]

(10) Additions to or deductions from wages paid each pay period,[53]

(11) Total wages paid each pay period,

(12) Date of payment and pay period covered by payment.

(b) *Establishment operation record.* Every employer shall also note in his records the beginning and ending of each workweek during which the establishment operates under the 14 workweek exemption provided in section 7 (c).

(c) *Posting of notice of weeks taken under 14 workweek exemption.* (1) In addition, every employer shall prepare a legible typewritten or handwritten (in ink) Notice reading:

NOTICE—OVERTIME PAYMENTS

This establishment has taken the workweek (or workweeks) in this pay period as a part of the 14 workweeks permitted under Section 7 (c) during which overtime excess compensation, as provided in Section 7 (a), is not due for overtime worked.

This week (or these weeks) in this pay period completes the _____ week of the permissible 14 workweeks.

Date _____ Signed _____

(2) On the date when employees are paid off for any pay period involving a week or weeks during which the establishment operates under the 14 workweeks total overtime exemption provided in section 7 (c), the employer shall prominently post that Notice beside the pay window or the person paying off the employees during all the time employees are being paid. Before posting the Notice the employer shall fill in the blank space in the second paragraph of the Notice with the *number* of weeks which the establishment has then completed of the 14 permissible workweeks.[54]

§ 516.6 *Employees totally exempt from overtime payment pursuant to part of section 7 (c) and sections 13 (b) (1) and 13 (b) (2)* "—(a) *Items required.* Every employer shall maintain and preserve [55] payroll or other records containing the following information and data on each and every employee to whom section 6 of the Fair Labor Standards Act applies but section 7 (a) or 7 (b) does not apply: [56]

(1) Name in full [57] (and on the same record the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records),

(2) Home address,

(3) Date of birth if under 19,

(4) Occupation in which employed,

(5) Time of the day and name of the day on which the employee's workweek begins,[58]

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[44] For the period records must be preserved, see §§ 516.14 and 516.15.

[45] For additional requirements on *Certain types of employees covered by more than one minimum hourly wage set by one* or more Wage Orders, see § 516.8.

For additional requirements on *Learners, apprentices, messengers, and handicapped workers under special certificates*, see § 516.9.

[46] This shall be the same name as that used for Social Security record purposes.

[47] If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

[48] This item is only required to be entered in the records for any week when overtime is worked and overtime excess compensation is due under section 7 (a). When required, it shall be shown as the *hourly rate* of any employee whose total straight-time earnings or wages are derived from one fixed hourly rate throughout the workweek, *or* the *average hourly earnings*, as determined in accordance with paragraph 7 of Interpretative Bulletin No. 4, for any employee employed on any other basis.

[49] This may be shown as "50¢ hr."; "$3.00 a day"; "$3.20 8 hr. day"; "$15.00 wk."; "$15.00 40 hr. wk."; "$150 mo."; "piece rates"; "piece rates and bonus."

[50] A "workday" with respect to any employee shall be any consecutive twenty-four hours.

[51] That is: The total earnings or wages due for hours worked during the workday or workweek, including all earnings or wages due during any overtime worked, but exclusive of overtime excess compensation.

[52] That is: The *excess* compensation for overtime worked which amount is over and above all straight-time earnings or wages also earned during overtime worked. For the basis to be used in determining overtime payments under the Fair Labor Standards Act, see Interpretative Bulletin No. 4.

[53] As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulations Part 531, *"Regulations, Determining the Reasonable Cost of Board, Lodging, and Other Facilities."*

If the additions to or deductions from wages paid (1) so affect the total cash wages due in any workweek (even though the employee actually is paid semi-monthly) as to result in the employee receiving less *in cash* than the minimum hourly wage provided in section 6 or in an applicable Wage Order, or (2) if during any period the 14 workweek overtime exemption is not applicable the employee works in excess of 40 hours a week and (a) any additions to the wages paid are a part of that employee's wages, or (b) any deductions made are claimed as allowable deductions under section 3 (m) of the Act, the employer shall then maintain records showing those additions to or deductions from wages paid, on a workweek basis. (For legal deductions not claimed under Section 3 (m) and which need not be maintained on a workweek basis, see Paragraphs 15 through 17 of the Interpretative Bulletin No. 3 Rev. October 1940).

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amounts, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/5—coal, one half ton	$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16–6/22—house rent (wk.)	3.50
6/16–6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see § 516.15 (c).

[54] This section relates to the record data and information required to be kept by employers on employees to whom is applicable:

(1) *That part of section 7 (c) reading:* "In the case of an employer engaged in the first processing of milk, whey, skimmed milk, or cream into dairy products, or in the ginning and compressing of cotton, or in the processing of cottonseed, or in the processing of sugar beets, sugar beet molasses, sugarcane, or maple sap, into sugar (but not refined sugar) or into syrup, the provisions of subsection 7 (a) shall not apply to his employees in any place of employment where he is so engaged," or

(2) Section 13 (b) (1) or 13 (b) (2) of the Act. (For an explanation of section 13 (b) (1) insofar as certain employees of Motor Carriers are concerned, see Interpretative Bulletin No. 9.)

[55] For the period records must be preserved, see §§ 516.14 and 516.15.

[56] For additional requirements on *Certain types of employees covered by more than one minimum hourly wage set by one or more Wage Orders*, see § 516.8.

For additional requirements on *Learners, apprentices, messengers, and handicapped workers under special certificates*, see § 516.9.

For additional requirements on *Employees dependent upon tips or gratuities as a part of wages*, see § 516.10.

[57] This shall be the same name as that used for Social Security record purposes.

[58] If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

(6) Basis on which wages are paid,[49]
(7) Hours worked each workday[50] and total hours worked each workweek.
(8) Total daily or weekly earnings or wages,[51]
(9) Additions to or deductions from wages paid each pay period,[52]
(10) Total earnings or wages paid each pay period,
(11) Date of payment and pay period covered by payment.*

§ 516.7 *Bona fide executive, administrative, professional, local retail, outside sales employees as referred to in section 13 (a) (1)*[53]—(a) *Items required.* Every employer shall maintain and preserve[54] payroll or other records containing the following information and data on each and every employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman as defined in Part 541, *Regulations defining and delimiting the terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or Local Retailing Capacity or in the Capacity of Outside Salesman":*

(1) Name in full[55] (and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records),
(2) Home address,
(3) Date of birth if under 19,
(4) Occupation in which employed,
(5) Time of day and name of the day on which the employee's workweek begins,[56]
(6) Basis on which wages are paid,[49]
(7) Total wages paid each pay period,
(8) Date of payment and pay period covered by payment.*

§ 516.8 *Employees under more than one minimum hourly rate fixed by wage orders*—(a) *Additional items required.* An employer of any employees, subject to different minimum wage rates of pay one or more of which has been established by a Wage Order, who elects to pay less than an amount arrived at by applying the highest applicable minimum rate for all hours worked in any workweek, shall, in addition to any employee information and data required to be kept on them by any previous applicable section of the regulations in this part, maintain and preserve pay roll or other records containing the following information and data on each of those employees:

(1) The minimum rate of pay required to be paid for each type of goods upon which each such employee has worked.
(2) The total hours or fractions thereof worked each workweek on work covered by each different applicable minimum rate of pay,[56]
(3) Each type of goods and products upon which the employee has worked at a different applicable minimum rate of pay,
(4) The piece rate, if any, for each operation on each type of goods upon which the employee has worked at a different applicable minimum rate of pay and the number of pieces worked upon at such piece rates,
(5) The total week's piecework earnings, if any, on each type of goods and products upon which the employee has worked at different minimum rates of pay,
(6) The lot number of each type of goods upon which the employee has worked,
(7) The total wages due the employee at straight-time for the hours worked on each type of goods and products to which is applicable a different minimum rate of pay, including any amounts earned in excess of the applicable minimum rate of pay.

(b) *Continuity of such records.* Every employer who keeps records in accordance with the foregoing provisions must keep such records continuously. If he ceases or fails to do so in any workweek he may not resume the keeping of such records in such detail for a period of at least two months after the cessation date and then only after written notice of such resumption has been given by him to the Wage and Hour Division.

(c) *Records of workers whose work cannot be segregated.* The foregoing provisions of paragraphs (a) and (b) of § 516.8 shall not be construed to affect in any way the records to be kept, or compensation to be paid employees whose activities cannot be segregated (such as clerical and maintenance employees), and who are, therefore, not subject to different minimum rates of pay.*

§ 516.9 *Learners, apprentices, messengers, handicapped workers under special certificates as provided in section 14*[57]—(a) *Items required.* Every employer shall maintain and preserve payroll or other records containing the same information and data pertaining to learners, apprentices, messengers, and handicapped workers employed at subminimum hourly rates under Special Certificates as he is required to have under any of the previous sections of those Regulations applicable to other employees in those occupations.

(b) *Segregation on pay roll and use of identifying symbol.* In addition, every employer shall segregate on his pay roll or pay records the names and required information and data on those learners, apprentices, messengers, and handicapped workers employed under Special Certificates. A symbol or letter shall also be placed before each such name on the pay roll or pay records indicating that that person is a "learner", "apprentice", "messenger", or "handicapped worker" employed under a Special Certificate.[58]*

§ 516.10 *"Red Caps" and other employees dependent on tips as part of wages*—(a) *Items required.* Supplementary to the provisions of any previous section of the regulations in this part pertaining to the records to be kept on such employees, every employer shall also maintain and preserve[54] pay roll or other records containing the following additional information and data on each and every employee employed in any occupation in the performance of which the employee receives tips or gratuities from third persons and which tips or gratuities are accounted for or turned over by the employee to the employer:

(1) Actual total hours worked each workday in those occupations in the performance of which the employee receives tips or gratuities from third persons,
(2) Actual total hours worked each workday in any other occupation,
(3) Total daily or weekly straight-time earnings segregated according to:

(i) Time paid for under (1) above, and
(ii) Time paid for under (2) above,
(iii) Tips or gratuities received and accounted for or turned over by the employee to the employer.*

§ 516.11 *Homeworkers.* Every employer who directly or indirectly distributes work to be performed by an industrial homeworker[59] shall maintain and preserve[54] pay roll or other records containing the following information and data on each and every industrial homeworker engaged on work distributed directly by the employer or indirectly in his interest, excepting those homeworkers to whom Part 545, *Regulations Relating to Homeworkers in the Needlework Industries in Puerto Rico*, applies:

(a) Name in full[54] (and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or pay roll records),
(b) Home address,
(c) Date of birth if under 19,
(d) With respect to each lot of work issued:

(1) Date and hour on which work is given out to worker, and amount of such work given out,
(2) Date and hour on which work is returned by worker, and amount of such work returned,
(3) Kind of articles worked on and operations performed,
(4) Piece rates paid,
(5) Hours worked on each lot of work returned,
(6) Wages paid for each lot of work returned,
(7) Deductions for Social Security taxes,
(8) Date of wage payment and pay period covered by payment,

(e) With respect to each week:

(1) Hours worked each week,
(2) Wages earned for each week at regular piece rates,
(3) Extra pay due each week for overtime worked,
(4) Total wages earned each week,
(5) Deductions for Social Security taxes,

(f) With respect to the agent, distributor, or contractor:

(1) Name and address of each agent, distributor, or contractor through whom homework is distributed and name and address of each homeworker to whom homework is distributed by each such agent, distributor or contractor.

Homework handbooks. In addition to the above information and data, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each industrial homeworker, employed in a home or outside a plant. The information required therein shall be entered by the employer or the person distributing homework on behalf of such employer each time work is given out to or received from an industrial homeworker. Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the industrial homeworker until such time as the Wage and Hour Division may request it. *A separate record and a separate handbook shall be kept for each individual performing work in or about a home on any lot or amount of homework distributed.**

§ 516.12 *Employees affected by the exemptions provided in sections 13 (a) (2), (3), (4), (5), (6), (8), (9), (10), or (11)*—(a) *Items required.* Every employer shall maintain and preserve[60] payroll or other records containing the following information and data on each and every employee covered by the Fair Labor Standards Act but to whom the employer is not compelled to pay at least the minimum hourly wages provided in section 6 or an applicable Wage Order, or to pay overtime excess compensation as provided in section 7 due to the applicability of section 13 (a) (2)[61], 13 (a) (3)[62], 13 (a) (4), 13 (a) (5)[63], 13 (a) (6)[64], 13 (a) (8), 13 (a) (9), 3 (a) (10)[65], or 13 (a) (11):

(1) Name in full,[54]
(2) Home address,
(3) Occupation in which employed,
(4) Date of birth if under 19,
(5) Place or places of employment.*

§ 516.13 *Records in the case of an overlap of previous sections*—(a) *Duplicated items.* Every employer having in his employ, employees who may be so affected by the various provisions and exemptions provided in the Fair Labor Standards Act as to bring into force more than one of the foregoing sections (§§ 516.2 through 516.12) shall maintain and preserve payroll or other records containing for all workweeks of employment covered by the Fair Labor Standards Act all data and information, which are duplicated in those applicable sections.

(b) *Unduplicated items.* Every employer referred to in paragraph (a) above shall also have contained in those payroll or other records, the additional unduplicated employee information and data and shall maintain and preserve such additional records as are provided in each of the applicable sections. The additional unduplicated employee information, data, and records to be maintained in any given workweek, however, need only be such items or records as are required by the section or sections applicable to such workweek of employment.*

LENGTH OF TIME RECORDS SHALL BE PRESERVED

§ 516.14 *Records to be preserved four years.* (a) Each employer shall preserve for at least four years:

(1) *Payroll records.* From the last date of entry, all those payroll or other records containing the employee information and data required under any of the applicable §§ 516.2 through 516.13, and

(2) *Certificates, union agreements and notices.* From their last effective date, all those certificates, union agreements and amendments or additions thereto, and Notices listed or named in these same applicable sections.*

§ 516.15 *Records to be preserved two years*—(a) *Supplementary basic records.* Each employer shall preserve for a period of at least two years:

(1) *Basic employment and earnings records.* From the date of last entry, all basic time and earning cards or sheets of the employer on which are entered the daily starting and stopping time of individual employees, or of separate workforces, or the individual employee's daily, weekly, or pay period amounts of work accomplished (for example, units produced) when those amounts determine in whole or in part the pay period earnings or wages of those employees,

(2) *Wage rate tables.* From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages or salary, or overtime excess compensation, and

(3) *Work time schedules.* From their last effective date, all schedules or tables of the employer which establish the hours and days of employment of individual employees or of separate workforces.

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[49] This may be shown as "50¢ hr."; "$3.00 a day"; "$3.20, 8 hr. day"; "$13.00 wk."; "$15.00, 40 hr. wk."; "$150 mo."; "piece rates"; "piece rates and bonus."

[50] A "workday" with respect to any employee shall be any consecutive twenty-four hours.

[51] That is: The total earnings or wages due for all hours worked during the workday or workweek.

[52] As to the effect of additions or deductions upon the regular hourly rate of pay, see Interpretative Bulletin No. 3. For the basis on which deductions or additions for board, lodging, or other facilities may be made and their cost to the employer determined, attention is called to Regulations Part 531, *"Regulations Determining the Reasonable Cost of Board, Lodging, and Other Facilities."*

If the additions to or deductions from wages paid in any way so affect the total cash wages due in any workweek (even though actually paid semi-monthly) as to result in the employee receiving less *in cash* than the minimum hourly wage provided in section 6 or in an applicable Wage Order, the employer shall then maintain records showing those additions to or deductions from wages paid on a workweek basis. (For legal deductions not required on workweek basis: Paragraphs 15–17, Interpretative Bulletin No. 3 Rev. October 1940.)

Every employer making additions or deductions shall also maintain in individual employee accounts a record of those types of items, and their separate credited or debited amount, which compose the additions to or deductions from wages paid as well as specifying dates involved. For example:

6/6—coal, one half ton	$4.00
6/9—groceries	4.48
6/12—meat	1.20
6/16–6/22—house rent (wk.)	3.50
6/16–6/22—board and lodging (wk.)	6.00

For the period these and other records pertaining to debits and credits shall be preserved, see § 516.15 (c).

[53] This section relates to the record data and information required to be kept by employers on employees to whom section 13 (a) (1) of the Act applies.

[54] For the period records must be preserved, see § 516.14.

[55] This shall be the same name as that used for Social Security record purposes.

[56] If the employee is a part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment will suffice. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

[57] This may be shown as: "$200 mo."; "$50 wk."; or "on fee".

[58] These hours worked shall include time from the commencement of work on such type of goods until work is commenced on another type of goods for which such employee must be paid at a different minimum rate of pay.

[59] Regulations pertaining to such types of persons are:
Part 522, *Regulations Applicable to the Employment of Learners*—and related Industry Learner Regulations;
Part 521, *Regulations Applicable to the Employment of Apprentices;*
Part 523, *Regulations Applicable to the Employment of Messengers;*
Part 524, *Regulations Applicable to the Employment of Handicapped Persons.*

[60] For the period each Special Certificate shall be preserved, see § 516.14.

[61] For the period records must be preserved, see §§ 516.14 and 516.15.

[62] For the period records shall be preserved, see §§ 516.14 and 516.15.

[63] For an explanation of this exemption, see Interpretative Bulletin No. 6, *Retail and Service Establishments.*

[64] For an explanation of this exemption, see Interpretative Bulletin No. 11, *Seamen Exemption.*

[65] For an explanation of this exemption, see Interpretative Bulletin No. 12, *Seafood and Fishery Exemption.*

[66] For an explanation of this exemption, see Interpretative Bulletin No. 14, *Agriculture.*

[67] For the Administrator's definition of the "area of production" see Part 536, *Regulations Defining the term "area of production" as used in section 7 (c) and in section 13 (a) (10) of the Fair Labor Standards Act.*

[68] This shall be the same as that used for Social Security record purposes.

[69] The term "industrial homeworker" means any person producing in or about a home, for an employer, goods from material furnished directly by or indirectly for such employer.

[70] For the period records must be preserved, see §§ 516.14 and 516.15.

[71] This shall be the same as that used for Social Security record purposes.

(b) *Order, shipping, and billing records.* Each employer shall also preserve for at least two years from the last date of entry the originals or true copies of any and all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (other than "cash") which the employer retains or makes in the course of his business or operations.

(c) *Records of additions to or deductions from wages paid.* Each employer who makes additions to or deductions from wages paid shall preserve for at least two years from the date of last entry:

(1) Those records of individual employee accounts referred to in the footnote under the item "Total additions to or deductions from wages paid each pay period" found in §§ 516.2 through 516.13,

(2) All employee purchase orders, or assignments made by employees, all copies of addition or deduction statements furnished employees, and

(3) All records used by the employer in determining the original cost, operating and maintenance cost, and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.*

LOCATION AND INSPECTION OF RECORDS

§ 516.16 *Place for keeping records and their availability for inspection*—(a) *Place of records.* Each employer shall keep the records herein required safe and accessible at the place or places of employment, or at one or more established central record keeping offices where such records are customarily maintained. Where the records are maintained at a central record keeping office, other than in the place or places of employment, such records shall be made available within 72 hours following notice from the Administrator or his duly authorized and designated representative.

(b) *Inspection of records.* All records shall be open at any time to inspection and transcription by the Administrator or his duly authorized and designated representative.*

REPORTS ON RECORDS

§ 516.17 *Computations and reports.* Each employer shall make such extension, recomputation, or transcription of his records and shall submit to the Wage and Hour Division such reports concerning persons employed and the wages, hours, and other conditions and practices of employment set forth in his records as the Administrator or his duly authorized and designated representative may request in writing.*

GRANTING OF EXCEPTIONS

§ 516.18 *Petitions for exceptions*—(a) *Submission of petitions for relief.* Any employer or group of employers who, due to peculiar conditions under which he or they must operate, desires authority to maintain records in other manner than herein required, or to be relieved of preserving certain records for the period named in the regulations in this part, may submit a written petition to the Administrator setting forth the authority desired and the reasons therefor.

(b) *Action on such petitions.* If, on review of the petition and after the completion of any necessary investigation supplementary thereto, the Administrator shall find that the authority prayed for, if granted, will not hamper or interfere with the enforcement of the provisions of the Fair Labor Standards Act or any regulation or orders issued thereunder, he may then grant such authority but limited by such conditions as he may determine are requisite, and subject to possible subsequent revocation. The grant of authority hereunder, and all revocations of such authority shall be published in the FEDERAL REGISTER.

(c) *Compliance after submission of such petitions.* No employer or group of employers is relieved of any obligation to comply with all the requirements of the regulations in this part applicable to him, or to them, as a result of the submission of a petition or through delay or failure of the Administrator to act on a petition received.*

REVISION OF REGULATIONS

§ 516.19 *Amendment of regulations*—(a) *Petitions for revision of regulations.* Any person wishing a revision of any of the terms of the foregoing regulations on records to be kept by employers may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them.

(b) *Action on such petitions.* If upon inspection of the petition the Administrator believes that reasonable grounds are set forth for amendment of the regulations, the Administrator shall either schedule a hearing with due notice to interested parties, or make other provisions for affording interested parties an opportunity to present their views, both in support of and in opposition to the petition.

[F. R. Doc. 41-6800; Filed, September 10, 1941; 12:01 p. m.]

PART 605—MINIMUM WAGE RATE IN THE WOMEN'S APPAREL INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 27 FOR A MINIMUM WAGE RATE IN THE WOMEN'S APPAREL INDUSTRY

Whereas on May 6, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 103, appointed Industry Committee No. 27 for the Women's Apparel Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Women's Apparel Industry in accordance with section 8 of the Act; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Women's Apparel Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Women's Apparel Industry is carried on; and

Whereas on June 11, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Women's Apparel Industry; and

Whereas after notice published in the FEDERAL REGISTER on July 1, 1941, Mr. Henry T. Hunt, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on July 28, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing, all persons who appeared at the hearing were given leave to file briefs on or before August 19, 1941; and

Whereas no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Women's Apparel Industry, as defined by Administrative Order No. 103, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 27 for a Minimum Wage Rate in the Women's Apparel Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 605.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.*

*§§ 605.1 to 605.6, inclusive, issued under the authority contained in Sec. 8, 52 Stat. 1064; 29 U. S. C., Sup., 208.

§ 605.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Women's Apparel Industry who is engaged in commerce or in the production of goods for commerce.*

§ 605.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Women's Apparel Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 605.4 *Definition of the women's apparel industry.* The Women's Apparel Industry, to which this Wage Order shall apply, is defined as follows:

The production of women's, misses' and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric; women's misses', children's and infants' underwear, nightwear, and negligees from woven fabric; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear.*

§ 605.5 *Scope of the definition.* The definition of the women's apparel industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 605.6 *Effective date.* This Wage Order shall become effective September 29, 1941.*

Signed at Washington, D. C., this 12th day of September 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-6868; Filed, September 12, 1941; 11:41 a. m.]

PART 606—MINIMUM WAGE RATE IN THE SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 20 FOR A MINIMUM WAGE RATE IN THE SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS INDUSTRY

Whereas on February 8, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 83, appointed Industry Committee No. 20 for the Single Pants, Shirts, and Allied Garments Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Single Pants, Shirts, and Allied Garments Industry in accordance with section 8 of the Act; and

Whereas the Committee included three disinterested persons representing the public, a like number of persons representing employers in the Single Pants, Shirts, and Allied Garments Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Single Pants, Shirts, and Allied Garments Industry is carried on; and

Whereas on April 16, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Single Pants, Shirts, and Allied Garments Industry; and

Whereas after notice published in the FEDERAL REGISTER on June 19, 1941, Mr. Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on July 30, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing, all persons who appeared at the hearing were given leave to file briefs on or before August 11, 1941; and

Whereas after notice duly given, oral argument on the Committee's recommendation was heard on August 19, 1941; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Single Pants, Shirts, and Allied Garments Industry, as defined by Administrative Order No. 83, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the recommendation of Industry Committee No. 20 for a Minimum Wage Rate in the Single Pants, Shirts, and Allied Garments Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 606.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.*

*§§ 606.1 to 606.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup., 208.

§ 606.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Single Pants, Shirts, and Allied Garments Industry who is engaged in commerce or in the production of goods for commerce.*

§ 606.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Single Pants, Shirts, and Allied Garments Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 606.4 *Definition of the single pants, shirts, and allied garments industry.* The single pants, shirts, and allied garments industry to which this Order shall apply is hereby defined as follows:

The production of men's and boys': Single pants, washable service garments, work shirts, overalls, overall jackets, and coveralls from any material; dress and sport shirts from woven fabric or purchased knit fabric; and collars and sleeping wear from woven fabric.*

§ 606.5 *Scope of the definition.* The definition of the single pants, shirts and allied garments industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling

occupations; *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition; *And provided, further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 606.6 *Effective date.* This Wage Order shall become effective September 29, 1941.*

Signed at Washington, D. C., this 12th day of September 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-6667; Filed, September 12, 1941; 11:41 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-977]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition and amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 27, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Freight origin group No.	1	2	3	4	5
2510	Aughenbaugh, Alton	Aughenbaugh	7	E	45	(*)	(†)	(*)	(*)	F
842	Aughenbaugh, Alton	Aughenbaugh #2	7	D	45	F	(†)	F	(†)	F
1047	Barron & Jones (Ira R. Barron)	Fairview	41	D	100	(†)	(†)	F	(†)	(†
1102	Bland Bros. Coal Co	Bland #5	18	E	52	(†)	(†)	F	(†)	(†
1143	Brian, R. W	Brian #2	2	D	117	(†)	(†)	H	(†)	(†
3096	Caruso, Clement	Caruso	6	E	124	(†)	(†)	F	(†)	(†
862	Daugherty & Sons, W. A. (Mrs.)	Daugherty #2	6	D	119	E	(†)	E	E	(†
613	Dayton, Andrew J. (Dayton Coal Co.)	Dayton #3	23	B	81	(†)	(†)	(*)	H	H
1350	Fenstermaker, Amos	Amos Fenstermaker	5	B	119	(†)	(†)	E	(†)	(†
729	Freebrook Corporation	Freebrook #27	6	B	119	F	F	(*)	F	F
843	Freebrook Corporation	Pittshaw #20	5	A	119	H	H	H	H	H
1453	Groe, A. A	Seven Mile Run	9	A	45	D	(†)	(*)	D	D
461	Hubler, Leroy (Alder Run Mining Co.)	Shannon	8	B	44	(†)	(†)	(*)	E	E
1542	Hughes, Frank C	Frank C. Hughes	21	E	45	(†)	(†)	F	(†)	(†
1588	Kardysauskas, William A	Wm. Kardysauskas	6	E	118	(†)	(†)	F	(†)	(†
815	Kyler Mine No. 2 (Millard Kyler)	Kyler #2	8	C	44	(†)	(†)	F	(†)	(†
1784	Milsom, Chas. H. (Chas. H. Milsom C. Co.)	Bigelow Run	14	B	45	E	(†)	E	E	E
2797	Mitchell, Ralph	Shaver	37	D	100	(†)	(†)	B	(†)	(†
1469	Mixey, Charles	Ridge #12	18	E	52	(†)	(†)	F	(†)	(†
1657	Nugent Mining Company (M. H. Hartzfeld)	Rattlesnake	5	B	120	(†)	(†)	(*)	E	E
697	Phillips, Albert	Albert Phillips	6	E	50	(†)	(†)	(*)	F	F
1947	Rice Coal Company (Felix Rice)	Rice	8	A	46	(†)	(†)	E	(†)	(†
810	Smeal, Lester G	Smeal	8	B	44	(†)	(†)	D	(†)	(†
2061	Smith, Carl E. & Frank Rodkey	Ashland #1	21	D	45	(†)	(†)	F	F	F
812	Switzer, Geo. A	Switzer	4	C'	90	(†)	(†)	G	(†)	(†
821	Waroquier & Son, J	Waroquier	7	D	45	(†)	(†)	F	(†)	(†
2228	White, George A	Round Top	6	E	112	(†)	(†)	F	(†)	(†
2229	White, George A	White	6	E	112	(†)	(*)	F	(†)	(†
2230	White, H. E	White #1	4	D	75	G	(†)	G	H	H
2231	White, H. E	White #2	4	E	75	G	(†)	G	H	H
2232	White, H. E	White #3	4	D	75	G	(†)	G	H	H
651	White, James A. (James A. White Coal Company).	White #1	6	C'	122	(†)	(†)	(*)	F	F
488	White, James A. (James A. White Coal Company).	White #2	6	E	50	(†)	(†)	(*)	F	F
2651	White, James A. (James A. White Coal Company).	White #3	6	E	50	(†)	(†)	(*)	F	F
2981	White, James A. (James A. White Coal Company).	White #4	12	E	50	(†)	(†)	G	G	G
652	White, James A. (James A. White Coal Company).	White #6	12	D	50	(†)	(†)	(*)	G	G

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub. dist. No.	County	Seam	All lump coal double screened top size 2" and over 1	Double screened top size 2" and under 2	Run of mine, modified 3/4" 3	2" and under shack 4	3/4" and under shack 5
Aughenbaugh, Alton	2510	Aughenbaugh	7	Clearfield	E	(*)		(*)	(*)	200
Aughenbaugh, Alton	842	Aughenbaugh #2	7	Clearfield	D	245		220	220	200
Barnard, Curtley	811	Bernard	44	Garrett	Bakerstown			210		
Brothers Valley Coal Company	367	Pen Mar #6	37	Somerset	D	250		(*)	215	
Corm, S. D	818	Swank	40	Somerset	C'			210		
Dayton, Andrew J. (Dayton Coal Co.)	613	Dayton #3	23	Indiana	B			(*)	200	190
Daugherty & Sons, W. A. (Mrs.)	862	Daugherty #2	6	Jefferson	D	250		225	215	
Freebrook Corporation	729	Freebrook #27	6	Jefferson	B	245	220	(*)	210	200
Freebrook Corporation	843	Pittshaw #20	5	Jefferson	A	235	210	210	200	190
Groe, A. A	1453	Seven Mile Run	9	Centre	A	255		(*)	220	210
Hoyt, Julius (Hoyt Coal Co.)	830	Rowles	7	Clearfield	D			220		
Hubler, Leroy (Alder Run Mining Co.)	461	Shannon	8	Clearfield	B			(*)	215	205
Kyler Mine No. 2 (Millard Kyler)	815	Kyler #2	8	Clearfield	C			220		
Nugent Mining Company (M. H. Hartzfeld)	1657	Rattlesnake	6	Jefferson	B			(*)	215	205
Phillips, Albert	697	Albert Phillips	6	Jefferson	E			(*)	210	200
Smeal, Lester G	810	Smeal	8	Clearfield	B			230		
Smith, Carl E. & Frank Rodkey	2061	Ashland #1	21	Clearfield	D			(*)	210	200
Switzer, Geo. A	812	Switzer	4	Clarion	C'	240	215	215	200	190
Szymanski, Joseph	806	Szymanski	2	Elk	B			210		
Waroquier & Son, J	821	Waroquier	7	Clearfield	D			220		
White, James A. (James A. White Coal Company).	651	White #1	6	Jefferson	C'			(*)	210	200
White, James A. (James A. White Coal Company).	488	White #2	6	Indiana	E			(*)	210	200
White, James A. (James A. White Coal Company).	2651	White #3	6	Indiana	E			(*)	210	200
White, James A. (James A. White Coal Company).	2981	White #4	12	Indiana	E			(*)	205	195
White, James A. (James A. White Coal Company).	652	White #6	12	Clearfield	D			(*)	205	195
Williams, George E	808	Williams	4	Clarion	B	240	215	215	200	190
Willis, J. W., Sr	817	Willis Coal Co	44	Mineral	Bakerstown			210		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-6818; Filed, September 11, 1941; 10:07 a. m.]

[Docket No. A-990]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications and minimum prices are established herein for the Swanton Big Vein Mine (Mine Index No. 837) of the Swanton Big Vein Coal Company since temporary prices of coals of this mine for all shipments except truck and for truck shipments have been previously established in Docket No. A-964. The Swanton Big Vein Mine (Mine Index No. 837) is the same mine shown in Docket No. A-964 as the Swanton No. 1 Mine. Public hearing has been assigned in Docket No. A-964 on August 29, 1941 with respect to permanent price classifications and minimum prices for all coals of this mine.

Price classifications and minimum prices for the New Mine (Mine Index No. 857) of W. A. Francisco and for the Knight No. 2 Mine (Mine Index No. 829) of Thomas R. Knight were proposed on the basis of the temporary prices established on February 15, 1941, 6 F.R. 1040, in Docket No. A-356. Price classifications and minimum prices for these two mines have been established herein in conformity with the permanent price classifications and minimum prices established by the final Order in Docket No. A-356.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine mod-ified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Boveird & Wilson (Andrew Boveird).	816	Boveird	6	Jefferson	D			225		
Bowser, Harry	822	Bowser	11	Armstrong	D			215		
Chesmar, Andy	838	Markton	32	Somerset	E			215		
Friedkimaker, Howard	836	Mahan	7	Jefferson	D			220		
Fritch Mines (W. Fritch)	826	Fritch	7	Clearfield	E			220		
Flynn, E. J	853	Flynn #2	7	Clearfield	B			230	210	200
Francisco, W. H	857	New Mine	1	Clarion	B	245	220	(*)	(*)	(*)
Garzoni, Chinto A	1417	Garzoni	6	Jefferson	C			225	215	205
Hess, C. Homer	839	Buttermilk	9	Centre	D	327	302	302	292	282
Hotchkiss & Sons, Andrew (Andrew Hotchkiss).	1422	Hotchkiss	41	Tioga	Bloss					
Hunter Coal Company, c/o James G. Hogg.	841	#1 Bloss Drift	3	Bloss				210	200	200
Klink, Dallas	840	Dallas Klink	40	Somerset	E	245	220	230	210	200
Lahr, John	2238	Lahr	1	Clarion	B			233		
Lahr Brothers (H. M. Lohr)	2044	Lahr Bros	37	Clinton	C			230		
Morgan, Ray (F. C. Morgan Coal Co.)	739	Morgan	1	Indiana	B			210		
Mosshannon Coal Co. (William A. West)	3116	Mosshannon	6	Indiana	E					
Mt. Storm Coal Corporation, c/o T. R. Cole.	2028	Mt. Storm	44	Somerset	Little Pgh			240		
Neal, Ralph W	854	Neal #2	6	Huntingdon	Barnett					
Ohler Coal Co., John H. (Frank L. Engle).	855	John H. Ohler #2	41	Somerset	B	245	220	230	210	200
Parker & Dell (G. Wesley Dell).	831	Rolling Rock	39	Huntingdon	A			233		
Pitonyak, Joseph	832	Crow's Nest	3	Clinton	B			230		
Potts Run Coal Company	674	#2	13	Clearfield	A	235	210	(*)	200	190
Rellim, Thomas F. (Mary Ellen Coal Co.).	569	Mary Ellen	8	Clearfield	E			215	205	195
Sarver & Son, Edward (Edward Sarver).	828	Sarver	37	Somerset	E			220		
Schreckengost Coal Mines, Homer & Miles (Homer Schreckengost).	845	Schreckengost	11	Armstrong	E	245	220	230	210	200
Seelye, Simon	835	Seelye Coal Co	2	Elk	B	235	210	215	205	195
Stitt, I. D	859	Stitt #4	10	Armstrong	E			215		
Summit Coal Mining Company	833	Summit #2	12	Indiana	E			210		
Tasker, John W. & Lewis Sharpless (John W. Tasker).	840	Tasker Mine	44	Garrett	Bakerstown					
Thomas, Jackson M	858	Thomas #1	2	Cameron	B	235	210	210	200	190
Wolf-O-Lack Coal Company (Geo. W. Wolf).	856	Lone Wolf	4	Clarion	B	240	215	215	205	195

* Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-6819; Filed, September 11, 1941; 10:07 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Freight origin Group No.	Size group Nos. 1	2	3	4	5
822	Bowser, Harry	Bowser	11	D	119	(†)	(†)	(†)	G	(†)
1195	Catalano, Arch	Catalano	6	E	112	(†)	(†)	(†)	F	(†)
1378	Flynn, E. J	Flynn #2	7	D	45	(†)	(†)	(†)	F	(†)
853	Flynn, E. J	Flynn #2	7	B	45	(†)	(†)	(†)	F	E
1417	Garzoni, Chinto A	Garzoni	6	E	112	(†)	(†)	(†)	E	E
839	Hess, C. Homer	Buttermilk	9	C	41	(†)	(†)	(†)	C	(†)
1422	Hotchkiss & Sons, Andrew (Andrew Hotchkiss).	Hotchkiss	41	Pittsburgh	100	(†)	(†)	(†)	C	(†)
841	Hunter Coal Company, c/o James G. Hogg.	#1 Bloss Drift	3	Bloss	131	C	C	C	C	C
840	Klink, Dallas	Dallas Klink	40	E	102	(†)	(†)	H	E	(†)
2238	Lahr, John	Lahr	1	D	45	(†)	(†)	(*)	F	(†)
2044	Lahr Brothers (H. M. Lohr)	Lahr Bros	37	C	45	(†)	(†)	(*)	F	(†)
739	Morgan, Ray (F. C. Morgan Coal Co.)	Morgan	1	B	31	F	F	(*)	(*)	(*)
3116	Mosshannon Coal Co. (William A. West)	Mosshannon	21	D	45	(†)	(†)	(†)	F	(†)
2028	Mt. Storm Coal Corporation, c/o T. R. Cole.	Mt. Storm	44	E	68	(†)	(†)	(†)	D	(†)
854	Neal, Ralph W	Neal #2	6	E	50	(†)	(†)	(†)	F	(†)
855	Ohler Coal Co., John H. (Frank L. Engle).	John H. Ohler #2	41	Little Pittsburgh	100	(†)	(†)	(†)	H	(†)
674	Potts Run Coal Company	#2	13	A	44	H	H	(*)	H	H
1699	Producers Economy Coal, Inc., c/o C. E. Lovejoy.	Fred Krause	9	C	44	(†)	(†)	(†)	F	(†)
2428	Producers Economy Coal, Inc., c/o C. E. Lovejoy.	Jas. F. Holley	8	C	44	(†)	(†)	(*)	E	E
569	Rellim, Thomas F. (Mary Ellen Coal Co.).	Mary Ellen	8	E	44	(†)	(†)	(*)	E	E
845	Schreckengost Coal Mines, Homer & Miles (Homer Schreckengost).	Schreckengost	11	E	110	(†)	(†)	(†)	G	(†)
2026	Shanaberger Coal Co. (Carl B. Shanaberger).	Ankeny	36	E	102	(†)	(†)	(†)	E	(†)
833	Summit Coal Mining Company (Roy H. Friel).	Summit #2	12	E	63	(†)	(†)	(†)	G	(†)
820	Thompson, C. G	Knox	7	D & E	46	(†)	(†)	(†)	F	(†)
3117	Wolfgang, Silas W	Wolfgang	7	D	75	(†)	(†)	(*)	(*)	(†)
856	Wolf-O-Lack Coal Company (Geo. W. Wolf).	Lone Wolf	4	B	30	(†)	(†)	(†)	G	H

* Indicates coal in this size group previously classified and priced.
† Indicates no classifications effective for these size groups.

[Docket No. A-989]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices* (c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications and minimum prices have been established herein for the Farrington Mine (Mine Index No. 862) of J. E. Holman, nor for the Wilson Mine (Mine Index No. 457) of the Wilson Mining Company (C. L. French) for All Shipments Except Truck because price classifications and minimum prices for coals of these mines have been previously established in Docket No. A–935.

No price classifications and minimum prices are established herein for the Hayden Mine (Mine Index No. 346) of the Smithfield Coal Company because prices have been previously established for this mine in Docket No. A–101.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 27, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Freight origin Group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2101	Bortz Coal Co. (Geo. H. Bortz).	Emma (Strip)	3	Pittsburgh	74						E	E	E	E							
2031	Cipolla, Mauro	Jamison	1	U. Freeport	25	F	F	E	E	E	E	F	F	F							
494	Davis, David O	Coulter (Strip)	9	Pittsburgh	83						F	G	G	G							
491	Deer Creek Coal Co	Deer (Strip)	8	Freeport	41	E	E	D	D	D	D	D	D	D							
477	Donnelly - Kabala Coal Co.	Grove (Strip)	5	Pittsburgh	91														E	E	E
438	Donnelly - Kabala Coal Co.	Kabala (Strip)	3	Pittsburgh	74														E	E	E
489	Downey & Son, D. M. (R. F. Downey).	Haney (Strip)	3	Redstone	30	J	J	H	H	H	H	H	H	H							
2100	Gross, Joseph E. (Beacon Fuel Co.).	Ward #2 (Strip) (W).	9	Pittsburgh	133			F	F	F	F	F	F	F							
2100	Gross, Joseph E. (Beacon Fuel Co.).	Ward #2 (Strip) (R).	9	Pittsburgh	133	G	G	F	F	H	H	H	H	H							
964	Haas, William	Sterling	3	Pittsburgh	80	E	E	C	C	C	B	B	B	B							
3080	Hays, Jess A	Jess A. Hays (Strip).	3	Pittsburgh	74						E	E	E	E							
499	Hochheimer, G. M. (H. R. Sackett C. & C. Co.).	Morgan (Strip)	3	Pittsburgh	80	F	F	E	E	E	E	E	F	F							
1442	Hutchison, W. P	Hutchison	1	U. Freeport	25																
492	Jennings Coal & Coke Co.	Jennings	3	Pittsburgh	80	F	F	E	E	E	E	E	E	E							
1718	Marston Coal Co	Marston (Strip) (W).	7	Pittsburgh	133			F	F	F	F	F	F	F							
498	Mazzaro, Mike (L. Mazzaro & Sons).	Mazzaro	7	Pittsburgh	72	D	D	D	C	C	F	F	G	G	G						
636	Phillips, Fred H. (F. H. Philips Coal Co.)	Philips	7	Pittsburgh	72	D	D	D	C	C	F	F	G	G	G						
785	Shane Bros. Coal Co	Shane	1	U. Freeport	131	D	D	D	C	C	F	F	G	G	G						
497	Tri-County Coal Sales (Ross Bryan).	Crocker (Strip)	1	U. Kittanning	50	F	F	E	E	E	E	E	F	F	F						
498	Tri-County Coal Sales (Ross Bryan).	Point Marion (Strip).	3	Pittsburgh	80	G	G	H	H	H	H	H	H	H							
429	Wilson Weaver Coal Co. (W. Jay Weaver).	Burdette	1	Brookville	101	J	J	H	H	H	H	J	J	J							
1975	Yough Coal Co., The (Kenneth E. Gould).	Yough Coal Co	9	Pittsburgh	83	D	D	D	C	C	C	C	C	C							
987	Young, W. J. & Young, Roy S.	Young	1	U. Freeport	20	F	F	E	E	E	E	F	F	F							

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II.

In § 322.9 (c) in Price Schedule No. 1, add the mine index numbers in groups shown. Group No. 1: 2101, 1975, 3080; Group No. 2: 494, 495, 2100, 636, 785; Group No. 6: 994; Group No. 7: 492, 498, 499; Group No. 8: 489; Group No. 9: 491; Group No. 12: 497; Group No. 15: 957, 1442, 2031; Group No. 19: 429.

All mines in Freight Origin Group No. 89 will take the same necessary or permissible adjustments as Freight Origin Group No. 80.

All mines in Freight Origin Group No. 101, will take the same necessary or permissible adjustments as Freight Origin Group No. 100.

All mines in Freight Origin Group No. 131, will take the same necessary or permissible adjustments as Freight Origin Groups Nos. 73 and 74.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Davis, David O	494	Coulter (Strip)	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180
Deer Creek Coal Co	491	Deer (Strip)	T. Freeport	285	275	265	240	220	220	220	220	190	180	170
Mazzaro, Mike (L. Mazzaro & Son).	495	Mazzaro	Pittsburgh	275	265	255	240	215	210	210	220	180	170	160
Sunnyhill Coal Co	479	Sunnyhill (Deep)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
Weel, W. W. (Bill Neal Coal Co.)	482	Neal #1	Pittsburgh	300	290	280	255	235	235	235	235	205	195	185
Weel, W. W. (Bill Neal Coal Co.)	483	Neal #2	Pittsburgh	300	290	280	255	235	235	235	235	205	195	185
Wehner, David E	496	Wehner #2 (S)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
BUTLER COUNTY														
Tri-County Coal Sales (Ross Bryan).	497	Crocker (Strip)	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Jennings Coal & Coke Co	492	Jennings	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Koballa, Andrew J	480	Koballa	Freeport	275	265	255	240	220	210	210	210	195	190	175
Maciasz, Eddie	484	Emory	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Piccolomini, Wm	481	Jutte	Pittsburgh	310	300	290	270	250	240	235	245	210	200	185
Hochheimer, G. M. (H. R. Sackett C. & C. Co.)	499	Morgan (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Tri-County Coal Sales (Ross Bryan).	498	Pt. Marion (S)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
GREENE COUNTY														
Downey, D. M. & Son (R. F. Downey)	489	Haney (Strip)	Redstone	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Brewster, C. I	500	Brewster	Kittanning	305	305	295	285	280	270	235	235	185	170	150
WASHINGTON COUNTY														
Gross, Joseph E. (Beacon Fuel Co.).	2100	Ward #2 (Strip)	Pittsburgh	295	285	275	250	240	225	210	225	190	175	170
WESTMORELAND COUNTY														
Bortz Coal Co. (Geo. H. Bortz)	2101	Emma (Strip)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Hayes, T. W. (Hayes Coal Co.)	490	Hayes (Strip)	Pittsburgh	310	300	290	270	250	240	235	245	210	200	175

[F. R. Doc. 41-6820; Filed, September 11, 1941; 10:07 a. m.]

[Docket No. A-960]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.1 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 22, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.1 *Alphabetical list of code members*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
14	Anderson, Alex (Anderson Coal Co.) [1]	Anderson	967	73	Danville	Wab.
14	Bales, Perry (M & P Mine) [1]	M & P	969	73	Danville	Wab.
14	Burgoyne, Glen (Glen Burgoyne Coal Co.) [1]	Glen Burgoyne	974	73	Danville	Wab.
14	Collins Coal Co. (Noble Collins) [1]	Collins Coal Co	978	73	Catlin	Wab.
14	Dedryvere, Jules (M & D Coal Co.) [1]	Dedryvere	980	73	Danville	Wab.
14	F. B. & M. Coal Co. [1]	F. B. & M	985	73	Danville	Wab.
14	Harper Coal Company [1]	Harper	989	73	Catlin	Wab.
14	Lomax, Ralph R. [1]	North Catlin	1004	73	Danville	Wab.
14	McArdle, Frank, Ralph, Maude & Rade Carick (Frank McArdle). [1]	Pearson #2	1008	73	Catlin	Wab.
14	McFarland, Nelson [1]	Nelson McFarland	1032	73	Catlin	Wabi
14	Mauck & Sons [1]	Mauck & Sons	1011	73	Danville	Wab.
14	Mauck, Walter (W. W. Coal Co). [1]	W. W	1012	73	Danville	Wab.
14	Quality Coal Company [1]	Quality	1019	73	Danville	Wab.
14	River Bank Coal Company [1]	River Bank	1021	73	Catlin	Wab.
14	Schafer Bros. [1]	Schafer Bros	1025	73	Danville	Wab.
14	Sheward, J. P. (J. P. Sheward Coal Co.) [1]	J. P. Sheward	1026	73	Danville	Wab.
14	W. B. Coal Co. (Alva Worley) [1]	W. B	1030	73	Catlin	Wab.
14	Black Hawk Coal Company (L. Duquesnoy). [2]	Black Hawk	970	72	Danville	I. T.

[1] The f. o. b. mine prices for Mine Index Nos. 967, 969, 974, 978, 980, 985, 989, 1004, 1008, 1011, 1012, 1019, 1021, 1025, 1026, 1030 and 1032 shall be the same as the prices provided for the mines in Price Group 14 and Freight Origin Group 73 in Price Schedule No. 1 for District No. 10 for All Shipments Except Truck; provided, however, that these prices apply f. o. b. shipping point as listed above.

[2] The f. o. b. mine prices for Mine Index No. 970 shall be the same as the prices provided for the mines in Price Group 14 and Freight Origin Group 72 in Price Schedule No. 1 for District No. 10 for All Shipments Except Truck and shall be subject to the same adjustments in f. o. b. mine prices for differences in freight rates as are therein provided for other mines in Freight Origin Group 72 having the same freight rates.

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§ 330.10 *Spe*

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Price group No.	
14	Anderson, Al
14	Bales, Perry
14	Burgoyne, G
14	Collins Coal
14	Dedryvere, J
14	F. B. & M. C
14	Harper (coal
14	Lomax, Ralp
14	McArdle, Fr Carick (Fr
14	McFarland,
14	Mauck & Son
14	Mauck, Wal
14	Quality Coal
14	River Bank
14	Schafer Bros
14	Sheward, J. P
14	W. B. Coal C
14	Black Hawk C

[Docket No. A-960]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11, JULIAN MOUNTAIN COAL COMPANY, NOT HERETOFORE PRICED

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Fact and Conclu

No. 179—

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
14	Anderson, Alex (Anderson Coal Co.)	Anderson	967	73	Danville	Wab.
14	Bales, Perry (M & P Mine)	M & P	969	73	Danville	Wab.
14	Burgoyne, Glen (Glen Burgoyne Coal Co.)	Glen Burgoyne	974	73	Danville	Wab.
14	Collins Coal Co. (Noble Collins)	Collins Coal Co	978	73	Catlin	Wab.
14	Dedryvere, Jules (M & D Coal Co.)	Dedryvere	980	73	Danville	Wab.
14	F. B. & M. Coal Co	F. B. & M	985	73	Danville	Wab.
14	Harper Coal Company	Harper	989	73	Catlin	Wab.
14	Lomax, Ralph R	North Catlin	1004	73	Danville	Wab.
14	McArdle, Frank, Ralph, Maude & Rade Carick (Frank McArdle).	Pearson #2	1008	73	Catlin	Wab.
14	McFarland, Nelson	Nelson McFarland	1032	73	Catlin	Wab.
14	Mauck & Sons	Mauck & Sons	1011	73	Danville	Wab.
14	Mauck, Walter (W. W. Coal Co.)	W. W	1012	73	Danville	Wab.
14	Quality Coal Company	Quality	1019	73	Danville	Wab.
14	River Bank Coal Company	River Bank	1021	73	Catlin	Wab.
14	Schafer Bros	Schafer Bros	1025	73	Danville	Wab.
14	Sheward, J. P. (J. P. Sheward Coal Co.)	J. P. Sheward	1026	73	Danville	Wab.
14	W. B. Coal Co. (Alva Worley)	W. B	1030	73	Catlin	Wab.
14	Black Hawk Coal Company (L. Duquesnoy)	Black Hawk	970	72	Danville	I. T.

The railroad locomotive fuel prices shall be: Mine run, $1.95; modified mine run, $2.00; screenings, $1.40.

[F. R. Doc. 41–6821; Filed, September 11, 1941; 10:07 a. m.]

[Docket No. A–437]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX 117, JULIAN MINE, STANDARD COAL COMPANY, NOT HERETOFORE CLASSIFIED AND PRICED

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 11, requesting price classifications and minimum prices for the coals of the Julian Mine (Mine Index No. 117) of Standard Coal Company, a code member in District 11, which coals have not heretofore been classified and priced:

Temporary relief having been granted by Order of the Director;

A hearing in this matter having been held on July 2, 1941, pursuant to Orders of the Director, before a duly designated Examiner of the Division, at a hearing room of the Division at Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 331.8 (*General Prices*) is amended by adding thereto Supplement R–I, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

And it is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent set forth above, and in all other respects are denied.

Dated: August 22, 1941.

[SEAL] H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplement thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.8 *General prices*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Mine origin group No.	Price group
117	Standard Coal Company.	Julian	VI	PA	70	19

Size groups	Price table Nos. 1	2	3	4	5	6
1	228	250	240	240	223	203
2	223	245	235	235	218	198
3	218	240	230	230	213	193
4	183	205	195	195	178	158
5	178	200	190	190	173	153
6	173	195	185	185	168	148
7	158	180	170	170	153	133
8	163	185	175	175	158	138
9	153	175	165	165	148	128
10, 11, 12	148	170	160	160	143	123
13	113	135	125	125	108	88
14	103	125	115	115	98	78
15	48	70	60	60	43	23
16	18	40	30	30	13	----
17	163	185	175	175	158	138
18, 19, 20	158	180	170	170	153	133
21	163	185	175	175	158	138
22	153	175	165	165	148	128
23	153	175	165	165	148	128
24	143	165	155	155	138	118
25	113	135	125	125	108	88
26	123	145	135	135	118	98
27	113	135	125	125	108	88
28, 29	83	105	95	95	78	58

Mine Index No. 117 shall be included in Price Group 19, which will be an additional Price Group to District No. 11, Schedule No. 1, for all shipments except truck. It shall be accorded the same adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to Mine Index No. 79.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Mine origin group No.	Price group
117	Standard Coal Company.	Julian	VI	PA	70	19

Size groups	Price table 1	2	3	4	5	6
1	228	250	240	240	223	203
2	223	245	235	235	218	198
3	218	240	230	230	213	193
4	183	205	195	195	178	158
5	178	240	190	190	173	153
6	173	195	185	185	168	148
7	158	180	170	170	153	133
8	163	185	175	175	158	138
9	153	175	165	165	148	128
10, 11, 12	148	170	160	160	143	123
13	113	135	125	125	108	88
14	103	125	115	115	98	78
15	48	70	60	60	43	23
16	18	40	30	30	13	----
17	163	185	175	175	158	138
18, 19, 20	158	180	170	170	153	133
21	163	185	175	175	158	138
22	153	175	165	165	148	128
23	153	175	165	165	148	128
24	143	165	155	155	138	118
25	113	135	125	125	108	88
26	123	145	135	135	118	98
27	113	135	125	125	108	88
28, 29	83	105	95	95	78	58

Mine Index 117 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index 79 in § 331.10 in Price Schedule No. 1 for District No. 11 or all shipments except truck.

MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT NO. 10

provided for the mines in Price Group 14 and Freight Origin Group 73 in Price Schedule No. 1 for District No. 10 for All Shipments Except Truck; provided, however, that these prices apply f. o. b. shipping point as listed above.

The f. o. b. mine prices for Mine Index No. 970 shall be the same as the prices provided for the mines in Price Group 14 and Freight Origin Group 72 in Price Schedule No. 1 for District No. 10 for All Shipments Except Truck and shall be subject to the same adjustments in f. o. b. mine prices for differences in freight rates as are therein provided for other mines in Freight Origin Group 72 having the same freight rates.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																										
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
Standard Coal Company	117	Julian	VI	275	270	265	230	225	220	180	185	175	170	135	125	70	40	185	180	185	175	175	165	135	145	135	105	---	---	---	---

[F. R. Doc. 41-6822; Filed, September 11, 1941; 10:08 a. m.]

[Dockets Nos. A-996 and A-997]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 11, AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENT BY CERTAIN MINES IN DISTRICT NO. 11

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters, be and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, and § 33.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleading in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 22, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Sub-sub-district	Freight origin group No.	Price group
267	Prairie Coal Mine Co., Inc.	Perfection.	IV	LS	61	13

Mine Index No. 267 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck. On account of differences in freight rates, Mine Index No. 267 shall be accorded the same adjustments in f. o. b. mine price applicable to other mines in Freight Origin Group 61 having the same freight rates.

Mine Index No. 267 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 10, 20, 21, 33, 40, 46, 51, 52, 53, 60, 63, 65, 71, 72, 78, 85, 91, 101, 122, 130, 205, 238, 360, 378, 720, 1279 on pages 28 and 29 of Price Schedule No. 1, District No. 11, For All Shipments Except Truck.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II

Mine index No.	Name and code member	Mine	Seam	Sub-sub-district	Freight origin group No.	Price group
267	Prairie Coal Mine Co., Inc.	Perfection.	IV	LS	61	13

Mine Index No. 267 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 10, 20, 21, 33, 40, 46, 51, 52, 53, 60, 63, 65, 71, 72, 78, 85, 91, 101, 122, 130, 205, 238, 360, 378, 720, 1279 in § 330.10 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																										
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
SULLIVAN COUNTY																														
Samm, Wilbur	144	Ebony (Samm) Rib	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
VIGO COUNTY																														
North Terre Haute Coal Co. (Germain Leconte, Jr.)	143	North Terre Haute	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41-6823; Filed, September 11, 1941; 10:08 a. m.]

[Docket No. A-987]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MONARCH MINE (MINE INDEX NO. 157) IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Monarch Mine (Mine Index No. 157) in District No. 23; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 343.4 (*Code member price index*) is amended by adding thereto Supplement R and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: August 26, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23 and supplements thereto.

FOR ALL SHIPMENTS

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 23.

§ 343.4 *Code member price index*—Supplement R.

Insert the following in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices section	
					Rail	Truck
Monarch Coal Mining Company	Monarch	157	Lewis	C	343.5	343.21

§ 343.21 *General prices*—Supplement T.

Insert the following code member name, mine name, county and prices in proper alphabetical order under Sub-District C:

Code member, mine name, and county	Market area	Size groups													
		1	2	3	5	8	12	13	15	16	19	20	21	23	24
Monarch Coal Mining Company, Monarch, Lewis.	All	435	425	400	350	375	325	250	225	225	300	275	225	175	125

[F. R. Doc. 41-6824; Filed, September 11, 1941; 10:08 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 942—COTTON LINTERS

Extension Number 1 of General Preference Order No. M–12

It is hereby ordered, That § 942.1 (General Preference Order No. M–12,[1] issued August 20, 1941) shall continue in effect until the 31st day of July, 1942 unless sooner revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–6834; Filed, September 11, 1941; 2:27 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1340—FUEL

PRICE SCHEDULE NO. 27—ANTHRACITE

Anthracite is used for space heating and for power production. It is essential to the health and efficiency of a multitude of consumers. Its principal market is the Middle Atlantic and New England states, where numerous workers in defense industries reside. Increases in the price of anthracite directly affect the cost of living.

On May 20 the prices of the smaller sizes of anthracite were advanced 15¢ and 25¢, for different sizes, and the prices of the domestic sizes were increased 10¢ on June 16 and again 10¢ on July 15.

Two conferences were then held with representatives of the mining companies and certain data were submitted by them to justify the price increases. On the basis of this and other available information, the representatives were requested to defer additional price increases announced for August 15 and September 15, pending submission of further information and its review by the Office of Price Administration and Civilian Supply. This request was not complied with, and on August 15 the prices of all domestic sizes were raised 15¢.

Every reasonable effort has been made to obtain sufficient information from the anthracite industry in order that the Office of Price Administration might determine the necessity for the proposed September 15 increase of 15¢ on domestic sizes. On August 22 the Office of Price Administration and Civilian Supply addressed a short questionnaire to the individual anthracite companies producing 100,000 tons of coal or more annually, and requested that the questionnaires be filled out and returned on or before September 2.

As of September 2 not more than two or three questionnaires had been returned. The Administrator on September 5 addressed a telegram to the companies asking that they submit individual replies by September 8.

The major companies have thus far failed to furnish the information requested. On September 8, eight major anthracite producing companies submitted a consolidated statement. This consolidated statement failed to disclose the operating position of individual producers; it did not set forth information requested by the questionnaire and thus further precluded adequate analysis of substantial items of purported expense. The need for such information from individual companies had been clearly stated at the conferences and in subsequent telegrams to the major companies. Some thirty questionnaires have been returned by smaller companies within the last few days.

The anthracite industry, although unprofitable since 1923 according to its records, has substantially improved its position since 1939. The industry overall profit for 1940 will almost certainly be increased for 1941.

The industry contends that the September 15 price increase, along with the earlier price advances made this year, is necessary to cover the increased labor and other costs that have occurred in 1941. The nature of the price and cost situation is not clearly indicated in the data so far submitted by the industry.

It is apparent that the Office of Price Administration must have further information to determine the necessity for the proposed September 15 increase. This Office in carrying out its responsibility for preventing inflationary prices must be furnished with such data and information as may be necessary for a fair and intelligent determination of the necessity for price increases. This Price Schedule, therefore, continues the August 15 circular prices in effect as maximum prices for the time being. The Office will give prompt attention to the requested data and any other information the companies may offer as soon as they are presented. If an appropriate showing is made, this Price Schedule will be amended or revoked.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.71 *Maximum prices for anthracite coal.* On and after September 12, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer anthracite coal at prices higher than the maximum prices f. o. b. mine set forth in Appendix A, incorporated herein as § 1340.79.*

*§§ 1340.71 to 1340.79, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1340.72 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1340.73 *Evasion.* The maximum prices set forth in this Schedule shall not be evaded by additional charges of any kind, or by any other direct or indirect methods.*

§ 1340.74 *Enforcement.* In the event of refusal or failure to abide by the price limitations and other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule. Persons who have evidence of the demand or receipt of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1340.75 *Records and reports.* Every anthracite producer making sales of anthracite after September 12, 1941 shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price received, and the quantity of each size sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1340.76 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception thereto.*

§ 1340.77 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Anthracite" means anthracite coal produced in the State of Pennsylvania.*

§ 1340.78 *Effective date of the schedule.* This Schedule shall become effective September 12, 1941.*

§ 1340.79 *Appendix A; maximum prices for anthracite coal.*

Size:	*Maximum price f. o. b. mine per net ton (of 2,000 pounds)*
Broken	$6.60
Egg	6.60
Stove	6.60
Chestnut	6.60
Pea	5.10
Buckwheat No. 1	3.75
Rice	2.90
Barley	2.15

*

Issued this eleventh day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–6851; Filed, September 12, 1941; 10:49 a. m.]

[1] 6 F.R. 4212.

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Special Series A—No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: J. M. Johnson, Commissioner, to whom the above entitled matter has been assigned for action thereon.

The matter of regulations for the safe transportation of dangerous articles other than explosives by freight by land being under further consideration;

And it appearing, that the Commission, by order entered September 4, 1935, and amended October 29, 1938, authorized the construction and use in experimental transportation of water-white electrolyte-grade (66° Baume) sulphuric acid in one glass-lined, two-unit, fusion-welded tank car, having tanks constructed in accordance with the then current shipping container specification 103A for tank cars, as modified by those orders;

And it further appearing, that by application No. 903–Revision B of January 22, 1941, made by the duPont Company and transmitted to us July 23, 1941, with favorable recommendations of the Mechanical Division and Bureau of Explosives, Association of American Railroads, we are asked to further amend the aforesaid order of September 4, 1935, so as to waive the requirements for periodic hydrostatic retests of tanks of the car and the reports made thereof, and in lieu thereof to authorize the tanks to be stenciled "Glass lined tank—pressure test not required":

It is ordered, That the instant application as described be granted, and that the order in No. 3666, Special Series A, dated September 4, 1935, be and is hereby further amended in accordance with the said application;

It is further ordered, That the aforesaid orders as amended herein be and shall remain in full force and shall be observed until further order of the Commission;

It is further ordered, That the authority granted herein be and is hereby made effective on and after the date of approval and publication thereof;

And it is further ordered, That copies of this order be served upon all the parties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 19th day of August, 1941.

By the Commission, Commissioner Johnson.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–6869; Filed, September 12, 1941; 11:52 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm–12693; O. I. No. 119]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: LORRAINE MANUFACTURING CO., PAWTUCKET, RHODE ISLAND

Contract for: Textiles.
Amount: $1,396,900.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this eleventh day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Textiles for the consideration stated totaling one million, three hundred ninety-six thousand, nine hundred dollars ($1,396,900.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2–02 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directives No. P–C–4, P–C–3 and P–C–1.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6835; Filed, September 11, 1941; 4:04 p. m.]

[Contract Nos. W 6942 qm–3; W 6942 qm–4]

CHANGES IN CONTRACT NUMBERS

CONTRACTORS: J. B. CONVERSE & CO., INC., A. C. POLK; AND DUNN CONSTRUCTION CO., INC., JOHN S. HODGSON AND CO.

MARCH 20, 1941.

Notice of the following changes in contracts listed below:

a. The contract numbered W 6942 qm–3,[1] between the Government and J. B. Converse & Co., Inc. and A. C. Polk, for architectural-engineering services in connection with the construction of an ordnance depot, including necessary buildings, temporary structures, utilities and appurtenances thereto at Calhoun County, near Anniston, Alabama, dated January 11th, 1941, has been changed to read: Contract No. W 6985 qm–3 O. I. No. 3–41.

b. The contract numbered W 6942 qm–4[1] between the Government and Dunn Construction Company, Inc., and John S. Hodgson and Company, for construction work in connection with the construction of an ordnance depot, including necessary buildings, temporary structures, utilities and appurtenances thereto at Calhoun County, near Anniston, Alabama, dated January 27th, 1941, has been changed to read: Contract No. W 6985 qm–4 O. I. No. 4–41.

c. On the contract above mentioned between the Government and Dunn Construction Company, Inc., and John S. Hodgson and Company, the procurement authority number should be changed from QM 7415 P1–3211 A 0540.068–N to QM 7416 P1–3211 A 0540.067–N.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6837; Filed, September 11, 1941; 4:04 p. m.]

[Change Order No. D, Date June 28, 1941]

SUMMARY OF CONTRACT FOR ARCHITECTURAL ENGINEERING SERVICES

ARCHITECT-ENGINEER: J. B. CONVERSE & CO., ET AL.

Change order[2] to Cost-Plus-A-Fixed-Fee Contract No. W 6985 qm–3,[3] dated

[1] 6 F.R. 1485.
[2] Approved by the Undersecretary of War June 30, 1941.
[3] 6 F.R. 1485. Formerly listed as Contract No. W 6942 qm-3.

January 11, 1941 (Published in the FEDERAL REGISTER March 18, 1941) between the United States of America and J. B. Converse & Co., Mobile, Alabama, and A. C. Polk, Birmingham, Alabama, for architectural-engineering services in connection with the construction of an Ordnance Depot at Anniston Ordnance Depot, Talladega, Alabama.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

Add to the description of the work now set forth in Article I of the principal contract, as modified and amended the construction of * * *.

The above will result in a net increase in the estimated construction cost and the Architect-Engineer's Fixed-Fee as follows:

Increase the estimated construction cost by	$2,101,100
Total estimated cost including this change order	10,578,169
Total fixed-fee including this change order	59,105
Increase in architect-engineer's fixed-fee	10,235

Funds are available under Procurement Authority No. QM 7415 C. B. U. & A. A. 0540-067-N.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6838; Filed, September 11, 1941; 4:04 p. m.]

[Change Order No. D, Date June 28, 1941]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: DUNN CONSTRUCTION CO., ET AL.

Change order[1] to Cost-Plus-A-Fixed Fee Contract No. W 6985, qm-4,[2] Dated January 27, 1941 (Published in the FEDERAL REGISTER March 18, 1941) between the United States of America and Dunn Construction Company, Birmingham, Alabama, and John S. Hodgson and Company, Montgomery, Alabama, for the construction of an Ordnance Depot at Calhoun County, Alabama near Anniston, Alabama.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add to the description of the work now set forth in Article I of the principal contract, as modified and amended the construction of * * *.

The above will result in a net increase in the estimated construction cost and the Contractor's Fixed-Fee as follows:

Increase the estimated construction cost by	$2,048,537
Total estimated cost including this change order	10,271,493
Total fixed-fee including this change order	304,981
Increase in construction contractor's fixed-fee	50,868

Funds are available under Procurement Authority No. QM 23725 C.B.U. & A P-139 A 0540-N.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6836; Filed, September 11, 1941; 4:04 p. m.]

[Contract No. W 7201 qm-1; O. I. No. 1]

SUMMARY OF FIXED FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: NEW YORK CENTRAL RAILROAD COMPANY, 466 LEXINGTON AVENUE, NEW YORK, N. Y.

Amount fixed fee: $40,700.00

Estimated construction cost (Art. V-2): $5,044,600.00.

Type of construction project: Regulating Station.

Location: Schenectady, New York (Voorheesville).

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 22318 D A F & E P99 A0025-13 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 11th day of August 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Regulating Station including necessary buildings, temporary structures, utilities and appurtenances thereto (hereinafter referred to as "the project"), located at or in the vicinity of Schenectady, New York.

ART. III. *Data to be furnished by the Government.* The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. V. * * * *Estimated cost of construction.* The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately five million forty four thousand six hundred dollars ($5,044,600.00) exclusive of Architect-Engineer's fixed fee.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of forty thousand seven hundred dollars ($40,700.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. VIII. *Method of payment.* Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified pay rolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final aceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. IX. *Drawings and other data to become property of Government.* All drawings, designs and specifications are to become the property of the Government.

ART. XII. *Change in scope of project.* The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law: Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6860; Filed, September 12, 1941; 11:31 a. m.]

[Contract No. W 7201 qm-2; O. I. No. 2]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTORS: DUFFY CONSTRUCTION CORPORATION, 230 PARK AVENUE, NEW YORK, N. Y., AND THE CARLETON COMPANY, INC., 500 FIFTH AVENUE, NEW YORK, N. Y.

Contract for construction of regulating station.

Location: Schenectady, New York (Voorheesville).

Fixed fee: $127,968.00.

Estimated construction cost exclusive of fixed fee: $4,916,632.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. QM 22316 D A F & E P-99 A 0025-13.

This contract,[1] entered into this 8th day of August 1941.

ARTICLE I. *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Regulating Station at or in the vicinity of Schenectady, New York, including necessary buildings, temporary structures, utilities and appurtenances thereto.

It is estimated that the construction cost of the work covered by this contract will be four million nine hundred sixteen thousand six hundred thirty-two dollars ($4,916,632.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of one hundred twenty seven thousand nine hundred sixty eight dollars ($127,968.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

This contract is authorized by the following law:

Public No. 139, 77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6861; Filed, September 12, 1941; 11:31 a. m.]

[Contract No. W 669 qm-12793; O. I. No. 469]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY, INCORPORATED, NEW YORK, NEW YORK

Contract for: Textiles.

Amount: $1,670,904.86.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this fourth day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver: * * * yards Cloth, Cotton, Wind-Resistant, Olive Drab, * * * yards Cloth, Cotton, Uniform, Twill, Olive Drab, for the consideration stated totaling one million six hundred seventy thousand, nine hundred four dollars and eighty-six cents ($1,670,904.86) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-0240 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives No. P-C-13 (42) and P-C-14 (42).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6862; Filed, September 12, 1941; 11:32 a. m.]

[Contract No. W 669 qm-12646; O. I. No. 31]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY, NEW YORK, NEW YORK

Contract for: Blankets, Wool, Olive Drab. * * *

Amount: $3,005,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this third day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Blankets, Wool, Olive Drab, * * *, for the consideration stated totaling three million, five thousand dollars ($3,005,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due

[1] Approved by the Under Secretary of War June 30, 1941.

[2] 6 F.R. 1485. Formerly listed as Contract No. W 6942 qm-4.

[1] Approved by the Under Secretary of War August 19, 1941.

[1] Approved by the Under Secretary of War August 15, 1941.

on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P11–30 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P–E–1.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6863; Filed, September 12, 1941; 11:32 a. m.]

[Contract No. W–ORD–522]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: THE SHERWIN-WILLIAMS DEFENSE CORPORATION, CLEVELAND, OHIO

Contract[1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the loading of fixed rounds, shells, bombs, fuzes and boosters, etc.

Place: At or near Carbondale, Illinois.

Estimated cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: $22,994,273.00.

Fixed-fee for management service under Title I: $96,000.00.

Estimated cost of procuring equipment under Title II: $4,000,000.

Fixed-fee for procuring equipment under Title II: $44,000.00.

Estimated cost of Training Key Personnel under Title III (Optional): $150,000.00.

Fixed-fee for Training Key Personnel under Title III: $1.00.

Estimated cost of operation under Title IV (Optional): $23,700,000.00.

Fixed-feee for operation under Title IV: $395,000.00.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27,038 P99 A0141–02
ORD 27,039 P99 A0141–02
ORD 50,189 P510–31 A0025–13
ORD 50,190 P531–32 A0025–13

This contract, entered into this 18th day of August 1941.

TITLE I—*Management Service*

ARTICLE I–A. *Description of new ordnance facility.* 1. The new ordnance facility, hereinafter referred to as the "Plant", and designated as Illinois Ordnance Plant, shall comprise a plant at or near Carbondale, Illinois, upon a site to be furnished and made available by the Government for the loading of Fixed Rounds, Shells, Bombs, Boosters and Fuzes, Detonators and Artillery Primers (hereinafter sometimes referred to as the "Ammunition").

ART. I–B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I–A hereof.

2. In the performance of the work described in Section 1 of this Article I–B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment) engineering and construction (including the installation of the production equipment) of the Plant, and (subject to the approval of the Contracting Officer) establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design (including necessary design of production equipment) and engineering and subcontract for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.

ART. I–C. *Estimates.* 1. It is estimated that the total cost of the work under this Title I will be approximately twenty-two million nine hundred ninety-four thousand two hundred seventy-three dollars ($22,994,273.00), including the cost of all subcontracts but excluding the Contractor's fee.

ART. I–D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of ninety-six thousand dollars ($96,000.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—*Procurement of Production Equipment*

ART. II–A. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required.

ART. II–B. *Estimates.* It is estimated that the total cost under this Title II will be approximately four million dollars ($4,000,000.00) exclusive of the Contractor's fee.

ART. II–C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed fee in the amount of forty-four thousand dollars ($44,000.00) which shall constitute complete compensation for the Contractor's services.

TITLE III—*Training of Key Personnel (Optional)*

ART. III–A. *Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants, at Ordnance establishments, or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under section 1 of Article IV–A of Title IV.

ART. III–B. *Estimate.* It is estimated that the cost of the work under this Title III will be approximately one hundred fifty thousand dollars ($150,000.00) exclusive of the Contractor's fee.

[1] Approved by the Under Secretary of War, August 21, 1941.

ART. III–C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar ($1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (Optional)*

ART. IV–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor within * * * months after the date of approval of this contract of the notice provided for in Section 1 of Article III–A of Title III hereof and receipt by the Contractor of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall so notify the Contracting Officer in writing and shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for a period of twelve (12) months.

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in Section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for an additional period of * * * months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in section 3 of Article IV–C, hereof).

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV will be twenty-three million seven hundred thousand dollars ($23,700,000.00) exclusive of the cost of continued operation covered by the option therefor provided in section 4 of Article IV–A hereof, and exclusive of the Contractor's fee.

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for the work under sections 1, 2 and 3 of Article IV–A hereof, in the amount of three hundred ninety-five thousand dollars ($395,000.00) which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

3. A fixed-fee for continued operation provided in section 4 of Article IV–A hereof, in the amount of three hundred ninety-six thousand dollars ($396,000.00) for * * * months continued operation which fee shall constitute complete compensation for Contractor's services during continued operation, including profit.

TITLE V—*Cost of the Work and Payment Therefor*

ART. V–A. *Reimbursement for contractor's expenditures.* The Contractor shall be reimbursed in the manner hereinafter described for such of its actual expenditures in the performance of the work under this contract, as may be approved or ratified by the Contracting Officer.

ART. V–B. *Payments—Reimbursement for cost.* 1. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph *a* of section 1 shall be subject to the provisions of Article V–C.

Payment of the fixed-fees. 2. *a.* The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment.

b. The fixed-fee provided for in Article II–C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

c. The fixed-fee of one dollar ($1.00) provided for in Article III–C shall be paid upon the completion of the work provided therein.

d. The fixed-fee of three hundred ninety-five thousand dollars ($395,000.00) provided for in section 2 of Article IV–C of Title IV shall be payable as follows:

(1) Eighty thousand dollars ($80,000.00) payable in four (4) equal monthly installments of twenty thousand dollars ($20,000.00) each, less 10% of each such installment.

(2) Three hundred fifteen thousand dollars ($315,000.00) payable in twelve (12) equal monthly installments of twenty-six thousand two hundred fifty dollars ($26,250.00) each, less 10% of each such installment.

(3) The fixed-fee of three hundred ninety-six thousand dollars ($396,000.00) provided by section 3 of Title IV–C of Title IV for continued operation under section 4 of Article IV–A of Title IV shall be payable in twelve (12) equal monthly installments of thirty-three thousand ($33,000.00) each, less 10% of each such installment.

Final payment. 4. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Title IV, the Government shall pay to the contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V–C. *Advances.* 1. At any time, and from time to time, after execution of this contract, the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI—*Termination*

ART. VI–A. *Termination by Government.* 1. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII—*General*

ART. VII–B. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII–C. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws:

The Act of July 2, 1940 (Public No. 703, 76th Congress) and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6864; Filed, September 12, 1941; 11:33 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1790-FD, 1795-FD]

IN THE MATTERS OF SOUTH PITTSBURG COAL COMPANY, TENNESSEE RIVER COAL COMPANY, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matters having been previously scheduled for hearings at 10 a. m. on September 30, 1941, at a hearing room of the Bituminous Coal Division in the Chancery Court Room, County Court House, Chattanooga, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearings;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6841; Filed, September 12, 1941; 10:34 a. m.]

[Docket No. 1791-FD, 1792-FD]

IN THE MATTERS OF A. C. (CLYDE) ROUNSAVILL, WALTER H. ELDRIDGE, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matters having been previously scheduled for hearings at 10 a. m. on October 1, 1941, at a hearing room of the Bituminous Coal Division in the Chancery Court Room, County Court House, Chattanooga, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearings;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6842; Filed, September 12, 1941; 10:34 a. m.]

[Docket No. 1793-FD, 1794-FD]

IN THE MATTERS OF HERMAN SANDERS, EDGAR MEEKS, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matters having been previously scheduled for hearings at 10 a. m. on October 2, 1941, at a hearing room of the Bituminous Coal Division in the Chancery Court Room, County Court House, Chattanooga, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearings;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6843; Filed, September 12, 1941; 10:34 a. m.]

[Docket No. A-344]

PETITION OF FRED H. WILLS, A PRODUCER IN DISTRICT 10, FOR THE REVISIONS OF MINIMUM PRICES ESTABLISHED FOR HIS MINE

ORDER DENYING RELIEF

An original petition having been filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by Fred H. Wills, a code member in District 10, seeking a reduction in the effective minimum prices of 20 cents per ton in Size Groups 1-7 and 9-15 and 10 cents per ton in Size Group 8, applicable to his truck mine in Section 9, District 10;

Intervening petitions having been filed by District Board 10 requesting that no action be taken prejudicial to the code members in District 10, and by Franklin County Coal Corporation, et al., in opposition to the relief requested;

A hearing having been held before a duly designated Examiner of the Division at a hearing room of the Division in Springfield, Illinois, on December 20-21, 1940, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and the parties to this proceeding having waived the preparation and filing of an Examiner's report;

The Director having made Findings of Fact and Conclusions of Law, and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the relief requested by the petition of Fred H. Wills herein, be and the same hereby is denied.

Dated: September 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6844; Filed, September 12, 1941; 10:34 a. m.]

[Docket No. A-846, Part II]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRELIMINARY AND PERMANENT PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 826 OF THE MARKET STREET COAL COMPANY AND MINE INDEX NO. 729 OF THE PATTON COAL MINING COMPANY FOR RAIL SHIPMENT INTO MARKET AREA 112

ORDER DENYING PERMANENT RELIEF

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 13, requesting the establishment of price classifications and minimum prices for the coals of the Market Street Coal Company Mine (Mine Index No. 826) of the Market Street Coal Company and the Jonita Mine (Mine Index No. 729) of the Patton Coal Mining Company for rail shipment to Market Area 112;

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated June 16, 1941;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers contained in the original petition requesting the establishment of price classifications and minimum prices for the coals produced at the Market Street Mine (Mine Index No. 826) of the Market Street Coal Company and the Jonita Mine (Mine Index No. 729) of the Patton Coal Mining Company for rail shipment to Market Area 112 be, and they hereby are, denied.

It is further ordered, That commencing fifteen days from the date of this Order the temporary relief granted herein by Order of the Director dated June 16, 1941 be, and it hereby is, cancelled and revoked.

Dated: September 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6845; Filed, September 12, 1941; 10:35 a. m.]

[Docket No. A-833]

PETITION OF DISTRICT BOARD 7 FOR AMENDMENT OF THE MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COALS BY CODE MEMBERS WITHIN ALL DISTRICTS

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR VACATION OF ORDER OF THE DIRECTOR DENYING RELIEF

On April 21, 1941, a petition was filed by District Board 7 with the Bituminous Coal Division, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting the amendment of the Marketing Rules and Regulations so as to provide that a discount shall be allowed on coal sold to registered distributors doing business in Canada for resale in the Dominion of Canada only if the coal is resold at a price not less than the minimum price at which such coal might be sold directly to Canadian consumers by the code member or his agent or distributor doing business in the United States.

On August 16, 1941, the Director issued his Findings of Fact in this matter and, on the basis of the conclusions drawn therefrom, denied the requested relief.

The petitioner has requested in a petition filed on August 30, 1941, that the Order of the Director entered in this proceeding on August 16, 1941 denying relief be reconsidered. Petitioner contends that the Director has taken the position in this matter that no strain on the minimum price structure is evident when the demand for coal is so great that it cannot be satisfied; and that if such a position were carried to its logical conclusion, all petitions for changes in the minimum price structure should be denied when the coal involved is being sold at levels above the effective minimum prices.

Such a contention fails to appreciate the various factors considered by the Director. The Director found, on the basis of the record in this matter, that the only advantage of the Canadian distributor in the sale of coal to Canadian consumers was due to the existence of a War Revenue Tax imposed by the Dominion of Canada. Such revenue tax is a special measure, invoked under war-time conditions as an exception to the so-called Reciprocal Tariff Agreement of 1939. Its adverse effect on the ability of the United States producers selling direct to Canadian consumers to maintain their existing fair competitive opportunities as nearly as possible is obviated by an abnormal demand encouraged by the very same war-time factors that led to its passage. Under normal conditions American producers and distributors are not under any disadvantage in the sale of coal to Canadian consumers. Presumably upon the return of normal conditions, the War Tax will be withdrawn and competitive equality will once again be restored. In the meanwhile there appears no need to grant relief for petitioner has failed to show that the tax, considered in the light of all the circumstances, was forcing United States producers who have sold coal direct to Canadian consumers to change their method of distribution. The Director concludes, therefore, that there is no cause to grant the requested change in the Marketing Rules and Regulations.

Now, therefore, it is ordered, That the petition of District Board 7 herein requesting that the Order of the Director denying relief in this matter be vacated is hereby denied.

Dated: September 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6846; Filed, September 12, 1941; 10:36 a. m.]

[Docket No. A-698]

PETITION OF GEORGE VANDE VEN, A CODE MEMBER IN DISTRICT NO. 22, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICE FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 256 IN THAT DISTRICT

ORDER DISMISSING PETITION

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with this Division in the above-entitled matter by George Vande Ven, a code member in District 22.

A formal hearing in the matter was originally set for June 2, 1941, in Washington, D. C. At the request of District Board No. 22, an intervener therein, and with the consent of the original petitioner, the hearing was continued to July 7, 1941, and thereafter continued to August 18, 1941, at a hearing room of the Division at Billings, Montana.

The original petitioner failed to appear or offer evidence in support of his petition when the hearing convened at Billings, Montana. Thereupon, District Board No. 22 moved that the original petition be dismissed, with prejudice. In that motion there concurred Messrs. G. S. Sargent and Spencer Perkins, code members in District No. 22, who appeared at the hearing as interested persons, opposing the granting of the relief requested in the original petition. The hearing was thereupon concluded, and the motion was referred by the trial examiner to the Director for determination.

Good cause therefor having been shown, and no objection thereto appearing,

It is hereby ordered, That the original petition filed in the above-entitled matter be, and it hereby is, dismissed without prejudice.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6847; Filed, September 12, 1941; 10:36 a. m.]

[Docket No. A-952]

PETITION OF THE SAXTON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR SHIPMENTS OF THE COALS OF THE SAXTON MINE (MINE INDEX NO. 411) FOR RAILROAD FUEL USE

ORDER DISMISSING PETITION

The original petitioner in the above-entitled proceeding having moved to dismiss this proceeding, and there having been no opposition thereto:

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed without prejudice.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6848; Filed, September 12, 1941; 10:36 a. m.]

[Docket No. A-1018]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

[Docket No. A-1018 Part II]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 742, 764, 753, 754 AND 755 IN DISTRICT NO. 12, FOR TRUCK SHIPMENTS

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1018 PART II FROM DOCKET NO. A-1018, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1018 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1081 PART II

The original petition in the above-entitled matter filed with this Division on August 19, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 12.

As indicated in a separate Order issued in Docket No. A-1018, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for truck shipments for the coals of the Delpierre-Davis Mine (Mine Index No. 742), the Blue Goose Mine (Mine Index No. 764), the Curtis Coal Co. Mine (Mine Index No. 753), the Howell Coal Co. Mine (Mine Index No. 754), and the Peewee No. 2 Mine (Mine Index No. 755).

While it appears that temporary relief for the coals of the above-enumerated mines should be granted, the Director is of the opinion that the original petition does not set forth facts sufficient to warrant the establishment of the price clas-

sifications and minimum prices requested therein for such coals without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A–1018 relating to the establishment of price classifications and minimum prices for truck shipments for the coals of Mine Index Nos. 742, 764, 753, 754 and 755 be, and the same hereby is, severed from the remainder of Docket No. A–1018 and designated as Docket No. A–1018 Part II.

It is further ordered, That a hearing in Docket No. A–1018 Part II, under the applicable provisions of said Act, and the rules and regulations of the Division, be held on September 29, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose, shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petition of intervention shall be filed with the Bituminous Coal Division on or before September 24, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 12 for the establishment of price classifications and minimum prices for truck shipments for the coals of the Delpierre-Davis Mine (Mine Index No. 742), the Blue Goose Mine (Mine Index No. 764), the Curtis Coal Co. Mine (Mine Index No. 753), the Howell Coal Co. Mine (Mine Index No. 754), and the Pewee No. 2 Mine (Mine Index No. 755).

It is further ordered, That, commencing forthwith, temporary relief, pending final disposition of the matter designated Docket No. A–1018 Part II, be and it hereby is granted as follows:

FOR TRUCK SHIPMENTS [1]

[Prices in cents per net ton for shipment into all market areas]

Code member	Mine name	Mine No.	Group No.	County	1	2	3	4	5	6	7	8	9	10
Blue Goose Coal Co. (Everett Green).	Blue Goose	764	18	Marion	300	290	280	270	270	270	270	160	220	100
Curtis, Evert (Curtis Coal Co.)	Curtis Coal	753	17	Warren	310	300	290	280	270	270	270	165	225	100
Delpierre & Davis Coal Co. (Watt Davis).	Delpierre-Davis	742	15	Lucas	295	285	275	265	270	270	270	160	220	100
Howell Coal Co. (Arthur V. Howell).	Howell Coal Co.	754	33	Adams	360	350	350	350	350	340	340	250	340	150
Peewee Coal Co., c/o Chas. Brady.	Peewee No. 2	755	18	Marion	300	290	280	270	270	270	270	160	220	100

[1] The foregoing temporary prices are to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in the Schedule of Effective Minimum Prices for District No. 12, For Truck Shipments

Notice is hereby given that all applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6849; Filed, September 12, 1941; 10:37 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 402]

IN THE MATTER OF C. H. ACKER, DOING BUSINESS AS C. H. ACKER & COMPANY ET AL., PETITIONERS

NOTICE OF PETITIONS FOR MODIFICATION

By orders dated January 8, 1934, and March 12, 1934, made pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. secs. 181–231), the Secretary of Agriculture prescribed maximum rates and charges for selling and buying livestock at the Union Stock Yards, Chicago, Illinois. By an order dated June 28, 1941, pursuant to a petition filed by the members of the Chicago Live Stock Exchange, the Assistant Secretary of Agriculture, with the consent of the petitioners, modified the order of March 12, 1934, and prescribed a higher schedule of rates for selling and buying livestock. Under the order, as modified, the rates for buying livestock are fixed at the same level as the rates for selling livestock. The new schedule of rates was made effective for a trial period of one year. Pursuant to petitions filed by the Chicago Producers Commission Association and the Farmers Union Live Stock Commission, the same rates, by subsequent consent orders, were made applicable to the business handled by those two concerns.

On or about August 22, 1941, the members of the Chicago Live Stock Exchange, the Chicago Producers Commission Association, the Farmers Union Live Stock Commission and the members of the Chicago Traders Live Stock Exchange, hereinafter referred to as the petitioners, filed petitions seeking a further modification of the orders of January 8, 1934, and March 12, 1934, as modified by the order of June 28, 1941. The petitioners seek a modification in the buying charges. The modification sought would reduce the charges for buying livestock assessed by all the petitioners except the members of the Chicago Traders Live Stock Exchange. As to the members of that Exchange, the proposed modification would effectuate an increase in their rates for buying livestock. The reasons alleged by the Chicago Live Stock Exchange, the Chicago Producers Commission Association and the Farmers Union Live Stock Commission for a decrease in buying rates, in substance, are as follows:

1. Previous to the establishment of Tariff No. 4, your petitioners had published and assessed charges for buying lower than the charges assessed for selling the same livestock.

2. The buying operations of the petitioners are confined almost exclusively to the purchase of feeder cattle, sheep and lambs for their regular customers for whom, as a rule, they sell fat cattle, sheep and lambs.

3. Some of our members and patrons have complained of the increase in charging for buying cattle.

4. We believe that it is justifiable to have the buying charges less than the selling charges especially in the case of maximums and that it fits better into this business both from the standpoint of custom and expense.

5. We find that filling orders for buying livestock incurs less expense than is incurred in selling livestock, particularly is this true in connection with the item for business getting and maintaining.

6. We find that there is at this time a serious lack of uniformity in the buying charges on this market.

The petitioners also seek a change in the tariff provisions relative to maximum carlot charges applicable to mixed cars of livestock so that the maximum charges applicable to mixed consignments in carlots will be applicable to carlot consignments containing only cattle and calves.

It appears that public notice should be given to all interested persons of the request of the petitioners for a further modification of the orders issued in this docket and to afford all interested persons, including patrons of the petitioners, an opportunity to manifest their desire to be heard on the matter.

It is therefore ordered, That this order shall be published in the FEDERAL REGISTER.

It is further ordered, That all interested persons who desire to be heard on this matter shall give notice thereof by filing a written request to be heard with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, within 15 days from the date of the publication of this order.

It is further ordered, That a copy of this order be served upon the petitioners by registered mail.

Done at Washington, D. C., this 12th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–6852; Filed, September 12, 1941; 11:14 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 226, 555, 563, 621, 622]

IN THE MATTER OF THE APPLICATIONS OF AMERICAN AIRLINES, INC., TRANSCONTINENTAL & WESTERN AIR, INC., AND WESTERN AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AMENDMENTS OF EXISTING CERTIFICATES UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being the application of American Airlines, Inc., for amendment of its existing certificate for route 4 to include San Diego, Calif., as an intermediate point; the applications of Transcontinental & Western Air, Inc., for amendment of its certificate for route 2 to include Grand Canyon and Phoenix, Ariz., and El Centro and San Diego, Calif., as intermediate points; and for amendment of its certificate for route 38 to include Grand Canyon, Ariz., as an intermediate point; and the application of Western Air Lines, Inc., for a certificate of public convenience and necessity authorizing air transportation between San Diego, Calif., and Phoenix, Ariz., via El Centro, Calif., and Yuma, Ariz., is hereby assigned for public hearing on Wednesday, October 15, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Albert E. Forster.

Dated Washington, D. C., September 11, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–6839; Filed, September 12, 1941; 9:44 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5730]

IN THE MATTER OF OTTER TAIL POWER COMPANY

NOTICE OF APPLICATION

SEPTEMBER 11, 1941.

Notice is hereby given that on September 11, 1941, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and having its principal business office in Fergus Falls, Minnesota, seeking an order authorizing the acquisition, by merger and consolidation, of certain electric facilities of the Minnesota Utilities Company, a corporation organized under the laws of the State of Minnesota, with its principal business office in Minneapolis, Minnesota, in two groups known as the Twin Valley District with properties located in Norman, Mahnomen, Clay, Becker, and Polk Counties, and the Wheaton Group with properties located in Traverse, Douglas, Otter Tail, Swift, Chippewa, Big Stone, Lac Qui Parle, and Wilkin Counties, all in the State of Minnesota, for a consideration stated in the application to be $250,000.00, subject to certain adjustments, and for authority on the part of the Otter Tail Power Company to issue $200,000.00 principal amount of the applicant's First Mortgage Bonds, 3% Series of 1971, and to borrow from banks not to exceed $850,000.00; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 27th day of September 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41–6853; Filed, September 12, 1941; 11:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59–32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, RESPONDENTS

AMENDMENT TO NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1941.

The Commission having, on September 4, 1941, issued its Notice of and Order for Hearing, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above-entitled matter, including paragraph 11 thereof, which reads as follows:

Under the terms of section 11 (b) (1), and especially Clause (B) thereof, the Associated Gas and Electric Corporation cannot retain any interest in public utilities located in the following states:

Maine.	Georgia.
Indiana.	Florida.
Illinois.	Louisiana.
Virginia.	Arkansas.
Kentucky.	Missouri.
North Carolina.	Oklahoma.
South Carolina.	Arizona.

and in the Philippine Islands.

It appearing that certain omissions were inadvertently made in the aforesaid paragraph 11 and that said order should be amended for the purpose of correcting said omissions;

It is hereby ordered, That paragraph 11 of said Notice of and Order for Hearing of September 4, 1941, be and hereby is amended to read as follows:

11. Under the terms of Section 11 (b) (1), and especially Clause (B) thereof, the Associated Gas and Electric Corporation cannot retain any interest in public utilities located in the following states:

Maine.	Florida.
Indiana.	Louisiana.
Illinois.	Arkansas.
Virginia.	Missouri.
Kentucky.	Oklahoma.
North Carolina.	Arizona.
South Carolina.	Tennessee.
Georgia.	Texas.

and in the Philippine Islands.

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy of this order by registered mail to the Respondents, and that notice shall be given to all other persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6854; Filed, September 12, 1941; 11:25 a. m.]

[File No. 70-332]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE), ALABAMA POWER COMPANY, AND THE GENERAL CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS AS TO CERTAIN MATTERS

At a regular session of the Securities and Exchange Commission. held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1941.

The above-named persons having filed declarations and applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10, 12 (b). 12 (c) and 12 (f) thereof, and Rules U-42, U-43, U-45 and U-46 thereunder regarding the following proposals: (a) the liquidation of The General Corporation and the acquisition of its assets by The Commonwealth & Southern Corporation (Delaware), (b) the cancellation by The Commonwealth & Southern Corporation (Delaware) of certain notes of the Southeastern Fuel Company, and (c) the transfer by The Commonwealth & Southern Corporation (Delaware) of the remaining securities of the Southeastern Fuel Company to Alabama Power Company as an additional investment in the common stock of Alabama Power Company without the issuance of additional shares, the Southeastern Fuel Company thereupon to be dissolved and its assets acquired by the Alabama Power Company in the course of liquidation;

Said declarations and applications having filed on June 12, 1941 and amendments having been filed thereafter, the last of said amendments having been filed on August 28, 1941, and a hearing having been ordered by the Commission in respect of said applications and declarations, and appropriate notice having been duly given to all interested parties and all such persons having been given an opportunity to be heard, and the hearing having been completed in respect of the particular matters now before the Commission; and the Commission having considered the record of the proceedings and having entered its Findings and Opinion herein; and

The Commission deeming it appropriate in the public interest and for the interest of investors and consumers to permit the said declarations, as amended, pursuant to sections 12 (b), 12 (c) and 12 (f) of said Act and Rules U-40, U-43, U-45 and U-46 thereunder, to become effective and to grant said applications, as amended, pursuant to section 10 of said Act, and finding with respect to said applications under section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act, and finding with respect to said declarations that the requirements of sections 12 (b), 12 (c) and 12 (f) of said Act and Rules U-42, U-43, U-45 and U-46 respectively are satisfied;

It is hereby ordered, Subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be and hereby are permitted to become effective forthwith, and that the aforesaid applications, as amended, be and hereby are granted forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6855; Filed, September 12, 1941; 11:25 a. m.]

[File No. 4-36]

IN THE MATTER OF EMPIRE GAS AND FUEL COMPANY AND CITIES SERVICE COMPANY

ORDER POSTPONING DATE FOR FILING OF RESPONDENTS ANSWERS AND DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1941.

The Commission having on July 3, 1941 issued a Notice of and Order for Hearing in the above entitled proceedings directing that the respondents named therein file with the Secretary of the Commission on or before August 2, 1941 their joint or several answers in the premises and that a hearing be held on August 19, 1941 at 10 A. M. in the offices of the Commission with reference to the allegations of the said Notice of and Order for Hearing; and

The said time for filing answers and for the hearing as above having been postponed by the Commission at the request of the respondents, by an order dated July 31, 1941, so as to fix the date for filing answers as August 25, 1941 and the date for the hearing as September 15, 1941; and having been further postponed by the Commission at the request of the respondents by an order dated August 22, 1941 so as to fix the date for filing answers as September 15, 1941 and the date for the hearing as September 25, 1941; and

Cities Service Company and Empire Gas and Fuel Company having requested that the date for filing answers and for the hearing as above postponed be further postponed for the reason that the issues involved require further time for preparation for the filing of such answers and for such hearing; and

It appearing to the Commission that the request made to the Commission by the respondents is not unreasonable and may appropriately be granted;

It is ordered, That the date of filing answers by Cities Service Company and Empire Gas and Fuel Company as postponed by the Commission order of August 22, 1941 be and the same is hereby further postponed until October 20, 1941, and that the hearing date postponed by the said order of August 22, 1941 be and the same is hereby further postponed to October 30, 1941 at 10 o'clock in the forenoon at the same time and before the same officer of the Commission specified in the Commission's order of July 3, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6856; Filed, September 12, 1941; 11:25 a. m.]

[File No. 70-399]

IN THE MATTER OF UTILITY SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than September 26, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Utility Service Company, a registered holding company and a wholly owned subsidiary of Manufacturers Trust Company, an exempt holding company, proposes to dissolve and coincidentally therewith to transfer to Manufacturers Trust Company all of its assets remaining after the payment or provision for payment of all of its liabilities (except its demand notes owned by Manufacturers Trust Company) in consideration of all of its outstanding capital stock

which it proposes to retire. Such assets consist primarily of:

33,000 shares of the common stock of The Marion-Reserve Power Company,

6,621 shares of $6 Cumulative Preferred Stock of Eastern Minnesota Power Company,

35,000 shares of the common stock of Eastern Minnesota Power Company,

48,483 shares of the common stock of New England Public Service Company.

As part of the foregoing transaction Manufacturers Trust Company will surrender to Utility Service Company for cancellation the demand notes of the latter company in the principal amount of $1,248,000 which notes Utility Service Company proposes to acquire and retire.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6857; Filed, September 12, 1941; 11:26 a. m.]

[File No. 812-201]

IN THE MATTER OF TOBACCO AND ALLIED STOCKS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of said Act the proposed purchases by the applicant of not more than 19,472 shares of common stock and 1,990 shares of preference stock of Benson and Hedges, an affiliated person of the applicant, from certain affiliated persons of Benson and Hedges and the sales by said persons to the applicant of such stock; and for a further order exempting from the provisions of section 17 (a) of said Act the purchases by the applicant of 4,076 shares of preference stock of Benson and Hedges from certain affiliated persons of Benson and Hedges and the sales by said persons to applicant of such stock upon the same terms as the proposed transactions if such additional purchases and sales are desired to be made;

It is ordered, That a hearing on the aforesaid application under the applicable provisions of the said Act and the Rules of the Commission be held on September 23, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Recording Secretary.

[F. R. Doc. 41-6858; Filed, September 12, 1941; 11:26 a. m.]

[File No. 70-400]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DECLARANTS

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1941.

The above-named parties having filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly section 7 thereof, regarding the proposed issue and sale of $5,000,000 principal amount of Trustees' Certificates of Indebtedness, to mature two years after the date of issuance; and

Said declaration having been filed on September 9, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act; and

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration, and that said declaration shall not become effective except pursuant to further order of the Commission;

It is ordered, That the hearing of such matter under the applicable provisions of the Act and the rules of the Commission thereunder be held on September 24, 1941, at 10:00 A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Ave. NW., Washington, D. C. On said day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of issues presented by said declaration particular attention will be directed at said hearing to the following matters and questions:

1. Whether the term of two years proposed for said Certificates is appropriate and specifically whether such term is unduly long;

2. Whether the proposed Certificates should be issued with serial maturities and what provisions, if any, should be made for that purpose;

3. What funds will be available for the repayment of said Certificates and from what sources will such funds be derived;

4. Whether the securities proposed to be issued are reasonably adapted to the security structure of the declarants and of their holding-company system;

5. Whether the securities proposed to be issued are reasonably adapted to the earning power of the declarants;

6. Whether financing by the issue and sale of the particular securities proposed to be issued is necessary or appropriate to the economical and efficient operation of the estate by the declarants;

7. Whether the terms and conditions of the issue and sale of the securities proposed to be issued are detrimental to the public interest or the interest of investors or consumers; and

8. Whether the public interest and the interests of investors and consumers require the imposition of terms and conditions in connection with the proposed issuance.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6859; Filed, September 12, 1941; 11:26 a. m.]

Reference

SEP 17 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 180

Washington, Tuesday, September 16, 1941

The President

EXECUTIVE ORDER

DIRECTING CERTAIN UNITS, VESSELS AND PERSONNEL OF THE COAST GUARD TO OPERATE AS A PART OF THE NAVY, SUBJECT TO THE ORDERS OF THE SECRETARY OF THE NAVY

WHEREAS section 1 of the act of January 28, 1915, 38 Stat. 800 (U. S. C., title 14, sec. 1), as amended by sections 5 and 6 (a) of the act of July 11, 1941 (Public Law 166, 77th Congress), provides:

That there shall be established in lieu of the existing Revenue-Cutter Service and the Life-Saving Service, to be composed of those two existing organizations, with the existing offices and positions and the incumbent officers and men of those two services, the Coast Guard, which shall be a military service and constitute a branch of the land and naval forces of the United States at all times and which shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. Whenever the Coast Guard or any units thereof are transferred to the Navy Department, applicable appropriations of the Navy Department shall be available for the expenses thereof: *Provided*, That the applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department for such expenses in such amount or amounts as the Director of the Bureau of the Budget shall determine: *Provided further*, That no provision of this Act shall be construed as giving any officer of either the Coast Guard or the Navy, military or other control at any time over any vessel, officer, or man of the other service except by direction of the President.

WHEREAS it is essential, for the strengthening of our national defense, that certain units, vessels and personnel of the Coast Guard operate as a part of the Navy, subject to the orders of the Secretary of the Navy, as national defense needs may require from time to time during the present emergency:

NOW, THEREFORE, by virtue of the authority conferred upon me by the statutory provisions above set forth, I hereby direct that all units, vessels and personnel of the Coast Guard heretofore transferred to, or under detail with, the Navy during the present emergency, and such additional units, vessels and personnel of the Coast Guard as may be hereafter designated for Navy operation upon agreement of the Chief of Naval Operations and the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, shall, during the period of the present unlimited emergency, operate as a part of the Navy, subject to the orders of the Secretary of the Navy: *Provided*, That upon agreement by the Chief of Naval Operations and the Commandant of the Coast Guard, with the approval of the Secretary of the Navy, any unit, vessel or personnel operating as a part of the Navy during the present unlimited emergency, may be returned to the Department of the Treasury and resume its or their former status as a part of the Coast Guard.

When any unit or vessel of the Coast Guard is transferred for operation by the Navy as a part thereof, during the present unlimited emergency, there shall devolve upon the Navy for the period of such operation all Coast Guard functions, duties, and responsibilities with which such unit or vessel is charged by law, regulation, and legal orders, unless different arrangements are made upon agreement by the Chief of Naval Operations and the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury.

All Coast Guard personnel operating as a part of the Navy, subject to the orders of the Secretary of the Navy, during the present unlimited emergency, shall, while so serving, be subject to the laws enacted for the government of the Navy: *Provided*, That in the initiation, prosecution, and completion of disciplinary action, including remission or mitigation of punishments for any offense committed by any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the Department having jurisdiction of the person of such offender at the various stages of such action: *Provided further*, That any punishment imposed and executed in accordance with the provisions of this par-

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agraph shall not exceed that to which the offender was liable at the time of the commission of the offense.

This order and Executive Order No. 8767[1] of June 3, 1941, directing certain personnel of the Coast Guard to operate as a part of the Navy subject to the orders of the Secretary of the Navy, shall cease and be of no effect upon the termination of the present unlimited emergency, whereupon all units, vessels and personnel of the Coast Guard then operating as a part of the Navy shall automatically return to the jurisdiction of the Department of the Treasury and resume their former status as a part of the Coast Guard.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 11, 1941.

[No. 8895]

[F. R. Doc. 41-6870; Filed, September 12, 1941; 1:59 p. m.]

[1] 6 F.R. 2743.

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1941-Insular]

PART 702—AGRICULTURAL CONSERVATION PROGRAM BULLETIN, INSULAR REGION[1]

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as Amended, § 702.203 of the 1941 Agricultural Conservation Program Bulletin—Insular Region, issued March 13, 1941, is hereby amended as follows:

Paragraph (a) is amended to read:

§ 702.203 *Tobacco*—(a) *State allotment.* The State allotment of tobacco for Puerto Rico is 35,000 acres.

Paragraph (c) is amended to read:

(c) *Payment in connection with tobacco acreage allotment.* Payment will be made at the rate of 1.8 cents per pound (farm weight) of the normal yield of the farm for each acre in the tobacco acreage allotment.

Paragraph (d) is amended to read:

(d) *Deduction for excess tobacco acreage.* The payment computed for any farm under §§ 702.201 and 702.203 shall be subject to a deduction of 18 cents per pound (farm weight) of the normal yield of the farm for each acre planted to tobacco in excess of the tobacco acreage allotment established for that farm.

By addition of paragraph (e) as follows:

(e) *Normal yield.* The State office shall determine for each farm for which an acreage allotment is established under paragraph (b) of this section a normal yield for tobacco in accordance with instructions issued by the Agriculutral Adjustment Administration.

(1) If the average of the normal yields established for all farms (weighted by the tobacco acreage allotments therein) exceeds 670 pounds (farm weight) of tobacco per acre, which is the adjusted average yield per acre for the State during the five crop years 1936–37 to 1940–41, inclusive, the normal yields for these farms shall be reduced pro rata so that the average of the normal yields shall not exceed this figure.

Done at Washington, D. C., this 13th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculutre.

[F. R. Doc. 41-6373; Filed, September 13, 1941; 10:55 a. m.]

[1] 6 F.R. 1443.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER I—UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

SUBCHAPTER E—EXTENSION OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT TO PERSONS EMPLOYED AT MILITARY, AIR AND NAVAL BASES OUTSIDE CONTINENTAL UNITED STATES

PART 51—GENERAL ADMINISTRATIVE PROVISIONS

Sec.
51.1 General administrative provisions.
51.2 Establishment of compensation districts.
51.3 Establishment of sub-offices, filing of reports, notices, claims, and other papers.
51.4 Prehearing conferences.
51.5 Commutation of payments in cases of aliens and non-nationals of the United States.

§ 51.1 *General administrative provisions.* (a) Except as herein modified, the regulations in subchapter C of this Chapter, governing the administration of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. Chapter 18), shall so far as not inapplicable govern the administration of the Act entitled "An Act to provide compensation for disability or death resulting from injury to persons employed at military, air, and naval bases acquired by the United States from foreign countries, and on lands occupied or used by the United States for military or naval purposes outside the continental limits of the United States, including Alaska, Guantanamo, and the Philippine Islands, but excluding the Canal Zone, and for other purposes", approved August 16, 1941 (Public Law 208, 77th Congress), and every person subject to, claiming benefits under, or acting under, the said Act shall conform to the procedure prescribed in the Longshoremen's and Harbor Workers' Compensation Act and in the regulations under subchapter C and this subchapter. The term "Commission" as used in this subchapter means the United States Employees' Compensation Commission.

(b) The said Act of August 16, 1941, applies in respect to the injury or death of any employee engaged in any employment at any military, air, or naval base acquired after January 1, 1940, by the United States from any foreign government or any lands occupied or used by the United States for military or naval purposes in any Territory or possession outside the continental United States, including Alaska, Guantanamo, and the Philippine Islands, but excluding the Canal Zone, irrespective of the place where the injury or death occurs.

(c) The said Act of August 16, 1941, does not apply in respect to injury or death of (1) an employee subject to the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (39 Stat. 742; 5 U.S.C. 751–793), as amended; (2) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, or profession of the employer; or (3) a master or member of a crew of any vessel.*

*§§ 51.1 to 51.5, inclusive, issued under the authority contained in sec. 39 of the Longshoremen's and Harbor Workers' Compensation Act, 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air and naval bases outside the United States by the Act of August 16, 1941, Public Law 208, 77th Congress. Statutes interpreted or applied and statutes giving special authority are listed in parenthesis at the end of the specific sections.

§ 51.2 *Establishment of compensation districts.* Pursuant to the provisions of section 39 (b) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1442; 33 U.S.C. 939 (b)) and section 3 (a) of said Act of August 16, 1941 (Public Law 208, 77th Congress), the Commission hereby establishes the following compensation districts and extends the following existing compensation districts established under the regulations in § 31.2, subchapter C, of this Chapter:

(1) *Caribbean District.* This district comprises the West Indies and British Guiana, with headquarters at San Juan, Puerto Rico.

(2) *Pacific District.* This district comprises all land areas in the Pacific Ocean south of the 45th degree north latitude, with headquarters at Honolulu, T. H.

(3) *District No. 1.* This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Newfoundland and Greenland, with headquarters at Boston, Massachusetts.

(4) *District No. 2.* This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include Bermuda, with headquarters at New York, N. Y.

(5) *District No. 14.* This district as established under the Longshoremen's and Harbor Workers' Compensation Act is extended to include all land areas in the Pacific Ocean north of the 45th degree north latitude, and Alaska, with headquarters at Seattle, Washington.*

§ 51.3 *Establishment of sub-offices; filing of reports, notices, claims, and other papers.* (a) As administrative exigencies from time to time require, the Commission may by administrative order establish within compensation districts under said Act of August 16, 1941, a sub-office or sub-offices in each such district, to be in charge of a claims examiner or other designated person, who shall be under the administrative supervision of the deputy commissioner for the particular compensation district.

(b) Where a sub-office or sub-offices have been established by the Commission pursuant to this section to facilitate administration at any designated base or in any designated area within a compensation district, report by the employer of injury or death, notice of injury or death, claim for compensation, and application for review of a compensation case as required, respectively, under §§ 31.3, 31.4, 31.5, and 31.15 of the regulations in subchapter C of this Chapter, together with all correspondence and supplementary reports relative thereto, in a case arising at any such base or in any such area, may be filed at the sub-office of the deputy commissioner for such place. Reports in cases arising at other places may be filed with the deputy commissioner at his headquarters.

(c) The files in individual cases arising within the area served by any such sub-office of the deputy commissioner shall remain at the sub-office until the case is closed or final action is taken, after which they shall be sent to the headquarters of the deputy commissioner. All applications pertaining to benefits and other moving papers shall be filed in such sub-office, unless otherwise directed by the deputy commissioner.* (Sec. 19 (a), 44 Stat. 1435; 33 U.S.C. 919 (a))

§ 51.4 *Prehearing conferences.* (a) In order to expedite and simplify formal administrative proceedings, in all cases in which there are issues of fact or law, whenever practical, no formal hearings will be set until after prehearing conferences. Such conferences may be held by the deputy commissioner, a claims examiner or other person designated for such purpose by the deputy commissioner.

(b) The purposes of such prehearing conferences are (1) amicably to dispose of controversies wherever possible; (2) to narrow issues; and (3) to simplify the subsequent methods of proof.

(c) Prehearing conferences may be set upon ten days' notice to the parties in interest (or a longer period if the circumstances require or shorter period if agreed upon by the parties). They shall be kept characteristically informal, and shall not be stenographically reported. It shall be the duty of the deputy commissioner, claim examiner or other person in charge of the conference to guide the discussion toward the achievement of the purposes of such conference, giving the parties the benefit of his specialized experience.

(d) At the termination of such conferences the person in charge thereof shall prepare stipulations, for the signatures of the parties, covering agreements as to all or part of the facts, admissions, narrowing of issues, or simplification of methods of proof. Such stipulations when signed by the parties in interest shall become part of the record of the case. Where stipulations relate to evidence to be used at a later formal hearing, such evidence may then be received and approximately identified by marking such evidence, respectively, as claimant's or respondents' exhibits, consecutively numbered in each respect. At the termination of a conference, the person in charge thereof shall prepare for the file in the case a memorandum setting forth the purpose for which the conference was held, the matters discussed and the results achieved. Should a conference terminate without achievement of the purpose thereof, the person in charge,

after review of the record of the case, shall by letter addressed to the parties in interest make his recommendation to dispose of the matter in controversy, setting a date for reply thereto.* (Sec. 23 (b), 44 Stat. 1437; 33 U.S.C. 923 (b))

§ 51.5 *Commutation of payments in cases of aliens and non-nationals of the United States.* Applications under section 2 (b) of the said Act of August 16, 1941, for commutation of future installments of compensation payable to aliens and non-nationals of the United States, not residents of the United States or Canada, shall be made to the deputy commissioner, who shall in turn transmit such applications promptly to the Commission. Such commutation shall be made as of the date such application is received at the headquarters of the deputy commissioner, or such later date as the application may show to be proper. No such commutation shall be made except upon the basis of a compensation order fixing the right of the beneficiary to compensation.*

PART 52—AUTHORIZATION OF INSURANCE CARRIERS

Sec.
52.1 Applicants currently authorized to write insurance under other Federal workmen's compensation laws.
52.2 Workmen's compensation endorsement.
52.3 Report by carrier of issuance of policy or endorsement; form.
52.4 Report; by whom sent.
52.5 Agreement to be bound by card report.
52.6 Report by employer operating temporarily in another compensation district.
52.7 Name of one employer only shall be reported on one card.

§ 52.1 *Applicants currently authorized to write insurance under other Federal workmen's compensation laws.* Any applicant currently authorized by the Commission to write insurance under the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424; 33 U.S.C. Chapter 18) or under the District of Columbia workmen's compensation law (45 Stat. 600; 19 D. C. Code, 11, 12) need not support its application with the evidence required by the regulations in Part 32, subchapter C of this Chapter, except the form of policy and endorsement which it proposes to use, unless specifically requested by the Commission, but instead its application may refer to the fact that it has been so authorized.*

*§§ 52.1 to 52.7, inclusive, issued under the authority contained in sec. 39 of the Longshoremen's and Harbor Workers' Compensation Act, 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air, and naval bases outside the United States by the Act of August 16, 1941, Public Law 208, 77th Congress.

§ 52.2 *Workmen's compensation endorsement.* (a) The following form of endorsement applicable to the standard workmen's compensation and employers' liability policy shall be used with the form of policy approved by the Commission for use by an authorized carrier:

For attachment to Policy No. ———.

The obligations of paragraph one (a) of the Policy include the Longshoremen's and Harbor Workers' Compensation Act, being Public Law No. 803 of the 69th Congress, approved March 4, 1927, as extended by the provisions of the Act of Congress providing compensation for disability or death resulting from injury to persons employed at military, air, and naval bases and at certain other places, being Public Law No. 208 of the 77th Congress, approved August 16, 1941, and all laws amendatory thereof or supplementary thereto which may be or become effective while this Policy is in force.

The Company will carry out the provisions of section 35 of said Act. Insolvency or bankruptcy of the employer and/or discharge therein shall not relieve the Company from payment of compensation and other benefits lawfully due for disability or death sustained by an employee during the life of the Policy.

The Company agrees to abide by all the provisions of this Act and all lawful rules, regulations, orders, and decisions of the United States Employees' Compensation Commission and of the deputy commissioner, having jurisdiction, unless and until set aside, modified, or reversed by a court having jurisdiction of the parties and the subject matter.

This endorsement shall not be canceled prior to the date specified in this Policy for its expiration until at least thirty days have elapsed after a notice of cancelation has been sent to the Commission, to the Deputy Commissioner, and to this Employer.

All terms, conditions, requirements, and obligations expressed in this Policy or in any other endorsement attached thereto which are not inconsistent with or inapplicable to the provisions of this endorsement are hereby made a part of this endorsement as fully and completely as if wholly written herein.

References to the law of any State in Conditions B and D of this Policy are hereby declared to include for the purpose of this endorsement only, the provisions of the Longshoremen's and Harbor Workers' Compensation Act and the said Act of Congress approved August 16, 1941 (Public Law No. 208, 77th Congress).

(b) The following undesignated paragraphs may at the option of the insurer be included in the form of endorsement which is provided above. No other provision, alteration of any prescribed provision, or alteration of any optional provision shall be made or used in any such endorsement except after submission to the Commission and its specific approval thereof.

If this Employer is a contractor the subject of whose contract includes operations covered by this Policy and he shall subcontract all or any part of such contract to one or more sub-contractors, the remuneration of all the direct employees of all such sub-contractors shall be included in the return of remuneration under the provisions of this Policy upon which premium is computed. Such remuneration so reported shall be considered the remuneration of employees of this Employer and shall in all instances be governed by the same terms, conditions, requirements, and obligations of the Policy as the remuneration of the direct employees of this Employer. The requirements of this paragraph shall not apply as respects any such sub-contractor who has secured compensation for his direct employees as required by the Longshoremen's and Harbor Workers' Compensation Act, but this Employer shall not claim the benefit of this exemption unless and until he shall satisfy the Company by certificate or otherwise that any such sub-contractor has legally secured the payment of compensation to his own direct employees and then only respecting any sub-contractor who has furnished such proof.

If the premium as determined in accordance with the provisions of the Policy is less than $300, there shall be added thereto an Expense Constant of $10, unless such addition shall increase the premium to an amount in excess of $300, in which event only such part of the Expense Constant shall be added as will bring the amount of the premium up to $300. Inclusion of the Expense Constant or any part thereof in the Estimated Advance Premium is subject to final adjustment upon audit, all in accordance with the provisions hereof. The minimum Premium of the Policy includes the Expense Constant.

(c) In applying the regulations in Part 32, subchapter C of this Chapter as the regulations issued under this subchapter, all references to the Longshoremen's endorsement shall be construed as having reference to the workmen's compensation endorsement prescribed herein.*

§ 52.3 *Report by carrier of issuance of policy or endorsement; form.* (a) A carrier which has executed the agreement provided for in § 52.5 shall report to the deputy commissioner assigned to a compensation district, each policy and endorsement issued by it to an employer who carries on operations in such compensation district. The report shall be made upon a printed card to be provided by such carrier. Such card shall be 50 percent rag, light yellow, light weight, and 3 by 5 inches. The printing thereon shall be as follows:

Employer _____
Address _____

(Policy No.) (Dates of beginning and expiration)

Report is made of this issue of approved form of policy and endorsement under Longshoremen's and Harbor Workers' Compensation Act, as extended to military, air and naval bases by the Act of August 16, 1941.

This card to be sent to the Deputy Commissioner of the United States Employees' Compensation Commission in the compensation district indicated by the Employer's address.

(b) Each such carrier will print its name at the place indicated. The note at the bottom designating the place to which the card shall be sent should be in small type, about 6 point, and if desired this designation may be printed on the back of the card. The space below the word "employer" should be sufficient to allow two additional lines for typing below the word "address". The word "employer" should be about ¾ of an inch from the top margin. The line for cancelation date will be filled in only by the office of the deputy commissioner.*

§ 52.4 *Report; by whom sent.* The report of issuance of a policy and endorsement provided for in § 52.3 shall be sent by the home office of the carrier to the deputy commissioner at his headquarters, except that any carrier may authorize its agency or agencies in any compensation district to make such reports to the deputy commissioner, provided the carrier shall notify the deputy commissioner in such district of the agencies so duly authorized. The deputy commissioner in turn shall supply to his sub-offices current lists showing the policies so reported, giving the names and addresses of the employers, with the names of their respective carriers, the policy numbers and the dates of beginning and expiration of the policies. Similar current lists of cancelations shall also be furnished to sub-offices.*

§ 52.5 *Agreement to be bound by card reports.* (a) Except as provided in this section, each employer shall present to the deputy commissioner in the compensation district in which he has operations, the policy which he has procured in compliance with section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U.S.C. 932), as extended by the Act of August 16, 1941, covering his operations in such district. Any carrier desiring to do so may make such presentation of such policy unnecessary in any particular case by transmitting to the Commission an agreement signed by its President and Secretary (or other authorized officers in case of foreign or mutual companies or State funds), in the following form, and making reports accordingly of the issuance of a policy in such particular case:

The _____ Insurance Company hereby agrees, in consideration of the acceptance by the United States Employees' Compensation Commission and its deputy commissioners of reports of issue of approved form of policy and endorsement under the Longshoremen's and Harbor Workers' Compensation Act as extended to military, air, and naval bases by the Act of August 16, 1941 (Public Law 208, 77th Congress) in the form prescribed by the Commission in section 52.3 of its regulations, that it will be liable and hereby accepts the full liability expressed in the approved form of endorsement under said law in all cases in which it has heretofore and may hereafter use the prescribed form of report to deputy commissioners and transmit the same to the proper deputy commissioner; and it further agrees that such liability shall not be terminated prior to the expiration of the policy, except in case of cancelation, and then at the time and in the manner which is prescribed in said law, in the regulations of said Commission, and in the endorsement referred to.

(b) An insurance carrier desiring to withdraw from such agreement may do so upon giving 30 days notice to the Commission by registered mail.*

§ 52.6 *Report by employer operating temporarily in another compensation district.* Where an employer having operations in one compensation district contemplates engaging in work subject to the said Act of August 16, 1941, in another compensation district, a carrier which has executed the agreement provided for by § 52.5 may submit to the deputy commissioner of such latter district a report on the card form prescribed by § 52.3, containing the address of the employer in the first mentioned district with the additional notation "No present address in ——— compensation district. Certificate requested when address given".*

§ 52.7 *Name of one employer only shall be reported on one card.* A separate report of the issuance of a policy and endorsement, provided for by § 52.3, shall be made for each employer covered by a policy. If a policy is issued insuring more than one employer, a separate card report for each employer so covered shall be sent to the deputy commissioner concerned, with the name of only one employer on each such report.*

PART 53—AUTHORIZATION OF SELF-INSURERS

Sec.
53.1 Authorization of self-insurers.
53.2 Reports required of self-insurers; examination of accounts of self-insurer.

§ 53.1 *Authorization of self-insurers.* The provisions of the regulations in Part 33, subchapter C of this Chapter, shall govern the authorization of the self-insurance privilege under the said Act of August 16, 1941. An application shall contain (a) a statement of the amount of the employer's pay roll for the preceding 12 months; (b) a statement by classifications of the average number of employees engaged in employments within the purview of said law for the preceding 12 months; (c) a statement of the number of injuries to such employees resulting in disability of more than 7 days duration, or in death, during each of 3 years next preceding the date of the application; (d) an itemized statement of the assets and liabilities of the employer; (e) a description of the safety organization maintained by the employer for the prevention of injuries within his places of work; (f) a description of the facilities maintained or the arrangements made for the medical and hospital care of injured employees; (g) a statement describing any excess insurance or stop-loss insurance arrangement made by the employer, giving the name of the carrier, with full details of any such excess coverage; and (h) a statement describing any plan adopted by the employer to set aside a reserve fund for the payment of workmen's compensation benefits under said law. The Commission in its discretion may require the applicant to submit such further information or such evidence as the Commission may deem necessary to have in order to enable it to give adequate consideration to such application. Such application shall be signed by the applicant over his typewritten name and if the applicant is not an individual, by the principal officer of the applicant duly authorized to make such application, over his typewritten name and official designation and shall be sworn to by him. If the applicant is a corporation, the corporate seal shall be affixed. The application shall be filed with the Commission. The regulations in this part shall be binding upon each applicant hereunder and the applicant's consent to be bound by all requirements of the said regulations shall be deemed to be included in and a part of the application, as fully as though written therein.*

*§§ 53.1 and 53.2 issued under the authority contained in sec. 39 of the Longshoremen's and Harbor Workers' Compensation Act, 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air, and naval bases outside the United States by the Act of August 16, 1941, Public Law 208, 77th Congress.

§ 53.2 *Reports required of self-insurers; examination of accounts of self-insurer.* (a) At such times as the Commission may require or prescribe, each self-insurer shall submit such of the following reports as may be requested:

(1) A sworn itemized statement of the self-insurer's assets and liabilities, or a balance sheet.

(2) A sworn statement showing by classifications the pay roll of employees of the self-insurer who are engaged in employments within the purview of the said Act of August 16, 1941.

(3) A sworn statement of payments of compensation in current cases during any specified quarter, showing the nature of injury in each case.

(4) A sworn statement covering the 6 months' period preceding the date of such report, listing by compensation districts all death and injury cases which have occurred during such period, together with a report of the status of all outstanding claims, showing the particulars of each case.

(b) Whenever it deems it to be necessary, the Commission may inspect or examine the books of account, records, and other papers of a self-insurer for the purpose of verifying any financial statement submitted to the Commission by such self-insurer or verifying any information furnished to the Commission in any report required by this section, or any other section of the regulations in this subchapter, and such self-insurer shall permit the Commission or its duly authorized representative to make such an inspection or examination as the Commission shall require. In lieu of this requirement the Commission may in its discretion accept an adequate report of a certified public accountant.*

PART 54—ISSUANCE OF CERTIFICATES OF COMPLIANCE

Sec.
54.1 Issue of certificates of compliance.
54.2 Same; employer operating temporarily in another compensation district.
54.3 Return of certificates of compliance.

§ 54.1 *Issue of certificates of compliance.* (a) Every employer who has secured the payment of compensation by obtaining a policy of insurance as provided by section 32 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1439; 33 U.S.C. 939) and by Part 52 of the regulations in this subchapter will receive from the deputy commissioner in the compensation district in which he has operations, a certificate that such employer has secured the payment of such compensation. Only one such certificate will be issued to an employer in a compensation district, and it will be valid only during the period for which such employer has secured such payment. An employer so desiring may have photostatic copies of such a certificate made for use in different places within the compensation district. A certificate of compliance will be issued by the deputy commissioner to any employer having operations in his

district (1) upon receipt by the deputy commissioner and acceptance by him of a card report of the issuance of a policy to the employer concerned, as provided by § 52.3, by an authorized insurance carrier which has filed an agreement to be bound by such card report in conformity with § 52.5, or (2) upon presentation to the deputy commissioner by the employer concerned (and not by an insurance carrier, insurance agent, or broker) of the policy of insurance, and endorsement thereon, issued to the employer in conformity with Part 52 by an authorized insurance carrier which has not filed the agreement provided for by § 52.5.

(b) Every employer who has been granted the privilege of self-insurance as provided by section 32 of the Longshoremen's and Harbor Workers' Compensation Act and by Part 53 of the regulations in this subchapter will receive from the deputy commissioner a certificate that he has complied with the said law with respect to the securing of the payment of compensation. Only one such certificate will be issued to an employer and it will be valid only during the period stated in such certificate.

(c) Two forms of such certificates have been provided by the Commission, one form for use where the employer has obtained insurance generally under the regulations in this subchapter and one for use where the employer has been authorized as a self-insurer.*

*§§ 54.1 to 54.3, inclusive, issued under the authority contained in sec. 39 of the Longshoremen's and Harbor Workers' Compensation Act, 44 Stat. 1442; 33 U.S.C. 939, as made applicable to military, air, and naval bases outside the United States by the Act of August 16, 1941, Public Law 208, 77th Congress.

§ 54.2 *Same; employer operating temporarily in another compensation district.* A deputy commissioner receiving a card report of the issue of a policy of insurance with the notation authorized by § 52.6 will file such card report until he receives from the insured employer named therein a request for a certificate of compliance, giving the address of the employer within the compensation district of such deputy commissioner. Upon receipt of such a request the deputy commissioner will send the proper certificate of compliance to such employer at such address.*

§ 54.3 *Return of certificates of compliance.* Upon the termination by expiration, cancelation or otherwise, of a policy of insurance issued under the provisions of said Act of August 16, 1941, and the regulations in this subchapter, or the revocation or termination of the privilege of self-insurance granted by the Commission, all certificates of compliance issued on the basis of such insurance or self-insurance shall be void and shall be returned by the employer to the deputy commissioner issuing them with a statement of the reason for such return. An employer holding a certificate of compliance under an insurance policy which has expired, pending renewal of such insurance need not return such certificate of compliance if such expired insurance is promptly replaced. An employer who has secured renewal of insurance upon the expiration of a policy under said Act or whose self-insurance thereunder is reauthorized without a break in the continuity thereof need not return an expired certificate of compliance.*

Regulations issued September 12, 1941.

JEWELL W. SWOFFORD,
Chairman.
JOHN M. MORIN,
Commissioner.
JOHN J. KEEGAN,
Commissioner.

[F. R. Doc. 41-6899; Filed, September 15, 1941; 11:16 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5068]

PART 310—TAXES ON OLEOMARGARINE, ADULTERATED BUTTER, AND PROCESS OR RENOVATED BUTTER

Regulations 9[1] (revised April 1936), [Part 310, Title 26, Code of Federal Regulations], but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4886,[2] approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.] are amended as follows:

Section 310.28, Title 26, Code of Federal Regulations [Article 28] is amended by changing paragraph (a) thereof to read as follows:

§ 310.28 *Packages*—(a) *General.* No maximum package is prescribed by law. However, manufacturers are required to put up their product in statutory packages. A statutory package is one designed to contain only that quantity and class of oleomargarine as indicated by the stamp to be affixed thereto. A statutory package may include small advertising cards, coupons, certificates, circulars, and other like advertising matter intended as an advertisement of the oleomargarine business of the manufacturer. It shall not contain any article which would materially increase the weight or size of the package.

Containers of oleomargarine must be of a durable and substantial character and must completely cover the contents. As to penalty for refilling containers from which oleomargarine has been removed, see section 13, Act of August 2, 1886.

(This Treasury Decision is issued under the authority contained in sections 3644 and 3791 of the Internal Revenue Code (53 Stat. 442 and 467).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: September 11, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6879; Filed, September 13, 1941; 12:13 p. m.]

[1] 1 F.R. 160.
[2] 4 F.R. 879.

CHAPTER II—UNITED STATES PROCESSING TAX BOARD OF REVIEW

PART 601—RULES OF PRACTICE AND PROCEDURE

Pursuant to subdivisions (d) and (f) of section 906, Title VII, Revenue Act of 1936, the Rules of Practice before the United States Processing Tax Board of Review are hereby amended so as to include the following rule:

§ 601.36 *Depositions upon written interrogatories.* (a) In the discretion of the Board depositions may be taken upon written interrogatories in substantially the same manner as provided in Rules 29 and 30.

(b) The proposed interrogatories must be filed with the application. The Board will serve one copy of the application and of the proposed interrogatories upon the opposite party.

(c) Within fifteen days after such service the adverse party may file objections to any of the proposed interrogatories, which objections must state specifically the grounds therefor, or he may file proposed cross-interrogatories.

(d) If proposed cross-interrogatories are filed, they will be served by the Board, and the adverse party may within 15 days thereafter file objections thereto, which objections must state specifically the grounds therefor.

(e) No objection to an interrogatory or cross-interrogatory will be considered at the hearing unless timely filed in accordance with this Rule.

(f) A signed original and four clear, conformed copies of all papers shall be filed.

(g) No person other than the witness, a stenographic reporter, and the officer taking the deposition upon written interrogatories and cross-interrogatories shall be present at the examination of the witness. This fact shall be certified by the officer taking the deposition and such officer shall propound the interrogatories and cross-interrogatories to the witness in their order and cause the testimony to be reduced to writing verbatim, each answer to follow immediately after the interrogatory and cross-interrogatory. (Sec. 906 (d), (f), 49 Stat. 1749, 1750; 7 U.S.C., Sup., 648 (d) (f))

By direction of the Board.

[SEAL] WILLIAM SCHWARTZ,
Chairman.

Approved: September 12, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6878; Filed, September 13, 1941; 11:55 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-446, Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER MAKING PERMANENT THE TEMPORARY RELIEF HERETOFORE GRANTED IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 605 OF DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

A petition having been filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by Pewee Coal Company, requesting a modification of an Order dated December 30, 1940, 6 F.R. 79, granting temporary and conditionally final relief in Docket No. A-446 establishing classifications and prices for the coals of the Pewee Coal Company, Mine Index No. 605, and certain other mines in District No. 8 which had not been classified and priced;

On March 7, 1941, 6 F.R. 1366, the Director having issued an Order herein severing that portion of Docket No. A-446 relating to Mine Index No. 605, and terminating conditionally final relief granted as to the coals of Mine Index No. 605, and ordering that a hearing in Docket No. A-446, Part II be held;

Pursuant to this order and after due notice to all interested persons, a hearing having been held in this matter on March 18, 1941, before a duly designated examiner of the Bituminous Coal Division, at a hearing room of the Division, in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an opinion in this matter, which are filed herewith:

Now, therefore, it is ordered, That the following price classifications and corresponding minimum prices are established for coals of the Pewee Coal Company produced at Mine Index No. 605, in the specified sized groups, and that § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck be and the same hereby is amended as follows:

Mine index No.	Code member	Mine name	Subdistrict No.	High volatile seam	Freight origin group No.
605	Pewee Coal Co....	Pewee...	6	Pee Wee..	71

PRICE CLASSIFICATIONS BY SIZE GROUP NUMBERS

For destinations other than Great Lakes

1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
A	A	A	A	A	A	C	A	A	G	N	...	A	A	A	...

For Great Lakes cargo only

1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
A	A	A	A	A	A	C	B	G	N	A	A	A	...

It is further ordered, That the following minimum prices are established for the coals of the Pewee Coal Company produced at Mine Index No. 605, in the specified size groups and that § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments be and the same hereby is amended as follows:

SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN

Campbell County, Tenn.

Code member index name	Mine	Mine index No.	Seam
Pewee Coal Co.....	Pewee.....	605	Pee Wee.

BASE SIZES			
Lump over 2", Egg 4"x6"	Lump 2" and Under, Egg 3"x6"	Lump ¾" and Under	Egg 2"x4", Egg 2"x5"
1	2	3	4
335	315	235	260
Stove 3" and Under, Nut 2" and Under	Straight Mine Run	2" and Under, Slack	¾" and Under, Slack
5	6	7	8
225	225	170	165

It is further ordered, That the petition of the Pewee Coal Company requesting a modification of the Order herein dated December 30, 1940, be and the same hereby is denied.

Dated: September 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6850; Filed, September 12, 1941; 10:37 a. m.]

[Docket No. A-433]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING RELIEF IN THE MATTER OF PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 23 REQUESTING A CHANGE IN CLASSIFICATION AND MINIMUM PRICES FOR RAIL SHIPMENT COAL FROM SUBDISTRICT "E", M'KAY-LAWSON, INTO MARKET AREA 253 TO CORRECT AN ERROR IN PRICE SCHEDULES

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on December 2, 1940, by District Board No. 23, requesting a change in classifications and minimum prices for rail shipment from Subdistrict "E", McKay-Lawson, into Market Area 253, so that Subdistrict "E" will have the same price classification for rail shipment to Market Area 253 as to Market Area 240.

Pursuant to an appropriate order a hearing having been held in this matter before Thurlow G. Lewis, a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Seattle, Washington,[1] at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; at the conclusion of the hearing, the preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

Now, therefore, it is ordered, That § 343.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments be and the same is hereby amended as follows:

Under Subdistrict "E", McKay-Lawson, delete Market Area "240" and substitute therefor Market Areas "240 and 253."

Dated: September 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6898; Filed, September 15, 1941; 10:10 a. m.]

[1] This matter was consolidated with several others for the purpose of hearing. The other dockets heard at the consolidated hearing are subjects of separate reports or findings.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PUBLIC CIRCULAR NO. 6 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

SEPTEMBER 13, 1941.

(1) Any licenses which may be issued permitting the redemption or purchase for sinking fund purposes or other purchase for blocked accounts of bonds, debentures or similar obligations issued by governments of blocked countries, including political subdivisions, or by corporations organized under the laws of any blocked country, will be so limited as to allow such redemption or purchase only of such securities to which Treasury Department Form TFEL–2 has been previously attached or affixed by, or under the direction of, the Treasury Department.

(2) Applications for the attachment of Form TFEL–2 should be filed on Form TFE–2A with the Federal Reserve Bank for the district or with the Governor or High Commissioner of the territory or possession of the United States in which the applicant resides or has his principal office or agency. Copies of Form TFE–2A may be obtained from any such Federal Reserve Bank or Governor or High Commissioner or from the Treasury Department, Washington, D. C.

(3) Attention is called to the fact that persons acquiring any such securities on or after September 15, 1941, to which Form TFEL–2 has not been attached, are required in Form TFE–2A to furnish much more complete and detailed information concerning the past ownership of the securities than is required of persons who have owned such securities continuously since prior to September 15, 1941. Whereas the former are required on Form TFE–2A to trace the ownership of such securities through April 8, 1940, in order to obtain the attachment of Form TFEL–2, Form TFE–2A only requires the latter to trace the ownership of such securities from the person from whom they have acquired them.

(4) Any person acquiring any such securities under a contract made prior to September 15, 1941 even though delivery of the securities may have been effected on September 15, 1941, or within a reasonable time thereafter, need trace ownership only from the person from whom the securities were acquired, provided the Treasury Department is furnished with satisfactory evidence that the contract was made in the normal course of business through or with a domestic bank or broker or dealer. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–6905; Filed, September 15, 1941; 11:38 a. m.]

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ADMINISTRATOR OF EXPORT CONTROL

EXPORT CONTROL SCHEDULE B

By virtue of the Military Order of July 2, 1940,[2] and Executive Order No. 8713 of March 15, 1941,[3] I, Russell L. Maxwell, Administrator of Export Control, have determined that effective September 20, 1941, the articles and materials designated in Proclamation No. 2465 of March 4, 1941,[3] issued pursuant to section 6 of the Act of July 2, 1940 (54 Stat. 714, 50 U.S.C.A. Supp., Sec. 99), shall not include: Any application for patent or for the registration of a utility model, industrial design or model in respect of any invention made in the United States, for which a license is required from the Commissioner of Patents under the authority of Public Law 239, 77th Congress, c. 393, 1st Sess., approved August 21, 1941.

By direction of the President.

R. L. MAXWELL,
Administrator of Export Control.

[F. R. Doc. 41–6917; Filed, September 15, 1941; 12:16 p. m.]

[2] 5 F.R. 2491.
[3] 6 F.R. 1502.
[3] 6 F.R. 1300.
[4] 6 F.R. 2856, 3178, 3180.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 937—ZINC

Interpretation With Respect to General Preference Order No. M–11, as Heretofore Amended

SEPTEMBER 15, 1941.

Amendment to General Preference Order No. M–11,[4] issued by the Director of Priorities June 28, 1941, provides in paragraph (c) (1) that after a Producer of Metallic Zinc, Zinc Oxide and Zinc Dust has set aside an amount determined by the Director of Priorities, he shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders equal to the percentage received by every other customer.

Priorities Regulation No. 1,[5] issued August 27, 1941, requires the acceptance of Defense Orders subject to the provisions therein set forth.

If a Producer of Metallic Zinc, Zinc Oxide and Zinc Dust is required to accept Defense Orders it would make it virtually impossible for such Producer to comply with the provisions of paragraph (c) (1) of General Preference Order No. M–11. Accordingly, it is found that Regulation No. 1 is inconsistent with the specific provisions of General Preference Order No. M–11, as amended, to the extent that it would require an acceptance of Defense Orders by Producers of Zinc, Zinc Oxide and Zinc Dust and to this extent Regulation No. 1 is found to be inapplicable to such Producers.

Persons needing Metallic Zinc, Zinc Oxide or Zinc Dust for the fulfillment of Defense Orders and who are unable to obtain the necessary Zinc should make application to the Zinc Branch of the Office of Production Management for the allocation of Zinc as in the past.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–6909; Filed, September 15, 1941; 11:53 a. m.]

[4] 6 F.R. 4489.
[5] 6 F.R. 4665.
[6] 6 F.R. 4005.

PART 958—REPAIRS

Interpretation of Preference Rating Order No. P–22

The following official interpretation is hereby issued by the Director of Priorities with respect to § 958.1, *Preference Rating Order No. P–22*,[6] dated September 9, 1941.

Where an individual, partnership, association, corporation, governmental unit or other organization operates two or more plants, one or more of which is within any of the classifications listed in paragraph (a) (1) (i-xx) of said § 958.1 and the remainder of which are not within such classifications, the Order permits the application of the preference rating only to deliveries of material required for repair purposes in those plants within the classifications specified in said paragraph (a) (1) (i-xx) of said Order. The rating may not be applied to obtain repair material for plants not engaged in the specified activities.

Issued this 15th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–6914; Filed, September 15, 1941; 11:54 a. m.]

PART 962—STEEL

Amendment to General Preference Order No. M–21

Paragraph (b) (13) (i) of § 962.1 (General Preference Order No. M–21)[7] is hereby amended to read as follows:

[7] 6 F.R. 4489.

§ 962.1 *General Preference Order No. M–21.*

* * * * *

(b) *Directions as to deliveries.*

* * * * *

(13) *Special instructions.* * * *

No Producer of Steel shall make, and no Person shall accept from a Producer, delivery of Steel unless and until a statement on Form PD–73 or in such other form as may from time to time be prescribed by the Director of Priorities has been filed as follows:

(i) Except as hereinafter provided, each purchaser shall file Form PD–73 with the Producer at the time of filing his purchase order or contract.

(ii) On orders placed prior to September 1, 1941, with deliveries to be made after September 1, 1941, Form PD–73 shall be filed with the Producer on or before October 15, 1941.

(iii) On all export sales as defined in group E of Form PD–73, Form PD–73 shall be filed not only with the Producer but also with the Iron and Steel Branch, Office of Production Management.

(iv) On all export sales as defined in group E of Form PD–73 (except sales to purchasers in the Dominion of Canada) where orders are placed prior to December 1, 1941, Form PD–73 may be filed by the accredited agent or export division of the Producer in the United States.

(v) When Steel is shipped by a Producer direct to the customer of a Warehouse, Form PD–73 is to be filed with the Producer by the customer and not by the Warehouse.

(vi) When the purchaser is the War Department or Navy Department, or a Warehouse, the purchaser may report on a single Form PD–73 all orders in a single group classification placed during a single month. In such case each Form PD–73 must be filed with the Producer on or before the fifth day of the following month.

This amendment shall take effect immediately. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM. Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629 Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 9th day of September, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–6910; Filed, September 15, 1941; 11:53 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Limited Preference Rating Order No. P–54, Material Entering Into the Production of Defense Products

§ 976.2 *Preference rating order.* For the purpose of facilitating the acquisition of material for the production of certain trucks, trailers, passenger carriers and of certain parts thereof, a preference rating is hereby assigned to deliveries for such purposes upon the following terms:

(a) *Definitions.* For the purpose of this Order:

(1) "Producer" means any individual, parnership, association, corporation, or other organization, engaged in the production of any of the products listed below entitled "Defense Products."

(2) "Defense Products" means any of the following items to be produced by the Producer:

(i) "Heavy Motor Truck" means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of three tons or more, or the chassis, body or cab therefor.

(ii) "Medium Motor Truck" means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of one and one-half tons or more, but less than three tons, or the chassis, body or cab therefor.

(iii) "Truck-trailer" means a complete semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis or body therefor.

(iv) "Passenger Carrier" means a complete motor or electric coach for passenger transportation, having a seating capacity of not less than 15 persons, or the chassis or body therefor.

(v) "Defined Parts" means only the following functional parts (including components entering into such parts) used for the manufacture or repair of heavy trucks, medium trucks, truck-trailers and passenger carriers, engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; guages, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears, coupling devices; also the exhaust, cooling, fuel and electrical systerms, including generators, lights, reflectors and batteries; and, but only as to parts for passenger carriers, heating, ventilating and door-opening equipment.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of Material which will be physically incorporated into the Defense Products.

(4) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.

(b) *Assignment of preference rating.* Subject to the terms of this Order preference rating A–3 is hereby assigned:

(1) to deliveries to a Producer by his suppliers of Materials required for the production by him of Defense Products; *Provided, however,* That when his production of the Defense Products is limited by Limitation Order No. L–1–a, or by any other order or direction of the Director of Priorities, no materials shall be obtained in quantity greater than required for this production as so limited.

(2) to deliveries to any Supplier of Material which he requires to make his rated deliveries to the Producer or to another Supplier, *provided* such material will be physically incorporated in the Defense Products.

(c) *Persons entitled to apply preference rating.* The Preference Rating hereby assigned may be applied by (1) a Producer;

(2) a Supplier, provided that he requires the Material so purchased in order to make deliveries which have been duly rated in the manner specified in paragraph (d).

(d) *Application of preference rating.* (1) A Producer in order to apply the preference rating to a delivery of material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material, signed by a responsible official duly designated for such purpose by such Producer.

CERTIFICATE OF PRODUCER APPLYING RATING

An A–3 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P–54. This application of the rating is made by the Producer upon the conditions set forth in said Order, with which we are familiar.

Authorized signature for producer

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required to the extent ordered in order to produce the number of Defense Products within the limits authorized.

(2) A Supplier in order to apply the preference rating to a delivery of Material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material signed by a responsible official duly designated for such purpose by such Supplier:

CERTIFICATE OF SUPPLIER APPLYING RATING

An A–3 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P–54. This application of the rating is made by the Supplier upon the conditions set forth in said Order, with which we are familiar.

Authorized signature for supplier.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required to the extent ordered in order to fill a purchase order placed by a Producer or Supplier duly rated in accordance herewith. Any such Supplier's purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(3) A Producer or Supplier placing any such rated purchase orders or con-

tracts and the Supplier selling the Material covered thereby, must each retain endorsed copies of such purchase orders or contracts segregated from all other purchase orders or contracts for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(e) *Restrictions on application of rating.* The preference rating hereby assigned shall not be applied:

(1) *By a producer* to obtain deliveries of materials in excess of the amount needed for the production of the Defense Products, taking into consideration existing inventories of the Producer, and subject to any limitation contained in Limitation Order L–1–a, or in any other Order or direction issued by the Director of Priorities. If a Producer has sufficient Material to produce the authorized number of Defense Products and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such Material.

(2) *By a supplier* to obtain Material in excess of the amount necessary to make rated deliveries, taking into consideration existing inventories of the Supplier. If a Supplier has sufficient Material to enable him to make his rated deliveries and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such Materials.

(3) *By a producer or a supplier.* (i) Unless the Material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of Materials on purchase orders placed after November 1, 1941,

(iv) To deliveries of materials on purchase orders calling for delivery after November 30, 1941.

(f) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order, or wilfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(g) *Reports.* Each Producer and Supplier who in any month applies the preference ratmg in the manner herein provided to any deliveries to him, shall, on or before the fifth day of the following month file with the Automotive Branch, Civilian Supply Division, Office of Production Management, Washington, D. C., a report on form to be prescribed by the Director of Priorities, setting forth the number of items or amount of materials to which the preference rating has been assigned in the preceding month, the stock of such items and amount of such materials on hand, and the number or amount used in production by him during the period from January 1 through June 30, 1941; and such other reports as the Director of Priorities may require.

(h) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time in whole or in part or in its application to any Producer or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked. No additional applications of this rating to any other deliveries shall thereafter be made by any Producer or Supplier affected by said revocation or expiration.

(i) *Effective date.* This Order shall take effect on the 12th day of September 1941, and unless sooner revoked shall expire on the 30th day of November 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 12 day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–6915; Filed, September 15, 1941; 11:55 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Limitation Order L–1–a to Restrict the Production of Medium Motor Trucks, Truck Trailers, Passenger Carriers and Replacement Parts

Whereas the manufacture of medium motor trucks, truck trailers and passenger carriers requires the utilization of large quantities of aluminum, chromium, copper, nickel, nickel steel, rubber, steel, tin, tungsten and other critical materials, and national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of medium motor trucks, truck trailers and passenger carriers is curtailed and the use of critical materials for such manufacture thereby reduced;

Now therefore, it is hereby ordered, that § 976.1 is amended to read as follows:

§ 976.1 *General limitation order L–1–a*—(a) *Definitions.* For the purposes of this Order.

(1) "Medium Motor Truck" means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of one and one-half tons or more, but less than three tons, or the chassis, body or cab therefor.

(2) "Truck-trailer" means a complete semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis or body therefor.

(3) "Passenger Carrier" means a complete motor or electric coach for passenger transportation, having a seating capacity of not less than 15 persons, or the chassis or body therefor.

(4) "Defined Parts" means only the following functional parts (including components entering into such parts) used for the manufacture or repair of heavy trucks, medium trucks, truck-trailers and passenger carriers; engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; gauges, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears, coupling devices; also the exhaust, cooling, fuel and electrical systems, including generators, lights, reflectors and batteries; and, but only as to parts for passenger carriers, heating, ventilating and door-opening equipment.

(5) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of Motor Trucks, Truck-Trailers, Passenger Carriers or Defined Parts.

(b) *General restriction.* During the period commencing September 1, 1941 and ending November 30, 1941:

(1) A Producer shall not manufacture more than one-half the number of Medium Motor Trucks, Truck-Trailers and Passenger Carriers, as the case may be, produced by him during the period from January 1, 1941 to June 30, 1941.

(2) A Producer shall not manufacture, for replacement purposes, more than 60% of that number of Defined Parts sold by him for replacement purposes during the period from January 1, 1941 to June 30, 1941.

(3) The determination of the number of each category of vehicles produced, or of each category of parts sold, during the period from January 1, 1941 to June 30, 1941, shall exclude, and the foregoing limitation upon the number of each category of vehicles or parts which may be produced by any Producer during the three-month period, September 1, 1941 to November 30, 1941, shall not apply to any such vehicles or parts produced under contracts or orders for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(4) Each Producer must comply with such directions and instructions as may be issued from time to time by the Director of Priorities of the Office of Production Management with respect to the reduction or elimination of scarce materials in the production of motor trucks, truck-trailers, passenger carriers and parts or components therefor.

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(e) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(f) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Automotive Branch of the Division of Civilian Supply, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1841, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 5875, Aug. 28, 1941; 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 12 day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–6916; Filed, September 15, 1941; 11:55 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

General Limitation Order L–3 To Restrict the Production of Light Motor Trucks

Whereas, the manufacture of light motor trucks requires the utilization of large quantities of copper, nickel, nickel steel, rubber, steel, tin, tungsten and other critical materials, and national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the current rate of manufacture of light motor trucks is restricted and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 976.3 *General limitation order L–3*—(a) *Definitions.* For the purposes of this Order:

(1) "Light Motor Truck" means a complete motor truck or truck tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of less than one and one-half tons.

(2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of light motor trucks.

(b) *General restrictions.* No Producer shall hereafter manufacture Light Motor Trucks in greater numbers than specifically authorized herein or from time to time hereafter by the Director of Priorities.

(c) *Immediate restrictions.* During the period commencing August 1, 1941, and ending November 30, 1941, the manufacture of Light Motor Trucks by each Producer thereof is hereby restricted to a number equal to 28 percent of such Producer's average annual production of Light Motor Trucks during the three years commencing August 1, 1938, and ending July 31, 1941, and no Producer shall manufacture Light Motor Trucks during such four months period in excess of such number.

(d) *Distribution among models, types and series.* So far as practicable, each Producer shall distribute his total production of Light Motor Trucks among various models, series, types and price classes of Light Motor Trucks in the same proportion as he maintained on an average for the three model years terminating in 1941.

(e) *Exemption of production of light motor trucks for governmental use.* Nothing in this Order shall limit, and each Producer is specifically authorized to manufacture in addition to the number of Light Motor Trucks Authorized above, any number of Light Motor Trucks under specific contracts or orders placed by or for the account of:

(1) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(2) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(3) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(f) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this Order shall upon request be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(i) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(j) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(k) *Appeal.* Any Producer affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director of Priorities by addressing a letter to the Automotive Branch, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(l) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, August 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6913; Filed, September 15, 1941; 11:54 a. m.]

PART 980—RAYON YARN

General Preference Order M-37 To Conserve the Supply and Direct the Distribution of Rayon Yarn

Whereas because of National Defense requirements drastic restrictions have been placed upon deliveries and processing of raw silk, and such restrictions have operated to increase the demand for rayon yarn and thus create a shortage of such yarn; and

Whereas the total output of the rayon yarn industry is at present insufficient to meet the total of defense needs and existing civilian demand, plus the new civilian demand caused by the substitution of rayon yarn for silk; and

Whereas because of such shortage of rayon yarn, it is necessary and appropriate in the public interest and to promote the national defense to allocate such rayon yarn in the manner and to the extent in this Order provided; and

Whereas the Office of Price Administration and Civilian Supply issued a Civilian Allocation Program for rayon yarn on August 2, 1941, which became effective on August 4, 1941, and has from time to time been modified, and it is advisable to continue and implement said Program as now modified;

Now, therefore, it is hereby ordered, That:

§ 980.1 *General preference order*—(a) *Applicability of Priorities Regulation No. 1.* All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, shall be deemed a part of this Order.

(b) *Additional definitions.* For the purposes of this Order

(1) "Rayon yarn" means continuous filament rayon yarn made by the cuprammonium, viscose or acetate process.

(2) "Producer" means and includes any person who manufactures rayon yarn.

(c) *Directions with respect to residual supply*—(1) *Rayon yarn produced by the viscose and cupra-ammonium processes.* (i) After providing for defense orders in accordance with the provisions of Priorities Regulation No. 1, each producer using the viscose or cupra-ammonium processes shall each day hereafter set aside an amount of his rayon yarns so manufactured, of the types set forth in subparagraph (5) below equal to 10% of such producer's total output for that day. In addition, each such producer shall set aside in the month of September an amount of the said rayon yarns of the types set forth below equal to 10% of all stocks of rayon yarn which such producer had on hand on August 4, 1941, together with 10% of such producer's total output of the said rayon yarns during the period from August 4, 1941, to the effective date of this Order, less any amount which has heretofore been sold or disposed of in accordance with the provisions of the allocation program of the Office of Price Administration and Civilian Supply as from time to time heretofore amended.

(ii) Each such producer shall sell and deliver the amounts so set aside to former users of silk to take the place of silk formerly consumed by them, only as follows:

(a) 70% of the said amount to manufacturers, jobbers, and converters, for use in making hosiery.

(b) 15% of said amount to manufacturers, jobbers, and converters, for use in making products other than hosiery.

(c) 15% of said amount to such persons and in such amounts as the Director of Priorities shall specify as necessary for the relief of undue hardship.

(2) *Rayon yarn produced by the acetate process.* (i) After providing for defense orders in accordance with the provisions of Priorities Regulation No. 1, each producer using the acetate process shall each day hereafter set aside an amount of his rayon yarns so manufactured of the types set forth in subparagraph (5) below equal to 3% of such producer's total output for that day. In addition, each such producer shall set aside in the month of September an amount of the said rayon yarns of the types set forth below equal to 3% of all stocks of rayon yarn which such producer had on hand on August 4, 1941, together with 3% of such producer's total output of the said rayon yarns during the period from August 4, 1941, to the effective date of this Order, less any amount which has heretofore been sold or disposed of in accordance with the provisions of the allocation program of the Office of Price Administration and Civilian Supply as from time to time heretofore amended.

(ii) Each such producer shall sell and deliver the amounts so set aside to former users of silk to take the place of silk formerly used by them, only as follows:

(a) 50% of the said amount to manufacturers, jobbers, and converters, for use in making products other than hosiery.

(b) 50% of the said amount to such persons and in such amounts as the Director of Priorities shall specify as necessary for the relief of undue hardship.

(3) *No discrimination in sales.* In making sales or deliveries pursuant to subparagraphs (1) (ii) (a), (1) (ii) (b) or (2) (ii) (a) hereof, no producer shall discriminate among persons eligible to purchase such yarns in favor of former customers for rayon yarn.

(4) *No limitation on balance of yarn.* After providing for all deliveries under defense orders, and after setting aside the amounts of yarn specified in subparagraphs (1) and (2) hereof, each producer may sell and deliver rayon yarn without limitation.

(5) *Allocation by types.* Each producer in complying with subparagraphs (1) and (2) hereof shall set aside for such purposes types of rayon yarn from which it is practical to manufacture hosiery and other products heretofore made largely or wholly from silk. So far as the producer's plant and method of doing business make such a course possible, the amount of rayon yarn so set aside, by types, shall be in denier sizes and lusters in approximate proportion to the general demand therefor by manufacturers of hosiery and by other manufacturers whose products have heretofore been made largely or wholly from silk.

(6) *Doubtful cases.* Whenever there is reasonable doubt as to the eligibility of any person to receive rayon yarn hereunder, the matter should be referred to the Division of Priorities for determination with a statement of all pertinent facts.

(7) *Appeals for relief from hardship.* Any person affected by this Order, who considers that exceptional and unreasonable hardship has been imposed upon him thereby, may appeal to the Division of Priorities, by letter or telegram, setting forth the pertinent facts, addressed to the Division of Priorities, Silk Substitution Appeals Section, Office of Production Management, Social Security Building, Washington, D. C. In every case where any such appeal requests delivery of rayon yarn under subparagraphs (1) (ii) (c) or (2) (ii) (b) hereof, it should be accompanied by 2 copies of Form PD 102[1] properly filled out and executed. A copy of said form is annexed hereto as Exhibit A.

(8) *Reports.* Each producer shall file with the Division of Priorities, Silk Substitution Appeals Section, at the times specified thereon, reports on Forms PD 103 (a), 103 (b), and PD 104,[1] copies of which are annexed hereto as Exhibits B and C.

(9) *No representation as to suitability of any process of rayon manufacture or of rayon yarn for any purpose.* Nothing herein contained shall be construed as any representation by the Government as to the suitability or adaptability of rayon yarn manufactured by any process as a substitute for silk in hosiery or in any other product or as to the better suitability therefor of rayon yarn manufactured by any process as compared with such yarn manufactured by any other process.

(d) *Effective date.* This Order shall take effect immediately upon issuance thereof and shall expire at midnight on September 30, 1941, unless sooner terminated by direction of the Director of Priorities. (P.D. Reg. 1, August 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; E.O. 8875, August 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, 3d Sess., as amended by Public No. 89, 77th Congress, 1st Sess.; sec. 9, Public No. 783, 77th Congress, 3d Sess.)

Issued this 13th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6911; Filed, September 15, 1941; 11:54 a. m.]

PART 981—PASSENGER AUTOMOBILES

General Limitation Order L-2 to Restrict the Production of Passenger Automobiles

Whereas the manufacture of passenger automobiles consumes large quantities of aluminum, chromium, copper, nickel, nickel steel, rubber, steel, tin and tungsten; national defense requirements have created a shortage in these materials for defense, for private account and for export; action has already been taken to conserve the supply and direct the distribution of each of these materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and assential civilian requirements unless the current rate of manufacture of passenger automobiles is greatly curtailed and consumption of these materials thereby greatly reduced;

Now, therefore, it is hereby ordered, That:

§ 981.1 *General limitation order*—(a) *Definitions.* For the purposes of this Order:

(1) "Passenger Automobile" means any passenger vehicle, including station wagons and taxicabs, propelled by internal combustion engine and having a seating capacity of not more than eight.

(2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of passenger automobiles.

(b) *General restrictions.* No Producer shall hereafter manufacture Passenger Automobiles in greater number than specifically authorized herein or from time to time hereafter by the Director of Priorities.

(c) *Authorized quotas.* (1) During the period commencing August 1, 1941, and ending November 30, 1941, Producers shall respectively manufacture not more than the following numbers of Passenger Automobiles:

Name of producer:	*Number of passenger automobiles*
General Motors	361,815
Chrysler Corporation	188,849
Ford Motor Company	151,845
Studebaker	35,289
Hudson	25,874
Nash-Lafayette	21,972
Packard	23,058
Willys-Overland	7,768
Crosley	1,901

(2) Any Producer for whom this Order does not establish an authorized quota may apply for such authorization to the Automotive Branch, Office of Production Management.

(d) *Distribution among makes.* Producers who manufacture more than one make of Passenger Automobile shall select either Option A or Option B listed below, and shall distribute their production of Passenger Automobiles during the period specified above in accordance with the option selected, manufacturing not more than the number of each make of Passenger Automobile specified in the particular option selected:

Name of make:	*Number under option A*	*Number under option B*
Chevrolet	187,821	180,509
Buick	65,726	65,525
Pontiac	52,296	47,348
Oldsmobile	45,394	46,964
Cadillac and LaSalle	10,578	11,469
Plymouth	100,612	97,106
Dodge	47,394	43,927
Chrysler	24,081	29,479
DeSoto	16,762	18,337
Ford	129,063	130,101
Mercury	17,662	17,462
Lincoln-Zephyr	5,100	4,282

(e) *Distribution among Models, types and series.* So far as practicable, each Producer shall distribute his total production of Passenger Automobiles among various models, series, types and price classes of Passenger Automobiles in the same proportion as he maintained on an average for the three model years terminating in 1941.

(f) *Exemption of production of passenger automobiles for Governmental use.* Nothing in this Order shall limit, and each Producer is specifically authorized to manufacture in addition to the quota set forth above, any number of Passenger Automobiles under specific contracts or orders placed by or for the account of:

(1) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(2) the government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(3) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(g) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(h) *Audit and inspection.* All records required to be kept by this Order shall upon request be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(i) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(j) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed

[1] Filed as part of the original document.

appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(k) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of September, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6912; Filed, September 15, 1941; 11:54 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

Price Schedule No. 9 [1]—Hides, Kips and Calfskins, is hereby amended by adding thereto two new sections numbered § 1314.7a and § 1314.15, and by amending §§ 1314.10, 1314.11 and 1314.12 to read as follows:

§ 1314.7a *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hides, kips or calfskins, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by upgrading, tying-agreement or other trade understanding, or otherwise. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.10 *Definitions.* (a) The term "person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "hides, kips or calfskins" means hides and skins of domestic cattle of the bovine species.

(c) The term "domestic" means originating from the continental United States.

(d) The term "broker" means any person who acts on behalf of a principal in connection with the collection, sale, purchase, receipt or shipment of hides, kips or calfskins.

(e) The term "carload" means a shipment of 36,000 pounds.

(f) The term "New York City trim" means the standard trim prevailing in and about New York City in which the skin has the head cut straight off behind the ears, and the shanks cut off at the knee or above.

(g) The term "Pacific Coast" means the states of California, Washington, Oregon, Arizona, Nevada, Idaho, and Utah, and that part of Montana, Wyoming, Colorado, and New Mexico west of Denver, Colorado.

(h) The term "Pacific Coast Trimmed" means the standard short trim prevailing in the Pacific Coast.

(i) All other trade terms used in this Schedule shall have the meanings generally accepted in the trade. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.11 *Appendix A, maximum prices for domestic hides*—(a) *Packer classifications sold on a selected basis.*

STANDARD PRESENT TRIM, TARE ALLOWANCE AND DELIVERY

	Price per lb., f. o. b. Chicago, freight equalized [1]	
	No. 1's	*No. 2's*
Native Steers, heavy and light	$0.15½	$0.14½
Native Steers, extreme light (23 to 48 lbs.)	.15½	.14½
Heavy Native Cows (53 lbs. and up)	.15½	.14½
Light Native Cows (less than 53 lbs.)	.15½	.14½
Butt Branded Steers	.14½	.13½
Texas Steers, heavy and light	.14½	.13½
Texas Steers, extreme light (23 to 48 lbs.)	.15	.14
Colorado Steers	.14	.13
Branded Cows	.14½	.13½
Native Bulls	.12	.11
Branded Bulls	.11	.10

PREMIUM FOR HIDES OTHER THAN PACKER CLASSIFICATIONS SOLD ON A SELECTED BASIS

A seller who does not grade his hides according to packer classifications but allows a one cent per pound discount for No. 2's may charge a premium of one-half cent per pound over the maximum prices set forth above for hides other than packer classifications.

Tare allowance. A tare allowance of not less than 2% shall be allowed on all sales of hides other than packer classifications. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.12 *Appendix B, maximum prices for domestic kips and calfskins*—(a) (1) *Packer calf and kip skins sold on a selected basis.*

NO. 1 SELECTION, STANDARD PRESENT TRIM, TARE ALLOWANCE AND DELIVERY

	Price per lb., f. o. b. Chicago, freight equalized [1]
Chicago Packer Heavy Northern (9½–15 lbs.)	$0.27
Chicago Packer Lights (less than 9½ lbs.)	.23½
Packer Kips, No. 1 Northern Native (15–25 lbs.)	.20
Packer Kips, No. 1 Northern Overweight, (Kips over 25 lbs.)	.19
Branded Kips	.17½
Slunks, regular	1.10 each, flat
Slunks, hairless	.55 each, flat

[1] The term "F. O. B. Chicago, Freight Equalized" shall have the same meaning as that set forth in Note 1 to Appendix A.

(2) *Chicago city calf and kip skins sold on a selected basis.*

NO. 1 SELECTION, STANDARD PRESENT TRIM, TARE ALLOWANCE AND DELIVERY

	Price per lb., f. o. b. shipping point
Chicago City (10 to 15 lbs.)	$0.23
Chicago City (8 to 10 lbs.)	.20½
Chicago City Native Kips (15–25 lbs.)	.18
Chicago City Branded Kips	.17
Chicago City Overweight Kips (Kips over 25 lbs.)	.17

	Prices per skin, f. o. b. shipping point
Chicago City (less than 8 lbs.)	$1.43

(3) *New York City packer and collector calf and kip skins sold on a selected basis.*

NO. 1 SELECTION, NEW YORK CITY TRIM—STANDARD TARE ALLOWANCE AND DELIVERY

	Price per skin, f. o. b. shipping point
New York Packer (3 to 4 lbs.)	$1.25
New York Packer (4 to 5 lbs.)	1.40
New York Packer (5 to 7 lbs.)	1.80
New York Packer (7 to 9 lbs.)	2.80
New York Packer (9 to 12 lbs.)	3.80
New York Packer (12 to 17 lbs.)	4.20
New York Packer (17 lbs. or more)	4.60
New York Collector (3 to 4 lbs.)	1.15
New York Collector (4 to 5 lbs.)	1.30
New York Collector (5 to 7 lbs.)	1.65
New York Collector (7 to 9 lbs.)	2.60
New York Collector (9 to 12 lbs.)	3.55
New York Collector (12 to 17 lbs.)	3.95
New York Collector (17 lbs. or more)	4.35

Calf and Kip skins of the classifications set forth above which fail to meet present generally accepted standards of selection, trim, tare allowance or delivery, shall be sold at a price less than the applicable maximum price set forth above.

Maximum prices for No. 2's. The maximum price for No. 2 Calf and Kip skins of the classifications set forth above

(b) *Hides other than packer classifications sold on an unselected basis.*

	Price per lb., f.o.b. Chicago, freight equalized [1]	
	Trimmed	*Untrimmed*
Free of Brand Steers and Cows	$0.15	$0.14½
Branded Steers and Cows	.14½	.14
Free of Brand Bulls	.11½	.11
Branded Bulls	.10½	.10

[1] The term "F.O.B. Chicago, Freight Equalized" used in this Schedule has the meaning generally accepted in the industry, to wit: The maximum price F.O.B. Chicago, Freight Equalized, which a purchaser may pay under this Schedule shall not exceed the maximum price set forth above plus either (a) freight from Chicago to destination or (b) freight from shipping point to destination, whichever is less; except that on shipments by sellers from points located east of Chicago, Illinois, the maximum price is F.O.B. shipping point.

[1] 6 F.R. 2909.

shall not exceed the maximum price for each such classification reduced by a discount of 10%.

(b) *Country calf and kip skins.*

	Price, flat for No. 1's and No. 2's, per lb. f. o. b. shipping point
Country Calf (10 lbs. and down)	$0.16
Country Calf (10 to 15 lbs)	.18
Country Kips (15 lbs. or more)	.16

(c) *Pacific coast calf and kip skins.*[1]

STANDARD TARE ALLOWANCE AND DELIVERY

	Price per lb., f. o. b. shipping point
Pacific Coast Kips (15 lbs. or more)	$0.19¼
Pacific Coast New York City Trimmed Kips (15 lbs. or more)	.21
Pacific Coast Trimmed Calf (6 to 13 lbs.)	.26
Pacific Coast Trimmed Calf (13 to 15 lbs.)	.23½

	Price per skin f. o. b. shipping point
Pacific Coast Calf (less than 6 lbs.)	$1.25

Pacific Coast Calf and Kip skins which fail to meet present generally accepted standards of tare allowance or delivery shall be sold at a price less than the applicable maximum price set forth above. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.15 *Effective date of this amendment.* This amendment (§§ 1314.7a, 1314.10, 1314.11, and 1314.12) shall become effective September 13, 1941: *Provided, however,* That firm commitments entered into prior to September 13, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices heretofore established by Price Schedule No. 9, but higher than any maximum price established by this amendment thereto, may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before November 15, 1941. (Executive Order No. 8734, 6 F.R. 1917)

Issued this 12 day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-6871; Filed, September 12, 1941, 3:21 p. m.]

[2] The maximum price of any calfskin originating in the Pacific Coast, but not Pacific Coast trimmed, shall not exceed 80 per cent of the maximum price set forth above for Pacific Coast trimmed calf of corresponding weight except that (1) in the case of skins weighing less than six pounds, the maximum price of $1.25 per skin shall apply to both trimmed and untrimmed skins, and (2) New York City trimmed calfskins originating in the Pacific Coast weighing 15 pounds or less may be sold by the skin at prices not exceeding the maximum prices established above for New York Collector skins.

CHAPTER XII—FEDERAL WORKS ADMINISTRATOR

PART 1201—DISCRIMINATION IN DEFENSE HOUSING OR DEFENSE PUBLIC WORKS

AMENDMENT TO REGULATION, DATED JANUARY 6, 1941, PROVIDING AGAINST DISCRIMINATION IN WORK ON DEFENSE HOUSING, TO PROVIDE AGAINST DISCRIMINATION IN WORK ON DEFENSE PUBLIC WORKS

The Regulation providing against discrimination in work on defense housing, dated January 6, 1941 (6 F.R. 196), is hereby amended to read as follows:

§ 1201.1 *Prohibiting discrimination in employment.* There shall be no discrimination by reason of race, creed, color, national origin or political affiliations in the employment of persons, qualified by training and experience, for work in the development of defense housing or defense public works at the sites thereof. (Sec. 308, Public No. 849, 76th Congress, as amended by Public No. 42 and Public No. 137, 77th Congress.)

In testimony whereof, I have hereunto set my hand and official seal in the city of Washington this 11th day of September 1941.

[SEAL] JOHN N. EDY,
Acting Administrator.

[F. R. Doc. 41-6880; Filed, September 15, 1941; 9:34 a. m.]

PART 1201—DISCRIMINATION IN DEFENSE HOUSING OR DEFENSE PUBLIC WORKS

SUPPLEMENT TO REGULATION, DATED MARCH 4, 1941, PROVIDING AGAINST DISCRIMINATION IN WORK ON DEFENSE HOUSING, TO PROVIDE AGAINST DISCRIMINATION IN WORK ON DEFENSE PUBLIC WORKS

Part 1201 is amended by adding the following new section:

§ 1201.3 *Negro labor and defense public works.* In order to ascertain compliance, in respect to Negro labor, with § 1201.1, providing against discrimination in work on defense housing or defense public works, it is requested that:

(a) Contracting officers in charge of the development of defense public works undertaken, and public and private agencies to which loans or grants are made for defense public works, pursuant to the Act of October 14, 1940 (Public No. 849, 76th Congress), as amended by the Act of April 29, 1941 (Public No. 42, 77th Congress) and by the Act of June 28, 1941 (Public No. 137, 77th Congress), shall after the effective date of this section:

(1) Submit to each contractor engaged in constructing any such defense public works, the percentage of Negro skilled and unskilled labor in the locality of the project, as reflected by the Federal census and other relevant data, as determined by the Director of the Defense Public Works Division.

(2) Require each contractor engaged in constructing any such defense public works to indicate by notation (W for Non-Negro, N for Negro) on pay-roll forms required to be submitted to the Government, or to such public or private agencies, the race of each laborer, skilled or unskilled, listed on such payroll forms; and

(3) Ascertain and report to the Director of the Defense Public Works Division at the end of each 4-week period of such construction, the respective amounts paid by each such contractor during such period as wages, for work in the development of defense public works at the sites thereof to (i) Non-Negro skilled labor (irrespective of individual trades); (ii) Negro skilled labor (irrespective of individual trades); (iii) Non-Negro unskilled labor; and (iv) Negro unskilled labor.

(b) If the percentages, of the total amounts so paid for all skilled labor and for all unskilled labor, that are paid, respectively, to Negro skilled and unskilled labor approximate the respective percentages of Negro skilled and unskilled laborers in the locality (as submitted to the contractor by the contracting officer or by the public or private agency), there shall be deemed to be prima facie evidence that the contractor is not discriminating against Negro labor. Otherwise, or if any contractor shall fail or refuse to make the payroll notations hereinabove referred to, the contracting officer (as to defense public works constructed pursuant to sub-paragraph (b) of section 202 of said Act of October 14, 1940, as amended) or the public or private agency (as to defense public works for which loans or grants have been made pursuant to sub-paragraph (c) of section 202 of said Act of October 14, 1940, as amended) shall investigate and report the reasons therefor to Director of the Defense Public Works Division.

(c) Copies of this section shall be distributed to all contractors engaged in the development of defense public works under the aforesaid Act of October 14, 1940, as amended by said Act of April 29, 1941, and by said Act of June 28, 1941.

(d) As used in this section, the term "contractor" includes subcontractors. (Sec. 308, Public No. 849, 76th Congress, as amended by Public No. 42 and Public No. 137, 77th Congress.)

In testimony whereof, I have hereunto set my hand and official seal in the city of Washington this 11th day of September, 1941.

[SEAL] JOHN N. EDY,
Acting Administrator.

[F. R. Doc. 41-6881; Filed, September 15, 1941; 9:34 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

§ 3.1300 *Military and naval retirement pay.* Disability compensation or pension may not be awarded to a veteran for any period during which he receives retirement pay or retainer pay as a member of the Fleet Reserve or, if an officer or enlisted man on the retired lists of the Navy or Marine Corps or an officer on the retired list of the Army, for any period during which he retains his retired status with the military or naval services. However, on and after June 30, 1941, an enlisted man of the regular Army or of the Philippine Scouts on the retired list

who is eligible to receive pension or compension under the laws administered by the Veterans' Administration, if he were not receiving retired pay, may waive receipt of retired pay and allowances for the purpose of receiving such pension or compensation; and thereafter such retired enlisted man may waive receipt of such pension or compensation for the purpose of receiving retired pay and allowances. To prevent concurrent payments, when waiver of receipt of retired pay and allowances for the purpose of receiving pension or compensation is filed in the War Department that Department shall notify the Veterans' Administration of the receipt of such waiver and the effective date of the stoppage of retired pay and allowances. Similar report to the War Department shall be rendered by the Veterans' Administration when waiver of receipt of pension or compensation is filed in the Veterans' Administration for the purpose of receiving retired pay and allowances. (Section 4, Public No. 140, 77th Congress.) Where a claim for disability compensation or pension is filed by a retired officer or enlisted man, such claim will be fully developed and adjudicated to the point where it may be ascertained what pecuniary benefits are payable. The applicant will be duly informed of the amount of compensation or pension which would be payable except for his retirement status and instructed to notify the Veterans' Administration and the proper service department whether he desires, if an officer or enlisted man on the retired lists of the Navy or Marine Corps or an officer on the retired list of the Army, that his retired status be terminated and, if a retired enlisted man of the regular Army or of the Philippine Scouts, whether he desires to waive retired pay and allowances. Upon receipt of notice from the respective service department of the termination or waiver of the retired status compensation or pension otherwise payable may be awarded from the date following the termination or suspension of the retired status. In all instances, including the claims of Philippine Scouts, where retirement pay has heretofore been terminated by the appropriate service department upon the basis of a waiver or otherwise and compensation or pension has been awarded it will be considered that the veteran's retirement status was properly terminated and that the veteran had elected to receive compensation or pension and the awards will be continued. (Comp. Gen. Dec. A–25279, dated 6–28–29, 7–25–40, and 12–6–40) (September 15, 1941) [Sec. 4, Pub. No. 140, 77th Cong.]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41–6900; Filed, September 15, 1941; 11:28 a. m.]

Notices

WAR DEPARTMENT.

[Change Order No. B; 7/11/41]

SUMMARY OF CHANGE ORDER TO CONTRACT FOR CONSTRUCTION

CONTRACTOR: FRASER-BRACE ENGINEERING CO., INC., NEW YORK, N. Y.

Summary of change order [1] to Cost-Plus-a-Fixed-Fee Contract No. W 6977, qm–1,[2] Dated October 29, 1940, published in FEDERAL REGISTER January 28, 1941, (collateral to Contract No. W–ORD–482, dated October 23, 1940, between The United States of America and Atlas Powder Company, as amended and modified by Supplemental Contract W–ORD–482 Supp. 1, dated May 29, 1941) between the United States of America and Fraser-Brace Engineering Company, Inc., New York, New York, for the construction of and equipment of a plant for the manufacture of TNT and DNT at Weldon Springs, Missouri.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Provide the necessary Design, Engineering and Construction services incident to the following changes in the work:

Add to the description of the work now set forth under Article I of the principal contract, as modified and amended, the construction of additional utilities.

Omit from the description now set forth under Article I of the principal contract, as modified and amended, the construction of * * *. (The work herein is not considered a material change in the scope of the work under the original contract and, therefore, no adjustment in the fixed-fee is allowed on this work.)

The above will result in a net increase in the estimated construction cost and Contractor's Fixed-Fee as follows:

Increase the estimated construction cost by	$1,150,000
Total estimated cost (after deductions, indicated above) including this change order	25,859,470
Total fixed-fee including this change order	746,290
Contractor's fixed-fee	No change

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6882; Filed, September 15, 1941; 9:36 a. m.]

[1] Approved by the Under Secretary of War July 30, 1941.
[2] 6 F.R. 630.

[Contract No. W–ORD–520]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: HERCULES POWDER COMPANY, WILMINGTON, DELAWARE

Contract [1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of trinitrotoluene.

Place: Near Chattanooga, Tennessee.

Estimated cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: $27,494,932.00.

Fixed-fee for management service under Title I: $115,480.00.

Estimated cost of procuring equipment under Title II: $9,664,800.00.

Fixed-fee for procuring equipment under Title II: $1.00.

Estimated cost of training key personnel under Title III (optional): $375,000.00.

Fixed-fee for training key personnel under Title III: $1.00.

Estimated cost of operation under Title IV (optional): $11,400,000.00.

Fixed-fee for operation under Title IV: $ * * * per lb. of TNT.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27,037 P99 A0141–02
ORD 27,035 P99 A0141–02
ORD 50,185 P510–31 A0025–13
ORD 50,186 P531–32 A0025–13

This contract, entered into this 1st day of August 1941.

TITLE I—*Management Service*

ARTICLE I–A. *Description of new ordnance facility.* The new ordnance facility, hereinafter referred to as the "Plant", and designated as Volunteer Ordnance Works, shall comprise a plant at or near Chattanooga, Tennessee, upon a site to be furnished and made available by the Government, for the manufacture of trinitrotoluene (hereinafter referred to as "TNT").

ART. I–B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I–A hereof.

2. In the performance of the work described in Section 1 of this Article I–B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design and engineering and subcontract for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I–C. *Estimates.* 1. It is estimated that the total cost of the work under this Title I will be approximately Twenty-Seven Million Four Hundred Ninety-Four Thousand Nine Hundred Thirty-Two Dollars ($27,494,932.00), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I–D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of one hundred fifteen thousand four hundred eighty dollars ($115,480.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—*Procurement of Production Equipment*

ART. II–A. *Statement of work.* The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required, by subcontract or otherwise.

ART. II–B. *Estimates.* It is estimated that the total cost under this Title II will be approximately nine million six hundred sixty-four thousand eight hundred dollars ($9,664,800.00) exclusive of the Contractor's fee.

ART. II–C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of one dollar ($1.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE III—*Training of Key Personnel (Optional)*

ART. III–A. *Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants, at Ordnance establishments, or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV–A of Title IV.

ART. III–B. *Estimate.* It is estimated that the cost of the work under this Title III will be approximately three hundred seventy-five thousand dollars ($375,000.00), exclusive of the Contractor's fee.

ART. III–C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar ($1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (Optional)*

ART. IV–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor of the notice provided for in Section 1 of Article III–A of Title III and receipt within * * * months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall so notify the Contracting Officer in writing and shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the production of an initial quantity of * * * pounds of TNT; it being estimated that said initial quantity shall be equivalent to approximately * * * months operation of the Plant.

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of an additional quantity of * * * pounds of TNT, and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in Section 2 of Article IV–C, hereof).

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV will be eleven million four hundred thousand dollars ($11,400,000.00), exclusive of the cost of continued operation covered by the option therefor provided in section 4 of Article IV–A hereof, and exclusive of the Contractor's fee.

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for the work under Article IV–A hereof of * * * per pound of TNT, manufactured hereunder and accepted by the Government, which fee shall constitute complete compensation for Contractor's services.

TITLE V—*Cost of the Work and Payment Therefor*

ART. V–A. *Reimbursement for contractor's expenditures.* 1. The Contractor shall be reimbursed in the manner hereinafter described for such of its actual expenditures in the performance of the work under this contract, as may be ap-

[1] Approved by the Under Secretary of War, August 19, 1941.

proved or ratified by the Contracting Officer.

ART. V–B. *Payments—Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph *a* of Section 1 shall be subject to the provisions of Article V–C.

Payment of the fixed-fees. a. The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

b. The fixed-fee of one dollar ($1.00) provided for in Article II–C shall be paid upon the completion of the work provided provided therein.

c. The fixed-fee of one dollar ($1.00) provided for in Article III–C shall be paid upon the completion of the work provided therein.

d. Ninety percent (90%) of the fixed-fee provided for in Article IV-C of Title IV shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

Final payment. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Sections 3 and 4, respectively of Article IV-A of Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V–C. *Advances.* 1. At any time, and from time to time, after the execution of this contract, the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI—*Termination*

ART. VI–A. *Termination by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII—*General*

ART. VII–B. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII–C. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public No. 703, 76th Congress), and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6883; Filed, September 15, 1941; 9:36 a. m.]

[Contract No. W–ORD–524]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: HERCULES POWDER COMPANY, WILMINGTON, DELAWARE

Contract[1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of anhydrous ammonia.

Place: Louisiana, Mo.

Estimated Cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: $9,222,452.00.

Fixed-Fee for management service under Title I: $100,000.00.

Estimated Cost of procuring equipment under Title II: $8,534,800.00.

Fixed-Fee for procuring equipment under Title II: $2,000.00.

Estimated Cost of Training Key Personnel under Title III: (Optional): $220,440.00.

Fixed-Fee for Training Key Personnel under Title III: $1.00.

Estimated Cost of operation under Title IV (Optional): $1,865,640.00.

Fixed-Fee for operation under Title IV: $ * * * per ton.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: ORD 50193 P510–31 A 0025–13, ORD 50194 P540–30 A 0025–13, ORD 27040 P–99 A 0141–02, ORD 27041 P–99 A 0141–02.

This contract, entered into this 1st day of August, 1941.

TITLE I—*Management Service*

ARTICLE I–A. *Description of new ordnance facility.* The new ordnance facility, hereinafter referred to as the "Plant", and designated as Missouri Ordnance Works, shall comprise a plant at or near Louisiana, Mo. upon a site to be furnished and made available by the Government, for the manufacture of anhydrous ammonia.

ART. I–B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I–A hereof.

2. In the performance of the work described in Section 1 of this Article I–B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design and engineering and for the construction (including the installation of production equipment) of the Plant, with Subcontractors selected by the Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches and othe available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I–C. *Estimates.* It is estimated that the total cost of the work under this Title I will be approximately nine million two hundred twenty two thousand four hundred fifty two dollars ($9,222,452.00), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I–D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of one hundred thousand dollars ($100,000.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—*Procurement of Production Equipment*

ART. II–A. *Statement of work.* The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required, by subcontract or otherwise.

ART. II–B. *Estimates.* It is estimated that the total cost under this Title II will be approximately eight million five hundred thirty four thousand eight hundred dollars ($8,534,800.00), exclusive of the Contractor's fee.

ART. II–C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of two thousand dollars ($2,000.00), which shall constitute complete compensation for the Contractor's services.

TITLE III—*Training of Key Personnel (Optional)*

ART. III–A. *Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV–A of Title IV.

ART. III–B. *Estimate.* It is estimated that the cost of the work under this Title III will be approximately two hundred twenty thousand four hundred forty dollars ($220,440.00), exclusive of the Contractor's fee.

ART. III–C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar ($1.00), which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (Optional)*

ART. IV–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor of the notice provided for in Section 1 or Article III–A of Title III and receipt within * * * months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the manufacture of * * * net tons of anhydrous ammonia which it is estimated will require * * * months after the commencement of operation of the Plant.

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in Section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional anhydrous ammonia as the Government may desire within the capacity of the Plant for an additional period of * * * months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in Section 3 of Article IV–C, hereof).

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV will be one million eight hundred sixty-five thousand six hundred forty dollars ($1,865,640.00), exclusive of the cost of continued operation covered by the option therefor provided in Section 4 of Article IV–a hereof, and exclusive of the Contractor's fee.

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for operation provided in Section 3 of Article IV–A of this Title IV of * * * per ton on the initial quantity of anhydrous ammonia produced hereunder and accepted by the Government; which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

3. A fixed-fee for continued operation provided in Section 4 of Article IV–A of this Title IV of * * * per ton of anhydrous ammonia produced hereunder and accepted by the Government; which fee shall constitute complete compensation for Contractor's services during continued operation.

TITLE V—*Cost of the Work and Payment Therefor*

ART. V–A. *Reimbursement for contractor's expenditures.* The Contractor shall be reimbursed in the manner hereinafter described for such of its actual expenditures in the performance of the work under this contract, as may be approved or ratified by the Contracting Officer.

ART. V–B. *Payments — Reimbursement for cost.* 1. a. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this Paragraph *a* of Section 1 shall be subject to the provisions of Article V–C.

Payment of the fixed-fees. 2. a. The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

b. The fixed-fee provided for in Article II–C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

c. The fixed-fee of one dollar ($1.00) provided for in Article III–C shall be paid upon the completion of the work provided therein.

d. Ninety percent (90%) of the fixed-fee provided for in Article IV–C of Title IV shall be paid promptly after the close

[1] Approved by the Under Secretary of War August 19, 1941.

of the calendar month in which such finished product is inspected and accepted.

Final payment. 4. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Sections 3 and 4 respectively of Article IV–A of Title IV, the Government shall pay to the Contractor, the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V–C. *Advances.* At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI—*Termination of Contract: Disposition of Plant*

ART. VI–A. *Termination by government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

ART. VI–B. *Disposition of plant.* 2. At any time within * * * years after the completion of the entire Plant, and its acceptance by the Government, the Contractor shall have the right and option, to be exercised by written notice from the Contractor to the Contracting Officer, to purchase the Plant (including land and easements acquired in connection therewith).

6. In the event that the Contractor shall purchase the Plant under the terms of this Article VI–B, the Contractor agrees that so long as and to the extent that it owns and operates said Plant for the manufacture of ammonia, it will make such Plant available under the Contractor's management for the Government during any emergency that may arise, upon terms to be negotiated.

TITLE VII—*General*

ART. VII–C. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII–D. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws: Act of July 2, 1940 (Public No. 703, 76th Cong.), and the Act of June 30, 1941 (Public No. 139, 77th Cong.).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6885; Filed, September 15, 1941; 9:39 a. m.]

[Contract No. W–670–ORD–1763]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: TRIUMPH EXPLOSIVES, INC., ELKTON, MARYLAND

Contract[1] for: * * * Bomb, * * *
Amount: $1,375,810.38.
Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Penna.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 15,205 P11–02A (1005).105–01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 2d day of August 1941.

Scope of this contract. The contractor shall furnish * * * Bomb, * * * for the consideration stated one million, three hundred seventy-five thousand, eight hundred ten dollars and thirty-eight cents ($1,375,810.38) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Quantities. The Government reserves the right to increase the quantity of this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract:

The Act of July 2, 1940 (Public Number 703, 76th Congress), as continued in effect by The Act of Congress approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6884; Filed, September 15, 1941; 9:38 a. m.]

[Contract No. W 669 qm–12765; O. I. No. 378]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. L. STIFEL & SONS, INC., WHEELING, WEST VIRGINIA

Contract for: Cloth, Cotton, Herringbone Twill.
Amount: $1,388,940.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twenty-ninth day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Herringbone Twill, for the consideration stated totaling one million three hundred eighty-eight thousand nine hundred forty dollars ($1,388,940.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein specified. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * per centum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2–0240 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P–C–19 (42).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–6886; Filed, September 15, 1941; 9:39 a. m.]

[1] Approved by Chief of Ordnance August 22, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1833–FD]

IN THE MATTER OF RYAN & BENSON FUEL CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7951, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the respondent in the above-entitled matter, Ryan & Benson Fuel Corporation, Registered Distributor, Registration No. 7951, whose address is 2701 Falls Road, Baltimore, Maryland, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated April 14, 1939, executed by the respondent pursuant to section 4 II (h) of the Act and subject to the Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that;

2. During the period from October 1, 1940 to July 31, 1941, both dates inclusive, the respondent purchased various sizes of coal in substantial quantities, and secured, accepted, and retained distributor's discounts thereon from code member producers, which coal he resold to the Ryan & Benson Fuel Corporation, a retailer of Baltimore, Maryland, under whose control, financially or otherwise, said respondent was, in violation of paragraph (d) of the Agreement, and § 304.19 (c) of the Rules and Regulations for Registration of Distributors.

3. The transactions referred to in paragraph 2 hereof rendered no service of value to said code member vendors, the resales to the Ryan & Benson Fuel Corporation having been entered into primarily for the purpose of unjustly enriching the respondent, and the acceptance of such discounts as a distributor was in violation of paragraph (g) of the Agreement.

4. The respondent, in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal dated April 14, 1939, as described in paragraph 1 hereof, failed to state as required on pages 5 and 6 thereof, the financial relations with the Ryan & Benson Fuel Corporation, and the failure to state that material fact was in violation of paragraph (f) of the Distributor's Agreement and contrary to § 304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on October 6, 1941 at 10 a. m. at a hearing room of the Bituminous Coal Division at the National Labor Relations Board, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6889; Filed, September 15, 1941; 10:08 a. m.]

[Docket No. 1673–FD]

IN THE MATTER OF THE PITTSBURG & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349, DEPENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on September 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, at the County Court House, Kittanning, Pennsylvania; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 10 o'clock in the forenoon of October 7, 1941 at a hearing room and place to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6890; Filed, September 15, 1941; 10:08 a. m.]

[Docket Nos. 1681–FD, 1682–FD]

IN THE MATTER OF A. E. BONDS AND C. T. NORMAN, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearings at 10 o'clock in the forenoon of October 6, 1941, at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above entitled matters be and the same are hereby postponed to a date and at a hearing room to be

hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6891; Filed, September 15, 1941; 10:08 a. m.]

[Docket Nos. 1683-FD, 1684-FD]

IN THE MATTER OF ED. SHEELOR AND DAISY CITY COAL COMPANY, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 7, 1941, at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6892; Filed, September 15 1941; 10:08 a. m.]

[Docket Nos. 1685-FD, 1686-FD, 1687-FD]

IN THE MATTER OF K. D. ABNEY, J. W. BENNETT, AND LONG & EARLY, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearings at 10 o'clock in the forenoon of October 8, 1941, at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

The Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6893; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. 1718-FD]

IN THE MATTER OF RICHARD ALMOND AND GEORGE GALBAVY, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been scheduled for a hearing at 10 o'clock in the forenoon of September 22, 1941, at a hearing room of the Bituminous Coal Division at the Post Office Building, Havre, Montana; and

It appearing to the Director that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is, hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: September 12, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6894; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. A-767]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 211 OF VERA POCAHONTAS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CORRECTING ERROR IN TRANSCRIPT OF HEARING

The original petitioner herein filed a motion stating that the transcript of the hearing in this proceeding erroneously failed to show that its Exhibit No. 6, entitled "Listed below are the names and addresses of customers who will not purchase Vera #3 at the prices established," was introduced in evidence and requesting that the transcript be corrected in this respect.

As it appears that this omission is in fact an error;

It is, therefore, ordered, That the transcript of the hearing in the above proceeding be and it is hereby corrected to show that petitioner's Exhibit No. 6, described above, was received in evidence without objection.

Dated: September 12, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6895; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. 1607-FD]

IN THE MATTER OF WHITE OAK COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9662, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

An Order having been entered in the above-entitled matter dated July 24, 1941, suspending the registration of the defendant, White Oak Coal Company, as a distributor, Registration No. 9662, for a period of 30 days from the date of service thereof upon said defendant; and

Said order having been duly served upon said defendant on July 30, 1941; and

The White Oak Coal Company, defendant herein, having duly filed with the Division on August 20, 1941, an affidavit dated August 19, 1941, pursuant to Section 304.15 of the Rules and Regulations for the Registration of Distributors, and having thereafter duly filed with the Division on September 12, 1941, a supplemental affidavit dated September 6, 1941, pursuant to the provisions of said Order dated July 24, 1941; and

It appearing to the Acting Director that said affidavits of the White Oak Coal Company sufficiently comply with the provisions of Section 304.15 of the Rules and Regulations for the Registration of Distributors and said Order dated July 24, 1941.

Now, therefore, it is ordered, That the registration of the White Oak Coal Company be and it hereby is reinstated.

Dated: September 13, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-6897; Filed, September 15, 1941; 10:09 a. m.]

[Docket No. A-1026]

PETITION OF DISTRICT BOARD NO. 12 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY TRUCK, PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 12

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on September 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before September 25, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 12 for revision of the effective minimum prices for the coals, for shipment by truck, produced at the mines of certain code members in District No. 12; and, more particularly, for: (1) a decrease of one cent per net ton in the effective minimum prices for the coals in Size Groups 1 through 7 and 9 and an increase of nine cents per net ton in such prices for the coals in Size Group 8, produced at Mine Index Nos. 243 and 453 in production group 1; (2) an increase in such prices of four cents per net ton for the coals in Size Groups 1 through 7 and 9 and an increase of nine cents per net ton for the coals in Size Group 8 produced at Mine Index No. 325 in production group 1; (3) a decrease of fifteen cents per net ton in such prices for the coals in Size Groups 1 through 7 and 9 produced at Mine Index Nos. 249, 527 and 549 in production group 1-A; (4) a decrease of ten cents per net ton in such prices for the coals in Size Groups 1 through 7 and 9 produced at Mine Index Nos. 358, 375, 377, 569, 589 and 637 in production group 1-A; (5) a decrease of eight cents per net ton in such prices for the coals in Size Groups 1 through 7 and 9 and an increase of two cents per net ton in such prices for the coals in Size Group 8 produced at Mine Index No. 399 in production group 1-A—such revisions to compensate for a minimum price reduction now temporarily effective for competing code members in Putnam County, Missouri, pursuant to an Order entered December 7, 1940, in Docket No. A-179; also for (6) a decrease of ten cents per net ton in the effective minimum prices for the coals in Size Groups 1 through 7 and 9 produced at Mine Index No. 612 in production group 2, for (7) a decrease of five cents per net ton in such prices for the coals in Size Groups 8 and 9 produced at Mine Index No. 718 in production group 9; and for (8) a decrease of three cents per net ton in such prices for the coals in Size Groups 1 through 9 inclusive produced at Mine Index No. 741 in production group 15—such modifications to compensate for disadvantageous factors in the locations of Mine Index Nos. 612, 718 and 741 as compared with the locations of competing mines in their respective production groups.

Dated: September 12, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-6896; Filed, September 15, 1941; 10:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 15, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS—LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Bell Box Company, Inc., 10th and Dakota Avenue, Sioux Falls, South Dakota; Converted Paper Products; Set-up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 15, 1942.

Didio Brothers Cut Glass Company, 320 North Division Street, Buffalo, New York; Cut Glass such as Stemware and Flatware for Home Consumption; 3 learners; 320 hours for any one learner; 25 cents per hour; Glass cutter, Engraver; November 24, 1941.

Dust Proof Mattress Cover Company, 530 Fernando Street, Pittsburgh, Pennsylvania; Mattress covers and Ironing board covers; 2 learners; 4 weeks for any one learner; 25 cents per hour; Sewing machine operator; October 27, 1941.

Green Mt. Broom Company, 96 Grand Avenue, Swanton, Vermont; Brooms; 1 learner; 4 weeks for any one learner; 25 cents per hour; Broom winder, October 27, 1941.

Harfilms, Inc., 600 Baronne Street, New Orleans, Louisiana; Motion Pictures; 1 learner; 4 weeks for any one learner; 25 cents per hour; Laboratory Man; December 22, 1941.

Lyndon Broom Company, Lyndon, Kansas, Brooms; 5 learners; 4 weeks for any one learner; 25 cents per hour; Winder; October 27, 1941.

Sloan Electric Company, 529 Broad Street, Chattanooga, Tennessee; Automotive Electrical Service; 1 learner; 480 hours for any one learner; 25 cents per hour; Auto Electrician; December 22, 1941.

Standard Shade Pull Manufacturers, 2587 W. North Avenue, Chicago, Illinois; Window Shade Pulls; 8 learners; 6 weeks for any one learner; 30 cents per hour; Shade pull machine operator; November 10, 1941.

Marjorie Symington, 528 N. Atlantic, Monterey Park, California; Decorators of glassware; 2 learners; 192 hours for any one learner; 25 cents per hour; Cutter, Sandblaster; October 27, 1941.

Wangerin Organ Company, 2330, S. Burrell Street, Milwaukee, Wisconsin; Pipe Organs; 2 learners; 12 weeks for any one learner; 25 cents per hour; Electric Contact Maker; December 22, 1941.

Warren Lamp Company, Central Avenue, Warren, Pennsylvania; Incandescent Lamp Bulbs; 5 learners; 4 weeks for any one learner; 25 cents per hour; Stem Maker, Inserter, Mounter, Sealer, Finisher, Exhauster, March 15, 1942.

H. N. Heusner and Son, 228 High Street, Hanover, Pennsylvania; Cigars; 6 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Cigar machine operators; September 15, 1942.

H. L. Neff and Company, Charles Street, Red Lion, Pennsylvania; Cigars; 4 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Cigar machine operators; September 15, 1942.

J. C. Winter and Company, Red Lion, Pennsylvania; Cigars; 14 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Cigar machine operators; September 15, 1942.

Collette Manufacturing Company, Santurce, Puerto Rico; Hairnet Industry; 27 learners; Spooling—15¢ an hour for the first 480 hours; 22½¢ an hour for the second 480 hours, and 25¢ an hour for every hour thereafter; Covering elastics—15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter; Warping—15¢ an hour for the first 480 hours; 17½¢ an hour for the second 480 hours; 20¢ an hour for the third 480 hours; 22½¢ an hour for the fourth 480 hours,

and 25¢ an hour for every hour thereafter; Knitting—15¢ an hour for the first 480 hours; 17½¢ an hour for the second 480 hours; 20¢ an hour for the third 480 hours; 22½¢ an hour for the fourth 480 hours, and 25¢ an hour for every hour thereafter; Machine Knotting—15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter; Machine Clipping—15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter. This Certificate effective June 16, 1941 for 6 months thereafter.

Puerto Rico Mills, Inc., Puerta de Tierra, P. R.; Hosiery Industry; Full Fashioned Hosiery; 74 learners; Legging — Seaming — Looping — Topping — Footing—Winding—10¢ an hour for the first 480 hours; 12½¢ an hour for the second 480 hours; 15¢ an hour for the third 480 hours; 18¾¢ an hour for the fourth 480 hours, and 25¢ an hour for every hour thereafter; Final Inspection—Foot Inspection —Leg Inspection —12½¢ an hour for the first 480 hours; 18¾¢ an hour for the second 480 hours; and 25¢ an hour for every hour thereafter; effective July 1, 1941 and six months thereafter.

Porto Rican American Button Company, Inc., Santurce, P. R.; Ocean Pearl Button Industry in P. R.; 3 learners in Sorting and Classifying at 16¢ an hour for 320 hours; effective July 1, 1941, for three months thereafter.

Signed at Washington, D. C., this 15th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6906; Filed, September 15, 1941; 11:47 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 15, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Atco Garment Company, 10 Atco Avenue, Atco, New Jersey; Apparel; Cotton House Dresses; 8 learners (75% of the applicable hourly minimum wage); December 29, 1941.

The H. A. Austin Company, 15 Union Street, Worcester, Massachusetts; Apparel; Men's Belts and Garters, Panties, Sanitary Belts, Bandos and Style Assists; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

William Bernstein and Sons, 110 Carlisle Avenue, York, Pennsylvania; Apparel; Cotton Dresses; 34 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Ber-Wed Manufacturing Company, Inc., 729 East Elizabeth Avenue, Linden, New Jersey; Apparel; Men's & Boys' Underwear; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Blue Ridge Overalls Company, Roanoke Street, Christiansburg, Virginia; Apparel; Overalls, Trousers; 5 percent (75% of the applicable hourly minimum wage); September 15, 1942.

Boreva Sportswear Company, South Water and Jefferson Streets, Stoughton, Wisconsin; Apparel; Skirts, Blouses, Slacks, Jackets, Bobbie Suits, Jumpers; 28 learners (75% of the applicable hourly minimum wage); December 29, 1941.

Bristol Frocks, Franklin Street, Bristol, Rhode Island; Apparel; Cotton Dresses; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued effective November 28, 1940.)

Ely and Walker Dress Factory, Vandalia, Missouri; Apparel; Dresses; 100 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Ely and Walker Garment Factory, Paragould, Arkansas; Apparel; Shirts; 60 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Ely and Walker Sportwear and Outerwear Factory, Delmar and East "B" Street, Belleville, Illinois; Apparel; Jackets and Coats; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued bearing the expiration date of November 5, 1941.)

Glix Brand Company, Inc., Brown and Kellogg Streets, Pittsfield, Massachusetts; Apparel; Ladies' Pajamas; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942.

Jacobs Grossman and Rosenberg, Inc., "K" Street and Erie Avenue, Philadelphia, Pennsylvania; Apparel; Children's Cotton Dresses; 20 learners (75% of the applicable hourly minimum wage); January 12, 1942.

J. H. Levy and Son, 1212 West Sixth Street, Cleveland, Ohio; Apparel; Overalls; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

J. H. Sportswear, Inc., 500 William Street, Pen Argyl, Pennsylvania; Apparel; Men's & Ladies' Sport Garments; 29 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Lancaster Garment Company, Inc., 241 North Ann Street, Lancaster, Pennsylvania; Apparel; Children's Cotton Dresses; 17 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Lisle Mills, Race and Court Streets, Allentown, Pennsylvania; Apparel; Infants' & Children's Wear; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Master Coat Front and Shoulder Pad Company, 111–119 West 19th Street, New York, New York; Apparel; Coat Fronts & Shoulder Pads; 5 learners (75% of the applicable hourly minimum wage); December 29, 1941.

Maye Undergarment Company, Inc., 33 Wallace Street, New Haven, Connecticut; Apparel; Ladies' Underwear; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued effective April 17, 1941.)

Midland Garment Manufacturing Company, Inc., Central Avenue, Nebraska City, Nebraska; Apparel; Pants and Shirts; 15 learners (75% of the applicable hourly minimum wage); December 15, 1941.

Reliance Manufacturing Company, Church Street, Columbia, Mississippi; Apparel; Dress and Sport Shirts, Pajamas; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued to you bearing the expiration date of December 23, 1941.)

Reliance Manufacturing Company, Michigan City, Indiana; Apparel; Woven Underwear; 100 learners (75% of the applicable hourly minimum wage); January 12, 1942.

Rex Manufacturing Company, Inc., 3725 Dauphine Street, New Orleans, Louisiana; Apparel; Work Clothing, Shirts, Pants, Uniforms; 10 percent (75% of the applicable hourly minimum wage); September 15, 1942. (This certificate replaces one issued to you bearing the expiration date of October 29, 1941.)

Rock Manufacturing Company, Inc., 93 West Camplain Road, Manville, New Jersey; Apparel; Pants; 10 percent (75% of the applicable hourly minimum wage); December 8, 1941.

Shore and Cutler, S. W. Cor. 12th and Carpenter Streets, Philadelphia, Pennsylvania; Apparel; Men's Vests; 2 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Sunshine Clothing Manufacturing Company, Inc., 210 West Commerce Street, San Antonio, Texas; Apparel; Trousers and Shirts; 10 percent (75% of the applicable hourly minimum wage); December 29, 1941.

Terminal Manufacturing Corporation, 1500 Hudson Street, Hoboken, New Jersey; Apparel; Ladies' Underwear; 5 percent (75% of the applicable hourly minimum wage); March 10, 1942.

Roland Weinbaum, Inc., 4 Brooks Avenue, Quincy, Massachusetts; Apparel; Ladies' Cotton & Rayon Housecoats; 5 learners (75% of the applicable hourly minimum wage); September 15, 1942.

Globe Feather and Novelty Company, 42 West 36th Street, New York, New York; Artificial Flowers and Feathers; 3 learners; October 27, 1941.

Joseph N. Eisendrath Company, 2001 Elston Avenue, Chicago, Illinois; Gloves; Knit Fabric Gloves; 25 learners; March 15, 1942.

Wells Lamont Smith Corporation, Aledo, Illinois; Gloves; Work Gloves; 50 learners; March 15, 1942.

Bell Hosiery Corporation, Suffolk, Virginia; Hosiery; Seamless Hosiery; 5 percent; March 10, 1942.

Lawler Hosiery Mills, 53 Bradley Street, Carrollton, Georgia; Hosiery; Seamless Hosiery; 30 learners; May 15, 1942.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Hosiery; Seamless Hosiery; 10 learners; May 15, 1942.

William Carter Company, 33 Morris Street, Springfield, Massachusetts; Knitted Wear; Knitted Underwear; 5 percent; September 15, 1942.

Hoosick Falls Undergarment Corporation, Hoosick Street, Hoosick Falls, New York; Knitted Wear, Knitted Underwear; 10 learners; September 15, 1942.

Gabriel Lichtenstein, Inc., 39 W. 37th Street, New York, New York; Millinery; Popular-Priced Millinery; 1 learner; March 15, 1942.

Gem Hat Works, Inc., 325 E. Central Parkway, Cincinnati, Ohio; Millinery; Popular-Priced Millinery; 2 learners; March 15, 1942.

The American Thread Company, Fifth and Cedar Streets, Bristol, Tennessee; Textile; Thread Finishing; 10 learners; December 15, 1941.

Columbia Silk Throwing Company, Inc., Seventh Street, Bloomsburg, Pennsylvania; Textile; Rayon Throwing; 6 learners; March 15, 1942.

Hofmann and Leavy, 826 Broadway, New York, New York; Textile; Rayon Covered Wooden Moulds, Cords and Tassels, Pompons; 3 learners; January 15, 1942.

J & C Bedspread Company, Elilijay, Georgia; Textile; Bedspreads; 70 learners; February 16, 1942.

Valdese Manufacturing Company, Valdese, North Carolina; Textile; Single Carded Yarns; 3 percent; September 15, 1942.

Signed at Washington, D. C., this 15th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6907; Filed, September 15, 1941; 11:47 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 510]

IN THE MATTER OF THE APPLICATION OF AMERICAN AIRLINES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being the application of American Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between El Paso and/or Fort Worth-Dallas, Tex., and Mexico City, Mexico, via Monterrey, is hereby assigned for public hearing on November 17, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Frank P. McIntyre.

Dated Washington, D. C., September 11, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-6872; Filed, September 13, 1941; 9:33 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-188]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA

ORDER TERMINATING PROCEEDING AND CANCELLING HEARING

SEPTEMBER 12, 1941.

It appearing to the Commission that:

(a) On October 31, 1940, the Public Service Company of Indiana filed with the Commission a document dated October 29, 1940, designated in the files of the Commission as Public Service Company of Indiana Rate Schedule FPC No. 4-G providing for increased rates or charges for sales of nataural gas to the Northern Indiana Power Company in accordance with the terms of a contract between the said companies dated July 3, 1940, said schedule to be effective as of December 1, 1940, and to supersede a previously filed rate schedule designated in the files of the Commission as Public Service Company of Indiana Rate Schedule FPC No. 3-G;

(b) On November 26, 1940, the Commission ordered that a public hearing be held on February 17, 1941, concerning the lawfulness of the rates and charges contained in said Public Service Company of Indiana Rate Schedule FPC No. 4-G and suspended the operation of the said schedule pursuant to the provisions of section 4 (e) of the Natural Gas Act;

(c) Subsequent to November 26, 1940, the Public Service Company of Indiana, the Northern Indiana Power Company and other affiliated companies entered into negotiations for the consolidation of said companies into a new corporation pursuant to the provision of The Indiana General Corporation Act;

(d) On March 21, 1941, the Public Service Commission of the State of Indiana entered an order authorizing and approving the consolidation of the Public Service Company of Indiana, the Northern Indiana Power Company and other affiliated companies under and pursuant to the provisions of The Indiana General Corporation Act;

(e) On or about April 17, 1941, the Securities and Exchange Commission released a report and entered an order and opinion on the proposed plan of consolidation and subsequent thereto the United States District Court for the District of Delaware in the matter of the reorganization of the Midland United Company approved the said plan of consolidation;

(f) Pursuant to the foregoing and to petitions filed by the Public Service Company of Indiana the Commission adopted orders on February 12, April 15 and June 20, 1941, postponing the date of hearing, the last of these orders postponing the hearing until September 15, 1941;

(g) On September 6, 1941, the consolidation of the Public Service Company of Indiana, the Northern Indiana Power Company and other affiliated companies into a new corporation named "Public Service Company of Indiana, Inc." was consummated under The Indiana General Corporation Act;

(h) On September 12, 1941, the Public Service Company of Indiana, Inc., notified the Commission that the consolidation aforesaid had been consummated, and requested the withdrawal of the aforesaid Public Service Company Rate Schedule FPC No. 4-G and dismissal of proceedings;

(i) The aforementioned consolidation of the Public Service Company of Indiana with Northern Indiana Power Company and other affiliates into the Public Serv-

ice Company of Indiana, Inc. terminates by operation of law the contract of July 3, 1940, between the Public Service Company of Indiana and the Northern Indiana Power Company pursuant to which the rate schedule designated in the files of the Commission as Public Service Company of Indiana Rate Schedule FPC No. 4–G was filed, and renders moot the subject of the instant proceeding;

The Commission *orders* that: The proceeding herein initiated by the Commission's order of November 26, 1940, be and the same is hereby terminated, and the hearing scheduled to be held September 15, 1941, be and it is hereby cancelled.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41–6887; Filed, September 15, 1941; 9:42 a. m.]

[Docket No. G–211]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER TERMINATING PROCEEDING, ALLOWING RATE SCHEDULE TO TAKE EFFECT, AND CANCELLING HEARING

SEPTEMBER 12, 1941.

It appearing to the Commission that:

(a) By order of July 25, 1941, the Commission directed the United Gas Pipe Line Company to show cause at a public hearing:

(1) Why it had failed to file a schedule of rates and charges for the sale in interstate commerce of natural gas to the Willmut Gas & Oil Company for resale for ultimate public consumption as required by section 4 (c) of the Natural Gas Act and Part 54 of the Provisional Rules of Practice and Regulations Under the Natural Gas Act;

(2) Why the Commission should not institute appropriate proceedings against it, its officers, and/or directors pursuant to the provisions of the Natural Gas Act for its failure or refusal to comply with said Act and the Provisional Rules of Practice and Regulations thereunder;

(b) On August 6, 1941, the United Gas Pipe Line Company filed an answer to said order to show cause which indicated that the United Gas Pipe Line Company had been unable to negotiate an executed contract with Willmut Gas & Oil Company and that United Gas Pipe Line Company was under the bona fide misapprehension that schedules of rates and charges required to be filed with the Commission should be in the form of an executed contract with the purchaser;

(c) On August 11, 1941, the United Gas Pipe Line Company filed with the Commission a schedule of rates and charges (in the form of an unexecuted contract which contains the rates and charges, terms and conditions of sale) for the sale of natural gas to the Willmut Gas & Oil Company for resale for ultimate public consumption, which has been designated as United Gas Pipe Line Company Rate Schedule FPC No. 48, and said Company has requested that such schedule be allowed to take effect retroactively as of January 24, 1940;

(d) The United Gas Pipe Line Company has not in this instance willfully and knowingly violated the provisions of the Natural Gas Act or the Provisional Rules of Practice and Regulations thereunder;

The Commission *orders* that:

(A) The proceeding herein initiated by the Commission's order of July 25, 1941, be and it is hereby terminated, and the hearing heretofore ordered to be held in this matter be and it is hereby cancelled;

(B) United Gas Pipe Line Company Rate Schedule FPC No. 48 be and it is hereby allowed to take effect as of January 24, 1940;

(C) The aforesaid rate schedule shall be deemed to have been filed and published in compliance with the Natural Gas Act;

(D) Nothing contained in this order shall be construed as a waiver of the requirements of section 7 (b) of the Natural Gas Act; nor shall it be construed as constituting approval by this Commission of any service, rate, provision, or condition contained in the said rate schedule;

(E) This order is without prejudice to any findings or orders which may be made by the Commission in any proceedings now pending or hereafter instituted against the United Gas Pipe Line Company.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41–6888; Filed, September 15, 1941; 9:42 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE TO MANUFACTURERS OF PARTS FOR THE MAINTENANCE AND REPAIR OF TEXTILE MACHINERY AND EQUIPMENT

By virtue of the authority vested in him by OPM Regulation No. 3,[1] and pursuant to § 944.4 of Regulation No. 1 of the Division of Priorities,[2] the Director of Priorities will issue on and after September 13th, 1941, individual orders directed to manufacturers of parts for the maintenance and repair of textile machinery and equipment assigning preference ratings to material necessary for the production of such parts, or which will be physically incorporated therein.

Any manufacturer of parts for the maintenance and repair of textile machinery and equipment who wishes to qualify for such an order should apply to the Textile Branch, Office of Production Management, Washington, D. C.

Dated: September 13th, 1941.

DONALD M. NELSON, *Director of Priorities.*

[F. R. Doc. 41–6908; Filed, September 15, 1941; 11:53 a. m.]

[1] 6 F.R. 1596.
[2] 6 F.R. 4490.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–392]

IN THE MATTER OF GENERAL GAS & ELECTRIC CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1941.

General Gas & Electric Corporation, a registered holding company, and a subsidiary of Associated Gas and Electric Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof, and Rule U-46 thereunder regarding the following transaction:

General Gas & Electric Corporation proposes to pay out of capital or unearned surplus the regular quarterly dividend on the $5 Prior Preferred Stock of such company. 60,000 shares of this stock are outstanding, of which 27,889.1 shares are held by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, and 32,110.9 shares by the public. The amount of the dividend, due September 15, 1941, is $75,000. Said Trustees of Associated Gas and Electric Corporation have waived their right to collect the share of such dividend which would otherwise be payable to them as holders of 27,889.1 shares, pending further order of this Commission.

Said declaraton having been filed on August 28, 1941, and an amendment thereto having been filed on September 6, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having ordered a hearing thereon; and

The above-named declarant having requested that the effective date of said declaration, as amended, be accelerated in order to permit the dividend payment on September 15, 1941, and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration, as amended, pursuant to section 12 (c) of the said Act and Rule U-46 thereunder to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–6874; Filed, September 13, 1941; 11:45 a. m.]

[File No. 70–389]

IN THE MATTER OF AMERICAN & FOREIGN POWER COMPANY INC., AND ELECTRIC BOND AND SHARE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND APPLICATION TO BE GRANTED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1941.

The above named persons having filed a declaration and application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10, and 12 (c) thereof and Rule U-42 thereunder regarding (1) the issuance by American & Foreign Power Company Inc. ("American Foreign"), a registered holding company,[1] and a subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, of $15,500,000 aggregate principal amount of 3% Notes, maturing serially to October 26, 1946, to be exchanged for a like unpaid principal amount of its presently outstanding notes held by certain banks and by Bond and Share, and (2) the acquisition of $3,100,000 principal amount of such notes by Bond and Share in exchange for a like unpaid principal amount of American Foreign's notes held by Bond and Share; and

Said declaration and application having been filed on August 21, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to permit said declaration pursuant to sections 7 and 12 (c) of the Act and Rule U-42 of the Commission thereunder to become effective and finding with respect to said declaration under section 7 of the Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act that said declaration and application be, and the same hereby are, permitted to become effective, and granted forthwith, subject to terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions which have been expressly agreed to by both companies:

1. That the above mentioned declaration and application are permitted to become effective and granted, respectively, without prejudice to any future action by the Commission with respect to the payment of all or any part of the principal or interest on the indebtedness now owing or to be owing by American Foreign to Bond and Share, which is the subject matter of the aforementioned declaration and application, or with respect to the position of such indebtedness in the security structure of American Foreign.

2. That the Commission reserves its jurisdiction generally over all aspects of all classes of indebtedness existing or to be existing between Bond and Share and American Foreign.

3. That American Foreign give at least 20 days notice in writing to the Commission before making any prepayment of principal on any of the notes to be issued to Bond and Share pursuant to said declaration and application.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–6875; Filed, September 13, 1941; 11:45 a. m.]

[1] By order dated December 20, 1939, Release No. 1847, the Commission exempted American Foreign from certain sections of the Public Utility Holding Company Act of 1935, the exemption being only to the extent set forth in that order.

IN THE MATTER OF SAUNDERS, MACKNIGHT & CO., INC., 1 BRIDGE STREET, PLATTSBURG, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September., A. D. 1941.

Appearances: George S. Parlin, of the New York Regional Office of the Commission.

This proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Saunders, MacKnight & Co., Inc. (formerly known as Pullen & MacKnight, Inc.) should be suspended or revoked. Pursuant to an order of the Commission dated July 18, 1941, and notice served upon the registrant, the hearing in this matter was held before a trial examiner in New York, New York, on August 13, 1941.

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation which tended to show that the registrant is permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of Albany, entered on May 23, 1941, from engaging in or continuing certain conduct and practices in connection with the sale of any security within and from the State of New York.

The hearing was ordered to determine whether the facts reported by the staff are true; and, if so, whether it is in the public interest to suspend or revoke the registrant's registration as a broker and dealer.

No representative of the registrant appeared at the hearing, but the record contains a document entitled "Answer and Consent to Revocation of Registration," signed for the registrant by a duly authorized agent, which acknowledges receipt and service of adequate notice of the proceeding, admits and acknowledges the existence of the facts and the cause of action set forth in the Commission's order, and consents to the entry of an order revoking its registration as an over-the-counter broker and dealer.

The trial examiner found that the facts are as stated in the order for hearing; that the registrant has been permanently enjoined by a decree of the Supreme Court of the State of New York from engaging in or continuing certain conduct and practices in connection with the sale of any security within and from the State of New York; and that it is in the public interest to revoke registration. Upon an independent review of the record, we adopt these findings of the trial examiner.

It is therefore ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Saunders, MacKnight & Co., Inc., be and it hereby is revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Purcell, and Burke), Commissioner Pike being absent and not participating.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–6876; Filed, September 13, 1941; 11:45 a. m.]

IN THE MATTER OF JAMES A. OVERMAN, DOING BUSINESS AS JAMES A. OVERMAN CO., 10 SOUTH THIRD STREET, YAKIMA, WASHINGTON

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of Sept., A. D. 1941.

Appearances: Charles E. Wright and James E. Newton, of the Seattle Regional Office of the Commission.

This proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of James A. Overman, doing business as James A. Overman Co., should be suspended or revoked. Pursuant to an order of the Commission dated July 24, 1941, and notice served upon the registrant, the hearing in this matter was held before a trial examiner in Seattle, Washington, on August 11 and 13, 1941.

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation of the registrant which tended to show that:

(a) The registrant is permanently enjoined by order of the United States District Court for the Western District of Washington, Northern Division, issued on June 26, 1941, from engaging in certain acts and practices involving the purchase and sale of securities;

(b) During the period from October 1940 to March 1941, the registrant engaged in the sale of common stock of Callahan Consolidated Mines, Inc., which stock was effectively registered under the Securities Act of 1933; in making such sales through the mails and in interstate commerce, registrant made material misrepresentations to prospective customers concerning the properties, operations, and management of Callahan Consolidated Mines, Inc.;

(c) During the same period, registrant used the mails to transmit to his customers letters offering the aforementioned securities for sale, which letters were prospectuses under section 2 (10) of the Securities Act of 1933, but did not contain the information required by section 10 of the Act, and registrant transmitted these securities through the mails for the purpose of sale and delivery after sale, although such securities were not accompanied or preceded by a prospectus meeting the requirements of section 10 of the Act.

The hearing was ordered to determine whether the facts reported by the staff are true; whether these facts, if they are true, require a finding that registrant wilfully violated sections 5 (b) and 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934; and whether it is in the public interest to revoke or suspend the registrant's registration as a broker and dealer.

The record shows that on June 25, 1941, the Commission filed a complaint in the United States District Court for the Western District of Washington, Northern Division, alleging that James A. Overman, individually and doing business as James A. Overman Co., had engaged in various transactions in the sale of the common stock of Callahan Consolidated Mines, Inc., in violation of sections 5 (b) and 17 (a) of the Securities Act of 1933. The defendant made no attempt to reply to the allegations of the complaint but filed a consent to the entry of an order enjoining him from further violation of section 5 (b) and 17 (a) of the Securities Act and, on June 26, 1941, such an order was entered by the Court.

The registrant has not contested any of the allegations made in the order instituting this proceeding. The record contains a document entitled "Answer and Consent to Revocation of Registration" signed by the registrant, which acknowledges receipt and service of adequate notice of the proceeding, admits and acknowledges the existence of the cause of action for revocation set forth in the order instituting the proceeding, and consents to the entry of an order revoking its registration as an over-the-counter broker and dealer.

The trial examiner found that the facts are as stated in the order for hearing; that the registrant is permanently enjoined by order of the United States District Court for the Western District of Washington, Northern Division, from engaging in certain acts and practices involved in the purchase and sale of securities; that the registrant has wilfully violated sections 5 (b) and 17 (a) of the Securities Act of 1933 and section 15 (c) (1) of the Securities Exchange Act of 1934; and that it is in the public interest to revoke registration. Upon an independent review of the record, we adopt these findings of the trial examiner.

It is therefore ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of James A. Overman, doing business as James A. Overman Co., as a broker and dealer be, and it hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Purcell, and Burke), Commissioner Pike being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6877; Filed, September 13, 1941; 11:45 a. m.]

[File No. 4-40]

IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND CITIES SERVICE COMPANY

ORDER POSTPONING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1941.

The Commission having on August 25, 1941 issued a Notice and Order for Hearing in the above-entitled proceeding directing that a hearing be held on September 5, 1941 at 10 o'clock A. M. in the offices of the Commission; and

It appearing to the Commission to be in the public interest that the date for hearing as above be postponed so as to permit of a conference between representatives of Cities Service Company and the Commission;

It is ordered, That the hearing directed to be held on September 5, 1941 be and the same is hereby postponed until Monday, September 29, 1941 at 10 o'clock in the forenoon before the same officer of the Commission specified in the said Order of August 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6901; Filed, September 15, 1941; 11:36 a. m.]

IN THE MATTER OF WALTER P. SPIELBERGER, 10 EAST JASPER STREET, TULSA, OKLAHOMA

FINDINGS AND ORDER DENYING APPLICATION FOR REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1941.

Appearances: John W. Alexander of the Fort Worth Regional Office, for the Trading and Exchange Division of the Commission; Walter P. Spielberger, *pro se*.

On May 22, 1941, Walter P. Spielberger filed an application for registration as an over-the-counter broker-dealer. By an order dated June 19, 1941, this proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registrant is permanently enjoined by a decree of the United States District Court for the Western District of Virginia from engaging in or continuing certain conduct or practices in connection with the sale of securities, whether registrant was convicted in the United States District Court for the Western District of Virginia of a felony involving the purchase or sale of securities, and, if so, whether it is in the public interest that his application for registration as an over-the-counter broker-dealer should be denied and whether, pending final determination upon the question of denial, the effective date of his application for registration should be postponed.

Pursuant to the Commission's order and notice duly served upon the registrant, the hearing in this matter was originally convened before a trial examiner at Fort Worth, Texas, on June 30, 1941. The registrant appeared at that time and requested a continuance to July 28, 1941. In connection with this request, registrant consented to the postponement of the effective date of his application for registration, pending final determination of the proceeding. By order of the Commission, the effective date of registration was postponed, pending the ultimate determination of the question whether registration should be denied, and the registrant's request for a continuance to July 28, 1941, was granted.

The hearing was reconvened on July 28, 1941, and at that time the trial examiner was advised that a letter had been received from the registrant requesting a further continuance. The examiner was also advised that, immediately upon receipt of this letter, counsel for the Trading and Exchange Division had informed the registrant that he would object to any further continuance. The trial examiner reserved decision on the request for further continuance and adjourned the hearing to the following day, July 29, and again to July 30, 1941. In the interim, the examiner telephoned to registrant's residence and also sent a telegram to him requesting that he communicate with the examiner. The record indicates that this telegram was received by the registrant personally. However, the registrant did not communicate with the examiner and did not appear either at the hearing on July 29, or at the hearing on July 30. On the latter date, the examiner denied the request for further continuance and directed that the hearing proceed.

On the basis of the record made, we find that, by a decree of the District Court of the United States for the Western District of Virginia entered on August 28, 1937, registrant was permanently enjoined from engaging in certain fraudulent devices and practices in the sale to the public of fractional undivided interests in the Caprock Oil Company—R. B. Parks lease or units of beneficial interests in Cimarron Petroleum Trust. The record also shows that by an order dated August 24, 1939, registrant was convicted in the United States District Court for the Western District of Virginia of a felony based on the same transactions as those involved in the order of injunction and was sentenced to imprisonment for a period of 18 months. Upon the basis of the record before us, we find that it is in the public interest to deny the application for registration.

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the application for registration of Walter P. Spielberger as an over-the-counter broker and dealer be, and it hereby is, denied.

By the Commission (Chairman Eicher, Commissioners Healy, Purcell, and Burke), Commissioner Pike being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6902; Filed, September 15, 1941; 11:36 a. m.]

[File No. 70-349]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINNESOTA), NORTHERN STATES POWER COMPANY (NEW JERSEY), AND SOUTH DAKOTA PUBLIC SERVICE COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1941.

Northern States Power Company (Minnesota), a registered holding company, and its wholly-owned subsidiary, Northern States Power Company (New Jersey), having jointly filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder, regarding the sale of certain of its utility assets to South Dakota Public Service Company, a wholly-owned subsidiary of Sioux City Gas and Electric Company which is a registered holding company, for a cash consideration of $45,000; and

South Dakota Public Service Company having filed an application under Section 10 of said Act regarding its acquisition of said utility assets; and

Northern States Power Company (New Jersey) having filed a declaration pursuant to section 12 (f) of said Act and Rule U-43 promulgated pursuant to said Act, regarding the transfer of its remaining assets to Northern States Power Company (Minnesota) in exchange for its outstanding securities, and having also filed a declaration pursuant to section 12 (c) of said Act and Rule U-42 promulgated pursuant to said Act regarding the acquisition and retirement of its securities and the subsequent dissolution of the company; and

Northern States Power Company (Minnesota) having filed an application under section 10 of said Act regarding its acquisition of the remaining assets of Northern States Power Company (New Jersey); and

Said applications and declarations having been filed July 11, 1941, and an amendment thereto having been filed August 30, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said applications and declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations, as amended, pursuant to Rules U-42, U-43, and U-44, promulgated pursuant to said Act, to become effective, and finding with respect thereto that the requirements of sections 12 (c), 12 (d) and 12 (f) of said Act are satisfied, and finding with respect to said applications under section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act, and that the transactions involved have the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declarations, as amended, be and hereby are permitted to become effective forthwith and that said applications, as amended, be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6903; Filed, September 15, 1941; 11:36 a. m.]

[File No. 70-401]

IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 1, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, a registered holding company and in turn a subsidiary of The United Corporation, also a registered holding company, proposes to issue a note or notes dated October 18, 1941, and maturing July 18, 1942, in the aggregate amount of $450,000, with interest at 2% per annum, payable to Mississippi Valley Trust Company, in renewal of six notes aggregating $450,000, payable to said bank, maturing October 18, 1941, and bearing interest at 2% per annum. The presently outstanding notes were issued to secure funds for the payment in part of various construction projects from June 1, 1939 to July 31, 1941. The notes outstanding and to be renewed represent 5.74% of the principal amount and par value of the company's other outstanding securities.

The first sentence of section 6 (b) of the Act is designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6904; Filed, September 15, 1941; 11:36 a. m.]

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Washington, Wednesday, September 17, 1941

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment No. 130 of the Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES (INTERSTATE)

REVISING THE QUALIFICATIONS FOR, AND THE RULES GOVERNING THE OPERATION OF, AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 (a), and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective immediately, Amendment No. 129 of the Civil Air Regulations [1] adopted September 5, 1941, is hereby amended as follows:

Item 7 of Amendment No. 129 is hereby amended to read as follows:

7. By the addition of a new section, § 61.342, reading as follows:

§ 61.342 *Seat belt sign.* An aircraft shall not be operated in scheduled air transportation unless a suitable means for warning passengers to fasten seat belts is provided.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-6926; Filed, September 16, 1941; 9:36 a. m.]

[1] 6 F.R. 4691.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4084]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SANFORD MILLS, ET AL.

§ 3.6 (n) 2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.96 (a) 6) *Using misleading name—Goods—Qualities or properties.* In connection with offer, etc., in commerce, of mohair upholstery fabrics, using the term "moth proof" to designate, describe or in any way refer to upholstery fabrics which are not in fact moth proof, or otherwise representing that upholstery fabrics which are not permanently immune from attack or destruction by moths are moth proof, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sanford Mills, et al., Docket 4084, August 27, 1941]

In the Matter of Sanford Mills, a Corporation, and L. C. Chase & Co., Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents and a stipulation entered into by and between counsel for the Commission and counsel for the respondents, wherein it was stipulated and agreed that a statement of facts read into the record may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto, and that the Commission may proceed upon such state-

[1] 6 F.R. 2670.

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FEDERAL REGISTER

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ment of facts to make its report, stating its findings as to the facts and its conclusion based thereon, and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs, or any other intervening procedure, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Sanford Mills, a corporation, and L. C. Chase & Co., Inc., a corporation, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of mohair upholstery fabrics, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "moth proof" to designate, describe or in any way refer to upholstery fabrics which are not in fact moth proof, or otherwise representing that upholstery fabrics which are not permanently immune from attack or destruction by moths are moth proof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-6935; Filed, September 16, 1941; 11:38 a. m.]

[Docket No. 4155]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF G. & F. SALES COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of radios, watches, clocks, knives, pen and pencil sets or other articles of merchandise, (1) selling, etc., radios, watches, clocks, knives, pen and pencil sets or any other merchandise so packed and assembled that sales thereof are to be, or may be, made by means of a lottery, gaming device or gift enterprise; (2) supplying, etc., others with assortments of such merchandise together with push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (3) selling, etc., to others, push or pull cards, punch boards or other devices either with assortments of such merchandise or separately, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, G. & F. Sales Company, Docket 4155, August 27, 1941]

In the Matter of Lillian M. Granger, L. H. Murray, Clara Feitler, and Adolf Feitler, Individually and Trading as G. & F. Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Clara Feitler, in which answer such respondent admits all the material allegations of fact set forth in said complaint and states that she waives all intervening procedure and further hearing as to said facts, and upon the joint answer of respondents Lillian M. Granger, and L. H. Murray, and a stipulation as to the facts agreed upon between counsel for the Commission and counsel for said respondents Lillian M. Granger and L. H. Murray, which stipulation was read into the record herein, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Clara Feitler, Lillian M. Granger and L. H. Murray, individually and trading as G. & F. Sales Company, or trading under any other name, their agents, representatives and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios, watches, clocks, knives, pen and pencil sets or other articles of merchandise in commerce as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing radios, watches, clocks, knives, pen and pencil sets or any other merchandise so packed and assembled that sales thereof are to be made or may be made by means of a lottery, gaming device or gift enterprise;

(2) Supplying to or placing in the hands of others assortments of radios, watches, clocks, knives, pen and pencil sets or any other merchandise together with push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(3) Selling to or placing in the hands of others, push or pull cards, punch boards or other devices either with assortments of radios, watches, clocks, knives, pen and pencil sets or other merchandise or separately, which said push or pull cards, punch boards or other devices are to be used or may be used in selling or distributing said radios, watches, clocks, knives, pen and pencil sets or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(4) Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme.

[1] 6 F.R. 661.

It is further ordered, That this proceeding be, and the same hereby is, dismissed as to respondent Adolf Feitler due to his death on March 9, 1941.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-6936; Filed, September 16, 1941; 11:38 a. m.]

[Docket No. 4253]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HAMILTON, HARRIS & CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of fishing tackle, pipes, robes, cameras, or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with punch boards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, pull tabs, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hamilton, Harris & Co., Docket 4253, August 26, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Hamilton, Harris & Co., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fishing tackle, pipes, robes, cameras, or any other merchandise, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others punch boards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, pull tabs, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-6937; Filed, September 16, 1941; 11:38 a. m.]

[Docket No. 4272]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STOMAR MANUFACTURING COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling—Results:* § 3.96 (a) 1) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondents' kitchen utensils known as graters and shredders, (1) using the word "stainless" to designate or describe their products, or otherwise representing that said products are made from stainless steel or that they are stainless in fact; and (2) representing that their products will not rust, tarnish or corrode; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Stomar Manufacturing Company, Docket 4272, August 28, 1941]

In the Matter of Joseph H. Kevorkian, Joseph D. Kevorkian, and Louis Stone, Individually and as Copartners Trading as Stomar Manufacturing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of August, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Arthur F. Thomas, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Joseph H. Kevorkian, Joseph D. Kevorkian, and Louis Stone, individually and trading as Stomar Manufacturing Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their kitchen utensils known as graters and shredders, do forthwith cease and desist from:

(1) Using the word "stainless" to designate or describe respondents' products, or otherwise representing that said products are made from stainless steel or that they are stainless in fact;

(2) Representing that respondents' products will not rust, tarnish or corrode.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-6938; Filed, September 16, 1941; 11:39 a. m.]

[Docket No. 4293]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CONTINENTAL BRIAR PIPE COMPANY, INC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of pipes or

[1] 5 F.R. 4880.

[1] 6 F.R. 577.

any other articles of merchandise, (1) selling, etc., pipes or any other merchandise so packed and assembled that sales thereof are to be, or may be, made by means of a lottery, game device or gift enterprise; (2) supplying, etc., others with assortments of pipes or any other merchandise together with push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (3) selling, etc., to others push or pull cards, punch boards or other devices, either with assortments of pipes or other merchandise, or separately, which said push or pull cards, punch boards or other devices are to be, or may be, used in selling or distributing said pipes or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Continental Briar Pipe Company, Inc., Docket 4293, August 27, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of August, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon complaint of the Commission and a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent wherein it was agreed that the material facts alleged in the Commission's complaint are true, and all intervening procedure and further hearing as to said facts were waived, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Continental Briar Pipe Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pipes or any other articles of merchandise in commerce, as commerce is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing pipes or any other merchandise so packed and assembled that sales thereof are to be made or may be made by means of a lottery, game device or gift enterprise;

(2) Supplying to or placing in the hands of others, assortments of pipes or any other merchandise together with push or pull cards, punch boards or other devices, which said push or pull cards, punch boards or other devices are to be used, or may be used, in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(3) Selling to or placing in the hands of others, push or pull cards, punch boards or other devices, either with assortments of pipes or other merchandise, or separately, which said push or pull cards, punch boards or other devices are to be used, or may be used, in selling or distributing said pipes or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(4) Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6939; Filed, September 16, 1941; 11:39 a. m.]

[1] 6 F.R. 2804.

[Docket No. 4442]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HASKELITE MANUFACTURING CORPORATION

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.96 (a) 1) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondent's serving trays, (1) representing that trays made in part of paper are made entirely of wood; (2) using the words "wood", "hardwood", "walnut", or "copomo", or any other word descriptive of wood, to designate or describe trays having paper surfaces, unless there appear in immediate connection or conjunction with such words other words clearly indicating that the surfaces of such trays are made of paper; and (3) selling or distributing trays having surfaces of paper which simulates wood, without clearly disclosing by means of legends imprinted upon such trays or otherwise securely attached thereto, that such surfaces are made of paper; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Haskelite Manufacturing Corporation, Docket 4442, August 29, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before William C. Reeves, trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint (no testimony or other evidence having been offered by respondent), report of the trial examiner upon the evidence, and briefs in support of the complaint and in opposition thereto (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Haskelite Manufacturing Corporation, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its serving trays in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that trays made in part of paper are made entirely of wood;

(2) Using the words "wood", "hardwood", "walnut", or "copomo", or any other word descriptive of wood, to designate or describe trays having paper surfaces, unless there appear in immediate connection or conjunction with such words other words clearly indicating that the surfaces of such trays are made of paper;

(3) Selling or distributing trays having surfaces of paper which simulates wood, without clearly disclosing by means of legends imprinted upon such trays or otherwise securely attached thereto, that such surfaces are made of paper.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6940; Filed, September 16, 1941; 11:39 a. m.]

[1] 6 F.R. 1514.

[File No. 21-359]

PART 154—LUGGAGE AND RELATED PRODUCTS INDUSTRY

Sec.
154.1 Deception in general.
154.2 Deception through concealment and nondisclosure of material facts.
154.3 Deceptive practices as to animal designations, aniline finish, graining, embossing, processing, buffing, hardware, etc.
154.4 Misuse of terms "genuine," "real," "natural," "selected," "warranted," etc.
154.5 Misuse of the terms "waterproof," "water repellent," "dustproof," or "warp-proof."
154.6 Fictitious animal designations.
154.7 False invoicing.
154.8 Substituting inferior materials not conforming to specifications.
154.9 Commercial bribery.
154.10 Defamation of competitors or disparagement of their products.
154.11 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
154.12 Unfair threats of infringement suits.
154.13 Deceptive use of trade or corporate names, or trade-marks, etc.
154.14 Imitation of trade-marks, trade names, etc.
154.15 Coercing purchase of one product as a prerequisite to the purchase of other products.
154.16 Inducing breach of contract.
154.17 Misrepresentation as to character of business.
154.18 Misuse of terms "special," "bargain," "close-outs," "discontinued lines," etc.
154.19 Deception in distribution of special lots.
154.20 Misuse of word "free".
154.21 Fictitious prices.
154.22 Use of lottery schemes.
154.23 Unlawful interference.
154.24 Selling below cost.
154.25 Discrimination.
154.26 Discriminatory returns.
154.27 False or misleading price quotations.
154.28 Consignment distribution.
154.29 Aiding or abetting use of unfair trade practices.

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of September 17, 1941.

STATEMENT BY THE COMMISSION

Trade practice rules for the Luggage and Related Products Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules are directed to the elimination and prevention of misrepresentation, deceptive concealment, and various other unfair trade practices, and are issued in the interest of protecting industry, trade, and the public from the harmful effects of such unfair methods or practices. The provisions of the rules relate to the sale and distribution, by manufacturers, jobbers, distributors, dealers, and other marketers, of the products of the industry which consist of trunks, suitcases, traveling bags, brief cases, satchels, sample cases, instrument cases, and similar articles; also, of so-called fancy leather goods such as billfolds, wallets, key cases, coin purses, card cases, etc. According to available statistics, the volume of business transacted by the manufacturing branch of this industry in 1939 amounted to around $50,000,000.

The proceeding for the establishment of trade practice rules was instituted upon application from the industry. During the course thereof a general trade practice conference, under the auspices of the Commission, was held in Atlantic City, New Jersey. At such conference proposed rules were considered and were thereupon submitted on behalf of the industry to the Commission for its consideration. Thereafter a complete draft of proposed rules in appropriate form was made available to all interested or affected parties upon public notice whereby they were afforded opportunity to present their views to the Commission, including such pertinent information, suggestions or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing pursuant to such notice was held in Washington, D. C., and all matters there presented, or otherwise submitted, were duly received and considered.

Upon consideration of the entire matter, final action has been taken by the Commission whereby it has approved and received, respectively, the following trade practice rules appearing under Group I and Group II.

THE RULES

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of the industry and the public. Their operation is to be directed toward this end and is not to permit of the use of any practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition.

Group I

The unfair trade practices embraced in these Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 154.1 *Deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any advertisement, description, guarantee, warranty, testimonial, endorsement, illustration, brand, mark, or label, or any other representation or selling method, (a) which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public with respect to the grade, quality, quantity, material content, serviceability, nature, origin, size, construction, manufacture, processing, or distribution of any product of the industry, or with respect to the kind, grade, weight, thickness, durability, character, or finish of leather, purported leather, canvas, fiber, fabric, wood, or other material of which the product is made in whole or in part, or with respect to the stitching, lining, backing, hardware, or fittings used therein; or (b) which is false, misleading, or deceptive in any other material respect or by reason of the concealment of any material fact.* [Rule 1]

*§§ 154.1 to 154.29, inclusive, issued under the authority contained in 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 154.2 *Deception through concealment and nondisclosure of material facts.* (a) To prevent deception of the purchasing public, luggage, (namely, suitcases, traveling bags, trunks, brief cases, satchels, sample cases, instrument cases, and similar articles of luggage), made in whole or in part of the several types of material mentioned below, shall be marked by stamp, tag, or label clearly and nondeceptively revealing the true character of such material, in accordance with the following provisions:

(1) *Split leather.* Where the article is made of or contains so-called split leather, or leather other than the top grain, the stamp, tag, or label shall show that such leather is split or cut from the under side of the hide and is not top grain leather, as for example:

"Split Cowhide."

Where the article is made in major proportion of top grain leather with the exception of certain recognizably distinct sections or parts, such as partitions, gussets, etc., which are made of a different kind, type, or character of leather, the stamp, tag, or label may be marked under this rule in such manner as will truthfully and nondeceptively show that the leather in the product is all top grain of a designated kind with certain other kind, type, or character of leather or material in designated parts, as for example:

"Top Grain Cowhide
With Split Cowhide Gussets
and Partitions."

(2) *Embossed or processed leather.* Where the article is made of or contains leather which has been embossed, dyed, grained, finished, or otherwise processed, in such manner as to simulate or imitate leather of a different kind, type, grade, quality, grain, or characteristic, the stamp, tag, or label shall show the true kind of leather used and reveal the fact that it is not the kind or type of leather it purports to be or that it is only an imitation or simulation thereof, as for example:

"Split Cowhide
Embossed to Imitate Walrus."

"Top Grain Cowhide
Imitation Pig Grain."

Where top grain leather has been embossed, dyed, grained, finished, or processed with a geometrical design or other

design not simulating or imitating the natural grain or characteristics of any hide or leather, the mark designating such material may be limited to showing the kind of leather and the fact that it is embossed or processed, as for example:

"Embossed Top Grain Cowhide."

"Split Cowhide
Embossed Design."

(3) *Backed material.* Where the article is made of or contains leather which is backed with fabric, or with any material other than leather, or with split leather (such backing being glued or laminated to the outer leather), the stamp, tag, or label shall disclose the fact that such leather is backed with fabric, or with certain designated material other than leather, or with split leather of a certain kind, as the case may be. For example:

"Top Grain Cowhide
Backed with Canvas."

"Top Grain Pig
Backed with Split Cowhide."

(4) *Products simulating or imitating leather.* Where the article is made of or contains, on the exterior or to any substantial extent in the interior, material other than leather but which simulates or imitates leather, the stamp, tag, or label shall show that such material is not leather but is of certain other designated material, as for example:

"Buckram."

(5) *Rayon or linen lined.* Where the article is lined with rayon fabric or otherwise contains rayon in substantial part, or where the article is lined with, or otherwise contains in substantial part, fabric which simulates or purports to be linen but is not in fact linen, the stamp, tag, or label shall disclose the fiber content of such lining or other part by use of a truthful designation thereof, as for example, "Rayon Lined," "Cotton Lined," or "Rayon and Cotton Lining," as the case may be, with the fibers stated in the order of their predominance by weight, beginning with the largest single constituent, where the fabric is composed of two or more fibers. (Where the article is of a type coming within the provisions of the Wool Products Labeling Act of 1939, the mark shall be in accordance with the requirements of said Act and the Rules and Regulations thereunder.)

(6) *Leather of substandard thickness.* Where luggage is made wholly, or in any exterior part, of leather which does not exceed two ounces per square foot as measured by the Woburn gauge, the stamp, tag, or label shall disclose the minimum weight of such leather per square foot and shall reveal the fact that the same is substandard. Nothing in this paragraph, however, shall be construed as requiring the marking of such leather parts of the article as being of substandard thickness which parts it is necessary, in the manufacture of the article, to reduce by skiving to a thickness below the minimum, such as welting, edging, trimming, etc., necessarily required to be skived when manufacturing the article.

(b) The information to be revealed, under the foregoing provisions of this rule, shall be set forth on the stamp, tag, or label conspicuously and nondeceptively. Manufacturers, or those first placing the products in the channels of trade, in attaching such stamps, tags, or labels, shall cause the same to be affixed to the articles in such sufficiently secure manner as to remain on the articles until they reach the ultimate purchaser or consumer after having passed through the ordinary channels of trade, thus avoiding the necessity of further marking as to matters required by this rule to be disclosed, so long as such original stamp, tag, or label is clear and truthful and remains upon the product. This shall not, however, relieve distributors, dealers, or other vendors of the necessity of seeing to it that such articles, when being offered for sale, sold, or distributed to their customers, are properly stamped, tagged, or labeled with the information required by this rule to be disclosed thereon.

(c) The sale, resale, or distribution, by any manufacturers, distributors, dealers, or other vendors, of any article covered by this rule without being properly stamped, tagged, or labeled to disclose the information herein specified, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* [Rule 2]

§ 154.3 *Deceptive practices as to animal designations, aniline finish, graining, embossing, processing, buffing, hardware, etc.* In offering for sale, selling, or distributing, or promoting or causing the sale or distribution of, industry products through advertisements, brands, labels, sales literature, or otherwise, it is an unfair trade practice to represent, directly or by implication:

(a) That any such product is made of a certain kind or type of leather when it is in fact composed of leather of a different kind or type; or that any leather in such product is from the hide or skin of a certain designated animal when in fact it is from a different animal; as for example, using the unqualified term "Walrus" or "Walrus Grained" as descriptive of leather which is not walrus, or the term "Calf Finish Leather" as descriptive of leather which is not in fact calf.

(b) That any such product is colored, finished, or dyed with aniline dye when such is not true in fact.

(c) That any such product or any part thereof is dyed, embossed, grained, processed, finished, or stitched in a certain manner when such is not true in fact.

(d) That any such product is composed in whole or in part of leather when such product or part thereof is composed of material other than leather.

(e) That any such product is composed in whole or in part of top grain leather when such product or part thereof is in fact composed of split leather or of material other than top grain leather. For purposes of the rules herein set forth, leather from which either a layer of the top surface or grain, or a so-called buffing, has been removed, shall not be considered top grain leather. (See subparagraph (6) of Rule 2 (a) for requirement as to marking leather of substandard thickness.)

(f) That the hardware or any item thereof contained in any such product is brass, solid brass, or some other designated metal, when such is not true in fact or when such hardware is only plated or coated with the metal designated and the remaining metal therein is of a different kind.* [Rule 3]

§ 154.4 *Misuse of the terms "genuine," "real," "natural," "selected," "warranted," etc.* It is an unfair trade practice to use the words "Genuine," "Real," "Natural," "Selected," "Warranted," or any other term or representation of similar import, in any way as descriptive (a) of split leather; or (b) of leather which has been embossed or processed to simulate a different kind, grade, type, or quality of leather; or (c) of any simulative, imitative, or substitute material, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public.* [Rule 4]

§ 154.5 *Misuse of the terms "waterproof," "water repellent," "dustproof," or "warp-proof."* It is an unfair trade practice to use the terms "Waterproof," "Water Repellent," "Dustproof," or "Warp-proof," or any other word, term, expression, or representation of similar import, in any way as descriptive of industry products composed of canvas or other materials when such products are not in fact waterproof, water repellent, dustproof, or warp-proof, respectively.* [Rule 5]

§ 154.6 *Fictitious animal designations.* It is an unfair trade practice to use, falsely or deceptively, in advertisements, labels, tags, brands, or other representations of industry products, any depiction or device, trade name, coined name, or other name or words descriptive of such products as being made of leather from the skin or hide of an animal which is in fact non-existent.* [Rule 6]

§ 154.7 *False invoicing.* Withholding from or inserting in invoices, bills of lading, or other documents of title, any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, bills of lading, or other documents of title, with the effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* [Rule 7]

§ 154.8 *Substituting inferior materials not conforming to specifications.* The practice of using or substituting materials inferior in grade or quality to those specified in any contract or order, without the consent of the purchaser to such use or substitution, or with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* [Rule 8]

§ 154.9 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.* [Rule 9]

§ 154.10 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice.* [Rule 10]

§ 154.11 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such a manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade.* [Rule 11]

§ 154.12 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice.* [Rule 12]

§ 154.13 *Deceptive use of trade or corporate names, or trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the character, name, nature, or origin of any product of the industry, or any material used therein, or in any other material respect, is an unfair trade practice.* [Rule 13]

§ 154.14 *Imitation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* [Rule 14]

§ 154.15 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.* [Rule 15]

§ 154.16 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice.* [Rule 16]

§ 154.17 *Misrepresentation as to character of business.* For any person, firm, or corporation to hold himself or itself out to the public as a manufacturer or wholesaler when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his or its business, is an unfair trade practice.* [Rule 17]

§ 154.18 *Misuse of terms "special," "bargain," "close-outs," "discontinued lines," etc.* It is an unfair trade practice to advertise, describe, or otherwise represent regular lines of merchandise as "Special," "Bargain," "Close-outs," "Discontinued Lines," or by words or representations of similar import, when such are not true in fact; or to so advertise, describe, or otherwise represent merchandise where the capacity and tendency or effect thereof is to lead the purchasing and consuming public to believe such merchandise is being offered for sale or sold at greatly reduced prices or at so-called "bargain" prices when such is not the fact.* [Rule 18]

§ 154.19 *Deception in distribution of special lots.* In the case of lots or quantities of luggage advertised or offered for sale at so-called special or bargain sales or reduced price sales or otherwise, it is an unfair trade practice to use advertisements or representations thereof which import or imply that such merchandise consists entirely or in substantial or greater part of products or articles of well-known manufacturers or of well-known or reputable brands or of products or articles of certain high quality, grade, or price, when no such products or articles are contained in said lot or quantity of merchandise or when only a relatively small quantity or number thereof is contained in such merchandise and said fact is not fully and nondeceptively disclosed in the advertisements and representations, or when such advertisements or representations otherwise have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public.* [Rule 19]

§ 154.20 *Misuse of word "free".* The use of the word "free," or the equivalent thereof, where not properly or fairly qualified when the article is in fact not free, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* [Rule 20]

§ 154.21 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive.* [Rule 21]

§ 154.22 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale of industry products, or as an inducement thereto, by any scheme which involves lottery or scheme of chance, is an unfair trade practice.* [Rule 22]

§ 154.23 *Unlawful interference.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices, or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell to whomsoever he chooses.* [Rule 23]

§ 154.24 *Selling below cost.* The practice of selling industry products below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This rule is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in the rule are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.* [Rule 24]

§ 154.25 *Discrimination*—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It

is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce[1], in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

[1] See footnote to § 154.26.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this section relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this section are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-Fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 466; Supp. 4 U.S.C. Title 15, Sec. 13c).

[Rule 25]

§ 154.26 *Discriminatory returns.* It is an unfair trade practice for any member of the industry, engaged in commerce,[1] to discriminate in favor of one customer-purchaser against another customer-purchaser of the products of this industry, bought from such member of the industry for resale, by contracting to furnish or furnishing in connection therewith, upon terms not accorded to all customer-purchasers on proportionally equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* Nothing in any of the rules herein shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has not been properly labeled in accordance with the requirements of these rules, or has been otherwise falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect contrary to warranty or purchase contract.* [Rule 26]

§ 154.27 *False or misleading price quotations.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, or terms of sale, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* [Rule 27]

§ 154.28 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade. Nothing in this rule shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not effected.* [Rule 28]

[1] As here used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided,* That this shall not apply to the Philippine Islands.

§ 154.29, *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules.* [Rule 29]

Group II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Non observance of such rules does not, *per se,* constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

Rule A. The industry recommends that all contracts should embody specifically and in full detail the quality, kind, and finish of any leather or substitute therefor required to be furnished under the terms of such contracts and that all other materials to be used shall be specifically described in proper and customary form and wording.

A committee on trade practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission September 17, 1941.

JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-6942; Filed, September 16, 1941; 11:40 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-650]

PARTS 327 AND 328—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 7 AND 8

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DOMESTIC SIZE COALS WHEN SHIPPED AS LAKE CARGO FROM DISTRICTS 1 THROUGH 4 AND 6 THROUGH 8 TO CERTAIN DESTINATIONS IN MARKET AREA 21

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 7 seeking increases in the effective minimum prices established for the low volatile coals of Districts 7 and 8 in Size Groups 1 to 4 and 6, and the high volatile coals of District 7 and coals of other districts in related size groups for shipment as lake cargo to all destinations along Lake Erie, Lake St. Claire, and the Detroit River from Monroe or the south to and including Mt. Clemens on the north;

District Boards 1, 2, 4, and 6, the New River Company and the Carter Coal Company, code member producers in District 7, and the Detroit All-Rail Coal Merchants' Committee having filed petitions of intervention;

A hearing in this matter having been held before a duly designated Examiner of the Division at hearing rooms of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Temporary relief pending final disposition of this proceeding having been granted by Order of the Director;

The preparation and filing of a report by the Examiner having been waived and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That § 327.12 (*General prices for low volatile coals*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be and it hereby is revised by adding the following note:

NOTE 1: The above prices shall be increased for shipments to all points within the United States on Lake Erie, Lake St. Claire or the Detroit River, and tributaries thereof between Monroe, Michigan, on the south to and including Mt. Clemens, Michigan, on the north by not less than the following amounts per ton:

	Cents
Size Groups 1–3	50
Size Groups 4, 6	25

Provided, however, That such prices, when so increased, may be reduced for shipments during the following months by not more than the following amounts in cents per ton:

Date of shipment:	Size groups 1, 2, 3	4, 6
April	50	25
May	40	20
June	30	15
July	20	10
August	10	5

The date of shipment from the mine and not the date of sale shall govern the reduction applicable.

It is further ordered, That § 328.22 (*General prices for low volatile coals*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is revised by adding the following note:

NOTE 1: The above prices shall be increased for shipments to all points within the United States on Lake Erie, Lake St. Claire, or the Detroit River, and tributaries thereof between Monroe, Michigan, on the south to and including Mt. Clemens, Michigan, on the north by not less than the following amounts per ton:

	Cents
Size Groups 1–3	50
Size Groups 4, 6	25

Provided, however, That such prices, when so increased, may be reduced for shipments during the following months by not more than the following amounts in cents per ton:

Date of shipment:	Size groups 1, 2, 3	4, 6
April	50	25
May	40	20
June	30	15
July	20	10
August	10	5

The date of shipment from the mine and not the date of sale shall govern the reduction applicable.

It is further ordered, That the prayers for relief contained in the petition filed herein by District Board 7 should be granted to the extent set forth above and in all other respects denied.

Dated: September 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6929; Filed, September 16, 1941; 9:55 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 28—ETHYL ALCOHOL

A sharp increase in the demand for ethyl alcohol has occurred in recent months. Ethyl alcohol is not only essential for the production of high explosives used by the armed forces, but is also used in the manufacture of many civilian products related to national defense. Upon the price of ethyl alcohol depends the price of many other essential chemicals. Investigation by the Office of Price Administration reveals that since the beginning of this year the tank car price of ethyl alcohol SD2B, the basic formula among those affected by this schedule, has risen from 22½ cents per gallon to 24½ cents per gallon and is threatening to rise even higher. The average price of the same formula in 1940 was 20½ cents per gallon. On August 30, 1941, producers, dealers, and purchasers of industrial solvents were requested by the Administrator of the Office of Price Administration not to raise prices above the July 29, 1941, level without prior consultation with his Office. Despite this request and without prior consultation, one of the largest manufacturers of ethyl alcohol recently quoted a price of 49 cents per gallon for SD2B with respect to a proposed order for defense purposes. Other increases in price have also been noted, although the majority of the industry has shown cooperation in keeping the price of SD2B at 24½ cents. After a conference with members of the

industry, the Office of Price Administration has determined that, under existing circumstances, there is no justifiable reason for raising the price above 24½ cents, and that further increases in price would therefore be inflationary in character.

Such an inflationary movement in the price of prime chemicals would tend to weaken the defense effort by causing dislocations, price spiraling, and profiteering.

Accordingly, under the authority vested in me by Executive Order No. 8734,[1] it is hereby directed that:

§ 1335.150 *Maximum prices for ethyl alcohol.* On and after September 15, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer ethyl alcohol in quantities of 500 gallons or more when packaged in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept deliveries of ethyl alcohol in quantities of 500 gallons or more when so packaged, from any manufacturer, at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1335.159.*

*§§ 1335.150 to 1335.159 inclusive, issued pursuant to authority contained in Executive Order No. 8734.

§ 1335.151 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.152 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of ethyl alcohol, or in connection with a purchase, sale, delivery, or transfer of any other material by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement, or other trade understanding, or otherwise.*

§ 1335.153 *Records and reports.* Every person making purchases or sales of ethyl alcohol in quantities of 500 gallons or more shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each sale showing the date thereof, and the name and address of the buyer, the prices received, the specifications and quantity, including the size of the containers of the ethyl alcohol sold.*

§ 1335.154 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer who, during the preceding calendar month, has made sales of ethyl alcohol in quantities of 500 gallons or more when packaged in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 128:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 128:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from purchasing ethyl alcohol from those persons who fail to conform to this Schedule. Persons who have evidence of the offer, receipt, or demand of payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or of manipulation of prices of ethyl alcohol, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.156 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom.*

§ 1335.157 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a factory, plant, or distillery, which manufactures or produces ethyl alcohol.

(c) "Ethyl alcohol" means the formulae of ethyl alcohol listed in Appendix A hereof and specified by or registered with the United States Treasury Department, Bureau of Internal Revenue.*

§ 1335.158 *Effective date of the schedule.* This Schedule shall become effective on September 15, 1941.*

§ 1335.159 *Appendix A, maximum prices for ethyl alcohol.* The following maximum prices are established for ethyl alcohol (188–190 proof unless otherwise indicated) of the formulae listed below:

(a) *Tank cars in eastern territory:*

	Per gallon
CD12	$0.325 f. o. b. shipping point.
CD13	.325 f. o. b. shipping point.
CD14	.325 f. o. b. shipping point.
SD1	.275 at works.
SD2B	.245 at works.
SD3A	.275 at works.
SD12A	.255 at works.
SD23A	.275 at works.
SD23G	.305 at works.
SD23H	.280 at works.
Proprietary name CDA	.325 f. o. b. shipping point.
Proprietary name solvent	.285 at works.

(b) To determine the price for quantities of less than tank cars, the following differentials may be added to the maximum tank car prices set forth in paragraph (a) above:

	Containers included
Drums CL	$0.07
19 drums—LCL	.09½
1–18 drums	.12½
Barrels CL	.11
19 barrels	.13
1–18 barrels	.16

(c) To determine the maximum prices in the Pacific Territory, 4 cents per gallon may be added to the maximum prices established in paragraph (a) and (b) above, as the case may be.

(d) To determine the price of anhydrous ethyl alcohol (200 proof), 3 cents per gallon may be added to the maximum prices established in paragraphs (a), (b) or (c) above, as the case may be.

(e) For purposes of this Schedule the term "Eastern" territory shall be deemed to include all the states east of and including New Mexico, Colorado, Wyoming and Montana and the term "Western" territory shall be deemed to include all other states of the United States.*

Issued this 15th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–6918; Filed, September 15, 1941; 4:32 p. m.]

[1] 6 F.R. 1917.

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

SENEY NATIONAL WILDLIFE REFUGE, MICHIGAN

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges, the following regulations permitting and governing the hunting of deer within the Seney National Wildlife Refuge, Michigan, are made and prescribed:

§ 26.825a *Seney National Wildlife Refuge, Michigan; hunting of deer.* Deer may be taken during the open season prescribed therefor by the Commission of Conservation of the State of Michigan each year until further notice on lands of the United States within the Seney National Wildlife Refuge, Michigan, under the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting of deer.* The hunting of deer on the Seney National Wildlife Refuge, Michigan, is permitted on the lands described as follows: All the lands of the United States situated west of the Driggs River to its confluence with the Manistique River and thence west of the Manistique River to the south boundary of the refuge in T. 44 N., Rs. 13 and 14 W., and in T. 45 N., R. 14 W.; all the lands of the United States situated in the following subdivisions: Secs. 1 to 6, inclusive, T. 44 N., R. 15 W.; all of T. 45 N., R. 15 W.; secs. 31 to 36, inclusive, T. 46 N., R. 15 W.; sec. 1, T. 44 N., R. 16 W.; secs. 1, 12, 13, 24, 25, and 36, T. 45 N., R. 16 W.; and sec. 36, T. 46 N., R. 16 W.; Michigan Meridian.

(b) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall have in his possession a valid hunting license issued by the State of Michigan authorizing him to hunt deer, which said license shall serve as a Federal permit for hunting deer on the refuge. The license must be exhibited upon the request of any representative of the Michigan Commission of Conservation authorized to enforce the State game laws or of any representative of the Department of the Interior. The licensee shall comply in every respect with the State laws and regulations governing the hunting of deer and must also upon request of any of the aforesaid representatives exhibit for inspection all game killed by him or in his possession. Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of these regulations will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(c) *Disorderly conduct, intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting hereunder, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(d) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by these regulations, shall use such established routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

Date: September 3, 1941.

[F. R. Doc. 41–6921; Filed, September 16, 1941; 9:34 a. m.]

[1] 5 F.R. 5284.

PART 212—COPPER RIVER AREA FISHERIES

Section 212.4 is hereby amended to read as follows:

§ 212.4 *Closing date for salmon fishing.* Commercial fishing for salmon is prohibited after 6 o'clock postmeridian September 18 in each calendar year. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

Section 212.7 is hereby amended to read as follows:

§ 212.7 *Salmon fishing limited to drift gill nets.* Commercial fishing for salmon shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided,* That gill nets attached to anchored boats or other anchored floating equipment may be used from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 18 in each calendar year. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

Section 212.10 is hereby amended to read as follows:

§ 212.10 *Waters closed to salmon fishing.* Commercial fishing for salmon is prohibited within 500 yards of the Grass Banks, except that from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 18 in each calendar year such fishing is permitted within 500 yards of the Grass Banks by means of gill nets not exceeding 200 fathoms each in length attached to anchored boats or other anchored floating equipment. All fishing is prohibited at all times within the sloughs and within 500 yards of their mouths. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 226—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERY

Section 226.9 is hereby amended to read as follows:

§ 226.9 *Closed seasons; exceptions.* Commercial fishing for salmon other than trolling is prohibited, except in Ernest Sound, Zimovia Strait, and Bradfield Canal, prior to 6 o'clock antemeridian July 20 in each calendar year, from 6 o'clock postmeridian August 25 to 6 o'clock antemeridian October 5 in each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 25: *Provided,* That this prohibition shall not apply to the use of gill nets and beach seines in Wrangell Narrows, exclusive of all waters within 1 statute mile of the mouth of Petersburg Creek, from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 9. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

SEPTEMBER 8, 1941.

[F. R. Doc. 41–6922; Filed, September 16, 1941; 9:35 a. m.]

Notices

WAR DEPARTMENT.

[AG 325 (9–3–41) MT–C]

INDUCTION OF THE 127TH OBSERVATION SQUADRON, KANSAS NATIONAL GUARD, EFFECTIVE OCTOBER 6, 1941

1. Pursuant to and in compliance with the provisions of Executive Order Number 8756,[1] May 17, 1941, amending Executive Order Number 8633, January 14, 1941, ordering certain units and members of the National Guard of the United States into the active military service of the United States, effective on dates to be announced in War Department orders, October 6, 1941, is hereby announced as the effective date of induction for the following organization:

Unit	*State*
127th Observation Squadron	Kansas.

2. Separate instructions will be transmitted for the troop movements to be made following induction.

3. The Governor and the Adjutant General of Kansas are being furnished copies of this letter. (Sec. 111, 39 Stat. 211, sec. 49, 41 Stat. 784; 32 U.S.C. 81)

Dated: September 10, 1941.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–6923; Filed, September 16, 1941; 9:35 a. m.]

[Contract No. W 398 qm–10140; O. I. No. 4322]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: DIAMOND T MOTOR CAR COMPANY, CHICAGO, ILLINOIS

Contract for: Trucks * * *.
Amount: $3,717,966.25.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 5th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks * * *; Total amount, $3,717,966.25; in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and

[1] 6 F.R. 2474.

without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 1801 P 37–3053 A 0525.003–01 the available balance of which is sufficient to cover cost of same.

This contract authorized under Sec. (1) a Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6924; Filed, September 16, 1941; 9:36 a. m.]

[Contract No. W-ORD-518]

SUMMARY OF A COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: J–M SERVICE CORPORATION, NEW YORK, NEW YORK

Contract[1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the loading of fixed rounds, shells, bombs, fuses, boosters, detonators, and artillery primers.

Place: Near Parsons, Kansas.

Estimated cost of management service (including cost of architect-engineer and construction subcontracts) under Title I: $23,081,620.00.

Fixed-fee for management service under Title I: $110,000.00.

[1] Approved by the Under Secretary of War August 9, 1941.

Estimated cost of procuring equipment under Title II: $4,030,000.00.

Fixed-fee for procuring equipment under Title II: $44,000.00.

Estimated Cost of Training Key Personnel under Title III (optional): $250,000.00.

Fixed-fee for Training Key Personnel under Title III: $1.00.

Estimated cost of operation under Title IV (optional): $23,305,000.00.

Fixed-fee for operation under Title IV: $395,000.00.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27,032 P99 A0141–02
ORD 27,033 P99 A0141–02
ORD 50,181 P510–31 A0025–13
ORD 50,182 P531–32 A0025–13

This contract, entered into this 4th day of August 1941.

TITLE I—*Management Service*

ART. I–A. *Description of new ordnance facility.* The new ordnance facility, hereinafter referred to as the "Plant", and designated as Kansas Ordnance Plant, shall comprise a plant at or near Parsons, Kansas, upon a site to be furnished and made available by the Government, for the loading of fixed rounds, shells, bombs, fuzes, boosters, detonators and artillery primers.

ART. I–B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I–A hereof.

2. In the performance of the work described in Section 1 of this Article I–B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design (including necessary design of production equipment) and engineering and subcontract for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I–C. *Estimates.* It is estimated that the total cost of the work under this Title I will be approximately twenty-three million eighty-one thousand six hundred twenty dollars ($23,081,620.00), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I–D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of one hundred ten thousand dollars ($110,000.00) which shall constitute complete compensation for the Contractor's services.

TITLE II—*Procurement of Production Equipment*

ART. II–A. *Statement of work.* The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required.

ART. II–B. *Estimates.* It is estimated that the total cost under this Title II will be approximately four million thirty thousand dollars ($4,030,000.00), exclusive of the Contractor's fee.

ART. II–C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of forty-four thousand dollars ($44,000.00), which shall constitute complete compensation for the Contractor's services.

TITLE III—*Training of Key Personnel (Optional)*

ART. III–A. *Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants, at Ordnance establishments, or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under Section 1 of Article IV–A of Title IV.

ART. III–B *Estimate.* It is estimated that the cost of the work under this Title III will be approximately two hundred fifty thousand dollars ($250,000.00), exclusive of the Contractor's fee.

ART. III–C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar ($1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (Optional)*

ART. IV–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor within * * * months after the date of approval of this contract of the notice provided for in Section 1 of Article III–A of Title III hereof and receipt by the Contractor of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall so notify the Contracting Officer in writing and shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for a period of * * * months: *Provided, however,* That in no event shall the Contractor be obligated to operate said Plant either partially or completely under this Section 3 or Section 2 immediately preceding for a total period of more than * * * months after the Contractor has notified the Contracting Officer in writing that the first operating unit of said Plant is completed and ready for operation as provided in Section 2 above.

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in Section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for an additional period of * * * months, and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in Section 3 of Article IV–C hereof).

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV will be twenty-three million three hundred five thousand dollars ($23,305,000.00), exclusive of the cost of continued operation covered by the option therefor provided in Section 4 of Article IV–A hereof, and exclusive of the Contractor's fee.

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for the work under Sections 1, 2 and 3 of Article IV–A hereof in the amount of three hundred ninety-five thousand dollars ($395,000.00), which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

3. A fixed-fee for continued operation provided in Section 4 of Article IV–A hereof in the amount of three hundred ninety-five thousand dollars ($395,000.00), which fee shall constitute complete compensation for Contractor's services during continued operation.

TITLE V—*Cost of the Work and Payment Therefor*

ART. V–A. *Reimbursement for contractor's expenditures.* The Contractor shall be reimbursed in the manner hereinafter described for such of its actual expenditures in the performance of the work under this contract, as may be approved or ratified by the Contracting Officer.

ART. V–B. *Payments—Reimbursement for cost.* 1. *a.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph *a* of Section 1 shall be subject to the provisions of Article V–C.

Payment of the fixed-fees. 2. *a.* The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

b. The fixed-fee provided for in Article II–C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment, on the last working day of each calendar month as it accrues.

c. The fixed-fee of one dollar ($1.00) provided for in Article III–C shall be paid upon the completion of the work provided therein.

d. The fixed-fee provided for in section 2 of Article IV–C of Title IV shall be paid as follows:

(1) Forty-eight thousand dollars ($48,000.00) payable in six (6) equal monthly installments of eight thousand dollars ($8,000.00) each, less ten percent (10%) of each installment.

(2) Ninety-six thousand dollars ($96,000.00), payable in six (6) equal monthly installments of sixteen thousand dollars ($16,000.00) each, less ten percent (10%) of each installment.

(3) Two hundred fifty-one thousand dollars ($251,000.00), payable in twelve (12) equal monthly installments of twenty thousand nine hundred sixteen dollars and sixty-six cents ($20,916.66) each, less ten percent (10%) of each installment.

e. The fixed-fee provided for in section 3 of Article IV–C of Title IV shall be paid as follows:

(1) Three hundred ninety-five thousand dollars ($395,000.00) for the operation of the Plant during the additional period of twelve (12) months provided for in Section 4 of Article IV–A hereof, payable in twelve (12) monthly installments of thirty-two thousand nine hundred sixteen dollars and sixty-six cents ($32,916.66) each, less ten percent (10%) of each installment.

Final payment. 4. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V–C. *Advances.* At any time, and from time to time, after the execution of this contract, the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI—*Termination*

ART. VI–A. *Termination by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII—*General*

ART. VII–B. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII–C. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws:

The Act of July 2, 1940 (Public No. 703, 76th Congress) and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6933; Filed, September 16, 1941; 11:27 a. m.]

[Contract No. W–ORD–505[1] Supp. 1]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE EQUIPPING AND OPERATION CONTRACT

CONTRACTOR: MCQUAY-NORRIS MANUFACTURING CO., ST. LOUIS, MISSOURI

Contract[2] for: Equipping, additional to that provided in Contract No. W–ORD–505.

Place: St. Louis, Missouri.

Estimated cost of equipping under Title I: Original, $2,961,186.50; additional, $1,705,267.00.

Fixed-fee for equipping under Title I: Original, $55,000.00; additional, $15,000.00.

Estimated cost of operation of plant under Title II: Original, $19,485,000.00; additional, None.

Fixed-fee for operation under Title II: $* * * per thousand, Caliber * * * Armor Piercing Cores; $* * * per thousand, Caliber * * * Armor Piercing Cores.

[1] 6 F.R. 1415.
[2] Approved by the Under Secretary of War August 22, 1941.

This supplemental contract, entered into this 11th day of August 1941.

There is now in force between the parties hereto a certain contract which provides for equipping, including procurement and supervision of design, of layout, of plans for installation and of installations; preparation for operation (including training of operating personnel); and operation of a Plant for the manufacture of Caliber * * * and Caliber * * * Armor Piercing Cores, said contract being dated February 25, 1941, being identified by the Government as "Contract No. W–ORD–505" and being hereinafter sometimes referred to as the "Contract of February 25".

The Government now desires to modify said Contract of February 25 so as to provide for increasing the capacity of said Plant and the Contractor has agreed to such modification upon the terms, conditions, and provisions hereinafter set forth.

The parties hereto do mutually agree that the said contract of February 25 be and it hereby is modified in the following particulars:

1. Change Article I–A, Title I, to read:

The core manufacturing plant (hereinafter referred to as the "Plant") to be provided under the Collateral Contracts, shall comprise a plant located at St. Louis, Missouri, on a site to be furnished by the Government for the manufacture of Caliber * * * and Caliber * * * armor piercing cores (hereinafter sometimes referred to as the "Cores"), having an estimated daily capacity, based on working * * * shifts per day, as follows:

* * * Caliber * * * Armor Piercing cores.
* * * Caliber * * * Armor Piercing cores.

3. Change Article I–C, Title I, to read:

It is estimated that the total cost of the work, exclusive of the Contractor's fee, covered by this Title I will be approximately four million six hundred sixty six thousand four hundred fifty three dollars and fifty cents ($4,666,453.50), which sum includes two million one hundred eighty one thousand one hundred eighty six dollars and fifty cents ($2,181,186.50), representing the estimated cost of the additional equipment.

4. Change Article I–D, Title I, to read:

In consideration of its undertaking under this Title I the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Title III.

(b) A fixed-fee in the amount of seventy thousand dollars ($70,000.00), which shall constitute complete compensation for the Contractor's services.

5. Change Article II–C, Title II, to read:

In consideration of its undertaking under this Title II the Contractor shall receive the following which shall constitute complete compensation for the Contractor's services under this Title II.

1. Reimbursement for expenditures as provided in Title III.

2. Fixed-fees as listed below for operation of the Plant.

(a) $ * * * fixed-fee per 1000 Cal. * * * Cores satisfactorily packed and ready for safe shipment
(b) $ * * * fixed-fee per 1000 Cal. * * * Cores satisfactorily packed and ready for safe shipment

7. Change Article III–B, Title III, Section 2, to read:

(a) Payment of fifty-five thousand dollars ($55,000.00) of the fixed-fee provided in Article I–D shall be made in eleven (11) equal monthly installments of five thousand dollars ($5,000.00). Payment of fifteen thousand dollars ($15,000.00) of the fixed-fee provided in Article I–D shall be made in five (5) equal monthly installments of three thousand dollars ($3,000.00) each.

The equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

ORD–8758–P99–A1005–01
ORD–8759–P99–A1005–01
ORD–27,066–P2–99–A0141–02

This contract is authorized by the following laws: Act of July 2, 1940 (Public No. 703, 76th Cong.), continued by Act of June 30, 1941 (Public No. 139, 77th Cong.).

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6934; Filed, September 16, 1941; 11:27 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 504–FD]

IN THE MATTER OF THE APPLICATION OF KENTUCKY COAL AGENCY, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The Applicant, Kentucky Coal Agency, Inc., a marketing agency previously granted provisional approval, pursuant to Section 12 of the Bituminous Coal Act of 1937, having been required by an Order dated July 28, 1941, to show cause why

the provisional approval previously granted it should not be modified in certain specified respects; and

The matter having been assigned for hearing on September 17, 1941; and

Applicant having moved that the hearing be postponed until a later date, and having shown good cause why a postponement should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be continued from September 17, 1941, until 10 o'clock in the forenoon of September 30, 1941, at the place and before the officers previously designated.

Dated: September 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–6927; Filed, September 16, 1941; 9:55 a. m.]

[Docket No. A–896 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF TORNADO #1 MINE (MINE INDEX NO. 495) IN DISTRICT NO. 14

ORDER DISMISSING PETITION

An original petition, requesting temporary and permanent relief in the establishment of price classifications and minimum prices for the coals of certain mines, including the Tornado #1 Mine (Mine Index No. 495) in District No. 14, was duly filed with this Division in Docket No. A–896, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The Director by his Order of June 23, 1941, in that docket established temporarily the prices requested for the Tornado #1 Mine of the Tornado Coal Company (J. A. Hancox) and made provision for those prices becoming permanent under certain conditions.

District Board No. 14 in an original petition filed in Docket No. A–928 requested that the price classifications and minimum prices thus established for the coals of the Tornado #1 Mine be modified. Thereupon the Acting Director by his Order entered July 28, 1941, severed from Docket No. A–896 and designated as Docket No. A–896 Part II that portion of the original petition in Docket No. A–896 which related to the Tornado #1 Mine, continued in effect until further order the temporary relief theretofore granted as to the coals of that mine, revoked and conditional provision for that relief becoming final and set a hearing on the prayer for permanent relief in Docket No. A–896 Part II to be held on August 6, 1941, at a hearing room of the Division in Fort Smith, Arkansas.

When the hearing in Docket No. A–896 Part II convened, District Board No. 14, the petitioner, represented to the Trial Examiner that the Tornado #1 Mine had ceased operating in the interval between the date when the Board filed its original petition in Docket No. A–928 and the date of the hearing. Accordingly the Board thereupon moved for the dismissal, without prejudice, of the proceedings in Docket No. A–896 Part II.

Good cause therefor having been shown and no opposition thereto appearing,

It is hereby ordered, That the original petition of District Board No. 14 in Docket No. A–896 Part II be, and it hereby is dismissed, without prejudice.

Dated: September 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6928; Filed, September 16, 1941; 9:55 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 81, NEW MEXICO NO. 12, REDUCED

STOCK DRIVEWAY WITHDRAWAL NO. 236, NEW MEXICO NO. 13, REVOKED

Departmental orders of April 29, 1919 and February 17, 1933, withdrawing certain lands as New Mexico Stock Driveways Nos. 12 and 13, respectively, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, are hereby revoked, No. 12 in part and No. 13 in its entirety, so far as they affect the following described lands, which were included in New Mexico Grazing District No. 1 by Departmental order of June 12, 1941:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 N., R. 1 W.,
Sec. 18, SW¼NE¼; W½SE¼,
Sec. 19, W½NE¼;
T. 20 N., R. 2 W.,
Secs. 7, 8, 9, 10, 13, 14, and 15;
T. 20 N., R. 3 W.,
Secs. 3, 10, and 11,
Sec. 12, S½;
T. 21 N., R. 3 W.,
Secs. 7, 18, 19, 27, 28, 29, 30, and 34;
T. 21 N., R. 4 W.,
Secs. 3, 4, 5, and 6,
Sec. 7, N½,
Sec. 8, N½,
Sec. 9, N½,
Secs. 10, 11, and 12;
T. 21 N., R. 5 W.,
Secs. 1, 3, 4, 5, and 6,
Sec. 7, N½,
Sec. 8, N½,
Sec. 9, N½,
Sec. 10, N½,
Sec. 11, N½,
Sec. 12, N½;
Aggregating 21,598.86 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

SEPTEMBER 6, 1941.

[F. R. Doc. 41–6920; Filed, September 16, 1941; 9:34 a. m.]

RECREATIONAL WITHDRAWAL NO. 58 REVOKED

COLORADO

The departmental order of May 12, 1934, withdrawing upon the petition of the City of Salida, ratified by the Board of County Commissioners for Chaffee County, Colorado, for recreational classification under the act of June 14, 1926, 44 Stat. 741, 43 U.S.C. 869, the following-described public lands in that State, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 51 N., R. 8 E.,
Sec. 25, SW¼,
Sec. 26, E½SE¼,
Aggregating 240 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

AUGUST 27, 1941.

[F. R. Doc. 41–6919; Filed, September 16, 1941; 9:34 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 35 FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

Whereas a hearing has been held on September 12, 1941, before Thomas Holland, Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 35 for the establishment of a minimum wage in the Shoe Manufacturing and Allied Industries were given an opportunity to be heard and to offer evidence relevant thereto; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on or before October 1, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at the said hearing, based upon the complete record compiled thereat.

Signed at Washington, D. C., this 16th day of September 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–6943; Filed, September 16, 1941; 11:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 298]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, BEING PAID TO PAN AMERICAN AIRWAYS, INC., PAN AMERICAN-GRACE AIRWAYS, INC., AND URABA, MEDELLIN AND CENTRAL AIRWAYS, INC.

NOTICE OF FURTHER HEARING

Further public hearing in the above-entitled proceeding, being a proceeding instituted by the Board (1) to determine whether or not the rates of compensation being paid to the above-named carriers for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected

therewith, are fair and reasonable in accordance with the rate-making elements set forth in the Civil Aeronautics Act of 1938, and particularly section 406 (b) thereof, and in connection therewith to inquire into the nature and extent of the affiliations, control or relationship of such air carriers with persons engaged in some phase of aeronautics, or in the holding of stock in or control of air carriers or other persons engaged in some phase of aeronautics, or in the business of transporting persons or property for hire as a common carrier or otherwise; and (2) to fix and determine fair and reasonable rates of compensation for the transportation of mail by aircraft over routes known as FAM No. 5, FAM No. 6, FAM No. 7, FAM No. 8, FAM No. 9, and FAM No. 10, as amended, the facilities used and useful therefor, and the services connected therewith, is hereby assigned for September 29, 1941, 10 o'clock a. m. (Eastern Standard Time) in Conference Room "A", Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Francis W. Brown.

Dated: Washington, D. C., September 12, 1941.

[SEAL] FRANCIS W. BROWN,
Examiner.

[F. R. Doc. 41-6925; Filed, September 16, 1941; 9:36 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4587]

IN THE MATTER OF D. J. EASTERLIN, AN INDIVIDUAL, TRADING AS D. J. EASTERLIN & COMPANY

COMPLAINT

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13), hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent D. J. Easterlin, an individual trading as D. J. Easterlin & Company, has his principal office and place of business located at the corner of Prioleau and Cordes Streets in the City of Charleston, South Carolina. Respondent is engaged in business as a broker, importer and distributor of food.

PAR. 2. For services rendered to rice millers in connection with the sale of such commodity, respondent, as well as other brokers, customarily receives a brokerage fee or commission of 8¢ per pocket weighing one hundred pounds.

PAR. 3. In the course and conduct of his said business as a broker, since June 19, 1936, respondent has effected sales of rice for the International Rice Milling Company, Inc., a corporation trading as Trimble Rice Company, located at Crowley, Louisiana, and also for the Liberty Rice Mill, Inc., a corporation with its principal office and place of business located at Kaplan, Louisiana, pursuant to which sales such rice has been shipped and transported by the sellers thereof to purchasers located in the State of South Carolina.

PAR. 4. Since June 19, 1936, in connection with sales of such rice in interstate commerce, as aforesaid, respondent has offered to accept and accepted from such sellers a compensation of 3¢ per pocket on transactions with some buyers on the condition that such sellers transmit 5¢ of the brokerage to the purchaser in the form of a price 5¢ per pocket below the price at which such rice would have been sold if respondent had been compensated on a basis of 8¢ per pocket.

PAR. 5. The allowance of the 5¢ per pocket in lieu of brokerage or compensation in connection with the sale of rice in commerce in the manner and under the circumstances aforesaid is in violation of subsection (c) of Section 2 of the Act referred to in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 8th day of September, A. D. 1941, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, D. J. Easterlin, an individual, trading as D. J. Easterlin & Company, respondent herein, that the 17th day of October, A. D. 1941, at 2 o'clock in the afternoon, is hereby fixed as the time and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of September, A. D. 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6941; Filed, September 16, 1941; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-198]

IN THE MATTER OF CAPITAL MANAGEMENT PARTICIPATING FUND

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

Capital Management Participating Fund, a registered investment company having duly filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of exemption from the registration

requirements of section 8 (b) of the Act and the provisions of section 30 (d) of the Act with respect to semi-annual reports to shareholders:

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on September 23, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That James G. Ewell, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to

trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6931; Filed, September 16, 1941; 11:24 a. m.]

[File No. 1-2938]

IN THE MATTER OF THE KELLEY-KOETT MFG. CO., INC.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

The Kelley-Koett Mfg. Co., Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value; $25 Par Value 6% Cumulative Convertible Preferred Stock; and 4% Debentures due 1946 from listing and registration on the Cincinnati Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on September 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6932; Filed, September 16, 1941; 11:24 a. m.]

SEP 19 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 182

Washington, Thursday, September 18, 1941

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C. C. C. Flaxseed Form 1—Instructions]

PART 222—1941 FLAXSEED LOANS

INSTRUCTIONS CONCERNING FLAXSEED LOANS

Sec.

222.1 Definitions.
222.2 Areas in which loans will be made.
222.3 Amount of loans.
222.4 Maturity and interest rate.
222.5 Determination of quantity of flaxseed.
222.6 Farm storage.
222.7 Chattel mortgages.
222.8 Public warehouses.
222.9 Warehouse receipts.
222.10 Liens.
222.11 Insurance.
222.12 County agricultural conservation committee.
222.13 Source of loans.
222.14 Purchase of loans.
222.15 Offices of Commodity Credit Corporation.
222.16 Release of collateral.

These instructions are issued pursuant to the provisions of Title III, sec. 302 (a) of the Agricultural Adjustment Act of 1938, as amended.

Commodity Credit Corporation has authorized the making of loans in accordance with these instructions upon the security of flaxseed stored on farms and in approved public warehouses.

§ 222.1 *Definitions.* For the purpose of the instructions in this part and the notes and chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) "Eligible producer" means any person, partnership, association, or corporation producing flaxseed as landowner, landlord, or tenant upon whose farm the 1941 total soil-depleting acreage does not exceed the total soil-depleting acreage allotment or permitted acreage under the 1941 Agricultural Conservation Program.

(b) "Eligible flaxseed" means flaxseed grading No. 1 or No. 2, which was produced in 1941, the beneficial interest to which is and always has been in the eligible producer. Flaxseed containing more than 30 percent damage or which contains more than 11 percent moisture, or which is musty, sour, heating, hot, or which has any commercially objectional odor, or which is otherwise low quality, is not eligible for loan.

(c) "Eligible storage" shall include public grain warehouses and farm storage meeting the following respective requirements:

(1) Public grain warehouses which have met the requirements of Commodity Credit Corporation and have executed the Uniform Grain Storage Agreement, amended to cover flaxseed. Such warehouses may be situated at either terminal or country points.

(2) Farm storage shall consist of farm bins, and granaries which are of such substantial and firm construction as to afford safe storage of the flaxseed for a period of two years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committee.

(d) "Lending agency" means any bank, cooperative marketing association, or other corporation, partnership, or person making loans in accordance with the instructions in this part, which has executed the Contract to Purchase on 1940 C. C. C. Form E.

(e) "Eligible paper" shall consist of notes of the producers secured by chattel mortgages or warehouse receipts representing flaxseed in existence and undamaged from the perils of fire, lightning, inherent explosion, cyclone, tornado, windstorm and flood, dated prior to January 1, 1942, and executed in accordance with the instructions in this part, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.*

*§§ 222.1 to 222.16, inclusive, issued under the authority contained in sec. 302 (a), 52 Stat. 43; 7 U.S.C., Sup., 1302.

§ 222.2 *Areas in which loans will be made.* Loans will be made on eligible

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FEDERAL REGISTER

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flaxseed stored in approved public grain warehouses or in acceptable storage structures located on farms.*

§ 222.3 *Amount of loans.* Loan values on flaxseed shall be based on numerical grades as provided in the Official Grain Standards of the United States.

(a) The loan value for No. 1 flaxseed stored in approved warehouses at Chicago, Duluth, Kansas City, Missouri, Portland, Oregon, Los Angeles, Minneapolis, St. Paul, and San Francisco shall be $1.85 per bushel if the storage charges have been prepaid through April 30, 1942, and $1.78 per bushel if the storage charges are not prepaid. As evidence that storage charges have been prepaid the warehouse receipt must have stamped or typed thereon, or attached thereto, the following legend:

Storage charges for the period ending April 30, 1942, on the flaxseed represented by this warehouse receipt have been paid or otherwise provided for and lien for such charges will not be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of this warehouse receipt.

---------- Signed ----------
Warehouseman

The foregoing applies to flaxseed delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required: *Provided*, That Commodity Credit Corporation will accept in lieu of such bills the approved Warehouseman's Supplemental Certificate, or warehouse receipts on which a legend, signed by the warehouseman, has been stamped or typewritten in the following form or certificate of such warehouseman containing such an undertaking:

FREIGHT CERTIFICATE FOR TERMINALS

The ---------- represented by attached
(Commodity)
warehouse receipt No. ------ was received by rail freight from

---
Town County State
point of origin, as evidenced by freight bill described as follows:
Way Bill, Date ---------- No. ---------- Car No. ------ Int. ------ Freight Bill, Date ---------- No. ------ Carrier ----------
Transit Weight ------ Freight Rate In ------
Amount Collected ------ Number Unused Transit Stops ------
The above described paid freight bill has been officially registered for transit.

Date of Signature | Warehouseman's Signature | Address

Otherwise a deduction of six cents (6¢) per bushel shall be made.

(b) Loan value for No. 1 flaxseed stored on farms shall be determined by deducting from the terminal loan value ($1.85 per bushel) an amount equal to 4 cents per bushel more than all-rail interstate freight rate (in effect May 1, 1941) from the shipping point to the appropriate terminal market. The same deduction and 7 cents per bushel will be made in the case of flaxseed stored in country or subterminal warehouses where warehouse receipts do not carry an endorsement stating that storage charges have been paid, as required in paragraph (a) above. In Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin loan rates at country points shall be computed on the basis of the average freight rate from all shipping points, other than subterminal markets, in each county to the appropriate terminal market. Loan values for flaxseed at other than terminal markets will be found in State supplements to the instructions in this part (1941 C.C.C. Flaxseed Form 1—Supplement 1—Minnesota, etc.)

(c) The loan value for No. 2 flaxseed shall be 5 cents per bushel less than the applicable rate for No. 1 flaxseed.*

§ 222.4 *Maturity and interest rate.* Notes secured by farm-stored flaxseed or by warehouse receipts representing flaxseed shall mature on demand, on April 30, 1942. All loans will bear interest at the rate of 3 percent per annum. Notes evidencing such loans must be dated on or before December 31, 1941.*

§ 222.5 *Determination of quantity of flaxseed.* A bushel shall be 56 pounds of clean flaxseed free of dockage, when determined by weight, or 1.25 cubic feet of flaxseed testing 56 pounds per bushel when determined by measurement. A deduction of three-quarters of a pound for each sack will be made in determining the quantity of the collateral when stored as sacked grain. In determining the quantity of flaxseed in farm storage by measurement, fractional pounds of the bushel test weight for flaxseed testing less than 56 pounds per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 56-pound flaxseed:

	Percent
For flaxseed testing 56 pounds or over	100
For flaxseed testing 55 pounds or over, but less than 56 pounds	98
For flaxseed testing 54 pounds or over, but less than 55 pounds	96
For flaxseed testing 53 pounds or over, but less than 54 pounds	94
For flaxseed testing 52 pounds or over, but less than 53 pounds	92
For flaxseed testing 51 pounds or over, but less than 52 pounds	90
For flaxseed testing 50 pounds or over, but less than 51 pounds	88
For flaxseed testing 49 pounds or over, but less than 50 pounds	85
For flaxseed testing 48 pounds or over, but less than 49 pounds	83
For flaxseed testing 47 pounds or over, but less than 48 pounds	81

*

§ 222.6 *Farm storage.* Flaxseed stored on the farm must have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading and sealing the flaxseed collateral in approved structures. Chattel mortgages covering farm-stored flaxseed must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer and the flaxseed collateral is stored on the farm, the expiration date of the lease shall be given in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1942, the landlord shall execute the Consent for Storage, section 5 of the chattel mortgage. The consent agreement shall also be signed by any other party or parties entitled to possession. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the flaxseed as determined by the county committee. Notes and mortgages will not be acceptable which provide a shipping point other than the normal shipping point customarily used by the producers in the locality in which the flaxseed was produced. A separate note and chattel mortgage must be submitted for flaxseed stored on each quarter section of land.*

§ 222.7 *Chattel mortgages.* All documents must be carefully examined as to compliance with State requirements.*

§ 222.8 *Public warehouses.* Commodity Credit Corporation will accept only negotiable insured warehouse receipts covering flaxseed pledged as collateral to notes on 1941 C.C.C. Wheat Form B, properly corrected, issued by any public grain warehouse which has executed the Uniform Grain Storage Agreement, amended to cover flaxseed. Warehousemen desiring approval should communicate with the Commodity Credit Corporation office serving the area, at which office a list of approved warehouses and their locations is available. A list of approved warehouses for the area may also be obtained at any State or county agricultural conservation office. Approved warehousemen shall not issue and have outstanding at any time warehouse receipts in excess of the normal working capacity or licensed capacity of the warehouse. Warehousemen shall be required to deliver either the identical flaxseed or country-run flaxseed equal to that described in the warehouse receipts and accompanying certificates or documents.*

§ 222.9 *Warehouse receipts.* Warehouse receipts must be dated on or prior to the date of the related note and properly assigned by an endorsement in blank so as to vest title in the holder, or issued to bearer, and must be issued by approved warehousemen. Unless the warehouse receipts are stamped or printed "Insured" there must be attached or included in the certificate of the warehouseman the statement that the flaxseed is insured for not less than the market value, against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for storage charges will be recognized by Commodity Credit Corporation only from May 15, 1941, or the dates of the warehouse receipts, whichever is later. Such receipts must set out in their written or printed terms the gross weight or bushels, the grade, the percentage of sound flaxseed, test weight and all other facts and statements required to be stated in the written or printed terms of the negotiable warehouse receipts under the provisions of section 2 of the Uniform Warehouse Receipts Act or to be accompanied by a certificate of the warehouseman identified to such warehouse receipt, setting out such information and shall be based on the in-bound movement or delivery of the grain to an approved warehouse.*

§ 222.10 *Liens.* The flaxseed collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the chattel mortgage or note and loan agreement. The names of the holders of all existing liens on the pledged or mortgaged flaxseed, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to the pledge or mortgage of the flaxseed and the payment of the proceeds of the loan and the proceeds of the sale of the flaxseed solely to the producer as contained in the mortgage or loan agreement must be signed personally by all lienholders listed or by their duly authorized agents; or, if corporation, by the designated officer thereof customarily authorized to execute such instruments. (In lieu of signing the section of the chattel mortgage or loan agreement entitled "List of Lienholders and Their Waivers and Consent to Pledge," lienholders may sign CCC Form AB which must completely identify the related note.) The producer will direct in the notes that the proceeds of the loan be made payable to him and/or such other person or concern as he may direct thereon. Producers should read carefully all real estate or other mortgages previously given by them in order to determine whether or not crops are covered thereby. Any fraudulent misrepresentation of fact made in the execution of the note and mortgage and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.*

§ 222.11 *Insurance*—(a) *Flaxseed stored on farms.* The producer must obtain primary insurance on flaxseed stored on the farm for not less than the amount of the loan, plus accrued interest to maturity for the period ending June 30, 1942. Such insurance shall be evidenced by a certificate in a form approved by Commodity Credit Corporation issued by a company or association licensed to do business in the State in which the flaxseed is stored. The insurance coverage may be obtained through the customary channels and the form of certificate required shall be furnished by the agent writing same.

(b) *Flaxseed stored in approved warehouses.* With respect to such flaxseed, the warehouseman shall provide insurance against the perils of fire, lightning, inherent explosion and windstorm, cyclone and tornado, for the full market value thereof, so long as receipts are outstanding.

In addition to the foregoing, Commodity Credit Corporation has obtained a blanket insurance policy to protect it against errors and omisisons in the primary insurance coverage, e.g., the failure of the primary insurance to pay losses on account of theft and wrongful conversion, flood and inherent explosion, and certain other risks not covered by the primary insurance. This secondary insurance will be secured by Commodity Credit Corporation for all loans and the cost of the insurance will be paid from the service fees collected from producers.*

§ 222.12 *County agricultural conservation committee.* Forms will be obtained from county agricultural conservation committees or from the office of Commodity Credit Corporation. The producers' notes contain approvals which should not bear a date prior to the date of the note or loan agreement and which must be signed in each instance by a member of the county agricultural conservation committee of the county in which the flaxseed was produced, for warehoused flaxseed, and the county in which the flaxseed is stored, for farm-stored flaxseed. Pursuant to instructions issued by the Secretary of Agriculture, the State and county committees will determine or cause to be determined the quantity and grade of the flaxseed collateral and the amount of the loan. All loan documents will be completed and approved by the county committee, who will retain all documents except the producer's note. In order to meet the cost of the local expenses, county agricultural associations will collect a service fee for all loans.

Approval of 1941 Flaxseed Loans by Member of County Committee

(a) By signing in the space provided on the Producer's Note (1941 C.C.C. Grain Form A) the member certifies for and on behalf of the county committee to its best knowledge and belief that the flaxseed securing the note and the storage structure(s) in which the flaxseed is stored have been inspected and sealed and the quantity, quality, and loan value determined in accordance with regulations of the Secretary of Agriculture; that the representations set forth in the

chattel mortgage are true and correct; that the chattel mortgage will be filed for record in accordance with the requirements of Commodity Credit Corporation; that satisfactory evidence of authority of all persons executing note, chattel mortgage, lienwaiver(s), and consent for storage has been received, and any documentary evidence of authority will be held by the committee, that the original or a duplicate copy of said mortgage bearing receipt of the county recording official will be held by the committee; that a primary insurance certificate on an approved form is filed with said chattel mortgage and that all lienholders have waived the priority of their liens and consents granted for storage if necessary.

(b) By signing in the space provided on the Producer's Note and Loan Agreement (1941 C.C.C. Wheat Form B, which has been properly corrected for use as a Flaxseed Producer's Note and Loan Agreement (the member certifies for and on behalf of the county committee to the best knowledge and belief of the county committee that the representations set forth by the producer are true and correct; that the amount of the loan on the described flaxseed has been correctly determined on the basis of the warehouse receipts in accordance with the instructions in this part and that all existing liens on the pledged flaxseed are listed in section 3 of the note and loan agreement.*

§ 222.13 *Source of loans.* Loans may be obtained from banks and other local lending agencies, which in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans direct from the Corporation on notes made payable to the Corporation, which shall be delivered to the office serving the area in which the flaxseed is stored, delivered or postmarked prior to January 1, 1942. Upon approval of the loan by Commodity Credit Corporation, payment will be made pursuant to the directions of the producer as set forth in the note.*

§ 222.14 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, only from lending agencies which have executed and delivered to the office of Commodity Credit Corporation to which notes are submitted Contract to Purchase, 1940 C.C.C. Form E, obtainable only from such offices.

Paper held by lending agencies must be tendered at least 10 days prior to maturity to the office of Commodity Credit Corporation holding the Contract to Purchase and serving the area in which the flaxseed is stored. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from the respective dates to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940 C. C. C. Form F all payments or collections on producers' notes held by them, and to remit with such report to Commodity Credit Corporation, an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of the note to the date of payment.*

§ 222.15 *Offices of Commodity Credit Corporation.* The locations and addresses of the Representatives previously referred to herein and the areas served by them under the instructions in this part are:

Address and Area
208 South LaSalle St., Chicago, Ill.—Delaware, Illinois (except East St. Louis), Indiana, Eastern Iowa, Kentucky, Maryland, Michigan, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Southern Wisconsin, and States not otherwise listed.
1108 Federal Reserve Bank Bldg., Kansas City, Mo.—Alabama, Arkansas, Colorado, Georgia, Florida, Western Iowa, Kansas, Louisiana, Mississippi, Missouri (also East St. Louis), Nebraska, New Mexico, Oklahoma, South Carolina, Texas, Wyoming.
328 McKnight Building, Minneapolis, Minn.—Minnesota, Montana, North Dakota, South Dakota, Northern Wisconsin.
444 Pittock Block, Portland, Oreg.—Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

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§ 222.16 *Release of collateral.* The producer may obtain the return of notes secured by flaxseed at any time prior to maturity, upon the payment of the principal amount due thereon, plus accrued interest and charges. No allowance will be made for storage by Commodity Credit Corporation. The loan paper may be sent to an approved bank for collection or the producer may ascertain the amount due and remit directly to the office of Commodity Credit Corporation holding the paper. Partial releases of collateral will be made as follows:

(a) In the case of farm-stored flaxseed, the producer must identify to Commodity Credit Corporation the seal number of the bin to be released. Such release must cover all the flaxseed in any one bin. Such release will be made upon payment of the amount loaned on the particular bin of flaxseed, plus interest.

(b) In the case of elevator-stored flaxseed, producers desiring to obtain partial release should notify the office of Commodity Credit Corporation serving the area in which the flaxseed is stored, describing the flaxseed to be released, by warehouse receipt numbers. Each partial release must cover all the flaxseed under one warehouse receipt. The warehouse receipt representing flaxseed will be released against payment of the amount loaned on the flaxseed to be released, plus interest on such amount and any charges applicable thereto.

Dated: August 19, 1941.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 41-6954; Filed, September 17, 1941; 11:06 a. m.]

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[Order No. 30, as Amended]

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

Sec.
930.0 Findings.
930.1 Definitions.
930.2 Market administrator.
930.3 Reports of handlers.
930.4 Classification of milk.
930.5 Minimum prices.
930.6 Determination and announcement of uniform prices to producers.
930.7 Payment for milk.
930.8 Expense of administration.
930.9 Marketing services.
930.10 Effective time, suspension, or termination of order.

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective May 1, 1940, Order No. 30, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, which order, as amended, was further amended on March 16, 1941.

Claude R. Wickard, Secretary of Agriculture, tentatively approved, on January 31, 1941, a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of said act, notice was given, on the 12th day of June 1941, of a public hearing which was held at Toledo, Ohio, beginning on June 18, 1941, at which time and place all interested parties were afforded an opportunity to be heard on a proposal to amend the said tentatively approved marketing agreement, as amended, and the order, as amended.

After such hearing and after the tentative approval, on the 6th day of August 1941, of a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, handlers of more than fifty percent of the volume of milk covered by this order, as amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to the handling of milk in such marketing area.

The requirements of section 8c (9) of said act have been complied with.

It is hereby found, upon the evidence introduced at the above-mentioned public hearing, said findings being in addition to findings made upon the evidence introduced at the original hearing on said order and on said order, as amended, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth).

§ 930.0 *Findings.* (a) That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and 8e of said act, are not reasonable in view of the prices of feeds, the available supplies of feed, and other economic conditions which affect the market supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(b) That the order, as amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this order, as amended, and all of its terms and conditions, will tend to effectuate the declared policy of the act:

Pursuant to the powers conferred upon the Secretary by said act, it is hereby ordered that such handling of milk in the Toledo, Ohio, marketing area, as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in compliance with the following terms and conditions.*

*§§ 930.0 to 930.10, inclusive, issued under the authority contained in 48 Stat. 31, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup., 602 et seq.

§ 930.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Secretary" means the Secretary of Agriculture of the United States.

(2) The term "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, Rossford, and Trilby, in Lucas County, and the township of Perrysburg in Wood County, all in the State of Ohio, and the village of Lakeside in Monroe County, Michigan.

(3) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(4) The term "producer" means any person who produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area and any person reported by a handler pursuant to § 930.3 (a) (7): *Provided*, That if such producer has not regularly distributed milk in the marketing area or has not disposed of milk to a handler for a period of 30 days prior to September 16, 1938, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery of milk and including the first 2 full calendar months of regular delivery following the date of first delivery to a handler, after which he shall be known as a producer.

(5) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, new producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(6) The term "delivery period" means any calendar month.

(7) The term "market administrator" means the agency which is described in § 930.2 for the administration hereof.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "market share" means the quantity of milk calculated for each producer pursuant to § 930.7 (e).

(10) The term "option A" means that option under which a producer choosing such option shall have an individual market share determined by the market administrator pursuant to § 930.7 (e).

(11) The term "option B" means that option under which those producers selling to the same handler and individually choosing such option shall have a combined market share equal to the sum of the individual market shares of such producers.

(12) The term "excess milk" means the quantity of milk remaining after the market-share deliveries of a producer have been subtracted from his total deliveries of milk during the delivery period.

(13) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members and (ii) to have and to be exercising full authority in the sale of milk of its members.

(14) The term "emergency milk" means milk received by a handler from sources other than producers or new producers under a permit to receive such milk issued by the proper health authorities.*

§ 930.2 *Market administrator* — (a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall: (1) Administer the terms and provisions hereof; and (2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 930.8, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 930.3 or (ii) made payments pursuant to § 930.7.

(5) Promptly verify the information contained in the reports submitted by handlers.*

§ 930.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period (i) the receipts of milk from producers and new producers, (ii) the receipts of milk from handlers, (iii) the receipts of milk produced by him, if any, (iv) the receipts of milk from any other source, (v) the utilization of all receipts of milk for the delivery period, and (vi) the name and address of each new producer.

(2) Within 10 days after the market administrator's request with respect to any producer and new producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received.

(3) On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer and new producer (i) the total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to such producer and new producer made pursuant to § 930.7, and (iii) the deductions and charges made by the handler. Such pay roll shall show also for each producer his total delivery of market-share milk and excess milk.

(4) On or before the 5th day after the end of each delivery period the sale or disposition of Class I milk outside the marketing areas, as follows: (i) the amount and the utilization of such milk;

(ii) the butterfat test thereof, (iii) the date of such sale or disposition, (iv) the point of use, (v) the plant from which such milk was shipped, and (vi) such other information with respect thereto as the market administrator may request.

(5) On or before the 5th day after the market administrator's request, a schedule which shall show the transportation rates which are charged and paid for the transportation of milk from the farm of each producer and new producer to such handler's plant.

(6) On or before the 5th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule.

(7) On or before the 5th day after the end of each delivery period, a list showing the name and address of each person who produces milk and is under contract with such handler, either individually or through a cooperative association, to have his milk received and paid for as part of the handler's supply of milk for the marketing area, but whose milk may be received at a plant of such handler from which no milk is disposed of in the marketing area. Any such person who is not included on such a list, submitted on or before the 5th day after the end of the delivery period, shall not be deemed to be a producer for such delivery period.

(8) On or before the day such handler receives emergency milk his intention to receive such milk.

(9) On or before the 5th day after the end of each delivery period, the receipts of emergency milk, as follows: (i) the amount of such milk, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, and (iv) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section and § 930.4 (c), and (2) those facilities necessary for the check-weighing, testing, and sampling of milk and for determining the utilization of milk being made by the handler.

If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, it is necessary for the market administrator to examine records relating to milk and cream handled in a plant of the handler from which no milk is disposed of in the marketing area, such handler shall make such records available to the market administrator. If, in the verification of the reports of any handler made pursuant to paragraph (a) of this section, the market administrator finds that subsequent to the delivery period for which the verification is being made, any milk of a producer or new producer received during such delivery period was used in a class other than that in which it was first disposed of, such milk shall be reclassified accordingly and the adjustments necessary to reflect the reclassified value of such milk shall be made in the value of milk computed for such handler for the delivery period following such reclassification of milk.*

§ 930.4 *Classification of milk*—(a) *Milk to be classified.* All milk, including milk produced by him, if any, received by each handler at a plant from which milk is disposed of in the marketing area and all milk of producers and new producers reported pursuant to § 930.3 (a) (7) shall be classified, subject to the provisions of paragraphs (c) and (d) of this section, by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and milk drinks, whether plain or flavored, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream, including any cream product disposed of in fluid form which contains less than the minimum butterfat content required for fluid cream, creamed buttermilk, and creamed cottage cheese.

(3) Class III milk shall be all milk used to produce a milk product other than those specified in Class II milk, and all actually accounted for plant shrinkage up to but not exceeding 3 percent of the total receipts of milk from producers and new producers.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified as Class I milk: *Provided,* That if different classification is similarly reported to the market administrator by the selling handler and the person to whom such milk is disposed of, such milk shall be classified according to such reports, subject to verification by the market administrator: *And provided further,* That in no event shall the amount so reported in any class be greater than the total amount of milk disposed of in such class by the person receiving such milk.

(d) *Computation of butterfat in each class.* For each delivery period, the market administrator shall compute for each handler the butterfat in each class of utilization of such handler, as follows:

(1) Determine the total pounds of butterfat received as follows: (i) multiply the weight of the milk received from producers and new producers by the average butterfat test thereof, (ii) multiply the weight of the milk, if any, produced by him, by the average butterfat test thereof, (iii) multiply the weight of the milk, if any, received from handlers, by the average butterfat test thereof, (iv) multiply the weight of emergency milk, if any, by the average butterfat test thereof, and (v) add together the resulting amounts.

(2) Determine the total pounds of butterfat in Class I milk as follows: (i) convert to quarts the total quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 2.15, (ii) multiply the result by the average butterfat test of such milk.

(3) Determine the total pounds of butterfat in Class II milk as follows: (i) multiply the total pounds of each of the several products of Class II milk by its average butterfat test and (ii) add together the resulting amounts.

(4) Determine the total pounds of butterfat in Class III milk as follows: (i) multiply the total pounds of each of the several products of Class III milk by its average butterfat test, add together the resulting amounts, and add to this sum the total pounds of butterfat reported as actual plant shrinkage up to but not exceeding 3 percent of the total receipts of butterfat by the handler from producers and new producers; (ii) subtract from the total pounds of butterfat received, computed pursuant to subparagraph (1) of this paragraph, the sum total of the pounds of butterfat determined in subparagraph (2), subparagraph (3), and (i) of this subparagraph; and (iii) add the resulting amount of butterfat, if any, to the amount of butterfat computed pursuant to subparagraph (2) of this paragraph.

(5) Determine the classification of the butterfat received from producers and new producers, as follows:

(i) Subtract from the total pounds of butterfat in each class the total pounds of butterfat received from other handlers and used in such class.

(ii) In the case of a handler who also distributes milk of his own production, subtract from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply by the total pounds of butterfat produced by such handler.

(iii) In the case of a handler who has received emergency milk during the delivery period, subtract respectively from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply the resulting percentage figure by the total pounds of butterfat contained in emergency milk received.

(e) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class received from producers and new producers by (i) dividing the total pounds of butterfat computed for each class in accordance with paragraph (d) (5) of this section by the average butterfat test of all milk received from producers and new producers by such handler, and (ii) dividing the resulting amounts by 100.*

§ 930.5 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraph (b) of this section, each handler shall pay, at the time and in the manner set forth in § 930.7, not less than the following prices for milk of 3.5 percent butterfat content received at such handler's plant:

(1) *Class I milk.* The price per hundredweight for Class I milk shall be the price for Class III milk, determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 80 cents: *Provided,* That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price per hundredweight shall be such price for Class I milk less 46 cents.

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price for Class III milk determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 30 cents.

(3) *Class III milk.* The price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants and subtract 10 cents.

Concern	*Location of plant*
Van Camp Milk Co.	Wauseon, Ohio
Pet Milk Co.	Delta, Ohio.
Defiance Milk Products Co.	Defiance, Ohio.

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

(b) *Price of Class I milk disposed of outside the marketing area.* The price to be paid by a handler for milk received from producers and new producers and disposed of as Class I milk outside the marketing area shall be the price for Class I milk (other than relief milk), determined pursuant to paragraph (a) (1) of this section, less 46 cents.*

§ 930.6 *Determination and announcement of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute for each handler the value of milk of producers and new producers received by such handler, as follows: (1) multiply the hundredweight of Class I milk disposed of in the marketing area by the Class I price set forth in § 930.5 (a), (2) multiply the hundredweight of Class I milk disposed of outside the marketing area by the price applicable pursuant to § 930.5 (b), (3) multiply the hundredweight of Class II milk by the Class II price, (4) multiply the hundredweight of Class III milk by the Class III price, and (5) add together the resulting amounts.

(b) *Computation and announcement of the uniform price.* (1) For each delivery period, prior to August 1, 1940, the market administrator shall compute for each handler the uniform price per hundredweight of milk received by such handler as follows:

(i) Subtract from the sum computed pursuant to paragraph (a) of this section the total amount to be paid pursuant to § 930.7 (b) (2);

(ii) If, in the verification of the reports of such handler for previous delivery periods, the market administrator has discovered errors in such reports, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors;

(iii) Divide by the hundredweight of milk received from producers other than the milk represented by the amount subtracted in subdivision (i) of this subparagraph;

(iv) Adjust the resulting figure to the nearest cent. This result shall be known as such handler's uniform price for such delivery period for milk of producers which contains 3.5 percent butterfat; and

(v) On or before the 12th day after the end of each delivery period, prior to August 1, 1940, the market administrator shall notify each handler of the class prices for milk and of the uniform price computed for him pursuant to this subparagraph, and shall publicly announce such prices.

(2) For each delivery period, subsequent to July 31, 1940, the market administrator shall compute for each handler the uniform price per hundredweight for each producer's market share of milk received by such handler as follows:

(i) Subtract from the sum computed pursuant to paragraph (a) of this section, the total amount to be paid pursuant to § 930.7 (c) (4);

(ii) Subtract, from the resulting amount, the value of excess milk received from producers, computed by multiplying the hundredweight of such milk by the Class III price;

(iii) If, in the verification of the reports of such handler for previous delivery periods, the market administrator has discovered errors in such reports, there shall be added or subtracted, as the case may be, the amount necessary to correct such errors;

(iv) Divide by the total hundredweight of market-share deliveries of all producers during the delivery period;

(v) Adjust the resulting figure to the nearest cent. This result shall be known as such handler's uniform price for such delivery period for market-share milk of producers which contains 3.5 percent butterfat; and

(vi) On or before the 12th day after the end of each delivery period, subsequent to July 31, 1940, the market administrator shall notify each handler of the class prices for milk and of the uniform price of market-share milk computed for him pursuant to this subparagraph, and shall publicly announce such prices.*

§ 930.7 *Payment for milk*—(a) *Time and method of payment.* On or before the last day of each delivery period, each handler shall pay, with respect to all milk received during the first 15 days of such delivery period, $1.50 per hundredweight to each producer, and $0.75 per hundredweight to each new producer.

(b) On or before the 15th day after the end of each delivery period, prior to August 1, 1940, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and less the payment made in accordance with paragraph (a) of this section, for each hundredweight of milk received from producers and new producers during such delivery period as follows:

(1) To producers, except as set forth in subparagraph (2) of this paragraph, at not less than such handler's uniform price; and

(2) To each new producer at the Class III price.

(c) On or before the 15th day after the end of each delivery period, subsequent to July 31, 1940, each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section and less the payment made in accordance with paragraph (a) of this section, for each hundredweight of milk received from producers and new producers during such delivery period as follows:

(1) To each producer choosing option A, at not less than such handler's uniform price for all milk received from such producer not in excess of his market share.

(2) To each producer choosing option A, at not less than the Class III price for all milk received from such producer in excess of his market share.

(3) To each producer choosing option B, at not less than a price for all milk determined as follows:

(i) Add together the market shares of all producers choosing option B from whom such handler received milk;

(ii) Multiply the sum computed in subdivision (i) of this subparagraph by such handler's uniform price;

(iii) Multiply the total quantity of excess milk of all such producers choosing option B by the Class III price;

(iv) Add together the values computed pursuant to subdivisions (ii) and (iii) of this subparagraph and divide the resulting sum by the total hundredweight of milk received by such handler during the delivery period from all such producers choosing option B; and

(v) Adjust the resulting figure to the nearest cent.

(4) To each new producer at the Class III price.

(d) *Butterfat differential.* If a handler has received from a producer or new producer, during any delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to paragraphs (b) and (c) of this section, shall add to the price to be paid each producer or new producer, for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than or shall deduct from such price, for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than an amount per hundredweight as follows:

Three cents, if the average butter price used in § 930.5 (a) is 30 cents or less;

Four cents, if the average butter price used in § 930.5 (a) is more than 30 cents but not more than 40 cents; or

Five cents, if the average butter price used in § 930.5 (a) is more than 40 cents.

(e) *Delivery period market share.* For each delivery period the market share of each producer shall be a quantity of milk calculated by multiplying the daily market share computed pursuant to paragraph (f) of this section by the number of days on which milk was received from such producer during the delivery period.

(f) *Determination of daily market share.* The market administrator shall determine the daily market share of each producer as follows:

(1) Effective for each delivery period from August 1 through December 31, 1940, subject to the adjustment provided in subparagraph (3) of this paragraph, divide such producer's total pounds of milk delivered in bulk to a handler during the 12-month period immediately preceding December 1, 1939, by the number of days upon which deliveries were made and take such a percentage of the result as will make the sum of all figures so determined for producers from whom such handler received milk equal to 115 percent of the daily average Class I and Class II milk disposed of by such handler during the last calendar quarter of 1939: *Provided*, That if a producer cannot show to the satisfaction of the market administrator deliveries to a handler during a full 12-month period immediately preceding December 1, 1939, compute for such producer a figure in the manner provided for new producers pursuant to subparagraph (4) of this paragraph, and immediately after a record of deliveries of such producer to a handler for a 12-month period becomes available, compute a new figure by dividing the total pounds of milk delivered by him in bulk to a handler during such 12-month period by the number of days upon which deliveries were made and multiplying the result by the most recent percentage figure used pursuant to subparagraph (3) of this paragraph in the computation of market shares of producers of the handler who receives the milk of such producer.

(2) Effective for the calendar year 1941, subject to the adjustment provided in subparagraph (3) of this paragraph, compute such producer's daily average market-share deliveries for all delivery periods during the calendar year immediately preceding: *Providing*, That for each delivery period of such preceding calendar year during which any handler received from producers and new producers a quantity of milk greater than 115 percent of his Class I milk and Class II milk, each producer from whom such handler received full market-share deliveries for 7 or more delivery periods of such preceding year shall be given credit for having delivered his market share during such delivery period.

Effective for each calendar year following 1941, subject to the adjustment provided in subparagraph (3) of this paragraph, compute such producer's daily average market-share deliveries for all delivery periods during the 12 months immediately preceding December 1 of the last previous year: *Provided*, That for each delivery period covered by such 12 months during which any handler received from producers and new producers a quantity of milk greater than 115 percent of his Class I and Class II milk, each producer from whom such handler received full market-share deliveries for 7 or more delivery periods covered by such 12 months shall be given credit for having delivered his market share during such delivery period.

(3) At the beginning of each calendar quarter the figure computed pursuant to this paragraph for each producer from whom a handler receives milk shall be adjusted by that percentage which will make the sum of all such figures equal to 115 percent of the Class I and Class II milk of such handler during the first three months of the four months immediately preceding.

(4) Effective for each delivery period, subsequent to July 31, 1940, for each producer who has been a new producer, compute a figure equal to the daily average of such producer's pounds of milk delivered in bulk to a handler for the period during which he was a new producer, subject to the adjustment provided in subparagraph (3) of this paragraph; and immediately after a record of milk deliveries of such producer to a handler for a 12-month period becomes available, compute a new figure by dividing the total pounds of milk delivered by him in bulk to a handler during such 12-month period by the number of days upon which deliveries were made and multiplying the result by the most recent percentage figure used pursuant to subparagraph (3) of this paragraph in the computation of market shares of producers of the handler who receives the milk of such producer.

(5) The following rules shall be observed by the market administrator in the allotment and adjustment of market shares:

(i) Each producer who chooses option A by writing to the market administrator prior to August 15, 1940, will deliver his milk under the provisions of option A. Each producer who chooses option B by writing to the market administrator and each producer who makes no choice of options will deliver his milk under the provisions of option B. Each new producer, upon becoming a producer, shall be given 15 days to make a choice of option A or option B. Each producer shall be notified as to his daily market share.

(ii) Any producer may make a written request to the market administrator during December, January, February, and March of any year, for change from option B to option A. A producer who makes such a request shall begin the delivery of his milk under option A on the first day of the delivery period immediately following that during which the request was made. No producer may change from option A to option B except at the beginning of a calendar year.

(iii) The daily market share of a producer who elects to change from option B to option A shall be the daily average of such producer's pounds of milk delivered in bulk to a handler for that part of the period from September 15, 1938, up to the date of his application for such change in options during which his milk has been received by a handler, subject to the adjustment in subparagraph (3) of this paragraph. After September 15, 1941, the daily market share of each such producer shall be the daily average of such producer's pounds of milk delivered in bulk to a handler for that part of the 36-month period immediately preceding the date of his application for a change in options during which his milk has been received by a handler, subject to the adjustment provided in subparagraph (3) of this paragraph.

(iv) Any producer who, as the result of official testing for tuberculosis or Bang's disease, or testing for mastitis by a recognized veterinarian (documentary evidence of such losses, satisfactory to the market administrator, must be supplied), loses 20 percent or more of the cows in his herd, shall be given 12 months to replace the cows lost through such testing, without any reduction at the beginning of the next calendar year in his daily market share, except as adjustments are made pursuant to subparagraph (3) of this paragraph.

(v) Upon the transfer of a producer from one handler to another, no adjustment shall be made in the daily market share of such producer computed pursuant to this paragraph, except that if the addition of such daily market share to the total of all daily market shares, computed pursuant to this paragraph for producers of the handler to whom such producer transfers, results in a sum greater than 118 percent of the daily average Class I and Class II milk of such handler during the calendar quarter immediately preceding, the daily market shares of all producers of such handler shall be adjusted by a percentage which will make their total equal to 115 percent of such daily average Class I and Class II milk; and no adjustment shall be made in the daily market share computed pursuant to this paragraph for producers of the handler from whom a producer transfers, except that if the transfer of the producer results in a sum of such daily market shares less than 112 percent of the daily average Class I and Class II milk of such handler during the calendar quarter immediately preceding, all such daily market shares shall be adjusted by a percentage which will make their total equal to 115 percent of such daily average Class I and Class II milk.

(vi) Market shares allotted to producers pursuant to this paragraph shall not be transferable: *Provided*, That market shares allotted under a tenant and landlord relationship shall be combined and shall be divided in the manner provided in subdivision (x) of this subparagraph when, and only when, such relationship is terminated.

(vii) As soon as daily market shares are allotted to producers pursuant to this paragraph, the market administrator shall notify each handler of the daily market shares of producers from whom such handler receives milk.

(viii) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his daily market share. In the event that he thereafter commences to market milk to a handler, he shall receive a market share computed in the manner provided in subparagraph (4) of this paragraph for the allotment of market shares to producers who are new producers, and shall be treated for the purposes of this section as if he were a new producer.

(ix) A producer, whether landlord or tenant of a farm, may retain his daily market share when moving his entire herd of cows from one farm to another farm.

(x) A landlord who rents on a crop-share basis shall be entitled to the entire daily market share to the exclusion of the tenant, if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire dairy market share to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily market share shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(xi) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a daily market share equal to the daily average Class I and Class II milk produced and disposed of during the previous 3 months on the delivery routes of such producer, which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any daily market share so determined shall be effective from its determination until the end of the then current calendar year, subject to the adjustment provided by subparagraph (3) of this paragraph, and thereafter shall be superseded by a daily market share determined pursuant to subparagraph (1) or (2) of this paragraph.

(g) *Additional payments.* Any handler may make payments for milk in addition to the payments to be made pursuant to paragraphs (b) (1) and (c) (1), (2), and (3) of this section: *Provided*, That such additional payments shall be made on a uniform basis to all producers for milk of like grade and quality received by such handler.

(h) *Errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer or new producer discloses a payment to such producer or new producer that is less than that required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payment to producers and new producers next following such disclosure.*

§ 930.8 *Expense of administration*—(a) *Payment of handlers.* As his prorata share of the expense of administration hereof, each handler, with respect to all milk received from producers, an association of producers, new producers, or produced by him during the delivery period, shall pay to the market administrator on or before the 10th day after the end of the delivery period an amount per hundredweight not to exceed 2 cents, the exact amount to be determined by the market administrator, subject to review by the Secretary.*

§ 930.9 *Marketing services*—(a) *Deduction for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made direct to producers and new producers pursuant to § 930.7, with respect to all milk received by such handler during the delivery period from producers and new producers, and shall pay such deductions to the market administrator on or before the 10th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk of said producers and new producers and to provide them with market information; such services to be performed in whole or in part by the market administrator, or by an agent engaged by and responsible to him.

(b) *Payment to an association.* In the case of producers and new producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and to be actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made pursuant to § 930.7 as may be authorized by such producers and new producers, and pay over, on or before the 15th day after the end of each delivery period, such deductions to the association rendering such services.*

§ 930.10 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof whenever he finds that this order, as amended, or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order, as amended, shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii)

from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

Now, therefore, the undersigned, acting under the provisions of Public Act No. 10, 37d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues this order, as amended, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 16th day of September 1941, and declares this order, as amended, to be effective on and after the 21st day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6957; Filed, September 17, 1941; 11:07 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-28; Sup. 3]

PART 383—FEES AND PROCEDURE TO OBTAIN CERTIFICATIONS OF OR INFORMATION FROM RECORDS

AMENDED REGULATIONS GOVERNING FEES FOR COPIES OF RECORDS

SEPTEMBER 12, 1941.

Pursuant to the authority conferred by sections 327 and 342 of the Nationality Act of 1940 (54 Stat. 1151, 1161; 8 U.S.C. 727, 742); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1 of Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following changes in the said Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

The title of Part 383 of the said regulations is changed from "Certification of Naturalization Records or Information" to "Fees and Procedure to obtain Certifications of or Information from Records."

Section 383.4 of the said regulations is amended to read as follows:

§ 383.4 *Copies of Service records and information; fees.* (a) Except where otherwise provided by law or by regulations under this title, there shall be paid to the Commissioner of Immigration and Naturalization for furnishing any person or agency, other than an official or agency of the Federal Government, with copies, certified or uncertified, of any part of, or information from, the records of the Service, a fee of 25 cents per folio, with a minimum fee of 50 cents for any one such service, in addition to a fee of $1 for any official certification furnished under seal. Each sheet or page of the letter or other document furnished an applicant by the Commissioner shall be regarded as one folio in computing the required fee. Application for the desired service shall be made in prescribed form and shall be accompanied by the minimum fee of 50 cents or $1.50, if a certification is desired, for each such service. The fee shall be submitted in the form of a money order payable to the "Commissioner of Immigration and Naturalization, Washington, D. C." The Commissioner, in his discretion, may waive the filing of a formal application, or advance payment of the fee, or both. The applicant will be advised if any fee in addition to the minimum is required under the provisions of paragraph (b) of this section for the requested service.

(b) The following instructions and illustrative schedule will be adhered to in computing fees for the furnishing of copies of documents or written information from the records of the Service under subdivision (b) (9) of section 342 of the Nationality Act of 1940:

(1) A minimum fee of 50 cents at the rate of 25 cents per sheet or page, shall be charged for the furnishing of each and every uncertified copy of document or for the furnishing of any one uncertified written advise or statement, for example:

Service requested in one application	*Fee to be charged*
Applicant requests one primary copy of one document (consisting of one sheet or page)	$0.50
Applicant requests one primary copy of one document (consisting of two sheets or pages)	.50
Applicant requests one primary copy of one document (consisting of three sheets or pages)	.75
Applicant requests two primary copies of one document (consisting of one sheet or page)	1.00
Applicant requests two primary copies of one document (consisting of two sheets or pages)	1.00
Applicant requests two primary copies of one document (consisting of three sheets or pages)	1.50
Applicant requests information from the records (necessitating the furnishing of one 1-page letter or statement)	.50
Applicant requests information from the records (necessitating the furnishing of one 2-page letter or statement)	.50
Applicant requests information from the records (necessitating the furnishing of one 3-page letter or statement)	.75
Applicant requests that he and one other be furnished information from the records (necessitating the furnishing of two 1-page letters or statements)	1.00
Applicant requests that he and two others be furnished information from the records (necessitating the furnishing of three 1-page letters or statements)	1.50
Applicant requests that he and one other be furnished information from the records (necessitating the furnishing of two 2-page letters or statements)	1.00
Applicant requests that he and two others be furnished information from the records (necessitating the furnishing of three 3-page letters or statements)	2.25

(2) Where the objective information requested in one application necessitates its extraction from several files relating to but one person, group or thing, the furnishing of the desired information in such circumstances, to but one party shall be regarded as but one service, and the information may be furnished in one letter or statement at the rate per sheet or page, as prescribed in the foregoing schedule; however, where the information requested in cases of this character is to be furnished to two or more persons, then the furnishing of each letter or statement shall be regarded as a separate and distinct service and an additional fee, or fees, shall be charged for each such additional service, thus:

Service requested in one application	*Fee to be charged*
Applicant requests that he be furnished information from, for example, his naturalization, visa and registry files (necessitating the furnishing of one 1-page letter or statement)	$0.50
Applicant requests that he and one other be furnished information from, for example, his naturalization, visa and registry files (necessitating the furnishing of two 1-page letters or statements)	1.00
Applicant requests that he be furnished information from, for example, the naturalization, visa and registry files relating respectively to himself and his wife (necessitating the furnishing of two 1-page letters or statements)	$1.00
Applicant requests that he and one other be furnished information from, for example, the naturalization, visa and registry files relating respectively to himself and his wife (necessitating the furnishing of four 1-page letters or statements)	2.00

(4) Where additional uncertified copies of documents or written advices or statements are applied for in order to meet the requirements of applicants, the fees for such additional copies of advices or statements shall be pro-rated as hereinabove exemplified.

(5) In each and every instance where it is desired that a copy of document or written information from the records be officially certified under seal, a fee of $1.00 shall be charged for each such certification, in addition to the fees illustrated by the foregoing schedule.

(6) Where a photostatic copy of a document is furnished, the fee therefor shall be computed strictly on the basis of the number of sheets of photostatic material necessarily prepared in order to furnish a complete likeness of the document, thus:

	Fee to be charged
Applicant requests one photostatic copy of one 1-page document (the original document containing written matter on one side only)	$0.50
Applicant requests one photostatic copy of one 1-page document (the original document containing written matter on both sides)	.50
Applicant requests one photostatic copy of one 2-page document (the first page of the original document containing written matter on both sides, and the second page written matter on one side only)	.75

(Nationality Act of 1940, sec. 342 (b) (9), 54 Stat. 1162; 8 U.S.C. 742)

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General In Charge.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc 41-6963; Filed, September 17, 1941; 11:38 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

SUBCHAPTER F—ANIMAL BREEDS

[Amendment 8 to B.A.I. Order 365]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the Act of June 17, 1930 (46 Stat. 673; 19 U.S.C., sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations [Section 2, paragraph 2, Regulation 2, B.A.I. Order 365], is amended, effective September 18, 1941, by adding to the subdivision of said paragraph relating to cattle the following breed and book of record:

§ 151.6 *List of recognized breeds and books of records of domestic animals across seas.* * * *

(a) *Recognized breeds and books of records across the seas.*

* * * * * *

Cattle

Name of breed	Book of record	By whom published
Highland cattle.	Highland cattle section of the Canadian National Live Stock Record General Stud and Herd Book.	Canadian National Live Stock Records, R. G. T. Hitchman, Director, Ottawa, Canada.

Done at Washington, D. C., this 17th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-6955; Filed, September 17, 1941; 11:06 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50477]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLORIDA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR [1]

SEPTEMBER 13, 1941.

The Chalks Flying Service Airport, Miami, Florida, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from September 17, 1941. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-6958; Filed, September 17, 1941; 11:28 a. m.]

[1] This document affects the tabulation in 19 C.F.R. 4.13.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets Nos. A-243, A-254, A-258, A-263, A-280]

PARTS 336, 337, 338, 342 AND 343—MINIMUM PRICE SCHEDULES, DISTRICT NOS. 16, 17, 18, 22 AND 23

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING FINAL RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARDS 16, 17, 18, 22, AND 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Division, having been filed with the Bituminous Coal Division by District Board 16 (Docket No. A-254); District Board 17 (Docket No. A-258); District Board 18 (Docket No. A-263); District Board 22 (Docket No. A-280); and District Board 23 (Docket No. A-243), proposing and seeking the establishment of price classifications and minimum prices for the coals of producers not theretofore classified and priced; and

Temporary relief, pending final disposition of these proceedings, having been granted by Orders of the Director, establishing the temporary effective minimum prices set forth and embodied in "Temporary Supplements" annexed to and made part of those orders; [1] and

A hearing having been held before a duly designated Examiner of the Division at a hearing room of the Division, Willard Hotel, Washington, D. C., on December 2 and 3, 1940; and

The Examiner having made proposed Findings of Fact and Conclusions of Law in this matter, dated June 25, 1941; and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the proposed Findings of Fact and Con-

[1] The temporary price classifications and minimum prices were established by the following Orders of the Director and embodied in the following Supplements annexed thereto:

Docket No. A-254 (District 16), November 8, 1940 (5 F.R. 4491), Temporary Supplement No. 6 to Price Schedule No. 1.

Docket No. A-258 (District 17), November 14, 1940 (5 F.R. 4593), Temporary Supplement No. 4 to Price Schedule No. 1.

Docket No. A-263 (District 18), November 6, 1940 (5 F.R. 4463), Temporary Supplement No. 3 to Price Schedule No. 1.

Docket No. A-280 (District 22), November 14, 1940 (5 F.R. 4568), Temporary Supplement No. 4 to Price Schedule No. 1.

Docket No. A-243 (District 23), November 13, 1940 (5 F.R. 4566), Temporary Supplement No. 4 to Price Schedule No. 1.

clusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director:

It is ordered, That the said proposed Findings of Fact and Conclusions of Law of the Examiner be, and the same are hereby, approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That:

1. The Temporary Supplement annexed to the Order of the Director dated November 14, 1940, in Docket No. A–258 should be amended by the addition thereto of the following effective minimum prices: § 337.21 (*General prices in cents per net ton for shipment into all market areas*)

Code member	Mine	Size group											
		1	2	3	4	5	6	7	9	10	11	13	15	17
Strainer, Anton Jr., (Canon Liberty Coal Co.).	Canon Liberty	$4.55	$4.45	$4.25	$4.25	$4.00	$3.95	$3.85	$3.50	$3.10	$2.85	$1.95	$1.45	$3.40

It is further ordered, That the price classifications and minimum prices set forth in the Temporary Supplements annexed to the Orders of the Director dated November 14, 1940 (Docket No. A–258), as herein amended; and in the Temporary Supplements annexed to the Orders of the Director dated November 8, 1940 (Docket No. A–254); November 6, 1940 (Docket No. A–263); November 13, 1940 (Docket No. A–243); and November 14, 1940 (Docket No. A–280), be, and the same hereby are, established as the effective classifications and minimum prices for said coals. To that end § 337.4 (*Code member price index*) is amended by adding thereto Supplement A, § 337.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement A–1, § 336.5 (*General prices; minimum prices, via rail transportation*) is amended by adding thereto Supplement B, § 338.2 (*Code member price index*) is amended by adding thereto Supplement C, § 338.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement C–I, § 343.4 (*Code member price index*) is amended by adding thereto Supplement D, § 343.21 (*General prices*) is amended by adding thereto Supplement D–I, § 342.4 (*Code member price index*) is amended by adding thereto Supplement E, and § 342.21 (*General prices*) is amended by adding thereto Supplement E–I, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: August 20, 1941.

[SEAL] H. A. GRAY,
Director.

NOTE: The material in these supplements is to be read in the light of the instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17, and Supplements thereto.

The following changes shall be made in Price Schedule No. 1 for District No. 17:

§ 337.4 *Code member price index*—Supplement A. The following shall be listed in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub-district price group	Price section	
					Rail	Truck
Carestia, Paul	Carestia	452	Freemont	3	337.5	337.21
Charm Coal Co. (Clarence Erb)	Charm	448	Freemont	3	337.5	337.21
Clipp, Ray T.	Ideal	454	Delta	13		337.21
Coles, W. E.	New Castle #2	455	Garfield	18	337.5	337.21
Di Giacomo, Tony & Pasquale	Canon Shamrock	453	Freemont	3	337.5	337.21
Glover (N. R. Glover)	Lakeview	447	Montezuma	19	337.5	337.21
Guadagnoli Bros. Coal Co. (John Guadagnoli).	New Slope	366	Las Animas	7	337.5	337.21
Martinez, Abel (Union Mine)	Union	446	Las Animas	8	337.5	337.21
Pioneer Coal Mine (Louis Viola)	Pioneer	443	Huerfano	1	337.5	337.21
Talarico, Ralph	Grasso	456	Messa	16	337.5	337.21
Stremel, Joseph F	Crow Bar	442	Routt	5	337.5	337.21
Vento, Tony (Vento Coal Co.)	Vento	450	Freemont	3	337.5	337.21

§ 337.21 *General prices in cents per net ton for shipment into all market areas*—Supplement A–I. Insert the following Code Member names, mine names, counties and prices in proper alphabetical order according to Sub-District number:

Code member	Mine	County	Size groups											
			1	2	3	4	5	6	7	9	10	11	13	15	17
SUB-DISTRICT NO. 1															
Pioneer Coal Mine (Louis Viola).	Pioneer	Huerfano	505	495	475	475	450	420	410	365	310	285	195	----	340
SUB-DISTRICT NO. 3															
Carestia, Paul (Canon Coal Creek Coal Co.).	Carestia	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340
Charm Coal Co. (Clarence Erb).	Charm	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340
DiGiacomo, Tony & Pasquale	Canon Shamrock	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340
Vento, Tony (Vento Coal Company).	Vento	Freemont	455	445	425	425	400	395	385	350	310	285	195	145	340
SUB-DISTRICT NO. 5															
Stremel, Joseph F	Crow Bar	Routt	455	445	425	425	400	370	360	315	285	260	170	----	315
SUB-DISTRICT NO. 7															
Guadagnoli Bros. Coal Company (John Guadagnoli).	New Slope	Las Animas	430	420	400	400	375	375	365	330	315	----	225	----	340
SUB-DISTRICT NO. 8															
Martinez, Abel (Union Mine)	Union	Las Animas	415	405	375	375	375	375	365	330	315	----	225	----	340
SUB-DISTRICT NO. 13															
Clipp, Ray T	Ideal	Delta	----	415	400	400	375	----	----	350	250	185	175	----	300
SUB-DISTRICT NO. 16															
Talarico, Ralph	Grasso	Messa	----	390	375	375	350	----	----	325	285	245	195	----	285
SUB-DISTRICT NO. 18															
Coles, W. E	New Castle #2	Garfield	----	490	474	755	450	----	----	425	275	----	185	----	325
SUB-DISTRICT NO. 19															
Glover (N. R. Glover)	Lake View	Montezuma	----	375	375	375	375	----	----	375	265	----	160	----	300

Issued in accordance with Order of the Director of the Bituminous Coal Division in Docket No. A–258, dated November 14, 1940, 5 F. R. 4593.

NOTE: The material in this Supplement is to be read in the light of the instructions, exceptions and other provisions contained in Part 336, Minimum Price Schedule 1 for District No. 16 and Supplements thereto.

The following change shall be made in Price Schedule No. 1 for District No. 16:

§ 336.5 *General prices; minimum prices, via rail transportation*—Supplement B. The following minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into all market areas shall be inserted for Sub-District No. 4, applicable to Code member Russell Coal Company, The, William E., Crown Mine, Mine Index No. 133 only:

Size groups												
1	2	3	4	5	6	8	9	10	11	12	13	
465	415	415	465	415	360	305	255	190	180	160	320	

NOTE: The material in these supplements is to be read in the light of the instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18 and Supplements thereto.

The following change shall be made in Price Schedule No. 1 for District No. 18:

§ 338.2 *Code member price index*—Supplement C. The following shall be listed in proper alphabetical order:

Producer	Mine	Mine index No.	County	Prices section	
				Rail	Truck
McDonald, J. M	McDonald	136	Sandoval	338.5	338.21
Montoya, Mariano G., Jr	La Ventana	132	Sandoval	338.5	338.21
Rasmussen, H. J	Fields	135	San Juan	338.5	338.21

§ 338.21 *General prices in cents per net ton for shipment into all market areas*—Supplement C–I. Insert the following in proper alphabetical order according to Sub-District:

Code member	Mine	County	Size groups						
			2	8	9	10	11	13	15
SUB-DISTRICT NO. 3									
McDonald, J. M	McDonald	Sandoval	365	300	200	----	150	100	----
Montoya, Mariano G., Jr	La Ventana	Sandoval	365	300	200	----	150	100	----
SUB-DISTRICT NO. 5									
Rasmussen, H. J	Fields	San Juan	250	----	150	100	50	----	200

NOTE: The material in these supplements is to be read in the light of the instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23 and Supplements thereto.

The following changes shall be made in Price Schedule No. 1 for District No. 23:

§ 343.4 *Code member price index*—Supplement D. The following Code member names, mine names, mine index numbers, County, price group and price page references shall be inserted in proper alphabetical order:

Producer	Mine	Mine index No.	County	Price group	Prices section	
					Rail	Truck
Storey, W. E. (Ole Elum Superior Coal Co.)	Superior	149	Kittitas	A	----	343.21
Sunburst Coal Co., Inc	Sunburst	147	Lewis	C	----	343.21
Talbot Mining Company (John S. Methven)	Talbot	150	King	F	----	343.21

§ 343.21 *General prices*—Supplement D–I. Insert the following according to Sub-District:

Code member	Mine	County	Size groups																			
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	19	20	21	22	23	24
SUB-DISTRICT A																								
Storey, W. E. (Cle Elum Superior Coal Co.)	Superior	Kittitas	----	500	490	460	----	----	----	490	----	----	----	425	390	----	----	350	400	375	315	----	295	275
SUB-DISTRICT B																								
Sunburst Coal Co., Inc	Sunburst	Lewis	----	525	525	----	----	----	525	----	----	----	----	----	450	----	----	----	415	415	390	375	----	310
SUB-DISTRICT F																								
Talbot Mining Company (John S. Methven)	Talbot	King	----	465	465	425	425	----	450	----	425	400	375	375	----	335	335	325	----	----	----	----	----	150

Issued in accordance with Order of the Director of the Bituminous Coal Division in Docket No. A-243, dated November 13, 1940, 5 F. R. 4566.

NOTE: The material in these supplements is to be read in the light of the instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and Supplements thereto.

The following changes shall be made in Price Schedule No. 1 for District No. 22:

§ 342.4 *Code member price index.*—Supplement E. Insert the following Code member listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub district price group	Prices section (truck)
Almond, Richard & George Galbavy	Blue Pony	281	Chouteau	7	342.21
Almond, Richard & George Galbavy	Georges	101	Chouteau	7	342.21

§ 342.21 *General prices*—Supplement E-I. Insert the following listings and prices in proper order under Sub-District No. 7:

Producer	Mine	County	Size groups				
			1	2	5	9	10
Almond, Richard & George Galbavy	Blue Pony	Chouteau	425	400	350	150	100
Almond, Richard & George Galbavy	Georges	Chouteau	425	400	350	150	100

[F. R. Doc. 41-6930; Filed, September 16, 1941; 9:55 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 962—STEEL

Supplementary Order No. M-21-a Relating to Alloy Iron, Alloy Steel and Wrought Iron

§ 962.2 *Supplementary order*—(a) *Definition.* For the purposes of this Order, "Alloy Steel" means any steel, and "Alloy Iron" means any iron, containing any one or more of the following elements in the following amounts:

Manganese in excess of 1.65%
Silicon in excess of 0.60%
Copper in excess of 0.60%
Aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(b) *Priority control.* All the provisions and definitions of General Preference Order M-21,[1] issued August 9, 1941, and of Priorities Regulation No. 1,[2] issued August 27, 1941, as amended from time to time, shall be applicable to alloy iron, alloy steel and wrought iron and are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(c) *Directions as to deliveries and as to alloying content.* The Director of Priorities may from time to time issue directions to any Producer, directing or forbidding specific deliveries, or specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether, and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal scrap, a chemical compound or any other material containing such element. A Producer who shall violate any such direction, or any person who knowingly receives delivery of alloy iron or alloy steel in violation thereof, may be prohibited from making or receiving further deliveries of such material or subjected to such other action as the Director of Priorities may deem appropriate.

(d) *Restriction of deliveries under toll agreements.* No person shall make any delivery under any contract now outstanding or hereafter entered into for the delivery of alloy iron or alloy steel which he processes, fabricates or casts by toll agreement for any other person, unless specifically authorized to do so by the Director of Priorities.

(e) *Revocation of General Preference Order M-5.* General Preference Order M-5,[3] as amended, Supplementary Order M-5-a,[4] as amended, and Supplementary Order M-5-b,[5] issued to conserve the supply and direct the distribution of nickel-bearing steel, are hereby revoked, effective as of the effective date of this Supplementary Order.

(f) *General Preference Order N-14 still effective.* Nothing contained herein shall be construed to amend or modify any of the provisions of General Preference Order M-14,[6] to conserve the supply and direct the distribution and use of tungsten in high-speed steel.

(g) *Effective dates.* This Supplementary Order shall take effect on the 16th day of September, 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 16th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6944; Filed, September 16, 1941; 3:04 p. m.]

[1] 6 F.R. 4005.
[2] 6 F.R. 4489.
[3] 6 F.R. 1911.
[4] 6 F.R. 1911, 2237.
[5] 6 F.R. 3009.
[6] 6 F.R. 2876.

[Preference Rating Order P-46]

PART 978—UTILITIES

Maintenance, Repair and Supplies

§ 978.1 *Preference rating order P-46.* For the purpose of facilitating the acquisition of Material for the maintenance and repair of the property and equipment of the industries and services hereinafter specified, and the operation of such industries and services, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the Office of Production Management certifies specific quantities of such Material to which the preference rating herein assigned may be applied.

(a) *Definitions.* (1) "Producer" means any individual, partnership, association, corporation, governmental unit or other form of organization engaged in one or more of the following services:

(i) Supplying electric power directly or indirectly for general use by the public;

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public;

(iii) Supplying water directly or indirectly for general use by the public;

(iv) Public sanitation services, but not including manufacturers of public sanitation products;

(v) Supplying central steam heating directly or indirectly for general use by the public.

(2) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.

(3) "Maintenance" means the up-keep of a Producer's property and equipment in sound working condition.

(4) "Repair" means the restoration of a Producer's property and equipment to

a sound working condition after wear and tear, damage, destruction of parts, or the like, have made such property or equipment unfit or unsafe for service.

(5) "Operating Supplies" means any Material which is essential to the operation of any of the industries or services specified above, and which is generally carried in Producers' stores and charged to operating expense accounts.

(6) The terms "Operating Supplies", "Maintenance", and "Repair" *do not* include Material for:

(i) The improvement of a Producer's property or equipment through the replacement of Material which is still usable in the existing installation with Material of a better kind, quality or design;

(ii) Additions to, or expansion of, such property or equipment, other than the connection of new consumers to the general lowest pressure or lowest potential system of the Producer, and minor improvements needed for relief from serious overload and other minor capital additions;

(iii) Expansion of the service area of the Producer.

(7) "Supplier" means any person with whom a purchase order or contract has been placed by a Producer or another Supplier for Material (i) required by the Producer either as operating supplies or for the maintenance or repair of his property and equipment, or (ii) to be physically incorporated in other Material so required by the Producer.

(8) "Calendar Quarterly Period" means the quarterly period commencing on the first day of the first, fourth, seventh, and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year.

(b) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A-10 is hereby assigned:

(1) To deliveries, to a Producer, of Material required by him either as Operating Supplies or for the Maintenance or Repair of his property and equipment;

(2) To deliveries, to any Supplier, of Material (i) required by the Producer either as Operating Supplies or for the Maintenance or Repair of his property and equipment, or (ii) to be physically incorporated in other Material so required by the Producer.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by (1) a Producer; (2) any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (b) and have been rated pursuant to this Order.

(d) *Application of preference rating.* (1) A Producer, before applying the preference rating to deliveries to him, must:

(i) Execute duplicate originals of the acceptance attached hereto, certifying that he is entitled to apply the preference rating hereby assigned and agreeing to be bound by the provisions of this Order; and

(ii) File one such executed copy of the acceptance with the Power Branch, Office of Production Management. The Producer shall keep and preserve the other executed copy at his regular place of business for inspection by authorized representatives of the Office of Production Management.

(2) The Producer and each Supplier, in order to apply the preference rating to deliveries to him, must endorse the following statement on the original and all copies of each purchase order or contract for Material, the delivery of which is entitled to the preference rating hereby assigned: "Purchase Order for Utilities Operation, Maintenance and Repair, Preference Rating A-10, pursuant to Preference Rating Order No. P-46," and deliver the original or a copy thereof to the seller of such Material. Such endorsement shall constitute a certification to the Office of Production Management that the Producer or Supplier is entitled to apply the rating to such delivery pursuant to this Order. Such purchase order or contract shall not include any Material the delivery of which is not rated pursuant to this Order.

(3) The Producer or Supplier placing any such rated purchase order or contract and the seller of the Material covered thereby must each retain endorsed copies of all such orders or contracts, segregated from all other purchase orders or contracts, for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(4) The preference rating hereby assigned may be applied to written purchase orders or contracts only.

(e) *Restrictions on application of rating.* The preference rating hereby assigned shall not be applied:

(1) Unless the Material to be delivered cannot be secured when required without such rating;

(2) To obtain deliveries greater in quantity, or on dates earlier, than required for the Operation, Maintenance or Repair of a Producer's property or equipment;

(3) By a Supplier to obtain Material for a delivery by him which has not been rated pursuant to this Order.

(f) *Restrictions on deliveries, withdrawals and inventory.* (1) No Producer shall, during any Calendar Quarterly Period, accept deliveries (whether or not rated pursuant to this Order) of any items of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose the aggregate dollar volume of which shall exceed 25% of the aggregate dollar volume of the withdrawals of items of Material of the same class from stores or inventory during the calendar year 1940 unless such deliveries shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor.

(2) No Producer shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose until the Producer's inventory and stores of items of Material of the same class have been reduced to a practical working minimum, unless such delivery shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor. Such practical minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class in inventory and stores on December 31, 1940.

(3) No Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Material to be used as Operating Supplies or for Maintenance or Repair or for any other purpose the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class during the corresponding quarter of 1940, or, at the Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class during the calendar year 1940 unless such withdrawals shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor.

(4) Notwithstanding the provisions contained in paragraphs (f) (1), (2), and (3), a Producer may in any Calendar Quarter increase the aggregate dollar volume of deliveries accepted of Material for use as Operating Supplies, withdrawals of Material for such use, or inventory of Material for such use over the aggregate dollar volume of deliveries, withdrawals or inventory of Operating Supplies during the last preceding corresponding Calendar Quarter proportionately to the increase of the system output in such quarters.

(g) *Audits and Reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each such Producer or Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Office of Production Management.

(3) Until further order each Producer accepting this Order shall, within 30 days after receipt from the Office of Production Management of the acknowledgment of such acceptance, file with the

Office of Production Management a certified report in the form accompanying such acknowledgment.

(4) Each Producer shall maintain a continuing inventory of Material included in stores accounts.

(h) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order or wilfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(j) *Effective date.* This Order shall take effect immediately, and unless sooner revoked shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

ACCEPTANCE OF PREFERENCE RATING ORDER No. P–46[1]

To be signed by a principal officer of the producer before applying the preference rating assigned by Preference Rating Order P–46

The undersigned certifies to the Director of Priorities of the Office of Production Management that he is engaged in the following industry or service----------

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and is therefore a Producer entitled to apply the preference rating assigned under Preference Rating Order No. P–46, issued by the Division of Priorities, Office of Production Management, in accordance with the definition of "Producer" therein contained and the other terms thereof; that he has read the Order, and hereby agrees to be bound by all the terms and conditions thereof.

Dated this ------ day of ----------, 1941.

Legal name of producer

By: ---
Principal officer (president, vice president, or other corresponding official)

(Address)

INSTRUCTIONS

The Producer shall insert the classification of Producer, as defined, to which he belongs, execute one copy of this Acceptance and send it to the Power Branch, Office of Production Management, Washington, D. C., and shall execute and retain a second copy as specified in Preference Rating Order P–46. No Supplier shall execute this Acceptance.

Section 35A of the Criminal Code, 18 U.S.C. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

[1] Execute in duplicate, and retain one copy.

[F. R. Doc. 41–6965; Filed, September 17, 1941; 11:47 a. m.]

[Preference Rating Order No. P–56]

PART 982—MINES

Maintenance, Repair, and Supplies

§ 982.1 *Preference rating order P–56.* For the purpose of facilitating the acquisition of material for the maintenance and repair of the property and equipment of, and for supplies for Mines, preference ratings are hereby assigned to deliveries of such material upon the terms hereinafter set forth, until such time as the Office of Production Management certifies specific quantities of such material to which the preference ratings herein assigned may be applied.

(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Mine" means any plant physically situated within the limits of the United States, its territories and possessions, and actually engaged in the extraction by surface, open-pit or underground methods, or in the beneficiation, concentration or preparation for shipment of the products of mining activity.

(3) "Mine Operator" means any person operating a Mine to whom a Mine Serial Number has been issued in accordance with the provisions of paragraph (b).

(4) "Supplier" means any person with whom a purchase order or contract has been placed by a Mine Operator or another Supplier for material

(i) Required by a Mine Operator for maintenance, emergency repair, emergency inventory, or operating supplies of a Mine, or

(ii) To be physically incorporated in other material so required by a Mine Operator.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Maintenance" means minimum upkeep necessary to continue the working condition of the essential operating equipment of a Mine at its then current rate of production.

(7) "Emergency Repair" means a restoration of Mine property which is necessary to re-establish Mine operation after a breakdown or suspension of operations because of damage, wear and tear, destruction of parts, or the like.

(8) "Emergency Inventory" means minimum inventory of material required to make reasonable advance provision for emergency repair of a Mine.

(9) "Operating Supplies" means material which is essential to and consumed in the operation of a Mine and which is generally classified as "mine supplies" or "mine stores."

(b) *Certification of mines.* The agency designated by the Governor or other chief executive officer of each state, territory or possession shall furnish in duplicate to the Office of Production Management a certificate setting forth the names of the persons operating within such state, territory or possession a recognized mining enterprise actually engaged in the extraction by surface, open-pit, or underground methods, or in the beneficiation, concentration or preparation for shipment, of the products of mining activity, (but not including that form of mining known as "gold placer mining"). The Office of Production Management will thereupon issue to each such Person who may be approved by the Director of Priorities, through such state agencies, a Mine Serial Number. Any person aggrieved by failure or refusal of a state agency to certify him as a Mine Operator may apply in writing to the Director of Priorities for issuance of a Mine Serial Number. The Director of Priorities may thereupon take such action as he deems appropriate.

(c) *Assignment of preference ratings.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other Preference Rating Certificate or Order.

(1) A–1–a to deliveries to a Mine Operator of material essential for emergency repair of a Mine, as approved by the Office of Production Management pursuant to paragraph (e) (1).

(2) A–3 to deliveries to a Mine Operator of material required for emergency inventory or for operating supplies or for maintenance of a Mine.

(3) A–3 to deliveries to a Supplier

(i) Of material required by a Mine Operator for maintenance, emergency repair, emergency inventory or operating supplies of a Mine, and

(ii) Of material to be physically incorporated in other material so required by a Mine Operator.

(d) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may be applied by a Mine Operator or by any Supplier making to a Mine Operator or another Supplier deliveries of the kinds specified in paragraph (c) which have been rated pursuant to this Order.

(e) *Application of preference ratings.* (1) A Mine Operator, in order to apply the A–1–a preference rating assigned by paragraph (c) (1), must communicate with the Office of Production Management, describing the material essential for emergency repair and the nature of the emergency necessitating such repair. The Office of Production Management will notify such Mine Operator whether, and to what extent, his application is approved, and a copy of such notification shall be furnished by the Mine Operator to his Supplier to evidence the A–1–a rating.

(2) A Mine Operator or a Supplier, in order to apply the A–3 preference rating assigned by paragraph (c) (2) and (3), must endorse the following statement on the original and all copies of each purchase order or contract for material the delivery of which is entitled to such preference rating:

Purchase order for Materials for a Mine rated pursuant to Preference Rating Order P–56, Mine Serial No. , Rating A–3. This application of the rating is made pursuant to the terms and conditions of that Order, with which the undersigned is familiar.

(Name of mine operator or supplier)

By: ---
(Authorized signature)

Such purchase order or contract so endorsed shall be delivered to the seller of such material. Such endorsement shall constitute a certification to the Office of Production Management that the Mine Operator or Supplier is entitled to apply such rating to such delivery pursuant to this Order. Such purchase order or contract must be in writing and shall not include any material the delivery of which is not rated pursuant to this Order.

(3) A Mine Operator or Supplier placing any such rated purchase orders or contracts and the Supplier selling the material covered thereby, must each retain endorsed copies of such purchase orders, contracts, notifications and other relevant documents segregated from all other purchase orders or contracts for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(f) *Restrictions on application of rating.* The preference ratings hereby assigned shall not be applied

(1) Unless the material to be delivered cannot be secured when required without such rating;

(2) To obtain deliveries greater in quantity or on dates earlier than required for the operation, maintenance or repair of Mine property or equipment;

(3) By a Supplier to obtain material for a delivery by him which has not been rated pursuant to this Order.

(g) *Restrictions on inventory.* No Mine Operator shall accept deliveries (whether or not rated pursuant to this Order) of operating supplies or other material which will increase such Mine Operator's inventory of such operating supplies or other material to an amount greater than the minimum necessary for the efficient operation of his business, and the ratio of inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(h) *Resale of operating supplies and other material prohibited.* Except with specific permission of the Director of Priorities, no Mine Operator shall resell any operating supplies or other materials (whether or not obtained pursuant to rating assigned by this Order) except to another Mine Operator.

(i) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms, or otherwise, and to cooperate in any program developed for such purpose by the Office of Production Management. The Director of Priorities may from time to time issue specific directions as to conservation, elimination and standardization.

(j) *Relief.* In case the productivity or sound working condition of any Mine is adversely affected by any provision or application of this Order or by inability to obtain essential operating supplies or other materials, such Mine may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(k) *Records, audit and reports.* Each Mine Operator and each Supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this Order and shall submit from time to time to audit and inspection by duly authorized representatives of the Office of Production Management. Each Mine Operator and each Supplier shall execute and file with the Office of Production Management or other designated agency, such reports and questionnaires as the Office of Production Management shall from time to time require. Until otherwise directed, each Mine Operator shall file with the designated state agency on or before the 10th day of each month, beginning October 10, 1941, a report of purchases made during the preceding month pursuant to the ratings granted by this Order.

(l) *Violations.* Any person affected by this Order who violates any of its provisions or a provision of any other Order, regulation or other directive of the Office of Production Management may be deprived of priorities assistance, or subjected to such other or further action as the Director of Priorities may deem appropriate.

(m) *Revocation or modification.* This Order may be revoked or modified by the Director of Priorities at any time as to any Mine Operator or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Mine Operator or Supplier affected by said revocation or expiration.

(n) *Revocation of prior order.* The provisions of Preference Rating Order P–22, insofar as they relate to Mines, are hereby revoked.

(o) *Effective date.* This Order shall take effect immediately, and unless sooner revoked shall expire on the 30th day of April 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–6966; Filed, September 17, 1941; 11:47 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

CORRECTION

Attention is directed to an error in § 9.72 *Miscellaneous calling and working frequencies*, appearing in the Saturday, August 16, 1941 issue of the FEDERAL REGISTER on page 4105:

The frequency "330 kilocycles" in the first paragraph should read "333 kilocycles".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–6962; Filed, September 17, 1941; 11:30 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

CHAUTAUQUA NATIONAL WILDLIFE REFUGE, ILLINOIS

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II (53 Stat. 1431), the regulations governing *"Fishing within the Chautauqua Migratory Waterfowl Refuge, Illinois,"* approved June 8, 1940,[1] by the Acting Secretary of the Interior, are amended, effective upon publication of this amendment in the FEDERAL REGISTER, as follows:

The title of the regulations is amended by striking out the words "Migratory Waterfowl" and inserting in lieu thereof the words "National Wildlife" so as to read *"Fishing within the Chautauqua National Wildlife Refuge, Illinois;"*[2] and numbered paragraph (2) *Recreational (noncommercial) fishing* of said regulations is amended by striking out the date "May 1" and inserting in lieu thereof the date "April 15."

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

Date: September 8, 1941.

[F. R. Doc. 41-6946; Filed, September 17, 1941; 9:27 a. m.]

[1] 5 F.R. 2270.

[2] See Proclamation No. 2416, of July 25, 1940 (5 F.R. 2677), changing the names of certain Federal wildlife refuges.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1615-FD]

IN THE MATTER OF E. D. LONG, TRADING AS E. D. LONG & SONS, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on March 10, 1941, by the Bituminous Coal Producers' Board for District 15, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that E. D. Long, the defendant, a code member in District 15, had wilfully violated: (a) the Schedule of Effective Minimum Prices for District 15 for Truck Shipment by selling substantial quantities of lump coal produced at defendant's mine (Mine Index No. 784) Ralls County, Missouri, to the St. Louis & Hannibal Railroad at prices of $2.35 per ton, and to various parties delivered at Hannibal, Missouri, at prices of $2.22, $2.25, and $2.35 per ton, whereas the effective minimum price for lump coal is $2.30 for truck shipment f. o. b. the mine, and (b) by selling lump coal f. o. b. railroad cars at his mine although the mine is not classified as a rail shipping mine and no prices are provided for defendant's mine in the Effective Minimum Price Schedules for District 15 For Shipment Except Truck, and praying that the Division either cancel and revoke the defendant's code membership, or in its discretion direct the defendant to cease and desist from violation of the code and rules and regulations thereunder;

A hearing having been held before a duly designated Examiner of the Division at Hannibal, Missouri, on May 21, 1941;

The Examiner, W. A. Shipman, having made Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated August 12, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the code membership of the defendant, E. D. Long, trading as E. D. Long & Sons in Ralls County, Missouri, be and it is hereby revoked and cancelled;

It is further ordered, That as a condition to reinstatement to membership in the code, the defendant, pursuant to section 5 (c) of the Act, pay a tax to the United States in the sum of $597.86.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6948; Filed, September 17, 1941; 10:56 a. m.]

[Docket No. 1595-FD]

IN THE MATTER OF F. B. COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, complainant, alleging wilful violation by F. B. Coal Company, a partnership of Jess Simmons, Fred and Hubert Burk, code member in District 12, the defendant, of the Bituminous Coal Code, or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District 12 for Truck Shipments and with intent to violate the same and in violation thereof, sold, between October 1, 1940, and February 19, 1941, 212.33 tons of screenings (Size Group 8) delivered in cars to a ramp at Hamilton, Iowa, at $1.50 per ton; whereas the effective minimum price established for such coal is $1.60 per ton f. o. b. the mine;

Pursuant to an order of the Director and after notice to all interested persons, a hearing having been held in this matter on April 9, 1941, before W. A. Shipman, a duly designated examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, F. B. Coal Company, a partnership composed of Jess Simmons, Fred Burk and Hubert Burk, be and is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, F. B. Coal Company, or Jess Simmons, Fred Burk or Hubert Burk, partners therein, to membership in the code, there shall be paid to the United States a tax in the amount of $132.49, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6949; Filed, September 17, 1941; 10:56 a. m.]

[Docket No. A-478]

PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF RAILROAD FUEL PRICES FOR MINE INDEX NOS. 5, 57, 58, 80, 81, 87 AND 88, OF DISTRICT 11, UPON COAL SOLD TO THE C. I. & L. RAILWAY FOR FUELING ITS LOCOMOTIVES AT THE K. & I. RAILWAY COAL DOCK AT LOUISVILLE, KENTUCKY

ORDER DENYING RELIEF

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 11, seeking the establishment of a price of $1.57 per ton for certain coals of the Ayrshire, Lucky Strike, Mariah Hill No. 1, Star Hill No. 1, Star Hill No. 2, Sunlight No. 11, and Super Five Mines (Mine Index Nos. 5, 57, 58, 80, 81, 87 and 88, respectively) located on the Southern Railway in District 11, sold to the Chicago, Indianapolis & Louisville Railway for fueling its locomotives at the railway coal dock of the Kentucky & Indiana Terminal Railroad at Louisville, Kentucky, and praying for other related relief;

Temporary and conditionally final relief having been granted by Order dated January 28, 1941, and thereafter, upon intervention by Consumers' Counsel Division in opposition thereto, by Order of March 26, 1941, conditionally final relief having been terminated, temporary relief continued, and the matter duly set for hearing;

A petition of intervention having been filed by Sunlight Coal Company and notice of appearance filed by Consumers' Counsel Division;

A hearing having been held before D. C. McCurtain, a duly designated Examiner of the Division in Washington, D. C., on May 22, 1941, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

All the parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter therefore having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the relief prayed for in the petition of District Board 11 herein and the intervening petition of Sunlight Coal Company be and the same hereby are denied; and

It is further ordered, That the temporary relief now in effect in this matter be and the same hereby is terminated and rescinded, effective fifteen (15) days from the date of this Order.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6950; Filed, September 17, 1941; 10:56 a. m.]

[Docket No. A-961]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY AND PERMANENT ORDER ESTABLISHING MINIMUM ON-LINE RAILWAY LOCOMOTIVE FUEL PRICES FOR COAL PRODUCED IN DISTRICT NO. 8 BY ISLAND CREEK COAL COMPANY MINES NOS. 15 AND 16, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER RESCHEDULING HEARING

The Examiner having on August 27, 1941, indefinitely continued the hearing in the above-entitled matter, on motion of Counsel for District Board No. 8, subject to the further Order of the Director; and

It appearing advisable to the Director that the matter be set down for hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held at 10 o'clock in the forenoon of October 7, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6951; Filed, September 17, 1941; 10:56 a. m.]

[Docket No. 1643-FD]

IN THE MATTER OF K. B. CORNIA (DEER CREEK COAL MINING COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION NO. 2209, DEFENDANT

ORDER SUSPENDING DISTRIBUTOR'S REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to section 4 II (h) of the Bituminous Coal Act of 1937, and Section 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated April 28, 1941, to determine whether K. B. Cornia, doing business as the Deer Creek Coal Mining Company, a registered distributor, Registration No. 2209, of 721 McIntyre Building, Salt Lake City, Utah, has violated the Bituminous Coal Act of 1937, or rules and regulations thereunder in any manner including, but not in limitation thereof, the following: The sale of coal in Size Group No. 3 in violation of section 4 II (e) of the Act, the schedule of Effective Minimum Prices for District 20 for All Shipments and Paragraph (b) of the Distributor's Agreement; the acceptance of distributors' discounts from effective minimum prices on coal handled physically by defendant in violation of Rule 1, section III of the Marketing Rules and Regulations, and section (d) of the Distributor's Agreement; the acceptance of distributors' discounts from the effective minimum prices on purchases and resales of coal in less than carload lots not moving in a continuous flow in violation of Rule 1 of section III of the Marketing Rules and Regulations, and section (d) of the Distributor's Agreement; and failure to furnish copies of resale contracts and invoices in violation of section (f) of the Distributor's Agreement;

Personal service of the Notice of and Order for Hearing having been made on the defendant on May 5, 1941; hearing having been held before a duly designated Examiner of the Division in Salt Lake City, Utah, at which all interested parties were afforded an opportunity to be present and participate fully;

The Examiner's Report having been waived, the matter thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now therefore it is ordered, That the registration of K. B. Cornia, doing business as the Deer Creek Coal Mining Company, as a registered distributor, be and it hereby is suspended for a period of ninety (90) days from the effective date of this Order, without prejudice to the right of the defendant to petition for reinstatement at the end of that period upon satisfaction of the conditions hereinafter set forth; and that the defendant, its officers, representatives, agents, servants, employees and attorneys, be and they hereby are prohibited from receiving or accepting any discounts as registered distributor, either directly or indirectly, on coal purchased by them or any of them during said period of suspension: *Provided, however*, That if defendant shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors within said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by § 304.15 shall have been filed with the Division;

And it is further ordered, That as a condition to reinstatement as a registered distributor, the defendant refund all discounts improperly received from the producers involved in the transactions giving rise to this proceeding and a statement concerning such refunds shall be made in the affidavit filed in accordance with § 304.15 of the Distributors' Rules;

And it is further ordered, That the defendant, during such period of suspension, shall continue fully to observe, abide by, and remain in all respects subject to all pertinent and applicable provisions of the (1) Bituminous Coal Act of 1937; (2) the Bituminous Coal Code; (3) the Marketing Rules and Regulations; (4) the Rules and Regulations for the Registration of Distributors; and (5) the Distributor's Agreement; and (6) all Orders of the Division.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6952; Filed, September 17, 1941; 10:57 a. m.]

[Docket No. 1565-FD]

IN THE MATTER OF THE CARDINAL FUEL AND SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1404, DEFENDANT

ORDER ADOPTING WITH MODIFICATION THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate

and determine whether the Cardinal Fuel and Supply Company, a registered distributor (Registration No. 1404), 8 East Long Street, Columbus, Ohio, had violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act;

An investigation having been made; an Examiner designated for hearing pursuant to an Order dated February 5, 1941;

A hearing having been held in this matter on March 5, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Columbus, Ohio, pursuant to the Order of February 5, 1941, at which an appearance was entered for the defendant, and all interested parties afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter on July 2, 1941, in which it was recommended that the registration of defendant as a registered distributor be suspended for a period of ninety days;

The defendant having filed exceptions thereto on July 25, 1941, and requested an oral argument thereon;

An oral argument having been held on these exceptions before the Director on August 19, 1941; the Director having made Findings of Fact herein and having rendered an opinion, which are filed herewith;

Now, therefore, it is ordered, That the exceptions of the defendant, Cardinal Fuel and Supply Company, to the Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby severally over-ruled; and

It is further ordered, That the Proposed Findings of Fact and Conclusions of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director except that the period of suspension is reduced to sixty days; and

It is further ordered, That the registration of the defendant, Cardinal Fuel and Supply Company, Registered Distributor (Registration No. 1404), be and it hereby is suspended for a period of 60 days beginning with the date of this Order: *Provided, however,* That as a condition to reinstatement, in accordance with § 304.15 of the Distributors' Rules, the defendant submit, at least 5 days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said defendant has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration; and *Provided, further,* That the defendant be required to return to the producers all improperly collected discounts and that a statement by defendant that such refunds have been made shall be required to be included in the affidavit.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6953; Filed, September 17, 1941; 10:57 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF ORDER NO. 30, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective May 1, 1940, Order No. 30, as amended,[1] regulating the handling of milk in the Toledo, Ohio, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on August 6, 1941, a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area would tend to effectuate the declared policy of said act, notice was given, on June 12, 1941, of a public hearing which was held in Toledo, Ohio, beginning on June 18, 1941, on a proposal to amend said marketing agreement, as amended, and said order, as amended, and at said time and place all interested parties were afforded an opportunity to be heard on the proposal to amend said marketing agreement, as amended, and said order, as amended.

After such hearing and after the tentative approval on August 6, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Toledo, Ohio, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

The Secretary of Agriculture, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed Order No. 30, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the said area; and

3. That the issuance of the proposed Order No. 30, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 6th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: September 8, 1941.

[F. R. Doc. 41-6956; Filed, September 17, 1941; 11:06 a. m.]

[1] See Title 7, Chapter IX, *supra.*

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 18, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

DuBenay Undergarment, Inc., 102 Madison Avenue, New York, New York; Apparel; Ladies' Underwear; 6 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Fashion Park, Inc., 432 Portland Avenue, Rochester, New York; Apparel; Men's Ready to Wear Suits & Overcoats; 5 percent (75% of the applicable hourly minimum wage); September 18, 1942. (This certificate replaces one issued to you bearing the expiration date of March 24, 1942.)

Fitzgibbons Company, Inc., 72 Irving Street, Framingham, Massachusetts; Apparel; Dresses; 30 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Industrial Tailors, Inc., 134 Noll Street, Brooklyn, New York; Apparel; Boys' Wash Suits, Sportswear; 5 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Jac Sportswear, Inc., 702 Broadway, New York, New York; Apparel; Blouses & Shirts; 5 learners (75% of the applicable hourly minimum wage); February 18, 1942.

M. Janowitch and Sons, Main and Market Streets, Mahanoy City, Pennsylvania; Apparel; Dresses and Blouses; 10 learners (75% of the applicable hourly minimum wage); January 15, 1942.

William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, New Jersey; Apparel; Men's Suits; 5 per cent (75% of the applicable hourly minimum wage); September 18, 1942.

La More Manufacturing Company, 74 Bayard Street, Brooklyn, New York; Apparel; Dresses; 3 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Maiden Form Brassiere Company, Inc., 154 Avenue E, Bayonne, New Jersey; Apparel; Brassieres and Corsets; 100 learners (75% of the applicable hourly minimum wage); January 5, 1942.

Prime Shirt and Sportswear Company, 82 White Street, Brooklyn, New York; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); February 18, 1942.

Quakertown Clothing Manufacturing Company, Tenth and Juniper Streets, Quakertown, Pennsylvania; Apparel; Pants; 25 learners (75% of the applicable hourly minimum wage); January 5, 1942.

R and R Garment Company, 119 Church Avenue, Ephrata, Pennsylvania; Apparel; Ladies' Slips; 30 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Tiny Grace Frocks, "I" and Ontario Street, Philadelphia, Pennsylvania; Apparel; Children's Dresses; 20 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Universal Coat Front Company, N. E. 25th and Locust Streets, Philadelphia, Pennsylvania; Apparel; Coat Fronts; 10 learners (75% of the applicable hourly minimum wage); January 15, 1942.

Wilson Collier Company, 655 Atlantic Avenue, Boston, Massachusetts; Apparel; Children's Dresses, Skirts, Blouses; 5 percent (75% of the applicable hourly minimum wage); September 18, 1942.

Medalia Hosiery Mills, Inc., Green Street, Silverdale, Pennsylvania; Hosiery; Full Fashioned Hosiery; 2 learners; September 18, 1942.

Wil-Tex Hosiery Products Corporation, Villa Rica, Georgia; Hosiery; Seamless Hosiery; 7 learners; May 18, 1942.

The Atlas Underwear Company, 803 North Downing Street, Piqua, Ohio; Knitted Wear; Knitted Underwear; 5 percent; September 18, 1942.

Santa Anita Knitting Mills, 105 East Colorado Boulevard, Monrovia, California; Knitted Wear; Knitted Outerwear; 3 learners; September 18, 1942.

Vogue Ribbon Novelty Company, 425 Fifth Avenue, New York; Millinery; Popular-Priced Millinery; 2 learners; March 18, 1942.

Shapiro and Son Curtain Corporation, 659 North 13th Street, Easton, Pennsylvania; Textile; Chenille Bedspreads; 30 learners; February 5, 1942.

Union Manufacturing Company, Union Point, Georgia; Textile; Yarns; 8 learners; January 5, 1942.

Signed at Washington, D. C., this 17th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6968; Filed, September 17, 1941; 12:05 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 18, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Alba Lamp and Shade Company, Philadelphia, Pennsylvania; Portable Lamps and Shades; Acetate Boudoir Shades; 5 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Operator; March 18, 1942.

Avon Paper Box Company, 1120 E. Cumberland Street, Avon, Pennsylvania; Converted Paper Products; Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1941.

F. N. Burt Company, Inc., 514 Seneca Street, Buffalo, New York; Converted Paper Products; Set-up Paper Boxes, Folding Cartons; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations on set-up paper boxes, except cutting, scoring and slitting; March 17, 1942.

The Callaghan Paper Box Company, 99 Albany Avenue, Hartford, Connecticut; Converted Paper Products; Set-up Paper Boxes; 5 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

The Churchill Weavers, Berea, Kentucky; Handwoven Novelties; 15 learners; 320 hours for any one learner; 22½¢ per hour; Hand Weaving (Fly-Shuttle); September 18, 1942.

The Crest Company, Inc., Chicago, Illinois; Portable Lamps and Shades; Bridge, Floor and Table Lamp Shades; 5 learners; 160 hours for any one learner; 35 cents per hour; Shade Making; March 18, 1942.

McKee Button Company, 1000 Hershey Avenue, Muscatine, Iowa; Fresh Water Pearl Buttons; 20 learners; 8 weeks for any one learner; 25 cents per hour; Sorters and Automatic Button Machine Operators; November 27, 1941.

Quincy Paper Box Company, 230 N. 3rd Street, Quincy, Illinois; Converted

Paper Products; Manufacturer of Set-Up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box-making operations, except cutting, scoring and slitting; March 10, 1942. (This certificate is effective September 11, 1941, correct address Quincy, Illinois instead of Chicago, Illinois.)

Riverside Box Factory, 548 First Avenue, Troy, New York; Converted Paper Products; Set-up Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

R. Rudie and Company, Herb Hill Road, Glen Cove, New York; Converted Paper Products; Set-Up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

J. F. Wieder and Son, Macungie, Pennsylvania; Converted Paper Products; Set-Up Paper Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942.

Penn Cigar Company of Pittsburgh, McConaughy Street, Johnstown, Pennsylvania; Cigar Industry; Cigar Manufacturing; 10 percent; 8 weeks, 4 weeks and 8 weeks respectively, for any one learner; 75% of applicable minimum wage rate; Cigar Machine Operators, Machine Strippers, Machine Packers; September 18, 1942.

Signed at Washington, D. C., this 17th day of September 1941.

MERLE W. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-6969; Filed, September 17, 1941; 12:05 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 544]

IN THE MATTER OF AN AGREEMENT, C.A.B. No. 152, BETWEEN PAN AMERICAN AIRWAYS, INC., MATSON NAVIGATION COMPANY, AND INTER-ISLAND STEAM NAVIGATION CO., LTD., RELATING TO JOINT OPERATIONS AND AGENCY AND TRAFFIC ARRANGEMENTS

NOTICE OF POSTPONEMENT OF HEARING

At the request of Pan American Airways, Inc., the above-entitled proceeding, being a proceeding instituted by the Board to determine whether or not an agreement, C.A.B. No. 152, between the above-named parties, evidenced by several instruments filed with the Board under section 412 (a) of the Civil Aeronautics Act of 1938, as amended, providing, among other things and as more fully set forth in said agreement, (1) for the joint operation of a local air transportation service between the Pacific Coast of the United States and the Hawaiian Islands, as well as for the interchange of certain services and facilities; (2) for the sale by Matson Navigation Company of transportation over the lines of Pan American; and (3) for the sale by Pan American of transportation over the lines of Matson Navigation Company, is adverse to the public interest or in violation of the Civil Aeronautics Act of 1938, now assigned for public hearing on September 22, 1941, is hereby postponed to October 1, 1941, at 10 o'clock a. m. (Eastern Standard Time) in Room 7057, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Berdon M. Bell.

Dated Washington, D. C., September 16, 1941.

[SEAL] BERDON M. BELL,
Examiner.

[F. R. Doc. 41-6945; Filed, September 17, 1941; 9:27 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5714]

IN THE MATTER OF THE CALIFORNIA OREGON POWER COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 12, 1941.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above entitled matter.

The Commission *orders* that: The hearing in this proceeding, heretofore set to commence on September 22, 1941, be and it is hereby postponed to November 17, 1941.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-6947; Filed, September 17, 1941; 9:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4585]

IN THE MATTER OF GUS B. SHELTON, AN INDIVIDUAL TRADING AS G. B. SHELTON BROKERAGE COMPANY, AND THE AMERICAN AGRICULTURAL CHEMICAL COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Gus B. Shelton is an individual doing business under the name and style of G. B. Shelton Brokerage Company, a sole proprietorship, with his principal office and place of business located at 220 Lynn Street, Danville, Virginia. This respondent is engaged in the wholesale grocery business, buying and selling for his own account groceries, sugar, flour, feeds and crystal phosphate, and he is also engaged in the business of, and acting as, broker in the sale of sugar and crystal phosphate. Respondent buys said commodities in the various states of the United States, causing said commodities to be shipped and transported from sellers located in states of the United States other than the State of Virginia to his place of business in the State of Virginia.

PAR. 2. Respondent The American Agricultural Chemical Company is a corporation organized and existing under the laws of the State of Delaware with its principal office and place of business located at 50 Church Street, New York, New York. This respondent has been and is engaged in the business of selling and distributing crystal phosphate in commerce between and among the various states of the United States, causing said commodity to be shipped and transported from places of business in the States of New York and North Carolina, to purchasers thereof located in the various states of the United States.

PAR. 3. In the course and conduct of his business as aforesaid since June 19, 1936, respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, has been and is making purchases of crystal phosphate in commerce from respondent The American Agricultural Chemical Company, for his own account, and in the course of said purchases, respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, has been and is now receiving and accepting from respondent The American Agricultural Chemical Company, and The American Agricultural Chemical Company has been and now is making and granting to respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, a five per cent cash deduction, and price allowances of fifty to seventy-five cents per hundredweight of crystal phosphate, in lieu of brokerage upon said purchases in commerce.

PAR. 4. The payment and granting of cash deductions of five per cent and price allowances of fifty to seventy-five cents per hundredweight of crystal phosphate in lieu of brokerage by respondent The American Agricultural Chemical Company upon sales of chemical phosphate by it to respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, and the receipt and acceptance by respondent Gus B. Shelton, trading as G. B. Shelton Brokerage Company, of a five per cent cash deduction and price allowances of fifty to seventy-five cents per hundredweight of crystal phosphate, upon his own purchases in the manner and form hereinabove set forth, is in violation of the provisions of subsection (c) of section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission, on this 8th day of September A. D. 1941, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, Gus B. Shelton, an individual trading as G. B. Shelton Brokerage Company, and The American Agricultural Chemical Company, respondents herein, that the 17th day of October A. D. 1941, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the city of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding, the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of September, A. D., 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-6964; Filed, September 17, 1941; 11:46 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE TO MANUFACTURERS OF AIRCRAFT PARTS, ETC.

By virtue of the authority vested in him by OPM Regulation No. 3,[1] and pursuant to § 944.4[2] of Regulation No. 1 of the Division of Priorities, the Director of Priorities will issue after September 15, 1941, individual orders directed to manufacturers of parts, accessories, and instruments which will be installed in any finished aircraft the delivery schedule for which has been approved by the Joint Aircraft Committee, and auxiliary products necessary for the maintenance and operation of such aircraft. These orders will assign preference ratings to materials needed by the producer and to materials to be physically incorporated into the finished product.

Any manufacturer, 90 percent or more of whose output consists of the above products, and who wishes to qualify for such an order, should apply to the Aircraft Section of the Office of Production Management, Washington, D. C.

Dated: September 17th, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-6967; Filed, September 17, 1941; 11:47 a. m.]

[1] 6 F.R. 1596.
[2] 6 F.R. 4490.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-24]

IN THE MATTER OF CITIES SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES

ORDER POSTPONING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

The Commission having on July 3, 1941 issued a Notice of and Order for Hearing in the above entitled proceedings directing that a hearing be held on August 18, 1941 at 10:00 A. M. in the offices of the Commission with reference to the allegations of the said Notice of and Order for Hearing; and Cities Service Company having requested that the date for the hearing be postponed for the reason that counsel for one of the respondents in these proceedings would be enabled to attend the said hearing without undue expense and inconvenience if the same were postponed as hereinafter provided; and

It appearing to the Commission that the request made by the said Cities Service Company is not unreasonable and may appropriately be granted;

It is ordered, That the hearing directed to be held in said order of July 3, 1941 be and the same hereby is postponed until September 24, 1941 at 10 o'clock in the forenoon for the purposes specified in the said Order of July 3, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6959; Filed, September 17, 1941; 11:28 a. m.]

[File No. 1-1611]

IN THE MATTER OF THE GEORGIA MARBLE COMPANY

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of September, A. D. 1941.

The Georgia Marble Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its 6% First Mortgage Sinking Fund Gold Bonds due 1950 from listing and registration on the Baltimore Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday,

October 13, 1941, at the office of the Securities & Exchange Commission, Palmer Building, Forsyth & Marietta Sts., Atlanta, Georgia, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William A. McClain, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6960; Filed, September 17, 1941; 11:28 a. m.]

[File No. 70-332]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE), ALABAMA POWER COMPANY, AND THE GENERAL CORPORATION

ORDER SUPPLEMENTAL TO ORDER OF SEPTEMBER 10, 1941 PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS AS TO CERTAIN MATTERS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

It appearing to the Commission that the Order of September 10, 1941, in the above-entitled matter was not properly restricted so that it did not set forth accurately the action of the Commission and should now be amended:

It is hereby ordered, That said Order of September 10, 1941 be amended as follows:

The fourth line of the first paragraph is hereby amended to read as follows:

• • • and U-46 thereunder regarding, in addition to various other matters, the following proposals: (a) the liquidation • • •

The second line of the third paragraph is hereby amended to read as follows:

• • • the interest of investors and consumers to permit, in respect of the particular proposals specified in the first paragraph hereof, the said declarations. • • •

The second line of the last paragraph is hereby amended to read as follows:

• • • in Rule U-24, that, in so far as they relate solely to the transactions specified in the first paragraph hereof, the aforesaid declarations, as amended, be and hereby • • •

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6961; Filed, September 17, 1941; 11:28 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 183

Washington, Friday, September 19, 1941

The President

EXECUTIVE ORDER

AMENDING THE EXECUTIVE ORDER ESTABLISHING THE ECONOMIC DEFENSE BOARD

By virtue of the authority vested in me by the Constitution and statutes of the United States and in order to define further the functions and duties of the Economic Defense Board with respect to the unlimited national emergency as declared by the President on May 27, 1941,[1] and for the purpose of strengthening the international economic relations of the United States in the interest of national defense, it is hereby ordered as follows:

1. The Economic Defense Board, in addition to the responsibilities and duties described in paragraph 3 of Executive Order No. 8839[2] of July 30, 1941, is authorized and directed to discharge and perform the following responsibilities and duties, in furtherance of such policies and objectives as the President may from time to time determine:

a. Exercise and perform all powers and functions heretofore vested by any Proclamation, Executive Order or regulation in any officer or agency of the Government (1) under section 6 of the act of July 2, 1940, entitled "An Act To expedite the strengthening of the national defense" (Public No. 703, 76th Congress, Third Session), as extended by joint resolution of May 28, 1941 (Public No. 75, 77th Congress, First Session), and (2) under the act of October 10, 1940, entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes" (Public No. 829, 76th Congress, Third Session), except the powers and functions vested in the Joint Army and Navy Munitions Board by sections 1 and 2 of Executive Order No. 8567[3] of October 15, 1940; and all such Proclamations, Executive Orders, and regulations are amended to the extent necessary to make this paragraph effective, but shall otherwise remain in full force and effect, and any of the provisions thereof heretofore applicable to any such officer or agency shall be applicable to the Economic Defense Board.

b. Obtain, develop, and determine overall estimates of materials and commodities required for export purposes in the interest of the economic defense of the Nation (exclusive of defense articles to be transferred to the Government of any country whose defense the President deems essential to the defense of the United States, as provided in Public No. 11, 77th Congress, First Session, entitled "An Act further to promote the defense of the United States and for other purposes" approved March 11, 1941); and advise the Supply Priorities and Allocations Board of such estimated requirements.

c. Advise the Office of Production Management as to the priorities required for the delivery of materials and commodities in carrying out economic defense programs.

d. Provide a central clearing service to which exporters, manufacturers, and foreign importers may submit proposals for the export of materials and commodities; and obtain clearance for such proposals from the several Federal agencies concerned with the control of exports and financial transactions incidental thereto.

2. The personnel, records, funds, and property (including office equipment) of the agencies and officers now exercising the powers and functions specified in paragraph 1 (a) above are hereby transferred to the Economic Defense Board.

3. The Chairman of the Economic Defense Board is authorized to discharge and perform the above described responsibilities and duties through the Executive Director of the Board.

[1] 6 F.R. 2617.
[2] 6 F.R. 3823.
[3] 5 F.R. 4121.

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FEDERAL REGISTER

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4. Executive Order No. 8839 of July 30, 1941, establishing the Economic Defense Board is amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 15, 1941.

[No. 8900]

[F. R. Doc. 41-6984; Filed, September 18, 1941; 9:52 a. m.]

MILITARY ORDER

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, I hereby assign Lieutenant Colonel William E. Chickering, United States Army, to duty with the Economic Defense Board, to assist the Chairman and Executive Director of said Board in the performance of certain functions relating to the administration of section 6 of Public No. 703, 76th Congress, Third Session, entitled "An Act To expedite the strengthening of the national defense," approved July 2, 1940, as amended, and of certain provisions of Public No. 829, 76th Congress, Third Session, entitled "An Act To authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940, which functions are essentially military in character.

The Military Orders of July 2, 1940,[1] and December 19, 1940,[2] relating to the administration of section 6 of Public No. 703, 76th Congress, Third Session, approved July 2, 1940, are hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 15, 1941.

[F. R. Doc. 41-6985; Filed, September 18, 1941; 9:53 a. m.]

Rules, Regulations, Orders

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 239—FORMS, SECURITIES ACT OF 1933

AMENDMENT OF INSTRUCTIONS REGARDING PROSPECTUSES IN THE INSTRUCTION BOOK FOR FORM A-2 [3]

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the functions vested in it by the said Act, hereby amends the Instructions as to Prospectuses in the Instruction Book for Form A-2 by inserting after the Instructions as to Newspaper Prospectuses the following new instructions:

III. INSTRUCTIONS AS TO PROSPECTUSES FOR EMPLOYEES' SAVINGS, PROFIT SHARING OR PENSION PLANS

1. These instructions shall apply to prospectuses for shares of stock of an issuer in which funds of a savings, profit sharing, or pension plan for employees of the issuer are to be invested, if the prospectuses prepared in accordance herewith are sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer, and who have become members of the plan prior to receipt of a prospectus prepared in accordance herewith.

2. There may be omitted from any prospectus which is used as specified in instruction 1, above—

(a) All information contained in the registration statement which could be omitted pursuant to the Instructions as to Prospectuses Other Than Newspaper Prospectuses;

(b) All information contained in the registration statement in regard to the plan, other than financial statements, except a brief summary of the materially important developments in the plan and in the administration thereof since the close of the period for which such information was given in the previous prospectus;

(c) All financial statements of the plan for a fiscal year, or as of the end of a fiscal year, for which financial statements of the plan were included in the previous prospectus;

(d) All information contained in the registration statement in regard to the issuer of the underlying stock and its subsidiaries, other than financial statements, insofar as the same information was contained in the previous prospectus, so that the prospectus prepared in accordance herewith will contain only such information as may be necessary to bring up to date the information included in the previous prospectus;

(e) All financial statements of the issuer of the underlying stock and its subsidiaries for a fiscal year, or as of the end of a fiscal year, for which corresponding financial statements were included in the previous prospectus.

Effective September 18, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6999; Filed, September 18, 1941; 11:36 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 533]

PART 405—RECONDITIONING SECTION

RECONDITIONING—GENERAL PROVISIONS

Section 405.01-8 is amended to read as follows:

§ 405.01-8 *Chattels.* When requested, the Reconditioning Section shall inspect and determine the value of any chattels used in connection with any property upon which the Corporation holds a mortgage or other lien or in connection with any property under the jurisdiction of the Property Management Division. The Reconditioning Supervisor shall make recommendations as to whether it is to the Corporation's interest to permit removal or to settle or acquire any lien upon or interest in any such chattel as provided in Chapter VI of the Manual.

The second paragraph of § 405.01-55 is amended to read as follows:

§ 405.01-55 *Supplementary advances.* * * *

An advance may be made to a home owner to supplement insurance or other proceeds received by the home owner for the reconditioning of the property and such advance shall be made in accordance with § 405.02 and the sections thereunder.

(Effective September 20, 1941)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-6973; Filed, September 17, 1941; 3:26 p. m.]

[Administrative Order No. 532]

PART 405—RECONDITIONING SECTION

RECONDITIONING ADVANCES

Sections 405.02-1 to 405.02-28, inclusive, and §§ 405.03-2, 405.05-1 and 405.05-2 are revoked, and the following sections are adopted in lieu thereof:

§ 405.02-2 *Responsibility.* It is the responsibility of the Reconditioning Section to determine the nature, extent and appropriateness of the proposed reconditioning, and the architectural and structural soundness of the property and to direct and supervise reconditioning when an advance is authorized.

§ 405.02-3 *Application and report.* A reconditioning advance is commenced by a home owner filing an application, which, together with a report prepared by the Loan Service Division, shall contain a disclosure of all pertinent circumstances in support of the request for an advance.

§ 405.02-7 *Regional manager.* The Regional Manager shall consider each case on its own merits, taking into account, except where repairs are necessary to protect the Corporation's security, the past payment record of the home owner and the probable repayment of the advance.

The Regional Manager may authorize an advance to the home owner for reconditioning if he determines that such reconditioning is in the best interest of the Corporation in order to protect its security or to facilitate the collection of the indebtedness owing to the Corporation and if the estimated cost of the reconditioning does not exceed $1,000, exclusive of inspection fees, legal fees and expenses and other incidental expenses.

Any advance for reconditioning designed wholly or in part to promote the orderly liquidation of the assets of the Corporation regardless of the amount of the advance, shall be forwarded with the recommendation of the Regional Manager to the General Manager for review and decision.

§ 405.02-8 *Form R-4D.* In any case where Form R-4D is prepared after approval of the advance by the Regional Manager, and the amount recommended thereon exceeds the amount authorized, the case shall be resubmitted to the Regional Manager for consideration and approval of the additional amount.

§ 405.02-9 *Incidental expenses.* The Regional Manager may authorize the amount and payment of expenses for technical services, credit report and any other incidental expenses as may be necessary, exclusive of legal fees and expenses, in addition to the amount which he may authorize for reconditioning.

All funds advanced by the Corporation to the home owner for expenses shall be included in the accepted and approved form of the debt or lien instrument. If the advance is disallowed, the funds advanced by the Corporation for expenses shall be charged to the home owner's account pursuant to the provisions of Form R-7AB (529-A).

§ 405.02-10 *Repayment of advances.* An advance to a home owner for reconditioning shall be repaid "on demand" or "in monthly installments" as may be determined by the Regional Manager, who shall notify the Regional Accountant of the time and manner of the repayment plan. When the advance is to be repayable "in monthly installments," the total period of repayment shall not exceed the unexpired term of the Corporation's loan, or as extended, nor the statutory period of limitations and shall be fixed with reference to the estimated life of the reconditioning and the home owner's ability to repay.

§ 405.02-11 *Legal advice.* Ordinarily the case shall be submitted to the Legal Department for legal advice after authorization of the advance by the Regional Manager. However, in any special case where the Regional Manager requires it, such case may be submitted to the Legal Department for legal advice prior to consideration of the case by the Regional Manager.

Title examination is not required when the estimated cost of reconditioning is $500 or less. Title examination is required when the estimated cost of reconditioning is greater than $500 unless Regional Counsel waives title examination and certifies as his opinion that the advance will be secured as a lien under the Corporation's loan instrument and such lien will be prior to encumbrances, except taxes and assessments, which intervened or may intervene between the date of the Corporation's loan and the date of the additional lien to be obtained.

§ 405.02-13 *Purpose of advance.* An advance to a home owner for reconditioning may be authorized for any purpose within the purview of § 405.02, including an advance to enable the home owner to produce, retain or regain income from the property, an advance to meet compliance with municipal regulations, an advance for the paving of streets and sidewalks and the installation of sewers and similar improvements, an advance to enable the sale of the home owner's property to establish a more satisfactory account, an advance to place the property in a sound condition suitable for normal habitability or use, and an advance for any other purposes the General Manager or the Regional Manager determines within their respective authority is authorized under § 405.02.

§ 405.02-14 *Reconditioning authorized.* Upon approval of an advance, the case shall be referred to the Reconditioning Section for preparation of specifications, soliciting of competitive bids, awarding of contract, supervising the work during construction, certifying to its completion, and preparing vouchers for payment to contractors.

§ 405.02-15 *Intervening liens.* Where title examination is required and intervening liens are disclosed, the home owner shall effect subordination or discharge of all such liens, except liens for taxes and assessments, without expense to the Corporation. If the home owner is unable to effect subordination or release of such liens the Regional Manager shall be notified.

§ 405.02-16 *Bids.* Upon authorization of the advance, bids shall be solicited from qualified and approved contractors selected by the home owner and the contract shall be awarded to the lowest acceptable bidder. However, a contract may be awarded to a higher bidder if the home owner deposits with the Corporation the difference between the lowest bid and the bid accepted.

Contract and other forms. Before the reconditioning contract, Form R-4A, is awarded, the contractor shall execute Form R-4B, and the home owner shall execute Form R-4C. Upon execution of the security instruments by the home owner the Reconditioning Supervisor shall notify the contractor to proceed with the work and shall assign the case to an inspector. Upon award of the reconditioning contract, Form 646-A shall be prepared.

§ 405.02-17 *Contract by Corporation.* In any case wherein a home owner or

[1] 5 F.R. 2491.
[2] 5 F.R. 5231.
[3] Affects Form A-2 tabulated in Part 239.

other party in interest or title is uncooperative, unavailable or there are other disabilities, legal or otherwise, the Regional Manager may waive the execution by such persons of any or all required forms when authorizing reconditioning and may award a contract in the name of the Corporation for such reconditioning, provided that the waiver of the execution of the security instruments shall be made only upon Regional Counsel's advice that the advance will be secured as a lien under the Corporation's loan instrument and will be prior, except as to taxes and assessments, over intervening and subsequent encumbrances.

§ 405.02–18 *Completion.* Upon completion of the reconditioning in a manner satisfactory to the home owner and the Corporation the case shall be submitted to the Legal Department, if required for review and approval of clearance of mechanics' and materialmen's liens, after preparation of all required forms.

§ 405.02–19 *In the event home owner disapproves.* In the event the home owner declines to approve the reconditioning, the Corporation shall, except as otherwise provided, make payment to the contractor only in the event the contractor has reduced his claim against the home owner to judgment.

In the event it is impracticable or impossible to obtain the home owner's approval of the reconditioning because of death, incompetency or other disabilities, legal or otherwise, and the cost of such reconditioning is included in and secured by the Corporation's mortgage or other approved lien instrument form executed by the home owner, the Regional Manager with the advice of the Regional Counsel may authorize payment to the contractor or direct any other appropriate action.

§ 405.02–20 *Home office.* All advances which exceed the Regional Manager's authority shall be forwarded to the Home Office for the review and approval of the General Manager. Each such case shall be submitted to the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service, for their review and recommendation, and to the Legal Department for legal advice.

§ 405.02–21 *Unusual cases.* In any cases wherein it appears that an advance may not be authorized due to any of the following circumstances and the Regional Manager is of the opinion that it is to the best interests of the Corporation to grant an advance notwithstanding, the case may be submitted to the Home Office for the review and approval of the General Manager. Each such case shall be submitted to the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service, for their review and recommendation, and to the Legal Department for advice:

(a) Where the home owner cannot effect subordination or release of liens, except taxes and assessments, which are prior to the lien obtained for the advance;

(b) Where it is impracticable to require the home owner to effect subordination or release of intervening liens;

(c) Where because of emergency or for other reasons it is impracticable to require title examination;

(d) Where it is impracticable or impossible to obtain the execution of the required security instrument by any or all parties in interest or title and the advance would not be secured as a lien under the Corporation's loan instrument.

In each case under Item #4 the file shall contain the opinion of the Regional Counsel as to the legal rights and remedies of the Corporation to establish and enforce a lien for such reconditioning as against any or all parties in interest or title;

(e) Where, in any case, an advance cannot be made with full compliance with procedural regulations, or where, in any case, the Regional Manager seeks the advice or the decision of the General Manager as to the eligibility of the home owner for an advance under § 405.02.

§ 405.02–22 *Vendee procedure.* When a vendee requests an advance for reconditioning of a property sold by the Corporation under an installment contract, the general procedure for making advances for reconditioning shall be observed insofar as applicable and feasible, and the prescribed forms shall be used with such adaptations or variations as may, in the opinion of the Regional Manager, with the advice of the Regional or State Counsel, be advisable in effecting such advances.

Legal aspects. If Counsel is of the opinion that the installment contract or other like instrument does not adequately secure the reconditioning advance, the vendee shall execute and deliver to the Corporation such additional evidence of debt and security as Regional Counsel may prescribe. In the event the cost of the reconditioning exceeds $500, and the Regional Counsel advises that title examination is necessary for the protection of the interests of the Corporation, such title examination shall be required.

§ 405.02–23 *Emergency cases.* In the event reconditioning of an emergency nature is required immediately to protect the Corporation's security, the State or Regional Manager shall refer the case to the Reconditioning Section with authorization to proceed with the reconditioning.

§ 405.02–24 *Authority of State manager.* The State Manager is authorized to make an advance for reconditioning in an emergency situation in an amount not to exceed $500 of the estimated cost of the reconditioning and is authorized to provide for expenses incidental thereto, exclusive of legal fees and expenses. Advances for reconditioning of any emergency nature which exceed the limitation of the State Manager's authority shall be approved by the Regional Manager within the limitations of his authority.

§ 405.02–25 *Approval.* Upon approval of an advance for reconditioning in an emergency, the case shall be processed in accordance with the routine procedure governing advances for reconditioning insofar as the same is applicable and feasible.

§ 405.02–26 *Unusual cases — award.* In the event the home owner or other parties are uncooperative, unavailable or there are other disabilities, legal or otherwise, the State or Regional Manager may cause a contract to be awarded on behalf of the Corporation under emergency conditions.

§ 405.02–27 *Abandoned properties.* In the event reconditioning is necessary to protect vacant, unoccupied or abandoned properties the case may be processed under the regulations governing reconditioning of an emergency nature.

§ 405.02–29 *Catastrophe.* The General Manager is authorized in an emergency to raise the limitations of authority of the State and Regional Manager for the purpose of reconditioning properties which have been damaged or destroyed by flood, earthquake, cyclone, or other catastrophe and is authorized to waive full compliance with the regulations insofar as a need exists. In each such situation the Chief, Reconditioning Section and the Deputy General Manager in Charge of Loan Service, shall make recommendation to the General Manager.

§ 405.02–30 *Home owners providing labor.* Whenever a home owner requests permission to provide the labor in connection with reconditioning, whether or not funds are advanced by the Corporation for such reconditioning, the Reconditioning Supervisor shall investigate and determine as to the qualifications and reliability of the person who is to perform the labor and make recommendations to the State or Regional Manager. If the State or Regional Manager determines to permit the home owner to provide the labor, a contingency allowance shall be included when an advance is authorized in connection therewith to assure the Corporation of satisfactory performance of the reconditioning by the home owner, and the State or Regional Manager may, on behalf of the Corporation, enter into a contract with the home owner on a form approved for the purpose. The home owner should, where practicable, be required to submit bids for all materials in an advance case.

Completion. The reconditioning shall be performed under the supervision of the Reconditioning Section. When the work has been completed to the satisfaction of the Reconditioning Section, and the home owner has satisfactorily complied with the provisions and covenants contained in the contract, the bills for materials and all costs other than labor shall be paid in compliance with the regular procedure for reconditioning; and the Reconditioning Section, through the State or Regional Manager, shall notify the Regional Accountant on Form R–18 of the amount of the unexpended portion of the advance which shall be credited to the home owner's account. The total cost of labor and materials shall not exceed the advance authorized. The Regional or State Manager, with the advice of the Regional or State Counsel, may, in his discretion when the circumstances justify, authorize payment of material bills prior to the final completion of the work.

Default. In the event the home owner fails or refuses to complete the reconditioning, he shall contract with persons acceptable to the Corporation to perform the remainder of the labor, which shall be paid for by the home owner from his personal funds, or when approved by the Regional or State Manager, from funds available in the advance; or the Regional or State Manager may contract with suitable persons to complete the work under such terms and conditions as the Regional or State Manager, with the advice of the Regional or State Counsel, shall deem to be for the best interest of the Corporation.

When any funds from the advance are used to pay for any portion of the labor, only the unexpended portion of the advance shall be credited to the home owner's account.

(Effective September 20, 1941)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41–6974; Filed, September 17, 1941; 3:26 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act approved August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Atlantic Ocean between New River and Cape Fear, North Carolina, comprising firing ranges of the Marine Corps at New River and the Anti-Aircraft Firing Center at Hollyridge, North Carolina:

[1] § 204.55 is added.

§ 204.55. *Waters of the Atlantic Ocean; Firing sectors between New River and Cape Fear, North Carolina.*

THE DANGER ZONE

(a) The firing ranges include the waters within three sectors, located as follows:

SECTOR 1. The center of the sector is located on Hurst Beach, Onslow County, North Carolina at Latitude 34°34'15'' north and Longitude 77°16'10'' west. This sector extends over an arc of 135°, with a radius of 25,000 yards, bounded by limiting lines bearing N. 85° E. and S. 40° W. from said center.

SECTOR 2. The center of the sector is located on the outer bank opposite Sears Landing near Beacon No. 70 of the United States Intracoastal Waterway between Beaufort Harbor and Cape Fear River, North Carolina, at Latitude 34°25'40'' north and Longitude 77°32'30'' west. This sector extends over an arc of 136°, with a radius of 25,000 yards, bounded by limiting lines bearing N. 84° E. and S. 40° W. from said center.

SECTOR 3. The center of this sector is located near the center of old Fort Fisher, near Federal Point, North Carolina at Latitude 33°58'08'' north and Longitude 77°55'10'' west. This sector extends over an arc of 160°, with a radius of 25,000 yards, bounded by limiting lines bearing N. 30° E. and S. 10° W. from said center.

THE REGULATIONS

(b) (1) Sailing vessels or any watercraft having a speed of less than 5 miles per hour will keep clear of these sectors at all times after notices of firing have been given. Any vessel or other watercraft propelled by mechanical power at a speed greater than 5 miles per hour may enter the firing sectors without restriction except when the signals enumerated in subparagraphs (4) and (5) are being displayed. When the above signals are displayed, all vessels in the sectors will clear immediately and no vessel will enter the sectors until the signals indicate that firing has ceased.

(2) Firing over the range will take place during both daylight and nighttime hours, at irregular periods throughout the year.

(3) Two days in advance of the day when firing in any sector is scheduled to begin the Commanding General, Camp Davis, North Carolina, and/or the Commanding Officer of the Marine Base, Jacksonville, North Carolina, will warn the public of the contemplated firing through the public press, the Coast Guard, the Cape Fear Pilots Association at Southport, North Carolina, and the Pilots Association at Morehead City, North Carolina.

(4) A tower shall be erected near the shore in each sector, at least 50 feet in height. On days when there is firing in a sector, a red flag will be displayed on the respective tower. This flag will be displayed not later than 8:00 a. m. and will be removed when firing ceases for the day.

(5) During night firing red lights will be displayed on the respective tower and searchlights will be employed as barrier lights to enable safety observers to detect vessels which may attempt to enter the danger zone.

(6) These regulations shall be enforced by the Commanding General, Camp Davis, North Carolina, and/or the Commanding Officer, Marine Base, Jacksonville, North Carolina, or such responsible agent or agents as they may designate. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Aug. 28, 1941 (E.D. 7195 (Atlantic Ocean—N. Carolina)—2/5)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–6983; Filed, September 18, 1941; 9:48 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

The Commission on September 16, 1941, effective October 1, 1941, amended the above-entitled rules as follows:

Designated existing § 7.30 *Authorized emission* as paragraph (a) and added paragraphs (b) and (c) to read:

(b) A–2 or A–3 emission[8a] (amplitude modulation) may be used on any authorized operating frequency.[8b] Frequency modulation, corresponding to A–2 or A–3 emission[8c] may be used on any authorized operating frequency within the band 30,000 to 40,000 kilocycles only.

(c) When frequency modulation is used, the total frequency swing arising from modulation shall not exceed 75 per cent of the frequency separation band width. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

Amended § 7.60 *Frequency tolerance* in the following respects:

• • • • •

Above 30,000 kc.	*Tolerances (percent)*
From 30,000 to 40,000 kc.:	
(a) For frequency modulation	0.01
(b) For all other types of modulation and for A–1 emission	.02
From 100,000 to 200,000 kc.:	
(a) For frequency modulation	.01
(b) For all other types of modulation and for A–1 emission	.04

[8a] See § 2.74, Part 2, General Rules and Regulations.
[8b] See § 2.14, Part 2, General Rules and Regulations.
[8c] See § 2.72, Part 2, General Rules and Regulations.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6991; Filed, September 18, 1941; 11:28 a. m.]

PART 8—RULES GOVERNING SHIP SERVICE

The Commission on September 16, 1941, effective October 1, 1941 amended the above-entitled rules as follows:

Designated existing § 8.68 *Authorized emission* as paragraph (a) and added paragraphs (b) and (c) to read:

(b) A-2 or A-3 emission[8a] (amplitude modulation) may be used on any authorized operating frequency.[8b] Frequency modulation, corresponding to A-2 or A-3 emission[8c] may be used on any authorized operating frequency within the band 30,000 to 40,000 kilocycles only.

(c) When frequency modulation is used, the total frequency swing arising from modulation shall not exceed 75 percent of the frequency separation band width. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c).

Amended § 8.96 *Frequency tolerance* in the following respects:

* * * * *

Above 30,000 kc.	*Tolerances (percent)*
From 30,000 to 40,000 kc.:	
(a) For frequency modulation	0.01
(b) For all other types of modulation and for A-1 emission:	
(1) Ship stations when using frequencies other than 35,860 and 37,660	.03
(2) Ship stations when using 35,860 and 37,660 kc	.04
From 100,000 to 200,000 kc.:	
(a) For frequency modulation	.01
(b) For all other types of modulation and for A-1 emission	.05

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6992; Filed, September 18, 1941; 11:28 a. m.]

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

The Commission on September 16, 1941, effective October 1, 1941, deleted §§ 10.61 and 10.62 and substituted the following in lieu thereof:

OPERATING SPECIFICATIONS[9]

§ 10.61 *Amplitude modulation*—(a) *Tolerance.*[9a] The frequency tolerance for stations employing amplitude modulation in the emergency radio services shall be as follows:

	Equipment authorized before Oct. 1, 1938	Equipment authorized after Oct. 1, 1938
	Percent	*Percent*
Fixed stations on frequencies below 30,000 kc	0.03	0.01
Land stations on frequencies below 30,000 kc	.04	.02
Portable and mobile stations on frequencies below 30,000 kc	.04	.02
Fixed and land stations on frequencies above 30,000 kc	.05	.02
Portable and mobile stations on frequencies above 30,000 kc	.05	.03
Portable and mobile stations of 1 watt power or less on frequencies above 30,000 kc	.1	.1

(b) *Modulation limits.* The transmitters of stations in the emergency services using A3 emission shall be modulated not less than 85 percent nor more than 100 percent on peaks. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 10.62 *Frequency modulation.* Frequency modulation may be used in the emergency radio services on frequencies within the 30,000 to 40,000 kilocycles band provided:

(a) *Tolerance.* The carrier frequency[10a] shall be maintained within a tolerance of .01 per cent of the assigned frequency.

(b) *Modulation limits.* The total frequency swing arising from modulation shall not exceed 75 per cent of the frequency separation band width. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6993; Filed, September 18, 1941; 11:28 a. m.]

PART 11—RULES GOVERNING MISCELLANEOUS RADIO SERVICES

The Commission on September 16, 1941, effective October 1, 1941, deleted § 11.51 and the title "Frequency Tolerance" and substituted the following in lieu thereof:

OPERATING SPECIFICATIONS

§ 11.51 *Amplitude modulation—Tolerance.*[7] The frequency tolerance for stations employing amplitude modulation in the miscellaneous radio services shall be as follows:

	Equipment authorized before Jan. 1, 1939	Equipment authorized after Jan. 1, 1939
	Percent	*Percent*
Fixed stations on frequencies below 6,000 kc	0.03	0.01
Land stations on frequencies below 6,000 kc	.04	.02
Mobile stations on frequencies below 6,000 kc	.04	.02
Fixed and land stations on frequencies above 30,000 kc	.05	.02
Portable and mobile stations on frequencies above 30,000 kc	.05	.03
Portable and mobile stations of 1 watt or less power on frequencies above 30,000 kc	.1	.1

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

Added the following new section to read:

§ 11.52 *Frequency modulation.* Frequency modulation may be used in the miscellaneous radio services on frequencies within the 30,000 to 40,000 kilocycle band provided:

(a) *Tolerance.* The carrier frequency[7a] shall be maintained within a tolerance of .01 per cent of the assigned frequency.

(b) *Modulation limits.* The total frequency swing arising from modulation shall not exceed 75 per cent of the frequency separation band width. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-6994; Filed, September 18, 1941; 11:29 a. m.]

[8a] See § 2.74, Part 2, General Rules and Regulations.

[8b] See § 2.14, Part 2, General Rules and Regulations.

[8c] See § 2.72, Part 2, General Rules and Regulations.

[7] See Appendix A of Part 2—General Rules and Regulations.

[9] For additional information on frequency tolerance, see Appendix A of Part 2, General Rules and Regulations or Appendix 1 of the General Radio Regulations (Cairo Revision, 1938) annexed to the International Telecommunication Convention of Madrid, 1932.

[9a] See §§ 2.11 (b) (c) and 2.12, Part 2, General Rules and Regulations.

[7a] See §§ 2.11 (b) (c) and 2.12, Part 2, General Rules and Regulations.

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-41]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION, ALLISON DIVISION, INDIANAPOLIS, INDIANA

Contract[1] for: Maintenance Parts for * * * Engines.

Amount: $2,844,116.60.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 121-12 A 0021-13, the available balance of which is sufficient to cover cost of same.

[1] Approved by the Under Secretary of War August 13, 1941.

This contract, entered into this 1st day of August 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Maintenance parts for * * * engines for the consideration stated two million eight hundred forty four thousand one hundred sixteen dollars and sixty cents ($2,844,116.60) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6970; Filed, September 17, 1941; 12:55 p. m.]

[Contract No. W 535 ac-53]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: LOCKHEED AIRCRAFT CORPORATION, BURBANK, CALIFORNIA

Contract[1] for: * * * Airplanes, Spare Parts Therefor and Data.

Amount: $2,797,947.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 114-30 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 31st day of July 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Airplanes, Spare Parts Therefor and Data for the consideration stated not to exceed two million seven hundred ninety-seven thousand, nine hundred forty-seven dollars ($2,797,947.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

[1] Approved by the Under Secretary of War August 8, 1941.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense; provided, however, that the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6971; Filed, September 17, 1941; 12:55 p. m.]

[Contract No. W 287 sc-3295]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: TELETYPE CORPORATION, 1400 WRIGHTWOOD AVE., CHICAGO, ILLINOIS

Contract for: * * * Teletype Sets.
Amount: $3,013,947.07.

Place: Chicago Signal Corps Procurement District, 1819 W. Pershing Road, Chicago, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority SC 1337 P 5–3061 A 0605–01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 21st day of June 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Teletype Sets for the consideration stated three million thirteen thousand nine hundred forty-seven dollars and seven cents ($3,013,947.07) in strict accordance with the specifications, schedules and drawings all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The total amount which the Government agrees to pay the contractor for the complete and faithful performance of this contract is the sum of three million thirteen thousand nine hundred forty-seven dollars and seven cents ($3,013,947.07), subject to a discount of one percent (1%) for payment within 20 calendar days from date of invoice.

Performance bond. Bond, with surety satisfactory to the contracting officer, guaranteeing the faithful performance of the provisions of this contract shall be furnished herewith in the sum of fifteen percent (15%) of the total consideration of this contract.

Increase option.—The Government reserves the right at any time during the life of this contract to increase the quantity or quantities of the supplies called for herein at not more than the unit prices stated, to any amount that would not exceed * * * percent of the entire contract price stipulated, said increase to be applied as to all or any item or items set forth hereinabove at the option of the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6972; Filed, September 17, 1941; 12:55 p. m.]

[Contract No. W. 535 ac-151]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: LOCKHEED AIRCRAFT CORPORATION, BURBANK, CALIFORNIA

Contract[1] for: * * * Airplanes, Spare Parts Therefor, and Data.
Amount: $30,485,070.00

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 113–30 A 0021–13, AC 299 P 114–30 A 0021–13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 31st day of July 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Airplanes, Spare parts therefor and data for the consideration stated not to exceed thirty million four hundred eighty-five thousand seventy dollars ($30,485,070.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6977; Filed, September 18, 1941; 9:45 a. m.]

[1] Approved by the Under Secretary of War August 8, 1941.

[Change Order No. E, Date May 20, 1941]

SUMMARY OF CONTRACT FOR ARCHITECTURAL-ENGINEERING SERVICES

CONTRACTOR: LOCKWOOD GREENE ENGINEERS, INC.

Summary of Change Order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6133, qm-1,[2] dated September 9, 1940 (published in FEDERAL REGISTER March 21, 1941) between the United States of America and Lockwood Greene Engineers, Inc., New York, N. Y. for architectural-engineering services in connection with the construction of a Complete Tent Camp at Camp Shelby, Hattiesburg, Mississippi.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

Add * * * to the description of the work now set forth in Article I of the principal contract as modified and amended.

Delete * * * from the description of the work now set forth in Article I of the principal contract as modified and amended.

The above will result in a net increase in the estimated construction cost and the Architect-Engineer's fixed-fee as follows:

Increase the estimated construction cost by	$1,303,485
Total estimated cost (after deductions indicated above) including this change order	12,297,537
Total fixed-fee including this change order	56,450
Increase in architect-engineer's fixed-fee	5,744

Funds are available under Procurement Authority Number QM 8227 PL 29–77 A 0540–12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6978; Filed, September 18, 1941; 9:45 a. m.]

[1] Approved by the Under Secretary of War, August 19, 1941.
[2] 6 F.R. 1548.

[Change Order No. G; Date May 20, 1941]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: J. A. JONES CONSTRUCTION CO., INC.

Summary of Change Order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6133, qm-2,[2] Dated September 10, 1940 (published in the FEDERAL REGISTER March 21, 1941) between the United States of America and J. A. Jones Construction Company, Inc., Charlotte, North Carolina, for the construction of a Permanent Tent Camp at Camp Shelby, Hattiesburg, Mississippi.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add * * * to the description of the work now set forth in Article I of the principal contract as modified and amended.

Delete * * * from the description of the work now set forth in Article I of the principal contract as modified and amended.

The above will result in a net increase in the estimated construction cost and the Construction Contractor's fixed-fee as follows:

Increase the estimated construction cost by	$1,281,562
Total estimated cost (after deductions indicated above including this change order)	12,012,848
Total fixed-fee including this change order	284,689
Increase in construction contractor's fixed-fee	21,923

Funds are available under Procurement Authority Number QM 8106 PL 29–77 A 0540–12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6979; Filed, September 18, 1941; 9:46 a. m.]

[1] Approved by the Under Secretary of War August 23, 1941.

[Contract No. W-398-qm-6]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE STUDEBAKER CORPORATION, SOUTH BEND, INDIANA

Contract for: Trucks, with various bodies.
Amount: $11,654,790.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 18th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks, * * *, for the consideration stated $11,654,790.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay. In such event, the Government may purchase similar materials or supplies in the open market or secure the manufacture and delivery of the materials and supplies by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess cost occasioned the Government thereby.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed * * * % of the original quantity contracted for to be exercised before * * *.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22000 P 241–30 A0022–13 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-6980; Filed, September 18, 1941; 9:46 a. m.]

[Contract No. W 535 ac-67]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION, ALLISON DIVISION, INDIANAPOLIS, INDIANA

Contract[1] for: Aircraft Engines, Spare Parts and Data.
Amount: $41,366,880.00.

[1] Approved by the Under Secretary of War August 16, 1941.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 112–30 A 0021–13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 6th day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Aircraft engines, spare parts and data for the consideration stated forty-one million three hundred sixty-six thousand eight hundred eighty dollars ($41,366,880.00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Price adjustment. The contract prices stated in this contract for Aircraft Engines and Spare Parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Aircraft Engines and Spare Parts.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6981; Filed, September 18, 1941; 9:47 a. m.]

[Contract No. W–535 ac–150]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: LOCKHEED AIRCRAFT CORPORATION, BURBANK, CALIFORNIA

Contract[1] for: * * * Airplanes and Spare Parts Therefor.

Amount: $62,117,220.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 111–30 A 0021–13, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 31st day of July 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * airplanes and spare parts therefor for the consideration stated not to exceed sixty two million one hundred seventeen thousand two hundred twenty dollars ($62,117,220.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense; provided, however, that the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–6982; Filed, September 18, 1941; 9:47 a. m.]

[1] Approved by the Under Secretary of War, August 8, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–5]

IN THE MATTER OF T. A. D. JONES AND CO., INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4851, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the respondent in the above-entitled matter, T. A. D. Jones and Co., Inc., Registered Distributor, Registration No. 4851, whose address is 205 Church Street, New Haven, Connecticut, has violated any provision of the Act, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the distributor's agreement (the "Agreement") dated June 7, 1939, executed by the respondent pursuant to section 4 II (h) of the Act and subject to the Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. On or about November 11, 1940, and November 22, 1940, respectively, the respondent sold to the American Chain and Cable Company, Reading Pratt and Cady Division, Hartford, Connecticut, two carloads of run of mine coal containing approximately 48.65 net tons and 49.4 net tons, respectively, at $2.10 per net ton, whereas this coal, purchased by the respondent from either the Bradford Coal Company, Bradford Pit Mine, Mine Index No. 628, or from Frank W. Albert (Albert Stripping Mine) Albert Stripping Mine, Mine Index No. 1006, or both, had a "D" classification and was priced at $2.30 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, which sales were in violation or Rule 1 of Section IV of the Marketing Rules and Regulations, and Paragraph (b) of the Agreement of said registered distributor.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on October 20, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the National Labor Relations Board, Washington, D. C.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–6986; Filed, September 18, 1941; 10:49 a. m.]

[General Docket No. 24]

IN THE MATTER OF PRESCRIBING RULES AND REGULATIONS TO FACILITATE THE LEVYING OF CODE ASSESSMENTS BY DISTRICT BOARDS AND ESTABLISHING A PROCEDURE FOR THE SUSPENSION OF CODE MEMBERSHIP FOR FAILURE TO PAY CODE ASSESSMENTS

NOTICE OF AND ORDER FOR HEARING

It appearing appropriate that there should be prescribed and promulgated Rules and Regulations to facilitate the levying of code assessments by the district boards and establishing a procedure for the suspension of code membership for failure to pay code assessments,

Therefore, pursuant to the provisions of the Bituminous Coal Act of 1937, particularly sections 2 (a) and 4 I (b) thereof, and other authority conferred by law,

It is ordered, That a hearing for such purpose be held on October 20, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 15th Street N.W., Washington, D. C. On said day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held. At said hearing evidence will be received pertaining to the proposed Rules and Regulations, marked "Exhibit A," attached hereto, and made part of this Notice and Order, and pertaining to such other proposals, amendments, or other matters germane to the subject matter of these proceedings which may be made or offered at said hearing.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons who may have an interest in the subject matter thereof. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before October 18, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are further notified that the hearing in the above-entitled matter and any order, rules or regulations prescribed pursuant thereto may concern,

in addition to the specific proposals herein made, other matters germane to the subject matter hereof which may be raised by way of amendment, proposal or otherwise, or which may be necessary corollaries of said subject matter.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

EXHIBIT "A"

PROPOSED RULES AND REGULATIONS TO FACILITATE THE LEVYING OF CODE ASSESSMENTS BY DISTRICT BOARDS, AND ESTABLISHING PROCEDURE FOR THE SUSPENSION OF CODE MEMBERSHIP FOR FAILURE TO PAY CODE ASSESSMENTS

For the purpose of carrying out the provisions of the Bituminous Coal Act of 1937, with respect to the assessments of code members as provided by section 4, I (b) of said Act, and pursuant to the provisions of said Act, particularly sections 2 (a) and 4, I (b) thereof, and other authority conferred by law.

It is ordered, That the following Rules and Regulations be, and they are, hereby prescribed and promulgated:

1. Effective _____, 194__, any District Board finding that it has inadequate tonnage reports from any code member upon which to predicate its next assessment for the expense of administering the Code by such District Board, as provided by section 4, I (b) of the Act, may file a duly verified petition with the Division praying that the Division issue an Order directing such code member to file with the Division a report or statement of the amount of tonnage produced by him during the period or periods which the District Board proposes to use as the basis for its next code assessment. At the time of filing such petition with the Division, the District Board shall send, by registered mail, to the code member named therein a conformed copy of such petition.

2. Such petition shall set forth the name of the code member whose report is desired, the name and mine index number of the mine or mines of such code member, the production period upon which the next assessment will be based, a statement as to the efforts made by petitioner to obtain such information directly from the code member, and the reasons why such information was not so obtained.

3. Upon the filing of any such petition, the Division, if it does not have in its files the information requested, may issue an Order directing the designated code member to file with the Division, within 10 days from receipt of such Order, a report, in duplicate, of the tonnage produced by him during the designated period or periods upon which the next assessment of the District Board will be based. Upon receipt of such report, the Division will transmit copies thereof to the petitioner, and in cases where the Division has such data in its possession and no report has been required of the code member, the Division may submit the requested data to the petitioner.

4. Effective _____, 194__, any district board may also file a duly verified petition with the Division praying that the code membership of any code member, who has failed to pay any code assessment, duly levied by the Board, within 90 days from the due data of such assessment, be suspended in conformity with these Rules and Regulations. At the time of filing such petition with the Division, the petitioner shall send, by registered mail, to the code member named therein, a conformed copy of such petition, and file with the Division an affidavit showing such service.

5. The last above-described petition shall set forth the name of the code member alleged to be delinquent in the payment of his assessment, the tonnage upon and the period for which the said assessment was levied, the amount of the assessment, the date upon which Notice of Assessment was given to the code member, the date upon which the assessment was due and payable, the amount due to the district board from the code member on such assessment at the time of filing the petition, and such other information as the district board may deem pertinent, including the past history of such code member with respect to payment of prior assessments.

6. Within 15 days after receipt of the conformed copy of the District Board's petition, the respondent code member may, if he so desires, file a duly verified answer thereto with the Division. Said answer shall set forth the respondent's defense, if any, to the allegations of the District Board's petition, and, if he so desires, the respondent may therein request the Director to cause the matter to be set for hearing on the issue of whether or not the code member has in fact made payment of the assessment alleged by the District Board to be unpaid.

7. The failure to file an answer by the respondent within the time specified shall be deemed by the Division to be an admission that the averments set forth in the District Board's petition are true. If the respondent files an answer but requests no hearing, as herein provided, the Director shall dispose of the matter based upon the averments of the petition and answer. If a request for a hearing is made by the respondent, the Director shall cause the matter to be set down for hearing.

8. If it is found that the respondent code member is delinquent in the payment of assessments, the Director shall enter an appropriate order in the premises. Such order may, among other things, provide for the suspension of the code membership of the respondent code member and for a certification to the Commissioner of Internal Revenue that said respondent code member is not a code member in good standing, having failed to discharge his obligation under the code by failing to pay code assessments as provided by section 4, I (b) of the Bituminous Coal Act. Said order may also provide that such suspension shall continue in full force and effect until such time as the obligations imposed by said section 4, I (b) have been complied with.

9. If, at any time after filing of such petition whether before or after the issuance of an Order of the Director, the code member pays such assessment to the District Board, the District Board shall, within 5 days after such payment, file with the Division a verified petition or motion setting forth the facts concerning such payment in order that the Division may take such action as may be necessary and proper.

[F. R. Doc. 41-6987; Filed, September 18, 1941; 10:50 a. m.]

[Docket No. 1738-FD]

IN THE MATTER OF CARTERVILLE COAL COMPANY, PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing on September 18, 1941 at 10 A. M. at a hearing room of the Bituminous Coal Division at the Circuit Court Room, County Court House, Marion, Illinois; and

It appearing to the Director that it is advisable to postpone said hearing.

Now therefore it is ordered, That the hearing in the above entitled matter be and the same is hereby postponed from 10 A. M. on September 18, 1941, until 10 A. M. on October 4, 1941, to a place and at a hearing room to be hereafter designated by an appropriate Order of the Director and before the officers previously designated to preside at said hearing.

Dated: September 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-6988; Filed, September 18, 1941; 10:50 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners not to exceed five at any one time issued to Albar Manufacturing Company, Trenton, New Jersey, on July 31, 1941 is cancelled as of September 18, 1941. The reason for such cancellation is that the firm has gone out of business.

Signed at Washington, D. C., this 17th day of September 1941.

ALEX G. NORDHOLM,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7000; Filed, September 18, 1941; 11:43 a. m.]

CIVIL AERONAUTICS BOARD.

PROPOSED REGULATION REQUIRING CERTIFICATION OF CIVIL AIRCRAFT AND CIVIL AIRMEN

NOTICE OF PUBLIC HEARING

Notice is hereby given that on the 24th day of September 1941, at 2 p. m., a public hearing will be held by the Civil Aeronautics Board in Room No. 5042 of the Department of Commerce Building, Washington, D. C., for the purpose of receiving the views of interested parties on the proposed adoption of a regulation requiring that all civil aircraft and pilots operating within the continental limits of the United States and its territories and possessions shall be certificated in accordance with the provisions of the Civil Aeronautics Act of 1938.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-6975; Filed, September 18, 1941; 9:39 a. m.]

[Docket No. 602]

IN THE MATTER OF THE APPLICATION OF TACA, S. A., FOR A FOREIGN AIR CARRIER PERMIT, UNDER SECTION 402 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above-entitled proceeding, being the application of Taca, S. A., for a foreign air carrier permit authorizing scheduled air transportation of persons, property and mail between San Jose, Costa Rica, and Cristobal and/or Balboa, Canal Zone, is hereby assigned for public hearing on September 29, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057 Commerce Building, 14th Street and Constitution Ave. NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., September 17, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-6976; Filed, September 18, 1941; 9:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH, ASSOCIATED GAS AND ELECTRIC CORPORATION AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH, GENERAL GAS & ELECTRIC CORPORATION, SOUTHEASTERN ELECTRIC AND GAS COMPANY, AND VIRGINIA PUBLIC SERVICE COMPANY, RESPONDENTS

NOTICE OF AND ORDER FOR POSTPONEMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

The Commission having issued, on August 12, 1941, a Notice of and Order for Hearing directed against the above named respondents and concerned with matters arising under sections 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935; said order requiring that respondents make reply to certain allegations contained therein on or before September 15, 1941, and further designating September 23, 1941, as the day for a public hearing on matters embraced by the order:

Respondents having sought by written request a postponement of the date for submitting the required answer and having further requested a postponement of the scheduled public hearing;

It is ordered, That the time within which respondents may answer be and is hereby extended to September 30, 1941, and that the date of the scheduled hearing on such matters be and is hereby postponed to October 8, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6995; Filed, September 18, 1941; 11:35 a. m.]

[File No. 1-1799]

IN THE MATTER OF UNION COPPER LAND & MINING COMPANY, $25 PAR VALUE CAPITAL STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $25 Par Value Capital Stock of Union Copper Land & Mining Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, October 7, 1941, at the office of the Securities & Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6996; Filed, September 18, 1941; 11:35 a. m.]

[File No. 59-29]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

ORDER POSTPONING HEARING AND RETURN DATE OF ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of September, A.D. 1941.

The Commission having on July 25, 1941, issued its Notice and Order for Hearing and Order to Show Cause in the above entitled proceeding setting a hearing for August 12, 1941 at 10:00 A. M. and having further ordered the Respondents at that date to show cause why the Commission should not forthwith enter an order prohibiting the declaration or payment of further dividends on the common stock of Pennsylvania;

The Commission having on August 8, 1941 at the request of the Respondents issued an order postponing said hearing and return date to show cause until September 18, 1941, upon the assurances of the Respondents that no dividends will be declared or paid on the common stock of Pennsylvania until after the convening of the hearing in September and in no event earlier than October 10, 1941;

The Respondents having requested a further extension of time until at least October 2, 1941 on the grounds that they have not had and will not have within the time allowed, sufficient opportunity properly to prepare to meet these issues and having represented that Pennsylvania will not declare or pay any dividend on its common stock until after the convening of the hearing in October and in no event earlier than October 24, 1941 without further order of this Commission;

It is ordered, That the request of the Respondents for a postponement of the hearing previously ordered for September 18, 1941 be and hereby is *granted*, conditioned on the aforementioned assurances of the Respondents; and

It is further ordered, That the hearing in the above entitled proceeding shall be held on October 2, 1941 at the time and place stated in the Commission's Order dated July 25, 1941 and that in all other respects the hearing shall proceed as set forth in such Order of July 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-6997; Filed, September 18, 1941; 11:36 a. m.]

[File No. 70-388]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY AND COLUMBIA OIL & GASOLINE CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 having been filed by Panhandle Eastern Pipe Line Company, a subsidiary of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation; and

Columbia Oil & Gasoline Corporation, also a subsidiary company of Columbia Gas & Electric Corporation, having filed an application, and an amendment thereto, pursuant to Section 10 of the Act requesting that it be consolidated with the aforesaid declaration; and

Both the declaration and application as amended being concerned with an agreement, dated July 30, 1941, made between declarant and applicant, which provided, among other things, for an extension to and including January 1, 1942 of the time within which any shares of the entire outstanding Class A preferred stock of declarant owned beneficially by applicant and held of record by Gano Dunn, Trustee, may be redeemed by declarant without the payment of a premium of $10 per share, in consideration of the waiver by declarant of its right to redeem out of earnings, or by refunding or otherwise, on or before October 1, 1941, any of such shares, which agreement is subject to an order of this Commission permitting the declaration to become effective and the application as amended to be granted, on or before September 15, 1941.

Said declaration having been filed on August 20, 1941 and said application having been filed on September 3, 1941 and amended on September 5, 1941, and notice of such filings having been duly given in the form and manner prescribed in Rule U-23 promulgated under the Act, and the Commission not having received a request for a hearing with respect to the declaration and application, as amended, within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

Both the declarant and applicant having respectively requested that the aforesaid declaration be permitted to become effective and application as amended be granted, on or before September 15, 1941; and

The Commission finding with respect to the aforesaid declaration that the requirements of section 7 are satisfied, and that with respect to such application no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the Act and deeming the proposed transaction to be appropriate in the public interest and in the interest of investors and consumers pursuant to section 12 (f) of the Act, and being satisfied that the effective date of such declaration and the date of granting such application as amended should be advanced; it being expressly understood, however, that the approval granted by this order extends only to the extension of time of the payment of a premium of $10 per share on the Class A Preferred Stock of the declarant and such approval shall not be deemed in any wise to be an approval of the payment of a premium on such stock and is without prejudice to any action the Commission may take by virtue of the pending proceedings before this Commission involved in Holding Company Act Release No. 2963 or to any order to be issued in such proceedings:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and the rules promulgated thereunder and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and it is hereby permitted to become effective forthwith and the aforesaid application as amended be and it hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-6998; Filed, September 18, 1941; 11:36 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 6 NUMBER 184

Washington, Saturday, September 20, 1941

The President

EXECUTIVE ORDER

PRESCRIBING REGULATIONS PERTAINING TO THE ENTRY OF COFFEE INTO THE UNITED STATES FROM COUNTRIES SIGNATORIES OF THE INTER-AMERICAN COFFEE AGREEMENT

By virtue of the authority vested in me by section 2 of the joint resolution of Congress approved April 11, 1941 (Public Law 33, 77th Cong., 1st sess.) it is hereby ordered as follows:

1. No invoice of coffee produced in a country which is a signatory of the Inter-American Coffee Agreement shall be certified hereafter by a United States consular officer unless there shall be produced to the certifying officer an official document, required by Article VI of the Agreement, showing that the coffee is within the producing country's quota for exportation to United States customs territory.

2. Beginning October 1, 1941, coffee produced in a country which is a signatory of the Inter-American Coffee Agreement shall not be admitted to entry for consumption in the customs territory of the United States unless there shall be produced for each shipment of such coffee an invoice bearing a certificate of a United States consular officer that there has been presented to him an official document required by Article VI of the Agreement showing that such shipment is within the producing country's quota for exportation to United States customs territory; except that any such shipment may be so entered without the production of such an invoice if the shipment is valued at less than $100, or if there is given a bond conditioned for the production of such an invoice within six months from the date of entry, or if the coffee was shipped from the producing country under a through bill of lading to the United States prior to the date of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 17, 1941.

[No. 8902]

[F. R. Doc. 41-7001; Filed, September 18, 1941; 2:18 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 721—CORN

BY THE SECRETARY OF AGRICULTURE, A PROCLAMATION

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 322. (a) Whenever in any calendar year the Secretary determines from available statistics of the Department, including the August production estimate officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total supply of corn as of October 1 will exceed the normal supply thereof by more than 10 per centum, marketing quotas shall be in effect in the commercial corn-producing area for the crop of corn grown in such area in such calendar year, and shall remain in effect until terminated in accordance with the provisions of this title.

(b) The Secretary shall determine, on the basis of the estimated average yield of corn in such area for such crop, the acreage in such area which the Secretary determines would make available for the marketing year beginning October 1 a supply of corn (together with the estimated production of corn in the United States outside such area) equal to the normal supply. The percentage which the number of acres so determined is of the total number of acres of the acreage allotment under Section 328 shall be proclaimed by the Secretary. Such percentage is referred to herein as the "marketing percentage."

(c) The Secretary shall proclaim his determinations of facts under subsection (a) and his determination of the marketing per-

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centage under subsection (b) not later than August 15. (52 Stat. 49, 7 U.S.C. 1322)

And, whereas, Public Resolution No. 34 (H. J. Res. 342, 76th Congress, First Session), approved July 26, 1939, provides:

* * * that notwithstanding the provisions of section 322 of the Agricultural Adjustment Act of 1938, as amended, the determinations under subsection (c) may be proclaimed at any time prior to September 15, * * *. (53 Stat. 1125, 7 U.S.C. Supp. V, 1322a)

And, whereas, the Agricultural Adjustment Act of 1938, as amended, contains in section 301 (b) thereof, the following definitions of terms here pertinent:

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Corn, October 1—September 30

* * * * * *

"Total supply" of corn * * * for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

"Normal supply," in the case of corn * * * shall be a normal year's domestic consumption and exports of the commodity, plus 7 per centum in the case of corn, * * * of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Reserve supply level," in the case of corn, shall be a normal year's domestic consumption and exports of corn, plus 10 per centum of a normal year's domestic consumption and exports, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. (52 Stat. 38, 7 U.S.C. 1301)

And, whereas, said act further provides:

Sec. 304. The powers conferred under this Act shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this Act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers. (52 Stat. 45, 7 U.S.C. 1304)

And, whereas, said Act provides in section 301 (c), that the latest available statistics of the Federal Government shall be used by the Secretary of Agriculture in making the determinations required to be made by the Secretary under said act (52 Stat. 38, 7 U.S.C. 1301)

And, whereas, said act further provides:

Sec. 371 (b). If the Secretary has reason to believe that, because of a national emergency or because of a material increase in export demand, any national marketing quota for corn, wheat, cotton, rice, or tobacco should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary in order to effectuate the declared policy of this Act or to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota shall be increased, or shall terminate, as the case may be.

And, whereas, by proclamation, dated December 7, 1940, issued by Claude R. Wickard, Secretary of Agriculture, pur-

suant to section 327 of said act, the commercial corn-producing area for the calendar year 1941 was ascertained and proclaimed; and

Whereas by proclamation, dated December 7, 1940, issued by Claude R. Wickard, Secretary of Agriculture, pursuant to section 322 of said act, the acreage allotment of corn for the commercial corn-producing area for the calendar year 1941 was ascertained and proclaimed to be 37,300,000 acres.

Now, therefore, be it known that I, Grover B. Hill, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress, known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby determine and proclaim, under section 322 of said Act, as amended by said Public Resolution No. 34, approved July 26, 1939.

§ 721.305 *Determinations relating to corn marketing quotas for 1941.* (a) That the total supply of corn for the marketing year commencing October 1, 1941, is 3,174,000,000 bushels.

(b) That the normal supply of corn for the marketing year commencing October 1, 1941, is 2,792,000,000 bushels.

(c) That the reserve supply level of corn for the marketing year commencing October 1, 1941, is 2,870,000,000 bushels.

(d) That the total supply of corn, as of October 1, 1941, will exceed the normal supply thereof by more than 10 per centum. However, in view of the existing national emergency and the provisions of section 371 (b) of said act, marketing quotas will not be in effect with respect to the 1941 crop of corn.

Done at Washington, D. C., this 18th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7036; Filed, September 19, 1941; 11:18 a. m.]

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA FOR THE YEAR 1942

Whereas section 327 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

Not later than February 1, the Secretary shall ascertain and proclaim the commercial corn-producing area.

And, whereas subsection (b) of section 301 of said Act provides in part as follows:

(4) (A) "Commercial corn-producing area" shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustments for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.

(B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial corn-producing area.

And, whereas subsection (c) of section 301 of said Act provides:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

And, whereas the Secretary of Agriculture, having had reason to believe that certain counties bordering on the commercial corn-producing area as determined under subparagraph (A) of section 301 (b) (4) of said Act, and that certain minor civil divisions in certain counties bordering on such area are producing (excluding corn used for silage) an average of at least 450 bushels of corn per farm and an average of at least 4 bushels for each acre of farm land in the county or in the minor civil division, as the case may be, has caused reasonable investigation to be made to determine such facts with respect to such counties and minor civil divisions and to determine which, if any, of such counties or minor civil divisions are likely to produce corn in such average amounts during the calendar year 1941;

Now, Therefore, be it known that I, Grover B. Hill, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of such investigation and the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under sections 301 and 327 of said Act:

§ 721.401 *Commercial corn-producing Area for the Year 1942.* That the commercial corn-producing area for the year 1942 embraces the following counties of the States specified pursuant to section 301 (b) (4) of said Act: [1]

Counties Included in 1942 Commercial Corn-Producing Area

Illinois: Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, Saint Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, Whiteside, Will, Winnebago, White, Woodford.

Indiana: Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Daviess, Dearborn, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jennings, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marshall, Marion, Martin, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Orange, Owen, Parke, Pike, Porter, Posey, Pulaski, Putnam, Randolph, Ripley, Rush, Saint Joseph, Scott, Shelby, Spencer, Starke, Steuben, Sullivan, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Warrick, Washington, Wayne, Wells, White, Whitley.

Iowa: Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Cass, Carroll, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Dickinson, Des Moines, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Howard, Henry, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Woodbury, Worth, Winneshiek, Wright.

Michigan: Berrien, Branch, Calhoun, Cass, Hillsdale, Jackson, Kalamazoo, Lenawee, Monroe, Saint Joseph, Washtenaw, Wayne.

Minnesota: Big Stone, Blue Earth Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Grant, Hennepin, Houston, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Pope, Redwood, Renville, Rice, Rock, Scott, Sibley,

[1] Agricultural Adjustment Act of 1938, as amended.

Stearns, Steele, Stevens, Swift, Traverse, Wabasha, Waseca, Washington, Watonwan, Winona, Wright, Yellow Medicine.

Missouri: Adair, Andrew, Atchison, Audrain, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Cape Girardeau, Carroll, Cass, Chariton, Clark, Clay, Clinton, Cooper, Daviess, De Kalb, Dunklin, Gentry, Grundy, Harrison, Henry, Holt, Howard, Jackson, Johnson, Knox, Lafayette, Lewis, Lincoln, Linn, Livingston, Macon, Marion, Mercer, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Pemiscot, Perry, Pettis, Pike, Platte, Putnam, Ralls, Randolph, Ray, St. Charles, St. Clair, Saline, Schuyler, Scotland, Scott, Shelby, Stoddard, Vernon, Worth.

Nebraska: Adams, Antelope, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Dixon, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Knox, Lancaster, Lincoln, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Redwillow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, York.

Ohio: Adams, Allen, Ashland, Auglaize, Brown, Butler, Champaign, Clark, Clermont, Clinton, Coshocton, Crawford, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Holmes, Huron, Jackson, Knox, Licking, Logan, Lorain, Lucas, Madison, Marion, Medina, Mercer, Miami, Montgomery, Morrow, Muskingum, Ottawa, Paulding, Perry, Pickaway, Pike, Preble, Putnam, Richland, Ross, Sandusky, Scioto, Seneca, Shelby, Stark, Union, Van Wert, Warren, Wayne, Williams, Wood, Wyandot.

South Dakota: Bon Homme, Brookings, Clay, Deuel, Grant, Hamlin, Hanson, Hutchison, Kingsbury, Lake, Lincoln, McCook, Minnehaha, Moody, Roberts, Turner, Union, Yankton.

Wisconsin: Columbia, Crawford, Dane, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, Sauk, Walworth.

Delaware: Kent, New Castle.

Kansas: Anderson, Atchison, Brown, Coffey, Doniphan, Douglas, Franklin, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Linn, Marshall, Miami, Nemaha, Norton, Osage, Phillips, Pottawatomie, Republic, Riley, Shawnee, Smith, Washington.

Kentucky: Ballard, Carlisle, Crittendon, Daviess, Fulton, Hancock, Henderson, Hickman, Livingston, McLean, Union, Webster.

Maryland: Baltimore, Caroline, Carroll, Cecil, Frederick, Harford, Howard, Kent, Montgomery, Queen Annes, Washington.

Pennsylvania: Adams, Berks, Chester, Cumberland, Dauphin, Franklin, Fulton, Lancaster, Lebanon, Perry, York.

(52 Stat. 31)

Done at Washington, D. C., this 18th day of September 1941. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7038; Filed, September 19, 1941; 11:18 a. m.]

PART 721—CORN

BY THE SECRETARY OF AGRICULTURE, A PROCLAMATION

Whereas section 328 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area, which, on the basis of the average yield for corn in such area during the ten calendar years immediately preceding such calendar year, adjusted for abnormal weather conditions and trends in yield, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined. * * *

And, whereas subsection (c) of section 301 of said Act provides as follows:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that I, Grover B. Hill, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under section 328 of said Act:

§ 721.402 *Corn acreage allotment for the commercial corn-producing area for 1942.* That the acreage allotment of corn for the commercial corn-producing area for the calendar year 1942 shall be 37,580,000 acres. (52 Stat. 52.202)

Done at Washington, D. C., this 18th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7037; Filed, September 19, 1941; 11:18 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 7—MANUFACTURE OF DECORATIONS[1]

§ 7.3 *Medals, etc.* (a) Authority may be granted to sell or to manufacture:

(1) Good conduct and service medals.

(2) Good conduct and service ribbons or extra ribbons pertaining to the good conduct and service medals and to the several War Department decorations.

(3) Authorized miniature replicas of the War Department decorations, miniature oak leaf clusters, service medals, and suspension ribbons of decorations and good conduct and service medals.

(4) Lapel buttons pertaining to the Good Conduct Medal and lapel buttons and lapel ribbons pertaining to the several decorations and service medals.

* * * * *

(6) Clasps pertinent to the Good Conduct Medal and clasps and bronze stars pertinent to the Victory Medal. (42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342 as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b.) [Par. 4*a*, AR 600-90, Dec. 31, 1940, as amended by Cir. 188. W.D., Sept. 5, 1941]

* * * * *

§ 7.7 *Sales, to whom authorized*—(a) *Individuals.*

* * * * *

(2) Sales of good conduct and service medals, War Department General Staff identification, aviation badges, badges for marksmanship, gunnery, bombing, etc., will be made only to persons exhibiting some official paper or document, such as discharge certificate or true copy thereof, a letter from an officer of the War Department, or other official document, containing definite proof of service or authority to wear. (42 Stat. 1286 as amended by 45 Stat. 437; 10 U.S.C. 1425; 47 Stat. 342 as amended by 53 Stat. 752; 18 U.S.C. 76a, 76b.) [Par. 8*a*, AR 600-90, Dec. 31, 1940, as amended by Cir. 188, W.D., Sept. 5, 1941]

* * * * *

[SEAL] E. S. ADAMS,
The Adjutant General.
Major General,

[F. R. Doc. 41-7028; Filed, September 19, 1941; 10:27 a. m.]

CHAPTER VIII—PERSONNEL

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES[2]

GOOD CONDUCT MEDAL

§ 78.33 *Good Conduct Medal; how earned*—(a) *General.* Good Conduct Medals and clasps may be awarded only to enlisted men recommended therefor by their immediate commanding officers for exemplary behavior, efficiency, and fidelity.

(b) *Service required.* A 3-year period of continuous active Federal enlisted service with character excellent terminating on or after June 28, 1941.

(c) *Organizations in which service required.* (1) Good Conduct Medals and clasps are awarded for rendition of the prescribed service in any one or more of the following only:

(i) Regular Army, including the Philippine Scouts and the Regular Army Reserve while serving on active duty.

(ii) Volunteer forces duly mustered into the Federal service.

(iii) National Guard called or ordered into the Federal service.

(iv) Organized Reserves, including the Enlisted Reserve Corps, while serving on active duty to which ordered or on which placed by the President.

(2) A Good Conduct Medal or clasp will not be awarded by the War Department for service in any one or more of the following:

(i) United States Navy.

(ii) United States Marine Corps.

(iii) United States Coast Guard.

(iv) National Guard not called or ordered into Federal service.

(v) Philippine Constabulary.

(vi) Home-defense organizations.*† [Pars. 2, 3, and 4]

*§§ 78.33 to 78.37 issued under authority contained in 45 Stat. 500, 47 Stat. 158; 10 U.S.C. 1415a, 1415b.

†The regulations in §§ 78.33 to 78.37 are also contained in Cir. 188, W. D., Sept. 5, 1941. The particular paragraphs are shown in brackets at the end of sections.

§ 78.34 *Award of medals*—(a) *Limitation on number.* Not more than one Good Conduct Medal will be issued to any one enlisted man; but an enlisted man recommended for award of a Good Conduct Medal upon completion of any subsequent additional 3-year period of active Federal service will be awarded a clasp in lieu thereof.

(b) *Original supply.* Original issue of Good Conduct Medals, accompanying ribbons, lapel buttons, and clasps will be made gratuitously.

(c) *To whom furnished.* Good Conduct Medals and clasps are furnished only to—

(1) Enlisted men who have rendered the required service and are recommended therefor, or

(2) The next of kin of those deceased who shall have rendered the required service and have been recommended therefor. By next of kin is meant the first of the following who are living: Widow (if not remarried), eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

(d) *By whom furnished, method of delivery.* (1) Conduct Medals and clasps are furnished by the quartermaster of the nearest military post or station upon application therefor submitted by the enlisted man's immediate commanding officer on W.D., A.G.O. Form No. 0713:

(i) *For persons in service.* To the company or similar unit commander for distribution to those under his command or control.

(ii) *For persons not in service.* Direct to them.

(2) In case an individual dies before delivery has been made to him of a Good Conduct Medal or clasp for which he has been recommended, the medal or clasp will be returned to the issuing quartermaster for cancelation or delivery to the next of kin as the case may be.*† [Pars. 5, 6, 7, 8]

§ 78.35 *Action to be taken in case of loss.* In case of loss of a Good Conduct Medal or clasp, the loser will at once make all reasonable efforts to recover it. If in the service he will also inform his immediate commanding officer, who will cause an investigation to be made with a view to determining the circumstances of loss and with a view to recovering the medal or clasp.*† [Par. 11]

§ 78.36 *Duplicates*—(a) *When furnished.* Under authority contained in the act of May 12, 1928 (45 Stat. 500; 10 U.S.C. 1415b), a duplicate of a Good Conduct Medal or clasp will be furnished in case the original has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom originally presented.

(1) *By gratuitous issue.* To persons in the military service.

(2) *By sale.* To all others.

(b) *How obtained*—(1) *Application for, when made.* In the cases of persons in the military service, and in other cases when the loss is the result of fire, tornado, earthquake, shipwreck, or similar catastrophe, application may be made immediately; otherwise, the application should not be made until after the lapse of 3 months.

(2) *To whom application addressed.* Applications should be addressed to The Adjutant General.

(3) *Form of application.* (i) If from a person in the military service, the application will be in the form of a letter.

(ii) If from a person not in the military service, it will be on a blank form furnished by The Adjutant General.

(4) *Matter to accompany application.* In any case the application will be supported by proof in the form of an affidavit setting forth the circumstances attending the loss or destruction, showing that such loss or destruction was without fault or neglect on the part of the applicant, and what efforts, if any, were made toward recovery.

(5) *How application forwarded.* (i) If the application is from a person in the military service, it will be forwarded through military channels to The Adjutant General together with recommendations as to issue of a duplicate.

(ii) If from a person not in the military service, it will be forwarded direct to The Adjutant General.

(c) *Purchase from authorized dealers.* If the applicant so desires, he may purchase a duplicate Good Conduct Medal or clasp from any of the individuals, firms, or corporations authorized under the provisions of §§ 7.1 to 7.9 of this title to sell or manufacture and sell service medals, etc., by exhibiting some official paper or document, such as a discharge certificate or true copy thereof, a letter from an officer of the War Department, or other official document, containing a definite proof of his authority to wear the Good Conduct Medal.*† [Pars. 12 and 13]

§ 78.37 *Exhibition purposes.* Upon approval by the Secretary of War, samples of Good Conduct Medals awarded by the War Department will be furnished at cost prices, plus transportation and packing charges (except to the War Department or a governmental agency), to museums, libraries, historical, numismatic, and military societies, or institutions of such a public nature as will insure an opportunity to the public to view the exhibits. Except for a War Department or a governmental agency exhibit, all sample Good Conduct Medals so furnished will be engraved at the expense of the purchaser with the words "For exhibition purposes only."*† [Par. 14]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7029; Filed, September 19, 1941; 10:27 a. m.]

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[1] § 7.3 (a) (1) (2) (3) (4) and (6) and § 7.7 (a) (2) are amended.

[2] §§ 78.33 to 78.37 are added.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4421]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF OZON CHEMICAL COMPANY, INC., ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's medicinal preparation designated "Duncan's Ozon", or any other substantially similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements represent, directly or through inference, (1) that said preparation constitutes a cure or remedy for, or possesses any therapeutic value in the treatment of, sore throat, poison ivy, or athlete's foot; (2) that said preparation constitutes a cure or remedy for colds or coughs, or that it possesses any therapeutic value in the treatment of coughs in excess of such comfort as it may afford by reason of its expectorant properties; and (3) that said preparation is an effective preventive of sore throat or

coughs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Ozon Chemical Company, Inc., etc., Docket 4421, September 5, 1941]

In the Matter of Ozon Chemical Company, Inc., a Corporation, Also Trading as Duncan Chemical Co.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondent), testimony and other evidence taken before Robert S. Hall, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and brief in support of complaint (respondent not having filed brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Ozon Chemical Company, Inc., a corporation, also trading as Duncan Chemical Co., and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation designated "Duncan's Ozon", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

(a) That said preparation constitutes a cure or remedy for, or possesses any therapeutic value in the treatment of, sore throat, poison ivy, or athlete's foot;

(b) That said preparation constitutes a cure or remedy for colds or coughs, or that it possesses any therapeutic value in the treatment of coughs in excess of such comfort as it may afford by reason of its expectorant properties;

(c) That said preparation is an effective preventive of sore throat or coughs.

2. Disseminating or causing to be disseminated any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7031; Filed, September 19, 1941; 11:10 a. m.]

[1] 6 F.R. 1110.

[Docket No. 4472]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF W. HILLYER RAGSDALE, ETC.

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly* — Results. In connection with offer, etc., in commerce, of courses of instruction for making candy or of supplies or materials intended for use in making candy, and among other things as in order set forth, representing that men and women who purchase respondents' outfits and instructions are afforded thereby an opportunity to enter the business of making and selling home-made candies, or will be enabled thereby and by respondents' help, to set themselves up in a profitable business; or that, through said method of making and selling candy, such business can be operated successfully from or in the home; or that by the use of such method, or by reason of such outfits or instructions, or by the assistance given to purchasers by mail, or by the tools or equipment or supplies or raw materials furnished by respondents with their instructions, such purchasers will or should be successful in the candy business or will or should receive therefrom a steady income and profits; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, W. Hillyer Ragsdale, etc., Docket 4472, September 5, 1941]

§ 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of courses of instruction for making candy or of supplies or materials intended for use in making candy, and among other things, as in order set forth, representing that the tools, equipment, supplies and materials furnished by the respondents include all the confectioners' tools, equipment, supplies and materials, except certain minor inexpensive items, that are used in modern home-made candy kitchens or that they are all that are required in the making of home-made candy and in the preparing of it for sale, except minor inexpensive items; or that respondents furnish sufficient tools, supplies and raw materials, except for minor inexpensive items, to make over $40 worth of candy, or enough candy to give the purchaser a good start in the candy business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, W. Hillyer Ragsdale, etc., Docket 4472, September 5, 1941]

§ 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.* In connection with offer, etc., in commerce, of courses of instruction for making candy or of supplies or materials intended for use in making candy, and among other things, as in order set forth, representing that a large number of men and women who have purchased respondents' courses of instruction, tools and equipment have, by following their method of making and selling candy, achieved success in the candy business and made a steady income and profits making and selling candy either as a part-time or as a full-time business, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec 45b) [Cease and desist order, W. Hillyer Ragsdale, Etc., Docket 4472, September 5, 1941]

In the Matter of W. Hillyer Ragsdale, Annie M. Ragsdale, Marshall D. Ragsdale, and Ida J. Ragsdale, Individually and Doing Business Under the Names and Styles of W. Hillyer Ragsdale, Inc., and Ragsdale Candies

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents and a stipulation entered into by and between counsel for the Commission and the respondents, wherein it was stipulated and agreed that a statement of facts thereupon read into and made a part of the record in this proceeding may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto, and that the Commission may proceed upon such statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs or of a report upon the evidence by the Trial Examiner, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

[1] 6 F.R. 2670.

It is ordered, That the respondents, W. Hillyer Ragsdale, Annie M. Ragsdale, Marshall D. Ragsdale, and Ida J. Ragsdale, individually and doing business under the names and styles of W. Hillyer Ragsdale, W. Hillyer Ragsdale, Inc., and Ragsdale Candies, or under any other trade name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of courses of instruction for making candy or of supplies or materials intended for use in making candy, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist:

1. Representing that men and women who purchase respondents' outfits and instructions are afforded thereby an opportunity to enter the business of making and selling home-made candies; or that they will be enabled thereby and by respondents' help, to set themselves up in a profitable business; or that, through respondents' method of making and selling candy, such business can be operated successfully from or in the home; or that by the use of such method, or by reason of such outfits or instructions, or by the assistance given to purchasers by mail, or by the tools or equipment or supplies or raw materials furnished by respondents with their instructions, such purchasers will or should be successful in the candy business or will or should receive therefrom a steady income and profits.

2. Representing that the tools, equipment, supplies and materials furnished by the respondents include all the confectioners' tools, equipment, supplies and materials, except certain minor inexpensive items, that are used in modern home-made candy kitchens or that they are all that are required in the making of home-made candy and in the preparing of it for sale, except minor inexpensive items; or that respondents furnish sufficient tools, supplies and raw materials, except for minor inexpensive items, to make over $40 worth of candy, or enough candy to give the purchaser a good start in the candy business.

3. Representing that a large number of men and women who have purchased respondents' courses of instruction, tools and equipment have, by following their method of making and selling candy, achieved success in the candy business and made a steady income and profits making and selling candy either as a part-time or as a full-time business.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7032; Filed, September 19, 1941; 11:10 a. m.]

[Docket No. 4385]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SCHULER CHOCOLATES, INC., ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with punchboards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punchboards, push or pull cards, pull tabs, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schuler Chocolates, Inc., etc., Docket 4385, September 5, 1941]

In the Matter of Schuler Chocolates, Inc., a Corporation, Doing Business Under That Name and as Schuler Candy Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, certain facts stipulated in the record and other evidence, and brief in support of the complaint (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Schuler Chocolates, Inc., a corporation, also trading as Schuler Candy Company, or under any other name, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others punchboards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punchboards, push or pull cards, pull tabs, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7033; Filed, September 19, 1941; 11:11 a. m.]

[1] 6 F.R. 640.

[Docket No. 4462]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CONTINENTAL PREMIUM MART

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of novelty jewelry, fountain pens, bill folds, knives, wearing apparel, carnival supplies, lamps, premium novelties or any other merchandise, (1) selling, etc., any merchandise so packed and assembled that sales thereof are to be, or may be, made by means of a lottery, gaming device or gift enterprise; (2) supplying, etc., others with assortments of any merchandise, together with push or pull cards or any other device, which said push or pull cards or other device are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (3) supplying, etc., others with push or pull cards or other devices either with assortments of merchandise or separately, which said push or pull cards or other devices are to be, or may be, used in selling or distributing such merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV. sec. 45b) [Cease and desist order, Continental Premium Mart, Docket 4462, September 5, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent and certain testimony

[1] 6 F.R. 2670.

introduced by respondent, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Continental Premium Mart, a corporation, its officers, representatives, agents and employees directly or through any corporate or other device in connection with the offering for sale, sale and distribution of novelty jewelry, fountain pens, bill folds, knives, wearing apparel, carnival supplies, lamps, premium novelties or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed and assembled that sales thereof are to be made or may be made by means of a lottery, gaming device or gift enterprise;

(2) Supplying to or placing in the hands of others, assortments of any merchandise, together with push or pull cards or any other device, which said push or pull cards or other device are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(3) Supplying to or placing in the hands of others push or pull cards or other devices either with assortments of merchandise or separately which said push or pull cards or other devices are to be used or may be used in selling or distributing such merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(4) Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7034; Filed, September 19, 1941; 11:11 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 239—FORMS, SECURITIES ACT OF 1933

RESCISSION OF FORM A-R

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the Act, hereby rescinds Form A-R for Corporate Bonds Secured by Mortgage Insured by Federal Housing Administration, together with the Instruction Book therefor.

Effective September 18, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7044; Filed, September 19, 1941; 11:25 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1023]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7 FOR ALL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for all shipments for the coals produced at the mines of certain code members in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 3, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule 1 for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.								
						1	2	3	4	5	6	7	8	9	10
236	Coleway Coal Company, Inc., c/o C. P. Callaway.	Fayette	2	Sewell	10	A	(1)	(1)	(1)	(1)	A	A	B	B	B
237	Darr Smokeless Coal Company, c/o R. E. Brockman.	Spice Creek	4	Davy-Sewell	30	D	D	C	A	A	B	B	D	D	D
233	Evans, D. D. (Shan Pocahontas Coal Co.).	Shan	4	Bradshaw	30	(1)	(1)	(1)	(1)	(1)	A	A	(1)	(1)	(1)
543	Garten, C. V.	Copeland	2	Sewell	10	A	(1)	(1)	(1)	(1)	A	A	B	B	B
549	Griffith Coal Co. c/o Robert Griffith.	Griffith	2	Beckley	10	(1)	(1)	(1)	(1)	(1)	A	A	(1)	(1)	(1)
238	Koppers Coal Co., The	Helen #11	5	Poca. 4	14	D	D	C	A	A	B	B	B	B	B
639	Mack Coal Company	Stover #1	2	Fire Creek	10	A	(1)	(1)	(1)	(1)	A	A	B	B	B
603	Skaggs, Henry (Holliday Branch Fuel Co.)	Holliday Branch	2	Sewell	10	A	(1)	(1)	(1)	(1)	A	A	B	B	B
606	Spade, W. L.	Spade	2	Beckley	10	(1)	(1)	(1)	(1)	(1)	B	A	(1)	(1)	(1)
684	Treadway, O. C.	Dimmock #2	2	Fire Creek	10	A	(1)	(1)	(1)	(1)	A	A	B	B	B

[1] Indicates no classifications effective for these size groups.

is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

And it is further ordered, That the prayers for relief contained in the petitions filed herein are hereby granted to the extent set forth above, and in all other respects denied.

Dated: September 6, 1941.

[SEAL] H. A. GRAY, *Director.*

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 18

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 338, Minimum Price Schedule for District No. 18 and supplements thereto.

FOR ALL SHIPMENTS

The following changes shall be made in Price Schedule No. 1 for District No. 18:

§ 338.2 *Code member price index*—Supplement R-I. The following shall be listed in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Subdistrict price group	Prices f.o.b. mine truck
Canoncita Coal Company	Canoncita	137	Bernalillo	8	8
Ferro, Chas. J. & M. P. Trosello	Ferro	139	Bernalillo	8	8
Firestel Lumber Company (Robert Anderson, Jr.)	Diamond	138	Bernalillo	8	8

§ 338.3 *Identification and description of subdistricts*—Supplement R-II. Insert the following:

Subdistrict No. 9, Rio Puerco. Description: All Mines west of Rio Grande in Bernalillo County, New Mexico.

§ 338.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T. Insert Subdistrict No. 9 in proper numerical order and include the following Code member names, mine names, counties and prices:

Code member	Mine	County	Size groups				
			2	8	9	11	12	13
Canoncita Coal Company	Canoncita	Bernalillo	400	300	215	190	170	125
Ferro, Chas. J. & M. P. Trosello	Ferro	Bernalillo	400	300	215	190	170	125
Firestel Lumber Company (Robert Anderson, Jr.)	Diamond	Bernalillo	400	300	215	190	170	125

[F. R. Doc. 41-6690; Filed, September 18, 1941; 10:51 a. m.]

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger; all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" Screenings	¾" Screenings
						1	2	3	4	5	6
Coleway Coal Company, Inc., c/o C. P. Callaway.	236	Fayette	2	Fayette	Sewell	330	.....	280	215	185	180
Darr Smokeless Coal Company, c/o R. E. Brockman.	237	Spice Creek	4	McDowell	Davy-Sewell	290	250	280	215	185	180
Evans, D. D. (Shan Pocahontas Coal Co).	233	Shan	4	McDowell	Bradshaw	.....	.....	280	215	.....	.....
Koppers Coal Co., The	238	Helen #11	5	Raleigh	Poca. 4	290	250	280	215	195	190
Lane & Lilly (Orlando Lane)	234	Lane & Lilly	2	Raleigh	Beckley	.....	.....	280	215	.....	.....

[F. R. Doc. 41-6689; Filed, September 18, 1941; 10:51 a. m.]

[Docket No. A-347]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 18, seeking the establishment of price classifications and minimum prices for the coals of certain mines in District 18 not theretofore classified and priced;

Temporary relief having been granted by Order of the Director;

A hearing having been held before a duly designated Examiner of the Division, at a hearing room of the Division in Denver, Colorado, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 338.2 (*Code member price index*) is amended by adding thereto Supplement R-I, § 338.3 (*Identification and description of subdistricts*) is amended by adding thereto Supplement R-II, and § 338.21 (*General prices in cents per net ton for shipment into all market areas*)

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT AND WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES

AMENDMENT OF PUBLIC CIRCULAR NO. 1 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

SEPTEMBER, 18, 1941.

APPENDIX: Public Circular No. 1 is amended to read as follows:

Reference is made to § 130.4[2] of the Regulations providing that reports on Form TFR–300 shall be filed on or before July 14, 1941.

The time within which such reports on Form TFR–300 shall be filed is hereby extended to October 31, 1941.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7006; Filed, September 18, 1941; 3:59 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF WISCONSIN TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Wisconsin to direct any local board in the State of Wisconsin to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Wisconsin will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Wisconsin shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 18, 1941.

[F. R. Doc. 41–7047; Filed, September 19, 1941; 11:29 a. m.]

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[2] Section 130.4 appears at 6 F.R. 2906. See amendment affecting this section, 6 F.R. 3722.

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MICHIGAN TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Michigan to direct any local board in the State of Michigan to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Michigan will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Michigan shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 18, 1941.

[F. R. Doc. 41–7047; Filed, September 19, 1941; 11:29 a. m.]

CHAPTER VIII—EXPORT CONTROL[1]

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

[Administrative Order No. 1]

DELEGATION OF AUTHORITY AND DUTIES, ETC.

1. All licenses heretofore issued by the Secretary of State and the Administrator of Export Control under the authority of Section 6 of the Act of July 2, 1940, entitled "An Act to expedite the strengthening of the national defense" (Public No. 703, 76th Congress, 3d Session), as extended by Joint Resolution of May 28, 1941 (Public No. 75, 77th Congress, 1st Session), are hereby continued in full force and effect.

2. All delegations of authority and duties in effect on September 15, 1941, pursuant to Section 6 of the Act of July 2, 1940, entitled "An Act to expedite the strengthening of the national defense" (Public No. 703, 76th Congress, 3d Session), as extended by Joint Resolution of May 28, 1941 (Public No. 75, 77th Congress, 1st Session), or pursuant to the Act of October 10, 1940, entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes" (Public No. 829, 76th Congress, 3d Session), are hereby continued in effect, to be hereafter exercised on behalf of the Economic Defense Board, subject to further order, and all action taken pursuant to such delegations, whether or not purporting to be on behalf of the Board, shall be deemed to have been exercised in its behalf.

September 15, 1941.

MILO PERKINS,
Executive Director.

[F. R. Doc. 41–7003; Filed, September 18, 1941; 2:53 p. m.]

[1] Formerly Subchapter C—Administrator of Export Control.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Limitation Order L–4 To Restrict the Production of Replacement Parts Used in the Repair of Passenger Automobiles and Light Trucks

Whereas the manufacture of replacement parts used in the repair of passenger automobiles and light trucks requires the utilization of large quantities of aluminum, chromium, copper, nickel, nickel steel, rubber, steel, tin, tungsten and other critical materials, and the national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of such replacement parts is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 983.1 *General limitation order L–4*—(a) *Definitions.* For the purposes of this order:

(1) "Passenger Automobile" means any passenger vehicle, including station wagons and taxicabs, propelled by internal combustion engine, having a seating capacity of less than 15 persons.

(2) "Light Trucks" means a motor truck or truck tractor of rated capacity (as advertised by the producer prior to August 1, 1941) of less than 1½ tons.

(3) "Replacement Parts" means only the following functional parts (including components entering into such parts) used for the repair of light motor trucks or passenger automobiles: engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; also the exhaust, cooling, fuel and electrical systems, including generators, lights, reflectors and batteries; also gauges, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears. Replacement parts do not include parts entering into the production or assembly of new light motor trucks or passenger automobiles.

(4) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of replacement parts (as herein defined) used in the repair of passenger automobiles or light trucks.

(b) *General restrictions.* During the period commencing September 15, 1941, and ending December 31, 1941:

(1) A Producer shall not manufacture more than 60% of that number of replacement parts (as herein defined) sold by him for replacement purposes during the period from January 1, 1941, to June 30, 1941.

(2) The determination of the number of replacement parts sold from January 1, 1941, to June 30, 1941, shall exclude, and the foregoing limitation upon the number of replacement parts which may be produced by any producer during the period September 15, 1941, to December 31, 1941, shall not apply to any such replacement parts produced under contracts or orders for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(3) Each Producer must comply with such directions and instructions as may be issued from time to time by the Director of Priorities of the Office of Production Management with respect to the reduction or elimination of scarce materials in the production of replacement parts (as herein defined) used in the repair of passenger automobiles or light trucks.

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(e) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(f) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the Division of Priorities by addressing a letter to the Automotive Branch of the Division of Civilian Supply, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities, subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 18th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7010; Filed, September 19, 1941; 9:24 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Limited Preference Rating Order No. P–57 on Material Entering Into the Production of Replacement Parts for Passenger Automobiles and Light Trucks

§ 983.2 *Limited preference rating order P–57.* For the purpose of facilitating the acquisition of material for the production of replacement parts to be used in the repair of passenger automobiles and light trucks, a preference rating is hereby assigned to deliveries for such purposes upon the following terms:

(a) *Definitions.* For the purposes of this Order:

(1) "Passenger Automobile" means any passenger vehicle, including station wagons and taxicabs, propelled by internal combustion engine, having a seating capacity of less than 15 persons.

(2) "Light Trucks" means a motor truck or truck tractor of rated capacity (as advertised by the producer prior to August 1, 1941) of less than 1½ tons.

(3) "Replacement Parts" means only the following functional parts (including components entering into such parts) used for the repair of light motor trucks or passenger automobiles: engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; also the exhaust, cooling, fuel and electrical systems, including generators, lights, reflectors and batteries; also gauges, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears. Replacement parts do not include parts entering into the production or assembly of new light motor trucks or passenger automobiles.

(4) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of replacement parts (as herein defined) used in the repair of passenger automobiles or light trucks.

(5) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of material which

will be physically incorporated into the replacement parts.

(6) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.

(b) *Assignment of preference rating.* Subject to the terms of this Order, preference rating A–10 is hereby assigned:

(1) To deliveries to a Producer by his suppliers of materials required for the production by him of replacement parts: *Provided, however,* That no materials shall be obtained in quantity greater than required for his production as limited by Limitation Order No. L–4 or by any other order or direction of the Director of Priorities.

(2) To deliveries to any Supplier of material which he requires to make his rated deliveries to the Producer or to another Supplier: *Provided,* Such material will be physically incorporated in the replacement parts produced by the Producer.

(c) *Persons entitled to apply preference rating.* The Preference Rating hereby assigned may be applied by:

(1) A Producer;

(2) A Supplier, provided that he requires the material so purchased in order to make deliveries which have been duly rated in the manner specified in paragraph (d).

(d) *Application of preference rating.* (1) A Producer in order to apply the preference rating to a delivery of material to him must endorse the following statement on the original and all copies of the purchase order or contract for such material, signed by a responsible official duly designated for such purpose by such Producer:

CERTIFICATE OF PRODUCER APPLYING RATING

An A–10 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P–57. This application of the rating is made by the Producer upon the conditions set forth in said Order, with which we are familiar.

Authorized signature for producer

Such endorsement shall constitute a certification to the Office of Production Management that such material is required to the extent ordered in order to produce the number of replacement parts within the limits authorized.

(2) A Supplier in order to apply the preference rating to a delivery of material to him must endorse the following statement on the original and all copies of the purchase order or contract for such material signed by a responsible official duly designated for such purpose by such Supplier:

CERTIFICATE OF SUPPLIER APPLYING RATING

An A–10 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P–57. This application of the rating is made by the Supplier upon the conditions set forth in said Order, with which we are familiar.

Authorized signature for supplier

Such endorsement shall constitute a certification to the Office of Production Management that such material is required to the extent ordered in order to fill a purchase order placed by a Producer or Supplier duly rated in accordance herewith. Any such Supplier's purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith.

(3) A Producer or Supplier placing any such rated purchase orders or contracts and the supplier selling the material covered thereby, must each retain endorsed copies of such purchase orders or contracts segregated from all other purchase orders or contracts for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(e) *Restrictions on application of rating.* The preference rating hereby assigned shall not be applied:

(1) *By a producer* to obtain deliveries of materials in excess of the amount needed for the production of the replacement parts, taking into consideration existing inventories of the Producer, and subject to any limitation contained in Limitation Order L–4 or in any other Order or direction issued by the Director of Priorities. If a Producer has sufficient material to produce the authorized number of replacement parts and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such material.

(2) *By a supplier* to obtain material in excess of the amount necessary to make rated deliveries, taking into consideration existing inventories of the Supplier. If a Supplier has sufficient material to enable him to make his rated deliveries and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such materials.

(3) *By a producer or a supplier.* (i) Unless the material to be delivered cannot be obtained when required without such rating.

(ii) To obtain deliveries earlier than required.

(iii) To deliveries of materials on purchase orders placed after December 1, 1941.

(iv) To deliveries of materials on purchase orders calling for delivery after December 31, 1941.

(f) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order, or wilfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of material by means of a material and wilful misstatement will be prohibited from obtaining further deliveries of material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(g) *Reports.* Each Producer and Supplier who in any month applies the preference rating in the manner herein provided to any deliveries to him, shall, not later than the 15th day of the following month, file with the Automotive Branch, Civilian Supply Division, Office of Production Management, Washington, D. C., a report on form to be prescribed by the Director of Priorities, setting forth the number of items or amount of materials to which the preference rating has been assigned in the preceding month, the stock of such items and amount of such materials on hand, and the number or amount used in production by him during the period from January 1 through June 30, 1941; and such other reports as the Director of Priorities may require.

(h) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time in whole or in part or in its application to any Producer or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked. No additional applications of this rating to any other deliveries shall thereafter be made by any Producer or Supplier affected by said revocation or expiration.

(i) *Effective date.* This Order shall take effect on the 18th day of September, 1941, and unless sooner revoked shall expire on the 31st day of December 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 18th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7011; Filed, September 19, 1941; 9:24 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

Price Schedule No. 9 [1]—Hides, Kips and Calfskins—is hereby amended, effective September 18, 1941, by amending §§ 1314.11 (b) and 1314.12 (b) to read as follows:

§ 1314.11 *Appendix A, maximum prices for domestic hides.*

* * * * *

(b) *Hides other than packer classifications sold on an unselected basis.*

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[1] 6 F.R. 2909, 4736.

	Price per lb., f. o. b. Chicago, freight equalized [1]	
	Trimmed	Untrimmed
Free of brand steers and cows	$0.15	$0.14½
Branded steers and cows	.14	.13½
Free of brand bulls	.11½	.11
Branded bulls	.10½	.10

[1] The term "F. O. B. Chicago, Freight Equalized" used in this Schedule has the meaning generally accepted in the industry, to wit: The maximum price F. O. B. Chicago, Freight Equalized, which a purchaser may pay under this Schedule shall not exceed the maximum price set forth above plus either (a) freight from Chicago to destination or (b) freight from shipping point to destination, whichever is less; except that on shipments by sellers from points located east of Chicago, Illinois, the maximum price is F. O. B. shipping point.

PREMIUM FOR HIDES OTHER THAN PACKER CLASSIFICATIONS SOLD ON A SELECTED BASIS

A seller who does not grade his hides according to packer specifications but allows a one cent per pound discount for No. 2's may charge a premium of one-half cent per pound over the maximum prices set forth above for hides other than packer classifications.

Tare allowance. A tare allowance of not less than 2% shall be allowed on all sales of hides other than packer classifications. (Executive Order No. 8734, 6 F.R. 1917)

§ 1314.12 *Appendix B, maximum prices for domestic kips and calfskins.*

* * * * *

(b) *Country calf and kip skins.*

	Price per lb., flat for No. 1's and No. 2's, f. o. b. shipping point
Country calf (10 lb. and down)	$0.16
Country calf (10 to 15 lb.)	.18
Country kips (15 to 30 lb.)	.16

(Executive Order No. 8734, 6 F.R. 1917)

Issued this 18th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7008; Filed, September 18, 1941; 4:26 p. m.]

PART 1333—TIN

AMENDMENT TO PRICE SCHEDULE NO. 17—PIG TIN

Section 1333.10 of Price Schedule No. 17 [1] is hereby amended to read as follows:

§ 1333.10 *Appendix A, maximum prices for pig tin*—(a) *Maximum prices for standard grades of pig tin.*

Grade	*Maximum price (per pound)*
A. 99.80% or higher percentage of purity, meeting specifications set forth in "Specifications and Proposals for Supplies, No. S-14", issued December 15, 1939, by the U. S. Treasury Department, Procurement Division, except that pig tin of this grade need not be free of scrap and remelted metal.	$0.52
B. 99.75% to 99.79% pure, inclusive; and 99.80% or higher percentage of purity which does not otherwise meet the specifications of Grade A	.51625
C. Cornish Refined	.51625
D. 99.00% to 99.74% pure, inclusive	.51125
E. Below 99% pure	[1] .51

[1] For tin content.

(b) *Differentials for freight rates.* The above maximum prices are, in the case of foreign pig tin, ex dock or store, Port of New York, and, in the case of domestic pig tin, ex producer's plant. The maximum prices of foreign pig tin which is imported through ports of entry other than the Port of New York shall be ex dock or store at the actual port of entry and shall be as much more or as much less than the above prices as the ocean freight from the point of shipment to the actual port of entry exceeds or is less than the ocean freight from such point of shipment to the port of New York. Foreign pig tin which is physically present at or is sold for shipment from a point other than the port at which it was entered, and domestic pig tin which is physically present at or is sold for shipment from a point other than the producer's plant, may be sold at prices, f. o. b. such point of physical presence or of shipment, which exceed the above maximum prices by no more than the domestic shipping charges which have actually been paid or must be paid in order to transport such pig tin to such point of physical presence or of shipment.

(c) *Differentials for sales in lots of less than five gross tons.*

For sales of pig tin in lots of:	*There may be added to the maximum price (cents per pound)*
2,240 to 11,199 pounds, inclusive	1
1,000 to 2,239 pounds, inclusive	1½
500 to 999 pounds, inclusive	2½
Under 500 pounds	3

(This amendment is issued pursuant to the authority contained in Executive Order 8734.)

Issued and effective this 19th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7040; Filed September 19, 1941; 11:24 a. m.]

PART 1340—FUEL

PRICE SCHEDULE NO. 27—ANTHRACITE

Order of Revocation

A Price Schedule fixing maximum prices for anthracite coal f. o. b. mine was issued September 11, 1941,[1] because the necessary data to justify a proposed increase to take effect on September 15, 1941, had not been presented to the Office of Price Administration. The information previously withheld has now been submitted.

Accordingly, under the authority vested in me by Executive Order 8734, it is directed that:

Price Schedule No. 27 (§§ 1340.71 to 1340.79, inclusive) is hereby revoked.

Issued this 18th day of September 1941.

This order of revocation is effective September 18, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7039; Filed, September 19, 1941; 11:24 a. m.]

PART 1345—COKE

PRICE SCHEDULE NO. 29—BY-PRODUCT FOUNDRY AND BY-PRODUCT BLAST FURNACE COKE

By-product foundry and by-product blast furnace coke are important elements in the manufacture of iron and steel. Maximum prices have been established for pig iron and iron and steel scrap, other important elements of iron and steel costs.

Prices of by-product foundry and by-product blast furnace coke are now from $1.00 to $1.25 per ton higher than a year ago. A further upward movement of coke prices would exert pressure upon the prices of iron and steel. The stabilization of present coke prices is important in the prevention of inflation.

After full investigation and conferences with representatives of the coke industry, it has been determined that the establishment of maximum prices for by-product foundry and blast furnace coke is essential and is in the interest of national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order 8734,[1] it is hereby directed that:

§ 1345.1 *Maximum prices for by-product foundry and by-product blast furnace coke.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, by-product foundry or by-product blast furnace coke, and no person shall buy, offer to buy, or accept delivery of by-product foundry or by-product blast furnace coke at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as § § 1345.9 and 1345.10 respectively.*

*§§ 1345.1 to 1345.10, inclusive, issued pursuant to the authority contained in Executive Order 8734.

§ 1345.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may be charged, demanded, paid or offered.*

1345.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery or transfer of by-product

[1] 6 F.R. 4076.

[1] 6 F.R. 4710.

[1] 6 F.R. 1917.

foundry or by-product blast furnace coke, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

§ 1345.4 *Records and reports.* Every person making purchases or sales of by-product foundry or by-product blast furnace coke after October 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1345.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule. Persons who have evidence of any offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of by-product foundry or by-product blast furnace coke, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1345.6 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1345.7 *Definition.* When used in this Schedule, the term "person" means an individual, partnership, association, corporation or other business entity.*

§ 1345.8 *Effective date of the schedule.* This Schedule shall become effective October 1, 1941.*

§ 1345.9 *Appendix A, Maximum prices for by-product foundry coke per net ton (2,000 lbs.)*—(a) *General provision.* The maximum delivered price for by-product foundry coke shall be the price F. O. B. cars at the governing oven plant, plus rail transportation and switching charges from that oven plant to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with transportation charges, results in the lowest price at the place of delivery.

Location of oven plant:	*F. o. b. oven plant in cars (per net ton)*
Alabama	$8.50
Chicago, Illinois	11.50
Ashland, Kentucky	10.00
Detroit, Michigan	11.75
Kearny, New Jersey	12.15
Buffalo, New York	11.75
Ironton, Ohio	10.00
Painesville, Ohio	11.25
Portsmouth, Ohio	10.00
Erie, Pennsylvania	11.75
Philadelphia, Pennsylvania	11.75
Chattanooga, Tennessee	9.00
Fairmont, West Virginia	10.00
Milwaukee, Wisconsin	12.25

(b) *Exceptions*—(1) *New England area.* The maximum delivered price in the states of Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and in the adjoining areas of New York State which have customarily been included within the New England shipping area, shall be $13.75 per net ton, less $0.15 per net ton discount for cash ten days.

(2) The maximum delivered prices within the following switching districts are:

District	*Delivered price*
Chicago, Illinois	$12.25
St. Louis., Mo., & East St. Louis, Ill.	12.02
Indianapolis, Indiana	12.00
Terre Haute, Indiana	12.00
Detroit, Michigan	12.25
Buffalo, New York	12.50
Cincinnati, Ohio	11.75
Cleveland, Ohio	12.30
Erie, Pennsylvania	12.25
Philadelphia, Pennsylvania	12.38
St. Paul and Minneapolis, Minnesota	14.00

(3) *Exception for certain existing relationships.* Whenever shipment is made from an oven plant other than the governing oven plant and the seller customarily during the six months preceding September 15, 1941, has received from a purchaser a price in excess of the maximum delivered price otherwise established by this Schedule, such higher price may continue to be charged such purchaser. Each person using this exception (3) shall file with the Office of Price Administration, on or before September 27, 1941, a list of purchasers to whom this exception (3) applies and all prices received from such customer during such period. Sales or shipments to customers may not be made under this exception (3) after October 1, 1941, without the filing of such list of purchasers and prices.

(4) *Shipments to West Coast.* On shipments to the states of California, Oregon and Washington, the governing oven plant may be Chicago, Illinois; *Provided,* That, when shipment is from the oven plants listed in paragraph (a) of this Appendix, the maximum delivered price may not exceed the F. O. B. oven plant price at such oven plants plus transportation charges.

(5) *Shipments from Swedeland, Pennsylvania.* Whenever shipment is from Swedeland, Pennsylvania, the maximum delivered price shall be the price provided in paragraph (a) of this Appendix or the price provided in this exception (5), whichever is lower, except when exceptions (1), (2), (3) or (4) are applicable the prices provided in such exceptions may be charged.

When the railroad freight rate for by-product foundry coke from Swedeland, Pennsylvania to the place of delivery, including switching charges, is:

Freight rate per net ton	*The maximum price per net ton shall be*
$0.68 and less	[1] $12.38
$0.69 to $0.96 inclusive	12.40
$0.97 to $1.66 inclusive	12.45
$1.67 to $2.24 inclusive	12.70
$2.25 to $2.50 inclusive	12.80
$2.51 to $2.85 inclusive	12.95
$2.86 and over	[2] 10.35

[1] Delivered.

[2] F. o. b. oven plant, except that on deliveries to be made in the Cumberland Valley and Central Pennsylvania, the price shall be $10.00 per net ton, f. o. b. oven plant.

(6) *Delivery other than by railroad.* When delivery is by means other than railroad, the maximum delivered price shall be the price as computed in this Appendix but adjusted to provide the customary differential or charge in effect on September 18, 1941, for such means of delivery.*

§ 1345.10 Appendix B, *maximum prices for by-product blast furnace coke per net ton (2,000 lbs.)* The maximum price f. o. b. oven plant on by-product blast furnace coke which may be charged by any person at each oven plant, shall be $0.75 per net ton above the weighted average price f. o. b. oven plant of such coke delivered by such person from each oven plant during the first quarter of 1941; *Provided,* That this Appendix B shall not apply to sales or shipments made after the issuance of this Schedule at less than $6.00 per net ton f. o. b. oven plant. The weighted average price means the average of the prices for which such coke was sold during such period weighted by the tons of such coke sold at each price.

Every person who produces and sells by-product furnace coke shall file prices at which such coke was delivered, and the quantity delivered at each price during the first quarter of 1941. Such information shall be filed with the Office of Price Administration, Washington, D. C. on or before September 27, 1941.*

Issued this 18th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7007; Filed, September 18, 1941; 4:26 p. m.]

PART 1347—PAPER AND PAPER PRODUCTS

PRICE SCHEDULE NO. 30—WASTE PAPER SOLD EAST OF THE ROCKY MOUNTAINS

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined after an exhaustive investigation and after numerous conferences with representatives of all branches of the trade, that the establishment of maximum prices for wastepaper is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable.

The defense effort has placed an increasing burden upon the wastepaper supply since it is a basic raw material in the manufacture of containers for food and manufactured products. Additional demands upon the wastepaper supply are made by manufactures of almost all types of paper, the channels of trade through which wood pulp was imported having been shut off by the war. Inflationary price rises threaten, and immediate action to prevent disastrous price spiraling is essential.

For several months this Office has attempted to prevent unwarranted price increases through the medium of individual voluntary price agreements. The more responsible dealers and mills have evidenced a willingness to cooperate. This segment of the industry has been unable to keep prices within those established by the agreements, however, because of certain operators who have put high prices before national welfare, and have attempted to circumvent the price agreements.

This schedule is at present limited to sales and purchases of wastepaper East of the Rocky Mountains, since no inflationary price increases threaten the West Coast area.

Accordingly, under the authority vested in me by Executive Order No. 8734,[1] it is hereby directed that:

§ 1347.1 *Maximum prices for waste paper.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the area East of the Rocky Mountains no person shall sell, offer to sell, deliver or transfer any grade of waste paper, and no person shall buy, offer to buy, or accept delivery of any grade of waste paper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.10.*

*§§ 1347.1 to 1347.10, inclusive, issued pursuant to the authority contained in Executive Order No. 8734.

§ 1347.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may, however, be charged, demanded, paid or offered.*

§ 1347.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of waste paper, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

[1] 6 F.R. 1917.

§ 1347.4 *Records.* Every person making purchases or sales aggregating ten short tons or more of any or all grades of waste paper in any one month shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each purchase or sale of waste paper made during such month and each month thereafter, showing the date thereof, the name of the buyer or of the seller, the prices paid or received, and the quantity and grade or grades so purchased or sold. Such records shall set forth separately the f. o. b. point of shipment price and the transportation charge.*

§ 1347.5 *Affirmation of compliance.* All persons who are required by § 1347.4 to keep records, shall transmit, on or before November 10, 1941, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 130:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 130:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" x 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of waste paper or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.7 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1347.8 *Definitions.* When used in this Schedule, or any modifications or exceptions thereto, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

(b) "Wastepaper" includes all kinds, and grades and types of wastepaper.

(c) "Consumer" means a purchaser, for its own consumption, of wastepaper, i. e. paper mill, paperboard mill, roofing mill, etc.

(d) "Producer" means any person who produces, collects, sorts, packs, offers for sale, sells, or exchanges any wastepaper.*

§ 1347.9 *Effective date.* This Schedule shall become effective on October 1, 1941.*

§ 1347.10 *Appendix A, maximum prices for waste paper.* All prices given below are per short ton, f. o. b. point of shipment.[1]

Grades	*Maximum prices* [2]
No. 1 Mixed Paper [3]	$13.00
Super-Mixed Paper [4]	14.00
No. 1 Baled News [5]	15.00
Ovetissue News [5]	17.00
Old Corrugated Containers [7]	16.50
Old Kraft Corrugated Containers [8]	27.00
New Corrugated Cuttings [9]	18.00
Box Board Cuttings [10]	14.50
White Blank News [11]	33.00
Extra Manilas [12]	37.00
New Manila Envelope Cuttings [13]	54.00
No. 1 Hard White Shavings [14]	50.00
Hard White Envelope Cuttings [15]	60.00
No. 1 Soft White Shavings [16]	43.00
Fly Leaf Shavings [17]	33.50
No. 1 Heavy Books and Magazines [18]	31.50
Mixed Books [19]	20.50
Overissue Magazines [20]	33.50
No. 1 Mixed Ledger (Colored Ledger) [21]	38.50
No. 1 White Ledger [22]	42.50
No. 1 Assorted Kraft (Old Kraft) [23]	30.00
New 100% Kraft Cuttings [24]	52.00
New 100% Kraft Corrugated Cuttings [25]	49.00

[1] All prices established by this Schedule shall be for waste paper loaded on freight cars, trucks or other means of conveyance at the point of shipment. The point of shipment is the point from which the waste paper is to be shipped to the consumer.

[2] *All prices listed represent the maximum prices for the respective grades of waste paper, the highest qualities of which are defined in the footnotes below. Other qualities of waste paper of the grades defined must be sold at or below the maximum prices established.*

The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges are to be added. In the event that hardship will be inflicted on any person by virtue of the removal of differentials that were in effect prior to January 1, 1941, application for exception should be made in accordance with § 1347.7 hereof.

[3] "No. 1 Mixed Paper" shall consist of clean dry waste paper, free from objectionable papers and foreign materials; and packed in large machine compressed bales weighing 650 pounds or more.

[4] "Super-Mixed Paper" shall consist of No. 1 mixed paper which has been screened and dusted, and is composed of hard, bright stock. The process of screening and dusting shall be performed mechanically by a "tumbler" or similar device. Must be packed in large ma-

chine compressed bales weighing 650 pounds or more.

[6] "No. 1 Baled News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers and packed in large machine compressed bales weighing 650 pounds or more.

[7] "Overissue News" shall consist of all-white, large size, over-run newspapers from a newspaper office (not over 60 days old) and may be packed in securely tied bundles, small or large bales.

[8] "Old Corrugated Containers" shall consist of used corrugated or solid fibre containers free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more.

[9] "Old Kraft Corrugated Containers" shall consist of used containers of 90% to 100% kraft content, clean and dry, free from foreign materials, objectionable and mixed paper and packed in large machine compressed bales weighing 650 pounds or more. If kraft content is less than 90%, the packing shall be designated "Old Corrugated Containers".

[9] "New Corrugated Cuttings" shall consist of new corrugated cuttings of jute and/or kraft from a corrugating plant, or solid fibre or corrugated container converting plant, and shall be free from foreign materials, mixed and objectionable papers. May be packed in small or large bales.

[10] "Boxboard Cuttings" shall consist of clean, dry cuttings from paperboard converting plants or other usera of paperboard, free from objectionable and mixed papers and foreign materials, packed in large machine compressed bales weighing 650 pounds or more.

[11] "White Blank News" shall consist of clean, dry, and white news cuttings or sheets, free from mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

[12] "Extra Manilas" shall consist of clean, dry, unprinted manila paper of uniform natural manila color, free from yellow news blanks, paper towels, canary colored blanks, goldenrod and bogus stock, as well as mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

[13] "New Manila Envelope Cuttings" shall consist of clean, dry, new manila cuttings or sheets from envelope factories free from printed stock of any kind, mixed or objectionable papers and foreign materials, and may be packed in small or large bales.

[14] "No. 1 Hard White Shavings" shall consist of clean, dry, bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[15] "Hard White Envelope Cuttings" shall consist of clean, dry, bond or writing paper shavings, free from all colors and tints, parchment and groundwood and from mixed or objectionable papers and foreign materials. May be packed in small or large bales or in securely tied packages.

[16] "No. 1 Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment, and groundwood as well as mixed and objectionable papers, and foreign materials, and containing not more than 20% coated white paper stock. Must be packed in large machine compressed bales weighing 650 pounds or more.

[17] "Fly Leaf Shavings" shall consist of the trim of books containing some printed material, free from groundwood, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[18] "No. 1 Heavy Books and Magazines" shall consist of dry, clean books and magazines containing not over 2 percent groundwood papers and 2 percent packing outthrow (including outside wrappers, wrapping wires and twine), entirely free from shavings and crumpled stock, heavily-inked, deeply-colored, gilt, aluminum and varnished cover stock, lithographed, parchment, groundwood, rotogravure and cover papers, as well as mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[19] "Mixed Books" shall consist of dry, clean books and magazines containing not over 25 percent total outthrow, including kraft, groundwood and outside packing, and shall be free from mixed and objectionable papers and foreign materials. May be packed in small or large bales.

[20] "Overissue Magazines" shall consist of clean, dry, fresh, overrun and misprint unsold magazines and books. May be packed in small or large bales or securely tied packages.

[21] "No. 1 Mixed Ledger (Colored Ledger)" shall consist of white and light-colored ledger and writing waste containing not more than 2 percent groundwood papers and 2 percent packing outthrow, free from mixed and objectionable papers, and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[22] "No. 1 White Ledger" shall consist of white ledger and writing waste containing not more than 2 percent groundwood papers and 2 percent packing outthrow, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[23] "No. 1 Assorted Kraft (Old Kraft)" shall consist of brown kraft waste free from corrugated waste of any kind, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[24] "New 100% Kraft Cuttings" shall consist of 100 percent kraft trimmings, cuttings or shavings from strictly new kraft paper stock, and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers and foreign materials. May be packed in small or large bales.

[25] "New 100% Kraft Corrugated Cuttings" shall consist of cuttings, trimmings or shavings from new 100 percent kraft corrugated stock, and must be free of fibre papers, screening pulp, and colored paper of any kind, objectionable and mixed papers, and foreign materials. Must be packed in small or large bales.

When used in these definitions:

"Objectionable papers" include carbon, waxed, paraffined, oil-treated, greased, glazed, parchment, asphalt, tar, wall, friction board, book-covers, cloth-bound, heavy cores, tympan, pressboard, used billboard stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printers' rolls, and paper strings; and

"Foreign materials" include every nonpaper substance that cannot be manufactured into paper, including, but in no way limiting the generality of the above: cellophane, rags, rubbers, strings, vulcanized fibre, metals, and rubbish of all kinds."

Issued this 18 day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7009; Filed, September 18, 1941; 4:26 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

§ 203.173 *Reynolds Channel (Wreck Lead-Long Beach Channel); Highway Bridge between Island Park and Long Beach, Nassau County, New York.* (a) The owner, or the agency controlling the drawbridge, shall provide the appliances and the personnel necessary for the safe, prompt and efficient operation of the draw.

(b) Except as provided in paragraph (c) of this section, the draw shall be opened promptly when the signal hereinafter prescribed for the opening of the draw is received from an approaching vessel or other water craft which cannot pass under the closed draw.

(c) On Saturdays and Sundays from May 15, to September 30, inclusive, and on Memorial Day, Independence Day, and Labor Day, of each year, between the hours of 3:01 p. m. and 7:59 p. m. openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided*, That the draw shall be opened promptly at all times to vessels owned, controlled, or employed by the United States Government. The time specified is E. D. S. T. or E. S. T. whichever is in force.

(d) *Signals.*

(1) *Call signals for opening of draw.*

(i) *Sound signal.*

(*a*) *United States Government.* Four distinct blasts of a whistle, horn or megaphone, or four loud and distinct strokes of a bell.

(*b*) *For all other vessels.* Three distinct blasts of a whistle, horn or megaphone, or three loud and distinct strokes of a bell sounded within a reasonable hearing distance of the bridge.

(ii) *Visual signal.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals.*

(i) *By bridge operator.*

(*a*) *Sound signals.* Draw to be opened immediately: Same as call signal.

Draw cannot be opened immediately, or if open must be closed immediately: Two long distinct blasts of a whistle, horn or megaphone or by two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(*b*) *Visual signals.* Draw to be opened immediately: A white flag by day or a green light at night swung up and down vertically a number of times in full sight of the vessel.

Draw cannot be opened immediately or if open must be closed immediately: A red flag by day, a red light by night swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(ii) *By the vessel.* Vessels or other water craft having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately, or if open must be closed immediately, will acknowledge said signal by one long blast followed by a short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(e) Automobiles, trucks, vehicles, vessels or other water craft shall not be stopped or manipulated in a manner hindering or delaying the operation of the draw, but all passage over the drawspan or through the draw opening shall be in a manner so as to expedite both land and water traffic.

(f) The owner of, or agency controlling, this bridge shall provide and keep in good legible condition two board gauges painted white, with black figures not less than 8 inches high, to indicate the headroom clearance under the closed drawspan at all stages of the tide. The gauges shall be so placed on the bridge that they will be plainly visible to the operator of the vessel approaching the bridge either up or downstream.

(g) This drawbridge shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure.

NOTE: Upon request, the district engineer in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting these waterways, with a view to adjusting any difference of opinion in this matter between the vessel owner and the bridge owner.

(h) Copies of these regulations shall be conspicuously posted on both the upstream and downstream sides of the bridge in such manner as to permit their being easily read at any time. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. Aug. 28, 1941 (E.D. 6371 (Nassau Co. (N. Y.)—Wreck Lead (Long Beach Channel)—6/7)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7030; Filed, September 19, 1941; 10:28 a. m.]

[1] § 203.173 is added.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1036]

PETITION OF DISTRICT BOARD NO. 3 FOR PERMISSION TO USE ADDITIONAL LOADING POINTS FOR RAIL SHIPMENTS FROM CERTAIN MINES IN DISTRICT NO. 3

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 21, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 16, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of additional shipping or loading points for the following mines for all shipments except truck: Vivian Mine (Mine Index No. 188) of the Albright Coal Co.; Arnold Mine (Mine Index No. 639) of E. C. Arnold; Hunt Bros. Mine (Mine Index No. 213) of E. C. Arnold; Riley #2 Mine (Mine Index No. 206) of E. C. Arnold; Blaser Mine (Mine Index No. 198) of Blaser Fuel Co.; Liston Mine (Mine Index No. 190) of Brock, Mitchell and Reed; Cook Mine (Mine Index No. 558) of the Cook & Zinn Coal Co. (Donald Zinn); Delphi Mine (Mine Index No. 937) of T. L. Cordray; E-Z #2 Mine (Mine Index No. 192) of the E-Z Fuel Co.; Coombs Mine (Mine Index No. 614) of the Hall Coal Co.; Blackburn #2 Mine of Guy A. Hardesty; Morgan & Henderson Mine (Mine Index No. 687) of Henderson, Morgan & Haught; Henderson Mine of Rex Henderson; Beech Hill Mine (Mine Index No. 941) of O. W. Stevens & Son; Davis Fork Mine (Mine Index No. 928) of Mike Triplett; Saltwell Mine (Mine Index No. 185) of Carmer R. Warnick; and Winchester Mine (Mine Index No. 164) of the Winchester Coal Co.

Dated: September 18, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7014; Filed, September 19, 1941; 10:20 a. m.]

[Docket No. A-1016]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES, FOR ALL SHIPMENTS EXCEPT TRUCK, FOR A MIXTURE OF THE COALS OF THE CADOGAN MINE (MINE INDEX NO. 76) OF THE ALLEGHENY RIVER MINING COMPANY WITH THE COALS OF CERTAIN OTHER MINES IN DISTRICT NO. 1

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 16, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the

facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 11, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment, for all shipments except truck, of price classification "H" for Size Groups 1, 2 and 3 and "J" for Size Groups 4 and 5 for coals of the following mines when mixed with coals produced at the Cadogan Mine (Mine Index No. 76) of the Allegheny River Mining Company and loaded over the Cadogan tipple: Freebrook No. 7 Mine (Mine Index No. 664) of the Freebrook Corp.; Loyal T. Henderson Mine (Mine Index No. 1491) of Loyal T. Henderson; Orpha Mine (Mine Index No. 353) of the James Coal Mng. Co.; Mohawk Mine (Mine Index No. 326) of the Mohawk Mng. Co.; and the Radaker Mine (Mine Index No. 1921) of C. C. Radaker.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7015; Filed, September 19, 1941; 10:21 a. m.]

[Docket No. 1736-FD]

IN THE MATTER OF NORRIS COAL COMPANY, DEFENDANT

ORDER POSTPONING HEARING AND DESIGNATING EXAMINER

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of September 18, 1941, at a hearing room of the Bituminous Coal Division at the Circuit Court Room, County Court House, Marion, Illinois; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 o'clock in the forenoon of September 18, 1941, to 10 o'clock in the forenoon of October 6, 1941, at a hearing room of the Division at the Circuit Court Room, County Court House, Marion, Illinois.

It is further ordered, That W. A. Shipman, or any other officers of the Bituminous Coal Division designated by the Director thereof for that purpose, shall preside at the hearing in the above-entitled matter, vice Charles S. Mitchell.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7016; Filed, September 19, 1941; 10:21 a. m.]

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL COMPANY, INC., REGISTRATION NO. 7427, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on September 23, 1941, at 2 p. m. at a hearing room of the Bituminous Coal Division to be designated by an appropriate order of the Director; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 10 o'clock in the forenoon of October 14, 1941 at a hearing room and place to be hereafter designated by an appropriate order of the Director.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7017; Filed, September 19, 1941; 10:21 a. m.]

[Docket No. 1624-FD]

IN THE MATTER OF COAL HILL MINING COMPANY, REGISTRATION NO. 1675, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on September 23, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division to be designated by an appropriate order of the Director; and

It appearing to the Director that it is advisable to postpone said hearing;

Now therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 2 o'clock in the afternoon of October 14, 1941, at a hearing room and place to be hereafter designated by an appropriate order of the Director.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7018; Filed, September 19, 1941; 10:21 a. m.]

[Docket No. A-941]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR RAW OR WASHED COALS WHICH ARE CRUSHED, PULVERIZED OR REDUCED BY ANY METHOD DOWN TO THE SIZE DIMENSIONS PRESCRIBED FOR SIZE GROUPS 13 AND 16, INCLUSIVE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING POSTPONEMENT

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for September 18, 1941, should be postponed until on or about October 9, and having shown good cause why its motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from September 18, 1941, until 10 o'clock in the forenoon of October 9, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until October 4, 1941.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7019; Filed, September 19, 1941; 10:22 a. m.]

[Docket No. A-920]

PETITION OF DOMESTIC COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 15, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1 AND 2 PRODUCED AT MINE INDEX NO. 62 IN THAT DISTRICT FOR SHIPMENT BY RAIL INTO CERTAIN MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7020; Filed, September 19, 1941; 10:22 a. m.]

[Docket No. A-863]

PETITION OF LEO PILATI, ET AL., CODE MEMBERS IN DISTRICT NO. 22, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT THEIR MINES IN THAT DISTRICT

ORDER DISMISSING PETITION

An original petition was filed with this Division by Leo Pilati and other code members in District No. 22, requesting modification of the minimum prices for certain coals produced by them, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. District Boards Nos. 19 and 22 filed intervening petitions in opposition to the relief requested.

Neither the original petitioners nor the intervening petitioners appeared at the hearing duly scheduled in the matter for June 12, 1941, at Washington, D. C. However, pursuant to a motion filed by District Board No. 22 on June 11, 1941, the Acting Director by his Order dated July 23, 1941, reset the hearing for August 18, 1941, at a hearing room of the Division at Billings, Montana.

The original petitioners again failed to appear or offer evidence in support of their petition when the hearing convened at Billings, Montana. Thereupon, District Board No. 22 moved that the original petition be dismissed, with prejudice. The hearing was thereupon concluded, and the motion was referred by the trial examiner to the Director for determination.

Good cause therefor having been shown, and no objection thereto appearing,

It is hereby ordered, That the original petition filed in the above-entitled matter be, and it hereby is, dismissed, without prejudice.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7021; Filed, September 19, 1941; 10:23 a. m.]

[Docket No. A-730]

PETITION OF LEWIS BROS. COAL CO., A CODE MEMBER IN DISTRICT NO. 14, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 63 IN THAT DISTRICT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

Pursuant to due notice given, a formal hearing on the original petition filed in the above-entitled matter convened on August 6, 1941, at a hearing room of the Bituminous Coal Division in Fort Smith, Arkansas.

The original petitioner failed to appear or offer evidence at that hearing in support of its petition. District Board No. 14 which had filed an intervening petition in the matter in opposition to the relief requested in the original petition thereupon moved that the original petition be dismissed.

Good cause therefor having been shown, and no opposition thereto appearing,

It is hereby ordered, That the original petition filed in the above-entitled matter be and it hereby is, dismissed without prejudice.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7022; Filed, September 19, 1941; 10:23 a. m.]

[Docket No. A-137, Part III]

PETITION OF DISTRICT BOARD NO. 14 FOR THE REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR CERTAIN COALS OF HARPER & THORNTON COAL CO., MINE INDEX NO. 195, IN DISTRICT NO. 14

[Docket No. A-760]

PETITION OF HARPER & THORNTON COAL CO., A CODE MEMBER IN DISTRICT NO. 14, FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 195 IN THAT DISTRICT; PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITIONS

The original petitioners having moved that the proceedings in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petitions in the above-entitled matter be dismissed without prejudice.

Dated: September 18, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7023; Filed, September 19, 1941; 10:23 a. m.]

[Docket No. 1702-FD, District No. 4]

IN THE MATTER OF DUNDEE COAL COMPANY, DEFENDANT

ORDER EXTENDING TIME TO FILE ANSWER

Dundee Coal Company, defendant, having requested an extension of the time within which to file its answer herein, and having shown good cause why said extension should be granted,

Now, therefore, it is ordered, That the time within which the defendant may file its answer in the above-entitled proceeding be, and the same hereby is extended to September 25, 1941.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7024; Filed, September 19, 1941; 10:23 a. m.]

[Docket No. 1778-FD, District No. 4]

IN THE MATTER OF MT. PERRY COAL COMPANY, DEFENDANT

ORDER EXTENDING TIME TO FILE ANSWER

Mt. Perry Coal Company, defendant, having requested an extension of the time within which to file its answer herein, and having shown good cause why said extension should be granted,

Now, therefore, it is ordered, That the time within which the defendant may file its answer in the above-entitled proceeding be, and the same hereby is, extended to October 1, 1941.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7025; Filed, September 19, 1941; 10:24 a. m.]

[Docket No. 1832-FD]

IN THE MATTER OF SOUTHERN COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8561, RESPONDENT

ORDER EXTENDING TIME TO FILE ANSWER AND CHANGING PLACE OF HEARING

The above-entitled matter having been scheduled for hearing at 10:00 o'clock a. m., October 21, 1941, in a hearing room of the Bituminous Coal Division at the Washington Hotel, Washington, D. C.; and

Notice of and Order for Hearing having been served on Southern Coal Company, Inc., the respondent in the above-entitled matter on August 23, 1941; and

The respondent having filed a motion to extend the time within which to file its answer to said Notice of and Order for Hearing, and to change the place of hearing from Washington, D. C., to Memphis, Tennessee, or such other place as the Director may select; and

Respondent having shown good cause why said extension of time to file its answer be granted, and said place of hearing changed; and

The Director deeming it advisable to grant such extension and change said place of hearing;

Now, therefore, it is ordered, That the time within which the respondent may file its answer herein with the Division be, and the same hereby is, extended to and including October 8, 1941; and

It is further ordered, That the hearing in the above-entitled matter be changed from the hearing room in the Washington Hotel at Washington, D. C., to Rm. 245, U. S. Courthouse, Nashville, Tennessee, at the time heretofore designated and before the officers previously designated to preside at said hearing.

Dated: September 18, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7026; Filed, September 19, 1941; 10:24 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL AND TEXTILE INDUSTRIES

Notice is hereby given that four special certificates, each authorizing the employment of twenty learners thereunder, issued to Royal Chenille Products Company, Inc., and its successor company, Royal Chenille Manufacturing Company, Inc., have been ordered cancelled as of their effective dates because of misrepresentations in obtaining the certificates and violations of the certificates and/or the regulations under which they were issued.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any aggrieved and directly interested party under § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall

be postponed until final action is taken on the petition.

Signed at Washington, D. C., this 17th day of September 1941.

ALEX G. NORDHOLM,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7048; Filed, September 19, 1941; 11:40 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 445, 594, 444, 388, 570, 592, 417, 549, 653, 435]

IN THE MATTER OF THE APPLICATIONS OF CANADIAN COLONIAL AIRWAYS, INC., EASTERN AIR LINES, INC., NATIONAL AIRLINES, INC., PENNSYLVANIA-CENTRAL AIRLINES CORPORATION, SEABOARD AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AMENDMENTS OF CERTIFICATES, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF POSTPONEMENT OF HEARING

Hearing in the above-entitled proceeding, being the applications of Canadian Colonial Airways, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Pennsylvania-Central Airlines Corporation, and Seaboard Airways, Inc., for certificates and amendments of certificates of public convenience and necessity authorizing air transportation between New York-Florida-Nassau, via certain designated intermediate points, and between New York and New Orleans, La., via certain designated intermediate points, now assigned for October 13, 1941, is hereby postponed to October 27, 1941, 10 o'clock a. m. (Eastern Standard Time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiners Francis W. Brown and Lawrence J. Kosters.

Dated Washington, D. C., September 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7049; Filed, September 19, 1941; 12:06 p. m.]

[Docket No. 617]

IN THE MATTER OF THE APPLICATION OF INTER-ISLAND AIRWAYS, LTD., FOR APPROVAL OF INTERLOCKING RELATIONSHIPS, UNDER SECTION 409 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

The above entitled proceeding, being the application of Inter-Island Airways, Ltd., and Ernest W. Greene, et al., for approval of certain interlocking relationships, is hereby assigned for public hearing on October 3, 1941, at 10 o'clock a. m. (Eastern Standard Time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D .C., before an Examiner of the Board.

Dated Washington, D. C., September 18, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7050; Filed, September 19, 1941; 12:06 p. m.]

ECONOMIC DEFENSE BOARD.

[Order No. 1]

DELEGATION OF POWERS AND FUNCTIONS

Pursuant to the provisions of the Executive Order of September 15, 1941,[1] amending the Executive Order establishing the Economic Defense Board (E.O. No. 8839 of July 30, 1941), the Executive Director of said Board is hereby authorized and directed to exercise the powers and functions therein conferred, subject to my general supervision and direction. In exercising such powers and functions, the Executive Director shall be authorized to issue such rules and regulations, and to delegate, and provide for the redelegation of, such of said powers and functions as may from time to time be required.

H. A. WALLACE,
Chairman.

Dated: September 15, 1941.

[F. R. Doc. 41-7002; Filed, September 18, 1941; 2:53 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6173]

NOTICE RELATIVE TO RADIOMARINE CORPORATION OF AMERICA (WGK)

Application dated April 3, 1940, for construction permit; class of service, public coastal; class of station, coastal harbor; location, St. Louis, Missouri; operating assignment specified: Frequencies, 2,782, 4,162.5, 6,240, 6,455, 8,840, 11,090 kcs.; power, 100 watts; emission, A2, A3; pts. of comm.: Radiotelephone equipped ships operating within communicating range of station WGK on the Mississippi River and its tributaries.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for a consolidated hearing with the application of Spencer A. and Lela C. Merrell, d/b as Waterways Radio Co. Docket No. 6174, to be held on September 29, 1941, at the hour of 10:00 a. m., E. S. T., at the offices of the Commission, Washington, D. C., for the following reasons:

1. To determine the nature and extent of the service proposed.

[1] See The President, *supra*.

2. To determine the need, if any, for the proposed service.

3. To determine the classes of service to be rendered and the approximate charges to be made for same.

4. To determine whether or not the frequencies requested are available for assignment as requested.

5. To determine whether or not interference would result to existing stations from use of the requested frequencies at the location proposed, and the effect thereof.

6. To determine whether or not the granting of the application would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Radiomarine Corporation of America, %RCA Frequency Bureau, 30 Rockefeller Plaza, New York, New York

Dated at Washington, D. C., September 17, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7012; Filed, September 19, 1941; 10:07 a. m.]

[Docket No. 6174]

NOTICE RELATIVE TO SPENCER A. AND LELA C. MERRELL D/B AS WATERWAYS RADIO CO. (NEW)

Application dated February 5, 1940, for construction permit; class of service, public coastal; class of station, coastal harbor; location, St. Louis, Missouri; operating assignment specified: Frequencies, 2,782, 4,162.5 kcs. (Unlimited), 6,455, 8,840, 11,090 kcs. (Day Only); power, 100 watts; emission, A3; pts. of comm: With boats on Mississippi River and tributaries.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for a consolidated hearing with the application of Radiomarine Corporation of America, Docket No. 6173, to be held on September 29, 1941, at the hour of 10:00 a. m., E. S. T., at the offices of the Commission, Washington, D. C., for the following reasons:

1. To determine the legal, technical and financial qualifications of the applicant.

2. To determine the nature and extent of the service proposed.

3. To determine the need, if any, for the proposed service.

4. To determine the classes of service to be rendered and the approximate charges to be made for same.

5. To determine whether or not the frequencies requested are available for assignment as requested.

6. To determine whether or not interference would result to existing stations from use of the requested frequencies at the location proposed, and the effect thereof.

7. To determine whether or not the granting of the application would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' address is as follows:

Spencer A. and Lela C. Merrell, d/b as Waterways Radio Co., Railway Exchange Bldg., 611 Olive Street, St. Louis, Missouri.

Dated at Washington, D. C., September 17, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7013; Filed, September 19, 1941; 10:07 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 1503]

IN THE MATTER OF STATE OF ARIZONA

ORDER POSTPONING DATE OF HEARING

SEPTEMBER 16, 1941.

It appearing to the Commission that:

(a) By order dated July 30, 1941, the Commission directed that public hearing on the application for license for Project No. 1503 and matters referred to in said order be held on September 22, 1941, at 9:45 o'clock a. m. in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(b) On August 16, 1941, the Comprehensive Development Committee of Fourteen of the Upper Basin, through its Chairman, filed a petition requesting that the date for said public hearing be continued until November 30, 1941, or if such postponement could not be granted, the date for said public hearing be continued until October 30, 1941;

The Commission *orders* that: The date of the public hearing on the matters set forth in its order of July 30, 1941, be and it is hereby postponed until December 1, 1941, on which date said hearing shall commence at 9:45 o'clock a. m. in the Hearing Room, Arizona Corporation Commission, Phoenix, Arizona.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7005; Filed, September 18, 1941; 3:47 p. m.]

[Docket No. G-214]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 16, 1941.

It appearing to the Commission that:

(a) On September 13, 1941, the United Gas Pipe Line Company, a Delaware corporation having its principal office in Shreveport, Louisiana, filed an application under oath for permission to remove and relocate a certain section of its main transmission pipe line known as the "Gulfport Lateral Line" consisting of approximately 63 miles of 12 inch pipe extending from a point on applicant's Benton-Mobile line near the intersection of said line with the common boundary line, between the counties of Greene and Perry, Mississippi, and ending at a point near the City of Gulfport, Mississippi, as fully described on a map attached to said application;

(b) Applicant states that the said Gulfport Lateral Line, which was constructed in the year 1930, is presently utilized by applicant solely for the purpose of transporting natural gas to two points located near the City of Gulfport, Mississippi, where it sells such gas to distributing companies for resale in Gulfport, Mississippi City, Biloxi, Pass Christian, Long Beach, Handsboro and Bay St. Louis in the State of Mississippi; and applicant states that at no time since the construction of the said Gulfport Lateral Line has gas been sold or delivered in the area traversed by the 60 mile portion of the said line proposed to be removed and relocated; and further, that "the area surrounding the location of said line, which applicant desires to remove and relocate, is sparsely settled farming and timber country," "and applicant knows of no prospective demand for natural gas service therefrom."

(c) Applicant proposes to continue supplying the said cities and towns (enumerated in paragraph (b)) with natural gas, without interruption of service, through a new section of transmission pipe line (varying in sizes from 12 inches to 16 inches in diameter) presently under construction and extending from a gas producing field at Lirette, Terrebonne Parish, Louisiana, in an easterly direction approximately 200 miles to a point near Mobile, Alabama, which will connect with the present Gulfport Lateral Line at a point approximately 2½ miles north of the City of Gulfport, Mississippi;

(d) Applicant states that the said new section of transmission pipe line is being constructed for the purpose of augmenting its present insufficient pipe line facilities for supplying fuel requirements to defense industries situated at and near Mobile, Alabama, and Pensacola, Florida; that, if construction of the said pipe line is not completed by the latter part of October 1941, defense industries that are to be served "may be curtailed as to their fuel requirements"; that applicant requires the pipe which it desires to remove from the said Gulfport Lateral Line for the completion of this new line, since it believes that even with a priority rating from the Office of Production Management it will be extremely difficult to get delivery of sufficient pipe to complete the project within the time limit above stated;

(e) Applicant prays that it be granted permission to remove and relocate approximately 60 miles of the said Gulfport Lateral Pipe Line and facilities, as above described, and that such removal and relocation be not held to be an abandonment of facilities within the meaning of section 7 (b) of the Natural Gas Act; or, in the alternative, applicant prays that this matter be set down for hearing at an early date;

(f) The said application and attached exhibits indicate that the proposed removal and relocation of said portion of the Gulfport Lateral Line may affect the supplying of fuel requirements to defense industries, and that a hearing in the matter should, therefore, be set at an early date;

The Commission *orders* that: A public hearing on said application be held on September 23, 1941, at 9:45 o'clock a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue N.W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7004; Filed, September 18, 1941; 3:46 p. m.]

[Docket No. G-215]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 16, 1941.

The Panhandle Eastern Pipe Line Company (hereinafter referred to as "Applicant") by application filed September 15, 1941, applied for an order pursuant to section 7 (b) of the Natural Gas Act for authority to abandon certain

natural gas facilities subject to the jurisdiction of the Commission.

It appearing to the Commission from the averments of the application that:

(a) In the year 1930 or 1931 Applicant constructed an 8-inch gas pipe line from its existing main transmission line a distance of approximately 32 miles to a point at or near Mildred, Kansas, for the original sole purpose of supplying the fuel requirements of the Consolidated Cement Corporation's cement plant located near Mildred, Kansas;

(b) Upon completion of Applicant's said pipe line a contract dated March 5, 1931, and to remain in effect until August 26, 1941, was entered into between Applicant and John J. Griffin, a distributor of natural gas, to supply natural gas for resale in the community of Mildred, Kansas, and the town of Kincaid, Kansas;

(c) On March 25, 1931, John J. Griffin assigned to the Kansas Gas & Fuel Company all of his right, title and interest in and to the aforementioned contract;

(d) On May 1, 1940, Kansas Gas & Fuel Company applied to Applicant for service under its Therm Rate Schedules on file with this Commission, which application was accepted by the Applicant on May 18, 1940. The said Therm Rate Schedules superseded the contract of March 5, 1931, for the unexpired term thereof and provided that unless terminated at the end of said term they should extend for successive annual periods thereafter until terminated by notice of Kansas Gas & Fuel Company to the Applicant;

(e) Under the terms and conditions of the contract between the Applicant and the Consolidated Cement Corporation, the latter company purchased natural gas for its fuel requirements from Applicant for a period of approximately three weeks, at which time it permanently discontinued the operations of its plant and ceased taking gas under said contract. Subsequently the cement plant was dismantled and removed from the vicinity of Mildred, Kansas. Since the discontinuance of the cement plant the aforementioned 8-inch pipe line has not been used or useful except for the incidental supply of gas to the communities of Mildred and Kincaid, Kansas, as aforesaid;

(f) In June or July 1941, Kansas Gas & Fuel Company entered into a contractual arrangement for the supply of natural gas from The Commercial Gas Pipe Line Company, which produces natural gas in the State of Kansas and owns a system of natural gas pipe lines for the purpose of serving various communities in the general area of Kincaid and Mildred, Kansas;

(g) A 4-inch branch pipe line of The Commercial Gas Pipe Line Company is located at a distance approximately two miles northeast of the town of Kincaid, Kansas. Subsequent to the date upon which the arrangements aforesaid were entered into between Kansas Gas & Fuel Company and The Commercial Gas Pipe Line Company, a 2-inch connecting gas pipe line was constructed from a point on the said 4-inch branch line of The Commercial Gas Pipe Line Company to the town of Kincaid, Kansas;

(h) On or about September 1, 1941, the Kansas Gas & Fuel Company commenced to receive all of its gas requirements for resale in Kincaid and Mildred from The Commercial Gas Pipe Line Company and at the same time ceased taking any gas from the Applicant;

(i) Since on or about September 1, 1941, Applicant's aforementioned 8-inch gas pipe line from its main transmission line to a point just west of Kincaid, Kansas, has been disconnected and no person, firm, or corporation is now receiving natural gas from said line;

(j) Applicant desires to reclaim its said 8-inch gas pipe line, and upon reclamation thereof to transfer the pipe to its wholly owned subsidiary Illinois Natural Gas Company for use in the construction of a pipe line in the vicinity of Galesburg, Illinois, for the service of approximately 9,000 consumers;

The Commission orders:

That a public hearing be held in the Police Courtroom, Civic Auditorium, Emporia, Kansas, on September 24, 1941, at 9:45 a. m., for the purpose of determining whether or not the present or future public convenience or necessity will permit such abandonment.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41–7045; Filed, September 19, 1941; 11:27 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4589]

IN THE MATTER OF C. H. ROBINSON COMPANY, A CORPORATION, AND NASH-FINCH COMPANY, A CORPORATION; RESPONDENTS

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of sub-section (c) of section 2 of the Clayton Act (U.S.C. Title 15, Sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, C. H. Robinson Company, is a corporation, organized and existing under and by virtue of the laws of the State of North Dakota, with its executive offices and principal place of business located at 430 Oak Grove Avenue, Minneapolis, Minnesota. This respondent engages in the produce brokerage business, acting as an intermediary in transactions of sale and purchase of fruits and vegetables, between numerous sellers and buyers. In the course of its business which extends throughout the United States, respondent maintains approximately twenty-seven branch offices.

PAR. 2. Respondent, Nash-Finch Company, is a corporation organized and existing under and by virtue of the laws of the state of Delaware, with its principal office and place of business located at 430 Oak Grove Avenue, Minneapolis, Minnesota.

This respondent is engaged in the wholesale grocery business in the western half of the United States, operating through approximately sixty branch places of business.

PAR. 3. Respondent Nash-Finch Company places orders for a substantial portion of the fruits and vegetables required by it in the ordinary conduct of its business with sellers who are, in most cases, located in states of the United States other than the State of Minnesota, through the produce brokerage firm of C. H. Robinson Company. As a result of the transmission and execution of said orders, as aforesaid, goods, wares and merchandise, particularly fruits and vegetables, are in the case of each such order and in a continuous succession of such orders, sold, transported and delivered by one or more of such sellers across state lines to Nash-Finch Company.

PAR. 4. The authorized capital stock of respondent C. H. Robinson Company is 2,000 shares, of a par value of $50.00 per share, of which 1,606 shares are issued and outstanding. The record owner of 1,601 shares of the outstanding capital stock is respondent Nash-Finch Company. The remaining five shares of outstanding capital stock are recorded one share each in the names of the five principal corporate officers of respondent C. H. Robinson Company.

The earnings and profits realized by respondent C. H. Robinson Company from the operation of its produce brokerage business amount to a substantial sum. These profits are distributed to stockholders from time to time by means of declared dividend payments. Respondent Nash-Finch Company shares in such profits and earnings by receiving and accepting dividend payments declared upon its ownership of capital stock of respondent C. H. Robinson Company.

PAR. 5. In the course and conduct of the buying and selling transactions hereinabove referred to, resulting in the delivery of goods, wares and merchandise, particularly fruits and vegetables, in interstate commerce from one or more sellers to respondent Nash-Finch Company, sellers have transmitted and paid, and do transmit and pay, to respondent, C. H. Robinson Company, brokerage fees or commissions, the same being a certain percentage of the sales price of such purchases, or a specified sum allowed on each carload, crate, basket, lug, or bag. Since June 19, 1936, sellers have paid brokerage fees and commissions to, and the same have been received by the C. H. Robinson Brokerage Company upon the purchases of Nash-Finch Company in the manner above described in substantial amounts.

PAR. 6. In all of the transactions of purchase and sale hereinabove referred to, the respondent C. H. Robinson Company has acted under the control and in fact for and on behalf of respondent Nash-Finch Company.

PAR. 7. The receipt and acceptance from sellers of brokerage fees and commissions by said respondent C. H. Robinson Company, upon the purchases of a buyer, such as respondent Nash-Finch Company, while respondent is under the control of or acting in fact for such purchaser, and the receipt and acceptance of brokerage, including the C. H. Robinson Company dividend payments, by respondent Nash-Finch Company, upon its own purchases in the manner and form hereinabove set forth, is in violation of the provisions of sub-section (c) of section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission, on this 12th day of September, A. D. 1941, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, C. H. Robinson Company, a corporation, and Nash-Finch Company, a corporation; respondents herein, that the 17th day of October, A. D. 1941, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed at Washington, D. C., this 12th day of September, A. D. 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–7035; Filed, September 19, 1941; 11:11 a. m.]

[File No. 21–317]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE RAYON AND SILK DYEING, PRINTING AND FINISHING INDUSTRY

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1941.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups, or other parties affected by or having an interest in the proposed trade practice rules for the Rayon and Silk Dyeing, Printing and Finishing Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions, or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Matters submitted in writing should be filed with the Commission not later than October 8, 1941. Opportunity for oral hearing and presentation will be afforded at 10 a. m., October 8, 1941, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups, or other parties as may desire to appear and be heard. After giving due consideration to all matters presented concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41–7027; Filed, September 19, 1941; 11:12 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–402]

IN THE MATTER OF CITIES SERVICE POWER & LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than September 29, 1941, at 4: 30 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Company seeks authority, in excess of amounts permitted by Rules and previous authorization of the Commission, to expend not in excess of $100,000 in the acquisition of its outstanding preferred stock during the period of one year next ensuing after the date of the Commission's order in this matter. It is proposed that such acquisitions be made at such times and from time to time during said period as in the judg-

ment of the management of the Company may be desirable or appropriate. The acquisitions will be made in the open market either through brokers or dealers on securities exchanges or in the over-the-counter market, or at private sales, at the current market prices prevailing at the time of purchase; but no such acquisitions are to be made at a price exceeding the involuntary liquidating value thereof of $100 per share nor from any affiliated Company. No fees or commissions in connection with such acquisitions are to be paid by the Company other than the usual brokers or dealers commissions.

Cities Service Power & Light Company has, since January 1, 1941, acquired 1,586 shares of its preferred stock at a cost of $149,977.75.

The declaration or application recites that the company considers section 12 (c) of the Act and Rule U-42 of the Rules and Regulations thereunder as being applicable to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7041; Filed, September 19, 1941; 11:24 a. m.]

[File No. 2-4753]

IN THE MATTER OF SHAWNEE CHILES SYNDICATE

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1941.

This matter coming on to be heard before the Commission on the registration statement of Shawnee Chiles Syndicate, a Colorado corporation, after confirmed telegraphic notice to said registrant that it appeared that said registration statement included untrue statements of material fact and omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises;

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Shawnee Chiles Syndicate, a Colorado corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7042; Filed, September 19, 1941; 11:25 a. m.]

[File Nos. 70-254, 70-267, 70-292]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO CONSUMMATE TRANSACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1941.

The Commission having imposed a condition in its order herein dated July 22, 1941, providing that the period within which declarant's First Mortgage Bonds might be tendered, in accordance with the provisions of the Commission's order, should expire not more than thirty (30) days nor less than twenty (20) days from the first date upon which tenders might be accepted, the precise dates to be fixed, within said limits, by the declarant; and

The Commission's order having granted leave to declarant to apply for an extension of said time limit; and

It appearing that declarant has provided for a tender period of thirty (30) days, ending on the nineteenth day of September; and

Declarant having applied to the Commission for an extension of such tender period to and including October 31, 1941; and

It appearing that such application should be granted.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7043; Filed, September 19, 1941; 11:25 a. m.]

SEP 24 1941

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 6 NUMBER 185

Washington, Tuesday, September 23, 1941

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER III—FARM SECURITY ADMINISTRATION

SUBCHAPTER H—REHABILITATION

PART 373—STANDARD METHODS

Paragraphs (g) (5) and (h) (3) and (4)[1] of § 373.11 of part 373 of Subchapter H in Title 6, Chapter III of the Code of Federal Regulations[2] are hereby superseded by the following:

§ 373.11 *Standard rural rehabilitation loans: Criteria and county office routine.*

* * * * * *

(g) *Notes and other security.*

* * * * * *

(5) Certificates of priority (that is, abstracts of the liens filed or recorded against the property to be mortgaged) will be required in all cases where loan funds are being advanced and a new or renewal mortgage is taken, and may be required at the discretion of the regional director in other cases where new securing documents are taken. Costs therefor, if any, will be paid by or charged to the account of the borrower whenever a mortgage on new security or a renewal mortgage is taken, except that where the new or renewal mortgage is not given to secure a new loan or advance and the borrower's Loan Agreement was executed on a copy of Form FSA-RR 15 printed previous to the revision of the Form dated March 15, 1940, the costs for such certificates may not be charged to the borrower. The regional director will issue detailed instructions as to the circumstances under which certificates of priority will be required and how they will be obtained. (i) Certificates of priority will be prepared on Form FSA-LE 87 or Form FSA-RR 87A, "Report of Lien Search" (depending upon the recommendation of the regional attorney as to which of the two Forms should be used), in an original and one copy covering all liens other than liens on real estate. The original will be retained by the RR supervisor and the copy will be forwarded to the regional office.

(ii) Certificates of priority should in all cases be executed by competent persons. It is preferable wherever possible, that they be prepared by competent FSA employees at no cost to the borrower. They may be obtained, however, through regular commercial channels if it is impracticable for FSA employees to perform such services and the amounts involved are not unreasonable. The maximum charges which may be considered reasonable for such services will be determined by the regional director for each state or area.

(6) In areas where local law gives the landlord a prior lien on crops and it is impossible to obtain a subordination from him the best lien obtainable will be taken. In those instances in which an obligation secured by a lien prior to that of the FSA (i) is about to mature or has matured, and the holder of such a lien desires to extend or renew the obligation, or (ii) where the refinancing of said obligation can be obtained from another lending agency or individual (provided said refinancing is determined by the regional director to be necessary in the furtherance of the rehabilitation of the borrower, and, *Provided further:* That the principal amount of the obligation to be secured by the lien in favor of the refinancing agency or individual does not exceed the unpaid principal balance plus accrued interest or other proper charges due under the existing prior lien at the time the subordination provided for herein becomes effective), a subordination agreement may be executed by the regional director to preserve the priority of such lien or of the lien which will be substituted therefor if the obligation is refinanced, providing the relative position of the FSA lien is maintained, and the repayment of the FSA loan is not thereby jeopardized. It is the policy of the FSA not to subordinate FSA liens, to either Federal or non-Federal agencies or individuals. In particular, except as

[1] These paragraphs correspond to paragraphs IX E, 1, 2, 3 and F; X C and D of Farm Security Administration Instructions.

[2] 6 F.R. 25.

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FEDERAL REGISTER

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herein provided, it is contrary to FSA policy to subordinate FSA liens in order to permit borrowers to obtain credit from outside sources. As a general rule, it is considered that the rehabilitation of the borrower can best be achieved by providing all his credit needs from FSA funds during the period of his rehabilitation. Exceptions to the foregoing policy may be granted only upon written authority of the Director of the RR Division. After such authority has been given, the regional director may prepare and execute the subordination agreement.

(h) *Executing, recording and filing of securing documents.*

* * * * *

(3) Statutory fees for filing or recording mortgages or other legal instruments (including renewal mortgages or statements, or Form FSA–LE 126, "Affidavit of Extension and Renewal") incidental to loan transactions will in all cases be paid by or charged to the account of the borrower.

(4) RR supervisors will be expected to collect all necessary fees from the borrower in payment for recording, filing, or other similar action, at the time of delivery of the loan check or at the time of execution of new or renewal security. In each instance in which cash is accepted by the collecting official or other FSA personnel to be used to pay the filing fees or cost of recordation of security instruments, Form FSA–385, "Acknowledgement of Payment of Filing or Recording Fees", will be executed in duplicate. (Books of serially numbered "Acknowledgement" Forms will be issued to collecting officials from the regional office upon their request.) The original will be given to the borrower and the copy will be retained in the book. It is important that the collecting official or other personnel who accept custody of such fees make it clear to the borrower that the amount so accepted is not received by the Government as a credit on the borrower's loan indebtedness, but is accepted only for the purpose of paying the recordation or filing fees in behalf of the borrower. Collecting officials will obtain written receipt for disbursement of the fees collected either in the blank space at the bottom of the retained copy of the "Acknowledgement" Form, or on a separate receipt form issued by the county clerk or other official performing the service for which the fee was collected. If a separate receipt is obtained, it should be securely fastened to the book of copies of the "Acknowledgement" to be retained permanently in the county office. If the borrower is without financial resources, and the necessary fees cannot be collected from him in advance, the RR supervisor may pay such fees by means of Standard Form No. 1034, "Public Voucher for Purchases and Services Other than Personal". In cases where local recording officials or others will not or cannot accept Standard Form No. 1034 in payment of such fees, the RR supervisor, if specifically authorized in his "Letter of Authorization", may pay such fees in cash and obtain reimbursement by means of a separate Standard Form No. 1012, "Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel". Where payment of recording, filing, or other fees chargeable to the borrower is made by means of Standard Form No. 1034, or where the fee is paid in cash and reimbursement is sought through Standard Form No. 1012, the Voucher, in either case, must contain instructions that the amount of such fee be charged to the account of the borrower for whom the fee has been paid. Such claims for reimbursement must not be included on the same Voucher as claims for mileage and per diem reimbursements, and will be submitted in an original and three copies. Wherever possible, the RR supervisor must avoid paying recording and filing fees in cash and seeking reimbursement through Standard Form No. 1012 because of the additional cost incident to the transfer of such charges to the borrower's account when they are paid in this way. (54 Stat. 611, and Sec. Memo. 867, June 28, 1940, which extends the life of previous orders of the Secretary and makes them applicable under the Act; 50 Stat. 522, and Sec. Memo. 738, Sept. 30, 1937.)

Approved: September 10, 1940.

[SEAL] R. W. HUDGENS,
Acting Administrator.

[F. R. Doc. 41–7062; Filed, September 20, 1941; 11:03 a. m.]

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q.—Q. 71]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—DUTCH ELM DISEASE QUARANTINE

Revision of Quarantine and Regulations Effective October 1, 1941

Introductory note. This revision of the quarantine and regulations extends the regulated areas to include parts of nine Pennsylvania counties and additional sections in Connecticut, New Jersey, and New York where the Dutch elm disease has been located, including parts of the following newly added counties: New London County, Conn., Burlington and Ocean Counties, N. J., and the New York counties of Albany, Broome, Chenango, Delaware, Greene, Otsego, and Sullivan. The town of Huntington, Suffolk County, N. Y., has been removed from the regulated area. The Chief of the Bureau of Entomology and Plant Quarantine, under authorization contained in the present revision of the quarantine notice, may modify, by making less stringent, the restrictions of the regulations.

Summary. The areas covered by these regulations comprise parts of Connecticut, New Jersey, New York, and Pennsylvania as designated in § 301.71–3.

These regulations prohibit the interstate movement from the regulated areas of all parts of elms of all species, except that elm lumber or products manufactured from or containing elm wood, if entirely free from bark, are exempt from restriction.

No restrictions are placed on the interstate movement wholly within the regulated area.

Shipments originating outside the regulated area may be moved through the regulated area only on through billing. Restricted articles trucked through the regulated area in summer must be covered.

Determination of the Secretary of Agriculture. The Secretary of Agriculture, having given the public hearing required by law and having determined that it was necessary to quarantine the States of Connecticut, New Jersey, and New York, to prevent the spread of the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz)), a dangerous plant disease not theretofore widely prevalent or distributed within and throughout the United States, on February 20, 1935, promulgated a revision of Notice of Quarantine § 301.71, Part 301, Chapter III, Title 7, Code of Federal Regulations, and the regulations supplemental thereto, governing the movement of elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood was entirely free from bark), from any of the above-named States into or through any other State or Territory or District of the United States, §§ 301.71–1–6 inclusive, Part 301, Chapter III, Title 7, Code of Federal Regulations [B.E.P.Q.—Q. 71, effective on and after February 25, 1935]. The Secretary of Agriculture, having given a further public hearing in the matter, has determined that it is necessary to revise the quarantine and regulations for the purpose of extending the regulated areas owing to the existence of substantial infections of the Dutch elm disease in Pennsylvania and in additional sections of Connecticut, New Jersey, and New York, and to make other modifications.

Order of the Secretary of Agriculture. Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the subpart entitled "Dutch Elm Disease" of Part 301, Chapter III, Title 7, Code of Federal Regulations [B.E.P.Q.—Q.71] is hereby amended effective October 1, 1941, to read as follows:

SUBPART—DUTCH ELM DISEASE QUARANTINE

§ 301.71 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture quarantines the States of Connecticut, New Jersey, New York, and Pennsylvania, to prevent the spread of the Dutch elm disease. Hereafter, elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood is entirely free from bark) shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary, the enforcement of the aforesaid regulations as to such regulated areas shall be adequate to prevent the spread of the Dutch elm disease: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Dutch elm disease therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infection: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.*

*§§ 301.71 to 301.71–5, inclusive, issued under the authority contained in sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

Regulations

§ 301.71–1 *Definitions.* For the purpose of these regulations the following words, names, and terms shall be construed, respectively to mean:

(a) *Dutch elm disease.* The plant disease known as the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz)), in any stage of development.

(b) *Quarantined area.* Any State quarantined by the Secretary of Agriculture to prevent the spread of the Dutch elm disease.

(c) *Regulated area.* Any area in a quarantined State which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 307.71, as revised.

(d) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(e) *Inspector.* An inspector of the United States Department of Agriculture.*

§ 301.71–2 *Limitations of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the first and second provisos to § 301.71, the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said § 301.71 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*

§ 301.71–3 *Regulated areas.* In accordance with the first and second provisos to § 301.71, the Secretary of Agri-

culture designates as regulated areas for the purpose of these regulations the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. Fairfield County; towns of Bethlehem, Bridgewater, Harwinton, Litchfield, Morris, New Milford, Roxbury, Thomaston, Torrington, Washington, Watertown, and Woodbury, in *Litchfield County;* all of *New Haven County* except the towns of Cheshire, Madison, Prospect, and Wolcott; and the town of Preston, in *New London County.*

New Jersey. Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union, and Warren; townships of Bordentown, Chesterfield, Mansfield, New Hanover, North Hanover, Pemberton, and Springfield, the city of Bordentown, and the boroughs of Fieldsboro and Pemberton, in *Burlington County;* all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; all of *Monmouth County* except the townships of Freehold, Millstone, Neptune, and Wall, and the boroughs of Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Freehold, Jersey Homestead, Manasquan, Neptune City, Sea Girt, South Belmar, Spring Lake, and Spring Lake Heights; and the township of Plumstead, in *Ocean County.*

New York. Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, and Westchester; town of Bethlehem, in *Albany County;* towns of Chenango, Colesville, Conklin, Fenton, Kirkwood, Sanford, and Windsor, in *Broome County;* towns of Afton, Bainbridge, Coventry, and Greene, in *Chenango County;* towns of Ancram, Claverack, Clermont, Copake, Gallatin, Germantown, Ghent, Livingston, and Taghkanic, in *Columbia County;* town of Deposit, in *Delaware County;* town of Catskill, in *Greene County;* town of Unadilla, in *Otsego County;* town of Mamakating, in *Sullivan County;* and all of *Ulster County* except the towns of Denning, Hardenbergh, Kingston, Olive, Shandaken, and Woodstock.

Pennsylvania. Township of Amity, in *Berks County;* all of *Bucks County* except the townships of Lower Southampton and Upper Southampton; townships of Lower Milford, Salisbury, and Upper Saucon, and the borough of Coopersburg, in *Lehigh County;* townships of Hanover, Pittston, and Plains, city of Wilkes-Barre, and the boroughs of Ashley, Edwardsville, Forty Fort, Kingston, Larksville, Plymouth, Sugar Notch, Warrier Run, and Wyoming, in *Luzerne County;* townships of Middle Smithfield, Smithfield, and Stroud, and the boroughs of Delaware Water Gap, East Stroudsburg, and Stroudsburg, in *Monroe County;* townships of Franconia, Hatfield, Lower Merion, Lower Moreland, Marlboro, New Hanover, Perkiomen, Salford, Upper Hanover, Upper Merion, West Norriton, and that portion of Whitemarsh Township northeast of Stenton Avenue, and the boroughs of Bridgeport, Bryn Athyn, East Greenville, Greenlane, Hatfield, Narberth Pennsburg, Red Hill, Souderton, West Conshohocken, and West Telford, in *Montgomery County;* townships of Bethlehem, Hanover, Lower Mount Bethel, Lower Saucon, Upper Mount Bethel, and Williams, the city of Easton, and the boroughs of Freemansburg, Glendon, Hellertown, Portland, West Easton, and Wilson, in *Northampton County;* ward 35, in the city of Philadelphia, in *Philadelphia County;* and the townships of Harmony and Jackson, and the borough of Lanesboro, in *Susquehanna County.*[*]

§ 301.71–4 *Control of movement of elm plants and elm products.* Elm plants or parts thereof of all species of the genus *Ulmus,* irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved interstate from any regulated area to or through any point outside thereof.

Plants and plant products enumerated in this regulation may be moved interstate from an area not under regulation through a regulated area to a nonregulated area only when such movement is on through billing: *Provided,* That such movement by truck or other road vehicle may not be made during the period from April 1 to October 31, inclusive, of any 12-month period unless the restricted products contained therein while passing through any regulated area are covered or otherwise protected, to the satisfaction of an inspector, from contamination by insect vectors of the Dutch elm disease.[*]

§ 301.71–5 *Shipments for experimental and scientific purposes.* Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.[*]

Done at Washington, D. C., this 20th day of September 1941.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary.

[F. R. Doc. 41–7086; Filed, September 22, 1941; 11:30 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 821—SUGAR QUOTAS

RESCISSION OF ORDER ALLOTING THE 1941 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, and on the basis of information now before the Secretary of Agriculture, it is hereby found and determined that the allotment of the 1941 sugar quota for the domestic beet sugar area is no longer necessary to accomplish the purposes of the act, and the "Decision and Order of the Secretary of Agriculture Allotting the 1941 Sugar Quota for the Domestic Beet Sugar Area," issued May 9, 1941, together with all supplements thereto,[1] is hereby rescinded. (Sec. 205, 50 Stat. 906; 7 U.S.C. 1115; Sec. 504, 50 Stat. 915; 7 U.S.C. 1174)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7063; Filed, September 20, 1941; 11:03 a. m.]

[G. S. Q. R. Series 8, No. 1, Rev. 5]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1941

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, the following regulations are hereby prescribed, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture:

§ 821.221 *Consumption requirements for 1941.* It is hereby determined, pursuant to section 201 of the Sugar Act of 1937, as amended (hereinafter referred to as the "act"), that a quantity of 9,002,976 short tons of sugar, raw value, is required as a consumption determination in order to make available the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1941. (Sec. 201, 50 Stat. 904; 7 U.S.C. 1111)

§ 821.222 *Quotas for domestic areas and proration of deficits therein*—(a) *Revised quotas.* There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	2,087,983
Mainland cane sugar	566,038
Hawaii	1,263,700
Puerto Rico	1,075,021
Virgin Islands	12,012

(b) *Deficit in quotas for the mainland cane sugar area and Hawaii.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that, for the calendar year 1941, the mainland cane sugar area and Hawaii will be unable by the amounts of 121,038 and 270,178 short tons of sugar, raw value, respectively, to market the quotas established for those areas in paragraph (a) of this section.

(c) *Proration of deficits in quotas for the mainland cane sugar area and Hawaii.* An amount of sugar equal to the deficits determined in paragraph (b) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the said act, as follows:

Area:	*Additional quotas in terms of short tons, raw value*
Domestic beet sugar	142,054
Puerto Rico	73,139
Virgin Islands	817
Cuba	175,206

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.223 *Other quotas*—(a) *Revised quotas.* There are hereby established pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Commonwealth of the Philippine Islands	1,367,383
Cuba	2,575,255
Foreign countries other than Cuba	35,584

(b) *Deficit in quota for Commonwealth of Philippine Islands.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that, for the calendar year 1941, the Commonwealth of the Philippine Islands will be unable by an amount of 809,440,000 pounds of sugar, raw value, to market the quota established for that area in paragraph (a) of this section. (Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.224 *Proration of quota for foreign countries other than Cuba and Philippine deficit*—(a) *Revised prorations.* The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries, as follows:

Country:	*Prorations in pounds, raw value*
Argentina	20,829
Canada	806,198
China & Hongkong	411,689
Costa Rica	29,431
Dominican Republic	9,528,661

[1] 6 F.R. 2363, 3345, 4131, 4507.

for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Domestic beet sugar	2,087,983
Mainland cane sugar	566,038
Hawaii	1,263,700
Puerto Rico	1,075,021
Virgin Islands	12,012

(b) *Deficit in quotas for the mainland cane sugar area and Hawaii.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that, for the calendar year 1941, the mainland cane sugar area and Hawaii will be unable by the amounts of 121,038 and 270,178 short tons of sugar, raw value, respectively, to market the quotas established for those areas in paragraph (a) of this section.

(c) *Proration of deficits in quotas for the mainland cane sugar area and Hawaii.* An amount of sugar equal to the deficits determined in paragraph (b) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the said act, as follows:

Area:	*Additional quotas in terms of short tons, raw value*
Domestic beet sugar	142,054
Puerto Rico	73,139
Virgin Islands	817
Cuba	175,206

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.223 *Other quotas*—(a) *Revised quotas.* There are hereby established pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Commonwealth of the Philippine Islands	1,367,383
Cuba	2,575,255
Foreign countries other than Cuba	35,584

(b) *Deficit in quota for Commonwealth of Philippine Islands.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that, for the calendar year 1941, the Commonwealth of the Philippine Islands will be unable by an amount of 809,440,000 pounds of sugar, raw value, to market the quota established for that area in paragraph (a) of this section. (Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.224 *Proration of quota for foreign countries other than Cuba and Philippine deficit*—(a) *Revised prorations.* The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries, as follows:

Country:	*Prorations in pounds, raw value*
Argentina	20,829
Canada	806,198
China & Hongkong	411,689
Costa Rica	29,431
Dominican Republic	9,528,661
Dutch East Indies	302,049
Guatemala	478,545
Haiti, Republic of	1,316,904
Honduras	4,904,833
Mexico	8,619,013
Nicaragua	14,604,900
Peru	15,881,055
Salvador	11,729,272
United Kingdom	501,072
Venezuela	414,367
Other Countries	1,119,162
Subtotal	70,668,000
Unallotted Reserve	500,000
Total	71,168,000

(b) *Additional prorations.* An amount of sugar equal to the deficit determined in § 821.223 (b) hereof is hereby prorated, pursuant to subsection (a) of section 204 of the said act, to foreign countries other than Cuba, as follows:

Country:	*Additional prorations in pounds, raw value*
Argentina	235,451
Canada	9,113,191
China & Hongkong	4,653,692
Costa Rica	332,692
Dominican Republic	107,711,050
Dutch East Indies	3,414,327
Guatemala	5,409,421
Haiti, Republic of	14,886,150
Honduras	55,443,745
Mexico	97,428,467
Nicaragua	165,092,353
Peru	179,517,883
Salvador	132,586,536
United Kingdom	5,664,068
Venezuela	4,684,189
Other countries	12,650,891
Subtotal	798,824,106
Unallotted reserve	10,615,894
Total	809,440,000

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

§ 821.225 *Direct-consumption portion of quotas*—(a) *Domestic areas.* The quotas established in § 821.222 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Amount of direct-consumption sugar in terms of short tons, raw value*
Hawaii	29,616
Puerto Rico	126,033
Virgin Islands	0

(b) *Other areas.* The quotas established in §§ 821.222 and 821.223 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	*Amount of direct-consumption sugar in terms of short tons, raw value*
Commonwealth of Philippine Islands	80,214
Cuba	375,000

(Sec. 207, 50 Stat. 907; 7 U.S.C. 1117)

§ 821.226 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1941, quotas for liquid sugar as follows:

Country:	*In terms of wine gallons of 72% total sugar content*
Cuba	7,970,558
Dominican Republic	830,894
Other foreign countries	0

(Sec. 208, 50 Stat. 908; 7 U.S.C. 1118)

§ 821.227 *Restrictions on marketing and shipment.* (a) For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the Continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

(b) For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C. 1119; Sec. 504; 50 Stat. 915; 7 U.S.C. 1174)

§ 821.228 *Inapplicability of quota regulations.* These regulations shall not apply to (a) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (b) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of 1 1/10 gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in, the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. (Sec. 212, 50 Stat. 909; 7 U.S.C. 1122)

§ 821.229 *Rescission of prior regulations.* These regulations (§§ 821.221–821.228) shall supersede General Sugar Quota Regulations, Series 8, No. 1, Rev. 4.[1]

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7064; Filed, September 20, 1941; 11:04 a. m.]

[1] 6 F.R. 4431.

TITLE 12—BANKS AND BANKING

CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 222—CONSUMER CREDIT [1]

Effective September 20, 1941, § 222.11 (c) (1)[2] is hereby amended to read as follows:

§ 222.11 *Supplement.*

* * * * *

(c) *Maximum credit value of automobiles.* * * *

(1) The maximum credit value of a new automobile shall be 66⅔ per cent on the bona fide cash purchase price of the automobile and accessories (including any sales taxes thereon and any bona fide delivery charges) but such maximum credit value shall in no event exceed 66⅔ per cent of the sum of the following items:

(i) The manufacturer's retail quotation at factory, or the equivalent of such quotation. (For the purposes of this section, this means the retail delivered price of the automobile with standard equipment at the factory, as advertised, or as suggested or recommended to dealers, by the manufacturer; or, in the case of a 1942 model for which such a price has not been so advertised or suggested or recommended, it means the price last so advertised or suggested or recommended for the corresponding 1941 model, increased or decreased by the percentage by which the manufacturer's wholesale price of the 1942 model is increased or decreased from the manufacturer's wholesale price of such 1941 model.)

(ii) Transportation charges from factory to point of delivery as suggested or recommended by the manufacturer for inclusion in the retail delivered price at that point, or in the absence of any such suggestion or recommendation then an amount substantially equal to the freight by rail from factory to that point;

(iii) Any Federal, State, or local taxes not included in the foregoing; and

(iv) Any bona fide charges for delivery or accessories not included in the foregoing items.

In case the automobile is sold for delivery at the factory, by a dealer in a given place to a resident of such place or its vicinity who actually intends to bring the automobile to such place or vicinity and use it there, an amount equal to the freight from the factory to such place may be included. (Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966; sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; 12 U.S.C. 95 (a) and Sup., and Executive Order No. 8843, dated August 9, 1941 [3])

[1] 6 F.R. 4443.

[2] § 222.11 (c) (1) corresponds to Part 3 (a) of the Supplement to Regulation W, Board of Governors of the Federal Reserve System.

[3] 6 F.R. 4035.

Board of Governors of the Federal Reserve System.

[SEAL] L. P. BETHEA, *Assistant Secretary.*

[F. R. Doc. 41-7067; Filed, September 20, 1941; 11:18 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4478]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BARD-PARKER COMPANY, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Disseminating, etc., in connection with offer, etc., of "Bard-Parker Formaldehyde Germicide" chemical solution, or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said chemical solution, which advertisements represent, directly, indirectly, or through inference, that the said chemical solution Bard-Parker Formaldehyde Germicide is a sterilization medium for the preoperative preparation of surgical or dental instruments, or is a substitute for boiling or autoclaving of surgical or dental instruments, unless it is clearly and unequivocally stated in immediate connection with each such representation, in words of equal conspicuousness, that any instrument to be sterilized must remain continuously immersed in said chemical solution for not less than 18 hours, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b. [Cease and desist order, Bard-Parker Company, Inc., et al., Docket 4478, September 15, 1941]

In the Matter of Bard-Parker Company, Inc., a Corporation, and Parker, White and Heyl, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents, Bard-Parker Company, Inc., a corporation, and Parker, White and Heyl, Inc., a corporation, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the chemical solution "Bard-Parker Formaldehyde Germicide", or any other preparation of substantially similar composition or possessing similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly, indirectly or through inference, that the said chemical solution Bard-Parker Formaldehyde Germicide: is a sterilization medium for the preoperative preparation of surgical or dental instruments, or is a substitute for boiling or autoclaving of surgical or dental instruments, unless it is clearly and unequivocally stated in immediate connection with each such representation, in words of equal conspicuousness, that any instrument to be sterilized must remain continuously immersed in said chemical solution for not less than 18 hours;

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said chemical solution, Bard-Parker Formaldehyde Germicide, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7082; Filed, September 22, 1941; 11:16 a. m.]

[1] 6 F.R. 2774.

[Docket No. 3438]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JERGENS-WOODBURY SALES CORPORATION

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:*

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with offer, etc., in commerce, of respondent's soaps, cosmetic creams and face powders, or any substantially similar products, (1) representing that its facial powder will guard against or prevent skin blemishes or infection from germs, or that said powder will remain germ-free during use; (2) representing that its facial powder will spread farther than other competitive face powders of comparable quality; (3) representing that its cold cream will remain sterile, or that it will kill germs or prevent germ growth, infections or blemishes under ordinary conditions of use; and (4) representing in any manner whatever that its creams or soap have any added beneficial value upon the skin by reason of their vitamin content; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Jergens-Woodbury Sales Corporation, Docket 3438, September 10, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission the answer of respondent, testimony and other evidence taken before William C. Reeves and John J. Keenan, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by William L. Pencke, counsel for the Commission, and by Jerome L. Isaacs, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Jergens-Woodbury Sales Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of its soaps, cosmetic creams and face powders, or any products of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Representing that its facial powder will guard against or prevent skin blemishes or infection from germs, or that said powder will remain germ-free during use;

2. Representing that its facial powder will spread farther than other competitive face powders of comparable quality;

3. Representing that its cold cream will remain sterile, or that said cream will kill germs or prevent germ growth, infections or blemishes under ordinary conditions of use;

4. Representing in any manner whatever that respondent's creams or soap have any added beneficial value upon the skin by reason of their vitamin content.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7083; Filed, September 22, 1941; 11:16 a. m.]

[1] 4 F.R. 1247.

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 522—REGULATIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

The following regulations (Part 522, §§ 522.160–522.178, regulations Applicable to the Employment of Learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries) are hereby issued. These regulations repeal and supersede all regulations previously issued applicable to the employment of learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries as defined in Administrative Order #83 [1] and #103,[2] and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall continue in force and effect until hereafter modified.

Signed at Washington, D. C., this 17th day of September 1941.

PHILIP B. FLEMING,
Administrator.

§ 522.160 *Conditions upon which special learner certificates may be granted.* Special certificates authorizing the employment of learners at subminimum wage rates in the apparel industries specified below may be issued by the Administrator or his authorized representative under the following terms when it appears that experienced workers are not available to an employer making application for a special certificate and that the issuance of a special certificate will not create unfair competitive labor cost advantages or impair or depress working standards established for experienced workers for work of a like or comparable character in the industry.*

*§§ 522.160 to 522.178, inclusive, issued under the authority contained in sec. 14, 52 Stat. 1068; 29 U.S.C., Sup., 214.

[1] 6 F.R. 897.
[2] 6 F.R. 2354.

§ 522.161 *Apparel industries or divisions thereof to which regulations apply.* These regulations shall apply to the Single Pants, Shirts, and Allied Garments Industry as defined in Administrative Order No. 83, dated February 8, 1941 and to the Women's Apparel Industry as defined in Administrative Order No. 103, dated May 6, 1941. Except as herein specified, the Apparel Learner Regulations dated September 4, 1940, shall remain in force and effect.*

§ 522.162 *Application on official forms.* An application must be made upon an official form, which will be furnished on request by the Wage and Hour Division. All information requested in such form must be furnished before an application may be acted upon. Any applicant may also submit any additional information which he believes to be pertinent.*

§ 522.163 *Posting notice of application in employers establishment.* At the time of filing an application, the applicant must post a notice thereof, on a form supplied by the Wage and Hour Division in a conspicuous place in the plant where he proposes to employ learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act. Such notice must contain all the information required therein and shall remain posted until such time as the application shall have been acted upon by the Administrator or his authorized representative.*

§ 522.164 *Occupations for which no learning period at subminimum wage rates may be authorized.* No worker may be employed at a subminimum wage rate under a Special Learner Certificate in the following types of occupations: office; maintenance and service; purchase and sales; supervising; craft jobs such as custom dress maker; designing and pattern making; cutting, marking, spreading, and trimming in connection with cutting; and shipping and storage jobs such as time, receiving and shipping clerks.*

§ 522.165 *Occupations for which a learning period at subminimum wage rates may be authorized.* Learners may be employed at subminimum wage rates under a Special Learner Certificate in the occupations of machine operating (except cutting), pressing, hand sewing and finishing operations involving hand sewing, and in other miscellaneous occupations such as trimming, examining, cleaning, bundling, assembling, assorting, folding, clipping, boxing, and floor work, which are not excluded under § 522.164.*

§ 522.166 *Number or proportion of learners which may be authorized.* (a) The number of learners which may be employed under a Special Learner Certificate to meet the demands of normal labor turnover in a plant in any division of the apparel industry to which these regulations apply as enumerated in § 522.161, shall not exceed ten percent of the productive factory workers in such plant: *Provided, however,* That if the

total factory employment in a plant is less than 100, the certificate may authorize the employment of as many as ten learners.

(b) The number of learners which may be employed under a Special Learner Certificate by new plants or expanding plants shall be based upon what appears to be the need of such plants and shall be set forth in the certificate. A "new" plant for the purpose of these regulations is one which is newly established and being operated for the first time, or which has not been operated more than eight months and in which a substantial number of workers must be trained for operation on products of the plant. An "expanding" plant, for the purpose of these regulations, is one which is being expanded by the installation of additional mechanical equipment or other production facilities, by again placing into operation machinery which has been idle for an appreciable period or by adding an additional shift.*

§ 522.167 *Length of learning period*—(a) *Primary learning period.* (1) The maximum learning period which may be authorized in a Special Learner Certificate is 480 hours in the occupations of machine operating (except cutting), pressing, hand sewing or finishing operations involving hand sewing, and 160 hours in any other occupation authorized under § 522.165.

(2) A worker who has had 160 hours' experience in any occupation authorized under § 522.165, may not be employed as a learner at a subminimum wage rate in any 160-hour occupation or for longer than 320 hours in the occupations of machine operating (except cutting), pressing, and hand sewing or finishing operations involving hand sewing.

(b) *Retraining.* A retraining period of 160 hours at a subminimum wage rate may be authorized when a worker experienced in the occupations of machine operating, pressing, hand sewing or finishing operations involving hand sewing, transfers in the same occupation to a plant in another division of the apparel industry. No other retraining at a subminimum wage rate may be authorized under these regulations.

(c) All qualifying experience referred to in the above sections must have been within the past two years in the private apparel industry or in an establishment of a governmental agency which imposes production and employment standards comparable or superior to private industry.*

§ 522.168 *Wage rates to be paid learners*—(a) *Piece rates which must be paid to learners.* In establishments where experienced workers are paid on a piece rate basis, learners shall be paid the same piece rates that experienced workers engaged in the same occupation are paid and earnings shall be based on those piece rates if in excess of the subminimum rates established below.

(b) *During the primary learning period.* (1) A learner employed under a Special Learner Certificate in the occupations of machine operating (except cutting), pressing, hand sewing and finishing operations involving hand sewing, in all divisions of the industry to which these regulations are applicable except in the corset and allied garments division, shall be paid not less than 25 cents per hour for the first 320 hours and 32½ cents per hour for the next 160 hours of the maximum learning period of 480 hours authorized in § 522.167 (a) (1), and 25 cents per hour for the first 160 hours and 32½ cents per hour for the second 160 hours of the 320-hour learning period authorized in § 522.167 (a) (2). A learner employed under a Special Learner Certificate in the corset and allied garments division shall be paid not less than 30 cents per hour for the entire 480-hour learning period.

(2) A learner employed under a Special Learner Certificate in any occupation for which a learning period of 160 hours is authorized under §522.167 (a) (1) shall be paid not less than 30 cents per hour for the entire learning period.

(c) *During the retraining period.* An experienced worker employed during the retraining period of 160 hours permitted under § 522.167 (b) shall be paid not less than 30 cents per hour.*

§ 522.169 *Certificates applicable to individual plants.* No Special Learner Certificate shall be applicable to the employment of learners at more than one plant. Where one establishment occupies several buildings in the same community and the workers in these buildings are all engaged in the various processes entering into the chief products manufactured, said workers shall be regarded as employees of the same plant for the purpose of these regulations; otherwise, said workers shall be deemed to be employees of two or more plants.*

§ 522.170 *Duration of special certificates.* Special Learner Certificates authorizing the employment of learners to the numbers specified in § 522.166 (a) may be issued for a period of one year, unless sooner revoked because an adequate supply of experienced workers is available, or for other causes. Special Learner Certificates issued in accordance with the provisions of § 522.166 (b) shall be issued for a period not greater than that necessary to complete the training of the total number of additional learners required.*

§ 522.171 *Records to be kept for learners.* (a) Each worker employed as a learner under a Special Learner Certificate shall be designated as such on the payroll records kept by the employer. All learners shall be listed together in a separate group on the payroll records kept by the employer and for each learner the occupation in which employed shall be shown, in addition to other information required by the Record Keeping Regulations, Part 516.

(b) The employer shall obtain and keep in his records a statement from each learner employed under a Special Learner Certificate of his experience within the past two years in the apparel industry. This statement should contain dates of previous employment, occupations in which the learner was engaged and the type of product upon which the learner worked.*

§ 522.172 *Employment of experienced workers at subminimum wage rates prohibited.* The employment of experienced workers at subminimum wage rates under a Special Learner Certificate (except for the provision respecting retraining set forth in § 522.167 (b)) shall be a violation of its terms and an employer who hires an experienced worker as a learner is liable under § 522.174. For the purpose of these regulations, an experienced worker in the occupations of machine operating, pressing, hand sewing or finishing operations which involve hand sewing is a person who has had 480 hours' experience in the same occupation or 320 hours' experience in the same occupation and 160 hours' experience in any other of the occupations for which a learning period is authorized in § 522.167 (a). An experienced worker in any other occupation authorized in § 522.165 is a person who has had 160 hours' experience in any one of such occupations. The above experience must have been had within the past two years in the private apparel industry or in an establishment of a governmental agency which imposes production and employment standards comparable or superior to private industry.*

§ 522.173 *Employment of learners at subminimum wage rates prohibited when experienced workers are available.* The employment of a learner at a subminimum wage rate is prohibited when an experienced worker who is capable of equalling the performance of a worker of ordinary or minimum skill and experience is available to the plant for which a Special Learner Certificate has been issued. For the purpose of these regulations, an experienced worker is available when such worker is available within the area from which the employer customarily draws his labor supply or when such worker has in fact made himself available to an employer at his plant or place of employment and has signified a readiness to accept and to continue in employment at the plant in question.*

§ 522.174 *Cancellation of special learner certificates.* (a) Any Special Learner Certificate may be cancelled if it is found that it is not necessary to prevent a curtailment of opportunities for employment: *Provided, however,* That when experienced workers become available after a certificate has been issued, the certificate may be cancelled insofar as future employment is concerned, or may be allowed to continue in effect upon condition that the employer does not hire additional learners under it until experienced workers are not again available. In the absence of fraud or misrepresentation, learners already hired under a Special Learner Certificate may be retained under its terms if the learn-

ing period extends beyond the date on which the certificate has been cancelled.

(b) Any Special Learner Certificate shall be cancelled as of the date of issue if it is found that the certificate has been obtained by fraud or misrepresentation or that learners have been fraudulently employed thereunder in violation of the terms of the certificate. When a certificate has been obtained by fraud or misrepresentation, the employer shall be liable to the employees for wages established by the Act or the wage orders of the Administrator thereunder, as if no certificate had been issued.

(c) Any Special Learner Certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated, except where the violation is deemed to be of minor nature by the Division, and the employer shall be liable to those employed under such certificate from the date of violation, for wages established by the Act and the wage orders of the Administrator issued thereunder, as if no certificate had been issued.*

§ 522.175 *Procedure for cancellation of special learner certificates.* (a) If it appears from a report and recommendation of a regional office that there is reasonable cause to cancel any Special Learner Certificate, the Hearings Branch shall notify the employer and other interested parties of the violations charged and of intent to cancel. Whereupon, all interested parties shall have fifteen days from receipt of notice to show cause orally or in writing why the certificate should or should not be cancelled upon the expiration of the period stated. After such hearing, the Administrator or his authorized representative shall issue an order confirming or cancelling the certificate. The employer and other interested parties shall be apprised of the action taken by the Administrator or his authorized representative.

(b) No order cancelling any Special Learner Certificate shall take effect until the expiration of the time allowed for the filing of a petition for review under § 522.176 and if a petition for review is filed thereunder, the effective date of the cancellation shall be postponed until final action is taken on such petition, *Provided, however,* That if the cancellation order is affirmed on review, the employer shall reimburse any person employed under the Special Certificate to the extent shown in § 522.174 (b) and (c).

(c) Notice of the cancellation of a Special Learner Certificate shall be published in the FEDERAL REGISTER.*

§ 522.176 *Application for reconsideration and petition for review.* (a) Any person aggrieved by an action of the Administrator or his authorized representative in denying, granting, confirming, cancelling, or revoking any Special Learner Certificate, may, within fifteen days after publication or other notification of the action (1) make application for reconsideration thereof by the Administrator or his authorized representative; or (2) file a petition for review of the decision by the Administrator or an authorized representative of the Administrator who has taken no part in the action which is the subject of review. Such petition must set forth grounds for the requested review.

(b) If an application for reconsideration is denied, any person aggrieved by such action, may, within fifteen days after publication or other notice thereof, file a petition for review.*

§ 522.177 *Posting of special certificate or cancellation thereof.* The employer shall post a copy of any Special Certificate issued to him or of any notice of cancellation of a Special Certificate in a conspicuous place in his plant.*

§ 522.178 *Amendment and revocation of regulations.* The Administrator may at any time, upon his own motion or upon written request of any interested party setting forth reasonable grounds therefor, and after a hearing or other opportunity to interested persons to present their views, amend or revoke these regulations issued pursuant to § 522.4 of the Regulations Applicable to the Employment of Learners Pursuant to section 14 of the Fair Labor Standards Act of 1938.*

[F. R. Doc. 41-7091; Filed, September 22, 1941; 11:49 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-701]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7 TO REDUCE THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS IN SIZE GROUPS 2, 3, AND 4 OF THE LILLYBROOK COAL COMPANY, MINE INDEX NO. 94, AND THE C. H. MEAD COAL COMPANY, MINE INDEX NO. 117

An original petition having been filed with the Bituminous Coal Division on February 25, 1941 by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting reductions in the classifications for certain coals of the Killarney Mine (Mine Index No. 94) of the Lillybrook Coal Company and the Nos. 2 and 3 Mine (Mine Index No. 117) of the C. H. Mead Coal Company, code members in District 7; and

A petition of intervention having been filed by the Buckeye Coal & Coke Company requesting reductions in the classifications established for certain coals of the Buckeye No. 3 Mine (Mine Index No. 35); and

A hearing having been held in this matter pursuant to an Order of the Director, on March 10, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division, Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated March 14, 1941, 6 F.R. 1492; and

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be, and it hereby is amended by establishing for the coals produced at the Killarney Mine (Mine Index No. 94) of the Lillybrook Coal Company and the No. 2 and 3 Mine (Mine Index No. 117) of the C. H. Mead Coal Company and the Buckeye No. 3 Mine (Mine Index No. 35) of the Buckeye Coal & Coke Company, in Size Groups 2, 3, and 4, the effective price classifications "F", "E", and "D", respectively, in lieu of the permanent classifications presently effective.

It is further ordered, That the prayers contained in the original petition and the petitions of intervention herein, except as granted hereinabove, be and they hereby are denied.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7080; Filed, September 22, 1941; 11:05 a. m.]

[Docket Nos. A-529, A-538, A-579, A-594]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF THE DIRECTOR GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR REDUCTION IN CLASSIFICATION IN SIZE GROUPS 18-21 OF COALS FROM THE DABNEY-MACBETH MINES OF HUTCHINSON COAL COMPANY; IN THE MATTER OF THE PETITION OF AMHERST COAL COMPANY, DISTRICT 8, FOR REVISION OF MINIMUM PRICES FOR COAL FROM ITS AMHERST NOS. 1 AND 2 MINES IN SIZE GROUPS 8-22, INCLUSIVE; IN THE MATTER OF THE PETITON OF THE CLEAN EAGLE COAL COMPANY, DISTRICT 8, FOR REDUCTION IN CLASSIFICATION OF THE COALS OF MINE INDEX 109 IN SIZE GROUPS 18-21 FROM "B" TO "D"; IN THE MATTER OF THE PETITION OF WEST VIRGINIA COAL & COKE CORP., DISTRICT 8, FOR REDUCTION IN CLASSIFICATION FROM "D" TO "E" OF SIZE GROUPS 18-21, MINE INDEX 181

Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, original petitions and petitions of intervention praying for affirmative relief having been filed in the above consolidated matters by District Board 8 and numerous code

member producers of District 8 as follows:

The original petition of District Board 8, Docket A–529 having been filed December 30, 1940, seeking a reduction in classification of coals in Size Groups 18 to 21 produced by Dabney and MacBeth Mines of Hutchinson Coal Company, from "D" to "E"; the intervening petition of Hutchinson Coal Company having asked that the reduction be to "F"; West Virginia Coal and Coke Corporation having intervened in support and having asked that any relief given Dabney and MacBeth Mines be accorded its Earling Mine;

The original petition of Amherst Coal Company, Docket A–538 having been filed on January 2, 1941, seeking reductions for coals of its Amherst No. 1 and Amherst No. 2 Mines as follows:

	Size group						
	8	9	10	11–14	15–17	18–21	22
Present Amherst No. 1 classification	H	F	H	D	D	F	K
Present Amherst No. 2 classification	G	E	G	B	B	E	K
Classification desired	H	F	H	D	D	H	L

The Lorado Coal Mining Company having intervened, requesting that the classification in Size Groups 18 to 21 for the coals of its Lorado No. 1 Mine (classified "F") and Lorado No. 2 Mine (classified "E") be reduced to "H"; Buffalo Eagle Mines, Inc., having intervened asking for coals of its Riley No. 1 and No. 2 Mines reductions to the classifications requested by Lorado;

The original petitions of Clean Eagle Coal Company, Docket A–579 having been filed on January 10, 1941, seeking a reduction from "B" to "D" in the classification of coals in Size Groups 18 to 21 produced at its Clean Eagle Mine; Mallory Coal Company having intervened, supporting the original petition, and asking a similar reduction for coals of its Mallory No. 2 and No. 3 Mines from "B" to "E" and of its Mallory No. 4 and No. 5 Mines from "B" to "D";

The original petition of West Virginia Coal and Coke Corporation, Docket A–594 having been filed January 15, 1941, praying for a reduction in classifications of coals produced at its Earling Mine in Size Groups 18 to 21 from "D" to "E";

Further intervening petitions asking general relief having been filed in one or more of the consolidated dockets by District Boards 2 and 8, Island Creek Coal Co., Mallory Coal Company, Amherst Coal Company, The Lorado Coal Mining Company and Buffalo Eagle Mines, Inc., Boone County Coal Corporation and Monitor Coal & Coke Company having filed written appearances;

Prior to the hearing, limited temporary relief having been granted to Hutchinson Coal Company and West Virginia Coal and Coke Corporation, and following the hearing to Hutchinson Coal Company, Amherst Coal Company, Clean Eagle Coal Co., Mallory Coal Company, and West Virginia Coal and Coke Corporation. On March 26, the Lorado Coal Mining Company having moved for an extension to March 31 of the time for filing of briefs, and having filed a brief on March 31, which was accepted by the Director. On May 13 and May 15, respectively, Lorado and West Virginia Coal and Coke Corporation having filed motions to rescind the temporary relief granted to Amherst Coal Company;

Pursuant to numerous orders, a consolidated hearing having been held on February 20, 1941, before a duly designated Examiner of the Division in a hearing room of the Division in Washington, D. C.; by written stipulations filed by all parties of record, preparation and issuance of the Examiner's report having been waived; the Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith.

Now, therefore, it is ordered as follows:

1. The motions of The Lorado Coal Mining Company and West Virginia Coal & Coke Corporation to rescind the temporary relief granted to Amherst Coal Company are hereby denied.

2. Effective fifteen (15) days from the date of this Order, § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, High Volatile Section II, is hereby amended by reducing as indicated the effective minimum price classifications for the coals of the mines set forth below, in Size Groups 18 to 21, only, for shipment to all destinations (including shipment for Great Lakes cargo); and the classifications as amended are hereby esablished as the effective minimum price classifications of the respective coals.

Mine Index No.	Code member	Mine name	Size groups 18–21 change in classification
120	Hutchinson Coal Company	Dabney	D to E.
304	Hutchinson Coal Company	MacBeth	D to E.
15	Amherst Coal Company	Amherst No. 1	F to G.
16	Amherst Coal Company	Amherst No. 2	E to G.
109	Clean Eagle Coal Co	Clean Eagle	B to D.
312	Mallory Coal Company	No. 2	B to D.
313	Mallory Coal Company	No. 3	B to D.
314	Mallory Coal Company	No. 4	B to D.
315	Mallory Coal Company	No. 5	B to D.
181	West Virginia Coal & Coke Corporation	Earling	D to E.

All other and further relief prayed by these code member producers is hereby denied.

3. The prayers of the interveners, The Lorado Coal Mining Company and Buffalo Eagle Mines, Inc., any other prayers than those granted by this Order, and the relief contended for at the hearing by Boone County Coal Corporation and Monitor Coal & Coke Company are all severally denied.

4. Effective fifteen (15) days from the date of this Order, all temporary relief granted in Dockets A–529, A–538, A–579 and A–594, which in any wise conflicts with the final relief herein granted, and in particular the temporary relief granted to Hutchinson Coal Company by the Acting Director's Order of January 18, 1941, 6 F.R. 569, is hereby rescinded and terminated.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7081; Filed, September 22, 1941; 11:05 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Preference Rating Order No. P–55]

PART 956—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

Material Entering Into the Construction of Defense Housing Projects

§ 955.4 *Preference rating order P–55.* For the purpose of facilitating the acquisition of Material for the construction of the Defense Housing Project hereinafter described, a preference rating is hereby assigned to deliveries to the above-named Builder and to deliveries to his Suppliers upon the following terms:

(a) *Definitions.* (1) "Builder" means the specific person to whom this Order is addressed above.

(2) "Defense Housing Project" means the housing project described in the Builder's Application on Form PD–105,[1] No. ____, dated ____, as finally approved.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Builder or to another Supplier, of Defense Housing Material included in the Defense Housing Critical List which will enter into the construction of the Defense Housing Project.

(4) "Defense Housing Material" means any material included in the Defense Housing Critical List.

(b) *Assignment of preference rating.* Preference Rating ____ is hereby assigned:

(1) To deliveries to the Builder of those specific quantities and kinds of Defense Housing Material which have been duly recommended for rating on Form PD–105, No. ____, dated ____, as finally approved.

(2) To deliveries to a Supplier of Defense Housing Material, the delivery of which to the Builder has been authorized by this Order or which will be physically incorporated in Defense Housing Materials the delivery of which to the Builder has been thus authorized.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(1) The Builder.

(2) Any Supplier who has been furnished with a signed copy of this Order in the manner specified in paragraph (e).

(d) *Application of preference rating—*(1) *Restrictions on the builder.* The builder may apply said preference rating only to those specific quantities and kinds of Defense Housing Material duly recommended for rating on Form PD–105, No. ____, dated ____, as finally approved. One copy of said Form PD–105, No. ____, dated ____, as finally approved, will be returned to the Builder. This Order will be cancelled immediately if the Builder is found to have applied the rating to deliveries in excess of his specific authorization.

(2) *Restrictions on supplier.* No Supplier may apply said rating:

(i) If the Defense Housing Material to be delivered can be secured when required without such preference rating;

(ii) To obtain deliveries greater in quantity or on dates earlier than required for the delivery on schedule of the rated Defense Housing Material entering into the construction of the Defense Housing Project;

(iii) To obtain deliveries of Material which will not be physically incorporated into the completed Defense Housing Project.

(e) *Application of preference rating.* The Builder or a Supplier, in order to apply the preference rating to deliveries of Defense Housing Material to him must serve upon each Supplier, with whom he has placed a contract or purchase order for material to the delivery of which he elects to apply the preference rating, a true copy of this Order signed by him, together with a copy of the Defense Housing Critical List. Such copy may be prepared by photostating, printing, mimeographing, typing or otherwise. After he has furnished one such copy to a particular Supplier, he need furnish no additional copies to that Supplier to cover any subsequent deliveries entering into the Defense Housing Project. A Builder or Supplier who has thus applied the rating shall identify subsequent purchase orders which are covered by the rating by endorsing upon every such purchase order and each copy thereof the number of this Order, the Builder's Serial Number thereof, and the preference rating hereby assigned, in the following form: "Purchase Order for Defense Housing Project, Preference Rating ____, under Preference Rating Order No. P–55, Builder's Serial No. ____." Such endorsement shall be signed by an authorized official of the Builder or Supplier, as the case may be, duly designated for such purpose by such Builder or Supplier. Such endorsement shall constitute a certification to the Office of Production Management that the Builder or Supplier is entitled to apply the preference rating to delivery of the material covered by such purchase order or contract.

(f) *Records, audits and reports.* (1) The Builder, and each Supplier who applies the preference rating hereby assigned, shall:

(i) Keep and preserve for a period of at least two years copies of all purchase orders or contracts for Defense Housing Material rated in accordance herewith. Such copies shall be kept segregated from records of any other purchase orders or contracts;

(ii) Submit to audit and inspection of the foregoing records by representatives designated by the Director of Priorities.

(iii) File such reports with the Office of Production Management in such form and at such times as the Director of Priorities may from time to time require.

(g) *False statements.* Any Person who wilfully falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited by the Director of Priorities from receiving further deliveries of any Material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to the Builder or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder or Supplier affected by such revocation.

(i) *Effective date.* This Order shall shall take effect when countersigned by the District Manager, Priorities Field Service, Office of Production Management, and, unless sooner revoked, shall expire on the ____ day of ____, 194__. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended, Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of September 1941.

DONALD M. NELSON,
Director of Priorities.

This order is not valid unless countersigned by the district manager, Priorities Field Service, Office of Production Management.

Countersigned by

Name	Effective date
Title	
Field office	Signature of Builder or Supplier in accordance with paragraph (e)

[F R. Doc. 41–7068; Filed, September 20, 1941; 11:13 a. m.]

[1] Filed with the original document.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1334—SUGAR

SUPPLEMENT TO PRICE SCHEDULE NO. 16—RAW CANE SUGARS [1]

Part 1334, Price Schedule No. 16, is amended by adding thereto the following new section:

§ 1334.11 *Provision for liquidation of futures positions established prior to August 14, 1941.* Liquidation of a position or positions, long or short, established prior to August 14, 1941, in No. 3 contract on the New York Coffee and Sugar Exchange, Inc., which has been or which shall be made, is hereby excepted from the operation of the provisions of §§ 1334.1 to 1334.10, inclusive, Price Schedule No. 16. (Executive Order No. 8734)

Issued this 19th day of September, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–7069; Filed, September 20, 1941; 11:52 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

CHAPTER I—THE NATIONAL ARCHIVES

PART 2—AUTHENTICATION AND ATTESTATION OF COPIES OF ARCHIVES IN CUSTODY OF THE ARCHIVIST OF THE UNITED STATES

§ 2.1 *Designation of persons authorized.* Whereas Public, No. 756, 74th

Congress, approved June 22, 1936, entitled "An Act to amend section 8 of the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934" (48 Stat. 1123; U.S.C., title 40, sec. 238), authorizes the Archivist of the United States to make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic, or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and provides further:

When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of The National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.

And, whereas, Thad Page, as Administrative Secretary of The National Archives, is the head of an office within the meaning of the language of said amendment,

And, whereas, Philip M. Hamer, as Chief of the Division of Reference, is a chief of a division within the meaning of the language of said amendment,

Now, therefore, I, Solon J. Buck, as Archivist of the United States, do hereby empower the said Thad Page, as Administrative Secretary of The National Archives, for me and in my name to authenticate and attest copies or reproductions of archives or records in my official custody furnished under the terms of said amendment. And I do, further, expressly empower the said Philip M. Hamer, as Chief of the Division of Reference, in the absence or inability of the said Administrative Secretary, to authenticate and attest any such copies or reproductions in the manner aforesaid. (48 Stat. 1123; 40 U.S.C. 238)

[SEAL] SOLON J. BUCK,
Archivist of the United States.

SEPTEMBER 19, 1941.

[F. R. Doc. 41-7051; Filed, September 19, 1941; 2:45 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 148]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended (Act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023), the regulations for the safe carriage of explosives or other dangerous articles or substances, and combustible liquids, as promulgated January 7, 1941, are hereby amended effective September 22, 1941, under the emergency provision contained in subsection (9) of R. S. 4472, as amended, as follows:

§ 146.27-100 *Table K—Classification: Hazardous articles.*[1]

Substance: Resin; rosin (colophony).

In each of the four columns headed: "Cargo vessel"; "Passenger vessel"; "Ferry vessel, passenger or vehicle"; "Railroad car ferry, passenger or vehicle"; under "Outside containers"; add: "CFC. Rule 40—4 ply paper bags. (not over 100 lbs. net wt.)"

(R.S. 4472, as amended: act of October 9, 1940, Public 809—76th Congress; 54 Stat. 1023; 46 U.S.C. 170).

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

SEPTEMBER 19, 1941.

[F. R. Doc. 41-7057; Filed, September 20, 1941; 10:05 a. m.]

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 40,[2] Amended]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

REGULATION GOVERNING THE DEPARTURE FROM PORTS OF THE UNITED STATES OF CERTAIN VESSELS NOT DOCUMENTED UNDER THE LAWS OF THE UNITED STATES

§ 221.50 *Departure of undocumented vessels.* The United States Maritime Commission hereby approves, under and pursuant to section 37 of the Shipping Act, 1916, as amended, the departure from any port of the United States of any vessel constructed in whole or in part within the United States and not documented as a vessel of the United States: *Provided*, That such vessel is owned by a citizen of the United States and is (a) of less than five tons burden, or (b) is a vessel used exclusively for pleasure purposes and is of less than sixteen gross tons. (Merchant Marine Act, 1936, particularly section 204 (b) thereof (49 Stat. 1987; 46 U.S.C. Sup. 1114 (b), the Shipping Act, 1916, particularly section 37 thereof (40 Stat. 901; 46 U.S.C. 835) and the Merchant Marine Act, 1920 (41 Stat. 988; 46 U.S.C. 861), as all of said Acts are amended.)

By order of the United States Maritime Commission.

[SEAL] R. L. MCDONALD,
Assistant Secretary.

SEPTEMBER 18, 1941.

[F. R. Doc. 41-7052; Filed, September 19, 1941; 3:26 p. m.]

[1] 6 F.R. 4063, 4371.

[2] 6 F.R. 502.
[3] 6 F.R. 4373.

Notices

WAR DEPARTMENT.

[Change Order No. C, Date June 23, 1941]

SUMMARY OF CHANGE ORDERS TO CONTRACT FOR ARCHITECTURAL-ENGINEERING SERVICES

CONTRACTOR: HAVENS AND EMERSON

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6313 qm-244,[2] Dated October 31, 1940 (Published in FEDERAL REGISTER December 17, 1940) between the United States of America and Havens and Emerson, Cleveland, Ohio, for architectural-engineering services in connection with the construction of Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

1. Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

Miscellaneous Cantonment Type Buildings and Utilities for a Replacement Training Center.

2. The above will result in a net increase in the Estimated Construction Cost and the Architect-Engineer's Fixed-Fee as follows:

Increase the estimated construction cost by	$3,094,050
Total estimated cost including this change order	11,880,157
Total fixed-fee including this change order	61,871
Increase in architect-engineer's fixed-fee	14,371

Funds are available under Procurement Authority No. QM 17613 PL 29-77 A-0540-12.

[Change Order No. D, Date June 26, 1941]

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6313 qm-244,[2] Dated October 31, 1940 between the United States of America and Havens and Emerson, Cleveland, Ohio, for architectural-engineering services in connection with the construction of a Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

1. Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

* * * Miscellaneous Cantonment Type Structures and General Utilities.

2. The above will result in a net increase in the Estimated Construction Cost and the Architect-Engineer's Fixed-Fee as follows:

Increase the estimated construction cost by	$2,022,289
Total estimated cost including this change order	13,902,446
Total fixed-fee including this change order	69,637
Increase in architect-engineer's fixed-fee	7,766

Funds are available under Procurement Authority No. QM 17646 PL 29-77 A 0540-12, and QM 18642 PL 29-77 A 0540-12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7055; Filed, September 20, 1941; 9:40 a. m.]

[1] Approved by the Under Secretary of War August 28, 1941.
[2] 5 F.R. 5129.
[1] Approved by the Under Secretary of War June 30, 1941.

[Change Order No. D, Date April 5, 1941]

SUMMARY OF CHANGE ORDERS TO CONTRACT FOR CONSTRUCTION

CONTRACTORS: WHITTENBERG CONSTRUCTION CO., ET AL.

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6313, qm-245,[2] Dated October 26, 1940, (Published in the FEDERAL REGISTER, December 17, 1940) between the United States of America and Whittenberg Construction Company, Struck Construction Company, Highland Company, Inc. and George M. Eady Co., all of Louisville, Kentucky, for the construction of a Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

Miscellaneous Cantonment Type Buildings and Utilities for a Replacement Training Center.

The above will result in a net increase in the Estimated Construction Cost and the Construction Contractor's Fixed-Fee as follows:

Increase the estimated construction cost by	$3,028,731
Total estimated cost including this change order	10,958,787
Total fixed-fee including this change order	313,014
Increase in construction contractor's fixed-fee	65,319

Funds are available under Procurement Authority No. QM 17612 PL-29-77 A-0540-12.

[Change Order No. E, Date April 5, 1941]

Summary of change order[1] to Cost-Plus-A-Fixed-Fee Contract No. W 6313, qm-245,[2] Dated October 26, 1940 between the United States of America and Whittenberg Construction Co., Struck Construction Company, Highland Company, Inc., and George M. Eady Company, all of Louisville, Kentucky, for the construction of a Cantonment Camp at Fort Knox, Kentucky.

Pursuant to the authority vested in the Contracting Officer under Article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

1. Add the following to the description of the work now set forth in Article I of the principal contract, as modified and amended:

* * * Miscellaneous Cantonment Type Structures and General Utilities.

2. The above will result in a net increase in the estimated construction cost and the Contractor's fixed fee as follows:

Increase the estimated construction cost by	$1,994,827
Total estimated cost including this change order	12,953,614
Total fixed-fee including this change order	340,476
Increase in construction contractor's fixed fee	27,462

Funds are available under Procurement Authority No. QM 17645 and QM 18641 PL 29-77 A 0540.12.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7056; Filed, September 20, 1941; 9:40 a. m.]

[1] Approved by the Under Secretary of War June 30, 1941.
[2] 5 F.R. 5128.

[Contract No. W 7120 qm-3; O. I. No. 3-42]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES[1]

ARCHITECT-ENGINEER: WHITMAN, REQUARDT AND SMITH, 1304 ST. PAUL STREET, BALTIMORE, MARYLAND

Amount fixed fee: $22,673.00.

Estimated construction cost (Art. V-2): $4,669,750.00.

Type of construction project: Redstone Ordnance Plant.

Location: Huntsville, Alabama.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. ORD 27081 AO141-02 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 23rd day of August 1941.

[1] Approved by the Under Secretary of War September 3, 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a chemical shell assembly plant, together with the necessary buildings, temporary structures, utilities and appurtenances thereto (hereinafter referred to as "the project", located at or in the vicinity of Huntsville, Alabama.

Data to be furnished by the Government. The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications.

* * * *Estimated cost of construction.* The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately four million six hundred sixty nine thousand seven hundred fifty dollars ($4,669,750.00) exclusive of Architect-Engineer's fixed fee.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of twenty two thousand six hundred seventy three dollars ($22,673.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

Method of payment. Payments of reimbursable cost items and of 90% of the amount of the Architect-Engineer's fee earned shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, supported by original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, rentals, and all other supporting data. Upon completion of the project and its final acceptance the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

Drawings and other data to become property of Government. All drawings, designs and specifications are to become the property of the Government.

Changes in scope of project. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in

writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law:

Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7053; Filed, September 20, 1941; 9:40 a. m.]

[Contract No. W 7120 qm-4; O. I. No. 4-42]

SUMMARY OF FIXED-FEE CONSTRUCTION CONTRACT[1]

CONTRACTORS: C. G. KERSHAW CONTRACTING COMPANY, BIRMINGHAM, ALABAMA; ENGINEERS, LIMITED, 225 BUSH STREET, SAN FRANCISCO, CALIFORNIA; AND WALTER BUTLER COMPANY, 1300-46 MINNESOTA BLDG., SAINT PAUL, MINNESOTA

Contract for construction of Redstone Ordnance Plant.

Location: Huntsville, Alabama.

Fixed fee: $63,750.00.

Estimated construction cost exclusive of fixed fee: $4,606,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. ORD 51230 PL 139 E P of E & S A0025-13, ORD 27081 A0141-02.

This contract, entered into this 22nd day of August, 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Chemical Shell Assembly Plant, together with the necessary buildings, temporary structures, utilities and appurtenances thereto at Huntsville, Alabama.

It is estimated that the construction cost of the work covered by this contract will be four million six hundred six thousand dollars ($4,606,000.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of sixty three thousand seven hundred fifty dollars ($63,750.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This contract is authorized by the following law:

Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7054; Filed, September 20, 1941; 9:41 a. m.]

[Contract No. W 535 ac-20300; 5349]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CESSNA AIRCRAFT COMPANY, WICHITA, KANSAS

Contract[1] for: * * * Airplanes, Spare Parts and Data.

Amount: $12,043,865.47.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 32 P 12-30 A 0705-2, AC 18 P 82-30 A 0705-2.

This contract, entered into this 7th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Airplanes, spare parts and data for the consideration stated not to exceed twelve million forty-three thousand eight hundred sixty-five dollars and forty-seven cents ($12,043,865.47) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Price adjustment. The contract prices stated in this contract for airplanes, spare parts, and data are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7070; Filed, September 22, 1941; 10:01 a. m.]

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[1] Approved by the Under Secretary of War September 3, 1941.

[1] Approved by the Under Secretary of War August 16, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by the following and is under consideration by the Director:

Name and address	Date application filed
Jerome Freedman, 800 8th Avenue, New York, N. Y.	9/10/41

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of the above-named applicant for registration as a distributor under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before October 13, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7072; Filed, September 22, 1941; 11:02 a. m.]

[Docket No. A-1033]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUP 9 PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 1 OF DISTRICT NO. 14

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division to be held on October 15, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 10, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for revision of the effective price classifications and minimum prices for the coals in size group 9 produced at certain mines in Production Group No. 1 in District No. 14 and, more particularly, for an increase of 55¢ per net ton to $4.95 per net ton in the effective minimum price and for a corresponding revision by appropriate alphabetical symbol in the price classification for all coals in size group 9 now bearing the price classification of "B" and an effective minimum price of $4.40 per net ton and produced at mines of code members in Production Group No. 1.

Dated: September 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7073; Filed, September 22, 1941; 11:03 a. m.]

[Docket No. A-1000]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

[Docket No. A-1000—Part II]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SCOTCH HILL MINES NOS. 1 TO 35, INCLUSIVE, (MINE INDEX NOS. 240, 241 AND 252 TO 284, INCLUSIVE), IN DISTRICT NO. 3

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1000 PART II FROM DOCKET NO. A-1000, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1000 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1000 PART II

The original petition in the above-entitled matter filed with this Division on August 6, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 3.

As indicated in a separate order issued in Docket No. A-1000, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 1 to 35, inclusive, (Mine Index Nos. 240, 241, and 252 to 284, inclusive).

While it appears that temporary relief for the Scotch Hill Mines should be granted, as prayed for the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for the coals of the Scotch Hill Mines without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1000 relating to the Scotch Hill Mines Nos. 1 to 35, inclu-

sive (Mine Index Nos. 240, 241, and 252 to 284, inclusive), be and the same hereby is severed from the remainder of Docket No. A–1000 and designated as Docket No. A–1000 part II.

It is further ordered, That a hearing in Docket No. A–1000 Part II under the applicable provisions of said Act and the rules of the Division be held on October 27, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 22, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 1 to 35, inclusive, (Mine Index Nos. 240, 241 and 252 to 284, inclusive), in District No. 3, for rail and truck shipment to all market areas.

It is further ordered, That, commencing forthwith, temporary relief, pending final disposition of Docket No. A–1000 Part II, is hereby granted as follows:

ALPHABETICAL LISTING OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATION BY SIZE GROUP NUMBERS [1]

Mine Index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10
240, 241, 252 to 284, inc.	Henry Clay Coal Mining Company.	Scotch Hill Nos. 1 to 35, inc.	Pittsburgh	70	H	H	H	H	H	H	H	H	H	H

TRUCK SHIPMENTS [1]

[Prices in cents per ton for shipment into all market areas]

Mine index No.	Name	Mine	Seam	County	Size groups 1	2	3	4	5	6	7
240,241, 252 to 284, inc.	Henry Clay Coal Mining Company.	Scotch Hill Nos. 1 to 35, inc.	Pittsburgh	Preston	230	230	230	205	205	195	185

[1] The foregoing temporary prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedules of Effective Minimum Prices for District No. 3, For all Shipments Except Truck, and For Truck Shipments.

Notice is hereby given that all applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 19, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–7074; Filed, September 22, 1941; 11:03 a. m.]

[Docket No. A–966]

PETITION OF J. E. HATCHER, A CODE MEMBER IN DISTRICT NO. 17, FOR REDUCTION OF THE EFFECTIVE MINIMUM PRICE FOR THE SIZE GROUP 13 COALS OF MINE INDEX NO. 285 FOR TRUCK SHIPMENT TO THE SOUTHERN COLORADO POWER COMPANY AT PUEBLO, COLORADO

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division on July 12, 1941, by J. E. Hatcher, a code member in District No. 17, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction in the minimum price established for coal in Size Group 13 produced at the Shamrock Mine (Mine Index No. 285) for shipment to the Southern Colorado Power Company in Pueblo, Colorado;

Pursuant to an Order of the Director dated July 21, 1941, a hearing having been held in this matter before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Denver, Colorado, at which time all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law and having entered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayer of the petition herein, requesting a reduction in the minimum price for the coal in Size Group 13 produced at the Shamrock Mine (Mine Index No. 285) for shipment by truck to the plant of the Southern Colorado Power Company, in Pueblo, Colorado, be and it hereby is denied:

Dated: September 19, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–7075; Filed, September 22, 1941; 11:03 a. m.]

[Docket No. 1599–FD]

IN THE MATTER OF ARCHIE LAWSON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on February 26, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers' Board for District 15, complainant, alleging that Archie Lawson, a code member in District 15, defendant, wilfully violated the Bituminous Coal Code or Rules and Regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

Pursuant to an appropriate order, and after due notice to all interested persons, a public hearing in this matter having been held on May 23, 1941, in Unionville, Missouri, before W. A. Shipman, a duly designated Examiner of the Division;

The Examiner, having made and entered his Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated August 18, 1941, recommending that the code membership of the defendant be revoked;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no exceptions or supporting briefs having been filed;

It having been determined that the Proposed Findings of Fact and Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That, the Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That, pursuant to section 5 (b) of the Act, the code membership of the defendant, Archie Lawson, is hereby revoked and cancelled;

And it is further ordered, That, prior to any reinstatement of the defendant, Archie Lawson, to membership in the Code the defendant shall pay to the United States a tax in the amount of $382.12 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 19, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–7076; Filed, September 22, 1941; 11:03 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 617]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 12, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the project and in the amounts as set forth in the following schedule:

	Project designation	*Amount*
Georgia	2022F1 Colquitt	$245,000
Georgia	2022H1 Colquitt	75,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 41–7065; Filed, September 20, 1941; 11:04 a. m.]

[Administrative Order No. 618]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 12, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
South Carolina 2044A1 Charleston	$750,000
Wisconsin 2062A1 Portage	190,000
Wisconsin 2063A2 Bayfield	202,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 41–7066; Filed, September 20, 1941; 11:04 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF DATE AND PLACE OF RESUMPTION OF CHICAGO HEARING ON THE SUBJECT OF WAGES, HOURS AND OTHER CONDITIONS AND PRACTICES OF EMPLOYMENT OF RED CAPS

Whereas the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, under date of July 3, 1941 (Fed. Reg. July 4, 1941), gave notice pursuant to S. Res. 105, adopted by the United States Senate on May 15, 1941, that public hearings would be held for the purpose of obtaining information as to the wages, hours and other conditions and practices of employment of red caps by railroad or terminal companies, and announced therein the date and place of a Chicago hearing; and

Whereas said hearing was duly convened on July 15, 1941, and was adjourned on July 18, 1941, by Thomas Holland, Presiding Officer, to be resumed at a date to be later announced;

Now, therefore, notice is hereby given that:

1. Said Chicago hearing will be resumed in Room 325 of the New Post Office Building, Canal and Van Buren Streets, Chicago, Illinois, at 10:00 a. m., October 7, 1941;

2. The aforesaid notice of July 3, 1941, shall be applicable to the resumption of the Chicago hearing.

Signed at Washington, D. C., this 17th day of September 1941.

BAIRD SNYDER III, *Acting Administrator.*

[F. R. Doc. 41–7087; Filed, September 22, 1941; 11:48 a. m.]

IN THE MATTER OF AMENDMENT OF THE CERTIFICATES APPLYING TO THE EMPLOYMENT OF LEARNERS UNDER SECTION 14 OF THE FAIR LABOR STANDARDS ACT IN THE SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

NOTICE OF AMENDMENT OF CERTIFICATES

All holders of Special Learner Certificates in the Single Pants, Shirts, and Allied Garments and Women's Apparel Industries issued pursuant to Regulations dated September 4, 1940, are notified that the terms of such certificates are hereby amended as of September 29, 1941 to provide for the employment of learners in accordance with the terms of the Regulations Applicable to the Employment of Learners in the Single Pants, Shirts, and Allied Garments and Women's Apparel Industries, (Part 522—§§ 522.160 to 522.178—Chapter V, Wage and Hour Division [1]).

Each holder of a certificate in these industries will be sent a copy of the amended terms of the certificate. Any holder who has not received the amendment by September 29, 1941 should apply to the Hearings Branch, Wage and Hour Division, Washington, D. C. for his copy.

Signed at Washington, D. C. this 20th day of September 1941.

MERLE D. VINCENT, *Authorized Representative of the Administrator.*

[F. R. Doc. 41–7090; Filed, September 22, 1941; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862 and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940, (5 F.R. 3591)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940, (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940, (5 F.R. 3530)

Independent Telephone Learner Regulations, September 27, 1940, (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940, (5 F.R. 3982)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940, (5 F.R. 3392, 3393)

Textile Learner Regulations, May 16, 1941, (6 F.R. 2446)

Woolen Learner Regulations, October 30, 1940, (5 F.R. 4302)

[1] 6 F.R. 4839.

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 22, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage:

Bath Pant Company, 2 School Street, Bath, Maine; Pants; 20 learners; January 5, 1942.

Carwood Manufacturing Company, Monroe, Georgia; Overalls and Denim Coats; 125 learners; January 5, 1942.

Consolidated Garment Manufacturing Company, 225 North Market Street, Galion, Ohio; Nightwear, Slacks, Uniforms; 10 learners; January 19, 1942.

Freeman Manufacturing Company, 900 West Chicago Road, Sturgis, Michigan; Surgical, Abdominal Supports, Girdles; 5 learners; September 22, 1942.

Lakeland Manufacturing Company, 14th and Alabama, Sheboygan, Wisconsin; Mackinaws, Jackets, Sport Coats, Snow Suits; 5 percent; September 22, 1942.

Marcus and Wiesen, Inc., 26 East 14th Street, New York, New York; Sanitary Belts, Garter Belts, Two Way Stretch Panties and Girdles, Ladies' Garters and Shoulder Straps; 5 percent; March 16, 1942.

Riviera Sportswear Manufacturing Company, 6356 Hollywood Boulevard, Hollywood, California; Trousers, Sport Jackets, Sport Shirts, Swim and Play Shorts; 1 learner; September 22, 1942.

S. Rosenbloom, Inc., Duncannon, Pennsylvania; Shirts; 10 percent; December 15, 1941.

Standard Pad Company, 1803-5 John Street, Cincinnati, Ohio; Shoulder and Sleeve Pads; 5 learners; September 22, 1942.

Artificial Flower and Feather Industry

H. Brand Feather Company, 7 West 36th Street, New York, N. Y.; 5 learners; November 3, 1941.

Schapiro Feather Company, Inc., 147 West 26th Street, New York, N. Y.; 4 learners; November 3, 1941.

Gloves

Fubian Glove Company, 6005 14th Avenue, Brooklyn, New York; Leather Dress Gloves; 7 learners; March 22, 1942.

Metropolitan Glove Company, 67 E. Fulton Street, Gloversville, New York; Leather Dress Gloves; 2 learners; September 22, 1942.

Sterling Silk Glove Company, 25 Messinger Street, Bangor, Pennsylvania; Knit Fabric Gloves; 35 learners; March 22, 1942.

Hosiery

Freeman Manufacturing Company, 900 West Chicago Road, Sturgis, Michigan; Seamless Hosiery; 5 learners; September 22, 1942.

Quitman Hosiery Mill, Inc., Washington Street, Quitman, Georgia; Full-Fashioned Hosiery; 5 learners; September 22, 1942.

The Independent Branch of the Telephone Industry

Fowler Telephone Company, 713 Main Street, Pella, Iowa; to employ learners at the Fowler Exchange (as indicated in the Telephone Order) as commercial and switchboard operators until September 22, 1942.

Knitted Wear

Freeman Manufacturing Company, 900 West Chicago Road, Sturgis, Michigan; Knitted Elastic Fabrics; 5 learners; September 22, 1942.

Textile Industry

Chenille Crafts Corporation, 907 Broadway, Fall River, Massachusetts; Bedspreads; 50 learners; January 19, 1942.

Cloverleaf Products Company, 1597 Howard Street, San Francisco, California; Chenille Bedspreads; 4 learners; January 19, 1942.

Fife Fabrics, Inc., 626 North Locust Street, Memence, Illinois; Drapery, Upholstery and Novelty Fabrics; 2 learners; September 22, 1942.

Signed at Washington, D. C., this 22nd day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7089; Filed, September 22, 1941; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 22, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Appleton Paper Products, Appleton, Wisconsin; Converted Paper Products; Paper Set-Up Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 23, 1942.

Christian Steinmetz and Sons Company, 25th and Wood, Wheeling, West Virginia; Converted Paper Products; Set-up Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations on set-up boxes only, except cutting, scoring and slitting; March 23, 1942.

Hawkeye Pearl Button Company, 2nd and Orange Streets, Muscatine, Iowa; Pearl Buttons; 8 learners; 8 weeks for any one learner; 25 cents per hour; Button sorters, Automatic button machine operators, Button grinder; December 1, 1941.

Jacksonville Ginter Box Company, Inc., 16th and Walnut Street, Jacksonville, Florida; Converted Paper Products; Wood and Combination Cigar Boxes and Set-Up Cardboard Boxes; 10 percent; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box-making operations on set-up boxes only, except cutting, scoring and slitting; March 21, 1942.

Lycoming Paper Box Company, 115 Seminary Street, Williamsport, Pennsylvania; Converted Paper Products; Set-Up Paper Boxes; 2 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 21, 1942.

Sanford Jay Novelties, 57 East 11th Street, New York, New York; Billfolds, key cases, cheap camera cases, memo books; 2 learners; 30 cents per hour; 6 weeks for any one learner (240 hours); Stamping machine, embossing machine, eyeletting machine, stapling machine, press and shear operator; December 29, 1941.

Sheboygan Paper Box Company, 9th and S. Water Streets, Sheboygan, Wisconsin; Converted Paper Products; Set-Up and Folding Paper Boxes; 1 learner; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, on set-up boxes only, except cutting, scoring and slitting; March 23, 1942.

John H. Swisher and Son, Inc., 501 E. 16th Street, Jacksonville, Florida; Cigar Industry; 10 percent of its packers and 10% of its machine strippers; 4 weeks and 8 weeks for any one learner respectively; 75% of applicable minimum wage rate; Machine Strippers, Packers; September 18, 1942. (This certificate effective September 18, 1941, and omitted from Register of that date).

Suffolk Craftsmen, Inc., Woodbury Avenue, Huntington, New York; Luggage; 3 learners; 6 weeks for any one learner; 30 cents per hour; Coverer, Riveter, Paster, Gluer; December 29, 1941.

Signed at Washington, D. C., this 22nd day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7088; Filed, September 22, 1941; 11:49 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 491]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., UNDER SECTION 408 (b) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, FOR APPROVAL OF THE ACQUISITION OF ALL, OR SUBSTANTIALLY ALL, OF THE ISSUED AND OUTSTANDING STOCK OF TACA, S. A.

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is hereby assigned for oral argument before the Board on September 25, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated: Washington, D. C., September 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7071; Filed, September 22, 1941; 10:01 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6155]

NOTICE RELATIVE TO AIR-WAVES, INC. (NEW)

Application dated April 26, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Baton Rouge, La.; operating assignment specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Henry Norman Saurage, Docket No. 6156, Louisiana Communications, Inc., Docket No. 6157, and William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company, Docket No. 6158, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference free primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience, and necessity would be served by a grant of this application and the applications of William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company (Docket No. 6158), Louisiana Communications, Inc. (Docket No. 6157), and Henry Norman Saurage (Docket No. 6156), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Air-Waves, Inc., % Woodrow W. Hattic, 1007 Louisiana National Bank Building, Baton Rouge, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7058; Filed, September 20, 1941; 10:24 a. m.]

[Docket No. 6156]

NOTICE RELATIVE TO HENRY NORMAN SAURAGE (NEW)

Application dated May 15, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Baton Rouge, La.; operating assignment specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Air-Waves, Inc., Docket No. 6155, Louisiana Communications, Inc., Docket No. 6157, and William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company, Docket No. 6158, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render, if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference free primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience, and necessity would be served by a grant of this application and the applications of Louisiana Communications, Inc. (Docket No. 6157), William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company (Docket No. 6158), and Air-Waves, Inc. (Docket No. 6155), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Henry Norman Saurage, 333 North 16th Street, Baton Rouge, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7059; Filed, September 20, 1941; 10:24 a. m.]

[Docket No. 6157]

NOTICE RELATIVE TO LOUISIANA COMMUNICATIONS, INC. (NEW)

Application dated July 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Baton Rouge, La.; operating assignment

specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Air-Waves, Inc., Docket No. 6155, Henry Norman Saurage, Docket No. 6156, and William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company, Docket No. 6158, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render, if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference-free primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience, and necessity would be served by a grant of this application and the applications of William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, doing business as Capitol Broadcasting Company (Docket No. 6158), Henry Norman Saurage (Docket No. 6156), and Air-Waves, Inc. (Docket No. 6155), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Louisiana Communications, Inc., % Robert A. Hart II., 452 Lafayette Street, Baton Rouge, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7060; Filed, September 20, 1941; 10:24 a. m.]

[Docket No. 6158]

NOTICE RELATIVE TO WILLIAM J. BRAY, JAMES L. EWING, T. B. LANFORD, AND JOHN C. MCCORMACK, D/B AS CAPITOL BROADCASTING CO. (NEW)

Application dated May 7, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Port Allen, Louisiana; operating assignment specified: Frequency, 1400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Air-Waves, Inc., Docket No. 6155, Henry Norman Saurage, Docket No. 6156, and Louisiana Communications, Inc., Docket No. 6157, for the following reasons:

1. To determine applicants' qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicants may be expected to render if granted a permit to construct the proposed station.

3. To determine the areas and populations which would receive interference-free primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

4. To determine whether public interest, convenience and necessity would be served by grant of this application and the applications of Louisiana Communications, Inc. (Docket No. 6157), Henry Norman Saurage (Docket No. 6156), and Air-Waves, Inc. (Docket No. 6155), or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' address is as follows:

William J. Bray, James L. Ewing, T. B. Lanford, and John C. McCormack, d/b as Capitol Broadcasting Company, % John C. McCormack, P. O. Box 1387, Shreveport, Louisiana.

Dated at Washington, D. C., September 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7061; Filed, September 20, 1941; 10:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-25]

IN THE MATTER OF THE UNITED CORPORATION, RESPONDENT

ORDER FOR HEARING ON RESPONDENT'S MOTION TO DISMISS PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1941.

The Commission, having, on July 28, 1941, issued its Notice of and Order instituting proceedings and setting date for hearing under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935, with respect to the above-named Respondent; and

The Respondent, on September 15, 1941, having filed its answer wherein it prays that said proceedings under sections 11 (b) (1) and 11 (b) (2) of the Act be dismissed on several alleged grounds, including the following:

(1) The Respondent is not a part of any holding company system or any public utility system;

(2) There has been no determination as to compliance, with the requirements of sections 11 (b) (1) and 11 (b) (2) of the Act, of each of the holding company systems headed by each of the Respondent's subsidiaries;

(3) The Respondent has not received adequate notice of the proceeding under section 11 (b) (1) of the Act;

(4) Sections 11 (b) (1) and 11 (b) (2) of the Act are unconstitutional;

Wherefore it is ordered, That a hearing be held on October 2, 1941 at 10:00 o'clock in the forenoon of that day, in Room 1102 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. at which time the Commission will hear the Respondent as to its motion to dismiss the proceedings, on all the grounds alleged therein, and will consider, in the event that said motion is denied, the simplification of the issues, the facts and issues that appear to be without substantial basis of controversy, the order of the

presentation of evidence most conducive to orderly proceedings and such other matters as may aid in the disposition of the proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7084; Filed, September 22, 1941; 11:28 a. m.]

[File Nos. 7-554, 7-555, 7-556, 7-557]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO: CENTRAL POWER AND LIGHT COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE AUGUST 1, 1969; KENTUCKY UTILITIES COMPANY FIRST MORTGAGE BONDS, 4% SERIES, DUE JANUARY 1, 1970; 4½% SINKING FUND MORTGAGE BONDS DUE FEBRUARY 1, 1955; WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of September, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, October 14, 1941, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7085; Filed, September 22, 1941; 11:28 a. m.]

SEP 24 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 186

Washington, Wednesday, September 24, 1941

The President

REMOVAL OF CERTAIN RESTRICTIONS ON EXPORTATIONS OF ARMS TO CUBA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, by a proclamation of the President issued on June 29, 1934, under a joint resolution of Congress approved by the President on January 31, 1922, it was declared that there existed in Cuba conditions of domestic violence which were or which might be promoted by the use of arms or munitions of war procured from the United States; and

WHEREAS, by virtue of the joint resolution and proclamation above-mentioned it became unlawful to export arms or munitions of war to Cuba except under such limitations and exceptions as should be prescribed:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby declare and proclaim that, as the conditions in Cuba which prompted the issuance of the proclamation of June 29, 1934, have ceased to exist, the said proclamation is hereby revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 22nd day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2511]

[F. R. Doc. 41-7092; Filed, September 22, 1941; 2:30 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[41-Tob-56—Sup. 2]

PART 727—FLUE-CURED TOBACCO

SUPPLEMENT 2 TO MARKETING QUOTA REGULATIONS,[1] FLUE-CURED TOBACCO, 1941–42 MARKETING YEAR

Marketing Quota Regulations, Flue-cured Tobacco—1941–42 Marketing Year, are hereby amended as follows:

Section 727.255 is amended by striking out paragraph (b) of such section and inserting in lieu thereof the following:

§ 727.255 *Warehouseman's records and reports.*

* * * * *

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

By virtue of the authority vested in the Secretary of Agriculture under Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938, 52 Stat. 31, 7 U.S.C. 1301 et seq.), as amended, he does make, prescribe, and publish the foregoing amendment to the Marketing Quota Regulations—Flue-cured Tobacco—1941–42 Marketing Year, designated 41-Tob-56, issued by the Secretary on July 23, 1941, which regulations, as amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 23rd day of September 1941. Witness my

[1] 6 F.R. 3661, 3999.

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FEDERAL REGISTER

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hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7120; Filed, September 23, 1941; 11:38 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3427]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF POND'S EXTRACT COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with offer, etc., in commerce, of respondent's cosmetic creams and lotions, or any substantially similar products, (1) representing in any manner whatever that respondent's creams or lotions have any added beneficial value by reason of their vitamin A content; (2) representing that its cold cream causes lines, wrinkles or blemishes to disappear from the skin, or that it prevents the formation of lines, wrinkles or blemishes in the skin; (3) representing that its cold cream has any appreciable effect upon the underskin, that it liberates the underskin, or leaves the underskin free to function; and (4) representing that dirt, make-up or other impurities below the surface of the skin may be softened, loosened, or lifted from the underskin through the use of respondent's cold cream; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pond's Extract Company, Docket 3427, September 10, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before William C. Reeves and John J. Keenan, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by William L. Pencke, counsel for the Commission and by Blake and Voorhees, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Pond's Extract Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of its cosmetic creams and lotions, or any products of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

(1) Representing in any manner whatever that respondent's creams or lotions have any added beneficial value by reason of their vitamin A content;

(2) Representing that respondent's cold cream causes lines, wrinkles or blemishes to disappear from the skin, or that it prevents the formation of lines, wrinkles or blemishes in the skin;

(3) Representing that respondent's cold cream has any appreciable effect upon the underskin, that it liberates the underskin, or leaves the underskin free to function;

(4) Representing that dirt, makeup or other impurities below the surface of the skin may be softened, loosened, or lifted from the underskin through the use of respondent's cold cream.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7103; Filed, September 23, 1941; 11:20 a. m.]

[Docket No. 3500]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF RENAUD SALES COMPANY, INC., ET AL.

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of perfumes and other products, and among other things, as in order set forth, using the terms "Paris", "Renaud Paris", "Renaud Paris 1817", "Made in France", or any other terms, words, symbols, or pictorial representations indicative of French or other foreign origin, on or in connection with products which are made or compounded in the United States, prohibited; subject to the provision, however, that the country or countries of origin of the various ingredients of any such product may be stated when immediately accompanied by a statement that such product is made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Renaud Sales Company, Inc., et al., Docket 3500, September 16, 1941]

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Maker:* § 3.87 (c) *Simulating competitor or his product—Name, containers, or dress of competitor's product:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Maker.* In connection with offer, etc., in commerce, of perfumes and other products, and among other things, as in order set forth, using the terms "Renaud Paris" or "Renaud Paris 1817" on or in connection with products not made or compounded by the Societe Anonyme Renaud Paris 1817; or using on or in connection with such products containers or labels simulating the containers or labels used on or in connection with products of the Societe Anonyme Renaud Paris 1817; or otherwise representing, importing or implying in any manner that products not made or compounded by the Societe Anonyme Renaud Paris 1817 are made or compounded by or are the products of that company: prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Renaud Sales Company, Inc., et al., Docket 3500, September 16, 1941]

In the Matter of Renaud Sales Company, Inc., a Corporation, Murray W. Morin, Irving Unterman, and Irving Lipschitz, Individually and as Officers of Renaud Sales Company, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Renaud Sales Company, Inc., a corporation, and respondents Murray W. Morin, Irving Unterman, and Irving Lipschitz, individually and as officers of the corporate respondent, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of perfumes and other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, directly or indirectly:

(1) From using the terms "Paris," "Renaud Paris," "Renaud Paris 1817," "Made in France," or any other terms, words, symbols, or pictorial representations indicative of French or other foreign origin, on or in connection with products which are made or compounded in the United States: *Provided, however,* That the country or countries of origin of the various ingredients of any such product may be stated when immediately accompanied with a statement that such product is made or compounded in the United States;

(2) From using the terms "Renaud Paris" or "Renaud Paris 1817" on or in connection with products not made or compounded by the Societe Anonyme Renaud Paris 1817; or using on or in connection with such products containers or labels simulating the containers or labels used on or in connection with products of the Societe Anonyme Renaud Paris 1817; or otherwise representing, importing, or implying in any manner that products not made or compounded by the Societe Anonyme Renaud Paris 1817 are made or compounded by or are the products of that company.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7104; Filed, September 23, 1941; 11:21 a. m.]

[Docket No. 4350]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SPENCER SYSTEM, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of courses of instruction in the fabrication of foot supports and foot exercisers and in the treatment and correction of foot troubles, and among other things, as in order set forth, representing that respondents' course of instruction, or any substantially similar course of instruction, will equip any one with learning and proficiency adequate to (1) diagnose and determine whether or not foot troubles require surgical treatment; (2) effectively and successfully treat non-surgical foot troubles, regardless of origin or cause thereof; and (3) effectively and successfully treat substantially all cases of foot troubles, conditions, or diseases, including flat foot, distorted toes, weak feet, painful heel, aching, sweaty, or too dry feet, callouses, chilblains, foot neuralgia, hammer or Morton's toe, stretched ligaments, enlarged joints, and bunions; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer System, et al., Docket 4350, September 12, 1941]

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities.* In connection with offer, etc., in commerce, of courses of instruction in the fabrication of foot supports and foot exercisers, and in the treatment and correction of foot troubles, and among other things, as in order set forth, representing that any purchaser who masters respondents' correspondence course is assured of a profitable business or will be able to obtain trade without solicitation, delay, or expense, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer System, et al., Docket 4350, September 12, 1941]

In the Matter of Spencer System, a Massachusetts Trust, and John L. Shea, William J. Hagerty, Jean G. Mitchie, and Glenda S. Hills, Individually and as Trustees of Said Trust

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, except the allegations that Jean G. Mitchie and Glenna S. Hills are trustees of respondent Spencer System, and waive all intervening procedure and further hearing as to said facts; and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Spencer System, a Masachusetts trust, its trustees, officers, agents, representatives, and employees, and John L. Shea and William J. Hagerty, individually and as trustees of said trust, and Jean G. Mitchie and Glenna S. Hills individually, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of instruction in the fabrication of foot supports and foot exercises and in the treatment and correction of foot troubles, do forthwith cease and desist from directly or by implication:

(1) Representing that respondents' course of instruction, or any substantially similar course of instruction, will

[1] 4 F.R. 1247.

[1] 4 F.R. 188.

[1] 6 F.R. 2890.

equip any one with learning and proficiency adequate to:

(a) Diagnose and determine whether or not foot troubles require surgical treatment;

(b) Effectively and successfully treat non-surgical foot troubles, regardless of origin or cause thereof;

(c) Effectively and successfully treat substantially all cases of foot troubles, conditions, or diseases, including flat foot, distorted toes, weak feet, painful heel, aching, sweaty, or too dry feet, callouses, chilblains, foot neuralgia, hammer or Morton's toe, stretched ligaments, enlarged joints, and bunions;

(2) Representing that any purchaser who masters respondents' correspondence course is assured of a profitable business or will be able to obtain trade without solicitation, delay, or expense.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7105; Filed, September 23, 1941; 11:21 a. m.]

[Docket No. 4431]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF COPINOL COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's "Copinol" medicinal preparation, or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation (1) is a cure or remedy for head colds, catarrh-choked nose or throat, nasal catarrh or sinus congestion, or has any therapeutic value in the treatment of such conditions in excess of furnishing temporary relief to congested nasal mucous membranes, (2) will rid the nose and throat of, or will protect the nose from, germ-laden mucous, (3) will instantly clear the head, and (4) will afford relief to congested nasal passages more quickly and for a longer period of time than similar preparations; or which advertisements fail to reveal that respondent's medicinal preparation "Copinol" should not be used by persons suffering from heart trouble, high blood pressure, diabetes, or thyroid trouble, and that the use of said preparation over a long period of time is likely to produce prolonged nasal constriction resulting in tissue damage from anoxemia; prohibited; subject to the provision, however, that if the label of said preparation contains a warning of the potential dangers in the use of said preparation, as hereinabove set forth, such advertisements need contain only the cautionary statement: "Caution, use only as directed on the label." (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Copinol Company, Docket 4431, September 12, 1941]

In the Matter of Robert E. Overell, Individually and Trading Under the Style and Firm Name of Copinol Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondent findings as to the facts and its conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Robert E. Overell, individually or trading under the name of Copinol Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation designated "Copinol", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation

(a) is a cure or remedy for head colds, catarrh-choked nose or throat, nasal catarrh or sinus congestion, or has any therapeutic value in the treatment of such conditions in excess of furnishing temporary relief to congested nasal mucous membranes;

(b) will rid the nose and throat of, or will protect the nose from, germ-laden mucous;

(c) will instantly clear the head;

(d) will afford relief to congested nasal passages more quickly and for a longer period of time than similar preparations;

2. Disseminating or causing to be disseminated any advertisements by means of the United States mails or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement fails to reveal that respondent's medicinal preparation "Copinol" should not be used by persons suffering from heart trouble, high blood pressure, diabetes, or thyroid trouble, and that the use of said preparation over a long period of time is likely to produce prolonged nasal constriction resulting in tissue damage from anoxemia: *Provided, however*, That if the label of said preparation contains a warning of the potential dangers in the use of said preparation, as hereinabove set forth, such advertisements need contain only the cautionary statement: "Caution, use only as directed on the label."

3. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to comply with the requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondent shall, within ten (10) days after service upon him of this order, file with the Commission an interim report in writing stating whether he intends to comply with this order, and, if so, the manner and form in which he intends to comply; and that, within sixty (60) days after the service upon him of this order, said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7106; Filed, September 23, 1941; 11:22 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-854]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 1 FOR REVISION OF PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR ALL SHIPMENTS FOR COALS IN SIZE GROUP 3 PRODUCED AT VIADUCT MINE (MINE INDEX NO. 570) OF THE VIADUCT COAL COMPANY, A CODE MEMBER IN DISTRICT 1

An original petition in this proceeding was filed with the Bituminous Coal Division by District Board 1 on May 3, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition prays for temporary and final orders revising the price classifications and effective minimum prices for all shipments for coals in Size Group 3 produced at the Viaduct Mine (Mine Index No. 570) of the Viaduct Coal Company, a code member in District 1. The petition requests that the price classifications for this mine be changed from "F" to "H" for Size Group 3 coals for rail shipment and a change in price from $2.25 to $2.10 per ton for the same size group for truck shipment. It also requests that the location of this mine be changed from Subdistrict 1 to Subdistrict 5 in District 1.

Pursuant to an appropriate order of the Director, and after due notice to interested persons, a hearing in this matter was held on July 15, 1941, before Joseph D. Dermody, a duly designated Examiner of the Division, Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only original petitioner appeared. The preparation and filing of a report by the Examiner were waived and the matter was thereupon submitted to the undersigned.

The evidence adduced at the hearing on this matter indicates that the Viaduct Coal Company operates the Viaduct Mine (Mine Index No. 570). The coals of this mine in Size Group 3 were originally classified by District Board 1 as "F" for rail shipment and assigned a price of $2.25 per ton for shipment by truck. It was listed as being in Subdistrict 1, operating in the A Seam. The mine produced only mine run coal; it has not operated since 1937.

According to the testimony of witness Geyer, an investigation of the location of this mine was made by District Board 1 on April 4, 1941. Field engineers went to the mine and determined the areas being operated by this Company and the location of the mine with respect to adjoining mines. The mine's opening was found to be located about 1 mile east of the Clarion-Jefferson County line, which is the common boundary line between Subdistricts 1 and 5 in District 1. The property worked appears to be well within the boundaries of Subdistrict 5.

Temporary relief in Docket No. A-356 was granted by Order of the Director, dated February 15, 1941, 6 F.R. 1040, whereby the size groups for mines in Subdistrict 1 of District 1 were reduced from 11 to 5. Temporary prices for this mine for truck shipments were established in the same docket for all size groups, with a price of $2.25 per ton for Size Group 3. The final Order of the Director in Docket No. A-356 made the reduction in size groups permanent and priced the truck coals the same as the rail coals of these size groups. Coals for the Viaduct Mine (Mine Index No. 570) for Size Group 3 were priced at $2.20 per ton.

The evidence further indicates that a mine operated by John Woodall, classified in Class H, with a $2.10 per ton price for Size Group 3 for truck shipments, is the closest mine to the Viaduct Mine. It appears that the coals of these two mines are substantially of like quality. The proposed relocation of the Viaduct Mine and the alleged quality of its coal appears to justify its reclassification from "F" to "H" for Size Group 3 for rail shipment and a change from a price of $2.25 to $2.10 per ton for coals in the same size group for truck shipment. Analogous coals of Subdistrict 5 are similarly classified and priced for rail and truck shipment.

In view of the foregoing circumstances, it is believed that a reasonable showing of necessity has been made for the granting of the relief requested. This relief will enable this producer to compete on a fair basis with other code members of District 1 for these prices conform to those established for comparable coals.

Upon the basis of the uncontroverted evidence I find and conclude: (1) That the classifications, minimum prices and seam designations shown in the schedules hereto attached for the coals specified therein are proper and should be established; that said classifications and minimum prices, changing the classifications and minimum prices established for the Viaduct Mine in Docket No. A-356, are in proper relation to those established for analogous and similar coals in Subdistrict 5 of District 1; and (2) that said amendment of the price schedule for District 1 is required in order to effectuate the purposes of section 4 II (a) and section 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

PERMANENT SUPPLEMENT

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Freight origin group No.	1	2	3	4	5
570	Viaduct Coal Co.	Viaduct	5	A	30	(1)	(1)	H	(1)	(1)

[1] Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened 1¼" slot 25% and over	Double screened 1¼" slot 2" and under	Run of mine mechanically loaded W.M.	2" and under slack	¾" and under slack
						1	2	3	4	5
Viaduct Coal Co.	570	Viaduct	5	Jefferson	A	(1)	(1)	210	(1)	(1)

[1] Indicates no prices effective for these size groups.

[F. R. Doc. 41-7077; Filed, September 22, 1941; 11:04 a. m.]

[Docket No. A-976]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter, except as hereinafter noted; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

District Board No. 2 filed a petition of intervention in the above-entitled matter, alleging in substance that the establishment of price classifications and minimum prices, as proposed in the original petition for the "Pittsburgh Coal Company Mine," (Mine Index No. 222) of the "Pittsburgh Coal Company (Ben Wertz)," would be prejudicial to Pittsburgh Coal Company, a code member in District No. 2, which presently operates mines in District No. 2 known generally as Pittsburgh Coal Company mines, and requesting that no price classifications and minimum prices be established for the coals of Mine Index No. 222. Price classifications and minimum prices are established herein for the coals of Mine Index No. 222 under the code member names of Ben Wertz, Henry Summers, George Youngflesh and Roy Whittlesey rather than under the name of the "Pittsburgh Coal Company." Accordingly, the aforesaid petition of District Board No. 2 is denied, without prejudice.

The original petition proposed the establishment of a minimum price of 295 cents per net ton for coals in Size Group No. 2 of Negley Coal Mine (Mine Index No. 223) of the Negley Coal Company (A. H. McMinn). Since a minimum price of 290 cents per net ton has been established for similar coals in Columbiana County in subdistrict No. 7 in District No. 4, a minimum price of 290 cents per net ton is established herein for the coals of Mine Index No. 223.

Certain errors appear in the original petition concerning the names of code members and mines and the assignment of freight origin group numbers. On the basis of facts shown in the official records of the Division these errors have been corrected as follows:

The Kaspar Mine (Mine Index No. 1300) of Albert Kaspar (Kaspar Coal Company) named in the original petition has been listed in Supplement R of this Order as the Kaspar Mine (Mine Index No. 2869) of the Kaspar Coal Company No. 2 (Herman Werry);

The Elza Mulford Mine (Mine Index No. 1265) of Elza Mulford named in the original petition has been listed in Supplement R of this Order as the Gallia Mine (Mine Index No. 1264) of the Mulford Coal Company (Dale Mulford);

The freight origin group number for Mine Index No. 1236 of Clark, Clark, Clifton and Beam (Burgin Beam) has been determined by using the shipping points of Hobson on the New York Central Railroad and Middleport on the Chesapeake and Ohio Railroad, since the original petition erroneously named Middleport as a point on the Baltimore & Ohio Railroad.

The original petition listed Salesville and Barnesville on the Baltimore & Ohio Railroad as the shipping points for the coals of the Mike Yanosik Mine (Mine Index No. 1922) of Mike Yanosik. Because these two points are located in different subdistricts, resulting in a differential in applicable freight rates, Salesville, the shipping point nearest this mine, has been used in assigning a freight origin group number for this mine.

Since it appears from the petition that the coals of Mine Index No. 1922 are similar in quality to those of the Morgan Mine (Mine Index No. 678) of John Morgan which coal is subject to Exception No. 4, § 324.1, in the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck, this exception is also made applicable to the coals of Mine Index No. 1922.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Freight origin group Nos.	Price-classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
2304	Burn Rite Coal Co. (Mike Mercure)	Burn Rite Coal	4	7	Strip	73	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
233	Chaney, Fred	Chaney	4	6	Deep	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	------	Q
516	Ciroli, Angelo	Lucy	1	8	Deep	11	Q	Q	O	O	O	O	O	O	O	------	------	Q
1236	Clark, Clark, Clifton & Beam (Burgin Beam)		8	8A	Deep	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
877	Ebenezer Coal Co. (M. F. Cannon)	Ebenezer	6	6	Deep	32	O	O	O	O	O	O	Q	Q	Q	------	------	Q
1859	Elkhorn Coal Mine	Elkhorn	3	5	Deep	52	O	O	O	O	O	O	O	O	Q	------	------	O

§ 324.7 *Alphabetical list of code members*—Supplement R–I—Continued

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Freight origin group Nos.	Price-classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
246	Folmer Bros. (Clarence Folmer)	Folmer Bros	8	8A	Deep	23	K	K	O	O	O	O	Q	Q	Q	------	------	Q
1068	Gilmore Coal Co. (Gerald Gilmore)	Jones	7	4	Deep	41	K	K	O	O	O	O	Q	Q	Q	------	------	Q
242	Grant Collieries, Inc. (c/o H. E. Donnelly)	Harlem #2	4	Harlem	Strip	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
245	Heisler Brothers (Leo R. Heisler)	Grant #3	4	6	Strip	53	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
252	Hutson, T. C. (T. C. Hutson Coal Company)	Twin Oaks-Strip	4	5	Strip	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	------	Q
1500	Jennings & Caley	Jennings & Caley	4	6	Deep	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	------	Q
2869	Kaspar Coal Co. #2 (Herman Werry)	Kaspar	8	8	Deep	23	K	K	O	O	O	O	Q	Q	Q	------	------	Q
597	Leone, Tony (Leone Coal Company)	Little Valley	1	8	Deep	12	K	K	O	O	O	O	Q	Q	Q	------	------	Q
2169	Lambert, Ellis	No. 1	8	8	Deep	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
2884	Magnolia Mining Company, The	Magnolia	4	5 & 6	Strip	51	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
243	Marshall Mining Company	Rock Camp	4	6 & 7	Strip	73	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
2303	Miller, Marshall A	Miller	8	8	Deep	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
1264	Mulford Coal Co. (Dale Mulford)	Gallia	8	8	Deep	29	K	K	O	O	O	O	Q	Q	Q	Q	------	Q
223	Negley Coal Company (A. H. McMinn)	Negley Coal	4	7	Strip	73	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	------	Q
1297	New Mining Co. (John Jeffers)	Pearl Hysell	8	8	Deep	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
232	Oliver & Son, Henry (Henry Oliver)	Oliver	8	8	Deep	29	K	K	O	O	O	O	Q	Q	Q	------	------	Q
1225	Riggs, Archie (Orchard Hill Coal Mine)	Orchard Hill	7	4	Deep	43	K	K	O	O	O	O	Q	Q	Q	------	------	Q
238	Roush Bros. (Alva Roush)	Roush	8	8	Deep	23	K	O	O	O	O	O	Q	Q	Q	------	------	Q
656	Stock Coal Company	Stock	1	8	Deep	18	O	O	O	O	O	O	O	O	O	------	------	O
222	Wertz, Ben, Henry Summers, Geo. Youngflesh, Roy Whittlesey.				Deep	11	O	O	O	O	O	O	O	O	O	------	------	O
1922	Yanosik, Mike[1]	Mike Yanosik	2	8	Deep	13	R	R	R	Q	O	O	O	O	O	------	------	O

[1] Subject to Exception No. 4, § 324.1 (b) in Price Schedule No. 1.

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdist. No.
222		Wertz, Ben, Henry Summers, Geo. Youngflesh, Roy Whittlesey.	Ohio No. 8	11	B. & O	1
223	Negley Coal	Negley Coal Company (A. H. McMinn).	Leetonia	73	P. L. & W	4
232	Oliver	Oliver & Son, Henry (Henry Oliver).	Pomeroy	29	C. & O., N. Y. C.	8
233	Chaney	Chaney, Fred	Middle	55	W. & L. E	4
238	Roush	Roush Bros. (Alva Roush)	Pomeroy	23	C. & O	8
242	Harlem #2	Grant Collieries, Inc. (c/o H. E. Donnelly).	Middle	55	W. & L. E	4
243	Rock Camp	Marshall Mining Company	Leetonia	73	P. L. & W	4
245	Grant #3	Heisler Brothers (Leo R. Heisler).	Middle	53	P. R. R	4
246	Folmer Bros	Folmer Bros. (Clarence Folmer).	Pomeroy	23	C. & O	8
252	Twin Oaks-Strip	Hutson, T. C. (T. C. Hutson Coal Company).	Middle	55	W. & L. E	4
516	Lucy	Ciroli, Angelo	Ohio No. 8	11	B. & O	1
597	Little Valley	Leone, Tony (Leone Coal Company).	Ohio No. 8	12	B. & O	1
656	Stock	Stock Coal Company	Ohio No. 8	18	W. & L. E	1
877	Ebenezer	Ebenezer Coal Co. (M. F. Cannon).	Crooksville	32	N. Y. C	6

§ 324.8 *Numerical list of mines*—Supplement R–II—Continued

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub dist. No.
1068	Jones	Gilmore Coal Co. (Gerald Gilmore).	Jackson	41	B. & O	7
1225	Orchard Hill	Riggs, Archie (Orchard Hill Coal Mine).	Jackson	43	C. & O	7
1236		Clark, Clark, Clifton & Beam (Burgin Beam).	Pomeroy	29	N. Y. C., C. & O.	8
1264	Gallia	Mulford Coal Co. (Dale Mulford).	Pomeroy	29	C. & O., N. Y. C.	8
1297	Pearl Hysell	New Mining Co. (John Jeffers)	Pomeroy	29	C. & O., N. Y. C.	8
1500	Jennings & Caley	Jennings & Caley	Middle	55	W. & L. E	4
1859	Elkhorn	Elkhorn Coal Mine	Middle	52	N. Y. C	3
1922	Mike Yanosik	Yanosik, Mike	Cambridge	13	B. & O	2
2169	No. 1	Lambert, Ellis	Pomeroy	29	N. Y. C., C. & O.	8
2303	Miller	Miller, Marshall A	Pomeroy	29	N. Y. C., C. & O.	8
2304	Burn Rite Coal	Burn Rite Coal Co. (Mike Mercure).	Leetonia	73	P. L. & W	4
2869	Kaspar	Kaspar Coal Co. #2 (Herman Werry).	Pomeroy	23	C. & O	8
2884	Magnolia	Magnolia Mining Company, The	Middle	51	B. & O	4

§ 324.2 *Seasonal discounts*—Supplement R–III

[Seasonal discounts: On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments; Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					April	May	June	July	Aug.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 222, 516, 597, 656.	30	20	10		
Cambridge	13		87, 121	Add Mine Index No. 1922.	30	20	10		
Pomeroy	23, 25	Add 29	14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index Nos. 232, 238, 246, 1236, 1264, 1297, 2169, 2303, 2869.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index No. 877.	30	20	10		
Jackson	41, 42, 43		2, 131, 134	Add Mine Index Nos. 1068, 1225.	50	40	30	20	10
Middle	52		6, 158, 172	Add Mine Index No. 1859.	30	20	10		
	52	Add 51, 53.	13, 108	Add Mine Index Nos. 245, 2884.	30	20	10		
	55, 56		9, 24, 32, 52, 135	Add Mine Index Nos. 233, 1500.	30	20	10		
	55		5, 48, 110	Add Mine Index Nos. 242, 252.	30	20	10		
Leetonia	72, 74	Add 73	3, 77, 159, 166	Add Mine Index Nos. 223, 243, 2304.	30	20	10		

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See schedule of effective minimum prices, §§ 324.9 and 324.10. Also applies to market areas 98 and 99 (Great Lakes) §§ 324.11 (b) and 324.11 (c), and vessel fuel, § 324.11 (a)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index Nos. 222, 516, 597, 656.
Cambridge	13		87, 121	Add mine index No. 1922.
	13		87–121 (subject to exception No. 4, page 3).	Add mine index No. 1922.
Pomeroy	23, 25	Add 29	14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add mine index Nos. 232, 238, 246, 1236, 1264, 1297, 2169, 2303, 2869.
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 877.
Jackson	41, 42, 43		2, 131, 134	Add mine index Nos. 1068, 1225.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV—Continued

Freight origin districts	Freight origin group Nos	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Middle	52		6, 158, 172	Add mine index No. 1859.
	52	Add 51, 53.	13, 108	Add mine index Nos. 245, 2884.
	55, 56		9, 24, 32, 52, 135	Add mine index Nos. 233, 1500.
	55		5, 48, 110	Add mine index Nos. 242, 252.
Leetonia	72, 74	Add 73	3, 77, 159, 166	Add mine index Nos. 223, 243, 2304.

Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c) and 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—see schedule of effective minimum prices. § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 190, 162.	Add mine index Nos. 222, 516, 597, 1068, 1922.
Chesapeake & Ohio Railway Co	8, 25, 133, 153, 161	Add mine index No. 2884.
	14, 38, 41, 47, 51, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add mine index Nos. 232, 238, 246, 1225, 1236, 1264, 1297, 2169, 2303, 2869.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add mine index Nos. 232, 877, 1236, 1264, 1297, 1859, 2169, 2303.
Pennsylvania Railroad Co	166	Add mine index No. 245.
Pittsburgh, Lisbon & Western Railroad	3, 77	Add mine index Nos. 223, 243, 2304.
Wheeling & Lake Erie Railway Co	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add mine index Nos. 233, 656, 1500.
	5, 12, 37, 48, 110, 119	Add mine index Nos. 242, 252.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 223, 242, 243, 245, 252, 2304, 2884.
For all Railroads not shown above	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 223, 242, 243, 245, 252, 2304, 2884.

Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump (1)	3"–4"–5" lump (2)	2" lump (3)	2" x 4" egg 2" x 5" egg (4)	1¼" lump 1¼" x 4" egg (5)	Mine run Nut and pea (6)	2" x 0 slack (7)	3" x 0 slack (8)
SUB-DISTRICT NO. 1—EASTERN OHIO											
BELMONT COUNTY											
Ayers, Joe	Ayers	221	8	285	275	260	235	230	220	200	190
Wertz, Ben, Henry Summers, Geo. Youngflesh, Roy Whittlesey.		222	8	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 4—MIDDLE											
CARROLL COUNTY											
Byers & James (George Byers)	Byers & James	226	6	275	265	250	235	235	220	190	180
Grant Collieries, Inc. (c/o H. E. Donnelly).	Harlem #2	242	Harlem	275	265	250	235	235	220	190	180
COLUMBIANA COUNTY											
Marshall Mining Company	Rock Camp	243	6 & 7	300	290	275	250	245	225	205	195
Negley Coal Company (A. H. McMinn)	Negley Coal	233	7	300	290	275	250	245	225	205	195
COSHOCTON COUNTY											
Chaney, Fred	Chaney	233	6	280	270	260	235	230	195	165	155
Leidig, David J.	Leidig Coal Co	244	6	280	270	260	235	230	195	165	155
HARRISON COUNTY											
Burnwell Coal Company (J. E. Cross)	Burnwell	225	7	275	265	250	225	220	220	190	180
STARK COUNTY											
Hutson, T. C. (T. C. Hutson Coal Company).	Twin Oaks-Strip	252	5	275	265	250	235	235	210	190	180
TUSCARAWAS COUNTY											
Heisler Brothers (Leo R. Heisler)	Grant #3	245	6	275	265	250	235	235	210	190	180
Loveday, John (John Loveday Coal Co.).	Joyce	220	6	275	265	250	235	235	220	190	180
SUB-DISTRICT NO. 5—HOCKING											
HOCKING COUNTY											
Mathena & Co., Riley (Riley W. Mathena).	Mathena	221	6	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 7—JACKSON											
VINTON COUNTY											
Irish Ridge Coal Co. (Eugene Campbell)	Irish Ridge—Deep	234	7	295	285	275	250	245	195	175	165
	Irish Ridge—Strip	247	7	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 8—POMEROY											
GALLIA COUNTY											
Oliver & Son, Henry (Henry Oliver)	Oliver	232	8	295	285	275	250	245	195	140	140
Roush Bros. (Alva Roush)	Roush	238	8	295	285	275	250	245	195	140	140

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump (1)	3"–4"–5" lump (2)	2" lump (3)	2" x 4" egg 2" x 5" egg (4)	1¼" lump 1¼" x 4" egg (5)	Mine run Nut and pea (6)	2" x 0 slack (7)	3" x 0 slack (8)
SUB-DISTRICT NO. 8—POMEROY—Continued											
MEIGS COUNTY											
Folmer Bros. (Clarence Folmer)	Folmer Bros	240	8A	295	285	275	250	245	195	140	140
Hysell & Miller (Howard Hysell)	H. & M	236	8	295	285	275	250	245	195	140	141
Johnson Coal Co. (Worthie Johnson)	Johnson	237	8	295	285	275	250	245	195	140	400

[F. R. Doc. 41–7078; Filed, September 22, 1941; 11:04 a. m.]

[Docket No. A–1025]

PART 325—MINIMUM PRICE SCHEDULE, DISTRICT NO. 5

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 5 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE SWAN CREEK MINE (MINE INDEX NO. 104) OF THE SWAN CREEK MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 5, FOR TRUCK SHIPMENTS

An orginal petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for truck shipments for the coals produced at the Swan Creek Mine (Mine Index No. 104) of the Swan Creek Mining Company, a code member in District No. 5; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 325.23 (*General prices; shipment by truck into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 5

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 5

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 325, Minimum Price Schedule for District No. 5 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 325.23 *General prices; shipment by truck into all market areas*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	County	Mine Index No.	Seam	Lump larger than 4"	Lump 4"	Lump 3"	Lump 3" x 2" screenings and	3" x 3" egg	3" x 2" egg	4" x 2" egg	3" x 2" egg	3" x 1¼" stove	2" x 1¼" nut	1¼" x ¾" stoker	Mine run	4" resultant	N-P-S 2" x 0	1¼" x 0 slack	1" x 0 slack	(R) ¾" x 0 reject	(R) ¾" x 0 reject	(W) ¾" x 0 reject
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Swan Creek Mining Co. c/o John Milano	Swan Creek	Saginaw	104	Michigan	460	455	450	430	420	410	405	400	385	360	310	355	330	300	290	280	150	125	150
The above prices in Size Groups 5 to 18, inclusive, are for raw coal; when washed or mechanically cleaned they shall be increased by					.....	.....	.....	25	25	25	25	25	25	25	25	.....	25	25	25	25	75	75	.....

When coal is shipped by truck into Market Area No. 21 from any mine in District No. 5, the above prices may be reduced 35 cents per net ton, provided the delivery to the destination into Market Area No. 21 is under the control of the producer.

[F. R. Doc. 41-7079; Filed, September 22, 1941; 11:04 a. m.]

[Dockets Nos. A-89, A-289, A-337, A-352, A-352a, A-539 and A-540]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF TRUAX-TRAER COAL COMPANY REQUESTING FREE ALONGSIDE PRICES ON SALES TO CHAMPION PAPER & FIBER COMPANY; THE CITY OF CINCINNATI AND THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI FOR AN ORDER ESTABLISHING FREE ALONGSIDE PRICES; THE COUNTY OF HAMILTON, OHIO, FOR THE ESTABLISHMENT OF FREE ALONGSIDE PRICES; CONSUMERS' COUNSEL FOR FREE ALONGSIDE PRICES FROM DISTRICTS 8, 9 AND 10 FOR THE OLD QUAKER COMPANY, LAWRENCEBURG, INDIANA; IN THE MATTER OF THE REVISION OF RIVER PRICES IN DISTRICT 8 FOR DELIVERY OF HIGH VOLATILE COAL TO JOSEPH E. SEAGRAM AND SONS, INC., LAWRENCEBURG, INDIANA; IN THE MATTER OF THE PETITIONS OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICTS 8, 9, AND 10 FOR JAMES WALSH AND COMPANY, INC., LAWRENCEBURG, INDIANA, IN MARKET AREA NO. 26; AND THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICTS 8 AND 9 FOR THE LAWRENCEBURG ROLLER MILLS COMPANY, LAWRENCEBURG, INDIANA, IN MARKET AREA NO. 26

This is a proceeding instituted upon the following original petitions filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937:

Docket No.	Petitioner	Petition filed on behalf of	Date of filing
A-89	Truax-Traer Coal Company (code member in District 8).	Champion Fibre Company	Oct. 5, 1940
A-289	City of Cincinnati, Ohio, and Board of Education of the City School District, Ohio.	Petitioners	Oct. 31, 1940
A-337	County of Hamilton, Ohio	Petitioner	Nov. 7, 1940
A-352	Consumers' Counsel Division	Old Quaker Company	Nov. 13, 1940
A-539	Consumers' Counsel Division	James Walsh and Company	Jan. 3, 1941
A-540	Consumers' Counsel Division	Lawrenceburg Roller Mills Company	Jan. 3, 1941

and upon an Order of the Director of the Division, entered December 31, 1940, 6 F.R. 53, providing for inquiry into the free alongside ("f. a. s.") prices effective for shipments of District 8 high volatile coals via river to Joseph E. Seagram and Sons, Inc., at Lawrenceburg, Indiana (Docket No. A-352a). In general, the original petitions request modification of the effective price schedules so as to grant to the consumers named the privilege of purchasing certain coals at the minimum f. a. s. prices in lieu of the presently applicable ex-river prices.

Pursuant to Orders and Notices of Hearing issued by the Director, and after due notice to all interested persons, a hearing was held in these matters before Floyd McGown, an Examiner of the Division, duly designated by the Director to conduct said hearing, on January 10, 11 and 23, 1941.

Thereafter, the Examiner submitted Proposed Findings of Fact and Conclusions of Law, dated June 16, 1941, and an opportunity was afforded to all parties to file exceptions thereto and supporting briefs.

The intervener Old Quaker Company tardily filed its Exceptions and Brief to the Proposed Findings of Fact and Conclusions of Law of the Examiner on July 10, 1941.[1] The exceptant makes no excuse for its failure to file its exceptions within the time provided therefor and gives no reason why it should be permitted to file late. However, no objection to the filing of the exceptions has been made and, while tardiness in such matters should be avoided, the exceptions will be received. Bituminous Coal Consumers' Counsel, tardily filed Exceptions and Supporting Brief to the Proposed Findings of Fact and Conclusions of Law of the Examiner on July 18, 1941, and on July 18, 1941, filed a motion to be permitted to file said Exceptions late. There was no objection to such motion, and it is hereby granted.

No other Exceptions or Briefs were filed.

The Old Quaker Company excepts to the failure of the Examiner to recommend that relief be made retroactive to October 1, 1940, the effective date of minimum prices. Consumers' Counsel excepts to the failure to provide retro-

[1] Rule 301.110 (§ 301.23 (b) in the Rules of Practice and Procedure) requires exceptions to an Examiner's report to be filed within fifteen days after the report is filed.

active relief to the Old Quaker Company and to James Walsh and Company.

The Examiner found that no satisfactory showing had been made why retroactive relief was necessary and recommended that such relief be denied. I have examined the record and find no evidence to support the granting of retroactive relief. As the Examiner found, retroactive pricing makes for a disorderly price structure. It creates administrative difficulties, which may seriously affect the effectiveness of the Division's regulation. It leads to uncertainty in, and may breed disrespect of, the minimum price structure. Accordingly, such relief should not be granted except on a clear showing of the necessity therefor. I find that no such showing has been made in this record.

It should be noted that though the minimum prices established on October 1, 1940, were promulgated only after extensive hearings conducted by the Division (General Docket No. 15), and such parties as Seagram appeared and introduced evidence affecting its rights to purchase District 8 coals at f. a. s. prices, Old Quaker and Walsh did not appear. Having failed to offer evidence upon which the Examiner and Director could make an informed judgment, they cannot now be heard to complain that similar rights were not then accorded them.

On the basis of the foregoing and on the record, I find that the exceptions of the Old Quaker Company and the Bituminous Coal Consumers' Counsel are not well taken and should be denied, and that the Proposed Findings of Fact and the Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

Because at the hearing there arose some doubts concerning the conditions under which f. a. s. prices apply, it is believed that a clarification thereof may be helpful. It has always been recognized that f. a. s. prices apply only where shipments are made and deliveries received by the purchaser in barges. The weights that govern are the railroad weights at the mine.[1] Furthermore, in accordance with Price Instruction 9, consumers purchasing coal on an f. a. s. basis must assume all intervening costs subsequent to and including unloading from the barge. And, of course, f. a. s. prices apply only when the coal delivered to the consumer is the same coal which was loaded at the river loading facilities.

It is, therefore, ordered, That the exceptions filed herein be and they are hereby denied; and said Proposed Findings of Fact and Conclusions of Law of the Examiner be and they are hereby adopted as Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 328.13 (*Special prices*—(a) *Prices for river (free alongside deliveries) and ex-river shipments*—(iii) *Special cases*) in the Schedule of Effective Minimum Prices for District 8 for All Shipments Except Truck be and it is hereby amended to provide that any code member may sell high volatile coal at the free alongside prices to the following consumers, subject to the limitations indicated:

(a) Champion Paper & Fibre Company (for consumption at its plant located at Hamilton, Ohio).

(b) The City of Cincinnati, Ohio (for consumption within the city limits).

(c) The Board of Education of the City School District in the City of Cincinnati, Ohio (for consumption within the city limits).

(d) The County of Hamilton, Ohio (for consumption at the County Home, the Court House, and the Tuberculosis Hospital).

(e) Old Quaker Company (for consumption at its plant located at Lawrenceburg, Indiana).

(f) James Walsh & Company, Inc. (for consumption at its plant located at Lawrenceburg, Indiana).

(g) Lawrenceburg Roller Mills Company (for consumption at its plant located at Lawrenceburg, Indiana).

It is further ordered, That the provision in § 328.13 (*Special prices*—(a) *Prices for river (free alongside deliveries) and ex-river shipments*—(iii) *Special cases*) in the District 8 schedule that any code member may sell high volatile coals at the free alongside prices to Joseph E. Seagram & Sons, Inc. (for consumption at its plant located at Lawrenceburg, Indiana), be and it is continued in full force and effect.

It is further ordered, That, except as hereinabove provided, all prayers for relief be and they are hereby denied.

Dated: September 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7118; Filed, September 23, 1941; 11:33 a. m.]

[1] In the case of producers who are unable to weigh river shipped coal on railroad scales, application may be made to the Division for permission to employ other weighing methods.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER A—GENERAL PROVISIONS

[Regulation No. 3 Amended]

DEFINING THE STATUS OF THE DIVISION OF PRIORITIES OF THE OFFICE OF PRODUCTION MANAGEMENT AND PRESCRIBING THE DUTIES AND FUNCTIONS OF THE DIRECTOR THEREOF

Regulation No. 3 of the Office of Production Management, issued March 8, 1941, is hereby amended to read as follows:

Whereas by Executive Order No. 8629[1] and Executive Order No. 8875[2] the Office of Production Management has been created and charged with certain authority and duties with regard to defense and civilian supply, priorities and allocation, including the authority and duties hereinafter conferred upon the Director of Priorities; and

Whereas there has been established by said Executive Orders a Division of Priorities within the Office of Production Management in charge of a Director appointed by the Office of Production Management with the approval of the President;

Now therefore, by virtue of the authority vested in the Office of Production Management by said Executive Orders it is hereby provided that:

(a) The Director of the Division of Priorities, who shall be known as the Director of Priorities, shall perform the functions and exercise all the power, authority and discretion conferred on the President by section 2 (a) of the Act entitled "An Act to Expedite National Defense and for Other Purposes," approved June 28, 1940, and by Public No. 89, 77th Congress, First Session, entitled "An Act to Amend the Act Approved June 28, 1940, entitled 'An Act to Expedite National Defense, and for Other Purposes,' in order to extend the power to establish priorities and allocate material," approved May 31, 1941.

(b) The Director of Priorities shall have authority to propose action under section 9 of the Selective Training and Service Act of 1940, and all proposals for such action, whether originating with him or with any directors of any other division of the Office of Production Management or with any other official of the Government, shall be submitted by him, with his recommendation, to the Director General, the Associate Director General, the Secretary of War and the Secretary of the Navy, constituting the Council of the Office of Production Management, for such directions as they may give.

(c) The Director of Priorities shall review, clear, and approve for execution all requests or proposals originating from other Federal agencies, private industry, or other sources for priority action with respect to the procurement, production, transmission, or transportation of materials, articles, power, fuel, and other commodities; issue or provide for the issuance of all priority orders, warrants, certificates, or ratings with respect to the supply, production, transmission, or transportation of materials, articles, power, fuel, and other commodities; and, with reference to specific priority authorities vested by law in established departments and agencies of the Government, certify to

[1] 6 F.R. 191.
[2] 6 F.R. 4483.

such departments and agencies, when he deems such action necessary to national defense, that preferential treatment is essential for certain materials, commodities, facilities or services. On ultimate military items, the Director of Priorities shall be guided by categories of military preferences, including the modification of existing categories, as set forth from time to time by the Army and Navy Munitions Board.

(d) The Director of Priorities shall, in consultation with the United States Maritime Commission, determine when, to what extent, and in what manner priorities shall be accorded to deliveries of material as provided in section 2 (a) (3) of Public No. 46, 77th Congress, First Session, entitled "An Act to Make Emergency Provision for Certain Activities of the United States Maritime Commission, and for Other Purposes," approved May 2, 1941. Deliveries of material shall take priority as provided in said Act in accordance with such determinations and the orders issued in pursuance thereof by the Director of Priorities.

(e) The Director of Priorities may establish such organization as he deems necessary to the adequate execution of the authority and duties vested in him, including the employment of personnel. He shall obtain the approval of the Director General of the Office of Production Management, acting in association with the Associate Director General, for the creation of the principal administrative subdivisions within the Division of Priorities.

(f) The Director of Priorities may exercise the powers, authorities or discretion conferred upon him through such officials of the Government, including the contracting and procurement officers and inspectors of the War and Navy Departments, and in such manner as he may determine, subject to such policies or regulations as may be adopted from time to time by the Office of Production Management, and subject to such policies or regulations as may be adopted from time to time by the Supply Priorities and Allocations Board.

(g) The Director of Priorities shall have authority to designate an Assistant or Deputy Director to serve as Acting Director of Priorities in the event of his absence or inability to act, subject to the approval of the Director General of the Office of Production Management acting in association with the Associate Director General.

(h) The Director of Priorities shall make such reports of his actions pursuant to this Regulation as may be required from time to time by the Office of Production Management.

(i) All existing rules, regulations, orders, directions and actions of the Director of Priorities are hereby ratified and confirmed and shall remain in full force and effect until they expire by their terms or are specifically repealed or amended.

September 2, 1941.

WILLIAM S. KNUDSEN,
Director General.
SIDNEY HILLMAN,
Associate Director General.
ROBERT P. PATTERSON,
Acting Secretary of War.
JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved:

JOHN LORD O'BRIAN,
General Counsel.

Attest:

HERBERT EMMERICH,
Secretary.

Approved:

FRANKLIN D ROOSEVELT,
The White House,
Date: Sept. 12, 1941.

[F. R. Doc. 41-7095; Filed, September 22, 1941; 5:11 p. m.]

SUBCHAPTER B—PRIORITIES DIVISION

PART 928—TO RESTRICT INVENTORY ACCUMULATION OF CERTAIN SPECIFIED MATERIALS

Termination of General Metals Order No. 1

Whereas, § 928.1 (Priorities Division, General Metals Order No. 1) as amended, imposes restrictions on the accumulation of inventories of certain specified materials, and

Whereas § 944.14 of Regulation No. 1 of the Priorities Division of the Office of Production Management imposes restrictions on the accumulation of inventories of any material whatever, similar to those imposed by said § 928.1, which restrictions render unnecessary the continuance of said § 928.1 (Priorities Division General Metals Order No. 1)

Now, therefore, it is ordered, That § 928.1 (Priorities Division, General Metals Order No. 1), as amended, is hereby terminated.

(P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 23d day of September 1941, effective immediately.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7102; Filed, September 23, 1941; 10:04 a. m.]

PART 978—UTILITIES

Maintenance, Repair and Supplies; Interpretation of Preference Rating Order P-46

The following official interpretation is hereby issued by the Director of Priorities with respect to § 978.1, Preference Rating Order P-46,[1] issued September 17, 1941.

Section 978.1 permits the application of the preference rating therein assigned to purchase orders of Material for maintenance, repair or operating supplies placed by a Producer prior to the effective date of such Preference Rating Order. The preference rating assigned may be applied to such purchase orders by filing with the Supplier of the Material a duplicate copy of the purchase order heretofore placed, endorsed in the manner specified in paragraph (d) of the Order.

Issued this 23d day of September, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7101; Filed, September 23, 1941; 10:04 a. m.]

SUBCHAPTER B—PRIORITIES DIVISION

[Preference Rating Order P-56, Amendment]

PART 982—MINES

Maintenance, Repair, and Supplies

Section 982.1 *Preference rating order P-56*[2] is hereby amended as follows:

Paragraph (a) (2) is amended to read as follows:

(a) *Definitions.*

* * * * *

(2) "Mine" means any plant actually engaged in the extraction by surface, open-pit or underground methods, or in the beneficiation, concentration or preparation for shipment of the products of mining activity. It does not include that form of mining known as "gold placer mining."

Paragraph (b) is amended to read as follows:

(b) *Certification of mines*—(1) *Domestic mines.* The agency designated by the Governor or other chief executive officer of each state, territory or possession of the United States shall furnish in duplicate to the Office of Production Management a certificate setting forth the names of the persons operating Mines within such state, territory or possession. The Office of Production Management will thereupon issue a Mine Serial Number, through such state agency, to each such person who may be approved by the Director of Priorities. Any person aggrieved by failure or refusal of a state agency to certify him as a Mine Operator may apply in writing to the Director of Priorities for issuance of a Mine Serial Number. The Director of Priorities may thereupon take such action as he deems appropriate.

(2) *Foreign mines.* The Director of Priorities may, in his discretion, issue a Mine Serial Number to a person operating a Mine outside the limits of the United States, its territories and possessions.

Paragraph (c) is amended to read as follows:

(c) *Assignment of preference ratings.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other Preference Rating Certificate or Order.

(1) A-1-a to deliveries to a Mine Operator of material essential for emergency repair of a Mine, as approved by the Office of Production Management pursuant to paragraph (e) (1).

(2) A-8 to deliveries to a Mine Operator of material required for emergency inventory or for operating supplies or for maintenance of a Mine.

(3) A-8 to deliveries to a Supplier.

(i) Of material required by a Mine Operator for maintenance, emergency repair, emergency inventory or operating supplies of a Mine, and

(ii) Of material to be physically incorporated in other material so required by a Mine Operator.

Paragraph (e) (2) is amended to read as follows:

(e) *Application of preference ratings.*

* * * * *

(2) A Mine Operator or a Supplier, in order to apply the A-8 preference rating assigned by paragraph (c) (2) and (3), must endorse the following statement on the original and all copies of each purchase order or contract for material, the delivery of which is entitled to such preference rating:

Purchase order for Materials for a Mine rated pursuant to Preference Rating Order P-56, Mine Serial No. ----- Rating A-8. This application of the rating is made pursuant to the terms and conditions of that Order, with which the undersigned is familiar.

(Name of Mine Operator or Supplier)

By:---
(Authorized Signature)

Such purchase order or contract so endorsed shall be delivered to the seller of such material. Such endorsement shall constitute a certification to the Office of Production Management that the Mine Operator or Supplier is entitled to apply such rating to such delivery pursuant to this Order. Such purchase order or contract must be in writing and shall not include any material the delivery of which is not rated pursuant to this Order.

Paragraph (n) is amended to read as follows:

(n) *Amendment of prior order.* The provisions of Preference Rating Order P-22 shall not apply to deliveries to which a preference rating is assigned by this Order.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 22d day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7093; Filed, September 22, 1941; 2:32 p. m.]

[1] 6 F.R. 4784.
[2] 6 F.R. 4786.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

PRICE SCHEDULE NO. 4 AMENDED

§ 1304.16 *Appendix A, maximum prices for iron and steel scrap other than railroad scrap,* of Price Schedule No. 4[1] is hereby amended by striking out subparagraph (a) of paragraph II thereof and inserting in its stead the following:

(a) *For shipping points located within a basing point.* The price established above for the Basing Point in which the Shipping Point is located, is determined. There are then deducted from this price the actual costs involved in transporting scrap from the Shipping Point to the consumer's plant within the Basing Point which is nearest, in terms of transportation costs, to the Shipping Point; *except* that the Shipping Point Price within the Cincinnati Basing Point, for all grades other than No. 1 Cupola, Heavy Breakable Cast, Stove Plate, Machinery Cast, Cupola Size, No. 1 Machinery Cast, drop-broken, 150 lbs. & under, and Clean Auto Cast, shall in no case exceed the Basing Point Price of the specified grade, minus 80 cents. (E.O. 8734, 6 F.R. 1917)

§ 1304.17 *Appendix B, maximum prices for iron and steel scrap originating from railroads,* of Price Schedule No. 4 is hereby amended by adding thereto the following paragraph:

V

Maximum Prices for Scrap Rails and Rails for Rerolling Originating From Mines, Logging Roads, Etc.

A Shipping Point is the point from which the scrap is to be shipped to a consumer.

The Shipping Point Price is the price f. o. b. the Shipping Point.

The maximum Shipping Point Price of Scrap Rails and Rails for Rerolling originating from mines, logging roads, and similar sources shall be the price set forth in Paragraph I above for Scrap Rails and Rails for Rerolling at the Basing Point nearest, in terms of transportation charges, to the Shipping Point, minus the lowest established charge for transporting such rails from the Shipping Point to such Basing Point, except that the maximum Shipping Point Price need in no case be less than $13.50 per gross ton for Scrap Rails and $15.00 per gross ton for Rails for Rerolling. The maximum delivered price of such rails shall be the Shipping Point Price thus established, plus the lowest actual charge for transporting the rails from the Shipping Point to the consumer.[2] (E.O. 8734, 6 F.R. 1917)

Issued this 22d day of September 1941.

LEON HENDERSON.
Administrator.

[F. R. Doc. 41-7094; Filed, September 22, 1941; 3:37 p. m.]

[1] 6 F.R. 2986, 3061, 3985, 4417, 4615.

Notices

WAR DEPARTMENT.

[Contract No. W 7029 qm-7; O. I. No. 41-7]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: H. M. GALLAGHER, DOING BUSINESS AS J. F. COLEMAN ENGINEERING COMPANY, 1023 CARONDELET BUILDING, NEW ORLEANS, LOUISIANA

Amount fixed fee: $31,265.

Estimated cost of construction project: $2,843,500.

Type of construction project: Rehabilitation of Charleston Port of Embarkation.

Location: Charleston, S. C.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8875 PL29-77 A0540-12 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 6th day of June 1941.[3]

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Rehabilitation of existing Quartermaster facilities at Charleston, South Carolina.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utili-

[1] In paragraph (b) of § 1304.7 of this Schedule the following statement appears: ". . . rerolling rails scrap must be diverted to rerolling mills and not cut for melting purposes."

[2] Approved by the Under Secretary of War June 14, 1941.

ties and equipment as may be essential for the preparation of preliminary sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of thirty-one thousand, two hundred sixty-five dollars ($31,265) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

Method of payment. Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified pay rolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

Drawings and other data to become property of Government. All drawings, designs and specifications are to become the property of the Government.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

Termination for cause or for convenience of the Government; reduction in forces. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

When in the opinion of the Contracting Officer the Architect-Engineer's personnel and/or overhead is excessive for the proper performance of this contract, reductions thereof shall be made as required by the Contracting Officer.

This contract is authorized by the following laws:

Public No. 611—76th Congress, Approved June 13, 1940.

Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7096; Filed, September 23, 1941; 9:36 a. m.]

[Contract No. W 7082 qm-2; O. I. No. 2]

SUMMARY OF COST PLUS A FIXED FEE CONSTRUCTION CONTRACT

CONTRACTORS: DANIEL CONSTRUCTION COMPANY AND A. B. GUION & COMPANY, BOX 650 ANDERSON, S. C., AND BOX 1188, CHARLOTTE, N. C., RESPECTIVELY

Fixed-fee: $23,250.00.

Additional Optional Fixed Fee: $87,555.00.

Contract for: Rehabilitation of existing Quartermaster facilities.

Place: Charleston, South Carolina.

Estimated Cost of project: $426,750.00.

Additional Optional Cost: $2,305,945.00.

The work and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM-18283 CBU and A A0540-N the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 3rd day of June, 1941.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

Rehabilitation of existing Quartermaster facilities including rebuilding and reconditioning present warehouses, utilities and appurtenances and the construction of necessary buildings, temporary structures, utilities and appurtenances thereto at Charleston, South Carolina, all as more generally described in Appendix "B" but limited to those buildings and structures for which an estimate is made in section 7, of Appendix "B".

It is estimated that the total cost of the construction work covered by this Article will be approximately four hundred twenty-six thousand, seven hundred and fifty dollars ($426,750.00), exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Contractor's equipment as provided in Article II.

(c) A fixed-fee in the amount of twenty-three thousand two hundred and fifty dollars ($23,250.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

[1] Approved by the Under Secretary of War June 14, 1941.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in Article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

The performance of optional work. The Government may at its option elect to have the Contractor perform the work and services hereinafter set forth in this Article:

Statement of optional work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

Rehabilitation of existing Quartermaster facilities including rebuilding and reconditioning present warehouses, utilities and appurtenances and the construction of necessary buildings, temporary structures, utilities and appurtenances thereto, all as more generally described in Appendix "B" but limited to those buildings and structures shown on page 6 thereof.

Estimated cost of optional work. It is estimated that the total cost of the optional construction work covered by this Article will be approximately Two Million, Three Hundred Five Thousand, Nine Hundred Forty-five dollars ($2,305,945.00) exclusive of the Contractor's fee.

Fixed-fee for optional work. In consideration for his undertaking under this Article the Contractor shall receive a fixed-fee in the amount of Eighty Seven Thousand, Five Hundred Fifty-five dollars ($87,555.00) which shall constitute complete compensation for the Contractor's services under this Article, including profit and all general overhead expenses.

This contract is authorized by the following law:

Public 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7099; Filed, September 23, 1941; 9:36 a. m.]

[Contract No. W-398-qm-27; O. I. #27]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FORD MOTOR COMPANY, DEARBORN, MICHIGAN

Contract for: Trucks, * * *.

Amount, $1,029,250.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 30th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks, * * *, for the consideration stated, Total $1,029,250.00, and in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed * * * vehicles. This increase option to remain in effect until * * *.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days * * * per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM-22000, P-241-30, A-0022-13, the available balance of which is sufficient to cover cost of same.

This contract authorized under the provision of Act of July 2, 1940 (Public No. 703—76th Congress.)

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7100; Filed, September 23, 1941; 9:55 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-950]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR AN ALTERATION IN THE BOUNDARY LINES OF MARKET AREA 114 AND FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 23-29, INCLUSIVE, FOR COALS PRODUCED IN DISTRICT NO. 9, FOR SHIPMENT TO CERTAIN DESTINATIONS IN THE NEWLY DEFINED MARKET AREA 114

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 21, 1941, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 14, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Bituminous Coal Consumers' Counsel for temporary and permanent order:

1. Redefining the boundaries of Market Area 114 as follows:

"Market Area 114: Tennessee, Nashville and Old Hickory and all points in the switching limits thereof; all points on the Nashville, Chattanooga and St. Louis railroad from Nashville to and including Hermitage; all points on the Tennessee Central railroad from Nashville to and including Stone River; all points on the Tennessee Central Railroad from Stone River to and including Old Hickory; all points on the Louisville & Nashville railroad to and including Madison (north of Nashville) and Mayton (south of Nashville)."

2. Amending the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck by including on page 11 thereof the following notation:

"On shipments of coal in Size Groups 23-29, inclusive, to Maplewood, Madison, Mt. Olivet, Radnor and Mayton, in Mar-

ket Area 114, 10 cents may be deducted from the prices shown herein."

Dated: September 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7112; Filed, September 23, 1941; 11:31 a. m.]

[Docket No. A-1017]

PETITION OF DISTRICT BOARD NO. 1 FOR REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 1

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provision of said Act and the rules of the Division be held on October 20, 1941, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston of any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 14, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the revision of price classifications and minimum prices of the coals of certain mines located in District No. 1 as follows:

For Truck Shipments

By changing the price classifications and reducing the minimum prices for certain sizes of coals of the following mines:

Behun Mine (Mine Index No. 1066), Michael W. Behun;

The Harvey Mine (Mine Index No. 2855), Arthur Harvey;

The Mack Mine (Mine Index No. 1687), Frank McMillen (Mack Coal Company);

The Roth Mine (Mine Index No. 2423), E. A. Roth (Roth Coal Mining Company);

The Freeport No. 1 Mine (Mine Index No. 1066), Thomas Dailey;

Grove Coal Company Mine (Mine Index No. 1455), Grove Coal Company;

By changing the price classifications and increasing the minimum prices for certain sizes of coals of The White No. 6 Mine (Mine Index No. 652), James A. White Coal Company;

For All Shipments Except Truck

By establishing an F classification, For All Shipments Except Truck, in Size Groups 3, 4, and 5 for a mixture of the coals of the White No. 1 Mine (Mine Index No. 651), the White No. 2 Mine (Mine Index No. 488), the White No. 3 Mine (Mine Index No. 2651), White No. 4 Mine (Mine Index No. 2981), the White No. 5 Mine (Mine Index No. 804), and the White No. 6 Mine (Mine Index No. 652) of the James A. White Coal Company;

By changing the minimum prices for certain sizes of coals of the following mines:

The Freeport No. 1 Mine (Mine Index No. 1066), Thomas Dailey;

Grove Coal Company Mine (Mine Index No. 1455), Grove Coal Company;

By changing the price classification and increasing the minimum price for certain sizes of coals of the White No. 6 Mine (Mine Index No. 652), James A. White Coal Company.

Dated: September 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7113; Filed, September 23, 1941; 11:31 a. m.]

[Docket No. 1780-FD]

IN THE MATTER OF EDWIN R. EBERHART, DEFENDANT

ORDER CHANGING PLACE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 10, 1941, at a hearing room of the Bituminous Coal Division at the First National Bank Building, Bellaire, Ohio; and

The Director deeming it advisable that said place of hearing should be changed:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be changed from a hearing room of the Bituminous Coal Division at the First National Bank Building, Bellaire, Ohio, to a hearing room of the Bituminous Coal Division at the New Post Office Building at Canton, Ohio, at the time heretofore designated and before the officer previously designated to preside at said hearing.

Dated: September 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7114; Filed, September 23, 1941; 11:32 a. m.]

[Docket No. A-1021]

PETITION OF JAMES ARMSTRONG, ET AL., CODE MEMBERS IN SUBDISTRICT 7 OF DISTRICT 19 FOR REVISION OF THE NUMBER AND DESCRIPTION OF THE SIZE GROUPS AND REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT THE MINES IN THAT SUBDISTRICT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 17, 1941, at 10 o'clock in the forenoon of that day, at the County Court House, Sheridan, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 12, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of James Armstrong, et al., code members in Subdistrict 7 of District No. 19, for revision of the number and description of the size groups and revision of the effective minimum prices for the coals, for truck shipment, produced at the mines in that Subdistrict; and, more particularly, for (1) a reduction from 13 to 7 in the number of and changes in the descriptions of the size groups, as set forth below, for those coals and (2) an increase in such prices for those coals produced at Mine Index Nos. 33, 104, 132, 143 and 160 to the following prices in cents per net ton f. o. b. the mines:

	Size group						
	1	2	3	4	5	6	7
	8" lump	1½" lump	8" x 3" egg	3" x 1½" nut	1½" x 1" pea	1½" x 0 slack	Mine run
Price	310	290	310	275	275	200	250

and (3), for those coals produced at the other mines in Subdistrict 7, an increase in such prices to establish for those coals a price differential of 15 cents per net ton below the prices hereinabove set forth.

Dated: September 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7115; Filed, September 23, 1941; 11:32 a. m.]

[Docket No. A-164]

PETITION OF THE MALLORY COAL COMPANY FOR A CHANGE IN THE PRICE OF MINE RUN (SIZE GROUP 27) COAL FOR SHIPMENT VIA TIDEWATER TO MARKET AREA 1 FOR WATER GAS, RETORT AND BY-PRODUCT USE

MEMORANDUM OPINION AND ORDER FOR AND NOTICE OF REOPENING OF HEARING

The original petition in this matter was filed on October 16, 1940, by Mallory Coal Company ("Mallory"), a code member in District 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), seeking a reduction from $2.10 to $1.80 per net ton in the effective minimum price f. o. b. the mine for coal in Size Group 27 (run-of-mine and resultants), produced at its mines Nos. 4 and 5, for tidewater shipment to Lowell Gas Light Company ("Lowell"), Lowell, Massachusetts, for water gas, retort and by-product use.

Intervening petitions were filed by District Boards 1, 2, 3, 7, 8, Pocahontas Fuel Company, et al (code members in District 7); Carbon Fuel Company and Amherst Coal Company and Logan County Coal Corporation, jointly, (code members in District 8); and Koppers Coal Company (a code member in Districts 7 and 8). Barrows & Company, Inc., a registered distributor, also filed a petition for intervention. Consumers' Counsel entered its appearance.

Informal conferences with respect to temporary relief were held on November 1 and December 11, 1940, and on January 29, 1941, pursuant to the Rules and Regulations governing Practice and Procedure in 4 II (d) Proceedings, and temporary relief granted by Orders of the Director, which reduced by 30 cents per net ton the effective minimum prices for tidewater shipments of Size Group 27 high volatile coals from Districts 7 and 8 to Lowell for retort gas use, limiting the quantities which might be shipped at that reduced price, as follows: The Order dated November 23, 1940, limited the temporary relief to shipments aggregating not more than 7,000 tons from all producers; the Order of December 17, 1940, limited the aggregate to an additional 7,000 tons; the Order of February 6, 1941, permitted an additional 9,000 tons to be shipped prior to February 28, 1941; and the Order of March 3, 1941, permitted a further 9,000 tons to be shipped prior to March 31, 1941.

On April 24, 1941, Mallory filed a Motion to extend the temporary relief to apply to shipments of an additional 7,500 tons made prior to June 15, 1941. However, on May 2, 1941, Mallory withdrew this motion.

Pursuant to Orders and notices of hearing issued by the Director, and after due notice to all interested persons, a public hearing was held in this matter before Travis Williams, a duly designated Examiner of the Division, on November 18–20, 1940. On May 17, 1941, the Examiner submitted Proposed Findings of Fact and Conclusions of Law, and an opportunity was then afforded to all parties to file exceptions thereto and supporting briefs.

The Examiner reported, in part, as follows (p. 8):

It must, of course, be recognized that one of the standards to be met by the effective minimum prices is the proper "competitive relationships between coal and other forms of fuel and energy." However, the prices must also comply with other standards of section 4 II (b), such as preserving the existing fair competitive opportunities of other coals. Hence, any reduction in the minimum prices necessary to meet the challenge of competitive fuels must be appraised in the light of the effect thereof upon the existing fair competitive opportunities of other coals in the same market, as well as in the light of other criteria prescribed by section 4 of the Act.

The record does not lend itself to an easy determination of these problems. The original petitioner based its case upon the theory that the consumer Lowell can and probably will convert to oil unless the price of the coal in question is reduced. District Boards 2 and 3, opposing this requested reduction, concentrated their case upon the effect which the relief sought would have on the price structure. Neither attempted directly to controvert the other.

After considering the testimony as to the effect of the price reduction requested by Mallory upon competitive coals, he said (p. 7):

It is obvious that granting the relief requested would permit Lowell to purchase coal at a price less than other plants using the same kind of coal for the same purpose. Consumer inequality is not desirable and generally brings in its train further complaints; it should therefore be averted, in the absence of overriding statutory considerations and policy. Petitioner, however, confined itself to the facts relating specifically to Lowell. No testimony was adduced to show whether the situation at Lowell is typical of competitive conditions throughout New England or whether they are exceptional. Under this theory the Division is required to take into account "competitive relationships between coal and other forms of fuel and energy" at specific plants. Thus, two plants within the same area might purchase the same coal at different minimum prices depending upon the actual cost of conversion at each plant. It is not inconceivable that there would be a different minimum price for sales to each plant in any given area. The situation thus created would be highly undesirable.

There are a number of plants in New England using coal for the manufacture of water gas, and in view of the testimony of the witnesses Magee,[1] Klumpp, and Buckley as to the effect of the relief requested in the entire price structure, it seems only proper that a consideration of the competitive relationships between coal and oil should have involved at least Market Areas 1 and 2. The Act requires the coordination of minimum prices for competing coals in "common consuming market areas," not at specific plants. It would more nearly accord with the spirit of the Act if a consideration of competitive relationships between coal and other forms of fuel were conducted on a market area basis.

I am, therefore, of the opinion that it may be advisable to reopen the hear-

[1] The witness Magee is Vice-President of Carbon Fuel Company.

ing in this matter to permit the introduction of evidence regarding the general situation as to competitive fuels in the entire market area. "Competitive relationships between coal and other forms of fuel and energy" not only at Lowell but at all consuming plants similarly situated should be considered if a properly coordinated and sound price structure is to be maintained.

Mallory has excepted to the Examiner's Findings in these and other respects, alleging that the Examiner failed to take account of the determinations made or related matters in General Docket No. 15, in which it is stated, "the broad competitive picture of Market Areas 1 and 2 was explored in great detail," that if any hearing be reopened it should be that in General Docket No. 15, and that the reopening of the hearing in this matter would unduly delay final disposition of the instant petition, bringing about the conversion which the petition sought to avert.

It does not seem, however, that the delay consequent to a reopening of this hearing will presently endanger the competitive status of Mallory's or other coals insofar as the Lowell plant is concerned. It should be noted that no temporary relief is now effective; apparently the Mallory coals are now moving to the Lowell plant at no less than the effective minimum prices. There is no indication that present marketing conditions will radically alter before the reopened hearing can be held and a final order issued in this matter.

The importance of fully exploring the effect of competitive fuels in the entire of Market Areas 1 and 2, and in handling that problem on a market area basis justifies the slight delay incidental to a resumption of the hearing.

Moreover, since the hearing in this matter was held on November 18–20, 1940, emergency conditions and the exigencies of the defense effort have somewhat altered the pace of the national economy, with probable effects on bituminous coal markets and on the matters involved in this proceeding. Particularly is it likely that transportation and distribution facilities for bituminous coals in the New England and the Eastern section of the United States have been somewhat affected.

Similarly the costs of competitive fuels and of converting for use of such fuels very likely have changed. Proper determination of the issues here involved with a view toward maintaining a sound price structure cannot be made without further inquiry into matters such as those noted above.

It is the opinion of the Director, therefore, that in accordance with the recommendation of the Examiner, this cause be reopened for the purpose of receiving evidence with respect to the competitive relationships between coal and other forms of fuel and energy in Market Areas 1 and 2, both insofar as the Lowell plant and other plants are concerned.

Upon the termination of the reopened hearing, the Examiner should submit a supplemental report, and Mallory and other parties be permitted to file supplemental exceptions thereto.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, reopened generally for the purpose of receiving evidence directed to the question of the competitive relationships between coal and other forms of fuel and energy in Market Areas 1 and 2 with specific reference to any individual consumer plant or plants therein and with respect to such relationships generally.

It is further ordered, That the Examiner's Report and Mallory's exceptions thereto, now on file, stand as submitted and filed, and that, upon the close of the reopened hearing, the Examiner submit a supplemental report, Proposed Findings of Fact, Proposed Conclusions of Law, and recommendations of an appropriate Order, upon all the evidence and the record.

It is further ordered, That said hearing, as reopened, be held on October 15, 1941, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the reopened hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein.

The matter concerned herewith is in regard to a petition of the Mallory Coal Company, a code member in District 8, for a reduction in the price of mine run coal (Size Group 27) produced at the Mallory Mines Nos. 4 and 5 when shipped to Lowell Gas Light Company, Lowell, Massachusetts, via tidewater for water gas, retort and by-product use, to $1.80 per net ton f. o. b. the mines.

Dated: September 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7116; Filed, September 23, 1941; 11:32 a. m.]

[Docket No. A-657]

PETITION OF DISTRICT BOARD 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT No. 6

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

This is a proceeding instituted upon an original petition filed by District Board 6 requesting the establishment of price classifications and minimum prices, for all shipments, for the coals of certain mines in District No. 6.

By Order of March 17, 1941, price classifications and minimum prices were temporarily established, *inter alia*, for the coals of the Devenney #2 Mine (Mine Index No. 31) of the Wheeling Valley Coal Corporation for all shipments. A subsequent Order, dated July 18, 1941, rescinded the Order of March 17, 1941, in so far as it established price classifications and minimum prices for the coals of the Devenney #2 Mine (Mine Index No. 31) for river and ex-river shipments.

Thereupon the original petitioner filed a motion stating that the Devenney #2 Mine had river loading facilities; that during the effective period of the Order of March 17, 1941, Wheeling Valley Coal Corporation made commitments for the shipment by river of approximately 5,000 tons of coal from the Devenney #2 Mine; and that the Order of July 18, 1941, would seriously embarrass Wheeling Valley Coal Corporation. Petitioner thereupon requested the re-establishment of price classifications and minimum prices for river and ex-river shipments from the Devenney #2 Mine.

It is, therefore, ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the above matter, temporary relief be and it is hereby granted as follows: Coals of the Devenney #2 Mine (Mine Index No. 31) of the Wheeling Valley Coal Corporation shall be subject to the price classifications and minimum prices established by the Order of March 17, 1941, for river and ex-river shipments. The temporary relief herein granted shall extend to coal for river and ex-river shipments in fulfillment of contracts or commitments entered into by Wheeling Valley Coal Corporation between March 17, 1941, and July 18, 1941, but in no event shall the aggregate of the tonnage so shipped be in excess of 5000 tons.

It is further ordered, That the Wheeling Valley Coal Corporation shall file forthwith with the Division in Washington, D. C., verified copies of all commitments or contracts entered into between March 17, 1941, and July 18, 1941, for the sale of coal, for river or ex-river shipment, from its Devenney #2 Mine. All invoices or credit memoranda for shipments made pursuant to this order shall be so marked, and in addition thereto Wheeling Valley Coal Corporation shall file with the Division in Washington, D. C., semimonthly reports showing the tonnage of each shipment made under this order, the shipping point, purchaser, destination, use, f. o. b. mine price, and any additional costs paid by the seller on behalf of the purchaser.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 13, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 8, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of price classifications and minimum prices for river and ex-river shipments from the Devenney #2 Mine of the Wheeling Valley Coal Corporation, a code member in District No. 6.

Dated: September 20, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7117. Filed, September 23, 1941; 11:32 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[NER-500-A-1]

SPECIAL 1941 AGRICULTURAL CONSERVATION PROGRAMS FOR THE NORTHEAST REGION, SUPPLEMENT No. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the Special 1941 Agricultural Conservation Programs for the Northeast Region[1] are amended as follows:

1. Item 4, subsection A, section I, is amended to read as follows:

Farm acreage allotments. A potato acreage allotment shall be determined for each farm for which the normal acreage of potatoes is determined to be three acres or more. No potato acreage allotment shall be less than 3 acres unless it is reduced because there was planted on the farm less than 80 percent of the farm's potato allotment.

Potato acreage allotments shall be determined on the basis of the acreage of potatoes customarily grown on the farm, as reflected in the average acreage during two or more of the years 1936 to 1940, production facilities, good soil management, tillable acreage on the farm, type of soil, and topography. Potato acreage allotments may be determined for farms on which potatoes will be produced in 1941 for the first time since 1936 on the basis of the potato-producing experience of the operator and such of the foregoing factors as are applicable. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors. The potato allotments determined for farms in a county shall not exceed their proportionate share of the county potato allotment.

2. Item 3, subsection B, section I is amended to read as follows:

Commercial vegetables means the planted acreage of annual vegetables or truck crops and the harvested acreage of perennial vegetables, of which any portion of the production is sold to persons not living on the farm, except (1) such crops grown in home gardens for use on the farm; (2) potatoes; (3) dried beans, cowpeas, blackeyed peas, bulbs and flowers, and watermelons; and (4) sweet potatoes, strawberries, and cantaloupes, except in areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee: *Provided*, That all or any part of any vegetable acreage totally destroyed by flood, freeze, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to vegetables on the farm, may be considered as not having been planted; *Provided further*, That in determining the acreage of commercial vegetables in 1941, the acreage of tomatoes, corn, peas, snap beans, and lima beans grown for processing shall not be considered as commercial vegetables.

3. Item 4, subsection B, section I, is amended to read as follows:

Payment: $1.30 for each acre in the commercial vegetable acreage allotment determined for the farm, or if the acreage of commercial vegetables plus the acreage of tomatoes, corn, peas, snap beans, and lima beans grown for processing is less than 80 percent of the farm's commercial vegetable allotment, for an acreage equal to 125 percent of the acreage of commercial vegetables plus the acreage of tomatoes, corn, peas, snap beans, and lima beans grown for processing unless the county committee finds that the acreage of commercial vegetables plus the acreage of tomatoes, corn, peas, snap beans, and lima beans grown for processing is less than 80 percent of such allotment because of flood or drought.

4. Item 7, subsection C, section I, is amended to read as follows:

Non-wheat-allotment farm means (a) any farm for which no wheat allotment was determined prior to September 1, 1940; (b) any farm notified of a usual acreage of wheat, but for which no written request was filed by the operator prior to September 1, 1940, to consider the farm a wheat allotment farm; (c) any farm for which the operator filed with the county committee prior to September 1, 1940, a written request to have the farm considered as a non-wheat allotment farm; (d) any farm, mistakenly classified as a wheat allotment farm, on which the acreage planted to wheat in excess of the farm wheat allotment was plowed or disked down, pastured, cut for hay or ensilage, or cut and left on the land not later than June 14, 1941, in New Jersey, June 20, 1941, in Pennsylvania, and July 1, 1941, in New York; and (e) any other farm, mistakenly classified as a wheat allotment farm, with a wheat acreage allotment of 15 acres or less and on which the acreage planted to wheat is more than 15 acres.

5. Item 8, subsection C, section I, is amended to read as follows:

Acreage planted to wheat means (a) any acreage of land devoted to seeded wheat (except when such crop is seeded

[1] 6 F.R. 1369.

in a mixture containing 25 percent or more by weight of rye, barley, or vetch), or (b) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That any acreage of land devoted to seeded wheat in excess of the acreage allotment on a non-wheat-allotment farm shall not be considered as planted to wheat if the acreage in excess of the allotment is plowed down, pastured, converted into ensilage, or cut for hay, or otherwise utilized for soil-building purposes by clipping and leaving on the land not later than June 14, 1941, in New Jersey; June 20, 1941, in Pennsylvania; and July 1, 1941, in New York.

6. Item 9, subsection C, section I, is amended to read as follows:

Payment: (Non-wheat-allotment farms on which the acreage planted to wheat on the farm does not exceed its wheat acreage allotment and wheat allotment farms) 8 cents per bushel of the program yield of wheat for the farm for each acre in its wheat allotment, or if the acreage planted to wheat is less than 80 percent of the farm's wheat allotment, for an acreage equal to 125 percent of the acreage of wheat unless the county committee finds that the acreage of wheat is less than 80 percent of such allotment because of flood or drought.

7. Item 2, subsection D, section I, is hereby deleted.

8. Item 2, subsection F, section II, is hereby amended to read as follows:

Windham and New London Counties, Connecticut. Each farm on which there are at least five bovine animal units may be furnished triple or 20% superphosphate and ground limestone in accordance with the following schedule for improving open pasture land at the rate of 2,000 pounds of ground limestone and 200 pounds of triple superphosphate or its equivalent per acre.

Animal units	Pasture improvement allowance		
	Superphosphate		Limestone
	Triple	20%	
	Pounds	*Pounds*	*Pounds*
5 to 9, inclusive	100	300	1,000
10 to 14, inclusive	200	500	2,000
15 to 19, inclusive	300	700	3,000
20 to 24, inclusive	400	900	4,000
25 to 29, inclusive	500	1,200	5,000
Etc.			

9. Item 2, subsection A, section III, is hereby amended to read as follows:

The deductions with respect to insufficient acreage of grasses or legumes in Nassau and Suffolk Counties shall be regarded as pro rata deductions with respect to the payments computed in connection with commercial vegetable, potato, and wheat acreage allotments. The deduction for failure to maintain soil-building practices carried out under previous programs shall be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.

Done at Washington, D. C. this 23rd day of September, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7121, Filed September 23, 1941; 11:38 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5731]

IN THE MATTER OF THE OHIO PUBLIC SERVICE COMPANY AND THE TOLEDO EDISON COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARINGS

SEPTEMBER 20, 1941.

Commissioners: Leland Olds, Chairman, Basil Manly, John W. Scott and Clyde L. Seavey; Claude L. Draper not participating.

Upon application filed September 19, 1941, by The Ohio Power Company, requesting this Commission to take such action as it may deem appropriate looking toward the maintenance of interconnections between the transmission systems of The Ohio Power Company and the transmission systems of The Ohio Public Service Company and The Toledo Edison Company as provided in a certain contract between the parties, dated January 1, 1938;

It appearing to the Commission that:

(a) There is in effect a contract between The Ohio Power Company and The Ohio Public Service Company and The Toledo Edison Company, which contract is dated January 1, 1938, providing for the maintenance of interconnections between the electric transmission systems of the parties, for the sale and interchange of electric energy thereover, which contract is on file with the Commission and is designated The Ohio Power Company Rate Schedule FPG No. 15;

(b) Said contract is by its terms to be effective at least until December, 1942;

(c) Said contract imposes mutual obligations upon the parties thereto relating to the maintenance of service and is a contract relating to service embodied in a rate schedule duly filed with this Commission, in which no change shall be made except in the manner provided in section 205 (d) of the Federal Power Act;

(d) By letter dated September 12, 1941, The Ohio Public Service Company purported to advise The Ohio Power Company that at midnight on Saturday, September 20, 1941, The Ohio Public Service Company proposes to disconnect all switches by which its electric transmission lines are interconnected with those of The Ohio Power Company, said letter stating that the sole purpose of said disconnection is to bring about an immediate termination of another proceeding against The Ohio Public Service Company which is now being conducted before this Commission, entitled In the Matter of The Ohio Public Service Company, Docket No. IT-5563;

(e) On September 15, 1941, said letter of September 12, 1941, from The Ohio Public Service Company to The Ohio Power Company was read into the record of the hearing in Docket No. IT-5563;

(f) The proposed disconnection by The Ohio Public Service Company of its facilities and those of The Toledo Edison Company from those of The Ohio Power Company will constitute a change in a contract relating to service and may constitute a violation of section 205 (d) of the Federal Power Act unless made with the approval of this Commission;

(g) By letter of this Commission dated September 19, 1941, The Ohio Public Service Company was duly notified of the protest theretofore received from The Ohio Power Company and was directed not to sever the interconnections of its facilities from those of The Ohio Power Company pending the hearing provided for herein;

Wherefore, the Commission orders that:

(A) The Ohio Public Service Company and The Toledo Edison Company show cause if any there be at a public hearing to be held on October 7, 1941, at 9:45 a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., why:

(i) They should not comply with the provisions of section 205 (d) of the Federal Power Act; and

(ii) The Commission should not issue an order under section 202 (b) of the Federal Power Act requiring them to maintain physical connection of their transmission facilities with the facilities of The Ohio Power Company and to exchange electric energy with said Company as provided in the aforesaid contract of January 1, 1938;

(B) Pending said hearing and the determination of the Commission thereon, Respondents shall not sever any of the interconnections between their facilities and those of The Ohio Power Company, provided for in the aforesaid Ohio Power Company Rate Schedule FPC No. 15;

(C) Interested state commissions may participate in said hearing, as provided in § 39.4 of the Rules of Practice and Regulations, under the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7097; Filed, September 23, 1941; 9:36 a. m.]

FEDERAL WORKS AGENCY.

[General Order No. 38—Supp. 1]

PROVIDING FOR A CHANGE OF THE EFFECTIVE DATE IN GENERAL ORDER NO. 38 CONSOLIDATING INTO THE OFFICE OF THE FEDERAL WORKS ADMINISTRATOR ALL ADMINISTRATIVE FUNCTIONS OF A LEGAL CHARACTER IN AND OF THE PUBLIC BUILDINGS ADMINISTRATION

Pursuant to the Independent Offices Appropriation Act, 1942, and under authority otherwise conferred upon the Federal Works Administrator, I hereby order that General Order No. 38 (6 F.R. 3527) be amended to provide that the effective date of the order shall read: October 9, 1941.

In testimony whereof, I have hereunto set my hand and official seal at the City of Washington this 16th day of September 1941.

[SEAL] JOHN N. EDY,
Acting Administrator.

[F. R. Doc. 41-7096; Filed, September 23, 1941; 9:36 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-199]

IN THE MATTER OF H. K. & W. INVESTMENT CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order granting an extension for the date of filing Form N-8B-1;

It is ordered, That a hearing on the aforesaid application be held on October 7, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary

[F. R. Doc. 41-7107; Filed, September 23, 1941; 11:25 a. m.]

[File No. 812-200]

IN THE MATTER OF UNITED STATES LINES, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of exemption from the registration requirements of section 8 (b) of the said Act;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and rules and regulations of the Commission thereunder be held on October 3, 1941, at 10:00 o'clock in the forenoon of that day, in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day, the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7108; Filed, September 23, 1941; 11:25 a. m.]

[File No. 1-349]

IN THE MATTER OF KEMPER-THOMAS COMPANY $20 PAR VALUE COMMON STOCK AND $100 PAR VALUE 7% CUMULATIVE SPECIAL PREFERRED STOCK

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

The Kemper-Thomas Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $20 Par Value Common Stock and $100 Par Value 7% Cumulative Special Preferred Stock from listing and registration on the Cincinnati Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, October 14, 1941, at the office of the Securities & Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James C. Gruener, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7109; Filed, September 23, 1941; 11:25 a. m.]

[File No. 37-43]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION AND ITS SUBSIDIARIES; NEGEA SERVICE CORPORATION (FORMERLY CONGRESS MACHINE ACCOUNTING CORPORATION)

NOTICE OF AND ORDER RECONVENING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September, A. D. 1941.

Negea Service Corporation (formerly Congress Machine Accounting Corporation), a subsidiary of New England Gas and Electric Association, a registered holding company, having filed a declaration pursuant to Rule U-13-22 under section 13 of the Public Utility Holding Company Act of 1935, with respect to its organization and conduct of business as a subsidiary service company;

Hearings having been held on said declaration, the last of said hearings having been held on October 30, 1940 and

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said hearing having been continued subject to call of the Trial Examiner or by order of the Commission, certain amendments having been filed, involving substantial changes in the proposed organization and conduct of business of said company; and the Trial Examiner designated to preside at said hearing now being engaged in another matter and unable to reconvene the said hearing;

It is ordered, That the hearing in these proceedings shall be reconvened on October 14, 1941 at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated by the hearing-room clerk in Room 1102.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

Notice of such reconvened hearing is hereby given to such declarant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7110; Filed, September 23, 1941; 11:26 a. m.]

[File No. 37-42]

IN THE MATTER OF APPLIANCE CREDIT CORPORATION

NOTICE OF AND ORDER RECONVENING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September, A. D. 1941.

Appliance Credit Corporation, a subsidiary of New England Gas and Electric Association, a registered holding company, having filed a declaration pursuant to Rule U-13-22 under section 13 of the Public Utility Holding Company Act of 1935, with respect to its organization and conduct of business as a subsidiary service company;

A hearing having been held on said declaration on October 26, 1939 and said hearing having been continued subject to call of the Trial Examiner; and the Trial Examiner designated to preside at said hearing now being engaged in another matter and unable to reconvene the said hearing;

It is ordered, That the hearing in these proceedings shall be reconvened on October 14, 1941 at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated by the hearing-room clerk in Room 1102.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such reconvened hearing is hereby given to such declarant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7111; Filed, September 23, 1941; 11:26 a. m.]

SEP 26 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 187

Washington, Thursday, September 25, 1941

The President

GENERAL PULASKI'S MEMORIAL DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS in this grave crisis, when our precious liberties are gravely menaced by the spread of conquest and tyranny abroad, we may gratefully recall the efforts and sacrifices of those who helped establish this as a free nation; and

WHEREAS on October 11, 1779, at the siege of Savannah, Count Casimir Pulaski, valiant representative of a people that has for centuries displayed magnificent independence of spirit, gallantly gave his life for the cause of American independence; and

WHEREAS, in this connection, the Congress has enacted Public Law 41, approved April 24, 1941, which provides as follows:

> That the President of the United States of America is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1941, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim October 11, 1941, as General Pulaski's Memorial Day, and I call upon officials of the Government to display the flag of the United States on all Government buildings on that day. I also invite the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of General Pulaski's death.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 22nd day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2512]

[F. R. Doc. 41-7128; Filed, September 24, 1941; 10:28 a. m.]

EXECUTIVE ORDER

TRANSFER OF LANDS FROM THE OUACHITA NATIONAL FOREST TO THE OZARK NATIONAL FOREST

ARKANSAS

By virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described national-forest lands, in the State of Arkansas, be, and they are hereby, transferred from the Ouachita National Forest to the Ozark National Forest:

All lands of the Magazine Mountain Ranger District within the established boundaries of the Ouachita National Forest, Arkansas, as shown on the diagram made a part of Proclamation No. 2296 of August 30, 1938 (53 Stat., Pt. 3, 2465).

It is not intended by this order to give a national-forest status to any publicly-owned lands which have not heretofore had such status, or to remove any publicly-owned lands from a national-forest status.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 23, 1941.

[No. 8906]

[F. R. Doc. 41-7130; Filed, September 24, 1941; 10:41 a. m.]

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 161—REGULATIONS FOR THE ENFORCEMENT OF THE INSECTICIDE ACT OF 1910

DEFINITIONS

Sec.
161.1 Meaning of words.
161.2 Terms defined.

ADMINISTRATION

161.3 Authority.

SAMPLES

161.4 Collection of samples.
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LABELING

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161.13 When labels are required.
161.14 Name and address of manufacturer.

GUARANTY

161.15 Guaranty against adulteration and misbranding.

IMPORTS

161.16 Declaration.
161.17 Notice of shipments for importation.
161.18 Drawing of samples of import shipments.
161.19 Bond for release of imports pending examination.
161.20 Procedure after examination.

Pursuant to the authority of section 3 of the Insecticide Act of 1910 (36 Stat. 331; 7 U.S.C. 127) we hereby make and publish the following rules and regulations for the enforcement of the Insecticide Act of 1910, to become effective on October 1, 1941.

These regulations shall supersede those previously promulgated and published as Part 180, Chapter I, Title 21, Code of Federal Regulations, which are hereby repealed.

DEFINITIONS

§ 161.1 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.*

*§§ 161.1 to 161.20, inclusive, issued under the authority contained in sec. 3, 36 Stat. 331; 7 U.S.C. 127.

§ 161.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Insecticide Act of 1910 (36 Stat. 331; 7 U.S.C. 121–134).

(b) "Person" means an individual, corporation, partnership, or two or more persons having a joint or common interest.

(c) "Chief of Service" means the Chief or Acting Chief of Agricultural Marketing Service, United States Department of Agriculture.

(d) "Package" includes the carton, box, barrel, or other receptacle into which an insecticide or fungicide, paris green, or lead arsenate is placed for use, handling, removal, shipment, or conveyance; a single container of such article or articles or several containers packed together, including both the immediate container of the material and the box, carton, or other container (if any) in which it is enclosed or displayed.

(e) "Unbroken package and original unbroken package" means the original package delivered by the shipper to the carrier at the initial point of interstate shipment, and also the unit package as ordinarily displayed on the shelves of the retail dealer or distributor.

(f) "Label" includes any legend and descriptive matter or design printed, stenciled, stamped, seared, or impressed upon the article or its container or wrapper, and also includes any circular, pamphlet, or other descriptive matter packed with or accompanying the article at any time while such article is in interstate commerce, and such letters, circulars, pamphlets, and other descriptive matter to which reference is made, either on the label attached to the package or on the package itself, or any circular, pamphlet, or other descriptive matter accompanying the package in interstate commerce.

(g) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes, and wood lice.

(h) "Fungi" means all nonchlorophyll-bearing plants of a lower order than mosses and liverworts (i. e., nonchlorophyll-bearing thallophytes), as, for example, rusts, smuts, mildews, molds, yeasts, and bacteria.

(i) "Official inspector" means any employee of the Agricultural Marketing Service or other authorized inspector or agent of the Department of Agriculture or of the Treasury Department.*

ADMINISTRATION

§ 161.3 *Authority.* The Chief of Service is charged with the administration of the provisions of the Act and the regulations in this part and is authorized to issue such instructions as he may deem proper and necessary.*

SAMPLES

§ 161.4 *Collection of samples.* Samples shall be collected only by official inspectors.*

§ 161.5 *Investigations.* Official inspectors shall make investigations to locate shipments of products which may be in violation of the law; visit manufacturers and distributors and, with their consent, obtain information concerning insecticides and fungicides marketed by such parties, and records of interstate shipments; consult shipping records, such as those kept by railroad, express, and trucking companies, and visit wholesale and retail establishments and other places to locate interstate shipments of insecticides and fungicides.*

§ 161.6 *Methods of examining samples.* The methods of examining samples shall be those adopted and published by the Association of Official Agricultural Chemists (where applicable), and such other methods as may be necessary to determine whether or not the product and its labeling are in compliance with the law. These methods may include chemical, microscopical, physical, and bacteriological methods, and tests in orchard, field, garden and greenhouse, on animals, in or about premises, in cages, in the laboratory, and in such other places as may be necessary.*

§ 161.7 *Hearings.* If, from the examination or analysis, a sample appears to be adulterated or misbranded within the meaning of the Act, notice in writing, setting forth the charges, shall be sent to the person who made, or offered to make, the shipment, and to any other interested person, giving him an opportunity to offer such explanation as he may desire, for consideration by the Department. Should any such person file, in addition to his reply in writing, a written request for an oral hearing, giving his reasons therefor, due consideration will be given to the question whether any useful purpose would be served by such a hearing.

No hearing will be granted prior to seizure action pursuant to section 10 of the Act.*

VIOLATIONS

§ 161.8 *Report of violations.* Requests for institution of prosecutions under sections 1 and 2 of the Act, and, where practicable, for proceedings under section 10 of the Act, will be made by the Secretary of Agriculture to the Attorney General. Where immediate action is necessary to secure the seizure of articles under section 10 and delay would result by reporting the facts to the Attorney General, the Secretary of Agriculture will communicate directly with the United States attorneys. In such cases, however, the Secretary of Agriculture will promptly furnish the Attorney General with a copy of the communication to the United States Attorney.*

§ 161.9 *Publication.* Publication shall be made of notices of judgment of the courts in cases arising under both the criminal sections (sections 1 and 2) and the seizure section (section 10) of the Act in the form of circulars, notices, or bulletins as the Chief of Service may direct.*

ABSTRACTION OF VALUABLE CONSTITUENTS

§ 161.10 *When wholly abstracted.* A valuable constituent will be considered as wholly abstracted from an article whenever the designation of the article imports its presence therein and the constituent has been wholly omitted therefrom, in the preparation of the article, or has been wholly removed from the completed article.*

§ 161.11 *When partly abstracted.* A valuable constituent will be considered as partly abstracted from an article whenever the designation of the article imports its presence therein and the constituent is not present in the usual or customary amount or in the amount indicated on the label.*

LABELING

§ 161.12 *Statements on label.* Statements on labels must conform to the following requirements:

(a) *To be in English language.* All words, statements, and other information required by the Act to appear on the label shall be in the English language.

(b) *Ingredient statement.* The ingredient statement, where required on the labels of insecticides and fungicides, shall: (1) be placed on that part of the label of each individual package or container (and also on the carton or outer container, if there is one) which is presented or displayed under customary conditions of purchase; (2) run parallel with other printed or reading matter on the label; (3) not be materially less conspicuous than any other word, statement, or information on the label; (4) be on a clear, contrasting background and not obscured by designs or vignettes, or crowded with other written, printed, or graphic matter; (5) give the specific names by which the ingredient is commonly known, other than a trade name or collective name, or, if it does not have such a name, its correct chemical name; (6) give equal prominence to the names of the ingredients where more than one is present; (7) give single values for the percentages of the ingredients and shall not use a sliding scale form of statement; and (8) show the term "Inert Ingredient" in type and position equally as conspicuous as the term "Active Ingredient" when both these terms are used.

(c) *Phenol coefficient statement.* If a label of a disinfectant bears a phenol coefficient statement it shall not be in a sliding scale form.

(d) *False and misleading statements.* The use of any false or misleading statement on any part of the label or labeling, given as the statement or opinion of an expert or other person or based on such statement or opinion, shall not be justified, nor may such statement be justified by any descriptive matter explaining the use of the false or misleading statement.

Any statement on the label or labeling, either directly or indirectly implying that the product is recommended or endorsed by any agency of the Federal Government, is considered misleading.*.

§ 161.13 *When labels are required.* Whenever, by the terms of the Act, information is required to be on the label of an insecticide or fungicide, a label must be placed on the article or its container in order that the statement can be made. The omission of a label will not excuse the absence of the required statement.*

§ 161.14 *Name and address of manufacturer*—(a) *True name and place.* The name of the manufacturer or producer or the place of manufacture need not be given upon the label, but, if given, it must be the true name and true place. The words "Packed for * * *," "Distributed by * * *," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer.

(b) *When more than one place of manufacture.* When a person actually manufactures or produces an insecticide, fungicide, paris green, or lead arsenate in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when, under the peculiar circumstances of the particular case, the mention of any such place to the exclusion of the others may mislead the public.

(c) *Geographical name.* The use of a geographical name on the label of an insecticide or fungicide will not be considered misbranding when, by reason of long usage, it has come to represent a generic term and indicates a style, type, or brand, or a specific substance rather than the place of manufacture, but in all such cases the place where any such article is manufactured or produced shall be stated on the principal label.*

GUARANTY

§ 161.15 *Guaranty against adulteration and misbranding.* The following provisions apply to the furnishing and use of the guaranty:

(a) *To dealer.* Any wholesaler, manufacturer, jobber, or other person residing in the United States may furnish to any person to whom he sells any insecticide, paris green, lead arsenate, or fungicide, a guaranty that such article is not adulterated or misbranded within the meaning of the Act.

(b) *Essential wording.* Each guaranty to afford protection shall be signed by, and shall contain the name and address of, the wholesaler, manufacturer, jobber, or other person residing in the United States who sold the article, and it shall be stated in the guaranty that such article or articles are not adulterated or misbranded within the meaning of the Act. The guaranty shall not appear on the labels or packages.

(c) *Holder not to be prosecuted.* No dealer in insecticides, paris greens, lead arsenates, or fungicides will be liable to prosecution if he can establish that the articles were sold under a guaranty given in compliance with the regulations in this part.•

IMPORTS

§ 161.16 *Declaration.* All invoices of insecticides, paris greens, lead arsenates, and fungicides imported into the United States shall be accompanied by a declaration of the shipper, made before a United States consular officer, as follows:

I, ----------, the undersigned,
(Name in full)
do hereby declare that I am the ----------
(Manufacturer
---------- of the merchandise herein men-
or shipper)
tioned, which consists of insecticides, paris greens, lead arsenates, or fungicides. None of this merchandise is falsely labeled in any respect, or dangerous to the health of the people of the United States, or forbidden entry into, or sale in, or restricted in sale in, the country in which it is made or from which it is exported. The merchandise was manufactured in ----------, by
(Country)
----------, and is exported from
(Name of manufacturer)
---------- consigned to ----------
(City) (City)
Dated at ---------- this ------
day of ----------, 19---.

(Signature)

•

§ 161.17 *Notice of shipments for importation.* The collector of customs shall notify the Agricultural Marketing Service of the United States Department of Agriculture of all shipments of insecticides and fungicides being imported into the United States and shall detain all such shipments until notified by the Agricultural Marketing Service that the shipment may be released.•

§ 161.18 *Drawing of samples of import shipments.* The collector of customs shall, on request of the Agricultural Marketing Service of the United States Department of Agriculture, draw samples of import shipments of insecticides and fungicides and deliver them together with a copy of the labeling and all accompanying circulars and advertising matter pertaining to the goods to the designated laboratory of the Agricultural Marketing Service.•

§ 161.19 *Bond for release of imports pending examination.* Consignments of insecticides, paris greens, lead arsenates, or fungicides, offered for importation into the United States may be detained pending examination to determine whether they are adulterated or misbranded, or they may be released to the consignee prior to such examination upon the execution on the appropriate form of a customs single-entry or term bond in such amount as is prescribed for such bonds in the customs regulations in force on the date of entry and containing a condition for the redelivery of the merchandise or any part thereof upon demand of the collector of customs at any time. The bond shall be filed with the collector of customs, who, in case of default, shall take appropriate action to effect the collection of liquidated damages as provided for in the bond.•

§ 161.20 *Procedure after examination.* (a) If, upon examination or analysis of a sample from an import consignment of insecticides, paris greens, lead arsenates, or fungicides, (1) it is found not to be adulterated or misbranded, the Agricultural Marketing Service shall notify the collector of customs that the shipment may be released; (2) but if the consignment is found to be adulterated or misbranded the owner or consignee shall be promptly notified by the Agricultural Marketing Service of the nature of the charge in order that he may be given an opportunity to show cause why the shipment should not be destroyed or refused entry.

(b) A reasonable time will be allowed the owner or consignee to submit evidence for consideration in connection with charges of adulteration or misbranding.

(c) If, after consideration of all of the evidence in the case, it still appears that the consignment may not be lawfully admitted into the United States, the Agricultural Marketing Service shall notify the collector of customs that the product is adulterated or misbranded under the Act and the Secretary of the Treasury (1) shall refuse delivery to the consignee and, under such regulations as the Secretary of the Treasury may prescribe, shall cause the destruction of any goods not exported by the consignee within three months from the date of notice of such refusal of entry, or (2) if the shipment has been released to the consignee on bond, action will be taken to enforce the terms of the bond.

Done at Washington, D. C., this 23d day of September 1941.

Witness my hand and seal of the Treasury Department.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Witness my hand and seal of the Department of Commerce.

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-7136; Filed, September 24, 1941; 11:12 a. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-14]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART B—1940

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program,[1] as amended, is hereby further amended as follows:

Section 701.101 (f) (6) is hereby amended to read as follows:

§ 701.101 *Allotments, yields, productivity indexes, payments, and deductions.*

• • • • • •

(f) *Tobacco.*

• • • • • •

(6) *Deduction.* 8 cents per pound of the normal yield for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage allotment: *Provided,* That if an official notice of such excess tobacco acreage was not received by the farm operator prior to the completion of the harvesting of tobacco on the farm and such farm operator, with the approval of the county committee and the State committee, destroyed an amount of representative tobacco equivalent to the entire production of the excess acreage, such excess acreage will not be considered to have been harvested.

Section 701.101 (h) (10) (ii) is hereby amended to read as follows:

(h) *Wheat.*

• • • • • •

(10) *Deduction.*

• • • • • •

(ii) (Non-wheat-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A; in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B of the Western Region and in Area C; and in excess of the largest of (a) the usual acreage of wheat for the farm, (b) 10 acres, or (c) if no wheat is marketed from the farm, 3 acres per family on the farm in Area 3 of the East Central and Southern Regions.

Section 701.111 (b) is hereby amended by changing the period at the end of the first sentence thereof to a comma and adding the following:

§ 701.111 *Application for payment.*

• • • • • •

(b) *Time and manner of filing application and information required.* • • • except that applications for tenants and sharecroppers covering cropland owned by the United States may be submitted through the county office not later than December 31, 1941.

Section 701.115 (c) is hereby amended to read as follows:

§ 701.115 *Authority, availability of funds, and applicability.*

• • • • • •

(c) *Applicability.* The provisions of the 1940 program contained herein, except § 701.108, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs under said Act are approved for 1940 by the Secretary;[1] and (3) public domain of the United States, including land other than cropland owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and lands other than cropland in which the beneficial ownership is in the United States.

[1] 4 F.R. 3865.

Done at Washington, D. C., this 23rd day of September, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7138; Filed, September 24, 1941; 11:12 a. m.]

[ACP-1941-11]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1941 Agricultural Conservation Program[1] is amended as follows:

Section 701.201 (c) (8) is hereby amended to read as follows:

§ 701.201 *Allotments, yields, productivity indexes, payments, and deductions.*

• • • • • •

(c) *Peanuts.*

• • • • • •

(8) *Deduction.* $30.00 per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment less the acreage, if any, by which the farm cotton acreage allotment (or an erroneously issued cotton allotment when such allotment is used for determining performance in accordance with § 701.210 (g)) exceeds the acreage planted to cotton on the farm, but not to exceed the maximum peanut payment computed for the farm unless the county committee with the approval of the State committee or the State committee determines that peanuts grown on an acreage in excess of the peanut acreage allotment were marketed for purposes other than crushing for oil: *Provided,* That nothing in this subparagraph shall be construed as reducing the acreage of excess peanuts upon which deduction is computed even though the amount of the deduction is reduced to the maximum computed peanut payment: *Provided further,* That no deduction will be made if the acreage of peanuts for market on the farm is one acre or less.

Section 701.209 is hereby amended by adding the following at the end thereof:

§ 701.209 *Conservation materials.*

• • • • • •

Such materials or services will be furnished to the producer by the Agricultural Adjustment Administration either directly or through the medium of a purchase order executed on a form prescribed by the Agricultural Adjustment Administration. Payment based on the purchase order will be made, in advance of determination of performance by the producer, to the vendor who, in filling the purchase order, furnished to the producer the approved conservation material or service, in accordance with such instructions and specifications issued by the Agricultural Adjustment Administration as are necessary to carry out this section, at not to exceed a fair price fixed in accordance with regulations prescribed by the Secretary. In the case of seed of Austrian winter peas and vetches, such fair price shall be fixed in accordance with the following regulation hereby prescribed by the Secretary.

The maximum prices which will be paid per hundredweight on seeds furnished in burlap bags under purchase orders will be as follows, and for seeds furnished in new cotton bags an additional 10 cents per bag:

	Plus transportation[1]
Austrian winter peas	$3.80
Common vetch	3.80
Willamette vetch	5.30
Hairy vetch	8.15

[1] Transportation allowed will be commercial freight rates from Oregon to county where sold to farmers under purchase order, basis 60,000 pound carloads. The sum stated above, plus the transportation based on commercial railway freight rates, constitutes the maximum price regardless of the actual method of shipment.

The maximum prices set forth above are for seeds of the following germination and purity standards, and lower grades will not be accepted on purchase orders unless the bag labels show that the seeds met those standards when they were tested in the producing area:

Austrian winter peas. Germination—90 percent or better (live seed, including hard seed); purity—98 percent or better.

Common vetch. Germination—90 percent or better (live seed, including hard seed); purity—95 percent or better common vetch, 98 percent or better all vetches.

Willamette vetch. Germination—90 percent or better (live seed, including hard seed); purity—95 percent or better Willamette vetch, 98 percent or better all vetches.

Hairy vetch. Germination—90 percent or better (live seed, including hard seed); purity—95 percent or better hairy vetch, 98 percent or better all vetches.

If laboratory tests required by the Agricultural Adjustment Administration show the seeds to be below the minimum standards of germination or purity set out above, deductions will be made on the following basis from the payments which would otherwise have been made to the vendors:

For a deficiency of 5 percent or less. 5 cents per hundredweight on peas, common vetch, and Willamette vetch, and 10 cents per hundredweight on hairy vetch, for each 1 percent deficiency in germination or purity. (Example: Test on peas shows germination 89 percent, purity 97 percent; deduction would be 10 cents per hundredweight.)

For any deficiency in excess of 5 percent. 10 cents per hundredweight on peas, common vetch, and Willamette vetch and 20 percent per hundredweight on hairy vetch, for each 1 percent of germination or purity. (Example: Test on peas shows germination 84 percent, purity 92 percent; deduction would be 70 cents per hundredweight.)

Section 701.215 (c) is hereby amended to read as follows:

§ 701.215 *Authority, availability of funds, and applicability.*

• • • • • •

(c) *Applicability.* The provisions of the 1941 program contained herein, except Sec. 701.206, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs under said Act are approved for 1941 by the Secretary; (3) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (4) lands other than cropland owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership. Lands other than cropland under (4) above include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

Done at Washington, D. C., this 23rd day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7137; Filed, September 24, 1941; 11:12 a. m.]

[1] 5 F.R. 2951.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 36—CLAIMS AGAINST THE UNITED STATES [1]

EXPENSES OF ARREST AND RETURN TO MILITARY CONTROL OF ENLISTED MEN ABSENT WITHOUT LEAVE, DESERTERS, AND ESCAPED MILITARY PRISONERS

§ 36.30 *Arrest and detention of deserters and escaped military prisoners, and their return to military control*—(a) *Authority*—(1) *Of civil officers with respect to deserters.* It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States. A. W. 106.

(2) *Of civilians with respect to deserters.* The statute conferring authority upon civil officers to apprehend and deliver deserters should not be construed as taking away the authority for their apprehension by a citizen under an order or direction of a military officer, but the legislation should be treated as providing an additional means of securing the arrest of deserters by conferring authority upon civil officers to apprehend them without military orders—leaving the former method still legal. Under this view, the arrest of a deserter by a citizen is legal if made pursuant to the order or request of proper authority, but not otherwise. Dig. Op. JAG, 1912, p. 401, par. III F.

(3) *Of civil officers or other civilians with respect to escaped military prisoners.* The provisions of the annual appropriation acts making an appropriation for the apprehension, securing, and delivery "of deserters, including escaped military prisoners" and the mention therein of payment "to any civil officer or citizen for such services" give civil officers and other civilians the same authority to arrest escaped military prisoners as they have to arrest deserters.

(b) *Procedure*—(1) *Inquiry.* Unless he has already received official information to that effect, a civilian who intends to arrest or who has arrested an alleged deserter or escaped military prisoner should at once communicate (preferably by telegraph) with the commanding officer of the post from which the alleged deserter is supposed to have deserted, or the prisoner to have escaped, stating that he intends to arrest or has arrested a certain person as a deserter or escaped military prisoner, whose name, grade, and organization (so far as known) he gives in his message, and inquiring whether that person is in fact a deserter or escaped military prisoner. If a civil officer or other civilian returns a person held by him to military control without receipt of official information as to his status, he runs the risk of receiving no payment for his services if the person held turns out to be one with respect to whom such payment may not properly be made.

(2) *Return to military control.* Upon receipt of official information that a person in his custody is a deserter liable to trial or an escaped military prisoner, the person holding such an offender (unless requested to detain him awaiting the arrival of a guard) should return him to the nearest military post. (R.S. 161; 5 U.S.C. 22; 47 Stat. 1575; 10 U.S.C. 1431) [Par. 24, AR 615–300, Aug. 14, 1940, as amended by C–1, Sept. 16, 1941]

§ 36.31 *Definitions*—(a) *Deserter.* A person who has deserted from a lawful enlistment, call, or draft, in or to the Army of the United States; whose trial is not barred by the thirty-ninth article of war; who has not been acquitted or convicted of such desertion, or pardoned; who has not been discharged from the enlistment, call, or draft from which he deserted; and who has not been dishonorably discharged from a subsequent enlistment, call, or draft.

(b) *Military prisoner.* A garrison prisoner, whether detained, arraigned, or sentenced; or a general prisoner.

(c) *Military post.* A military post, camp, or station at which facilities exist for the reception and custody of prisoners. It excludes troops in campaign, maneuvers, or on the march, unless the commanding officer of such troops thinks proper to receive a deserter or escaped military prisoner. It also excludes recruiting offices.*† [Par. 2]

*§ 36.31 to 36.35 issued under authority contained in 47 Stat. 1575; 10 U.S.C. 1431.

†The regulations in §§ 36.31 to 36.35 are also contained in AR 35–2620, Sept. 16, 1941. The particular paragraphs are shown in brackets at the end of sections.

§ 36.32 *Expenses of return of enlisted men absent without leave.* No payment of any kind will be made to a civil officer or other civilian for the apprehension, detention, or delivery of an enlisted man absent without leave, but the commanding officer of a post may in his discretion send a guard of a Government vehicle, or both, to a nearby point to return an enlisted man absent without leave to military control, or in his discretion and upon the request of the absentee may send him a transportation request for his return to the nearest military post.*† [Par. 3]

§ 36.33 *Payment for arrest and delivery of deserters and escaped military prisoners*—(a) *Services for which payment will be made*—(1) *Arrest.* Fifteen dollars will be paid to the civil officer or other person arresting a deserter (other than a Philippine Scout) or an escaped military prisoner (other than one who was a Philippine Scout immediately before becoming a prisoner) and turning him over to a guard sent for him. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $10 will be paid.

(2) *Arrest and delivery.* Twenty-five dollars will be paid to the civil officer or other person arresting a deserter (other than a Philippine Scout) or an escaped military prisoner (other than one who was a Philippine Scout immediately before becoming a prisoner) and delivering him at a military post. For the same services with respect to a deserter from the Philippine Scouts or an escaped military prisoner who immediately before becoming such was a Philippine Scout, $15 will be paid.

(b) *To whom paid.* The payment mentioned in subparagraph (1) or (2) of paragraph (a) of this section, as the case may be, will be made to the person or persons actually making the arrest of a deserter or an escaped military prisoner and the turnover or delivery of the person arrested. If two or more persons join in performing these services payment may be made to them jointly. Payment will be made whether the deserter or escaped military prisoner surrenders or is apprehended. Payment will not be made merely for information leading to an arrest, or for an arrest not followed by the return of the person arrested to military control.

(c) *By whom paid.* The payments mentioned in paragraph (a) of this section will be made by disbursing officers of the Finance Department, and will be in full satisfaction of all expenses of arresting, keeping, and delivering the deserter or escaped military prisoner.

(d) *Government officers and employees.* Officers and employees of the United States Government (as distinguished from those of a State, county, or city) may not legally be paid the payments mentioned in paragraph (a) of this section; but reimbursement may be made to them or to the department in which they are employed of actual expenses of arrest, detention, and return to military control of deserters liable to trial and of escaped military prisoners, not exceeding $25 in each case.*† [Par. 4]

§ 36.34 *Surrender on advice of attorney.* When an escaped military prisoner surrenders himself to military authorities upon advice of his attorney, the attorney is not entitled to reward offered for apprehension of such escaped military prisoner, his claim for such reward being incompatible with his duty to his client.*† [Par. 5]

§ 36.35 *Detective agencies.* The act of March 3, 1893 (27 Stat. 591; 5 U.S.C. 53; M.L., 1939, sec. 643), provides

That hereafter no employee of the Pinkerton Detective Agency, or similar agency, shall be employed in any Government service or by any officer of the District of Columbia.

A detective agency could not legally be employed to apprehend and deliver an escaped military prisoner so as to obligate the Government to pay therefor, but information having come to the agency that a certain person was an escaped military prisoner, the reimbursement of the actual expenses not exceeding $25 incurred in delivering him from the place found into the hands of the Army officers at the nearest post is not considered an "employment" within the prohibition of the act of March 3, 1893. See MS Comp. Gen., AD 7112, October 21, 1922.*† [Par. 6]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–7127; Filed, September 24, 1941; 9:57 a. m.]

[1] §§ 36.30 to 36.33 are superseded and §§ 36.34 and 36.35 are added.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3856]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF POSITIVE PRODUCTS COMPANY, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparations designated as "Triple X Relief Compound" and "Perio Pills", the latter also being known as "Reliable Perio Compound" and as "Perio Relief Compound", or any other substantially similar medicinal preparations, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, that said preparations constitute competent or effective remedies or treatments for delayed menstruation, or that they are harmless or safe for use; or which advertisement fails to reveal that the use of said preparations may cause gastrointestinal disturbances and severe toxic and circulatory conditions, and in the case of pregnancy, may produce violent poisonous effects upon the system; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Positive Products Company, etc., Docket 3856, September 17, 1941]

In the Matter of Earl Aronberg, an Individual Trading as Positive Products Company and Rex Products Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiners upon the evidence and the exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Earl Aronberg, individually and trading as Positive Products Company and as Rex Products Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparations designated as "Triple X Relief Compound" and "Perio Pills", the latter being known also as "Reliable Perio Compound" and as "Perio Relief Compound", or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparations constitute competent or effective remedies or treatments for delayed menstruation; that said preparations are harmless or safe for use; or which advertisement fails to reveal that the use of said preparations may cause gastro-intestinal disturbances and severe toxic and circulatory conditions, and in the case of pregnancy, may produce violent poisonous effects upon the system;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to reveal that the use of said preparations may cause gastrointestinal disturbances and severe toxic and circulatory conditions, and in the case of pregnancy, may produce violent poisonous effects upon the system.

It is further ordered, That the respondent shall, within ten (10) days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order and, if so, the manner and form in which he intends to comply; and that within sixty (60) days after service upon him of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41–7139; Filed, September 24, 1941; 11:30 a. m.]

[1] 4 F.R. 4953.

[Docket No. 4212]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BRABANT NEEDLE COMPANY, INC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer.* In connection with offer, etc., in commerce, of needles, needle threaders or other products, and among other things, as in order set forth, representing or implying that respondent owns, controls or operates a factory in which the needles which it offers for sale, sells and distributes are made, or representing or implying in any manner that needles or other products not manufactured by respondent are manufactured by it, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Brabant Needle Company, Inc., Docket 4212, September 17, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported product or parts as domestic.* In connection with offer, etc., in commerce, of needles, needle threaders or other products, and among other things, as in order set forth, concealing, erasing or removing from imported needles, needle threaders or other products the legend "Germany", "Made in Germany", or other marking showing the country of origin of such products, prohibited; subject to the provision, however, that this shall not prevent such concealment, erasure or removal of the markings showing the country of origin of such products as is reasonably necessary in the packaging, assembling or other handling of such products, if the respondent affirmatively and clearly discloses on or in immediate connection with such products their German or other foreign origin. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Brabant Needle Company, Inc., Docket 4212, September 17, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the

[1] 5 F.R. 4101.

complaint of the Commission, the answer of respondent, testimony and other evidence taken in support of the allegations of said complaint and in opposition thereto, before an examiner of the Commission theretofore duly designated by it, brief filed in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, The Brabant Needle Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale and distribution of needles, needle threaders, or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing or implying that respondent owns, controls or operates a factory in which the needles which it offers for sale, sells and distributes are made, or representing or implying in any manner that needles or other products not manufactured by respondent are manufactured by it.

2. Concealing, erasing or removing from imported needles, needle threaders or other products the legend "Germany", "Made in Germany", or other marking showing the country of origin of such products: *Provided, however*, That this shall not prevent such concealment, erasure or removal of the markings showing the country of origin of such products as is reasonably necessary in the packaging, assembling or other handling of such products if the respondent affirmatively and clearly discloses on or in immediate connection with such products their German or other foreign origin.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By direction of the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7140; Filed, September 24, 1941; 11:30 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1301—MACHINE TOOLS

PRICE SCHEDULE NO. 1—SECOND-HAND MACHINE TOOLS

Price Schedule No. 1—Second-Hand Machine Tools issued February 17, 1941 is amended to read as follows:

Whereas the Office of Price Administration is charged with functions related to the maintenance of price stability and the prevention of undue price rises and price dislocations; and

Whereas in the second-hand machine tool trade, prices have risen in such fashion and to such extent since May, 1940, as compared with other basic commodities, and in particular as compared with new machine tools, as to result in price instability and dislocations injurious to the national defense; and

Whereas such price increases are not justified but represent, on the part of a few, the result of speculative activity, and withholding of sales and offers to sell in the prospect of further unwarranted price increases, amounting to profiteering and hoarding; and

Whereas the absence of any maximum price standards makes it difficult and in some cases impossible for the trade voluntarily to cooperate with the Government in maintaining price stability and in preventing excessive and speculative price increases; and

Whereas the establishment of such standards by the Government is necessary to facilitate such cooperation, and to prevent the kind of price policy which leads to a weakening of the defense effort through disastrous inflation, undue burdens upon the Government, economic dislocations, price spiraling, and profiteering, and the establishment of such standards is otherwise necessary in the public interest and in the interest of national defense; and

Whereas on the basis of information secured by independent investigation by this Office and by the Office of Production Management and information furnished through the cooperation of the trade, I find that the maximum prices set forth in Appendix A, incorporated herein as § 1301.7, constitute reasonable limitations on prices for second-hand machine tools.

Now, therefore, in order to facilitate cooperation with the Government in maintaining price stability and in preventing excessive and speculative price increases injurious to the defense program and to the public interest and welfare, it is directed that:

§ 1301.1 *Maximum prices for second-hand machine tools.* On and after March 1, 1941, prices for second-hand machine tools, exclusive of extras, shall not exceed the prices set forth in Appendix A, incorporated herein as § 1301.7 of this Schedule. No person shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy, or accept delivery of second-hand machine tools at prices higher than those set forth in Appendix A. Lower prices may, however, be charged, demanded, paid, or offered. The price limitations set forth in Appendix A shall not be evaded by additional or extra charges for repair or reconditioning, commissions, or otherwise.*

§ 1301.2 *Records and reports.* Each dealer in second-hand machine tools shall file with the Office of Price Administration a report on each floor-type second-hand machine tool in his stock or purchased through him as agent, and a report on each second-hand machine tool sold or otherwise disposed of, by him or through him as agent.

(a) All reports on second-hand machine tools must be made on Form 100:1, copies of which may be had upon request to this Office. Form 100:1 may be reproduced by the dealer, or printed on the reverse side of regular stock sheets, provided that no change is made in the style and content of the report and that the report is on 8½ by 11 inch paper.

(b) Dealers shall file reports, not later than March 25, 1941, for each second-hand machine tool in stock as of March 15, 1941. A report for each second-hand machine tool added to stock after March 15, 1941, shall be filed not more than one week after the machine tool is purchased or otherwise acquired. *Failure to object to an offering price as disclosed by a report does not constitute approval of the price by this Office.*

(c) Reports for each second-hand machine tool sold or otherwise disposed of by or through a dealer after March 15, 1941, shall be filed by the dealer within one week after the transaction. Every report of sale or other disposition shall state the name and address of the purchaser. This information need be noted under item 17, Remarks, on only one of the sales reports. Requests for copies of invoices may be made by this Office at any time.

(d) When a second-hand machine tool is sold or otherwise disposed of within one week after acquisition and before the report of inventory or addition has been filed, such report of inventory or addition shall not be required. In such case, however, the report of sale or other disposition shall note that no previous report on the machine tool has been filed.

(e) For the purpose of reporting sales, the receipt of an order shall be reported as a sale. (If the order is later canceled, this Office is to be advised forthwith and the machine tool reported as added to inventory.)

(f) When a machine tool is disposed of by lease, or otherwise than by sale, a full statement of the transaction shall be made on the report.

(g) Inasmuch as prices, including commissions, may not exceed the ceiling prices, all offering or sale prices quoted in the report shall include commissions to be charged, or which have been charged, respectively.

(h) Where a dealer has acted as purchasing agent, he shall make a report on the second-hand machine tool as if it had been purchased and immediately sold by him (see paragraph (d) above), and shall report the amount paid by the purchaser, including any commission paid to him as purchasing agent.

(i) Dealers shall assign a separate inventory number to each second-hand machine tool handled by them and shall use this number in making reports hereunder. If a machine tool is held in joint ownership, the inventory report shall be made by the dealer who has possession of the machine tool, or if none of the owners has possession of it, by the dealer in whose name the machine tool was purchased. When the machine tool is sold, the dealer in whose name the sale is made shall report the sale, referring to the inventory number previously assigned to the machine tool.

(j) All reports shall be filed in duplicate, and signed by the dealer or by an officer of the dealer.

(k) Complete records shall be preserved by dealers on all second-hand machine tools purchased, sold, or otherwise handled or dealt in after March 15, 1941.

(l) Subject to the provisions of § 1301.5 below, all information filed or received pursuant to this Price Schedule No. 1 shall be treated as confidential, except that it may be transmitted to any other agency or department of the Government.

(m) Extras may be defined as supplementary equipment furnished by the manufacturer at an added cost. Second-hand extras are subject to the same maximum price percentage that is applicable to the basic second-hand machine tool to which the extras are added. All extras must be separately listed as required in Form 100:1.*

§ 1301.3 *Definitions.* When used in this Schedule:

(a) The term "person" includes an individual, corporation, association, partnership, or other business entity;

(b) The term "dealer" means a person in the business of buying and selling second-hand machine tools as a principle or in the business of buying or selling such tools as an agent or broker;

(c) The term "machine tool" includes all machines for the cutting, abrading, shaping, forming, and joining of metals;

(d) The term "second-hand" refers to machine tools which have previously been used or purchased for use;

(e) The term "stock", referring to second-hand machine tools, includes tools which are owned by the dealer in question, or on which he has obtained an option, or for which he has secured a selling agency.

(f) The term "rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as such (a rebuilt machine is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new); (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; and (3) carries a binding guaranty of satisfactory performance for a period of not less than 30 days from date of shipment.*

§ 1301.4 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof.*

§ 1301.5 *Enforcement of the schedule.* In the event of refusal or failure to abide by the price limitations or other provisions contained in this Schedule, this Office will make every effort to assure (a) that the Congress and the public are fully informed of the instances of such profiteering or noncooperation; and (b) that the powers of the Government are fully exerted in order to protect the public interest in the maintenance of fair prices. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or of speculation, manipulation of prices or hoarding are urged to communicate with the Office of Price Administration giving as complete description of the particular machine tools as may be practicable.*

§ 1301.6 *Effective date of the schedule.* This Schedule shall become effective immediately.*

§ 1301.7 *Appendix A, maximum prices for second-hand machine tools*

[Exclusive of extras]

Classification by—		Maximum price in terms of percentage of the March 1, 1941, price of equivalent new machine tool
Date of manufacture	Condition	
		Percent
1. Jan. 1, 1936, and after.	(a) Rebuilt and guaranteed.	95
	(b) Others	75
2. Jan. 1, 1930, to Dec. 31, 1935.	(a) Rebuilt and guaranteed.	90
	(b) Others	70
3. Jan. 1, 1920, to Dec. 31, 1929.	(a) Rebuilt and guaranteed.	80
	(b) Others	60
4. Before Jan. 1, 1920.	(a) Rebuilt and guaranteed.	70
	(b) Others	50

Explanatory Information

1. The date of manufacture can be determined from the serial number stamped on the machine by the manufacturer.

2. *As used above, the term "rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as such (a rebuilt machine is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new); (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; and (3) carries a binding guaranty of satisfactory performance for a period of not less than 30 days from date of shipment.*

3. Machine tools formerly equipped with a cone drive are often now manufactured with a geared head. In such cases determine the price of an equivalent new machine tool by deducting 20 percent from the March 1, 1941 price of the new geared-head machine tool.*

Issued 17th day of February 1941. Amended this 24th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7134; Filed, September 24, 1941; 11:08 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT TO PRICE SCHEDULE NO. 13—DOUGLAS FIR PEELER LOGS AND DOUGLAS FIR PLYWOOD

Section 1312.2 of Price Schedule No. 13 [1] is hereby amended to read as follows:

§ 1312.2 *Maximum prices established for Douglas fir peeler logs.* From September 24, 1941 until October 24, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no sale or delivery, or offer of sale or delivery, of Douglas fir peeler logs shall be made to manufacturers of Douglas fir plywood at a price in excess of that received by the seller for a sale or delivery of Douglas fir peeler logs of the same grade and quality from January 1, 1941 to August 1, 1941 inclusive. In the event that no sale or delivery of the same grade or quality was made by such seller during such period, the maximum price shall be the market price for the same grade and quality in the district on August 1, 1941. In the event that a manufacturer of plywood has paid a certain price, within this ceiling, to one of his log suppliers, nothing herein shall prevent such manufacturer and any other log supplier from consummating a sale between them of logs of the same grade and quality in the same district at this price. The word "district" shall mean the district as commonly recognized on August 1, 1941. (Executive Order No. 8734, 6 F.R. 1917)

Issued this 24th day of September 1941. Effective September 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7133; Filed, September 24, 1941; 11:08 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 31—ACETIC ACID

As a direct consequence of expanded economic activity induced by the national defense program the demand for acetic acid has risen sharply in the past

*§§ 1301.1 to 1301.7, inclusive, issued under the authority contained in Executive Order No. 8734, 6 F.R. 1917.

[1] 6 F.R. 3865.

few months. Acetic acid is essential in the manufacture of a large number of important products such as rayon yarn, film, plastics, transparent wrapping materials, lacquers, varnishes and white lead. The prices of all acetate solvents are based primarily upon the price of acetic acid.

Synthetic production of acetic acid accounts for the bulk of acetic acid consumed by this country. Most of the remainder, commonly referred to as "natural acetic acid", is produced by wood distillation at a cost often in excess of the cost of synthetic production. The tank car price of synthetic glacial acetic acid in the third quarter of 1941 was approximately 20% higher than in the second quarter. A further increase to 6½ cents per pound has recently been announced for the fourth quarter. The tank car price of natural acetic acid in terms of 100% acid content has increased in recent months from 5 cents to 7½ cents per pound and higher. Prices of other grades of acetic acid generally reflect the tank car prices for synthetic glacial and natural acetic acid in terms of 100% acid content and have increased correspondingly.

The Office of Price Administration has conferred with producers of both synthetic acetic acid and natural acetic acid. No justifiable reasons have been advanced for increasing the prices of synthetic acetic acid and natural acetic acid beyond 6¼ cents and 7¼ cents per pound respectively for tank cars. Increases in such prices would, therefore, be inflationary in character. Such inflationary movements in the prices of basic chemicals would tend to weaken the defense effort by causing dislocations, price spiraling and profiteering.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.201 *Maximum prices for acetic acid.* On and after September 29, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, acetic acid in quantities of 3,000 pounds or more, and no person shall buy, offer to buy, or accept delivery of, acetic acid in quantities of 3,000 pounds or more from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.210.*

*§§ 1335.201 to 1335.210, inclusive, issued under the authority contained in Executive Order No. 8734, 6 F.R. 1917.

§ 1335.202 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1335.203 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of acetic acid, or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.204 *Records and reports.* Every person making any purchase or sale of acetic acid in quantities of 3,000 pounds or more shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity including the size of the containers, of the acetic acid purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may. from time to time, require.*

§ 1335.205 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has made any sale of acetic acid in quantities of 3,000 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration, an affirmation of compliance on Form 131.1 containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 131.1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from purchasing acetic acid from those persons who fail to conform to this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of acetic acid or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.207 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.208 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetic acid" means the various grades of acetic acid listed in Appendix A hereof.*

§ 1335.209 *Effective date of the schedule.* This Schedule shall become effective September 29, 1941.*

§ 1335.210 *Appendix A, maximum prices for acetic acid—(a) Acetic acid in tank cars.* The following maximum prices are established for glacial acetic acid (99.5% or over), and for weaker acetic acid of commercial grade in terms of 100% acid content:

	Per hundred pounds delivered [1]
Wood origin	$7.25
Other origin	6.25

[1] Freight in excess of 32 cents per hundred pounds may be charged to buyer.

(b) *Acetic acid in containers, carload lots.* (1) The following maximum prices, f. o. b. producers' shipping points, are established for concentrations of technical and pure acetic acid, of any origin, for carload quantities, in barrels or drums:

	Per hundred pounds
Technical: [2]	
28 percent	$3.18
56 percent	5.18
70 percent	6.19
80 percent	6.91
84 percent	7.20
Glacial	8.45
Pure: [2]	
30 percent	4.23
36 percent	4.61
60 percent	7.17
80 percent	8.70
United States Pharmacopoeia	10.25
Chemically Pure	13.50

[2] Specifically designated percentages include all approximations thereof.

(2) Maximum prices, for carload quantities, in carboys and cases, are determined by adding a differential of 50 cents per hundred lbs. to the maximum prices established in subparagraph (1) of this paragraph (b).

(c) *Acetic acid in containers, less carload lots.* Maximum prices, for less than carload quantities, in the containers listed below, are determined by adding the following differentials to the maximum prices established in subparagraph 1 of paragraph (b) hereof.

	Per hundred pounds
For Barrels or drums, less carload	25 cents
For Carboys and cases, less carload	75 cents

Issued this 24th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–7135; Filed, September 24, 1941; 11:09 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 7006 qm–19; O. I. No. 19]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT [1]

CONTRACTOR: A. J. RIFE CONSTRUCTION COMPANY, P. O. BOX 58, DALLAS, TEXAS

Contract for construction of: A Replacement Training Center.

Location: Camp Barkeley, Abilene, Texas.

Fixed fee: $51,700.00.

Estimated construction cost, exclusive of fixed fee: $1,985,272.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. QM 17737 C. B. U. & A. P–99 A–0540–12.

This Contract, entered into this 25th day of July 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Replacement training Center at Camp Barkeley, Abilene, Texas, including necessary buildings, temporary structures, utilities and appurtenances thereto.

It is estimated that the construction cost of the work covered by this contract will be one million nine hundred eighty five thousand two hundred seventy two dollars ($1,985,272.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of fifty one thousand seven hundred dollars ($51,700.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law: Public No. 139—77th Congress, Approved June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[1] Approved by the Under Secretary of War August 1, 1941.

[F. R. Doc. 41–7122; Filed, September 24, 1941; 9:56 a. m.]

[Contract No. W 6287 qm–638; O. I. No. 29–40]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT [1]

CONTRACTOR: M'KENZIE CONSTRUCTION COMPANY, 2800 SMITH-YOUNG TOWER, SAN ANTONIO, TEXAS

Contract for: Construction of Additions to Q. M. Depot, San Antonio.

Location: San Antonio, Texas.

Fixed fee: $29,867; additional optional fixed fee, $20,555.

Estimated construction cost exclusive of fixed fee: $942,317; additional optional construction cost: $864,820.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. QM 18045 PL 29–77th Congress A–O 540–12.

This contract, entered into this 25th day of June, 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of additions to San Antonio General Depot, San Antonio, Texas, all as more generally described in Construction Authorization No. * * *, attached hereto and made a part hereof.

It is estimated that the construction cost of the work covered by this contract will be nine hundred forty-two thousand three hundred seventeen dollars ($942,317) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of twenty-nine thousand eight hundred sixty-seven dollars ($29,867) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in

[1] Approved by the Under Secretary of War June 27, 1941.

Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

The performance of optional work. The Government may at its option elect to have the Contractor perform the work and services hereinafter set forth in this Article in the event the option is exercised by the Government, the Contracting Officer shall, by a written order, direct the Contractor to proceed with such work and services, and thereupon the terms and conditions of this Article shall be considered operative and in effect as part of this contract; but not otherwise:

Statement of optional work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of additions to San Antonio General Depot, San Antonio, Texas all as more generally described in Construction Authorization No. * * *, attached hereto and made a part hereof.

Estimated cost of optional work. It is estimated that the total cost of the optional construction work covered by this Article will be approximately eight hundred sixty-four thousand eight hundred twenty dollars ($864,820.00) exclusive of the Contractor's fee.

Fixed-fee for optional work. In consideration for his undertaking under this Article the Contractor shall receive a fixed-fee in the amount of twenty thousand five hundred fifty-five dollars ($20,555) which shall constitute complete compensation for the Contractor's services under this Article, including profit and all general overhead expenses.

Other contract provisions. It is understood and agreed that in the event this Article should become operative as provided herein, all other terms and conditions of this contract not in conflict herewith, shall remain in full force and effect.

This Contract is authorized by the following law: Public 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7123; Filed, September 24, 1941; 9:56 a. m.]

[Contract No. W 6143 qm-798; O. I. No. 1550]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT[1]

CONTRACTOR: W. R. GRIMSHAW CO., PHILTOWER BUILDING, TULSA, OKLAHOMA

Contract for construction: Motor Transport Facilities.

Location: Fort Sill, Oklahoma.

Fixed fee: $32,935.

Estimated construction cost, exclusive of fixed fee: $1,043,715.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 18031 PL 29-77 A 0540-12.

This contract, entered into this 23d day of June 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of Motor Transport Facilities, including necessary buildings, temporary structures, utilities and appurtenances thereto at or near Ft. Sill, Oklahoma.

It is estimated that the construction cost of the work covered by this contract will be one million, forty-three thousand, seven hundred fifteen dollars ($1,043,715) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of thirty-two thousand, nine hundred thirty-five dollars ($32,935) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may without notice to the sureties, if any, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for Constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law: Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7124; Filed, September 24, 1941; 9:56 a. m.]

[Contract No. W 359 eng 3682]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: H. B. ZACHRY CO. AND J. E. MORGAN AND SONS, SAN ANTONIO, TEXAS

Contract for the construction of the Flexible Gunnery School.

Place: Harlingen, Texas.

Amount: $4,238,229.00 (approximate).

This contract, entered into this 14th day of July 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction of the Flexible Gunnery School at Harlingen, Texas for the consideration of $4,238,229.00 (approximate) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer. In preparing estimates the material delivered on the site and preparatory work done may be taken into consideration.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the act of Fifth Supplemental National Defense Appropriation Act, 1941, approved April 5, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7125; Filed, September 24, 1941; 9:56 a. m.]

[Contract No. W 535 ac-20231; 5281]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: JACK & HEINTZ, INC., CLEVELAND, OHIO

Contract[1] for: * * * Starter Assemblies, * * *.

Amount: $7,833,800.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-30 A 0705-12
AC 26 P 81-30 A 0705-12
AC 28 P 82-30 A 0705-12
AC 299 P 111-30 A 0021-13

[1] Approved by the Under Secretary of War August 16, 1941.

[1] Approved by the Under Secretary of War June 26, 1941.

This contract, entered into this 29th day of July 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Starter Assemblies, * * *, for the consideration stated seven million eight hundred thirty-three thousand eight hundred dollars in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Option. The Government is granted the right and option at any time within * * * days after date of approval of this contract to increase the quantity or quantities of the supplies called for to any quantity set forth herein.

The Government is granted the further right and option at any time during the life of this contract to increase the quantity or quantities of the supplies called for under the terms hereof at not more than the unit prices stipulated by any amount not exceeding * * * per cent of the entire contract price stipulated, said increase to be applied as to all or any item or items at the option of the Government.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The contract prices stated in this contract for Starter Assemblies are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Starter Assemblies.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract shall vest in the Government.

Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and sec. 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7126; Filed, September 24, 1941; 9:57 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-994]

PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX NO. 67, DISTRICT NO. 11, BY PROVIDING REDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT NO. 11 MINES FOR SHIPMENT TO CERTAIN SPECIFIED DESTINATIONS IN MARKET AREAS 37 AND 38

ORDER GRANTING TEMPORARY RELIEF AND PROVIDING THAT FINAL DISPOSITION SHALL BE GOVERNED BY FINAL ORDER IN DOCKETS NOS. A-191 AND A-195

This proceeding in the above-entitled matter was instituted upon an original petition filed by District Board No. 11 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. Petitioner requests the issuance of temporary and final orders permitting reductions in the effective minimum prices for the coals of Mine Index No. 67, of the Eel River Mining Company, a code member in District No. 11, for shipment to 11 specified destinations in Market Areas 37 and 38,[1] to

[1] The eleven destinations are as follows: Kansas and Paris (in Market Area 37); Arcola, Chesterville, Lovington, Mt. Auburn, Newman, Sidney, Tuscola, Urbana and Villa Grove (in Market Area 38). These are hereafter referred to as the eleven destinations.

the extent necessary to offset freight rate advantages enjoyed at those destinations by other mines in District No. 11 which produce similarly classified coals.

The subject matter of this proceeding, including the relief prayed for, was previously embraced in a broader proceeding, designated as Docket No. A–195, which was instituted by District Board No. 11 on behalf of all code members in District No. 11. Docket No. A–195 was consolidated into one proceeding with Docket No. A–191, instituted on the petition of Maumee Collieries Company, an individual code member in District No. 11, in which relief analogous in nature to that sought in the above-entitled matter was also prayed. Dockets Nos. A–191 and A–195 were heard on November 7, 8, and 9, 1940. Thereafter, upon the basis of the record made at the hearing, temporary relief, of the same nature here requested, was granted in Dockets Nos. A–191 and A–195 to two code members in District No. 11 which produce coal classified and priced the same as that produced at Mine Index No. 67.

Dockets Nos. A–191 and 195 are now pending before the Director upon exceptions to the Examiner's Report.

In its original petition in the above-entitled matter, District Board No. 11 adverts to the aforesaid temporary relief previously granted in Dockets Nos. A–191 and A–195, and alleges that by virtue of this circumstance, the coals produced at Mine Index No. 67 are at a competitive disadvantage at the destinations specified in the petition, to the detriment of the fair competitive opportunities for those coals.

In view of the foregoing circumstances, it appears to the Director that a reasonable showing of necessity has been made for the extension of the temporary relief prayed for; that an adequate showing of actual or impending injury has been made in the event that such relief is not granted; and that the granting of such relief will not prejudice other persons pending final disposition of the proceedings herein.

However, in view of the direct relationship between the issue here and the broader matters involved in Dockets Nos. A–191 and A–195, the final determination of which will dispose of the same issues raised by the original petition in the above-entitled matter, the temporary relief hereinafter granted should be made subject to such final order as may hereinafter be issued in Dockets Nos. A–191 and A–195. In this way Mine Index No. 67 will be placed at a competitive parity with other mines producing similarly classified coal for shipment to the destinations specified in the original petition in the above-entitled matter, as well as the others covered by the petition in Docket No. A–195.

Now, therefore, it is ordered, That temporary relief in the above-entitled matter, pending the final disposition thereof, be granted as follows: Commencing forthwith, the effective minimum prices for Mine Index No. 67, for all shipments except truck, may be reduced in the case of shipments to Kansas and Paris (in Market Area 37) and Arcola, Chesterville, Lovington, Mt. Auburn, Newman, Sidney, Tuscola, Urbana and Villa Grove (in Market Area 38), to the extent of the difference in the published freight rate for Mine Index No. 67 and the lowest published freight rate for any mine in Price Groups 15, 16 or 17 of District No. 11, to the same destination: *Provided, however*, That such reductions shall be limited to a maximum of 50 cents: *And provided, further*, That in case of any sales made at such destinations, at reduced prices pursuant to the temporary relief herein granted, all invoices, spot orders, credit or debit memoranda, and any other documents pertaining to such sales, which are required to be filed with this Division, shall indicate the amount of the reduction so made, the amount of the lowest published freight rate from Price Groups 15, 16 and 17 to the destinations in question, and the amount of the difference between that rate and the rate from Mine Index No. 67 to the same destination.

It is further ordered, That the temporary relief herein granted shall terminate 10 days from the date of the issuance of such final order as may be issued in Dockets Nos. A–191 and A–195, and that the proceedings in the above-entitled matter shall be finally determined by such final order as may be issued in Dockets Nos. A–191 and A–195.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7132; Filed, September 24, 1941; 11:03 a. m.]

[Dockets Nos. A–14, A–20, A–27, A–29, A–30, A–42, A–49, A–50, A–51, A–72, A–88, A–98, A–125, A–126, A–127, A–145]

PETITIONS OF THE ST. LOUIS & O'FALLON COAL COMPANY, DISTRICT BOARD NO. 11, MIDLAND ELECTRIC COAL CORPORATION, DISTRICT BOARD NO. 10, CONSOLIDATED COAL COMPANY, SAHARA COAL COMPANY AND UNITED ELECTRIC COAL COMPANIES, CONCERNING ABSORPTIONS ON SHIPMENTS OF OFF-LINE RAILROAD LOCOMOTIVE FUEL TO THE SEVERAL CARRIERS NAMED IN THE RESPECTIVE PETITIONS FILED PURSUANT TO SECTION 4, II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CORRECTING ORDER OF DIRECTOR

The Director, on February 7, 1941, having issued a Memorandum Opinion and Order Concerning Limited Reopening of Hearing, Filing of Briefs and Other Related Matters in the Above-Entitled Proceedings;

Said Memorandum Opinion having contained the following paragraph:

On motion of the respective petitioners at the hearing, the Examiner ruled that the petition filed by Consolidated Coal Company in Docket No. A–14 should be withdrawn and that the petition filed by District Board No. 11 in Docket No. A–145 should be dismissed. I find that the Examiner's rulings were proper and, accordingly, the petition in Docket No. A–14 is deemed withdrawn, and that in Docket No. A–145 is dismissed.

It appearing that through inadvertence no order was made with reference to the withdrawal of the petition in Docket No. A–14 or the dismissal of the petition in Docket No. A–145;

Now, therefore, it is ordered, That the petition in Docket No. A–14 be and it hereby is deemed withdrawn.

It is further ordered, That the petition in Docket No. A–145 be and it hereby is dismissed.

Dated: September 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7131; Filed, September 24, 1941; 11:03 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 25, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Newton Brothers, Vernal, Utah; Wholesale manufacturing of saddles, harness, boots, cinches, saddle trees and strap work; 12 learners; 8 weeks for any one learner; 25 cents per hour; Saddle tree woodworker, Rawhide Stitcher, Harness Maker, Cincha Maker, Boot Maker; November 11, 1941. (This certificate effective September 2, 1941, and omitted from Register of that date.)

Wolf Brothers and Company, 25 Pine Street, Red Lion, Pennsylvania; Cigar Industry; 4 learners; 8 weeks for any one learner; 75 percent of applicable minimum wage rate; Cigar Machine Operating; September 25, 1942.

Signed at Washington, D. C., this 24th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7141; Filed, September 24, 1941; 11:32 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 25, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage:

Apparel

Asher Pant Company, 10 Main Street, Fitchburg, Massachusetts; Men's Trousers, Breeches; 5 percent; September 25, 1942.

Butwin Sportswear Company, 287 East Sixth Street, St. Paul, Minnesota; Jackets; 5 learners; September 25, 1942. (This certificate replaces one issued effective April 14, 1941.)

Carmi Feature Underwear, Inc., Main Street, Grayville, Illinois; Men's & Boys' Broadcloth Shorts; 5 learners; September 25, 1942.

D. & I. Shirt Company, 85 Willow Street, New Haven, Connecticut; Men's Shirts; 10 percent; September 25, 1942. (This certificate replaces one bearing expiration date of July 7, 1942.)

Derby Underwear Company, Bowling Green, Kentucky; Men's & Boys' Woven Underwear; 150 learners; January 8, 1942.

E. & K. Manufacturing Corporation, 97 Prince Street, New York, New York; Sportswear; 5 learners; January 22, 1942.

Louis Edelstein, 831 Cherry Street, Philadelphia, Pennsylvania; Ladies' Slips, Gowns, Pajamas; 2 learners; September 25, 1942.

Grand Manufacturing Company, Spruce and Mifflin Streets, Lebanon, Pennsylvania; Children's Dresses and Blouses; 20 learners; January 22, 1942.

Green Star Manufacturing Company, Sharptown, Maryland; Men's Shorts; 9 learners; December 29, 1941.

Improved Manufacturing Company, Union Street, Ashland, Ohio; Men's & Boys' Leather, Cotton and Wool Sportswear; 5 learners; September 25, 1942.

Manchester Sportswear Manufacturing Company, Inc., No. 1 South Amoskeag Yard, Manchester, New Hampshire; Men's & Boys' Woolen Mackinaws; 26 learners; January 22, 1942.

The Manhattan Shirt Company, 60 Hill Street, Greenwich, New York; Men's Underwear, Sportswear; 5 percent; September 25, 1942.

Milady Brassiere & Corset Company, Inc., 6 East 32nd Street, New York, New York; Corsets & Brassieres; 5 learners; January 8, 1942.

Mi-Ron Dress Company, Third & Chew Streets, Allentown, Pennsylvania; Children's Dresses; 26 learners; January 22, 1942.

Monroe County Waist Company, 16 Crystal Street, East Stroudsburg, Pennsylvania; Ladies' Blouses; 10 percent; September 25, 1942.

Pittsburgh Garter Company, 131 Water Street, Pittsburgh, Pennsylvania; Suspenders and Garters; 5 learners; September 25, 1942.

Charles Rabin Company, Inc., Cor. Oak and Brd. Mt. Avenue, Frackville, Pennsylvania; Bathrobes; 5 percent; September 25, 1942.

Soo Woolen Mills, Ridge Street, Sault Ste. Marie, Michigan; Mackinaws, Hunting Coats, Stag Jackets, Cossacks, Single Pants, Breeches; 5 learners; September 25, 1942.

Southern Garments, Incorporated, 1234 S. Towers Street, Anderson, S. C.; Men's Sport Jackets, Men's Raincoats; 8 learners; January 26, 1942.

Southern Garments, Incorporated, 1234 S. Towers Street, Anderson, S. C.; Men's Sport Jackets, Men's Raincoats; 5 learners; September 25, 1942.

W. and G. Sewing Company, 829 Newark Avenue, Elizabeth, New Jersey; Children's Cotton Dresses; 10 percent; September 25, 1942. (This certificate replaces one issued bearing expiration date of October 8, 1941.)

I. Waitzman and Company, 127 East Ninth Street, Los Angeles, California; Ladies' & Children's Sportswear; 5 learners; September 25, 1942.

B. Weiss Garment Manufacturing Company, 1515 N. Seventh Street, Philadelphia, Pennsylvania; Ladies' Aprons, Children's Aprons; 2 learners, September 25, 1942.

Gloves

Fried, Ostermann Company, 1645 South Second Street, Milwaukee, Wisconsin; Leather Dress and Work Gloves; 10 percent; March 27, 1942. (This certificate replaces one bearing expiration date of March 24, 1942.)

M. Friedlander Knitting Company, 732 N. 5th Street, Milwaukee, Wisconsin; Knit Wool Gloves; 10 percent; March 25, 1942.

Mr. J. M. Lyon, Main and South Road, Worcester, New York; Leather Gloves; 5 learners; September 25, 1942.

Smart Set Glove Company, Inc., 29 Chuctanunda Street, Amsterdam, New York; Knit Fabric Gloves; 3 learners; March 25, 1942.

Hosiery

Belle Meade Hosiery Mills, Inc., 51st and Centennial Boulevard, Nashville, Tennessee; Seamless Hosiery; 5 learners; May 25, 1942.

Joseph Black and Sons Company, 1200 W. Market Street, York, Pennsylvania; Seamless Hosiery; 5 percent; September 25, 1942.

Commonwealth Hosiery Mills, Randleman, North Carolina; Seamless Hosiery; 5 percent; September 25, 1942.

Continental Hosiery Company, Dabney Road, Henderson, North Carolina; Seamless Hosiery; 5 learners; September 25, 1942.

Durham Hosiery Mills, Number Six, Durham, North Carolina; Seamless Hosiery; 5 learners; September 25, 1942.

Gehman Knitting Mill, Bally, Pennsylvania; Seamless Hosiery; 2 learners; May 12, 1942.

Graysville Hosiery Mill, 125 East Main Street, Dayton, Tennessee; Seamless Hosiery; 5 percent; September 25, 1942.

Hafer Hosiery Mills, Valley Street, Hickory, North Carolina; Seamless Hosiery; 5 percent; September 25, 1942.

Montgomery Knitting Mill, Commerce Street, Summerville, Georgia; Seamless Hosiery; 30 learners; May 25, 1942.

Morris Hosiery Mills, Denton, North Carolina; Seamless Hosiery; 5 learners; September 25, 1942.

Ray Finishing Company, 4041 Ridge Avenue, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 2 learners; March 25, 1942.

Runnymede Mills, Inc., Tarboro, North Carolina; Seamless Hosiery; 5 percent; September 25, 1942.

The Vaughan Knitting Company, 2 High Street, Pottstown, Pennsylvania; Seamless Hosiery; 5 percent; September 25, 1942.

Walridge Knitting Mills, Arkansas Street, Helena, Arkansas; Seamless Hosiery; 5 learners; September 25, 1942.

Wilkes Hosiery Mills Company, North Wilkesboro, North Carolina; Seamless Hosiery; 10 percent; September 25, 1942. (This certificate replaces one issued effective October 18, 1940.)

Knitted Wear

The Atlas Underwear Company, North 10th and D Streets, Richmond, Indiana; Knitted Underwear; 5 percent; September 25, 1942. (This certificate replaces one issued to you bearing the expiration date of September 11, 1942.)

The William Carter Company, Barnesville, Georgia; Knitted Underwear; 5 percent; September 25, 1942.

Lebanon Knitting Mills, Twelfth and Walnut Streets, Lebanon, Pennsylvania; Ladies' Underwear; 5 percent; September 25, 1942. (This certificate replaces one issued effective February 24, 1941.)

Textile

Birmingham Cotton Mills, Inc., 1700 Vanderbilt Road, Birmingham, Alabama; Sheetings; 3 percent; September 25, 1942.

Birmingham Cotton Mills, Inc., 1700 Vanderbilt Road, Birmingham, Alabama; Sheetings; 6 learners; December 11, 1941.

Durham Hosiery Mills, Number Six, (Spinning), Durham, North Carolina; Yarn and Thread; 3 percent; September 25, 1942.

Goldin Brothers, 323 West 38th Street, New York, New York; Cotton Yarns and Threads; 3 learners; December 29, 1941.

Greenwood Cotton Mill, Greenwood, South Carolina; Cotton, Spun Rayon, Acetate Cloth; 10 learners; September 25, 1942.

Manetta Mills—Monroe Plant, Mill Street, Monroe, North Carolina; Cotton Bedspreads and Blankets; 3 percent; September 25, 1942.

Ninety Six Cotton Mill, Ninety Six, South Carolina; Cotton Cloth; 13 learners; September 25, 1942.

Tennessee Tufting Company, 2404 Heiman Street, Nashville, Tennessee; Chenille Rugs, Bedspreads; 15 learners; January 22, 1942.

Signed at Washington, D. C., this 24th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7142; Filed, September 24, 1941; 11:32 a. m.]

NOTICE OF CHANGE OF DATE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 28 FOR THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

Notice is hereby given that:

1. The hearing on the recommendation of Industry Committee No. 28 for a minimum wage rate of 40 cents per hour in the Knitted and Men's Woven Underwear and Commercial Knitting Industry previously scheduled for September 29, 1941, will be held on October 13, 1941, at 10:00 a. m., in Room 3229, United States Department of Labor Building, Washington, D. C., before Major Robert N. Campbell of the United States Department of Labor;

2. Except as hereinabove expressly modified the notice of June 21, 1941, remains in full force and effect.

Signed at Washington, D. C., this 23d day of September, 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-7143; Filed, September 24, 1941; 11:32 a. m.]

EMPLOYMENT OF LEARNERS IN THE HAT INDUSTRY

NOTICE OF DETERMINATION

Whereas applications were made by the Berne Hat, Inc., Lilly Dache, Inc., Stylepark Hats, Inc., Texas Harvest Hat Company, and sundry other parties under section 14 of the Fair Labor Standards Act of 1938, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the millinery and hat industries at wages less than the applicable minimum wage specified in section 6 of the Act; and

Whereas pursuant to notice a public hearing was held on January 31 to February 2, 1940, inclusive, before Merle D. Vincent, duly authorized as presiding officer to conduct said hearing, to take testimony for the purpose of determining and to determine:

(a) What, if any, occupation or occupations in the millinery and hat industries require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the millinery and hat industries, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the millinery and hat industries for whatever occupation or occupations, if any, are found to require a learning period; and

Whereas on August 26, 1940, the Administrator issued regulations applicable to the employment of learners for the two branches of the millinery industry; and

Whereas sufficient additional evidence has been received on the above questions since the date of the said hearing to enable a finding to be made for the hat industry; and

Whereas the said Merle D. Vincent has found that "exemption for learners from the minimum wage rates now applicable to the hat industry is not necessary to prevent curtailment of opportunity for employment";

Now, therefore, notice is hereby given that there is no need for the issuance of regulations providing for the employment of learners at wage rates less than the applicable minima in the hat industry and that special learner certificates will not be issued to employers in this industry.

As used in this notice, the term hat industry means:

(a) The manufacture from any material of headwear for men or boys except caps and cloth hats.

(b) The manufacture of felt hat bodies from fur or wool for men's, boys', women's or children's hats.

(c) The manufacture or processing of hatters' furs.

Signed at Washington, D. C., this 16th day of September 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7144; Filed, September 24, 1941; 11:32 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6005]

NOTICE RELATIVE TO THE ASSOCIATED BROADCASTERS, INCORPORATED (KSFO)

Application dated February 26, 1940, for, construction permit; class of service, broadcast; class of station, broadcast; location, San Francisco, California; operating assignment specified: Frequency, 740 kc.; power, 50 kw.[1]; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reason:

1. To determine whether the granting of this application and operation of Station KSFO on the frequency 740 kc. as proposed therein would serve public interest, convenience or necessity better than the operation of Station KQW on the frequency 740 kc., as now operated and as authorized in the grant on September 9, 1941, of the application (B5-P-3021) of Pacific Agricultural Foundation, Limited.

[1] Directional Ant.

The application involved herein will not be granted by the Commission unless the issue listed above is determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issue by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Associated Broadcasters, Inc., Radio Station KSFO, Palace Hotel Building, 140 Jessie St., San Francisco, California.

Dated at Washington, D. C., September 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7129; Filed, September 24, 1941; 10:35 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-33]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: MACARONI; SPAGHETTI; VERMICELLI; MACARONI PRODUCT; NOODLES, EGG NOODLES; NOODLE PRODUCT, EGG NOODLE PRODUCT, EGG MACARONI PRODUCT

POSTPONEMENT OF HEARING

It appearing that the National Macaroni Manufacturers' Association have requested a postponement of the hearing in the above entitled proceeding, showing grounds therefor, it is ordered that the public hearing announced for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing definitions and standards of identity for macaroni and the related foods named in the caption hereof, scheduled to commence on September 29, 1941 (6 F.R. 4481), be postponed so that the hearing be held commencing at 10 o'clock in the morning of October 6, 1941, in Room 1039, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C.

ALANSON W. WILLCOX,
Presiding Officer.

SEPTEMBER 24, 1941.

[F. R. Doc. 41-7150; Filed, September 24, 1941; 11:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-152]

IN THE MATTER OF FEDERAL POWER & LIGHT COMPANY, HOOPER, KIMBALL & WILLIAMS, INC., AND AMERICAN ELECTRIC SHARE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

An application having been filed by the above named applicants under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 for an order of this Commission declaring them to be excepted from the definition of an investment company contained in this Act or in the alternative for an order under section 6 (c) of the said Act exempting them from all of the provisions thereof;

It is ordered, That a hearing on the aforesaid application be held on October 8, 1941, at 11:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicants and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7145; Filed, September 24, 1941; 11:49 a. m.]

[File No. 812-204]

IN THE MATTER OF H. K. & W. INVESTMENT CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 for an order granting an exemption from the provisions of section 17 (a) (2) of said Act so as to permit the sale by the applicant of certain bonds to Federal Power & Light Company, an affiliated corporation;

It is ordered, That a hearing on the aforesaid application be held on October 8, 1941, at 10:15 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7146; Filed, September 24, 1941; 11:49 a. m.]

[File No. 70-398]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINN.)

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

Northern States Power Company of Minnesota, a registered holding company and a subsidiary company of Standard Gas and Electric Company which is a registered holding company, having filed on September 8, 1941, an application under Rule U-23 of the Public Utility Holding Company Act of 1935 and pursuant to the applicable provisions of said Act regarding acquisitions during the year 1941 and in future calendar years of unspecified electric and gas utility assets, subject to conditions stated in said application; and

Northern States Power Company of Minnesota having requested permission to withdraw said application:

It is ordered, That Northern States Power Company of Minnesota be, and it hereby is, permitted to withdraw said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7147; Filed, September 24, 1941; 11:49 a. m.]

[File No. 70-361]

IN THE MATTER OF MISSISSIPPI POWER COMPANY, THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE)

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

The Commonwealth & Southern Corporation, a registered holding company, and Mississippi Power Company, a subsidiary company thereof, having filed applications and declarations, and amendments thereto, pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935, and Rules U-42, U-45, and U-50 promulgated thereunder, in regard to:

1. The issuance and sale by Mississippi Power Company to the successful bidder at competitive bidding of $8,927,000 principal amount First Mortgage Bonds, series due 1971, coupon rate as yet undetermined, but not to exceed 3½%;

2. Pending consummation of the issue and sale of the $8,927,000 principal amount First Mortgage Bonds or, as an alternative procedure thereto, the issuance and sale by Mississippi Power Company to the Reconstruction Finance Corporation of not more than $2,750,000 principal amount 4% First and Refunding Bonds maturing in 1951, at the principal amount thereof, such bonds to be issued and sold to the Reconstruction Finance Corporation from time to time as Mississippi Power Company requires funds for construction; any of such bonds which are issued, however, to be retired concurrently with any issuance of the new First Mortgage Bonds.

3. The making of an additional investment in the aggregate amount of $3,336,835 by The Commonwealth & Southern Corporation in the common stock of Mississippi Power Company without the issuance of additional shares by (a) a cash investment of $250,000; (b) the surrender to Mississippi Power Company, for cancellation, of $3,031,500 principal amount First and Refunding, 5% Series Bonds, due 1955 at cost to The Commonwealth & Southern Corporation of $3,020,606; and (c) the surrender to Mississippi Power Company, for cancellation, of 264 shares of $7 preferred stock and 483 shares of $6 preferred stock at aggregate cost to The Commonwealth & Southern Corporation of $66,229, being all of the bonds and preferred stock of Mississippi Power Company owned by The Commonwealth & Southern Corporation.

4. The making of various accounting entries and adjustments, as particularly described in the applications and declarations, as amended, and described in our Findings and Opinion filed herein.

Pursuant to the Commission's Rule U-50 of the General Rules and Regulations under the Act, Mississippi Power Company will publicly invite proposals for the purchase of the $8,927,000 principal amount First Mortgage Bonds, due 1971, the interest rate of said bonds to be determined in accordance with the provisions of the accepted bid.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said declarations, as amended, be and the same are hereby permitted to become effective forthwith, and that the applications, as amended, be and the same are hereby granted; subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

1. That Mississippi Power Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby; jurisdiction is hereby reserved for this purpose.

2. That Mississippi Power Company file with this Commission quarterly progress reports in reasonable detail stating the amount of construction completed and the expenditures made therefor, together with a statement describing any substantial modifications or variations in the proposed construction program as set forth in the applications and declarations; the first of said reports to be filed within thirty days after the close of the year 1941 and subsequent reports to be filed within thirty days following the close of each calendar quarter thereafter.

3. That Mississippi Power Company not declare or pay any dividends (other than dividends payable solely in its common stock) or make any other distribution, by purchase of shares or otherwise, upon any shares of its common stock, except out of net income earned subsequent to December 31, 1941, and available for distribution of dividends, and unless, upon such declaration, payment or other distribution, there shall remain in earned surplus account earned subsequent to December 31, 1941, an amount equivalent to dividends for a period of two years on the then outstanding preferred stock of the Company, plus an amount equivalent to the amount by which the aggregate of the charges to income since December 31, 1941 for repairs, maintenance and depreciation and for the amortization of plant adjustment accounts shall have been less than 16% of the gross operating revenues of the Company subsequent to December 31, 1941, after deducting from such gross operating revenues the amount spent subsequent to December 31, 1941 for electric energy, gas or steam purchased by it for resale.

It is further ordered, That the issuance and sale of the $2,750,000 principal amount of 4% First and Refunding Bonds, due 1951, to the Reconstruction Finance Corporation, upon the terms and conditions particularly described in the applications and declarations and described in our Findings and Opinion filed herein, be and hereby is exempted from the provisions of Rule U-50.

Jurisdiction is reserved to pass upon the changes which will be made in the indenture dated September 1, 1925 and the supplement thereto dated August 1, 1941, pursuant to the agreement of Mississippi Power Company, as contained in the applications and declarations, in event any of the $2,750,000 principal amount bonds due 1951 (issuable under said indenture and supplement) is issued.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7148; Filed, September 24, 1941; 11:49 a. m.]

[File No. 70-360]

IN THE MATTER OF GULF POWER COMPANY AND THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE)

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

The Commonwealth & Southern Corporation, a registered holding company, and Gulf Power Company, a subsidiary company thereof, having filed applications and declarations, and amendments thereto, pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935, and Rules U-42, U-45, and U-50 promulgated thereunder, in regard to:

1. The issuance and sale by Gulf Power Company to the successful bidder at competitive bidding of $5,600,000 principal amount First Mortgage Bonds, series due 1971, coupon rate as yet undetermined, but not to exceed 3½%;

2. Pending consummation of the issue and sale of the $5,600,000 principal amount First Mortgage Bonds or, as an alternative procedure thereto, the issuance and sale by Gulf Power Company to the Reconstruction Finance Corporation of not more than $3,100,000 principal amount 4% First and Refunding Bonds maturing in 1951, at the principal amount thereof, such bonds to be issued and sold to the Reconstruction Finance Corporation from time to time as Gulf Power Company requires funds for construction; any of such bonds which are issued, however, to be retired concurrently with any issuance of the new First Mortgage Bonds.

3. The making of an additional investment in the aggregate amount of $1,995,955 by The Commonwealth & Southern Corporation in the common stock of Gulf Power Company without the issuance of additional shares by (a) a cash investment of $250,000; (b) the surrender to Gulf Power Company, for cancellation, of $1,157,000 principal amount First and Refunding, 5% Series Bonds, due 1968 at cost to The Commonwealth & Southern Corporation of $925,600; (c) the surrender to Gulf Power Company, for cancellation, of loan indebtedness of $810,000; and (d) the surrender to Gulf Power Company, for cancellation, of 143 shares of $6 preferred stock at cost to The Commonwealth & Southern Corporation of $10,355, being all of the indebtedness, bonds and preferred stock of Gulf Power Company owned by The Commonwealth & Southern Corporation.

4. The making of various accounting entries and adjustments, as particularly described in the applications and declarations, as amended, and described in our Findings and Opinion filed herein.

Pursuant to the Commission's Rule U-50 of the General Rules and Regulations under the Act, Gulf Power Company will publicly invite proposals for the purchase of the $5,600,000 principal amount First Mortgage Bonds, due 1971, the interest rate of said bonds to be determined in accordance with the provisions of the accepted bid.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said declarations, as amended, be and the same are hereby permitted to become effective forthwith, and that the applications, as amended, be and the same are hereby granted; subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

1. That Gulf Power Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby: jurisdiction is hereby reserved for this purpose.

2. That Gulf Power Company file with this Commission quarterly progress reports in reasonable detail stating the amount of construction completed and the expenditures made therefor, together with a statement describing any substantial modifications or variations in the proposed construction program as set forth in the applications and declarations; the first of said reports to be filed within thirty days after the close of the year 1941 and subsequent reports to be filed within thirty days following the close of each calendar quarter thereafter.

3. That Gulf Power Company not declare or pay any dividends (other than dividends payable solely in its common stock) or make any other distribution, by purchase of shares or otherwise, upon any shares of its common stock, except out of net income earned subsequent to December 31, 1941, and available for distribution of dividends, and unless, upon such declaration, payment or other distribution, there shall remain in earned surplus account earned subsequent to December 31, 1941, an amount equivalent to dividends for a period of three years on the then outstanding preferred stock of the Company, plus an amount equivalent to the amount by which the aggregate of the charges to income since December 31, 1941 for repairs, maintenance and depreciation and for the amortization of plant adjustment accounts shall have been less than 16% of the gross operating revenues of the Company subsequent to December 31, 1941, after deducting from such gross operating revenues the amount spent subsequent to December 31, 1941 for electric energy, gas or steam purchased by it for resale.

It is further ordered, That the issuance and sale of the $3,100,000 principal amount 4% First and Refunding Bonds, due 1951, to the Reconstruction Finance Corporation, upon the terms and conditions more particularly described in the applications and declarations and described in our Findings and Opinion filed herein, be and hereby is exempted from the provisions of Rule U-50.

Jurisdiction is reserved to pass upon the changes which will be made in the indenture of April 2, 1928 and the supplement thereto dated August 1, 1941, pursuant to the agreement of Gulf Power Company, as contained in the applications and declarations, in event any of the $3,100,000 principal amount bonds (issuable under said indenture and supplement) is issued.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7149; Filed, September 24, 1941; 11:49 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 188

Washington, Friday, September 26, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 472 revised [1]]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY—TREATMENTS AUTHORIZED

Introductory note. This revision of circular B.E.P.Q. 472 has the twofold purpose of bringing the citations of authority into line with the current regulations of the Mexican fruitfly quarantine, and of providing authorization for the low-temperature method of sterilization for the Mexican fruitfly for those in the citrus-fruit industry in Texas who desire to employ that method. Of the two heat-treatment methods authorized in the previous issue of the circular, only one is in current use, and authorization for this treatment as specified below is therefore continued with no change in method, other than the recommendation that in the use of wax or paraffine, applications of such material be made only after sterilization.

§ 301.64–4a *Administrative instructions; treatment of grapefruit and oranges for the Mexican fruitfly.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 301.64–4 (e), Chapter III, Title 7, Code of Federal Regulations [regulation 4 of the regulations (third revision) supplemental to Notice of Quarantine No. 64, the Mexican fruitfly quarantine [2]], the methods of sterilization specified below are hereby authorized, effective September 25, 1941, as a condition of the issuance of permits for interstate movement of grapefruit and oranges.

(a) *Vapor-heat method.* Heating the fruit for a period of not less than 14 hours during which time the fruit shall be raised to a temperature of 110° F. at the approximate center of the fruit and shall be maintained at or above that temperature for the last 6 hours of such treatment.

While no specifications as to the exact methods and equipment for obtaining these conditions are prescribed, the air within the room shall be maintained at the temperature and under the humidity conditions required by the supervising inspector. Available information clearly indicates that by the application of dry heat the required temperatures cannot be reached without injury to the fruit. To prevent such injury it is necessary to maintain a very high humidity throughout the period of treatment. In the tests where successful performance was obtained, live steam as the source of heat was applied in such a way as to secure as nearly as possible a uniform distribution of steam-heated air so directed as not to discharge directly on the fruit. The air temperature ranged from 110° to 112° F. and the air was very moist. The fruit was held in field boxes stacked four boxes high and without special means of separating the boxes in each stack. The experiments indicate that the fruit should be sterilized after coloring, if this is necessary, and before packing for shipment, and then cooled down to a temperature around 45° F. as soon as possible after sterilizing. Wax or paraffine, either dry or in solution, should not be applied to this fruit before sterilization.

(b) *Low-temperature method.* (1) Cooling until the approximate center of the fruit reaches a temperature of 33° F. and holding the fruit at or below that temperature for a period of 18 days.

(2) Cooling until the approximate center of the fruit reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 20 days.

(3) Cooling until the approximate center of the fruit reaches a temperature of 35° F. and holding the fruit at or below that temperature for a period of 22 days.

Such treatments as specified in paragraphs (a) and (b) above are authorized in sterilization or refrigeration plants in the regulated area which are approved by the Bureau of Entomology and Plant

[1] Superseding P.Q.C.A. 329 and 330.
[2] 4 F.R. 4222.

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FEDERAL REGISTER

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Quarantine. The Bureau will approve only those plants which are adequately equipped to handle and sterilize the fruit. Such sterilization will be done under the supervision of inspectors of the Bureau. These inspectors should at all times be given access to fruit while in process of sterilization.

While the results of the experiments so far conducted have been successful, it should be emphasized that inexactness and carelessness in operation may result in injury to fruit. In authorizing the movement of fruit sterilized in accordance with the above requirements, it is understood that the Department does not accept responsibility for fruit injury.

Done at Washington, D. C., this 19th day of September 1941.

[SEAL] P. N. ANNAND,
Chief.

[F. R. Doc. 41-7169; Filed, September 25, 1941; 11:03 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[G.S.Q.R. Series 8, No. 1, Rev. 5, Amendment 1]

PART 821—SUGAR QUOTAS

REVISION OF PRORATIONS OF THE QUOTA FOR FOREIGN COUNTRIES OTHER THAN CUBA

Pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1937 (50 Stat. 903; 7 U.S.C. 1100), as amended, § 821.224 of General Sugar Quota Regulations, Series 8, No. 1, Revision 5,[1] is hereby amended to read as follows:

§ 821.224 *Proration of quota for foreign countries other than Cuba, of Philippine deficit, and of September 1, 1941, deficits in prorations in effect on July 1, 1941*—(a) *Revised prorations.* The quota for foreign countries other than Cuba, an amount of sugar equal to the deficit in the quota for the Commonwealth of the Philippine Islands, and an amount of sugar equal to the prorations of the quota for foreign countries other than Cuba in effect on July 1, 1941, and unfilled on September 1, 1941, are hereby prorated, pursuant to sections 202 and 204 of the said act, as follows:

Country:	*Prorations in pounds, raw value*
Argentina	172,756
Canada	7,279,181
China & Hongkong	3,682,673
Costa Rica	244,105
Dominican Republic	180,909,920
Dutch East Indies	2,505,181
Guatemala	3,969,033
Haiti, Republic of	25,002,562
Honduras	40,680,533
Mexico	72,004,758
Nicaragua	121,132,598
Peru	301,515,638
Salvador	97,282,227
United Kingdom	4,155,876
Venezuela	3,436,912
Other countries	9,282,293
Subtotal	873,256,246
Unallotted Reserve	7,351,754
Total	880,608,000

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112; Sec. 204, 50 Stat. 905; 7 U.S.C. 1114)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 20th day of September 1941.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7167; Filed, September 25, 1941; 11:03 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, AND MEDICAL ADMINISTRATIVE CORPS, REGULAR ARMY

§ 73.5 *Appointment.*

* * * * *

(c) The names of candidates for appointment in the Medical and Dental Corps, Regular Army, who qualified by competitive examination will be dropped from the eligibility list 1 year after date on which such lists are published. The names of candidates who qualified for appointment in the Medical or Dental Corps through the completion of Army interneships will remain on the eligible lists until appointed, provided they have maintained an actice duty status in the Medical or Dental Reserve until the date of appointment. (Sec. 4, 35 Stat. 67; sec. 24, 41 Stat. 774; 40 Stat. 397; sec. 4, 49 Stat. 506, 1902; 10 U.S.C. 92, 93, 125, 151, 552b) [Par. 17, AR 605-20, Aug. 16, 1939, as amended by Cir. 193, W. D., Sept. 17, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7166; Filed, September 25, 1941; 10:01 a. m.]

[1] 6 F.R. 4836.

[1] § 73.5 (c) is added.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4208]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF OXOL LABORATORIES

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., in connection with offer, etc., of respondents' "Trox Tablets" or any other substantially similar product, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements represent, directly or through inference, (1) that their product "Trox Tablets" constitutes a cure or remedy for diseases and ailments of the kidneys or of the prostate gland, or constitutes a competent or effective treatment therefor; and (2) that said product possesses any therapeutic value in the treatment of diseases and ailments of the kidneys or of the prostate gland; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Oxol Laboratories, Docket 4208, September 17, 1941]

In the Matter of W. S. McClymonds and G. L. McClymonds, Individuals Doing Business as Oxol Laboratories

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, W. S. McClymonds and G. L. McClymonds, individually and doing business as Oxol Laboratories, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their product "Trox Tablets", or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondents' product "Trox Tablets" constitutes a cure or remedy for diseases and ailments of the kidneys or of the prostate gland, or constitutes a competent or effective treatment therefor;

(b) That respondents' product "Trox Tablets" possesses any therapeutic value in the treatment of diseases and ailments of the kidneys or of the prostate gland.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, "Trox Tablets", which advertisement contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7185; Filed, September 25, 1941; 11:51 a. m.]

[1] 5 F.R. 4554.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—AIR COMMERCE REGULATIONS

REGULATIONS FOR THE APPLICATION TO CIVIL AIR NAVIGATION OF THE LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

Correction

Section 4.10 of F.R. Doc. 41-6536 (filed, August 29, 1941, at 4:28 p. m.), appearing on page 4519 of the issue for Wednesday, September 3, 1941, should read as follows:

§ 4.10 *Omission of lists of aliens employed on board aircraft.* The information required by §§ 4.8 and 4.9 as to aliens employed on board an aircraft may be omitted from the aircraft commander's entry and clearance declarations in the case of aircraft operated by a scheduled airline if its schedules and a list (on a form approved by the Commissioner of Immigration and Naturalization) of such information as to all aliens employed on board the aircraft have been filed by the operator of the aircraft with the immigration officer in charge at the airport of arrival (and at the airport of departure if other than the airport of arrival) shown on such schedules. From that list such officer shall keep as to each alien a card record on a form prescribed by the Commissioner of Immigration and Naturalization. Whenever an alien so listed shall be left in a hospital in the United States or ceases to be in the employ of the operator, the latter shall file with such immigration officer at such airport a report covering the date, place, and manner of leaving the alien in a hospital or the discontinuance of his employment. The name, place and date of employment of any other or additional alien on board, for inclusion in the list so filed, shall be reported promptly by the operator to such immigration officer at such airport.*

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5069]

PART 137—CAPITAL STOCK TAX

EXTENSION OF TIME FOR FILING CAPITAL STOCK TAX RETURNS AND PAYING TAX

General extension. Under the authority of section 1203 (b) (2) of the Internal Revenue Code, as amended by section 301 (c) of the Revenue Act of 1941, the period within which returns of capital stock tax for the year ended June 30, 1941, may be filed without assertion of penalties for delinquency, as extended to September 29, 1941, by Treasury Decision 5061,[1] approved July 21, 1941, is hereby further extended to October 29, 1941.

Under the authority of section 1205 (b) of the Internal Revenue Code, the period within which payments of capital stock tax for the year ended June 30, 1941, may be made without assertion of interest accruals thereon, as extended to September 29, 1941, by Treasury Decision 5061, is hereby further extended to December 28, 1941. In any case, however, where a notice and demand for payment of capital stock tax for the year ended June 30, 1941, is issued and pay-

[1] 6 F.R. 3634.

ment is made on or before December 28, 1941, such payment shall be considered timely only if made within ten days from issuance of the notice and demand. If the tax is not paid within such ten-day period, interest shall be accrued thereon as required by law. (Secs. 1203, 1205, 3655, 3791, 53 Stat., 171, 446, 467; 26 U.S.C., Sup. V, 1203, 1205, 3655 and 3791; and section 301 (c) of the Revenue Act of 1941 (Public Law 250, 77th Congress).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: September 24, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7151; Filed, September 24, 1941; 2:44 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 333]

PART 318—MARKETING RULES AND REGULATIONS

AN ORDER DIRECTING CODE MEMBERS TO FILE DUPLICATE COPIES OF ALL ANALYSES HERETOFORE FILED AND ALSO DIRECTING CODE MEMBERS TO FILE ALL FUTURE ANALYSES IN DUPLICATE

It appearing that in order to carry out the provisions of the Bituminous Coal Act of 1937, it is necessary that copies of certain analyses heretofore filed should be supplied to the Division and that every analysis hereafter filed with the Bituminous Coal Division should be filed in duplicate;

Pursuant to the provisions of sections 4 II (a) and 10 (a) of the Bituminous Coal Act of 1937,

It is, therefore, ordered, That within thirty (30) days from the date hereof all code members who have heretofore filed analyses of their coals in accordance with § 318.8 (a) (*Use of coal analyses*) in the Marketing Rules and Regulations, shall file with the appropriate Statistical Bureau one copy of each analysis so filed; and

It is further ordered, That from and after the date of this order every analysis filed with the appropriate Statistical Bureau in accordance with the provisions of § 318.13 (a) (*Unfair methods of competition*) in the Marketing Rules and Regulations, shall be in duplicate.

Dated: September 17, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7119; Filed, September 23, 1941; 11:33 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 110]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION TO INVESTIGATORS REPRESENTING THE AMERICAN NATIONAL RED CROSS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume One, Section VIII, by deleting the present subparagraph *b* of Paragraph 165[1] and substituting therefor the following:

b. The records relating to dependency status shall not be confidential under the circumstances and to the extent following:

(1) The fact that dependency has been claimed and the names and addresses of the claimed dependents shall not be confidential and may be disclosed or furnished.

(2) Information as to dependents or home conditions of a registrant shall be furnished to a representative of the American National Red Cross who has been authorized by the Army, Navy, or Marine Corps to investigate the registrant's request for separation from active service or discharge from the armed forces. For the purpose of such investigation, information so given shall not be considered confidential as to the investigator. The investigator shall not be permitted to examine the registrant's file, but any information contained therein relating to his dependents or home conditions will be furnished orally during a consultation with members of the local board or their authorized representative.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 23, 1941.

[F. R. Doc. 41-7179; Filed, September 25, 1941; 11:30 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

[Supplementary Order No. M-11-d]

SUBCHAPTER B—PRIORITIES DIVISION

PART 937—ZINC

§ 937.5 *Supplementary order No. M-11-d.* (a) The Director of Priorities hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c) of § 937.1 as amended, for the month of October and for each month thereafter until otherwise determined by him, shall be as follows:

(1) Metallic Zinc—An amount equal to 27% of Producer's August 1941 production.

(2) Zinc Oxide—None.

(3) Zinc Dust—None.

(b) This order shall take effect on the 1st day of October, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 9629, Jan. 7, 1941, 6 F.R. 191; E.O. 8629, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 24th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7157; Filed, September 24, 1941; 4:33 p. m.]

[1] 6 F.R. 3947.

PART 958—REPAIRS

Interpretation No. 2 of Preference Rating Order P-22

The following official interpretation is hereby issued by the Director of Priorities with respect to § 958.1 *Preference rating order No. P-22,*[1] dated September 9, 1941.

Section 958.1 permits the application of the preference rating therein assigned to purchase orders for Material for Repairs or Emergency Inventory, placed by a Producer prior to the effective date of such Preference Rating Order. The preference rating assigned may be applied to such purchase orders by filing with the seller of the Material a duplicate copy of the purchase order theretofore placed, endorsed in the manner specified in paragraph (d) of the Order.

Issued this 24th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7158; Filed, September 24, 1941; 4:33 p. m.]

[1] 6 F.R. 4665.

TITLE 37—PATENTS AND COPYRIGHTS

CHAPTER 1—PATENT OFFICE

[Order No. 151]

PART 3—LICENSES TO FILE APPLICATIONS FOR PATENTS IN FOREIGN COUNTRIES

Sec.
3.1 Petition for license.
3.2 Definitions.
3.3 Invention not made in United States.
3.4 Accompanying documents.
3.5 No corresponding United States application.
3.6 "New Matter" in amendment.
3.7 Copies of foreign applications.
3.8 Affidavit.
3.9 Enclosures.
3.10 Envelope.
3.11 Informal petitions returned.
3.12 License.
3.13 Alteration of license.
3.14 Licenses revocable.
3.15 Application mailed, license presented at post office.

A new part is added reading as follows:

§ 3.1 *Petition for license.* Licenses will be issued on petition addressed to the Commissioner of Patents. One petition completely filled out in duplicate must be filed for each application and for each amendment to be filed in each foreign country. Petitions must be filed on forms DL1 (applications) and DL2 (amendments), except that applications for licenses made on A. E. C. Form No. 16, filed and completed in the Office of the Administrator of Export Control before September 20, 1941, and not granted or denied by the Administrator will be considered by the Commissioner of Patents.*

*§§ 3.1 to 3.15, inclusive, are issued under the authority contained in section 3 of the Act of July 1, 1940 (54 Stat. 710), as added by the Act of August 21, 1941, (Public Law 239—77th Congress, (35 U.S.C. 42))

§ 3.2 *Definitions.* The term "application", as used in the regulations in this part, includes applications, and any modifications, amendments, or supplements thereto or continuances thereof, and in the petition for license, includes the usual application for patent or for the registration of a utility model, industrial design, or model, or for a patent of addition, and also includes each and every communication, drawing, document, or paper containing technical information, whether or not in the English language, which shall furnish in whole or in part the basis of any such application or which shall assist, cause or authorize the filing of such an application in any foreign country.

The term "amendment", as used in the petition for license, is used in its usual sense and also includes each and every communication, document, or paper which relates to any foreign application for patent, or for the registration of a utility model, industrial design, or model, and contains any technical data or information whether or not in the English language which upon translation, if necessary, or other modification is intended to be used as an amendment or as a basis for preparing an amendment, argumentative letter or supplement of any kind to such foreign application already filed. If the supplement is in the form of an application, such, for example, as an application of addition to a foreign patent or application, it is not an amendment, and Form DL1 should be used.*

§ 3.3 *Invention not made in United States.* No license from the Commissioner of Patents is required if the invention was not made in the United States. Before filing an application or an amendment abroad relating to such an invention, however, it should be determined whether a license is required by any other Government agencies.*

§ 3.4 *Accompanying documents.* The application or the amendment sought to be exported or filed in a foreign country must accompany the petition. All documents enclosed which are in a foreign language must be accompanied by the original English text and a translator's affidavit to the effect that the foreign document is a true, faithful, and exact translation.*

§ 3.5 *No corresponding United States application.* If the application to be filed in a foreign country does not contain the disclosure of any United States application whatsoever, a complete and properly identified copy in English must be filed for use and record of the Patent Office.*

§ 3.6 *"New matter" in amendment.* If the amendment contains any matter or disclosure which is not in the original specification or in any of the amendments or the supplements already filed abroad, or already contained in printed publications, the petition must point out in detail all of this new matter.*

§ 3.7 *Copies of foreign applications.* Petitioner may be required to file verified copies of the foreign application to be amended, together with all amendments and supplements already filed in the foreign country.*

§ 3.8 *Affidavit.* The affidavit in the petition will be executed by applicant, his or his assignee's attorney or agent.*

§ 3.9 *Enclosures.* Necessary covering letters and other enclosures to accompany the application or amendment should be attached by clips to the petition. No responsibility can be assumed by the Government as to enclosures in the form of drafts, checks, or funds in any form. A list of all papers filed must be included in the petition.*

§ 3.10 *Envelope.* The petition must be accompanied by a strong, flat, unsealed envelope of sufficient size to enclose the application or amendment and all of the accompanying material. This envelope must be properly addressed to the consignee in the foreign country of destination.*

§ 3.11 *Informal petitions returned.* Each petition which is informal, incomplete, or not accompanied by required copies of applications, a proper affidavit or a suitable unsealed, properly addressed envelope will be returned with a check list indicating the deficiencies.*

§ 3.12 *License.* When the petition is countersigned by an authorized officer of the Licensing Division and impressed with the seal of the Patent Office it becomes a license.*

§ 3.13 *Alteration of license.* Any attempt to export any application or amendment differing in any manner from that licensed or any alteration of the license except by a duly authorized officer of the United States is punishable under appropriate acts of Congress.*

§ 3.14 *Licenses revocable.* All licenses are subject to revocation without notice and are not transferable.*

§ 315 *Application mailed, license presented at post office.* The application or amendment must be mailed at the designated post office within one year from the date of the license. The license must accompany the letter package containing the application or amendment and must be surrendered to the Postmaster for endorsement and forwarding to the Commissioner of Patents.*

[SEAL] CONWAY P. COE,
Commissioner.

Approved September 22, 1941.

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-7154; Filed, September 24, 1941; 3:59 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular 1494]

PART 192—OIL AND GAS PERMITS AND LEASES (APPENDIX)

ISSUANCE OF OIL AND GAS LEASES IN THE LANCE CREEK OIL FIELD, WYOMING

1. *Statutory Authority.* The act of Congress approved July 3, 1941 (Public No. 151), authorizes the Secretary of the Interior to issue leases under the provisions of section 19 of the act of February 25, 1920 (41 Stat. 437), except as otherwise provided in this act, covering certain described lands in the Lance Creek oil and gas field, Wyoming. A copy of the act is attached to these regulations.[1] The following rules and regulations are prescribed for the administration of the act:

2. *Application for leases.* Applications for leases must be made by the respective oil and gas operators in possession of the land on and prior to January 1, 1940, under placer mining claims initiated prior to October 16, 1918, and must be made under oath and the supporting documents and papers certified or under oath so far as practicable. The application, with all the accompanying papers, must be filed in the United States land office at Cheyenne, Wyoming, within six months from July 3, 1941. Each application should contain full information as to the facts upon which the applicant bases his claim to a lease, covering the following points and such additional matters as may, from the particular facts in the case, be material in the establishment of his claim under the law:

(a) Name of the applicant, post office address and citizenship. If the applicant is an individual, he must show whether he is native born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificates if known; if a corporation, by certified copy of the articles of incorporation and a showing as to residence and citizenship of the stockholders.

(b) A duly certified abstract of title to the land brought up to January 1, 1940, and a relinquishment to the United States of all right, title and interest in and to the land. This relinquishment must be in the form of an unconditional quitclaim deed, duly executed and acknowledged, but not recorded, and when filed will be held for such action as the facts and the law in the case warrant and require.

(c) A description by legal subdivisions of section, township and range of all of the lands in the possession of the applicant within the area described in the act.

(d) A showing as to all conflicting claims or disputed claims, if any, to the lands or production therefrom, specifying the character and extent of any such claims.

[1] Filed with the original document.

(e) A statement showing aggregate expenditures prior to January 1, 1940, made by the applicant or his predecessors in interest of not less than $10,000, on or for the benefit of each claim upon which the application is based.

(f) A complete detailed statement by months of all production from the land from January 1, 1940, to end of the month preceding date of application, to be thereafter supplemented by like statements at the end of each month until lease issues, showing (1) grade and total quantity of oil and gas produced; (2) the amount sold or otherwise disposed of, to whom sold, and the selling price or other consideration received therefor; (3) a statement of the grade and amount of any and all such production held in storage at the end of the month preceding the date of application; and (4) the amount consumed for production purposes upon the land or unavoidably lost. The applicant must also furnish a complete detailed statement by months of production from the land prior to January 1, 1940, as herein required, except that the selling price required in item (2) need not be given, nor the statement required under item (3) hereof.

(g) A full showing of all interests held in the land or in the production therefrom, whether royalty, working or other interest, giving names and addresses of such holders, their citizenship, and percentage of interest held.

(h) A consent to permit the inspection of any and all books, records and accounts having any bearing on the data or information required by the application, and to furnish copies or abstracts of such books, records or accounts, on demand.

3. *Payment of royalty on past production.* (a) The application shall be accompanied by a certified check drawn to the order of the Treasurer of the United States, in the amount of four cents per barrel for all oil and one-fourth cent per thousand cubic feet for all gas produced from the claim prior to January 1, 1940, except oil or gas used for production purposes or unavoidably lost, in accordance with the statement required in paragraph (f). All such sums will be held by the Register in his account of unearned moneys to await instructions as to their disposition.

(b) When a lease is authorized the lease applicant shall pay royalty on all production subsequent to January 1, 1940, so long as royalty is paid in value, computed on the basis of the minimum valuation fixed in departmental decision of February 13, 1941 (A. 22858) of eight cents under the price per barrel regularly posted by the major purchasers of crude oil in the Mid-Continent area for crude oil of 40° A. P. I. gravity, or any modification of said order. Royalties accrued at the date lease is authorized shall be paid prior to execution of such lease.

4. *Publication of notice.* Immediately upon the filing of an application for lease, the Register will cause to be published at the expense of the applicant, in a newspaper designated by the Register, published in the vicinity of the land and most likely to give notice to the general public, notice of the application in substantially the following form:

DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE
CHEYENNE, WYOMING,
_____ ----, 19----.

Notice is hereby given that _____ ----, of _____, has applied for an oil and gas lease under the act of July 3, 1941 (Public No. 151), for _____ section _____, township _____ of range _____ meridian, Niobrara County, State of Wyoming. Any and all such persons having adverse or conflicting claims to said land are hereby notified that a full statement, under oath, of such claim should be filed in this office showing a superior right to a lease under said act or a valid existing adverse or conflicting claim to the land or the minerals therein under the public land laws, on or before _____; otherwise such claim may be disregarded in granting the lease applied for.

_____ ----------,
Register.

The Register will fix a date in the notice on or before which adverse or conflicting claims may be asserted, which date should not be less than 30 days, nor more than 40 days after the date of first publication of the notice. Such notice will be published once each week for a period of five weeks, if in a weekly paper, or if in a daily paper, for a period of 30 days. The Register will post a copy of such notice in a conspicuous place in his office during the period of publication.

Upon receipt of satisfactory proof furnished by the applicant of such publication, but not earlier than the day following that set in the published notice on or before which adverse or conflicting claims may be filed, the Register will transmit by special letter all papers in the case, including any adverse or conflicting claims that may have been filed, together with proof of posting the notice in his office.

5. *Adverse or conflicting claims—Procedure.* In case of adverse or conflicting claims for leases, the Secretary of the Interior is clothed with authority to grant leases to one or more of the claimants as shall be deemed just. The following procedure for the consideration of adverse or conflicting claims is hereby prescribed:

(a) Such claimants must make a full showing stating the grounds upon which a superior right to a lease under this act is asserted.

(b) Upon receipt of the showing of an adverse claimant, the Commissioner of the General Land Office will consider the same. If, in his judgment, the adverse claimant has failed to make a prima facie case, showing that he is entitled to a lease under the provisions of the above act, his application will be rejected subject to appeal to the Secretary of the Interior. But, if the adverse claimant makes out a prima facie case, the Commissioner will take such course as may be advisable under the circumstances of each particular case to settle and adjust the rights of the respective parties and may, if deemed necessary, order a formal hearing to settle disputed questions of fact. In the absence of appeal to the Secretary of the Interior from the final order or decision of the Commissioner, the same shall be conclusive.

6. *Filing fees.* Applicants filing in accordance with the provisions of this act must pay a fee of $2.00 for each 160 acres or fraction thereof in such application, but such fee in no case shall be less than $10.00 and will be considered earned when paid.

7. *Form of lease.* The leases issued under this act will be in the form prescribed for leases granted under the act of August 21, 1935 (49 Stat. 674; 30 U.S.C. 185; 43 CFR 192.28), except that the royalty to the United States will be 12½ percentum of all the oil and gas produced, except oil or gas used for production purposes or unavoidably lost. Each lease will be dated January 1, 1940, and will be for a term of 10 years and so long thereafter as oil or gas is produced in paying quantities.

[SEAL] FRED W. JOHNSON,
Commissioner.

Approved: September 12, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-7152; Filed, September 24, 1941; 2:44 p. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

SUBCHAPTER K—ALASKA WILDLIFE PROTECTION

PART 92—REGULATIONS OF THE ALASKA GAME COMMISSION RELATING TO GUIDES, POISONS, AND LICENSES

By virtue of the authority conferred upon the Alaska Game Commission by the act of January 13, 1925, entitled "An Act to establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes," (43 Stat. 739, as amended February 14, 1931, 46 Stat. 1111; U. S. Code, title 48, secs. 192–211, and June 25, 1938, 52 Stat. 1169 (48 U. S. Code 192–211), the following regulations for the protection of game animals, land fur-bearing animals, and birds in Alaska are made and published, to take effect August 15, 1941:

§ 92.1 *Employment of guides by nonresidents and aliens.* Nonresidents of the Territory or aliens taking game animals for any purpose, or polar bears for sport or trophies, or going afield to photograph large brown or grizzly bears, except nonresident Federal officials engaged in wildlife investigations in Alaska exempted by special permit of the Commission, and officers and enlisted men in the Army, Navy and Coast Guard services, are required to employ and be accompanied by a guide registered with and licensed by the Commission; but no such guide shall accompany in the field more than one nonresident or alien, except husband and wife and minor child all of whom are in possession of the required hunting licenses.

In cases of actual emergency when a bear is attacking or is about to escape after being wounded, it shall be the duty of the guide to take such action as he deems necessary.* [Regulation A]

*§§ 92.1 to 92.4, inclusive, issued under the authority contained in 43 Stat. 739, 46 Stat. 1111, 52 Stat. 1169; 48 U.S.C. and Sup., 192–211.

§ 92.2 *Qualifications for guide licenses and issuance thereof.* Only resident citizens who have resided in the Territory for the 5 years immediately preceding application for registration and a guide license will be registered and licensed to act as guides for nonresidents and aliens taking game animals for any purpose, or polar bears for sport or trophies, or going afield to photograph large brown or grizzly bears.

The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

Applications for such registration and guide license shall be made on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide, and shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths.

Upon receipt of such application the Commission, through one of its members or such person as it shall designate, will arrange to determine, by such written and oral examinations and otherwise as it shall require, the qualifications of such applicant to act as a guide and his knowledge of the Alaska Game Law and regulations.

The member of the Commission or other person authorized to conduct such examination shall promptly file his report thereof with the Commission, together with his recommendation thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

If the Commission determines that the applicant does not possess sufficient field experience to qualify him to act as a principal guide but has all other qualifications, an assistant guide license may be issued to him, which shall authorize him to act as assistant to a principal guide.

In cases of emergency the Executive Officer of the Commission may, after investigation and satisfying himself of an applicant's qualifications, issue a special guide license to him upon payment of the required fee, authorizing him to guide the nonresident or alien hunter named in the application for such special license.

Extension or renewal of guiding privileges authorized by any guide license shall be made, in the discretion of the Commission, only upon examination and approval as hereinbefore provided.

A registered guide license must bear the signature of the Executive Officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a report containing the name and address of the nonresident or alien for whom he acted as guide, period covered by his services, number and species of animals taken, wounded and not secured, numbers and localities of each species of big game animal observed on the trip and such other information as the Commission may require.* [Regulation B]

§ 92.3 *Designation and use of poison.* Pursuant to section 9 of the Alaska Game Law, the following substances are by the Commission designated poisons: Strychnine, arsenic, phosphorus, antimony, barium, the cyanides, corrosive sublimate, or any derivative or derivatives, compound or compounds thereof, which, by said section 9, are forbidden.

(a) To be used at any time to kill any game or wild fur-bearing animal or bird,

(b) To be put out where any game or wild fur-bearing animal or bird may come in contact with it,

(c) To be sold or given to any hunter or trapper, or

(d) To be possessed by any hunter or trapper.

Any person selling or otherwise disposing of any of the aforesaid poisons is required by said section 9 of the Alaska Game Law to keep a record in a special book showing the name and address of each person purchasing or otherwise procuring said poison, and the kind and amount thereof, such record to be, at all times, open to inspection by any wildlife agent or other officer authorized to enforce the Alaska Game Law and information thereof to be transmitted monthly to the Alaska Game Commission.* [Regulation C]

§ 92.4 *Resident trapping and hunting licenses.* No resident of the Territory over 16 years of age, except a native-born Indian or Eskimo, shall take game animals, land fur-bearing animals, or birds in the Territory without first having obtained a resident hunting license for game animals or birds or a trapping license for land fur-bearing animals, but a person who is the holder of such trapping license shall be entitled to the privilege of hunting game animals or birds during the respective open seasons without a hunting license.* [Regulation D]

On and after August 15, 1941, all former regulations of the Alaska Game Commission relative to guides, poisons, and resident hunting and trapping licenses shall be and are hereby revoked.

In testimony whereof, we have hereunto set our hands and caused the official seal of the Commission to be affixed in the City of Juneau, Territory of Alaska, this 10th day of August, 1941.

[SEAL] EARL N. OHMER,
Commissioner First Judicial Division and Chairman.
FRANK P. WILLIAMS,
Commissioner, Second Judicial Division.
ANDREW A. SIMONS,
Commissioner, Third Judicial Division.
JOHN HAJDUKOVICH,
Commissioner, Fourth Judicial Division.
FRANK DUFRESNE,
Secretary, Executive Officer, Chief Representative of Fish and Wildlife Service resident in Alaska.

[F. R. Doc. 41-7153; Filed, September 24, 1941; 2:44 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 978; eng-2752]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE TRAILER COMPANY OF AMERICA, CINCINNATI, OHIO

Contract for: Semi-trailers, Dolly, and Spare Parts.

Amount: $1,126,778.25.

Place: Office, Chief of Engineers, 2104 New War Department Building, Washington, D. C.

This contract, entered into this ninth day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Semi-trailers, Dolly, and Spare Parts for the consideration stated one million, one hundred twenty-six thousand seven hundred seventy-eight dollars and twenty-five cents ($1,126,778.25) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by writ-

ten notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7161; Filed, September 25, 1941; 10:00 a. m.]

[Serial No. 4824; 7–24–41]

SUMMARY OF CHANGE ORDER TO CONTRACT FOR SUPPLIES

CONTRACTOR: FAIRCHILD ENGINE & AIRPLANE CORPORATION, FAIRCHILD AIRCRAFT DIVISION, HAGERSTOWN, MD.

Change No. 3 to Contract No. W 535 ac–19039; dated May 1, 1941.[1]

Subject: Additional Airplanes and Spare Parts.

Affecting: Contract W 535 ac–19039, as amended.

The Government hereby elects to exercise its right and option contained in Article 22 of Contract W 535 ac–19039 to increase the number of airplanes and spare parts to be furnished under the terms of said contract, and it is mutually understood and agreed by the parties hereto that so many of the provisions of the contract as are affected by said increases are changed as set forth hereinbelow:

(a) The lot quantity of Airplanes, * * *, called for under the terms of Contract W 535 ac–19039 is hereby increased from * * * to * * * airplanes: total additional cost, $4,315,410.00.

(b) The lot quantity of spare parts called for under the terms of the contract is hereby increased to a total money value of not to exceed a maximum cost of $863,082.00; total additional cost of, $431,541.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authorities AC 32 P 12–30 A 0705–2, AC 18 P 82–30 A 0705–2, Total $4,746,951.00, the available balances of which are sufficient to cover cost of same.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7162; Filed, September 25, 1941; 10:00 a. m.]

[1] Approved by the Under Secretary of War, August 6, 1941.

[Contract No. W 7075 qm–1; O. I. No. 1]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: A. HAMILTON WILSON, 1022 20TH STREET NW., WASHINGTON, D. C.

Amount fixed fee: For Title I, $18,757; for Title II, $6,253.

Estimated cost of construction project: $1,820,000.

Type of construction project: Storage Warehouse.

Location: Alexandria, Virginia.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8829 PL29–77 A 0540–12 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 12th day of May 1941.

TITLE I

ARTICLE I–A. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Quartermaster Storage Warehouse, including necessary buildings, temporary structures, utilities and appurtenances thereto, at Alexandria, Va.

ART. I–D. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of eighteen thousand seven hundred fifty-seven dollars ($18,757) which shall constitute complete compensation under this Title I for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III, Article III–D hereof.

TITLE II

Upon the satisfactory completion and acceptance of the work and services to be furnished under Title I, the Government, at its option, may elect to have the Architect-Engineer perform the work and services provided under this Title II.

ART. II–C. *Fixed-fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of six thousand two hundred fifty-three dollars ($6,253) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

TITLE III

The provisions of this title shall apply to this entire contract, to wit; to Title I and likewise to Title II, should Title II become operative as provided therein.

ART. III–B. *Data to be furnished by the Government.* 1. The Government shall furnish the Architect-Engineer available preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications, and applicable Government standards, designs, drawings and specifications.

ART. III–D. *Reimbursement.* In addition to the payment of the fixed fee as specified in Article I–D and Article II–C hereof, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. III–F. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed-fee earned.

ART. III–G. *Drawings and other data to become property of Government.* 1. All drawings and specifications are to become the property of the Government on completion of payments as outlined in this contract.

ART. III–J. *Changes in the scope of the project.* 1. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

ART. III–K. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 611—76th Congress, Approved June 13, 1940.

Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7163; Filed, September 25, 1941; 10:00 a. m.]

[1] Approved by the Under Secretary of War May 19, 1941.

[Contract No. W 7075 qm–3; O. I. No. 3]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: JOHN M'SHAIN, INC., 17TH AND SPRING GARDEN STREET, PHILADELPHIA, PENNSYLVANIA

Contract for: Construction of Quartermaster Storage Warehouse.

Location: Arlington, Virginia.

Fixed fee: $76,545.00.

Estimated construction cost exclusive of fixed fee: $1,663,455.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

QM 23020 C. B. U. & A. P99 A0540–N
QM 23021 C. B. U. & A. P99 O0540–N

This contract,[1] entered into this 1st day of July 1941.

Statement of work. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of a Quartermaster Storage Warehouse at Arlington, Virginia, including necessary buildings, temporary structures, utilities, and appurtenances thereto.

It is estimated that the construction cost of the work covered by this contract will be one million, six hundred sixty-three thousand, four hundred fifty-five Dollars ($1,663,455.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of seventy-six thousand, five hundred forty-five dollars ($76,545.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

Payments—Reimbursement for cost. The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

Termination of contract by Government. The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This contract is authorized by the following law: Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7164; Filed, September 25, 1941; 10:01 a. m.]

[1] Approved by the Under Secretary of War June 30, 1941.

[Contract No. W–ORD–521]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Contract for: Architect-engineer services, construction of a new ordnance facility and installation of equipment therein, procuring production equipment, and options for training key personnel for and operating a new ordnance facility for the manufacture of smokeless powder and diphenylamine.[1]

Place: Choteau, Oklahoma.

Estimated cost of designing, engineering and constructing under Title I: $45,045,800.00.

Fixed-fee for designing, engineering and constructing under Title I: $936,678.00.

Estimated cost of procuring equipment under Title II: $13,952,200.00.

Fixed-fee for procuring equipment under Title II: $71,600.00.

Estimated cost of training key personnel under Title III (optional): $286,565.00.

Fixed-fee for training key personnel under Title III: $1.00.

Estimated cost of operation under Title IV (optional): $ * * * per pound of smokeless powder. $ * * * per pound of diphenylamine.

Fixed-fee for operation under Title IV: $ * * * per pound of smokeless powder; $ * * * per pound of diphenylamine.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27065 P99 A–0141–02
ORD 27064 P99 A–0141–02
ORD 50188 P531 A–0025–13

This contract, entered into this 11th day of September, 1941.

TITLE I—*Design, Engineering and Construction*

ARTICLE I–A. *Description of new ordnance facility.* The new ordnance facility, hereinafter referred to as the "Plant", and designated as Oklahoma Ordnance Works, shall comprise a plant at or near Choteau, Oklahoma, upon a site to be furnished and made available by the Government, for the manufacture of nitrocellulose smokeless powder and diphenylamine.

ART. I–B. *Statement of work.* The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

a. The construction (including the installation of equipment therein) of the Plant described in Article I–A hereof, in accordance with the approved plans and specifications provided for hereinafter.

b. The furnishing of all architectural and engineering services covering the design, preparation of drawings, plans and specifications, and field engineering and supervision necessary for the efficient execution and coordination of the construction (including the installation of equipment therein) of said Plant as provided for hereunder, which services together with other provisions pertaining thereto are more particularly described and hereinafter set forth in Article I–E.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional work or services, or direct the omission of work or services covered by this Title I.

ART. I–C. *Estimates.* It is estimated that the total cost of the work under

[1] Approved by the Under Secretary of War September 13, 1941.

this Title I will be approximately forty-five million forty-five thousand eight hundred dollars ($45,045,800), excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I–D. *Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Title V.

b. Rental for Contractor's equipment as provided in Title V.

c. A fixed-fee in the amount of nine hundred thirty-six thousand six hundred seventy-eight dollars ($936,678.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead of the Wilmington, Delaware office of the Contractor.

ART. I–E. *Character and extent of architectural and engineering services.* The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards, and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and applicable to the design, construction, and equipping of the said Plant.

TITLE II—*Procurement of Production Equipment*

ART. II–A. *Statement of work.* The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required.

ART. II–B. *Estimates.* It is estimated that the total cost under this Title II will be approximately thirteen million nine hundred fifty two thousand two hundred dollars ($13,952,200), exclusive of the Contractor's fee.

ART. II–C. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of seventy-one thousand six hundred dollars ($71,600), which shall constitute complete compensation for the Contractor's services.

TITLE III—*Training of Key Personnel (Optional)*

ART. III–A. *Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel in the duties and functions of their respective positions, at the Contractor's plants, at ordnance establishments or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under section 1 of Article IV–A of Title IV.

ART. III–B. *Estimate.* It is estimated that the cost of the work under this Title III will be approximately two hundred eighty-six thousand five hundred sixty five dollars ($286,565.00), exclusive of the Contractor's fee.

ART. III–C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar ($1.00) which shall constitute complete compensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (Optional)*

ART. IV–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor of the notice provided for in section 1 of Article III–A of Title III hereof and receipt by the Contractor within ten (10) months after the date of approval of this contract of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such notice, and concurrently with the performance of the work required of it under Titles I, II and III, hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall so notify the Contracting Officer in writing and shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the production of * * * pounds of smokeless powder and * * * pounds of diphenylamine (including the quantities produced under section 2 of this Article IV–A).

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional smokeless powder and diphenylamine as the Government may desire and within the capacity of the Plant for an additional * * * months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee).

ART. IV–B. *Estimates.* It is estimated that the cost of the work under this Title IV, exclusive of the cost of continued operation covered by the option therefor provided in Section 4 of Article IV–A hereof, and exclusive of the Contractor's fee will be as follows:

Estimated cost for manufacturing smokeless powder, * * * per pound;

Estimated cost for manufacturing diphenylamine, * * * per pound;

ART. IV–C. *Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. The fixed-fees for operation provided in Sections 3 and 4 of Article IV–A hereof, as follows:

A fixed fee of * * * per pound of smokeless powder produced hereunder and accepted by the Government. A fixed-fee of * * * per pound of diphenylamine produced hereunder and accepted by the Government, which fees shall constitute complete compensation for Contractor's services.

TITLE V—*Cost of the Work and Payment Therefor*

ART. V–A. *Reimbursement for Contractor's expenditures.* 1. The Contractor shall be reimbursed in the manner hereinafter described for its actual expenditures in connection with the performance of the work under this contract, when approved or ratified by the Contracting Officer.

2. *Rental for Contractor's Equipment.* Rental shall be paid at the rates indicated in the "Contractor's Equipment Rental Schedule, War Department, Office of The Quartermaster General", for such plant or parts thereof as he may own and furnish as shown in the Office of The Quartermaster General.

ART. V–B. *Payments—Reimbursement for cost.* 1. a. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V–A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, the receipted invoices for materials, equipments, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph a of section 1 shall be subject to the provisions of Article V–C.

2. *Rental for contractor's equipment.* Rental as provided in section 2 of Article V-A of this Title V, for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fees. 3. a. The fixed-fee provided for in Article I–D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment.

b. The fixed-fee provided for in Article II–C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

c. The fixed-fee of One Dollar ($1.00) provided for in Article III–C shall be paid upon the completion of the work provided therein.

d. 1. The fixed-fees per pound of smokeless powder and diphenylamine delivered to and accepted by the Government under the provisions of Article IV of Title IV, shall be paid to the Contractor by the Government promptly after the close of the calendar month in which such finished product is inspected and accepted.

Final payment. 5. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V–C. *Advances.* At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE VI—*Termination*

ART. VI–A. *Termination by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VII—*General*

ART. VII–B. *Changes.* In connection with the work under Titles II, III and IV, the Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by such Titles II, III and IV.

ART. VII–C. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public No. 703, 76th Congress), and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7165; Filed, September 25, 1941; 10:01 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1040]

PETITION OF BOVARD COAL CO., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS FOR COALS PRODUCED AT ITS RIMER MINE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 23, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 18, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of the following price classifications and minimum prices for the coals of the Rimer Mine of Bovard Coal Company for all shipments except truck, to be made from Brady's Bend on the Western Allegheny Railroad: A classification of "G" in Size Groups 1 to 3, inclusive, and of "H" in Size Groups 4 and 5.

Dated: September 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7170; Filed, September 25, 1941; 11:15 a. m.]

[Docket No. A–738]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF AN ADDITIONAL PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE WASHED 3/8" X 0 SCREENINGS PRODUCED IN DISTRICT NO. 15

ORDER REOPENING MATTER AND NOTICE OF AND ORDER FOR FURTHER HEARING

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division in the above-entitled matter by District Board No. 15. The petitioner requested therein the establishment of an additional size group and a minimum price for the washed 3/8" x 0 screenings produced in District No. 15.

On August 13, 1941, the Director entered findings of fact, conclusions of law, an opinion and an order denying the relief requested by the petitioner. District Board No. 15 has since filed a petition for reconsideration of the subject matter wherein it again requests the Director to grant the relief originally prayed for or, in the alternative, to reopen the matter in order that the petitioner may have a further hearing wherein it may submit

"additional expert testimony and expert opinion as to the actual necessity for the establishment of the size classification and price" requested.

The petitioner's attention is called to the Director's finding of fact that "no evidence was presented that . . . cement plants would actually be willing to buy such coals if a reduced price were applicable." The record also discloses generally but scant factual detail evidence tending to support the granting of the relief requested. In order that petitioner may have an opportunity to present such evidence at a further hearing in support of its original petition, if it can, the Director is of the opinion that the above-entitled matter should be reopened and set for further hearing.

It is ordered, That the above-entitled matter be reopened and that a further hearing therein under the applicable provisions of said Act and the rules of the Division be held on November 6, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 31, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 15 for the establishment of an additional price classification and minimum price for the washed 3/8" x 0 screenings produced at the mines of code members in District No. 15, such price, subject to certain limitations as to its amount and to the use to which the screenings are devoted, to be 20 cents per net ton less than the minimum price applicable to washed 1¼" x 0 screenings (Size Group 13).

Dated: September 24, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7171; Filed, September 25, 1941; 11:15 a. m.]

Bureau of Reclamation.

AMENDMENT TO FIRST FORM RECLAMATION WITHDRAWAL

GREEN RIVER PROJECT, WYOMING

AUGUST 28, 1941.

The Secretary of the Interior.

SIR: By Departmental Order of July 8, 1941, certain lands described therein were withdrawn from public entry under first form withdrawal, as provided in section 3, Act of June 17, 1902 (32 Stat. 388) in connection with the Green River Project, Wyoming.

The said withdrawal of July 8, 1941, inadvertently described the NW¼SW¼ as the NW¼SE¼ Sec. 16, T. 22 N., R. 116 W., 6th P. M., Wyoming. It is therefore recommended that said order be amended to take effect as of July 8, 1941, to the extent of describing this tract as the NW¼SW¼ Sec. 16, T. 22 N., R. 116 W., 6th P. M., Wyoming.

Respectfully,

H. W. BASHORE, *Acting Commissioner.*

I concur: September 6, 1941.

ARCHIE D. RYAN, *Acting Director, Grazing Service.*

I concur: September 8, 1941.

FRED W. JOHNSON, *Commissioner of the General Land Office.*

SEPTEMBER 11, 1941.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY, *Under Secretary.*

[F. R. Doc. 41-7155; Filed, September 24, 1941; 4:02 p. m.]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES (ACT OF JUNE 17, 1902, 32 STAT., 388, AS AMENDED OR SUPPLEMENTED)

SEPTEMBER 8, 1941.

1. Announcement is hereby made that, pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland project, California, water will be furnished during the irrigation season of 1942 upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.

2. The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be one dollar and sixty cents ($1.60) per irrigable acre, which charge will permit the delivery of not to exceed three acre feet of water per acre. Additional water will be furnished at the rate of forty cents ($0.40) per acre foot. The minimum charge defined above will be due and payable at the time that application for temporary water service is filed and no water will be delivered until the minimum charge has been paid in full. Charges for additional water at the rates above specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted in sums of less than $10.00 which would permit the delivery of 25 acre feet at the rate specified.

3. All charges for water rental service are to be paid to the Bureau of Reclamation, Orland, California.

JOHN J. DEMPSEY, *Under Secretary*

[F. R. Doc. 41-7156; Filed, September 24, 1941; 4:02 p. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 619]

ALLOCATION OF FUNDS FOR LOANS

I hereby amend:

(a) Administrative Order No. 613, dated August 4, 1941, by changing the project designation appearing therein as "South Carolina 2041R1 York" to read "South Carolina 2043R1 York;"

(b) Administrative Order No. 616, dated August 30, 1941, by changing the project designation appearing therein as "Oklahoma 2015F1 Tillman" to read "Oklahoma 2015E1 Tillman."

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 41-7168; Filed, September 25, 1941; 11:03 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 491]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC. UNDER SECTION 408 (b) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, FOR APPROVAL OF THE ACQUISITION OF ALL, OR SUBSTANTIALLY ALL, OF THE ISSUED AND OUTSTANDING STOCK OF TACA, S. A.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Oral Argument on the above-entitled proceeding, now assigned for September 25, 1941, is hereby postponed to October 1, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., September 24, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-7172; Filed, September 25, 1941; 11:16 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6188]

IN RE APPLICATION OF POSTAL TELEGRAPH-CABLE COMPANY FOR AUTHORITY TO EXTEND ITS LINES BETWEEN MIAMI, FLORIDA, AND FLORIDA CITY, FLORIDA

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing to be held at the offices of the Commission, Washington, D. C., on October 23, 1941 at 10:00 o'clock a. m., E. S. T., for the following reasons:

1. To determine the nature and character of the service to be rendered over the proposed telegraph circuit, including the classifications of messages and the charges applicable thereto.

2. To determine whether the granting of the application would result in any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services or give any undue or unreasonable preference or advantage to any particular person, or class of persons, or locality, or subject any particular person, or class of persons or locality to any undue or unreasonable prejudice or disadvantage, in violation of section 202 (a) of the Communications Act of 1934, as amended.

3. To determine the amount of telegraph traffic to be derived from the operation of the proposed circuit.

4. To determine whether the telegraph service now rendered at Florida City, Florida; Princeton, Florida; Goulds, Florida and Peters, Florida is efficient, satisfactory and adequate; whether the service should be improved, augmented or expanded; whether the proposed extension would result in new or improved service; whether there is a need for the proposed circuit.

5. To determine whether or not the interest, service or revenue of any other carrier subject to the Communications Act of 1934, as amended, may be adversely affected and, if so the extent thereof.

6. To determine whether or not the granting of the application would result in the unnecessary duplication of telegraph facilities.

7. To determine whether the present or future public convenience and necessity require or will require the granting of the application.

Dated at Washington, D. C., September 23, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7180; Filed, September 25, 1941; 11:38 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 23, 1941.

It appearing to the Commission that: On September 5, 1941, the hearing in the above-entitled proceeding was recessed by the Commission's Examiner to reconvene on September 29, 1941;

The Commission *finds* that: Good cause exists for postponement of the hearing;

The Commission *orders* that: The hearing in this proceeding heretofore set to reconvene on September 29, 1941, be and it is hereby postponed to October 20, 1941, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7159; Filed, September 25, 1941; 9:59 a. m.]

[Docket No. G-213]

IN THE MATTER OF GAS TRANSPORT, INC.

ORDER FIXING DATE OF PUBLIC HEARING

SEPTEMBER 23, 1941.

Upon application filed September 10, 1941, by Gas Transport, Inc., for a Certificate of Public Convenience and Necessity under section 7 (c) of the Natural Gas Act, authorizing Gas Transport, Inc., to acquire and operate a natural gas pipe line owned by the Anchor Hocking Glass Corporation, extending from the vicinity of New Era, West Virginia, to the vicinity of Gravel Bank, Ohio;

The Commission *orders* that:

(A) A public hearing on said application be held beginning at 9:45 a. m., October 7, 1941, in the hearing room of the Commission, 1757 K St. NW., Washington, D. C.;

(B) Interested state commissions may participate in said hearing, pursuant to section 67.4 of the Commission's Provisional Rules of Practice and Regulations Under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7160; Filed, September 25, 1941; 9:59 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4459]

IN THE MATTER OF AMASIA IMPORTING CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 27, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7182; Filed, September 25, 1941; 11:50 a. m.]

[Docket No. 4490]

IN THE MATTER OF MAURICE J. ENGEL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursu-

ant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 28, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7183; Filed, September 25, 1941; 11:50 a. m.]

[Docket No. 4491]

IN THE MATTER OF RADIO WIRE TELEVISION, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 29, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7184; Filed, September 25, 1941; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-26]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY, AMERICAN POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

[File No. 70-403]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY AND AMERICAN POWER & LIGHT COMPANY

NOTICE REGARDING FILING AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23d day of September, A. D. 1941.

The Commission having on July 10, 1941 issued a Notice and Order for Hearing In the Matter of Florida Power & Light Company, American Power & Light Company, and Electric Bond and Share Company (File No. 59-26), under sections 11 (b) (2), 12 (b), 12 (c), 12 (f), and 15 (f) of the Public Utility Holding Company Act of 1935 and having by subsequent order dated August 8, 1941 postponed the date of hearing to September 22, 1941; and

Florida Power & Light Company and American Power & Light Company having on September 17, 1941 filed declarations or applications (or both) under the Public Utility Holding Company Act of 1935 and the rules and regulations thereunder, with respect to the following transactions:

1. Florida Power & Light Company (hereinafter referred to as "Florida") proposes to acquire for cancellation, through transfer and surrender by its parent, American Power & Light Company (hereinafter referred to as "American") the following securities:

$22,000,000 principal amount 6% gold debenture bonds, Series A due December 31, 1951 (entire issue);

$1,347,700[1] (13,477 shares $7 Preferred Stock, cumulative, no par value;

$1,000,000[1] (10,000 shares) $6 Preferred Stock, cumulative, no par value (entire issue); and

$2,000,000[1] (20,000 shares) Second Preferred Stock, $7 cumulative, no par value (entire issue). American proposes to waive all claims to accumulated dividends in arrears on this stock at the time of such acquisition, which amounted to $1,248,333.33 as of August 31, 1941.

2. Florida also proposes to acquire, without cost to it, and American proposes to transfer, the securities of Utilities Land Company (a Florida corporation which owns an ice plant and certain other real estate in Florida), all of which are now owned by American, and the right to receive $1,000 owed American by Utilities Land Company on an open account loan.

[1] Based on liquidating value of $100 per share.

3. It is further proposed that Florida will transfer to its capital surplus account $26,347,700, which is the aggregate principal amount or liquidating value of the securities of Florida to be transferred to it by American as stated above, and to make certain additional adjustments to plant and investment account and to capital surplus on account of the securities of Utilities Land Company to be received from American.

4. Florida further proposes to issue and sell (pursuant to the provisions of Rule U-50 under the Act) $45,000,000 principal amount of First Mortgage Bonds, $10,000,000 principal amount of Sinking Fund Debentures and 140,000 shares of Cumulative Preferred Stock. The proceeds from the sale of such securities will be applied to redeem within 40 days after the issuance and sale of the Bonds, Debentures, and Stock, Florida's presently outstanding First Mortgage Gold Bonds, 5% Series due 1954 ($52,000,000) and the 142,667 shares of Florida's $7 Preferred Stock, cumulative, no par value, presently outstanding with the public.

It appearing to the Commission that the aforementioned declarations or applications (or both) of Florida and American are related to, and present common questions of law and fact with, the issues set forth in the Commission's Notice and Order for Hearing, In the Matter of Florida Power & Light Company, et al. (File No. 59-26);

It is ordered, That a hearing be held with respect to said declarations or applications of Florida and American, and that such hearing be consolidated with the hearing ordered by the Commission to be held commencing September 22, 1941 in the proceeding entitled "In the Matter of Florida Power & Light Company, et al.," File No. 59-26, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. At such consolidated hearing, cause shall be shown why the aforementioned declarations shall become effective.

It is further ordered, That notice with respect to the filing of the aforementioned applications and declarations (or both) and of the Order for Consolidated Hearing shall be given by the publication of this Notice and Order in the FEDERAL REGISTER and that any interested person desiring to be heard at such hearing shall so advise the Commission not later than October 2, 1941, stating the reasons for such request and the nature of his interest. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7173; Filed, September 25, 1941; 11:24 a. m.]

[File No. 70-405]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than October 6, 1941 at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20(a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Louisville Gas and Electric Company, a Kentucky corporation which is a public-utility subsidiary of Louisville Gas and Electric Company, a Delaware corporation which is a registered holding company and also a subsidiary of Standard Gas and Electric Company and of Standard Power and Light Corporation, both registered holding companies, proposes to issue and sell 150,000 shares of its common stock by a direct offer and sale thereof to the public (with a provision for the allowance of a concession to any dealer or broker who is a member, in good standing, of the National Association of Securities Dealers, Inc. and who executes an agreement with the issuer relating to the distribution of the proposed issue; the issuer represents that it intends to advise each of its stockholders and each stockholder of Louisville Gas and Electric Company (Delaware) by mail of the offering and if requested will send any of such stockholders a prospectus); because the proposed issue of common stock will not be sold to or underwritten by investment bankers, the issuer has requested a finding pursuant to paragraph (5) of subdivision (a) of Rule U-50, that it need not comply with the provisions of subdivisions (b) and (c) of said Rule U-50 with respect thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7174; Filed, September 25, 1941; 11:24 a. m.]

[File No. 1-2600]

IN THE MATTER OF PIRELLI COMPANY OF ITALY; AMERICAN SHARES REPRESENTING 500 LIRE PAR CAPITAL STOCK, SERIES A, AND 500 LIRE PAR CAPITAL STOCK, SERIES A

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of September, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the American Shares Representing 500 Lire Par Capital Stock, Series A, and 500 Lire Par Capital Stock, Series A, of Pirelli Company of Italy; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 4, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7175; Filed, September 25, 1941; 11:24 a. m.]

[File No. 1-193]

IN THE MATTER OF DOMINION GAS & ELECTRIC COMPANY 6½% COLLATERAL TRUST GOLD BONDS DUE 1945

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of September, A. D. 1941.

The Dominion Gas & Electric Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its 6½% Collateral Trust Gold Bonds due 1945 from listing and registration on The Chicago Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 4, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7178; Filed, September 25, 1941; 11:25 a. m.]

[File No. 1-2382]

IN THE MATTER OF NEW YORK CHICAGO & ST. LOUIS RAILROAD COMPANY, AND LAKE ERIE & WESTERN RAILROAD COMPANY 5% SECOND MORTGAGE GOLD BONDS DUE 1941

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Lake Erie & Western Railroad Company 5% Second Mortgage Gold Bonds due 1941 of New York Chicago & St. Louis Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 4, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7176; Filed, September 25, 1941; 11:25 a. m.]

[File No. 1-2810]

IN THE MATTER OF SHERWOOD SWAN & COMPANY, LTD. $10 PAR 6% CUMULATIVE PARTICIPATING CLASS A STOCK

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

The Sherwood Swan & Company, Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to withdraw its $10 Par 6% Cumulative Participating Class A Stock from listing and registration on the San Francisco Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 9, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7177; Filed, September 25, 1941; 11:25 a. m.]

[File No. 70-355]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY, GARY HEAT, LIGHT & WATER COMPANY, GARY ELECTRIC AND GAS COMPANY, AND CLARENCE SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

ORDER GRANTING PETITION TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

The City of Gary, Indiana, and the Common Council of the City of Gary, Indiana, having filed a written request to intervene in the within proceedings, and it appearing that said petitioners are entitled to intervene as "interested" authorities within the meaning of the second sentence of section 19 of the Public Utility Holding Company Act of 1935 and the first sentence of rule XVII (a) of the Rules of Practice thereunder:

It is ordered, That the said request of the City of Gary, Indiana, and the Common Council of the City of Gary, Indiana, to intervene in said proceedings be, and the same hereby is, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7181; Filed, September 25, 1941; 11:47 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 189

Washington, Saturday, September 27, 1941

The President

EXECUTIVE ORDER

RESTORING TO THE GOVERNMENT OF THE COMMONWEALTH OF THE PHILIPPINES LANDS COMPRISING THE UNITED STATES CHROMITE RESERVATION SITUATE IN THE PROVINCE OF ZAMBALES, ISLAND OF LUZON, PHILIPPINE ISLANDS

WHEREAS it appears that certain lands comprising the United States Chromite Reservation, situate in the Province of Zambales, Island of Luzon, Philippine Islands, are no longer required for the purposes for which reserved; and

WHEREAS it is deemed desirable and in the public interest that such lands be restored to the Government of the Commonwealth of the Philippines;

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 9 of the act of August 29, 1916, 39 Stat. 547, the following described lands of the United States situate in the Province of Zambales, Island of Luzon, Philippine Islands, and described as Parcel No. 3 in a proclamation of the Governor General of the Philippine Islands dated April 24, 1930, and reserved and set apart by reason of the deposits of chromite thereon for the public purposes of the United States by Executive Order No. 5690, dated August 20, 1931, are hereby restored to the Government of the Commonwealth of the Philippines, to be administered for the benefit of the inhabitants thereof:

Parcel No. 3.—All that area bounded by north latitudes 15°44'30" and 15°46'30" and by east longitudes 119°58'30" and 120°00'30".

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 25, 1941.

[No. 8908]

[F. R. Doc. 41-7212; Filed, September 26, 1941; 11:47 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER III—FARM SECURITY ADMINISTRATION

PART 300—GENERAL [1]

§ 300.7 *Authority to designate counties in which loans for the purchase of farms pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act may be made.* By virtue of and pursuant to the authority vested in me by the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1000-1029), the Administrator of the Farm Security Administration is hereby given the authorization to determine within each state the particular counties in which loans are to be made during each fiscal year with the advice of the state Farm Security Advisory committee, which committee shall take into account data on farm population and prevalence of tenancy. The names of counties so determined shall be published in the FEDERAL REGISTER. (Bankhead-Jones Farm Tenant Act, 50 Stat. 522) [Administration Order 259]

Approved September 26, 1941.

[SEAL] GROVER B. HILL, *Assistant Secretary.*

Recommended September 5, 1941.

J. O. WALKER, *Acting Administrator.*

[F. R. Doc. 41-7203; Filed, September 26, 1941; 11:30 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5070]

PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

FLOOR STOCKS TAXES ON DISTILLED SPIRITS AND WINES

Sections 533 and 534 of the Revenue Act of 1941, approved September 20, 1941

[1] 6 F.R. 14.

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(Public Law 250—77th Congress), read as follows:

SEC. 533. DISTILLED SPIRITS.

* * * * * * *

(d) *Floor stocks tax.* Section 2800 of the Internal Revenue Code is amended by inserting at the end thereof the following new subsection:

"(i) *Floor stocks tax.*

"(1) Upon all distilled spirits upon which the internal-revenue tax imposed by law has been paid, and which on October 1, 1941, are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax of $1 (except that in the case of brandy, the rate shall be $1.25) on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon.

"(2) Every person required by this subsection to pay any floor stocks tax shall, on or before January 1, 1942, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than August 1, 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

"(3) All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder. For the purposes of this subsection the term "distilled spirits" shall include products produced in such manner that the person producing them is a rectifier within the meaning of section 3254 (g)."

SEC. 534. WINES.

* * * * * * *

(c) Subchapter F of Chapter 26 of the Internal Revenue Code is amended by inserting at the end thereof the following new section:

SEC. 3192. FLOOR STOCKS TAX ON WINES.

"(a) *Floor stocks tax.* Upon all wines upon which the internal-revenue tax imposed by law has been paid, and which on October 1, 1941, are held and intended for sale or for use in the manufacture or production of an article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at rates equal to the increases in rates of tax (over the defense tax rates) made applicable to such articles by section 534 of the Revenue Act of 1941.

"(b) *Returns.* Every person required by subsection (a) to pay any floor stocks tax shall, on or before January 1, 1942, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than August 1, 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

"(c) *Laws applicable.* All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3030 (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by subsection (a)."

Pursuant to the above sections of law, the following regulations are prescribed:

§ 171.9 *Distilled spirits.* (a) Each distiller, proprietor of an industrial alcohol plant, internal revenue bonded warehouse, alcohol bonded warehouse, or taxpaid bottling house, and each rectifier, wholesale dealer in liquors, retail dealer in liquors, manufacturer, or any other person, corporation, partnership or association holding on October 1, 1941, taxpaid distilled spirits, including alcohol and brandy, intended for sale or for use in the manufacture or production of any article intended for sale, shall before beginning business on that date prepare an inventory of all such taxpaid distilled spirits.

(b) The following kinds of distilled spirits, among others, are subject to the floor stocks tax of $1.00 a proof gallon if taxpaid prior to October 1, 1941, and which on that date are held and intended for sale or for use in the manufacture or production of any article intended for sale:

(1) Alcohol.
(2) Spirits—grain, spirits—cane and spirits—fruit.
(3) Whiskey, rum and gin.
(4) Vermouth containing distilled spirits of any kind.
(5) Cocktails containing distilled spirits of any kind.
(6) Liqueurs, cordials and similar compounds containing distilled spirits of any kind.
(7) Tequila, okolehao, et cetera.
(8) Distilled spirits of any kind, except brandy, held by any person for use in the manufacture of any article intended for sale, regardless of whether the article to be produced is in itself unfit for beverage purposes.

(c) Brandy is subject to a floor stocks tax of $1.25 a proof gallon if taxpaid prior to October 1, 1941, and which on that date is held and intended for sale or for use in the manufacture or production of any article intended for sale. The term "brandy" includes the following:

(1) Brandy.
(2) Blends of brandies.
(3) Alcoholic products labeled and intended for sale as "brandy."
(4) Brandy held by any person for use in the manufacture of any article intended for sale, regardless of whether the article to be produced is in itself unfit for beverage purposes.

(d) (1) The inventory of distilled spirits shall be prepared in duplicate on sheets of paper not larger than 10½ x 16 inches to be furnished by the taxpayer. The distilled spirits shall be listed separately by kinds, that is, there will be a separate listing of alcohol, whiskey, gin, rum, cordials, liqueurs, cocktails, et cetera.

(2) The inventory of brandy will be prepared, in duplicate, on a separate sheet or sheets of paper not larger than 10½x16 inches, and identified as the inventory of brandy.

(3) Each inventory will consist of two sections. The first section will cover bottled distilled spirits and will be divided into seven vertical columns which will be designated:

(i) Kind.
(ii) Number of Cases.
(iii) Size of Bottle.

(iv) Number of Bottles.
(v) Wine Gallons.
(vi) Proof of Spirits.
(vii) Proof Gallons.

Where distilled spirits in cases are in transit on October 1, 1941, the taxpayer will show, in addition to the foregoing, the serial numbers of the cases and the name of the bottler, plus the data required by paragraph 9.

(4) The second section will cover distilled spirits in packages (barrels or drums), tank cars, and in tanks. The serial number and kind of container, the name of the distiller, wine gallons, proof of the spirits, and proof gallons must be shown. Where such spirits are in transit on October 1, 1941, the taxpayer must also show the data required by paragraph 9.

Spirits in process of rectification, or in bottling or storage tanks, will be measured and proofed and the wine gallons, proof, and proof gallon content of each tank reported separately on the inventory. The number and kind of receptacle containing the spirits will also be shown.

§ 171.10 *Wines.* (a) Each proprietor of a bonded winery, bonded storeroom, or taxpaid bottling house, and each rectifier, wholesale or retail dealer in liquors (including wholesale or retail dealer in wines and wholesale or retail dealer in wines and malt liquors), manufacturer, or any other person, corporation, partnership or association holding on October 1, 1941, taxpaid wines intended for sale or for use in the manufacture or production of any article intended for sale, shall also before beginning business on that date prepare an inventory of all such taxpaid wines.

(b) The term "wines" shall include, among others, the following, which are subject to the floor stocks taxes indicated below if taxpaid prior to October 1, 1941, and which on that date are held and intended for sale or for use in the manufacture or production of any article intended for sale:

Kind	*Floor stocks tax (cents a gallon)*
(1) Still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, containing:	
(i) Not more than 14 percent of alcohol by volume	2
(ii) More than 14 percent and not exceeding 21 percent of alcohol by volume	12
(iii) More than 21 percent and not exceeding 24 percent of alcohol by volume	35
(2) Champagne and sparkling wines, that is, effervescent wine charged with carbon dioxide resulting from secondary fermentation of the wine in bulk or in the bottle	[1] 4
(3) Artificially carbonated wine, that is, effervescent wine artificially charged with carbon dioxide	[1] 2

[1] Cents per each one-half pint or fraction thereof.

(c) The inventory of wines shall be prepared, in duplicate, on sheets of paper not larger than 10½ x 16 inches to be furnished by the taxpayer. The inventory will be divided into 5 parts for the separate listing of the 5 different tax classes as follows:

Part 1: Still wines containing not more than 14 per cent of alcohol
Part 2: Still wines containing more than 14 per cent but not exceeding 21 per cent of alcohol
Part 3: Still wines containing more than 21 per cent but not exceeding 24 per cent of alcohol
Part 4: Champagne and other sparkling wines
Part 5: Artificially carbonated wines

Each part will be divided into six vertical sections which will be designated:

(1) Kind of wine.
(2) Number of packages.
(3) Number of cases.
(4) Size of bottles.
(5) Number of bottles.
(6) Total gallons.

Where wines are in transit on October 1, 1941, the taxpayer will show, in addition to the foregoing, the serial numbers of the cases, packages, or tank car, the name of the producer or bottler, plus the data required by paragraph 9.

Wines in process of rectification, or in bottling or storage tanks, shall be measured and the wine gallons and alcoholic content of the contents of each tank reported separately on the inventory. The number and kind of receptacle containing the wine shall also be shown.

(d) The inventory of wines may be attached to and made a part of the inventory of distilled spirits if the person preparing the inventory of wines also holds distilled spirits subject to floor stocks tax.

§ 171.11 *Distilled spirits or wines on other premises or in transit.* The taxpayer shall show separately and clearly in the inventory:

(a) All taxpaid distilled spirits of any kind and wines not on the premises of the taxpayer on October 1, 1941, but owned by him and stored elsewhere, giving the address of the place or places of storage,

(b) All taxpaid distilled spirits of any kind and wines not on the premises of the taxpayer, but owned by him and in transit from him to other persons or to himself on October 1, 1941, giving the means of transportation and the name and address of the consignee, and

(c) All taxpaid distilled spirits of any kind and wines owned by him and in transit to him on October 1, 1941, giving the means of transportation and the name and address of the consignor.

§ 171.12 *Filing of return and payment of tax.* (a) Each taxpayer designated in paragraphs 1 and 5 shall make a return on Form 758 (Revised 1941), in triplicate, for each place where distilled spirits or wines are held, in accordance with the instructions thereon. The original and duplicate copies must be filed not later than January 1, 1942, with the Collector of Internal Revenue of the district in which the distilled spirits or wines are held. The original of the inventory must be attached to the duplicate copy of Form 758. The triplicate copy of the return and the duplicate copy of the inventory will be retained by the taxpayer at the location covered by the return. The filing of a blanket return with one Collector to cover a number of places in different collection districts will not be acceptable.

(b) The floor stocks tax shown by the return to be due shall be paid to the Collector of Internal Revenue at the time the return is filed, unless the date of payment of the tax is extended to a date not later than August 1, 1942, upon the filing, in accordance with the instructions thereon, of a bond on Form 723–A, in duplicate, in a penal sum of not less than the amount of the tax (including the delinquency penalty, if any), plus an amount equivalent to and not more than 10 per cent of the tax (including the delinquency penalty, if any).

[SEAL] GUY T. HELVERING,
Commissioner.

Approved: September 25, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7201; Filed, September 26, 1941; 11:27 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

[Administrative Order, Sup. 2, Sept. 25, 1941]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Economic Defense Board, and the Coordinator of Inter-American Affairs, by Proclamation of the President, promulgated July 17, 1941,[1] the following Supplement No. 2 containing certain additions to, deletions from, and amendments to "The Proclaimed List of Certain Blocked Nationals", promulgated July 17, 1941,[2] is hereby promulgated.

Date: September 25, 1941.

By direction of the President.

CORDELL HULL,
Secretary of State.
HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director, Economic Defense Board.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

[1] 6 F.R. 3555.
[2] 6 F.R. 3557. Supplement 1 appears at 6 F.R. 3773.

I. ADDITIONS

ARGENTINA

Air France; Buenos Aires, and all branches in Argentina.
Anilina "Colibri" (German Ortkras); Av. Alvarez Thomas 1340, Buenos Aires.
Argentine Sanitary Corporation—"Arsaco"; 25 de Mayo 158, Buenos Aires.
"Arsaco"—Argentine Sanitary Corporation; 25 de Mayo 158, Buenos Aires.
Bunge, O. F.; Casilla de Correo 1458, Buenos Aires.
"Colibri", Anilina (German Ortkras); Av. Alvarez Thomas 1340, Buenos Aires.
Denk & Cia., G., Sociedad en Comandita Exclusividad de los Aceros "Boehler" (Casa Denk); Belgrano 550, Buenos Aires.
Editorial Argentina Sociedad de Responsibilidad Limitada; Rivadavia 655, Buenos Aires.
El Pampero; Piedras 338, Buenos Aires.
Italoptica (Santos Zaghi); Corrientes 571, Buenos Aires.
La Exportadora Transatlantica, S. A.; 25 de Mayo 158, Buenos Aires.
Lapaco, Arcadio; Castillo 1533, Buenos Aires.
L. A. T. I., Linhas Aereas Transcontinentaes Italiana S. A.; Buenos Aires.
Panamerica Touring & Camping, S. R. L. (Panamerican Trade Service); Rivadavia 409, Buenos Aires.
Pereira, Manuel; Buenos Aires.
Sandmann, Kurt; Avda. de Mayo 1370, Buenos Aires.
Smith, S. Herbert; Ing. Huergo 1179, Buenos Aires.

BOLIVIA

Alvarado, Julian; La Paz.
Barber & Co., Sucs., Alfredo W.; Riberalta.
Bendel & Cia.; La Paz.
Daucisberg & Cia.; La Paz.
Drogueria Albrecht (A. & M. Plattner Sucrs.); Calle Colon 402, La Paz.
Drogueria Hamburgo (Ernest Schilling); Calle Socabaya 126, Casilla 262, La Paz.
Gasser e Hijos; Cochabamba.
Keidel y Cia.; Potosi.
Loaiza, Carlos; La Paz.
Rossell, E.; La Paz.
Sanchez, Augusto; Cochabamba.
Sickinger & Cia., Sucs.; Casilla 661, 4–20 Plaza San Francisco, La Paz.
Sonnenschein, Carl; Riberalta.
Velasco S., Guillermo; La Paz.
Vergara, Max; La Paz.

BRAZIL

Air France; Praca Floriano 55, Rio de Janeiro, and all branches in Brazil.
Allema, Casa (Schadlich, Obert and Cia.); Rua Direita 176, Sao Paulo, and all branches in Brazil.
Alm & Heinritz (Fabrica de Ferramentas de Precisao); Rua Javorau 380, Sao Paulo.
Aranda e Regnier (Engenheiros, Industriaes Regnier, S. A.); Rua Candelaria 92, Rio de Janeiro.
Bockmann, Paul L. (Ferro Transmares, Ltda.); Rua Libero Badro 641 (Caixa Postal 515), Sao Paulo.
Cervejaria Brahma, Companhia (Companhia Hanseatica); M. Sapucai 200, Rio de Janeiro, and all branches in Brazil.
Colombelli, Ernesto; Rua Bella Cintra 1631, Sao Paulo.
Cooperativa Vinicola e Agricola de Sao Roque; Sao Roque, Sao Paulo.
Cunha, A. R. (Jr.); Rua Araujo, Porto Alegre 70, Rio de Janeiro.
Engenheiros, Industriaes Regnier, S. A. (Regnier & Cia, Ltda.; Regnier, S. A.; Regnier & Anachoreta; Aranda e Regnier); Rua Candelaria 92, Rio de Janeiro.
Estamparia Moderna (Octavio Martins and Cia.); Rua Riachuelo 142, Rio de Janeiro.
Estamparia Octavio Martins (Octavio Martins and Cia.); Rua Justiniano da Rocha 200–A, Rio de Janeiro.
Fabrica de Ferramentas de Precisao (Alm & Heinritz); Rua Javorau 380, Sao Paulo.
Farmoquimica Ltda.; Rua Voluntarios da Patria 132, Rio de Janeiro.
Ferro Transmares, Ltda. (Paul L. Bockmann); Rua Libero Badaro 641 (Caixa Postal 515), Sao Paulo.
Financeira Barros-Handley, Ltda. Sociedade (Godofredo Handley & Cia., Ltda.); Largo do Cafe 14, Sao Paulo.
Handley & Cia., Ltda., Godofredo (Financeira Barros-Handley, Ltda. Sociedade); Largo do Cafe 14, Sao Paulo.
Hanseatica, Companhia (Companhia Cervejaria Brahma); 115 Jose Higino, Rio de Janeiro and all branches in Brazil.
Industria de Electro Acos Plangg, Ltda.; Novo Hamburgo.
Leuzinger, S. A.; Rua do Lavradio 162, Rio de Janeiro.
Lorenzetti & Cia., Ltda.; Avenida Presidente Wilson 1230, Sao Paulo.
Malheiro, Menici; Avenida Rio Branco 69–77, Rio de Janeiro.
Marelli, Renato; Rua Libero Badaro 443, Sao Paulo.
Martins and Cia., Octavio (Estamparia Octavio Martins; Estamparia Moderna); Rua Miguel Couto 81, Rio de Janeiro.
Melzer, Winrich; Rua Senador Queiroz 96, Sao Paulo.
Meyer & Cia.; Rua Conselheiro Mafra 4, Florianopolis.
Neugebauer & Cia., Ernesto; Av. Germania 230 (Navegantes), Porto Alegre.
Noethlich, Herbert; Avenida Rio Branco 52, Rio de Janeiro.
Nygaard, Christiano (Filho); Commendador Cominha 48, Porto Alegre.
Oldendorf, E.; Rua Senador Queiroz 192, Sao Paulo.
Petersen y Cia., Ltda.; Caixa Postal 1046, Sao Paulo.
Pettinati and Companhia Ltda., Francisco; Rua Conselheiro Crispiniano 29, Sao Paulo.
Picard, Ernesto; Rua Brigadeiro Tobias 673, P. O. Box 4226, Sao Paulo.
Regnier & Anachoreta (Engenheiros, Industriaes Regnier, S. A.); Rua Candelaria 92, Rio de Janeiro.
Regnier, S. A. (Engenheiros, Industriaes Regnier, S. A.); Rua Candelaria 92, Rio de Janeiro.
Regnier & Cia., Ltda. (Engenheiros, Industriaes Regnier, S. A.); Rua Candelaria 92, Rio de Janeiro.
Rehder, Raul; Jose Maria Lisboa 1163, Sao Paulo.
Rik, Richard; Rua Conselheiro Moreira de Barros 213, Sao Paulo.
Rudert H.; Rio de Janeiro.
Schadlich, Obert and Cia. (Casa Allema); Rua Direita 160, Sao Paulo, and all branches in Brazil.
Sergio Filhos & Companhia; Rua Sampaio Moreira 29, Sao Paulo.

CHILE

Air France; Santiago, and all branches in Chile.
Benkel y Cia; Casilla 3421, Catedral 1151, Santiago.
Berg-Boulin, Peter (Hausner y Cia.); Nueva York 52, Santiago.
Dauelsberg y Cia.; Antofagasta and Arica.
Hausner y Cia. (Peter Berg-Boulin); Nueva York 52, Santiago.
Koch, Carlos; Arica.
"Transocéan" Agencia Noticiosa; Seminario 506, Santiago.

COLOMBIA

Almacen Bremen (Margarita Luchau); Manizales.
Breuer, Moller & Co, Sucrs; Barranquilla, and all branches in Colombia.
Colombiana de Colorantes y Productos Quimicos, Ltda., Compania; Bogota.
Doyle & Co.; Barranquilla.
Fabrica de Pastas Alimenticias, "La Insuperable" (Generoso Mancini); Apartado Nacional 226, Aereo 62, Bolivar, Topacio, Barranquilla, and all branches in Colombia.
Fischer, F. (Oficina de Ingenieria Moderna); Bucaramanga.
Foto Heumann; Barranquilla.
Heumann, Foto; Barranquilla.
Hotel Astoria (Industrial & Mercantil, S. A., Sociedad); Barranquilla.
Hotel Continental; Avda. 1 de Mayo, Medellin.
Industrial & Mercantil, S. A., Sociedad (Hotel Astoria; Paillace Hermanos); Barranquilla.
Instituto Behring de Terapeutica Experimental, Cia. Ltda.; Bogota.
Kirschke & Co., A.; Apartado Nacional 1369, Bogota.
Laboratorios Roman, S. A.; Apartado 84, Apartado Aereo 150, 108 Universidad, Cartagena.
"La Insuperable" Fabrica de Pastas Alimenticias (Generoso Mancini); Apartado Nacional 226, Aereo 62, Bolivar, Topacio, Barranquilla, and all branches in Colombia.
Libreria Cervantes (Emilio Royo); San Blas, 20 de Julio, Apartado 233, Barranquilla.
Lignarolo & Cia., Gaetano; Apartado 318, Cali.
Lubinus, Gustavo; Bucaramanga.
Luchau, Margarita (Almacen Bremen); Pereira.
Lundi, Alberto; Carrera 11 S. No. 510, Bucaramanga.
Mancini, Generoso (Fabrica de Pastas Alimenticias "La Insuperable"); Apartado Nacional 226, Aereo 62, Bolivar, Topacio, Barranquilla, and all branches in Colombia.
Manufacturas Delta, Ltda.; Copacabana.
Merck Colombia, S. A.; Bogota.
Morocco, Francisco; Bucaramanga.
Nebiolo Torino, Societa; Calle 12, No. 4–88 (Apartado Nacional 1157, Apartado Aereo 3762), Bogota, and Barranquilla.
Oficina de Ingenieria Moderna (Franz Tutzer; F. Fischer); Bucaramanga.
Puccini & Compania, Vicente (Comisariato); Apartado Aereo 45, Apartado Nacional 54, Barranquilla.
Puente, Angel; Bucaramanga.
Royo, Emilio (Libreria Cervantes); San Blas, 20 de Julio, Apartado 233, Barranquilla.
Schwartau & Co., S. A., Juan; Armero.
Stober, Adolf; Medellin.
"Telefunken, Casa" (Walter Pilgrim); 21–46 Carrera 7, Bogota.
Transocean G. M. b. H.; Bogota.
Tutzer, Franz (Oficina de Ingenieria Moderna); Bucaramanga.
Volpe & Cia., S. A., Antonio; Plaza de San Nicolas, Barranquilla.
Wahlen, Enrique; Pasaje Cadena No. 21–23, Bucaramanga.
Westendarp, Rodolfo; Manizales.
Zuniga, Antonio R.; Riohacha.

COSTA RICA

Acosta G., Alfonso (Dr.); San Jose.
Amrhein, Franz; San Jose.
Becker, Kuno; San Jose.
Cantero, Juana Viuda de; San Jose.
Casalvolone Fait, Juan; Puntarenas.
Dorsam, Emilio; Calles 2 y 4, Avenida 3, (Aptdo. 1303), San Jose.
Eckstein, Fritz; San Jose.
Ehrenberg, Paul; San Jose.
Gigler, Carl; Port Limon.
Iezzi, Nicola; San Jose.
Libreria Lehmann & Cia. (Lehmann & Co.); Apartado 147, San Jose.
Metzger, Gabriela; San Juan, Poas.
Mundo, Agencias; San Jose.
Paschka, Max; San Jose.
Pension Alemana; San Jose.
Pension Germania; San Jose.
Peters, Rudolf; San Jose and Sarchi.
Peters, Werner; San Jose.
Peters, Wilhelm (Jr.); San Jose.
Peters, Wilhelm (Sr.); San Jose.
Richter, Erhard; Aptdo. 854, San Jose.
Richter, Heinz; Aptdo. 854, San Jose.
Seevers, George (Jr.); Santa Barbara.
Seevers, George (Sr.); Santa Barbara.
Spoerl, Pablo; Apartado 13, San Jose.

CUBA

Bisuteria, S. A.; Neptuno 204, Habana.
Di Bianco, Alfonso; Calle J. A. Seco 352, Santiago de Cuba.
Diehl, Hermann; Obrapia 23, Apartado 1765, Habana.
Huber & Co.; San Jose 98, Habana.
Juedicke, E. Fr.; Lonja del Comercio 430, Habana.
Kelly Auto School (Carlos Ahrens); Marina 217, Habana.
Landes, Richard E. (Productos Nacionales REL, S. A.); 1458 Calle 27, Habana.
Ludtke, Paul C.; Obispo 61, or Calle E No. 381, Habana.
Productos Nacionales REL, S. A. (Richard E. Landes); 1458 Calle 27, Habana.
Roemer & Co., Hans; Aguiar 126, Habana.
Vogt, Carl; Arbol Seco 308, Habana.
Zeiss, Anton; Avenida del Brasil 405 (or Apartado 2566), Habana.
Zimmerman & Co. (Enrique [Heinrich] Zimmerman; Otto Zimmerman); Calle A No. 13, Apartado 874, Vedado, Habana.

DOMINICAN REPUBLIC

Cibao Comercial (Frederick Wilhelm Hartmann); Santiago.
Dominican Soap Company, C. por A.; Carretera duarte, kilometer 2¾, Ciudad Trujillo.
Gerard, Georges O. (Georges Oppenheim-Gerard; Compania Importadora Dominicana); Arzobi Sponouel 9, Ciudad Trujillo.
Hartmann, Frederick (Fritz) Wilhelm (Cibao Comercial); Santiago.
Importadora Dominicana, Compania (Georges O. Gerard); Arzobi Sponouel 9, Ciudad Trujillo.
Oppenheim-Gerard, Georges (Georges O. Gerard); Arzobi Sponouel 9, Ciudad Trujillo.

GUATEMALA

Agricola, Vinas Zapote, Sociedad; 13a Calle O., No. 7, Guatemala City.
Ahrens, Edgar; 7a Avenida Sur No. 97, Guatemala City.
Almacen Benjaminson (Kurt Feismann & Cia.); 7a Avenida Sur No. 12, Guatemala City.
Altuve, Senorita Blanca E; 4a Avenida Sur No. 4, Guatemala City.
Brackman e Hijos, Juan; 6a Avenida Sur No. 12–E, Guatemala City.
Buse & Cia; 10a Calle Poniente No. 9, Guatemala City.
Calvinisti e Hijo, Marcos; Avenida Ermita No. 58, Guatemala City.
Central American Plantations Corporation; 3a Avenida Sur No. 3, Guatemala City.
Dietz, Jose; Quezaltenango.
Fabrica de Calzado Coban (Alfonso Herring; Federico Rolz); San Cristobal, Alta Verapaz.
Felsmann & Cia., Kurt (Almacen Benjaminson); 7a Avenida Sur No. 12, Guatemala City.
"Ferreteria La Guatemalteca" (Otto Bohnenberger); Quezaltenango.
Ferrocarril Verapaz y Agencias del Norte, Compania del (Verapaz Railway); Livingston.
Graf & Co., Maximo—"La Diadema"; 10a Calle O. y 7a Avenida Sur, Guatemala City.
Grunau, Alberto (Radios Grunau); 6a Avenida Sur No. 13, Guatemala City.
Hapag-Lloyd Agency (H. Nehlsen); 12a Calle O., No. 5, Guatemala City.
Hegel, Carlos; 5a Avenida Sur No. 24–A, Guatemala City.
Herring, Alfonso (Fabrica de Calzado Coban); San Cristobal, Alta Verapaz, and 8a Calle Oriente, frente al Mercado Central, Guatemala City.
Hotel Astoria; 6a Avenida y 9a Calle, Guatemala City.
Hotel Europa; Coatepeque.
Hotel Eurepeo; Quezaltenango.
Hotel Manchen; Antigua, Sacatepequez.
Hotel San Rafael; Mixco.
Hotel Weymann; Panajachel, Solola.
"La Bodega"; San Lucas, Sacatepequez.
"La Diadema"—Graf & Co., Maximo; 10a Calle O. y 7a Avenida Sur, Guatemala City.
"La Femina" (Otto Tischler); 6a Avenida Sur No. 16, Guatemala City.
Libreria Cosmos (W. E. Schoenstedt); 6a Avenida Sur Edificio Aguirre, Guatemala Ctiy.
Lindener & Co. (Gerlach & Co., Sucrs.); c/o Gerlach & Co., Sucrs., 5a Avenida Sur No. 4, Guatemala City.
Lutjens, Juan A. (Tienda La Famosa—Prem,[1] Sucs., Juan); 4a Avenida Sur No. 67, Guatemala City.
Maegli & Co.; 7a Avenida y Calle Calderon, Guatemala City.
Mazariegos, Julian; c/o Laeisz y Cia., Sucs., Quezaltenango.
Muller, Kurt; 7a Avenida Sur, Pasaje Aguirre, Guatemala City.
Noltenius & Jordens; 8a Avenida Sur y 8a Calle O., Guatemala City.
Nottebohm Banking Corporation; Guatemala City.
Pension Moeller; 9a Calle Poniente No. 11, Guatemala City.
Quirin, M. y M.; Tucuru, Alta Verapaz.
Rauscher, Hans; 12a Calle Poniente No. 3, Guatemala City.
Rehbach, Teodoro; San Rafael Pie de la Cuesta, San Marcos.
Restaurante "El Quetzal"; 4a Avenida Sur No. 30, Guatemala City.
Rolz, Federico (Fabrica de Calzado Coban); San Cristobal, Alta Verapaz.
Sapper, David E.; Callejon Dolores No. 2, Guatemala City.
Sapper & Co., Ltda.; Coban, Alta Verapaz.
Schaeuffler, Max ("Thuringia", Salchichoneria y Carniceria); 5a Avenida Sur No. 32, Guatemala City.
Schlatermund, Hans; 10a Calle O., No. 9, Guatemala City.
Schoenstedt, W. E. (Libreria Cosmos); 6a Avenida Sur, Edificio Aguirre, Guatemala City.
Stabler, Gottlieb M. ("Imprenta Electrica"); 10a Calle Oriente y Pasaje Coloma, Guatemala City.
Sundfeld, Antonio; 6a Avenida Sur No. 3, Guatemala City.
"Thuringia", Salchichoneria y Carniceria (Max Schaeuffler); 5a Avenida Sur No. 32, Guatemala City.
Tintoreria Alemana (Kurt C. Wehner); 14a Calle Poniente No. 13, Guatemala City.
Tischler, Otto ("La Femina"); 6a Avenida Sur No. 16, Guatemala City.
Transocean, Servicio Noticioso (Transocean News Service); 6a Avenida Sur No. 10, Guatemala City.

[1] Juan Prem, the individual, is no longer connected with this firm.

Trennert, Gustav; 6a Calle O., No. 11, Guatemala City, and all branches in Guatemala.
Verapaz Railway (Ferrocarril Verapaz y Agencias del Norte, Compania del); Livingston.
Von Scheven, Lother Peter Emil; P. O. Box 416, or c/o Hotel Astoria, Guatemala City.
Wehner, Kurt C. (Tintoreria Alemana); 14a Calle Poniente No. 13, Guatemala City.

HAITI

Haitienne de Banque et de Placement, Societe (Arpad Plesch); Port-au-Prince.
Haitienne de Produits Pharmaceutiques, S. A., Societe (Pharmacie Buch); Port-au-Prince.
Kahl's Hotel (Kahl, Wilhelm); Petionville.
Pharmacie Buch (Haitienne de Produits Pharmaceutiques, S. A., Societe); Port-au-Prince.
Siegel, Franz; Port-au-Prince.
Sonn, Kurt; Port-au-Prince.

MEXICO

Almex, S. de R. L. (Guillermo Wolff); Mexico City.
Artefactos Metalicos Monterrey, S. A.; Apartado 79, Calzada Victoria y Cuauhtemoc, Monterrey.
Astra, Casa (Federico Boehm); V. Carranza 40, Mexico City.
Bayer, Agencia; Ed. I. Garza Desp. 214, Monterrey.
Brandi, Nicolas; Avenida Zaragoza 725 Sur, Monterrey.
Bremer, S. A., Casa; Avenida Morelos y Escobedo, Monterrey.
Calvi, Francisco, "El Deposito Dental"; Matamoros Ote. 513, Monterrey.
Casino Aleman; Mexico City.
Centro Aleman de Mexico—Deutsche Volksgemeinschaft; Mexico City.
Club Aleman; Matamoros 405 Ote., Monterrey.
Club Hipico Aleman, S. A.; Mexico City.
Colegio Aleman (Fritz Ulrich); Villagran y A. Nervo, Monterrey.
Denigris Hermanos, "Relojaria y Joyeria Italiana"; Apartado 46, Calle Juarez Pte. 203, Saltillo, Coahuila.
Deutsche Volksgemeinschaft—Centro Aleman de Mexico; Mexico City.
Drogueria y Farmacia "Panamericana"; Morelos y Zaragoza, Monterrey.
Drogueria Stein, S. A.; Mazatlan.
"El Globo", S. A.; Ave. Hidalgo 127, Zacatecas, Zac.
Fabrica de Acidos "La Viga," (Beick, Felix y Cia.); Mexico City.
Fabrica de Loza "El Anfora," S. A.; Mexico City.
Farmacia Apolo (Las Fabricas Apolo); P. Suaraz y G. O. Salazar, Monterrey.
Farmacia Plaza; Abasolo 954, Monterrey.
Forbriger, Lothar; Belisario Dominguez 1779, Monterrey.
Frisch, Herbert; Alvarez 253 Sur, Monterrey.
Goldhammer, Arno; Ave. 15 de Mayo Poniente 1745, Monterrey.
Hajen, Ernesto ("Relojeria Alemana"); Avenida Morelos Oriente 546, Monterrey.
Hellig, Waldemar; Alvarez 109 Norte, Monterrey.
Lammers, S. A., Casa; Revilla Gigedo 83, Mexico City.
Lamprecht, S. en C., E.; Lopez, Cotilla No. 4, Guadalajara.
Lehmann, Franz (Francisco); V. Carranza 552 Sur, Monterrey.
Maigler, S. en C., Alberto; Balderas 140, Mexico City.
Malakowski, Erich; Monterrey.
Mega, Italo; Caleana 724 Sur, Monterrey.
Meinitzen, M. (Salchichoneria "Bavaria"); Morelos 142 Pte., Monterrey.
Mexicana de Motores Deutz Otto Legitimo, S. A., Cia.; All branches in Mexico.
Moebius, Guido, (Jr.) (Distribuidora Mexicana de Radios; Drogueria y Farmacia "Panamericana"; Las Fabricas Apolo); Ave. Pino Suarez 838 Norte, Monterrey.
Negociacion Comercial Mexicana S. A.; Uruguay 77, Mexico City.
"Panamericana," Drogueria y Farmacia; Morelos y Zaragoza, Monterrey.
Peters y Cia., Sucrs., Guillermo (La Suiza); Torreon and Durango.
Petz Hermanos, Escobedo 536, Monterrey.
Proveedora Metalica, S. A.; Motolinia 20, Mexico City.
Putz, Heinrich, Ocampo 760 Ote., Monterrey.
"Relojeria Alemana" (Ernesto Hajen); Avenida Morelos Oriente 546, Monterrey.
Repertorio Wagner, S. A.; V. Carranza 21, Apartado Postal 396, Mexico City.
Salchichoneria "Bavaria" (M. Melnitzen); Morelos 142 Pte., Monterrey.
"Transocean" Servicio Internacional de Informaciones de Prensa; Juarez 60, Mexico City.
Wagner, Casa; V. Carranza 21, Apartado Postal 396, Mexico City.
Wolff, Guillermo (Almex, S. de R. L.); Ave. Uruguay 51, Apartado 1381, Mexico City.

NICARAGUA

Alemania (Julio C. Bahlcke); Managua.
El Tamarindo (Julio C. Bahlcke); Managua.
Lang, Guillermo; Managua.
Wettstein, Hans Rudolf (Juan Rodolfo); Managua.

PANAMA

Atlantis, S. A.; Panama City.
Canal Zone Pharmacy (Farmacia Zona del Canal); 4 de Julio No. 3, Panama City.
Farmacia Alemana (H. Lage-Schulte); 10.087 Balboa Avenue, Colon.
Farmacia Zona del Canal (Canal Zone Pharmacy); 4 de Julio No. 3, Panama City.
Kaufmann, Arno Wilhelm August; Imperial Hotel, Colon.
Lage-Schulte, H. (Farmacia Alemana); 10.087 Balboa Avenue, Colon.

PARAGUAY

Bader, Teofilo G.; 15 de Agosta 432, Asuncion.
Farmacia la Catedral (Scavone Hermanos, S. A.); Palma 10, Asuncion.
Porzio Hermanos; Asuncion.
Scavone Hermanos, S. A. (Farmacia la Catedral); Palma 10, Asuncion.

PERU

Brandes & Cia., S. A., Guillermo; Union 529, Lima.
Gomez Diaz Ufano, Leandro (Ufano, Leandro Gomez Diaz); Junin 291, Miraflores, Lima.
Holle, Schrader & Co., S. A.; Lampa 665, Casilla 1857, Lima.
Klingenberger, H. W., "Agfa Foto"; Carabaya 409, Lima.
Kricke, Hans (Tiendas Americanas); Union 628, Lima.
Nacional de Sombreros Ltda., Cia.; Mercadores 484, Lima.
Peruana de Comercio Intercontinental, S. A., Ltda., Cia.; Ed. Talleri 308, Plaza San Martin 181, Casilla 2137. Lima.
Rojas Gallo, Alejandro; Ave. Garibaldi 1129, Casilla 145, Callao.
Tiendas Americanas (Hans Kricke); Union 628, Lima.
Ufano, Leandro Gomez Diaz (Gomez Diaz Ufano, Leandro); Junin 291, Miraflores, Lima.
Unidas de Aduanas, S. A., Agencias; Ucayali 399, Lima, and Ave. Republica de Panama 282, Callao.
Vasquez, Virgilio; Lima.
Welsch, Casa (G. Ehni y Cia.); Union 498, Lima.

SALVADOR

Almacen "El Fenix" (Gossman y Cia); 2nd Calle Oriente and 2nd Avenida Sur, San Salvador.
Boellersen, Heinrich; San Salvador.
Caruso Hermanos; San Salvador.
Cristiani, Juan (Farmacia "Santa Lucia"); 1-a Ave. Norte y 1-a Calle Poniente, San Salvador.
Falconio, Aristides; Calle Delgado No. 3, San Salvador.
Farmacia Ancalmo (Farmacia Alemana); Calle Ruben Dario and 11th Avenida Sur, San Salvador.
Farmacia "Santa Lucia" (Juan Cristiani); 1-a Ave. Norte y 1-a Calle Poniente, San Salvador.
Foerstenberg, Wilhelm ("Optica Cientifica"); 4th Calle Oriente 16, San Salvador.
Gossman y Cia. (Almacen "El Fenix"; Juan Luders y Cia., Sucs.); 2nd Calle Oriente and 2nd Avenida Sur, San Salvador.
Luders y Cia., Sucs., Juan (Gossman y Cia.); 2nd Calle Oriente and 2nd Avenida Sur, San Salvador.
Oertel & Cia., Pablo; Calle Delgado 31, San Salvador.
"Optica Cientifica" (Wilhelm Foerstenberg); 4th Calle Oriente 16, San Salvador.
Union Agricola Industrial, Sociedad; San Salvador.

URUGUAY

Berger & Cia., Curt, S. de R. L.; 677 Cerrito, Montevideo.
Eymer, Carlos; 25 de Mayo 477, Montevideo.

"Transocean" Agencia Noticiosa; Juncal 1380, Montevideo.

VENEZUELA

Mantovani, Walter; 44/3 Calle Sur 9, Caracas.

II. Deletions

ARGENTINA

Comero, M. y Cia.; 25 de Mayo 340, Buenos Aires.
Delbene, Hermanos y Cia.; Ave. del Trabajo y General Paz, Buenos Aires.
Fanciullini, Santi; Cangallo 342, Buenos Aires.
Forn, Soc. en Comandita; Buenos Aires.
Hohner, Matthew; Alsina 1156 Buenos Aires.
Hormopharma Argentina, S. A.; San Martin 492, Buenos Aires.
Martinez Orte, F.; Avda. de Mayo 962, Buenos Aires.
Otero Hermanos, Soc. de Resp. Ltda.; 25 de Mayo 347, Buenos Aires.
Pesserl, Frank R.; Sarmiento 557, Buenos Aires.
Sedalana, S. A.; 2980 Forest Avenue, Buenos Aires, and all branches in Argentina.
Simonius, Vischer & Co., Ltda.; Buenos Aires.

BOLIVIA

"Imprenta Urania" Messrs. Santines & Villegas; La Paz.
Kunstmann y Cia.; Talleres Offset, La Paz.

BRAZIL

Feddersen y Cia.; Rua Marechal Andrea 253, Rio Grande, and Porto Alegre.
Fornecedora de Machinas Ltda. Soc.; Rua Buenos Aires 17, Caixa Postal 1310, Rio de Janeiro.
Gomes da Silva, Jnr., Vicente; Praca Maua 7, Rio de Janeiro.
Klee, M. W.; Rua Pedro Americo 29, Sao Paulo.
Rodenburg, Herbert; Bahia.
Rudert,[1] Cia. Internacional de Segures H.; Rio de Janeiro.
Zapparoli & Serena Ltda.; Rua do Carmo 37, Caixa Postal 1096, Sao Paulo, and all branches in Brazil.

COLOMBIA

De la Pena, Fco. J. (Julio) (Acme Continental S. A.[2]).
De la Rosa, Enrique (Acme Continental S. A.[2]).
Hauss, Carlos M.; Manizales.
Posada Lalinde, Nolasco (Plantex, S. A.[2]).
Posada Londono, Juan C. (Juan de D.) (Plantex, S. A.[2]).
Rehbein Peralta, Max (Acme Continental S. A.[2]).
Saenz, Francisco (Plantex, S. A.[2]).
Tobon, Diego (Union Nacional de Quimica Industrial Ltda.[2]).

[1] In relation to H. Rudert, the individual, see "Additions" in this Supplement.
[2] This deletion relates only to individual listed and does not affect listing of firm.

Tobon, Lazaro (Union Nacional de Quimica Industrial Ltda.[2]).

COSTA RICA

Bayer, Karl A.[3]; San Jose.
Casalvolone, Juan Fait,[4]; Puntarenas.
Deutsche Lufthansa, A. G.[5]; all branches in Costa Rica.

CUBA

Drogueria Jose R. Pages, S. A.; San Lazaro 24, Habana.
Pages, Drogueria Jose R.; Habana.

DOMINICAN REPUBLIC

Wuerzburg and Son; Ciudad Trujillo.

GUATEMALA

Arroyave L., Jose Luis (Farmacia "El Fenix"); Guatemala City.
"El Fenix" Farmacia,—Jose Luis Arroyave L.; Guatemala City.
Padula, Francisco; 9a Calle Pontiento No. 1E, Guatemala City.

HAITI

Dufort, Joseph; Port-au-Prince.
Matteis & Co., Luciani; Port-au-Prince.

HONDURAS

Deutsche Lufthansa, A. G.[6]; all branches in Honduras.
Farmacia Higia; Tegucigalpa.

MEXICO

"Botica Central" (Farmacia y Drogueria, Cia., S. A. Internacional de); Calle Victoria 8–10, Chihuahua.
"Farmacia Apolo", Dr. J. J. Gonodles Reynoso; Guadalajara.
Farmacia y Drogueria, Cia., S. A. Internacional de (Botica Central); Chihuahua.
General de Comercio, S. A., Cia.; Calle Durango 138, Mexico City.
German Struck, S. A. (German Struck); Calle 58, No. 501, Merida.
Kade, Sucrs., Alberto; Ave. Uruguay 80, Mexico City.
Martinez, Ruperto; 326 Ote, Monterrey.
Muller, Fritz; Calle Diaz Miron 303 Ote, Apartado 258; Tampico.
Reynoso, Dr. J. J. Gonodles, "Farmacia Apolo"; Guadalajara.
Struck, German (German Struck S. A.); Calle 58, No. 501, Merida.

NICARAGUA

Caligaris, Leopoldino Viuda de (Massa de Angel Caligaris); Managua.
Gulke & Wettstein; Managua.
Pentzke, Carlos; Managua.
Portocarrero, Julio; Bluefields.

[3] No longer resident of Costa Rica.
[4] Not to be confused with Casalvolone Fait, Juan, see "Additions".
[5] No present office or operations in Costa Rica.
[6] No present office or operations in Honduras.

PANAMA

Alvarado, Francisco; 46 Thirteenth Street, Panama City.
Deutsche Lufthansa, A. G.;[7] All branches in Panama.
Forte y Ferrari; 9.039 Front St., Colon.

URUGUAY

Alonso, Cerisola y Cia.; Juncal 1438, Montevideo.
Berges, Casa; Bartolome Mitre 1368, Montevideo.
Clericetti & Barrella; 729 Rincon, Montevideo.
Costa y Cia., Luis; Montevideo.
Ferrando, Pablo; 675 Sarandi, Montevideo.
Fuentes y Cia. (Fuentes, Manuel T. de); 128 Joaquin Requena, Montevideo.
Fuentes, Manuel T. de (Fuentes y Cia.); 128 Joaquin Requena, Montevideo.
General Machinery Company (Maximo Vasen); Montevideo.
Ochoa Hermanos; 13 de Julio 1261, Montevideo.
Simonius Vischer & Co. (Vischer & Co., Simonius); Asuncion 1195, Montevideo.
Vallerino, J. J.; Montevideo.
Zas Hermanos; Rondeau 2121, Montevideo.

III. Amendments

The following amendment is of general application: The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. Unless otherwise specified, a listed name refers to all branches of the business in the country.

ARGENTINA

For Marean S. A. Guido Ajmone, Importacione Lane D'Oltremare (Biella), Herrera 2272, Buenos Aires, substitute Marsan S. A., Guido Aimone, Importacione Lane D'Oltremare (Biella); Herrera 2272, Buenos Aires.
For Ortkras, German, Alvarez Thomas 1350, Buenos Aires, substitute Ortkras, German (Anilina "Colibri"); Av. Alvarez Thomas 1340, Buenos Aires.

BOLIVIA

For Plattner, A. & M. (Sucs. de C. Albrecht), Casilla 432, 402 Colon, La Paz, substitute Plattner Sucrs., A. & M. (Drogueria Albrecht); Calle Colon 402, La Paz.
For Schilling, Ernest, La Paz, substitute Schilling, Ernest (Drogueria Hamburgo); La Paz.

BRAZIL

For Ribeiro, J. R., y Cia. Ltda., Rio de Janeiro, substitute Ribeiro, J. A., & Cia.; Rio de Janeiro.
For Syndicate Condor Ltda., Avenida Rio Branco 128, Rio de Janeiro, substitute Servicos Aereos Condor, Ltda. (Syndicate Condor Ltda.); Avenida Rio Branco 128, Rio de Janeiro and all branches in Brazil.

[7] No present office or operations in Panama.

CHILE

For Gama, Augustin Garces, Santiago, substitute Garces Gana, Agustin; Calle Nueva York 52 (Casilla 2998), Santiago.

COLOMBIA

For Pilgrim, Walter, 21–46 Carrera 7, Bogota substitute Pilgrim, Walter ("Casa Telefunken"); 21–46 Carrera 7, Bogota.

For Faillace Hermanos (Antonio Faillace), Barranquilla, substitute Faillace Hermanos (Antonio Faillace; Industrial & Mercantil, S. A., Sociedad); Barranquilla.

COSTA RICA

For Lehmann & Co., San Jose, substitute Lehmann & Co. (Libreria Lehmann & Cia.); Apartado 147, San Jose.

GUATEMALA

For Bohnenberger, Otto, Quezaltenango, substitute Bohnenberger, Otto ("Ferreteria La Guatemalteca" and Johansen y Cia.); Quezaltenango.

In relation to Dieseldorff y Cia., Sucs., see footnote 1.

For Nehlsen, H., Guatemala City, substitute Nehlsen, H. (Hapag-Lloyd Agency); 12a Calle O., No. 5, Guatemala City.

For Gerlach & Co., Sucrs., Guatemala City, substitute Gerlach & Co., Sucrs. (Lindener & Co.); 5a Avenida Sur No. 4, Guatemala City.

In relation to Laeisz y Cia. (Sucrs. Conrado Francke & Co.), for Quezaltenango and Retalhuleu, substitute Quezaltenango, and all branches in Guatemala.

In relation to Paetau, Max, for Ninth Ave. South, 10C, Apartado 49, Quatemala City, substitute 9a Avenida Sur No. 10, Guatemala City.

For Prem, Suc., Juan (Tienda La Famosa), 4a Avenida Sur No. 67, Guatemala City, substitute Prem, Sucs.,[3] Juan—Tienda La Famosa (Juan A. Lutjens); 4a Avenida Sur No. 67, Guatemala City.

For Tienda La Famosa, 4a Avenida Sur No. 67, Guatemala City, substitute Tienda La Famosa—Prem, Sucs.,[3] Juan (Juan A. Lutjens); 4a Avenida Sur No. 67, Guatemala City.

HAITI

For Piesch, Arpad, substitute Piesch, Arpad (Haitienne de Banqe et de Placement, Societe); Port-au-Prince.

HONDURAS

For Marrugat, Jose Maria, La Ceiba, substitute Marrugat, Jose Riba; La Ceiba.

MEXICO

For Apolo (of Monterrey) Las Fabricas de, Ave. Uruguay 42, Mexico City, substitute Las Fabricas Apolo; Avenida Uruguay 42, Mexico City and Monterrey.

For Beick y Cia., Felix, Ave. F. I. Madero 39, Mexico City, substitute Beick, Felix y Cia., S en C; Ave. F. I. Madero 39, Mexico City and all branches in Mexico.

In relation to Exportadora & Importadora Cia. Soc. de Resp. Ltda. (formerly Cia. Exportadora de Productos Mexicanos), Calle Dr. Mora 9–22, and Ave. Juarez 56, Mexico City, see footnote 3.

NICARAGUA

For Bahlcke, Julio C.—Central American Trading Co., Managua, substitute Bahlcke, Julio C. (Central American Trading Co.; El Tamarindo; Alemania); Managua.

SALVADOR

For Farmacia Alemana, San Salvador, substitute Farmacia Alemana (Farmacia Ancalmo); Calle Ruben Dario and 11th Avenida Sur, San Salvador.

[F. R. Doc. 41–7186; Filed, September 25, 1941; 4:38 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER A—GENERAL PROVISIONS

[Regulation No. 10]

ESTABLISHING A DIVISION OF MATERIALS IN THE OFFICE OF PRODUCTION MANAGEMENT AND PRESCRIBING ITS DUTIES AND FUNCTIONS

Whereas Executive Order No. 8629, dated January 7, 1941, as amended by Executive Order No. 8875,[1] dated August 28, 1941, in creating the Office of Production Management provided that in addition to certain specified functions, the Office of Production Management shall "perform such other functions as the President may from time to time assign or delegate to it;" and said Order provided that in addition to the Divisions of Production, Purchases, and Priorities, there shall be "such other operating divisions as the President may from time to time determine," and

Finding it essential in the interest of expediting the defense program with respect to the National emergency as declared by the President to exist on May 27, 1941,[2] to conduct within the Office of Production Management certain functions relating to material requirements and relations;

Now, therefore, subject to the approval of the President, it is *ordered* that:

1. There shall be within the Office of Production Management an operating division to be known as the Division of Materials, at the head of which shall be a Director of the Division of Materials appointed by the Office of Production Management with the approval of the President.

2. The Director of the Division of Materials shall plan and take all lawful steps necessary to assure an adequate supply and production of raw materials and industrial materials which enter into the production of products and articles needed for defense, including the development and expansion of facilities to produce such materials.

3. The Director of the Division of Materials is authorized to establish such organization for the Division as he may deem necessary to the adequate execution of his functions and responsibilities including the employment of personnel, but he shall obtain the approval of the Director General acting in association with the Associate Director General in the creation of the principal subdivisions of the Division.

4. The Director of the Division of Materials shall exercise the authorities, duties, and responsibilities assigned to him herein subject to the jurisdiction and control of the Director General acting in association with the Associate Director General, and he shall make such regular and special reports of his actions pursuant to this regulation as may be required by the Office of Production Management.

5. The Director of the Division of Materials shall have authority to designate an Assistant or Deputy Director to serve as Acting Director of the Division of Materials in his absence or inability to act, subject to the approval of the Director General acting in association with the Associate Director General.

6. Regulation No. 1 and all of the regulations of the Office of Production Management which may be inconsistent with this Regulation are hereby superseded and amended accordingly.

W. S. KNUDSEN,
Director General.
SIDNEY HILLMAN,
Associate Director General.
ROBERT P. PATTERSON,
Acting Secretary of War.
FORRESTAL,
Acting Secretary of the Navy.

Approved:
JOHN LORD O'BRIAN,
General Counsel

Attest:
HERBERT EMMERICH,
Secretary

Approved:
FRANKLIN D ROOSEVELT
The White House.

Date: September 4, 1941.

[F. R. Doc. 41–7192; Filed, September 26, 1941; 9:42 a. m.]

SUBCHAPTER B—PRIORITIES DIVISION

PART 958—REPAIRS

Interpretation No. 3 of Preference Rating Order No. P–22[1]

The following official interpretation is hereby issued by the Director of Priorities with respect to § 958.1 *Preference Rating Order No. P–22*, issued September 9, 1941:

Section 958.1 does not assign a preference rating to deliveries of material which is to be used for the repair of property or equipment located outside the limits of the United States of America, its territories and possessions.

Issued this 26th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7188; Filed, September 26, 1941; 9:33 a. m.]

[Amendment No. 1 to Preference Rating Order No. P–46]

PART 978—UTILITIES

Maintenance, Repair and Supplies

Section 978.1, paragraph (f) (2), is hereby amended to read as follows:

§ 978.1 *Preference rating order P–46.*[1]

* * * * * * *

(f) (2) No Producer shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose until the Producer's inventory and stores of items of Material of the same class have been reduced to a practical working minimum, unless such delivery shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor. Such practical minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class in inventory and stores on December 31, 1940, or, at the Producer's option, at the close of the Producer's fiscal year ending during the calendar year, 1940.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 26th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7189; Filed, September 26, 1941; 9:33 a. m.]

[Interpretation No. 2 of Preference Rating Order No. P–46]

PART 978—UTILITIES

Maintenance, Repairs and Supplies

The following official interpretation is hereby issued by the Director of Priorities with respect to § 978.1 *Preference Rating Order No. P–46*, issued September 17, 1941.

Section 978.1 does not assign a preference rating to deliveries of Material which is to be used for the maintenance, repair or operation of property and equipment located outside the limits of the United States of America, its territories and possessions.

Issued this 26th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7187; File, September 26, 1941; 9:33 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

AMENDMENT OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP[1]

§ 1304.16 *Appendix A, maximum prices for iron and steel scrap other than railroad scrap*, of Price Schedule No. 4 is hereby amended:

By adding after subparagraph 3 in section (b) of paragraph II thereof the following subparagraph 4:

4. In the State of Florida and in all states west of the Mississippi River, *excepting Washington, Oregon, and California*, whenever the Shipping Point Price of No. 2 Heavy Melting Steel Scrap, as computed above falls below $12.00 per gross ton at any Shipping Point, the maximum Shipping Point Price thereof at such point shall be $12.00, and the maximum Shipping Point Prices for other grades of scrap at such point shall be computed by applying the price differentials established in paragraph I hereof for St. Louis, Missouri.

By striking out, at the end of paragraph III, the words, "to the consumer's plant.", and inserting in place thereof the following words: "to the consumer's plant, except as provided in paragraph VI herein."

Paragraph VI is amended to read as follows:

VI

Remote Scrap

(a) *Definitions.* When used in this paragraph:

1. Remote Scrap means all the kinds and grades of iron and steel scrap referred to in Appendix A and having a Shipping Point and a point of origin within the States of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, or Florida.

2. The Shipping Point of Remote Scrap is the point from which Remote Scrap is to be shipped, whether to consumer, dealer, broker, or other person or persons.

(b) *Maximum shipping point price of remote scrap.* The maximum Shipping Point Price of Remote Scrap shall be $12.00 for No. 2 Heavy Melting Steel Scrap and, for other grades of scrap, the maximum Shipping Point Price shall be computed by applying to the price of $12.00 for No. 2 Heavy Melting Steel Scrap the price differentials established in Paragraph I hereof for St. Louis.

(c) *Maximum delivered price of remote scrap.* The maximum price of Remote Scrap delivered to a consumer *wherever located* shall be the Shipping Point Price plus actual transportation charges from the Shipping Point to the consumer's plant as provided in paragraph III above, *except that*, whenever necessary to absorb transportation charges, the maximum delivered price may exceed the maximum delivered price set forth in paragraph III above by a maximum of $4.00. Thus the maximum delivered price for Remote Scrap shall be $5.00 above the prices set forth in paragraph I above, for the Basing Point nearest, in terms of established transportation charges, to the consumer's plant. The consumer, however, may not exceed the maximum delivered price provided in paragraph III above unless he conforms to the reporting requirements of subparagraph 1 below.

1. No sales or purchases of Remote Scrap may be completed under the provisions of this paragraph unless the consumer of such scrap shall file, with the Office of Price Administration, Washington, D. C., (i) within 10 days following the purchase thereof, a fully detailed statement under oath setting forth the name and address of the seller, the point of shipment of the scrap, the grade, quantity and price at Shipping Point, delivery price, the name of the carrier, and the transportation charges from the Shipping Point to the consumer's plant, *and* (ii) immediately upon delivery of such scrap, certified copies of all bills of lading covering the shipment of such scrap from the remote area to the consumer's plant. Only reports of purchases and bills of lading involving delivery of not less than one car of scrap need be filed.

2. Where Remote Scrap cannot be delivered to the consumer within the maximum delivered prices of Remote Scrap established in subparagraph (c) hereof, a consumer may apply to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap. Applications by consumers must be fully detailed, including an affidavit setting forth the point of shipment of the scrap, the grade, quantity and price at Shipping Point, proposed delivery prices, the name of the carrier, and the transportation charges from the Shipping Point to the consumer's plant. The application should be accompanied by an affidavit from the consumer setting forth its need for, and

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[1] This firm should be distinguished from W. E. Dieseldorff of Coban.
[2] Juan Prem, the individual, is no longer connected with this firm.

[1] 6 F. R. 4483.
[2] 6 F.R. 2617.
[3] This firm is to be distinguished from Compania Exportadora e Importadora Mexicana, S. A., Cia., Gaute No. 15, Mexico City.

[1] 6 F.R. 4665.

[1] 6 F.R. 4784.

[1] 6 F.R. 2986, 3061, 3985, 4417, 4615, 4867.

its willingness to accept, such scrap at the price quoted.

Only applications for purchases which would involve actual delivery of not less than one car of scrap per month from one Shipping Point to one consumer destination will be considered.

The approval of the Office of Price Administration shall be obtained before consumers may absorb the additional transportation charge necessary to secure such scrap.

(d) *Termination of remote scrap provisions.* The provisions of subparagraph 4 of paragraph II and this paragraph VI shall become inoperative and terminated on and after December 31, 1941. Deliveries under contracts entered into pursuant to these provisions shall be completed on or before December 31, 1941.

These amendments shall become effective on September 26, 1941. (Executive Order No. 8734, 6 F.R. 1917)

Issued this 26th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7200; Filed, September 26, 1941; 11:16 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 261—TRESPASS

NEVADA NATIONAL FOREST—MT. MORIAH, SCHELL CREEK, AND WHITE PINE DIVISIONS

Order for the Removal of Trespassing Horses, Mules, and Burros

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Mt. Moriah, Schell Creek, and White Pine Divisions, Nevada National Forest, in the State of Nevada; and

Whereas these horses, mules, and burros are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Mt. Moriah, Schell Creek, and White Pine Divisions, Nevada National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Mt. Moriah and Schell Creek Divisions of the Nevada National Forest are hereby closed beginning October 10, 1941, and ending June 1, 1942, and the White Pine Division of the Nevada National Forest is closed for the period beginning October 31, 1941, and ending June 1, 1942, to the grazing of horses, mules, and burros, except those horses, mules, and burros that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Nevada National Forest is located.

Done at Washington, D. C., this 25th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7204; Filed, September 26, 1941; 11:30 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN AMENDMENT TO THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE STRUCTURAL CLAY PRODUCTS INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On August 28, 1941, the Assistant Administrator of the Division of Public Contracts issued a notice of opportunity to show cause why my decision dated December 27, 1940, In the Matter of the Determination of the Prevailing Minimum Wages in the Structural Clay Products Industry (6 F.R. 46) should not be amended by increasing the prevailing minimum wage for the States of Maryland, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, and the District of Columbia, as determined therein from 30 cents an hour to 34 cents an hour.

The proposed amendment was predicated upon evidence before the Department of Labor that substantially all members of the Structural Clay Products Industry are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that in consequence thereof, the Wage Order of the Administrator, Wage and Hour Division, issued pursuant to the provisions of the Fair Labor Standards Act of 1938 and effective September 1, 1941, establishing 34 cents an hour as the minimum wage rate under that Act in the Clay Products Industry (6 F.R. 4073) would have the effect of establishing 34 cents per hour as the prevailing minimum wage in the Structural Clay Products Industry for the States hereinbefore named, within the meaning of Section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to members of the industry who had shown an interest in the original proceeding, to trade unions, trade publications, and trade associations. Notice was also given to all interested parties through the national press and by publication in the FEDERAL REGISTER (6 F.R. 4497). No objection or protest to the proposed amendment has been filed.

Upon consideration of the foregoing and of all the facts and circumstances, I hereby determine:

§ 202.36 *Structural clay products industry.* The prevailing minimum wage for persons engaged in the performance of contracts with agencies of the United States, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup., III 35), for the manufacture or supply of the products of the Structural Clay Products Industry, shall be 34 cents an hour or $13.60 per week of forty hours, arrived at either upon a time or piece work basis, in the States of Maryland, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, Arkansas, Oklahoma, Texas, New Mexico, and the District of Columbia.

For the remaining States of the United States, the prevailing minimum wage for such persons shall be 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis, as provided in my original decision of December 27, 1940.

It is understood that the products of the Structural Clay Products Industry, the manufacture and supply of which are covered by this determination, shall be the same as those covered by my original decision of December 27, 1940, namely, common brick, face brick, (including glazed and enameled brick), salt glazed brick, manhole brick, structural clay tile, (including glazed tile), unglazed face tile, paving brick, and clay or shale granules.

This amended determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after October 27, 1941.

Nothing in this amended determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Until this amended determination becomes effective as provided in the preceding paragraph, my original decision of December 27, 1940, shall remain in full force and effect. (Sec. 1 (b), 49 Stat. 2036; 41 U.S.C., Sup. III, 35)

Dated: September 26, 1941.

FRANCES PERKINS,
The Secretary.

[F. R. Doc. 41-7202; Filed, September 26, 1941; 11:29 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1495]

PART 255—TOWN SITES

QUALIFICATIONS OF TOWN LOT PURCHASERS

§ 255.54 *Evidence of citizenship or incorporation required.* Unless otherwise provided by law, every person purchasing a town lot at public or private sale, under any law governing the sale and disposal of town sites on the public domain, will be required to furnish evidence that he is a citizen of the United States or has declared his intention to become such and every corporation purchasing a town lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or of any state, territory or possession thereof and that it is authorized to acquire and hold real estate in the state in which the town site is situated. In view of the provisions of sec. 2 of the Act of March 2, 1897 (29 Stat. 618; 8 U.S.C. 72), the foregoing requirement respecting the citizenship of individuals is not applicable to the Territory of Alaska. (R.S. 453, 2478; 43 U.S.C. 2, 1201)

[SEAL] FRED W. JOHNSON,
Commissioner.

Approved: September 5, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-7193; Filed, September 26, 1941; 9:41 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1870-FD]

IN THE MATTER OF THE APPLICATION OF NASHVILLE COAL COMPANY, INC., FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED AND RESOLD BY IT TO OLD HICKORY COAL AND ICE COMPANY AND JACKSON ICE AND COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

The Nashville Coal Company, Inc., organized under the laws of Tennessee, with its principal office at Nashville, Tennessee, being registered with the Division as a distributor, No. 6756, filed its petition praying:

1. That the Division determine that the Old Hickory Coal and Ice Company and the Jackson Ice and Coal Company do not financially own or otherwise control petitioner;

2. That the Division determine that the ownership or control by mutual stockholders of the three corporations above mentioned is bona fide, is not established primarily to secure indirect price reductions and is not within the prohibitions of paragraphs 11 and 12 of section 4, Part II (1) of the Act;

3. That, on transactions made prior and subsequent to the requested determinations set forth in (1) and (2) above, the petitioner be permitted to accept and retain distributors' discounts on coal purchased and resold by it to the Old Hickory Coal and Ice Company and the Jackson Ice and Coal Company;

4. For such further and alternative relief as to the Director may appear just and equitable.

It is ordered, That a hearing on such matter be held on November 4, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 1, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: September 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7194; Filed, September 26, 1941; 10:11 a. m.]

[Docket No. A-1004]

PETITION OF THE SHERIDAN-WYOMING COAL COMPANY, INC., A CODE MEMBER IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORN MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

[Docket No. A-1005]

PETITION OF ACE OF SPADES COAL COMPANY ET AL., CODE MEMBERS IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORN MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Petitions, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties; and it appearing that those petitions present analogous issues;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated for the purpose of hearing and for such other purposes as the officer designated to preside at such hearing may deem appropriate.

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on November 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division at the United States Post Office, Thermopolis, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to ad-

minister oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 6, 1941.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the petitions.

The matter concerned herewith is in regard to the petitions of the Sheridan-Wyoming Coal Company, Inc., and other code members in Subdistrict 5 of District 19, for the recognition of a certain tipple located at Kirby, Wyoming, as the normal loading facility of the Miller Mine (Mine Index No. 152) and the Osborn Mine (Mine Index No. 159) and for revision of the effective minimum prices for the coals, for truck shipment, produced at certain other mines in that Subdistrict; and, more particularly, for a reduction of 5 cents per net ton in the effective minimum prices, for truck shipment, for the coals produced at the Gebo Coal Mine (Mine Index No. 129), the Coal Draw Mine (Mine Index No. 180) and the Eagle Mine (Mine Index No. 124) and for a reduction of 15 cents per net ton in such prices for the coals produced at the mines of all other code members, except the Miller and Osborn Mines of the Sheridan-Wyoming Coal Company, Inc., in Subdistrict 5 of District 19.

Dated: September 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7195; Filed, September 26, 1941; 10:11 a. m.]

[Docket No. 1594-FD]

IN THE MATTER OF WALTERS COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by Bituminous Coal Producers Board for District 12, complainant, alleging wilful violation by Walters Coal Company, a code member in District 12, the defendant, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District 12 for Truck Shipments and with intent to violate the same and in violation thereof, sold, for shipment by truck, between October 1, 1940 and March 5, 1941, 142.2 tons of screenings (Size Group 8) produced at defendant's mine (Mine Index No. 578) located near Hamilton, Iowa, at a price of $1.00 per ton f. o. b. the mine; the effective minimum price established for such coal being $1.60 per net ton f. o. b. the mine.

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on April 9, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa;

All parties having joined in waiving the preparation and filing of a report by the Examiner; and the record of the proceedings thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, Walters Coal Company, be and it is hereby revoked and canceled;

It is further ordered, That prior to any reinstatement of the defendant, Walters Coal Company, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $88.73, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: September 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7196; Filed, September 26, 1941; 10:11 a. m.]

[Docket No. A-1071]

PETITION OF THE HENRY CLAY COAL MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 3, FOR CHANGE IN LOADING POINTS

ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to change temporarily the loading points of the Victor and Keener Mines, Mine Index Nos. 693 and 309, respectively, of The Henry Clay Coal Mining Company from Victor and Keener tipple to Ben Williams tipple, both located near Towson, West Virginia, owing to necessary repairs to the said Victor and Keener tipple; and

The Acting Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Acting Director deeming that his action is necessary in order to effectuate the purposes of the Act:

It is ordered, That, for a period not exceeding thirty (30) days from the date of this Order, temporary relief is granted as follows: Commencing forthwith, all shipments except truck from the Victor and Keener Mines, Mine Index Nos. 693 and 309, respectively, may be made from Ben Williams tipple, near Towson, West Virginia.[1]

It is further ordered, That applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-7197; Filed, September 26, 1941; 10:12 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address; Date application filed	
James M. Butler, 1172 Penobscot Bldg., Detroit, Mich.	Sept. 13, 1941
South Pittsburg Coal Co., South Pittsburg, Tenn.	Sept. 13, 1941
William Stoner, 1713 Pennsylvania Ave., New Castle, Pa.	Sept. 19, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal

[1] Nothing herein shall be deemed to affect permission heretofore granted the original petitioner to load coal from its Victor and Keener Mines, Mine Index Nos. 693 and 309, respectively, at Victor and Keener tipple, near Towson, West Virginia, on Northern West Virginia Railroad.

Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before October 20, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street N.W., Washington, D. C.

Dated: September 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7198; Filed, September 26, 1941; 10:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners not to exceed at any one time five percent of all productive factory workers employed issued to the Knickerbocker Manufacturing Company, Inc., West Point, Mississippi, on October 25, 1940 has been ordered cancelled as of the first date of violation because of a violation of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to Section 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C. this 24th day of September 1941.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 41-7213; Filed, September 26, 1941; 11:50 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 656]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS, INC. FOR AN AMENDMENT OF ITS EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

Public hearing on the above-entitled proceeding, being the application of Pan American Airways, Inc., for amendment of its existing certificate of public convenience and necessity authorizing air transportation between San Francisco, Calif., and Auckland, New Zealand, so as to authorize service to Suva, British Crown Colony of Fiji, as an intermediate stop, is hereby assigned for October 8, 1941, 10 o'clock a. m. (Eastern Standard Time) at the Willard Hotel, 14th Street and Pennsylvania Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., September 24, 1941

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7190; Filed, September 26, 1941; 9:41 a. m.]

[Docket No. 602]

IN THE MATTER OF THE APPLICATION OF TACA, S. A., FOR A FOREIGN AIR CARRIER PERMIT, UNDER SECTION 402 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF POSTPONEMENT OF HEARING

Hearing on the above-entitled proceeding, being the application of TACA, S. A., for a foreign air permit authorizing scheduled air transportation of persons, property, and mail between San Jose, Costa Rica, and Cristobal and/or Balboa, Canal Zone, now assigned for September 29, 1941, is hereby postponed to October 3, 1941 at 10 o'clock a. m. (Eastern Standard Time) in Conference Room A, Departmental Auditorium, before Examiner Herbert K. Bryan of the Board.

Dated Washington, D. C., September 24, 1941.

[SEAL] HERBERT K. BRYAN,
Examiner.

[F. R. Doc. 41-7191; Filed, September 26, 1941; 9:41 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4529]

IN THE MATTER OF TAYLOR SCHOOL OF BIO-PSYCHOLOGY, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 2, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 226, Federal Building, Chattanooga, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7199; Filed, September 26, 1941; 10:18 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-205]

IN THE MATTER OF THE PENNSYLVANIA-BRADFORD COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of this Commission exempting it from all the provisions of the said Act;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and rules and regulations of the Commission thereunder be held on September 30, 1941, at 10:00 o'clock in the forenoon of that day, in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day, the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7205; Filed, September 26, 1941; 11:33 a. m.]

[File No. 59-33]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, AND INDIANA GAS DISTRIBUTION CORPORATION, RESPONDENTS

[File No. 70-263]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION

[File No. 70-371]

IN THE MATTER OF COLUMBIA OIL & GASOLINE CORPORATION

[File No. 70-387]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER POSTPONING DATE FOR HEARING AND EXTENDING TIME FOR INTERESTED PERSONS TO BE HEARD OR INTERVENE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September A. D. 1941.

The Commission having on August 26, 1941 issued its Notice of and Order (Holding Company Act Release No. 2963) consolidating the proceedings of the above-captioned matters for hearing on September 16, 1941 at 10 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. and such Notice and Order having directed that any persons desiring to be heard or proposing to intervene in connection with these proceedings file with the Secretary of the Commission on or before September 8, 1941 a written statement relative thereto as provided by Rule XVII of the Commission's Rules of Practice; and

The Commission having granted a request by Columbia Gas & Electric Corporation and Columbia Oil & Gasoline Corporation for a postponement of such consolidated hearing to the 30th day of September, 1941 (Holding Company Act Release No. 2994); and

Columbia Gas & Electric Corporation having filed a request for a further postponement of such consolidated hearing to the 14th day of October, 1941 for the reason that said Respondent requires additional time to prepare for the hearing herein; and

The Commission having considered the request for further postponement of the hearing and being of the opinion that there is good and sufficient reason therefor and that the same is reasonable and should be granted.

It is therefore ordered, That the consolidated hearing in the above matters initially set for September 16, 1941 and postponed to September 30, 1941 be and the same is hereby further postponed to October 14, 1941 at 10 o'clock in the forenoon of that day at the same place and before the same officer of the Commission as specified in the Notice and Order dated August 25, 1941; on such date the hearing room clerk in Room 1102 will advise as to where the hearing will be held; and

It is further ordered, That the time within which persons desiring to be heard or proposing to intervene shall file a written statement relative thereto as provided by Rule XVII of the Commission's Rules of Practice be and the same hereby is further extended to the 7th day of October, 1941.

Notice of such postponement and extension of time within which application to be heard or to intervene may be filed is hereby given to Respondents and to any other person whose participation in such consolidated proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7206; Filed, September 26, 1941; 11:33 a. m.]

[File No. 54-24]

IN THE MATTER OF STANDARD GAS AND ELECTRIC COMPANY AND SAN DIEGO GAS & ELECTRIC COMPANY

ORDER EXTENDING TIME FOR FILING NOTIFICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1941.

The Commission having made findings and entered an order herein on June 20, 1941, as amended on June 24, 1941, approving a plan filed by Standard Gas and Electric Company for disposition of 590,527 shares of common stock of San Diego Gas & Electric Company owned by it, on condition that Standard Gas and Electric Company notify the Commission in writing within 30 days of the date of said order as to the availability of the proceeds of the sale of said shares of common stock of San Diego Gas & Electric Company for the immediate reduction of the indebtedness of the said Standard Gas and Electric Company, and steps taken and proposed to be taken by the said Standard Gas and Electric Company in connection therewith;

And it appearing that because certain legal questions had arisen as to the meaning and intent of the provisions of the Supplemental Trust Agreement dated April 1, 1938 securing said indebtedness, with respect to the time at which the said Standard Gas and Electric Company might cause sums deposited with the Trustees for the various notes and debentures of said company, to be used for the retirement of said notes and debentures, the said Standard Gas and Electric Company on July 17, 1941 requested an extension of time to September 20, 1941; and it having filed its further petition on September 19, 1941 alleging that a final determination of such legal questions will be reached within the ensuing thirty (30) days and requesting a further extension to October 20, 1941 of the date fixed by said order of June 20, 1941;

It is ordered, That the date fixed by the order of this Commission entered on June 20, 1941 for the filing by Standard Gas and Electric Company with the Commission of notification as contemplated by said order, findings and opinion, and particularly as provided in condition numbered (2) of said order, be and the same is hereby extended to October 20, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7207; Filed, September 26, 1941; 11:33 a. m.]

[File No. 31-31]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF NEW JERSEY

ORDER DENYING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1941.

Public Service Corporation of New Jersey having filed an application under section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring it not to be a subsidiary company of The United Gas Improvement Company and The United Corporation, registered holding companies; notice and opportunity for hearing on said application having been duly given; a hearing having been held on said application; requested findings of fact and conclusions of law and supporting briefs having been filed; oral argument having been heard by the Commission; the record having been duly considered; and the Commission being duly advised in the premises and having this day issued its Findings and Opinion herein;

It is ordered, on the basis of the said Findings and Opinion, that the said application of Public Service Corporation of New Jersey be, and the same hereby is, denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7208; Filed, September 26, 1941; 11:33 a. m.]

[File Nos. 34-9, 34-41, 70-28]

IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION, UTILITY OPERATORS COMPANY, AND FEDERAL WATER AND GAS CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

Federal Water Service Corporation, Utility Operators Company and Federal Water and Gas Corporation having filed applications and declarations, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder with respect to a plan for the readjustment and simplification of the capital structure of Federal Water Service Corporation by means of and in connection with a merger between said corporations; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion and its supplemental findings and opinion herein;

It is hereby ordered, That said applications, as amended, be and the same hereby are granted forthwith, and that said declarations, as amended, be and the same hereby are permitted to become effective forthwith, subject, however, to the following conditions:

(1) That the proposed merger agreement be adopted and the reorganization and merger effected prior to November 1, 1941.

(2) That within ten days after the consummation of the reorganization and merger the applicants and declarants shall certify to the Commission that the transactions have been carried out in accordance with the terms and conditions of and for the purposes represented by the applications and declarations now on file with the Commission.

(3) That profits from sales, within three years, of investments held by the reorganized corporation under completion of the reorganization be credited to capital surplus and that losses from such sales be charged to income or earned surplus unless upon application the Commission shall approve some other disposition of such profits and losses.

(4) That no charge shall be made to capital surplus unless (a) such charge has previously been authorized by appropriate resolution of declarant's board of directors, and (b) subsequent to such resolution of the board of directors, thirty days prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify declarant to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission.

(5) That the Commission reserves jurisdiction to entertain, at the request of the applicants and declarants or any of them, such further proceedings and such further action as may be appropriate regarding any step which may be taken to consummate the proposed reorganization and merger.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7209; Filed, September 26, 1941; 11:34 a. m.]

[File No. 70-395]

IN THE MATTER OF CAMBRIDGE ELECTRIC LIGHT COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1941.

Cambridge Electric Light Company, a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding an exemption from section 6 (a) of the said Act of the issue and sale of notes to the First National Bank of Boston in an aggregate sum not exceeding $500,000 in such amounts and at such times as funds are required for the payment of bills incurred in connection with construction for the period from January 1, 1941 to June 30, 1942, such notes to bear interest at a rate not exceeding 2½% per annum and to be dated as issued but in any event prior to June 30, 1942, and not maturing before June 30, 1944, nor after June 30, 1946; and

Said application having been filed on September 4, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application under section 6 (b) of the Act that the requirements of section 6 (b) have been satisfied;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7210; Filed, September 26, 1941; 11:34 a. m.]

[File No. 70-357]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, NEW HAMPSHIRE GAS AND ELECTRIC COMPANY

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of September, A. D. 1941.

New England Gas and Electric Association, a registered holding company, and New Hampshire Gas and Electric Company, its wholly-owned subsidiary, having filed applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof and Rule U-50, regarding the following transaction:

Pursuant to authorization by the Public Service Commission of the State of New Hampshire, wherein New Hampshire Gas and Electric Company is organized and doing business, said company proposes to issue and sell the following securities:

$1,500,000 of additional common stock represented by 22,500 shares without par or nominal value, which stock New England Gas and Electric Association proposes to acquire in payment or refunding of $1,500,000 principal amount of 6% income notes due 1978 presently outstanding and held by said parent company; and

$1,000,000 principal amount of first mortgage 3½% bonds, Series B, due 1971—which bonds will be purchased, one-half by John Hancock Mutual Life Insurance Company and one-half by The Northwestern Mutual Life Insurance Company, at a price of 103.79% of the principal amount thereof plus accrued interest to date of delivery; and in connection with the purchase of the Series B bonds said two insurance companies, which are also the owners in equal amounts of all presently outstanding (to wit, $970,000 principal amount) Series A bonds due 1963 of said issuer, have agreed to modify the interest rate thereon from 4½% to 3½% per annum.

Fees and expenses in connection with the issue and sale of the common stock are estimated at $2,300; and fees and expenses in connection with the issue and sale of the Series B bonds and reduction in interest rate of the Series A bonds are estimated at $22,605, which includes a finder's fee of $10,000 to The First Boston Corporation, Boston, Massachusetts. The applicant has agreed that the Commission retain jurisdiction over the payment of the fee to The First Boston Corporation.

Net proceeds of the Series B bonds, to wit, $1,015,295, will be utilized by New Hampshire Gas and Electric Company to install additional generating capacity and other plant facilities.

Exemption from competitive bidding with respect to the issue and sale of said securities is requested by virtue of the exemption provisions contained in paragraph (a) (5) of Rule U-50; and

Said applications having been filed on July 22, 1941 and certain amendments having been filed thereto, the last of said amendments having been filed on September 24, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the

Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding that the requirements of section 6 (b) are satisfied and that New Hampshire Gas and Electric Company is entitled to an exemption as requested with respect to the issue and sale of said securities, and also that such issue and sale should be exempted from competitive bidding by virtue of paragraph (a) (5) of Rule U-50; and

The Commission further finding, with respect to the application of New England Gas and Electric Association filed under section 10 of said Act, that no adverse finding is necessary under sections 10 (b) and 10 (c) (1) and that the transaction involved has the tendency required by section 10 (c) (2) thereof;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications, pursuant to sections 6 (b) and 10, and Rule U-50 be and hereby are granted forthwith.

It is further ordered, That jurisdiction be and hereby is retained over the fee of $10,000 to be paid to The First Boston Corporation and that such fee shall not be paid until further order of the Commission.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7211; Filed, September 26, 1941; 11:34 a. m.]

OCT 1 1941

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 6 NUMBER 190

Washington, Tuesday, September 30, 1941

The President

MODIFICATION OF POSTAGE RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the interest of the public and the promotion of the cultural growth, education, and development of the American people make desirable the further continuation of the postage rates on books as prescribed by Proclamation No. 2309 [1] of October 31, 1938, for the period commencing November 1, 1938, and ending June 30, 1939, and renewed by Proclamation No. 2340 [2] of June 30, 1939, for the period commencing July 1, 1939, and ending June 30, 1941, and further renewed by Proclamation No. 2494 [3] of June 25, 1941, for the period commencing July 1, 1941, and ending September 30, 1941:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 16, 1933, 48 Stat. 254, as amended by section 515 of title III of the act of May 10, 1934, 48 Stat. 760, Public Resolution 36, approved June 28, 1935, 49 Stat. 431, Public Resolution 48, approved June 29, 1937, 50 Stat. 358, section 1 of title I of the Revenue Act of 1939, approved June 29, 1939 (Public No. 155, 76th Congress, 1st Session), and the act of May 28, 1941, Public Law 84, do proclaim that the postage rate on books consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General shall prescribe, shall, for the period commencing October 1, 1941, and ending June 30, 1942, continue to be one and one-half cents a pound or fraction thereof, irrespective of the zone of destination.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of September, in the year of our Lord, nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2513]

[F. R. Doc. 41-7256; Filed, September 29, 1941; 11:56 a. m.]

[1] 3 F.R. 2588.
[2] 4 F.R. 2748.
[3] 6 F.R. 3123.

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF THE TREASURY TO PERMIT THE ENTRY OF BONA-FIDE SAMPLES OF COFFEE WITHOUT REGARD TO QUOTA RESTRICTIONS

By virtue of the authority vested in me by section 2 of the joint resolution of Congress approved April 11, 1941 (Public Law 33, 77th Cong.), I hereby authorize the Secretary of the Treasury, under such conditions as he may prescribe, to permit the entry into the United States of *bona-fide* samples of coffee for testing purposes without regard to the quota restrictions provided for in the Inter-American Coffee Agreement.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 26, 1941.

[No. 8909]

[F. R. Doc. 41-7224; Filed, September 27, 1941; 10:17 a. m.]

Rules, Regulations, Orders

TITLE 12—BANKS AND BANKING

CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 204—RESERVES OF MEMBER BANKS

§ 204.5 *Supplement:* [1] *Reserves required to be maintained by member*

[1] Effective as to each member bank at the opening of business on November 1, 1941. The penalties prescribed by § 204.3 (b) of this

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FEDERAL REGISTER

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banks with Federal Reserve banks.[1] Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a) of this part, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve bank of its district:

6 per cent of its time deposits plus—

14 per cent of its net demand deposits if not in a reserve or central reserve city;

20 per cent of its net demand deposits if in a reserve city, except that if located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits such bank may, upon the affirmative vote of five members of the Board of Governors of the Federal Reserve System, be permitted to maintain 14 per cent reserves against its net demand deposits;

26 per cent of its net demand deposits if located in a central reserve city, except that if located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, such bank may, upon the affirmative vote of five members of the Board of Governors of the Federal Reserve System, be permitted to maintain 14 per cent reserves against its net demand deposits.

Section 204.5 of this part which was previously issued is hereby revoked and superseded. (Sec. 11 (c), (e), (l), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 40 Stat. 970, sec. 207, 49 Stat. 706, sec. 324, 49 Stat. 714; 12 U. S. C. 248 (c), (e), (l), 462, 466, 12 U. S. C., Sup., 462b, 461, 462a–1, 465)

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER, *Assistant Secretary.*

[F. R. Doc. 41–7222; Filed, September 27, 1941; 10:02 a. m.]

part on deficiencies occurring prior to December 1, 1941, shall be assessed on the basis of the reserve requirements in effect immediately prior to the adoption of this amendment to § 204.5.

[2] Section 204.5 corresponds to the supplement to Regulation D, Board of Governors of the Federal Reserve System.

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 525—NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES ON OR NEAR CIVIL AIRWAYS

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest, I hereby adopt the following regulations:

§ 525.1 *Notice required.* Any person who engages in the construction or alteration of any structure along or within 20 miles of a civil airway, in other than congested parts of cities, towns, or settlements, shall give notice thereof to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration (a) greater than 150 feet above ground level, or (b) greater than 100 feet above mean water level where the structure is, or will be, situated in or over navigable water. Like notice shall also be given to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration, greater than 5 feet above ground level, or above the mean water level where the structure is or will be situated in or over navigable water, for each 500 feet, or fraction thereof, of the distance that the structure is, or will be, situated from the nearest boundary of a landing area.*

*§§ 525.1 to 525.4, inclusive, issued under the authority contained in secs. 308, 1101, Civil Aeronautics Act of 1938, as amended.

§ 525.2 *Form of notice.* The notice of construction or alteration shall be submitted in duplicate on the form prescribed and furnished by the Administrator at least 30 days, but not more than 45 days, prior to the date on which such construction or alteration is to begin: *Provided,* That in case of an emergency requiring immediate construction or alteration such notice shall be given to the nearest representative of the Administrator in person, or by telephone or telegraph, and the executed form shall be submitted within 5 days thereafter.*

§ 525.3 *Definitions.* As used in the regulations in this part:

(a) "Congested parts of cities, towns or settlements" means (1) sections of those cities, towns or settlements which have a population of less than 100,000, where a structure after construction or alteration will be shielded by existing structures of a permanent and substantial character, each of which is equal to or greater than the height of the completed structure, and (2) sections of those cities which have a population of more than 100,000, where it is evident beyond all reasonable doubt that a structure will not interfere with safety in air commerce whether or not the structure is, or will become by reason of the construction or alteration, greater in height than that of surrounding structures of a permanent and substantial character.

(b) "Landing area" means any landing area, as defined in section 1 (22) of the Civil Aeronautics Act of 1938, as amended, and which is contained in the current list of landing areas issued by the Administrator on November 1 of each calendar year for the enforcement of the regulations in this part. *

(c) "Boundary of a landing area" means (1) the limits of that part of a landing area maintained for the use of land aircraft in taking off or landing, or (2) the limits of that part of the landing area suitable for water aircraft in taking off or landing, which limits are defined as being 2500 feet in all directions measured over open water from the principal ramp of the landing area or, if marked in accordance with standard practice, the limits so marked.

(d) "Structure", unless otherwise stated, means any form of construction of a permanent or temporary character, including any apparatus used in the construction, alteration, or repair of any such structure.

(e) "Alteration" means any change in a completed structure which (1) increases the height of the top or any part of the structure to, or above, the height specified in § 525.1, or (2) increases or decreases the height of the top or any part of the structure which is above the height specified in § 525.1.*

§ 525.4 *Effective date.* The regulations in this part shall become effective on November 1, 1941, and shall apply to the construction or alteration of any structure in progress on that date, except that in such cases the prescribed notice shall not be required until November 15, 1941. The regulations in this part shall apply immediately to any new landing areas contained in the list of landing areas published and issued by the Administrator on November 1 of each calendar year, except that, in the case of construction or alteration of any structure which is already in progress on that date, the prescribed notice shall not be required until 15 days after that date.*

DONALD H. CONNOLLY, *Administrator of Civil Aeronautics.*

[F. R. Doc. 41–7221; Filed, September 27, 1941; 9:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3620]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DOMESART CORPORATION, ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy or any other merchandise, (1) selling, etc., candy or any other merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with push or pull cards, punchboards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punchboards, or other lottery devices are to be, or may be, used in selling and distributing said candy or other merchandise to the public; (3) selling, etc., such merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Domesart Corporation, et al., Docket 3620, September 17, 1941]

In the Matter of Domesart Corporation, a Corporation, and Joseph Zweigenthal and William M. Safrin, Individually and as Officers of Domesart Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, the testimony and other evidence introduced before duly appointed trial examiners of the Commission designated by it to serve in this proceeding in support of the allegations of the complaint, the trial examiner's report thereon, and brief filed on behalf of the Commission; and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Domesart Corporation, a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, and respondents Joseph Zweigenthal and William M. Safrin, individually and as officers of said respondent Corporation, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed or assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to, or placing in the hands of others, push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling and distributing said candy or other merchandise to the public;

(3) Selling or otherwise disposing of such merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered that the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41–7218; Filed, September 27, 1941; 9:44 a. m.]

[Docket No. 3841]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MARTHA BEASLEY ASSOCIATES

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondents' "Martha Beasley's Compound Formula No. 2" and "Martha Beasley's Compound Formula No. 3," or any other substantially similar medicinal preparations, any advertisements by means of the United States mails, or in commerce, or by any

[1] 3 F.R. 2712.

means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or by implication, that said preparations constitute competent or effective treatments for delayed menstruation, that they are recommended by physicians generally, and that they are safe for use; or which advertisements fail to reveal that the use of said preparations may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Martha Beasley Associates, Docket 3841, September 18, 1941]

In the Matter of J. V. Cordes and Mrs. J. H. Cordes, Trading and Doing Business as Martha Beasley Associates

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence taken before William C. Reeves, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, J. V. Cordes and Mrs. J. H. Cordes, individually and trading as Martha Beasley Associates, or trading under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparations designated as "Martha Beasley's Compound Formula No. 2" and "Martha Beasley's Compound Formula No. 3", or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparations constitute competent or effective treatments for delayed menstruation; that said preparations are recommended by physicians generally; that said preparations are safe for use; or which advertisement fails to reveal that the use of said preparations may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to reveal that the use of said preparations may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in the case of pregnancy may cause uterine infection and blood poisoning.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing, stating whether they intend to comply with this order and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7219; Filed, September 27, 1941; 9:44 a. m.]

[Docket No. 4047]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PERFECT VOICE INSTITUTE, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with offer, etc., in commerce, of respondents' course of instruction in the development of the human voice, (1) representing that the development and control of the muscles of the tongue has any beneficial effect upon the voice other than to make it louder or stronger; (2) representing that the use of respondents' course of instruction has any beneficial effect upon the voice other than to make it louder or stronger; and (3) representing that by the use of their said course physical defects of the vocal organs may be corrected, or stammering overcome; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Perfect Voice Institute, et al., Docket 4047, September 18, 1941]

In the Matter of Perfect Voice Institute, a Corporation; Eugene Feuchtinger, Individually and as President of Perfect Voice Institute; Walter A. Jordan, Individually and as Chairman of the Board of Directors of Perfect Voice Institute; and Mary E. Murphy, Individually and as Secretary and Treasurer of Perfect Voice Institute

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Perfect Voice Institute, a corporation, and its officers, and Eugene Feuchtinger, Walter A. Jordan and Mary E. Murphy, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their course of instruction in the development of the human voice, do forthwith cease and desist from:

(1) Representing that the development and control of the muscles of the tongue has any beneficial effect upon the voice other than to make it louder or stronger;

(2) Representing that the use of respondents' course of instruction has any beneficial effect upon the voice other than to make it louder or stronger;

(3) Representing that by the use of respondents' course of instruction physical defects of the vocal organs may be corrected, or stammering overcome.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7220; Filed, September 27, 1941; 9:44 a. m.]

[1] 4 F.R. 3519.

[1] 5 F.R. 1658.

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-7-E]

PART 18—MILK AND CREAM: DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY AND FILL OF CONTAINER

IN THE MATTER OF THE DEFINITION AND STANDARD OF IDENTITY FOR DRIED SKIM MILK

Amendment of Order [1]

Whereas it was the judgment of the Federal Security Administrator, upon consideration of the evidence of record in the above-entitled proceeding, that promulgation of a regulation fixing and establishing a definition and standard of identity for the food commonly known as dried skim milk, powdered skim milk, skim milk powder, would promote honesty and fair dealing in the interest of consumers, for the reasons, among others, that such a regulation would ensure the marketing of that product under a name by which it is commonly known to the purchasers thereof; that it would ensure its manufacture from sweet skim milk of cows; and that it would prevent the inclusion of excess moisture in such food; and

Whereas, on the basis of such judgment, the Federal Security Administrator, by his order dated July 6, 1940, published in the FEDERAL REGISTER of July 12, 1940,[2] promulgated a regulation fixing and establishing a definition and standard of identity for such food pursuant to the provisions of section 401 of the Federal Food, Drug, and Cosmetic Act, but failed to state specifically that, in his judgment, such action would promote honesty and fair dealing in the interest of consumers; and

Whereas the Twin City Milk Producers Association, a corporation, filed its petition with the Circuit Court of Appeals of the United States for the Eighth Circuit for a judicial review of said order, contending, among other things, that said order was invalid because it did not show that said regulation was promulgated on the basis of, and for the purpose authorized by, the Federal Food, Drug, and Cosmetic Act; and

Whereas said court, by its order dated September 9, 1941, has remanded said administrative order to the Federal Security Administrator "for such finding as he is able and desires to make, as to the basis of his action in promulgating" said regulation;

Now, therefore, in compliance with the direction of said court, and on the basis of the evidence of record at said hearing, the paragraph immediately following "Finding 6" in said administrative order is hereby amended so as to read as follows:

On the basis of all the evidence of record and the foregoing findings of fact it is found and concluded that the regulation fixing and establishing a definition and standard of identity for dried skim milk hereinafter prescribed will promote honesty and fair dealing in the interest of consumers. Such regulation is, therefore, hereby promulgated pursuant to and by virtue of the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046; 21 U.S.C., Supp. V, 341; sec. 701, 52 Stat. 1055; 21 U.S.C., Supp. V, 371), the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., Supp., V, 133 ff.), and Reorganization Plan No. IV (5 F.R. 2421).

PAUL V. MCNUTT,
Administrator.

SEPTEMBER 25, 1941.

[F. R. Doc. 41-7225; Filed, September 27, 1941; 10:57 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER 1—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS-PROFITS TAX

[T. D. 5071]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Withholding of Tax

In order to conform Regulations 103 [1] (Part 19, Title 26, Code of Federal Regulations, 1940 Sup.), relating to the income tax under the Internal Revenue Code, to sections 107, 108, 109 (a) and 118 of the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress), approved September 20, 1941, amending section 143 and section 144 of the Internal Revenue Code, such regulations are amended as follows:

There is inserted immediately preceding § 19.143–1 *Withholding tax at source,* the following:

SEC. 107. WITHHOLDING OF TAX AT SOURCE. (Revenue Act of 1941, Title I.)

(a) Sections 143 (a) and (b) • • • of the Internal Revenue Code are amended by striking out "15 per centum" wherever occurring therein and inserting in lieu thereof "27½ per centum".

(b) Section 143 (h) of the Internal Revenue Code is repealed.

(c) Subsections (a) and (b) of this section shall apply only with respect to the period beginning with the tenth day after the date of the enactment of this Act.

SEC. 108. TREATY OBLIGATIONS. (Revenue Act of 1941, Title I.)

No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.

SEC. 109. REDUCTION IN PURSUANCE OF TREATIES OF RATES OF TAX AND WITHHOLDING ON NON-RESIDENT ALIEN INDIVIDUALS RESIDENT IN, AND CORPORATIONS ORGANIZED UNDER LAWS OF, WESTERN HEMISPHERE COUNTRIES. (Revenue Act of 1941, Title I.)

(a) Section 143 (a) (1) (relating to withholding of tax on tax-free covenant bonds); section 143 (b) (relating to withholding of tax on dividends, rents, etc.); • • • of the Internal Revenue Code are amended by striking out "a contiguous country" and inserting in lieu thereof "any country in North, Central, or South America, or in the West Indies, or of Newfoundland".

• • • • • •

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

Section 19.143–1, as amended by Treasury Decision 5046,[2] approved May 8, 1941, is further amended as follows:

By striking out "10 percent (15 percent on and after June 26, 1940, except as otherwise provided herein)" wherever appearing therein and inserting in lieu thereof the following: "27½ percent (16½ percent on and after June 26, 1940, and prior to September 30, 1941, and 10 percent prior to June 26, 1940)".

By inserting in the first paragraph thereof immediately after "a contiguous country," the following: "or (as to taxable years beginning after December 31, 1940) any country in North, Central, or South America, or in the West Indies, or of Newfoundland,".

By striking out paragraph (c) thereof.

Section 19.143–3 *Exemption from withholding,* as amended by Treasury Decision 4979, approved July 1, 1940, is further amended by striking from the last paragraph thereof "$1,000, or $800 for taxable years beginning after December 31, 1939," and inserting in lieu thereof the following: "$750 ($800 for a taxable year beginning after December 31, 1939, but before January 1, 1941, and $1,000 for a taxable year beginning prior to January 1, 1940)".

There is inserted immediately preceding § 19.144–1 *Withholding in the case of nonresident foreign corporations,* the following:

SEC. 107. WITHHOLDING OF TAX AT SOURCE. (Revenue Act of 1941, Title I.)

(a) Sections • • • 144 of the Internal Revenue Code are amended by striking out "15 per centum" wherever occurring therein and inserting in lieu thereof "27½ per centum".

(b) Section 143 (h) of the Internal Revenue Code is repealed.

(c) Subsections (a) and (b) of this section shall apply only with respect to the period beginning with the tenth day after the date of the enactment of this Act.

SEC. 108. TREATY OBLIGATIONS. (Revenue Act of 1941, Title I.)

No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.

SEC. 109. REDUCTION IN PURSUANCE OF TREATIES OF RATES OF TAX AND WITHHOLDING ON NONRESIDENT ALIEN INDIVIDUALS RESIDENT IN, AND CORPORATIONS ORGANIZED UNDER LAWS OF, WESTERN HEMISPHERE COUNTRIES. (Revenue Act of 1941, Title I.)

(a) Section • • • 144 (relating to payment of corporation income tax at source); • • • of the Internal Revenue Code are amended by striking out "a contiguous country" and inserting in lieu thereof "any country in North, Central, or South America, or in the West Indies, or of Newfoundland".

• • • • • •

[1] This amends the findings which precede § 18.540 *Dried skim milk, powdered skim milk, skim milk powder; identity,* 5 F. R. 2543.

[2] 5 F. R. 2543.

[1] 5 F.R. 348, 437, 569.

[2] 6 F.R. 2377.

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, TITLE I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

Section 19.144–1, as amended by Treasury Decision 5046, is further amended as follows:

By striking from the first paragraph thereof "15 percent" and inserting in lieu thereof the following: "27½ percent (16½ percent on and after June 26, 1940, and prior to September 30, 1941, and 15 percent prior to June 26, 1940)".

By striking from the third paragraph thereof "10 percent (15 percent on and after June 26, 1940 except as otherwise provided herein)" wherever appearing therein and inserting in lieu thereof the following: "27½ percent (16½ percent on and after June 26, 1940, and prior to September 30, 1941, and 10 percent prior to June 26, 1940)".

By inserting in the third paragraph thereof after "a contiguous country," the following: "or (as to taxable years beginning after December 31, 1940) any country in North, Central, or South America, or in the West Indies, or of Newfoundland,".

By striking out the last paragraph thereof.

Section 19.144–2 *Aids to withholding agents in determining liability for withholding of tax*, as amended by Treasury Decision 5046, is further amended as follows:

By striking out immediately preceding the first table of withholding rates the following: "The following table of withholding rates under the Internal Revenue Code and the tax convention between the United States and Canada has been prepared for the purpose of making a summary of such rates readily available to withholding agents:" and inserting in lieu thereof the following: "The following tables of withholding rates under the Internal Revenue Code, as modified by tax conventions between the United States and other countries, have been prepared for the purpose of making a summary of such rates readily available to withholding agents:".

By striking out immediately preceding the second table of withholding rates the following: "The following table of withholding rates under the Internal Revenue Code as amended and the tax conventions between the United States and Canada and United States and Sweden has been prepared for the purpose of making a summary of such rates readily available to withholding agents:".

By striking out of the caption of the second table thereof "January 1, 1945", and inserting in lieu thereof "September 30, 1941".

By inserting at the end thereof the following table:

For the period on and after September 30, 1941

Classes of taxpayers	Corporate bond interest: With tax-free covenant and issued before Jan. 1, 1934 — If corporation assumes over 2 percent of the tax	Corporate bond interest: With tax-free covenant and issued before Jan. 1, 1934 — If corporation assumes not over 2 percent of the tax	Corporate bond interest: Without tax-free covenant or issued on or after Jan. 1, 1934, with tax-free covenant	Salary or other compensation for personal services	Other fixed or determinable annual or periodical income, including dividends, from sources within the United States
	Percent	*Percent*	*Percent*	*Percent*	*Percent*
1. Citizen or resident individual, fiduciary, or partnership	2	2			
2. Nonresident individual, fiduciary, or partnership	2	27½	27½	[1] 27½	[2] 27½
3. Domestic corporation or resident foreign corporation					
4. Nonresident foreign corporation	2	27½	27½	27½	[2] 27½
5. Unknown owner	2	27½	27½		(3)

[1] Salary or compensation for personal services rendered in the United States is not subject to withholding in the case of nonresident aliens, residents of Canada or Mexico, who enter and leave the United States at frequent intervals.
[2] In the case of a resident of Sweden or a corporation or other entity organized under the laws of Sweden the rate with respect to dividends is 10 percent for at least 2 years beginning Jan. 1, 1940.
[3] Interest on any noncorporate security the owner of which is unknown to the withholding agent is subject to withholding at the rate of 27½ percent.

Section 19.262–4 *Withholding by a China Trade corporation*, as amended by Treasury Decision 5046, is further amended as follows:

(a) By striking from the first paragraph thereof "10 percent (15 percent on and after June 26, 1940, except as otherwise provided herein)" wherever appearing therein and inserting in lieu thereof the following: "27½ percent (16½ percent on and after June 26, 1940, and prior to September 30, 1941, and 10 percent prior to June 26, 1940)".

(b) By inserting after "a contiguous country" wherever appearing therein the following: "or (as to taxable years beginning after December 31, 1940) any country in North, Central, or South America, or in the West Indies, or of Newfoundland,".

(c) By striking out the last paragraph thereof.

(This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62) and sections 107, 108, 109 (a) and 118 of the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: September 27, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7229; Filed, September 27, 1941; 12.37 p. m.]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 319—REGULATIONS DEALING WITH TAXES RELATING TO MACHINE GUNS AND CERTAIN OTHER FIREARMS

Subpart A—Introductory

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319.0 Scope of regulations.

Subpart B—Definitions

319.1 Meaning of terms.

Subpart C—Special Taxes

319.2 Scope of subpart.
319.3 Effective date of special taxes.
319.4 Geographical scope of tax.
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319.6 Registry, return, and payment of tax.
319.7 Tax payment evidenced by special tax stamp.
319.8 Special tax stamp to be posted.
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319.40 Failure to make returns; substitute returns.
319.41 Orders for stamps.
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319.43 Reuse of stamps prohibited.
319.44 Assessment of taxes not paid by stamp.
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319.47 Stamps rendered useless, affixed in error, or for which the owner has no use.
319.48 Claims.
319.49 Refunds.
319.50 Promulgation of regulations.

Subpart A—Introductory

§ 319.0 *Scope of regulations.* The regulations in this part deal with:

(a) The special taxes imposed by Chapter 27, Subchapter A, Part VIII, of the Internal Revenue Code, on manufacturers and importers of, and dealers (including pawnbrokers) in, certain firearms, including machine guns and silencers or mufflers; and

(b) The stamp tax imposed by Chapter 25, Subchapter B, of the Internal Revenue Code, on transfers of such firearms.

The provisions of the Internal Revenue Code referred to follow the National Firearms Act approved June 26, 1934, as amended. In addition to these provisions of the Code, other provisions of the internal revenue laws are applicable to these taxes in accordance with the following section of the Code:

SEC. 2731. OTHER LAWS APPLICABLE.

All provisions of law (including those relating to special taxes, to the assessment, collection, remission, and refund of internal revenue taxes, to the engraving, issuance, sale, accountability, cancelation, and distribution of tax-paid stamps provided for in the internal-revenue laws, and to penalties) applicable with respect to the taxes imposed by sections 2550 of subchapter A of chapter 23 and 3220 of subchapter A of chapter 27, and all other provisions of the internal-revenue laws shall, insofar as not inconsistent with the provisions of this subchapter and Part VIII of subchapter A of chapter 27, be applicable with respect to the taxes imposed by section 2720 (a) of subchapter B of this chapter and section 3260 of subchapter A of chapter 27.

The statutory references are to the Internal Revenue Code (53 Stat., Part 1) unless otherwise stated.*

*§§ 319.0 to 319.50, inclusive, issued under the authority contained in section 2732 of the Internal Revenue Code, and follow the statutory provisions to which they, respectively, refer.

Subpart B—Definitions

SEC. 2733. DEFINITIONS.

That for the purposes of this subchapter and Part VIII of subchapter A of chapter 27—

(a) FIREARM.—The term "firearm" means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length.

(b) MACHINE GUN.—The term "machine gun" means any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manual reloading, by a single function of the trigger.

(c) CONTINENTAL UNITED STATES.—The term "continental United States" means the States of the United States and the District of Columbia.

(d) IMPORTER.—The term "importer" means any person who imports or brings firearms into the continental United States for sale.

(e) MANUFACTURER.—The term "manufacturer" means any person who is engaged within the continental United States in the manufacture of firearms, or who otherwise produces therein any firearm for sale or disposition.

(f) DEALER.—The term "dealer" means any person not a manufacturer or importer engaged within the continental United States in the business of selling firearms. The term "dealer" shall include wholesalers, pawnbrokers, and dealers in used firearms.

(g) INTERSTATE COMMERCE.—The term "interstate commerce" means transportation from any State or Territory or District, or any insular possession of the United States (including the Philippine Islands), to any other State or to the District of Columbia.

(h) TO TRANSFER OR TRANSFERRED.—The term "to transfer" or "transferred" shall include to sell, assign, pledge, lease, loan, give away, or otherwise dispose of.

(i) PERSON.—The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

* * * * * *

(2) PARTNERSHIP AND PARTNER.—The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) CORPORATION.—The term "corporation" includes associations, joint-stock companies, and insurance companies.

* * * * * *

(11) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(12) COMMISSIONER.—The term "Commissioner" means the Commissioner of Internal Revenue.

(13) COLLECTOR.—The term "collector" means collector of internal revenue.

(14) TAXPAYER.—The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * * *

(b) INCLUDES AND INCLUDING.—The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

* * * * * *

§ 319.1 *Meaning of terms.* As used in the regulations in this part:

(a) The terms defined in the above provisions of the Code shall have the meanings so assigned to them.

(b) The term "muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive, and is not limited to mufflers or silencers for "firearms" as defined.

(c) The term "insular possessions" includes the Panama Canal Zone, the Philippine Islands, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, the Midway Islands, and Palmyra, but does not include the Territory of Hawaii.

(d) The term "importation" means the bringing of a "firearm" within the limits of the "continental United States" or of any Territory or "insular possession" of the United States, from a place outside thereof (whether such place be a foreign country or territory subject to the jurisdiction of the United States), with intent to unlade.*

Subpart C—Special Taxes

§ 319.2 *Scope of subpart.* Taxes are imposed at several rates on various occupations involving the production and marketing of firearms. These taxes are characterized as "special." This subpart deals with the computation, time and manner of payment, etc., of these taxes.*

SEC. 3271. PAYMENT OF TAX.

(a) CONDITION PRECEDENT TO DOING BUSINESS.—No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

* * * * * *

SEC. 3260. TAX.

(a) RATE.—Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special tax at the following rates:

(1) IMPORTERS OR MANUFACTURERS.—Importers or manufacturers, $500 a year;

(2) DEALERS OTHER THAN PAWNBROKERS.—Dealers, other than pawnbrokers, $200 a year;

(3) PAWNBROKERS.—Pawnbrokers, $300 a year:

Provided, That manufacturers and dealers in guns with two attached barrels from which only a single discharge can be made from either barrel without manual reloading shall pay the following taxes: Manufacturers, $25 per year; dealers, $1 per year.

(b) COMPUTATION OF TAX.—Where the tax is payable on the 1st day of July in any year it shall be computed for one year; where the tax is payable on any other day it shall be computed proportionately from the 1st day of the month in which the liability to the tax accrued to the 1st day of July following.

SEC. 3261. REGISTRATION.

(a) IMPORTERS, MANUFACTURERES, AND DEALERS.—Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall register with the collector of internal revenue for each district in which such business is to be carried on his name or style, principal place of business, and places of business in such district.

* * * * * *

SEC. 3. EFFECTIVE DATE. (Enacting provisions, Internal Revenue Code.)

Except as otherwise provided herein, this act shall take effect on the day following the date of its enactment.

§ 319.3. *Effective date of special taxes.* The special taxes on importers and manufacturers, dealers other than pawnbrokers, and pawnbrokers, became effective under the National Firearms Act on July 26, 1934. The provisions of the National Firearms Act were superseded, effective February 11, 1939, by provisions of the Internal Revenue Code.*

§ 319.4 *Geographical scope of tax.* The special taxes imposed by the provisions of law quoted are applicable only to persons engaged in business within the

States of the United States and the District of Columbia. Liability to the special taxes is therefore not incurred by persons doing business in the Territories of Alaska and Hawaii, or the insular possessions.*

§ 319.5 *Rates of tax.* The special taxes are as follows:

	Per year
Class 1. Importers or manufacturers of "firearms" as defined (see section 319.1 (a)), except manufacturers in class 2	$500
Class 2. Persons who manufacture only guns within the definition of "firearms" (see section 326 (a), as amended), from which only a single discharge can be made from either barrel without manual reloading	25
Class 3. Pawnbrokers, except those in class 5	300
Class 4. Dealers, other than pawnbrokers, except those in class 5	200
Class 5. Dealers, (including pawnbrokers) dealing only in guns within the definition of "firearms" (see section 326 (a), as amended), from which only a single discharge can be made from either barrel without manual reloading	1

The tax year begins July 1 and ends June 30. Persons commencing business between August 1 and June 30 (both dates inclusive) of any tax year must pay a proportionate part of the annual tax. Persons in business for only a portion of a month are liable to tax for the entire month. For example, a person commencing business October 21 must pay tax for nine months, or three-fourths of the yearly rate.*

§ 319.6 *Registry, return, and payment of tax.* Every person first engaging in any business mentioned herein must, prior to commencing business, separately for each place of business, register and file return on Form 11–A (Firearms) with, and pay the tax to, the collector for the district in which such place is located. Thereafter, such person must register, file return, and pay the tax on or before the 1st day of July of each year. The collector will furnish the proper form, which must be filled out, subscribed, and attested as indicated therein. Each return must show an individual's full name. A person doing business under a style or trade name must give his own name, followed by his style or trade name. In the case of a copartnership, association, firm, or company, other than a corporation, its style or trade name must be given, also the name of each member and his place of residence. In the case of a corporation, the name and title of each officer and his place of residence must be shown. The exact type of business, whether manufacturer, importer, pawnbroker, or dealer other than pawnbroker, and the period for which special tax is due, must be stated.*

[Sec. 3271. Payment of Tax.]

(c) How Paid.—

(1) Stamp.—All special taxes imposed by law, * * * shall be paid by stamps denoting the tax.

Sec. 3273. Stamps.

(a) Supply.—The Commissioner is required to procure appropriate stamps for the payment of all special taxes imposed by law, * * *

Sec. 3659. Receipts for Taxes.

(a) In General.—Every collector and deputy collector shall give receipts for all sums collected by him, excepting only when the same are in payment for stamps sold and delivered; but no collector or deputy collector shall issue a receipt in lieu of a stamp representing a tax.

* * * * *

§ 319.7 *Tax payment evidenced by special tax stamp.* Upon receipt of a return on Form 11–A (Firearms), accompanied by remittance of the full amount due, the collector will issue a special tax stamp as evidence of payment of the special tax. Such payment must be made in the form of cash, certified check, or post office money order.

Collectors will distinctly write or print the taxpayer's registered name (see § 319.6), and the address of the particular place of business designated by street and number, on the stamp before it is delivered or mailed to the taxpayer. Special tax stamps will be transmitted by ordinary mail, unless it is desired that they be transmitted by registered mail, in which case 15 cents additional to pay registry fee should be remitted with the return.

Immediately upon issuance of a special tax stamp each collector should forward to the Bureau a statement showing the name and address of the taxpayer, the kind and serial number of the special tax stamp issued, the taxable period covered thereby, and the amount of tax paid.

Collectors and their deputies are forbidden to issue receipts in lieu of stamps representing the payment of special taxes.*

[Sec. 3273. Stamps.]

(b) Posting.—Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax.

Sec. 3274. Pen. ties Relating to Posting of Special Tax Stamp.

Any person who shall, through negligence, fail to place and keep stamps denoting the payment of the special tax as provided in section 3273(b) shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than $10. And where the failure to comply with the provisions of section 3273(b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

§ 319.8 *Special tax stamp to be posted.* Every special tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal and in addition to the tax, plus the costs of prosecution; but in no case shall the penalty (not including the costs of prosecution) be less than $10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred. (See § 319.10)*

§ 319.9 *Certificates in lieu of stamps lost or destroyed.* When a special tax stamp has been lost or destroyed, such fact should be reported to the collector at once for the purpose of obtaining from him a certificate of payment. Such certificate will be on Form 785, and must be posted in place of the stamp; otherwise liability as above indicated for failure to post the stamp will be incurred. (See § 319.8.)*

Sec. 3278. Liability in Case of Business in More Than One Location.

The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as provided in this chapter for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

§ 319.10 *Several places of business.* Generally a taxpayer must pay as many special taxes as he has places of business. However, a manufacturer upon a single payment of special tax may sell products of his own manufacture at both the place of manufacture and his principal office or place of business, provided no products, except samples, are kept at said office or place of business. Removal of a business to a new location creates a new liability unless the change of location is registered with the collector, as provided in § 319.16.*

Sec. 3279. Liability in Case of Different Businesses of Same Ownership and Location.

Whenever more than one of the pursuits or occupations described in this chapter are carried on in the same place by the same person at the same time, except as otherwise provided in this chapter the tax shall be paid for each according to the rates severally prescribed.

§ 319.11 *Dual occupations incur dual liability.* In any case where more than one taxable business is carried on by the same person at the same location at the same time, special tax in respect to each must be paid.*

Sec. 3277. Liability of Partners.

Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

§ 319.12 *Partnership liability.* Any number of persons doing business in copartnership at any one location shall be required to pay but one special tax. The firm name is the only name required on a special tax stamp issued to a partnership.*

Sec. 3820. Liability in Case of Death or Change of Location.

(a) Requirements.—When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner.

* * * * *

§ 319.13 *Change of ownership*—(a) *Changes through death.* Whenever any person who has paid special tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executors or administrators, or other legal representatives of the deceased taxpayer continue the business, such person must within 30 days after the date of the death of the taxpayer execute a new Form 11–A (Firearms). The return thus executed must show the name of the original taxpayer, together with all other data required. (As to liability in case of failure to register, see § 319.16.)

(b) *Changes from other causes.* A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In such cases the change must be registered with the collector in a manner similar to that required by paragraph (a).

(c) *Changes in firm.* When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the old firm. The change shall, however, be registered in the same manner as required in paragraph (a). Where new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must make return and pay its own special tax reckoned from the 1st day of the month in which it began business, even though the name of such firm be the same as that of the old. Where the members of a partnership which has paid special tax form a corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

(d) *Change in corporation.* A corporation may, upon application to the collector, change its name without creating a new special tax liability, if the stamp is forwarded to the collector for proper notation within 30 days. An increase in the capital stock of the corporation does not create a new special tax liability if the laws of the State under which it is incorporated permit such increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business incurs new special tax liability.*

§ 319.14 *Change of business location*—(a) *Procedure by taxpayer.* Whenever a special-tax payer removes his business to a location other than specified in his last special tax return (see § 319.6), he shall, within 30 days after the date of removal, register the change of location with the collector of the district within which the old place of business is located, by filing another return, Form 11–A (Firearms), and designated "removal registry," setting forth the time of removal. The taxpayer's special tax stamp must accompany the return for notation by the collector of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 319.16.

(b) *Procedure by collector: Removal within district.* When registration is made by a special-tax payer in the manner specified in paragraph (a), of the removal of his business to a new location in the same district, the collector will enter on his Record 10 (see § 319.19) the place to which such removal was made and the date of the removal. The same information shall also be entered plainly on the face of the special tax stamp, which will be returned to the taxpayer, by the collector, for posting.

(c) *Procedure by collector: Removal to another district.* In case of removal to another collection district, the collector will note the transfer on his Record 10, stating the location to which the business was removed, and shall then transmit the special tax stamp to the collector for the district to which said business was removed. The latter will make an entry on his Record 10 as in the case of original registration in his district, correct the location shown on the stamp, and note also thereon his name, title, date, and district, and then forward the stamp to the taxpayer.*

Sec. 3634. Extension of Time for Filing Returns.

If the failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

[Sec. 3612. Returns Executed by Commissioner or Collector.]

(d) Additions to Tax.—

(1) Failure to File Return.—In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) Fraud.—In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) Collection of Additions to Tax.—The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

Sec. 3263. Unlawful Acts in Case of Failure to Register and Pay Special Tax.

(a) Importation, Manufacture or Dealing in Firearms.—It shall be unlawful for any person required to register under the provisions of section 3261 to import, manufacture, or deal in firearms without having registered and paid the tax imposed by section 3260.

* * * * *

Sec. 2729. Penalties.

Any person who violates or fails to comply with any of the requirements of this subchapter and Part VIII of subchapter A of chapter 27 shall, upon conviction, be fined not more than $2,000 or be imprisoned for not more than five years, or both, in the discretion of the court.

§ 319.15 *Penalty for failure to pay special tax.* Persons carrying on a business within the scope of section 3260 without payment of special tax within the time prescribed (see § 319.6) are liable, in addition to the amount of the tax and other penalties, to fine and imprisonment as provided in section 2729.*

§ 319.16 *Liability for failure to register change or removal.* Any person succeeding to and carrying on a business for which special tax has been paid and any tax payer removing his business, with respect to which special tax has been paid, to a place other than that for which tax was paid, without registering such change or removal within 30 days thereafter, will be liable to the additional tax and penalty prescribed in section 3612 (d) for failure to make return (see § 319.17), as well as to fine and imprisonment for carrying on business without payment of special tax. (See § 319.15.)*

§ 319.17 *Penalties for delinquency and fraudulent return.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 per cent if the failure is for not more than 30 days,

with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate.

If a false or fraudulent return is filed, the taxpayer is liable to an additional amount equal to 50 per cent of the total tax. If a person liable to tax for an entire year falsely states in his return that he is liable for a portion only of the year, the return is false not only as to the portion of the year not covered but as to the portion falsely represented as the actual period of liability.*

SEC. 3276. APPLICATION OF STATE LAWS.

The payment of any tax imposed by the internal revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

§ 319.18 *State regulations.* Special tax stamps are merely receipts for the tax. Payment of tax under Federal law confers no privilege to act contrary to State law. One to whom a special tax stamp has been issued may still be punishable under a State law prohibiting or controlling the manufacture or transfer of firearms. On the other hand, compliance with State law confers no immunity under Federal law. Persons who engage in the manufacture, or transfer, of firearms, in violation of the law of a State, are nevertheless required to pay special tax as imposed under the internal revenue laws of the United States.*

SEC. 3275. LIST OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION.

(a) IN COLLECTOR'S OFFICE.—Each collector shall, under regulations of the Commissioner, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality, he shall furnish a certified copy thereof, as of a public record, for which a fee of $1 for each one hundred words or fraction thereof in the copy or copies so requested, may be charged.

* * * * *

§ 319.19 *Public record of special-tax payers.* The list required by section 3275 above shall be kept on Record 10 (see § 319.14), and may be inspected in the collector's office at reasonable and proper times.*

Subpart D—Transfer Tax

§ 319.20 *Scope of subpart.* A tax is imposed on transfers of firearms from one person to another with certain exceptions, and is payable by the affixing of stamps to order forms. This subpart deals with the rate of tax, the use of order forms, and exemption from tax.*

SEC. 3. EFFECTIVE DATE. (Enacting provisions, Internal Revenue Code.)

Except as otherwise provided herein, this act shall take effect on the day following the date of its enactment.

§ 319.21 *Effective date.* The tax on the transfer of firearms became effective under the National Firearms Act on July 26, 1934. The applicable provisions of the National Firearms Act were superseded, effective February 11, 1939, by provisions of the Internal Revenue Code.*

SEC. 2720. TAX.

(a) RATE.—There shall be levied, collected, and paid upon firearms transferred in the continental United States a tax at the rate of $200 for each firearm: *Provided*, That the transfer tax on any gun with two attached barrels, twelve inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, shall be at the rate of $1. The tax imposed by this section shall be in addition to any import duty imposed on such firearm.

(b) BY WHOM PAID.—Such tax shall be paid by the transferor.

(c) HOW PAID.—

(1) STAMPS.—Payment of the tax herein provided shall be represented by appropriate stamps to be provided by the Commissioner, with the approval of the Secretary.

* * * * *

SEC. 2722. STAMPS.

(a) AFFIXING.—The stamps provided for in section 2720 (c) (1) shall be affixed to the order for such firearm, hereinafter provided for.

* * * * *

§ 319.22 *Scope of tax.* Except as otherwise provided (see §§ 319.28 and 319.29), each transfer of a firearm within the continental United States is subject to tax to be represented by an adhesive stamp bearing the words "Firearms Act" to be affixed to the order for the firearm. (See §§ 319.25 and 319.42.)*

§ 319.23 *Rate of tax.* The transfer tax to be levied, collected, and paid with respect to all articles within the term "firearm" (see § 319.1 (a)) transferred in the continental United States is at the rate of $200 for each firearm, except that the rate of tax is $1 upon the transfer of any gun with two attached barrels, 12 inches or more but less than 18 (16 in the case of rifles of .22 caliber or less) inches in length, from which only a single discharge can be made from either barrel without manual reloading. In every case the tax shall be paid by the transferor.*

§ 319.24 *Transfer tax in addition to import duty.* The transfer tax imposed by section 2720 (a) is in addition to any import duty. (See § 319.33.)*

SEC. 2723. ORDER FORMS.

(a) GENERAL REQUIREMENTS.—It shall be unlawful for any person to transfer a firearm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in blank in duplicate for that purpose by the Commissioner. Such order shall identify the applicant by such means of identification as may be prescribed by regulations under this subchapter and Part VIII of subchapter A of chapter 27: *Provided*, That if the applicant is an individual, such identification shall include fingerprints and a photograph thereof.

(b) CONTENTS OF ORDER FORM.—Every person so transferring a firearm shall set forth in each copy of such order the manufacturer's number or other mark identifying such firearm, and shall forward a copy of such order to the Commissioner. The original thereof with stamps affixed, shall be returned to the applicant.

(c) PRIOR TRANSFERS.—No person shall transfer a firearm which has previously been transferred on or after July 26, 1934, unless such person, in addition to complying with subsection (b), transfers therewith the stamp-affixed order provided for in this section for each such prior transfer, in compliance with such regulations as may be prescribed under this subchapter for proof of payment of all taxes on such firearms.

* * * * *

(e) SUPPLY.—The Commissioner, with the approval of the Secretary, shall cause suitable forms to be prepared for the purposes of subsection (a), and shall cause the same to be distributed to collectors of internal revenue.

§ 319.25 *Written order required for transfer of firearm.* Except as otherwise provided, every person seeking to obtain a firearm must make an application in duplicate to the transferor on order Form 4 (Firearms). The application shall show (a) the name and address of the applicant, and, if the applicant is other than a natural person, the name and address of the principal officer or authorized representative thereof; and (b) the place where the firearm will usually be kept.

If the applicant is an individual, he shall attach to each copy of the application an individual photograph of himself taken within 90 days prior to the date of such application, affix his fingerprints, and furnish such other data as Form 4 (Firearms) requires. The fingerprints must be clear for accurate classification and should be taken before someone properly equipped to take them. The application must be supported by a certificate of the local chief of police, sheriff of the county, United States attorney, United States marshal, or such other person whose certificate may in a particular case be acceptable to the Commissioner, that he is satisfied that the fingerprints and photograph appearing on the application are those of the applicant and that the firearm is intended by the applicant for lawful purposes.

The transferor must furnish the information called for on the form relating to the serial number, model, trade name, and other marks identifying the firearm.

The application for transfer (order Form 4, (Firearms)) must be forwarded, in duplicate, by the transferor direct to the Commissioner of Internal Revenue, Washington, D. C. A "Firearms Act" stamp of the proper denomination ($200 or $1) must be affixed to the original order form and properly canceled (see § 319.26) prior to forwarding. The Commissioner, if satisfied that the forms have been correctly prepared, and that the original bears the required stamp, properly canceled, will return the original to the transferor for delivery to the applicant, and will retain the duplicate. No order forms will be approved if the fingerprints are smudged. Upon receipt of the approved order form, the transferor may deliver the firearm to the applicant, together with the original order form with the "Firearms Act" stamp attached thereto.

Where a firearm transferred on or after July 26, 1934, is to be subsequently transferred, a new order form covering such proposed transfer must, when filed with the Commissioner, be accompanied

by the previously approved order form for each prior transfer. Such order forms will be returned by the Commissioner to the present transferor for delivery to the applicant.

In the event that an order form is executed and stamp affixed without the transfer of the firearm being made, the transferor may file a claim on Form 843 (see § 319.48) for redemption of the stamp.*

SEC. 1816. CANCELLATION.

(a) GENERAL RULE.—Whenever an adhesive stamp is used for denoting any tax imposed by this chapter, except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: *Provided*, That the Commissioner may prescribe such other method for the cancellation of such stamps as he may deem expedient.

* * * * *

§ 319.26 *Cancellation.* The person affixing a "Firearms Act" stamp shall cancel it by writing or stamping thereon, in ink, his initials, and the day, month, and year, or shall, by cutting with a machine or punch, affix his initials and the date as aforesaid, in such manner as to render it unfit for reuse. The cancellation shall not so deface the stamp as to prevent its denomination and genuineness from being readily determined.*

§ 319.27 *Stolen or lost firearms or documents* — (a) *Firearms.* Whenever any firearm is stolen or lost, the person losing possession thereof shall, immediately upon discovery of such theft or loss, make a report under oath to the Commissioner of Internal Revenue, Washington, D. C., showing the following:

(1) Name and address of the person in whose name the firearm is registered, (2) kind of firearm, (3) serial number, (4) model, (5) caliber, (6) manufacturer of firearm, (7) date and place of theft or loss, and (8) complete facts and circumstances surrounding such theft or loss.

(b) *Documents.* When any order form, certificate of registry, exemption certificate, or other document evidencing possession of a firearm is stolen, lost, or destroyed, the person losing possession shall immediately upon discovery of the theft, loss, or destruction report the matter to the Commissioner of Internal Revenue, Washington, D. C. The report shall be under oath showing in detail the circumstances of the theft, loss, or destruction and shall include all known facts which may serve to identify the document. Upon receipt of the report, the Commissioner shall make such investigation as appears appropriate and may issue a duplicate document upon such conditions as the circumstances warrant.*

[SEC. 2723. ORDER FORMS.]

(d) EXEMPTION IN CASE OF REGISTERED IMPORTERS, MANUFACTURERS, AND DEALERS.—Importers, manufacturers, and dealers who have registered and paid the tax as provided for in Part VIII of subchapter A of chapter 27 shall not be required to conform to the provisions of this section with respect to transactions in firearms with dealers or manufacturers if such dealers or manufacturers have registered and have paid such tax, but shall keep such records and make such reports regarding such transactions as may be prescribed by regulations under this subchapter and Part VIII of subchapter A of chapter 27.

§ 319.28 *Special-tax payers.* The transfer tax and the requirements as to use of order forms (see § 319.25) are not applicable where importers, manufacturers, and dealers who have registered and paid special tax transfer to other manufacturers or dealers who have registered and paid special tax. However, such importers, manufacturers, and dealers must keep the records required by § 319.38, and make the returns required by § 319.39.

Before a tax-free transfer is made, the transferor must satisfy himself that the transferee is a registered special-tax payer. If not fully satisfied, he should communicate with the collector of the district in which the transferee is located. Where tax-free transfers to unauthorized persons are made, tax and penal liability will be incurred.*

SEC. 2721. EXEMPTIONS.

(a) TRANSFERS EXEMPT.—This subchapter and Part VIII of subchapter A of chapter 27 shall not apply to the transfer of firearms (1) to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia; (2) to any peace officer or any Federal officer designated by regulations of the Commissioner; (3) to the transfer of any firearm which is unserviceable and which is transferred as a curiosity or ornament.

(b) NOTICE OF EXEMPTION.—If the transfer of a firearm is exempted as provided in subsection (a), the person transferring such firearm shall notify the Commissioner of the name and address of the applicant, the number or other mark identifying such firearm, and the date of its transfer, and shall file with the Commissioner such documents in proof thereof as the Commissioner may by regulations prescribe.

* * * * *

§ 319.29 *Peace officers and Federal officers.* The following are hereby designated as officers entitled to receive firearms without order forms (see § 319.25): Sheriffs, chiefs of police, commissioners of police, superintendents or other chief officers of State police units, including State highway patrols, and directors of public safety. Additional officers may be designated by the Commissioner from time to time as in his judgment seems proper. Order forms are not required for procurement of firearms by Federal law enforcement agencies. A peace officer or Federal officer obtaining firearms for official use should do so through or in the name of the organization with which he is connected.

Transfers under section 2721 (a) may be made prior to forwarding Form 5 (Firearms) to the Commissioner, but see § 319.30.*

§ 319.30 *Application for exemption.* Where a transfer is claimed to be exempt from tax under section 2721 (a) (see § 319.29) an application for exemption must be immediately executed by the transferor in duplicate on Form 5 (Firearms) and the original forwarded to the Commissioner of Internal Revenue, Washington, D. C., the duplicate being retained by the transferor. The application must be supported by the evidence required thereby and any additional evidence relied upon by the transferor or which may be required by the Commissioner.

Before a tax-free transfer is made, the transferor should satisfy himself of the exempt status of the transferee and the bona fides of the transaction. If not fully satisfied, he should communicate with the Commissioner and report all the circumstances and await the Commissioner's advice before making the transfer.

If transfers to unauthorized persons, or transfers otherwise unwarranted, are made, tax and penal liability will be incurred.*

Subpart E—Registration and Identification of Firearms

[SEC. 3261. REGISTRATION.]

(b) PERSONS IN GENERAL.—Every person possessing a firearm shall register, with the collector of the district in which he resides, the number or other mark identifying such firearm, together with his name, address, place where such firearm is usually kept, and place of business or employment, and, if such person is other than a natural person, the name and home address of an executive officer thereof: *Provided*, That no person shall be required to register under this subsection with respect to any firearm acquired after July 26, 1934, and in conformity with the provisions of this part and subchapter B of chapter 25.

§ 319.31 *Registration of firearms.* Under section 3261 (b), every person having in the continental United States a firearm (a) possessed by him on July 26, 1934 (the effective date of the National Firearms Act), not already registered, or (b) acquired since that date not in conformity with the provisions of Part VIII, Subchapter A, Chapter 27, and Subchapter B, Chapter 25, of the Internal Revenue Code, must register such firearm on Form 1 (Firearms), in duplicate, with the collector for the district in which such person resides. The duplicate form, after proper endorsement, will be returned to the registrant by the collector and the original forwarded to the Commissioner.*

SEC. 2725. IDENTIFICATION OF FIREARMS.

Each manufacturer and importer of a firearm shall identify it with a number or other identification mark approved by the Commissioner, such number or mark to be stamped or otherwise placed thereon in a manner approved by the Commissioner.

§ 319.32 *Identification of firearms.* Each manufacturer and importer of a firearm shall identify it by stamping, or otherwise conspicuously placing or causing to be stamped or placed thereon, in a manner not susceptible of being readily obliterated or altered, the name and location of the manufacturer or importer; and the serial number, caliber, and model of the firearm. None of the data indicated may be omitted except with the approval of the Commissioner.*

Subpart F—Importation and Exportation

SEC. 2728. IMPORTATION.

No firearm shall be imported or brought into the United States or any territory under its control or jurisdiction (including the Philippine Islands), except that, under regulations prescribed by the Secretary, any fire-

arm may be so imported or brought in when (1) the purpose thereof is shown to be lawful and (2) such firearm is unique or of a type which cannot be obtained within the United States or such territory.

§ 319.33 *Importation.* The burden of proof is affirmatively on the importer of firearms into the continental United States to show to the satisfaction of the Secretary, prior to importation (see § 319.1 (d)), that the firearm is to be lawfully used and is unique or of a type unobtainable in the United States. One desiring to import firearms into the continental United States shall file application in duplicate on Form 6 (Firearms) with the Commissioner of Internal Revenue. The application shall show the intended port or place of importation and describe the articles intended for importation accurately and in detail, including, as far as practicable, the data indicated by § 319.32. The reasons for the proposed importation and the purposes for which the articles are intended must be clearly shown. To justify importation it must be satisfactorily demonstrated that the desired articles are unique or of a type unobtainable without importation. If uniqueness is claimed, it must be specifically indicated in what particulars the articles are unique. If the application is based on alleged unobtainability, the differences between the desired articles and other articles of the same general character obtainable without importation must be clearly shown. The applicant will be notified of the approval or disapproval of the application. If it is approved, the certificate will be returned to the applicant to be filed with the collector of customs at the port of importation. Collectors of customs will not permit imported firearms to be entered or removed from customs custody, except for exportation, unless covered by an approved application.

Importation into Territories and possessions of the United States will be under the control of the governing authorities of such Territories and possessions. (See § 319.36.)

An importer in the continental United States is subject to tax upon the subsequent transfer of a firearm, and to the requirements as to forms and records, the same as a domestic manufacturer. The transfer tax on a transfer by the importer is additional to any duty upon the importation of a firearm.*

SEC. 2727. EXPORTATION.

Under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe, and upon proof of the exportation of any firearm to any foreign country (whether exported as part of another article or not) with respect to which the transfer tax under section 2720 has been paid by the manufacturer, the Commissioner shall refund to the manufacturer the amount of the tax so paid, or, if the manufacturer waives all claim for the amount to be refunded, the refund shall be made to the exporter.

§ 319.34 *Exemption from tax.* One desiring to export a firearm free of transfer tax must file with the Commissioner an application for exemption certificate in duplicate on Form 5 (Firearms). The application shall be supported by a certified copy of a written order or contract of sale showing that the firearm is to be shipped to a foreign destination, and such other satisfactory evidence of intended exportation as may be required by the Commissioner. Where there is no order or contract of sale a statement of the circumstances which establish the right of exemption from transfer tax shall be included.

Where it is desired that a transfer to the exporter shall be tax free the transferor shall likewise file an application for a certificate of exemption supported by evidence that the transfer will start the firearm in course of exportation.

If the application is approved, the Commissioner will execute the exemption certificate and return the duplicate to the applicant. Shipment shall not be made without payment of transfer tax until the approved certificate is received.

Issuance of the certificate will suspend assertion of tax liability for a period of six months from the date of issuance. Within this 6-month period there must be furnished to the Commissioner satisfactory evidence of exportation consisting of (a) a copy of the export bill of lading, or (b) a certificate by the agent or representative of the export carrier showing actual exportation of the article; and (c) a certificate of landing signed by a customs officer of the foreign country to which the article is exported, or (d) where such foreign country has no customs administration, a sworn statement of the foreign consignee covering the receipt of the article. Issuance of exemption certificates and furnishing of the required evidence will relieve from liability the actual exporter and one selling to the exporter for export. Where satisfactory evidence of actual exportation is not furnished within the stated period the tax will be assessed.

The procedure indicated will not be necessary in the case of transfers for export between registered taxpayers.*

§ 319.35 *Refunds.* Where, after payment of tax by the manufacturer, a firearm is exported, a claim for refund on Form 843 may be submitted.

If a manufacturer waives all claim for refund of tax paid on a firearm which is exported, refund may be made to the exporter. A claim for refund by an exporter of tax paid by a manufacturer should be accompanied by waiver of the manufacturer and proof of tax payment by the latter.*

§ 319.36 *Territories and insular possessions.* Transfers of firearms to persons in the Territories and insular possessions of the United States are exempt from transfer tax, provided title in cases involving change of title (and custody or control, in cases not involving change of title) does not pass to the transferee or his agent in the continental United States. However, such exempt transactions must be covered by approved exemption certificates and supporting documents corresponding to those required in the case of firearms exported to foreign countries, except that the Commissioner may vary the requirements herein set forth in accordance with the requirements of the governing authority of a Territory or insular possession. Exemption certificates covering shipments to Territories and insular possessions will not be approved without compliance with the requirements of the governing authorities thereof.

In the case of a nontaxable consignment to a person in a Territory or possession of the United States, the exemption extends only to such consignment and not to prior transfers. A transfer to the person making such consignment is taxable.*

Subpart G—Administrative Provisions

§ 319.37 *Scope of subpart.* This subpart deals with records and returns, distribution and sale of stamps, assessment of tax, and other miscellaneous matters.*

Records and Returns

SEC. 2724. BOOKS, RECORDS, AND RETURNS.

Importers, manufacturers, and dealers shall keep such books and records and render such returns in relation to the transactions in firearms specified in this subchapter and Part VIII of subchapter A of chapter 27 as the Commissioner, with the approval of the Secretary, may by regulations require.

§ 319.38 *Records.* Every manufacturer, importer, and dealer (including pawnbroker) shall make and keep at his place of business a record showing (a) the manufacture, receipt, transfer, or other disposition of all firearms taxable under the Code, (b) the date of such manufacture, receipt, transfer, or disposition, (c) the number, model, and trade name or other mark identifying each firearm, and (d) the name and address of the person to whom any firearm is transferred, or otherwise conveyed.

This record must be preserved for a period of at least four years from the date of disposition of the firearm, and be at all times readily accessible for inspection.*

§ 319.39 *Returns.* Immediately upon the manufacture, receipt, transfer, or other disposition of any firearm every manufacturer, importer, dealer other than pawnbroker, and pawnbroker, shall execute an accurate return under oath on either Form 2 (Firearms) or Form 3 (Firearms), in triplicate, setting forth the information called for in § 319.38, above. All transactions occurring during a single day may be included in one return filed at the close of that business day. These returns shall be filed in duplicate with the collector of the district wherein the business of the person making the return is located. The original will be forwarded to the Commissioner, and the duplicate retained by the collector. The triplicate will be retained by the person making the return for a period of four years and be at all times readily accessible for inspection.

Return forms will be supplied by collectors of internal revenue upon application.*

Examination of Books and Witnesses, Etc.

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) TO DETERMINE LIABILITY OF THE TAXPAYER.—The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

* * * * *

SEC. 3615. SUMMONS FROM COLLECTOR TO PRODUCE BOOKS AND GIVE TESTIMONY.

(a) GENERAL AUTHORITY.—It shall be lawful for the collector, subject to the provisions of this section to summon any person to appear before him and produce books at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects or income liable to tax or the returns thereof. The collector may summon any person residing or found within the State or Territory in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State or Territory, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

* * * * *

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) AUTHORITY OF COLLECTOR.—If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) AUTHORITY OF COMMISSIONER.—In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) TO MAKE RETURN.—Make a return, or

(2) TO AMEND COLLECTOR'S RETURN.—Amend any return made by a collector or deputy collector.

(c) LEGAL STATUS OF RETURNS.—Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

* * * * *

§ 319.40 *Failure to make returns; substitute returns.* (a) If any person required by the regulations in this part to make returns shall fail or refuse to make any such return within the time prescribed by these regulations or designated by the Commissioner, then the return shall be made by an internal revenue officer upon inspection of the books, but the making of such return by an internal revenue officer shall not relieve the person from any default or penalty incurred by reason of failure to make such return.

(b) Any officer designated by the Commissioner shall have authority to examine the books, papers, and records kept pursuant to the regulations in this part, and may require the production of any books, records, papers, or statements of account necessary to determine any liability to the tax or the observance of the provisions of the regulations in this part.

(c) Any person failing to keep records or make returns is liable to fine and imprisonment as provided in section 2729, *supra*.

(d) Any person assisting in the preparation of fraudulent returns is liable to fine and imprisonment as provided in section 3793 (b), (1), *infra*.*

[SEC. 2720. TAX.]

(c) HOW PAID.—

(1) STAMPS.—Payment of the tax herein provided shall be represented by appropriate stamps to be provided by the Commissioner, with the approval of the Secretary.

[SEC. 3271. PAYMENT OF TAX.]

(c) HOW PAID.—

(1) STAMP.—All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

Distribution and Sale of Stamps

§ 319.41 *Orders for stamps.* (a) Each order for stamps to be used under the regulations in this part shall be made in writing to the collector or duly authorized deputy collector in the internal revenue district in which the stamps are to be used, showing the date of the order, the number of Firearms stamps applied for, and the name and address of the purchaser, and shall be signed in ink by the purchaser.

(b) The collector shall preserve the orders for stamps sold by him for at least four years.*

§ 319.42 *Stamps authorized.* $1 and $200 adhesive stamps bearing the words "Firearms Act" have been prepared and distributed, and only such stamps shall be used for the payment of the transfer tax.*

§ 319.43 *Reuse of stamps prohibited.* A stamp once affixed to one instrument can not lawfully be removed and affixed to another.*

SEC. 3640. ASSESSMENT AUTHORITY.

The Commissioner is authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal revenue law, where such taxes have not been duly paid by stamp at the time and in the manner provided by law.

Assessment and Collection of Tax

§ 319.44 *Assessment of taxes not paid by stamp.* In cases where the transfer tax has not been paid and the taxpayer refuses to execute Form 4 (Firearms) and affix the stamp, the transfer tax shall be reported for assessment. When an assessment is paid a receipt on Form 1 will be issued. In those instances where stamps are purchased and affixed to the order, receipt on Form 1 will not be issued. (See § 319.25.)

Special tax which the taxpayer refuses or fails to pay may likewise be reported for assessment.*

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) DELIVERY.—Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) ADDITION TO TAX FOR NONPAYMENT.—If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

* * * * *

SEC. 3670. PROPERTY SUBJECT TO LIEN.

If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, penalty, additional amount, or addition to such tax, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, belonging to such person.

SEC. 3690. AUTHORITY TO DISTRAIN.

If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with such interest and other additional amounts as are required by law, by distraint and sale, in the manner provided in this subchapter, of the goods, chattels, or effects, including stocks, securities, bank accounts, and evidences of debt, of the person delinquent as aforesaid.

§ 319.45 *Notice and demand for tax: Penalty and interest.* Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue under section 3655, a 5 per cent penalty and interest at the rate of 6 per cent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest is computed at the above-prescribed rates from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.*

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 319.46 *Jeopardy assessment.* Whenever, in the opinion of the collector, it becomes necessary to protect the interests of the Government by effecting immediate collection of tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reasons therefor. The communication must state the full name and address of the person involved, the kind and amount of tax due, and the period involved, so that the Commissioner can immediately assess the tax, together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof in full.

The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect the tax, penalty, and interest, by distraint, without regard to the 10-day period after notice and demand prescribed in section 3690. (See § 319.45.) *

Redemption of or Allowance for Stamps

SEC. 3304. REDEMPTION OF STAMPS.

(a) AUTHORIZATION. — The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) METHOD AND CONDITIONS OF ALLOWANCE.—Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same can not be returned; or, if so required by the said Commissioner, when the person presenting the same can not satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) TIME FOR FILING CLAIMS.—No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) FINALITY OF COMMISSIONER'S DECISIONS.—The finding of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

• • • • •

§ 319.47 *Stamps rendered useless, affixed in error, or for which the owner has no use.* Where a purchaser receives stamps from the Government which have been rendered useless by gumming or sticking together, they may be exchanged by a collector for other stamps of exactly the same quantity and denomination. Amounts paid for stamps rendered useless by gumming or sticking together after receipt by the purchaser, or used in excess, or on instruments not actually effective, or on instruments not subject to tax, or for which the owner has no use, may be refunded, upon claim properly presented to the collector.*

§ 319.48 *Claims.* All claims for the redemption of or allowance for stamps must be presented to the collector on Form 843 within four years after the purchase of said stamps from the Government. In filing a claim for the redemption of or allowance for stamps, the stamps involved should be submitted therewith, or if it is impracticable to remove the stamps from the instruments to which they are attached, they should be presented to a deputy collector or other internal revenue representative, who shall write on the face of the stamps the words "Claim for refund filed" and attach to the claim a statement showing that such indorsement has been made. In any case where the actual date of purchase of the stamps from the Government can not be given, it must be definitely shown in the claim whether they were so purchased from the Government within four years prior to the date of filing of the claim.*

Refunds

SEC. 3770 (AS AMENDED BY SECTION 508 (b), SECOND REVENUE ACT OF 1940). AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) TO TAXPAYERS.—

(1) ASSESSMENTS AND COLLECTIONS GENERALLY.—Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) ASSESSMENTS AND COLLECTIONS AFTER LIMITATION PERIOD.—Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) DATE OF ALLOWANCE.—Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue Act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

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SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

§ 319.49 *Refunds.* As indicated hereinbefore, the transfer tax is ordinarily paid by the purchase and affixing of stamps, while special tax stamps are issued in payment of special taxes. However, in exceptional cases, such taxes may be paid pursuant to assessment. (See § 319.44.) Claims for refund of amounts so paid must be presented to the collector on Form 843 within four years next after payment of the taxes.*

Violations, Fines, Penalties, Searches, Seizures, and Forfeitures

SEC. 2729. PENALTIES.

Any person who violates or fails to comply with any of the requirements of this subchapter and Part VIII of subchapter A of chapter 27 shall, upon conviction, be fined not more than $2,000 or be imprisoned for not more than five years, or both, in the discretion of the court.

SEC. 1823. FRAUDS RELATING TO STAMPS.

Whoever—

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(c) REUSE OF STAMPS.—

(1) PREPARING FOR REUSE.—Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used;

(2) TRAFFICKING.—Knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

(3) POSSESSION.—Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment

for not more than five years, or both, and any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States.

SEC. 2723. ORDER FORMS.

(a) GENERAL REQUIREMENTS.—It shall be unlawful for any person to transfer a firearm except in pursuance of a written order from the person seeking to obtain such article, on an application form issued in blank in duplicate for that purpose by the Commissioner. Such order shall identify the applicant by such means of identification as may be prescribed by regulations under this subchapter and Part VIII of subchapter A of chapter 27: *Provided*, That, if the applicant is an individual, such identification shall include fingerprints and a photograph thereof.

(b) CONTENTS OF ORDER FORM.—Every person so transferring a firearm shall set forth in each copy of such order the manufacturer's number or other mark identifying such firearm, and shall forward a copy of such order to the Commissioner. The original thereof with stamps affixed, shall be returned to the applicant.

(c) PRIOR TRANSFERS.—No person shall transfer a firearm which has previously been transferred on or after July 26, 1934, unless such person, in addition to complying with subsection (b), transfers therewith the stamp-affixed order provided for in this section for each such prior transfer, in compliance with such regulations as may be prescribed under this subchapter for proof of payment of all taxes on such firearms.

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SEC. 3720. SEIZURE OF FORFEITABLE PROPERTY

(a) PROPERTY SUBJECT TO SEIZURE AND FORFEITURE.—

(1) MANUFACTURED ARTICLES.—All goods, wares, merchandise, articles, or objects, on which taxes are imposed, which shall be found in the possession, or custody, or within the control of any person, for the purpose of being sold or removed by him in fraud of the internal revenue laws, or with design to avoid payment of said taxes, may be seized, and shall be forfeited to the United States.

(2) RAW MATERIALS.—All raw materials found in the possession of any person intending to manufacture the same into articles of a kind subject to tax for the purpose of fraudulently selling such manufactured articles, or with design to evade the payment of said tax, may also be seized, and shall be forfeited as aforesaid.

(3) EQUIPMENT.—All tools, implements, instruments, and personal property whatsoever, in the place or building, or within any yard or incloeure where such articles or raw materials are found, may also be seized, and shall be forfeited as aforesaid.

(b) AUTHORITY TO MAKE SEIZURES.—

(1) COLLECTORS AND DEPUTY COLLECTORS.—Such property may be seized by the collector or deputy collector of the proper district, or by such other collector or deputy collector as may be specially authorized by the Commission for that purpose.

(2) OTHER INTERNAL REVENUE OFFICERS.—Any officer of internal revenue may be specially authorized by the Commissioner to seize any property which may by law be subject to seizure, and for that purpose such officer shall have all the power conferred by law upon collectors; and such special authority shall be limited in respect of time, place, and kind and class of property, as the Commissioner may specify.

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[SEC. 3793 PENALTIES AND FORFEITURES.]

(b) FRAUDULENT RETURNS, AFFIDAVITS, AND CLAIMS.—

(1) ASSISTANCE IN PREPARATION OR PRESENTATION.—Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

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SEC. 3320. POSSESSION WITH INTENT TO SELL IN FRAUD OF LAW OR TO EVADE TAX.

(a) PENALTY.—Every person who shall have in his custody or possession any goods, wares, merchandise, articles, or objects on which taxes are imposed by law, for the purpose of selling the same in fraud of the internal revenue laws, or with design to avoid payment of the taxes imposed thereon, shall be liable to a penalty of $500 or not less than double the amount of taxes fraudulently attempted to be evaded.

• • • • •

SEC. 3321. REMOVAL OR CONCEALMENT WITH INTENT TO DEFRAUD THE REVENUE.

(a) PENALTY.—Every person who removes, deposits, or conceals, or is concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any tax is or shall be imposed, with intent to defraud the United States of such tax or any part thereof, shall be liable to a fine of not more than $5,000 or be imprisoned for not more than 3 years, or both.

(b) FORFEITURE.—

(1) GOODS.—Whenever any goods or commodities for or in respect whereof any tax is or shall be imposed, or any materials, utensils, or vessels proper or intended to be made use of for or in the making of such goods or commodities are removed, or are deposited or concealed in any place, with intent to defraud the United States of such tax, or any part thereof, all such goods and commodities, and all such materials, utensils, and vessels, respectively, shall be forfeited.

(2) PACKAGES.—In every such case all the casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained, such goods or commodities, respectively, shall be forfeited.

(3) CONVEYANCES.—Every vessel, boat, cart, carriage, or other conveyance whatsoever, and all horses or other animals, and all things used in the removal or for the deposit or concealment thereof, respectively, shall be forfeited.

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SEC. 3322. FORFEITURE OF PACKAGES CONTAINING FORFEITED GOODS.

In every case where any goods or commodities are forfeited under any internal revenue law, all casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained such goods or commodities, respectively, shall be forfeited.

SEC. 1602. SEARCH WARRANTS.

The several judges of the district courts of the United States, and the United States commissioners, may, within their respective jurisdictions, issue a search warrant, authorizing any internal revenue officer to search any premises within the same, if such officer makes oath in writing that he has reason to believe, and does believe, that a fraud upon the revenue has been or is being committed upon or by the use of the said premises.

SEC. 2726. UNLAWFUL ACTS.

(a) POSSESSING FIREARMS UNLAWFULLY TRANSFERRED.—It shall be unlawful for any person to receive or possess any firearm which has at any time been transferred in violation of sections 2720, 2721 (b), 2722, 2723, 2727, and 2731 of this subchapter.

(b) REMOVING OR CHANGING IDENTIFICATION MARKS.—It shall be unlawful for anyone to obliterate, remove, change, or alter the number or other identification mark required by section 2725. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any firearm upon which such number or mark shall have been obliterated, removed, changed, or altered, such possession shall be deemed sufficient evidence to authorize conviction, unless the defendant explains such possession to the satisfaction of the jury.

(c) IMPORTING FIREARMS ILLEGALLY.—It shall be unlawful (1) fraudulently or knowingly to import or bring any firearm into the United States or any territory under its control or jurisdiction (including the Philippine Islands), in violation of the provisions of this subchapter and Part VIII of subchapter A of chapter 27; or (2) knowingly to assist in so doing; or (3) to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of any such firearm after being imported or brought in, knowing the same to have been imported or brought in contrary to law. Whenever on trial for a violation of this section the defendant is shown to have or to have had possession of such firearm, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant explains such possession to the satisfaction of the jury.

SEC. 2730. FORFEITURES.

(a) LAWS APPLICABLE.—Any firearm which has at any time been transferred in violation of the provisions of this subchapter and Part VIII of subchapter A of chapter 27 shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal-revenue laws relating to searches, seizures, and forfeiture of unstamped articles are extended to and made to apply to the articles taxed under this subchapter, and the persons to whom this subchapter and Part VIII of subchapter A of chapter 27 applies.

(b) DISPOSAL.—In the case of the forfeiture of any firearm by reason of a violation of this subchapter and Part VIII of subchapter A of chapter 27: No notice of public sale shall be required; no such firearm shall be sold at public sale; if such firearm is in the possession of any officer of the United States except the Secretary, such officer shall deliver the firearm to the Secretary; and the Secretary may order such firearm destroyed or may sell such firearm to any State, Territory, or possession (including the Philippine Islands), or political subdivision thereof, or the District of Columbia, or retain it for the use of the Treasury Department or transfer it without charge to any Executive department or independent establishment of the Government for use by it.

[SEC. 3261. REGISTRATION.]

(c) PRESUMPTION OF POSSESSION.—Whenever on trial for a violation of section 2726 (a) hereof the defendant is shown to have or to have had possession of such firearm at any time after September 24, 1934, without having registered as required by subsection (b), such possession shall create a presumption that such firearm came into the possession of the defendant subsequent to July 26, 1934, but this presumption shall not be conclusive.

SEC. 3263. UNLAWFUL ACTS IN CASE OF FAILURE TO REGISTER AND PAY SPECIAL TAX.

(a) IMPORTATION, MANUFACTURE OR DEALING IN FIREARMS.—It shall be unlawful for any person required to register under the provisions of section 3261 to import, manufacture, or deal in firearms without having registered and paid the tax imposed by section 3260.

(b) TRANSPORTATION IN INTERSTATE COMMERCE.—It shall be unlawful for any person who is required to register as provided in section 3261 (b) and who shall not have so registered, or any other person who has not in his possession a stamp-affixed order as provided in section 2723, to ship, carry, or deliver any firearm in interstate commerce.

ACT OF AUGUST 9, 1939 (53 Stat., 1291, 49 U. S. C., Sup., 781). (Seizure of Vessel, Vehicle, or Aircraft.)

• • • That (a) it shall be unlawful (1) to transport, carry, or convey any contraband article in, upon, or by means of any vessel, vehicle, or aircraft; (2) to conceal or possess any contraband article in or upon any vessel, vehicle, or aircraft, or upon the

person of anyone in or upon any vessel, vehicle, or aircraft; or (3) to use any vessel, vehicle, or aircraft to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of any contraband article.

(b) As used in this section, the term "contraband article" means—

* * * * * *

(2) Any firearm, with respect to which there has been committed any violation of any provision of the National Firearms Act, as now or hereafter amended, or any regulation issued pursuant thereto;

* * * * * * *

SEC. 2. Any vessel, vehicle, or aircraft which has been or is being used in violation of any provision of section 1, or in, upon, or by means of which any violation of section 1 has taken or is taking place, shall be seized and forfeited: * * *.

SEC. 35. CRIMINAL CODE OF THE UNITES STATES, AS AMENDED BY THE ACT APPROVED APRIL 4, 1938 (52 STAT. 197, 18 U. S. C., AND SUP., 80, 83).

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; * * * shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

* * * * * * *

Authority for Regulations

SEC. 2732. REGULATIONS.

The Commissioner, with the approval of the Secretary, shall prescribe such rules and regulations as may be necessary for carrying the provisions of this subchapter and Part VIII of subchapter A of chapter 27 into effect.

§ 319.50 *Promulgation of regulations.* In pursuance of the provisions of law, the regulations in this part are hereby prescribed, and Regulations 88, approved August 17, 1934, as amended (Part 307, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code (53 Stat., Part 1) by Treasury Decision 4885, approved February 11, 1939 (Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.), are, as of the date of approval hereof, hereby superseded.*

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: September 25, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7226; Filed, September 27, 1941; 11:03 a. m.]

TITLE 29—LABOR

CHAPTER IV—CHILDREN'S BUREAU

[Regulation No. 23]

PART 402—ACCEPTANCE OF STATE CERTIFICATES

By virtue of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, ch. 676, 52 Stat. 1060, U. S. Code, title 29, sec. 201), § 402.1, part 402, title 29 of the Codification of Federal Regulations is hereby amended for the purpose of extending until June 30, 1942 the designation of Puerto Rico as a State in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, so that the said section shall read as follows:

§ 402.1 *Designation of States.* Pursuant to the provisions of § 401.5,[1] I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

This designation shall be effective from July 1, 1941, until June 30, 1942, unless this regulation is amended or repealed by regulation hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 41-7257; Filed, September 29, 1941; 12:09 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1077]

PART 324—MINIMUM PRICE SCHEDULE DISTRICT NO. 4

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF CRESCENT VALLEY MINING CORPORATION, A CODE MEMBER IN DISTRICT NO. 4, FOR THE ESTABLISHMENT OF TEMPORARY AND PERMANENT MINIMUM PRICES FOR SHIPMENTS BY RAIL FROM MINE INDEX NO. 210, DISTRICT NO. 4, VIA BALTIMORE AND OHIO RAILROAD

The original petition in the above-entitled matter filed with this Division on September 24, 1941, prays for the issuance of temporary and final orders establishing minimum prices for rail shipments from Mine Index No. 210, District No. 4, via the Baltimore and Ohio Railroad.

In support of this petition, it is alleged: Petitioner purchased Mine Index No. 210 on or about July 1, 1941, in the belief that minimum prices had already been established for this mine for rail shipment via the Baltimore and Ohio Railroad, and accordingly proceeded to erect a tipple on the right of way of that Railroad. Only after it had entered into contracts with the Canadian National Railways and the International Nickel Company did the petitioner discover that the minimum prices previously established for rail shipments from Mine Index No. 210, in Docket No. A-937, were applicable for shipments via the Wheeling and Lake Erie Railroad only. Upon learning this fact, petitioner was disabled from filiing the contracts in question under the effective minimum prices, as no tipple was available for shipment via the Wheeling and Lake Erie Railroad. In consequence, Mine Index No. 210 is presently shut down. Temporary relief is urgent because petitioner's contract with International Nickel Company calls for shipments via the Great Lakes, and the close of the lake navigation season is impending. Any further delay in starting the movement of coal on this contract will disable petitioner from securing cars from the mines to the water ports. In order to meet this contract, petitioner must, by October 1, 1941, be in a position to ship 1,000 tons per day, or 50,000 tons before close of the lake navigation season. Coal under contract with the Canadian National Railways is needed by the purchaser to fill out its stock piles. Petitioner is now in default on this contract.

Petitioner further alleges: The minimum prices now sought by petitioner are the same as those previously established for Mine Index No. 210 via the Wheeling and Lake Erie Railroad. Applicable freight rates from Mine Index No. 210 are the same whether the coal is shipped via the Baltimore and Ohio Railroad or the Wheeling and Lake Erie Railroad. It is impossible for the petitioner to erect a tipple on the Wheeling and Lake Erie Railroad in time to meet its obligations under its contracts with the International Nickel Company and the Canadian National Railways. Erection of a tipple on the Wheeling and Lake Erie Railroad is not presently contemplated.

In view of the foregoing circumstances, the Director is of the opinion that a reasonable showing of the necessity for the temporary relief requested has been made; that an adequate showing has been made of actual or impending injury in the event that temporary relief is not granted; and that the granting of temporary relief will not unduly prejudice other interested parties pending final disposition of this proceeding.

Now, therefore, it is ordered, That temporary relief pending the final disposition of the petition herein be and the same is hereby granted as follows:

Commencing forthwith, Mine Index No. 210, of District No. 4, is included in Freight Origin Group 12, as defined in § 324.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 4, for All Shipments Except Truck, and supplements thereto, instead of in Freight Origin Group 18; and the price classifications and minimum prices heretofore established for Mine Index No. 210, in Docket No. A-937, for all shipments except truck, by Order of July 21, 1941, 6 F.R. 3913, 3914 and 3915, are applicable for shipments originating on the Baltimore and Ohio Railroad, from Crescent, Ohio; and the minimum prices heretofore established in Docket No. A-937 for the sale of railroad fuel to the Wheeling and Lake Erie Railroad are applicable for sale to the Baltimore and Ohio Railroad: *Provided, however,* That the price classifications and minimum prices heretofore established for Mine Index No. 210, in Docket No. A-937, for all shipments except truck, originating on the Wheeling and Lake Erie Railroad, and for the sale of railroad fuel to the Wheeling and Lake Erie Railroad, shall no longer be applicable, but shall be deemed to be superseded by the prices established herein.

The prices heretofore established for Mine Index No. 210 for truck shipments in Docket No. A-937, shall remain in full force and effect.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: September 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7238; Filed, September 29, 1941; 9:50 a. m.]

[Docket No. A-7]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR RELIEF IN RESPECT TO OFF-LINE RAILROAD FUEL PRICES FOR CERTAIN CODE MEMBERS IN DISTRICT 11, AND RELATED MATTERS

A petition in this matter having been filed with the Bituminous Coal Division by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that certain freight absorptions be permitted on shipments of coals from certain off-line mines in District 11 for use as railroad locomotive fuel;

By Order of the Director, dated February 28, 1941, 6 F.R. 1233, final relief following a hearing, having been granted to Bobolink Mine (Mine Index No. 11) and Saxton Mine (Mine Index No. 75), and the proceeding continued in so far as it related to request for revision of effective minimum prices for coals of the Enos Mine (Mine Index No. 36) of Enos Coal Mining Company, the Globe Mine (Mine Index No. 41) of Ayrshire Patoka Collieries Corporation, the 20th Century Mine (Mine Index No. 92) of 20th Century Coal Corporation, and the Winslow Mine (Mine Index No. 97) of Winslow Coal Corporation for shipment via the Algers, Winslow and Western Railway to the Southern Railway for use as locomotive fuel;

A further hearing upon the continued issues having been held on May 22, 1941, pursuant to Orders and notice, before D. C. McCurtain, a duly designated Examiner of the Division in a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and appearances being entered by Consumers' Counsel Division, District Board 11 and Sunlight Coal Company;

The parties to this proceeding having waived the preparation and filing of an Examiner's Report and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That commencing forthwith, the relief prayed for in the original petition be and it hereby is granted to the extent that § 331.10 (*Special prices: Railroad locomotive fuel*) in the Schedule of Effective Minimum Prices for District No. 11 For All Shipments Except Truck is hereby amended as follows:

Prices f. o. b. mines for shipment to railroads, as indicated, for locomotive fuel only

Mine index No.	Size dimensions	Name of railroad	Prices f. o. b. mine
36	Mine Run [1]	Southern	164
41	Mine Run [1]	Southern	164
92	Mine Run [1]	Southern	164
97	Mine Run [1]	Southern	164

[1] Sizes in Size Groups 1 to 8, inclusive, may be applied at the option of the code member, on orders for railroad locomotive fuel specifying Nut (3 x 5/16), Modified Mine Run, Mine Run, or Resultant Mine Run (6 x 0).

And it is further ordered, That the relief prayed in the original and intervening petitions and requested at the hearing, except as granted above or in the Order of the Director dated February 28, 1941, is hereby denied.

Dated September 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7237; Filed, September 29, 1941; 9:50 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 980—RAYON YARN

Supplementary Order M-37-a to Conserve the Supply and Direct the Distribution of Rayon Yarn

Whereas, because of National Defense requirements drastic restrictions have been placed upon deliveries and processing of raw silk, and such restrictions have operated to create a shortage of rayon yarn; and

Whereas, the total output of the rayon yarn industry is at present insufficient to meet the total of defense needs and existing civilian demand, plus this new civilian demand caused by the substitution of rayon yarn for silk; and

Whereas, because of such shortage of rayon yarn, it is necessary and appropriate in the public interest and to promote the National Defense to allocate such rayon yarn in the manner and to the extent in this Order provided;

Now therefore, it is hereby ordered that:

§ 980.2 *Supplementary order M-37-a—*(a) *Applicability of priorities regulation No. 1.*[1] All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, shall be deemed a part of this Order, except insofar as they are inconsistent herewith.

(b) *Additional definitions.* For the purposes of this order

(1) "Rayon yarn" means continuous filament rayon yarn made by the viscose, cuprammonium, or acetate process.

(2) "Fine rayon yarn" means rayon yarn of 300 deniers or finer.

(3) "Reserved yarn" means fine rayon yarn set aside pursuant to the provisions of this Order.

(4) "Producer" means and includes any person who produces rayon yarn.

(5) "Manufacturer" means a manufacturer consuming silk or rayon yarn and includes a jobber or converter.

(6) "Basic monthly poundage" means a poundage in terms of 100 denier rayon yarn amounting to ¾ of the monthly average number of pounds of raw silk consumed by the manufacturer during the first six months of the year 1941. If the manufacturer consumed thrown, rather than raw, silk, the poundage of thrown

[1] 6 F.R. 4489.

[1] Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2487; republished in 4 F.R. 1361.

silk shall, for the purposes of this definition, be converted to the poundage of raw silk from which it was processed. In applying the above definition to a jobber, the poundage consumed shall refer to the poundage sold by such jobber.

(7) "The equivalent of the basic monthly poundage" means a poundage calculated as follows: Divide the basic monthly poundage by 100 and multiply the result by the denier desired, but in no event by more than 200.

(c) *Directions with respect to residual supply*—(1) *Viscose and cuprammonium yarn.* (i) On and after October 1, 1941, each producer of viscose or cuprammonium yarn shall, after providing for defense orders in accordance with the provisions of Priorities Regulation No. 1, each day set aside, to the extent that he possesses active spindles capable of producing fine viscose or cuprammonium yarn, an amount of such yarn equal to the production of 9 per cent of the total number of the active spindles producing viscose or cuprammonium yarn of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for defense orders. The yarn thus set aside shall be selected in varfous denier sizes in the same proportion as the fine rayon yarn produced by the producer in September 1941. Nothing in the preceding sentence shall be deemed to prevent any producer from setting aside a greater proportion of the finer deniers. He shall also continue to set aside, to be distributed as specified by this Order, all viscose or cuprammonium yarn which has not been disposed of or specifically allocated by the Director of Priorities prior to the effective date of this Order, but which was originally set aside pursuant to the provisions of the program issued by the Office of Price Administration and Civilian Supply on August 2, 1941, as thereafter modified from time to time, or pursuant to the provisions of General Preference Order No. M–37.

(ii) The yarn so set aside shall be disposed of as follows:

(*a*) An amount of yarn equal to the producton of 0.9 per cent of the total number of spindles referred to in paragraph (c) (1) (i) above, shall be reserved and held by the producer for disposition according to specific allocations to be issued by the Director of Priorities.

(*b*) An amount of yarn equal to the production of 0.45 per cent of the total number of spindles referred to in paragraph (c) (1) (i) above, shall, subject to the limitations of sub-paragraph (4) below, be made available, immediately and without further Government action, to manufacturers for manufacture of products other than hosiery, to replace their former consumption of silk.

(*c*) An amount of yarn equal to the production of 7.65 per cent of the total number of spindles referred to in paragraph (c) (1) (i) above, shall, subject to the limitations of sub-paragraph (4) below, be made available, immediately and without further Government action, to manufacturers for manufacture of hosiery to replace their former consumption of silk.

(*d*) Yarn referred to in the last sentence of paragraph (c) (1) (i) shall, subject to the limitations of sub-paragraph (4) below, be disposed of in the proportions and for the purposes set forth in paragraph (c) (1) (ii) of General Preference Order No. M–37, issued September 12, 1941.

(2) *Acetate yarn.* (i) On and after October 1, 1941, each producer of acetate yarn shall, after providing for defense orders in accordance with the provisions of Priorities Regulation No. 1, each day set aside, to the extent that he possesses active spindles capable of producing fine acetate yarn, an amount of such yarn equal to the production of 5 per cent of the total number of the active spindles producing acetate yarn of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for defense orders. The yarn thus set aside shall be selected in various denier sizes in the same proportion as the fine rayon yarn produced by the producer in September 1941. Nothing in the preceding sentence shall be deemed to prevent any producer from setting aside a greater proportion of the finer deniers. He shall also continue to set aside, to be distributed as specified by this Order, all acetate yarn which has not been disposed of or specifically allocated by the Director of Priorities prior to the effective date of this Order, but which was originally set aside pursuant to the provisions of the program issued by the Office of Price Administration and Civilian Supply on August 2, 1941, as thereafter modified from time to time, or pursuant to the provisions of General Preference Order No. M–37.

(ii) The yarn so set aside shall be disposed of as follows:

(*a*) An amount of yarn equal to the production of 0.5 per cent of the total number of spindles referred to in paragraph (c) (2) (i) above, shall be reserved and held by the producer for disposition according to specific allocations to be issued by the Director of Priorities.

(*b*) An amount of yarn equal to the production of 0.5 per cent of the total number of spindles referred to in paragraph (c) (2) (i) above, shall, subject to the limitations of sub-paragraph (4) below, be made available, immediately and without further Government action, to manufacturers, for manufacture of hosiery, to replace their former consumption of silk.

(*c*) An amount of yarn equal to the production of 4.0 per cent of the total number of spindles referred to in paragraph (c) (2) (i) above, shall, subject to the limitations of sub-paragraph (4) below, be made available, immediately and without further Government action, to manufacturers for manufacture of products other than hosiery, to replace their former consumption of silk.

(*d*) Yarn referred to in the last sentence of paragraph (c) (2) (i) shall, subject to the limitations of sub-paragraph (4) below, be disposed of in the proportions and for the purposes set forth in paragraph (c) (2) (ii) of General Preference Order No. M–37, issued September 12, 1941.

(3) Any allocation made by the Director of Priorities pursuant to paragraph (c) (1) (ii) (*a*) or (c) (2) (ii) (*a*) above will be evidenced by an order, the original and two signed duplicates of which will be forwarded to the purchaser applying for relief. The purchaser shall forward the two duplicates to the producer or jobber holding the yarn which has been allocated, together with the purchaser's order therefor. The purchaser's order shall be accepted except under circumstances in which Defense Orders may be rejected pursuant to § 944.2 of Priorities Regulation No. 1. If a purchaser's order is rejected, the provisions of § 944.3 of Priorities Regulation No. 1 shall apply as if such order were a Defense Order. If, for any reason, the producer or jobber is unwilling to sell and deliver the yarn pursuant to the allocation order, he shall immediately notify the Director of Priorities, by a letter addressed to the Silk Substitution Section, stating the reasons for his unwillingness.

(4) No producer or jobber shall deliver fine rayon yarn set aside pursuant to subparagraph (1) or (2) above (hereinafter called "reserved yarn") to or for the account of any manufacturer unless:

(i) Such delivery has been specifically authorized by the Director of Priorities; or

(ii) Such producer or jobber has first received from such manufacturer a certificate in a form to be prescribed by the Director of Priorities, accompanied by such duplicates or copies thereof as the Director of Priorities may prescribe: *Provided*, That delivery shall not be made in such latter case, if the producer or jobber knows or has reason to know that the yarn to be delivered is in the aggregate in excess of the equivalent of such manufacturer's basic monthly poundage, or, together with stocks on hand, will increase such manufacturer's inventory of reserved yarn in the aggregate to above such equivalent. The producer or jobber shall be entitled to rely upon any facts stated in such a certificate in the absence of actual knowledge or reason for knowledge to the contrary.

(5) In making sales or deliveries pursuant to paragraph (c) (1) (ii) (*b*) and (c) and (c) (2) (ii) (*b*) and (c) above, no producer or jobber shall discriminate among persons eligible to purchase such yarn in favor of former customers for rayon yarn.

(6) After providing for all deliveries under defense orders, and after setting aside the amounts of fine rayon yarn specified in sub-paragraphs (1) and (2) above, each producer may sell and deliver rayon yarn without limitation, subject only to § 944.14 of Priorities Regulation No. 1.

(7) No manufacturer shall accept delivery of reserved yarn unless such delivery is authorized as provided in sub-paragraph (4) above.

(8) No manufacturer shall order, purchase, or receive from all sources for delivery in any one calendar month an amount of reserved yarn in excess of the equivalent of his basic monthly poundage.

(9) No manufacturer shall own, control, or otherwise hold as inventory at any time an amount of reserved yarn in excess of the equivalent of his basic monthly poundage. For the purpose of this provision, inventory shall include all reserved rayon yarn owned, controlled, or otherwise held by the manufacturer, up to the time that it is placed on the knitting machine, loom, or other fabricating machine.

(10) No reserved yarn shall be resold in yarn form by a manufacturer, except upon the specific authorization by the Director of Priorities. The exchanging of yarn by a manufacturer shall be deemed reselling. Notwithstanding the foregoing, a jobber may resell reserved yarn in yarn form, but with respect to such resale he shall, unless the Director of Priorities specifically authorizes otherwise, be subject to the restrictions of subparagraphs (4) and (5) above applicable to a producer, and resales shall be made for only the purposes for which such yarn was originally set aside by the producer.

(11) Any manufacturer who accepts an unauthorized delivery of reserved yarn, or who otherwise violates the provisions of this Order, or who makes a material and wilful misstatement in a certificate or in any other statement required herein, may be prohibited by the Director of Priorities from obtaining further deliveries of reserved yarn.

(12) All rayon yarn set aside pursuant to the provisions of the program issued by the Office of Price Administration and Civilian Supply on August 2, 1941, as thereafter modified from time to time, and all rayon yarn set aside pursuant to the provisions of General Preference Order No. M–37, which has not been disposed of or specifically allocated by the Director of Priorities prior to November 1, 1941, shall thereupon be immediately available for sale to any purchaser without restriction, subject only to § 944.14 of Priorities Regulation No. 1. All rayon yarn set aside from the production of any one month pursuant to the provisions of this Order which has not been disposed of or specifically allocated by the Director of Priorities prior to the end of the month succeeding such month, shall thereupon be immediately available for sale to any purchaser without restriction, subject only to § 944.14 of Priorities Regulation No. 1.

(d) *Doubtful cases.* Whenever there is reasonable doubt as to the eligibility of any person to receive reserved yarn hereunder, the matter should be referred for determination to the Director of Priorities, by a letter addressed to the Silk Substitution Section, stating all pertinent facts.

(e) *Appeals for relief from hardship.* Any person affected by this Order, who considers that exceptional and unreasonable hardship has been imposed upon him thereby, may appeal to the Director of Priorities, by a letter or telegram, setting forth the pertinent facts, addressed to the Silk Substitution Section. In every case where any such appeal requests delivery of rayon yarn set aside for specific allocation by the Director of Priorities, it should be accompanied by a statement on a Form or Forms to be prescribed by the Director of Priorities, setting forth the information called for therein.

(f) *Reports and records.* (1) Each producer and jobber shall file with the Silk Substitution Section for forwarding to the Director of Priorities, at the time to be specified thereon, reports on Forms to be prescribed by the Director of Priorities, setting forth the information called for therein.

(2) All producers and jobbers operating under this Order shall keep and preserve such records as will clearly and adequately show their methods and rates of operation hereunder. Such information shall include a complete file of invoices covering the delivery of any and all yarn under this Order.

(3) Each producer and jobber shall promptly forward to an agency hereafter to be designated by the Director of Priorities one duplicate of every certificate furnished by a purchaser pursuant to paragraph (c) (4) (ii) hereof and one duplicate of every allocation order furnished by a purchaser pursuant to paragraph (c) (3), endorsed as follows: "Supplied by our order No. ----------, filling in the number of such supply order; together with a copy of the producer's or jobber's letter accepting the purchaser's order. He shall also preserve and keep available for inspection by the Government, during reasonable business hours, the original or a signed duplicate of every such certificate.

(g) *Effective date.* This Order shall take effect upon October 1, 1941, and shall expire at midnight on December 31, 1941, unless sooner terminated by direction of the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596 as amended, Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of September, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7223; Filed, September 27, 1941; 10:14 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER K—SEAMEN

[Order No. 152]

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

An Order Reducing the Percentage of Qualified Able Seamen Required on Certain Vessels[1]

SEPTEMBER 27, 1941.

Pursuant to the Act of September 24, 1941 (Public Law 255, 77th Congress, 1st Session), I have caused an investigation to be made and I find that qualified able seamen as required by section 13 of the Act of March 4, 1915, as amended (46 U.S.C., Supp. 672), are not available in sufficient numbers to man the vessels subject to said section.

Therefore, it is ordered, That able seamen examined and rated able seamen under section 13 of the Act of March 4, 1915, as amended (46 U.S.C., Supp. 672), after having served on deck twelve months at sea or on the Great Lakes, may compose not more than one-half of the number of able seamen required by said section in the deck crew of such vessels.

This order shall be effective during the emergency declared by the President on May 27, 1941, to exist, unless sooner revoked or modified, but in no event shall this order be effective after June 30, 1943. (Act of Sept. 24, 1941; Public Law 255, 77th Congress, 1st session)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–7227; Filed, September 27, 1941; 11:53 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 76–A,[2] Amended, 9–25–41]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators, with particular reference to the provisions[3] concerning renewals, and its Order No. 75;

It is ordered, That all amateur radio station and amateur radio operator licenses which by their terms have expired or will expire during the period July 1, 1940 to December 31, 1941, inclusive, and for which applications for renewal have not been granted or denied prior to the ef-

[1] Affects § 138.3 *Able seamen.*
[2] 6 F.R. 1317.
[3] See § 12.26 *Renewal of amateur operator license*, and § 12.66 *Renewal of amateur station license.*

fective date hereof, be, and they are hereby, extended, in respect to each such license until such further action as the Commission may take upon application for renewal or otherwise, but in no event beyond December 31, 1941;

Provided, however, That this extension is granted only to such amateur licensees as have submitted or do submit a proper application for renewal in accordance with the Rules and Regulations of the Commission and have complied or do comply with the requirements of Commission Order No. 75.

Provided further, That this extension shall not apply to licensees whose licenses have been or, prior to December 31, 1941, may be revoked, suspended or designated for hearing.

This Order shall take effect on the 25th day of September, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7228; Filed, September 27, 1941; 11:59 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 953 ORD 2334]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE MIDVALE COMPANY

Contract for: * * * Tube Forgings for * * * Gun * * *.

Amount: $1,273,776.00.

Place: Watervliet Arsenal, Watervliet, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities shown below, the available balances of which are sufficient to cover the cost thereof: O. S. & S. A. 1942 (953) ORD 20265 P11–30 A 1005–2.

This contract, entered into this 8th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Tube Forgings, * * * for * * * Gun * * * $1,273,776.00 for the consideration stated above and in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps.,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7214; Filed, September 26, 1941; 2:14 p. m.]

[Contract No. W-359 eng-3675]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTORS: CAGE BROTHERS AND F. M. REEVES & SONS, INC., JOINT CONTRACTORS AND COADVENTURERS OF AUSTIN, TEXAS

Fixed-fee: $84,141.00.

Contract for: construction of an Advanced Twin Engine and Bombardier School, including the necessary temporary buildings, temporary structures, utilities, runways, fences, and appurtenances thereto.

Place: Vicinity of Midland, Texas.

Estimated construction cost exclusive of fee: $3,236,200.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: Eng. 1243 P 99 A–0540–N Eng 1177 P 99 A–0540–12.

This Contract,[1] entered into this 9th day of July 1941.

ARTICLE I. *Statement of work.* The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of Advanced Twin Engine and Bombardier School near Midland, Texas.

It is estimated that the construction cost of the work covered by this contract will be three million two hundred thirty-six thousand two hundred dollars ($3,236,200.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Contractor's equipment as provided in Article II.

(c) A fixed fee in the amount of eighty-four thousand one hundred forty-one dollars ($84,141.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses: Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee, less any sum that may be necessary to settle any unsettled claims for labor or material, or any claim the Government may have against the Contractor.

ART. VI. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following laws: section 1 (a) of the Act of July 2, 1940 (Public No. 703, 76th Congress) as amended by section 9 of the Act approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7215; Filed, September 26, 1941; 2:14 p. m.]

[1] Approved by the Under Secretary of War, August 11, 1941.

[Contract No. W 669 qm-12792; O. I. No. 468]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN BLEACHED GOODS COMPANY, INC., 40 WORTH STREET, NEW YORK CITY

Contract for: Textiles.

Amount: $1,577,732.50.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this fourth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Textiles for the consideration stated totaling one million, five hundred seventy-seven thousand, seven hundred thirty-two dollars and fifty cents ($1,577,732.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of the acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2–0240 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directives Nos. P–C–13 (42), P–C–16 (42), P–C–17 (42) and P–C–18 (42).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7216; Filed, September 26, 1941; 2:14 p. m.]

[Contract No. W 978 eng 2688]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL AMERICAN TRANSPORTATION CORPORATION, 153 SOUTH LASALLE STREET, CHICAGO, ILL.

Contract for: * * * Cars, gasoline, tank Amount $1,287,000.00.

Place: Office, Chief of Engineers, 2104 War Department Bldg., Washington, D. C.

This contract, entered into this first day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Cars, gasoline, tank * * * for the consideration stated $1,287,000.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7230; Filed, September 29, 1941; 9:53 a. m.]

[Contract No. W 963 ORD 1050]

SUMMARY OF CONTRACT AND SUPPLEMENTAL AGREEMENT FOR SUPPLIES

CONTRACTOR: THE WHELAND COMPANY CHATTANOOGA, TENN.

Contract for: * * * Guns, * * *, with one extra Tube for each Gun.

Amount: $2,282,800.00.

Place: Watervliet Arsenal. Watervliet, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority indicated below either in cash or under a contract authorization contained in the Military Appropriation Act for the fiscal year 1941, the available balances of which are sufficient to cover cost of material covered by this contract: ORD 7074 P11—3030 A 1005–01, ORD 7074 P22—3030 A (1205).110–01, ORD 7074 P22—3030 A (1205) .114–1.

This contract,[1] entered into this 23d day of September 1940.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, * * *, with one (1) extra tube for each Gun for the consideration stated $2,282,800.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

[1] Approved by the Under Secretary of War January 8, 1941.

Delays—Liquidated damages. If the contractor refuses or fails to make delivery of the materials or supplies within the time specified in Article 1, or any extension thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government, as fixed, agreed, and liquidated damages for each calendar day of delay in making delivery, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

The contractor will obtain and install at the expense of the United States the machines, and equipment listed in Article 26 of this contract, the actual cost of which shall not exceed $130,000.00, including the cost of any payment bonds, required.

Title of all property which shall be purchased by the contractor on behalf of the Government together with all property furnished by the Government to the contractor in connection with this contract shall vest in the Government.

Payment Bond. A Payment Bond in the sum of 40% of the contract price of the Guns and Extra Tubes, and of the cost of equipment is included in this contract.

Payment. * * * percent of the contract price will be paid after provisional acceptance of each gun and extra tube; balance, after final acceptance.

Supplemental Agreement

Supplemental agreement number 1 to Contract No. W 953 ORD 1050, dated September 23, 1940.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities shown below, the available balances of which are sufficient to cover the cost thereof. O.S. & S.A. 1940–41 (953) ORD 7074 P11—3030 A 1005–01.

This supplemental agreement,[1] entered into this 30th day of June 1941.

The parties hereto do mutually agree that the said Contract W 953 ORD 1050 shall be and it is hereby modified in the following particulars:

ARTICLE. 1. The actual cost of the machines and equipment to be procured under the terms of Article 25 of the original contract is increased by $10,000.00 or from a total of not to exceed $130,000.00 to a total of not to exceed $140,000.00.

ART. 2. An additional Payment Bond in the sum of 40% of the amount of the increase is required and is attached hereto.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7231; Filed September 29, 1941; 9:55 a. m.]

[1] Approved by the Chief of Ordnance August 7, 1941.

[Contract No. W 535 ac–152]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: VEGA AIRPLANE COMPANY, BURBANK, CALIF.

Contract for: * * * Airplanes and Spare Parts Therefor.

Amount: $26,051,760.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 111–30 A 0021–13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 31st day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Airplanes and spare parts therefor for the consideration stated Not to exceed twenty six million fifty one thousand seven hundred sixty dollars ($26,051,760.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7232; Filed, September 29, 1941; 9:56 a. m.]

[1] Approved by the Under Secretary of War, August 13, 1041.

[Contract No. W 535 ac–20259; 5308]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE GLENN L. MARTIN COMPANY, BALTIMORE, MD.

Contract for: Engineering Services and Data Amount $1,183,075.38.

Place: Baltimore, Maryland.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 34 P 12–30 A 0705–12, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 27th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver engineering services and data for the consideration stated $1,183,075.38 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

[1] Approved by the Under Secretary of War, June 28, 1941.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Consideration. For preparing and delivering the Engineering Data and for furnishing the Engineering Services the Government shall pay Contractor the sum of one million, one hundred eighty-three thousand, seventy-five and thirty-eight one hundredths dollars ($1,183,075.38). Said sum shall be payable in monthly installments. Upon completion of such work, any unpaid balance of the fee, including the additions thereto shall be paid to Contractor.

This contract authorized under the provisions of Section 1 (a) Act of July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7233; Filed, September 29, 1941; 9:56 a. m.]

[Serial No. 4810; 7–22–41]

SUMMARY OF CHANGE ORDER [1] TO CONTRACT FOR SUPPLIES

CONTRACTOR: CURTISS-WRIGHT CORPORATION, AIRPLANE DIVISION, ST. LOUIS PLANT, ROBERTSON, MISSOURI

Change No. 1 to Contract No. W 535 ac–19174, dated May 16, 1941, published FEDERAL REGISTER July 22, 1941.

Subject: Additional Airplanes and Spare Parts.

Affecting: Contract W 535 ac–19174.

[1] Approved by the Under Secretary of War August 13, 1941.

The Government hereby elects to exercise its right and option contained in Article 44 of Contract W 535 ac–19174 to increase the number of airplanes and spare parts to be furnished under the terms of Article 1 of said contract and it is mutually understood and agreed by the parties hereto that so many of the provisions of the contract as are affected by said increases are changed as set forth hereinbelow:

(a) The lot quantity of Airplanes, * * *, called for under the terms of Article 1 of Contract W 535 ac–19174, is hereby increased from * * * to * * *.

As a result of exercising the foregoing option, the contract consideration is hereby increased as follows:

Total estimated cost for * * * additional airplanes	$24,143,160.00
Fixed fee cost	1,448,589.60

(b) The lot quantity of spare parts called for under the terms of Article 1 of Contract W 535 ac–19174, is hereby increased to a total not in excess of * * *.

As a result of exercising the foregoing option, the contract consideration is hereby increased as follows:

Total estimated cost for * * * additional airplanes	$2,414,316.00
Fixed fee cost	144,858.96
Total estimated cost to the contractor of the additional airplanes and spare parts called for under the terms of this change order	26,557,476.00
Total estimated fixed fee	1,593,448.56
Total estimated additional cost and fixed fee	28,150,924.56

Option to change to a fixed price. After the Contractor has manufactured and delivered * * * airplanes originally called for under the terms of Contract W 535 ac–19174, or at such other time as may be mutually agreed upon by the parties hereto, the parties hereto shall, at the written request of either party given to the other, enter into negotiations to determine whether or not it is possible to reach an agreement, on the basis of the experience then available or on the basis of other pertinent knowledge or information, as to a definite fixed price to be paid by the Government to the Contractor for each of the airplanes and spare parts called for under the terms of said contract, as amended, in lieu of the cost plus a fixed fee originally provided for under the terms of the contract. In the event that such an agreement be reached and reduced to writing, it shall provide that the fixed price per unit for each of the airplanes and spare parts called for shall apply, not only to units thereafter to be delivered under the terms of the contract as amended by this Change Order, but shall likewise apply to units theretofore delivered, for which proper adjustment shall be made.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authorities:

AC 32 P 12–30 A 0705–2	$25,591,749.60
AC 18 P 82–30 A 0705–2	2,559,174.96
Total debit (estimated)	28,150,924.56

the available balances of which are sufficient to cover cost of same.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7234; Filed September 29, 1941; 9:56 a. m.]

[Change Order A; Contract W 953 ORD 11]

SUMMARY OF CHANGE ORDER TO CONTRACT FOR SUPPLIES

CONTRACTOR: OLDS MOTOR WORKS, GENERAL MOTORS CORPORATION, LANSING, MICHIGAN

AUGUST 21, 1941.

Change Order "A" to Contract W 953 ORD 11, published in the FEDERAL REGISTER August 12, 1941.

In accordance with the option contained in Article 1A of Contract W 953 ORD 11, the number of guns, automatic, * * *, to be furnished in accordance with the terms and conditions of Contract W 953 ORD 11 is hereby increased by * * * Guns. The total amount to be paid for Guns under this contract is thereby increased by $2,695,450.00, or to a total of $11,920,450.00. The total to be expended by the contractor for Government owned facilities, viz, $3,750,000.00 is not changed by reason of this Change Order "A" to the contract.

Except as herein provided, the terms and conditions of said Contract W 953 ORD 11 shall remain in full force and effect.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7235; Filed, September 29, 1941; 9:57 a. m.]

[Contract No. W–1096 eng–7645]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTORS: NELSON BROTHERS AND L. W. EATON, BATON ROUGE, LOUISIANA

Fixed-fee: $30,000.00.

Contract for: constructing an airfield and housing facilities; including grading, drainage, paving of runways, taxiways and apron, fencing, the construction of buildings, utilities and appurtenances thereto.

Place: De Ridder Airport, De Ridder, Louisiana.

Estimated cost of project: $1,476,673.00.

The supplies and services to be obtained by this instrument are authorized by, are

[1] 6 F.R. 4014.

for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: Eng-927 P 99 A-0540.068-N.

This contract,[1] entered into this 21st day of June 1941.

ARTICLE I. *Statement of work.* The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of an airfield and housing facilities consisting of grading, drainage, paving of runways, taxi-strips, and parking apron, fencing and the necessary utilities at De Ridder Airport, De Ridder, La.

It is estimated that the total cost of the construction work covered by this contract will be approximately one million one hundred sixty thousand one hundred seventy three dollars ($1,160,173.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Contractor's equipment as provided in Article II.

(c) A fixed fee in the amount of thirty thousand dollars ($30,000.00) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee, less any sum that may be necessary to settle any unsettled claims for labor or material, or any claim the Government may have against the Contractor.

ART. VI. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law: Public No. 703, 76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps.
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7236; Filed, September 29, 1941; 9:57 a. m.]

[1] Approved by the Under Secretary of War, July 15, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-949]

PETITION OF DISTRICT BOARD NO. 13 REQUESTING THAT THE PHRASE "PRICES F. O. B. MINES FOR SHIPMENT BY RAILROAD, APPLICABLE TO ALL COAL SOLD FOR STEAMSHIP VESSEL FUEL" APPEARING ON PAGE 38 OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13, FOR ALL SHIPMENTS EXCEPT TRUCK, BE REVISED TO READ "PRICES F. O. B. MINES FOR SHIPMENT BY RAILROAD FOR STEAMSHIP VESSEL FUEL—APPLICABLE ONLY WHEN DELIVERED TO TIPPLE FOR SEAGOING VESSELS AND NOT APPLICABLE TO RIVER OR HARBOR VESSELS OR FERRIES"

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 30, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is suported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 25, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 requesting that the phrase "Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel" appearing on page 38 of the Schedule of Effective Minimum Prices for District No. 13, for All Shipments Except Truck, be revised to read "Prices f. o. b. mines for shipment by railroad for steamship vessel fuel—applicable only when delivered to tipple for seagoing vessels and not applicable to river or harbor vessels or ferries."[1]

Dated: September 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7239; Filed, September 29, 1941; 9:51 a. m.]

[Docket No. 1738-FD]

IN THE MATTER OF CARTERVILLE COAL COMPANY, PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING AND DESIGNATING TRIAL EXAMINER

The above entitled matter having been heretofore scheduled for hearing on October 4, 1941, to a place and at a hearing room to be designated by an appropriate Order of the Director; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above entitled matter is hereby postponed from 10 a. m. on October 4, 1941, to 10 a. m. on October 6, 1941, at a hearing room of the Division at the Circuit Court Room, County Court House, Marion, Illinois;

It is further ordered, That W. A. Shipman, or any other officers of the Bituminous Coal Division designated by the Acting Director thereof for that purpose shall preside at the hearing in the above entitled matter, vice Charles S. Mitchell.

Dated: September 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-7240; Filed, September 29, 1941; 9:51 a. m.]

[Docket No. A-983]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF MAXIMUM PRICES FOR ALL COALS

MEMORANDUM OPINION AND ORDER GRANTING MOTION TO AMEND AND DENYING REQUEST FOR ORAL ARGUMENT

On July 23, 1941, the Bituminous Coal Consumers' Counsel filed a petition with the Bituminous Coal Division requesting the expeditious establishment of maximum prices for all coals. The hearing in this matter was convened on September 9 before C. R. Larrabee, a duly designated Examiner of the Division. Numerous parties intervened and appeared at the hearing.

On September 24, 1941, in the course of the hearing, the Bituminous Coal Consumers' Counsel filed a motion to amend its original petition in several respects, set forth below.[1] Numerous parties stated that they had no objection to the motion being granted. Only National Association of Hothouse Vegetable Growers, et al., a party to this proceeding, opposed the motion. The Examiner referred the motion, together with the transcript of the proceedings containing the motion and the argument, to the undersigned. The National Association of Hothouse Vegetable Growers requested that they be permitted to submit oral argument to the Director in opposition to the granting of the motion to amend.

The undersigned has read and considered the record relating to the motion herein and the statement in opposition thereto made by the Hothouse Growers Association. It appears to the director that no satisfactory reason has been advanced against the granting of the motion and that the granting of the motion will not prejudice any of the parties. Consideration having been given to the statement made against the motion, it appears that no purpose would be served by allowing oral argument thereon.

Now, therefore, it is ordered, That the request of the National Association of Hothouse Vegetable Growers, et al., to be permitted to make oral argument is denied.

It is further ordered, That the motion of the Bituminous Coal Consumers' Counsel be and it hereby is granted and its original petition be and it hereby is amended to read as follows:

A. Paragraph II of said petition is amended to read as follows:

Your petitioner is informed and believes that prices being charged for bituminous coal in certain markets are excessive and oppressive of consumers.

B. Paragraph IV, by striking out the following sentence which appears on page 2 of the petition (starting on the eighth line from the bottom of the page):

In the face of overwhelmingly favorable popular response to this appeal by millions of patriotic citizens, many bituminous coal producers have taken advantage of the stimulated demand for coal by increasing their prices to unwarranted figures.

C. Further amending Paragraph IV by changing the word "such" to the word "unwarranted," so that as amended the last complete sentence in Paragraph IV reads as follows:

Unwarranted price increases threaten to weaken the effectiveness of the summer buying program, and, if allowed to continue, would have the effect of permitting coal producers to reap unreasonable profits from popular cooperation in a program important to our National Defense effort.

D. Paragraph V is stricken and deleted.

Dated: September 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7241; Filed, September 29, 1941; 9:51 a. m.]

[1] The original petition filed in this matter also requested an increase in the effective minimum prices heretofore established for the coal produced at the Sulphur Springs Mine (Mine Index No. 616) of the Jones Coal and Clay Company for shipment by rail. On the petition of District Board No. 13 filed on July 21, 1941, the original petition was amended by deleting therefrom all matters in connection with prices for the coals produced at the said mine.

[1] The Amendments proposed are as follows:

(1) Amend paragraph 2, which now reads: "Your petitioner is informed by many letters from consumers throughout the country and from other sources, and believes, that prices being charged for bituminous coal in many markets are excessive and oppressive of consumers, such prices in many instances approaching the proportions of profiteering."

to read:

"Your petitioner is informed and believes that prices being charged for bituminous coal in certain markets are excessive and oppressive of consumers."

The other Amendments proposed are:

(1) To amend Paragraph 4 of his original petition by striking out the following sentence which appears on page 2 of the petition: "In the face of overwhelmingly favorable popular response to this appeal by millions of patriotic citizens, many bituminous coal producers have taken advantage of the stimulated demand for coal by increasing their prices to unwarranted figures."

(2) By striking out the word "such" which is the first word of the last complete sentence in Paragraph IV and substituting therefor the word "unwarranted."

(3) By striking Paragraph V of the petition in its entirety.

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 167

ALASKA

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands near Gulkana, Alaska lying within the following-described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

TRACT NO. 1

Beginning at a point on the east boundary of the right of way of the Richardson Highway from which the center of Dry Creek Bridge on said highway bears S. 35°35' W., 1,358.60 feet, said bridge being in NE¼ sec. 7, T. 4 N., R. 1 W., Copper River Meridian, at about mile 118.4 on the highway.

Thence, by metes and bounds,
N. 28°21' E., 4,515 feet, along boundary of said highway,
N. 7°32' E., 1,941.7 feet, along boundary of said highway,
S. 61°39' E., 8,020 feet,
S. 28°21' W., 6,330 feet,
N. 61°39' W., 5,330 feet to the point of beginning.

The tract is in secs. 5, 6, 7, and 8, T. 4 N., R. 1 W., Copper River Meridian, about 9.6 miles south of Gulkana station and contains 783 acres more or less.

TRACT NO. 2

Beginning at a point on the west boundary of the right of way of the Richardson Highway from which the center of Dry Creek Bridge on said highway bears S. 17°24' 53'' W., 16,893.18 feet; said bridge being in NE¼ sec. 7, T. 4 N., R. 1 W., Copper River Meridian, at about mile 118.4 on the highway.

Thence, by metes and bounds,

N. 9°31' E., 1,320 feet along boundary of said highway,
N. 80°29' W., 5,280 feet,
S. 9°31' W., 1,320 feet,
S. 80°29' E., 5,280 feet to the point of beginning.

The tract is in unsurveyed secs. 19, 20, 29, and 30, T. 5 N., R. 1 W., Copper River Meridian, about 6.2 miles south of Gulkana station and contains 160 acres more or less.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

SEPTEMBER 15, 1941.

[F. R. Doc. 41-7243; Filed, September 29, 1941; 10:03 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 29, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

American Underwear Manufacturing Company, Inc., 333 Hamilton Street, Allentown, Pennsylvania; Men's & Boys' Cotton Shorts; 5 learners; September 29, 1942.

The Andala Company, Andalusia, Alabama; Work Shirts, Army Shirts; 15 learners; March 23, 1942.

B & B Manufacturing Company, Inc., 26 Canfield Street, Orange, New Jersey; Wash Frocks; 3 learners; September 29, 1942.

Boston Marilyn Dresses, 91 Willow Street, Lynn, Massachusetts; Dresses; 5 learners; September 29, 1942.

Brookfield - Garrison Manufacturing Company, Warrensburg, Missouri; Pants, Shirts, Coveralls, Army Jackets, One Piece Suits; 10 learners; March 9, 1942.

Cape Ann Manufacturing Company, 31 Commercial Street, Gloucester, Massachusetts; Mackinaws; 5 percent; September 29, 1942.

Carter and Churchill Company, 15 Parkhurst Street, Lebanon, New Hampshire; Sport and Ski Jackets, Ski Pants, Mackinaws, Snowsuits; 5 learners; September 29, 1942.

Carwood Manufacturing Company, Monroe, Georgia; Overalls and Denim Coats; 125 learners; March 9, 1942. (This certificate replaces one issued bearing the expiration date of January 5, 1942.)

Crescent Corset Company, Inc., 165 Main Street, Cortland, New York; Bandeaux, Corsets, Combinations, Slips; 10 percent; September 29, 1942.

R. M. Crouthamel, Inc., South Third Street, Perkasie, Pennsylvania; Men's Clothing; 5 percent; September 29, 1942.

D & D Shirt Company, Northampton, Pennsylvania; Shirt Contracting; 10 percent; September 11, 1942. (This certificate effective September 11, 1941 and expires September 11, 1942 instead of September 11, 1941 as erroneously recorded in FEDERAL REGISTER of that date.)

Eloesser Heyneman Company, 1161-65 Mission Street, San Francisco, California; Overalls, Pants and Shirts; 10 percent; September 29, 1942.

The Enro Shirt Company, Inc., 1018 South Preston Street, Louisville, Kentucky; Men's Shirts and Pajamas; 10 percent; September 29, 1942.

Every Buddy's Blouse Company, 720 Twelfth Street, Union City, New Jersey; Boys' Shirts and Blouses; 7 learners; September 29, 1942.

The Fechheimer Brothers Company, Fourth and Pike Streets, Cincinnati, Ohio; Men's Uniform Clothing; 100 learners; January 26, 1942.

Robert Fox Company, Inc. 72 Germanville Avenue, Mystic, Connecticut; Chenille Robes; 5 learners; September 29, 1942.

Hagerstown Manufacturing Company, 113 Summit Avenue, Hagerstown, Maryland; Children's Dresses; 5 learners; September 29, 1942.

Harwood Manufacturing Corporation, Marion, Virginia; Men's & Boys' Underwear; 60 learners; March 9, 1942.

Harwood Manufacturing Corporation, Marion, Virginia; Men's & Boys' Underwear; 10 percent; September 29, 1942. (This certificate replaces one issued bearing expiration date of October 4, 1941.)

Jacobs Brothers, St. Paul, Virginia; Nurse and Maid Uniforms; 128 learners; March 30, 1942.

I. Janov Shirt Company, 469 West Broad Street, Hazleton, Pennsylvania; Dress Shirts, Collars and Sleeping Wear; 10 percent; September 29, 1942.

Johnson's Gloves, Inc., 307 West Second Street, Marshfield, Wisconsin; Leather and Cloth Jackets, Raincoats; 5 learners; September 29, 1942. (This certificate replaces one issued effective September 11, 1941.)

Missouri Garment Company, 2617 Grand Avenue, Kansas City, Missouri; Dresses; 10 percent; September 29, 1942.

The Moyer Manufacturing Company, 18-24 North Walnut Street, Youngstown, Ohio; Trousers; 10 percent; September 29, 1942. (This certificate replaces one issued bearing expiration date of October 1, 1941.)

Reliance Manufacturing Company, Mississippi Avenue, Mitchell, Indiana; Work Shirts, Children's Play Suits; 10 percent; September 29, 1942.

Robinson Manufacturing Company, Dayton, Tennessee; Woven Cotton Underwear; 10 percent; September 29, 1942. (This certificate replaces one bearing expiration date of October 22, 1941.)

S & B Manufacturing Company, Andalusia, Alabama; Work Pants; 15 learners; March 23, 1942.

Shriner Manufacturing Company, Union Bridge, Maryland; Pajamas; 5 learners; September 29, 1942.

Smoler Brothers, Inc., 2300 Wabansia Avenue, Chicago, Illinois; Ladies' Dresses; 10 percent; September 29, 1942.

The Thompson Shirt Company, Brownstown, Lancaster County, Pennsylvania; Dress Shirts; 10 percent; September 29, 1942. (This certificate replaces ones issued bearing expiration dates of November 8, 1941 and October 13, 1941.)

Tiny Grace Frocks, "I" and Ontario Streets, Philadelphia, Pennsylvania; Children's Dresses; 5 percent; September 29, 1942.

Triangle Raincoat Company, 461 East Federal Street, Youngstown, Ohio; Raincoats; Snowsuits; 10 percent; March 29, 1942.

Troy Sportswear Company, 261 River Street, Troy, New York; Men's & Boys' Sweaters; 3 learners; September 29, 1942.

Vanity Corset Company, Inc., 16 East 34th Street, New York, New York; Foundation Garments; 10 learners; March 9, 1942.

Wentworth Manufacturing Company, 425 Pleasant Street, Fall River, Massachusetts; 300 learners; March 30, 1942.

Gloves

Gutmann Mayer Glove Corporation, 116 Nassau Street, Brooklyn, New York; Knit Fabric Gloves; 5 learners; September 29, 1942.

Smart Set Glove Company, Inc., 15-17 James Street, Gloversville, New York; Leather Dress Gloves; 4 learners; March 29, 1942.

Wells Lamont Smith Corporation, McMinnville, Oregon; Work Gloves; 5 percent; September 29, 1942.

Hosiery

Black Hosiery Mills Company, Midland, North Carolina; Seamless Hosiery; 5 learners; September 29, 1942.

Browning Hosiery Mills, Bridgeport, Alabama; Seamless Hosiery; 5 percent; September 29, 1942.

C and M Hosiery Mills, Inc., 100-4 South Hanover Street, Baltimore, Maryland; Seamless Hosiery; 5 learners; September 29, 1942.

Carmichael Hosiery Mill, McDonough, Georgia; Seamless Hosiery; 5 learners; September 29, 1942.

John B. Davidson Woolen Mills, Inc., Eaton Rapids, Michigan; Seamless Hosiery; 5 learners; September 29, 1942.

Marlow Hosiery Mill, R. F. D. #1, Hickory, North Carolina; Seamless Hosiery; 3 learners; September 29, 1942.

Maryon Hosiery Mill, Box 164, Carrollton, Georgia; Seamless Hosiery; 5 learners; September 29, 1942.

Milne Hosiery Mills, S. Broad Street, Cleveland, Tennessee; Seamless Hosiery; 5 learners; May 29, 1942.

Milne Hosiery Mills, S. Broad Street, Cleveland, Tennessee; Seamless Hosiery; 5 learners; September 29, 1942.

Portage Hosiery Company, 107 E. Mullett Street, Portage, Wisconsin; Seamless Hosiery; 5 percent; September 29, 1942.

The Robbins Knitting Company, Spruce Pine, North Carolina; Seamless Hosiery; 5 percent; September 29, 1942.

Summers Hosiery Mills, Inc., 620 N. Shaver Street, Salisbury, North Carolina; Seamless Hosiery; 5 learners; September 29, 1942.

Knitted Wear

Textile Specialty Corporation, 39 West 19th Street, New York, New York; Commercial Knitting; 5 learners; February 2, 1942.

Millinery

Lord Hat Company, 640 S. Broadway, Los Angeles, California; Custom-Made Millinery; 2 learners; September 29, 1942.

Textile

Shapiro and Son Curtain Corporation, 659 North 13th Street, Easton, Pennsylvania; Chenille Bedspreads; 5 percent; September 29, 1942.

C. B. Wood and Company, Rocky Face, Georgia; Chenille Bedspreads; 5 learners; September 29, 1942.

Signed at Washington, D. C., this 29th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7253; Filed, September 29, 1941; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, F.R. 2862) to the employers listed below effective September 29, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificates. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Avon Paper Box Company, 1120 E. Cumberland Street, Avon, Pennsylvania; Converted Paper Products; Paper Boxes; 3 learners; 6 weeks for any one learner; 30 cents per hour; Basic hand and machine box making operations, except cutting, scoring and slitting; March 17, 1942. (This certificate effective September 18, 1941, and expires March 17, 1942, instead of March 17, 1941, as erroneously recorded in the FEDERAL REGISTER of September 18, 1941.)

Jose Escalante and Company, 1018 Poeyfarre Street, New Orleans, Louisiana; Cigar Industry; 15 learners; 8 weeks for any one learner; 75% of applicable minimum wage rate; Cigar Machine Operating; September 29, 1942.

Signed at Washington, D. C., this 29th day of September 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7254; Filed, September 29, 1941; 11:48 p. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 36 FOR THE WOOLEN INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on August 27, 1941, by Administrative Order No. 126, appointed Industry Committee No. 36 for the Woolen Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 36, on September 24, 1941, recommended a minimum wage rate for the Woolen Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on September 24, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 36 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 36 is as follows:

Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in commerce or in the production of goods for commerce in the Woolen Industry as defined in Administrative Order No. 126, dated August 27, 1941.

II. The definition of the Woolen Industry as set forth in Administrative Order No. 126, issued August 27, 1941, is as follows:

(a) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto.

(b) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk).

(c) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk).

(d) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto.

(e) The manufacturing of batting, wadding or filling made entirely of wool or animal fiber (other than silk).

(f) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber.

(g) The manufacturing, dyeing or other finishing of the products enumerated in clauses (b), (c), (d), and (e) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk) with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

III. The full text of the report and recommendation of Industry Committee No. 36, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 A. M. and 4:30 P. M. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth & Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury & Edenton Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street NE.

Columbia, South Carolina, Federal Land Bank Building.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 119 Seventh Avenue North.

Cleveland, Ohio, Main Post Office, West 3rd & Prospect Avenue.

Detroit, Michigan, 348 Federal Building.

Columbus, Ohio, 320 Old Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, Tenth & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building.

Dallas, Texas, 824 Santa Fe Building, 1114 Commerce Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building.

San Juan, Puerto Rico, Box 112 Post Office.

Washington, District of Columbia, Fourth Floor, Department of Labor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on October 15, 1941, before Major Robert N. Campbell, Presiding Officer, at 10:00 A. M. in Room 3229 of the United States Department of Labor Building in Washington, D. C., for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 36 shall be approved or disapproved; and

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 36, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; *Provided*, That not later than October 11, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 36.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 36 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Woolen Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

United States Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Woolen and Worsted Industry*, September, 1941.

United States Department of Labor, Bureau of Labor Statistics, *The Bureau of Labor Statistics' New Index of Cost of Living*. March 15, 1940. Serial No. R–1156.

United States Department of Labor, Bureau of Labor Statistics, *Monthly Labor Review*, July, 1939, *Differences in Living Costs in Northern and Southern Cities*. Serial No. R–963.

United States Department of Labor, Bureau of Labor Statistics, *Changes in Cost of Living, December 15, 1940*. Serial No. R–1254.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceedings to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 29th day of September 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41–7255; Filed, September 29, 1941; 11:51 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 491]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., UNDER SECTION 408 (b) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED, FOR APPROVAL OF THE ACQUISITION OF ALL, OR SUBSTANTIALLY ALL, OF THE ISSUED AND OUTSTANDING STOCK OF TACA, S. A.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Oral argument on the above-entitled proceeding, now assigned for October 1, 1941, is hereby postponed to October 2, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., September 27, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–7244; Filed, September 29, 1941; 10:04 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE INDUSTRIAL COMMISSION OF THE STATE OF WISCONSIN PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Industrial Commission of the State of Wisconsin having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Wisconsin Unemployment Reserves and Compensation Act, as amended, and

The Social Security Board having considered the provisions of said Act to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code.

The Board hereby finds that:

(1) The said Act provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said Act to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Industrial Commissioner of the State of Wisconsin: *Provided*, That said findings shall not be construed to be applicable with respect to reduced rates of contributions permitted under § 108.15 of said Act to so-called "special accounts" maintained for governmental units.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

SEPTEMBER 24, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 41–7217; Filed, September 26, 1941; 2:14 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–406]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than October 15, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central Illinois Public Service Company, a subsidiary of The Middle West Corporation, a registered holding company, proposes, pursuant to authorization of the Illinois Commerce Commission, to issue and sell (a) $38,000,000 principal amount of its First Mortgage Bonds, Series A, due October 1, 1971, and (b) $9,000,000 principal amount of unsecured notes due serially April 1, 1942–October 1, 1951. The Company proposes to apply the proceeds from the sale of these securities, together with other moneys of the Company to the extent required, to the redemption of $38,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 3¾%, due December 1, 1968, of the Company, and to the redemption (or payment at maturity) of $9,000,000 principal amount of outstanding Serial Debentures, 3½% and 4%, of the Company, due serially December 1, 1941–December 1, 1948. The interest rates on the bonds and the unsecured notes proposed to be issued will be supplied by amendment. The proposed notes will not be sold publicly.

It is contemplated that a public offering of the Bonds will be made by underwriters after compliance with the provisions of Rule U-50.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7245; Filed, September 29, 1941; 11:29 a. m.]

[File No. 70–357]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION AND NEW HAMPSHIRE GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING WITH RESPECT TO CERTAIN PROPOSED FEES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1941.

The Commission by order dated September 24, 1941, having granted applications, pursuant to Rule U-50 and sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935, filed by New England Gas and Electric Association, a registered holding company, and its subsidiary, New Hampshire Gas and Electric Company, regarding the issue and sale by New Hampshire Gas and Electric Company of $1,500,000 additional Common Stock and $1,000,000 principal amount of First Mortgage 3½% Bonds, Series B, due 1971; and

The Commission in the said order of September 24, 1941, with the consent of the applicants, having reserved jurisdiction over a fee in the amount of $10,000 proposed to be paid to The First Boston Corporation, Boston, Massachusetts, for services rendered in connection with the above transaction, to determine whether such fee is or is not reasonable, and whether such fee should or should not be paid;

It is ordered, That a hearing be held on such matter on October 15, 1941, at 10:00 o'clock in the forenoon of that day, in the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., for the purpose of determining whether such fee is or is not reasonable, and whether such fee should or should not be paid. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That notice of said hearing be and hereby is given to New England Gas and Electric Association, New Hampshire Gas and Electric Company, and The First Boston Corporation and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party in said proceedings shall file a notice to that effect with this Commission on or before October 10, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F.R. Doc. 41–7246; Filed, September 29, 1941; 11:29 a. m.]

[File No. 70–404]

IN THE MATTER OF NORTHWESTERN WISCONSIN ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested party may, not later than October 15, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Northwestern Wisconsin Electric Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, proposes to issue 1,056 shares of its common stock having a par value of $100 per share and to deliver such common stock to said American Utilities Service Corporation as a stock dividend; to issue $75,000 principal amount of its First Mortgage 3¾% Sinking Fund Bonds, Series B, to be dated as of May 1, 1939, and to mature May 1, 1954, and to sell such bonds to Northwestern National Life Insurance Company, of Minneapolis, Minnesota, at the principal amount thereof plus accrued interest; and to change the interest rate on its presently outstanding First Mortgage 5% Sinking Fund Bonds, Series A, dated as of May 1, 1939, due May 1, 1954, from 5% per annum to 3¾% per annum, and to change the call price provisions with respect to such Series A Bonds, such changes to be by agreement with said Northwestern National Life Insurance Company as the holder of all of such Series A Bonds outstanding.

It is stated that the foregoing transactions have been expressly authorized by the Public Service Commission of the State of Wisconsin, the State Commission of the State in which applicant and declarant is organized and does business. It is further stated that the proceeds of the Series B Bonds are to be used for meeting the company's construction requirements or for the purpose of reimbursing its treasury for construction expenditures heretofore made.

The acquisition of such common stock by American Utilities Service Corporation is the subject of an application already on file with the Commission (File No. 70–375).

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7247; Filed, September 29, 1941; 11:29 a. m.]

[File No. 59–6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1941.

The Commission having on July 30, 1941, issued its Findings and Opinion and Order in the above-entitled matter directing The United Gas Improvement Company to sever its relationship with certain companies named therein;

Respondents having filed with the Commission a Petition for Rehearing of the matters covered by said Order and having averred that the sole purpose in presenting the Petition was to protect their right to appeal from the aforesaid Order if they decide to do so; and

The Commission having reviewed said Order of July 30, 1941, and having carefully considered the subject matter of Respondents' Petition for Rehearing in connection therewith and it appearing that the Petition does not set forth any new facts or raise any new material contentions or other grounds not fully considered by the Commission prior to the entry of said Order on the basis of which the Commission should grant a rehearing with respect thereto;

It is ordered, That said Petition for Rehearing be and the same hereby is denied.

It is further ordered, That said Order of July 30, 1941, is hereby reaffirmed and made effective as of the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7248; Filed, September 29, 1941; 11:30 a. m.]

[File No. 1–2845]

IN THE MATTER OF AMERICAN CENTRIFUGAL CORPORATION $1 PAR VALUE CAPITAL STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1941.

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the $1 Par Value Capital Stock, of American Centrifugal Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, October 14, 1941, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7249; Filed, September 29, 1941; 11:30 a. m.]

[File No. 813–6]

IN THE MATTER OF RAPID TRANSIT INVESTMENT FUND NO. 2

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (b) of the Investment Company Act of 1940 for an order exempting the applicant from all the provisions of the said Act and Rules and Regulations thereunder; or in the alternative for an order pursuant to section 6 (c) of the said Act for exemption from any and all provisions of the said Act and the Rules and Regulations.

It is ordered, That a hearing on such matter under the applicable provisions of the Act and Rules and Regulations of the Commission thereunder be held on October 3, 1941, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7250; Filed, September 29, 1941; 11:30 a. m.]

[File No. 813–5]

IN THE MATTER OF INTERURBAN INVESTMENT FUND NO. 2

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (b) of the Investment Company Act of 1940 for an order exempting the applicant from all the provisions of the said Act and Rules and Regulations thereunder; or in the alternative for an order pursuant to section 6 (c) of the said Act for exemption from any and all provisions of the said Act and the Rules and Regulations.

It is ordered, That a hearing on such matter under the applicable provisions of the Act and Rules and Regulations of the Commission thereunder be held on October 3, 1941, at 10:00 o'clock in the forenoon of that day, in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day, the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7251; Filed, September 29, 1941; 11:30 a. m.]

[File No. 4-40]

IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND CITIES SERVICE COMPANY, RESPONDENTS

MEMORANDUM OPINION AND ORDER ON MOTION TO DISMISS PROCEEDING AND WITHDRAW NOTICE SUSPENDING EXEMPTION.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1941.

Cities Service Company registered as a holding company under the Public Utility Holding Company Act of 1935 on January 29, 1941. Prior to that time the Commission had promulgated Rule U-3D-15[1] under which subsidiaries of Cities Service Company engaged in the petroleum business, or in any business accessory thereto, the real estate business, or in the production or transportation of natural gas would enjoy certain exemptions from the terms and provisions of the Act, this exemption according to the terms of the rule being subject to withdrawal upon appropriate notice.

Prior to the registration of Cities Service Company, hereinafter referred to, and during the latter part of 1940, Natural Gas Pipeline Company of America, a subsidiary of Cities Service Company, engaged in the transportation of natural gas, commenced a project involving the looping of its lines for which cash advances were made by its parent companies.

Subsequent to the registration by Cities Service Company and acting under and in reliance upon the exemption provided by Rule U-3D-15, Natural Gas Pipeline Company of America began negotiations regarding the sale of $30,000,000 principal amount of first mortgage bonds to six banks and two insurance companies, to reimburse these outlays, and to provide funds for the completion of the aforementioned project.

On August 25, 1941 we issued an Order for Hearing with respect to the withdrawal of the exemption provided by Rule U-3D-15. The Order was issued pursuant to the revocation provisions contained in that rule and also pursuant to Rule U-100[2] and contained a Notice suspending the exemption pursuant to paragraph (b) of that rule.

On September 24, 1941, Cities Service Company, one of the respondents, filed a Motion to dismiss this proceeding and requested that the Notice and Order be vacated. Argument was heard at the time the Motion was filed. The Motion was made on the grounds, among others, that delay would jeopardize the financing program and that no public interest involved was not adequately protected.

It now appears that the proposed financing by Natural Gas Pipeline Company of America has proceeded practically to the point of consummation in reliance upon the exemption granted by the rule hereinabove referred to and that delay incident to the proceedings would jeopardize such financing and the completion of the construction program now under way. The Commission is likewise aware that the outstanding securities of this company which may be affected by the proposed financing are held entirely by several parent companies and that the transaction is proposed with the full knowledge and consent of all security holders directly concerned. The Commission is of the opinion that while the proceeding was properly instituted, nevertheless in view of all the circumstances, particularly those immediately referred to above, that it would be inequitable at this time to revoke the exemption.

We therefore find that the Motion should be granted and

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7252; Filed, September 29, 1941; 11:30 a. m.]

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[1] The Rule reads as follows:

RULE U-3D-15. *Exemption for Subsidiaries of Registered Holding Companies Engaged in Certain Non-Utility Businesses and for Registered Holding Companies as to Transactions with such Subsidiaries.* (a) If at the time of registration of any holding company, subsidiaries of such holding company are substantially engaged or interested through subsidiaries in any branch of the petroleum business or in any business accessory thereto, in the real estate business, or in the production or transportation of natural gas, any subsidiary of such registered holding company which is so engaged or interested and is not a public utility or holding company shall be exempt from all duties, obligations and liabilities imposed upon it as such subsidiary by the Act and Rules, except those imposed by the following sections of the Act and Rules thereunder:

(1) Section 6 (c) and section 8.

(2) Section 9 (a) and section 10 insofar as they relate to (a) the acquisition of utility assets, (b) the acquisition of an interest in any business other than a business in which such subsidiary company is substantially engaged or interested through subsidiaries, (c) the acquisition of securities (other than securities acquired from customers in the ordinary course of business) issued by a person not substantially engaged in one of the above described businesses in which such subsidiary company is also substantially engaged or interested through subsidiaries, or (d) the acquisition of securities issued by a public utility or holding company.

(3) Section 11 (b).

(4) Any order of the Commission under section 12 of the Act; any Rule under section 12 of the Act which may be applicable to the lending or in any manner extending of credit to or indemnifying any company which is a public utility or holding company or applicable to the declaration of dividends; section 12 (h) and section 12 (i).

(5) Section 13 insofar as applicable to any transaction with any associate companies not of the class entitled to an exemption under this paragraph (a); and any order of the Commission under section 15 of the Act.

(6) Sections 16 and 17.

(7) Any of the administrative sections of the Act (sections 18-29), which may become applicable in connection with any of the matters excluded under items 1-6 inclusive above from the exemption under this paragraph (a).

(b) Any such holding company shall be exempt as such from section 9 (a) of the Act, with respect to the acquisition of securities issued to it by any subsidiary company under the exemption provided by paragraph (a) of this Rule, and from any Rule of the Commission under section 12 (b) or 12 (f) of the Act, with respect to any other transaction with any such subsidiary: *Provided, however,* That the total aggregate investment of such holding company as existing at the date of its registration in all subsidiaries of the class entitled to exemption under paragraph (a) of this rule shall not be increased by reason of any acquisitions or transactions permitted under this paragraph (b).

(c) *Availability and duration of exemption.* The exemptions granted to holding companies by this rule shall only be available to any holding company which registers after the effective date of this rule. The exemptions granted to subsidiary companies by this rule shall only be available to (1) any company which was not a subsidiary of any registered holding company on such date; and (2) any company which was a subsidiary of a registered holding company on such date but was then except from any obligation imposed on it as a subsidiary of such registered holding company by reason of the pendency of an application filed in good faith pursuant to section 2 (a) (8) of the Act. At any time after three months from the date of such registration such exemption may be terminated and this Rule repealed or modified, in whole or in part, as to any such holding company or any of its subsidiaries upon thirty days' prior notice to such holding company, if the Commission deems the further continuance of such exemption or this Rule to be detrimental to the public interest or the interest of investors or consumers.

[2] Rule U-100 is as follows:

RULE U-100. *Orders Granting or Withdrawing Exemptions.* (a) *Orders granting exemption from rules.* Any transaction subject to the requirements of any rule promulgated under the Act may be exempted therefrom by the Commission upon application, or upon its own motion provided an application for approval of such transaction or a declaration with respect thereto is pending, if it appears to the Commission that such requirements as applied to such transaction are not necessary or appropriate in the public interest or for the protection of investors or consumers.

(b) *Orders withdrawing exemption.* Any unexecuted transaction which is within the exemption provided in any rule from the requirements of any provision of the Act or of the rules, may nevertheless be subjected thereto by order, after notice and opportunity for hearing, if it appears to the Commission that the withdrawal of such exemption as applied to such transaction would be appropriate in the public interest or the interest of investors or consumers. The Commission may by such notice suspend the applicability of any such exemption to any transaction pending final determination.

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Reference

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 6 NUMBER 191

Washington, Wednesday, October 1, 1941

The President

NATIONAL CATAHOULA WILDLIFE MANAGEMENT PRESERVE, LOUISIANA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

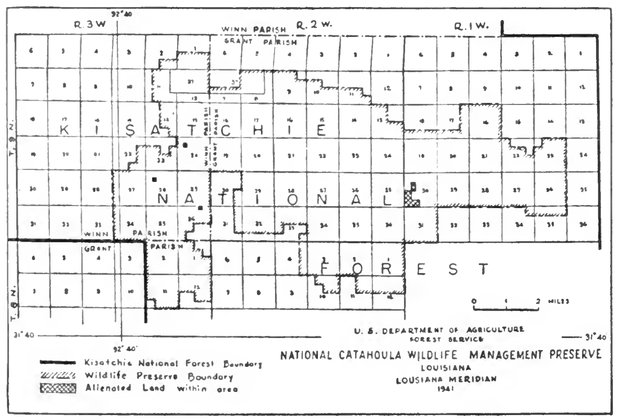
A PROCLAMATION

WHEREAS it appears that the designation and setting aside of the areas in the State of Louisiana, hereinafter indicated, for the protection of game animals, birds and fish will promote the public good:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the act of Congress approved August 11, 1916 (39 Stat. 446, 476; 16 U.S.C. 683), do proclaim that there are hereby designated and set aside for the protection of game animals, birds and fish, all lands of the United States within the Kisatchie National Forest in the State of Louisiana purchased under the provisions of the act of March 1, 1911 (36 Stat. 961; 16 U.S.C. 480, 500, 513–519, 521), and the acts supplemental thereto and amendatory thereof, as shown on the diagram forming a part hereof, to be known as the National Catahoula Wildlife Management Preserve.

All persons are hereby informed that it is unlawful to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.



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FEDERAL REGISTER

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DONE at the City of Washington this 27th day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America, the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2515]

[F. R. Doc. 41-7296; Filed, September 30, 1941; 11:23 a. m.]

NATIONAL RED DIRT WILDLIFE MANAGEMENT PRESERVE, LOUISIANA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that the designation and setting aside of the areas in the State of Louisiana, hereinafter indicated, for the protection of game animals, birds and fish will promote the public good:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the act of Congress approved August 11, 1916 (39 Stat. 446, 476; 16 U. S. C. 683), do proclaim that there are hereby designated and set aside for the protection of game animals, birds and fish, all lands of the United States within the Kisatchie National Forest in the State of Louisiana purchased under the provisions of the act of March 1, 1911 (36 Stat. 961; 16 U. S. C. 480, 500, 513–519, 521), and the acts supplemental thereto and amendatory thereof, as shown on the diagram forming a part hereof, to be known as the National Red Dirt Wildlife Management Preserve.

All persons are hereby informed that it is unlawful to hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or to take the eggs of any such bird, on any lands herein designated or in or on the waters thereof, except under such general rules and regulations as may be prescribed from time to time by the Secretary of Agriculture.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 27th day of September, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America, the one hundred and sixty-sixth.

[SEAL]

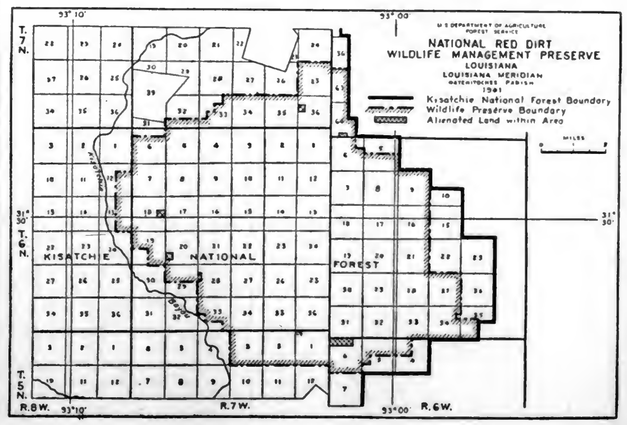
FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2514]

[F. R. Doc. 41-7295; Filed, September 30, 1941; 11:23 a. m.]



EXECUTIVE ORDER

TRANSFER OF CERTAIN LANDS FROM THE SECRETARY OF THE INTERIOR TO THE SECRETARY OF AGRICULTURE

NEW MEXICO

By virtue of the authority vested in me by section 32 of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 525), it is ordered that the following-described lands, transferred from the Secretary of Agriculture to the Secretary of the Interior by Executive Order No. 8471[1] of July 8, 1940, be, and they are hereby, transferred from the Secretary of the Interior to the Secretary of Agriculture for use in connection with the land-conservation and land-utilization program of the Soil Conservation Service:

JEMEZ PROJECT, LI–NM–9
SANDOVAL COUNTY, NEW MEXICO
New Mexico Principal Meridian

T. 18 N., R. 2 W., those parts lying within the Ojo del Expiritu Santo Land Grant, as described in U. S. Survey No. 44.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 27, 1941.

[No. 8912]

[F. R. Doc. 41-7264; Filed, September 29, 1941; 2:44 p. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR USE IN CONNECTION WITH THE SQUAW BUTTE EXPERIMENTAL STATION

OREGON

By virtue of the authority vested in me as President of the United States, it is hereby ordered that all the public lands within the following-described area be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and, subject to valid existing rights, reserved for the use of the Secretary of the Interior as an experimental range for scientific research and other studies to provide basic information for the administration of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended:

Willamette Meridian

T. 24 S., R. 25 E.,
sec. 1, S½;
sec. 2, S½;
sec. 3, S½;
sec. 4, S½;
sec. 5, S½;
secs. 8 to 17, inclusive;
secs. 20 to 29, inclusive;
sec. 32, N½;
sec. 33, N½;
sec. 34, N½;
sec. 35, N½;
sec. 36, N½;
T. 24 S., R. 26 E., sec. 6, lots 6 and 7.

[1] 5 F.R. 2519.

This order shall continue in full force and effect until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 27, 1941.

[No. 8911]

[F. R. Doc. 41-7263; Filed, September 29, 1941; 2:44 p. m.]

EXECUTIVE ORDER

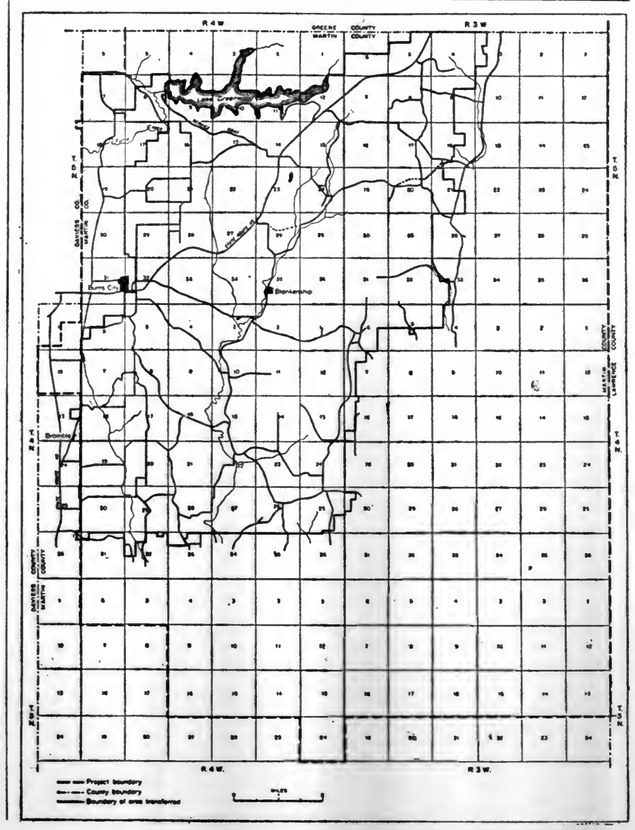
TRANSFER OF JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE NAVY

INDIANA

WHEREAS certain lands within the area shown on the diagram attached hereto have been acquired or are in the process of acquisition under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), in connection with the Martin County and White River Land Utilization Projects of the Department of Agriculture, in Indiana; and

WHEREAS by Executive Order No. 7908[1] of June 9, 1938, all the right, title, and interest of the United States in those lands acquired or in process of acquisition under the authority of the aforesaid National Industrial Recovery Act and the Emergency Relief Appropriation Act of 1935 were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the aforesaid Bankhead-Jones Farm Tenant Act, and the

[1] 3 F.R. 1389.



related provisions of Title IV thereof; and immediately upon the acquisition of the legal title to those lands now in the process of acquisition under the authority of said acts, said order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that the use of such lands by the Navy Department for national defense purposes would best carry out the purposes of the land-conservation and land-utilization program for which such lands were acquired, and would be in the public interest:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the said Bankhead-Jones Farm Tenant Act, and upon recommendation of the Secretary of Agriculture, it is ordered that the lands acquired or in the process of acquisition by the United States within the area delineated on the diagram attached hereto and made a part hereof, together with the improvements thereon, be, and they are hereby, transferred from the Secretary of Agriculture to the Secretary of the Navy for national defense purposes: *Provided, however,* That the Secretary of Agriculture shall retain such jurisdiction over the lands now in the process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 27, 1941.

[No. 8910]

[F. R. Doc. 41-7262; Filed, September 29, 1941; 2:44 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 927—MILK IN THE NEW YORK METROPOLITAN AREA

ORDER OF THE SECRETARY OF AGRICULTURE MAKING EFFECTIVE AMENDMENT NO. 3 [1] TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA [2]

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on August 29, 1941, amendment No. 3 to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, said amendment No. 3 to become effective at such time as the Secretary might subsequently declare.

The requirements of section 8c (9) of such act have been complied with.

Pursuant to the powers conferred upon the Secretary of Agriculture by said act, it is hereby declared that said amendment No. 3 to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, as further amended by amendments No. 1 and No. 2, shall be effective on and after 12:01 a. m., e. d. s. t., October 1, 1941, and it is hereby ordered that such handling of milk produced for sale in the New York metropolitan milk marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from such effective date, be in compliance with the terms and conditions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, as amended by amendment No. 1, amendment No. 2, and amendment No. 3.

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Done at Washington, D. C., this 29th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7298; Filed, September 30, 1941; 11:27 a. m.]

[1] 6 F.R. 4507.

[2] See also Department of Agriculture, Surplus Marketing Administration *infra*.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

AMENDMENT DEFINING TERMS USED IN FORMS FOR REGISTRATION UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly sections 7, 10, and 19 (a) thereof (Sec. 7, 48 Stat. 78; Sec. 10, 48 Stat. 81; Sec. 206, 48 Stat. 907; Sec. 19, 48 Stat. 85; Sec. 209, 48 Stat. 908; 15 U.S.C. 77g, 77j, and 77s), and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the Act, hereby takes the following action:

Section 230.455 [Rule 455] of the General Rules and Regulations under the Act is amended by adding thereto the following definitions:

§ 230.455 *Definition of terms used in the forms for registration.*

* * * * *

(q) *Promoter.* The term "promoter" includes:

(1) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer;

(2) Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, ten percent or more or any class of securities of the issuer or ten percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

(r) *Succession.* The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

Effective September 29, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7265; Filed, September 29, 1941; 2:59 p. m.]

PART 239—FORMS, SECURITIES ACT OF 1933

ADOPTION OF FORM S-3 FOR REGISTRATION UNDER THE ACT OF SHARES OF MINING CORPORATIONS IN THE PROMOTIONAL STAGE

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly sections 7, 10, and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary to carry out the provisions of the Act, hereby takes the following action:

The Commission hereby adopts Form S-3 [1] For Registration Under the Securities Act of 1933 of Shares of Mining Corporations in the Promotional Stage.

Effective September 29, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7266; Filed, September 29, 1941; 2:59 p. m.]

[1] Filed with the original document.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[Regulations 51, 1941 Edition]

PART 320—RETAILERS' EXCISE TAXES

SUBPART A—INTRODUCTORY

Sec.
320.0 Scope of regulations.

SUBPART B—GENERAL PROVISIONS

320.1 Meaning of terms.
320.2 Effective period.
320.3 Liability for tax.
320.4 When tax attaches.
320.5 Basis of tax on sales generally.
320.6 Charges for coverings, containers, etc., generally.
320.7 Exclusion of tax.
320.8 Exclusion of charges for transportation, delivery, etc., generally.
320.9 Discounts and adjustments, generally.
320.10 Basis of tax on leases, installment sales and conditional sales.

SUBPART C—GENERAL EXEMPTIONS

320.20 Sales to States or political subdivisions thereof and to the United States.
320.21 Sales for export.
320.22 Shipments to possesions of the United States.

SUBPART D—JEWELRY, ETC.

320.30 Scope of tax.
320.31 Jewelry.
320.32 Pearls, precious and semi-precious stones, and imitations thereof.
320.33 Articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof.
320.34 Watches and clocks.
320.35 Gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware.
320.36 Opera glasses, lorgnettes, marine glasses, etc.
320.37 Exemptions.
320.38 Rate of tax.

SUBPART E—TAX ON FURS

320.40 Scope of tax.
320.41 Rate of tax.

SUBPART F—TOILET PREPARATIONS, ETC.

320.50 Scope of tax.
320.51 Rate of tax.
320.52 Sales to beauty parlors, etc.

SUBPART G—MISCELLANEOUS ADMINISTRATIVE PROVISIONS

320.60 Returns.
320.61 Payment of taxes.
320.62 Records.
320.63 Jeopardy assessment.
320.64 Returned goods; price adjustments.
320.65 Beauty parlors, etc.
320.66 Credits and refunds generally.
320.67 Penalties and interest.
320.68 Promulgation of regulations.

SUBPART A—INTRODUCTORY

§ 320.0 *Scope of regulations.* The regulations in this part deal with excise taxes imposed by Chapter 19, of the Internal Revenue Code, as added by section 552 of the Revenue Act of 1941, on sales by the retailer of:

(a) Jewelry.
(b) Furs.
(c) Toilet preparations.

Taxes on sales of articles of the three classes will be considered hereinafter in the order indicated. The regulations with respect to the imposition, manner of application, and computation of tax liability are set forth in Subparts B to F, inclusive. The regulations relating to the return and collection of tax and the imposition of penalties and other matters are contained in subpart G.*

*§§ 320.0 to 320.68, inclusive, issued under the authority contained in section 2410 of the Internal Revenue Code, added by section 552 of the Revenue Act of 1941 (Public Law 250, 77th Congress), and follow the statutory provisions to which they respectively refer.

SUBPART B—GENERAL PROVISIONS

Definitions

SEC. 3797. DEFINITIONS. (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

* * * * *

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

SEC. 2404. DEFINITION OF SALE. For the purposes of this chapter, the lease of an article shall be considered the sale of such article.

§ 320.1 *Meaning of terms.* As used in the regulations in this part—

(a) The terms defined in the applicable provisions of law shall have the meanings so assigned to them.

(b) The phrase "every person who sells at retail" means any person engaged in the business of selling articles to a purchaser at retail.

(c) The term "exporter" means the person named as shipper or consignor in the export bill of lading.

(d) The term "exportation" means the severance of an article from the mass of things belonging within the United States with the intention of uniting it with the mass of things belonging within some foreign country or within a possession of the United States.

(e) The term "possession of the United States" includes the Philippine Islands, the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, Palmyra, and the Midway Islands.

(f) The term "sale" means an agreement whereby the seller transfers the property (that is, the title or the substantial incidents of ownership) in goods to the buyer for a consideration called the price, which may consist of money, services, or other things.

(g) The term "taxable article" means any article taxable under Chapter 19, of the Internal Revenue Code.

(h) The term "vendor" includes a lessor.

(i) The term "purchaser" includes a lessee.*

Effective Period

SEC. 2411. EFFECTIVE DATE. This part shall be effective on and after October 1, 1941.

§ 320.2 *Effective period.* The taxes imposed under Chapter 19 of the Internal Revenue Code are applicable to articles sold or leased on and after October 1, 1941.*

Liability for Tax

§ 320.3 *Liability for tax.* Every person who sells at retail any article covered by the regulations in this part, or leases such article, is liable for tax whether such sale or lease is made directly or through an agent.*

§ 320.4 *When tax attaches.* In general the tax attaches when the title to the article sold passes from the retailer to a purchaser.

When title passes is dependent upon the intention of the parties as gathered from the contract of sale and the attendant circumstances. In the absence of expressed intention, the legal rules of presumption followed in the jurisdiction where the sale is made govern in determining when title passes. Generally, title passes upon delivery of the article to the purchaser or to a carrier for the purchaser.

In the case of a sale on credit, it is immaterial whether or not the purchase price is actually collected.

Where an article is consigned to any person for sale at retail and the consignor maintains control over the terms and prices for which the article may be sold by the consignee, the consignor is considered to be the "person who sells at retail" when the consignee sells the taxable article.

Where an article is consigned to any person for sale at retail and the consignor maintains no control over the terms and prices for which the article may be sold at retail by the consignee, such consignee is considered the "person who sells at retail" when such article is sold by him.

In the case of an installment sale, where title does not pass until a future date, a conditional sale, or a lease, a proportionate part of the tax attaches on each payment. See § 320.10.*

[SEC. 2403. RETUEN AND PAYMENT OF RETAILERS' EXCISE TAXES.]

(c) In determining, for the purposes of this chapter, the price for which an article

is sold, there shall be included any charge for coverings and containers of whatever nature, and any charge incident to placing the article in condition packed ready for shipment, but there shall be excluded the amount of tax imposed by this chapter, whether or not stated as a separate charge. A transportation, delivery, insurance, installation, or other charge (not required by the foregoing sentence to be included) shall be excluded from the price only if the amount thereof is established to the satisfaction of the Commissioner, in accordance with the regulations. There shall also be excluded, if stated as a separate charge, the amount of any retail sales tax imposed by any State or Territory or political subdivision of the foregoing, or the District of Columbia, whether the liability for such tax is imposed on the vendor or vendee.

§ 320.5 *Basis of tax on sales generally.* The tax is imposed on the sale by the retailer of any of the articles enumerated in the regulations in this part. The provisions of law quoted above embody the rules for determining the sale price, which is the basis of the tax. In general, this should be the retailer's actual price at the point of distribution or sale. In determining the sale price, for tax purposes, there shall be included any charge incident to placing the article in condition packed ready for shipment. There shall be excluded (a) the amount of the tax, whether or not billed as a separate item, and (b) (subject to the provisions of § 320.8) transportation, delivery, insurance, installation, or other charges (not required by the preceding sentence to be included). There may also be excluded the amount of any retail sales tax imposed by any State or Territory or political subdivision of the foregoing, or the District of Columbia, whether the liability for such tax is imposed on the vendor or vendee, but such amount shall be excluded only if stated as a separate charge (and in the exact amount of tax) on the invoice, bill, or other memorandum of sale rendered to the purchaser.

Where articles are sold on credit, the tax is to be returned and paid to the collector of internal revenue during the month succeeding that in which the sales are made, even though the price may not be paid to the retailer until a later date.

The sale price of any article covered by the regulations in this part may be payable in whole or in part in property. Thus, where a dealer accepts an article in trade as partial or full payment for the purchase price of any taxable article, the amount allowed for the article accepted in trade but not less than the fair market value thereof, must be included in the determination of the tax due on such sale. If the article accepted in such a "trade-in" transaction is one covered by the regulations in this part, the resale thereof will be subject to the tax.

The giving of a premium in consideration of the return of wrappers, labels, coupons, trading stamps, or other scrip, delivered or sold in connection with the sale of a commodity, constitutes a taxable transaction, and the person so giving the premium is considered to be one who sells at retail.*

§ 320.6 *Charges for coverings, containers, etc., generally.* Any charges for coverings, containers, etc., incident to placing an article in condition packed ready for shipment shall be included as a part of the sale price for the purpose of computing the tax. Therefore, the amount paid for the article and its covering or container is the basis for computing the tax even though a separate charge for such covering or container is billed on the invoice.*

§ 320.7 *Exclusion of tax.*—(a) *Federal tax.* The tax imposed by Chapter 19 of the Internal Revenue Code on the retailer's sale of an article is by statute not a part of the taxable price of the article. Where the Federal tax is billed as a separate item, the amount thereof should be excluded in determining the sale price upon which the tax is to be computed. Where the Federal tax is not billed as a separate item, it will be presumed that the amount of the tax is included in the price charged for the article, and such amount will be excluded by an appropriate computation in determining the taxable sale price.

Thus, where an article is sold for $100 and an additional sum of $10 is billed as tax, it is clear that $100 is the taxable sale price and $10 the amount of tax due thereon at the prescribed rate of 10 per cent. Where the article is sold for $100 with no separate billing or indication of the amount of the tax, it will be presumed that the tax is included in the $100, and the tax computed accordingly on the basis of a sales price exclusive of the tax. Since the rate of tax is 10 per cent, the billed price of $100 represents the taxable sales price (100 per cent) plus the tax due thereon (10 per cent), or 110 per cent. Since 10 per cent is $\frac{1}{11}$ of 110 per cent, the tax may be computed on the basis of a sales price exclusive of the tax by taking $\frac{1}{11}$ of the billed price.

(b) *State and local taxes.* A retail sales tax imposed by a State, or Territory, or political subdivision of the foregoing, or by the District of Columbia, may be excluded from the taxable price of an article only when billed as a separate item; if not so billed, the amount of such tax must be included in the taxable sales price.

This exclusion relates to State or local taxes imposed with respect to the sale of the article, regardless of whether the vendor or vendee is liable for payment of the tax. However, it does not include other levies, as for example, a State income tax payable by a retailer upon the net profits derived from his operations.

Where the amount of any State or local retail sales tax is excluded from the taxable sales price of an article, the taxpayer must retain a copy of the invoice, bill, or other memorandum of sale rendered the purchaser or other evidence satisfactory to the Commissioner to show that the amount of the retail sales tax so excluded was stated as a separate charge.*

§ 320.8 *Exclusion of charges for transportation, delivery, etc., generally.* Charges for transportation, delivery, insurance, installation, and other charges actually incurred in connection with the delivery of an article to a purchaser pursuant to a bona fide sale, are to be excluded in computing the tax.*

§ 320.9 *Discounts and adjustments, generally.* Readjustments in sale price (such as allowable discounts, rebates, bonuses, etc.) can not be anticipated. The tax must be based upon the original price unless the readjustments have actually been made prior to the close of the month in which the tax upon the sale is returned. However, if the price upon which the tax was computed is subsequently readjusted, a proper credit may be taken against the tax due on a subsequent return, or an appropriate claim for refund may be filed. (See § 320.66.)

Commissions to agents, or allowances, payments, or adjustments made to persons other than the retailer's vendee are not deductible from the sale price under any conditions for purposes of computing the tax.*

SEC. 2405. LEASES, CONDITIONAL SALES, ETC.

In the case of (a) a lease, (b) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithsanding partial payment by installments, or (c) a conditional sale, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment. No tax shall be imposed under this chapter on the sale of any article taxable under section 2400 or section 2401 if with respect to such article the lease, contract for sale, or conditional sale was made, delivery thereunder was made, and a part of the consideration was paid, before October 1, 1941.

§ 320.10 *Basis of tax on leases, installment sales, and conditional sales.* Special provision is made in the law for computing taxes due in the case of leases of articles and installment and so-called conditional sales. The term "lease" means a continuous right to the possession or use of a particular article for a period of time. It does not include the use of an article merely as occasion demands, but the contract must give the lessee the right to possess or use the article, without interruption, for a period of time.

Where articles are leased by the retailer, or sold under an installment-payment contract with title reserved, or under a conditional-sale contract with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment made with respect to the article. Such taxes are to be returned and paid to the collector during the month following that in which such payment is made.

In the case of articles taxable under sections 2400 relating to jewelry, etc., and 2401 relating to furs, the tax does not apply to payments where (1) the lease, or installment sale, or conditional sale contract, (2) delivery of the article under the contract, *and* (3) payment of a part of the consideration, were made prior to October 1, 1941.*

SUBPART C—GENERAL EXEMPTIONS

Sales to States, etc.

SEC. 2406. TAX-FREE SALES.

Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

(a) for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

* * * * * *

§ 320.20 *Sales to States or political subdivisions thereof and to the United States.* No tax attaches to articles sold by the retailer direct to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use, provided the exempt character of the sale is established as required by the regulations in this part.

To establish the right to exemption from tax where the sale of an article is made by the retailer direct to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use, it is necessary that (a) the retailer have definite knowledge prior to or at the time of sale, that the article is purchased for such use, and (b) he obtain from an authorized officer of the United States, the State, Territory of the United States, political subdivision, or District of Columbia, as the case may be, and retain in his possession a properly executed exemption certificate in the form prescribed by this section.

Where the certificate is obtained subsequent to the sale but prior to the time the retailer is required to file a return covering taxes due for the month during which the sale was made he should include the tax on such sale in his return for that month, in the item "Total tax due," but may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation either on the face of the return or on a rider attached thereto. If the certificate is not so obtained, the retailer must include the tax on such sale in his return for the month in which the sale was made. However, if the certificate is later obtained a claim for refund of tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

The certificate required by this section must include an agreement that if the articles covered thereby are used otherwise than for the *exclusive use* of the United States, the State, Territory, political subdivision, or the District of Columbia, as the case may be, or if any of such articles are resold to employees or others, a responsible officer of the United States, State, Territory, or political subdivision, or the District of Columbia, as the case may be, will report and pay the tax on such sales to the collector for the district in which the sale is made.

The certificate required by this section shall be in substantially the following form:

EXEMPTION CERTIFICATE

(For use by United States, States, Territories, or political subdivisions thereof, or the District of Columbia.)

----------, 19--.
(Date.)

The undersigned hereby certifies that he is ----------
(Title of Officer.)

of ----------
(United States, State, Territory, or political subdivision, or District of Columbia.)

---------- and that he is authorized to execute this certificate and that the article or articles specified in the accompanying order or on the reverse side hereof, are purchased from---------- for the exclusive use of ----------
(Name of company.) (Governmental unit.)

of ---------- (United States, State, Territory, or political subdivision, or District of Columbia.)

It is understood that the exemption from tax in the case of sales of articles under this exemption certificate to the United States, States, etc., is limited to the sale of articles purchased for their *exclusive use*, and it is agreed that if articles purchased tax free under this exemption certificate are used otherwise or are sold to employees or others, such fact will be reported and tax paid by me to the collector of internal revenue for the district in which the sale was made. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

---------- (Signature.)
(Title of officer.)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be retained as provided in § 320.62. If, upon inspection, it is discovered that a retailer's records with respect to any sale claimed to be tax free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, tax shall be payable by the retailer on such sale.

The articles covered by the exemption certificate must be fully identified as to nature, quantity, and date of sale.*

Exports, and Shipments to Possessions of the United States

[SEC. 2406. TAX-FREE SALES.]

[Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article.]

(b) for export, or for shipment to a possession of the United States, and in due course so exported or shipped.

§ 320.21 *Sales for export.* To exempt from tax a sale for export it is necessary that two conditions be met, namely, (a) that the article be identified as having been sold *by the retailer* for export and (b) that it be exported in due course.

In order to establish exemption from tax in the case of the sale of a taxable article for export it is necessary that the retailer maintain adequate records and have in his possession documentary evidence showing that the article was so sold.*

§ 320.22 *Shipments to possessions of the United States.* The same provisions as relate to sales for export and proof of exportation will apply to sales for shipment to a possession of the United States if the articles are in due course so shipped. (See §§ 320.1 and 320.21.)

This exemption does not apply with respect to sales of articles for shipment to the Territories of Alaska and Hawaii for the reason that these Territories are by a statutory definition included in the term "United States." (See section 3797 (a) (9).).*

SUBPART D—TAX ON JEWELRY, ETC.

SEC. 2400. TAX ON JEWELRY, ETC.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semiprecious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; watches and clocks and cases and movements therefor; gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars. The tax imposed by this section shall not apply to any article used for religious purposes, to surgical instruments, or to frames or mountings for spectacles or eyeglasses, or to a fountain pen if the only parts of the pen which consist of precious metals are essential parts not used for ornamental purposes.

§ 320.30 *Scope of tax.* The tax attaches to the sale by the retailer of articles:

(a) All articles commonly or commercially known as jewelry, whether real or imitation;

(b) Pearls, precious and semi-precious stones and imitations thereof;

(c) All other articles made of, ornamented, mounted or fitted with, precious metals or imitations thereof;

(d) Articles specifically mentioned in the Code, such as watches, clocks, cases and movements therefor; gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars.*

§ 320.31 *Jewelry.* Jewelry in general includes articles designed to be worn on the person or apparel for the purpose of adornment and which in accordance with custom or ordinary usage are worn so as to be displayed, such as rings, chains, brooches, bracelets, cuff buttons, necklaces, earrings, beads, etc. The tax is imposed on the sale of any of such articles at retail, regardless of the substance of which made and without reference to their utilitarian value or purpose, unless for a purpose specifically exempted by law. The term "jewelry"

ordinarily does not include articles designed to be carried in the hand or hung over the arm, such as canes, bags and purses. Likewise, many things designed to be carried in the hand or worn concealed about the person, such as vanity cases, mesh bags, cigarette cases, eyeglass cases, and pencils, do not fall within the category of jewelry, as defined above, but such articles are taxable under this section of the Code when made of, or ornamented, mounted or fitted with, precious metals or imitations thereof (see § 320.33). It is immaterial under the Code whether the jewelry is real or imitation.*

§ 320.32 *Pearls, precious and semi-precious stones, and imitations thereof.* The tax is imposed on the sale at retail of all pearls and precious or semi-precious stones, regardless of whether such pearls, precious or semi-precious stones are real or imitations, cut or uncut, whether drilled, mounted, or matched, and whether temporarily or permanently strung and whether with or without clasps. Beads are subject to the tax as jewelry if the beads are strung ready for use. The sale of loose beads is not subject to the tax unless such beads are pearls, precious or semi-precious stones, or imitations thereof.*

§ 320.33 *Articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof.* The tax is imposed on the sale at retail of any article, as distinguished from those articles commonly or commercially known as jewelry as described in § 320.31, which are made of, or ornamented, mounted or fitted with, precious metals or imitations thereof. The term "precious metals" includes platinum, gold, silver, and other metals of similar or greater value. The term "imitations thereof" includes platings and alloys of such metals. Any article, for example, photograph frames, book ends, ash trays, vanity cases, mesh bags, cigarette cases, etc., glassware, china, pottery, and like articles, which is ornamented with gold, silver, or other precious metals or imitations thereof, is subject to the tax.

Purses, handbags, etc., with frames, snaps, catches, buckles, or clips, etc., made of, ornamented, mounted or fitted with, precious metals or imitations thereof are taxable even though such fittings serve a utilitarian purpose.

Examples of other articles which become subject to the tax when ornamented, mounted or fitted with, precious metals or imitations thereof are umbrellas, walking sticks, cigarette lighters, shoe buckles, etc. If the only parts of a fountain pen which consists of precious metals are essential parts not used for ornamental purposes such a fountain pen is not subject to the tax. However, if a fountain pen is otherwise ornamented, mounted or fitted with, precious metals or imitations thereof it will be subject to tax when sold by the retailer.*

§ 320.34 *Watches and clocks.* The tax is imposed on the sale at retail of watches and clocks or cases and movements therefor. The term "watches and clocks" includes all time measuring devices whether actuated by weights, springs or electrical energy.*

§ 320.35 *Gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware.* The tax is imposed on the sale at retail of any gold, gold-plated, silver, silver-plated or sterling flatware or hollow ware. The terms "flatware or hollow ware" includes all articles commonly or commercially known and sold as such in the trade. Any gold, gold-plated, silver, silver-plated, or sterling article which is not so known or sold in the trade as flatware or hollow ware, is subject to the tax as an article made of, ornamented, mounted or fitted with precious metals or imitations thereof.*

§ 320.36 *Opera glasses, lorgnettes, marine glasses, etc.* The tax is imposed on the sale at retail of opera glasses, lorgnettes, marine glasses, field glasses, or binoculars. These articles are specifically enumerated in the Code and the terms used are held to include only those which are portable instruments. Articles known as marine glasses, field glasses, and similar optical instruments which by reason of their size or weight are ordinarily mounted upon tripods or other bases, are not subject to the provisions of section 2400. Such articles are taxable under section 3406 (a) (9) relating to optical equipment, as added by section 551 of the Revenue Act of 1941.*

§ 320.37 *Exemptions.* Under the specific provisions of the Code the tax does not attach to the sale of surgical instruments, or frames or mountings for spectacles or eyeglasses, or to articles used for religious purposes even though made of, or ornamented, mounted or fitted with, precious metals or imitations thereof.

The phrase "articles used for religious purposes" means articles of a description ordinarily taxable but which are commonly used in religious devotion. However, an article commonly used for non-religious purposes may be sold tax free if purchased from the retailer for use exclusively for religious purposes.

In order for a retailer to establish his right to exemption from tax in the case of a sale of an article for religious purposes such retailer must have in his possession an affidavit from the consumer certifying that the article was purchased solely for such purposes.

In the case of fitted toilet cases, etc., taxable under section 3406 (a) (2), relating to luggage, as added by section 551 of the Revenue Act of 1941, the toilet case will not be subject to the tax when sold by the retailer. However, the retailer will be held liable for the tax on the sale of any items of jewelry within the scope of this section which are contained therein. The tax on such items is to be based on the usual price for which they are sold by retailers to consumers. The toilet cases will be subject to tax under section 3406 (a) (2) when sold by the manufacturer.*

§ 320.38 *Rate of tax.* The tax is payable by the retailer at the rate of 10 per cent of the price for which such articles are sold as determined under §§ 320.5 to 320.10 inclusive and under § 320.64.*

SUBPART E—TAX ON FURS

SEC. 2401. TAX ON FURS.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: Articles made of fur on the hide or pelt, and articles of which such fur is the component material of chief value.

§ 320.40 *Scope of tax.* The tax attaches to the sale by the retailer of certain articles classified as follows:

(a) Articles made of fur on the hide or pelt; and

(b) Articles of which such fur is the component material of chief value.

The tax does not apply to sales of raw fur.

The tax is not confined to the sale of fur articles used as wearing apparel but applies to sales of any fur article suitable for any use, such as fur rugs, fur robes, etc.

The tax applies to the sale of any article made of fur on the hide or pelt, or of any article where the component material of chief value of such article is fur on the hide or pelt.

The component material of chief value of any article, for the purpose of these regulations, is that component material which is not exceeded in value by any other *single* component.

Where fur is a component material of an article and exemption with respect to the sale of such article is claimed on the ground that fur is not the component material of chief value, the retailer must maintain adequate records or have in his possession proper documentary evidence to establish to the satisfaction of the Commissioner that the fur is not the component material of chief value. In the absence of such documentary evidence the tax must be paid with respect to the sale of such article at retail.*

§ 320.41 *Rate of tax.* The tax is payable by the retailer at the rate of 10 per cent of the price for which the articles are sold as determined under §§ 320.5 to 320.10 inclusive and under § 320.64.*

SUBPART F—TOILET PREPARATIONS, ETC.

SEC. 2402. TAX ON TOILET PREPARATIONS.

(a) *Tax.* There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

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§ 320.50 *Scope of tax.* The tax attaches to the sale by the retailer of the articles enumerated in section 2402 and similar articles commonly or commercially known as toilet articles, which are used or applied, or intended to be used or applied, for toilet purposes. Any article advertised or held out for toilet purposes, or for any purpose for which the articles enumerated in the law are customarily used, will be subject to the tax regardless of the name by which it may be known or distinguished. The tax attaches to the sale by the retailer of any preparation which is used or applied or intended to be used or applied for toilet purposes or used in connection with the bath or care of the body, or applied to the clothing as a perfume or to the body as a toilet article. The fact that any particular product, preparation, or substance coming within the scope of this law may have, or be held out to have, a medicinal, stimulating, remedial, or curative value does not exempt it from the tax, if it is used, or held out for use, as an adjunct to the toilet or for toilet purposes.

Shampoo oils and liquids of the so-called "soapless" variety are taxable as toilet preparations. Witch hazel; bay rum; bath crystals and salts; deodorants for personal use; hair and scalp lotions for treatment of falling hair, dandruff, etc.; foot powders; face creams and lotions; hand lotions; lipsticks; rouges, face powders; eyebrow and eyelash mascara; eye shadow creams; eau de cologne; brilliantine and hair oils; baby oils and baby powders; oils, creams, etc., for the prevention of sunburn; rose water and glycerine; breath sweetening pellets other than chewing gum or candy; sachets; stain removers for use in removing ink, berry and other stains from the body; nail lacquers, cuticle removers and softeners, polish removers, etc.; depilatories; eye washes; after shaving lotions; theatrical make-up; hair bleaches and dyes; permanent waving solutions; toilet pumice; styptics; pore cleansers; and suntan oils, are examples of the type of article taxable under this section but the exclusion from this list of an article otherwise within the scope of the articles enumerated in section 2402 will not operate to exclude such article from the taxable class.

In the case of fitted toilet cases, etc., taxable under section 3406 (a) (2) relating to luggage, as added by section 551 of the Revenue Act of 1941, the toilet case will not be subject to the tax when sold by the retailer. However, the retailer will be held liable for the tax on the sale of any toilet preparations contained therein, such tax to be based on the usual price for which such articles are sold by the retailer. The toilet cases will be subject to the tax imposed by section 3406 (a) (2) when sold by the manufacturer, producer or importer.*

§ 320.51 *Rate of Tax.* The tax is payable by the retailer at the rate of 10 percent of the price for which the articles are sold as determined under §§ 320.5 to 320.10, inclusive and under § 320.64.*

[SEC. 2402. TAX ON TOILET PREPARATIONS.]

(b) *Beauty parlors, etc.* For the purposes of subsection (a) the sale of any article described in subsection (a) to any person operating a barber shop, beauty parlor, or similar establishment shall be considered a sale at retail; resale by such person shall be subject to tax as a sale at retail, but there shall be credited against the tax payable by such person with respect to such resale the amount of tax paid on the sale to such person.

§ 320.52 *Sales to beauty parlors, etc.* Any person who sells toilet preparations taxable under section 2402 (a) to another person operating a barber shop, beauty parlor or similar establishment shall be deemed to have sold such articles at retail and must make a return and pay tax on all such sales as provided in § 320.60. In any case where the operator of the barber shop, beauty parlor or similar establishment resells the articles at retail, such operator will be liable for the tax imposed by section 2402 (a) on the resale. However, in determining the tax to be paid by the operator a credit may be taken in the amount of the tax paid by the operator's vendor under section 2402 (a). (See § 320.65.)*

SUBPART G—MISCELLANEOUS PROVISIONS

Administrative Provisions, Monthly Returns and Payment of Tax

SEC. 2403. RETURN AND PAYMENT OF RETAILERS' EXCISE TAXES.

(a) Every person who sells at retail any article taxable under this chapter shall make monthly returns under oath in duplicate and pay the taxes imposed by this chapter to the collector for the district in which is located his principal place of business or, if he has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(b) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

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Applicability of Administrative Provisions

SEC. 2408. APPLICABILITY OF ADMINISTRATIVE PROVISIONS.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2711. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this subchapter.

Records, Statements, and Special Returns

SEC. 2709. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal Revenue Personnel.*—(1) *Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) *Persons in charge of exports and drawbacks.* Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

SEC. 3830. WITNESSING OF RETURNS IN LIEU OF OATH. The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law (except returns required under income or estate tax laws) to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

Examination of Books and Witnesses

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES. (a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

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SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of return.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy col-

lector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

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§ 320.60 *Returns.* Each person required to report a tax on the sale of any of the articles covered by the regulations in this part must make a return on Form 728A in accordance with the instructions thereon. The return must be made in duplicate under oath for each calendar month and must be verified before an officer duly authorized to administer oaths. If the amount of the tax is $10 or less, the return may be signed or acknowledged before two witnesses instead of under oath. Such return, together with the tax, must be filed with the collector of the district in which is located the principal place of business of the taxpayer (or, if he has no principal place of business in the United States, with the collector at Baltimore, Md.), on or before the last day of the month following that for which it is made.

When the last day of the month in which the return is due falls on Sunday or a legal holiday the return may be filed with the collector of internal revenue, or his authorized representative on the next secular or business day. A return must be forwarded to the collector for each month whether or not any liability has been incurred for that month. If a retailer ceases business the last return should be marked "Final return".*

§ 320.61 *Payment of taxes.* All taxes are due and payable to the collector of internal revenue, without assessment by the Commissioner or notice from the collector, at the time fixed for filing the return. If the tax is not paid when due there shall be added as part of the tax interest at the rate of 6 per cent per annum from the time the tax became due to the actual date of payment or assessment, whichever is prior. For provisions with respect to interest generally, including interest on assessments, see § 320.67.*

§ 320.62 *Records.* Every person required to file a return and pay tax on the sale of an article at retail, shall keep on file at his principal place of business, or some other convenient or safe location, accurate records and accounts of all transactions. Evidence with respect to sales at retail for export, or shipment to a possession of the United States, and sales at retail to States or political subdivisions thereof, upon which no tax is due, must be maintained. (See §§ 320.20, 320.21, and 320.22.)

The records shall contain sufficient information to enable the Commissioner to determine whether the correct amount of tax has been paid. Such records shall at all times be open for inspection by internal-revenue officers, and shall be maintained for a period of at least four years from the date the tax became due or, in the case of tax-free sales, for a period of at least four years from the last day of the month following the month in which the sale was made.*

Jeopardy Assessments

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 320.63 *Jeopardy assessment.* Whenever in the opinion of the collector it becomes necessary to protect the interests of the Government by requiring an immediate return and collection of the tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reasons therefor. The communication must state the full name and address of the person involved, the kind and amount of taxes due and the period involved, so that the Commissioner can immediately assess the tax together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof in full.

If a taxpayer is not actually in default in filing returns or in paying any tax under the internal-revenue laws, the collection of the whole or any part of the amount of such jeopardy assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect the tax, penalty, and interest by distraint, without regard to the 10-day period after notice and demand prescribed in § 3690.*

Credits and Refunds

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To taxpayers.*—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) *Date of allowance.* Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SEC. 3771. INTEREST ON OVERPAYMENTS.

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment of a tax imposed by the Revenue Act of 1921, 42 Stat. 22, or any subsequent Revenue Act, then to the date of the assessment of that amount.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional ove payment and interest thereon.

(c) *Additional assessment defined.* As used in this section the term "additional assessment" means a further assessment for a tax of the same character previously paid in part, and includes the assessment of a deficiency of any income or estate tax imposed by the Revenue Act of 1924, 43 Stat. 233, or by any subsequent Revenue Act.

SEC. 3772. SUITS FOR REFUND. (a) *Limitations.*—(1) *Claim.* No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner, according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof.

(2) *Time.* No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates.

(3) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun. This paragraph shall not operate (A) to bar a suit or proceeding in respect of a claim reopened prior to June 22, 1936, if such suit or proceeding was not barred under the law in effect prior to that date, or (B) to prevent the suspension of the statute of limitations for filing suit under section 3774 (b) (2).

(b) *Protest or duress.* Such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

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SEC. 3774. REFUNDS AFTER PERIODS OF LIMITATION.

A refund of any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) shall be considered erroneous—

(a) *Expiration of period for filing claim.* If made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Commissioner if the refund was made after the expiration of the period of limitation for filing suit, unless—

(1) within such period suit was begun by the taxpayer, or

(2) within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement.

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SEC. 3775. CREDITS AFTER PERIODS OF LIMITATION.

(a) *Period against United States.* Any credit against a liability in respect of any taxable year shall be void if any payment in respect of such liability would be considered an overpayment under section 3770 (a) (2).

(b) *Period against taxpayer.* A credit of an overpayment in respect of any tax shall be void if a refund of such overpayment would be considered erroneous under section 3774.

SEC. 2407. CREDIT AND REFUNDS.

(a) A credit against tax under this chapter, or a refund, may be allowed with respect to an article, when the price on which the tax was based is readjusted by reason of return or repossession of the article, or by a bona fide discount, rebate, or allowance, in the amount of that part of the tax proportionate to the part of the price which is refunded or credited.

(b) No overpayment of tax under this chapter shall be credited or refunded, in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the purchaser, or (2) that he has repaid the amount of the tax to the purchaser of the article, or unless he files with the Commissioner written consent of such purchaser to the allowance of the credit or refund.

[SEC. 2402. TAX ON TOILET PREPARATIONS.]

(b) *Beauty parlors, etc.* For the purposes of subsection (a) the sale of any article described in subsection (a) to any person operating a barber shop, beauty parlor, or similar establishment shall be considered a sale at retail; resale by such person shall be subject to tax as a sale at retail, but there shall be credited against the tax payable by such person with respect to such resale the amount of tax paid on the sale to such person.

§ 320.64 *Returned goods; price adjustments.* A retailer may be allowed a credit or refund of tax under section 2407 (a) with respect to any article where the price on which the tax was based is readjusted by reason of return or repossession of the article, or by a bona fide discount, rebate, or allowance. The allowable credit or refund is limited in amount to that part of the tax which is proportionate to the part of the sale price refunded or credited by the retailer to the purchaser.

A credit or refund of tax is not allowable with respect to an article returned as a "trade-in" in the purchase of another article. In such case, there is no adjustment within the meaning of section 2407 (a) of the price at which the first article was sold. Instead, the sale of the second article is a separate and distinct transaction in which the first article is merely applied in part payment of the purchase price. Accordingly, the full amount of the tax due upon the sale of the second article is payable without any allowance or offset for the tax paid on the sale of the first article. (See § 320.5)

The application of the credit or refund allowable under section 2407 (a) is illustrated by the following examples:

Example 1. If because of a defect, or a failure under a warranty, or some other like reason, an article is returned to the retailer from whom originally purchased and the entire purchase price, including tax, is credited or refunded to the purchaser, the retailer may claim a credit or refund of the full amount of the tax originally paid by him on the sale of such article.

Example 2. If the article mentioned in the first example is not returned but instead the retailer makes an adjustment by crediting or refunding a percentage, such as 25 per cent of the purchase price, including tax, to the purchaser, the retailer may claim a credit or refund of such percentage, that is, 25 per cent of the tax originally paid by him on the sale of the article.

For provisions relating to credits and refund generally, see § 320.66.*

§ 320.65 *Beauty parlors, etc.* Whenever any person operating a barber shop, beauty parlor, or similar establishment becomes liable for tax under section 2402 (a) by reason of his resale of toilet preparations purchased by him tax paid under such section, a credit against the tax due on the resale may be allowed in the amount of the tax paid by the operator's vendor under section 2402 (a). In no case shall the amount of the credit exceed the amount of tax due from the operator.*

§ 320.66 *Credits and refunds generally.* (a) If a person overpays the tax due he may either file a claim for refund on Form 843 or take credit for such overpayment against the tax due the Government on a subsequent monthly return. A complete statement of the facts involving the overpayment must be attached either to the claim or to the return on which the credit is claimed.

(b) Every claim for refund must be supported by evidence showing (1) the name and address of the person who paid to the United States the tax of which refund is claimed, (2) the date of payment, and (3) the amount of such tax. A credit taken on a return must be supported by evidence of the same character. If it is impossible to furnish such evidence at the time when the credit is taken, a statement to that effect must be submitted with the return in which the credit is taken. The evidence supporting such credit must be filed with the collector within 30 days after the date on which the return is filed. If the required evidence is not so filed within that period, the amount of the credit will be disallowed and assessment of the tax resulting from the disallowance will be made on the current assessment list.

(c) No credit or refund shall be allowed whether in pursuance of a court decision or otherwise unless the taxpayer files a sworn statement explaining satisfactorily the reason for claiming the credit or refund and establishing (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has either repaid the amount of tax to the purchaser of the article or has secured the written consent of such purchaser to the allowance of the credit or refund. In the latter case the written consent of the purchaser must accompany the sworn statement filed with the credit or refund claim. For the purpose of the tax the "purchaser" is a person who purchases an article for consumption and not for resale. The statement supporting the credit or refund claim must also show whether any previous claim for credit or refund covering the amount involved, or any part thereof, has been filed with the collector or Commissioner.

A complete and detailed record of each overpayment must be kept by the taxpayer for a period of at least four years from the date any credit is taken or refund is claimed.*

SEC. 3760. CLOSING AGREEMENTS.

(a) *Authorization.* The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) *Finality.* If such agreement is approved by the Secretary, the Under Secretary, or an Assistant Secretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of

fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

Penalties and Interest

[SEC. 2403. RETURN AND PAYMENT OF RETAILERS' EXCISE TAXES.]

(b) * * * If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

SEC. 2408. APPLICABILITY OF ADMINISTRATIVE PROVISIONS.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2711. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this subchapter.

[SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.]

(d) *Additions to tax*—(1) *Failure to file return.*—In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum; 5 per centum if the failure is for not more than 30 days, within additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) Collections of additions to tax.—The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.*—Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.*—If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

§ 320.67 *Penalties and interest.* In the case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 per cent if the failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate.

Failure to pay tax within the time fixed for filing returns causes interest to accrue automatically, without assessment of the tax by the Commissioner or notice to the taxpayer, to the actual date of payment or assessment, whichever is prior. The due date of the tax for the purpose of computing interest is the last day of the month within which the return is required to be filed and the tax paid.

Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue, under section 3655, a 5 per cent penalty and interest at the rate of 6 per cent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest is computed at the above-prescribed rates from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.

If a false or fraudulent return is willfully made, the penalty under section 3612 (d) and (e) is 50 per cent of the total tax due for the entire period involved, *including any tax previously paid.*

Any person who willfully fails to pay any tax due, file return, or keep records, or who attempts in any manner to evade or defeat the tax, or who fraudulently uses any exemption certificate authorized by these regulations, is subject to a fine of $10,000, or imprisonment, or both, with costs of prosecution, and is also liable to a penalty equal to the amount of the tax not paid. These penalties apply to an officer or employee who, as such officer or employee, is under a duty to perform the act in respect of which the violation occurs, as well as to a person who fails or refuses to perform any of the duties imposed by the Code, i. e., pay the tax, make return, keep records, supply information, etc.

An internal-revenue officer discovering in the course of his duty information leading him to suspect a possible violation of any law with the enforcement of which he is not directly concerned should immediately report the matter to the Commissioner, who is authorized to communicate with the proper department involved.*

SEC. 2707. PENALTIES.

(a) Any person who willfully fails to pay, collect, or truthfully account for and pay over the tax imposed by section 2700 (a), or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or acounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(b) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter who willfully fails to pay such tax, make such returns, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person required under this subchapter to collect, account for any pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3710. SURRENDER OF PROPERTY SUBJECT TO DISTRAINT.

(a) *Requirement.* Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Penalty for violation.* Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(c) *Person defined.* The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

[SEC. 3793. PENALTIES AND FORFEITURES.]

(b) *Fraudulent returns, affidavits, and claims*—(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Persons defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 4047. PENALTIES.

(a) Disclosure of information by officers and employees of the United States—(1) *Operations of manufacturer or producer.* It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and the offender shall be dismissed from office or discharged from employment. The provisions of this paragraph shall apply to internal revenue agents as fully as to internal revenue officers.

* * * * *

Section 35, Criminal Code of the United States, as amended by the act approved April 4, 1938 (52 Stat., 197).

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; * * * shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

* * * * *

Misrepresentation of Tax

SEC. 3325. PENALTIES FOR FALSE STATEMENTS TO PURCHASERS REGARDING TAX.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

SEC. 2409. PENALTY FOR REPRESENTATION THAT TAX IS NOT PASSED ON.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article taxable under this chapter, makes any statement, written or oral, in advertisement or otherwise, intended or calculated to lead any person to believe that the price of the article does not include the tax imposed by this chapter, shall on conviction thereof be punished by a fine of not more than $1,000.

Fractional Part of Cent

SEC. 3658. FRACTIONAL PARTS OF A CENT.

In the payment of any tax under this title not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Authority for Regulations

SEC. 2410. RULES AND REGULATIONS.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

§ 320.68 *Promulgation of regulations.* In pursuance of the provisions of the law, the foregoing regulations are made and promulgated.*

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: September 29, 1941.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7299; Filed, September 30, 1941; 11:30 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-939]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

ORDER CORRECTING COPIES OF THE ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 17 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 17

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on August 4, 1941, 6 F. R. 4072; and

It appearing that although the original Order was correct the printed copies thereof show the minimum price for the coals of the Mountain View Mine (Mine Index No. 486) in Size Group 2, for truck shipment, to be 494 cents per ton, whereas the correct minimum price for the coals of the Mountain View Mine in Size Group 2 for truck shipment is 495 cents per ton:

Now, therefore, it is ordered, That the copies of the Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated August 4, 1941, Supplement T [§ 337.21 (*General prices in cents per net ton for shipment into all market areas*)], be, and the same hereby are corrected to the extent that the minimum price of 494 cents per ton, shown therein for the coals of the Mountain View Mine (Mine Index No. 486) in Size Group 2 for truck shipment, is changed to the minimum price of 495 cents per ton.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7292; Filed, September 30, 1941; 10:12 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MARYLAND TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Maryland to direct any local board in the State of Maryland to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Maryland will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Maryland shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 27, 1941.

[F. R. Doc. 41-7259; Filed, September 29, 1941; 1:54 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF THE DISTRICT OF COLUMBIA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of the District of Columbia to direct any local board in the District of Columbia to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of the District of Columbia will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of the District of Columbia shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 27, 1941.

[F. R. Doc. 41-7260; Filed, September 29, 1941; 1:54 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF VIRGINIA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Virginia to direct any local board in the State of Virginia to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Virginia will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Virginia shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 27, 1941.

[F. R. Doc. 41-7261; Filed, September 29, 1941; 1:54 p. m.]

[No. 29]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A[1] to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

The addition of a new form designated as DSS Form 120,[2] entitled "Individual Employment Data Record for Re-Employment Committeemen," effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 18, 1941.

[F. R. Doc. 41-7267; Filed, September 29, 1941; 3:31 p. m.]

[1] 5 F.R. 3785.

[1] 6 F.R. 3893.
[2] Filed with the original document.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1338—SILK AND SILK PRODUCTS

Section 1338.8 of Price Schedule No. 14, Raw Silk and Silk Waste,[1] is hereby amended to read as follows:

§ 1338.8 *Appendix A. maximum prices for raw silk and silk waste.*

TABLE I

[Prices per pound, ex seller's warehouse]

Type	Grade	E	D	C	B	A	AA	AAA	Special AAA	Special AAA	Special AAA	Special AAA
	Percentage evenness	73	78	81	83	85	87	90	92	93	94	95
	DENIER											
Japan, White, Ivory, and Cream.[1]	9-11	$4.31	$4.33	$4.35	$4.37	$4.40	$4.43	$4.49	$4.58	$4.68	$4.78	$4.88
	10-12	4.21	4.23	4.25	4.27	4.30	4.33	4.39	4.48	4.58	4.68	4.78
	11-13	4.06	4.08	4.10	4.12	4.15	4.18	4.24	4.33	4.43	4.53	4.63
	12-14	3.11	3.13	3.15	3.17	3.20	3.23	3.29	3.38	3.48	3.58	3.68
	13-15 and 14-16	3.06	3.08	3.10	3.12	3.15	3.18	3.24	3.33	3.43	3.53	3.63
	15-17 to 18-20 inc.	3.04	3.06	3.08	3.10	3.13	3.16	3.22	3.31	3.41	3.51	3.61
	20-22 to 30-32 inc.	3.00	3.02	3.04	3.07	3.10	3.15	3.20	3.29	3.39	3.49	3.59
	44-44, 41-43 and 42-44.	3.00	3.02	3.04	3.07	3.10	3.30	3.35	3.44	3.54	3.64	3.74
	60-66, 60-80, 62-64 and 83-85.	3.00	3.02	3.04	3.07	3.10	3.15	3.20	3.29	3.39	3.49	3.59
Japan, Yellow,[1] And Italian, Yellow and Persian White.	20-22 to 30-32, inc.	2.95	2.97	2.99	3.02	3.05	3.10	3.15	3.24	3.34	3.44	3.54
	40-44	2.95	2.97	2.99	3.02	3.05	3.25	3.30	3.39	3.49	3.59	3.69

[1] Any Japan silk of undesignated grade (i. e., percentage evenness), shall sell at a price not exceeding 10 cents per pound below the Grade E, 73 percent evenness, price for its denier.

TABLE II

[Prices per pound, ex seller's warehouse]

Type	Grade	G	F	E	D	C	B	A	AA	AAA	Special AAAA	Special AAA	Special AAA	Special AAA
	Percentage Evenness	63	68	73	78	81	83	85	87	90	92	93	94	95
	DENIER													
China, White and Cream,[1] Re-Reeled.[2]	9-11	$4.15	$4.25	$4.31	$4.38	$4.43	$4.50	$4.60	$4.70	$4.80	$4.90	$5.00	$5.10	$5.20
	10-12	4.05	4.13	4.21	4.28	4.33	4.40	4.50	4.60	4.70	4.80	4.90	5.00	5.10
	11-13	3.90	4.00	4.06	4.13	4.18	4.25	4.35	4.45	4.55	4.65	4.75	4.85	4.95
	12-14	2.95	3.05	3.11	3.18	3.23	3.30	3.40	3.50	3.60	3.70	3.80	3.90	4.00
	13-15 to 18-20 inc.	2.90	3.00	3.06	3.13	3.18	3.25	3.35	3.45	3.55	3.65	3.75	3.85	3.95
	20-22 to 30-32 inc.	2.80	2.90	2.95	2.97	2.99	3.07	3.15	3.22	3.35	3.45	3.55	3.65	3.75
	40-44, 41-43, and 42-44.	2.80	2.90	2.95	2.97	2.99	3.07	3.15	3.37	3.50	3.60	3.70	3.80	3.90
China, Yellow[1] Re-Reeled.[2]	13-15 to 18-20 inc.	2.80	2.90	2.96	3.03	3.08	3.15	3.25	3.35	3.45	3.55	3.65	3.75	3.85
	20-22 to 30-32 inc.	2.73	2.83	2.88	2.90	2.92	3.00	3.08	3.15	3.28	3.38	3.48	3.58	3.68

[1] Any China silk of undesignated grade (i. e., percentage evenness) shall sell at a price not exceeding 75 cents per pound below the Grade G, 63 percent evenness, price for its denier.
[2] The prices set forth are for re-reeled China silk. Ordinary reeled China silk shall sell at prices not exceeding 5 cents per pound below the prices for re-reeled China silk for equivalent colors, deniers, and qualities.

TABLE III

[Prices per pound, ex seller's warehouse]

DOUPIONS, WHITE AND YELLOW

Denier:	*Maximum price*
40–60	$2.00
60–80	1.95
70–90	1.90
100–120	1.85
100–150	1.85
200–250	2.00

TSATLEE SILK

	Maximum price
Extra	$2.40
Double extra	2.55

CANTON SILK

Denier:	*Maximum price*
14–16	$2.55
20–22	2.40
White Pearl chop grade	2.70

TUSSAH SILK

	Maximum price
Ordinary	$1.60
Bleached	1.70

TABLE IV

Imported silk waste:	*Maximum Price*
Canton open waste	$0.64 per lb., ex seller's warehouse.
China long waste	$0.92 per lb., ex seller's warehouse.
Pierced cocoons	$0.85 per lb., ex seller's warehouse.
Peignees	$1.85 per lb., in bond, Warehouse, Port of New York.

TABLE V

Domestic silk waste:	*Maximum price (per lb., f. o. b. shipping point)*
Winders waste (untwisted):	
Untinted	$0.90
Tinted	.85
Tram waste (1–5 turns per inch)	.80
Crepe or Grenadine waste (6 or more turns per inch)	.22
Cut skeins	.95

(Executive Order No. 8734, 6 F.R. 1917)
Effective September 30, 1941.
Issued this 30th day of September 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7293; Filed, September 30, 1941; 11:19 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER IV—NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 15]

PART 402—REVISED REGULATIONS RELATING TO THE OUT-OF-SCHOOL WORK PROGRAM

Sec.
402.1 Definitions.
402.2 Hours of work for non-resident youth employees.
402.3 Earnings schedule applicable to non-resident youth employees.
402.4 Authorized adjustments in earnings schedule.
402.5 Deductions for meals.
402.6 Proportion of workers in each wage class.
402.7 Basis of payment of resident youth employees.
402.8 State youth administrator's orders.
402.9 Earnings of project supervisory employees.
402.10 Earnings of area supervisory employees.
402.11 Disability or death compensation and benefits.
402.12 Assignment of wages.
402.13 Determination of need.
402.14 Age limits.
402.15 Capacity to perform work.
402.16 Employment affidavit and oath of allegiance.
402.17 Administration of oaths and affidavits.
402.18 Acceptance of private employment.
402.19 Assignment, classification, transfer and termination.
402.20 Illegal activities.
402.21 Effective date.

By virtue of and pursuant to the authority vested in the National Youth Administrator by the Labor-Federal Security Appropriation Act, 1942, approved July 1, 1941, the following revised rules and regulations applicable to the out-of-school work program of the National Youth Administration are prescribed:

§ 402.1 *Definitions*— (a) *Programs.* The term "out-of-school work program," as used herein, shall mean the program of work projects and area office projects prosecuted by the National Youth Administration. The term "regular program" shall mean the program of projects financed from funds appropriated to the National Youth Administration by the Labor-Federal Security Appropriation Act, 1942, under the heading "National Youth Administration." The term "defense program" shall mean the program of projects financed from funds appropriated to the National Youth Administration by the Labor-Federal Security Appropriation Act, 1942, under the heading "Youth Work Defense Program (National Defense)."

(b) *Projects.* The term "projects," as used herein, shall mean units of work approved for prosecution by the National Youth Administration and financed in whole or in part from funds appropriated to the National Youth Administration. The term "work projects"' shall mean projects established to provide work experience for needy youth. The term "area office projects" shall mean projects established to assume the expenses of general supervision of work projects prosecuted in designated areas within the several states. The term "resident projects" shall mean work projects, operated under either the regular program or the defense program, which involve the maintenance of youth in resident facilities under the supervision of the National Youth Administration. The term "full-time resident projects" shall mean resident projects at which employees normally are in continuous residence during their period of assignment. The term "part-time resident projects" shall mean resident projects to which two or more shifts of youth employees are assigned for periods of fifteen days per shift per pay roll month during their period of assignment. The term "non-resident projects" shall mean work projects which do not involve the maintenance of youth in resident facilities under the supervision of the National Youth Administration.

(c) *Youth employees.* The term "youth employees," as used herein, shall mean young persons, determined to be in need, engaged upon projects, and paid from funds authorized for the operation of such projects. The term "resident youth employees" shall mean youth employees engaged upon resident projects. The term "full-time resident employees" shall mean youth employees engaged upon full-time resident projects. The term "part-time resident employees" shall mean youth employees engaged upon part-time resident projects. The term "non-resident youth employees" shall mean youth employees engaged upon non-resident projects.

(d) *Supervisory employees.* The term "supervisory employees," as used herein, shall mean persons in supervisory positions engaged upon projects and paid by means of pay roll payments from funds authorized for the operation of such projects. The term "project supervisory employees" shall mean supervisory employees paid upon a per diem, monthly or annual salary basis to perform specified services in connection with individual work projects. The term "area supervisory employees" shall mean supervisory employees employed on area office projects and paid upon a per diem or annual salary basis.

(e) *State youth administrator.* The term "State Youth Administrator," as used herein, shall mean the person designated to administer the programs of the National Youth Administration in each of the several states except New York State, in the District of Columbia, and in each territory in which the program is operated. In New York State, the term "State Youth Administrator" shall mean (1) the person designated to administer the programs of the National Youth Administration in New York City and Nassau and Suffolk Counties, and (2) the person designated to administer the programs of the National Youth Administration in the remainder of the state.*

*§§ 402.1 to 402.21, inclusive, issued under the authority contained in the Labor-Federal Security Appropriation Act, 1942, Public No. 146, 77th Cong., 1st sess., approved July 1, 1941.

§ 402.2 *Hours of work for non-resident youth employees.* Except for such projects, portions of projects, or areas as may be exempted by the National Youth Administrator, or his authorized representative, the several state youth administrators, or their authorized representatives, shall establish hours of work for non-resident projects under the regular and defense programs within a minimum of 80 hours per month and a maximum of 8 hours per day and 160 hours per month. The several state youth administrators may act as the authorized representatives of the National Youth Administrator in granting exemptions:

(a) Due to emergencies involving the public welfare, the protection of work already done on a project, or other emergency circumstances which make project operations for the established number of hours impractical; and

(b) To permit youth employees to make up time lost due to conditions which in the judgment of the state youth administrator warrant authorizing youth employees to make up lost time.*

§ 402.3 *Earnings schedule applicable to non-resident youth employees.* The schedule of monthly earnings hereinafter prescribed shall be applicable to non-resident youth employees, except in the case of:

(a) Such projects, portions of projects, or areas as may be exempted by the National Youth Administrator, or his authorized representative; and

(b) Emergency circumstances or making up lost time as provided in § 402.2.

Schedule of monthly earnings for non-resident youth employees

Wage regions [1]	Defense program	Regular program	
		Wage Class B	Wage Class A
I [1]	$25	$21	$24
II [2]	24	19	22
III [3]	22	17	20

[1] Region I: Alaska, California, Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York City, New York State, Ohio, Oregon, Pennsylvania, Rhode Island Vermont, Washington, Wisconsin.
[2] Region II: Arizona, Colorado, Delaware, District of Columbia, Idaho, Iowa, Kansas, Kentucky, Maryland, Montana, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Texas, Utah, Virginia, West Virginia, Wyoming.
[3] Region III: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee.

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§ 402.4 *Authorized adjustments in earnings schedule.* The several state youth administrators are authorized to make adjustments of not to exceed fifty cents upward or downward in the foregoing schedule of monthly earnings for non-resident youth employees in order to avoid the computation of fractional payments of less than one cent or the assignment of hours of work which would involve partial hours during any monthly pay period.*

§ 402.5 *Deductions for meals.* The several state youth administrators are authorized to make deductions from the monthly earnings of non-resident youth employees who are furnished noonday or other meals by the National Youth Administration, provided the deduction rate does not exceed fifteen cents per employee for each meal which is furnished.*

§ 402.6 *Proportion of workers in each wage class.* Except where exemptions are issued by the National Youth Administrator or his authorized representative, at least 95% of the non-resident youth employees on the regular program within each state shall be paid in accordance with the schedule of earnings prescribed in § 402.3 for Wage Class B. Conversely, not more than 5% of the non-resident youth employees on the regular program within each state shall be paid in accordance with the schedule of earnings prescribed for Wage Class A.*

§ 402.7 *Basis of payment of resident youth employees.* Except for such projects or portions of projects as the National Youth Administrator, or his authorized representative, may hereafter exempt, the earnings rate shall be $30 per pay roll month for full-time resident youth employees, and $20 per pay roll month for part-time resident youth employees, with an appropriate charge for subsistence, including items such as lodging, food, sanitation, water and bathing facilities, medical and dental care, including hospitalization, essential clothing, personal laundry service, and other sundry items: *Provided*, That such subsistence charges shall be established on a basis which will permit a net payment of not less than $8 nor more than $12 per pay roll month to each resident employee.

Deductions for voluntary absence from duty shall be made only when youth employees are voluntarily absent during periods when they are scheduled to work. For full-time resident youth employees, such deductions shall be made in the amount of one-thirtieth of the monthly wage for each full day of voluntary absence. The minimum deduction for any fraction of a day shall be one-fourth the deduction for a full day, and all deductions for voluntary absence during various portions of a day shall be made in multiples of one-fourth. No wage deduction shall be made against any resident youth employee for any day or days upon which the employee is not required to work.

Work schedules for youth employees on resident projects under the regular and defense programs shall be established by the state youth administrator, or his authorized representative, within the following limits:

(a) *Part-time resident projects.* Within a minimum of 80 hours per month and a maximum of 8 hours per day and 120 per month;

(b) *Full-time resident projects.* Within a minimum of 80 hours per month and a maximum of 8 hours per day and 160 per month.*

§ 402.8 *State youth administrator's orders.* Each state youth administrator is authorized and directed to issue state youth administrator's orders as follows:

(a) Wage Orders which constitute schedules of monthly earnings and assigned hours of work for each class of youth employee assigned to non-resident projects. Supplemental schedules may be issued as required to cover special determinations for individual projects, portions of projects, or for specified local areas;

(b) Subsistence Orders which designate non-resident projects at which meals are furnished to youth employees on a pay roll deduction basis and which establish the deduction rates applicable to such projects; and

(c) Subsistence Orders which specify the items of subsistence that may be furnished at designated resident projects and which establish the deduction rates applicable thereto.*

§ 402.9 *Earnings of project supervisory employees.* Rates of pay for project supervisory employees shall be established by the state youth administrator in accordance with the rates customarily paid for work of a similar nature in the same locality. Such employees shall be compensated for their services on a per diem, monthly, or annual salary basis, subject to the following conditions:

(a) Project supervisory employees, who are required to work for periods of less than 100 hours per pay roll month, or for indefinite periods per pay roll month, shall be compensated upon a per diem basis of payment and paid for their actual days, or fractions of days, of service.

(b) Project supervisory employees, who are required to work for definite schedules of not less than 100 hours per pay roll month shall be compensated for their services upon a monthly salary basis. For such employees, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. The minimum deduction for voluntary absence from duty during any fraction of a day shall be one-fourth the deduction made for absence during a full day, and all deductions for voluntary absence during various portions of a day shall be made in multiples of one-fourth.

(c) Project supervisory employees who are required to work not less than 39 hours per week may be compensated for their services on an annual salary basis and, if appointed and compensated on this basis, shall be subject to the leave regulations prescribed for civil employees of the Federal Government.*

§ 402.10 *Earnings of area supervisory employees.* Area supervisory employees shall be compensated on a per diem or annual salary basis, in accordance with rates established by the state youth administrator.

(a) Area supervisory employees who are required to work for periods of less than 100 hours per month, or for indefinite periods per month, shall be compensated upon a per diem basis of payment and paid for their actual days, or fractions of days of service.

(b) Area supervisory employees who are required to work not less than 39 hours per week shall be compensated upon an annual salary basis and shall be subject to the leave regulations prescribed for civil employees of the Federal Government.*

§ 402.11 *Disability or death compensation and benefits.* The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits, shall apply to employees under the out-of-school work program of the National Youth Administration.*

§ 402.12 *Assignment of wages.* Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.*

§ 402.13 *Determination of need.* The determination that youth employees are needy may be made directly by the state youth administration or by other agencies requested by the state youth administrator to make such determinations. A youth shall be considered as needy if he is:

(a) A member of a family whose income is insufficient to provide the basic requirements of all members of the family, including the youth member, regardless of whether the family is receiving or eligible for any form of public assistance; or

(b) Without family connections and his income is insufficient to provide his basic requirements.*

§ 402.14 *Age limits.* Except for such exemptions as the National Youth Administrator, or his authorized representative, may issue to permit the employment of youth who are 16 years of age on the regular program of the National Youth Administration, no person under the age of 17 years and no person whose age is 25 years or more, except supervisory employees, may be employed upon projects financed from funds appropriated to the National Youth Administration.*

§ 402.15 *Capacity to perform work.* No person shall be employed or retained in employment if his work habits are such or his work record shows that he is incapable of performing satisfactorily the work to which he may be assigned, and no one whose physical condition is such as to make his employment dangerous to his health or safety, or to the health or safety of others, may be employed on a project. This section shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be assigned safely to work which they can ably perform.*

§ 402.16 *Employment affidavit and oath of allegiance.* Each youth or supervisory employee, whether compensated or uncompensated for his services, shall be required to execute the following employment affidavit and oath of allegiance prior to his entrance on duty.

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God. I further depose and say that I am a citizen of the United States and that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the Government of the United States by force or violence.

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§ 402.17 *Administration of oaths and affidavits.* The National Youth Administrator hereby designates employees holding the following positions in the several state youth administrations to administer the employment affidavit and oath of allegiance required by § 402.16 above, and such affidavits and other sworn statements as are required in connection with claims for injury compensation:

(a) State Youth Administrator.
(b) Deputy Administrator.
(c) State Personnel Officer.
(d) State Director of Youth Personnel.
(e) State Director of Finance and Statistics.
(f) Area Director.
(g) Area Youth Personnel Officer.
(h) Area Finance Officer.
(i) Project Timekeeper.

The several state youth administrators, who are the authorized representatives of the National Youth Administrator within their states, are hereby authorized to designate such additional compensated or uncompensated employees as may be required for the purpose. No fee shall be charged for oaths administered by designated employees of the National Youth Administration.*

§ 402.18 *Acceptance of private employment.* Youth employees shall be expected to accept bona fide offers of public or private employment provided that:

(a) The employee is capable of performing such work;

(b) The wage for such employment is not less than the prevailing wage for such work in the community;

(c) Such employment is not in conflict with established union relationships; and

(d) Such employment provides reasonable working conditions.

No youth employee who refuses a bona fide offer of private employment under the conditions provided in this section shall be retained in employment for the period such private employment would be available. However, a worker shall be entitled to resumption of his previous employment status if he is still in need and if he has lost his private employment through no fault of his own. Youth awaiting assignment who refuse to accept private employment shall be ineligible for employment on any project for the period during which the private employment would be available.*

§ 402.19 *Assignment, classification, transfer and termination.* The state youth administrator, or his authorized representative, shall be responsible for the assignment, classification, transfer and termination of youth employees paid from funds appropriated to the National Youth Administration.*

§ 402.20 *Illegal activities.* Under the Labor-Federal Security Appropriation Act, 1942, the activities listed below are punishable as felonies. No person shall be eligible for further employment with the National Youth Administration if he knowingly and with intent to defraud the United States:

(a) Makes any false statement in connection with any application for any project;

(b) Diverts, attempts to divert, or assists in diverting, for the benefit of any persons not entitled thereto, any funds, services or real or personal property of the National Youth Administration;

(c) Deprives, attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under the appropriation by means of fraud, force, threat, intimidation, boycott, or discrimination on account of race, religion, political affiliation, or membership in a labor organization.*

§ 402.21 *Effective date.* The rules and regulations in this part shall become effective at the beginning of pay roll periods on and after October 1, 1941, and shall supersede the provisions of Administrative Order No. 13[1], dated July 1, 1941, which shall be rescinded upon the effective date of this order.*

AUBREY WILLIAMS,
National Youth Administrator.

Approved:

PAUL V. MCNUTT,
Federal Security Administrator.

SEPTEMBER 27, 1941.

[F. R. Doc. 41-7258; Filed, September 29, 1941; 1:07 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER K—SEAMEN

[Order No. 154]

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

SEPTEMBER 30, 1941.

Section 138.3 *Able seaman*, is amended by the addition, after paragraph (cc) *Bays and sounds*, of a new paragraph to be known as "(ccc) *Seagoing barges*" reading as follows:

§ 138.3 *Able seaman.*

• • • • • •

(ccc) *Seagoing barges.* Twelve months' service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas.

Section 138.3 *Able seaman*, is further amended by the addition at the end

[1] 6 F.R. 3291.

of subparagraph (6) of paragraph (d) *General* of the following:

§ 138.3 *Able seaman.*

* * * * *

Certificates issued to seamen under paragraph (ccc) shall be for "Seagoing barges—12 months" and shall be blue in color. (Secs. 1 and 7, 49 Stat. 1930, 1936; 46 U.S.C., Supp. 672, 689; R.S. 161; 5 U.S.C. 22)

[SEAL] SOUTH TRIMBLE, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 41-7309; Filed, September 30, 1941; 12:02 p. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1941 Department Circular No. 669]

PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

SIXTH CALL

SEPTEMBER 27, 1941.

To holders of 2¾ percent mutual mortgage insurance fund debentures, series B:

I. *Notice of sixth call for partial redemption before maturity, of 2¾ percent mutual mortgage insurance fund debentures, series B.* The Federal Housing Administrator, with the approval of the Secretary of the Treasury, has issued the following notice of call for partial redemption and offer to purchase with respect to 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B[1]:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1942, on which date interest on such debentures shall cease:

Denomination:	*Serial Nos. (all numbers inclusive)*
$50	839 to 1160
$100	3113 to 4048
$500	1191 to 1403
$1,000	4000 to 4099
$5,000	248 to 328
$10,000	31 to 39

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal Housing Administrator, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1941. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1941, and provision will be made for the payment of final interest due January 1, 1942, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Federal Housing Administrator hereby offers to purchase any debentures included in this call at any time from October 1 to December 31, 1941, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1942, or for purchase prior to that date will be given by the Secretary of the Treasury.

II. *Transactions in sixth-called debentures.* 1. The debentures included in the foregoing notice of call for partial redemption on January 1, 1942, are hereby designated sixth-called 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, and are hereinafter referred to as sixth-called debentures.

2. Transfers and denominational exchanges in sixth-called debentures will terminate at the close of business on September 30, 1941.

III. *Redemption or purchase.* 1. Holders of sixth-called debentures will be entitled to have such debentures redeemed and paid at par on January 1, 1942, with interest in full to that date, at the rate of $13.75 per $1,000. Interest on sixth-called debentures will cease on January 1, 1942.

2. Holders of sixth-called debentures have the privilege of presenting such debentures at any time from October 1 to December 31, 1941, inclusive, for purchase at par and accrued interest, at the rate of $.074728 per $1,000 per day from July 1, 1941, to date of purchase.

IV. *Rules and regulations governing redemption and purchase.* 1. The United States Treasury Department is the agent of the Federal Housing Administrator for the redemption and purchase of sixth-called debentures. In accordance with regulations adopted by the Federal Housing Administrator and approved by the Secretary of the Treasury, the assignment, redemption, and purchase of sixth-called debentures will be governed by the general regulations of the Treasury Department with respect to United States bonds and notes, so far as applicable, except as otherwise provided herein.

2. Sixth-called debentures presented for redemption on January 1, 1942, or for purchase from October 1 to December 31, 1941, inclusive, must be assigned by the registered payee or assignee thereof or by their duly constituted representatives in the form indicated in paragraph 3 hereof, and should thereafter be presented and surrendered to any Federal Reserve Bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., accompanied by appropriate written advice. (Use Form PD 1717 attached hereto.[2]) The debentures must be delivered at the expense and risk of the holders. (See paragraph 8 of this section.) In all cases checks in payment of principal and final interest will be mailed to the address given in the form of advice accompanying the debentures when surrendered.

3. If the registered payee or an assignee holding under proper assignment from the registered payee desires that payment be made to him, the debentures should be assigned by such payee or assignee or by a duly constituted representative to "The Federal Housing Administrator for redemption" or to "The Federal Housing Administrator for purchase," according to whether the debentures are to be presented for redemption on January 1, 1942, or for purchase prior to that date. If it is desired for any reason that payment be made to some other person without intermediate assignment, the debentures should be assigned to "The Federal Housing Administrator for redemption (or purchase) for the account of _____," inserting the name and address of the person to whom payment is to be made.

4. An assignment in blank or other assignment having similar effect will be recognized, but in that event payment will be made to the person surrendering the debenture for redemption or purchase since, under such an assignment, the debenture becomes in effect payable to bearer. Assignments in blank or assignments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.

5. Final interest on any sixth-called debentures, whether purchased prior to, or redeemed on or after January 1, 1942, will be paid with the principal in accordance with the assignments on the debentures surrendered.

6. All assignments must be made on the debentures themselves unless otherwise directed by the Treasury Department. Detached assignments will be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debenture is considered a detached assignment.

7. A sixth-called debenture registered in the name of, or assigned to, a corporation, will be paid to such corporation on or after January 1, 1942, upon an appropriate assignment for that purpose executed on behalf of the corporation by a duly authorized officer thereof. An assignment so executed and duly attested in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases coming under this provision payment will be made only by check drawn to the order of the corporation. Proof of the authority of the officer assigning on behalf of a corporation will be required, in accordance with the general regulations of the Treasury Department, in the case of assignments for purchase prior to January 1, 1942, and in case of assignments for redemption on or after January 1, 1942, for the account of any person other than the corporation.

8. Debentures presented for redemption or purchase under this circular must be delivered to a Federal Reserve Bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered mail, but debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express prepaid.

9. In order to facilitate the redemption of sixth-called debentures on January 1, 1942, any such debenture may be presented and surrendered in the manner herein prescribed in advance of that date but not before December 1, 1941. Such early presentation by holders will insure prompt payment of principal and interest when due.

V. *General provisions.* 1. Any further information which may be desired regarding the redemption of sixth-called debentures under this circular may be obtained from any Federal Reserve Bank or from the Division of Loans and Currency, Treasury Department, Washington, D. C., where copies of the Treasury Department's regulations governing assignments may be obtained.

2. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the registered owners of sixth-called debentures.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7279; Filed, September 30, 1941; 9:49 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-983]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF MAXIMUM PRICES FOR ALL COALS

ORDER CONCERNING CERTAIN ORAL MOTIONS FOR PRODUCTION OF DATA

On September 22, 1941, at the hearing in the above-entitled matter, certain motions were made orally on behalf of District Boards 3 and 7 and Pond Creek Pocahontas Company, a code member in District 7. District Board 7 requested that if the data underlying Exhibits 20 to 25, introduced in evidence at the hearing, were made available, similar data for all mines in District 7 should also be made available. Pond Creek Pocahontas Company requested that no underlying data be disclosed for the mines in District 7, selected for the purposes of preparing these exhibits, but that if such data were to be disclosed, similar data for all mines in District 7 also be disclosed. District Board 3 requested the disclosure of similar data for all mines in District 3.

The spot order and contract data filed in the statistical bureaus for the month of July, which these movants request be produced, cannot be made available without undue interference with the efficient administration of the Division. Moreover, the Director finds no necessity for the disclosure of such data for all mines in Districts 3 and 7. The data underlying the tabulation of spot orders and contract prices of selected producers in Districts 1–13, which constitutes Exhibit 20, are in possession of the Division and will be made available in accordance with the Statement of the Director of September 23, 1941, during the pendency of this hearing, upon written application to the Director by any party to the proceeding.

Now, therefore, it is ordered, That in so far as they request data referred to in the Statement of the Director of September 23, 1941, the motions on behalf of District Boards 3 and 7 and Pond Creek Pocahontas Company, be and they are hereby granted, subject, however, to the provisions of that Statement, and that in all other respects said motions be and they are hereby denied.

Dated: September 27, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7280; Filed, September 30, 1941; 10:06 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 3[1] TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA[2]

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on March 30, 1940, and, on April 25, 1940, made effective, as of May 1, 1940, the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, and made effective, as of July 1, 1941, amendment No. 2 to said order, as amended.

There being reason to believe that amendments to said order, as amended, would tend to effectuate the declared policy of the act, notice was given, on the 25th day of July 1941, of a hearing which was held on August 1 and 2, 1941, in New York City, on August 5 and 6, 1941, in Watertown, New York, and on August 7 and 8, 1941, in Albany, New York; and at said times and places a public hearing was conducted at which all interested parties were afforded an opportunity to be heard on the proposed amendments to said order, as amended.

After said hearing the Secretary issued, on August 29, 1941, amendment No. 3 to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, and as further amended by amendment No. 1 and amendment No. 2.

After said hearing and after the tentative approval on September 5, 1941, of a marketing agreement regulating the handling of milk in the same area in the same manner as the order, as amended, as amended by said amendment No. 1, said amendment No. 2, and said amendment No. 3, handlers of more than fifty (50) percent of the volume of milk covered by the said order, as amended, and as amended by said amendment No. 1, said amendment No. 2, and said amendment No. 3 which is produced for sale in the New York metropolitan milk marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by said act, it is hereby determined:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of amendment No. 3 to the order, as amended, and as amended by said amendment No. 1 and said amendment No. 2, is the only practical means, pursuant to such policy, of advancing the interest of producers of milk which is produced for sale in said area; and

3. That the issuance of amendment No. 3 to the order, as amended, and as amended by said amendment No. 1 and said amendment No. 2, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of April 1941, said month having been determined to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, Claude R. Wickard, Secretary of Agriculture of the United States, has executed this determination and has hereunto set his hand and caused the official seal of the Department of

[1] See Federal Loan Agency, Federal Housing Administration, *infra.*

[2] Filed with the original document.

[1] 6 F.R. 4507.

[2] See also Title 7, Chapter IX, *supra.*

Agriculture to be affixed in the city of Washington, District of Columbia, this 23d day of September 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated September 25, 1941.

[F. R. Doc. 41-7297; Filed, September 30, 1941; 11:27 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 32 FOR THE KNITTED OUTERWEAR INDUSTRY; AND THE PROHIBITION, RESTRICTION, OR REGULATION OF HOME WORK IN THE INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on July 8, 1941, by Administrative Order No. 115, appointed Industry Committee No. 32 for the Knitted Outerwear Industry, composed of an equal number of representatives of the public, employers in the Industry and employees in the Industry, such representatives having been appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas Industry Committee No. 32, on August 19, 1941, unanimously recommended a minimum wage rate for the Knitted Outerwear Industry and duly adopted a report containing such recommendation and reasons therefor, and filed such report with the Administrator on August 20, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations, issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 32 if he finds that such recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation; and

Whereas section 8 (f) of the Act provides that wage orders "shall contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein;" and,

Whereas there are employees employed in homes in the production of knitted outerwear for commerce.

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 32 is as follows:

Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in commerce or in the production of goods for commerce in the Knitted Outerwear Industry as defined in Administrative Order No. 115, dated July 8, 1941.

II. The definition of the Knitted Outerwear Industry as set forth in Administrative Order No. 115, issued July 8, 1941, is as follows:

The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric; provided that the manufacturing, dyeing or other finishing of the following shall not be included:

(a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(b) Fulled suitings, coatings, topcoatings, and overcoatings.

(c) Garments or garment accessories made from purchased fabric; except bathing suits.

(d) Gloves or mittens,

(e) Hosiery.

(f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(h) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer, provided that this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

The definition of the Knitted Outerwear Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 32 is and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, Parcel Post Building, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina State Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, Second Avenue and 21st Street.

New Orleans, Louisiana, 916 Union Building.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, North.

Cleveland, Ohio, Main Post Office, West Third and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, Fifth and Walnut Street.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title and Trust Building, Tenth and Walnut Streets.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

St. Louis, Missouri, 100 Old Federal Building.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Heilman Building, 354 South Spring Street.

Seattle, Washington, 305 Post Office Building, Third Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Washington, District of Columbia, Department of Labor, Fourth Floor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on November 5, 1941, before Major Robert N. Campbell as Presiding Officer, at 10:00 a. m. in Room 3229, United States Department of Labor, Washington, D. C., for the purpose of taking evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 32 shall be approved or disapproved; and

2. In the event an order is issued approving the recommendation, what, if any, prohibition, restriction, or regulation of home work in this Industry is necessary to carry out the purpose of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 32, or supporting or opposing the prohibition, restriction, or regulation of home work in the Industry, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; *Provided,* That not later than October 28, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 32.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 32 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Knitted Outerwear Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Knitted Outerwear Industry,* prepared by Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, August 1941.

Bulletin, Serial No. R. 963, reprint from the *Monthly Labor Review,* July 1939, entitled, *Differences in Living Costs in Northern and Southern Cities.*

Bulletin, Serial No. R. 1298, entitled, *Changes in Cost of Living,* dated March 15, 1941, prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

Release, entitled *Estimated Intercity Differences in Costs of Living, March 15, 1941,* prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof; and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the

proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing, the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of September 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-7300; Filed, September 30, 1941; 11:31 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

ORDER FOR REPORT OF SUMMARY OF DEPOSITS

Pursuant to the provisions of subsections (j) and (k) of section 12B of the Federal Reserve Act, as amended (Sec. 101 (j) and (k), 49 Stat. 692, 693; 12 U.S.C., Sup., 264 (j) and (k)), *It is ordered*, That each insured bank shall submit to the Federal Deposit Insurance Corporation on or before October 3, 1941, a report of its deposits as of the close of business September 24, 1941, on Form 89—Call No. 3, entitled "Summary of Deposits" [1] and said report shall be prepared in accordance with the "Instructions for Preparation of Form 89—Call No. 3." [1]

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION.
JEAN S. GLASCOCK,
Assistant Secretary.

[F. R. Doc. 41-7294; Filed, September 30, 1941; 11:16 a. m.]

[1] Filed as part of the original document.

FEDERAL LOAN AGENCY.

Federal Housing Administration.

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

SEPTEMBER 24, 1941.

To holders of 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, Sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1942, on which date interest on such debentures shall cease:

Denomination:	Serial Nos. (*all numbers inclusive*)
$50	839 to 1160
$100	3113 to 4048
$500	1191 to 1403
$1,000	4000 to 4999
$5,000	248 to 328
$10,000	31 to 39

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal Housing Administrator, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1941. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1941, and provision will be made for the payment of final interest due January 1, 1942, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Federal Housing Administrator hereby offers to purchase any debentures included in this call at any time from October 1 to December 31, 1941, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1942, or for purchase prior to that date will be given by the Secretary of the Treasury.

ABNER H. FERGUSON,
Administrator.

Approved: September 27, 1941.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7242; Filed, September 29, 1941; 9:55 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4508]

IN THE MATTER OF CONCORD DISTRIBUTING COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to the authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 8, 1941, at two o'clock in the afternoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7301; Filed, September 30, 1941; 11:32 a. m.]

[Docket No. 4520]

IN THE MATTER OF S. ANGELL & COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 13, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7302; Filed, September 30, 1941; 11:32 a. m.]

[Docket No. 4532]

IN THE MATTER OF UTILITIES ENGINEERING INSTITUTE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, October 10, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7303; Filed, September 30, 1941; 11:32 a. m.]

[Docket No. 4568]

IN THE MATTER OF JAMES BELL COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That Andrew B. Duvall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, October 10, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7304; Filed, September 30, 1941; 11:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-408]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 15, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Philadelphia Electric Company, a subsidiary of The United Gas Improvement Company, a registered holding company, proposes to issue and sell, at a price to be determined by competitive bidding, $20,000,000 principal amount of 2¾% First and Refunding Mortgage Bonds, maturing December 1, 1971. The net proceeds from the sale of the bonds proposed to be issued will be applied, in the amount of $20,000,000, to pay the principal amount of presently outstanding 1½% Promissory Notes payable to banks and maturing December 3, 1941. The balance, if any, of the net proceeds will be added to the general cash funds of the company.

The third sentence of section 6 (b) of the Act and Rule U-50 are designated as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7305; Filed, September 30, 1941; 11:42 a. m.]

[File No. 1-2554]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (a) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF NEW SUTHERLAND DIVIDE MINING COMPANY COMMON CAPITAL STOCK, 10¢ PAR VALUE, ASSESSABLE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1941.

I

It appearing to the Commission:

That New Sutherland Divide Mining Company, a corporation organized under the laws of the State of Nevada, is the issuer of Common Capital Stock, 10¢ Par Value, Assessable; and

That said New Sutherland Divide Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing on or about April 6, 1936, an application on Form 10 with the Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective June 1, 1936, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does require that an annual report

for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13, of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said New Sutherland Divide Mining Company; and

That Item 8 of Form 10-K and the Instruction Book for Form 10-K, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, require that certified financial statements of the registrant for the period under report be filed as a part of such annual report to be filed on said Form 10-K; and

II

The Commission having reasonable cause to believe that the said New Sutherland Divide Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, the Rules and Regulations, Form 10-K and the Instructions thereto, promulgated by the Commission thereunder, in that no certified financial statements have been filed for the fiscal year ended December 31, 1940, as required by Item 8 of Form 10-K and the Instructions thereto and the Rules and Regulations of the Commission within the time prescribed for filing; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether New Sutherland Divide Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, 10¢ Par Value, Assessable, of said New Sutherland Divide Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 21st day of October at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7306; Filed, September 30, 1941; 11:42 a. m.]

[File No. 70-402]

IN THE MATTER OF CITIES SERVICE POWER & LIGHT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1941.

The above named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-42 thereunder, regarding the expenditure by the Company of not to exceed $100,000, in addition to amounts permitted by Rules and prior authorization of the Commission, in the acquisition of its outstanding preferred stock during the period beginning with the date of this order and ending one year from such date, the acquisitions to be made at such times and from time to time during said period as in the judgment of the Management of the Company may be desirable or appropriate and to be made in the open market either through brokers or dealers on securities exchanges or in the over-the-counter market, or at private sales, at the current market prices prevailing at the time of purchase; but no such acquisitions to be made at a price exceeding the involuntary liquidating value thereof of $100 per share nor from any affiliated Company; and

Said declaration having been filed on September 15, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and the above named party having requested that said declaration, as filed, become effective forthwith; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration, pursuant to Rule U-42, to become effective, and being satisfied that the effective date of such declaration should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, be, and hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7307; Filed, September 30, 1941; 11:42 a. m.]

[File No. 70-396]

IN THE MATTER OF KEYES FIBRE COMPANY

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1941.

Keyes Fibre Company, a subsidiary company of New England Public Service Company, a registered holding company, having filed an application pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 regarding the issue and sale of $1,400,000 principal amount of the First Mortgage Sinking Fund 4½% Bonds and having in this connection applied for exemption of such issue and sale from the provisions of Rule U-50 promulgated under said Act:

It is ordered, That said issue and sale be and the same hereby is exempted from the provisions of Rule U-50, jurisdiction being reserved as to the application pursuant to section 6 (b).

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7308; Filed, September 30, 1941; 11:42 a. m.]

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FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENTS TO RULES RELATING TO THE REGISTRATION OF UNISSUED SECURITIES FOR "WHEN ISSUED" DEALING ON NATIONAL SECURITIES EXCHANGES

The Securities and Exchange Commission acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 12 (d) and 23 (a) thereof, and deeming it necessary or appropriate in the public interest or for the protection of investors so to do hereby amends §§ 240.12d3-1 to 240.12d3-9 [Regulation X-12D3] as follows:

I. By adding after § 240.12d3-9, § 240.12d3-10. The text of § 240.12d3-10 reads as follows:

§ 240.12d3-10 *Registration of an unissued security, other than a warrant, to be issued pursuant to a plan of reorganization in connection with a receivership proceeding or bankruptcy proceeding under section 77 of the Bankruptcy Act, of a carrier required to make annual reports under section 20 of the Interstate Commerce Act, as amended.* (a) Notwithstanding the provisions of § 240.12d3-4 [Rule X-12D3-4], an unissued security, other than a warrant, to be issued pursuant to a Plan of Reorganization, confirmed by a court of competent jurisdiction in a receivership proceeding or a bankruptcy proceeding under section 77 of the Bankruptcy Act,[1] of a carrier required to make annual reports under section 20 of the Interstate Commerce Act, as amended,[2] may be registered for "when issued" dealing on a national securities exchange, provided that:

(1) The reorganization managers, if any, or other person entrusted with the duty of consummating the Plan of Reorganization has filed a written statement with such exchange (and a duplicate signed original with the Commission) advising that:

(i) The Plan of Reorganization has been finally confirmed or otherwise finally approved by order of the court in which the receivership or bankruptcy proceeding is pending and that the time during which an appeal may be taken from such order has expired and that no such appeal is pending; and

(ii) Prior to the date when such unissued security is made available for delivery, application will be made for listing and for registration of such unissued security pursuant to section 12 (b) and (c) of the Act (Sec. 12, 48 Stat. 892; 15 U.S.C. 781) on such exchange or on another exchange in the same city.

(2) Such unissued security is the subject of a right to subscribe to or otherwise acquire such unissued security granted to the holders of a security which is admitted to dealing on a national securities exchange.

(3) A registration statement under the Securities Act of 1933, as amended (48 Stat. 74; 15 U.S.C. 77a), is in effect as to such unissued security, if such registration is required.

(4) If such unissued security is the subject of a warrant evidencing a right to subscribe to or otherwise acquire such unissued security, such warrant shall ex-

[1] Sec. 1, 47 Stat. 1474; c. 774, 49 Stat. 911; c. 833, 49 Stat. 1969; c. 689, 53 Stat. 1406; 11 U.S.C. 205.

[2] Sec. 20, 24 Stat. 386; sec. 7, 34 Stat. 593; c. 193, 35 Stat. 648; sec. 14, 36 Stat. 555; sec. 1, 38 Stat. 1196; c. 301, 39 Stat. 441; sec. 434-438, 41 Stat. 495; c. 761, 44 Stat. 835; sec. 3, 44 Stat. 1448; c. 208, 46 Stat. 251; 49 U.S.C., 20.

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pire within 90 days after its first issuance pursuant to the Plan of Reorganization.

(5) Formal and official announcement has been made of the terms of the Plan of Reorganization as confirmed by order of the court in which the receivership or bankruptcy proceeding is pending and a copy of such Plan, certified by the Clerk of such court, has been filed with such exchange and with the Commission as Exhibit "A" to Form 2–J.

(6) The members of the certifying exchange are subject to rules which provide substantially that the performance of a contract to purchase or sell an unissued security shall be conditioned upon the issuance of such security.

(7) No application has been filed for "when issued" dealing in such unissued security on another national securities exchange in the same city on which other exchange such unissued security is to be listed and registered upon issuance.

(b) Notwithstanding the provisions of § 240.12d3–5 (a) [Rule X-12D3–5 (a)], Form 2–J may be filed by the reorganization managers, if any, or other person entrusted with the duty of consummating the Plan of Reorganization.

(c) Notwithstanding the provisions of § 240.12d3–6 (d) [Rule X-12D3–6 (d)], registration of an unissued security for "when issued" dealing pursuant to paragraphs (a) and (b) of this section shall expire at the close of business on the one hundred and twentieth day after the effective date of such registration or at the close of business on the fifteenth full business day after the date when such unissued security is made available for delivery, whichever date is earlier, unless the Commission shall order an extension of the effective period of such registration. [Rule 12D3–10 of Regulation X-12D3, effective September 30, 1941.] (Sec. 12, 48 Stat. 892; sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 781, 78w.)

II. By adding after the words "§ 240.12d3–4 [Rule X-12D3–4"] in § 240.12d3–6 (b) [Rule X-12D3–6 (b)] and § 240.12d3–8 (a) (3) [Rule X-12D3–8 (a) (3)] the words "or § 240.12d3–10 [Rule X-12D3–10"].

Effective September 30, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–7316; Filed, September 30, 1941; 3:52 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

Correction

The regulations dealing with taxes relating to machine guns and certain other firearms which appeared under Part 319 on page 4934 of the issue for Tuesday, September 30, 1941, lacked the agency designation: Regulations 88—1941 Edition.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-357]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR APPROVING AND ADOPTING WITH AMENDMENT PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND GRANTING FINAL RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order No. 303 of the Bituminous Coal Division, having been duly filed with the Division by District Board 1 on November 14, 1940, proposing and seeking the establishment of price classifications and minimum prices for the coals of certain mines not theretofore classified and priced; and

Temporary relief, pending final disposition of this proceeding, having been granted by Order of the Director dated November 28, 1940, establishing temporary effective minimum prices set forth in two schedules designated "Temporary Supplement," annexed to and made a part of said Order; and

A hearing having been held before Charles O. Fowler, an Examiner of the Division, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., on December 12, 1940; and

The Examiner having made proposed Findings of Fact and Conclusions of Law in this matter, dated February 24, 1941, recommending that the temporary prices established by the Order dated November 28, 1940, 5 F.R. 4830, 4831, be made permanent; and

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed; and

The Director having determined that the Kenny's #2 Mine (Mine Index No. 676) of Frank J. Kenny is located in District 2 and was inadvertently included in this proceeding as being located in District 1; that the Moshannon #6 Mine (Mine Index No. 2602) of Bernard A. Murawski was included in Docket A-654, and classified and priced therein for both rail and truck shipments; that the Bridge Mine (Mine Index No. 2873) of F. J. Wilson was included in Docket A-356 and classified and priced therein for truck shipment; that no price classifications or minimum prices should be established in this proceedings for the Kenny's #2, Moshannon #6 or Bridge Mine; and that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be amended accordingly; and

The Director having determined that the proposed Findings of Fact and the Conclusions of Law of the Examiner in this matter, as herein amended, should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director and that the price classifications and minimum prices listed in Supplements R and T annexed hereto should be established for the coals produced at the mines therein shown;

It is ordered, That the said proposed Findings of Fact and Conclusions of Law of the Examiner, as herein amended, be, and the same are hereby, approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director.*

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

§ 321.7 *Alphabetical list of code members*—Supplement R

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group No.]

Code member	Mine index No.	Mine name	Subdistrict No.	Seam	Freight origin group No.	1	2	3	4	5
Bessemer Coal Co. (J. Alton Shoff)	640	Bessemer #3	7	D	41	(1)	(1)	F	(1)	(1)
Higler, H. F., Jr.	663	Salt Lick	9	C'	41	(1)	(1)	E	(1)	(1)
Central Moshannon Coal Mining Co.	80	Central Moshannon	13	D	44	G	(1)	G	G	G
Goodwin, John C., Raymond Goodwin and David Michael.	642	Castle G #2	43	Big Vein	67	(1)	(1)	D	(1)	(1)
Hrabbon Coal Co.	210	Hrabbon #2	25	D	61	F	(1)	F	F	F
Hlivitz, Joseph (Hlivitz Coal Co.)	330	Hlivitz #1	16	D	44	(1)	(1)	E	(1)	(1)
Howell, Fred	1341	Howell	10	E	102	(1)	(1)	C	(1)	(1)
Scurfield, E. H. (Scurfield Coal Co.)	650	Alt Father	41	A	100	(1)	(1)	C	(1)	(1)
Sensabaugh, G. C.	640	Meadow Mountain	42	E	101	(1)	(1)	C	(1)	(1)
Service Coal Company, Inc.	672	Service #1	28	B	49	(1)	(1)	C	(1)	(1)
Walker, John D.	3172	Potter #1	29	C' and D	49	(1)	(1)	E	(1)	(1)
Walker, John D.	185	Potterdale #1	9	C'	41	(1)	(1)	E	(1)	(1)
Wetzel & Blose (G. C. Blose)	2294	Wetzel	12	E	112	(1)	(1)	C	(1)	(1)
Wetzel, Ray	2224	Wetzel	12	E	112	(1)	(1)	C	(1)	(1)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

§ 321.24 *General prices*—Supplement T

FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
Anderson, Emory	1013	Anderson	6	Jefferson	C'	245		(*)	210	200
Badowski and Sons, Frank.	2805	Badowski Mine #2	33	Somerset	B		245	245		
Barker, Sam (Fager Coal Co.)	2841	Black Oak #7	26	Cambria	D			255		
Beltz Bros. (C. W. Beltz).	2788	Beltz Mine	38	Somerset	B			230		
Bessemer Coal Co. (J. Alton Shoff)	640	Bessemer #3	7	Clearfield	D			220		
Higler, H. F., Jr.	663	Salt Lick	9	Clearfield	C'			225		
Howers, H. H.	2031	Howers	6	Indiana	E			220		
Brickey, Irvin (Jacob Brickey).	2610	Irvin Hill	3	Clinton	C			235		
Brush Creek Coal Co. (Ralph Johnson)	2641	Brush Creek #1	43	Allegany	Brush Creek			220		
Burdock, E. E. & J. C.	2015	Burdocks	44	Mineral	Tyson			225		
Calderwood, M. F. (Black Bear Coal Co.).	2861	Black Bear	8	Contre	B			225		
Central Moshannon Coal Mining Co. (J. Howard Smith).	86	Central Moshannon #2.	13	Clearfield	D	240		(*)	205	195
Contron Coal Company	2880	Contron #2	18	Cambria	A			220		
Custer-Shill Coal Mine (Earl Custer).	2513	Shoeber	37	Somerset	B			220		
Delozier, T. W.	2837	Delozier	27	Cambria	E			230		

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

§ 321.24 *General prices*—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
E.-D. Coal Co. (M. J. Deitrich).	2863	E.-D. Coal Co	17	Cambria	D			225		
Eshbaugh & Sweltzer Coal Co. (Clair J. Sweltzer).	2614	Twin Oak	4	Clarion	D & E	240	215	215	200	190
Goodwin, John C., Raymond Goodwin and David Michael.	642	Castle G #2	43	Allegany	Big Vein			230		
Heidler & Co., Lewis (Lewis Heidler).	2842	Heidler	8	Centre	B			225		
Heseltine & Hartley (Robert Heseltine, Jr.).	1663	Heseltine & Hartley	16	Cambria	D			225		
Heshbon Coal Co	210	Heshbon #2	25	Indiana	D	245		(*)	210	200
Hickory Ridge Coal Company (James B. Wyse).	2005	Hickory Ridge	4	Clarion	D	240	215	215	200	190
Hilvitz, Joseph (Hilvitz Coal Co.).	330	Moore #1	16	Cambria	D			(*)	215	205
Hricko Coal Company (Andrew B. Hricko).	2633	Krise	17	Cambria	E			225		
Hughes, Frank L. & V. R. Zimmerman (Frank L. Hughes).	2605	Reitz	6	Jefferson	E			220		
Landis & Wetmiller (Dalphon Landis).	2643	Landis & Wetmiller	41	Somerset	Pittsburgh			215		
Liegey, Charles L. & Clyde G. Sankey.	2630	Mt. Zion	7	Clearfield	D			220		
Lucas, Harry G	2870	Snyder	7	Clearfield	D			220		
McCartney, T. V	2871	McCartney #2	18	Cambria	D			220		
Mann, Thomas	2868	Mann	19	Clearfield	D			235		
Martz, Frank B	2867	Sandy Valley	5	Jefferson	B			225	215	205
Metzger Coal Company, The.	2794	Metzger	9	Clearfield	C			225		
Miller, Henry, & Henry (Harry Henry).	2618	Stufft	36	Somerset	E			225		
Neal, Ralph W	2651	Neal	6	Indiana	E			220		
Newcombe, William J	2856	Newcombe	13	Clearfield	D			230		
Owens, Elmer	2617	Owens	7	Clearfield	D	245	230	220	210	200
Pass, Charles	2639	Pass	29	Cambria	B			220		
Patterson & Williams (Arthur Williams).	2637	Wilpat	14	Clearfield	B			225		
Powell, D. G. & Le-Corre Bros. (D. G. Powell).	2641	Nancy #1	20	Clearfield	D			220		
Powell, D. G. & Le-Corre Bros. (D. G. Powell).	2642	Nancy #2	20	Clearfield	B			235		
Radaker, Harry & Levere.	2574	Radaker	6	Clearfield	B			220		
Reed & Lindsay (R. O. Reed).	2638	Reed	8	Clearfield	A			210		
Scurfield, E. H. (Scurfield Coal Co.).	650	Alt Father	41	Somerset	A			215		
Sensabaugh, O. C	640	Meadow Mountain	42	Garrett	E			225		
Service Coal Company, Inc.	675	Service #1	38	Somerset	B			235		
Shick, C. O	2599	Shick	4	Clarion	E	240	215	215	200	190
Shomo, Clair E	2703	Shomo	18	Cambria	E			220		
Snyder Mine (Willard Brown).	2636	Snyder	7	Clearfield	D			220		
Vaughn Bros	2872	Vaughn #2	21	Centre	A			210	200	190
Walker, John D	372	Penn #1	21	Centre	B			(*)	225	215
Walker, John D	185	Pottersdale #1	9	Clearfield	C & D	250		(*)	215	205
Williams & Co., George H. (George H. Williams).	2632	Williams	44	Grant	B			210		
Wirick & Sons, C. B. (C. B. Wirick).	2828	C. B. Wirick and Sons	33	Somerset	B			245		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-7287; Filed, September 30, 1941; 10:10 a. m.]

[Docket No. A-564]

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT NO. 6

ORDER GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 6 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by District Board 6 requesting price classifications and minimum prices for all shipments except truck for certain mines in District 6 theretofore classified for rail shipment, and also requesting price classifications and minimum prices for coals of several mines not theretofore classified for any movement;

Temporary relief pending the final disposition of this proceeding having been granted in part by an Order dated March 28, 1941, 6 F.R. 1723, establishing minimum f. o. b. mine prices on truck shipments for certain mines which had not theretofore been classified in any way;

A hearing having been held in this matter before D. C. McCurtain, a duly designated Examiner of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and

The preparation of an Examiner's report in this matter having been waived by the parties herein;

It is ordered, That § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 326.6 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, and § 326.23 (*General prices; for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director*.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER

§ 326.5 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Type	Shipping points in West Virginia	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
102	Anderson, Jerome	Jerome Anderson		Pgh. 8	Deep	Colliers	P. R. R	30	C	C	C	C	C	C	C	C	C			C
122	Fireside Fuel Co. (Edw. H. Canon).	Douvall		Pgh. 8	Deep	Louise Follansbee	P. & W. V., P. R. R	50	C	C	C	C	C	C	C	C	C			C
136	Hickman & Zagar	Hickman & Zagar		Pgh. 8	Deep	Colliers	P. R. R	30	C	C	C	C	C	C	C	C	C			C
[1] 192	Mitchell & Jones Corporation	Standard #2		Pgh. 8	Strip	Wellsburg	P. R. R	30	E	E	E	E	E	E	E	E	E	E		E
[2] 173	Painter Run Mine (Joseph Serafine).	Painter Run		Pgh. 8	Deep	Wellsburg	P. R. R	30	C	C	C	C	C	C	C	C	C			C
162	Peluchette, Chris (Liberty Coal Co).	Betty		Pgh. 8	Deep	Wheeling	P. R. R	30	C	C	C	C	C	C	C	C	C			C
168	Reliable Coal Co	Reliable		Pgh. 8	Deep	Wheeling	P. R. R	30	C	C	C	C	C	C	C	C	C			C
169	Reymann Coal Co., Inc	Reymann		Pgh. 8	Deep	Wheeling	P. R. R	30	C	C	C	C	C	C	C	C	C			C
174	Short Creek Coal Co. (C. F. Stratton).	Short Creek		Pgh. 8	Deep	Warwood	P. R. R	30	C	C	C	C	C	C	C	C	C			C

[1] Formerly operated by Matt Buday as Walnut Grove #2 mine.
[2] Formerly operated by Sylvester Serafine (Painter Run Coal Co.) as Painter Run mine.

§ 326.6 *Numerical list of mines*—Supplement R–II

Refer to § 326.6 in Part 326, Minimum Price Schedule for District No. 6. Add the following:

Mine index No.	Mine name	Code member	Freight origin group No.	Railroad
102	Jerome Anderson	Anderson, Jerome	30	P. R. R.
122	Douvall	Fireside Fuel Co. (Edw. H. Canon)	50	P. R. R., P. & W. V.
136	Hickman & Zagar	Hickman & Zagar	30	P. R. R.
162	Betty	Peluchette, Chris (Liberty Coal Co.)	30	P. R. R.
168	Reliable	Reliable Coal Co	30	P. R. R.
169	Reymann	Reymann Coal Co., Inc	30	P. R. R.
173	Painter Run	Painter Run Mine (Joseph Serafine)	30	P. R. R.
174	Short Creek	Short Creek Coal Co. (C. F. Stratton)	30	P. R. R.
192	Standard #2	Mitchell & Jones Corporation	30	P. R. R.

Prices for all Mine Index Numbers except 7, 20, 24 and 26 shown in § 326.7 and § 326.8 (a), (b), (c), and (d), in Part 326, Minimum Price Schedule in the Schedule of Effective Minimum Prices apply to Mine Index Numbers 102, 122, 136, 162, 168, 169, 173 and 174.

Prices for Mine Index Numbers 7, 20, 24 and 26 shown in § 326.7 and § 326.8 (a), (b), (c), and (d) in Part 326, Minimum Price Schedule in the Schedule of Effective Minimum Prices apply to Mine Index Number 192.

FOR TRUCK SHIPMENTS

§ 326.23 *General prices; for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
Buday, Matt	Walnut Grove #2	192	Pgh. 8	275	265	250	225	220	210	190	180
Forsha, Lina		201	Pgh. 8	285	275	260	235	230	220	200	190
Pittenger, Charles	Pittenger	203	Pgh. 8	285	275	260	235	230	220	200	190

[F. R. Doc. 41-7290; Filed, September 30, 1941; 10:11 a. m.]

[Docket No. A-1002]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 8, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Freight origin group No.	Price classifications by size group Nos.								
						1	2	3	4	5	6	7	8	9	10
725	Gibson, L. C.	Helena	4	Davy-Sewell	30	D	(†)	(†)	(†)	(†)	(*)	(*)	D	(*)	(†)
638	Miller, J. H. (Miller Coal Co.).	Miller	5	Poca. 3	14	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)
232	Patterson Red Ash Coal Co. (Wm. Patterson).	Patterson Red Ash	4	Red Ash	30	(*)	(†)	(†)	(†)	(†)	(*)	(*)	D	(*)	(†)
608	Stone, George T.	House Coal Co.	2	Sewell	10	(†)	(†)	(†)	(†)	(†)	A	A	(†)	(†)	(†)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump, 3¼" or larger, all egg and stove	All nut or pea, 1¼" top size or smaller	Screened X/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Gibson, L. C.	725	Helena	4	McDowell	Davy-Sewell	315	.....	(*)	(*)	185	(*)
Patterson Red Ash Coal Co. (Wm. Patterson).	232	Patterson Red Ash	4	McDowell	Red Ash	(*)	.....	(*)	(*)	185	(*)

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-7283; Filed, September 30, 1941; 10:07 a. m.]

[Docket No. A-988]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 8

An original petition, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the matter hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Petitioner in proposing price classifications and minimum prices for the coals of the Boone and McReynolds #1 and #2 Mines (Mine Index Nos. 791 and 792) for rail shipment designates such mines as being contained in Freight Origin Group No. 50 whereas according to the records of this Division these mines are contained in Freight Origin Group No. 10. For this reason Mine Index Nos. 791 and 792, as set forth in the attached schedule marked "Supplement R," have been placed in Freight Origin Group No. 10.

Petitioner in proposing minimum prices for the coals of certain mines in Knott County, Kentucky, for truck shipment, designates the producing mines as being located in Subdistrict 1 of District No. 8 whereas according to the records of this Division all truck mines in Knott County, Kentucky, are contained in Subdistrict 3 of District No. 8. For this reason the attached schedule marked "Supplement T" designates those Knott County Mines contained therein as being in Subdistrict 3 of District No. 8.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 2, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdist. No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos.																								
						For destinations other than Great Lakes													For Great Lakes cargo only												
						1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
1338	Adams, William	Adams	3	Hazard #4	100	M	M	K	J	G	E	G	D	D	K	(†)	(†)	(†)	(†)	C	(†)	M	L	K	F	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5	Ajax Coal Co	Ajax	3	Hazard #4	100	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	C	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	C
1701	Barrett Bros. (W. V. Barrett)	Barrett	6	Lilly	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	C	(†)	M	L	K	F	D	G	M	K	(†)	(†)	(†)	(†)	C
806	Big Horn Coal Company (J. R. Allen)	Big Horn	6	Jellico	112	E	E	D	C	C	C	C	B	C	G	(†)	(†)	(†)	(†)	C	(†)	E	E	D	C	B	C	G	G	(†)	(†)	(†)	(†)	C
421	Blue Diamond Coal Company	Toms Creek (Royal Banner)	7	Upper Banner	30	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	D	G	(†)	(†)	A	C	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	C	(†)	C
791	Boone & McReynolds (G. R. Boone)	Boone & McReynolds #1	7	Lower Banner	10	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	C	(†)	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
792	Boone & McReynolds (G. R. Boone)	Boone & McReynolds #2	7	Upper Banner	10	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	C	(†)	M	M	K	F	D	D	E	C	M	F	G	(†)	(†)	(†)	C
1092	Booth & Freeman (Harrison Booth)	Millers Creek	1	Millers Creek	61	D	D	E	M	J	E	C	B	F	G	(†)	(†)	(†)	(†)	C	(†)	D	D	F	B	D	B	G	K	(†)	(†)	(†)	(†)	C
831	Borderland Collieries Company	Borderland	8	Thacker	130	Q	Q	N	(*)	(*)	H	(*)	K	F	G	(†)	(†)	(†)	(†)	C	(†)	Q	P	N	J	H	F	(*)	K	(†)	(†)	(†)	(†)	C
462	Buchanan Coal Co., Inc.	Tip Top	1	Hindman	61	(*)	(*)	(*)	(*)	H	(*)	K	(*)	F	(*)	(†)	(†)	C	C	C	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	K	(*)	(†)	C	(†)	C	C
3564	Campbell, John C.	Campbell	3	Hazard #5-A	100	O	O	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	C	(†)	O	N	M	J	H	F	(*)	K	(*)	M	(†)	(†)	C
783	Chavies Coal Company (S. E. Duff)	Chavies Coal Company	3	Hazard No. #4	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	C	(†)	K	K	J	G	E	D	G	K	(†)	(†)	(†)	(†)	C
825	Chavies Coal Company (S. E. Duff)	Chavies Coal Company	3	Hazard No. #6	100	M	M	(*)	J	(*)	G	J	F	D	M	(†)	(†)	(†)	(†)	C	(†)	M	M	(*)	H	(*)	F	J	(*)	M	(†)	(†)	(†)	(†)	(†)
109	Clean Eagle Coal Co	Clean Eagle	5	Eagle	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
836	Columbia Coal & Mining Co., Inc.	Toms Creek	1	Millers Creek	61	D	D	F	E	E	C	C	B	A	D	(†)	(†)	(†)	(†)	C	(†)	D	D	F	B	B	D	C	C	(†)	(†)	(†)	(†)	C
5027	Combs, McKinley	McKinley Combs	3	Hazard #4	100	K	M	K	J	H	G	E	G	D	D	J	K	(†)	(†)	(†)	(†)	K	K	J	F	F	D	D	G	G	J	K	(†)	(†)	(†)	C
1340	Cook, Archie	Archie Cook	3	Hazard #4	100	M	M	K	M	J	G	E	J	G	D	K	K	(†)	(†)	(†)	(†)	M	L	K	J	H	F	D	G	M	K	K	(†)	(†)	(†)	C
813	Cub Mountain Coal Co. (John Austin)	Cub Mt.	6	Bon Air #2	210	P	P	M	L	G	K	J	M	H	G	(†)	(†)	(†)	(†)	C	(†)	P	O	M	H	G	F	B	G	M	E	(†)	(†)	(†)	(†)	C
872	Defense Coal Co. (L. C. Campbell)	Defense Coal	1	Elkhorn	61	H	H	H	G	E	C	C	E	B	C	(†)	(†)	(†)	(†)	C	E	H	H	H	D	C	C	C	C	H	K	(†)	(†)	C	(†)	E
206	Fort Branch Mining Co.	Fort Branch	5	Chilton	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	G	C	C	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	C	(†)	C	E
2171	Gilbert, Sam	Gilbert C. Co	7	No. 5	204	E	E	D	D	C	C	C	B	C	D	(†)	(†)	(†)	(†)	C	(†)	E	E	K	F	D	C	D	G	J	H	(†)	(†)	(†)	(†)	C
828	Gilly, E. M	Gilly Mines	7	Blair	200	O	O	K	J	H	G	E	G	D	D	G	K	(†)	(†)	(†)	(†)	O	M	K	J	M	H	F	D	D	E	G	J	K	(†)	(†)	(†)	C
803	Hazard Coal Company (Ross Blondell)	Hazard Coal Co	3	Hazard #4	100	K	K	J	N	M	J	H	F	D	G	K	K	(†)	(†)	(†)	(†)	K	K	J	H	G	F	D	D	G	J	K	(†)	(†)	(†)	(†)
793	Honeycutt, G. B	Shop Branch	1	Auxier	63	P	P	N	K	M	J	H	G	E	J	(†)	(†)	(†)	(†)	C	(†)	P	O	M	K	J	H	F	E	D	G	J	L	P	L	(†)	(†)	(†)	(†)
2326	Horne Coal Company (F. B. & G. F. Horne).	Horne Coal Co	7	Imboden	30	O	O	N	M	J	F	G	C	E	(†)	D	B	F	D	D	(†)	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
869	Hurt Fuel Co., W. E. (E. J. Stewart)	McKenzie	8	Alma	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	D	(*)	(†)	(†)	(†)	C	C	C	B	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	C	C	C	C	B
804	Johnson, W. L	White Oak	6	Hignite	111	H	H	K	J	H	F	E	D	C	E	D	D	D	K	(†)	(†)	(†)	C	C	C	(†)	(†)	(†)	(†)	(†)	H	K	F	D	D	E	M	K	(†)	(†)	(†)	(†)
800	Keesee, F. P	Dorton	1	Elkhorn #2	61	K	K	J	H	G	E	G	D	C	C	B	A	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	H	G	E	C	C	(†)	(†)	(†)	C
771	Lay, J. P. & Ed Hatfield (J. P. Lay)	Lay & Hatfield	6	Blue Gem	112	A	A	A	J	H	A	G	E	A	G	G	B	A	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	A	J	H	A	F	D	D	(†)	(†)	(†)	(†)
805	Leatherwood Coal Co. (M. K. Eblen)	Leatherwood Coal Co	3	Hazard #4	100	K	K	K	J	H	G	E	G	D	D	D	D	D	K	J	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	J	H	G	D	D	(†)	(†)	(†)	(†)
1348	Lucas, N. J	Lucas	3	Elkhorn	100	K	K	K	K	J	J	G	E	C	C	D	D	D	D	K	J	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	J	J	H	D	D	(†)	(†)	(†)	(†)
2343	Lyons Bros. C. Co. (J. C. Lyons)	Lyons Bros. C. Co. No. 1	7	Jawbone	30	M	M	M	K	K	J	F	F	C	C	E	E	D	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	K	K	J	F	F	D	D	C	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1, BIG SANDY-ELKHORN											
BOYD COUNTY, KY											
Hamilton & Hamilton (Everett Hamilton).	Trace Hill	689	#7	265	245	210	220	205	200	150	145
Prater, Frank	Prater No. 2	816	#7	265	245	210	220	205	200	150	145
Prater, Frank	Prater No. 3	817	#7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Defense Coal Co. (L. C. Campbell).	Defense Coal	802	Elkhorn	285	265	225	230	215	215	165	160
GREENUP COUNTY, KY.											
French, Orville	French	790	Clod	265	245	210	220	205	200	150	145
Stepp, Sam	Salyers	827	Clod	265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Columbia Coal & Mining Co., Inc.	Tom's Creek	826	Millers Creek	305	285	235	240	215	225	170	165
PIKE COUNTY, KY.											
Honeycutt, G. B	Shop Branch	793	Auxier	250	230	205	205	195	195	140	135
Johnson, F. M. (Famous Elkhorn Coal Company).	Johnson	691	Elkhorn No. 2	275	255	220	230	215	210	170	165
Keesee, F. P	Dorton	800	Elkhorn No. 2	275	255	220	230	215	210	170	165
SUB-DISTRICT NO. 3, HAZARD											
KNOTT COUNTY, KY.											
Patrick, J. W	Triplett	811	Elkhorn No. 3	285	265	225	230	215	215	165	160
Patrick, J. W	Patrick No. 3	810	Elkhorn No. 3	285	265	225	230	215	215	165	160
Patrick, J. W	Patrick No. 4	809	No. 4 Elkhorn	285	265	225	230	215	215	165	160
PERRY COUNTY, KY.											
Chavies Coal Company (S. E. Duff).	Chavies Coal Company.	783	Hazard No. 4	275	255	220	225	205	210	150	145
Chavies Coal Company (S. E. Duff).	Chavies Coal Company.	825	Hazard No. 6	265	245	220	205	195	210	145	140
Hazard Coal Company (Ross Blondell).	Hazard Coal Co	803	Hazard No. 4	275	255	230	225	205	210	155	150
Leatherwood Coal Co. (M. K. Eolen).	Leatherwood Coal Co.	805	Hazard No. 4	275	255	220	225	205	210	155	150
SUB-DISTRICT NO. 4, KANAWHA											
BOONE COUNTY, W. VA.											
Pauley, Clay D	Stone Coal Co	818	Cedar Grove	265	245	225	215	200	215	175	170
NICHOLAS COUNTY, W. VA.											
Halstead, Squire	Halstead	799	Big Eagle	265	245	230	230	205	220	165	160

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Johnson, W. L	White Oak	804	Hignite	285	265	220	240	215	210	155	150
PULASKI COUNTY, KY.											
Heath, Bob	Wolf Pit	814	No. 1	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Bowlin, Andy	Andy Bowlin	812	Blue Gem	335	315	235	260	225	225	145	140
ANDERSON COUNTY, TENN.											
Hall, Frank (Frank Hall Coal Company).	Frank Hall	807	Coal Creek	255	235	225	230	205	215	145	140
CAMPBELL COUNTY, TENN.											
Big Horn Coal Company (J. R. Allen).	Big Horn	806	Jellico	300	280	225	250	215	215	170	165
CUMBERLAND COUNTY, TENN.											
Doulton, Ben	Cliffy No. 6	778	Sewanee	250	230	205	210	185	195	135	130
Ford, Hayden	Ford	796	Sewanee	250	230	205	210	185	195	135	130
OVERTON COUNTY, TENN.											
Cub Mountain Coal Co. (John Austin).	Cub Mt	813	Bon Air No. 2	250	230	205	210	185	195	135	130
SUBDISTRICT NO. 7, VIRGINIA											
DICKENSON COUNTY, VA.											
Boone & McReynolds (G. R. Boone).	Boone & McReynolds #1.	791	Lower Banner	265	245	220	220	215	210	155	150
Boone & McReynolds (G. R. Boone).	Boone & McReynolds #2.	792	Upper Banner	265	245	220	220	215	210	155	150
Browning, G. E	Browning C. Co	830	Clintwood	265	245	220	220	215	210	155	150
P. & M. Coal Co. (O. L. Powers)	P. P M. C. Co	808	Clintwood	265	245	220	220	215	210	155	150
RUSSELL COUNTY, VA.											
Harris & Harris (A. H. Harris)	Harris & Harris #1	781	Widow Kennedy.	275	255	220	240	225	210	155	150
WISE COUNTY, VA.											
Gilly, E. M	Gilly Mines	828	Blair	265	245	220	220	215	210	155	150
Kern and Adkins (I. J. Kern)	Kern Coal Co	829	Widow Kennedy	275	255	220	240	225	210	155	150
Lyons Bros. C. Co. (J. C. Lyons)	Lyons Bros. C. Co. #2.	779	Jawbone	265	245	220	220	215	210	155	150
Marcum, G. L	Marcum C. Co. #1	794	Blair	265	245	220	220	215	210	155	150
Richmond, R. A	R. A. Richmond C. Co. #2.	787	Widow Kennedy	275	255	220	240	225	210	155	150
Robbins Mine (Ernest Robbins)	Robbins	780	Widow Kennedy	275	255	220	240	225	210	155	150

[F. R. Doc. 41-7289; Filed, September 30, 1941; 10:10 a. m.]

[Dockets Nos. A-396, A-401 and A-424]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 90, 91, AND 92 NOT HERETOFORE CLASSIFIED AND PRICED, AND IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

This consolidated proceeding was instituted by three petitions filed by the Bituminous Coal Producers' Board for District No. 9, ("District Board") with the Bituminous Coal Division, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. In its petitions the Board in substance proposed price classifications and minimum prices for the coals of certain mines in District No. 9 not theretofore so classified and priced, and prayed that orders be issued by the Director, granting relief, both temporary and final, in the matters.

On December 8, 1940, 5 F.R. 4962, the Director issued an Order in Docket No. A-396, and on December 13, 1940, 5 F.R. 5136, issued an Order in Dockets Nos. A-401 and A-424, granting, with some exceptions,[1] the temporary relief requested by the Board, pending final disposition of the petitions, and temporarily establishing the price classifications and minimum prices proposed by the Board, in the manner set forth in the Temporary Supplements annexed to and made a part of said Orders. No petitions of intervention were filed. Thereafter, on December 18, 1940, the Director issued an Order consolidating Dockets Nos. A-396, A-401, and A-424[2] for the purpose of hearing.

Pursuant to notice to all interested parties, a consolidated hearing was held on January 22, 1941, before Floyd McGown, the duly designated Trial Examiner. The Division and the Board were represented by counsel and participated in the hearing. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues was afforded all parties.

The uncontroverted evidence introduced at the hearing shows, and the Director therefore finds, that the proposed price classifications and minimum prices recommended by the Board in its original petitions, as subsequently modified and embodied in the Temporary Supplement annexed to and made a part of the Order of the Director, dated December 8, 1940, in Docket No. A-396, and in the Temporary Supplements annexed to and made a part of the Order of the Director, dated December 13, 1940, in Dockets Nos. A-401 and A-424, were approved by the Classification and Marketing Committee of the Board after due notice to all interested parties and after consideration of all available information; that such classifications and minimum prices are in conformity with the effective minimum prices of analogous and comparable coals classified and priced in General Docket No. 15; and that the proposed prices do not adversely affect the existing intra-district and inter-district coordination. Therefore, I find and conclude that such classifications and prices should be established as the permanent classifications and prices.

Now, therefore, it is ordered, That § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplements R-I and R-II, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part thereof.

Dated: September 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[1] These exceptions consisted of certain producers for whose mines price classifications and minimum prices were proposed by the Board, but for which price classifications and minimum prices had already been established.

[2] This Order also consolidated a matter entitled Docket No. A-286. Subsequently, however, this matter was dismissed without prejudice, by Order of the Director dated January 15, 1941, upon a motion filed by the original petitioner in the matter.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R-I

Mine index No.	Code member	Mine	Seam	Freight origin group No.
90	W. A. Bailey	Bailey Operation	No. 6	10
92	Clark & Elliot (Cleo Clark)	Pine Ridge	No. 6	30
91	Young & Young (Chas. H. Young, Sr.)	Young Coal Company	No. 6	30

The f. o. b. mine prices for coal shipped by Young & Young (Chas. H. Young, Sr.), Young Coal Company mine; Clark & Elliot (Cleo Clark), Pine Ridge mine; W. A. Bailey, Bailey Operation mine to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

§ 329.5 *Alphabetical list of code members*—Supplement R-II

Mine index No.	Code member	Mine	Seam	Freight origin group No.
93	Bailey Coal Company	Bailey-Strip	Stray	10
461	Frederick & Cole	"F" & "C"	No. 9	30

The f. o. b. mine prices for coal shipped by Bailey Coal Company, Bailey-Strip mine; Frederick & Cole, "F" & "C" mine to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index, name	Mine index No.	Mine	Seam	Prices and size group Nos. 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
Burkhead, Ray	808	Mathew Lawrence		235	225	215	175	170	160	160	150	140	110	50						120	115
Elms, Burley	775	Burley	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Elms, W. H	776	W. H. Elms	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Hunt, Clyde	777	Clyde Hunt	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Johnson, O. M	761	Ellsworth	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Keown & West	817	Ellis #4	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
McCormick, Goldie	769	Goldie McCormick	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
La Mar, C. W	762	La Mar	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Romans, Leo	816	Leo Romans	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Romans, Leonie	800	Cardwell "S"	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Snodgrass & Snodgrass	779	Oller	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Smith, G. L	778	G. L. Smith	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Shaver, Omer	772	Shaver	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
West & Cardwell (L. T. Cardwell)	764	West	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Wilson, J. D	766	Wilson	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
DAVIESS COUNTY																					
Burch, Robert O	799	Chancellor	#9	235	225	215	175	170	160	160	150	140	110	50						120	115
Burnett, Ross	798	Ross Burnett	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Lanham, Joe	795	Lanham	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Lott Brothers	794	Lott Brothers	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Lott, Ernest	793	Lott	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Mayfield, Xavier	790	Mayfield	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Nix, Henry	792	Nix	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne & Phillips (Lee Phillips)	825	Payne & Phillips	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Ernest L	789	Ivo Coomes	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Nace	788	Nace Payne	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Oliver	787	Oliver	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Payne, Raymond	770	Horseman	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Rhodes, T. D	771	T. D. Rhodes	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Waltrip & Sons (M. H. Waltrip)	824	Waltrip	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
White, Foda	824	White Hill	#9																		
HENDERSON COUNTY																					
Hazelwood Brothers	796	Hazelwood	#9	235	225	215	175	170	160	160	150	140	110	50						120	115
HOPKINS COUNTY																					
Halfacer, Franklin	807	Halfacer	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Harvey, Orvil	820	Harvey	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Long & Almon	805	L & A	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Pace & Wright	803	Pace	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Watson Brothers (Frank Watson)	773	Watson	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Wilson, C. C	802	Wilson	#9																		
M'LEAN COUNTY																					
Drake, Taylor & Drake	815	Drake	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Hinton, Byron W	803	do	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Jennings, Delbert	812	Hartley	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
Mitchell, William W	804	W. W	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Tucker, Leslie	814	Tucker	Stray																		
MUHLENBERG COUNTY																					
Danner Brothers (Harlan D. Danner)	768	Danner	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
House Brothers (Cecil House)	760	House	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Prow & Williams	784	P & W	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
Revelette, W. F	818	Revelette	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Robinson, C. E	819	Robinson	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
West, Nanny & Thompson (Luther Nanny)	771	W. N. & T	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Whitmer, Chandler & Ragland	780	Wilkins	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Wilkerson, C. W	765	Wilkerson	#11																		
OHIO COUNTY																					
Bailey Coal Company	93	Bailey Strip	Stray	205	195	185	175	170	160	160	150	140	110	50	155	150	145	135	105	120	115
Daugherty, Ronnie L	759	Daugherty	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
Edge & Edge	791	Howard	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Edge, Paul	822	Edge	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Evans, Thomas	821	Squire Thomas	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Grover & Farmer	707	Kelley	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Hudnall, William	707	Daniel		205	195	185	175	170	160	160	150	140	110	50						120	115
Payton & Basham	786	Williams	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Sheppard & Suthard	785	T. Taylor	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Shoulders, Melvin	763	Shoulders	#9																		

[F. R. Doc. 41-7284; Filed, September 30, 1941; 10:08 a. m.]

[Dockets Nos. A-827, A-834, A-838, A-843, A-844 and A-865]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR RAIL SHIPMENT

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9, for rail shipment; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 5, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member index name	Mine	Seam	Freight origin group No.
1 550	Barger, Allen	Barger	No. 9	10
1 282	Bivens, C. C	Bivens	No. 11	40
1 647	Blakely, Charlie & Arthur Edwards	H. & E	No. 11	40
1 672	Brown Bros. (Cecil Brown)	Brown	No. 11	40
1 724	Casteel & Gipon (L. W. Casteel)	C. & G	No. 11	40
1 580	Courtney, H. R	Courtney	No. 9	10
1 556	Cundiff, G. C	G. C. Cundiff	No. 11	30
1 292	Erell, E. W	Morton	No. 9	30
1 782	Gamblin, Elmer & Douglas	Gamblin	No. 11	40
1 309	Gibson & Trader (Virgil Gibson)	Hankins	No. 9	50
1 631	Harmon & Trader (R. M. Harmon)	McDonald	No. 6	50
1 555	Hinton & McKinney Coal Co. (U. E. Hinton)	H. & M	No. 9	30
1 857	Kelley, Roy	Thompson	No. 11	30
1 641	Knight Coal Co., B. F	Stewart	No. 11	10
1 514	Langford, Charlie	Langford	No. 9	60

§ 329.5 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member index name	Mine	Seam	Freight origin group No.
1 308	Lucas, Lawson	Lucas	No. 11	50
1 459	Montezuma Coal Co	Montezuma	No. 6	50
1 397	Moore, Marshall	Evitts	No. 11	40
1 382	Perry, R	Perry	No. 11	10
1 728	Pointer Brothers (Frank Pointer)	Pointer	No. 14	40
1 862	Stewart, Dee	Stewart	No. 9	10
1 328	Stokes, Noble	Cummins	No. 9	30
1 369	Turner, Melvin & Denzel	Gibbs	No. 9	10
1 367	Tyson Coal Co., Howard	Tyson	No. 9	40
1 649	Tyson, R. T	Tyson	No. 9	80
1 359	Walton, Percy	Walton	No. 11	40
1 401	Webb, Eddie Mae (Mrs.)	Webb & Knight	No. 9	10
1 319	Williams, J. T	Clear Creek	No. 11	50
2 590	Bowman, C. H	Ben Davis	No. 9	90
2 283	Blanchard & Sons, J. J	Blanchard	Stray	30
2 605	Cox, W. R	Cox	No. 9	10
2 637	Dukes, Elmer	Dukes	No. 9	10
2 339	Dwire, Buck	Fox Hollow	No. 9	90
2 384	Ewing & Son (W. T. Ewing)	Proctor & Ewing	No. 9	40
2 646	Harris, Henry	Harris	No. 9	10
2 342	Howell, Edgar	Wood	No. 9	90
2 370	Jarvis Brothers	Mercer	No. 9	10
2 375	Jernigan, O. S	Jernigan	No. 11	40
2 378	Knight, Hubert	Knight	No. 9	30
2 729	Knight, W. L	W. L. Knight	No. 9	30
2 871	Lovan & Dixon (James R. Lovan)	Kirkwood	No. 9	30
2 642	M. J. & B. Coal Co. (Alna Mercer)	M. J. B	No. 9	10
2 317	Offutt, Audie	Offutt	No. 11	40
2 517	Payne, John T. (Mrs.)	Payne	No. 9	60
2 345	Penrod, O. C	Penrod	No. 9	100
2 571	Penrod & Knight (William Penrod)	Penrod & Knight	No. 11	10
2 322	Ratliff Brothers (Arthur & Lucian Ratliff)	Lone Pine	No. 9	40
2 819	Robinson, C. E	Robinson	No. 9	30
2 324	Robinson, R. E	Robinson	No. 6	10
2 661	Shutt & McLemore Coal Co. (Floyd Shutt)	S. & M	No. 9	30
2 894	Sharber & Joselyn (W. E. Sharber)	S. & J	No. 9	40
2 333	Williams, John	Beech Hollow	No. 9	30
2 547	Wilson & Adams (John W. Wilson)	Wilson & Adams	No. 11	40
2 334	Winstead, I. E	Martin	No. 11	40
3 522	Frey, George	Wood Coal Co	No. 9	60
3 870	Woods & Grayson	Woods & Grayson	No. 9	10
3 335	Workman & Dunn (Frank Dunn)	Workman & Dunn	No. 9	30
3 230	Green River Coal Mine (L. A. Lovejoy)	Green River	Stray	30
4 208	Hopper & Vandiver (Frankie Vandiver)	H. & V	No. 11	30
4 518	Reynolds, Aaron	Aaron Reynolds	No. 9	110
4 388	Richardson, B. W	Isbell	No. 9	10
4 306	Sullivan, J. E	Sullivan	No. 11	30
4 682	Wathen, S. S. (S. S. Wathen Coal Co.)	S. S. Wathen	No. 9	120
4 349	Wood, Marvin	Priest	No. 9	130
5 485	Bashan, Joyce	Bashan	Stray	30
5 500	Doss, J. E	Moore	Stray	30
5 643	Keown, Arthur	Ellis #4	Stray	30
5 228	Melton, T. C	Ellis #3	Stray	30
5 744	Smith, Hiram N	Hiram Smith	Stray	30
6 640	Austin & Leachman (E. F. Austin)	Austin & Leachman	No. 9	140
6 352	Beadnell, G. C	G. C. Beadnell	No. 9	30
6 373	Bivin & Hollman (C. W. Bivin)	B. & H	No. 11	10
6 669	Bratcher, Getta	J. R. Campbell	No. 9	90
6 289	Contes, M. P	Contes	No. 11	40
6 595	Davis, Ben	Daniel	No. 9	90
6 746	Dockins Brothers	Dockins	No. 9	30
6 585	Higgs, R. E	Higgs	No. 11	40
6 343	Jarvis, Wm. H	Jarvis	No. 9	90
6 584	Reynolds, R. W	Reynolds	No. 9	30
6 520	Scott, Robert	Sourbier	No. 9	150
6 595	Sullivan, G. C. & Marvin Maddox	Sullivan & Maddox	No. 9	90
400	Vincent, James W	County House	No. 9	10
6 658	Walker, E	Baker	No. 9	90
6 561	Warner Brothers (Robt. Warner)	Warner Bros	No. 11	40
6 347	Wood & Bowman	Harrison	No. 9	90
7 354	Bowles, W. H	W. H. Bowles	No. 9	10
7 407	Bratcher, Claude B. (Claude B. Bratcher Coal Mine)	Claude B. Bratcher	No. 9	10
7 410	Cooper, Cecil (Cooper Mines)	Cooper	No. 9	10
7 730	Cox, J. M	Cox	No. 11	30
7 412	Crick, W. W	Crick's	No. 14	40
7 411	Coy & Son, Ellis	Coy & Embry	No. 9	10
7 416	Embry, Newton (Embry Coal Co.)	Embry	No. 9	10
7 015	Hines, E. C	Scott	No. 9	10

§ 329.5 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member index name	Mine	Seam	Freight origin group No.
[1]423	Hodges, A. W. & Henry C. Martin	Martin	No. 9	10
[1]424	Hohelmer, George	Horton	No. 9	10
[1]360	Hopper, Elmer & Lawrence Baize	Meredith	No. 9	10
[1]314	Hunter, Hugh (John Jordan)	Hunter No. 1	No. 11	10
[1]314	Myers, D. M.	Myers	No. 11	30
[1]439	Nesbitt, J. C.	Horton	No. 9	30
[1]672	Ogleby, H. A.	Roberts	No. 9	30
[1]672	Ogleby, H. A. and Charles Cook	Daniel	No. 9	10
[1]707	Paxton Brothers	Richardson-Skipworth	No. 11	30
[1]302	Skipworth, Barney	Ferguson	No. 9	40
[1]614	Stewart & Sons, Herman (H. C. Stewart)	Taylor	No. 9	10
[1]646	Trimble, W. O. (Hobarts Coal Co.)	Hobarts Coal	No. 9	30
[1]279	Walker, W. O. (Hobarts Coal Co.)	Watson	No. 9	40
[1]773	Watson Brothers (Frank Watson)		No. 9	30
[1]674	Whittinghill & Whitaker (J. E. Whittinghill)	J. E. Whittinghill	No. 6	170
[1]674	Whittinghill & Whitaker (J. E. Whittinghill)	Mud River	No. 6	50
[1]337	Black Hawk Mining Co.	Hector & Hector	No. 6	50
[1]875	Brown, Dallas	Brown	No. 9	10
[1]333	Brown, Roy	Hall's	No. 9	30
[1]333	Burden, Ira	Porter	No. 9	30
[1]284	Hall Brothers	Hall	No. 11	10
[1]284	Hall Brothers (Arthur Hall)	Hamilton	No. 11	30
[1]624	McDowell, Owen H.	Wilson	No. 6	20
[1]344	Maddox & Baldwin	Maddox & Baldwin	No. 9	90
[1]344	Maddox, Mercer	W. & M.	No. 9	10
[1]432	Phelps, H. N.	Deanfield	No. 9	10
[1]434	Rhoades, I. L.	Deanfield	No. 9	10
[1]753	Sheppard & Suthard	T. Taylor	No. 9	10
[1]58	Turner, William & James	Turner & Turner	No. 9	180

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 550, 282, 647, 672, 724, 360, 556, 292, 782, 309, 631, 555, 837, 641, 514, 308, 459, 397, 382, 728, 962, 328, 396, 397, 649, 359, 401, 319 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index Nos. 590, 283, 605, 657, 339, 384, 646, 342, 370, 375, 378, 729, 871, 642, 317, 345, 571, 322, 819, 324, 661, 591, 333, 547, 334, 622, 870, 333 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[3] The f. o. b. mine prices for coal shipped by Mine Index No. 290 to any market area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 20, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[4] The f. o. b. mine prices for coal shipped by Mine Index Nos. 518, 388, 596, 682, 340 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[5] The f. o. b. mine prices for coal shipped by Mine Index No. 751 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 20, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[6] The f. o. b. mine prices for coal shipped by Mine Index No. 640, 352, 373, 660, 280, 593, 706, 585, 343, 584, 589, 596, 400, 658, 561, 347 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[7] The f. o. b. mine prices for coal shipped by Mine Index Nos. 485, 500, 643, 228, 744 to any market area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 20, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[8] The f. o. b. mine prices for coal shipped by Mine Index Nos. 337, 575, 338, 433, 358, 284, 624, 344, 372, 432, 434, 785, 434, 430, 702, 675, 707, 676, 440, 753, 699, 675, 707, 676, 440, 753, 699 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 41-7288; Filed, September 30, 1941; 10:10 a. m.]

[Docket No. A-914]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR RAIL SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9, for rail shipment; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 8, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Freight origin group No.
[1]900	Dennis, F. C.	Black	No. 9	10
[1]900	Kelly, Roger S. (Eastin Coal Co.)	Eastin	No. 9	160
[1]726	Jones, McPherson & Wynn (Luther Jones)	Dwyer	No. 9	30
[1]268	Truesley, Jack	Clayton	No. 11	40
[1]899	Turner & Coleman (Glen Turner)	Earle	No. 11	10
[1]901	Render, Elijah F. & Harvey Tichenor	Render & Tichenor	No. 11	40
[1]901	Render, Elijah F. & Harvey Tichenor (Elijah F. Render)	Gentry #2	No. 6	30
[1]900	Gentry, Claude (Gentry Coal Co.)			10

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 600, 271, 726, 288, 899, 901 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index No. 601 to any Market Area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 20, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[3] The f. o. b. mine prices for coal shipped by Mine Index No. 900 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Part 329, Minimum Price Schedule for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 41-7286; Filed, September 30, 1941; 10:09 a. m.]

[Docket Nos. A-248, A-370, A-407]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 NOT HERETOFORE CLASSIFIED AND PRICED

These are matters instituted by original petitions duly filed with the Bituminous Coal Division on October 28, 1940 (Docket A-248); on November 16, 1940 (Docket A-370); and, on November 25, 1940 (Docket A-407) pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 10, proposing and seeking the establishment of price classifications and minimum prices for the coals of certain mines not theretofore classified and priced.

The original petitions prayed for the issuance of temporary and final orders, pending final disposition of the petitions. By Orders of the Director, dated November 6, 1940 (Docket A-248), 5 F.R. 4487, 4488, 4489; December 7, 1940 (Docket A-370), 5 F.R. 4875; and, December 13, 1940 (Docket A-407), 5 F.R. 5158, temporary relief was granted, pending final disposition of the original petitions establishing temporary price classifications and minimum prices for the coals in question in general conformance to the petitioner's proposals.

Pursuant to the Orders of November 6, December 7, 10 and 20, 1940, a hearing in these matters[1] was duly held on December 20–21, 1940, before Thurlow G. Lewis, a duly designated Examiner of the Division at a hearing room thereof in Springfield, Illinois. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. No intervening petitions were filed and no objection to the relief requested was made at the hearing. By agreement of all parties present, the preparation and filing of the Examiner's report was waived, and the record was thereupon transmitted to the undersigned.

Uncontroverted testimony was introduced by J. R. Henderson, a representative of District Board 10, that investigation had proven that the price classifications and effective minimum prices temporarily established by the Director are correct and in conformance with the standards of the Act.

On March 24, 1941, a motion was filed by District Board 10, setting forth that additional information indicates that the classifications and effective minimum prices requested for the Buck Road Mine (Mine Index No. 1327) for truck shipment were incorrect and should be corrected as set forth in the attached schedules.

The Director accordingly finds and concludes that the establishment of such classifications and effective minimum prices as set forth in the attached Supplements effectuates the purposes of sections 4 II (a) and 4 II (b) of Bituminous Coal Act of 1937 and that the prices as set forth comply with all the standards thereof.

Now therefore, it is ordered, That commencing forthwith § 330.4 (*Price groups*) is amended by adding thereto Supplements R–I and R–II, § 330.10 (*Special Prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–III, and § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T–I and T–II, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 3, 1941.

[SEAL] H. A. GRAY, *Director.*

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.4 *Price groups*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
20	Clinton County Mining Co., Inc.[1]	North	1317	20	Breese, Ill.	B. & O.
16	Muddy Coal Co. (George E. Smith).[2]	Little Muddy	85	80	Tamaroa, Ill.	I. C.
19	Washed Coal Company of Belleville.[3]	Washed Coal Co. of Belleville.	188	23	Belleville	L. & N.

§ 330.4 *Price groups*—Supplement R–II

25	D & D Coal Company [4]	D & D	672	94	Cuba, Illinois	T. P. & W.
25	Peaco Coal Co. (B. M. Peak).[4]	Peaco Coal Co.	711	93	Rapatee, Illinois	M. & St. L.
26	Schaefer, Fred Jr. (Pekin Mining Co.)[5]	Pekin	819	125	Pekin, Illinois	P. & P. U.
25	Rawalt Coal Company [6]	Rawalt	716	94	Canton, Illinois	T. P. & W.
25	Sunnyside Coal Company [7]	Sunnyside	733	94	Cuba, Illinois	T. P. & W.
33	Thermal Coal Co.[8]	Thermal Coal Co.	612	98	Knoxville, Illinois	C. B. & Q.

[1] The f. o. b. mine price for coals shipped by Clinton County Mining Co., Inc., North Mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for the Beckemeyer Coal Company, Beckemeyer mine, mine index No. 6, in Price Schedule No. 1 for District No. 10 for all shipments except truck.

[2] The f. o. b. mine price for coals shipped by Muddy Coal Co. (George E. Smith), Little Muddy Mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for Bailey Bros. Coal Co., Diamond mine, mine index No. 38, in Price Schedule No. 1 for District No. 10 for all shipments except truck.

[3] The f. o. b. mine price for coals shipped by Washed Coal Company of Belleville, Washed Coal Co. of Belleville mine, to any given market area in any given size group and for any use, including railroad locomotive fuel, are the same as prices shown for the Southern Coal, Coke & Mining Co., Avery #1 mine, mine index No. 3, in Price Schedule No. 1 for District No. 10 for all shipments except truck.

[4] Mine index 672 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Cuba, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[4] Mine index 711 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Rapatee, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[5] Mine index 819 shall be included in Price Group 26 and shall take the same f. o. b. mine prices as other mines in Price Group 26, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Pekin, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 24¢ per ton.

[6] Mine index 716 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Canton, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[7] Mine index 733 shall be included in Price Group 25 and shall take the same f. o. b. mine prices as other mines in Price Group 25, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Cuba, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, the f. o. b. mine prices stated above shall be increased 12¢ per ton.

[8] Mine index 612 shall be included in Price Group 33 and shall take the same f. o. b. mine prices as other mines in Price Group 33, Schedule No. 1, District 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel provided, however, that these f. o. b. mine prices apply on board transportation facilities at Knoxville, Illinois. For shipments to the Cities of Peoria and Pekin, Illinois, in Market Area 38, there shall be no adjustments to these f. o. b. mine prices.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–III

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
25	D & D Coal Company [1]	D & D	672	94	Cuba, Illinois	T. P. & W.
25	Peaco Coal Co. (B. M. Peak).[2]	Peaco Coal Co.	711	93	Rapatee, Illinois	M. & St. L.
26	Schaefer, Fred Jr. (Pekin Mining Co.)[3]	Pekin	819	125	Pekin, Illinois	P. & P. U.
25	Rawalt Coal Company [4]	Rawalt	716	94	Canton, Illinois	T. P. & W.
25	Sunnyside Coal Company [5]	Sunnyside	733	94	Cuba, Illinois	T. P. & W.
33	Thermal Coal Co.[6]	Thermal Coal Co.	612	98	Knoxville, Illinois	C. B. & Q.

[1] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Cuba, Illinois.
[2] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Rapatee, Illinois.
[3] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Pekin, Illinois.
[4] The railroad locomotive fuel price shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Canton, Illinois.
[5] The railroad locomotive fuel prices shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Cuba, Illinois.
[6] The railroad locomotive fuel price shall be: Mine run—$2.00; screenings—$1.40 f. o. b. cars, Knoxville, Illinois.

[2] By Orders of the Director dated December 10 and 13, 1940, Dockets A–248, A–370, and A–407 were consolidated for the purposes of the hearing with the following Dockets: Nos. A–194, A–209–220, A–292–294, A–311, A–332, A–344, A–395, A–457, and A–458. The latter Dockets will be disposed of in a separate report. By Order of the Director dated November 6, 1940, the matters contained in Docket A–248 were referred to Examiner Fowler and the hearing set for December 6; 1940, and by Order of the Director dated December 10, 1940, this Docket was referred to Examiner Lewis (vice Examiner Fowler) and the hearing set for December 20, 1940.

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine index No.	Mine	Seam No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION No. 1																																
LIVINGSTON COUNTY																																
Coalville Coal Company, The	1315	Mine No. 3		325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
Wargo, Katcher & Barry (John S. Wargo)	1342	Wargo, Katcher & Barry	7	325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
SECTION No. 2																																
LASALLE COUNTY																																
Samolinski & Sons (Edward Samolinski)	1313	Samolinski		325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
SECTION No. 3																																
BENEY COUNTY																																
Stone, Elmer A. (Kewanee Coal Co.)	1361			255	250	245	237	230	225	185	165	160	155	155	155	125	115	60														
KNOX COUNTY																																
Endres, James	1347	Endres	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Horkstrom Brothers (Ed. Horkstrom)	1330	Horkstrom	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
White, J. M.	1332			255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION No. 4																																
FULTON COUNTY																																
Ketcham, Sherman	1329	Ketcham	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Oldham, Sam	1357	Oldham	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
T. B. & L. Coal Co. (Thomas Sheeth)	1359	T. B. & L.		255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
PEORIA COUNTY																																
Banner Block Coal Co. (Seghi Bros.)	1392	Central West	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Dilts & Son, William	1393	Kupel Coal Co	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Hunt & Co., Thomas, Sr. (Edwin D. Dempster)	1319	Hunt	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	50														
TAZEWELL COUNTY																																
Lick Creek Coal Co. (Mario M. Craciani)	1311	Lick Creek Coal Co.	6	255	250	245	235	230	225	185	165	160	155	165	155	125	115	60														
SECTION No. 5																																
GREENE COUNTY																																
Cummins, Orval Smith	1346	Orval Cummins	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
Garrison, John	1352	Garrison	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
HANCOCK COUNTY																																
Three Counties Coal Corporation c/o F. S. Martin, Jr.	1343	Augusta		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
JERSEY COUNTY																																
Geisler, Herbert	1368	No. 1		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
M'DONOUGH COUNTY																																
Frisbie, Dewey	1358	Frisbie		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
SCOTT COUNTY																																
Hepworth, John R.	1355	John R. Hepworth	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
SECTION No. 6																																
SANGAMON COUNTY																																
Wake Brothers Coal Mining Co. (Paul Wake)	1349	Wake Bros.	5	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60														
SHELBY COUNTY																																
Syfert, Elmer	1341	Syfert	2	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60														
SECTION No. 7																																
CRAWFORD COUNTY																																
Palestine Coal Corporation	1345	Palestine		240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine index No.	Mine	Seam No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	34
SECTION No. 7—Continued																																
VERMILION COUNTY																																
Dowlatt Coal Co., P. J., Jr.	1362	No. 2	6	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
Harris, Granville	1321	Kistler Hill	7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
Lind, Edw. L.	1391	#3		240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
Pilkington, Clarence	1322	Lake Side	7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
River Bank Coal Mine	1021	River Bank		240	235	230	220	215	210	170	165	160	155	155	155	125	115	60														
SECTION No. 8																																
MADISON COUNTY																																
Buck Road Coal Co. (Wm. H. Johnson)	1327	Buck Road	6	245	240	235	225	220	215	165	145	150	145	145	145	115	105	50														
Worden Coal Company (Patrick H. Scanlan)	1314	Worden Coal Co.	6	220	215	210	200	195	190	165	145	150	145	145	145	115	105	50														
ST. CLAIR COUNTY																																
Washed Coal Company of Belleville	188	Washed Coal Co. of Belleville.	6	245	240	235	225	220	215	165	145	150	145	145	145	115	105	50		185	180	180	180	180	170	170	160	125	125	115		
SECTION No. 9																																
CLINTON COUNTY																																
Clinton County Mining Co., Inc.	1317	North	6	225	220	215	205	200	195	165	145	150	145	145	145	115	105	50											125	115		
JACKSON COUNTY																																
Crain, Don (Don Crain Coal Co.)	1,344	Don Crain	2	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50														
PERRY COUNTY																																
Gillis, H. G.	1310	Gillis Quarry		210	205	200	190	185	180	165	145	150	145	145	145	115	105	50														
Muddy Coal Co. (George E. Smith)	85	Little Muddy	6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50											125	115		
Nevill & Huggins (Orval Huggins)	1321	Nevill & Huggins	6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50														
WASHINGTON COUNTY																																
Community Coal Co. (Ferd Speck)	1325	Community Coal Co.	6	225	220	215	205	200	195	165	145	150	145	145	145	115	105	50														
SECTION No. 10																																
GALLATIN COUNTY																																
Barnett & Beeler (Claude Barnett)	1340	Barnett & Beeler	6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														
SALINE COUNTY																																
Angelly, Wm	1372	Osburn	5	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														
Pickering & Ward (Joe Ward)	1348	Pickering & Ward	2	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														
WILLIAMSON COUNTY																																
Carterville Coal Co. (George Tregoning)	1320	Carterville Coal Co.	6	215	215	215	200	195	190	180	180	175	165	165	165	140	130	75														

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

SECTION No. 2																																
LA SALLE COUNTY																																
Smith, Sam	1366	Star	2	325	320	315	305	300	295	240	285	205	200	200	200	170	160	105														
MARSHALL COUNTY																																
Green Coal Co. (L. E. Green)	1377	Green	7	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION No. 3																																
HENRY COUNTY																																
Yahnke, Wm E. (Edford Coal Mine)	1339	Edford Coal #2		255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
KNOX COUNTY																																
Morse, Homer	1354	Morse		255	250	245	235	23	225	185	165	160	155	155	155	125	115	60														
MERCER COUNTY																																
Black Diamond Coal Co. (Kenneth Crummy)	1370	New Diamond	1	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II—Continued

Code member index	Mine Index No.	Mine	Seam No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	34
SECTION NO. 3—Continued																																	
STARK COUNTY																																	
Bensyl & Grant	1390	Bensyl & Grant	6	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
SECTION NO. 4			5	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
FULTON COUNTY			5	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
King Hill Coal Co. (Wm. Terrell)	1396	King Hill	5	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
Ladd Coal Mine	1395	Ladd	5	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
Pearl Branch Mining Co. (Rudolph Jackovich)	1379	Pearl Branch	2	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
Stockham, Roy	1397	Stockham	2	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
Vaughn and Bair	1388		2	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
Williams & Hankert (Jesse Williams)	1392	Big Creek	2	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
PEORIA COUNTY																																	
Cottonwood Coal Company (Charles Gardiner)	1373	Cottonwood	5	255	250	245	235	230	225	185	165	100	155	155	125	155	115	60															
SECTION NO. 5																																	
ADAMS COUNTY																																	
Liberty Coal Company (A. P. Hollembeak)	1386	Liberty Coal Co	2	255	250	245	235	230	225	170	165	100	155	155	125	155	115	60															
GREENE COUNTY																																	
Lawson, Charles Henry	1371	Lawson	1	235	230	225	215	210	205	170	165	100	155	155	125	155	115	60															
MCDONOUGH COUNTY																																	
Scheidley, Eugene	1364		2	255	250	245	235	230	225	170	165	100	155	155	125	155	115	60															
Terrill, Frank & Fremie Kellum (Frank Terrill)	1374	Featherlein #1	2	255	250	245	235	230	225	170	165	100	155	155	125	155	115	60															
SCHUYLER COUNTY																																	
Sullivan, Walker	1361	Hill Top	2	255	250	245	235	230	225	170	165	100	155	155	125	155	115	60															
Walker, Ike	1400	Ike's	2	255	250	245	235	230	225	170	165	100	155	155	125	155	115	60															
SECTION NO. 7																																	
VERMILION COUNTY																																	
Pierce, E. G., Harold Cooper & Courtney Falls (E. G. Pierce)	1376	Limespring #3	1	240	235	230	220	215	210	170	165	100	155	155	125	155	115	60															
SECTION NO. 8																																	
MADISON COUNTY																																	
Young, David	1384	Black Diamond	6	245	240	235	225	220	215	185	165	100	150	145	115	145	105	50															
SECTION NO. 10																																	
GALLATIN COUNTY																																	
Barger Coal Company (Albert Mayhall)	1395	Barger Coal Co	6	215	215	215	200	195	190	180	180	175	165	165	140	165	140	75															
WILLIAMSON COUNTY																																	
McCracken & Rodney (Thomas McCracken)	1387		6	215	215	215	200	195	190	180	180	175	165	165	140	165	140	75															
O. B. C. Coal Company (George Overby)	1367		5	215	215	215	200	195	190	180	180	175	165	165	140	165	140	75															

[F. R. Doc. 41-7281; Filed, September 30, 1941; 10:06 a. m.]

[Docket No. A–883]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF CERTAIN MINES IN DISTRICT 13

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 13, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests a revision in the effective minimum prices established for the coals of certain code member producers in District 13.

Pursuant to an Order of the Director, and after notice to all interested persons, a hearing was held in this matter on July 22, 1941, before Charles S. Mitchell, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, Washington, D. C.[1] All interested persons were afforded an opportunity to be present and participate fully in the hearing. Only petitioner appeared at the hearing. The preparation and filing of a report by the Examiner were waived and the record thereupon was submitted to the undersigned who has considered the record in this matter.

The petition of District Board 13 herein requests a revision in the effective minimum prices established for certain coals produced at eight relatively small mines in District 13. These mines do not have rail connections and the coals they produce for rail shipment are transported to the railroads by truck.

The evidence shows that when minimum prices were originally proposed for the coals of Mine Index Nos. 20, 568, 683, 624, and 1164, the District Board either did not have accurate information as to the exact geographical location of the mines or made certain clerical errors in its proposal; that as a result, minimum prices were established which are not in proper coordination with the minimum prices established for other competing coals. It appears from the evidence that the prices requested by the petitioner for the coals of these mines will effect the proper coordination.

An informal request was made at the hearing by the witness for the District Board to have the relief extended to certain sizes of coal produced at some of the above-mentioned mines, for which price changes were not requested in the original petition. The record shows, however, that the producers which would be affected by such changes were not formally notified in advance that such a request would be made at the hearing, and for that reason, I find that the relief should be granted only to the extent prayed for in the original petition.

With respect to the prices shown in the schedule herein for the coals of the Sheelor No. 1 Mine and the Nickel Plate No. 2 Mine, a witness for the District Board testified that these two mines are producing in the Nickel Plate Seam, but that their coals are sold in competition with coals produced in the same vicinity from the Pratt Seam; that the price originally established for the coals of the two mines in question were 20 cents per ton lower than the prices established for the coals produced from the Pratt Seam. The witness stated that after the District Board had given further consideration to these prices it felt that they were improperly coordinated with the Pratt Seam coals; that they should be revised so as to be only 5 cents per ton lower in Size Groups 13 and 23, and 10 cents per ton lower in Size Group 1, than the prices established for the Pratt Seam coals in those size groups.[1] The prices proposed herein will effect those differentials. The witness stated that the smaller sizes produced at the Sheelor No. 1 Mine and at the Nickel Plate #2 Mine, though soft and friable, contain less ash than the Pratt Seam coals. He stated that the lump sizes produced at the two mines in question are harder and better suited for the domestic market than those sizes produced from the Pratt Seam, although the latter coals contain less ash. It was the opinion of the witness that these factors, as well as the competitive history of the coals, require the establishment of the prices requested. The witness stated that neither of the producers have objected to the establishment of those prices.

The petition also requests that there be deleted from the District 13 Price Schedule, the prices of $2.80 and $2.70 established for the coal in Size Groups 17 and 18 produced at the Freeman Mine (Mine Index No. 249) of the Freeman Coal Company. It states that these coals are properly priced in the schedule at $2.85 and $2.75 respectively, for Size Groups 17 and 18. The records of the Division disclose that the latter prices are the only ones now effective for those coals, and I, therefore, find that this request in the petition must be denied.

Upon the basis of all the evidence, I find and conclude: (1) that the minimum price shown in the schedule hereto attached for the coals specified therein are proper and should be established; that said prices are properly coordinated with the prices established for comparable coals in District 13, and will preserve fair competitive opportunities for the producers affected thereby; and (2) that such amendment of the price schedule for District 13 is required in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 333.6 (*General prices*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the requests of the petitioner in all other respects be and they hereby are denied.

Dated: September 2, 1941.

[SEAL] H. A. GRAY,
Director.

[1] By Order of the Acting Director dated July 12, 1941, the hearing originally scheduled for July 16, 1941, was postponed to July 22, 1941.

[1] The Order of November 26, 1940, 5 F.R. 4828, granting temporary relief in Docket A–171 increased the prices established for the Nicket Plate #2 Mine coals to the same level as the prices established for the Pratt Seam coals.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict No.	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
371	Sheelor, Ed	Sheelor No. 1[1]	1	Nickel Plate	50
383	Tombrello Coal Company (Sam Tombrello)	Nickel Plate No. 2[1]	1	Nickel Plate	50
	MARION COUNTY, ALA.				
20	Eldridge Coal Company, Inc.	Eldridge[2]	1	Black Creek	101

[1] The prices for these mines shall be revised as follows:
These mines shall have a price in size group 1 on all price tables, 10¢ under the price listed for mine with Index Number 71.
These mines shall have a price in size groups 13 and 23 on all price tables, 5¢ under the prices listed for mine with Index Number 71.

[2] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 13 and 19 on all price tables, 10¢ higher than the prices listed for mine with Index Number 14.
This mine shall have the same prices in size groups 22 and 23 on all price tables as listed in size groups 17 and 18, respectively, for mine with Index Number 14.

§ 333.6 *General prices*—Supplement R—Continued

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict No.	Seam	Freight origin group
	MARION COUNTY, ALA.—continued				
1164	Wheeler, R. G.	Wheeler Strip [3]	1	Black Creek	101
	WALKER COUNTY, ALA.				
568	Bonner Coal Company (Geo. F. Bonner)	Bonners [4]	1	Black Creek	101
624	McGough & Co., J. Tom	McGough [5]	1	Black Creek	113
	WINSTON COUNTY, ALA.				
683	McCullar, J. A.	Millstone #8 [6]	1	Black Creek	

[3] The prices for this mine shall be revised as follows:
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
[4] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 7, 11, 22, and 23 on all price tables, 10¢ under the prices listed in size groups 6, 10, 17, and 18, respectively, for mine with Index Number 14.
This mine shall have the same price in size group 19 on all price tables as listed for mine with Index Number 14.
This mine shall have the same prices in size groups 20 and 21 on all price tables as listed in size group 19 for mine with Index Number 14.
[5] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 14.
[6] The prices for this mine shall be revised as follows:
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 14.

[F. R. Doc. 41-7286; Filed, September 30, 1941; 10:09 a. m.]

[Docket No. A-970]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for rail shipment and for truck shipment for the coals produced at the mines of certain code members in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 324.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 6, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Frt. origin grp. No.	Price classification by size group 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
516	Blansat, Elmer		2	14			A			H	H	H						B				I		
524	C. W. K. Coal Co. (C. F. Camp)	No. 12	6	15			D											B				Q		
527	Dane-Poteau Smokeless Coal Co.	Dane-Poteau Smokeless No. 1.	8	21				F		G	G	G	G	H	E		D	B	B	B	A	E		
521	Hygrade Coal Company (T. F. Grayston, Jr.)	No. 1	7	12			D											B				Q		
523	Rees Coal Company, Inc., Paul	No. 2	7	12			D											B				Q	A	
97	Sharp Coal Company (J. A. Sharp)	Sharp	5	16			F											B				Q	A	
525	Sugar Loaf Coal Company (T. E. Roberts)	No. 1	5	22			E											B				Q	A	
522	Vencill, Grover	Vencill	5	16			F																	

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	County	Subdistrict No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Blansat, Elmer	516		Franklin	2			425			425	425	425						135				350		
C. W. K. Coal Co. (C. F. Camp)	524	No. 12	LeFlore	6			370											135				270		
Dane-Poteau Smokeless Coal Co.	527	Dane-Poteau Smokeless No. 1.	LeFlore	8				430		430	430	430	405	360	365		200	135	115	105	185	390		
Hygrade Coal Company (T. F. Grayston, Jr.)	521	No. 1	LeFlore	7			370											135				270		
Rees Coal Company, Inc., Paul	523	No. 2	LeFlore	7			370											135				270		
Sharp Coal Company (J. A. Sharp)	97	Sharp	Sebastian	5			335											135				270	165	
Sugar Loaf Coal Company (T. E. Roberts)	525	No. 1	Sebastian	5			355											135				270	165	
Vencill, Grover	522	Vencill	Sebastian	5			335											135				270	165	

[F. R. Doc. 41-7282; Filed, September 30, 1941; 10:06 a. m.]

[Docket No. A-993]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 NOT HERETOFORE CLASSIFIED AND PRICED

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 6, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine index No.	Code member	Mine name	Prod. group No.	Freight origin group No.	Price classification by size group 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1461	Windsor Coal Company, Inc.	New Castle	2	30	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

A is Market Area list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Arthur Co-op. Coal Co	1461	Mine #2	2	Vernon, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Blunt, Clyde	1454	Blunt	3	Macon, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Galbraith, M. D	1462	Galbraith #2	2	Linn, Kans	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Gordon & Fogler (Earl Gordon)	1455	Duck & Dodge	1	Cherokee, Kans	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Harris, J. D	1448	Busy Bee	3	Boone, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Leake, James Lloyd	1457	Lloyd Leake	3	Ralls, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
McCormick, John	1449	Pioneer	3	Randolph, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Peters Coal Co. (Matt Peters)	1458	No. 1	9	Coal, Okla	435	435	435	385		335		210	295	165				140	
Schirard, A. N	1463	Schirard #2	2	Linn, Kans	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Thomas, Chas. F	1456	Thomas	3	Macon, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Windsor Coal Co., Inc	1464	New Castle	2	Henry, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Zollicker, E. G	1459	Zollicker	2	Johnson, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35

NOTE: Prices shown for Production Groups Nos. 2 and 3 in Size Groups Nos. 5, 6, 7, 8 and 10 are for washed coal; when these sizes are unwashed they may be sold for 10¢ *less* than the prices shown.

[F. R. Doc. 41-7291; Filed, September 30, 1941; 10:11 a. m.]

[Docket No. A-84]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR REDUCTION IN CLASSIFICATION OF CERTAIN COALS PRODUCED BY CEDAR GROVE COLLIERIES, INC. AND KANAWHA BY-PRODUCTS COAL COMPANY

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 8 seeking temporary and final orders reducing the price classifications for coals in certain size groups produced at the Cedar Grove Mine (Mine Index No. 96) of the Cedar Grove Collieries, Inc. and the Monarch Mine (Mine Index No. 338) of the Kanawha By-Products Coal Company;

An order granting temporary relief and conditionally providing for final relief having been issued by the Director establishing temporary price classifications for coals in Size Groups 1–4 and 18–21;

A petition of intervention having thereafter been filed by District Board in opposition to the relief requested;

A hearing having been held before a duly designated Examiner of the Division at a hearing room of the Division, Washington, D. C.; the parties to this proceeding having waived the preparation and filing of a report by the Examiner;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

It is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District 8 for All Shipments Except Truck be and it is hereby amended, as follows: Commencing forthwith coals of the Cedar Grove Mine (Mine Index No. 96) of the Cedar Grove Collieries, Inc. and the Monarch Mine (Mine Index No. 338) of the Kanawha By-Products Coal Company, Inc. be classified as "O" in Size Groups 1–4, "D" in Size Groups 11–14, and "G" in Size Groups 18–21 for all destinations other than Great Lakes; and be classified "O" in Size Groups 1 and 2, "N" in Size Groups 3 and 4, "D" in Size Groups 11–14 and "G" in Size Groups 18–21 for Great Lakes cargo only.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-7335; Filed, October 1, 1941; 10:49 a. m.]

[Docket No. A-85]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR RECLASSIFICATIONS OF CAMBRIA COAL COMPANY

This proceeding, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been instituted upon a petition filed with the Bituminous Coal Division by District Board 8, seeking a reclassification for the coals in Size Group 22 produced by the Cambria Coal Company at its Royal Mine (Mine Index No. 419) for shipment into all market areas;

Following the issuance of temporary relief in this matter, District Board 2 having filed a petition opposing the relief granted; thereupon an order having been entered directing that a hearing be held in this matter;

A hearing having been held on January 21, 1941, before Edward J. Hayes, a duly designated Examiner for the Division at a hearing room of the Division in Washington, D. C.; at the hearing all parties having been given an opportunity to participate fully in the hearing; appearances on behalf of petitioner, District Board 2, and Island Creek Coal Company having been entered; all parties having waived an Examiner's report;

The undersigned having made and entered Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter;

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District 8 for All Shipments Except Truck be and it is hereby amended as follows: Commencing forthwith, the effective classification, with, the effect [illegible] Size Group 22 [illegible] the Royal Mine [illegible] the Cambria Co [illegible] from "L" to "[illegible] destinations.

Dated: Septe [illegible]

[SEAL]

[F. R. Doc. 41-7[illegible]

[Dockets No[illegible]

PART 328—MI[illegible] DI[illegible]

ORDER CONCERNI[illegible] MATTER OF T[illegible] BOARD 8 FOR [illegible] OF SIZE GROU[illegible] THROUGH 21 [illegible] LONG RIDGE CO[illegible] GROUPS 11 THR[illegible] 17 COALS PROD[illegible] COMPANY; OF [illegible] CHANGE IN CLA[illegible] 1 THROUGH 9, [illegible] OF DISTRICT B[illegible] ORDER CHANGIN[illegible] SIZE GROUPS [illegible] BY WEBB COAL [illegible] MEMBER OF D[illegible] MENTS EXCEPT[illegible] AREAS

Original petit[illegible] having been fil[illegible] Coal Division, [illegible] (d) of the Bitu[illegible] trict Board 8, [illegible] Docket No. A-22[illegible] a code member [illegible] No. A-301; thes[illegible] ing lower minim[illegible] in given size gro[illegible] 298, 1563, 168 [illegible]

Temporary [illegible] having been g[illegible] November 30, 19[illegible] 19, 1941, 6 F.R. [illegible] 229 in the case [illegible] 1563, and 168, a[illegible] Order dated F[illegible] 1091 in the ca[illegible] concerning the [illegible] 485;

A hearing ha[illegible] Examiner of the [illegible] 1941, at the Ma[illegible] ton, D. C., and [illegible] ing, written wa[illegible] report having [illegible] parties;

The Director [illegible] Fact and Conc[illegible] matters, which [illegible]

It is ordered, [illegible] *betical list of* [illegible] Schedule of Ef[illegible] for District No. [illegible] cept Truck be [illegible] as follows: co[illegible] minimum price[illegible]

ments Except Truck be and it hereby is amended as follows: Commencing forthwith, the effective price classification in Size Group 22 for the coals produced at the Royal Mine (Mine Index No. 419) of the Cambria Coal Company be reduced from "L" to "N" for shipment to all destinations.

Dated: September 29, 1941.

[SEAL] H, A. GRAY,
Director.

[F. R. Doc. 41-7334; Filed, October 1, 1941; 10:48 a. m.]

[Dockets Nos. A-229, A-301, A-225]

PART 328—MINIMUM PRICE SCHEDULE DISTRICT NO. 8

ORDER CONCERNING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR CHANGE IN CLASSIFICATION OF SIZE GROUPS 1 THROUGH 9, AND 11 THROUGH 21 COALS PRODUCED BY NEW LONG RIDGE COAL COMPANY, INC., AND SIZE GROUPS 11 THROUGH 14, AND 15 THROUGH 17 COALS PRODUCED BY EXCELSIOR MINING COMPANY; OF WHIPPLE COALS, INC., FOR CHANGE IN CLASSIFICATION IN SIZE GROUPS 1 THROUGH 9, AND 15 THROUGH 21; AND OF DISTRICT BOARD 8 FOR A PERMANENT ORDER CHANGING THE CLASSIFICATION OF SIZE GROUPS 18 TO 21 COALS PRODUCED BY WEBB COAL MINING COMPANY, A CODE MEMBER OF DISTRICT 8, FOR ALL SHIPMENTS EXCEPT TRUCK TO ALL MARKET AREAS

Original petitions in the above matters having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act, by District Board 8, in Docket No. A-225 and Docket No. A-229, by Whipple Coals, Inc., a code member in District 8, in Docket No. A-301; these several petitions seeking lower minimum price classifications in given size groups for Mine Index Nos. 298, 1563, 168 and 485;

Temporary relief in these matters having been granted by Orders dated November 30, 1940 5 F.R. 4778 and March 19, 1941, 6 F.R. 1556 in Docket No. A-229 in the case of Mine Index Nos. 298, 1563, and 168, and having been denied by Order dated February 19, 1941 6 F.R. 1091 in the case of Docket No. A-225 concerning the coals of Mine Index No. 485;

A hearing having been held before an Examiner of the Division on January 22, 1941, at the Mayflower Hotel, Washington, D. C., and subsequent to the hearing, written waivers of the Examiner's report having been submitted by all parties;

The Director having made Findings of Fact and Conclusions of Law in these matters, which are filed herewith:

It is ordered, That, § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended as follows: commencing forthwith the minimum price classifications set forth below are established as the effective minimum price classifications for the coals specified:

For All Shipments Except Truck and Great Lakes Cargo

Size groups	1-4	5-6	7	8	9	11-14	15-17	18-21
New Long Ridge Coal Co., Mine Index No. 198	R	M	L	K	J	H	G	O
Excelsior Mining Co., Mine Index No. 1563	R	M	L	K	J	H	G	M
Whipple Coals, Inc., Mine Index No. 168	R	M	L	K	J	H	G	O

It is further ordered, That the prayer for relief in the petition herein of Webb Coal Mining Company (Docket No. A-225) be and the same hereby is denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7332; Filed, October 1, 1941; 10:48 a. m.]

[Docket No. A-264]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 18 FOR MODIFICATION OF THE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 18

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on October 29, 1940, by District Board 18, seeking a change in the maximum bottom screen opening in Size Group 4 in the Schedule of Effective Minimum Prices for District 18 for All Shipments, from 1½" to 2"; and seeking the establishment of price classifications and minimum prices for certain coals in District 18 not theretofore classified and priced;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Denver, Colorado;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law in this matter and having rendered an Opinion, which are filed herewith:

Now, therefore, it is ordered, That § 338.4 (*Size group table*), § 338.5 (*General prices; minimum prices for shipment via rail transportation*), and § 338.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District 18 For All Shipments be, and the same hereby is, amended as follows:

§ 338.4 The maximum bottom screen opening for Size Group No. 4 shall be 2" instead of 1½".

§§ 338.5 and 338.21 The size description for Size Group No. 4 shall read 8" x 2" instead of 8" x 1½".

§ 338.5 Insert the following prices for Sub-District No. 1—Gallup for shipment into Market Areas 226-232, 236 and 241:

Size groups 7, 325; 9, 240; 13, 130.

§ 338.5 Insert the following prices for Sub-District No. 2—Cerrillos for Market Areas 226-232, 236 and 241:

Size group 15, 325.

§ 338.5 Insert the following prices for Sub-District No. 2—Cerillos—for Market Areas 227, 229, 232 and 236:

Size group 2, 450.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7333; Filed, October 1, 1941; 10:48 a. m.]

[Docket No. A-921]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 20 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN MINES IN DISTRICT NO. 20

In Supplement T-I [§ 340.4 (*Code member price index*)] attached to and made a part of the Order of July 30, 1941, 6 F.R. 3984, herein establishing minimum prices for certain mines in District No. 20, the Mine Index Number assigned to the McGowan Mine of Terry McGowan (McGowan Coal Company) is shown as 23. The correct Mine Index Number for this mine is 28.

It is therefore ordered, That Mine Index No. 23, now shown in Supplement T-I attached to and made a part of the Order of July 30, 1941, herein as the mine index number of the McGowan Mine of Terry McGowan (McGowan Coal Company), be deleted therefrom and that Mine Index No. 28 be assigned to such mine.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7336; Filed, October 1, 1941; 10:49 a. m.]

[Docket No. A-702]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DIS-

Group 22 produced by the Cambria Coal Company at its Royal Mine (Mine Index Number 419) in the Schedule of Effective Minimum Prices for District 8 for All Shipments Except Truck to all destinations other than Great Lakes; and establishing temporary price classifications for coals in Size Groups 1-4 and 18-21;

TRICT NO. 22, AND FOR A CHANGE IN THE DESCRIPTION OF SUBDISTRICT NO. 6 OF DISTRICT NO. 22

In Supplement B [§ 342.4 (*Code member price index*)] attached to and made a part of the Order of July 25, 1941, 6 F.R. 3919, herein establishing minimum prices for certain mines in District No. 22, the Mine Index Number assigned to the Romine Mine of Dunn & Harnie (Joe Dunn) is shown as 271. The correct Mine Index Number for this mine is 171.

It is therefore ordered, That Mine Index No. 271 now shown in Supplement B attached to and made a part of the Order of July 25, 1941, herein as the mine index number of the Romine Mine of Dunn & Harnie (Joe Dunn) be deleted therefrom and that Mine Index No. 171 be assigned to such mine.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7337; Filed, October 1, 1941; 10:49 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 21

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that:[4]

1. Effective October 1, 1941, the forms, conversions, and derivatives of PAPER (Proclamation No. 2506)[5] shall include the following:

PAPER

Unit of quantity	Commodity description	Department of Commerce No.
	Waste paper:	
Lbs.	No. 1 mixed paper	4699.01
Lbs.	Super-mixed paper	4699.02
Lbs.	Old corrugated containers (except Kraft).	4699.03
Lbs.	Old Kraft corrugated containers.	4699.05

[1] 6 F.R. 1501.
[2] 6 F.R. 4795.
[3] 6 F.R. 4628.
[4] The numbers which follow the commodity description in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

The commodity forms, conversions, and derivatives determined in this Schedule are in addition to those appearing in the Comprehensive Export Control Schedule issued October 1, 1941, and will be incorporated in the next issue of the Comprehensive Export Control Schedule to be published November 1, 1941.

[5] 6 F.R. 4469.

PAPER

Unit of quantity	Commodity description	Department of Commerce No.
	Waste paper—*Continued:*	
Lbs.	New corrugated cuttings	4699.07
Lbs.	Box board cuttings	4699.09
Lbs.	White blank news	4699.11
Lbs.	Extra manilas	4699.13
Lbs.	New manila envelope cuttings	4699.15
Lbs.	No. 1 hard white shavings	4699.17
Lbs.	Hard white envelope cuttings	4699.19
Lbs.	No. 1 soft white shavings	4699.21
Lbs.	Fly leaf shavings	4699.23
Lbs.	No. 1 heavy books and magazines.	4699.25
Lbs.	Mixed books	4699.27
Lbs.	Overissue magazines	4699.29
Lbs.	No. 1 mixed or colored ledger	4699.31
Lbs.	No. 1 white ledger	4699.33
Lbs.	No. 1 assorted Kraft (old Kraft)	4699.35
Lbs.	New 100% Kraft cuttings	4699.37
Lbs.	New 100% Kraft corrugated cuttings.	4699.39
Lbs.	Other waste paper	4699.58
Lbs.	Other paper stock (Report overissue and old newspapers in 4722).	4699.98
	Overissue and old newspapers:	
Lbs.	No. 1 baled news	4722.03
Lbs.	Overissue news	4722.05
Lbs.	Other	4722.98

MILO PERKINS,
Executive Director,
Economic Defense Board.

OCTOBER 1, 1941.

[F. R. Doc. 41-7341; Filed, October 1, 1941; 11:40 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 927—PRIMARY NICKEL

General Preference Order No. M-6-a To Conserve the Supply and Direct the Distribution of Primary Nickel

Whereas the national defense requirements have created a shortage of nickel, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to continue to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 927.2 *General preference order M-6-a*—(a) *Definitions.* For the purposes of—this Order:

(1) "Nickel" means any primary metallic nickel either alloyed or unalloyed or nickel matte of any description.

(2) "Producer" means any person who produces nickel as above defined.

(3) "Distributor" means any person who procures nickel either by importing or from domestic sources for resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Regulations incorporated.* Except as otherwise specifically provided herein, all of the provisions and definitions of Priorities regulation No. 1,[1] issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating to certain defense orders.* Deliveries of Nickel under all Defense Orders (as defined in Regulation No. 1) to which a preference rating of A-10 or higher has not been specifically assigned are hereby assigned a preference rating of A-10.

(d) *Restrictions on deliveries.*—(1) *Forms.* Any person seeking delivery of Nickel from a producer or distributor shall file with the Division of Priorities and with the producer or distributor in the manner indicated thereon not later than the 20th day of the month next preceding the month in which delivery is specified, Form PD-27 heretofore prescribed by the Division of Priorities, or such other form or forms as may be prescribed by said Division from time to time. The Director of Priorities may in his discretion from time to time issue specific directions exempting particular customers or classes of customers from the provisions of this paragraph (d) (1) on the basis of the limited character of their requirements for nickel.

(2) *Allocations.* No deliveries of nickel may be made by any producer or distributor except as specifically authorized by the Director of Priorities. The Director of Priorities will from time to time allocate the supply of nickel among persons seeking delivery thereof, and specifically direct the manner and quantities in which deliveries may be made. Such allocations and directions will be made primarily to insure satisfaction of defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(e) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of nickel, or of any other material subject to allocation, or he may be subjected to any other or further action as the Director may deem appropriate.

(f) *Revocation of general preference order M-6.* General Preference Order M-6,[1] issued by the Director of Priorities May 15, 1941, is hereby revoked.

(g) *Effective date.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of March 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended September 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session).

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[1] 6 F.R. 4489.

[F. R. Doc. 41-7313; Filed, September 30, 1941; 1:12 p. m.]

[1] 6 F.R. 2461.

PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT

General Preference Order No. M-8-a To Direct the Use and Distribution of Cork and Products and Materials of Which Cork Is a Component

Whereas it is found that the present and increasing future demand for raw cork in the United States and the uncertainty of future shipments from abroad continue seriously to threaten the requirements of the National Defense Program for cork and products and materials of which cork is a component, and it is further found that the fulfilment of requirements for the defense of the United States will result in a shortage in the supply of raw cork and products and materials of which cork is a component for defense, and private account, and it is further found that this situation imperils the obtaining of priority for deliveries of such materials under present and future Army and Navy contracts and orders and related subcontracts and suborders unless the total present and future supply be conserved and the present and future use and distribution directed, and it is further found that the best interests of the national defense require the exercise of the power conferred upon me to direct and insure such priority;

It is ordered, That:

§ 932.2 *General preference order M-8-a*—(a) For the purposes of this Order:

(1) The term "cork" is hereby defined as unmanufactured cork in all forms, including cork wood, bark, waste, shavings, and refugo.

(2) The term "supplier" is hereby defined as any individual, firm, corporation, or association in the United States which engages in the importation, sale, manufacture, or processing of cork.

(b) *Regulation No. 1 incorporated.* Except as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1[1] issued by the Director of Priorities on August 27, 1941 (§§ 944.1-944.21) as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein.

(c) *Reserve established.* On and after October 1, 1941, each supplier is hereby directed to set aside his entire stock of cork and all finished and semi-finished products and materials of which cork is a component, as a reserve, for the fulfilment of present and future Defense Orders and such other orders and uses as may be authorized, from time to time, by the Director of Priorities. No deliveries or withdrawals shall be made from this reserve either for customers of such supplier or for purposes of manufacture or processing by such supplier except pursuant to specific directions heretofore or hereafter issued by the Director of Priorities. Not later than November 1 for the Month of November, 1941 and thereafter prior to the first day of each subsequent calendar month, the Director of Priorities will issue to each supplier specific directions covering deliveries by such supplier of cork and products and materials of which cork is a component which may be made by such supplier to his customers during such month, and further directing the kinds and quantities of material which may be manufactured or processed by such supplier from stocks on hand. The use, process to final product, and deliveries by such supplier shall be made as directed in such monthly allocation schedules.

(d) *Reports.* Each supplier shall certify and furnish to the Division of Priorities on or before the twentieth (20th) day of each calendar month hereafter all the information required by Schedules 1 and 2 of Form PD-29. Each supplier shall also, not later than the tenth (10th) day of each calendar month hereafter, certify and furnish to the Division of Priorities all the information required by Schedules 3 and 4 of Form PD-29.

(e) *Special limitations.* (1) Notwithstanding any general authorization for the processing or delivery of insulation board granted in any monthly allocation schedule, no supplier shall process or deliver insulation board, other than insulation board to be processed or delivered under Defense Orders or insulation board to be used for the preservation of food, except under express direction of the Director of Priorities.

(2) Notwithstanding any general authorization for the processing or delivery of finished crowns granted in any monthly allocations schedule, deliveries of finished crowns to any customer of a supplier shall be limited during each month to such quantities thereof as may be necessary to meet such customer's production of crowned bottle goods for the next succeeding month, after normal use has been made of his inventory of crowns on hand, except under express direction of the Director of Priorities.

(f) *Effective date.* This order shall take effect on the first day of October 1941; and unless sooner terminated by direction of the Director of Priorities shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended, Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[1] 6 F.R. 4489.

[F. R. Doc. 41-7312; Filed, September 30, 1941; 1:11 p. m.]

PART 933—COPPER

Supplementary Order No. M-9-b to Conserve the Supply and Direct the Distribution of Copper Scrap and Copper Base Alloy Scrap

Whereas, the national defense requirements have created a shortage of copper, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of Scrap material whose principal ingredient is Copper or Copper Base Alloy;

Now therefore, it is hereby ordered that:

§ 933.3 *Supplementary order No. M-9-b*—(a) *Definitions.* For the purposes of the Supplementary Order:

(1) "Scrap" means all Copper or Copper Base Alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescense, failure or other reason.

(2) "Copper" means Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form (cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes) suitable for fabrication.

(3) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(4) "Brass mill scrap" means that Scrap which is a waste or by-product of industrial fabrication of products produced by Brass Mills.

(5) "Brass mill" means one which rolls, draws or extrudes castings made in its own plant of Coper or Copper Base Alloys, or one which rolls, draws or extrudes refinery shapes of Copper or Copper Base Alloys; it does not include a Mill which re-rolls, re-draws or re-extrudes products produced from refinery shapes or castings of Copper or Copper Base Alloys.

(6) "Secondary copper" means Copper or Copper Base Alloy produced as a raw material by any process of melting Scrap.

(7) "Dealer" means any person regularly engaged in the business of buying and selling Scrap.

(8) "Foundry" means any person who melts and casts Copper and Copper Base Alloys into shapes and forms suitable for use without reforming.

(b) Deliveries of Scrap shall hereafter be made solely in accordance with the following directions:

(1) No Person shall deliver Brass Mill Scrap except to a Dealer or to a Brass Mill; no Dealer who receives delivery of Brass Mill Scrap shall in turn deliver such Scrap to any melter thereof other than a Brass Mill.

(2) No Person shall deliver Scrap other than Brass Mill Scrap except (i) to Dealers, or (ii) in cases where a preference rating of A–10 or higher has been assigned with respect to such delivery. Provided, however, between the date of this Order and November 1, 1941, a Foundry may purchase or receive delivery of Scrap to an amount in tonnage which shall not exceed the amount consumed by such Foundry during the same period of 1940. Each Foundry which between the date of this Order and November 1, 1941, purchases or receives delivery of Scrap, shall, on or before November 5, 1941, file with the Copper Branch of the Office of Production Management a report on Form PD–109, setting forth the amount of Scrap purchased or received during the period and the amount consumed during the same period of 1940.

(3) No Dealer shall hereafter melt Scrap, including Scrap on hand at the date of this Order, unless specifically authorized by the Director of Priorities.

(4) No Dealer shall hereafter accept delivery of Scrap unless (i) such Dealer shall during the preceding 60 days have sold or otherwise disposed of Scrap to an amount at least equal in weight to the Scrap Inventory of such Dealer on the date of such acceptance of delivery of Scrap, and (ii) such Dealer shall have filed with the Office of Production Management such reports as may from time to time be required by the Office of Production Management.

(c) *Toll agreement.* No Person shall hereafter deliver Scrap and no Person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in the Person delivering the Scrap or which agreement is contingent upon repurchase of processed material in any quantities equivalent or otherwise, by the Person delivering the Scrap, unless and until such an agreement shall have been approved by the Director of Priorities. Any Person desiring to have such an agreement approved must file with the Copper Branch of the Office of Production Management a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of the same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the processed material is to be used, and any other pertinent data that would justify such approval.

(d) *Use of material.* Any Person who obtains delivery of Scrap in accordance with the terms of this Order shall use such Scrap, or an equivalent amount thereof, for the purpose for which the preference rating was assigned or for which the delivery was authorized.

(e) *Restriction on acceptance of castings or secondary copper.* No Person shall hereafter knowingly accept delivery of Secondary Copper or castings made therefrom, which have been obtained by melting and processing Scrap delivered to the melter or processor contrary to the provisions of this Order.

(f) *Priority control.* All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(g) *Remelting by railroads and utilities.* Nothing herein contained shall prevent a railroad or public utility company whose customary practice has been to remelt or process within its own plants, and for its own use Scrap created by its own operations or obsolescense, from continuing to do so in the manner and to the extent of its previous practice.

(h) *Application for rating.* Any Person desiring to obtain a preference rating of A–10 with respect to deliveries to him of Scrap in order to enable him to fill a particular order should make application on the usual Form PD–1, and any Person desiring to obtain a preference rating of A–10 with respect to all deliveries of Scrap to him over a period of time should make aplication by writing to the Copper Branch, Office of Production Management.

(i) *Specific directions.* The Director of Priorities may from time to time issue specific directions to any person as to the source, destination, or amount of Scrap to be delivered or acquired by such person.

(j) This order may be revoked or modified by the Director of Priorities at any time; shall take effect immediately, and, unless previously terminated, shall expire on the 31st day of December 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7310; Filed, September 30, 1941; 1:11 p. m.]

[Interpretation No. 4 of Preference Rating Order No. P–46]

PART 978—UTILITIES

Maintenance, Repair and Supplies

The following official interpretation is hereby issued by the Director of Priorities with respect to § 978.1, *Preference Rating Order No. P–46*,[1] issued September 17, 1941.

Section 978.1 permits the application of the preference rating therein assigned to deliveries of Material to Producers engaged in the depletion of natural gas pools, provided the gas produced therefrom is directly or indirectly for general use by the public. Section 978.1 does not permit the application of the preference rating therein assigned to deliveries of Material to Producers engaged in the discovery or development of natural gas pools.

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7314; Filed, September 30, 1941; 1:13 p. m.]

PART 989—MECHANICAL REFRIGERATORS

Limitation Order L–5 to Restrict the Production of Domestic Mechanical Refrigerators

Pursuant to power vested in the Director of Priorities by Regulation No. 3 Amended,[2] dated September 2, 1941, and approved by the President of the United States September 12, 1941.

It is hereby ordered, That

§ 989.1 *General limitation order L–5*—(a) *Definitions.* For the purposes of this order:

(1) "Domestic Mechanical Refrigerator" means any refrigerator for household use which operates either by compression or by absorption.

(2) "Factory Sales" means sales of Domestic Mechanical Refrigerators from factory or branches to distributors, dealers or consumers.

(3) "Class 'A' Manufacturers" means those manufacturers of Domestic Mechanical Refrigerators the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was 16,000 such units or more.

(4) "Class 'B' Manufacturers" means those manufacturers of Domestic Mechanical Refrigerators, the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was greater than 5,000 such units but less than 16,000 such units.

(5) "Class 'C' Manufacturers" means those manufacturers of Domestic Mechanical Refrigerators, the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was 5,000 such units or less.

(b) *General restriction.* During the five months period from August 1 to December 31, 1941, inclusive:

(1) No Class "A" Manufacturer shall produce more Domestic Mechanical Refrigerators than the greater of the following two limits: (i) 50,400 of such Refrigerators, or (ii) five times 55% of the monthly average of his Factory Sales of such Refrigerators for the twelve months ending June 30, 1941.

(2) No Class "B" Manufacturer shall produce more Domestic Mechanical Refrigerators than the greater of the following two limits: (i) 17,750 such Refrigerators, or (ii) five times 63% of the monthly average of his Factory Sales of such Refrigerators for the twelve months ending June 30, 1941.

(3) No Class "C" Manufacturer shall produce more Domestic Mechanical Refrigerators than five times 71% of the monthly average of his Factory Sales of such Refrigerators for the twelve months ending June 30, 1941.

(c) *Avoidance of excessive inventories.* Manufacturers of Domestic Mechanical Refrigerators shall not accumulate inventories of raw materials, semiprocessed materials, finished parts, or assembled Refrigerators in quantities in excess of minimum practicable working inventories.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each Manufacturer to whom this Order applies shall on the 15th day of October, 1941, and on the 15th day of every month thereafter, file with the Electrical Appliance and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management, a report of inventories of Domestic Mechanical Refrigerators and materials entering into the production of the same, in such form as shall be prescribed by the Office of Production Management. Such report shall also include a statement of the number of mechanical refrigerators produced by such manufacturer during the preceding two months, by models. Each manufacturer to whom this Order applies shall also execute and file with the Office of Production Management such other reports and questionnaires as said Office shall from time to time request.

(g) *Provision for companies under common ownership.* For the purposes of this Order, a manufacturer's classification into Class "A", "B" or "C" shall depend upon the monthly average of Factory Sales by that manufacturer, including in the total of such sales all Factory Sales made by subsidiaries, affiliates, or by other companies or enterprises under common ownership or control.

(h) *Violations or false statements.* Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 9629, Jan. 7, 1941, 6 F.R. 191; E.O. 8629, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7311; Filed, September 30, 1941; 1:11 p. m.]

PART 994—MOTOR FUEL

Limitation Order L–8 To Limit the Distribution of Motor Fuel in the Atlantic Coast Area

Whereas shortages in the availability of transportation facilities for the distribution of petroleum and petroleum products in the Atlantic Coast Area have created a shortage in these materials for defense, private account and export; and

Whereas further shortages of petroleum products for essential transportation, power and heating purposes are threatened unless immediate steps are taken to curtail consumption of motor fuel; and

Whereas the Petroleum Coordinator for National Defense has recommended a plan for the curtailment and equitable distribution of motor fuel in the Atlantic Coast Area;

Now, therefore, it is hereby ordered, That:

§ 994.1 *General limitation order L–8*—(a) *Definitions.* For the purposes of this Order:

(1) "Person" means any individual, partnership, association, corporation or other form of enterprise.

(2) "Motor Fuel" means liquid fuel used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel as to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Primary Supplier" includes any person who produces any Motor Fuel in the Atlantic Coast Area, or imports, from any point outside the Atlantic Coast Area, any Motor Fuel, into such Area; *Provided however*, That the term shall not include that part of any person's business included in the definitions of "Secondary Supplier" and "Service Station" *and, provided further*, That the term shall not include importation of Motor Fuel by a consumer.

(4) "Secondary Supplier" includes any person who receives Motor Fuel from any Primary Supplier or other Secondary Supplier for delivery to others: *Provided however*, That the term shall not include that part of any Secondary Supplier's business included in the definition of "Service Station" and shall not include a transporter of Motor Fuel to the extent that he is engaged merely in such transportation for others.

(5) "Service Station" means any place of business or part thereof, where Motor Fuel is delivered into the fuel tanks of motor vehicles or motor boats.

(6) "Delivered" and "Deliveries" shall not include deliveries by Primary Suppliers or Secondary Suppliers directly to Federal state or local governments or deliveries by Primary Suppliers to Secondary Suppliers for direct delivery to Federal, state or local governments.

(7) "Supplement A Percentage" means the percentage figure for any state or the District of Columbia for any month, to be applied to the average monthly amount of Motor Fuel delivered during the Base Period, as set forth in Supplement A.

(8) "Supplement B Percentage" means the percentage of deliveries for the corresponding month of the preceding year, as set forth in Supplement B.

(9) "Atlantic Coast Area" means Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida east of the Apalachicola River, and the District of Columbia.

(10) "State", when applied to Florida, means Florida east of the Apalachicola River.

(11) "Base Period" means the months of May, June and July, 1941, inclusive.

(b) *Limitations on delivery of motor fuel.* (1) No Primary or Secondary Supplier shall, directly or indirectly, deliver or cause to be delivered, Motor Fuel from any point within the Atlantic Coast Area to any point in the United States outside the Atlantic Coast area.

[1] 6 F.R. 4784.
[2] 6 F.R. 4865.

(2) No Primary Supplier shall, directly or indirectly, deliver or cause to be delivered, in any month, in any single state, or the District of Columbia, for distribution or consumption within said state or the District of Columbia, more than the quantity of Motor Fuel represented by the Supplement A Percentage, for such month, of the average monthly amount of Motor Fuel delivered by him in said State, or the District of Columbia, during the Base Period; *Provided however*, That in each state, or the District of Columbia, in each month, Primary Suppliers whose permissible deliveries based upon Supplement A Percentage calculations exceed delivery requirements based upon Supplement B Percentage calculations shall deliver such excess, by means of sale, loan, or exchange, to Primary Suppliers whose delivery requirements based upon Supplement B Percentage calculations exceed permissible deliveries based upon Supplement A Percentage calculations. Such sales, loans and exchanges may be made, however, as between Primary Suppliers on the basis of the whole Atlantic Coast Area, rather than by physical deliveries within each particular state.

(3) No Primary or Secondary Supplier shall, directly or indirectly, deliver or cause to be delivered, in any month, in any State, or the District of Columbia, to any Secondary Supplier, Service Station or consumer of Motor Fuel, more than the quantity of Motor Fuel represented by the Supplement B Percentage, for such month, of the amount of Motor Fuel received by such Secondary Supplier, Service Station, or consumer of Motor Fuel during the corresponding month of the year preceding: *Provided, however*.

(i) The quantities delivered by any Primary or Secondary Supplier to any Secondary Supplier, Service Station, or consumer of Motor Fuel, may vary from the quantity represented by the Supplement B Percentage, for such month, of the amount of Motor Fuel received by such Secondary Supplier, Service Station, or consumer of Motor Fuel during the corresponding month of the year preceding in the following instance: To any Secondary Supplier, Service Station or consumer of Motor Fuel whose requirements in the current month are, or receipts in the corresponding month of the year preceding were affected by exceptional conditions, such as, but not limited to, subnormal or abnormal deliveries in the corresponding month of the year preceding, or unusual expansion or contraction of business of such Secondary Supplier, Service Station or consumer since the corresponding month of the preceding year. In such event Primary or Secondary Suppliers delivering Motor Fuel shall adjust quantities delivered to Secondary Suppliers, Service Stations, or consumers of Motor Fuel, upward or downward, as the case may be, to meet such exceptional conditions. A report of adjustments under this subparagraph (i), and the reasons therefor, shall be made, in duplicate, within ten days of each such adjustment, to the Office of the Petroleum Coordinator for National Defense, Department of Interior Building, Washington, D. C., which shall transmit such report, together with its recommendation thereon, to the Director of Priorities, Office of Production Management, for subsequent approval or disapproval. Primary or Secondary Suppliers making such adjustments shall not be penalized for deliveries made under any adjustments made in good faith but subsequently disapproved by the Director of Priorities, but a suitable correction for any such erroneous adjustment may be required during a subsequent month by Order of the Director of Priorities; and

(ii) The quantities delivered by any Primary or Secondary Supplier to any consumer of Motor Fuel (or to a Secondary Supplier for delivery to any consumer of Motor Fuel) may vary from the quantity represented by the Supplement B Percentage, for such month, of the amount of Motor Fuel delivered to such consumer (or to a Secondary Supplier for delivery to any consumer of Motor Fuel) during the corresponding month of the year preceding, in accordance with subdivisions (*a*) and (*b*) below:

(*a*) For any of the following uses, deliveries shall be made of all minimum necessary requirements, upon presentation of appropriate evidence to the delivering Supplier that such Motor Fuel is in fact to be so used;

The operation of motor vehicles operating pursuant to certificates of convenience and necessity issued in accordance with any Federal, State or local laws;

The operation of motor vehicles on construction projects which have received a project rating of A–10 or higher from the Office of Production Management;

The operation of agricultural machinery and equipment and motor vehicles used for agricultural purposes. Appropriate evidence of such use may include proof that such Motor Fuel is subject to any exemption from, or refund of, the state tax levied upon Motor Fuel, or on the privilege of selling such Motor Fuel.

(*b*) To any consumer, deliveries shall be made of the minimum quantity necessary for the operation of commercial vehicles, so classified by law, and actually used for the transportation of defense products or of materials or equipment necessary for the production of defense products. A report of adjustments under this subparagraph (ii) (*b*) shall be made, in duplicate, within ten days of each such adjustment to the Office of the Petroleum Coordinator for National Defense, Department of Interior Building, Washington, D. C., which shall transmit such report, together with its recommendation thereon, to the Director of Priorities, Office of Production Management, for subsequent approval or disapproval. Primary or Secondary Suppliers making such adjustments shall not be penalized for deliveries made under any adjustments made in good faith but subsequently disapproved by the Director of Priorities, but a suitable correction for any such erroneous adjustment may be required during a subsequent month by Order of the Director of Priorities.

(4) Subject to the provisions of paragraph (b) (3) hereof, every Secondary Supplier, Service Station or consumer shall be entitled to receive from Primary or Secondary Suppliers, in any month, that quantity, and no more than such quantity, of Motor Fuel represented by the Supplement B Percentage for such month of the amount of Motor Fuel delivered to him by Primary or Secondary Suppliers during the corresponding month of the year preceding. Such quantity shall be delivered, if demanded by such Secondary Supplier, Service Station or consumer, by the supplier or suppliers who delivered Motor Fuel to him during the month of September, 1941, in shares proportionate to their respective deliveries to him during such month of September, 1941. If a different Primary or Secondary Supplier shall commence deliveries to a Secondary Supplier, Service Station or consumer subsequent to September 30, 1941, such different Primary or Secondary Supplier shall be the Primary or Secondary Supplier from whom such Secondary Supplier, Service Station or consumer shall thereafter have the right to demand his appropriate quantity based upon Supplement B Percentage calculations. The right of any Secondary Supplier or consumer to demand deliveries in accordance with this subparagraph (4) shall be limited as provided in paragraph (b) (5).

(5) In the case of any Secondary Supplier or consumer who has received deliveries during the nine months, ending September 30, 1941, from more than one supplier pursuant to no regular delivery schedule, any such delivering supplier shall be obligated, upon demand, only to deliver that proportion of the quantity of Motor Fuel deliverable pursuant to Supplement B Percentage calculations which the deliveries of such supplier during such nine month period bear to the total deliveries to such Secondary Supplier or consumer from all delivering suppliers during such period.

(6) Permissible adjustments of, and variations from, the quantities delivered, based upon Supplement B Percentages, herein provided for, shall not be construed to permit any Primary Supplier to deliver, in any month, in any state or the District of Columbia, quantities of Motor Fuel in excess of the quantities of Motor Fuel represented by the appropriate Supplement A Percentage of the sum total of the average monthly amount of Motor Fuel delivered by him in said state or the District of Columbia during the Base Period, except as to such quantities of Motor Fuel as may be received by a Primary Supplier pursuant to loan, exchange or purchase, as hereinabove provided in paragraph (b) (2), hereof.

(c) *Methods of distribution.* All Primary or Secondary Suppliers shall, to the extent practicable, make deliveries in such manner as to distribute such deliveries evenly throughout each month; and all persons maintaining or operating Service Stations shall, to the extent practicable, make deliveries in such manner as to distribute such deliveries evenly throughout each day. On or before November 10, 1941, and on the tenth day of each month following, each Primary or Secondary Supplier shall file with the Office of the Petroleum Coordinator for National Defense a certification, on a form to be prescribed therefor by the Director of Priorities, that he has complied with the provisions of this paragraph during the preceding calendar month.

(d) *Preferences for certain uses by service stations.* In making deliveries of Motor Fuel, persons maintaining or operating Service Stations shall give preference to deliveries of Motor Fuel to be used, not in excess of the minimum necessary requirements, for the following purposes:

(1) The operation of vehicles and boats necessary for the public health or safety, including ambulances and vehicles operated by physicians.

(2) The operation of vehicles and boats owned or operated by Federal, State or local governments.

In making deliveries of Motor Fuel, all Primary and Secondary Suppliers and persons maintaining or operating Service Stations shall give preference to all other uses of such fuel over deliveries to be used in the operation of pleasure boats.

(e) *Reports.* All Primary Suppliers shall file the following reports with the Office of the Petroleum Coordinator for National Defense, and with the Fuel Section of the Division of Civilian Supply, Office of Production Management:

(1) By October 10, 1941, the amount of Motor Fuel delivered in each of the months of the Base Period in each state, and in the District of Columbia.

(2) Beginning with deliveries for the month of October, by the twentieth day following the end of each month, the amount of Motor Fuel delivered in each state and in the District of Columbia during the preceding month. Such reports shall state, separately, direct deliveries:

(i) To Federal, state and local governments,

(ii) To Secondary Suppliers for direct delivery to Federal, state and local governments, and

(iii) To Secondary Suppliers, Service Stations and consumers, for each of the adjustments provided in subparagraphs (i), (ii) (*a*) and (ii) (*b*) of paragraph (b) (3) hereof, separately for each class of adjustments.

In addition to the individual reports required in paragraph (b) (3) (i) and paragraph (b) (3) (ii) (*b*), and the certification required in paragraph (c) hereof, all Primary and Secondary Suppliers shall make such reports as may be requested by the Office of Production Management from time to time.

(f) *Records.* All Primary and Secondary Suppliers affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of deliveries of Motor Fuel, the dates of actual deliveries, and the parties and states, (or the District of Columbia) involved in each delivery. All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(g) *Scope of program.* This Order shall be applicable to deliveries in the Atlantic Coast Area, but shall not apply to direct deliveries to the Federal, State and local governments by Primary or Secondary Suppliers, or deliveries by Primary Suppliers to Secondary Suppliers for direct delivery to the Federal, State and local governments.

(h) *Appeal.* Any Primary Supplier, Secondary Supplier, Service Station or other person receiving Motor Fuel directly from a Primary or Secondary Supplier affected by this Order, who, after he has sought an adjustment from his Supplier pursuant to paragraph (b) (3) or (b) (4) hereof, still considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may file an appeal, by addressing a letter, in duplicate, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief, to the Petroleum Coordinator for National Defense, Department of Interior Building, Washington, D. C., who shall transmit such appeal, together with his recommendations thereon to the Director of Priorities, Office of Production Management. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Publication of percentages.* Supplement A Percentages and Supplement B Percentages applicable to any month will be issued from month to month by supplement to this Order, and the percentages for any month will be published on or before the twenty-sixth day of the month preceding.

(j) *Conflicting orders, plans and programs.* This Order supersedes all previously existing Orders, plans or programs, and interpretations thereof, including the Civilian Allocation Program issued August 15, 1941, by the Office of Price Administration and Civilian Supply.

(k) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(l) *Effective date.* This Order shall take effect on the 1st day of October, 1941, and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 30th day of September, 1941.

DONALD M. NELSON,
Director of Priorities.

Supplement A percentage and Supplement B percentage for October, 1941

States	Supplement A percentage for October, 1941	Supplement B percentage for October, 1941
Maine	84.96	93.00
New Hampshire	88.70	93.50
Vermont	93.03	96.00
Massachusetts	90.37	95.00
Rhode Island	90.27	100.50
Connecticut	88.08	94.50
New York	91.42	95.00
New Jersey	86.37	95.50
Pennsylvania	91.19	95.00
Delaware	84.48	93.50
Maryland	85.59	95.00
District of Columbia	88.64	95.00
Virginia	84.42	93.50
West Virginia	91.50	93.00
North Carolina	91.46	92.00
South Carolina	88.44	95.50
Georgia	90.60	93.50
Florida, east of the Apalachicola River	86.12	97.50

The effect of the application of the Supplement A Percentages and Supplement B Percentages is as follows:

1. In the entire Atlantic Coast Area, in each month, the deliveries of motor fuel by Primary Suppliers will be curtailed to approximately 90% of the average month for the period May to July, 1941, inclusive.

2. Over a complete cycle, if this Order continues for that period, each state included in the Atlantic Coast Area will receive the same proportion of total consumption in the Atlantic Coast Area as it received in a previous normal year, as adjusted for secular and seasonal trends since that date.

3. The proportions received by the various states in any month differ to allow for varying seasonal requirements from state to state, from month to month, during a year.

4. The total motor fuel deliverable based upon Supplement B Percentage calculation is estimated, in each state, to equal the total motor fuel deliverable, in each state, based upon Supplement A Percentage calculations. The purpose of the Supplement B Percentages is to account for the varying seasonal requirements of various purchasers and consumers within each state. Variations in percentages from state to state are required to recognize different rates of expansion in requirements among the states since the same month of the preceding year.

[F. R. Doc. 41-7324; Filed, October 1, 1941; 10:34 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1347—PAPER AND PAPER PRODUCTS

PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Sec.
1347.51 Maximum prices for paperboard.
1347.52 Less than maximum prices.
1347.53 Evasion.
1347.54 Records.
1347.55 Reports.
1347.56 Affirmation of compliance.
1347.57 Enforcement.
1347.58 Modification of the price schedule.
1347.59 Definitions.
1347.60 Effective date.
1347.61 Appendix A.
1347.62 Appendix B.

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises, has determined that the establishment of maximum prices for paperboard is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable. The determination of these prices comes after exhaustive investigations and numerous conferences with representatives of all branches of the paperboard trade.

Paperboard, and the boxes and containers manufactured therefrom, have become essential to the prosecution of the defense effort. The Office of Price Administration, through voluntary agreements and the establishment of price schedules for wastepaper and other commodities, has been exerting its efforts to prevent undue price rises in those raw materials which go to make up paperboard. The price rises which are threatening in the paperboard industry are, therefore, unwarranted. Because of the countless uses for paperboard, the effect of an inflationary price would be to create a dangerous price spiral and, therefore, immediate action is necessary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1347.51 *Maximum prices for paperboard.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the area East of the Rocky Mountains, no person shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1347.61 and 1347.62, respectively.*

*§§ 1347.51 to 1347.62, inclusive, issued under the authority contained in Executive Order No. 8734, 6 F.R. 1917.

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may, however, be charged, demanded, paid, or offered.*

§ 1347.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of paperboard, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.54 *Records.* Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase or sale of paperboard made during such month and each month thereafter showing the date thereof, the name of the buyer or of the seller, the prices paid or received, the quantity and grade or grades so purchased or sold.*

§ 1347.55 *Reports.* Every producer of any or all grades of paperboard shall, in addition to keeping records as required above, submit such reports as the Office of Price Administration may from time to time require.*

§ 1347.56 *Affirmation of compliance.* All persons who are required by § 1347.54 to keep records, shall transmit, on or before November 10, 1941, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 132:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 132:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" by 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record or report requirements, or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of paperboard or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.58 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. Such applications must include all relevant facts in detail and must be verified by the individual making the application or by an officer or partner of the business entity making the application.*

§ 1347.59 *Definitions.* When used in this Schedule, or any modifications or exceptions thereto, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard.

(c) "Producer" means any person who manufactures from any raw material any type, grade or caliper of paperboard for any use whatever.

(d) "Gage list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R44-36 entitled "Box Board Thicknesses."*

§ 1347.60 *Effective date.* This Schedule shall become effective on October 1, 1941.*

§ 1347.61 *Appendix A, maximum prices for paperboard used in the manufacture of folding paper boxes and set-up cartons*—(a) *Set-up boxboards.* (No. 1 Gage List—Reg. 50's to 90's incl. See Section (d) for other thicknesses [1])

	Maximum base price per ton (2,000 lbs.)	Maximum differentials applying to the maximum base price [2]		
		1-3 tons	Over 3, less 10	10 tons or over
Plain Chip	$45.00 [3]	+$5.00	+$2.50	+Base
News Vat Lined Chip	45.00	+6.50	+4.00	+$1.50
Filled News	45.00	+8.00	+5.50	+3.00
Solid News [4]	45.00	+10.00	+7.50	+5.00
White Vat Lined	45.00	+20.00	+17.50	+15.00
Mounting Board	45.00	+8.00	+5.50	+3.00
Tube & Can Stock	45.00	+7.50	+5.00	+2.50

(b) *Folding boards.* (No. 2 Gage List—Reg. 50's and 90's, incl. See Section (d) for other thicknesses)

	Maximum base price per ton (2,000 lbs.)	Maximum differentials applying to the maximum base price [2]		
		1-3 tons	Over 3 less 10	10 tons or over
Single Manila Lined, Jute-Mist Gray, Tan, Green Lined and Suit Box	$60.00	[4]+$5.00	+$2.50	+Base
Bleached Manila Lined	60.00	+7.50	+5.00	+$2.50
Semibending and Creasing Chip	60.00	−7.50	−10.00	−12.50
Full Bending Chip	60.00	−5.00	−7.50	−10.00

(c) *White patent coated news.* [4] (No. 6 Gage List)

	Maximum base price per ton (2,000 lbs.)	Maximum differentials applying to the maximum base price [2]		
		1-3 tons	Over 3, less 10	10 tons or over
#1 Single White 0.020 and heavier	$75.00	+$5.00	+$2.50	+Base
#1 Single White 0.018	75.00	+7.50	+5.00	+$2.50
#1 Single White 0.016	75.00	+10.00	+7.50	+5.00
#1 Single White 0.015	75.00	+12.50	+10.00	+7.50
#1 Single White 0.014	75.00	+15.00	+12.50	+10.00
#1 Double White 0.020 and heavier	75.00	+27.50	+25.00	+22.50
#1 Double White 0.018	75.00	+32.50	+30.00	+27.50
#1 Double White 0.016	75.00	+37.50	+35.00	+32.50
#1 Double White 0.015	75.00	+40.00	+37.50	+35.00
#1 Double White 0.014	75.00	+42.50	+40.00	+37.50

(d) *Additional differentials applying to all grades.*

Regular 35's to 39's [2]	+$5.00
Regular 40's to 49's	+ 2.50
Regular 91's to 100's	+ 2.50
Regular 101's to 120's	+ 5.00
Silicating (per side)	+ 2.50
Pasting 35's to 15's	+ 7.50
Pasting 14's to ½" thick	+12.50
Trimming (per side)	+ 1.00
Gloss ink	+ 2.50

(e) All of the above maximum prices are for the respective grades and tonnages delivered to the consumer. Billing may be f. o. b. point of shipment with freight allowed to point of destination.*

[1] Except No. 3 Gage List.

[2] Exception to Quantity Differentials—Where a single buyer places a single or multiple order for paperboard of a single grade, thickness, type, and color, and where the sizes ordered and quantities demanded are such as to fill the trim of the seller's paper making machine and where the only cutting involved can be done by the slitter and chopper knives as the paperboard leaves the machine, the combined weight of such orders made simultaneously shall be used as the basis for the application of the quantity differential set forth herein.

A "+" sign before a figure establishes it as the maximum amount that may be added to the base price in the sale or purchse of the kind and grade of paperboard in whose column the figure appears. Smaller amounts may be added. A "−" sign before a figure establishes it as the minimum amount that must be subtracted from the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Larger amounts may be subtracted.

[3] Additional differentials applying to White Patent Coated News only:
Manila Back Non-Bender, +$10.00.
Manila Back Bender, +$15.00.

§ 1347.62 *Appendix B, maximum prices for paperboard used in the manufacture of corrugated and solid fiber boxes*—(a) *Container liners.*

	Price Per M Sq. Ft.
.016 42 lb. Fourdrinier Kraft	$1.26
.016 47 lb. Fourdrinier Kraft	1.41
.016 49 lb. Fourdrinier Kraft	1.47
.016 50 lb. Fourdrinier Kraft	1.50
.016 52 lb. Fourdrinier Kraft	1.56
.016 52 lb.–150 lb. Test Cylinder Kraft	1.69
.016 56–58 lb.–100 lb. Test Natural Cylinder Kraft	1.82
.016 56–58 lb.–100 lb. Test Filled Cylinder Kraft	1.82
.016 52 lb.–100 lb. Test Yellow Fourdrinier Kraft	1.76
.016 56 lb.–125 lb. Test Yellow Cylinder Kraft	1.89
.016 56 lb Chipboard	1.26
.016 64 lb. Jute	1.92

(b) *Liners heavier than .016.*

.030 100 lb. Jute	3.00
.030 110 lb. Jute	3.30
.030 96 lb. Cylinder Kraft	3.12
.030 96 lb. Yellow Cylinder Kraft	3.24
.030 90 lb. Fourdrinier Kraft	2.70
.030 104 lb.–250 lb. Test Cylinder Kraft	3.38
.035 110 lb. High Test Cylinder Kraft	3.85

(c) *Liners lighter than .016.*

	Price Per M Sq. Ft.
.012 33 lb. Kraft	.99
.012 38 lb. Kraft	1.14
.012 48 lb.–50 lb. Jute	1.50
.010 30 lb.–32 lb. Kraft	1.04

(d) *Corrugating grades.*

.009 32 lb. Strawboard	.96
.009 26 lb. Fourdrinier Kraft	.78
.009 26 lb. Chestnut	.78
.009 26 lb. Pinewood	.78
.009 26 lb. Chip	.62
.009 25-30 lb. "Bogus" Corrugating Material	.90
.009 26 lb. Canadian (Sulphite & Ground Wood)	.78

(e) All Kraft, Jute, and Chip prices are based on their respective natural colors except where specific provision is made otherwise in the above Schedule.

(f) For grades of Chipboard not found in this Appendix, a price per thousand square feet not in excess of $45.00 per ton may be charged. For grades of all other types of paperboard not found in this Appendix, a price per thousand square feet not in excess of $60.00 per ton may be charged. In the event that special circumstances are present, application should be made to the Office of Price Administration for a modification or exception to the Schedule in accordance with § 1347.58 hereof.

(g) All of the above maximum prices are for the respective grades and tonnages delivered to the consumer. Billing may be f. o. b. point of shipment with freight allowed to point of destination.*

Issued this 30 day of September, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7315; Filed, September 30, 1941; 2:41 p. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

RECOMMENDATION

Whereas the President of the United States on May 28, 1941 (6 F.R. 2760) designated me Petroleum Coordinator for National Defense and made it my responsibility and duty, as his representative:

1. To obtain currently from the States and their agencies, from the petroleum and allied industries, from the officers and agencies of your Department, and from other appropriate Federal departments and agencies information as to (a) the military and civilian needs for petroleum and petroleum products, (b) the factors affecting the continuous, ready availability of petroleum and petroleum products for those needs, and (c) any action proposed which will affect such availability of petroleum and petroleum products.

2. To make specific recommendations * * * to insure the maintenance of a ready and adequate supply of petroleum and petroleum products.

and

Whereas, I find on the basis of information obtained from the appropriate government agencies and from the petroleum industry, that

1. The daily average shipment of petroleum and petroleum products from the Gulf Coast to the Atlantic Seaboard has declined substantially and that further declines are anticipated,

2. Existing supplementary transportation facilities can make up only a part of the deficiency and certain contemplated new transportation facilities will not be ready until 1942,

3. The trend of consumption of petroleum products in this area is upward,

4. As a result of these factors, the usual seasonal increase in stocks of petroleum and petroleum products to meet the heavy winter demand is well below the normal rate, and the stocks of industrial fuel oils, domestic heating oils, motor fuel and crude petroleum will not be adequate to meet essential demands this winter unless there is an immediate and drastic reduction in current consumption,

and

Whereas I find that, as a result of the foregoing, the rationing of petroleum products may become necessary unless the consumption of motor fuel be voluntarily reduced by 33⅓ percent in the Atlantic Coast area,

Now, Therefore, I do strongly urge that the use and consumption of motor fuel in the States of Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, North Carolina, South Carolina, Georgia and Florida, and the District of

Columbia, immediately and until further notice be voluntarily curtailed by 33⅓ percent by all except those engaged in National Defense activities or services essential to health and safety.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

SEPTEMBER 26, 1941

[F. R. Doc. 41-7268; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION No. 2

To the Asiatic Petroleum Corporation, the Standard Oil Company (New Jersey), the Texas Company, and Trinidad Leaseholds, Limited, and their respective subsidiary companies:

Whereas because of the scarcity of available tanker tonnage, an acute shortage of petroleum products is imminent in the Caribbean area and particularly on the Island of Puerto Rico; and

Whereas heretofore it has been customary to draw a substantial part of the supplies of petroleum products for this area from continental United States; and

Whereas the average time required for a round trip by tanker between the Gulf Coast and Puerto Rico has been approximately 19 days, while a round trip between Aruba, or Curacao, and Puerto Rico has been approximately only 8.6 days; and

Whereas it is necessary to take all possible steps during the existing emergency to conserve tanker tonnage;

Now therefore, in accordance with the provisions of the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) The aforesaid companies and their respective subsidiary corporations, including but not limited to the Shell Oil Company of Puerto Rico, Limited, West Indian Oil Company of Puerto Rico, The Texas Company (Puerto Rico), Inc., and Pyramid Products Company, discontinue all movements by tanker of gasolines, kerosenes, gas oils, diesel oils, and fuel oils, from any point in the continental United States to all islands in the Caribbean area except Cuba, and that these islands be supplied with the foregoing products from refineries so located as to reduce to an absolute minimum the tanker tonnage required for transportation;

(2) The barge, terminal, and storage facilities of all of the aforesaid companies in the Carribbean area be utilized in such a way and without regard to the individual ownership of such facilities, so as to reduce to an absolute minimum idle time in port and the splitting of cargoes between two or more ports of discharge;

(3) The aforesaid companies arrange for the exchange or loan of products among themselves whenever and to whatever extent may be necessary to facilitate the reduction of the tanker tonnage required to transport the required petroleum products to the aforesaid Caribbean area;

(4) Meetings of representatives of the aforesaid companies be held from time to time for the sole purpose of working out the physical and contractual details and arrangements necessary to carry into effect the foregoing recommendations.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

JULY 24, 1941.

[F. R. Doc. 41-7269; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION No. 3

To all persons, in the Atlantic Coast area, responsible for the operation of commercial vehicles except those operated in national defense activities or services essential to health and safety:

Whereas the Atlantic Coast area is confronted with an impending shortage of gasoline, fuel oils, and other petroleum products due to the inadequacy of available tanker transportation service from Gulf Coast ports; and

Whereas such shortage will, unless abated, have serious adverse effects on the progress of the national defense effort and will result in enforced inconvenience and discomfiture to the public generally; and

Whereas immediate steps are necessary to render such a shortage less acute, one of the possible steps being voluntary curtailment of the use of motor fuel;

Now therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) All owners or operators responsible for the management of commercial vehicles:

(a) Eliminate bulk and wholesale deliveries on Saturdays;

(b) Limit retail deliveries to not more than one each day;

(c) Reduce the deliveries of perishables to as few each day as possible;

(d) Eliminate special deliveries;

(e) By adequate publicity, urge customers to cooperate by carrying small packages instead of requesting deliveries.

(2) Individuals and groups responsible for the operation of commercial vehicles, or representatives of such groups, meet from time to time for the sole purpose of working out the necessary arrangements for carrying into effect the foregoing recommendations.

This recommendation is effective July 9, 1941, and is applicable in the States of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

AUGUST 5, 1941.

[F. R. Doc. 41-7270; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION No. 4

To all dealers in, and suppliers of, motor fuels in the Atlantic Coast area:

Whereas the inadequacy of available tanker capacity for the transportation of petroleum and petroleum products from Gulf Coast ports to the Atlantic Coast area is causing an increasingly dangerous shortage of gasoline, fuel oils, and other petroleum products in the Atlantic Coast area; and

Whereas such shortage will, unless abated, have serious adverse effects on the progress of the national defense effort and will become increasingly detrimental to the public interest generally; and

Whereas such shortage requires that immediate remedial steps be taken, one of which is curtailment of the use of motor fuels; and

Whereas economies in marketing practices are necessary in order to avoid undue increases in the price of motor fuels by reason of the necessity of employing more costly alternative means of transportation and prospective decreases in the volume of sales; and

Whereas limitation of the daily periods of operation of facilities for supplying motor fuels directly to motor vehicles provides one means of curtailing the use of motor fuels and of offsetting higher costs of transportation, distribution, and marketing; and

Whereas the foregoing necessary curtailment and economies should be accomplished in so far as possible without interference with essential services;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) That all persons, natural or artificial, employed at or maintaining any place of business where motor fuel is sold and delivered into the fuel tanks of motor vehicles, cease to operate, between the hours of 7:00 p. m. of each day and 7:00 a. m. of the ensuing day, any of the physical equipment utilized for such delivery of motor fuel at such place of business: *Provided*, That this recommendation shall not apply to the operation of facilities used exclusively after the hour of 7:00 p. m. and before 7:00 a. m. in supplying motor fuel to commercial vehicles so classified pursuant to law, nor to the sale and delivery of motor fuel into the tank of any motor

vehicle in the event of an emergency involving public health or safety.

(2) That all persons, natural or artificial, engaged directly or indirectly in supplying any of the aforesaid places of business give this recommendation the widest possible publicity, solicit the cooperation of all of those employed at or maintaining the aforesaid places of business in the observance of this recommendation, and in the event of any continued and deliberate failure to observe this recommendation, take such action, including the refusal to make further deliveries of motor fuel as may be appropriate under all of the attendant facts and circumstances.

This recommendation is effective August 3, 1941, at 7 p. m. refers to daylight saving time where appropriate, and is applicable throughout the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, North Carolina, South Carolina, Georgia, the Peninsula of Florida, and the District of Columbia, and to all marketing areas in or east of the Appalachian Mountains in the States of New York, Pennsylvania, Virginia and West Virginia, and such additional marketing areas in said States where any substantial part of the motor fuel supplied is either produced in any of said States, or shipped into such areas from any point east of such areas.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

JULY 31, 1941.

[F. R. Doc. 41-7271; Filed, September 29, 1941; 4:07 p. m.]

RECOMMENDATION NO. 5

To the General Committee, the Refining Committee, the Transportation Committee, and the Marketing Committee of District One, and to all suppliers of petroleum or petroleum products in said District:

Whereas, the withdrawal, for national defense purposes, of tankers heretofore used in the transportation of petroleum and petroleum products from Gulf Coast ports to the Atlantic Coast area is causing an increasingly dangerous shortage of gasoline, fuel oils, and other petroleum products in the Atlantic Coast area and such shortage, unless abated, will have serious adverse effects on the progress of national defense efforts and on the public generally; and

Whereas, in order to alleviate this shortage it is necessary that other and more costly additional means of transportation be employed; and

Whereas, it is necessary to distribute the burden of such higher cost transportation in such a way as to equalize the burden among suppliers and to prevent increases in the cost of petroleum products to consumers;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) The General, Refining, Transportation, and Marketing Committees for District One hold joint or separate meetings from time to time, as the chairmen may desire, to investigate and analyze any facts related to the problem of alleviating the shortage of petroleum products in District One and in such connection the aforesaid committees direct such inquiries or questionnaires to such companies or persons as may be necessary or appropriate.

(2) The said committees encourage by communication with companies and persons the use of barges, tank cars, pipe lines, and trucks as a substitute for the cheaper transportation eliminated by the withdrawal of tankers.

(3) The said committees devise, as a general plan, ways and means whereby those suppliers with substantial stocks or with available cheaper means of transportation may assist those with lower stocks or with higher transportation costs so as to spread the burden of higher transportation costs more widely and more equitably throughout the industry and to avoid undue increases in costs to consumers: *Provided*, That all requests for specific action to accomplish the purposes of this paragraph shall be made in writing and first approved by the Chief Counsel of the Office of Petroleum Coordinator for National Defense.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 18, 1941.

[F. R. Doc. 41-7272; Filed, September 29, 1941; 4:08 p. m.]

RECOMMENDATION NO. 6

To all persons supplying motor fuel to resellers or consumers of such motor fuel:

Whereas, in order to alleviate the threatened shortage in the Atlantic Coast area of petroleum products for essential transportation, power and heating purposes the Office of Price Administration and Civilian Supply has issued a civilian allocation program for motor fuel in the Atlantic Coast area, and

Whereas, such program provides that:

No supplier of motor fuel shall directly or indirectly deliver or cause to be delivered in any month to resellers and consumers of such motor fuel more than 90 percent of the amount delivered by him to resellers and consumers during the month of July, 1941.

and

Whereas, such program provides that in making deliveries of motor fuel preference shall be given to deliveries to be used for certain categories of vehicles, and

Whereas, the proportion to total deliveries of the deliveries to be used for such vehicles varies among the several suppliers, and

Whereas, the program provides in § 1340.6 that deliveries of motor fuel obtained by loan, exchange, purchase or sale between suppliers or persons operating or maintaining service stations are excluded from such 90 percent limitation where made for the purpose and with the effect of enabling such suppliers and persons to equalize between themselves the percentage of curtailment which each is required to impose upon different classes of trade, and

Whereas, such loans, exchanges, purchases and sales should be made between suppliers or persons operating or maintaining service stations in order that each class of trade, including other suppliers, service stations, and consumers receive as nearly as possible a proportionate share of the total supply permitted to be made available.

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) All suppliers shall loan, exchange, purchase or sell sufficient quantities of motor fuel to equalize as between themselves, the percentage of curtailment which each is required to impose upon different classes of trade, including other suppliers, service stations and consumers, such equalization, however, to be such that the sum total of all motor fuel supplied to the Atlantic Coast area shall not exceed that permitted in the aforesaid Civilian Allocation Program.

(2) For the purpose of accomplishing such equalization, the District Marketing Committee of District One shall estimate the percentage of the available supply necessary to fill the requirements for preferred deliveries as defined in § 1340.3 of the aforesaid Civilian Allocation Program, in order to ascertain a uniform percentage of curtailment necessary for all non-preferred deliveries to and by service stations and to consumers by suppliers.

(3) The uniform percentage of curtailment thus ascertained shall be adopted by all suppliers in making non-preferred deliveries to service stations and consumers, and differences, if any, between the sum total of any particular supplier's preferred and non-preferred deliveries above or below the curtailment in deliveries required of each supplier by § 1340.1 of the aforesaid Civilian Allocation Program, shall be adjusted as provided in Section 1 of this Recommendation and § 1340.6 of the aforesaid Civilian Allocation Program.

(4) Appropriate meetings of any suppliers operating in the Atlantic Coast area shall be held from time to time for the purpose of working out the physical and contractual details and arrange-

ments necessary to carry into effect the foregoing recommendations.

This Recommendation shall be applicable in the same area as provided in the aforesaid Civilian Allocation Program, and the terms herein used shall have the same meaning as provided in the definition of terms in said program.

R. K. DAVIES,
Acting Petroleum Coordinator,
for National Defense.

AUGUST 18, 1941.

[F. R. Doc. 41-7273; Filed, September 29, 1941; 4:08 p. m.]

RECOMMENDATION No. 6

Amendment

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, paragraph numbered (3) of Recommendation No. 6, dated August 18, 1941, is hereby amended to read as follows:

(3) The uniform percentages of curtailment thus ascertained, after approval in writing by the Chief Counsel, Office of Petroleum Coordinator for National Defense, shall be adopted by all suppliers in making non-preferred deliveries to service stations and consumers, and differences, if any, between the sum total of any particular supplier's preferred and non-preferred deliveries above or below the curtailment in deliveries required of each supplier by § 1340.1 of the aforesaid Civilian Allocation Program, shall be adjusted as provided in section 1 of this Recommendation and § 1340.6 of the aforesaid Civilian Allocation Program.

R. K. DAVIES,
Acting Petroleum Coordinator
for National Defense.

AUGUST 21, 1941.

[F. R. Doc. 41-7274; Filed, September 29, 1941; 4:08 p. m.]

RECOMMENDATION No. 7

PROCEDURE BETWEEN THE OFFICE OF THE PETROLEUM COORDINATOR FOR NATIONAL DEFENSE AND THE GENERAL AND FUNCTIONAL DISTRICT COMMITTEES AND THE DISTRICT DIRECTORS OF THE COORDINATOR

In accordance with the provisions of the President's letter of May 28, 1941, establishing the Office of the Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice the procedure between the Office of the Petroleum Coordinator for National Defense and the general and functional district committees and the district directors of the Coordinator be as follows:

I. Communication Between Industry Committees and Coordinator's Organization

From the Office of the Coordinator to the Committees

1. The Director of each division in Washington will communicate directly with the Chairman of the Industry Committee concerned with his phase of industry operation, sending copies of his communication to the Chairman of the General Committee for his information, and to the appropriate District Director.

2. All communications of a general character will be directed to the Chairman of the General Committee by the Coordinator or the Deputy Coordinator, sending a copy to the Senior District Director.

3. Communications of a special nature may be directed by the Coordinator or the Deputy Coordinator to the Chairmen of the functional committees, sending copies to the General Chairman and the appropriate District Director.

From the Committees to the Office of the Coordinator

1. The Chairman of each functional committee will communicate directly with the Director in Washington concerned with his phase of industry operation, sending copies of his communication to the Deputy Coordinator and to the appropriate District Director.

2. All communications of a general character will be directed to the Coordinator or the Deputy Coordinator by the Chairman of the General Committee, sending copies to the Senior District Director.

3. Communications of a special nature may be directed by the Chairmen of the functional committees to the Coordinator or the Deputy Coordinator, sending copies to the General Chairman and the appropriate District Director.

II. Committee Meetings

1. The committees may establish their meeting places at such locations as meet the convenience of the members.

2. In addition to regular meetings as determined by the committees, special meetings may be called at any time by the committee chairmen.

3. The committees may appoint temporary subcommittees for investigation and report on specific problems. Such subcommittees will be dissolved upon conclusion of their particular study.

4. The limited size of the committees may have precluded adequate representation for certain areas and for related groups and interests. From time to time it may therefore become necessary to establish standing subcommittees to provide such representation. Recommendations for the establishment of all standing subcommittees, and of members to serve thereon, shall be made to the Coordinator or the Deputy Coordinator.

5. Joint meetings may be held by two or more committees in the same district, and inter-district meetings may be arranged with the approval of the Coordinator or the Deputy Coordinator.

6. Minutes shall be kept of the meetings of all committees. These shall be distributed to the Coordinator's Organization as follows:

Minutes of the General Committee meetings:

Two copies to the Deputy Coordinator in Washington, one addressed to the attention of the Chief Counsel.

One copy to the Senior District Director.

Minutes of the functional committee meetings:

Three copies to the Deputy Coordinator in Washington, one addressed to the attention of the Director of the appropriate Division and one to the attention of the Chief Counsel.

One copy to the appropriate District Director.

Functional committees shall receive copies of the minutes of the other functional committees in the same district, and the General Chairman shall receive copies of the minutes of all committees in his district. If the General Chairman considers that a committee in another district should have a copy of any particular minutes because of their reference to problems of interest to the other committee, he may send such minutes to the General Chairman of the other district.

The report of all temporary subcommittees shall be incorporated in the minutes of the meetings of the regular committees. Standing subcommittees shall keep minutes, and these shall be distributed to the Coordinator's organization by the Chairman of the committee to which they report.

III. Procedure With Respect to Action by Industry Committees

The committees are expected to advise and suggest ways and means of meeting any of the problems relating to the coordination of the petroleum industry for national defense, as indicated by the President of the United States in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense. Consideration of such problems shall be undertaken either upon submission by the Office of Petroleum Coordinator for National Defense or after such problems have been raised by any of the committees on their own motion.

Each chairman and each member of all committees are specifically referred to the letter of the Coordinator addressed to the Attorney General of the United States under date of June 16, 1941, and are hereby advised, in accordance with that letter, "that they are not authorized to initiate group action as respects any matter which might violate either the letter or the spirit of the Anti-Trust laws." The industry should engage in no concert of action which might be deemed a violation of the antitrust laws without first receiving a formal recommendation duly signed by the Coordinator or the Deputy Coordinator. As indicated by the Attorney General's letters of April 29 to the Office of Production Management, and June 18, 1941, to the Secretary of the Interior, concerted action in response to such a formal recommendation or direction is not a violation

of the anti-trust laws, and this because it clearly lacks the elements of conspiracy or combination by private interests with an intent to restrain trade or commerce.

The procedure to be followed by District Committees in all cases where industry action is deemed necessary or appropriate is as follows:

1. A careful survey of each problem and the facts bearing on such problem shall be made by the appropriate industry committee or such subcommittee as may be designated, and consultation shall be had with the appropriate governmental representatives of the Coordinator. In this connection any committee is authorized:

(a) to direct such inquiries and questionnaires to such companies or persons as may be necessary or appropriate;

(b) to ask and receive expert assistance from any company or person;

(c) to afford any interested or affected persons, particularly consumers, an opportunity to present their views;

(d) to compile and analyze facts, figures, or other data.

2. Whatever specific plan or proposal shall seem necessary or appropriate shall be reduced to writing, together with a statement of facts and reasons, and submitted to the Deputy Coordinator, Department of the Interior, Washington, D. C., with copies to the General District Chairman and to the District counsel for the coordinator.

3. The General District Chairman shall forward his comments on the proposal or plan to the Deputy Coordinator as quickly as possible and it shall be the duty of the District counsel likewise to review the plan or proposal and to make a report to the Chief Counsel of the Office of Petroleum Coordinator for National Defense immediately.

4. When plans or proposals are received by the Deputy Coordinator they will be reviewed immediately and, with such modifications as he may deem necessary, embodied in a formal recommendation which will first be submitted to the Department of Justice in accordance with the procedure set forth in the correspondence between the Petroleum Coordinator for National Defense and the Attorney General.

5. Following submission of the proposed formal recommendation to the Department of Justice, it will be signed by the Coordinator or the Deputy Coordinator and published and forwarded to the proper parties, including the appropriate committees, together with copies of the response of the Department of Justice.

It is contemplated that most of the recommendations issued will continue in effect until further notice but the committees are expected at any time to submit for the consideration of the Deputy Coordinator necessary changes, extensions, or modifications. All submissions should be specific.

IV. Public Information

The functions of Industry Committees are in the public interest and are well able to undergo public examination. The public relations of each committee starts with this assumption. Committees should be prepared to report accurately to the public on policies and programs adopted by the Coordinator. When the public understands these policies it will support them, but it cannot support them if they are not explained. Committees, therefore, are invited to report to the public on adopted programs by such means as they may select. To avoid conflict and confusion, statements should be issued only through the committee chairman, all to be cleared through the General District Chairman.

No good could be served the public, and confusion would be bred, if committees were to undertake public advocation or discussion of yet unadopted policies or actions. Committees therefore should confine their statements to adopted policies and actions, and should avoid speculation and prophecy. Policies and programs undertaken by the Coordinator's office are designed for the public welfare and are not partisan or political. Discussion of policy and action therefore should be kept on the level of fact.

Problems of public relations always may be taken up with the office of the Deputy Coordinator. Correspondence on this subject should be addressed to him.

V. Miscellaneous

1. Committee members do not serve as representatives of any company, association, or special interests but serve as representatives of the petroleum industry. They have been appointed because of their special knowledge and experience in some field of the petroleum industry.

2. Members of functional committees will elect Vice Chairmen. When the General Chairman is to be absent from any general committee meeting, he will in advance designate some member of the general committee to serve in his place for that particular meeting.

3. Committees may designate members to meet with outside groups and organizations in the discussion of problems relating to the coordination of the petroleum industry for national defense.

4. Official correspondence with committee members shall be addressed to them in their capacities as members, and sent to their business addresses in care of the companies with which they may be affiliated.

5. Committee chairmen and members shall segregate all correspondence, and other records relating to the committees' activities.

6. Correspondence on all matters relating to the committees' activities shall be written on stationery printed in conformity with the sample form attached.

7. Committees in one district may submit matters for the consideration of committees in another district, sending copies to the General Chairmen of both districts and to the Deputy Coordinator.

8. Any company, individual, or organization shall have the right to present for committee consideration, any suggestions, complaints, or other matters relating to the coordination of the petroleum industry for national defense.

9. Any committee member who feels that the committee fails to give appropriate consideration to his views or proposals may make his viewpoint a part of the record by submitting a written statement, in triplicate, sending one copy to the committee, for incorporation in the minutes, one copy to the appropriate District Director of the Coordinator, and one copy to the Coordinator or the Deputy Coordinator.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 19, 1941.

(Sample Form)

PETROLEUM INDUSTRY COMMITTEE

Appointed by

PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

District No. [ ] [City and State]
[ ] Committee

[F. R. Doc. 41-7275; Filed, September 29, 1941; 4:09 p. m.]

RECOMMENDATION No. 8

To all persons engaged directly or indirectly in the production or manufacture of aviation gasoline or in producing or manufacturing gasoline containing blending agents of a petroleum origin:

Whereas a completely adequate supply of 100 octane aviation gasoline must be kept continuously available at all times to meet any possible demands of the defense program; and

Whereas at the present time an enlarged supply of 100 octane aviation gasoline must be assured to meet the demands of the army and navy air forces; and

Whereas assurance of such enlarged supply requires that blending agents of a petroleum origin be fully utilized in the production and manufacture of such gasoline:

Now, therefore Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately, and until further notice:

All persons, natural or artificial, engaged directly or indirectly in the production or manufacture of aviation gasoline or in the production or manufacture of gasolines containing blending agents of a petroleum origin, such as but not limited to, Iso-octanes, including alkylates, hot acid octanes, and hydrocodimers, Iso-pentanes, and Neo-hexanes, cease to use such blending agents ex-

cept for the production and manufacture of 100 octane aviation gasoline or such other aviation gasolines as may hereafter be recommended by the Office of the Petroleum Coordinator.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 23, 1941.

[F. R. Doc. 41-7276; Filed, September 29, 1941; 4:09 p. m.]

RECOMMENDATION No. 9

To the Petroleum Supply Committee for Latin America and to the Anglo-Mexican Petroleum Corporation, The Atlantic Refining Company, Socony-Vacuum Oil Company, Standard Oil Company (New Jersey), The Texas Corporation, and their various subsidiary companies:

Whereas the diversion of a part of the American tanker fleet for national defense purposes has resulted in a shortage of petroleum tanker tonnage in the Western Hemisphere; and

Whereas many of the Republics of South and Central America depend for their supplies of petroleum and petroleum products upon tanker transportation; and

Whereas most of the tankers available for such service are under the control of the United States of America; and

Whereas it is the policy of the United States of America that the other American Republics shall not sustain an unfair or disproportionate curtailment of petroleum supplies but, on the contrary, shall share equally with the comparable areas of the United States such curtailment as may be necessary; and

Whereas the Petroleum Coordinator for National Defense has appointed a Petroleum Supply Committee for Latin America to advise and consult with the Coordinator and the Deputy Coordinator, and with local representatives to be designated, on matters relating to the proper coordination for national defense of the activities of the petroleum industry, as set forth in the President's letter of May 28, with respect to the supplying of petroleum and petroleum products to Latin America on such fair and equitable basis as will maintain maximum efficiency and result in supplies to such countries on a basis comparable with supplies to the seaboard areas of the United States;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

(1) The aforesaid companies and their various subsidiary companies devise and submit to the Chief Counsel of the Office of the Petroleum Coordinator for National Defense, and, after its approval in writing by said Chief Counsel, put into effect a plan to release or procure and so allocate among themselves and among the national and local companies which distribute petroleum products in the other American Republics, sufficient tanker space which, when added to or subtracted from that space otherwise available to such national and local companies, shall result in a curtailment of deliveries of petroleum products, to each such Republic and to each company distributing petroleum products in each such Republic, approximately equal to that necessary at seaboard points in the United States where a shortage of tanker transportation facilities results in curtailment of deliveries of petroleum or its products.

(2) The aforesaid companies so utilize available tankers to haul petroleum and petroleum products from the points of supply nearest the markets to be served and in such a manner as to avoid multiple port loading and discharging, cross hauling, and unnecessary ballast voyages.

(3) For the purpose of carrying out this recommendation the barge, terminal and storage facilities of all of the aforesaid companies be utilized in such a way and without regard to individual ownership of such facilities as to reduce to an absolute minimum idle time in port and the splitting of cargoes between two or more ports of discharge.

(4) The aforesaid companies arrange for the exchange or loan of products among themselves whenever and to whatever extent may be necessary to facilitate the reduction of the tanker tonnage required to transport the required petroleum products to the aforesaid American Republics.

(5) The Petroleum Supply Committee for Latin America and the aforesaid companies consult with the State Department and the United States missions in the various American Republics on matters of policy, particularly matters affecting relations with the Latin American governments or companies, and cooperate with such local committees as may be appointed in each of the countries concerned in order to coordinate their local activities with the governmental policies of each such country.

(6) Meetings of the Petroleum Supply Committee for Latin America and meetings of representatives of the aforesaid companies may be held from time to time for the purpose of working out the physical and contractual details and arrangements necessary to carry into effect the foregoing recommendations.

(7) The Petroleum Supply Committee for Latin America and the aforesaid companies shall coordinate their activities under this recommendation with the policies of the Tanker Control Board established by the Petroleum Coordinator for National Defense.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

AUGUST 26, 1941.

[F. R. Doc. 41-7277; Filed, September 29, 1941; 4:09 p. m.]

RECOMMENDATION No. 10

To all persons engaged in marketing petroleum products in the Atlantic Coast area:

Whereas the inadequacy of available tanker transportation facilities threatens the Atlantic Coast area with a shortage of petroleum and petroleum products; and

Whereas because of this threatened shortage it has become increasingly difficult for the small, nonintegrated, spot and noncontract marketers of petroleum products to obtain supplies of petroleum products in this area; and

Whereas the Office of Petroleum Coordinator for National Defense has adopted the policy of asking that the petroleum industry operate in such a way that all marketers of petroleum products may secure their proportionate share, without discrimination, of the sum total of whatever petroleum products are made available in the Atlantic Coast area, or other areas of threatened shortage;

Now, therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

(1) All spot, noncontract, or other buyers of petroleum products who are engaged in the Atlantic Coast area in the business of reselling such products and who are experiencing difficulty in procuring supplies, file promptly with the Director of Marketing, Office of Petroleum Coordinator for National Defense, Washington, D. C., and with the Chairman of the Marketing Committee for District No. 1, a tabulation giving the following information:

(a) Purchases, including name or names of the person or company from whom purchased, of the petroleum product or products with respect to which procurement difficulties are being experienced, broken down by months for the period January 1940–August 1941, inclusive.

(b) Sales of the petroleum product or products with respect to which procurement difficulties are being experienced, broken down by months for the period January 1940–August 1941, inclusive.

(c) Stocks on hand, or inventories, of the petroleum product or products with respect to which procurement difficulties are being experienced, at the end of each month for the period January 1940–August 1941, inclusive.

(d) A statement setting forth in detail whatever difficulties such buyer is actually experiencing in securing such buyer's proportionate share of the sum total of whatever petroleum products are made available in the Atlantic Coast area.

R. K. DAVIES,
Acting Petroleum Coordinator, for National Defense.

SEPTEMBER 6, 1941.

[F. R. Doc. 41-7278; Filed, September 29, 1941; 4:09 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the aerial gunnery and bombing range defined in § 204.81 Danger Zone Regulations, is hereby redefined, the title of the section and description of the danger zone being amended as follows:

§ 204.81 *Waters of Atlantic Ocean; Savannah Air Base, aerial gunnery range between Wassaw Island-Doboy Island, Ga.*

THE DANGER ZONE

(a) The range includes the waters in an area 10 miles wide by 40 miles long and about 5 miles distant from the easterly shore lines of Wassaw, Ossabaw, St. Catherine, Sapelo, and Doboy Islands, Georgia, bounded by lines as follows: Beginning at the northeasterly corner of the area Lat. 31° 50' N., Long. 80° 55' W., about 5 miles offshore from Ossabaw Island; thence S. 65°27'48'' E. 10 miles; thence S. 24°32'12'' W., 40 miles, thence N. 65°27'48'' W., 10 miles, to a point about 5 miles offshore from Doboy Island; thence N. 24°32'12'' E., 40 miles, to the point of beginning. The military operations which will be carried on in the range consist of aerial gunnery firing against airplane-towed targets from weapons mounted in airplanes flying at varying altitudes, and the dropping of practice aerial bombs from airplanes on points situated within the area. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. July 7, 1941 as amended by Regs. Sept. 18, 1941, (E.D. 7195 (Atlantic Ocean—Georgia)—2/3)]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7323; Filed, October 1, 1941; 9:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1496]

PART 251—AIRPORTS AND AVIATION FIELDS

REGULATIONS GOVERNING THE LEASING OF PUBLIC LANDS FOR AIRPORTS AND AVIATION FIELDS

The Act of August 16, 1941 (Public Law No. 205), amended section 1 of the Act of Congress, approved May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214), so as to increase the area which may be leased for use as public aviation fields from 640 acres to 2,560 acres. In order to show such change, Circular No. 1161, dated August 22, 1928, (52 L.D. 476), and part 251 of Title 43 of the Code of Federal Regulations, based thereon, are hereby amended as indicated below.

§251.1 *Statutory authority.* The Act of May 24, 1928, (45 Stat. 728; 49 U.S.C. 211-214), as amended by the Act of August 16, 1941 (Public Law No. 205), authorizes the Secretary of the Interior in his discretion and under such regulations as he may prescribe, to lease for use as a public airport, any contiguous, unreserved and unappropriated public lands, not to exceed 2,560 acres in area. It also authorizes him to grant permission for the establishment of beacon lights and other air navigation facilities, except terminal airports, upon unreserved and unappropriated public lands and to withdraw such lands for such purposes. (Sec. 1, 45 Stat. 728; 49 U.S.C. 211)

Sections 251.2 (*Lands which may be leased*) and 251.15 (*Segregation of land by application for lease; airport withdrawals which may be made by the Secretary of the Interior*) of Title 43 are each amended by striking out the figures "640" contained therein and inserting in lieu thereof the figure "2,560".

FRED W. JOHNSON,
Commissioner.

Approved: September 11, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-7321; Filed, October 1, 1941; 9:32 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20246; 5296]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NORTH AMERICAN AVIATION INC. OF TEXAS, DALLAS, TEXAS

Contract[1] for Maintenance Parts for Airplanes.

Amount: $1,340,788.45.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82-30 A 0705-12, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 30th day of July 1941.

Scope of this contract. The contractor shall furnish and deliver Maintenance Parts for * * * airplanes for the consideration stated one million three hundred forty thousand seven hundred eighty eight dollars and forty five cents ($1,340,788.45) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7318; Filed, September 30, 1941; 3:55 p. m.]

[Contract No. W 431 qm-5242; O. I. 108]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: MOUNT VERNON WOODBERRY MILLS, INCORPORATED, BALTIMORE, MARYLAND

Contract for furnishing and delivering Duck, Cotton, Tent; Cloth, Cotton, Twill.

Amount: $1,081,068.00.

Place: Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

This contract, entered into this 11th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver Duck, Cotton, Tent; Cloth, Cotton, Twill, for the Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, for the consideration stated one million eighty-one thousand

[1] § 204.81 (a) is amended.

[1] Approved by the Under Secretary of War August 13, 1941.

sixty-eight dollars ($1,081,068.00) and no cents, in strict accordance with the specifications, schedules, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 15401 P 14–3019 A 0515–12, QM 15401 P 14–30 A 0515–12, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7319; Filed, September 30, 1941; 3:55 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–88]

PETITION OF MIDLAND ELECTRIC COAL CORPORATION, A CODE MEMBER IN DISTRICT NO. 10, FOR TEMPORARY AND PERMANENT ORDER PROVIDING FOR COORDINATION OF PRICES FOR RAILROAD FUEL TO THE MINNEAPOLIS AND ST. LOUIS RAILROAD COMPANY FROM THE MIDDLE GROVE MINE OF THE PETITIONER

ORDER DENYING FINAL RELIEF

Midland Electric Coal Corporation, a code member in District No. 10, having filed a petition with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction of 25 cents from the effective minimum price of $2.00 per ton established for mine run locomotive fuel produced at petitioner's Middle Grove Mine, Mine Index No. 95, for sale to the Minneapolis and St. Louis Railroad Company;

District Board 10 having filed a petition of intervention, and L. C. Sprague, receiver of the Minneapolis and St. Louis Railroad Company, having filed an appearance;

Pursuant to notice to all interested parties and persons, a hearing having been held at Washington, D. C., on November 12 and 13, 1940, and March 6, 1941, before duly designated Trial Examiners; the petitioner, and District Board 10 participated in the hearing;

At the conclusion of the hearing, all parties having joined in waiving the preparation and filing of a report by the Trial Examiners, and the record in the matter having been thereupon submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith.

Now, therefore, it is ordered, That the Petitioner's prayer for relief be, and it hereby is, denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7325; Filed, October 1, 1941; 10:46 a. m.]

[Docket No. A–934]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE ESTABLISHMENT OF A PRICE EXCEPTION IN THE SCHEDULE OF MINIMUM PRICES FOR DISTRICT NO. 10 FOR TRUCK SHIPMENTS TO MARKET AREA NO. 35 FROM MINE INDEX NOS. 118, 119, 120 AND 121, TO PERMIT THE SALE OF REFUSE FROM LUMP PICKING TABLES

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 10, requesting the establishment of price exception in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments which would permit the Old Ben Coal Corporation to sell the refuse from the lump picking tables of its Mines Nos. 8, 11, 14, and 15 (Mine Index Nos. 118, 119, 120, and 121, respectively), for shipment to a portion of Market Area 35;

A hearing in this matter having been held, pursuant to an Order of the Acting Director, before a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

At the conclusion of the hearing the preparation and filing of a report by the Examiner having been waived and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition filed herein be and they hereby are denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7326; Filed, October 1, 1941; 10:46 a. m.]

[Docket No. A–341]

PETITION OF WHEELING VALLEY COAL CORPORATION, COVE HILL COAL COMPANY AND THE BUFFALO COAL AND COKE COMPANY, CODE MEMBERS IN DISTRICT NO. 6, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR EX-RIVER SHIPMENTS INTO MARKET AREAS 11, 12, AND 13

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Wheeling Valley Coal Corporation, The Cove Hill Coal Company, and Buffalo Coal & Coke Company, code member producers in District 6, requesting reductions in the effective minimum prices for coals shipped ex-river into Market Areas 11, 12, and 13;

Petitions of intervention having been filed by District Boards 1, 2, 4, and 6 and a notice of appearance having been filed by the Consumers' Counsel Division;

The Director having issued his Memorandum Opinion and Order denying temporary relief;

A hearing in this matter having been held, pursuant to Order of the Director and notice to interested parties, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the undersigned;

The petitioners, District Boards 2 and 4, and the Consumers' Counsel Division having filed briefs;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7327; Filed, October 1, 1941; 10:46 a. m.]

[Docket No. A–532]

AMENDED PETITION OF THE WILMORE FUEL COMPANY FOR TEMPORARY RELIEF UNDER SECTION 4 II (d) FOR PERMISSION TO SUBSTITUTE MANUALLY BROKEN DOWN RUN OF MINE COAL FOR SLACK COAL SIZES, IN PLACE OF MECHANICAL SCREENED SLACKS, FOR SHIPMENT VIA TIDEWATER TO CONSOLIDATED EDISON COMPANY OF NEW YORK, NEW YORK, NEW YORK

SUPPLEMENTAL MEMORANDUM OPINION AND ORDER TERMINATING TEMPORARY RELIEF AND DISMISSING PETITION

On February 27, 1941, an Order of the Director granted temporary relief to the original petitioner, Wilmore Fuel Company, a Code member in District 1, permitting the petitioner to deliver for a period of not more than 30 days thereafter, not more than 10,000 tons of its mine run coal from its Mack No. 2 Mine to Consolidated Edison Company of New York for use at the Company's 14th Street Plant at a minimum f. o. b. mine price of $2.05 per ton: *Provided,* That petitioner file statements of all deliveries made thereunder with the Division in Washington, D. C.;

On March 28, 1941, an Order of the Director extended until April 26, 1941, or the completion of the installation of certain crushing equipment, whichever was sooner, the temporary relief granted to petitioner in the Order dated February 27, 1941, for not more than 10,000 tons additional of mine run coal from its Mack No. 2 Mine to Consolidated Edison Company of New York for use at its 14th Street Plant at a minimum f. o. b. mine price of $2.05 per ton: *Provided,* That petitioner file statements of all deliveries made thereunder with the Division in Washington, D. C.;

Now, therefore, it is ordered, That the extended temporary relief be terminated and cancelled as of April 26, 1941, or the completion of the installation of the crushing equipment, whichever was sooner, and that the amended petition be dismissed.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7328; Filed, October 1, 1941; 10:47 a. m.]

[Docket No. A–867]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A REVISION OF THE SEASONAL DISCOUNT SCHEDULES FOR DISTRICTS NOS. 4, 7, 8, 10 AND 13, AND OTHER DISTRICTS FOR THE SUMMER SEASON OF 1941

ORDER OF THE DIRECTOR ADOPTING RECOMMENDATIONS OF THE EXAMINER AND DENYING RELIEF

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Consumers' Counsel Division of the Department of the Interior requesting revision of the schedules of effective minimum prices for all districts in which seasonal discounts may be allowed so as to permit producers to allow until July 1, 1941, the maximum discounts presently provided in each district, to allow discounts amounting to 80% of such maxima in July, 60% of such maxima in August and 20% of such maxima in September;

Intervening petitions having been filed by District Boards 1, 2, 3, 4, 6, 7, 8, 10, 11 and 12, and by Carter Coal Company, a code member in District 7;

Temporary relief having been denied by an Order of the Director;

Pursuant to an Order of the Director a hearing having been held in this matter before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

W. A. Cuff, Trial Examiner, having filed with the Director on August 27, 1941, his Report, Proposed Findings of Fact, Conclusions of Law and Recommendations in which it is recommended that the petition herein be denied;

No exceptions having been filed with the Division to the Examiner's recommendations;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the relief requested by the petition in this proceeding should be and it is hereby denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7329; Filed, October 1, 1941; 10:47 a. m.]

[Docket No. 1602–FD]

IN THE MATTER OF CORYELL COAL COMPANY, (FRANK CORYELL), DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND CEASE AND DESIST ORDER

A complaint, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on February 25, 1941, by Domestic Coal Company (George C. Watson), a code member producer in District 17, the complainant, against Coryell Coal Company, (Frank Coryell), defendant, a code member in District 17, requesting that defendant's code membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, in Denver, Colorado, on June 2, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact and Conclusions of Law and Recommendations in the above proceedings, dated August 21, 1941, and having recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District 17 for All Shipments and the Marketing Rules and Regulations;

An opportunity having been afforded to the parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The Director having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the defendant, Frank Coryell, individually, and doing business as the Coryell Coal Company, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Coal Code, the Schedule of Effective Minimum Prices for District 17 for All Shipments and the Marketing Rules and Regulations.

It is further ordered, That the Division may upon the failure of the defendant herein to comply with this Order forthwith apply to the Circuit Court of Appeals of the United States within any circuit where defendant carries on business, or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof or take any other appropriate action.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7330; Filed, October 1, 1941; 10:47 a. m.]

[Docket No. 1763–FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, DEFENDANT

ORDER GRANTING MOTION TO WITHDRAW BILL OF PARTICULARS AND DENYING MOTION TO CHANGE DATE OF HEARING

The defendant having heretofore filed on August 14, 1941 a Motion for a Bill

of Particulars in the above-entitled matter and having thereafter filed a Motion on September 5, 1941, to withdraw its Motion for a Bill of Particulars and further for Reconsideration of the Order of the Director, dated September 3, 1941, postponing the hearing herein from September 29, 1941 to October 27, 1941 at the same time and place and rescheduling said hearing for September 29, 1941; and

It appearing to the Director that good cause has been shown for the granting of the Motion to withdraw said Motion for a Bill of Particulars; and

It further appearing to the Director that a date of hearing herein prior to October 27, 1941 will not be feasible.

Now, therefore, it is ordered, That the Motion to withdraw the Motion for a Bill of Particulars is granted and the Motion to reconsider and change the date of the hearing in the above-entitled matter, as provided in said order of September 3, 1941, is denied.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7331; Filed, October 1, 1941; 10:48 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWALS NOS. 25 AND 208, SOUTH DAKOTA NOS. 2 AND 5, REDUCED

Departmental orders of June 25, 1918, and February 13, 1930, withdrawing certain lands in South Dakota for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, are hereby revoked so far as they affect the following-described lands:

BLACK HILLS MERIDIAN

T. 10 N., R. 1 E.,
Sec. 15. S½NE¼;
T. 12 N., R. 1 E.,
Sec. 28, W½NW¼;
T. 11 N., R. 2 E.,
Sec. 5, NE¼ and E½NW¼,
Sec. 8, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, and S½SE¼,
Sec. 17, NE¼,
Sec. 21, N½NE¼ and NE¼NW¼,
Sec. 26, N½SE¼;
T. 14 N., R. 2 E.,
Sec. 30, S½NE¼ and SE¼;
T. 10 N., R. 3 E.,
Sec. 6, lots 1 and 2, S½NE¼, and SE¼;
T. 12 N., R. 3 E.,
Sec. 21, NE¼;
T. 11 N., R. 6 E.,
Sec. 8, SE¼NE¼,
Sec. 22, SW¼NE¼,
Sec. 26, S½S½,
Sec. 27, NE¼SW¼ and SE¼,
Sec. 34, E½NE¼ and SE¼NW¼;
T. 9 N., R. 8 E.,
Sec. 14, NE¼, SE¼SW¼, and NW¼SE¼,
Sec. 23, N½NW¼;
aggregating 2,785.01 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

SEPTEMBER 16, 1941.

[F. R. Doc. 41-7322; Filed, October 1, 1941; 9:32 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 2d, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Appomattox Garmen Company, 83 Church Street, Appomattox, Virginia; Dresses; 33 learners; March 12, 1942.

Bestform Foundations, Inc., 64-74 West 23rd Street, New York, New York; Corsets, Girdles and Brassieres; 10 percent; February 19, 1942.

Biberman Brothers, Inc., 128 Water Street, Northumberland, Pennsylvania; Dresses; 10 percent; October 2, 1942.

Charming Lady Cottons, Inc., 1727 Broad Street, South Greensburg, Pennsylvania; Dresses; 25 learners; March 12, 1942.

Crescent Neckwear Company, 355 Marietta Street, Atlanta, Georgia; Neckties; 5 learners; October 2, 1942.

N. Farah and Sons, Inc., 188 Huntington Street, Brooklyn, New York; Housecoats; 10 learners; February 19, 1942.

The Fishback Manufacturing Company, 1731 Arapahoe Street, Denver, Colorado; Overalls, Coveralls, Pants, Jackets; 5 learners; October 2, 1942.

Foster Brothers Sportswear Company, Inc., 21st and Hunting Park Avenue, Philadelphia, Pennsylvania; Men's Sportswear; 5 percent; October 2, 1942.

J. Freezer and Son, Inc., Floyd, Virginia; Men's Dress Shirts; 10 percent; October 2, 1942. (This certificate replaces the ones issued to you bearing the expiration dates of October 2 and October 18, 1941.)

J. Freezer and Son, Inc., Rural Retreat, Virginia; Dress Shirts; 10 percent; October 2, 1942. (This certificate replaces the ones issued to you bearing the expiration dates of October 2 and October 18, 1941.)

D. Gamson and Company, 1105 West Chicago Avenue, Chicago, Illinois; Ladies' and Children's Aprons; 5 learners; October 2, 1942.

The Hallmark Shirt Company, Inc., Davidson Street, Clinton, South Carolina; Dress Shirts; 85 learners; March 26, 1942.

Harmony Garment Company, 74 Kilburn Street, New Bedford, Massachusetts; Dresses, Blouses; 6 learners; October 2, 1942.

Harvard Trouser Company, 46 Carleton Road, Hillsdale, Michigan; Men's & Boys' Clothing; 5 learners; October 2, 1942.

Her Majesty Underwear Company, 314 North 13th Street, Philadelphia, Pennsylvania; Slips and Panties; 10 percent; October 2, 1942.

Kentucky Pants Company, 117 North Race Street, Glasgow, Kentucky; 100% Cotton Work Pants, Cotton & Rayon Mixed Pants; 10 percent; October 2, 1942.

H. W. Lawson Manufacturing Company, 746 South Los Angeles Street, Los Angeles, California; Dresses, Nightwear; 5 learners; October 2, 1942.

The H. D. Lee Mercantile Company, 20th and Wyandotte Streets, Kansas City, Missouri; Overalls, Coveralls, Single Cotton Pants, Single Pants Other Than Cotton, Odd Outerwear; 5 percent; October 2, 1942.

Charlotte Garment Company, 1215 South Caldwell Street, Charlotte, North Carolina; Men's Slack Suits; 60 learners; April 2, 1942.

Lemonde Corset Company, 902 Lapeer Street, Saginaw, Michigan; Corsets, Girdles, Combinations, Brassieres; 8 learners; October 2, 1942.

Meyersdale Manufacturing Company, Inc., Dale and Grant Streets, Meyersdale, Pennsylvania; Men's Dress Shirts, Men's Sport Shirts; 10 percent; October 2, 1942.

Muriel Dress Company, 29 Troy Street, Fall River, Massachusetts; Cotton House Dresses; 15 learners; February 19, 1942.

New Era Shirt Company, 901 Lucas Avenue, St. Louis, Missouri; Men's & Boys' Dress and Sport Shirts; 10 percent; October 2, 1942.

Pioneer Trouser Company, 118 Walnut Street, North Manchester, Indiana; Trousers and Jackets; 5 learners; October 2, 1942.

Quaker City Pant and Overall Company, 421-27 Arch Street, Philadelphia, Pennsylvania; Overalls and Work Pants; 2 learners; October 2, 1942.

The Rauh Company, Ninth and Sycamore Streets, Cincinnati, Ohio; Men's & Boys' Dress Shirts; 10 percent; October 2, 1942.

Rensello Company, Inc., Minersville, Pennsylvania; Pajamas; 10 percent; October 2, 1942.

Rock Hall Manufacturing Company, Rock Hall, Maryland; Shirts; 8 learners; October 2, 1942.

H. H. Rosinsky and Company, 123 North Fifth Street, Philadelphia, Pennsylvania; Dresses; 5 learners; October 2, 1942.

Boris Smoler and Sons, Crawford and Prospect Streets, Elkhart, Indiana; Dresses; 10 percent; October 2, 1942.

A. Stein and Company, 1149 West Congress Street, Chicago, Illinois; Suspenders, Garters, Corsets; 10 percent; October 2, 1942.

The Sterling Company, 629 Tenth Street, Huntington, West Virginia; Cotton Dresses; 5 percent; October 2, 1942.

Jack Tobin, Hillcrest Road, Mantua, New Jersey; Dresses; 10 percent; October 2, 1942.

Adolf Vogel, 119 Military Plaza, San Antonio, Texas; Men's Leather Belts; 5 learners; October 2, 1942.

M. Wiener and Company, 725 Arch Street, Philadelphia, Pennsylvania; Men's Cotton Bathing Trunks; 5 learners; October 2, 1942.

Gloves

William B. Chant Incorporated, 92 Hammond Street, Port Jervis, New York; Knit Fabric Gloves; 10 percent; October 2, 1942.

Hosiery

Beloit Hosiery Company, 206 Wheeler Avenue, S. Beloit, Illinois; Seamless Hosiery; 5 learners; October 2, 1942.

Bradley Full Fashioned Hosiery Company, Inc., Cleveland, Tennessee; Full Fashioned Hosiery; 5 learners; October 2, 1942.

Burson Knitting Company, S. Main and Cedar Streets, Rockford, Illinois; Seamless; 5 percent; October 2, 1942.

Cheraw Knitting Mills, Cheraw, South Carolina; Full Fashioned Hosiery; 10 learners; June 2, 1942.

Chipman LaCrosse Hosiery Mills Company, Inc., East Flat Rock, North Carolina; Seamless Hosiery; 5 learners; October 2, 1942.

J. A. Cline and Son, Hildebran, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Drexel Knitting Mills Company, Drexel, North Carolina; Seamless Hosiery; 20 learners; June 2, 1942.

Drexel Knitting Mills Company, Drexel, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Duke Hosiery Corporation, 4th Street and Highland Avenue, Hickory, North Carolina; Seamless Hosiery; 5 learners; October 2, 1942.

Ellis Hosiery Mills, Lenoir Highway, Hickory, North Carolina; Seamless Hosiery; 5 Percent; October 2, 1942.

Fidelity Hosiery Mills, Inc., 3rd and Walnut Streets, Shamokin, Pennsylvania; Seamless Hosiery; 5 percent; October 2, 1942.

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pennsylvania; Seamless Hosiery; 5 percent; October 2, 1942.

Harris and Covington Hosiery Mills, Inc., 308 Oak Street, High Point, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Hickory Knitting Mills, Highland Avenue, Hickory, North Carolina; Seamless Hosiery; 5 learners; October 2, 1942.

Infants Socks, Inc., Eufaula, Alabama; Seamless Hosiery; 5 percent; October 2, 1942.

Lincoln Hosiery Company, Lincoln, Pennsylvania; Seamless Hosiery; 5 learners; October 2, 1942.

Millheim Hosiery Mills, Inc., Millheim, Pennsylvania; Seamless Hosiery; 5 percent; October 2, 1942.

Nolde and Horst Company of Tennessee, McMinnville, Tennessee; Seamless Hosiery; 5 percent; October 2, 1942.

Regan Knitting Company, 7 Cox Avenue, Thomasville, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Renfro Hosiery Mills Company, Mount Airy, North Carolina; Seamless Hosiery; 5 percent; October 2, 1942.

Sulloway Hosiery Mills, River Street, Franklin, New Hampshire; Seamless Hosiery; 5 percent; October 2, 1942.

Willstrut Hosiery Mill, 16308 Foothill Boulevard, San Leandro, California; Seamless Hosiery; 5 learners; October 2, 1942.

Textile

Harry Cohen and Company, 3436 Klickitat Avenue, Seattle, Washington; Dishtowels; 2 learners; February 12, 1942.

Frankoweave, Inc., Amber and Willard Streets, Philadelphia, Pennsylvania; Woven Narrow Fabrics, Webbings; 12 learners; January 5, 1942.

Williams Banding Works; 1211 Ozark Avenue, Gastonia, North Carolina; Cotton Bandings; 2 learners; October 2, 1942.

Signed at Washington, D. C., this 1st day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7343; Filed, October 1, 1941; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that the Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 2, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS. LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Barnett Manufacturing Company, 300 Hazel Street, Macon, Georgia; Cloth Collars, Back Bands, Collar Pads; 2 learners; 240 hours for any one learner; 25 cents per hour; Clicking Machine Operator, Filler Mixer; November 27, 1941.

Harry Cohen and Company, 3436 Klickitat Avenue, Seattle, Washington; Burlap and Cotton Bags; 2 learners; 240 hours for any one learner; 25 cents per hour; Stitching Machine Operator; February 12, 1942.

Signed at Washington, D. C., this 1st day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7344; Filed, October 1, 1941; 11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5731]

IN THE MATTER OF THE OHIO PUBLIC SERVICE COMPANY AND THE TOLEDO EDISON COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 30, 1941.

Commissioners: Claude L. Draper, Acting Chairman, Basil Manly, John W. Scott and Clyde L. Seavey; Leland Olds not participating.

Upon application filed September 30, 1941, by The Ohio Public Service Company and The Toledo Edison Company for postponement of the hearing in this proceeding;

The Commission orders that:

The hearing in this proceeding heretofore set for October 7, 1941, be and it is hereby postponed to a date to be hereafter fixed by the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7320; Filed October 1, 1941; 9:32 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-405]

IN THE MATTER OF LOUISVILLE GAS & ELECTRIC COMPANY (KENTUCKY)

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of September A. D. 1941.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named person or persons, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on October 6, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

(1) Whether said application, regarding the issuance of 150,000 shares of common stock of Louisville Gas & Electric Company (Kentucky) at prices to be supplied by amendment, considered as an application pursuant to section 6 (b) of said Act, should be approved; or considered as a declaration pursuant to sections 6 (a) (1) and 7 of said Act, should be permitted to become effective; and

(2) Whether the Commission should make a finding pursuant to Rule U-50 (a) (5) exempting the proposed issuance and sale from the competitive bidding requirements of Rule U-50 (b), application for such a finding having been made and the applicant having set forth in said application that it proposes to market said shares of common stock by a direct offer to the public, with provision for the allowance of a concession to dealers or brokers who are members in good standing of the National Association of Securities Dealers, Inc. and who execute an agreement with the company relating to the distribution of the common stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7317; Filed, September 30, 1941; 3:52 p. m.]

[File No. 811-413]

IN THE MATTER OF AVIATION AND TRANSPORTATION CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the first day of October, A. D. 1941.

Aviation and Transportation Corporation, a registered closed-end management investment company, having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 10, 1941, at 10:05 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7338; Filed, October 1, 1941; 11:38 a. m.]

[File No. 59-31]

IN THE MATTER OF ILLINOIS IOWA POWER COMPANY, RESPONDENT

ORDER FOR POSTPONEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1941.

The Commission having issued on August 22, 1941 a Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 in the above entitled cause; said order providing that the Respondent file an answer to certain allegations contained therein on or before October 1, 1941; and said order further providing that a public hearing be held on October 10, 1941;

The Respondent having requested the postponement of the date for filing said answer to October 13, 1941, and having further requested a postponement of the scheduled public hearing to October 23, 1941;

It is ordered, That the time within which Respondent may file said answer be and it is hereby extended to October 13, 1941 and that the date of the scheduled hearing be and it is hereby postponed to October 23, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7339, Filed, October 1, 1941; 11:38 a. m.]

[File No. 70-282]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY, ARKANSAS UTILITIES COMPANY, THE KANSAS UTILITIES COMPANY, MISSOURI UTILITIES COMPANY, ET AL.

ORDER APPROVING APPLICATIONS, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1941.

Community Power and Light Company, a registered holding company, and Arkansas Utilities Company, The Kansas Utilities Company and Missouri Utilities Company, its subsidiaries, having filed declarations and applications, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 with respect to the following: the issue and sale by Missouri Utilities Company of $3,150,000 principal amount of First Mortgage 3½% Bonds to Dillon, Read & Co. for resale to The Equitable Life Assurance Society, of 11,912 shares of 5% Preferred Stock, $100 par value, to underwriters for resale to the public, and of 2,088 shares of 5% Preferred Stock, $100 par value, and 125,000 shares of Common Stock $1 par value, to Community Power and Light Company; the sale by Community Power and Light Company, of the securities received by it as aforesaid to underwriters for resale to the public; the reacquisition and redemption by Missouri Utilities Company of its presently outstanding securities; the issue and sale by Arkansas Utilities Company of $1,000,000 principal amount of First Mortgage 4% Bonds and 100,000 shares of common stock, $5 par value, to Community Power and Light Company in exchange for all of the presently outstanding securities of Arkansas Utilities Company; the transfer of certain utility assets from Arkansas Utilities Company to Missouri Utilities Company; and an advance of $199,000 by Community Power and Light Company to The Kansas Utilities Company; and certain other transactions involved in and incidental to the foregoing.

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein:

It is hereby ordered, That the said applications as amended be and they hereby are approved and that the said declarations as amended be and they hereby are permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

Jurisdiction is reserved with respect to all accounting entries to be made by Community Power and Light Company in connection with the foregoing and also with respect to all transactions embraced in the applications and declarations filed herein and not referred to above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7340; Filed, October 1, 1941; 11:38 a. m.]

[File No. 59-29]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY, AND ELECTRIC BOND AND SHARE COMPANY

ORDER POSTPONING HEARING AND RETURN DATE OF ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of September, A. D. 1941.

The Commission having on July 25, 1941 issued its Notice and Order for Hearing and Order to Show Cause in the above entitled proceeding setting a hearing for August 12, 1941 at 10:00 A. M. and having further ordered the Respondents at that date to show cause why the Commission should not forthwith enter an order prohibiting the declaration or payment of further dividends on the common stock of Pennsylvania;

The Commission having on August 8, 1941 and September 17, 1941 at the request of the Respondents issued orders postponing said hearing and return date to show cause until October 2, 1941, upon the assurances of the Respondents that no dividends will be declared or paid on the Common stock of Pennsylvania until after the convening of the hearing in October and in no event earlier than October 24, 1941;

The Respondents having requested a further extension of time until at least October 13, 1941, on the grounds that they have not had and will not have within the time allowed, sufficient opportunity properly to prepare to meet these issues and having represented that Pennsylvania will not declare or pay any dividend on its common stock until after the convening of the hearing in October and in no event earlier than November 3, 1941 without further order of this Commission:

It is ordered, That the request of the Respondents for a postponement of the hearing previously ordered for October 2, 1941 be and hereby is granted, conditioned on the aforementioned assurances of the Respondents; and

It is further ordered, That the hearing in the above entitled proceeding shall be held on October 13, 1941 at the time and place stated in the Commission's Order dated July 25, 1941 and that in all other respects the hearing shall proceed as set forth in such Order of July 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7342; Filed, October 1, 1941; 11:47 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 193

Washington, Friday, October 3, 1941

The President

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8781 OF JUNE 12,[1] 1941, REQUIRING THE FINGERPRINTING OF EMPLOYEES IN THE EXECUTIVE CIVIL SERVICE, TO PERMIT THE CIVIL SERVICE COMMISSION TO EXEMPT ANY GROUP OR GROUPS OF TEMPORARY EMPLOYEES FROM THE REQUIREMENTS THEREOF

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 403) and section 1753 of the Revised Statutes, Executive Order No. 8781 of June 12, 1941, entitled, "Requiring Employees in the Executive Civil Service to be Fingerprinted", is hereby amended by the addition thereto of the following as Section 4 thereof:

SECTION 4. The Civil Service Commission is authorized, in its discretion, to exempt any group or groups of temporary employees from the requirements of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Oct. 1, 1941

[No. 8914]

[F. R. Doc. 41-7390; Filed, October 2, 1941; 10:42 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

SUBCHAPTER C—REGULATIONS UNDER THE FARM PRODUCTS INSPECTION ACT

PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS[2]

Amendments

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress approved July 1, 1941 (Public Law 144—77th Congress) entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1942, and for other purposes" authorizing the establishment of an inspection service for farm products, the Rules and Regulations of the Secretary of Agriculture for sampling, grading, grade labeling, and supervision of packaging of butter, cheese, eggs, poultry, and dressed domestic rabbits (Title 7, Chapter I, Part 55 of the Code of Federal Regulations) are hereby amended as follows:

(1) Change the effective date of the regulations in this Part from October 1, 1941 to January 2, 1942.

(2) Strike out § 55.49 and insert a new section to read as follows:

§ 55.49 *Authorized use and form of grade labels for eggs.* An applicant for grading or a distributor of eggs graded by an official grader, when the official U. S. grade of the eggs is U. S. Standards (Retail Grade B), or U. S. Trades (Retail Grade C), may be authorized to use grade labels of substantially the following form, the words "Retail Grade B" or "Retail Grade C" being required on each grade label:

(a)

U. S. Government
Graded and Dated
U. S. Standards—Large (or Medium or Small)
Retail Grade B, When Graded
Date and Certificate Number
Packed by (or Distributed by)

(Name of firm or applicant)

(Address)

(b)

U. S. Government
Graded and Dated
U. S. Trades—Large (or Medium or Small)
Retail Grade C, when Graded
Date and Certificate Number
Packed by (or Distributed by)

(Name of firm or applicant)

(Address)

(Public No. 144, 77th Congress, July 1, 1941)

Done at Washington, D. C., this 1st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7398; Filed, October 2, 1941; 11:32 a. m.]

[1] 6 F.R. 2895.
[2] 6 F.R. 3266.

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THE PRESIDENT

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CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR HARVESTING SUGARCANE IN THE MAINLAND CANE SUGAR AREA BETWEEN SEPTEMBER 1, 1941, AND JUNE 30, 1942

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas The Secretary of Agriculture has held a number of public hearings in the mainland cane sugar area for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the harvesting of sugarcane during the period from September 1, 1941, to June 30, 1942:

Now, therefore, I, Grover B. Hill, Acting Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.24h *Fair and reasonable wage rates for persons employed in the harvesting of sugarcane in the mainland cane sugar area between September 1, 1941, and June 30, 1942.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the harvesting of sugarcane in the mainland cane sugar area during the period from September 1, 1941, to June 30, 1942, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

Louisiana

(a) *Time rates.* (1) For cutting, topping, and stripping sugarcane: Adult male workers, not less than $1.65 per 9-hour day or 18.5 cents per hour; adult female workers, not less than $1.30 per 9-hour day or 14.5 cents per hour.

(2) For loading sugarcane: Not less than $2.00 per 9-hour day or 22.5 cents per hour.

(3) For cutting and loading sugarcane as a combined operation: Not less than $1.75 per 9-hour day or 19.5 cents per hour.

(b) *Tonnage rates.* (1) For green sugarcane, not less than the following rates per ton:

Variety of sugarcane	Cutting, topping, and stripping sugarcane	Loading sugarcane	Cutting and loading as combined operation
Co. 290, C. P. 29-103, or C. P. 29-116	$0.71	$0.17	$0.88
All other varieties	.82	.22	1.04

(2) For burnt sugarcane, not less than the following rates per ton:

Variety of sugarcane	Cutting and topping sugarcane	Loading sugarcane	Cutting and loading as combined operation
Co. 290, C. P. 29-103, or 29-116	$0.55	$0.17	$0.72
All other varieties	.60	.22	.82

Florida

(c) *Time rates.* For cutting, topping and stripping sugarcane: Adult male workers, not less than $2.20 per 9-hour

day or 24.5 cents per hour; adult female workers, not less than $1.75 per 9-hour day or 19.5 cents per hour.

(d) *Tonnage rates.* For cutting and loading sugarcane as a combined operation, not less than the following rates per ton:

Type of sugarcane	Green sugarcane	Burnt sugarcane
Small barrel	$1.31	$1.06
Medium barrel	1.06	.89
Large barrel	.89	.72

Louisiana and Florida

(e) *Rates for other harvesting operations.* (1) Tractor drivers and truck drivers: Not less than $2.05 per 9-hour day or 23 cents per hour.

(2) Teamsters: Not less than $1.95 per 9-hour day or 22 cents per hour.

(3) Hoist operators: Not less than $1.75 per 9-hour day or 19.5 cents per hour.

(4) Operators of mechanical loading or harvesting equipment: Not less than $2.20 per 9-hour day or 24.5 cents per hour.

(5) The following operations connected with mechanical loading: Grabmen, spotters, and ropemen, not less than $2.00 per 9-hour day or 22.5 cents per hour; pilers, not less than $1.75 per 9-hour day or 19.5 cents per hour; scrappers, not less than $1.65 per 9-hour day or 18.5 cents per hour.

(6) Other operations connected with mechanical loading and mechanical harvesting not specified above: Not less than $1.65 per 9-hour day or 18.5 cents per hour.

(7) Other harvesting operations not specifically provided for herein: Adult male workers, not less than $1.40 per 9-hour day or 15.5 cents per hour; adult female workers, not less than $1.10 per 9-hour day or 12.5 cents per hour.

(f) *Rates for harvesting operations performed by children.* (1) (i) For children between the ages of 14 and 16 years, the rate per day of 8 hours (maximum hours per day for such children) shall be not less than three-fourths of the rates established above for adult male workers for a 9-hour day. For a working day shorter than 8 hours, the rate shall be in proportion.

(ii) The piece rates for children between the ages of 14 and 16 years shall be the same as those established above for adults (except that such children shall not be so employed or permitted to work for more than 8 hours per day).

(2) *Provided, however,* (i) That the piece rate for a particular harvesting operation calculated on a basis other than prescribed in this determination shall be such as to provide earnings per 9-hour day or per hour of not less than the daily or hourly rates specified above for such operation;

(ii) That for a working day longer or shorter than 9 hours, the applicable time rate for a particular harvesting operation shall be the hourly rate specified above for such operation;

(iii) That the producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals;

(iv) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above; and

(v) That nothing in this determination shall be construed to mean that a producer may qualify for a payment under the act who has not paid in full the amount agreed upon between the producer and laborer. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 1st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7347; Filed, October 1, 1941; 3:05 p. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE TERRITORY OF HAWAII FOR THE 1941 CROP, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Whereas section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carryover inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers.

Now, therefore, I, Grover B. Hill, Acting Secretary of Agriculture, do hereby make the following determination:

§ 802.36d *Proportionate shares for farms in the Territory of Hawaii for the 1941 crop*—(a) *Proportionate share for any farm.* The proportionate share for any farm in the Territory of Hawaii for the 1941 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on such farm and marketed (or processed by the producer) for the extraction of sugar during the calendar year 1941.

(b) *Adherent planter protection.* The provisions of this determination shall be subject to the condition that no changes in the planter-plantation sugarcane production relationship or reduction in the number of planters shall have been made under programs carried out pursuant to the Act except such as are considered justified and approved by the Director of the Division of Special Programs of the Agricultural Adjustment Administration. (Sec. 302, 50 Stat. 910; 7 U.S.C., Supp. V, 1132)

Done at Washington, D. C., this 1st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary.

[F. R. Doc. 41-7348; Filed, October 1, 1941; 3:06 p. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-13-2]

PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

Sec.
913.0 Findings.
913.1 Definitions.
913.2 Market administrator.
913.3 Classification of milk.
913.4 Minimum prices.
913.5 Reports of handlers
913.6 Application of provisions.
913.7 Determination of uniform prices to producers.
913.8 Base ratings.
913.9 Payments for milk.
913.10 Marketing services.
913.11 Expense of administration.
913.12 Effective time, suspension, or termination of order, as amended.

Harry L. Brown, Acting Secretary of Agriculture of the United States of America, issued, effective September 1, 1939, Order No. 13, as amended,[1] regulating the handling of milk in the Kansas City, Missouri, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on July 26, 1939, a marketing agreement, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, would tend to effectuate the declared policy of said act, notice was given May 8, 1931, of a hearing which was held in Kansas City, Missouri, on the 14th, 15th, and 16th days of May 1941, which hearing was reopened beginning July 7, 1941, at Kansas City, Missouri, at which times and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

[1] 4 F.R. 1722, 3759.

It is found upon the evidence introduced at the last above-mentioned hearings, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendments to the order, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the order and of amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 913.0 *Findings.* (a) That the enlargement of the area included in the marketing area within which handlers are subject to the order is reasonable and necessary;

(b) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sec. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(c) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(d) That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that such handling of milk in the Greater Kansas City marketing area as is in the current of interstate commerce or as directly, burdens, obstructs, or affects interstate commerce shall from the effective date hereof, be in compliance with the following terms and conditions.*

* §§ 913.0 to 913.12, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup., 601 et seq.

§ 913.1 *Definitions.* The following terms shall have the following meanings:

(a) The term "Greater Kansas City marketing area" hereinafter called the "marketing area," means all the territory in: Jackson County, Missouri; that part of Clay County, Missouri, south of highway 92, beginning at the Platte and Clay County line, east to the west section line of section 26 in Washington township, north to the north section line of said section 26, east to the Clay and Ray County line; Lee, Waldron, May, and Pettis townships in Platte County, Missouri; Wyandotte County, Kansas; Shawnee and Mission townships in Johnson County, Kansas; Delaware, Leavenworth, and that part of Kickapoo and High Prairie townships east of the 95th principal meridian in Leavenworth County, Kansas.

(b) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(c) The term "producer" means any person, who, in conformity with the health regulations applicable to milk sold for consumption as milk or cream in the marketing area, produces milk which is received in bulk by a handler, other than himself, at such handler's plant. The term "producer" shall include any person, who, in conformity with the above-mentioned regulations, produces milk which a cooperative association causes to be delivered to a plant of a handler or to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area and for which such cooperative association collects payment.

(d) The term "handler" means any person, who, on his own behalf or on behalf of others, disposes of as Class I milk or Class II milk in the marketing area all or a portion of the milk purchased or received in bulk by him at his plant from (1) producers, (2) his own production, and (3) other handlers. The term "handler" shall include any cooperative association with respect to the milk of any producer which such cooperative association causes to be delivered to a plant of a handler or to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area and for which such cooperative association collects payment.

(e) The term "market administrator" means the person designated pursuant to § 913.2 as the agency for the adminstration hereof.

(f) The term "delivery period" means the current marketing period from the first to, and including, the last day of each month.

(g) The term "base" means the quantity of milk calculated for each producer pursuant to § 913.8.

(h) The term "cooperative association" means any cooperative association of producers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(j) The term "Secretary" means the Secretary of Agriculture of the United States.*

§ 913.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 913.11, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 913.5 or (ii) made payments pursuant to § 913.9.

(5) Promptly verify the information contained in the reports submitted by handlers.*

§ 913.3 *Classification of milk*—(a) *Basis of classification.* All milk purchased or received by each handler shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk containing more than 1 percent butterfat, irrespective of whether under the legal standard for milk and unaccounted for milk in excess of 3 percent of the total receipts from producers, except such milk as is classified as Class II milk and as Class III milk pursuant to subparagraphs (2) and (3) of this paragraph.

(2) Class II milk shall be all milk, except skim milk, used to produce cream, which is disposed of in the form of cream, other than for use in products specified in subparagraph (3) of this paragraph, flavored milk, creamed cottage cheese, creamed buttermilk, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream, and eggnog.

(3) Class III milk shall be all milk: used to produce butter, cheese (other than creamed cottage cheese), evaporated milk, condensed milk, ice cream and powdered whole milk; used for starter churning, wholesale baking and candy making purposes; accounted for

as salvage from products where the recovery of fat is impossible; not accounted for but not in excess of 3 percent of the total receipts of milk from producers.

(c) *Interhandler and nonhandler sales.* (1) All milk sold or disposed of by a handler who purchases or receives milk from producers, to another handler or to a person who distributes milk or manufactures milk products, shall be classified as Class I milk: *Provided,* That, if such milk, except for milk disposed of by such handler to another handler who purchases or receives no milk from producers, is reported as having been utilized as Class II milk or Class III milk, by the person who received it or by the disposing handler, such milk shall be classified accordingly, subject to verification by the market administrator.

(2) All milk or cream in bulk sold or disposed of by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class III milk.*

§ 913.4 *Minimum prices.*—(a) *Class prices.* Except as set forth in paragraph (b) of this section, each handler shall pay producers, at the time and in the manner set forth in § 913.9, for milk purchased or received from them not less than the following prices:

(1) *Class I milk.* $2.55 per hundredweight during delivery periods prior to May 1, 1942, and $2.20 per hundredweight during delivery periods thereafter: *Provided,* That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief—$2.10 per hundredweight during delivery periods prior to May 1, 1942, and $1.95 per hundredweight during delivery periods thereafter.

(2) *Class II milk.* $2.30 per hundredweight during delivery periods prior to May 1, 1942, and $2.05 per hundredweight during delivery periods thereafter.

(3) *Class III milk.* The price per hundredweight which shall be calculated by the market administrator as follows: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received and add 25 percent: *Provided,* That when the market administrator ascertains the average price established by the Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas, the Franklin Ice Cream Company at its plant at Tonganoxie, Kansas, and the Milk Producers' Marketing Company at its plant at Kansas City, Kansas, or their successors, for ungraded milk of 3.8 percent butterfat content received during such delivery period and used for manufacturing purposes to be higher, then such ascertained price shall be used in lieu of the price determined by the above formula.

(b) *Sales outside the marketing area.* (1) Except as provided in subparagraph (2) of this paragraph, the prices to be paid by a handler for Class I milk and Class II milk sold or disposed of outside the marketing area, in lieu of the prices otherwise applicable pursuant to this section, shall be such prices as the market administrator ascertains are being paid for milk of equivalent use in the market where such milk is sold or disposed of: *Provided,* That in no event shall the prices for Class I milk and Class II milk sold or disposed of outside the marketing area be less than the Class III price plus 50 cents per hundredweight during delivery periods prior to May 1, 1942, or less than the Class III price plus 25 cents per hundredweight during delivery periods thereafter.

(2) The prices to be paid by a handler for Class I milk and Class II milk sold or disposed of outside the marketing area for which no prices can be ascertained on the basis provided in subparagraph (1) of this paragraph, including Class I milk and Class II milk sold or disposed of to Government institutions and establishments on the basis of bids or to a market whose dealers supply Government institutions and establishments on a basis of bids, shall be the prices for Class I milk and Class II milk set forth in paragraph (a) of this section.*

§ 913.5 *Reports of handlers.*—(a) *Periodic reports.* On or before the 7th day after the end of each delivery period, each handler who purchased or received milk from producers shall with respect to milk or cream which was purchased, received, or produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant of milk from each producer, including receipts from such handler's own production, the butterfat content and the number of days on which milk was received from each producer.

(2) The quantity of milk received from each producer in excess of his respective base.

(3) The receipts of milk and cream from handlers who purchase or receive milk from producers and the butterfat content.

(4) The receipts of milk and cream from any other source including receipts of milk and cream completely processed and packaged for distribution to consumers from handlers who purchase or receive no milk from producers and the butterfat content.

(5) The respective quantities of milk which were sold, distributed or used, including sales to other handlers for the purpose of classification pursuant to § 913.3.

(6) The name and address of each producer from whom milk had not been received during the previous delivery period.

(7) The sales of milk and Class II products outside the marketing area, listing the market or area in which such milk and such Class II products were sold or disposed of, the date of such sale or disposition, and the plant from which such milk was supplied.

(8) Such other information with respect to the above as the market administrator may request.

(b) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers shall submit to the market administrator his producer pay roll for such delivery period, which shall show for each producer: (1) the daily and total pounds of milk delivered and the average butterfat content thereof, and (2) the net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

(c) *Reports of handlers who receive no milk from producers.* Handlers who purchase or receive no milk from producers shall report to the market administrator at such time and in such manner as the market administrator may require.

(d) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) all records and facilities necessary for the verification of the information contained in the reports submitted and in the accounting for the usage of all receipts in accordance with the classification of milk as set forth in § 913.3 and (2) those facilities which are necessary for weighing, sampling, and testing of the milk of each producer.*

§ 913.6 *Application of provisions.* (a) No provisions hereof, except § 913.5 (c) and (d), shall apply to a handler who purchases or receives no milk from producers and who sells or delivers no milk in bulk to other handlers.

(b) All milk sold or disposed of completely processed and packaged for distribution to consumers by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class I milk up to the amount of such milk actually sold in the original package by the purchasing handler as bottled Class I milk; and all cream sold or disposed of completely processed and packaged for distribution to consumers by a handler who purchases or receives no milk from producers to another handler who purchases or receives milk from producers shall be classified as Class II milk up to the amount of such cream actually sold in the original package by the purchasing handler as bottled Class II milk.

(e) With respect to each handler, who, during the delivery period, disposed of no milk as Class III milk and received from producers milk having an average butterfat content higher than that disposed of as Class I milk or as (3.8 percent

milk equivalent of) Class II milk by such handler, the market administrator shall (1) determine the hundredweight of milk received from producers; (2) determine the hundredweight of milk disposed of as Class I milk and as (3.8 percent milk equivalent of) Class II milk; (3) if the hundredweight of milk determined in subparagraph (2) of this paragraph exceeds the hundredweight of milk determined in subparagraph (1) of this paragraph, multiply such difference in the hundredweights of milk by the difference between the Class II price and an amount obtained by multiplying by 38 the butterfat differential as provided in § 913.9 (c); and (4) add such amount to the sum obtained for such handler pursuant to § 913.7 (a).

(d) With respect to each handler who receives milk of his own production and also purchases or receives milk from producers, the market administrator, before making the computations in accordance with § 913.7, shall (1) exclude the milk purchased or received by him in each class from other handlers, (2) exclude pro rata from his remaining Class I milk and Class II milk up to but not exceeding 90 percent of the quantity of milk received from his own production, and (3) exclude from his remaining Class III milk the balance of the milk received from his own production: *Provided*, That in computing the value of milk for such handler pursuant to § 913.7, the market administrator shall not use a quantity of Class I milk and Class II milk in excess of the total quantity of milk received from producers by such handler.*

§ 913.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk for each handler*. For each delivery period the market administrator shall compute, subject to the provisions of § 913.6, the value of milk of producers disposed of by each handler who purchased or received milk from producers by (1) multiplying the quantity of such milk in each class by the price applicable pursuant to § 913.4, and (2) adding together the resulting value in each class: *Provided*, That if any handler has received milk from any producer at his plant approved by an applicable health authority for the receiving of milk to be disposed of as milk or cream in the marketing area and located outside the marketing area but more than 30 miles by the shortest highway route from such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area, the market administrator shall: (1) determine the difference between 105 percent of such handler's total Class I milk and Class II milk received from producers and the total quantity of milk received from producers by such handler at his plant located within the marketing area during the delivery period of the next preceding calendar year when such difference was the greatest; (2) divide such difference by the number of days in such delivery period; and (3) deduct, with respect to a quantity of milk (but not in excess of the total quantity of milk received from producers by such handlers at such plant located outside the marketing area) equal to the figure computed pursuant to (2) of this proviso multiplied by the number of days in the delivery period, up to but not exceeding the amount specified for the distance of such plant from such handler's plant located within the marketing area, as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight: *Provided further*, That if any handler has received milk from producers at more than one such plant located outside the marketing area, at one of which such plants no facilities for processing or separating milk are maintained and has received no milk from producers at his plant located within the marketing area, the market administrator shall deduct, with respect to a quantity of milk, if received, equal to 105 percent of such handler's total Class I milk and Class II milk received from producers, up to but not exceeding the amount specified for the distance of such plant from such handler's plant located within the marketing area, as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight, such deductions shall first be made on the milk received from producers at such plant located outside the marketing area where no facilities for processing or separating milk are maintained: *Provided further*, That if such milk received at such plant located outside the marketing area is sold or disposed of to another handler who purchases or receives milk from producers, such milk shall be classified by the market administrator at the lowest class usage of such purchasing handler: *And provided further*, That if the shortest highway distance between such handler's plant located outside the marketing area and his plant located within the marketing area is lessened through a relocation of highways, to less than 30 miles, the location differential which applies on the effective date of this order, as amended, shall continue to apply.

(b) *Computation and announcement of the uniform prices*. The market administrator shall compute and announce the uniform price per hundredweight of milk received during each delivery period, in the following manner:

(1) For delivery periods from the effective date hereof to and including December 31, 1941:

(i) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each handler who made the reports prescribed by § 913.5 and who made the payments prescribed by § 913.9;

(ii) Add the amount of the adjustments to be made pursuant to § 913.9 (d);

(iii) Add the cash balance in his hands from payments made by handlers during the delivery period next preceding but one, to meet the obligations arising out of § 913.9 (g);

(iv) Divide by the total hundredweight of milk which is included in these computations;

(v) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for the milk of producers containing 3.8 percent butterfat; and

(vi) On or before the 10th day after the end of such delivery period, mail to all such handlers and publicly announce (*a*) such of these computations as do not disclose information confidential pursuant to the act; (*b*) the blended price per hundredweight which is the result of these computations; (c) the Class III price; and (*d*) the butterfat differential computed pursuant to § 913.9 (c).

(2) For delivery periods subsequent to December 31, 1941, subject to subparagraph (3) of this paragraph:

(i) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section for each handler who made the reports prescribed by § 913.5 and who made the payments prescribed by § 913.9;

(ii) Add the amount of the adjustments to be made pursuant to § 913.9 (d);

(iii) Subtract the total amount to be paid pursuant to § 913.9 (a) (2) (ii);

(iv) Add the cash balance in his hands, from payments made by handlers during the delivery period next preceding but one, to meet the obligations arising out of § 913.9 (g);

(v) Divide by the total hundredweight of milk which is not in excess of the delivered bases of producers and which is included in these computations;

(vi) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for base milk containing 3.8 percent butterfat received from producers during such delivery period; and

(vii) On or before the 10th day after the end of such delivery period, mail to all such handlers and publicly announce (*a*) such of these computations as do not disclose information confidential pursuant to the act; (*b*) the blended price

per hundredweight which is the result of these computations; (c) the Class III price; and (*d*) the butterfat differential computed pursuant to § 913.9 (c).

(3) For each delivery period subsequent to December 31, 1941, during which the market administrator determines the total daily deliveries of milk to be less than 105 percent of the total daily average Class I milk and Class II milk received from producers by handlers during the next preceding delivery period, the uniform price for all milk received from producers shall be computed pursuant to subparagraph (1) of this paragraph, and the market administrator, upon such determination, shall mail notice of such change in the method of computation of the uniform price to all producers.•

§ 913.8 *Base ratings*—(a) *Determination of base.* For each delivery period subsequent to December 31, 1941, the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: multiply the applicable figure computed pursuant to subparagraph (1), (2), (3), or (4) of paragraph (b) of this section adjusted by paragraph (c) of this section by the number of days during such delivery period on which milk was received from such producer.

(b) *Determination of daily base.* (1) Effective for the calendar quarter beginning January 1, 1942, the daily base of each producer shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5 or from the best information available in the following manner:

(i) Determine for each producer who was regularly delivering milk to a handler on December 1, 1941, the average daily deliveries of milk to a handler, for the period from the effective date hereof or the date on which deliveries began, to and including December 31, 1941;

(ii) Add together in one sum all the daily average amounts computed pursuant to subdivision (i) of this subparagraph;

(iii) Determine from reports filed by handlers, who purchased or received milk from producers, pursuant to § 913.5, the average daily Class I milk and Class II milk, received from such producers and disposed of in the marketing area by such handlers during the 4th calendar quarter of the next preceding calendar year and add to such daily average an amount equal to 15 percent thereof;

(iv) Divide the amount determined pursuant to subdivision (iii) of this subparagraph by the sum determined pursuant to subdivision (ii) of this subparagraph; and

(v) Multiply the daily average amount for each producer determined in subdivision (i) of this subparagraph by the percentage figure computed pursuant to subdivision (iv) of this subparagraph. This result shall be known as the producer's daily base.

(2) Effective for each calendar quarter subsequent to March 31, 1942, subject to subparagraphs (3) and (4) of this paragraph and to paragraph (c) of this section, the daily base of each producer shall be computed by the market administrator from reports submitted by the handlers pursuant to § 913.5 or from the best information available in the following manner: divide the total pounds of milk received from each producer not in excess of his base during the next preceding calendar quarter by the number of days in such quarter and take such a percentage of the result as will make the total of all figures so determined equal to 115 percent of the total daily average Class I milk and Class II milk received from such producers and disposed of within the marketing area by such handlers during the 4th calendar quarter of the next preceding calendar year. This result shall be known as the producer's daily base: *Provided,* That in case a producer is prevented by an applicable health authority, through quarantine or degrading, from delivering milk and such producer furnishes a written statement to that effect from such applicable health authority to the market administrator, the market administrator shall deduct the number of days (but not more than 30 days in any one calendar quarter) involved by such ruling of the applicable health authority from the figure representing the number of days in the calendar quarter in the determination of such producer's daily base: *Provided further,* That in case a producer, as the result of official testing for tuberculosis or Bang's disease or testing for mastitis by a recognized veterinarian loses 20 percent or more of the cows in his herd and furnishes the market administrator with satisfactory documentary evidence of such loss, such producer shall be permitted 3 months in which to replace such cows lost through such testing and the market administrator shall credit such producer with the delivery of his established base in the determination of such producer's daily base: *Provided further,* That in case the milk of a producer cannot be delivered because weather conditions of an unusual and exceptional character prevent the regular operation of estabished trucking facilities for such delivery of the milk of the producer to the plant of the handler, the market administrator shall deduct the number of days involved by such conditions from the figure repreenting the number of days in the calendar quarter in the determination of such producer's daily base: *And provided further,* That for any delivery period when the total receipts of milk from producers are equal to or in excess of 115 percent of the total Class I milk and Class II milk received from producers and disposed of within the marketing area by handlers, the market administrator shall credit each producer with the delivery of his established base in the determination of such producers' daily bases.

(3) In case a handler who distributes within the marketing area milk of his own production disposes of all or a part of his delivery routes to a handler who purchases or receives milk from producers and who becomes a producer, the daily base of such producer shall be computed by the market administrator in the following manner: determine the average daily Class I milk and Class II milk produced and disposed of, during the three months next preceding the date of the disposal of such delivery routes, on such delivery routes of such handler, which purchasing and selling handler jointly report as involved in the deal, subject to verification by the market administrator. This figure shall be known as the producer's daily base and shall be effective from the date of the first delivery of milk of his own production in bulk to a handler by such producer through the first complete calendar quarter and thereafter shall be superseded by a daily base determined pursuant to subparagraph (2) of this paragraph.

(4) In the case of a producer for whom no base is effective, the daily base of such producer shall be computed by the market administrator in the following manner: (i) For each of the first 3 delivery periods subsequent to December 31, 1941, during which milk was purchased or received by a handler at his plant from such producer, determine for such producer the average daily delivery of milk during such delivery period to a handler and multiply by 50 percent. The resulting figure for each such delivery period shall be considered as such producer's daily base for such delivery period; (ii) determine for such producer the average daily deliveries of milk to a handler, for the 3 such delivery periods and multiply by the percentage that total reported base milk deliveries were to reported total deliveries of milk by all daily base-holding producers during such 3 delivery periods. This figure shall be known as the producer's daily base, effective immediately following the third such delivery period and continuing through the first complete calendar quarter and thereafter shall be superseded by a daily base determined pursuant to subparagraph (2) of this paragraph.

(c) *Base rules.* (1) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler, he shall receive a daily base computed in the manner provided in paragraph (b) (4) of this section.

(2) In case a producer sells or delivers to a handler milk not of his own production as being milk of his own production, the base of such producer shall be forfeited at the beginning of the delivery period during which such milk was delivered and all milk sold or delivered to a handler by such producer during such delivery period shall be considered as excess over base. Thereafter such producer shall receive a daily base computed in the manner provided in paragraph (b) (4) of this section.

(3) If, on or before the 5th day after the transfer of a herd producing base milk, there is recorded with the market administrator an affidavit stating that such herd has been transferred listing the ear tag numbers of the animals so transferred and specifying the date of such transfer, signed jointly before a notary public by the seller and the purchaser of such herd and if, within 10 days after such affidavit is recorded with the market administrator, no written protest containing information that such transfer was contrary to the terms of this subparagraph is filed with the market administrator, the base of such producer may be transferred but only as one unit to the purchaser of such herd; if, upon investigation, the market administrator finds the terms of this subparagraph have been violated, the base of such producer shall be forfeited. No base, once transferred, shall again be transferred within 6 months of the date of the prior transfer except in case of the death of a producer.

(4) A landlord who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. Likewise, the tenant who rents on a crop-share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the daily base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.

(5) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided*, That at the beginning of a tenant and landlord relationship the allotted base of each tenant and landlord shall be a combined base and may be divided only if such relationship is terminated.*

§ 913.9 *Payments for milk*—(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler shall make payment, after deducting the amount of the payment made pursuant to paragraph (b) of this section, for not less than the total value of milk of producers received by such handler during such delivery period, computed according to § 913.7 and subject to the differentials set forth in paragraphs (c) and (d), respectively, of this section as follows:

(1) For delivery periods from the effective date hereof, to and including December 31, 1941;

(i) To producers, at the uniform price per hundredweight computed pursuant to § 913.7 (b) (1), for the total quantity of milk received from such producers.

(2) For delivery periods subsequent to December 31, 1941, subject to subparagraph (3) of this paragraph:

(i) To producers, at the uniform price per hundredweight computed pursuant to § 913.7 (b) (2), for that quantity of milk received from producers, not in excess of their respective bases; and

(ii) To producers, at the Class III price, for that quantity of milk received from such producers in excess of their respective bases.

(3) For each delivery period subsequent to December 31, 1941, during which the market administrator determines the total daily deliveries of milk to be less than 105 percent of the total daily average Class I milk and Class II milk received from producers by handlers during the next preceding delivery period, the method of payment shall be pursuant to subparagraph (1) of this paragraph.

(b) *Half delivery period payments.* On or before the 25th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

(c) *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler, in making the payments prescribed in paragraph (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall deduct from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.

(d) *Location differentials.* In making payments pursuant to paragraphs (a) (1), (a) (2), and (a) (3) of this section for milk received from producers at plants approved by any applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located outside the marketing area but more than 30 miles by the shortest highway route from such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area, each handler shall deduct, with respect to all milk received from such producers, the amount per hundredweight specified for the distance of such plant located outside the marketing area from such handler's plant located within the marketing area as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight: *Provided*, That if the shortest highway distance between such handler's plant located outside the marketing area and his plant located in the marketing area is lessened through a relocation of highways to less than 30 miles, the location differential which applies on the effective date of this order, as amended, shall continue to apply.

(e) *Additional payments.* Any handler may make payment to producers in addition to the payments to be made pursuant to paragraph (a) of this section: *Provided*, That such additional payments shall be uniform as among all producers for milk of the same grade and quality.

(f) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (g) and (i) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (h) and (i) of this section.

(g) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, the amount by which the total utilization value of the milk of producers received by such handler during the delivery period is greater than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1), (2), and (3) of paragraph (a) of this section and adding together the resulting amounts.

(h) *Payments out of producer-settlement fund.* On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the total utilization value of the milk of producers received by such handler during the delivery period is less than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1), (2), and (3) of paragraph (a) of this section, and adding together the resulting amounts. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the pro-

ducer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(i) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (g) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (h) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of less that is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.*

§ 913.10 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer pursuant to § 913.9 (a) (1), (a) (2), and (a) (3), with respect to all milk of such producer purchased or received by such handler during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to § 913.9 (a) (1), (a) (2), and (a) (3), which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the associations of which such producers are members.*

§ 913.11 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from producers during the delivery period, shall pay to the market administrator, on or before the 12th day after the end of such delivery period, an amount not exceeding 2 cents per hundredweight, which amount shall be determined by the market administrator, subject to review by the Secretary.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expenses set forth in this section.*

§ 913.12 *Effective time, suspension, or termination of order, as amended.*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed by the Secretary, (2) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Done at Washington, D. C. this 1st day of October 1941, to become effective on and after the 2nd day of October 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7354; Filed, October 1, 1941; 3:07 p. m.]

[0-35-2]

PART 935—MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA[1]

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective April 5, 1939, Order No. 35,[2] regulating the handling of milk in the Omaha-Council Bluffs marketing area, and Grover B. Hill, Acting Secretary of Agriculture, issued, effective March 2, 1941, amendment No. 1 to said order.[3]

Claude R. Wickard, Secretary of Agriculture, tentatively approved, on January 25, 1941, the marketing agreement, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Omaha, Nebraska, beginning on July 9, 1941, on a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

It is found (§ 935.0) upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendment No. 1 to the order, and being in addition to the other findings made prior to or

[1] Amendment to §§ 935.0, 935.4, and 935.8 issued under the authority contained in 48 Stat. 31, 670, 675; 49 Stat. 750. (1935); 50 Stat. 246 (1937), 7 U.S.C. and Sup., 601 et seq.
[2] 4 F.R. 1408.
[3] 6 F.R. 1189.

at the time of the original issuance of the order and of amendment No. 1 to the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 935.0 *Findings.* (a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of this amendment No. 2 to the order and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered, That the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area, be and it hereby is amended as follows:

1. Delete § 935.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* $2.65 per hundredweight during delivery periods prior to May 1, 1942, and $2.25 per hundredweight during delivery periods thereafter: *Provided*, That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.18 per hundredweight during delivery periods prior to May 1, 1942, and $1.80 per hundredweight during delivery periods thereafter.

2. Delete § 935.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* $2.00 per hundredweight during delivery periods prior to May 1, 1942, and $1.80 per hundredweight during delivery periods thereafter: *Provided*, That in no event shall the Class II price be less than the Class III price plus 20 cents.

3. Delete in § 935.4 (a) (3) the phrase "25 cents" and substitute therefor the phrase "35 cents" during the delivery periods prior to May 1, 1942, and "25 cents" during the delivery periods thereafter.

4. Amend § 935.4 (b) to read as follows:

(1) Except as provided in subparagraph (2) of this paragraph, the price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be such price as the market administrator ascertains is being paid for milk of equivalent use in the market where such milk is disposed of: *Provided*, That in no event shall the price for Class I milk sold outside the marketing area be less than the average price of the milk in the marketing area.

(2) The price for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided in subparagraph (1) of this paragraph, including Class I milk disposed of to Government institutions and establishments on the basis of bids, shall be the price for Class I milk set forth in paragraph (a) of this section.

5. Delete in § 935.8 (f) in the last full line, the phrase "34.9 cents" and substitute therefor the phrase "or more but less than 35 cents"; delete the final phrase "more than 34.9 cents" and substitute therefor the phrase "35 cents or more."

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A. No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Done at Washington, D. C., this 1st day of October, 1941, to become effective on and after the 2d day of October, 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7351; Filed, October 1, 1941; 3:06 p. m.]

[O-48-1]

PART 948—MILK IN THE SIOUX CITY, IOWA, MARKETING AREA [1]

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective April 16, 1940, Order No. 48 [2] regulating the handling of milk in the Sioux City, Iowa, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on March 7, 1940, the marketing agreement regulating the handling of milk in the Sioux City, Iowa, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement and to said order would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Sioux City, Iowa, beginning July 11, 1941, at which time and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement and the order.

It is found (§ 948.0) upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearing on the order, and being in addition to the other findings made prior to or at the time of the original issuance of the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 948.0 *Findings.* (a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to secs. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(c) That the issuance of this amendment No. 1 to the order, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered, That the order regulating the handling of milk in the Sioux City, Iowa, marketing area be, and it hereby is, amended as follows:

1. Delete § 948.4 (a) (1) and substitute therefor the following:

(1) *Class I milk.* $2.60 per hundredweight during delivery periods prior to May 1, 1942, and $2.20 per hundredweight during delivery periods thereafter: *Provided*, That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.15 per hundredweight during delivery periods prior to May 1, 1942, and $1.73 per hundredweight during delivery periods thereafter.

2. Delete § 948.4 (a) (2) and substitute therefor the following:

(2) *Class II milk.* $2.05 per hundredweight during delivery periods prior to May 1, 1942, and $1.70 per hundredweight during delivery periods thereafter: *Provided*, That in no event shall

[1] Amendment to §§ 948.0 and 948.4 issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup., 601 et seq.

[2] 5 F.R. 1311.

the Class II price be less than the Class III price set forth prior to the proviso in subparagraph (3) of this paragraph, plus 25 cents.

3. Amend § 948.4 (b) to read as follows:

(1) Except as provided in subparagraph (2) of this paragraph, the price to be paid by a handler for Class I milk sold or disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be such price as the market administrator ascertains is being paid for milk of equivalent use in the market where such milk is sold or disposed of: *Provided*, That in no event shall the price for Class I milk sold or disposed of outside the marketing area be less than the average price of milk in the marketing area for the delivery period during which such milk is sold or disposed of.

(2) The price for Class I milk sold or disposed of outside the marketing area for which no price can be ascertained on the basis provided in subparagraph (1) of this paragraph, including Class I milk sold or disposed of to Government institutions and establishments on the basis of bids, shall be the price for Class I milk set forth in paragraph (a) of this section.

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Done at Washington, D. C. this 1st day of October 1941, to become effective on and after the 2d day of October 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7350; Filed, October 1, 1941; 3:06 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment No. 131, Civil Air Regulations]

PART 01—AIRWORTHINESS CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 603 (c) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 1, 1941, Part 01 of the Civil Air Regulations is amended to read as follows:

Sec.
01.1 Airworthiness certificates.
01.10 Application.
01.11 Requirements for issuance.
01.12 Aircraft operation record requirements.
01.13 Duration.
01.14 Transferability.
01.2 Airworthiness certificate rules.
01.20 Display.
01.21 Cancellation.
01.22 Surrender.
01.23 Inspection.
01.24 Maintenance of certificated aircraft.
01.25 Periodic inspection.
01.26 Other inspections.
01.27 Log-books.
01.3 Accidents.
01.30 Report and notification of accidents.
01.31 Removal.
01.32 Preservation of wreckage.

§ 01.1 *Airworthiness certificates.*

§ 01.10 *Application.* Application for an airworthiness certificate may be made by the registered owner of any aircraft registered as an aircraft of the United States upon the applicable form prescribed and furnished by the Administrator.

§ 01.11 *Requirements for issuance.* Prior to the issuance of an airworthiness certificate, the subject aircraft shall be inspected by a duly authorized representative for the Administrator to determine whether it is in condition for safe operation and complies with the airworthiness requirements specified in the Civil Air Regulations: *Provided*, That an airworthiness certificate may be issued for an aircraft for which no such certificate has previously been issued and which has been manufactured under a type certificate or under a type and a production certificate if the applicant for such certificate, upon request, presents to a duly authorized representative for the Administrator a Statement of Conformity properly executed by the manufacturer of the aircraft on a form prescribed and furnished by the Administrator, and if the aircraft satisfactorily passes an inspection made to determine whether such aircraft is in condition for safe operation: *Provided further*, That an aircraft manufactured under a type certificate only shall undergo, and an aircraft manufactured under a type and a production certificate may be required to undergo, an inspection to determine whether such aircraft conforms to the type certificate under which it is manufactured.

§ 01.12 *Aircraft operation record requirements.* An aircraft for which an airworthiness certificate is currently in effect, hereinafter referred to in these regulations as a certificated aircraft, shall not be operated unless there is attached to such airworthiness certificate the appropriate Aircraft Operation Record prescribed and issued by the Administrator, nor shall such aircraft be operated other than in accordance with the limitations for safe operations prescribed and set forth by the Administrator in such record. An aircraft for which an airworthiness or experimental certificate is in effect on the effective date of this section may be operated without an Aircraft Operation Record until expiration, cancellation, or revocation of any such certificate.

§ 01.13 *Duration.* An airworthiness certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Administrator within such period, shall continue in effect indefinitely thereafter, unless suspended, revoked, or cancelled, except that it shall immediately expire (1) at the end of a specifically designated period [1] after the date of issuance of the certificate or after the date of the last endorsement thereof, whichever is later, if the holder of such certificate fails to secure within such period an examination or inspection by an authorized inspector for the Administrator, or (2) at any time an authorized inspector of the Administrator shall refuse to endorse such certificate after examination or inspection.

§ 01.14 *Transferability.* An airworthiness certificate and the attached currently effective Aircraft Operation Record, upon transfer of ownership, shall remain with the aircraft for which they were issued.*

* §§ 01.1 to 01.3, inclusive, issued under the authority contained in secs. 205 (a), 603 (c), 52 Stat. 984, 1009; 49 U. S. C. 425 (a), 553 (c).

§ 01.2 *Airworthiness certificate rules.*

§ 01.20 *Display.* An airworthiness certificate shall be carried at all times in the aircraft for which such certificate has been issued, and shall be presented upon the request of any duly authorized representative for the Administrator or Board, or any state or municipal official charged with enforcing local laws or regulations involving Federal compliance.

§ 01.21 *Cancellation.* An airworthiness certificate may be cancelled upon the written request of the registered owner of the aircraft.

§ 01.22 *Surrender.* Upon the cancellation, suspension, revocation or expiration of an aircraft airworthiness certificate the owner of the aircraft shall, upon request, surrender such certificate to any officer or employee of the Administrator.

§ 01.23 *Inspection.* An inspector of the Administrator shall be permitted at any time and place to make such inspections as may be deemed necessary to determine compliance with the requirements of this Part of the Civil Air Regulations.

§ 01.24 *Maintenance of certificated aircraft.* A certificated aircraft shall not be operated unless maintained in condition for safe operation.

§ 01.25 *Periodic inspection.* A certificated aircraft shall not be operated unless, within the 100 hours of flight time last preceding such operation such air-

[1] A statement of duration in substantially the form of § 01.13 will appear on all airworthiness certificates. The above reference to a "specifically designated period" means the period which will be designated on each airworthiness certificate. Under ordinary circumstances an airworthiness certificate will have to be endorsed each year.

craft shall have been given a periodic inspection. Such inspection shall be made by a person to whom there has been issued a currently effective and appropriate mechanic certificate, and shall be made in accordance with the Periodic Aircraft Inspection Report form prescribed and furnished by the Administrator: *Provided*, That in the case of aircraft operated in scheduled air transportation service, such inspection shall be made in accordance with a form acceptable to the Administrator. The results of such inspection shall be entered in the aircraft log-book and on the Periodic Aircraft Inspection Report form over the signature and certificate number of the person making the same.

§ 01.26 *Other inspections.* In all cases, except inspections following repairs or alterations to certificated aircraft, the registered owner shall be responsible for having such aircraft given a periodic inspection, by a person to whom there has been issued a currently effective and appropriate mechanic certificate, within a reasonable time prior to presentation for inspection by a duly authorized representative of the Administrator. In cases of inspections following repairs or alterations of aircraft, such representative may require such inspection of the aircraft as he deems necessary, by a person to whom there has been issued a currently effective and appropriate mechanic certificate.

§ 01.27 *Log-books.* The registered owner of a certificated aircraft shall be responsible for the maintenance and, upon request, the presentation to a duly authorized representative of the Administrator or Board, of a log-book for the aircraft and a log-book for each engine installed therein. Such log-books shall be current, accurate, legible, and permanent records. The aircraft log-book shall contain an operating history of the aircraft which shall include, but shall not be limited to, flight time of the aircraft, reports of periodic or other inspections, minor repairs, and minor alterations of the aircraft structure and propellers. Each engine log-book shall contain an operating history of the aircraft engine to which it pertains, which shall include, but shall not be limited to, the running time of the engine in flight, reports of inspections, minor repairs, and minor alterations of the aircraft engine. Log-book entries may be replaced in the case of scheduled air carrier aircraft, aircraft engines, and propellers, by a suitable system of recording the information required in this section.*

§ 01.3 *Accidents.*

§ 01.30 *Report and notification of accidents.* A written report shall be made without delay to the Civil Aeronautics Board at its nearest branch office of every accident involving a civil aircraft which occurs within the United States[2] and every accident involving a certificated aircraft of the United States, without regard to where it occurs. Such report shall be made upon an accident report form furnished by the Civil Aeronautics Board. In addition, the Civil Aeronautics Board, or the Administrator of Civil Aeronautics, shall be notified immediately in person or by cable, telegraph, telephone, or radio, of the occurrence of any air carrier accident, or accident resulting in serious or fatal injury to any person, or accident known or believed to have resulted from a structural failure in flight. This requirement of immediate notification shall apply to every such accident involving civil aircraft which occurs within the United States and every such accident involving air carrier aircraft without regard to where it occurs. The pilot in command of a non-air carrier aircraft involved in the accident shall make the report and notification of the accident as required by this section unless he is incapacitated, in which event the operator[3] of the aircraft shall make such report and notification. The operator of an air carrier aircraft involved in an accident shall make such report and notification.

§ 01.31 *Removal.* (a) No aircraft or part thereof, involved in an air carrier accident or in an accident resulting in serious or fatal injury to any person, or accident known or believed to have resulted from structural failure in flight shall be moved or disturbed, except:

(1) When necessary for giving assistance to persons injured or trapped in the wreckage;

(2) When necessary in the interest of public safety;

(3) When specific permission shall have been granted by an officer or employee of the Civil Aeronautics Board or of the Administrator of Civil Aeronautics;

(4) When prompt movement of the aircraft is necessary to protect it from further serious damage and it is impossible to secure immediate communication with any person authorized in (3) to direct the removal.

(b) Any movement of the aircraft or any part thereof under subsections (a) (1), (a) (2), or (a) (4) shall be so accomplished as to entail the minimum possible disturbance of the material concerned until such time as further or permanent disposition may be directed by the person in charge of the investigation of the accident for the Civil Aeronautics Board. In the event of any movement of the aircraft under subsection (a) (4), or under subsection (a) (2), except when the danger to public safety is such as to permit of no delay whatever, the movement of the aircraft shall be preceded by the making of a record, as complete and accurate as possible under the circumstances, of the original position and condition of the wreckage.

(c) The requirements of this section shall be applicable with respect to all accidents as described in subsection (a) hereof, which occur within the continental United States (including Alaska) and with respect to all air carrier accidents without regard to where they occur.

§ 01.32 *Preservation of wreckage.* An aircraft, aircraft engine, propeller or appliance, or any part or parts thereof, shall, when directed by the Civil Aeronautics Board or any authorized representative thereof, be preserved and removed to such place or places as directed for purposes of safekeeping, inspection, testing, or any other purpose consistent with the powers and duties granted the Civil Aeronautics Board under section 702 (a) of the Civil Aeronautics Act of 1938, as amended. This requirement shall be applicable with respect to any civil aircraft involved in an accident occurring within the United States and to any certificated aircraft of the United States involved in an accident wherever it occurs.*

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7356; Filed, October 2, 1941; 9:30 a. m.]

[Amendment No. 133 of Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION

AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES EXCEPTED FROM REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Part 40 of the Civil Air Regulations is amended as follows:

1. By striking the word "(Interstate)" from the title of Part 40.

2. By striking the phrase "interstate and intraterritorial air transportation" from § 40.0 and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

3. By striking the word "(interstate)" from the title of § 40.2 and by striking the phrase "interstate air transportation" from that section and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

4. By striking the word "(interstate)" from the title of § 40.3 and by striking the phrase "interstate air transportation" from that section and inserting in lieu thereof the phrase "interstate air trans-

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[2] "United States," as used in these regulations, means the States, the Territories and possessions, and the territorial waters surrounding them unless a different meaning is specifically indicated.

[3] "Operator" includes the owner or lessee or any other person that causes or authorizes the operation of the aircraft.

portation within the continental limits of the United States."

5. By striking the title of § 40.4 and amending that section to read—

§ 40.4 (Unassigned.)

6. By striking the title of § 40.5 and amending that section to read—

§ 40.5 (Unassigned.)

7. By striking the phrase "§§ 40.2, 40.3, 40.4 and 40.5" from § 40.60 and inserting in lieu thereof "§§ 40.2 and 40.3"; and by striking the phrase "interstate or intraterritorial air transportation, or both" in § 40.60 and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

8. By amending the Table of Contents of Part 40 to conform with paragraphs Nos. 1 through 7 of this amendment.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7359; Filed, October 2, 1941; 9:31 a. m.]

[Amendment No. 132 of Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

MAINTENANCE OF DISPATCHER QUALIFICATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Part 61 of the Civil Air Regulations is amended by amending § 61.554 to read as follows:

§ 61.554 *Maintenance of qualifications.* Each dispatcher listed in the air carrier airmen competency letter shall maintain his familiarity with the route or routes on which he dispatches air carrier aircraft in scheduled operations and with the items set forth in § 61.55301 through § 61.55316.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7358; Filed, October 2, 1941; 9:30 a. m.]

[Amendment No. 134 of Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES EXCEPTED FROM REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective October 1, 1941, Part 61 of the Civil Air Regulations is amended as follows:

1. By striking the word "(Interstate)" from the title of Part 61.

2. By striking the phrase "interstate air transportation" from § 61.0 and inserting in lieu thereof the phrase "interstate air transportation within the continental limits of the United States."

3. By amending § 61.00 except subparagraphs (a) and (b) to read as follows:

§ 61.00 *Certificate required.* No scheduled air carrier shall be operated in interstate air transportation within the continental limits of the United States for the carriage of mail, goods, or persons, or any combination thereof, unless * * *

4. By amending § 61.01 except subparagraphs (a) and (b) to read as follows:

§ 61.01 *Violation of terms.* No scheduled air carrier shall be operated in interstate air transportation within the continental limits of the United States for the carriage of mail, goods, or persons, or any combination thereof, in violation of any of the terms, conditions, specifications, limitations, or other provisions * * *

5. By amending the Table of Contents of Part 61 to conform with paragraphs Nos. 1 through 4 of this amendment.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7360; Filed, October 2, 1941; 9:31 a. m.]

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

It appearing that: § 61.7209 of the Civil Air Regulations, which, in effect, forbids the banking of air carrier aircraft immediately after take-off until a minimum altitude of 500 feet has been attained, often requires air carrier aircraft taking off from the Washington National Airport to operate over congested areas of Washington, D. C. and its vicinity and also, in certain cases, to operate in close proximity to the airspace reservation established for a portion of the District of Columbia by Executive Order No. 8378;[1]

The Board finds that: Its action is in the public interest and in the interest of safety of air transportation;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604 of said Act, makes and promulgates the following special regulation:

"Notwithstanding the provisions of § 61.7209 of the Civil Air Regulations, air carrier aircraft operated in scheduled air transportation taking off from the Washington National Airport may be banked when an altitude not lower than 300 feet has been attained and the aircraft has passed over the boundaries of the Washington National Airport."

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7357; Filed, October 2, 1941; 9:30 a. m.]

[Regulations Serial Number 16]

COMPLIANCE WITH OPERATION SPECIFICATIONS REPEALED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 30th day of September 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest, and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends its regulations as follows:

"Regulation designated Serial Number 16, requiring compliance with Operation Specifications, adopted by the Civil Aeronautics Authority May 19, 1939,[2] and amended June 15, 1940,[3] and July 9, 1940,[4] is hereby repealed."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7355; Filed, October 2, 1941; 9:30 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-773]

PART 331—MINIMUM PRICE SCHEDULE DISTRICT NO. 11

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE

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[1] 5 F.R. 1114.
[2] 4 F.R. 2131.
[3] 5 F.R. 2280.
[4] 5 F.R. 2542.

PETITION OF THE LUCKY STRIKE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 11, FOR A REVISION OF THE EFFECTIVE MINIMUM PRICES OF THE COALS OF THE LUCKY STRIKE MINE (MINE INDEX NO. 57) FOR TRUCK SHIPMENTS TO MARKET AREA 34

This is a proceeding instituted upon an original petition filed with the Bituminous Coal Division by Frank T. Jones, an individual doing business under the name and style of Lucky Strike Mining Company, a code member in District No. 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests permission to absorb all costs of transportation on coal produced at the Lucky Strike Mine (Mine Index No. 57) and shipped to the tipple in Evansville, Indiana, in excess of 25 cents per ton, on all truck shipments to Market Area 34.

Pursuant to Orders of the Director and after due notice to all interested persons, a hearing in this matter was held in Evansville, Indiana, on May 13, 1941, before D. C. McCurtain, a duly designated examiner of the Division. The Examiner, on August 18, 1941 submitted his Report, Proposed Findings of Fact and Conclusions of Law and recommended that the relief requested herein be granted. An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. No exceptions or supporting briefs have been filed.

The Director has determined that the proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be, and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 331.21 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments be amended by adding the following Price Exception:

On all shipments from the Lucky Strike Mine (Mine Index No. 57) to its tipple located at Evansville, Indiana, all costs of transportation in excess of 25 cents per ton may be absorbed by the Lucky Strike Mining Company for all shipments to Market Area 34.

It is further ordered, That the prayer for relief contained in the petition herein be, and it hereby is granted to the extent set forth above, and in all other respects denied.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7389; Filed October 2, 1941; 10:41 a. m.]

[Docket No. A-419]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 20 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

An original petition in this matter having been filed with the Bituminous Coal Division by District Board 20, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking the establishment of price classifications and minimum prices for the coals of certain mines in District No. 20;

After due consideration, no pleadings in opposition having been filed with the Division, by Order of the Director dated December 16, 1940, 5 F.R. 5176, temporary prices having been established, pending final disposition of the petition;

Pursuant to orders entered herein and after due notice to all interested parties, a public hearing having been held in this matter before a duly designated Examiner of the Division on January 27, 1941;

The Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated August 27, 1941, and an opportunity having been afforded all parties to file exceptions thereto; no such exceptions or supporting briefs have been filed;

The Director having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 340.4 (*Code member price index*) and § 340.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments, be amended as follows:

§ 340.4 Insert the following in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices page	
					Rail	Truck
Grass Creek Fuel Co., (J. H. Roberts)	Weber	185	Summit	3	6	10
Kygar Coal Co	Kygar Coal	183	Summit	3		10
Murray, W. W. Jr.	Blue Diamond	178	Emery	1		9

§ 340.21 Insert the following code member names, mine names, counties and prices in proper alphabetical order, according to Sub-District number:

Code member—Mine name	County	Size groups														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 1																
Murray, W. W. Jr., Blue Diamond	Emery	338	298	283	263	268	208	183	143	133	103	93	68	188	158	133
SUBDISTRICT NO. 3																
Grass Creek Fuel Co. (J. H. Roberts), Weber.	Summit	345	310	300	290	290	235	220	185	180	150	145	145	225	200	185
Kygar Coal Co., Kygar Coal	Summit	345	310	300	290	290	235	220	185	180	150	145	145	225	200	185

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7379; Filed, October 2, 1941; 10:37 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER II—FISCAL SERVICE

SUBCHAPTER A—BUREAU OF ACCOUNTS

[1941, First Amendment, Department Circular No. 657]

PART 317—REGULATIONS GOVERNING AGENCIES FOR THE ISSUE OF DEFENSE SAVINGS BONDS, SERIES E

OCTOBER 2, 1941.

Treasury Department Circular No. 657, dated April 15, 1941,[1] is hereby amended by deleting the last undesignated paragraph of section 3 (Qualification of issuing agent—) of the Circular appearing also as the last paragraph of § 317.3, Title 31, Part 317 of the Code of Federal Regulations of the United States of America, and inserting in lieu thereof the following:

§ 317.3 *Qualification of issuing agent*—(c) *Security not required; Federal Deposit Insurance Corporation members.* Notwithstanding the provisions of paragraphs (a) and (b) hereof any designated issuing agent which is, and continues to be, insured by the Federal Deposit Insurance Corporation and which files an Application—Trust Agreement on Form 384-A with the Federal Reserve Bank of its district may apply for Defense Savings Bond stock, Series E, sufficient to meet its requirements without the pledge of collateral

[1] 6 F.R. 1985.

security therefor. The aggregate amount of stock to be maintained at any one time, taken at maturity values, shall not exceed 50% of the issuing agents' capital and surplus or guaranty fund or reserve for capital purposes or $500,000, whichever is the smaller amount; however, the Secretary of the Treasury, directly or through the Federal Reserve Bank of the district as fiscal agent, reserves the right to regulate the amount of stock which may be obtained or maintained by any issuing agent without the pledge of collateral security, including temporary increases over the limits expressed in this paragraph, whenever circumstances make such action necessary or desirable.

(d) *Security not required; others.* Notwithstanding the provisions of paragraphs (a) and (b) hereof, any designated issuing agent which is, and continues to be, insured by the Federal Savings & Loan Insurance Corporation, or any other acceptable State Insurance Corporation, System or Fund, the members of which are subject to Federal or State supervision, examination and liquidation, which files an Application—Trust Agreement on Form 384–A with the Federal Reserve Bank of the district in which it is located may apply for Defense Savings Bond stock, Series E, sufficient to meet its requirements without the pledge of collateral security therefor. The aggregate amount of stock to be maintained at any one time, taken at maturity values, shall not exceed 50% of the issuing agents' capital and surplus or guaranty fund or reserve for capital purposes, or other similar fund or funds, or $50,000, whichever is the smaller amount; however, the Secretary of the Treasury, directly or through the Federal Reserve Bank of the district as fiscal agent, reserves the right to regulate the amount of stock which may be obtained or maintained by any issuing agent without the pledge of collateral security, including temporary increase over the limits expressed in this paragraph, whenever circumstances make such action necessary or desirable.

(e) *Certification of qualification.* Upon approval of the Application and Pledge Agreement, Form 384, or the Application-Trust Agreement, Form 384–A, the Federal Reserve Bank will issue a certificate of qualification to the issuing agent on Form No. 385 or 385–A. The Federal Reserve Bank, as fiscal agent of the United States, may certify, in whole or in part, the qualification applied for. If the qualification applied for is not certified, appropriate notice thereof will be transmitted to the issuing agent making application.

[SEAL] H. MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 41–7396; Filed, October 2, 1941; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Interpretation No. 3 of Preference Rating Order No. P–46]

PART 978—UTILITIES

Maintenance, Repair and Supplies

The following official interpretation is hereby issued by the Director of Priorities with respect to § 978.1 *Preference rating order No. P–46*,[1] issued September 17, 1941.

Section 978.1 permits the application of the preference rating therein assigned to deliveries of Material to a Producer which is a cooperative or a membership company or association supplying the services therein specified, to its members or stockholders, if such Producer offers service within the service area of the Producer to any person applying therefor in accordance with the Articles of Incorporation and By-laws of such Producer.

Issued this 30th day of September 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7368; Filed, October 2, 1941; 9:57 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT TO PRICE SCHEDULE NO. 12—BRASS MILL SCRAP

Price Schedule No. 12, Brass Mill Scrap,[2] is hereby amended by substituting the words "Office of Price Administration" for the words "Office of Price Administration and Civilian Supply" wherever they appear in the Schedule and by amending §§ 1309.15, 1309.18, and 1309.19 to read as follows:

§ 1309.15 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of any or all of the grades of brass mill scrap or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration. (Executive Orders 8734, 8875, 6 F.R. 1917, 4483)

§ 1309.18 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

(b) "Brass mill scrap" means the kinds and grades of nonferrous scrap materials which are a by-product of the fabrication of materials produced by brass mills. (Executive Orders 8734, 8875, 6 F.R. 1917, 4483)

§ 1309.19 *Appendix A, maximum prices.* Maximum prices herein set forth are for the principal kinds or grades of brass mill scrap. All other kinds or grades of brass mill scrap which are not specified, except cupro-nickel alloy scrap, should be sold at the normal differentials from such principal kinds or grades. Cupro-nickel alloy scrap shall be sold in accordance with the provisions of Price Schedule No. 8 which establishes maximum prices for scrap and secondary materials containing nickel.

The maximum prices are established for scrap which is clean, dry and free from foreign materials and which meets generally accepted maximum standards in the trade. Scrap which fails to meet such standards should be sold at normal differentials below the established maximum prices.

Kind or grade of scrap	Maximum prices (per pound, f. o. b. point of shipment)		
	Heavy scrap	Rod ends	Turnings
BRASS	*Cents*	*Cents*	*Cents*
Commercial bronze:			
Containing 95% or more copper	9½	9¼	8¾
Containing minimum of 90% up to 95% copper	9⅜	9⅛	8⅜
Red brass: Containing minimum of 80% copper	9⅛	8⅞	8⅜
Best quality brass:			
Containing minimum of 71% up to 80% copper	8¾	8½	----------
			Rod turnings
Yellow Brass	8⅝	8⅜	7⅞
Copper	10¼	10¼	9½
NICKEL SILVER			*Turnings*
5% nickel	9¼	9	4⅝
10% nickel	10⅛	9⅞	5 1/16
15% nickel	10⅞	10⅝	5 1/16

	Cents per pound
Quantity differentials:	
Premiums on shipments of:	
15,000 pounds or more at one time	⅝
40,000 pounds or more at one time	1

[1] 6 F.R. 4784.
[2] 6 F.R. 3594.

The maximum prices set forth above apply on shipments in lots of less than 15,000 pounds. However, as indicated above, on shipments in lots of 15,000 pounds *at one time*, a maximum of 5/8¢ per pound may be added to such prices. On shipments in lots of 40,000 pounds or more *at one time* a maximum of 1¢ per pound may be added to such prices. A lot of 15,000 pounds for the purposes of this Schedule, may be made up of any kind or grade of heavy scrap, or of any kind or grade of turnings and rod ends, but heavy scrap may not be mixed with either turnings or rod ends or both, to make up a lot of 15,000 pounds. A lot of 40,000 pounds or more for the purposes of this Schedule, may be made up of any kind or grade of brass mill scrap.

If delivery is made by truck, a shipment in lots of 15,000 pounds or 40,000 pounds or more as the case may be, will be considered to have been made "at one time", for the purposes of this Schedule, if such lot is delivered to the buyer within two days after the first shipment of the lot is so delivered. (Executive Order 8734, 8875, 6 F.R. 1917, 4483)

These amendments shall become effective October 3, 1941. Issued this 1st day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc 41-7369; Filed, October 2, 1941; 10:29 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 14—RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

The Commission on September 30, 1941, effective immediately, amended its rules as follows:

Deleted the frequency 2912 kilocycles from the following sections:

§ 14.14 *Frequencies for short distance communication from non-Government to Government stations.*

§ 14.32 *Frequencies for short distance communication from non-Government to Government stations and secondarily with ships in Alaskan waters.*

§ 14.53 *Frequencies for communication from non-Government to Government stations and with coastal harbor stations on a secondary basis.*

And withdrew as available for assignment to new Fixed Public, Public Coastal, and Ship Stations in Alaska the frequency 2912 kilocycles.[1] (Sec. 4 (i), 48 Stat. 1068; 4 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7367; Filed, October 2, 1941; 9:50 a. m.]

[1] Existing licensees are permitted the use of 2912 kilocycles to the expiration of the current license on January 1, 1942.

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-29]

REGULATIONS GOVERNING SPECIAL OR CHARTERED PARTY SERVICE

Present: William E. Lee, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Upon further consideration of the record; and good cause appearing:

It is ordered, That the order of the Commission entered herein on May 29, 1941,[1] which by its terms as thereafter modified requires that the rules set forth in the appendix to the report, governing the transportation of special or chartered parties by common carriers by motor vehicle of passengers, subject to the provisions of the Interstate Commerce Act, shall become effective October 15, 1941, be, and it is hereby, further modified to the extent that such rules be, and they are hereby, prescribed and promulgated to become effective on and after December 10, 1941.

Dated at Washington, D. C., this 25th day of September, A. D. 1941.

By the Commission, Commissioner Lee.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-7395; Filed, October 2, 1941; 11:13 a. m.]

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commission modifying the Classification of Investment in Road and Equipment for Steam Roads and the Classification of Operating Revenues and Operating Expenses for Steam Roads, effective January 1, 1942, was filed with the Division of the Federal Register, October 2, 1941, at 11:13 A. M., F.R. Doc. No. 41-7392. Request for copies may be addressed to the Interstate Commerce Commission.

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commission, modifying the Classification of Operating Revenues and Operating Expenses and of Income, Profit and Loss, and General Balance Sheet Accounts for Steam Roads, effective January 1, 1942, was filed with the Division of the Federal Register, October 2, 1941, at 11:13 A. M., F.R. Doc. No. 41-7391. Request for copies may be addressed to the Interstate Commerce Commission.

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of September, A. D. 1941.

In the matter of the Order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight," for steam roads; the Order of July 31, 1937, changing the effective date to January 1, 1938; the Order of December 18, 1937, changing the effective date to January 1, 1939; the Order of November 28, 1938, changing the effective date to January 1, 1940; the Order of November 6, 1939, changing the effective date to January 1, 1941, and, the Order of December 10, 1940, changing the effective date to January 1, 1942:

It is ordered, That the effective date be changed to January 1, 1943.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-7393; Filed, October 2, 1941; 11:13 a. m.]

PART 14—ELECTRIC RAILWAYS: UNIFORM SYSTEM OF ACCOUNTS

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of September, A. D. 1941.

In the matter of the Order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 108½, "Protective service revenue — Perishable freight", for electric railways; the Order of July 31, 1937 changing the effective date to January 1, 1938; the Order of December 18, 1937 changing the effective date to January 1, 1939; the Order of November 28, 1938 changing the effective date to January 1, 1940; the Order of November 6, 1939 changing the effective date to January 1, 1941 and, the Order of December 10, 1940 changing the effective date to January 1, 1942:

It is ordered, That the effective date be changed to January 1, 1943.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-7394; Filed, October 2, 1941; 11:13 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 398 qm-10612; O. I. #5285]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FORD MOTOR COMPANY, DEARBORN, MICHIGAN

Contract for: Trucks * * * various bodies.

Amount, $1,323,533.79.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 30th day of June 1941.

[1] 6 F.R. 3042.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks, $1,323,533.79 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days * * * per truck.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities: QM 15915 P 37–3053 A 0525.003–12, ORD 15698 P6–30 A 1005–01, ORD 9302 P11–30 A 1005–01, QM 7008 PI–3211 A 0540.035–N, the available balances of which are sufficient to cover cost of same.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7361; Filed, October 2, 1941; 9:31 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1601–FD]

IN THE MATTER OF PEEWEE COAL COMPANY, A REGISTERED DISTRIBUTOR, REGISTRATION NO. 7218, DEFENDANT

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate and determine whether the Peewee Coal Company, a registered distributor (Registration No. 7218), of Bussey, Iowa, had violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act;

An investigation having been made; an Examiner designated for hearing pursuant to an Order dated March 7, 1941;

A hearing having been held in this matter on April 8, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, in Des Moines, Iowa, pursuant to the Order of March 7, 1941, at which an appearance was entered for the defendant; and all interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter on August 30, 1941, in which it was recommended that the registration of defendant as a registered distributor be suspended for a period of six months;

An opportunity having been afforded to all parties to file exception thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

It having been determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of the Examiner be, and they hereby are approved and adopted as the Findings of Fact and Conclusions of the undersigned; and

It is further ordered, That the registration of the defendant Peewee Coal Company, a registered distributor, (Registration No. 7218); be and it is hereby suspended for a period of six (6) months beginning with the date of this Order: *Provided, however,* That as a condition to reinstatement, in accordance with § 304.15 of the Distributors Rules, the defendant submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the said six month period said defendant has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of the registration: *And provided further,* That the defendant be required to return to the producers all improperly collected discounts and that a statement by defendant that such refunds have been made shall be required to be included in the affidavit.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7370; Filed, October 2, 1941; 10:34 a. m.]

[Docket No. 1562–FD]

IN THE MATTER OF THE MIDVALE COAL COMPANY REGISTERED DISTRIBUTOR, REGISTRATION NO. 6435, DEFENDANT

ORDER OF REINSTATEMENT OF REGISTRATION

The Acting Director having entered an Order in the above-entitled matter dated July 10, 1941, suspending the registration of the defendant, the Midvale Coal Company, as a distributor, Registration No. 6435, to and including September 30, 1941; and

Said order having been duly served upon said defendant on July 15, 1941; and

The Midvale Coal Company, defendant herein, having duly filed with the Division on September 26, 1941, an affidavit dated September 24, 1941, pursuant to the provisions of said order dated July 10, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Director that said affidavit of the Midvale Coal Company sufficiently complies with the provisions of said order dated July 10, 1941, and Section 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of the Midvale Coal Company as a distributor be and it hereby is reinstated as of October 1, 1941.

Dated: October 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7371; Filed, October 2, 1941; 10:34 a. m.]

[Docket No. 1865–FD]

IN THE MATTER OF THE APPLICATION OF RANDALL FUEL COMPANY, INC., TO RECEIVE SALES AGENT'S COMMISSION AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO RANDALL BROTHERS, INC.

ORDER AND NOTICE OF POSTPONEMENT OF HEARING

Applicant having moved that the hearing in the above-entitled matter be postponed, and having shown good cause why its motion should be granted,

It is ordered, That the hearing in the above-entitled matter be postponed from 10:00 in the forenoon of October 14, 1941, to 10:00 in the forenoon of October 24, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearing.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7372; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 1702–FD]

IN THE MATTER OF DUNDEE COAL COMPANY, DEFENDANT

ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND TO POSTPONE HEARING

Dundee Coal Company, the defendant in the above-entitled matter having filed on September 25, 1941, a motion and affidavit dated September 23, 1941, for an Order Extending Time to File Answer herein to December 1, 1941, and for an Order Postponing Hearing in this matter to a date to be assigned after December 1, 1941; and

It appearing to the Director that said motion does not warrant an extension of time to answer nor a postponement of the hearing heretofore scheduled for October 3, 1941;

Now, therefore, it is ordered, That the motion in the above-entitled matter for an Order Extending Time to File Answer and Postponing the Hearing be and the same hereby is denied.

Dated: October 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7373; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 1778–FD]

IN THE MATTER OF MT. PERRY COAL COMPANY, DEFENDANT

ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND TO POSTPONE HEARING

Mt. Perry Coal Company, the defendant in the above-entitled matter having filed on September 25, 1941, a motion and affidavit dated September 23, 1941, for an Order Extending Time to File Answer herein to December 1, 1941, and for an Order Postponing Hearing in this matter to a date to be assigned after December 1, 1941; and

It appearing to the Director that said motion does not warrant an extension of time to answer nor a postponement of the hearing heretofore scheduled for October 7, 1941;

Now, therefore, it is ordered, That the motion in the above-entitled matter for an Order Extending Time to File Answer and Postponing the Hearing be and the same hereby is denied.

Dated: October 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7374; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 504–FD]

IN THE MATTER OF THE APPLICATION OF KENTUCKY COAL AGENCY, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL OF THE MARKETING AGENCY

ORDER REOPENING HEARING AND CONSOLIDATING MATTERS FOR FURTHER HEARING

By an Order of the National Bituminous Coal Commission (predecessor of the Bituminous Coal Division) dated November 29, 1938, the Kentucky Coal Agency was granted provisional approval as a marketing agency, pursuant to Order No. 6 issued by the said National Bituminous Coal Commission on June 21, 1937.

An application for approval of a supplemental contract of the said agency relating to subagent commissions was filed with the Division on August 21, 1940. A hearing thereon was held on September 30, 1940. Pursuant to waiver of the parties, the matters involved in the said application were referred directly to the Director for determination. No decision has been rendered with respect to the application.

By an Order dated July 28, 1941, the Bituminous Coal Division required that the said agency show cause at a public hearing set for September 17, 1941, why the aforesaid order of provisional approval dated November 29, 1938, should not be further amended and modified in certain specified respects. By an Order dated September 13, 1941, the said hearing was postponed to September 30, 1941.

It appears that the issues involved with respect to the application for approval of the aforesaid supplemental contract are similar and closely related to certain of the issues involved in the aforesaid Order to Show Cause dated July 28, 1941.

Upon consideration of the premises,

Now, therefore, it is ordered, That the aforesaid hearing in Docket No. 504–FD held on September 30, 1940, with respect to approval of a supplemental contract of the said agency be and it hereby is reopened for further hearing.

It is further ordered, That the proceedings in Docket No. 504–FD with respect to the aforesaid application for approval of the said supplemental contract be and they hereby are consolidated with the proceedings in the same docket with regard to the aforesaid Order to Show Cause dated July 28, 1941, for purpose of hearing and for such other purposes as the officer designated to preside at the hearing may deem advisable.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7375; Filed, October 2, 1941; 10:35 a. m.]

[Docket No. 1888–FD]

IN THE MATTER OF RYAN & BENSON FUEL CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7951, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING AND POSTPONING HEARING

The Bituminous Coal Division having issued a Notice of and Order for Hearing dated September 12, 1941, in the above-entitled matter to determine whether or not the Ryan & Benson Fuel Corporation, Registered Distributor, has violated certain provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and its Agreement as Distributor executed April 14, 1939, and whether or not the registration of said Distributor should be revoked or suspended or other appropriate penalties be imposed, and for said purposes having given notice of information in the possession of the Division and additional information having come into possession of the Division; the respondent having requested postponement of the hearing in the above-entitled matter and having shown good cause therefor; and the respondent by consent dated September 26, 1941, the original of which is on file with the Division, having consented to the making and entry of this Order;

It is ordered, That the hearing in the above-entitled matter be postponed to 10 o'clock a. m., October 15, 1941, at a hearing room of the Bituminous Coal Division, Washington, D. C.

It is further ordered, That paragraphs numbered 2, 3 and 4 of the Notice of and Order for Hearing dated September 12, 1941, in the above-entitled matter be and they hereby are amended to read as follows:

2. During the period from October 1, 1940 to September 26, 1941, both dates inclusive, the respondent purchased various sizes of coal in substantial quantities, and secured, accepted, and retained distributor's discounts thereon from code member producers, which coal he resold to the Ryan & Benson Coal Corporation, a retailer of Baltimore, Maryland, under whose control, financially or otherwise, said respondent was, in violation of paragraph (d) of the Agreement, and § 304.19 (c) of the Rules and Regulations for Registration of Distributors.

3. The transactions referred to in paragraph 2 hereof rendered no service of value to said code member vendors, the resales to the Ryan & Benson Coal Corporation having been entered into primarily for the purpose of unjustly enriching the respondent, and the acceptance of such discounts as a distributor was in violation of paragraph (g) of the Agreement.

4. The respondent, in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal dated April 14, 1939, as described in paragraph 1 hereof, failed to state as required on pages 5 and 6 thereof, the financial relations with the Ryan & Benson Coal Corporation, and the failure to state that material fact was in violation of paragraph (f) of the Distributor's Agreement, and contrary to Section 304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

It is further ordered, That the time of the respondent to file its answer herein is hereby extended to October 10, 1941.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7376; Filed, October 2, 1941; 10:36 a. m.]

[Docket No. A–751]

IN THE MATTER OF THE MINIMUM PRICES IN THE SALE OF LOCOMOTIVE FUEL BY THE SUNLIGHT COAL COMPANY, DISTRICT NO. 11, TO THE CHICAGO, INDIANAPOLIS, AND LOUISVILLE RAILROAD COMPANY, AND REQUEST FOR PRELIMINARY AND PERMANENT RELIEF

MEMORANDUM OPINION APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND ORDER DENYING RELIEF AND DENYING REQUEST FOR ORAL ARGUMENT

This is a proceeding instituted upon an original petition filed with the Bituminous Coal Division on March 17, 1941, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, by the Sunlight Coal Company, a code member in District 11, owner of the Sunlight No. 11 Mine (Mine Index No. 87) operating in the Indiana Standard 5th Vein, Booneville Subdistrict of District 11. The petition requests that the Sunlight Coal Company be permitted to absorb 32.6 cents per ton from the presently established minimum f. o. b. mine price of $1.90 per ton on sales of locomotive fuel from the Sunlight Mine to the Chicago, Indianapolis and Louisville Railway Company (hereinafter referred to as C. I. & L. R. R.), thus permitting the Sunlight Mine to have an effective minimum price of $1.574 per ton for sale of locomotive fuel to the said railroad.

Pursuant to Orders of the Director dated March 27, 1941, and April 14, 1941, and after notice to all interested persons, a hearing was held in this matter on May 23, 1941, before D. C. McCurtain, a duly designated examiner of the Division, at a hearing room thereof in Washington, D. C.

A petition of intervention was filed by District Board 11. Appearances were entered on behalf of the original petitioner, District Board 11, and the Consumers' Counsel Division. Briefs were filed by each of these parties.

On August 14, 1941, Examiner D. C. McCurtain filed his Report in this matter in which he recommended that the relief requested herein be denied. The Examiner found that the petitioner had not presented sufficient evidence to warrant a departure from the policy established in General Docket 15 that no adjustments of off-line sales should be permitted "except where necessary to protect existing sales tonnage and to maintain existing fair competitive opportunities." Since Sunlight had never sold locomotive fuel to the railroad involved, it does not fall within such policy. The Sunlight Mine utilizes its trunk line carrier which uses large tonnages of railroad fuel for a market for its coals. The Examiner thought it quite evident that if the relief requested herein should be granted, every mine on every other trunk line in Indiana could request, and in principle would be entitled to off-line fuel prices to every other trunk line carrier, thus resulting in a loss in realization for the entire District 11 and a complete disruption of the pattern of price established in the Schedules.

On August 29, 1941, petitioner filed exceptions to Examiner McCurtain's Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations and requested the opportunity to present oral argument. Exception was taken to the Findings that the petitioner neither comes within the above-mentioned policy covering off-line prices established in General Docket 15, nor has it presented sufficient evidence to warrant a departure from such policy. Petitioner submits that although it never sold railroad fuel to the C. I. & L. R. R., with certain exceptions not pertinent here, nevertheless the *right* to make the absorption of 32.6 cents per ton was an "existing fair competitive opportunity" within the meaning of the Act. Petitioner further submits that there is no evidence in the record that such absorption would constitute a sale of locomotive fuel below cost or that petitioner would not make a profit thereon. Petitioner contends that unless it be granted permission to exercise its *right*, the competitive situation on the sale of off-line railroad fuel to trunk railroads would be frozen as of the date of the establishment of minimum prices. Such an interpretation it is stated would logically lead to the exclusion from such market of new mines. Petitioner further contends that Examiner McCurtain's distinctions between this matter and that involving off-line shipments of mines on the A. W. & W. R. R. in Docket No. A–7 is unfounded since the record indicates that mines on the A. W. & W. R. R. never sold to the Southern Railroad except in times of emergency.[1]

I have carefully considered the entire record in the light of exceptions of the petitioner, and have concluded that the Findings of Fact and Conclusions of Law promised by the Examiner should be adopted in their entirety. The record indicates that the Sunlight Mine never sold railroad fuel, except as in times of emergency to the C. I. & L. R. R., nor does it indicate any necessity for such sales to preserve "existing fair competitive opportunities." The act does not deny to new mines the right to obtain business on a competitive level wtih established mines.[2] Indeed, since the dynamic nature of the bituminous coal industry precludes "freezing" of competitive situations, Congress has provided that petitions may be filed under the provisions of section 4 II (d) of the Act requesting opportunity to present affirmative evidence of necessity for the establishment of or change in minimum prices. However, such petitions must indicate a real necessity for relief. Otherwise, the delicate coordination of minimum prices set up after exhaustive hearings in General Docket 15 would be upset by attempts to invade markets which are not natural markets and thereby encourage uneconomical movements of coal.

As petitioner admits, it could have made any absorption under open competition when quoting a price on its coal to the C. I. & L. R. R. in order to compete with other producers for that business, yet despite that fact, it was unable to prevail upon the purchasing agents of the C. I. & L. R. R. with any degree of success to purchase its coals. Nor has petitioner shown any change in such conditions. The evidence indicates that the C. I. & L. R. R. has been able to and can secure all of its fuel requirements from its on-line mines. And, there is no evidence that the Sunlight Mine cannot sell all of its railroad fuel to its own trunk line carrier.

Granting of the relief requested here would result in the disruption of the "existing fair competitive opportunities" of the mines located on the C. I. & L. R. R. The relatively fixed and stable market for locomotive fuel is of extreme importance to the continued operation of the mines located on trunk line carriers. This should be disrupted only when a clear need therefor is shown.

Now therefore it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of Examiner McCurtain be, and the same hereby are approved and adopted as Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the prayer for relief herein be, and it hereby is, denied;

It is further ordered, That the request for oral argument herein be, and the same hereby is denied.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7377; Filed, October 2, 1941; 10:36 a. m.]

[1] No decision has yet been rendered in Docket No. A–1. Examiner McCurtain stated that the factual situation in Docket No. A–7 is not similar to the factual situation here. The Director does not now accept or reject this conclusion of the Examiner.

[2] See Docket No. A–687.

[Docket No. A-276]

PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 20 FOR SHIPMENT INTO MARKET AREAS 200 AND 201

ORDER DENYING RELIEF

A petition having been filed with the Bituminous Coal Division by District Board 20, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision in the Schedule of Effective Minimum Prices of District 20 for All Shipments establishing the same minimum f. o. b. mine prices for coals shipped by rail from Subdistrict 1 to Market Areas 200 and 201 as are applicable to Market Areas 202 and 203;

Temporary relief pending the final disposition of this matter having been granted by Order of the Director;

Pursuant to an Order of the Director, and after due notice to all interested persons, a hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room thereof in Salt Lake City, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of an Examiner's report and the matter thereupon having been submitted to the undersigned for determination;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the petition of District Board 20 filed herein should be and they are hereby denied and the temporary relief hereto granted is terminated.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7378; Filed, October 2, 1941; 10:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 620]

ALLOCATION OF FUNDS FOR LOANS

September 23, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Arkansas 2021S3 Lincoln	$15,000
Arkansas 2027S3 Ouachita	15,000
Florida 2023S2 Levy	4,000
Georgia 2034S3 Carroll	10,000
Georgia 2037S3 Douglas	6,000
Georgia 2045S5 Sumter	10,000
Georgia 2077S2 Forsyth	8,000
Illinois 2002S1 Wayne	5,000
Illinois 2043S3 Pulaski	12,000
Iowa 2014S2 Humboldt	10,000
Iowa 2038S4 Pocahontas	15,000
Iowa 2077S2 Davis	12,000
Michigan 2026S4 Ingham	25,000
Minnesota 2055S3 Watonwan	12,000
Minnesota 2083S2 Hubbard	35,000
Minnesota 2084S2 Traverse	5,000
Minnesota 2087S1 Marshall	13,000
Minnesota 2088S2 Koochiching	27,000
Minnesota 2093S2 Cass	20,000
Minnesota 2095S2 Lake of the Woods	20,000
Minnesota 2097S1 Roseau	20,000
Missouri 2028S2 Barton	10,000
Missouri 2037S3 Bates	10,000
Nebraska 2026S4 Loup River District Public	9,000
Nebraska 2051S4 Burt District Public	20,000
Nebraska 2056S5 Cedar Knox District Public	11,000
Nebraska 2058S2 Boone-Nance District Public	7,000
Nebraska 2077S9 Norris District Public	9,000
North Carolina 2010S1 Haywood	25,000
North Carolina 2021S4 Sampson	1,000
North Carolina 2033S2 Martin	5,000
North Carolina 2035S1 Davidson	15,000
North Carolina 2040S4 Brunswick	15,000
North Carolina 2047S2 Wake	15,000
North Carolina 2049S2 Surry	15,000
Oklahoma 2006S5 Caddo	1,500
Pennsylvania 2020S3 Blair	5,000
Pennsylvania 2020S4 Blair	10,000
South Carolina 2025S2 Berkeley	17,000
South Carolina 2026S2 Darlington	20,000
South Carolina 2027S2 Marlboro	10,000
South Dakota 2016S1 Grant	10,000
South Dakota 2017S1 Hamlin	8,000
Tennessee 2026S2 Loudon	25,000
Tennessee 2049S1 Lauderdale	25,000
Tennessee 2051S1 Johnson	20,000
Texas 2011S2 Kaufman	5,000
Texas 2021S2 Milam	5,000
Texas 2040S3 Bowie	25,000
Texas 2047S4 Deaf Smith	10,000
Texas 2054S4 Wood	2,000
Texas 2065S2 Rusk	15,000
Texas 2069S2 Erath	10,000
Texas 2078S3 Cherokee	15,000
Texas 2087S3 Karnes	8,000
Texas 2089S2 Houston	10,000
Texas 2094S3 Gonzales	10,000
Texas 2095S3 Medina	2,000
Texas 2101S2 Parker	11,000
Virginia 2022S3 Caroline	10,000
Wisconsin 2016S3 Douglas	5,000
Wisconsin 2040S1 Barron	16,000
Wisconsin 2057S3 Rusk	20,000
Wisconsin 2060S1 Waushara	25,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7345; Filed, October 1, 1941; 3:05 p. m.]

[Administrative Order No. 621]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 23, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Pennsylvania 2025D1 Adams	$467,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. D. Doc. 41-7346; Filed, October 1, 1941; 3:05 p. m.]

Surplus Marketing Administration.

DETERMINATION WITH RESPECT TO THE ISSUANCE OF ORDER NO. 13, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER KANSAS CITY MARKETING AREA [1]

Harry E. Brown, Acting Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective September 1, 1939, Order No. 13, as amended,[2] regulating the handling of milk in the Kansas City, Missouri, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on July 26, 1939, a marketing agreement, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area would tend to effectuate the declared policy of said act, notice was given, on May 8, 1941, of a public hearing which was held in Kansas City, Missouri, on the 14th, 15th, and 16th days of May, 1941, which hearing was reopened beginning July 7, 1941, at Kansas City, Missouri, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such times and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearings and after the tentative approval on September 12, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Greater Kansas City marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Greater Kansas City marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of the proposed Order No. 13, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Greater Kansas City marketing area; and

3. The issuance of the proposed Order No. 13, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 27th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated: September 30, 1941.

[F. R. Doc. 41-7353; Filed, October 1, 1941; 3:07 p. m.]

DETERMINATION WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 2 TO ORDER NO. 35, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA [1]

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective April 5, 1939, Order No. 35,[3] regulating the handling of milk in the Omaha-Council Bluffs marketing area.

Grover B. Hill, Acting Secretary of Agriculture, issued, effective March 2, 1941, Amendment No. 1 to said order.[3]

Henry A. Wallace, Secretary of Agriculture, tentatively approved, on March 10, 1939, a marketing agreement regulating the handling of milk in the Omaha-Council Bluffs marketing area.

Claude R. Wickard, Secretary of Agriculture, tentatively approved, on January 25, 1941, a marketing agreement, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area would tend to effectuate the declared policy of said act, notice was given, on July 2, 1941, of a public hearing which was held in Omaha, Nebraska, beginning on July 9, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on September 5, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Omaha Council-Bluffs marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Omaha Council-Bluffs marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 2 to Order No. 35, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Omaha Council-Bluffs marketing area; and

3. The issuance of Amendment No. 2 to Order No. 35, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 27th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States

Dated: September 30, 1941.

[F. R. Doc. 41-7352; Filed, October 1, 1941; 3:07 p. m.]

DETERMINATION WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1, TO ORDER NO. 48, REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA.[1]

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, effective April 16, 1940, Order No. 48,[2] regulating the handling of milk in the Sioux City, Iowa, marketing area.

Henry A. Wallace, Secretary of Agriculture, tentatively approved on March 7, 1940, a marketing agreement regulating the handling of milk in the Sioux City, Iowa, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Sioux City, Iowa, marketing area would tend to effectuate the declared policy of said act, notice was given, on July 2, 1941, of a public hearing which was held in Sioux City, Iowa, beginning on July 11, 1941, on certain proposals to amend such marketing agreement and such order and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement and such order.

After such hearing and after the tentative approval on September 6, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Sioux City, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 48 is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Sioux City, Iowa, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 48 is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 27th day of September 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: SEPTEMBER 30, 1941.

[F. R. Doc. 41-7349; Filed, October 1, 1941; 3:06 p. m.]

[1] See Title 7, Chapter IX, *supra.*
[2] 4 F.R. 1722, 3759.
[3] 4 F.R. 1408.
[4] 6 F.R. 1189.
[5] 5 F.R. 1311.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5006]

AMENDED NOTICE RELATIVE TO CUYAHOGA VALLEY BROADCASTING COMPANY (NEW)

Application dated August 13, 1937, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1,270 kc. (1,300 kc. NARBA); power, 1 kw.; hours of operation, daytime.

Upon further examination of the above-entitled application the Commission has *amended* the issues on which the hearing will be based, consolidated the matter with the application of Lake Shore Broadcasting Corp., Cleveland, Ohio (Docket No. 6172), as shown below:

1. To determine the qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed station.

2. To obtain full information with respect to the relationships between M. F. Rubin and the licensees of Stations WJW and WMAN.

3. To determine the areas and populations now receiving interference-free primary service from Stations WJW and WMAN which would receive similar service from the station proposed herein.

4. To determine the type and character of the program service which applicant may be expected to render, and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole or in part.

5. To determine the populations and areas which will gain interference-free primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

6. To determine whether public interest, convenience and necessity would be served by the granting of this application, the application of Lake Shore Broadcasting Corporation (Docket No. 6172), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Cuyahoga Valley Broadcasting Co., % W. I. Booth, 1017 Euclid Avenue, Cleveland, Ohio.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7362; Filed, October 2, 1941; 9:49 a. m.]

[Docket No. 5968]

NOTICE RELATIVE TO REPORTER BROADCASTING CO. (KRBC)

Application dated September 22, 1939, for construction permit, class of service, broadcast; class of station, broadcast; location, Abilene, Texas; operating assignment specified: Frequency, 1,470 kc.; power, 1 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Delta Broadcasting Company, Inc. (WQBC), Docket No. 6166, and H. C. Cockburn, trading as San Jacinto Broadcasting Company (New) Docket No. 6168, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WMBD and Station KRBC as proposed.

3. To determine the areas and populations which would be deprived of interference-free primary service from Station WMBD should Station KRBC operate as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of Station KRBC as proposed and what other broadcast services are available to these areas and populations.

5. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of Station KRBC as proposed, and Station WQBC as proposed in Docket No. 6166 and a station proposed for Houston, Texas in Docket No. 6168.

6. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the applications of Delta Broadcasting Company, Incorporated, (WQBC), Docket No. 6166, and H. C. Cockburn, trading as San Jacinto Broadcasting Company, Docket No. 6168, public interest, convenience and necessity will be served by the granting of the instant application and said applications of Delta Broadcasting Company, Incorporated, and H. C. Cockburn, trading as San Jacinto Broadcasting Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Reporter Broadcasting Company, Radio Station KRBC, 11th Floor, Hilton Hotel, 984 Fourth Street, Abilene, Texas.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7363; Filed, October 2, 1941; 9:49 a. m.]

[Docket No. 6166]

NOTICE RELATIVE TO DELTA BROADCASTING CO., INC. (WQBC)

Application dated May 7, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Vicksburg, Mississippi; operating assignment specified: Frequency, 1,470 kc.; power, 500 w. night; 1 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of H. C. Cockburn, trading as San Jacinto Broadcasting Company, (New), Docket No. 6168, and Reporter Broadcasting Company (KRBC), Docket No. 5968, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WQBC as proposed and Station WMBD.

3. To determine the areas and populations which may be expected to lose interference-free primary service from Station WMBD should Station WQBC operate as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations now receiving interference-free primary service from Station WQBC, which may be expected to lose such service should this application be granted,

and what other broadcast services are available to these areas and populations.

5. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of Station WQBC as proposed, and what other broadcast services are available to these areas and populations.

6. To determine the extent and effect of any interference which would result from the simultaneous operation of Station WQBC as proposed, Station KRBC as proposed in Docket No. 5968 and a station proposed for Houston, Texas, in Docket No. 6168.

7. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the applications of Reporter Broadcasting Company (KRBC) Docket No. 5968 and H. C. Cockburn, tr./as San Jacinto Broadcasting Company, Docket No. 6168, public interest, convenience and necessity will be served by the granting of the instant application and said applications of Reporter Broadcasting Company and San Jacinto Broadcasting Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Delta Broadcasting Company, Inc., Radio Station WQBC, Hotel Vicksburg, Cor. Clay and Walnut Sts., Vicksburg, Mississippi.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7364; Filed, October 2, 1941; 9:49 a. m.]

[Docket No. 6168]

NOTICE RELATIVE TO H. C. COCKBURN, TR/AS SAN JACINTO BROADCASTING CO. (NEW)

Application dated June 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Houston, Texas; operating assignment specified: Frequency, 1,470 kc.; power, 1 kw.; hours of operation, unlimited. (Contingent on channel being vacated by KXYZ).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of Delta Broadcasting Company, Incorporated (WQBC), Docket No. 6166, and Reporter Broadcasting Company (KRBC), Docket No. 5968, for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

2. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Station XESM, Mexico City, Mexico.

3. To determine whether the granting of this application would be consistent with the provisions of the North America Regional Broadcasting Agreement.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station WMBD.

5. To determine the areas and populations which would be deprived of interference-free primary service from Station WMBD as a result of the operation of the proposed station and what other broadcast services are available to these areas and populations.

6. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

7. To determine the extent and effect of any interference which would result from the simultaneous operation of the proposed station and Station WQBC as proposed in Docket No. 6166, and Station KRBC as proposed in Docket No. 5968.

8. To determine the type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

9. To determine applicant's qualifications to construct and operate the proposed station.

10. To determine whether in view of the facts adduced under the foregoing issues and issues relating to the applications of Delta Broadcasting Company, Inc. (WQBC), Docket No. 6166, and Reporter Broadcasting Company (KRBC), Docket No. 5968, public interest, convenience and necessity will be served by the granting of the instant application and said applications of Delta Broadcasting Company, Inc., and Reporter Broadcasting Company, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

H. C. Cockburn, trading as San Jacinto Broadcasting Company, 17th Floor, Commerce Building, Houston, Texas.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7365; Filed, October 2, 1941; 9:50 a. m.]

[Docket No. 6172]

NOTICE RELATIVE TO LAKE SHORE BROADCASTING CORP. (NEW)

Application dated July 25, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1300 kc.; power, 5 kw. (DA—night & day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Cuyahoga Valley Broadcasting Company, Cleveland, Ohio (Docket No. 5006), for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholder, to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed directional antenna array would afford adequate protection to the services of Stations WOOD, WASH, and WFBR, particularly in view of the distances between said stations and the proposed station.

4. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Stations WOOD, WASH and WFBR.

5. To determine the areas and populations which may be expected to lose interference-free primary service, particularly from Stations WOOD, WASH and WFBR as a result of the operation of the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed station would provide interference-free primary service to the metropolitan district of Cleveland as contemplated by the Standards of Good Engineering Practice.

7. To determine whether (a) the operation of the proposed station at the selected transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the

population residing within the "blanket area" (250 mv/m contour), and, (b) the proposed antenna array would constitute a hazard to air navigation.

8. To determine the populations and areas which will gain interference-free primary service from the operation of the station proposed herein and what other broadcast services are available to these areas and populations.

9. To determine whether (a) the granting of this application would be consistent with the Standards of Good Engineering Practice, and (b) the authorization requested herein is the best available assignment.

10. To determine whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by the provisions of section 307 (b) of the Communications Act of 1934, as amended.

11. To determine whether public interest, convenience or necessity would be served by the granting of this application, the application of Cuyahoga Valley Broadcasting Company (Docket 5006), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Lake Shore Broadcasting Corporation, % Stanton Addams, Agent, 201 National City Bank Bldg., Cleveland, Ohio.

Dated at Washington, D. C., September 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7366; Filed, October 2, 1941; 9:50 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-33]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: MACARONI; SPAGHETTI; VERMICELLI; MACARONI PRODUCT; NOODLES, EGG NOODLES; NOODLE PRODUCT, EGG NOODLE PRODUCT, EGG MACARONI PRODUCT; AND RELATED FOODS

POSTPONEMENT OF HEARING AND AMENDMENT OF NOTICE OF HEARING

The public hearing announced for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing a definition and standard of identity for macaroni and related foods, including those named in the caption hereof, scheduled to commence on October 6, 1941, pursuant to the order of Presiding Officer Alanson W. Willcox postponing the opening thereof from September 29 (6 F.R. 4481, 6 F.R. 4893), is further postponed hereby so that the hearing will be held commencing at 10 o'clock in the morning of November 3, 1941, in Room 1039, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C.

Proposals, which are for the purpose of giving notice of the subject matter to be considered and giving direction to the hearing, are set forth below. Interested persons are notified that the hearing is a fact finding proceeding after which it will be determined, in accordance with the Act, whether definitions and standards of identity should be established for the foods referred to herein and what the provisions of any such definitions and standards should be. It is not to be inferred, from the fact that proposals are made, that they represent the views of the Federal Security Agency, or that the evidence to be adduced by the Agency will support each such proposal.

Such proposals are that there be established definitions and standards of identity for the following foods: macaroni; spaghetti; vermicelli; macaroni product; noodles, egg noodles; and noodle product, egg noodle product, egg macaroni product; and all other foods composed of the same ingredients and prepared in the same general manner as any one of such named foods. Further proposals are that definitions and standards of identity be established for other foods of the same class as the foregoing foods, to which have been added, in the process of preparation, in such significant amounts as to characterize such other foods, such ingredients as vitamins and minerals, whole wheat flour, soy bean flours, gluten flour, milk, and vegetables.

There are set forth below definitions and standards of identity for the foods macaroni; spaghetti; vermicelli; macaroni product; noodles, egg noodles; and noodle product, egg noodle product, egg macaroni product, which are suggestive of the type which may be adopted. It is suggested that such definitions and standards of identity as may be established for other foods to which this notice relates name such foods (for example, spinach macaroni; spinach spaghetti; spinach vermicelli; spinach macaroni product; spinach noodles, spinach egg noodles; spinach noodle product, spinach egg noodle product, spinach egg macaroni product) and conform, as nearly as may be, to the definitions and standards of identity suggested below.

§ 16.000 *Macaroni; identity.* (a) Macaroni is the food prepared from dough made from semolina, durum flour, farina, or flour, or any combination of two or more of these, with water and with or without salt as seasoning, by forming the dough into units and drying the units. Such food contains not less than _____ percent (to be fixed within the range of 87 percent to 89 percent) of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official".

(b) Macaroni is in units which are tube shaped and are not more than 0.25 inch in outside diameter.

§ 16.001 *Spaghetti; identity.* Spaghetti is the food which conforms to the requirements for macaroni prescribed by section 16.000 (a), and is in units which are cord-shaped (not tubular) and are more than 0.06 inch, but not more than 0.11 inch, in diameter.

§ 16.002 *Vermicelli; identity.* Vermicelli is the food which conforms to the requirements for macaroni prescribed by § 16.000 (a), and is in units which are cord-shaped (not tubular) and are not more than 0.06 inch in diameter.

§ 16.003 *Macaroni product; identity.* Macaroni product is the food which conforms to the requirements for macaroni prescribed by § 16.000 (a), and is in units which are of such shape and size that they do not conform to the shape and size of units prescribed for macaroni by § 16.000 (b), or for spaghetti as prescribed by § 16.001, or for vermicelli as prescribed by § 16.002.

§ 16.010 *Noodles, egg noodles; identity.* Noodles, egg noodles, is the food prepared from dough made from semolina, durum flour, farina, or flour, or any combination of two or more of these with liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, or dried yolks, or any combination of two or more of these, with or without water, by forming the dough into ribbon-shaped units and drying the units. The dough may be seasoned with salt. Noodles contain not less than ____ percent (to be fixed within the range of 87 percent to 89 percent) of total solids as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fifth Edition, 1940, page 235, under "Vacuum Oven Method—Official." The total solids of noodles contain not less than ____ percent (to be fixed within the range of 5.5 percent to 6.5 percent) of egg solids.

§ 16.011 *Noodle product, egg noodle product, egg macaroni product; identity.* Noodle product, egg noodle product, egg macaroni product, is the food which conforms to the definition and standard of identity prescribed for noodles by § 16.010, except that it is in units which are not ribbon-shaped.

All interested persons are invited to attend the hearing, either in person or by representative, and to offer evidence relevant and material to the subject matter of the proposals.

Alanson W. Willcox hereby is designated as presiding officer to conduct the postponed hearing, in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings, as published in the FEDERAL REGISTER for June 26, 1940 (5 F.R. 2379–2381);

In lieu of personal appearance, interested persons may offer affidavits by delivering the same to the presiding officer at Room 2242, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., not later than the day of the opening of the hearing. Such affidavits must be submitted in quintuplicate, and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements made in affidavits. Every interested person will be permitted to examine the affidavits offered and to file counter-affidavits with the presiding officer.

[SEAL] PAUL V. MCNUTT,
Federal Security Administrator.

OCTOBER 1, 1941.

[F. R. Doc. 41–7397; Filed, October 2, 1941; 11:26 a. m.]

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[1] 4 F.R. 2731.

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FEDERAL REGISTER

VOLUME 6 NUMBER 194

Washington, Saturday, October 4, 1941

The President

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT—OREGON

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on September 17, 1941, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II[1] (53 Stat. 1431):

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS IN HARNEY COUNTY, OREGON

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of the migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds, is not permitted certain lands and waters in Harney County, Oregon, and being all of the lands and waters within the record meander lines of Malheur and Harney Lakes and the streams and waters connecting said lakes, as shown on the official plats of the following-listed townships:

[1] 4 F.R. 2731.

WILLAMETTE MERIDIAN

	Plat Approved
T. 26 S., R. 29 E.	March 24, 1880
T. 27 S., R. 29 E.	Dec. 26, 1892
T. 27 S., R. 29½ E.	Nov. 2, 1904
T. 28 S., R. 29¾ E.	Nov. 2, 1904
T. 26 S., R. 30 E. (North of Malheur Lake)	May 19, 1913
T. 26 S., R. 30 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 30 E.	Dec. 21, 1896
T. 26 S., R. 31 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 31 E. (South of Malheur Lake)	Dec. 21, 1896
T. 25 S., R. 32 E.	Dec. 21, 1896
T. 26 S., R. 32 E. (North of Malheur Lake)	Dec. 21, 1896
T. 26 S., R. 32 E. (South of Malheur Lake)	Dec. 21, 1896
T. 27 S., R. 32 E.	Dec. 21, 1896
T. 25 S., R. 32½ E.	Dec. 21, 1896
T. 25 S., R. 33 E.	Dec. 21, 1896
T. 26 S., R. 33 E.	Dec. 21, 1896

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Secretary of the Interior.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

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THE PRESIDENT

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FEDERAL REGISTER

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DONE at the City of Washington this 1st day of October in the year of our Lord nineteen hundred and forty-one [SEAL] and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2516]

[F. R. Doc. 41-7409; Filed, October 3, 1941; 10:20 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 35—PAYMENT OF BILLS AND ACCOUNTS [1]

§ 35.1 *Certification, general*—(a) *By creditor.* A voucher for funds disbursed will be made out in full before being certified by a public creditor. The original voucher must be signed and certified to in the space provided in the voucher form by the creditor or by his duly authorized agent, except that if a payee submits for payment an invoice or bill on which is shown the required certificate or certificates duly signed (see paragraph (b) below), such invoice or bill may be accepted if it constitutes a valid claim against the Government, and will be fastened securely to the voucher in lieu of stating the invoice or bill in detail on the voucher form and securing the payee's certificate thereon.

(b) *Vendor's certificate.* "I certfy that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed." *See MS. Comp. Gen. A-51607, A-49009, August 15, 1941.*

(c) *Form in which vendor's certificate will be furnished.* The prescribed certificate may be printed, stamped, typed, or written on vendor's bill of sale or invoice and must be signed (in original only) by the vendor or its duly authorized representative. (See MS. Comp. Gen. A-51607, August 26, 1937, and A-51607, A-49009, August 15, 1941.) In cases where it is physicaly impossible to include the additional certificate on the face of the voucher or invoice, the certificate will be placed on the reverse of the voucher or invoice. Additional (separate) sheets for, duplicates, or copies of certifications only will not be acecpted by the General Accounting Office. (See MS. Comp. Gen: A-51607, A-49009, April 2, 1938.) Under no conditions should the certificate on Government vouchers or on invoice forms to be attached to such vouchers be signed in blank or at any time prior to the submission of the voucher or invoice but only after delivery or performance by the claimant. To do so may result in the submission of a false claim against the Government for which the person signing the certificate may be held liable under the law. *See MS. Comp. Gen. A-51607, A-49009, April 2, 1938, June 2, 1938, and August 15, 1941.*

NOTE.—The Comptroller General of the United States in his letter, A-51607, A-49009, August 15, 1941, stated that in order to avoid unnecessary delay and confusion in the payment of vouchers otherwise properly prepared it appeared desirable that until such time as vendors and contractors have had ample opportunity to become acquainted with the above-prescribed certificate, the various Government agencies and the General Accounting Office accept certifications that have heretofore been approved.

(d) *Zones to be stated on vouchers covering payments for gasoline under TPS contracts.* The zone in which delivery was made will be stated on vouchers covering payments for gasoline under TPS contracts, where such zone deliveries are specified in such contracts and noted on purchase orders or other procuring instruments. (R.S. 161; 5 U.S.C. 22) [Pars. 4*a*, 2*c*, 2*e*, 2*f* and 2*g*, AR 35-1040, Aug. 1, 1938, as amended by Cir. 198, W.D., Sept. 22, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7406; Filed, October 3, 1941; 9:53 a. m.]

[1] § 35.1 is superseded.

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS

PART 501—AIRCRAFT REGISTRATION CERTIFICATES

SEPTEMBER 12, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 501 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest, I hereby:

1. Strike Part 01 of the Civil Air Regulations as it relates to the registration of aircraft and aircraft registration certificates.

2. Adopt the following regulations:

Sec.
501.1 Application.
501.2 Duration.
501.3 Transferability.
501.4 Display.
501.5 Invalidation.
501.6 Surrender.

§ 501.1 *Application.* Application for the registration of an aircraft shall be made upon the applicable form prescribed and furnished by the Administrator, and shall be accompanied by proper documentary evidence of the ap-

plicant's ownership of the aircraft sought to be registered.*

*§§ 501.1 to 501.6, inclusive, issued under the authority contained in secs. 308, 501, 52 Stat. 986, 1005; 49 U.S.C., Sup., 458, 521.

§ 501.2 *Duration.* The registration and certificate issued pursuant thereto shall be of sixty days' duration and, unless the holder thereof is otherwise notified by the administrator within such period, shall continue in effect indefinitely thereafter except that it shall immediately expire upon the date (1) the aircraft is registered under the laws of any foreign country, (2) the registration of the aircraft is cancelled at the written request of the owner, (3) the aircraft is totally destroyed or scrapped, or (4) the ownership of the aircraft is transferred, unless on the date the registered owner transfers ownership of such aircraft he endorses the registration certificate in the manner provided thereon and the purchaser makes application for the registration of the aircraft in his name.*

§ 501.3 *Transferability.* A registration certificate is not transferable except that upon the transfer of ownership of an aircraft registered as a civil aircraft of the United States, the registration and certificate issued pursuant thereto may be transferred to the purchaser upon the following conditions:

(a) The purchaser is a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, as amended;

(b) On the date the registered owner transfers ownership of such aircraft he shall endorse the registration certificate in the manner provided thereon and deliver such certificate to the purchaser; and

(c) On the date of transfer, an application for registration of the aircraft in the name of the purchaser is either mailed to the Administrator or delivered directly to an inspector of the Administrator.*

§ 501.4 *Display.* A registration certificate shall be carried at all times in the aircraft and shall be presented upon the request of any duly authorized representative for the Administrator or any state or municipal official charged with enforcing local laws or regulations involving Federal compliance.*

§ 501.5 *Invalidation.* Any registration of an aircraft by the Administrator shall be null and void if at the time of registration (a) the aircraft was registered under the laws of any foreign country; or (b) the person registered as owner was not the true and lawful owner of the aircraft; or (c) the person registered as owner was not a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, as amended, or the interest of such person in the aircraft was created by any transaction not entered into in good faith but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, as amended, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.*

§ 501.6 *Surrender.* Upon the suspension, revocation, expiration or invalidation of a registration certificate, the owner of the aircraft shall, upon request, surrender such certificate to any officer or employee of the Administrator.*

These regulations shall become effective at 12:01 A. M., the 1st day of November, 1941.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-7407; Filed, October 3, 1941; 9:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3926]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FEDERAL YEAST CORPORATION

§ 3.45 (c) *Discriminating in price—Direct discrimination — Charges and prices:* § 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices—Product not charged for:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In connection with offer, etc., in commerce, of bakers' yeast, discriminating in price as found in Paragraphs Four, Five and Seven of the findings of fact [i. e., (1) discriminating in price between different competing purchasers of respondent's products of like grade and quality, by giving and allowing some purchasers of its said yeast, used in the manufacture of bread and allied products, different prices from those given and allowed to others of said purchasers competitively engaged, one with the other, in sale and distribution of such products, selling, in some instances, yeast of like grade and quality and in like quantities to competing customers at different prices wherein the differential amounted to 7 per cent and upwards, and affording, through aforesaid discrimination, savings in price to the beneficiaries which were substantial in nature and constituted material and vital factors of competition; (2) discriminating in price between different purchasers, as above described, by delivering large quantities of its said yeast without specific charge therefor to certain purchasers in addition to its yeast actually sold and delivered to them, and thereby substantially reducing average cost of its said yeast to said purchasers, while concurrently selling its said product to others without delivering, in addition to quantities purchased, yeast for which no specific charge was made, so that while both classes might be charged same price for yeast sold and billed, actual cost to former is less by 5 per cent or more than actual cost to non-favored customers, it thereby affording savings to the beneficiaries of such discrimination in price which were substantial in nature and constituted material and vital factors of competition; and (3) discriminating in price between competing purchasers by granting cash discounts of 1 per cent to 2 per cent to certain of its purchasers which are not granted to others who pay in the same manner and within the same time as those thus favored]; or otherwise discriminating in price between different purchasers of bakers' yeast of like grade and quality where the effect of such discriminations may be substantially to lessen competition or to injure, destroy or prevent competition with respondent or any such purchaser unless the differential in price in any such discrimination makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such commodities are to such purchasers sold or delivered; prohibited. (Sec. 2a, 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13a) [Cease and desist order, Federal Yeast Corporation, Docket 3926, September 22, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the substitute answer of the respondent, in which answer respondent admits all the material allegations of said complaint with the exception of the illustration therein set forth regarding specific price discriminations and states that it waives all intervening procedure and further hearing as to said facts, and a stipulation of facts filed herein, and the Commission being of the opinion that said respondent has violated the provisions of section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, sec. 13), and having made its findings as to the facts and its conclusion, which findings as to the facts and its conclusion are hereby made a part hereof:

It is ordered, That the respondent, Federal Yeast Corporation, its officers, directors, representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of bakers' yeast in commerce, as "commerce" is defined in the Clayton Act, do forthwith Cease and Desist:

From the discriminations in price as found in Paragraphs Four, Five and Seven of the findings of fact or otherwise discriminating in price between different purchasers of bakers' yeast of like grade and quality where the effect of such discriminations may be substan-

[1] 4 F.R. 4272.

tially to lessen competition or to injure, destroy or prevent competition with respondent or any such purchaser unless the differential in price in any such discrimination makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such commodities are to such purchasers sold or delivered.

It is further ordered, That the respondent, Federal Yeast Corporation, shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinbefore set forth.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7418; Filed, October 3, 1941; 11:27 a. m.]

[Docket No. 4122]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FOOD DISPLAY MACHINE CORPORATION ET AL.

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings.* In connection with offer, etc., in commerce, or respondents' potato chip machines, corn chip machines and doughnut machines, (1) representing that amazing earnings or profits may be made or fortunes acquired through the operation of respondents' machines; (2) representing as possible or maximum earnings or profits which may be made during any specified period through the use of their machines, any amounts in excess of those which have actually been earned during such specified period by users of their machines under normal conditions in due course of business; and (3) representing as usual or customary earnings or profits which may be made during any specified period through the use of their machines, any amounts in excess of the average, usual and customary amounts which have actually been earned by users of their machines under normal conditions in due course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Food Display Machine Corporation et al., Docket 4122, September 23, 1941]

In the Matter of Food Display Machine Corporation, a Corporation; and A. H. Kulikowski (Referred to in the Complaint as M. J. Kulikowski), Mrs. A. H. Kulikowski (Referred to in the Complaint as Mrs. M. J. Kulikowski), and George H. Hardt, Individuals.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before William C. Reeves, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and exceptions thereto, and briefs in support of and in opposition to the complaint (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Food Display Machine Corporation, a corporation, its officers, and A. H. Kulikowski and George H. Hardt, trading under the names King Korn Company, King K Company and Brown Bobby Company, or trading under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' potato chip machines, corn chip machines and doughnut machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that amazing earnings or profits may be made or fortunes acquired through the operation of respondents' machines;

(2) Representing as possible or maximum earnings or profits which may be made during any specified period through the use of respondents' machines, any amounts in excess of those which have actually been earned during such specified period by users of respondents' machines under normal conditions in due course of business;

(3) Representing as usual or customary earnings or profits which may be made during any specified period through the use of respondents' machines, any amounts in excess of the average, usual and customary amounts which have actually been earned by users of respondents' machines under normal conditions in due course of business.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and it hereby is, dismissed as to respondent Mrs. A. H. Kulikowski.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7422; Filed, October 3, 1941; 11:28 a. m.]

[1] 5 F.R. 3742.

[Docket No. 4157]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF RADIO DISTRIBUTORS

§ 3.99 (b) *Using or selling lottery devices.—In merchandising.* In connection with offer, etc., in commerce, of radios and other articles of merchandise, (1) supplying, etc., others with push cards or other devices which are to be, or may be, used in the sale or distribution of said merchandise to the public by means of a game of chance, gift, enterprise, or lottery scheme; (2) shipping, etc., to members of the purchasing public push cards or other devices which are to be, or may be, used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Radio Distributors, Docket 4157, September 22, 1941]

In the Matter of Leona Johnson and Aubrey M. Graff, Individually and Trading as Radio Distributors

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence before W. W. Sheppard, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent Leona Johnson, individually and trading as Radio Distributors, has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Leona Johnson, individually and trading as Radio Distributors, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios and other articles of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying or placing in the hands of others, push cards or other devices which are to be used or may be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(2) Shipping, mailing, or transporting to members of the purchasing public push cards or other devices which are to be used or may be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the complaint be dismissed as to the respondent Aubrey M. Graff.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7419; Filed, October 3, 1941; 11:26 a. m.]

[1] 6 F.R. 661.

[Docket No. 4354]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF AMERICAN BANDAGE CORPORATION

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., in connection with offer, etc., of any medicated bandage sold and distributed by respondent under the trade name "A B C Gauzband", or under any other trade name or designation, any advertisements in newspapers, etc., by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, of its said product, which advertisements represent, directly or by implication, that its said product possesses antiseptic and germicidal properties sufficient to inhibit the growth of, or to destroy, all types of bacteria; or which advertisements represent, directly or indirectly, that said product is a self-sterilizing agent, or that it remains sterile after it has been removed from the container; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, American Bandage Corporation, Docket 4354, September 22, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, evidence introduced before a duly appointed trial examiner of the Commission designated by it to serve in this proceeding, the report of the trial examiner thereon, the stipulation as to the facts entered into between the attorney for the Commission and the attorney for respondent, and brief filed on behalf of the Commission; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, American Bandage Corporation, a corporation, its officers, directors, agents, representatives and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any medicated bandage sold and distributed by it under the trade name "A B C Gauzband", or under any other trade name or designation, do forthwith cease and desist from, directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement in newspapers, periodicals, circulars, leaflets, pamphlets, or otherwise, by means of the United States Mails, or by any means, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that its said product possesses antiseptic and germicidal properties sufficient to inhibit the growth of, or to destroy, all types of bacteria, or which represents, directly or indirectly, that said product is a self-sterilizing agent, or that it remains sterile after it has been removed from the container.

(2) Disseminating, or causing to be disseminated, any advertisement in newspapers, periodicals, circulars, leaflets, pamphlets, or otherwise, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's said product, which advertisement contains any of the representations prohibited in Paragraph One hereof.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7420; Filed, October 3, 1941; 11:28 a. m.]

[1] 6 F.R. 451.

[Docket No. 4416]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JOSEPH WARNER FURNITURE CORPORATION

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Retailer as wholesaler or jobber:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Retail as wholesale, jobbing or discounted:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.65 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Retailer as wholesaler or jobber:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Retail as dealer's.* In connection with offer, etc., in commerce, of furniture or allied merchandise, (1) representing, directly or by implication, that respondent is a wholesaler or that it sells its furniture and other merchandise to purchasers thereof at wholesale prices; (2) representing, directly or by implication, that respondent sells its furniture and merchandise only to or through dealers purchasing for resale; and (3) using and distributing among prospective customers so-called admittance permits or cards which, through use of such statements as "Trade Showrooms", "Exclusive Distributor", "Serving the Trade", "This card entitles (Name of Holder) and party to all showroom privileges, including price quotation", or other similar statements, import and imply that respondent sells only to or through dealers; or that respondent is a wholesaler and sells to holders of such cards at wholesale prices; or that respondent's business is anything other than that of selling furniture and other merchandise to the general public; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Joseph Warner Furniture Corporation, Docket 4416, September 22, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent and a stipulation entered into by and between counsel for the Commission and counsel for the respondent, wherein it was stipulated and agreed that a statement of facts thereupon read into and made a part of the record in this proceeding may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint, or in opposition thereto, and that the Commission may proceed upon such statement of facts to make its report, stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceedings without the presentation of argument or the filing of briefs or of a report upon the evidence by the trial examiner, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Joseph Warner Furniture Corporation, a corporation, its officers, representatives, agents and employees, directly or

[1] 6 F.R. 2670.

through any corporate or other device, in connection with the offering for sale, sale and distribution of furniture or allied merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that respondent is a wholesaler or that it sells its furniture and other merchandise to purchasers thereof at wholesale prices;

(2) Representing, directly or by implication, that respondent sells its furniture and merchandise only to or through dealers purchasing for resale;

(3) Using and distributing among prospective customers so-called admittance permits or cards which, through use of such statements as "Trade Showrooms," "Exclusive Distributor," "Serving the Trade," "This card entitles (Name of holder) and party to all showroom privileges, including price quotation," or other similar statements, import and imply that respondent sells only to or through dealers; or that respondent is a wholesaler and sells to holders of such cards at wholesale prices; or that respondent's business is anything other than that of selling furniture and other merchandise to the general public.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F.R. Doc. 41-7421; Filed, October 3, 1941, 11:28 a. m.]

[Docket No. 4485]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF W. K. STERLINE, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* §3.6 (y) *Advertising falsely or misleadingly—Safety:* §3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent Sterline's "Hay Fever Treatment", consisting of the medicinal preparation "W. K. Sterline's Compound", and his "Asthma Treatment", consisting of the medicinal preparations "W. K. Sterline's Compound", "W. K. Sterline's Elixir" and "W. K. Sterline's Korana Powder", and the individual preparations of which aforesaid "Hay Fever Treatment" and "Asthma Treatment" are composed, or in connection with offer, etc., of any other substantially similar preparation or combination of preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said "Hay Fever Treatment" or said "Asthma Treatment", or of the individual medicinal preparations of which each is composed, which advertisements represent, directly, indirectly or through inference, (1) that respondent Sterline's "Hay Fever Treatment", or the medicinal preparation "W. K. Sterline's Compound" (a) is a cure or remedy for, or possesses any therapeutic value whatever in the treatment of persons suffering from, Hay Fever, or (b) possesses any properties which will be effective in fortifying the system against, or enable one to avoid, Hay Fever, or (c) will check sneezing and discharging from the nose; and (2) that respondent Sterline's "Asthma Treatment", or the medicinal preparations "W. K. Sterline's Compound", "W. K. Sterline's Elixir" or "W. K. Sterline's Korana Powder", separately, jointly or when used in any combination of the one with the other, (a) is a cure or remedy for, or possesses any therapeutic value in the treatment of, asthma in excess of affording mild temporary relief from the paroxysms usually associated with asthma, or (b) will prevent the return of asthma or restore one to health, or (c) possesses any therapeutic value in the treatment of bronchitis, when bronchitis is associated with asthma, in excess of that furnished by a mild expectorant; and (3) that respondent Sterline's medicinal preparation "W. K. Sterline's Elixir" possesses any therapeutic value in the treatment of bronchitis in excess of that furnished by a mild expectorant, whether bronchitis is associated with asthma or not; or which advertisements of the medicinal preparation "W. K. Sterline's Compound" fail to reveal that said preparation should not be used by persons suffering from active or latent tuberculosis, and that use of said preparation over a long period of time is likely to cause mental derangement; prohibited, subject to the provision, however, that if the label of said "W. K. Sterline's Compound" contains a warning of the potential dangers existing in the said medicinal preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only as Directed on the Label. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, W. K. Sterline, et al., Docket 4485, September 23, 1941]

In the Matter of W. K. Sterline, an Individual, and Mumm, Romer, Robbins & Pearson, Inc., a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents findings as to the facts and its conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent W. K. Sterline, his agents, representatives and employees, and that respondent Mumm, Romer, Robbins & Pearson, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of W. K. Sterline's "Hay Fever Treatment", consisting of the medicinal preparation "W. K. Sterline's Compound" and W. K. Sterline's "Asthma Treatment", consisting of the medicinal preparations, "W. K. Sterline's Compound", "W. K. Sterline's Elixir" and "W. K. Sterline's Korana Powder", and the individual preparations of which the aforesaid "Hay Fever Treatment" and the aforesaid "Asthma Treatment" are composed, or in connection with the offering for sale, sale or distribution of any other preparation or combination of preparations, consisting of substantially similar composition or possessing substantially similar properties, whether represented as a treatment or treatments and under whatever name or names designated, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents directly, indirectly or through inference:

A. That respondent W. K. Sterline's "Hay Fever Treatment", or the medicinal preparation "W. K. Sterline's Compound"

(a) is a cure or remedy for, or possesses any therapeutic value whatever in the treatment of persons suffering from, Hay Fever; or

(b) possesses any properties which will be effective in fortifying the system against, or enable one to avoid, Hay Fever; or

(c) will check sneezing and discharging from the nose; and

B. That respondent W. K. Sterline's "Asthma Treatment", or the medicinal preparations "W. K. Sterline's Compound," "W. K. Sterline's Elixir" or "W. K. Sterline's Korana Powder", separately, jointly or when used in any combination of the one with the other:

(a) is a cure or remedy for, or possesses any therapeutic value in the treatment of, asthma in excess of affording mild temporary relief from the paroxysms usually associated with asthma; or

[1] 6 F.R. 2774.

(b) will prevent the return of asthma or restore one to health; or

(c) possesses any therapeutic value in the treatment of bronchitis, when bronchitis is associated with asthma, in excess of that furnished by a mild expectorant;

C. That respondent W. K. Sterline's medicinal preparation "W. K. Sterline's Elixir" possesses any therapeutic value in the treatment of bronchitis in excess of that furnished by a mild expectorant, whether bronchitis is associated with asthma or not;

2. Disseminating or causing to be disseminated any advertisement of the medicinal preparation "W. K. Sterline's Compound" by means of United States mail or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which fails to reveal that said medicinal preparation should not be used by persons suffering from active or latent tuberculosis and that use of said preparation over a long period of time is likely to cause mental derangement; *Provided, however,* That if the label of said preparation contains a warning of the potential dangers existing in the said medicinal preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only As Directed on the Label.

3. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of W. K. Sterline's "Hay Fever Treatment" or of W. K. Sterline's "Asthma Treatment", or of the individual medicinal preparations of which each treatment is composed, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to comply with the requirements set forth in paragraph 2 hereof.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether they intend to comply with this order, and, if so, the manner and form in which they intend to comply; and that, within sixty (60) days after service upon them of this order, said respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7423; Filed, October 3, 1941; 11:29 a. m.]

[Docket No. 4542]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STERLING APPLIANCE COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.7 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's Sterling Short Wave Diathermy device, or any other substantially similar device, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device, which advertisements represent, directly or through inference, that respondent's device, when used by the unskilled lay public, constitutes a scientific, safe, harmless and effective means or method for the relief, cure or treatment of rheumatism, arthritis, neuritis, bursitis, lumbago, sciatica, neuralgia, sinus trouble and colds, painful menstruation, female disorders, ulcers or innumerable other ailments, or for the alleviation of pain resulting therefrom; or which advertisements fail to reveal that the unsupervised use of said device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Sterling Appliance Company, Docket 4542, September 23, 1941]

In the Matter of Nolan B. Stadley, an Individual, Trading as Sterling Appliance Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Nolan B. Stadley, an individual, trading as Sterling Appliance Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his device advertised as Sterling Short Wave Diathermy, or any other device of substantially similar construction, whether sold under the same name or any other name or names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that respondent's device when used by the unskilled lay public constitutes a scientific, safe, harmless and effective means or method for the relief, cure or treatment of:

Rheumatism, arthritis, neuritis, bursitis, lumbago, sciatica, neuralgia, sinus trouble and colds, painful menstruation, female disorders, ulcers or innumerable other ailments, or for the alleviation of pain resulting therefrom;

or which advertisement fails to reveal that the unsupervised use of said device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined by the Federal Trade Commission Act, of said device, which advertisement contains any of the representations prohibited in paragraph 1 hereof; or which advertisement fails to reveal that the unsupervised use of said device by persons not skilled in the diagnosis, analysis, and methods of treatment of disease may result in serious and irreparable injury to health.

It is further ordered, That the respondend shall, within ten (10) days after service upon him of this order file with the Commission an interim report in writing stating whether he intends to comply with this order, and, if so, the manner and form in which he intends to comply, and that within sixty (60) days after service upon him of this order, said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7424; Filed, October 3, 1941; 11:29 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5073]

PART 178—PRODUCTION, FORTIFICATION, TAX PAYMENT, ETC., OF WINE

Withdrawal of Wines, Free of Tax, for Supplies of Certain Vessels and Aircraft (Amending Regulations No. 7)

Section 3 of the Act of July 22, 1941 (Public Law 187—77th Congress) provides in part as follows:

That section 309 (a) of the Tariff Act of 1930, as amended, be further amended by inserting after the words "internal revenue tax" a comma and the words "or from any

internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax."

Pursuant to the above provisions of law and sections 3170 and 3176, Internal Revenue Code, Part 178, Title 26, Code of Federal Regulations, [Paragraph 143, Regulations No. 7, as amended] is hereby amended to read as follows:

§ 178.143 *Removals free of tax to American possessions and for supplies of vessels and aircraft* (a) The provisions of the regulations in this part, and the forms prescribed, in respect to the removal of wines, free of tax for exportation to foreign countries, apply to like removals and shipments to the Philippine Islands, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. Hawaii and Alaska are territories of the United States, and all shipments of domestic wines thereto must be tax-paid before withdrawal from bonded wineries or other bonded premises, unless transferred in bond to a bonded winery or storeroom located in one of those Territories.

(b) *Withdrawals for supplies of certain vessels and aircraft.* The provisions of the regulations in this part, in respect to the removal of wines, free of tax for exportation to foreign countries, are extended to withdrawals of wines for lading as supplies upon the following vessels or aircraft:

(1) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(2) Vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(3) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

(4) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States.

Application to withdraw wine free of tax for supplies of vessels and aircraft must be made on Form 711, modified appropriately. Wine which is to be withdrawn from bonded wineries or bonded storerooms free of tax for use as supplies on vessels and aircraft must be covered by a bond, Form 186. Such bond will be executed in the same manner as bonds for wine withdrawn free of tax for exportation, but must be accompanied by consent of surety, Form 1533, specifically stipulating that the terms thereof will cover wine withdrawn for use as supplies on vessels and aircraft. Exporters who have on file bonds on Form 186, covering the exportation of wine, and who desire to withdraw wine free of tax from a bonded winery or bonded storeroom for use as supplies on vessels and aircraft, may file a consent of surety containing a similar stipulation, provided that such bonds are of a sufficient penal sum. Wine so withdrawn shall not be unladen at any port or place in the United States or in any of its possessions. (Secs. 3170, 3176, I.R.C., sec. 3 of the Act of July 22, 1941, Public Law 187, 77th Congress)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: OCTOBER 2, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7411; Filed, October 3, 1941; 10:24 a. m.]

[T.D. 5072, Amending Regulations 10]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

1. Section 3 of the Act of July 22, 1941 (Public Law 187—77th Congress), reads in part as follows:

That section 309 (a) of the Tariff Act of 1930, as amended, be further amended by inserting after the words "internal revenue tax" a comma and the words "or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax."

That section 2907 of the Internal Revenue Code be repealed.

2. Pursuant to the foregoing provisions of law, and sections 2905, 3170 and 3176 of the Internal Revenue Code, Regulations 10 are hereby amended in these respects:

3. Section 185.395 (b) and § 185.401 are revoked.

4. Sections 185.382 and 185.395 (a) are amended to read as follows:

§ 185.382 *Inspection of bottled spirits.* The inspector at the port of export will in every instance carefully inspect cases containing spirits for the purpose of ascertaining whether the cases bear evidence of tampering or have sustained losses in transit due to breakage. The inspector will report on Form 691 any cases as to which a discrepancy is found, giving the serial numbers of the cases, their original contents in proof gallons, and the nature of the discrepancy as to each case. When the inspector has completed his inspection and report as prescribed, the entire shipment may be laden without detention of the deficient cases, unless the circumstances indicate fraud, in which event such cases will be detained pending investigation by the district supervisor, to whom the detention should be immediately reported. (Secs. 2905, 3176, I.R.C.)

§ 185.395 *Losses in transit*—(a) *Leakage or unavoidable accident.* Under the provisions of sections 2889 and 2890, I.R.C., allowance may be made for distilled spirits lost by leakage or by any unavoidable accident, and without any fraud or negligence of the distiller, owner, exporter, carrier, or their agents or employees, occurring during transportation from a bonded warehouse to the port of export, except that where the spirits are covered by a valid claim of insurance in excess of the market value thereof, exclusive of the tax, the tax shall not be remitted to the extent of such excessive insurance. (Sec. 3176, I.R.C.)

5. The following new article and sections are added:

ARTICLE XLVII—*Supplies for Certain Vessels and Aircraft*

§ 185.499 *General.* Distilled spirits in packages and in cases which have been bottled in bond for export may be withdrawn from internal revenue bonded warehouses free of tax for use as supplies on the following vessels and aircraft:

(a) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(b) Vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

(d) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.500 *Procedure.* Application to remove distilled spirits in packages and in cases bottled in bond for export from internal revenue bonded warehouses for use as supplies on vessels or aircraft will be made on Form 206, properly modified. The procedure prescribed in §§ 185.315–185.411 [Article XXXIII] of the regulations in this part, as it relates to the withdrawal of packages from internal revenue bonded warehouses for exportation, is hereby made applicable to the withdrawal of packages for use as supplies on vessels or aircraft. The procedure prescribed in §§ 185.366, 185.367 and 185.368, relating to the transfer and withdrawal of spirits bottled in bond for export, is hereby made applicable to the transfer and withdrawal of bottled spirits free of tax for use as supplies on vessels or aircraft. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.501 *Bond.* Distilled spirits which are to be withdrawn from internal revenue bonded warehouses free of tax for use as supplies on vessels or aircraft must be covered by a bond on Form 547 or Form 657. Such bonds will be executed in the same manner as bonds for distilled spirits withdrawn free of tax for exportation, but must be accompanied by consent of surety, Form 1533, specifically stipulating that the terms thereof will cover distilled spirits withdrawn for use as supplies on vessels or aircraft. Exporters who have on file bonds on Form 657, covering the exportation of distilled spirits, and who desire to withdraw spirits free of tax from an internal revenue bonded warehouse for use as supplies on vessels or aircraft, may file a consent of surety containing a similar stipulation, *Provided*, That such bonds are of sufficient penal sum. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.502 *Export entry.*—Before the spirits may be laden on the vessel or aircraft, the owner must file Form 691, properly modified, with the Collector of Customs. The provisions of §§ 185.379, 185.380, 185.382, as amended herein, 185.383 and 185.384 will be observed in so far as applicable. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.503 *Evidence of use as supplies on vessels and aircraft.* If the distilled spirits were laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted to the district supervisor, within six months (or such additional extensions of time as may be granted by the district supervisor or the Commissioner), an affidavit of the master or other officer of the vessel or aircraft on which the spirits were laden, having knowledge of the facts, showing that the spirits have been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided*, That in the case of any shipment, the amount of tax thereon does not exceed $25.00, such affidavit will not be required. In the case of vessels of war, such affidavit will not be required. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.504 *Account with bond, Form 657.* The district supervisor will keep an account with each bond, Form 657, similar to that kept for distilled spirits exported free of tax. In cases where exportations free of tax and withdrawals free of tax for use as supplies on vessels or aircraft are made under the same bond, only one account covering both transactions need be kept. Upon receipt of satisfactory evidence of the use of the spirits as supplies, the bond will be credited with the quantity so reported. (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187—77th Congress))

§ 185.504 *Records.* When spirits are withdrawn for use as supplies on vessels or aircraft, the quantity so removed will be reported on Forms 1513 and 1514 or Forms 1516 and 1517, as the case may be, as "Withdrawn as supplies for vessels and aircraft." (Sec. 309 (a) of the Tariff Act of 1930, as amended by the Act of July 22, 1941 (Public Law 187–77th Congress))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: OCTOBER 2, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7410; Filed, October 3, 1941; 10:24 a. m.]

[T. D. 5074, Amending Regulations No. 18]

PART 192—FERMENTED MALT LIQUORS

Pursuant to the provisions of sections 3153 (b) and 3176 of the Internal Revenue Code, and section 3 of the Act of July 22, 1941 (Public Law 187—77th Congress) §§ 192.197 and 192.230, of Regulations No. 18 (Title 26, Part 192, Code of Federal Regulations), are hereby amended, and new §§ 192.261 to 192.266 are added, to read as follows:

§ 192.197 *Bond.* Brewers who desire to export fermented malt liquors without the payment of tax shall be required to furnish the district supervisor of the district in which the brewery is located, a bond, in duplicate, on Form 263, with acceptable corporate surety, individual sureties, or by the deposit of proper collateral. Bond Form 263 must be filed with the district supervisor prior to the filing of the first application for withdrawal and entry for exportation on Form 550 if exportation is made in barrels, or prior to the filing of the first notice on Form 127 if beer is bottled for export. Separate bonds are not required for the exportation of beer in barrels and bottles. (Secs. 3153 (b), 3176, I.R.C.)

§ 192.230 *Proof of landing not furnished.* In case the brewer, from causes beyond his control, is unable to furnish the required proof of landing or loss on land or at sea within the time prescribed, he may make application to the supervisor for an extension of time for production of the evidence. Such application must state specifically the cause of failure to produce the evidence and be verified under oath. One extension of three months may be granted by the supervisor and, if necessary, upon a second application, an additional extension of three months may be granted by him. (Secs. 3153 (b), 3176, I. R. C.)

ARTICLE XXXIII—*Supplies for Vessels and Aircraft*

§ 192.261 *Supplies for vessels and aircraft.* Fermented malt liquor may be removed from breweries and brewery bottling houses free of tax for use as supplies on the following vessels and aircraft:

(a) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(b) Vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(c) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

(d) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. (Secs. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.262. *Procedure applicable.* The removal, shipment, examination by customs officers, and evidence of lading on vessels and aircraft, of fermented malt liquor from a brewery or brewery bottling house for use as supplies will, so far as applicable, follow the procedure of §§ 191.192–191.239 [Article XXVII], concerning the Exportation, Free of Tax, of Fermented Malt Liquor. (Secs. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.263 *Form 550.* Application will be made on Form 550, properly modified, for the removal of fermented malt liquor from a brewery or from the bottling house of a brewery for use as supplies on vessels and aircraft. (Sec. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.264 *Bond.* Before any beer is removed from the bottling house for use as supplies on vessels or aircraft, consent of surety on Bond Form 263 must be obtained in accordance with § 192.65 of the regulations in this part. If no Bond Form 263 is on file with the supervisor, the brewer, prior to bottling beer for use on vessels or aircraft, will be required to obtain and file such bond properly modified. (Sec. 3153 (b), 3176, I.R.C.; section 3 of the Act of July 22, 1941, Public Law 187—77th Congress)

§ 192.265 *Beer bottled for export.* Beer which has been bottled for export and is stored in the bottling house of the brewery, may be removed for use as supplies on vessels and aircraft. (Sec. 3153 (b), 3176, I.R.C.; section 3 of the Act of

July 22, 1941, Public Law 187—77th Congress)

§ 192.266 *Evidence of use.* When fermented liquor has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted to the district supervisor within six months (or such additional extensions of time as may be granted by the district supervisor or the Commissioner), an affidavit of the master or other officer of the vessel or aircraft on which the articles were laden, having knowledge of the facts, showing that the fermented malt liquor has been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its possessions: *Provided*, That in the case of any shipment the tax on which does not exceed $25, such affidavit will not be required. In the case of vessels of war, such affidavit will not be required. (Secs. 3153 (b), 3176, I. R. C.; section 3 of the Act of July 22, 1941, Public Law 187–77th Congress)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 2, 1941.
HERBERT B. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7412; Filed, October 3, 1941; 10:24 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–268]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR RECLASSIFICATION AND PRICE CHANGES FOR THE COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED

This proceeding was instituted upon an original petition filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by District Board No. 1. The petition requests that temporary and permanent relief be granted by revising the price classifications and minimum prices heretofore established for the coals of certain code-member producers in District No. 1.

Pursuant to the request for temporary relief, and after notice to interested persons, an informal conference was held in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure in proceedings instituted pursuant to section 4 II (d) of the Act, and temporary relief was granted as prayed for in the original petition.

In accordance with an Order of the Director and after notice to all interested persons, a hearing in this matter was held before Floyd McGown, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only original petitioner appeared. At the conclusion of the hearing, the preparation and filing of a report by the Examiner was waived and the record thereupon was submitted to the undersigned, who has considered the record in this matter.

The petition of District Board 1 herein requests a revision in the price classifications and effective minimum prices established for the coals produced at some twenty different mines in District 1. The classifications and minimum prices requested for the coals of these mines are shown in the schedules hereto attached. With the exception of the coals produced at the Shaffer Mine (Mine Index No. 457) of I. Shaffer & Sons, all of the coals in question are shipped by truck only. The Shaffer Mine ships the coal produced at its mine both by truck and by rail.

The testimony of a representative of the District Board shows that when minimum prices were originally established for the coals in question, errors or mistakes were made either in designating the seams in which the coals were produced or in designating the subdistricts in which the mines were located; that as a result of these errors, minimum prices were established which are not in proper coordination with other coals produced in District 1.

An exhibit was introduced showing in detail the corrections which are required for each particular mine. It appears that the classifications and minimum prices as set forth in the schedules, based upon these corrections, will effect proper coordination between the coals to which said prices apply and competing coals.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices, as well as the seam and sub-district designations, shown in the schedules hereto attached for the coals specified therein, are proper and should be established; that said classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District 1, and will preserve fair competitive opportunities for the producers of said coals.

I further find from the uncontroverted evidence that the McGarvey No. 2 Mine (Mine Index No. 2346) of McGarvey Brothers should be deleted from the District 1 price schedule for truck shipments, for the reason that this same mine is properly listed in said schedule as the Swope Mine (Mine Index No. 2493) of McGarvey Brothers.

I further find that a minimum price for truck shipments was erroneously established for coal in Size Group 5 produced at Askey's Mine (Mine Index No. 1026) of Askey Coal Company and that said price should be deleted from the price schedule.

Upon the basis of the foregoing Findings of Fact, I conclude:

1. That the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and for Truck Shipments should be amended in accordance with the schedules, marked Supplement R and Supplement T, annexed hereto and made a part hereof.

2. That McGarvey No. 2 Mine (Mine Index No. 2346) of McGarvey Brothers should be deleted from the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments.

3. That the minimum price for truck shipments for the coal in Size Group 5 produced at Askey's Mine (Mine Index No. 1026) of Askey Coal Company should be deleted from the schedule.

4. That such amendments of the price schedules for District No. 1 are required in order to effectuate the purposes of sections 4 II (a) and (b) of the Act and to comply with the standards thereof.

Now therefore it is ordered, That commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the McGarvey Mine (Mine Index No. 2346) of McGarvey Brothers, be and it hereby is deleted from the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments.

It is further ordered, That the minimum price established for coal in Size Group 5 of Askey's Mine (Mine Index No. 1026) of Askey Coal Company be and it hereby is deleted from the Schedule of Effective Minimum Prices for District 1 for Truck Shipments.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	1	2	3	4	5
457	Shaffer & Sons, I	Shaffer	20	B	49	(†)	(†)	F	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub.-dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Askey Coal Company (Millard Askey).	1026	Askey's	9	Clearfield	B			215		
Bloom, J. Wade (Brockway Coal Co.).	1110	Larimer	6	Jefferson	E	245	220	220	210	200
Cromwell & Son, H. L.	1252	Cromwell #7	39	Bedford	Barnett			240		
Cross Fuel Co. (Bernard Cross)	1253	Cross	43	Allegany	E			210		
Daugherty Est., W. A.	1262	Daugherty	6	Jefferson	E	245		220	210	
Deabenderf & Caldwell (Cameron Deabenderf).	2310	Deabenderf	15	Indiana	D			220		
Dougherty, John H.	1299	Rusty "B"	27	Cambria	A			220		
Kness, Ralph and Willard Gearhart.	1623	Kness & Gearhart	6	Clearfield	D			225		
Leahey, J. A.	1664	John Leahey Est.	27	Cambria	E			220		
McKee, G. B., W. G., & H. S., V. A. Holt & Albert Spencer.	1745	Botsford	15	Indiana	D			220		
Montgomery & Son, Michael	1790	Montgomery	18	Cambria	B			230		
Proctor, W. E. (Proctor Coal Company).	301	McIntyre	3	Lycoming	B & E	260	235	235	225	215
Reghetti & Swires (Leslie Reghetti).	2368	Reghetti & Swires	18	Cambria	B			230		
Sanders Coal Company (Harry Sanders).	1990	Sanders	27	Cambria	E			220		
Sandy, Joseph	1992	Sandy	27	Cambria	E			220		
Shaffer & Sons, I.	457	Shaffer	29	Cambria	B			220		
Shanaberger Coal Co. (Carl B. Shanaberger).	2026	Ankeny	36	Somerset	E			225		
Shank & Wallace (Raymond Wallace).	1421	Shank & Wallace	18	Clearfield	C'			225		
Ticossi, Joseph	2155	Joseph Ticossi Coal Co.	2	Elk	B			210		

[F. R. Doc. 41–7386; Filed, October 2, 1941; 10:39 a. m.]

[Docket Nos. A–381, A–386, A–387]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 AND CERTAIN INDIVIDUAL CODE MEMBER PRODUCERS IN DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3 NOT HERETOFORE CLASSIFIED AND PRICED

This proceeding was instituted upon petitions filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 3 (Docket No. A–381); David Morgan, a code member producer; operating the Morgan Mine (Mine Index No. 1126) at Valley Point, West Virginia, (Docket No. A–386); and the Marlin Coal Company, a code member producer, operating the Byrne Mine (Mine Index No. 31 [1] at Jordan, West Virginia, (Docket No. A–387), respectively. The petitions propose the establishment of certain minimum prices for certain mines not heretofore classified, as set forth in more detail therein. District Board 3 amended its petition in certain respects at the hearing.

Pursuant to Order of the Director, the petitions herein were consolidated, temporary relief was granted to each petitioner in accordance with the requests contained in its petition, and a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing-room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioners appeared. The preparation and filing of a report by the Examiner was waived by stipulation of the interested parties, and the record was thereupon submitted to the undersigned.

Daniel T. Buckley, chairman of District Board 3, testified that the prices which District Board 3 seeks to have established herein coincide with already established prices and classifications of coals of comparable quality. The witness Buckley further testified that district Board 3 is in accord with the requests made in the petitions of the Marlin Coal Company and David Morgan herein. In his opinion, if the prices herein requested are established, the fair competitive opportunities of producers in District 3 will be maintained.

Upon the basis of the uncontroverted evidence I find and conclude that the classifications and minimum prices shown in § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments be and they hereby are amended in accordance with the schedules hereto attached, marked "Supplement R" and "Supplement T," respectively, and made a part hereof.

Dated: September 3, 1941.

[SEAL] H. A. GRAY,
Director.

DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
187	Adams & Guiliani Coal Co	Brookside	Bakerstown	70	G	G	G	G	G	G	G	G	G	G	---	---	---	---	---	---
31	Clark Collieries, J. A. Clark	Byrne	Pittsburgh	52	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
637	Greaser, Pete	Greaser	M. V. Freeport	71	J	J	J	J	J	J	J	J	J	J	---	---	---	---	---	---
186	West Fork Coal & Coke Co	Vincent #2	Pittsburgh	61	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b) in part 323, Minimum Price Schedule. Group No. 1: 186, 31–A; Group No. 3: 637; Group No. 6: 187.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movements via all lakes—all ports*—Supplement R-III.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 186, 31–A; Group No. 3: 637; Group No. 6: 187.

[1] Now operated by Clark Collieries, J. A. Clark.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size, but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Adams & Gulliant Coal Co.	187	Brookside	Bakerstown	Preston	235	235	235	210	210	200	190
Bavely, Joe James	1110	Bavely	Sewickley	Marion	208	203	203	178	178	163	153
Bragg, Chester E	5745	Orth #1	Pittsburgh	Marion	223	218	218	193	193	178	168
Clark Collieries, J. A. Clark.	31	Byrne	Pittsburgh	Marion	223	218	218	193	193	178	168
Cossell, Harry	1107	Cossell	Waynesburg	Monongalia	203	198	198	178	178	163	153
Delong and Cronin Coal Co. (R. E. Delong).	1116	Cow Creek	Sandstone	Pleasants	223	218	218	193	193	178	168
Ford, John	1114	Scott #2	Pittsburgh	Harrison	223	218	218	193	193	178	168
Gooden, F. D	1117	Red Ash #1	H. V. Kitt	Barbour	208	203	203	178	178	168	158
Kittle & Bumgardner (A. N. Kittle).	1109	Stone Coal	Bakerstown	Barbour	218	213	213	188	188	173	163
Knotts, Ona	1111	Evans	Pittsburgh	Preston	230	230	230	205	205	195	185
May, William S	1112	May	Pittsburgh	Monongalia	223	218	218	193	193	178	168
Myers & Moffatt	1122	Chaffin #2	Peerless	Webster	253	248	248	223	223	213	193
Morgan, David	1126	Morgan	U. Freeport	Preston	225	225	225	200	200	190	180
Nuce, Frank	1108	Nuce	Waynesburg	Monongalia	208	203	203	178	178	163	153
Petitto, Angelo	1118	Kath. #1, S. D.	Pittsburgh	Harrison	223	218	218	193	193	178	168
Petitto, Angelo	1119	Kath. #2, S. D.	Pittsburgh	Harrison	223	218	218	193	193	178	168
Petitto, Angelo	1120	Kath. #3, S. D.	Pittsburgh	Harrison	223	218	218	193	193	178	168
Rogers, C. C	1115	Rogers	Sandstone	Pleasants	223	218	218	193	193	178	168
West Fork Coal & Coke Co.	186	Vincent #2	Pittsburgh	Harrison	223	218	218	193	193	178	168
Wood, Jack	1113	Consol. #97 Slate Dump.	Pittsburgh	Marion	223	218	218	193	193	178	168

[F. R. Doc. 41-7384; Filed, October 2, 1941; 10:38 a. m.]

[Docket No. A-1110]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Price classifications and minimum prices have not been established herein for certain coals for which they were proposed in the original petition because such coals have heretofore been classified and priced.[1]

The petition proposed price classifications and minimum prices for the coals of the Muddy Duck Mine, Mine Index No. 755, of the Orbiston Coal Company. It appears from the official records of the Division that this mine was abandoned on December 31, 1939, and that the only mine now operated in District No. 4 by Orbiston Coal Company is Muddy Duck No. 2 Mine, Mine Index No. 2214. Accordingly, price classifications and minimum prices have been established for the coals of the Muddy Duck No. 2 Mine, Mine Index No. 2214 For All Shipments Except Truck.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 15, 1941.

[SEAL] H. A. GRAY,
Director.

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[1] Price classifications and minimum prices have heretofore been established in the following proceedings for coals of the mines listed below:

In Docket No. A–937 for coals of Lone Pine Coal Co. Mine, Mine Index No. 227, of Frank Stewart, Jr.

In Docket No. A–462 for coals of Ambrose Mine, Mine Index No. 2626, of Ambrose & Co., Sam (Allen Alexander), under the name of Alexander & Company (Allen Alexander).

On Sup. 2, A–4–T, Page 7, for coals of Frog Pond Mine, Mine Index No. 2113, of Shumaker & Compston (Earl Shumaker), under the name of Fred Powell.

In Docket No. A–260 for coals of Anderson Mine, Mine Index No. 502, of Hubert Anderson (Anderson Coal Co.).

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
266	Anderson, Hubert (Anderson Coal Co.).	Poultney Ridge	1	8	Deep	Barnesville	B. & O	11	O	O	O	O	O	O	O	O	O			O
224	Ayers, Joe	Ayers	1	8	Deep	Crescent	B. & O	12	O	O	O	O	O	O	O	O	O			O
768	Bennett, E. L. (Elm Brook Coal Co.).	Elm Brook	5	6	Deep	Nelsonville	C. & O	22	K	K	O	O	O	O	O	O	O			O
248	Buskirk Coal Co. (Sherman Buskirk).	Buskirk	8	8	Deep	Pomeroy Rutland	C. & O N. Y. C	29	K	K	O	O	O	O	O	O	O			O
1231	Frasier Coal Co. (Pearl Frasier)	Frasier	8	8	Deep	Hobson Cheshire	N. Y. C C. & O	29	K	K	O	O	O	O	O	O	O			O
250	Heil Coal Company (Lawrence C. Heil).	Penova	1	8	Strip	Adena	W. & L. E	18	Q	Q	Q	Q	Q	Q	Q	Q	Q			Q
261	Hufnagel, R. C	Hufnagel Coal Co	1	8	Deep	Smithfield	P. & W. V	17	O	O	O	O	O	O	O	O	O	Q		O
257	Liberty Coal Co. (Denzil Venable)		8	8	Deep	Pomeroy Hobson	C. & O N. Y. C	29	K	K	O	O	O	O	O	O	O			O
1879	M. & K. Coal Company (Andy Keith).	Reservoir	2	7	Deep	Cambridge	P. R. R	16	R	R	R	Q	O	O	O	O	O			O
268	Metcalf Mining Co. (Tom Metcalf)	Linda Lou	8	8	Deep	Pomeroy Hobson	C. & O N. Y. C	29	K	K	O	O	O	O	O	O	O			O
2214	Orbiston Coal Co	Muddy Duck #2	5	6	Deep	Nelsonville	C. & O	22	K	K	O	O	O	O	O	O	O			O
856	Thomas Coal Company (D. S. Thomas).	May	6	6	Deep	Crooksville	N. Y. C	32	O	O	O	O	O	O	O	O	O			O
732	W. & J. Fuel Company (Chas. Jenkins).	Allen	3	6	Deep	Bergholz	N. Y. C	52	O	O	O	O	O	O	O	O	O			O

[1] Subject to Exception No. 4, § 324.1 in Part 324, Minimum Price Schedule.

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
224	Ayers	Ayers, Joe	Ohio No. 8	12	B. & O	1
248	Buskirk	Buskirk Coal Co. (Sherman Buskirk).	Pomeroy	29	C. & O., N. Y. C	8
250	Penova	Heil Coal Company (Lawrence C. Heil).	Ohio No. 8	18	W. & L. E	1
257		Liberty Coal Co. (Denzil Venable).	Pomeroy	29	C. & O., N. Y. C	8
261	Hufnagel Coal Co	Hufnagel, R. C	Ohio No. 8	17	P. & W. V	1
266	Poultney Ridge	Anderson, Hubert (Anderson Coal Co.).	Ohio No. 8	11	B. & O	1
268	Linda Lou	Metcalf Mining Co. (Tom Metcalf).	Pomeroy	29	C. & O., N. Y. C	8
732	Allen	W. & J. Fuel Company (Chas. Jenkins).	Middle	52	N. Y. C	3
768	Elm Brook	Bennett, E. L. (Elm Brook Coal Co.).	Hocking	22	C. & O	8
856	May	Thomas Coal Company (D. S. Thomas).	Crooksville	32	N. Y. C	6
1231	Frasier	Frasier Coal Co. (Pearl Frasier)	Pomeroy	29	C. & O., N. Y. C	8
1879	Reservoir	M. & K. Coal Company (Andy Keith).	Cambridge	16	P. R. R	2
2214	Muddy Duck #2	Orbiston Coal Co	Hocking	22	C. & O	5

§ 324.2 *Seasonal discounts*—Supplement R–III

[*Seasonal discounts.* On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These season discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— Apr.	May	June	July	Aug.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 224–261–266.	30	20	10	----	----
	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 250.	30	20	10	----	----
Cambridge	16		11, 169	Add Mine Index No. 1879.	30	20	10	----	----
Hocking	21, 22, 26, 27, 28.		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 768, 2214.	50	40	30	20	10
Pomeroy	23, 25	Add 20	14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index Nos. 248, 257, 268, 1231.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36.		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index No. 856.	30	20	10	----	----
Middle	52		6, 158, 172	Add Mine Index No. 732.	30	20	10	----	----

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b) and § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index Nos. 224, 261, 266.
	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	Add mine index No. 250.
Cambridge	16		11, 169	Add mine index No. 1879.
	16		11, 169 (subject to exception No. 4, page 3)	Add mine index No. 1879.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index Nos. 768, 2214.
Pomeroy	23, 25	Add 29	14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add mine index Nos. 248, 257, 268, 1231.
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 856.
Middle	52		2, 158, 172	Add mine index No. 732.

Prices as shown § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index number hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a).]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162	Add Mine Index Nos. 224, 266.
Chesapeake & Ohio Railway Co.	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index Nos. 248, 257, 268, 768, 1231, 2214.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index Nos. 248, 257, 268, 732, 856, 1231.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add Mine Index No. 1879.
Pittsburgh & West Virginia Railway Co.	123, 167	Add Mine Index No. 261.
Wheeling & Lake Erie Railway Co.	5, 12, 37, 48, 110, 119	Add Mine Index No. 260.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 113, 153, 159, 161, 166.	Add Mine Index No. 250.
For all Railroads not shown above.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 250.

Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 8" egg	1¼" lump, 1¼" x 4" egg	Mine run nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1, EASTERN OHIO											
BELMONT COUNTY											
Anderson, Hubert (Anderson Coal Co.).	Poultney Ridge	266	8	285	275	260	235	230	220	200	190
Griffiths, William T	Griffith Coal Mine	241	8	285	275	260	235	230	220	200	190
HARRISON COUNTY											
Heil Coal Company (Lawrence C. Heil).	Penova	250	8	275	265	250	225	220	210	190	180
JEFFERSON COUNTY											
Doersch, Chester G		251	8	285	275	260	235	230	220	200	190
Hass, Henry	Hass	235	8	285	275	260	235	230	220	200	190
Hufnagel, H. C	Hufnagel Coal Co	261	8	285	275	260	235	230	230	200	190
SUB-DISTRICT NO. 4, MIDDLE											
CARROLL COUNTY											
Gantz Coal Co. (Robert Gantz)	Gantz Coal Co	254	Harlem	275	265	250	235	235	220	190	180
TUSCARAWAS COUNTY											
Hott, M. B. (M. B. Hott Coal Co.)	M. B. Hott Coal Co	256	5	275	265	250	235	235	210	190	180
SUB-DISTRICT NO. 5, HOCKING											
ATHENS COUNTY											
Giffin, Worley (Giffin Coal Company).	Giffin	255	6	295	285	275	250	245	195	165	155
HOCKING COUNTY											
Todd & Sharb (Arthur Todd)	Todd & Sharb	260	6	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 6, CROOKSVILLE											
MORGAN COUNTY											
Pickenpaugh & Hill (James Pickenpaugh).	P. & H	258	9	280	270	260	235	230	195	165	165
PERRY COUNTY											
Baird, Fred W	Baird	253	5	280	270	260	235	230	195	165	155
Shumaker Brothers (Wm. Shumaker).	Shumaker Bros	259	6	280	270	260	235	230	195	165	155
SUB-DISTRICT NO. 8, POMEROY											
GALLIA COUNTY											
Leading Creek Coal Co. (Worley Haley).	Romine	267	8	295	285	275	250	245	195	140	140
Metcalf Mining Co. (Tom Metcalf)	Linda Lou	268	8	295	285	275	250	245	195	140	140
MEIGS COUNTY											
Buskirk Coal Co. (Sherman Buskirk).	Buskirk	248	8	295	285	275	250	245	195	140	140
Liberty Coal Co. (Denzil Venable)		257	8	295	285	275	250	245	195	140	140

[F. R. Doc. 41–7388; Filed, October 2, 1941; 10:40 a. m.]

[Docket Nos. A–617 and A–628]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICT NO. 7.

be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated March 22, 1941, 6 F.R. 1613; and

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Erie Railroad															
Nickel Plate Road (New York Chicago & St. Louis Railroad Co.).															
Pere Marquette Railway Co.															
For all Railroads not shown above.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 250.													
Metcalf Mining Co. (Tom Metcalf)	Linda Lou	268	8	295	285	275	250	245	195	140	140				
MEIOS COUNTY															
Buskirk Coal Co. (Sherman Buskirk).	Buskirk	248	8	295	285	275	250	245	195	140	140				
Liberty Coal Co. (Denzil Venable)		257	8	295	285	275	250	245	195	140	140				

Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

[F. R. Doc. 41-7388; Filed, October 2, 1941; 10:40 a. m.]

[Docket Nos. A-617 and A-628]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICT NO. 7, FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED, AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7, FOR ESTABLISHMENT OF MINIMUM PRICES FOR LOW VOLATILE SIZE GROUP 8 SCREENINGS PRODUCED AT THE ROBIOUS MINE OF THE NATIONAL INDUSTRIAL ENGINEERS, INC.

Original petitions having been filed with the Bituminous Coal Division on January 23 and 27, 1941, by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that classifications and minimum prices be established for certain coals produced in District 7, not heretofore classified and priced; and

A hearing having been held in this matter pursuant to an Order of the Director, dated March 21, 1941, on April 18, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Director dated March 22, 1941, 6 F.R. 1613; and

The preparation and filing of a report by the Examiner having been waived, and the matter thereupon having been submitted to the Director; and

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the prayers contained in the original petition in so far as they seek relief inconsistent with or other than the relief granted herein be and they are hereby denied.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

PERMANENT SUPPLEMENT, DISTRICT NO. 7

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size, group Nos.								
								1	2	3	4	5	6	7	8	9	10
703	National Industrial Engineers, Inc.	Robious...	7	Bingley Pit	Midlothian, Va.	So. Ry..	90	--	--	--	--	--	--	--	(*)	--	--

*For all coals in size group 8 a price of $1.86 per ton f. o. b. railroad cars at Midlothian, Virginia applies for shipments only to within the switching limits of Richmond, Virginia, in Market Area 100.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3¼" or larger, all egg and stove	All nut or pea 1¼", top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
National Industrial Engineers, Inc.	703	Robious	7	Chesterfield	Bingley Pit	315	250	280	215	186	--
Red Wing Coal Co.	710	Red Wing	2	Raleigh	Sewell	330	250	280	215	195	190
Vance, Richard	711	Vance	4	McDowell	Red Ash	315	250	280	215	190	185

[F. R. Doc. 41-7387; Filed, October 2, 1941; 10:40 a. m.]

[Docket No. A-744]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR TEMPORARY AND PERMANENT ORDERS PROVIDING FOR REVISIONS OF THE PRICES FOR RAIL LOCOMOTIVE FUEL PURCHASED BY CHICAGO GREAT WESTERN RAILWAY COMPANY FROM CODE MEMBER PRODUCERS IN DISTRICT NO. 11

This is a proceeding instituted upon an original petition filed on March 13, 1941, by District Board No. 11 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition prays for both temporary and permanent orders granting code members in District No. 11 (1) a reduction of 12 cents per net ton on mine run coals, (2) an increase of 22 cents per net ton on screenings, and (3) the privilege of substituting coals included in Size Groups 8 to 29, inclusive, on sales of screenings, on shipments of railroad locomotive fuel to the Chicago Great Western Railway Company.

District Board No. 10 and the Sahara Coal Company, a code member of District No. 10, filed petitions of intervention.

Pursuant to Order of the Director and after due notice to all interested parties, a hearing was held on May 23 and May 27, 1941, before D. C. McCurtain, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only original petitioner appeared at the hearing on May 23, 1941.[1]

A stipulation between District Boards 10 and 11 was filed with the Division on June 30, 1941, consenting to the granting of the relief prayed for by the petitioner, but stipulating further that certain prices be established for the coals of the Danville subdistrict of District No. 10 for sale to the Chicago Great Western Railway Company for delivery at Sycamore, Illinois.[2]

The preparation and filing of a report by the Examiner were waived and the matter thereupon was submitted to the Acting Director.

[1] The Sahara Coal Company, one of the interveners, entered its appearance, but expressly stated it would not participate in the hearing.

[2] Despite the execution of a stipulation, the additional relief requested for the Danville subdistrict cannot, of course, be granted in the absence of adequate supporting evidence demonstrating that such relief is necessary to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act.

The original petition alleges that delivered prices for District No. 11 mine run coals sold to the Chicago Great Western Railway Company on shipments consigned to Sycamore, Illinois, are 10 to 14 cents per ton higher than delivered prices for the Central Illinois subdistrict mine run coals of District No. 10 consigned to the same destination; that delivered prices on District No. 11 screenings to the same consignee at Sycamore, Illinois are from 20 to 23 cents per ton less than those for the Central Illinois subdistrict screenings; and that code members of District No. 11 do not have the privilege of substituting coals included in Size Goups 8 to 29, inclusive, on orders for screenings, while such privilege is accorded to code members of the Central Illinois subdistrict of District No. 10. The petition prays for an equalization of the above prices between code members of Districts Nos. 10 and 11, and requests that the substitution privilege referred to be extended to code members of District No. 11.

The only witness for the original petitioner is in charge of purchases for railroad fuel for the Chicago Great Western Railway Company. The witness described the divisions of rates applicable on locomotive fuel from Districts Nos. 10, 11, and 15. He testified that prior to October 1, 1940, the Chicago requirements of the railroad were purchased largely from Indiana fields and the Sycamore coaling station in Central Illinois; that since October 1, 1940, the railroad has purchased only a small emergency supply of fuel for locomotive purposes from District No. 11 because the prices fixed by the Division for District No. 11 made it prohibitive for the railroad to make purchases from District No. 11; and that fuel requirements formerly supplied by District No. 11 are now almost entirely supplied by the Central Illinois subdistrict. He admitted testifying in proceedings in General Docket No. 15 that coal of District No. 11 was worth slightly more than the Central Illinois coal, but stated that such appraisal was based on the fact that the coal purchased from the Central Illinois subdistrict had been entirely nut coal, while purchases from District No. 11 were largely egg coal. Certain testimony from General Docket No. 15, incorporated by reference into this record, indicates that the railroad purchased 2" x 1¼" nut coal from Central Illinois at that time while purchases in Indiana were 4" x 1¼" egg coal.

The witness further tesified that the railroad would be unwilling to pay more for Indiana screenings, with the substitution privilege, than for Central Illinois screenings with the same privilege; that one District does not afford a better locomotive fuel than the other; and that if the prayer of the petition is granted, it is the intention of this railroad to continue to purchase coal from the two Districts in about the same proportion that it had prior to October 1, 1940.

The petitioner has set out its requested minimum f. o. b. mine prices in Schedules 1 and 2, attached to its petition. In order to avoid double absorptions, however, on shipments of locomotive fuel to the Chicago Great Western Railway Company from District No. 11 mines, these Schedules must be revised as follows: (1) Footnotes (e) and (f) of Schedule (1) should be deleted; and (2) actual divisions instead of constructed divisions should be used in Schedule (2) to establish f. o. b. mine prices.

Upon the basis of the uncontroverted evidence, I find and conclude: (1) That the minimum prices shown in the Supplement annexed hereto and made a part hereof for the coals specified therein are proper and should be established in lieu of the presently effective minimum prices for such coals; and (2) that such revision of the rail price schedule for District No. 11 is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That, effective ten days from the date hereof, § 331.10 (*Special prices: Railroad locomotive fuel*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be and it is hereby amended by establishing the minimum prices set forth in the Supplement, annexed hereto and made a part hereof, in lieu of the presently effective minimum prices for the coals specified therein.

Dated: September 17, 1941.

[SEAL] H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement. Delete all reference to f. o. b. mine prices for CGW Railway and substitute in lieu thereof the following:

[Prices f. o. b. mines for shipment to railroads, as indicated, for locomotive fuel only]

Division	Mine index Nos.	Size dimensions	Name of railroad	Price f. o. b. mine
99. 2	1, 2, 3, 23, 30, 38, 56, 68, 70, 73, 102, 104, 108, 111, 112, 120, 122, 125, 126, 439.	Mine Run[a]	C. G. W.	171. 8
		Screenings (any size up to 2")[d]	C. G. W.	136. 8
99. 4	7, 8, 11, 16, 22, 42, 55, 59, 74, 75, 82, 83, 84, 89, 93, 94, 98, 118, 121, 124, 748.	Mine Run[a]	C. G. W.	171. 6
		Screenings (any size up to 2")[d]	C. G. W.	136. 6
99. 7	6, 28, 54, 86, 90, 99	Mine Run[a]	C. G. W.	171. 3
		Screenings (any size up to 2")[d]	C. G. W.	136. 3
100. 1	13, 14, 24, 103	Mine Run[a]	C. G. W.	170. 9
		Screenings (any size up to 2")[d]	C. G. W.	135. 9
108. 7	10, 19, 20, 21, 26, 33, 39, 40, 46, 51, 52, 53, 60, 63, 65, 67, 71, 72, 78, 85, 91, 101, 130, 205, 238, 360, 378, 720, 1168, 1279.	Mine Run[a]	C. G. W.	162. 3
		Screenings (any size up to 2")[d]	C. G. W.	127. 3
108. 9	32, 50, 100, 107, 119, 895	Mine Run [a]	C. G. W.	162. 1
		Screenings (any size up to 2") [d]	C. G. W.	127. 1
109. 6	48, 49, 69, 392, 394	Mine Run [a]	C. G. W.	161. 4
		Screenings (any size up to 2") [d]	C. G. W.	126. 4
116. 6	9, 31, 35, 47, 79, 96, 105, 114, 115, 117, 127, 309.	Mine Run [a]	C. G. W.	154. 4
		Screenings (any size up to 2") [d]	C. G. W.	119. 4
117. 8	5	Mine Run [a]	C. G. W.	153. 2
		Screenings (any size up to 2") [d]	C. G. W.	118. 2
119. 6	57, 58, 80, 81, 87, 88, 773, 926	Mine Run [a]	C. G. W.	151. 4
		Screenings (any size up to 2") [d]	C. G. W.	116. 4
125. 2	36, 41, 92, 97	Mine Run [a]	C. G. W.	145. 8
		Screenings (any size up to 2") [d]	C. G. W.	110. 8

[a] [d] For explanation see § 331.10 in Part 331, Minimum Price Schedule for District No. 11, For All Shipments Except Truck.

[F. R. Doc. 41-7380; Filed, October 2, 1941; 10:37 a. m.]

[Docket No. A-948]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE GLEN AYR #1 MINE, MINE INDEX NO. 743, TO THE STANDARD FUEL COMPANY, INCORPORATED, FOR SHIPMENT BY RAIL

This preceeding is instituted upon an original petition and an amendment thereto filed by District Board No. 11 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications in minimum prices for the coal to be produced at the Glen Ayr #1 Mine, Mine Index No. 743, of the Standard Fuel Company, Incorporated, for shipment by rail to all market areas.

An informal conference was, upon due notice to interested parties, held on July 18, 1941, at which time all interested parties were given the opportunity to express their views concerning the prayer for temporary relief. Only the original petitioner was represented.

The petitioner made the following representations at the informal conference: The Glen Ayr #1 Mine, Mine Index No. 743, located in the Standard Fourth Vein of the Brazil Clinton subdistrict of District No. 11, has been in operation for some years. Minimum prices and price classifications have been established for said mine for shipment by truck. It is now desired to ship coal produced at the said mine by rail and it is necessary that

§ 331.8 *General prices*—Supplement R-II
[F. o. b. mine prices and size group numbers]

Price table No.	1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	26	27	28, 29	33

minimum prices and price classifications therefor be established. Throughout District No. 11 constant relationships have been established as between f. o. b. mine prices for coal shipped by truck and for coal shipped from the same mine by

ested persons will not be unduly prejudiced pending the final disposition of this proceeding.

Now, therefore, it is ordered, That temporary relief in the above-entitled matter is granted as follows: Commenc-

minimum prices and price classifications therefor be established. Throughout District No. 11 constant relationships have been established as between f. o. b. mine prices for coal shipped by truck and for coal shipped from the same mine by rail and as between the various size groups, and these relationships should be preserved.

The petitioner further represented that the Glen Ayr #1 Mine, which is in Freight Origin Group No. 33, will enjoy a freight rate lower by 10 cents into Market Area No. 33 than that applying to certain other mines in the same freight origin group. It was requested, therefore, that the Glen Ayr #1 Mine not be granted the absorption of 10 cents of the freight rate to Market Area No. 33, which is granted to other mines in the same freight origin group having a higher freight rate. It was further urged by the petitioner that unless temporary relief be granted as prayed, Standard Fuel Company, Incorporated, will be deprived of an opportunity to ship its coal to markets by rail.

In view of the foregoing circumstances, it appears to the Director that a reasonable showing of necessity has been made for the granting of the temporary relief requested, pending final disposition of this proceeding; and that an adequate showing has been made that other interested persons will not be unduly prejudiced pending the final disposition of this proceeding.

Now, therefore, it is ordered, That temporary relief in the above-entitled matter is granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.8 (*General prices*) is amended by adding thereto Supplement R–II, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–III, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition as amended in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order unless the Director shall otherwise order.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group No.	Price group
[1] 743	Standard Fuel Co., Inc	Standard (Glen Ayr #1)	IV	BC	33	20

[1] Mine Index No. 743 shall be included in Price Group 20, which will be an additional Price Group to District No. 11, Schedule No. 1, for all shipments except truck. It shall be accorded the same adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to Mine Index No. 83.

§ 331.8 *General prices*—Supplement R–II

[F. o. b. mine prices and size group numbers]

Price table No.	1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	26	27	28, 29	33
1	250	245	240	230	225	220	215	215	190	180	150	140	90	60	160	150	110	115
2	250	245	240	230	225	220	215	215	190	180	150	140	90	60	160	150	110	115
3	240	235	230	220	215	210	205	205	180	170	140	130	80	50	150	140	100	105
4	240	235	230	220	215	210	205	205	180	170	140	130	80	50	150	140	100	105
5	240	235	230	220	215	210	205	205	180	170	140	130	80	50	150	140	100	105
6	220	215	210	200	195	190	185	185	160	150	120	110	60	30	130	120	80	85

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–III

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group No.	Price group
[1] 743	Standard Fuel Co., Inc	Standard (Glen Ayr #1)	IV	BC	33	20

[1] Mine Index No. 743 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 7, 8, 16, 55, 82, 83, 84, 89, 98 on pages 28 and 29 of Price Schedule No. 1 for District No. 11 for all shipments except truck.

[F. R. Doc. 41–7385; Filed, October 2, 1941; 10:39 a. m.]

[Docket No. A–1020]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipment; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 12, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
SULLIVAN COUNTY																														
Green, Herschel	146	Green	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40													
Mason, Wm. C	148	Mason Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Mason, Wm. C	149	Mason Rib	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40													

[F. R. Doc. 41-7382; Filed, October 2, 1941; 10:38 a. m.]

[Docket No. A-992]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT No. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 13; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R-II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III, § 333.6 (*General prices*) is amended by adding thereto Supplement R-IV, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T-II and T-III, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coals of Mine Index Nos. 1171, 332, 385, 353, 110, 965, 512, 1166, 790, 608, 576 and 1185 for the reason that the coals of the above-enumerated mines have been previously classified and priced in prior proceedings before this Division and the original petition in this matter requests no modification of, or addition to, those price classifications and minimum prices heretofore established.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 8, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R-I

[Prices f. o. b. mines for shipment by railroad. Applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	BLOUNT COUNTY, ALA.				
238	Wilson, J. E.	J. E. Wilson [1]	1	Jagger	31
	JEFFERSON COUNTY, ALA.				
332	Bennett, J. W.	R. P. Hodge [1]	1	Pratt	80
	WALKER COUNTY, ALA.				
155	Cordova Clay Co. (W. E. Moseley)	Riceton [1]	1	Mt. Carmel	101

[1] This mine shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 43.
This mine shall have a price in size groups 7, 11, 13, 22, and 23 on all price tables, 10 cents under the prices listed in size groups 6, 10, 12, 17 and 18, respectively, for mine with Index Number 31.
[2] This mine shall have the same prices in size groups 1, 2, 13, 19, 20, 21, 23 and 24 on all price tables as listed for mine with Index Number 71.
This mine shall have a price in size groups 7 and 22 on all price tables, 10 cents under the prices listed in size groups 6 and 17, respectively, for mine with Index Number 71.
[3] This mine shall have a price in size group 13 on all price tables, 10 cents under the price listed in size group 12 for mine with Index Number 31.

§ 333.7 *Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group

§ 333.7 *Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R-III

[Prices f. o. b. mines for shipment by railroad. Applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group

position of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto

opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed

with Index Number 71.

This mine shall have a price in size groups 7 and 22 on all price tables, 10 cents under the prices listed in size groups 6 and 17, respectively, for mine with Index Number 71.

[3] This mine shall have a price in size group 13 on all price tables, 10 cents under the price listed in size group 12 for mine with Index Number 31.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
52	Alabama By-Products Corp	Labuco [1]	1	Mary Lee	31
332	Bennett, J. W	R. P. Hodge [1]	1	Pratt	50
	WALKER COUNTY, ALA.				
155	Cordova Clay Co. (W. E. Moseley)	Riceton [1]	1	Mt. Carmel	101

[1] The above mines in the two counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.6 in Part 333 Minimum Price Schedule.)

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad. Applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
52	Alabama By-Products Corp	Labuco [1]	1	Mary Lee	31
332	Bennett, J. W	R. P. Hodge [1]	1	Pratt	50

[1] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mines with Index Numbers 30, 31, etc.

[2] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 71.

§ 333.6 *General prices*—Supplement R–IV

[Prices f. o. b. mines for shipment by railroad. Applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
522	Avery, J. W. (Avery Coal Co.)	Avery Coal Co	1	Millidale	[1] 44
1166	Williams, Ben (Williams Coal Co.)	Ben Williams #2	1	Millidale	[2] 44

[1] This F. O. G. number was incorrectly listed as 101 in Docket A–438.

[2] This F. O. G. number was incorrectly listed as 31 in Docket A–846.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

[Prices in cents per ton for shipment into all market areas]

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: over 2" egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under bottom size over ½"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal [1]
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
JEFFERSON COUNTY																			
Ingram & Ingram (Sam P. Ingram)	Ingram #1	2	163	Upper Nunnally	280	280	275	295	275			270	250	230	235	200	230	180	230
Robinson, Henry	Sicard Slope #1	2	168	Helena	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Alabama By-Products Corp	Labuco	2	52	Mary Lee	275	275		295						235	240		235		245
MARION COUNTY																			
Bowen, Sam	Bowen	2	164	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marrow, W. B	Poplar Hollow	2	160	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Self, Dickinson & Jones (Carrie Self)	Holcomb Hill #3	2	176	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
TUSCALOOSA COUNTY																			
Hallman Brothers (J. W. Hallman)	James	2	169	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WALKER COUNTY																			
Cordova Clay Co. (W. E. Moseley)	Riceton	2	155	Mt. Carmel	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Keeton, W. M	Tucker #10	2	157	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290

[1] For sizes included see Size Group Table, § 332.22.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump, over 2", egg, top size over 3"	Egg, top size 3" and under; bottom size 2" and under	Lump, 2" and under	Nut, top size 2" and under; bottom size 1" and under	Stoker, top size 1¼" and under; bottom size ¾" and under	Stoker, top size ¾" and under; bottom size ¾" and under	Stalker and modified N/H	Results, 3" and under	Results, 4" and under	Screenings, 2" and under	Screenings, 1¼" and under	Screenings, 1" and under	Screenings, ¾" and under	Screenings, ¾ and under	Industrial coal[1]
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
MARION COUNTY, TENN.																			
Cannon, Fred M.	Cannon	159	4	Sewance			305	260	250		235	235	235	205	205	215	200	165	200
Garner, D. W.	Garner	177	4	Battle Creek	315	315	305	260	250		235	235	235	205	205	215	205	175	200
DADE COUNTY, GA.																			
Prince & Wallace (G. A. Prince)	Prince	156	4	Old Fina	315	315	305	290	250	250	235	235	235	225	225	215	205	175	200
Lofty & Morgan (Wilburn M. Lofty)	Lofty	158	4	Fina	315	315	305	290	250	250	235	235	235	225	225	215	205	175	200

[1] For sizes included see Size Group Table, § 333.22.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–III

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Subdistrict	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 2" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 6"	Stove 3" and under, nut 2" and under	Stralght mine run	2" and under, slack	¾" and under, slack
					1	2	3	4	5	6	7	8
WHITE COUNTY, TENN.												
Prater, Charlie	Bon Air #4¼	4	167	Bon Air	250	230	205	205	185	195	135	130
Randolph & Smith	Deer Hollow	4	1244	Bon Air	250	230	205	205	185	195	135	130

[F. R. Doc. 41–7381; Filed, October 2, 1941; 10:37 a. m.]

Creek Mine, Mine Index No. 205, of the Rock Creek Coal Company, a code member in District No. 14; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director*.

[Docket No. A–1007]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF ROCK CREEK COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT ITS ROCK CREEK MINE (MINE INDEX NO. 205) IN SIZE GROUP NO. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, or price classifications and minimum prices for the coals in Size Group No. 11 produced at the Rock

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in this "Supplement R" and "Supplement T" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	County	Subdistrict No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Rock Creek Coal Co. (J. O DeMoss).	205	Rock Creek Mine.	Sebastian.	5											355									

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group	Frt. origin grp. No.	Price classification group 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
205	Rock Creek Coal Co. (J. O. DeMoss).	Rock Creek Mine.	5	11											F									

[F. R. Doc. 41–7383; Filed, October 2, 1941; 10:38 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1337—RAYON

PRICE SCHEDULE NO. 23—RAYON GREY GOODS

Price Schedule No. 23, Rayon Grey Goods,[1] is hereby amended by substituting the words "Office of Price Administration" for the words "Office of Price Administration and Civilian Supply" wherever they appear in the Schedule and by §§ 1337.14, 1337.15 and 1337.16 thereof to read as follows:

§ 1337.14 *Records.* (a) Every person making purchases or sales of rayon grey goods after August 25, 1941, whether or not of the constructions enumerated in Appendix A hereof, shall keep for inspection by the Office of Price Administration for a period of not less than 1 year: (1) complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, the price paid or received and the quantity in yards of each construction purchased or sold; and (2) copies of each contract of sale and invoice or similar document containing the details required in § 1337.15 hereof.

(b) Every manufacturer of rayon grey goods shall keep for inspection by the Office of Price Administration for a period of not less than 1 year complete and accurate records setting forth: (1) a full description of each construction of rayon grey goods whether or not of the constructions enumerated in Appendix A, manufactured or sold, including (i) the width, specifying whether in or off the loom, (ii) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom, and (iii) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended; and (2) the quantity in yards of each construction of rayon grey goods, whether or not of the constructions enumerated in Appendix A, produced during each calendar month. (Executive Order No. 8734)

§ 1337.15 *Details required in contract of sale and invoice.* (a) Every seller of rayon grey goods of the constructions enumerated in Appendix A shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, a full description of each construction of rayon grey goods sold, including (1) the width, specifying whether in or off the loom, (2) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom, and (3) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended.

(b) With each delivery of rayon grey goods, whether or not of the constructions enumerated in Appendix A, there shall be transmitted to the purchaser an invoice or similar document which shall contain a style number or symbol sufficient to identify in the manufacturer's records maintained pursuant to § 1337.14 hereof, the details of each construction so delivered. (Executive Order No. 8734)

§ 1337.16 *Reports.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer of rayon grey goods shall submit to the Office of Price Administration a report on Form 123:1 setting forth in the detail required by the Form all the constructions of rayon grey goods, other than the constructions enumerated in Appendix A, manufactured by such person in quantities in excess of 25,000 yards per month, and the highest prices at which each such construction was sold, both for immediate and future delivery, if sold during such month. Such reports shall be submitted even although the rayon grey goods so manufactured were not sold in the grey state but were further processed by the manufacturer thereof. Copies of Form 123:1 can be procured from the Office of Price Administration. (Executive Order No. 8734)

This amendment shall become effective October 3, 1941.

Issued this 2d day of October 1941.

LEON HENDERSON, *Administrator*.

[F. R. Doc. 41–7399; Filed, October 2, 1941; 4:08 p. m.]

[1] 6 F.R. 4371.

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT OF PRICE SCHEDULE NO. 32[1]—PAPERBOARD SOLD EAST OF ROCKY MOUNTAINS

The head notes of §§ 1347.61 and 1347.62 are amended to read as follows:

§ 1347.61, *Appendix A, maximum prices for paperboard used in the manufacture*

[1] 6 F.R. 5012.

of folding paper boxes and set-up cartons, and for all other purposes.

§ 1347.62, *Appendix B, maximum prices for paperboard used in the manufacture of corrugated and solid fiber boxes, single faced sheets, rolls, and for all other purposes.* (Executive Order No. 8734)

Issued this 3d day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7425; Filed, October 3, 1941; 11:29 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE EVAPORATED MILK INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

At my direction the Public Contracts Board, created in accordance with the provisions of section 4 of said Act by Administrative Order dated October 6, 1936, held a public hearing in the matter of prevailing minimum wages in the manufacture of evaporated and condensed milk. Notice of the hearing was sent to all manufacturers of those commodities listed in recognized commercial registers, to interested labor organizers, trade associations, and all other known interested parties. Invitation to attend the hearing was also extended through the national press and by publication in the FEDERAL REGISTER (3 F.R. 2510).

On the basis of the evidence presented at the hearing, the Board made and submitted its findings and recommendations which were circularized on February 24, 1940, by the Assistant Administrator of the Division of Public Contracts, to afford parties an opportunity to register objection or approval before a decision was made by me.

The recommendations of the Board were that the prevailing minimum wages in the manufacture or supply of evaporated milk should be determined by me to be 50 cents an hour in the States of Washington, Oregon, and California; 40 cents an hour in the States of Idaho, Montana, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North and South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, and Ohio; and 32.5 cents an hour in the remaining States and the District of Columbia. The Board excluded condensed milk from the scope of its recommendation for the reason that the Government has not purchased condensed milk in the past twenty years and will probably not do so in the future, and dry milk for the reason that it was not included in the subject of the hearing.

Because of the possibility that the wage structure of the Evaporated Milk Industry had experienced a change since the hearing held before the Public Contracts Board and since its findings and recommendations were circularized, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause on August 16, 1941 why I should not adopt the findings and recommendations of the Board and determine the aforementioned wage rates to be the presently prevailing minimum wages in the Evaporated Milk Industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to known members of the industry, trade unions, trade publications and to trade associations. Notice was also given to interested parties through the national press and by publication in the FEDERAL REGISTER (6 F.R. 4170).

Two statements have been filed in response to the notice, one by the Organization of the Evaporated Milk Industry under the Agricultural Adjustment Administration, and the other by a leading member of the industry. The first reasserts the position taken throughout by the Organization that all dairy products without limitation are exempted from the operation of the Walsh-Healey Public Contracts Act by virtue of the provisions of section 9 relating to such products. Assuming for the purposes of its argument that the Act does apply, the Organization directs the second half of its statement to a summarization of the points and arguments which it had previously advanced in opposition to the Board's findings and recommendations respecting the minimum wage rates prevailing in the industry. A concise statement of its objections is found in the Organization's brief dated March 6, 1940.

The statement filed by the individual member of the industry urges a 5-cent differential for women workers in the two areas for which the Board has found and recommended the rates to be 50 cents and 40 cents; in other words, that the rates of 50 cents and 40 cents for the respective areas be limited to men workers, with rates of 45 and 35 cents for women workers; no differential or change was urged with respect to the recommended rate of 32.5 cents for the area embracing the remaining States and the District of Columbia.

The jurisdictional question of the applicability of the Walsh-Healey Public Contracts Act to contracts for evaporated milk otherwise subject to the Act has been considered by the Department of Labor, both prior to and during the progress of the proceedings in this matter, resulting in the issuance of the ruling that the pertinent provisions of section 9 exempted only products perishable in fact and that evaporated milk was not such a product. I see no reason to alter the position heretofore taken on the question.

The disagreement on the part of industry with the wage rates recommended by the Board is predicated generally upon the ground that the Board based its recommendations upon the survey of wages made and presented by the Women's Bureau of the Department of Labor and failed to consider the wage data furnished by the Evaporated Milk Association. I have, however, given careful thought to all of the enumerated objections in the terms in which they have been expressed in the brief of March 6, 1940 and in the statement in response to the notice of opportunity to show cause. My consideration of the wage data from both of the sources mentioned convinces me that no prejudicial error has resulted from such emphasis as the Board may have given to the wage survey of the Women's Bureau. Standing alone, the wage data furnished by the industry would be inadequate for the purposes of this determination. Weighed with the former, I do not find sufficient cause for modifying the rates recommended by the Board.

As to the requested differential for women workers, the determination of the prevailing minimum wages in a given industry pursuant to the provisions of section 1 (b) of the Act, does not permit of consideration of the distinction in sex of the workers engaged in the industry. The minimum wage levels must be considered irrespective of sex in arriving at the basic minimum prevailing in the industry for a given area.

In approving and adopting the findings and recommendations of the Board, I also concur in the exclusion of condensed milk and dry milk from further consideration for the reasons given by the Board.

In consideration of the foregoing and on the facts and circumstances,

I hereby determine:

§ 202.40 *Evaporated milk industry.* The prevailing minimum wages for persons employed in the performance of contracts with agencies of the United States, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture and supply of evaporated milk, to be the amount indicated for each of the following groups of States, whether arrived at upon a time or piece work basis:

(a) 50 cents per hour or $20.00 per week of forty hours in the States of Washington, Oregon, and California;

(b) 40 cents per hour or $16.00 per week of forty hours in the States of Idaho, Montana, Nevada, Utah, Arizona, New Mexico, Colorado, Wyoming, North and South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, and Ohio;

(c) 32.5 cents per hour or $13.00 per week of forty hours in the remaining States of the United States and the District of Columbia.

This determination shall be effective and the minimum wages hereby estab-

lished shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after November 3, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: October 3, 1941.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-7426; Filed, October 3, 1941; 11:37 a. m.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 155]

PART 2—ENTRY OF VESSELS

OCTOBER 2, 1941.

Section 2.2 *Vessels not required to enter*, is amended to read as follows:

§ 2.2 *Vessels not required to enter.* In addition to the vessels specifically exempted by statute from entry, any vessel of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R. S. 161, Sec. 2, 23 Stat. 118; 5 U. S. C. 121; 46 U. S. C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941)

PART 5—FOREIGN CLEARANCES

Section 5.1 (a) *Requirements of clearance*, is amended to read as follows:

§ 5.1 *Requirements of clearance.* (a) A vessel bound for foreign port or ports must be cleared for definite port or ports in the order of its itinerary, but an application to clear for a port or place "for orders" (instructions to masters as to destination of vessel) may be acted upon favorably if the cargo is to be discharged in a port of the same country as the port to which the vessel is to be cleared. Any vessel of the United States of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R. S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 121; 46 U.S.C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941)

PART 6—COASTWISE PROCEDURE

Section 6.14 *Domestic vessels touching at foreign ports: departure* is amended to read as follows:

§ 6.14 *Domestic vessels touching at foreign ports: departure.* (a) The master of every registered or enrolled and licensed vessel departing for a foreign contiguous country shall be required to clear and file a manifest in duplicate on Commerce Form 1374 in the same manner as in the case of a vessel departing for any other foreign country.

(b) Any vessel of the United States of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R.S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 121; 46 U.S.C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941).

Part 6—*Coastwise Procedure*, is further amended by the addition of a new § 6.16, to read as follows:

§ 6.16 *Domestic vessels touching at foreign ports on the Great Lakes: arrival.* Any vessel of the United States of 1,000 gross tons or over, under frontier enrollment and license, or any tug of 50 gross tons or over, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. (R.S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 121; 46 U.S.C. 2; Public Law 260, 77th Congress, 1st Session, approved September 25, 1941)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-7413; Filed, October 3, 1941; 11:07 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-287-sc-3361]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BELMONT RADIO CORPORATION, CHICAGO, ILLINOIS

Contract for: Radio Receivers * * * spare parts, and Instruction Books.

Amount: $2,106,758.18.

Place: Chicago Signal Corps Procurement District, 1819 W. Pershing Rd., Chicago, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority SC 2024 P 5-30 A 0605-12, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 28th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Radio Receivers, * * * Spare Parts and Instruction Books for the consideration stated two million one hundred six thousand seven hundred fifty-eight dollars and eighteen cents ($2,106,758.18) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will

be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The total amount which the Government agrees to pay the contractor for the complete and faithful performance of this contract is the sum of two million one hundred six thousand seven hundred fifty-eight dollars and eighteen cents ($2,106,758.18), subject to a discount of one percent (1%) for payment within ten (10) calendar days.

Increase option. The Government reserves the right at any time during the life of this contract to increase the quantity or quantities of the supplies called for herein at not more than the unit prices stated, to any amount that would not exceed * * * percent of the entire contract price stipulated, said increase to be applied as to all or any item or items set forth hereinabove at the option of the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7401; Filed, October 3, 1941; 9:51 a. m.]

[Contract No. W 669 qm-13102; O. I. No. 1107]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REEVES BROTHERS, INC., 54 WORTH STREET, NEW YORK, N. Y.

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Amount: $5,968,812.50.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

This contract, entered into this twenty-ninth day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling five million, nine hundred sixty-eight thousand, eight hundred twelve dollars and fifty cents ($5,968,812.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-108 (42).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7402; Filed, October 3, 1941; 9:51 a. m.]

[Contract No. W 669 qm-13100; O. I. No. 1105]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY, INCORPORATED, 44 LEONARD STREET, NEW YORK, N. Y.

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

Amount: $10,294,797.28.

This contract, entered into this twenty-ninth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki, for the consideration stated totaling ten million, two hundred ninety-four thousand, seven hundred ninety-seven dollars and twenty-eight cents ($10,294,797.28) in strict accordance with the specifications, schedules and drawings all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government, for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-108 (42).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7403; Filed, October 3, 1941; 9:52 a. m.]

[Contract No. W 669 qm-13107; O. I. No. 1112]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CRAMERTON MILLS, INCORPORATED, CRAMERTON, NORTH CAROLINA

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Amount: $2,230,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

This contract, entered into this twenty-ninth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling two million, two hundred thirty thousand dollars ($2,230,000.00) in strict accordance with the specifications, schedules

and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * per centum of the price of such article for each day's delay after the time specified for delivery.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days 1%.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2–02 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P–C–108 (42).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7404; Filed, October 3, 1941; 9:52 a. m.]

[Contract No. W 669 qm–13106; O. I. No. 1111]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILLIAM WHITMAN COMPANY INC., 261 FIFTH AVENUE, NEW YORK, NEW YORK

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

Amount: $1,279,780.00.

This contract, entered into this twenty-ninth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling one million, two hundred seventy-nine thousand, seven hundred eighty dollars ($1,279,780.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2–02 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P–C–108 (42).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7405; Filed, October 3, 1941; 9:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

ORDER SUSPENDING THE LICENSE FOR MILK—LEAVENWORTH, KANSAS, SALES AREA

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended, issued on May 15, 1934, effective May 16, 1934, the license for milk—Leavenworth, Kansas, sales area, such license having been last amended July 5, 1935, effective July 6, 1935.

There being reason to believe from recent developments in this sales area, and in the Kansas City, Missouri, marketing area, that both areas should be under the same regulation, notice was given and a public hearing conducted at Kansas City, Missouri, on May 14, 15, and 16, 1941. This hearing was reopened at Kansas City, Missouri, on July 7 and 8, 1941. All interested parties were afforded an opportunity to be heard on proposed amendments to the order regulating the handling of milk in the Kansas City, Missouri, marketing area, including a proposal to extend such marketing area to include the Leavenworth, Kansas, sales area.

After such hearings and after compliance with all conditions precedent, an order was issued regulating the handling of milk in the combined areas designated as the Greater Kansas City marketing area.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that the license for milk—Leavenworth, Kansas, sales area, as amended, shall be, and the same is hereby, suspended until the further order of the Secretary.

This order of suspension shall be effective as of 11:59 p. m., c. s. t., October 1, 1941.

This order of suspension shall not affect, waive, suspend, or terminate any right, duty, obligation, or liability which has arisen, or which shall have arisen at the time when this order of suspension becomes effective, in connection with any of the terms and provisions of such license. In addition, this order of suspension shall not release or waive any violations of said license occurring prior to the effective date of this suspension.

Max M. Morehouse, market administrator under such license, is hereby ordered and directed to liquidate immediately the business of the market administrator's office in accordance with the terms and provisions of such license.

Done at Washington, D. C., this 2d day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7415; Filed, October 3, 1941; 11:25 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that the special certificates for the employment of learn-

ers issued to the West Shirt Company, Union, Mississippi effective on February 27, 1940, October 29, 1940 and December 2, 1940 have been cancelled as of March 16, 1940, October 29, 1940 and December 2, 1940 respectively pursuant to the terms thereof which provide among other things for cancellation as of the first date of violation if it is found that any of the terms have been violated.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any aggrieved person under Section 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C., this 30th day of September 1941.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 41-7428: Filed, October 3, 1941; 11:57 a. m.]

DISSOLVING INDUSTRY COMMITTEE NO. 12 FOR THE CARPET AND RUG INDUSTRY: INDUSTRY COMMITTEE NO. 14 FOR THE CONVERTED PAPER PRODUCTS INDUSTRY: INDUSTRY COMMITTEE NO. 16 FOR THE PORTABLE LAMP AND SHADE INDUSTRY: INDUSTRY COMMITTEE NO. 18 FOR THE ENAMELED UTENSIL INDUSTRY: INDUSTRY COMMITTEE NO. 19 FOR THE DRUG, MEDICINE, AND TOILET PREPARATIONS INDUSTRY: AND INDUSTRY COMMITTEE NO. 22 FOR THE RUBBER PRODUCTS MANUFACTURING INDUSTRY

Whereas the Administrator by Administrative Order No. 50, dated May 13, 1940, appointed Industry Committee No. 12 for the Carpet and Rug Industry; by Administrative Order No. 56, dated July 8, 1940, appointed Industry Committee No. 14 for the Converted Paper Products Industry; by Administrative Order No. 65, dated October 23, 1940, appointed Industry Committee No. 16 for the Portable Lamp and Shade Industry; by Administrative Order No. 72, dated November 23, 1940, appointed Industry Committee No. 18 for the Enameled Utensil Industry; by Administrative Order No. 77, dated December 17, 1940, appointed Industry Committee No. 19 for the Drug, Medicine, and Toilet Preparations Industry; and by Administrative Order No. 85, dated February 17, 1941, appointed Industry Committee No. 22, for the Rubber Products Manufacturing Industry; which Committees have duly investigated conditions in said industries and recommended minimum wage rates therefor; and

Whereas such recommendations have been approved and carried into effect by the Administrator in a wage order for the Carpet and Rug Industry, Regulations, Part 592, approved February 28, 1941; and in a wage order for the Converted Paper Products Industry, Regulations, Part 598, approved May 29, 1941; and in a wage order for the Portable Lamp and Shade Industry, Regulations, Part 595, approved April 30, 1941; and in a wage order for the Enameled Utensil Industry, Regulations, Part 594, approved March 28, 1941; and in a wage order for the Drug, Medicine, and Toilet Preparations Industry, Regulations, Part 600, approved June 14, 1941; and in a wage order for the Rubber Products Manufacturing Industry, Regulations, Part 601, approved June 27, 1941; and

Whereas the functions of the said Committees having been completed:

Now, therefore, it is ordered, That Industry Committee No. 12 for the Carpet and Rug Industry, No. 14 for the Converted Paper Products Industry, No. 16 for the Portable Lamp and Shade Industry, No. 18 for the Enameled Utensil Industry, No. 19 for the Drug, Medicine, and Toilet Preparations Industry, and No. 22 for the Rubber Products Manufacturing Industry, in accordance with Section 511.22 of Part 511 of said regulations, be, and hereby are dissolved.

Signed at Washington, D. C., this 2d day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7427; Filed, October 8, 1941; 11:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-216]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 30, 1941.

It appearing to the Commission that:

(a) On September 24, 1941, the United Gas Pipe Line Company, a Delaware corporation, having its principal office in Shreveport, Louisiana, filed an application for permission to remove and relocate certain natural gas pipe line facilities, which facilities are owned and operated by Applicant and are utilized by it in rendering natural gas service at the city gates of Port Arthur, Nederland and Port Neches, Texas, as fully described on map attached to said application;

(b) The Peoples Gas Company, the distributing company in Port Arthur, Nederland, and Port Neches, Texas, purchases its requirement of natural gas from Applicant under the terms and conditions of United Gas Pipe Line Company Rate Schedule FPC No. 4 and supplements thereto, which Rate Schedule, as supplemented, provides that it will continue in effect until November 6, 1941, and thereafter until terminated by either party upon six months prior written notice to the other party; on April 30, 1941, said Peoples Gas Company notified Applicant that said Rate Schedule and supplements thereto would expire at 7:00 a. m., on November 6, 1941, and that from and after said date, the natural gas requirements of Peoples Gas Company would be supplied from another source;

(c) On August 30, 1941, Applicant states that, acting pursuant to the provisions of Section 54.5, as amended, of the Provisional Rules of Practice and Regulations under the Natural Gas Act, it filed with the Commission notice that, effective November 6, 1941, said Rate Schedule FPC No. 4 and supplements thereto would terminate;

(d) If Applicant's service of natural gas to said Peoples Gas Company is discontinued, said facilities as shown on the map attached to said application will no longer be in use, and that Applicant desires to remove the materials in said facilities for relocation and use, wherever necessary, in other parts of its natural gas system; Applicant states, "The National Defense Program is causing an acute shortage in materials and supplies necessary for the maintenance of its (Applicant's) pipe line system," rendering it difficult to obtain them, and that the materials which Applicant may salvage, if it is permitted to remove them from their present location, will be used by it in its pipe line system, as aforesaid;

(e) Applicant has sent a copy of said application, with attached exhibits, to each of the following, by registered mail:

Peoples Gas Company, Address: Port Arthur, Texas.

The City of Port Arthur, Address: Port Arthur, Texas.

The Town of Nederland, Address: Nederland, Texas.

The Town of Port Neches, Address: Port Neches, Texas.

Railroad Commission of Texas, Address: Austin, Texas.

(f) Applicant prays that it be granted permission to remove and relocate the said facilities, and that such removal be not held to be an abandonment of facilities within the meaning of section 7 (b) of the Natural Gas Act; or, in the alternative, Applicant prays that this matter be set down for hearing at an early date;

(g) On September 26, 1941, a request was received from the Railroad Commission of Texas to hold a joint hearing on said application and that said hearing be held at Port Arthur, Texas.

The Commission orders that:

(A) A public hearing on said application be held on October 21, 1941, at 9:45 a. m., in the Goodhue Hotel, Port Arthur, Texas;

(B) The Railroad Commission of Texas and other interested State com-

missions be and they are hereby permitted to participate in said hearing, as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7400; Filed, October 3, 1941; 9:51 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4545]

IN THE MATTER OF GRANITE RAILWAY COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A.D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, 6th Street and Constitution Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7416; Filed, October 3, 1941; 11:27 a. m.]

[Docket No. 4546]

IN THE MATTER OF J. S. SWINGLE, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, 6th Street and Constitution Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-7417; Filed, October 3, 1941; 11:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-351]

IN THE MATTER OF CONTINENTAL FUND, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of October, A. D. 1941.

Continental Fund, Incorporated, a registered open-end management investment company, having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 10, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7414; Filed, October 3, 1941; 11:16 a. m.]

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FEDERAL REGISTER

VOLUME 6 NUMBER 195

Washington, Tuesday, October 7, 1941

The President

NATIONAL DEFENSE PIPE LINE—PORTLAND PIPE LINE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of Congress entitled "An act to facilitate the construction, extension, or completion of interstate petroleum pipe lines related to national defense, and to promote interstate commerce", approved July 30, 1941 (Public Law 197—77th Congress), vests in the President certain powers relating to the construction, extension, completion, operation, and maintenance of interstate pipe lines related to national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by sections 2 and 3 of said act of July 30, 1941, do hereby find and proclaim (1) that it is necessary for national defense purposes that there be constructed and completed a pipe line system for the transportation and distribution of petroleum and petroleum products moving in interstate and foreign commerce, the route for which is generally indicated on a map which is on file in the Office of the Petroleum Coordinator for National Defense, detailed survey maps of which shall be of record in the said office, commencing at South Portland, Maine, and extending in a northwesterly direction through the States of Maine, New Hampshire, and Vermont to a point on the International Boundary in the vicinity of North Troy, Vermont, at which point the said pipe line is to connect with a pipe line extending through the Province of Quebec to a terminal near Montreal, Canada, (2) that Portland Pipe Line Company, a private corporation organized under the laws of the State of Maine, has commenced the work necessary for the construction of such a pipe line system, and has partially constructed the same and represents that it is prepared to complete said pipe line system, and (3) that it is necessary for the purposes of construction, completion, operation, and maintenance of said pipe line system that the Portland Pipe Line Company have the right to acquire, by the exercise of the right of eminent domain as provided in the aforesaid act, along the route and between the points hereinbefore identified (a) such parcels of land or any interests therein, not in excess of 100 acres in each separate parcel, for the location of its storage tanks, pumping stations, delivery facilities, and other facilities in connection therewith, and (b) easements and rights-of-way, not in excess of 100 feet in width, for the construction, completion, operation, maintenance and removal of the pipe lines, including right of access thereto over adjoining lands: *Provided*, That such right of eminent domain be exercised by the Portland Pipe Line Company for the aforesaid purposes prior to June 30, 1943.

The pipe line hereinbefore identified shall be constructed, completed, operated, and maintained subject to such terms and conditions as the President may hereafter from time to time prescribe as necessary for national defense purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 1st day of October in the year of our Lord nineteen hundred and forty-one, [SEAL] and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2517]

[F. R. Doc. 41-7430; Filed, October 3, 1941; 2:00 p. m.]

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FEDERAL REGISTER

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TITLE 4—ACCOUNTS

CHAPTER I—GENERAL ACCOUNTING OFFICE

[G.A.O. File No. A-65768]

PART 11—CERTIFICATIONS BY CONTRACTORS AND VENDORS

CERTIFICATES BY CONTRACTORS AND VENDORS IN SUPPORT OF INVOICES OR PUBLIC VOUCHERS FOR PURCHASES AND SERVICES OTHER THAN PERSONAL, STANDARD FORM NO. 1034—REVISED

Sec.
11.1 Necessity for and form of certificates.
11.2 Manner of execution of certificates.

AUGUST 15, 1941.

Part 11. Certifications By Contractors And Vendors (Circular Letters of April 2 and June 2, 1938) is hereby amended to read as follows:

§ 11.1 *Necessity for and form of certificates.* The vendor's general certificate now appearing on Standard Form No. 1034—Revised is hereby amended to read as follows:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards, and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amounts billed.

All certificates heretofore approved and authorized in circular letters of April 2 and June 2, 1938, are hereby revoked and the certificate above will be used in place of all others now required on Standard Form No. 1034—Revised or on a vendor's bill of sale or invoice. (Secs. 309, 311 (f), 42 Stat. 25; 31 U.S.C., 49, 52 (f))

§ 11.2 *Manner of execution of certificates.* The prescribed certificate may be printed, stamped, typed, or written on vendor's bill of sale or invoice and must be signed (*in original only*) by the vendor or its duly authorized representative.

Under no conditions should the certificate on Government vouchers or on invoice forms to be attached to such vouchers be signed in blank or at any time prior to the submission of the voucher or invoice but only after delivery or performance by the claimant. To do so may result in the submission of a false claim against the Government for which the person signing the certificate may be held liable under the law. (Secs. 309, 311 (f), 42 Stat. 25; 31 U.S.C. 49, 52 (f))

LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 41-7450; Filed, October 6, 1941; 9:19 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[SCP-2, Supp. 3]

PART 707—1941 SUPPLEMENTARY COTTON PROGRAM [1]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and section 32 of the Act of August 24, 1935, as amended, SCP-2, Regulations Governing the 1941 Supplementary Cotton Program, issued January 29, 1941, is hereby further amended as follows:

Paragraph (a) of § 707.2 is further amended to read as follows:

§ 707.2 *Cotton order stamp payments.* (a) If the acreage planted to cotton on the farm in 1941 has been adjusted below the acreage allotment determined for the farm under the provisions of the 1941 Agricultural Conservation Program or the measured acreage of cotton on the farm in 1940, whichever is smaller, such adjustment in the acreage of cotton shall qualify the farm for cotton order stamp payments: *Provided*, That (1) prior to June 15, 1941, notice of the intention to make an adjustment was filed with the county agricultural conservation committee, on a prescribed form, by the operator of the farm, for and on behalf of himself and all other producers on the farm interested in the production of cotton thereon in 1941, and (2) the acreage so diverted was not planted to any crop (except peanuts) for which a special acreage allotment was, or could have been, determined for the farm under the provisions of the 1941 Agricultural Con-

[1] 6 F.R. 960.

servation Program. The acreage diverted from cotton shall be presumed not to have been used for the production of a crop for which a special acreage allotment was, or could have been, determined for the farm, if the county committee finds that the sum of the 1941 acreages of wheat, corn (in the commercial corn area), potatoes, commercial vegetables, rice, and tobacco for the farm does not exceed the sum of its allotments or permitted acreages for such crops under the 1941 Agricultural Conservation Program. If the sum of the acreages of the crops named above exceeds the sum of the respective allotments or permitted acreages, the acreage diverted from the production of cotton in 1941 shall be reduced by such excess and payment shall be made on the reduced diverted acreage, if any.

Done at Washington, D. C., this 6th day of October 1941. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7452; Filed, October 6, 1941; 11:18 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE DOMESTIC BEET SUGAR AREA FOR THE 1941 CROP, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Whereas section 302 of the Sugar Act of 1937, as amended, provides, in part, as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers;

and

Whereas subsection (c) of section 301 of the said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed;

Now, therefore, the following determination is hereby issued:

§ 802.17d *Proportionate shares of sugar beets for the 1941 crop*—(a) *Farm proportionate share and acreage for payment.* The proportionate share of sugar beets for the 1941 crop for each farm in the domestic beet sugar area shall be the number of acres of sugar beets planted thereon for the production of sugar beets to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar: *Provided, however,* That payments shall be limited to the acreage heretofore established by apportioning the total acreage for the district (as hereinafter set forth) among farms situated therein on the basis of the acreage planted to sugar beets during the years 1938, 1939, and 1940, and the ability of the producer to produce sugar beets, as measured by availability and suitability of land, area of available fields, availability of irrigation water, adequate drainage, availability of production and marketing facilities, and production experience.

(b) *Total acreage for payment by districts.* The total of the acreages established under the proviso to (a) above for farms by districts shall not be in excess of the following:

The district allocations are as follows:

State and District No.	Acreage allocation
California:	
1. Butte, Colusa, Glenn, Modoc, Siskiyou, Sutter, Tehama, Yuba, and Klamath Counties	13,688
2. Amador, Contra Costa, Fresno, Kings, Madera, Merced, Napa, Sacramento, San Joaquin, Solano, Sonoma, Stanislaus, Yolo, and Pershing Counties	65,129
3. Alameda, Monterey, San Benito, San Mateo, Santa Clara, and Santa Cruz Counties	32,528
4. Kern, Los Angeles, Orange, West Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Tulare, and Ventura Counties	29,678
5. Imperial, East Riverside, and Yuma Counties	6,533
Colorado:	
1. Larimer County	11,805
2. Weld County	49,864
3. Logan, Phillips, and Sedgwick Counties	16,920
4. Boulder and Jefferson Counties	5,636
5. Adams, Arapahoe, and Denver Counties	6,150
6. Morgan, Washington, and Yuma Counties	15,510
7. Garfield and Mesa Counties	2,620
8. Gunnison, Delta, and Montrose Counties	3,046
9. Alamosa, Conejos, Costilla, Rio Grande, and Saguache Counties	2,274
10. Chaffee, Custer, Fremont, Huerfano, Pueblo, El Paso, and Crowley Counties	9,049
11. Bent, Las Animas, Otero, Prowers Counties	13,952
Idaho:	
1. Ada, Adams, Canyon, Gem Owyhee, Payette, and Washington Counties	7,660
2. Gooding, Jerome, Lincoln, and Twin Falls Counties	11,730
3. Cassia and Minidoka Counties	10,743
4. Fremont, Jefferson, and Madison Counties	6,888
5. Bingham and Power counties	9,216
6. Bonneville County	5,891
7. Bannock and Oneida Counties	3,275
8. Franklin County	6,393
Indiana: Decatur	11,814
Iowa	5,246
Kansas	8,455
Michigan:	
Alma	9,144
Bay City	13,800
Blissfield	10,333
Caro	10,109
Croswell	8,702
Holland	4,421
Lansing	8,054
Mt. Clemens	6,355
Mt. Pleasant	9,535
Saginaw	9,558
Sebewaing	10,102
St. Louis	8,811
Upper Peninsula	331
Minnesota:	
1. Northwestern Minnesota	14,103
2. Central & Southern Minnesota	16,763
Montana:	
1. Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lake, Lewis and Clarke, Madison, Missoula, Powell, Ravalli, and Sanders Counties	9,530
2. Cascade, Pondera, and Teton Counties	3,823
3. Blaine, Phillips, and Valley Counties	8,672
4. Dawson and Richland Counties	8,266
5. Carbon, Stillwater, and Yellowstone Counties	19,584
6. Custer, Rosebud, and Treasure Counties	7,176
7. Big Horn County	9,886
Nebraska:	
1. Box, Butte, Cheyenne, Dawes, Garden, Kimball, Morrill, Scottsbluff, and Sioux Counties	45,124
2. Deuel, Dundy, Hitchcock, Keith, Lincoln, and Red Willow Counties	8,626
3. Adams, Buffalo, Custer, Dawson, Garfield, Greeley, Hall, Hamilton, Holt, Howard, Kearney, Loup, Merrick, Phelps, Valley, and Webster Counties	10,403
New Mexico	346
North Dakota:	
1. Western North Dakota	3,471
2. Eastern North Dakota	8,115
Ohio:	
Findlay	9,308
Fremont	9,223
Ottawa	7,002
Paulding	7,935
Oregon	6,781
South Dakota	7,853
Utah:	
1. Box Elder County	8,378
2. Cache County	8,685
3. Morgan and Weber Counties	4,737
4. Davis County	5,260
5. Salt Lake and Tooele Counties	4,146
6. Juab, Millard, Utah, Beaver, Iron, and Wasatch Counties	6,349
7. Piute, Sanpete, and Sevier Counties	5,272
8. Carbon, Emery, and Grand Counties	817
Washington	12,801
Wisconsin	15,982
Wyoming:	
1. Big Horn and Park Counties	9,316
2. Hot Springs and Washakie Counties	7,253
3. Crook, Johnson, Sheridan, and Weston Counties	4,766
4. Fremont County	3,104
5. Converse and Platte Counties	6,061
6. Goshen and Laramie Counties	13,922
Texas	195
Total United States	820,000

(c) *Definition of district.* A district which is identified by the location of a beet sugar factory shall be deemed to include the farms with respect to which the producers contracted for the production of sugar beets for delivery to such factory, and shall include only the farms located within the territory in which sugar beets are normally contracted for delivery to such factory.

(d) *Local committees.* The acreages with respect to which payments may be

made shall be those established by a committee of growers designated for the district by the Agricultural Adjustment Administration, which committee shall be guided by instructions issued by the Agricultural Adjustment Administration in accordance with this determination. (Sec. 302, 50 Stat. 910; 7 U.S.C., 1132)

Done at Washington, D. C., this 2d day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 41-7446; Filed, October 4, 1941; 11:21 a. m.]

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1941 CROP (REVISED).

Whereas section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers;

and

Whereas subsection (c) of section 301 of the said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed;

Now, therefore, the following determination is hereby issued:

§ 802.26c *Proportionate shares of sugarcane for the mainland cane sugar area for the 1941 crop.*—(a) *Farm proportionate share and acreage for payment.* The proportionate share of sugarcane for the 1941 crop for any farm in the mainland cane sugar area shall be the number of acres planted thereon for the production of sugarcane to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1941 crop season: *Provided, however,* That payments shall be limited to the acreage established for the farm as follows:

(1) For any farm in the mainland cane sugar area, except as provided in subparagraphs (2), (3), and (4) hereof, an acreage equal to the greater of either:

(i) The 1940 proportionate share acreage for the farm, or

(ii) The planted proportionate share acreage measured for harvest on the farm under the 1938 mainland sugarcane program.

In no event, however, shall such acreage for any such farm be greater than 90.75 per centum of the maximum proportionate share obtainable for the farm under the 1938 mainland sugarcane program.

(2) For any farm having a proportionate share for the 1940 crop of ten acres or less or for any farm for which a proportionate share was not established in 1940 (new grower), an acreage equal to the greater of either:

(i) The planted proportionate share acreage measured for harvest on the farm under the 1940 mainland sugarcane program, or

(ii) The lesser of either, ten acres or one-third of the acreage on the farm suitable for the production of sugarcane.

(3) For any farm operated by a producer-owned and producer-controlled cooperative association which is eligible to obtain a loan under or pursuant to any existing Act of Congress, and which was organized prior to November 29, 1940, an acreage equal to not less than the lesser of either:

(i) Ten acres multiplied by the number of members of the association engaged in the production of sugarcane on the farm, or

(ii) One-third of the acreage on the farm suitable for the production of sugarcane.

(4) The minimum such acreage for any farm in the mainland cane sugar area shall be:

(i) For any farm on which the planted proportionate share acreage measured for harvest under the 1940 mainland sugarcane program was in excess of ten acres, not less than ten acres;

(ii) for any farm for which a 1939 proportionate share was established under the proviso in paragraph (a) of the determination of proportionate shares for the 1939 crop, not less than the planted proportionate share acreage measured for harvest under the 1939 mainland sugarcane program; or

(iii) in any event not less than five acres.

(b) *Tenant and sharecropper protection.* The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of diverting to producers any payment to which tenants or sharecroppers would be entitled if their 1940 leasing or cropping agreements were in effect;

(2) That there shall have been no interference by any producer with any contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane or their share of the sugarcane produced on the farm.

This determination supersedes the "Determination of Proportionate Shares for Farms in the Mainland Cane Sugar Area for the 1941 Crop", issued November 29, 1940. (Sec. 302, 50 Stat. 910; 7 U.S.C., 1132)

Done at Washington, D. C. this 2d day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 41-7445; Filed, October 4, 1941; 11:20 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3rd day of October 1941.

It appearing that: The provisions of §§ 61.3220 and 61.3230 of the Civil Air Regulations forbidding the operation of multi-engine land aircraft over water beyond a gliding distance from shore without the aid of power unless equipped with certain equipment for over-water flying causes scheduled air carrier aircraft to fly between Oakland Municipal Airport, Oakland, California, and San Francisco Municipal Airport, San Francisco, California, at altitudes frequently requiring unnecessary instrument operation;

The Board finds that: Its action is in the public interest and in the interest of safety of air transportation;

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following regulation:

Notwithstanding the provisions of §§ 61.3220 and 61.3230, scheduled air carriers in air transportation may operate multi-engine land aircraft on a direct route between Oakland Municipal Airport, Oakland, California, and San Francisco Municipal Airport, San Francisco, California, over the San Francisco Bay at a distance beyond gliding distance from shore without the aid of power when such operation is authorized by the Administrator.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7447; Filed, October 6, 941; 9:18 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER C—NEUTRALITY

PART 171—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, ETC.

The regulations governing the international traffic in arms, promulgated on November 6, 1939 (4 F.R. 4512; 22 CFR, Sup. 1939), pursuant to the authority vested in me by the provisions of section 12 of the joint resolution of Congress approved November 4, 1939 (54 Stat. 10; 22 U.S.C., Sup. 245j–11), are hereby amended in the following respects:

Section 171.9 is amended to read as follows:

§ 171.9 *Persons who may make or receive occasional shipments.* Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 12 of the joint resolution. Licenses for such shipments must, however, be obtained in accordance with the provisions of § 171.24. (Sec. 12, 54 Stat. 10; 22 U.S.C., Sup., 245j–11)

Section 171.13 is amended to read as follows:

§ 171.13 *Export licenses.* The Secretary of State will issue export licenses to all registered applicants who have duly filled out an application for license, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party, *Provided, however,* That export licenses shall not be issued in any case when it shall have been determined by the Executive Director of the Economic Defense Board, under the direction of the President, in accordance with the provisions of section 6 of the act of Congress approved July 2, 1940 (54 Stat. 714), and Executive Order 8900 of September 15, 1941 (6 F.R. 4795), that the proposed shipment would be contrary to the interest of the national defense. (Sec. 12, 54 Stat. 10; 22 U.S.C., Sup., 245j–11)

Section 171.14 is amended to read as follows:

§ 171.14 *Licenses not transferable.* Export and import licenses are not transferable and are subject to revocation without notice. If not revoked, licenses are valid for one year from the date of issuance, and shipments thereunder may be made through any port of exit or entry in the United States. The naming of the proposed port of exit under paragraph 3 of the application for export license of the proposed port of entry under paragraph 3 of the application for import license does not preclude shipment through another port if the arrangements made by the exporter or importer are altered subsequent to the issuance of the license. (Sec. 12, 54 Stat. 10; 22 U.S.C., Sup., 245j–11)

Section 171.23 is hereby rescinded.

Section 171.27 is amended to read as follows:

§ 171.27 *Arms intended exclusively for sporting or scientific purposes.* Arms and ammunition which enter or leave the United States on the person of an individual or in his baggage, and which are intended exclusively for the personal use of that individual for sporting or scientific purposes or for personal protection, will not be considered as imported or exported within the meaning of section 12 of the joint resolution. The individual on whose person or in whose baggage the arms or ammunition or both are being carried must, however, declare the arms or ammunition or both to the collector of customs at the port of exit or entry and, before exit from the United States or entry into the United States is made, establish to the satisfaction of the collector that the arms or ammunition or both are in fact intended exclusively for the personal use of the individual in question for sporting or scientific purposes or for personal protection. No more than 3 arms and no more than 500 cartridges shall in any case be carried from or into the United States by an individual under the provisions of this section without an export or import license having been obtained. (Sec. 12, 54 Stat. 10; 22 U.S.C., Sup., 245j–11)

Section 171.28 is amended to read as follows:

§ 171.28 *Arms, ammunition, etc., intended for official use.* Arms, ammunition, and implements of war intended for the official use of or consumption by an agent or agency of the Government of the United States, or which are to be used or consumed under the direction of such agent or agency of the Government, may be exported or imported without license when consigned to an agent or agency of the Government in the case of imports and when consigned by an agent or agency of the Government in the case of exports. (Sec. 12, 54 Stat. 10; 22 U.S.C., Sup., 245j–11)

Sections 171.42–171.44, inclusive, are hereby rescinded.

All provisions of the regulations promulgated on November 6, 1939 not herein amended or rescinded shall remain in full force and effect.

[SEAL] CORDELL HULL,
Secretary of State.

OCTOBER 2, 1941.

[F. R. Doc. 41-7433; Filed, October 3, 1941; 4:30 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS-PROFITS TAXES

[T.D. 5079]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Regulations 103 Amended. Optional Tax on Individuals With Gross Income From Certain Sources of $3,000 or Less

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, such regulations are amended as follows:

PARAGRAPH 1. The following is inserted immediately after § 19.396–1 *Tax of certain shareholders paid by the corporation,* (added by T.D. 5036 [1]):

SEC. 102. OPTIONAL TAX ON INDIVIDUALS WITH CERTAIN GROSS INCOME OF $3,000 OR LESS. (REVENUE ACT OF 1941, TITLE I.)

(a) *Optional tax.* The Internal Revenue Code is amended by inserting after section 396 the following new Supplement:

SUPPLEMENT T—INDIVIDUALS WITH GROSS INCOME FROM CERTAIN SOURCES OF $3,000 OR LESS

SEC. 400. IMPOSITION OF TAX.

In lieu of the tax imposed under sections 11 and 12, an individual may elect, for each taxable year, to pay the tax shown in the following table if his gross income for such taxable year is $3,000 or less and consists wholly of one or more of the following: Salary, wages, compensation for personal serv-

[1] 6 F.R. 833.

ices, dividends, interest, rent, annuities, or royalties:

If the gross income [less $400 for each dependent] is over—	But not over—	The tax shall be— Single person (not head of a family)	Head of family or married person
$1	$750	$0	$0
$750	775	1	0
$775	800	2	0
$800	825	3	0
$825	850	5	0
$850	875	7	0
$875	900	9	0
$900	925	11	0
$925	950	14	0
$950	975	16	0
$975	1,000	18	0
$1,000	1,025	20	0
$1,025	1,050	22	0
$1,050	1,075	24	0
$1,075	1,100	26	0
$1,100	1,125	29	0
$1,125	1,150	31	0
$1,150	1,175	33	0
$1,175	1,200	35	0
$1,200	1,225	37	0
$1,225	1,250	39	0
$1,250	1,275	42	0
$1,275	1,300	44	0
$1,300	1,325	46	0
$1,325	1,350	48	0
$1,350	1,375	50	0
$1,375	1,400	52	0
$1,400	1,425	55	0
$1,425	1,450	57	0
$1,450	1,475	59	0
$1,475	1,500	61	0
$1,500	1,525	63	1
$1,525	1,550	65	2
$1,550	1,575	68	3
$1,575	1,600	70	5
$1,600	1,625	72	6
$1,625	1,650	74	7
$1,650	1,675	76	9
$1,675	1,700	78	11
$1,700	1,725	80	13
$1,725	1,750	83	15
$1,750	1,775	85	17
$1,775	1,800	87	19
$1,800	1,825	89	22
$1,825	1,850	91	24
$1,850	1,875	93	26
$1,875	1,900	96	28
$1,900	1,925	98	30
$1,925	1,950	100	32
$1,950	1,975	102	35
$1,975	2,000	104	37
$2,000	2,025	106	39
$2,025	2,050	109	41
$2,050	2,075	111	43
$2,075	2,100	113	45
$2,100	2,125	115	48
$2,125	2,150	117	50
$2,150	2,175	119	52
$2,175	2,200	122	54
$2,200	2,225	124	56
$2,225	2,250	126	58
$2,250	2,275	128	60
$2,275	2,300	130	63
$2,300	2,325	132	65
$2,325	2,350	134	67
$2,350	2,375	137	69
$2,375	2,400	139	71
$2,400	2,425	141	73
$2,425	2,450	143	76
$2,450	2,475	145	78
$2,475	2,500	147	80
$2,500	2,525	150	82
$2,525	2,550	152	84
$2,550	2,575	154	86
$2,575	2,600	156	89
$2,600	2,625	158	91
$2,625	2,650	160	93
$2,650	2,675	163	95
$2,675	2,700	165	97
$2,700	2,725	167	99
$2,725	2,750	169	102
$2,750	2,775	172	104
$2,775	2,800	174	106
$2,800	2,825	177	108
$2,825	2,850	180	110
$2,850	2,875	183	112
$2,875	2,900	186	114
$2,900	2,925	189	117
$2,925	2,950	191	119
$2,950	2,975	194	123
$2,975	3,000	197	121

In applying the above schedule to determine the tax of a taxpayer with one or more dependents there shall be subtracted from his gross income $400 for each such dependant.

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

§ 19.400–1 *Scope and application of Supplement T.* In lieu of the tax imposed under sections 11 and 12, an individual may elect to pay the tax imposed under section 400, if his gross income does not exceed $3,000 and if his gross income consists wholly of one or more of the following: Salary, wages, compensation for personal services, dividends, interest, rent, annuities, or royalties. For the purpose of the $3,000 limitation, the amount of an individual's gross income shall be determined without subtracting any amount on account of such individual's dependents. For example, A has a gross income, consisting of salary, of $3,200 for 1941. He has two dependents. For the purpose of the $3,000 limitation, his gross income is $3,200, not $2,400, and consequently he may not compute his tax under Supplement T. An individual deriving any other kind of income such as income from the conduct of a business or from a trust of which he is a beneficiary or gains from the sale or exchange of property, may not compute his tax under Supplement T. If any individual derives income from a partnership of which he is a member or from a trust of which he is a beneficiary, and the partnership or trust previously derived the income distributed to him from rent, he will be considered to have received income from a partnership or trust, rather than from rent, and consequently will not be entitled to compute his tax under Supplement T. A husband and wife living together on the last day of the taxable year may file separate returns on Form 1040A, if the gross income of each is from the prescribed sources and does not exceed $3,000, or they may file a single joint return, if their combined gross income is from the prescribed sources and does not exceed $3,000. If they file separate returns, the tax liability of each under section 400 is the tax imposed upon a single person. If such husband and wife file separate returns and only one elects to make a return on Form 1040A, the tax liability of the one so electing is the tax imposed upon a single person. If they file a single joint return or if only one spouse makes a return because the other spouse has no gross income, the tax liability is the tax imposed upon a married person.

In order to determine the amount of his tax an individual merely ascertains the amount of his gross income, subtracts $400 for each dependent for whom a credit is allowable (see Example (3) in § 19.401–1), and refers to the schedule set forth in section 400 to find the amount of his tax. If the taxpayer is a single person who is not the head of a family, his tax is set forth in the third column of the schedule. If he is a married person or the head of a family, his tax is set forth in the fourth column. Under the schedule no tax is imposed upon a single person whose gross income less credit for dependents does not exceed $750, or upon a married person or the head of a family whose gross income less credit for dependents does not exceed $1,500.

SEC. 102. OPTIONAL TAX ON INDIVIDUALS WITH CERTAIN GROSS INCOME OF $3,000 OR LESS. (Revenue Act of 1941, Title I.)

(a) *Optional tax.* The Internal Revenue Code is amended by inserting after section 396 the following new Supplement:

* * * * *

SEC. 401. RULES FOR APPLICATION OF SECTION 400.

For the purposes of this Supplement—

(a) Definitions. (1) "Married person" means a married person living with husband or wife.

(2) "Dependent" means a person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective, excluding as a dependent, in the case of a head of a family, one who would be excluded under section 25 (b) (2) (B).

(b) *Determination of status.* The determination of whether a person is living with husband or wife, is a head of a family, or is a dependent, shall be made as of the last day of the taxpayer's taxable year.

(c) *Separate return of husband and wife.* If a husband and wife living together file separate returns each shall be treated as a single person.

(d) *Married persons not living with husband or wife.* A married person not a head of a family and not living with husband or wife shall be treated as a single person.

* * * * *

§ 19.401–1 *Rules for application of schedule in section 400.* The determination of whether a taxpayer is a married person or the head of a family, or whether he has a dependent, is to be made as of the last day of such taxpayer's taxable year. The fact that the taxpayer's status changes during such taxable year is not material.

Example (1). A has a gross income of $1,640, derived wholly from wages. He was married on July 1, 1941, and he and his wife were living together on the last day of the taxable year. He has no dependents. His wife has no gross income. In order to ascertain the tax imposed upon him for the calendar year 1941 under section 400, A refers to column 4 of the schedule (applicable to a married person), and finds that the tax levied upon a taxpayer whose gross income falls within the bracket running from $1,625 to $1,650 is $7. Since $1,640 is within this bracket, A's tax is $7.

Example (2). B, an unmarried person, has a gross income of $2,636 derived wholly from rent and dividends. During the first seven months of 1941, B's status is that of head of a family, but on the last day of the taxable year his status is that of a single person not the head of a family. To determine his tax, B refers to the third column of the schedule (applicable to a single person who is not the head of a family) and finds that the tax levied upon an individual whose gross income falls within the bracket running from $2,625 to $2,650 is $160. Since $2,636 is within this bracket, B's tax is $160.

Example (3). C has a gross income of $2,680 for the calendar year 1941, derived wholly from wages. His wife dies on October 1, and on the last day of the taxable year he is supporting and maintaining a home for two dependent children both of whom are under the age of eighteen. Since C would not occupy the status of head of a family except for the fact that he maintains a home for such children no amount may be subtracted from gross income on account of one of such children. Accordingly, to ascertain his tax, C subtracts only $400 from $2,680, refers to the fourth column of the schedule (applicable to the head of a family), and finds that the tax in the case of a taxpayer whose gross income falls in the bracket running from $2,275 to $2,300 is $63. Since $2,280 falls within this bracket, C's tax is $63.

SEC. 102. OPTIONAL TAX ON INDIVIDUALS WITH CERTAIN GROSS INCOME OF $3,000 OR LESS. (Revenue Act of 1941, Title I.)

(a) *Optional tax.* The Internal Revenue Code is amended by inserting after section 396 the following new Supplement:

* * * * *

SEC. 402. MANNER OF ELECTION.

"The election referred to in section 400 shall be considered to have been made if the taxpayer files the return prescribed for this Supplement and such election shall be irrevocable. If the taxpayer for any taxable year has filed a return computing his tax without regard to this Supplement, he may not thereafter elect for such year to compute his tax under this Supplement.

* * * * *

§ 19.402–1 *Manner of election to compute tax under Supplement T.* A taxpayer elects to compute his income tax under Supplement T by filing a return of his gross income on Form 1040A, the form prescribed for this Supplement. If a husband and wife both make such an election, they may file a joint return reporting their aggregate gross income or they may file separate returns reporting their respective gross incomes. If they file separate returns, the tax of each shall be computed by reference to the third column of the schedule set forth in section 400.

An election under Supplement T once made for the taxable year may not be revoked by an amended return or otherwise, but a new election is allowed for each subsequent taxable year. If for any taxable year the taxpayer makes a return without regard to Supplement T, he may not thereafter elect to have his tax computed under such Supplement for that taxable year.

SEC. 102. OPTIONAL TAX ON INDIVIDUALS WITH CERTAIN GROSS INCOME OF $3,000 OR LESS. (Revenue Act of 1941, Title I.)

(a) *Optional tax.* The Internal Revenue Code is amended by inserting after section 396 the following new Supplement:

* * * * *

SEC. 403. CREDITS AGAINST TAX NOT ALLOWED.

Section 31 (relating to foreign tax credit) and section 32 (relating to credit for taxes withheld at source) shall not apply with respect to the tax imposed by this Supplement.

SEC. 404. CERTAIN TAXPAYERS NOT ELIGIBLE.

This Supplement shall not apply to a nonresident alien individual, or an estate or trust.

* * * * *

(This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62) and section 102 of the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 4, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7455; Filed, October 6, 1941; 11:22 a. m.]

[T. D. 5075, Regulations No. 3, amended]

PART 182—INDUSTRIAL ALCOHOL

Pursuant to the authority in sections 3105 (a), 3124 (a) (6), and 3176 (a), Internal Revenue Code, Regulations No. 3 is amended as hereinafter set forth.

Article 111, as amended, is further amended as follows:

Effective immediately and until further notice, the producer's identifying symbol and the serial number on packages of completely denatured alcohol, in lieu of being embossed as heretofore prescribed, may be cut, sand-blasted, or otherwise permanently indented thereon. Packages marked in this manner may be reused by producers and their agents in accordance with the procedure outlined in this article as amended by Treasury Decision 5065, provided such identifying symbols and serial numbers are distinct and legible when the reused packages are filled and shipped.

Article 146, as amended, is further amended as follows:

Effective immediately and until further notice, the producer's identifying symbol and the serial number on packages of proprietary solvent, in lieu of being embossed as heretofore prescribed, may be cut, sand-blasted, or otherwise permanently indented thereon. Packages marked in this manner may be reused by producers and their agents in accordance with the procedure outlined in this article as amended by Treasury Decision 5065, provided such identifying symbols and serial numbers are distinct and legible when the reused packages are filled and shipped.

[SEAL] GUY T. HELVERING,
Commissioner.

Approved: October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7438; Filed, October 4, 1941; 10:31 a. m.]

[T. D. 5076, Regulations No. 3, amended]

PART 182—INDUSTRIAL ALCOHOL

Pursuant to the authority in sections 3105, 3124 (a) (6), and 3176 of the Internal Revenue Code, Regulations No. 3 is amended by adding thereto the following new articles:

TRANSFER OF TAX-PAID ALCOHOL BY PIPE LINE TO RECTIFYING PLANTS

ART. 171. The Commissioner may, in his discretion, authorize the installation of a pipe line for the transfer of alcohol produced in accordance with these regulations from the weighing tank in an industrial alcohol bonded warehouse, after tax-payment, to storage tanks in a rectifying plant for use in rectification and bottling, when such rectifying plant is contiguous to, or is in the immediate vicinity of the bonded warehouse. The Commissioner will determine from all the circumstances in each case whether the rectifying plant is in the immediate vicinity of the bonded warehouse.

ART. 172. The proprietor of a bonded warehouse who desires to install a pipe line for the transfer of tax-paid alcohol to a contiguous rectifying plant, or rectifying plant in the immediate vicinity of the bonded warehouse, must file application in triplicate with the district supervisor showing the relative position of the bonded warehouse and the rectifying plant, the proprietorship thereof, and a full description of the proposed pipe line.

ART. 173. Upon receipt of the application, the district supervisor will make such inquiry as he may deem necessary to determine the propriety of granting the permission sought and will then forward all copies of the application to the Commissioner with his recommendation thereon. The Commissioner will indicate his approval or disapproval on all copies of the application and return two copies to the district supervisor who will forward one copy to the applicant. Where the application is approved, the proprietor of the warehouse will, upon installation of the pipe line, file amended application, Form 1431, and plans and plat covering such changes in equipment in accordance with these regulations.

ART. 174. The pipe line shall be constructed and the outlet of the weighing tank secured in the manner provided by § 183.54 of Regulations 4, respecting pipe lines from the cistern room to storage tanks in an internal revenue bonded warehouse on the distillery premises.

ART. 175. Where a pipe line has been installed for the transfer of alcohol direct from the weighing tank in the bonded warehouse to a contiguous rectifying plant or rectifying plant in the immediate vicinity, as provided herein, and the proprietor of the warehouse desires to transfer such alcohol, he shall execute application for the tax-payment of such alcohol on Form 1594, "Application for Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," in duplicate, appropriately modified to cover the transfer by pipe line. The proprietor and the store-

keeper-gauger shall then proceed in accordance with the provisions of these regulations, as amended, respecting the gauging and withdrawal of spirits for tax-payment in railroad tank cars. The proprietor will forward all copies of Form 1440, prepared in accordance with Article 63, with Form 1594, in duplicate, accompanied by proper remittance for the tax, to the collector of internal revenue.

ART. 176. The collector will note on all copies of Form 1440, the tax-payment (including the serial number of the certificate, Form 1595), in the column provided for entering the serial numbers of tax-paid stamps, execute the certificate of tax-payment on Form 1440, and issue Form 1595, "Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," which certificate shall be appropriately modified to cover the transfer of alcohol by pipe line. The collector will fill in all the required data in the blank spaces on the certificate, except those provided in the lower left corner for the verification of the storekeeper-gauger, and shall date and sign the certificate in the manner required by § 183.299 of Regulations 4. The certificate is not negotiable and shall not be used for any spirits other than those described therein. The collector will enter on the original and copy of Form 1594, in the space provided, the serial number, date, and amount of the certificate issued. The collector will retain one copy of Form 1440 and the original copy of Form 1594. He will mail or deliver the certificate, Form 1595, and the original and remaining copies of Form 1440 to the proprietor of the warehouse or his designated agent, in accordance with the proprietor's request in Form 1594. The collector will send one copy of the application, Form 1594, to the district supervisor.

ART. 177. The proprietor shall deliver the certificate of tax-payment, Form 1595, and all copies of Form 1440 to the storekeeper-gauger at the bonded warehouse. The storekeeper-gauger will verify the contents of the weighing tank and date and sign the certificate, Form 1595, in the space provided therefor. The certificate must be attached to a board on the weighing tank by means of a tack in each corner, after which it will be cancelled in the same manner as a tax-paid stamp attached to a package and covered with a coating of transparent varnish, shellac or lacquer to prevent any alteration thereof.

ART. 178. When the certificate of tax-payment has been affixed to the weighing tank and cancelled, the storekeeper-gauger will unlock the outlet valve and permit the proprietor to transfer the alcohol by pipe line to the rectifying plant named in the certificate. The alcohol shall be transferred only under the immediate supervision of the storekeeper-gauger. After the alcohol has been transferred, the storekeeper-gauger will forward one copy of Form 1440 and the cancelled Form 1595 to the district supervisor, and deliver two copies of Form 1440 to the proprietor, who will deliver one copy of such form to the rectifier.

ART. 179. The report of gauge, Form 1440, delivered to the rectifier by the proprietor, shall be attached to the storage tank in the rectifying plant. The rectifier shall enter the date and quantity of removals from the tank in the blank spaces of such Form 1440. The report of gauge shall be kept on the tank until such time as the quantity covered thereby has been withdrawn from the tank. The report shall then be filed by the rectifier available for inspection by government officers. The alcohol transferred by pipe line may not be used by the rectifier prior to attachment of Form 1440 to the storage tank.

ART. 180. The district supervisor will compare the cancelled certificate with the copy of the application and the report of gauge as to the number of gallons of alcohol, the amount of tax, etc., and investigate any discrepancy. He will then send a copy of the application to the Commissioner and where there is a discrepancy, a report of his findings relative thereto.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7439; Filed, October 4, 1941; 10:31 a. m.]

[T. D. 5077, amending Regulations 4]

PART 183—PRODUCTION OF DISTILLED SPIRITS

Pursuant to the provisions of sections 2883 and 3176 of the Internal Revenue Code, Regulations 4 are hereby amended by adding the following new article and sections:

ARTICLE XLI. *Transfer of Tax-Paid Distilled Spirits by Pipe Line to Rectifying Plants*

§ 183.437 *Commissioner may authorize.* The Commissioner may, in his discretion, authorize the installation of a pipe line for the transfer of distilled spirits produced under section 2883, Internal Revenue Code, at a proof in excess of 159 degrees and reduced in the receiving cistern to not more than 159 and not less than 100 degrees proof, from the weighing tank in the cistern room of a registered distillery, after tax-payment, to storage tanks in a rectifying plant for use in rectification and bottling, when such rectifying plant is contiguous to, or is in the immediate vicinity of the distillery. The Commissioner will determine from all the circumstances in each case whether the rectifying plant is in the immediate vicinity of the distillery. (Secs. 2883, 3176, I.R.C.)

§ 183.438 *Application.* A distiller who desires to install a pipe line for the transfer of such spirits to a contiguous rectifying plant or rectifying plant in the immediate vicinity of the distillery, must file application in triplicate with the district supervisor showing the relative positions of the plants and the proprietorship thereof, and giving a full description of the proposed pipe line. (Secs. 2883, 3176, I.R.C.)

§ 183.439 *Action on application.* Upon receipt of the application, the district supervisor will make such inquiry as he may deem necessary to determine the propriety of granting the permission sought and will then forward all copies of the application to the Commissioner with his recommendation thereon. The Commissioner will indicate his approval or disapproval on all copies of the application and will return two copies to the district supervisor who will forward one copy to the applicant. Where the application is approved, the distiller will, upon installation of the pipe line, file amended distiller's notice, Form 27-A, and plans, as provided in § 183.149 in the case of major changes in equipment, and an amended plat. (Secs. 2883, 3176, I.R.C.)

§ 183.440 *Pipe line construction.* The pipe line shall be constructed and the outlet of the weighing tank secured, in the manner provided by § 183.54, respecting pipe lines from the cistern room to storage tanks in an internal revenue bonded warehouse on the distillery premises. (Secs. 2883, 3176, I.R.C.)

§ 183.441 *Application, Form 179.* Where a pipe line has been installed for the transfer of distilled spirits direct from the weighing tank in the distillery to a contiguous rectifying plant or rectifying plant in the immediate vicinity under the provisions of this article, and the distiller desires to transfer such spirits, he shall execute application for the tax-payment of such spirits on Form 179, in quadruplicate. The distiller and the storekeeper-gauger shall then proceed in accordance with the provisions of §§ 183.281, 183.282, and 183.297 respecting the gauging and withdrawal of spirits for tax-payment in railroad tank cars, insofar as the provisions thereof are applicable. (Secs. 2883, 3176, I.R.C.)

§ 183.442 *Application for certificate of tax-payment, Form 1594.* The distiller will forward all copies of Form 179 and Form 1520, prepared in accordance with § 183.297, with Form 1594, "Application for Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," in duplicate, appropriately modified to cover the transfer by pipe line, accompanied by proper remittance for the tax to the collector of internal revenue. (Secs. 2883, 3176, I.R.C.)

§ 183.443 *Certificate of tax-payment, Form 1595.* The collector will note the tax-payment (including the serial number of the certificate, Form 1595) in the column on all copies of Form 179 and Form 1520, provided for entering the serial numbers of tax-paid stamps, execute a certificate of tax-payment on Form 179 and issue Form 1595, "Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," which certificate shall be appropriately modified to cover the transfer of spirits by pipe line. The collector shall fill in all the required data in the blank spaces on the certificate, except those provided in the lower left corner for the verification of the storekeeper-gauger, and shall date and sign the certificate in the manner required by § 183.299. The certificate is not negotiable and shall not be used for any spirits other than those described therein. The collector will enter on the original and the copy or copies of Form 1594 in the space provided, the serial number, date and amount of the certificate issued. The collector will retain one copy each of Form 179 and Form 1520, and the original copy of Form 1594. He will mail or deliver the certificate, Form 1595, and the original and remaining copies of Form 179 and Form 1520 to the distiller or his designated agent, in accordance with the distiller's request in Form 1594. The collector will send one copy of the application, Form 1594, to the district supervisor. (Secs. 2883, 3176, I.R.C.).

§ 183.444 *Storekeeper-gauger's verification.* The distiller shall deliver the certificate of tax-payment, Form 1595, and all copies of Form 179 and Form 1520 to the storekeeper-gauger at the distillery. The storekeeper-gauger will verify the contents of the weighing tank and date and sign the certificate, Form 1595, in the space provided therefor. The certificate must be attached to a board on the weighing tank by means of a tack in each corner, after which it will be cancelled in the same manner as a tax-paid stamp attached to a package, and covered with a coating of transparent varnish, shellac or lacquer to prevent any alteration thereof. (Secs. 2883, 3176, I.R.C.)

§ 183.445 *Release of spirits for transfer.* When the certificate of tax-payment has been affixed to the weighing tank and cancelled, the storekeeper-gauger will unlock the outlet valve and permit the distiller to transfer the spirits by pipe line to the rectifying plant named in the certificate. The spirits shall be transferred only under the immediate supervision of the storekeeper-gauger. After the spirits have been transferred, the storekeeper-gauger will forward one copy of Form 179 and Form 1520 and the cancelled Form 1595 to the district supervisor, retain one copy of Form 179 and Form 1520, and deliver one copy of Form 179 and two copies of Form 1520 to the distiller, who will immediately deliver one copy of Form 1520 to the rectifier. (Secs. 2883, 3176, I.R.C.)

§ 183.446 *Rectifier's use of Form 1520.* The report of gauge, Form 1520, delivered to the rectifier by the distiller, shall be attached to the storage tank in the rectifying plant. The rectifier shall enter the date and quantity of removals from the tank in the blank space on such Form 1520. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the rectifier, available for inspection by government officers. The spirits transferred by pipe line may not be used by the rectifier prior to attachment of Form 1520 to the storage tank. (Sec. 3176, I.R.C.)

§ 183.447 *Comparison of cancelled certificate with application.* The district supervisor will compare the cancelled certificate with the copy of the application and the report of gauge as to the number of gallons of distilled spirits, the amount of tax, etc., and investigate any discrepancy. He will then send the copy of the application to the Commissioner and where there is a discrepancy, a report of his findings relative thereto. (Sec. 3176, I.R.C.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 2, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7437; Filed, October 4, 1941; 10:31 a. m.]

[T. D. 5078, amending Regulations 15]

PART 190—RECTIFICATION OF SPIRITS AND WINES

1. Pursuant to the provisions of sections 2801 (e) (1) and 3176 of the Internal Revenue Code, Regulations 15[1] are amended as hereinafter set forth.

2. Section 190.45 is amended by adding a new paragraph thereto, as follows:

§ 190.45 *Pipelines.*

* * * * *

(f) *Pipe line from contiguous distillery or distillery in immediate vicinity.* The pipe line used for the conveyance of tax-paid spirits from the cistern room of a contiguous distillery or distillery in the immediate vicinity of the rectifying plant, as provided in Regulations 4, as amended, and the pipe line used for the conveyance of tax-paid alcohol from a contiguous bonded warehouse or bonded warehouse in the immediate vicinity of the rectifying plant, as provided in Regulations 3, as amended, shall be of a fixed and permanent character, constructed of metal and so arranged as to be exposed to view throughout its entire length, and all connections, valves, flanges, unions, etc., shall be brazed, welded, or otherwize secured. The pipe line shall be connected directly to the storage tank in the receiving room of the rectifying plant, and must be equipped with a valve, at or near the point of entrance to the storage tank, capable of being locked with a Government lock. When the storage tank is mounted on scales the pipe line may be connected therewith by means of short, detachable hose connections if the end of the pipe line is equipped with a valve which may be locked with a Government lock. Where spirits are to be conveyed to two or more storage tanks in the rectifying plant, the pipe line may be connected with the storage tanks by manifold connections so arranged as to control the flow of spirits into each tank. There shall be painted on each pipe line extending from the manifold to the storage tanks a number corresponding with the serial number of the storage tank with which the pipe pine is connected, unless the arrangement of the pipe line is such that the identity of the tank with which it is connected is apparent. (Secs. 2801 (e) (1), 2839, 3176, I.R.C.)

[1] 5 F.R. 2016, 3180.

3. Sections 190.33, 190.170, 190.173 and 190.174 are amended to read as follows:

§ 190.33 *Storage tanks.* If spirits are received in tank cars, or by pipe line from the cistern room of a contiguous distillery or distillery in the immediate vicinity of the rectifying plant, or by pipe line from a contiguous bonded warehouse or bonded warehouse in the immediate vicinity of the rectifying plant, suitable storage tanks must be provided in the receiving room within which to store such spirits, except that such storage tanks will not be required in the case of spirits received in tank cars which are transferred directly to processing and bottling tanks in accordance with § 190.170 (a). Each storage tank shall be constructed of metal and be of uniform dimensions from top to bottom. Each such tank shall be equipped with a suitable measuring device, or mounted on scales, whereby the actual contents will be correctly indicated. There shall be painted on each tank the words, "Storage Tank," followed by its serial number and capacity in wine gallons. A suitable board shall be provided on each storage tank for the attachment of Forms 1520 and 1440, as hereinafter provided. Manheads, inlets, and outlets of the tanks must be provided with facilities for locking with Government locks. Stopcocks must be provided and so arranged as to control completely the flow of spirits, both into and out of the tank. The construction of the valves must be such that they can be secured with Government locks. The pipe connections containing such stopcocks or valves must be brazed, welded, or otherwise secured, to the tanks in such a manner that they cannot be detached or altered without showing evidence of tampering. Storage tanks must not be permanently connection with pipe lines used for the conveyance of air, distilled water, or other substances than spirits. (Secs. 2801 (e) (1), 2829, 3176, I.R.C.)

§ 190.170 *Receipt at rectifying premises—(a) Receipt in tank cars.* Where distilled spirits are received in tank cars

(a) *Receipt in tank cars.* Where distilled spirits are received in tank cars or wines are received in tank cars, tanks, or tank trucks, they may be transferred directly from such containers into processing or bottling tanks if permission is first obtained from the district super-

visor and the spirits or wines are first inspected by a Government officer. When liquors are so transferred the rectifier must submit Form 122 or Form 230 to the Government officer assigned to the plant, or to the district supervisor or designated officer for approval as provided in §§ 190.177–190.201, 190.340–190.361 [Articles XXVI and XXXIV], immediately the tank cars, tanks, or tank trucks are emptied. Distilled spirits may be received in tank cars only if the premises of the rectifier are equipped with suitable railroad siding facilities. Before permitting spirits to be transferred from a tank car into a storage tank or a processing or bottling tank, the Government officer will see that the railroad car seals are intact on the tank car and that the car bears the collector's certificate of tax-payment, Form 1595. When spirits are transferred into or out of storage tanks the Government officer shall open and close the Government locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the spirits. The officer will keep a memorandum record of the quantities of spirits entered into and withdrawn from each storage tank by dates, in order that he may determine that only lawful, tax-paid spirits are withdrawn from such tanks for rectification.

(b) *Receipt by pipe line.* Where spirits are received by pipe line from the cistern room of a contiguous distillery or distillery in the immediate vicinity of the rectifying plant, as provided by Regulations 4, as amended, or alcohol is received by pipe line from a contiguous bonded warehouse or bonded warehouse in the immediate vicinity of the rectifying plant, as provided in Regulations 3, as amended, they shall be conveyed directly into the storage tank or tanks in the receiving room. When spirits are transferred into or out of such tanks, the Government officer shall follow the procedure specified in the foregoing paragraph, insofar as it is applicable. (Secs. 2801 (e) (1), 3176, I.R.C.)

§ 190.173 *Disposition of gauge report*—(a) *Receipt in tank cars.* When distilled spirits received in a tank car are run into a storage tank, the report of gauge, Form 1520 in the case of spirits other than alcohol, and Form 1440 in the case of alcohol, sent to the rectifier by the vendor, shall be attached to such storage tank. The rectifier shall enter the date and quantity of removals from the storage tank in a blank space on the report of gauge. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the rectifier available for inspection by Government officers. If the spirits are transferred directly from the tank car into a processing or bottling tank, the rectifier shall make a notation to that effect on the report of gauge and file it. The requirements of this section shall not preclude use of the spirits prior to receipt of Form 1520 or 1440.

(b) *Receipt by pipe line.* When spirits received by pipe line are run into the storage tank, the report of gauge, Form 1520 or Form 1440, delivered to the rectifier by the vendor shall be attached to the storage tank. The rectifier shall enter the date and quantity of removals from the tank in the blank space on such Form 1520 or Form 1440. The report of gauge shall be kept on the tank until such time as the quantity covered by such report has been withdrawn from the tank. The report shall then be filed by the rectifier, available for inspection by Government officers. The spirits transferred by pipe line may not be used by the rectifier prior to attachment of Form 1520 or Form 1440 to the storage tank. (Secs. 2801 (e), (1), 3176, I.R.C.)

§ 190.174 *Mixing of different spirits prohibited.* Spirits received in tank cars or by pipe line which were produced from different materials, or by two or more distillers or from different combinations of the same materials at less than 190 degrees of proof, or which differ in kind according to the standards of identity established under the Federal Alcohol Administration Act, or which differ more than 10 degrees in proof, or which are otherwise heterogeneous, may not be mingled in a storage tank, nor may spirits received in tank cars be mingled in a storage tank with spirits received by pipe line. (Secs. 2801 (e) (1), 3176, 3254 (g), I.R.C.)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7440; Filed, October 4, 1941; 10:32 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

Amendment No. 2 to General Preference Order No. M–25 to conserve the supply and direct the distribution of formaldehyde, paraformaldehyde, hexamethylenetetramine and synthetic resins produced therefrom

Section 967.1 (*General preference order No. M–25* [1]) is hereby amended in the following particulars:

(1) In paragraph (c) (1) (i), Utilitarian Non-decorative Garment Buttons shall be included in the enumeration designated Classification I.

(2) In paragraph (c) (1) (ii), the words "not otherwise specifically provided for" shall be added after the word "Buttons" appearing in the enumeration designated Classification II.

(3) Paragraph (c) (2) (i) (as amended) shall commence "Until October 31st, 1941" instead of "Until September 30th, 1941".

(4) Paragraph (c) (2) (ii) (as amended) shall commence "Until October 31st, 1941" instead of "Until September 30th, 1941".

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 873, 76th Congress, Third Session)

Issued this 1st day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7451; Filed, October 6, 1941; 9:30 a. m.]

[1] 6 F.R. 4301, 4527.

PART 984—LEAD

General Preference Order M–38 to Conserve the Supply and Direct the Distribution of Lead

Whereas the national defense requirements have created a shortage of lead (as hereinafter defined) domestically produced, and there exists an uncertainty as to future shipments from abroad, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 984.1 *General preference order M–38*—(a) *Definitions.* For the purposes of this Order:

(1) "Lead" means and includes lead metal produced from domestic ores and from imported ores, which has been refined by any recognized method, in all forms and shapes current in the trade; antimonial lead, and lead metal produced from scrap, excluding, however, metal in the hands of any manufacturer, produced by him either in his own plant or on toll from any lead-bearing material and mill residue originating in his own plant or returned to him by his customers in the usual course of business from material purchased from the manufacturer.

(2) "Refiner" means any person who produces lead as hereinbefore defined, from ores or scrap by any process in grades suitable for fabrication; and also

includes any person who has such lead produced for him under toll agreement.

(3) "Dealer" means any person who procures lead either by importing or from domestic sources for resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Directions as to deliveries by refiners and dealers*—(1) *Delivery schedules.* Hereafter, each refiner and dealer shall file with the Division of Priorities, Office of Production Management, not later than the 20th day of the month next preceding the month during which any delivery of lead is to be made, and in such form or forms as may be from time to time prescribed by said Division, a schedule of his proposed shipments of lead for the ensuing month, including thereon such information as may be required by the instructions accompanying such form.

(2) *Withheld deliveries: Allocations.* Beginning October 1, 1941, each refiner shall set aside from his production of lead during each calendar month (including therein lead produced for him by others under toll agreement and excluding lead produced by him for others under toll agreement) a quantity to be determined and specified from time to time by the Director of Priorities and to be delivered only upon express direction of the Director of Priorities. Any amount so set aside shall be excluded from the refiner's schedule of proposed shipments filed under the provisions of paragraph (c) (1) above. The Director of Priorities will from time to time allocate deliveries of lead to be made by refiners from the quantities withheld under the provisions of this paragraph. In shipping the balance of his production, each refiner must give preference to Defense Orders as required by the provisions of Priorities Regulation No. 1, and must be governed by preference ratings assigned to particular contracts or purchase orders: *Provided,* That a refiner may satisfy in full his commitments to any one customer during any calendar month up to, but not exceeding, one minimum carload lot.

(3) *Allocation of lead from Metals Reserve Company's supply.* Hereinafter all lead released by the Metals Reserve Company will be allocated by the Director of Priorities.

(4) *Basis of allocations and directions.* Any allocations or directions by the Director of Priorities pursuant to the provisions of paragraphs (c) (2) and (3) above will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill Defense Orders and essential civilian requirements.

(5) *Allotment of purchase orders.* The Director of Priorities may in his discretion require any person seeking to place a purchase order for lead to be delivered by a refiner or dealer to place the same with one or more particular refiners or dealers.

(d) *Assignment of preference rating.* Deliveries of lead, alloys of which lead is an essential component, and manufactured products made of lead or of such alloys under all Defense Orders, to which a preference rating of A–10 or higher has not been assigned are hereby assigned a preference rating of A–10.

(e) *Directions as to deliveries of lead alloys and lead products.* Until further order by the Director of Priorities, deliveries by any person of alloys containing lead as an essential component and of manufactured products made of lead or such alloys may be made subject only to the provisions of Regulation No. 1 of the Division of Priorities and to the provisions of any other order or direction issued by the Director of Priorities affecting any other material used with lead in the manufacture or processing of such alloys or products.

(f) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of lead, or of any other material subject to allocation, or he may be subjected to any other or further action as the Director may deem appropriate.

(g) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of March 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session).

Issued this 4th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7441; Filed, October 4, 1941; 10:45 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

PRICE SCHEDULE NO. 33—CARDED COTTON YARNS

From August 1940 to May 1941 the prices of cotton yarns and cotton textiles were marked by an inflationary rise. To check this advance, the Office of Price Administration issued a schedule of maximum prices for combed yarns in May 1941, and a schedule for six leading types of cotton grey goods in June 1941. It was the aim of the Office of Price Administration in taking these measures to bring about an appropriate adjustment of prices for related products in the cotton textile field to those set forth in the schedules for combed yarn and cotton grey goods. Carded yarns, however, which normally sell for several cents less per pound than combed yarns are now commanding prices as high, and in some instances higher, than the ceiling prices established for combed yarns. This dislocation in the price structure of the textile industry is injurious to national defense and to the civilian economy.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1307.51 *Maximum prices for carded cotton yarn.* (a) On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1307.60), except as provided in § 1307.51 (b) hereof, no person shall sell, offer to sell, deliver, or transfer carded cotton yarn for commercial use, and no person shall buy, offer to buy, or accept delivery of carded cotton yarn for commercial use, at prices higher than the maximum prices set forth in Appendix A.

(b) The maximum prices established by this Schedule are not applicable to sales, offers to sell, deliveries, or transfers of carded cotton yarn which is to be exported outside the territory of the United States, its territories or possessions, regardless of whether such export is to be effected through a middleman; *Provided, however,* That carded cotton yarn sold or delivered for such export shall not subsequently be sold or delivered for use within the United States, its territories or possessions, at a price higher than the applicable maximum established by this Schedule.*

* §§ 1307.51 to 1307.60 issued pursuant to the authority contained in Executive Order No. 8734, 6 F. R. 1917.

§ 1307.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1307.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of carded cotton yarn, alone or in conjunction with any other material, or by way of any commission, service, transportation, or

other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding or otherwise.*

§ 1307.54 *Records and reports.* Every person making purchases or sales of carded cotton yarn for commercial use after October 5, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity in pounds, and the specifications of the carded cotton yarn sold or purchased, and (b) the quantity of carded cotton yarn (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1307.55 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person who during the preceding calendar month has purchased or sold, whether for immediate or future delivery, or delivered or accepted delivery of carded cotton yarn for commercial use, shall submit to the Office of Price Administration an affirmation of compliance on Form 133:1, containing a sworn statement that during such month all such purchases, sales, or deliveries were made at prices in compliance with this Schedule or with any exception thereto or modification thereof. Copies of Form 133:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1307.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of carded cotton yarn, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1307.57 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1307.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Carded cotton yarn" means carded cotton yarn of the specifications for which maximum prices are established in Appendix A;

(c) "For commercial use" means for any use or purpose except use by an individual buyer at retail for home or private consumption;

(d) "Ceiling date" means the date, as specified in Appendix A, on which this Schedule becomes effective with respect to any given yarn.*

§ 1307.59 *Effective date of the schedule.* This Schedule shall become effective October 6, 1941.*

§ 1307.60 *Appendix A, maximum prices for carded cotton yarn*—(a) *Terms of sale.* The maximum prices set forth in this Appendix are prices for carded cotton yarn with freight prepaid to the purchaser's place of business, except that an extra charge may be made to the extent that the cost of transportation exceeds one cent per pound. The prices are gross prices before discounts of any nature are deducted and they include all commissions.

(b) *Determination of maximum price.* The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of carded cotton yarn shall be determined from paragraph (c) in the following manner.

(1) *Offer to buy or sell.* By the cotton spot price [1] of the business day immediately preceding that on which the offer was made except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the Schedule.

(2) *Sale or contract of sale.* By the cotton spot price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made.

(3) *Delivery or transfer.* By the cotton spot price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the cotton spot price subsequent thereto.[2]

(c) *Table of maximum prices—Group A.* The following maximum prices are for white carded yarns of all twists from knitting to warp twist, put up on regular-sized cones or tubes or in skeins. Carded yarns of twists outside the above range; yarns in put-ups other than the above; yarns with tensile specifications which cannot be met with cotton used for ordinary commercial quality combed yarns of the same counts; yarns with special constructions; yarns which have regularly sold at a premium because they are specially inspected; and yarns of grades lower than ordinary commercial quality white yarn should not sell for more than these maximum prices, appropriately increased or decreased by the normal trade differentials. This Schedule is to be supplemented by a list of fixed differentials for yarns in these classes, to which all subsequent deliveries of such yarns will be subject, regardless of the terms of any contract of sale in existence at the date of issuance of such supplement.

[1] The term "cotton spot price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[2] This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

Yarn No.	Cotton spot prices (cents per pound)												
	14.21 to 14.65	14.66 to 15.09	15.10 to 15.54	15.55 to 15.98	15.99 to 16.43	16.44 to 16.87	16.88 to 17.32	17.33 to 17.76	17.77 to 18.21	18.22 to 18.65	18.66 to 19.10	19.11 to 19.54	19.55 to 19.99
	Cents per pound												
Single:													
8s and under	33	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39
10s	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5
12s	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40
14s	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5
16s	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41
18s	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5
20s	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42
24s	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
26s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
30s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
36s	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49
38s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
40s	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51
50s	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59
Plied:													
8s and under	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
10s	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5
12s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
14s	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5
16s	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45
18s	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5
20s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
24s	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47
26s	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48
30s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
36s	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54
38s	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55
40s	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56
50s	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64

(d) *Ceiling date.* The maximum prices established herein become effective, with respect to yarn of the types listed in Paragraph (c), Group A, on October 6, 1941, which shall constitute the ceiling date for that Group.*

Issued this 3d day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7429; Filed, October 3, 1941; 1:55 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT TO PRICE SCHEDULE NO. 11—COTTON GREY GOODS [1]

Section 1316.7 (a) (2) is hereby amended in part, as follows:

§ 1316.7 *Schedule of maximum prices*—(a) *Maximum prices for cotton grey goods.*

* * * * *

(2) *Group II.*

Type of cloth	*Price per yard, f. o. b. seller's point of shipment (cents)*
Combed lawns.	
36"—76 x 72	9¾
36"—88 x 80	10¾
40"—68 x 56	9
40"—72 x 68	10
40"—76 x 72	10¼
40"—88 x 80	11¼
40"—96 x 92	12⅞
40"—96 x 100	[2] 13½
40"—108 x 112	16⅜
45"—76 x 72	11⅞
45"—88 x 80	12⅞

(Executive Order No. 8734, 8875, 6 F.R. 1917, 4483)

Effective October 4, 1941.

Issued this 4th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7442; Filed, October 4, 1941; 10:59 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 34—WOOD ALCOHOL

Sec.

1335.251 Maximum prices for wood alcohol.
1335.252 Less than maximum prices.
1335.253 Evasion.
1335.254 Records and reports.
1335.255 Affirmations of compliance.
1335.256 Enforcement.
1335.257 Modification of the schedule.
1335.258 Definitions.
1335.259 Appendix A, maximum prices for wood alcohol.

Methyl alcohol is an essential chemical which is used as an antifreeze and in the manufacture of formaldehyde, denatured alcohol, paints, varnishes, enamels, and many other products. Most methyl alcohol is produced synthetically. The remainder, herein referred to as "wood alcohol," is produced by the distillation of wood.

As a result of conditions engendered by the national defense program, the demand for methyl alcohol has increased sharply, causing a shortage of supply. A steep rise in the prices of the various grades of wood alcohol has occurred. The price of the denaturing grade, representing approximately one-half of the wood alcohol production, increased from 45 cents per gallon for tank-car quantities in the second quarter of 1941 to 60 cents per gallon in the third quarter. Substantial transactions have taken place at even higher prices. Such a price movement threatens to create an unsound market in wood alcohol and also to dislocate the market for synthetic methyl alcohol. Producers of the latter product have refrained from increasing its price. The largest producer, in fact, has announced a price reduction in recent weeks. It is therefore unnecessary at this time to establish maximum prices for synthetic methyl alcohol.

After investigation and conferences with representatives of the methyl alcohol industry, the Office of Price Administration has found that, under existing conditions, there is no justifiable reason for prices of wood alcohol in excess of 60 cents per gallon for tank-car quantities. Further increases in price would, therefore, be inflationary.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1335.251 *Maximum prices for wood alcohol.* On and after October 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer wood alcohol in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept delivery of wood alcohol in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.259.*

*§§ 1335.251 to 1335.259, inclusive, issued pursuant to authority contained in Executive Order No. 8734, 6 F.R. 1917.

§ 1335.252 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.253 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of wood alcohol, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of wood alcohol, or otherwise.*

§ 1335.254 *Records and reports.* Every person making purchases or sales of wood alcohol in containers of 50 gallons or more after October 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the wood alcohol purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.255 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold wood alcohol in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 134:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 134.1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on an 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interests and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from purchasing wood alcohol from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wood alcohol, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.257 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.258 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

[1] 6 F.R. 3180, 3595, 3988, 4324.

[2] For combed lawns of the construction 40" 96 x 100 which meet United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940), a premium of ¾¢ per yard may be charged.

(b) "Wood alcohol" means the various grades of methyl alcohol of wood origin listed in Appendix A hereof.*

§ 1335.259 *Appendix A, maximum prices for wood alcohol.* The following maximum prices are established for wood alcohol:

(a) *Tank cars*—(1) *East of the Mississippi River.*

	Cents per gallon, delivered
Denaturing grade	60
Pure methyl alcohol	60
95% methyl alcohol [1]	60
97% methyl alcohol [1]	60

[1] Specifically designated percentages include all approximations thereof.

(2) *West of the Mississippi River.* Maximum prices for tank car quantities in territory west of the Mississippi River are determined by adding 3 cents per gallon to the maximum prices established above for tank cars in territory east of the Mississippi River.

(b) *Drums and other containers; carload quantities.* Maximum prices for drums and other containers, in carload quantities, in territory east or west of the Mississippi River, are determined by adding 6 cents per gallon to the maximum prices established for tank cars in the respective territory by paragraph (a) of this Appendix.

(c) *Drums and other containers; less than carload quantities.* Maximum prices for drums and other containers, in less than carload quantities, in territory east or west of the Mississippi River, are determined by adding 16 cents per gallon to the maximum price established for tank cars in the respective territory by paragraph (a) of this Appendix.

Issued this 3d day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7432; Filed, October 3, 1941; 4:21 p. m.]

PART 1338—SILK AND SILK PRODUCTS

AMENDMENT TO PRICE SCHEDULE NO. 14—RAW SILK AND SILK WASTE [1]

§ 1338.8 *Appendix A* is hereby amended in part, as follows:

§ 1338.8 *Appendix A, maximum prices for raw silk and silk waste*

TABLE II

[Prices per pound, ex seller's warehouse]

Type	Grade	G	F	E	D	C	B	A	AA	AAA	Special AAA	Special AAA	Special AAA	Special AAA
	Percentage evenness	63	68	73	78	81	83	85	87	90	92	93	94	95
	DENIER													
• • •	• • •	•	•	•	•	•	•	•	•	•	•	•	•	•
China, Yellow,[1] rereeled.[2]	13-15 to 18-20, inc.	$2.80	$2.90	$2.96	$3.03	$3.08	$3.15	$3.25	$3.35	$3.45	$3.55	$3.65	$3.75	$3.85
	20-22 to 30-32, inc.	2.73	2.83	2.88	2.90	2.92	3.00	3.06	3.15	3.28	3.38	3.48	3.58	3.68

[1] Any China silk of undesignated grade (i. e., percentage evenness) shall sell at a price not exceeding 75 cents per pound below the Grade G, 63 percent evenness, price for its denier.
[2] The prices set forth are for rereeled China silk. Ordinary reeled China silk shall sell at prices not exceeding 5 cents per pound below the prices for re-reeled China silk for equivalent colors, deniers, and qualities.

(Executive Order No. 8734, 8875, 6 F.R. 1917, 4483)

Effective September 30, 1941.

Issued this 4th day of October, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7431; Filed, October 3, 1941; 4:08 p. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 261—TRESPASS

KAIBAB NATIONAL FOREST—PARTRIDGE CREEK, DOUBLE A, IRISHMAN DAM, AND DEVIL DOG GRAZING ALLOTMENTS—WILLIAMS RANGER DISTRICT

Order for the Removal of Trespassing Horses, Mules, and Burros

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Partridge Creek, Double A, Irishman Dam, and Devil Dog Grazing Allotments, Williams Ranger District, Kaibab National Forest, in the State of Arizona; and

Whereas these horses, mules, and burros are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national forest lands; and

Whereas the alternate sections of land lying within the exterior boundaries of some of the above mentioned allotments are privately owned, and the owners of said lands have given the United States exclusive possession of them pursuant to Regulation C-3 (D) [36 CFR 231.3 (d), amended 6 F.R. 1785]; and

Whereas these horses, mules, and burros are trespassing and grazing on said privately owned lands to the injury thereof; and, because the migratory proclivities of said horses, mules, and burros cause them to wander from said privately owned lands to the Federally owned lands, their presence on said privately owned lands imperils the Federally owned lands in the Kaibab National Forest;

[1] 6 F.R. 3893.

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Partridge Creek, Double A, Irishman Dam, and Devil Dog Grazing Allotments, Williams Ranger District, Kaibab National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Partridge Creek, Double A, Irishman Dam, and Devil Dog Allotments, Williams Ranger District, Kaibab National Forest, and all privately owned lands lying within the exterior boundaries of these allotments over which the United States has obtained exclusive possession as provided in Regulation G-3 (D) [36 CFR 231.3 (d)[1]], are hereby closed from the date of this order to December 31, 1941, to the grazing of horses, mules, and burros, except those horses, mules, and burros that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by regulations, or that are used as riding, pack, or draft animals by persons traveling over such lands.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Kaibab National Forest is located.

Done at Washington, D. C., this 6th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7454; Filed, October 6, 1941; 11:19 a. m.]

TITLE 42—PUBLIC HEALTH

CHAPTER I—UNITED STATES PUBLIC HEALTH SERVICE

PART 28—PAYMENTS TO PROVIDE TRAINING FOR NURSES

REGULATIONS OF THE SURGEON GENERAL GOVERNING PAYMENTS FOR TRAINING FOR NURSES

Sec.
28.1 Definitions.
28.2 Requirements for participation in basic nursing program.
28.3 Priority requirements for basic nursing program.
28.4 Requirements for participation in refresher courses.

[1] 6 F.R. 1468.

Sec.

28.5 Requirements for participation in postgraduate courses.
28.6 Approval of plans and determination of allotments.
28.7 Methods of payment for refresher courses.
28.8 Methods of payment for basic nursing and postgraduate courses.

Pursuant to the authority contained in the Federal Security Agency Appropriation Act, 1942 (approved July 1, 1941, Public Law 146, 77th Congress, 1st Session, Chapter 269, Title II), under the heading "Public Health Service" and subheading "Training for Nurses (national defense)", the following regulations pertaining to payments for basic programs for student nurses, refresher courses for inactive registered nurses, and postgraduate courses for registered nurses are hereby prescribed:

§ 28.1 *Definitions*—(a) *Basic nursing program.* This term refers to a program for student nurses which qualifies graduates for licensure or for certification to practice as a registered nurse in the State in which the nursing school is located.

(b) *Refresher courses.* This term refers to courses designed to prepare inactive registered nurses for the active practice of nursing.

(c) *Postgraduate courses.* This term refers to courses designed to prepare registered nurses in special fields, such as teaching, anaesthesia, orthopedic nursing, psychiatry, obstetrics, midwifery, etc.

(d) *Institution.* This term includes public agencies operating public educational facilities, universities, colleges, hospitals, or schools of nursing.*

* §§ 28.1 to 28.8, inclusive, issued under the authority contained in the Federal Security Agency Appropriation Act, 1942 (approved July 1, 1941, Public Law 146, 77th Congress, 1st Session, Chapter 269, Title II)

§ 28.2 *Requirements for participation in basic nursing program.* To be eligible for participation in a basic nursing program a school of nursing shall meet the following requirements:

(a) The school shall be accredited by the appropriate accrediting agency of the State, Territory, the District of Columbia, or Puerto Rico.

(b) The school shall be connected with or be an integral part of a hospital having a daily average of at least 100 patients.

(c) The school shall be connected with or be an integral part of a hospital approved by the American College of Surgeons and listed on the Hospital Register of the American Medical Association. Mental hospitals shall be approved by the American Psychiatric Association.

(d) The school shall have an educational staff, adequate from the standpoint of size and qualifications to carry out its stated aims.

(e) The requirements for admission to a school of nursing shall be at least graduation from an accredited high school.

(f) The curriculum of the school shall include all those units of instruction necessary to conform with the accepted present practices in basic nursing education. Standards equal to those of the National League of Nursing Education will be used as a guide in evaluating curricula of schools applying for federal funds.

(g) The students shall have well-balanced weekly schedules for time spent in nursing practice, class attendance, study, rest, recreation and other normal activities that are a vital part of the life of any student.

(h) The school shall provide adequate and well-equipped classrooms, laboratories, library and other necessary facilities for carrying out the educational program.

(i) The school shall provide adequate facilities and satisfactory conditions for a health service and health education program which is continuous throughout the entire period the student is in the school.*

§ 28.3 *Priority requirements for basic nursing program.* If the requests for funds exceed the available appropriation, preference will be given to those schools that:

(a) Are approved by appropriate national accrediting agencies.

(b) Require superior educational and personal qualifications for admission.

(c) Offer experience in the out-patient department and in psychiatric, tuberculosis, and communicable disease nursing in addition to the required services.

(d) Provide the most satisfactory conditions for nursing practice in the clinical services.

(e) Provide suitable housing and food service and recreational facilities.

(f) Have up-to-date and comprehensive educational records of students, graduates, and educational personnel.*

§ 28.4 *Requirements for participation in refresher courses.* To be eligible for participation in a refresher program, the school of nursing shall meet the following requirements:

(a) The school shall be accredited by the appropriate accrediting agency of the State, Territory, the District of Columbia, or Puerto Rico.

(b) Facilities for an educational experience in basic clinical fields shall be provided.

(c) A qualified nurse instructor shall be responsible for the program.*

§ 28.5 *Requirements for participation in postgraduate courses.* To be eligible for participation in postgraduate nursing programs, institutions shall meet the following requirements:

(a) Institutions offering postgraduate programs of study in supervision, teaching, or administration in nursing schools or nursing services shall have well established program of study in nursing education for graduate nurses equal to the standards of the National League of Nursing Education.

(b) Public health nursing schools which request funds for field experience facilities shall meet the standards of approved public health nursing programs of study published by the National Organization for Public Health Nursing.

(c) Institutions offering courses for graduate nurses in clinical and technical fields related to nursing, such as anaesthesia, orthopedics, psychiatry, obstetrics, and midwifery, shall provide adequate clinical and other facilities in the specialty and sufficient number of qualified instructors and supervisors.*

§ 28.6 *Approval of plans and determination of allotments.* Institutions desiring to participate in any of the programs shall submit to the Surgeon General, on forms provided by the Public Health Service, a proposed plan, including supporting budgets covering a period of operation ending June 30, 1942.

Plans will be approved in accordance with the following factors:

(a) The adequacy with which the plans submitted measure up to the requirements for participation as described in §§ 28.2, 28.4 and 28.5.

(b) The need for qualified nurses in a particular geographical area.

(c) The relative effectiveness of the plan for providing an increase in the number of qualified nurses in the most economical manner.

If the plans are approved, federal funds will be allotted by the Surgeon General, in the interest of national defense, and within the limits of the appropriation for the purpose of increasing the enrollment of student nurses in basic nursing programs and registered nurses in postgraduate courses, and for the establishment of refresher courses. Applicants for training shall be selected by the participating institutions. Applicants for training in postgraduate courses must have been licensed to practice as registered nurses under the laws of a State, Territory, or the District of Columbia. No funds will be allotted for the organization of new schools, construction of buildings, or cash allowances to students, and no payments made hereunder shall be used for such purposes. Refresher courses shall not exceed three months nor be less than two months in duration. Expenditures shall be made in accordance with the approved plan and subject to the established fiscal procedures of the institution.*

§ 28.7 *Methods of payment for refresher courses.* Payments from an allotment will be made on a reimbursement basis for each quarterly period ending September 30, December 31, March 31, and June 30, in accordance with a certified statement from the authorized administrative officer of the school of nursing as to the number of inactive registered nurses who have completed the course as outlined in the approved plan.*

§ 28.8 *Methods of payment for basic nursing and postgraduate courses.* (a) Payments from an allotment will be made on a reimbursement basis for expenditures made in accordance with the approved plan. Payment will be made for each quarterly period ending September 30, December 31, March 31, and June 30, computed on a proportional basis in accordance with the following factors: (1) the ratio of federal participation to the total institutional funds budgeted in accordance with the approved plan; and (2) the degree to which the purpose of the plan (increased enrollment) is being fulfilled: *Provided*, That payments for tuition will be made when due upon receipt from the authorized administrative head and accounting officer of the institution of an itemized certification of the enrollment of the additional students; and, in special cases, advance payments may be made to institutions whose fiscal procedures make it impossible to operate on a quarterly reimbursement basis. Such advances, none to exceed one month's proportion of an allotment, will be considered for approval by the Surgeon General upon a special request from the institution together with full supporting data as to the necessity for receiving advance monthly payments. In such instances, a special system of monthly expenditure reporting to the United States Public Health Service will be prescribed.

(b) Before payment will be made, the institution shall submit to the Surgeon General, on forms supplied by the Public Health Service, a quarterly report of expenditures certified by the authorized administrative head and accounting officer of the institution.

(c) Although plans are approved on the basis of the fiscal year ending June 30, the allotments will be pro rated on a quarterly basis. Any funds allotted for a quarter but not utilized may be made available for reallotment to the same or any other qualifying institution on the basis of new plans for a period not to extend beyond June 30, 1942.

(d) Subsequent to the approval of a plan, proposals for new projects or revised budgets for existing projects may be submitted for approval at any time during the fiscal year. Consideration of such proposals will be contingent upon the availability of funds for reallotment.*

August 20, 1941.

THOMAS PARRAN,
Surgeon General.

Approved: September 8, 1941.

PAUL V. MCNUTT,
Administrator.

Approved: October 1, 1941.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 41-7434; Filed, October 4, 1941; 9:43 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER G—OCEAN AND COASTWISE: GENERAL RULES AND REGULATIONS

[Order No. 156]

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

OCTOBER 6, 1941.

Section 62.202 *Staff department*, is amended to read as follows:

§ 62.202 *Staff department.* The staff department shall consist of officers registered under the provisions of these regulations, pursers' clerks, and such persons as may be assigned to the senior registered surgeon. Such staff department shall be a separate and independent department composed of a medical division and a purser's division. The medical division shall be under the charge of the senior registered surgeon who shall be responsible solely to the master or, in the absence of the master, to the officer in charge of the vessel. The purser's division shall be under the charge of the senior registered purser who shall be responsible solely to the master or, in the absence of the master, to the officer in charge of the vessel.

SUBCHAPTER H—GREAT LAKES: GENERAL RULES AND REGULATIONS

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

Sections 78.101 *Staff officers*, 78.102 *Staff department*, and 78.103 *Scope* are amended to read as follows:

§ 78.101 *Scope.* See § 62.200 which is identical with this section. (Sec. 7, 53 Stat. 1147; 46 U.S.C., Sup. 247)

§ 78.102 *Staff officers.* See § 62.201 which is identical with this section. (Sec. 7, 53 Stat. 1147; 46 U.S.C., Sup. 247)

§ 78.103 *Staff department.* See § 62.202, as amended, which is identical with this section. (Sec. 7, 53 Stat. 1147; 46 U.S.C., Sup. 247)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-7464; Filed, October 6, 1941; 11:48 a. m.]

TITLE 50—WILDLIFE

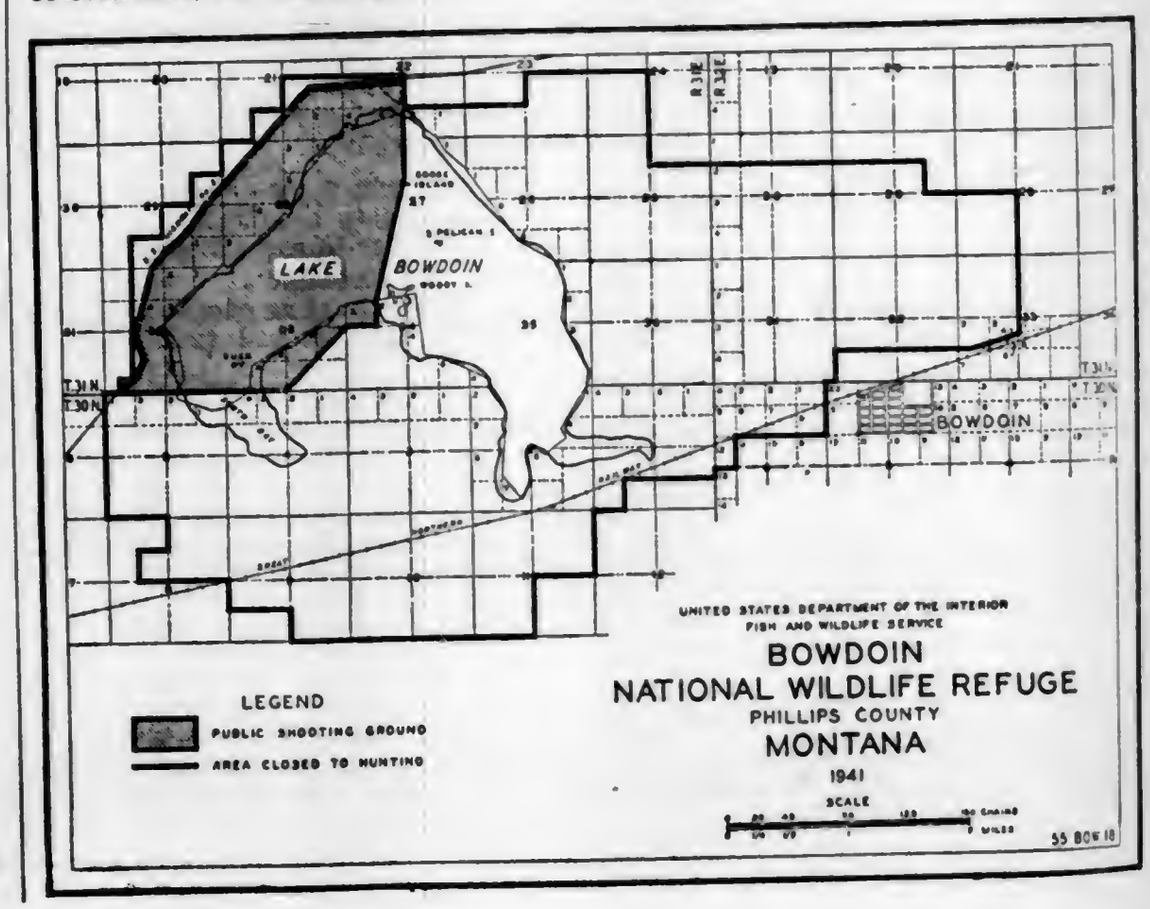
CHAPTER I—FISH AND WILDLIFE SERVICE

PART 22—ROCKY MOUNTAIN REGION NATIONAL WILDLIFE REFUGES

BOWDOIN NATIONAL WILDLIFE REFUGE, MONTANA

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges, the title and opening paragraph of the regulations governing the *"Hunting of waterfowl and coots within the specified areas of the Lake Bowdoin Migratory Waterfowl Refuge, Montana,"* approved September 27, 1940,[2] by the Acting Secretary of the Interior, are amended so as to read as follows:

[1] 5 F.R. 5284.
[2] 5 F.R. 3950.



§ 22.96 *Hunting of waterfowl and coots within the specified areas of the Bowdoin National Wildlife Refuge, Montana, permitted.*[1] Migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act Regulations), and coots may be taken on and in all lands and waters of the Bowdoin National Wildlife Refuge embraced within the boundary designated 'public shooting ground' on the diagram dated 1941 hereto attached and made a part of this regulation when, in manner, by means, and to the extent not prohibited either by Federal or State law or by regulations, and under the following special provisions, conditions, restrictions, and requirements:

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

[F. R. Doc. 41-7408; Filed, October 3, 1941; 9:55 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-398-qm-10141; O. I. #4223]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE AUTOCAR COMPANY, ARDMORE, PENNSYLVANIA

Contract for Tractor-trucks, * * *.
Amount: $4,089,423.00.
Place: Holabird Quartermaster Depot, Baltimore, Md.
This contract, entered into this 13th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver Tractor-Trucks * * * for the consideration stated $4,089,423.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase (or decrease) of not to exceed ****%. This option to remain in effect until *****.

Terms of payment. Discount will be allowed for prompt payment as follows: 20 calendar days $**** per unit.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority: QM 15915 P 37-3053 A 0525.003-12, AC 30 P 85-30 A 0705-12, AC 11 P 71-1381 A 0705-01, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7435; Filed, October 4, 1941; 9:43 a. m.]

[Contract No. W 431 qm-5241; O. I. 107]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WEST POINT MANUFACTURING COMPANY, NEW YORK, N. Y.

Contract for: Furnishing and delivering Duck, cotton, and Cloth, Cotton, according to Schedule of Supplies.
Amount: $1,207,114.20.
Place: Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.
This contract, entered into this 9th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver Duck, cotton; Cloth, cotton for the consideration stated one million two hundred seven thousand one hundred fourteen dollars ($1,207,114.20) and twenty cents, in strict accordance with the specifications and schedules.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority: QM 15401 P 14-3019 A 0515-12 P. D. J-E-131, QM 15401 P 14-30 A 0515-12, the available balance of which is sufficient to cover cost of same.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

This contract authorized under Procurement Directives Nos. J-E-131, J-E-1.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7436; Filed, October 4, 1941; 9:43 a. m.]

[Contract No. W 669 qm-13110; O. I. No. 1116]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NATIONAL WEAVING COMPANY, INC., LOWELL, NORTH CAROLINA

Contract for: Cloth, Cotton, Uniform, Twill, Khaki.
Amount: $1,859,200.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.
This contract, entered into this twenty-ninth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * linear yards Cloth, Cotton, Uniform, Twill, Khaki for the consideration stated totaling one million, eight hundred fifty-nine thousand, two hundred dollars ($1,859,200.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the

[1] See Executive Order No. 8592, dated November 12, 1940 (5 F.R. 4478), changing the name of this refuge.

specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2–02 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P–C–108 (42).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7449; Filed, October 6, 1941; 9:19 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 622]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 23, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Alabama 2042G1 Montgomery	$2,500,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41–7443; Filed October 4, 1941; 11:20 a. m.]

[Administrative Order No. 623]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 29, 1941.

Pursuant to section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each state and the number of such farms for the United States at the beginning of the current fiscal year are set forth in the following schedule, and I hereby allot from the sum of $50,000,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

	Farms without central station electric service July 1, 1941	*Allotment for loans during the fiscal year ending June 30, 1942*
United States	8,970,649	$50,000,000
Alabama	188,746	2,376,765
Arizona	12,168	153,224
Arkansas	190,174	2,394,747
California	21,658	272,726
Colorado	32,836	413,484
Connecticut	3,663	46,126
Delaware	4,794	60,368
Florida	45,548	573,559
Georgia	161,033	2,027,792
Idaho	13,763	173,309
Illinois	118,739	1,495,209
Indiana	75,549	951,343
Iowa	125,318	1,578,054
Kansas	124,327	1,565,575
Kentucky	208,894	2,630,477
Louisiana	132,507	1,668,591
Maine	17,080	215,078
Maryland	21,775	274,200
Massachuetts	5,297	66,702
Michigan	45,589	574,075
Minnesota	137,351	1,729,579
Mississippi	256,092	3,224,813
Missouri	208,100	2,620,478
Montana	33,123	417,098
Nebraska	95,062	1,197,059
Nevada	1,923	24,215
New Hampshire	5,554	69,938
New Jersey	1,835	23,107
New Mexico	28,805	362,724
New York	44,538	560,840
North Carolina	195,576	2,462,771
North Dakota	69,962	880,990
Ohio	80,783	1,017,252
Oklahoma	155,087	1,952,918
Oregon	17,329	218,214
Pennsylvania	65,527	825,142
Rhode Island	414	5,213
South Carolina	99,558	1,253,674
South Dakota	67,454	849,408
Tennessee	202,417	2,548,916
Texas	320,002	4,029,593
Utah	6,911	87,026
Vermont	10,582	133,253
Virginia	121,885	1,534,625
Washington	20,686	260,486
West Virginia	71,482	900,130
Wisconsin	92,335	1,162,719
Wyoming	10,818	136,225

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41–7444; Filed, October 4, 1941; 11:20 a. m.]

Surplus Marketing Administration.

ORDER TERMINATING THE LICENSE FOR MILK—SAN DIEGO, CALIFORNIA, SALES AREA

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the provisions of Public Act No. 10, 73d Congress, as amended, issued on January 30, 1935, effective February 1, 1935, the license for milk—San Diego, California, sales area. Such license was last amended July 13, 1935, effective July 14, 1935.

It appearing that, under present conditions, the regulation of the handling of milk in said sales area under said license, is no longer necessary, it is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of such act, that the license for milk—San Diego, California, sales area, as amended, does not tend to effectuate the declared policy of the act and that such license shall be, and the same hereby is, terminated as of 11:59 p. m., P. s. t., September 30, 1941.

Done at Washington, D. C., this 6th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7453; Filed, October 6, 1941; 11:18 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted The Cleveland Cutter and Reamer Company, Cleveland, Ohio, authority to maintain payroll records which omit *daily or weekly totals of straight-time earnings* and *weekly totals of overtime excess compensation* on condition that such items be obtainable through extension, recomputation, or transcription pursuant to §§ 516.16 and 516.17 of those Regulations.

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 3d day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–7461; Filed, October 6, 1941; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 6, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Anderson Brothers Consolidated Cos.', Inc., Floyd and High Streets, Danville, Virginia; Coveralls, Coats, Pants, Shirts, Autojackets, Smocks, Bonnets, Aprons, Jumpers, Headbands, Overalls, Physicians' Gowns; 10 percent; October 6, 1942.

Beautee-Fit Company, Inc., 860 South Los Angeles Street, Los Angeles, California; Brassieres; 5 learners; October 6, 1942.

Bennett Brassiere Company, 5–7 East 16th Street, New York, New York; Brassieres; 5 learners; April 6, 1942.

The Bloomfield Company, 2212 Superior Avenue, Cleveland, Ohio; Dresses; 10 percent; October 6, 1942.

C. P. Brown Manufacturing Company, 217–223 Third Street, Des Moines, Iowa; Overalls, Pants, Coveralls, Shirts; 10 percent; October 6, 1942.

Joseph B. Buchwald, 621 Broadway, New York, New York; Shoulder Straps for Ladies' Slips; 2 learners; March 30, 1942.

Buttnick Manufacturing Company, 204 First Avenue South, Seattle, Washington; Overalls, Coveralls, Jumpers; 5 learners; October 6, 1942.

Carbondale Products Company, Inc., 21 Dundoff Street, Carbondale, Pennsylvania; Ladies' Rayon Underwear; 10 learners; February 23, 1942.

James V. Caruso, 22 Evergreen Avenue, Middletown, Connecticut; Suspenders; 3 learners; October 6, 1942.

Central Manufacturing Company, One Legion Street, Clarksville, Tennessee; Cotton Work Shirts and Pants; 10 percent; October 6, 1942.

Central Manufacturing Company, Dickson, Tennessee; Cotton Work Shirts and Pants; 10 percent; October 6, 1942.

Chic Lingerie Company, Inc., 1126 Santee Street, Los Angeles, California; Ladies' Underwear and Sportswear; 10 percent; October 6, 1942.

Cosmopolitan Manufacturing Company, Cambridge, Massachusetts; Men's Rainwear, Topcoats; 5 percent; October 6, 1942.

Covington Manufacturing Company, 118 Pace Street, Covington, Georgia; Shirts; 5 learners; October 6, 1942.

Central Wash Suit Company, Inc., Haverstraw, New York; Children's Wash Suits, Snow Suits and Ladies' Sportswear; 5 percent; October 6, 1942.

Frank Cowan Manufacturing Company, 217–223 Second Street, San Francisco, California; Women's & Children's Sportswear, Women's Uniforms and Dresses; 5 learners; October 6, 1942.

Cut-Rite Undergarment Company, 29 Chuctunanda Street, Amsterdam, New York; Nightgowns; 10 percent; October 6, 1942. (This certificate replaces one issued bearing expiration date of November 25, 1941.)

Derby Sportswear, Inc., 420 East German Street, Herkimer, New York; Children's Apparel; 10 percent; October 6, 1942.

Herman Fishman and Company, 40 King Street, Mount Holly, New Jersey; Boys' Wash Suits; 5 learners; October 6, 1942.

Fletcher Brothers Company, 436–440 South Liberty Street, Winston-Salem, North Carolina; Overalls; 4 learners; October 6, 1942.

J. Freezer and Son, Inc., Radford, Virginia; Shirts; 10 percent; October 6, 1942. (This certificate replaces one issued bearing expiration date of November 1, 1941.)

Mary Galt Manufacturing, Inc., Railroad Street, Cartersville, Georgia; Bedjackets; 36 learners; March 16, 1942.

R. B. Glover Company, Dyersville, Iowa; Shirts; 8 learners; October 6, 1942. (This certificate replaces one issued bearing expiration date of November 28, 1941.)

H. B. Glover Company, 480–498 Iowa Street, Dubuque, Iowa; Pajamas, Robes, Mackinaw Coats, Shirts; 10 percent; October 6, 1942.

Maxwell Goldstein, Main and Center Streets, Forest City, Pennsylvania; Children's Snow Suits; 20 learners; March 30, 1942.

Hollywood Maxwell Company, 6773 Hollywood Boulevard, Hollywood, California; Brassieres, Girdles, Artificial Busts; 10 percent; October 6, 1942.

Joseph Horowitz and Sons, Inc., 43 Liberty Street, Batavia, New York; Shirts; 10 percent; October 6, 1942.

Hortex Manufacturing Company, 209–11–13 South Oregon Street, El Paso, Texas; Pants and Shirts; 8 learners; October 6, 1942.

Hydecraft Sportwear Corporation, 691 Lawrence Street, Lowell, Massachusetts; Jackets and Breeches; 10 percent; October 6, 1942.

Johnson and Company, 100 S. Minnesota Avenue, St. Peter, Minnesota; overalls, Coveralls, 5 learners; October 6, 1942.

K & C Blouse Company, 302 South Marbel Street, Chicago, Illinois; Women's Blouses; 3 learners; October 6, 1942.

Kahn Manufacturing Company, Royal and St. Louis Streets, Mobile, Alabama; Pants, Suits, Overalls, Sport Shirts; 50 learners; April 6, 1942.

Louis Kazon, Main Street, Poultney, Vermont; Dresses; 10 percent; October 6, 1942.

Kramer Tie Company, 26 East 14th Street, Bayonne, New Jersey; Men's Neckwear; 6 learners; February 3, 1942.

LeRoy Shirt Company, 11 Chestnut Street, South Norwalk, Connecticut; Shirts and Sport Shirts; 10 learners; October 6, 1942.

Levi Strauss & Company, 250 Valencia Street, San Francisco, California; Overalls, Shirts, Pants, Jackets; 10 percent; October 6, 1942.

M. Limou Manufacturing Company, 400 First Avenue, North, Minneapolis, Minnesota; Infants', Children's, Women's Snow Suits, Coats and Coat Sets; 5 learners; October 6, 1942.

Marionette, Inc., 108 West Lemon Street, Lancaster, Pennsylvania; Children's Dresses; 10 learners; March 16, 1942.

A. F. Martin Manufacturing Company, Tipton, Missouri; Trousers; 30 learners; March 16, 1942.

Charis Corporation, 700 Linden Street, Allentown, Pennsylvania; Corsets; 10 percent; October 6, 1942.

Mayflower Manufacturing Company, 4 North Frederick Street, Baltimore, Maryland; Ladies' Pajamas; 5 learners; October 6, 1942.

George Y. Miller, Front Street, Liverpool, Pennsylvania; Boys' Shirts; 5 learners; October 6, 1942.

Model Blouse Company, Wheat Road, New Jersey; Boys' Shirts; 5 learners; October 6, 1942.

Model Blouse Company, Landisville, New Jersey; Boys' Shirts; 8 learners; October 6, 1942.

Modern Made Sportswear, Inc., 407 East Pico Street, Los Angeles, California; Blouses; 4 learners; October 6, 1942.

New Era Cap Company, Inc., 86 Ellicott Street, Buffalo, New York; Cloth Caps; 3 learners; April 6, 1942.

Nirenberg and Salzman, Inc., North Mohawk Street, Cohoes, New York; Dress and Polo Shirts; 10 percent; October 6, 1942.

Benjamin Noble, 919 Walnut Street, Philadelphia, Pennsylvania; Ladies' Dresses; 4 learners; October 6, 1942.

Northwestern Manufacturing Company, 1213 West Van Buren Street, Chicago, Illinois; Dresses; 5 learners; October 6, 1942.

Paramount Cap Manufacturing Company, Bourbon, Missouri; Cloth Caps; 5 learners; April 6, 1942.

Paramount Cap Manufacturing Company, Bourbon, Missouri; Cloth Caps; 5 learners; December 29, 1941.

The Parker Shirt Company, 24 Walnut Street, New Britain, Connecticut; Men's Shirts; 10 learners; October 6, 1942.

Peerless Mills, 516 Iron Street, Lehighton, Pennsylvania; Ladies' Cotton Dresses; 10 percent; October 6, 1942.

Pottstown Shirt Company, Charlotte and Cherry Streets, Pottstown, Pennsylvania; Men's Shirts; 10 percent; October 6, 1942.

Rainbow Children Dress Company, 1 Johnston Avenue, Trenton, New Jersey; Children's & Juniors' Dresses; 4 learners; October 6, 1942.

The Rauh Company, 9th and Sycamore Streets, Cincinnati, Ohio; Dress Shirts; 10 percent; October 6, 1942. (This certificate replaces one issued bearing expiration date of October 2, 1942.)

Romano Dress Company, 119 South William Street, Newburgh, New York; Dresses; 8 learners; October 6, 1942.

Michael Rose Undergarment Company, 127 Berriman Street, Brooklyn, New York; Ladies' Underwear; 5 learners; October 6, 1942.

Benjamin Shander, 22d and Arch Streets, Philadelphia, Pennsylvania; Ladies' Blouses; 5 learners; October 6, 1942.

Edward Shuwall and Company, Inc., Elizabethtown, Pennsylvania; Children's Dresses; 10 percent; October 6, 1942.

Edward Shuwall and Company, Inc., Hanover Street, Pottstown, Pennsylvania; Children's Dresses; 10 percent; October 6, 1942.

Slumba-Togs Manufacturing Company, Inc., 1306 Memorial Avenue, Williamsport, Pennsylvania; Children's Pajamas; 5 percent; October 6, 1942.

Mattie Adams Sorenson, 2364 West Washington Boulevard, Los Angeles, California; Slack Suits, Sport Blouses; 2 learners; January 19, 1942.

Stahl-Urban Company, North Second Street, Brookhaven, Mississippi; Trousers, Mackinaws, Jackets; 10 percent; October 6, 1942.

State Sportswear Manufacturing Company, Partition Street, Saugerties, New York; Ladies' Blouses and Sportswear; 5 learners; October 6, 1942.

Steiner-Geiss, Inc., 33 Mechanic Street, Freehold, New Jersey; Pajamas, Sportswear; 10 percent; October 6, 1942.

U. P. Dress Manufacturing Company, 119 Baraga Avenue, Marquette, Michigan; Cotton Dresses; 15 learners; March 30, 1942.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York; Lastex and Gabardine Swiss Trunks; 10 percent; October 6, 1942.

Walden Underwear Company, Inc., Elm and Hill Streets, Walden, New York; Ladies' Underwear; 5 learners; October 6, 1942.

Walden Underwear Company, Inc., 54 Liberty Street, Newburgh, New York; Ladies' Underwear; 5 learners; October 6, 1942.

Washington Overall Manufacturing Company, Inc., Maple and Court Streets, Scottsville, Kentucky; Work Pants, Semi-Dress Pants; 10 percent; October 6, 1942.

Westmoreland Garment Corporation, Norvelt, Pennsylvania; Pants; 10 percent; October 6, 1942.

Wilkes Barre Cap Manufacturing Company, 88 East Northampton Street, Wilkes Barre, Pennsylvania; Miners and Shop Caps; 3 learners; April 6, 1942.

Wolfe and Lang, Inc., 35 West 32nd Street, New York, New York; Corsets, Girdles, Corselettes; 10 learners; February 23, 1942.

Artificial Flowers and Feathers

Kaplan Brothers, 45 West 18th Street, New York, New York; 81 learners; *effective October 2, 1941*, expiring November 13, 1941. (Omitted from REGISTER of October 2, 1941.)

Gloves

Boreal Manufacturing Company, 1523 Main Street, Marinette, Wisconsin; Leather, Knit Fabric and Work Gloves; 10 percent; April 6, 1942.

Fairfield Glove and Mitten Company, State Street, Fairfield, Iowa; Leather, Dress, Work and Knit Fabric Gloves; 5 learners; October 6, 1942.

The Glove Corporation, 1535 S. B Street, Elwood, Indiana; Work Gloves; 30 learners; April 6, 1942.

H & P Glove Company, 5–11 4th Avenue, Johnstown, New York; Leather, Dress and Knit Fabric Gloves; 3 learners; April 6, 1942.

Serfis Glove Corporation, Northville, New York; Leather Dress Gloves; 5 learners; April 6, 1942.

Smart Set Glove Company, Inc., 15–17 James Street, Gloversville, New York; Leather Dress Gloves; 4 learners; April 6, 1942.

Superb Glove Company, Johnstown, New York; Leather Dress Gloves; 6 learners; April 6, 1942.

Hosiery

Atlanta Hosiery Mills, 231 Oakland Avenue, S. E., Atlanta, Georgia; Seamless Hosiery; 5 percent; October 6, 1942.

Century Hosiery Corporation, Webb Avenue, Burlington, North Carolina; Seamless Hosiery; 5 percent; October 6, 1942.

Chestertown Hosiery, Inc., Cannon and College Avenues, Chestertown, Maryland; Full Fashioned Hosiery; 5 learners; October 6, 1942.

Excel Hosiery Mills, Hart Street, Union, South Carolina; Seamless Hosiery; 10 learners; June 6, 1942.

Georgia Manufacturing Company, Columbus, Georgia; Seamless Hosiery; 5 learners; October 6, 1942.

Herbert Hosiery Mills, Inc., Washington and Noble Streets, Norristown, Pennsylvania; Seamless Hosiery; 250 learners; June 6, 1942.

Liberty Hosiery Mills, Inc., Lyerly, Georgia; Seamless Hosiery; 5 learners; October 6, 1942.

Lippincott Finishers, 23rd and Lippincott Streets, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 10 learners; April 6, 1942.

Holston Manufacturing Company, Ninth Avenue and Mitchell Street, Knoxville, Tennessee; Seamless Hosiery; 5 percent; October 6, 1942.

M & S Hosiery Mill, Fort Atkinson, Wisconsin; Full Fashioned Hosiery; 3 learners; October 6, 1942.

Mountcastle Knitting Company, Inc., Salisbury Street, Lexington, North Carolina; Seamless Hosiery; 5 learners; October 6, 1942. (This certificate replaces one issued bearing expiration date of November 13, 1941.)

Mountcastle Knitting Company, Inc., Salisbury Street, Lexington, North Carolina; Seamless Hosiery; 10 learners; June 6, 1942.

Pickett Hosiery Mills, Inc., Trade Street, Burlington, North Carolina; Seamless Hosiery; 5 percent; October 6, 1942.

Pickwick Hosiery Mills, Inc., 1539 Tate Street, Corinth, Mississippi; Full Fashioned Hosiery; 5 percent; October 6, 1942.

Roseglen Knitting Mills, 129 S. Harvin Street, Sumter, South Carolina; Seamless Hosiery; 5 learners; October 6, 1942.

Triangle Hosiery Company, High Point, North Carolina; Seamless Hosiery; 5 percent; October 6, 1942.

Knitted Wear

Buffalo Knitting Mills, Applegate Avenue, Pen Argyl, Pennsylvania; Sweaters and Sportswear; 30 learners; February 2, 1942.

Textile

Arrow Elastic Company, Inc., 48 Hampden Street, Springfield, Massachusetts; Elastic Web; 1 learner; October 6, 1942.

Brand Rug Company, 2415 North Howard Street, Philadelphia, Pennsylvania; Rugs; 2 learners; October 6, 1942.

N. A. Textile Corporation, Whitman Mill #2, New Bedford, Massachusetts; Chenille Bedspreads; 10 learners; January 19, 1942.

Signed at Washington, D. C., this 6th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7462; Filed, October 6, 1941; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 6, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' repre-

sentations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Fredwill Manufacturing Company, 13th and Bushkill Drive, Easton, Pennsylvania; Fancy Covered Boxes and Bridge Covers; 15 learners; 6 weeks for any one learner; 25 cents per hour; Sewing Machine Operator; December 1, 1941.

William Heck Saddlery Company, California, Missouri; Harness and Horse Collars; 1 learner; 12 weeks for any one learner; 25 cents per hour; Collar Maker; January 26, 1942.

Signed at Washington, D. C., this 6th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7463; Filed, October 6, 1941; 11:54 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-210]

MICHIGAN CONSOLIDATED GAS COMPANY v. PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION

ORDER DENYING MOTIONS TO DISMISS AND CONSOLIDATE, AND FIXING DATE OF EN BANC HEARING

OCTOBER 3, 1941.

It appearing to the Comission that:

(a) On August 27, 1938, the Panhandle Eastern Pipe Line Company filed with the Commission a schedule of rates and charges, designated in the files of the Commission as Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 12, providing for the sale of natural gas to the Michigan Consolidated Gas Company for resale for ultimate public consumption in and in the vicinity of the City of Detroit, Michigan;

(b) On August 14, 1941, Panhandle Eastern Pipe Line Company filed with the Commission a schedule of rates and charges, designated in the files of the Commission as Panhandle Eastern Pipe Line Company Rate Schedule FPC No. 50, providing for the sale of natural gas to the Consumers Power Company for resale for ultimate public consumption in several cities in the State of Michigan;

(c) On July 16, 1941, the Michigan Consolidated Gas Company filed with the Commission a complaint alleging, among other things, that the said Panhandle Eastern Pipe Line Company, by reason of said Rate Schedules FPC Nos. 12 and 50 and the construction placed thereon by said Panhandle Eastern Pipe Line Company is (1) making or granting to the Consumers Power Company an undue preference or advantage and is subjecting the Michigan Consolidated Gas Company to an undue prejudice or disadvantage, and (2) is maintaining an unreasonable difference in rates, charges, service, facilities, or in other respects, either as between localities or as between classes of service;

(d) On August 2, 1941, the Michigan Public Service Commission filed with the Commission a petition requesting that it be granted leave to intervene in any proceeding initiated pursuant to said complaint of the Michigan Consolidated Gas Company, and such petition was granted by order of August 6, 1941;

(e) On August 12, 1941, the Michigan Gas Transmission Corporation filed with the Commission an answer to said complaint making a general denial of the allegations contained therein, and praying that the complaint be dismissed as to said Michigan Gas Transmission Corporation;

(f) On August 15, 1941, the Panhandle Eastern Pipe Line Company filed with the Commission an answer to said complaint of the Michigan Consolidated Gas Company, making a general denial of the allegations contained therein and moving the Commission to dismiss said complaint, or in the alternative, to consolidate any proceeding instituted pursuant to said complaint with the proceedings heretofore instituted at Docket Nos. G-200 and G-207;

The Commission *orders* that:

(A) Said motion of Michigan Gas Transmission Corporation to dismiss the complaint herein and the said motions of the Panhandle Eastern Pipe Line Company to dismiss the complaint herein or to consolidate this proceeding with the proceedings at Docket Nos. G-200 and G-207 be and they are hereby denied;

(B) A public hearing upon said complaint shall be held before the Commission, sitting *en banc*, commencing on October 20, 1941, at 10:00 A. M. (EST) at 1800 Pennsylvania Avenue NW., in the City of Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-7448; Filed, October 6, 1941; 9:18 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-397]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of October, A. D. 1941.

Mountain States Power Company, a subsidiary company of Standard Gas and Electric Company which is a registered holding company, having filed an application and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 thereunder, regarding its proposed acquisition from Montana-Dakota Utilities Co. of the latter company's purchase money note in the face amount of $95,000 in payment of the purchase price of certain existing electric utility properties located in and near Baker, Montana, to be sold by Mountain States Power Company to Montana-Dakota Utilities Co.; and pursuant to section 6 (a) of said Act regarding its sale of said purchase money note at face amount by endorsement without recourse to Northwestern National Bank and Trust Co. of Minneapolis;

Said application having been filed on September 5, 1941 and an amendment thereto having been filed on September 26, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect thereto, within the period specified in said notice or otherwise, and not having ordered a hearing thereon:

It appearing to the Commission that no application pursuant to section 6 (a) of said Act is required to be filed by Mountain States Power Company regarding its sale of said purchase money note; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, pursuant to section 10 of said Act, and finding with respect thereto that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and the same hereby is granted, forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7456; Filed, October 6, 1941; 11:25 a. m.]

[File No. 31-482]

IN THE MATTER OF KOPPERS UNITED COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO REQUEST OF APPLICANT

At a regular session of the Securities and Exchange Commission held at its

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office in the City of Washington, D. C., on the 3d day of October, A. D. 1941.

Koppers United Company having filed an application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for an order declaring that The United Light and Power Company is not a subsidiary of said Koppers United Company, said Koppers United Company owning 28.4% of the voting stock of The United Light and Power Company at the time of the filing of such application; and said Koppers United Company having thereafter reduced its holdings to 4.75% of the number of shares of such voting stock of The United Light and Power Company presently issued and outstanding; and said Koppers United Company having requested the consent of the Commission to the withdrawal of the aforementioned application;

The Commission hereby consents to the withdrawal of the aforementioned application: *Provided, however,* That nothing herein contained shall be construed to be a modification of the Commission's orders of May 10, 1940 and June 13, 1940, concerning, among other matters, such application, so that all evidence already adduced in the hearing on such application will, so far as relevant, constitute part of the record in proceedings on applications filed pursuant to section 3 of the Public Utility Holding Company Act of 1935 by Koppers United Company—File No. 31–167, Fuel Investment Associates—File No. 31–162 and Eastern Gas and Fuel Associates—File No. 31–164: *And provided further, however,* That nothing herein contained shall be deemed to affect any other application which said Koppers United Company now has on file before this Commission, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7457; Filed October 6, 1941; 11:25 a. m.]

[File No. 67–17]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION

ORDER PERMITTING WITHDRAWAL OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1941.

Northeastern Water and Electric Corporation, a registered holding company, having filed on April 4, 1940, a declaration pursuant to the then Rule U-12B-1, promulgated under section 12 (b) of the Public Utility Holding Company Act of 1935, concerning cash advances to, among others, Presque Isle Water Company, in an amount not to exceed $58,000, and the Commission having issued an order on August 2, 1940, permitting the declaration under certain terms and conditions, but reserving jurisdiction "over the loan of any money pursuant to the instant declaration filed pursuant to Rule U-12B-1 by Northeastern Water and Electric Company, to Presque Isle Water Company"; and

The Commission having issued an order on August 13, 1940, permitting the declaration, to the extent of an $8,000 loan by the declarant to Presque Isle Water Company, to become effective and reserving jurisdiction over the remaining $50,000 of the proposed loan to Presque Isle Water Company; and

Northeastern Water and Electric Corporation having requested permission to withdraw said declaration insofar as it relates to the proposed loan of $50,000 to Presque Isle Water Company;

It is ordered, That Northeastern Water and Electric Corporation be, and it hereby is, permitted to withdraw said declaration, to the extent indicated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7458; Filed, October 6, 1941; 11:26 a. m.]

[File No. 59–27]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, RESPONDENT

ORDER DENYING MOTIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of October, A. D. 1941.

Counsel for respondent having moved to dismiss this proceeding, asserting the unconstitutionality of the Public Utility Holding Company Act of 1935 and the invalidity of the notice served herein; and

Counsel for the Public Utilities Division having moved for an order requiring respondent to take action within 30 days to effect a redistribution of voting power among its security holders; and

Counsel having filed briefs and having presented argument, and the Commission being fully advised in the premises and having this day issued its Opinion herein;

It is ordered, That the motion of counsel for respondent be and it hereby is denied; and that the motion of counsel for the Public Utilities Division be and it hereby is denied without prejudice, however, to its renewal at the completion of the hearing; and

It is further ordered, That the hearing herein be reconvened at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10: 00 a. m. on October 13, 1941, for the purpose of receiving additional evidence with respect to all of the allegations and issues set forth in the Notice of and Order for Hearing of July 15, 1941; and

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the reconvened hearing in this matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7459; Filed, October 6, 1941; 11:26 a. m.]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH; ASSOCIATED GAS AND ELECTRIC CORPORATION AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH; GENERAL GAS & ELECTRIC CORPORATION, SOUTHEASTERN ELECTRIC AND GAS COMPANY, AND VIRGINIA PUBLIC SERVICE COMPANY, RESPONDENTS

NOTICE OF AND ORDER FOR SECOND POSTPONEMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of October, A. D. 1941.

The Commission having issued, on September 17, 1941, a Notice of and Order for Postponement in the above captioned matter extending the time to September 30, 1941, within which respondents may submit an answer in said proceedings and postponing until October 8, 1941, the scheduled public hearing on such matters;

Respondents having sought by written request a second postponement of the date for submitting the required answer and having requested further postponement of the scheduled hearing;

It is ordered, That the time within which respondents may answer be and is hereby extended to October 15, 1941, and that the date of the scheduled hearing on such matters be and is hereby postponed to October 23, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7460; Filed, October 6, 1941; 11:26 a. m.]

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 6 NUMBER 196

Washington, Wednesday, October 8, 1941

Rules, Regulations, Orders

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5081]

PART 137—CAPITAL STOCK TAX

Regulations 64 Amended

In order to conform Regulations 64,[1] approved February 4, 1939 [Part 137, Title 26, Code of Federal Regulations, 1939 Sup.], as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.], and as amended by Treasury Decision 4912,[3] approved July 24, 1939, and Treasury Decision 4983,[4] approved July 16, 1940, to the provisions of sections 202 (1), 205 and 301 of the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 137.31 (*Returns; in general*) [article 31] the following:

SECTION 301 (c) OF THE REVENUE ACT OF 1941

(c) *Returns for 1941.* Section 1203 (b) (2) of the Internal Revenue Code (relating to extensions of time for filing capital-stock tax returns) is amended by inserting at the end thereof the following: "With respect to the year ending June 30, 1941, the extension may be for not more than ninety days."

PAR. 2. The first sentence of § 137.36 (b) [Article 36 (b)] is amended by striking out the period at the end and by inserting in lieu thereof the following:

§137.36 *Place and time for filing return.*

* * * * *

(b) *Extensions of time.* * * *, except that for the year ending June 30, 1941, the extension of the time for filing returns may be for not more than 90 days.

PAR. 3. There is inserted immediately preceding § 137.41 (*Nature and rate of tax*) [Article 41] the following:

SECTION 202 (1), TITLE II, OF THE REVENUE ACT OF 1941

(1) *Adjusted declared value.* (1) Section 1202 (b) (1) (C) of the Internal Revenue Code is amended to read as follows:

(C) its net income, computed without the deduction of the tax imposed by Subchapter E of Chapter 2,

(2) Section 1202 (b) (1) (iii) is amended to read as follows:

(iii) the excess of the deductions allowable for income tax purpoees (not including the deduction for the tax imposed by Subchapter E of Chapter 2) over its gross income.

SECTION 205, TITLE II, OF THE REVENUE ACT OF 1941

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

SECTION 301 OF THE REVENUE ACT OF 1941

(a) *Increase in rate of tax.* Section 1200 (a) and (b) of the Internal Revenue Code (relating to rate of capital stock tax) is amended by striking out "$1" and inserting in lieu thereof "$1.25".

(b) *Defense tax rate.* Section 1200 (c) of the Internal Revenue Code is repealed.

* * * * *

(d) *Effective date.* This section shall be effective only with respect to the year ending June 30, 1941, and succeeding years.

PAR. 4. The fourth sentence of § 137.41 [Article 41], as amended by Treasury Decision 4983, is further amended to read as follows:

§ 137.41 *Nature and rate of tax.* * * * The tax for each full $1,000 of the adjusted declared value of the capital stock is imposed at the rate of $1 for the taxable years ending June 30, 1938, and June 30, 1939, $1.10 for the taxable year ending June 30, 1940, and $1.25 for the taxable year ending June 30, 1941, and years subsequent thereto.

PAR. 5. The second sentence of paragraph (c) of § 137.46 [Article 46] is

[1] 4 F.R. 523.
[2] 4 F.R. 879.
[3] 4 F.R. 3432.
[4] 5 F.R. 2614.

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FEDERAL REGISTER

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amended by striking out the period at the end and by inserting in lieu thereof the following:

§ 137.46 *Adjusted value.*

* * * * * *

(c) * * *, except that, for the taxable year ending June 30, 1942, and subsequent adjustment years, the "net income" for this addition shall be computed without the deduction of the tax imposed by Subchapter E of Chapter 2 of the Internal Revenue Code.

PAR. 6. Paragraph (e) (3) of § 137.46 [Article 46] is amended by striking out the period at the end and by inserting in lieu thereof the following:

* * *, except that, for the taxable year ending June 30, 1942, and subsequent adjustment years, the deduction of the tax imposed by Subchapter E of Chapter 2 of the Internal Revenue Code shall not be included.

PAR. 7. There is inserted immediately preceding § 137.61 (*Nature and rate of tax*) [Article 61] the following:

SECTION 301 OF THE REVENUE ACT OF 1941

(a) *Increase in rate of tax.* Section 1200 (a) and (b) of the Internal Revenue Code (relating to rate of capital stock tax) is amended by striking out "$1" and inserting in lieu thereof "$1.25".

(b) *Defense tax rate.* Section 1200 (c) of the Internal Revenue Code is repealed.

* * * * * *

(d) *Effective date.* This section shall be effective only with respect to the year ending June 30, 1941, and succeeding years.

PAR. 8. The second sentence of § 137.61 [Article 61], as amended by Treasury Decision 4983, is further amended to read as follows:

§ 137.61 *Nature and rate of tax.* * * * The tax for each full $1,000 of the adjusted declared value of capital employed by a foreign corporation in the transaction of business in the United States is imposed at the rate of $1.00 for the taxable years ending June 30, 1938, and June 30, 1939, $1.10 for the taxable year ending June 30, 1940, and $1.25 for the taxable year ending June 30, 1941, and years subsequent thereto.

(This Treasury decision is issued under the authority contained in sections 202 (f), 205 and 301 of the Revenue Act of 1941 (Public Law 250, 77th Congress) and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 4-7466; Filed, October 6, 1941; 3:32 p. m.]

[T. D. 5084]

PART 176—DRAWBACK ON DISTILLED SPIRITS AND WINES[1]

Amending Regulations 28

1. The Act approved July 22, 1941 (Public Law 187, 77th Congress), provides, in part, as follows:

That subsection (c) of section 3341, Internal Revenue Code, be amended to read as follows:

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Philippine Islands.

SEC. 2. That section 3351, Internal Revenue Code, be amended by adding at the end thereof a new subsection to read as follows:

(c) *Drawback of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands.

SEC. 3. That subsection (c) of section 3361, Internal Revenue Code, be amended to read as follows:

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa.

* * * * * *

2. Pursuant to the foregoing provisions of law and sections 2887, as amended, 3176 and 3179, Internal Revenue Code, and sections 309 (a), (b), (c), (d), and 313 (d), (i) of the Tariff Act of 1930, as amended (19 U.S.C., Sup. V, 1309 (a), (b), (c), (d) and 1313 (d) (i)), Regulations 28 are amended as hereinafter set forth:

3. Sections 176.16, 176.17, 176.23 and 176.24 are amended by adding new paragraphs thereto, as follows:

[1] 5 F.R. 3478.

§ 176.16 *Bottling of distilled spirits or wines without rectification by rectifiers and proprietors of tax-paid bottling houses.*

* * * * * *

(e) *Tax-paid certificate.* Upon receipt of the Form 230, the district supervisor will prepare Form 1600, "Certificate of District Supervisor of Alcohol Tax Unit of Tax-Paid Spirits or Wines Bottled Especially for Export", using as a basis therefor the dumping and bottling record Form 230. He will then forward the Form 1600 to the Commissioner with a copy of the Form 230. The Forms 1600 and 230 will be retained by the Commissioner for use in connection with the examination and certification of the claim for drawback on such spirits or wines.

(f) *Transfer and storage pending exportation.* Spirits or wines bottled especially for export under this section may be transferred from the export storage room of the bottler, pursuant to Form 1656, "Application for Transfer of Distilled Spirits or Wines Bottled Especially for Export", to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft. Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or rectifier, under the provisions of Regulations 11 or 15, whether or not the proprietor of the tax-paid bottling house or rectifier intends to bottle distilled spirits or wines especially for export. Form 1656 will be executed, in quadruplicate (or quintuplicate, if the spirits are to be transferred to another supervisory district), by the bottler or exporter, after appropriate arrangements have been made by him with the proprietor of the export storage room at the port of exportation for such storage. All copies of the form will then be submitted to the district supervisor, or designated officer, for approval. Upon approval thereof, the spirits or wines may be released by the government officer for transfer. The officer will retain one copy for his files, furnish one copy to the bottler, forward one copy to the district supervisor, and forward one copy to the consignee. If the spirits or wines are transferred to another district, he will forward one copy to the district supervisor of such district. The spirits or wines so transferred and stored will be entered for drawback and marked and released for exportation, etc., in accordance with the procedure prescribed by §§ 176.35 to 176.38, inclusive.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 10 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.17 *Bottling of wines by winemakers or proprietors of bonded storeroom.*

* * * * * *

(e) *Tax-paid certificate.* Upon receipt of the Form 230, the district supervisor will prepare and forward to the Commissioner Form 1600, and a copy of the Form 230, in accordance with the procedure prescribed by § 176.16 (e).

(f) *Transfer and storage pending exportation.* Wines bottled especially for export under this section may be transferred pursuant to Form 1656 from the export storage room of the bottler, to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft, in accordance with the procedure set forth in § 176.16 (f). Such export storage room at the port of exportation may be established by a winemaker or the proprietor of a bonded storeroom under § 176.15 of the regulations in this part, or by the proprietor of a tax-paid bottling house, or rectifier, under the provisions of Regulations 11 or 15, whether or not the winemaker or the proprietor of a bonded storeroom intends to bottle wines especially for export, or the proprietor of the tax-paid bottling house or rectifier intends to bottle spirits or wines especially for export.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U. S. C., Sup., 1309 (a), (b), (c), (d).

§ 176.23 *Bottling by person other than rectifier.*

* * * * * *

(e) *Action by district supervisor.* Upon receipt of Form 230 from the bottler in such cases, the district supervisor will forward a copy of such form to the Commissioner.

(f) *Transfer and storage pending exportation.* Spirits and wines bottled especially for export under this section may be transferred pursuant to Form 1656 from the export storage room of the bottler to another export storage room at the port of exportation, for storage pending release for direct exportation or use as supplies on vessels or aircraft, in accordance with the procedure prescribed by § 176.16 (f). Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or rectifier, under the provisions of Regulations 11 or 15, whether or not the proprietor of the tax-paid bottling house or rectifier intends to bottle distilled spirits or wines especially for export.

(Sec. 3179 (b), I. R. C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.24 *Separate bottling required.*

* * * * * *

(a) *Claim required on Form 1582.* Where distilled spirits and wines are mixed in the process of rectification, for bottling especially for export with benefit of drawback, claim for drawback of the distilled spirits tax, the rectification tax, and the tax under section 3030 (a), Internal Revenue Code, as amended, shall be made on Form 1582. Separate claim on Form 1582–A will not be required in such cases.

4. Sections 176.3 (e), 176.5, 176.12, 176.18, 176.19 (a), 176.20, 176.21, 176.22, 176.23 (a), 176.27 (a) (1), 176.34, 176.35 (a), 176.39, 176.40, 176.41, 176.49, 176.50, 176.55, 176.57 and 176.69 are amended to read as follows:

§ 176.3 *Definitions.*

* * * * * *

(e) "Distilled spirits" or "spirits" shall mean all the substances produced by the distillation of fermented grain, molasses, fruit or other material commonly known as spirits, whiskey, rum, gin, brandy, alcohol, etc., and shall include rectified spirits, cordials, liquers and similar compounds and other rectified products prepared with distilled spirits and wines, except where otherwise indicated.

§ 176.5 *Exportation.* An exportation is an act defined by § 176.3 (g). Shipments of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in part with domestic alcohol to the Philippine Islands, Puerto Rico, the Virgin Islands, American Samoa, Guam, and Panama Canal Zone shall be treated as exportations. There is no authority of law for the allowance of drawback on alcohol contained in such products which are shipped to Alaska, Hawaii, Kingman's Reef, the Midway Islands, or Wake Island. (Sections 3341 (c), as amended, 3351 (c), and 3361 (c), as amended, I.R.C., and section 313 of the Tariff Act of 1930, as amended, (19 U.S.C., Sup. V, 1313 (d), (i)).)

§ 176.12 *Exportation.* An exportation is an act defined by § 176.3 (g). The provisions of this section, relating to the bottling of distilled spirits and wines especially for export and the exportation thereof with benefit of drawback, and the forms prescribed for use in connection therewith, shall apply to like bottling, removal and shipment to American Samoa, Guam, Puerto Rico, the Philippine Islands, the Virgin Islands and the Panama Canal Zone. There is no authority of law for the bottling of distilled spirits and wines especially for export, with benefit of drawback, for shipment to Alaska, Haiwaii, Kingman's Reef, the Midway Islands or Wake Island. (Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d); secs. 3341 (c), as amended, 3351 (c), and 3361 (c), as amended, I.R.C.

§ 176.18 *Application, Form 122.* Rectifiers shall prepare a separate application on Form 122, "Rectifier's Description of Spirits, Wines, or Other Liquors to be Dumped for Rectification, and Return of Gauge," in triplicate, for each lot of distilled spirits or wines to be rectified before being bottled for exportation with benefit of drawback. The rectifier shall insert in each copy of the form, after the description of the packages to be dumped for rectification, a notice of intention as follows:

The above described spirits or wines will, after rectification, be bottled pursuant to

approval of Form 237 especially for export with benefit of drawback.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.19 *Approval of Form 122*—(a) *By storekeeper-gauger.* Except as provided by § 176.20, all copies of Form 122 will be submitted for approval to the storekeeper-gauger assigned to supervise rectifying operations. The storekeeper-gauger will examine the packages described in the application and the scalped portions of tax-paid stamps or the affidavit or statements in lieu thereof, attached to the original of the form, and if he finds that the spirits or wines to be dumped for rectification and bottling especially for export are as described, and have been lawfully tax-paid, and the forms are properly prepared, he will execute his certificate and authorize the rectifier to dump the packages described in the application and return all copies of the form to the proprietor. Immediately after dumping the spirits or wines, the rectifier shall forward two copies of the Form 122 (one, the original, with the cut-out portions of the tax-paid stamps, or other prescribed evidence of tax-payment attached) to the district supervisor, and retain the remaining copy of such form on file at the rectifying plant.

§ 176.20 *Mixing of distilled spirits or wines tax-paid at different rates.* When a rectifier manufactures distilled spirits to be bottled especially for export with benefit of drawback by a process of rectification involving the mixing of distilled spirits or distilled spirits and wines upon which basic taxes were paid at different rates (i. e. alcohol and wine, alcohol, brandy, and wine, or brandy and rum, etc.), he shall note on Form 122 the number of proof gallons of each kind of spirits and the number of wine gallons and percentage of alcohol of the wine mixed together in the processing receptacle, and no further mixing of such spirits or wines with spirits or wines contained in any other receptacle shall be made, unless a similar notation is made on Form 122.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.21 *Application, Form 237, etc.*—(a) *Procedure.* The rectifier shall make application on Form 237, "Notice of Completion of Rectification and Return of Rectified Spirits, Wines or Other Liquors Gauged, Marked and Stamped," in quadruplicate (or in quintuplicate, if the spirits or wines are to be transferred by pipe line to a contiguous tax-paid bottling house), to the storekeeper-gauger, or to an officer designated by the district supervisor, if no storekeeper-gauger is available, for permission to bottle the spirits or wines. A notice of intention shall be inserted by the rectifier in each copy of Form 237 after the description of the spirits or wines as follows:

The above described spirits (or wines), rectified pursuant to Form 122, Serial No. ------, dated ----------, 19------, are to be bottled especially for export with benefit of drawback.

When the process of manufacturing spirits or wines, in accordance with § 176.20, has been completed, the rectifier shall note on Form 237 the quantity of each kind of distilled spirits or wines, or both (calculated on a proof gallon basis as to spirits and a wine gallon basis as to wines), used in manufacturing the spirits or wines. The storekeeper-gauger or designated officer will, after approval, return all copies of Form 237 to the rectifier, who shall, if the spirits are subject to the rectification tax, forward all copies of the form to the collector of internal revenue, with remittance of the tax, in accordance with the procedure prescribed by Regulations 15. Upon receipt of the copies of Form 237 from the collector, or, in the case of spirits or wines exempted from the rectification tax, upon receipt of the copies of such form from the storekeeper-gauger or designated officer, the rectifier shall proceed to bottle the spirits or wines, or, if the spirits or wines are to be packaged, to fill, mark and stamp the packages. Upon completion of the bottling and casing or packaging of the spirits or wines, and the execution of Form 237, the rectifier shall retain one copy of the form and forward the original and one copy to the district supervisor. The storekeeper-gauger or designated officer will, upon completion of the bottling or packaging operations, supervise the deposit of the spirits or wines in the export storage room, except as provided by § 176.22.

(b) *Tax-paid certificate.* Upon receipt of the Form 122, as provided in § 176.19 and the Form 237, as herein provided, the district supervisor will prepare Form 1600, using as a basis therefor the dumping and bottling records Forms 122 and 237. He will then forward Form 1600 to the Commissioner with a copy each of Forms 122 and 237, and Form 1583, if any. Forms 1583, 1600, 122 and 237 will be retained by the Commissioner for use in connection with the examination and certification of the claim for drawback on such spirits or wines.

(c) *Transfer and storage pending exportation.* Spirits and wines bottled especially for export under this section may be transferred from the export storage room of the bottler, pursuant to Form 1656, to another export storage room at the port of exportation for storage pending release for direct exportation or use as supplies on vessels or aircraft, in accordance with the procedure prescribed by § 176.16 (f). Such export storage room at the port of exportation may be established by the proprietor of a tax-paid bottling house or rectifier, under the provisions of Regulations 11 or 15, whether or not the proprietor of the tax-paid bottling house or rectifier intends to bottle distilled spirits or wines especially for export.

(Sec. 3179 (b), I. R. C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U. S. C., Sup. 1309 (a), (b), (c), (d).)

§ 176.22 *Rectification by person other than the bottler.* Where distilled spirits or wines intended to be bottled especially for export with benefit of drawback are to be rectified by a person other than the bottler, the rectifier shall insert in each copy of Form 122, after the description of the packages to be dumped, a notice of intention as follows:

The above described spirits (or wines) will, after rectification, be packaged and shipped to ----------, for bottling especially for export.
(name and address of bottler)

When the spirits have been rectified and packaged, the rectifier shall insert in each copy of Form 237, before forwarding the same to the district supervisor, a notice of intention as follows:

The above described spirits (or wines), rectified pursuant to Form 122, Serial No. ----, dated ------ 19--, are to be shipped to ---------- for bottling especially for export.
(name and address of bottler)

After the packages have been properly stamped, the rectifier shall stencil or marks thereon, in addition to the other required marks or brands, the words "for bottling especially for export." Such packages shall then be deposited in the export storage room pending release by the Government officer for shipment to the bottling plant, unless they are to be shipped immediately. The rectifier and the storekeeper-gauger, or designated officer, will proceed otherwise in accordance with the provisions of §§ 176.18 to 176.21, inclusive, and in addition the rectifier will furnish the bottler with a copy of the Form 237. Upon receipt of the Forms 122 and 237, the district supervisor will prepare and forward to the Commissioner Form 1600 and a copy each of Forms 122, 237 and Form 1583, if any, in accordance with the procedure indicated by § 176.21 (b). If the spirits or wines so rectified are to be transferred by pipe line to a contiguous tax-paid bottling house, the rectifier shall proceed in accordance with the provisions of this section, except that he shall insert in each copy of Form 237, before forwarding one copy to the bottler and two copies to the district supervisor, in lieu of the notice of intention above required, a notice of intention as follows:

The above described spirits (or wines rectified pursuant to Form 122, Serial No. --------, dated ---------- 19----, are to be transferred by pipe line to----------
(name and address of bottler)
---------- for bottling especially for export.

(Sec. 3179 (b), I. R. C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U. S. C., Sup., 1309 (a), (b), (c), (d).)

§ 176.23 *Bottling by person other than rectifier*—(a) *Application, Form 230.* Where packages of distilled spirits or wines rectified by a person other than the bottler, especially for export with benefit of drawback, are received for bottling, the bottler shall, unless such spirits or wines are to be bottled immediately, place them in the export storage room pending removal for bottling. Such spirits or wines will be reported on Form 45 or 52–D, as the case may be, as having been deposited in the export storage room prior to bottling. The bottler (rectifier or proprietor of a tax-paid bottling house) shall prepare a separate application on Form 230, in triplicate, for each lot of such spirits or wines to be dumped and bottled. The bottler shall insert in each copy of Form 230, after the description of the packages, or of spirits of wines transferred by pipe line, a notice of intention as follows:

The above described spirits (or wines) are to be bottled especially for export with benefit of drawback.

Spirits or wines which have been stored in the export storage room in packages may be released by the storekeeper-gauger for bottling, pursuant to request for that purpose by the bottler.

§ 176.27 *Fiberboard cases*—(a) *Requirements.*

* * * * *

(1) *Outer container.* In addition to meeting such requirements, the outer container of the cases shall be double-faced, and shall not be less than .0808 of an inch thick for solid fiberboard, and three-sixteenths of an inch thick for single and double wall corrugated fiberboard, and shall have a bursting strength of not less than 200 pounds per square inch, Mullen or Cady test, and be faced on the outside with tough smooth material. The outer ply shall be water-proofed, as required by the above-mentioned rules, and the inner plies may be water-proofed where desired. The outer flaps of both the top and bottom shall meet at the center of the case.

§ 176.34 *Record of spirits and wines bottled especially for export.*—(a) *By rectifiers and proprietors of tax-paid bottling houses.* The receipt, rectification, if any, bottling and disposition of distilled spirits and wines bottled especially for export, with benefit of drawback, shall be entered by the rectifier on Form 45, "Rectifier's Monthly Record and Report". All applicable information indicated by the headings of the columns and lines and the instructions printed on the form will be entered thereon. The receipt, bottling and disposition of distilled spirits or wines bottled especially for export with benefit of drawback, by proprietors of tax-paid bottling houses shall be entered on Form 52–D, "Monthly Record and Report of Tax-Paid Bottling House Operations". All applicable information indicated by the headings of the columns and lines, and the instructions printed on the form, will be entered thereon.

(b) *By winemakers and proprietors of bonded storerooms.* The receipt, bottling and disposition of wines bottled especially for export with benefit of drawback shall be entered by winemakers and proprietors of bonded storerooms, on Form 52–D, "Monthly Record and Report of Tax-Paid Bottling House Operations". All applicable information indicated by the headings of the columns and lines, and the instructions printed on the form, will be entered thereon. Form 52–D will be kept, and transcript thereof will be forwarded to the district supervisor on or before the 10th day of the succeeding month.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.35 *Claim and entry* (a) *Form 1582 or Form 1582–A.* Claims for allowance of drawback of internal revenue taxes on distilled spirits or wines manufactured or produced in the United States and bottled especially for export, and entry for the exportation of such spirits or wines with benefit of drawback, shall be prepared by the exporter on Form 1582, "Claim for Internal Revenue Drawback on Bottled Distilled Spirits Exported, and Entry for Exportation Thereof," in quadruplicate, for distilled spirits, and Form 1582–A, "Claim for Internal Revenue Drawback on Bottled Wines Exported, and Entry for Exportation Thereof," in quadruplicate, for wines. All copies of Form 1582 or Form 1582–A, with Part 1 and Part 2 executed, shall be filed by the exporter with the district supervisor of the district wherein is located the export storage room in which the bottled spirits or wines are stored at the time of exportation. All of the information called for, as indicated by the headings of the columns, and the lines of the form, and the instructions printed on the form, shall be furnished.

§ 176.39 *Certificate, Form 1583.* Where spirits or wines manufactured (rectified) in the United States from imported spirits or wines are bottled especially for export with benefit of drawback, the collector of customs at the port where the entry or withdrawal for consumption was made will, upon application in writing by the rectifier, execute a certificate on Form 1583, in triplicate, showing that internal revenue tax has been collected on the imported spirits or wines described in the application. Two copies of the certificate will be forwarded by the collector of customs to the district supervisor of the Alcohol Tax Unit district in which the spirits were rectified. The remaining copy will be retained by the collector of customs. Such certificates shall be serially numbered, beginning with number 1 for each customs district.

(Sec. 3179 (b), I. R. C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U. S. C., Sup., 1309 (a), (b), (c), (d).)

§ 176.40 *Application for certificate.* The rectifier must set forth in his application for the issuance of the certificate sufficient information to enable the collector of customs to identify the importation, such as the port of entry, the entry number, name of importing vessel or other carrier, date of importation, name of importer, marks and numbers of packages, and a description of the spirits or wines.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.41 *Certificate required before approval of claim.* The Commissioner will not approve a claim for drawback on spirits or wines manufactured from imported spirits or wines and bottled especially for export prior to the receipt of the certificate, Form 1583, from the collector of customs, showing that internal revenue tax has been collected on such imported spirits or wines.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.49 *Direct delivery for customs inspection.* (a) If the export storage room where the bottled spirits or wines are stored is located at the port of exportation, the exporter shall deliver the shipment directly for customs inspection and supervision of lading. The drawback entry must be filed with the collector of customs at least six hours prior to the lading of the spirits in order to allow opportunity for customs inspection. The exporter must file one copy of the export bill of lading with the collector of customs and one copy with the district supervisor. The bill of lading must show the exporter as the shipper, the serial numbers of the cases, and the quantity shipped in wine gallons.

§ 176.50 *Shipment to port of export.* In the event the export storage room where the spirits or wines are stored is located elsewhere than at the port of exportation, the exporter shall deliver the shipment either directly for customs inspection and supervision of lading, as in the case where spirits or wines are stored at the port of exportation, or to a common carrier for transportation to the port of exportation. If the spirits or wines are delivered to a common carrier for transportation, the exporter shall procure two copies of the bill of lading covering such transportation. In case of exportation through a border port to contiguous foreign territory, the bill of lading shall cover transportation to destination and must show the routing, particularly the carrier which will deliver the shipment for customs inspection at the border. The bill of lading shall also show that the shipment was sent in care of the collector or deputy collector of customs at the border port. The exporter shall immediately forward one copy of the bill of lading direct to the collector of customs at the port of export, and transmit the other copy to the district supervisor of the district from which the spirits or wines were released for exportation. The district supervisor will attach his copy of the bill of lading to the copy of the claim and entry, Form 1582 or Form 1582–A, returned by the Government officer at the export storage room.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.55 *District supervisor's approval.* The district supervisor will examine the two copies of drawback claim, Form 1582 or 1582–A, received from the collector of customs, and compare them with the copy received from the storekeeper-gauger or designated officer who supervised the release of the liquor from the export storage room. If the district supervisor is satisfied that the claimant has complied in every respect with the law and regulations, and the claim is valid, and if a good and sufficient bond has been furnished, he will execute his certificate of approval on each copy of the claim and forward the original to the Commissioner, except as provided by § 176.45.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup., 1309 (a), (b), (c), (d).)

§ 176.57 *Action on claim.* The Commissioner will, upon receipt of the claim from the district supervisor, examine the claim and the records of his office, Forms 230, 122, 237, 1583, and 1600, previously furnished him, as provided by §§ 176.16 to 176.23, inclusive, to determine whether the spirits or wines described in the claim have been tax-paid. If the Commissioner finds that such spirits or wines have been tax-paid, he will execute a certificate to that effect on Form 646–A, "Certificate of Commissioner of Internal Revenue of Tax-Paid Spirits," or Form 646–B, "Certificate of Commissioner of Internal Revenue of Tax-Paid Wines." If the claim is allowed in whole, or in part, the Commissioner will forward it, together with his certificate, Form 646–A or Form 646–B, scheduled on Form 1550–A, "Schedule of Claims for Allowance of Drawback on Distilled Spirits or Wines Bottled Especially for Export and Exported," to the Comptroller General of the United States for certification of the amount allowed. If the claim is disallowed, the Commissioner will so notify the claimant and state the reasons therefor.

(Sec. 3179 (b), I.R.C., sec. 309 (a), (b), (c), (d), Tariff Act of 1930, as amended; 19 U.S.C., Sup. 1309 (a), (b), (c), (d).)

§ 176.69 *Exportation.* An exportation is an act defined by § 176.3 (g), except that shipments of tax-paid distilled spirits in distillers' original packages to American Samoa, Guam, Puerto Rico, the Philippine Islands, the Virgin Islands and the Panama Canal Zone shall be treated as exportations. There is no authority of law for the shipment of distilled spirits in distillers' original packages, with benefit of drawback, to Alaska, Hawaii, Kingman's Reef, the Midway Islands, or Wake Island. (Sections 2887, as amended, 3176, 3341 (c), as amended, 3351 (c), and 3361 (c), as amended, I.R.C.)

5. Page 36 of Regulations 28 is modified by striking out "§ 165.64" and substituting therefor "§ 176.64."

6. The regulations in this part shall take effect on and after the sixtieth day following the date of approval, except §§ 176.5, 176.12 and 176.69 which shall take effect immediately.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7469; Filed, October 6, 1941; 3:29 p. m.]

[T.D. 5083]

PART 302—TAX ON PISTOLS AND REVOLVERS

Regulations 47, as made applicable to the Internal Revenue Code by Treasury Decision 4885, amended

In order to conform Regulations 47 [Part 302, Title 26, Code of Federal Regulations], relating to the tax on sales of pistols and revolvers by the manufacturer, to section 210 of the Revenue Act of 1940 (54 Stat. 516), and section 521 (a) (9) and (b) of the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, amending section 2700 (a) of the Internal Revenue Code, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.], are amended as follows:

There is inserted immediately preceding § 302.1 [Article 1] the following:

SEC. 2700. TAX. (Internal Revenue Code.)
(a) *Rate.* There shall be levied, assessed, collected, and paid upon pistols and revolvers sold or leased by the manufacturer, producer, or importer, a tax equivalent to 10% of the price for which so sold or leased.

* * * * *

SEC. 210. MISCELLANEOUS EXCISES. (Revenue Act of 1940.)

The Internal Revenue Code is amended by inserting at the end of chapter 9 the following new chapter:

CHAPTER 9A—DEFENSE TAX FOR FIVE YEARS

SEC. 1650. DEFENSE TAX FOR FIVE YEARS.
(a) In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period after June 30, 1940, and before July 1, 1945, shall be the rates set forth under the heading "Defense-Tax Rate":

Section	Description of tax	Old rate	Defense-tax rate
*	*	*	*
2700 (a)...	Pistols and revolvers.	10 percent ..	11 percent.
*	*	*	*

* * * * *

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (Revenue Act of 1941.)

(a) The following sections of the Internal Revenue Code are amended as follows:

* * * * *

(9) *Pistols and revolvers.* Section 2700 (a) is amended by striking out "10 per centum" and inserting in lieu thereof "11 per centum".

(b) The rates specified in subsection (a) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a) * * * of the Internal Revenue Code shall not apply with respect to such period.

Section 302.1 [Article 1] is amended to read as follows:

§ 302.1 *Rate of tax.* The tax is imposed at the rate of 10 percent with respect to the period prior to July 1, 1940. By reason of the modification made by section 210 of the Revenue Act of 1940 and the amendment made by section 521 of the Revenue Act of 1941, the tax is levied at the rate of 11 percent with respect to the period after June 30, 1940.

(This Treasury Decision is prescribed pursuant to section 210 of the Revenue Act of 1940 (54 Stat. 516), section 521 of the Revenue Act of 1941, approved September 20, 1941, and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791))

[SEAL] GUY T. HELVERING.
Commissioner of Internal Revenue.

Approved: October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7468; Filed, October 6, 1941; 3:31 P. M.]

[T.D. 5080]

PART 305—TAX ON PLAYING CARDS

Increase of Rate of Tax

In order to conform Regulations 66 [Part 305, Title 26, Code of Federal Regulations], as amended by Treasury Decision 4987, approved July 18, 1940, relating to the tax on playing cards under the Internal Revenue Code, to sections 531 and 536 of the Revenue Act of 1941, (Public Law 250, Seventy-seventh Congress), approved September 20, 1941, amending section 1807 (a) of the Internal Revenue Code, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.], are further amended as follows:

There is inserted immediately preceding § 305.8 [Article 8], the following:

TITLE V OF THE REVENUE ACT OF 1941

PART III—INCREASES IN RATES OF EXISTING EXCISE TAXES

SEC. 531. PLAYING CARDS.
Section 1807 (a) of the Internal Revenue Code is amended by striking out "10 cents" and inserting in lieu thereof "13 cents."

SEC. 536. EFFECTIVE DATE OF PART III.
The amendments made by this Part shall be applicable only with respect to the period

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[1] 5 F.R. 2637.
[2] 4 F.R. 4641.

beginning with October 1, 1941, and the rates specified in * * * section 1807 (b) * * * of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941.

The first paragraph of § 305.8 [Article 8], as amended by Treasury Decision 4987,[1] is amended to read as follows:

§ 305.8 *Tax on playing cards.* On and after October 1, 1941, the rate of tax on playing cards is 13 cents per pack containing not more than 54 cards. Each additional 54 cards or fraction thereof in a pack constitutes a new pack on which tax must be paid. For example, if a pack contains 120 cards it must be considered as constituting three packs, two packs of 54 cards and one pack of 12 cards, and each such pack is subject to tax at the rate in effect when liability is incurred.

There is inserted immediately preceding § 305.19 [Article 19], the following:

TITLE V OF THE REVENUE ACT OF 1941

PART III—INCREASES IN RATES OF EXISTING EXCISE TAXES

SEC. 531. PLAYING CARDS.

Section 1807 (a) of the Internal Revenue Code is amended by striking out "10 cents" and inserting in lieu thereof "13 cents."

SEC. 536. EFFECTIVE DATE OF PART III.

The amendments made by this Part shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in * * * section 1807 (b) * * * of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941.

The first paragraph of § 305.19 [Article 19], as amended by Treasury Decision 4987, is amended to read as follows:

§ 305.19 *Imported playing cards*—(a) *Liability to tax.* On and after October 1, 1941, playing cards imported from foreign countries must be tax-paid at the rate of 13 cents per pack of not more than 54 cards. Such tax is in addition to any import duty and must be paid by affixing the required stamps prior to release of the cards from customs custody.

(This Treasury decision is prescribed pursuant to sections 531 and 536 of the Revenue Act of 1941, approved September 20, 1941, and sections 1835 and 3791 of the Internal Revenue Code (53 Stat. 204, 467; 26 U.S.C., Sup. V, 1835, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7465; Filed, October 6, 1941; 3:32 p. m.]

[T.D. 5082]

PART 314—TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

Regulations 44 (1939 Edition) Amended

In order to conform Regulations 44[2] [Part 314, Title 26, Code of Federal Regulations, 1939 Sup.], as amended by Treasury Decision 4990,[3] approved July 19, 1940, relating to taxes on gasoline, lubricating oils, and matches under the Internal Revenue Code, as amended, to sections 501, 521 (a) (20) and (21) and (b), 547, 549, 550 and 553 of the Revenue Act of 1941 (Public Law 250, 77th Cong.), approved September 20, 1941, such regulations are further amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 314.1 the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941.)

(a) *Leases.* Section 3440 of the Internal Revenue Code is amended to read as follows:

SEC. 3440. DEFINITION OF SALE.

For the purpose of this chapter the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a taxable sale of such article.

* * * * *

PAR. 2. There is inserted immediately preceding § 314.2 the following:

SEC. 501. 1932 EXCISE TAXES MADE PERMANENT. (Revenue Act of 1941.)

Section 3452 of the Internal Revenue Code (relating to expiration of 1932 excise taxes) is repealed.

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (Revenue Act of 1941.)

* * * * *

(b) The rates specified in subsection (a) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a) * * * of the Internal Revenue Code shall not apply with respect to such period.

SEC. 550. EFFECTIVE DATE OF PART IV. (Revenue Act of 1941, Title V.)

(a) The amendments made by this Part shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a) * * * shall not apply with respect to such period. This Part shall take effect on October 1, 1941.

* * * * *

PAR. 3. Section 314.2 as amended by Treasury Decision 4990 is further amended to read as follows:

§ 314.2 *Effective period.* Taxes on the sale of gasoline, lubricating oils, and matches became effective under Title IV of the Revenue Act of 1932, on June 21, 1932. The applicable provisions of the Revenue Act of 1932, as amended, were superseded as of March 1, 1939, by provisions of the Internal Revenue Code. The Code provisions were amended by subsequent acts, including the Revenue Act of 1941.

Section 521 (b) of the Revenue Act of 1941 is applicable to gasoline and lubricating oils, and section 550 (a) to matches. Section 501 is applicable to all three. With respect to gasoline and lubricating oils, the effect is to continue indefinitely the increases of tax rates imposed by section 1650 (a) of the Internal Revenue Code, added by section 210 of the Revenue Act of 1940. Under section 1650 (a) the tax increases were effective after June 30, 1940, and before July 1, 1945.

Prior to enactment of the Revenue Act of 1940, there was a tax, imposed by section 3409 of the Internal Revenue Code, on fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem. Section 1650 (a) of the Internal Revenue Code increased the tax on these matches also. The increased tax rate on these matches is continued indefinitely. However, section 547 of the Revenue Act of 1941 also imposes a tax on other matches at a lower rate. This latter tax, by virtue of section 550 (a) of the Revenue Act of 1941, takes effect on October 1, 1941. The result then is that the tax rates on gasoline, lubricating oils, and fancy wooden matches and wooden matches having a stained, dyed, or colored stock or stem which have been in effect since July 1, 1940, continue in effect indefinitely, and a new tax on other matches is applicable for an indefinite period beginning October 1, 1941.

The tax attaches upon sale or use by the manufacturer irrespective of when the article was manufactured, produced, or imported.

PAR. 4. There is inserted immediately following the subtitle "Liability for Tax", which follows § 314.2, the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941.)

* * * * *

(b) *Existing contracts.* Chapter 29 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 3453. EXISTING CONTRACTS.

(a) *Tax payable by vendee.* If (1) any person has, prior to the effective date of Part V of Title V of the Revenue Act of 1941, made a bona fide contract for the sale on or after such date, of any article with respect to the sale of which a tax is imposed by that Act or an existing rate of tax is increased by that Act, and (2) such contract does not permit the adding to the amount to be paid under such contract of the whole of such tax or increased rate of tax, then (unless the contract prohibits such addition) the vendee shall, in lieu of the vendor, pay so much of the tax as is not so permitted to be added to the contract price.

(b) *Tax paid to vendor.* Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated, and shall be collected and paid to the United States by the vendor in the same manner as provided in section 3467. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner who shall cause collection of such taxes to be made from the vendee.

PAR. 5. There is inserted immediately preceding § 314.3 the following:

SEC. 549. INSTALLMENT, ETC., PAYMENTS. (Revenue Act of 1941.)

Section 3441 (c) of the Internal Revenue Code is amended to read as follows:

(c) (1) In the case of (A) a lease, (B) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by insallments, or (C) a conditional sale, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment.

(2) In the application of paragraph (1) to the articles with respect to which the rate of tax is increased by the Revenue Act

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[1] 5 F.R. 2637.
[2] 4 F.R. 4641.
[3] 5 F.R. 2647.

of 1941 or by the Revenue Act of 1940, where the lease, contract of sale, or conditional sale, and delivery thereunder—

(A) was made before July 1, 1940, the total tax referred to in paragraph (1) shall be the tax at the rate in force on June 30, 1940, and not at any greater rate; or

(B) was made after June 30, 1940, and before October 1, 1941, the total tax referred to in paragraph (1) shall be the tax at the rate in force on September 30, 1941, and not at any greater rate.

(3) Despite the provisions of paragraph (1), no tax shall be imposed with respect to any article not taxable under the law in existence on the day before the date of the enactment of the Revenue Act of 1941, if with respect to such article the lease, contract for sale, or conditional sale, and delivery thereunder, was made before October 1, 1941.

PAR. 6. Section 314.3 is amended by adding thereto the following paragraph:

§ 314.3 *Liability for a tax.* • • •

The amendment of section 3440 of the Internal Revenue Code by section 553 of the Revenue Act of 1941 clarifies existing language. The term "lease" includes any renewal or extension of a lease or any subsequent lease of an article.

PAR. 7. Section 314.4 as amended by Treasury Decision 4990 is further amended by substituting the following for paragraph 5:

§ 314.4 *When tax attaches.* • • •

Where an article is leased by the manufacturer, or sold under an installment-payment contract, or under a conditional-sale contract with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment received with respect to the article. The tax must be returned and paid to the collector during the month following that in which such payment is received.

In the case of articles with respect to which the rate of tax is increased by the Revenue Act of 1940 or by the Revenue Act of 1941:

(a) If the lease, contract for sale, or conditional sale, and delivery thereunder, were made before July 1, 1940, the tax on all payments made after September 30, 1941, is at the rate in force on June 30, 1940;

(b) If the lease, contract for sale, or conditional sale, and delivery thereunder, were made after June 30, 1940, and before October 1, 1941, the tax on all payments after September 30, 1941, is at the rate in force on September 30, 1941.

In the case of articles not subject to tax on September 30, 1941, if the lease, contract for sale, or conditional sale, and delivery thereunder, were made on or before that date, no tax is due on payments made on or after October 1, 1941.

PAR. 8. There is inserted immediately preceding § 314.30 the following:

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (REVENUE ACT OF 1941)

(a) The following sections of the Internal Revenue Code are amended as follows:

• • • • •

(20) *Gasoline.* Section 3412 (a) is amended by striking out "1 cent" and inserting in lieu thereof "1½ cents".

• • • • •

PAR. 9. Section 314.35 as amended by Treasury Decision 4990 is further amended to read as follows:

§ 314.35 *Rate of tax.* The tax payable by the importer or producer thereof, or by any producer of gasoline with respect to the period after June 30, 1940, is at the rate of 1½ cents a gallon.

PAR. 10. There is inserted immediately preceding § 314.40 the following:

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (REVENUE ACT OF 1941)

(a) The following sections of the Internal Revenue Code are amended as follows:

• • • • •

(21) *Lubricating oils.* Section 3413 is amended by striking out "4 cents" and inserting in lieu thereof "4½ cents".

• • • • •

PAR. 11. The first sentence of § 314.44 as amended by Treasury Decision 4990 is further amended to read as follows:

§ 314.44 *Rate of tax.* The tax payable by the manufacturer with respect to the period after June 30, 1940, is at the rate of 4½ cents a gallon.

PAR. 12. There is inserted immediately preceding § 314.50 the following:

SEC. 547. MATCHES. (REVENUE ACT OF 1941, TITLE V, PART IV)

Section 3409 of the Internal Revenue Code is amended to read as follows:

SEC. 3409. TAX ON MATCHES.

(a) *Manufacturers' tax.* There shall be imposed upon matches sold by the manufacturer, producer, or importer, a tax of 2 cents per 1,000 matches, except that in the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax shall be 5½ cents per 1,000 matches.

• • • • •

PAR. 13. § 314.50 is amended to read as follows:

§ 314.50 *Scope of tax.* The tax imposed by section 3409 of the Internal Revenue Code, as amended by section 547 of the Revenue Act of 1941, applies to all types of matches, including waxed matches, parlor matches, safety matches, book matches, vestas, etc., regardless of whether sold in bulk, boxes, books, or in any other manner.

PAR. 14. § 314.52 as amended by Treasury Decision 4990 is further amended to read as follows:

§ 314.52 *Rate of tax.* In the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, the tax payable by the manufacturer with respect to the period after June 30, 1940, is at the rate of 5½ cents per thousand.

In the case of all other matches the tax payable by the manufacturer with respect to the period on and after October 1, 1941, is at the rate of 2 cents per thousand.

(This Treasury decision is prescribed pursuant to sections 501, 521 (a) (20) and (21) and (b), 547, 549, 550 and 553 of the Revenue Act of 1941, approved September 20, 1941, and section 3791 of the Internal Revenue Code (53 Stat., 467; 26 U.S.C., Sup. V, 3791))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 3, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7467; Filed, October 6, 1941; 3:31 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-841]

PARTS 322 AND 323—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 2 AND 3

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 3 FOR CLARIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT 3 WITH RESPECT TO SALES VIA RIVER TO THE COLONIAL STEEL COMPANY AT COLONA, PENNSYLVANIA

A petition in this matter having been filed by District Board 3 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, as amended, requesting that deliveries of coals to the Colonial Steel Company at Colona, Pennsylvania, be considered free alongside and that code members in District 3 be permitted to sell coal to that company at the effective minimum prices for f. a. s. delivery;

District Boards 2 and 6 having filed petitions of intervention;

Temporary relief having been granted, classifying the Colonial Steel Company as an ex-river purchaser and applying for shipments thereto from Districts 2 and 3 the effective minimum prices applicable to ex-river shipments to Youngstown, Ohio, and Walford, Pennsylvania;

Pursuant to an Order of the Director, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties having waived the preparation and filing of a report by the Examiner and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That § 322.9 (*Special prices*—(e) *Ex-river coal*) and § 323.8 (*Special prices*—(f) *Ex-river coal*) in the Schedules of Effective Minimum Prices for All Shipments Except Truck for Districts 2 and 3 respectively shall be and they hereby are amended to contain the following provision:

Ex-river shipments made from mines in Districts 2 and 3 to the plant of the Colonial Steel Company at Colona, Pennsylvania, may take the effective minimum prices applicable to ex-river shipments to Youngstown, Ohio and Walford, Pennsylvania.

It is further ordered, That in all other respects the prayer for relief herein is denied.

Dated: October 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7492; Filed, October 7, 1941; 10:15 a. m.]

[1] Not filed as part of the original document.

[Docket No. A-587]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF HANNA COAL COMPANY OF OHIO, A CODE MEMBER PRODUCER IN DISTRICT NO. 4, FOR A MODIFICATION OF PRICE INSTRUCTION PERTAINING TO RAILROAD FUEL CONTAINED IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

An original petition having been filed with the Bituminous Coal Division by the Hanna Coal Company of Ohio, a code member in District 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking permission to ship 4" x 1½" egg coal containing not less than 40 percent of screenings not exceeding 1½", produced at its Willow Grove No. 10 Mine, for railroad fuel use at mine run prices;

Pursuant to Orders of the Director, a hearing having been held in this matter before a duly designated Examiner of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:[1]

It is ordered, That § 324.11 (a) (*Special prices—Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) in the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck be, and the same hereby is, amended by inserting the following footnote:

The Hanna Coal Company of Ohio, for Railroad Fuel, may ship 4" x 1½" egg coal containing not less than 40 per cent of screenings not exceeding 1½", produced at its Willow Grove No. 10 Mine (Mine Index 157), at the mine run price applicable to that mine.

Dated: October 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7487; Filed, October 7, 1941; 10:13 a. m.]

[1] Not filed as part of the original document.

[Docket No. A-570]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CONCERNING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR CHANGE IN CLASSIFICATION IN SIZE GROUPS 18–21 OF COAL PRODUCED BY THE SNAP CREEK COAL COMPANY

This proceeding, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been instituted upon a petition filed with the Bituminous Coal Division by District Board 8, requesting that the coals produced at the Snap Creek Mine (Mine Index No. 582) of the Snap Creek Coal Company, a code member in District 8, for shipment by rail into all market areas be reclassified from "J" to "L";

An informal conference having been held and temporary relief prayed for in the original petition having been granted; petitions of intervention having been filed by Gay Coal and Coke Company, requesting relief co-extensive with and corresponding to any relief granted original petitioner; by Island Creek Coal Company, seeking general relief; and by District Board 2;

Pursuant to an Order of the Director, and after notice to all interested persons, a hearing having been held in this matter before Travis Williams, a duly designated Examiner of the Division, in Washington, D. C.; appearances having been entered by petitioner, District Board 8, and Gay Coal and Coke Company;

All parties having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned; the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter in which it was concluded that the relief requested by Snap Creek Coal Company be granted and that requested by the intervenor, Gay Coal and Coke Company, be denied;

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District Board 8 for All Shipments Except Truck be and it hereby is amended as follows: Commencing forthwith, the price classification and corresponding minimum prices for the coals of the Snap Creek Mine (Mine Index No. 582) of the Snap Creek Coal Company in Size Groups 18–21 shall be "L" for shipment to all destinations other than the Great Lakes and for Great Lakes cargo only; and

It is further ordered, That in all other respects the requested relief herein be and it hereby is denied.

Dated: October 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7486; Filed, October 7, 1941; 10:12 a. m.]

[Docket No. A-348]

PART 338—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 18 FOR CHANGES IN THE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED AND SOLD IN DISTRICT NO. 18

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 18, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petitioner seeks reductions in the effective minimum prices for Subdistricts 6 and 7 of District 18.

Pursuant to the petitioner's request for temporary relief, pending final disposition of the petition, and Order of the Director, temporary relief was granted.

Pursuant to Orders of the Director, and after due notice to all interested persons, a hearing in this matter was held before Thurlow G. Lewis, a duly designated Examiner of the Division, at a hearing room of the Division in Denver, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner and the Consumers' Counsel Division appeared. At the close of the hearing the parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the undersigned. The Consumers' Counsel Division filed a brief.

The petition requests that the following changes be made in the effective minimum prices applicable to Subdistricts 6 and 7 of District 18:

(a) That minimum prices for Subdistrict 6 to all market areas be changed to read as follows: Size Group 2, 2" Lump, 400; Size Group 6, 3" x 1½", 350; Size Group 8, 1½" square x 1", 300; Size Group 9, 1" x ⅜", 215; Size Group 12, 1" x 0", 170; Size Group 13, ⅜" x 0", 150; Size Group 15, Straight Mine Run, 350; and that the price under Size Group 10 be eliminated from Subdistrict 6.

(b) That minimum prices for Subdistrict 7 be changed to read as follows: Size Group 2, 2" Lump, 400; Size Group 8, 1½" Square x 1", 300; Size Group 9, 1" x ⅜", 215; Size Group 12, 1" x 0", 170; and that all other prices should re-

main the same as shown in the District 18 price schedule.

The evidence shows that subsequent to the establishment of effective minimum prices for District 18, a controversy arose among certain producers in Subdistrict 6 and Subdistrict 7. District Board 18 called a meeting with reference to these matters, which was attended by all interested producers in Subdistricts 6 and 7 and competing subdistricts. At this meeting the subject was exhaustively discussed and the conclusions reached that, due to changed conditions, the effective prices applicable to Subdistricts 6 and 7 should be changed. Thereupon the District Board worked out the changes requested in this proceeding. The witness for the District Board testified that the requested prices would be just and equitable to the producers in Subdistricts 6 and 7 as among themselves and also to producers of competing coals. All the producers in District 18 were given notice of the meeting and of the proposed changes and it appears from the evidence that no objection or opposition was interposed by anyone. It further appears that the proposed changes will result in the saving of several thousand dollars annually by consumers.

Witness Litts testified for the District Board that the changes requested comply with all the standards of the Act and should be established as the effective minimum prices applicable to the coals in question.

There was no opposition expressed to the relief requested.

I find, upon all the evidence, that the amendment of the Schedule of Effective Minimum Prices for District No. 18 For All Shipments, as requested by the petitioner, is required in order to effectuate the purposes of Section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That § 338.5 (*General prices; minimum prices for shipment via rail transportation*), and § 338.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 18 for All Shipments be and they hereby are amended as follows:

1. In § 338.5 and § 338.21 the prices listed for *Subdistrict 6* shall be deleted and the following prices inserted in lieu thereof:

Size groups:						
2	6	8	9	12	13	15
400	350	300	215	170	150	350

2. In § 338.5 and § 338.21 the prices listed for *Subdistrict 7* shall be deleted and the following prices inserted in lieu thereof:

Size groups:					
2	8	9	11	12	13
400	300	215	190	170	125

Dated: October 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7490; Filed, October 7, 1941; 10:14 a. m.]

[Docket No. A-448]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 19 FOR CHANGES IN THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SUBDISTRICT 2, DISTRICT NO. 19, IN THE CASE OF RAIL SHIPMENTS OF COALS IN SIZE GROUPS 11 AND 16 INTO MARKET AREAS 237-240 AND 247-254

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by District Board No. 19, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting an increase in the minimum f. o. b. mine price of the Size Group 11 coals produced in Subdistrict 2 of District No. 19 from $2.15 to $2.35 for shipment by rail to Market Areas 237-240 and 247-254, inclusive;

Pursuant to orders of the Director, a hearing having been held in this matter before a duly designated examiner of the Division at a hearing room thereof in Salt Lake City, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise to be heard;

The preparation and filing of a report by the Examiner having been waived by the parties and the matter thereupon having been submitted to the undersigned;

The undersigned having made and entered Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith,[1] in which it is concluded that the requested relief should be granted.

Now therefore it is ordered, That § 339.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 19 for All Shipments be and it hereby is amended as follows: Commencing fifteen (15) days from the date of this order the effective minimum price for coal in Size Group 11 produced in Subdistrict 2 for shipment by rail to Market Areas 237-240 and 247-254 shall be $2.35 per net ton.

Dated: October 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7488; Filed, October 7, 1941; 10:13 a. m.]

[Docket No. A-422]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 22 FOR MODIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 22, BY CHANGE IN SIZE GROUP DESCRIPTION OF SIZE GROUP NO. 13

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed in this matter with the Bituminous Coal Division by District Board 22 requesting a revision in the description and price of Size Group 13 in the Schedule of Effective Minimum Prices for District 22 for All Shipments;

Temporary relief having been granted in this matter;

Pursuant to an Order of the Director and after due notice to all interested parties, a hearing having been held in this matter before a duly designated Examiner of the Division in Salt Lake City, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise to be heard;

The parties having waived the preparation and filing of an Examiner's Report;

The undersigned having made Findings of Facts, Conclusions of Law and having rendered an opinion herein, which are filed herewith.[1]

Now, therefore, it is ordered, That the description of Size Group 13 in § 342.2 (*Size Group table*) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments should be and is hereby amended to read, as follows:

	Maximum top screen opening	Maximum bottom screen opening
Prepared railroad fuel.	6" 1¼"	1¼" ¾"

And it is further ordered, That § 342.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments is further amended by deleting from the section on "Railroad Locomotive Fuel" for Subdistrict No. 2 the designation "Smith & #2 Mines" and insert in lieu thereof "Smith No. 1 and Foster Creek No. 3 (Eagle) Mines."

And it is further ordered, That the effective minimum price f. o. b. the mine for Size Group 13 coal produced at the Smith No. 1 and Foster Creek No. 3 (Eagle) Mines of the Montana Coal & Iron Co., in Subdistrict No. 2 be $1.85 per ton and § 342.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments is hereby amended accordingly.

And it is further ordered, That the relief requested by the petition herein is granted to the extent above indicated and is in all other respects denied.

Dated: October 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7489; Filed, October 7, 1941; 10:14 a. m.]

[1] Not filed as part of the original document.

[Docket No. A-500]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 23 FOR THE MODIFICATION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED IN SUBDISTRICT "A" OF DISTRICT NO. 23 IN SIZE GROUP NO. 10 FOR RAIL AND TRUCK SHIPMENT INTO ALL MARKET AREAS

An original petition having been filed with the Bituminous Coal Division, pursuant to section 4, II (d) of the Bituminous Coal Act of 1937, seeking the establishment of minimum prices for coals of the mines in Subdistrict "A" of District No. 23, in Size Group 10, for rail shipment; and the establishment of minimum prices, for coals of certain mines in Subdistrict "A" of District No. 23 in Size Group 10, for shipment by truck;

A hearing having been held before a duly designated Examiner of the Division in Seattle, Washington; the parties to this proceeding having waived the preparation and filing of a report by the Examiner;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an opinion in this matter, which are filed herewith;[1]

Now, therefore, it is ordered, That the relief prayed for by the original petitioner be granted as follows: Commencing forthwith § 343.5 (*General prices; minimum prices for shipment via rail transportation*), and § 343.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 23, for All Shipments, are hereby amended by insertion of the following effective minimum prices:

§ 343.5 *Shipment via rail.*

	3" x 1¼" Size group
Subdistrict "A" Roslyn, market areas	10
238	460
243	460
251	460
252	425
All other market areas	460

§ 343.21 *Truck shipments:*

	3" x 1¼" Size group
Subdistrict "A" Roslyn	10
Northwestern Improvement Co.: Roslyn Mines Nos. 3, 5, and 9	510
Roslyn—Cascade Coal Co., Roslyn—Cascade Mine	510

Dated: October 3, 1941

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7494; Filed, October 7, 1941; 10:15 a. m.]

[1] Not filed as part of the original document.

[Dockets Nos. A-76 and A-161]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR REVISION OF MINIMUM PRICES APPLICABLE TO THE COALS OF SUBDISTRICT "C" SOUTHWEST WASHINGTON AND TO THE COALS OF THE STRAIN COAL COMPANY; AND, ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR REVISION OF EFFECTIVE MINIMUM PRICES APPLICABLE TO THE COALS OF THE NORTHWESTERN IMPROVEMENT COMPANY

These proceedings, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been instituted upon petitions filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 23[2] seeking the issuance of orders extending minimum prices applicable to coals in Size Group 26 to all coals sold for railroad use and further seeking modification of the minimum prices applicable to the coals produced at the Newcastle Mine, Mine Index No. 22, of the Strain Coal Company located in Subdistrict F, Renton, of District No. 23;

Pursuant to an order of the Director and after due notice of all interested persons, a hearing in these matters having been held before Thurlow G. Lewis, a duly designated Examiner of the Bituminous Coal Division, in a hearing room of the Division in Seattle, Washington; all interested parties having been afforded an opportunity to participate fully in the hearing; appearances having been entered at the hearing by District Board No. 23 and by the Consumers' Counsel Division, and in Docket A-76 by the Bucoda Coal Company, a code member in District No. 23, and in Docket No. A-161 by the Northern Pacific Railway Company; the preparation and filing or an Examiner's Report having been waived and the matters thereupon having been submitted to the undersigned;

The undersigned having made and entered Findings of Fact and Conclusions of Law and rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That § 343.5 (*General prices; minimum prices for shipment via rail transportation*), and § 343.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments be and they hereby are amended as follows:

[2] The dockets herein were consolidated for the purpose of decision because of the similarity of the relief requested.

1. § 343.5 *General prices; minimum prices for shipment via rail transportation.* The description of Size Group 26 shall read "Railroad Fuel All Sizes";

2. § 343.5 *General prices; minimum prices for shipment via rail transportation.* Footnote "1" reading "Subdistrict 'A' prices in Size Group 26 apply for mines of the Northwestern Improvement Company only" should be deleted from the Price Schedule;

3. § 343.21 *General prices.* Minimum prices applicable to the coals of the Strain Coal Company's Newcastle Mine, Mine Index No. 22, in all size groups, for shipment by truck into all market areas, be uniformly reduced 25 cents per ton; and

It is further ordered, That the requests for relief herein are granted to the extent set forth above and are in all other respects denied.

Dated: October 4, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7491; Filed, October 7, 1941; 10:14 a. m.]

[Docket No. A-556]

PART 344—COMMON CONSUMING MARKET AREAS

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 19 FOR AN ENLARGEMENT OF THE IDAHO PORTION OF MARKET AREA 216 BY EXTENDING THE BOUNDARIES THEREOF TO INCLUDE GEORGETOWN, IDAHO

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 19, seeking extension of the boundaries of Market Area 216 to include Georgetown, Idaho;

A hearing having been held, pursuant to order and after due notice to all interested parties, before Thurlow G. Lewis, a duly designated Examiner of the Division, at a hearing room in Denver, Colorado;

The Director having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith; [1]

It is ordered, That the relief prayed for by petitioner be and the same is hereby granted as follows:

Description of the Idaho portion of Market Area 216, as defined in § 344.216 (*Market Area No. 216*—(a) *Idaho*) *in the* Schedule of Common Consuming Market

Values of foreign monetary units—Continued

Country	Monetary unit	Value in terms of U. S. money	Remarks
British Honduras	Dollar	1.0931	Conversion of notes suspended.
Bulgaria	Lev	.0122	Exchange control established Oct. 15, 1931.
Canada	Dollar	1.0931	Embargo on export of gold, Oct. 9, 1931; redemption of Canadian notes in gold suspended Apr. 10, 1933.
Chile	Peso	.0060	Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931.
China	Yuan		Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1 s. 2⅛d., or about 29¼¢ U. S. money.
Hong Kong	Dollar		Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to maintain value of dollar at 1s. 3⅛d.
Colombia	Peso	.5714	Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold 9/10 fine established by monetary law of Nov. 16, 1936, effective Nov. 30, 1936.
Costa Rica	Colon	.7879	Conversion of notes into gold suspended Sept. 13, 1914; exchange control established Jan. 16, 1932.
Cuba	Peso	1.0000	By law of May 25, 1934.
Czechoslovakia	Koruna	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Denmark	Krone	.4537	U.S. money is principal circulating medium.
Dominican Republic	Dollar	1.0931	Conversion of notes into gold suspended Feb. 9, 1932.
Ecuador	Sucre	.3358	Obligation to sell gold suspended Sept. 21, 1931.
Egypt	Pound (100 piasters)	8.3527	Conversion of notes into gold suspended June 28, 1933.
Estonia	Kroon	.4537	Conversion of notes into gold suspended Oct. 12, 1931.
Finland	Markka	.0126	Provisions of monetary law of Oct. 1, 1936, providing for gold content of francs issued by Belgium, deleted by decree of Jan. 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a statement must be published before the establishment of any relationship between the franc and foreign currencies.
France	Franc		Exchange control established July 13, 1931.
Germany	Reichsmark	.4033	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Great Britain	Pound Sterling	8.2397	Conversion of notes into gold suspended Apr. 26, 1932.
Greece	Drachma	.0220	Conversion of notes into gold suspended Mar. 6, 1933.
Guatemala	Quetzal	1.0931	National bank notes redeemable on demand in U.S. dollars.
Haiti	Gourde	.2000	Gold exports prohibited Mar. 27, 1931; kemprira circulates as equivalent of half of U. S. dollar.
Honduras	Lempira	.5466	Exchange control established Jan. 17, 1931.
Hungary	Pengö	.2961	Currency pegged to sterling Sept. 28, 1936, at 2,522 lati = £100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should be devalued, the lati would be devalued in the same proportion to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on gold or some other monetary unit.
India [British]	Rupee	.6180	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster		Piaster pegged to French franc at the rate of 1 piaster = 10 French francs; conversion of notes into gold suspended Sept. 21, 1931.
Ireland	Pound	8.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by decree of Oct. 5, 1936.
Japan	Yen	.2961	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat	.8440	Currency pegged to sterling Sept. 28, 1936, at 2,522 lati = £100; on Sept. 13, 1939, a law was passed providing that if the pound sterling should be devalued, the lati would be devalued in the same proportion to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on gold or some other monetary unit.
Liberia	Dollar	1.0931	Principal circulating medium.
Lithuania	Litas	.1693	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso		Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law.

to and including Georgetown and including the Ovid-Paris Branch.

Dated: October 4, 1941.

H. A. GRAY,
Director.

[SEAL]

[F. R. Doc. 41-7493; Filed, October 7, 1941; 10:15 a. m.]

TITLE 31—MONEY AND FINANCE

CHAPTER I—MONETARY OFFICES

[1941, Dept. Circ. No. 1]

PART 129—VALUES OF FOREIGN MONEYS

OCTOBER 1, 1941.

§ 129.4 *Calendar year 1941.*

• • • • •

(d) *Quarter beginning October 1, 1941.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning October 1, 1941, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

D. W. BELL,
Acting Secretary of the Treasury.

[SEAL]

Values of foreign monetary units

[At par as regards gold units, nongold units have no fixed par with gold]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentine Republic	Peso	$1.0235	Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929. Control of gold stocks and exports authorized Dec. 17, 1940.
Australia	Pound	8.2397	
Belgium	Belga	.1695	By decree of Mar. 31, 1935. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the franc of the Belgian Congo at 176.625 francs for £1 sterling.
Bolivia	Boliviano	.6180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Milreis	.0606	Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1938.

Areas, established in connection with Effective Minimum Prices, pursuant to Section 4, Part II of the Bituminous Coal Act of 1937, is hereby amended to read as follows:

Idaho. All points on the Union Pacific R. R. from the Wyoming State line

[F. R. Doc. 41-7492; Filed, October 7, 1941; 10:16 a. m.]

Values of foreign monetary units—Continued

Country	Monetary unit	Value in terms of U. S. money	Remarks
Netherlands and colonies	Guilder (florin)	.6806	Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 28, 1938; prohibition restored by Act of Nov. 25, 1938. The Anglo-Netherlands financial agreement of June 14, 1940, established the official rate of exchange between the Netherlands Indies guilder and the pound sterling at 7.60 guilders for £1 sterling. By act of Sept. 20, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by law, that the Java Bank shall fix the value of its stocks of gold coin and bullion at Fl. 2,121 per kilogram fine.
Newfoundland	Dollar	1.0931	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	8.2397	Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931.
Nicaragua	Cordoba	1.0933	Embargo on gold exports Nov. 13, 1931.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama	Balboa	1.0000	U. S. money is principal circulating medium.
Paraguay	Peso (Argentine)	1.0335	Paraguayan paper currency is used: exchange control established June 28, 1932.
Persia (Iran)	Rial	.0824	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	.5000	By act approved Mar. 16, 1935.
Poland	Zloty	.1899	Exchange control established Apr. 27, 1936.
Portugal	Escudo	.0749	Gold exchange standard suspended Dec. 31, 1931.
Rumania	Leu	.0101	Exchange control established May 18, 1932.
Salvador	Colon	.8466	Conversion of notes into gold suspended Oct. 7, 1931.
Spain	Peseta		
Straits Settlements	Dollar	.9613	British pound sterling and Straits dollar and U. S. dollar legal tender.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Switzerland	Franc		Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold.
Thailand (Siam)	Baht (Tical)	.7491	Conversion of notes into gold suspended May 11, 1932.
Turkey	Piaster	.0744	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930.
Union of South Africa	Pound	8.2397	Conversion of notes into gold suspended Dec. 28, 1932.
Union of Soviet Republics	Chervonetz	8.7123	
Uruguay	Peso	.8583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .585018 grams of pure gold per peso established by monetary law of Jan. 12, 1938.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia	Dinar	.0298	Exchange control established Oct. 7, 1931.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

[F. R. Doc. 41-7470; Filed, October 6, 1941; 3:48 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF WEST VIRGINIA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of West Virginia to direct any local board in the State of West Virginia to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of West Virginia will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of West Virginia shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 6, 1941.

[F. R. Doc. 41-7501; Filed, October 7, 1941; 10:42 a. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF KENTUCKY TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Kentucky to direct any local board in the State of Kentucky to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Kentucky will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Kentucky shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 6, 1941.

[F. R. Doc. 41-7502; Filed, October 7, 1941; 10:43 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (b) (3) of § 203.130 *Bridge Regulations*, is hereby amended to read as follows:

§ 203.130 *Poquonock River, Yellow Mill Channel, and Johnsons River, Conn.; bridges (highway and railroad) at Bridgeport, Conn.*

• • • • •

(b) (3) For vessels of any class, except when an emergency condition exists, such emergency to be decided mutually by the Superintendent of Bridges, or his authorized representative, and navigation interests involved, and is provisionally defined as the passage of boats that are unavoidably compelled to pass through the bridges during the period due to urgency of service or condition of tide: 4:30 p. m. to 6:10 p. m. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. Feb. 19, 1935, as amended by Regs. Sept. 27, 1941

[1] § 203.130 (b) (3) is amended.

(E.D. 6371 (Bridgeport (Conn.)—Poquonock River—Stratford Avenue—¾)]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7511; Filed, October 7, 1941; 11:52 a. m.]

TITLE 35—PANAMA CANAL

CHAPTER I—CANAL ZONE REGULATIONS

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

1. Section 4.42 of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 4.42 *Chocks and bitts.* For each towing wire used the ship shall be fitted with a heavy closed chock and a heavy pair of bitts, capable of withstanding a strain of 50,000 pounds of the towing wire at any angle, and a straight clear lead shall be provided from each chock to securing bitts. The most suitable installations for the bow and stern towing chocks are large chocks set thwartships right in the stem and stern respectively. These to be doubled the size and strength given above. Both bow wires and both stern wires are run through such chocks. For 6-locomotive ships there shall be a chock on each side forward amidships, and for 8-locomotive ships, two additional chocks on each side, one about one-third the ship's length abaft the bow and the other the same distance forward of the stern. (Rule 41, E.O. 4314, Sept. 25, 1925; 35 CFR 4.40) [Reg. 41.2, Regs. Gov., Sept. 17, 1941]

2. Section 4.90a of Title 35, Code of Federal Regulations, is hereby added, reading as follows:

§ 4.90a *Lights for ferry boats.* Ferry boats shall carry the range lights and the colored side lights required for self-propelled vessels 65 feet or more in length, as described in Rule 63; except that *double-end ferry boats* shall carry a central range of clear, bright, white lights showing all around the horizon, placed at equal altitudes forward and aft, also on the starboard side a green light, and on the port side a red light, of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of 10 points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides. (Rule 9, E.O. 4314, Sept. 25, 1925; 35 CFR 4.11) [Reg. 74–2, Regs. Gov., Sept. 17, 1941]

3. Section 4.90b of Title 35, Code of Federal Regulations, is hereby added, reading as follows:

§ 4.90b *Lights for self-propelled suction dredges under way with their suction on the bottom.* Self-propelled suction dredges under way with their suction on the botttom shall display by day two black balls not less than 2 feet in diameter and carried not less than 15 feet above the deck house and so placed to be visible all around the horizon.

By night they shall carry, in addition to the regular running lights, two red lights of the same character as the masthead light, the red lights to be not less than 3 feet nor more than 6 feet apart and the upper red light to be not less than 4 feet and not more than 6 feet below the white masthead light, and on or near the stern two red lights in the same vertical plane not less than 4 feet nor more than 6 feet apart, to show through 4 points of the compass; i. e. from right astern to 2 points on each quarter. (Rule 9, E.O. 4314, Sept. 25, 1925; 35 CFR 4.11) [Reg. 74.3, Regs. Gov., Sept. 17, 1941]

4. The regulations amended and added as aforesaid shall be effective as to all vessels arriving in the Canal Zone on or after January 1, 1942.

GLEN E. EDGERTON,
Governor.

[F. R. Doc. 41-7503; Filed, October 7, 1941; 10:21 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 3—NATIONAL CAPITAL PARK REGULATIONS

AMENDMENT

Pursuant to the authority contained in the Act of February 26, 1925 (ch. 339, 43 Stat. 983), and Executive Order No. 6166 of June 10, 1933, § 3.11 (v)[1] is amended to read as follows:

§ 3.11 *Traffic and motor vehicle regulations; horses; penalties.*

* * * * *

(v) The speed limits prescribed by sec. 22 (c) of the Traffic and Motor Vehicle Regulations for the District of Columbia shall not apply to vehicles operated on any highway in the National Capital Park system in the District of Columbia. In lieu thereof, a maximum speed limit of 40 miles per hour is established for all highways in the National Capital Park system in the District of Columbia, except where otherwise designated by official signs.

[SEAL] JOHN J. DEMPSEY,
Acting Secretary of the Interior.

Approved: September 26, 1941,

FRANKLIN D. ROOSEVELT,
The White House.

[F. R. Doc. 41-7495; Filed, October 7, 1941; 10:17 a. m.]

[1] 5 F.R. 4142.

PART 3—NATIONAL CAPITAL PARK REGULATIONS

AMENDMENT

Part 3 is amended by adding § 3.12 reading as follows:

§ 3.12 *George Washington Memorial Parkway; commercial passenger-carrying vehicles; permits; fees.* (a) All persons, firms, or corporations operating passenger-carrying vehicles for hire or compensation, excepting taxicabs licensed in the District of Columbia, Maryland, or Virginia, upon any portion of the George Washington Memorial Parkway between the south end of Arlington Memorial Bridge and Mount Vernon, must procure a permit, issued on an annual basis, effective from April 1 until the following March 31, at the rate of $3 for each seat in every vehicle so operated.

(b) A quarterly permit may be procured for a fee of 75 cents for each passenger-carrying seat in such vehicles. A quarterly permit may be effective for quarterly increments.

(c) Permits for operation of any such vehicles on the Parkway for a single day may be procured at the rate of $1 per vehicle per day. (Sec. 3, 43 Stat. 963, 40 U.S.C. 4; EO. 6166, June 10, 1933)

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

Approved September 25, 1941,

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 41-7496; Filed, October 7, 1941; 10:17 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE PAINT AND VARNISH INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act and hereinafter referred to as the Act.

Notice of the hearing in this matter was published in the FEDERAL REGISTER (5 F.R. 3757) and was sent to interested parties, to trade unions, to trade publications, and to trade associations in the field. Publication was also sought in the national press. Hearing was had before the Public Contracts Board in Washington, D. C., on October 3, 1940.

Appearances were made and testimony was given at the hearing by members of the industry, by the American Federation of Labor, and by the National Paint, Varnish, and Lacquer Association.

A wage survey tabulated by the Research Section of the Division of Public Contracts on information voluntarily submitted by members of the industry through the National Paint, Varnish, and Lacquer Association was introduced in evidence. The survey as supplemented covered 14,464 employees in 392 plants as of June 1940. The plants were located in 33 states. A comparison between the survey and the Census of Manufactures for 1937 shows that the tabulation covers about 40 percent of the employees in the industry and is representative both as to size of establishments and number of employees and that it covers all states which are significant producers of paint and varnish.

Upon consideration of all the evidence in the case the Public Contracts Board recommended that the prevailing minimum wage for the Paint and Varnish Industry be found to be 30 cents an hour for the states of Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas, and 50 cents an hour for all the other states of the United States and the District of Columbia.

On August 22, 1941 when the entire record was presented formally for consideration I issued notice to the effect that I intended to follow the Board's recommendation except as to the minimum of 30 cents an hour for the states of Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas. My proposal was predicated on facts appearing of record that the manufacturers in these states were not producing for the government any significant amount of paint. The proposal has met with certain objections by way of briefs, particularly to the effect that southern manufacturers are in a position to contribute to the national needs for paint. I am satisfied that this is the situation and that therefore the wages for the southern states enumerated must be determined in accordance with the prevailing standards in the localities.

The evidence indicates that the low wage occupation in this industry is that of unskilled laborers such as handymen, loaders, unloaders, laborers, and the like. With the exception of the wage variations between the southern states enumerated and the other states of the United States, existing variations in wages are greater within limited political entities than in broad geographic areas. As the Board has pointed out, the most conspicuous single minimum that is paid in the plants in the states other than the southern states enumerated is 50 cents an hour. Evidence of this prevalence is found in the fact that 686 employees out of a total of 14,164 in the states other than the southern states enumerated are concentrated in the bracket from 50 to 51 cents an hour. The survey shows that 4½ percent of the employees are concentrated in this single one-cent interval. At no point below 50 cents is there any concentration approachig this percentage. I find that the Board's recommendation of 50 cents an hour is proper.

The wage tabulation introduced in evidence indicates that in the group of southern states enumerated there is a pronounced concentration of employees in the bracket from 30 to and including 40 cents; in fact, approximately 55 percent of all employees are found in this bracket. This concentration doubtlessly represents the concentration of unskilled workers in the industry. The fact that in these states at exactly 40 cents 16.7 percent of all the productive employees are concentrated indicates that the wage most commonly paid in these states to unskilled workers is 40 cents. For this reason I have rejected the Board's recommendation of 30 cents an hour and have found the prevailing minimum in the southern states enumerated to be 40 cents an hour.

I hereby determine:

§ 202.41 *Paint and varnish industry.* The Paint and Varnish Industry, as that term is used in this decision, shall be understood to be that industry which manufactures pigments or colors, either in dry or paste form; paints mixed ready for use or in dry or paste form; varnishes, lacquers, enamels; fillers, putty, top dressings; paint and varnish removers; furniture and floor wax; and lacquer thinners.

The prevailing minimum wages for persons employed in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture and furnishing of the products of the Paint and Varnish Industry, shall be 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis, for the states of Virginia, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas; and 50 cents an hour or $20.00 per week of forty hours, arrived at either upon a time or piece work basis, for all other states of the United States and the District of Columbia. (Sec. 1 (b), 49 Stat. 2036; 41 U.S.C., Sup., 35 (b))

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after November 6, 1941.

Nothing in this determination shall effect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: October 6, 1941.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-7509; Filed, October 7, 1941; 11:42 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER II—BUREAU OF RECLAMATION

[No. 22]

PART 402—ANNUAL WATER CHARGES[1]

RIVERTON IRRIGATION PROJECT[2]

SEPTEMBER 23, 1941.

1. *Water rental.* Irrigation water, when available, will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1942 and thereafter until further notice to those lands in private ownership and to those public lands opened under the orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30, 1939; against *which assessments for water rental were not levied by the Midvale Irrigation District in 1941.*

2. *Charges and terms of payment.* The minimum water-rental charge for the irrigation season of 1942 and thereafter until further notice will be one dollar ($1.00) per acre for each irrigable acre of land for which application has been or is hereafter made which will entitle the applicant to two (2.0) acre-feet of water, or so much thereof as may be necessary for beneficial use, for said season. Payment of the minimum charge shall be made for the entire irrigable area of each farm unit of public land entered under orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30, 1939; and for the entire irrigable area in each 40-acre subdivision of private land entitled to water for which application has been made or is hereafter made. Said minimum charge will be made against each acre of irrigable land whether or not water is used; shall be paid in advance on or before May 1, 1942, and no part of said charge will be refunded. Additional water if available will be furnished during said irrigation season at the rate of one dollar ($1.00) per acre-foot, payable on December 1, 1942. When water-rental application is submitted and approved after June 15, 1942, for public land entered under the reclamation law and after August 1, 1942, for land in private

[1] Act of June 17, 1902, 32 Stat., 388, as amended and supplemented.

[2] Affects tabulation in § 402.2d *Table of annual water charges announced by public notice.*

ownership, the minimum charge shall apply as a credit on the minimum charge for the following irrigation season. All water-rental charges under this notice should be paid to the Bureau of Reclamation, Riverton, Wyoming.

3. *Penalty for nonpayment.* If payment of the minimum charge be not made on or before May 1, 1942, and payment for additional water furnished be not made on or before December 1, 1942, as herein provided; there shall be added to the amount unpaid a penalty of one-half of one per centum thereof on the first day of the third calendar month thereafter, and there shall be added a like penalty of one-half of one per centum on the first day of each month thereafter so long as such default shall continue, and no water shall be delivered to the owner or entryman in subsequent years until all such charges and penalties have been paid in full.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 41-7498; Filed, October 7, 1941; 10:18 a. m.]

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

MODIFICATION OF NEVADA GRAZING DISTRICTS NOS. 4 AND 5[1]

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315 *et seq.*), as amended, commonly known as the Taylor Grazing Act, the lands within the following-described boundaries, now embraced within Nevada Grazing District No. 4, are hereby excluded from Grazing District No. 4, and added to Nevada Grazing District No. 5:

NEVADA

MOUNT DIABLO MERIDIAN

Beginning at the southeast corner of sec. 8, T. 1 N., R. 66 E.;

Thence easterly on section lines to the intersection with the east boundary of the State of Nevada in T. 1 N., R. 71 E.;

Thence southerly along the east boundary of the State of Nevada to the southeast corner of T. 4 S., R. 71 E.;

Thence west along the First Standard Parallel South to the southwest corner of T. 4 S., R. 66 E.;

Thence northerly to the northwest corner of T. 3 S., R. 66 E.;

Thence easterly to a point for the corner of secs. 3, 4, 33, and 34, Tps. 2 and 3 S., R. 66 E.;

Thence northerly to the point for the closing corner of secs. 3 and 4, T. 1 S., R. 66 E., on the Mount Diablo Base Line;

Thence west to the southwest corner of sec. 33, T. 1 N., R. 66 E.;

Thence northerly to the southeast corner of sec. 8 and the place of beginning.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

SEPTEMBER 23, 1941.

[F. R. Doc. 41-7497; Filed, October 7, 1941; 10:17 a. m.]

[1] Affects tabulation in § 502.1d.

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm-12929; O. I. No. 775]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: UNITED STATES RUBBER COMPANY, MISHAWAKA, INDIANA

Contract for: Raincoats, Rubberized, Single Texture.

Amount: $2,671,120.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this fifteenth day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Raincoats, Rubberized, Single Texture, Olive Drab, for the consideration stated totaling two million, six hundred seventy-one thousand, one hundred twenty dollars ($2,671,120.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1; or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

Bond: Furnished, $534,224.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-107 (42) Awarded under the authority of Section 1 (a) of the Act of July 2, 1940, (Public No. 703, 76th Congress, as continued in effect by Section 9, Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7504; Filed, October 7, 1941; 10:19 a. m.]

[Contract No. W 303 ord-965]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE GLOBE MACHINE & STAMPING COMPANY, CLEVELAND, OHIO

Contract for: Case, Cartridge, * * *

Amount: $1,137,500.00.

Place: Cleveland Ordnance District, 1450 Terminal Tower, Cleveland, Ohio.

The supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authority ORD 15,185 P11-02 A (1005) .105-01, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 1st day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Case, Cartridge * * * for the consideration one million one hundred thirty-seven thousand, five hundred dollars and no cents ($1,137,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications.

Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * *% and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of July 2, 1940, Public 703, 76th Congress.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7505; Filed, October 7, 1941; 10:19 a. m.]

[Contract No. W-398 qm-2; O. I. # 2]

SUMMARY OF CONTRACT OF SUPPLIES

CONTRACTOR: DIAMOND T MOTOR CAR COMPANY, WEST 26TH STREET, CHICAGO, ILLINOIS

Contract for: Trucks * * *.
Amount: $2,028,983.40.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 5th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks * * *; total amount, $2,028,983.40; in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations: Quantities listed hereon are subject to increase of not to exceed * * * vehicles. This increase option to remain in effect until * * *.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22000 P 241-30 A 0022-13 the available balance of which is sufficient to cover cost of same.

This contract authorized under sec. (1) a Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7510; Filed, October 7, 1941; 11:52 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1853-FD]

IN THE MATTER OF THE APPLICATION OF THE FORD COLLIERIES COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED AND RESOLD BY IT TO THE MICHIGAN ALKALI COMPANY

ORDER AND NOTICE OF POSTPONEMENT OF HEARING

Applicant having moved that the hearing in the above-entitled matter be postponed until November 7, 1941, and having shown good cause why its motion should be granted;

It is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of October 7, 1941, to 10 o'clock in the forenoon of November 7, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearing.

Dated: October 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7471; Filed, October 7, 1941; 10:06 a. m.]

[Docket No. 1736-FD]

IN THE MATTER OF NORRIS COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 6, 1941 at a hearing room of the Division at the Circuit Court Room, County Court House, Marion, Illinois; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: October 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7472; Filed, October 7, 1941; 10:06 a. m.]

[Docket No. 498-FD]

IN THE MATTER OF THE APPLICATION OF WESTERN PENNSYLVANIA COAL CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY; AND IN RE THE MODIFICATION AND AMENDMENT OF THE ORDER GRANTING APPLICANT PROVISIONAL APPROVAL AS A MARKETING AGENCY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

Western Pennsylvania Coal Corporation, a marketing agency previously granted provisional approval pursuant to Section 12 of the Bituminous Coal Act of 1937, having been required by an Order dated August 6, 1941 to show cause why such provisional approval should not be modified in certain specified respects;

The matter having been assigned for public hearing on October 7, 1941;

Said agency having moved that the hearing be postponed until a later date and good cause having been shown why a postponement should be granted;

Now therefore it is ordered, That the hearing in the above entitled matter be and the same hereby is postponed from October 7, 1941 until 10 o'clock in the forenoon of November 4, 1941 at the place and before the officers previously designated.

Dated: October 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7473; Filed, October 7, 1941; 10:07 a. m.]

[Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURG & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349, DEFENDANT

ORDER FOR CANCELLATION OF HEARING

The hearing in the above-entitled matter having been scheduled for October 7, 1941, at a hearing room and place to be designated by an appropriate order of the Director; and

An order having been entered on October 1, 1941, for the suspension of the registration of the defendant as distributor, pursuant to the statement of admissions agreement and consent to entry of order of suspension of registration of the defendant dated October 1, 1941 on file with the Division;

Now, therefore, it is ordered, That the hearing heretofore scheduled for Octo-

ber 7, 1941 be and the same is hereby cancelled.

Dated: October 4, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7474; Filed, October 7, 1941; 10:07 a. m.]

[Docket No. B-41]

IN THE MATTER OF CARL WHITTINGTON, A CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 10, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: During the period October 1, 1940, to March 1, 1941, both dates inclusive, the defendant sold approximately 130 tons of high volatile, Size Group 1 or lump over 2" coal, produced at his Haynes Mine (Mine Index 1429) located in the Tuppers Creek section of Kanawha County, West Virginia, District No. 8, to various consumers at prices of $1.50 to $2.00 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was $2.65 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment.

Dated: October 4, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7475; Filed, October 7, 1941; 10:07 a. m.]

[Docket No. A-1034]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT HACKETT, ARKANSAS, FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN PRODUCTION GROUP NO. 5 IN DISTRICT NO. 14, FOR SHIPMENT BY RAIL ON THE ST. LOUIS-SAN FRANCISCO RAILWAY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on October 16, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 11, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for the establishment of an additional loading point at Hackett, Arkansas, for shipment by rail on the St. Louis-San Francisco Railway for the coals produced at the following mines:

Mine Index No. 13 of the Boyd Excelsior Operating Company,
Mine Index No. 33 of the Excelsior Smokeless Coal Company,
Mine Index No. 89 of the Quality Excelsior Coal Company and
Mine Index No. 144 of the E. H. Noel Coal Company,

these mines being located in Production Group No. 5 in District No. 14.

Dated: October 3, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7476; Filed, October 7, 1941; 10:07 a. m.]

[Docket No. A-586]

PETITION OF CONSUMERS' COUNSEL DIVISION TO CHANGE THE SIZE GROUPING OF 2" X 0 SLACK COAL SHIPPED FROM DISTRICT NO. 8 TO DUBUQUE, IOWA, FOR RETORT GAS USE FROM SIZE GROUP 27 TO SIZE GROUP 20

[Docket No. A-885]

PETITION OF CONSUMERS' COUNSEL DIVISION FOR MODIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 TO PERMIT THE SALE OF COAL TO THE KEY CITY GAS COMPANY FOR USE IN ITS DUBUQUE, IOWA, PLANT AT THE MINIMUM F. O. B. MINE PRICE ESTABLISHED FOR FREE ALONGSIDE DELIVERY

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Original petitions in the above-entitled matters, were duly filed with this Division by the Consumers' Counsel Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Pursuant to an Order of the Director dated February 6, 1941, a hearing was commenced in Docket No. A-586 on March 10, 1941, but no evidence was offered and the hearing was continued until April 22, 1941. Subsequent Orders of the Director further continued the hearing from time to time and by an Order dated May 13, 1941, it was continued until further Order.

No hearing has been previously scheduled in Docket No. A-885.

It appears that the matters concerned in the above-designated dockets present related issues of fact;

Now, therefore, it is ordered, That Dockets Nos. A-586 and A-885 be consolidated for the purpose of hearing and for such other purposes as the Director may deem advisable.

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on November 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to Docket No. A-586, the petition of Consumers' Counsel Division for reduction in minimum prices or for a change in the size grouping of 2" x 0 slack coal produced in District No. 8 for retort gas use from Size Group 27 to Size Group 20 when for shipment to Key City Gas Company at Dubuque, Iowa, and for such changes in the effective minimum prices or size groups for shipment of 2" x 0 slack coal from District No. 8 into Market Area 50 whether or not it is shipped for retort gas use.

The matter concerned herewith is in regard to Docket No. A-885, the petition of Consumers' Counsel Division for modification of the Schedule of Effective Minimum Prices for District No. 8 to permit the sale of coal produced by code members in said district to the Key City Gas Company for use in the plant of the said company in Dubuque, Iowa, in Market Area 50 at the minimum f. o. b. mine prices established for free alongside delivery.

Dated: October 3, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7477; Filed, October 7, 1941; 10:08 a. m.]

[Docket No. A-961]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY AND PERMANENT ORDER ESTABLISHING MINIMUM ON-LINE RAILWAY LOCOMOTIVE FUEL PRICES FOR COAL PRODUCED IN DISTRICT NO. 8 BY ISLAND CREEK COAL COMPANY MINES NOS. 15 AND 16

ORDER GRANTING MOTION TO AMEND AND GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been filed with this Division by the above-named party requesting a preliminary or temporary and permanent order establishing minimum prices for the coals produced by Island Creek Coal Company Mines Nos. 15 and 16, for on-line railway locomotive fuel. A Notice of and Order for Hearing in the above-entitled docket for October 7, 1941, has been issued and a reasonable showing of the necessity, pending final disposition of the petition in the above-entitled matter, having been made, the Director issued an order granting temporary relief for these coals. The original petitioner has now filed a motion to amend its original petition so as to include a prayer for a preliminary or temporary and permanent order for the establishment of minimum off-line railway locomotive fuel prices for coals produced in District 8 by Island Creek Coal Company Mines Nos. 15 and 16; and

The Director deeming the motion proper, and finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of this Act:

Now, therefore, it is ordered, That District Board 8's motion be granted, and that, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, and supplementing the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, the coals referred to in the schedule marked "Temporary Supplement," annexed hereto and hereby made a part hereof, shall be subject to minimum prices as provided in said schedule: *Provided, however,* that the temporary prices established for on-line railway locomotive fuel in the Acting Director's Order of July 15, 1941 and the temporary prices established herein for off-line railway locomotive fuel shall apply to shipments from Island Creek No. 15 Mine from Verdune, West Virginia, only, and to shipments from Island Creek No. 16 Mine from Manus, West Virginia, only.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before

the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 4, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7478; Filed, October 7, 1941; 10:09 a. m.]

[Docket No. A-1031]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR RAIL SHIPMENTS

[Docket No. A-1031 Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE GREEN RIVER COAL MINE (MINE INDEX NO. 230) IN DISTRICT NO. 9 FOR RAIL SHIPMENTS ORIGINATING AT BEAVER DAM, KENTUCKY

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1031 PART II FROM DOCKET NO. A-1031 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1031 PART II

The original petition in the above-entitled matter filed with this Division on August 28, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 9.

As the Director found in a separate Order issued in Docket No. A-1031, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except in so far as the establishment of price classifications and minimum prices for the coals of the Green River Coal Mine (Mine Index No. 230) for rail shipments originating at Beaver Dam, Kentucky, is concerned.

The Director is of the opinion that the original petition in this matter does not contain facts sufficient to warrant the establishment of price classifications and minimum prices for the coals of the Green River Coal Mine (Mine Index No. 230) for rail shipments originating at Beaver Dam, Kentucky, without a hearing, due to the fact that price classifications and minimum prices have heretofore been established for such coals for rail shipments originating at both Drakesboro and Bowling Green, Kentucky, and the necessity for the establishment of price classifications and minimum prices applying from the additional shipping point has not been clearly shown.

Now, therefore, it is ordered, That the portion of Docket No. A-1031 relating to the Green River Coal Mine (Mine Index No. 230) be and the same hereby is severed from the remainder of Docket No. A-1031 and designated as Docket No. A-1031 Part II.

It is further ordered, That a hearing in Docket No. A-1031 Part II under the applicable provisions of said Act and the rules of the Division be held on November 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to adminster oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of the Green River Coal Mine (Mine Index No. 230) in District No. 9 for rail shipments originating at Beaver Dam, Kentucky.

Dated: October 3, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7479; Filed, October 7, 1941; 10:09 a. m.]

[Docket No. A-983]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF MAXIMUM PRICES FOR EACH OF THE PRODUCING DISTRICTS

MEMORANDUM OPINION AND ORDER

This is a matter instituted upon an original petition filed with the Bituminous Coal Division on July 23, 1941, pursuant to Section 15 of the Bituminous Coal Act of 1937 (the "Act"), by the Bituminous Coal Consumers' Counsel ("Consumers' Counsel") seeking the expeditious establishment, under section 4 II (c), of maximum prices f. o. b. transportation facilities at the mines for all coals produced in each of the producing districts. The petition, as amended on September 5, 1941, charged that excessive prices, approaching the proportions of profiteering, were being charged for bituminous coal in many markets and requested that maximum prices be established for each of the districts at a specified uniform increase over the minimum prices presently effective.

On September 24, 1941, in the course of the hearing, Consumers' Counsel moved to amend further the original petition.[1]

Intervening petitions were filed by each of the District Boards and by numerous interested persons such as code members, distributors, marketing agencies, and consumers.

Pursuant to an order of the Director dated August 13, 1941, and after due notice to all interested persons, a hearing in this matter was initiated on September 9 before C. R. Larrabee, an Examiner of the Division duly designated by the Director to conduct said hearing. At the hearing the original petitioner, District Boards 1-20, inclusive, 22 and 23, and numerous other interveners appeared and participated. Consumers' Counsel introduced evidence, both oral and documentary, through 19 witnesses, and requested that judicial notice be taken of the several Minimum Price Schedules and of proclamations of the President in the Fall of 1939 and in May 1941, proclaiming national emergencies. On September 25, 1941, petitioner rested its case.

Thereupon counsel for several district boards and code members either moved that the petition of the Consumers' Counsel be dismissed or that the petition be dismissed and that the Director retain jurisdiction of the present proceeding.

The motions to dismiss the petition of Consumers' Counsel in this matter were ordered reduced to writing and referred to the Director. Pending a ruling upon the motions to dismiss, the hearing was suspended and on September 30 the Director heard oral argument on the motions.

The extreme importance to the bituminous coal industry of the issue posed for resolution is evidenced both by the varying positions taken by the respective district boards and the earnestness with which each position, in turn, has been argued. District Boards 7 and 8 and Carter Coal Company, a code member producer in District 7, were in favor of an outright dismissal of the proceeding. Counsel for District Boards 2 and 18 stated that those district boards concurred in this position.[2] District Board 1, while not supporting the position of Consumers' Counsel, opposed the motion to dismiss on the grounds that in the light of the emergency it was essential to the industry and the public alike that the proceeding be continued and the record heretofore made be utilized for whatever value it had. District Boards 3, 4, 6, 10, and 11 took the position that the record did not sustain the charges of excessive and oppressive prices made by Consumers' Counsel but urged that the Director retain jurisdiction and continue the proceeding in an endeavor to determine whether maximum prices were necessary, and, if so, what maximum prices were proper. American Coal Distributors stated its agreement with this position. The position taken by the National Association of Hothouse Vegetable Growers, Inc., was substantially in accord with the position taken by District Board 1 but in addition the Association urged that in order to clarify the proceeding the Director order Consumers' Counsel to elect whether it wants this matter to proceed as one under section 15 of the Act or under section 4 II (c). Consumers' Counsel opposed all motions for dismissal, contending that the record demonstrated that excessive prices, oppressive to consumers, do presently exist in certain markets and that the trend of prices for bituminous coal in many grades and sizes has been steadily upward in many markets.

The memoranda and arguments submitted in support of these several contentions have been extremely helpful particularly when considered against the background of the record, to which the Director has given careful attention.

However different the position of the parties, there appears to be agreement upon certain basic matters. No one contends that the Act does not authorize the establishment of maximum prices for bituminous coal. Although the legislative history of the Coal Act discloses that the primary purpose for its enactment was the desire of Congress to establish a "floor" for bituminous coal prices in an endeavor to stabilize the industry, the establishment of maximum prices and the attendent protection of the public against unreasonably high prices is one of the pervasive objectives of the Act. True, maximum prices are not to be established unless a need therefor is shown. To this end, active participation by all those having a responsibility for or apt to be affected by the operation of the Act is essential if the Director is to be in a position to make proper maximum prices effective if the need therefor is demonstrated.

There was agreement too on the proposition that the Director, apart from any petition or complaint that may be filed with him, has a statutory obligation to establish maximum prices whenever it is necessary in the public interest to protect consumers against unreasonably high prices.

It was similarly agreed that it would be inadvisable to delay an inquiry as to whether there exists a need for the establishment of maximum prices until prices had already reached unreasonable levels. It is clear that any inquiry conducted before any immediate need arises can be conducted with more care and caution. To the extent that the proceeding is now permitted to continue and proceed in an orderly manner the risk of the need for precipitate action in the future is lessened. And in this same connection, it is clear that the Director cannot be insensitive to the rising costs and inflationary trends which are now the concern of both the executive and legislative branches of the government. In ruling on the motions those facts must be kept in mind.

It has been earnestly argued by counsel for District Boards 7 and 8 that the record is hopelessly inadequate to support the claims of Consumers' Counsel and that the motion to dismiss must "as a matter of law" be granted. The argument is that this proceeding was brought under section 15 of the Act and, the record failing to support the charges made in the petition, the petition must be dismissed. Although the petition was, as is stated above, filed by the Bituminous Coal Consumers' Counsel pursuant to Section 15 of the Act, it nevertheless requested the Director to establish maximum prices under section 4 II (c) of the Act.

In setting down the case for hearing, the Director ordered that the proceeding concern itself with the issues posed by the following allegations of the Consumers' Counsel's petition:

(1) That prices being charged for bituminous coal in many markets are excessive and oppressive of consumers, such prices in many instances approaching the proportions of profiteering, and that such prices for present and future delivery are far in excess of reasonable prices, and consumers are being seriously injured by the current market quotations and by the fear of still higher prices;

(2) That the abuses that have already occurred and the graver abuses which threaten can only be rectified and prevented by the immediate imposition of a schedule of maximum prices for each of the producing districts under the provisions of section 4 II (c) of the Act;

(3) That such maximum prices should be established at specified increases above the minimum prices in effect within each of the districts, such increase being approximately 10% of the estimated realization for all the coal produced in each such district under the present effective minimum prices; and

(4) That an expeditious procedure should be formulated for hearing the bona fide and legitimate claims of code members who seek special higher maximum prices for themselves, alleging that the general maximum prices would not yield them a fair return on the value of their property.

It was clear from the Notice of and Order for Hearing that the proceeding was concerned with the establishment of maximum prices for bituminous coal.[3] And it is equally clear from the order that the Director did not set the case for hearing for the sole purpose of determining whether "abuses" within the meaning of section 15 existed. It follows, therefore, that even if the existence of abuses has not been established there is no absence of "jurisdiction" to continue this proceeding.

Several of the district boards have asked for a determination of my views of the record thus far and I think that the industry is, in light of the charges initially made, entitled to such a determination. It is clear from the record that Consumers' Counsel has failed to establish either (1) that "abuses" exist or (2) that prices being charged for bituminous coal are "excessive and oppressive of consumers." Although the record does show that in many instances

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[1] The amendments made were as follows:

(1) By amending paragraph 2 which originally read:

Your petitioner is informed by many letters from consumers throughout the country and from other sources, and believes, that prices being charged for bituminous coal in many markets are excessive and oppressive of consumers, such prices in many instances approaching the proportions of profiteering.

to read:

Your petitioner is informed and believes that prices being charged for bituminous coal in certain markets are excessive and oppressive of consumers.

(2) By amending Paragraph 4 of the original petition by striking out the following sentence which appears on page 2 of the petition:

In the face of overwhelmingly favorable popular response to this appeal by millions of patriotic citizens, many bituminous coal producers have taken advantage of the stimulated demand for coal by increasing their prices to unwarranted figures.

(2) By striking out the word "such" which is the first word of the last complete sentence in Paragraph IV and substituting therefor the word "unwarranted."

(4) By striking Paragraph V of the petition in its entirety.

[2] In the written motions which were filed for District Boards 2 and 18, it was stated that if the Director dismissed this proceeding he could thereupon issue an order for a hearing in a general docket for the purpose of establishing maximum prices pursuant to section 4 II (c) of the Act.

[3] Indeed, the opening sentence of the Notice of and Order for Hearing stated that the petition was filed for "the expeditious establishment of maximum prices."

the prices of bituminous coal have increased both before and after April 1, 1941, it fails to demonstrate that these increases are not justified in light of the many attendant circumstances.

None the less, the record does contain evidence tending to show that the trend of prices has been upward, that there may be a shortage[4] of transportation facilities for the movement of bituminous coal in some localities[4] and that there may be a shortage of certain kinds and sizes of bituminous coal due to the sudden expansion of demand. Even though the particular charges of the petition have not been sustained, a showing has been made sufficient to render it advisable at this time to continue the proceeding in order that the objective of the Act be realized.

As several of the parties have claimed, the record is almost completely barren of any testimony supporting Consumers' Counsel proposed schedule of maximum prices as conforming to the standards of the Act or as being fair and equitable. That, however, is no reason for dismissing the proceeding at this time. On the contrary, it supplies a reason for going ahead and obtaining data from which an intelligent conclusion can be drawn as to what would be a proper schedule of prices to establish if such is to be done.

Of course, in the proceeding to follow it is expected that the parties will introduce evidence with respect to the need for the establishment of maximum prices and the prices which it would be proper to establish, so that after completion of the hearing, I will be in a position to establish maximum prices when and if the need therefor arises. It is to be emphasized that the Director does not regard this as an adversary proceeding. All relevant facts should be before the Director when he is called upon to determine (1) whether maximum prices are necessary, and (2) if so, what those prices should be. And it is for the purpose of developing these facts that the hearing is being continued.

It has been suggested that these proceedings should be dismissed and that there should be instituted by the Director a new proceeding looking to the establishment of maximum prices. To dismiss this proceeding and institute at the same time a new proceeding would be to invite unnecessary delay and to erase from the record data which I have already found establishes a sufficient reason for going ahead with the present proceeding to determine whether there is a need for the establishment of a schedule of maximum prices.

[4] Consumers' Counsel introduced evidence in support of the claim that the spiralling of prices during the First World War was due to transportation shortages. At the oral argument, it was not contested that transportation shortages was a major reason for the spiralling of prices during the First World War, but it was also stated that many other factors contributed to the increases, such as labor shortages, concentration of war industries in certain regions, etc.

In determining that the proceeding should go forward, the Director recognizes that the matter of the establishment of maximum prices is one of great concern to the entire industry. By cooperative and objective endeavor much can be done toward solving the many complex and difficult problems which are encountered in the establishment of a sound schedule of maximum prices. There is every reason to believe that with such cooperative effort there will evolve a proper schedule which will be available if and when it is found that maximum prices are necessary. The district boards particularly have a heavy responsibility in this connection. For it is upon them that the Director relies, as he has relied in the past, for valuable and helpful aid in the solving of difficult problems arising in connection with the successful administration of the Act.

It is encouraging to find that many of the district boards have urged me to take the position which I am here taking. All the district boards have given indication that they would cooperate fully in an endeavor to determine (1) whether maximum prices are necessary and (2) if so, what those prices should be. The recognition by the industry of its broad responsibility to the consuming public, which the offer of cooperation betokens, is commendable indeed. I am fully confident that the hearing in this mater will proceed expeditiously and a workable solution and a safeguard against runaway prices evolved in the event such solution and safeguard are found necessary.

Counsel for District Board 7 indicated at the oral argument that if the Director was to continue the proceeding, the District Board for which he spoke would require an adjournment of the hearing in order to have time in which to prepare its case. Although a similar request was not made by representatives for other district boards, and although it is some six weeks since the Notice of and Order for Hearing in this matter was issued, I have, nevertheless, determined that the hearing ought not to reconvene until October 13, 1941. I have concluded to allow this interval because of my firm conviction that a comprehensive presentation by the district boards will be of great aid in formulating a basis for a sound determination of this matter. I feel that whatever loss there may be in time will be more than compensated by the more orderly and full presentation that the district boards and other interested parties will be enabled to make if they are given such an interval during which further to prepare their cases.

To the extent that the motions of the several district boards seek dismissal of this proceeding, they are denied. Those motions seeking a determination of the record thus far are granted to the extent set forth above. To the extent that several of the pending motions seek continuance of the proceeding, they are granted. The motion of the National Association of Hothouse Vegetable Growers, Inc., except as it seeks continuance of the proceeding, is also denied.

And it is so ordered.

Dated: October 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7480; Filed, October 7, 1941; 10:08 a. m.]

[Docket No. 1565-FD]

IN THE MATTER OF THE CARDINAL FUEL AND SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1404, DEFENDANT

MEMORANDUM OPINION AND ORDER DENYING APPLICATION FOR RECONSIDERATION

This proceeding was instituted by the Bituminous Coal Division, pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate and determine whether the Cardinal Fuel and Supply Company, a registered distributor, Registration No. 1404, Columbus, Ohio, had violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act.

A hearing in this matter was held on March 5, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Columbus, Ohio. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The defendant appeared.

On July 2, 1941, the Examiner filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, in which it was recommended that the registration of the defendant as a registered distributor be suspended for a period of ninety days.

Thereafter, the defendant filed exceptions to the Examiner's report, a brief in support thereof, and, pursuant to leave granted by the Director, presented oral argument before the Director in support of its exceptions on August 19, 1941.

On September 16, 1941, the Director issued his Findings of Fact, Conclusions of Law and Opinion concerning Exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner and his Order Adopting with Modification the Proposed Findings of Fact, Propcsed Conclusions of Law and Recommendations of the Examiner and suspending the registration of the defendant as a registered distributor for sixty days from the date thereof.

On September 24, 1941, the defendant filed with the Division an application for reconsideration of the Director's Order of September 16, 1941, contending (1) that in the absence of evidence that any of the shipments involved herein were made outside of the State of Ohio, they were strictly intrastate shipments and not subject to the Act or to the power of the Congress, and (2) that the Rules and Regulations of the Division which were violated by the defendant are invalid as improper delegations to the Division of the legislative power of the Congress.

The contentions of the defendant are without merit and its application for reconsideration should be denied for the following reasons:

(1) In Docket No. 18-FD, a proceeding brought pursuant to Section 4-A of the Act, it was decided that transactions in bituminous coal in intrastate commerce in all localities in the State of Ohio directly affect interstate commerce in such coal and that there will be an undue or unreasonable advantage, preference or prejudice as between transactions in intrastate commerce in Ohio on the one hand and interstate commerce in bituminous coal on the other hand, and an undue, unreasonable, or unjust discrimination against interstate commerce in such coal if such transactions in intrastate commerce or any substantial part thereof are not regulated and subjected to the provisions of the Act. These findings are applicable to the transactions in question of the defendant.

The Order entered in Docket No. 18-FD and section 4-A of the Act provide that any producer believing that any particular intrastate transactions in coal are not subject to the Act may apply to the Division for exemption. The defendant does not claim that any of the coal involved in this proceeding was ever the subject matter of such an exemption proceeding. The defendant now, for the first time, raises the contention concerning the intrastate character of its transactions. It is significant that the contention was not mentioned in the answer filed herein by the defendant on March 4, 1941, in the exceptions of the defendant to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, in the brief filed by the defendant in support of said exceptions, or in the oral argument presented before the Director in support of the exceptions on August 19, 1941[1]

The producers whose coal was here involved are code members. By accepting membership in the Bituminous Coal Code, they subjected all coal sold by them to the provisions of section 4 of the Act. Furthermore, the defendant is a registered distributor. By applying for and accepting registration as a distributor, the defendant voluntarily subjected itself to the Rules and Regulations for the Registration of Distributors, agreed not to accept or receive any distributor's discount in excess of that prescribed by the Division, and agreed to abide by the effective minimum price schedules and by the Marketing Rules and Regulations. Under the foregoing circumstances, the defendant can ill afford to claim that the transactions in question were not subject to regulation under the Act.

The power of the Congress to regulate transactions in intrastate commerce where they directly affect interstate commerce is, at this date, beyond question.

(2) The Supreme Court of the United States has decided adversely to the contention of the defendant regarding delegation of Congressional power to the Division. See *Sunshine Anthracite Coal Co.* v. *Adkins*, 310 U. S. 381, 397-400. No further discussion of this contention is warranted.

In view of the foregoing, I find that no sufficient cause has been shown warranting a reconsideration of the Order of the Director of September 16, 1941, herein.

It is therefore ordered, That the application for reconsideration filed by the Cardinal Fuel & Supply Company be and it hereby is denied.

Dated: October 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7481; Filed, October 7, 1941; 10:09 a. m.]

[Docket No. 1673-FD]

IN THE MATTER OF THE PITTSBURG & SHAWMUT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7349, DEFENDANT

ORDER OF SUSPENSION OF REGISTRATION

The Notice of and Order for Hearing in the above-entitled matter having been duly made by the Director on May 15, 1941, pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors promulgated by the Bituminous Coal Division (the "Division") pursuant to section 4 Part II (h) of the Bituminous Coal Act of 1937 (the "Act"), to determine whether the Pittsburg & Shawmut Coal Company, Registered Distributor, Registration No. 7349, the defendant herein, has violated the provisions of the Act, the Bituminous Coal Code (the "Code"), the Rules and Regulations for Registration of Distributors, the agreement (Distributor's Agreement) executed September 9, 1940 by Pittsburg & Shawmut Coal Company pursuant to an order of the National Bituminous Coal Commission dated March 24, 1939 in General Docket No. 12 and adopted July 1, 1939 as an order of the Division, and orders of the Director; and

Whether or not the registration of the Pittsburg & Shawmut Coal Company as a registered distributor should be revoked or suspended or other appropriate penalties should be imposed; and

Said Notice of and Order for Hearing having been duly served upon the defendant on May 26, 1941, and the defendant, on August 7, 1941, having consented to the entry of an "Order Amending and Supplementing Notice of and Order for Hearing," and said order having been duly served on the Defendant on August 8, 1941, in accordance with the above-mentioned consent; and

The defendant by a "Statement of Admissions Agreement and Consent To Entry of Order of Suspension of Registration," made September 23, 1941, the original of which is on file with the Division, having consented to the entry of an order suspending its registration as a distributor for a period of six months from the date of service of said order on the defendant and in furtherance thereof having expressly agreed to waive (1) a hearing pursuant to the Order Amending and Supplementing the Notice of and Order for Hearing herein; (2) oral argument and filing of briefs before the Director or other presiding officer; (3) the preparation and submission of any report, findings of fact, or recommendation by the Director or other presiding officer; (4) the presentation of all argument before the Director or other presiding officer; and (5) the preparation and submission of tentative findings of fact or proposed order of the Director; and

The defendant, in said "Statement of Admissions Agreement and Consent to Entry of Order of Suspension of Registration," having admitted violations of the provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, the Distributor's Agreement, and Orders of the Division, and agreed therein, as follows:

I

A. The defendant, Pittsburg & Shawmut Coal Company ("P and S Company"), is a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its principal office located at 132 N. McKean Street, Kittanning, Pennsylvania, and has been during the time herein mentioned, and is now engaged under the powers granted to it by its corporate charter in the business of buying and selling coal.

B. A majority of the outstanding shares of capital stock of the defendant is owned by the Allegheny River Mining Company ("Allegheny"), a corporation, duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania. Allegheny has been during the time herein mentioned and is now a code member engaged under the powers granted to it by its corporate charter in the business of producing bituminous coal. Its principal office is located at 132 N. McKean Street, Kittanning, Pennsylvania.

[1] On September 22, 1941, almost one month after said argument, and six days after the Director issued his Findings of Fact, Conclusions of Law, Opinion, and Order herein, the defendant lodged with the Division a document entitled "Additional Exceptions of the Cardinal Fuel & Supply Company to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner." In this document for the first time the defendant mentioned the contentions now raised by it. This document, however, because of its tardiness, cannot be considered to have been validly filed with the Division.

C. A majority of the outstanding shares of capital stock of Allegheny is owned by the Pittsburg & Shawmut Railroad ("P & S Railroad"), a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania which, since the year 1902, has been engaged under the powers granted to it by its corporate charter in the business of operating a steam railroad. Its principal office is located at 132 N. McKean Street, Kittanning, Pennsylvania.

D. The Freebrook Corporation ("Freebrook") is a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, and has been during the time herein mentioned and is now engaged under the powers granted to it by its corporate charter in the business of mining bituminous coal as a code member producer with its principal office located at 293 Main Street, Brookville, Pennsylvania. Charles M. Shoffner owns 60% of its outstanding shares of stock and 40% of its outstanding shares of stock is owned by his brother, John R. Shoffner.

E. The Ringgold Corporation ("Ringgold") is a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania and has been during the time herein mentioned and is now engaged under the powers granted to it by its corporate charter in the business of mining bituminous coal as a code member producer. Its principal office is located at Timblin, Pennsylvania. Charles M. Shoffner owns 40% of its outstanding shares of stock and 60% of its outstanding shares of stock is owned by his brother, John R. Shoffner and other members of their family.

F. Officers and directors of Allegheny, P & S Company, Freebrook and Ringgold have been at all times since October 1, 1940, and now are as follows:

	Allegheny	P & S Company	Freebrook	Ringgold
Chas. M. Shoffner	President	Chairman of Board	President	President.
E. J. Halberg	Secretary and General Counsel.	Secretary and General Counsel.		
E. H. Allendorfer		Vice Pres. and General Sales Mgr.		
Roy M. Gidel	Purchasing Agent			
W. M. Dippold	Treasurer	Treasurer		
John R. Shoffner	Gen. Supt. Ch. Engineer	Director	Vice Pres. Director.	Director.
M. A. Crawford	Assistant Secretary	Assistant Secretary		
A. J. Griffith	Assistant Auditor and Assistant Treasurer.	Assistant Auditor and Assistant Treasurer.		

G. On September 17, 1940, pursuant to the Order of the National Bituminous Coal Commission dated March 24, 1939, entered in General Docket No. 12, the defendant filed with the Division its application dated September 9, 1940, for registration as a distributor which was accompanied by its agreement executed September 9, 1940, (the "Distributor's Agreement") as a condition to the approval of said application; said application was approved by the Division on September 17, 1940, and Certificate No. 7349 was issued to the defendant authorizing it to act as a registered distributor; the defendant has ever since this date and is now acting as a registered distributor.

II

A. (1) Rule 2 of section XII of the Marketing Rules and Regulations by the sale of approximately 13,567 tons of bituminous coal for railroad shipment which were produced by the code member producers in District 1, set forth in Paragraph A (2) hereof and for which no effective minimum prices, temporary or final, for railroad shipment had been established by the Division at the time the railroad shipments were made; Rule 3 of section XII of the Marketing Rules and Regulations by filing false information, wilfully made, with Statistical Bureau for District 1, concerning the abovementioned transactions; by representing that said coal was produced at Allegheny's Cadogan Mine, Mine Index No. 76, located at Cadogan, Pennsylvania, in District No. 1; Rule 8 of section XIII of the Marketing Rules and Regulations by intentionally making false invoices concerning the origin of the above-mentioned coal by representing that said coal was produced at the Cadogan Mine; and Paragraph (e) of its Distributor's Agreement by committing the above-named violations of the Marketing Rules and Regulations. The defendant, however, asserts that there was no intention on its part to mislead the purchasers of such coal and that such purchasers generally knew that it was produced at numerous mines other than the Cadogan Mine. The defendant further asserts that the practice of billing and invoicing said coal as produced at the Cadogan Mine had been followed for many years before October 1, 1940.

The coal was trucked by said Code member producers to a railway loading dock, namely Colwell Dock, a loading ramp operated by Freebrook, purchased by P & S Company f. o. b. the Colwell Dock at a price of $1.50 per net ton, and there loaded and shipped in railroad cars over the P & S Railroad at the lawfully published and established tariff rate to the Cadogan cleaning and preparation plant owned by Allegheny (the "Cadogan Plant") located at the Cadogan Mine for washing, preparation, resale and reshipment to various purchasers. The effective minimum price f. o. b. the mine for truck shipments for this coal was $2.20 per net ton. The P & S Company sold and invoiced the coal at a price of $2.05 or more per net ton f. o. b. the Cadogan Plant as coal produced at the Cadogan Mine, and reported the transactions to the Statistical Bureau for District No. 1 as sales of coal produced at the Cadogan Mine made f. o. b. the Cadogan Plant. The P & S Company collected the resale price of the coal, paid 25 cents per net ton to Freebrook for loading over the Colwell Dock, the tariff rate of $2.00 per car to the P & S Railroad for hauling the coal from the Colwell Dock to the Cadogan Plant, and 10 cents per net ton for cleaning to Allegheny. The defendant represents that it made no deduction for reject coal in the payment of the producer of $1.50 per net ton but absorbed the loss of approximately 10¢ per net ton resulting from such reject coal.

(2) The code member producers, the index numbers of their mines and the tonnages of coal produced by them respectively and sold by the P & S Company as described in (1) hereof are as follows:

Mine index No.	Code member producers in District No. 1	Total tons
1001	F. J. Adams, New Bethlehem, Pa.	2,057
3046	Ben Desantes	478
1308	R. W. Duncan, Rimer, Pa.	9
2838	Ira Foster, Dayton, Pa.	160
2753	C. H. Gathers, Brookville, Pa.	179
1491	Loyal T. Henderson, New Bethlehem, Pa.	639
1537	O. E. Houser, New Bethlehem, Pa.	594
2533	C. F. Miller, New Bethlehem, Pa.	469
1793	Ernest Moore, Oak Ridge, Pa.	678
1887	Pence Coal Co., Fairmont City, Pa.	3,348
1910	Priester Bros., Distant, Pa.	231
1930	Scott L. Rearick, Distant, Pa.	1,556
1303	T. R. Reddinger, Distant, Pa.	1,474
2599	C. O. Shick, New Bethlehem, Pa.	377
2103	Chas. F. Shumaker, Seminole, Pa.	307
721	Floyd Thomas, Putneyville, Pa.	218
2160	Ross Traister, Rimer, Pa.	413
703	Wadding Bros.	317
		13,567

B. Rule 2 of section XII of the Marketing Rules and Regulations, by selling for railroad shipment f. o. b. the Cadogan Plant, during the period from October 1, 1940, to and including February 28, 1941, approximately 6,992.75 net tons of coal produced by the James Coal Mining Company at its Orpha Mine (Mine Index No. 353) located in Armstrong County, Pa., and approximately 5,674 tons of coal produced by the Mohawk Mining Company at its Mohawk Mine (Mine Index No. 556) located in Armstrong County, Pa., for which no effective minimum prices for railroad shipment f. o. b. the Cadogan Plant, temporary or final, were established by the Division at the time the railroad shipments were made; Paragraph (d) of its Distributor's Agreement by purchasing the above-mentioned coal, physically handling it at the Cadogan plant and accepting and retaining distributor's discounts from the purchase price thereof; Rule 3 of section XII of the Marketing Rules and Regulations by filing false information, wilfully made, with the Statistical Bureau for District 1 concerning the above-mentioned transactions; Rule 8 of section XIII of the

Marketing Rules and Regulations by intentionally making false invoices concerning the origin of the above-mentioned coal; and Paragraph (e) of its Distributor's Agreement by committing the above-named violations of the Marketing Rules and Regulations. The defendant, however, asserts that there was no intention on its part to mislead the purchasers of such coal and that such purchasers generally knew that it was produced at numerous mines other than the Cadogan Mine. The defendant further asserts that the practice of billing and invoicing said coal as produced at the Cadogan Mine had been followed for many years before October 1, 1940.

This coal was purchased by the P & S Company and shipped in railroad cars over the P & S Railroad at the lawfully published and established tariff rate from the mines of the code member producers to the Cadogan Plant and there screened and otherwise physically handled under the direction of the P & S Company. The P & S Company resold and invoiced the screened sizes f. o. b. the Cadogan Plant as coal produced at the Cadogan Mine and reported the transactions to the Statistical Bureau for District No. 1 as sales of coal produced at the Cadogan Mine made f. o. b. the Cadogan Plant. During said period no effective minimum prices temporary or final had been established f. o. b. the Cadogan Plant for the sale of coal produced at the mines of the James Coal Company or the Mohawk Mining Company or at said mines for the sizes of coal sold by the P & S Company.

C. Rule 2 of section XII of the Marketing Rules and Regulations by selling for railroad shipment f. o. b. the Ringgold cleaning and preparation plant owned by Ringgold (the "Ringgold Plan") located at the Ringgold Mine, Ringgold, Pennsylvania, 537.45 tons of coal produced by E. S. Geer at his Geer Mine (Mine Index No. 684) located near Timblin, Pa., and 335 tons of coal produced by G. C. Blose at his Blose Mine (Mine Index No. 729) located near Timblin, Pa., for which no effective minimum prices, temporary or final, for railroad shipment had been established by the Division at the Ringgold Plant at the time the railroad shipments were made; Rule 3 of section XII of the Marketing Rules and Regulations by filing false information wilfully made with the Statistical Bureau for District No. 1 concerning the above-mentioned transactions; Rule 8 of section XIII of the Marketing Rules and Regulations by intentionally making false invoices concerning the origin of the above-mentioned coal; and paragraph (e) of its Distributor's Agreement by committing the above-named violations of the Marketing Rules and Regulations. The defendant, however, asserts that there was no intention on its part to mislead the purchasers of such coal and that such purchasers generally knew that it was produced at numerous mines other than the Ringgold Mine. The defendant further asserts that the practice of billing and invoicing said coal as produced at the Ringgold Mine had been followed for many years before October 1, 1940.

The coal was transported by the Code member producers by truck to the railroad siding located at Markles, Pennsylvania and there loaded into railroad cars by them. The coal was purchased f. o. b. said cars by the P & S Company and shipped to the Ringgold Plant where it was cleaned and otherwise physically handled under the direction of the P & S Company for resale and reshipment to various purchasers. The P & S Company resold and invoiced the coal f. o. b. the Ringgold Plant as coal produced at the Ringgold Mine and reported the transactions to the Statistical Bureau for District No. 1, as sales of coal produced at the Ringgold Mine made f. o. b. the Ringgold Plant.

D. Rule 2 of section XII of the Marketing Rules and Regulations by selling approximately 5,182.50 tons of coal for railroad shipment f. o. b. the Ringgold Plant during the period from October 1, 1940 to February 28, 1941, produced by the Lost Hill Company (H. C. Elkin) at its Lost Hill Mine, Mine Index No. 607, located at Dora, Pennsylvania, and approximately 5,563.45 tons of coal for railroad shipment f. o. b. the Ringgold Plant during the period from October 1, 1940 to March 31, 1941, produced by Frank W. Milliron (Milliron Coal Company) at his Milliron Mine, Mine Index No. 655, located at Ringgold, Pennsylvania, for which no effective minimum prices temporary or final had been established by the Division for railroad shipment f. o. b. the Ringgold Plant at the time the railroad shipments were made; paragraph (d) of its Distributor's Agreement by purchasing the above-mentioned coal at the effective minimum price therefor, physically handling it at the Ringgold Plant and accepting and retaining distributor's discount thereon; Rule 3 of section XII of the Marketing Rules and Regulations by filing false information, wilfully made, with the Statistical Bureau for District 1 concerning the above-mentioned transactions; Rule 8 of section XIII of the Marketing Rules and Regulations by intentionally making false invoices concerning the origin of the above-mentioned coal; paragraph (e) of its Distributor's Agreement by committing the above-named violations of the Marketing Rules and Regulations.

The coal produced at the Lost Hill Coal Company was delivered by the Code member producer into railroad cars at Dora, Pennsylvania, and there purchased by the P & S Company. The coal produced at the Milliron Mine was delivered by the Code member producer into railroad cars at Markles, Pennsylvania, and there purchased by the P & S Company. The coal was shipped from these points by the P & S Company to the Ringgold Plant at Ringgold, Pennsylvania, where it was screened and otherwise physically handled under the direction of the P & S Company. The P & S Company sold and invoiced the coal f. o. b. the Ringgold plant as coal produced at the Ringgold Mine and reported the transactions to the Statistical Bureau for District No. 1 as sales of coal produced at the Ringgold Mine made at the Ringgold Plant.

E. Paragraph (d) of its Distributor's Agreement by accepting and retaining unauthorized distributor's discounts on coal purchased from Freebook Corporation and physically handled by it during the period from October 1, 1940 to on or about August 1, 1941. This coal was purchased by the P & S Company f. o. b. mines of the Freebrook Corporation, shipped therefrom to the Ringgold Plant, cleaned and otherwise physically handled and resold by the P & S Company therefrom to various purchasers.

F. Rules 1 and 2 of section VIII of the Marketing Rules and Regulations and Paragraph (e) of its Distributor's Agreement by utilizing analyses in the sale and offer for sale of coal produced by Allegheny, a Code member, which was sold to the Erie Railroad Company, the Delaware, Lackawanna and Western Railroad Company, the City of Buffalo, New York, the Empire Builders Supply Company, Inc., Niagara Falls, New York, Fred E. Shardon, Lockport, New York, the Diamond Match Company, Oswego, New York, Dawson-Gruman Company, Inc., Syracuse, New York, and numerous other consumers; by failing to file with the Statistical Bureau for District No. 1 or the Bituminous Coal Producers Board for District No. 1 reports of the analyses used; and by failing to accompany said analyses with statements to the effect that such analyses were properly filed with the Statistical Bureau for District No. 1, and the Bituminous Coal Producers Board for District No. 1.

G. Rule 5 of section VIII of the Marketing Rules and Regulations and paragraphs (e) and (f) of its Distributor's Agreement by making agreements with or accepting orders from the purchasers named in F hereof for the sales of said coal upon a penalty or a premium and penalty basis and failing to file the analyses upon which the premium and penalty clauses of such agreements and orders were based, as required by Rule 1 of section VIII of the Marketing Rules and Regulations, and, except in respect to a contract with the City of Buffalo, failing to file statements setting forth in full the terms of the premium and penalty provisions of the agreements and orders.

H. Order No. 14 of the Commission dated July 15, 1937, adopted as an order of the Division by the Secretary of the Interior on July 1, 1939, and paragraph (f) of its Distributor's Agreement, by failing to file with the Statistical Bureau for District No. 1 copies of the agreements and orders referred to in G hereof.

I. Rule 1 section X of the Marketing Rules and Regulations and Paragraph (e) of its Distributor's agreement, by granting allowances for coal claimed to be substandard in quality to the Canadian National Railway, Arkport Dairies, Inc., David Maypol Tool Company, and Philadelphia Milk Producers Co-operative Association and failing to file with Statistical Bureau for District No. 1 the information required by Rule 1, section X of the Marketing Rules and Regulations.

J. Section 4 Part II (d) of the Bituminous Coal Act of 1937, Part II (e) of the Code and paragraph (b) of its Distributor's Agreement, by selling and shipping during the period from October 1, 1940 through January 31, 1941 to the Canadian National Railway of Canada run of mine coal for railroad fuel, produced by Allegheny at its Cadogan Mine, Mine Index No. 76, located in Armstrong County, Pennsylvania, via Lake Ontario car ferry and charging therefor less than the applicable effective minimum prices for such coal for shipment via Lake Ontario car ferry.

K. Section 4 Part II (e) of the Act, Part II (e) of the Code and paragraph (b) of its Distributor's Agreement by granting discounts not authorized by the Rules and Regulations for the Registration of Distributors on coal produced by Allegheny at its Cadogan Mine, Mine Index No. 76 and by Ringgold at its Ringgold Mine, Mine Index No. 433, located in Armstrong County, Pennsylvania, and sold by P & S Company during the period from October 1, 1940 through March 31, 1941 to Ardean R. Miller, Rochester, New York for resale by Ardean R. Miller through his retail yard to the Taylor Instrument Company, of Rochester, New York.

Now, therefore, based upon the above admissions of the defendant, upon the defendant's consent to the making and entry of this order of suspension of registration and the agreements of the defendant, (a) that neither it nor any of its officers, representatives, agents, servants, employees, attorneys or affiliates will act as a registered distributor or accept or receive any discounts from the effective minimum prices either directly or indirectly on coal purchased by it or them or any of them from code members during said period of suspension; (b) that neither it nor any of its officers, representatives, agents, servants, employees, attorneys or affiliates will receive or accept any commissions as sales agent of coal sold during said period of suspension under any sales agency contract entered into subsequent to August 18, 1941, unless such contract shall have been approved by the Director under and for the purposes of this order; (c) that during said period of suspension it and they will at all times observe and faithfully abide by all the provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement and all applicable orders of the Division; and (d) that, upon the basis of the foregoing admitted violations, within 15 days after service upon it of this order of suspension, it will pay to the following Code member producers, sums aggregating Five Thousand Eight Hundred Thirty-four Dollars and Eighty Cents ($5,834.80) as follows:

F. J. Adams	$617.10
G. C. Blose	50.25
Ben Desantes	143.40
R. W. Duncan	2.70
Ira W. Foster	48.00
C. H. Gathers	53.70
Loyal T. Henderson	191.70
O. E. Houser	178.20
C. F. Miller	140.70
Ernest Moore	203.40
Pence Coal Company	1,004.40
Priester Brothers	70.20
Scott L. Rearick	466.80
T. R. Reddinger	442.20
C. G. Schick	113.10
Charles F. Shumaker	92.10
Floyd Thomas	74.40
Ross Traister	132.90
Wadding Brothers	95.10
Frank W. Milliron	839.25
Lost Hill Coal Co	781.65
E. S. Geer & Son	95.55

It is ordered, That the registration of the Pittsburg & Shawmut Company as a distributor be and it hereby is suspended for a period of one hundred and eighty (180) days from the date of service hereof upon the defendant, and that the defendant, its officers, representatives, agents, servants, employees, attorneys and all affiliates of the defendant shall be and they hereby are prohibited from acting as a registered distributor and from receiving or accepting any discounts from the effective minimum prices, either directly or indirectly, on coal purchased by it, them or any of them during said period of suspension: *Provided, however*, That if the defendant shall not have complied with the provisions of Section 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days prior to the expiration of said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the defendant, during such period of suspension, shall continue fully to observe, abide by, and remain in all respects subject to all pertinent and applicable provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, its Distributor's Agreement, and all pertinent orders of the Director.

It is further ordered, That in the event the defendant shall hereafter violate any of its agreements set forth in said "Statement of Admissions Agreement and Consent to Entry of Order of Suspension of Registration," on file herein, this matter may be reopened and such action taken and orders entered herein as to the Director may seem just and proper under the circumstances; and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: October 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7482; Filed, October 7, 1941; 10:11 a. m.]

[Docket No. A-597]

PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR A REDUCTION IN THE MINIMUM PRICES OF SIZE GROUPS 6, 7, 8, AND 9 PRODUCED IN DISTRICT 4 FOR SHIPMENT TO MARKET AREAS 4, 5, AND 7 TO 21, INCLUSIVE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice and that the proceedings in this docket be closed.

Dated: October 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7483; Filed, October 7, 1941; 10:11 a. m.]

[Docket No. 1628-FD]

IN THE MATTER OF UNITED STATES COAL & COKE COMPANY, DEFENDANT

ORDER DISMISSING COMPLAINT

Mr. J. F. Parsons, Eolia, Kentucky, complainant herein, having requested the dismissal without prejudice of the complaint heretofore filed by him herein; and

It appearing to the Director that it is advisable that such request be granted;

It is hereby ordered, That the complaint heretofore filed herein be, and the same is, hereby dismissed without prejudice.

Dated: October 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7484; Filed, October 7, 1941; 10:12 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and Address	*Date application Filed*
W. Carson Adams, 729 Brown-Marx Bldg., Birmingham, Ala.	Sept. 23, 1941
John E. Dale Fuel Corp., 353 Fifth Ave., New York, N. Y.	Sept. 25, 1941
Forsyth Carterville Coal Co., 806 Fullerton Bldg., St. Louis, Mo	Sept. 25, 1941
Galloway Coal Co., 306 Jefferson Ave., Memphis, Tenn.	Sept. 20, 1941
Vendors Incorporated, 1208 Ford Bldg., Detroit, Mich.	Sept. 22, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 3, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: October 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7485; Filed, October 7, 1941; 10:12 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5. F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5. F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 7, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

Central Manufacturing Company, One Legion Street, Clarksville, Tennessee; Apparel; Work Shirts and Pants; 10 learners (75% of the applicable hourly minimum wage); April 7, 1942.

Signed at Washington, D. C., this 7th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7500; Filed, October 7, 1941; 11:36 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 334]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR AND THE SERVICES CONNECTED THEREWITH, OF AMERICAN AIRLINES, INC.

[Docket No. 204]

IN THE MATTER OF THE PETITION OF AMERICAN AIRLINES, INC., FOR THE DETERMINATION OF FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH ON ROUTES NOS. 4 AND 23, UNDER SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is hereby assigned for oral argument before the Board on October 15, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., October 4, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7500; Filed, October 7, 1941; 10:18 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-100, G-101, G-113, G-127]

CITY OF CLEVELAND, COMPLAINANT, V. HOPE NATURAL GAS COMPANY, DEFENDANT; CITY OF AKRON, COMPLAINANT, V. HOPE NATURAL GAS COMPANY, DEFENDANT; IN THE MATTER OF HOPE NATURAL GAS COMPANY; PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANT, V. HOPE NATURAL GAS COMPANY, DEFENDANT.

ORDER DENYING APPLICATION FOR SERVICE OF TRIAL EXAMINER'S REPORT AND GRANTING ORAL ARGUMENT

OCTOBER 3, 1941.

Upon application of Hope Natural Gas Company, filed September 30, 1941, requesting, as separate application, (1) that any trial examiner's report in this proceeding be served upon it, and (2) that it be granted oral argument before the Commission *en banc*;

It appearing to the Commission that:

(a) Section 19 (a) of the Natural Gas Act provides in part as follows:

> Any person, State municipality or State commission aggrieved by an order issued by the Commission in a proceeding under this Act to which such person, State, municipality, or State commission is a party may apply for a rehearing within thirty days after the issuance of such order. The application for rehearing shall set forth specifically the ground or grounds upon which such application is based. Upon such application the Commission shall have power to grant or deny rehearing or to abrogate or modify its order without further hearing • • •.

(b) Under this provision of the Act any aggrieved party, in its application for rehearing, may take exception to any or all findings of the Commission, its failure to make necessary findings, or any order or conclusions embodied in the opinion or order of the Commission;

(c) Such statutory procedure provides a direct and adequate means of excepting to any part of the Commission's order by which a party deems himself aggrieved and avoids the cumbersome and frequently futile procedure of taking exceptions to the merely advisory findings and conclusions of the examiner, many of which may not be accepted by the Commission or be incorporated in the Commission's order.

Wherefore, the Commission *orders* that:

(A) Applicant's request for service upon it of any trial examiner's report which may be made herein be and the same is hereby denied;

(B) Oral argument on the issues raised at the hearing herein be had before the Commission, *en banc*, on October 27, 1941, at 9:45 a. m., in the Hearing Room

of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7499; Filed, October 7, 1941; 10:18 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-207]

IN THE MATTER OF PENNROAD CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 23 (c) (3) of the Investment Company Act for an order permitting the applicant to purchase not more than 125,000 shares of its common stock either on a Securities Exchange or over the counter at a price or prices not to exceed the prevailing price at which such common stock is selling on the Philadelphia Stock Exchange or the New York Curb Exchange at the time the transactions are consummated;

It is ordered, That a hearing on the matter of this application be held on October 15, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7506; Filed, Oct. 7, 1941; 11:36 a. m.]

[File No. 70-382]

IN THE MATTER OF COLORADO CENTRAL POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1941.

Colorado Central Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, having filed a declaration under section 7 of the Public Utility Holding Company Act of 1935 with regard to a reduction in the rate of interest payable by Colorado Central Power Company on $704,000 principal amount of its First Mortgage 4¼% Bonds, Series A due May 1, 1959 from the present rate of 4¼% per annum to 3¾% per annum with the consent of John Hancock Mutual Life Insurance Company, the holder of all of the said bonds; and

Said declaration having been filed on August 14, 1941 and certain amendments having been filed thereto, the last of said amendments having been filed on September 27, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise and not having ordered a hearing thereon; and

Colorado Central Power Company having requested that said declaration become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective and finding with respect to said declaration that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of said declaration should be advanced.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and it hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7507; Filed, October 7, 1941; 11:36 a. m.]

OCT 10 1941

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 386, 6th revision]

PART 301—DOMESTIC QUARANTINE NOTICES

GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE REGULATIONS MODIFIED

Introductory note. This revision of circular B. E. P. Q. 386 adds to the list of articles exempted from certification requirements, box shooks, when newly manufactured; cuttings and branches (for ornamental use) of boxwood, of California peppertree, and of eucalyptus; cuttings of greenhouse-grown woody plants when so labeled; and wood flour, pulverized wood, or ground wood sawdust when sifted through a screen of at least 30 meshes to the inch.

§ 301.45a *Administrative instructions; articles exempted from restrictions.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the second proviso of § 301.45 of this chapter, the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of the regulations of this quarantine, effective October 10, 1941:

Acacia cuttings (for ornamental use) (*Acacia* spp.).
Banana stalks, when crushed, dried, and shredded.
Birch slabs for use as post cards.
Birch bark when waxed, polished, or otherwise treated to adequately eliminate all risk of transmitting infestation and when used in the manufacture of novelties.
Box shooks, when newly manufactured and planed on four sides.
Boxwood cuttings and branches (for ornamental use) (*Buxus sempervirens*).
Cable reels, when newly manufactured and empty.
California peppertree cuttings and branches (for ornamental use) (*Schinus molle*).
Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).
Cuttings of woody plants that have been grown in the greenhouse throughout the year, when labeled on the outside of the container to show that the contents were greenhouse grown.
Eucalyptus cuttings and branches (for ornamental use) (*Eucalyptus globulus*).
Evergreen smilax (*Smilax lanceolata*).
Fuchsia (*Fuchsia* spp.).
Galax (*Galax aphylla*).
Geranium (*Pelargonium* spp.).
Heather cuttings (for ornamental use) (*Erica* spp., *Calluna* spp.).
Heliotrope (*Heliotropium* spp.).
Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
Jerusalem-cherry (*Solanum capsicastrum, S. pseudocapsicum, S. hendersoni*).
Leaves of deciduous or evergreen trees that have been treated or dyed.
Mistletoe (*Phoradendron flavescens, Viscum album,* etc.).
Oregon huckleberry (*Vaccinium ovatum*).
Partridgeberry (*Mitchella repens*).
Strawberry plants (*Fragaria* spp.).
Trailing arbutus (*Epigaea repens*).
Verbena (*Verbena* spp.).
Wintergreen (*Gaultheria* spp., *Pyrola* spp.).
Wood flour, pulverized wood, or ground-wood sawdust, when processed by screening or sifting through a screen of at least 30 meshes per inch.

All previous lists of exempted articles are superseded by the instructions in this section. (Sec. 8, 39 Stat. 165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 2d day of October 1941.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 41-7531; Filed, October 8, 1941; 11:04 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS

PART 510—GENERAL REGULATIONS, WASHINGTON NATIONAL AIRPORT

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FEDERAL REGISTER

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SEPTEMBER 25, 1941.

Acting pursuant to the authority vested in me by Act of Congress approved June 29, 1940, particularly sections 2 and 3 thereof, and finding that my action is necessary for the proper exercise of the powers vested in me under said Act, I hereby repeal all rules and regulations heretofore prescribed by me for the Washington National Airport and adopt the following regulations for the care, operation, maintenance and protection of the Washington National Airport.

§ 510.1 *Definitions.* (a) "Airport" means the Washington National Airport.

(b) "Administrator" means the Administrator of Civil Aeronautics.

(c) "Manager" means the Airport Manager appointed by the Administrator of Civil Aeronautics to govern, superintend, control, and protect the Washington National Airport.

(d) "Person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body political; and includes any trustee, receiver, assignee, or other similar representative thereof.

(e) "Board" means Civil Aeronautics Board.*

*§§ 510.1 to 510.9, inclusive, issued under the authority contained in sec. 2, 54 Stat. 686.

§ 510.2 *General rules and regulations.*

§ 510.20 *Airport manager.* All persons on any part of the property comprising the Airport shall be governed by the regulations prescribed in this part and by orders and instructions of the Manager relative to the use or occupation of any part of the property comprising the Airport.

§ 510.21 *Restricted areas.* No person shall enter any restricted areas posted as being closed to the public except upon written permission of the Manager.

§ 510.210 *Particular areas.* No person shall enter the control tower, miradoor room, third floor offices of the Terminal Building, any hangar, or the apron of the Airport, except:

(a) Persons assigned to duty therein;

(b) Authorized representatives of the Administrator or the Board;

(c) Persons authorized by the Manager;

(d) Passengers entering the apron for purposes of embarkation or debarkation.

§ 510.22 *Observation balcony.* No person shall throw paper, cigars, cigarettes, bottles, or other materials from the observation balcony or any other balcony in the Terminal Building.

§ 510.23 *Conduct of business.* No person shall engage in any commercial activity on the Airport except with the approval of the Administrator and under such terms and conditions as he may prescribe.

§ 510.230 *Soliciting.* No person shall solicit funds for any purpose on the Airport without the permission of the Manager.

§ 510.231 *Taxicabs.* No person shall operate any taxicab carrying passengers for hire from the Airport unless such operation is with the approval of the Administrator and under such terms and conditions as he may prescribe.

§ 510.232 *Advertisements.* No person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the Airport except with the approval of the Administrator and in such manner as he may prescribe.

§ 510.24 *Commercial photography.* No person shall take still, motion, or sound pictures for commercial purposes on the Airport without permission of the Administrator except that the following persons may take pictures for commercial purposes with permission of the Manager only:

(a) Professional photographers and motion picture cameramen taking scenes of events in the Airport as representatives of news concerns and bona fide news publications.

(b) Professional photographers and motion picture cameramen taking scenes of events in the Airport, for nonprofit exhibits, for the purpose of stimulating general interest in air commerce or travel.

(c) Professional photographers and motion picture cameramen taking scenes of events in the Airport for nonprofit educational purposes.

(d) Professional photographers taking scenes in the Airport for general artistic purposes.

§ 510.25 *Use of roads and walks.* (a) No person shall travel on the Airport other than on the roads, walks or places provided for the particular class of traffic.

(b) No person shall occupy the roads or walks in such manner as to hinder or obstruct their proper use.

(c) No person shall operate any type of vehicle for the disposal of garbage, ashes or other waste materials without the approval of the Manager.

§ 510.26 *Dogs.* No person shall enter the Terminal Building or landing area of the Airport with a dog or other animal. Dogs and other animals may be permitted in other areas of the Airport if restrained by leash or confined in such other manner as to be under control.

§ 510.27 *Lost articles.* Any person finding lost articles shall deposit them at the office of the Manager. Articles unclaimed within 60 days may be turned over to the finders thereof.*

§ 510.3 *Motor vehicle regulations.*

§ 510.30 *General.* No person shall operate any motor vehicle on the Airport otherwise than in accordance with the general rules prescribed by the Manager for the control of such vehicles, except when given special instructions by authorized employees of the Airport, or in cases of emergency involving danger to life or property.

§ 510.31 *Motorized equipment.* No person shall operate any motorized equipment on the inner-baggage tractor concourse or apron of the Terminal Building or the aircraft landing area, except:

(a) Persons assigned to duty therein.
(b) Persons authorized by the Manager.

§ 510.32 *Operator's certificate.* No person shall operate motorized equipment of the Civil Aeronautics Administration other than aircraft on the Airport unless possessed of a valid Civil Aeronautics Administration operator's certificate.

§ 510.33 *Speed.* (a) No person shall operate a motor vehicle of any kind on the Airport in excess of speed limits prescribed by the Manager and indicated by posted traffic signs.

(b) Motor vehicles shall be so operated as to be under the safe control of their drivers at all times.

§ 510.34 *Operation rules.* (a) Any person operating a vehicle travelling slowly on any road in the Airport, when overtaken by a faster moving vehicle, and upon suitable signal from such overtaking vehicle, shall move to the right to allow safe passage.

(b) Pedestrians within pedestrian lane markings shall have the right-of-way over vehicular traffic.

(c) No person shall operate a vehicle following another vehicle on the Airport closer than 15 feet to the preceding vehicle.

(d) No person shall sound a motor vehicle horn except as a warning signal.

(e) No person shall cause or permit a motor vehicle under his control to obstruct traffic by making right or left turns from the wrong traffic lane or by weaving in and out of traffic or in any other improper manner.

(f) No person operating a motor vehicle on the Airport shall fail to give proper hand signals. The following signals shall be given by extending the hand and arm from the left side in the following manner:

(1) *Left turn.* The hand and arm shall be extended horizontally.
(2) *Right turn.* The hand and arm shall be extended upward.
(3) *Stop or decrease speed.* The hand and arm shall be extended downward: *Provided, however,* That in lieu of such hand signals, signals may be given by a signal lamp or a signal device which conveys an intelligible warning to another driver approaching from the front or rear.

(g) No person shall operate a motor vehicle on the Airport contrary to the directions of posted traffic signs.

§ 510.35 *Accident reports.* All persons involved in any accident on the Airport and all witnesses thereto, shall report promptly to the Manager's office or to the nearest guard.

§ 510.36 *Parking.* No person shall park a motor vehicle on the Airport other than in the manner prescribed by the Manager.

§ 510.37 *Motor vehicle lights.* All motor vehicles, except motorcycles, shall be equipped with two headlights and one or more red tail lights, the headlights to be of sufficient brilliance to assure safety in driving at night, and all lights shall be kept lighted after sunset when the vehicle is on any roadway of the Airport, and at all times when passing through unlighted tunnels. Headlights shall be dimmed when meeting other vehicles or pedestrians.

§ 510.38 *Intoxication.* No person under the influence of liquor or narcotic drugs shall operate a motor vehicle or aircraft of any kind on the Airport.

§ 510.39 *Busses.* No carrier by motor bus for hire shall load or unload passengers at the Airport at any place other than that designated by the Manager.*

§ 510.4 *General rules of conduct.*

§ 510.40 *Disorderly conduct.* No person shall commit any disorderly, obscene or indecent act or permit any nuisance on the Airport.

§ 510.41 *Gambling.* No person shall conduct gambling in any form or operate gambling devices anywhere on the Airport.

§ 510.42 *Sanitation.* (a) No person shall dispose of garbage, papers, or refuse or other material on the Airport except in the receptacles provided for that purpose.

(b) No person shall use a comfort station other than in a clean and sanitary manner.

§ 510.43 *Preservation of property.* No person shall:

(a) Destroy, injure, deface or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn or other public property on the Airport.

(b) Trespass on lawns and seeded areas on the Airport.

(c) Abandon any personal property on the Airport.

§ 510.44 *Airport and equipment.* No person shall interfere with, tamper or injure any part of the Airport or any of the equipment thereof.

§ 510.45 *Firearms, explosives and inflammable material.* (a) No persons except peace officers, duly authorized post office, airport, and air carrier employees or members of the armed forces of the United States on official duty shall carry any firearms, explosives, or inflammable materials on the Airport without the written permission of the Manager.

(b) All persons other than the excepted classes shall surrender all such objects in their possession to the first officer or guard on the Airport.

(c) The Government and the Manager assumes no responsibility for the loss or damage to any such objects so surrendered to the Airport guard or officer.*

§ 510.5 *Fire hazards.*

§ 510.50 *Cleaning of aircraft.* No person shall use inflammable volatile liquids in the cleaning of aircraft, aircraft engines, propellers, and appliances unless such cleaning operations are conducted in open air, or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

§ 510.51 *Open flame operations.* No person shall conduct any open flame operations in any hangar, or part thereof unless specifically authorized by the Manager.

§ 510.52 *Storage.* No person shall store or stock material or equipment in such manner as to constitute a fire hazard.

§ 510.520 *Storage of inflammable material.* No person shall keep or store any inflammable liquids, gases, signal flares or other similar material in the hangars or in any building on the Airport: *Provided,* That such materials may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas specifically approved for such storage by the Manager.

§ 510.521 *Lubricating oils.* No person shall keep or store lubricating oils in or about the hangars: *Provided,* That such material may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose or in containers provided with suitable draw-off devices.

§ 510.522 *Waste.* Lessees of hangars shall provide suitable metal receptacles with self-closing covers for the storage of oily wastes, rags, and other rubbish. All such waste shall be removed by the lessees daily.

§ 510.53 *Smoking.* No person shall smoke in any hangar, building, room, or place on the Airport where it is specifically prohibited by the Manager.

§ 510.54 *Cleaning fluids.* No person shall use volatile inflammable substances for cleaning floors in the hangars or in other buildings of the Airport.

§ 510.55 *"Floor care."* All lessees on the Airport shall keep the floors of the hangars and hangar and terminal apron pits and areas adjacent thereto, leased by them respectively, free and clear of oil, grease and other inflammable material.

§ 510.56 *"Doping."* "Doping" processes shall be conducted only in properly

designed, fireproofed and ventilated rooms or buildings in which:

(a) All illumination, wiring, heating, ventilation equipment, switches, outlets, and fixtures shall be spark proof and vapor proof and;

(b) All windows and doors shall open easily.

(c) No person shall enter or work in a "dope" room while "doping" processes are being conducted unless such person wears spark proof shoes.

§ 510.57 *Fueling operations.* The following rules govern the draining and fueling of aircraft:

(a) No aircraft shall be fueled or drained while the engine is running, or being warmed by applications of exterior heat, or while such aircraft is in a hangar or enclosed space.

(b) No smoking shall be permitted within 100 feet of an aircraft being fueled or drained.

(c) No person shall operate any radio transmitter or receiver, or switch electrical appliances off or on in an aircraft during fueling or draining.

(d) During refueling the aircraft and the fuel dispensing apparatus shall both be grounded to a point or points of zero electrical potential.

(e) Persons engaged in the fueling and draining of aircraft shall exercise care to prevent overflow of fuel.

(f) No passenger shall be permitted in any aircraft during fueling unless a cabin attendant is present at or near the cabin door.

(g) Only personnel engaged in the fueling, maintenance, and operation of an aircraft shall be permitted within 100 feet of such aircraft during any such operation.

(h) No person shall use any material during fueling or draining of aircraft which is likely to cause a static spark.

(i) Adequate fire extinguishers shall be within ready reach of all fueling and draining operations.

(j) No person shall start the engine of any aircraft when there is any gasoline on the ground under such aircraft.

(k) Fueling hoses and draining equipment shall be maintained in a safe, sound, and non-leaking condition.

(l) All hoses, funnels, and appurtenances used in fueling and draining operations shall be equipped with a grounding device to prevent ignition of volatile liquids.

(m) The fueling and draining of aircraft shall be conducted at least 50 feet from any hangar or other building.

§ 510.58 *Fire apparatus instruction.* All employees of the Airport or tenants thereof shall master the operation of fire extinguishing apparatus and equipment in the immediate vicinity of their usual place of employment.

§ 510.59 *Radio operation.* No person shall operate any radio equipment in any aircraft when such aircraft is in a hangar.*

§ 510.6 *Aircraft.*

§ 510.60 *Parking of aircraft.* No person shall park aircraft in any area on the Airport other than that prescribed by the Manager.

§ 510.61 *Interfering and tampering with aircraft.* No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft without the permission of the owner.

§ 510.62 *Running of engines.* No person shall start or run any engine in aircraft unless a competent person is in the aircraft attending the engine controls. Blocks equipped with ropes or other suitable means of pulling them, shall always be placed in front of the wheels before starting the engine or engines unless the aircraft is provided with adequate parking brakes.

§ 510.63 *Repair of aircraft.* No aircraft, aircraft engine, propellers, and appliances shall be repaired in any area of the Airport other than that specifically designated by the Manager.*

§ 510.7 *Tractor operation in hangar.* No person shall operate a tractor in any hangar unless the tractor exhaust is protected by screens or baffles to prevent the escape of sparks or the propagation of flame.*

§ 510.8 *Obligations of tenants.*

§ 510.80 *Signs and bulletin board.* The lessees of hangars shall maintain a bulletin board in a conspicuous place for the purpose of posting any and all notices issued by the Administrator and his representatives.

§ 510.81 *Workmen's compensation.* The lessees of hangars shall post on the bulletin board workmen's compensation notices, lists of competent physicians, and names of liability insurance carriers.

§ 510.82 *First aid equipment.* All tenants or lessees of hangars or shop facilities on the Airport shall provide in such hangars or shops conveniently accessible first aid kits approved by the Manager.

§ 510.83 *Storage of equipment.* No tenant or lessee of any hangar or shop facility on the Airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property.

§ 510.84 *Fire apparatus.* All tenants or lessees of hangars or shop facilities shall supply and maintain such adequate and readily accessible fire extinguishers and fire equipment and provide for such periodic fire drills as the Manager may prescribe.*

§ 510.9 *Penalties.* Any person who violates any rule or regulation prescribed herein, or any order or instruction issued by the Manager authorized herein, may be removed or ejected from the Airport by the Manager and his representatives and may be deprived of the further use of the Airport and its facilities for such time as may be necessary to insure the safety of the Airport and the public.*

The regulations in this part shall become effective at 12:01 a. m. on the 26th day of September, 1941.

DONALD H. CONNOLLY,
Administrator.

[F. R. Doc. 41-7514; Filed, October 8, 1941; 9:36 a. m.]

PART 511—GENERAL AERONAUTICAL RULES FOR THE WASHINGTON NATIONAL AIRPORT

Sec.
511.1 General aeronautical rules.
511.10 Definitions.
511.2 Radio contact.
511.20 Report of arrival.
511.3 Areas of aircraft operations.
511.4 Aircraft equipment.
511.5 Landing area.
511.6 Taxying rules.
511.7 Landing and take-off rules.
511.8 Visual signal procedures.
511.9 Penalties.

SEPTEMBER 25, 1941.

Acting pursuant to the authority vested in me by the Act of June 29, 1940, Public No. 674, particularly sections 2 and 3 thereof and finding that my action is necessary to exercise my powers and duties under the said Act, I hereby prescribe the following regulations for the care, operation, maintenance and protection of the Washington National Airport:

§ 511.1 *General aeronautical rules.* All aeronautical activities at the Washington National Airport, and all flying of aircraft departing from or arriving at the Washington National Airport, in the airspace which constitutes the control zone of the Washington National Airport, shall be conducted in conformity with the current pertinent provisions of the Civil Air Regulations and orders issued by the Airport Manager or air-traffic control-tower operator, not in conflict with the said regulations.'*

*§§ 511.1 to 511.9, inclusive, issued under the authority contained in sec. 2, 54 Stat. 686.

§ 511.10 *Definitions.* The term "person" means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.*

§ 511.2 *Radio contact.* (a) Radio contacts between pilots of aircraft and air-traffic control-tower operators shall be conducted in accordance with the procedures and by means of the phraseologies prescribed by the Administrator of Civil Aeronautics whenever practicable.

(b) Pilots of outbound aircraft equipped with functioning two-way radio shall not taxi or take off without a control tower clearance.

[1] The attention of all pilots is invited to the provision of § 60.900 of the Civil Air Regulations, which explains under what circumstances nonobservance of air traffic rules is not considered an infraction.

(c) Pilots of aircraft not equipped with functioning two-way radio shall not land, taxi, or take off without a clearance by radio or light signal: *Provided, however,* That this shall not prohibit sufficient movement of an outbound aircraft not equipped with a functioning transmitter to attract the attention of the control-tower operator.

§ 511.20 *Report of arrival.* Unless impracticable because of weather conditions or unless Airway Traffic Control instructions preclude such action, pilots of inbound aircraft equipped with functioning two-way radio shall report at or near a contact reporting point and as they enter the airport zone.*

§ 511.3 *Areas of aircraft operations.* Aircraft operations shall be confined to hard surfaced areas. Taxi strips shall not be used for take-offs or landings.*

§ 511.4 *Aircraft equipment.* No aircraft shall be operated on the Washington National Airport unless it is equipped with radio receiver, tail or nose wheel, and wheel brakes.*

§ 511.5 *Landing area.* The Anacostia Naval Air Station, Bolling Field, and the Washington National Airport shall be regarded as one landing area in observing the circling requirement of the Civil Air Regulations.*

§ 511.6 *Taxying rules.* (a) No person shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area by visual inspection of the area and, when available, through information furnished by airport attendants.

(b) No aircraft shall be taxied except at a safe and reasonable speed.

(c) Pilots shall not taxi onto or across runway in use until specifically cleared to do so by radio or visual signal.

(d) No aircraft not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.

(e) Aircraft shall be taxied in accordance with the taxying pattern prescribed when any particular runway is in use. See attached charts.'*

§ 511.7 *Landing and take-off rules.* (a) Landings and take-offs shall be made on the runway and in the direction indicated by a traffic indicator.

(b) No landing or take-off shall be made except at a safe distance from buildings and aircraft.

(c) Aircraft landing or taking off shall conform to the air traffic pattern published jointly by the Anacostia Naval Air Station, Bolling Field and the Washington National Airport.*

§ 511.8 *Visual signal procedures.* (a) Visual signal procedures prescribed by the Administrator of Civil Aeronautics shall be observed.

(b) To an aircraft approaching for a landing:

(1) An illuminated red cross at the end of a runway shall mean: "Runway Not Clear for Landing."

(2) An illuminated green arrow shall mean: "Runway To Be Used in Direction of Arrow."

(c) To an aircraft on the ground:

(1) A red light at the take-off end of the runway in use shall mean: "Do Not Taxi Onto Runway."

(2) A red light at far end of runway in use shall mean: "Hold, Do Not Take Off."

(3) A green light at take-off end of a runway in use shall mean: "Cleared To Take Off."

(4) A green flush light at junction of taxi lane and runway shall mean: "Cleared To Taxi."

(5) A red flush light at any junction shall mean "Do Not Taxi Beyond This Point."*

§ 511.9 *Penalties.* In addition to penalties otherwise provided, any person operating or handling any aircraft in violation of the rules in this part, or refusing to comply therewith, may promptly be removed or ejected from the airport by or under the authority of the Airport Manager and upon the order of the Airport Manager, may be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein.*

The regulations in this part shall become effective at 12:02 a. m. on the 26th day of September, 1941.

[SEAL] DONALD H. CONNOLLY,
Administrator.

[F. R. Doc. 41-7513; Filed, October 8, 1941; 9:36 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50489]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

DESIGNATION OF MUNICIPAL AIRPORT, AJO, ARIZONA, AS AN AIRPORT OF ENTRY REVOKED [1]

OCTOBER 3, 1941.

The designation of the Municipal Airport, Ajo, Arizona, as an airport of entry for civil aircraft and merchandise carried thereon ariving from places outside the United States is hereby revoked, effective this date. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7512; Filed, October 7, 1941; 3:15 p. m.]

[1] This document affects the tabulation in 19 CFR 4.12.

TITLE 24—HOUSING CREDIT

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[Res. 10-6-41]

PART 301—INSURANCE OF ACCOUNTS

ADDITIONAL PREMIUM IN MERGERS, CONSOLIDATIONS, OR PURCHASES OF BULK ASSETS

Be it resolved, That, no hearing having been requested in accordance with the provisions of paragraph (d) of § 301.22 of the Rules and Regulations for Insurance of Accounts after opportunity therefor was allowed in accordance with paragraph (b) thereof, the proviso appearing in the last sentence of paragraph (c) of § 301.13 of the Rules and Regulations for Insurance of Accounts is hereby amended, effective October 8, 1941, to read as follows:

§301.13 *Premiums and their uses.*

* * * * *

(c) *Additional premium in mergers, consolidations, or purchases of bulk assets.* * * * *Provided, however,* That if the institution which is absorbed by applicant by such merger, consolidation or purchase of bulk assets is an insured institution, the applicant shall receive a credit upon its future premiums of the unearned portion of any premium theretofore paid to the Corporation by such absorbed institution. (Sec. 404, 48 Stat. 1258, sec. 25a, 49 Stat. 298; 12 U.S.C. and Sup., 1727)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-7516; Filed, October 8, 1941; 10:32 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-688]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER AMENDING, IN PART, ORDER OF THE DIRECTOR DENYING PERMANENT RELIEF AND DENYING REQUEST FOR ORAL ARGUMENT ON PETITION FOR RECONSIDERATION IN THE MATTER OF THE PETITION OF KOPPERS COAL COMPANY, A CODE MEMBER IN DISTRICT 7, FOR A CHANGE IN THE EFFECTIVE CLASSIFICATIONS AND MINIMUM PRICES OF COAL IN SIZE GROUPS 18-21 AND FOR THE ESTABLISHMENT OF THE EFFECTIVE CLASSIFICATIONS AND MINIMUM PRICES FOR ITS COAL IN SIZE GROUP 22 FOR SHIPMENT INTO ALL MARKET AREAS

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by Koppers Coal Company, a code member producer in District 7, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the price classifications established for the coals produced at its

Long Branch Mine (Mine Index No. 106) be reduced from "A" to "D" in Size Groups 18–21 and that the classification of "E" be established for the coals of said mine in Size Group 22.

On August 6, 1941, the Director issued his Findings of Fact in this matter and on the basis of the conclusions drawn therefrom, denied the requested relief.

In a petition filed on September 11, 1941, the petitioner requested that the Order of the Director entered in this proceeding on August 6, 1941, 6 F. R. 3993, denying relief be reconsidered; that the petitioner be granted an opportunity orally to argue the grounds of the petition for reconsideration; and that upon reconsideration the Director enter an order granting the relief prayed for in the original petition. The principal reasons assigned by the petitioner in support of its petition for reconsideration are that certain specified Findings of Fact and Conclusions of Law made by the Director are not supported by sufficient evidence, and that in making said findings and conclusion, the Director failed to give due consideration to certain evidence of record.

After a reconsideration of this matter, the Director is of the opinion that the Findings of Fact and Conclusions of Law and the Order heretofore entered with respect to petitioner's request for a reclassification of its coals in Size Groups 18–21 are proper; and said findings and conclusions are adequately supported by the evidence, and that all evidence of material value was given proper consideration.

The petitioner contends that the Director erred in denying its request for the establishment of an "E" classification for the Long Branch Mine coals in Size Group 22. Attention is called to the fact that the Director has established a classification of "E" for the coal in this Size Group produced at a competing mine which has the same classifications in all other Size Groups as petitioner's mine. The petitioner also refers to the testimony of its witness that an "E" classification for the coals in Size Group 22 is the highest classification for any coal in that Size Group with which petitioner's coal is in competition.

After reconsidering the record in this matter, the Director is of the opinion that petitioner's request with respect to the Long Branch Mine coals in Size Group 22 should be granted.[1] While the evidence of record does not establish that petitioner has sustained injury because of the classification presently established, it does show that that classification is not in proper relation to the classifications established for the coals of other producers in the district, and that other producers cannot be prejudiced by the establishment of an "E" classification for the Long Branch Mine coals in Size Group 22.

I, therefore, conclude that the Order Denying Relief, entered herein on August 6, 1941, should be amended by the establishment of an "E" classification for the coals of the Long Branch Mine in Size Group 22; that in all other respects petitioner's request for relief should be denied. The request of petitioner for permission to present oral argument in support of its petition for reconsideration, will be denied.

Now, therefore, it is ordered, That the Order of the Director dated August 6, 1941, denying relief herein, be and it hereby is amended to provide an "E" classification for the coals of the Long Branch Mine (Mine Index No. 106) in Size Group 22, and § 327.21 (*High volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck be amended accordingly; and

It is further ordered, That in all other respects the Order herein dated August 6, 1941, remain unchanged; and

It is further ordered, That the request of petitioner for permission to present oral argument on its petition for reconsideration is hereby denied.

Dated: October 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7529; Filed, October 8, 1941; 10:44 a. m.]

[1] On August 21, 1941, 6 F. R. 4343, the Director entered an Order in Docket No. A–416, establishing an "E" classification for the coals in Size Group 22 produced at the Willis Branch Mine (Mine Index No. 204) of Hill-Anderson Coal Company and the Ingram Branch Mine (Mine Index No. 87) of Mary Francis Coal Company. The coals of these mines also have classifications in other size groups similar to those established for petitioner's coals.

[Docket No. A–70]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER APPROVING AND ADOPTING, WITH MODIFICATION, PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER; OVERRULING IN PART, PETITIONER'S EXCEPTIONS THERETO; AND GRANTING CERTAIN RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 15 REQUESTING CHANGES IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15 FOR ALL SHIPMENTS EXCEPT TRUCK INTO ALL IOWA MARKET AREAS (EXCEPT COUNCIL BLUFFS AND SIOUX CITY)

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 15, requesting changes in the Schedule of Effective Minimum Prices for District 15 for All Shipments Except Truck for shipment into all Iowa market areas except Council Bluffs and Sioux City—Market Areas 77 and 56, respectively;

A hearing having been held in this matter, pursuant to Order of the Director, before a duly designated Examiner of the Division at Washington, D. C.; at the hearing all interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

Temporary relief in this matter having been denied by an Order of the Director dated October 17, 1940, 5 F.R. 4177;

The Examiner having made and entered his Report, Proposed Findings of Fact, conclusions of Law and Recommendations, dated March 3, 1941;

District Board 15 having in due time filed exceptions to the Report of the Examiner, and requested an oral argument before the Director; thereafter pursuant to Order by the Director, an oral argument having been held in this matter before the Director on August 4, 1941, at Washington, D. C., in which all interested persons were afforded an opportunity to participate;

The Director having considered this matter and made Findings of Fact, Conclusions of Law and having rendered an Opinion herein, which are filed herewith:[1]

Now, therefore, it is ordered, That the Proposed Findings of Fact of the Examiner be and are hereby adopted, except as to finding that the petitioner's protest in General Docket No. 15 of the 20-cent reduction in the proposed coordinated minimum prices for District 10 base coals for shipment into Iowa was, in effect, satisfied;

And it is further ordered, That the requests for relief of the original petition be and are hereby denied, except in the following two particulars:

(1) The following note is hereby ordered to be inserted in § 335.7. (*General prices; domestic, commercial and industrial coal schedule*) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck:

Prices for coals of Production Group No. 1, in Size Groups 1–10, inclusive, must be increased 15 cents per ton when coals are washed.

(2) Effective minimum prices on Size Groups 1–6, inclusive, to those specific destinations into Iowa Market Areas 47–50 and 52–54 listed in § 335.7 (*General prices; domestic, commercial and industrial coal schedule*) in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck are hereby reduced 10 cents per net ton.

Dated October 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7530; Filed, October 8, 1941; 10:45 a. m.]

[1] Not filed as part of the original document.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Atlantic Ocean in an area extending between Jupiter Inlet and Fort Pierce, Florida, comprising an aerial gunnery target range for Army aircraft.

§ 204.83 *Waters of the Atlantic Ocean; U. S. Army Air Corps, Aerial Gunnery Target Range between Jupiter Inlet and Fort Pierce, Fla.*

THE DANGER ZONE

(a) The target range forms roughly a rectangle about 10 miles wide extending 40 miles along the east coast of Florida between Jupiter Inlet and Fort Pierce, Florida, the western boundary of which is approximately 8 miles offshore. The geographic positions locating the corners of the range are as follows:

	Latitude N.	Longitude W.
N. E. corner	27°35′	80°02′
N. W. corner	27°32′	80°11′
S. E. corner	27°04′	79°46′
S. W. corner	27°00′	79°55′

THE REGULATIONS

(b) (1) The fact that aerial target practice is to take place over the designated area shall be advertised to the public through the usual media for the dissemination of information. Inasmuch as such practice is likely to be engaged in throughout the year without regard to season, such advertising of firing shall be repeated at frequent intervals which shall not exceed three months and which shall be more frequent when, in the opinion of the Commanding Officer, responsible for the use of the range, such frequent repetition is necessary in the interests of public safety.

(2) Prior to the conducting of each target practice the area shall be patrolled by Army aircraft to insure that no watercraft are within the dangerous area and any such watercraft seen in the vicinity shall be warned by means of signals that target practice is about to take place. The patrol aircraft shall employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(3) Any such watercraft shall, upon being so warned, immediately vacate the area designated and shall, until the conclusion of the practice, remain at such a distance that it will be safe from falling projectiles.

(4) The foregoing regulations shall not deny access to or egress from harbors contiguous to the danger area in the case of regular cargo-carrying vessels proceeding to and from such harbors, nor shall it deny traverse of portions of the danger area in the case of such regular cargo-carrying vessels proceeding on established steamer lines. In case of the presence of any such vessel in the danger area the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel shall have cleared the part of the area in which it might be endangered by falling projectiles. The vessel shall proceed on its normal course and shall not delay its progress.

(5) No marking of the area is proposed, and all aircraft and watercraft shall be presumed to know their whereabouts by distances and directions from landmarks or other topographical features along the shore.

(6) These regulations shall be enforced by the U. S. Coast Guard and the Commanding Officer, West Palm Beach Air Base, West Palm Beach, Florida. (Sec. 7, River and Harbor Act. Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Sept. 29, 1941 (E.D. 7195 (Atlantic Ocean—Florida)—1/6)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–7515; Filed, October 8, 1941; 9:37 a. m.]

[1] § 204.83 is added.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1541–FD]

IN THE MATTER OF THE WYATT COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9906, DEFENDANT

CORRECTION OF TYPOGRAPHICAL ERRORS IN ORDER CANCELLING HEARING AND ORDER FOR REINSTATEMENT OF REGISTRATION

A typographical error occurred in the Order Cancelling Hearing dated August 14, 1941, and in the Order for Reinstatement of Registration, dated August 14, 1941, in the above-entitled matter.

In the fourth line of the title "In the Matter of the Wyatt Coal Sales Company, Registered Distributor" in said orders and again in the fourth line of the first paragraph of the Order for Reinstatement of Registration, the registration number is incorrectly given as "Registration No. 9960" whereas the correct registration number is "9906."

Now, therefore, it is ordered, That in the fourth line of the title "In the Matter of the Wyatt Coal Sales Company, Registered Distributor" in said orders and again in the fourth line of the first paragraph of the Order for Reinstatement of Registration, the registration number should be and the same hereby is corrected to read "Registration No. 9906."

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7517; Filed, October 8, 1941; 10:44 a. m.]

[Docket No. A–685]

PETITION OF TRUAX-TRAER COAL COMPANY, A CODE MEMBER PRODUCER IN DISTRICT NO. 8, FOR A REDUCTION IN THE PRICE OF ITS DOROTHY COAL IN SIZE GROUP 24 (WATER-GAS) FOR SHIPMENT TO MARKET AREA 99, OR FOR CONSUMPTION BY MINNEAPOLIS GAS LIGHT COMPANY

ORDER DENYING FINAL RELIEF

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, by Truax-Traer Coal Company, a code member in District 8, seeking a reduction in the price classification for Size Group 24 (water-gas) produced at its Acme, Raccoon, Rose, United, and Marsh Fork Mines (Mine Index Nos. 1, 386, 416, 468, and 318, respectively) situated in District 8, from "A" to "C," with a corresponding reduction in minimum price of $2.35 to $2.25 for shipment to Market Area 99, or, in the alternative, for consumption by Minneapolis Gas Light Company, Minneapolis, Minnesota, via Lake shipments;

A hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room of the Division, in Washington, D. C.;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:[1]

It is ordered, That the relief prayed for by the petitioner, herein, Truax-Traer Coal Company, be and the same hereby is denied.

Dated: October 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7518; Filed, October 8, 1941; 10:44 a. m.]

[Docket No. A–283–a]

PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

MEMORANDUM OPINION AND ORDER OF DISMISSAL

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Bituminous Coal Division by District Board 8, proposing price classifications and minimum prices for the coals of certain mines in District 8 not theretofore classified and priced, including the coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company, a code member in District 8. By Order dated November 6, 1940, temporary price classifications and minimum prices were established for the coals of said mine. Thereafter, the Meadow Creek Coal Company intervened, protesting the price classifications and minimum prices temporarily established for the coals of

[1] Not filed as part of the original document.

the Solon Mine, and requesting additional temporary and permanent relief.

After appropriate public notice, a hearing was held in this matter on December 2, 9, and 10, 1940, before a duly designated Examiner of the Division, and all persons were given an opportunity to participate fully in the hearing. At the hearing witnesses testified on behalf of District Board No. 8 and the Meadow Creek Coal Company.

District Board No. 8 recommended the granting of certain additional relief to Meadow Creek Coal Company by establishing lower classifications and minimum prices for coals of the Solon Mine for shipment into Market Area No. 114 only. The intervener renewed its request for temporary relief on the basis of its intervening petition. On January 31, 1941, an Order was issued by the Director granting additional and further temporary relief in connection with the coals of the Solon Mine, subject to conditions therein set forth.

On February 10, 1941, District Board No. 9 moved to stay or modify the temporary relief granted by the Order of January 31, 1941, and requested the reopening of the hearing with reference to the price classifications and minimum prices established for the coals of the Solon Mine.

Thereupon, pursuant to an Order of the Director of March 10, 1941, the proceedings with respect to the Solon Mine of the Meadow Creek Coal Company were severed from the remainder of the proceedings in Docket No. A-283, and designated as Docket No. A-283-a. By the same Order, after due notice, a hearing was scheduled for March 24, 1941, before a duly designated Examiner of the Division at a hearing room in Washington, D. C., for the limited purpose of considering the evidence of District Boards Nos. 9 and 13, and any other interested parties, with respect to the establishment of price classifications and minimum prices for the coals of the Solon Mine.

At the hearing, through agreement of District Boards Nos. 8 and 9, the Examiner continued the matter until April 24, 1941. On that date, by the Director's Order, the hearing was postponed to May 15, 1941. However, on May 15, 1941, due to the unavoidable absence of a principal witness for District Board No. 8, the Examiner sustained a motion to continue the hearing until June 26, 1941. By a later motion of continuance and consequent Order of the Director, the hearing was moved up to July 15, 1941.

Finally, after another motion for continuance and Order of the Director, a hearing was held in this matter on September 16, 1941, before a duly designated Examiner of the Division, Charles O. Fowler, at a hearing room of the Division, in Washington, D. C. District Board No. 9 and the petitioner, District Board No. 8, appeared. Counsel for District Board No. 9 stated that he had no witnesses to present and offered no evidence in support of its requested relief. Under the circumstances, it is appropriate to dismiss its motion to modify the temporary relief heretofore granted to the Meadow Creek Coal Company, and further it seems appropriate that the prices heretofore temporarily established should be made permanent.

Now, therefore, it is ordered, That the intervening petition of District Board No. 9 herein seeking relief in the form of a modification of the price classifications and minimum prices temporarily established for the coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company, set by Order of the Director on January 31, 1941, be and hereby is dismissed.

And it is further ordered, That the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended by establishing the following classifications (and corresponding minimum prices) for the coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company:

FOR DESTINATION OTHER THAN GREAT LAKES

Size group	1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21
Classification	P	P	M	L	M	J	M	H	G	O

FOR GREAT LAKES CARGO ONLY

Size group	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21
Classification	P	O	M	H	F	F	M	Q	O

Dated: October 6, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7519; Filed, October 8, 1941; 10:45 a. m.]

[Docket Nos. 1863-FD, 1866-FD]

IN THE MATTER OF THE APPLICATIONS OF R. C. TWAY COAL SALES COMPANY FOR PERMISSION TO RECEIVE SALES AGENT'S COMMISSIONS ON COAL SOLD TO THE JAMES COAL COMPANY AND TO THE B. & S. COAL & STOKER CO.

NOTICE AND ORDER OF POSTPONEMENT OF HEARING

Applicant having moved that the hearings in the above-entitled matters be postponed, and having shown good cause why its motion should be granted,

It is ordered, That the hearings in the above-entitled matters be postponed from 10 o'clock in the forenoon of October 16, 1941 to 10 o'clock in the forenoon of November 17, 1941, at the place heretofore designated and before the officer previously designated to preside at said hearing.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7520; Filed, October 8, 1941; 10:45 a. m.]

[Docket No. A-941]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR RAW OR WASHED COALS WHICH ARE CRUSHED, PULVERIZED OR REDUCED BY ANY METHOD DOWN TO THE SIZE DIMENSIONS PRESCRIBED FOR SIZE GROUPS 13 AND 16, INCLUSIVE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for October 9, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from 10 o'clock in the forenoon of October 9, 1941, until 10 o'clock in the forenoon of November 17, 1941, at the place and before the officers heretofore designated.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7521; Filed, October 8, 1941; 10:45 a. m.]

[Docket No. B-8]

IN THE MATTER OF TONY CAPUTO, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 4, 1941, by Bituminous Coal Producers Board for District No. 3, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Nutter Fork, West Virginia, during the period from October 3, 1940, to November 9, 1940, both dates inclusive, sold an undetermined quantity of coal produced at his Davisson's Run Mine, Mine Index No. 538, located in Harrison County, West Virginia, District No. 3, to various persons at prices which do not reflect the addition of the actual cost of transportation to the minimum f. o. b. mine price when delivery is made in transportation facilities owned or controlled by the defendant, as set forth in Price Instruction No. 6 of supplement No. 1 to the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7522; Filed, October 8, 1941; 10:46 a. m.]

[Docket No. B-9]

IN THE MATTER OF CLAUDE GALBRAITH & SON COAL COMPANY, A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 28, 1941 by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 216, Post Office Building, Terre Haute, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Aca of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (1) That the defendant, whose address is R. F. D. No. 2, Brazil, Indiana, during the period from October 1, 1940 to August 4, 1941, both dates inclusive, sold and delivered to the American Zinc Products Company, Greencastle, Indiana, a round-trip haul of approximately 52 miles from and to defendant's mine, a substantial number of tons of 2" lump coal and 2" screenings, produced at its mine, Mine Index No. 217, located in Clay County, Indiana, District No. 11, at a delivered price of $2.50 per ton for lump coal and $1.90 per ton for screenings, whereas the effective minimum prices established for 2" lump and 2" screenings for said mine are $2.20 per ton and $1.35 per ton, respectively; that the sale and delivery of such coals by the defendant to the said American Zinc Products Company at delivered prices of $2.50 per ton for lump coal and $1.90 per ton for screenings does not reflect the addition to the f. o. b. mine price of not less than the actual cost of transportation and, therefore, such coals were sold in violation of the effective minimum price; and

(2) That the defendant on September 14, 1940, entered into an agreement with the said American Zinc Products Company for the sale of coal providing for delivery for a period in excess of that authorized for a spot order in violation of Rule 1 of Section IV of the Marketing Rules and Regulations, effective October 1, 1940.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7523; Filed, October 8, 1941; 10:48 a. m.]

[Docket No. B–10]

IN THE MATTER OF J. B. WILLIAMSON, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Old Federal Building, Rm. 539, Cleveland, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose post office address is 219 Greensburg Avenue, Turtle Creek, Pennsylvania, during the period January 1 to June 1, 1941, inclusive, sold through his sales agent, Coal Sales, Inc., Cleveland, Ohio, and delivered via truck to Ohio Boxboard Company, at its plant located in Rittman, Ohio, approximately 4938.243 tons of nut and slack coal, and approximately 997.175 tons of slack coal, produced at his Kohr Coal Co. Mine (Mine Index No. 1759), at $2.30 per net ton f. o. b. destination, whereas these coals are classified as Size Groups 7 and 8, respectively, and priced at $1.90 and $1.80, respectively, f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments.

That said coal was hauled a distance of approximately 40 miles from said mine to the purchaser at Rittman, Ohio. That said delivery price constituted an absorption of a part of the trucking charge made by an independent contractor, or the defendant's own cost, for hauling the aforementioned coal from the mine of the defendant to the Rittman plant of the Ohio Boxboard Company, all in violation of section 4 II (g) of the Bituminous Coal Act of 1937 and Price Instruction No. 6 as set forth in supplement No. 1 to Appendix A–4–T, being the effective minimum prices for truck shipments for District No. 4.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc 41–7524; Filed, October 8, 1941; 10:47 a. m.]

[Docket No. B–12]

IN THE MATTER OF E. H. FANNIN, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 3, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That during the period March 27 to April 7, 1941, inclusive, the said defendant, whose post office address is R. F. D. No. 1, Rush, Kentucky, sold, offered for sale, and delivered to Ray Rife, approximately 10.225 net tons of high volatile run of mine coal, and approximately 10.75 net tons of high volatile 2" lump coal, produced at defendant's Fannin Mine, Mine Index No. 1041, at $1.70 per net ton, and $2.10 per net ton, respectively, f. o. b. said mine, whereas this coal is classified as Size Groups 6 and 2, respectively, priced at $2.00 per net ton and $2.45 per net ton, respectively, f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7525; Filed, October 8, 1941; 10:46 a. m.]

[Docket No. B-13]

IN THE MATTER OF A. B. EWEN, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 3, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 12, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, A. B. Ewen, West Liberty, Kentucky, sold and offered to sell, at $2.25 per net ton f. o. b. the mine, during the period from October 2, 1940 to April 12, 1941, both dates inclusive, to Francis M. A. Leach, approximately 1452.85 tons of 2" and over Cannel lump coal produced by the defendant at his Lick Branch Cannel Mine, Mine Index No. 2863, located in Morgan County, Kentucky, District No. 8, whereas said coal was classified as Size Group No. 1 and priced at $2.65 per net ton f. o. b. the mine as shown in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, which transactions constituted sales and offers for sale of bituminous coal at prices below the minimum established therefor by the Division and a violation of the Act and the Code.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7526; Filed, October 8, 1941; 10:47 a. m.]

[Docket No. B-19]

IN THE MATTER OF ISAAC COLLINS (MAMMOTH BLOCK COAL COMPANY, A PARTNERSHIP), CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 5, 1941, by Bituminous Coal Producers Board for District No. 8 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compell their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appro-

priate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is Rush, Kentucky, from the period March 8, 1941, to April 14, 1941, both dates inclusive, sold, delivered and offered to sell approximately 87.02 tons of ¾'' nut and slack coal, High Volatile Size Group 8, produced at defendant's mine, Mine Index No. 3167, located in Boyd County, Kentucky, to Ray Rife, Rush, Kentucky, at the price of 40 cents per ton f. o. b. the mine, whereas the effective minimum price established for such coal was $1.45 per net ton f. o. b. the mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7527; Filed, October 8, 1941; 10:46 a. m.]

[Docket No. 1811-FD]

IN THE MATTER OF MILLER BROS. (CARL MILLER) A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 21, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 23, 1941, by the Bituminous Coal Producers Board for District No. 22, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling during October, November and December 1940 approximately 214 tons of 2'' lump sized coal, Size Group 2, produced at Miller Mine, Mine Index No. 201, District No. 22, to various purchasers, at sales prices ranging from $4.00 to $4.25 per net ton f. o. b. said mine, whereas the effective minimum price established therefor by the Division, as shown in the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments, was $4.50 per net ton f. o. b. said mine, which sale prices were from 50 to 25 cents below the effective minimum price established therefor by the Division.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7528; Filed, October 8, 1941; 10:47 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 9, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Nathan and David Shapiro, Homerville, Georgia; Fur Mats; 5 learners; 4 weeks for any one learner; 25 cents per hour; Fur Machine Operator; November 20, 1941.

Signed at Washington, D. C., this 8th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7537; Filed, October 8, 1941; 11:38 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940,

5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 9, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage.

B & B Manufacturing Company, 26 Canfield Street, Orange, New Jersey; Wash Frocks; 3 learners; October 9, 1942. (This certificate replaces one issued bearing the expiration date of September 29, 1942.)

Bareville Garment Company, Bareville, Pennsylvania; Ladies' Undergarments and Nightwear; 5 learners; October 9, 1942.

Cal-Made Manufacturing Company, 308 East Ninth Street, Los Angeles, California; Shirts; 5 learners; October 9, 1942.

Carolina Underwear Company, Thomasville, North Carolina; Woven Underwear; 3 learners; October 9, 1942.

Cavalier Garment Corporation, 113 Main Street, Evansville, Indiana; Trousers, Shirts; 10 percent; October 9, 1942.

Cavalier Garment Corporation, 113 Main Street, Evansville, Indiana; Trousers, Shirts; 10 learners; March 19, 1942.

Even-Pul Foundations, Inc., 321 Main Street, East Rutherford, New Jersey; Foundation Garments; 10 percent; October 9, 1942. (This certificate replaces one issued bearing expiration date of December 15, 1941.)

Robert Fox Company, Inc., 72 Germanville Avenue, Mystic, Connecticut; Chenille Robes; 5 learners; February 5, 1942.

Friedman-Marks Clothing Company, 1400 West Marshall Street, Richmond, Virginia; Men's & Young Men's Clothing; 5 percent; October 9, 1942.

Isaac Ginsberg and Brothers, Inc., 433–35 South West Street, Syracuse, New York; Dresses; 10 learners; October 9, 1942.

Greensboro Manufacturing Company, 308 Walker Avenue, Greensboro, North Carolina; Flannelette Wear and Cotton Underwear; 10 percent; October 9, 1942.

LaFollette Shirt Company, LaFollette, Tennessee; Dress Shirts; 10 percent; October 9, 1942.

LaFollette Shirt Company, LaFollette, Tennessee; Dress Shirts; 15 learners; March 19, 1942.

Lewel Manufacturing Company, 46 Nesbitt Street, Newark, New Jersey; Corsets and Brassieres; 10 percent; October 9, 1942.

Majestic Pants Company, 69 Chestnut Street, Norwich, Connecticut; Pants; 8 learners; October 9, 1942. (This certificate replaces one issued bearing expiration date of December 5, 1941.)

Ottenheimer Brothers, Inc., 115 Woodland Street, Little Rock, Arkansas; Dresses; 10 percent; October 9, 1942.

Par Ex Shirt Company, 20 Wooster Street, New Haven, Connecticut; Shirts; 10 percent; October 9, 1942. (This certificate replaces one issued bearing expiration date of November 17, 1941.)

Phillips Jones Corporation, Barnesboro, Pennsylvania; Army Shirts; 10 percent; April 2, 1942.

Phillips Jones Corporation, Sixth and Ruddle Streets, Coaldale, Pennsylvania; Army Shirts; 10 percent; April 2, 1942.

Phillips Jones Corporation, Sunbury Street, Minersville, Pennsylvania; Army Shirts; 10 percent; April 2, 1942.

M. H. Raab-Meyerhoff Company, 8th and Dauphin Streets, Philadelphia, Pennsylvania; Men's Shirts; 10 percent; October 9, 1942.

Reliance Manufacturing Company, Anamosa, Iowa; Men's Cotton Work Shirts; 10 percent; October 9, 1942.

Renee of Hollywood, 743 Santee Street, Los Angeles, California; Brassieres, Garter Belts, Girdles; 5 learners; October 9, 1942.

Rice Stix Factory No. 9, 417 North 10th Street, St. Louis, Missouri; Dresses; 10 percent; October 9, 1942.

Savage Manufacturing Company, 1701 North Damen Avenue, Chicago, Illinois; House Dresses, Blouses, Slack Suits; 10 learners; October 9, 1942.

Seibel and Stern, Walnut and Orchard Streets, Bridgeton, New Jersey; Dresses; 10 percent; October 9, 1942.

Stadium Manufacturing Company, Inc., 1501 Guilford Avenue, Baltimore, Maryland; Pajamas; 10 percent; October 9, 1942.

A. Stein and Company, Broadway and Vermillion, Streator, Illinois; Brassieres and Sanitary Goods; 10 learners; October 9, 1942.

Wales Shirt Company, 76 Franklin Street, New Haven, Connecticut; Men's Dress Shirts; 10 percent; October 9, 1942.

Gloves

Gloversville Knitting Company, Congress Street, Schenectady, New York; Knit Wool Gloves; 10 percent; April 9, 1942.

Hosiery

Barnett Hosiery Mills, Taylorsville, North Carolina; Seamless Hosiery; 5 learners; October 9, 1942.

Black Mountain Hosiery Mills, Inc., Black Mountain, North Carolina; Seamless Hosiery; 5 learners; October 9, 1942.

Clayton Hosiery Mills, 95 Bridge Street, Lowell, Massachusetts; Seamless Hosiery; 5 learners; October 9, 1942.

Danville Knitting Mills, Lynn and Newton Streets, Danville, Virginia; Seamless Hosiery; 5 percent; October 9, 1942.

W. B. Davis and Son, Incorporated, Eighth Street, Fort Payne, Alabama; Seamless Hosiery; 5 percent; October 9, 1942.

C. D. Jessup and Company, Claremont, North Carolina; Seamless Hosiery; 5 learners; October 9, 1942.

Montgomery Knitting Mill, Commerce Street, Summerville, Georgia; Seamless Hosiery; 5 percent; October 9, 1942.

Moreland Knitting Mills, Moreland, Georgia; Seamless Hosiery; 15 learners; June 9, 1942.

Murray Hosiery Mills, Incorporated, South Fourth Street, Murray, Kentucky; Seamless Hosiery; 5 percent; October 9, 1942.

Rambo and Regar, Incorporated, Main below Ford Street, Norristown, Pennsylvania; Seamless Hosiery; 5 percent; October 9, 1942.

Sweetwater Hosiery Mills, 818 N. Main Street, Sweetwater, Tennessee; Seamless Hosiery; 5 percent; October 9, 1942.

Union Manufacturing Company, Union Point, Georgia; Seamless Hosiery; 5 percent; October 9, 1942.

Knitted Wear

Carolina Underwear Company, Thomasville, North Carolina; Rayon Knit Underwear; 2 learners; October 9, 1942.

Textile

Ossipee Weaving Company, R. F. D. No. 1, Elon College, North Carolina; Rayon Thread; 3 percent; October 9, 1942.

Signed at Washington, D. C., this 8th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7538; Filed, October 8, 1941; 11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-31]

IN THE MATTER OF PUBLIC SERVICE CORPORATION OF NEW JERSEY

ORDER CORRECTING FINDINGS AND DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, 1941 A. D.

The Commission, on September 15, 1941, issued its Findings, Opinion, and Order denying the application of Public Service Corporation of New Jersey, under section 2 (a) (8) of the Public Utility Holding Company Act of 1935, for an order declaring it not to be a subsidiary company of The United Gas Improvement Company and The United Corporation, registered holding companies. On September 19, 1941, Public Service Corporation of New Jersey filed a Petition for Rehearing by the Commission of matters covered by said Order.

The Commission has carefully considered said Petition for Rehearing in which Petitioner avers, among other things, that the Petition is presented to accomplish all steps which may be required to render effective the filing of a Petition for Review under the provisions of section 24 (a) of the Public Utility Holding Company Act of 1935.

It appears that the only ground presented in support of the Petition which was not disposed of in our Findings and Opinion of September 15, 1941 relates to the denial of Petitioner's motion for the making and filing of a report by the Trial Examiner. Our Findings and Opinion omitted discussion on this point because it was not raised in Petitioner's Brief or in oral argument when we consider the issues raised by the application. However, the denial of the motion furnishes no basis for a rehearing as Petitioner's own application and our original Notice of and Order for Hearing thereon framed the issues involved and gave Petitioner adequate notice thereof. Moreover, pursuant to the Commission's Order, the Requested Findings of Fact and Brief of Counsel to the Public Utilities Division were filed and submitted to Petitioner thirty days and fifteen days, respectively, in advance of the filing of Petitioner's Requested Findings of Fact and Brief. Nor does the Petitioner point out any respect in which the Original Notice of and Order for Hearing, and the Requested Findings of Fact and Brief of Counsel to the Public Utilities Division, failed to apprise them of the issues, nor any respect in which they were surprised as to the conception of those issues revealed in our Findings and Opinion. The Petitioner also stresses an alleged requirement of due process that a report be made by the individual who presided over the taking of the testimony. Without conceding that any such requirement exists, even in a case where there are issues as to the credibility of witnesses, it should be pointed out that no such issues arose in this case, and that our own Findings and Opinion were based upon a careful review of the evidence, substantially all of which came from witnesses produced by Petitioner or from documents in the files of Petitioner or of affiliated interests. Under the circumstances, we saw no reason to grant such a motion, which would have resulted only in delaying the proceedings.

The Petition for Rehearing does not set forth any additional grounds not disposed of by our Findings and Opinion of September 15, 1941, or any matters not previously considered prior to the entry of the Order denying the application, on the basis of which the Commission should grant a rehearing.

It further appears that the date "1903" on Page 17, Line 13 of said Findings and Opinion of the Commission is erroneous and should read "1929".

It is therefore ordered, That the date "1903" on Page 17, Line 13, of the Findings and Opinion of the Commission, be stricken out and the date "1929" be substituted therefor;

It is further ordered, That said Petition for Rehearing, be, and the same hereby is, denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7532; Filed, October 8, 1941; 11:35 a. m.]

[File Nos. 54-33 and 59-25]

IN THE MATTER OF THE UNITED CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, 1941 A. D.

The Commission having issued, on August 18, 1941, its Order extending the time for the filing of the Respondent's answer to September 15, 1941, and postponing the scheduled public hearing to October 15, 1941; and

The Respondent having filed, on September 15, 1941, its answer and motion to dismiss the proceedings instituted under sections 11 (b) (1) and 11 (b) (2) of the Act; and the Commission having heard oral argument on said motion on October 2, 1941, taken the matter under advisement, and granted the Respondent until October 11, 1941 to file a brief with respect thereto, pending which time it appears appropriate to postpone the scheduled hearing;

It is ordered, That the public hearing, scheduled for October 15, 1941 be and is hereby postponed to October 21, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7533; Filed, October 8, 1941; 11:36 a. m.]

[File No. 812-203]

IN THE MATTER OF NATIONAL PLAN, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1941.

An application having been duly filed by the above named applicant under section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of financial reports to its stockholders at a date later than that prescribed by Rule N-30D-1;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and Rules and Regulations of the Commission be held on October 16, 1941 at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7534; Filed, October 8, 1941; 11:36 a. m.]

[File No. 812-116]

IN THE MATTER OF SELECTED INVESTMENTS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (d) of the Investment Company Act of 1940 for an order of exemption from the provisions of that Act;

It is ordered, That a hearing on the aforementioned application be held on October 14, 1941, at 9:30 o'clock in the forenoon of that day at the Branch

Office of the Securities and Exchange Commission, United States Post Office and Court House, Los Angeles, California.

It is further ordered, That John G. Clarkson, Esq. or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be necessary in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7535; Filed, October 8, 1941; 11:36 a. m.]

[File No. 70-394]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION AND MINNESOTA UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1941.

American Utilities Service Corporation, a registered holding company, and Minnesota Utilities Company, its subsidiary company, having filed a declaration pursuant to Rule U-42 and Rule U-44 promulgated under the Public Utility Holding Company Act of 1935, regarding the sale by said Minnesota Utilities Company of certain of its utility assets to Otter Tail Power Company and the acquisition and retirement by said American Utilities Service Corporation of not to exceed $400,000 principal amount of its Collateral Trust 6% Bonds, Series A; and

Said declaration having been filed September 2, 1941, and an amendment thereto having been filed on September 30, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of Rule U-42 and Rule U-44 are satisfied;

It is hereby ordered, Pursuant to said U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7536; Filed, October 8, 1941; 11:37 a. m.]

TITLE 7

CHAPTER I—
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PART 29—

DESIGNATING FO
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§ 29.301 *Ord*
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FEDERAL REGISTER

VOLUME 6 NUMBER 198

Washington, Friday, October 10, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 29—TOBACCO INSPECTION

DESIGNATING FOUR ONE SUCKER TOBACCO MARKETS IN KENTUCKY AND TENNESSEE UNDER THE TOBACCO INSPECTION ACT

§ 29.301 *Orders of designation of tobacco markets.*

* * * * *

(r) Pursuant to authority conferred upon the Secretary of Agriculture by The Tobacco Inspection Act (49 Stat. 731: U.S.C., Sup. V, secs. 511–511q), the One Sucker tobacco markets at Franklin, Mayfield, and Russellville, Kentucky; and Westmoreland, Tennessee, are designated as markets at which transactions in tobacco are subject to the provisions of The Tobacco Inspection Act.

Effective thirty days from this date, no tobacco shall be offered for sale at auction on said markets until such tobacco shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under The Tobacco Inspection Act: *Provided, however,* That the requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the markets designated herein.

Done at Washington, D. C., this 9th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7547; Filed, October 9, 1941; 10:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO D. E. BLACKWELL COMMISSION CO., ATLANTA, GEORGIA [1]

OCTOBER 9, 1941.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. sec. 202 (b)), it has been ascertained by me that the stockyard known as the D. E. Blackwell Commission Company at Atlanta, State of Georgia, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7546; Filed, October 9, 1941; 10:57 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4286]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE THOMAS PAGE MILL COMPANY, INC., ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In connection with the sale of flour in commerce, paying or granting anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof to

[1] Modifies list posted stockyards 9 CFR 204.1.

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FEDERAL REGISTER

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any purchaser on or in connection with purchases for such purchaser's account or to an agent, representative or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of such purchaser of respondent's goods, prohibited. (Sec. 2c, 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, The Thomas Page Mill Company, Inc., et al., Docket 4286, October 1, 1941]

In the Matter of The Thomas Page Mill Company, Inc., a corporation, and Piedmont Wholesale Grocery Company, a corporation.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission,[1] the answers of respondent The Thomas Page Mill Company, Inc., and respondent Piedmont Wholesale Grocery Company, and a stipulation as to the facts entered into between respondent The Thomas Page Mill Company, Inc., and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon respondent The Thomas Page Mill Company, Inc., findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent The Thomas Page Mill Company, Inc. has violated the provisions of Section 2 (c) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13);

It is ordered, That respondent The Thomas Page Mill Company, Inc., its officers, representatives, agents and employees, in connection with the sale of flour in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from paying or granting anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof to any purchaser on or in connection with purchases for such purchaser's account or to an agent, representative or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of such purchaser of respondent's goods.

It is further ordered, That the respondent The Thomas Page Mill Company, Inc. shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondent Piedmont Wholesale Grocery Company.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-7570; Filed, October 9, 1941; 11:31 a. m.]

[1] 5 F.R. 3585.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), paragraph (d) of Section 203.100—Bridge Regulations, is hereby amended to read as follows:

§ 203.100 *Thames River, Conn.; bridges of New York, New Haven & Hartford Railroad Co., and the State of Connecticut at New London.*

* * * * *

(d) Except as hereinafter provided, the draws of the above-named bridges shall be immediately opened, upon the prescribed signal, at all times during the day or night for the passage of foreign vessels and "vessels of the United States," as defined in Section 4311 of the Revised Statutes (46 U.S.C. 251).

Exceptions. When a westbound train scheduled to cross the railroad bridge without stop has passed Midway Station, or a southbound train Groton Station, or an eastbound train New London Station, and is in motion toward the railroad bridge, the draws shall be opened for the above-named vessels as soon as the train has crossed the railroad bridge.

Closed periods when the draws of these bridges need not be opened are authorized as follows:

From Monday to Friday, inclusive, in each week:

Between 6:45 a. m. and 7:45 a. m.
Between 3:30 p. m. and 4:30 p. m.

Vessels of the United States Army, Navy, or Coast Guard services may request opening of the draws during the above periods, in event of emergency or other extraordinary circumstances. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. Sept. 27, 1941. (E.D. 6371 (Thames River, Conn.)—3/3)]

* * * * *

[SEAL] E. S. ADAMS, *Major General, The Adjutant General.*

[F. R. Doc. 41-7540; Filed, October 9, 1941; 9:42 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 2—GENERAL RULES AND REGULATIONS

AMENDMENTS

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), and the Act of May 14, 1934 (48 Stat. 775, 16 U.S.C. 404b), § 2.55[1] is hereby amended by adding two new paragraphs designated (o) and (p) respectively, reading as follows, to become effective October 1, 1941:

§ 2.55 *Fees.*

* * * * *

(o) *Guide fees for Mammoth Cave.* (1) In Mammoth Cave National Park, no person or persons shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which fees shall be charged as follows:

Route	*Fee per person*
No. 1. Echo River	$1.40
No. 2. Frozen Niagara	1.40
No. 3. Historical	1.80
No. 4. All day	2.75

Guide fees for additional trips taken in combination with the above routes:

Route	*Fee per person*
No. 1. Echo River	$1.00
No. 2. Frozen Niagara	1.00
No. 3. Historical	1.40
No. 4. All day	1.80

Guide fees for organized parties of twenty adults or more:

Route	*Fee per person*
No. 1. Echo River	$1.00
No. 2. Frozen Niagara	1.00
No. 3. Historical	1.40
No. 4. All day	1.85
Additional routes, each	1.00

(2) The fees prescribed in this paragraph include a charge for bus transportation service of 25 cents per person for each cave trip to be paid to the park operator whenever such service is furnished between cave headquarters and cave entrances or exits.

(3) In proper cases and upon application made in advance, the Director may authorize admission without charge for guide service to persons from reputable educational institutions for the purpose of prosecuting class work or studies, or to persons under the support and care of charitable institutions and their attendants. No guide fee shall be charged for children 16 years of age, or under, or groups of school children 18 years of age, or under, when accompanied by adults assuming responsibility for their safety and orderly conduct while in the cave: *Provided*, That all persons exempt from payment of the guide fees shall pay a bus transportation fee of 25 cents per person to be paid to the park operator whenever such service is furnished between cave headquarters and cave entrances or exits. (39 Stat. 535, 48 Stat. 775, 16 U.S.C. 3, 404b).

(p) *Admissions tax.* All fees prescribed by paragraphs (a) (1), (c), (d), (e), (g), (i), (n), and (o) (1) of this section are subject to the tax imposed by section 1700 (a) (1) of the Internal Revenue Code, as amended by section 541 of the Revenue Act of 1941. (39 Stat. 535, 48 Stat. 775, 16 U.S.C. 3, 404b)

Approved: October 1, 1941.

[SEAL] JOHN J. DEMPSEY, *Under Secretary.*

[F. R. Doc. 41-7573; Filed, October 9, 1941; 11:34 a. m.]

[1] § 203.100 (d) is amended.

[1] 6 F.R. 1626.

[1] 5 F.R. 3264.

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

HAVASU LAKE NATIONAL WILDLIFE REFUGE, ARIZONA AND CALIFORNIA

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing hunting within Havasu Lake National Wildlife Refuge, in Arizona and California, are prescribed:

§ 23.409 *Havasu Lake National Wildlife Refuge, Arizona and California; hunting.* Migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act regulations) and coots may be taken within certain areas, hereinafter described, of Havasu Lake National Wildlife Refuge, in Arizona and California, during the period November 2 to December 14, 1941, inclusive, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service and in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act, when, in manner, by means, and to the extent not prohibited by either Federal or State law or regulation, and under the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All the lands of the United States within the following-described areas of the refuge shall be open to hunting:

(1) That part of the refuge extending from the Topock Highway Bridge south to the line common to Tps. 13 and 14 N., R. 20 W., extended;

(2) That part of the refuge extending from the line common to Tps. 12 and 13 N., R. 19 W., extended, south to the line common to Tps. 11 and 12 N., R. 18 W., extended;

(3) That part of the refuge lying and being east of the line common to secs. 9 and 10, and 15 and 16, T. 11 N., R. 18 W.; Gila and Salt River, Meridian, Arizona.

(b) *State laws.* Any person while hunting within the refuge must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license, if such license is required, and, if hunting migratory waterfowl, a properly validated migratory-bird hunting stamp. The license and the stamp shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license and the stamp must be exhibited upon the request of any representative of the Arizona Game and Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws, or of any representative of the Department of the Interior. Upon request of the officer in charge, the licensee must also exhibit for inspection all birds killed by him or in his possession.

(d) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(e) *Hunting dogs.* Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(f) *Entry upon refuge; firearms.* Persons entering the refuge for the purpose of hunting shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-load shotgun shells on the refuge is prohibited.

(g) *Penalties.* Failure of a permittee to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

October 1, 1941.

JOHN J. DEMPSEY, *Acting Secretary of the Interior.*

[F. R. Doc. 41-7543; Filed, October 9, 1941; 9:45 a. m.]

PART 23—SOUTHWESTERN REGION NATIONAL WILDLIFE REFUGES

IMPERIAL NATIONAL WILDLIFE REFUGE, ARIZONA AND CALIFORNIA

Under authority of section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43

Stat. 98, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing hunting within Imperial National Wildlife Refuge, in Arizona and California, are prescribed:

§ 23.467 *Imperial National Wildlife Refuge, Arizona and California; hunting.* Migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act regulations) and coots may be taken within certain areas, hereinafter described, of Imperial National Wildlife Refuge, in Arizona and California, during the period November 2 to December 14, 1941, inclusive, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service and in accordance with the regulations promulgated pursuant to the authority contained in the Migratory Bird Treaty Act, when, in manner, by means, and to the extent not prohibited by either Federal or State law or regulation, and under the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All the lands of the United States within the following-described areas of the refuge shall be open to hunting:

(1) That part of the refuge from the south boundary of the refuge to Reclamation River Station No. 4;

(2) That part of the refuge between Reclamation River Stations Nos. 9 and 11.

(b) *State laws.* Any person while hunting within the refuge must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license, if such license is required, and, if hunting migratory waterfowl, a properly validated migratory-bird hunting stamp. The license and the stamp shall serve as a Federal permit for hunting on the refuge and must be carried on the person of the licensee while so hunting. The license and the stamp must be exhibited upon the request of any representative of the Arizona Game and Fish Commission or of the California Department of Natural Resources authorized to enforce the State game laws, or of any representative of the Department of the Interior. Upon request of the officer in charge, the licensee must also exhibit for inspection all birds killed by him or in his possession.

[1] 5 F.R. 5284.

(d) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(e) *Hunting dogs.* Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge.

(f) *Entry upon refuge; firearms.* Persons entering the refuge for the purpose of hunting shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge. The carrying or being in possession of firearms within the areas of the refuge not open to public hunting is prohibited, except that such firearms may be possessed or transported across such closed areas provided they are unloaded, and broken or properly encased. The carrying or being in possession of rifled firearms or the use of single-ball or slug-lead shotgun shells on the refuge is prohibited.

(g) *Penalties.* Failure of a permittee to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing him from the refuge and for refusing him further hunting privileges on the refuge.

October 1, 1941.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

[F. R. Doc. 41-7542; Filed, October 9, 1941; 9:44 a. m.]

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE, WISCONSIN

Pursuant to the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II (53 Stat. 1431), the following regulations permitting and governing the hunting of upland game birds within the Upper Mississippi River Wildlife and Fish Refuge, Wisconsin, are made and prescribed:

§ 24.919b *Upper Mississippi River Wildlife and Fish Refuge, Wisconsin; hunting of upland game birds.* Upland game birds may be taken during the open season prescribed therefor by the Wisconsin Conservation Department during the calendar year 1941 on certain lands of the United States, hereinafter described within the Upper Mississippi River Wildlife and Fish Refuge, Wisconsin, under the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The Federally-owned lands within the following subdivisions in LaCrosse and Vernon Counties, Wisconsin, within the refuge shall be open to the hunting of upland game birds:

Sections 4, 5, 8, and 9, T. 14 N., R. 7 W., and Sections 28, 29, 32, 33, and 34, T. 15 N., R. 7 W., 4th P. M.

(b) *Compliance with State laws and regulations.* Any person who hunts within the refuge shall have in his possession a valid hunting license issued by the State of Wisconsin authorizing him to hunt upland game, which said license shall serve as a Federal permit for hunting upland game birds on the refuge. The license must be exhibited upon the request of any representative of the Wisconsin Conservation Department authorized to enforce the State game laws or of any representative of the Department of the Interior engaged in the administration or the enforcement of laws or regulations applicable to the refuge. The licensee must comply in every respect with the State laws and regulations governing the hunting of upland game birds and must upon the request of any of the aforesaid representatives exhibit for inspection all game killed by him or in his possession.

(c) *Penalties.* Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

OCTOBER 1, 1941.

[F. R. Doc. 41-7544; Filed, October 9, 1941; 9:45 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1941, Department Circular No. 670]

OFFERING OF 2½ PERCENT TREASURY BONDS OF 1967-72

OCTOBER 9, 1941.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2½ percent bonds of the United States, designated Treasury Bonds of 1967-72. The amount of the public offering is $1,200,000,000, or thereabouts, with the right reserved to the Secretary of the Treasury to increase the offering by an amount sufficient to accept all subscriptions for which Treasury Notes of Series C-1941, maturing December 15, 1941, are tendered in payment and accepted. In addition to the amount offered for public subscription, $100,000,000, or thereabouts, of these bonds may be allotted to Government investment accounts against cash payment.

II. DESCRIPTION OF BONDS

1. The bonds will be dated October 20, 1941, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1972, but may be redeemed at the option of the United States on and after September 15, 1967, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Cash subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Cash subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions in payment of which Treasury Notes of Series C-1941 are tendered will be allotted in full. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted on cash subscriptions hereunder must be made or completed on or before October 20, 1941, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district. Treasury Notes of Series C-1941, maturing December 15, 1941, with coupon dated December 15, 1941, attached, will be accepted at par in payment for any bonds subscribed for and allotted, and should accompany the subscription. Accrued interest from June 15, 1941 to October 20, 1941 (4.33743 per $1,000), will be paid following acceptance of the notes.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGANTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-7583; Filed, October 9, 1941; 11:52 a. m.]

WAR DEPARTMENT.

[Contract No. W 535 ac-20897]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AIR CRUISERS, INC., CLIFTON, NEW JERSEY

Contract for: * * * Life Rafts, * * *.

Amount: $1,561,400.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 299 P 111-30 A 0021-13
AC 34 P 12-30 A 0705-12
AC 28 P 82-30 A 0705-12

This contract,[1] entered into this 26th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Life Rafts, * * *, for the consideration stated one million five hundred sixty-one thousand four hundred dollars ($1,561,400.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will

[1] Approved by the Under Secretary of War Sept. 6, 1941.

be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Option. The Government is granted the right and option at any time during the life of this contract to increase the quantity of life rafts called for under the terms of Article 16 of this contract to any amount not exceeding * * * at not more than the unit price stipulated therefor in Article 1 of this contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7539; Filed, October 9, 1941; 9:42 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-21]

IN THE MATTER OF WILLIE MUFFETT, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 4, 1941, by Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is R.F.D. No. 1, Fordsville, Kentucky, during the period from February 10 to February 22, 1941, both dates inclusive, sold to various purchasers in Narrows, Kentucky, 8 tons of 1¾" x 1" pea coal produced at his mine, Mine Index No. 662, in Ohio County, Kentucky, at the price of 75 cents per ton f. o. b. said mine, and 640 pounds of ¾" screenings, produced at said mine, at the price of 50 cents per ton f. o. b. said mine, whereas the effective minimum prices for such coal were and are $1.60 per net ton f. o. b. said mine for 1¾" x 1" pea coal and $1.10 per net ton f. o. b. said mine for ¾" screenings, as contained in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7548; Filed, October 9, 1941; 11:22 a. m.]

[Docket No. B-31]

IN THE MATTER OF LONNIE ROMANS, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 6, 1941, by Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 21, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant wilfully sold, for shipment via truck to the unknown destinations thereof, on January 4, 6, and 27, 1941, 10.4 tons of 1" screenings coal produced at its Cardwell "S" Mine in Butler County, to Milton House, George Kurtz, and Lilly Johnson, located at Morgantown, Kentucky, at 50 cents per net ton f. o. b. the mine, whereas the effective minimum price therefor was $1.10 per net ton f. o. b. said mine.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7549; Filed, October 9, 1941; 11:22 a. m.]

[Docket No. B-20]

IN THE MATTER OF EZRA WILLIAMS, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 6, 1941, by Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant whose address is R.F.D. No. 5, Owensboro, Kentucky, during the months of April, May, and June 1941, sold approximately 102 tons of 1¼" screenings, Size Group 14, produced at his mine, Mine Index No. 259, located in Daviess County, Kentucky, to the Clark Manufacturing Company, Owensboro, Kentucky, at the price of 75 cents per ton f. o. b. said mine, whereas the effective minimum price established for such coal was and is $1.10 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7550; Filed, October 9, 1941; 11:22 a. m.]

[Docket No. 1860-FD]

IN THE MATTER OF SIDNEY THAYER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 1, 1941, by Bituminous Coal Producers Board for District 19, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 24, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Plains Hotel, Cheyenne, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the sta-

tistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged:

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, Sidney Thayer, Rawlins, Wyoming, on or about April 19, 1941, sold approximately 13 tons of slack coal produced at his Nebraska Mine (Mine Index No. 127) located in Carbon County, Wyoming, District No. 19, to the Wyoming State Penitentiary at Rawlins, Wyoming, at a price of $1.25 per ton f. o. b. the mine for truck delivery, whereas the effective minimum price for said coal was $1.50 per ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 19 for Truck Shipment.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7551; Filed, October 9, 1941; 11:22 a. m.]

[Docket No. 1787-FD]

IN THE MATTER OF CLARENCE MALLIOTT & WM. MAUCH, A COPARTNERSHIP, D. B. A. SILVER TIP MINING COMPANY, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board, for District No. 19, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 14, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling and delivering during the period from October 23, 1940, to November 12, 1940, both dates inclusive, an unknown quantity of lump, nut and pea coal produced by the defendants at their Silver Tip Mine, Mine Index No. 147, located at Elk Basin, Wyoming, to various persons at the mine for delivery by truck to various unknown destinations, at prices which were less than the effective minimum f. o. b. mine prices established for said coal.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7552, Filed, October 9, 1941; 11:23 a. m.]

[Docket No. 1854-FD]

IN THE MATTER OF RAWLINS COAL COMPANY, A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 1, 1941, by Bituminous Coal Producers Board for District No. 19, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 26, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Plains Hotel, Cheyenne, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under Section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, Rawlins Coal Company, 437 State Street, Rawlins, Wyoming, sold, during the period October 1, 1940 to February 25, 1941, both dates inclusive, approximately 663 tons of slack coal produced at its Rawlins Mine (Mine Index 165), located in Carbon County, Wyoming, District No. 19, to the Wyoming State Penitentiary located at Rawlins, Wyoming, at a price f. o. b. the mine, for truck shipments, of $1.25 per net ton, whereas the effective minimum price for said coal was $1.50 per net ton f. o. b. the mine for truck shipments, as stated in the Schedule of Effective Minimum Prices, for Truck Shipments, for District No. 19.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7553; Filed, October 9, 1941; 11:23 a. m.]

[Docket Nos. A-1054, A-1054 Part II]

PETITIONS OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8; AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE NUMBER 9 MINE OF THE CARBON FUEL COMPANY (MINE INDEX NO. 3661) IN DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1054 PART II FROM DOCKET NO. A-1054, ORDER GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1054 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1054 PART II

The original petition in the above-entitled matter filed with this Division on September 8, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 8.

As the Director found in a separate Order issued in Docket No. A-1054, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except in so far as the establishment of permanent price classifications and minimum prices for the coals of the Number 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) is concerned. With respect to permanent price classifications and minimum prices, the Director is of the opinion that a hearing should be held in view of the circumstances involved. Price classifications and minimum prices have already been established for the mine in General Docket No. 15; a change in prices is now being sought because a different section of the mine is now being worked and an inferior grade of coal is alleged to be therein found.

It is ordered, That the portion of Docket No. A-1054 relating to the Number 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) be and the same hereby is severed from the remainder of Docket No. A-1054 and designated as Docket No. A-1054 Part II.

It is further ordered, That a hearing in Docket No. A-1054 Part II under the applicable provisions of said Act and the rules of the Division be held on November 14, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 9, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of the Number 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) in District No. 8.

It is further ordered, That, pending further Order of the Director, temporary relief be and it is forthwith granted as follows:

NOTE: The following is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck.

ALPHABETICAL LIST OF CODE MEMBERS HAVING RAILWAY LOADING FACILITIES, SHOWING PRICE CLASSIFICATIONS BY SIZE GROUPS FOR ALL USES EXCEPT AS SEPARATELY SHOWN

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.
3661	Carbon Fuel Company, The	No. 9	Powellton "B"	4	So. Carbon	C. & O.	123

PRICE CLASSIFICATIONS BY SIZE GROUP NUMBERS

For destinations other than Great Lakes														For Great Lakes cargo only											
1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
									E						C									E					C

Notice is hereby given that all applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7555; Filed, October 9, 1941; 11:25 a. m.]

[Docket No. A-1038]

PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF TEMPORARY PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR 2,000 TONS OF THIRD VEIN COAL TO BE PRODUCED BY THE PYRAMID COAL CORPORATION, BOBOLINK MINE, (MINE INDEX NO. 128) IN DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of temporary price classifications and minimum prices for 2,000 tons of raw Third Vein coal, in Size Groups 1 to 16 inclusive, and 26 to 29, inclusive, to be produced by the Pyramid Coal Corporation, Bobolink Mine (Mine Index No. 128) in District No. 11; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, and supplementing the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, the coals referred to in the schedule marked "Temporary Supplement", annexed hereto and made a part hereof, shall be subject to minimum prices as provided in said schedule; *Provided, however*, That the temporary prices established in said schedule shall be effective only for 2,000 tons of raw coal, and that District Board 11 shall notify the Division when the sale of this coal has been completed, by formal document appropriately designated as pertaining to Docket No. A-1038.

It is further ordered, That the proceedings in Docket No. A-1038 shall be terminated, and the docket closed, upon receipt of the aforesaid notification from District Board 11 that the sale of 2,000 tons of Bobolink Third Vein coal has been completed.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: September 17, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this "Temporary Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

Mine Index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group No.	Price group	Shipping point	Railroad
128	Pyramid Coal Corp.....	Bobolink (III Vein).....	III	BC	43	8	Seeleyville, Ind...	Ind. & P. R. R.

Mine Index No. 128 shall be included in Price Group 8 and shall take the same f. o. b. mine prices to all Market Areas for coals in Size Groups 1 to 16, inclusive, and 26 to 29, inclusive, as are applicable to coals in such size groups when produced at the Talleydale Mine, Mine Index No. 90, of the Snow Hill Coal Corporation, Price Group No. 8 in Price Schedule No. 1, District No. 11, For All Shipments Except Trunk.

It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as Mine Index No. 11, Pyramid Coal Corporation, No. 7 mine.

The above prices are applicable only for the period required to mine and dispose of 2,000 net tons.

[F. R. Doc. 41-7554; Filed, October 9, 1941; 11:23 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, REDUCED

Departmental order of February 4, 1919, withdrawing certain lands in Arizona for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144; 43 U.S.C. 300, is hereby revoked so far as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 7 W.,
sec. 11, W½, 320 acres.

OSCAR L. CHAPMAN, *Assistant Secretary of the Interior.*

SEPTEMBER 27, 1941.

[F. R. Doc. 41-7571; Filed, October 9, 1941; 11:33 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 52, NEW MEXICO NO. 9, REVOKED

Departmental orders of June 3 and December 9, 1918, withdrawing certain lands in New Mexico for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144; 43 U.S.C. 300, are hereby revoked so far as they affect the following-described lands which are within the Bitter Lake National Wildlife Refuge:

NEW MEXICO PRINCIPAL MERIDIAN

T. 8 S., R. 25 E.,
sec. 15, S½,
sec. 22, all,
sec. 27, N½NE¼ and W½,
sec. 28, S½,
sec. 33, all,
sec. 34, W½,
aggregating 2,640 acres.

OSCAR L. CHAPMAN, *Assistant Secretary of the Interior.*

SEPTEMBER 27, 1941.

[F. R. Doc. 41-7572; Filed, October 9, 1941; 11:33 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 157]

NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE BOARD OF SUPERVISING INSPECTORS

OCTOBER 8, 1941.

Pursuant to the authority conferred by section 4405, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; Charles M. Lyons, Supervising Inspector of the First District, Boston; and Eugene Carlson, Supervising Inspector of the Third District, Norfolk; to take place in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., commencing at 9:00 a. m., October 16, 1941, for the purpose of considering approval of miscellaneous items of equipment for the better security of life; and such other business as may come before the meeting. At this meeting no amendments to the general rules and regulations are scheduled to have consideration.

[SEAL] ROBERT H. HINCKLEY, *Acting Secretary of Commerce.*

[F. R. Doc. 41-7545; Filed, October 9, 1941; 10:33 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5685]

IN THE MATTER OF IOWA UNION ELECTRIC COMPANY

ORDER POSTPONING HEARING

OCTOBER 6, 1941.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in this proceeding;

The Commission orders that: The hearing in this proceeding heretofore set to commence on October 9, 1941, be and it is hereby postponed until October 27, 1941, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7541; Filed, October 9, 1941; 9:44 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-167]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND PEOPLES GAS COMPANY

ORDER APPROVING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

Consolidated Electric and Gas Company, a registered holding company, and Peoples Gas Company, a subsidiary company, having filed joint applications and declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 7, 10, 12 (f), 12 (c) and 12 (d) thereof, and Rules U-42, U-43 and U-44 thereunder, regarding the issue and sale by Consolidated Electric and Gas Company of $700,000 of its First Mortgage 3½% Twenty-Year Sinking Fund Bonds and 3,450 shares of its Common Stock, $100 par value, the retirement of the presently outstanding indebtedness of Peoples Gas Company consisting of $203,220 principal amount of 5-6% Income Bonds and $768,668 of Demand Notes, all of which are owned by Consolidated Electric and Gas Company, and the acquisition by Consolidated Electric and Gas Company of Southern Cities Utilities Company First Mortgage and Collateral Trust Bonds and Federated Utilities, Inc., First Mortgage and Collateral Trust Bonds by purchase in the open market.

A public hearing on said declarations and applications, as amended, having been held after appropriate notice; the Commission having examined the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That said applications, as amended, be, and the same hereby are, approved, and that said declarations, as amended, be and the same hereby are, permitted to become effective forthwith, subject to the terms and conditions prescribed by Rule U-24 and subject to the following additional conditions:

(1) That at least two weeks before purchases of Southern Cities Utilities Company Bonds are commenced Consolidated Electric and Gas Company shall advise the holders of such bonds as fully as possible with respect to its intention to make such purchases and the method to be employed, and shall send to each such bondholder whose address is known a communication embodying such portions of our findings and opinion herein as relate to the Southern Cities Utilities Company Bonds;

(2) That Consolidated Electric and Gas Company shall not solicit or cause to be solicited the sale of any bonds, either of Southern Cities Utilities Company or of Federated Utilities, Inc., to the company;

(3) That no purchases of bonds, either of Southern Cities Utilities Company or of Federated Utilities, Inc., shall be made, directly or indirectly, from persons or corporations in any way associated or affiliated with Consolidated Electric and Gas Company; and

(4) That Consolidated Electric and Gas Company shall furnish to the Commission, promptly after the 15th day and the last day of each month, a schedule showing for each day covered by such report the number of bonds of either Southern Cities Utilities Company or Federated Utilities, Inc., purchased, the prices at which purchased, and the name of the broker through whom purchased; such information to be kept confidential by the company and the Commission subject to further order of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7578; Filed, October 9, 1941; 11:42 a. m.]

[File No. 1-2888]

IN THE MATTER OF JOSLYN MFG. AND SUPPLY CO. $5 PAR VALUE COMMON STOCK

ORDER DENYING APPLICATION OF ISSUER FOR WITHDRAWAL FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

The Joslyn Mfg. and Supply Co., having made application to the Commission pursuant to section 12 (d) of the Securities Exchange Act of 1934 for permission to withdraw 150,000 shares of its $5 par value common stock from listing and registration on the Chicago Stock Exchange; and

A hearing having been held on said application and the trial examiner having filed an advisory report, the Commission having considered the record and having this day filed its Findings and Opinion herein, and having found that the said application and the notice sent by applicant to its security holders are materially inaccurate and misleading;

It is ordered, That this application be and it hereby is denied without prejudice, however, to the right of the applicant to file a corrected application and to submit to its stockholders a corrected notice advising them of their right to present their views to the Commission either by letter or at a hearing on the corrected application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7579; Filed, October 9, 1941; 11:43 a. m.]

[File No. 812-188]

IN THE MATTER OF PACIFIC COAST MORTGAGE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

An application under and pursuant to section 6 (c) of the Investment Company Act of 1940 having been duly filed by the above named applicant for an order exempting it from the requirements of Rule N-8B-2 and Form N-8B-1 with respect to the form and content of financial statements required to be filed for The Pacific Coast Joint Stock Land Bank of Portland, a wholly-owned subsidiary of applicant located at Portland, Oregon, and with respect to certifications of said financial statements by an accountant, on condition that applicant file financial statements on behalf of said bank, without certification, in form and content similar to financial statements filed with the Farm Credit Administration;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and Rules and Regulations of the Commission be held on October 20, 1941 at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the

powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7580; Filed, October 9, 1941; 11:43 a. m.]

[File No. 812-212-1]

IN THE MATTER OF THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

An application under section 10 (f) of the Investment Company Act of 1940 having been duly filed by the above named applicant, a registered closed-end management investment company, for an order granting an exemption from the provisions of said section so as to permit the applicant: (1) to exercise rights to purchase its aliquot number of shares of a proposed offering by Westinghouse Electric & Manufacturing Co. to its stockholders of 534,426 shares of its common stock, said offering to be underwritten, among others, by Lehman Bros., the investment adviser of the applicant, with whom certain directors of applicant are affiliated; and (2) to purchase on the New York Stock Exchange not more than 5,000 shares of the common stock of Westinghouse Electric & Manufacturing Co. during the period of the existence of the syndicate which will underwrite the proposed offering by Westinghouse Electric & Manufacturing Co. of its shares to its shareholders;

It is ordered, That a hearing on the matter of this application be held on October 16, 1941 at 10: 00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esquire, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above-named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7581; Filed. October 9, 1941; 11:43 a. m.]

IN THE MATTER OF APPLICATIONS BY THE PHILADELPHIA STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO:

[File No. 7-569]

AMERICAN AIRLINES, INC., $10 PAR VALUE COMMON STOCK

[File No. 7-570]

AMERICAN VISCOSE CORPORATION, $14 PAR VALUE COMMON STOCK

[File No. 7-558]

BLAW KNOX COMPANY, COMMON STOCK, NO PAR VALUE

[File No. 7-559]

COMMONWEALTH EDISON COMPANY, $25 PAR VALUE SHARES

[File No. 7-560]

CONSOLIDATED AIRCRAFT CORPORATION, $1 PAR VALUE COMMON STOCK

[File No. 7-571]

CONSOLIDATED CIGAR CORPORATION, COMMON STOCK, NO PAR VALUE

[File No. 7-561]

CONSOLIDATED COPPERMINES CORPORATION, $5 PAR VALUE CAPITAL STOCK

[File No. 7-562]

CROWN ZELLERBACH CORPORATION, $5 PAR VALUE COMMON STOCK

[File No. 7-572]

EASTERN AIR LINES, INC., $1 PAR VALUE COMMON STOCK

[File No. 7-563]

INTERNATIONAL MERCANTILE MARINE COMPANY, COMMON STOCK, NO PAR VALUE

[File No. 7-573]

NATIONAL AVIATION CORPORATION, $5 PAR VALUE COMMON STOCK

[File No. 7-564]

PAN AMERICAN AIRWAYS CORPORATION, $5 PAR VALUE CAPITAL STOCK

[File No. 7-565]

PRESSED STEEL CAR COMPANY, INC., $1 PAR VALUE COMMON STOCK

[File No. 7-574]

STANDARD OIL COMPANY (INDIANA), $25 PAR VALUE CAPITAL STOCK

[File No. 7-566]

UNITED AIRCRAFT PRODUCTS, INC., $1 PAR VALUE COMMON STOCK

[File No. 7-567]

WHITE MOTOR COMPANY, $1 PAR VALUE COMMON STOCK

[File No. 7-568]

WILLYS OVERLAND MOTORS, INC., $1 PAR VALUE COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

The Philadelphia Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Wednesday, November 5, 1941, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7582; Filed, October 9, 1941; 11:43 a. m.]

[File No. 70-365]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, MAINE AND NEW BRUNSWICK ELECTRICAL POWER COMPANY, LIMITED, CARLETON ELECTRIC COMPANY, LIMITED, AND WOODSTOCK ELECTRIC RAILWAY LIGHT AND POWER COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

The above-named persons having filed declarations and applications pursuant to the public Utility Holding Company Act of 1935, particularly sections 7, 10,

12 (b), 12 (c), 12 (d), and 12 (f) thereof and Rules U-42, U-43, U-44, and U-45 thereunder, regarding the consolidation of Maine and New Brunswick Electrical Power Company, Limited, Carleton Electric Company, Limited, and Woodstock Electric Railway Light and Power Company, Canadian subsidiaries of Consolidated Electric and Gas Company, a registered holding company, which proposed consolidation involves the surrender by Consolidated Electric and Gas Company to Woodstock Electric Railway Light and Power Company as a capital contribution of $68,713.26 of the note indebtedness owed by that company, the sale by Woodstock Electric Railway Light and Power Company and Carleton Electric Company, Limited, of all of their assets to Maine and New Brunswick Electrical Power Company, Limited, for a consideration consisting of the assumption of all outstanding liabilities of the vendors, and the issuance of common capital stock by Maine and New Brunswick Electrical Power Company, Limited to the vendors, and the acquisition by Consolidated Electric and Gas Company of the said stock from Woodstock Electric Railway Light and Power Company and Carleton Electric Company, Limited, as a liquidating dividend;

Said declarations and applications having been filed on July 30, 1941, and certain amendments having been filed thereto, the last of said amendments having been filed on October 3, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said applications and declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations, as amended, pursuant to section 7 of said Act and Rules U-42, U-43, U-44, and U-45 to become effective and to grant the said applications pursuant to section 10 of said Art and finding with respect to the declaration under section 7 of said Act that the requirements of section 7 (c) are satisfied and that no adverse findings are necessary under section 7 (d) of said Act and finding with respect to the applications under section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act and that section 10 (c) (2) of said Act is not applicable, and finding with respect to the declarations under Rules U-42, U-43, U-44, and U-45, respectively, that the requirements of sections 12 (c), 12 (f), 12 (d), and 12 (b), respectively of said Act are satisfied:

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations, as amended, be and hereby are permitted to become effective forthwith, and that the aforesaid applications, as amended, be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7574; Filed, October 9, 1941; 11:41 a. m.]

[File No. 70-360]

IN THE MATTER OF GULF POWER COMPANY AND THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE)

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

The Commission having made and filed its Findings and Opinion herein and entered an order herein on September 22, 1941 permitting the declarations, as amended, to become effective and granting the applications, as amended, filed by Gulf Power Company and The Commonwealth & Southern Corporation (Delaware) pursuant to the applicable sections of the Public Utility Holding Company Act of 1935 and Rules U-42, U-45 and U-50 thereunder regarding, among other things, the issue and sale by Gulf Power Company of $5,600,000 principal amount of First Mortgage Bonds, interest rate undetermined, series due 1971 and the redemption of $2,500,000 principal amount of outstanding First and Refunding Mortgage Bonds, due 1968; the declarant publicly to invite proposals for the purchase of the $5,600,000 principal amount bonds in accordance with Rule U-50; and

The Commission having permitted said applications and declarations to become effective subject to the terms and conditions prescribed by Rule U-24 and subject to such additional conditions as are recited in said order, among which was the further condition that Gulf Power Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c), and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby, jurisdiction having been reserved for these purposes;

Gulf Power Company having made such a report to the Commission in the form of a further amendment to the applications and declarations, specifying the proposals which have been received for the purchase of said bonds, pursuant to the invitation for competitive bids, and stating that Gulf Power Company has accepted a bid from a group of six underwriters headed by The First Boston Corporation of 102.2062% of the principal amount for bonds having a coupon rate of 3⅛% per annum, plus accrued interest from the 1st day of September, 1941 to the date of delivery of said bonds; $3,000,000 of said bonds to be resold by the underwriters to The Equitable Life Assurance Society of the United States at 102.4562% of the principal amount (plus a pro rata share of legal expenses of counsel for the several underwriters, which sum is not to exceed $2,678) resulting in a spread to the underwriters of .25% of the principal amount; and $2,600,000 of said bonds to be resold to the public at 103% of the principal amount, representing a spread to the underwriters of .7938%, such spread to be allocated as set forth in the amendment;

The Commission having examined the record, and finding that no adverse findings are necessary under the applicable provisions of Section 7 (d) of the Act with respect to the sale of said bonds at such prices and with such spread and allocation thereof;

It is ordered, That in respect of said prices, spread and allocation thereof said declarations, as amended, be and the same are hereby permitted to become effective forthwith and the applications, as amended, be and the same are hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7575; Filed, October 9, 1941; 11:42 a. m.]

[File No. 70-396]

IN THE MATTER OF KEYES FIBRE COMPANY

ORDER GRANTING APPLICATION AND GRANTING EXEMPTION FROM RULE U-45

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

Keyes Fibre Company, a subsidiary company of New England Public Service Company, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act of the issue and sale of $1,400,000 of First Mortgage Sinking Fund 4½% Bonds due October 1, 1956; and

Keyes Fibre Company proposing to pay an indebtedness of approximately $72,000 of its subsidiary, Waterville Pulpwood Company, and such payment being within the provisions of Rule U-45:

It is ordered, That said application pursuant to section 6 (b) be and the same hereby is granted, subject, however, to the terms and conditions prescribed in Rule U-24.

It is further ordered, That an exemption be and the same hereby is granted from the provisions of Rule U-45 as to such payment of the indebtedness of said subsidiary.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7576; Filed, October 9, 1941; 11:42 a. m.]

[File Nos. 814–16, 814–50]

IN THE MATTER OF AMERICAN TRUSTEED FUNDS, INC.

NOTICE OF AND ORDER FOR REOPENING HEARING, CONSOLIDATING PROCEEDINGS AND HEARING ON CONSOLIDATED MATTER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 8th day of October, A. D. 1941.

An application having been filed by the above named applicant on December 16, 1940 (File No. 814–16) under and pursuant to the provisions of section 9 (b) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 9 (a) of the said Act; and the Commission having granted to such applicant a temporary exemption from the provisions of section 9 (a) pending the disposition of the application for permanent or further exemption from the provisions of such section; and a hearing on said application having been held on April 14, 1941 and closed on that date; and no further action having been taken by the Commission on said application; and

Another application having been filed by the above named applicant on July 26, 1941 (File No. 814–50), by reason of circumstances occurring after the closing of the above hearing, under and pursuant to the provisions of section 9 (b) of the Investment Company Act of 1940 for an order exempting it from the provisions of section 9 (a) of said Act; and the Commission having granted to such applicant a temporary exemption from the provisions of section 9 (a) pending the disposition of the application for permanent or further exemption from the provisions of such section; and

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the hearing on the application dated December 16, 1940 (File No. 814–16) be and the same hereby is reopened;

It is further ordered, That the proceedings on the two applications be and the same hereby are consolidated;

It is further ordered, That a hearing on the consolidated matter for permanent or further exemption of the above named applicant from the provisions of section 9 (a) of the Act be held on October 14, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Robert P. Reeder, Esq. or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and any other person or persons concerned or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7577; Filed, October 9, 1941; 11:42 a. m.]

Reference

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 6 NUMBER 199

Washington, Saturday, October 11, 1941

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C.C.C. Grain Sorghums Form 1—Instructions]

INSTRUCTIONS CONCERNING GRAIN SORGHUMS LOANS

These instructions are issued pursuant to the provisions of Title III, Sec. 302 (a) of the Agricultural Adjustment Act of 1938, as amended.

Commodity Credit Corporation has authorized the making of loans in accordance with these instructions upon the security of grain sorghums stored on farms and in Commodity Credit Corporation approved public country warehouses.

PART 223—1941 GRAIN SORGHUMS LOANS

Sec.

223.1 Definitions.
223.2 Forms.
223.3 Areas in which loans will be made.
223.4 Amount of loans.
223.5 Maturity and interest rate.
223.6 Determination of quantity of grain sorghums.
223.7 Farm storage.
223.8 Public warehouses.
223.9 Warehouse receipts.
223.10 Liens.
223.11 Insurance.
223.12 County agricultural conservation committee.
223.13 Source of loans.
223.14 Purchase of loans.
223.15 Office of the Regional Director of Commodity Credit Corporation.
223.16 Release of collateral.

§ 223.1 *Definitions.* For the purpose of the instructions in this part, note and loan agreements, and the notes and chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* Any person, partnership, association, or corporation producing grain sorghums as landowner, landlord, or tenant upon whose farm the 1941 total soil-depleting acreage does not exceed the total soil-depleting acreage allotment or permitted acreage under the 1941 agricultural conservation program.

(b) *Eligible grain sorghums.* Grain sorghums of any class grading No. 4 or better, which were produced in 1941, the beneficial interest to which is and always has been in the eligible producer, will be eligible for a loan, except that grain sorghums grading weevily or smutty or which contain in excess of 13 percent moisture, if stored on farms, or 14 percent, if stored in approved country warehouses, shall not be eligible for a loan.

(c) *Eligible storage.* Shall include approved country warehouses and farm storage meeting the following respective requirements:

(1) Warehouses located at country points which have met the requirements of Commodity Credit Corporation and have executed a Uniform Grain Storage Agreement (C.C.C. Form H), including "grain sorghums" in the definition of "eligible grain." Such warehouses must be situated at country points.

(2) Farm storage shall consist of farm bins and granaries which are of such substantial and firm construction as to afford safe storage of the grain sorghums for a period of two years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the State and county agricultural conservation committees.

(d) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person making loans in accordance with these instructions, which has executed a Contract to Purchase (1940 C.C.C. Form E).

(e) *Eligible paper.* Eligible paper shall consist of notes of producers which are secured by chattel mortgages or warehouse receipts representing grain sorghums in existence and undamaged, dated on or subsequent to September 1, 1941, and prior to January 31, 1942, and which are executed in accordance with the instructions in this part, with State documentary revenue stamps affixed

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thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.*

*§§ 223.1 to 223.16, inclusive, issued under authority contained in Sec. 302 (a) 52 Stat. 43; 7 U.S.C. Sup., 1302.

§ 223.2 *Forms.* Loans will be made on the following forms:

(a) Producer's Note (1941 C.C.C. Grain Form A).

(b) Chattel Mortgage (1941 C.C.C. Grain Form AA).

(c) Producer's Note and Loan Agreement (Converted 1941 C.C.C. Wheat Form B).

(d) Warehouse receipts complying with the provisions of § 223.9 hereof and which are issued by approved country warehouses.*

§ 223.3 *Areas in which loans will be made.* Loans will be made on eligible grain sorghums when stored in (1) approved warehouses located at country points or (2) in private bins or granaries approved by county agricultural conservation committee.*

§ 223.4 *Amount of loans.* Loan values on grain sorghums will be based on the numerical grade, irrespective of subclass, except mixed grain sorghums (Class V) in accordance with the following schedule:

Grain sorghums stored on farms	*Grain sorghums stored in public warehouses (cents per bushel)*
No. 1 grain sorghums 40¢ per bushel	33
No. 2 grain sorghums 38¢ per bushel	31
No. 3 grain sorghums 35¢ per bushel	28
No. 4 grain sorghums 30¢ per bushel	23

The above loan values are subject to a discount of two cents per bushel for mixed grain sorghums.*

§ 223.5 *Maturity and interest rate.* All 1941 grain sorghums loans will mature on demand or June 30, 1942, and will bear interest at the rate of 3 percent per annum. Notes evidencing such loans must be dated on or before January 31, 1942.*

§ 223.6 *Determination of quantity of grain sorghums.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 56 pounds of clean grain sorghums free of dockage, when determined by weight, or 1.25 cubic feet of grain sorghums testing 56 pounds per bushel when determined by measurement. In determining the quantity of grain sorghums in farm storage by measurement, fractional pounds of the bushel test weight for grain sorghums testing less than 56 pounds will be disregarded, and the quantity determined by measurement shall be adjusted by the following respective percentages:

	Percent
For grain sorghums testing 56 pounds or over	100
For grain sorghums testing 55 pounds or over but less than 56 pounds	98
For grain sorghums testing 54 pounds or over but less than 55 pounds	96
For grain sorghums testing 53 pounds or over but less than 54 pounds	95
For grain sorghums testing 52 pounds or over but less than 53 pounds	93
For grain sorghums testing 51 pounds or over but less than 52 pounds	91
For grain sorghums testing 50 pounds or over but less than 51 pounds	89
For grain sorghums testing 49 pounds or over but less than 50 pounds	87

§ 223.7 *Farm storage.* Grain sorghums stored on the farm must have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling, and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the grain sorghums collateral in approved structures. Chattel mortgages covering farm-stored grain sorghums

must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer and the grain sorghums collateral is stored on the farm, the expiration date of the lease must be indicated in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to August 30, 1942, the landlord must execute the consent for storage in section 5 of the chattel mortgage. The consent agreement must also be executed by any other party or parties entitled to possession prior to August 30, 1942. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the grain sorghums as determined by the county committee. Mortgages will not be acceptable which provide a shipping point other than the shipping point customarily used by producers in the locality in which the grain sorghums is stored. A separate note and chattel mortgage must be submitted for grain sorghums stored on each quarter section of land.*

§ 223.8 *Public warehouses.* Commodity Credit Corporation will accept only negotiable warehouse receipts, representing grain sorghums pledged as collateral to notes on converted 1941 C.C.C. Wheat Forms B, issued by an approved country warehouse. Warehousemen desiring approval should communicate with the Regional Director of Commodity Credit Corporation at Kansas City, Missouri. A list of approved warehouses may be obtained from the State or county agricultural conservation offices. All grain sorghums pledged as security to a note must be stored in the same warehouse.*

§ 223.9 *Warehouse receipts.* Warehouse receipts must be dated on or prior to the date of the related note and must be properly assigned by an endorsement in blank, so as to vest title in the holder, or issued to bearer, and must be issued by approved warehouses. Unless the warehouse receipts are stamped or printed "insured" or "fully insured" there must be attached thereto or included in a certificate of the warehouseman a statement that the grain sorghums are insured for not less than the market value, against the hazards of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for storage charges will be recognized by Commodity Credit Corporation only from August 1, 1941, or the date of the warehouse receipts, whichever is later. Receipts must set out in their written or printed terms the gross weight or bushels, the class and grade, the percentage of sound grain sorghums, test weight, and all other facts and statements required to be stated in the written or printed terms of a negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act, or are to be accompanied by a certificate of the warehouseman identified to such warehouse receipt, including such information. Warehouse receipts must have a notation thereon, or a certificate attached signed by the warehouseman, stating that the grain sorghums represented thereby do not contain moisture content in excess of 14 percent. A warehouse receipt representing No. 1 grain sorghums need not show moisture content since this grade permits a maximum of 14 percent moisture.*

§ 223.10 *Liens.* The grain sorghums collateral must be free and clear of all liens except those in favor of the lienholders listed in the space provided therefor in the chattel mortgage or note and loan agreement. The names of the holders of all existing liens on the pledged or mortgaged grain sorghums, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to pledge or mortgage of the grain sorghums and the payment of the proceeds of the loan, and the proceeds of the sale of the grain sorghums solely to the producer, as contained in the mortgage or loan agreement, must be signed personally by all lienholders listed or by their duly authorized agents; or, if a corporation, by a designated officer thereof customarily authorized to execute such instruments. (In lieu of signing the section entitled "List of Lienholders and Their Waivers and Consent to Mortgage," lienholders may sign C.C.C. Form AB or 1940 C.C.C. Wheat Form AB, properly corrected, which must completely identify the related note). The producer may direct on the note that the proceeds of the loan be made payable to him and/or any other person or concern. Producers should read carefully all real estate or other mortgages previously given by them in order to determine if crops are covered thereby. Any fraudulent representation of fact made in the execution of the note and loan agreement or mortgage and related forms shall render the producer personally liable for the amount of the loan, plus interest and charges, and subject to the provisions of the United States Criminal Code.*

§ 223.11 *Insurance*—(a) *Grain sorghums stored on farms.* The producer must obtain primary insurance on grain sorghums stored on the farm for not less than the amount of the loan, plus accrued interest to maturity for a period ending not earlier than August 31, 1942. Such insurance shall be evidenced by a certificate in the form approved by Commodity Credit Corporation issued by a company or association licensed to do business in the State in which the grain sorghums are stored. The insurance coverage may be obtained through the customary channels and the form of certificate required shall be furnished by the agent writing same.

(b) *Grain sorghums stored in approved country warehouses.* With respect to such grain sorghums, the warehousemen shall provide insurance against the perils of fire, lightning, inherent explosion and windstorm, cyclone, and tornado, for the full market value thereof, so long as receipts are outstanding.

In addition to the foregoing, Commodity Credit Corporation has obtained a blanket insurance policy to protect it against errors and omissions in the primary insurance coverage, and certain other risks not covered by the primary insurance. This secondary insurance will be secured by Commodity Credit Corporation for all loans and the cost of the insurance will be paid from the service fees collected from producers.*

§ 223.12 *County agricultural conservation committee.* Loan forms should be obtained from county agricultural conservation committees or from the Kansas City, Missouri, office of Commodity Credit Corporation. Each producer's note must be approved in the space provided therefor, by the county agricultural conservation committee, which approval must not bear a date prior to the date of the note or loan agreement. Each approval must be signed by a member of the county agricultural conservation committee for the county in which the grain sorghums were produced in the case of warehouse-stored grain sorghums, and the county in which the grain sorghums are stored for farm-stored grain sorghums. Pursuant to instructions issued by the Secretary of Agriculture, the State and county committees will determine or cause to be determined, the quantity and grade of the grain sorghums collateral and the amount of the loan. All loan documents will be completed and approved by the county committee. The county agricultural conservation association will collect a service fee for each loan approved.*

§ 223.13 *Source of loans.* Loans may be obtained through banks and other local lending agencies, which may sell the notes evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans direct from the Corporation on notes made payable to the Corporation. Such notes should be forwarded to the Commodity Credit Corporation, Kansas City, Missouri, and must be received or postmarked on or before January 31, 1942. Upon approval of the loan by the Regional Director, payment will be made as directed on the note.*

§ 223.14 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined in § 223.1 above, only form lending agencies which have executed and delivered to a regional office of Commodity Credit Corporation, a Contract to Purchase, 1940 C.C.C. Form E, obtainable only from such offices.

Paper held by lending agencies must be tendered at least 10 days prior to maturity to the Regional Director of Commodity Credit Corporation at Kansas City, Missouri. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from disbursement dates to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940-C.C.C. Form F all repayments or collections on producers' notes held by them, and to remit with such report to the Regional Director of Commodity Credit Corporation at Kansas City, an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of disbursement of the note to the date of repayment.*

§ 223.15 *Office of the Regional Director of Commodity Credit Corporation.* The address of the Regional Director previously referred to herein is 1108 Federal Reserve Bank Building, Kansas City, Missouri.*

§ 223.16 *Release of collateral.* The producer may obtain the return of notes secured by grain sorghums at any time prior to maturity, upon the payment of the principal amount due thereon, plus accrued interest and charges. No allowance will be made for storage by Commodity Credit Corporation. The loan paper may be sent to an approved bank for collection or the producer may ascertain the amount due and remit directly to the office of the Regional Director of Commodity Credit Corporation holding the paper. Partial releases of collateral will be made as follows:

(a) In the case of farm-stored grain sorghums, the producer must identify to Commodity Credit Corporation or the lending agency the seal number of the bin to be released. Such release will be made upon payment of the amount loaned on the particular number of bushels of grain sorghums, plus interest.

(b) In the case of elevator-stored grain sorghums, producers desiring to obtain partial release should notify Commodity Credit Corporation or the lending agency describing the grain sorghums to be released, by warehouse receipt numbers. Each partial release must cover all the grain sorghums under one warehouse receipt. The warehouse receipt representing such grain sorghums will be released upon payment of the amount loaned, plus interest on such amount and any charges applicable thereto.*

[SEAL] J. B. HUTSON,
President.

SEPTEMBER 4, 1941.

[F. R. Doc. 41-7629; Filed, October 10, 1941; 11:50 a. m.]

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 52—CANNED FRUITS AND VEGETABLES (GRADING AND CERTIFICATION)

AMENDMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress approved July 1, 1941 (Public Law 144—77th Congress) entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1942, and for other purposes" authorizing the establishment of an inspection service for farm products, the Rules and Regulations of the Secretary of Agriculture governing the Grading and Certification of Canned Fruits and Vegetables (Title 7, Chapter I, Part 52 of the Code of Federal Regulations) are hereby amended as follows, effective immediately:

(1) In § 52.33 strike out the figure "24" preceding the word "cans" and substitute therefor the figure "12."

(2) Strike out §§ 52.39, 52.40, 52.41, 52.42, and 52.43.

(3) In § 52.45 strike out the figure "1,000" preceding the word "cans" and substitute therefor the figure "2,000"; also in the same section strike out the figure "600" and substitute therefor the figure "1,200."

Done at Washington, D. C., this 10th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7628; Filed, October 10, 1941; 11:50 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 37—CLAIMS ON BEHALF OF THE UNITED STATES[1]

§ 37.2 *Recovery of property unlawfully detained by civilians.* Whenever information is received that animals or other property belonging to the military service of the United States are unlawfully in the possession of any person not in the military service, the property officer or other proper officer will promptly cause proceedings to be instituted and diligently prosecuted before the civil authorities for the recovery of the property and, if the same has been stolen, for the arrest, trial, conviction, and due punishment of the offender and his accomplices.

Upon satisfactory information that such United States property unlawfully in the possession of any party or parties is likely to be removed beyond the jurisdiction, concealed, or otherwise disposed of before the necessary proceedings can be had in the proper civil tribunal for its recovery, the post or detachment commander will, as hereinafter provided, accomplish its immediate recovery. In the event the property consists of clothes, arms, military outfits, or accouterments furnished by the United States to any enlisted man, the Federal statutes (R.S. 3748; 10 U.S.C. 1316; M. L. 1939, sec. 2018) authorize such property to be seized and taken from any person, not an enlisted man or officer of the United States, by any officer, civil or military, of the United States. Other Government property may be seized under the authority of a search warrant, and in these cases this procedure will be followed wherever practicable. The Federal statutes act of June 15, 1917 (40 Stat. 228; 18 U.S.C. 611), provide that a search warrant may be issued by a judge of a United States district court or by a judge of a State or Territorial court of record, or by a United States Commissioner for the district wherein the property sought is located. This search warrant is issued upon probable cause and is supported by an affidavit naming or describing the person and particularly describing the property and place to be searched. If a search warrant is not immediately available or the particular circumstances require immediate action, the post or detachment commander will at once cause the property to be seized, provided that such seizure can be accomplished without committing a breach of the peace or a trespass on private property, tendering to the party, if any, in possession or custody of the property in dispute a receipt or certificate showing that the property in question has been seized as belonging to the United States, and will hold the property seized subject to any legal proceedings that may be instituted by other parties.

Persons caught in the act of stealing public property will be summarily arrested by the troops and turned over to the civil authorities for trial.

When public property has been lost or stolen and the officer responsible therefor has failed to regain possession of it by the ordinary means, the post commander may authorize the property officer to offer a reward for its recovery.

Such a reward will not exceed one fifth of the value of the property lost or stolen, and in no case will it exceed $50.

If the property has been stolen, the reward will include payment for such information as the claimant possesses in regard to the larceny and recovery of the property as may lead to a conviction of the guilty party. (R.S. 3748, 40 Stat. 228; 10 U.S.C. 1316, 18 U.S.C. 611) [Par. 16, AR 35-6640, Sept. 2, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7593; Filed, October 10, 1941; 9:46 a. m.]

[1] § 37.2 is amended.

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

(a) Former enlisted men of any component of the Army of the United States within the age limits for selective training and service registration, who have had more than 11 months' continuous active Federal service and who have been honorably discharged, may be enlisted or reenlisted in the Enlisted Reserve Corps if they are otherwise qualified for enlistment under the provisions of this section.

(b) Members of the Air Corps Enlisted Reserve Corps who were over 28 years of age on July 1, 1941, and whose reenlistment is recommended by the unit or detachment commander, may be reenlisted. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423-427) [Cir. 204, W.D., Sept. 30, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7592; Filed, October 10, 1941; 9:45 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§81.10 *Invitation for bids.*

* * * * * * *

(f) *Special conditions authorized or required to be included.*

* * * * * * *

(15) *Special procedures under the Bituminous Coal Act of 1937.*

* * * * * * *

(iv) * * *

Minimum price provisions. If, after opening of bids and before award is made, the National Bituminous Coal Commission shall revise minimum prices then in effect, all bids for any item affected by such revision will be rejected and new invitation for bids issued.

Change in contract price for all rail or truck shipment from mine shall be determined as follows:

When the bid f. o. b. mine price is the then applicable minimum price (less the excise tax of one cent per net ton) established by the Bituminous Coal Division for the size of coal produced at the mine named in the contract for shipment to the named destination, and should at any time during the life of the contract an applicable minimum price be established by the Bituminous Coal Division different from the bid f. o. b. mine price, the contract price (f. o. b. mine, f. o. b. railroad car destination, or delivered into bin, as the case may be) shall be increased or decreased by the amount that the minimum price in effect on date of delivery is more or less than the bid f. o. b. mine price.

When the bid f. o. b. mine price is more than the then applicable minimum price (less the excise tax) established by the Bituminous Coal Division for the size of coal produced at the mine named in the contract for shipment to the named destination, and should at any time during the life of the contract an applicable minimum price (less the excise tax) be established by the Bituminous Coal Division which is higher than the bid f. o. b. mine price, the said higher minimum price shall be substituted for the said bid f. o. b. mine price and the contract price (f. o. b. mine, f. o. b. railroad car destination, or delivered into bin, as the case may be) shall be increased by the amount that the higher minimum price on date of delivery is more than the bid f. o. b. mine price.

If, at any time during the life of this contract, should there be no effective minimum price as established by the National Bituminous Coal Division for the coal specified, the Government reserves the right to cancel the contract. (R.S. 3709; 31 Stat. 905; 32 Stat. 514; 10 U.S.C. 1201, 41 U.S.C. 5) [Proc. Cir. 7, W.D., Jan 29, 1941, as amended by Proc. Cir. 73, W.D., Sept. 30, 1941]

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[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7594; Filed, October 10, 1941; 9:46 a. m.]

[1] Sub-division of § 81.10 (f) (15) (iv) is amended.

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 536—DEFINING THE TERM "AREA OF PRODUCTION"

The following amendment to Regulations—Part 536[1] (Regulations defining the term "area of production" as used in section 7 (c) and in section 13 (a) (10) of the Fair Labor Standards Act) is hereby issued. This amendment amends § 536.2 (c), defining the term "area of production," as used in section 13 (a) (10) of the Fair Labor Standards Act, with respect to Puerto Rican leaf tobacco. Said amendment shall become effective on January 5, 1942, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C., this 6 day of October 1941.

PHILIP B. FLEMING,
Administrator.

§ 536.2 *"Area of production" as used in section 13 (a) (10) of the Fair Labor Standards Act.* An individual shall be regarded as employed in the "area of production" within the meaning of section 13 (a) (10) in handling, packing, storing, ginning, compressing, pasteurizing, drying, preparing in their raw or natural state, or canning of agricultural or horticultural commodities for market, or in making cheese or butter or other dairy products:

(a) If he performs those operations on materials all of which come from farms in the general vicinity of the establishment where he is employed and the number of employees engaged in those operations in that establishment does not exceed ten, or

(b) With respect to dry edible beans, if he is so engaged in an establishment which is a first concentration point for the processing of such beans into standard commercial grades for marketing in their raw or natural state. As used in this paragraph, "first concentration point" means a place where such beans are first assembled from nearby farms for such processing but shall not include any establishment normally receiving a portion of the beans assembled from other first concentration points, or

(c) with respect to Puerto Rican leaf tobacco, if he is engaged in piling, bulking, or otherwise handling unstripped tobacco for market in an establishment which is a first concentration point for such tobacco; provided that employees engaged in stripping tobacco or engaged in piling, bulking, or otherwise handling stripped tobacco shall not be deemed to fall within this definition. As used in this paragraph, "first concentration point" means a place where such tobacco is first assembled from nearby farms for such preparation for market but shall not include any establishment normally receiving a portion of the tobacco assembled from other concentration points, nor any establishment operated by a manufacturer for the preparation of tobacco for his own use in manufacturing.

[F. R. Doc. 41-7624; Filed, October 10, 1941; 11:46 a. m.]

[1] 6 F.R. 1476.

PART 609—MINIMUM WAGE RATES IN THE LEAF TOBACCO INDUSTRY AND THE MISCELLANEOUS HANDWORK DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

WAGE ORDER IN THE MATTER OF THE RECOMMENDATIONS OF THE SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO FOR MINIMUM WAGE RATES IN THE LEAF TOBACCO INDUSTRY AND THE MISCELLANEOUS HANDWORK DIVISION OF THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

Sec.
609.1 Approval of recommendations of industry committee.
609.2 Wage rates.
609.3 Posting of notices.
609.4 Definition of the leaf tobacco industry and the miscellaneous handwork division of the needlework industries.
609.5 Effective date.

Whereas on August 1, 1940, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Orders Nos. 58, 63, 82, 90, and 98, appointed a Special Industry Committee for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the various industries in Puerto Rico in accordance with the provisions of the Act and rules and regulations promulgated thereunder; and

Whereas the Committee included three representatives of the public and a like number representing employers and a like number representing employees in the Leaf Tobacco Industry and Miscellaneous Handwork Division of the Needlework Industries in Puerto Rico, and was composed of residents of Puerto Rico and residents of the United States outside of Puerto Rico; and

Whereas on April 25, 1941, the Committee after investigating conditions in the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries, filed with the Administrator a report containing its definitions of the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries and its separable minimum wage recommendations for the Leaf Tobacco Industry of 20 cents an hour and for the Miscellaneous Handwork Division of the Needlework Industries of 12½ cents an hour for hand sewing operations and 20 cents an hour for other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining and packing; and

Whereas pursuant to notices published in the FEDERAL REGISTER and in newspapers in Puerto Rico and mailed to all interested persons, a public hearing on the Committee's recommendations was held in San Juan, Puerto Rico, before Mr. Henry T. Hunt as presiding officer, on May 20–24, 26 and 29, 1941, and reconvened in Washington, D. C., on June 12, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave to file briefs on or before July 21, 1941; and

Whereas pursuant to notice published in the FEDERAL REGISTER on July 9, 1941, oral argument by persons who appeared at the hearing was heard by the Administrator on July 29, 1941; and

Whereas the Administrator upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the separable recommendations of the Committee for minimum wage rates in the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries, as defined, are severally and jointly made in accordance with law, that they are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of Sections 5 and 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of the Special Industry Committee for Puerto Rico for Minimum Wage Rates in the Leaf Tobacco Industry and the Miscellaneous Handwork Divisions of the Needlework Industries in Puerto Rico" dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 609.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations for the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries are hereby approved and in accordance with such recommendations.*

*§§ 609.1 to 609.5, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 609.2 *Wage rates.* Wages at a rate of not less than 20 cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Leaf Tobacco Industry who is engaged in commerce or in the production of goods for commerce.

Wages at a rate of not less than 12½ cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the Miscellaneous Handwork Division of the Needlework Industries who is engaged in hand sewing operations, and who is engaged in commerce or in the production of goods for commerce.

Wages at a rate of not less than 20 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Miscellaneous Handwork Division of the Needlework Industries who is engaged in other operations, including, but not by way of limitation, cutting, machine operating, stamping, sorting, pinning, washing, finishing, pressing, examining and packing, and who is engaged in commerce or in the production of goods for commerce.*

§ 609.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Leaf Tobacco Industry and the Miscellaneous Handwork Division of the Needlework Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 609.4 *Definition of the leaf tobacco industry and the miscellaneous handwork division of the needlework industries.* The industries to which this Wage Order shall apply are hereby defined as follows:

(a) *Leaf tobacco industry.* The processing of leaf tobacco including, but not by way of limitation, the grading, fermenting, stemming, packing, storing, drying and handling of tobacco prior to use in the manufacture of cigars or other finished tobacco products.

(b) *Miscellaneous handwork division of the needlework industries.* The term "Miscellaneous Handwork Division of the Needlework Industries" shall mean all needlework operations performed by hand on any article not already included in other divisions of the Needlework Industries, including, but not by way of limitation, sewing, crocheting, knitting, embroidering, appliqueing, quilting and tufting.*

§ 609.5 *Effective date.* This Wage Order shall become effective January 5, 1942.*

Signed at Washington, D. C., this 6th day of October, 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7625; Filed, October 10, 1941; 11:47 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-918]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT AND REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES OF COALS OF THE FREEPORT MINE (MINE INDEX NO. 1183), OF THE CAMPBELL COAL CO. AND OF THE BIGLER # 1 MINE (MINE INDEX NO. 686) OF THE MT. CARMEL COAL CO., FOR ALL SHIPMENTS

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by District Board No. 1, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting adjustments in the classifications and minimum prices heretofore established for the coals of several mines in District No. 1, the establishment of classifications and minimum prices for coals not heretofore classified or priced, and a change in the Subdistrict location of a mine;

Pursuant to an order of the Acting Director, a hearing having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to appear and fully participate in the proceedings;

The parties having waived the preparation and filing of an Examiner's Report and the matter thereupon having been submitted to the Undersigned for disposition;

The Undersigned having made Findings of Fact and Conclusions of Law and rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That § 321.7 (*Alphabetical list of code members*) and § 321.24 (*General prices*) in the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and for Truck Shipments be and they hereby are amended, in accordance with Supplements "R" and "T" hereto annexed and made a part hereof.

Dated: September 29, 1941.

[SEAL] H. A. GRAY,
Director.

[1] Not filed with the original document.

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1183	Campbell Coal Company.	Freeport	43	E	Barton, Md	C. & P. R.R.	66	H	H	H	K	K
686	Mt. Carmel Coal Co	Bigler #1	8	E & D	Surveyor, Pa	N. Y. C.	44	(†)	(†)	G	(†)	(†)

† Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened, top size 3" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	3¼" and under, slack
						1	2	3	4	5
Campbell Coal Company	1183	Freeport	43	Allegany	E	235	210	210	190	189
Mt. Carmel Coal Co	686	Bigler #1	8	Clearfield	E & D	.....	.....	215	.....	.....
Wilson Brothers (Hayden H. Wilson)	2535	Wilson Mine	44	Garrett	E	.....	.....	210	.....	.....

[F. R. Doc. 41-7566; Filed, October 9, 1941; 11:29 a. m.]

[Docket No. A-1000]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order,

pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for the coals of the Scotch Hill Mines Nos. 1 to 35, inclusive, (Mine Index Nos. 240, 241 and 252 through 284, inclusive, for the reasons set forth in the Order designating that portion of Docket No. A–1000 relating to such coals as Docket No. A–1000, Part II, and granting temporary relief therein.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index number	Code member	Mine name	Seam	Freight origin group number	Size group numbers 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
244	American Fuel Corporation.	Eleanor	Bakerstown	70	G	G	G	G	G	G	G	G	G	G	...	...	...	...	...	...
1160	B. & C. Smokeless Coal Co. (Joe Binns).	Darby	Sewell	[1]37	A	A	A	A	A	A	A	A	A	A	...	...	...	A	A	A
247	Clark Coal Co. (John A. Clark, Jr.).	Junior #4 (Anderson).	Pittsburgh	61	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B
237	Fallon, John T	Fallon	H. V. Kittanning.	33	J	J	J	J	J	J	H	H	H	H	...	...	...	...	...	...
242	Hall & Hall (Lewis Hall).	J. Reed	Redstone	31	F	F	F	F	F	H	F	F	F	F	...	...	...	...	...	...
248	Hardesty, Guy A	Blackburn #2 (Strip).	Pittsburgh	61	F	F	F	F	F	F	F	F	F	F	...	...	...	...	...	...
852	Hinchman, Mack	Hinchman	H. V. Freeport	30	F	F	F	F	F	F	F	F	F	F	...	...	...	...	...	...
243	Justis & Glenn (James Justis, Jr.)	Ware	Pittsburgh	[2]56	F	F	F	F	F	F	F	F	F	F	...	...	...	...	...	...
238	Little Falls Coal Co	Little Falls	M. V. Freeport	51	J	J	J	J	J	J	H	H	H	H	...	...	...	...	...	...
251	Lynch, B. J	Shirley #1	Bakerstown	71	G	G	G	G	G	G	G	G	G	G	...	...	...	...	...	...
288	Lynch, B. J	Shirley #2	Bakerstown	71	G	G	G	G	G	G	G	G	G	G	...	...	...	...	...	...
219	Stout, H. V	Morgan	Pittsburgh	60	F	F	F	F	F	F	F	F	F	F	...	...	...	...	...	...
636	Triplett, Mike	Viropa	Pittsburgh	65	F	F	F	F	F	F	F	F	F	F	...	...	...	...	...	...
285	Warman, F. C	Clelland	Pittsburgh	50	F	F	F	F	F	F	F	F	F	F	...	...	...	...	...	...

[1] Freight Origin Group No. 37 will take the same necessary and permissible adjustments as Freight Origin Group No. 30.
[2] Freight Origin Group No. 56 will take the same necessary and permissible adjustments as Freight Origin Group No. 50.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Part 323, Minimum Price Schedule. Group No. 1: 243, 247, 248, 249, 285, 852, 636; group No. 2: 242; group No. 3: 237, 238; group No. 5: 1160; group No. 6: 244, 251, 288.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Part 323, Minimum Price Schedule. Group No. 1: 243, 247, 248, 249, 285, 852, 636; group No. 2: 242; group No. 3: 237, 238; group No. 5: 1160; group No. 6: 244, 251, 288.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups 1	2	3	4	5	6	7
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack	¾" slack
American Fuel Corporation.	244	Eleanor	Bakerstown	Preston	235	235	235	210	210	200	190
Clark Coal Co. (John A. Clark, Jr.).	247	Junior #4 (Anderson).	Pittsburgh	Marion	223	218	218	193	193	178	168
Gard, Hubert	245	Gard #1	Maston	Pleasants	223	218	218	193	193	178	168
Gard, Hubert	250	Gard #2	Maston	Pleasants	223	218	218	193	193	178	168
Hall & Hall (Lewis Hall)	242	J. Reed	Redstone	Upshur	223	218	218	193	193	178	168
Hardesty, Guy A	248	Blackburn #2 (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Justis & Glenn (James Justis, Jr.).	243	Ware	Pittsburgh	Harrison	223	218	218	193	193	178	168
Little Falls Coal Co	238	Little Falls	M. V. Freeport.	Monongalia	225	225	225	200	200	190	180
Lynch, B. J	251	Shirley #1	Bakerstown	Preston	235	235	235	210	210	200	190
Lynch, B. J	288	Shirley #2	Bakerstown	Preston	235	235	235	210	210	200	190
Stout, H. V	249	Morgan	Pittsburgh	Harrison	223	218	218	193	193	178	168
Warman, F. C	285	Clelland	Pittsburgh	Harrison	223	218	218	193	193	178	168

[F. R. Doc. 41–7565; Filed, October 9, 1941; 11:28 a. m.]

[Docket No. A–1003]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BINGAMON RUN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BINGAMON #2 MINE (MINE INDEX NO. 246) FOR RAIL AND TRUCK SHIPMENT TO ALL MARKET AREAS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Bingamon #2 Mine (Mine Index No. 246) for shipment via rail and for shipment via truck into all market areas; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*), is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups 1	2	3	4	5	6	7
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack	¾" slack
American Fuel Corporation.	244	Eleanor	Bakerstown	Preston	235	235	235	210	210	200	190
Clark Coal Co. (John A. Clark, Jr.).	247	Junior #4 (Anderson).	Pittsburgh	Marion	223	218	218	193	193	178	168
Gard, Hubert	245	Gard #1	Maston	Pleasants	223	218	218	193	193	178	168
Gard, Hubert	250	Gard #2	Maston	Pleasants	223	218	218	193	193	178	168
Hall & Hall (Lewis Hall)	242	J. Reed	Redstone	Upshur	223	218	218	193	193	178	168
Hardesty, Guy A	248	Blackburn #2 (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Justis & Glenn (James Justis, Jr.).	243	Ware	Pittsburgh	Harrison	223	218	218	193	193	178	168
Little Falls Coal Co	238	Little Falls	M. V. Freeport.	Monongalia	225	225	225	200	200	190	180
Lynch, B. J	251	Shirley #1	Bakerstown	Preston	235	235	235	210	210	200	190
Lynch, B. J	288	Shirley #2	Bakerstown	Preston	235	235	235	210	210	200	190
Stout, H. V	249	Morgan	Pittsburgh	Harrison	223	218	218	193	193	178	168
Warman, F. C	285	Clelland	Pittsburgh	Harrison	223	218	218	193	193	178	168

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Part 323, Minimum Price Schedule. Group No. 1: 243, 247, 248, 249, 285, 852, 636; group No. 2: 242; group No. 3: 237, 238; group No. 5: 1160; group No. 6: 244, 251, 288.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Part 323, Minimum Price Schedule. Group No. 1: 243, 247, 248, 249, 285, 852, 636; group No. 2: 242; group No. 3: 237, 238; group No. 5: 1160; group No. 6: 244, 251, 288.

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Bingamon #2 Mine (Mine Index

members) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices*

for movement via all lakes—all ports), is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: September 6, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
246	Bingamon Run Coal Company.	Bingamon #2....	Pittsburgh.....	65	F	F	F	F	F	F	F	F	F	F	..	..	..	..	..	..

§ 323.8 *Special prices*—(b) *Railroad fuel for all movements except via lakes*—Supplement R–II

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
[1]246	Bingamon Run Coal Company.	Bingamon #2....	Pittsburgh.....	65	F	F	F	F	F	F	F	F	F	F	..	..	..	..	..	..

[1] For railroad fuel prices add this mine index number, No. 246, to Group No. 1 set forth in § 323.8 (b) in Part 323 Minimum Price Schedule.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III

Mine index No.	Code member	Mine name	Seam	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
[1]246	Bingamon Run Coal Company.	Bingamon #2....	Pittsburgh.....	65	F	F	F	F	F	F	F	F	F	F	..	..	..	..	..	..

[1] For railroad fuel prices add this mine index number, No. 246, to Group No. 1 set forth in §323.8 (c) in Part 323 Minimum Price Schedule.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2", bottom size (1)	Lump 2" and under, egg 2" and under, bottom size (2)	Lump 1¼" and under, egg 1¼" and under, bottom size (3)	All nut and pea 2" and under (4)	Run of mine, resultant over 2" (5)	1¼" and 2" slack (6)	¾" slack (7)
Bingamon Run Coal Company.	246	Bingamon #2....	Pittsburgh..	Harrison..	223	218	218	193	193	178	168

[F. R. Doc. 41–7558; Filed, October 9, 1941; 11:26 a. m.]

[Docket No. A–1022]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movements via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No prices are established herein for the Bingamon Run Coal Company No. 2 Mine (Mine Index No. 246) of the Bingamon Run Coal Company because price classifications and effective minimum prices For Truck Shipments and For All Shipments Except Truck have been previously established for this mine in Docket No. A–1003.

No relief is granted herein for the coals of the Scotch Hill mines Nos. 76 to 80, inclusive and 85 to 92, inclusive (Mine Index Nos. 296 to 308, inclusive), of the Henry Clay Coal Mining Company, nor for the coals of the Austen mines Nos. 1 to 9, inclusive, 15 to 20, inclusive, and 25 to 28, inclusive, (Mine Index Nos. 311 to 329, inclusive) of the Upper Elk & Potomac Coal Corporation, for the reasons set forth in the Order designating that portion of Docket No. A–1022 relating to such coals as Docket No. A–1022, Part II.

It is further ordered, That applications to stay, terminate or modify the foregoing temporary relief, or pleadings

in opposition to the final relief requested in the petition, may be filed within forty-five (45) days from the date hereof, pursuant to the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act; and

It is further ordered, That the relief hereinabove granted shall become permanent sixty (60) days from the date hereof unless the Director shall otherwise order.

Dated: September 19, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
294	Clark Coal Co. (John A. Clark, Jr.)	Junior #5	Pittsburgh	Everson, W. Va.	B. & O.	61	D	D	D	D	D	D	D	D	D	D	B	B	B	B	B	B
295	Cork, Harry	Hickman	Pittsburgh	Clarksburg, W. Va.	B. & O.	60	F	F	F	F	F	F	F	F	F	F						
292	Dudley, G. L., Jr.	D. H. Potter (Strip).	Pittsburgh	Meadowbrook, W. Va.	B. & O.	61	F	F	F	F	F	F	F	F	F	F						
687	Henderson, Morgan & Haught	Morgan & Henderson.	Pittsburgh	Kingmont, W. Va.	B. & O.	50	F	F	F	F	F	F	F	F	F	F						
287	Henderson, Rex	Henderson	Pittsburgh	Kingmont, W. Va.	B. & O.	50	F	F	F	F	F	F	F	F	F	F						
309	Henry Clay Coal Mining Co., The	Keener	M. V. Freeport	Towson, W. Va.	W. V. N.	71	J	J	J	J	J	J	J	J	J	J						
693	Henry Clay Coal Mining Co., The	Victor	M. V. Freeport	Towson, W. Va.	W. V. N.	71	J	J	J	J	J	J	J	J	J	J						
1014	Holt, Richard	Holt #1	Pittsburgh	Dola, W. Va.	B. & O.	62	F	F	F	F	F	F	F	F	F	F						
638	Jenkins, N. T.	Gallihue	Pittsburgh	Colfax, W. Va.	B. & O.	60	F	F	F	F	F	F	F	F	F	F						
310	Johnson Coal Co. (Delvera K. Johnson)	Johnson #2	Pittsburgh	Simpson, W. Va.	B. & O.	60	F	F	F	F	F	F	F	F	F	F						
290	Nicholas-Webster Coal Corp	Tioga #5	No. 5 Block	Tioga, W. Va.	S. C. & M.	11	D	D	D	D	D	D	D	D	D	D	B	B	B	A	A	A
1163	Phillips, Ray	Phillips	M. V. Freeport	Morgantown, W. Va.	Mon.	52	J	J	J	J	J	J	J	J	J	J						
924	Sharps, H. P.	Sharps	Pittsburgh	Grafton, W. Va.	B. & O.	50	F	F	F	F	F	F	F	F	F	F						
1021	Stout, Burl	Stout	Pittsburgh	Enterprise, W. Va.	B. & O.	61	F	F	F	F	F	F	F	F	F	F						
291	Vernon, E. N. (Vernon Coal Co.)	Elliot	Pittsburgh	Adamstown, W. Va.	B. & O.	60	F	F	F	F	F	F	F	F	F	F						
331	Vincent, J. E.	Marion	Pittsburgh	Fairmont, W. Va.	B. & O.	50	DE J	DE J	DE J	DE J	DE J	DE J	DF J	DF J	DF J	DF J						
330	Weaver, Russell	Weaver #1	M. V. Freeport	Camp Chapel, W. Va.	W. V. N.	71																

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Part 323, Minimum Price Schedule. Group No. 1: 287, 291, 292, 294, 295, 310, 331, 638, 687, 924, 1014, 1021; group No. 3: 309, 330, 693, 1163; group No. 5: 290.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III.

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Part 323, Minimum Price Schedule. Group No. 1: 287, 291, 292, 294, 295, 310, 331, 638, 687, 924, 1014, 1021; group No. 3: 309, 330, 693, 1163; group No. 5: 290.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and bottom size	All nut and pea 2" and under	Run of mine, over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Clark Coal Co. (John A. Clark, Jr.)	294	Junior #5	Pittsburgh	Marion	223	218	218	193	193	178	168
Cork, Harry	295	Hickman	Pittsburgh	Harrison	223	218	218	193	193	178	168
Deahl, A. J.	286	Gorman #3	M. V. Freeport	Preston	225	225	225	200	200	190	180
Dudley, C. L., Jr.	292	D. H. Potter (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Henderson, Rex	287	Henderson	Pittsburgh	Marion	223	218	218	193	193	178	168
Henry Clay Coal Mining Co., The	309	Keener	M. V. Freeport	Preston	225	225	225	200	200	190	180
Jarvis Bros. Coal Co. (A. J. Jarvis)	289	Dean	Pittsburgh	Braxton	223	218	218	193	193	178	168
Johnson Coal Co. (Delvera K. Johnson)	310	Johnson #2	Pittsburgh	Taylor	223	218	218	193	193	178	168
Nicholas-Webster Coal Corp.	290	Tioga #5	No. 5 Block	Nicholas	248	238	238	203	203	183	173
Vernon, E. N. (Vernon Coal Co.)	291	Elliot	Pittsburgh	Harrison	223	218	218	193	193	178	168
Vincent, J. E.	331	Marion	Pittsburgh	Marion	223	218	218	193	193	178	168
Weaver, Russell	330	Weaver #1	M. V. Freeport	Preston	225	225	225	200	200	190	180

[F. R. Doc. 41–7559; Filed, October 9, 1941; 11:26 a. m.]

[Docket No. A–1062]

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT NO. 6

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 6

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 6; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith, § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 326.6 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY, *Director*.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER

§ 326.5 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in West Virginia	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
147	Kafton, Sam (Sam Kafton Coal)	Marion		Pgh. 8	Deep	Wellsburg	P. R. R.	30	C	C	C	C	C	C	C	C	C			C
155	McMahon, John T.	McCord		Pgh. 8	Deep	Wellsburg	P. R. R.	30	C	C	C	C	C	C	C	C	C			C

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER

§ 326.6 *Numerical list of mines*—Supplement R–II

Refer to § 326.6 in Part 326, Minimum Price Schedule for District No. 6. Add the following:

Mine index No.	Mine name	Code member	Freight origin group Nos.	Railroad
[1] 147	Marion	Kafton, Sam (Sam Kafton Coal)	30	P. R. R.
[1] 155	McCord	McMahon, John T.	30	P. R. R.

[1] Prices for all Mine Index Numbers except 7, 20, 24 and 26 shown in § 326.7, § 326.8 (a), (b), (c), (d) in Part 326, minimum Price Schedule apply to Mine Index Numbers 147 and 155.

[F. R. Doc. 41–7564; Filed, October 9, 1941; 11:28 a. m.]

[Docket No. A–376]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER OF THE DIRECTOR IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 7 FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 7. The petition proposes the establishment of certain minimum prices for coals produced in District 7 for truck shipment, as shown in Exhibit A annexed to the petition. Pursuant to Order of the Director temporary relief was granted herein, in accordance with the petitioner's request therefor, pending the final determination of this matter.

Pursuant to Order of the Director, and after due notice to all interested persons, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. The preparation and filing of a report by the Examiner was waived by stipulation of the interested parties and the record was thereupon submitted to the undersigned.

In support of the request for the establishment of the minimum prices proposed in the petition, the Executive Secretary and Assistant Treasurer of District Board 7 testified that the classifications requested were approved by District Board 7 at its meeting on December 17, 1940, and that it has received no protests with respect to such classifications. In the opinion of this witness, the classifications requested comply with the standards and provisions of section 4 II (a) and 4 II (b) of the Act, will not disturb the coordination of minimum prices of the coals produced in District 7 with the coals produced in other districts, and will have no appreciable effect upon the realization of either District 7 or Minimum Price Area No. 1.

Upon the basis of the uncontroverted evidence, I find and conclude that the classifications and prices shown in the schedule hereto attached are proper and should be established; and that the establishment of such classifications and minimum prices is required in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: August 25, 1941.

[SEAL] H. A. GRAY, *Director.*

PERMANENT SUPPLEMENT, DISTRICT NO. 7

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 5½" or larger, all egg size or over	All run or prep size 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Bivens, O. L. (Best Coal Co.)	699	Bivens	2	Raleigh	Fire Creek	330	250	280	215	195	190
Davidson Coal Co. (E. E. Davidson).	695	#1	4	McDowell	Welch	315	250	280	215	190	185
Dunavant, Edgar	696	#1	3	Mercer	Poca. 3	290	250	280	215	185	180
Farley & Yates (J. D. Farley)	688	#1	3	McDowell	Poca. 9	290	225	250	196	165	160
Gwinn, F. V.	693	Gwinn	2	Fayette	Fire Creek	330	250	280	215	195	190
Jones, H. A	686	Caillson #2	1	Greenbrier	Poca. 6	290	250	280	215	190	185
Shawver & Pittsenborger (C. M. Pittsenborger).	700	Shawver #2	1	Greenbrier	Sewell	290	250	280	215	195	190
Shrader, J. J.	689	Shrader	4	Tazewell	Edge	290	240	260	215	190	185
White Ash Coal Co.	697	#1	4	McDowell	War Creek	290	225	250	196	165	160
Wilson Coal Co. (P. H. Wilson)	698	Wilson	3	Mercer	Poca. 3	290	250	280	215	190	185

[F. R. Doc. 41–7560; Filed, October 9, 1941; 11:26 a. m.]

[Docket No. A–1030]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9, for truck shipments; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement "T", which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 23, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 30
BUTLER COUNTY																					
Cardwell, Kenneth & Goldie McCormick	919	K. & G	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Cardwell, Lawson & Rufus Tarence	928	L. & R	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Dicker, Enos	929	Dicker	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Fields, D. B	946	Fields #2	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Flener, Bennie D	930	Mitchell	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Martin, C. E	924	C. E. Martin	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Phelps, J. F	915	S. A. Fields	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Phelps, Kenneth	914	Golden Tip	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Romans, Lonnie	921	Elvis	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Taylor, Ochra	949	Taylor & Basham		235	225	215	175	170	160	160	150	140	110	50						120	115
DAVIESS COUNTY																					
English, Fines	912	English	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Rafferty, E. D	937	Rafferty #2	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Rhinburger & Howard (D. F. Rhinburger)	913	R. & H	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Wood, Oliver	931	Oliver	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
HANCOCK COUNTY																					
Bruner, J	923	Jay	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
Rhodes, W. J	918	W. J. Rhodes	Stray	205	195	185	175	170	160	160	150	140	110	50						120	115
HENDERSON COUNTY																					
Walden, Joe	911	Walden	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
HOPKINS COUNTY																					
Browder Hill Coal Co. (A. E. Hinton)	916	Browder Hill	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Brown & Dockery (Owen Brown)	935	Brown & Dockery	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Kyle, Jasper	910	Bob Killick	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Ruckman, Albert J	948	Pond River Coal Co	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
West Kentucky Coal Company	947	Hecla	#9	205	195	185	175	170	160	160	150	140	110	50	155	150	145	135	105	120	115
MUHLENBERG COUNTY																					
A. & A. Coal Co. (Frank Alexander)	908	A. & A	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Beadnell Brothers	930	Beadnell #2	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Caebier, W. L	920	Caebier #3	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Riverside Coal Co. (Cecil A. Shannon)	917	Riverside	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Shinn & Shinn (Fred Shinn)	932	Shinn	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Turner, Melvin & Denzil (Melvin Turner)	925	Turner #2	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
OHIO COUNTY																					
Alvey Bros. (Bernard Alvey)	922	Alvey #2	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Bilbro, J. N	934	Bilbro	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Chinn, Audry	936	Audry	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Cox, W. R	927	Cox #2	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Hodges, A. W	926	A. W. Hodges	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
O. & S. Coal Co. (Robt. Snodgrass)	886	Roberts #2	#11	205	195	185	175	170	160	160	150	140	110	50						120	115

[F. R. Doc. 41–7568; Filed, October 9, 1941; 11:29 a. m.]

[Docket No. A-1045]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES, FOR TRUCK SHIPMENT, FOR THE COALS OF THE SUGAR LOAF COAL CORPORATION, MINE INDEX NO. 1049 IN DISTRICT NO. 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for Truck Shipment, for the coals produced by the Sugar Loaf Coal Corporation at Mine Index No. 1049, in District No. 10; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows:

Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 8																																
MADISON COUNTY																																
Sugar Loaf Coal Corporation	1049	Sugar Loaf	6																	185	180	180	180	180	170	170	160	125	125	115		

[F. R. Doc. 41-7557; Filed, October 9, 1941; 11:25 a. m.]

[Docket No. A-1060]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10, for truck shipments; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 4																																
FULTON COUNTY																																
Brooks Brothers Coal Mine (John Brooks)	1484	Brooks Bros	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Shinifield Mine (John E. Ashby)	1476	Shinifield	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
PEORIA COUNTY																																
Jubilee Coal Co. (Joseph F. Neal)	1479	Jubilee	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION NO. 5																																
SCHUYLER COUNTY																																
Buss Coal Co. (Lawrence Buss)	1478	Buss Coal Co	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
Caldwell, Harold J	1472	Caldwell	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
SECTION NO. 7																																
VERMILION COUNTY																																
Miller-Tellier Coal Co. (Clement Tellier)	1475	Miller-Tellier	7	240	235	230	220	215	310	170	165	160	155	155	155	125	115	60														
SECTION NO. 9																																
PERRY COUNTY																																
Burnett, Roy M	1489	Burnett #3	6	210	205	200	190	185	180	165	145	150	145	145	145	115	105	50														
SECTION NO. 10																																
WILLIAMSON COUNTY																																
Sunny Brook Coal Co. (Fred Edwards)	1481	Sunny Brook #2	5	215	215	215	200	195	190	180	160	150	150	150	150	130	130	65														

[F. R. Doc. 41-7562; Filed, October 9, 1941; 11:27 a. m.]

[Docket No. A-1064]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR TRUCK SHIPMENT FOR THE COALS OF THE STARVED ROCK CLAY COMPANY (MINE INDEX NO. 1486) IN DISTRICT NO. 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for truck shipment for the coals of the Starved Rock Clay Company (Mine Index No. 1486) in District No. 10; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																								
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 2																														
LASALLE COUNTY																														
Starved Rock Clay Company (Harold J. Schaefer)	1486	Starved Rock Clay Co.	2	325	320	315	305	300	295	240	285	205	200	200	200	170	160	105												

[F. R. Doc. 41-7567; Filed, October 9, 1941; 11:28 a. m.]

[Docket Nos. A-1048 and A-1052]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 11, AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENT BY THE SYCAMORE NO. 26 MINE, (MINE INDEX NO. 1294) OF THE MAUMEE COLLIERIES COMPANY, IN DISTRICT NO. 11

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																											
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
GREENE COUNTY																															
Mammee Collieries Company, The	1294	Sycamore 26	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	185	180	185	175	175	165	135	145	135	105				
PIKE COUNTY																															
Jerrell, Emmitt	152	Jerrell	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Johnson, Harlin	155	Johnson	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SULLIVAN COUNTY																															
Pine Ridge Coal Co. (Orville H. Usrey)	150	Pine Ridge	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---	---
VIGO COUNTY																															
Deep Rock Coal Company (Matthew Dean)	153	Deep Rock	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Graham, Oliver & William Hooker (Oliver Graham)	154	Graham & Hooker	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41-7563; Filed, October 9, 1941; 11:27 a. m.]

[Docket No. A-1018]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for certain coals produced in District No. 12; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications or minimum prices are established herein for the coals of Mine Index Nos. 742, 764, 753, 754 and 755, for truck shipments, for the reasons set forth in the Order severing that portion of Docket No. A-1018 which relates to the establishment of such price classifications and minimum prices from the remainder of the docket, designating such portion as Docket No. A-1018 Part II, granting temporary relief therein and setting Docket No. A-1018 Part II for hearing.

It is further ordered, That pleading in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 11, 1941.

[SEAL] H. A. GRAY,
Director.

[Docket No. A-1056]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF CHAS. MARTIN, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY RAIL, PRODUCED AT THE MARTIN MINE (MINE INDEX NO. 401) IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named person, a code member in District No. 14, requesting the establishment of additional price classifications for the coals, for shipment by rail, produced at the Martin Mine (Mine Index No. 401) in District No. 14; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 27, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Freight origin group No.	Price classification by size group															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
401	Martin, Chas. (Chas. Martin Coal Co.).	Martin	2	Alix, Ark.	14						D								B			Q		

[F. R. Doc. 41-7561; Filed, October 9, 1941; 11:27 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine index No.	Code member	Mine	Mine origin group	Mine origin group No.
754	Blue Goose Coal Co. (Everett Green)	Blue Goose *	Hamilton	36
764	Dunreath Coal Co. (M. H. McConville)	Flagler #2 *	Flagler	26
767	Haney, W. J. (Haney Coal Co.)	No. 2 *	Hamilton	69
466	Owens Coal Co. (Rentiell Owens)	Owens	Haley & Knoxville	56
755	Prowse Coal Co. (c/o Chas. Irwin)	Prowse No. 2 *	Bussey & Hamilton	55
49	Ramsay-Collins Fuel Co. (Ray A. Collins)	Ramsay-Collins *	Harvey & Knoxville	68

* Indicates mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Price in cents per net ton for shipment into all market areas]

Code member index	Mine name	Mine No. Group No.	County	Chunk	Standard lump	Egg 2" x 3"	Small egg 4" x 2", 3" x 1½"	Mine run	Nut 2" x 1¼", 1¼" x ¾"	Domestic stoker 1¼", 1" x ¾", 1" x 0	Screenings 2", 1½", 1¼" x 0	Ind. stoker Ch., 2", 1½", 1¼" x 0	¾" x 0	Mine origin group No.
				1	2	3	4	5	6	7	8	9	10	
Apple Grove Coal Co. (John O. Hall)	Apple Grove	768 18	Marion	300	290	290	270	270	270	270	160	220	100	36
Beaumont & Stinton (John Stinton)	No. 1	702 25	Warren	370	360	350	340	300	325	330	200	290	100	26
Benson, Walter	Benson	758 32	Webster	395	385	375	365	385	325	330	230	280	100	69
Derrig, John	Derrig Coal Co.	701 32	Webster	395	385	375	365	385	325	330	230	280	100	69
Dunreath Coal Co. (M. H. McConville)	Flagler #2	764 19	Marion	310	300	290	280	270	270	270	170	250	100	26
Fall, John (Fall Coal Co.)	No. 2	766 18	Marion	300	290	280	270	270	270	270	160	220	100	26
French, Nonie (X 1 Coal Co.)	X 1 Coal Co.	752 18	Marion	300	290	280	270	270	270	270	160	220	100	26
Gray & Hoover (Orin Gray)	Gray & Hoover	759 32	Webster	395	385	375	365	385	325	330	230	280	100	69
Haney, W. J. (Haney Coal Co.)	No. 2	767 18	Marion	360	290	280	270	270	270	270	160	220	100	26
Karsten Coal Co. (John Karsten)	Karsten	763 24	Keokuk	325	315	305	295	295	275	275	175	235	100	68
Lumsden, Robert	Lumsden	760 32	Webster	395	385	375	365	385	325	330	230	280	100	69
Vickroy, John (Sunny Slope Coal Co.)	Sunny Slope	756 17	Warren	310	300	290	280	280	270	270	170	225	100	26

[F. R. Doc. 41-7569; Filed, October 9, 1941; 11:29 a. m.]

[Docket No. A-489]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 16, FOR THE MODIFICATION OF EFFECTIVE MINIMUM PRICES HERETOFORE ESTABLISHED FOR THE COALS PRODUCED IN DISTRICT NO. 16 IN SIZE GROUPS 4 AND 6 AND FOR THE MODIFICATION OF THE SIZE LIMITATIONS OF COALS PRODUCED IN DISTRICT NO. 16 IN SIZE GROUP 4

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division, by District Board 16, seeking a change in the description of Size Group 4 from "plus 8" x 2½"" to "8" x 4"" and a modification of the prices applicable to Size Groups 4 and 6 so that for all mines in District 16, Size Group 4 shall be priced 25 cents higher, and Size Group 6, 20 cents lower, than the presently effective minimum prices applicable to Size Group 5;

A hearing having been held before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, Denver, Colorado;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith: [1]

It is ordered, That § 336.4 (*Size group table*), § 336.5 (*General prices; minimum prices, via rail transportation*), and § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 For All Shipments be, and the same hereby is, amended as follows:

(a) The description of Size Group 4 is revised and amended to read as follows:

§ 336.4 *Size group table*

Size group No.	Maximum top screen opening	Maximum bottom screen opening
[4] Egg	8"	4"

with appropriate changes to be made in § 336.4, § 336.5, and § 336.21 in said Schedule.

(b) The minimum f. o. b. mine prices for Size Groups 4 and 6, applicable to all mines in District 16 are hereby revised and established as follows:

§ 336.5 *General prices; minimum prices, via rail transportation*

[Minimum f. o. b. mine prices in cents per net ton for shipments via rail transportation into all market areas]

The size group designation for Size Group No. 4 has been changed to read 8" x 4" instead of Plus 8" x Plus 2½". Prices for Size Groups 4 and 6 have been changed as follows [changes underscored] for Subdistricts Nos 1, 2, 4, 6, 8, 9, 10 and 11.

Subdistrict	Size Group 44 (8" x 4" egg)	Size Group 6 (4" x 2½" nut)
No. 1—Louisville	440	395
No. 2—Lafayette	440	395
No. 4—Marshall #2 (Crown Mine)	440	395
No. 6—Erie	390	345
No. 8—Frederick	380	335
(Grant Mine)	370	325
(Russell Mine)	370	325
(Morrison Mine)	372½	327½
No. 9—El Paso	350	335
No. 10—Jefferson	345	300
No. 11—Jackson (Moore Mine)	240	-------

TRUCK SHIPMENTS

§ 336.21 *General prices*

[Prices in cents per net ton for shipments into all market areas]

The size group designation of Size Group No. 4 has been changed to read 8" x 4" instead of Plus 8" x Plus 2½". Prices for Size Groups 4 and 6 have been changed as follows—changes underscored—for all Subdistricts:

Subdistrict	Size group 4 8" x 4"	Size group 6 4" x 2½"
No. 1—Louisville	490	445
No. 2—Lafayette	490	445
No. 3—Marshall #1	465	420
No. 4—Marshall #2 Crown Mine	450	405
No. 5—Marshall #3	450	405
No. 6—Erie	440	395
No. 7—Marshall #4	440	395
No. 8—Frederick	430	385
Grant Mine	420	375
Russell Mine	420	375
Morrison Mine	422½	377½
No. 9—El Paso	430	385
No. 10—Jefferson	395	350
No. 11—Jackson Moore Mine	290	-------
Mart Mine	390	-------
No. 12—LaSalle	345	300

NOTE: The above minimum prices for LaSalle subdistrict No. 12 will take the same reductions prayed for in Docket A-262, when and if granted by Director.

Dated: October 4, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7610; Filed, October 10, 1941; 10:34 a. m.]

[Docket No. A-261]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 23 FOR MODIFICATION IN SIZE GROUP DESCRIPTIONS OF SIZE GROUPS 4, 11, 14 AND 16 AND MODIFICATION AND CHANGE IN THE EFFECTIVE MINIMUM PRICES FOR SUBDISTRICTS "C", "D", "E", "F", "G" AND "I" OF DISTRICT NO. 23

A petition having been filed with the Bituminous Coal Division by District No. 23, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking (1) changes in Size Group descriptions for Size Groups 4, 11, 14, and 16; (2) revision of effective minimum prices applicable to coals in Size Groups 1, 2, 3, 8, 15, 16, 21, and 23, produced in Subdistrict C, Southwest Washington; (3) revision of effective minimum prices applicable to the coals of Subdistrict D, Bellingham Field, in Size Groups 3 and 12; (4) revision of effective minimum prices applicable to the coals of Subdistrict E, McKay-Lawson, in Size Group 14; (5) revision of effective minimum prices applicable to the coals of the Pacific Coast Coal Company, New Black Diamond Mine, and to the coals of the Strain Coal Co., Newcastle Mine, both of Subdistrict F, Renton; (6) revision of effective minimum prices applicable to the coals of Subdistrict G, Cumberland, in Size Groups 2 and 11; and (7) revision of effective minimum prices applicable to the coals of Subdistrict I, Alaska, in Size Groups 4 and 19.

A hearing having been held, after due notice to all interested persons, on January 22 and 23, 1941, before Thurlow G. Lewis, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, the Federal Building, Seattle, Washington, at which all parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

At the conclusion of the hearing, all parties having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the Director;

The Director, on April 2, 1941, 6 F.R. 1802, having granted temporary relief pending final disposition of the matters presented by the petition, in so far as a reasonable showing of the necessity for such relief had been made;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That, effective fifteen (15) days from the date of this Order, § 343.2 (*Size group table*), § 343.5 (*General prices; minimum prices for shipment via rail transportation*) and § 343.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments shall be, and they hereby are amended as follows:

§ 343.2 *Size group table.* (1) Descriptions of Size Groups 4, 11, 14, and 16 are changed to read as follows:

Size group No.	Single screened sizes, maximum screen opening	Double screened sizes	
		Maximum top screen opening	Maximum bottom screen opening
4	Lump 1"		
11	-------	2½" x 1"	
14	-------	1¼" x 1"	
16	-------	1" x ¾"	

[1] Not filed as part of the original document.

[1] Not filed as part of the original document.

(2) Minimum prices applicable to the coals of Subdistrict C, Southwest Washington, in Size Groups 1, 2, 3, 8, 15, 16, 21 and 23, are changed to read as follows:

§ 343.5 *General prices; minimum prices for shipment via rail transportation*

[Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

Market areas	Size groups							
	1	2	3	8	15	16	21	23
Subdistrict C, SW. Washington:								
238	385	340	315	325	235	235	235	185
240	360	350	325	300	160	160	160	110
243	385	305	280	325	235	235	235	185
247	385	375	350	325	200	200	200	150
253	385	375	350	325	185	185	185	135
All other	385	375	350	325	225	225	225	175

§ 343.21 *General prices*

[Truck shipment prices in cents per net ton for shipment into all market areas]

Subdistrict C, SW. Washington	Size Groups							
	1	2	3	8	15	16	21	23
	410	400	375	350	250	250	250	200

(3) By adding minimum prices applicable to the coals of Subdistrict D, Bellingham Field, in Size Group 12, to read as follows:

§ 343.5 *General prices; minimum prices for shipment via rail transportation*

Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown

	Size group No. 12
Subdistrict D, Bellingham:	
238	375
243	375
247	335
248	375
All Other	375

§ 343.21 *General prices*

Truck shipment prices in cents per net ton for shipment into all market areas

	Size group No. 12
Subdistrict D, Bellingham	425

(4) § 343.5 *General prices; minimum prices for shipment via rail transportation.*

§343.21 *General prices.*

The minimum price applicable to the coals of Subdistrict I, Alaska, in Size Group 19, for shipment via rail and via truck into all market areas is reduced to $4.00 per ton.

(5) § 343.5 *General prices; minimum prices for shipment via rail transportation.*

§ 343.21 *General prices.*

A minimum f. o. b. mine price of $4.25 per ton is established for the coals of Subdistrict I, Alaska, in Size Group 4, for shipment via rail and via truck into all market areas.

It is further ordered, That in all other respects the relief prayed for in the petition herein be, and it hereby is denied.

It is further ordered, That, effective fifteen (15) days from the date of this Order, the Order of the Director, dated April 2, 1941, granting temporary relief herein, shall be rescinded and revoked.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7611; Filed, October 10, 1941; 10:35 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 1A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

OCTOBER 9, 1941

§ 131.1a *General license No. 1A.* A general license is hereby granted authorizing transactions ordinarily incident to the transfer of securities from a blocked account in the name of any person to a blocked account in the same name in a domestic bank, provided both of the following terms and conditions are complied with:

(a) Such securities shall not be transferred from any blocked account in a domestic bank; and

(b) Such securities shall not be transferred from any other blocked account if such transfer represents, directly or indirectly, a transfer of the interest of a blocked country or national thereof to any other country or person. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7617; Filed, October 10, 1941; 11:39 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 2, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

OCTOBER 9, 1941.

General License No. 2[1] is amended to read as follows:

[1] 6 F.R. 3214.

§ 131.2 *General license No. 2.* (a) A general license is hereby granted:

(1) Authorizing any banking institution within the United States to debit any blocked account with such banking institution (or with another office within the United States of such banking institution) in payment or reimbursement for normal service charges owed to such banking institution by the owner of such blocked account;

(2) Authorizing any banking institution within the United States to make book entries against any foreign currency account maintained by it with a banking institution in any blocked country for the purpose of responding to debits to such account for normal service charges in connection therewith.

(b) Any banking institution within the United States which during any quarterly period makes any entries to any account in an aggregate amount in excess of $25 under the authority of this general license shall file promptly with the appropriate Federal Reserve Bank a report showing the name of such account and the aggregate amount of the entries to such account under the authority of this general license during such quarterly period.

(c) As used in this general license, the term "normal service charges" shall include charges in payment or reimbursement for interest due; cable, telegraph, or telephone charges; postage costs; custody fees; small adjustment charges to correct bookkeeping errors; and, but not by way of limitation, minimum balance charges, account carrying charges, notary and protest fees, and charges for reference books, photostats credit reports, transcripts of statements, registered mail insurance, stationery and supplies, checkbooks, and other similar items. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7618; Filed, October 10, 1941; 11:39 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 53 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.*

OCTOBER 9, 1941.

The definition of the term "generally licensed trade area" appearing in section (3) (a) of § 131.53 *General license No. 53*[1] is hereby amended in the following respects:

The word "and" is deleted in item (vii);

A semi-colon is substituted for the period in item (viii); and

The following items are added to the end thereof:

(ix) Syria and Lebanon; and

(x) (1) French Equatorial Africa, including the Cameroons; (2) New Caledonia; (3) Tahiti; (4) the French Establishments in India. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7619; Filed, October 10, 1941; 11:39 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 73 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.*

OCTOBER 9, 1941.

§ 131.73 *General license No. 73.* (a) A general license is hereby granted licensing as a generally licensed national any partnership which is a national of China and which meets *all* of the following conditions:

(1) the partnership has been continuously engaged in business within the continental United States since prior to June 17, 1940;

(2) the *active* management and control of such partnership is vested in partners within the United States who are not nationals of any blocked country (or are licensed as generally licensed nationals);

(3) since prior to June 17, 1940, no partner in such partnership has been a national of any blocked country other than China.

(b) This general license shall not be deemed to license as a generally licensed national any partnership which is a national of any blocked country other than China.

(c) All partnerships licensed herein as generally licensed nationals shall file with the appropriate Federal Reserve Bank within thirty days after the date hereof a report in triplicate setting forth: (1) the name and address of the partnership; (2) the name, address and nationality of each partner; and (3) a statement that the partnership is licensed as a generally licensed national under this general license. Any partnership not complying with this requirement is not authorized to engage in any transaction under this general license.

(d) Reports on Form TFR-300 are not required to be filed with respect to the property interests of any partnership licensed herein as a generally licensed national. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7620; Filed, October 10, 1941; 11:40 a. m.]

[1] 6 F.R. 2897, 3946.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 74 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.*

OCTOBER 9, 1941.

§ 131.74 *General license No. 74.* (a) A general license is hereby granted authorizing payments and transfers of credit from blocked accounts in domestic banks for the necessary personal expenses within the United States of any citizen of the United States who is within any foreign country, and for the personal expenses within the United States of the family of such citizen, provided that the following terms and conditions are complied with:

(1) Such payments and transfers are made only from blocked accounts in the name of, or in which the beneficial interest is held by, such citizen or his family;

(2) The total of all such payments and transfers made under this general license does not exceed $500 in any one calendar month for any such citizen or his family.

(b) This general license shall not be deemed to authorize any payment or transfer of credit which could not be effected without a license if such citizen were a generally licensed national.

(c) Domestic banks making any such payment or transfer shall satisfy themselves that the foregoing terms and conditions are complied with and shall file promptly with the appropriate Federal Reserve Bank separate monthly reports in triplicate on Form TFR-111 respecting the transactions for the account of each such citizen. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7621; Filed, October 10, 1941; 11:40 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

AMENDMENT OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP

§ 1304.17 *Appendix B, maximum prices for iron and steel scrap originating from railroads,*[1] of Price Schedule No. 4 is hereby amended by adding to Sub-paragraph A of Paragraph I thereof the following Basing Point:

Basing points	No. 1 railroad grade heavy melting steel	Scrap rails	Rails for rerolling*	Scrap rails three feet and under	Scrap rails two feet and under	Scrap rails eighteen inches and under
Cincinnati, O.	20.50	21.50	23.00	23.50	23.75	24.00

This Amendment shall become effective on the 10th day of October 1941. (E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483)

Issued this 10th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7612; Filed, October 10, 1941; 10:43 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 31—ACETIC ACID

Correction

The table appearing in paragraph (a) of § 1335.210 in the third column on page 4886 of the issue for Thursday, September 25, 1941 (F.R. Doc. 41-7135, filed, September 24, 1941, at 11:09 a. m.), is corrected to read as follows:

	Per hundred pounds delivered
Wood origin	[1] $7.25
Other origin	6.25

[1] Freight in excess of 32 cents per hundred pounds may be charged to buyer.

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

Orders of the Interstate Commerce Commission modifying the Classification

[1] 6 F.R. 2986, 4615, 4876.

of Income, Profit and Loss, General Balance Sheet Accounts for Steam Roads, Classifications of Operating Revenues and Operating Expenses; Income, Profit and Loss, General Balance Sheet Accounts, and Accounting Bulletin No. 15, for Steam Roads effective January 1, 1942 were filed with the Division of the FEDERAL REGISTER, October 10, 1941 at 10:47 A. M., F.R. Doc. Nos. 41–7613 and 41–7614. Requests for copies may be addressed to the Interstate Commerce Commission.

Notices

WAR DEPARTMENT.

[No. W 535 ac–19848; 5169]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION (DELCO PRODUCTS DIVISION) DAYTON, OHIO

Contract for • • • Strut Assemblies, Landing Gear Shock Absorber.

Amount: $1,174,250.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82–30 A 0705–12, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 15th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government • • • Strut Asemblies Landing Gear Shock Absorber for the consideration stated one million one hundred seventy-four thousand two hundred fifty dollars ($1,174,250.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Price adjustment. The contract prices stated in this contract for • • • Strut Assemblies are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the • • • Strut Assemblies.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7588; Filed, October 10, 1941; 9:43 a. m.]

[1] Approved by the Under Secretary of War, August 28, 1941.

[Contract No. W 535 ac–20665; 5425]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: HOMELITE CORPORATION, PORT CHESTER, NEW YORK

Contract for: • • • Generators, Gasoline Engine driven and data therefor.

Amount: $2,141,298.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities AC 299 P 111–30 A 0021–13; AC 32 P 12–30 A 0705–2; and AC 17 P 81–30 A 0705–2 the available balances of which are sufficient to cover cost of same.

This contract[1] entered into this 21st day of August 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government • • • Generators, Gasoline Engine driven and data therefor for the consideration stated two million, one hundred forty-one thousand, two hundred ninety eight dollars ($2,141,298.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Discount. All or any payments made under the terms of this contract shall be subject to a discount of • • • of the amount or amounts stipulated if payment of the invoice is made within ten (10) calendar days after date of delivery of articles invoiced.

Option. The Government is granted the right at any time during the life of this contract to increase the quantity of supplies called for herein to an additional amount of • • • units of said generators at not more than the unit price for the articles called for by this contract.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty (30) percentum of the contract price of the articles called for, and that such advances if made shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7590; Filed, October 10, 1941; 9:44 a. m.]

[1] Approved by the Under Secretary of War August 30, 1941.

[Contract No. W 535 ac–261]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: THE EMERSON ELECTRIC MANUFACTURING COMPANY

Contract for: • • • Turret Assemblies, Mock-ups and Data.

Estimated cost: $7,500,000.00.

Fixed fee: $525,000.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authority, the available balance of which is sufficient to cover the cost of the same: AC 299 P 111–30 A 0021–13.

This contract,[1] entered into this 26th day of August, 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government • • • Turret Assemblies, • • • Mock-ups and Data.

ART. 2. *Estimated cost:* $7,500,000.00.

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to payments in reimbursement for costs as outlined in Article 8 hereof, the cost, plus a fixed fee of five hundred twenty-five thousand dollars ($525,000.00).

ART. 7. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 8. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

ART. 20. *Fire insurance.* The Contractor agrees, unless and until otherwise directed in writing by the Contracting Officer, to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for costs is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payments or payments in reimbursement of costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 21. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

ART. 28. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 33. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 per centum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 37. *Option.* The Government is granted the right and option at any time prior to • • • to increase the quantity of articles called for under the terms of Article 1 of this contract to any quantity up to and including • • • additional articles, and in the event of the exercise of this option, the unit price of each article furnished, not exceeding the maximum quantity hereinbefore set forth, shall be subject to negotiation.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7591; Filed, October 10, 1941; 9:44 a. m.]

[1] Approved by the Under Secretary of War Sept. 6, 1941.

[Contract No. W 535 ac–21202; 5583]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FOLMER GRAFLEX CORPORATION, ROCHESTER, NEW YORK

Contract for • • • Cameras & Data.

Amount: $4,297,752.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 32 P 12–30 A 0705–2, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 21st day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government • • • Cameras & Data for the consideration stated four million two hundred ninety seven thousand seven hundred fifty two dollars ($4,297,752.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 21. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract

[1] Approved by the Under Secretary of War September 10, 1941.

price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 25. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a) Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7587; Filed, October 10, 1941; 9:42 a. m.]

[Contract No. W 535 ac-263]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION, ALLISON DIVISION, INDIANAPOLIS, INDIANA

Contract for: Maintenance Parts for Allison Type * * * Aeronautical Engines.

Amount: $4,419,359.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 121-12 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 3rd day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government * * * Maintenance Parts for Allison Type * * * Aeronautical engines for the consideration stated four million four hundred nineteen thousand three hundred fifty nine dollars ($4,419,359.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7589; Filed, October 10, 1941; 9:43 a. m.]

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[1] Approved by the Under Secretary of War September 13, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1022, A-1022 Part II]

PETITIONS OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3; AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SCOTCH HILL MINES NOS. 76 TO 80, INCLUSIVE (MINE INDEX NOS. 296 TO 300, INCLUSIVE), SCOTCH HILL MINES NOS. 85 TO 92, INCLUSIVE (MINE INDEX NOS. 301 TO 308, INCLUSIVE) OF THE HENRY CLAY COAL MINING CO., AND AUSTEN MINES NOS. 1 TO 9, INCLUSIVE (MINE INDEX NOS. 311 TO 319, INCLUSIVE), AUSTEN MINES NOS. 15 TO 20, INCLUSIVE (MINE INDEX NOS. 320 TO 325, INCLUSIVE), AND AUSTEN MINES NOS. 25 TO 28, INCLUSIVE (MINE INDEX NOS. 326 TO 329, INCLUSIVE), OF THE UPPER ELK AND POTOMAC COAL CORPORATION IN DISTRICT NO. 3

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1022 PART II FROM DOCKET NO. A-1022, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1022 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1022 PART II

The original petition in the above-entitled matter filed with this Division on August 21, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 3.

As indicated in a separate order issued in Docket No. A-1022, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 76 to 80, inclusive (Mine Index Nos. 296 to 300, inclusive), Scotch Hill Mines Nos. 85 to 92, inclusive (Mine Index Nos. 301 to 308, inclusive), of the Henry Clay Coal Mining Company and the Austen Mines Nos. 1 to 9, inclusive (Mine Index Nos. 311 to 319, inclusive), Austen Mines Nos. 15 to 20, inclusive (Mine Index Nos. 320 to 325, inclusive), and Austen Mines Nos. 25 to 28, inclusive (Mine Index Nos. 326 to 329, inclusive), of the Upper Elk and Potomac Coal Corporation.

While it appears that temporary relief for the Scotch Hill and Austen Mines should be granted, as prayed for by the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for these coals.

Now, therefore, it is ordered, That the portion of Docket No. A-1022 relating to the Scotch Hill Mines Nos. 76 to 80, inclusive (Mine Index Nos. 296 to 300, inclusive), Scotch Hill Mines Nos. 85 to 92, inclusive (Mine Index Nos. 301 to 308, inclusive), Austen Mines Nos. 1 to 9, inclusive (Mine Index Nos. 311 to 319, inclusive), Austen Mines Nos. 15 to 20, inclusive (Mine Index Nos. 320 to 325, inclusive), and Austen Mines Nos. 25 to 28, inclusive (Mine Index Nos. 326 to 329, inclusive, be and the same hereby is severed from the remainder of Docket No. A-1022 and designated as Docket No. A-1022 Part II.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 3, For All Shipments Except Truck, and For Truck Shipments, are supplemented to include the price classifications and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T," annexed hereto and hereby made a part hereof.

It is further ordered, That a hearing in Docket No. A-1022 Part II under the applicable provisions of said Act and the rules of the Division be held on October 27, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 22, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 76 to 80, inclusive (Mine Index Nos. 296 to 300, inclusive), Scotch Hill Mines Nos. 85 to 92, inclusive (Mine Index Nos. 301 to 308, inclusive) of the Henry Clay Coal Mining Co., and the Austen Mines Nos. 1 to 9, inclusive (Mine Index Nos. 311 to 319, inclusive), Austen Mines Nos. 15 to 20, inclusive (Mine Index Nos. 320 to 325, inclusive) and Austen Mines Nos. 25 to 28, inclusive (Mine Index Nos. 326 to 329, inclusive) of the Upper Elk and Potomac Coal Corporation.

Dated: September 19, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY SUPPLEMENTS

NOTE: The material contained in this Temporary Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
296	Henry Clay Coal Mining Co., The	Scotch Hill #76	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
297	Henry Clay Coal Mining Co., The	Scotch Hill #77	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
298	Henry Clay Coal Mining Co., The	Scotch Hill #78	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
299	Henry Clay Coal Mining Co., The	Scotch Hill #79	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
300	Henry Clay Coal Mining Co., The	Scotch Hill #80 (Strip)	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
301	Henry Clay Coal Mining Co., The	Scotch Hill #85	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
302	Henry Clay Coal Mining Co., The	Scotch Hill #86	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
303	Henry Clay Coal Mining Co., The	Scotch Hill #87 (Strip)	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
304	Henry Clay Coal Mining Co., The	Scotch Hill #88	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
305	Henry Clay Coal Mining Co., The	Scotch Hill #89	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
306	Henry Clay Coal Mining Co., The	Scotch Hill #90	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
307	Henry Clay Coal Mining Co., The	Scotch Hill #91	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
308	Henry Clay Coal Mining Co., The	Scotch Hill #92	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
311	Upper Elk & Potomac Coal Corporation	Austen #1	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
312	Upper Elk & Potomac Coal Corporation	Austen #2	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
313	Upper Elk & Potomac Coal Corporation	Austen #3	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
314	Upper Elk & Potomac Coal Corporation	Austen #4	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
315	Upper Elk & Potomac Coal Corporation	Austen #5	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
316	Upper Elk & Potomac Coal Corporation	Austen #6	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
317	Upper Elk & Potomac Coal Corporation	Austen #7	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
318	Upper Elk & Potomac Coal Corporation	Austen #8	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
319	Upper Elk & Potomac Coal Corporation	Austen #9	M. V. Freeport	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
320	Upper Elk & Potomac Coal Corporation	Austen #15	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
321	Upper Elk & Potomac Coal Corporation	Austen #16	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
322	Upper Elk & Potomac Coal Corporation	Austen #17	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
323	Upper Elk & Potomac Coal Corporation	Austen #18	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
324	Upper Elk & Potomac Coal Corporation	Austen #19	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
325	Upper Elk & Potomac Coal Corporation	Austen #20 (Strip)	Bakerstown	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
326	Upper Elk & Potomac Coal Corporation	Austen #22	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
327	Upper Elk & Potomac Coal Corporation	Austen #23	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
328	Upper Elk & Potomac Coal Corporation	Austen #24	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
329	Upper Elk & Potomac Coal Corporation	Austen #25 (Strip)	Elk Lick	Newburg, W. Va.	B. & O.	R	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O

NOTE: For railroad fuel prices add these mine index numbers to the respective groups set forth on Pages 26 and 27 in Price Schedule No. 1. Group No. 3—311, 312, 313, 314, 315, 316, 317, 318, 319; group No. 6—296, 297, 298, 299, 300, 301,[1] 302,[1] 303,[1] 304,[1] 305,[1] 306,[1] 307,[1] 308,[1] 320, 321, 322, 323, 324, 325, 326,[1] 327,[1] 328,[1] 329.[1]

[1] Mine Index Nos. 301, 302, 303, 304, 305, 306, 307, 308, 326, 327, 328, 329 shall be priced at fifteen cents above group No. 6 prices.

NOTE: The material contained in this Temporary "Supplement T" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2" bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All mine, run of mine, 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Henry Clay Coal Mining Co., The.	296	Scotch Hill #76	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	297	Scotch Hill #77	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	298	Scotch Hill #78	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	299	Scotch Hill #79	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	300	Scotch Hill #80 (Strip).	Bakerstown	Preston	235	235	235	210	210	200	190
Henry Clay Coal Mining Co., The.	301	Scotch Hill #85	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	302	Scotch Hill #86	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	303	Scotch Hill #87 (Strip).	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	304	Scotch Hill #88	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	305	Scotch Hill #89	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	306	Scotch Hill #90	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	307	Scotch Hill #91	Elk Lick	Preston	250	250	250	225	225	215	205
Henry Clay Coal Mining Co., The.	308	Scotch Hill #92	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	311	Austen #1	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	312	Austen #2	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	313	Austen #3	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	314	Austen #4	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	315	Austen #5	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	316	Austen #6	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	317	Austen #7	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	318	Austen #8	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	319	Austen #9	M. V. Freeport	Preston	225	225	225	200	200	190	180
Upper Elk & Potomac Coal Corporation.	320	Austen #15	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	321	Austen #16	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	322	Austen #17	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	323	Austen #18	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	324	Austen #19	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	325	Austen #20 (Strip)	Bakerstown	Preston	235	235	235	210	210	200	190
Upper Elk & Potomac Coal Corporation.	326	Austen #25	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	327	Austen #26	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	328	Austen #27	Elk Lick	Preston	250	250	250	225	225	215	205
Upper Elk & Potomac Coal Corporation.	329	Austen #28 (Strip)	Elk Lick	Preston	250	250	250	225	225	215	205

[F. R. Doc. 41-7556; Filed, October 9, 1941; 11:25 a. m.]

[Docket No. A-917]

PETITION OF KEYSTONE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR SIZE GROUP 3 COALS OF MINE INDEX NOS. 251 AND 451 FOR RAILROAD FUEL USE

ORDER POSTPONING HEARING

Intervener, District Board No. 1, having moved that the hearing in the above matter be postponed and having shown good cause why its motion should be granted; and there being no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above matter be postponed from October 10, 1941, to 10 o'clock in the forenoon of November 5, 1941, at the place heretofore designated and before the officer previously designated to preside at the hearing.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7597; Filed, October 10, 1941; 10:30 a. m.]

[Docket No. 1862-FD]

IN THE MATTER OF ROSS A. BURD, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated July 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 1, 1941, by Bituminous Coal Producers Board for District No. 19, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 21, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Casper, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: Subsequent to September 30, 1940, the defendant, Ross A. Burd, 153 North Durbin, Casper, Wyoming, sold a substantial quantity of nut coal, Size Group 8, produced at his Burd Superior Mine (Spider Mine) Mine Index No 113, located in Natrona County, Wyoming, District No. 19 to various consumers at a price of $1.75 per ton f. o. b. the mine for truck shipment, whereas the effective minimum price for nut coal for Size Group 8 was $2.20 per ton as set forth in the Schedule of Effective Minimum Prices for District No. 19, for truck shipment.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7598; Filed, Oct. 10, 1941; 10:30 a. m.]

[Docket No. A-1080]

PETITION OF WILLIE DRAKE, A CODE MEMBER IN DISTRICT NO. 8, FOR REVISION OF THE EFFECTIVE MINIMUM PRICE FOR FORKED COAL PRODUCED FROM THE DRAKE MINE (MINE INDEX NO. 3307), FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 13, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Willie Drake, a code member in District No. 8, for a reduction in the effective minimum price, from $2.10 per ton to $1.75 per ton, for forked coal produced from the Drake Mine (Mine Index No. 3307) for truck shipments to all market areas.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7599; Filed, October 10, 1941; 10:30 a. m.]

[Docket No. A-1037]

PETITION OF TAYLOR CABLE, A CODE MEMBER IN DISTRICT NO. 8, FOR REVISION OF THE EFFECTIVE MINIMUM PRICE FOR FORKED COAL PRODUCED FROM THE CABLE COAL MINE (MINE INDEX NO. 3299), FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 13, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Taylor Cable, a code member in District No. 8, for a reduction in the effective minimum price, from $2.10 per ton to $1.75 per ton, for forked coal produced from the Cable Coal Mine (Mine Index No. 3299) for truck shipments to all market areas.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7600; Filed, October 10, 1941; 10:30 a. m.]

[Docket No. A–1084]

PETITION OF DISTRICT BOARD NO. 8 FOR A TEMPORARY AND PERMANENT ORDER CHANGING THE CLASSIFICATION OF COALS IN SIZE GROUPS 1 TO 4 INCLUSIVE, PRODUCED BY MAHAN JELLICO COAL COMPANY (MINE INDEX NO. 308) AND GATLIFF COAL COMPANY (MINE INDEX NO. 213) IN SUBDISTRICT NO. 6 IN DISTRICT NO. 8, FOR RAIL SHIPMENT, FROM "C" TO "E"

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 5, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for preliminary, or temporary, and permanent order of change in classification from "C" to "E" for coals in Size Groups 1 to 4, inclusive, produced by Mahan Jellico Coal Company (Mine Index No. 308) and Gatliff Coal Company (Mine Index No. 213) in Subdistrict No. 6 in District No. 8 for rail shipment.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–7601; Filed, October 10, 1941; 10:31 a. m.]

[Docket No. A–1085]

PETITION OF DISTRICT BOARD NO. 8 FOR A TEMPORARY AND PERMANENT ORDER CHANGING THE CLASSIFICATION OF COALS PRODUCED AT RILEY NO. 1 AND NO. 2 MINES (MINE INDEX NOS. 666 AND 667) OF BUFFALO EAGLE MINES, INCORPORATED, A CODE MEMBER IN SUBDISTRICT NO. 5 IN DISTRICT NO. 8 FOR RAIL SHIPMENT, FROM "F" TO "G" IN SIZE GROUPS 18 TO 21, INCLUSIVE, AND FROM "K" TO "L" IN SIZE GROUP 22

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 6, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for a temporary and permanent order changing the classification of coals produced at Riley No. 1 and No. 2 Mines (Mine Index Nos. 666 and 667) of Buffalo Eagle Mines, Incorporated, a code member in Subdistrict No. 5 in District No. 8 for rail shipment, from "F" to "G" in Size Groups 18 to 21, inclusive, and from "K" to "L" in Size Group 22.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–7602; Filed, October 10, 1941; 10:31 a. m.]

[Docket No. A–1065]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR A MIXTURE OF THE COALS PRODUCED AT MINE NOS. 2, 3, AND 6 OF C. H. MEAD COAL CO., A CODE MEMBER IN DISTRICT NO. 7

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 7, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before October 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of the following price classifications and minimum prices for a mixture of the coals produced at the Mine Nos. 2, 3, and 6 of the C. H. Mead Coal Co.:

	Size group								
	1	2	3	4	5	6	7	8	9	10
For all shipments except truck	D	F	E	D	A	B	B	B	B	B
For truck shipments	290	250	280	215	195	190	---	---	---	---

One of the issues presented herein is whether price classifications and minimum prices, as set forth above, or higher minimum prices, should be established for the coals of Mine No. 6 of the C. H. Mead Coal Co.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–7603; Filed, October 10, 1941; 10:31 a. m.]

[Docket No. A–150]

PETITION OF BEAR CANON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR PETITIONER'S COALS IN SIZE GROUPS 2, 3, 5, 7, 9, 17, AND 19, FOR SHIPMENT INTO MARKET AREAS 215, 217–223, 244–246

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted by a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bear Canon Coal Company, a code member in District 17, operating the Bear Canon No. 6 Mine (Mine Index No. 9). The petition seeks temporary and final orders which would (1) modify the effective minimum prices of the coals of the Bear Canon No. 6 Mine in Size Groups 1, 2, 3, 4, 5, 6, 7, 9, 13, and 14; (2) permit the petitioner to absorb freight transportation charges to the same extent as code members in Subdistricts 4, 5, 11, 12, 15, 16, and 18; (3) permit the petitioner to absorb not to exceed 25 cents per ton of the freight transportation charges on all shipments north and east of the petitioner's mine; (4) reclassify the petitioner's mine to transfer it from Subdistrict 7 to Subdistrict 8; and (5) protect from reductions or changes at points of delivery the "quality differentials" between the petitioner's coals and those of its competitors. On October 25, 1940, the petitioner filed a motion for temporary relief and further moved that the hearing be held at Trinidad, Colorado. On October 28, 1940, the petitioner filed an affidavit of its treasurer in support of its request for temporary relief.

District Board 17 filed an answer to the petition, opposing the relief therein sought and pointing out that in Docket No. A–174, by Order dated October 29, 1940, the petitioner had been temporarily reclassified in Subdistrict 8. Vickers Coal Company, a code member in District 17, also filed a petition for leave to intervene and, by amendment thereto, requested that the existing relationship between the petitioner's and its coals be maintained. District Boards 16 and 19 also filed petitions for leave to intervene.

Pursuant to notice to interested parties, an informal conference concerning the request for temporary relief was held and the petitioner, the Consumers' Counsel Division, and District Board 17 appeared. Thereafter, on December 26, 1940, the Director ordered the following Price Instruction and Exception temporarily added to the Schedule of Effective Minimum Prices for District No. 17:

18. When coals in Size Group No. 13 from the Bear Canon Coal Company, Bear Canon No. 6 Mine (Mine Index No. 9) are sold for shipment into Market Area 220, to the city of Pueblo, Colorado, for consumption in its Water Works plant, or the Standard Fire Brick Company, the minimum price listed herein for such coal shall be reduced 20 cents per net ton.

After due notice to all interested persons and pursuant to Orders of the Director and continuances of the hearing by the Examiner, a hearing in this matter was held before Thurlow G. Lewis, an Examiner of the Division, at a hearing room thereof in Denver, Colorado. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Boards 16, 17, 18, and 19, Vickers Coal Company, and the Consumers' Counsel Division appeared.

Thereafter, District Board 17 filed a motion to terminate the temporary relief theretofore granted the petitioner. The petitioner filed an answer to the motion of District Board 17 and a motion for additional temporary relief. The Vickers Coal Company filed an answer to the petitioner's motion for additional temporary relief, requesting the granting of District Board 17's motion for termination of the temporary relief and denial of the petitioner's motion for additional temporary relief.

Thereafter, the Consumers' Counsel Division and the petitioner filed briefs.

On May 1, 1941, the petitioner filed an application to amend its petition, requesting, in view of its temporary reclassification in Subdistrict 8, (1) reductions in minimum price of 40 cents per ton on Size Groups 1 to 7 and 9, 20 cents per ton on Size Group 13, and 15 cents per ton on Size Group 14, for all shipments except to Market Area 218; (2) the establishment of the following exception: "Mine prices shown for Bear Canon No. 6 Mine for all size groups for shipment into all market areas may be reduced by the exact amount of the differential in the freight rate applying from Walsenburg or Canon City, whichever is lower;" (3) in the event that the freight charge absorptions requested were denied, reductions of 65 cents on Size Groups 1 to 7 and 9, 30 cents on Size Group 13, and 25 cents on Size Group 14; and (4) the establishment of minimum prices for the Bear Canon coals in Size Group 11 (1½'' x ⅜'') identical with the prices established for Size Group 11 in Subdistrict 9.

Thereafter, the Director issued a Memorandum Opinion and Order, finding that the temporary relief theretofore granted had proved unnecessary, that the temporary relief granted to the petitioner an undue advantage over other producers, that termination of such relief would not unduly prejudice the petitioner, and that the petitioner had not made a showing of the necessity for continuance of temporary relief, and ordering (1) the temporary relief theretofore granted vacated; (2) Price Instruction and Exception 18 added to the Schedule of Effective Minimum Prices for District No. 17 for All Shipments by the Order of the Director dated December 26, 1940, deleted; and (3) the motion of the petitioner for additional temporary relief denied.

Thereafter, the Director issued an Order designating C. Rollin Larrabee, Examiner, to propose and submit to the Director Proposed Findings of Fact, Conclusions of Law, and the recommendation of an appropriate Order in the

premises, and to perform all other duties delegated to Thurlow G. Lewis in connection with the proceedings.

On August 2, 1941, Examiner Larrabee submitted Proposed Findings of Fact and Conclusions of Law in this matter, recommending that an order be entered denying the petitioner's prayer for relief, reserving, however, for disposition in Docket No. A–174, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8, and an opportunity was afforded to all parties to file exceptions to the Report of the Examiner and supporting briefs.

The petitioner filed Exceptions on September 10, 1941, and requested that it be granted the right to make oral argument herein and further moved that, in the event the Director should disagree with the petitioner's contentions and position, the record be reopened for the introduction of further evidence. In its Exceptions, the petitioner incorporated by reference its previously filed brief.

Many of the petitioner's exceptions, which are directed to the sufficiency of the evidence to support the Proposed Findings of Fact and Conclusions of Law, are vague and general in nature. In its exceptions the petitioner, seeking to show that it has over a period of time regularly shipped substantial quantities of coal to market areas where it now seeks minimum price reduction, has relied heavily upon a tabulation submitted by it on July 19, 1941, referred to by the Examiner in his Proposed Findings of Fact. The petitioner states "that throughout the record and from the figures submitted by the petitioner on July 19, 1941, it appears that petitioner during the last five years produced and sold over 30,000 tons of coal annually, which moved into the markets referred to in the said statement * * *" I find that the figures submitted on July 19, 1941, show that during the last five years, the following total tonnages, exclusive of railroad fuel, were shipped to the market areas indicated in the tabulation.

Year:	*Tonnage*
1936	10,777
1937	15,820
1938	18,147
1939	20,703
1940	20,396

Nothing to the contrary appears in the record. The petitioner has made no specific claim with reference to railroad fuel.

It also appears from the said tabulation submitted by the petitioner that during the past five years no coal was shipped by the petitioner to Market Areas 222, 244 or 246; that in only one of those years, 1936, did the petitioner ship coal into Market Areas 205 and 206, which shipments amounted to a total tonnage of 372 and 117, respectively; that in only two of those years, 1936 and 1937, did the petitioner ship coal into Market Area 208, a total of 180 tons; and that in only one of those years, 1936, did the petitioner ship coal into Market Area 210, a total of 76 tons, all said market areas being claimed by the petitioner to be its natural outlet for coals.

While the Examiner's statement that "the petitioner has, however, shipped no coals to many such destinations in recent years" may be more general than the record requires; nevertheless, the record does disclose, both from the testimony of the witness Plested, the general manager, secretary and treasurer of the petitioner, and from the figures submitted by the petitioner on July 19, 1941, that the petitioner has continued to lose its markets over a period of the past 10 or 12 years.

The petitioner's witness, Plested, testified that "ten or twelve years ago" the petitioner delivered coal into seven of the western states; that the petitioner's present markets are limited to the State of Colorado; and that "even in that we have delivered no coal in the last year to our normal customers in Market Area 217." He testified that the petitioner was losing markets when the N.R.A. came into being and continued to lose markets under the N.R.A. and thereafter prior to the establishment of the effective minimum prices by the Division.

As stated by the Examiner in the Proposed Findings of Fact:

> The effective minimum prices intended to preserve, as nearly as may be, existing fair competitive opportunities, were not designed to revivify a producer's markets long since dead or to restore to a producer long lost customers. Nor were the effective minimum prices designed to permit any given producer to compete actively with other producers in all consuming market areas. A producer is not as of right entitled to a minimum price on his coal so low as to enable him to compete in a given market area with a producer more favorably situated with respect thereto in so far as transportation charges are concerned, where, as here, the less favorably situated producer did not compete in any substantial degree in the market area in question for some time prior to the establishment of the effective minimum prices.

After consideration of all the evidence, the Proposed Findings of Fact and Conclusions of Law, the Exceptions thereto, and the brief in support thereof, I find that the Exceptions are not well taken and that the evidence supports the Proposed Findings of Fact and Conclusions of Law of the Examiner.

The petitioner has had a full hearing in this matter extending over a period of three days, during which over 400 pages of testimony were taken; it has introduced numerous exhibits, and has filed a voluminous brief as well as full Exceptions to the Examiner's Proposed Findings of Fact and Conclusions of Law. All these have been considered. No good purpose will be served by an oral argument on the issues here involved and the request for oral argument is therefore denied.

The motion to reopen the record made by the petitioner in connection with the Exceptions is also denied. The petitioner did not specifically state what further evidence it desired to introduce.

On September 11, 1941, the petitioner moved that judicial notice be taken of certain portions of the record in General Docket No. 15. I have considered those portions of the record in General Docket No. 15 specified in the petitioner's motion. It is, therefore, unnecessary for me to rule on the petitioner's alternative motion that the record herein be reopened for the limited purpose of making said portions of General Docket No. 15 part of the record in the present proceeding.

Upon the basis of the above Opinion and for the reasons stated therein, I conclude that the Proposed Findings of Fact and the Conclusions of Law based thereon submitted by the Examiner on August 2, 1941, should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

It is, therefore, ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That the prayers for relief contained in the several petitions filed herein by Bear Canon Coal Company be and they hereby are denied, reserving, however, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8 for disposition in Docket No. A–174.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7604; Filed, October 10, 1941; 10:32 a. m.]

[Docket A–726]

PETITION OF CONSUMERS' COUNSEL REQUESTING THAT THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR "INDUSTRIAL" COALS PRODUCED IN DISTRICT 8 BE MADE APPLICABLE TO DISTRICT 8 COALS SOLD TO THE BOARD OF EDUCATION OF THE CITY OF ATLANTA, GEORGIA

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND DENYING RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by the Consumers' Counsel Division on behalf of the Board of Education of the City of Atlanta, Georgia, seeking permission for the Board to purchase double screened coals produced in Districts 7, 8, 9, and 13, for use in the public school buildings of the city, at "Industrial Coal" prices;

A petition of intervention having been filed by District Board 7;

A hearing having been held before a duly designated Examiner of the Division in Washington, D. C., on March 27, 1941;

The Examiner, Floyd McGown, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated August 27, 1941, recommending that the relief prayed for by the petition herein be denied;

An opportunity having been afforded to all interested parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director:

It is ordered, That The Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director in this matter.[1]

It is further ordered, That the relief prayed for in the petition of the Consumers' Counsel Division on behalf of the Board of Education of the City of Atlanta, Georgia, herein be and the same hereby is denied.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7605; Filed, October 10, 1941; 10:32 a. m.]

[Docket No. A–792]

PETITION OF WEST VIRGINIA COAL AND TRANSPORTATION COMPANY, A CODE MEMBER OF DISTRICT 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER FOR ESTABLISHMENT OF FREE ALONGSIDE PRICES FOR COAL PRODUCED IN DISTRICT 8 BY CODE MEMBERS AND SHIPPED IN RIVER BARGES TO NORTHERN STATES POWER COMPANY, ST. PAUL AND MINNEAPOLIS, MINNESOTA

ORDER DENYING RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by West Virginia Coal and Transportation Company, a code member producer in District 8, in behalf of the Northern States Power Company, a consumer, seeking Temporary and Final Orders permitting any code member in District 8 to sell coals in Size Groups 20, 21 and 22 at free alongside prices to the Northern States Power Company for consumption at its plants located at Minneapolis and St. Paul, Minnesota;

[1] Cf. Docket A–543.

A hearing having been held on May 14, 1941, before a duly designated Examiner of the Division at a hearing room of the Division in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties having waived preparation and filing of the Examiner's report, the undersigned made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith;[1]

It is ordered, That the relief requested by the petition of West Virginia Coal and Transportation Company herein be and the same hereby is denied.

Dated: October 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7606; Filed, October 10, 1941; 10:33 a. m.]

[Docket No. 1610–FD]

IN THE MATTER OF J. D. HAWKINS, DEFENDANT

MEMORANDUM OPINION AND ORDER OF DISMISSAL

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on March 10, 1941, by District Board 15, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937. The complaint alleged that J. D. Hawkins, a code member in District 15, operating the J. D. Hawkins Mine (Mine Index No. 672) in Putnam County, Missouri, sold, during October and November 1940, substantial quantities of lump coal at prices ranging from 20 cents to 55 cents below the effective minimum price;[2] that this constituted a wilful violation of the provisions of the Bituminous Coal Code and regulations thereunder, and prayed that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and Regulations thereunder.

Pursuant to Order of the Director, a hearing in this matter was held on May 23–24, 1941 before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Unionville, Missouri. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the complainant and the defendant. At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the undersigned.

J. D. Hawkins, the defendant, was a code member and operated a mine (Mine Index No. 672) in Putnam County, Missouri, until March 1941.[1]

The record fails to show wilful violation by J. D. Hawkins of the provisions of 4 II (e) of the Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments, and the Marketing Rules and Regulations in connection with the sale of coal during October and November 1940.

Now, therefore, it is ordered, That the complaint of District Board 15 herein be and it hereby is dismissed.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7607; Filed, October 10, 1941; 10:33 a. m.]

[Docket No. A–39]

PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

This proceeding was instituted upon petition filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Order 303 of the Division, with the Bituminous Coal Division by District Board 2, proposing and seeking the establishment of price classifications and minimum prices for coals not theretofore classified and priced. Temporary relief was granted October 8, 1940, establishing certain minimum prices and price classifications as set forth therein. In the temporary order, railroad fuel prices, among others, were established for the coals produced at the Maust No. 7 Mine (Mine Index No. 311) of Loyalhanna Fuel Company ("Loyalhanna"), a code member in District 2.

On October 9, 1940, Loyalhanna intervened herein and an informal conference, pursuant to the 4 II (d) Rules, was held on October 15, 1940, at which railroad fuel produced at this mine was under discussion. No change was made in Loyalhanna's railroad fuel prices as a result of the informal conference.

A hearing was duly held and the Examiner, Charles S. Mitchell, submitted Proposed Findings of Fact and Conclusions of Law, recommending that Mine Index No. 311 be placed in Price Group 21 with a note providing that Mine Index 311 may reduce the f. o. b. mine price of Size Group 6 (mine run railroad fuel) by 5 cents per ton.

[1] Not filed as part of the original document.

[2] The price established for such coals in the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments, effective October 1, 1940, was $2.55 per ton. On October 29, 1940, an Order of the Director reduced the minimum price f. o. b. the mine to $2.40. On December 7, 1940, an Order of the Director further reduced the minimum price f. o. b. the mine to $2.30 per ton.

[1] It appears that Hawkins sold the mine in March 1941, to the son of one Noah Richmond.

Loyalhanna filed exceptions to the Examiner's Report, contending, among other things, that Mine Index 311 should be placed in Price Group 4 instead of Price Group 21.

On June 27, 1941, the Director entered a Final Order overruling the exception and classifying Mine Index 311 in Price Group 21 for railroad fuel with the provision that Size Group 6 may be reduced 5 cents per ton.

On September 11, 1941, Loyalhanna filed a petition herein seeking a reconsideration of that part of the Final Order dated June 27, 1941, establishing a price classification and minimum f. o. b. mine prices for coal produced at the Maust No. 7 Mine for sale as railroad fuel.

The matter of railroad fuel prices for this mine has been under consideration by the Director upon the informal conference, by the Examiner upon the evidence, and by the Director upon the record and Loyalhanna's Exceptions to the Examiner's Report.

The Examiner's Report indicates that full consideration was given to the evidence relating to railroad fuel prices for this mine. The Exceptions filed by Loyalhanna were accompanied by an elaborate discussion and brief of that evidence. Upon consideration of the Examiner's Report and the Exceptions thereto and supporting brief, the Director again reviewed all of the evidence.

Nevertheless, upon the petition to reconsider, I have again reviewed the record and have concluded that no useful purpose is to be served by further detailed discussion of the evidence. It was stated in the Final Order "that the Examiner's findings of fact in regard to railroad locomotive fuel are completely supported by the substantial weight of the evidence; indeed, that the evidence compels those findings." I adhere to that conclusion.

The petition to reconsider the railroad fuel classification states that its primary basis is the market experience of the Loyalhanna coals since the hearing. It is contended that Pennsylvania Railroad has made no purchases of railroad fuel from the Maust No. 7 Mine under the temporary and final price classification, notwithstanding the sales agents of Loyalhanna have made special effort to effect such sales. The record reveals that the Maust No. 7 Mine began production in May 1940 and made no sales of railroad fuel to the Pennsylvania under open competition. The hearing was held November 13–18, 1940, and no sales had been made to that railroad up to the date of the hearing. The petition, supported by an affidavit, avers that no sales have been made to the Pennsylvania Railroad since the hearing and that the railroad will not pay over $1.80 for strip mine coal. It is urged that this recent and comparatively more extended market history entitles Loyalhanna to a reconsideration of the Final Order and to a reclassification in Price Group 4 with a minimum price of $1.80 for railroad fuel.

It is further charged in the petition and supported by affidavit that since the hearing was held, other strip mines in District 2 have received reclassification in Group 4 on the basis of the alleged attitude of the Pennsylvania Railroad not to pay more than $1.80 per ton for strip mined coal in District 2. It is urged that for this reason, also, Loyalhanna is entitled to a reconsideration of the Final Order and to a reclassification of its coals for sale as railroad fuel.

These are matters not properly to be considered on the petition for a reconsideration of the Final Order. Though supported by an *ex parte* affidavit, they are not a part of the record on which the Final Order was entered. Before these allegations could be considered, an opportunity must be afforded interested persons to be heard upon them. The showing made by Loyalhanna would seem to be amply sufficient to warrant and require a reopening of the hearing as to railroad fuel or the institution of a new proceeding. However, this petition does not seek to reopen the hearing and the circumstances do not present a situation authorizing the Director to treat it as such a motion. It is a motion to reconsider and as such, on the basis of the record, must be denied.

It is therefore ordered, That the petition of Loyalhanna Fuel Company for a reconsideration of the Final Order herein entered July 27, 1941, be and the same hereby is denied.

Dated: October 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7608; Filed, October 10, 1941; 10:33 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

IN RE PETITION OF RED JACKET COAL CORPORATION FOR AMENDMENT OF § 304.19 (e) OF THE RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS TO PERMIT PETITIONER TO MAKE PRICE ALLOWANCES TO EMPIRE-HANNA COAL COMPANY, LTD., UPON COAL RESOLD BY SAID EMPIRE-HANNA COAL COMPANY, LTD., TO THE SAME EXTENT AS CODE MEMBERS ARE NOW PERMITTED TO ALLOW PRICE ALLOWANCES TO THEIR WHOLLY OWNED CANADIAN SUBSIDIARIES ON COAL RESOLD BY SAID REGISTERED CANADIAN DISTRIBUTORS, AS IS NOW PROVIDED BY SAID § 304.19 (e) OF THE SAID RULES AND REGULATIONS

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND DENYING RELIEF

Red Jacket Coal Corporation, a code member, having, pursuant to the reservation of jurisdiction retained by the Director in this docket, filed a petition requesting that § 304.19 (e) of the Rules and Regulations for Registration of Distributors be modified so as to grant petitioner the same right to make a price allowance to Empire-Hanna Coal Company, Limited, from minimum f. o. b. mine prices upon coal resold by it to registered Canadian distributors, as though said Empire-Hanna Coal Company, Limited, were a wholly-owned Canadian subsidiary of the petitioner;

A hearing upon said petition having been held before an Examiner of the Division on February 10, 1941, pursuant to a Notice of and Order for Hearing therefor dated January 24, 1941; and the Examiner having made and entered his Report, Proposed Findings of Fact and Proposed Conclusions of Law in this matter, dated September 12, 1941, and having recommended that the relief prayed for in the petition of the Red Jacket Coal Corporation and other affirmative relief prayed for be denied;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined after a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the relief prayed for in the petition of the Red Jacket Coal Corporation and other affirmative relief prayed for be and the same hereby are denied.

Dated: October 8, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7609; Filed, October 10, 1941; 10:34 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

ORDER DELEGATING TO ROBERT H. SHIELDS, ASSISTANT TO THE SECRETARY, THE AUTHORITY TO PERFORM REGULATORY FUNCTIONS

1. Pursuant to the authority vested in the Secretary of Agriculture by the act approved April 4, 1940 (54 Stat. 81), Robert H. Shields, Assistant to the Secretary, is authorized to perform any regulatory function, as defined in the said act of April 4, 1940, which the Secretary of Agriculture now is or hereafter may be authorized or required by law to perform.

2. The provisions of this order shall not affect the authority of the Secretary of Agriculture to perform any regulatory function, and shall not affect the authority of the Under Secretary or of the Assistant Secretary of Agriculture, by virtue of any delegation of authority heretofore or hereafter made, to perform any such function.

3. The provisions of this order shall not be construed to limit the authority of Robert H. Shields, as Assistant to the Secretary, to perform any functions, in addition to those defined in the said act of April 4, 1940, which from time to time may be assigned by the Secretary to him.

4. The provisions of this order shall supersede Memorandum No. 915, issued on June 6, 1941, and Supplements Nos. 1 and 2 thereto, issued on June 24, 1941 (6 F.R. 3523).

Done at Washington, D. C., this 9th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–7633; Filed, October 10, 1941; 11:50 a. m.]

Surplus Marketing Administration.

[Docket No. AO 103–A 3]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 42, AS AMENDED, REGULATING HANDLING OF MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

Notice is hereby given of a hearing to be held in the New Orleans Hotel, New Orleans, Louisiana, beginning at 10:00 a. m., C. S. T., October 29, 1941, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 42, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

This notice is given pursuant to the provisions of Public Act. No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to amendments proposed by the Dairy Farmers' Protective League, Inc., to (1) redefine the terms "producer" and "handler", (2) change the present Class I prices to $2.98 per hundredweight, provided such increase will not necessitate further increase in the price of milk to the consuming public within the area, or to $3.20 per hundredweight, if the price to the consuming public must be increased, (3) increase the Class II price by 15 cents per hundredweight, and (4) establish a market-wide instead of an individual-handler pool; with respect to amendments proposed by the Louisiana Milk Commission to (1) change the present Class I prices to $3.10 per hundredweight, and (2) include in the order a base-rating plan and the provisions thereof; and with respect to amendments proposed by the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) revise the Class III price formula, (2) include a provision authorizing a deduction for marketing services not to exceed 3 cents per hundredweight, and (3) revise any sections of the order to make them consistent with any changes caused by the adoption or rejection of the aforesaid proposed amendments, or any part thereof.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.

OCTOBER 10, 1941.

[F. R. Doc. 41–7627; Filed, October 10, 1941; 11:50 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO THE RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted to The Bowler Foundry Company, Cleveland, Ohio, authority to maintain payroll or other records which consolidate that part of the *total daily or weekly straight-time earnings or wages* due during overtime worked with the *overtime excess compensation* also due for that work time on condition that the separate items, as required by any of the applicable §§ 516.2 through 516.12, be obtainable by extension, recomputation or transcription pursuant to § 516.17 of those Regulations. This authority is limited to those of their employees who are employed at one specified unvarying rate of pay throughout the work week.

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C., this 9th day of October, 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–7622; Filed, October 10, 1941; 11:45 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 31 FOR THE MISCELLANEOUS APPAREL INDUSTRY (MEN'S NECKWEAR, ROBES, GARTERS, SUSPENDERS, ARM BANDS, COVERED BUTTONS AND BUCKLES, ARTIFICIAL FLOWERS AND FEATHERS)

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on July 8, 1941, by Administrative Order No. 116, appointed Industry Committee No. 31 for the Miscellaneous Apparel Industry (Men's Neckwear, Robes, Garters, Suspenders, Arm Bands, Covered Buttons and Buckles, Artificial Flowers and Feathers), composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 31, on August 28, 1941, recommended a minimum wage rate for the Miscellaneous Apparel Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on August 29, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 31 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 31 is as follows:

Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in commerce or in the production of goods for commerce in the Miscellaneous Apparel Industry as defined in Administrative Order No. 116, dated July 8, 1941.

II. The definition of the Miscellaneous Apparel Industry (Men's Neckwear, Robes, Garters, Suspenders, Arm Bands, Covered Buttons and Buckles, Artificial Flowers and Feathers) as set forth in Administrative Order No. 116, issued July 8, 1941, is as follows:

The manufacture of men's and boys' neckties, scarfs and mufflers from any

woven materials or from purchased knitted materials; the manufacture of robes from any woven materials or from purchased knitted materials, including without limitation men's, women's, and children's bath, lounging and beach robes and dressing gowns; the manufacture of garters, suspenders, arm bands, other elastic woven products, and similar products, (except orthopedic and athletic products) from webbing, leather, or other material; the manufacturing process of covering buttons and buckles with cloth, leather or similar materials; the manufacture and processing, for use on apparel, of artificial flowers, buds, foliage, fruits, plants, and feathers, or parts thereof from any material; and the preservation and processing, for use on apparel, of natural flowers and feathers.

III. The full text of the report and recommendation of Industry Committee No. 31, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street N. E.

Columbia, South Carolina, Federal Land Bank Building, Hampton and Marion Streets.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue and 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue North.

Cleveland, Ohio, Main Post Office, West 3rd and Prospect Avenue.

Detroit, Michigan, 348 Federal Building.

Columbus, Ohio, 320 Old Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, Tenth and Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, Third Avenue and Union Street.

San Juan, Puerto Rico, Box 112 Post Office.

Washington, District of Columbia, Fourth Floor, Department of Labor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on October 27, 1941, before Major Robert N. Campbell, Presiding Officer, at 10:00 A. M. in Room 7129 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 31 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 31, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than October 23, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 31.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 31 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Miscellaneous Apparel Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *Miscellaneous Apparel Industry*, prepared by the Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, August 1941.

Bulletin, Serial No. R. 1156, entitled, *The Bureau of Labor Statistics' New Index of Cost of Living, March 15, 1940*, prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

Bulletin, Serial No. R.1298, entitled, *Changes in Cost of Living, March 15, 1941*, prepared by the Bureau of Labor Statistics, U. S. Department of Labor.

Bulletin, Serial No. R.963, reprint from the *Monthly Labor Review* of July 1939, entitled, *Differences in Living Costs in Northern and Southern Cities.*

Mimeographed release issued by the Bureau of Labor Statistics, U. S. Department of Labor, entitled, *Estimated Intercity Differences in Costs of Living, June 15, 1941.*

Mimeographed release issued by the Bureau of Labor Statistics, U. S. Department of Labor, entitled, *Indexes of Cost of Living in 34 Cities for April 15, May 15, and June 15, 1941.*

Mimeographed release issued by the Bureau of Labor Statistics, U. S. Department of Labor, entitled, *Living Costs in Large Cities, July 15, 1941.*

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the pre-

siding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 9th day of October, 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7623; Filed, October 10, 1941; 11:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6198]

NOTICE RELATIVE TO AMARILLO BROADCASTING CORP. (KFDA)

Application dated July 23, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Amarillo, Texas; operating assignment: frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant, either directly or indirectly, has transferred, assigned or in any manner disposed of any of the rights or responsibilities incident to its license to Gene Cagle, or any other person, without having obtained the written consent of the Commission, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

2. To determine whether the station has been operated by Gene Cagle, or any other person, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 301 thereof.

3. To determine whether in view of the facts adduced under the foregoing issues the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Amarillo Broadcasting Corporation, Radio Station KFDA, 109 E. 5th St., Amarillo, Texas.

Dated at Washington, D. C., October 8, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7595; Filed, October 10, 1941; 9:49 a. m.]

[Docket No. 6199]

NOTICE RELATIVE TO FEDERATED PUBLICATIONS, INC. (WELL)

Application dated January 29, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Battle Creek, Michigan; operating assignment: Frequency, 1,400 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant, either directly or indirectly, has transferred, assigned or in any manner disposed of any of the rights or responsibilities incident to its license to Dan E. Jayne, or any other person, without having obtained the written consent of the Commission, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

2. To determine whether the station has been operated by Dan E. Jayne, or any other person, in violation of the provisions of the Communications Act of 1934, as amended, particularly section 301 thereof.

3. To determine whether the applicant has failed to report to the Commission the existence of contracts with Dan E. Jayne, or the terms thereof, in violation of the provisions of the Commission's orders, rules or regulations, particularly Broadcast Division Order No. 2, or § 43.1 (formerly § 340.01).

4. To determine whether in view of the facts adduced under the foregoing issues the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Federated Publications, Inc., Radio Station WELL, 38 West State St., Battle Creek, Michigan.

Dated at Washington, D. C., October 8, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7596; Filed, October 10, 1941; 9:49 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-6737]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

OCTOBER 7, 1941.

It appearing to the Commission that:

(a) On January 3, 1939, Kansas City Power & Light Company, hereinafter referred to as "Company," submitted proposed reclassification and original cost studies required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Commission's order of May 11, 1937;

(b) The Commission's staff has made a field study of the Company's proposed reclassification and original cost studies and has submitted to the Commission a report entitled "Kansas City Power & Light Company, Kansas City, Missouri, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(c) The Commission's staff report was transmitted to the Company on September 9, 1940, with a request that the accounting adjustments indicated in the report be made, copies of the adjusting journal entries be submitted, and a plan be submitted for disposing of the amounts, in such report, included in Account 100.5, Electric Plant Acquisition Adjustments, and, with a further request to the Company to advise whether it agreed to the recommended disposition of the amounts, in such report, included in Account 107, Electric Plant Adjustments;

(d) As a result of subsequent correspondence, conference and the submission of additional data certain modifications of the Commission's staff report were made;

(e) Agreement has not been reached between the Company and the Commission's staff with respect to the accounting adjustments indicated in the Commission's staff report as modified;

The Commission *finds* that:

(1) Kansas City Power & Light Company's proposed reclassification and original cost studies and the information submitted subsequently do not justify or explain the Company's failure to adjust its accounts in accordance with the adjustments recommended in the Commission's staff report referred to in paragraph (b) hereof as subsequently modified;

(2) The Company's proposed treatment of the amounts established in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in the Commission's staff report referred to in paragraph (b) hereof as subsequently modified, does not appear to constitute a complete and proper plan for the disposition of the amounts established in the above-mentioned accounts;

(3) It is advisable, necessary, and proper in the public interest that a public hearing be held for the purpose of requiring Kansas City Power & Light Company to show cause, under oath, why this Commission should not order (a) adjustment of the Company's accounts in conformity with the recommendations made in the report referred to in paragraph (b) hereof as subsequetly modified, and (b) disposition of the amounts established in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at said public hearing;

The Commission *orders* that:

A public hearing be held on December 1, 1941, at 9:45 a. m., at Kansas City, Missouri, in Jury Room 527 U. S. Court House, and at said hearing Kansas City Power & Light Company show cause, under oath, why the Commission should not determine by order that:

(A) Adjusting entries be made to bring the Company's accounts in conformity with the recommendations made by the Commission's staff in the report referred to in paragraph (b) hereof as subsequently modified;

(B) Disposition be made of the amounts established in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at said hearing;

(C) The Public Service Commission of the State of Missouri and the State Corporation Commission of Kansas may participate in the hearing as provided in Part 39, § 39.4, of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7585; Filed, October 10, 1941; 9:41 a. m.]

[Project No. 120]

IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY LTD.

ORDER POSTPONING REHEARING

OCTOBER 8, 1941.

It appearing that:

(a) By order dated July 18, 1940, the Commission granted the application of Southern California Edison Company Ltd., licensees for Project No. 120, for rehearing with respect to certain provisions relating to annual charges in the Commission's May 20, 1941, order authorizing amendment of license, such hearing to begin on October 13, 1941, in the Hearing Room of the Commission at Washington, D. C.;

(b) On October 7, 1941, the licensee informally requested postponement of the rehearing for a reasonable period of time;

It is *ordered* that:

The rehearing on this proceeding now set for October 13, 1941, is hereby postponed to November 12, 1941, beginning 9:45 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7586; Filed, October 10, 1941; 9:41 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4222]

IN THE MATTER OF NATHAN E. HERZFELD AND SAUL S. HERZFELD, INDIVIDUALS TRADING AND DOING BUSINESS UNDER THE NAME STEPHEN RUG MILLS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, October 18, 1941, at eleven o'clock in the forenoon of that day (Eastern Standard Time), Customs Court Room, Seventh Floor, Appraisers Stores, Baltimore, Maryland.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7626; Filed, October 10, 1941; 11:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-360]

IN THE MATTER OF UTILITIES ASSOCIATES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1941.

Utilities Associates, Inc., a registered closed-end management investment company, having duly filed an application pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 21, 1941, at 10:15 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7615; Filed, October 10, 1941; 11:34 a. m.]

[File No. 70-379]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND LYNCHBURG TRACTION & LIGHT COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

The above named persons having filed declarations and application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 12 (b), 12 (c) and 12 (f) thereof and Rules U-42 and U-45 thereunder regarding a proposed change by Lynchburg Traction & Light Company of its common stock from $50 par value per share to $11 par value per share and surrender by Consolidated Electric and Gas Company to Lynchburg Traction & Light Company of $67,500 principal amount of note indebtedness for cancellation as a capital contribution; and

Said declarations and application having been filed on August 13, 1941 and certain amendments having been filed thereto, the last of said amendments having been filed on October 4, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named parties having requested that the said declarations, as amended, be permitted to become effective and that the said application, as amended, be granted as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, pursuant to section 6 (b) of said Act and to permit said declarations, as amended, pursuant to sections 12 (b), 12 (c) and 12 (f) of said Act and Rules U-42 and U-45 thereunder to become effective and being satisfied that the effective date of such declarations, as amended, and the date of granting such application, as amended, should be advanced.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be and they hereby are permitted to become effective and that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for reasons stated in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7616; Filed, October 10, 1941; 11:34 a. m.]

[File No. 70-411]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than October 24, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to

pay out of capital or unearned surplus a regular quarterly dividend on its $3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 98,968 shares of such stock presently outstanding. The aggregate amount of this dividend will be $86,597.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7630; Filed, October 10, 1941; 11:56 a. m.]

[File No. 70-410]

IN THE MATTER OF CRESCENT PUBLIC SERVICE COMPANY AND EMPIRE SOUTHERN SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than October 24, 1941, at 4:45 P. M. E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Crescent Public Service Company proposes to purchase, at the current market price at the time of such purchase, $87,500 principal amount of its Collateral Trust 6% Income Bonds, Series B, due October 1, 1954 from its subsidiary, Empire Southern Service Company, the consideration being a reduction in note indebtedness of such subsidiary held by Crescent Public Service Company in an amount equal to the purchase price. The bonds purchased are to be retired.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7631; Filed, October 10, 1941; 11:56 a. m.]

[File No. 59-27]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, RESPONDENT

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1941.

The Commission having, by its Order dated October 1, 1941, reconvened the hearing herein on October 13, 1941; and

It now appearing that such date for hearing should be postponed until October 22, 1941, and that such postponement will not be detrimental to the public interest, or the interest of investors or consumers;

It is therefore ordered, That the hearing in the above matter be and hereby is postponed until the 22d day of October, 1941, at 10:00 o'clock in the forenoon, said hearing to be held at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7632; Filed, October 10, 1941; 11:56 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, SEPTEMBER 30, 1941

IMPORTANT.—Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,062	49
2. Virgin Islands	14	1
3. Hawaii	241	22
4. Alaska	41	12
5. California	3,926	1,307
6. Louisiana	1,344	618
7. Michigan	2,967	1,428
8. Arizona	284	144
9. Texas	3,646	1,833
10. Georgia	1,776	1,059
11. South Carolina	1,080	647
12. Kentucky	1,617	983
13. Mississippi	1,241	797
14. Alabama	1,610	1,038
15. North Carolina	2,030	1,373
16. New Mexico	302	206
17. New Jersey	2,364	1,661
18. Ohio	3,926	2,766
19. Arkansas	1,108	784
20. Nevada	63	45
21. Florida	1,078	862
22. Tennessee	1,657	1,337
23. Indiana	1,948	1,686
24. Delaware	151	123
25. Idaho	298	268
26. Illinois	4,488	4,042
27. Oregon	619	562
28. Connecticut	971	897
29. Wisconsin	1,783	1,675
30. Vermont	204	196
31. Pennsylvania	5,627	5,427
32. Rhode Island	405	404
33. Massachusetts	2,453	2,449
IN EXCESS		
34. West Virginia	1,081	1,094
35. New Hampshire	279	284
36. Maine	482	503
37. Oklahoma	1,328	1,395
38. Missouri	2,151	2,274
39. Washington	987	1,052
40. Wyoming	142	153
41. Colorado	638	733
42. Utah	313	361
43. Iowa	1,443	1,677
44. Minnesota	1,587	1,578
45. New York	7,661	9,602
46. Montana	318	434
47. Kansas	1,024	1,434
48. South Dakota	365	516
49. North Dakota	365	516
50. Virginia	1,443	2,387
51. Nebraska	748	1,258
52. Maryland	1,036	2,575
53. District of Columbia	377	9,339

GAINS

By Appointment	3,466
By Transfer	36
By Reinstatement	1
By Correction	1
Total	3,504

LOSSES

By Separation	100
By Transfer	62
Total Appointments	162
	76,192

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934 | 19,126

By direction of the Commission.

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 41-7584; Filed, October 9, 1941; 3:14 p. m.]

OCT 15 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 200

Washington, Tuesday, October 14, 1941

The President

MILITARY ORDER

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, I hereby assign Colonel Francis R. Kerr, Army of the United States, now on duty with the Economic Defense Board, to assist the Chairman and Executive Director of said Board in the performance of certain functions relating to the administration of section 6 of Public No. 703, 76th Congress, Third Session, entitled "An Act To expedite the strengthening of the national defense," approved July 2, 1940, as amended, and of certain provisions of Public No. 829, 76th Congress, Third Session, entitled "An Act to authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940, which functions are essentially military in character.

So much of the Military Order of September 15, 1941,[1] as assigns Lieutenant Colonel William E. Chickering, United States Army, to duty with the Economic Defense Board is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 9, 1941.

[F. R. Doc. 41-7635; Filed, October 10, 1941; 3:10 P. M.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE.

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Form PN-514—Supp. 3]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS[2]

MARKETING QUOTAS FOR PEANUTS OF THE CROP PLANTED IN THE CALENDAR YEAR 1941

The "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1941" are amended by adding the following paragraph at the end of § 729.31[1]

§ 729.31 *Prices of and payments of excess peanuts for crushing into oil.* * * *

Notwithstanding any other provision of this Part VII, a designated agency may purchase quota peanuts at the established price for excess peanuts for crushing into oil. (52 Stat. 38, as amended; 7 U.S.C., Sup., 1301 et seq.)

By virtue of the authority vested in the Secretary of Agriculture by title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 38, as amended, 7 U.S.C. 1301 et seq), he does make, prescribe, publish and give public notice of the foregoing amendments to the "Regulations Pertaining to Marketing Quotas for Peanuts of the Crop Planted in the Calendar Year 1941" (Form PN-514), issued by him on June 7, 1941, as amended.

Done at Washington, D. C., this 11th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY, *Acting Secretary of Agriculture.*

[F. R. Doc. 41-7679; Filed, October 13, 1941; 11:13 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 54—EXCHANGES[3]

§ 54.3 *Activities.*

* * * * * * *

(c) *Concessions.*

* * * * * * *

(11) The following policies are announced in connection with the handling of transportation facilities to and from posts, camps, and stations when necessary:

---

[1] 6 F.R. 2779.
[2] 6 F.R. 4796.
[1] 6 F.R. 4359.
[3] § 54.3 (c) (11) is added.

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(i) A taxicab or bus compny may not operate as a concessionaire of an exchange.

(ii) Unless strictly confined to service personnel and civilian Government employees as passengers, an exchange is not authorized to operate a taxicab or bus transportation facility nor to compete in any manner with civilian enterprise in such activity.

(iii) No distinction is to be drawn between taxicab and bus transportation.

(iv) One or more revocable licenses for such operation may be granted by the Secretary of War upon the recommendation of the corps area commander based upon the free competitive proposals of all reputable available companies or individuals.

(v) Such revocable license must include provisions for complete military control and supervision of the activities of such licensee under the license; and specified prices and schedules with provision for adequate public liability and property damage insurance.

(vi) Such revocable license may contain no reference to the exchange nor obligate the exchange to any duties or liabilities. The exchange has no connection therewith, and the licensee may not obligate itself to the exchange in any manner under the license.

(vii) Either before or after the granting of such revocable license, the exchange may (subject to subdivision (ix) of this subparagraph) enter into a separate contract with such taxicab or bus company under which the exchange agrees to act as agent for such company for the sale of tickets entitling the holder to transportation.

(viii) For its services as such ticket agent the exchange may receive a legal commission. This should not exceed 10 percent of the sales price of such tickets, and no part of such commission may be rebated or allowed in any manner as a credit to the purchaser of such ticket.

(ix) Under the limitations of paragraphs (b) (1) and (b) (3) (i) of this section, the contract under subdivision (vii) of this subparagraph requires the permission of the War Department.

(x) Under the limitations of the foregoing provisions, exchange coupons of equivalent money cost may be used by ticket purchasers either to obtain transportation tickets or to pay such transportation cost in any manner included within the terms of such contract.

(xi) None but duly licensed agencies will be permitted to operate in or upon military reservations. (R.S. 161; 5 U.S.C. 22) [Cir. 204, W.D., Sept. 30, 1941]

[SEAL] E. S. ADAMS.
Major General,
The Adjutant General.

[F. R. Doc. 41-7653; Filed, October 13, 1941; 9:21 a. m.]

PART 54—EXCHANGES [1]

§ 54.6 *Sales; to whom made.*

* * * * *

(a) (2) Civilians regularly employed or serving at military posts, upon proper identification. (R.S. 161; 5 U.S.C. 22)

[1] § 54.6 (a) (2) is amended.

[Par. 13*a*, A. R. 210–65, July 1, 1941, as amended by Cir. 208, W. D., Oct. 2, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–7651; Filed, October 13, 1941; 9:21 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amend. No. 135, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PILOT AND AIRCRAFT CERTIFICATES REQUIRED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of October 1941.

Having had under consideration the matter of the operation of uncertificated aircraft in the air space overlying the United States and the operation of aircraft in such air space by uncertificated pilots, and having held a public hearing after due notice at its office in Washington, D. C., on the 24th day of September, 1941, and

The Board finds that:

(1) As of September 1, 1941, the total number of civilian pilots certificated by the Administrator of Civil Aeronautics was 181,281, including student pilots, representing an increase in the number of civilian pilots certificated of more than 200 percent since July 1, 1938, and in addition thereto there were an undetermined number of uncertificated pilots;

(2) As of September 1, 1941, the total number of civil aircraft certificated by the Administrator of Civil Aeronautics was 22,885, representing an increase in the number of aircraft certificated of more than 130 percent since July 1, 1938, and in addition thereto there were 549 uncertificated aircraft recorded;

(3) In 1940 over 264,000,000 miles were flown in non-scheduled flying operations, representing an increase of more than 100 percent over the number of miles flown in such operations during 1938;

(4) In 1940 more than 34,000,000 miles were flown in commercial charter operations, representing an increase of more than 80 percent over the number of miles flown in similar operations during 1938;

(5) In 1940 more than 108,000,000 revenue miles were flown in domestic scheduled air carrier operations, representing an increase of more than 50 percent over the number of revenue miles flown in similar operations during 1938;

(6) During the year 1941 the aeronautical activity of the armed forces of the United States has increased tremendously and will increase in accordance with projected national defense plans;

(7) At present the civil airways cover more than 600,000 square miles or 20 percent of the territory of the continental United States;

(8) As of September 1, 1941, a total of 2,658 landing areas were reported, of which more than 40 percent were located off the civil airways;

(9) Scheduled air carrier operation which was formerly conducted only on the civil airways is no longer restricted to such airways;

(10) A great percentage of the operation of non-scheduled air carriers is conducted off the civil airways;

(11) The development of radio navigational aids will increase the operations conducted in air commerce off the civil airways;

(12) The aeronautical activity of the armed forces of the United States is not confined to the civil airways but may be conducted anywhere in the air space overlying the United States;

(13) The operation of uncertificated aircraft and the pilotage of aircraft by uncertificated airmen anywhere in the navigable air space overlying the United States constitute a hazard to interstate, overseas, and foreign air commerce;

(14) The Civil Aeronautics Act of 1938, as amended, imposes upon the Board the responsibility of anticipating possible hazards to interstate, overseas, or foreign air commerce and of taking necessary action to protect such air commerce;

The Board further finds that:

(1) Any operation of any aircraft in the air space overlying the United States either directly affects, or may endanger safety in, interstate, overseas, or foreign air commerce;

(2) In order to protect interstate, overseas, and foreign air commerce, it is necessary that all pilots and aircraft operating in the air space overlying the United States be certificated;

(3) The Board's action herein is desirable in the public interest and for the protection of safety in air commerce, and is necessary to carry out the provisions of, and to exercise and perform its duties under, the Civil Aeronautics Act of 1938;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, amends the Civil Air Regulations as follows:

Effective December 1, 1941, §§ 60.30 and 60.31 of the Civil Air Regulations are amended to read as follows:

§ 60.30 *Pilot certificates.* No person shall pilot a civil aircraft in the United States unless such person holds a valid pilot certificate or in violation of any term, condition, or limitation of such certificate: *Provided,* That an alien may pilot a civil aircraft in the United States in accordance with a pilot certificate issued or validated pursuant to a reciprocal arrangement entered into between the United States and the foreign government from which such alien holds a valid pilot certificate.

§ 60.31 *Aircraft certificate.* No flight of civil aircraft, other than of a foreign aircraft whose navigation in the United States has been authorized according to law, shall be made or authorized to be made in the United States unless there is outstanding for such aircraft a valid aircraft airworthiness certificate, or in violation of any term, condition, or limitation of such certificate.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–7652; Filed, October 13, 1941; 9:21 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3341]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF NORMANDIE ET CIE

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Foreign status, branches, etc.:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (a15) *Misbranding or mislabeling—Foreign branches, plants or properties:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of respondents' perfumes and kindred products, (1) using the terms "Paris", "France", "Made in France" or "Imported" to designate or describe products which are made or compounded in the United States, or otherwise representing that such products are manufactured in or imported from France or any other foreign country; (2) using any French or other foreign words or terms to designate or describe products made or compounded in the United States, unless there appear in connection and conjunction therewith other words in English clearly stating that such products are made or compounded in the United States; (3) using the words "11 Rue des Champs, Asnieres, pres Paris, France" or "U. S. Sales Division" in connection with respondents' trade name, or otherwise representing that respondents have a place of business in France or in any country other than the United States; and (4) representing in any manner whatsoever that products which are made or compounded in the United States are made in or imported from countries other than the United States; prohibited; subject to the provision, however, in the case of part (1) hereof, that the country of origin of the various ingredients of such products may be stated when immediately accompanied by a statement that such products are made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended

by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Normandie et Cie, Docket 3341, October 6, 1941]

In the Matter of John H. Davis, an Individual, and Dale S. Davis, an Individual, Trading as Normandie et Cie

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before Edward E. Reardon, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and exceptions thereto, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested); and the Commission, having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, John H. Davis and Dale S. Davis, individually and trading as Normandie et Cie, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their perfumes and kindred products, do forthwith cease and desist from:

(1) Using the terms "Paris", "France", "Made in France" or "Imported" to designate or describe products which are made or compounded in the United States, or otherwise representing that such products are manufactured in or imported from France or any other foreign country: *Provided, however*, That the country of origin of the various ingredients of such products may be stated when immediately accompanied by a statement that such products are made or compounded in the United States;

(2) Using any French or other foreign words or terms to designate or describe products made or compounded in the United States, unless there appear in connection and conjunction therewith other words in English clearly stating that such products are made or compounded in the United States;

(3) Using the words "11 Rue des Champs, Asnieres, pres Paris, France" or "U. S. Sales Division" in connection with respondents' trade name, or otherwise representing that respondents have a place of business in France or in any country other than the United States;

(4) Representing in any manner whatsoever that products which are made or compounded in the United States are made in or imported from countries other than the United States.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7645; Filed, October 11, 1941; 11:33 a. m.]

[1] 4 F.R. 188

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS-PROFITS TAX

[T. D. 5086]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Regulations 103 Amended to Conform to the Revenue Act of 1941

In order to conform Regulations 103 [1] [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, and to make certain other changes, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.4–1 the following:

SEC. 102. OPTIONAL TAX ON INDIVIDUALS WITH CERTAIN GROSS INCOME OF $3,000 OR LESS. (Revenue Act of 1941, Title I.)

* * * * * * *

(c) *Amendment to section 4.* Section 4 of the Internal Revenue Code is amended by inserting at the end thereof the following:

(k) Shareholders of Personal Service Corporations—Supplement S.

(l) Individuals with gross income from certain sources of $3,000 or less—Supplement T.

PAR. 2. Section 19.4–1 is amended by inserting at the end thereof the following:

Shareholders of personal service corporations—sections 391 to 396, inclusive.

Individuals with gross income from certain sources of $3,000 or less—sections 400 to 404, inclusive.

PAR. 3. There is inserted immediately preceding § 19.11–1 the following:

SEC. 102. OPTIONAL TAX ON INDIVIDUALS WITH CERTAIN GROSS INCOME OF $3,000 OR LESS. (Revenue Act of 1941, Title I.)

* * * * * * *

(b) Cross-references.

(1) Section 11 of the Internal Revenue Code is amended by inserting at the end thereof the following: "(For alternative tax if gross income from certain sources is $3,000 or less, see section 400)".

* * * * * * *

PAR. 4. Section 19.11–1, as amended by Treasury Decision 5011,[2] approved September 24, 1940, is further amended by striking out the first sentence of the first paragraph and inserting in lieu thereof the following:

Chapter 1 of the Internal Revenue Code, which applies only to taxable years beginning after December 31, 1938 (see section 1), imposes an income tax on individuals, including a normal tax (section 11), a surtax (section 12), and a defense tax for taxable years beginning after December 31, 1939, and before January 1, 1941 (section 15 added by section 201 of the Revenue Act of 1940). For optional tax in the case of taxpayers with gross income from certain sources of $3,000 or less, see section 400.

PAR. 5. There is inserted immediately preceding § 19.12–1 the following:

SEC. 101. SURTAX ON INDIVIDUALS. (Revenue Act of 1941, Title I.)

Section 12 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Rates of surtax.* There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual the surtax shown in the following table:

If the surtax net income is:	*The surtax shall be:*
Not over $2,000	6% of the surtax net income.
Over $2,000 but not over $4,000	$120, plus 9% of excess over $2,000.
Over $4,000 but not over $6,000	$300, plus 13% of excess over $4,000.
Over $6,000 but not over $8,000	$560, plus 17% of excess over $6,000.
Over $8,000 but not over $10,000	$900, plus 21% of excess over $8,000.
Over $10,000 but not over $12,000	$1,320, plus 25% of excess over $10,000.
Over $12,000 but not over $14,000	$1,820, plus 29% of excess over $12,000.
Over $14,000 but not over $16,000	$2,400, plus 32% of excess over $14,000.
Over $16,000 but not over $18,000	$3,040, plus 35% of excess over $16,000.
Over $18,000 but not over $20,000	$3,740, plus 38% of excess over $18,000.
Over $20,000 but not over $22,000	$4,500, plus 41% of excess over $20,000.
Over $22,000 but not over $26,000	$5,320, plus 44% of excess over $22,000.
Over $26,000 but not over $32,000	$7,080, plus 47% of excess over $26,000.
Over $32,000 but not over $38,000	$9,900, plus 50% of excess over $32,000.
Over $38,000 but not over $44,000	$12,900, plus 53% of excess over $38,000.
Over $44,000 but not over $50,000	$16,080, plus 55% of excess over $44,000.
Over $50,000 but not over $60,000	$19,380, plus 57% of excess over $50,000.
Over $60,000 but not over $70,000	$25,080, plus 59% of excess over $60,000.
Over $70,000 but not over $80,000	$30,980, plus 61% of excess over $70,000.
Over $80,000 but not over $90,000	$37,080, plus 63% of excess over $80,000.
Over $90,000 but not over $100,000	$43,380, plus 64% of excess over $90,000.
Over $100,000 but not over $150,000	$49,780, plus 65% of excess over $100,000.
Over $150,000 but not over $200,000	$82,280, plus 66% of excess over $150,000.
Over $200,000 but not over $250,000	$115,280, plus 67% of excess over $200,000.
Over $250,000 but not over $300,000	$148,780, plus 69% of excess over $250,000.

[1] 5 F.R. 348, 437, 569.

[2] 5 F.R. 3838.

If the surtax net income is:	*The surtax shall be:*
Over $300,000 but not over $400,000	$163,280, plus 71% of excess over $300,000.
Over $400,000 but not over $500,000	$234,280, plus 72% of excess over $400,000.
Over $500,000 but not over $750,000	$326,280, plus 73% of excess over $500,000.
Over $750,000 but not over $1,000,000	$508,780, plus 74% of excess over $750,000.
Over $1,000,000 but not over $2,000,000	$693,780, plus 75% of excess over $1,000,000.
Over $2,000,000 but not over $5,000,000	$1,443,780, plus 76% of excess over $2,000,000.
Over $5,000,000	$3,723,780, plus 77% of excess over $5,000,000.

SEC. 102. OPTIONAL TAX OF INDIVIDUALS WITH CERTAIN GROSS INCOME OF $3,000 OR LESS (Revenue Act of 1941, Title I.)

* * * * * * *

(b) *Cross-references.*

* * * * * * *

(2) Section 12 of the Internal Revenue Code is amended by inserting at the end thereof the following:

(g) For alternative tax if gross income from certain sources is $3,000 or less, see section 400.

* * * * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 6. Section 19.12–1, as amended by Treasury Decision 5011, is further amended by striking out the last sentence and inserting in lieu thereof the following:

For the defense tax imposed for taxable years beginning after December 31, 1939, and before January 1, 1941, see section 19.15–1.

PAR. 7. Section 19.12–2, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking out the first sentence and inserting in lieu thereof the following:

The following tables show the surtax (1) for taxable years beginning after December 31, 1938, and before January 1, 1940, (2) for taxable years beginning after December 31, 1939, and before January 1, 1941, and (3) for taxable years beginning after December 31, 1940, upon certain specified amounts of surtax net income.

(B) By striking out the heading of the second table and inserting in lieu thereof the following:

TABLE II. *Taxable years beginning after December 31, 1939, and before January 1, 1941*

(C) By inserting immediately after the second table the following:

TABLE III. *Taxable years beginning after December 31, 1940*

Surtax net income	Percent	Total surtax
$0 to $2,000	6	$120
$2,000 to $4,000	9	300
$4,000 to $6,000	13	560
$6,000 to $8,000	17	900
$8,000 to $10,000	21	1,320
$10,000 to $12,000	25	1,820
$12,000 to $14,000	29	2,400
$14,000 to $16,000	32	3,040
$16,000 to $18,000	35	3,740
$18,000 to $20,000	38	4,500
$20,000 to $22,000	41	5,320
$22,000 to $26,000	44	7,080
$26,000 to $32,000	47	9,900
$32,000 to $38,000	50	12,900
$38,000 to $44,000	53	16,080
$44,000 to $50,000	55	19,380
$50,000 to $60,000	57	25,080
$60,000 to $70,000	59	30,980
$70,000 to $80,000	61	37,080
$80,000 to $90,000	63	43,380
$90,000 to $100,000	64	49,780
$100,000 to $150,000	65	82,280
$150,000 to $200,000	66	115,280
$200,000 to $250,000	67	148,780
$250,000 to $300,000	69	183,280
$300,000 to $400,000	71	254,280
$400,000 to $500,000	72	326,280
$500,000 to $750,000	73	508,780
$750,000 to $1,000,000	74	693,780
$1,000,000 to $2,000,000	75	1,443,780
$2,000,000 to $5,000,000	76	3,723,780
$5,000,000 up	77	

(D) By striking out the second sentence of the last paragraph and inserting in lieu thereof the following:

Accordingly, the surtax due for taxable years beginning after December 31, 1940, upon a surtax net income of $63,128 would be $26,925.52, computed as follows:

Surtax on $60,000 from table	$25,080.00
Surtax on $3,128 at 59 percent	1,845.52
Total	26,925.52

PAR. 8. There is inserted immediately preceding § 19.13–1 the following:

SEC. 103. CORPORATION DEFENSE TAX RATES INCORPORATED IN RATE SCHEDULES. (Revenue Act of 1941, Title I.)

(a) *Tax on Corporations in General.* Section 13 (b) (1) and (2) of the Internal Revenue Code are amended to read as follows:

"(1) *General rule.* A tax of 24 per centum of the normal-tax net income; or

"(2) *Alternative tax (corporations with normal-tax net income slightly more than $25,000).* A tax of $4,250, plus 37 per centum of the amount of the normal-tax net income in excess of $25,000."

* * * * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 9. Section 19.13–1 is amended by striking out the parenthetical expression at the end of the first sentence in the first paragraph.

PAR. 10. Section 19.13–5, as amended by Treasury Decision 5038,[1] approved February 8, 1941, is further amended as follows:

(A) By inserting immediately after the second sentence of the fourth paragraph the following:

For surtax on corporations generally with respect to taxable years beginning after December 31, 1940, see section 15, as amended by section 104 of the Revenue Act of 1941, and § 19.15–2.

[1] 6 F.R. 917.

(B) By striking out "$38,565.89" in the last paragraph and inserting in lieu thereof "$38,461.54 ($38,565.89 for taxable years beginning before January 1, 1941)".

(C) By striking out the last sentence in the last paragraph and inserting in lieu thereof the following:

For the defense tax imposed for taxable years beginning after December 31, 1939, and before January 1, 1941, see § 19.15–1.

PAR. 11. Section 19.13–6, as amended by Treasury Decision 5038, is further amended as follows:

(A) By striking out "22½0 percent" in the first paragraph and inserting in lieu thereof "24 percent (22½0 percent for any such taxable year beginning before January 1, 1941)".

(B) By striking out "$38,565.89" in the first paragraph and inserting in lieu thereof "$38,461.54 ($38,565.89 for any such taxable year beginning before January 1, 1941)".

(C) By striking out the example and inserting in lieu thereof the following:

Example. The A Corporation, a domestic corporation, which is not a bank affiliate referred to in section 26 (d), has for the calendar year 1941 a net income of $110,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of $10,000 and dividends received (of a class allowable as a credit under section 26 (b)) in the amount of $10,000. The corporation's tax under section 13 for the calendar year 1941 is $21,960, computed as follows:

Net income	$110,000.00
Less credit for interest on United States obligations	10,000.00
Adjusted net income	100,000.00
Less credit for dividends received (85 percent of $10,000)	8,500.00
Normal-tax net income	91,500.00
Tax under section 13 (b) (1) (24 percent of $91,500)	21,960.00

PAR. 12. Section 19.13–7, as amended by Treasury Decision 5038, is further amended to read as follows:

Alternative tax (corporations with normal-tax net incomes slightly more than $25,000); taxable years beginning after December 31, 1939. For any taxable year beginning after December 31, 1939, section 13 (b) (2), as amended, provides for an alternative tax in the case of corporations having normal-tax net incomes of slightly more than $25,000. With respect to such a taxable year beginning before January 1, 1941, the alternative tax is $3,775 plus 35 percent of the amount of the normal-tax net income in excess of $25,000, such tax being applicable in the case of corporations having normal-tax net incomes of less than $38,565.89. With respect to such a taxable year beginning after December 31, 1940, the alternative tax is $4,250 plus 37 percent of the amount of

the normal-tax net income in excess of $25,000, such tax being applicable in the case of corporations having normal-tax net incomes of less than $38,461.54. This provision may be illustrated by the following example:

Example. The A Corporation, a domestic corporation (not a bank affiliate), has for the calendar year 1941 a net income of $30,000, including interest on United States obligations (allowable as a credit under section 26 (a)) in the amount of $3,000 and dividends received of a class allowable as a credit under section 26 (b) in the amount of $1,000. Since the alternative tax is less than the tax computed under the general rule, the correct tax is the alternative tax, that is, $4,675.50. The tax is computed as follows:

ALTERNATIVE TAX

Net income	$30,000.00
Less interest on United States obligations	3,000.00
Adjusted net income	27,000.00
Less credit for dividends received (85 percent of $1,000)	850.00
Normal-tax net income	26,150.00
Amount of normal-tax net income in excess of $25,000	1,150.00
Tax under section 13 (b) (2) ($4,250 plus 37 percent of $1,150)	4,675.50

TAX UNDER GENERAL RULE

Normal-tax net income (computed as above)	$26,150.00
Tax under section 13 (b) (1) (24 percent of $26,150)	6,276.00

PAR. 13. There is inserted immediately preceding § 19.14–1 the following:

SEC. 103. CORPORATION DEFENSE TAX RATES INCORPORATED IN RATE SCHEDULES. (Revenue Act of 1941, Title I.)

* * * * *

(b) *Tax on special classes of corporations.* Section 14 (b) of the Internal Revenue Code is amended to read as follows:

(b) *Corporations with normal-tax net incomes of not more than $25,000.* If the normal-tax net income of the corporation is not more than $25,000, and if the corporation does not come within one of the classes specified in subsection (c), (d), or (e) of section, the tax shall be as follows:

Upon normal-tax net incomes not in excess of $5,000, 15 per centum.

$750 upon normal-tax net incomes of $5,000, and upon normal-tax net incomes in excess of $5,000 and not in excess of $20,000, 17 per centum in addition of such excess.

$3,300 upon normal-tax net incomes of $20,000, and upon normal-tax net incomes in excess of $20,000, 19 per centum in addition of such excess.

(c) *Foreign corporations.* Section 14 (c) of the Internal Revenue Code (relating to tax on resident foreign corporations) is amended by striking out "22½0 per centum" and inserting "24 per centum."

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except section 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 14. SECTION 19.14–1 is amended by striking out the portion of the first sentence in the first paragraph following "January 1, 1940."

PAR. 15. Section 19.14–2, as amended by Treasury Decision 5038, is further amended as follows:

(A) By inserting immediately after the third sentence of the third paragraph the following:

For surtax on corporations generally with respect to taxable years beginning after December 31, 1940, see section 15, as amended by section 104 of the Revenue Act of 1941, and section 19.15–2.

(B) By changing the first sentence of the fifth paragraph to read as follows:

The following tables show the income tax imposed by section 14, as amended, (1) for any taxable year beginning after December 31, 1939, and before January 1, 1941, and (2) for any taxable year beginning after December 31, 1940, from corporations coming within the terms of section 14 (b), as amended, upon certain specified amounts of normal-tax net income.

(C) By changing the heading of the table which follows the fifth paragraph to read as follows:

TABLE I. *Corporation income tax under section 14 (b), as amended, for taxable years beginning after December 31, 1939, and before January 1, 1941.*

(D) By inserting immediately after the table which follows the fifth paragraph the following:

TABLE II. *Corporation income tax under section 14 (b), as amended, for taxable years beginning after December 31, 1940.*

Normal-tax net income	Percent	Total tax
$0 to $5,000	15	$750
$5,000 to $20,000	17	3,300
$20,000 to $25,000	19	4,250

(E) By striking from the example "1940", "$1,537.50", "13½ percent", "15 percent", "675", "862.50", and "1,537.50", wherever they appear, and inserting in lieu thereof "1941", "$1,727.50", "15 percent", "17 percent", "750", "977.50", and "1,727.50", respectively.

(F) By striking out "22½0 percent" in the last paragraph and inserting in lieu thereof "24 percent (22½0 percent for taxable years beginning before January 1, 1941)".

PAR. 16. There is inserted immediately preceding § 19.15–1 the following:

SEC. 104. SURTAX ON CORPORATIONS AND TERMINATION OF DEFENSE TAX. (Revenue Act of 1941, Title I.)

(a) General rule. Section 15 of the Internal Revenue Code (relating to defense tax) is amended to read as follows:

SEC. 15. SURTAX ON CORPORATIONS.

(a) Corporation surtax net income. For the purposes of this chapter the term "corporation surtax net income" means the net income minus the credit for dividends received provided in section 26 (b), computed by limiting such credit to 85 per centum of the net income in lieu of 85 per centum of the adjusted net income.

(b) Imposition of tax. There shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a corporation subject to the tax imposed by section 231 (a) or Supplement Q) a surtax as follows:

Upon corporation surtax net incomes not in excess of $25,000, 6 per centum of the amount thereof;

Upon corporation surtax net incomes in excess of $25,000, $1,500, plus 7 per centum of the excess over $25,000.

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 17. Section 19.15–1, as amended by Treasury Decision 5038, is further amended by striking out "January 1, 1945" in the first sentence and inserting in lieu thereof "January 1, 1941".

PAR. 18. There is inserted immediately after § 19.15–1 the following new section:

§ 19.15–2 *Surtax on corporations.* For taxable years beginning after December 31, 1940, section 15, as amended by section 104 (a) of the Revenue Act of 1941, imposes a surtax upon the corporation surtax net income of every corporation, except a nonresident foreign corporation taxable under section 231 (a) or a mutual investment company taxable under Supplement Q. The corporation surtax net income of a corporation is its net income minus the credit for dividends received provided in section 26 (b). Section 15, as amended by section 104 (a) of the Revenue Act of 1941, provides that the credit for dividends received shall be limited to 85 percent of a corporation's net income, rather than to 85 percent of its adjusted net income. The credit provided in section 26 (a) for interest received upon obligations of the United States or its instrumentalities is not allowable in computing corporation surtax net income.

PAR. 19. There is inserted immediately preceding § 19.23 (c)–1 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

(a) *Amendment of section 23* (c). Section 23 (c) of the Internal Revenue Code (relating to the deduction of taxes in computing net income) is amended to read as follows:

(c) *Taxes Generally.*

(1) *Allowance in general.* Taxes paid or accrued within the taxable year, except—

(A) Federal income taxes;

(B) war-profits and excess-profits taxes imposed by Title II of the Revenue Act of 1917, Title III of the Revenue Act of 1918, Title III of the Revenue Act of 1921, section 216 of the National Industrial Recovery Act, or section 702 of the Revenue Act of 1934, or by any such provisions as amended or supplemented;

(C) income, war-profits, and excess-profits taxes imposed by the authority of any foreign country or possession of the United States; but this deduction shall be allowed in the case of a taxpayer who does not signify in his return his desire to have to any extent the benefits of section 131 (relating to credit for taxes of foreign countries and possessions of the United States);

(D) estate, inheritance, legacy, succession, and gift taxes; and

(E) taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not exclude the allowance as a deduction of so much of such taxes as is properly allocable to maintenance or interest charges.

(2) *Excess-profits tax under chapter 2E—Special rules.*—For the purposes of this subsection, in the case of the excess-profits tax imposed by Subchapter E of Chapter 2—

(A) The deduction shall be limited to the tax imposed for the taxable year, but any portion of such tax paid after the taxable year shall be considered as having been paid within the taxable year;

(B) No reduction in such tax shall be made by reason of the credit for income, war-profits, or excess-profits taxes paid to any foreign country or possession of the United States;

(C) Such tax shall be computed without regard to the adjustments provided in section 734; and

(D) Such tax, in the case of a consolidated return under section 730, shall be allocated to the members of the affiliated group under regulations prescribed by the Commissioner, with the approval of the Secretary.

* * * * *

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 20. Section 19.23 (c)–1 is amended by striking out the second sentence and inserting in lieu thereof the following:

Estate, inheritance, legacy, succession, and gift taxes and Federal income taxes are not deductible from gross income. The Federal war-profits and excess-profits taxes imposed by Title II of the Revenue Act of 1917, Title III of the Revenue Act of 1918, Title III of the Revenue Act of 1921, section 216 of the National Industrial Recovery Act, and section 702 of the Revenue Act of 1934 are not deductible from gross income. The excess-profits tax imposed by Subchapter E of Chapter 2 is deductible only for taxable years beginning after December 31, 1940, and its deductibility for such years is subject to the rules set forth in § 19.23 (c)–4.

PAR. 21. There is inserted immediately after § 19.23 (c)–3 the following:

§ 19.23 (c)–4 *Excess-profits tax under Subchapter E of Chapter 2 of the Internal Revenue Code.* The deductibility of the excess-profits tax imposed by Subchapter E of Chapter 2 of the Internal Revenue Code is subject to the following special rules:

(a) The deduction is limited to the excess-profits tax imposed for the taxable year. A taxpayer which computes its net income on the cash receipts and disbursements basis may deduct its excess-profits tax for any taxable year in its income tax return for such taxable year, despite the fact that such tax is not actually paid until after such taxable year. The deduction in the case of such a taxpayer, however, will be disallowed upon examination of the return to the extent that the excess-profits tax is not actually paid after such taxable year.

(b) The excess-profits tax, for the purposes of this deduction, shall be computed without reduction by reason of the credit for income, war-profits or excess-profits taxes paid to any foreign country or possession of the United States.

(c) For the purposes of this deduction, the excess-profits tax shall not be increased or decreased on account of any adjustment made under section 734, relating to adjustments in case of inconsistent position.

(d) The deduction allowable to a taxpayer which is a member of an affiliated group filing a consolidated excess-profits tax return is an amount which bears the same ratio to the excess-profits tax of the group as the normal-tax net income of the taxpayer, computed without a deduction for excess-profits tax, bears to the sum of the normal-tax net incomes of the several members of the group, computed without a deduction for excess-profits tax.

PAR. 22. Section 19.23 (e)–1 is amended by changing the last paragraph to read as follows:

Losses from the sale or other disposition of Treasury bills issued after June 17, 1930, and before March 1, 1941, are not deductible.

PAR. 23. Section 19.23 (o)–1, as amended by Treasury Decision 5057,[1] approved July 2, 1941, is further amended by striking "January 1, 1939" from the first paragraph and inserting in lieu thereof "January 1, 1938".

PAR. 24. There is inserted immediately preceding § 19.25–1 the following:

SEC. 111. PERSONAL EXEMPTION. (Revenue Act of 1941, Title I.)

(a) Section 25 (b) (1) of the Internal Revenue Code is amended to read as follows:

(1) *Personal exemption.* In the case of a single person or a married person not living with husband or wife, a personal exemption of $750; or in the case of the head of a family or a married person living with husband or wife, a personal exemption of $1,500. A husband and wife living together shall receive but one personal exemption. The amount of such personal exemption shall be $1,500. If such husband and wife make separate returns, the personal exemption may be taken by either or divided between them, except that if one spouse makes a return under Supplement T, the personal exemption of the other spouse shall be $750.

* * * * *

SEC. 113. CREDIT FOR DEPENDENTS. (Revenue Act of 1941, Title I.)

Section 25 (b) (2) of the Internal Revenue Code (relating to credit for dependents) is amended to read as follows:

(2) *Credit for dependents.*

(A) *Allowance in general.* $400 for each person (other than husband or wife) dependent upon and receiving his chief support from the taxpayer if such dependent person is under eighteen years of age or is incapable of self-support because mentally or physically defective.

(B) *Exception for certain heads of families.* If the taxpayer would not occupy the status of head of a family except by reason of there being one or more dependent for whom he would be entitled to credit under subparagraph (A), the credit under such subparagraph shall be disallowed with respect to one of such dependents.

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 25. Section 19.25–3, as amended by Treasury Decision 5011, is further amended to read as follows:

Amount of personal exemption allowable. A single person or a married person not living with husband or wife is entitled to a personal exemption of $750 ($800 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $1,000 for a taxable year beginning before January 1, 1940), and the head of a family or a married person living with husband or wife, to $1,500 ($2,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $2,500 for a taxable year beginning before January 1, 1940). A husband and wife living together have but one personal exemption, which is $1,500 ($2,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $2,500 for a taxable year beginning before January 1, 1940). If they make separate returns, each may claim one-half of the personal exemption, or such exemption may, in accordance with an agreement entered into by them, be taken by either or divided between them in any proportion. If, however, one spouse elects to make a return under Supplement T, the personal exemption of the other spouse shall be $750.

PAR. 26. Section 19.25–6 is amended by inserting at the end thereof a new paragraph to read as follows:

If, for any taxable year beginning after December 31, 1940, a taxpayer occupies the status of the head of a family solely by reason of the existence of one or more dependents for whom he would be entitled to credit under section 25 (b) (2) (A) were it not for section 25 (b) (2) (B) the credit in respect of one of such dependents is disallowed. For example, a widower who occupies the status of the head of a family solely by reason of the fact that he is maintaining a home for two dependent children under 18 years of age is entitled to the credit of $400 allowed for one such dependent, and the credit for the other dependent is disallowed. If, however, in addition to the two dependent children under 18 years of age, the widower also supports and maintains in the home a child who is over 18 years of age and who is not mentally or physically defective, he is entitled to a credit of $400 for each of the two children under 18 years of age, since his support and maintenance of the child over 18 years of age is in itself sufficient to give him the status of head of a family, and therefore he does not occupy such status solely by reason of the existence of dependent children under 18 years of age.

[1] 6 F.R. 3274.

PAR. 27. Section 19.25–7, as amended by Treasury Decision 5011, is further amended to read as follows:

Personal exemption and credit for dependents where status changes. If the status of the taxpayer changes during the taxable year, the personal exemption allowed by section 25 (b) (1) to a single person, a married person not living with husband or wife, a head of a family, or a married person living with husband or wife, and the credit for dependents allowed by section 25 (b) (2) will be apportioned according to the number of months during which the taxpayer occupied each status. A taxpayer not having the status of a head of a family or the status of a married person living with husband or wife shall be considered as having the status of a single person. For the purpose of the apportionment of the personal exemption and credit for dependents a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month. In the event one spouse elects to be taxed under Supplement T, the other spouse, not so electing, will be allowed for that portion of the taxable year during which there existed the status of a married person living with husband or wife one-half of the personal exemption allowed a married person for such portion of the taxable year. In general, the personal exemption and credit for dependents allowable to any taxpayer wil be the sum of the amounts apportioned to the several periods of the taxable year during which each status was occupied.

Example (1). A and B, who were heads of families during the first six months of 1941, were married on July 1, 1941, and lived together during the remainder of the year. If a joint return is made by A and B on the calendar year basis for 1941, the personal exemption will be $2,250; that is, ½ of $1,500 for A while the head of a family, plus ½ of $1,500 for B while the head of a family, plus ½ of $1,500 for the period during which they were married and living together. If separate returns are made by A and B on the calendar year basis for 1941 and neither elects to be taxed under Supplement T, each may claim a personal exemption of $1,125; that is, ½ of $1,500, plus ½ of ½ of $1,500. In the latter case, however, the joint exemption of ½ of $1,500 may by agreement be taken either by A or B or divided between them in any proportion.

Example (2). A and B were married and living together until November 30, 1941, when B, the wife, died. They had no dependents. The executor or administrator in making a return for B may claim a personal exemption of $750; that is, ½ of 11/12 of $1,500, or $687.50, for the period from the beginning of the taxable year to the date of the decedent's death, plus 1/12 of $750, or $62.50, for the period from the date of decedent's death to the close of the taxable year. If A, the surviving spouse, makes a return for 1941 on the calendar year basis, he may claim a personal exemption of $750; that is, ½ of 11/12 of $1,500, or $687.50, plus 1/12 of $750, or $62.50. However, if neither elects to be taxed under Supplement T, the combined personal exemption of A and B for the period during which they were married and living together, that is, 11/12 of $1,500, or $1,375, may by agreement be taken either by A, or by B's executor or administrator in behalf of B, or divided between them in any proportion.

Example (3). A and B were married and living together until June 30, 1941, when A, the husband, died. Prior to the date of death, A was the chief support of a child 10 years of age. B, the surviving spouse, supported and maintained the child in her household during the remainder of the year. The executor or administrator in making a return for A (not under Supplement T) is entitled, in addition to a personal exemption, to a credit for dependents in the amount of $200; that is, 6/12 of $400. However, since B qualifies as head of a family for the last six months solely by reason of the fact that she maintained a home for such dependent child, the credit for such dependent is disallowed.

Example (4). A, a widower having two dependent children under 18 years of age, married B on July 1, 1941. For the calendar year 1941, they file separate returns and B elects to be taxed under Supplement T. B is taxed as a single person and, since she receives the benefit of a $750 exemption, she, in effect, receives the benefit of half the marital exemption of $750 for the second half of the year by reason of her status on the last day of the taxable year. A, who is taxed under sections 11 and 12, is subject to the provisions of section 25 (b) (3) requiring an apportionment of the personal exemption and credit for dependents by reason of a change of status during the taxable year. A qualifies as the head of a family for the first six months of the taxable year and as a married person living with husband or wife for the last six months. Accordingly, his personal exemption is 6/12 of $1,500 for the first half of the year plus 6/12 of $750 for the second half, or $1,125. Inasmuch as his status as the head of a family arises from the fact that he maintained a home for two dependent children, the credit for one of such dependents for the first six months of the taxable year is disallowed. He is, therefore, entitled to a credit for dependents in the amount of $600; that is, 6/12 of $400, plus 6/12 of $800.

If the change of status shown by the preceding examples occurs in any taxable year beginning before January 1, 1941, the apportionment of the personal exemptions will be based upon an allowance of:

(a) For a taxable year beginning after December 31, 1939, and before January 1, 1941, $800 to a single person or a married person not living with husband or wife, and $2,000 to the head of a family or a married person living with husband or wife; and

(b) For a taxable year beginning before January 1, 1940, $1,000 to a single person or a married person not living with husband or wife, and $2,500 to the head of a family or a married person living with husband or wife.

The provisions of section 25 (b) (2) (B) requiring the disallowance of the credit for one dependent where the taxpayer's status as the head of a family results solely from the existence of one or more of such dependents are applicable only for taxable years beginning after December 31, 1940. Accordingly, in the application of the preceding examples to taxable years beginning prior to January 1, 1941, the disallowance in such cases of the credit for one dependent should be disregarded.

PAR. 28. Section 19.26–2 is amended by changing the example to read as follows:

Example. For 1939 the X Corporation, which makes its income tax returns on the calendar year basis, has a net income of $50,000, included in which is $10,000 of interest on United States obligations allowed as a credit under section 26 (a). For 1938 its gross income was $25,000 and its allowable deductions were $50,000. Included in such deductions was $15,000 for depletion based on discovery value. If depletion had been computed without reference to discovery value or to percentage depletion the amount of such deduction would have been $5,000. For 1938 the corporation had $15,000 of wholly tax-exempt interest, and paid $10,000 in interest on indebtedness incurred to carry the obligations from which such tax-exempt interest was derived. The net operating loss credit available to such corporation for 1939 is $10,000, computed as follows:

Deductions for 1938		$50,000
Less excess of depletion deduction computed on basis of discovery value over amount allowable for depletion without reference to discovery value or percentage depletion ($15,000–$5,000)		10,000
Deductions as limited by section 26 (c) (2) (A)		40,000
Gross income for 1938	$25,000	
Plus tax-exempt interest minus interest paid ($15,000–$10,000)	5,000	
Gross income contemplated by section 26 (c) (2) (B)		30,000
Excess of deductions over gross income for 1938		10,000
Net income for 1939		50,000
Less credit under section 26 (a) for interest received		10,000
Adjusted net income for 1939		40,000

The net operating loss credit is $10,000, that amount not being in excess of the adjusted net income for 1939.

PAR. 29. There is inserted immediately preceding § 19.42–1 the following:

SEC. 114. NONINTEREST-BEARING OBLIGATIONS ISSUED AT DISCOUNT. (Revenue Act of 1941.)

Section 42 of the Internal Revenue Code (relating to period in which items of gross income are included) is amended by inserting before the first sentence thereof "(a) General Rule.—", and by inserting at the end of such section a new subsection to read as follows:

(b) *Noninterest-bearing obligations issued at discount.*—If, in the case of a taxpayer owning any noninterest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, the increase in the redemption price of such obligation occurring in the taxable year does not (under the method of accounting used in computing his net income) constitute income to him in such year, such taxpayer may, at his election made in his return for any taxable year beginning after December 31, 1940, treat such increase as income received in such taxable year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all such obligations thereafter acquired by him and shall be binding for all subsequent taxable years, unless upon application by the taxpayer the Commissioner permits him, subject to such conditions as the Commissioner deems necessary, to change to a different method. In the case of any such obligations owned by the taxpayer at the beginning of the first taxable year to which his election applies, the increase in the redemption price of such obligations occurring between the date of acquisition and the first day of such taxable year shall also be treated as income received in such taxable year.

PAR. 30. Section 19.42–1 is amended by striking out the first three sentences (including the sentence in parentheses) and inserting in lieu thereof the following:

Except as otherwise provided in section 42, gains, profits, and income are to be included in the gross income for the taxable year in which they are received by the taxpayer, unless they are included as of a different period in accordance with the approved method of accounting followed by him. (See §§ 19.41–1 to 19.41–3, inclusive.) In the case of the death of a taxpayer, there shall also be included in computing net income for the taxable period in which he died amounts accrued up to the date of his death if not otherwise properly includible in respect of such period or a prior period, regardless of the fact that the decedent may have kept his books and made his returns on the basis of cash receipts and disbursements. (As to income from noninterest-bearing obligations issued at discount, see § 19.42–6, and as to income from short-term obligations issued on a discount basis, see § 19.42–7.)

PAR. 31. There is inserted immediately after § 19.42–5 the following:

§ 19.42–6 *Noninterest-bearing obligations issued at discount.* If a taxpayer owns any noninterest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, and if the increase in redemption price of such obligation occurring in the taxable year does not constitute income for such year under the method of accounting used in computing his net income, the taxpayer may, at his election, treat such increase as constituting income for the year in which it occurs rather than in the year in which the obligation is disposed of, redeemed, or paid at maturity. The election must be made in the taxpayer's return, and may be made for any taxable year beginning after December 31, 1940. The election shall apply also to all other obligations of the type described in this section owned by the taxpayer at the beginning of the first taxable year to which the election applies and to those thereafter acquired by him. It shall apply to the taxable year for which such return is filed, and shall be binding for all subsequent taxable years unless upon application by the taxpayer the Commissioner permits the taxpayer, subject to such conditions as the Commissioner deems necessary, to change to a different method of reporting income from such obligations. Although the election, once made, is binding upon the taxpayer, it does not apply to a transferee of such taxpayer.

In any case in which an election is made under this section, the amount considered to accrue in any taxable year to which the election applies is measured by the actual increases in the redemption price occurring in that year. Such amount shall not be considered to accrue ratably between the dates on which the redemption price changes. Thus, if two dates on which the redemption price increases fall within a taxable year and if the redemption price increases in the amount of 50 cents on each such date, the amount deemed to accrue in that year would be $1. If at the beginning of the first taxable year to which the election applies the taxpayer owns noninterest-bearing bonds of the prescribed character acquired prior thereto, he is required to report in such year, in addition to the increases in the redemption price actually falling within that year, the total of the increases in such price occurring between the date of his acquisition and the beginning of such year.

Example. Throughout the calendar year 1945, a taxpayer who makes his income tax returns on the calendar year basis and computes his net income on the cash receipts and disbursements basis holds the following United States bonds:

(a) United States savings bonds having a maturity value of $10,000, which he purchased on January 1, 1938, for $7,500. The entire increase in the redemption price of these bonds is exempt from normal tax but only such part of the increase as is attributable to $5,000 in principal amount (purchase price) of such bonds is exempt from the surtax.

(b) United States Defense Savings Bonds, Series E, having a maturity value of $5,000, which he purchased on January 1, 1942, for $3,750. The increase in the redemption price of these bonds is subject to both the normal tax and the surtax.

(c) United States Savings Bonds, Defense Series F, having a maturity value of $10,000, which he purchased on January 1, 1944, for $7,400. The increase in the redemption price of these bonds is subject to both the normal tax and the surtax.

The taxpayer holds no other obligations of the type described in this section. In his return for 1945 the taxpayer elects to treat the increases in the redemption prices of such bonds occurring in such year as income to him for such year. Under this section he is required in such return to report with respect to such bonds $250 as subject to normal tax and $750 as subject to surtax, determined as follows:

	Subject to normal tax		Subject to surtax	
	Increases prior to 1945	Increases in 1945	Increases prior to 1945	Increases in 1945
Bonds acquired Jan. 1, 1938	None	None	$400	$100
Bonds acquired Jan. 1, 1942	$100	$100	100	100
Bonds acquired Jan. 1, 1944	None	50	None	50
Total	$250		$750	

In the case of the United States savings bonds acquired on January 1, 1938, the increases of $400 and $100 in the redemption price are attributable to the principal amount (purchase price) in excess of $5,000.

PAR. 32. There is inserted immediately before § 19.42–1 and immediately after section 114 of the Revenue Act of 1941 the following:

SEC. 115. SHORT-TERM OBLIGATIONS ISSUED ON A DISCOUNT BASIS. (Revenue Act of 1941.)

(a) *Discount accrued at maturity.* Section 42 of the Internal Revenue Code (relating to period in which items of gross income are included) is amended by inserting at the end thereof the following new subsection:

(c) *Short-term obligations issued on discount basis.* In the case of any obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, the amount of discount at which such obligation is originally sold shall not be considered to accrue until the date on which such obligation is paid at maturity, sold, or otherwise disposed of.

* * * * *

(c) *Effective date of amendments.* The amendments made by this section shall be applicable with respect to taxable years ending after February 28, 1941.

PAR. 33. There is inserted immediately after § 19.42–6 (added by paragraph 30 of this Treasury decision) the following:

§ 19.42–7 *Short-term obligations issued on discount basis.* In the case of any obligation of the United States or

any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, the amount of discount at which such obligation is originally sold shall not be considered to accrue until the date on which such obligation is paid at maturity, sold, or otherwise disposed of. Accordingly, if a taxpayer who computes his net income on the accrual basis purchases upon issuance a United States Treasury bill issued on or after March 1, 1941, and holds it until maturity, the entire amount of the discount at which the bill was originally sold accrues on the date of maturity; and if such a taxpayer holds a United States Treasury bill issued on or after March 1, 1941, for a period less than its life, the portion of the original discount attributable to such period accrues only on the date on which he sells or otherwise disposes of the bill or receives payment at maturity. The original discount or the portion of such discount, as the case may be, is includible only in the gross income for the taxable year in which the taxpayer sells or otherwise disposes of the bill or receives payment at maturity. For examples illustrating rules for computation of income from sale or other disposition of obligations of the type described in this section, see § 19.117–1.

PAR. 34. There is inserted immediately preceding § 19.51–1 the following:

SEC. 112. RETURNS OF INCOME TAX. (Revenue Act of 1941, Title I.)

(a) *Individual returns.* Section 51 (a) of the Internal Revenue Code is amended to read as follows:

(a) *Requirement.* The following individuals shall each make under oath a return stating specifically the items of his gross income and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

(1) Every individual who is single or who is married but not living with husband or wife, if having a gross income for the taxable year of $750 or over.

(2) Every individual who is married and living with husband or wife, if no joint return is made under subsection (b) and if—

(A) Such individual has for the taxable year a gross income of $1,500 or over, and the other spouse has no gross income; or

(B) Such individual and his spouse each has for the taxable year a gross income and the aggregate gross income is $1,500 or over.

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 35. Section 19.51–1, as amended by Treasury Decision 5057, is further amended as follows:

(A) By striking from the paragraph designated as "(b)" the figure "$800" and inserting in lieu thereof the following: "$750 ($800 for a taxable year beginning after December 31, 1939, and before January 1, 1941)".

(B) By striking from the paragraph designated as "(b)" the figure "$2,000" wherever occurring and inserting in lieu thereof the following: "$1,500 ($2,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941)".

PAR. 36. Section 19.51–2, as amended by Treasury Decision 5011, is further amended as follows:

(A) By inserting immediately after the heading the following:

For taxable years beginning after December 31, 1940, the return shall be on Form 1040 except that it shall be on short Form 1040A if (1) the gross income does not exceed $3,000 and consists wholly of salary, wages, compensation for personal services, dividends, interest, rent, annuities, or royalties, and (2) the taxpayer elects to pay the tax imposed by section 400 in lieu of the tax imposed by sections 11 and 12.

(B) By striking out the first two sentences of the section before its amendment by (A) and inserting in lieu thereof the following paragraph:

For taxable years beginning before January 1, 1941, the return shall be on Form 1040 except that it shall be on short Form 1040A if (1) the net income does not exceed $5,000, or for taxable years beginning in 1940, if the gross income does not exceed $5,000, and is derived from interest, dividends, annuities, income from fiduciaries, and salaries, wages, commissions, bonuses, and other compensation for personal services, and (2) the taxpayer does not own a business or practice a profession on his own account and renders a return on the cash receipts and disbursements basis for the calendar year. The return shall be made on Form 1040 in all cases in which the taxpayer claims any deductions for losses from the renting of, or sale or exchange of, property.

PAR. 37. Section 19.51–3, as amended by Treasury Decision 5011, is further amended by striking out the figure "$800" wherever occurring and inserting in lieu thereof the following: "$750 ($800 for a taxable year beginning after December 31, 1939, and before January 1, 1941)".

PAR. 38. There is inserted immediately preceding § 19.55 (b)–1 the following:

SEC. 554. TRANSPORTATION OF PERSONS, ETC. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(d) *Technical amendments.* (1) Section 55 (a) (2) of the Internal Revenue Code is amended by striking out "subchapters A and B of".

* * * * *

SEC. 558. EFFECTIVE DATE OF PART V. (Revenue Act of 1941, Title V, Part V.)

This part shall take effect on October 1, 1941.

PAR. 39. There is inserted immediately preceding § 19.102–1 the following:

SEC. 103. CORPORATION DEFENSE TAX RATES INCORPORATED IN RATE SCHEDULES. (Revenue Act of 1941, Title I.)

* * * * *

(d) *Surtax on corporations improperly accumulating surplus.* The rate schedule of section 102 of the Internal Revenue Code is amended to read as follows:

27½ per centum of the amount of the undistributed section 102 net income not in excess of $100,000, plus

38½ per centum of the undistributed section 102 net income in excess of $100,000.

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 40. Section 19.102–1, as amended by Treasury Decision 5011, is further amended by striking out "January 1, 1945" in the last sentence of the last paragraph, and inserting in lieu thereof "January 1, 1941".

PAR. 41. There is inserted immediately preceding § 19.102–1 and immediately after section 118 of the Revenue Act of 1941 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

* * * * *

(b) *Amendment of section 102* (d). Section 102 (d) (1) (A) of the Internal Revenue Code (relating to the deduction of taxes in computing section 102 net income) is amended to read as follows:

(A) *Taxes.*—Federal income, war-profits, and excess-profits taxes (other than the tax imposed by Subchapter E of Chapter 2 for a taxable year beginning after December 31, 1940) paid or accrued during the taxable year, to the extent not allowed as a deduction by section 23, but not including the tax imposed by this section or a corresponding section of a prior income-tax law.

* * * * *

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 42. Section 19.102–4 is amended by inserting immediately after the word "taxes" in (a) of the second sentence of the first paragraph the following:

(other than the tax imposed by Subchapter E of Chapter 2 of the Internal Revenue Code for a taxable year beginning after December 31, 1940).

PAR. 43. There is inserted immediately preceding § 19.104–1 the following:

SEC. 104. SURTAX ON CORPORATIONS AND TERMINATION OF DEFENSE TAX. (Revenue Act of 1941, Title I.)

* * * * *

(c) *Surtax on banks.* Section 104 (b) of the Internal Revenue Code (relating to certain banks and trust companies) is amended to read as follows:

(b) *Rate of tax.* Banks shall be subject to tax under section 13 or section 14 (b), and under section 15.

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 44. Section 19.104–1, as amended by Treasury Decision 5011, is further amended by striking out the last sentence of the second paragraph, and inserting in lieu thereof the following:

For a taxable year beginning after December 31, 1939, and before January 1, 1941, the tax is increased by the amount of the defense tax. For a taxable year beginning after December 31, 1940, such a bank is subject to the surtax imposed by section 15, as amended by section 104 of the Revenue Act of 1941.

PAR. 45. Section 19.112 (l)–1 is amended by striking out the last sentence in the first paragraph and inserting in lieu thereof the following:

The term "Federal income taxes" includes (1) the excess profits tax on the net income of a corporation referred to in section 106 of the Revenue Act of 1935, section 402 of the Revenue Act of 1936, and section 602 of the Revenue Act of 1938, (2) the declared value excess-profits tax referred to in section 600 of the Internal Revenue Code, and (3) the excess profits tax imposed by Subchapter E of Chapter 2 of the Internal Revenue Code.

PAR. 46. Section 19.115–5 is amended by striking "1936" wherever appearing in the example in subsection (b) and inserting "1937" in lieu thereof.

PAR. 47. There is inserted immediately preceding § 19.117–1 the following:

SEC. 115. SHORT-TERM OBLIGATIONS ISSUED ON A DISCOUNT BASIS. (Revenue Act of 1941.)

* * * * *

(b) *Capital gain rule not applicable.* Section 117 (a) (1) of the Internal Revenue Code (relating to definition of capital assets) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof the following: ", or an obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue;".

(c) *Effective date of amendments.* The amendments made by this section shall be applicable with respect to taxable years ending after February 28, 1941.

PAR. 48. Section 19.117–1 is amended by inserting after the second paragraph thereof the following paragraph:

Obligations of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, are excluded from the term "capital assets". An obligation may be issued on a discount basis even though the price paid exceeds the face amount. Thus, although the Second Liberty Bond Act provides that United States Treasury bills shall be issued on a discount basis, the issuing price paid for a particular bill may, by reason of competitive bidding, actually exceed the face amount of the bill. Since the obligations of the type described in this section are excluded from the term "capital assets", gains or losses from the sale or exchange of such obligations are not subject to the percentage provisions of section 117 (b) and losses from such transactions are not subject to the limitation on losses provided in section 117 (d). It is, therefore, not necessary for a taxpayer, other than a life insurance company subject to taxation only on interest, dividends, and rents, to segregate the original discount accrued (see § 19.42–7) and the gain or loss realized upon the sale or other disposition of any such obligation.

Example (1). A (not a life insurance company) buys a $100,000 ninety-day Treasury bill upon issuance for $99,998. As of the close of the 45th day of the life of such bill, he sells it to B (not a life insurance company) for $99,999.50. The entire net gain to A of $1.50 may be taken into account as a single item of income, without allocating $1 to interest and $0.50 to gain. If B holds the bill until maturity his net gain of $0.50 may similarly be taken into account as a single item of income, without allocating $1 to interest and $0.50 to loss.

Example (2). The facts in this example are the same as in example (1) except that the selling price to B is $99,998.50. The net gain to A of $0.50 may be taken into account without allocating $1 to interest and $0.50 to loss, and, similarly, if B holds the bill until maturity his entire net gain of $1.50 may be taken into account as a single item of income, without allocating $1 to interest and $0.50 to gain.

PAR. 49. Section 19.122–4, as amended by Treasury Decision 5057, is further amended as follows:

(A) By striking out the fifth paragraph in the second example in subsection (b), and inserting in lieu thereof the following:

For 1941 the net income of H is deemed to be $2,000, i. e., $1,000, the portion of the combined net income for 1941 attributable to H, plus $1,000, the excess of the portion of the combined net income for 1941 attributable to W ($3,000) over the net operating loss carry-over of W to 1941 ($2,000). See paragraph (3) (ii) (A) and (B).

(B) By striking out the second "($1,000)" in the next to the last paragraph of the second example in subsection (b), and inserting in lieu therefor "($2,000)".

PAR. 50. There is inserted immediately preceding § 19.142–1 the following:

SEC. 112. RETURNS OF INCOME TAX. (Revenue Act of 1941, Title I.)

* * * * *

(b) *Fiduciary returns.* Section 142 (a) of the Internal Revenue Code is amended to read as follows:

(a) *Requirement of Return.* Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

(1) Every individual having a gross income for the taxable year of $750 or over, if single, or if married and not living with husband or wife;

(2) Every individual having a gross income for the taxable year of $1,500 or over, if married and living with husband or wife;

(3) Every estate the gross income of which for the taxable year is $750 or over;

(4) Every trust the net income of which for the taxable year is $100 or over, or the gross income of which for the taxable year is $750 or over, regardless of the amount of the net income; and

(5) Every estate or trust of which any beneficiary is a nonresident alien.

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.) The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 51. Section 19.142–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking from the paragraphs designated as "(c)" and "(d)" the figure "$800" wherever occurring and inserting in lieu thereof the following: "$750 ($800 for a taxable year beginning after December 31, 1939, and before January 1, 1941)".

(B) By striking from the paragraph designated as "(c)" the figure "$2,000" wherever occurring and inserting in lieu thereof the following: "$1,500 ($2,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941)".

PAR. 52. Section 19.142–5, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking out the second and third sentences of subsection (b) and inserting in lieu thereof the following:

A citizen or resident fiduciary having the distribution of the income of an estate or trust shall make a return on Form 1040NB–a if a beneficiary, other than a resident of Canada with respect to income received prior to April 30, 1941, has gross income for the taxable year of more than $23,000 ($21,600 for a taxable year beginning before January 1, 1940, and $24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941) from the sources specified in section 211 (a), regardless of the amount of tax withheld at the source. If the gross income from such sources is $23,000 or less ($21,600 or less for a taxable year beginning before January 1, 1940, and $24,000 or less for a taxable year beginning after December 31, 1939, and before January 1, 1941), the return (if a return is required to be filed) for the beneficiary shall be on Form 1040NB.

(B) By striking out the next to the last sentence of subsection (b) and inserting in lieu thereof the following:

The fiduciary shall make a return on Form 1042 of the tax at 27½ percent (16½ percent for a taxable year beginning after December 31, 1939, and before January 1, 1941, and 10 percent for a taxable year beginning prior to January 1, 1940) on the entire amount of the income payable to the beneficiary, except that in the case of a beneficiary, resident of Canada, the rate shall be 5 percent with respect to income received prior to April 30, 1941.

PAR. 53. There is inserted immediately preceding § 19.147–1 the following:

SEC. 112. RETURNS OF INCOME TAX. (Revenue Act of 1941, Title I.)

* * * * *

(c) *Information returns.* Section 147 (a) of the Internal Revenue Code (relating to information at the source) is amended by striking out "$800" wherever occurring therein and inserting in lieu thereof "$750".

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.) The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 54. Section 19.147–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By changing the heading of the section to read as follows: "*Return of information as to payments of $1,000 for 1939, $800 for 1940, and $750 for years thereafter.*"

(B) By changing the first sentence to read as follows:

All persons making payment to another person of fixed or determinable income of $1,000 or more in the calendar year 1939, or of $800 or more in the calendar year 1940, or of $750 or more in any subsequent year, must render a return thereof to the Commissioner for such year on or before February 15 of the following year, except as specified in §§ 19.147–3 to 19.147–5, inclusive.

PAR. 55. Section 19.147–2, as amended by Treasury Decision 5011, is further amended by changing the first sentence thereof to read as follows:

The names of all employees to whom payments of $1,000 or over a year are made during the calendar year 1939, or of $800 or over during the calendar year 1940, or of $750 or over during a subsequent calendar year, whether such total sum is made up of wages, salaries, commissions, or compensation in any other form, must be reported.

PAR. 56. Section 19.147–3, as amended by Treasury Decision 5011, is further amended as follows:

(A) By changing the first sentence to read as follows:

Payments of the following character, although over $1,000 during the calendar year 1939, or over $800 during the calendar year 1940, or over $750 during a subsequent calendar year, need not be reported in returns of information on Form 1099:

(B) By changing that part designated as "(e)" to read as follows:

(e) Payments of rent made to real estate agents (but the agent must report payments to the landlord if the amount paid during the calendar year 1939 was $1,000 or more, or during the calendar year 1940 was $800 or more, or during a subsequent calendar year was $750 or more);

(C) By changing that part designated as "(h)" to read as follows:

(h) Payments of salaries, or other compensation for personal services aggregating less than $2,500 for the calendar year 1939, or less than $2,000 for the calendar year 1940, or less than $1,500 for subsequent calendar years, made to a married individual (citizen or resident);

PAR. 57. Section 19.147–7, as amended by Treasury Decision 5011, is further amended by striking from the first sentence thereof "within a subsequent year" and by inserting in that sentence immediately after "$800 or more" the following: "within 1940, or $750 or more within a subsequent year".

PAR. 58. Section 19.148–1 is amended as follows:

(A) By striking out "(1) out of its earnings or profits accumulated after February 28, 1913, or (2) out of earnings or profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year) without regard to the amount of the earnings and profits at the time the distribution was made," in the first sentence of subsection (a).

(B) By changing subsection (b) to read as follows:

(b) In the case of a distribution which is made from a depletion or depreciation reserve, or which for any other reason is deemed by the corporation to be nontaxable or partly nontaxable to its shareholders, the corporation will fill in the information on both sides of Form 1096 and forward this form, together with Forms 1099, to the Commissioner of Internal Revenue, Returns Distribution Section, Washington, D. C., not later than February 1 of the following year. Upon receipt of this information the Commissioner will advise the corporation by letter as to any apparent errors made by the corporation in computing the nontaxable portion of the distribution in order that the corporation may, if time permits, furnish such advice to its shareholders before the shareholders file their income tax returns for the year in which the distribution was made.

PAR. 59. Section 19.148–3, as amended by Treasury Decision 5015,[1] approved October 22, 1940, is further amended by striking out "$800" in the first paragraph and inserting in lieu thereof "$750."

PAR. 60. Section 19.201 (b)–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking out "January 1, 1945" in the last sentence in subsection (c), and inserting in lieu thereof "January 1, 1941".

(B) By inserting after the last sentence in subsection (c) the following:

For the surtax on corporations, including life insurance companies, imposed for taxable years beginning after December 31, 1940, see § 19.15–2.

PAR. 61. Section 19.204 (a)–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking out "January 1, 1945" in the last sentence in subsection (c), and inserting in lieu thereof "January 1, 1941".

(B) By inserting after the last sentence in subsection (c) the following:

For the surtax on corporations, including insurance companies other than life or mutual, imposed for taxable years beginning after December 31, 1940, see § 19.15–2.

PAR. 62. Section 19.207–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking out "January 1, 1945" in the last sentence in subsection (c), and inserting in lieu thereof "January 1, 1941".

(B) By inserting after the last sentence in subsection (c) the following:

For the surtax on corporations, including mutual insurance companies, imposed for taxable years beginning after December 31, 1940, see § 19.15–2.

PAR. 63. There is inserted immediately preceding § 19.211–1. the following:

SEC. 105. TAX ON NONRESIDENT ALIEN INDIVIDUALS. (Revenue Act of 1941, Title I.)

(a) *Tax in general.* Section 211 (a) (1) (A) of the Internal Revenue Code (relating to tax on nonresident alien individuals not engaged in trade or business within the United States and not having an office or place of business therein) is amended by striking out "15 per centum" and inserting in lieu thereof "27½ per centum".

(b) *Aggregate receipts more than $23,000.* Section 211 (a) (2) of the Internal Revenue Code is amended to read as follows:

(2) *Aggregate more than $23,000.* The tax imposed by paragraph (1) shall not apply to any individual if the aggregate amount received during the taxable year from the sources therein specified is more than $23,000.

(c) *Tax where gross income of more than $23,000.* Section 211 (c) of the Internal Revenue Code (relating to tax on certain nonresident alien individuals) is amended by striking out "$24,000" wherever occurring therein and inserting in lieu thereof "$23,000"; and by striking out "15 per centum" and inserting in lieu thereof "27½ per centum".

SEC. 108. TREATY OBLIGATIONS. (Revenue Act of 1941, Title I.)

No amendment made by this title shall apply to any case where its application would be contrary to any treaty obligation of the United States.

[1] 5 F.R. 4224.

SEC. 109. REDUCTION IN PURSUANCE OF TREATIES OF RATES OF TAX AND WITHHOLDING ON NONRESIDENT ALIEN INDIVIDUALS RESIDENT IN, AND CORPORATIONS ORGANIZED UNDER LAWS OF, WESTERN HEMISPHERE COUNTRIES. (Revenue Act of 1941, Title I.)

(a) Section * * * 211 (a) (1) (relating to tax on nonresident alien individuals); * * * of the Internal Revenue Code are amended by striking out "a contiguous country" and inserting in lieu thereof "any country in North, Central, or South America, or in the West Indies, or of Newfoundland".

(b) Section 211 (a) (3) of the Internal Revenue Code is amended to read as follows:

(3) *Residents of certain countries.* The provisions of paragraph (2) shall not apply to a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, so long as there is in effect with such country a treaty which provides otherwise.

(c) Section 211 (c) (4) of the Internal Revenue Code is amended to read as follows:

(4) This subsection shall not apply to a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, so long as there is in effect with such country a treaty which provides otherwise.

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 64. Section 19.211–7, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking out "$21,600 ($24,000 during a taxable year beginning after December 31, 1939)" wherever appearing therein and inserting in lieu thereof the following: "$23,000 ($24,000 during a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 during a taxable year beginning before January 1, 1940)".

(B) By striking from the second paragraph of subsection (a) "10 percent for a taxable year beginning prior to January 1, 1940, at the rate of 16½ percent for a taxable year beginning after December 31, 1939, and before January 1, 1945 (see § 19.15–1), and at the rate of 15 percent thereafter," and inserting in lieu thereof the following: "27½ percent (16½ percent for a taxable year beginning after December 31, 1939, and before January 1, 1941 (see § 19.15–1), and 10 percent for a taxable year beginning prior to January 1, 1940),".

(C) By striking from the second paragraph of subsection (a) "is reduced to 5 percent" and inserting in lieu thereof the following: "was reduced to 5 percent as to items of income received prior to April 30, 1941,".

(D) By striking from the second paragraph of subsection (a) "or 15 percent,".

(E) By inserting in the second paragraph of subsection (a) after "a contiguous country," the following: "or (for taxable years beginning after December 31, 1940) any country in North, Central, or South America, or in the West Indies, or of Newfoundland,".

(F) By striking from subsection (b) "10 percent, or 15 percent for a taxable year beginning after December 31, 1939," and inserting in lieu thereof the following: "27½ percent (15 percent for taxable years beginning after December 31, 1939, and before January 1, 1941, and 10 percent for taxable years beginning prior to January 1, 1940)".

(G) By striking out the last sentence of subsection (b) and inserting in lieu thereof the following: "Nonresident alien individuals, residents of Canada, were, with respect to income received prior to April 30, 1941, subject to the terms of the tax convention between the United States and Canada and the special provisions of subsection (a) of this section. Such special treatment is not applicable with respect to income of such taxpayers received on or after April 30, 1941."

(H) By striking from the first paragraph of subsection (c) "10 percent, or 15 percent for a taxable year beginning after December 31, 1939," and inserting in lieu thereof the following: "27½ percent (16½ percent, including the defense tax (see section 19.15–1) for a taxable year beginning after December 31, 1939, and before January 1, 1941, and 10 percent for a taxable year beginning prior to January 1, 1940)".

(I) By striking from the first paragraph of subsection (c) "1945" and inserting in lieu thereof "1941".

PAR. 65. Section 19.213–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By changing the heading of paragraph (2) of subsection (a) to read as follows:

(2) *Aggregate more than $23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940).*

(B) By striking from paragraph (2) of subsection (a) "$21,600, or more than $24,000 for a taxable year beginning after December 31, 1939," and inserting in lieu thereof the following: "$23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940)".

PAR. 66. There is inserted immediately preceding § 19.214–1 the following:

SEC. 111. PERSONAL EXEMPTION. (Revenue Act of 1941, Title I.)

* * * * *

(b) Section 214 of the Internal Revenue Code (relating to personal exemption of nonresident alien individuals) is amended by striking out "$800" and inserting in lieu thereof "$750".

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 67. Section 19.214–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By changing the heading of paragraph (2) of subsection (a) to read as follows:

(2) *Aggregate more than $23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940).*

(B) By striking from paragraph (2) of subsection (a) "$21,600, or more than $24,000 for a taxable year beginning after December 31, 1939," and inserting in lieu thereof the following: "$23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940)".

(C) By striking from subsection (b) "$1,000, or $800 for a taxable year beginning after December 31, 1939," and inserting in lieu thereof the following: "$750 ($800 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $1,000 for a taxable year beginning prior to January 1, 1940)".

PAR. 68. Section 19.215–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By changing the heading of paragraph (2) of subsection (a) to read as follows:

(2) *Aggregate more than $23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940).*

(B) By striking from paragraph (2) of subsection (a) "$21,600, or more than $24,000 for a taxable year beginning after December 31, 1939," wherever appearing therein and inserting in lieu thereof the following: "$23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940)".

PAR. 69. Section 19.217–2, as amended by Treasury Decision 5011, is further amended as follows:

(A) By changing the heading of paragraph (2) of subsection (a) to read as follows:

(2) *Aggregate more than $23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940).*

(B) By striking from paragraph (2) of subsection (a) "$21,600, or more than $24,000 for a taxable year beginning after December 31, 1939," and inserting in lieu thereof the following: $23,000 ($24,000 for a taxable year beginning after December 31, 1939, and before January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940)".

(C) By striking from the first paragraph of subsection (b) "$1,000 during a taxable year beginning prior to January 1, 1940, or $800 during a taxable year beginning after December 31, 1939" and inserting in lieu thereof the following: "$750 ($800 during a taxable year beginning after December 31, 1939, and prior to January 1, 1941, and $1,000 during a taxable year beginning prior to January 1, 1940)".

PAR. 70. Section 19.219–1, as amended by Treasury Decision 5011, is further amended by striking out "$21,600, or more than $24,000 for a taxable year beginning after December 31, 1939," and inserting in lieu thereof the following: "$23,000 ($24,000 for a taxable year beginning after December 31, 1939, and prior to January 1, 1941, and $21,600 for a taxable year beginning prior to January 1, 1940),".

PAR. 71. There is inserted immediately preceding § 19.231–1 the following:

SEC. 104. SURTAX ON CORPORATIONS AND TERMINATION OF DEFENSE TAX. (Revenue Act of 1941, Title I.)

* * * * *

(d) *Surtax on resident foreign corporations.* Section 231 (b) of the Internal Revenue Code (relating to certain foreign corporations) is amended to read as follows:

"(b) *Resident corporations.* A foreign corporation engaged in trade or business within the United States or having an office or place of business therein shall be taxable as provided in section 14 (c) (1) and section 15."

* * * * *

SEC. 106. TAX ON FOREIGN CORPORATIONS (Revenue Act of 1941, Title I.)

Section 231 (a) of the Internal Revenue Code (relating to tax on nonresident foreign corporations) is amended by striking out "15 per centum" and inserting in lieu thereof "27½ per centum".

SEC. 108. TREATY OBLIGATIONS. (Revenue Act of 1941, Title I.)

No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States.

SEC. 109. REDUCTION IN PURSUANCE OF TREATIES OF RATES OF TAX AND WITHHOLDING ON NONRESIDENT ALIEN INDIVIDUALS RESIDENT IN, AND CORPORATIONS ORGANIZED UNDER LAWS OF, WESTERN HEMISPHERE COUNTRIES. (Revenue Act of 1941, Title I.)

(a) Section * * * 231 (a) (1) relating to tax on nonresident foreign corporations) of the Internal Revenue Code are amended by striking out "a contiguous country" and inserting in lieu thereof "any country in North, Central, or South America, or in the West Indies, or of Newfoundland".

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 72. Section 19.231–1, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking from the second paragraph of subsection (a) "15 percent, except that for taxable years beginning after December 31, 1939, and before January 1, 1945, the rate is 16½ percent (see § 19.15–1), and except further for a taxable year beginning before January 1, 1940, dividends are taxable at the rate of 10 percent" and inserting in lieu thereof the following: "27½ percent (16½ percent for a taxable year beginning after December 31, 1939, and before January 1, 1941 (see § 19.15–1), and 15 percent (10 percent as to dividends) for a taxable year beginning before January 1, 1940)".

(B) By inserting in the second paragraph of subsection (a) after "a contiguous country," the following: "or (as to taxable years beginning after December 31, 1940) any country in North, Central, or South America, or in the West Indies, or of Newfoundland,".

(C) By inserting at the end of subsection (a) the following: "Under the tax convention between the United States and Canada, effective January 1, 1936, the rate of 5 percent applied with respect to dividends paid prior to April 30, 1941, to such corporations organized under the laws of Canada."

(D) By striking out the first sentence in subsection (b) and inserting in lieu thereof the following:

A resident foreign corporation is not taxable upon the items of fixed or determinable annual or periodical income enumerated in section 231 (a) at the rate specified in that section.

(E) By striking out the last three sentences in the first paragraph of subsection (b) and inserting in lieu thereof the following:

For any taxable year beginning after December 31, 1939, a resident foreign corporation is, under section 14 (c) (1), as amended, liable to a tax of 24 percent (22$\frac{1}{5}$ percent for such a taxable year beginning before January 1, 1941) of its normal-tax net income (regardless of the amount thereof), that is, its net income from sources within the United States (gross income from sources within the United States minus the statutory deductions provided in sections 23 and 232) less the credits allowed against net income by section 26 (a) and (b). For the defense tax imposed for taxable years beginning after December 31, 1939, and before January 1, 1941, see section 19.15–1. For a taxable year beginning after December 31, 1940, a resident foreign corporation is liable to a surtax of 6 percent of the first $25,000 of its corporation surtax net income and 7 percent of the remainder thereof. The corporation surtax net income of a resident foreign corporation is its net income from sources within the United States less the credit allowed by section 26 (b), which credit is limited in amount to 85 percent of its net income from sources within the United States.

PAR. 73. Section 19.236–1 is amended as follows:

(A) By striking "section 231 (a)" from subsection (a) and by inserting in lieu thereof "Chapter 1".

(B) By striking from subsection (b) the portion of the first sentence beginning with "provided" and ending with "December 31, 1939)," and by inserting in lieu thereof "imposed by Chapter 1".

PAR. 74. There is inserted immediately preceding § 19.251–1 the following:

SEC. 104. SURTAX OF CORPORATIONS AND TERMINATION OF DEFENSE TAX. (Revenue Act of 1941, Title I.)

* * * * *

(e) *Surtax on corporations entitled to the benefits of section 251.* Section 251 (c) (1) of the Internal Revenue Code (relating to the tax on corporations entitled to the benefits of section 251) is amended to read as follows:

(1) *Corporation tax.* A domestic corporation entitled to the benefits of this section shall be subject to tax under section 13 or section 14 (b), and under section 15.

* * * * *

SEC. 111. PERSONAL EXEMPTION. (Revenue Act of 1941, Title I.)

* * * * *

(c) Section 251 (f) of the Internal Revenue Code (relating to personal exemption of citizens entitled to benefits of section 251) is amended by striking out "$800" and inserting in lieu thereof "$750".

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 75. Section 19.251–3 is amended by inserting at the end of the second paragraph the following:

For any taxable year beginning after December 31, 1940, a domestic corporation entitled to the benefits of section 251 is subject to the surtax imposed by section 15, as amended by section 104 of the Revenue Act of 1941. For the defense tax imposed for taxable years beginning after December 31, 1939, and before January 1, 1941, see § 19.15–1.

PAR. 76. There is inserted immediately preceding § 19.261–1 the following:

SEC. 104. SURTAX ON CORPORATIONS AND TERMINATION OF DEFENSE TAX. (Revenue Act of 1941, Title I.)

* * * * *

(f) *Surtax on China Trade Act Corporations.*

(1) *Surtax.* Section 261 (a) of the Internal Revenue Code (relating to the tax on China Trade Act corporations) is amended to read as follows:

(a) *Corporation tax.* A corporation organized under the China Trade Act, 1922 (42 Stat. 849; U.S.C., 1934 ed., title 15, ch. 4), shall be subject to tax under section 13 or section 14 (b), and under section 15.

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 77. Section 19.261–1 is amended by inserting at the end of the second paragraph the following:

For a taxable year beginning after December 31, 1940, a China Trade Act corporation is liable to the surtax imposed by section 15 as amended by section 104 of the Revenue Act of 1941. For the defense tax imposed for taxable years beginning after December 31, 1939, and before January 1, 1941, see § 19.15–1.

PAR. 78. There is inserted immediately preceding § 19.262–1 the following:

SEC. 104. SURTAX ON CORPORATIONS AND TERMINATION OF DEFENSE TAX. (Revenue Act of 1941, Title I.)

* * * * *

(f) *Surtax on China Trade Act Corporations.*

* * * * *

(2) *Credit of China Trade Act Corporations.* Section 262 (a) of the Internal Revenue Code (relating to credit against net income of China Trade Act corporations) is amended by striking out "sections 13, 14, and 600" and inserting in lieu thereof "sections 13, 14, 15, and 600"; and by striking out "section 13 or 14" wherever occurring therein and inserting in lieu thereof "section 13, 14, or 15".

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 79. Section 19.262–2, as amended by Treasury Decision 5011, is further amended as follows:

(A) By striking out the latter part of the first sentence of the first paragraph beginning with "and (2)" and inserting in lieu thereof the following:

(2) for the taxable year 1940, by section 13 or 14, as amended, and by section 600, and (3) for the taxable year 1941 and subsequent years, by section 13 or 14, as amended, by section 15, as amended, and by section 600.

(B) By striking out the third and fourth sentences of the first paragraph and inserting in lieu thereof the following:

The decrease in the tax imposed for 1939 by section 14 (d), prior to its amendment, for 1940 by section 13 or 14, as amended, or for 1941 and subsequent years by section 13 or 14, as amended, and by section 15, as amended, by reason of such credit must not, however, exceed the amount of the special dividend referred to in section 262 (b), and is not allowable unless the special dividend has been certified to the Commissioner by the Secretary of Commerce. The decrease in the tax imposed by section 600 by reason of such credit must not exceed the amount by which such special dividend exceeds the decrease permitted by section 262 in the tax imposed for 1939 by section 14 (d), prior to its amendment, for 1940 by section 13 or 14, as amended, and for 1941 and subsequent years by section 13 or 14, as amended, and section 15, as amended.

(C) By striking out example (2) and inserting in lieu thereof the following:

Example (2). Assume that for the calendar year 1941 the adjusted declared value of the capital stock is the same as for 1939 and that the other facts are the same as in example 1), except that a special dividend of $66,000 is distributed on February 15, 1942. Since, under section 13, as amended, the rate of income tax for 1941 is 24 percent, and, under section 15, as amended, the rate of surtax is 6 percent on the first $25,000 of corporation surtax net income and 7 percent on the remainder, the total income tax for such year consists of a normal income tax of $48,000 plus a surtax of $13,750, or $61,750. Since the special dividend ($66,000) exceeds the diminution of the income tax ($61,750) on account of the allowance of the special credit against net income, the entire amount of special credit is allowable and the corporation has no income tax liability for 1941. Since the special dividend exceeds the amount of the income tax by the sum of $4,250, which sum exceeds the amount of the diminution of the declared value excess-profits tax (6$\frac{6}{10}$ percent of $50,000, or $3,300) on account of the allowance of the special credit against net income, the entire amount of the special credit ($200,000) is allowable for declared value excess-profits tax purposes for 1941 and hence the corporation has no declared value excess-profits tax liability for that year.

PAR. 80. There is inserted immediately preceding § 19.362–1 the following:

SEC. 103. CORPORATION DEFENSE TAX RATES INCORPORATED IN RATE SCHEDULES. (Revenue Act of 1941, Title I.)

* * * * *

(e) *Mutual investment companies.* Section 362 (b) of the Internal Revenue Code (relating to tax on mutual investment companies) is amended by striking out "22$\frac{1}{10}$ per centum" and inserting "24 per centum".

SEC 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 81. Section 19.362–1, as amended by Treasury Decision 5038, is further amended by striking out the first two sentences and by inserting in lieu the following:

If a corporation, as defined in section 3797 (a) (3), shows to the satisfaction of the Commissioner that it is entitled to the status of a mutual investment company, as defined in section 361, it is taxable upon its Supplement Q net income, as defined in section 362 (a), (1) at the rate of 16½ percent for any taxable year beginning after December 31, 1938, and before January 1, 1940, (2) at the rate of 22$\frac{1}{10}$ percent for any taxable year beginning after December 31, 1939, and before January 1, 1941, and (3) at the rate of 24 percent for any taxable year beginning after December 31, 1940. (For the defense tax imposed for taxable years beginning after December 31, 1939, and before January 1, 1941, see § 19.15–1.)

PAR. 82. There is inserted immediately after § 19.362–1 the following:

SEC. 104. SURTAX ON CORPORATIONS AND TERMINATION OF DEFENSE TAX. (Revenue Act of 1941, Title I.)

* * * * *

(b) *Surtax on mutual investment companies.* Supplement Q of the Internal Revenue Code (relating to mutual investment companies) is amended by inserting at the end thereof a new section to read as follows:

"SEC. 363. SURTAX ON MUTUAL INVESTMENT COMPANIES.

"(a) *Supplement Q surtax net income.* For the purposes of this chapter the term 'Supplement Q surtax net income' means the net income, computed without the net operating loss deduction provided in section 23 (s), minus the dividends paid during the taxable year increased by the consent dividends credit provided in section 28. For the purposes of this subsection the amount of dividends paid shall be computed in the same manner as provided in subsections (d), (e), (f), (g), (h), and (i) of section 27 for the purpose of the basic surtax credit provided in section 27.

"(b) *Imposition of tax.* There shall be levied, collected, and paid for each taxable year upon the Supplement Q surtax net income of every mutual investment company a surtax as follows:

"Upon Supplement Q surtax net incomes not in excess of $25,000, 6 per centum of the amount thereof;

"Upon Supplement Q surtax net incomes in excess of $25,000, $1,500, plus 7 per centum of the excess over $25,000."

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

§ 19.363–1 *Surtax on mutual investment companies.* For taxable years beginning after December 31, 1940, section 363 imposes a surtax upon the Supplement Q surtax net income of every corporation taxable as a mutual investment company. A mutual investment company's Supplement Q surtax net income is its net income (computed without the net operating loss deduction provided in section 23 (s)), less the amount of dividends paid during the taxable year increased by the consent dividends credit provided in section 28. For the purpose of computing a mutual investment company's Supplement Q surtax net income, the amount of dividends paid during the taxable year is determined in the same manner as provided in section 27 (d), (e), (f), (g), (h), and (i) for the purpose of the basic surtax credit provided in section 27.

PAR. 83. There is inserted immediately preceding § 19.373–1 the following:

SEC. 117. EXTENSION OF TIME OF ORDERS OF SECURITIES AND EXCHANGE COMMISSION. (Revenue Act of 1941.)

(a) *Extension.* Section 373 (a) of the Internal Revenue Code (relating to the definition of orders of the Securities and Exchange Commission with respect to which Supplement R applies) is amended to read as follows:

(a) The term "order of the Securities and Exchange Commission" means an order (1) issued after May 28, 1938, and prior to January 1, 1943, by the Securities and Exchange Commission to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; U.S.C., Supp. V, title 15, section 79k (b)), or (2) issued by the Commission subsequent to December 31, 1942, in which it is expressly stated that an order of the character specified in clause (1) is amended or supplemented, and (3) which has become final in accordance with law.

(b) *Effective date of amendment.* The amendment made by this section shall be applicable only with respect to taxable years beginning after December 31, 1939.

PAR. 84. There is inserted immediately preceding § 19.500–1 the following:

SEC. 110. DEFENSE TAX RATES ON PERSONAL HOLDING COMPANIES AND TRANSFERS TO AVOID INCOME TAX INCORPORATED IN RATE SCHEDULES. (Revenue Act of 1941, Title I.)

(a) *Personal holding companies.* Section 500 of the Internal Revenue Code (relating to tax on personal holding companies) is amended as follows:

(1) By striking out the heading "(a) General Rule.—";

(2) By amending the rate schedule to read as follows:

"(1) 71½ per centum of the amount thereof not in excess of $2,000; plus

"(2) 82½ per centum of the amount thereof in excess of $2,000."; and

(3) By repealing subsection (b) (relating to defense tax for five years).

* * * * *

SEC. 118. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title I.)

The amendments made by this title (except sections 107, 115, 116, and 117) shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 85. Section 19.500–1, as amended by Treasury Decision 5011, is further amended by striking out the last sentence of the first paragraph and by inserting in lieu thereof the following:

For taxable years beginning before January 1, 1941, the surtax imposed by section 500 is 65 percent of the amount of the undistributed subchapter A net income not in excess of $2,000, and 75 percent of the amount of the undistributed subchapter A net income in excess of $2,000, except that for such a taxable year beginning after December 31, 1939, such surtax is increased 10 percent on account of the defense tax. For taxable years beginning after December 31, 1940, the rate of tax is 71½ percent of the undistributed subchapter A net income not in excess of $2,000, and 82½ percent of the undistributed subchapter A net income in excess of $2,000.

PAR. 86. Section 19.3801 (b)–0 is amended by striking out "and D" in the last paragraph and by inserting in lieu thereof "D, and E".

This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62) and sections 101 to 118 of the Revenue Act of 1941 (Public Law 250, 77th Congress).

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 10, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7678; Filed, October 13, 1941; 11:04 a. m.]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5085]

PART 183—PRODUCTION OF DISTILLED SPIRITS

By virtue of and pursuant to section 3176 of the Internal Revenue Code, Regulations 4, "Production of Distilled Spirits," (1940),[1] is hereby amended by inserting a new section in Articles VIII and XXX, designated § 183.47a and § 183.377a, respectively, and amending §§ 183.155 (a) (4), 183.214, 183.362, 183.376, 183.378, 183.381, and 183.383, to read as follows:

ARTICLE VIII—*Equipment*

§ 183.47a *Unfinished spirits tanks.* Whenever a distillery established or operated under the regulations in this part is to be operated alternately as such and as an industrial alcohol plant or fruit distillery in accordance with §§ 183.153–183.157, and the distiller desires to retain unfinished spirits where the change in type of plant is to be temporary only, he must provide for the purpose one or more tanks, each of which must be constructed and equipped in accordance with the provisions of § 183.46 and have painted thereon the words "Unfinished Spirits Tank," followed by its serial number and capacity in wine gallons. The tanks must be so arranged that the unfinished spirits to be collected therein will pass from the still into the tank through continuous and securely closed, fixed pipes and vessels. The pipe lines connecting the tanks with stills or other apparatus must be constructed in accordance with § 183.54. Valves must be provided in the pipe lines and so arranged as to control completely the flow of unfinished spirits both into and out of each tank. The construction of the valves must be such that they can be secured with Government locks. (Secs. 2823, 2829, 3176, I.R.C.)

ARTICLE XV—*Requirements Governing Alternate Operations as Fruit Distillery or Industrial Alcohol Plant*

§183.155 *Where no bonded warehouse on premises—(a) Suspension.*

* * * * *

(4) *Materials, heads and tails, and unfinished spirits.* If distilling materials are transferred to the successor or if heads and tails or unfinished spirits are to be retained on the premises pending the resumption of operations as a registered distillery, comply with the requirements of §§ 183.375–183.384.

* * * * *

[1] 5 F.R. 827

ARTICLE XX—*Manufacture of Distilled Spirits*

§ 183.214 *Gauging of unfinished spirits.* At distilleries where spirits, in the course of distillation, are run from the beer still into tanks in the distillery building for temporary deposit preparatory to completing the distillation thereof, storekeeper-gaugers shall promptly gauge (measure and proof) the unfinished spirits in such tanks and make proper entry on Form 1592. Except as provided in §§ 183.375–183.384, unfinished spirits may not be stored in such tanks but may be deposited therein only temporarily in the course of distillation. Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, collected in locked tanks for removal for denaturation or destruction, as provided in §§ 183.225–183.255, will be carried on Form 1592 as unfinished spirits until gauged and destroyed or removed for denaturation. (Sec. 3176, I.R.C.)

ARTICLE XXVII—*Suspension and Resumption of Operations*

§ 183.362 *Date of suspension.* The distiller will fix in the notice the time when all the beer on the distillery premises will be distilled and all spirits in the distillery run into the receiving cisterns in the cistern room, except unfinished spirits or distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil which are to be retained on the premises during a temporary change in the type of distillery, as provided in §§ 183.375–183.384. (Secs. 2850, 3176, I.R.C.)

ARTICLE XXX—*Alternate Operation as Industrial Alcohol Plant or Fruit Distillery*

§ 183.376 *Completion of operation required.* When a registered distillery is to be operated as an industrial alcohol plant or as a fruit distillery, the business of producing spirits, except as hereinafter provided, must be completely finished by the person or persons first carrying on the business, and the distillery duly suspended before it can be operated as an industrial alcohol plant or a fruit distillery. Except as provided in §§ 183.377 and 183.377a, all unfinished spirits, including high wines and low wines, and distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil collected in accordance with the provisions of §§ 183.225–183.255, must be redistilled and run into the cistern room and warehoused by the outgoing distiller. Except as provided in the following sections, all such distillates or unfinished spirits must be disposed of before the distillery can be operated as an industrial alcohol plant or fruit distillery. (Secs. 2850, 3176, I.R.C.)

§ 183.377a *Retention of unfinished spirits.* Where the change in type of plant is to be temporary only, the outgoing distiller may retain unfinished spirits under Government lock in unfinished spirits tanks provided in accordance with § 183.47a in the distillery until the plant is again operated by him as a registered distillery under these regulations: *Provided*, That such distiller furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on the distiller's bond, Form 30, for the tax on such unfinished spirits retained on the premises, notwithstanding the change in the type of plant. (Sec. 3176, I.R.C.)

§ 183.378 *Transfer of materials, etc.* The outgoing distiller may transfer to his successor materials on hand, including mash and beer in process, at the time the change in type of plant takes place, but no spirits may be so transferred, except the residue of spirits in the stills which it is not practicable to completely boil out: *Provided*, That materials not usable and residue of spirits in stills not producible under the law at the succeeding type of plant may not be transferred to the successor. Where such materials and residue of spirits are not transferable, all mash and beer must be distilled, all basic materials must be removed from the premises, and the stills and other vessels must be completely cleared of spirits, and such spirits, if other than distillates or unfinished spirits intended for retention in accordance with the provisions of §§ 183.377 and 183.377a, removed to the receiving cisterns in accordance with law before the change in type of plant becomes effective. When it is again desired to resume operations as a distiller under the regulations in this part the business of producing alcohol or brandy, as the case may be, must be similarly finished and the industrial alcohol plant or fruit distillery suspended in accordance with governing regulations. (Sec. 3176, I.R.C.)

§ 183.381 *Completion of records.* The outgoing distiller will complete his record, Form 1598, and the storekeeper-gauger his record, Form 1592, as to the removal of basic materials from the premises, or the transfer of basic materials and mash and beer in process to the successor, as the case may be, and as to production and removal from the cistern room of all spirits produced by the outgoing distiller. The actual date of the entry of the deposit of the finished spirits in the cistern room and the actual date the spirits are removed from the cistern room will be given in the respective columns of both forms. If distillates collected in accordance with §§ 183.225–183.255, or unfinished spirits are retained on the premises in locked tanks as provided in §§ 183.377 and 183.377a, a notation will be made on Form 1598 under "Special Operations or Conditions," showing that such distillates or unfinished spirits are temporarily retained on the premises pending resumption of operations as a registered distillery. The storekeeper-gauger will make a similar notation on his Form 1592 for such distiller. The distiller and storekeeper-gauger will continue to file monthly reports on Forms 1598 and 1592, respectively, during the period such distillates or unfinished spirits are retained on the distillery premises. Where the plant is operated as a registered distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 1598 and the same Form 1592, but appropriate notations will be made on the separating lines on each form to show the dates the distillery was operated as a fruit distillery or an industrial alcohol plant and the names under which it was so operated. (Secs. 2841 (a), 3176, I.R.C.)

§ 183.383 *Disposition of spirits.* Where a change in the type of plant takes place, the storekeeper-gauger in charge of the distillery will see that all distillates collected in accordance with §§ 183.225–183.255 are disposed of, and that all other unfinished spirits, except the residue of spirits in stills where the same is to be transferred to the successor as provided in § 183.378, are distilled and transferred to the cistern room, unless retained in locked tanks in accordance with §§ 183.377 and 183.377a, respectively, before the plant is operated as another type of distillery. Upon disposition or retention in locked tanks of such distillates or unfinished spirits, and transfer of all other spirits to the cistern room, the distillery may be operated as another type of plant, but all spirits transferred to the cistern room must be branded and removed in accordance with law by the outgoing distiller in the name under which they were produced, before any spirits are deposited in the cistern room or withdrawn from the distillery by the successor, and in any event within three days of their deposit in the cistern room. (Sec. 3176, I.R.C.)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 9, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7634; Filed, October 10, 1941; 1:57 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1047]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF FAYWEST COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR CHANGE IN LOADING POINTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to change the loading point of Mine No. 119 (Mine Index No. 374) of the Faywest Coal Company on the Pennsylvania Railroad from Fairchance, Pennsylvania, to Shaw Mine Siding, Pennsylvania; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that his action is necessary in order to effectuate the purposes of the Act:

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck is amended so that all shipments made from Mine No. 119 (Mine Index No. 374) of the Faywest Coal Company on the Pennsylvania Railroad shall be made from Shaw Mine Siding, Pennsylvania, and no further shipments from Mine No. 119 shall be made from Fairchance, Pennsylvania.[1]

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7676; Filed, October 13, 1941; 10:08 a. m.]

[1] Nothing herein shall be deemed to affect permission heretofore granted petitioner to load coal from its Mine No. 119 (Mine Index No. 374) on the Baltimore & Ohio Railroad at Outcrop, Pennsylvania.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF OKLAHOMA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS.

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and

more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Oklahoma to direct any local board in the State of Oklahoma to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Oklahoma will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Oklahoma shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 9, 1941.

[F. R. Doc. 41-7649; Filed, October 11, 1941; 12:20 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF TEXAS TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Texas to direct any local board in the State of Texas to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Texas will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Texas shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 9, 1941.

[F. R. Doc. 41-7650; Filed, October 11, 1941; 12:20 p. m.]

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 22

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1, of the Economic Defense Board, of September 15, 1941,[3] I, Milo Perkins, Executive Director, Economic Defense Board, have determined that:[4]

1. Effective October 29, 1941, the forms, conversions, and derivatives of arnica (Proclamation No. 2506) [5] shall include the following:

Unit of quantity	Commodity description	Department of Commerce No.
	ARNICA	
Lbs.	Arnica flowers, leaves, or root, whole, granulated or powdered	2209.33

2. Effective October 29, 1941, the forms, conversions, and derivatives of wood (Item 3, Proclamation No. 2503 [6]) shall include the following in addition to items previously determined:

Unit of quantity	Commodity description	Department of Commerce No.
	WOOD	
	Lignum vitae:	
M. ft.	Logs	4099-F
M. ft.	Boards and lumber	4199-F

3. Effective October 29, 1941, the forms, conversions, and derivatives of Silk (Item u, Paragraph 2, Proclamation No. 2413 [7]) shall include the following in addition to items previously determined:

Unit of quantity	Commodity description	Department of Commerce No.
	SILK	
	Silk manufactures:	
Lbs.	Sewing, embroidery and crochet silk	3719
Lbs.	Other broad silks	3721.98
Lbs.	Silk ribbons	3729.11

4. Effective October 29, 1941, the forms, conversions, and derivatives of Iron and Steel (Proclamation No. 2449) [8] shall include the following in addition to items previously determined:

Unit of quantity	Commodity description	Department of Commerce No.
	IRON AND STEEL	
Lbs.	Carbonyl iron powder	6209.33

5. Effective October 29, 1941, the forms, conversions, and derivatives of Machinery (Proclamation No. 2475 [9]) shall include the following in addition to items previously determined:

Unit of quantity	Commodity description	Department of Commerce No.
	MACHINERY	
	Furnaces, industrial, other than electric:	
Units	Metal working	7750.22
Units	Other than metal working	7750.25

6. Effective this date, the following item as listed in Export Control Schedule No. 18 [10] under precious metals is hereby deleted from the forms, conversions, and derivatives subject to export license requirement.

Unit of quantity	Commodity description	Department of Commerce No.
	PRECIOUS METALS	
$ Value	Gold manufactures, including gold and gold plated ware and gold pen points.	6997

MILO PERKINS,
Executive Director.

OCTOBER 13, 1941.

[F. R. Doc. 41-7694; Filed, October 13, 1941; 11:51 a. m.]

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[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.
[4] The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classifications of Domestic Commodities Exported from the United States" or Schedule F, "Statistical Classification of Foreign Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.
[5] 6 F.R. 4469.
[6] 6 F.R. 4231.
[7] 5 F.R. 2467.
[8] 5 F.R. 4903.
[9] 6 F.R. 1983.
[10] 6 F.R. 4664.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 923—TUNGSTEN

Supplementary Order No. M-29-a

§ 923.4 *Supplementary order No. M-29-a.* (a) It is hereby ordered by the Director of Priorities that, subject to all the other provisions, restrictions, and limitations of General Preference Order M-29,[1] issued August 30, 1941, any person is authorized to receive deliveries of tungsten in the forms specified below up to but not exceeding an aggregate of 100 pounds contained tungsten during any calendar month, without filing Form PD-9 as prescribed in paragraph (b) (12) of said order:

(1) The element tungsten in pure form, ferro-tungsten, tungsten in the form of metal powder, and other combinations with other elements in semi-manufactured or manufactured form, prepared for consumption in the manufacture of steel, or for other purposes;

(2) All chemical compounds having tungsten as an essential and recognizable component.

(b) This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of December, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, as amended Sept. 2, 1941, 6 F.R. 4865, E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7654; Filed, October 13, 1941; 9:49 a. m.]

PART 965—IRON AND STEEL SCRAP

General Preference Order No. M-24 to Conserve the Supply and Direct the Distribution of Iron and Steel Scrap

Whereas the national defense requirements have created a shortage of iron and steel scrap for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof.

Now, therefore, it is hereby ordered:

§ 965.1 *General preference order—*(a) *Priority control.* All the provisions and definitions of Priorities Regulation No. 1,[1] issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Scrap" means all ferrous materials, either alloyed or unalloyed, of which iron or steel is a principal component, which are the waste of industrial fabrication, or objects that have been discarded on account of obsolescense, failure or other reason.

(2) "Producer" means any person who produces Scrap in the conduct of a business or other enterprise.

(3) "Dealer" and/or "Broker" means any person who, as principal or as agent, buys and sells Scrap in the regular course of his business.

(4) "Consumer" means any person who uses Scrap in the production of Iron, steel or ferro-alloy material or products.

(c) *Provisions relating to producers.* On or before the 15th day of each month, beginning November 15, 1941, Producers who have during the preceding month produced 20 gross tons or more of Scrap shall file reports as prescribed by the Director of Priorities showing Scrap inventory, production and sales, and such other information as the Director may from time to time require.

(d) *Provisions relating to dealers and brokers.* On or before the 15th day of each month, beginning November 15, 1941, Dealers and Brokers shall file reports as prescribed by the Director of Priorities, showing Scrap inventory, purchases and sales, and such other information as the Director may from time to time require.

(e) *Provisions relating to consumers.* On or before the 15th day of each month, beginning November 15, 1941, Consumers shall file reports as prescribed by the Director of Priorities, showing Scrap inventory, production, receipts and consumption, and such other information as the Director may from time to time require.

(f) *Special instructions.* The Director of Priorities may from time to time issue specific directions to any person as to the source, destination, or amount of Scrap to be delivered or acquired by such person.

(g) *Violations.* Any person affected by this Order who falsifies records or reports which he is required by this Order to keep or file, or who violates any other provision of this Order or any other Order, regulation, or other directive issued by the Office of Production Management may be prohibited by the Director of Priorities from making or receiving deliveries of Scrap, or may be subjected to such other or further action as the Director may deem appropriate.

(h) *Effective dates.* This Order shall take effect immediately, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of June, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 11th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7644; Filed, October 11, 1941; 10:20 a. m.]

PART 977—MANILA FIBER AND MANILA CORDAGE

Amendment to General Preference Order No. M-36 to Conserve the Supply and Direct the Distribution of Manila Fiber and Manila Cordage

Whereas the uncertainty of future shipments of Manila Fiber from abroad and National Defense requirements for Manila Cordage have created a shortage thereof for defense and for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

Section 977.1 (*General Preference Order No. M-36* [1]) is hereby amended to read as follows:

§ 977.1 *General preference order No. M-36*—(a) *Regulations incorporated in this order.* Except as expressly modified by the terms of this Order, all of the provisions and definitions of Priorities Regulation No. 1, Part 944, issued August 27, 1941, by the Director of Priorities, as amended from time to time, are hereby incorporated in and made a part of this Order as fully and with the same effect as if specifically herein set forth.

(b) *Definitions for the purposes of this order.* (1) "Manila Fiber" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp (either stripped or decorticated), Sumatra Abaca, and Panama Abaca, except that "Manila Fiber" does not mean fiber of grades T, O, W, or Y as established by the Insular Government of the Philippine Islands.

(2) "Manila Cordage" means cables and ropes 3/16" in diameter and larger, and twines used for fishing nets, in which Manila Fiber either alone or in combination with other materials is used.

(3) "Class A Cordage" means Manila Cordage which contains such a combi-

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[1] 6 F.R. 4521.
[1] 6 F.R. 4489.
[1] 6 F.R. 4534.

nation of grades of Manila Fiber as will at least equal the fiber quality requirements of Federal Specifications T–R–601a.

(4) "Class B Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will give a Becker value not in excess of thirty-nine, such Becker value to be determined according to the methods set forth in said Federal Specifications T–R–601a.

(5) "Class C Cordage" means Manila Cordage which contains no Manila Fiber of the following grades: AB Davao or non-Davao, CD Davao or non-Davao, E Davao or non-Davao, F Davao or non-Davao, I Davao, JI Davao, G Davao, S2 Davao, and in addition to which is so processed that the Manila Fiber therein contained is combined or mixed with at least an equal amount of fiber other than Manila Fiber.

(6) "Cordage Processor" means any Person who spins, twists, weaves or otherwise uses Manila Fiber in the production of Manila Cordage.

For the purposes of this Order the term "Cordage Processor" shall also mean any Person who imports Manila Cordage.

(7) "Processing" means any use of Manila Fiber for the manufacture of any other article or commodity into which the Manila Fiber goes or of which it becomes a part.

(8) "Dealer" means any person who procures Manila Cordage for storage or for sale, and includes selling agents, warehousemen and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such Manila Cordage.

(c) *Restrictions on deliveries of manila fiber.* No Person shall hereafter make delivery and no Person shall accept delivery of Manila Fiber, unless specifically authorized by the Director of Priorities; *Provided, however,* That deliveries of imported Manila Fiber may be made without restriction by any Person importing the same, either directly or through an agent; *Further provided,* That deliveries of Manila Fiber may be made without restriction by any Person importing the same to any Cordage Processor as herein defined; *And further provided,* That deliveries of Manila Fiber may be made without restriction by or to Defense Supplies Corporation and by or to any other agency of the Federal Government.

(d) *Restrictions on processing of manila fiber.* (1) Unless specifically authorized by the Director of Priorities, no Person shall hereafter begin the processing of any Manila Fiber except for the purpose of manufacturing Class A, Class B or Class C Cordage.

(2) Unless specifically authorized by the Director of Priorities, no Person shall, after midnight August 20, 1941, begin the processing of any Manila Fiber for the purpose of manufacturing any Class A or Class B Cordage except for sale or delivery to fulfill those categories of orders specified in (e) (2) below.

(3) Manila Fiber may be processed for the purpose of manufacturing Class C Cordage without restriction.

(e) *Restrictions on sales and deliveries of manila cordage.* (1) Except as provided in paragraphs (e) (3) and (e) (4), no Cordage Processor shall sell or deliver to a Dealer and no Dealer shall buy or accept delivery of any Manila Cordage so long as the inventory thereof in the hands or under the control of the Dealer is sufficient to enable such Dealer to fulfill those categories of orders specified in (e) (2) below which he will be required to fulfill within ninety days thereafter as indicated by his customary rate of operation.

(2) Except as provided in paragraphs (e) (3), (e) (4), and (e) (5), no Cordage Processor or Dealer, unless specifically authorized by the Director of Priorities, shall sell or deliver Manila Cordage except to fulfill the following categories of orders:

(i) Defense orders.

(ii) Purchase Orders for use by Persons in the following catagories of usage:

(*a*) Commercial Marine.

(*b*) Oil Wells and Gas Wells—for the following uses only: drilling cables, bull ropes, catlines, spinning lines, torpedo lines, and derrick lines.

(*c*) Mining—for the following uses only; hoisting and transmission of power.

(3) Class C Cordage may be sold and delivered without restriction.

(4) Notwithstanding the provisions of (e) (1) and (e) (2), any Cordage Processor or Dealer may sell or deliver Manila Cordage of any class as follows:

(i) Sales for direct export from the United States of America, if such export shall have been specifically licensed by the Administrator of Export Control; or

(ii) Sales from stocks on hand or in process as of August 29, 1941, of the following types:

(*a*) Manila Yacht Rope.
(*b*) Manila Lariat Rope.
(*c*) Manila Yacht Lariat Rope.
(*d*) Manila Rope with a Becker value of 36 or below.
(*e*) Manila Rope of such special construction as to be unfit to fulfill any of the categories of orders outlined in (e) (2).

(5) Notwithstanding the provisions of paragraph (e) (2), any Dealer may make retail sales in lengths of less than 540 feet of any Manila Cordage on hand or in transit to him on August 29, 1941.

(f) *Effective date and termination.* This Order shall take effect immediately, and unless sooner revoked by direction of the Director of Priorities, shall expire on February 28, 1942. (F.R. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended, Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7655; Filed, October 13, 1941; 9:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS

PRICE SCHEDULE NO. 20—COPPER SCRAP[1]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper scrap is a basic material for the production of electrolytic copper, copper ingot and copper alloy ingot, all of which are important in the manufacture of many defense products. Requirements of the defense program have increased the demand for copper scrap causing its price to rise above levels which are in proper relation to the price level of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. As a consequence, it has become difficult and in some cases impossible for the trade to cooperate with the Government in preventing inflationary price movements. On the basis of information secured by independent investigation by this Office, and after consultation with the trade, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper scrap.

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that §§ 1309.61 to 1309.70, inclusive, are hereby amended to read as follows:

§ 1309.61. *Maximum prices for copper scrap.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase or other commitment, except as provided in §§ 1309.64 and 1309.69 hereof, no person shall sell, offer to sell, deliver, or transfer copper scrap, and no person shall buy, offer to buy, or accept delivery of copper scrap at prices higher than the maximum prices set forth in Appendix A hereof incorporated herein as §1309.70.*

* §§ 1309.61 to 1309.70, inclusive, issued pursuant to the authority contained in Executive Orders No. 8734, 8875, 6 F.R. 1917, 4483.

§1309.62 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1309.63 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of copper scrap, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

§ 1309.64 *Permission to carry out contracts entered into prior to August 19, 1941.* Any person who, prior to August 19, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of copper scrap at prices higher than the maximum prices established by this Schedule prior to October 17, 1941, may make application to the Office of Price Administration on forms which will be furnished upon request, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only when necessary to protect the applicant against loss in the disposition of inventory acquired prior to August 19, 1941 at prices higher than the maximum prices heretofore established by this Schedule and held on that date by (a) the applicant, or (b) any other person for delivery to the applicant under a firm commitment entered into with the applicant prior to August 19, 1941. Such application shall be filed with the Office of Price Administration on or before October 19, 1941.*

§ 1309.65 *Records and reports.* Every person making purchases or sales of copper scrap after August 19, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity in pounds or tons of copper scrap (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1309.66 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1309.67 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1309.68 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Copper scrap" means the kinds and grades of scrap materials set forth in Appendix A of this Schedule.*

§ 1309.69 *Effective date of the schedule.* (a) This Schedule shall become effective on August 19, 1941.

(b) Contracts of sale or other firm commitments calling for the delivery or transfer of copper scrap entered into between August 19, 1941 and October 17, 1941 at prices in excess of the maximum prices established by the amendments to this Schedule effective October 17, 1941 may be completed at contract prices provided that (1) such prices are not in excess of the maximum prices established by this Schedule prior to October 17, 1941, (2) the copper scrap so delivered or transferred was on hand at the seller's plant or warehouse prior to October 17, 1941, and (3) provided further that a report as to the pertinent terms of all such contracts is furnished to this Office on Form 120:6 prior to November 1, 1941.*

§ 1309.70 *Appendix A; maximum prices.* For the purpose of this Schedule each grade of scrap listed below shall include all kinds and qualities of scrap falling within the broad catagory listed. However, the maximum prices herein set forth are applicable only to copper scrap which meets maximum standards for such grades generally accepted in the trade, as for instance the standards set forth in the Standard Classification for Old Metals, Circular O of the National Association of Waste Material Dealers, Inc., effective as of June 1, 1940. Scrap which fails to meet such standards shall be sold at a price less than the applicable maximum price. This Schedule does not include copper scrap which is a by-product of the fabrication of copper sheet, tube, rod or other brass mill products, the maximum prices for which are established by Price Schedule No. 12—Brass Mill Scrap.

(a) *Kind or grade of scrap.*

	Maximum prices per pound of material, f. o. b. point of shipment
No. 1 copper wire	10¢
No. 1 heavy copper	10¢
No. 2 copper wire (containing 96% copper)	9¢
Mixed heavy copper (containing 96% copper)	9¢
Light copper (containing 92% copper)	8¢

If the copper content of No. 2 copper wire or mixed heavy copper scrap is more or less than 96% or if the copper content of light copper scrap is more or less than 92%, the maximum price per pound of material set forth above shall be increased or decreased at the rate of 0.11775 cents for each 1% variation in the copper content with proportionate adjustments for variations of less than 1%.

Prices may be quoted or material invoiced on a delivered price basis. However, if prices are so quoted or material is so invoiced, and the total delivered price exceeds the maximum price fixed by this Schedule, (1) the delivery charge shall be shown as a separate item, (2) the price f. o. b. point of shipment (calculated by subtracting the delivery charge from the total delivered price) shall not exceed the maximum price set forth in this Schedule, and (3) the delivery charge shall not exceed the lowest commercial rate for the most nearly comparable service.

(b) *Premiums.* To the maximum prices set forth above either but not both of the following premiums may be added if the conditions set forth below are fulfilled:

(1) Premium for copper scrap in crucible shape—1¼¢ per pound.

Copper scrap in crucible shape shall include only:

(i) Briquetted No. 1 copper wire. A briquette shall include any compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches and which contains nothing but clean, untinned No. 1 copper wire of 16 B & S wire gauge or larger, free from burnt, brittle copper wire and from all foreign substances.

(ii) No. 1 heavy copper scrap, trolley wire, or other copper wire of 16 B & S wire gauge or larger which is (*a*) clean, free from tin, solder, brazing and all other foreign substances, (*b*) cut or bundled in lengths not exceeding 16 inches, and (*c*) in a shape suitable for charging into a crucible or electric furnace.

[1] 6 F.R. 4213.

(2) Premium on shipments of 40,000 pounds or more at one time—½¢ per pound. (This premium shall not apply to copper scrap in crucible shape.)

For the purposes of this premium a shipment of copper scrap may be made up of any kind or kinds of copper scrap listed in this Schedule. If delivery is made by truck, a shipment made "at one time" may include all deliveries made to the buyer within a period of 48 consecutive hours.

(c) *Special-purpose copper scrap.* Copper wire especially selected and prepaired for the use of producers of copper sulphate or of other chemicals, copper segments used by makers of copper powder, or any copper scrap prepared for the special use of steel mills, iron foundries, aluminum smelters or any other special user except producers of copper, brass or bronze castings may upon application to the Office of Price Administration be granted a special premium above the maximum prices fixed by this Schedule. This premium shall be granted only (1) if the specified material has normally commanded such a premium because of its special uniformity, purity, or preparation, (2) if the material is sold to the type of user for whom it has been especially prepared, and (3) if the sale to the specific user has been approved by the Office of Price Administration.*

These amendments shall become effective October 17, 1941.

Issued this 10 day of October, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7626; Filed, October 10, 1941; 3:41 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1337—RAYON

PRICE SCHEDULE NO. 23—RAYON GREY GOODS

Correction

§ 1337.22 *Appendix A; maximum prices for rayon grey goods* in F.R. Doc. 41:6345 appearing at page 4372 of the FEDERAL REGISTER for August 26, 1941 is corrected to read as follows:

§ 1337.22 *Appendix A; maximum prices for rayon grey goods.* The maximum prices for the enumerated constructions of rayon grey goods established by this Schedule are applicable to *all sales* of rayon grey goods whether made by the manufacturer or by any other person.

Type of fabric	Off loom width	Cloth count (grey)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
					Cents
Viscose Twill	38"	112 x 68	150 denier viscose	150 denier viscose	20
	40½"	92 x 64	150 denier viscose	150 denier viscose	18¾
	40½"	84 x 64	150 denier viscose	150 denier viscose	18
	40½"	72 x 46	150 denier viscose	150 denier viscose	14
	42½"	108 x 64	150 denier viscose	150 denier viscose	20½
Viscose Taffeta	39"	110 x 44	150 denier viscose	150 denier viscose	16½
	39"	96 x 44	150 denier viscose	150 denier viscose	15½
	39"	88 x 44	150 denier viscose	150 denier viscose	14½
	39"	68 x 42	150 denier viscose	150 denier viscose	12¾
	40½"	84 x 60	150 denier viscose	150 denier viscose	17
Acetate Twill	37"	120 x 72	150 denier acetate	150 denier viscose	22
	42"	112 x 68	150 denier acetate	150 denier viscose	22½
Acetate Taffeta	39"	110 x 48	150 denier acetate	150 denier acetate	17¾
Pigment Taffeta	40½"	92 x 68	100 denier pigment viscose.	150 denier pigment viscose.	18
	43½"	92 x 64	100 denier pigment viscose.	150 denier pigment viscose.	18½
	40½"	72 x 56	150 denier pigment viscose.	150 denier pigment viscose.	15½
Viscose Satin	40"	140 x 64	100 denier viscose	150 denier viscose	22
	40"	140 x 56	100 denier viscose	150 denier viscose	21
	40"	110 x 48	150 denier viscose	150 denier viscose	17
	42½"	180 x 72	150 denier viscose	150 denier viscose	28½

Type of fabric	Off loom width	Cloth count (grey)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
SPUN RAYON					*Cents*
Twill	40½"	128 x 60	30 s/1 spun viscose	30 s/1 spun viscose	19½
Challis	40½"	68 x 62	30 s/1 spun viscose	30 s/1 spun viscose	18½
Oneway Flake	40½"	68 x 44	30 s/1 spun viscose	18 s/1 average spun flake viscose.	14
Poplin	40½"	104 x 44	30 s/1 spun viscose	14 s/1 spun viscose	18½
File Challis	41"	66 x 38	30 s/1 spun viscose	14 s/1 spun viscose	14½
10% Blend	41"	66 x 38	30 s/1 spun 10% acetate, 90% viscose.	14 s/1 spun 10% acetate, 90% viscose.	15
20% Blend	42½"	52 x 36	14 s/1 spun 20% acetate, 80% viscose.	14 s/1 spun 20% acetate, 80% viscose.	17½
30% Blend	40"	60 x 52	20 s/1 spun 30% acetate, 70% viscose.	20 s/1 spun 30% acetate, 70% viscose.	18½

Type of fabric	Reed width	Cloth count: Ends in loom	Cloth count: Picks off loom	Warp (combined and twisted)	Filling (combined and twisted)	Price per yard f. o. b. manufacturer's mill
COMBINATION YARNS (TWIST ON TWIST)						*Cents*
2-ply Alpaca	48"	44	36	150 denier acetate 150 denier viscose crepe twist.	150 denier acetate 150 denier viscose crepe twist.	30
"Magic Hour" type	48"	54	44	150 denier acetate 100 denier viscose crepe twist.	150 denier acetate 100 denier viscose crepe twist.	34½
"Cynara" type	47"	52	40	150 denier acetate 100 denier viscose crepe twist.	150 denier acetate 100 denier viscose crepe twist.	32
"Tricolido" type	48"	44	38	150 denier acetate abraded. 150 denier viscose crepe twist.	150 denier acetate 150 denier viscose crepe twist.	31½
"Mock Romaine" type	47"	52	46	150 denier acetate 100 denier viscose crepe twist.	200 denier acetate	29½

Type of fabric	Off loom width	Cloth count (grey)	Warp	Filling	Price per yard f. o. b. manufacturer's mill
					Cents
Acetate Satin	42"	200 x 72	75 denier acetate	100 denier acetate	25½
	42"	180 x 72	75 denier acetate	100 denier acetate	24¼
	42"	180 x 64	75 denier acetate	120 denier acetate	24
	42"	225 x 90	55 denier multi-filament acetate.	75 denier multi-filament acetate.	27½
Acetate Taffeta	42"	180 x 60	75 denier acetate	150 denier acetate	23½
French crepe	41"	104 x 72	100 denier multi-filament pigment viscose.	150 denier multi-filament viscose voile twist.	23½

Type of fabric	Reed width	Cloth count: Ends in loom	Cloth count: Picks off loom	Warp	Filling	Price per yard f. o. b. manufacturer's mill
French crepe	43½"	150	94	75 denier acetate	75 denier viscose voile twist.	28½
Acetate suiting	43½"	102	48	150 denier acetate	300 denier acetate	23½
Spun rayon filled poplin	43½"	108	48	150 denier acetate	14 s/1 spun viscose	23½

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD

PART 6—ANCHORAGE REGULATIONS

REGULATIONS FOR ANCHORAGE OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

Pursuant to the authority contained in section 1, Title II, of the Act of June 15, 1917, approved June 15, 1917 (40 Stat. 220; U.S.C. title 50, sec. 191), and by virtue of a Proclamation by the President of the seventh day of October, 1941, the Secretary of the Treasury has prescribed the Regulations for the anchorage of vessels in the territorial waters of the United States (5 F.R. 4081). The Secretary of the Treasury has delegated to the Commandant, Coast Guard, by the President's Proclamation, and has hereby amended the Regulations as follows:

Section 4 is amended by adding § 6.4 thereto:

§ 6.4 *Inspection of vessels.* The Commandant, Coast Guard, or any officer of the Coast Guard designated by the Secretary of the Treasury, or any captain of the port designated by the Secretary pursuant to § 6.2 is hereby authorized to cause to be inspected at any time any vessel, domestic or foreign, at anchor or under way, within the territorial waters of the United States, and to search the vessel and any or all persons thereon, whether authorized by him to go thereon or not.

(b) Every person, whether on board a vessel of foreign or domestic registry or of the United States, in the territorial waters of the United States, shall give his correct personal identification by stating his name, age, and last permanent residence, and by exhibiting his certificate of identification, if any, or a card to which is affixed a photograph of the bearer, or a set of fingerprints, or a photograph and description identifying the bearer, such as a fingerprint, date and place of birth, nationality, alien registration number, and in the case of resident aliens, the number of their

Type of fabric	Reed width	Cloth count (grey)		Warp	Filling	Price per yard f. o. b. manufacturer's mill
		Ends in loom	Picks off loom			
CREPE						
Acetate warp	45"	110 x 64		120 denier acetate	100 denier viscose crepe twist.	*Cents* 27
	45"	135 x 64		100 denier acetate	100 denier viscose crepe twist.	28½
	48"	90 x 48		150 denier acetate	150 denier viscose crepe twist.	23½
All-Viscose	44"	150 x 76		75 denier pigment viscose.	75 denier viscose crepe twist.	29
	45"	114 x 68		100 denier multi-filament pigment viscose.	100 denier viscose crepe twist.	27½
		Off-loom				
SHEERS		Ends	Picks			
Cuprammonium triple-sheer	46"	104 x 72		75 denier cuprammonium crepe twist.	75 denier cuprammonium.	27
Viscose triple-sheer	46"	104 x 72		75 denier viscose crepe twist.	75 denier viscose	25½
Cuprammonium triple-sheer	48"	104 x 72		75 denier cuprammonium crepe twist.	75 denier cuprammonium.	28
Viscose triple-sheer	48"	104 x 72		75 denier viscose crepe twist.	75 denier viscose	26½
Viscose georgette	50"	80 x 72		75 denier viscose crepe twist.	75 denier viscose crepe twist.	28

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD

PART 6—ANCHORAGE REGULATIONS

REGULATIONS FOR THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), and by virtue of a Proclamation issued on the twenty-seventh day of June, 1940 (5 F.R. 2419), the Regulations relating to the control of vessels in the territorial waters of the United States (5 F.R. 2442), issued by the Secretary of the Treasury and approved by the President on June 27, 1940, are hereby amended as follows:

Section 4 is amended to read as follows:

§ 6.4 *Inspection and search.* (a) "The captain of the port or other officer designated by the Secretary of the Treasury pursuant to § 6.2 hereof is hereby authorized to cause to be inspected and searched at any time any vessel, foreign or domestic, or any person or package thereon, within the territorial waters of the United States, and to remove therefrom any or all persons not specially authorized by him to go or to remain on board thereof.

(b) Every person on board any vessel, foreign or domestic, within the territorial waters of the United States shall carry personal identification papers satisfactory to the captain of the port consisting of a card to which is affixed the photograph of the bearer and containing such identifying data as name, signature, fingerprint, date and place of birth, nationality, alien registration number (in the case of resident aliens), height, weight, color of hair and eyes, such card to be furnished by the captain of the port or the identification data shown thereon to be in a form acceptable to him. In lieu of such card, the captain of the port may, in his discretion, accept any other satisfactory means of identification, such as a continuous discharge book, or a certificate of identification issued under authority of section 4551 of the Revised Statutes, as amended (U.S.C. title 46, sec. 643), or a passport. The captain of the port is further authorized, in his discretion, to exempt any or all persons on board of any such vessel, or any or all persons on board any class of vessels, from the requirement of personal identification. He may also, upon notification to the owners, agents, masters, or operators thereof, exclude individual vessels from a class of vessels to which is granted a general exemption from the requirement of personal identification. For the purposes of this paragraph, the Commandant, with the approval of the Secretary of the Treasury, may classify vessels as provided in § 6.6 (d). The issuance of identification cards and the exercise of discretion by captains of ports with respect to the identification requirements contained in this paragraph shall be subject to the supervision of the Secretary of the Treasury, acting through the Commandant of the Coast Guard, and the Commandant may, subject to approval by the Secretary of the Treasury, issue such instructions to captains of the port as he may deem necessary to provide general uniformity.

Section 6, to be effective fifteen days after the date of publication in the FEDERAL REGISTER, is amended to read as follows:

§ 6.6 *Special authorization for licenses, etc.* (a) Except with respect to the departure of a vessel for which a departure permit is required by § 6.7 of the regulations in this part, no vessel shall depart from any port or place in the United States, or from any port or place subject to the jurisdiction of the United States, for a point outside the territorial waters of the United States unless the owner, agent, or master of such vessel shall first obtain from the captain of the port in whose jurisdiction the vessel is to depart a license authorizing such departure.

(b) Except with respect to the departure of a vessel for which a departure permit is required by § 6.7 of the regulations in this part, or for which a departure license is required by paragraph (a) of this section, no vessel shall move in territorial waters of the United States unless the owner, agent, or master of such vessel shall first obtain from the captain of the port in whose jurisdiction the vessel is to move a license authorizing such movement. The captain of the port may, in his discretion, issue one license covering the requirements of this paragraph and paragraph (a) of this section.

(c) Every application for license under the provisions of this section shall be filed with the captain of the port in duplicate and shall include a statement by the owner, agent, or master of such vessel describing the purpose for which the vessel is to be operated and its destination or the area in which it will operate. If the capain of the port finds that the granting of a license under the circumstances would not be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters, he shall approve the application by endorsing it accordingly and shall return to the owner, agent, or master one copy thereof so endorsed. An application when so approved shall constitute a license to depart or move for the purpose and to the destination or in the area specified in the application. Such license shall be carried on the vessel for which it is issued while the vessel is operated, shall be exhibited for inspection upon the request of any officer charged with the enforcement of the regulations in this part, and shall be valid for repeated departures or movements of the subject vessel for the same purpose and to the same destination or area until revoked by the issuing officer or until the expiration of the time limit, if any, fixed in the license. The captain of the port who issued the license, or any captain of the port in whose jurisdiction the vessel may be, may revoke a license by notice to the holder thereof if he shall find that (1) there has been any violation of the terms thereof, or (2) any person on board of the subject vessel has failed to comply with the identification requirements of § 6.4 (b) of the regulations in this part, or (3) further exercise of the li-

cense would be inimical to the interests of national defense or of the safety and protection of vessels or the territorial waters. The issuance and revocation of licenses by captains of the port shall be subject to the supervision of the Secretary of the Treasury, acting through the Commandant of the Coast Guard, and the Commandant may, subject to approval by the Secretary of the Treasury, issue such instructions to the captain of the port as he may deem necessary to provide general uniformity.

(d) The Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, may issue a general license for any class or classes of vessels for which a departure or movement license is required by this section if he finds that the granting of such a general license would not be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters; he may exclude individual vessels from a general license at the time of issuance or subsequently upon notification to the owners, agents, masters, or operators thereof: *Provided*, That any vessel so excluded may nevertheless be granted a license under the provisions of paragraphs (a), (b) and (c) of this section; and he may revoke any general license if he finds that continuance of the license in force would be inimical to such interests. For the purposes of this section, the Commandant, with the approval of the Secretary of the Treasury, may classify vessels upon any reasonable basis, including, but not limited to, control, ownership, use, area of operation, type, length, beam, draft, or tonnage.

Section 7 is amended to read as follows:

§ 6.7 *Clearance required for departure.* No vessel shall depart from any port or place in the United States, or from any port or place subject to the jurisdiction of the United States, on a voyage for which clearance by a customs officer of the United States is required or for which no such clearance is required because the vessel is exempted from making entry by section 441 (4) of the Tariff Act of 1930, 46 Stat. 712, as amended (U.S.C., Sup. V, title 19, sec. 1441 (4)), unless the principal customs officer in charge of the port of departure shall have been authorized by the Secretary of the Treasury to permit departure.

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), and a Proclamation issued June 27, 1940, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosives or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), are hereby amended by the addition of a new paragraph to the regulations for anchorages in general under the General Rules and Regulations which is designated § 7.5 (b) (13) (designation is to numbering as it will appear in Code of Federal Regulations, title 33, chapter I, part 7; the new paragraph is added following paragraph 11 of part I under subdivision A of the aforementioned regulations as they appear in 5 F.R. 4401 and paragraph 12 added by the amendment approved June 17, 1941, 6 F.R. 2992), and which shall read as follows:

§ 7.5 *General rules and regulations.*

* * * * *

(b) (13) Whenever the captain of the port finds that the mooring of any vessel to a wharf, dock, pier, or other water front structure would endanger such vessel, or any other vessel, or the harbor, or would be inimical to the maritime interests of the United States, or the national defense, by reason of conditions existing on or about such wharf, dock, pier, or other water front structure, including, but not limited to, inadequate guard service, insufficient lighting, fire hazards, inadequate fire protection, unsafe machinery, internal disturbance, or unsatisfactory operation, the captain of the port may prevent the mooring of any vessel to such wharf, dock, pier, or other water front structure until the unsatisfactory condition or conditions so found are corrected, and he may, in the case of a like finding after any vessel has been moored, compel the shifting of such vessel from any such wharf, dock, pier, or other water front structure.

[SEAL] H. MORGENTHAU, JR.,
Secretary of the Treasury.

Approved:
FRANKLIN D ROOSEVELT
The White House, Oct. 7, 1941.

[F. R. Doc. 41-7677; Filed, October 13, 1941; 10:39 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 20—SPECIAL REGULATIONS

OCMULGEE NATIONAL MONUMENT

Speed Regulation

Pursuant to the authority contained in the Act of August 25, 1916 (39 Stat. 535, 16 U.S.C. 3), and the Act of June 14, 1934 (48 Stat. 959, 16 U.S.C. 447c), the the following regulation is prescribed for Ocmulgee National Monument, to become effective immediately:

§ 20.39 *Ocmulgee National Monument, speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour. (39 Stat. 535, 48 Stat. 959, 16 U.S.C. 3, 447c)

Approved: October 3, 1941.

[SEAL] JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 41-7643; Filed, October 11, 1941; 9:54 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20270]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: LINK AVIATION DEVICES, INC., BINGHAMTON, NEW YORK

Contract for: * * * Trainers, * * *.

Amount: $12,309,930.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities AC 30 P85-30 A0705-12, and AC 818 P130-30 A0021-13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this second day of September, 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Trainers, * * *, for the consideration stated twelve million, three hundred nine thousand, nine hundred thirty dollars ($12,309,930.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense: *Provided, however*, That the

[1] Approved by the Under Secretary of War September 10, 1941.

total amount of money so advanced shall not exceed thirty (30) percentum of the contract price of the articles called for, and that such advances, if made shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7642; Filed, October 11, 1941; 9:39 a. m.]

[Contract No. W 535 ac-20899]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE LEECE-NEVILLE COMPANY, CLEVELAND, OHIO

Contract for: General Assemblies and Data.

Amount: $1,704,250.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-30 A 0705-12
AC 28 P 82-30 A 0705-12
AC 26 P 81-30 A 0705-12
AC 299 P 112-30 A 0021-13

This contract,[1] entered into this 27th day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Generator Assemblies and Data for the consideration stated one million seven hundred four thousand two hundred fifty dollars ($1,704,250.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided,

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 per centum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Options. The Government is granted the right and option at any time during the life of this contract to increase the quantity of generator assemblies called for under the terms of Article 16 of this contract to any quantity set forth herein, and in the event of the exercise of this option the unit price of each assembly furnished not exceeding the maximum quantity set forth herein shall be the unit price specified herein for the total quantity of assemblies to be purchased.

Termination when contractor not in default.—If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 as amended by section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7641; Filed, October 11, 1941; 9:38 a. m.]

[Contract No. W 398 qm-11; O. I. No. 11]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: ROGERS BROTHERS CORPORATION, ALBION, PA.

Contract for: Trailers, * * *

Amount: $1,425,695.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 11th day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trailers Grand Total $1,425,695.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase (or decrease) of not to exceed * * *%. This option to remain in effect until * * *.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM-22000 P 243-30 A 0022-13 the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1 (a), Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7640; Filed, October 11, 1941; 9:38 a. m.]

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[1] Approved by the Under Secretary of War Sept. 10, 1941.

[Contract No. W 535 ac-20284; 5333]

SUMMARY OF COST PLUS A FIXED FEE SUPPLY CONTRACT

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA

Contract for: * * * Airplanes, * * * Spare parts and data.

Estimated cost: $20,502,918.21.

Fixed-Fee: $1,230,175.10.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 34 P 12–3037 A 0705–01
AC 28 P 82–3037 A 0705–01

This contract,[1] entered into this 26th day of August, 1941.

ARTICLE 1.—*Statement of work.* The Contractor shall, within the time specified in article 4 hereof, manufacture, furnish and deliver to the Government the following articles:

Item 1 * * * Airplanes, * * *

Item 2 * * * Spare parts and data

ART. 2.—*Estimated costs*

Quantity:	*Estimated cost*
* * * Airplanes * * *----------	$17,828,624.64
Spare Parts for Airplanes--	2,674,293.57
Data----------	No cost

ART. 3.—*Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursements for cost, as outlined in Article six (6) hereof, the cost, plus a fixed-fee of one million two hundred thirty thousand one hundred seventy-five and 10/100 Dollars, ($1,230,175.10).

ART. 5.—*Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6.—*Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety per cent (90) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3 shall be paid to the Contractor.

(c) *Advances.* The Government, as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty per centum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of the War shall prescribe.

ART. 9.—*Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22.—*Title to property.*—The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24.—*Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursements for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–7639; Filed, October 11, 1941; 9:37 a. m.]

[Contract No. W 535 ac-20223; 5273]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: IRVING AIR CHUTE COMPANY, INC., 1670 JEFFERSON AVENUE, BUFFALO, NEW YORK

Contract for: Parachutes and Parachute Equipment.

Amount: $1,373,250.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 30 P 85–30 A 0705–12, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 29th day of July, 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Parachutes and Parachute Equipment for the consideration stated one million three hundred seventy-three thousand two hundred fifty dollars ($1,373,250.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Option. The Government is granted the right and option at any time within * * * days from and after date of approval of this contract to increase the quantity or quantities of the supplies called for herein at not more than the unit prices stated, by any amount that would not exceed * * * percent of the entire contract price stipulated. said increase to be applied as to all or any item or items at the option of the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative

[1] Approved by the Under Secretary of War September 6, 1941.

thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7638; Filed, October 11, 1941; 9:37 a. m.]

[Contract No. W-ORD-539]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION AND OPERATION CONTRACT

CONTRACTOR: THE MILITARY CHEMICAL WORKS, INC., KANSAS CITY, MISSOURI

Contract for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of anhydrous ammonia, or ammonium nitrate.

Place: Vicinity of Baxter Springs, Kansas.

Estimated Cost of management service including cost of architect-engineer and construction subcontracts) under Title I: $10,150,600.00.

Fixed-Fee for management service under Title I: $45,000.00.

Estimated Cost of procuring equipment under Title II: $6,458,100.00.

Fixed-Fee for procuring equipment under Title II: $55,000.00.

Estimated Cost of Training Key Personnel under Title III (Optional): $50,000.00.

Fixed-Fee for Training Key Personnel under Title III: $1.00.

Estimated Cost of operation under Title IV (Optional): $1,920,000.00.

Fixed-Fee for operation under Title IV: $ * * * per ton.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 51229 P531-32 A-0025-13
ORD 27071 P2-99 A-0141-02
ORD 27072 P2-99 A-0141-02

This contract,[1] entered into this 10th day of September 1941.

TITLE I—*Management Service*

ARTICLE I-A.—*Description of new ordnance facility.* 1. The new ordnance facility, hereinafter referred to as the "Plant", and designated as Jayhawk Ordnance Works, shall comprise a plant near Baxter Springs, Kansas, upon a site to be furnished and made available by the Government, for the manufacture of * * * tons of anhydrous ammonia or * * * tons of ammonium nitrate per day of 24 hours.

2. Said Plant shall consist of the necessary buildings and structures, together with necessary utilities and appurtenances thereto, and all equipment necessary or appropriate in and about a plant for the manufacture of ammonium nitrate of the capacity above stated, all of which is more particularly described in Appendix A which is attached hereto and specifically made a part hereof.

ART. I-B.—*Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article I-A hereof.

2. In the performance of the work described in section 1 of this Article I-B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design (including necessary design of production equipment) and engineering and subcontract for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. I-C.—*Estimates.* It is estimated that the total cost of the work under this Title I will be approximately ten million one hundred fifty thousand six hundred dollars ($10,150,600.00), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title II hereof.

ART. I-D.—*Consideration.* As consideration for its undertaking under this Title I the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of forty five thousand dollars ($45,000.00) which shall constitute complete compensation for the Contractor's services, including profit.

TITLE II—*Procurement of Production Equipment*

ART. II-A.—*Statement of work.* The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required, by subcontract or otherwise.

ART. II-B.—*Estimates.* It is estimated that the total cost under this Title II will be approximately six million four hundred fifty-eight thousand one hundred dollars ($6,458,100.00) exclusive of the Contractor's fee.

ART. II-C.—*Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee in the amount of fifty-five thousand dollars ($55,000.00), which shall constitute complete compensation for the Contractor's services.

TITLE III—*Training of Key Personnel (Optional)*

ART. III-A.—*Statement of work.* The obligation of the Contractor to proceed with the work under this Title III shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. Upon receipt by the Contractor of such notice, the Contractor shall hire or select the key personnel necessary for the operation of the Plant, and when such personnel is available shall proceed to train such personnel by subcontract or otherwise, in the duties and functions of their respective positions, at the Contractor's plants, at Ordnance establishments, or elsewhere, in order that they will have obtained experience with the processes and operations involved in the Plant at any time when the Government shall exercise its option under section 1 of Article IV-A of Title IV.

ART. III-B.—*Estimate.* It is estimated that the cost of the work under this Title III will be approximately fifty thousand dollars ($50,000.00), exclusive of the Contractor's fee.

ART. III-C.—*Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V.

2. A fixed-fee of one dollar ($1.00) which shall constitute complete com-

[1] Approved by the Under Secretary of War Sept. 18, 1941

pensation for the Contractor's services under this Title III, including profit.

TITLE IV—*Operation of Plant (Optional)*

ART. IV-A.—*Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title IV shall be conditioned upon receipt by the Contractor within * * * months after the date of approval of this contract of the notice provided for in section 1 of Article III-A of Title III hereof and receipt by the Contractor of notice in writing from the Contracting Officer so to do. Immediately upon receipt by the Contractor of such last mentioned notice, and concurrently with the performance of the work required of it under Titles I, II and III hereof, the Contractor shall undertake all preparations necessary for the subsequent operation of the Plant, including the necessary training of personnel for such operation in addition to the key personnel trained pursuant to Title III hereof, and all other services incident to setting up an efficient and going operating force.

2. As each operating unit of the Plant is completed and ready for operation and the necessary preparation for operation and training of personnel has proceeded to a point where operation is practicable the Contractor shall so notify the Contracting Officer in writing and shall proceed to operate it as directed from time to time by the Contracting Officer.

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the manufacture of * * * tons of ammonium nitrate which it is estimated will require * * * months after the commencement of operation of the Plant.

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional ammonium nitrate as the Government may desire within the capacity of the Plant for an additional period of * * * months and the Contractor shall undertake such continued operations under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fee for such additional operation, which fee shall be that provided in section 3 of Article IV-C, hereof).

ART. IV-B—*Estimates.* It is estimated that the cost of the work under this Title IV will be one million nine hundred twenty thousand dollars ($1,920,000.00), exclusive of the cost of continued operation covered by the option therefor provided in section 4 of Article IV-A hereof, and exclusive of the Contractor's fee.

ART. IV-C—*Consideration.* As consideration for its undertaking under this Title IV the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for the work under section 3 of Article IV-A of this Title IV of * * * per ton on the initial quantity of ammonium nitrate produced hereunder and accepted by the Government; which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

TITLE V—*Cost of the Work and Payment Therefor.*

ART. V-A—*Reimbursement for contractor's expenditures.* The Contractor shall be reimbursed in the manner hereinafter described for such of its actual expenditures in the performance of the work under this contract, as may be approved or ratified by the Contracting Officer.

ART. V-B.—*Payments—Reimbursement for cost.* 1. a. The Government will currently reimburse the Contractor for expenditures made in accordance with Article V-A of this Title V, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph a of section 1 shall be subject to the provisions of Article V-C.

Payment of the fixed-fees. 2. a. The fixed-fee provided for in Article I-D of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment, as it accrues.

b. The fixed-fee provided for in Article II-C of Title II shall be paid in partial payments, less ten percent (10%) of each such partial payment, as it accrues.

c. The fixed-fee of one dollar ($1.00) provided for in Article III-C shall be paid upon the completion of the work provided therein.

d. Ninety percent (90%) of the fixed-fee provided for in Article IV-C of Title IV shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

Final payment. 4. Upon completion of the work under Titles I and II and its final acceptance in writing by the Contracting Officer, and again upon the completion of the work under Title IV, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title V hereof, and of the fees.

ART. V-C.—*Advances.* At any time, and from time to time, after the execution of this contract, the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract (as increased or decreased pursuant to the provisions of Article VII-B of Title VII or as increased pursuant to the provisions of Article IV-A of Title IV).

TITLE VI—*Termination*

ART. VI-A.—*Termination by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

ART. VI-B.—*Disposition of plant.* 2. At any time within five years after the completion of the entire Plant, and its acceptance by the Government, whichever is last in point of time, the Contractor shall have the right and option, to be exercised by written notice from the Contractor to the Contracting Officer, to purchase the Plant (including land and easements acquired in connection therewith) at a price equal to the total cost of said Plant (including the cost of acquiring the land and easements but not including the fixed-fee paid to the Contractor under Articles I-D and II-C hereof) to the Government, less an amount representing depreciation, obsolescence, and loss of value due to use for National Defense purposes of said Plant; *Provided, however,* That such right shall not be exercised so long as the Plant is being used by the Government for the purposes of the National Defense.

6. In the event that the Contractor shall purchase the Plant under the terms of this Article VI-B, the Contractor agrees that so long as and to the extent that it owns and operates said Plant for the manufacture of ammonia or ammonium nitrate it will make such Plant available under the Contractor's management for the Government during any emergency that may arise.

TITLE VII—*General*

ART. VII-B.—*Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VII-C.—*Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title V hereof shall vest in the Government.

ART. VII-F.—*Special requirements.* The Contractor hereby agrees that it will: Procure and thereafter maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may approve or require in writing.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public No. 703, 76th Congress) and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7637; Filed, October 11, 1941; 9:36 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-15]

IN THE MATTER OF THE OAKLAND COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6934, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

(1) The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the Oakland Coal Company, Registered Distributor, Registration No. 6934, the respondent in the above-entitled matter, whose address is Security Bank Building, Toledo, Ohio, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated June 20, 1939, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed; and for said purposes gives notice that it has information to the effect that:

(2) The respondent, during the period October 1, 1940 to March 11, 1941, both dates inclusive, purchased approximately 3252 tons of various sizes of coal from code members and secured, accepted and retained distributor's discounts from the effective minimum prices of said coal. This coal was resold by the respondent to the Gallant Lumber and Coal Company, of Toledo, Ohio, a retailer.

(3) The respondent, during the period referred to in (2) hereof, (a) owned 32 percent of the outstanding shares of capital stock of said retailer, (b) had interlocking officers with said retailer, and (c) its officers were also shareholders of said retailer.

(4) In securing, accepting and retaining the distributor's discounts referred to in paragraph 2 hereof, the respondent was in violation of paragraph (d) of the Agreement, since said transactions were not purchases of coal for bona fide resale.

(5) In securing, accepting and retaining the distributor's discounts referred to in paragraph (2) hereof, the respondent was in violation of paragraph (g) of the Agreement, since said transactions were entered into between the distributor and his vendee primarily for the purpose of unjustly enriching the respondent and no service of value was rendered by the respondent to the code member vendors.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 17, 1941, 10 a. m. at a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Toledo, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7656; Filed, October 13, 1941; 10:04 a. m.]

[Docket No. B-33]

IN THE MATTER OF T. E. HARRIS, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 15, 1941, by Bituminous Coal Producers Board for District 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the

statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling and delivering to Samson Hart, Corbin, Kentucky, during April 1941, approximately 35 tons of high volatile 2" and under slack coal, Size Group No. 7, produced at his Needmore Mine, Mine Index No. 1850, located in Whitley County, Kentucky, in District No. 8, at a price of 30¢ per net ton f. o. b. the mine, whereas the minimum price established for such coal was and is $1.45 per net ton f. o. b. the mine, as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7657; Filed, October 13, 1941; 10:04 a. m.]

[Docket No. 1852-FD]

IN THE MATTER OF ROBERT L. SCOTT, TRADING AS ROBERT L. SCOTT COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 7, 1941, by Bituminous Coal Producers Board for District No. 15, a District Board, complainant, with the Bituminous Coal Division, alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 24, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Craig County Court, Vinita, Oklahoma.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under Section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, Robert L. Scott, trading as Robert L. Scott Coal Company, 108 North First Street, Vinita, Oklahoma, subsequent to September 30, 1940 sold approximately 200 tons of lump coal, Size Group No. 1, produced at the Robert L. Scott Mine (Mine Index No. 946) located in Craig County, Oklahoma, District No. 15, to the Board of Education at Vinita, Oklahoma, at a truck-delivered price of $3.50 per ton, whereas the effective minimum price for such coal was $3.30 per ton f. o. b. the mine. The sales and deliveries hereinabove described were at prices less than the effective minimum prices for said coal f. o. b. the mine plus amounts at least equal to the actual transportation charges and other incidental handling charges from the transportation facilities at the Robert L. Scott mine to the point from which all such charges were assumed and paid by the purchaser as set forth in the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipment and Price Instruction No. 5, as amended and contained in said Schedule, and in violation of sections 4 II (e) and 4 II (g) of the Act and sections II (e) and II (g) of the Code.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7658; Filed, October 13, 1941; 10:04 a. m.]

[Docket No. B-6]

IN THE MATTER OF THE CLYDE H. HOYT COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 4566, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not The Clyde H. Hoyt Company, Registered Distributor, Registration No. 4566, the respondent in the above-entitled matter, whose address is Nicholas Building, Toledo, Ohio, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and the Distributors' Agreement (the "Agreement") dated April 29, 1939, executed by respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. The respondent, during the period October 1, 1940 to March 20, 1941, both dates inclusive, purchased approximately 10,738 tons of various sizes of coal from code members and secured, accepted and retained distributor's discounts from the effective minimum prices of said coal. This coal was resold by the respondent to the Blue Line Fuel Company of Toledo, Ohio, a retailer.

3. The respondent, during the period referred to in paragraph 2 hereof (a) owned 50 percent of the outstanding shares of capital stock, (b) had interlocking officers with said retailer and

(c) its officers were also shareholders of said retailer.

4. In securing, accepting and retaining the distributor's discounts referred to in paragraph 2 hereof, the respondent was in violation of paragraph (d) of the Agreement, since said transactions were not purchases of coal for bona fide resale.

5. In accepting and retaining the distributor's discounts referred to in paragraph 2 hereof, the respondent violated paragraph (g) of the Agreement, since such transactions were entered into between the distributor and his vendee primarily for the purpose of unjustly enriching the respondent, and no service of value was rendered the code member vendors by the respondent.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 22, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Toledo, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7659; Filed, October 13, 1941; 10:05 a. m.]

[Docket No. B-7]

IN THE MATTER OF J. F. MARLOWE & CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 5972, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to detemine

(a) Whether or not J. F. Marlowe & Co., Registered Distributor, Registration No. 5972, the respondent in the above-entitled matter, whose address is 645 Dudley Street, Memphis, Tennessee, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated October 23, 1939, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. The respondent, during the months of October and November, 1940, purchased approximately 23 cars of various sizes of coal produced by the Carrs Fork Coal Company, Hazard, Kentucky, Mine Index No. 10, a code member in District No. 8, Ayshire Patoka Coal Company, Posey, Indiana, Mine Index No. 121, a code member in District No. 11, Greenville Coal Company, Greenville, Kentucky, Mine Index No. 55, the Shearn Coal Company, 1005 Cotton Belt Building, St. Louis, Missouri, and Beach Creek Coal Company, Beach Creek, Kentucky, code members in District No. 9.

3. The respondent secured, accepted and retained distributor's discounts from the effective minimum prices of said coal. This coal was resold by the respondent to the Chickasaw Coal Company, of Memphis, Tennessee, a retailer.

4. The respondent, during the period referred to in paragraph 2 hereof, owned or controlled a majority of the outstanding shares of capital stock of said retailer.

5. In securing, accepting and retaining the distributor's discounts referred to in paragraphs 3 hereof, the respondent was in violation of paragraph (d) of the Agreement, since said transactions were not purchases of coal for bona fide resale.

6. In securing, accepting and retaining the distributor's discounts referred to in paragraph 3 hereof, the respondent, was in violation of paragraph (g) of the Agreement, since said transactions were entered into between the distributor and its vendee primarily for the purpose of unjustly enriching the respondent and no service of value was rendered to the code member vendors by the respondent.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 28, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 245, U. S. Court House, Nashville, Tennessee.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter

and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7660; Filed, October 13, 1941; 10:05 a. m.]

[Docket No. B-50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN), REGISTERED DISTRIBUTOR, REGISTRATION NO. 2712, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) Whether or not the Elfgen Coal Co. (Bert F. Elfgen), a registered distributor, Registration No. 2712, whose address is 222 West Elm Street, Alton, Illinois, the respondent in the above-entitled matter has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and the Distributor's Agreement (the "Agreement") dated April 8, 1940, executed by respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purpose gives notice that the Division has information to the effect that:

2. The respondent, during the period from October 1, 1940, to December 31, 1940, both dates inclusive, purchased in carload lot quantities approximately 15,913 net tons of coal of various sizes from Walter Bledsoe & Co., St. Louis, Missouri, acting as sales agent for various code member producers; Sahara Coal Company, code member, Chicago, Illinois; Binkley Coal Company, St. Louis, Missouri, acting as sales agent for various code member producers; and Lumaghi Coal Company, code member, St. Louis, Missouri, and during said period resold in carload lot quantities approximately 15,719 net tons of said coal to the City Fuel and Supply Company, Alton, Illinois, and approximately 194 net tons of said coal to the Bluff City Coal Company, Alton, Illinois. The respondent accepted discounts from the effective minimum prices in the aforesaid transactions, although said coal was not purchased for bona fide resale; although no service of value was rendered to Walter Bledsoe & Co., acting as sales agent for various code member producers, and Lumaghi Coal Company; and the transactions were entered into between the respondent and his vendees primarily for the purpose of unjustly enriching said respondent, and except for the incidence of section 4 II (h) of the Act, said vendees would have purchased a portion of said coal from the above-described code members or sales agents, thereby violating section 4 II (h) of the Act and paragraphs (d) and (g) of the Agreement.

It is ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, be held on December 9, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 516, Federal Building, St. Louis, Missouri.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact, and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7661; Filed, October 13, 1941; 10:05 a. m.]

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9584, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine

(a) Whether or not C. E. Werner, Registered Distributor, Registration No. 9584, the respondent in the above-entitled matter, whose address is 3130 Dayton Building, Chattanooga, Tennessee, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated November 19, 1940, executed by the respondent, pursuant to Order of the Bituminous Coal Division dated June 19, 1940, in General Docket No. 12; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed; and for said purposes gives notice that it has information to the effect that:

2. The respondent, during the period January 1, 1941, and April 11, 1941, purchased substantial amounts of coal of various sizes from code members, including the Moore Coal Company, a code member in District No. 8, whose address is 1202 Hamilton Bank Building, Knoxville, Tennessee, and who operates the Moore Mine, Mine Index No. 344.

3. The respondent secured, accepted and retained distributor's discounts from the effective minimum prices of said coal. This coal was resold by the respondent to the Werner Coal Company, Chattanooga, Tennessee, a retailer.

4. The respondent, during the period referred to in paragraph 2 hereof, was under the control, financial or otherwise, of the Werner Coal Company.

5. The respondent, in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal, as described in paragraph 1 hereof, failed to state, as required on pages 5 and 6 of said application that he was affiliated with the Werner Coal Company.

6. The failure to state this material fact was in violation of paragraph (f) of the Agreement and contrary to § 304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

7. In securing, accepting and retaining the distributor's discounts referred to in paragraph 3 hereof, while under the control, financial or otherwise of said retailer, the respondent was in violation of § 304.19 (c) of the Rules and Regulations for Registration of Distributors, and paragraph (h) of the Agreement. The acceptance and retention of the discounts, referred to in paragraph 3 hereof, where no service of value was rendered to the code member vendors, but where the transaction was entered into between the respondent and his vendee, Werner Coal Company, primarily for the purpose of unjustly enriching the respondent was in violation of paragraph (g) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 3, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, at Room 245, U. S. Court House, Nashville, Tennessee.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7662; Filed, October 13, 1941; 10: 05 a. m.]

[Docket No. B-2]

IN THE MATTER OF BURNS FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1285, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not the Burns Fuel Company, Registered Distributor, Registration No. 1285, the respondent in the above-entitled matter, whose address is 24th and Clifton Road, Nashville, Tennessee, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations (the "Marketing Rules"), Rules and Regulations for the Registration of Distributors (the "Distributors' Rules"), and the Distributor's Agreement (the "Agreement") executed August 17, 1940, by respondent, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. The respondent during the month of November 1940, sold to the Victor Chemical Company, Mt. Pleasant, Tennessee, 2 cars of 3" x 1¼" nut, which he invoiced as 2" x 1¼" nut, at a price of $1.60 per net ton f. o. b. said mine, whereas the applicable effective minimum price therefor was $1.70 per net ton f. o. b. said mine. Said coal was produced by the Luton Mining Company at its Luton Mine, Mine Index No. 77, District No. 9.

3. The selling of the coal described in paragraph 2 hereof constitutes a violation of sections 4 II (e) and 4 II (h) of the Act, the Rules and Regulations for the Registration of Distributors, and paragraph (b) of the Agreement.

4. The false statement in invoicing said coal, as referred to in paragraph 2 hereof, constituted a violation of Rule 2 of Section XII of the Marketing Rules and paragraph (e) of the Agreement.

5. The respondent was and is the sole owner of the Burns Coal Company of Nashville, Tennessee, a retailer, and in his application for registration with the Bituminous Coal Division as a distributor of coal, as referred to in paragraph 1 hereof, failed to state, as required on pages 5 and 6 of his application and § 304.11 (c) (6) of the Distributors' Rules, that his company was affiliated with said retailer. The failure to state this affiliation constituted a violation of paragraph (f) of the Agreement.

6. The respondent, during the period December 4, 1940 to January 24, 1941, both dates inclusive, purchased 3 cars of 3" x 2" coal, 2 cars of 3" lump coal and 1 car of 4" lump coal produced by the Flat Creek Coal Company, Main Street, Providence, Kentucky, Flat Creek Mine, Mine Index No. 30, District No. 9, which he resold to said Burns Coal Company, and accepted and retained discounts from the effective minimum prices of said coal.

7. In accepting and retaining the distributor's discounts referred to in paragraph 6 hereof, the respondent violated paragraph (g) of the Agreement, since said transactions were entered into between the distributor and its vendee primarily for the purpose of unjustly enriching the respondent.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 1, 1941, at a hearing room of the Bituminous Coal Division at Room 245, U. S. Court House, Nashville, Tennessee.

It is further ordered, That Charles S. Mitchell or any officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding

officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7663; Filed, October 13, 1941; 10:06 a. m.]

[Docket No. B-39]

IN THE MATTER OF CLARENCE SMITH, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 16, 1941, pursuant to the provisions of sections 4 II (j) and 5(b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 17, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, Clarence Smith, R. F. D. No. 1, Woodbine, Kentucky, sold during the period April 21, 1941, to May 1, 1941, to J. W. Faulkner, Barbourville, Kentucky, approximately 90 tons of size 2" and under slack coal produced by the defendant at his Clarence Smith Mine, Mine Index No. 1689, located in Wilton, Knox County, Kentucky, at 50 cents per net ton f. o. b. the mine, whereas this coal was classified as Size Group 7, as shown in the Schedule of Effective Minimum Prices for Truck Shipments for District No. 8, and priced at $1.55 per net ton f. o. b. the mine. Said sales were made at prices which were $1.05 below the applicable effective minimum prices established by the Division, in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7664; Filed, October 13, 1941; 10:06 a. m.]

[Docket No. B-1]

IN THE MATTER OF HARMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 4002, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) Whether or not the Harman Coal Company, Registered Distributor, Registration No. 4002, the respondent in the above-entitled matter, whose address is 50 West Broad Street, Columbus, Ohio, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated June 29, 1939, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12, which has been adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. The respondent, subsequent to September 30, 1940, has failed to furnish or cause to be furnished to the Division copies of all resale contracts or orders entered into by respondent with its customers, and copies of all invoices to its vendees.

The failure to furnish these documents, described above, constitutes a violation of Division Order No. 295, dated June 14, 1940, Division Order No. 301, dated August 8, 1940, and Division Order No. 313, dated February 24, 1941, and paragraphs (e) and (f) of the Agreement.

3. The respondent during October 1940, accepted discounts in excess of the maximum applicable discounts prescribed by the Division on four cars of slack coal purchased by said respondent from C. E. Haymaker, a code member in District No. 4, doing business as Paramount Coal Company, P. O. Box 323, Logan, Ohio, and produced at his Paramount Mine in Hocking County, Mine Index 170, which coal was resold by the respondent in its own name to the Longview State Hospital, Carthage, Ohio.

The acceptance of discounts by the respondent as described above constitutes a violation of section 4 II (h) of the Act, and paragraphs (a) and (e) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 28, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 322, New Federal Building, Columbus, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7665; Filed, October 13, 1941; 10:06 a. m.]

[Docket No. B-38]

IN THE MATTER OF MARION COUNTY COAL MINING CORPORATION, INC., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 18, 1941, by the Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 12, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Centralia, Illinois.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is Box 421, Centralia, Illinois, during the period from October 1, 1940 to March 31, 1941, both dates inclusive, sold and delivered to Armour and Company of Chicago, Illinois, approximately 38,683.57 net tons of 1½" screenings, Size Group No. 14, produced at the Glenridge Mine, Mine Index No. 58, of said defendant, located in Marion County, Illinois, in District No. 10, at $1.09 per net ton f. o. b. the mine, whereas the effective minimum price f. o. b. the mine for said coal at the time of said transactions was $1.15 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7666; Filed, October 13, 1941; 10:06 a. m.]

[Docket No. 1653-FD]

IN THE MATTER OF DWAINE BROWN, LIVONIA, MISSOURI, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated April 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on April 12, 1941, by Bituminous Coal Producers Board for District No. 15, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Putnam County Court House, Unionville, Missouri.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous

Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant failed and refused to maintain records relating to his production and sale of coal and to submit reports thereof as required by Division Order No. 318 dated February 15, 1941.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7667; Filed, October 13, 1941; 10:06 a. m.]

[Docket No. B-32]

IN THE MATTER OF RED BIRD NUMBER 5 COAL COMPANY, A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 13, 1941, by Bituminous Coal Producers Board for District 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 17, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records, deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) By selling to various purchasers, during the period March 26, 1941 to April 2, 1941, both dates inclusive, a substantial amount of 3/8" lump coal produced at its Red Bird Mine, Mine Index No. 648, located in Sullivan County, Indiana, in District No. 11, at a price of $1.80 per ton f. o. b. the mine, whereas the effective minimum price established for such coal was and is $2.20 per net ton f. o. b. the mine as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; and

(b) By intentionally misrepresenting, invoicing and recording in the sales records of defendant, the above said coal as mine run, whereas such coal was in fact 3/8" lump coal, in violation of paragraph 8 of section 4 II (i) of the Act, Rule 8 of section XIII and Rule 2 of section XII of the Marketing Rules and Regulations; and

(c) By failing to maintain and keep on file the records required by the Orders of the Director, Nos. 307 and 312 dated December 11, 1940 and February 24, 1941.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7668; Filed, October 13, 1941; 10:07 a. m.]

[Docket No. B-18]

IN THE MATTER OF HARTFORD COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 6, 1941, by Bituminous Coal Producers' Board for District No. 9 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 25, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court, Madisonville, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling, during the period from December 4, 1940, to January 10, 1941, both dates inclusive, to various purchasers approximately 8 tons of 3/4" screenings coal produced by the defendant at its Hartford Coal Company Mine, Mine Index No. 610, located in District No. 9, at 50 cents per net ton f. o. b. the mine, whereas this coal was classified as Size Group 14 and priced at $1.10 per net ton f. o. b. the mine as shown in the Schedule of Effective Minimum Prices for Truck Shipments, for District No. 9, which transactions constituted sales of coal at prices below the minimum established therefor.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7669; Filed, October 13, 1941; 10:07 a. m.]

[Docket No. B-14]

IN THE MATTER OF ROY C. ELLIS (ROY C. ELLIS MINING COMPANY) CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 16, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 26, 1941, by Bituminous Coal Producers Board for District No. 12, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 29, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Council Chamber, City Hall, Oskaloosa, Iowa.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, Roy C. Ellis, 707 6th Avenue, Oskaloosa, Iowa, sold during the period from October 1, 1940, to August 15, 1941, both dates inclusive, to the What Cheer Clay Products Company, What Cheer, Iowa, at $1.70 per net ton f. o. b. said mine, approximately 1250 tons of run of mine coal produced by the defendant at his mine, Mine Index No. 16, located in District No. 12, whereas said coal was classified as Size Group 5 as shown in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments and priced at $2.75 per net ton f. o. b. said mine, which transactions constituted (a) sales of coal at a price which was $1.05 below the minimum established therefor, and (b) sales of coal as screenings (Size Group 8) when in fact the actual coal sold was run of mine (Size Group 5),

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7670; Filed, October 13, 1941; 10:07 a. m.]

[Docket No. 1731-FD]

IN THE MATTER OF W. C. THOMAS AND L. PAYNE, DEFENDANTS

ORDER CANCELING AND REVOKING CODE MEMBERSHIP

A complaint dated May 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on May 17, 1941, by the Bituminous Coal Producers Board for District No. 8, a District Board complainant with the Bituminous Coal Division (the Division) alleging that the defendants, W. C. Thomas and L. Payne, code members doing business as Thomas and Payne, a partnership, wilfully violated the provisions of the Bituminous Coal Code and the effective minimum prices established thereunder by selling bituminous coal produced by the defendants at their mine, known as the Thomas & Payne Mine, designated as Mine Index No. 2368, located at or near Banner, Virginia, at prices below the effective minimum prices therefor, as more specifically set forth in said complaint; and

The defendants by stipulation made August 23, 1941, a true copy of which is annexed hereto, having admitted the allegations of the complaint and the facts set out in the stipulation, and having consented to the making and entry of this order; and

The defendants having agreed that upon the entry of this order, they will immediately pay to the United States Government the amount of the tax, namely $7.18, stipulated by them to be the amount required to be paid by section 5 (c) of the Act as a condition to

reinstatement of their membership in the code, and that they will make such application as will be necessary for their reinstatement as code members.

It is hereby found that the defendants, a partnership consisting of W. C. Thomas and L. Payne, filed with the National Bituminous Coal Commission (the Commission) on June 1, 1938, their acceptance, dated May 31, 1938, of the code and that said acceptance was approved by the Commission to take effect as of June 1, 1938, and that the defendants have been, since the last mentioned date, and are now code members in District No. 8.

It is hereby further found that the defendants wilfully violated the provisions of the code and the effective minimum prices established thereunder as alleged in the complaint herein by selling, offering for sale, and delivering bituminous coal produced by the defendants at their mine known as the Thomas & Payne Mine, designated of Mine Index No. 2368, located at or near Banner, Virginia, in District No. 8, in the following manner and to the following extent:

A. That the defendants sold, offered for sale, and delivered, on February 11, 1941, 12,435 pounds of nut and slack coal to one, J. W. Greene, at the price of approximately $1.00 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was $1.55 per net ton f. o. b. the mine.

B. That the defendants sold, offered for sale, and delivered, on February 12, 1941, 11,950 pounds of nut and slack coal to one, J. W. Green, at the price of approximately $1.04 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was $1.55 per net ton f. o. b. the mine.

It is hereby further found that the amount of the tax, established by sections 5 (b) and (c) of the Act, required to be paid by the defendants as a condition to reinstatement of their membership in the Code, is $7.18, which amount is 39% of the effective minimum price of $18.44 for said coal.

Now, therefore, based upon the above findings and upon the defendants' stipulation and agreement that they will immediately upon the entry of this order pay to the United States Government the amount of the tax, namely, $7.18, found to be the amount required to be paid by the defendants pursuant to sections 5 (b) and (c) of the Act as a condition to reinstatement of their membership in the Code;

It is ordered, That the membership of the above-named defendants in the Code be and the same is hereby cancelled and revoked, said cancellation and revocation to become effective ten (10) days after service of copy of this order upon the defendants.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7671; Filed, October 13, 1941; 10:07 a. m.]

[Docket No. 1707-FD]

IN THE MATTER OF V & M COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELING CODE MEMBERSHIP

A complaint having been filed on June 2, 1941, with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 4 alleging wilful violation by the V & M Coal Company, a code member in District 4, of the Bituminous Coal Code and rules and regulations thereunder as follows:[1]

That the defendant, between October 1, 1940, and April 1, 1941, both dates inclusive, sold substantial quantities of 3" plus slack coal, 3" plus lump coal and 6" lump coal, produced at its V & M Mine (Mine Index No. 1998) located in Mahoning County, Ohio, in District 4, to various purchasers at prices as follows: $1.00, $1.25, $1.95, $2.00, $2.05 per ton f. o. b. defendant's mine for 3" plus slack coal; $1.25, $1.75, $2.00, $2.25 and $2.50 per ton f. o. b. defendant's mine for 3" plus lump coal; and $2.50 per ton f. o. b. defendant's mine for 6" lump coal; whereas, the effective minimum price for said 3" plus slack coal was $2.35 per ton f. o. b. defendant's mine, for said 3" plus lump coal it was $2.90 per ton f. o. b. defendant's mine and for said 6" lump coal it was $3.00 per ton f. o. b. defendant's mine, all as set forth in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments; and

Defendant failed to file duplicate copies of daily sales slips or invoices with the field office of the Division for District 4, during the period October 1, 1940, to December 31, 1940, both dates inclusive, in violation of Division Order No. 296, dated September 23, 1940; and

Defendant failed to file a monthly report of all sales of coal sold and shipped from defendant's mine by truck or wagon, or file copies of sales slips or invoices for each sale in lieu of said monthly report covering the sales period January 1, 1941 to April 1, 1941, both dates inclusive, in violation of Division Order No. 309 dated January 14, 1941;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing having been held in this matter on September 2, 1941, at a hearing room of the Division in Youngstown, Ohio;

At the conclusion of the hearing, all parties having joined in the waiving of the preparation and filing of the Examiner's report, the matter having been thereupon submitted to the Director and the Director having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed forthwith;[2]

Now, therefore, it is ordered, That, pursuant to section 5 (b) of the Act, the code membership of the defendant, the V & M Coal Company, a code member in District 4, be and it is hereby revoked and canceled; and

It is further ordered, That prior to any reinstatement of the defendant, the V & M Coal Company, a partnership, or Joseph Mihalko, Sr., John Mihalko, Jr. and Paul Mihalko, partners therein, to membership in the Code, the defendant or any of the individual partners thereof shall pay to the united States a tax in the amount of $382.61 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7672, Filed, October 13, 1941; 10:07 a. m.]

[1] The complaint was amended by agreement of the parties on September 2, 1941 in accordance with section 5 (b) of the rules and regulations governing proceedings in compliance matters.

[2] Not filed as part of the original document.

[Docket No. A-239]

PETITION OF THE DAWSON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 3, FOR REVISION OF EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 5, 6, 7, 8, 9 AND 10, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto:

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7673; Filed, October 13, 1941; 10:08 a. m.]

[Docket No. A-151]

PETITION OF CONSOLIDATION COAL COMPANY, INC., FOR REVISION OF PRICE INSTRUCTION 4 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR ALL SHIPMENTS EXCEPT TRUCK SO AS TO PERMIT SHIPMENT OF OVERSIZED 3/4" x 0 COALS FROM MINE NOS. 120-121 (ACOSTA), MINE INDEX NOS. 115-116, DISTRICT NO. 1

ORDER OF THE DIRECTOR APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND DENYING RELIEF

This proceeding having been instituted by a petition filed with the Bituminous Coal Division by Consolidation Coal Company, Inc., a code member in District 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a modification of Price Instruction No. 4 in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck with respect to petitioner's oversized 3/4" x 0 coals moving from the Nos. 120-121 (Acosta) Mine, Mine Index Nos. 115-116, to various consumers;

Temporary relief having been granted by the Director to the extent of permitting petitioner to sell, to Bethlehem Steel Corporation at Bethlehem, Pennsylvania, for by-product use only, oversized 3/4" x 0 slack coals produced at its Nos. 120-121 (Acosta) Mine at a price of $2.05 f. o. b. transportation facilities at the mine;

Pursuant to an Order of the Director, a hearing having been held in this matter on November 25, 1940, before Edward J. Hayes, a duly designated Examiner of the Division in Washington, at which all interested persons were afforded an opportunity to participate fully in the proceedings;

Intervening petitions having been filed in this matter by District Boards Nos. 1 and 7, and by Pocahontas Fuel Company, Inc., the Pocahontas Corporation, and Pulaski Iron Company, code members in District 7;

Examiner Edward J. Hayes having filed with the Director on September 9, 1941, his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in which it is recommended that the petitioner's request for relief herein be denied and the temporary relief terminated;

No exceptions having been filed with the Division to the Examiner's recommendation;

The undersigned having considered the record in this matter and having determined that the Proposed Findings of Fact and the Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

It is further ordered, That the prayer for relief in this proceeding be and it is hereby denied, and the temporary relief heretofore granted be and it hereby is terminated.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7674; Filed, October 13, 1941; 10:08 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
Butler Consolidated Coal Co., Wildwood, Pa.	Oct. 2, 1941
Calvert Coal Co. (K. P. Macmillan), Calvert Building, Baltimore, Md.	Sept. 29, 1941
Campbell Coal Co., Campbell Bldg., Piedmont, W. Va.	Oct. 2, 1941
E. H. Longshore, P. O. Box 157, York, Ala.	Oct. 2, 1941
Warren J. Rusk, 33 Douglas Ave., Mansfield, Ohio	Sept. 29, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 10, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C.

Dated: October 9, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7675; Filed, October 13, 1941; 10:08 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 624]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 2, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 2035A2 Jackson	$38,000
Arkansas 2018D2 Carroll	61,000
Colorado 2018G2 Gunnison	120,000
Idaho 2004G2 Bonner	195,000
Indiana 2006D1 Boone	32,000
Indiana 2042D1 Parke	45,000
Indiana 2053C1 Steuben	18,000
Kentucky 2046D2 Harrison	60,000
Kentucky 2054C1 Wayne	223,000
Michigan 2041C1 Oceana	55,000
Minnesota 2094A3 North Itasca	23,000
New Jersey 2004D1 Monmouth	25,000
North Carolina 2031B2 Halifax	25,000
Ohio 2056C1 Lorain	27,500
Tennessee 2051B1 Johnson	218,000
Texas 2040E2 Bowie	34,000
Texas 2092C2 Bandera	40,000
Texas 2117G2 Upshur	1,450,000
Vermont 2010B1 Windham	52,000
Wyoming 2017B2 S. E.	4,700

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7647; Filed, October 11, 1941; 11:38 a. m.]

[Administrative Order No. 625]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 7, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	*Amount*
Arkansas 2009C2 Craighead	$20,000
Arkansas 2024E2 Washington	21,000
Colorado 2018B1 Gunnison	50,000
Georgia 2034E1 Carroll	158,000
Indiana 2016F1 Henry	48,000
Iowa 2030C1 Franklin	85,000
Minnesota 2055F1 Watonwan	110,000
North Carolina 2003B1 Wilson Public	151,000
North Carolina 2023E1 Caldwell	316,100
Ohio 2042D1 Darke	25,000
Ohio 2074D1 Butler	32,000
Oklahoma 2022D1 Cotton	120,000
South Carolina 2038B1 Oconee	80,000
Tennessee 2028A2 Paris Public	15,000
Utah 2008G3 Duchesne	50,000
Wyoming 2021A1 Carbon	314,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7648; Filed, October 11, 1941; 11:38 a. m.]

Surplus Marketing Administration.

[Docket No. AO 160]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

Notice is hereby given of a hearing to be held in the Roof Garden, Adelphia Hotel, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. s. t., October 23, 1941, on a proposed marketing agreement and order prepared and proposed by the Interstate Milk Producers Cooperative, Inc., and designed to regulate such handling of milk in the city and county of Philadelphia; in the county of Delaware; in the townships of Westtown, Thornbury, West Goshen, East Goshen, Willistown, and Easttown in Chester County; in the townships of Upper Merion, Lower Merion, Radnor, Haverford, Whitemarsh, Plymouth, Springfield, Abington, Moreland, Upper Dublin, Horsham, Gwynedd, Montgomery, Whitpain, Worcester, Norristown, Lower Providence, Upper Providence, Limerick, Towanencin, Lower Salford, Upper Salford, Hatfield, and Franconia in Montgomery County; and in the townships of Warminster, Southampton, Northampton, Bensalem, Bristol, Falls, Middletown, Newtown, and Lower Makefield in Bucks County, all in the Commonwealth of Pennsylvania (which area is hereinafter referred to as the "Philadelphia, Pennsylvania, marketing area") as is in

the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence (1) as to whether marketing conditions for such handling of milk in the Philadelphia, Pennsylvania, marketing area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce are such as to necessitate regulation, jointly with the Commonwealth of Pennsylvania or otherwise, of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and order provide in detail for: (a) delineating the scope of the regulation by means of defining the terms "marketing area", "producer", and "handler"; (b) selection of a market administrator; (c) classification of milk; (d) minimum prices; (e) reports of handlers; (f) payments to producers through the use of individual handler pools; (g) expenses of administration, and (h) other formal provisions usually included in marketing agreements and orders.

It is hereby determined that an emergency exists in the Philadelphia, Pennsylvania, marketing area which requires a shorter period of notice than fifteen (15) days, and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310 South Building, or may be there inspected.

Dated: October 10, 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-7646; Filed, October 11, 1941; 11:38 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION IN THE MATTER OF THE APPLICATION FOR THE EXEMPTION OF THE FLAT WAREHOUSING OF GRAIN AND THE STORAGE OF OTHER AGRICULTURAL COMMODITIES FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

Whereas the California Warehousemen's Association filed an application, dated August 12, 1940, for the exemption of the flat warehousing of grain and the storage of other agricultural commodities as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas at the time that the said application was filed there was pending before the Wage and Hour Division the application of the National Grain Trade Council and sundry other parties for the exemption of the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators as industries of a seasonal nature, pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas the said application of the California Warehousemen's Association was made part of the record of, and was considered in connection with, the hearing held in Chicago, Illinois, on December 9, 1940, before Mr. Burton D. Seeley, Presiding Officer, in the matter of the said application of the National Grain Trade Council and sundry other parties; and

Whereas in his findings and determination in regard to the exemption of the receiving of grain, soy beans, flaxseed, and buckwheat into grain elevators from the maximum hours provisions of the Fair Labor Standards Act of 1938 as industries of a seasonal nature, signed April 11, 1941, the said Burton D. Seeley found that there was insufficient evidence in the record upon which to base a determination with respect to the exemption of the flat warehousing of grain in sacks; and

Whereas upon receiving a petition from the said California Warehousemen's Association for a rehearing, the Administrator of the Wage and Hour Division remanded the matter of the flat warehousing of grain in California and in other western states to the Director of the Hearings Branch of the Wage and Hour Division for the purpose of holding such rehearing; and

Whereas the Administrator gave notice of a public hearing to be held at the Humboldt Bank Building, San Francisco, California, on June 2, 1941, before Mr. Harold Stein, an authorized representative of the Administrator, who was authorized to take testimony, hear argument, and determine:

Whether the flat warehousing of grain and the storage of other agricultural commodities in California and other western states is a branch or branches of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder, and if so, the appropriate limits of said branch or branches of the industry.

Whereas following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

1. A large proportion of the grain stored in the States of Washington, Oregon, Idaho, and California, including rough or "paddy" rice in California, is stored in sacks in "flat" warehouses.

2. The flat warehousing of grain is distinguishable from the storing of grain in bulk by its geographical concentration and by differences in physical facilities and operating techniques and may be considered as a separable branch of the grain storing industry.

3. Such flat warehouses receive for storing 50 percent or more of their annual volume of grain in a period or periods aggregating 14 workweeks.

4. The flat warehousing of grain including rice in the States of California, Washington, Oregon, and Idaho is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and of Part 526 of the regulations issued thereunder.

Whereas said findings and determination were duly filed with the Administrator on September 23, 1941, and are now on file in Room 5418, Department of Labor Building, Washington, D. C., and are available for examination by all interested parties.

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date that this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing held before the said representative.

Signed at Washington, D. C., this 6th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7688; Filed, October 13, 1941; 11:49 a. m.]

[Administrative Order No. 129]

DISSOLVING THE SPECIAL INDUSTRY COMMITTEE FOR PUERTO RICO

Whereas the Administrator by Administrative Order No. 58 dated August 1, 1940, appointed the Special Industry Committee for Puerto Rico; and

Whereas the Committee has duly investigated conditions in industries in Puerto Rico and recommended minimum wage rates therefor; and

Whereas the Administrator has approved or disapproved such recommendations and accordingly issued appropriate wage orders carrying such minimum rates into effect; and

Whereas the functions of this Committee have now been completed;

Now, therefore, it is ordered, That the Special Industry Committee for Puerto Rico be and it hereby is dissolved.

Signed at Washington, D. C., this 6th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7689; Filed, October 13, 1941; 11:49 a. m.]

NOTICE OF HEARING IN THE MATTER OF EMPLOYMENT OF LEARNERS AT LESS THAN THE MINIMUM WAGE RATE IN THE DRUG, MEDICINE, AND TOILET PREPARATIONS INDUSTRY

Whereas, the Administrator of the Wage and Hour Division, in an opinion entitled "Finding and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 19 for a Minimum Wage Rate in the Drug, Medicine, and Toilet Preparations Industry," dated June 14, 1941, duly approved the recommendation of the said Industry, to become effective July 7, 1941, entitled "Part 600, Minimum Wage Rate in the Drug, Medicine, and Toilet Preparations Industry," providing for wages at the rate of not less than 40 cents per hour to be paid under section 6 of the Act by every employer to each of his employees in the Drug, Medicine, and Toilet Preparations Industry who is engaged in commerce or in the production of goods for commerce; and

Whereas applications have been made by the Toilet Goods Association, Inc. and sundry other parties under section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners pursuant to section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the said industry at wages less than the applicable minimum wage specified in section 6 of the Act;

Now, therefore, pursuant to the said Act and § 522.4 of the said Regulations, notice is hereby given of a public hearing to be held in Room 3229. U. S. Department of Labor, 14th Street and Constitution Avenue, Northwest, Washington, D. C., to commence at 10:00 A. M. on October 27, 1941, before Alex G. Nordholm of the Hearings Branch of the Wage and Hour Division, hereby duly authorized as Presiding Officer to conduct said hearing, to take testimony for the purpose of determining:

(a) What, if any, occupation or occupations in the Drug, Medicine, and Toilet Preparations Industry require a learning period, and if any occupation is found to require a learning period;

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the Drug, Medicine, and Toilet Preparations Industry; and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued for the employment of learners in the Drug, Medicine, and Toilet Preparations Industry.

At this hearing opportunity to present evidence relevant to above questions will be afforded any interested person, provided the Presiding Officer shall have received from such person, prior to noon, Saturday, October 25, 1941, a notice of intention to appear, setting forth his name and address, the company or organization which he represents, and the approximate length of time required for such presentation. Any interested party unable to appear in person may file a brief or a statement which will be considered if received by October 25, 1941.

As used in this notice, the term "drug, medicine, and toilet preparations industry" is defined as follows:

The manufacture or packaging of any one or more of the following products:

(1) Drugs or medicinal preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals, or

(2) Dentifrices, cosmetics, perfume, or other preparations designed or intended for external application to the person for the purpose of cleansing, improving the appearance of, or refreshing the person,

(3) *Provided*, That this definition shall not include the manufacture or packaging of shaving cream, shampoo, essential (volatile) oils, glycerine, and soap, or the milling or packaging without further processing of crude botanical drugs.

The definition of the Drug, Medicine, and Toilet Preparations Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That there shall not be included (a) in establishments, the greater part of whose sales or sales of articles purchased for resale, employees other than those who are engaged directly in the manufacturing or the packaging in consumer packages or products covered by this definition, and (b) employees of a manufacturer who are engaged exclusively in marketing and distributing products of the Industry which have been purchased for resale.

Signed at Washington, D. C., this 11th day of October 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-7690; Filed, October 13, 1941; 11:50 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 33 FOR THE PASSENGER MOTOR CARRIER INDUSTRY

To be held October 30, 1941, at Washington, D. C.

Whereas, by Administrative Order No. 117, dated July 8, 1941, the Administrator of the Wage and Hour Division, United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 33 for the Passenger Motor Carrier Industry, composed of an equal number of representatives of the public, employers in the industry, and employees in the industry, selected with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 33, on September 4, 1941, recommended a minimum wage rate for the Passenger Motor Carrier Industry and duly adopted a report containing said recommendation and filed its report with the Administrator in accordance with section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after giving due notice and an opportunity to be heard to interested persons, to approve and carry into effect by order the recommendation of Industry Committee No. 33 if he finds that the recommendation is made in accordance with law, is supported by the evidence adduced at the hearing before him and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given:

I. Industry Committee No. 33 for the Passenger Motor Carrier Industry has made the following recommendation for the minimum wage rate to be paid to employees in the Passenger Motor Carrier Industry:

Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in commerce or in the production of goods for commerce in the Passenger Motor Carrier Industry, as defined in Administrative Order No. 117, dated July 8, 1941.

II. The definition of the Passenger Motor Carrier Industry as set forth in Administrative Order No. 117 is as follows:

The industry carried on by any person who holds himself out to the general public to engage in, or under individual contracts or agreements engages in, the transportation by motor vehicle of passengers in interstate commerce over regular or irregular routes or under individual contracts or agreements engages in transportation of passengers by motor vehicle necessary to the production of goods for interstate commerce. The term does not include the industry carried on by any local trolley or motor bus carrier or that part of the industry carried on by any carrier of passengers by rail or water or any company which is subject to Administrative Order No. 34 defining the Railroad Carrier Industry.

The definition of the Passenger Motor Carrier Industry covers all occupations in the industry including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That where an employee covered by this definition is employed during the same workweek at two or more different rates of pay, he

shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 33 are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the Wage and Hour Division, United States Department of Labor:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.
Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 North Calvert Street.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.
Atlanta, Georgia, Witt Building, 249 Peachtree Street, N. E.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, NW.
Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.
Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.
Detroit, Michigan, 348 Federal Building.
Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Kansas City, Missouri, 504 Title & Trust Building, Tenth & Walnut Streets.
St. Louis, Missouri, 100 Old Federal Building.
Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.
San Juan, Puerto Rico, Post Office Box 112.
Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation and of the dissenting statements filed by four members of the Committee, are available for inspection at, and may be obtained by writing to, the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 33 shall be approved or disapproved pursuant to Section 8 of the Act, will be held on October 30, 1941, at 10:00 a. m. in Room 3229, United States Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Major Robert N. Campbell, Presiding Officer.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 33 may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person, if not later than October 24, 1941, he files with the Administrator by mail or otherwise at Washington, D. C., a notice of his intent to appear, which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.
3. Whether such person proposes to appear for or against the recommendations of the Committee.
4. The approximate length of time requested for his presentation.

VI. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the office of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Passenger Motor Carrier Industry will be available for inspection by any interested person between the hours of 9:00 a. m. and 4:30 p. m. at the offices of the Wage and Hour Division enumerated in paragraph III above:

Report entitled *Passenger Motor Carrier Industry*, dated August 1941, prepared by the Research and Statistics Branch, Wage and Hour Division, United States Department of Labor.

Release *Indexes of Costs of Living in 34 Cities for April 15, May 15, and June 15, 1941*, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Release *Living Costs in Large Cities, July 15, 1941*, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Release *Estimated Inter-City Differences in Cost of Living, June 15, 1941*, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Bulletin, Serial No. R–1298, entitled *Changes in Cost of Living*, dated March 15, 1941, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Bulletin, Serial No. R–1156, entitled *The Bureau of Labor Statistics' New Index of Cost of Living*, dated March 15, 1940, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Bulletin, Serial No. R–963, entitled *Differences in Living Costs in Northern and Southern Cities*, reprinted from the *Monthly Labor Review*, July 1939, by the Bureau of Labor Statistics, United States Department of Labor.

The record made at the public hearing on the Passenger Motor Carrier Industry before Industry Committee No. 33 may be examined by any interested person at the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C., and may be obtained at prescribed rates from the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C. The foregoing reports and record will be offered in evidence at the public hearing herein referred to.

VIII. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which shall be available at prescribed rates to any person upon request made to the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the Presiding Officer.

3. At the discretion of the Presiding Officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Presiding Officer, or by other appropriate notice.

4. At any stage of the hearing, the Presiding Officer may call for further evidence upon any matter. After the Presiding Officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the Presiding Officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the Presiding Officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the Presiding Officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form, the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The Presiding Officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the Presiding Officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the Presiding Officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the Presiding Officer.

12. Before the close of the hearing the Presiding Officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the Presiding Officer with the record of the proceedings. If the Administrator, in his discretion allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearings, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the Presiding Officer shall forthwith file a complete record of the proceedings with the Administrator. The Presiding Officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have not binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of October 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41–7691; Filed, October 13, 1941; 11:50 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 13, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Apollo Shirt Company, Inc., 130 Fifth Avenue, New York, New York; Shirts; 10 learners; April 13, 1942.

B & O Manufacturing Company, 16 South Eutaw Street, Baltimore, Maryland; Lumber Jackets, Herringbone Twill Jackets; 10 percent; January 26, 1942.

Bayard Sportswear Company, 40 Harrison Avenue, Boston, Massachusetts; Men's Sport Trousers, Golf Jackets and Pants; 2 learners; October 13, 1942.

Michael Berkowitz Company, Inc., Frostburg, Maryland; Shirts and Pajamas; 10 percent; October 13, 1942.

Bethlehem Shirt Factory, 1624–26 East Tenth Street, Bethlehem, Pennsylvania; Work Shirts; 4 learners; October 13, 1942.

A. A. and H. Bezozi, Inc., 352 Fourth Avenue, New York, New York; Infants' Caps and Bonnets; 10 percent; April 6, 1942.

Max Blank, 432 Market Street, Philadelphia, Pennsylvania; Cotton Wash Dresses and Blouses; 5 learners; October 13, 1942.

Blossom Dress Company, 315 Cherry Street, Scranton, Pennsylvania; Dresses; 10 percent; October 13, 1942.

"Bundle O'Joy Baby Wear Company, 49 S. Pennsylvania Avenue, Wilkes-Barre, Pennsylvania; Infants' Flannelette and Crepe Kimonos, Gertrudes and Binders; 10 learners; October 13, 1942.

Capital City Clothing Company, #1 Bruenig Avenue, Trenton, New Jersey;

Men's Sack Coats, Sport Coats, Overcoats, Topcoats; 5 percent; October 13, 1942.

Cluett, Peabody and Company, Inc., Corinth, New York; Dress Shirts, Sport Shirts; 10 percent; October 13, 1942.

Cluett, Peabody and Company, Inc., 433 River Street, Troy, New York; Collars, Dress and Sport Shirts; 10 percent; October 13, 1942.

Cluett, Peabody and Company, Inc., Murphy Avenue, Atlanta, Georgia; Dress and Sport Shirts; 10 percent; October 13, 1942.

Cookeville Shirt Company, Walnut Street, Cookeville, Tennessee; Work Shirts; 10 percent; October 13, 1942.

Cortland Corset Company, East Court Street, Cortland, New York; Corsets and Foundation Garments; 10 percent; October 13, 1942.

J. H. Cownie Company, 3rd and Vine Streets, Des Moines, Iowa; Cotton Pants, Leather and Wool Coats; 10 learners; October 13, 1942.

Dorchester Pants Company, Cambridge, Maryland; Work Pants and Work Shirts; 5 learners; October 13, 1942.

Dunn Manufacturing Company, 211–21 North 13th Street, Philadelphia, Pennsylvania; Dresses; 10 learners; October 13, 1942.

Durable Sportswear Company, Inc., 47 Broadway, Lynbrook, New York; Leather Jackets; 5 learners; October 13, 1942.

Duti-Duds, Incorporated, 1117 Clay Street, Lynchburg, Virginia; Cotton Uniform Dresses, Women's Pajamas and Aprons; 5 learners; October 13, 1942.

Elk Brand Shirt and Overall Company, N. E. Cor. 11th and Campbell Streets, Hopkinsville, Kentucky; Overalls and Denim Coats, Work Shirts, Work Pants, Ensembles; 10 learners; October 13, 1942.

Bert Finch Manufacturing Company, 407 East Pico, Los Angeles, California; Wash Dresses; 5 learners; October 13, 1942.

Fineform Brassiere Company, Inc., 31 West 27th Street, New York, New York; Brassieres, Girdles, Corsets, Garter Belts; 10 percent; January 26, 1942.

D. Gamson and Company, 1105 West Chicago Avenue, Chicago, Illinois; Aprons; 15 learners; April 6, 1942.

Gay Belle Manufacturing Company, Inc., 16 E. 17th Street, New York, New York; Aprons; 2 learners; April 13, 1942.

Pauline Gordon, Incorporated, 112 Madison Avenue, New York, New York; Brassieres and Corsets; 10 percent; January 12, 1942.

Hasson Dress Company, 151 Newark Avenue, Jersey City, New Jersey; Dresses; 5 learners; October 13, 1942.

Hollywood Maxwell Company, 306 North Main Street, Cameron, Missouri; Brassieres; 5 learners; October 13, 1942.

Hollywood Maxwell Company, Front Street, Natchitoches, Louisiana; Brassieres; 2 learners; October 13, 1942.

Hoosick Falls Undergarment Corporation, Hoosick Street, Hoosick Falls, New York; Woven Slips; 10 learners; October 13, 1942.

J. G. Sportswear, 129 W. 3rd Street, Los Angeles, California; Ladies' Slack Suits; 5 learners; October 13, 1942.

Jacobson Brothers Dresses, Inc., 1304 Arch Street, Philadelphia, Pennsylvania; Dresses; 10 percent; October 13, 1942.

Kleason Company, Jefferson Avenue, Moundsville, West Virginia; Single Cotton Pants; 10 percent; October 13, 1942.

Knickerbocker Manufacturing Company, Inc., West Main Street, West Point, Mississippi; Men's Pajamas, Woven Underwear; 10 percent; October 13, 1942.

Kramer Pants Company, 711 Main Street, Asbury Park, N. J.; Boys' Pants; 5 learners; October 13, 1942.

T. S. Lankford and Sons, 151½ Walnut Street, Abilene, Texas; Men's Pants, Shirts, Coveralls, & Work Garments; 10 percent; October 13, 1942.

Lebanon Garment Company, Inc., East Market Street, Lebanon, Tennessee; Single Pants, Cotton & Mixed; 10 percent; October 13, 1942.

H. Linsk and Company, Inc., Clayton, New Jersey; Children's Dresses; 10 learners; October 13, 1942.

H. Linsk and Company, Inc., Mantua Avenue, Woodbury, New Jersey; Dresses; 10 learners; October 13, 1942.

H. Linsk and Company, Inc., Westville, New Jersey; Dresses; 10 learners; October 13, 1942.

H. Linsk and Company, Inc., Penns Grove, New Jersey; Dresses; 10 percent; October 13, 1942.

Malouf Manufacturing Company, 146 South West Temple Street, Salt Lake City, Utah; Cotton Wash Frocks, Rayon Slips; 4 learners; October 13, 1942.

Martha Maid Manufacturing Company, Inc., 367 West Adams Street, Chicago, Illinois; Slips, Gowns, Pajamas; 10 percent; October 13, 1942.

Martindale Garment Company, Martindale, Pennsylvania; Ladies' Undergarments Under Contract; 5 learners; October 13, 1942.

Massachusetts Shirt Manufacturing Corporation, 94 Sawyer Street, New Bedford, Massachusetts; Men's Dress Shirts and Polo Shirts; 10 percent; October 13, 1942.

McMullen-Leavens Company, 51 Lawrence Street, Glens Falls, New York; Shirts and Dresses; 10 percent; October 13, 1942.

Model Blouse Company, Mulberry Street, Millville, New Jersey; Boys' Shirts and Shorts; 10 percent; October 13, 1942.

The Nite Kraft Corporation, 451 South Jefferson Street, Orange, New Jersey; Children's & Women's Sleeping Apparel; 10 percent; October 13, 1942.

Normandin Brothers Company, 2715 South Main Street, Los Angeles, California; Robes and Sportswear; 10 learners; October 13, 1942.

Picayune Shirt Factory, Inc., Goodyear Boulevard, Picayune, Mississippi; Work Shirts; 10 percent; October 13, 1942.

Pleasant Dress Company, 145 Thorndike Street, Lowell, Massachusetts; Dresses; 10 learners; October 13, 1942.

Ram Manufacturing Corporation, 44 West 28th Street, New York, New York; Jackets; 20 learners; January 26, 1942.

Rite Form Corset Company, Inc., 635 Sixth Avenue, New York, New York; Corsets, Brassieres, Girdles; 10 percent; January 26, 1942.

J. Rogat Shirt Company, 201 Pennsylvania Avenue, Bangor, Pennsylvania; Dress Shirts; 10 percent; October 13, 1942.

Wiley Samuelson, 325 W. Jackson Street, Chicago, Illinois; Women's Apparel; 3 learners; October 13, 1942.

Savada Brothers, Baltimore Street, Glen Rock, Pennsylvania; Boys' Pajamas; 5 percent; October 13, 1942.

Shawnee Garment Company, 110 Downing Street, Plymouth, Pennsylvania; Dresses; 10 learners; October 13, 1942.

Smart Maid Company, Inc., 1421 Wallace Street, Philadelphia, Pennsylvania; Children's Dresses; 10 percent; October 13, 1942.

Rudolph Stern Dress Company, 55–59 E. Main Street, Columbus, Ohio; Dresses; 5 learners; October 13, 1942.

The Strouse, Adler Company, 78 Olive Street, New Haven, Connecticut; Corsets; 12 learners; October 13, 1942.

The Superior Uniform Company, Inc., Cornelius, North Carolina; Sport Shirts; 30 learners; March 13, 1942.

Tailor Maid Blouses, 127 East Ninth Street, Los Angeles, California; Blouses; 5 percent; October 13, 1942.

Taneytown Manufacturing Company, Broad Street, Taneytown, Maryland; Coats, Vests, Pants; 5 percent; October 13, 1942.

Tiny Town Togs, Inc., 2 River Street, Troy, New York; Dresses; 10 percent; October 13, 1942.

Traficante and Botto, 1226 S. 8th Street, Philadelphia, Pennsylvania; Cotton Dresses and Jackets; 3 learners; October 13, 1942.

Universal Hat and Cap Manufacturing Company, 231 South Green Street, Chicago, Illinois; Men's & Boys' Headwear; 3 learners; October 13, 1942.

Westboro Underwear Company, Westboro, Massachusetts; Ladies' Underwear and Nightwear; 5 learners; October 13, 1942.

Winer Manufacturing Company, Inc., 231 Condit Street, Hammond, Indiana; Shirts and Trousers; 10 percent; October 13, 1942.

Apex Shoulder Pad Company, 515 Broadway, New York, New York; Shoulder Pads; 5 learners; March 23, 1942.

Gloves

Elmer Little and Son, 10–14 Glenwood Avenue, Johnstown, New York; Leather Dress Gloves; 2 learners; October 13, 1942.

Springfield Knitting Mills Company, 36 New Dwight Street, Springfield, Massachusetts; Knit Wool Gloves; 60 learners; April 13, 1942.

Hosiery

Blackstone Hosiery Mills, Inc., Valdese, North Carolina; Seamless Hosiery; 5 percent; October 13, 1942.

Damascus Hosiery Mills, Inc., Damascus, Virginia; Seamless Hosiery; 5 learners; October 13, 1942.

Eva's Hosiery Repair Shop, 152 N. 9th Street, Reading, Pennsylvania; Full Fashioned Hosiery; 4 learners; April 13, 1942.

John L. Feab and Sons, 1635 Poplar Street, Port Huron, Michigan; Seamless Hosiery; 5 percent; October 13, 1942.

Full Knit Hosiery Mills, Inc., Highway 70, Burlington, North Carolina; Seamless Hosiery; 7 learners; October 13, 1942.

Gray Line Hosiery Company, Chambersburg, Pennsylvania; Seamless Hosiery; 5 percent; October 13, 1942.

Maywood Silk Hosiery Mills, Inc., Second Street, Cordele, Georgia; Full Fashioned Hosiery; 5 learners; October 13, 1942.

Nelson Knitting Company, 909–911 South Main Street, Rockford, Illinois; Seamless Hosiery; 5 percent; October 13, 1942.

Shendoah Knitting Mills, Inc., Shenandoah, Virginia; Full Fashioned Hosiery; 5 percent; October 13, 1942.

Silkay Hosiery Mills, 3rd and Turner Streets, Allentown, Pennsylvania; Full Fashioned Hosiery; 5 learners; June 13, 1942.

Waldensian Hosiery Mills, Inc., Valdese, North Carolina; Seamless Hosiery; 5 percent; October 13, 1942.

Signed at Washington, D. C., this 13th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7692; Filed, October 13, 1941; 11:50 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 13, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Beyerle Manufacturing Company, 67 Forrest Street, Brooklyn, New York; Dress Shields; 10 percent; 8 weeks for any one learner (320 hours); 75 percent of the applicable minimum; Machine operators; April 13, 1942.

Louis Brosilow, Inc., 179 N. Michigan Avenue, Chicago, Illinois; Portable Lamps and Shades; Silk Shades; 3 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Sewing; April 13, 1942.

United Pressed Products Company, 407 South Aberdeen Street, Chicago, Illinois; Converted Paper Products; Molded Paper, Phonographs; 5 learners; 4 weeks for any one learner; 30 cents per hour; Molder; November 24, 1941.

Signed at Washington, D. C., this 13th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7693: Filed, October 13, 1941; 11:51 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE EMPLOYMENT SECURITY COMMISSION OF THE STATE OF WYOMING

The Employment Security Commission of the State of Wyoming having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Wyoming employment security law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Employment Security Commission of the State of Wyoming.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

OCTOBER 3, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

OCTOBER 10, 1941.

[F. R. Doc. 41–7687; Filed, October 13, 1941; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811–387]

IN THE MATTER OF UNITED GAS & ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of October, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of that Act;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 20, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7680; Filed, October 13, 1941; 11:27 a. m.]

[File No. 811-271]

IN THE MATTER OF UNITED JERSEY SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of that Act;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 20, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7681; Filed, October 13, 1941; 11:27 a. m.]

[File No. 70-409]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1941

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 29, 1941, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Iowa Public Service Company, a subsidiary of Sioux City Gas and Electric Company, a registered holding company, proposes to purchase (1) substantially all of the assets, including the gas plant and gas distribution system located at Independence, Iowa, of Independence Gas Company, a subsidiary of Great Lakes Utilities Company, a registered holding company, for $55,000 cash, and (2) substantially all of the assets, including the natural gas distribution system located at LeMars, Iowa, of LeMars Gas Company, also a subsidiary of Great Lakes Utilities Company, for $70,000 cash. In addition to the cash consideration, the vendee also proposes to assume all the outstanding liabilities of the vendors (other than those owed to affiliates of the vendors).

Iowa Public Service Company proposes to pay Polk-Peterson Corporation and Carleton D. Beh Company $2,500 for their right, title and interest in and to a contract to purchase said assets.

The declaration or application recites that the company considers Sections 9 and 10 of the said Act as being applicable to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7682; Filed, October 13, 1941; 11:27 a. m.]

[File No. 59-24]

IN THE MATTER OF CITIES SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

NOTICE OF AND ORDER SETTING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1941.

The Commission having heretofore, on July 3, 1941, instituted a proceeding pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, entitled "In the Matter of Cities Service Company and Its Subsidiary Companies, Respondents," File No. 59-24, and having heretofore, on September 24, 1941, heard argument with respect to the issues in said proceeding, the simplification of such issues, the facts and issues that appear to be without substantial basis of controversy, and the order of presentation of evidence most conducive to an orderly proceeding; and

The Commission having heretofore, on August 6, 1941, heard argument in the proceeding, pursuant to section 11 (b) (1) of the Act, entitled "In the Matter of Cities Service Power & Light Company and Its Subsidiary Companies, Respondents," File No. 59-7, and having taken under advisement the matters included in said proceeding; and

Cities Service Power & Light Company and Cities Service Company having heretofore, on August 1, 1941, filed application, pursuant to section 11 (e) of the Act, for approval of a plan proposed by said applicants (File No. 30-196); and

Counsel for the respondents having requested, in the course of the aforesaid argument on September 24, 1941, that both of the said proceedings under section 11 (b) (1) of the Act and the said application under section 11 (e) of the Act be consolidated, and that the taking of evidence with respect to the proceeding pursuant to section 11 (b) (1) of the Act, entitled "In the Matter of Cities Service Company and Its Subsidiary Companies, Respondents," File No. 59-24, be deferred until hearings with respect to the said application under section 11 (e) of the Act have been held; and

Counsel for the respondents and counsel for the Public Utilities Division having stipulated that all evidence with respect to the respondents herein, contained in the record of the proceeding entitled "In the Matter of Cities Service Power & Light Company and Its Subsidiary Companies, Respondents," File No. 59-7, so far as relevant to the issues herein stated, shall be incorporated in the record of the proceeding herein, and shall be regarded as evidence duly adduced in such proceeding; and

It appearing to the Commission that disposition of the matters included in said proceedings and said application may best be made by completion of the requisite record with respect to the proceeding herein instituted on July 3, 1941, under section 11 (b) (1) of the Act, prior to consideration of the said application under section 11 (e) of the Act;

It is hereby ordered, That a hearing on the proceeding herein be held on October 28, 1941, at 10:00 A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such day by the hearing room clerk in Room 1102, for the purpose of receiving evidence bearing upon the issues made by the Commission's order of July 3, 1941, and respondents' answers thereto and upon the question whether the Commission should enter an order or orders pursuant to section 11 (b) (1) of the Act; and

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, In the interest of expeditious procedure that all evidence with respect to the respondents herein, contained in the record of the proceeding entitled "In the Matter of Cities Service Power & Light Company and Its Subsidiary Companies, Respondents," File No. 59-7, so far as relevant to the issues herein stated, shall be incorporated in the record of the proceeding herein, and shall be regarded as evidence duly adduced in such proceeding, subject to the same objections and exceptions preserved in the record of the proceeding in which such evidence was first introduced and to such further objections and exceptions as may be made by any party to the proceeding herein; and

It is further ordered, That the evidence adduced herein, together with the evidence contained in the record of the proceeding entitled "In the Matter of Cities Service Power & Light Company and Its Subsidiary Companies, Respondents," File No. 59-7, so far as relevant to the issues which may arise upon consideration of the aforesaid application filed by respondents pursuant to section 11 (e) of the Act, File No. 30-196, shall be deemed a part of the requisite record to be made at the hearings which may be held upon the said application and shall be regarded as evidence duly adduced in such hearings, subject to the same objections and exceptions preserved in the record of the proceeding in which such evidence was first introduced and to such further objections and exceptions as may be made by any party to the hearings on the said application; and

It is further ordered, That if at any time it may appear conducive to an orderly disposition of any matter involved herein, the right be and it hereby is reserved to order a separate hearing, to close the record, or to take action on such matter prior to closing the record on any other matter involved herein: and

It is further ordered, That the aforesaid request of respondents, in so far as the same is inconsistent with the foregoing determinations, be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7683; Filed, October 13, 1941; 11:28 a. m.]

[File No. 4-36]

IN THE MATTER OF EMPIRE GAS AND FUEL COMPANY AND CITIES SERVICE COMPANY

ORDER POSTPONING DATE FOR FILING OF RESPONDENTS ANSWERS AND DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1941.

The Commission having on July 3, 1941 issued a Notice of and Order for Hearing in the above entitled proceedings directing that the respondents named therein file with the Secretary of the Commission on or before August 2, 1941 their joint or several answers in the premises and that a hearing be held on August 19, 1941 at 10 A. M. in the offices of the Commission with reference to the allegations of the said Notice of and Order for Hearing; and

The said time for filing answers and for the hearing as above having been postponed by the Commission at the request of the respondents, by orders dated July 31, 1941, August 22, 1941 and September 11, 1941; and

Cities Service Company and Empire Gas and Fuel Company having requested that the date for filing answers and for the hearing as above postponed be further postponed for the reason that the issues involved require further time for preparation for the filing of such answers and for such hearing; and

It appearing to the Commission that the request made to the Commission by the respondents is not unreasonable and may appropriately be granted;

It is ordered, That the date of filing answers by Cities Service Company and Empire Gas and Fuel Company as postponed by the Commission order of September 11, 1941 be and the same is hereby further postponed until October 23, 1941 and that the hearing date postponed by the same order of September 11, 1941 be and the same is hereby further postponed to November 12, 1941 at 10:00 in the forenoon at the same time and before the same officer of the Commission specified in the Commission's order of July 3, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7684; Filed, October 13, 1941; 11:28 a. m.]

[File Nos. 7-554, 7-555, 7-556, 7-557]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO: CENTRAL POWER AND LIGHT COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE AUGUST 1, 1969; KENTUCKY UTILITIES COMPANY FIRST MORTGAGE BONDS, 4% SERIES DUE JANUARY 1, 1970; 4½% SINKING FUND MORTGAGE BONDS, DUE FEBRUARY 1, 1955; WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission having ordered that a hearing be held in this matter on Tuesday, October 14, 1941, in Washington, D. C.; and

The Commission having received a request for postponement of this hearing and having been advised that the applicant herein has no objection to the granting of such request;

It is ordered, That said hearing be postponed until 10 a. m. on Friday, November 7, 1941, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7685; Filed, October 13, 1941; 11:29 a. m.]

[File No. 70-401]

IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, 1941 A. D.

St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, a registered holding company and in turn a subsidiary of The United Corporation, also a registered holding company, having filed an application pursuant to the Public Holding Company Act of 1935, particularly section 6 (b) thereof, regarding the issuance of a note or notes dated October 18, 1941 and maturing July 18, 1942 in the aggregate amount of $450,000 with interest at 2% per annum, payable to Mississippi Valley Trust Company, in renewal of six notes aggregating $450,000, payable to said bank, maturing October 18, 1941 and bearing interest at 2% per annum; and

Said application having been filed on September 12, 1941 and an amendment thereto having been filed on September 24, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated

pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified by said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 6 (b) are satisfied and that the above-named applicant is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to the proposed transaction, subject to the terms and conditions prescribed by Rule U–24;

It is hereby ordered, Pursuant to said Rule U–23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U–24, that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.)

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7686; Filed, October 13, 1941; 11:29 a. m.]

Reference

OCT 16 1941

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 6 NUMBER 201

Washington, Wednesday, October 15, 1941

The President

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A PRACTICE BOMBING AND GUNNERY RANGE

WASHINGTON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a practice bombing and gunnery range:

WILLAMETTE MERIDIAN

T. 18 N., R. 27 E., secs. 20 and 22; containing 1280 acres.

This order shall be subject to the order of the Acting Assistant Secretary of the Interior of June 27, 1941, withdrawing certain lands under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), so far as such order affects the above-described lands; and after the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that the entire use of the above-described lands is needed for reclamation purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 11, 1941.

[No. 8915]

[F. R. Doc. 41-7696; Filed, October 13, 1941; 2:04 p. m.]

EXECUTIVE ORDER

REVOKING EXECUTIVE ORDER NO. 1030 OF FEBRUARY 24, 1909, AND WITHDRAWING CERTAIN PUBLIC LANDS FOR USE OF THE ALASKA ROAD COMMISSION, DEPARTMENT OF THE INTERIOR, FOR AVIATION PURPOSES

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. Executive Order No. 1030 of February 24, 1909, reserving certain land near Copper Center, Alaska, for the joint use of the Department of the Interior and the Department of Agriculture for educational and agricultural experiment station purposes, is hereby revoked.

2. The following-described tracts of public land, comprising part of the land reserved by the above-mentioned order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the Alaska Road Commission, Department of the Interior, for aviation purposes:

COPPER RIVER MERIDIAN

T. 2 N., R. 1 W., sec. 12, lots 7 and 10.
U. S. Survey No. 2186.
The areas described aggregate 117.77 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 11, 1941.

[No. 8916]

[F. R. Doc. 41-7697; Filed, October 13, 1941; 2:04 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 721—CORN

DETERMINATION OF 1942 FARM CORN ACREAGE ALLOTMENTS AND NORMAL YIELDS

Sec.
721.411 Determination of farm corn acreage allotments for 1942.
721.412 Determination of individual farm corn yields.
721.413 Miscellaneous provisions applicable to farm corn acreage allotments and yields.
721.414 Definitions.

By virtue of the authority vested in the Secretary of Agriculture by sections 301, 329, and 375 of the Agricultural Adjustment Act of 1938, as amended, I do prescribe the following regulations applicable for determining farm corn acreage allotments and normal yields for the 1942 crop in counties in the commercial corn-producing area under Title III of said Act,

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to be in force and effect until rescinded, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Section 329 (b) of said Act provides that:

> The acreage allotment to the county for corn shall be apportioned by the Secretary of Agriculture, through the local committees, among the farms within the county on the basis of tillable acreage crop-rotation practices, type of soil, and topography.

Section 301 (b) (13) (E) of said Act provides that:

> "Normal yield" for any farm, in the case of corn * * * shall be the average yield per acre of corn * * * for the farm, adjusted for abnormal weather conditions and * * * for trends in yields, during the ten calendar years * * * immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

§ 721.411 *Determination of farm corn acreage allotments for 1942.* The county committee, with the assistance of other local committees in the county, and subject to the approval of the State committee, shall determine farm corn acreage allotments for farms in the commercial corn-producing area for the calendar year 1942 on the basis of tillable acreage, crop-rotation practices, type of soil, and topography of the cropland as follows:

(a) *Determination with respect to tillable acreage, crop-rotation practices, type of soil, and topography.* For those farms for which 1941 farm corn allotments reflect these factors in accordance with the conditions as applicable for 1942, the 1941 allotments may be used in determining the 1942 allotments. The county and community committees shall review the 1941 allotments for the several farms and determine whether any allotment is not representative for the farm. In making this determination the committees should consider factors such as a change in type of farming operations, change in farm land, change in cropland acreage, drought, flood, and any other unusual conditions which may apply to the farm at the time the determination is made. Consideration may also be given to the acreage of corn planted on the farm in 1941. For those farms for which consideration is given to the 1941 planted acreage of corn, the county committee may determine a revised 1941 allotment for purposes of establishing the 1942 allotment by weighting the 1941 allotment with the 1941 planted acreage.

If it is determined that the 1941 corn allotment or the 1941 revised allotment, as the case may be, is not representative for the farm, the committees shall appraise a 1942 recommended allotment which is more representative for the farm. This appraisal shall be based on the corn acreage allotments for a group of one or more similar farms in the county and shall be subject to the limitations described in the following sentences:

A group of one or more farms having similar crop-rotation practices, type of soil, and topography shall be selected, and the ratio of corn allotment to cropland for the group of similar farms shall be computed. This ratio shall be applied to the cropland on the farm for which an appraisal is to be made. In those cases in which the 1941 allotment or 1941 revised allotment is to be increased, it shall not be in excess of the figure computed, and in those cases in which the 1941 allotment or 1941 revised allotment is to be decreased, it shall not be less than the figure computed.

(b) *Adjustment to county acreage allotment.* The 1942 recommended acreage allotments determined under paragraph (a), adjusted pro rata to equal the county corn acreage allotment, shall be the farm acreage allotments.*

*§§ 721.411–721.414, inclusive, issued under the authority contained in secs. 329 (b), 375 (b), 301 (b)13(E), 52 Stat. 52, 66, 202, 54 Stat. 1211; 7 U.S.C. Sup., 1329, 1375, 1301.

§ 721.412 *Determination of individual farm corn yields.* Individual farm yields for corn shall be determined on the basis of the historical record for the farm for the period 1931–1940, inclusive, adjusted for abnormal weather conditions and for trends in yields, or, where accurate corn yield records are not available, the farm

yield will be determined by appraisal, taking into consideration abnormal weather conditions, the normal yield for the county and other similar farms, the yields in years for which data are available, and the normal yield established for the farm for 1941. Individual farm corn yields shall be weighted by the individual farm corn acreage allotments and shall be adjusted, except for farms for which yields are determined on the basis of actual records, so that the average of all farm yields in the county does not exceed the county normal corn yield.*

§ 721.413 *Miscellaneous provisions applicable to farm corn acreage allotments and yields*—(a) *Opportunity to furnish data.* Any person owning or operating a farm in a commercial corn-producing county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in determining the farm corn acreage allotment and yield.

(b) *Appeals.* Any person who is dissatisfied with the determination of the county committee with respect to the corn acreage allotment and/or yield for any farm in which he has an interest may, within 15 days after notice of such allotment is forwarded to or made available to him, appeal from such determination by following the procedure governing appeals under the 1942 Agricultural Conservation Program.

(c) *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and forms as may be required to carry out these regulations.*

§ 721.414 *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the content or subject matter otherwise requires, the following terms shall have the meaning ascribed:

(a) The term "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "commercial corn-producing area" means the area which will be determined under section 301 (b) (4) of the Act and established by § 721.401 (the proclamation of commercial corn-producing area for the year 1942 made by the Secretary of Agriculture).

(e) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(f) The term "acreage allotment of corn for 1942" means the acreage that will be included in the commercial corn-producing area determined under section 328 of the Act and established under § 721.402 (the proclamation of corn acreage allotment for the commercial corn-producing area issued by the Secretary of Agriculture).

(g) The term "county corn acreage allotment" for the calendar year 1942 means that acreage of corn which will be apportioned to the county under § 721.403 (the determination of county corn acreage allotments issued by the Secretary of Agriculture).

(h) The term "county normal corn yield" for the calendar year 1942 means that normal yield of corn which will be determined for the county under § 721.404 (the determination of county normal yields of corn for 1942 issued by the Secretary of Agriculture).

(i) The term "farm corn acreage allotment" means the acreage allotment established for a farm with respect to corn by apportioning the county acreage allotment of corn among all the corn-producing farms in the county.

(j) The term "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(k) The term "county committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(l) The term "local committee" means any committee, whether or not a county committee, utilized under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.*

Done at Washington, D. C., this 14th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7726; Filed, October 14, 1941; 11:26 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 1101—FOOD STAMP PLAN

COMPLIANCE

Section 1101.400 *Action against violators*[1] (Section 400, Article IV of the "Food Stamp Plan Regulations" made and prescribed by the Secretary of Agriculture on May 17, 1941, effective May 19, 1941, as amended) is hereby further amended to read as follows:

§ 1101.400 *Action against violators.* Any person who violates the regulations in this part may be denied the privilege of participating in the Food Stamp Plan and in the Cotton Stamp Plan. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may suspend payment on any claim or claims of an alleged violator, and may deny an alleged violator the privilege of participating in the Food Stamp Plan and in the Cotton Stamp Plan, pending a final determination. In any final determination, payment may be denied on any claim or claims supported by food stamps found to have been obtained in violation of the regulations in this part. In the event the Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, determines that any person has accepted food stamps in violation of the regulations and has made and presented for payment, or has caused to be made and presented for payment, claims supported by such stamps and that payment has erroneously been made thereon, a deduction may be made from any claim or claims supported by either food stamps or cotton stamps, or both, obtained in full compliance with the applicable regulations and presented for payment by or for and on behalf of such person, of an amount deemed to be sufficient to offset the amount erroneously paid. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may take such action as may be deemed necessary to make effective any deduction, order of denial or order of suspension.

Done at Washington, D. C., this 13th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

Effective date: October 14, 1941.

[F. R. Doc. 41-7724; Filed, October 14, 1941; 11:25 a. m.]

[1] 6 F.R. 2535, 4071.

PART 1121—COTTON STAMP PLAN REGULATIONS

COMPLIANCE

Section 1121.400 *Action against violators*[1] (Section 400, Article IV of the "Cotton Stamp Plan Regulations" made and prescribed by the Acting Secretary of Agriculture on May 3, 1941, effective May 3, 1941, as amended) is hereby further amended to read as follows:

§ 1121.400 *Action against violators.* Any person who violates the regulations in this part may be denied the privilege of participating in the Cotton Stamp Plan and in the Food Stamp Plan. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may suspend payment on any claim or claims of an alleged violator, and may deny an alleged violator the privilege of participating in the Cotton Stamp Plan and in the Food Stamp Plan pending a final determination. In any final determination, payment may be denied on any claim or claims supported by cotton stamps found to have been obtained in violation of the regulations in this part. In the event the Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, determines that any person has accepted cotton stamps in violation of the regulations and has made and presented for payment, or has caused to be made and presented for payment, claims supported by such stamps and that payment has erroneously been made thereon, a deduction may be made from any claim or claims supported by either cotton stamps or food stamps, or both, obtained in full compliance with the applicable regulations and presented for payment by or for and on behalf of such person, of an amount deemed to be sufficient to offset the amount erroneously paid. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may take such action as may be deemed necessary to make effective any deduction, order of denial or order of suspension.

Done at Washington, D. C., this 13th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

Effective date. October 14, 1941.

[F. R. Doc. 41-7725; Filed, October 14, 1941; 11:25 a. m.]

[1] 6 F.R. 2302, 4071.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO STATESBORO LIVESTOCK COMMISSION COMPANY STATESBORO, GEORGIA[1]

OCTOBER 14, 1941.

Whereas the Statesboro Livestock Commission Company was posted on March 16, 1939, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Statesboro Livestock Commission Company (Within the City Limits of Statesboro, Georgia) is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Statesboro Livestock Commission Company (Within the City Limits of Statesboro, Georgia) no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7728; Filed, October 14, 1941; 11:27 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3615]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CLAIROL, INC., ET AL.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.* Representing, in connection with offer, etc., in commerce, of respondents' "Clairol" cosmetic preparations, more specifically designated as "Instant Clairol" and "Progressive Clairol", or any other substantially similar preparations, (1) that said preparations are not hair dyes; (2) that they recondition the hair, or restore the natural or youthful color thereof; (3) that the effect produced upon the color of the hair by the use of said preparations is permanent; (4) that they supply nourishment to the hair; (5) that they are made or compounded in France; (6) that the number of treatments of said preparations used by the public is greater than is the fact; and (7) that said "Instant Clairol" is harmless or safe for use; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Clairol, Inc., et al., Docket 3615, October 8, 1941]

In the Matter of Clairol, Inc., a Corporation, and Joan Gelb, Leon A. Spilo, and Morris Gelb, Individuals.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Edward E. Reardon, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That said individual respondents, Joan Gelb, Leon A. Spilo and Morris Gelb, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their cosmetic preparations designated generally as "Clairol" and more specifically designated as "Instant Clairol" and "Progressive Clairol", or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from:

(1) Representing that said preparations are not hair dyes;

(2) Representing that said preparations recondition the hair, or restore the natural or youthful color of the hair;

(3) Representing that the effect produced upon the color of the hair by the use of said preparations is permanent;

(4) Representing that said preparations supply nourishment to the hair;

(5) Representing that said preparations are made or compounded in France;

(6) Representing that the number of treatments of said preparations used by the public is greater than is the fact;

(7) Representing that said preparation Instant Clairol is harmless or safe for use.

It is further ordered, That said individual respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The corporate respondent, Clairol, Inc., having been dissolved, *it is further ordered,* That this proceeding be, and it hereby is, dismissed as to said corporate respondent.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7730; Filed, October 14, 1941; 11:38 a. m.]

[1] 3 F.R. 2793.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50491]

NEW YORK WORLD'S FAIR 1940
GOLDEN GATE INTERNATIONAL EXPOSITION

REGULATIONS AMENDED TO CARRY INTO EFFECT THE PROVISIONS OF PUBLIC LAW 185 OF THE 77TH CONGRESS APPROVED JULY 18, 1941

OCTOBER 10, 1941.

Attention is invited to Public Law 185 of the 77th Congress further amending the Joint Resolutions of August 16, 1937 (50 Stat. 668), as amended, and May 18, 1937 (50 Stat. 187), as amended and supplemented, which reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution "To permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair 1939, New York City, New York, to be admitted without payment of tariff, and for other purposes", approved August 16, 1937 (50 Stat. 668), as amended, is hereby further amended by striking out the words "within six months" wherever appearing therein and inserting in lieu thereof the words "within eighteen months", and by adding a new section thereto reading as follows:

"SEC. 3. Notwithstanding any provision of the said joint resolution of August 16, 1937, as amended, or any regulation issued pursuant thereto, the New York World's Fair 1940, Incorporated, shall not be liable for the payment of any duties, charges, or exactions in respect of articles entered under the provisions of the said joint resolution if such articles have been or shall be entered under the general tariff law and the general customs regulations in force at the time of such entry. Nothing in this section shall affect the liability of the New York World's Fair 1940, Incorporated, to reimburse the United States for the actual and necessary customs charges for labor services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported, incurred prior to entry under the general tariff law."

SEC. 2. That the joint resolution "Providing for the importation of articles free from tariff or customs duty for the purposes of exhibition at the Golden Gate International Exposition to be held at San Francisco, in 1939, and for other purposes", approved May 18, 1937 (50 Stat. 187), as amended and supplemented, is hereby further amended by striking out the words "within six months" wherever appearing therein and inserting in lieu thereof the words "within eighteen months" and by adding a new section thereto to read as follows:

"SEC. 3. Notwithstanding any provision of the said joint resolution of May 18, 1937, as amended and supplemented, or any regulation issued pursuant thereto, the San Francisco Bay Exposition shall not be liable for the payment of any duties, charges, or exactions in respect of articles entered under the provisions of the said joint resolution if such articles have been or shall be entered under the general tariff law and the general customs regulations in force at the time of such entry. Nothing in this section shall affect the liability of the San Francisco Bay Exposition to reimburse the United States for the actual and necessary customs charges for labor services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported, incurred prior to entry under the general tariff law."

The regulations contained in (1938) T.Ds. 49447 and 49448, as amended by (1940) T.D.s 50115[1] and 50170, are hereby amended by striking out the words "six months" wherever appearing therein and inserting in lieu thereof the words "eighteen months."

Paragraphs 15 of the said regulations, as amended, are modified by sections numbered 3 of Public Law 185 of the 77th Congress to provide that the New York World's Fair 1940, Inc., and the San Francisco Bay Exposition shall not be held responsible to the Government for the payment of any duties, charges or exactions in respect of articles entered under the provisions of the joint resolutions referred to if such articles have been or shall be entered under the general tariff law and the general customs regulations in force at the time of such entry.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7731; Filed, October 14, 1941; 11:43 a. m.]

[1] 5 F.R. 1117.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS-PROFITS TAXES

[T.D. 5087]

PART 23—CONSOLIDATED RETURNS OF AFFILIATED RAILROAD CORPORATIONS AND PAN-AMERICAN TRADE CORPORATIONS

PART 33—CONSOLIDATED RETURNS OF AFFILIATED CORPORATIONS PRESCRIBED UNDER SECTION 730 (b) OF THE EXCESS-PROFITS TAX ACT OF 1940

Amending Regulations 104 and Regulations 110, Relating to the Necessity of Filing Consolidated Returns for Years Following the Year in Which the Election to File a Consolidated Return Has Been Exercised

Regulations 104

PARAGRAPH 1. Effective for taxable years beginning after December 31, 1940, § 23.11 (a)[1] of Regulations 104 is amended to read as follows:

§ 23.11 *Consolidated returns for subsequent years*—(a) *Consolidated returns required for subsequent years.* If a consolidated return is made under these regulations for any taxable year, a consolidated return must be made for each subsequent taxable year during which the affiliated group remains in existence unless (1) a corporation (other than a corporation created or organized, directly or indirectly, by a member of the group) has become a member of the group during such subsequent taxable year, or (2) Chapter 1 of the Code to the extent applicable to corporations, or these regulations which have been consented to, have been amended and any such amendment is of a character which makes less advantageous to affiliated groups as a class the continued filing of consolidated returns, or (3) the Commissioner, prior to the time of making the return, upon application made by the common parent corporation and for good cause shown, grants permission to change.

Regulations 110

PAR. 2. Effective for taxable years beginning after December 31, 1939, § 33.11 (a)[2] of Regulations 110 is amended to read as follows:

§ 33.11 *Consolidated returns for subsequent years*—(a) *Consolidated returns required for subsequent years.* If a consolidated return is made under these regulations for any taxable year, a consolidated return must be made for each subsequent taxable year during which the affiliated group remains in existence unless (1) a corporation (other than a corporation created or organized, directly or indirectly, by a member of the group) has become a member of the group during such subsequent taxable year, or (2) Chapter 1 of the Code to the extent applicable to corporations, or Subchapter E of Chapter 2 of the Code, or these regulations which have been consented to, have been amended and any such amendment is of a character which makes less advantageous to affiliated groups as a class the continued filing of consolidated returns, or (3) the Commissioner, prior to the time of making the return, upon application made by the common parent corporation and for good cause shown, grants permission to change.

(This Treasury decision is issued under the authority contained in section 141 (b) of the Internal Revenue Code (53 Stat. 58; 26 U.S.C., Sup. V, 141 (b)) and section 730 (b) of the Internal Rev-

[1] 5 F.R. 7.
[2] 6 F.R. 1463.

enue Code, added by the Excess Profits Tax Act of 1940 (54 Stat. 989).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 10, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7695; Filed, October 13, 1941; 12:40 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 602—MINIMUM WAGE RATE IN THE GRAY IRON JOBBING FOUNDRY INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 23 FOR A MINIMUM WAGE RATE IN THE GRAY IRON JOBBING FOUNDRY INDUSTRY

Sec.
602.1 Approval of recommendation of industry committee.
602.2 Wage rate.
602.3 Posting of notices.
602.4 Definition of the gray iron jobbing foundry industry.
602.5 Scope of the definition.
602.6 Effective date.

Effective NOVEMBER 3, 1941.

Whereas on March 4, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 88, appointed Industry Committee No. 23, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Gray Iron Jobbing Foundry Industry in accordance with Section 8 of the Act; and

Whereas on March 24, 1941, by Administrative Order No. 94, the Administrator accepted the resignation of Harry Stevenson as an employee representative and appointed Charles W. Wilkerson in his place; and

Whereas on March 31, 1941, by Administrative Order No. 96, the Administrator also accepted the resignation of Harold J. Ruttenberg as an employee representative and appointed Stanley H. Ruttenberg in his place; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Gray Iron Jobbing Foundry Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas on April 3, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Gray Iron Jobbing Foundry Industry; and

Whereas after notice published in the FEDERAL REGISTER on May 16, 1941, a public hearing upon the Committee's recommendation was held at Washington, D. C. on June 4, 1941, before Henry T. Hunt, Esquire, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, at which hearing all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave to file briefs on or before June 19, 1941; and

Whereas leave was given at the hearing on June 4, 1941, for all persons who appeared at the hearing to request an opportunity for oral argument before the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Gray Iron Jobbing Foundry Industry, as defined by Administrative Order No. 88, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 23 for a Minimum Wage Rate in the Gray Iron Jobbing Foundry Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 602.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.*

*§§ 602.1 to 602.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 602.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Gray Iron Jobbing Foundry Industry who is engaged in commerce or in the production of goods for commerce.*

§ 602.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Gray Iron Jobbing Foundry Industry shall post and keep posted in a conspicuous place in each department of his establishment or foundry where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 602.4 *Definition of the gray iron jobbing foundry industry.* The Gray Iron Jobbing Foundry Industry, to which this Wage Order shall apply, is defined as follows:

The manufacture of ferrous or ferrous base castings, rough and finished, except malleable iron castings, steel castings, pipe and pipe fittings, for sale by the producer but not the manufacture of the same for use by the producer in the fabrication of other products or parts thereof.*

§ 602.5 *Scope of the definition.* The definition of the Gray Iron Jobbing Foundry Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with the applicable regulations of the Wage and Hour Division.*

§ 602.6 *Effective date.* This Wage Order shall become effective November 3, 1941.*

Signed at Washington, D. C., this 13th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7734; Filed, October 14, 1941; 11:48 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-32 and A-33]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF THE GUYAN EAGLE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 18-21, INCLUSIVE, AND IN THE MATTER OF THE PETITION OF BUFFALO CHILTON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 1-4, INCLUSIVE, AND 18-21, INCLUSIVE

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been filed with the Division by Guyan Eagle Coal Company, a code member in District 8, seeking reductions in the effective minimum price classification of the coals of its Guyan No. 1 Mine (Mine Index No. 226) and Guyan No. 3 Mine (Mine Index No. 227), from "F" to "H" in Size Groups 18 to 21, and a similar petition having been filed by the Buffalo Chilton Coal Company, also a code member in District 8, seeking a reduction in the classification of coals of its Buffalo No. 1 Mine (Mine Index No. 76), from "Q" to "R" in Size Groups 1 to 4, and from "E" to "G" in Size Groups 18 to 21;

Boone County Coal Corporation, Gay Coal and Coke Company, Monitor Coal and Coke Company, and Georges Creek Coal Company having intervened, requesting the extension to them of any relief granted to the original petitioners, and others having intervened without requesting affirmative relief;

A hearing having been held before W. A. Cuff, an Examiner of the Division, on October 25, 1940, and, following amendment of the original petitions and consolidation of the dockets, a final hearing having been held before Floyd McGown, vice Examiner Cuff, on January 29, 1941, both hearings having been held in a hearing room of the Division in Washington, D. C.

The Director by Order of May 9, 1941, 6 F.R. 2399, having granted temporary relief by reducing the effective minimum price classifications for Guyan No. 1 and No. 3 Mines in Size Groups 18 to 21 from "F" to "G," and for Buffalo No. 1 Mine in Size Groups 18 to 21 from "E" to "F," and having denied other temporary relief;

Examiner McGowan having made and entered his Report, Proposed Findings of Fact and Conclusions of Law in this matter, dated August 27, 1941, recommending that the relief temporarily granted by the Director's Order be made permanent;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined that the said Proposed Findings of Fact and Conclusions of Law should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner filed herein, dated August 27, 1941, be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

It is further ordered, That from and after the date hereof § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck, High Volatile Section, be and it hereby is amended as follows:

1. The effective minimum price classifications for coals of Guyan Eagle Coal Company's Guyan No. 1 Mine (Mine Index No. 226), and Guyan No. 3 Mine (Mine Index No. 227), in Size Groups 18 to 21, are reduced from "F" to "G" for shipment to all market areas; and

2. The effective minimum price classifications for coals of Buffalo Chilton Coal Company's Buffalo No. 1 Mine (Mine Index No. 76), in Size Groups 18 to 21, are reduced from "E" to "F" for shipment to all market areas.

It is further ordered, That the prayers of the original petitioners are granted to the extent above set forth, and in all other respects are denied, and that the prayers of the interveners hereby are denied.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7721; Filed, October 14, 1941; 10:31 a. m.]

[Docket No. A-861, Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE WEST VIRGINIA COAL & COKE CORPORATION, MICCO NO. 3 MINE, MINE INDEX NO. 328

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 8, requesting establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 8, including the Micco No. 3 Mine of the West Virginia Coal & Coke Corporation, Mine Index No. 328;

An Order having been issued by the Director on May 27, 1941, 6 F.R. 2827, granting temporary relief and conditionally providing for final relief herein;

The West Virginia Coal & Coke Corporation having filed with the Division on July 3, 1941, a petition requesting revision of the price classification and minimum prices provided by the aforesaid Order for the coals produced at its Micco No. 3 Mine, Mine Index No. 328;

An Order having been issued by the Director on July 25, 1941, 6 F.R. 3749, severing that portion of Docket No. A-861 relating to the aforesaid Micco No. 3 Mine, Mine Index No. 328, and designating it as Docket No. A-861, Part II, and ordering continuance of the temporary relief and termination of the conditionally final relief theretofore granted, but only as to the aforesaid Micco No. 3 Mine, Mine Index No. 328;

A hearing having been held in this matter, pursuant to an Order of the Director and after notice to all interested persons, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner and the record thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now therefore it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck be and hereby is amended as follows: Commencing forthwith the classification for the coals of the Micco No. 3 Mine of the West Virginia Coal & Coke Corporation, Mine Index No. 328, in Subdistrict No. 5, shall be "C" for Size Groups 24, 25, and 26, and "B" for Size Group 27, both for shipments to destinations other than Great Lakes and for Great Lakes Cargo only, and shall take the corresponding minimum prices.

It is further ordered, That in all other respects the petition herein be and the same is hereby denied.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7722; Filed, October 14, 1941; 10:32 a. m.]

[Docket No. A-825]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD NO. 10 FOR ESTABLISHMENT OF A NEW PRICE EXCEPTION NO. 8 TO THE EFFECTIVE PRICE SCHEDULE OF DISTRICT NO. 10 FOR RESULTANT SLUDGE COALS PRODUCED BY MINE INDEX NOS. 9, 62, 91, 141 AND 151

An original petition pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division by District Board 10, requesting the establishment of a price exception permitting certain code members located in Southern Illinois to sell resultant sludge coal at the minimum prices now established for their coals in Size Group 16 for rail shipments;

A petition for leave to intervene having been filed by District Board 11;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on June 13, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner, Floyd McGown, having made and filed his Report, Proposed

Findings of Fact and Conclusions of Law in this matter, dated September 4, 1941;

An opportunity having been afforded all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner be and they thereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That § 330.8 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be and it hereby is amended to include the following price exception:

At Mine Index Nos. 9, 62, 91, 141 and 151, the resultant coal which passes through dewatering screens with openings not larger than one millimeter or the equivalent thereof after the production of Size Group Nos. 23, 24 and 25, may be applied by agreement with the purchaser on orders for dust (Size Group No. 16): *Provided, however*, That any code member operating Mine Index Nos. 9, 62, 91, 141 and 151 selling coal under this price exception shall file with the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C. within five (5) days after such sale, a complete description of such sale as is required by the Marketing Rules and Regulations of the Division, Order No. 313, and any other order of the Division. The filing required herein shall be in addition to that required for filing with the field office.

It is further ordered, That jurisdiction be and it hereby is reserved by the Director subsequently to modify or revoke the price exception herein established.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7723; Filed, October 14, 1941; 10:32 a. m.]

[Docket No. A-985]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER CLARIFYING AND ACCORDINGLY REVISING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SYCAMORE MINE, MINE INDEX NO. 1294, OF THE MAUMEE COLLIERIES COMPANY, IN DISTRICT NO. 11

An Order granting temporary relief and conditionally providing for final relief having been issued in the above-entitled matter by the Director on August 16, 1941, 6 F.R. 4365, and

It appearing that the aforesaid Order may possibly be subject to an interpretation not intended by the Director; and

It appearing to the Director that the Order should accordingly be clarified;

Now, therefore, it is ordered, That the Order of the Director granting temporary relief and conditionally providing for final relief in the above-entitled matter dated August 16, 1941, is amended by the revision of Supplement R-II annexed to and made a part of said Order to read as follows:

DISTRICT NO. 11

§ 331.5 *Alphabetical list of code members*—Supplement R-I

FOR ALL SHIPMENTS EXCEPT TRUCK

Mine index No.	Name of code member	Mine	Seam	Subdist.	Freight origin group No.	Price group
1294	Maumee Collieries Co., The Sycamore	26	VI	LS	68	7

Mine Index No. 1294 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11, for All Shipments Except Truck.

§ 331.9 *Adjustments in f. o. b. mine prices* — Supplement R-II — *Deductions for freight rate differences for mine index No. 1294.*[1]

a.[1] On shipments originating on the C. M. St. P. & P. Railroad—the same absorptions as have been established for mines included in Freight Origin Group No. 61.

b.[1] On shipments originating on the Pennsylvania Railroad—the same absorptions as have been established for mines included in Freight Origin Group No. 63.

c.[1] On shipments to Market Areas 32, 33 and 34—the same absorptions as have been established for Mine Index Nos. 48, 49, 51 and 78.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R-III—*Prices for railroad locomotive fuel.*

a. On shipments to the C. M. St. P. & P. Railroad—the same prices as established for Mine Index Nos. 51 and 78.

b. On shipments to all railroads other than the C. M. St. P. & P. Railroad—the same prices as established for Mine Index Nos. 48, 49, 51 and 78.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7720; Filed, October 14, 1941; 10:31 a. m.]

[1] In no case shall the permissible deduction to any destination exceed the deduction applicable via the lowest rated route.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 947—PIG IRON

Amendment to General Preference Order M-17

Paragraph (d) (2) of § 947.1 (*General preference order M-17*[1]) is hereby amended to read as follows:

§ 947.1 *General preference order M-17.*

* * * * *

(d) *Withheld deliveries.*

* * * * *

(2) On or before the twenty-fifth day of each calendar month, the Director of Priorities, through the Chief of the Iron and Steel Branch, will direct each producer to make deliveries in the subsequent month of pig iron withheld pursuant to paragraph (d) (1) hereof or an equivalent of such pig iron. If any producer does not receive such direction as to any part of such pig iron on or before said date, he may dispose of the same in accordance with other directions of this Order.

Paragraph (e) of § 947.1 (*General preference order M-17*) is hereby amended to read as follows:

(e) *Customers' reports and producers' delivery schedules.* (1) On or before the twelfth day of each calendar month each pig iron customer shall file with the Iron and Steel Branch of the Office of Production Management a report showing supplies, consumption and requirements of pig iron and such other information as may be from time to time prescribed.

(2) On or before the twelfth day of each calendar month each producer shall file with the Iron and Steel Branch of the Office of Production Management a schedule of his proposed shipments of pig iron during the next succeeding calendar month, excluding from such schedule of shipments the pig iron withheld under the provisions of paragraph (d) above. Except as may be specifically authorized by the Director of Priorities, no shipment of pig iron shall be made by a producer unless and until such shipments shall have been scheduled and reported as required by the provisions of this paragraph, and such schedules shall have been approved by the Director of Priorities. Subject to the provisions of paragraph (b) above, pig iron which has been so scheduled by a producer for use in the manufacture of steel may be used for that purpose unless specifically disapproved by the Director of Priorities.

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No.

[1] 6 F.R. 3920.

89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7698; Filed, October 14, 1941; 9:36 a. m.)

PART 962—STEEL

Amendment to Supplementary Order M-21-b

Paragraph (b) (1) of § 962.3 (*Supplementary order M-21-b*[1]) is hereby amended to read as follows:

§ 962.3 *Supplementary order M-21-b.*

* * * * *

(b) *Limitation of deliveries to warehouses.* (1) After October 31, 1941, no Warehouse shall accept from a Producer any delivery of steel on consignment or otherwise until a quota has been established for such Warehouse, pursuant to paragraph (c), and no such delivery shall be made or accepted except within the limits of such quota.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 14th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7699; Filed, October 14, 1941; 9:36 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), and a Proclamation issued June 27, 1940 (5 F.R. 2419), the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

§ 7.10 (c) is amended by adding the following subparagraphs:

§ 7.10 *Anchorage regulations for certain ports of the United States.*

* * * * *

(c) * * *

(17) *San Pablo Bay, California; Hamilton Field Air Base.* The bombing area danger zone heretofore established in San Pablo Bay, California, adjacent to Hamilton Field Air Base (5 F.R. 3892) is hereby enlarged to include the firing range at Hamilton Field, the danger zone being redefined as follows:

The area in San Pablo Bay, California, bounded as follows: Beginning at a point on the western shore of the Bay 180 feet south of the south side of the Hamilton Field Boat House, thence south 54° east (true) 6,950 yards, thence true north 7,380 yards, thence true west 4,200 yards to the shore line, thence southerly along the shore line to the point of beginning.

No vessel or other craft, except vessels of the United States, or vessels duly authorized by the captain of the port or the Commanding Officer, Hamilton Field, California, shall navigate, anchor, or moor within the above area. The provisions of this subparagraph shall be enforced by the captain of the port and the Commanding Officer, Hamilton Field, California.

(18) The following areas are designated as special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

Weymouth Fore River Boston Harbor, Massachusetts. Southwesterly of a line having a bearing of 119° true from the outer end of the wharf at Nut Island; northwesterly of a line having a bearing of 199° 30' true from Pig Rock Light to the eastern end of Raccoon Island; northerly of Raccoon Island and a line from its western extremity having a bearing of 245° true from Beacon 2A; and easterly of the shore of Houghs Neck.

Mystic River, Boston Harbor, Massachusetts. Anchorage A: West side of Chelsea Bridge North. Northerly of the northerly fender pier of Chelsea Bridge north and a line joining the westerly end of the shoreward face of fender pier with the southeasterly corner of the wharf projecting from the Naval Hospital grounds; easterly of the aforesaid wharf; southerly of the shore of the Naval Hospital grounds; and westerly of Chelsea Bridge North. Anchorage B: East side of Chelsea Bridge North. Northerly of the northerly fender pier of Chelsea Bridge north; easterly of Chelsea Bridge north; southerly of the shore line; and westerly of a line having a bearing of 7° true from the easterly end of the aforesaid fender pier.

Dorchester Bay, Boston Harbor, Massachusetts. Eastward of a line bearing 21° true from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° true from the southerly channel pier of highway bridge; westward of the highway bridge and the shoreline; and northward of the shore line to its intersection with a line bearing 21° true from the aforesaid stack.

Quincy Bay, Boston, Massachusetts. South of a line starting from a point bearing 246° true, 3,510 yards, from stack of pumping station on Nut Island, and extending thence 306° true to the shore; west of a line bearing 190° true, extending from the aforesaid point to the shore; north of the shore line to its intersection with the eastern boundary; and east of the shore line to its intersection with the northern boundary.

Silver Beach Harbor, North Falmouth, Massachusetts. All the waters of Silver Beach Harbor northward of the inner end of the entrance channel shall comprise a special anchorage area wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights.

Lynn Harbor, Masachusetts. North of a line bearing 244° true from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing 358° true, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88° true, extending thence to the shore; and south and west of the shore line to its intersection with the south boundary.

Yonkers, New York. Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station, eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood power house of the Yonkers Electric Light and Power Company, and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club. (See U.S.C. & G.S. Chart No. 748)

Hastings-on-Hudson, New York. Northward of a line on range with the northerly face of the clubhouse of the Tower Ridge Yacht Club, eastward of a line on range with the elevated tank of the Anaconda Wire and Cable Company and the channelward face of the northerly building on the water front of the said Company's property, and southward of a line on range with the first footbridge across the New York Central Railroad Company tracks, north of the Tower Ridge Yacht Club. (See U.S.C. & G.S. Chart No. 748)

(19) Claremont Terminal, Jersey City, New Jersey, is designated an explosive loading terminal at which explosives may be loaded or discharged directly between vessels and the shore or between vessels. The regulations for the Port of New York (33 CFR 202.25) affirmed and adopted as a part of these regulations are amended accordingly.

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[1] 6 F.R. 4587.

The following new section is inserted:

§ 7.22 *New London Harbor, Connecticut—Anchorage A.* Located in the Thames River east of Shaws Cove and is included within the following points:

(A) 1,400 yards 243° true from Monument, Groton;
(B) 925 yards 246° true from Monument, Groton;
(C) 1,380 yards 217° true from Monument, Groton;
(D) 1,450 yards 235° true from Monument, Groton.

This anchorage is for barges and small vessels drawing less than 12 feet.

Anchorage B. Located in the Thames River southward of New London and is included within the following points:

(A) 2,460 yards 2° true from New London Harbor Light;
(B) 2,480 yards 9° true from New London Harbor Light;
(C) 1,175 yards 26° true from New London Harbor Light;
(D) 1,075 yards 8° true from New London Harbor Light.

Anchorage C. Located in the Thames River southward of New London Harbor and is included within the following points:

(A) 450 yards 100° true from New London Harbor Light;
(B) 575 yards 270° true from New London Ledge Light;
(C) 1,450 yards 270° true from New London Ledge Light.

Anchorage D. Located in Long Island Sound approximately two miles west southwest of New London Ledge Light and is included within the following points:

(A) 2.6 miles 246° true from New London Ledge Light;
(B) 2.1 miles 247° true from New London Ledge Light;
(C) 2.1 miles 233° true from New London Ledge Light;
(D) 2.6 miles 235° true from New London Ledge Light.

The regulations for San Juan Harbor, Puerto Rico, are amended by adding a new paragraph as follows:

§ 7.55 *San Juan, Puerto Rico.*

* * * * *

(b) (1) That portion of San Juan Bay located to the east and south of a line extending from Isla Grande Light to Buoy No. 16, thence to Buoy No. 14, thence due south to a line running due west from Catano Point is designated a restricted seaplane operating area. Except as noted in subparagraph 2 of this paragraph, no vessel shall operate or anchor within this area excepting those attendant upon seaplane operations.

(2) Limited portions of the area are exempted as described below:

(i) Areas in Catano and Pueblo Viejo Bays located west of a north and south line passing through Catano Point. These areas may be utilized for the anchorage of small craft.

(ii) The channel and turning basin to the Graving Dock and the channel connecting the Graving Dock turning basin with the Martin Pena Channel. These areas may be utilized for the passage of vessels to and from the Graving Dock and the Martin Pena Channel.

(iii) The channel from the U. S. Army Terminal in Pueblo Viejo Bay connecting with the Graving Dock Channel at a point near Buoy No. 16. This area may be utilized for the passage of vessels to and from the U. S. Army Terminal.

(3) In the event of an emergency, the movement of vessels in the areas exempted from the restrictions outlined above may be prohibited during such periods when their presence would endanger aircraft using the restricted areas.

The following new section is inserted:

§ 7.91 *Waters of the Tennessee Valley Authority.* Restricted areas are hereby established not exceeding twenty-five hundred (2,500) feet above and below each of the river structures of the Tennessee Valley Authority and of the War Department hereinafter listed. Such areas, including approaches through the locks at such of the structures enumerated where locks exist, shall be defined by the captain of the port by means of buoys, signs or other appropriate markings placed or posted in conspicuous and appropriate places.

No vessel, boat, raft, or craft of any kind shall enter or remain in any restricted area established by this section, except when proceeding directly to a lock for passage therethrough and then only by way of the designated and buoy-marked channels of ingress and egress.

The river structures of the Tennessee Valley Authority and of the War Department which are included by this regulation are as follows:

Pickwick Landing Dam, Tennessee River, Tennessee.
Wilson Dam, Tennessee River, Alabama.
General Joe Wheeler Dam, Tennessee River, Alabama.
Guntersville Dam, Tennessee River, Alabama.
Hales Bar Dam, Tennessee River, Tennessee.
Chickamauga Dam, Tennessee River, Tennessee.
Watts Bar Dam, Tennessee River, Tennessee.
Norris Dam, Clinch River, Tennessee.
Cherokee Dam, Holston River, Tennessee.
Hiwassee Dam, Hiwassee River, North Carolina.
Ocoee No. 1 Dam, Ocoee River, Tennessee.
Ocoee No. 2 Dam, Ocoee River, Tennessee.
Blue Ridge Dam, Toccoa River, Georgia.
Great Falls Dam, Caney Fork River, Tennessee.
Great Falls Intake Dam, Collins, Tennessee.

Primary responsibility for the enforcement of this regulation shall rest upon the captain of the port, but officers and employees of the Tennessee Valley Authority stationed at the various river structures are authorized to assist the captain of the port under such mutual arrangements as may be made between officers in charge of each river structure and the captain of the port.

§ 7.95 (a) (paragraph 1 of the General Provisions, 5 F.R. 4410) is amended to read as follows:

§ 7.95 *General provisions.* (a) Whenever the term "captain of the port" is used in these Rules and Regulations, it shall also be construed to include such enforcement officer, other than the captain of the port, as may be designated by the Secretary of the Treasury pursuant to section 2 of the Regulations issued by the Secretary and approved by the President on June 27, 1940.

The captain of the port is the officer of the Coast Guard designated as such by the Commandant of the Coast Guard for certain ports and territorial waters of the United States. In the administration and enforcement of these Rules and Regulations, the captain of the port shall be subject to the supervision of the Secretary of the Treasury, acting through the Commandant of the Coast Guard.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved:

FRANKLIN D ROOSEVELT
The White House.

OCTOBER 9, 1941.

[F. R. Doc. 41-7732; Filed, October 14, 1941; 11:43 a. m.]

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following rules and regulations are prescribed to govern the use, administration, and navigation of the waters of the Gulf of Mexico between Southwest Pass and Caminada Pass, comprising an aerial gunnery range, New Orleans Air Base.

§ 204.91a *Waters of the Gulf of Mexico between Southwest Pass and Caminada Pass; Aerial Gunnery Range, New Orleans Air Base.*

THE DANGER ZONE

(a) That area in the Gulf of Mexico lying south of Bastian Bay and north of the course from Southwest Pass Whistling Buoy and Ship Shoal Whistling Buoy, and between Southwest Pass and Caminada Pass, bounded as follows:

	Longitude (west)	*Latitude (north)*
Northeast corner	89°29'45"	29°08'15"
Northwest corner	89°58'00"	29°11'00"
Southeast corner	89°32'00"	28°53'30"
Southwest corner	90°03'00"	28°48'00"

The corners of the area will be marked as soon as practicable by the United States Coast Guard.

THE RULES AND REGULATIONS

(b) (1) Firing over the area will consist of attack by airplanes using 30 to 50-caliber guns on towed targets at altitudes of 5,000 to 30,000 feet. Firing over the area will take place during both day-

[1] § 204.91a is added.

light and night time hours at irregular periods throughout the year.

(2) When firing is in progress, the area will be closed to all vessels and no vessel shall enter, pass through, or lie in the area without written permission of the Base Operations Officer, New Orleans Air Base, or his duly authorized representative.

(3) Prior to the commencement of each period of firing, the area will be carefully patrolled by vessels and airplanes to insure that no vessels are within the area. All vessels seen approaching dangerously close to the area or attempting to enter the area or which are lying in or passing through the area shall be warned by means of signals that firing is about to begin. The patrolling air craft will employ the warning known as "buzzing." Buzzing consists of low flight by the airplane and repeated opening and closing of the throttle of the engine on the plane. The patrol vessels will display a red flag during the day time. At night these vessels will display a flashing red light where it can readily be seen from all directions. At night patrol planes will display a flashing red light on the left wing, synchronized so as to approximately coincide with the opening and closing of the throttle of the engine.

(4) The Air Base at New Orleans, Louisiana, will broadcast by radio or broadcast will be by plane at intervals during the days or nights on which firing is in progress to inform fishermen and other vessels of the aerial gunnery and other activities in the area (danger zone).

(5) The United States Coast Guard, Custom House, New Orleans, Louisiana, will be fully informed at all times concerning activities and contemplated activities in the area, so that they may communicate such information to other United States Coast Guard Stations, navigation interests and fishermen, and to the United States Hydrographic offices at New Orleans which will broadcast it for the benefit of vessels offshore at 10:40 a. m. and 10:40 p. m. of each day when firing is contemplated or is in progress.

(6) The District Engineer, U. S. Engineer Office, New Orleans District, Foot of Prytania Street, New Orleans, Louisiana, shall also be kept informed at all times concerning activities and contemplated activities in the area.

(7) When firing is in progress, visual signals consisting of a red flag by day and a quick flashing red light at night will be displayed at Oyster Bayou Light Station, Point au fer Light Station, Barataria Bay Light Station, and Southwest Pass East Jetty Fog Signal Station.

(8) Use of the area shall be with due regard to the needs of vessels and fishermen and the Base Operations Officer, New Orleans Air Base, shall, when practicable, establish a definite schedule of operations. As soon as such definite schedule has been established, he will advise the District Engineer, U. S. Engineer Office, New Orleans District, New Orleans, Louisiana, and the U. S. Coast Guard and navigation interests, and others known to be interested, accordingly. He will also notify these parties of the suspension of activities over the area for an extended period, or of discontinuance of the use of the area.

(9) The fact that aerial gunnery or other activities are to take place over the area designated shall be advertised to the public through the usual media for dissemination of information.

(10) Inasmuch as the activities are likely to be engaged in throughout the year without regard to season, such advertising shall be repeated at frequent intervals which shall not exceed three months and which shall be more frequent when in the opinion of the Base Operations Officer, New Orleans Air Base, responsible for use of the range, such repetition is necessary in the public interest.

(11) The rules and regulations in this section will be enforced by the U. S. Coast Guard and the Base Operations Officer, New Orleans Air Base. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Sept. 5, 1941 (E.D. 7195 (Mexico, Gulf of)—18/6)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7708; Filed, October 14, 1941; 10:23 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission, on October 11, 1941, effective immediately, amended § 3.34 as follows:[1]

§ 3.34 *Normal license period.* All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time, and will be issued for a normal license period of two years, expiring as follows:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kilocycles, February 1, even years.

(b) For stations operating on the frequencies 990, 1,000, 1,010, 1,020, 1,030, 1,040, 1,050, 1,060, 1,070, 1,080, 1,090, 1,100, 1,110, 1,120, 1,130, 1,140, 1,160, 1,170, 1,180, 1,190, 1,200, 1,210, 1,220, 1,500, 1,510, 1,520, 1,530, 1,540, 1,550, 1,560, 1,570, 1,580 kilocycles, April 1, even years.

(c) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790 kilocycles, June 1, even years.

(d) For stations operating on the frequencies 910, 920, 930, 950, 960, 970, 980, 1,150, 1,250 kilocycles, August 1, even years.

(e) For stations operating on the frequencies 1,260, 1,270, 1,280, 1,290, 1,300, 1,310, 1,320, 1,330, 1,350, 1,360 kilocycles, October 1, even years.

(f) For stations operating on the frequencies 1,370, 1,380, 1,390, 1,410, 1,420, 1,430, 1,440, 1,460, 1,470, 1,480, 1,590, 1,600 kilocycles December 1, even years.

(g) For stations operating on the frequency 1,230 kilocycles, February 1, odd years.

(h) For stations operating on the frequency 1,240 kilocycles, April 1, odd years.

(i) For stations operating on the frequency 1,340 kilocycles, June 1, odd years.

(j) For stations operating on the frequency 1,400 kilocycles, August 1, off years.

(k) For stations operating on the frequency 1,450 kilocycles, October 1, odd years.

(l) For stations operating on the frequency 1,490 kilocycles, December 1, odd years. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7736; Filed, October 14, 1941; 11:53 a. m.]

[Docket No. 5060]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of October 1941.

The Commission having under consideration the petition of the Mutual Broadcasting System, filed August 14, 1941, requesting that the Commission amend its order entered in Docket No. 5060 promulgating regulations applicable to radio stations engaged in chain broadcasting by modifying the regulations dealing with option time and the duration of affiliation contracts, having heard oral argument on said petition and having reconsidered its report and order in Docket No. 5060.[1]

It is ordered, That the Commission's order of May 2, 1941, entered in Docket No. 5060, be, and same is hereby, amended in the following particulars:

§ 3.102. *Territorial exclusivity.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's pro-

[1] Licenses will be renewed according to the schedules set out in these rules upon the expiration of existing licenses. 4 F.R. 2717; 5 F.R. 424.

[1] 6 F.R. 2282; 6 F.R. 2992.

grams not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.103 *Term of affiliation.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years: *Provided*, That a contract, arrangement, or understanding for a period up to two years, may be entered into within 120 days prior to the commencement of such period.

§ 3.104 *Option time.* No license shall be granted to a standard broadcast station which options [1] for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours [2] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[3] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

The last paragraph of said order is hereby amended to read as follows:

It is further ordered, That these regulations shall become effective immediately: *Provided*, That with respect to existing contracts, arrangements or understandings, or network organization station licenses, the effective date shall be deferred until November 15, 1941: *Provided further*, That the effective date of § 3.106 with respect to any station may be extended from time to time in order to permit the orderly disposition of properties: *And provided further*, That the effective date of § 3.107 shall be suspended indefinitely and any further order of the Commission placing said § 3.107 in effect shall provide for not less than six months' notice and for further extension of the effective date from time to time in order to permit the orderly disposition of properties. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7735; Filed, October 14, 1941; 11:53 a. m.]

[1] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[2] All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[3] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission, on October 11, 1941, effective immediately, amended § 4.3 to read as follows: [1]

§ 4.3 *License period: renewal.* (a) Licenses for the following classes of broadcast stations normally will be issued for a period of one year expiring as follows:

Class of station	*Date of expiration*
ST broadcast station	Apr. 1
International broadcast station	Nov. 1
Television broadcast station	Feb. 1
Facsimile broadcast station	Mar. 1
High frequency broadcast station	Apr. 1
Noncommercial educational broadcast station	May 1
Development broadcast station	May 1

(b) Licenses for the following class of broadcast station normally will be issued for a period of two years expiring as follows:

Class of station	*Date of expiration*
Relay broadcast station:	
(a) 1,622 to 2,830 kc.	Oct. 1 (even years)
(b) 30,000 to 40,000 kc. and above	Dec. 1 (odd years)

(c) Each licensee shall submit the application for renewal of license at least 60 days prior to the expiration date (§ 1.360).

(d) A supplemental report shall be submitted with each application for renewal of license of a station licensed experimentally [2] in accordance with the regulations governing each class of station (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7737; Filed, October 14, 1941; 11:53 a. m.]

[1] Licenses will be renewed according to the schedule set out in these rules upon the expiration of existing licenses.

[2] The phrases "station licensed experimentally" and "experimental station" are used interchangeably and refer to stations listed in § 4.3 when so specified in the instrument of authorization.

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-167]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA

Contract[1] for: • • • Airplanes, and Parts.

Estimated cost: $22,333,680.00.

Fixed-fee: $1,340,020.80.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same: AC 299 P 114-30 A 0021-13.

This contract, entered into this Twenty-Sixth day of August 1941.

ARTICLE 1. *Statement of work.* The Contractor shall manufacture, furnish and deliver to the Government the following articles:

• • • Airplanes.
Certain spare parts for the airplanes.

ART. 2. *Estimated costs.*

Quantity	*Estimated cost*
• • • Airplanes	$18,611,400.00
Spare parts	3,722,280.00
Total estimated cost	22,333,680.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursements for cost, as outlined in Article Six (6) hereof, the cost, plus a fixed fee of One million three hundred Forty Thousand twenty dollars and eighty cents ($1,340,020.80).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers. Generally, reimbursement will be made weekly, but may be made at more frequent intervals if the conditions so warrant.

(b) *Payment of the fixed fee.* Ninety percentum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advances.* The Government, as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty percentum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursements for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the
Director of Purchases and Contracts.

[F. R. Doc. 41-7707; Filed, October 14, 1941; 10:22 a. m.]

[1] Approved by the Under Secretary of War September 6, 1941.

[Contract No. W 398 qm-10788; O. I. No. 619]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: INTERNATIONAL HARVESTER COMPANY, CHICAGO, ILLINOIS

Contract for: Trucks, • • •

Amount: $1,063,340.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 13th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver • • • Trucks • • • for the consideration stated $1,063,340.00 in strict accordance with the specifications, schedules and drawings all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed • • • %. This increase option to remain in effect until • • •.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days $• • • each unit.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority:

QM 1801 P 37-30 A 0525.003-2
QM 15915 P 37-30 A 0525.003-12

the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1a, Act of July 2 1940 (Public No. 703).

FRANK W. BULLOCK,
Lieut. Col. Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7709; Filed, October 14, 1941; 10:24 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-40]

IN THE MATTER OF A. D. SPICER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 18, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 12, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for inter-

vention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Sewell, Kentucky, during the period from April 25, 1941 to June 13, 1941, both dates inclusive, offered to sell, sold and delivered to M. Pace of Mt. Sterling, Kentucky, approximately 19.79 net tons of ½" x 1" nut coal, Size Group No. 5, produced by defendant at his Spicers Mine, Mine Index No. 1314, located in Breathitt County, Kentucky, in District No. 8, at 75 cents per net ton, f. o. b. the mine, whereas the effective minimum price f. o. b. the mine for said coal at the time of said transaction was $1.90 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7710; Filed, October 14, 1941; 10:26 a. m.]

[Docket No. B-17]

IN THE MATTER OF MINTON WILBURN, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 5, 1941, by Bituminous Coal Producers' Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 8, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Minton Wilburn, Habersham, Tennessee, offered to sell and did sell coal produced by the defendant at his Wilburn Mine, Mine Index No. 1993, located in District No. 8, as follows: (a) On or about March 17, 1941, to Herman Matthews, approximately 6.56 tons of 2" nut and slack coal at 92 cents per net ton f. o. b. said mine, and (b) during the period from January 1, 1941 to March 22, 1941, both dates inclusive, to John Parker, approximately 20 tons of 2" nut and slack coal at $1.00 per net ton f. o. b. said mine, whereas all of said coal is classified as Size Group 7 and priced at $1.70 per net ton f. o. b. said mine as shown in the Schedule of Effective Minimum Prices, for Truck Shipments, for District No. 8, which transactions constituted offers for sale and sales of coal below the minimum established therefor by the Division and violations of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7711; Filed, October 14, 1941; 10:26 a. m.]

[Docket No. B-16]

IN THE MATTER OF CLARENCE YOUNG AND E. L. YOUNG, PARTNERS DOING BUSINESS AS Y. AND Y. COAL CO., DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 3, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 8 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 10, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an ap-

propriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendants, whose post office address is Bondtown, Virginia, on March 26, 1941, sold to John R. Horton approximately 5.95 net tons of nut and slack coal, high volatile, Size Group 7, produced by said defendants at their Y. and Y. Coal Co. Mine (Mine Index No. 2375), at $1.30 per net ton f. o. b. said mine, whereas this coal has an applicable minimum price of $1.55 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7712; Filed, October 14, 1941; 10:27 a. m.]

[Docket No. B-26]

IN THE MATTER OF J. M. MCDONALD, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, whose address is La Ventana, Cuba, New Mexico, sold, for shipment via truck, during the month of January, 1941, to various purchasers, including Joe Black, John Chaves, and one Emersin, large quantities of 1½" lump coal produced at said defendant's McDonald Mine (Mine Index No. 136), at the price of $3.00 per net ton f. o. b. the mine, whereas the effective minimum price therefor, f.o.b. said mine, was $3.65 per net ton.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F.R. Doc. 41-7713; Filed, October 14, 1941; 10:27 a. m.]

[Docket No. B-51]

IN THE MATTER OF EASTERN COAL & COKE COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2615, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine—

(a) Whether or not the Eastern Coal & Coke Company, Registered Distributor, Registration No. 2615, whose address is Philadelphia, Pennsylvania, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and the Distributor's Agreement (the "Agreement") dated May 25, 1939, executed by respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that;

2. Respondent acting as sales agent for the Beccaria Coal Mining Co., a code member, operating the Leland No. 8 Mine, Mine Index No. 273, located in Clearfield County, Pennsylvania, in District No. 1, accepted and retained a commission from said code member of 26 cents per net ton on approximately 474.95 net tons of mine run coal, Size Group No. 3, produced at the aforesaid mine, sold by it on behalf of said code member, and shipped between January 23, 1941, and May 29, 1941, both dates inclusive, and accepted and retained a commission of

27 cents per net ton from said code member on approximately 55.30 net tons of mine run coal, Size Group No. 3, produced at the aforesaid mine, sold by respondent on behalf of said code member, and shipped on or about May 14, 1941. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between respondent and said code member entered into subsequent to August 8, 1940, to wit, October 28, 1940, although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of Section II of the Marketing Rules and Regulations. Respondent accordingly participated in a transaction in violation of Rule 13 of Section II of the Marketing Rules and Regulations, and thereby violated paragraph (e) of the agreement referred to in paragraph 1 (a) hereof.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 12, 1941, at 10 a. m. in a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed revelant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statstical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7714; Filed, October 14, 1941; 10:28 a. m.]

[Docket No. B-24]

IN THE MATTER OF ALBUQUERQUE & CERRILLOS COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (a) By selling during the period December 19, 1940 to February 6, 1941, both dates inclusive, to various purchasers, approximately 246 tons of 1¼" x ⅜" coal produced at its Jones Mine, Mine Index No. 11, located in Sante Fe County, New Mexico, in District No. 18, at a price of not more than $2.80 per net ton f. o. b. the mine, whereas the effective minimum price established for such coal was and is $3.00 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 18 for All Shipments; and

(b) By selling during the period commencing with October 3, 1940, to and including February 20, 1941, to Tony Simoni of Cerrillos, New Mexico, and M. A. Chavez, Sante Fe, New Mexico, approximately 49 tons of coal produced at its above said mine, and accepting in full payment thereof of "scrip" issued by the defendant in violation of Rule 1 (F) of Section VII of the Marketing Rules and Regulations.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7715; Filed, October 14, 1941; 10:28 a. m.]

[Docket No. A-657]

PETITION OF DISTRICT BOARD 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 6, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING POSTPONEMENT

The original petitioner having moved that the hearing in the above-entitled matter be postponed until October 31, 1941, and having shown good cause why its motion should be granted, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of October 13, 1941, to 10 o'clock in the forenoon of October 31, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated October 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-7716; Filed, October 14, 1941; 10:28 a. m.]

[Docket No. A-1021]

PETITION OF JAMES ARMSTRONG, ET AL., CODE MEMBERS IN SUBDISTRICT 7 OF DISTRICT 19, FOR REVISION OF THE NUMBER AND DESCRIPTION OF THE SIZE GROUPS AND REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT THE MINES IN THAT SUBDISTRICT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER ADVANCING DATE OF HEARING

A hearing in the above-entitled matter has been scheduled, by Order of the Director signed on September 22, 1941, to be held on November 17, 1941, at a hearing room of the Division in Sheridan, Wyoming.

It appearing, however, that the interests of all persons concerned will be served better by the holding of such hearing on November 10, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter now scheduled to be held at a hearing room of the Division in Sheridan, Wyoming be, and it hereby is, advanced from 10 o'clock in the forenoon on November 17, 1941 to 10 o'clock in the forenoon on November 10, 1941.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, limited to and including November 5, 1941.

In all other respects the Notice of and Order for Hearing entered in this matter on September 22, 1941 shall remain in full force and effect.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7717; Filed, October 14, 1941; 10:29 a. m.]

[Docket No. 1781-FD]

IN THE MATTER OF MATTHEW PHILLIPS, DEFENDANT

ORDER DENYING MOTION FOR CONTINUANCE

Matthew Phillips, defendant, having filed with the Division on October 9, 1941, a motion and affidavit of Walter H. Maloney, dated October 8, 1941, requesting that the hearing in the above-entitled matter now set for October 13, 1941 at Marion County Court House, Fairmont, West Virginia, be continued for a period of 30 days or to such other time as will suit the convenience of all parties interested herein and further requesting that said hearing be held at Steubenville, Ohio or Wheeling, West Virginia; and

It appearing to the Acting Director that good cause has not been shown for the granting of said motion;

Now, therefore, it is ordered, That the motion to continue said hearing in the above-entitled matter be and it is hereby denied.

Dated: October 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-7718; Filed, October 14, 1941; 10:29 a. m.]

[Docket No. A-1093]

PETITION OF DISTRICT BOARD 11, REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR DISTRICT 11 COALS PRODUCED FOR RAIL SHIPMENT TO KELLOGG AIRPORT, BATTLE CREEK, MICHIGAN, MARKET AREA NO. 21

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above named party requesting a revision of the effective minimum prices for District No. 11 by providing for deductions in mine prices based upon difference in freight rates between mines in District No. 11 on shipments to Kellogg Airport, (Battle Creek) Michigan, in Market Area No. 21.

The relief sought in this petition is identical to that requested in Docket No. A-735 by District Board 11 with respect to shipments to Fort Custer (Battle Creek), Michigan, which relief was granted, pending final disposition, by the Director's Order in that docket dated June 16, 1941. Petitions of intervention in Docket No. A-735 were filed by District Boards 8 and 10 and the Consumers' Counsel, but only the original petitioner appeared at the hearing. The Kellogg Airport is served by the Grand Trunk Railway System, which also serves Fort Custer, the boundary lines of the Kellogg Airport and Fort Custer are approximately one mile apart and the coal dumps at the Kellogg Airport and Fort Custer are located approximately two and one-half miles apart.

In view of these foregoing circumstances it appears to the Director that a reasonable showing of necessity has been made for the granting of temporary relief, pending the final disposition of this proceeding, in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter temporary relief be, and the same hereby is, granted as follows: Commencing forthwith the Schedule of Minimum Prices for District No. 11 for All Shipments Except Truck is supplemented to include the following table of deductions for differences in freight rates:

MARKET AREA NO. 21

Freight Origin Group Numbers and the Amount of Deduction for Freight Rate Differences for Coal Shipped from Mines included in Each Freight Origin Group to Destination as Listed Below:

PRODUCING SUBDISTRICTS

Destination	BC	LS	PA [1]	PA [2]	BO	KV
	30, 32, 33, 34, 40, 42, 43	60, 61, 62, 63, 64, 65, 67, 80, 81	10, 70, 71, 72	12	20, 21	51, 52
Kellogg Airport, Battle Creek, Mich.	None	10	17	20	20	35

[1] For all mines in the Princeton-Ayrshire Subdistrict not located on the Southern Railway.
[2] For all mines in the Princeton-Ayrshire Subdistrict located on the Southern Railway.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Pocedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing herein shall be deemed to constitute an adjudication of, or an expression of, an opinion concerning the merits of the original petition.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7719; Filed, October 14, 1941; 10:30 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1941 Adair Co., Iowa, Sup. No. 1]

1941 ADAIR COUNTY, IOWA, SPECIAL AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under sec-

tions 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148) as Amended, the 1941 Adair County Agricultural Conservation Program Bulletin is amended as follows:

Section 701.202 (d)[1] of ACP–1941 is incorporated as paragraph (d) of Section 2 with the following changes:

The paragraph following the title "Soil-Building Allowance" is rewritten to read as follows: "The soil-building allowance, which is the maximum payment that may be earned by carrying out soil-building practices shall be the sum of the following: *Provided*, That, for any farm with respect to which the sum of the maximum payments computed under Section 1 and subparagraphs (1), (2) and (3) and subparagraph (6), as renumbered subparagraph (4) by this supplement No. 1, of this paragraph (d) is less than $20.00, the amount determined under this paragraph (d) shall be increased by the amount of the Difference."

Items (ii), (iii) and (iv) of subparagraph (3) and subparagraphs (4), (5) and (7) are deleted.

The figure "$1.00" is substituted for the figure "$1.10" where it appears in subparagraph (6) and subparagraph (6) is renumbered subparagraph (4).

Subparagraph (8) is renumbered subparagraph (5).

The following new subparagraph (6) is added:

(6) The smaller of $20.00 or the amount earned by growing on the contour alternate strips of intertilled crops with sown, close-drilled, or sod crops or contour farming of intertilled crops.

Done at Washington, D. C. this 14th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41–7727; Filed, October 14, 1941; 11:26 a. m.]

Farm Security Administration.

DESIGNATION OF COUNTY FOR TENANT PURCHASE LOANS

ARKANSAS

OCTOBER 14, 1941.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Administration Order 259 of the Farm Security Administration, issued thereunder, and upon the basis of the Recommendation of the Farm Security Advisory Committee for the State of Arkansas, Union County, is hereby designated as an additional county in which loans, pursuant to said Title, may be made hereafter.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 41–7729; Filed, October 14, 1941; 11:27 a. m.]

[1] 5 F.R. 2924, 6 F.R. 849, 3793.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5. F.R. 2862), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 14, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Mason and Hughes, Inc., Erin, Tennessee; Work Shirts; 10 percent; October 14, 1942.

Mason and Hughes, Inc., 103 Legion Street, Clarksville, Tennessee; Single Pants, Breeches, Zipper Jackets; 10 percent; October 14, 1942.

Signed at Washington, D. C., this 14th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7733; Filed, October 14, 1941; 11:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 665]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC. FOR AUTHORITY TO OPERATE NONSTOP ON ROUTE NO. 10 BETWEEN CHICAGO, ILLINOIS AND ATLANTA, GEORGIA

NOTICE OF HEARING

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for authority to operate nonstop on Route No. 10 between Chicago, Illinois and Atlanta, Georgia, is hereby assigned for public hearing on October 21, 1941, 10 o'clock a. m. (Eastern Standard Time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., October 11, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–7706; Filed, October 14, 1941; 10:22 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6195]

NOTICE RELATIVE TO BIRNEY IMES & ROBIN WEAVER, d/b AS IMES-WEAVER BROADCASTING CO. (NEW)

Application dated May 24, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Columbia, Tennessee; operating assignment specified: Frequency, 1,340 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192, for the following reasons:

1. To determine the qualifications of the applicants to construct and operate the proposed station.

2. To determine whether applicants are financially qualified to construct and operate the proposed station, particularly in view of financial commitments, contingent or otherwise, which would be incurred should their application proposing a station for Murphreesboro, Tennessee, Docket No. 6194 and an application of Birney Imes, B3–P–3148, proposing a station for Tupelo, Mississippi, be granted.

3. To determine the type and character of the program service which the applicants may be expected to render if this application is granted.

4. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Co., % Robin Weaver, 425 Center Ave., Philadelphia, Mississippi.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–7700; Filed, October 14, 1941; 10:07 a. m.]

[Docket No. 6040]

NOTICE RELATIVE TO MID-AMERICA BROADCASTING CORPORATION (NEW)

Application dated February 13, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Louisville, Ky.; operating assignment specified: Frequency, 1,040 kc. (1,080 kc. NARBA); power, 1 kw. night, 5 kw. day (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WIBC, WTIC and KRLD.

2. To determine the areas and populations which would be deprived of interference-free primary service, particularly from Station WIBC as a result of the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To determine the areas and populations which would be deprived of secondary service, particularly from Stations WTIC and KRLD as a result of the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Station HHK, Leogane, Haiti.

5. To determine whether the proposed station would provide interference-free primary service to: (a) the residential sections and (b) the metropolitan district of Louisville, Kentucky, as contemplated by the Standards of Good Engineering Practice.

6. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the proposed station, and what other broadcast services are available to these areas and populations.

7. To determine whether: (a) the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station, and (b) the authorization requested herein is the best available assignment.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by a grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mid-America Broadcasting Corporation, 234 Starks Building, Louisville, Kentucky.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–7701; Filed, October 14, 1941; 10:07 a. m.]

[Docket No. 6192]

NOTICE RELATIVE TO JOHN R. CROWDER, TR/AS DIMPLE BROADCASTING COMPANY (NEW)

Application dated May 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Columbia, Tennessee; operating assignment specified: Frequency, 1,240 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191, Tennessee Radio Corporation, Docket No. 6193, and Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket Nos. 6194 and 6195, for the following reasons:

1. To determine whether applicant is qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if this application is granted.

3. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of the proposed station and stations proposed in Dockets Nos. 6191, 6193, and 6194.

5. To determine whether the granting of this application, the applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191; Tennessee Radio Corporation, Docket No. 6193; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, or any of them, would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

John R. Crowder tr/as Dimple Broadcasting Company, Fayetteville, Tennessee.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–7702; Filed, October 14, 1941; 10:07 a. m.]

[Docket No. 6193]

NOTICE RELATIVE TO TENNESSEE RADIO CORPORATION (NEW)

Application dated June 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified: Frequency, 1,240 kc.; power, 250 w.; hours of operation, unlimited (facilities of WSIX).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191, John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192, and Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if this application is granted.

3. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To obtain full information with respect to the connections and relationships, direct or indirect, the nature, extent, and effect thereof, between the applicant, its officers, directors or stockholders, or any of them, and the licensee of Station WSIX.

5. To determine the areas and populations now receiving interference-free primary service from Station WSIX which would receive similar service from the station proposed herein.

6. To determine whether the operation of the proposed station at the selected transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour).

7. To determine whether the proposed station would provide interference-free primary service to: (a) the residential sections, and (b) the metropolitan district of Nashville, Tennessee, as contemplated by the Standards of Good Engineering Practice.

8. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of the proposed station and stations proposed in Docket Nos. 6191, 6192, and 6194.

9. To determine whether the granting of this application, the applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191: John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, or any of them, would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Tennessee Radio Corporation, % W. D. Hudson, War Memorial Building, Nashville, Tennessee.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7703; Filed, October 14, 1941; 10:08 a. m.]

[Docket No. 6194]

NOTICE RELATIVE TO BIRNEY IMES & ROBIN WEAVER, d/b AS IMES-WEAVER BROADCASTING COMPANY (NEW)

Application dated June 5, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Murphreesboro, Tennessee; operating assignment specified: Frequency, 1,240 kc.; power, 250 w.; hours of operation, unlimited (facilities of WSIX).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191, John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192, and Tennessee Radio Corporation, Docket No. 6193, for the following reasons:

1. To determine applicants' qualifications to construct and operate the proposed station.

2. To determine whether applicants are financially qualified to construct and operate the proposed station, particularly in view of financial commitments, contingent or otherwise, which would be incurred should their application proposing a station for Columbia, Tennessee, Docket No. 6195, and an application of Birney Imes, No. B3-P-3148, proposing a station for Tupelo, Mississippi, be granted.

3. To determine the type and character of the program service which applicants may be expected to render if this application is granted.

4. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

5. To determine the extent and effect of any interference which would be involved as a result of the simultaneous operation of the proposed station and stations proposed in Docket Nos. 6191, 6192, and 6193.

6. To determine whether the granting of this application, the applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191; John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192; and Tennessee Radio Corporation, Docket No. 6193; or any of them, would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, % Robin Weaver, 425 Center Avenue, Philadelphia, Mississippi.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7705; Filed, October 14, 1941; 10:08 a. m.]

[Docket No. 6191]

NOTICE RELATIVE TO R. O. HARDIN, TR/AS NASHVILLE BROADCASTING COMPANY (NEW)

Application dated April 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified: Frequency, 1240 kc.; power, 250 w.; hours of operation, unlimited (facilities of Station WSIX).

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of John R. Crowder, tr/as

Dimple Broadcasting Company, Docket No. 6192; Tennessee Radio Corporation, Docket No. 6193; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if this application is granted.

3. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine the availability of a transmitter site which would comply with the Standards of Good Engineering Practice in all respects.

5. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of the proposed station and stations proposed in Dockets Nos. 6192, 6193, and 6194.

6. To determine whether the granting of this application the applications of John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192; Tennessee Radio Corporation, Docket No. 6193; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, or any of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

R. O. Hardin, tr/as Nashville Broadcasting Company, 105 Oak Park Drive, Knoxville, Tennessee.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7704; Filed, October 14, 1941; 10:08 a. m.]

OCT 17 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 202

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Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO STATESBORO LIVESTOCK COMMISSION COMPANY, STATESBORO, GEORGIA [1]

OCTOBER 15, 1941.

Notice to F. C. Parker and F. C. Parker, Jr., doing business as Statesboro Livestock Commission Company at Statesboro, Georgia.

Notice is hereby given that after inquiry, as provided by section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Statesboro Livestock Commission Company (outside the City limits of Statesboro, Georgia) at Statesboro, State of Georgia, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7770; Filed, October 15, 1941; 11:21 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.3 *Taxes*—(a) *Information to be included in invitations for bids, bids, contracts, and instructions to bidders.*

* * * * *

(3) *State taxes.* Instructions to bidders will include the following:

To facilitate evaluation of bids no State or local taxes charged directly on the sale of goods should be included in bid prices, but whether or not included, the amount of such taxes should be shown in detail so that appropriate computation may be made to determine the low bid and whether exemption certificates should be issued, etc. The evaluation of bids will be on a tax-exclusive basis since such State or local sales tax is not chargeable to the Federal Government, and if the bid as submitted does not clearly show that any such tax is excluded or that the bidder consents to the deduction thereof in a stated amount or amounts, it will be presumed that the amount of the tax is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

In bidding on lump sum construction purchases, the bid price will include without separate statement the amounts of all State and local taxes payable by the bidder. (41 Stat. 764, 765; 10 U.S.C. 1193) [Par. 7a (3), A.R. 5-100, Aug. 7, 1940, as amended by Proc. Cir. 76, W. D., Oct. 7, 1941]

* * * * *

§ 81.10 *Invitations for bids.*

* * * * *

(f) *Special conditions authorized or required to be included.*

* * * * *

(20) *Federal, State, and local taxes.*

* * * * *

(ii) *State or local taxes.* For the furnishing of all supplies, bidder will indicate which one of the following statements is applicable to his bid:

Prices herein do not include any State or local taxes imposed directly on the sale of the supplies.

Prices herein include all State and local taxes imposed directly on the sale of the supplies, but consent is hereby given to the deduction of said taxes and the acceptance of a tax exemption certificate in lieu thereof.

[1] Modifies list posted stockyards 9 CFR 204.1.
[1] § 81.3 (a) (3) and § 81.10 (f) (20) (ii) are amended.

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FEDERAL REGISTER

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Prices herein include all State and local taxes imposed directly on the sale of the supplies, but no deduction of said taxes will be permitted nor will a tax exemption certificate be accepted in lieu thereof.

Whether State or local taxes charged directly on the sale of goods are included or are not included, the amount of such taxes should be shown in detail.

In bidding on lump sum construction purchases, the bidder will not refer to State or local taxes and the bid price will include without separate statement the amounts of all State and local taxes payable by the bidder. (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10, AR 5–140, May 22, 1940, as amended by Proc. Cir. 76, W.D., Oct. 7, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–7743; Filed, October 15, 1941; 10:02 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.10 *Invitations for bids.*

* * * * *

(e) *Specifications.*

* * * * *

(1b) *Deviation from Federal specifications.* In any case where an Emergency Alternate Federal Specification has not been issued and there appears to be a conflict between the requirements of subparagraph (1) of this paragraph and instructions from competent authority with respect to the conservation of materials, authority has been granted by the Director of Procurement, Procurement Division, Treasury Department, to deviate from Federal specifications. Deviation from those specifications will be made only on approval of the chief of the supply arm or service concerned. Report will be submitted to the office of the Under Secretary of War by the chief of the supply arm or service where such deviations have been authorized. (R.S. 3709; 31 Stat. 905; 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 9*a* (3), AR 5–140 May 22, 1940, as added by Proc. Cir. 77, WD Oct. 7, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–7742; Filed, October 15, 1941; 10:01 a. m.]

CHAPTER IX—TRANSPORT

PART 91—GENERAL TRANSPORT REGULATIONS [2]

§ 91.25 *Transport messes*—(a) *Classification.* The following messes will be established, when practicable, on each ship of the Army Transport Service and on each hospital ship:

(1) Saloon mess.
(2) Ship's mess.
(3) Ship's petty officers' mess.
(4) Sailors' and firemen's mess.
(5) Hospital mess.
(6) Troop mess.

(b) *Saloon mess.* The persons who may be subsisted in the saloon mess are the commanding officer of troops, transport quartermaster, surgeon, dental surgeon, chaplain, veterinarian, Army nurses, quartermaster agent, quartermaster clerks, and civilian radio operators assigned to the transport; all licensed officers, cadet officers of the Maritime Commission, the chief steward, and all persons authorized to travel as first-class passengers.

(c) *Ship's mess.* (1) The persons subsisted in the ship's mess will be the refrigerating engineer, assistant refrigerating engineers; deck engineer, assistant deck engineers; electrician, assistant electricians; plumber, assistant plumbers; machinist, assistant machinists; boilermaker; stewardesses; civilian veterinarian; baggageman-embalmer; enlisted men assigned to duty upon the transport; and all persons authorized to travel as second-class passengers.

(2) Enlisted men of the United States Navy, Marine Corps, and Coast Guard of grades corresponding to any of the above-mentioned Army grades.

(3) A special mess is provided on some transports for enlisted men's wives and other second-class passengers in order to relieve the crowded condition of the regular ship's mess. These messes are one and the same, except that they are located in different places; the same regulations apply to both.

(d) *Meals in staterooms or quarters.* No meals, luncheons, or refreshments will be served to passengers, ship's officers, or crews of transports in their staterooms or quarters, unless under written orders of the transport surgeon. These instructions will not apply to officers and crew on duty at night.

(e) *Complaints.* All complaints in regard to service, sufficiency, or quality of food will be made to the commanding officer of troops and by him referred to the superintendent, Army Transport Service, of the home port with report of action taken.

(f) *Payment for subsistence required*—(1) *General; rates.* All persons chargeable for subsistence will pay the transport quartermaster or quartermaster agent before the sailing of the transport, except as hereinafter provided, at rates to be determined and prescribed by The Quartermaster General semiannually, effective January 1 and July 1 of each year.

(2) *In case of immediate family of enlisted man.* When the immediate family of an enlisted man travels by Government transport and the enlisted man in his request for transportation shall have included a statement that the cost of subsistence for the family be charged against his pay, subsistence will be furnished and collection made therefor as provided for sales made on credit, and in such a case the subsistence may be allowed to exceed two-thirds of the enlisted man's pay.

(3) *In case of meals not taken.* Deductions will not be allowed for meals not taken during a voyage or in port.

(4) *Entertainment of guests.* When in port, guests may be entertained aboard transports by permission of the commanding officer of troops or quartermaster or quartermaster agent, but the person inviting them must pay the fixed charges for the same. (R.S. 161; 5 U.S.C. 22) [Pars. 1, 2, 3, 9, 10, and 12, A.R. 30–1220, Sept. 25, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–7749; Filed, October 15, 1941; 10:25 a. m.]

[1] § 81.10 (e) (1b) is added.
[2] § 91.25 is superseded.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of October 1941.

It appearing that: (a) The War Department proposes extensive operations of Service aircraft in connection with army maneuvers to be held within a large area covering portions of Virginia, Tennessee, North Carolina, South Carolina, and Georgia from approximately November 14 to 30, 1941, which will jeopardize the safety of air carrier aircraft operating within that area other than in accordance with day contact flight rules;

(b) The air carriers which are authorized to operate over this area may safely conduct scheduled operations along suitable temporary alternate routes;

(c) Parts 40 and 61 of the Civil Air Regulations prohibit air carriers from operating over such temporary alternate routes unless route test flights have been made, certain air navigation facilities are available, and pilots and aircraft dispatchers used have demonstrated route competency;

The Board finds that:

Its action is in the public interest and in the interest of safety of air transportation;

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604 of said Act, makes and promulgates the following special regulation:

Notwithstanding the provisions of Parts 40 and 61 of the Civil Air Regulations which deal with airway route requirements, intermediate field requirements, radio route facilities requirements, weather route reporting, pilot and aircraft dispatcher route competency, and the amending of air carrier operating certificates and competency letters, scheduled air carriers which have been issued air carrier operating certificates authorizing operations over the area in which the War Department is to conduct army maneuvers from November 14 to 30, 1941, in certain portions of Virginia, Tennessee, North Carolina, South Carolina, and Georgia, may conduct, from October 14 to December 1, 1941, scheduled day and night contact and instrument operations over such temporary routes, with such facilities and personnel and in accordance with such procedings and practices as the Administrator may deem necessary to protect the safety of air transporttion.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–7746; Filed, October 15, 1941; 10:19 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–722]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF GAHAGEN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR REDUCTION IN MINIMUM PRICES FOR RUN OF MINE COAL PRODUCED IN ITS MINE INDEX NOS. 220, 221, AND 222, WHEN MIXED, FOR SHIPMENT INTO MARKET AREAS NOS. 1 AND 2

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Gahagen Coal Company, a code member producer in District 1, requesting the establishment of a F classification for coals produced at the petitioner's Huskin No. 3 Mine (Mine Index No. 220), Huskin No. 4 Mine (Mine Index No. 221), and Huskin No. 6 Mine (Mine Index No. 222), when mixed, for shipment by rail;

A petition of intervention having been filed by District Board 1;

Pursuant to an Order of the Director, a hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room of the Division at Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived by the parties and the record having been thereupon submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be and it is hereby amended by adding thereto the following price classifications and corresponding minimum prices as the effective price classifications and minimum prices for coals produced at the Huskin No. 3, Huskin No. 4, and Huskin No. 6 Mines of the Gahagen Coal Company when shipped by rail in mixtures containing not less than 66⅔ percent of Huskin No. 4 Mine coals:

§ 321.7 *Alphabetical list of code members*

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	Size groups 1	2	3	4	5
220, 221, 222	Gahagen Coal Co.	Huskin #3 [1] Huskin #4 [1] Huskin #6 [1] mixed	38	B and C	49	F	F	F	F	F

[1] Containing not less than 66⅔ percent of Huskin #4 Mine coal.

It is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent set forth above and in all other respects are denied.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7768; Filed, October 15, 1941; 10:46 a. m.]

[Docket No. A–358]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE APPLICATION OF NOTE "1", § 334.6, PART 334, MINIMUM PRICE SCHEDULE FOR DISTRICT NO. 14 FOR ALL SHIPMENTS EXCEPT TRUCK, TO SIZE GROUPS 15 AND 16

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 14, proposing that the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck be revised so that Note "1" in § 334.6 in said schedule will apply to coals in Size Groups 15 and 16 as well as to Size Group 14 coals;

Temporary relief having been granted by Order of the Director;

A hearing in this matter having been held, pursuant to Order of the Director and after due notice to all interested per-

sons, before a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 334.6 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck be, and it hereby is, amended to provide that the adjustment provided in Note "1" for Size Group 14 in § 334.6 in said District 14 schedule shall also apply to Size Groups 15 and 16, provided that the effective minimum prices for Size Groups 15 and 16, after such adjustment, shall not be less than the minimum prices applicable to Size Group 14 where Note "1" applies, and provided further that the delivered price of $1.70 per ton is maintained for shipments to Harrah, Oklahoma, from all mines.

It is further ordered, That the prayer for relief contained in the petition filed herein is granted to the extent set forth above and in all other respects denied.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7769; Filed, October 15, 1941; 10:46 a. m.]

[Docket No. A-1061]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR CERTAIN FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE PREMIER MINE, OF ANCHORAGE COAL CO., A CODE MEMBER IN DISTRICT NO. 23

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, have been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the Premier Mine of the Anchorage Coal Co., a code member in Subdistrict I in District No. 23.

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief, in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 343.5 (*General prices; minimum prices for shipment via rail transportation*) and § 343.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments, is supplemented to include, for the coals produced at the Premier Mine (Mine Index No. 158) of code member Anchorage Coal Co., located in Seams 3 and 5 in Freight Origin Group No. 90 in Subdistrict I of District No. 23, for all shipments, including those via the Alaska Railroad, from Premier, Territory of Alaska, the following effective minimum prices: in Size Group 2, $6.00 per net ton; in Size Group 4, (bottom size 1") $4.25 per net ton; in Size Group 10, $5.00 per net ton; in Size Group 15, $3.25 per net ton; and in Size Group 19, $4.00 per net ton.

It is further ordered, That pleadings in opposition to the original petition as amended in the above-entitled matter, applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7767; Filed, October 15, 1941; 10:46 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 976—MOTOR TRUCKS, TRUCK TRAILERS, AND PASSENGER CARRIERS

Extension No. 1 of Limitation Order L-1-a To Restrict the Production of Medium Motor Trucks, Truck Trailers, Passenger Carriers and Replacement Parts

It is hereby ordered that: § 976.1, as amended (*Limitation order No. L-1-a*),[1] issued September 12, 1941, shall continue in effect until the 31st day of December 1941, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.1 (b) as amended be amended to read as follows:

§ 976.1 *General limitation order No. L-1-a.*

* * * * *

(b) *General restriction.* During the period commencing September 1, 1941, and ending December 31, 1941: (1) A Producer shall not manufacture more than two-thirds the number of Medium Motor Trucks, Truck Trailers and Passenger Carriers, as the case may be, produced by him during the period from January 1, 1941, to June 30, 1941.

(2) A Producer shall not manufacture for replacement purposes more than 80% of that number of Defined Parts sold by him for replacement purposes during the period from January 1, 1941, to June 30, 1941.

(3) The determination of the number of each category of vehicles produced, or of each category of parts sold, during the period from January 1, 1941, to June 30, 1941, shall exclude, and the foregoing limitation upon the number of each category of vehicles or parts which may be produced by any Producer during the four-month period, September 1, 1941, to December 31, 1941, shall not apply to any such vehicles or parts produced under contracts or orders for delivery to or for the account of:

(i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics, the Office of Scientific Research and Development:

(ii) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia:

(iii) any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(4) Each Producer must comply with such directions and instructions as may be issued from time to time by the Director of Priorities of the Office of Production Management with respect to the reduction or elimination of scarce materials in the production of motor trucks, truck-trailers, passenger carriers and parts or components therefor. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 15th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7745; Filed, October 15, 1941; 9:57 a. m.]

[1] 6 F.R. 4732.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS, AND PASSENGER CARRIERS

Extension No. 1 of Limited Preference Rating Order No. P-54, Material Entering Into the Production of Defense Products

It is hereby ordered that § 976.2 (*Limited preference rating order No. P-54*),[1] issued September 12, 1941, shall continue in effect until the 31st day of December, 1941, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.2 (e) (3) be amended to read as follows:

§ 976.2 *Preference rating order P-54.*

* * * * *

(e) *Restrictions on application of rating.*

* * * * *

(3) *By a producer or a supplier.* (i) Unless the Material to be delivered cannot be obtained when required without such rating,

(ii) to obtain deliveries earlier than required,

(iii) to deliveries of Materials on purchase orders placed after December 1, 1941,

(iv) to deliveries of Materials on purchase orders calling for delivery after December 31, 1941. (F.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 15th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7744; Filed, October 15, 1941; 9:57 a. m.]

[1] 6 F.R. 4731.

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION OF OREGON GRAZING DISTRICT NO. 2[1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, Departmental order of July 9, 1935, establishing Oregon Grazing District No. 2, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Squaw Butte Experimental Station:

OREGON

Williamette Meridian

T. 24 S., R. 25 E., secs. 8 to 17, and secs. 20 to 29, inclusive;
Sec. 1, S½;
Sec. 2, S½;
Sec. 3, S½;
Sec. 4, S½;
Sec. 5, S½;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½;
Sec. 36, N½;
T. 24 S., R. 26 E., Sec. 6, lots 6 and 7.

HAROLD L. ICKES,
Secretary of the Interior.

JULY 1, 1941.

[F. R. Doc. 41-7741; Filed, October 15, 1941; 10:00 a. m.]

[1] Affects tabulation in § 502.1d.

Notices

WAR DEPARTMENT.

[Contract No. W 398 qm-10858; O. I. No. 801]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MANUFACTURING CO. (GENERAL MOTORS TRUCK & COACH DIVISION), PONTIAC, MICHIGAN.

Contract for: Trucks * * *.
Amount: $1,027,229.06.
Place: Holabird Quatermaster Depot, Baltimore, Maryland.

This contract, entered into this 18th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks * * * for the consideration $1,027,229.06 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of acceptable articles within the times specified in Article 1, or any extension or extensions thereof, the Government may, by written notice, terminate the right of the contractor to proceed with the delivery of all or any portion of the undelivered articles covered by this contract.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Terms of payment. Discount will be allowed for prompt payment as follows: $* * * per truck for payment within twenty days.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority:

P/A-QM 1801 P 37-30 A 0525.003-2
P/A-ORD 15113 P 11-12 A (1005).105-2
P/A-ORD 26135 P 3-12 A 1005-2

the available balance of which is sufficient to cover cost of same.

This contract authorized under authority of section 1 (a) Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7738; Filed, October 15, 1941; 10:00 a. m.]

[Contract No. W 535 ac-20910; 5507]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: BELL AIRCRAFT CORPORATION

Contract for: * * * Airplanes, Spare Parts therefor, Engineering Services and Data.
Estimated cost: $70,960,740.00.
Fixed fee: $4,257,644.40.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 14th day of August 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified manufacture, furnish and deliver to the Government * * * Airplanes,

[1] Approved by the Under Secretary of War August 25, 1941.

of the Act;

[16 F.R. 4732.]

Spare Parts therefor, Engineering Services and Data.

ART. 2. *Estimated costs.*

Quantity	*Estimated cost*
* * * Airplanes	$64,508,400.00
Spare parts for above airplanes	6,450,840.00
Data	1,500.00
Total estimated cost	70,960,740.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to reimbursement for cost as outlined in Article 6 hereof, the cost, plus a fixed fee of four million two hundred fifty seven thousand six hundred forty four dollars and forty cents ($4,257,644.40).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments—(a) Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety per cent (90%) of the fixed fee shall be paid as it accrues. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advances.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of national defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty per centum (30%) of the contract price of the articles called for, that such advances, as made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terinate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property where partial payments are made.* The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

ART 24. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, until the same is delivered to the Government. Such property is to be considered as delivered to the Government upon its final acceptance.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7739; Filed, October 15, 1941; 10:00 a. m.]

[Contract No. W 535 ac-20291; 5340]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA

Contract for: * * * Airplanes, Spare Parts Therefor and Data.

Estimated cost: $166,336,500.00.

Fixed fee: $9,980,190.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 22nd day of August 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government * * * Airplanes, * * * Spare Parts and data.

ART. 2. *Estimated costs.*

Quantity	*Estimated cost*
* * * Airplanes and data	[2] $151,215,000.00
Spare parts for the above airplanes	15,121,500.00
Total estimated cost	$166,336,500.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursements for cost, as outlined in Article six (6) hereof, the cost, plus a fixed fee of nine million nine hundred eighty thousand one hundred ninety dollars ($9,980,190.00).

[1] Approved by the Under Secretary of War August 28, 1941.

[2] This estimated cost does not include manufacturing license fees.

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor, subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety percentum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

(c) *Advance payments.* At any time and from time to time after the approval of this contract, the Government, at the request of the Contractor and subject to the approval of the Chief of the Air Corps as to the present need therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed forty nine million nine hundred thousand nine hundred fifty dollars ($49,900,950), or thirty percentum (30%) of the estimated cost of this contract, exclusive of the fixed fee.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all

other advance payments or payments in reimbursements for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 41. *Termination upon demand of the contractor.* This contract is entered into on the assumption that the Emergency Plant Facilities which are essential to the performance by the Contractor of the production and delivery obligations of this contract are to be promptly and reasonably constructed and acquired either by the Government for the use of the Contractor for this contract (in which case the same shall be made available to the Contractor for the period necessary to performance) or by the Contractor under a mutually satisfactory agreement for reimbursement by the Government of the costs thereof. Accordingly, it is mutually agreed that in the event on or before * * * neither satisfactory agreements are entered into by the Contractor and the Government for the construction and equipment by the Government of said facilities nor a mutually satisfactory agreement, providing by a method approved by the Government for the construction or acquisition by the Contractor of said facilities, is executed and, if required, duly approved, then the Government will, at any time thereafter and prior to the execution and approval, if required, of such agreement or agreements, forthwith upon written demand of the Contractor terminate this contract with the same effect and upon the same terms and conditions as if this contract had been terminated by the Government for its convenience under Article 9.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7740; Filed, October 15, 1941; 10:01 a. m.]

[Contract No. W-398-qm-30]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE WINTER WEISS COMPANY, DENVER, COLORADO

Contract for: Trailers. * * *
Amount: $1,096,200.00.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 30th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * trailers for the consideration $1,096,200.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations: Quantities listed hereon are subject to increase (or decrease) of not to exceed * * * %. This option to remain in effect until * * *.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22000 P 243-30 A 0022-13 the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1 (a), Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7747; Filed, October 15, 1941; 10:25 a. m.]

[Contract No. W 535 ac-20883; 5480]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION, ALLISON DIVISION, INDIANAPOLIS, INDIANA

Contract[1] for: Maintenance Parts for Allison Type * * * Aeronautical Engines.
Amount: $1,573,958.60.
Place: Matériel Division, Air Corps U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 18 P 82-30 A 0705-2, the available balance of which is sufficient to cover cost of same.

This contract, entered into this 3d day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government maintenance parts for Allison Type * * * Aeronautical Engines for the consideration stated one million five hundred seventy three thousand nine hundred fifty eight dollars and sixty cents ($1,573,958.60) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 21. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and sec. 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7748; Filed, October 15, 1941; 10:25 a. m.]

[1] Approved by the Under Secretary of War Sept. 18, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-23]

IN THE MATTER OF NICK LUCIANI & SONS, A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 21, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 25, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 1, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling and delivering during the months of October, November, and December, 1940, to various persons at the mine for truck shipment, approximately 239 net tons of 1½" lump (bar screen) coal, Size Group No. 2, produced at their Peacock Mine, Mine Index No. 113, located in Sandoval County, New Mexico, in District No. 18, at a price of $3.00 per net ton, whereas the effective minimum price established for such coal, at the time of said transactions, was $3.65 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 18 for All Shipments.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7750; Filed, October 15, 1941; 10:39 a. m.]

[Docket No. B-49]

IN THE MATTER OF C. P. FOX, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 16, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 11, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, C. F. Fox, Wilton, Kentucky, sold during the period from January 1, 1941 to May 1, 1941, both dates inclusive, to Homer Moore, Corbin, Kentucky, approximately 30 tons of 2" and under slack coal produced by the defendant at his mine, Mine Index No. 2597, located near Woodbine, Knox County, Kentucky, Subdistrict No. 6 of District 8, at prices ranging from 25 cents to 50 cents per net ton f. o. b. said mine, whereas said coal was classified as Size Group 7 and priced at $1.55 per net ton f. o. b. said mine as

shown in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, which transactions constituted sales of coal at prices below the minimum established therefor.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7751; Filed, October 15, 1941; 10:39 a. m.]

[Docket No. B-25]

IN THE MATTER OF A. H. MCCRARY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is R. F. D. No. 4, Box 1216, Albuquerque, New Mexico, during January, 1941, sold substantial quantities of 2½" x 1" coal produced at his Sunny Slope Mine, Mine Index No. 127, at $2.00 per net ton f. o. b. said mine, whereas, since the defendant had no price classification for this size coal, such coal should have been priced at $3.65, the price for Size Group No. 2, in accordance with Price Instruction No. 5 of the Schedule of Effective Minimum Prices for District No. 18, For All Shipments, which provides that if any size of coal falls within a size group and classification for which no price is listed, such size shall be priced at the price applicable to the size group for the next larger size for which a price is listed for the same mine.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7752; Filed, October 15, 1941; 10:39 a. m.]

[Docket No. 1861-FD]

IN THE MATTER OF VANCUENBROCK COAL COMPANY (A PARTNERSHIP), CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on August 11, 1941, by the Bituminous Coal Producers Board for District No. 12, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 28, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said com-

plainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (a) That the defendant, Vancuenebrock Coal Company, Knoxville, Iowa, during the period October 1, 1940, and July 1, 1941, both dates inclusive, sold approximately 317 tons of 8" x 2" egg coal produced at its Vancuenebrock No. 1 Mine (Mine Index No. 494) located in Marion County, Iowa, District No. 12, to the Beebout Coal Company at Knoxville, Iowa, at a price of $1.70 per net ton f. o. b. the mine which was less than the applicable minimum price as contained in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments; and (b) the 8" x 2" egg sold by the Vancuenebrock Coal Company in the transactions hereinabove described, was substituted for screenings.

Dated: October 13, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7753; Filed, October 15, 1941; 10:40 a. m.]

[Docket No. B-27]

IN THE MATTER OF CANONCITO COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 2, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: that the defendant, whose address is 518 North First Street, Albuquerque, New Mexico, during the period November 12, 1940 to December 30, 1940, both dates inclusive, has sold to various purchasers listed below approximately 35.6 tons of 1" x 0 slack coal produced at defendant's Canoncito Mine, Mine Index No. 137, at a price of $1.00 per net ton f. o. b. the mine, whereas such coal is classified as Size Group 12 and priced at $1.70 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 18, For All Shipments.

Name of purchaser	Date of sale	Tons
C. M. Donaldson, Albuquerque..	Nov. 15, 1940.	2.5
W. H. King, Albuquerque.....	Dec. 15, 1940 .	1
St. Anthony O., Albuquerque...	Dec. 5, 1940...	2.75
St. Anthony O., Albuquerque...	Nov. 15, 1940.	2.675
St. Anthony O., Albuquerque...	Nov. 18, 1940.	2.75
St. Anthony O., Albuquerque...	Nov. 13, 1940.	2.35
St. Anthony O., Albuquerque...	Nov. 12, 1940.	2.25
St. Anthony O., Albuquerque...	Nov. 18, 1940.	2.675
South Arno Yard, Albuquerque..	Dec. 30, 1940	5
St. Anthony O., Albuquerque....	Dec. 30, 1940	2.8
C. Pizano, Albuquerque.....	Dec. 26, 1940	1
Joe Black, Albuquerque.....	Dec. 26, 1940	3
E. R. Ruby, Albuquerque.....	Dec. 22, 1940	.75
Walter S. Carr, Albuquerque....	Dec. 22, 1940	2.05
Rafael Dragor, Albuquerque.....	Dec. 20, 1940	3.1

Dated: October 13, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7754; Filed, October 15, 1941; 10:40 a. m.]

[Docket No. 1808-FD]

IN THE MATTER OF ALBUQUERQUE & CERRILLOS COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

Earle Stucker, a member of Bituminous Coal Producers Board for District No. 18 and Representative of the United Mine Workers of America, District 15, Local Union No. 6920, having filed with the Bituminous Coal Division, pursuant to section 9 (c) of the Bituminous Coal Act of 1937, a complaint alleging noncompliance with the provisions of section 9 (a) of the Act by the above-named defendant;

It is ordered, That a hearing on such complaint be held on November 10, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendant, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the

Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the defendant and that any defendant failing to answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging violation by the above-named defendant of section 9 of the Bituminous Coal Act of 1937 as follows:

By refusing to bargain collectively with its employees with respect to their hours of labor, wages and working conditions through representatives of their own choosing, without restraint, coercion and interference on the part of the above-named defendant:

By interfering with, restraining and coercing employees in the exercise of their rights to bargain collectively with respect to their hours of labor, wages and working conditions through representatives of their own choosing;

By requiring employees, as a condition of employment with defendant, to join an association of employees for collective bargaining in the management of which defendant exercises direction and control, and by requiring employees to contribute to an employees' fund for which the said defendant "checks-off" a sum from the employees' wages for monthly dues which are paid to an officer of defendant;

By paying to its employees who are engaged in the production of coal for sale to the United States and agencies thereof, wages based on a wage scale which is less than that proposed by Local Union 6920, District No. 15 of the United Mine Workers of America, notwithstanding that said Local Union 6920, District No. 15 of the United Mine Workers of America, has been declared by the National Labor Relations Board, by its Order dated January 18, 1940, entered in a proceeding styled "In the Matter of Albuquerque & Cerrillos Coal Company (No Stockholders Liability) *and* United Mine Workers of America, District No. 15," to be the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7755; Filed, October 15, 1941; 10:41 a. m.]

[Docket No. B-29]

IN THE MATTER OF CHIARAMONTE COAL COMPANY (JOE CHIARAMONTE) A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 4, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

By selling and delivering by truck 112.5 net tons of slack coal during January 1941 produced by defendant, Chiaramonte Coal Company, 410 West Coal Street, Gallup, New Mexico, at his Chiaramonte Mine (Mine Index No. 106), located near Gallup, New Mexico, to the Gallup Mercantile Company, located at Gallup, New Mexico, at a delivered price of $1.90 per net ton whereas the effective minimum price for such coal for truck shipment was $1.90 per net ton f. o. b. the Chiaramonte Mine plus at least the actual cost of transportation thereof to the Gallup Mercantile Company at Gallup, New Mexico.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7756; Filed, October 15, 1941; 10:41 a. m.]

[Docket No. B-30]

IN THE MATTER OF CHIARAMONTE COAL COMPANY (JOE CHIARAMONTE) A PARTNERSHIP, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 4, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

I. By selling and delivering by truck subsequent to September 30, 1940, substantial quantities of dedusted slack coal produced by defendant, Chiaramonte Coal Company, 410 West Coal Street, Gallup, New Mexico, at its Chiaramonte Mine located near Gallup, New Mexico, to the Gallup Mercantile Company, Gallup, New Mexico, at a delivered price of $1.75 per net ton whereas the effective minimum price for such coal for truck shipment was $3.00 per net ton f. o. b. mine plus at least the actual cost of transportation from the Chiaramonte Mine to the Gallup Mercantile Company at Gallup, New Mexico.

II. By selling, subsequent to September 30, 1940, approximately 100 net tons of lump coal produced at his Chiaramonte Mine to the White Elephant Storage Company, Gallup, New Mexico, at an f. o. b. mine price of $4.00 per net ton whereas the effective minimum price f. o. b. the mine for such coal was $4.25 per net ton.

III. By selling, subsequent to September 30, 1940, approximately 62 net tons of engine coal produced at his Chiaramonte Mine to various purchasers at an f. o. b. mine price of $3.35 per net ton whereas the effective minimum price f. o. b. the mine for such coal was $4.00 per net ton.

IV. By selling, subsequent to September 30, 1940, approximately 2½ net tons of nut coal produced at his Chiaramonte Mine, to various purchasers at an f. o. b. mine price of $3.35 per net ton whereas the effective minimum price f. o. b. the mine for such coal was $3.50 per net ton.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7757; Filed, October 15, 1941; 10:41 a. m.]

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL COMPANY, INC., REGISTRATION NO. 7427, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on October 14, 1941, at a hearing room and place to be designated by an appropriate order of the Director; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 2 o'clock in the afternoon of November 4, 1941, at a hearing room and place to be designated by an appropriate order of the Director.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7758; Filed, October 15, 1941; 10:42 a. m.]

[Docket No. 1624-FD]

IN THE MATTER OF COAL HILL MINING COMPANY, REGISTRATION NO. 1675, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on October 14, 1941, at a hearing room and place to be designated by an appropriate order of the Director; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed until 2 o'clock in the afternoon of November 4, 1941, at a hearing room and place to be designated by an appropriate order of the Director.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7759; Filed, October 15, 1941; 10:42 a. m.]

[Docket No. A-383]

PETITION OF DISTRICT BOARD NO. 11, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CHINOOK MINE OF THE AYRSHIRE PATOKA COLLIERIES CORPORATION

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF

Bituminous Coal Producers Board for District 11 filed with the Bituminous Coal Division a petition in the above-entitled matter on November 19, 1940, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, in which it requested the Division to establish certain temporary and permanent price classifications and minimum f. o. b. mine prices for theretofore unpriced and unclassified coals to be produced at the Chinook Mine (Mine Index No. 121) of the Ayrshire Patoka Collieries Corporation, a code member of District No. 11.

Ayrshire Patoka Collieries Corporation filed a petition on November 20, 1940, with the Division praying that leave to intervene be granted, that the Director order an immediate informal conference to fix proper price classifications and temporary minimum prices, and that the price classifications and minimum prices proposed by the original petitioner for coals in Size Groups 13 to 16 and 26 to 29, both inclusive, and f. o. b. mine prices for shipments to railroads be granted, but the remaining price classifications and minimum prices proposed by the original petitioner be denied and that in lieu thereof there be established certain price classifications and minimum prices proposed by the intervener.

An informal conference in this matter was held on November 25, 1940, at which all interested parties were afforded an opportunity to appear and be heard.

On December 12, 1940, the Director entered an Order which granted, pend-

ing final disposition of the petitions, the temporary relief prayed for by the original petitioner and denied the temporary relief prayed for by the intervener.

The intervener, pursuant to an Order of the Director dated August 27, 1941, was granted leave to amend its petition of intervention and amended its original petition to request a minimum price of $1.55, $1.45 and $1.15 for its coals in Size Groups 23, 24 and 25, respectively, and requested the granting of immediate temporary relief upon the close of the hearing for Size Groups 23, 24 and 25.

A hearing in this matter was held on August 28, 1941, pursuant to an Order of the Director dated August 21, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

At the close of the hearing the intervener filed with the Examiner a motion for transmittal to the Director requesting immediate temporary relief by the establishment of effective minimum prices of $1.55, $1.45 and $1.15, respectively, for coals in Size Groups 23, 24 and 25 for shipment by rail to all market areas.

The Examiner granted interested parties until October 2, 1941, to file briefs in connection with this motion for temporary relief and a memorandum in support of the motion for temporary relief was filed on October 2, 1941, by Ayrshire Patoka Collieries Corporation, and one in opposition thereto was tardily filed on October 9, 1941, by District Board 11.

The Director has examined the record in this matter and has determined that the resolution of the issues raised herein would have a considerable effect upon the interest of other producers who sell coal in competition with those produced at the Chinook Mine. The issues involved herein are very complex and controversial. To grant the temporary relief prayed for by the intervener before a more detailed consideration of the issues might seriously jeopardize the interest of interested parties. It seems desirable to delay any further action in this proceeding until a more detailed consideration of the record may be made and until the Examiner's Report may be considered. Moreover, no clear showing has been made that substantial irreparable injury would result if temporary relief were not granted.

Now, therefore, it is ordered, That the motion for temporary relief filed at the conclusion of the hearing and that part of the amended petition to intervene praying for immediate temporary relief at the conclusion of the hearing by the establishment for the coals of the Chinook Mine, minimum prices of $1.55, $1.45, and $1.15 in Size Groups 23, 24, and 25, respectively, for shipment by rail to all market areas should each be and each hereby is denied.

Nothing herein shall be construed as a ruling or expression of the Director's opinion concerning the final disposition of this proceeding.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7760; Filed, October 15, 1941; 10:42 a. m.]

[Docket No. 1780-FD]

IN THE MATTER OF EDWIN R. EBERHART, DEFENDANT

ORDER EXTENDING TIME TO FILE ANSWER

Edwin R. Eberhart, defendant, having filed with the Division on October 1, 1941, its answer in the above-entitled matter together with a motion requesting permission to file said answer on said date and having shown good cause therein why said motion should be granted,

Now, therefore, it is ordered, That the time within which the defendant may file its answer in the above-entitled proceeding be and the same hereby is extended to include the date of the filing of said answer.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7761; Filed, October 15, 1941; 10:44 a. m.]

[Docket No. 1703-FD]

IN THE MATTER OF BENCHLEY & VERMILLION COAL COMPANY, DEFENDANT

ORDER EXTENDING TIME TO FILE ANSWER

Benchley & Vermillion Coal Company, defendant, having filed with the Division on October 1, 1941, its answer in the above-entitled matter together with a motion requesting permission to file said answer on said date and having shown good cause therein why said motion should be granted.

Now, therefore, it is ordered, That the time within which the defendant may file its answer in the above-entitled proceeding be and the same hereby is extended to include the date of the filing of said answer.

Dated: October 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7762; Filed, October 15, 1941; 10:44 a. m.]

[Docket No. 1487-FD]

IN THE MATTER OF BEELER AND ROWLAND, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on December 2, 1940, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by Clark Coal Company (W. T. Clark), a code member in District 15, the complainant, alleging that Beeler and Rowland (a partnership composed of C. W. Beeler and J. B. Rowland), the defendant, a code member in District 15, wilfully violated the Bituminous Coal Code and the effective minimum prices, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and effective minimum prices. At the hearing, the original complaint was amended so as to charge such violations from November 1, 1940, to the date of the hearing by both the partnership of Beeler and Rowland and by J. B. Rowland, as an individual;

Pursuant to an appropriate order, and after due notice to all interested persons, a public hearing in this matter having been held on February 14, 1941, in Unionville, Missouri, before Charles O. Fowler, a duly designated Examiner of the Division;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated September 11, 1941, recommending that the code membership of J. B. Rowland be revoked and that the complaint be dismissed as against Beeler and Rowland, a partnership, and against C. W. Beeler, as an individual;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

It having been determined that the Proposed Findings of Fact and Proposed Conclusions of Law, and recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That, the Proposed Findings of Fact and Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That, pursuant to section 5 (b) of the Act, the code membership of the defendant, J. B. Rowland, is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, J. B. Rowland, to membership in the Code the defendant shall pay to the United States a tax in the amount of $514.43 as provided in section 5 (c) of the Bituminous Coal Act of 1937;

And it is further ordered, That, the complaint as amended be dismissed as against Beeler and Rowland, a partnership, and as against C. W. Beeler, an individual.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7763; Filed, October 15, 1941; 10:44 a. m.]

[Docket No. 1593–FD]

IN THE MATTER OF M. K. AND K. COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division, by the Bituminous Coal Producers Board for District No. 12, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that the M. K. and K. Coal Company, a partnership comprised of George Kincaid, J. O. Metz, Everett King and Dale King, a code member in District 12, had willfully violated the Schedule of Effective Minimum Prices for District 12 For Truck Shipment, *inter alia*, by selling screenings (Size Group 8) produced at defendant's mine (Mine Index No. 525) located near Hamilton, Iowa, for shipment by truck at $1.00 per ton f. o. b. the mine, whereas the effective minimum price for such coal is $1.60 per ton f. o. b. the mine, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa, on April 9, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated September 11, 1941, in which it was recommended that the defendant's code membership be revoked and canceled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, M. K. and K. Coal Company, a partnership, operating Mine Index No. 525 near Hamilton, Iowa, be and it is hereby revoked and canceled;

And it is further ordered, That prior to any reinstatement of the defendant, the M. K. and K. Coal Company, or any of its partners, George Kincaid, J. O. Metz, Everett King and Dale King, to membership in the Code, the defendant, or any of its partners, shall pay to the United States a tax in the amount of $161.61, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7764; Filed, October 15, 1941; 10:45 a. m.]

[Docket No. 1611–FD]

IN THE MATTER OF E. M. LEEPER, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on March 10, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District 15, alleging that E. M. Leeper, defendant, a code member in District 15, had willfully violated the provisions of the Bituminous Coal Code and rules and regulations thereunder by selling, since February 18, 1941, substantial quantities of lump coal (Size Group 1), produced at his mine (Mine Index No. 764), located in Putnam County, Missouri, at a price of $2.10 per ton f. o. b. the mine, whereas the effective minimum price for this coal is $2.30 per ton f. o. b. the mine, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Unionville, Missouri, on May 23, 1941;

The Examiner having made Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated September 9, 1941, in which it was recommended that the defendant's code membership be revoked and canceled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, E. M. Leeper, operating Mine Index No. 764, located in Putnam County, Missouri, be and it is hereby revoked and canceled;

And it is further ordered, That, prior to any reinstatement of the defendant, E. M. Leeper, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $150.69, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7765; Filed, October 15, 1941; 10:45 a. m.]

[Docket No. A–905]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES, FOR ALL SHIPMENTS EXCEPT TRUCK, FOR MIXTURES OF CERTAIN COALS IN DISTRICT NO. 1

ORDER OF DIRECTOR APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER

This proceeding having been instituted by a petition filed by District Board 1 with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requesting the establishment of a "temporary" price classification "H" in Size Groups 1 to 3, and "J" in Size Groups 4 and 5 for coals produced at the Cadogan Mine (Mine Index No. 76) of the Allegheny River Mining Company, a code member producer in District 1, when mixed with the coals of various other mines;

A hearing having been held in this matter before Travis Williams, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to participate fully in the proceedings;

The petitioner and District Board 2 having appeared at the hearing;

Examiner Travis Williams having filed with the Director on September 4, 1941, his Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations, in which it is recommended that petitioner's request for relief herein be denied;

No exceptions having been filed with the Division to the Examiner's recommendation;

The undersigned having considered the record in this matter and having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now therefore it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

It is further ordered, That the prayer for relief in this proceeding be and it is hereby denied.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7766; Filed, October 15, 1941; 10:45 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 16, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Barson and Bishop, Franklin Street, Weissport, Pennsylvania; Ladies' Sportswear and Blouses; 10 percent; October 16, 1942.

Bestfit Apron and Underwear Company, Inc., 45 West 27th Street, New York, New York; Aprons; 5 learners; October 16, 1942.

Bestfit Apron and Underwear Company, Inc., 9 Grove Street, Westwood, New Jersey; Pinafore Aprons; 13 learners; March 26, 1942.

H. Bomze and Brother, Broad Street, Elmer, New Jersey; Ladies' Cotton & Rayon Dresses; 10 percent; October 16, 1942.

Cameraland Sportswear and L. A. Neckwear Manufacturing Company (Men's Sport Shirts Department), 719 S. Los Angeles Street, Los Angeles, California; Men's Sport Shirts; 3 learners; October 16, 1942.

Chesnin and Leis, Inc., Pine Street, Walden, New York; Ladies' Underwear; 10 percent; October 16, 1942. (This certificate replaces one issued bearing expiration date of July 10, 1942.)

Chesnin and Leis, Inc., Main Street, Walden, New York; Ladies' Outwear; 10 percent; October 16, 1942.

Chesnin and Leis, Inc., 31 Liberty Street, Newburgh, New York; Ladies' Underwear and Outerwear; 10 percent; October 16, 1942. (This certificate replaces one issued bearing expiration date of August 7, 1942.)

Cluett, Peabody and Company, Inc., First Street, Leominster, Massachusetts; Men's Shirts; 10 percent; October 16, 1942.

Coast-to-Coast Neckwear Company, 2309 East Fourth Street, Los Angeles, California; Neckties; 2 learners; April 16, 1942.

Colonial Manufacturing Company, 2362 University Avenue, St. Paul, Minnesota; Aprons, Stamped Goods; 8 learners; October 16, 1942.

Dixie Lee Garment Company, 220 Franklin Street, Johnstown, Pennsylvania; Dresses; 5 learners; October 16, 1942.

Hyman Frank, 60 Hazel Street, Glen Cove, New York; Boys' Shirts; 10 learners; October 16, 1942.

Freeburg Manufacturing Company, Freeburg, Illinois; Dresses; 50 learners; April 9, 1942.

Gem Frock Company, 445 North Darien Street, Philadelphia, Pennsylvania; Dresses; 5 learners; October 16, 1942.

Grant Apparel Manufacturing Company, 1240 S. Main Street, Los Angeles, California; Blouses, Women's Shirts and Women's Sportswear; 10 percent; October 16, 1942.

Gross Galesburg Company, 152 E. Ferris Street, Galesburg, Illinois; Single Pants, Overalls, Coveralls & Work Shirts; 10 percent; October 16, 1942.

Haspel Brothers, Inc., 2527 St. Bernard Avenue, New Orleans, Louisiana; Men's Summer Suits and Odd Trousers; 5 percent; October 16, 1942.

H. H. Hoover Company, Inc., Lindeke Building, St. Paul, Minnesota; Nurses' Uniforms and Utility Garments, School Uniforms; 2 learners; October 16, 1942.

Jeanette Frocks Manufacturing Company, 400 First Avenue North, Minneapolis, Minnesota; Dresses; 8 learners; October 16, 1942.

K & O Manufacturing Company, Inc., Pleasant Street, Fall River, Massachusetts; Dresses, Sportswear; 10 percent; October 16, 1942.

Louis Kazon, Marble Street, West Rutland, Vermont; Dresses; 10 percent; October 16, 1942.

Joseph Malouf Company, 755 Market Street, San Francisco, California; Slips; 10 learners; October 16, 1942.

Martin-Jay Dress Corporation, 143 West Main Street, Amsterdam, New York; Women's Dresses; 10 learners; October 16, 1942.

Martin Shirt Company, 207 South Main Street, Shenandoah, Pennsylvania; Ladies' Cotton Blouses, Boys' Shirts; 10 percent; October 16, 1942.

Middendorf Brothers, 925 Filbert Street, Philadelphia, Pennsylvania; Lingerie; 5 learners; October 16, 1942.

Novick and Kahn, 31 West 27th Street, New York, New York; Ladies' Knitted Girdles; 10 percent; January 29, 1942.

Oshkosh B'Gosh, Inc., 33 Otter Street, Oshkosh, Wisconsin; Overalls, Work Pants; 5 percent; October 16, 1942.

Picariello & Singer, Inc., 16 New Street, East Boston, Massachusetts; Boys' Clothing; 5 percent; October 16, 1942.

Pinkneyville Manufacturing Company, Pinkneyville, Illinois; Dresses; 40 learners; April 9, 1942.

Quality Manufacturing Company, Point Pleasant, West Virginia; Dresses; 7 learners; October 16, 1942.

Reliance Manufacturing Company, Ferguson Street, Hattiesburg, Mississippi; U. S. Army Mechanic Suits, Work Shirts; 10 percent; October 16, 1942. (This certificate replaces the ones issued bearing expiration dates of October 29, 1941 and November 3, 1941.)

Rob Roy Shirt Company, Race Street, Cambridge, Maryland; Shirts; 10 percent; October 16, 1942. (This certificate replaces one issued bearing expiration date of February 27, 1942.)

Supak and Sons Garment Manufacturing Company, 430 First Avenue, North, Minneapolis, Minnesota; Snow Suits & Slack Suits; 5 learners; October 16, 1942.

Standard Garment Company, Inc., Dallastown, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Standard Garment Company, Inc., N. Peters Street, New Oxford, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Standard Garment Company, Inc., 625 Locust Street, Columbia, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Standard Garment Company, Inc., Millersville, Pennsylvania; Dresses; 10 learners; October 16, 1942.

Star Foundations, Inc., 39 West 32nd Street, New York, New York; Corselettes, Corsets, Girdles; 10 percent; January 29, 1942.

Max Ulman, Inc., 495 Broadway, Kingston, New York; Misses' & Ladies' Cotton Dresses; 10 learners; October 16, 1942.

Van Sen, Inc., 8 West 30th Street, New York, New York; Corsets; 10 percent; January 29, 1942.

Wilson Brothers, 1000 Layne Avenue, Crawfordsville, Indiana; Shirts; 5 learners; October 16, 1942.

Yolanda Dress, 229 French Street, New Brunswick, New Jersey; Children's Dresses, Sunsuits, Pinafores and Blouses; 2 learners; October 16, 1942. (This certificate replaces one issued bearing expiration date of December 16, 1941.)

Gloves

Johanson Glove Company, Inc., 70 Washington Street, Brooklyn, New York; Knit Fabric Gloves and Work Gloves; 5 learners; October 16, 1942.

Hosiery

Clayson Knitting Company, Star, North Carolina; Seamless Hosiery; 5 learners; October 16, 1942.

Collegedale Hosiery Mill, Collegedale, Tennessee; Full Fashioned Hosiery; 30 learners; June 16, 1942.

G. & H. Hosiery Company, Inc., 801 8th Avenue and 23rd Street, Hickory, North Carolina; Seamless Hosiery; 5 percent; October 16, 1942.

Georgia Hosiery Mills, N. Main Street, Blakely, Georgia; Seamless Hosiery; 5 learners; June 16, 1942.

Hiwassee Hosiery Mill, Inc., Cleveland, Tennessee; Seamless Hosiery; 5 learners; October 16, 1942.

Interwoven Stocking Company, Hagerstown, Maryland; Seamless Hosiery; 10 learners; June 16, 1942.

Interwoven Stocking Company, Hagerstown, Maryland; Seamless Hosiery; 5 percent; October 16, 1942.

Interwoven Stocking Company, Chambersburg, Pennsylvania; Seamless Hosiery; 5 percent; October 16, 1942.

Martinat Hosiery Mills, Inc., Valdese, North Carolina; 5 percent; Seamless Hosiery; October 16, 1942.

NoMend Hosiery, Incorporated, 2nd and Weidman Streets, Lebanon, Pennsylvania; Full Fashioned Hosiery; 5 percent; October 16, 1942.

Ridgeview Hosiery Mill Company, Main Avenue, Newton, North Carolina; Seamless and Full Fashioned Hosiery; 5 percent; October 16, 1942.

Rockford Mitten and Hosiery Company, 418 S. Wyman Street, Rockford, Illinois; Seamless Hosiery; 5 percent; October 16, 1942.

Schuylkill Valley Mills, Inc., S. Main Street, Spring City, Pennsylvania; Full Fashioned Hosiery; 5 percent; October 16, 1942.

Terry Hosiery Company, 600 S. Hamilton Street, High Point, North Carolina; Seamless Hosiery; 4 learners; October 16, 1942. (This certificate replaces one issued to the Terry Hosiery Mills, Inc., bearing expiration date of November 12, 1941.)

Viewmont Hosiery Mills, Fairground Road, Hickory, North Carolina; Seamless Hosiery; 4 learners; October 16, 1942.

Walton Knitting Mills, Church Avenue and N. Mill Street, Hickory, North Carolina; Seamless Hosiery; 5 learners; October 16, 1942.

Wilson Brothers, 1008 W. Sample Street, South Bend, Indiana; Seamless Hosiery; 8 learners; June 16, 1942.

The Winsted Hosiery Company, 196 Holabird Avenue, Winstead, Connecticut; Seamless Hosiery; 5 percent; October 16, 1942.

Knitted Wear

The Walter A. Goldsmith Company, Broad and Jackson Streets, Conneaut, Ohio; Knitted Underwear; 20 learners; March 26, 1942.

Wilson Brothers, 1008 W. Sample Street, South Bend, Indiana; Knitted Underwear and Outerwear; 5 percent; October 16, 1942.

Textile

Samuel J. Aronsohn, Inc., 900 James Avenue, Scranton, Pennsylvania; Tie, Elastic and Novelty Fabrics; 3 percent; October 16, 1942.

Edinburgh Cotton Mills, Raeford, North Carolina; Cotton Yarn; 3 percent; October 16, 1942.

Middleburg Mills, Middleburg, Pennsylvania; Rayon Cloth; 2 learners; October 16, 1942.

Pisgah Mills, Inc., Brevard, North Carolina; Combed Peeler and Sak Sewing Thread and Fine Combed Yarns; 3 percent; October 16, 1942.

Signed at Washington, D. C., this 15th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7774; Filed, October 15, 1941; 11:58 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 16, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Adelphia Company, 421 Arch Street, Philadelphia, Pennsylvania; Portable Lamps and Shades; Lamp Shades; 10 learners; 320 hours for any one learner; 35 cents per hour; Hand Sewing; December 31, 1941.

American Core-Twine Corporation, Salmon Falls, New Hampshire; Twisting of Paper and Cellophane Twine, Cord and Yarn and Weaving Paper and Cellophane Fabrics from these yarns; 30 learners; 6 weeks for any one learner; 27½¢ per hour; Machine Operators, Tenders, Fixers, and Jobs incidental thereto; December 11, 1941.

Beebe Brothers Rubber Company, 20-22 Marshall Street, Nashua, New Hampshire; Rubber Products; Rubber Heels; 5 learners; 320 hours (8 weeks) for any one learner; 30 cents per hour; Trimmers, Inspectors; February 19, 1942.

The Fleischer Mills, Inc., 408 W. Seventh Street, Cincinnati, Ohio; Paper Covers for Garment Hangers; 4 learners; 6 weeks for any one learner; 30 cents per hour; Paper Folder; December 8, 1941. (This certificate effective October 13, 1941, and omitted from REGISTER of that date.)

Hagerstown Rubber Company, Inc., Highland Way, Hagerstown, Maryland; Rubber Products; Rubber Heels; 10 percent; 320 hours (8 weeks) and 160 hours (4 weeks) respectively for any one learner; 30 cents per hour; Trimmers, Pressmen, Millmen, Inspectors; April 16, 1942.

The Holtite Manufacturing Company, Inc., Warner and Ostend Streets, Baltimore, Maryland; Rubber Products; Rubber Heels; 10 percent; 320 hours (8 weeks) and 240 hours (6 weeks) for any one learner respectively; Trimmers 30 cents per hour; Packers, 30 cents per hour; Pressmen 35 cents per hour; Examiners, 30 cents per hour; April 16, 1942.

Minerva Wax Paper Company, Grant Street, Minerva, Ohio; Wax Coated Paper Rolls; 30 learners; 6 weeks for any one learner; 30 cents per hour; Assembling Wax Rolls in Boxes; Decem-

ber 8, 1941. (This certificate effective October 13, 1941, and omitted from REGISTER of that date.)

The O'Sullivan Rubber Company, Inc., Winchester, Frederick Co., Virginia; Rubber Products; Rubber Heels, Soles, etc.; 10 percent; 320 hours (8 weeks) for any one learner; 37½¢ per hour; Cutting Rubber, Compounding, Mixing, Milling, Calendering, Skiving, Pressing; May 1, 1942.

The O'Sullivan Rubber Company, Inc., Winchester, Frederick Co., Virginia; Rubber Products; Rubber Heels, Soles, etc.; 10 percent; 320 hours (8 weeks) for any one learner; 35 cents per hour; Finishing Processes (1) Trimming (2) Inspecting (3) Packing; May 1, 1942.

Red Wing Potteries, 711 W. Lake Street, Chicago, Illinois; Electric standards and silk, parchment and fabric shades; 5 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Sewing; April 16, 1942.

The Sealtex Company, 2014 Wabansia Avenue, Chicago, Illinois; Self-Stocking Bandages; 4 learners; 6 weeks for any one learner; 30 cents per hour; Latex Stripper, Bandage Roller, Bandage Cutter and Boxer, Drier, Other Machine Operators, Tenders, Fixers, and Jobs Incidental Thereto; March 5, 1942.

Standard Lamp and Novelty Company, 729 Wabash Avenue, Chicago, Illinois; Lamps and Shades; 6 learners; 320 hours for any one learner; 35 cents per hour; Lamp Shade Sewing; April 16, 1942.

Signed at Washington, D. C., this 15th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7775; Filed, October 15, 1941; 11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-412]

IN THE MATTER OF FEDERAL LIGHT & TRACTION COMPANY, RAWLINS ELECTRIC COMPANY, SHERIDAN COUNTY ELECTRIC COMPANY, AND THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY & GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

Notice is hereby given that declarations or applications (or both) have been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than October 30, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Rawlins Electric Company, Sheridan County Electric Company, and The Trinidad Electric Transmission, Railway & Gas Company are wholly-owned subsidiary public utility companies of Federal Light & Traction Company (hereinafter referred to as "Federal"), a registered holding company. Federal Light & Traction Company proposes to sell or surrender to such subsidiaries for cash all bonds and demand notes of such subsidiaries owned by Federal Light & Traction Company; to acquire for cash additional common stock of Sheridan County Electric Company, and to contribute to the capital of The Trinidad Electric Transmission, Railway & Gas Company, by the partial cancellation of bonds of said subsidiary held by Federal Light & Traction Company. The net cash proceeds to be received by Federal as a result of such transactions, aggregating $2,485,097.45, will be applied, together with $23,702.55 from its general funds, to the redemption of $2,500,000 principal amount of Federal's thirty-year debenture Gold Bonds, Series "B" 6% due December 1, 1954 at 100 (exclusive of accrued interest) and payment of expenses thereof.

The transactions in respect of each of the subsidiary companies are as follows:

Rawlins Electric Company proposes to issue and sell $200,000 principal amount of its First Mortgage Bonds, 3½% Series due 1966 to John Hancock Mutual Life Insurance Company, pursuant to contract, at a price of 100% of the principal amount thereof plus accrued interest to the date of purchase, in a transaction not involving a public offering. The new bonds are to be issued under and secured by an Indenture of Mortgage and Deed of Trust to be dated as of October 1, 1941. The proceeds from the sale of the new bonds together with $64,043.42 to be received from Federal in payment of that company's indebtedness to Rawlins Electric Company, aggregating $264,043.42, will be applied to the retirement of all of the indebtedness of Rawlins Electric Company to Federal, which indebtedness (exclusive of accrued interest) is as follows:

First mortgage gold bonds, 8% series due 1959	$225,000.00
To the payment of estimated expenses of the financing	6,445.00
To be added to general funds of the company	32,598.42
Total	264,043.42

Sheridan County Electric Company proposes to issue and sell $750,000 principal amount of its First Mortgage Bonds, 3½% Series due 1966 to John Hancock Mutual Life Insurance Company, pursuant to contract, at a price of 100% of the principal amount thereof plus accrued interest to the date of purchase, in a transaction not involving a public offering. The new bonds are to be issued under and secured by an Indenture to be dated as of October 1, 1941. The Company also proposes to issue and sell to Federal Light & Traction Company 1,500 shares of the Company's capital stock of $100 par value at the par value thereof. The proceeds from the sale of the new bonds and said capital stock, aggregating $900,000, will be applied as follows:

(1) To the retirement of all of the indebtedness of Sheridan County Electric Co. to Federal, which indebtedness (exclusive of accrued interest) is as follows:		
First mortgage thirty - five - year seven per cent gold bonds, due 1947	$713,000.00	
Open account	171,759.66	
		$884,759.66
(2) To the payment of estimated expenses of the financing		9,490.00
(3) To be added to general funds of the company		5,750.34
Total		900,000.00

The Trinidad Electric Transmission, Railway & Gas Company proposes to issue and sell $1,600,000 Principal amount of its First Mortgage Bonds, 3½% Series due 1966 to John Hancock Mutual Life Insurance Company, pursuant to contract, at a price of 100% of the principal amount thereof plus accrued interest to the date of purchase, in a transaction not involving a public offering. The new bonds are to be issued under and secured by an Indenture to be dated as of October 1, 1941. The proceeds from the sale of the new bonds together with necessary additional cash from other funds of the Company will be applied as follows:

(1) To the retirement of all the indebtedness of The Trinidad Electric Transmission, Railway & Gas Co. to Federal remaining after giving effect to the capital contribution proposed to be made by Federal hereinafter described, which indebtedness is as follows:		
First mortgage five percent gold bonds, due 1961	$3,211,000.00	
Less capital contribution	2,413,000.00	
	798,000.00	
8% demand notes		[1] $710,359.33 284,738.52
Open account		387,505.58
Accrued interest on foregoing (amount at August 31, 1941		206,777.78

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(2) To the payment of estimated expenses of the financing	20,860.00
Total	1,610,241.21

[1] Average cost to Federal.

In connection with the financing of The Trinidad Electric Transmission, Railway & Gas Company, Federal will make a contribution to the capital of the Company of $2,413,000, to be effected by the surrender for cancellation by Federal of a like principal amount of the Company's old bonds. The Company proposes to (1) credit the amount of said capital contribution to capital surplus, (2) increase the balance in its depreciation and retirement reserve in the amount of $200,000 by a charge to earned surplus (deficit), (3) charge the deficit in earned surplus (after crediting thereto the discount realized on $798,000 principal amount of old bonds reacquired) to capital surplus, and (4) transfer the balance remaining in capital surplus to a reserve for property adjustments. It is proposed that the foregoing capital contribution and accounting entries and adjustments will be made effective as of the close of the calendar month next preceding the consummation of the proposed financing.

Federal and its subsidiaries respectively state that they consider the transactions covered by the above applications and declarations to be exempt from the provisions of Rule U-50.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7772; Filed, October 15, 1941; 11:37 a. m.]

[File Nos. 7-554, 7-555, 7-556, 7-557]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO CENTRAL POWER AND LIGHT COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE AUGUST 1, 1969; KENTUCKY UTILITIES COMPANY FIRST MORTGAGE BONDS, 4% SERIES, DUE JANUARY 1, 1970, 4½% SINKING FUND MORTGAGE BONDS, DUE FEBRUARY 1, 1955; WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission having ordered that a hearing be held in this matter on Friday, November 7, 1941, in Washington, D. C.; and

The New York Curb Exchange having requested a postponement of said hearing;

It is ordered, That said hearing be postponed until 10 a. m. on Thursday, November 13, 1941, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7773; Filed, October 15, 1941; 11:38 a. m.]

[File No. 70-167]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, AND PEOPLES GAS COMPANY

ORDER CORRECTING ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

It appearing to the Commission that in its Order issued in the above-entitled matter on October 8, 1941,[1] through inadvertence, an error appeared in the text thereof; and the Commission being desirous of correcting the said error;

It is ordered, That the Order aforesaid be and the same hereby is corrected so that the same shall read in the sixth and seventh lines thereof, "regarding the issue and sale by Peoples Gas Company" instead of "regarding the issue and sale by Consolidated Electric and Gas Company".

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7771; Filed, October 15, 1941; 11:38 a. m.]

[1] 6 F.R. 5157.

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FEDERAL REGISTER

VOLUME 6 NUMBER 203

Washington, Friday, October 17, 1941

Rules, Regulations, Orders

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 239—FORMS UNDER SECURITIES ACT OF 1933

ADOPTION OF FORM S–2 FOR REGISTRATION UNDER THE ACT OF SECURITIES OF NON-SUCCESSOR CORPORATIONS HAVING NO SUBSIDIARIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby adopts Form S–2[1] for Registration under the Securities Act of 1933 of Securities of Non-successor Corporations Having No Subsidiaries.

Effective October 17, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7811; Filed, October 16, 1941; 11:32 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER III—SOCIAL SECURITY BOARD, FEDERAL SECURITY AGENCY

[Regulations No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[2]

SECTION 204 (A) OF THE ACT NOT APPLICABLE TO DEDUCTIONS PROVIDED IN SECTION 203 (G) OF THE ACT

In order to conform Regulations No. 3[3] of the Social Security Board (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.) to the applicable provisions of the Social Security Act, as amended, this regulation, effective January 1, 1940, is issued to amend § 403.601 of such regulations by striking out "(g)" in the second sentence of the first paragraph.

Effective January 1, 1940 § 403.601 of Regulations No. 3[1] is amended as follows:

SECTION 204 (A) OF THE ACT

Whenever an error has been made with respect to payments to an individual under this title (including payments made prior to January 1, 1940), proper adjustment shall be made, under regulations prescribed by the Board, by increasing or decreasing subsequent payments to which such individual is entitled. If such individual dies before such adjustment has been completed, adjustment shall be made by increasing or decreasing subsequent benefits payable with respect to the wages which were the basis of benefits of such deceased individual.

§ 403.601 *Overpayments and underpayments.* Subsection (a) of section 204 of the Act provides for adjustments, as set forth in (a) and (b) below, in cases where an error has been made which results in an overpayment or underpayment to an individual under title II of the Act, including overpayments and underpayments prior to January 1, 1940. The provisions for adjustments also apply in cases where, through error, a reduction or increase required under section 203 (a) or (b) of the Act, or a deduction under section 203 (d), (e), or (h) of the Act or under section 907 of the Social Security Act Amendments of 1939, is not made, and where such a reduction, increase, or deduction is made which is either larger or smaller than required (*see* §§ 403.502 to 403.505). The term "overpayment," as used herein, includes a payment where nothing was payable under title II of the Act. The term "underpayment," as used herein, includes nonpayment where some amount was payable under that title. (Sec. 204

[1] Filed as part of the original document.

[2] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[3] 5 F.R. 1849.

[1] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see §403.1 of Regulations No. 3 of the Social Security Board. (20 CFR, 1940 Supp., 403.1.)

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FEDERAL REGISTER

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(a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 404 (a), 1302.)

* * * * *

In pursuance of sections 204 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this September 23, 1941.

[SEAL] A. J. ALTMEYER,
Chairman, Social Security Board.

Approved: Oct. 15, 1941.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 41-7782; Filed, October 16, 1941; 9:25 a. m.]

[Regulations No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[1]

EVIDENCE AS TO AGE

This regulation amends Regulations No. 3[2] (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.) by amending § 403.702 (b) of Regulations No. 3.

Section 403.702 (b) of Regulations No. 3[2] is amended as follows:

§ 403.702. *Supporting evidence as to right to receive benefits and lump sums.*

* * * * *

(b) *Evidence as to age.* An applicant for benefits shall file supporting evidence showing the date and place of his birth, if his age is a condition of entitlement. Such evidence may also be required by the Board as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement. Evidence of age shall be of the following character:

(1) A copy of the public record of birth or a statement as to the date of birth shown by such record, duly certified by the custodian of such record; or

(2) A copy of a church record of infant baptism or a statement as to the date of birth shown by such record, duly certified by the custodian of such record; or

(3) A written notification from the Bureau of the Census or other public agency that a described record of birth has been established at a public registry of vital statistics.

If none of the evidence described in subparagraphs (1), (2), or (3) is readily obtainable, the reason therefor should be stated and the Board may in its discretion accept:

(4) A statement of the physician or midwife who attended at the time of the birth of such applicant or other individual; or

(5) A certification, upon the approved form, that there exists a Bible or other family record showing the age of the applicant or of such other individual, as stated on such form; or

(6) Other evidence of probative value.

If the applicant for benefits is residing in the United States, but was born in another country, and none of the evidence described in subparagraphs (1) and (2) is available in the United States, the applicant may submit an immigration or naturalization record, or other evidence of probative value, which shows the date and place of his birth. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 405 (a), 1302).

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this July 2, 1941.

[SEAL] A. J. ALTMEYER,
Chairman, Social Security Board.

Approved: Oct. 15, 1941.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 41-7783; Filed, October 16, 1941; 9:26 a. m.]

[Regulations No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[1]

EXCEPTION OF CERTAIN PERSONS ENGAGED IN FAMILY EMPLOYMENT

In order to conform Regulations No. 3[2] of the Social Security Board (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.) to the applicable provisions of the Social Security Act, as amended, this regulation, effective January 1, 1940, is issued to amend § 403.811 of such regulations.

Effective January 1, 1940, § 403.811 of Regulations No. 3[2] is amended by striking out the last paragraph in such section, and by substituting the following paragraph:

§ 403.811 *Family employment.* * * *

Services performed in the employ of a corporation are not within the exception. Services performed in the employ of a partnership are not within the exception unless the requisite family relationship exists between the employee and each of the individual partners comprising the partnership. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 405 (a), 1302; interprets

[1] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[2] 5 F.R. 1849.

[3] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 20 CFR, 1940 Supp., 403.1)

sec. 209 (b) (4), 53 Stat. 1374, 42 U.S.C., Sup., 409 (b) (4))

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this September 23, 1941.

[SEAL] A. J. ALTMEYER,
Chairman, Social Security Board.

Approved: Oct. 15, 1941.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 41-7784; Filed, October 16, 1941; 9:26 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Order Amending Order No. 333[1]]

PART 318—MARKETING RULES AND REGULATIONS

AN ORDER DIRECTING CODE MEMBERS, THEIR SALES AGENTS AND DISTRIBUTORS, TO FILE DUPLICATE COPIES OF ALL ANALYSES HERETOFORE FILED PURSUANT TO RULE 1 OF SECTION VIII OF THE MARKETING RULES AND REGULATIONS AND ALSO DIRECTING CODE MEMBERS, THEIR SALES AGENTS AND DISTRIBUTORS, TO FILE ALL FUTURE ANALYSES IN DUPLICATE

It appearing that in order to carry out the provisions of the Bituminous Coal Act of 1937, it is necessary that copies of certain analyses heretofore filed should be supplied to the Division and that every analysis hereafter filed with the Bituminous Coal Division should be filed in duplicate;

Pursuant to the provisions of sections 4 II (a) and 10 (a) of the Bituminous Coal Act of 1937,

It is, therefore, ordered, That within thirty (30) days from the date hereof all code members, their sales agents and distributors who have heretofore filed analyses of any coals in accordance with section VIII, Rule 1, of the Marketing Rules and Regulations (§ 318.8 (a) *Use of coal analyses*) shall file with the appropriate Statistical Bureau one copy of each analysis so filed; and

It is further ordered, That from and after the date of this order every analysis filed with the appropriate Statistical Bureau in accordance with the provisions of Section VIII, Rule 1, of the Marketing Rules and Regulations shall be in duplicate.

Dated: October 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7793; Filed, October 16, 1941; 10:26 a. m.]

[1] 6 F.R. 4900.

[Docket No. A-1063]

PART 343—MINIMUM PRICE SCHEDULE DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY RAIL, PRODUCED AT THE SUNBURST MINE, MINE INDEX NO. 147, OF SUNBURST COAL CO., INC., A CODE MEMBER IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for shipment by rail, for the coals produced at the Sunburst Mine (Mine Index No. 147) of Sunburst Coal Co., Inc., a code member in District No. 23, and for which coals minimum prices have been established heretofore only for shipment by truck; and

The Director, finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: (1) commencing forthwith, § 343.4 (*Code member price index*) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments, is supplemented to include within Subdistrict "B" in that District, the coals produced at the Sunburst Mine (Mine Index No. 147) of the Sunburst Coal Co., Inc., in the Number 1 Seam in Lewis County, Washington, in Freight Origin Group No. 48, for shipment via C. M. St. P. & P. Railway from Carlson, Washington, into all market areas; and (2) the price classifications and minimum prices set forth in § 343.5 (*General prices; minimum prices for shipment via rail transportation*) in that Schedule for the coals, for shipment via rail transportation, produced in Subdistrict "B" Pierce County are applicable and effective as to the coal produced at the Sunburst Mine (Mine Index No. 147).

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F.R. Doc. 41-7802; Filed, October 16, 1941; 10:30 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[Dept. Circ. No. 368, Revised]

PART 308—GENERAL REGULATIONS GOVERNING FULL-PAID INTERIM CERTIFICATES

OCTOBER 15, 1941.

Department Circular No. 368, dated August 16, 1926, as amended by First Amendment, dated August 18, 1937, (Part 308, Title 31, Chapter III, Code of Federal Regulations), is hereby further amended, and revised to read as follows:

The following regulations relating to full-paid interim certificates are hereby prescribed and published for the information and guidance of all concerned:

Sec.
308.1 Issue.
308.2 Exchange for definitive securities.
308.3 Exchanges of denominations.
308.4 Applicable regulations.
308.5 Reservations.

§ 308.1 *Issue.* Federal Reserve Banks, as Fiscal Agents of the United States, and the Treasury Department may issue full-paid interim certificates in lieu of definitive securities, against full-paid allotments of subscriptions, when specifically authorized by the Secretary of the Treasury in connection with the issue, hereafter, to the public, of United States securities. Interim certificates shall be in such form, and in such denominations, as the Secretary of the Treasury may determine when an issue is authorized.*

*§§ 308.1 to 308.5, inclusive, issued under the authority contained in R.S. 161; 5 U.S.C. 22. Sec. 1, 40 Stat. 288, sec. 1, 40 Stat. 502, sec. 1, 40 Stat. 844, 46 Stat. 1506, sec. 14 (a) (1), 48 Stat. 343, sec. 1, 49 Stat. 20; 31 U.S.C. 752 and Sup. Sec. 10, 36 Stat. 817; 39 U.S.C. 760. Sec. 1, 40 Stat. 1309, sec. 1401, 42 Stat. 321, sec. 14 (a) (3), 48 Stat. 343, sec. 4, 49 Stat. 20; 31 U.S.C. 753 (a) and Sup. Sec. 5 (a), Second Liberty Bond Act, as added by 46 Stat. 19, secs. 2, 3, 49 Stat. 20; 31 U.S.C. 754 (a) and Sup. Sec. 32, 30 Stat. 466, sec. 40, 36 Stat. 117, sec. 401, 39 Stat. 1003; 31 U.S.C. 756. Sec. 8 (d), 50 Stat. 482; 31 U.S.C. Sup., 738a.

§ 308.2 *Exchange for definitive securities.* Upon surrender of a full-paid interim certificate to a Federal Reserve Bank, or to the Treasury Department, Washington, D. C., the definitive securities described therein, when prepared, will be delivered. Exchanges shall be made on like par amount basis.*

§ 308.3 *Exchanges of denominations.* Pending availability of definitive securities, exchanges of authorized denominations of interim certificates, from higher to lower will be permitted.*

§ 308.4 *Applicable regulations.* Except as may otherwise be provided, and in so far as applicable, the general regulations of the Treasury Department, as contained in Department Circular No. 300, as amended or revised, shall apply to full-paid interim certificates.*

§ 308.5 *Reservations.* The Secretary of the Treasury reserves the right to withdraw or amend at any time or from time to time any or all of the provisions of this circular.*

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7813; Filed, October 16, 1941; 11:46 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT

Interpretation of General Preference Order No. M-8 (a)

The following official interpretation is hereby issued by the Director of Priorities with respect to § 932.2 (e) (1), *General preference order No. M-8* (a), dated September 30, 1941.[1]

The term "insulation board to be used for the preservation of food", as used in § 932.2 (e) (1), General Preference Order No. M-8 (a), dated September 30, 1941, is limited to insulation board which is to be incorporated in the following types of refrigerating equipment and refrigerated spaces used to preserve food.

(1) Cabinets and other similar small cold storage boxes, temperatures in which are to be maintained below 20 degrees Fahrenheit; and

(2) Cold storage rooms and "walk-in" boxes, temperatures in which are to be maintained below 40 degrees Fahrenheit.

Issued this 16th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7804; Filed, October 16, 1941; 11:17 a. m.]

[1] 6 F.R. 5007.

PART 937—ZINC

Amendment to General Preference Order No. M-11 as Amended June 28, 1941

Section 937.1 (a) (4) (*General preference order No. M-11*[1]) is hereby amended so as to read as follows:

§ 937.1 *General preference order No. M-11.* (a) * * *

(4) "Producer" means any Person producing Zinc as heretofore defined; and also, for the purposes of this Order, "Producer" includes any Person who is a party to an agreement for the production of Zinc under toll.

* * * * *

Section 937.1 (c) (1) (*General preference order No. M-11*) is hereby amended so as to read as follows:

(c) (1) During each calendar month hereafter each Producer:

(i) *Of metallic zinc* shall set aside from his production (including therein metallic zinc produced directly from ores, concentrates and other primary material by others for his account under toll agreement and excluding metallic zinc produced by him for the account of others under toll agreement) a quantity to be determined from time to time by the Director of Priorities to be delivered only upon express direction of the Director of Priorities. Each Producer shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders, equal to the percentage received by every other customer: *Provided, however,* That a Producer may satisfy in full his commitments to any one customer during any one month up to not exceeding one minimum carload lot.

(ii) *Of zinc oxide* shall set aside from his production (including therein zinc oxide produced directly from ores, concentrates and other primary material by others for his account under toll agreement and excluding zinc oxide produced by him for the account of others under toll agreement) a quantity to be determined from time to time by the Director of Priorities to be delivered only upon express direction of the Director of Priorities. Each Producer shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders, equal to the percentage received by every other customer: *Provided, however,* That a Producer may satisfy in full his commitments to any one customer during any one month up to not exceeding 2,000 pounds.

[1] 6 F.R. 3179.

(iii) *Of zinc dust* shall set aside from his production (including therein zinc dust produced directly from ores, concentrates and other primary material by others for his account under toll agreement and excluding zinc dust produced by him for the account of others under toll agreement) a quantity to be determined from time to time by the Director of Priorities to be delivered only upon express direction of the Director of Priorities. Each Producer shall ship the balance of his production in such manner that each customer shall receive a percentage of the Producer's commitments to him for the month, including both Defense Orders and non-defense orders, equal to the percentage received by every other customer: *Provided, however,* That a Producer may satisfy in full his commitments to any one customer during any one month up to not exceeding 2,000 pounds.

Notwithstanding the provisions of this paragraph all deliveries must receive the preferential treatment accorded to them by paragraph (b) above, and must be made subject to the limitations of paragraph (d) below.

* * * * *

This amendment shall be effective as of the 16th day of October 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 16th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7806; Filed, October 16, 1941; 11:18 a. m.]

PART 963—SILK

Amendment to General Preference Order No. M-22[1] *to Conserve the Supply and Direct the Distribution of Silk*

Whereas, the uncertainty of future shipments of raw silk from abroad and national defense requirements for silk have created a shortage thereof and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and to allocate the said supply in the manner and to the extent in this Order provided;

Now, therefore, it is hereby ordered, That: General Preference Order No. M-22 is hereby amended to read as follows:

§ 963.1. *General preference order No. M-22*—(a) *Applicability of Priorities regulation No. 1.* All of the provisions

[1] 6 F.R., 3731, 3892, 4046, 4449.

and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, shall be deemed a part of this Order, except in so far as they are inconsistent herewith.

(b) *Required and permitted deliveries.* (1) The following orders are hereby assigned a preference rating of A-10, and acceptance thereof is required:

(i) Any contract or order for silk cloth, shroud lines, tape or thread for either life, matériel, or flare parachutes placed by the War Department, the Navy Department, or the Department of Commerce for such parachutes to be delivered to or for the account of the Army, Navy or Weather Bureau of the United States.

(ii) Any contract or order for silk in any form required by the person placing the same to fulfill his contracts or orders on hand, provided such silk is to be physically incorporated in material to be delivered under contracts or orders included under (i) above.

(iii) Any contract or order for raw silk placed by the Defense Supplies Corporation.

(2) Deliveries of imported raw silk may be made to any person importing the same, either directly or through an agent.

(c) *Restrictions on deliveries.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, no person shall hereafter sell or otherwise transfer title to, or make any deliveries, and no person shall purchase or accept delivery of Raw Silk except as provided in paragraph (b) hereof, unless specifically authorized by the Director of Priorities.

(d) *Restrictions on throwing, weaving and other processing.* (1) No person shall, during any week, knit, weave or otherwise process thrown silk in excess of the amount knit, woven or otherwise processed by him during the week ending July 26, 1941, unless specifically authorized by the Director of Priorities.

(2) No person shall throw, spin or otherwise process Raw Silk, except as otherwise provided herein or unless specifically authorized by the Director of Priorities.

(e) *Reports.* Each person delivering or accepting delivery of Raw Silk in accordance with paragraph (b) hereof, or as specifically authorized by the Director of Priorities, shall, on or before the close of the next business day following such delivery or acceptance notify the Textile Section Research-Department, Office of Production Management, in writing, of the amount, the bale numbers, origin, denier size and color of any bales of Raw Silk so delivered or accepted, the names and addresses of the persons delivering and accepting delivery, and the identifying number or numbers of the War, Navy, or Commerce Department contracts in material delivered under which such Raw Silk is to be physically incorporated.

(f) *Appeal.* Any person who considers that compliance with this Order would work an undue hardship upon him may appeal by telegraph or mail to the Director of Priorities, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reason such person believes that he is entitled to relief.

(g) *Effective date.* This Order shall shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 7783; Sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.; Sec. 9, Public No. 783, 76th Cong., 3d Sess.)

Issued this 16th day of October, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7803; Filed, October 16, 1941; 11:17 a. m.]

PART 991—SPERM OIL

General Preference Order M-40 To Conserve the Supply and Direct the Distribution of Sperm Oil

Whereas due to the present emergency, it has become necessary to use vessels heretofore engaged in the production of sperm oil for other purposes, thereby decreasing the imports of such oil into the United States; and

Whereas demands upon suppliers of said oil in the first six months of 1941 have exceeded total consumption for the year 1940; and

Whereas future imports of such oil depend upon the successful completion of lengthy ocean voyages subject to the perils of the sea, and upon the availability of vessels suitable for use in obtaining sperm oil; and

Whereas no adequate substitutes are available for sperm oil for certain types of uses essential to the proper prosecution of the national defense program, and its use for other defense purposes is preferable or customary; and

Whereas it is necessary to create a reserve supply of sperm oil in order to provide for further contingencies and the possibility that there may be no further imports of sperm oil into this country for a considerable period of time; and

Whereas the foregoing facts have operated to create a shortage of sperm oil for national defense, and it is necessary in the public interest and for national defense to allocate the supply of said sperm oil in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That

§ 991.1 *General preference order M-40*—(a) *Applicability of Priorities Division regulation No. 1.* To the extent that they are not inconsistent with the specific provisions hereinafter contained, all of the definitions and provisions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, as modified or supplemented by the provisions of this Order, shall be deemed a part of this Order.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Sperm oil" as herein used shall mean oil obtained from the sperm whale, and includes such oil after refining or sulphonating.

(2) "Dealer in sperm oil" as herein used shall mean every person purchasing or holding sperm oil for sale or resale as such, or for resale after refining or sulphonating, but shall not include persons purchasing or holding sperm oil for resale after combination with other materials.

(c) *Assignment of preference rating.* (1) All defense orders for sperm oil which have not been specifically assigned a higher rating are hereby assigned a rating of A-10.

(2) All orders for sperm oil necessary for the production of other defense orders, as defined in the said Regulation No. 1, are hereby assigned a rating of A-10 and shall, themselves, be deemed defense orders as the said term is used hereinafter in this Order.

(d) *Sperm oil for direct allocation.* Each dealer in sperm oil holding on the effective date of this Order stocks of sperm oil in excess of 100,000 pounds, shall set aside and hold for delivery upon orders to be specifically issued under this paragraph by the Director of Priorities, an amount of sperm oil equal to thirty per centum (30%) of all stocks of said sperm oil held by him on the effective date of this Order, and shall thereafter set aside an amount of sperm oil equal to thirty per centum (30%) of each shipment received by him directly from any factory, floating or otherwise.

(e) *Use of sperm oil only for defense orders.* Dealers in sperm oil, after setting aside the amounts of sperm oil required by paragraph (d) hereof, and all other persons having supplies of sperm oil, shall use, sell, or deliver their supplies of the said oil only upon defense orders, subject, however, to the provisions of paragraphs 944.14 and 944.19 of the said Regulation No. 1.

(f) *Effective date.* This order shall take effect immediately upon issuance. (P.D. Reg. 1, August 27, 1941, 6 F.R. 4489; P.D. Reg. 2, September 9, 1941, 6 F.R. 4684; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191, E.O. 8875, August 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, 3d Sess., as amended by Public No. 89, 77th Congress, 1st Sess.; Sec. 9, Public No. 783, 76th Congress, 3d Sess.)

Issued this 16th day of October, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7807; Filed, October 16, 1941; 11:18 a. m.]

PART 996—CHLORINATED HYDROCARBON SOLVENTS

General Preference Order No. M–41 to Conserve the Supply and Direct the Distribution of Chlorinated Hydrocarbon Solvents

Whereas the national defense requirements have created a shortage of Chlorinated Hydrocarbon Solvents, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 996.1 *General preference order No. M–41*—(a) *Definitions.* For the purposes of this Order:

(1) "Chlorinated Hydrocarbon Solvents" means:

(i) Carbon tetrachloride.
(ii) Trichlorethylene.
(iii) Perchlorethylene.
(iv) Ethylene dichloride.

and includes mixtures containing the foregoing, provided said mixtures may be used for any of the purposes hereinafter in paragraphs (c) (2) and (3) specified.

(2) "Producer" means any person engaged in the production of Chlorinated Hydrocarbon Solvents and includes any person who has Chlorinated Hydrocarbon Solvents produced for him pursuant to toll agreement, and any person who has purchased or purchases Chlorinated Hydrocarbon Solvents for purposes of resale.

(b) *Preference ratings and directions.* (1) Control of the supply and direction of the distribution of Chlorinated Hydrocarbon Solvents is hereby taken by the Director of Priorities, and all future transactions of any kind in Chlorinated Hydrocarbon Solvents are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August, 1941, except as herein otherwise specifically provided.

(2) Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(c) *Directions with respect to residual supply.* After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers shall make deliveries of Chlorinated Hydrocarbon Solvents in accordance with the following directions:

(1) Each Producer, exclusive of one who has purchased or purchases Chlorinated Hydrocarbon Solvents for purposes of resale, shall each month make available to persons, to be designated by the Director of Priorities of the Office of Production Management, 5% of the amount of each Chlorinated Hydrocarbon Solvent, produced by him during that month, or 20% of the amount of each Chlorinated Hydrocarbon Solvent produced by him during that month which is not required to fill Defense Orders (whichever amount is smaller). *Provided, however,* That when the amount of Chlorinated Hydrocarbon Solvents which any Producer has thus made available, in any month, has cumulated to the percentage specified above of his largest month's production to that date, he shall not be required to make additional quantities available.

(2) Deliveries of Chlorinated Hydrocarbon Solvents, in the quantities stated below, to persons who require the same for the following non-defense uses and who, prior to delivery thereof, shall have furnished the Producer with a duly executed Purchaser's Certificate (in duplicate) on Form PD-127 are hereby assigned preference rating B-2:

(i) Charging and recharging fire extinguishers;
(ii) Grain fumigation;
(iii) Processing and manufacture of food, chemicals, rubber and petroleum, where substitution of other materials is impractical;
(iv) Degreasing machines specially designed to use such solvents in a manufacturing process or in the repair of public carriers. Such machines must use the solvents at or near their boiling points and be equipped with water cooled condensers;
(v) Cleaning of metals in electrical equipment;
(vi) Fire prevention in plywood manufacture;
(vii) Manufacture of chlorinated hydrocarbon refrigerants;
(viii) Dry cleaning establishments.

Persons requiring any Chlorinated Hydrocarbon Solvents for uses enumerated above (except uses ii, vii, and viii) shall be entitled, in any one month, to receive one-sixth of the quantity of Chlorinated Hydrocarbon Solvents consumed by them during the six month period ended June 30, 1941. Persons requiring Chlorinated Hydrocarbon Solvents for use in grain fumigation (use ii) shall not be restricted as to quantity except as hereinafter in paragraph (e) provided. Persons requiring Chlorinated Hydrocarbon Solvents for the manufacture of chlorinated hydrocarbon refrigerants (use vii) shall be entitled to receive, in any month, such quantities of Chlorinated Hydrocarbon Solvents as shall be determined (upon application) from month to month by the Priorities Division of the Office of Production Management. Persons requiring Chlorinated Hydrocarbon Solvents for use in dry cleaning establishments (use viii) shall be entitled, in any one month, to receive one-twelfth of the quantity of Chlorinated Hydrocarbon Solvents consumed by them during the six month period ended June 30, 1941.

(3) To the extent that Chlorinated Hydrocarbon Solvents are available after Defense Orders and the uses (in the amount specified) set forth in subparagraphs (c) (1) and (2), are satisfied, deliveries, in the quantities stated below, to persons who, prior to delivery thereof, shall have furnished the Producer with a duly executed Purchaser's Certificate (in duplicate) on Form PD–127, are hereby assigned preference rating B–8:

(i) Fumigation, other than grain fumigation;
(ii) Packaged spotting and cleaning preparations;
(iii) Manual cleaning of non-absorbent objects other than electrical equipment;
(iv) Dry cleaning establishments;
(v) Manufacture of tetraethyl lead fluid.

Persons requiring Chlorinated Hydrocarbon Solvents for any of the foregoing purposes shall be entitled, in any one month, to receive no more than one-sixth, or in the case of dry cleaning establishments one-twelfth, of the quantity of Chlorinated Hydrocarbon Solvents consumed by them during the six month period ended June 30, 1941.

(4) Except as they may receive Chlorinated Hydrocarbon Solvents under subparagraph (c) (1) hereof, or pursuant to other specific direction of the Director of Priorities, persons not enumerated in subparagraph (c) (2) or (3) hereof shall receive no Chlorinated Hydrocarbon Solvents: *Provided, however,* That nothing in this subparagraph contained shall, within the restrictions contained in paragraph (e) hereof, and after provision has been made for filling Defense Orders, prevent Producers from making deliveries of Chlorinated Hydrocarbon Solvents to and among themselves, for purposes of resale.

(d) *Records and reports.* In addition to the records and reports required by Priorities Division Regulation No. 1, hereinabove referred to, each Producer shall, on or before the tenth day of each month, file with the Chemicals Section, Division of Priorities, Office of Production Management, Washington, D. C., the duplicate of each Purchaser's Certificate (Form PD–127 [1]), submitted to him, in connection with which he has made, or has agreed to make, deliveries of Chlorinated Hydrocarbon Solvents.

(e) *Inventory restrictions.* In addition to the inventory restrictions contained in Priorities Division Regulation No. 1, hereinabove referred to, no person shall accumulate inventories of Chlorinated Hydrocarbon Solvents in excess of a 30 day supply thereof, at the expected rate of use, taking into consideration supplies of Chlorinated Hydrocarbon Solvents on hand and on order.

(f) *Effective date.* This Order shall take effect immediately, and unless sooner revoked, shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 15th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7805; Filed, October 16, 1941; 11:18 a. m.]

[1] Filed with the original document.

PART 1010—SUSPENSION ORDERS

Suspension Order No. S–1

Central Pattern and Foundry Company of Chicago, Illinois, is a foundry and secondary smelter of aluminum and aluminum scrap and is subject to the provisions of General Preference Orders M–1,[1] M–1–a,[2] and M–1–c.[3] In reports filed with the Division of Priorities by the Company in accordance with these Orders, the company misrepresented its scheduled shipments of aluminum for the month of July. Thereafter, during the month of July, in violation of directions issued by the Director of Priorities pursuant to these Orders, the Company made shipments of aluminum castings in the amount of 41,449 pounds for non-essential uses. The Company also violated the provisions of these Orders in several other respects: it failed to obtain from its customers sworn statements concerning their inventories and orders placed by them with other producers, and it accepted for melting and processing deliveries of aluminum scrap not specifically authorized by the Director of Priorities and bearing no preference ratings. The Company committed these violations despite full knowledge on its part of the requirements of these Orders.

Because of the scarcity and critical importance of aluminum, these wilful violations of General Preference Orders M–1, M–1–a, and M–1–c have resulted in the diversion of aluminum from primary defense needs into nonessential uses and have thus impeded the defense of the United States. In view of the foregoing facts,

It is hereby ordered:

§ 1010.1 *Suspension order No. S–1.* (a) During the period in which this Order shall be in effect, Central Pattern and Foundry Company of Chicago, Illinois, its successors and assigns shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part.

(b) During the period in which this Order shall be in effect, Central Pattern and Foundry Company of Chicago, Illinois, its successors and assigns shall accept no purchase orders, and enter into no contracts or commitments, for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products.

(c) During the period in which this Order shall be in effect, Central Pattern and Foundry Company of Chicago, Illinois, its successors and assigns shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products: *Provided:* That said Company may make delivery of such materials on the orders and in the amounts set forth in Schedule A, hereto attached and made a part hereof.[4]

(d) During the period in which this Order shall be in effect, no person shall deliver any primary aluminum, secondary aluminum, aluminum scrap or alloy of which aluminum constitutes the major part to Central Pattern and Foundry Company in any case in which the acceptance of such delivery by the Company would be in violation of this Order; nor shall any person accept delivery of any such material or any aluminum product from Central Pattern and Foundry Company in any case in which the delivery of such material or product by the Company would be in violation of this Order.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Priorities, shall expire at midnight of March 31, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489, O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 15th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–7812; Filed, October 16, 1941; 11:43 a. m.]

[1] 6 F.R. 1598.
[2] 6 F.R. 1599.
[3] 6 F.R. 2854.

[4] Filed as part of the original document.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION

SERVICE REQUIREMENTS, BEGINNING AND ENDING DATES OF WARS (ALL DATES INCLUSIVE)

Persons Included, in Addition to Officers and Enlisted Men, Other Than Those Mentioned in the Act of July 14, 1862, and Other Controlling Laws

§ 4.2006 *Public No. 2, 73d Congress.* (See also § 2.1001) (a) Personnel of the United States Coast Guard who served on or after January 28, 1915. (Acts of July 2, 1930 and July 18, 1941.) (October 15, 1941.) (46 Stat. 847; 38 U.S.C. 238; and Pub. No. 182, 77th Congress)

§ 4.2113 *Rates payable for disability incurred in service prior to April 21, 1898.* Veterans of the regular establishment who served prior to April 21, 1898, who incurred disability in such service and who meet the other requirements of the Act of July 14, 1862, as amended, are entitled to pension at the rates provided in § 4.2062 (a) and (b). Effective July 1, 1940, such veterans are entitled to the rates of pension prescribed by paragraph (b) of § 35.012 as amended or § 4.2062 (a) and (b), subject to the right of election. (October 15, 1941.) (48 Stat. 8, 9; 38 U.S.C. 701, 704; and Pub. 182, 77th Congress)

§ 4.2114 *Peace-time service subsequent to April 20, 1898.* (a) No award of disability pension shall be effective prior to the date of the veteran's separation from service, date of the happening of the contingency upon which such pension is allowed, or the date of receipt of application therefor, whichever is the later date. (§ 35.021 (a) (1)): *Provided,* That no award of disability pension under Public No. 182, 77th Congress, to former personnel of the United States Coast Guard who served on or after January 28, 1915 and prior to July 2, 1930, shall be effective prior to the date of receipt on or after July 18, 1941 of an acceptable application, formal or informal, as required in disability claims generally. The pension to be awarded will be in accordance with the rates provided in § 35.012, as amended, and the Schedulate for Rating Disabilities, 1933.

(b) Pursuant to the provisions of Public No. 788, 74th Congress, enacted June 24, 1936, any peace-time veteran entitled to pension for service-connected disability under § 35.012, and who was on March 19, 1933, in receipt of compensation under the World War Veterans Act, 1924, as amended, or pension under the General Law, for such service-connected disability shall be entitled to receive pension at seventy-five per centum of the compensation or pension being paid on March 19, 1933, effective July 1, 1936. Where the degree of such service-connected disability has increased or decreased since March 19, 1933, the per centum limits shall be determined on the basis of the rate of compensation or pension payable for such changed condition under the laws applied to such veteran in effect on March 19, 1933. However, in no event shall the rate of pension herein provided exceed seventy-five per centum of the rate of pension for similar disability under § 35.011. Such pension shall be subject to the regulations issued under Public Law No. 2, 73d Congress, pertaining to hospitalized and domiciled cases.

(c) The protection afforded by Public No. 788, 74th Congress, will be extended to the claims of veterans who were on March 19, 1933, receiving compensation

under the War Risk Insurance Act, as protected by section 602 of the World War Veterans Act, 1924, as amended, for a disability incurred prior to April 6, 1917, where the veteran was also in the active service on April 6, 1917, or for a disability incurred subsequent to July 2, 1921, where such disability would also have been pensionable on March 19, 1933, under the General Law (Act of July 14, 1862), by awarding, effective July 1, 1936, seventy-five per centum of the rate payable under the General Law where that benefit is greater than the amount payable under Public No. 2, 73d Congress. In this class of cases a claim for compensation under the War Risk Insurance Act will be accepted for the purpose of awarding the benefits under Public No. 788, 74th Congress, as a claim for pension under the General Law, and such claims will be forwarded to the director, veterans claims service, central office. (October 15, 1941) (54 Stat. 237; 38 U.S.C. 724; 49 Stat. 1910; 38 U.S.C. 703; and Pub. No. 182, 77th Congress)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-7776; Filed, October 15, 1941; 3:17 p. m.]

PART 5—ADJUDICATION; DEPENDENTS' CLAIMS

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

§ 5.2530 *Death of veteran due to wartime service: Public No. 2, 73d Congress*—(a) *Spanish-American War.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the Spanish-American War, Boxer Rebellion, or Philippine Insurrection, as provided for in § 35.011 (a), shall be entitled to receive pension at the monthly rates specified in § 5.2622 (a) and (b), and § 5.2624.

(b) *World War.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933) the surviving widow, child or children and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the World War, as provided for in § 35.011 (a), shall be entitled to receive compensation at the monthly rates specified in § 5.2622 (a) and (b) or to compensation at the increased rates provided by Public No. 304, 75th Congress (Act of August 16, 1937), or by Public No. 198, 76th Congress (Act of July 19, 1939), as specified in §§ 5.2623 and 5.2624, under conditions set forth in §§ 5.2574 and 5.2582. Effective August 16, 1937, service prior to July 3, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War service provided the person who served, also served after April 5, 1917, and prior to November 12, 1918, and death occurred or was due to a disability incurred, or to the aggravation of a disease or injury suffered, during the reenlistment and prior to July 3, 1921. (A.D. 398) (October 15, 1941.) (Sec. 7, 48 Stat. 9, Pub. No. 304, 75th Congress, Pub. No. 242, 77th Congress; 38 U.S.C. 707)

§ 5.2532 *Death of veteran due to peace-time service: Public No. 2, 73d Congress as amended and accessory acts.* (a) For the purposes of Public No. 2 (Act of March 20, 1933), the surviving widow, child or children and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service subsequent to April 20, 1898, other than in a period of war service, as provided for in § 35.012 (a), as amended by Public No. 159, 75th Congress (Act of June 23, 1937) shall be entitled to receive pension at the monthly rates specified in § 5.2622 (c) and/or (d).

(b) For the purposes of Public No. 159, 75th Congress (Act of June 23, 1937) as amended by Public No. 732, 75th Congress (Act of June 25, 1938), the surviving widow, child or children and dependent mother or father of any deceased person who dies or has died as a result of physical injury (sickness or disease shall not be regarded as an injury) incurred in line of duty while performing active naval service, subsequent to June 15, 1933, shall be entitled to receive pension at the monthly rates specified in § 5.2622 (d).

(c) If death resulted from an injury received in line of duty in actual combat in a military expedition or military occupation, the dependents shall be entitled to the war-time rates specified in §§ 5.2622 (a) and (b), and 5.2624, (§ 35.012 (a) (3) and section 1, Public No. 242, 77th Congress (Act of August 21, 1941)). See also § 2.1067.

(d) For the purposes of Public No. 497, 71st Congress (Act of July 2, 1930), and Public No. 182, 77th Congress (Act of July 18, 1941), the surviving widow, child or children, or dependent mother or father of any deceased officer or enlisted man of the United States Coast Guard, who died as a result of injury or disease incurred in or aggravated by active service in line of duty, on or after January 28, 1915 (except service during the World War) shall be entitled to receive pension at the monthly rates specified in § 5.2622 (c) and/or (d). (See A.D. 200) (October 15, 1941.) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Congress)

§ 5.2551 *Concurrent payment of benefits; exceptions.* Under the provisions of Public No. 2, 73d Congress (Act of March 20, 1933) not more than one pension or award of compensation shall be payable to any one individual, except that the receipt of pension or compensation by a widow, child, or parent on account of the death of any person shall not bar the payment of pension or compensation on account of the death of any other person (§ 35.10 (m)); however, for periods prior to September 1, 1941, the increased rate of death compensation authorized by section 3, Public No. 304, 75th Congress (Act of August 16, 1937) or section 5, Public No. 198, 76th Congress (Act of July 19, 1939) may not be awarded concurrently with compensation or pension which may be payable under other laws because of the service and death of another person. Accordingly, for periods prior to September 1, 1941, when the maximum amount of compensation payable under §§ 35.011 and 35.012 on account of the service and death of more than one person exceeds the maximum provided on account of the death of one person by section 3, Public No. 304, 75th Congress, or by section 5, Public No. 198, 76th Congress, the awards will be authorized at the rates prescribed by §§ 35.011 and 35.012.

On and after September 1, 1941, the increased rates provided by section 5, Public No. 198, 76th Congress (Act of July 19, 1939) as amended shall be paid to those persons entitled to pension or compensation on account of the death, disability or service of more than one person, if otherwise entitled. (October 15, 1941.) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Public No. 242, 77th Congress)

REMARRIED PARENTS

§ 5.2560 *Entitlement to compensation or pension of a parent who has remarried.* (a) Remarriage of a dependent mother or father is not a bar to the payment of death compensation or pension on or after July 30, 1941, under any law administered by the Veterans Administration (Public No. 193, 77th Congress).

(b) Under Public No. 2, 73d Congress (Act of March 20, 1933). Remarriage of a dependent mother or father after the death of the veteran is a bar to payment of death compensation or pension, under Public No. 2, 73d Congress (Act of March 20, 1933) for any period prior to July 30, 1941 (Public No. 193, 77th Congress, Act of July 30, 1941).

(c) Under Public No. 78, 73d Congress (Act of June 16, 1933) or Public No. 141, 73d Congress (Act of March 28, 1934), remarriage of a dependent mother or father is not a bar to the payment of death compensation where payments are being made under an award protected by the provisions of section 20, Public No. 78, 73d Congress (Act of June 16, 1933); or under the provisions of section 28, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), provided no payment may be authorized under such Act prior to March 28, 1934. (October 15, 1941.) (Sec. 7, 48 Stat. 9; U.S.C. 707; Public No. 193, 77th Congress)

§ 5.2562 *Redetermination of dependency to be made upon remarriage.* In any case in which remarriage occurs a new determination of dependency will be made immediately and if the remarried parent is found to be no longer dependent, payments will be discontinued as of the date of last payment. (Public No. 193, 77th Congress, Act of July 30, 1941).' Determination of continuance of dependency and discontinuance for nondependency or failure to file dependency evidence, see § 3.1286. (October 15, 1941.) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Public No. 193, 77th Congress)

§§ 5.2564 and 5.2566 canceled October 15, 1941.

§ 5.2574 *Public, No. 2 and sections 28 and 31, Title III, Public, No. 141, 73d Congress, section 3, Public, No. 304, and section 3, Public, No. 514, 75th Congress, and section 5, Public, No. 198, 76th Congress.*

* * * * *

(b) *§§ 35.011 and 35.012, as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182 and 193, 77th Congress.* Original awards of death pension under § 35.012, as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182 and 193, 77th Congress, shall commence as follows:

(1) (i) To dependents of persons (except as otherwise provided in this paragraph) whose deaths resulted from injury or disease incurred in or aggravated while in service, the effective date of an award of death pension shall be fixed in accordance with the facts found except that no award of death pension shall be effective prior to the date of the veteran's death, date of the happening of the contingency upon which death pension is allowed or the date of receipt of application therefor, whichever is the later date.

(ii) For the purposes of Public No. 182, 77th Congress (Act of July 18, 1941) granting pension to the dependents of officers and enlisted men of the United States Coast Guard for peace-time service on or after January 28, 1915, and prior to July 2, 1930, no award of death pension shall be effective prior to the receipt on or after July 18, 1941, of an application for such benefits.

(iii) For the purposes of any Act as amended by Public No. 193, 77th Congress (Act of July 30, 1941) no award of death pension to a dependent mother or father who has remarried shall commence prior to the receipt on or after July 30, 1941, of an application for such benefits.

(2) (i) To dependents of reserve officers and members of the enlisted reserves of the Army of the United States who served prior to June 15, 1933, and of the Navy and Marine Corps who served prior to July 1, 1925, whose deaths resulted from injury or disease incurred in or aggravated while in such active service, in line of duty: The date of filing application or, when pertinent, the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension. (Dependents of Naval or Marine Corps reservists are not entitled to pension for death due to causes incurred between July 1, 1925 and June 15, 1933).

(ii) To dependents of reservists (reserve officers and members of the enlisted reserves of the Army of the United States, and of the United States Navy and Marine Corps) whose deaths resulted from injury or disease incurred in or aggravated while in active service in line of duty on or after June 15, 1933, including service for training purposes: The date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded and the claimant has elected to receive pension, but not prior to June 23, 1937.

(iii) For the purposes of Public No. 159, 75th Congress, as amended by Public No. 732, 75th Congress, pension payable to dependents of reservists of the Naval reserve or Marine Corps reserves (Army reserves not included), whose deaths resulted from injury (sickness or disease not regarded as an injury) received in line of duty on or after June 15, 1933, while performing active duty with or without pay, training duty with or without pay, drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or while performing authorized travel to or from such duties, shall commence on the date of filing application or the date following the date of last payment of United States Employees Compensation, whichever is the later, where such benefits have been awarded, and the claimant has elected to receive pension, but not prior to July 1, 1938.

(c) *Awards based on new and material evidence.* For the purposes of § 35.021, awards pursuant to claims allowed upon new and material evidence relating to the same factual basis as that of a finally disallowed claim shall commence from the date of receipt of such evidence or accompanying communication when such evidence or accompanying communication meets the requirements as to what constitutes an informal claim under current precedents and instructions. See §§ 3.1201 and 3.1205.

(d) *Commencement of awards to children.* For the purposes of the Veterans Regulations, Public No. 141, 73d Congress (excepting section 30) as amended, Public No. 484, 73d Congress as amended, Public No. 304, 75th Congress as amended. Awards to children for whom a widow is in receipt of pension or compensation, when her pension or compensation is terminated upon the happening of the contingency upon which it is limited, shall commence from the date following the termination of the widow's award, without the necessity of filing an application. (13 Sol. 689) (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Public No. 182, and Public No. 193, 77th Congress)

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

§ 5.2582 *Public No. 2 and sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, and Public Law 242, 77th Congress.* The effective date of an award of increased pension or compensation payable under Public No. 2, 73d Congress, sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, or Public No. 242, 77th Congress, shall be fixed in accordance with the facts found, except that:

(a) No award of increased pension or compensation may be effective prior to the date of receipt of the evidence showing entitlement thereto; except that a widow who attains an age at which an increased rate is provided under §§ 35.011 and 35.012 or under section 3 of Public No. 304, 75th Congress, or under section 5 of Public No. 198, 76th Congress, shall be entitled to receive such increase effective on the date of attainment of the age at which an increase is authorized, if evidence establishing the date of birth is on file on the date of attainment of such age or is received within one year from the date of the prescribed anniversary of the date of birth: *Provided,* That in original claims where the claimant has shown that she was past the age at which the minimum rate is payable at the date of filing her claim, the increased rate provided on account of age may be authorized as of the beginning date of the award or as of the date she attained the required age whichever is the later, provided satisfactory proof of the fact and date of birth is received within one year from the date of request therefor: *Provided further,* That in no event will the increase be awarded from a date prior to the date authorized in the law or regulation invoked: *Provided further,* That any increase authorized for periods prior to September 1, 1941, under section 3 of Public No. 304, 75th Congress, or section 5, Public No. 198, 76th Congress, must be made subject to the conditions of paragraph (c) hereof: *Provided further,* That any increase authorized for periods beginning on or after September 1, 1941, under Public No. 242, 77th Congress, must be made subject to the conditions of paragraph (f) hereof. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Cong.)

* * * * *

(f) Awards of service-connected benefits for periods beginning on or after September 1, 1941, to widows or parents of veterans of the World War, Spanish-American War, Philippine Insurrection or Boxer Rebellion, or of veterans whose death resulted from service as comprehended by § 35.012 (a) (3)

(1) The rates provided by section 5, Public No. 198, 76th Congress, are payable to the widows and parents of veterans of the Spanish-American War, Philippine Insurrection and Boxer Rebellion and of veterans whose death resulted from service as comprehended by § 35.012 (a) (3), on and after September 1, 1941, under Public No. 242, 77th Congress, subject to the limitations of subparagraphs (2) and (3) of this section.

(2) On and after September 1, 1941, the rates payable under section 5, Public No. 198, shall not be payable while the combined monthly rates of compensation or pension and of yearly renewable term, automatic insurance or National Service Life Insurance payable equal or exceed the rates prescribed in section 5, supra. (§ 5.2624)

(3) On and after September 1, 1941, if the combined monthly rates of compensation or pension payable under the laws in effect prior to August 16, 1937, and insurance do not equal or exceed the rates prescribed in section 5 of Public No. 198, 76th Congress, the amount of compensation or pension payable while the insurance is payable shall be that which equals the difference between the amount of the monthly instalment of insurance and the rate of compensation or pension otherwise payable under section 5, Public No. 198, 76th Congress, subject to the increase at the full rate prescribed therein from the date following the ending date of the insurance award. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Congress)

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES OF DEATH PENSION AND COMPENSATION

§ 5.2584. *General law service acts.* Awards of pension shall be reduced or discontinued as follows under: General Law (Sections 4702 and 4707, Revised Statutes, as amended), as to service prior to April 21, 1898; and Service Acts, relating to the Civil War, Act of May 1, 1920 (41 Stat. 585), Act of July 3, 1926 (44 Stat. 806), and Act of June 9, 1930 (46 Stat. 529); Indian Wars, Act of March 3, 1927 (44 Stat. 1361); and War with Spain, Boxer Rebellion, and Philippine Insurrection, Act of July 16, 1918 (40 Stat. 903), Act of September 1, 1922 (42 Stat. 834), and Act of May 1, 1926 (44 Stat. 382), as reenacted by section 30, Title III, Public No. 141, 73d Congress (Act of March 28, 1934), and Public No. 269, 74th Congress (Act of August 13, 1935).

* * * * *

(b) *Mother or father; discontinuance for death or cessation of deficiency.* From the date of death or, if no longer dependent, from the date dependency ceased to exist. (R.S. 4707 as amended by the Act of June 27, 1890, R.S. 4708) (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 193, 77th Congress)

§ 5.2586 *Public No. 2, 73d Congress (Act of March 20, 1933) as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934) as amended; Public No. 304 and Public No. 514, 75th Congress (Acts of August 16, 1937 and May 13, 1938); and Public No. 484, 73d Congress (Act of June 28, 1934) as amended.*

* * * * *

(f) *Mother or father; death or cessation of dependency.* Pension or compensation to a dependent mother or father shall be discontinued as of the date of death, or, if no longer dependent, as of the date of last payment. Determination of continuance of dependency and discontinuance for nondependency or failure to file dependency evidence. See § 3.1286. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 193, 77th Congress)

* * * * *

PROTECTED AWARDS; DEATH CASES

§ 5.2616 *Determination of service-connected death cause in claims of widows and dependents of the Spanish-American War veterans allowed service connection under § 35.12.* (a) When the presumption of service connection of a disease or injury authorized in § 35.12 has resulted in the final allowance of the claim of a veteran of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, at the wartime pension rates under § 35.01, and the veteran has subsequently died as a result of the presumptively connected disease or injury, the claim of the widow, child or dependent parent of the veteran will be adjudicated and benefits allowed under § 5.2622 (a) and/or (b), or § 5.2624 (§ 35.011), unless it is determined that service connection under § 35.12 was granted through clear and unmistakable error, or unless the presumption is clearly rebutted by evidence filed subsequent to the allowance of service connection. (October 15, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707; Pub. No. 242, 77th Congress)

* * * * *

RATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDENT PARENTS

§ 5.2623 *Rates under Public No. 304, 75th Congress (Act of August 16, 1937), World War.*

* * * * *

(b) Canceled October 15, 1941.

§ 5.2624 *Rates under Public No. 198, 76th Congress (Act of July 19, 1939) World War, and Public No. 242, 77th Congress (Act of August 21, 1941) Spanish-American War, Philippine Insurrection and Boxer Rebellion.* The following rates are payable for periods on and after July 19, 1939, under the provisions of section 5, Public No. 198, 76th Congress, for death resulting from active military or naval service rendered during the World War as defined in § 5.2538 and in accordance with the conditions and limitations specified in §§ 5.2574 and 5.2582; and for periods on and after September 1, 1941, under the provisions of section 1, Public No. 242, 77th Congress, for death resulting from active military or naval service rendered during the Spanish-American War, Philippine Insurrection and Boxer Rebellion as defined in § 35.011 (a), and in accordance with the conditions and limitations specified in §§ 5.2573 and 5.2582, and for death resulting from service as defined in § 35.012 (a) (3), and in accordance with the conditions and limitations as specified in §§ 5.2532 (d) and 5.2582.

	Per Month
Widow under 50 years of age	$38.00
Widow 50 years of age or over	45.00
Widow with one child, $10 additional for such child up to 10 years of age, increased to $15 from age 10 (with $8 for each additional child up to 10 years of age, increased to $13 from age 10)	
No widow but one child	20.00
No widow but two children	[1] 33.00
No widow but three children (with $8 for each additional child; total amount to be equally divided)	[1] 46.00
Dependent mother or father (or both)	45.00 [2] 25.00

[1] Equally divided.
[2] Each.

As to the widow, child or children, the total compensation payable under this paragraph shall not exceed $83.00.

As to a widow, and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in §§ 5.2591 and 5.2592. (October 15, 1941) (Sec. 7, 48 Stat. 9, 38 U.S.C. 707, Pub. No. 242, 77th Congress)

§ 5.2624 *Rates under Public No. 140, 73d Congress (Act of March 27, 1934) for death resulting from carrying the mail by air.* Renumbered § 5.2625. (October 15, 1941)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 41-7777; Filed, October 15, 1941; 3:17 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—LOAD LINES

[Order No. 159]

PART 47—TEMPORARY VARIANCE FOR COASTWISE VOYAGES BY SEA AND GREAT LAKES VOYAGES

OCTOBER 15, 1941.

Part 47—Temporary Variance for Sea and Great Lakes Coastwise Voyages, of Subchapter E *Load Lines*, is amended to read as follows:

Sec.
47.1 Establishment of temporary coastwise and Great Lakes regulations for certain vessels.
47.2 Vessels eligible.
47.3 General.
47.4 Strength.
47.5 Approval by the Bureau of Marine Inspection and Navigation.
47.6 Freeboard.
47.7 Seasonal freeboards.
47.8 Load line certificates.

§ 47.1 *Establishment of temporary coastwise and Great Lakes regulations for certain vessels.* Load lines are established by the regulations in this part, as authorized by the Coastwise Load Line Act of 1935, as amended June 20, 1936 (49 Stat. 888, 1543; 46 U.S.C., Sup. 88-88l) and further amended by the Act approved July 3, 1941, during the National Emergency proclaimed by the President May 27, 1941, but not after June 30, 1943, to provide for a lesser freeboard and less buoyancy than the load line established by the International Load Line Treaty of 1930, for certain vessels while engaged on coastwise voyages by sea from port to port in the continental United States and for variance of the load line marks on certain vessels making voyages on the Great Lakes. (As to all other vessels not included in this part which engage in coastwise by sea, inter-island, or Great Lakes voyages, Parts 43 to 46, inclusive, shall continue applicable.) *

*§§ 47.1 to 47.8, inclusive, issued under the authority contained in sec. 2, 49 Stat. 888, 1543; 46 U.S.C., Sup. 88a, and the act of July 3, 1941.

§ 47.2 *Vessels eligible.* All steamers (except passenger vessels), steam colliers, and shipshaped modeled steel oil tank barges engaged in coastwise voyages by sea from port to port in the continental United States or voyages on the Great Lakes, which have been marked with load lines under §§ 43.01 to 43.67, 43.92 to 43.106, 45.01 to 45.80 and 44.1 to 44.8 as applicable to steam colliers (all inclusive) are eligible to be marked under this part, if approved therefor by the Bureau of Marine Inspection and Navigation.*

§ 47.3 *General.* The provisions, where applicable, of §§ 43.01 to 43.67, 43.92 to 43.106, 44.1 to 44.8, or 45.01 to 45.80 (all inclusive) shall apply to vessels subject to this part, except as modified herein.*

§ 47.4 *Strength.* The structure of the vessel is to be of sufficient strength for the draft corresponding to the freeboard assigned.*

§ 47.5 *Approval by the Bureau of Marine Inspection and Navigation.* Before a vessel shall be marked and certificated with load lines under this part, the findings and recommendations of the assigning authority shall be submitted to the Bureau of Marine Inspection and Navigation for determination as to the amount the summer freeboard ascertained under Parts 43, 44, or 45, as applicable, may be reduced.*

§ 47.6 *Freeboard.* The summer freeboard for vessels marked under this Part may be determined by deducting from the summer freeboard, as determined under Parts 43, 44, or 45, as applicable, an amount to be approved by the Director of the Bureau of Marine Inspection and Navigation, but not to exceed $\frac{1}{48}$ inch per foot of summer draft.*

§ 47.7 *Seasonal freeboards.* For coastwise voyages by sea, the determination of seasonal freeboards, other than the summer freeboard determined in § 47.6, are to be as provided in Part 43; the freeboard for all seasons is the seasonal freeboard of the loading port. For voyages on the Great Lakes, no change in the position of the intermediate and winter marks will be made from the position determined by Part 45.*

§ 47.8 *Load line certificates.* Load line certificates issued under this part for coastwise voyages by sea shall be on the form described in § 44.8, amended as necessary, and shall be distinctly marked: "Valid only for voyages by sea from port to port in the continental United States"; and for Great Lakes voyages on the form shown in § 45.80. No certificate issued under this part shall remain in force after June 30, 1943, and all such certificates shall be subject to cancellation at any time before expiration by the Secretary of Commerce.*

[SEAL] WAYNE C. TAYLOR, *Acting Secretary of Commerce.*

[F. R. Doc. 41-7815; Filed, October 16, 1941; 11:47 a. m.]

[Order No. 158]

PART 48—FOREIGN VOYAGES DURING THE NATIONAL EMERGENCY

OCTOBER 15, 1941.

Part 48, as filed August 9, 1941, is amended as follows:

Sec.
48.1 Establishment of load line regulations for the foreign trade during the national emergency.
48.2 Applicable provisions.
48.3 Vessels.
48.4 Freeboard.
48.5 Approval by Bureau of Marine Inspection and Navigation.
48.6 Load line certificates.
48.7 Certificates; Great Lakes.
48.8 Foreign vessels, exemption.

§ 48.1 *Establishment of load line regulations for the foreign trade during the national emergency.* Load lines are hereby established during the national emergency for vessels engaged in the foreign trade, as authorized by the Act to Establish Load Lines and for Other Purposes, approved March 2, 1929 (45 Stat. 1492, 46 U.S.C., Chapter 2A) and by the President's Proclamation of August 9, 1941,[1] suspending the application of the International Load Line Convention of 1930.*

*§§ 48.1 to 48.8, inclusive, issued under the authority contained in sec. 2, 45 Stat. 1493, 46 U.S.C., 85a; Proc. 2487, 6 F.R. 2617; Proc. 2500, 6 F.R. 3999.

§ 48.2 *Applicable provisions.* Parts 43 to 46, inclusive, relating to vessels in foreign trade, shall be applicable to all vessels in such trade with such modifications as are hereinafter made with respect to the particular vessels referred to in § 48.3.*

§ 48.3 *Vessels.* All steamers (except passenger vessels, open shelter deckers, vessels of 330 feet and less in length in the Atlantic trade north of lat. 36° N., and vessels operating at timber load lines) and shipshaped modeled steel oil tank barges engaged in foreign voyages, which have been marked with load lines under §§ 43.01 to 43.67 or 43.92 to 43.106 (all inclusive) will be permitted to operate with load lines as provided in § 48.4.*

§ 48.4 *Freeboard.* Vessels referred to in § 48.3 which the Bureau of Marine Inspection and Navigation shall find are in proper condition, and shall so certify to the assigning authority, may load, when engaged on ocean voyages:

(a) When in a summer zone or season, to the tropical load line.

(b) When in a tropical zone or season, to the tropical fresh water line.

(Vessels operating at timber load lines determined by Part 43 shall operate at such load lines.)

Vessels engaged in voyages in seasonal winter zones shall comply with the requirements of Part 43 of the Load Line Regulations: *Provided, however,* That vessels certified for deeper loading bound for ports located on the East Coast of North America west of long. 60° W. that leave south of lat. 20° N. and north of or from South America may cross lat. 36° N., west of long. 60° W., during the winter season without regard to the position of their seasonal winter load line.*

§ 48.5 *Approval by the Bureau of Marine Inspection and Navigation.* Before such a vessel shall be authorized to load one mark deeper in summer and tropical seasons than permitted by the marks and certificates issued under Part 43, the findings and recommendations of the assigning authority shall be submitted to the Bureau of Marine Inspection and Navigation for determination as to whether or not the deeper loading provided for by this part shall be authorized.*

§ 48.6 *Load line certificates.* For those vessels permitted to load on ocean voyages as provided in § 48.4, there shall be issued by the assigning authority for attachment to their International Load Line Certificate an authorization certifying thereto, in the following form:

To whom it May Concern:

As instructed by the Bureau of Marine Inspection and Navigation of the Department of Commerce, in accordance with the Load Line Regulations of the Secretary of Commerce, the SS ————, Official No. ————, is hereby authorized to load as follows:

When in a tropical zone or season, or in a summer zone or season, as defined in Part 43 of the Department of Commerce Load Line Regulations:

In tropical zone or season, to tropical fresh water load line mark.

In summer zone or season, to tropical load line mark.

This authorization does not apply to timber load line marks.

(Assigning Authority)

*

§ 48.7 *Certificates; Great Lakes.* For those vessels operating on the Great Lakes and engaged in voyages to Canada, their load line certificate shall be as provided by § 47.8 of Part 47.*

[1] Proclamation 2500, *infra.*

§ 48.8 *Foreign vessels, exemption.* Foreign vessels marked with load lines in accordance with the laws and regulations of their country, which laws and regulations are equally effective with the regulations established under this part and whose load line certificates permit a depth of loading not to exceed the practical equivalent determined by this part, such vessel and her master and owner shall be exempted as provided by section 5 of the Load Line Act of March 2, 1929 (45 Stat. 1492; 46 U.S.C., Chapter 2A): *Provided,* That this exemption shall not apply to the vessels of any foreign country which does not similarly recognize the load lines established under the regulations in this part.*

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-7814; Filed, October 16, 1941; 11:47 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-271-ORD-607]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: STEWART-WARNER CORPORATION, CHICAGO, ILLINOIS

Contract for * * * Sets of Metal Parts for Fuzes, * * *.

Amount: $1,922,621.87.

Place: Chicago Ordnance District Office, 38 South Dearborn Street, Chicago, Illinois.

The * * * Sets of Metal Parts for Fuzes, * * *, to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority O. S. & S. A. ORD 15,538 P11-02 A (1005).105-01, the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 6th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Sets of Metal Parts for Fuzes, * * *, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof, for the consideration stated of one million nine hundred twenty-two thousand six hundred twenty-one dollars and eighty-seven cents ($1,922,621.87).

ARTICLE 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 17. *Increased quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * * percent and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 18. *Termination when contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

ART. 30. *Price adjustments.* The contract price stated in Article 1 is subject to adjustments for changes in labor and materials costs.

ART. 35. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the base prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either one thousand dollars ($1,000.00) or fifty (50%) percent of the total amount of the contract.

This contract is authorized by the Act of Congress approved July 2, 1940 (Public 703—76th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7778; Filed, October 15, 1941; 4:13 p. m.]

[Contract No. W 436 eng-7657]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: IVY H. SMITH AND B. B. M'CORMICK & SONS, INC., JACKSONVILLE, FLORIDA

Contract for Construction of runways, aprons, taxi strips, drainage facilities and underground duct.

Amount: $1,849,892.40.

Place: Air Corps Basic Flying School, Sebring, Florida.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. ENG-961 P1-32 A 0540-12, C. of B. U. and A. at M. P., 1941-1942, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 10th day of September 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction of runways, aprons, taxi strips, drainage facilities and underground duct at the Air Corps Basic Flying School, Sebring, Florida for the consideration of $1,849,892.40 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of Fifth Supplemental National Defense Appropriation Act, 1941; April 5, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7779; Filed, October 15, 1941; 4:13 p. m.]

[1] Approved by the Chief of Ordnance Sept. 24, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-999]

PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR RAIL AND TRUCK SHIPMENTS OF THE COALS OF THE HALSTEAD MINE (MINE INDEX NO. 345) OF THE HALSTEAD COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR CONTINUANCE

A public hearing in the above-entitled matter having been commenced pursuant to an Order of the Director dated September 9, 1941, before Scott A. Dahlquist, the duly designated Trial Examiner on October 6, 1941 at 10 a. m., at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.; and

Said hearing having been continued by the aforesaid Trial Examiner until further order of the Director.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is continued until November 13, 1941, at 10 a. m. at the place and before the officers heretofore designated.

Dated: October 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7785; Filed, October 16, 1941; 10:23 a. m.]

[Docket No. A-1011]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT THE JEANNE ANNE MINE (MINE INDEX NO. 1448) AND THE JEANNE ANNE #3 MINE (MINE INDEX NO. 616) OF THE WEST VIRGINIA COAL & TRANSPORTATION COMPANY, IN MASON COUNTY, WEST VIRGINIA, KANAWHA SUBDISTRICT IN DISTRICT NO. 8 FOR SHIPMENT BY TRUCK

NOTICE OF AND ORDER FOR CONTINUANCE

A public hearing in the above-entitled matter having been commenced pursuant to an Order of the Director dated September 2, 1941, before Scott A. Dahlquist, the duly designated Trial Examiner on September 29, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.; and

Said hearing having been continued by the aforesaid Trial Examiner until further order of the Director.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is continued until November 13, 1941, at 10 a. m., at the place and before the officers heretofore designated.

Dated: October 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7786; Filed, October 16, 1941; 10:23 a. m.]

[Docket No. B-28]

IN THE MATTER OF CHARLES J. FERRO AND M. P. TROSELLO, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 6, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law .

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, whose address is R. F. D. No. 3, Box 297A, Albuquerque, New Mexico, sold, for shipment via truck to the destination thereof during the month of December 1940, to various purchasers, a large quantity of 1½" x $\frac{3}{16}$" coal produced at said defendants' Ferro Mine (Mine Index No. 139) at the price of $1.90 per net ton f. o. b. the mine, whereas the effective minimum price therefor f. o. b. said mine, was $3.00 per net ton.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7787; Filed, October 16, 1941; 10:24 a. m.]

[Docket No. A-1004]

PETITION OF THE SHERIDAN-WYOMING COAL COMPANY, INC., A CODE MEMBER IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORNE MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

[Docket No. A-1005]

PETITION OF ACE OF SPADES COAL COMPANY ET AL., CODE MEMBERS IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORN MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

ORDER POSTPONING HEARING

A hearing in the above-entitled matters has been scheduled, by Order of the Director signed on September 25, 1941, to be held on November 12, 1941 at a hearing room of the Division in Thermopolis, Wyoming.

It appearing, however, that the interests of all persons concerned will be served better by the holding of such hearing on November 17, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter now

scheduled to be held at a hearing room of the Division in Thermopolis, Wyoming be, and it hereby is, postponed from 10 o'clock in the forenoon on November 12, 1941 to 10 o'clock in the forenoon on November 17, 1941.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including November 12, 1941.

In all other respects the Notice of and Order for Hearing entered in this matter on September 25, 1941 shall remain in full force and effect.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7788; Filed, October 16, 1941; 10:24 a. m.]

[Docket No. A-1033]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUP 9 PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 1 IN DISTRICT NO. 14

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for October 15, 1941, should be postponed until on or about November 10, 1941, and having shown good cause why its motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from October 15, 1941 until 10 o'clock in the forenoon of November 13, 1941, at the place heretofore designated and before the officer heretofore designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until November 5, 1941.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7789; Filed, October 16, 1941; 10:24 a. m.]

[Docket No. A-1034]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT HACKETT, ARKANSAS, FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN PRODUCTION GROUP NO. 5 IN DISTRICT NO. 14, FOR SHIPMENT BY RAIL ON THE ST. LOUIS-SAN FRANCISCO RAILWAY

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for October 16, 1941, should be postponed until on or about November 10, 1941, and having shown good cause why its motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from October 16, 1941 until 10 o'clock in the forenoon of November 14, 1941, at the place heretofore designated and before the officer heretofore designated to preside at said hearing.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until November 6, 1941.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7790; Filed, October 16, 1941; 10:25 a. m.]

[Docket No. A-1070]

PETITION OF THE BORTZ COAL COMPANY, A MEMBER IN DISTRICT NO. 2, FOR CHANGE IN LOADING POINTS

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to make rail shipments of coal produced at its Daugherty Mine (Mine Index No. 254) on the Baltimore & Ohio Railroad from Crawford No. 3 siding of the Faywest Coal Company; and it appearing that such shipments have heretofore been made from Daugherty siding, which is now too congested for petitioner's use; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, all shipments from petitioner's Daugherty Mine (Mine Index No. 254) on the Baltimore & Ohio Railroad may be made from the Crawford No. 3 siding of Faywest Coal Company, and no further shipments on the Baltimore & Ohio Railroad shall be made by petitioner from Daugherty siding. All adjustments required or permitted mines in Freight Origin Group No. 114 shall be applicable to shipments of these coals from the Crawford No. 3 siding.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7791; Filed, October 16, 1941; 10:25 a. m.]

[Docket No. A-164]

PETITION OF THE MALLORY COAL COMPANY FOR A CHANGE IN THE PRICE OF MINE RUN COAL (SIZE GROUP 27) FOR SHIPMENT VIA TIDEWATER TO LOWELL GAS LIGHT COMPANY, LOWELL, MASSACHUSETTS

ORDER DISMISSING PETITION

The original petitioner having moved that the proceeding in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: October 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F.R. Doc. 41-7792; Filed, October 16, 1941; 10:25 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401 (b)-4, 426, 153, 196, 389]

IN THE MATTER OF THE APPLICATIONS OF CONTINENTAL AIR LINES, INC., UNITED AIR LINES TRANSPORT CORP., BRANIFF AIRWAYS, INC., AND TRANSCONTINENTAL & WESTERN AIR, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the application of Continental Air Lines, Inc., United Air Lines Transport Corporation, Braniff Airways, Inc., and Transcontinental & Western Air, Inc., for certificates of public convenience and necessity authorizing air transportation between Denver, Colorado and Kansas City, Missouri, is hereby assigned for oral argument before the Board, on Monday, October 27, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., October 15, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7780; Filed, October 16, 1941; 9:25 a. m.]

[Docket No. 588]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS, INC.

NOTICE OF HEARING

The above-entitled proceeding, being the application of Pan American Airways, Inc., for determination of whether the acquisition of a minority interest in Aerovias de Guatemala, S. A., is a transaction subject to section 408 of the Civil Aeronautics Act of 1938, as amended, and in the event that the Board should determine that such approval is required, that such approval be granted, is hereby assigned for public hearing on October 29, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner J. Francis Reilly.

Dated Washington, D. C., October 15, 1941.

By the Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7781; Filed, October 16, 1941; 9:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 802-4]

IN THE MATTER OF DONNER ESTATES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

An application having been duly filed on September 24, 1941 by the above-named applicant under and pursuant to the provisions of section 202 (a) (11) (F) of the Investment Advisers Act of 1940 for an order declaring applicant not within the intent of paragraph 202 (a) (11) of that Act;

It is ordered, That a hearing on the aforementioned application under and pursuant to section 202 (a) (11) (F) of the said Investment Advisers Act be held on Wednesday, October 22 at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C.;

It is further ordered, That James G. Ewell, Esquire or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 212 and 209 (b) of the Investment Advisers Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7808; Filed, October 16, 1941; 11:32 a. m.]

[File No. 812-3]

IN THE MATTER OF MISSION CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER AND FOR RESUMPTION OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definition of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities; a hearing on the above entitled matter having been held in Tulsa, Oklahoma, September 3, 1941, and said hearing having been continued to an indefinite future time; Mr. Henry Fitts of Chicago, Illinois, having presided at said hearing in Tulsa, Oklahoma, and not being available in Washington to preside at said hearing;

It is ordered, That hearing on the matter of this application be resumed on October 23, 1941 at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7809; Filed, October 16, 1941; 11:32 a. m.]

[File No. 70-361]

IN THE MATTER OF MISSISSIPPI POWER COMPANY AND THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE)

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

The Commission having made and filed its Findings and Opinion herein and entered an order herein on September 23, 1941 permitting the declarations, as amended, to become effective and granting the applications, as amended, filed by Mississippi Power Company and The Commonwealth & Southern Corporation (Delaware) pursuant to the applicable sections of the Public Utility Holding Company Act of 1935 and Rules U-42, U-45 and U-50 thereunder regarding, among other things, the issue and sale by Mississippi Power Company of $8,927,000 principal amount of First Mortgage Bonds, interest rate undetermined, Series due 1971, and the redemption of $6,177,500 principal amount of outstanding First and Refunding 5% Bonds due 1955 held by the public; the Mississippi Power Company publicly to invite proposals for the purchase of the $8,927,000 principal amount of First Mortgage Bonds in accordance with Rule U-50; and

The Commission having permitted said applications and declarations to become effective subject to the terms and conditions prescribed by Rule U-24 and subject to such additional conditions as are recited in said order, among which was the further condition that Mississippi Power Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c), and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby, jurisdiction having been reserved for these purposes;

Mississippi Power Company having made such a report to the Commission in the form of a further amendment to the applications and declarations, specifying the proposals which have been received for the purchase of said bonds, pursuant to the invitation for competitive bids, and stating that Mississippi Power Company has accepted a bid from a group of six underwriters headed by Mellon Securities Corporation of 102.114% of the principal amount for bonds having a coupon rate of 3⅛% per annum, plus accrued interest from the first day of September, 1941 to the date of delivery of said bonds;

Of said bond issue $7,060,000 principal amount is to be resold by the underwriters to six institutional investors at the unit price to the public of 102.45% of the principal amount and accrued interest, and the balance is to be offered generally to the public at the same unit price; the spread to the underwriters is 0.336% of the principal amount, such

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spread to be allocated as set forth in the amendment;

The Commission having examined the record, and finding that no adverse findings are necessary under the applicable provisions of Section 7 (d) of the Act with respect to the sale of said bonds at such prices and with such spread and allocation thereof;

It is ordered, That in respect of said prices, spread and allocation thereof said declarations, as amended, be and the same are hereby permitted to become effective forthwith and the applications, as amended, be and the same are hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7810; Filed, October 16, 1941; 11:32 a. m.]

[File No. 70-407]

IN THE MATTER OF CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of October A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested party may, not later than October 27, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as amended, may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

Clarence A. Southerland and Jay Samuel Hartt, Trustees of The Estate of Midland Utilities Company ("Applicants") and Chicago and Calumet District Transit Company, Inc., are in dispute as to the extent of the liability, if any, of Chicago and Calumet District Transit Company, Inc., to Applicants under an agreement dated June 1, 1932, and a collateral trust agreement dated June 1, 1932.

It is proposed that this dispute be settled and that the claims of Applicants be compromised by the transfer to Applicants of all the hereinafter described securities which formed the original consideration for the said agreements. Accordingly, Applicants propose to acquire from Chicago and Calumet District Transit Company, Inc., the following securities:

(a) issued by Gary Railways Company (an Indiana corporation)—

$400,000 Series A 5% Income Debentures;

$311,875 Series B 6% Income Debentures;

All the outstanding shares of the no par common stock of Gary Railways Company, an Indiana corporation;

3,046 shares of the Class A 7.2% cumulative preferred stock of the said Gary Railways Company of the par value of $100,000 a share;

2,715 shares of the Class B 7.2% cumulative preferred stock of the said Gary Railways Company of the par value of $100,000 a share;

Demand notes, $82,640.12

(b) issued by Gary & Southern Traction Company (an Indiana Corporation)—

1,460 shares each of the common and preferred stocks of Gary & Southern Traction Company of the par value of $100.00 a share;

$133,400 aggregate principal amount of the first mortgage bonds of the said Gary & Southern Traction Company dated October 1, 1916, secured by first mortgage or deed of trust dated October 1, 1916 to Citizens Bank and Trust Company and Edwin B. Hall of Cleveland, Ohio;

$121,325.00 notes payable

(c) issued by Farina's Bus Line & Transportation Company (an Illinois corporation)—

24 shares common stock

(d) issued by Mid-West Motor Coach Corporation (an Illinois corporation)—

3 shares common stock.

As consideration for the above listed securities, Applicants will release Chicago and Calumet District Transit Company, Inc., from its obligations, if any, to Applicants and Midland Utilities Company by reason of the aforesaid agreements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7816; Filed, October 16, 1941; 11:49 a. m.]

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FEDERAL REGISTER

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Washington, Saturday, October 18, 1941

The President

AMENDMENTS OF REGULATIONS RELATING TO MIGRATORY BIRDS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of and in compliance with section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the said Secretary on July 1, 1939 by Reorganization Plan No. II[1] (53 Stat. 1431), has adopted and submitted to me the following amendments, which he has determined to be suitable amendments of certain of the regulations approved by Proclamation No. 2345[2] of August 11, 1939, as last amended by Proclamation No. 2501[3] of August 16, 1941, permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936:

"AMENDMENTS OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and, in accordance with such determinations, do hereby amend, as specified, the regulations approved by Proclamation No. 2345 of August 11, 1939, as last amended by Proclamation No. 2501 of August 16, 1941, and as so amended do hereby adopt such regulations as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such migratory birds and parts, nests, and eggs thereof:

The fourth paragraph of Regulation 5, "Daily Bag and Possession Limits on Certain Migratory Game Birds", is amended to read as follows:

In Siskiyou County, California, and Alexander County, Illinois, no person may take more than 3 geese in the aggregate of all kinds during any 7 consecutive days. In Hyde County, North Carolina no person may take more than 6 geese in the aggregate of all kinds during any 7 consecutive days.

The second paragraph of Regulation 6, "Shipment, Transportation and Possession of Certain Migratory Game Birds", is amended to read as follows:

Not more than the number of such birds permitted by regulation 5 of these regulations to be taken by one person in 1

[1] 4 F.R. 2731.
[2] 4 F.R. 3621.
[3] 6 F.R. 4232.

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day, or in 2 days in the case of ducks (except wood ducks), geese (1 day in the case of geese taken in Siskiyou County, California, and Alexander County, Illinois), brant, and woodcock, shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or the State where taken or from Canada or Mexico into the United States.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed this second day of October, 1941.

HAROLD L. ICKES,
Secretary of the Interior."

AND WHEREAS upon consideration it appears that the foregoing amendments will aid in the effectuation of the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendments.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 16th day of October, in the year [SEAL] of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2518]

[F. R. Doc. 41-7832; Filed, October 17, 1941; 11:29 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[G.S.Q.R. Series 8, No. 2, Rev. 2]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS FOR THE CALENDAR YEAR 1941 FOR THE TERRITORY OF HAWAII AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, as amended, I, Paul H. Appleby, Acting Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.231 *Revised consumption requirements and quotas*—(a) *Revised consumption requirements.* It is hereby determined, pursuant to section 203 of the Sugar Act of 1937 (hereinafter referred to as the "act"), as amended, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1941 is 37,065 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1941 is 86,315 short tons of sugar, raw value.

(b) *Revised local consumption quotas.* There are hereby established, pursuant to section 203 of the said act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1941, the following quotas:

Area:	*Quotas in terms of short tons, raw value*
Hawaii	37,065
Puerto Rico	86,315

(Sec. 203, 50 Stat. 905; 7 U.S.C., 1113)

§ 821.232 *Restrictions on marketing.* For the calendar year 1941, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the year has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C., 1119.)

§ 821.233 *Rescission of prior regulations.* These regulations (§§ 821.231-821.232) shall supersede General Sugar

Quota Regulations, Series 8, No. 2, Rev. 1, issued July 22, 1941.[1]

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 17th day of October 1941.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7836; Filed, October 17, 1941; 11:34 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50494]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE[2]

BUFFALO LAUNCH CLUB SEAPLANE BASE, BUFFALO, NEW YORK, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

OCTOBER 15, 1941.

The Buffalo Launch Club Seaplane Base, Buffalo, New York, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from October 16, 1941. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7848; Filed, October 17, 1941; 11:57 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER I—UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

SUBCHAPTER A—UNITED STATES EMPLOYEES' COMPENSATION ACT

PART 2—FURNISHING OF MEDICAL TREATMENT

Pursuant to the authority contained in section 32 of the United States Employees' Compensation Act approved September 7, 1916 (39 Stat. 749; 5 U.S.C. 783), the regulations promulgated by the United States Employees' Compensation Commission to govern the administration of such Act are hereby amended as follows:

Section 2.6 is amended to read as follows:

§ 2.6 *Authority for dental treatment.* All necessary dental treatment, including repairs to fixed false teeth or to natural teeth, needed to repair damage done by an injury will be furnished by the Commission. Such treatment shall be rendered by or upon the order of a United States dental officer or United States medical establishment, when available and practicable. If such facilities are not available, or treatment by such facilities is not practicable, no dental work should be authorized without obtaining in advance the approval of the Commission. For cases requiring emergency treatment see § 2.2. For cases requiring artificial denture see § 2.9. (Sec. 32, 39 Stat. 749; 5 U.S.C. 783)

SUBCHAPTER B—EXTENSION OF THE UNITED STATES EMPLOYEES' ACT TO EMERGENCY RELIEF EMPLOYEES, ENROLLED PERSONNEL IN THE CIVILIAN CONSERVATION CORPS AND OTHERS

PART 22—FURNISHING OF MEDICAL TREATMENT

Pursuant to the authority contained in section 32 of the United States Employees' Compensation Act approved September 7, 1916, (39 Stat. 749; 5 U.S.C. 783) the regulations promulgated by the United States Employees' Compensation Commission to govern the administration of such Act are hereby amended as follows:

Section 22.6 is amended to read as follows:

§ 22.6 *Authority for dental treatment.* All necessary dental treatment, including repairs to fixed false teeth, or to natural teeth, needed to repair damage done by an injury, will be furnished by the Commission. Such treatment shall be rendered by or upon the order of a United States dental officer or United States medical establishment, when available and practicable. If such facilities are not available, or treatment by such facilities is not practicable, no dental work should be authorized without obtaining in advance the approval of the Commission. For cases requiring emergency treatment see § 22.2. For cases requiring artificial denture, see § 22.9. (39 Stat. 749; 5 U.S.C. 783)

By the Commission.

WILLIAM MCCAULEY,
Secretary.

Dated: October 17, 1941.

[F. R. Doc. 41-7831; Filed, October 28, 1941; 11:28 a. m.]

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 250—REPORTS, INFORMATION, HEARINGS AND WITNESSES

AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), §§ 250.02, 250.03, 250.04, and 250.05 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective October 14, 1941, by Board Order 41-435 dated October 14, 1941, to read as follows:

§ 250.02 *Employer to notify of death of employee.* Each employer shall notify the Board of the death of any employee in active employment, and when known, of the death of any employee in an employment relation, within thirty days following the receipt by the employer of notice of such death. Such notice and any information which the Board may require in connection therewith shall be submitted on the form provided by the Board for that purpose. (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

§ 250.03 *Employers' reports of monthly compensation of employees.* (a) Unless otherwise specifically agreed heretofore or hereafter, in writing, by the director of wage and service records, each employer shall, in accordance with instructions issued by the director of wage and service records, file with the Board (1) on or before the last day of each month, a report of the compensation adjustments appearing on pay rolls or other disbursement documents for the month immediately preceding such month, and (2) on or before the last day of the month immediately following the end of each calendar quarter:

(i) A report of the compensation earned by each employee for service during each month of the quarter, which report shall show with respect to each employee his name, his account number, and, except in the case of an employee of a railway-labor-organization employer, his occupational class under the appropriate Interstate Commerce Commission occupational classification as supplemented or varied for this purpose by instructions issued by the director of wage and service records and approved in this respect by the director of research.

(ii) A summary of compensation adjustments reported for the quarter.

(iii) A summary report of the compensation of employees for the quarter.

If such last day of the month is a Sunday or legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the office of the Board at Washington, D. C., under ordinary handling of the mails, on or before the date on which the report is required to be filed.

(b) For the purpose of providing a test of annual reporting, the director of wage and service records is authorized to approve, with the consent of the director of unemployment insurance and coordinator of operations, agreements with employers whereby, for the calendar year 1941, there shall be filed by such employers, in lieu of the reports required under (a) above, such reports as the director of wage and service records may prescribe. Agreements shall be approved only with employers whose accounting facilities and practices are adapted to the making of such test; and the number of such employers participating in the test

[1] 6 F.R. 3627.
[2] This document affects the tabulation in 19 CFR 4.13.

shall be no more than is deemed sufficient for an adequate test. (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228i)

§ 250.04 *Registration of employees.* (a) Each employer shall require each employee who cannot furnish satisfactory evidence of having previously filed an employee registration form provided by the Board to execute such form, and shall complete and file such form with the Board by whichever is the earlier of (1) thirty days after the date on which such employee first performed compensated service for such employer, or (2) the date upon which such employer first files with the Board a report of the service and compensation of such employee.

(b) Each employer shall also, when so required by the Board, deliver account number cards to employees, and shall furnish the Board with such notice of multiple account numbers and corrections in identifying data as may be required by instructions issued by the director of wage and service records. (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

§ 250.05 *Employers to transmit annual statements of compensation.* Each employer shall transmit to each of its employees an annual statement, prepared by the Board and forwarded to such employer, of the service months and compensation credited to such employee on the records of the Board. Such statements shall be transmitted to the employees within thirty days of the date on which they are forwarded by the Board to the employer: *Provided, however,* That statements which cannot be transmitted to the employees within such thirty days shall be held for a further thirty days and be returned to the Board at the end of sixty days. (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

Dated: October 17th, 1941

[F. R. Doc. 41-7847; Filed, October 17, 1941; 11:49 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 26 FOR A MINIMUM WAGE RATE IN THE JEWELRY MANUFACTURING INDUSTRY

PART 607—MINIMUM WAGE RATE AND REGULATIONS APPLICABLE TO THE EMPLOYMENT OF HOME WORKERS IN THE JEWELRY MANUFACTURING INDUSTRY

Whereas on April 24, and May 14, 1941, by Administrative Orders Nos. 100 and 107, the Administrator, acting pursuant to Sections 5 and 8 of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 26 for the Jewelry Manufacturing Industry, and directed the Committee to recommend minimum wage rates for the Jewelry Manufacturing Industry in accordance with Section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public, a like number of persons reseting employers in the Jewelry Manufacturing Industry, and a like number representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Jewelry Manufacturing Industry is carried on; and

Whereas Industry Committee No. 26, on May 19, 1941, after investigation of conditions in the Industry, filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour in the Jewelry Manufacturing Industry; and

Whereas after notice published in the FEDERAL REGISTER on May 30, 1941, Henry T. Hunt, Esquire, the Presiding Officer designated by the Administrator, held a public hearing on June 24, 1941, at Washington, D. C., upon the Committee's recommendation and upon the question of what, if any, prohibition, restriction or regulation of home work is necessary to carry out the purposes of the wage order for the Jewelry Manufacturing Industry, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rates established therein, in the event an order is issued approving the recommendations of the Committee, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons at said public hearing before the Presiding Officer were given leave to file briefs until July 8, 1941, and to present oral argument on July 15, 1941; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, has concluded that the Industry Committee's recommendation for a minimum wage rate for the Jewelry Manufacturing Industry, as defined in Administrative Order No. 100, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act and that it is necessary to include terms and conditions in the wage order for this industry with respect to industrial home work to carry out the purposes of such order, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rates established therein; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 26 for a Minimum Wage Rate in the Jewelry Manufacturing Industry and Industrial Home Work in the Jewelry Manufacturing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 607.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.

* §§ 607.1 to 607.7, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup., 208.

§ 607.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Jewelry Manufacturing Industry who is engaged in commerce or in the production of goods for commerce.*

§ 607.3 *Restriction of home work.* No work in the Jewelry Manufacturing Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment, except by such persons as have obtained special home-work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the Jewelry Manufacturing Industry prior to July 1, 1941, and is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home.*

§ 607.4 *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce in the Jewelry Manufacturing Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 607.5 *Definition of the jewelry manufacturing industry.* The Jewelry Manufacturing Industry, to which this order shall apply, is hereby defined as follows:

(a) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used herein *includes,* without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including without limitation, cigar and cigarette cases, holders, and lighters; watch cases; metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used herein *does not include* pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocketbook

frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semiprecious, synthetic or imitation stones; and the assaying, refining, and smelting of base or precious metals.

The term "parts" as used in the foregoing paragraph does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commercial compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing or advertising said cosmetics.

(b) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones.

(c) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.*

§ 607.6 *Scope of the definition.* The definition of the Jewelry Manufacturing Industry covers all occupations in the industry which are necessary to the production of the products covered in the definition, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not cover employees of a manufacturer, assembler, processor, or independent wholesaler who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 607.7 *Effective date.* This Wage Order shall become effective November 3, 1941.*

Signed at Washington, D. C., this 16th day of October, 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7843; Filed, October 17, 1941; 11:47 a. m.]

PART 607—MINIMUM WAGE RATE AND REGULATIONS APPLICABLE TO THE EMPLOYMENT OF HOME WORKERS IN THE JEWELRY MANUFACTURING INDUSTRY

The following Regulations, §§ 607.101–607.112 applicable to the employment of industrial home workers in the Jewelry Manufacturing Industry are hereby issued pursuant to sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938, and § 607.3 of the Regulations of the Wage and Hour Division. These regulations shall become effective November 3, 1941, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

Signed at Washington, D. C., this 16th day of October, 1941.

PHILIP B. FLEMING,
Administrator.

Whereas, section 8 (f) of the Fair Labor Standards Act of 1938 provides as follows:

> Orders issued under this section shall * * * contain such terms and conditions as the Administrator finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rates established therein. * * *

And, whereas, § 607.3 of the wage order for the Jewelry Manufacturing Industry issued pursuant to section 8 (f) of the Act provides as follows:

> § 607.3 *Restriction of Home Work.* No work in the Jewelry Manufacturing Industry, as defined herein, shall be done in or about a home, apartment, tenement, or room in a residential establishment, except by such persons as have obtained special home work certificates issued pursuant to applicable regulations of the Wage and Hour Division, authorizing industrial home work by any worker who was engaged in industrial home work in the Jewelry Manufacturing Industry prior to July 1, 1941 and is unable to adjust to factory work because of age or physical or mental disability or is unable to leave home because his presence is required to care for an invalid in the home.

And whereas, section 11 (c) of the Act provides as follows:

> Every employer subject to any provision of this Act or of any order issued under this Act shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this Act or the regulations or orders thereunder.

Now, therefore, the following regulations are hereby issued. The regulations in §§ 607.101–607.112 shall become effective on November 3, 1941, and shall be in force and effect until repealed or modified by regulations hereafter made and published.

§ 607.101 *Definitions.* As used in the regulations in §§ 607.101–607.112, the term "industrial home work" means the production by any person in or about a home, apartment, tenement, or room in a residential establishment, for an employer, of goods from material furnished directly by or indirectly for such employer.

"The Jewelry Manufacturing Industry" as used herein means:

(a) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used herein *includes,* without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including without limitation, cigar and cigarette cases, holders, and lighters; watch cases; metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used herein does not include pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocketbook frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semiprecious, synthetic, or imitation stones; and the assaying, refining, and smelting of base or precious metals.

The term "parts" as used in the foregoing paragraph does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commercial compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing or advertising said cosmetics.

(b) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones.

(c) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.

§ 607.102 *Applications on official forms.* Certificates authorizing the employment of industrial home workers in the Jewelry Manufacturing Industry may be issued upon the following terms and conditions upon application therefor on forms provided by the Wage and Hour Division. Such forms shall be signed by both the home worker and the employer.

§ 607.103 *Terms and conditions for the issuance of certificates.* If the application is in proper form and sets forth facts showing that the worker—

(a) Was engaged in industrial home work in the Jewelry Manufacturing Industry prior to July 1, 1941; and

(b) Is unable to adjust to factory work because of age or physical or mental disability; or

(c) Is unable to leave home because the worker's presence is required to care for an invalid in the home,

a certificate may be issued authorizing the applicant employer to employ the worker in industrial home work in the Jewelry Manufacturing Industry.

No home worker shall perform industrial home work for more than one employer in the Jewelry Manufacturing Industry, but home work employment in another industry shall not be a bar to the issuance of a certificate for the Jewelry Manufacturing Industry.

§ 607.104 *Investigation may be ordered to determine whether the facts justify the issuance of a certificate.* An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 607.105 *Termination of certificates.* Certificates shall be valid under the terms set forth in the certificate for a period of not more than 12 months from

the date of issuance or such shorter period as may be fixed in the certificate. Application for renewal of any certificate shall be filed in the same manner as an original application under §§ 607.101–607.112.

§ 607.106 *Revocation and cancellation.* Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall issue to the offending employer for a period of one year. In any proceeding for the revocation or cancellation of a certificate, interested parties shall be provided an opportunity to be heard.

§ 607.107 *Preservation of certificate.* A copy of the certificate shall be sent to the home worker, who shall keep such certificate on the premises on which the work is performed.

A copy of the certificate shall be sent to the employer, who shall keep this copy on file in the same place at which the worker's employment records are maintained.

§ 607.108 *Records and reports.* The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required by Regulations, Part 516, and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

Each employer of industrial home workers in the Jewelry Manufacturing Industry shall submit to the regional office of the Wage and Hour Division for the region in which his place of business is located on February 1 and August 1 of each year, the home work handbooks of each employee employed by him during the preceding six month period in industrial home work in the Jewelry Manufacturing Industry. This report shall also include a list of the names, addresses, and certificate numbers of home workers for whom home work certificates have been obtained but who were not employed in industrial home work in the Jewelry Manufacturing Industry during such period.

§ 607.109 *Wage rates.* Wages at a rate of not less than 40 cents per hour shall be paid by every employer to each of his home work employees except as subminimum employment of specific handicapped workers has been provided for by special certificates issued by the Wage and Hour Division pursuant to Regulations, Part 524. All hours worked in excess of 40 in any workweek shall be compensated for at one and one-half times the regular rate of pay.

§ 607.110 *Delegation of authority to grant, deny, or cancel a certificate.* The Administrator may from time to time designate and appoint members of his staff or State agencies as his authorized representatives with full power and authority to grant, deny, or cancel home work certificates.

§ 607.111 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 607.112 *Petition for amendment of regulations.* Any person wishing a revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition the Administrator believes that reasonable cause for amendment of the rules and regulations is set forth, the Administrator will either schedule a hearing with due notice to interested persons or will make other provisions to afford interested persons opportunity to present their views in support of or in opposition to the proposed changes. The foregoing sections are issued pursuant to § 607.3 of the Regulations of the Wage and Hour Division and sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938.

[F. R. Doc. 41-7846; Filed, October 17, 1941; 11:48 a. m.]

PART 608—MINIMUM WAGE RATE IN THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 35 FOR A MINIMUM WAGE RATE IN THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

Whereas on July 8, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 119, appointed Industry Committee No. 35 for the Shoe Manufacturing and Allied Industries, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Shoe Manufacturing and Allied Industries in accordance with Section 8 of the Act; and

Whereas the Committee included nine disinterested persons representing the public, a like number of persons representing employers in the Shoe Manufacturing and Allied Industries, and a like number of persons representing employees in the Industries, and each group was appointed with due regard to the geographical regions in which the Shoe Manufacturing and Allied Industries are carried on; and

Whereas on August 25, 1941, the Committee, after investigating economic and competitive conditions in the Industries, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Shoe Manufacturing and Allied Industries; and

Whereas after notice published in the FEDERAL REGISTER on August 28, 1941, Mr. Thomas Holland, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C. on September 12, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing, all persons who appeared at the hearing were given leave to file briefs on or before October 1, 1941; and

Whereas no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Shoe Manufacturing and Allied Industries, as defined by Administrative Order No. 119, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 35 for a Minimum Wage Rate in the Shoe Manufacturing and Allied Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 608.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.*

* §§ 608.1 to 608.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup., 208.

§ 608.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Shoe Manufacturing and Allied Industries who is engaged in commerce or in the production of goods for commerce.*

§ 608.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Shoe Manufacturing and Allied Industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 608.4 *Definition of the shoe manufacturing and allied industries.* The Shoe Manufacturing and Allied Industries, to which this Wage Order shall apply, are defined as follows:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) but without prejudice to the generality of that paragraph:

Athletic shoes.
Boots.
Boot tops.
Burial shoes.
Custom-made boots or shoes.
Moccasins.
Puttees, except spiral puttees.
Sandals.
Shoes completely rebuilt in a shoe factory.
Slippers.

(c) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings.

(d) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

Outsoles.
Midsoles.
Insoles.
Taps.
Lifts.
Rands.
Toplifts.
Bases.
Shanks.
Boxtoes.
Counters.
Stays.
Stripping.
Sock linings.
Heel pads.

(e) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

(f) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(g) The manufacture of pasted shoe stock.

(h) The manufacture of boot and shoe patterns.*

§ 608.5 *Scope of the definition.* The definition of the Shoe Manufacturing and Allied Industries covers all occupations in the industries which are necessary to the production of the articles covered in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 608.6 *Effective date.* This Wage Order shall become effective November 3, 1941.*

Signed at Washington, D. C., this 15th day of October, 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7842; Filed, October 17, 1941; 11:47 a. m.]

PART 610—MINIMUM WAGE RATES IN THE LUMBER AND TIMBER PRODUCTS INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 30 FOR A MINIMUM WAGE RATE IN THE LUMBER AND TIMBER PRODUCTS INDUSTRY

Whereas on May 17, 1941, pursuant to section 5 of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 109, appointed Industry Committee No. 30 for the Lumber and Timber Products Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Lumber and Timber Products Industry in accordance with section 8 of the Act; and

Whereas the Committee included eight disinterested persons representing the public and a like number of persons representing employers in the Lumber and Timber Products Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Lumber and Timber Products Industry is carried on; and

Whereas on June 27, 1941, the Committee, after investigation of economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 35 cent minimum hourly wage rate in the Lumber and Timber Products Industry; and

Whereas after notice published in the FEDERAL REGISTER on July 17, 1941, Mr. Henry T. Hunt, Principal Hearings Examiner of the Wage and Hour Division, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendations at Washington, D. C., on August 5, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas all persons who appeared at the hearing were given leave to file briefs on or before August 20, 1941; and

Whereas no requests for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, concludes that the Industry Committee's recommendation for the Lumber and Timber Products Industry, as defined by Administrative Order No. 109, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purpose of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 30 for a Minimum Wage Rate in the Lumber and Timber Products Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That—

§ 610.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.*

*§§ 610.1 to 610.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup., 208.

§ 610.2 *Wage rates.* Wages at a rate of not less than 35 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Lumber and Timber Products Industry who is engaged in commerce or in the production of goods for commerce.*

§ 610.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Lumber and Timber Products Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 610.4 *Definition of the lumber and timber products industry.* The Lumber and Timber Products Industry to which this Order shall apply is hereby defined as follows:

Wood saw milling and surfacing; wood reworking, including but without limitation kiln or air drying, and the manufacture of planing mill products, dimension stock, boxes, and wood turnings and shapings; and the manufacture of specialized timber products including but without limitation shingles, cooperage stock, veneer, plywood, and veneer packaging: *Provided, however,* That the term does not include cooperage or the manufacture of cigar boxes, cork products, reed and rattan products except vegetable and fruit baskets, or furniture and furniture parts as defined in Administrative Order No. 108.

The manufacture of any products covered under this definition shall be deemed to begin with the unloading of the raw material at the mill site.*

§ 610.5 *Scope of the definition.* The definition of the Lumber and Timber Products Industry covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations: *Provided, however,* This definition does not cover clerical, maintenance, shipping and selling occupations when carried on in an establishment, the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or

employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 610.6 *Effective date.* This Wage Order shall become effective November 3, 1941.*

Signed at Washington, D. C., this 17th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7844; Filed, October 17, 1941; 11:47 a. m.]

PART 611—MINIMUM WAGE RATES IN THE WOOD FURNITURE MANUFACTURING INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 29 FOR A MINIMUM WAGE RATE IN THE WOOD FURNITURE MANUFACTURING INDUSTRY

Whereas on May 17, 1941, pursuant to section 5 of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 108, appointed Industry Committee No. 29 for the Wood Furniture Manufacturing Industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the Wood Furniture Manufacturing Industry in accordance with Section 8 of the Act; and

Whereas the Committee included eight disinterested persons representing the public and a like number of persons representing employers in the Wood Furniture Manufacturing Industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the Wood Furniture Manufacturing Industry is carried on; and

Whereas on June 23, 1941, the Committee, after investigation of economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Wood Furniture Manufacturing Industry; and

Whereas after notice published in the FEDERAL REGISTER on July 15, 1941, Henry T. Hunt, Esquire, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on August 12 and 13, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas all persons who appeared at the hearing were given leave to file briefs on or before August 29, 1941; and

Whereas oral argument on the Committee's recommendation was heard by the Administrator on September 4, 1941; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, concludes that the Industry Committee's recommendation for the Wood Furniture Manufacturing Industry, as defined by Administrative Order No. 108, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purpose of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 29 for the Wood Furniture Manufacturing Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That

§ 611.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.*

*§§ 611.1 to 611.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup., 208.

§ 611.2 *Wage rates.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Wood Furniture Manufacturing Industry who is engaged in commerce or in the production of goods for commerce.*

§ 611.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Wood Furniture Manufacturing Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 611.4 *Definition of the wood furniture manufacturing industry.* The Wood Furniture Manufacturing Industry to which this Order shall apply is hereby defined as follows:

The manufacturing, assembling, upholstering and finishing, from wood, reed, rattan, willow, and fiber, of upholstered and other household, office, lawn, camp, porch, and juvenile and toy furniture, including but without limitation porcelain top breakfast furniture and radio, phonograph and sewing machine cases and cabinets; the manufacturing and assembling, from wood, of furniture parts for the above, separately, set up or knocked down including but without limitation parlor furniture frames and chairs in the white.

The manufacturing of any products covered under this definition shall be deemed to begin following the delivery of the wood from the kiln or from the air-dried dimension shed.*

§ 611.5 *Scope of the definition.* The definition of the Wood Furniture Manufacturing Industry covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations: *Provided, however,* This definition does not cover clerical, maintenance, shipping and selling occupations when carried on in an establishment, the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 611.6 *Effective date.* This Wage Order shall become effective November 3, 1941.

Signed at Washington, D. C., this 17th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-7845; Filed, October 17, 1941; 11:47 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1046]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

The Director finding that a reasonable showing of necessity has been made for granting of temporary relief in the above-named party, re-

tions to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Pro-

the same hereby is, granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1046]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 6, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
338	Borgman Coal Company	Borgman #3	M. V. Freeport	Mattingly, W. Va.	W. V. N	71	J	J	J	J	J	J	J	J	J	J	---	---	---	---	---	---
339	Borgman Coal Company	Borgman #4	M. V. Freeport	Mattingly, W. Va.	W. V. N	71	J	J	J	J	J	J	J	J	J	J	---	---	---	---	---	---
340	Borgman Coal Company	Borgman #5	M. V. Freeport	Mattingly, W. Va.	W. V. N	71	J	J	J	J	J	J	J	J	J	J	---	---	---	---	---	---
1157	Martin, O. P.	Riley's	M. V. Freeport	Kingwood, W. Va.	W. V. N	71	J	J	J	J	J	J	J	J	J	J	---	---	---	---	---	---
341	Martin, O. P.	Riley #3	M. V. Freeport	Kingwood, W. Va.	W. V. N	71	J	J	J	J	J	J	J	J	J	J	---	---	---	---	---	---
348	Ruthbell Coal Co.	Scotch Hill #115	Pittsburgh	Newburg, W. Va.	B. & O.	70	H	H	H	H	H	H	H	H	H	H	---	---	---	---	---	---
342	Warnick, Carmer R.	Warnick #1	Pittsburgh	Josephine, W. Va.[1]	W. M.	65	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
343	Warnick, Carmer R.	Warnick #2	Pittsburgh	Josephine, W. Va.[1]	W. M.	65	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
344	Warnick, Carmer R.	Warnick #3	Pittsburgh	Josephine, W. Va.[1]	W. M.	65	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
345	Warnick, Carmer R.	Warnick #4	Pittsburgh	Josephine, W. Va.[1]	W. M.	65	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
346	Warnick, Carmer R.	Warnick #5	Pittsburgh	Josephine, W. Va.[1]	W. M.	65	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---

[1] Loaded at Peora siding.

§ 323.8 *Special prices—Railroad fuel prices for all movements except via lakes*—Supplement R–II

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Part 323 in Minimum Price Schedule. Group No. 1: 342, 343, 344, 345, 346, 348. Group No. 3: 338, 339, 340, 341, 1157.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III

For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Part 323 in Minimum Price Schedule. Group No. 1: 342, 343, 344, 345, 346, 348. Group No. 3: 338, 339, 340, 341, 1157.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2", bottom size (1)	Lump 2", egg 2", bottom size, but over 1¼" (2)	Lump 1¼" and under, egg 1¼" and under, bottom size (3)	All nut and pea, 2" and under (4)	Run of mine, resultant over 2" (5)	1¼" and 2" slack (6)	¾" slack (7)
Borgman Coal Company	338	Borgman #3	M. V. Freeport	Preston	225	225	225	200	200	190	180
Borgman Coal Company	339	Borgman #4	M. V. Freeport	Preston	225	225	225	200	200	190	180
Borgman Coal Company	340	Borgman #5	M. V. Freeport	Preston	225	225	225	200	200	190	180
Martin, O. P	341	Riley #3	M. V. Freeport	Preston	225	225	225	200	200	190	180
Ruthbell Coal Co	348	Scotch Hill #115.	Pittsburgh	Preston	230	230	230	205	205	195	185
Warnick, Carmer R	342	Warnick #1	Pittsburgh	Harrison	223	218	218	193	193	178	168
Warnick, Carmer R	343	Warnick #2	Pittsburgh	Harrison	223	218	218	193	193	178	168
Warnick, Carmer R	344	Warnick #3	Pittsburgh	Harrison	223	218	218	193	193	178	168
Warnick, Carmer R	345	Warnick #4	Pittsburgh	Harrison	223	218	218	193	193	178	168
Warnick, Carmer R	346	Warnick #5	Pittsburgh	Harrison	223	218	218	193	193	178	168

[F. R. Doc. 41-7794; Filed, October 16, 1941; 10:26 a. m.]

[Docket No. A-1044]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter, except as hereinafter noted; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
541	Furrow, W. E	Furrow	2	Beckley	Beaver, W. Va.	C. & O.	10	†	†	†	†	†	A	A	†	†	†
245	Gulf Smokeless Coal Company.	Tams #2	5	Poca. 4	Tams, W. Va.	C. & O.-Vgn.	18	D	D	C	A	A	B	B	B	B	B
239	Harrison Coal Co. (Clyde Harrison).	Harrison	4	War Creek	Yukon, W. Va	N. & W.	30	†	†	†	†	†	E	D	†	†	†
691	Lynch, Chas. A	Coolridge	2	Beckley	Beaver, W. Va.	C. & O.	10	†	†	†	†	†	A	A	†	†	†
612	Thompson, C. J	Thompson	3	Poca. 3	Springton, W. Va.	N. & W.	20	†	†	†	†	†	B	B	†	†	†

† Indicates no classifications effective for these size groups.

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove (1)	All nut or pea 1¼" top size or smaller (2)	Screened M/R (3)	Straight mine run (4)	1¼" screenings (5)	¾" screenings (6)
Gulf Smokeless Coal Company.	245	Tams #2	5	Raleigh	Poca. 4	290	250	280	215	195	190
Harrison Coal Co. (Clyde Harrison).	239	Harrison	4	McDowell	War Creek	------	------	250	195	----	----

[F. R. Doc. 41-7796; Filed, October 16, 1941; 10:27 a. m.]

[Docket No. A-1012]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8 and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY, *Director*.

No petitions of intervention having been filed with the Division in the above-entitled matter, except as hereinafter noted; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and mini-

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
4030	Allen, Millard	Millard Allen Coal	Splint	6	Newcomb, Tenn.	Sou	112	F	F	E	D	E	C	E	C	F	M	(†)	(†)	(†)	(†)	(†)	(†)
832	Barker, W. S	Barker No. 2	Blair	7	Esserville, Va.	Inter	200	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	C	C
833	Barker, W. S	Barker No. 3	Blair	7	Esserville, Va.	Inter	200	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	C	C
2067	Barnett, Roscoe	Brooks	Blue Gem	6	Colmar, Ky.	L. & N.	111	H	H	F	E	D	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	C
2980	Chloe Elkhorn Coal Company, Inc. c/o O. W. Thompson.	Chloe Creek	Elkhorn	1	Pikeville, Ky.	C. & O.	61	K	H	G	E	C	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
1502	Cox, Vanus	Cox	Mason	6	Tejay, Ky.	L. & N.	111	R	R	M	L	K	J	E	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
646	Daniels, J. T	Daniels	Elkhorn	1	Shelby, Ky.	C. & O.	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	C	C
844	Durbin, F. M. (Campbell Coal Co.).	Campbell	Hazard 5-A	3	Yerkes, Ky.	L. & N.	100	O	O	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
200	Eureka Coal Company	No. 5	No. 5 Block	4	Handley, W. Va.	C. & O.	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	B	C	D
1480	Franklin & Pitser (A. K. Pitser.	Alum Rock	No. 5 Block	5	Midkiff, W. Va.	C. & O.	150	Q	Q	L	K	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)
2225	Franks, J. H	J. H. Franks #5	Upper Banner	7	Raven, Va.	N. & W.	20	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
1046	Gallion, V. H	Gallion	No. 7	1	Rush, Ky.	C. & O.	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)
3360	Haddix & Noble (John Haddix).	Haddix & Noble	Knob	3	Haddix, Ky.	L. & N.	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
345	Halstead Coal Company, Inc.	Halstead	Horse Creek	6	Halstead, Ky.	L. & N.	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	B	C	D	E
841	Hampton, Walter	Walter Hampton	Hazard No. 4	3	Hazard, Ky.	L. & N.	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
850	Harris Coal Company (Steely Harris).	Sugar Creek	Jellico	6	Rockhold, Ky.	L. & N.	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
836	Hatfield & Speaks (Milton Hatfield).	Hatfield & Speaks	Imboden	7	Purcell, Va.	Sou	202	M	M	K	J	G	E	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
821	Hughes, Calvin (Dickenson Coal Company).	Dickenson Coal Co. No. 2	Upper Banner	7	Fremont, Va.	C. C. & O.	10	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
834	Justice Coal Comany (Miles Justice).	Mullens No. 1	Elkhorn	1	Shelby, Ky.	C. & O.	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
619	Koppers Coal Company, The.	Kopperston #2	Campbells Creek.	5	Kopperston, W. Va.	V. G. N.	230	O	O	H	G	E	C	E	A	(*)	A	A	(†)	A	A	A	(*)
851	Lambert, Loyd [1]	Blue Jay	Blue Gem	6	Colmar, Ky.	L. & N.	111	H	H	F	E	D	C	E	D	D	K	O	(†)	(†)	(†)	(†)	(†)
819	Leport, Thomas	Leport	(Pittsburgh #8) Baker.	4	Pt. Pleasant, W. Va.	B. & O. and N. Y. C.	242	Q	Q	P	O	M	K	M	H	G	Q	(†)	(†)	(†)	(†)	(†)	(†)
1531	Martin & Wilder (Paris Martin).	Blue Gem	Blue Gem	6	Colmar, Ky.	L. & N.	111	H	H	F	E	D	C	E	D	D	K	O	(†)	(†)	(†)	(†)	(†)
854	Merrimac Coal Company	Merrimac-Alma	Alma	8	Rawl, W. Va.	N. & W.	130	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	B	(†)
852	Merrimac-Winifrede Coal Co. (c/o H. E. Clary).	Merrimac-Thacker	Thacker	8	Rawl, W. Va.	N. & W.	130	Q	Q	O	N	L	J	L	F	F	K	(†)	(†)	(†)	(†)	(†)	(†)
2772	Miller, Taulby	Miller	Bernstadt	6	E. Bernstadt, Ky.	L. & N.	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
4003	Napier & Hensley (John L. Napier).	Hanby	Straight Creek	6	Hanby, Ky.	L. & N.	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A
4023	Philpot, Loyd	Philpot	Horse Creek	6	Manchester, Ky	L. & N.	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
801	Priddy, Dan	Hance	Hance No. 2	2	Cato, Ky.	L. & N.	80	P	P	N	M	H	F	F	D	E	H	(†)	(†)	(†)	(†)	(†)	(†)
640	Princess Elkhorn Coal Company.	No. 1	Elkhorn No. 2	1	David, Ky.	C. & O.	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	A	(*)
2355	Richmond, R. A. [2]	R. A. Richmond Coal Co.	Widow Kennedy.	7	Norton, Va.	N. & W.	30	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
2341	Tate, G. S. (Steel Fork Coal Company).	Tacoma C. Co. #1	Lower Banner	7	Tacoma, Va.	N. & W.	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
820	Tate, G. S. (Steel Fork Coal Company).	Tacoma C. Co. #2	Upper Banner	7	Tacoma, Va.	N. & W.	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
168	Whipple Coals, Inc	Whipple	Mason	6	Whipple, Ky.	L. & N.	111	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(†)	(†)	C	C	D	E
855	Wright, C. M. (Bald Knob Coal Co.).		Blue Gem	6	Rockhold, Ky.	L. & N.	111	A	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)

Mine index No.	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
4030	F	F	E	B	B	C	E	K	M	(†)	(†)	(†)	(†)	(†)
832	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
833	O	M	K	F	C	D	E	M	G	(†)	(†)	(†)	(†)	C
2067	H	H	F	D	C	B	E	M	K	(†)	(†)	(†)	(†)	C
2980	K	K	H	C	D	B	C	K	G	(†)	(†)	(†)	(†)	C
1502	R	Q	M	J	G	F	E	Q	O	(†)	(†)	(†)	(†)	C
646	K	K	H	D	B	F	C	K	G	(†)	(†)	(†)	(†)	(†)
844	O	N	M	H	J	F	K	N	M	(†)	(†)	(†)	(†)	(†)
200	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	A	B	C	D
1480	Q	O	M	H	F	F	H	O	K	(†)	(†)	(†)	(†)	(†)
2225	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
1046	M	M	K	H	E	E	G	N	O	(†)	(†)	(†)	(†)	(†)
3360	M	M	K	G	E	E	G	K	L	(†)	(†)	(†)	(†)	(†)
345	M	M	K	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
841	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	B	C	D	E
850	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
836	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
821	M	M	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
834	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
619	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
851	O	M	L	F	B	A	E	(*)	A	A	A	A	A	(*)
819	H	H	F	C	C	D	E	M	K	O	(†)	(†)	(†)	(†)
1531	Q	Q	O	K	H	H	M	Q	Q	(†)	(†)	(†)	(†)	(†)
854	H	H	F	C	C	D	E	M	K	O	(†)	(†)	(†)	(†)
852	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	(†)	(†)	(†)	(†)	B
2772	Q	P	N	J	G	G	L	P	K	(†)	(†)	(†)	(†)	(†)
4003	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
4023	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
801	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
640	P	O	M	H	E	D	F	O	H	(†)	(†)	(†)	(†)	(†)
2355	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
2341	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
820	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
168	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	C	C	D	E
855	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)

[1] Lambert, Loyd was erroneously listed in Docket A-954 as Mine Index No. 1531.
[2] Richmond, R. A., was erroneously listed in Docket A-906 as Mine Index No. 2354.

* Indicates previously classified these size groups.
† Indicates no classification effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—BIG SANDY-ELKHORN											
PIKE COUNTY, KY.											
Justice Coal Company (Miles Justice).	Mullens #1	834	Elkhorn	275	255	220	230	215	210	170	165
SUBDISTRICT No. 2—HARLAN											
HARLAN COUNTY, KY.											
Priddy, Dan	Hance	801	Hance #2	250	230	215	205	200	205	165	160
Smith, David L	Truck	836	Mason	250	230	215	205	200	205	165	160
SUBDISTRICT No. 3—HAZARD											
BREATHITT COUNTY, KY.											
Wells, Coy	Coy Wells	848	No. 4	265	245	210	205	190	200	145	140
PERRY COUNTY, KY.											
Durbin, F. M. (Campbell Coal Co.).	Campbell	844	Hazard #5-A	275	255	220	225	205	210	150	145
Hampton, Walter	Walter Hampton	841	Hazard #4	275	255	220	225	205	210	155	150
WOLFE COUNTY, KY.											
McCloud, A. N	McCloud #2	853	No. 4	265	245	210	220	205	200	150	145
SUBDISTRICT No. 4—KANAWHA											
MASON COUNTY, W. VA.											
Chapman, Mervin	Chapman	845		270	260	205	235	180	195	155	150
Leport, Thomas	Leport	819	Baker (Pittsburgh #8).	270	260	205	235	180	195	155	150
SUBDISTRICT No. 5—LOGAN											
WYOMING COUNTY, W. VA.											
Koppers Coal Company, The	Kopperston #2	619	Campbells Cr	255	235	235	230	215	(*)	200	195
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Lambert, Loyd	Blue Jay	851	Blue Gem	285	265	220	240	215	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
CLAY COUNTY, KY.											
Duncan, Lonnie	Duncan	823	Horse Creek	265	245	220	220	205	210	155	150
Lewis, T. R. (Lily Coal Co.)	Lily	822	Horse Creek	265	245	220	220	205	210	155	150
LAUREL COUNTY, KY.											
Cummins, Dee	Fields	824	Horse Creek	265	245	220	220	205	210	155	160
Ewell, Logan	Ewell	840	Pittsburg	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Harris Coal Company (Steely Harris).	Sugar Creek	850	Jellico	255	235	225	225	205	215	155	150
Wright, C. M. (Bald Knob Coal Co.).		855	Blue Gem	335	315	235	260	225	225	145	140
CAMPBELL COUNTY, TENN.											
Rutherford, Sherman & Dave LeMarr (Sherman Rutherford)	Rutherford & LeMarr	843	Jellico	300	280	225	250	215	215	170	165
PUTNAM COUNTY, TENN.											
Clark Coal Co. (Aubrey Clark)	Clark	713	Bon Air #2	250	230	205	210	185	195	135	130
SUB-DISTRICT No. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Hughes, Calvin (Dickenson Coal Company)	Dickenson Coal Co. #2	821	Upper Banner	265	245	220	220	215	210	155	150
LEE COUNTY, VA.											
Hatfield & Speaks (Milton Hatfield).	Hatfield & Speaks	835	Imboden	265	245	215	220	205	205	155	150
WISE COUNTY, VA.											
Barker, W. S	Barker #2	832	Blair	265	245	220	220	215	210	155	150
Barker, W. S	Barker #3	833	Blair	265	245	220	220	215	210	155	150
Tate, G. S. (Steel Fork Coal Company).	Tacoma C. Co. #2	820	Upper Banner	265	245	220	220	215	210	155	150
SUBDISTRICT No. 8—WILLIAMSON											
MINGO COUNTY, W. VA.											
Merrimac Coal Company	Merrimac-Alma	854	Alma			230			220		
Merrimac Winifrede Coal Co. (c/o H. E. Clary).	Merrimac-Thacker.	852	Thacker	245	225	210	200	185	200	155	150

* Indicates previously classified in this size group.

[F. R. Doc. 41-7798; Filed, October 16, 1941; 10:26 a. m.]

[Docket No. A-1035]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISH-

showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the pur-

for low volatile coals) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

No minimum prices were established for the coals of the Daugherty & King Mine of F. J. Daugherty and Carl King,

and designating it as Docket No. A–1035 Part II and granting temporary relief.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be

| | | |

§ 328.11 *Alphabetical list of code members*—Supplement R–I—Continued

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine Name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
913	Hall & Stumbo (Wayne Stumbo).	Stumbo No. 7	Elkhorn #1 & 2	1	Drift, Ky	C. & O	61	H	H	H	G	E	C	E	B	C	G	L	(†)	(†)	(†)	(†)	(†)	H	H	H	D	B	B	E	J	G	L	(†)	(†)	(†)	(†)
4090	Hatmaker, Lee	Shoestring	Harlan	2	Loyall, Ky	L. & N	80	P	P	N	M	H	F	F	D	E	H	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	E	D	F	O	H	(†)	(†)	(†)	(†)	(†)
1971	Hicks Coal Company (Calaph Hicks).	Hicks	Jellico	6	Chaska, Tenn	L. & N	140	E	E	D	C	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	E	E	D	C	B	C	E	G	G	(†)	(†)	(†)	(†)	(†)
860	Hope Coal Company, Inc	No. 3	Winifrede	4	Belle, W. Va	N Y. C	127	O	O	O	N	J	F	H	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	O	N	O	K	G	F	F	P	M	(†)	(†)	(†)	(†)	(†)
861	Hughes, Donald	Hughes	Alma	5	Martha, W. Va	C. & O	150	Q	Q	L	K	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	H	O	K	(†)	(†)	(†)	(†)	(†)
910	Jacks Creek Mining Co	Smith	Elkhorn #3	1	Jacks Creek, Ky	C. & O	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	(†)	(†)	(†)	(†)	(†)	(†)	A	(†)	(†)	(†)	(†)	(†)	(†)	(†)	H	(†)	(†)	(†)	(†)	(†)	A
891	Jameson, Robert	Darby	Darby or "C"	2	Chad, Ky	L. & N	80	E	E	D	C	C	A	C	A	A	E	(†)	(†)	A	A	A	A	E	E	D	A	A	C	F	E	(†)	A	A	A	A
862	Justice, John F	Justice	No. 6	1	Ashland, Ky	C. & O	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	D	G	N	L	(†)	(†)	(†)	(†)	(†)
868	L. & T. Coal Co. (T. A. Large).	L. & T. C. Co. #1	Lower Banner	7	Trammel, Va	C. C. & O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
869	L. & T. Coal Co. (T. A. Large).	L. & T. Co. #2	Upper Banner	7	Trammel, Va	C. C. & O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
866	Lambert Mine, L. D., The (Wm. Culbertson, Jr.).	L. D. Lambert Mine.	Elkhorn #2	1	Mayking, Ky	L. & N	62	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
1416	Low Ash Coal Company	Cobb	Queen Shoals	4	Clay, W. Va	B. & O	120	Q	Q	P	M	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
1679	Mitchell, Eugene	Eugene Mitchell	Jellico	6	Grays, Ky	L. & N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
1934	O'Barr, Carl	Carl O'Barr	Blue Gem	6	Elk Valley, Tenn.	Sou	112	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)		A	A	A	A	E	C	D	K	(†)	(†)	(†)	(†)	(†)
4094	Ponder & King (Jason Ponder).	Ponder	Lilly	6	London, Ky	L. & N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3439	Profitt, S. G	Terrill	No. 4	3	Slade, Ky	L. & N	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
886	Reynolds, Edgar C	No. 1	Imboden	7	Esserville, Va	Inter	200	O	O	K	J	F	C	E	(†)	B	F	(†)	(†)	(†)	(†)	(†)	(†)	O	M	K	F	D	D	E	L	F	(†)	(†)	(†)	(†)	(†)
887	Reynolds, Edgar C	No. 2	Imboden	7	Esserville, Va	Inter	200	O	O	K	J	F	C	E	(†)	B	F	(†)	(†)	(†)	(†)	(†)	(†)	O	M	K	F	D	D	E	L	F	(†)	(†)	(†)	(†)	(†)
408	Ridgeway-Darby Coal Company.	Ridgeway	Harlan	2	Ridgeway, Ky	L. & N	80	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	J	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	J	(*)	(*)	(*)	(*)
3351	Siler, John D	Huddleston	Blue Gem	6	Williamsburg, Ky.	L. & N	111	A	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)
2572	Snyder & Hanson Coal Co. (H. O. Snyder).	Snyder & Hanson	No. 5 Block	4	Queen Shoals, W. Va.	B. & O	120	Q	Q	P	M	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
3256	Wanda Lee Coal Co. (R. L. Belcher).	R. A. Hearn	Slope (Widow Kennedy).	7	Swords Creek, Va.	N. & W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)

*Previously classified this size group.
†No classification effective for this size group.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups, for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
884	Hilton Coal Company (W. J. Hilton).	Hilton Coal Co.	9	Cary	Grundy, Va.	N. & W	131	C	C	D	D	D	C	C	H	H	H

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

[Price in cents per net ton for shipment into all market area]

Base sizes

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

[Price in cents per net ton for shipment into all market area]

Base sizes

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

[Price in cents per net ton for shipment into all market area]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Bowling & Bowling (R. L. Bowling)	Bowling	880	No. 7	265	245	210	220	205	200	150	145
Justice, John F	Justice	862	No. 6	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
Baker, Jesse	Baker	872		265	245	210	220	205	200	150	145
Bryant & Bryant (E. L. Bryant)	James	873		265	245	210	220	205	200	150	145
Crockett & Stidham (Clarence Crockett).	Stidham	881		265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Hall & Stumbo (Wayne Stumbo)	Hall #5	911	Elkhorn #1 and 2	285	265	225	230	215	215	170	165
Hall & Stumbo (Wayne Stumbo)	Hall #6	912	Elkhorn #1 and 2	285	265	225	230	215	215	170	165
Hall & Stumbo (Wayne Stumbo)	Stumbo #7	913	Elkhorn #1 and 2	285	265	225	230	215	215	170	165
Jacks Creek Mining Co	Smith	910	Elkhorn #3	295	275	235	240	215	225	175	170
GREENUP COUNTY, KY.											
Blanton, John	Salyers #4	879	Clod	265	245	210	220	205	200	150	145
LETCHER COUNTY, KY.											
Lambert Mine, L. D., The (Wm. Culbertson, Jr.).	L. D. Lambert Mine.	866	Elkhorn #2	275	255	220	230	205	210	160	155
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Earls, Fount	Reldamay	839	Harlan	270	250	225	230	210	215	175	170
Garrett, Ford	Penn-Lee	857	Penn Lee	265	245	215	220	205	205	155	150
Jameson, Robert	Darby	891	Darby or "C"	300	280	235	250	225	225	180	175
Kistner, J. H		914	No. 5	295	275	225	245	215	215	170	165
Peters, W. N. & H. G. (W. N. Peters)	Quality Coal Co.	875	Harlan	270	250	225	230	210	215	175	170
SUBDISTRICT NO. 3—HAZARD											
LETCHER COUNTY, KY.											
Gibson, A. J. (Mrs.)	Mrs. A. J. Gibson	915	Hazard No. 4	265	245	220	220	205	210	155	150
PERRY COUNTY, KY.											
Blair, William C	Blair Mine	893	Hazard #4	275	255	220	225	205	210	150	145
WOLFE COUNTY, KY.											
Terrill, J. I	Terrill	878		265	245	210	220	205	200	150	145
SUBDISTRICT NO. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Daniels, Sam	Upper Creek #1	895	No. 2 Gas	265	245	230	230	205	220	165	160
Hope Coal Company, Inc	No. 3	860	Winifrede	255	235	210	200	200	200	145	140

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

[Price in cents per net ton for shipment into all market area]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 5—LOGAN											
CABELL COUNTY, W. VA.											
Hughes, Donald	Hughes	861	Alma	245	225	220	215	195	210	155	150
WYOMING COUNTY, W. VA.											
Bailey, Dewey	Dewey Bailey Mine.	870	Douglas	285	265	235	250	225	225	175	170
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Bolton, T. H. (Bolton Coal Co.)	Bolton	867	Straight Creek	295	275	225	245	215	215	165	160
CLINTON COUNTY, KY.											
Guinn, O. D	Duvall Mine	882	No. 3	255	235	215	210	200	205	155	150
Stinson, Arthur	T. C. Kogger	877	No. 3	255	235	215	210	200	205	155	150
M'CREARY COUNTY, KY.											
Bryant, Billie	Bryant Barren Fork.	906	No. 3	255	235	215	210	200	205	155	15
WHITLEY COUNTY, KY.											
Hatfield, Lewis	Wilder Blue Gem.	883	Blue Gem	335	315	235	260	225	225	145	140
Siler, Marshall	Siler Blue Gem	888	Blue Gem	335	315	235	260	225	225	145	140
CAMPBELL COUNTY, TENN.											
Francis Rex Coal Company, Inc	Jellico #1	916	Jellico	300	280	225	250	215	215	170	165
Sharp, O. D. (Red Hot Coal Co.)	Lay Mine	858	Blue Gem	335	315	235	260	225	225	145	140
SUBDISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
L. & T. Coal Co. (T. A. Large)	L. & T. C. Co. #1	868	Lower Banner	265	245	220	220	215	210	155	150
L. & T. Coal Co. (T. A. Large)	L. & T. C. Co. #2	869	Upper Banner	265	245	220	220	215	210	155	150
Powers & Lee (Noah Powers)	Lower Banner Seam.	885	Lower Banner	265	245	220	220	215	210	155	150
LEE COUNTY, VA.											
Ball, J. C	Ball C. Co	842	No. 3	265	245	215	220	205	205	155	150
RUSSELL COUNTY, VA.											
Thompson, A. A	Thompson #2	859	Widow Kennedy	275	255	220	240	225	210	155	150
Vance, Jack	Widow Kennedy	889	Widow Kennedy	275	255	220	240	225	210	155	150
WISE COUNTY, VA.											
Litton, W. T	Litton Mine	846	Tiller	265	245	220	220	215	210	155	150
Reynolds, Edgar C	No. 1	886	Imboden	265	245	220	220	215	210	155	150
Reynolds, Edgar C	No. 2	887	Imboden	265	215	220	220	215	210	155	150

§ 328.42 *General prices for low volatile coals*—Supplement T–II

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	All lump	Egg: Larger than 3" top	Stove: 3" top size	Nut or pea: 1¼" top or less	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 9.—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
BUCHANAN COUNTY, VA.											
Hilton Coal Company (W. J. Hilton).	Hilton Coal Co.	884	Cary	305	305	290	230	270	205	155	150

[F. R. Doc. 41–7797; Filed, October 16, 1941; 10:28 a. m.]

[Docket No. A–986]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDIG FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE LINTON NO. 23 MINE (MINE INDEX NO. 51) AND OF THE SPONSLER NO. 24 MINE (MINE INDEX NO. 78) IN DISTRICT NO. 11, FOR RAIL SHIPMENTS ORIGINATING ON THE PENNSYLVANIA RAILROAD

An original petition, filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Linton No. 23 Mine (Mine Index No. 51) and of the Sponsler No. 24 Mine (Mine Index No. 78) in District No. 11, for rail shipments originating on the Pennsylvania Railroad.

Mine Index Nos. 51 and 78 have heretofore been served only by the Chicago, Milwaukee, St. Paul and Pacific Railroad, and have been contained in Freight Origin Group No. 61. The Pennsylvania Railroad has recently completed the construction of a rail connection with these mines which enables such mines to originate shipments of coal on the Pennsylvania Railroad tracks.

Since the Linton No. 23 Mine and the Sponsler No. 24 Mine are now served by both the C. M. St. P. & P. Railroad and and the Pennsylvania Railroad, and can originate shipments of coal upon either railroad, such mines should no longer be included in Freight Origin Group No. 61, which freight origin group includes mines whose shipments originate only on the C. M. St. P. & P. Instead, in view of the joint rail service available they should hereafter be included in Freight Origin Group No. 68.

The price classifications and minimum prices currently in effect for the coals of the Linton No. 23 Mine and for the coals of the Sponsler No. 24 Mine for rail shipments originating upon the C. M. St. P. & P. Railroad will remain basically unchanged. However, since no price classifications or minimum prices have heretofore been established for the coals of the Linton No. 23 Mine, nor for the coals of the Sponsler No. 24 Mine for rail shipments originating upon the Pennsylvania R. R., the Director is of the opinion that temporary relief should be extended to such coals by the establishment of price classifications and minimum prices for shipments originating on the Pennsylvania R. R., pending final disposition of this matter.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; that no petitions of intervention have been filed with this Division in the above-entitled matter; and that the following action is necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.9 (*Adjustments in f. o. b. mine prices*) is amended by adding thereto Supplement R–II, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–III, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 15, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11, and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group No.	Price group	Railroad and shipping point
51	Maumee Collieries Company, The..	Linton No. 23.....	IV	LS	68	13	C. M. St. P. & P.—Latta. P. R. R.—Linton.
78	Maumee Collieries Company, The..	Sponsler No. 24...	V	LS	68	9	C. M. St. P. & P.—Latta. P. R. R.—Linton.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II

Deductions[1] for Freight Rate Differences Mine Index Nos. 51 and 78

(a) On shipments originating on the C. M. St. P. & P. Railroad—the deductions heretofore established for such mines when included in Freight Origin Group No. 61.

(b) On shipments originating on the Pennsylvania Railroad—the same deductions as have been established for mines included in Freight Origin Group No. 63.

(c) On shipments to Market Areas 32 and 33:

When originating on the C. M. St. P. & P. Railroad, the deductions heretofore established for Mine Index Nos. 51 & 78.

When originating on the Pennsylvania Railroad, the same deductions as established for Mine Index No. 48.

[1] In no case shall the permissible deductions exceed that deduction applicable via the lowest rate route to any destination.

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§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–III

Prices for Railroad Locomotive Fuel

(a) On shipments to the C. M. St. P. & P. Railroad—the prices heretofore established and currently in effect for Mine Index Nos. 78 and 51.

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals

adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the

the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order

originating on the Pennsylvania Railroad.

Mine Index Nos. 51 and 78 have heretofore been served only by the Chicago, Milwaukee, St. Paul and Pacific Railroad, and have been contained in Freight

sifications or minimum prices have heretofore been established for the coals of the Linton No. 23 Mine, nor for the coals of the Sponsler No. 24 Mine for rail shipments originating upon the Pennsylvania R. R., the Director is of

tions heretofore established for such mines when included in Freight Origin Group No. 61.

[1] In no case shall the permissible deductions exceed that deduction applicable via the lowest rate route to any destination.

When originating on the C. M. St. P. & P. Railroad, the deductions heretofore established for Mine Index Nos. 51 & 78.

When originating on the Pennsylvania Railroad, the same deductions as established for Mine Index No. 48.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–III

Prices for Railroad Locomotive Fuel

(a) On shipments to the C. M. St. P. & P. Railroad—the prices heretofore established and currently in effect for Mine Index Nos. 78 and 51.

(b) On shipments to all railroads other than the C. M. St. P. & P. Railroad when originating upon the Pennsylvania Railroad—the same prices as are established for Mine Index No. 48.

[F. R. Doc. 41–7795; Filed, October 16, 1941; 10:27 a. m.]

[Dockets Nos. A–1068 and A–1069]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR TRUCK SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 11, AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT AT THE JASON-LINTON MINE (MINE INDEX NO. 158) OF THE JASON-LINTON COAL CO., C/O EDWIN BENNETT, IN DISTRICT NO. 11

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.10 (*Special prices; Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine Index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group No.	Price group	Railroad	Shipping point
[1]158	Jason-Linton Coal Co. c/o Edwin Bennett.	Jason-Linton....	V	PA	10	10	A. W. & W.	Canal, Ind.

[1] Mine Index No. 158 shall be included in Price Group 10 and shall take the same f. o. b. mine prices as other mines in Price Group 10 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 10 of the Princeton-Ayrshire Subdistrict having the same freight rate.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II

Mine Index No. 158 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10, Part 331, Minimum Price Schedule for District No. 11, for All Shipments Except Truck as are shown for Mine Index Nos. 36, 41, 92, 97.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
DAVIESS COUNTY																														
Wilson & Warfield (John C. Wilson)	157	Nolan	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
MARTIN COUNTY																														
Gammon, Thomas	151	Gammon	5	275	270	265	255	250	245	215	215	195	185	165	155	110	80													
PIKE COUNTY																														
Davis, Clyde	159	Davis	5																											
Jason-Linton Coal Co. c/o Edwin Bennett	158	Jason-Linton	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
				250	245	240	230	225	220	180	185	175	170	150	140	85	55													

[F. R. Doc. 41–7799; Filed, October 16, 1941; 10:29 a. m.]

[Docket No. A-1032]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications and minimum prices have been established herein for the coals of the No. 2 mine of the Independent Coal Company, as it appears that this mine is the same as the Independent mine (Mine Index No. 54) for which price classifications and minimum prices were established, effective October 1, 1940.

The original petition proposed a "J" classification for Size Group 9 coal for all shipments except truck and a minimum price of $3.90 for Size Group 9 coal for truck shipment from the No. 3 mine (Mine Index No. 514) of J. H. Turnipseed. The original petition states that the coals produced at this mine are similar to those of the Quality mine (Mine Index No. 87) of the Quality Coal Company, for which a price classification of "G" in Size Group 9, for all shipments except truck, and a minimum price of $4.05, for truck shipments, have been established. It appears that price classification "G" and minimum price $4.05 are proper and should be established for the Size Group 9 coals of the No. 3 mine (Mine Index No. 514) in lieu of those proposed for such coals.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 6, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Freight origin group No.	Price classification by size group																		
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
531	Alford, J. E. (Alford Coal Company)	#1	7	Bokoshe, Okla	12			D			H	H	H						B				Q		
538	Arrington, C. L	No. 1	2	Clarksville, Ark	33			A										C	B	A	A		I		
427	Bennett, N. E	Bennett	1	Russellville, Ark	30	A	A												A				A		
542	Bevel, C. W	#2	7	Bokoshe, Okla	12			D											B				Q		A
529	Brizendine, H. B	Brizendine	10	Stigler, Okla	15			B											B				N		
426	Cannady, J. H	Cannady	3	Paris, Ark	14			C											B				Q		
543	Davies & Swindle (T. E. Davies)	#2	7	Bokoshe, Okla	12			D											B				Q		
536	Foster, Ben	Wister Sunshine	9	Wister, Okla	16			E											B				Q		
532	Freeman & Co. (Elsie Freeman)	Freeman	4	Charleston, Ark	14			E											B				Q		
528	Kelly Coal Co. (Bob Kelly)	Kelly	2	Alix, Ark	14			C											B				Q		
526	Magnani, G. (Little Cedar Coal Co.)	Little Cedar	5	Hartford, Ark	23			E											B						A
530	Thompson, J. W. (Thompson Coal Company)	No. 1	10	Kanima, Okla	15			B											B						
514	Turnipseed, J. F. (J. F. Turnipseed Coal Company)	No. 3	8	Poteau, Okla	21				I		J	J	J	G		E		D	B	B	B		E		
537	Whitten, E. E	Day & Night Coal Co.	2	Alix, Ark	14			E											B				Q	A	
539	Willis, R. E. (R. E. Willis Coal Co.)	No. 1	5	Huntington, Ark	16			F											B				Q		
533	Witteville Coal Co. (Charlie Winters)	Number 7	8	Poteau, Okla	21			C											B				Q		
545	Woodson, Ray E. (Smokeless Coal Co.)	No. 6	5	Midland, Ark	16			E																	

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	County	Subdistrict No.	Prices and size group Nos.																		
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Alford, J. E. (Alford Coal Company)	531	#1	LeFlore	7			370			425	425	425						135				270		
Arrington, C. L	538	No. 1	Johnson	2			425											135				360		
Bevel, C. W	542	#2	LeFlore	7			370											135				270		
Brizendine, H. B	529	Brizendine	Haskell	10			400											135						
Cannady, J. H	426	Cannady	Logan	3			385											135						500
Davies & Swindle (T. E. Davies)	543	#2	LeFlore	7			370											135				325		
Foster, Ben	536	Wister Sunshine	LeFlore	9			355											135				270		
Freeman & Co. (Elsie Freeman)	532	Freeman	Franklin	4			355											135				270		
Kelly Coal Co. (Bob Kelly)	528	Kelly	Franklin	2			385											135				270		
Magnani, G. (Little Cedar Coal Co.)	526	Little Cedar	Sebastian	5			355											135				270		
Skidmore Bros. Coal Co. (H. W. Skidmore)	544	Skidmore Co	Pope	1	450	425											250	135				270		
Thompson, J. W. (Thompson Coal Company)	530	No. 1	Haskell	10			400											200	200	200		450		
Turnipseed, J. F. (J. F. Turnipseed Coal Company)	514	No. 3	LeFlore	8				415		415	415	415	405		365		200	135	115	105		360		500
Whitten, E. E	537	Day & Night Coal Co	Johnson	2			355											135				270	165	
Willis, R. E. (R. E. Willis Coal Co.)	539	No. 1	Sebastian	5			335											135				270		
Witteville Coal Co. (Charlie Winters)	533	Number 7	LeFlore	8			385											135				270		
Woodson, Ray E. (Smokeless Coal Co.)	545	No. 6	Sebastian	5			355											135				270	165	

[F. R. Doc. 41-7800; Filed, October 16, 1941; 10:29 a. m.]

[Docket No. A-1041]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 15; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The Big 4 Mine of Big Four Coal Co. (Dock Smith) in District No. 15, listed in the original petition is not included in the attached rail supplement, designated as "Supplement R," for the reason that minimum prices have been established in Docket No. A-980 for rail shipment for the coals produced at this mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 30, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5. *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial, and industrial use]

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Freight origin group No.	Price classification by size group													
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
38	Craig Coal Company (Frank S. Williams)	Craig #2	7	Halleyville, Okla.	100	A	A	A	A	..	A	..	A	A	A	..	..	..	A	..
1485	J. & W. Coal Co	J. & W. No. 2	2	Appleton City, Mo.	31	A	A	A	A	C	C	C	C	A	C	A	A	A	..	A A
1470	Long & Kribbs (G. Long)	Long & Kribbs	3	Moberly, Mo	111	A	A	A	A	C	C	C	C	A	C	A	A	..	A	A

[1] Mine previously classified as truck mine.

NOTE.—A is Market Area list price as listed in Price Schedule No. 1; C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member inde	Mine Index No.	Mine	Production group No.	County	3" Lump	3" x 1½" up	10" x 1½"	10" x ¾"	3" x 2"	3" x 1¾"	2" x ¾"	1½" x ¼"	Mine run	3" x 0	1½" x ⅜"	1½" x ¼" (R)	1½" x 0 (W)	¼" x ¾"	¼" x 0
1					2	3	4	5	6	7	8	9	10	11	12	13	14	15	
Circo Enterprises, Inc., c/o M. J. Circo	1465	Circo		Linn, Kans		250	250	225	210	195	190	210	185	185	170	170	160	35	
Farmers Coal Mining Co	1466	No. 11	5	Lafayette, Mo		285	285	275	255	245	230	245	205	205	205		155	35	
Faulkner, Lee	1468	Faulkner	2	St. Clair, Mo		250	250	225	210	195	190	210	185	185	170	170	150	35	
J. & W. Coal Co	1483	J. & W. No. 2	2	Bates, Mo		250	250	225	210	195	190	210	185	185	170	170	150	35	
Keith, J. A	1469	J. A. Keith	2	Bates, Mo		250	250	225	210	195	190	210	185	185	170	170	150	35	
Long & Kribbs (G. Long)	1470	Long & Kribbs	3	Randolph, Mo		290	290	265	250	235	230	250	210	210	170	170	110	35	
McFall, J. R	1496	Blair Pit	10	McIntosh, Okla		360	360	315	300	285	280	300	245	245	205	205	135	35	
Mast & Son (Frank Mast)	1471	Mast	3	Randolph, Mo		290	290	265	250	235	230	250	210	210	170	170	110	35	
Nichols & Lewis (Emmitt E. Lewis)	1472	Nichols & Lewis #1	3	Howard, Mo		290	290	265	250	235	230	250	210	210	170	170	110	35	
R. P. & P. Coal Company (Ed Shipman)	1467	R. P. & P. Coal Co	3	Crawford, Kans		290	290	265	250	235	230	250	210	210	170	170	110	35	
Skinner, Harold	1475	Skinner	3	Monroe, Mo		290	290	265	250	235	230	250	210	210	170	170	110	35	
Thurston & Company (R. W. Thurston)	1,476	Walnut Grove	3	Monroe, Mo		290	290	265	250	235	230	250	210	210	170	170	110	35	
W. & H. Coal Co. (O. B. Williams)	1,477	W. & H.	11	Vernon, Mo		330	330	300	285	270	265	290	240	240	195	195	125	35	
Walton, J. M	1,479	Walton	4	Ray, Mo		290	290	265	250	235	230	250	210	210	170	170	110	35	
Wilson Coal Co., Inc., Joseph, care of Estelle P. Wilson.	1,478	Joseph Wilson Coal Co., Inc.	4	Ray, Mo		285	285	260	245	230	225	245	205	205	165	165	115	35	

NOTE.—Prices shown for Production Groups Nos. 2 and 3 in Site Groups Nos. 5, 6, 7, 8 and 10 are for washed coal. Raw or unwashed coal may be sold for 10 cents *less* than the prices shown.

[F. R. Doc. 41-7803; Filed, October 16, 1941; 10:30 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission, on October 14, 1941, effective immediately, cancelled Commission Order No. 74[1] and in lieu thereof adopted § 3.87 as follows:

§ 3.87 *Program transmissions prior to local sunrise.* (a) The provisions of §§ 3.6 3.8, 3.9, 3.10, 3.23, 3.79 and 3.84 shall not prevent the transmission of programs between four o'clock a. m., local standard time, and local sunrise, of standard broadcast stations with their authorized daytime facilities: *Provided*, That the provisions of this section shall not extend to:

(1) Stations regularly sharing time during daytime hours either under licenses pursuant to which time-sharing agreements have been entered into or licenses specifying hours of operation, unless time-sharing agreements have been reached covering such operation prior to local sunrise. Sections 3.74, 3.77 and 3.78 of the rules in this part shall be applicable to such agreements.

(2) Any Class II station causing interference[1] by use of its daytime facilities within the 0.5mv/m 50% sky wave contour of any Class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement.

(3) Operation by use of its daytime facilities of any Class II station on any Class I–A channel not assigned to the United States under the North American Regional Broadcasting Agreement.

(b) Any station operating during such hours receiving notice from the Commission that undue interference is caused shall refrain from such operation during such hours pending further notice from the Commission.

(c) Nothing contained in outstanding instruments of authorization for such stations shall prohibit such operation except as herein provided.

[1] As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement.

[5 F.R. 2216.

(d) The period 4:00 a. m. to 6:00 a. m., local standard time, shall not be included in determining compliance with § 3.71 of the rules in this part. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i).)

By the Commission.

T. J. SLOWIE,
Secretary.

[SEAL]

[F. R. Doc. 41-7838; Filed, October 17, 1941; 11:38 a. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission on October 14, 1941, effective immediately, made the following changes in its rules and regulations:

Extended the effective date of § 4.45 *Power requirement*, of the rules governing international broadcast stations, to January 25, 1942.

Amended § 4.261 (a) of the rules governing commercial television broadcast stations to read as follows:

§ 4.261 *Minimum operating schedule.* (a) The licensee of each television broadcast station shall maintain a regular program operating schedule transmitting a standard television signal for a total of 15 hours per week. There shall be at least 2 hours program transmission between 2 p. m. and 11 p. m. on six days of each week, including at least 1 hour program transmission between 7:30 and 10:30 p. m. on five days of each week. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i).)

By the Commission.

T. J. SLOWIE,
Secretary.

[SEAL]

[F. R. Doc. 41-7839; Filed, October 17, 1941; 11:38 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 626]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 8, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 2032A2 Benton	$1,542,000
Georgia 2039D1 Hart	156,000
Georgia 2066D1 Taylor	79,000
Illinois 2008C1 Coles	252,000
Illinois 2031C1 Monroe	83,000
Illinois 2044C1 Carroll	110,000
Kentucky 2054C2 Wayne	166,000
Minnesota 2009C1 Goodhue	78,000
Minnesota 2058C1 Kandiyohi	110,000
Minnesota 2066D1 Nobles	230,000
Minnesota 2072C1 Renville	115,000
Montana 2010D1 Madison	220,000
Montana 2016B1 Park	114,000
New Hampshire 2004D1 Merrimack	190,000
North Carolina 2046B1 Madison	235,000
Ohio 2088G1 Gallia	250,000
Oklahoma 2022D2 Cotton	180,000
Oregon 2004C1 Lincoln	465,000
Oregon 2005B1 Clatsop	10,000
Texas 2059D1 Lamb	103,000
Texas 2061D1 Coleman	70,000
Texas 2104B2 Mitchell	94,000
Wyoming 2014C1 Laramie	578,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7833; Filed, October 17, 1941; 11:34 a. m.]

[Administrative Order No. 627]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 8, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alaska 2002S1 Matanuska	$30,000
Colorado 2029S3 Phillips	35,000
Florida 2016S4 Sumter	10,000
Georgia 2051S2 Newton	10,000
Georgia 2074S6 Jefferson	30,000
Georgia 2075S3 Lamar	10,000
Georgia 2083S2 Jackson	20,000
Georgia 2084S2 Cobb	10,000
Georgia 2090S3 Candler	15,000
Idaho 2017S4 Fremont	5,000
Minnesota 2003S2 Meeker	5,000
Minnesota 2032S4 Fillmore	10,000
Minnesota 2034S4 Stearns	10,000
Minnesota 2039S4 Chippewa	10,000
Minnesota 2048S6 Anoka	5,000
Minnesota 2053S3 Waseca	4,000
Minnesota 2057S6 Ottertail	6,000
Minnesota 2060S1 Redwood	7,000
Minnesota 2063S4 Scott	19,000
Minnesota 2065S4 Dakota	15,000
Minnesota 2066S1 Nobles	10,000
Minnesota 2073S1 Pipestone	15,000
Minnesota 2074S4 Norman	12,000
Minnesota 2079S4 Big Stone	15,000
Minnesota 2082S3 Becker	12,000
Minnesota 2089S2 Pine	11,000
Missouri 2035S2 Adair	12,000
Nebraska 2004S6 Polk District Public	6,500
Nebraska 2062S2 Seward District Public	1,900
Nebraska 2063S3 Stanton District Public	6,500
Nebraska 2076S7 Southern Nebraska District Public	16,000
North Dakota 2008S3 Benson	23,000
North Dakota 2011S6 Cass	10,000
North Dakota 2017S3 McHenry	20,000
North Dakota 2019S5 Grand Forks	41,000
South Carolina 2028S2 Williamsburg	12,000
South Carolina 2033S2 Cherokee	10,000
South Dakota 2013S1 Custer	16,000
Wisconsin 2055S4 Adams	10,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7834; Filed, October 17, 1941; 11:34 a. m.]

[Administrative Order No. 628]

ALLOCATION OF FUNDS FOR LOANS

October 9, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project Designation:	*Amount*
Kentucky 2059GT1 Fayette	$2,000,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7835; Filed, October 17, 1941; 11:34 a. m.]

Surplus Marketing Administration.

ORDER SUSPENDING THE LICENSE FOR MILK, KALAMAZOO, MICHIGAN, SALES AREA

Henry A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the provisions of Public Act No. 10, 73d Congress, issued on June 30, 1934, effective July 1, 1934, the license for milk—Kalamazoo, Michigan, sales area. Such license was last amended May 29, 1935, effective June 1, 1935.

It appearing that, under present conditions, the regulation of the handling of milk in said sales area under said license is no longer necessary, it is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, that the license for milk—Kalamazoo, Michigan, sales area, as amended, does not tend to effectuate the declared policy of the act and that such license shall be, and the same hereby is, suspended until further order.

This order of suspension shall be effective as of 11:59 p. m., c. s. t., July 31, 1941.

Merle E. Drake, Market Administrator under such license, is hereby ordered and directed to liquidate immediately the business of the Market Administrator's office in accordance with the terms and provisions of such license.

Done at Washington, D. C., this 16th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7837; Filed, October 17, 1941; 11:35 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BBIEFS IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 28 FOR A MINIMUM WAGE IN THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

Whereas a hearing has been held on October 13, 1941, before Major Robert N. Campbell, Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 28 for the fixing of a minimum wage rate in the knitted and men's woven underwear and commercial knitting industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, Notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before October 25, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing.

Signed at Washington, D. C., this 16th day of October 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-7840; Filed, October 17, 1941; 11:46 a. m.]

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 36 FOR MINIMUM WAGES IN THE WOOLEN INDUSTRY

Whereas a hearing has been held on October 15, 1941, before Major Robert N. Campbell, Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 36 for the fixing of a minimum wage rate in the Woolen Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before October 31, 1941, at the Department of Labor, Washington, D. C., from any person who appeared at said hearing.

Signed at Washington, D. C., this 16th day of October 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-7841; Filed, October 17, 1941; 11:46 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

OCTOBER 14, 1941.

It appearing to the Commission that:

On September 23, 1941, the hearing in the above-entitled proceeding was postponed by the Commission to October 20, 1941;

The Commission *finds* that:

Good cause exists for further postponement of the hearing;

The Commission *orders* that:

The hearing in this proceeding heretofore set to reconvene on October 20, 1941, be and it is hereby postponed to October 27, 1941, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7817; Filed, October 17, 1941; 9:40 a. m.]

[Docket No. DI-163]

IN THE MATTER OF PACIFIC GAS AND ELECTRIC COMPANY

ORDER FIXING DATE FOR ORAL ARGUMENT

OCTOBER 14, 1941.

Upon declaration of intention filed on July 14, 1941, as amended on July 18, 1941, by Pacific Gas and Electric Company (hereinafter called "declarant"), to construct a dam and hydroelectric power project (known as and hereinafter designated as its Pit 5 development) on the Pit River in Shasta County, California; and

It appearing to the Commission that briefs and reply briefs have been filed by counsel for the declarant and the Commission, but that certain of the issues in the proceeding are not adequately treated in such briefs, and oral argument in the proceeding is necessary and desirable;

The Commission orders that:

(A) Oral argument in this proceeding be heard by the Commission *en banc* (or by three members thereof), and by the Trial Examiner heretofore designated, at 9:45 a. m., E. S. T., on October 24, 1941, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(B) Said oral argument shall include argument upon the facts and law upon:

(1) Whether or not the Pit River is a navigable water of the United States as defined in the Federal Power Act; and

(2) Whether or not the interests of interstate or foreign commerce (other than navigation) will be affected by the proposed Pit 5 development; and

(3) Whether or not the construction of the proposed Pit 5 development on the Pit River will affect the navigable capacity of any navigable waters of the United States; and

(4) Whether or not it is appropriate, expedient, and in the public interest, in order to give proper effect to the Federal Power Act to incorporate in one license those developments on the Pit River presently partially or completely constructed known as Pit Nos. 3 and 4, and the proposed Pit 5 development; and

(5) Any other matters properly within the scope of this proceeding.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7819; Filed, October 17, 1941; 9:40 a. m.]

[Project No. 1863]

IN THE MATTER OF FIRST IOWA HYDRO-ELECTRIC CO-OPERATIVE

ORDER FIXING DATE OF HEARING

OCTOBER 14, 1941.

Upon application filed August 11, 1941, by First Iowa Hydro-Electric Co-operative of Muscatine, Iowa, for license for a proposed project to be located on Cedar River in Muscatine and Cedar Counties, Iowa, affecting public lands of the United States; and

It appearing that a public hearing is desirable in order to allow applicant and other interested parties an opportunity to make representations regarding the effect of such project;

It is ordered, That:

A public hearing on said application be held on November 12, 1941, beginning at 10:00 a. m., (C. S. T.) in Room 900, U. S. Customhouse, 610 S. Canal Street, Chicago, Illinois.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7818; Filed, October 17, 1941; 9:40 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4065]

IN THE MATTER OF MID-CONTINENT PETROLEUM CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular sesssion of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41).

It is ordered, That Lewis C. Russell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, October 24, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in the Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7820; Filed, October 17, 1941; 11:23 a. m.]

[Docket No. 4457]

IN THE MATTER OF PARIS BEAD AND NOVELTY HOUSE, INC., INTERNATIONAL MERCHANDISE CO., INC., CORPORATIONS, AND MAX BRESSLER, RUTH BRESSLER AND RALPH KOROL, INDIVIDUALS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 10, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7821; Filed, October 17, 1941; 11:23 a. m.]

[Docket No. 4458]

IN THE MATTER OF ELGIN RAZOR CORPORATION, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 10, 1941, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7822; Filed, October 17, 1941; 11:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-37]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1941.

The Commission having data in its official files and records establishing or tending to establish the following matters:

1. Central Illinois Public Service Company (hereinafter called Central) is a corporation organized under the laws of the State of Illinois and maintains a principal office in the City of Springfield, State of Illinois. Central is an electric and gas utility company within the meaning of Sections 2 (a) (3) and 2 (a) (4) of the Public Utility Holding Company Act of 1935 and is a subsidiary of The Middle West Corporation, a registered holding company under the Act.

2. As at August 31, 1941, Middle West owned 38,564 shares of $6 Preferred of Central, or 13.8% of the issue and 193,321 shares of the common or 74.26% of the issue. Halsey, Stuart & Co., Inc. owns the remainder of the common stock consisting of 67,022 shares or 25.74%, but has been exempted by the Commission from the duties and obligations of a holding company with respect to said holdings.

3. The capitalization and surplus of Central per balance sheet of August 31, 1941, were as follows:

	Principal amount or stated value	Per-cent
Funded debt	$47,000,000	54.0
Preferred stock	26,614,965	30.6
Common stock	10,413,720	11.9
Earned surplus (since Mar. 31, 1933)	[1] 2,978,548	3.5
Total	$87,007,233	100.0

[1] Subject to preferred dividend arrears aggregating $6,833,256 as at Aug. 31, 1941.

4. The $6 cumulative no par and 6% cumulative $100 par preferred stocks rank equally as to dividends, and in liquidation, each class has a liquidating value of $100 per share plus unpaid cumulative dividends.

5. The $6 issue is entitled on involuntary liquidation to $100 per share, but the stated value is $1,892,335 less than the total involuntary liquidation value of $27,914,300. The 6% issue, having the par value of $100, is stated at this amount on the books of the applicant, or $593,000. The company has prepared a balance sheet as of August 31, 1941, showing the interests of the preferred stockholders at a lesser figure than they would be entitled to in liquidation under the most adverse circumstances.

6. On September 30, 1938, when Central undertook its last refinancing it had preferred dividend arrears of $5,837,000, which was equivalent to $20.50 per share. On the basis of figures as at August 31, 1941 and submitted with an application filed by Central, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 (File No. 70-406), these dividend arrears are now $6,833,256, or $24 per share on each class of preferred stock.

7. The common stock equity as per books is stated to be as follows:

Common stock ($40 par)	$10,413,720
Paid-in surplus	63,146
Earned surplus since March 1, 1933	2,915,402
	13,392,268

8. Each share of common and preferred stock votes share for share on all questions at all times, each share having one vote. As of August 31, 1941, the distribution of voting power among the classes of stockholders and among owners was as follows:

CIPS issues	Total shares outstanding	Percent	Owned by Middle West	
			Number of shares	Percent of total
Common (par. $40)	260,343	47.76	193,321	74.26
$6 Pfd. (no par)	278,789	51.15	38,564	13.83
6% Pfd. (par $100)	5,930	1.09	----------	----------
Total shares having voting rights	545,062	100.0	231,885	42.54

9. Central has at present a plant account (including $1,930,000 intangibles) of $89,282,000
Less contributions for construction of 70,000
Utility plant less contributions 89,212,000
Reserve for depreciation 6,655,000
Percent of reserve to utility plant 7.46

It appears that the policy of Central in the past has resulted in a depreciation reserve which is inadequate to the extent of at least $2,266,000.

10. Central's property account includes at least $5,616,000 representing excess cost to the company over the cost of properties to affiliates.

11. There is presently carried on the books an item of unamortized debt discount and expense of $4,005,388 applicable to refunded issues as well as refunding issues. This amount is being amortized over the shortest of the lives of such issues.

It appearing to the Commission in the light of the foregoing that it is appropriate in the public interest and in the interest of investors and consumers to institute proceedings against Central pursuant to sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935 in order to determine:

1. Whether the facts set forth above are true and accurate.

2. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require that Central restate its plant and investment, surplus, capital, and other accounts, pursuant to Section 15 (f) of the Public Utility Holding Company Act of 1935 and rules thereunder so as to segregate, dispose of, and eliminate writeups and intangibles in the plant investment and other accounts, set up adequate reserves for retirements and depreciation of plant and property, and make other adjustments in conformity with the Uniform System of Accounts of the Federal Power Commission and the standards of the Public Utility Holding Company Act of 1935.

3. Whether for the purpose of fairly and equitably distributing voting power among the security holders of Central pursuant to the provisions of section 11 (b) (2) of the Act, it is necessary or appropriate to require that Central shall revise and simplify its capital structure and take other steps to fairly and equitably redistribute voting power among its security holders.

4. Whether the treatment of debt discount and expense described in paragraph (11) above is proper in the circumstances.

It is ordered, That a hearing on such matters under the applicable provisions of the Act and rules of the Commission thereunder be held on November 24, 1941 at 10:00 a. m. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington,

D. C. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exert all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7823; Filed, October 17, 1941; 11:26 a. m.]

[File No. 813-1]

IN THE MATTER OF ELECTRICAL SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1941.

An application having been duly filed by the above-entitled party for an order, pursuant to section 6 (b) of the Investment Company Act of 1940, exempting the applicant from the provisions of that Act;

It is ordered, That a hearing on such matter be held on October 29, 1941, at 10:00 o'clock in the forenoon, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On that day, the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in the matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Act and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7824; Filed, October 17, 1941; 11:26 a. m.]

[File No. 813-2]

IN THE MATTER OF G. E. EMPLOYEES' SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1941.

An application having been duly filed by the above-entitled party for an order, pursuant to section 6 (b) of the Investment Company Act of 1940, exempting the applicant from the provisions of that Act;

It is ordered, That a hearing on such matter be held on October 29, 1941, at 10:15 o'clock in the forenoon, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day, the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in the matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Act and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7825; Filed, October 17, 1941; 11:26 a. m.]

[File No. 812-214]

IN THE MATTER OF BUSINESS PROPERTY ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1941.

An application under section 6 (c) of the Investment Company Act of 1940 having been duly filed by the above named applicant, a registered closed-end management investment company for an order granting an exemption to November 1, 1941 from the provisions of section 30 (d) and Rule N-30D-1 requiring the petitioner to submit reports to its stockholders on or before September 30, 1941.

It is ordered, That a hearing on the matter of this application be held on October 22, 1941 at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7826; Filed, October 17, 1941; 11:26 a. m.]

[File No. 1-2554]

IN THE MATTER OF NEW SUTHERLAND DIVIDE MINING COMPANY COMMON CAPITAL STOCK, 10¢ PAR VALUE, ASSESSABLE

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of October, A. D., 1941.

The Commission having, under date of September 29, 1941, ordered that a hearing be held pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, at 10:00 A. M. on October 21, 1941, at the Commission's Regional Office, 625 Market Street, San Francisco, California, to determine whether registration of the Common Capital Stock, 10¢ Par Value, Assessable, of New Sutherland Divide Mining Company on the San Francisco Mining Exchange should be suspended for a period not exceeding twelve months or be withdrawn, and the registrant having subsequently on October 6, 1941, filed with the Commission an amendment to its annual report on Form 10-K for the fiscal year ended December 31, 1940;

It is ordered, That such hearing be postponed to December 1, 1941, at the time and place hereinabove specified.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7827; Filed, October 17, 1941; 11:26 a. m.]

[File No. 59-33]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, AND INDIANA GAS DISTRIBUTION CORPORATION, RESPONDENTS

[File No. 70-263]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION

[File No. 70-371]

IN THE MATTER OF COLUMBIA OIL & GASOLINE CORPORATION

[File No. 70-387]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER DISPOSING OF APPLICATIONS TO BE HEARD, GRANTING ADJOURNMENT OF HEARING, AND DIRECTING PROCEDURE TO BE FOLLOWED IN PRESENTATION OF EVIDENCE UPON RECONVENING OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D C., on the 15th day of October, A. D. 1941.

Missouri-Kansas Pipe Line Company, a Delaware corporation, having filed an application alleging that it is the holder and owner of 42% of the common stock of Panhandle Eastern Pipe Line Company, and requesting permission to adduce evidence, cross-examine witnesses, file briefs, present oral argument, and generally to be heard in connection with this proceeding insofar as it affects Panhandle Eastern Pipe Line Company; and

William H. Danforth, having filed an application alleging that he is the legal and beneficial owner of 98,756 shares of the common stock of Columbia Oil & Gasoline Corporation, and a trustee of a trust holding 25,934 additional shares of said common stock, and requesting permission to intervene in this proceeding, or, in the alternative, to be heard and to participate in the proceeding to the extent of receiving copies of all papers served by or upon the parties hereto, introducing evidence, cross-examining witnesses, objecting to evidence heretofore offered and incorporated in this proceeding or hereafter offered, and the right to file briefs and present oral argument; and

Abner Goldman, having filed an application alleging that he is the owner of 500 shares of the common stock of Columbia Gas & Electric Corporation, and requesting the right to participate in this proceeding, to adduce evidence, cross-examine witnesses, present written and oral argument, and be heard generally in connection therewith, so far as the same concerns the exchange by Columbia Gas & Electric Corporation of certain shares of preferred stock for the securities of certain wholly-owned subsidiaries of Columbia Oil & Gasoline Corporation; and

The Commission having heard argument on the aforementioned applications and with respect to the order in which evidence should be presented in the consolidated proceeding, and being of the opinion that the requests of the above-named applicants should be granted to the extent hereinafter indicated, and deeming it necessary and appropriate that evidence should first be presented with respect to the issues arising under section 11 (b) (1) of the Public Utility Holding Company Act;

It is ordered, That Missouri-Kansas Pipe Line Company be, and it hereby is, granted the limited right to participate in this proceeding to the extent of adducing evidence, cross-examining witnesses, filing briefs, and presenting oral argument: *Provided, however*, That this order shall not confer upon Missouri-Kansas Pipe Line Company the status of a party to this proceeding; and

It is further ordered, That the application of William H. Danforth, insofar as it requests permission to intervene be, and it hereby is, denied, without prejudice, however, to the limited right of the said William H. Danforth to participate in this proceeding to the extent of adducing evidence, cross-examining witnesses, filing briefs, and presenting oral argument: *Provided, however*, That this order shall not confer upon William H. Danforth the status of a party to this proceeding; and

It is further ordered, That Abner Goldman be, and he hereby is, granted the limited right to participate in this proceeding to the extent of adducing evidence, cross-examining witnesses, filing briefs, and presenting oral argument: *Provided, however*, That this order shall not confer upon Abner Goldman the status of a party to this proceeding; and

It is further ordered, That upon the resumption of hearings in this proceeding, evidence bearing upon the issues raised under section 11 (b) (1) of the Act shall first be introduced and that thereafter evidence relating to the remaining issues in the proceeding shall be introduced in accordance with the further direction of the Commission.

Counsel for Columbia Oil & Gasoline Corporation having indicated to the Commission at oral argument that additional time would be necessary in order to make adequate preparation for the presentation of evidence with respect to the issues raised under section 11 (b) (1) of the Act; and the Commission deeming it appropriate to grant an adjournment to permit such preparation;

It is further ordered, That hearings in this matter be adjourned to ten o'clock in the forenoon of October 28, 1941, at the same place and before the same officer of the Commission as specified in the notice and order of the Commission, dated August 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7828; Filed, October 17, 1941; 11:26 a. m.]

[File No. 70-406]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY (PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1941.

Central Illinois Public Service Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rules U-23 and U-50 thereunder, regarding the issue and sale of $38,000,000 principal amount of its First Mortgage Bonds, Series A, 3⅜%, due October 1, 1971 and $9,000,000 principal amount of 2%, 2¾% and 3% unsecured notes due serially April 1, 1942—October 1, 1951, and the redemption of $38,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 3¾%, due December 1, 1968 of the company and to the redemption (or payment at maturity) of $9,000,000 principal amount of outstanding Serial Debentures, 3½% and 4%, of the company, due serially December 1, 1941—December 1, 1948, funds for such redemption being provided by the issue and sale of the securities above described, together with other funds of the applicant to the extent required, the applicant to publicly invite proposals for the purchase of the bonds in accordance with the Commission's Rule U-50; and

Central Illinois Public Service Company having filed a declaration, in the form of an amendment herein regarding solicitation of authorizations of its preferred stockholders in connection with the above described transaction pursuant to section 12 (e) of the Act and Rules U-61 and U-62 thereunder and the Commission by order dated October 14, 1941 having permitted such declaration to become effective; and

The Commission having this date entered a "Notice Of and Order Instituting Proceedings under sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935" against Central Illinois Public Service Company, Commission's File No. 59-37; and

Said application pursuant to section 6 (b) having been filed on September 26, 1941, and certain amendments having been filed thereto, the last of said amendments having been filed on October 16, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Central Illinois Public Service Company having requested that said appli-

cation, as filed or as amended, be granted on or before October 16, 1941; and

The Commission finding with respect to said application under section 6 (b) of the Act that the applicable provisions of said section 6 (b) have been satisfied; and that Central Illinois Public Service Company is entitled to an exemption from the provisions of section 6 (a) of the Act with respect to the issue and sale of said securities; and being satisfied that the date of granting such application as amended should be advanced;

It is hereby ordered, That said application as amended be and the same is hereby granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

1. That a copy of the "Notice Of and Order Instituting Proceedings under sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935", mentioned above, be furnished to prospective bidders for the purchase of the bonds; and

2. That applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7829; Filed, October 17, 1941; 11:27 a. m.]

[File No. 70-406]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

Central Illinois Public Service Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rules U-23 and U-50 thereunder, regarding the issue and sale of $38,000,000 principal amount of its First Mortgage Bonds, Series A, 3⅜%, due October 1, 1971 and $9,000,000 principal amount of 2%, 2¾% and 3% unsecured notes due serially April 1, 1942–October 1, 1951, and the redemption of $38,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 3¾%, due December 1, 1968 of the company and to the redemption (or payment at maturity) of $9,000,000 principal amount of outstanding Serial Debentures, 3½% and 4%, of the company, due serially December 1, 1941–December 1, 1948, funds for such redemption being provided by the issue and sale of the securities above described, together with other funds of the applicant to the extent required, the applicant to publicly invite proposals for the purchase of the bonds in accordance with the Commission's Rule U-50; and

Central Illinois Public Service Company having filed a declaration, in the form of an amendment herein, regarding solicitation of authorizations of its preferred stockholders in connection with the above described transaction pursuant to section 12 (e) of the Act and Rules U-61 and U-62 thereunder;

Said declaration containing copies of the proposed letter to stockholders, notice of special meeting of stockholders, proxy and proxy statement and a full statement of the manner in which the solicitation is proposed to be made;

The applicant having requested that the declaration in respect of the proxy solicitation material be considered and disposed of independently of the principal transaction and that the Commission enter its separate order permitting the within declaration as to all such proxy solicitation material to become effective;

It appearing that the solicitation of authorizations of the preferred stockholders as proposed to be conducted does not make it necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Act or the Rules and Regulations thereunder that the Commission issue any order with respect thereto other than an order permitting the declaration as to such solicitation to become effective;

It is therefore ordered, That, without passing upon the merits of the application filed pursuant to section 6 (b), the declaration as to solicitation of authorizations be and it is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7830; Filed, October 17, 1941; 11:27 a. m.]

OCT 21 1941

THE NATIONAL ARCHIVES

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Rules, Regulations, Orders

TITLE 24—HOUSING CREDIT

CHAPTER I—FEDERAL HOME LOAN BANK BOARD

[Res., 10-15-41]

PART 2—ORGANIZATION OF THE BANKS

RESOLUTION INTERPRETING THE TERMS "ACTIVE POLITICAL OFFICE" AND "COMPENSATION"

Be it resolved, That the resolution of August 16, 1939, relating to political offices be and the same is hereby amended to read as follows:

Resolved, That the words "active political office" as set forth in subparagraph (14) of paragraph (a) and in paragraph (d) of § 2.4 of the Rules and Regulations for the Federal Home Loan Bank System shall be deemed to mean a political or public office, whether elective or appointive, in the service of the United States, or of any State, territory, county, district, political subdivision, or municipality thereof, or a membership in a political party committee.

Resolved further, That the word "compensation" as set forth in said subparagraph (14) of paragraph (a) and in paragraph (d) shall be deemed to mean any salary, fee, retainer or other form of compensation which is substantial.

Resolved further, That in view of the many types of political and public offices, the Board will determine in each case whether an office or membership held by a candidate or director and whether the compensation received is within the spirit of this resolution.

(Sec. 7 (c), (d), (e), (i), (j), 47 Stat. 730, 731, as amended by sec. 3, 49 Stat. 294; 12 U. S. C. 1427 (c), (d), (e), (i), (j), and Sup.)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 41-7893; Filed, October 20, 1941; 10:31 a. m.]

[Res., 10-15-41]

PART 2—ORGANIZATION OF THE BANKS

QUALIFICATIONS OF DIRECTORS OF THE FEDERAL HOME LOAN BANK SYSTEM

Be it resolved, That, no hearing having been requested in accordance with the provisions of paragraph (d) of § 8.3 of the Rules and Regulations for the Federal Home Loan Bank System after opportunity therefor was allowed in accordance with paragraph (c) thereof, § 2.4 of the Rules and Regulations for the Federal Home Loan Bank System is amended, by the addition of a new paragraph, effective October 20, 1941, to read as follows:

§ 2.4 *Directors*

* * * * *

(d) *Holding political office.* No person who holds an active political office for which he receives compensation shall hold office as a director of a Bank. (Sec. 7 (c), (d), (e), (i), (j), 47 Stat. 730, 731, as amended by sec. 3, 49 Stat. 294; 12 U.S.C. 1427 (c), (d), (e), (i), (j), and Sup.)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 41-7892; Filed, October 20, 1941; 10:29 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-118 and A-475]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF OAKDALE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR MODIFICATION OF MINIMUM PRICES ESTABLISHED FOR THE COALS OF ITS OAKDALE MINE (MINE INDEX NO. 304) FOR SHIPMENT FOR RAILROAD FUEL USE, AND IN THE MATTER OF THE PETITION OF BULGER BLOCK COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR MODIFICATION OF MINIMUM PRICES ESTABLISHED FOR THE COALS OF ITS BULGER MINE (MINE INDEX NO. 285) FOR SHIPMENT FOR RAILROAD FUEL USE

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the

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FEDERAL REGISTER

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Bituminous Coal Division by Oakdale Mining Company (Docket A–118) and by Bulger Block Coal Company (Docket A–475), code members in District 2, seeking a revision of the effective minimum prices applicable to railroad fuel produced at the Oakdale Mine (Mine Index No. 304) of the Oakdale Mining Company and the Bulger Mine (Mine Index No. 285) of the Bulger Block Coal Company, by eliminating these mines from Group 2 and placing them in Group 4, thereby reducing the minimum prices for their coals by 25 cents in Size Groups 1 to 6 and by 10 cents in Size Groups 7 to 10;

Petitions of intervention having been filed by District Boards 2, 3 and 6 and by Harmon Creek Coal Corporation, a code member in District 2;

A hearing having been held before a duly designated Examiner of the Division in Washington, D. C., on February 3, 1941;

The Examiner, Floyd McGown, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated September 4, 1941, recommending that the relief prayed for by the original petitioners be granted;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is ordered, That § 322.9 (*Special Prices*—(c) *Railroad fuel*) and § 322.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck and Supplement 2 thereto be and the same hereby is amended as follows:

The table of mine index numbers by groups as set forth in § 322.9 (c) in said Schedule and in § 322.7 in Supplement 2 thereto is amended by eliminating Mine Index Nos. 304 and 285 from Group 2 and by inserting Mine Index Nos. 304 and 285 in Group 4, so that the railroad fuel prices listed in § 322.9 (c) in said Schedule for Group 4 mines shall apply to the petitioners' Oakdale Mine (Mine Index No. 304) and Bulger Mine (Mine Index No. 295).

Dated: October 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7881; Filed, October 20, 1941; 10:19 a m.]

[Docket No. A-355]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF CONSUMERS MINING CORPORATION, A CODE MEMBER IN DISTRICT 8, FOR A RECLASSIFICATION OF ITS COALS FROM LOW VOLATILE TO HIGH VOLATILE

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with the Bituminous Coal Division by Consumers Mining Corporation ("Petitioner"), a code member in Subdistrict 9 (Low Volatile) of District 8, seeking a revision of the effective classifications and effective minimum prices established for certain coals (low volatile) in Size Groups 3 and 4 and for on-line railroad fuel, produced at its Premier Mine (Mine Index No. 377) in District 8.

An intervening petition was filed by Raven Red Ash Coal Company, a code member in Subdistrict 9 (Low Volatile) of District 8, requesting that whatever relief be granted to the Consumers Mining Corporation be granted in the same extent to the intervener.

A hearing was held before a duly designated Examiner of the Division in Washington, D. C., on December 17, 1940.

The Examiner made and entered his Report, Proposed Findings of Fact, Conclusions of Law, and Recommendations in this matter, dated August 15, 1941, recommending that the relief prayed for by the original petitioner and by the intervener be granted in part.

An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. The petitioner filed exceptions to the Proposed Findings of Fact and Conclusions of Law of the Examiner but did not file a supporting brief.

Petitioner requested that the minimum f. o. b. mine prices applicable to the coals produced at its Premier Mine be reduced from $2.85 to $2.40 per net ton in Size Group 3 and from $2.50 to $2.25 per net ton in Size Group 4. The Examiner recommended that Size Group 3 be reduced in classification from "C" to "D" with a corresponding reduction from $2.85 to $2.70 per net ton and that Size Group 4 be reduced in classification from "A" to "D" with a corresponding reduction from $2.50 to $2.30 per net ton.

Petitioner excepts to the Findings of Fact by the Examiner with respect to Size Groups 3 and 4 and to the failure to recommend that full relief be granted. No brief is filed in support of this exception and no specific error is alleged. Petitioner merely charges that the Examiner's Findings are contrary to the evidence. On the basis of that allegation, I have reexamined the record and I find that the Proposed Findings of Fact of the Examiner are not alone not contrary to the evidence but are fully sustained by substantial evidence and that the exceptions of the petitioner are not well taken and should be denied.

Upon the basis of the record, I further find that the Proposed Findings of Fact and Conclusions of Law and Recommendations of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

It is therefore ordered, That the exceptions of Consumers Mining Corporation to the Proposed Findings of the Examiner be and the same are hereby denied.

It is further ordered, That the Proposed Findings of Fact, and Proposed Conclusions of Law of the Examiner be and they are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

It is further ordered, That § 328.21 (*Alphabetical list of code members*), § 328.22 (*General prices for low volatile coals*), and § 328.23 (*Special prices for low volatile coals*—(a) *Railway fuel*—(1) *For on-line railways, all uses*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be, and the same hereby are amended as follows:

§ 328.21 *Alphabetical list of code members*—§ 328.22 *General prices for low volatile coals.* The price classifications now effective for the Premier Mine (Mine Index No. 377) of Consumers Mining Corporation, in District 8, Low Volatile, is modified by reducing Size Group 3 from "C" to "D" with a minimum price of $2.70 per net ton, and by reducing Size Group 4 from "A" to "D" with a minimum price of $2.30 per net ton f. o. b. the mine, for shipment to Market Areas 1 to 50, inclusive, 52 to 78, inclusive, 100 to 118, inclusive, 120 to 137, inclusive, 139 to 143, inclusive, 145 to 148, inclusive, 150 to 157, inclusive, and 200 to 254, inclusive.

§ 328.23 *Special prices for low volatile coals*—(a) *Railway fuel*—(1) *For on-line railways, all uses.* The effective minimum prices for the coals of said Premier Mine and for the No. 2 Mine (Mine Index No. 391) of Raven Red Ash Coal Company, in District 8, Low Volatile, is modified as follows: A minimum price of $1.90 per ton f. o. b. the mines shall apply on screenings larger than 1¼" x 0 but not exceeding 2½" x 0, for sale on-line to the Norfolk and Western Railway for use as railway fuel.

Dated: October 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7853; Filed, October 17, 1941; 12:50 p. m.]

[Docket No. A-980]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER CORRECTING TYPOGRAPHICAL ERROR IN ORDER ENTERED ON AUGUST 25, 1941, IN THE MATTER OF THE PETITION OF THE BIG FOUR COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 15, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1301 IN DISTRICT NO. 15 FOR RAIL SHIPMENT

The Order Granting Temporary Relief and Conditionally Providing for Final Relief entered in the above-entitled matter on August 25, 1941, 6 F.R. 4663, contains the following typographical error:

In "Supplement R" annexed to and made a part thereof, the Big 4 Mine (Mine Index No. 1301) of the Big Four Coal Co. (Dock Smith) is included in Production Group No. 10 in District No. 15 whereas, in fact, this mine is located in Production Group No. 7 in District No. 15;

Now, therefore, it is ordered, That the Order of August 25, 1941, in the above-entitled matter, Granting Temporary Relief and Conditionally Providing For Final Relief, be, and it hereby is, corrected by the substitution of the figure "7" for the figure "10" in the column headed "Production Group No." in "Supplement R", § 335.5 (*Alphabetical list of code members*), of that Order.

In all other respects the aforesaid Order shall remain in full force and effect.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7882; Filed, October 20, 1941; 10:19 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER IV—SECRET SERVICE

PART 403—AUTHORIZATION OF BANKS WHICH ARE MEMBERS OF THE FEDERAL RESERVE SYSTEM TO DELIVER TO THE TREASURY DEPARTMENT COUNTERFEIT OBLIGATIONS AND OTHER SECURITIES AND COINS OF THE UNITED STATES OR OF ANY FOREIGN GOVERNMENT

§ 403.1 *Authority.* This authorization is made under authority of section 172 of the Criminal Code, 35 Stat. 1121, as amended by section 4 of the Act of January 27, 1938, 52 Stat. 7 (U.S.C., title 18, sec. 286) and under all other authority vested in the Secretary of the Treasury.*

*§§ 403.1 to 403.3, inclusive, issued under the authority contained in sec. 172, 35 Stat. 1121, sec. 4, 52 Stat. 7; 18 U.S.C. 286.

§ 403.2 *Delivery of counterfeit obligations and other securities and coins authorized.* Authority is hereby given to all banks which are members of the Federal Reserve System to take possession of and deliver to the Treasury Department through the Secret Service Division all counterfeit obligations and other securities and coins of the United States or of any foreign government, within the meaning of the sections cited above, which shall be presented at their places of business.*

§ 403.3 *Modification or revocation.* This authorization may be modified or revoked at any time.*

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

OCTOBER 17, 1941.

[F. R. Doc. 41-7857; Filed, October 17, 1941; 3:41 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 111]

AN AMENDMENT TO PROVIDE FOR THE USE OF FORM 42A

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three, Section XVII, by striking out the present subparagraphs b and c of Paragraph 322[1] and substituting therefor the following:

b. Any person other than the registrant who has cause to claim that the registrant should be deferred may obtain Claim for Deferred Classification by Others Than Registrants (Form 42) from the local board, make out the claim, and file it directly with the local board. In appropriate cases Affidavit to Support Claim for Occupational Deferment (Form 42A) should be prepared, in accordance with the instructions printed on that form, and filed with the local board. Such claims should be filed within the time allowed for the registrant to return his Questionnaire. (See Par. 320.)

c. Any person so claiming that the registrant should be deferred shall be entitled to present evidence in support of his claim. Such evidence should be included in or attached to Form 42, or Form 42A, and may include any documents, affidavits, or depositions supporting the claim. The affidavits or deposi-

[1] 5 F.R. 3926.

tions shall be as concise and brief as possible.

LEWIS B. HERSHEY,
Director.

OCTOBER 15, 1941.

[F. R. Doc. 41-7855; Filed, October 17, 1941; 2: 50 p. m.]

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

[Administrative Order No. 2]

CONTROLLING CERTAIN EXPORTS

Except as presently authorized by general or unlimited license, and notwithstanding the prior issuance of an individual license or licenses, none of the following articles or materials shall be exported hereafter, unless and until an affidavit shall have been filed by the exporter with the Economic Defense Board, setting forth the specific uses to which the articles or materials are to be put, and showing past shipments by the exporter of such articles or materials since January 1, 1937 (such affidavit to be accompanied by a verified copy of the order for such articles or materials for which exportation is sought); and unless and until the Executive Director of the Economic Defense Board shall have found that a denial of the proposed exportation would work an unusual hardship. Such finding shall be evidenced by a notation to that effect upon the license itself, or by written authorization addressed either to the applicant or licensee, as the case may be, or to the appropriate Collector of Customs or Postmaster:

Aconite leaves and roots
Aircraft pilot trainers
Atropine
Belladonna
Digitalis seeds
Industrial diamonds
Iron ore
Mercury
Mica
Neats foot oil
Radium
Uranium, other than salts and compounds

October 18th, 1941.

MILO PERKINS,
Executive Director.

[F. R. Doc. 41-7870; Filed, October 18, 1941; 11:46 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 958—REPAIRS, MAINTENANCE, AND SUPPLIES

Preference Rating Order P-22 Amended

Section 958.1 *Preference rating order P-22*[1] is hereby amended to read as follows:

§ 958.1 *Preference rating order P-22.* For the purpose of facilitating the acquisition of Material for the maintenance and repair of the property and equipment of producers as hereinafter defined, and the continued operation of the property and equipment of such producers, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the Office of Production Management certifies specific quantities of such Material to which the preference rating herein assigned may be applied, or until the Office of Production Management may specifically limit production by any type of producer or withdraw any type of Material from use by such producer, or until the Office of Production Management may issue an order specifically relating to the maintenance, repair and operation of the property and equipment of any type of producer.

(a) *Statement of policy.* It is the purpose of this Order to effectuate the policy of the Supply Priorities and Allocations Board in maintaining governmental, charitable and industrial property located in the United States, its territories and possessions, upon an adequate operating basis, without expansion or improvement of facilities except where duly authorized or approved. The terms and conditions of this Order are to be interpreted in conformity with this expressed policy.

(b) *Definitions.* (1) "Producer" means:

(i) Any governmental unit;

(ii) Any individual, partnership, association, corporation, or other form of enterprise engaged in one or more of the following activities or acting in one or more of the following capacities to the extent that it is so engaged or so acts:

(*a*) Manufacturing, processing, or fabricating;

(*b*) Warehousing—maintaining warehouses for storage or distribution of any Material;

(*c*) Wholesaling—acting as a distributor of products sold to manufacturers, wholesalers, retailers, or other persons not consumers;

(*d*) Charitable institutions—any charitable or eleemosynary institution which is recognized as such for purposes of the Internal Revenue Laws of the United States;

(*e*) Carriers—urban, suburban and interurban common or contract carriers of passengers or freight by electric railway, electric coach, motor truck, or bus, including terminals of any of the foregoing; railroads, including terminals; shipping—commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals;

(*f*) Educational institutions (including vocational training);

(*g*) Printers and publishers;

(*h*) Radio — commercial broadcasting and communication;

(*i*) Telephone and telegraph communication, including wire services;

(*j*) Hospitals, clinics and sanatoriums;

(*k*) Petroleum — discovery, development and depletion of petroleum pools.

(2) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.

(3) Subject to sub-paragraph (6), "Maintenance" means the up-keep of a Producer's property and equipment in sound working condition.

(4) Subject to sub-paragraph (6), "Repair" means the restoration of a Producer's property and equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar causes.

(5) Subject to sub-paragraph (6), "Operating Supplies" means any Material which is essential to the operation of the Producer's business and which is consumed in the course of such business, including without limitation, fuel, lubricants, catalysts, and small perishable tools, *Provided:* It shall not include any Material which is physically incorporated, in whole or in part, into any product of the Producer, or into any Material which the Producer distributes to or stores, transports or services for another person.

(6) The terms "Maintenance," "Repair," and "Operating Supplies," *do not* include Material:

(i) For the improvement of a Producer's property or equipment through the replacement of Material in the existing installation with Material of a better kind, quality or design;

(ii) For additions to, or expansion of, such property or equipment;

(iii) Which is of a type not heretofore carried on the Producer's books under "Maintenance," "Repairs," "Operating Supplies" or the equivalent.

(7) "Supplier" means any person with whom a purchase order or contract has been placed by a Producer or another Supplier for Material:

(i) Required by the Producer as operating Supplies or for the Maintenance or Repair of his property or equipment, or

(ii) To be physically incorporated in other Material so required by the Producer.

(c) *Assignment of preference rating.* Subject to the terms of this Order Preference Rating A-10 is hereby assigned:

(1) To deliveries, to a Producer, of Material required by him as Operating Supplies or for the Maintenance or Repair of his property or equipment;

(2) To deliveries, to any Supplier, of Material.

(i) Required by a Producer as Operating Supplies or for the Maintenance or Repair of his property or equipment, or

(ii) To be physically incorporated in other Material so required by a Producer.

(d) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

[1] 6 F.R. 4665.

(1) A Producer;

(2) Any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (c) and have been rated pursuant to this Order.

(e) *Application of preference rating.* (1) A Producer or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material manually signed by a responsible official duly designated for such purpose by such Producer or Supplier:

Material for Maintenance, Repair, or Operating Supplies—Rating A-10 under Preference Rating Order P-22, as amended, with the terms of which I am familiar.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required for the purposes stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Producer or Supplier placing any such rated purchase order or contract and the Supplier selling the Material covered thereby must each retain endorsed copies of such purchase orders or contracts, segregated from all other purchase orders or contracts, for a period of two years from the dates thereof for inspection by authorized representatives of the Office of Production Management.

(f) *Restrictions on application of rating.* The preference rating hereby assigned shall not be applied:

(1) Unless the Material to be delivered cannot be secured when required without such rating;

(2) By a Producer, to obtain deliveries greater in quantity, or on dates earlier, than required for the Operation, Maintenance or Repair of such Producer's property or equipment;

(3) By a Supplier, to obtain Material for a delivery by him which has not been rated pursuant to this Order;

(4) By any Producer or Supplier to obtain scarce Material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by simplification of design.

(g) *Restrictions on deliveries, withdrawals and inventory.* (1) Except as provided in paragraph (g) (5), no Producer shall, during any Calendar Quarterly Period, accept deliveries (whether or not rated pursuant to this Order) of any items of Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed 25% of the aggregate dollar volume of the withdrawals of items of Material of the same class as carried on the Producer's books from stores or inventory during the calendar year 1940.

(2) Except as provided in paragraph (g) (5), no Producer shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair until the Producer's inventory and stores of items of Material of the same class, as carried on the Producer's books, have been reduced to a practical working minimum. Such practical minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class, as carried on the Producer's books, in inventory and stores on December 31, 1940, or, at the Producer's option, at the close of the Producer's fiscal year ending during the calendar year 1940.

(3) Except as provided in paragraph (g) (5), no Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class, as carried on the Producer's books, during the corresponding quarter of 1940, or, at the Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class as carried on the Producer's books during the calendar year 1940.

(4) Notwithstanding the provisions contained in paragraph (g) (1), (2), and (3), a Producer may, upon application to and with the approval of the Director of Priorities, in any Calendar Quarter increase the aggregate dollar volume of deliveries accepted of Material for use for Maintenance and Repair or as Operating Supplies, withdrawals of Material for such use, or inventory of Material for such use over the aggregate dollar volume of deliveries, withdrawals or inventory of Material for such uses during the last preceding corresponding Calendar Quarter proportionately to the increase of the volume of goods or services produced or rendered by him in such quarters.

(5) Restrictions contained in paragraphs (g) (1), (2), and (3) shall not apply to any Producer during any Calendar Quarterly Period in which the total volume of his purchases or withdrawals of Material for Maintenance, Repairs, and Operating Supplies does not exceed $2,500.

(h) *Audits and reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each such Producer or Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Office of Production Management.

(i) *Utilities and mines excepted.* This Order is not applicable to any Utility defined as a Producer in § 978.1 *Preference rating order No. P-46*, nor to any Mine as defined in § 982.1 *Preference rating order No. P-56.* The Director of Priorities may from time to time specifically except further classes of Producers from this Order by specific direction.

(j) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order or wilfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, but no applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(l) *Effective date.* This Order shall take effect immediately, and unless sooner revoked shall expire on the 1st day of April, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 16th day of October, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7858; Filed, October 18, 1941; 9:24 a. m.]

PART 984—LEAD

Supplementary Order No. M-38-a

§ 984.2 *Supplementary order M-38-a.* (a) The Director of Priorities hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General Preference Order M-38*[1] for the month of November, 1941, shall be 15% of the lead

[1] 6 F.R. 5090.

produced by such refiner during said month.

(b) This Order shall take effect on the 1st day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, as amended Sept. 2, 1941, 6 F.R. 4865, E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 18th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7902; Filed, October 20, 1941; 11:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1303—ZINC

PRICE SCHEDULE NO. 3—ZINC SCRAP MATERIALS AND SECONDARY SLAB ZINC

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

The supply of both primary and secondary zinc is insufficient to satisfy the total defense and essential civilian demands. An increase in the price of primary slab zinc has been made in order to maintain and expand supply. It is necessary to revise the prices of zinc scrap materials and secondary slab zinc in order to maintain their proper relationship to the prices of primary slab zinc. After investigation and consideration it has been determined that the maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§§ 1303.1 to 1303.12, inclusive, are hereby renumbered and amended to read as follows:

§ 1303.1 *Maximum prices for zinc scrap materials.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer zinc scrap materials, and no person shall buy, offer to buy, or accept delivery of zinc scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.9.*

*§§ 1303.1 to 1303.10, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1303.2 *Maximum prices for secondary slab zinc.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary slab zinc, and no person shall buy, offer to buy, or accept delivery of secondary slab zinc, at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1303.10.*

§ 1303.3 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B of this Schedule may be charged, demanded, paid or offered.*

§ 1303.4 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of zinc scrap materials, whether or not commingled with any foreign materials, or of secondary slab zinc, or in connection with a purchase, sale, delivery, or transfer of any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

1303.5 *Records and reports.* Every person making purchases or sales of zinc scrap materials or secondary slab zinc after October 17, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) Each purchase or sale or zinc scrap materials, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received in a single shipment or shipments, as defined in Appendix A hereof, or otherwise;

(b) Each purchase or sale of secondary slab zinc, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received, in carload or less than carload lots; and

(c) The amount in pounds or tons of zinc scrap materials and, separately, the amount in pounds or tons of secondary slab zinc (1) on hand, and (2) on order, as of the close of each month.*

§ 1303.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of zinc scrap materials and secondary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1303.7 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1303.8 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Zinc scrap materials" means the kinds and grades of zinc scrap materials set forth in Appendix A of this Schedule; and

(c) "Secondary slab zinc" means the kinds and grades of secondary slab zinc set forth in Appendix B of this Schedule.*

§ 1303.9 *Appendix A, maximum prices for zinc scrap materials*—(a) *Maximum prices.*

Grade of Zinc Scrap Material	*Maximum Price (Per pound, f. o. b. point of shipment)*
New Zinc Clippings and Trimmings	7.25 cents
Engravers' and Lithographers' Plates	7.25 "
Old Zinc Scrap	5.75 "
Unsweated Zinc Dross	5.80 "
Die Cast Slab	5.80 "
New Die Cast Scrap	4.95 "
Radiator Grilles, old and new	4.95 "
Old Die Cast Scrap	4.50 "

The maximum prices established herein are the maximum prices to be paid for the zinc scrap materials enumerated above after the free iron and other foreign materials are removed.

(b) *Quantity premiums.* To the maximum prices set forth above, a premium of one-half (½¢) cent per pound may be added:

(1) On single shipments of 10,000 pounds or more of any one of the following grades, or of combinations thereof:
New Zinc Clippings and Trimmings
Engravers' and Lithographers' Plates
Old Zinc Scrap; and

(2) On single shipments of 20,000 pounds or more of any one of the following grades, or of combinations thereof:
New Die Cast Scrap
Radiator Grilles, old and new
Old Die Cast Scrap

For the purposes of this Schedule the term "single shipment" means all deliveries made to a buyer within a period of 48 consecutive hours, excluding Sundays and Legal Holidays.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Zinc scrap may, however, be sold, offered for sale, delivered or transferred at a price delivered buyer's cus-

tomary receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule, and (3) when delivery is made in the seller's conveyance, the transportation charge shall not exceed the lowest available commercial transportation rate for effecting the delivery.*

§ 1303.10 *Appendix B, maximum prices for secondary slab zinc*—(a) *Sold, or shipped, delivered, or carried away, in carload lots.*

Grade	Maximum price (per pound, delivered buyer's customary rail receiving point)
Prime Western and poorer grades	8.25 cents plus carload freight from E. St. Louis to buyer's customary rail receiving point.
Brass Special	8.35 cents plus carload freight from E. St. Louis to buyer's customary rail receiving point.
Intermediate and higher grades	8.50 cents plus carload freight from E. St. Louis to buyer's customary rail receiving point.

(b) *Sold and shipped, delivered, or carried away, in less than carload lots.*

Grade	Maximum price (per pound, f. o. b. seller's plant or warehouse)
Prime Western and poorer grades	9.00 cents plus carload freight from E. St. Louis to seller's plant or warehouse.
Brass Special	9.10 cents plus carload freight from E. St. Louis to seller's plant or warehouse.
Intermediate and higher grades	9.25 cents plus carload freight from E. St. Louis to seller's plant or warehouse.

The above grades of secondary slab zinc are to be determined in accordance with the specifications of the American Society for Testing Materials.

The minimum quantity making up a carload lot for the purposes of this Schedule will be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.*

These amendments shall become effective October 17, 1941.

Issued this 17th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7856; Filed, October 17, 1941; 3:14 p. m.]

PART 1316—COTTON TEXTILES

PRICE SCHEDULE NO. 11—COTTON GREY GOODS [1]

The title of Price Schedule No. 11—Cotton Grey Goods and §§ 1316.1 and 1316.7 are hereby amended to read as follows:

Price Schedule No. 11—Combed Cotton Grey Goods.

§ 1316.1 *Definitions.* (a) The term "Cotton Grey Goods," as used herein, means combed cotton grey goods, in their unchanged mill state, of the types listed in § 1316.7 hereof; it does not include any cotton grey goods which, in the performance of a recognized commercial service, have been either (1) further processed or (2) cut and repackaged.

(b) The term "person" includes an individual, corporation, association, partnership, or other business entity. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.)

[1] 6 F.R. 3180, 3595, 3988, 4323, 5093.

§ 1316.7 *Schedule of maximum prices* [2]—(a) *Maximum prices for combed cotton grey goods.*

Type of cloth	Price per yard, f. o. b. seller's point of shipment (cents)
Combed broadcloths made of single-ply yarn:	
37"—136 x 60	[3] 14⅞
37"—128 x 68	[3] 14⅞
37"—144 x 76	15⅞
37"—152 x 80	17
36"—76 x 72	9¾
36"—88 x 80	10¾
40"—68 x 56	9
40"—72 x 68	10
40"—76 x 72	10¼
40"—88 x 80	11¼
40"—96 x 92	12⅞
40"—96 x 100	[4] 13½
40"—108 x 112	16⅜
45"—76 x 72	11⅞
45"—88 x 80	12⅞
Dimities:	
36"—96 x 68	10¾
36½"—114 x 64	11¾
36½"—116 x 76	12⅝
Voile:	
39"—60 x 52, slack	9

[3] Contracts made between June 30 and August 22, 1941, both inclusive, for the sale of 37" 136 x 60 or 37" 128 x 68 combed broadcloth at prices not exceeding the previously established maximum price of 61 cents per pound may be carried out at contract prices.

[4] For combed lawns of the construction 40" 96 x 100 which meet United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940), a premium of ¾¢ per yard may be charged.

(b) *Seconds and shorts.* The price for seconds and shorts of all Cotton Grey Goods shall not exceed 95 percent of the prices herein established for such goods. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Effective October 21, 1941.

Issued this 20th day of October, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7894; Filed, October 20, 1941; 10:57 a. m.]

[2] The maximum prices listed in this section, except as provided in footnote 1 of this schedule, are effective on and after August 23, 1941. With respect to the fabrics to which these prices apply, § 1316.2 should be read with the following substitutions:

In place of "June 30, 1941," read "August 23, 1941;"

In place of "September 2, 1941," read "October 25, 1941;"

In place of "Form No. 111:1," read "Form No. 111:4."

PART 1316—COTTON TEXTILES

PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

In June 1941, the Office of Price Administration, as a first step toward stabilizing prices for the major types of cotton textiles, issued Price Schedule No. 11, establishing maximum prices for six leading kinds of cotton grey goods. In August that Schedule was supplemented by maximum prices for other classes of grey goods. Now maximum prices are extended to further important types of grey goods, and to the principal types of cotton colored-yarn goods. For convenience, the carded-yarn fabrics already under maximum prices have been withdrawn from Price Schedule No. 11 and are included, along with numerous other textiles made of carded yarn, in this Schedule; grey goods made of combed yarns will continue to be covered by Price Schedule No. 11.

§ 1316.51 *Maximum prices for cotton goods.* On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1316.61), regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer cotton goods, and no person shall buy, offer to buy, or accept delivery of cotton goods, at prices higher than the maximum prices set forth in Appendix A, except that:

(a) The maximum prices established herein are not applicable to sales or deliveries of cotton goods to any person or persons outside the United States, its territories and possessions;

(b) The maximum prices established herein are not applicable to sales or deliveries of cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided*, That sales and deliveries of cotton goods (1) to a converter or finisher, or (2) by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices.*

*§ 1316.51 to § 1316.61, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1316.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1316.54 *Records and reports.* Every person making purchases or sales of cotton goods after October 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards of each construction purchased or sold; (b) the quantity in yards of cotton goods (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or pounds of each construction of cotton goods manufactured during each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.55 *Details required in contract of sale and invoice.* (a) Every seller of cotton goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of each construction of cotton goods sold, including (i) the off-loom width; (ii) the off-loom cloth count; (iii) the number of yards per pound; (iv) where necessary to determine the applicable maximum price, the yarn numbers used in the warp and filling, or the average yarn numbers, as the case may be; and (v) where, in conformity with the Schedule, a premium is charged or deduction made, the feature of the goods or of their manufacture for which such premium is allowed or deduction required; and (3) the discount, if any, allowed for prompt payment.

(b) With each delivery of cotton goods the seller shall transmit to the purchaser an invoice or similar document which shall either contain the information required by paragraph (a) above or make reference to the document in which such information is set forth.*

§ 1316.56 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold cotton goods, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 135:1, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 135:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1316.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of cotton goods or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1316.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1316.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Cotton goods" means cotton grey goods and cotton colored-yarn goods of the types and specifications for which maximum prices are established in Appendix A;

(c) "Ceiling date" means the date, as specified in Appendix A, on which this Schedule becomes effective with respect to any given fabric.*

§ 1316.60 *Effective date of the schedule.* This Schedule shall become effective October 21, 1941.*

1316.61 *Appendix A, maximum prices for cotton goods.*

Arrangement of Appendix

Paragraph (a) contains, in summary form, the maximum prices, as established prior to October 21, 1941, for the types of cotton goods theretofore subject to Price Schedule No. 11, but on and after that date subject to this Schedule. The maximum prices set forth in paragraph (a) are applicable to such types of goods only when they are delivered pursuant to a sale or contract of sale entered into prior to the above-mentioned date; otherwise such goods are subject to the prices appearing in paragraph (b).

Paragraph (b) contains maximum prices for all cotton goods subject to this Schedule. As qualified by paragraph (c), these maximum prices are applicable to all transactions except those subject to paragraph (a).

Paragraph (c) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraph (b), premiums may be paid for (1) cotton goods made to special physical requirements established by the buyer, (2) cotton goods of demonstrably superior quality, and (3) window-shade cloth.

(a) Cotton goods of the following specifications which, prior to October 21, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below. The maximum prices appearing herein are prices f. o. b. the seller's point of shipment; they are gross prices before discounts of any nature are deducted and include all commissions.

The maximum prices set forth herein become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics subject thereto.

Type and construction of cloth	Maximum prices for deliveries pursuant to contracts entered into prior to August 28, 1941	Maximum prices for deliveries pursuant to contracts entered into between August 28 and October 20, 1941, inclusive
Standard print cloth, 40" and narrower	$0.43 per lb.[1] [3]	$0.43 per lb.[1] [2]
Carded broadcloth, 40" and narrower, 100 sley and below	$0.43 per lb.[1]	$0.43 per lb.[1] [3]
Sheetings, 40" and narrower:		
A. Yarn numbers up to 15s, inclusive	$0.355 per lb.[1]	$0.355 per lb.[1] [3]
B. Yarn numbers 16s to 21s, inclusive	$0.365 per lb.[1]	$0.365 per lb.[1] [3]
C. Yarn numbers above 21s	$0.38 per lb.[1]	$0.38 per lb.[1] [3]
Part waste osnaburgs, 40" and narrower:		
Yarn numbers up to 9s, inclusive	$0.29 per lb.[1]	$0.29 per lb.[1] [3]
Yarn numbers above 9s	$0.32 per lb.[1]	$0.32 per lb.[1] [3]
Tobacco cloth, 40" and narrower	$0.46 per lb	$0.46 per lb.[3]

[1] Subject to premium of one cent per pound for feeler motion.
[2] Subject to premium of one cent per pound for fabrics of shade cloth quality.
[3] For seconds and shorts, five percent less than the above figures constitutes the maximum price.

(b) (1) *Determination of maximum price.* Except as provided in paragraph (a) above, and subject to the qualifications contained in paragraph (c), below, the maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of cotton goods shall be determined in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price[1] of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the Schedule:

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made:

(iii) *Delivery or transfer.*[2] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.[3]

(2) *Terms of sale.* The maximum prices set forth in paragraph (b) are prices f. o. b. the seller's point of shipment. The prices are gross prices before discounts of any nature are deducted and include all commissions; for certain types of goods, however, mandatory discounts are specified below.

(3) *Ceiling date.* The maximum prices set forth below in Tables I to V, inclusive, and the qualifications thereto of paragraph (c), become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto.

[1] The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[2] Except as provided in Paragraph (a), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[3] Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of Paragraph (b), as the day on which the sale or contract of sale is made.

(4) *Maximum price tables.*

TABLE I

In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs or to print cloths of Class B or C; to any fabric excepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	Premium	Premium not applicable to—
Feeler motion	1¢ per lb	Cloths other than sheetings and Class A print cloths.
Weaves requiring five or more cams:		
Weaves which, including selvage, require 5 cams	¼¢ per yd	Twills and drills of the types and classes listed in Table III-A.
Weaves which, including selvage, require 6 or more cams	½¢ per yd	
Dobby looms:		
Weaves requiring 16 harnesses or less	1¼¢ per yd	
Weaves requiring more than 16 harnesses	1½¢ per yd	
Fancy draw:		
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above	½¢ per yd	
Each extra beam	½¢ per yd	
Hard twist:		
Warp yarn: where turns per inch equal 5¼ or more times the square root of yarn size	½¢ per yd	
Filling yarn: where turns per inch equal 4¾ or more times the square root of yarn size	½¢ per yd	
Clipping	1¢ per yd	
Slubs:		
Cloths with over 52 picks per inch	3¢ per lb	
Cloths with 52 picks per inch and under	2¢ per lb	

TABLE II—*Print cloth yarn group*

(Specifications for the types and classes of cloth listed herein are set forth in Table II-A)

Type and Class of Cloth	Spot cotton price—Cents per pound													
	14.24 to 14.67 incl.	14.68 to 15.11 incl.	15.12 to 15.54 incl.	15.55 to 15.98 incl.	15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.
	Cents per pound[2]													
Print Cloth:[1]														
Class A	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
Class B	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Class C	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
Carded Broadcloth:														
Class A	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
Class B	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
Class C	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50
Class D	53.00	53.50	54.00	54.50	55.00	55.50	56.00	56.50	57.00	57.50	58.00	58.50	59.00	59.50
Pajama Checks:														
Class A	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
Class B	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Carded Poplins:														
Class A:														
1	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
2	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
3	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50
Class B:														
1	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
2	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
3	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
Class C:														
1	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50
2	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50
3	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
Carded Piques:														
Class A	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50
Class B	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50
Class C	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50	55.00	55.50	56.00	56.50	57.00	57.50
Three-Leaf Twills:														
Class A	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50
Class B	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50
Class C	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
Class D	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
Class E	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00

[1] In addition to the above maximum prices for print cloth, the following premiums may be charged for narrow widths: 32¼" to 28½", incl., 2 cents; 28¼" to 26", inc., 3 cents; 25¾" to 24", incl., 4 cents; 23¾" to 21", incl., 5 cents.

[2] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by five per cent.

TABLE II-A—*Key to types and classes of cloth in Table II*

Type and class of cloth	Yarn numbers (all numbers inclusive)			Thread count (all numbers inclusive)		Weight
	Warp	Filling	Average	Total threads per sq. inch	Warp ends	Yards per lb. (all numbers inclusive)
Print Cloth (under 42" in width):						
Class A	28s to 32s	36s to 45s	Not less than 33s.	160 to 100		
Class B	28s to 32s	36s to 45s	Not less than 33s.	99 to 72		
Class C	28s to 32s	36s to 45s	Not less than 33s.	71 and under		
Carded Broadcloth (under 42" in width):						
Class A	Not less than 28s.			166 and under		
Class B	Not less than 28s.			167 to 174		
Class C	Not less than 34s.			175 to 189		
Class D	Not less than 39s.			190 to 200		
Pajama Checks (under 42" in width):						
Class A				160 and over		
Class B				159 and under		
Carded Poplins (under 42" in width):						
Class A:						
1	29s to 31½s				3700 to 4000	3.50 and over.
2	29s to 31½s				3700 to 4000	3.49 to 3.01.
3	29s to 31½s				3700 to 4000	3.00 and under.
Class B:						
1	29s to 31½s				4001 to 4200	3.50 and over.
2	29s to 31½s				4001 to 4200	3.49 to 3.01.
3	29s to 31½s				4001 to 4200	3.00 and under.
Class C:						
1	34s to 36s				4300 and over	3.50 and over.
2	34s to 36s				4300 and over	3.49 to 3.01.
3	34s to 36s				4300 and over	3.00 and under.
Carded Piques (under 42" in width):						
Class A	29s to 31½s			152 to 176		3.70 and over.
Class B	29s to 31½s			177 to 199		3.40 to 3.69.
Class C	29s to 31½s			200 to 210		3.00 to 3.39.
Three-Leaf Twills (under 42" in width):						
Class A				140 to 151		2.45 to 2.89.
Class B				132 to 152		2.90 to 3.89.
Class C				140 to 148		3.90 to 4.10.
Class D				140 to 148		4.11 to 4.39.
Class E				124 to 147		4.40 to 5.20.

TABLE III—*Sheeting yarn group*

(Specifications for the types and classes of cloth listed herein are set forth in Table III-A)

Type and class of cloth	Spot cotton price—Cents per pound													
	14.24 to 14.67 incl.	14.68 to 15.11 incl.	15.12 to 15.54 incl.	15.55 to 15.98 incl.	15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.
	Cents per pound [1]													
Sheetings:														
Class A	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00
Class B	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00
Class C [2]	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50

TABLE III—*Sheeting yarn group*—Continued

Type and class of cloth	Spot cotton price—Cents per pound													
	14.24 to 14.67 incl.	14.68 to 15.11 incl.	15.12 to 15.54 incl.	15.55 to 15.98 incl.	15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.
	Cents per pound [1]													
Drills:														
Class A	32.00	32.50	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50
Class B	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50
Class C	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50
Class D	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50
Class E	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50
Three-leaf Jeans [3]	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00
Four-leaf Twills: [2 3]														
Class A	32.50	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00
Class B	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00
Class C	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50
Class D	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00
Osnaburgs:														
Class A	27.00	27.50	28.00	28.50	29.00	29.50	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50
Class B	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50

[1] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by 5 percent.

[2] The maximum prices set forth above for Class C sheetings, drills, three-leaf jeans, and four-leaf twills shall be adjusted in accordance with the differentials appearing below. No more than one thread-count differential and one herringbone-weave differential may be added to the maximum price for any given fabric.

[3] The maximum prices set forth herein for four-leaf twills must be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

CLASS C SHEETINGS

(Total thread-count per sq. in.)

130 to 139, inclusive	add 1¢
140 to 159, inclusive	add 2½¢
160 and over, inclusive	add 4¢

DRILLS (ALL CLASSES)

(Total thread-count per sq. in.)

94 and under	deduct ½¢
116 to 124, inclusive	add ½¢
125 and over	add 1¢

(Herringbone weaves)

Reverse twist	add 1¼¢
Plain	add ½¢

THREE-LEAF JEANS

(Herringbone weaves)

Reverse twist	add 1½¢
Plain	add ¾¢

FOUR-LEAF TWILLS (ALL CLASSES)

(Total thread-count per sq. in.)

114 and under	deduct ½¢
136 and over	add ½¢

(Herringbone weaves)

Reverse twist	add 1¼¢
Plain	add ½¢

TABLE III-A—*Key to types and classes of cloth listed in Table III*

Type and class of cloth	Yarn numbers (all numbers inclusive)	Thread count (total threads per square inch—all numbers inclusive)	Weights (yards per pound for all widths pro-rated to 37"—all numbers inclusive)
Class A:			
1	14s to 16s	3700 to 4000	3.50 and over.
2	14s to 16s	3700 to 4000	3.49 to 3.01.
3	14s to 16s	3700 to 4000	3.00 and under.
Class B:			
1	14s to 16s	4001 to 4200	3.50 and over.
2	14s to 16s	4001 to 4200	3.49 to 3.01.
3	14s to 16s	4001 to 4200	3.00 and under.
Class C:			
1	17s to 19s	4300 and over	3.50 and over.
2	17s to 19s	4300 and over	3.49 to 3.01.
3	17s to 19s	4300 and over	3.00 and under.

TABLE V—*Colored yarn group, exclusive of denims (prices are for all shades and colors)*

Class of cloth and weight in yards per pound [1]	Cotton spot price—Cents per pound (all numbers inclusive)												
	14.31 to 14.72	14.73 to 15.14	15.15 to 15.56	15.57 to 15.98	15.99 to 16.40	16.41 to 16.82	16.83 to 17.24	17.25 to 17.66	17.67 to 18.08	18.09 to 18.50	18.51 to 18.92	18.93 to 19.34	19.35 to 19.76	19.77 to 20.18
	Cents per pound [2]													
Class A:														
3.50 and over	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50
3.49 to 3.01	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00
3.00 and under	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50
Class B:														
3.50 and over	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50
3.49 to 3.01	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00
3.00 and under	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50
Class C:														
3.50 and over	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00
3.49 to 3.01	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50
3.00 and under	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00

[1] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by 5 percent.

[2] The maximum prices set forth herein for colored yarn group fabrics must be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

	Cents per pound [1]													
Sheetings:														
Class A	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00
Class B	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00
Class C [2]	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50

TABLE III–A—*Key to types and classes of cloth listed in Table III*

Type and class of cloth	Yarn numbers (all numbers inclusive)	Thread count (total threads per square inch—all numbers inclusive)	Weights (yards per pound for all widths pro-rated to 37"—all numbers inclusive)
Sheetings (under 42" in width):			
Class A	Up to 15s		
Class B	16s to 21s		
Class C	Above 21s		
Drills (under 42" in width):			
Class A		95 to 115	2.00 and under.
Class B		95 to 115	2.01 to 2.50.
Class C		95 to 115	2.51 to 3.00.
Class D		95 to 115	3.01 to 3.50.
Class E		95 to 115	3.51 and over.
Three-leaf Jeans (under 42" in width)	All	All	All.
Four-leaf Twills (under 42" in width):			
Class A		115 to 135	1.50 and under.
Class B		115 to 135	1.51 to 2.00.
Class C		115 to 135	2.01 to 2.85.
Class D		115 to 135	2.86 and over.
Osnaburgs (under 42" in width):			
Class A	Up to 9s		
Class B	Above 9s		

TABLE IV—*Denims* [1] *(prices are for all shades and colors)*

Type of cloth and yards per pound or ounces per yard	Spot cotton price—Cents per pound: 14.15 to 14.60 incl.	14.61 to 15.06 incl.	15.07 to 15.52 incl.	15.53 to 15.98 incl.	15.99 to 16.41 incl.	16.45 to 16.90 incl.	16.91 to 17.36 incl.	17.37 to 17.82 incl.	17.83 to 18.28 incl.	18.29 to 18.74 incl.	18.75 to 19.20 incl.	19.21 to 19.66 incl.	19.67 to 20.12 incl.
	Cents per yard												
Denims:													
Mill finish:													
3.50 yards	12.00	12.00	12.25	12.25	12.50	12.75	13.00	13.00	13.25	13.50	13.75	14.00	14.25
3.00 yards	13.50	13.75	14.00	14.00	14.25	14.50	14.75	14.75	15.00	15.25	15.50	15.75	16.00
2.60 yards	15.00	15.25	15.50	15.75	16.00	16.25	16.50	16.50	16.75	17.00	17.25	17.50	17.75
2.45 yards	15.75	16.00	16.25	16.50	16.75	17.00	17.25	17.50	17.75	17.75	18.00	18.25	18.50
2.40 yards	15.75	16.00	16.25	16.50	16.75	17.00	17.25	17.50	17.75	17.75	18.00	18.25	18.50
2.30 yards	16.50	16.75	17.00	17.25	17.50	17.75	18.00	18.25	18.50	18.75	19.00	19.25	19.50
2.20 yards	17.00	17.25	17.50	17.75	18.00	18.25	18.50	18.75	19.00	19.25	19.50	19.75	20.00
8 oz. (2.00)	18.50	18.75	19.25	19.50	19.75	20.00	20.25	20.50	20.75	21.00	21.25	21.50	22.00
9 oz. (1.78)	20.75	21.00	21.50	21.75	22.00	22.25	22.50	23.00	23.25	23.50	23.75	24.00	24.50
Sanforized:													
3.15 yards	14.25	14.25	14.50	14.50	14.75	15.00	15.25	15.25	15.50	15.75	16.25	16.50	16.75
3.00 yards	14.25	14.25	14.50	14.50	14.75	15.00	15.25	15.25	15.50	15.75	16.25	16.50	16.75
2.70 yards	15.75	16.25	16.50	16.50	16.75	17.00	17.25	17.25	17.50	17.75	18.00	18.25	18.50
2.45 yards	17.50	17.75	18.00	18.25	18.50	18.75	19.25	19.25	19.50	19.75	20.00	20.25	20.50
2.20 yards	18.25	18.50	19.00	19.25	19.50	19.75	20.00	20.25	20.50	20.50	20.75	21.00	21.25
8 oz. (2.00)	19.75	20.00	20.25	20.50	20.75	21.00	21.25	21.75	22.00	22.25	22.50	22.75	23.00
9 oz. (1.78)	21.25	21.75	22.25	22.50	22.75	23.00	23.25	23.50	23.75	24.00	24.50	24.75	25.25
10 oz. (1.60)	23.75	24.00	24.75	25.00	25.25	25.50	25.75	26.25	26.50	26.75	27.25	27.50	28.00

[1] The maximum prices set forth herein are for denims 28 or more inches in width. The maximum price for a denim of any lesser width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 28-inch width) as does its width to 28 inches.

Maximum prices for denims of weights intermediate between those listed herein shall be determined by interpolation, according to weight, between the maximum prices set forth herein; maximum prices for denims of weights greater or less than any listed herein shall be determined, in proportion to weight, from the maximum price for, respectively, the heaviest or lightest denim listed in this table.

The maximum prices in this table are for denims of the following styles; White back (in all weaves except herringbone); express stripe; hickory stripe; and all other stripes made with white filling yarns.

In addition to the maximum prices appearing herein, a premium of ½ cent per yard may be charged for solid color denims; for striped denims made with 100-percent-colored filling yarns; and for denims of herringbone weave.

For seconds and short lengths of denim, the maximum prices listed in this table must be discounted as follows: Seconds, ½ cent; short lengths, 25 to 40 yards, inclusive, ¾ cent; 10 to 24.99 yards, 1 cent; 2 to 9.99 yards, 15 percent.

The maximum prices set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

TABLE V—*Colored yarn group, exclusive of denims (prices are for all shades and colors)*

Class of cloth and weight in yards per pound [1]	Cotton spot price—Cents per pound (all numbers inclusive): 14.31 to 14.72	14.73 to 15.14	15.15 to 15.56	15.57 to 15.98	15.99 to 16.40	16.41 to 16.82	16.83 to 17.24	17.25 to 17.66	17.67 to 18.08	18.09 to 18.50	18.51 to 18.92	18.93 to 19.31	19.35 to 19.76	19.77 to 20.18
	Cents per yard [2]													
Carded Fine Yarn Shirting Chambray: [3]														
Mill finish:														
4.85 yds	10.75	10.875	11.00	11.125	11.25	11.375	11.50	11.625	11.75	11.875	12.00	12.125	12.25	12.375
3.90 yds	12.00	12.125	12.25	12.375	12.50	12.625	12.75	12.875	13.00	13.125	13.25	13.375	13.50	13.625
3.20 yds	14.50	14.625	14.75	14.875	15.00	15.125	15.25	15.375	15.50	15.625	15.75	15.875	16.00	16.125
Sanforized:														
3.90 yds	14.50	14.625	14.75	14.875	15.00	15.125	15.25	15.375	15.50	15.625	15.75	15.875	16.00	16.125
3.20 yds	17.25	17.375	17.50	17.625	17.75	17.875	18.00	18.125	18.25	18.375	18.50	18.625	18.75	18.875
Carded Coarse Yarn Shirting Chambray: [3]														
Mill Finish: 3.00 yds	14.50	14.625	14.75	14.875	15.00	15.125	15.25	15.375	15.50	15.625	15.75	15.875	16.00	16.125
Sanforized: 3.00 yds	17.25	17.375	17.50	17.625	17.75	17.875	18.00	18.125	18.25	18.375	18.50	18.625	18.75	18.875
Carded Fine Yarn Shirting Coverts: [3]														
Mill Finish:														
3.90 yds	12.75	12.875	13.00	13.125	13.25	13.375	13.50	13.625	13.75	13.875	14.00	14.125	14.25	14.375
3.20 yds	15.25	15.375	15.50	15.625	15.75	15.875	16.00	16.125	16.25	16.375	16.50	16.625	16.75	16.875
Sanforized:														
3.90 yds	15.25	15.375	15.50	15.625	15.75	15.875	16.00	16.125	16.25	16.375	16.50	16.625	16.75	16.875
3.20 yds	18.00	18.125	18.25	18.375	18.50	18.625	18.75	18.875	19.00	19.125	19.25	19.375	19.50	19.625
Carded Coarse Yarn Shirting Coverts: [3]														
Mill Finish: 3.20 yds	14.75	14.875	15.00	15.125	15.25	15.375	15.50	15.625	15.75	15.875	16.00	16.125	16.25	16.375
Sanforized: 3.20 yds	17.75	17.875	18.00	18.125	18.25	18.375	18.50	18.625	18.75	18.875	19.00	19.125	19.25	19.375
Cotton Pants Coverts: [4]														
Sanforized: 1.65 yds	28.30	28.60	28.90	29.20	29.50	29.80	30.10	30.40	30.70	31.00	31.30	31.60	31.90	32.20

[1] The maximum prices set forth herein are for fabrics 36 or more inches in width. The maximum price for a fabric of any lesser width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 36-inch width) as does its width to 36 inches.

[2] The maximum prices set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 per cent; and (2) where payment is made within the next 60 days, by 2 per cent and by interest at 6 per cent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

[3] Maximum prices for seconds and short lengths of shirting chambrays and shirting coverts shall be the above prices, discounted as follows:

Seconds ½¢ per yard

Short Lengths:

20 to 40 yards, inclusive ½¢ per yard

10 to 19.99 yards, inclusive 1¢ per yard

1 to 9.99 yards, inclusive 1½¢ per yard

[4] Maximum prices for seconds and short lengths of pants coverts shall be the above prices, discounted as follows:

Seconds 1¢ per yard

Short Lengths:

20 to 40 yards, inclusive 1¢ per yard

10 to 19.99 yards, inclusive 2½¢ per yard

1 to 9.99 yards, inclusive 3½¢ per yard

(c) (1) In addition to the maximum prices set forth in paragraph (b) a premium may be demanded, charged, paid, or accepted for cotton goods (other than window-shade cloth) made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the same goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.61 (c) (3):

(i) The premium shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June, 1941, or, if no such goods have been sold by the seller during that period, 5 per cent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

(2) Every seller making a sale, contract of sale, or delivery of cotton goods at a price including all or part of any

premium permissible under § 1316.61 (c) (1) shall, on or before the 10th day of the succeeding month, file with the Office of Price Administration a sworn statement on Form 135:2 stating, with respect to each sale, contract of sale, or delivery made during the preceding calendar month, the date of the sale or contract of sale; the quantity of goods covered thereby; the date or dates when delivery is to be or has been made; the name of the manufacturer of the goods and of the buyer; the price agreed upon, charged, or paid; the buyer's specifications, in accordance with which the goods are made; the date of issuance thereof by the buyer; the use to which the goods are to be put; and the special physical requirements which are relied upon for the premium charged: *Provided*, That if a report, as required hereunder, is duly made of a sale, or contract of sale, or any delivery pursuant thereto, no report need be made of any subsequent delivery of the same kind of goods pursuant to such sale or contract of sale.

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraph (b), a premium for (i) cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by a seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade; or (iv) window-shade cloth. Such application shall state in detail (i) the specifications, if any, to which the goods are made; (ii) the use to which the goods are to be put; (iii) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (iv) the person or persons, if any, from whom the goods were purchased and the premiums, if any, paid (in cents over the prevailing market prices of the same goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted, and if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.*

Issued this 18th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7895; Filed, October 20, 1941; 10:58 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 36—ACETONE

The demand for acetone has increased sharply in recent months as a direct result of the National Defense Program. Acetone is not only essential in the manufacture of high explosives required by the armed forces but is also essential in the preparation of cellulose acetate rayon and many other products important for civilian use. The Office of Price Administration has ascertained that the tank-car price of acetone has increased from 6¢ at the beginning of this year to 7¢ per pound in the third quarter. Prices in excess of 7¢ per pound have been announced by certain large producers for the fourth quarter of 1941. The average price of acetone during 1940 was approximately 4⅞¢ per pound. After consultation with representatives of the industry, the Office of Price Administration has determined that there are no justifiable reasons for prices of acetone in excess of 7¢ per pound in tank-car quantities. Further increase in prices would, therefore, be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.301 *Maximum prices for acetone.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer acetone in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept deliveries of acetone in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1335.310.*

* §§ 1335.301 to 1335.310, inclusive, issued pursuant to authority contained in Executive Order 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.302 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.303 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of acetone, alone or in conjunction with any other material or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of acetone, or otherwise.*

§ 1335.304 *Records and reports.* (a) Every person making purchases or sales of acetone in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale showing the date thereof, and the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the acetone purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of acetone, other than those engaged in the production of acetone synthetically, shall submit to the Office of Price Administration a report on Form 136:1 in the detail required by such Form showing the total production of acetone by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may from time to time require.*

§ 1335.305 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold acetone in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 136:2, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 136:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.306 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of acetone, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.307 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.308 *Definitions.* When used in this Schedule the term—

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetone" means chemically pure acetone.*

§ 1335.309 *Effective date of the schedule.* This Schedule shall become effective October 27, 1941.*

§ 1335.310 *Appendix A, maximum prices for acetone.* The following maximum prices are established for acetone:

(a) *Eastern Territory*[1]

Tank cars	7¢ per pound delivered.
Drums, car-load lots	8½¢ per pound delivered, containers included.
Drums, less than car-load lots.	9¢ per pound delivered, containers included.

(b) *Western Territory** [1] The maximum prices established for acetone in Western Territory are the maximum prices established in Paragraph (a) for acetone in Eastern Territory plus ½¢ per pound.*

LEON HENDERSON,
Administrator.

Issued this 20th day of October 1941.

[F. R. Doc. 41-7903; Filed, October 20, 1941; 11:51 a. m.]

[1] When used in this Schedule, the term "Eastern" territory shall mean the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western" territory shall mean all other states of the United States.

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 37—NORMAL BUTYL ALCOHOL

As a result of conditions engendered by the National Defense Program, the demand for normal butyl alcohol has increased sharply in recent months. Normal butyl alcohol is an important chemical which is used in the manufacture of butyl acetate, lacquers, plasticizers and many other products. The price of normal butyl alcohol in tank-car quantities has increased from 8¢ per pound at the end of 1940 to 10¢ per pound in the third quarter of 1941. Certain producers have announced an additional increase to 11¢ per pound for the fourth quarter of 1941, and some sales have occurred at even higher prices. Further price advances are threatened.

After investigation and conferences with representatives of the butyl alcohol industry, the Office of Price Administration has found that there is no justifiable reason for a price of normal butyl alcohol in excess of 10¾¢ per pound. Further increases would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.351 *Maximum prices for normal butyl alcohol.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer normal butyl alcohol in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept delivery of normal butyl alcohol in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.360.*

* §§ 1335.351 to 1335.360 inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 4483.

§ 1335.352 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.353 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of normal butyl alcohol, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formulae or grades of normal butyl alcohol, or otherwise.*

§ 1335.354 *Records and reports.* (a) Every person making purchases or sales of normal butyl alcohol in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the normal butyl alcohol purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of normal butyl alcohol, other than those engaged in the production of normal butyl alcohol synthetically, shall submit to the Office of Price Administration a report on Form 137:1 in the detail required by such Form, showing the total production of normal butyl alcohol by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.355 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold normal butyl alcohol in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 137:2, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 137:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.356 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of normal butyl alcohol, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.357 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.358 *Definitions.* When used in this Schedule, the term—

(a) "Person" means an individual partnership, association, or other business entity.

§ 1335.359 *Effective date of the schedule.* This Schedule shall become effective October 27, 1941.*

§ 1335.360 *Appendix A, maximum prices for normal butyl alcohol.* The

following maximum prices are established for normal butyl alcohol:

(a) *Eastern Territory*[1]

Tank cars	10¾¢ per lb. delivered.
Drums, car-load lots	11¾¢ per lb. delivered, containers included.
Drums, less than car-load lots.	12¼¢ per lb. delivered, containers included.

(b) *Western Territory*[1] The maximum prices established for normal butyl alcohol in Western Territory are the maximum prices established in paragraph (a) for normal butyl alcohol in Eastern Territory plus ½¢ per pound.*

Issued this 20th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7904; Filed, October 20, 1941; 11:51 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

PRICE SCHEDULE NO. 30 AMENDED—WASTE PAPER SOLD EAST OF ROCKY MOUNTAINS

§ 1347.10 *Appendix A, maximum prices for waste paper,* of Price Schedule No. 30[2] is hereby amended by striking out footnote 1 thereof and inserting in its stead the following:

[1] All prices established by this Schedule shall be for Waste Paper loaded on trucks at the point of shipment. The point of shipment is the seller's door from which the Waste Paper is to be shipped to the consumer. If the Waste Paper is loaded on freight cars for shipment to the consumer, an amount not in excess of $1.00 per ton for hauling and loading may be added to the maximum prices established by this Schedule, which additional amount, if any, must be listed as a separate item on the invoice.

(E.O. 8734, 8875; 6 F.R. 1917, 4483)

Issued this 18th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7871; Filed, October 18, 1941; 12:04 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS

Whereas by § 6.6 (d), part 6, title 33—Anchorage Regulations—Regulations for the control of vessels in the territorial waters of the United States (6 F.R. 5222), it is provided that the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, may issue a general license for any class or classes of vessels for which a departure or movement license is required by said section if he finds that the granting of such a general license would not be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters; and

Whereas I find that the granting of a general license for the class of vessels and under the conditions hereinafter specified would not be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters;

Now, therefore, by virtue of the authority vested in me by the regulations above cited:

§ 9.1 *General license No. 1.* A general license is hereby granted to all vessels, exclusive of those covered by § 6.7 of this chapter which are now in, or which may hereafter enter, territorial waters of the United States, its territories and possessions, to move within, or to depart from, the territorial waters of the United States, its territories or possessions, except the following:

(a) All vessels under 100 feet in overall length (other than barges, scows, rafts and similar craft having no means of self-propulsion) when operating within 100 feet of any Navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or Navy arsenal or depot, warehouse, or freight pier, within the limits of the harbors of:

Portland, Maine.
Portsmouth, New Hampshire.
Boston, Massachusetts.
Providence, Rhode Island.
New London, Connecticut.
New York, New York.
Philadelphia, Pennsylvania.
Baltimore, Maryland.
Norfolk, Virginia.
Newport News, Virginia.
Wilmington, North Carolina.
Charleston, South Carolina.
Savannah, Georgia.
San Diego, California.
San Pedro, California.
Long Beach, California.
San Francisco, California.
Oakland, California.
Alameda, California.
Portland, Oregon.
Astoria, Oregon.
Jacksonville, Florida.
Tampa, Florida.
Mobile, Alabama.
Pascagoula, Mississippi.
New Orleans, Louisiana.
Port Arthur, Texas.
Beaumont, Texas.
Galveston, Texas.
Texas City, Texas.
Houston, Texas.
Corpus Christi, Texas.
San Juan, Puerto Rico.
Charlotte Amalie, Virgin Islands.
Seattle, Washington.
Tacoma, Washington.
Ketchikan, Alaska.
Honolulu, Territory of Hawaii.
Hilo, Territory of Hawaii.

(b) All vessels departing from territorial waters of the United States, its territories or possessions, of which the masters, operators, or other persons in charge are not citizens of the United States, or of which the personnel complements of such vessels are more than 50 per centum aliens:

Provided, That the vessels referred to in paragraphs (a) and (b) hereof are included in the general license hereby granted until such reasonable time as applications for individual licenses may be made and captains of the port concerned may issue such licenses under the provisions of § 6.6 (a), (b) and (c) of this chapter.

(c) This general license is granted subject to the following terms and conditions:

(1) That it may be revoked by the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, whenever he finds its continuance in force would be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters.

(2) That the Commandant of the Coast Guard may, in his discretion, exclude individual vessels from this general license upon notification to the owners, agents, masters or operators thereof, but any vessel so excluded may be granted an individual license under the provisions of § 6.6 (a), (b) and (c) of this chapter.

(3) That the issuance of this general license does not in any manner relieve any vessel covered thereby, or its owner, master or operator, from compliance with the provisions of any other applicable laws and regulations. (33 CFR 6.6 (d).)

[SEAL] R. R. WAESCHE,
Commandant.

Approved: October 16, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7874; Filed, October 20, 1941; 10:05 a. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF THE EXTENSION OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE MANUFACTURE OF AIRPLANES, AIRCRAFT ENGINES, AND PROPELLERS TO INCLUDE CERTAIN AIRCRAFT PARTS AND ACCESSORIES AS DEFINED

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," (hereinafter called the Act).

On December 14, 1938 by decision in the matter of the determination of the prevailing minimum wages in the manu-

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[1] When used in this Schedule, the term "Eastern" territory shall mean the States of New Mexico, Colorado, Wyoming, Montana, and all states east thereof, and the term "Western" territory shall mean all other States of the United States.

[2] 6 F.R. 4822.

facture of airplanes, aircraft engines, and propellers (3 F.R. 3044) the prevailing minimum wage for that industry was found to be 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece rate basis. Thereafter, the Department received evidence showing that certain parts and accessories for military or large transport airplanes and engines or propellers therefor of the type indicated in the attached list of Class I Aircraft Parts, which parts are usually procured as spares on contracts for complete airplane engines or propellers, were manufactured by manufacturing processes and at wages similar to or identical with those prevailing in the production of completed airplane engines or propellers.

Interested parties were given until November 13, 1940 to show cause (5 F.R. 4377) why the decision for airplanes, aircraft engines, and propellers should not be extended to include the manufacture and finishing or supply of the parts and articles of the type named in the attached list of Class I Aircraft Parts. The time for filing such protests having expired and there having been no protests filed in response to the notice, and in the light of the information in the possession of the Department, as referred to above, I hereby extend the minimum wage determination of December 14, 1938 to include such parts and articles.

On May 1, 1941 notice issued (6 F.R. 2293) advising all interested parties that hearing would be held on May 8, 1941 to give them opportunity to show cause why the Secretary of Labor should not determine the prevailing minimum wage for the manufacture of Class II Aircraft Parts and Accessories of the types named in the attached list of Class II Aircraft Parts and Accessories, to be 50 cents an hour regardless of where manufactured, and why the Secretary of Labor should not determine the minimum wage for the manufacture of airplane ignition equipment to be 45 cents an hour regardless of where manufactured.

On May 8, 1941 a hearing was held in Room 3229, Department of Labor Building, Washington, D. C. Appearances were made and testimony was given at the hearing by the Aeronautical Chamber of Commerce, the Machinery Institute, individual members of the industry, and labor was represented by the International Association of Machinists, the United Auto Workers, the International Brotherhood of Electrical Workers, and the United Electrical and Radio Workers.

The evidence presented at the hearing shows that the bulk of Class II Aircraft Parts and Accessories is being made by the manufacturers of airplanes, aircraft engines, and propellers. The wage tabulations submitted at the hearing covered 30 plants employing 13,241 workers. Such fluctuation in plant minima as existed was within limited localities rather than in broad geographic regions. There was a spread in minima between competing plants in the same city. The evidence presented at the hearing showed that only 10 percent of the employees engaged in the manufacture of Class II Aircraft Parts and Accessories received less than 50 cents an hour, the determined prevailing minimum wage for the manufacture of airplanes, aircraft engines and propellers. Under these circumstances, and particularly because of the close affiliation between the manufacturing of airplanes, aircraft engines, and propellers and Class II Aircraft Parts and Accessories, the inclusion of the latter within the scope of my determination for the former seems justified and I hereby extend the determination of December 14, 1938 to include Class II Aircaft Parts and Accessories of the type named in the attached list.

I feel further that the evidence at the hearing and the briefs submitted subsequent thereto have indicated that there is no reason for the pronouncement of a separate minimum for the manufacture of ignition equipment. The evidence shows that the wage structures in the manufacture of ignition equipment and the manufacture of Class II Aircraft Parts and Accessories are essentially similar. As a matter of fact, all known manufacturers of ignition equipment, except one, either paid at the time of the hearing 50 cents an hour or more as a minimum wage or have indicated that they have no objection to the inclusion of ignition equipment with Class II Aircraft Parts and Accessories. The Aeronautical Chamber of Commerce in its brief filed in this matter stated that "none of the manufacturers of ignition equipment covered by this determination has either requested, suggested, or desired a separate wage determination for this type of product [ignition equipment]." The Aeronautical Chamber of Commerce is shown to represent all known manufacturers of ignition equipment with the exception of two. One of the two pays a minimum in excess of 50 cents an hour. The other has filed a brief in opposition to the proposed determination of a 45 cent minimum for ignition equipment on the ground that the minimum as proposed in the notice is altogether out of line with its wage practices. Its protest against the 45 cent rate proposed in the notice runs with greater force of course against the determination of a higher rate, but in the light of the facts that I have recited and of the further fact that this company is located in the same city with another manufacturer paying higher wages I feel that there is no force in its brief.

I hereby determine:

§ 202.23 *Aeroplanes, aircraft engines, propellers, accessories, and manufacturing and finishing of parts; Class I aircraft parts; Class II aircraft parts and accessories including ignition equipment.* The minimum wage for Class I Aircraft Parts, Class II Aircraft Parts and Accessories including ignition equipment, shall be the same as that heretofore applicable to the manufacture of airplanes, aircraft engines, and propellers; namely, 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece rate basis, provided that apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

Nothing in this determination shall be interpreted as abrogating any obligations that may have accrued under the terms of the determination of December 14, 1938 for the manufacture of airplanes, aircraft engines, and propellers.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law or agreement, more favorable to employees than the requirements of this determination.

This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936 for Class I Aircraft Parts and Class II Aircraft Parts and Accessories including ignition equipment, bids for which are solicited or negotations otherwise commenced on and after November 18, 1941.

Dated: October 18, 1941.

[SEAL] FRANCES PERKINS,
Secretary.

CLASS I AIRCRAFT PARTS

AIRPLANE

Ailerons
Beaching gear
Controls, air
Cowlings
Elevators
Fairings
Fins
Fittings, structural
Flaps
Floats
Hinges
Hooks, arresting
Housings
Hulls, seaplane
Landing gear (except wheels, brakes, tires, skis, and oleo struts)
Levers
Mounts, engine
Panels, wing
Pedals
Pins, fitting
Recoil dampeners, gun
Rudders
Seats, pilot
Spars
Sponsons
Stabilizers
Struts (except oleo)
Supports
Tabs
Tail skids
Tail surfaces
Tanks
Tips, wing
Vents
Wings

ENGINE

Adapters
Arms
Baffles
Bushings
Cages
Closures
Cams
Counterweights
Covers, metal
Crankcases
Crankshafts
Cylinder barrels
Cylinder heads
Cylinders
Dowels
Drives
Glands
Guides
Housings
Impellers, supercharger
Jets
Manifolds, intake
Pipes
Pistons
Plates
Rockers
Rods
Seats, valve
Shafts
Slingers
Spacers
Studs
Sumps
Tappets
Tubes

PROPELLER

Barrels
Blades
Brackets
Brakes
Bushings
Cams
Collars
Controls
Counterweights
Cylinders
Domes
Gears
Governors
Housings
Hubs
Pistons
Spiders
Spinners

CLASS II AIRCRAFT PARTS AND ACCESSORIES

a. *Structural Parts and Accessories, e. g.*

1. *Landing gear parts: Wheels, brakes,* brake controls, brake hose and hose fittings, shock struts and cords, strut parts, valves, locks, axles, tail wheel assemblies, tail wheel caster knuckles, retracting cylinders, operating cylinders, oleo packing, accumulators, hydraulic pressure regulators.

2. *Combat equipment and related items (except instruments and pyrotechnics):* Ammunition rounds counters and contractors, adapters and plungers, gun mount assemblies, bomb racks, bomb shackles, flare racks, tow target releases and drags, brackets, bomb hoists, posts.

3. *Aircraft hardware, fittings, etc.:* Reservoirs, hydraulic windshield wipers, couplings, elbows, turnbuckles, thimbles, shackles, clips, ferrules, clevises, hoisting slings, conduit and pipe tube fittings, pulleys, swivels, tie rods, cable terminals.

4. *De-icer equipment (except rubber) for propeller, windshield, and carburetor venturi:* Pump, oil supply tank, control and distributing valves.

5. *Aircraft electrical equipment:* Generators, booster coils, trigger motors, switches, solenoids.

6. *Camera and generator mounts.*

b. *Engine Parts and Accessories, e. g.*

1. *Fuel systems and parts:* Carburetors, fuel injection systems, fuel pumps, and parts.

2. *Starting systems and parts:* Priming equipment, starters, and parts.

3. *Exhaust systems and parts:* Manifolds, collector rings, and parts.

4. *Cooling and heating systems and parts:* Radiators, intercoolers, carburetor manifold jackets, heating systems, and parts.

5. *Lubricating systems and parts:* Temperature regulating equipment, oil pumps, strainers, oil coolers, oil separators, and parts.

6. *Superchargers and parts.*

7. *Control systems and parts.*

8. *Ignition harness and parts.*

9. *Miscellaneous pumps and valves.*

[F. R. Doc. 41-7869; Filed, October 18, 1941; 10:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1497]

PART 258—SPECIAL LAND-USE PERMITS FOR PUBLIC LANDS WITHIN OR OUTSIDE OF GRAZING DISTRICTS

SPECIAL LAND-USE PERMITS FOR ADVERTISING DISPLAYS ON THE PUBLIC LANDS

OCTOBER 13, 1941.

§ 258.17 *Advertising displays on public lands without permits unauthorized.* The erection or maintenance on the public lands of advertising displays, without permission, is unauthorized by law. Any person erecting or maintaining one or more advertising displays on the public lands, except under authority of a permit issued by the Commissioner of the General Land Office as hereinafter provided for, shall be deemed a trespasser.*

* §§ 258.17 to 258.27, inclusive, issued under the authority contained in R. S. 441, 453, 2478; 5 U. S. C. 485, 2, 1201.

§ 258.18 *Words "advertising displays" defined.* The words "advertising displays," as used in the regulations in this part shall include structures of any kind with or without lighting effects erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever, including statuary, may be placed for advertising purposes, but shall not include:

(a) Official notices or advertisements posted by or under the direction of any public or court officer, in the performance of his official duties.

(b) Danger, precautionary and informative signs erected by officials of the Federal Government, or officials of the State or of any subdivision thereof, or of any non-profit organization in the State, relating to the premises, or warning of the conditions of travel on a highway, or of forest fires, or road symbols, or speed limits.

(c) Highway markers or signs relating to any city, town, village or historic place or shrine.

(d) Notice of any railroad, bridge, ferry, or other transportation or transmission company, necessary for the direction or safety of the public.

(e) Official signs, notices or symbols for the information of aviators, as to location, direction or landings, and conditions affecting safety in aviation.

(f) Signs containing sixteen square feet or less bearing an announcement of any town, village or city, or non-profit association, or chamber of commerce, advertising itself, or local industries, buildings, meetings, or attractions, but not advertising any particular individual or corporation engaged in business for a profit, providing not more than one sign bearing the same or similar announcement shall be placed on any one approach to the city or village involved.

(g) Signs erected by Red Cross authorities relating to Red Cross Emergency Stations.

(h) Signs advertising bona fide agricultural county district or state fairs.*

§ 258.19 *Permittees.* Permits will be issued only to the owners, operators, or proprietors of business establishments or their agents advertising their own business and products sold on the premises, situated not more than 30 miles, measured by highway travel, from the advertising displays.*

§ 258.20 *Applications for permits.* Applications for permits must be executed in duplicate on Form 4-972b, a copy of which is attached hereto and made a part hereof.[1] Each application must contain a sufficient recital of the facts relative to the advertising display, including its size, and lighting effect, if any, to enable its substantial production from the description. A sketch or photograph showing the display, and a photograph showing the location on which it is to be placed, should be furnished. The application should identify the highway or other medium of travel along which it is proposed to erect the display and should give the distance and direction of the site, measured by highway travel, to the nearest cities or towns. If the land on which it is desired to place the display has been surveyed, its description should be given in terms of the public land surveys. The application must be filed in the proper district land office, or, if there is no such office in the State, it must be filed in the General Land Office. The original application must be sworn to before the Register of a district land office, or before a notary public or other officer having a seal and authority to administer oaths.

Where public lands in more than one land district are involved, a separate application covering the lands in each district must be filed.*

[1] Filed as part of the original document.

§ 258.21 *Fees and charges.* A fee of $5 must accompany each application for a permit to erect one or more advertising displays. The fee will be returned, if the application is rejected.

The initial and annual charges for advertising displays shall be as follows: Not less than 20 cents per annum for each square foot of sign surface, not less than $1 per annum for each display and not less than $5 per annum for one or more displays authorized by the same permit. The amount of the charge, subject to such minima, will be fixed by the Commissioner of the General Land Office. Due consideration will be given in fixing the amounts to all pertinent facts and circumstances, including the charges made for corresponding privileges on privately-owned lands similarly situated.

When conflicting applications are filed, due consideration will be given to the showing of each applicant and such action will be taken as is deemed to be warranted by the facts and circumstances.

The annual charges must be paid each year in advance to the Register of the land office for the district in which the lands involved are situated. If there is no district land office in the State, the payment must be made to the Commissioner of the General Land Office.

Where charges are paid in advance and a permit is canceled before the expiration of the period for which it was issued, a proportionate refund of the charges will be made.*

§ 258.22 *Permits.* Special-use permits to erect and maintain advertising displays on the public lands may be issued, by or under authority of the Commissioner of the General Land Office, and in his discretion, on Form 4-972c, for periods of not exceeding five years, in accordance with the regulations in this part. The permits will be revocable in the discretion of the Commissioner, at any time.*

§ 258.23 *Renewal of permit.* A permit issued in accordance with the regulations in this part may be renewed, in the discretion of the Commissioner of the General Land Office, upon the filing of an application for renewal not more than six months or less than 60 days prior to its expiration.*

§ 258.24 *Identification of authorized advertising displays.* Each advertising display erected or maintained under a permit issued pursuant to the regulations in this part, should, for convenient identification, have the serial number of such permit marked or painted thereon.*

§ 258.25 *Unauthorized advertising displays.* Persons who heretofore have erected advertising displays on the public lands must either obtain permits to continue such displays, if authorized by the regulations in this part, or must remove the displays, as promptly as possible.

Where an unauthorized advertising display on the public lands is found, the United States will take appropriate steps to secure its removal, unless the owner obtains a permit. The owner, if known, will be given notice in writing of the requirements. Displays heretofore erected must be removed within six months from and after the date of the approval of the regulations in this part, unless application for a permit is made within that period. Displays heretofore erected, for which applications for permits are made but for which permits are refused, and unauthorized displays hereafter erected must be removed within such reasonable time as may be fixed by the Commissioner of the General Land Office. If the owner fails to remove the display within the time allowed, it may be removed by the United States and the owner will be held liable to the United States for expenses incurred in removing it. If the owner is unknown, or cannot be found, the display may be removed by the United States, without notice. A registered letter addressed to the owner at his last known place of residence, if returned unclaimed, will be considered sufficient service of notice.*

§ 258.26 *Restrictions on advertising displays.* (a) No advertising display shall be permitted which, in the opinion of the Commissioner of the General Land Office, would mar the landscape, hide road intersections or crossings, or which, in his opinion is otherwise objectionable.

(b) No advertising display shall be affixed to, or painted on, any tree or rock, situated on the public lands, or on any other natural object on such lands.

(c) No advertising display shall be erected more than 30 miles, measured by highway travel, from the point where the service advertised is rendered, the merchandise is sold or the business advertised is located.

(d) All advertising displays shall conform to the applicable State laws and local ordinances or regulations.

(e) No advertising display shall be erected within 1,000 feet of any other such display on public or privately-owned lands, and not more than one advertising display, or sign, per mile, advertising one concern, establishment, or product, shall be permitted, in the absence of necessity, satisfactory to the Commissioner of the General Land Office.

(f) Serial signs (any series of small signs intended to be read in sequence which individually do not give the complete advertisement) are prohibited.

(g) Signs shall not be permitted within 15 miles of entrances to national parks or national monuments, measured by highway travel, unless approved by the National Park Service.*

§ 258.27 *Special land-use permit regulations.* All the provisions of the special land-use permit regulations (43 CFR 258.1–258.16; Circ. No. 1483, approved November 19, 1940), not inconsistent with §§ 258.17 to 258.26, inclusive, are hereby extended to and made applicable to special land-use permits for advertising displays.*

FRED W. JOHNSON,
Commissioner.

Approved: October 13, 1941.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41–7873; Filed, October 20, 1941; 10:02 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH, AND BURIAL OF ENROLLEES [1]

§ 203.3 *Eligibility for selection and reselection.*

* * * * * *

(b) *Reselection.* (1) An honorably discharged junior is ineligible for reselection for a period of 3 months following the date of his discharge. If then otherwise qualified, he becomes eligible for reselection if his previous service subsequent to July 1, 1937, does not exceed 18 months and he will not reach the age of 24 years before the termination of his prospective enrollment: *Provided, however,* That an honorably discharged junior is eligible for reselection at any time as one of the ten enrollees exempted by law from the limitations with regard to age, marital status, and total length of service: *And provided further,* That a junior who was honorably discharged as a result of a physical disability not the result of his own misconduct, and who has since overcome such disability, is eligible for reselection at any time if his previous service does not exceed 18 months and he will not reach the age of 24 years before the termination of his prospective enrollment.

(2) An honorably discharged veteran will be ineligible for reselection for a period of 3 months following the date of his discharge. He will then become eligible for reselection regardless of his age, marital status, or the length of his former service in the Civilian Conservation Corps: *Provided, however,* that a veteran who was honorably discharged as a result of physical disability not the result of his own misconduct, and who has since overcome such disability, has been physically examined by the War Department and has been certified by the War Department to the proper Regional Manager, Veterans Administration, as physically eligible for reselection, may be reselected at any time. (50 Stat. 319) [Par. 19, C.C.C. Regs.; W. D. Dec. 1, 1937, as amended by C. 84, Oct. 10, 1941]

* * * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–7868; Filed, October 18, 1941; 9:44 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

CORRECTION

Attention is directed to an error in § 3.34 *Normal license period,* appearing in the Wednesday, October 15, 1941 issue of the FEDERAL REGISTER on page 5257. Paragraph (j) is corrected to read as follows:

(j) For stations operating on the frequency 1400 kilocycles, August 1, odd years.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–7875; Filed, October 20, 1941; 10:16 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

STANDARD TIME ZONE INVESTIGATION

Order at a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 15th day of October, 1941.

It appearing, That by report and order dated October 24, 1918, the Commission defined the limits of the various time zones throughout the United States as created by the Act of Congress entitled "An Act to Save Daylight and to Provide Standard Time", approved March 19, 1918, which limits, as subsequently amended from time to time, were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928;

It further appearing, That upon requests of the cities of Atlanta, Ga., and Knoxville, Tenn., and the Towns of Greenville and Norris, Tenn., and of many individuals and groups located in

[1] § 203.3 (b) (1) and (2) is amended.

Georgia and Tennessee for modification of the orders entered herein, the proceeding was reopened for further hearing;

And it further appearing, That such further hearing has been held and a full investigation of the matters and things involved has been made, and that the said division, on the date hereof, has made and filed the twenty-fourth supplemental report containing its findings of fact and conclusions thereon, which said twenty-fourth supplemental report is hereby referred to and made a part hereof [1]:

It is ordered, That the said order of October 24, 1918, as subsequently amended, with particular reference to the modifications made by order of January 11, 1927, and as restated in the said order of May 19, 1928, and corresponding sections of the Code of Federal Regulations, be, and they are hereby, amended as follows:

Section 139.3 (*Boundary line between eastern and central zones*) is amended as follows:

Paragraphs (f), (g), (h), and (i) are superseded by the following:

§ 139.3 *Boundary line between eastern and central zones.*

* * * * *

(f) *Georgia.* From the last-mentioned point west along said State boundary line to the west boundary of Georgia; thence southerly along said State boundary line to the southwest corner of the State.

(g) *Florida.* From the last-mentioned point southerly along the main channel of the Apalachicola River to Apalachicola Bay and the Gulf of Mexico.

(h) *Operating exceptions*—(1) *Lines east of boundary excepted from eastern zone.* Those portions of the lines of railroad, below named, located east of the zone boundary line above described, shall for operating purposes only, be excepted from the United States standard eastern time zone and included within the United States standard central time zone, viz:

Railroad	From—	To—
Atlanta & West Point.	Georgia - Alabama State line (west of West Point, Ga.).	Western limits of Atlanta, Ga.
Baltimore & Ohio.	Ohio-Indiana State line (West of College Corner, Ohio).	Hamilton, Ohio.
Do	Ohio-Indiana State line (West of Columbia Park, Ohio).	Cincinnati, Ohio.
Central of Georgia.	Georgia - Tennessee State line (north of Rossville, Ga.) including branches to Fort Oglethrope and Durham, Ga.	Griffin, Ga.
Do	Georgia - Alabama State line (west of Columbus, Ga.).	Atlanta, Ga. (via Newnan, Ga.).
Chesapeake & Ohio.	Ohio-Indiana State line (west of Newkirk, Ohio).	Cheviot, Ohio.
Cleveland, Cincinnati, Chicago & St. Louis.	Michigan - Indiana State line (north of Granger, Ind.).	Niles, Mich.
Do	Ohio - Indiana State line (west of Glen Karn, Ohio).	Cold Springs, Ohio.
Do	Ohio - Indiana State line (west of Harrison, Ohio).	Western boundary of city of Cincinnati.
Do	Ohio - Indiana State line (west of Elizabethtown, Ohio).	Do.
Erie	Ohio-Indiana State line.	Marion, Ohio.
Grand Trunk Western.	Michigan-Indiana State line (north of Granger, Ind.).	Battle Creek, Mich.
Do	Michigan-Indiana State line (south of Grand Beach, Mich.).	Niles, Mich.
Do	Michigan-Indiana State line (south of Galien, Mich.).	Benton Harbor, Mich.
Louisville & Nashville.	Georgia-North Carolina State line (north of Sweetgum, Ga.).	Blue Ridge, Ga.
Do	Georgia-Tennessee State line (north of Kyle, Ga.).	Elizabeth, Ga.
Do	Tennga, Tenn	Northern limits of Atlanta, Ga.
Do	River Junction, Fla.	Apalachicola River.
Michigan Central.	Michigan-Indiana State line (south of Bertrand, Mich.).	Benton Harbor, Mich.
Nashville, Chattanooga & St. Louis.	Georgia - Tennessee State line (north of Graysville, Ga.).	Northern limits of Atlanta, Ga.
Do	Georgia - Tennessee State line (east of Hooker, Ga.).	Georgia - Tennessee State line west of Hooker, Ga.
New York, Chicago & St. Louis.	Ohio-Indiana State line (west of Payne, Ohio).	Bellevue, Ohio.
Do	Ohio-Indiana State line (west of Willshire, Ohio).	Toledo, Ohio.
Do	Ohio-Indiana State line (west of Fort Recovery, Ohio).	Sandusky, Ohio.
Pennsylvania	Ohio-Indiana State line (east of Union City, Ind.).	Bradford, Ohio.
Southern	Georgia - Tennessee State line (north of Red Clay, Ga.).	Cohutta, Ga.
Do	Georgia - Tennessee State line (south of Howardville, Tenn.).	Northern limits of Atlanta, Ga.
Do	Georgia - Tennessee State line (north of Wildwood, Ga.).	Georgia-Alabama State line (southwest of Sulphur Springs, Ga.).
Do	Rome, Ga	Georgia-Alabama State line (west of Early, Ga.).
Do	Rome, Ga	Georgia-Alabama State line (west of Etna, Ga.).
Do	Georgia-Alabama State line (west of Hooper, Ga.).	Western limits of Atlanta, Ga.
Tennessee, Alabama & Georgia.	Georgia-Tennessee State line (north of Woodburn, Ga.).	Georgia-Alabama State line (southwest of Menlo, Ga.).
Wabash	Ohio-Indiana State line (west of Edon, Ohio).	Toledo, Ohio.
Do	Ohio-Indiana State line (west of Blakesley, Ohio).	Detroit, Mich.
Do	Ohio-Indiana State line (west of Antwerp, Ohio).	Toledo, Ohio.

(2) *Lines west of boundary included in eastern zone.* Those portions of the lines of railroad, below named, located west of the zone boundary line above described, shall, for operating purposes only, be included within the United States standard eastern time zone, viz.:

Railroad	From—	To—
Atlanta, Birmingham & Coast.	Georgia - Alabama State line (near Evansville, Ga.).	Birmingham, Ala.
Atlantic Coast Line.	Georgia - Alabama State line (west of Saffold, Ga.).	Abbeville, Elba, Luverne, and Montgomery, Ala.
Baltimore & Ohio.	Ohio - Indiana State line (west of Hicksville, Ohio).	Garrett, Ind.
Do	Ohio - Indiana State line.	Union City, Ind.
Big Sandy & Kentucky River.	Line of Johnson County, Ky.	Fredville, Ky.
Caroline, Clinchfield & Ohio.	Dungannon, Va	Johnson City, Tenn.
Central of Georgia.	Georgia - Alabama State line (west of Hilton, Ga.).	Lockhart, Ala.
Chesapeake & Ohio.	Line of Pike County, Ky.	Dunham, Ky.
Cleveland, Cincinnati, Chicago & St. Louis.	Ohio - Indiana State line (east of Union City, Ind.).	Indianapolis, Ind.
New York Central.	Michigan-Indiana State line (north of Vistula, Ind.).	Elkhart, Ind.
Do	Michigan-Indiana State line (south of Sturgis, Mich.).	Goshen, Ind.
Do	Michigan-Indiana State line (south of Montgomery, Mich.).	Fort Wayne, Ind.
Do	Ohio-Indiana State line (west of Edgerton, Ohio).	Elkhart, Ind.
Pennsylvania	Michigan-Indiana State line (south of Sturgis, Mich.).	Fort Wayne, Ind.
Do	Ohio-Indiana State line (at Dixon, Ohio).	Do.
Do	Ohio-Indiana State line (west of New Paris, Ohio).	Richmond, Ind.
Do	Ohio-Indiana State line (west of Campbellstown, Ohio).	Do.
Do	Richmond, Ind	Adams, Ind.
Pere Marquette	Michigan - Indiana State line (south of New Buffalo, Mich.).	Porter, Ind.
Do	do	La Crosse, Ind.
Seaboard Air Line.	Georgia - Alabama State line (west of Esom, Ga.).	Jacksonville, Pell City, and Bessemer, Ala.
Do	Georgia - Alabama State line (west of Omaha, Ga.).	Montgomery, Ala.

(i) *Points on boundary line.* The following-named municipalities located upon the above-described zone boundary line shall be considered as within the United States standard eastern time zone: Williamson, W. Va., Dungannon, Va., Bristol, Va.-Tenn., Asheville and Franklin, N. C., and Apalachicola, Fla. All other municipalities located upon the above-described zone boundary line, not specifically named, shall be considered as within the United States standard central time zone. (Secs. 1, 2, 4, 40 Stat. 450, 451, sec. 1, 41 Stat. 1446, sec. 3, 42 Stat. 1434; 15 U.S.C. 261–265)

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian November 23, 1941.

[1] Filed as part of the original document.

And it is further ordered, That the petitions of the City of Knoxville and Towns of Greenville and Norris and of others seeking the modification of the boundary line in Tennessee and Kentucky be, and they are hereby, denied.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-7905; Filed, October 20, 1941; 11:54 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 359 eng 3684]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: R. W. BRIGGS & CO. AND HILL & COMBS, SAN ANTONIO, TEXAS

Contract[1] for construction of Advanced Single-Engine School.

Amount: $4,090,617.60 (approximate).

Place: Mission, Texas.

This contract, entered into this 14th day of July 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for construction of Advanced Single-Engine School, Mission, Texas, for the consideration in the approximate total amount of $4,090,617.60 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authoried by the act of Fifth Supplemental National Defense Appropriation Act, 1941, Approved April 5, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7859; Filed, October 18, 1941; 9:41 a. m.]

[1] Approved by the Under Secretary of War August 30, 1941.

[Contract No. W 199 qm-20907]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CRAWFORD AUSTIN MANUFACTURING COMPANY, WACO, TEXAS

Contract[1] for Cots, Folding, Canvas.

Amount: $1,028,800.00.

Place: Chicago Quartermaster Depot.

This contract, entered into this 6th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver for the consideration stated $1,028,800.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings, or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 325 P 11-30 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under provisions of section 1 (a) of the Act of July 2, 1940 (Public No. 703—76th Congress), as continued in effect by section 9 of Public No. 139—77th Congress.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7860; Filed, October 18, 1941; 9:41 a m.]

[1] Approved by the Under Secretary of War August 13, 1941.

[Contract No. W 535 ac-20292]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: BOEING AIRCRAFT COMPANY

Contract[1] for: * * * Airplanes, Spare Parts and Data.

Estimated cost: $115,973,088.00.

Fixed fee: $6,958,385.28.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same: AC 32 P 12-30 AO705-2 AC 18 P 82-30 AO705- 2

This supplemental contract to Contract No. W 535 ac-16[2] entered into this 29th day of August 1941.

Under date of June 2, 1941 the parties hereto entered into a contract, Contract No. W 535 ac-16, by the terms of which the Contractor agreed to manufacture, furnish and deliver to the Government * * * airplanes, spare parts and data.

The Government desires to secure and the Contractor by this Supplemental Contract agrees to manufacture, furnish and deliver additional airplanes as hereinafter set out:

In consideration of the premises the parties hereto agree that Contract No. W 535 ac-16 be, and the same is hereby, amended and supplemented as follows:

First: Article 1—Statement of work, of said contract is amended and supplemented as follows:

By adding to Article 1 the following:

Item (3) * * * Airplanes and data.

Item (4) * * * Spare Parts.

[1] Approved by the Under Secretary of War Sept. 6, 1941.

[2] 6 F.R. 3521.

Second: Article 2—Estimated costs is amended by adding the following items:

Item (3) • • • Airplanes	$105,430,080.00
Item (4) Spare parts for the Airplanes as set forth in Item (4) of Article 1	10,543,008.00
Total Estimated Cost of Items 3 and 4	115,973,088.00

Third: Article 5—Consideration. Subparagraph (a) is amended by increasing the fixed fee of "five million three hundred ninety-one thousand sixteen and eighty one hundredths dollars ($5,391,016.80)" set out in said Article by the sum of six million nine hundred fifty-eight thousand three hundred eighty-five and twenty-eight one hundredths dollars ($6,958,385.28) so that the fixed fee set out in said paragraph shall read "twelve million three hundred forty-nine thousand four hundred two and eight one hundredths dollars ($12,349,402.08)" and is further amended by changing the estimated cost of "eighty-nine million eight hundred fifty-one thousand six hundred and eighty dollars ($89,851,680.00)" set out therein by increasing said estimated cost one hundred fifteen million, nine hundred seventy-three thousand and eighty-eight dollars ($115,973,088.00) (the estimated cost of the additional work called for by this Supplemental Contract) so that said estimated cost shall read "two hundred five million, eight hundred twenty-four thousand seven hundred and sixty-eight dollars ($205,824,768.00).

Fifth: Article 5—Changes, is amended for clarification by the substitution of the words "number of airplanes" for the word "quantities" in the parenthetical expressions in the first sentence of the Article.

Sixth: Subparagraph (b) of Article 6—Payment of the fixed fee, is amended by changing the amount of the fixed fee referred to therein from "five million three hundred ninety-one thousand sixteen and eighty one hundredths dollars ($5,391,016.80)" to read "twelve million three hundred forty-nine thousand four hundred two and eight one hundredths dollars ($12,349,402.08)".

Seventh: Paragraph 1 of subparagraph (c) of Article 6—Advance payments, is amended by changing the amount of the advance payment referred to therein as "twenty-six million nine hundred fifty-five thousand five hundred and four dollars ($26,955,504.00)" by increasing said advance payment by the amount of Thirty per centum (30%) of the estimated cost of the work under this Supplemental Contract, to-wit thirty-four million seven hundred ninety-one thousand nine hundred twenty-six and forty one hundreds dollars ($34,791,926.40) so that the amount of said advance payment shall read "sixty-one million seven hundred forty-seven thousand four hundred thirty and forty one hundredths dollars ($61,747,430.40)".

Tenth: The separate contract contemplated by Article 28—Special Condition having been entered into, said Article 28 is hereby deleted.

This contract is authorized under the provisions of section 1 (a), Act of July 2, 1940, as amended by sec. 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7861; Filed, October 18, 1941; 9:41 a. m.]

[Contract No. W 741 ORD 9807; P. O. 42-957]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL MOTORS CORPORATION, MUSKEGON, MICHIGAN

Contract for Parts.

Amount: $2,345,848.61.

Place: Rock Island Arsenal, Rock Island, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to procurement authority (741) ORD 20428 P11–30 A 1005–2 the available balance of which is sufficient to cover cost of same.

This contract, entered into this 14th day of July 1941.

Scope of this contract. The contractor shall furnish and deliver parts for tanks for the consideration stated $2,345,848.61 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7862; Filed, October 18, 1941; 9:42 a. m.]

[Contract No. W-436-eng-7663]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: E. JACK SMITH, 756 HURT BUILDING, ATLANTA, GEORGIA

Contract for Construction of runways, aprons, taxi strips, drainage facilities and underground duct.

Amount: $1,257,355.00.

Place: Advanced Twin Engine School, Valdosta, Georgia.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority No. ENG–1041 Pl–32 A–0540–13, C. of B. U. and A. at M. P., 1941–1943, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 19th day of September 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction of runways, aprons, taxi strips, drainage facilities and underground duct at the Advanced Twin Engine School, Valdosta, Georgia, for the consideration of $1,275,355.00 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7863; Filed, October 18, 1941; 9:42 a. m.]

[Contract No. W 199 qm-20720; O. I. No. 245-Sub-42]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILSON & CO., INC., 4100 SO. ASHLAND AVENUE, CHICAGO, ILL.

Contract for Beef, fresh, boneless, frozen.

Amount: $1,420,388.50.

Place: Commanding Officer, New Orleans Quartermaster Depot, La.

This contract, entered into this 12th day of July 1941.

Scope of this contract. The contractor shall furnish and deliver Beef, fresh, boneless, frozen • • • for the consideration stated $1,420,388.50 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7864; Filed, October 18, 1941; 9:42 a. m.]

[Contract No. W 741–ORD–73A; P. O. 42-2819]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GUIBERSON DIESEL ENGINE COMPANY, CHICAGO, ILLINOIS

Contract for Parts.

Amount: $4,057,224.33.

Place: Rock Island Arsenal, Rock Island, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority (741) ORD 20428 P11–30 A1005–2 the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 11th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver • Parts for the consideration stated $4,057,224.33 in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with the drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-7865; Filed, October 18, 1941; 9:43 a. m.]

[Contract No. W 6408 qm–12; O. I. No. 139]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: WESTERN CONSTRUCTION COMPANY, TEXTILE TOWER, SEATTLE, WASHINGTON

Contract for Constructing Complete Warehouse No. 1 Including utilities thereto at Seattle, Port of Embarkation.

Amount: $1,525,450.00.

Place: Seattle Quartermaster Depot, Seattle, Washington.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Q. M. 7485 P 1–3211 A 0540.067–N, the available balance of which is sufficient to cover cost of same.

This contract entered into this 28th day of June 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for constructing complete warehouse No. 1, including utilities thereto at Seattle, Port of Embarkation, Seattle Quartermaster Deport, Seattle, Washington, for the consideration of one million, five hundred twenty five thousand four hundred fifty dollars and no cents ($1,525,450.00), in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed,

the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

In making such partial payments there shall be retained 10 percent on the estimated amount until final completion and acceptance of all work covered by the contract.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of Second Supplemental National Defense Appropriation Act, 1941, Public No. 781—76th Congress approved September 9, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7866; Filed, October 18, 1941; 9:43 a. m.]

[Contract No. W 6409 qm–13]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: THE AUSTIN COMPANY, 16112 EUCLID AVENUE, CLEVELAND, OHIO

Amount fixed fee: $18,125.00.
Estimated construction.
Cost (Art. V–2): $1,398,537.00.
Type of construction project: Warehouse, Wood Deck and Pier Extensions.
Location: Seattle, Washington.
Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 8884 PL 29–77 A–0540–12 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 27th day of May 1941.

[1] Approved by the Under Secretary of War June 30, 1941.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: The construction of a Warehouse, Wood Deck and Pier Extensions, together with utilities and appurtenances thereto (hereinafter referred to as "the project"), located at or in the vicinity of Seattle, Washington.

Data to be furnished by the Government. The Government will furnish the Architect-Engineer essential schedules of preliminary data, layout sketches, and other essential information respecting sites, topography, soil conditions, outside utilities and equipment as may be available for the preparation of preliminary sketches and the development of final drawings and specifications. * * *
Estimated Cost of Construction:

The present preliminary estimated construction cost of the project on which the services of this contract are based is approximately one million three hundred ninety-eight thousand five hundred thirty-seven dollars ($1,398,537.00) exclusive of Architect-Engineer's fixed fee.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of eighteen thousand one hundred twenty-five dollars ($18,125.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. In addition to the payment of the fixed fee as specified herein, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

Drawings and other data to become property of Government. All drawings, designs and specifications are to become the property of the Government.

Changes in scope of project. The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 611—76th Congress Approved June 13, 1940
Public No. 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–7867; Filed, October 18, 1941; 9:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–636]

PETITION OF BERKEY BROS. COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR ITS MINE RUN COAL PRODUCED AT ITS BERKEY MINE (MINE INDEX NO. 40) FOR SHIPMENT AS TIDEWATER BUNKER FUEL

ORDER DENYING FINAL RELIEF

A petition having been filed with the Bituminous Coal Division by Berkey Bros. Coal Company, a code member in District 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the price of mine run coal produced at its Berkey Mine (Mine Index No. 40) for shipment for tidewater bunker fuel use be reduced to $2.39 f. o. b. mine when for bunkering vessels destined for foreign ports and $2.29 for those not destined to foreign ports;

Following an informal conference and with the consent of the parties there appearing, the Director, by Order dated March 3, 1941, having granted temporary relief pending final disposition of the petition herein;

Pursuant to Orders herein, and after due notice to interested persons, a hearing having been held before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., on July 2, 1941, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and the preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned; and

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the prayers for relief contained in the original petition of Berkey Bros. Coal Company be and the same hereby are denied, and

It is further ordered, That the temporary relief granted herein by the Order of the Director dated March 3, 1941, be and the same hereby is terminated, effective ten (10) days from the date of this Order.

Dated: October 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7854; Filed, October 17, 1941; 12:51 p. m.]

[Docket No. 1811–FD]

IN THE MATTER OF MILLER BROS. (CARL MILLER), A PARTNERSHIP, CODE MEMBER, DEFENDANT

CORRECTION OF TYPOGRAPHICAL ERROR IN NOTICE OF AND ORDER FOR HEARING

A typographical error occurred in the Notice of and Order for Hearing, dated October 7, 1941, in the above-entitled matter.

In the last paragraph thereof, the figure denoting the District No. is "3", whereas the figure should be "22."

Now, therefore, it is ordered, That the figure "3" in the last paragraph, of said Notice of and Order for Hearing dated October 7, 1941, be, and the same hereby is, deleted and the figure "22" inserted in place thereof.

Dated: October 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7851; Filed, October 17, 1941; 12:50 p. m.]

[Docket No. 1646–FD]

IN THE MATTER OF E. R. ELLINGTON, DEFENDANT

ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of October 20, 1941, at a hearing room of the Bituminous Coal Division at Hotel Tutwiler, Birmingham, Alabama; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above entitled matter, be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate Order of the Director.

Dated: October 16, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7851; Filed, October 17, 1941; 12:50 p. m.]

[Docket No. A–1015]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A–1015 Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HUBER STREET COAL COMPANY, MINE INDEX NO. 1540, LEROY HUBLER (ALDER RUN MINING COMPANY), MINE INDEX NO. 878, AND F. J. TROUTMAN, MINE INDEX NO. 848 IN DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–1015, PART II FROM DOCKET NO. A–1015, GRANTING TEMPORARY RELIEF IN PART IN DOCKET NO. A–1015, PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1015, PART II

The original petition in the above-entitled matters filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 1.

As indicated in an order issued in Docket No. A–1015, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner, except with respect to the establishment of permanent price classifications and minimum prices for the coals of Huber Street Coal Company, Mine Index No. 1540, Leroy Hubler (Alder Run Mining Co.), Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, and for the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck. While it appears that temporary relief should be granted for the coals of Huber Street Coal Company, Mine Index No. 1540, Leroy Hubler (Alder Run Mining Co.), Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, for all shipments except truck, as prayed for by the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for such coals of the above-mentioned mines without a hearing.

It appears that temporary relief should not be granted, as prayed for by the petitioner, for the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck, without a hearing, for the reason that the original petitioner has not set forth sufficient facts to warrant the establishment of temporary classifications and minimum prices for such coals.

Now, therefore, it is ordered, That the portion of Docket No. A–1015 relating to the coals of Huber Street Coal Company, Mine Index No. 1540 Leroy Hubler (Alder Run Mining Co.), Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, and to the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, and Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck, be, and the same hereby is, severed from Docket No. A–1015 and designated as Docket No. A–1015, Part II.

It is further ordered, That a hearing in Docket No. A–1015, Part II under the applicable provisions of said Act and the rules of the Division be held on November 10, 1941 at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 5, 1941.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of Huber Street Coal Company, Mine Index No. 1540, Leroy Hubler, (Alder Run Mining Co.) Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, and for the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, and Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for all shipments except truck.

It is further ordered, That, pending final disposition of Docket No. A–1015, Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R" annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY SUPPLEMENT

NOTE: The material contained in this Temporary Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	3	3	4	5
1540	Huber Street Coal Company.	Huber Street..	29	C'	Johnstown, Pa....	B. & O....	105	(*)	(*)	E	(*)	(*)
878	Hubler, Leroy (Alder Run Mining Co.)	Shannon #2...	8	B	Bigler, Pa.....	P. R. R....	46	(*)	(*)	E	E	E
848	Troutman, F. J.....	Salem.....	11	E	Hawthorn, Pa....	P. R. R....	76	(*)	(*)	G	(*)	(*)

*Indicates no classifications effective for these size groups.

[F. R. Doc. 41-7850; Filed, October 17, 1941; 12:49 p. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name	Address	Date application filed
W. J. Boston & Co., Inc.	Park Square Bldg., Boston, Mass.	10/3/41
Consumers Combustion Institute.	816 Hamilton Ave., St. Louis, Mo.	10/9/41
Keystone Coal Co.....	705 Central Savings Bank Bldg., Denver, Colo.	10/4/41
Livingston Fuel Co...	Livingston, Ky.....	10/9/41

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributor under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 17, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street, N. W., Washington, D. C.

Dated, October 15, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7849; Filed, October 17, 1941; 12:49 p. m.]

[Docket No. A-1078]

PETITION OF DISTRICT BOARD NO. 13 REQUESTING AN INCREASE IN THE MINIMUM PRICES FOR THE COAL PRODUCED AT THE WILSON MINE OF THE RIVER VALLEY CAHABA COAL COMPANY, MINE INDEX NO. 509, IN DISTRICT NO. 13 FOR TRUCK AND RAIL SHIPMENTS AND REQUESTING ADDITIONAL RAIL SHIPPING POINTS FOR THE AFORESAID MINE AND FOR THE MCCARTY COAL COMPANY MINE OF DAVID MCCARTY, MINE INDEX NO. 115, IN DISTRICT NO. 13, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937.

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 25, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, to make appropriate orders of severance and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matters concerned herewith are in regard to the petition of District Board No. 13 requesting:

Increase in the minimum prices for the coal produced at the Wilson Mine of the River Valley Cahaba Coal Company, Mine Index No. 509, in District No. 13, as follows:

For truck shipment

Size	1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
From.....	280	280	275	295	275	.....	.....	270	250	230	235	200	230	180	230
To.....	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275

For all shipments except truck

Size	1	2	6	7	8	9	10	11	13	17	18	22	23	26
From.....	320	320	295	285	285	275	275	265	275	260	250	230	240	290
To read.....	400	400	335	325	295	275	290	270	300	260	250	250	240	300

The establishment of an additional loading point at Avenue A and 15th Street on the team tracks of the L & N Railroad and Southern Railroad in Birmingham, Alabama, for the coals produced at the aforesaid mine; provided that the minimum prices established for this mine shall not be applicable for shipment from this point to destinations within the switching limits of Birmingham, Alabama; and

A change of the rail shipping point for coals produced at McCarty Coal Company Mine of David McCarty, Mine Index No. 115, from Morris, Alabama, on the L & N Railroad to Coalburg, Alabama, on the Southern Railroad.

Dated: October 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7876; Filed, October 20, 1941; 10:18 a. m.]

[Docket No. A-1086]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF MINE INDEX NOS. 14 AND 15 AND FOR THE REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF MINE INDEX NOS. 90, 194, 1122, AND 3106 IN DISTRICT NO. 1

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 18, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section on room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the mixing of the coals, and for the revision of effective price classifications and minimum prices established for the coals, of certain code members in District No. 1, for all shipments except truck and for truck shipments, and more particularly as follows:

1. To establish for the mixing of coals of the Apple Nos. 1 and 2 Mines, Mine Index Nos. 14 and 15, respectively, in Size Group 5 Price Classification "G" for all shipments except truck and to establish for the mixing of such coals in Size Group 5 a minimum price of 195 cents per net ton for truck shipments.

2. To revise the effective price classifications and minimum prices for the coals of the Cherry Run and Hamler Mines, Mine Index Nos. 90 and 194, respectively, in Size Groups 4 and 5 from Price Classifications "H" to "J" for all shipments except truck, and to revise the effective minimum prices for such coals in Size Group 4 from 200 to 195 cents per net ton and in Size Group 5 from 190 to 185 cents per net ton for truck shipments.

3. To revise the effective price classifications and minimum prices for the coals of the Bonner Mine, Mine Index No. 1122, in Size Groups 3, 4 and 5 from Price Classifications "F" to "E" for all shipments except truck, and to revise the effective minimum prices in Size Group 3 from 220 to 225 cents per net ton, in Size Group 4 from 210 to 215 cents per net ton, and in Size Group 5 from 200 to 205 cents per net ton for truck shipments.

4. To change from 43 to 44 the subdistrict number listed for the coals of the Duckworths Mine, Mine Index No. 3106.

Dated: October 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7877; Filed, October 20, 1941; 10:18 a. m.]

[Docket No. 1832-FD]

IN THE MATTER OF SOUTHERN COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8561, RESPONDENT

ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing on October 21, 1941, at 10 a. m. in Room 245, U. S. Courthouse, Nashville, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 a. m. on October 21, 1941 to 10 a. m. on December 17, 1941, at the same place, and before the officers previously designated to preside.

Dated: October 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7878; Filed, October 20, 1941; 10:18 a. m.]

[Docket No. A-1055]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN OHIO COUNTY, KENTUCKY

[Docket No. A-1088]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING DECREASE IN THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN DAVIESS COUNTY, KENTUCKY

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Original petitions in the above-entitled matters were duly filed with this Division by District Board No. 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It appears that the matters concerned in the above-designated dockets present related issues of fact;

Now, therefore, it is ordered, That Dockets Nos. A-1055 and A-1088 be consolidated for the purpose of hearing and for such other purposes as the Director may deem advisable.

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on November 26, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered that Floyd McGown or any other officer or officers of the Division duly designated for that pur-

pose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 21, 1941.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of these petitions.

The matter concerned herewith in Docket No. A–1055 is in regard to the petition of District Board No. 9 to increase the effective minimum prices for truck shipments by twenty cents in Size Groups 1 and 2 and fifteen cents in Size Groups 3 to 7, inclusive, for the coals produced at Mine Index Nos. 404, 645, 406, 597, 599, 405, 602, 437, 603, 604, 596, 410, 414, 607, 419, 612, 428, 618, 432, 439, 621, 431 and 444 in Ohio County, Kentucky, and to reduce the effective minimum prices for truck shipment by thirty cents in Size Groups 1 to 4, inclusive, for the coals produced at Mine Index No. 237 in Ohio County, Kentucky.

The matter concerned herewith in Docket No. A–1088 is in regard to the petition of District Board No. 9 to decrease the effective minimum prices for truck shipments by thirty cents in Size Groups 1 to 4, inclusive, for the coals produced at Mine Index Nos. 239, 671, 244, 245, 246, 247, 248, 253, 254, 257 and 259 in Daviess County, Kentucky.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–7879; Filed, October 20, 1941; 10:18 a. m.]

[Docket No. A–1004]

PETITION OF THE SHERIDAN-WYOMING COAL COMPANY, INC., A CODE MEMBER IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORN MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

[Docket No. A–1005]

PETITION OF ACE OF SPADES COAL COMPANY ET AL., CODE MEMBERS IN SUBDISTRICT 5 OF DISTRICT 19, FOR THE RECOGNITION OF A CERTAIN TIPPLE LOCATED AT KIRBY, WYOMING, AS THE NORMAL LOADING FACILITY OF THE MILLER MINE (MINE INDEX NO. 152) AND OSBORN MINE (MINE INDEX NO. 159) AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN OTHER MINES IN THAT SUBDISTRICT

ORDER DENYING TEMPORARY RELIEF

Original petitions, pursuant to the Bituminous Coal Act of 1937, were filed with the Division in the above-entitled matters—in Docket No. A–1004, by the Sheridan-Wyoming Coal Company, Inc. and, in Docket No. A–1005, by the Ace of Spades Coal Company, Kristina Bloom, Cecil Boulware, Manderson Coal Company, Big Seven Coal Company, Patrick Burns, Jesse A. Oldham, Silver Tip Mining Company, Sheridan-Wyoming Coal Company, Inc., and Wyoming Wonder Coal Company, all the petitioners being code members operating mines in Subdistrict 5 in District No. 19. The Sheridan-Wyoming Coal Company, Inc., is hereinafter referred to as the Sheridan Company.

Both petitions contain requests for relief, both temporary and permanent, as follows: (1) That the effective minimum prices f. o. b. the transportation facilities at the respective mines for the coals, for truck shipment, produced at the Miller Mine (Mine Index No. 152) and Osborn Mine (Mine Index No. 159) of the Sheridan Company, be made applicable to those coals, for truck shipment, from the loading facilities of the Kirby tipple of that company, located at Kirby, Wyoming; (2) that the effective minimum prices for the coals, for truck shipment, produced at the Gebo Coal Mine (Mine Index No. 129), the Coal Draw Mine (Mine Index No. 180) and the Eagle Mine (Mine Index No. 124) be reduced five cents per net ton and that such prices for the coals produced at the mines of all other code members, except the Miller and Osborn Mines of the Sheridan Company, in Subdistrict 5 be reduced 15 cents per net ton. In addition, the petition in Docket No. A–1005 asks that District Board 19 be requested to file, under section 4 II (d) of the Act, a petition praying that the minimum prices for the coals, for truck shipment, produced in Subdistrict No. 2 of District No. 22 be raised to the same level, for comparable sizes, as is requested in both of the original petitions for all mines in Subdistrict 5 in District No. 19 other than Mine Index Nos. 124, 129, 152, 159 and 180.

District Board No. 19 has filed an intervening petition in the matter objecting to the granting of the temporary relief requested in the original petitions. It stresses the importance of the subject matter, expresses its desire to present evidence and examine witnesses at a formal hearing thereon and urges that such hearing be held at an early date. The two dockets have been consolidated and set for hearing on November 17, 1941, at Thermopolis, Wyoming.

Prior to the filing of the intervening petition of District Board No. 19 and, pursuant to notice given to all interested persons, an informal conference on the question of granting the temporary relief requested by the petitioners was held by the Division at Cheyenne, Wyoming on August 15 and 16, 1941.

The conference was attended by Messrs. D. H. Pape, J. T. Hill, and R. E. McNally, President, Sales Manager and Attorney, respectively, of the Sheridan Company, appearing for that company in support of the prayer for temporary relief. Mr. Hill also appeared for the petitioners other than the Sheridan Company in Docket No. A–1005 in support of their prayer for temporary relief. Also in attendance, but opposing the granting of the temporary relief requested, were John Carey, operating the Carey Mine (Mine Index No. 117), Dave King of the Gebo Coal Mine, operating the Gebo No. 1 Mine (Mine Index No. 129), Joe K. Malicky of the Valley Coal Mine, operating the Valley Mine (Mine Index No. 182), Wm. Mauch of the Silver Tip Mining Co., operating the Silver Tip Mine (Mine Index No. 147, Ciril Obiak of the Eagle Mine Co., operating the Eagle Mine (Mine Index No. 124), Leo Roncco, operating the Roncco Mine (Mine Index No. 167) and Jack Todorovich on behalf of the Coal Draw Mine (Mine Index No. 180), all said mines being located in Subdistrict 5 of District No. 19.

There also attended the conference, for the stated purpose of appearing only as observers, L. W. Mitchell and Bard Farrell, Secretary-Treasurer and Attorney respectively, for District Board No. 19 and T. H. Bunnell, a member of that district board and the operator of the Gebo No. 2 Mine (Mine Index No. 114) and the Gebo No. 4 Mine (Mine Index No. 192) in Subdistrict 5. During the conference and, upon the request of its chairman, Mr. Mitchell stated his personal opinion on the question of granting the temporary relief requested, that opinion being that the relief should not be granted in advance of a formal hearing in the matter and of an opportunity given to District Board No. 19 to investigate thoroughly the pertinent factors and to be in a position to submit evidence bearing thereon.

In the conference Mr. Mauch of the Silver Tip Mining Company, who was one of the joint petitioners in Docket No. A–1005, stated that he had signed the petition under a misapprehension of certain pertinent facts and that he was actually opposed to, rather than in favor of, the granting of either the temporary or permanent relief requested. The authority of Mr. Hill, who alone appeared on behalf of the joint petitioners, other than the Sheridan Company, in Docket No. A–1005, to represent all of those joint petitioners at the informal conference, was questioned by certain code members in attendance and opposing the granting of the temporary relief. Thereafter, Mr. Hill, upon behalf of and as to all of the joint petitioners except the Sheridan Company in Docket No. A–1005, waived the request for the granting of the temporary relief. Also, during the conference, the Sheridan Company waived the request for temporary relief in connection with the proposed raising of the minimum prices for the coals, for truck shipment, produced at the mines in Subdistrict 2 of District No. 22.

It appears that the presently effective minimum prices for the coals, for both rail and truck shipments, produced at Mine Index Nos. 152 and 159 were established in the Division's General Docket No. 15. During the hearing of evidence in that docket the tipples at which the coals of those mines were prepared for shipment were located within 500 feet from the mouths of the mines. They were adjacent to a county road at points some six or seven miles distant from U. S. Highway No. 20. Aside from the rail shipment during 1939 of some 35 or 40 carloads, a very small proportion of the total output of Mine Index No. 159, the coals of those two mines appear to have been shipped exclusively by truck during and prior to the proceedings in General Docket No. 15. Those rail shipments were loaded at a ramp on the C. B. & Q. railroad some 6½ miles distant from the tipple and mouth of the mine.

The hearing of evidence on the basis of which minimum prices were established in General Docket No. 15 was closed on January 20, 1940. It was some four or five months thereafter when the Sheridan Company began negotiations for the purchase of Mine Index Nos. 152 and 159, the erection of a tipple adjacent to U. S. Highway No. 20 and to the right of way of the C. B. & Q. railroad in Kirby, Wyoming, and removed the then existing tipples of the two mines. Although that company represented that it informed the Division of those proposed operations, it made no request for the reopening of the proceedings in General Docket No. 15 in order to introduce evidence pertinent thereto, nor did it file any petition under section 4 II (d) of the Act in that regard prior to the filing of the original petitions in the instant dockets. However, the Sheridan Company was advised on two occasions by the Division, by letters dated September 30, 1940 and May 19, 1941, respectively, that if it was dissatisfied with the minimum prices established for the coals of Mine Index Nos. 152 and 159, it should either file directly or request its district board to file with the Division a petition under section 4 II (d) of the Act requesting relief as to those prices.

In the proceedings in General Docket No. 15 identical minimum prices, f. o. b. the loading facilities at the respective mines, were established for all coals, in the respective size groups for like methods of shipment, produced within Subdistrict 5 of District 19. This was based upon evidence adduced as to their market history. No price differentials were created to reflect the respective distances between the several mines and the points of consumption to which their coals moved. Satisfactory evidence was not available for the identification of those points of consumption or for the determination of the respective tonnages consumed thereat and moved by truck from the different mines in that subdistrict. Actually, the minimum prices established for those coals were largely based upon the testimony of D. H. Pape, the President of the Sheridan Company, introduced in those proceedings.

On behalf of the Sheridan Company it was represented that its Messrs. Pape and Hill, subsequent to the proceedings of General Docket 15, had made a careful study as to the advisability of a correlation of the truck mine prices for Subdistrict 5 upon a basis which would reflect the weighted average distance of each mine from the several destinations into which its coals moved and were consumed. Mr. Pape stated that the subdistrict contains some 25 producing mines and designated some 10 towns within a radius of 150 miles from the Kirby tipple as representative destinations of those coals. The weighted average mileages of some eight producers, including Mine Index Nos. 152 and 159, from those towns was stated. No information was presented, however, as to such mileages from other towns or from the consumers in the rural areas served by those producers. Nor was any such information presented as to the locations of the other seventeen producers in the subdistrict. No consideration was given to the wide variance in the populations of those towns. Furthermore, there was no showing that the actual movements of the truck coals with identification of the areas in which they were consumed is any more ascertainable today than it was during the proceedings in General Docket No. 15. Finally, it is noted that the correlation of minimum prices proposed by the Sheridan Company for the truck shipment of coals produced in Subdistrict 5 is predicated upon the sole factor of the varying distances between the mines and the consumers. No consideration is given to other important marketing factors, such as the nature of the roads to be travelled, the chemical and physical characteristics of the coals, their consumer acceptance or the availability of other competitive fuels.

At the conference, and in exhibits thereafter filed for its record, there were submitted for Mine Index Nos. 152 and 159 of the Sheridan Company data disclosing their truck shipments, by months, during the period, substantially, from October 1939 to July 1941. Similar data was filed as to the tonnages of Mine Index Nos. 117, 129, 167 and 182. The objector, William Mauch of Mine Index No. 147 filed such data only for the months from October 1940 to July 1941, inclusive, explaining that he had acquired the mine shortly prior to October 1940, and that for the preceding months no such data was available to him. No such data whatever was filed for any of the mines operated by the joint petitioners, other than the Sheridan Company, in Docket No. A–1005. It appears that although the truck shipments of Mine Index Nos. 152 and 159 dropped from 7,327 tons in 1939 to 4,936 tons in 1940, a decrease of approximately 32.6 per cent, the total rail and truck tonnages of those two mines rose from 8,164 tons in 1939 to 17,874 tons in 1940, an increase of approximately 119%. The Sheridan Company supplied data at the conference reflecting substantial changes in the truck tonnages of eight of the mines in the subdistrict, including Mine Index Nos. 152 and 159, shipped during the years 1939 and 1940 as reason for the granting of the temporary relief requested. The varying trends of those truck tonnages fail to any substantial extent, however, to support and are not reconcilable with the different price reductions requested for those mines or for the other mines in the subdistrict, as to the production of which no figures were submitted.

The Sheridan Company represented that on or about May 21, 1941 it received advice from the Director that for all coals, for truck shipment, produced at Mine Index Nos. 152 and 159, but sold at the Kirby tipple, it must add to the effective minimum prices therefor set forth in the Schedule of Effective Minimum Prices for District No. 19, the cost of transporting those coals from the mouths of the respective mines to the Kirby tipple; that such transportation costs amount to approximately 28 cents per net ton for the coals produced at both mines; that after May 21, 1941 it had discontinued, except for the sale under unusual market conditions of some 160 tons of nut and pea coals at prices more than sufficient to include those transportation costs, the sale of coals, for truck shipment, from those mines, but that the demand for such shipments in the interim had been negligible. It insisted, however, that a substantial demand for such shipments would develop in the immediate future and that its failure to secure immediate relief as requested would result in a substantial loss in the operations of the two mines. It was unable to furnish at the conference data disclosing the rail tonnages

shipped by its two mines during any of the months of 1941, although it represented that shortly before it discontinued its truck shipments in May of this year, the latter shipments comprised approximately 17 percent of the total tonnages shipped by the two mines.

The granting of the relief requested would operate to reduce the effective minimum prices for the coals, for truck shipment, produced at Mine Index Nos. 152 and 159 of the Sheridan Company, in an amount equal to the cost of transporting those coals from the mouths of the two mines to the Kirby tipple, or approximately 28 cents per net ton. It would reduce the effective minimum prices for the coals, for truck shipment, produced at the other mines in Subdistrict 5 to the extent of 5 cents per net ton for three of those mines and to the extent of 15 cents per net ton for the remainder. No showing was made to the effect that any of those mines other than the two mines of the Sheridan Company are presently entitled to or desire the reductions requested for their coals. It is apparent, however, that the granting of the requested relief only as to the coals produced by Mine Index Nos. 152 and 159 would be highly prejudicial to the other mines in the subdistrict and would impair to a substantial degree their fair existing competitive opportunities with Mine Index Nos. 152 and 159.

From the foregoing it appears that the Sheridan Company, the only one of the original petitioners now requesting immediate and temporary relief, has not made an adequate showing of actual or impending injury in the event that the temporary relief requested is not granted; also that the granting of such relief might unduly prejudice other interested persons in advance of a hearing; and also that no sufficiently clear showing has been made that that company is entitled to the relief prayed.

Now, therefore, it is ordered, That the request for temporary relief in advance of a hearing made by Sheridan-Wyoming Coal Company, Inc., in the original petitions filed by it and other joint petitioners in the instant dockets be, and it hereby is, denied.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7880; Filed, October 20, 1941; 10:19 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order of Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 20, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Allen Underwear Manufacturing Company, Inc., White Mills, Pennsylvania; Ladies' Underwear; 10 percent; October 20, 1942.

The Badger Raincoat Company, 209 Franklin Street, Port Washington, Wisconsin; Men's and Boys' Clothing, Sportswear, Outerwear, Leather and Sheeplined Garments, Rainwear; 5 learners; October 20, 1942.

Banks Brothers Pants Factory, Chestnut Street, Delmar, Maryland; Cotton Work Pants; 10 percent; October 20, 1942.

Adam H. Bartel Company, 200 South 8th Street, Richmond, Indiana; Denim Overalls; 10 percent; October 20, 1942.

Bell Garment Manufacturing Corporation, 3021 East Martin Street, San Antonio, Texas; Boys' Sport Clothing, Children's Play Clothes; 10 learners; October 20, 1942.

Berkshire Undergarment Manufacturing Corporation, 266 Arch Street, New Britain, Connecticut; Ladies' Woven Underwear; 10 percent; October 20, 1942.

Bonzette Foundations, Inc., 12-16 W. 27th Street, New York, New York; Brassieres; 10 percent; February 2, 1942.

The Brunner Company, 3911 Cleveland Avenue, Ashtabula, Ohio; Dresses and Housecoats; 10 percent; October 20, 1942.

Charma Brassiere Company, Inc., 24 West 30th Street, New York, N. Y.; Corsets and Allied Garments; 10 percent; February 2, 1942.

Chenille Manufacturing Company, 28½ East 2nd Street, Sand Springs, Oklahoma; Chenille Robes; 3 learners; February 17, 1942.

The Clifton Shirt Company, 129 W. 4th Street, Cincinnati, Ohio; Uniform Shirts; 4 learners; October 20, 1942.

Dalomar Dress Company, Fairview Street, Riverside, New Jersey; Ladies' Dresses; 10 learners; October 20, 1942.

Di-Anne Underwear Corporation, 308 S. First Street, Lebanon, Pennsylvania; Women's Underwear; 10 percent; October 20, 1942.

John Dockey, Benton, Pennsylvania; Ladies' Blouses; 20 learners; April 20, 1942.

Domestic Overall and Pants Company, 28 N. 3rd Street, Philadelphia, Pennsylvania; Men's & Boys' Dungarees; 3 learners; October 20, 1942.

Duke of Hollywood, Inc., 212 East Eighth Street, Los Angeles, California; Men's Sport Shirts, Loafer Jackets; 8 learners; October 20, 1942.

Eddy-Form, Inc., 30 East 33rd Street, New York, New York; Corsets, Brassieres; 10 percent; February 2, 1942.

Eureka Pants Manufacturing Company, Depot Street, Shelbyville, Tennessee; Cotton Work Pants; 10 percent; October 20, 1942.

Cherryland Manufacturing Company, Woodmere Avenue, Traverse City, Michigan; Trousers, Jackets; 10 percent; October 20, 1942.

Herman Flax, 37 Terry Street, Patchoque, Long Island, New York; Children's Dresses, Boys' Wash Suits; 5 learners; October 20, 1942.

Franklin Garment Company, 626 Arch Street, Philadelphia, Pennsylvania; single Cotton Pants; 4 learners; October 20, 1942.

General Sportswear Company, Inc., 23 Market Street, Ellenville, New York; Children's Sun Suits and Play Suits; 3 learners; October 20, 1942.

Globe Pants Manufacturing Company, 300 Plymouth Avenue, Fall River, Massachusetts; Single Pants and Coveralls; 6 learners; October 20, 1942.

The Gluckin Corporation, Cross Street, Suffern, New York; Brassieres, Girdles; 35 learners; March 30, 1942.

Joseph Greenberg, 37 Bainbridge Street, Elizabethtown, Pennsylvania; Children's Dresses; 9 learners; October 20, 1942.

Hollywood Maxwell Company, 146 S. W. Temple Street, Salt Lake City, Utah; Brassieres; 5 learners; October 20, 1942.

Hollywood Needlecraft, 546 South Los Angeles Street, Los Angeles, California; Infants' Outerwear; 4 learners; October 20, 1942.

Hyde Park Clothes, Inc., Sixth and Washington Streets, Newport, Kentucky; Men's Clothing; 5 percent; October 20, 1942.

Hyman Brothers, N. E. Corner 33rd and Arch Streets, Philadelphia, Pennsylvania; Ladies and Misses Cotton Wool and Rayon Dresses; 10 percent; October 20, 1942.

M. Jackman and Sons, 309 East Eighth Street, Los Angeles, California; Sportswear, Formal Accessories; 5 learners; October 20, 1942.

Kolliner St. Croix Garment Company, 242-254 North Main Street, Stillwater, Minnesota; Sportswear, Odd Outerwear; 5 learners; October 20, 1942.

LeHigh Dress Company, 1401 Broadway, Bethlehem, Pennsylvania; Dresses; 10 percent; June 16, 1942. (This certificate replaces one for your plant at 507 Evans Street, bearing expiration date of June 16, 1942.)

Lenoir Shirt Company, Caswell Street, Kinston, North Carolina; Cotton Shirts; 12 learners; October 20, 1942.

Lexington Shirt Corporation, East Second Avenue, Lexington, North Carolina; Men's and Boys' Dress Shirts; 10 percent; October 20, 1942.

Mittelman, Bernstein and Company, Fifteenth and Walnut Streets, Wilmington, Delaware; Ladies' and Children's Pajamas and Housecoats; 10 percent; October 20, 1942.

Mt. Clare Sportwear, Inc., 1570 Webster Avenue, New York, New York; Dresses; 4 learners; February 2, 1942.

New England Sportswear and Dress Company, Inc., 12 Elm Street, New Haven, Connecticut; Dresses; 5 learners; October 20, 1942.

Nunnally and McCrea, 292 Lambert Street, N. W., Atlanta, Georgia; Pants, Overalls, etc.; 150 learners; April 20, 1942.

Nuzan Brassiere Company, Inc., 102 Madison Avenue, New York, New York; Brassieres; 10 percent; February 2, 1942.

Obion Garment Company, Obion, Tennessee; Wash Dresses; 5 learners; October 20, 1942.

Olga Frocks, 100 Richmond Avenue, Point Pleasant Beach, New Jersey; Dresses, Coats, Suits; 4 learners; October 20, 1942.

The Patricia Petticoat Company, Inc., 136 Madison Avenue, New York, New York; Ladies' Silk Underwear; 10 percent; April 13, 1942.

Penn Sportswear Corporation, 1010 Chestnut Street, Allentown, Pennsylvania; Dresses; 10 learners; October 20, 1942.

Perfect Brassiere Company, Inc., 26 Exchange Place, Jersey City, New Jersey; Corsets and Allied Garments; 10 learners; October 20, 1942.

Pleasant Novelty Company, 273 Pleasant Street, Fall River Massachusetts; Boys' Wash Suits and Novelties; 8 learners; October 20, 1942.

Primrose Foundations, Inc., 53 West 23rd Street, New York, New York; Corsets, Girdles; 10 percent; February 2, 1942.

Provo Garment Company, 60 East 4th Street, Provo, Utah; Wash Dresses and Front Aprons; 6 learners; April 14, 1942.

John Rissman and Son, 841 Blue Island Avenue, Chicago, Illinois; Overall and Overall Jackets; 15 learners; October 20, 1942.

Rotary Shirt Company, Inc., 9 Broad Street, Glens Falls, New York; Dress Shirts; 10 percent; October 20, 1942.

Morris Schwartz Dress Company, Clinton Street, Montgomery, New York; Dresses and Housecoats; 7 learners; October 20, 1942.

M. and D. Simon Company, 700 St. Clair Avenue West, Cleveland, Ohio; Men's Shirts; 8 learners; October 20, 1942.

J. H. Stern Garment Company, East Hummelstown, Elizabethtown, Pennsylvania; Children's Dresses, Ladies' & Children's Aprons; 5 learners; October 20, 1942.

Stratford Lingerie, Inc.; 1 High Street, Morristown, New Jersey; Slips, Gowns, Panties; 5 learners; October 20, 1942.

Sweet-Orr and Company, Inc., 327 Liberty Street, Newburgh, New York; Overalls; 10 percent; October 20, 1942.

Sweet-Orr and Company, Inc., 274 Broadway, Newburgh, New York; Overalls, Single Pants and Coveralls; 10 percent; October 20, 1942.

Tutelman Shirt and Pajama Company, 21 N. Arkansas Avenue, Atlantic City, New Jersey; Men's Pajamas, Men's Nightshirts; 10 percent; October 20, 1942.

The Warner Brothers Company, 325 LaFayette Street, Bridgeport, Connecticut; Corsets, Corselettes and Brassieres; 10 percent; October 20, 1942.

Wirk Garment Corporation, Ligonier, Indiana; Pants, Jackets, Work Shirts, Coveralls; 10 percent; October 20, 1942.

Hosiery

Charles G. Barger Company, Espy, Pennsylvania; Seamless Hosiery; 5 learners; October 20, 1942.

Chipman LaCrosse Hosiery Mills Company, Inc., 125 East Caswell Street, Hendersonville, North Carolina; Seamless Hosiery; 5 percent; October 20, 1942.

W. B. Davis and Son, Inc., Eighth Street, Fort Payne, Alabama; Seamless Hosiery; 25 learners; June 20, 1942.

Graysville Hosiery Mill, 125 East Main Street, Dayton, Tennessee; Seamless Hosiery; 20 learners; June 20, 1942.

Hosiery Processing Company, Hooker Road, Rossville, Georgia; Full Fashioned Hosiery; 4 learners; April 20, 1942.

Interwoven Stocking Company, Berkeley Springs, West Virginia; Seamless Hosiery; 5 percent; October 20, 1942.

Interwoven Stocking Company, Berkeley Springs, West Virginia; Seamless Hosiery; 10 learners; June 20, 1942.

Marshall Field and Company, Manufacturing Division, Fieldale, Virginia; Full Fashioned Hosiery; 5 percent; October 20, 1942.

Morristown Knitting Mills, Inc., White Pine, Tennessee; Seamless Hosiery; 5 percent; October 20, 1942.

Morristown Knitting Mills, Inc., Morristown, Tennessee; Seamless Hosiery; 5 percent; October 20, 1942.

Norris Hosiery Mill, 2806 Dooley Street, Cleveland, Tennessee; Seamless Hosiery; 5 learners; October 20, 1942.

Pocomoke Textiles, Inc., Pocomoke City, Maryland; Full Fashioned Hosiery; 2 learners; October 20, 1942.

Victor Silk Hosiery Corporation, 775 Frederick Road, Hagerstown, Maryland; Full Fashioned Hosiery; 5 percent; October 20, 1942.

Wyatt Knitting Company, Inc.; Sanford, North Carolina; Full Fashioned Hosiery; 5 learners; October 20, 1942.

Knitted Wear

A. Max Munzel Knitting Company, 718 Hudson Street, Hawley, Pennsylvania; Knitted Outerwear; 2 learners; April 20, 1942.

Van Raalte Company, Inc., High Rock Avenue, Saratoga Springs, New York; Knitted Underwear; 5 percent; October 20, 1942.

Textile

Nashawena Mills, Belleville Avenue, New Bedford, Massachusetts; Cotton; 10 learners; October 20, 1942.

United Throwing Company, 2nd and Bridge Streets, Columbia, Pennsylvania; Rayon Yarn; 3 percent; October 20, 1942.

Woolen

Bloomsburg Worsted Mills, 340 West Sixth Street, Bloomsburg, Pennsylvania; Worsted Yarns; 3 percent; October 20, 1942.

Excelsior Mills, Union, South Carolina; Women's Dress Goods, Suitings; 90 learners; February 2, 1942.

Signed at Washington, D. C., this 20th day of October 1941.

MERLE W. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7906; Filed, October 20, 1941; 12:03 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 20, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Engel Art Corners Manufacturing Company, 4711–17 N. Clark Street, Chicago, Illinois; Art Corners for Mounting Photographs; 2 learners; 4 weeks for any one learner; 32 cents per hour; Punch Press Operator; December 1, 1941.

Northeastern Container Corporation, Box 217, Bradford, Pennsylvania; Corrugated Shipping Containers; 6 learners; 4 weeks (160 hours) for any one learner; 30 cents per hour; Folding, stitching and setting up racks; December 29, 1941.

J. C. Ott, Packagings, N. Water Street, Selingsgrove, Pennsylvania; Set-Up and Folding Paper Boxes; 2 learners; 6 weeks for any one learner; Wrapper; 30 cents per hour; December 15, 1941.

Spinning Wheel Rugs, Inc., 295 Fifth Avenue, New York, New York; Hooked Rugs; 12 learners; 6 weeks for any one learner; 30 cents per hour; Rug Hooker; January 26, 1942.

Signed at Washington, D. C., this 20th day of October 1941.

MERLE W. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7907; Filed, October 20, 1941; 12:03 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. DI–163]

IN THE MATTER OF PACIFIC GAS AND ELECTRIC COMPANY

ORDER POSTPONING DATE FOR ORAL ARGUMENT

OCTOBER 17, 1941.

It appearing that: By telegram filed October 16, 1941, counsel for Pacific Gas and Electric Company requested that oral argument upon the issues tendered by the declaration of intention in the above-entitled matter be postponed approximately a week from October 24, the date now fixed;

It is *ordered* that: Oral argument on this proceeding now set for October 24, 1941, is hereby postponed to October 31, 1941, beginning at the same time and same place.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41–7872; Filed, October 20, 1941; 10:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812–165]

IN THE MATTER OF WISCONSIN INVESTMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

An application having been filed by the above named applicant pursuant to the provisions of sections 6 (c) and 23 (c) (3) of the Investment Company Act of 1940 for an order exempting the applicant from the provisions of Rule N-23C–1 promulgated under said Act insofar as said rule prevents the applicant from repurchasing in any one month more than 1% of the number of shares of its capital stock outstanding at the beginning of any such month.

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the Rules and Regulations of the Commission thereunder be held on October 24, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7896; Filed, October 20, 1941; 11:43 a. m.]

[File Nos. 54–33 and 59–25]

IN THE MATTER OF THE UNITED CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

The Commission having heard oral argument on October 2, 1941 with respect to the procedure to be adopted in the hearing before the Trial Examiner and with respect to legal matters raised in the Respondent's answer; and having taken the matter under advisement and postponed, by Order issued October 7, 1941, the scheduled public hearing to October 21, 1941; and

The Commission still having the matter under advisement, and it now appearing that the Commission's decision may not be issued prior to October 21, 1941 so that it is appropriate to further postpone the scheduled hearing;

It is ordered, That the public hearing scheduled for October 21, 1941 be and is hereby postponed to November 4, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7897; Filed, October 20, 1941; 11:44 a. m.]

[File No. 70–368]

IN THE MATTER OF WESTERN NEW YORK WATER COMPANY

NOTICE REGARDING FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

Notice is hereby given that an amendment has been filed herein substantially altering the declaration or application (or both), as previously amended, regarding which notice of filing was given by the Commission on August 7, 1941. (See Holding Company Act Release No. 2932.)

Notice is further given that any interested person may, not later than October 25, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that the hearing held on such matter be reconvened, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order such hearing reconvened. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, as now amended, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Western New York Water Company, a subsidiary of Federal Water Service Cor-

poration which is a registered holding company, proposes to issue and sell to The Northwestern Mutual Life Insurance Company $3,000,000 principal amount of First Mortgage Sinking Fund Bonds, 3¾% Series, due 1966, and $1,400,000 principal amount of 3¾% Sinking Fund Notes, due 1956. It is proposed that said bonds will be sold at a price of 106.74% of their principal amount plus accrued interest, and that said notes will be sold at a price of 102.90% of their principal amount plus accrued interest.

The proceeds of the sale of the securities above described will be applied to the redemption of the following securities of the applicant:

First Mortgage Gold Bonds—

5½%, Series A, due November 1, 1950, at 105% of their principal amount plus accrued interest, outstanding in the principal amount of $2,067,500.

5%, Series B, due November 1, 1950, at 105% of their principal amount plus accrued interest to January 1, 1942, outstanding in the principal amount of $668,000.

5%, Series of 1951, due November 1, 1951, at 101% of their principal amount plus accrued interest, outstanding in the principal amount of $1,155,500 (exclusive of $9,000 principal amount reacquired and held in treasury).

Ten Year Six Per Cent Convertible Debenture Gold Bonds, maturity extended to November 1, 1950, at 100% of their principal amount plus accrued interest, outstanding in the principal amount of $576,500, exclusive of $156,500 principal amount reacquired and held in treasury (which are not available for the sinking fund) and $47,000 principal amount reacquired and cancelled, representing bonds required to be retired by November 1, 1941 under sinking fund provisions.

Applicant does not contemplate that any public offering will be made of the securities proposed to be issued and has applied to the Commission for exemption from paragraphs (b) and (c) of Rule U-50 on the ground that the proposed transaction falls within the provisions of subparagraph (5) of paragraph (a) of the said Rule.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7898; Filed, October 20, 1941; 11:44 a .m.]

[File No. 1-1689]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF MONTANA CONSOLIDATED MINES CORPORATION COMMON CAPITAL STOCK, 10¢ PAR VALUE, NON-ASSESSABLE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

I

It appearing to the Commission:

That Montana Consolidated Mines Corporation, a corporation organized under the laws of the State of Montana, is the issuer of Common Capital Stock, 10¢ Par Value, Non-Assessable; and

That said Montana Consolidated Mines Corporation registered such security on the Standard Stock Exchange of Spokane, a national securities exchange, by filing on or about June 1, 1935, an application on Form 10 with the Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective October 1, 1935, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Montana Consolidated Mines Corporation; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Montana Consolidated Mines Corporation has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1940 was due to be filed not later than April 30, 1941; that upon the request of the registrant the time for filing was extended to June 30, 1941, the maximum extension permitted by Rule X-13A-1; that the annual report for the fiscal year ended December 31, 1940 was not filed either within such extended period or at any later date; and

II

The Commission having reasonable cause to believe that:

The said Montana Consolidated Mines Corporation has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1940 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any later date; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Montana Consolidated Mines Corporation has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, 10¢ Par Value, Non-Assessable, of said Montana Consolidated Mines Corporation on said Standard Stock Exchange of Spokane;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 18th day of November, at 10:00 a. m. at the Regional Office of the Securities and Exchange Commission, 821 Second Avenue, Seattle, Washington, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7899; Filed, October 20, 1941; 11:45 a. m.]

[File No. 59-27]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, RESPONDENT

SUPPLEMENTAL NOTICE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

The Commission having heretofore ordered that a hearing be held in the above entitled matter at its offices, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10:00 o'clock in the forenoon of October 22, 1941; and

The Commission having further ordered that at such hearing consideration be given, and Respondent and other parties in interest have an opportunity to be heard, with respect to:

(a) What steps International Utilities Corporation should take to remove the undue and unnecessary complications in its corporate structure;

(b) What further or additional steps International Utilities Corporation should take to insure the fair and equitable distribution of voting power among its security holders; and

(c) What further action may be required by International Utilities Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935.

Notice is hereby given that among the matters to be considered and concerning which evidence will be received are:

(1) Whether complete compliance with section 11 (b) (2) of the Act will permit the continued existence of International Utilities Corporation; and

(2) Whether, if the continued existence of International Utilities Corporation is permissible, complete compliance with section 11 (b) (2) of the Act will permit International Utilities Corporation to have a corporate structure consisting of more than one class of securities.

Any person proposing to intervene at these proceedings shall file with the Secretary of the Commission on or before the 21st day of October, 1941, his request or application therefor as provided by Rule XVII of the Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7900; Filed, October 20, 1941; 11:45 a. m.]

[File No. 70-417]

IN THE MATTER OF CONSUMERS GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D., 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act or 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 28, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company and, in turn, a subsidiary of The United Corporation, also a registered holding company, proposes to purchase and acquire 330 shares of the publicly outstanding common stock of Reading Gas Company at $64.00 per share. Consumers Gas Company presently owns 1,362 shares (11.35%) and operates, under a 99-year lease expiring November 1, 1985, all of the property of Reading Gas Company at an annual rental of $36,500 per annum. Upon the expiration of the lease, Consumers Gas Company is required to surrender the property, together with all improvements, additions and extensions without compensation therefor, or, at its option, may purchase the property and franchises of Reading Gas Company for $600,000. Consumers Gas Company proposes to acquire the additional shares as an investment for its reserve fund which was created in 1934 to provide for the exercise of the option to purchase Reading Gas Company's property and franchises.

Section 10 of the Act is designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7901; Filed, October 20, 1941; 11:47 a. m.]

OCT 23 1941

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 6 NUMBER 206

Washington, Wednesday, October 22, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VIII — SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[G. S. Q. R., Series 8, No. 1, Rev. 5, Supp. 1]

PART 821—SUGAR QUOTAS

PRORATION OF DEFICIT IN 1941 QUOTA FOR PUERTO RICO

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, the following regulations (constituting a supplement to General Sugar Quota Regulations, Series 8, No. 1, Rev. 5 [1]) are hereby prescribed, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture:

Section 821.222 of General Sugar Quota Regulations, Series 8, No. 1, Revision 5, is hereby amended by adding the following new paragraphs:

§ 821.222 *Quotas for domestic areas and proration of deficits therein.*

* * * * *

(d) *Deficit in quota for Puerto Rico.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that Puerto Rico will be unable by the amount of 136,968 short tons of sugar, raw value, to market the quota established for that area in paragraphs (a) and (c) of this section.

(e) *Proration of deficit in the Puerto Rican quota.* An amount of sugar equal to the deficit determined in paragraph (d) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the said act, as follows:

Area:	*Additional quotas in terms of short tons, raw value*
Domestic beet sugar	44,766
Mainland cane sugar	11,363
Hawaii	25,368
Virgin Islands	258
Cuba	55,213

[1] 6 F.R. 4836.

(f) *Deficits in quotas for the domestic beet sugar area and the Virgin Islands and further deficits in quotas for the mainland cane sugar area, and Hawaii.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that the domestic beet sugar area, the mainland cane sugar area, the Virgin Islands, and Hawaii will be unable to market the additional quotas established for these areas in paragraph (e) of this section.

(g) *Proration of deficits in quotas for the domestic beet sugar area and the Virgin Islands and of additional deficits in quotas for the mainland cane sugar area, and Hawaii.* An amount of sugar equal to the deficits determined in paragraph (f) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the said act, as follows:

Area:	*Additional quota in terms of short tons, raw value*
Cuba	81,755

(Sec. 204, 50 Stat. 905; 7 U.S.C., 1114)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 21st day of October 1941.

[SEAL] PAUL H. APPLEBY, *Under Secretary of Agriculture.*

[F. R. Doc. 41-7928; Filed, October 21, 1941; 11:32 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Twelfth Supplement to General Order No. C-1]

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF GREEN BAY, WISCONSIN, AS A PORT OF ENTRY FOR ALIENS

OCTOBER 17, 1941.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of

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the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458) and § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), Green Bay, Wisconsin, is designated as a port of entry for aliens entering the United States, effective on and after November 1, 1941.

Section 110.1 *Ports of entry for aliens.* (Rule 3, Subd. A, Par. 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936) is amended by inserting Green Bay, Wisconsin, between Chicago, Illinois, and Milwaukee, Wisconsin, in the list of ports of entry for aliens in District No. 10, effective November 1, 1941.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in charge Immigration and Naturalization Service.

Approved: FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-7914; Filed, October 21, 1941; 10:07 a. m.]

[Eleventh Supplement to General Order No. C-2]

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF CUT BANK, MONTANA AS AIRPORT OF ENTRY; DISCONTINUANCE OF AJO, ARIZONA AND HOULTON, MAINE AS AIRPORTS OF ENTRY

OCTOBER 17, 1941.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U.S.C. 177 (d)) and section 1 of Reorganization Plan No. V (5 F.R. 2223), the Cut Bank Airport at Cut Bank, Montana, is hereby designated as a temporary port for the entry into the United States of aliens arriving by aircraft. The designations of Ajo Municipal Air Field, Ajo, Arizona, as a permanent port for the entry into the United States of aliens arriving by aircraft and of Houlton Municipal Airport, Houlton, Maine, as a temporary port for such entries are hereby rescinded.

Section 110.3 (a) *Designated ports of entry by aircraft*—(a) *Permanent ports of entry.* Title 8, Chapter I, Code of Federal Regulations is amended by deleting the designation of Ajo Municipal Air Field, Ajo, Arizona, from the list of permanent ports of entry for aliens arriving by aircraft, and § 110.3 (b) *Temporary ports of entry,* of the said regulations is amended by deleting the designation of Houlton Municipal Airport, Houlton, Maine, as a temporary port for such entries. The Eighth Supplement to General Order No. C-2 (5 F.R. 3837) is hereby canceled.

Section 110.3 (b) of the said regulations is also amended by inserting Cut Bank, Montana, Cut Bank Airport, between Cape Vincent, New York, Cape Vincent Harbor, and Detroit, Michigan, Detroit Municipal Airport, in the list of temporary ports of entry for aliens arriving by aircraft.

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in charge Immigration and Naturalization Service.

[F. R. Doc. 41-7915; Filed, October 21, 1941; 10:07 a. m.]

[First Supplement to General Order No. C-32]

PART 110—PRIMARY INSPECTION AND DETENTION

AMENDMENT OF REGULATIONS GOVERNING USE OF RESIDENT ALIENS' BORDER CROSSING IDENTIFICATION CARDS

OCTOBER 17, 1941.

Pursuant to the authority contained in sections 30 and 37 (a) of the Act of June 28, 1940 (54 Stat. 673, 675; 8 U.S.C. 451, 458); § 90.1 of Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, § 110.56 of the said regulations (6 F.R. 3111) is hereby amended to read as follows:

§ 110.56 *Resident aliens' border crossing identification cards; use.* A resident alien's border crossing identification card may be used by its rightful holder, under the conditions specified in § 110.58, at any port of entry in the continental United States, including Alaska. The applicant shall state in his application the port of entry at which he expects to make most frequent use of the card, or in the case of an applicant who intends to use the card for only one reentry, the port at which he expects to make that reentry, but such designations in the application shall not affect the right of the holder to present his card at some other port of entry. The original card shall be given to the applicant by the issuing office, and the duplicate card shall be kept at or sent to the port which the applicant has designated as the place where he expects to make most frequent use of the card or where he expects to reenter after a single visit abroad. The duplicate shall thereafter remain on file at such port unless it is deemed advisable to transfer it to some other port. (Secs. 30 and 37 (a): 54 Stat. 673, 675; 8 U.S.C. 451, 458)

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General In charge Immigration and Naturalization Service.

Approved:
FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-7916; Filed, October 21, 1941; 10:07 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5091]

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

DECLARED VALUE EXCESS-PROFITS TAX

Regulations Relating to the Declared Value Excess-Profits Tax Imposed by Subchapter B of Chapter 2 of the Internal Revenue Code, as Amended, for Income-Tax Taxable Years Ending After June 30, 1941

Sec.
21.0 Introductory.
21.1 Definitions.
21.2 Scope of tax.
21.3 Measure and rate of tax.
21.4 Method of computation, example.
21.5 Returns.
21.6 Payment of tax.
21.7 Credits against tax prohibited.
21.8 Determination of tax, assessment, collection.
21.9 Taxable years affected.

§ 21.0 *Introductory.* (a) Chapter 6 (Capital Stock Tax) of the Internal Revenue Code (53 Stat. Part 1), as amended, and applicable for capital stock tax years ending June 30, beginning with the year ending June 30, 1941, provides in part as follows:

SEC. 1200. TAX. [As amended by section 205 of the Revenue Act of 1940 and section 301 of the Revenue Act of 1941.]

(a) *Domestic corporations.* For each year ending June 30, beginning with the year ending June 30, 1939, there shall be imposed upon every foreign corporation with respect to carrying on or doing business for any part of such year an excise tax of $1.25 for each $1,000 of the adjusted declared value of its capital stock.

(b) *Foreign corporations.* For each year ending June 30, beginning with the year ending June 30, 1939, there shall be imposed upon every domestic corporation with respect to carrying on or doing business in the United States for any part of such year an excise tax equivalent to $1.25 for each $1,000 of the adjusted declared value of capital employed in the transaction of its business in the United States.

SEC. 301. CAPITAL STOCK TAX. [Revenue Act of 1941.]

* * * * * *

(d) *Effective date.* This section shall be effective only with respect to the year ending June 30, 1941, and succeeding years.

SEC. 1201. EXEMPTIONS.

(a) The taxes imposed by section 1200 shall not apply—

(1) *Corporations exempt from income tax.* To any corporation enumerated in section 101;

(2) *Insurance companies.* To any insurance company subject to the tax imposed by section 201, 204, or 207.

(b) *Common trust funds.* For exemption of common trust funds from the capital stock tax, see section 169 (b) of Chapter 1.

SEC. 1202. ADJUSTED DECLARED VALUE. [As amended by section 301 of the Revenue Act of 1939 and section 202 of the Revenue Act of 1941.]

(a) *Declaration year.* (1) The adjusted declared value shall be determined with respect to three-year periods beginning with the year ending June 30, 1938, and each third year thereafter. The first year of each such three-year period, or, in case of a corporation not subject to the tax imposed for such year, the first year of such three-year period for which the corporation is subject to such tax, shall constitute a "declaration year."

(2) For the declaration year of the first three-year period the adjusted declared value shall be the value as declared by the corporation in its return under section 601 of the Revenue Act of 1938, 52 Stat. 565, for the year ended June 30, 1938, or in the case of a corporation not subject to the tax imposed for such year, the value as declared in its return filed under this chapter for the first year with respect to which it is subject to the tax. For each subsequent three-year period, the adjusted declared value for a declaration year shall be the value as declared by the corporation in its return for such declaration year. The value declared by a corporation in its return for a declaration year (which declaration of value cannot be amended) shall be as of the close of its last income-tax taxable year ending with or prior to the close of such declaration year (or as of the date of organization in the case of a corporation having no income-tax taxable year ending with or prior to the close of such declaration year).

(b) *Subsequent years.* (1) Domestic corporations.—for each year of any three-year period subsequent to the declaration year, the adjusted declared value in the case of a domestic corporation shall be the value declared in the return for the declaration year plus—

(A) The cash, and the fair market value of property, paid in for stock or shares,

(B) Paid-in surplus and contributions to capital,

(C) Its net income, computed without the deduction of the tax imposed by Subchapter E of Chapter 2,

(D) Its income wholly exempt from Federal income tax, and

(E) The amount, if any, by which the deduction for depletion exceeds the amount which would be allowable if computed without regard to discovery value or to percentage depletion, under section 114 (b) (2), (3), or (4) of Chapter 1 or a corresponding section of a later Revenue Act;

and minus—

(i) The cash, and the fair market value of property, distributed to shareholders,

(ii) The amount disallowed as a deduction by section 24 (a) (5) of chapter 1 or a corresponding provision of a later Revenue Act, and

(iii) The excess of the deductions allowable for income tax purposes (not including the deduction for the tax imposed by Subchapter E of Chapter 2) over its gross income.

The adjustments provided in this paragraph shall be made for each income-tax taxable year included in the three-year period from the date as of which the value was declared in the return for the declaration year to the close of the last income-tax taxable year ending with or prior to the close of the year for which the tax is imposed by this section. The amount of such adjustment for each such year shall be computed (on the basis of a separate return) according to the income tax law applicable to such year.

(2) *Foreign corporations.* For each year of any three-year period subsequent to the declaration year, the adjusted declared value in the case of a foreign corporation shall be the value declared in the return for the declaration year adjusted (for the same income-tax taxable years as in the case of a domestic corporation), in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, to reflect increases or decreases in the capital employed in the transaction of its business in the United States.

(c) *Corporations in bankruptcy or receivership.* The capital-stock tax year beginning with or within an income-tax taxable year within which bankruptcy or receivership, due to insolvency, of a domestic corporation, is terminated shall constitute a declaration year. In such case the adjusted declared value of any subsequent year of the three-year period shall be determined on the basis of the value declared in the return for such declaration year.

(d) *Credit for China Trade Act corporations.* For the purpose of the tax imposed by section 1200 there shall be allowed in the case of a corporation organized under the China Trade Act, 1922, 42 Stat. 849, (U.S.C., Title 15, c. 4), as a credit against the adjusted declared value of its capital stock, an amount equal to the proportion of such adjusted declared value which the par value of the shares of stock of the corporation, owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date. For the purposes of this subsection shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested; and as used in this subsection the term "China" shall have the same meaning as when used in the China Trade Act, 1922.

(e) *Additional declaration years.*—In the case of any domestic corporation, the year ending June 30, 1939, and the year ending June 30, 1940, shall each, if not otherwise a declaration year, constitute an additional declaration year if with respect to such year (1) the taxpayer so elects (which election cannot be changed) in its return filed before the expiration of the statutory filing period or any authorized extension thereof, and (2) the value declared by the taxpayer is in excess of the adjusted declared value computed under paragraph (1) of subsection (b). If, under this subsection, the year ending June 30, 1939, is a declaration year, the computation, under paragraph (1) of subsection (b), of the adjusted declared value for the year ending June 30, 1940, shall be made on the basis of the value declared for the year ending June 30, 1939.

(b) Subchapter B of Chapter 2 of the Internal Revenue Code, as amended and applicable to income-tax taxable years ending after June 30, 1941, provides as follows:

SEC. 600. RATE OF TAX. [As amended by section 204 of the Revenue Act of 1940, section 506 of the Second Revenue Act of 1940, and Section 302 of the Revenue Act of 1941.]

If any corporation is taxable under section 1200 with respect to any year ending June 30, there shall be imposed upon its net income for the income-tax taxable year ending after the close of such year, a declared value excess-profits tax equal to the sum of the following:

6⅔ per centum of such portion of its net income for such income-tax taxable year as is in excess of 10 per centum and not in excess of 15 per centum of the adjusted declared value;

13⅓ per centum of such portion of its net income for such income-tax taxable year as is in excess of 15 per centum of the adjusted declared value.

SEC. 601. ADJUSTED DECLARED VALUE.

The adjusted declared value shall be determined as provided in section 1202 as of the close of the preceding income-tax taxable year (or as of the date of organization if it had no preceding income-tax taxable year). If the income-tax taxable year in respect of which the tax under section 600 is imposed is a period of less than 12 months, such adjusted declared value shall be reduced to an amount which bears the same ratio thereto as the number of months in the period bears to 12 months.

SEC. 602. NET INCOME. [As amended by section 202 of the Revenue Act of 1941.]

For the purposes of this subchapter the net income shall be the same as the net income for income-tax purposes for the year in respect of which the tax under section 600 is imposed, computed without the deduction of the tax imposed by section 600 or the tax imposed by Subchapter E of Chapter 2,

but with a credit against net income equal to the credit for dividends received provided in section 26 (b) of chapter 1.

SEC. 603. OTHER LAWS APPLICABLE.

All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by section 600, except that the provisions of section 131 of that chapter shall not be applicable.

SEC. 604. PUBLICITY OF RETURNS.

For provisions with respect to publicity of returns under this subchapter, see subsection (a) (2) of section 55.

(c) Section 53 of Chapter 1 of the Internal Revenue Code provides in part:

SEC. 53. TIME AND PLACE FOR FILING RETURNS.

(a) *Time for filing*—(1) *General rule.* Returns made on the basis of the calendar year shall be made on or before the 15th day of March following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the 15th day of the third month following the close of the fiscal year.

(2) *Extension of time.* The Commissioner may grant a reasonable extension of time for filing returns, under such rules and regulations as he shall prescribe with the approval of the Secretary. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(b) *To whom return made.*

* * * * *

(2) *Corporations.* Returns of corporations shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Maryland.

(d) Section 145 of Chapter 1 of the Internal Revenue Code provides in part:

SEC. 145. PENALTIES.

(a) *Failure to file returns, submit information, or pay tax.* Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(b) *Failure to collect and pay over tax, or attempt to defeat or evade tax.* Any person required under this chapter to collect, account for, and pay over any tax imposed by this chapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(c) *Person defined.* The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(e) Section 62 of Chapter 1 of the Internal Revenue Code provides:

SEC. 62. RULES AND REGULATIONS.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(f) Pursuant to the above-quoted provisions of the Internal Revenue Code and other provisions of the Code, the following regulations are hereby prescribed with respect to the declared value excess-profits tax imposed by the Internal Revenue Code for income-tax taxable years ending after June 30, 1941:

§ 21.1 *Definitions.* As used in these regulations, the term—

(a) "Adjusted declared value" means in the case of a domestic corporation the adjusted declared value of its capital stock as determined under section 1202 of the Internal Revenue Code, as amended, and the regulations issued respecting the capital stock tax imposed by section 1200 of such Code, as amended, and in the case of a foreign corporation the adjusted declared value of capital employed in the transaction of its business in the United States as determined under such section 1202, as amended, and the regulations issued in reference thereto.

(b) "Tax," except as otherwise indicated, means the declared value excess-profits tax imposed by section 600 of the Internal Revenue Code, as amended.

(c) "Income-tax taxable year" means the calendar year, the fiscal year ending during such calendar year, or the fractional part of a year, upon the basis of which the corporation's net income is computed and for which its income tax returns are made for Federal income tax purposes.

(d) "Net income" means "net income" within the contemplation of section 21 of the Internal Revenue Code. Neither the amount of income tax imposed by the Internal Revenue Code or by prior laws, nor the amount of the tax imposed by Subchapters B or E of Chapter 2 of the Internal Revenue Code, shall be deducted from net income in computing the declared value excess-profits tax and none of the credits allowed corporations against net income for income tax purposes are applicable in respect of the declared value excess-profits tax except the credit against net income equal to the credit for dividends received provided in section 26 (b) of the Internal Revenue Code.*

*§§ 21.0 to 21.9, inclusive, issued under the authority contained in sections 62 and 603 of the Internal Revenue Code (53 Stat. 32, 111; 26 U.S.C., Sup. V, 62, 603) and the statutory provisions which such sections of the regulations follow.

§ 21.2 *Scope of tax.* The declared value excess-profits tax, imposed by section 600 of the Internal Revenue Code, as amended, is imposed upon the net income of every corporation for each income-tax taxable year ending after the close of any year ending June 30 in respect of which the corporation is subject to the capital stock tax imposed by section 1200 of the Internal Revenue Code, as amended.*

§ 21.3 *Measure and rate of tax.*—(a) *Domestic and foreign corporations.* The tax is imposed in an amount equal to the sum of (1) 6⁹⁄₁₀ percent of such portion of the corporation's net income for the income-tax taxable year as is in excess of 10 percent and not in excess of 15 percent of the adjusted declared value plus (2) 13⁷⁄₁₀ percent of such portion of its net income for the income-tax taxable year as is in excess of 15 percent of the adjusted declared value, as of the close of the last preceding income-tax taxable year (or as of the date of organization if the corporation had no preceding income-tax taxable year).

(b) *Adjusted declared value.* No variation is permitted between the adjusted declared value set forth in the corporation's capital stock tax return and the adjusted declared value set forth in its declared value excess-profits tax return, except that in the case of a declared value excess-profits tax return for an income-tax taxable year which is a period of less than twelve months the adjusted declared value set forth in its capital stock tax return shall be reduced to an amount which bears the same ratio thereto as the number of months in the period bears to twelve months.*

§ 21.4 *Method of computation; example.* The application of the provisions of § 21.3 of these regulations may be illustrated generally by the following example:

Example. The M Corporation, the income-tax taxable year of which is the calendar year, is subject to the capital stock tax imposed by section 1200, as amended, of the Internal Revenue Code, for the year ending June 30, 1941. The value declared in its capital stock tax return for the year ending June 30, 1941, of its capital stock as of the close of its preceding income-tax taxable year (the calendar year 1940) is $100,000. The net income of the corporation for the calendar year 1941, determined under the Internal Revenue Code, is $25,000. During its taxable year the corporation received dividends from corporations subject to taxation under Chapter 1 of the Internal Revenue Code, amounting to $5,000. The declared value excess-profits tax for the calendar year 1941, is $1,089, computed as follows:

Net income for calendar year 1941	$25,000
Less: Credit for dividends received (85 percent of $5,000)	4,250
Balance of net income	20,750
Less: 10 percent of the value declared in the capital stock tax return for the year ending June 30, 1941, of the capital stock as of December 31, 1940 (10 percent of $100,000)	10,000
Net income subject to declared value excess-profits tax	10,750
Less: Amount taxable at 6⁹⁄₁₀ percent, portion of net income in excess of 10 percent and not in excess of 15 percent of the adjusted declared value of the capital stock as of December 31, 1940 ($15,000 minus $10,000)	5,000
Amount taxable at 13⁷⁄₁₀ percent	5,750
Declared value excess-profits tax at 6⁹⁄₁₀ percent (6⁹⁄₁₀ percent of $5,000)	330

Declared value excess-profits tax at 13⅜₀ percent (13⅜₀ percent of $5,750)	$759
Total declared value excess-profits tax ($330 plus $759)	$1,089

§ 21.5 *Returns.* Every corporation which is subject to the capital stock tax imposed by section 1200 of the Internal Revenue Code, as amended, for any year shall make a declared value excess-profits tax return for each income-tax taxable year which ends after the close of the year in respect of which it is subject to such capital stock tax. There is no provision in the Internal Revenue Code which authorizes the making of a consolidated return by an affiliated group of corporations for the purpose of the declared value excess-profits tax imposed by section 600 of the Internal Revenue Code, as amended. Accordingly, every corporation which is liable for the making of a declared value excess-profits tax return under section 600 of the Internal Revenue Code, as amended (for any income-tax taxable year ending after June 30, 1941), whether or not such corporation is a member of an affiliated group of corporations, must make its declared value excess-profits tax return and compute its net income separately, without regard to the provisions of section 141 of the Internal Revenue Code as amended.

The declared value excess-profits tax return shall be made within the time prescribed for making the corporation's Federal income tax return for the income-tax taxable year, and shall be made to the collector of internal revenue to whom such income tax return is required to be made.*

§ 21.6 *Payment of tax.* The declared value excess-profits tax for any income-tax taxable year shall be paid within the time prescribed for paying the Federal income tax for such taxable year.*

§ 21.7 *Credits against tax prohibited.* Foreign income and profits taxes may not be credited against the declared value excess-profits tax imposed by section 600 of the Code, as amended.*

§ 21.8 *Determination of tax, assessment, collection.* The determination, assessment, and collection of the tax, and the examination of returns and claims in connection therewith, will be made under such procedure as may be prescribed from time to time by the Commissioner.*

§ 21.9 *Taxable years affected.* These regulations relate solely to income-tax taxable years ending after June 30, 1941, and supersede any previous regulations relative to declared value excess-profits tax for such years.*

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 17, 1941.
JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7935; Filed, October 21, 1941; 11:34 a. m.]

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 5089]

PART 80—ESTATE TAX UNDER THE REVENUE ACTS OF 1926 AND 1932, AS AMENDED

Regulations 80 (1937 Edition) amended to conform to the Revenue Act of 1941

In order to conform Regulations 80 (1937 Edition) [Part 80, Title 26, Code of Federal Regulations], as made applicable to the Internal Revenue Code (53 Stat., Part 1) by Treasury Decision 4885, approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Supp.], to the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, such regulations are amended as follows:

PARAGRAPH 1. The following is inserted immediately preceding article 1 [§ 80.1 of such Title 26]:

SEC. 401. ESTATE TAX RATES. (Revenue Act of 1941; Enacted September 20, 1941.)

(a) *Rates.* Section 935 (b) of the Internal Revenue Code is amended to read as follows:

(b) The tentative tax referred to in subsection (a) (1) of this section shall be the tentative tax shown in the following table:

If the net estate is	*The tentative tax shall be*
Not over $5,000	3% of the net estate.
Over $5,000 but not over $10,000	$150, plus 7% of excess over $5,000.
Over $10,000 but not over $20,000	$500, plus 11% of excess over $10,000.
Over $20,000 but not over $30,000	$1,600, plus 14% of excess over $20,000.
Over $30,000 but not over $40,000	$3,000, plus 18% of excess over $30,000.
Over $40,000 but not over $50,000	$4,800, plus 22% of excess over $40,000.
Over $50,000 but not over $60,000	$7,000, plus 25% of excess over $50,000.
Over $60,000 but not over $100,000	$9,500, plus 28% of excess over $60,000.
Over $100,000 but not over $250,000	$20,700, plus 30% of excess over $100,000.
Over $250,000 but not over $500,000	$65,700, plus 32% of excess over $250,000.
Over $500,000 but not over $750,000	$145,700, plus 35% of excess over $500,000.
Over $750,000 but not over $1,000,000	$233,200, plus 37% of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$325,700, plus 39% of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000	$423,200, plus 42% of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$528,200, plus 45% of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000	$753,200, plus 49% of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000	$998,200, plus 53% of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000	$1,263,200, plus 56% of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,543,200, plus 59% of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,838,200, plus 63% of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000	$2,468,200, plus 67% of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000	$3,138,200, plus 70% of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000	$3,838,200, plus 73% of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000	$4,568,200, plus 76% of excess over $8,000,000.
Over $10,000,000	$6,088,200, plus 77% of excess over $10,000,000.

(b) *Defense tax repealed.* Subchapter C of Chapter 3 of the Internal Revenue Code is repealed.

(c) *Effective date.* Subsections (a) and (b) shall be effective only with respect to estates of decedents dying after the date of the enactment of this Act.

PAR. 2. Article 1 [§ 80.1 of such Title 26], as amended by Treasury Decision 4995, approved August 1, 1940, is further amended as follows:

By changing the first sentence to read as follows:

§ 80.1 *Estate tax statute.* Federal estate taxation under chapter 3 of the Internal Revenue Code, as amended, consists of, *first* the basic estate tax, *second*, the additional estate tax, and *third*, if the decedent died after June 25, 1940, and on or before September 20, 1941 (the date of the enactment of the Revenue Act of 1941), the defense tax.

By inserting at the end thereof the following paragraph:

The Revenue Act of 1941 amended the Internal Revenue Code by increasing the rates for the computation of the additional tax with respect to the estates of decedents dying after September 20, 1941 (the date of the enactment of such Act), and, as to such estates, repealed the defense tax imposed by section 951 (subchapter C of chapter 3) of the Internal Revenue Code, as added by the Revenue Act of 1940.

PAR. 3. The last two sentences of article 7 [§ 80.7 of such Title 26] are stricken out, and the following is inserted in lieu thereof:

§ 80.7 *Rates of tax* * * * The rates prescribed by the Revenue Act of 1935 for the computation of the additional tax are applicable to estates of decedents dying after August 30, 1935, and on or before February 10, 1939, the date of the enactment of the Internal Revenue Code. The rates prescribed by section 935 (b) of the Internal Revenue Code, as enacted on February 10, 1939, for computation of the additional tax are the same as those prescribed by the Revenue Act of 1935 and are applicable to estates of decedents dying after February 10, 1939, and on or before September 20, 1941, the date of the enactment of the Revenue Act of 1941. The rates prescribed by section 935 (b) of the Code as amended by section 401 of the Revenue Act of 1941 for computation of the additional tax are applicable to estates of decedents dying after September 20, 1941. See "Table I", and "Table II", contained in the following article, for the various rates in effect prior to September 21, 1941, and such article for an explanation of the use of the tables.

PAR. 4. Article 8 [§ 80.8 of such Title 26], as amended by Treasury Decision 4995, is further amended as follows:

By inserting immediately after the second sentence of the first paragraph the following:

§ 80.8 *Computation of tax.* * * * In the case of decedents dying after February 10, 1939, and on or before September 20, 1941, the additional tax is obtained by subtracting the basic estate tax imposed by the Internal Revenue

Code (corresponding to the tax imposed by the Revenue Act of 1926) from an amount computed on the value of the appropriate net estate at the rates set forth in section 935 (b) of the Internal Revenue Code when enacted (corresponding to the rates set forth in the Revenue Act of 1932 as amended by the Revenue Act of 1935), or, if the decedent died after September 20, 1941, at the rates set forth in section 935 (b) of the Internal Revenue Code as amended by the Revenue Act of 1941.

By inserting "or under the Internal Revenue Code or the Internal Revenue Code as amended," immediately after "Revenue Act of 1932 as amended," in the next to the last sentence of the first paragraph.

By changing the second paragraph to read as follows:

The defense tax, applicable if the decedent died after June 25, 1940, and on or before September 20, 1941, is obtained by computing 10 percent of the total net tax (the total net tax being the sum of the net basic tax and the net additional tax).

By changing the heading in column (1) of "Table I" to read as follows:

In effect from August 31, 1935, to September 20, 1941, inclusive. (Tentative tax.)

(This Treasury decision is issued under authority contained in section 401 of the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, and in section 3791 (a) of the Internal Revenue Code (53 Stat., 467, 26 U.S.C., Sup. V, 3791 (a)).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 17, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7933; Filed, October 21, 1941; 11:34 a. m.]

[T.D. 5090]

PART 85—GIFT TAX UNDER THE REVENUE ACT OF 1932, AS AMENDED

Regulations 79 (1936 Edition) amended to conform to the Revenue Act of 1941

In order to conform Regulations 79 (1936 Edition) [Part 85, Title 26, Code of Federal Regulations], as made applicable to the Internal Revenue Code (53 Stat., Part 1) by Treasury Decision 4885, approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.], to the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, such regulations are amended as follows:

PARAGRAPH 1. The following is inserted immediately preceding article 5 [§ 85.5 of such Title 26]:

SEC. 402. GIFT TAX RATES. [Revenue Act of 1941.]

(a) *Rates.* The Rate Schedule of section 1001 of the Internal Revenue Code is amended to read as follows:

If the net gifts are	*The tax shall be*
Not over $5,000	2¼ % of the net gifts.
Over $5,000 but not over $10,000	$112.50, plus 5¼ % of excess over $5,000.
Over $10,000 but not over $20,000	$375, plus 8¼ % of excess over $10,000.
Over $20,000 but not over $30,000	$1,200, plus 10½ % of excess over $20,000.
Over $30,000 but not over $40,000	$2,250, plus 13½ % of excess over $30,000.
Over $40,000 but not over $50,000	$3,600, plus 16½ % of excess over $40,000.
Over $50,000 but not over $60,000	$5,250, plus 18¾ % of excess over $50,000.
Over $60,000 but not over $100,000	$7,125, plus 21 % of excess over $60,000.
Over $100,000 but not over $250,000	$15,525, plus 22½ % of excess over $100,000.
Over $250,000 but not over $500,000	$49,275, plus 24 % of excess over $250,000.
Over $500,000 but not over $750,000	$109,275, plus 26¼ % of excess over $500,000.
Over $750,000 but not over $1,000,000	$174,900, plus 27¾ % of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$244,275, plus 29¼ % of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000	$317,400, plus 31½ % of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$396,150, plus 33¾ % of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000	$564,900, plus 36¾ % of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000	$748,650, plus 39¾ % of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000	$947,400, plus 42 % of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,157,400, plus 44¼ % of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,378,650, plus 47¼ % of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000	$1,851,150, plus 50¼ % of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000	$2,353,650, plus 52½ % of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000	$2,878,650, plus 54¾ % of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000	$3,426,150, plus 57 % of excess over $8,000,000.
Over $10,000,000	$4,566,150, plus 57¾ % of excess over $10,000,000.

(b) *Years to which amendments applicable.* The amendments made by this section shall be applied in computing the tax for the calendar year 1942 and each calendar year thereafter (but not the tax for the calendar year 1941 or a previous calendar year), and such amendments shall be applied in all computations in respect of the calendar year 1941 and previous calendar years for the purpose of computing the tax for the calendar year 1942 and any calendar year thereafter.

(c) *Defense tax repealed.* Section 1001 (d) of the Internal Revenue Code (relating to defense tax for five years on gifts) is repealed.

PAR. 2. Article 5 [§ 85.5 of such Title 26], as amended by Treasury Decision 4996, approved August 1, 1940, is further amended as follows:

By striking "prior to 1940 or subsequent to 1945" in the last sentence of the first paragraph and substituting in lieu thereof "other than the calendar year 1940 or 1941".

By striking "1942, 1943, 1944, or 1945," in the first sentence of the second paragraph.

By striking "any" in the second sentence of the second paragraph.

By inserting immediately following the last paragraph the following:

§ 85.5 *Computation of tax.* • • • The defense tax imposed by subsection (d) of section 1001 of the Internal Revenue Code, as added by section 207 of the Revenue Act of 1940 (repealed by section 402 of the Revenue Act of 1941) is not applicable to the calendar year 1942 or any calendar year thereafter but remains in effect for the calendar years 1940 and 1941.

PAR. 3. Article 6 [§ 85.6 of such Title 26] is amended as follows:

By substituting the following for the third sentence and the statement preceding the Table for Computing Gift Tax:

§ 85.6 *Tax rate schedules* • • • The rates were again increased by the Revenue Act of 1935, and the rate schedule in such Act (section 301) is applicable in the computation of the tax for the calendar years 1936 to 1939, inclusive. The rate schedule in the Internal Revenue Code (section 1001), as enacted on February 10, 1939, is the same as the rate schedule in the Revenue Act of 1935 and is applicable in the computation of the gift tax for the calendar years 1940 and 1941. The rates were further increased by the Revenue Act of 1941, approved September 20, 1941, and the rate schedule under section 1001 of the Code, as amended by such Act, is applicable in the computation of the tax for the calendar year 1942 and each calendar year thereafter. There follows a tabulation of the several rate schedules in effect for calendar years prior to 1942.

By changing the heading in column (1) of the Table for Computing Gift Tax to read as follows: "In effect for calendar years 1936 to 1941, inclusive."

PAR. 4. Article 7 [§ 85.7 of such Title 26] is amended by changing the second sentence of the third paragraph to read as follows:

§ 85.7 *Application of rate schedules* • • • Only column 1 should be used in the computation of the tax for the years 1936 to 1941, inclusive.

(This Treasury decision is issued under the authority contained in section 402 of the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, and in sections 1029 and 3791 (a) of the Internal Revenue Code (53 Stat., 157, 467, 26 U.S.C., Sup. V, 1029, 3791 (a).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 17, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7934; Filed, October 21, 1941; 11:34 a. m.]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[Regulations 43, 1941 Edition]

PART 101—TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

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SUBPART A—INTRODUCTORY

§ 101.0 *Scope of regulations.* These regulations deal with the excise taxes imposed on admissions, dues, and initiation fees by Chapter 10 of the Internal Revenue Code, as amended by section 521, Part II, and sections 541, 542, 543 and 550, Part IV, of Title V of the Revenue Act of 1941. The regulations with respect to the determination of tax liability, the computation of tax and the manner of its application are contained in Subparts C to F, inclusive. The regulations relating to collection and return of tax, the imposition of penalties and related matters are contained in Subpart G.

The statutory references are to the Internal Revenue Code (53 Stat., Part 1) unless otherwise stated.*

*§§ 101.0 to 101.45, inclusive, issued under the authority contained in section 3791 of the Internal Revenue Code, follow the statutory provisions to which they, respectively, refer.

SUBPART B—GENERAL PROVISIONS

DEFINITIONS

SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

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(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

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(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

(15) *Military or Naval Forces of the United States.* The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, and the Navy Nurse Corps, Female.

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(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

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EFFECTIVE PERIOD

SEC. 1723. EFFECTIVE DATE OF CHAPTER.

This chapter shall take effect on the first day of that calendar month occurring next after the enactment of this title.

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. [Revenue Act of 1941.]

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(b) The rates specified in subsection (a) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a) • • • of the Internal Revenue Code shall not apply with respect to such period.

SEC. 550. EFFECTIVE DATE OF PART IV. [Title V, Revenue Act of 1941.]

(a) The amendments made by this Part shall be applicable only with respect to the period beginning with the effective date of this Part. • • • This Part shall take effect on October 1, 1941.

(b) Despite the provisions of subsection (a), the tax imposed by section 1700 (e) of the Internal Revenue Code, as amended by section 542 of this Act (relating to cabaret, etc., tax), shall be applicable only with respect to the period beginning at 10 a. m. on October 1, 1941, • • •.

• • • • • •

§ 101.1 *Effective period.* The taxes on admissions, dues, and initiation fees were effective under Title V of the Revenue Act of 1926, as amended. The applicable provisions of the Revenue Act of 1926, as amended, were superseded, effective March 1, 1939, by provisions of the Internal Revenue Code.

Sec. 521 (b) of the Revenue Act of 1941 applies to the taxes imposed with respect to leases of boxes and seats (see §§ 101.7 and 101.8) and sales outside box offices (see §§ 101.9 to 101.11). These taxes were increased from 10 per cent to 11 per cent by section 1650 of the Internal Revenue Code, added by section 210 of the Revenue Act of 1940. Under section 1650 the increased tax was applicable only with respect to the period after June 30, 1940, and before July 1, 1945. Under the amendments made by the Revenue Act of 1941 the 11 per cent rate applies indefinitely.

Section 550 (a) applies to the admissions tax (see §§ 101.2 to 101.6), the cabaret, roof garden, etc., tax (see §§ 101.13 and 101.14), and the club dues tax (see §§ 101.22 to 101.30). The changes made by the Revenue Act of 1941 with respect to these taxes are applicable on and after October 1, 1941. In the case of the cabaret, roof garden, etc., tax, the change was effective on October 1, 1941, at 10 a. m. for the time belt.*

SUBPART C—ADMISSIONS

SEC. 1700. TAX. [As amended by section 541 of the Revenue Act of 1941.]

There shall be levied, assessed, collected, and paid—(a) Single or season ticket; subscription.

(1) *Rate.* A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place, including admission by season ticket or subscription. In the case of persons (except bona fide employees, municipal officers on official business, children under twelve years of age, members of the military or naval forces of the United

States when in uniform, and members of the Civilian Conservation Corps when in uniform) admitted free or at reduced rates to any place at any time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be collected based on the price so charged to such other persons for the same or similar accommodations, to be paid by the person so admitted. No tax shall be imposed on the amount paid for the admission of a child under 12 years of age if the amount paid is less than 10 cents.

(2) *By whom paid.* The tax imposed under paragraph (1) shall be paid by the person paying for such admission.

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SEC. 1704. ADMISSION DEFINED.

The term "admission" as used in this chapter includes seats and tables, reserved or otherwise and other similar accommodations, and the charges made therefor.

§ 101.2 *Meaning of "admission."* The tax is imposed on "the amount paid for *admission* to any place," and applies to the amount which *must be paid* in order to gain admission to a place. (See § 101.4.) The term "admission" means the right or privilege to enter into a place. The law specifically provides that it shall also include "seats and tables, reserved or otherwise, and other similar accommodations." A charge for their use in any place must, therefore, be treated as a taxable charge for admission. So an amount paid for the right to use a reserved seat in a theater or circus, a seat in a room or window to view a parade, or the like, is taxable. This is true whether the charge made for the use of the seat, table, or similar accommodation is combined with an admission charge proper to form a single charge, or is separate and distinct from an admission charge, or is itself the sole charge. The tax under section 1700 (a) as amended does not apply, however, to admissions to or charges for seats and tables in a cabaret, roof garden or similar place which are subject to the provisions of section 1700 (e) of the Code as amended. (See §§ 101.13 and 101.14.)

Where an original admission charge carries the right to remain in a place, or to use a seat or table, or other similar accommodation for a limited time only, and an additional charge is made for an extension of such time, the extra charge is paid for "admission" within the meaning of the Code.

The amount paid for admission by season ticket is a fixed sum which entitles the holder to admission on definite dates to a series of scheduled attractions, or to admission at all times during the season, and the form of the ticket is not controlling.

A subscription ticket is one which is issued to a person who subscribes a sum of money to the expense of an entertainment or who agrees to bear a portion of the expense thereof when the amount is ascertained.

An amount paid to become regularly entitled to the privileges of a club or other organization, as members or otherwise, is not an "amount paid for admission" even though one of the privileges be the right to enter a clubhouse, club grounds, gymnasium, swimming pool, or the like. But where the chief or sole privilege of a so-called membership is a right of admission to certain particular performances or to some place on a definite number of occasions (as contrasted with a more or less unlimited right to enter a clubhouse or other place as many times as desired during a year or some other period), then the amount paid for such so-called membership is an "amount paid for admission" within the meaning of the Code. An entirely different tax is levied on amounts paid as initiation fees or as dues or membership fees to certain classes of clubs or organizations, and also upon life members of such clubs, by section 1710 of the Code. (See Subpart F)

Where a person or organization acquires the sole right to use any place or the right to dispose of all the admissions to any place for one or more occasions, the amount paid for such right is not subject to the tax on admissions. Such a transaction constitutes a rental of the entire place and of the attraction, if any, whether or not it is so designated. However, if the person or organization in turn sells admissions to the place the tax will apply to amounts paid for such admissions.

If a charge imposed on a person admitted to a place is designated as an admission it will be presumed that it is in fact an admission charge, even though it includes rental of property or services, such, for example, as a charge of 50 cents for admission to a swimming pool, including use of a suit. The tax will apply in such case unless it is clearly shown that the charge is for rental or services, and that persons who do not use the property or services offered (e. g., use of a swimming suit) are admitted free. On the other hand, the designation of a charge as a rental or service charge (e. g., a charge for use of a swimming suit) will not avoid the application of the tax if it in fact represents a charge for admission, or includes the right to admission. If the same charge is made to the person using or furnishing his own property or equipment as where property or equipment is furnished by the management, such charge is an amount paid for admission and subject to tax. If a lesser charge is made to persons who do not desire to use the property or services offered, the lesser charge represents the admission charge.*

§ 101.3 *Meaning of the term "place."* The tax under section 1700 (a) of the Code is on the amount paid for admission *to any place.* "Place" is a word of very broad meaning, and it is not defined or otherwise limited by the Code. But the basic idea it conveys is that of a definite inclosure or location. The phrase "to any place," therefore, does not narrow the meaning of the word "admission," except to the extent that it implies that the admission is to a definite inclosure or location. The inclosure or location may be on, above, or beneath the surface of the earth. Places of amusement obviously constitute the most important class of places admission to which is subject to this tax.*

§ 101.4 *Basis, rate, and computation of tax.* The amount paid for admission to any place, including any amount paid for a season ticket or as a subscription, is subject under section 1700 (a) of the Code, as amended, to a tax of 1 cent for each 10 cents or fraction thereof (except that no tax is due on the amount paid for the admission of a child under 12 years of age if the amount paid is less than 10 cents). The tax in each case is to be paid by the person paying for admission. This tax applies to the *payment* for admission, not to the *admission* itself, and as soon as payment for admission is made the tax attaches, whether or not the admission ever takes place, and no refund of the tax can be allowed by reason of nonuse of the ticket unless the admission charge also is refunded. The tax applies if the payment for admission occurs in the United States, even though the *admission* is to take place outside the territorial limits of the United States.

The tax applies whether any profit is contemplated or realized and whether the affair to which admission is charged is public or private.

The tax attaches to the amount paid for each admission separately, and, therefore, if two or more admissions are paid for at once, the total tax is determined by computing separately the tax on each admission and then adding together the taxes so computed. In other words, the tax for 10 single admissions will always be ten times the tax for each single admission.

Where a single charge is made to cover admission to more than one attraction, the tax is computed on the basis of such charge. If separate charges are made for each attraction, the tax is computed on each such charge. Where, however, after paying one charge a second charge is made for accommodations which are essentially an extension of the accommodations granted in return for the payment of the first charge, the tax attaches to the total of the two charges made. Thus, if a combination ticket is issued entitling the holder to admission and to the use of a reserved seat for $1.50, the tax is 15 cents, and the same amount of tax would be due if separate tickets of admission and for a reserved seat were sold for 75 cents each. In the latter case, however, the tax due on the first charge would be 8 cents (1 cent for each 10 cents or fraction thereof of the charge) and the tax on the second charge would be 7 cents (1 cent for each 10 cents or fraction thereof of the total charge, less the amount of tax, 8 cents, paid on the first charge).

The amount paid for admission to any place is the amount which must be paid to the person or persons controlling such admission in order to secure the privilege. If a ticket or card of admission is sold by the person controlling the admission for an amount in excess of the regular or

established price or charge therefor, the tax imposed by section 1700 (a) (1) will apply to the total selling price. As to taxes on excess charges see § 101.9.*

§ 101.5 *Free and reduced rate admissions*—(a) *General rule.* A person admitted free or at a reduced rate to any place at a time when and under circumstances under which an admission charge is made to other persons, is liable to tax (except as provided in paragraph (b) of this section), in an amount equivalent to the tax on the amount paid by such other persons for the same or similar accommodations. If tickets or cards of admission are issued the tax should be collected at the time of the issuance of such tickets or cards, while if no tickets or cards are used tax should be collected when the persons are admitted.

(b) *Exceptions.* A bona fide employee of the management of the theater or other place, a municipal officer on official business, or a child under 12 years of age, is not liable to tax if admitted free but if admitted at a reduced rate is liable to tax on the reduced price, except that a child under 12 years of age admitted for less than 10 cents is not liable for tax. Bona fide employees are (1) those persons, including directors and officers, regularly employed by the proprietor of the place or attraction or regularly engaged in work or business transacted there, whether their duties require admission to the place or not, and whether on duty at the time admitted or not; and (2) other persons whose admission to the place is required for the performance of some duty to, or work for, the proprietor.

Persons in the military or naval forces of the United States when in uniform, and members of the Civilian Conservation Corps when in uniform are not liable for tax if admitted free, and if admitted at a reduced rate are liable for tax on the reduced price.

Newspaper reporters, photographers, telegraphers, radio announcers, and persons of similar vocation who are admitted free to any place for the performance of special duties in connection with an event and whose special duties are the sole reason for their presence and free admission, are not liable for any tax on admissions. Free admissions, including free admissions to spoken plays, etc., granted to such persons who are not admitted solely for the purpose of performing their special duties in connection with the event are subject to tax equivalent to the tax on the admission charge paid by other persons for the same or similar accommodations.*

§ 101.6 *Effective date of change in exemption.* All sums paid on and after October 1, 1941, for admissions are subject to tax under section 1700 (a) (1) of the Internal Revenue Code as amended by section 541 of the Revenue Act of 1941, except that no tax attaches to an admission charge of less than 10 cents for a child under 12 years of age.*

LEASES OF BOXES OR SEATS

[SEC. 1700. TAX.] [As amended by section 521 (a) (1) of the Revenue Act of 1941]

[There shall be levied, assessed, collected, and paid—] (b) Permanent use or lease of boxes or seats.

(1) *Rate.* In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement (in lieu of the tax imposed under paragraph (1) of subsection (a)), a tax equivalent to 11 per centum of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder.

(2) *By whom paid.* The tax imposed under paragraph (1) shall be paid by the lessee or holder.

§ 101.7 *Meaning of "lease."* This tax applies to cases where a person has the permanent use, or a lease for the use, of a box or seat in any opera house or other place of amusement. The term "lease" means a continuous and exclusive right to use a particular box or seat for the term of the lease. It does not include the right to use a box or seat merely on the occasion of regular performances given by a particular company, but the contract must give the holder of the box or seat the right of use thereof whenever an attraction of any kind is presented in that place during the continuance of the lease. To constitute a lease of a box or seat a formal document of lease is not necessary.

Examples. (1) A corporation owning a theater gives the exclusive right to the use of a particular box for a year to each stockholder owning a certain number of shares. Since the stockholder has the exclusive use of the box for the period, this tax applies.

(2) A theater presents attractions, each running for a period of a week. A person arranges to reserve for his use a certain seat for every Monday night during the year. Such a reservation is not a lease.*

§ 101.8 *Basis, rate, and computation of tax.* In the case of a person having the permanent use or a lease for the use of a box or a seat in any opera house or other place of amusement the tax imposed by section 1700 (a) (1) on "the amount paid for admission to any place" does not apply. Instead, the provisions quoted above impose a tax on the right to the use of the box or seat equivalent to 11 per cent of the total amount that would be realized by the sale, at the established price, of the right to occupy a similar box or seat for each performance or exhibition during the period for which such box or seat is reserved. In other words, the tax is based not on the amount, if any, *actually paid* for the particular box or seat, but on the *amount that would be paid, at the established price, for admission to all performances given,* not merely those attended, if payments were made for each performance separately. The tax is not on the *actual use* of the box or seat, but on the *most extensive possible use.* Note that the rate of the tax here is 11 per cent and not "1 cent for each 10 cents or fraction thereof," as it is under section 1700 (a) (1). In case of a box, if there is no comparable box for the use of which on single occasions admission charges are made, the tax is to be computed by determining the amount for which a single box seat in the same part of the house is sold, multiplying that amount by the number of seats in the box, and calculating the tax on the basis above indicated. If there is no box located in a similar position, the tax is to be computed by determining the amount for which a single seat in the same part of the house is sold, multiplying that amount by the number of seats in the box, and calculating the tax accordingly.

Examples. (1) The season of a certain professional baseball league runs from April 15 to October 15. One club leases 6-seat boxes under contracts which entitle the holders to occupy the boxes on all occasions when attractions are presented between those dates. There are 70 games scheduled for the season, and the price of a 6-seat box for a single game (including general admission of six persons to the grandstand) is $10. In case of the lease of a box under the abovementioned contract the tax to be collected from the holder is $77 (11 per cent of seventy times $10), and if extra attractions, at which the holder would be entitled to the use of such box, are presented at any time during the period for which the box is held, additional tax equivalent to 11 per cent of the established price of a similar box must be collected on each such occasion, whether or not the box is occupied.

(2) Another club leases box seats under contracts which entitle the holders to occupy the seats on all occasions when attractions are presented between April 15 and October 15, but do not entitle them to general admission to the grandstand. The price of one of these seats for a single game (not including a taxable charge of 75 cents for general admission to the grandstand) is 50 cents. Under such a contract the tax to be collected is $3.85, which is 11 per cent of $35—the amount that would be paid for the 70 games scheduled at the rate of 50 cents for each game. In addition, the holder will be required to pay tax on the general admission charge to the grandstand each time he is admitted. If extra attractions at which the lessee is entitled to occupy his seat are presented at any time during the period for which the seat is held, additional tax equivalent to 11 per cent of the established price of a similar seat must be collected on each such occasion, whether or not the seat is occupied.

(3) The owners of a certain opera house, in leasing it to an opera company, reserve for their own use the whole parterre tier of thirty-five 6-seat boxes, paying therefor annually the sum of $70,-

000. These boxes are distributed among the various owners, $2,000 a year being paid for an annual lease of each. There are no similar boxes in the house, but the established price of each seat in the box in the next tier, which is less desirable, is $10 per seat. The number of performances during the season is fixed in advance at 100. Each lessee of such a box on paying the $2,000 for the season must pay a tax of at least $660 (one hundred times 11 per cent of six times $10), to be paid over in turn to the opera company and the collector of internal revenue. This minimum figure for the tax is based on the established price of the box seats which are the most nearly similar, but which are less desirable. If extra attractions are presented at any time during the period for which the box is leased, additional tax equivalent to 11 percent of the established price of a similar box must be collected on each such occasion, whether or not the box is occupied.*

CHARGES IN EXCESS OF ESTABLISHED PRICE

[SEC. 1700. TAX.] [As amended by sections 521 (a) (2) and 542 (d) of the Revenue Act of 1941]

[There shall be levied, assessed, collected, and paid—] (c) Sales outside box office.

(1) *Rate.* Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at a price in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1) of subsection (a), a tax equivalent to 11 per centum of the amount of such excess.

(2) *By whom paid.* The taxes imposed under paragraph (1) shall be returned and paid by the person selling such tickets.

* * * * *

(d) Sales by proprietors in excess of regular price—

(1) *Rate.* A tax equivalent to 50 per centum of the amount for which the proprietors, managers, or employees of any opera house, theater, or other place of amusement sell or dispose of tickets or cards of admission in excess of the regular or established price or charge therefor.

(2) *By whom paid.* The tax imposed under paragraph (1) shall be returned and paid by the persons selling such tickets.

§ 101.9 *Scope and basis of taxes.* While two distinct taxes are imposed under the provisions quoted above, one on excess charges for tickets or cards of admission sold at places other than the ticket offices of the theaters, operas, or other places of amusement, and the other on excess charges imposed by the proprietors, managers, or employees of such places, there are certain rules generally applicable to both. These will be found in this and in the succeeding section.

The provisions of the Code relating to excess charges apply regardless of the established price. Any amount received by the person selling the tickets or cards over and above the established price, or any lump sum which bears a relation to the number of tickets so sold, whether called a "contribution," "service charge," or the like, is an "excess charge."

The taxes on excess charges are of more limited application than the tax on admissions proper. The former attach only to excess charges for tickets or cards of admission valid for admission to *theaters, operas, or other places of amusement*, where as the tax on admissions attaches to amounts paid for admission to *any place*. (See § 101.4.) Thus, a tax may be due on an amount paid for admission to a place where no excess charge tax could be collected because the place is not a theater, opera, or other place of amusement. As shown in § 101.4, the full amount, including excess charges, paid to the theater or person controlling the same is subject to the tax on admissions, which must be paid by the person paying for admission. However, excess charges paid to brokers or persons who do not control the admission are not regarded as payments for admission to any place and are not therefore subject to tax under section 1700 (a) (1). The taxes on charges in excess of the regular or established price, whether the ticket or card of admission is sold at the box office or elsewhere, are to be paid by the person selling such ticket or card of admission. These taxes are therefore distinct from and in addition to the admissions tax.*

§ 101.10 *Regular or established price defined.* The "regular or established price" of admission to an attraction on a given occasion means the full price, fixed by the person in control, in force at the time of the first sale, of tickets or cards of admission thereto. However, the mere fact that a price is called an established price does not make it such. The established or regular price of admission may be the same for all admissions, or may vary in accordance with the accommodations furnished. Any scale of prices adopted in good faith, and reasonably corresponding to the kinds of accommodations furnished, will be accepted as showing the true established prices of admission. The established price of an admission need not be the same for different attractions or even for different performances of the same attraction; but when tickets are once put on sale for a particular performance the price of admission for every accommodation at that performance is thereby established. Established prices of admission once so adopted are not affected by the mere sale of a few admissions at prices different from the ones so established. Established prices once adopted for any occasion may not be thereafter increased for that occasion. If tickets are subsequently sold at higher prices, the excess charges are taxable. Prices once established or adopted may be reduced, but in such case liability to excess-charge taxes with respect to all admissions sold at the original established prices can be avoided only by complying with the following conditions:

(1) Any reduction of an established price must apply equally to all admissions covered by such established prices; (2) the reduction must not result in setting a lower price for certain accommodations than is charged for other like accommodations on the same occasion; (3) public notice must be promptly given of the reduction and of the fact that every person having paid for admission at the former established price can secure a refund at any reasonable time of the amount he paid in excess of the new established price; and (4) such refunds actually must be made promptly on request.

The rules above indicated in this section apply not only to single admissions but also to season tickets and subscriptions. The established price for a season ticket or subscription is the full price, fixed by the person in control, in force at the time of the first sale.

For requirements as to data to be shown on tickets see § 101.18.*

§ 101.11 *Brokers' sales; rate and computation of tax.* The tax on excess charges applies to tickets or cards of admission to theaters, operas, or other places of amusement "sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement" at a price in excess of the regular or established price therefor at such ticket offices. The tax is 11 per cent of the amount by which the selling price exceeds the sum of the regular or established price and the tax thereon. The tax is imposed upon and is to be paid by the person so selling the tickets or cards of admission. The liability to this tax attaches whether or not the selling or disposing of such tickets or cards of admission is the principal business or occupation of such person.

In determining the amount of the excess charge, the amount of any tax imposed under section 1700 (a) (1) is always added to the regular or established price and the sum so obtained is subtracted from the selling price. The remainder represents the excess charge, and the 11 per cent tax applies to that amount. Thus, by way of illustration, if a ticket broker sells for $4.50 a ticket or card of admission the regular or established price of which is $3.50, plus 35 cents tax, the excess charge is not $1, but 65 cents. This is determined in the following manner:

Established price	$3.50
Admission tax thereon	.35
Total	3.85
Sale Price	4.50
Difference, representing taxable excess charge	.65
Tax due at 11 per cent	.0715

No admission tax on the established price is due or collectible by the broker in this connection, since such tax has already been paid to and collected by the theater or person controlling the admission.

As this is a percentage tax, like that imposed on excess charges imposed by theaters, operas, or other places of amusement, individual transactions will frequently result in a tax involving a fraction of a cent. These fractional parts of cents should be preserved in computing the monthly total of tax due. If the grand monthly total involves one-half, or a larger fraction, of a cent, it shall be increased to 1 cent; otherwise it shall be disregarded. (See section 3658 of the Code.)

It should be particularly noted that this tax is based on the amount charged by the broker in excess of the *established price* plus tax, not in excess of the *price the broker pays*. The fact that the broker himself may have paid the theater, opera, or other place of amusement more than the established price for a ticket or card of admission sold or disposed of by him does not affect the tax to be paid by the broker on an excess charge made by him. In other words, if a theater charges a broker more than the established price, and the broker charges the customer more than the established price plus tax on such established price, the theater must pay tax on the excess charged the broker over the established price and the broker must pay tax on the excess charged the customer over the established price plus tax thereon. If the broker pays the theater less than the established price, the latter and not the price actually paid is the sum which must be taken in reckoning the amount of the excess charge.

Where a ticket is sold by a theater to a broker at the established price and it thereafter passes through the hands of one or more brokers before being sold to a user, each broker who sells the ticket for an amount in excess of the established price must pay the tax on the whole amount by which his selling price exceeds the amount of the established price of the ticket at the ticket office of the theater, opera, or other place of amusement plus the tax imposed on such established price under section 1700 (a) (1). For information as to the manner in which returns shall be made and the tax paid over by brokers, see § 101.33.

Examples. (1) A certain ticket broker purchases from a theater a block of tickets for seats in the orchestra, the established price of admission to which is $3.50, and resells them at an excess charge of 80 cents per ticket. The taxes to be collected and paid by the theater and broker in this case are as follows:

THEATER

Receives from broker		*Disposition*	
Established price	$3.50	which it retains.	
Admission tax	.35	which it must pay to collector	$0.35
Total	3.85	Total	.35

BROKER

Receives from customer		*Disposition*	
Established price	$3.50	which he retains.	
Additional charge	.85	which he retains as reimbursement of admission tax paid to theater.	
Excess charge	.80	on which he must pay as tax to collector	$0.088
Total	4.65	Total	.088

(2) A theater-ticket agency procures tickets from various theaters with the privilege of returning an hour before the performance starts all tickets for that performance then unsold. Such agency charges for each ticket sold 10 cents more than the sum of the established price and the amount paid to the theater as an admission tax, and terms this 10-cent charge a "service charge." The 10-cent advance is an fact an excess charge not withstanding the privilege of returning the unsold tickets and the agency is liable for an excess-charge tax of 1⅒ cents.*

§ 101.12 *Box office sales; rate and computation of tax.* Where a proprietor, manager, or employee of any opera house, theater, or other place of amusement sells or disposes of any ticket or card of admission for an amount in excess of the regular or established price or charge therefor (as outlined in § 101.10), the excess portion of the price for which it is so sold or disposed of is subject to the tax of 50 per cent imposed under section 1700 (d). This tax is to be paid by the person selling or disposing of the ticket, and (as shown in § 101.9) is distinct from and in addition to the admission tax, which is to be paid by the person to whom the ticket is sold.

The fact that this tax is on a percentage basis makes possible a tax involving a fraction of a cent. As the tax is based on each excess charge imposed, several items of tax each involving a fractional part of a cent may be due with each monthly return. These several fractions should be preserved or included in computing the total tax due with any given return. If the total thus obtained involves one-half, or a larger fraction, of a cent, it shall be increased to 1 cent; otherwise it shall be disregarded.

Example. If a ticket broker purchases from a theater a block of admission tickets, the established price of which is $2 (admission tax 20 cents), and resells them at an excess charge of 50 cents per ticket, agreeing, however, that half of this excess charge so received by him is to be paid to the theater, the sum of 25 cents received by the theater is in effect an excess charge made by it. The theater, therefore, will be subject to a tax of 50 per cent of this amount (12½ cents) as a tax on the excess charge, and the broker will be subject to a tax of 5½ cents, which is 11 per cent of the 50 cents excess over the established price.*

ROOF GARDENS, CABARETS, OR SIMILAR ENTERTAINMENTS

[SEC. 1700. TAX.] [As amended by section 542 of the Revenue Act of 1941]

[There shall be levied, assessed, collected, and paid—]

(e) Tax on cabarets, roof gardens, etc.—(1) *Rate.* A tax equivalent to 5 per centum of all amounts paid for admission, refreshment, service, and merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, if any payment, or part thereof, for admission, refreshment, service, or merchandise, entitles the patron to be present during any portion of such performance. No tax shall be applicable under subsection (a) (1) on account of an amount paid with respect to which tax is imposed under this subsection.

(2) *By whom paid.* The tax imposed under paragraph (1) shall be returned and paid by the person receiving such payments.

§ 101.13 *Basis, rate, and computation of tax.* The tax imposed by section 1700 (e), as amended by section 542 of the Revenue Act of 1941, applies to all amounts paid for admission, refreshment, service, and merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, if any payment or part thereof entitles the patron to be present during any portion of such performance. The tax is at the rate of 5 per cent of the total amounts so paid.

Charges collected prior to commencement of a performance are not taxable with respect to such performance, if the patron is not entitled to remain for any part of the performance.

The liability for the tax is imposed upon the person receiving payment of the charges mentioned, and the tax must be paid by such person regardless of whether collected from the patron either as a separate charge or by being included in the amounts charged for admission, refreshment, service, and merchandise.

Where the tax is passed on to the patron and is shown as a separate item on the waiters check or bill for admission, refreshment, service, and merchandise, the amount thereof shall be excluded in determining the total amount of the charges upon which the tax is to be computed. However, where the tax is not shown as a separate charge, the tax must be computed on the total amount paid by the patrons for admission, refreshment, service, and merchandise.

The tax upon admissions generally, imposed by subsection (a) (1) of section 1700, as amended, does not apply to any charge for admission that is subject to the tax imposed by subsection (e) of section 1700, as amended.*

§ 101.14 *Entertainments included.* The phrase "a public performance for profit" includes every public vaudeville or other performance or diversion in the way of acting, singing, declamation, or dancing, either with or without instrumental or other music, conducted by professionals, amateurs, or patrons, under the auspices of the management, in con-

nection with the serving or selling of food or other refreshment or merchandise at any room in any hotel, restaurant, hall, or other public place. Every form of entertainment so conducted is included, except instrumental music unaccompanied by any other form of entertainment.

Where music by an orchestra and a space in which the patrons may dance are furnished in the dining room of a hotel, or in a restaurant, bar, etc., the entertainment constitutes a public performance for profit at a roof garden, cabaret or similar place, and the payments made for admission, refreshment, service and merchandise are subject to the tax.

Examples. (1) A proprietor of a dancing establishment provides for the serving of refreshments to his patrons. An admission or cover charge is made to each patron. In this case the admission or cover charges and also the charges for refreshment, service, and merchandise are subject to the tax.

(2) A certain hotel provides an orchestra and a dancing floor surrounded by tables and serves refreshments to its patrons during the dancing hours. No charge is made for dancing. This is a case of a public performance for profit where the charges for refreshment, service, and merchandise are taxable.

(3) A hotel gives a New Year's Eve party in its dining room for which a charge of $5 per person is made to anyone desiring to attend. A dinner is served and entertainment in the form of music and dancing by the patrons is furnished. The charge of $5 for refreshment, service, and merchandise is subject to tax of 25 cents.*

SUBPART D—EXEMPTIONS

SEC. 541. ADMISSIONS TAX. [Revenue Act of 1941]

* * * * *

(b) *Termination of exemptions.* Section 1701 of the Internal Revenue Code (relating to exemptions from admissions tax) shall not apply with respect to amounts paid, on or after the effective date of this Part, for admission.

(c) *Exemption of national park, etc., admissions terminated.* The Interior Department Appropriation Act, 1942, is amended by striking out that part thereof under the heading "National Park Service" which reads as follows:

Hereafter fees incident to admission to the national parks and monuments and other areas in the national park system, charged and collected with the approval of the Secretary of the Interior, shall be exempt from all Federal tax on admissions.

The Act entitled "An Act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1933, and for other purposes", approved May 9, 1935, is amended by striking out that part thereof under the heading "National Park Service" which reads as follows:

Provided, That any admission fee charged for entrance to Carlsbad Caverns and any fee charged for guide service therein, shall be exempt from all taxes on admissions.

§ 101.15 *Termination of exemptions.* The several exemptions from the tax on admissions formerly allowed by section 1701 of the Code and by the Interior Department appropriation acts were terminated as of October 1, 1941, by section 541 (b) and (c) of the Revenue Act of 1941. Accordingly, all amounts paid on and after October 1, 1941, for admission to any place are subject to tax, regardless of the purpose of the entertainment or affair and regardless of the organization or person to whom the proceeds inure. A child under 12 years of age admitted for less than 10 cents is not liable for tax. (See § 101.4.)*

§ 101.16 *Admissions by or for the benefit of Federal, State, or municipal governments.* The fact that the authority charging admissions or receiving the proceeds thereof is the United States or an agency thereof, or a State or Territory or political subdivision thereof, such as a county, city, town, or other municipality, does not make such admissions exempt. The code specifically provides that the taxes on admission shall be paid by the person paying for admission. It is not, therefore, a tax on the person or authority selling the admissions or receiving the proceeds thereof.*

SUBPART E—TICKETS AND SIGNS

SEC. 1702. PRINTING OF PRICE ON TICKET.

'The price (exclusive of the tax to be paid by the person paying for admission) at which every admission ticket or card is sold shall be conspicuously and indelibly printed, stamped, or written on the face or back of that part of the ticket which is to be taken up by the management of the theater, opera, or other place of amusement, together with the name of the vendor if sold other than at the ticket office of the theater, opera, or other place of amusement.

SEC. 1703. PENALTIES.

(a) Failure to print correct price on ticket.—Whoever sells an admission ticket or card on which the name of the vendor and price is not printed, stamped, or written, as provided in section 1702, or at a price in excess of the price so printed, stamped, or written thereon, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100.

* * * * *

§ 101.17 *Tickets or other means to check admissions required.* Where admission tickets or cards are not used some other method or system must be provided by which the number of admissions sold and the tax due thereon may be ascertained and checked. Therefore, every place admission to which is taxable must provide either:

(a) Tickets or cards of admission to evidence all admissions which are subject to tax; or

(b) A mechanical device or other method which will register or show the number of persons entering the place.

Exception. In the case of a person or organization who or which only makes charges for admission irregularly and occasionally and not more than six times a year, compliance with the foregoing requirements will not be necessary; but in such cases a correct record must be kept in accordance with § 101.32 showing all information necessary to enable revenue officers to determine the amount of tax due.*

§ 101.18 *Requirements applicable to tickets.* Where tickets or cards of admission are used, they must comply with the following requirements:

(a) The price (exclusive of the tax to be paid by the person paying for admission) at which every ticket or card is sold must be conspicuously and indelibly printed, stamped, or written on that part of the ticket which is to be taken up by the management of the place for admission to which it is valid. This is a specific requirement of the Code itself. For administrative purposes it is necessary to show not only the selling price but also (1) the regular or established price (see § 101.10), (2) the tax, and (3) the total of the price and tax. The regular or established price, the tax based thereon, and the total, shall appear on the face (in the case of strip tickets the back may be used) of the portion of the ticket which is to be taken up by the management, in the following or equivalent form:

Established	------
Tax paid	------
Total	------

If the ticket is sold at a price other than the regular or established price, the actual selling price, the tax (for basis and computation of tax see § 101.4), and the total shall be shown on the face of the portion of the ticket to be taken up by the management. If the ticket shows the seat or box for which it is valid, the location and seat or box number must appear on that part of the ticket which is taken up by the management as well as on the stub which is given to the patron. If the ticket is sold other than at the ticket office of the theater, opera, or other place of amusement, the name and address of each vendor and his actual selling price must be shown on the back of the portion of the ticket to be taken up by the management. All persons required to collect and account for tax on admissions must keep for possible inspection by revenue officers the portions of the tickets taken up by them, or in the case of a cabaret or similar place, the waiters' checks, for a period of not less than six months.

Where a theater or other place has a reduced or special price of admission for members of the military or naval forces of the United States in uniform, members of the Civilian Conservation Corps in uniform, or children under 12 years of age, a separate form of ticket (serially numbered) should be used showing such reduced or special price and that the ticket is to be used only by such persons.

(b) The name of the place for taxable admission to which a ticket or card is valid must in all cases be shown thereon. Moreover, tickets must either show the date for which they are valid or must be serially numbered. If serially numbered tickets are used, there must be a separate and distinct series for each established price. The numbers of each series must start with 1 and run continuously in regular order until 500,000 is reached, after which they may again start at 1 if so desired. In such case, however, a letter of the alphabet must precede or follow the serial number to distinguish the new series from the preceding series, and such letters must be used in turn until the alphabet is exhausted before starting again with the letter A. No place to which taxable admissions are sold shall have, or permit to be, at such place at the same time two or more rolls or series of tickets of the same established price bearing identical serial numbers which are not distinguished by different letters of the alphabet. Serially numbered tickets must be issued consecutively in the order of the serial numbers of that particular series, and the letters of the alphabet, if any.

(c) In the case of bona fide season or subscription tickets, a single ticket or card or a strip of tickets may be used to evidence more than one admission. In every other case, where several single admissions are sold or disposed of at one time, there must be separate or separable coupons to evidence each right to admission. Thus, in the case of combination tickets, issued by outdoor amusement parks, which entitle the holder to admission to a number of different attractions, there must be a separate ticket or coupon for each such attraction. Furthermore, each separate ticket or coupon must either be dated, or be serially numbered in accordance with paragraph (b) of this section. If serial numbers are used in such combination tickets, each coupon thereof shall bear the same serial number as the stub or cover of the ticket itself.

(d) Except in the case of a non-taxable free admission, no person shall be admitted to any place admission to which is taxable, and which uses tickets or cards, except upon the presentation of a card or ticket complying with the preceding requirements. The ticket or card so presented or a portion thereof must be taken up at the time of admission, by the management of the place, except in the case of a bona fide subscription or season ticket covering two or more admissions.

In any case where tickets have become obsolete due to a change in price, or unusable for any other reason, they shall not be destroyed except in the presence of a representative of the collector's office. They may be taken to the collector's office for destruction or may be held at the theater until a deputy collector calls. After destruction a statement will be issued setting forth the numbers of the tickets destroyed, their denomination, and all other pertinent information. This statement will be issued in duplicate, one copy to be retained in the files of the theater and the other copy by the collector.

Examples. (1) A certain theater has a regular charge of $1 for orchestra seats. It should print the following on the face of that part of the ticket which is taken up by the theater upon the admission of the ticket holder.

Established price	$1.00
Tax paid	.10
Total	1.10

Two hundred of these tickets are sold by the theater to a certain broker. On selling these tickets he should stamp with a rubber stamp on the back of the same part of the ticket a statement substantially as follows:

Sold by
John Jones
27 West St., New York City

Sale price	$1.50
Tax paid	.10
Total sale price	1.60

(2) George Nelson purchases from John Jones one of the tickets mentioned in the preceding example and resells this ticket at an advance of 50 cents above the amount which he paid for it. When selling the ticket George Nelson shall draw two lines in the form of a cross through the left-hand portion of the matter stamped by the broker on the back of the ticket and shall add his name and address and a statement as follows:

Sold by Geo. Nelson,
505 West 122 St.,
New York City.

Sale price	$2.00
Tax paid	.10
Total sale price	2.10

(3) A broker on reselling a ticket finds that by reason of the fact that it has previously passed through the hands of several other brokers and has been stamped by them, there is not sufficient space on it for him to stamp the information required by the law and regulations. He may enlarge the ticket by pasting to that part which will be taken up by the theater a slip of paper and stamp the required information on the same, but this must be done in such a way that the information placed on the ticket by former vendors will not be obscured.*

§ 101.19 *Printing of tickets; notice to be given.* Where tickets or cards of admission to any place for admission to which a charge is made are printed, manufactured, or sold by any person, it shall be his duty to give prompt notice to the collector of internal revenue of the district in which is located the place to which admission is to be charged. The notice shall state (a) the name and address of the person to whom the tickets are furnished and (b) the number of tickets furnished, and shall be accompanied by proofs or sample copies of the tickets themselves. If the tickets are serially numbered, the notice must also include a statement as to such serial numbers.*

§ 101.20 *Mechanical devices.* If a mechanical device is used instead of tickets or cards of admission, such device may be placed at the entrance or exit, or at any point en route through the place, but must be so arranged that every person admitted must himself cause it to register an admission and be so constructed that no change can be made in the record of admissions until at least 99,999 admissions are recorded, and then the only change possible must be the returning of the record to "0."

§ 101.21 *Signs to be posted.* In the case of every place, admission to which is subject to tax, the proprietor or manager must keep conspicuously posted at the outer entrance and near the box office one or more signs accurately stating each of the established prices of admission, and in the case of each such price the tax due and the sum total of the established price and the tax.

Example. The following is an example of such a sign:

	Admission	*Tax*	*Total*
Box seats	$4.00	$0.40	$4.40
Orchestra	3.50	.35	3.85
Mezzanine	2.50	.25	2.75
Balcony	2.00	.20	2.20
Gallery	1.00	.10	1.10

In the case of free or reduced rate admissions which are subject to tax based on the established prices (see § 101.5) a sign similar to the following should be used:

Admission	Tax	Total	Free or reduced rate admissions valued at	Tax to be collected
$3.50	$0.35	$3.85	$3.50	$0.35
$5.00	.50	5.50	5.00	.50
$10.00	1.00	11.00	10.00	1.00
$40.00	4.00	44.00	40.00	4.00

*

SUBPART F—DUES AND INITIATION FEES

SEC. 1710. TAX. [As amended by section 543 (a) of the Revenue Act of 1941.]

(a) *Rate.* There shall be levied, assessed, collected, and paid—

(1) *Dues or membership fees.* A tax equivalent to 11 per centum of any amount paid as dues or membership fees to any social, athletic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year.

(2) *Initiation fees.* A tax equivalent to 11 per centum of any amount paid as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees, not including initiation fees, of an active resident annual member are in excess of $10 per year.

* * * * *

(b) *By whom paid.* The taxes imposed by subdivision (a) shall be paid by the person paying such dues or fees, * * *.

SEC. 1712. DEFINITIONS. [As amended by section 543 (b) of the Revenue Act of 1941.]

As used in this subchapter—

(a) *Dues.* The term "dues" includes any assessment irrespective of the purpose for which made, and any charges for social privileges or facilities, or for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities, for any period of more than six days; and

(b) *Initiation fees.* The term "initiation fees" includes any payment, contribution, or loan, required as a condition precedent to membership, whether or not any such payment, contribution or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or

organization to whom paid, contributed, or loaned.

§ 101.22. *Meaning of dues or membership fees.* The tax is imposed on all amounts paid as dues or membership fees if the dues or membership fees of an active resident annual member exceed $10 a year. The term "dues or membership fees" includes (1) all assessments (2) all charges for social privileges or facilities and (3) all charges for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities for any period of more than six days.

If the total dues or membership fees, including (1) to (3) above, (but not including penalties for failure to pay promptly), of an active resident annual member exceed $10 a year, such dues and fees (including any penalty for failure to pay promptly) are taxable and all dues and fees paid by other classes of members are subject to tax whether or not the dues and fees paid by such members exceed $10 a year.

An "active resident annual member" is one who is not a life member but who enjoys full club privileges as distinguished from the privileges enjoyed by a person holding a nonresident membership, an associate membership or other partial or restricted membership.*

§ 101.23 *Rate and basis of tax.* The tax is 11 per cent of any amount paid as dues or membership fees or as initiation fees to clubs or organizations coming within the provisions of section 1710.

If the dues or membership fees (including all assessments and all charges for social privileges or facilities or for golf, tennis, polo, swimming or other athletic or sporting privileges or facilities, for any period of more than six days, but not including initiation fees) of an active resident annual member are in excess of $10 per year, all amounts paid to the club as dues or membership fees, assessments, special charges, or initiation fees are taxable. Thus if the dues or membership fees of an active resident annual member are in excess of $10 per year, such dues or membership fees are subject to tax and amounts paid by all other members are taxable even though the dues or membership fees of such members are not in excess of $10 per year.

If the dues or membership fees (including assessments and all charges for social privileges or facilities or for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities, for any period of more than six days) of an active resident annual member are not in excess of $10 per year, the tax does not attach to any amounts paid as dues or membership fees or assessments, except that the tax attaches to initiation fees if such fees amount to more than $10.

Thus in the case of a club or organization the regular dues or membership fees of which are less than $10 per year, but which levies an assessment on its active resident annual members, if the regular dues or membership fees, plus the assessment, exceed $10 per year, the tax is applicable. The tax would likewise apply in the case of a club the regular dues of which are $10 per year but which makes additional annual, monthly, or weekly charges for golf, tennis, polo, or swimming privileges, or other athletic or sporting privileges. If a club or organization collects no regular dues or membership fees but meets its expenses by levying assessments on its members as funds are required, the assessments are taxable provided the assessments aggregate more than $10 per year for a member who enjoys the full privileges of the club or organization.

If the dues or membership fees, including assessments and all extra charges, determined in the manner herein outlined, of an active resident annual member are in excess of $10 per year, dues or membership fees (including assessments, and all extra charges described above) paid by all other members, whether or not they are in excess of $10 per year, are subject to the tax.

For tax on life memberships see § 101.29.

Examples. (1) A certain social club has "members," nonresident members, associate members, and junior members. "Members" pay an initiation fee of $15 and dues of $10 per year. Associate members pay an initiation fee of $10 and dues of $5 per year. Nonresident members and junior members pay still less. In the case of this club a "member" is clearly the "active resident annual member" specified in the Code. As a "member's" dues are not in excess of $10 per year, none of the dues or membership fees paid by any member of the club are taxable. (The initiation fee of $15 paid by a "member" is taxable.)

(2) A certain athletic club has members, dues, and fees precisely the same as those of this social club, except that the initiation fee of "members" is $10 and the regular dues of "members" are $30 per year. As these dues are in excess of $10 per year, in this case the initiation fee and all dues paid to the club by members of any class are subject to tax.

(3) The same athletic club levies in a certain year, in addition to its regular dues, an assessment of $10 on every associate member and provides a penalty of $1 if it be not paid within a month after due. This assessment is taxable, and so is the penalty if it be imposed.

(4) A member of this same athletic club violates the house rules and is suspended until he pays a fine of $15. As a fine is neither dues nor membership fees, this $15 payment is not taxable.

(5) A certain golf club has two classes of members. Class A members pay $40 per year dues and are entitled to the full privileges of the club, including the use of the golf course. Class B members pay $10 per year dues and are entitled to the privileges of the clubhouse, but do not enjoy the privilege of the golf course. The total dues of $40 paid by class A members are subject to tax, and since the dues of such members are in excess of $10 per year, the dues of $10 paid by class B members are also subject to tax.

(6) A certain golf club charges a "green" fee of $1 for each guest who uses the course. Such a fee is not paid "as dues or membership fees," and is, therefore, not taxable as such.

(7) A tennis club the annual dues of which are $10 levies an assessment of $2 per year on each member to cover cost of tennis balls. The dues, fees, and such assessments paid by members of this club are taxable.

(8) A certain social club, the dues and fees of which are taxable, passes a resolution providing that no membership dues or fees shall be collected from members who are in the military service of the United States. Such members thereafter pay no dues or fees and are therefore not liable for payment of tax with respect to membership in the club, but life members who are in the military service are not relieved from payment of the tax on their life memberships.*

§ 101.24 *Determination of character of club.* The purposes and activities of a club or organization and *not its name* determine its character for the purpose of the tax. Every club or organization having social, athletic, or sporting features is presumed to be included within the meaning of the phrase, "any social, athletic, or sporting club or organization," until the contrary has been proved, and the burden of proof is upon it. Every such club or organization, therefore, unless it falls within the express exemption of the Code (see § 101.30), must collect, return, and pay over the tax imposed by the Code, unless and until it has satisfied the Commissioner of Internal Revenue that it is not in fact "social, athletic, or sporting" within the meaning of the Code and as defined in these regulations. If any such club or organization claims that it is not in fact "social, athletic, or sporting," it shall submit to the collector a copy of its charter or constitution and by-laws, together with a statement showing its actual purposes, activities, practices, and facilities, the character of its expenditures, and such other evidence as may be requested. Upon consideration of the evidence submitted the collector will determine, if he can do so, whether or not such club or organization comes within the provisions of the Code. If, however, the collector is in doubt as to whether or not the club or organization is "social, athletic, or sporting," he will refer the statement and accompanying papers to the Commissioner for decision. When a club or organization has been held not to be a "social, athletic, or sporting" club or organization it need not thereafter make a return or any further showing with respect to its status under the law, unless it changes the character of its organization or operations or the purpose for which it was originally created. Collectors will keep a list of all clubs and

organizations held not to be "social, athletic, or sporting" clubs or organizations, to the end that they may occasionally inquire into their status and ascertain whether the conditions upon which their exemption was predicated remain unchanged. If the collector decides that the club or organization comes within the provisions of the Code and the club or organization is not satisfied with his decision, it may request that the matter be referred to the Commissioner for a ruling.*

§ 101.25 *Social clubs.* Any organization which maintains quarters or arranges periodical dinners or meetings, for the purpose of affording its members an opportunity of congregating for social intercourse, is a "social * * * club or organization" within the meaning of the Code, unless its social features are not a material purpose of the organization but are subordinate and merely incidental to the active furtherance of a different and predominant purpose, such as, for example, religion, the arts, or business. The tax does not attach to dues or fees of a religious organization, chamber of commerce, commercial club, trade organization, or the like, merely because it has incidental social features, but if the social features are a material purpose of the organization it is a "social * * * club or organization" within the meaning of the Code. An organization that has for its exclusive or predominant purpose religion or philanthropic social service (or the advancement of the business or commercial interests of a city or community) is clearly not a "social * * * club or organization." Most fraternal organizations are in effect social clubs, but if they are operating under the lodge system, or are local fraternal organizations among the students of a college or university, payments to them are expressly exempt (see § 101.30).

Examples. (1) Neither a Young Men's Christian Association nor a Young Men's Hebrew Association is a social club within the meaning of the Code, for the predominant purposes of each are religion and philanthropic social service.

(2) A social settlement which provides, among other things, dances and other social opportunities for a slum neighborhood is supported by contributions. Any person contributing $30 a year is called a "member" of the settlement association. Such contributions are not taxable, for such a settlement is not a social club within the meaning of the Code, as its predominant purpose is philanthropic social service.

(3) An automobile dealers' association is organized and operated for the purpose of maintaining a social organization of persons residing in a certain city and engaged in the manufacture or sale of automobiles and accessories, affording its members opportunity to enjoy healthful games, and of promoting social welfare and social intercourse between the members and, by debates and discussions among themselves at their meetings, promoting interest in automobile transportation, traffic, and knowledge of the industry in this city. This organization is a social club within the meaning of the Code.*

§ 101.26 *Athletic or sporting clubs.* Tennis, golf, boxing, boating, canoe, fishing, and hunting clubs, and any organization (the members of which are individuals) for the practice or promotion of athletics or sports, are included within the meaning of the words of the Code, "athletic, or sporting club or organization." A local, sectional, or national "athletic, or sporting" association, the membership of which is composed wholly or partly of member clubs, is not within the scope of the Code. The possession and use of a gymnasium, swimming pool, or other athletic facilities by an organization having religion or philanthropic social service for its exclusive or predominant purpose do not bring the organization within the class of athletic or sporting clubs or organizations.*

§ 101.27 *Foreign clubs.* Dues or fees paid to a club located outside of the United States and having no branch or organization in the United States are not taxable. If such a club has a branch or agency within the United States, the dues or fees paid to such branch or agency on behalf of the club are taxable.*

§ 101.28 *Initiation fees.* Any amount paid as initiation fees to a club or organization coming within the provisions of section 1710 is subject to the 11 per cent tax imposed by the Code as amended (a) if such fees amount to more than $10, or (b) if the dues or membership fees (not including initiation fees) of an active resident annual member are in excess of $10 per year.

Under the Code the term initiation fees" includes any payment, contribution, or loan required as a condition precedent to membership, whether or not any such payment, contribution, or loan is evidenced by a certificate of interest or indebtedness or share of stock, and irrespective of the person or organization to whom paid, contributed, or loaned. It is not material whether the applicant has any hope or expectation of a return of his payment upon resignation, death, or other circumstances, nor is it material to whom he pays the money. For instance, if a golf club requires incoming members as a condition precedent to membership to purchase either from it or from retiring members a share of stock, the tax attaches to any such payment for the stock regardless of the fact that it represents a property interest in the assets of the club. Likewise, if the purchase of a share of stock in a land-holding corporation is a necessary precedent to membership in the club, the amount paid for such share of stock is taxable. In the case of a transfer of stock from a retiring member the club should collect the tax on the amount paid by the new member for the stock as well as tax on any transfer fee required from the new member.

If the initiation fee exceeds $10, the tax attaches regardless of the amount of dues or membership fees paid by an active resident annual member. If the initiation fee does not exceed $10, the tax does not apply unless the dues or membership fees, exclusive of initiation fees, of an active resident annual member are more than $10 per year. If such dues or membership fees are in excess of $10 per year any amount paid as an initiation fee is taxable whether the payment exceeds $10 or not.

Where the application of the tax to initiation fees depends upon the amount paid as dues or membership fees by an active resident annual member all assessments, and all charges for social privileges or facilities or for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilites, for any period of more than six days are to be included in ascertaining whether such dues or membership fees are in excess of $10 per year.*

LIFE MEMBERSHIPS

[SEC. 1710. TAX.]

[(a) *Rate.* There shall be levied, assessed, collected, and paid—]

(3) *Life memberships.* In the case of life memberships, a tax equivalent to the tax upon the amount paid by active resident annual members for dues or membership fees other than assessments, but no tax shall be paid upon the amount paid for life membership. In such a case, the tax shall be paid annually at the time for the payment of dues by active resident annual members.

(b) *By whom paid.* The taxes imposed by subdivision (a) shall be paid by the person paying such dues or fees, or holding such life membership.

§ 101.29 *Life membership.* Amounts paid for life memberships are not taxable but life members are liable for an annual tax equivalent to tax on the amount paid by an active resident annual member as dues or membership fees other than assessments. The fact that a life member was admitted to the club prior to the enactment of the law does not relieve him of paying the annual tax. Some clubs provide that active resident annual members, who have regularly paid dues or membership fees as such, shall, after a specified period of time, for example, 10 years, automatically become life members without being required to pay further dues or membership fees. In such cases amounts paid as dues or membership fees during the period of active resident annual membership are not paid for life membership within the meaning of the Code. They are paid as dues or membership fees and are taxable, provided the dues or fees of an active resident annual member are in excess of $10 per year. The tax likewise attaches to amounts paid for membership for more than one year but for less than life, such as 10-year or 20-year memberships. However, unless the holders of such memberships are required to pay annual dues or membership fees, or assessments, they are exempt from the annual tax imposed on active resident

annual members and life members. If any dues or membership fees or assessments are levied on such 10-year or 20-year members, the amounts so paid by them are taxable.

The annual tax imposed on life members is measured or determined by the tax paid by active resident annual members, on dues or membership fees (not including assessments) to be computed in the manner outlined in § 101.23. The annual tax must be paid by life members whether or not they are honorary life members and whether or not they actually avail themselves of the privileges of membership to which they are entitled. If a person is a life member, whether he is a resident or a nonresident, he must pay a tax equivalent to the tax on dues or fees paid by active resident annual members of the club, if such dues or fees are in excess of $10 per year.*

EXEMPTIONS

SEC. 1711. EXEMPTIONS FROM TAX.

There shall be exempted from the provisions of section 1710 all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university.

§ 101.30 *Exempt organizations.* Section 1711 expressly exempts from tax "all amounts paid as dues or fees to a fraternal society, order, or association, operating under the lodge system, or to any local fraternal organization among the students of a college or university." "Operating under the lodge system" means carrying on activities under a form of organization that comprises local branches, chartered by a parent organization and largely self-governing, called "lodges," "chapters," or the like.

Examples. (1) An organization, formed for purely social purposes by Masons of the higher degrees, consisting of local "lodges" and a "grand lodge" falls within the exemption.

(2) Dues and fees paid to a "chapter" of a college fraternity are exempt from tax.

(3) Dues and fees paid to a "local" of a labor union are free from tax.

(4) A national organization, of a social, athletic, or sporting character, comprising no local bodies but organized as a single and nation-wide unit, to which each member belongs directly, does not fall within the exemption.

(5) Dues and fees paid by members of a local fraternal organization among the students of a college or university are exempt from tax.*

SUBPART G—MISCELLANEOUS PROVISIONS

ADMINISTRATIVE PROVISIONS

COLLECTION, RETURNS, AND PAYMENT OF TAX

SEC. 1715. PAYMENT OF TAX. [As amended by section 542 (b) of the Revenue Act of 1941]

(a) *Collection by recipient of admissions, dues, and fees.* Every person receiving any payments for admission, dues, or fees, subject to the tax imposed by section 1700 or 1710 shall collect the amount thereof from the person making such payments. Every club or organization having life members shall collect from such members the amount of the tax imposed by section 1710.

(b) *Place of payment.* The taxes collected under subsection (a), and the taxes required to be paid under section 1700 (c), (d), or (e), shall be paid to the collector of the district in which the principal office or place of business is located.

(c) *Time for payment.* The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time fixed for filing the return.

* * * * * *

SEC. 1716. RETURNS. [As amended by section 542 (c) of the Revenue Act of 1941]

(a) *Requirement.* Every person required under subsection (a) of section 1715 to collect the taxes, or required under section 1700 (c), (d), or (e) to pay the taxes, imposed by this chapter shall make returns under oath, in duplicate, in such manner and containing such information as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe.

(b) *Time for filing.* The returns required under this section shall be made at such times as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe.

(c) *Place for filing.* The returns provided for in this section shall be filed with the collector of the district in which the principal office or place of business is located.

SEC. 1719. DISCRETIONARY METHOD ALLOWED COMMISSIONER FOR COLLECTING TAX.

Whether or not the method of collecting any tax imposed by this chapter is specifically provided herein, any such tax may, under regulations prescribed by the Commissioner, with the approval of the Secretary, be collected by stamp, coupon, serial-numbered ticket, or such other reasonable device or method as may be necessary or helpful in securing a complete and prompt collection of the tax. All administrative and penalty provisions of subchapters A, B, and C of chapter 11, in so far as applicable, shall apply to the collection of any tax which the Commissioner determines or prescribes shall be collected in such manner.

SEC. 1722. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this chapter.

LIABILITY FOR TAXES COLLECTED

SEC. 3661. ENFORCEMENT OF LIABILITY FOR TAXES COLLECTED.

Whenever any person is required to collect or withhold any internal-revenue tax from any other person and to pay such tax over to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

SEC. 3658. FRACTIONAL PARTS OF A CENT.

In the payment of any tax under this title not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

RECORDS, STATEMENTS, AND SPECIAL RETURNS

SEC. 1720. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this chapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3634. EXTENSION OF TIME FOR FILING RETURNS.

If the failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal Revenue personnel.*—

(1) *Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) Persons in charge of exports and drawbacks.—Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

SEC. 3330. WITNESSING OF RETURNS IN LIEU OF OATH

The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law (except returns required under income or estate tax laws) to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

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EXAMINATIONS OF BOOKS AND WITNESSES

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

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§ 101.31 *Duty to collect, return, and pay tax; admissions.* Every person (1) receiving any taxable payment for admission must collect the tax from the person making such payment at the time it is made, or granting any taxable free admission, must collect the tax at the time of issuance of the ticket or if no ticket is issued, at the time the person is admitted; (2) being the proprietor or manager of an opera house or any other place of amusement in a case where any person has the permanent use or a lease for the use of a box or seat therein which is subject to tax must collect the tax from such person.

A theater issuing a ticket in exchange for a less expensive ticket and an additional payment must collect the admissions tax due on the basis of the full price of the ticket so issued in exchange, less any tax previously collected in connection with the lower priced ticket.

If the permanent use or lease for the use of a box or seat is paid for, then the time for the collection of the tax is the same as that in the case of any other paid admission. If the right to use is granted free or is otherwise enjoyed without being directly paid for, then the tax must be collected at the time the right is granted. If these rules prove insufficient, by reason of attempts at evasion or otherwise, to insure the collection of the full tax due in any such case, then the proprietor or manager of the opera house or other place of amusement in which such box or seat is located shall collect each month, from the person entitled to the use of such box or seat, any balance of tax due from such person for the right to the use of such box or seat during the preceding month.

In each case there rests on the respective person collecting the tax the corresponding duty of then paying such tax to the collector of internal revenue in accordance with the provisions of § 101.33. The amount of tax collected constitutes a special fund in trust for the United States. See section 3661.

Every person (1) receiving payment of charges made for admission, refreshment, service, and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit, which entitle the patron to be present during any portion of such performance, or (2) selling or disposing of a ticket or card of admission at a price in excess of the established price of the admission for which such ticket or card is valid in a case where such excess is taxable shall make a monthly return and pay the tax due in accordance with the provisions of § 101.33. For penalties see § 101.44.

A broker may reimburse himself in an amount equal to the admissions tax imposed under the provisions of section 1700 (a) (1), which he has paid to the vendor from whom he purchased the ticket, provided the selling price and tax imposed thereon under such section are properly stamped, printed, or written on the ticket in accordance with the provisions of section 1702 of the Code and § 101.18 of the regulations in this part.*

§ 101.32 *Records; admissions.* (a) *Admissions subject to tax under section 1700 (a), (b), (c) and (d), as amended.* Every person required by the provisions of the Code to collect any tax on admissions must keep or cause to be kept an accurate daily record of admissions of all classes, including free or complimentary tickets or admissions and reduced rate admissions, even though certain classes are not taxable. The record must show as to each class of taxable admissions (1) all figures and other information necessary to determine the amount of tax due for the day, and (2) the amount of tax due for the day; and in the case of nontaxable admissions, the number of admissions of each class. The proprietor or manager of the business must certify, over his signature, to the correctness of the daily record, and if any other person is directly interested in the proceeds of the amounts received for admission, he or his agent must also certify to its correctness.

Every person subject to tax on excess charges must keep or cause to be kept a classified daily record showing as to each class of tickets sold (1) all figures and other information necessary to determine the amount of tax due for the day, and (2) the amount due as taxes on charges in excess of established price for the day. The daily record must show with respect to each class separately (1) the place to which admission is granted by the ticket, (2) the established price (exclusive of admission tax) of the admission granted by the ticket, and (3) the actual price (exclusive of any amount representing an admission tax) at which that sale of the ticket is made.

Whenever in the course of the business a report is prepared by a treasurer or manager for the benefit of the proprietor, or by the proprietor, treasurer, or manager for the benefit of some other interested party, whether the report be made daily or at regular intervals or at any time, a sworn copy of the report must be attached to and made a part of the records for the period covered thereby.

The daily records, including the sworn copies of reports, must be kept on file at the place of business, or at some other convenient location, for a period of at least four years from the date the tax became due, in such a manner as to be readily accessible to internal revenue officers. The daily record must be substantially in the form outlined below:

Date	Theater (or other place)	Evening or matinee	Number of tickets	Established box office price for each ticket	Selling price of each ticket	Excess charge on each ticket	Amount of tax	Customer's name—when sold to broker or other person for resale

(b) *Admissions subject to tax under section 1700 (e), as amended.* Every person required to pay the tax imposed by section 1700 (e), as amended on charges made for admission, refreshment, service, and merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, must keep or cause to be kept adequate and sufficient records with respect to the operations for each day on which such public performances are held showing (1) the receipts from charges made for admission, refreshment, service, and merchandise paid by all patrons entitled to be present during any part of the performance; and (2) the tax due.

Such records shall contain sufficient information to enable the Commissioner to determine whether the correct amount of tax has been paid. The records shall at all times be open for inspection by internal revenue officers, and shall be maintained for a period of at least four years from the date the tax became due.*

§ 101.33 *Returns and payments; admissions.* Every person required to collect tax on admissions or to pay tax on charges in excess of the established price or to pay tax on charges for admission, refreshment, service, and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit, shall make each month from the daily record required by § 101.32, a return in duplicate on Form 729, in accordance with the instructions

printed on the back of that form. The return must be made under oath unless the amount of the tax covered by the return is $10 or less, in which case it may be signed or acknowledged before two witnesses instead of being under oath. The return, together with the amount of the tax, must be in the hands of the collector of internal revenue of the district in which is located the principal office or place of business of the person required to make the return, on or before the last day of the month following that for which it is made, except where otherwise prescribed. (See § 101.40.) When the last day of the month in which a return and payment are due falls on Sunday or a legal holiday, the return may be filed and payment made on the next secular or business day. If a person charged with the duty of collecting and paying over tax on taxable admission charges or paying tax on excess charges discontinues business for any reason, the last return to be filed should be marked "Final return."

The return shall include any tax due on free or reduced rate admissions. It must also be accompanied by an affidavit setting forth the names and addresses of all persons to whom nontaxable free or complimentary tickets or admissions were furnished for the purpose of performing special duties and the nature of the special duty performed by each. This affidavit should be prepared in triplicate. One copy should be retained by the taxpayer, and the other copies attached to the original and duplicate return forwarded to the collector.

Every person required to pay any tax on charges in excess of the established price of tickets sold for admission to theaters (or other places of amusement), shall prepare from the daily record, required by § 101.32, an information return in duplicate on Form 729–A for each theatre (or other place of amusement), in accordance with the instructions printed on the back of that form. If such person has more than one office, one consolidated information return for each theater (or other place of amusement), covering all branch offices should be filed. A copy of the information return for each theater (or other place of amusement) must be attached to the original and duplicate copies of the tax return on Form 729 filed for each calendar month. Any person who willfully fails to keep records as required by § 101.32, or to file the information returns prescribed herein, is liable to the penalties prescribed by law. For penalties see § 101.44.*

§ 101.34 *Application for and certificate of registry.* Every person (1) required by the provisions of the law to collect any tax on admissions or (2) being the owner or lessee of any place which he ordinarily or at times leases or subleases to other persons who impose charges for admissions to it or (3) required to pay any tax on charges in excess of established price, or (4) required to pay tax on charges for admission, refreshment, service, and merchandise at any roof garden, cabaret, or other similar place furnishing a public performance for profit, if not registered should make application for registry on Form 752.

In cases falling within classes (1) and (4) above (except such as are considered in § 104.35) such an application must be filed in the office of the collector of internal revenue of each district in which is located a place to which admissions are charged on account of which a duty to collect admission taxes is imposed on the person making such application. In cases falling within class (2) the application must be filed in the office of the collector of internal revenue of each district in which such a place is owned or leased. In cases falling within class (3) the application must be filed in the office of the collector of internal revenue of the district in which is located the principal place of business of the person making the application, or in which is located his residence, if he has no fixed place of business. The collector, if satisfied that all the statements made in the application for registry are correct, will issue a certificate of registry on Form 753 to the person who made the application. This certificate must be kept conspicuously posted in the principal place of business of the registrant, or be carried about with him if he has no fixed place of business. This certificate is not transferable from one person or firm to another, or, except in the case of a traveling show or similar organization, from one place of business to another.

Example. A certain hotel has a number of rooms which it rents from time to time for dances and other parties. This hotel falls within class (2) above and must be registered.*

§ 101.35 *Traveling shows.* The proprietor or manager of every show, circus, exhibition, Chautauqua, or other amusement enterprise, which is traveling or itinerant, shall file the application for registry required by § 101.34 with the collector of internal revenue of the district in which its headquarters, if it has any, are located. If it has no established headquarters, then the application shall be filed with the collector of the district in which the proprietor or manager resides. The certificate of registry, the daily record required by § 101.32, and a copy of each monthly return (see § 101.33) must be carried with the show and exhibited on request to collectors of other districts or to internal revenue agents.

This section applies only to shows, etc., which control the sale of tickets to their performances and the collection of tax. It does not apply, therefore, to traveling theatrical attractions, lyceum entertainers, or the like, who perform in theaters or other places where the local management controls the sale of tickets and the collection of the tax.

Examples. (1) A Chautauqua has its main office in a certain city. The lectures, entertainments, and other attractions which it furnishes constantly tour the country, moving from State to State. In this case the application for registry must be made with the collector of internal revenue of the district in which its main office is located.

(2) A certain theatrical company tours the country, playing in various theaters. All of these theaters have certificates of registry, and they take care of all matters connected with the sale of tickets, collection of tax, etc. Such a company does not fall within the provisions of § 101.34 and is not required to register.*

§ 101.36 *Leases of places.* Whenever a theater, hall, park, ballroom, or other place is leased for any occasion, there is imposed on the lessee the duty of collecting any taxes due on admissions to such place on that occasion. However, for the convenience of the parties and the safeguarding of the revenue, the lessor will be permitted, if properly registered in accordance with § 101.34 to assume responsibility for collection of the tax in such cases. If the lessor assumes such responsibility his tickets shall be used and the daily record required by § 101.32 kept as a part of the daily records of the lessor in the same manner and form as if there had been no lease of the place on that occasion, except that the name of the lessee must also appear on the daily record and he must certify to the correctness of such record. If the lessor, however, does not assume responsibility for the collection of the tax, the lessee, precisely like any other person collecting taxable admissions, must comply in all respects with these regulations, more particularly with §§ 101.31, 101.32, and 101.33. Every lessee or person who rents any theater, hall, park, ballroom, or other place (and every owner who operates such a place) for a term or period not exceeding 10 days, and who is charged with or assumes responsibility for collecting and making return on Form 729 of taxable admission charges, shall furnish immediately after each performance or occasion for which admission charges are collected, to the collector of the district in which such theater, hall, ballroom, or other place is located, a sworn statement on Form 827 showing the number of persons admitted, the amount paid for admission by each, the amount of tax collected, and the permanent address of the person responsible for making return on Form 729. It shall be the duty of every lessor or person who rents to any other person a theater, hall, park, ballroom, or other place to furnish him with a sufficient number of copies of Form 827 at the time of such lease or rental. Moreover, in such case the lessor, before or at the time of making the lease, must notify the collector of internal revenue of the district in which the place is located on Form 754 that such lease is being made.*

§ 101.37 *Duty to collect, return, and pay tax; dues and initiation fees.* Every social, athletic, or sporting club or organization must collect tax of 11 per cent on taxable payments of dues and initiation fees, such tax to be collected at the time the dues or fees are paid. The tax so collected shall be paid to the collector of internal revenue on or before the last day of the month succeeding that in which collected, except where otherwise prescribed. (See § 101.40.)

In the event payment for shares of stock or the like is made by an incoming member to a retiring member, or to a person or organization distinct from the club, the club should collect the tax on such payments from the incoming member at the time of his admission to membership.

Every club or organization having life members must collect from such life members the tax imposed on them by the Code. Such life members must, on their part, promptly pay such tax. It shall be collected and paid "at the time for the payment of dues by active resident annual members." Thus, if the dues or membership fees of an active resident annual member or, if another designation is used, a member whose privileges correspond to those usually enjoyed by active resident annual members, are payable in periodical installments, the tax due from life members becomes due and shall be collected and paid as and when these installments are paid. (Life members are not liable to tax on assessments levied against and paid by active resident annual members.)

In the event a member refuses to pay the tax on dues or initiation fees, or if for any reason the tax can not be collected from such member, the club shall report to the collector the name and address of the member, the amount and date of the payment on which the tax is due, and the circumstances surrounding the transaction. In the case of a life member who fails or refuses to pay the tax, the collector shall be advised of the name and address of the member, the amount of tax due, and the period of delinquency. Upon receipt of such information the collector shall report the matter promptly to the Commissioner for direct assessment.

A monthly return and payment of all taxes collected must be made in accordance with the provisions of § 101.39.

The amount of tax collected constitutes a special fund in trust for the United States. (See section 3661.)*

§ 101.38 *Records; dues.* Every social, athletic, or sporting club or organization, unless expressly exempted from the tax on dues, or unless free from that tax because neither the initiation fees of any class of its members nor the annual dues or membership fees of an active resident annual member exceed $10, shall keep an up-to-date record showing the names and addresses of its members of each class, the amounts they have paid as dues, membership fees, or assessments, the tax, and the dates paid, to the club or others as a prerequisite to membership. It shall also keep a record in which shall be entered each day (a) under the head of "Life membership" (1) the number of life members from whom a life-membership tax has been collected on that day, and (2) the total amount of tax so collected; and (b) under the head of each other class of membership (1) the number of members of that class paying on that day dues or membership fees or initiation fees, (2) the total amount so paid by members of that class, and (3) the total amount of tax collected on such payments. These records shall be kept at the office of the club or organization, or some other convenient and safe location, for a period of at least four years from the date the tax became due, in such a manner as to be readily accessible to internal-revenue officers.*

§ 101.39 *Returns and payments; dues.* Every social, athletic, or sporting club or organization, unless expressly exempted from the tax on dues, or unless free from that tax because neither the initiation fees of any class of its members nor the annual dues or membership fees of an "active resident annual member" exceed $10, shall prepare each month a return in duplicate on Form 729 in accordance with the instructions printed on the back of that form. The return must be made under oath, unless the amount of the tax is $10 or less, in which case it may be signed or acknowledged before two witnesses instead of being under oath. The return together with the amount of the tax must be in the hands of the collector of internal revenue of the district in which is located the principal office or place of business of the person required to make the return, on or before the last day of the month following that for which it is made, except where otherwise prescribed. (See § 101.40.) When the last day of such month falls on Sunday or a legal holiday, the return may be filed and payment made on the next secular or business day. A return must be made for each month whether or not taxable dues or fees have been collected. Where a club or organization has no tax to report during any month, this fact should be noted on the return filed for that month. If a club or organization ceases to exist the last return should be marked "Final return."

Examples. (1) A member of a club the dues and fees of which are taxable fails to pay his dues and is carried for a specified time before being expelled. Such member is not liable for payment of tax with respect to unpaid dues so long as they remain unpaid, but should the club succeed in collecting dues covering the period during which the member was delinquent it must collect and account for the tax on such dues.

(2) A member of a club the dues and fees of which are taxable refuses to pay the tax to the club. The club should report the case to the collector of internal revenue for the district in accordance with § 101.37 of these regulations.*

JEOPARDY ASSESSMENT

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 101.40 Jeopardy assessment. Whenever in the opinion of the collector it becomes necessary to protect the interests of the Government by effecting immediate collection of tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reasons therefor. The communication must state the full name and address of the person involved, the kind and amount of tax due, and the period involved, so that the Commissioner can immediately assess the tax, together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof in full.

The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect the tax, penalty, and interest, by distraint, without regard to the 10-day period after notice and demand prescribed in section 3690.*

CREDITS AND REFUNDS

[SEC. 1715. PAYMENT OF TAX.]
(d) Excess payments.—

(1) Any person making a refund of any payment upon which tax is collected under this section may repay therewith the amount of the tax collected on such payment; and the amount so repaid may be credited against amounts included in any subsequent return.

(2) In the case of any overpayment or overcollection of any tax imposed by this chapter, the person making such overpayment or overcollection may take credit therefor against taxes due upon any return, and shall make refund of any excessive amount collected by him upon proper application by the person entitled thereto.

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS. [As amended by section 508 (b) of the Second Revenue Act of 1940]

(a) To Taxpayers.—

(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) *Date of allowance.* Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue Act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

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SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SEC. 3771. INTEREST ON OVERPAYMENTS.

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

(1) *Credits.* In the case of a credit, from the date of the overpayment to the due date of the amount against which the credit is taken, but if the amount against which the credit is taken is an additional assessment of a tax imposed by the Revenue Act of 1921, 42 Stat. 227, or any subsequent Revenue Act, then to the date of the assessment of that amount.

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

(c) *Additional assessment defined.* As used in this section the term "additional assessment" means a further assessment for a tax of the same character previously paid in part, and includes the assessment of a deficiency of any income or estate tax imposed by the Revenue Act of 1924, 43 Stat. 253, or by any subsequent Revenue Act.

SEC. 3772. SUITS FOR REFUND.

(a) *Limitations.*—

(1) *Claim.* No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner, according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof.

(2) *Time.* No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates.

(3) *Reconsideration after mailing of notice.*—Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun. This paragraph shall not operate (A) to bar a suit or proceeding in respect of a claim reopened prior to June 22, 1936, if such suit or proceeding was not barred under the law in effect prior to that date, or (B) to prevent the suspension of the statute of limitations for filing suit under section 3774 (b) (2).

(b) *Protest or duress.* Such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

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SEC. 3774. REFUNDS AFTER PERIODS OF LIMITATION.

A refund of any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) shall be considered erroneous—

(a) *Expiration of period for filing claim.* If made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Commissioner if the refund was made after the expiration of the period of limitation for filing suit, unless—

(1) within such period, suit was begun by the taxpayer, or

(2) within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement.

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SEC. 3775. CREDITS AFTER PERIODS OF LIMITATION.

(a) *Period against United States.* Any credit against a liability in respect of any taxable year shall be void if any payment in respect of such liability would be considered an overpayment under section 3770 (a) (2).

(b) *Period against taxpayer.* A credit of an overpayment in respect of any tax shall be void if a refund of such overpayment would be considered erroneous under section 3774.

§ 101.41 *Credit for overpayment.* The right to claim a credit exists only in the case of "overpayment or overcollection" and is confined in general to cases involving some clerical or mechanical error.

Credit for tax overpaid may be taken on a succeeding return, but a complete statement of the facts must be attached to the return on which the credit is claimed. If the amount overpaid was collected from other persons, there must be submitted a sworn statement showing repayment to the other persons. In the case of dues or initiation fees a complete list of the members making excess payments must be submitted, and it must be shown that no claim for refund has been filed by any member.

Complete and detailed records in support of a credit must be kept for a period of at least four years from the date the credit is taken.•

§ 101.42 *Abatement or refund of erroneous or illegal assessments or collections.* A claim for abatement or refund of taxes alleged to have been erroneously or illegally assessed or paid (or of any penalties assessed or collected without authority) must be filed by the person against whom they were assessed, or by whom they were in the first instance erroneously or illegally paid. The claim should be prepared on Form 843 and presented to the collector of internal revenue for the district in which the amount claimed was assessed or paid. (See section 3313 of the Code)

In any case where a club as agent of its members seeks a refund of tax collected by the club and paid over by it to the collector of internal revenue, since the members and not the club are the actual taxpayers, the claim must be accompanid by the following:

(a) An alphabetical list of the names of the taxpayers, showing the amount claimed in refund in behalf of each, and the dates on which the amounts were paid to the collector of internal revenue.

(b) A power of attorney executed by each person in whose behalf the claim is filed authorizing the organization to act as his agent. The power of attorney must be prepared in the usual form of such instruments; must be acknowledged before a notary public or signed in the presence of two witnesses, and must include a statement that any revocation thereof will not be effective until the Commissioner receives notification.

(c) A copy of the constitution and bylaws or other rules and regulations of the organization, together with a copy of each amendment thereto.

If a member files a refund claim himself there must be attached to the claim a statement of a responsible officer of the organization showing the date or dates when the amounts claimed were paid to the organization and the date or dates when the organization paid over such amounts to the collector.

If an amount claimed was collected by direct assessment against an individual member, the claim must be made in the name of the member and must set forth the date and place of payment and additional data sufficient to enable the Commissioner to pass upon its merits.

In the case of a deceased member, evidence of the authority to file the refund claim in his behalf must be submitted.•

§ 101.43 *Refund of overcollections.* Every person who makes an excess collection of tax under section 1700 or section 1710 shall upon proper application promptly refund such amount to the person entitled thereto, even though it has already been paid over to the collector of internal revenue and no corresponding credit or refund (see §§ 101.41 and 101.42) has yet been secured. As the tax on admission is based on the payment, not the admission, no refund of any part of such a tax is authorized merely because the person paying for admission does not actually make use of his right to admission. Where, however, an amount paid for admission is refunded it will be treated, as far as tax liability is concerned, as not having been paid, and the tax collected should be refunded to the taxpayer at the same time the payment for admission is refunded. As the tax on the permanent use or lease for the use of a box or seat is based on the right to use (see § 101.7), it is immaterial whether the box or seat is ever used or not, and, therefore, no refund can be granted on the ground that there was no actual use of the box or seat.•

PENALTIES AND INTEREST

SEC. 1717. ADDITION TO TAX IN CASE OF NONPAYMENT.

If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

[SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.]

(d) *Additions to tax.*—

(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided,* That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

* * * * *

SEC. 1718. PENALTIES.

(a) Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(b) Any person required under this chapter to collect, account for and pay over any tax imposed by this chapter who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(c) Any person who willfully fails to pay, collect, or truthfully account for and pay over, any tax imposed by this chapter, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

§ 101.44 *Penalties and interest.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate.

Failure to pay tax within the time fixed for filing returns causes interest to accrue automatically, without assessment of the tax by the Commissioner or notice to the taxpayer, to the actual date of payment or assessment, whichever is prior. The due date of the tax for the purpose of computing interest is the last day of the month within which the return is required to be filed and the tax paid.

Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue, under section 3655, a 5 percent penalty and interest at the rate of 6 per cent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest is computed at the above-prescribed rate from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.

If a false or fraudulent return is willfully made, the penalty under section 3612 (d) is 50 per cent of the total tax due for the entire period involved, *including any tax previously paid.*

Any person who willfully fails to pay or collect any tax due, file return, or keep records, or who attempts in any manner to evade or defeat the tax, is subject to a fine of $10,000, or imprisonment, or both, with costs of prosecution, and is also liable to a penalty equal to the amount of the tax not collected or paid. These penalties apply to an officer or employee who, as such officer or employee, is under a duty to perform the act in respect of which the violation occurs, as well as to any other person who fails or refuses to perform any of the duties imposed by the Code, i.e., pay or collect the tax, make return, keep records, supply information, etc.•

SEC. 3710. SURRENDER OF PROPERTY SUBJECT TO DISTRAINT.

(a) *Requirement.* Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Penalty for violation.* Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest (for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(c) *Person defined.* The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

[SEC. 3793. PENALTIES AND FORFEITURES.]

(b) *Fraudulent returns, affidavits, and claims.*

(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 1703. PENALTIES.

(a) *Failure to print correct price on ticket.* Whoever sells an admission ticket or card on which the name of the vendor and price is not printed, stamped, or written, as provided in section 1702, or at a price in excess of the price so printed, stamped, or written thereon, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100.

* * * * *

SEC. 35. CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY THE ACT APPROVED APRIL 4, 1938 (52 STAT., 197).

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; * * * shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

* * * * *

MISREPRESENTATION OF TAX

SEC. 3325. PENALTIES FOR FALSE STATEMENTS TO PURCHASERS REGARDING TAX.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

AUTHORITY FOR REGULATIONS

SEC. 3791. RULES AND REGULATIONS.

(a) *Authorization.*

(1) *In general.* Except as provided in section 1928 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 101.45 *Promulgation of regulations.* In pursuance of the provisions of the law, the foregoing regulations are hereby prescribed and Regulations 43, approved August 27, 1940, are superseded as of October 1, 1941.*

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 17, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7908; Filed, October 20, 1941; 3:25 p. m.]

[T. D. 5088]

SUBCHAPTER D—SOCIAL SECURITY AND CARRIERS TAXES

PART 400—EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT

PART 403—EXCISE TAX ON EMPLOYERS UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

Regulations 90, such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4385, and Regulations 107, amended to conform to section 701 of the Revenue Act of 1941

Credit against the tax imposed by Title IX of the Social Security Act for the calendar years 1936, 1937, and 1938, and the tax imposed by the Federal Unemployment Tax Act (subchapter C, chapter 9, of the Internal Revenue Code) for the calendar years 1939 and 1940, for contributions paid into State unemployment funds

Paragraph A—Credit against tax for 1936, 1937, and 1938. In order to conform Regulations 90 [Part 400, Title 26, Code of Federal Regulations], relating to the excise tax on employers under Title IX of the Social Security Act (49 Stat. 639; 42 U.S.C., Sup. V, 1101 to 1110, inclusive), to section 701 of the Revenue Act of 1941, approved September 20, 1941 (Public Law 250—77th Congress), such regulations are amended as follows:

1. Immediately preceding article 211 [§ 400.211, Title 26, Code of Federal Regulations], as amended by Treasury Decision 4812 [§ 400.211 of such Title 26, 1938 Sup.], by Treasury Decision 4937 [§ 400.211 of such Title 26, 1939 Sup.], and by Treasury Decision 5022 [§ 400.211 of such Title 26, 1940 Sup.], relating to credit of contributions against the tax for the calendar years 1936, 1937, and 1938, the following is inserted:

SECTION 701 (a) OF THE REVENUE ACT OF 1941

Allowance of credit against tax for 1936, 1937, and 1938.—Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit (if credit is not allowable under section 902 of such Act) for the amount of contributions paid by him into an unemployment fund under a State law—

(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

(2) Without regard to the date of payment, with respect to wages paid after September 19, 1939;

(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Social Security Act in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns), shall apply to allowance of credit under this subsection; except that the amount of credit against the tax for the calendar year 1936, 1937, or 1938, for contributions paid after December 6, 1940, shall not (unless the credit is allowable on account of paragraph (2) or (3)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the taxpayer was required under section 905 of such Act to file a return for such year. The terms used in this subsection shall have the same meaning as when used in title IX of such Act prior to February 11, 1939. The total credit allowable against the tax imposed by section 901 of such Act for the calendar year 1936, 1937, or 1938 shall not exceed 90 per centum of such tax.

2. Article 211 [§ 400.211, Title 26, Code of Federal Regulations], as amended by Treasury Decision 4812 [§ 400.211 of such Title 26, 1938 Sup.], by Treasury Decision 4937 [§ 400.211 of such Title 26, 1939 Sup.], and by Treasury Decision 5022 [§ 400.211 of such Title 26, 1940 Sup.], relating to credit of contributions against the tax for the calendar years 1936, 1937, and 1938, is further amended to read as follows:

§ 400.211 *Credit against tax for calendar year 1936, 1937, or 1938 for contributions paid.*—(a) *In general.* Subject to the limitations hereinafter prescribed in paragraphs (b), (c), (d), and (e), the taxpayer may credit against the tax for the calendar year 1936, 1937, or 1938 the total amount of his contributions under all State laws which have been found by the Social Security Board to contain the provisions specified in section 903 (a) of the Social Security Act; *Provided*, That no credit may be taken for a contribution under a State law if such State has not been duly certified for the calendar year to the Secretary by the Social Security Board. (See, however, article 503 (c) and (d) [§ 400.503 (c) and (d)] relating to the statutory period of limitations applicable to refunds and credits.)

(b) *Limitation on amount of credit allowable.* The total credit allowed to any taxpayer for contributions to State unemployment funds with respect to employment during any one year shall not exceed 90 percent of the tax against which such credit is applied.

(c) *Limitation on services with respect to which credit is allowable.* Contributions must have been paid with respect to employment as defined in section 907 (c) of the Social Security Act, that is, with respect to services performed by an employee within the United States and not excepted by such Act. (See articles 206 to 206 (7) [§§ 400.206 to 400.206 (7)], inclusive.)

(d) *Limitation on the taxable year in which services are performed.* Contributions must have been paid with respect to services performed during the calendar year covered by the return.

(e) *Limitation on the time within which contributions may be paid in order to be allowable as credit*—(1) *General rule.* Contributions must have been actually paid into a State unemployment fund before the last day upon which the return for the taxable year is required to be filed, except that under the conditions described in subparagraph (2), (3), (4), (5), or (6), below, credit may be allowed for contributions paid on or after such last day. (The last day for filing the return is January 31 next following the close of the taxable year unless the time for filing the return is extended. See article 303 (§ 400.303), article 304 (§ 400.304), and article 305 (§ 400.305).

(2) *Exception when contributions are paid on or after the last day for filing the return but before December 7, 1940.* Contributions paid into a State unemployment fund on or after the last day upon which the return for the taxable year is required to be filed but before December 7, 1940, may be credited against the tax provided such credit is claimed before March 21, 1942. The amount of such credit is the same amount that would have been allowable as credit had such contributions been paid before such last day. (See article 503½ [§ 400.503½, Title 26, Code of Federal Regulations, 1941 Sup.], relating to refund, credit, or abatement based on credit for contributions paid.)

(3) *Exception when contributions are paid after December 6, 1940, but before November 19, 1941.* Contributions paid into a State unemployment fund after December 6, 1940, but before November 19, 1941, may be credited against the tax, provided such credit is claimed before March 21, 1942. The amount of such credit shall not exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the return for the taxable year was required to be filed. (See article 503½ [§ 400.503½, Title 26, Code of Federal Regulations, 1941 Sup.], relating to refund, credit, or abatement based on credit for contributions paid.)

(4) *Exception when taxpayers' assets are in custody or control of certain fiduciaries.* Contributions of a taxpayer whose assets, at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, are in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction, may be paid into a State unemployment fund at any time, and upon such payment may be credited against the tax in the same amount that would have been allowable as credit had the contributions been paid before the last day upon which the return for the taxable year was required to be filed.

(5) *Exception when wages are paid after September 19, 1939, for employment during 1936, 1937, or 1938.* Contributions with respect to wages paid after September 19, 1939, for employment during the calendar year 1936, 1937, or 1938, may be paid into a State unemployment fund at any time, and upon such payment may be credited against the tax in the same amount that would have been allowable as credit had the contributions been paid before the last day upon which the return for such year was required to be filed.

(6) *Exception when contributions are paid to wrong State.* Contributions paid into the unemployment fund of a State which are required under the unemployment compensation law of that State, with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed to have been made at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall be deemed to have been made on the date the return for the taxable year was actually filed under section 905 of the Social Security Act.

(f) *Contributions.* The term "contributions" for purposes of credit against the tax means payments required to be made by an employer pursuant to a State law into the unemployment fund of such State, to the extent that such payments are made by the employer without any part thereof being deducted or deductible from the wages of individuals in his employ. Notwithstanding the provision limiting the term to payments required by a State law, the term also includes so much of any payments made as contributions for the calendar year 1936 or 1937 into the unemployment fund of a State which payments are held by the highest court of such State not to be required payments under the unemployment compensation law of such State, as are not returned to the taxpayer.

(g) *Refund of State contributions.* If, subsequent to the filing of the return, a refund is made by a State to the taxpayer of any part of his contributions which had been credited against the tax, the taxpayer is required to advise the Commissioner under oath of the date and amount of such refund and the reason therefor, and to pay the tax, if any, due as a result of such refund, together with interest from the date when the tax was due. [Art. 211]

3. Immediately preceding article 503½, added by Treasury Decision 4812 [§ 400.503½, Title 26, Code of Federal Regulations, 1938 Sup.], as amended by Treasury Decision 4937 [§ 400.503½ of such Title 26, 1939 Sup.], and by Treasury Decision 5022 [§ 400.503½ of such Title 26, 1940 Sup.], relating to certain refunds of the tax for the calendar years 1936, 1937, and 1938, the following is inserted:

SECTION 701 (c) OF THE REVENUE ACT OF 1941

Refund.—Refund, credit, or abatement of the tax (including penalty and interest assessed or collected with respect thereto, if any), based on any credit allowable under subsection (a) * * *, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund. On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 810 of the Revenue Act of 1938, section 902 (a) of the Social Security Act Amendments of 1939, or section 701 of the Second Revenue Act of 1940.

4. Article 503½, added by Treasury Decision 4812 [§ 400.503½, Title 26, Code of Federal Regulations, 1938 Sup.], as amended by Treasury Decision 4937 [§ 400.503½ of such Title 26, 1939 Sup.], and by Treasury Decision 5022 [§ 400.503½ of such Title 26, 1940 Sup.], relating to certain refunds of the tax for the calendar years 1936, 1937, and 1938, is amended to read as follows:

§ 400.503½ *Refund, credit, or abatement of tax for calendar year 1936, 1937, or 1938, based on credit against such tax for contributions paid.* If the tax for the calendar year 1936, 1937, or 1938, against which an amount is allowable as credit, for contributions paid, under section 701 of the Revenue Act of 1941, has been paid without the benefit of such credit, the taxpayer shall be entitled to a refund or credit of the tax equal to the amount of such allowable credit for contributions paid. (See section 701 (a) (1) of the Revenue Act of 1941, which requires as a condition of the allowance of credit thereunder that the credit be claimed before March 21, 1942.) The taxpayer shall also be entitled to a refund or credit of the amount of interest

or penalty, if any, collected from him with respect to the tax refunded or credited. No interest, however, shall be allowed or paid by the Government on the amount of any such refund or credit. Every claim for such refund or credit shall be made on Form 843 in accordance with the provisions of this article and article 503 [§ 400.503, Title 26, Code of Federal Regulations], relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund or credit.

On and after September 20, 1941, no refund, credit, or abatement shall be allowed based on any credit allowable under section 810 of the Revenue Act of 1938, section 902 (a) of the Social Security Act Amendments of 1939, or section 701 of the Second Revenue Act of 1940. [Art. 503½]

Paragraph B—Credit against tax for 1939. In order to conform Regulations 90 [Part 400, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code (53 Stat., Part 1; 26 U.S.C., Sup. V) by Treasury Decision 4885 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Sup.], to section 701 of the Revenue Act of 1941, approved September 20, 1941 (Public Law 250—77th Congress), such regulations are amended as follows:

1. Immediately preceding article 211 (1), added by Treasury Decision 4953 [§ 400.211 (1), Title 26, Code of Federal Regulations, 1939 Sup.], as amended by Treasury Decision 5022 and by Treasury Decision 5028 [§ 400.211 (1) of such Title 26, 1940 Sup.], relating to credit against the tax for the calendar year 1939 for contributions paid, the following is inserted:

SECTION 701 (b) OF THE REVENUE ACT OF 1941

Allowance of credit against tax for 1939 * * *. Against the tax imposed by the Federal Unemployment Tax Act for the calendar year 1939 * * *, any taxpayer shall be allowed credit (if credit is not allowable under section 1601 of such Act) for the amount of contributions paid by him into an unemployment fund under a State law—

(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

(2) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, or (in the case of credit against the tax for the calendar year 1939) the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. The provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)) * * * shall apply to allowance of credit under this subsection. The amount of such credit against the tax for the calendar year 1939 * * *, in the case of contributions paid after the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return for such year, shall not (unless the credit is allowable on account of paragraph (2)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by such Act for the calendar year 1939 * * * shall not exceed 90 per centum of such tax.

2. Article 211 (1), added by Treasury Decision 4953 [§ 400.211 (1), Title 26, Code of Federal Regulations, 1939 Sup.], as amended by Treasury Decision 5022 and by Treasury Decision 5028 [§ 400.211 (1) of such Title 26, 1940 Sup.], relating to credit against the tax for the calendar year 1939 for contributions paid, is further amended to read as follows:

§ 400.211 (1) *Credit against tax for calendar year 1939 for contributions paid*—(a) *In general.* Subject to the limitations hereinafter prescribed in paragraphs (b), (c), and (d), the taxpayer may credit against the tax for the calendar year 1939 the total amount of contributions paid by him under all State laws which have been found by the Social Security Board to contain the provisions specified in section 1603 (a) of the Federal Unemployment Tax Act: *Provided*, That no credit may be taken for a contribution under a State law if such State has not been duly certified for the calendar year to the Secretary by the Social Security Board. (See, however, article 503 (c) and (d) [§ 400.503 (c) and (d)], relating to the statutory period of limitations applicable to refunds and credits.) The contributions may be credited against the tax whether or not they are paid with respect to employment as defined in the Federal Unemployment Tax Act.

(b) *Limitation on amount of credit allowable.* The total credit allowed to any taxpayer for contributions to State unemployment funds shall not exceed 90 percent of the tax against which such credit is applied.

(c) *Limitation on the taxable year with respect to which contributions are allowable.* Contributions must have been paid with respect to the calendar year 1939.

(d) *Limitation on the time within which contributions may be paid in order to be allowable as credit*—(1) *General rule.* Contributions must have been actually paid into a State unemployment fund on or before the last day upon which the return for the taxable year is required to be filed, except that under the conditions described in subparagraph (2), (3), (4), or (5), below, credit may be allowed for contributions paid after such last day. (The last day for filing the return is January 31, 1940, unless the time for filing the return is extended. See article 303 [§ 400.303], article 304 [§ 400.304, Title 26, and 1939 Sup.], and article 305 [§ 400.305].)

(2) *Exception when contributions are paid after the last day for filing a return but before July 1, 1940.* Contributions may be paid into a State unemployment fund after the last day upon which the return for the taxable year is required to be filed but before July 1, 1940, and, in such case, may be credited, under section 1601 (a) (3) of the Federal Unemployment Tax Act, against the tax in an amount not to exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid into the State unemployment fund on or before such last day.

(3) *Exception when contributions are paid after June 30, 1940, but before November 19, 1941.* Contributions may be paid into a State unemployment fund after June 30, 1940, but before November 19, 1941, and, in such case, may be credited, under section 701 of the Revenue Act of 1941, against the tax, provided such credit is claimed before March 21, 1942. The amount of such credit shall not exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid into the State unemployment fund on or before the last day upon which the return for the taxable year was required to be filed. (See article 503 5/6 [§ 400.503 5/6, Title 26, Code of Federal Regulations, 1941 Sup.], relating to refund, credit, or abatement based on credit with respect to contributions.)

(4) *Exception when taxpayers' assets are in the custody or control of certain fiduciaries.* Contributions of a taxpayer whose assets, at any time during the period from the last day upon which the return for the calendar year 1939 is required to be filed to June 30, 1940, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, are in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction, may be paid into a State unemployment fund at any time, and upon such payment may be credited against the tax in the same amount that would have been allowable as credit had the contributions been paid on or before the last day upon which the return for the taxable year was required to be filed.

(5) *Exception when contributions are paid to wrong State.* Contributions for the calendar year 1939 paid into the unemployment fund of a State which are required under the unemployment compensation law of that State, but which are paid with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed for purposes of credit to have been paid at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall be deemed for purposes of credit to have been made on the date the return was actually filed under section 1604 of the Federal Unemployment Tax Act.

(See, however, section 7 (b) of the Act approved August 13, 1940 (Public, No. 764, 76th Cong., 3d sess.), for a special provision relating to credit for certain contributions paid with respect to certain services affected by such Act; and see sections 1, 3, 4, and 6 of such Act quoted immediately preceding article 206 (8) [§ 400.206 (8), Title 26, Code of Federal Regulations, 1940 Sup.], relating to such services.)

(e) *Refund of State contributions.* If, subsequent to the filing of the return for the calendar year 1939, a refund is made by a State to the taxpayer of any part of his contributions for such year which had been credited against the tax, the taxpayer is required to advise the Commissioner under oath of the date and amount of such refund and the reason therefor, and to pay the tax, if any, due as a result of such refund, together with interest from the date when the tax was due."

3. Immediately preceding article 503 5/6, added by Treasury Decision 4953 [§ 400.503 5/6, Title 26, Code of Federal Regulations, 1939 Sup.], as amended by Treasury Decision 5022 [§ 400.503 5/6, Title 26, 1940 Sup.], relating to certain refunds of the tax for the calendar year 1939, the following is inserted:

SECTION 701 (c) OF THE REVENUE ACT OF 1941

Refund.—Refund, credit, or abatement of the tax (including penalty and interest assessed or collected with respect thereto, if any), based on any credit allowable under subsection * * * (b), may be made in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund. On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under * * * section 701 of the Second Revenue Act of 1940.

4. Article 503 5/6, added by Treasury Decision 4953 [§ 400.503 5/6, Title 26, Code of Federal Regulations, 1939 Sup.], as amended by Treasury Decision 5022 [§ 400.503 5/6, Title 26, 1940 Sup.], relating to certain refunds of the tax for the calendar year 1939, is amended to read as follows:

§ 400.503 5/6. *Refund, credit, or abatement of tax for calendar year 1939, based on credit against such tax with respect to contributions.* If the tax for the calendar year 1939, against which an amount is allowable as credit under section 1601 of the Federal Unemployment Tax Act or section 701 of the Revenue Act of 1941, has been paid without the benefit of such credit, the taxpayer shall be entitled to a refund or credit of the tax equal to the amount of such allowable credit. (See section 701 (b) (1) of the Revenue Act of 1941, which requires as a condition of the allowance of credit thereunder that the credit be claimed before March 21, 1942.) The taxpayer shall also be entitled to a refund or credit of the amount of interest or penalty, if any, collected from him with respect to the amount of tax refunded or credited.

No interest, however, shall be allowed or paid by the Government on the amount of any such refund or credit. Every claim for such refund or credit shall be made on Form 843 in accordance with the provisions of this article and article 503 [section 400.503, Title 26, Code of Federal Regulations], relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund or credit.

On and after September 20, 1941, no refund, credit, or abatement shall be allowed based on any credit allowable under section 701 of the Second Revenue Act of 1940. [Art. 503⅝]

Paragraph C—Credit against tax for 1940. In order to conform Regulations 107 [Part 403, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the excise tax on employers under the Federal Unemployment Tax Act (53 Stat. 183, 1387; 26 U.S.C., Sup. V, 1600 to 1611, inclusive), to section 701 of the Revenue Act of 1941, approved September 20, 1941 (Public Law 250—77th Congress), such regulations are amended as follows:

1. Immediately preceding § 403.401, relating to credit against the tax for the calendar year 1940 and subsequent years for contributions paid, the following is inserted:

SECTION 701 (b) OF THE REVENUE ACT OF 1941

Allowance of credit against tax for * * * *1940.* Against the tax imposed by the Federal Unemployment Tax Act for the calendar year * * * 1940, any taxpayer shall be allowed credit (if credit is not allowable under section 1601 of such Act) for the amount of contributions paid by him into an unemployment fund under a State law—

(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

(2) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, * * * in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. The provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3)), including such provisions as modified by section 902 (e) of the Social Security Act Amendments of 1939, shall apply to allowance of credit under this subsection. The amount of such credit against the tax for the calendar year * * * 1940, in the case of contributions paid after the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return for such year, shall not (unless the credit is allowable on account of paragraph (2)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by such Act for the calendar year * * * 1940 shall not exceed 90 per centum of such tax.

2. Section 403.401 (c), relating to the limitation on the time within which contributions may be paid in order to be allowable as credit, is amended by adding at the end of subparagraph (1) thereof the following new sentence: "See also subparagraphs (5) and (6), below, for special provisions relating to credit, against the tax for the taxable year 1940 only, for contributions paid."

3. Section 403.401 (c), relating to the limitation on the time within which contributions may be paid in order to be allowable as credit, is amended by adding at the end thereof the following new subparagraphs:

(5) *Credit, against tax for taxable year 1940 only, for contributions paid after June 30, 1941, but before November 19, 1941.* Notwithstanding the preceding provisions of paragraph (c), contributions may be paid into a State unemployment fund after June 30, 1941, but before November 19, 1941, and in such case may be credited, against the tax for the taxable year 1940 only, in an amount not to exceed 90 percent of the amount which would have been allowable as credit on count of such contributions had they been paid into the State unemployment fund on or before the last day upon which the return for the taxable year 1940 is required to be filed, provided such credit is claimed before March 21, 1942.

(6) *Credit, against tax for taxable year 1940 only, when taxpayers' assets are in custody or control of certain fiduciaries.* Contributions of a taxpayer whose assets, at any time during the period prescribed in subparagraph (3), above, or during the period September 21, 1941, to November 18, 1941, both dates inclusive, are in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction, may be paid into the State unemployment fund at any time (subject, however, to the provisions of § 403.602 (c), relating to the statutory period of limitations applicable to credits), and upon such payment, may be credited, against the tax for the taxable year 1940 only, in the same amount that would have been allowable as credit had the contributions been paid on or before the last day upon which the return for such year was required to be filed."

4. Immediately following the provisions of law under the caption "Section 1601 (a) (5) of the Act" preceding § 403.602, the following is inserted:

SECTION 701 (c) OF THE REVENUE ACT OF 1941

Refund.—Refund, credit, or abatement of the tax (including penalty and interest assessed or collected with respect thereto, if any), based on any credit allowable under subsection * * * (b), may be made in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund. * * *

(5) Section 403.602, relating to claims for refund, credit, or abatement, is

amended by adding at the end thereof the following new paragraph:

(g) *Refund, credit, or abatement of tax for calendar year 1940, based on credit against such tax for contributions paid.* The provisions of this section of these regulations shall apply in the case of claims for refund, credit, or abatement, based on credit, for contributions paid, allowable under section 701 of the Revenue Act of 1941. (See section 701 (b) (1) of the Revenue Act of 1941, which requires as a condition of the allowance of credit thereunder that the credit be claimed before March 21, 1942.)

(Paragraph A of this Treasury Decision is issued under the authority contained in sections 902 and 908 of the Social Security Act (49 Stat. 639, 643; 42 U.S.C., Sup. V, 1102, 1108); section 902 (b), (c), (d), and (h) of the Social Security Act Amendments of 1939 (53 Stat. 1399; 42 U.S.C., Sup. V, 1102, note); and section 701 of the Revenue Act of 1941 (Public Law 250—77th Congress). Paragraphs B and C of this Treasury Decision are issued under the authority contained in section 1601 of the Internal Revenue Code, as amended by section 609 of the Social Security Act Amendments of 1939 (53 Stat. 1387; 26 U.S.C., Sup. V, 1601); section 1609 of the Internal Revenue Code (53 Stat. 188; 26 U.S.C., Sup. V, 1609); and section 701 of the Revenue Act of 1941 (Public Law 250—77th Congress).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 17, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7932; Filed, October 21, 1941; 11:33 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-441]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER CONCERNING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR REVISION OF THE MINIMUM PRICES FOR CERTAIN TRUCK COALS PRODUCED IN SUBDISTRICTS NOS. 3 AND 18 OF DISTRICT NO. 1

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by Bituminous Coal Producers Board for District No. 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, praying for preliminary and permanent orders revising upward the minimum prices for coals for shipment by truck produced at the mines of four code members in Tioga County, of eleven code members in Lycoming County, and of one code member in Cambria County, all in District 1;

A petition of intervention having been filed by Smith and Butler Coal Company, a code member produced in Lycoming County, and an informal protest having been filed on behalf of English Centre Coal Company, also a code member in Lycoming County;

Temporary relief having been granted in part by an Order of January 29, 1941: 6 F.R. 695, a hearing having been held, pursuant to Orders of the Director, and after due notices to all interested parties, before D. C. McCurtain, a duly designated Examiner of the Division, in Washington, D. C.; the Examiner's report having been waived and the matter having thereupon been submitted to the undersigned, the undersigned having made and entered Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith, in which it was concluded that the f. o. b. mine prices of Mine Index Nos. 2326, 2351, 2390, and 2398 should be increased by 67 cents per ton; the prices of the coals produced by the Holcomb Coal Company Mine (Mine Index No. 1519) should be increased to $2.30 per ton; and the requested relief with respect to the eleven Lycoming County mines be denied;

Now, therefore, it is ordered, That § 321.24 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments be and it hereby is amended in accordance with Supplement "T" annexed hereto and made a part hereof.

Dated: September 25, 1941.

[SEAL] H. A. GRAY,
Director.

PERMANENT SUPPLEMENT FOR DISTRICT NO. 1

NOTE: The material contained in this Permanent Supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under slack	34" and under slack
						1	2	3	4	5
Holcomb Coal Co.	1519	Holcomb Coal Co.	18	Cambria	B	------	------	230	------	------
Hunter & Son, Alex	2326	Hunter	3	Tioga	Bloss	------	------	302	------	------
Mitchell, Mike	2351	Mitchell	3	Tioga	Bloss	------	------	302	------	------
Waldron, Joseph & Walter Hunter.	2390	Waldron & Hunter.	3	Tioga	Bloss	------	------	302	------	------
Williams, William, Sr.	2398	Williams	3	Tioga	Bloss	------	------	302	------	------

[F. R. Doc. 41-7889; Filed, October 20, 1941; 10:21 a. m.]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1015]

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

302					3	Run of mine, modified R/M						
302	302	230			4	2" and under slack						
302	302	302			5	¾" and under slack						

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein For All Shipments Except Truck for the coals of Huber Street Coal Company, Mine Index No. 1540; Leroy Hubler (Alder Run Mining Co.), Mine Index No. 878, and F. J. Troutman, Mine Index No. 848, and the mixing of the coals of Brown & Lawrence (Melvin L. Brown), Mine Index Nos. 863 and 864, Hastings Fuel Company, Mine Index Nos. 202 and 877, and Producers Economy Coal, Inc., Mine Index Nos. 2428 and 880, for the reasons set forth in the Order designating that portion of Docket No. A–1015 relating to such coals as Docket No. A–1015, Part II, and granting temporary relief in part therein.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1015	Anderson, Vernon	Anderson	6	E	Lanes Mills, Pa.	B. & O.	113	†	†	F	†	†
1076	Berkebile Brothers (Freeman Berkebile).	Berkebile Bros.	37	C' & D	Stoyestown, Pa.	B. & O.	100	†	†	E	†	†
852	Braughler & Manner (D. B. Manner).	Hazel #1	33	B	Windber, Pa.	P. R. R.	49	†	†	A	†	†
863	Brown & Lawrence (Melvin L. Brown).	No. 1	44	Bakerstown	Barnum, W. Va.	W. M.	68	†	†	H	†	†
864	Brown & Lawrence (Melvin L. Brown).	No. 2	44	Big Vein	Barnum, W. Va.	W. M.	68	†	†	D	†	†
849	Cramer, P. B.	Cramer	5	B	Sprankles Mills, Pa.	P. & S.	119	†	†	E	†	†
1377	Flick Brothers (John H. Flick).	Flick Bros.	36	C'	Stoyestown, Pa.	B. & O.	100	†	†	E	†	†
877	Hastings Fuel Company.	Hastings #2	17	C'	Hastings, Pa.	P. R. R.	50	C	C	C	C	C
471	Hay, J. Wilbur & M. E. Reich (J. Wilbur Hay).	Hay & Reich	41	Mahoning	Myersdale, Pa.	W. M.	102	H	†	(*)		H
879	Naughton, Harvey	Harvey Naughton.	33	B	Windber, Pa.	P. R. R.	49	†	†	A	†	†
880	Producers Economy Coal, Inc., c/o C. E. Lovejoy.	Jas. F. Rolley #2	8	C'	Karthaus, Pa.	N. Y. C. R. R.	44	†	†	E	†	†
2523	Ringler, Myrtle B. (Mrs.), c/o Samuel P. Miller.	Miller	41	Redstone	W. Salisbury, Pa.	B. & O.	100	H	†	H	H	†
881	Ringler, Myrtle B. (Mrs.), c/o Samuel P. Miller.	Miller & Ringler	41	Pittsburgh	W. Salisbury, Pa.	B. & O.	100	†	†	F	†	†
2088	St. Clair, Rinn & Co.	Twolick	23	E	Indiana, Pa.	B. & O.	112	G	†	•	•	•
792	Small Company, J. L. (J. L. Small).	Small #2	11	E	Colwell, Pa.	P. & S.	119	†	†	G	†	†
2121	Sutter, J. L.	Sutter's	6	D	Sprankles Mills, Pa.	P. & S.	119	†	†	E	E	E

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Bloom, J. Wade (Brockway Coal Co.).	874	Larimer #2	6	Jefferson	E	245	220	220	210	200
Braughler & Manner (D. B. Manner).	852	Hazel #1	33	Somerset	B	------	------	245	----	----
Brown & Lawrence (Melvin L. Brown).	863	No. 1	44	Mineral	Bakerstown	------	------	210	----	----
Brown & Lawrence (Melvin L. Brown).	864	No. 2	44	Mineral	Big Vein	------	------	230	----	----
Cramer, P. B.	849	Cramer	5	Jefferson	B	------	------	225	----	----
Davis, Lytton	847	Davis	8	Clearfield	B	------	------	225	----	----
Fike & Forrest (S. Walter Fike).	861	Sipple	41	Somerset	D	------	------	220	----	----
Hastings Fuel Company	877	Hastings #2	17	Cambria	C'	260	235	235	225	215
Hay, J. Wilbur & M. E. Reich (J. Wilbur Hay).	471	Hay & Reich	41	Somerset	Mahoning	235	------	(*)	200	190
Hubler, Leroy (Alder Run Mining Co.).	878	Shannon #2	8	Clearfield	B	------	------	225	215	205
Naughton, Harvey	879	Harvey Naughton.	33	Somerset	B	------	------	245	----	----
Producers Economy Coal, Inc., c/o C. E. Lovejoy.	880	Jas. F. Rolley #2	8	Clearfield	C'	------	------	225	----	----
Ringler, Myrtle B. (Mrs.), c/o Samuel P. Miller.	2523	Miller	41	Somerset	Redstone	235	------	(*)	200	----
Ringler, Myrtle B. (Mrs.), c/o Samuel P. Miller.	881	Miller & Ringler.	41	Somerset	Pittsburgh	------	------	220	----	----
St. Clair, Rinn & Co.	2088	Twolick	23	Indiana	E	240	------	(*)	(*)	(*)
Sutter, J. L.	2121	Sutter's	6	Jefferson	D	------	------	(*)	215	205
Troutman, F. J.	848	Salem	11	Armstrong	E	------	------	215	----	----
Wendler, Carl W.	850	Carwen	6	Jefferson	E	------	------	220	----	----
Yoder Brothers (Millard Yoder)	851	Yoder	37	Somerset	D	------	------	225	----	----

* Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41–7888; Filed, October 20, 1941; 10:21 a. m.]

[Docket No. A-1058]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (*Low Volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 25, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
502	Atwell & Son, Cleveland.	Cleve. Atwell.	4	Fire Creek	War, W. Va....	N. & W.	30	†	†	†	†	†	C	C	†	†	†
243	Drumheller Coal Company % W. I. Beavnls.	Drumheller...	5	Beckley...	Laurel Siding, W. Va.	C. & O-VGN.	18	†	†	†	†	†	B	B	†	†	†
536	Fink, O. D.....	Fink.....	2	Fire Creek	Cliftop (Sewell, W. Va.)	C. & O.	10	A	A	A	A	A	A	A	B	B	B

† Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3¼" or larger, all egg and stove	All nut or pea, 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Drumheller Coal Company, c/o W. I. Beavins.	243	Drumheller...	5	Raleigh..	Beckley..	.....	.....	280	215	....	....

[F. R. Doc. 41-7884; Filed, October 20, 1941; 10:20 a. m.]

[Docket No. A-1054]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein to the Number 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) as this mine is affected by unique considerations set forth in an Order designating that portion of Docket No. A-1054 which relates to it as Docket No. A-1054 Part II and granting temporary relief.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
502	Atwell & Son, Cleveland.	Cleve. Atwell.	4	Fire Creek	War, W. Va....	N. & W.	30	†	†	†	†	†	C	C	†	†	†
243	Drumheller Coal Company % W. I. Beavnls.	Drumheller...	5	Beckley...	Laurel Siding, W. Va.	C. & O-VGN.	18	†	†	†	†	†	B	B	†	†	†
536	Fink, O. D.....	Fink.....	2	Fire Creek	Cliftop (Sewell, W. Va.)	C. & O.	10	A	A	A	A	A	A	A	B	B	B

† Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3¼" or larger, all egg and stove	All nut or pea, 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Drumheller Coal Company, c/o W. I. Beavins.	243	Drumheller...	5	Raleigh..	Beckley..	.....	.....	280	215	....	....

[F. R. Doc. 41-7885; Filed, October 20, 1941; 10:20 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine index No. | Code member | Mine name | High volatile seam | Subdistrict | Shipping point | Railroad | Freight origin group No. | Price classifications by size group Nos. | | |

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" x 6" egg	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 2", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 4—KANAWHA											
FAYETTE COUNTY, W. VA.											
American Rolling Mill Company, The.	Marting	3662	Eagle	200	240	225	220	205	215	185	180
SUBDISTRICT NO. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Monitor Coal & Coke Company.	Monitor No. 2	967	Alma	245	225	215	215	200	205	160	155
Norfolk & Chesapeake Coal Company.	Wilson No. 4	968	Chilton	255	235	215	215	190	205	160	155
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
WHITLEY COUNTY, KY.											
Holt & Sons, L. C.	Holt-Blue Gem No. 2	969	Blue Gem	335	315	235	260	225	225	145	140
SUB-DISTRICT NO. 7—VIRGINIA											
DICKINSON COUNTY, VA.											
Peerless Banner Coal Corporation.	Peerless Banner	847	Lower Banner	(†)	(†)	220	(†)	(†)	210	(†)	(†)
LEE COUNTY, VA.											
Kemmerer Gem Coal Company.	No. 3	892	No. 5	300	280	225	245	215	215	175	170
SUB-DISTRICT NO. 8—WILLIAMSON											
MINGO COUNTY, W. VA.											
Crystal Block Mining Company.	No. 2	921	Alma	255	235	230	215	205	220	180	175

†Indicates no classification effective for these size groups.

[F. R. Doc. 41-7886; Filed, October 20, 1941; 10:20 a. m.]

[Docket No. A-1031]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR RAIL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9, for rail shipments; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for the coals of the Green River Coal Mine (Mine Index No. 230) for the reason set forth in the Order designating that portion of Docket No. A-1031 relating to such coals as Docket No. A-1031 Part II.

Dated: October 3, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
406	Baize & Son (L. C. Baize)	Bradley Coal Company.	No. 9	10	Beaver Dam	I. C.
939	Beadnell Brothers (G. D. Beadnell).	Beadnell #2	No. 9	10	Depoy	I. C.
916	Browder Hill Coal Co. (A. E. Hinton).	Browder Hill	No. 11	30	Newcoal	L. & N.

§ 329.5 *Alphabetical list of code members*—Supplement R—Continued

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
920	Casebier, W. L.	Casebier #3	No. 11	30	Drakesboro	L. & N.
910	Kyle, Jasper	Bob Killick	No. 11	30	Madisonville & Earlington.	L. & N.
301	Orton, James W.	Parrish	No. 9	10	Charleston	I. C.
573	Poole, W. H.	Doss #2	No. 11	30	Drakesboro	L. & N.
917	Riverside Coal Co. (Cecil A. Shannon).	Riverside	No. 9	30	Browder & Drakesboro	L. & N.
948	Ruckman, Albert J.	Pond River Coal Co.	No. 11	10	Pond	I. C.
907	Tapp, Robert	Tapp	No. 11	40	Madisonville	L. & N.-I. C.
925	Turner, Melvin & Denzel (Melvin Turner).	Turner No. 2	No. 9	10	Luzerne	I. C.
911	Walden, Joe	Walden	No. 9	50	Henderson	I. C.-L. & N.
947	West Kentucky Coal Company	Hecla	No. 9	40	Madisonville	L. & N.-I. C.
931	Wood, Oliver	Oliver	No. 9	60	Owensboro	L. & N.-I. C.

NOTE: The f. o. b. mine prices for coal shipped by Mine Index Nos. 406, 939, 916, 920, 910, 301, 573, 917, 948, 907, 925, 911, 947, 931 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

[F. R. Doc. 41-7883; Filed, October 20, 1941; 10:19 a. m.]

[Docket No. A-1073]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 9 FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that his action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group numbers: 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
Romans & West (Lonnie Romans)	943	Ellis	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
Williams, B. D.	950	Williams	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
CHRISTIAN COUNTY																					
Childers, Gene	940	Happy Hollow #1	#6	230	220	210	200	195	185	185	180	175	160	100						170	165
DAVIESS COUNTY																					
Midkiff, H. L.	942	Midkiff	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
O'Bryan Bros. (Richard Lamar O'Bryan, Jr.)	933	St. Raphel	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
HOPKINS COUNTY																					
Blanchard, J. J. & Sons (J. J. Blanchard)	945	Blanchard #3	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Dunn, Frank	941	Dunn #3	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
MUHLENBERG COUNTY																					
Baker, V. O.	938	Oak Ridge	#6	230	220	210	200	195	185	185	180	175	160	100						170	165
UNION COUNTY																					
Williams Bros. (Sam Williams)	944	Wilson	#9	205	195	185	175	170	160	160	150	140	110	50						120	115

[F. R. Doc. 41-7885; Filed, October 20, 1941; 10:20 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.8 *General prices*—Supplement R

[Prices f.o.b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel. For all destinations in market area No. 34. Subject to price instructions and exceptions and to adjustments in f.o.b. mine prices]

Mine Index No.	Sub-dist.	Price table No. 4 group	Size groups and prices																						
			Lump and egg				Egg		Lump and egg	Mine run	No. 2 nut	Raw nut	Raw screenings		Washed nut	Washed screenings		Dedusted washed screenings		Washed screenings		Dry dedusted screenings		Water dedusted screenings		Bleaker screenings	
			1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
43	EV	12	193	188	183	173	168	163	148	153	145	138	118	106	53	25	153	148	153	148	143	138	103	128	118	78	133	123	83	83	123

[F. R. Doc. 41-7890; Filed, October 20, 1941; 10:21 a. m.]

[Docket No. A-1027]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 20 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 20

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 20; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 340.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 340.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: September 29, 1941.

[SEAL] H. A. GRAY, *Director*.

[Docket No. A-998]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF THE HORTON MINE (MINE INDEX NO. 43) OF THE HILL COAL COMPANY, IN DISTRICT NO. 11

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above named party, requesting the adjustment of minimum prices for rail shipments for the coals produced at the Horton Mine (Mine Index No. 43), of the Hill Coal Company, in District No. 11.

The currently effective minimum prices for the Horton Mine in Market Area 34 are predicated upon a 55 cents per ton freight rate via the E. & O. V. Railway. The E. & O. V. Railway has obtained authority to abandon the west end of its line, which includes that part which runs from the Horton Mine to Market Area 34. Coals from the Horton Mine will now have to move to Market Area 34 on the Southern Railway via Rockport, Indiana, at the established freight rate of 85 cents per ton. In order to preserve the coordination of the Horton Mine as established in General Docket No. 15 with the base mines shipping into Market Area No. 34, it is necessary that the delivered prices for the base mines be the same for the Horton Mine for all rail shipments to Market Area 34, irrespective of the delivering railroad.

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing with, § 331.8 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 11, For All Shipments, Except Truck, showing f. o. b. mine prices for the coals of the Horton Mine (Mine Index No. 43) of the Hill Coal Company for delivery into Market Area 34, are deleted and the price classifications and minimum prices set forth in the schedule marked Supplement R attached hereto and hereby made a part hereof are inserted in their place and stead.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 4, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 20

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 340, Minimum Price Schedule for District No. 20 and supplements thereto.

FOR ALL SHIPMENTS

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 20.

§ 340.4 *Code member price index*—Supplement R. Insert the following in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub-district price group	Prices page	
					Rail	Truck
Bills & Kilgore (Elvin Bills)		195	Carbon	1	6	8

§ 340.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T. Insert the following code member name, county and prices in proper alphabetical order under Sub-district No. 1:

Code member mine name	County	Size groups														
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 1																
Bills & Kilgore (Elvin Bills)	Carbon	404	364	349	329	334	274	249	209	199	169	159	134	254	224	199

[F. R. Doc. 41-7887; Filed, October 20, 1941; 10:21 a. m.]

[Docket No. A-439]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 22 FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED

This proceeding was instituted upon petition filed with the Bituminous Coal Division by District Board 22, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, proposing and seeking temporary and permanent price classifications and minimum prices for coals of certain code member producers therein for shipment by truck, for which no minimum prices have been heretofore established. By an Order dated December 22, 1940, 6 F.R. 7, temporary relief was granted in accordance with the petitioner's requests herein, except in the following respects:[1]

No prices were established for the Larson Mine of O. E. Larson because it appeared from the records of the Division that there was some doubt as to whether he was a code member in good standing,[2] and no listing was made of the ten code members operating mines whose coals were classified and priced when operated by former code members.

Pursuant to the Order of December 22, 1940, a hearing was held on this matter before Thurlow Lewis, a duly designated Examiner of the Division, Salt Lake City, Utah. Appearances were entered at the hearing on behalf of District Board No. 22 and the Consumers' Counsel Division. At the hearing all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise to be heard.

Waivers of a report of the Examiners were filed by the interested parties and the matter was thereupon submitted to the undersigned.

To support its requests for relief herein, the petitioner adduced the testimony of D. F. Buckingham, Secretary of the District Board 22. He testified concerning the three purposes of the petition herein as follows: (a) To establish classifications and minimum prices for four new code members in District 22 whose coals have not been previously classified or priced; (b) To establish classifications and minimum prices of the coals of the three District 22 code members which have been heretofore proposed by the petitioner but never established by the Division;[3] and (c) To amend the Schedule of Effective Minimum Prices for District No. 22 so as to include the names of ten code members in District 22 who are operating mines but whose coals were previously classified when the mines were operated by former code members.[4]

The new code members whose coals have not been previously classified or priced are the following:—William C. Rice, operator of the Rice Mine in Subdistrict No. 1 at Roundup, Montana; Frank Danichek (Superior Coal Company) operator of the Superior Mine in Subdistrict No. 2 at Bear Creek, Montana; Mert Calvert, operator of the Calvert Mine, in Subdistrict No. 7 at Armington, Montana; and David A. Stokes, operator of the Blair Mine in Subdistrict No. 12 near Valier, Montana. With respect to these producers, the witness testified that the coals were similar to coals produced by other mines in the immediate vicinity and should be priced accordingly.

Upon the basis of the uncontroverted evidence, I find that the petitioner's requests for the establishment of classifications and minimum prices of District 22 code members are reasonable and proper. It does not appear that any code members or consumers would be prejudiced, if the relief requested herein were granted.

The price classifications and minimum prices established in my Order dated December 22, 1940, and the requested classifications and minimum prices set forth in the petition herein with respect to those mines which were not covered by this Order, comply with all the applicable standards of the Bituminous Coal Act of 1937, and their establishment as the effective classifications and minimum prices for the coals in question is necessary in order to effectuate the purposes of Section 4 II (a) and (b).

Now, therefore, it is ordered, That § 342.4 (*Code member price index*) is amended by adding thereto Supplement R–I, § 342.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R–II, and § 342.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: October 2, 1941.

[SEAL] H. A. GRAY, *Director*.

[1] Due to a clerical error, the temporary minimum price of the Size Group 2 coals produced at the Calvert Mine of Mert Calvert was established as $2.75 instead of $3.75. This error was corrected by "Notice Correcting Clerical Error," dated January 13, 1941, 6 F.R. 399.

[2] Division records show that O. E. Larson is now a code member in good standing since March 19, 1941.

[3] The coals of one of the three, O. E. Larson, have already been priced in Docket No. A-702. The coals of the other two, Red Lodge Coal Company (Guy McClelland) and Sunset Coal Company have been given temporary prices in this Docket.

[4] Nine of these mines have already been given listings. The tenth mine (Brophy, James R., S. & S. Mine) will be given a listing in the schedule accompanying this opinion and order.

SUPPLEMENTS, DISTRICT No. 22

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and supplements thereto.

FOR ALL SHIPMENTS

The following changes shall be made in Price Schedule No. 1 for District No. 22:

§ 342.4 *Code member price index*—Supplement R–I. Insert the following Code member listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices page	
					Rail	Truck
Brophy, James R.	S. & S.	15	Carbon	2	8	10
Calvert, Merton	Calvert	284	Cascade	7		12
Danichek, Frank (Superior Coal Co.)	Superior	285	Carbon	2		10
Red Lodge Coal Co. (Guy McClelland)	Red Lodge	275	Carbon	2		11
Rice, William C.	Rice Coal	283	Musselshell	1		10
Stokes, David A.	Blair	282	Pondera	12		15
Sunset Coal Company (Stephen T. Hudak)	Sunset	204	Carbon	2		11

§ 342.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R–II. Subdistrict 2—Red Lodge, rail prices for James R. Brophy, S & S Mine shall apply as shown.

§ 342.21 *General prices*—Supplement T. Insert the following listing and prices in proper alphabetical order according to subdistrict:

Code member and mine name	County	Size groups										
		1	2	3	4	5	6	7	8	9	10	11	12
SUBDISTRICT NO. 1													
Rice, William C. Rice Mine	Musselshell	400	375	400	...	375	...	275	250	175	110	95	75
SUBDISTRICT NO. 2													
Brophy, James R. S & S Mine	Carbon	400	375	400	...	350	...	250	225	150	110	95	75
Danichek, Frank (Superior Coal Co.). Superior Mine.	Carbon	400	375	400	...	350	...	250	225	150	110	95	75
Red Lodge Coal Co. (Guy McClelland). Red Lodge Mine.	Carbon	400	375	400	...	350	...	250	225	150	110	95	75
Sunset Coal Company (Stephen T. Hudak) Sunset Mine.	Carbon	400	375	400	...	350	...	250	225	150	110	95	75
SUBDISTRICT NO. 7													
Calvert, Merton Calvert Mine	Cascade	400	375	375	350	350	325	300	225	150	...	100	80
SUBDISTRICT NO. 12													
Stokes, David A. Blair Mine	Pondera	...	600	...	...	...	...	...	...	250	100	...	...

[F. R. Doc. 41–7891; Filed, October 20, 1941; 10:22 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 933—COPPER

Conservation Order No. M–9–c Curtailing the Use of Copper in Certain Items

Whereas national defense requirements have created a shortage of Copper for the combined needs of defense, private account, and export; action has already been taken to increase and conserve the supply and to direct the distribution of Copper to insure deliveries for defense and essential civilian requirements; and the supply of Copper now is and will be insufficient for defense and essential civilian requirements unless the use of Copper in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited;

Now, therefore, it is hereby ordered, That:

§ 933.4 *Conservation order M–9–c*—(a) *Restrictions on use of copper in articles appearing on list "A"*—(1) *Curtailment to January 1, 1942.* Except as provided in paragraph (c) hereof, *curtailment to January 1, 1942.* Except as provided in paragraph (c) hereof, during the period between October 15 and December 31, 1941, no Manufacturer may use in the aggregate in the manufacture of any Item on List "A" attached, more Copper or Copper Base Alloy than the greater of the following two limits:

(i) One-half of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such Item during the last three months of 1940, or

(ii) One-eighth of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such Item during the year 1940.

If any Manufacturer is manufacturing any such Item which he did not manufacture in 1940, then during the period between October 15 and December 31, 1941, he may use in the manufacture of such Item Copper or Copper Base Alloy to a total amount not exceeding 50% of the total amount used by him in the manufacture of such Item during the period between August 1, and September 30, 1941.

(2) *Prohibitions after January 1, 1942.* Except as provided in paragraph (a) (3) and in paragraph (c) hereof, after January 1, 1942, no Manufacturer of any Item on List "A" attached, may use in the manufacture of any such Item any Copper or Copper Base Alloy.

(3) Substitution of Plating in Limited Cases. Nothing contained in this paragraph (a), however, shall prevent the use of Copper or Copper Base Alloy for plating any Item included on List "A", provided:

(i) That such plating is not primarily for decorative purposes, and

(ii) That the use of or the normal wear on such Item would make impractical any other form of coating, and

(iii) That such Item was formerly plated with Copper or Copper Base Alloy, or if such Item was not formerly so plated, then provided that the total amount of Copper or Copper Base Alloy to be used in the plating of each such Item is less than 5% of the amount that was used in the manufacture of each such Item immediately preceding the effective date of this Order.

(b) *Restrictions on use of copper sheet, strip and screening.* Except as provided in paragraph (c) hereof, after November 1, 1941, no person may use or apply Copper or Copper Base Alloy sheet, strip or screening for any purpose in connection with building construction except for minor repairs or maintenance (but not replacement) on existing buildings where the existing installation is Copper or Copper Base Alloy and no substitute can be used.

(c) *General exception.* The prohibitions and restrictions contained in paragraphs (a) and (b) shall not apply to the use of Copper or Copper Base Alloy in articles which are being produced:

(1) Under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of Copper or Copper Base Alloy to the extent employed is required by the specifications of the prime contract, or

(2) For use to comply with Underwriters Regulations, or Safety Regulations issued under Governmental authority, provided the pertinent provisions of such Regulations were, in either case, in effect both on October 1, 1941 and on the date of such use, and specifically and exclusively require the use of Copper or Copper Base Alloy to the extent employed, or

(3) Primarily as conductors of electricity, but this exception shall be applicable only to the extent necessary to permit the conducting of the electricity required, or

(4) For use in chemical plants to the extent that corrosive action makes the use of any other material impractical, or

(5) For use in research laboratories where and to the extent that the physical and chemical properties make the use of any other material impractical, or

(6) For use as condenser tubes, heat exchanger tubes (other than radiators which are used to control air temperature) and tube sheets in oil refining plants, in plants generating steam for public or industrial use and in plants generating electric power for public or industrial use, where and to the extent that corrosive action makes the use of any other material impractical.

(7) For use as part of the motive power or mechanical and electrical equipment of vessels other than pleasure craft where corrosive action makes the use of any other material impractical.

(d) *Restrictions on use of copper in all other articles.* During the period between October 15 and December 31, 1941, and during each three months' period thereafter, until further action by the Director of Priorities, no Manufacturer may use in the aggregate in the manufacture of any article not on List "A" attached, more Copper and Copper Base Alloy than the greater of the following two limits:

(i) 70% of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such article during the last three months of 1940, or

(ii) 17½% of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such article during the year 1940;

plus in either such case, the amount of Copper or Copper Base Alloy necessary to manufacture articles which are being produced pursuant to the exceptions of paragraph (c) hereof.

If any Manufacturer is manufacturing an article not on List "A" which he did not manufacture in 1940, then during the period between October 15 and December 31, 1941, and during each three months' period thereafter until further action by the Director of Priorities, he may use in the manufacture of such article Copper and Copper Base Alloy to a total amount not exceeding 50% of the total amount used by him in the manufacture of such article during the period between July 1 and September 30, 1941.

(e) *Prohibitions against sales or deliveries of copper or copper base alloy.* No person shall hereafter sell or deliver Copper or Copper Base Alloy, to any person if he knows, or has reason to believe such material is to be used in violation of the terms of this Order.

(f) *Limitation of inventories.* No Manufacturer shall accumulate an Inventory of Copper, or Copper Base Alloy or products thereof, in the form of raw materials, semiprocessed materials, finished parts or sub-assemblies in quantities in excess of a minimum practicable working Inventory, taking into consideration the limitations placed upon the production of Copper products by this Order. A minimum practicable working Inventory shall in no event exceed that amount of material necessary to maintain operations for sixty days. Any Manufacturer who has an Inventory in excess of a minimum practicable working Inventory is prohibited from receiving additional Copper or Copper Base Alloy or products thereof, beyond the extent necessary to maintain such minimum practicable working Inventory.

(g) *Miscellaneous provisions* — (1) *Priorities regulation No. 1.* All of the provisions and definitions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Copper conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Priorities, by addressing a letter to the Director of Priorities, Ref: M–9–c, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Copper or Copper Base Alloy in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Copper" means Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form (cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes) suitable for fabrication, or in any stage of fabrication. It shall include Copper metal produced from scrap.

(ii) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(iii) "Inventory" of a Person includes the Inventory of affiliates and subsidiaries of such Person, and the Inventory of others where such Inventory is under the control of or under common control with or available for the use of such Person.

(iv) "Manufacturer" means one who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins or processes in any other way.

(v) "Item" means any article or any component part thereof.

(6) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 21st day of October 1941.

DONALD M. NELSON,
Director of Priorities.

LIST "A"

The Use of Copper or Copper Base Alloy in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order M–9–c. (Electrical conducting parts are excepted to the extent provided in paragraph (c) (3) of Conservation Order M–9–c)

Automotive, Trailer and Tractor Equipment

Garage and automotive repair equipment.
Headlamp and headlamp parts.
Heaters.

Horns.
Hub and gas tank caps.
Miscellaneous fittings and trim.
Mouldings.
Rear view mirrors and hardware.

Building Supplies and Hardware

Air conditioning equipment (except small, moving parts and bearings).
Blinds, including fixture fittings and trimmings.
Builders' finish hardware.
Conduits and tubing.
Decorative hardware—including house numbers.
Door knockers, checks, pulls and stops.
Doors, door and window frames, sills and parts.
Elevators and Escalators, except bearings.
Gravel stops and snow guards.
Grilles.
Gutters, leaders, down spouts, and expansion joints.
Incinerator hardware and fittings.
Letter boxes and mail chutes.
Lightning rods (except for electric power stations and industrial stacks).
Lighting fixtures.
Ornamental metal work.
Pile butt protection.
Plumbing and Heating Supplies:
- Bands on pipe covering.
- Convectors and local heaters.
- Fixture fittings and trimmings (excluding valve seats).
- Hot Water heaters, tanks and coils (except as provided in Defense Housing Critical List issued by Director of Priorities, September 12, 1941, as the same may be amended).
- Pipe and fittings (except as provided in Defense Housing Critical List issued by Director of Priorities, September 12, 1941, as the same may be amended).
- Shower rods, heads and pans.
- Sinks and drainboards.
- Toilet floats, cistern and low water floats.
- Towel racks.

Push, kick, switch, floor and all other device plates.
Roofing and flashing.
Screening and screens.
Screws, nuts, bolts and hooks.
Shelves.
Stair and threshold treads.
Termite shields.
Terrazzo strips, reglets, and mouldings.
Ventilators and skylights.
Water containers for humidification.
Weather stripping and insulation.

Burial Equipment

Burial vaults.
Casket hardware.
Caskets.
Memorial tablets.
Morticians' supplies.

Dress Accessories

Buckles.
Buttons.
Dress ornaments.
Handbag fittings.
Metal cloths.

House Furnishings and Equipment (including office and institutional)

Andirons, screens, and fire place fittings.
Candlesticks.
Cooking and table utensils.
Curtain fasteners, rods, and rings.
Cuspidors.
Furniture.
Furniture hardware.
Household appliances:
- Fans.
- Heaters.
- Stoves and Ranges.

Lamp standards, shades, shade holders, and stems.
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls and artcraft.
Waste baskets, hat trees, humidors, and similar items.

Jewelry, Gifts and Novelties

All jewelry, gifts and novelties, including:
- Advertising specialties.
- Atomizers—except medical.
- Bar fittings.
- Book ends.
- Cosmetic containers.
- Lighters.
- Napkin rings.
- Picture frames.
- Smokers' accessories.
- Souvenirs.

Miscellaneous

All Plating primarily for decorative purposes.
Barrel hoops.
Beauty parlor equipment and barber shop supplies.
Beverage dispensing units and parts thereof.
Bicycles, motorcycles and similar vehicles.
Boxes, cans, jars and other containers.
Branding, marking and labelling devices, and stock for same.
Chimes and bells.
Fire extinguishers.
Fire fighting apparatus and hydrants (all decorative and all nonfunctional parts).
Fire hose, couplings and fittings (except brass expansion joints and valve trim).
Keys and locks (except barrels).
Ladders and hoists, including fittings.
Lanterns and lamps.
Livestock and poultry equipment.
Luggage fittings.
Match and pattern plates, matrices and flasks.
Name, identification and medal plates.
Non-operating or decorative uses or parts of installations and mechanical equipment, including frames, bases, standards and supports.
Paint (except for ship bottoms).
Photographic equipment and supplies.
Pleasure boat fittings, hardware and motors.
Pole line hardware.
Powder and paste.
Radios.
Reflectors.
Saddlery hardware and harness fittings.
Signs, including street signs.
Slot, game, and vending machines.
Stationery supplies:
- Desk accessories.
- Office supplies.
- Pencils.
- Pens and penholders.

Statues.
Sundials.
Toys.
Valve handles.
Weathervanes.

[F. R. Doc. 41-7910; Filed, October 21, 1941; 9:22 a. m.]

PART 994—MOTOR FUEL

Amendment No. 1 to Limitation Order L-8[1] To Limit the Distribution of Motor Fuel in the Atlantic Coast Area

Section 994.1 (b) (1) is hereby amended to read as follows:

§ 994.1 *General limitation order L-8.*

* * * * *

(b) *Limitations on delivery of motor fuel.* (1) No Primary or Secondary Supplier shall, directly or indirectly, deliver or cause to be delivered, Motor Fuel from any point within the Atlantic Coast Area to any point in the United States outside the Atlantic Coast Area: *Provided, however,* That this restriction shall not apply to motor fuel produced in the so-called Appalachian Refinery District in West Virginia and in Western Pennsylvania and New York, herein defined as including all of the aforesaid states lying west of the seventy-eighth meridian.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596; as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7. 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 21st day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7909; Filed, October 21, 1941; 9:22 a. m.]

[1] 6 F.R. 5009.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR WIRE-TELEGRAPH AND OCEAN-CABLE CARRIERS

The Commission on October 14, 1941 made the following changes in the above-entitled rules:

Postponed the effective date of said rules to January 1, 1943.

Adopted the following new section to read:

§ 35.01-4 *Effective date.* The effective date of this system of accounts shall be extended to January 1, 1943: *Provided, however,* That the carriers to which this system of accounts is applicable shall continue to pursue with all possible diligence the major studies essential to providing accounting consistent with this system of accounts, particularly with respect to (a) the determination of original cost, (b) leased property, and (c) depreciation; and each such carrier shall advise the Commission promptly of any definite determination resulting from such studies to the end that appropriate adjustment may be made irrespective of the effective date of this system of accounts. (Sec. 220, 48 Stat. 1078; 47 U.S.C. 220)

Changed the dates in the sections listed below as follows:

§ 35.06-2 *Provisions that require certain special reports to be filed,* paragraph (f), "January 1, 1944" to "January 1, 1945"; paragraph (g), "January 1, 1944" to "January 1, 1945"; paragraph (g), "January 1, 1942" to "January 1, 1943"; paragraph (j) "June 30, 1942" to "June 30, 1943".

§ 35.1540 *Plant in process of reclassification,* paragraph (a): "December 31, 1941" to "December 31, 1942" the first time it appears in this paragraph; "December 31, 1941" to "December 31, 1942" the last time it appears in this paragraph.

§ 35.1-1 *Purpose and content of operated plant accounts,* paragraph (f): "January 1, 1944" to "January 1, 1945" the first time it appears in this paragraph; "January 1, 1942" to "January 1, 1943" the first time it appears in this paragraph; "January 1, 1944" to "January 1, 1945" the last time is appears in this paragraph; "January 1, 1942" to "January 1, 1943" the last time is appears in this paragraph.

§ 35.1-8 *Continuous property-record required,* paragraph (a): "January 1, 1942" to "January 1, 1943" the first time it appears in this paragraph; "June 30, 1944" to "June 30, 1945"; "December 31, 1941" to "December 31, 1942"; "January 1, 1942" to "January 1, 1943" the last time it appears in this paragraph; "December 31, 1943" to "December 31, 1944".

Paragraph (b): "June 30, 1942" to "June 30, 1943".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7913; Filed, October 21, 1941; 9:47 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1941 Second Amendment to Department Circular No. 667]

TREASURY NOTES

TAX SERIES A-1943, TAX SERIES B-1943 DATED AUGUST 1, 1941; DUE AUGUST 1, 1943; ISSUED AT PAR AND ACCRUED INTEREST; ACCEPTABLE AT PAR AND ACCRUED INTEREST IN PAYMENT OF FEDERAL INCOME TAXES

OCTOBER 21, 1941.

1. Section II (1) of Department Circular No. 667,[1] dated July 22, 1941, is hereby amended to read as follows:

1. *General.* The notes of both series will be dated August 1, 1941, and will mature August 1, 1943. The owner's name and address, and the date of issue will be entered on each note at the time of its issue by a Federal Reserve Bank. The month in which payment is received by a Federal Reserve Bank or Branch, or by the Treasurer of the United States, will determine the purchase price and issue date of each note. The notes may not be transferred except in the case of notes issued in the name of a parent corporation, in which case they may be reissued in the name of a subsidiary of that corporation with the same dating as the notes surrendered, upon presentation to the Federal Reserve Bank of issue; for the purposes of this paragraph a subsidiary corporation is defined as one more than 50 percent of whose stock with voting power is held by another corporation. No hypothecation of the notes on any account will be recognized by the Treasury Department, and they will not be accepted to secure deposits of public money. Except as herein provided, the notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing bonds and notes of the United States.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-7931; Filed, October 21, 1941; 11:33 a. m.]

[1] 6 F.R. 3831, 3970.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-5]

IN THE MATTER OF T. A. D. JONES AND CO., INC., A REGISTERED DISTRIBUTOR, REGISTRATION NO. 4851, RESPONDENT

ORDER GRANTING POSTPONEMENT OF HEARING, DENYING MOTION TO DISMISS NOTICE OF AND ORDER FOR HEARING AND REFUSING ORAL ARGUMENT

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated September 16, 1941, in the above-entitled matter to determine whether or not T. A. D. Jones and Co., Inc., registered distributor, has violated certain provisions of the Bituminous Coal Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and its Distributor's Agreement executed June 7, 1939, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed; and

The above-entitled matter having been scheduled for hearing at 10 a. m. in the forenoon of October 20, 1941, at a hearing room of the Division at the National Labor Relations Board, Washington, D. C., the Division for said purposes having given notice of information in its possession; and

The respondent in the above-entitled matter having filed its answer and having moved for the dismissal of the Notice of and Order for Hearing, and having requested an oral argument before the Director and the continuance of the matter until the disposal of its motion; and

No good cause appearing for the granting of the motion to dismiss the Notice of and Order for Hearing and for the request for oral argument before the Director, the basis for the motion being an allegation of a factual matter subject to proof at a hearing; and

Additional information having come into the possession of the Division in respect to the transactions involved herein, and the Acting Director deeming it advisable to postpone the hearing of the matter heretofore scheduled;

Now, therefore, it is ordered, That the request for oral argument be and the same hereby is denied;

It is further ordered, That the motion to dismiss the Notice of and Order for Hearing be and the same hereby is denied;

It is further ordered, That the hearing in the above-entitled matter be and the same hereby is postponed to a date and at a hearing room to be fixed by further Order in this matter.

Dated: October 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-7917; Filed, October 21, 1941; 10:39 a. m.]

[Docket No. A-1035]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

[Docket No. A-1035 Part II]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PERKINS MINE (MINE INDEX NO. 2628) OF J. E. WARRICK, A CODE MEMBER IN DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1035 PART II FROM DOCKET NO. A-1035, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1035 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1035 PART II

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board No. 8 in Docket No. A-1035 proposing price classifications and minimum prices for the coals of certain mines in that district. Among the mines included in that petition is the Perkins Mine (Mine Index No. 2628) of J. E. Warrick. The petition proposes that the Perkins Mine be permitted to load its coals at Saxton, Kentucky, on the Louisville & Nashville Railroad, and at Jellico, Tennessee, on the Southern Railway. The petition states that the coal shipped from Jellico, Tennessee, must be hauled by truck from the Perkins Mine to the loading facilities. It does not appear that this is true of shipments made from Saxton. The Director, therefore, deems it appropriate that price classifications and minimum prices should be established at this time for this coal for shipments on the Louisville & Nashville Railroad from Saxton, Kentucky, and that a hearing be held to determine the propriety of granting permission to make shipments by rail from this mine on the Southern Railway from Jellico, Tennessee.

It is, therefore, ordered, That the portion of Docket No. A-1035 relating to Mine Index No. 2628 be severed from the remainder of the docket and that it be designated hereafter as Docket No. A-1035 Part II.

It is further ordered, That a reasonable showing of necessity having been made, pending final disposition of the above matter, temporary relief be and the same is hereby granted as follows: Commenc-

premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 8, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and tenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the ing forthwith the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck is supplemented by including the price classifications and minimum prices set forth in the Schedule marked Supplement R annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act; and

It is further ordered, That a hearing be held under the applicable provisions of the Act and the rules of the Division on November 14, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of price classifications and minimum prices for coals produced at the Perkins Mine (Mine Index No. 2628) of J. E. Warrick for All Shipments Except Truck with permission to make shipments on the Louisville & Nashville Railroad at Saxton, Kentucky and on the Southern Railway at Jellico, Tennessee.

Dated: October 7, 1941.

[SEAL] H. A. GRAY,
Director.

SUPPLEMENT "R"

NOTE: The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group numbers																							
								For destinations other than Great Lakes												For Great Lakes cargo only											
								1/2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1/2	3, 4	5, 6	7	8	9	10	15, 16, 17	18, 19, 20, 21	22	24	25	26	27
2628	Warrick, J. E. (J. E. Warrick Blue Gem Co.).	Perkins	Blue Gem	6	Saxton, Ky	L. & N.	111	A	A	A	A	A	A	C	A	A	L						A	A	A	A	A	C	D	L					

[F. R. Doc. 41-7918; Filed, October 21, 1941; 10:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 34 FOR THE PROPERTY MOTOR CARRIER INDUSTRY [1]

Whereas by Administrative Order No. 118, dated July 8, 1941, the Administrator of the Wage and Hour Division, United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 34 for the Property Motor Carrier Industry, composed of an equal number of representatives of the public, employers in the industry, and employees in the industry, selected with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 34, on September 11, 1941, recommended a minimum wage rate for the Property Motor Carrier Industry and duly adopted a report containing said recommendation and on September 12, 1941, filed its report with the Administrator in accordance with section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after giving due notice and an opportunity to be heard to interested persons, to approve and carry into effect by order the recommendation of Industry Committee No. 34 if he finds that the recommendation is made in accordance with law, is supported by the evidence adduced at the hearing before him and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given:

I. Industry Committee No. 34 for the Property Motor Carrier Industry has made the following recommendation for the minimum wage rate to be paid to employees in the Property Motor Carrier Industry:

Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in commerce or in the production of goods for commerce in the Property Motor Carrier Industry, as defined in Administrative Order No. 118, dated July 8, 1941.

II. The definition of the Property Motor Carrier Industry as set forth in Administrative Order No. 118 is as follows:

The industry carried on by any person who holds himself out to the general public to engage in, or under individual contracts or agreements engages in, the transportation by motor vehicle of property in interstate commerce, or in the transportation by motor vehicle of property necessary to the production of goods for interstate commerce over regular or irregular routes. The term includes the industry carried on by any person who as agent or under contractual arrangement with any rail, water, or motor carrier or any express company engages in the performance within terminal areas of transfer, collection, or delivery services. The term does not include that part of the industry carried on by any carrier by rail or water or by any express or other company which is subject to Administrative Order No. 34, defining the Railroad Carrier Industry.

The definition of the Property Motor Carrier Industry covers all occupations in the industry including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 34 are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the Wage and Hour Division, United States Department of Labor:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Witt Building, 249 Peachtree Street, N. E.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the committee's report and recommendation, and of the dissenting statements filed by six members of the committee, are available for inspection at, and may be obtained by writing to, the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 34 shall be approved or disapproved pursuant to Section 8 of the Act, will be held on December 1, 1941, at 10:00 a. m., in Mezzanine Room A, Mayflower Hotel, Washington, D. C., before Major Robert N. Campbell as presiding officer.

V. Any interested person supporting or opposing the recommendation of Industry Committee No. 34 may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person, if not later than November 24, 1941, he files with the Administrator by mail or otherwise at Washington, D. C., a notice of his intent to appear, which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.

3. Whether such person proposes to appear for or against the recommendations of the committee.

4. The approximate length of time requested for his presentation.

VI. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the office of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Property Motor Carrier Industry will be available for in-

[1] To be held December 1, 1941, at Washington, D. C.

spection by any interested person between the hours of 9:00 a. m. and 4:30 p. m. at the offices of the Wage and Hour Division enumerated in paragraph III above:

Report entitled *Property Motor Carrier Industry*, dated August 1941, prepared by the Research and Statistics Branch, Wage and Hour Division, United States Department of Labor.

Report entitled *Statistics of Class I Motor Carriers for the Year Ended December 31, 1939*, prepared by the Interstate Commerce Commission.

Release, *Indexes of Costs of Living in 34 Cities for April 15, May 15, and June 15, 1941*, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Release, *Living Costs in Large Cities, July 15, 1941*, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Release, *Estimated Inter-City Differences in Cost of Living, June 15, 1941*, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Bulletin, Serial No. R–1298 entitled *Changes in Cost of Living*, dated March 15, 1941, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Bulletin, Serial No. R–1156 entitled *The Bureau of Labor Statistics' New Index of Cost of Living, dated March 15, 1940*, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Bulletin, Serial No. R–963 entitled *Differences in Living Costs in Northern and Southern Cities*, reprinted from the *Monthly Labor Review*, July, 1939, by the Bureau of Labor Statistics, United States Department of Labor.

The record made at the public hearing on the Property Motor Carrier Industry before Industry Committee No. 34 may be examined by any interested person at the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C., and may be obtained at prescribed rates from the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C. The foregoing reports and record will be offered in evidence at the public hearing herein referred to.

VIII. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which shall be available at prescribed rates to any person upon request made to the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document, together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearings, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–7922; Filed, October 21, 1941; 11:16 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4561]

IN THE MATTER OF NATIONAL RIVET & MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 27, 1941, at two o'clock in the afternoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41–7911; Filed, October 21, 1941; 9:31 a. m.]

[Docket No. 4562]

IN THE MATTER OF CHICAGO RIVET AND MACHINE COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, October 27, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41–7912; Filed, October 21, 1941; 9:31 a. m.]

[Docket No. 4569]

IN THE MATTER OF PARFUMS RONNI, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, October 29, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–7921; Filed, October 21, 1941; 10:49 a. m.]

[Docket No. 4549]

IN THE MATTER OF J. E. TODD, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 5, 1941, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 410, Post Office Building, Buffalo, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–7920; Filed, October 21, 1941; 10:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59–31]

IN THE MATTER OF ILLINOIS IOWA POWER COMPANY, RESPONDENT

ORDER FOR POSTPONEMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

The Commission having issued on August 22, 1941, a Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 in the above entitled matter and the Commission by order dated September 30, 1941 having postponed the date of hearing in said matter to October 23, 1941;

The Respondent having requested a further postponement of said hearing to November 12, 1941;

It is ordered, That the date of said hearing be and it hereby is postponed to November 12, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F.R. Doc. 41–7923; Filed, October 21, 1941; 11:23 a. m.]

IN THE MATTER OF RUSSELL MAGUIRE & COMPANY, INC., 1 WALL STREET, NEW YORK, NEW YORK, AND MAGUIRE & COMPANY, INC., 1 NEWARK AVENUE, JERSEY CITY, NEW JERSEY

ORDER PERMITTING WITHDRAWAL OF REGISTRATION AND DISMISSING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1941.

The Commission having instituted a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether the over-the-counter broker-dealer registrations of Russell

Maguire & Company, Inc., and Maguire & Company, Inc., should be revoked or suspended;

The registrants having filed a notice of withdrawal of their registrations as over-the-counter broker-dealers; and

The Commission having duly considered the matter and finding such withdrawal not inconsistent with the public interest and the protection of investors;

It is ordered, That withdrawal of the registrations of the said Russell Maguire & Company, Inc., and Maguire & Company, Inc., as over-the-counter broker-dealers be, and it hereby is, permitted; and

It is further ordered, That the proceeding ordered herein under section 15 (b) of the Securities Exchange Act of 1934 be, and it hereby is, dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7930; Filed, October 21, 1941; 11:34 a. m.]

[File No. 70-413]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF OKLAHOMA, SOUTHWESTERN LIGHT AND POWER COMPANY, AND PEOPLES ICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than November 5, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said joint declaration or application, which is on file in the office of said commission for a statement of the transactions therein proposed, which are summarized below:

Peoples Ice Company ("Peoples") desires to issue to Public Service Company of Oklahoma ("Oklahoma") and Southwestern Light and Power Company ("Southwestern") new promissory notes in exchange for notes of Peoples held by them which matured on September 5, 1941. It is proposed that the new notes be dated December 15, 1941, mature on December 1, 1943, bear no interest and be in the same principal amount as the balance of principal remaining unpaid upon the outstanding past-due notes, i. e., $1,462,500 in the case of the note proposed to be issued to Oklahoma and $625,500 in the case of the note proposed to be issued to Southwestern. Each of the proposed notes will be secured by a mortgage covering the same property which is now mortgaged to secure the outstanding past-due note it will be issued to replace. Oklahoma and Southwestern are willing to surrender the outstanding past-due notes, the interest rates on which are, respectively, 8% per annum and 6% per annum, in exchange for the proposed new notes of Peoples.

Southwestern is a subsidiary of Oklahoma and Oklahoma and Peoples are direct subsidiaries of Central and South West Utilities Company, and indirect subsidiaries of The Middle West Corporation, both of which are registered holding companies under the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7929; Filed, October 21, 1941; 11:33 a. m.]

Reference

OCT 24 1941

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 6 NUMBER 207

Washington, Thursday, October 23, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[41-Tob-57]

PART 724—BURLEY TOBACCO

SUBPART E—1942

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GENERAL

§ 724.331 *Definitions.* As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Committee" means a committee within a county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee", "Local Committee", or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(c) "County office" means the office of the County Agricultural Conservation Association, or the county or local committees or employees of such association, according to the sense in which such term is used.

(d) "Dealer" means a person who engages, to whatever extent, in the business of acquiring tobacco from producers, without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Farm" means any tract or tracts of land which are considered as a farm under the provisions of the 1941 Agricultural Conservation Program.

(f) "Field assistant" means any field assistant, junior field officer, or a field officer, or any other employee of the Marketing Quota Section.

(g) "Floor sweepings" means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

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FEDERAL REGISTER

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(h) "Market" means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "market."

(i) "Marketing Quota" Section means the Marketing Quota Section, East Central Division, Agricultural Adjustment Administration, United States Department of Agriculture, Washington, D. C.

(j) "Nonwarehouse sale" means any marketing other than a warehouse sale.

(k) "Operator" means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(l) "Person" means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government. The term "person" shall include two or more persons having a joint or common interest.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(n) "Producer" means a person who, as owner, landlord, tenant, share-cropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(o) "Resale" means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(p) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(q) "Suspended sale" means any first marketing of tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(r) "Tobacco" means Burley tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as type 31. Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths of Burley tobacco shall be considered Burley tobacco regardless of any factors of historical or geographical nature which can not be determined by an examination of the tobacco.

(s) "Tobacco available for marketing" means all tobacco produced on a farm in the calendar year 1941 (and any tobacco produced on the farm prior to the calendar year 1941 and carried over to the 1941–42 marketing year) which is not disposed of through use on the farm or by storage prior to the issuance of a marketing card for the farm.

(t) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(u) "Warehouse sale" means a marketing by sale at auction through a warehouse in the regular course of business.*

*§§ 724.331 to 724.363, inclusive, issued under the authority contained in 52 Stat. 38; 7 U.S.C. 1301, et seq., as amended.

§ 724.332 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out the regulations in this subpart.*

§ 724.333 *Tobacco subject to marketing quotas.* Any tobacco marketed during the period October 1, 1941, to September 30, 1942, inclusive, and any tobacco produced in the calendar year 1941 and marketed prior to October 1, 1941, shall be subject to the marketing quotas for the 1941–42 marketing year.*

FARM MARKETING QUOTAS [1]

§ 724.334 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with the "Procedure for Determination of Burley Tobacco Acreage Allotments for 1941" (Form 41–Tob–38 and Supplement 1). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1941 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1941 times the number of acres harvested in excess of the farm acreage allotment.*

§ 724.335 *Issuance of marketing card.* A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

(a) *Within quota marketing card (Form 41–Tob–47).* A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm acreage allotment in 1941 shall be issued for a farm (other than a farm having tobacco carried over from a crop produced prior to 1941) under the following conditions:

(1) If the harvested acreage of tobacco in 1941 is not in excess of the farm acreage allotment (except as provided in paragraph (b) (1) and (2) of this section) and the operator of the farm does not operate any other farm on which the harvested acreage exceeds the acreage allotment.

[1] Instructions for determining marketing quotas, issuing marketing cards, and with respect to the rights of producers in the quota for farms having tobacco which was produced thereon in a calendar year prior to 1941 and carried over to the 1941–42 marketing year will be issued in Supplement 1 to these regulations.

(2) If the farm is operated by a publicly owned experiment station and the tobacco is produced for experimental purposes only.

(b) *Excess marketing card (Form 41–Tob–48).* An "Excess Marketing Card" showing the extent to which marketings of tobacco from the farm are subject to penalty shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1941 is in excess of the farm acreage allotment or the operator of the farm also operates any other farm on which the harvested acreage of tobacco in 1941 exceeds the farm acreage allotment.

(2) If the acreage of tobacco planted on the farm in 1941 is in excess of the farm acreage allotment and the operator does not dispose of the acreage in excess of the allotment prior to harvesting such tobacco and within 15 days after receiving notice of such excess acreage from the county office.

(3) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure the proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.

(4) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established.

(5) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.

(c) *Extent to which marketings from a farm are subject to penalty.* The extent to which marketings of tobacco from any farm are subject to penalty (except as provided in Supplement 1 to these regulations) shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm is of the acreage of tobacco harvested from the farm (or if tobacco is disposed of without marketing after harvesting, that percentage which the amount of tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm). Each marketing card showing a percentage excess of zero also shall show a maximum number of pounds of tobacco which may be marketed thereunder which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the crop produced on the farm. For any excess marketing card which shows a percentage excess of more than zero the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card a maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

(d) *Number of marketing cards and entries and signatures thereon.* One or more marketing cards may be issued for any farm as approved by the county office. All entries on each marketing card shall be made in accordance with instructions for issuing marketing cards. The Receipt and the "Operator's Agreement" on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative and by the person who delivers the card to the operator.*

§ 724.336 *Disposition of excess tobacco.* The amount of excess tobacco available for marketing for any farm shall be determined on the basis of the tobacco available for marketing from the farm at the time the marketing card is issued for the farm. Disposition of excess tobacco, other than by marketing shall be made only by the farm operator (or his representative) but the county committee (or a representative of the committee) shall approve the disposition. The county committee shall cause a record to be made showing the amount of tobacco (in acres or pounds) disposed of and may require the farm operator (or his representative) to sign a statement that such record is accurate before giving approval to the disposition. If all tobacco has been harvested prior to the disposition of the excess tobacco, the amount of excess tobacco available for marketing can be reduced only to the extent that the tobacco so disposed of is representative of the tobacco available for marketing from the farm.*

§ 724.337 *Report on marketing card.* The operator of each farm on which tobacco is produced in 1941 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.*

§ 724.338 *Additional reports by producers and identification of tobacco.* In addition to any other reports which may be required under the regulations in this subpart, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the Chief of the Marketing Quota Section, and within ten days after the deposit of such request in the United States mails addressed to such person as his last known address, furnish the Secretary of Agriculture, by sending the same to the Chief of the Marketing Quota Section, a report on Form 41–Tob–76 showing as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.*

§ 724.339 *Rights of producers in marketing card.* Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm.*

§ 724.340 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of marketing card for the farm.*

§ 724.341 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing agent. No marketing card shall be signed by the issuing agent until all other entries required to be made thereon have been made, except that the operator's receipt therefor and the Operator's Agreement therein may be signed after the issuing agent has signed the card, but prior to its delivery to the farm operator. Only one person shall be designated as issuing agent but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing agent as written by him on the card.*

§ 724.342 *Invalid cards.* A marketing card shall be invalid under any of the following conditions:

(a) If it is not issued or delivered in the form and manner prescribed;

(b) If entries are not made thereon as required;

(c) If it is lost, destroyed, stolen, or becomes illegible;

(d) If any erasure has been made; or

(e) If any alteration has been made and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected

by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft, or alteration shall notify the county office to that effect, and the county office shall immediately notify the field office of the Marketing Quota Section for the belt.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the field office of the Marketing Quota Section of the receipt of such card.

At the end of two weeks after receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to the regulations in this subpart.

In the event any marketing card was improperly issued, has been altered, or become illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall be retained until such entry is made, or a new marketing card is issued, as provided above.*

§ 724.343 *Additional cards and disposition of used cards.* Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.*

§ 724.344 *Report of probable misuse of marketing card.* Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on another farm has been or is being marketed under the marketing card for a particular farm shall be reported immediately by such person to the field office of the Marketing Quota Section.*

§ 724.345 *No transfers.* There shall be no transfer of marketing quotas.*

MARKETING OF TOBACCO AND PENALTIES

§ 724.346 *Memorandum of sale to identify every marketing.* Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (Form 41–Tob–47 or 41–Tob–48) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Form 41–Tob–68). The memorandum of sale shall be issued only by a field assistant, with the following exception:

(a) A warehouseman, or his authorized representative, who has been authorized on Form 41–Tob–75, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer, but in such case the memorandum of sale shall be presented promptly by the warehouseman to the field assistant for verification with the warehouse records.

(b) A representative of the county office may issue memoranda of sale covering sales of tobacco by the producer in small lots by mail order or directly to various individuals other than dealers.

The authorization to issue within quota memoranda of sale under paragraph 1 above may be withdrawn from any warehouseman upon written notice by the Chief of the Marketing Quota Section.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown thereon to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization for Agent", on the back of such memorandum has been properly executed and signed by the operator, or by the person who presents the marketing card, in the event that such person signs his name as agent of the farm operator and places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the field office of the Marketing Quota Section for the area in which the tobacco is sold.*

§ 724.347 *Bill of nonwarehouse sale.* Each marketing of tobacco, except a warehouse sale, shall be identified by a Bill of Nonwarehouse Sale (Form 41–Tob–64) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Form 41–Tob–64a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonewarehouse Sale covering any marketing shall be presented to a field assistant for issuance of a memorandum of sale or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a purchase by a dealer other than a warehouseman.*

§ 724.348 *Marketings free of penalty.* Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.*

§ 724.349 *Marketings subject to penalty and collection of penalties*—(a) *Farm tobacco.* With respect to tobacco marketed from farms, having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty and any portion of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.

(b) *Dealer's tobacco.* Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.

(c) *Tobacco not identified by a valid memorandum.* Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.

(d) *Liability in case of error on memorandum.* The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error which may occur on the memorandum of sale.*

§ 724.350 *Persons to pay penalty and deduction from purchase price*—(a) *Warehouse sale.* If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Sale other than warehouse sale.* If the tobacco is acquired from the producer in any manner other than through a warehouse sale, the penalty shall be paid by the person who acquired the tobacco, but such person may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Agent.* If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Agent in case of false representation.* If any person markets tobacco representing that such tobacco is being marketed from one farm when in fact such tobacco is being marketed from another farm, then such person, as agent, shall pay any penalty due upon such marketing of tobacco.

(e) *Warehouseman and dealer on dealer's tobacco.* Any penalty due upon tobacco subject to penalty under § 724.-349 (b) shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.

(f) *Producer marketing outside United States.* If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

(g) *Producer on behalf of buyer in case of mail order or direct sales in small lots.* If the tobacco is marketed in small lots by the producer by mail order sales or directly to various individuals other than dealers, the penalty may be paid by the producer of such tobacco on behalf of the various buyers. In such case the buyer of such tobacco shall be relieved of the penalty to the extent that it is paid by the producer.*

§ 724.351 *Amount of penalty.* The penalty shall be ten cents per pound upon any marketing of tobacco which is not identified under the regulations in this subpart as being free from penalty.*

§ 724.352 *Penalty for false identification or failure to account for disposition of tobacco.* If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield (determined under the 1941 Agricultural Conservation Program) of the number of acres harvested in 1941 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.*

§ 724.353 *Payment of penalty.* Penalties upon the marketing of tobacco shall become due at the time of the marketing, and shall be paid by remitting the amount thereof to the Marketing Quota Section, Agricultural Administration, Washington, D. C., not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.*

§ 724.354 *Application for return of penalty.* Any producer of tobacco who bore the burden of the payment of any penalty collected may file an application for return of any amount of such penalty which is in excess of that amount equal to ten cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for the return of any penalty shall be filed on Form 41–Tob–74, "Application for Return of Penalty".

An application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee, (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee shall approve an Application for Return of Penalty only with respect to that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in the 1941–42 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

Any application for the return of penalty pursuant to this section shall be filed not later than sixty days before the end of the marketing year next succeeding that in which the penalty is collected.*

RECORDS AND REPORTS

§ 724.355 *Warehouseman's records and reports*—(a) *Record of marketings.* Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse; the name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced), the name of the purchaser, the date of sale, the number of pounds sold, the sale price, the amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer). All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Form 41–Tob–66). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from a farm, or the number of the warehouse bill(s) covering each such marketing, shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale record and bill of nonwarehouse sale record.* A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in the regulations in this subpart), such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with a properly executed Bill of Nonwarehouse Sale (Form 41–Tob–64). Any warehouseman who ob-

tains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

(d) *Suspended sale record.* Any warehouse bills (except bills for resale tobacco) for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills as "suspended," write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Form 41–Tob–62): *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills suspended and deliver them to a field assistant as soon as one becomes available.

(e) *Warehouse entries on dealers' records.* Each warehouseman shall enter on each Dealer's Record (Form 41–Tob–65) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1941 the entry on the Dealer's Record shall clearly show such fact.

(f) *Daily report of warehouse business and report of penalties.* Each warehouseman shall make reports on Form 41–Tob–66, Auction Warehouse Report, and on Form 41–Tob–67, Listing of Penalties, showing the information required on the respective reports. Form 41–Tob–66 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the Marketing Quota Section at or before the end of the next following calendar week. Form 41–Tob–67 shall be prepared for each week and the report for each week shall be forwarded, together with the remittance of the penalty due, as shown thereon, to the Marketing Quota Section not later than the end of the next following calendar week.

(g) *Summary of warehouse accounts.* Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by the regulations in this subpart.

(h) *Additional records and reports.* In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce the regulations in this subpart.*

§ 724.356 *Dealer's records and reports.* Each dealer, except as provided in § 724.357 below, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the page "Receipt for Dealer's Record" contained in Form 41–Tob–65, "Dealer's Record" which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Form 41–Tob–65, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1941, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1941.

(c) *Report of penalties.* Each dealer shall make a report on Form 41–Tob–67 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The amount of penalty shown to be due by each such report shall be remitted with the report.

(d) *Memorandum of sale record and Bill of Nonwarehouse Sale record.* For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a representative of the Marketing Quota Section. No memorandum of sale shall be issued unless: (1) the farm operator or his authorized agent has signed the "Operator's Certificate" on the back of the memorandum and (2) unless a properly executed Bill of Nonwarehouse Sale (Form 41–Tob–64) is presented covering such sale.

(e) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him: The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced), the name of the purchaser, the date of the transaction, the number of pounds and the gross sale price; and in the event of resale of tobacco bought by him and carrier over from a crop produced prior to 1941, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.*

§ 724.357 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 724.356; but each such dealer shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce the regulations in this subpart.*

§ 724.358 *Records and reports of redryers, etc.* Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report of the following information with respect to each lot of tobacco received by him: The date of receipt of the tobacco, the number of pounds received, the purpose for which the tobacco was received (and if received from a producer, the name and address of the farm operator, and the code and serial number of the farm on which the tobacco was grown), the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce the regulations in this subpart.*

§ 724.359 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on Form 41–Tob–65, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on Form 41–Tob–66.*

§ 724.360 *Failure to keep record or make report.* Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under the regulations in this subpart, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under the regulations in this subpart within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chief of the Marketing Quota Section.*

§ 724.361 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chief of the Marketing Quota Section, such books, papers, records, accounts, correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.*

§ 724.362 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under the regulations for the 1941–42 marketing year shall be kept by him until September 30, 1943, and for such longer period of time as may be requested in writing by the Chief of the Marketing Quota Section.*

§ 724.363 *Information confidential.* All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture, and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.*

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing regulations pertaining to dark air-cured tobacco marketing quotas for the 1941–42 marketing year to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C., this 21st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-7924; Filed, October 21, 1941; 11:31 a. m.]

[41-Tob-59]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART E—1942

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GENERAL

§ 726.318 *Definitions.* As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject-matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendment thereto.

(b) "Committee" means a committee within a county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee", "Local Committee", or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(c) "County office" means the office of the County Agricultural Conservation Association, or the county or local committees or employees of such association, according to the sense in which such term is used.

(d) "Dealer" means a person who engages, to whatever extent, in the business of acquiring tobacco from producers, without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Farm" means any tract or tracts of land which are considered as a farm under the provisions of the 1941 Agricultural Conservation Program.

(f) "Field assistants" means any field assistant, junior field officer, or a field officer, or any other employee of the Marketing Quota Section.

(g) "Floor sweepings" means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(h) "Market" means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "market."

(i) "Marketing Quota Section" means the Marketing Quota Section, East Central Division, Agricultural Adjustment Administration, United States Department of Agriculture, Washington, D. C.

(j) "Nonwarehouse sale" means any marketing other than a warehouse sale.

(k) "Operator" means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(l) "Person" means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government. The term "person" shall include two or more persons having a joint or common interest.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(n) "Producer" means a person who, as owner, landlord, tenant, share-cropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(o) "Resale" means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(p) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(q) "Suspended sale" means any marketing of tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(r) "Tobacco" means fire-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture

as types 21, 22, 23, and 24, and collectively known as fire-cured tobacco.

(s) "Tobacco available for marketing" means all tobacco produced on a farm in the calendar year 1941 (and any tobacco produced on the farm prior to the calendar year 1941 and carried over to the 1941–42 marketing year) which is not disposed of through use on the farm or by storage prior to the issuance of a marketing card for the farm.

(t) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(u) "Warehouse sale" means a marketing by sale at auction through a warehouse in the regular course of business.*

*§§ 726.318 to 726.350, inclusive, issued under the authority contained in 52 Stat. 38, 7 U.S.C. 1301, et seq.; as amended.

§ 726.319 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out the regulations in this subpart.*

§ 726.320 *Tobacco subject to marketing quotas.* Any tobacco marketed during the period October 1, 1941, to September 30, 1942, inclusive, and any tobacco produced in the calendar year 1941 and marketed prior to October 1, 1941, shall be subject to the marketing quotas for the 1941–42 marketing year.*

FARM MARKETING QUOTAS [1]

§ 726.321 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with the "Procedure for Determination of Fire-cured and Dark Air-cured Tobacco Acreage Allotments for 1941" (Form 41–Tob–33 and Supplement 1). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1941 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1941 times the number of acres harvested in excess of the farm acreage allotment.*

§ 726.322 *Issuance of marketing card.* A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

(a) *Within quota marketing card (Form 41–Tob–49).* A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm acreage allotment in 1941 shall be issued for a farm (other than a farm having tobacco carried over from a crop produced prior to 1941) under the following conditions:

(1) If the harvested acreage of tobacco in 1941 is not in excess of the farm acreage allotment (except as provided in paragraph (b) 2 and 3 of this section) and the operator of the farm does not operate any other farm on which the harvested acreage exceeds the acreage allotment.

(2) If the farm is operated by a publicly owned experiment station and the tobacco is produced for experimental purposes only.

(b) *Excess marketing card (Form 41–Tob–50).* An "Excess Marketing Card" showing the extent to which marketings of tobacco from the farm are subject to penalty shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1941 is in excess of the farm acreage allotment or the operator of the farm also operates any other farm on which the harvested acreage of tobacco in 1941 exceeds the farm acreage allotment.

(2) If the acreage of tobacco planted on the farm in 1941 is in excess of the farm acreage allotment and the operator does not dispose of the acreage in excess of the allotment prior to harvesting such tobacco and within 15 days after receiving notice of such excess acreage from the county office.

(3) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure the proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.

(4) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established.

(5) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.

(c) *Extent to which marketings from a farm are subject to penalty.* The extent to which marketings of tobacco from any farm subject to penalty (except as provided in Supplement 1 to the regulations in this subpart) shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm is of the acreage of tobacco harvested from the farm (or if tobacco is disposed of without marketing after harvesting, that percentage which the amount of tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm). Each marketing card showing a percentage excess of zero also shall show a maximum number of pounds of tobacco which may be marketed thereunder which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the crop produced on the farm. For any excess marketing card which shows a percentage excess of more than zero the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card a maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

(d) *Number of marketing cards and entries and signature thereon.* One or more marketing cards may be issued for any farm as approved by the county office. All entries on each marketing card shall be made in accordance with instructions for issuing marketing cards. The Receipt and the "Operator's Agreement" on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative and by the person who delivers the card to the operator.*

§ 726.323 *Disposition of excess tobacco.* The amount of excess tobacco available for marketing for any farm shall be determined on the basis of the tobacco available for marketing from the farm at the time the marketing card is issued for the farm. Disposition of excess tobacco, other than by marketing shall be made only by the farm operator (or his representative) but the county committee (or a representative of the committee) shall approve the disposition. The county committee shall cause a record to be made showing the amount of tobacco (in acres or pounds) disposed of and may require the farm operator (or his representative) to sign a statement that such record is accurate before giving approval to the disposition. If all tobacco has been harvested prior to the disposition of the excess tobacco, the amount of excess tobacco available for marketing can be reduced only to the extent that the tobacco so disposed of is representative of the tobacco available for marketing from the farm.*

§ 726.324 *Report on marketing card.* The operator of each farm on which tobacco is produced in 1941 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.*

§ 726.325 *Additional reports by producers and identification of tobacco.* In addition to any other reports which may be required under the regulations in this subpart, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the Chief of the Marketing Quota Section, and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chief of the Marketing Quota Section, a written report on Form 41–Tob–76 showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.*

§ 726.326 *Rights of producers in marketing card.* Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm.*

§ 726.327 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of marketing card for the farm.*

§ 726.328 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing agent. No marketing card shall be signed by the issuing agent until all other entries required to be made thereon have been made, except that the operator's receipt therefor and the Operator's Agreement therein may be signed after the issuing agent has signed the card, but prior to its delivery to the farm operator. Only one person shall be designated as issuing agent but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; provided that each such person shall place his initials immediately beneath the name of the issuing agent as written by him on the card.*

§ 726.329 *Invalid cards.* A marketing card shall be invalid under any of the following conditions:

(a) If it is not issued or delivered in the form and manner prescribed;

(b) If entries are not made thereon as required;

(c) If it is lost, destroyed, stolen, or becomes illegible;

(d) If any erasure has been made; or

(e) If any alteration has been made and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft, or alteration shall notify the county office to that effect, and the county office shall immediately notify the field office of the Marketing Quota Section for the belt.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the field office of the Marketing Quota Section of the receipt of such card.

At the end of two weeks after receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to the regulations in this subpart.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall be retained until such entry is made, or a new marketing card is issued, as provided above.*

§ 726.330 *Additional cards and disposition of used cards.* Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card hall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.*

§ 726.331 *Report of probable misuse of marketing card.* Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on another farm has been or is being marketed under the marketing card for a particular farm shall be reported immediately by such person to the field office of the Marketing Quota Section.*

§ 726.332 *No transfers.* There shall be no transfer of marketing quotas.*

MARKETING OF TOBACCO AND PENALTIES

§ 726.333 *Memorandum of sale to identify every marketing.* Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (Form 41–Tob–49 or 41–Tob–50) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Form 41–Tob–68). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

(a) A warehouseman, or his authorized representative, who has been authorized on Form 41–Tob–75, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer, but in such case the memorandum of sale shall be presented promptly by the warehouseman to the field assistant for verification with the warehouse records.

(b) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in subsection 726.343 (e) and who has been authorized on Form 41–Tob–75, may issue within quota memoranda of sale covering tobacco purchased by such dealer and delivered directly to such receiving point by the producer.

(c) A representative of the county office may issue memoranda of sale covering sales of tobacco by the producer in

[1] Instructions for determining marketing quotas, issuing marketing cards, and with respect to the rights of producers in the quota for farms having tobacco which was produced thereon in a calendar year prior to 1941 and carried over to the 1941–42 marketing year will be issued in Supplement 1 to these regulations.

small lots, by mail order or directly to various individuals other than dealers.

The authorization to issue within quota memoranda of sale under paragraphs (a) or (b) above may be withdrawn from any warehouseman or dealer upon written notice by the Chief of the Marketing Quota Section.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown thereon to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization for Agent", on the back of such memorandum has been properly executed and signed by the operator, or by the person who presents the marketing card, in the event that such person signs his name as agent of the farm operator and places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the field office of the Marketing Quota Section for the belt in which the tobacco is sold.*

§ 726.334 *Bill of nonwarehouse sale.* Each marketing of tobacco, except a warehouse sale or a nonwarehouse sale of within quota tobacco to a dealer authorized to issue memoranda of sale under paragraph (b) of § 726.333 shall be identified by a Bill of Nonwarehouse Sale (Form 41–Tob–64) completelyexecuted by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Form 41–Tob–64a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale shall be presented to a field assistant for issuance of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a purchase by a dealer other than a warehouseman.*

§ 726.335 *Marketings free of penalty.* Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.*

§ 726.336 *Marketings subject to penalty and collection of penalties*—(a) *Farm tobacco.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.

(b) *Dealer's tobacco.* Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.

(c) *Tobacco not identified by a valid memorandum.* Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.

(d) *Liability in case of error on memorandum.* The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error which may occur on the memorandum of sale.*

§ 726.337 *Persons to pay penalty and deduction from purchase price*—(a) *Warehouse sale.* If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Sale other than warehouse sale.* If the tobacco is acquired from the producer in any manner other than through a warehouse sale, the penalty shall be paid by the person who acquired the tobacco, but such person may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Agent.* If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Agent in case of false representation.* If any person markets tobacco representing that such tobacco is being marketed from one farm when in fact such tobacco is being marketed from another farm, then such person, as agent, shall pay any penalty due upon such marketing of tobacco.

(e) *Warehouseman and dealer or dealer's tobacco.* Any penalty due upon tobacco subject to penalty under paragraph (b) of § 726.336 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.

(f) *Producer marketing outside United States.* If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

(g) *Producer on behalf of buyer in case of mail order or direct sales in small lots.* If the tobacco is marketed in small lots by the producer by mail order sales or directly to various individuals other than dealers, the penalty may be paid by the producer of such tobacco on behalf of the various buyers. In such case the buyer of such tobacco shall be relieved of the penalty to the extent that it is paid by the producer.*

§ 726.338 *Amount of penalty.* The penalty shall be five cents per pound upon any marketing of tobacco which is not identified under the regulations in this subpart as being free from penalty.*

§ 726.339 *Penalty for false identification or failure to account for disposition of tobacco.* If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield (determined under the 1941 Agricultural Conservation Program) of the number of acres harvested in 1941 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.*

§ 726.340 *Payment of penalty.* Penalties upon the marketing of tobacco shall become due at the time of the marketing, and shall be paid by remitting the amount thereof to the Marketing Quota Section, Agricultural Adjustment Administration, Washington, D. C., not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United

States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.*

§ 726.341 *Application for return of penalty.* Any producer of tobacco who bore the burden of the payment of any penalty collected may file an application for return of any amount of such penalty which is in excess of that amount equal to five cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for the return of any penalty shall be filed on Form 41–Tob–74, "Application for Return of Penalty."

Any application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee shall approve an Application for Return of Penalty only with respect to that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in the 1941–42 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

Any application for the return of penalty pursuant to this section shall be filed not later than sixty days before the end of the marketing year next succeeding that in which the penalty is collected.*

RECORDS AND REPORTS

§ 726.342 *Warehouseman's records and reports*—(a) *Record of marketings.* Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse; the name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced), the name of the purchaser, the date of sale, the number of pounds sold, the sale price, the amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer). All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Form 41–Tob–66). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse record so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale record and bill of nonwarehouse sale record.* A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in the regulations in this subpart) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with a properly executed Bill of Nonwarehouse Sale (Form 41–Tob–64). Any warehouseman who obtains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

(d) *Suspended sale record.* Any warehouse bills for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills as "suspended", write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Form 41–Tob–62): *Provided,* That if a field assistant is not available, the warehouseman may stamp such bills suspended and deliver them to a field assistant as soon as one becomes available.

(e) *Warehouse entries on dealers' records.* Each warehouseman shall enter on each Dealer's Record (Form 41–Tob–65) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1941 the entry on the Dealer's Record shall clearly show such fact.

(f) *Daily report of warehouse business and report of penalties.* Each warehouseman shall make reports on Form 41–Tob–66, Auction Warehouse Report, and on Form 41–Tob–67, Listing of Penalties, showing the information required on the respective reports. Form 41–Tob–66 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the Marketing Quota Section at or before the end of the next following calendar week. Form 41–Tob–67 shall be prepared for each week and the report for each week shall be forwarded, together with the remittance of the penalty due, as shown thereon, to the Marketing Quota Section not later than the end of the next following calendar week.

(g) *Summary of warehouse accounts.* Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by the regulations in this subpart.

(h) *Additional records and reports.* In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce the regulations in this subpart.*

§ 726.343 *Dealer's records and reports.* Each dealer, except as provided in § 726.344 below, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the page "Receipt for Dealer's Record" contained in Form 41–Tob–65, "Dealer's Record" which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Form 41–Tob–65, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1941, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1941.

(c) *Report of penalties.* Each dealer shall make a report on Form 41–Tob–67 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The amount of penalty shown to be due by each such report shall be remitted with the report.

(d) *Memorandum of sale record and bill of nonwarehouse sale record.* For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a representative of the

Marketing Quota Section or by an authorized representative of a receiving point in the case of tobacco sold and delivered to such receiving point. No memorandum of sale shall be issued except as provided in paragraph (b) of § 726.333 unless: (1) the farm operator or his authorized agent has signed the "Operator's Certificate" on the back of the memorandum and (2) unless a properly executed Bill of Nonwarehouse Sale (Form 41–Tob–64) is presented covering such sale.

(e) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him: The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced), the name of the purchaser, the date of the transaction, the number of pounds and the gross sale price; and in the event of resale of tobacco bought by him and carried over from a crop produced prior to 1941, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.

§ 726.344 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 726.343 of the regulations in this subpart; but each such dealer shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce the regulations in this subpart.

§ 726.345 *Records and reports of redryers, etc.* Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report of the following information with respect to each lot of tobacco received by him: The date of receipt of the tobacco, the number of pounds received, the purpose for which the tobacco was received (and if received from a producer, the name and address of the farm operator, and the code and serial number of the farm on which the tobacco was grown), the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce the regulations in this subpart.*

§ 726.346 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on Form 41–Tob–65, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on Form 41–Tob–66.*

§ 726.347 *Failure to keep record or make report.* Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under the regulations in this subpart, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under the regulations in this subpart within fifteen days after notice to him of such violation shall be subject to an additional fine of 100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation; *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chief of the Marketing Quota Section.*

§ 726.348 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chief of the Marketing Quota Section, such books, papers, records, accounts, correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.*

§ 726.349 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under the regulations in this subpart for the 1941–42 marketing year shall be kept by him until September 30, 1943, and for such longer period of time as may be requested in writing by the Chief of the Marketing Quota Section.*

§ 726.350 *Information confidential.* All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of the regulations in this subpart shall be kept confidential by all officers and employees of the Department of Agriculture, and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.*

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing regulations pertaining to fire-cured tobacco marketing quotas for the 1941–42 marketing year to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C., this 21st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-7925; Filed, October 21, 1941; 11:30 a. m.]

[41–Tob–60]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART E—1942

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GENERAL

§ 726.368 *Definitions.* As used in the regulations in this part and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Committee" means a committee within a county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee," "Local Committee," or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(c) "County office" means the office of the County Agricultural Conservation Association, or the county or local committees or employees of such association, according to the sense in which such term is used.

(d) "Dealer" means a person who engages, to whatever extent, in the business of acquiring tobacco from producers, without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(e) "Farm" means any tract or tracts of land which are considered as a farm under the provisions of the 1941 Agricultural Conservation Program.

(f) "Field assistant" means any field assistant, junior field officer, or a field officer, or any other employee of the Marketing Quota Section.

(g) "Floor sweepings" means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(h) "Market" means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "market".

(i) "Marketing quota section" means the Marketing Quota Section, East Central Division, Agricultural Adjustment Administration, United States Department of Agriculture, Washington, D. C.

(j) "Nonwarehouse sale" means any marketing other than a warehouse sale.

(k) "Operator" means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(l) "Person" means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government. The term "person" shall include two or more persons having a joint or common interest.

(m) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(n) "Producer" means a person who, as owner, landlord, tenant, share-cropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(o) "Resale" means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(p) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(q) "Suspended sale" means any marketing of tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(r) "Tobacco" means dark air-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture at types 35 and 36 and collectively known as dark air-cured tobacco.

(s) "Tobacco available for marketing" means all tobacco produced on a farm in the calendar year 1941 (and any tobacco produced on the farm prior to the calendar year 1941 and carried over to the 1941–42 marketing year) which is not disposed of through use on the farm or by storage prior to the issuance of a marketing card for the farm.

(t) "Warehouseman" means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(u) "Warehouse sale" means a marketing by sale at auction through a warehouse in the regular course of business.*

* §§ 726.368 to 726.400, inclusive, issued under the authority contained in 52 Stat. 38; 7 U.S.C. 1301, et seq., as amended.

§ 726.369 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out the regulations in this subpart.*

§ 726.370 *Tobacco subject to marketing quotas.* Any tobacco marketed during the period October 1, 1941, to September 30, 1942, inclusive, and any tobacco produced in the calendar year 1941 and marketed prior to October 1, 1941, shall be subject to the marketing quotas for the 1941–42 marketing year.*

FARM MARKETING QUOTAS [1]

§ 726.371 *Amount of farm marketing quota.* The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with the "Procedure for Determination of Fire-cured and Dark Air-cured Tobacco Acreage Allotments for 1941" (Form 41–Tob–33 and Supplement 1). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1941 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1941 times the number of acres harvested in excess of the farm acreage allotment.*

§ 726.372 *Issuance of marketing card.* A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

(a) *Within quota marketing card (Form 41–Tob–51).* A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm acreage allotment in 1941 shall be issued for a farm (other than a farm having tobacco carried over from a crop produced prior to 1941) under the following conditions:

(1) If the harvested acreage of tobacco in 1941 is not in excess of the farm acreage allotment (except as provided in paragraph (b) (2) and (3) of

[1] Instructions for determining marketing quotas, issuing marketing cards, and with respect to the rights of producers in the quota for farms having tobacco which was produced thereon in a calendar year prior to 1941 and carried over to the 1941–42 marketing year will be issued in Supplement 1 to these regulations.

this section) and the operator of the farm does not operate any other farm on which the harvested acreage exceeds the acreage allotment.

(2) If the farm is operated by a publicly owned experiment station and the tobacco is produced for experimental purposes only.

(b) *Excess marketing card (Form 41–Tob–52).* An "Excess Marketing Card" showing the extent to which marketings of tobacco from the farm are subject to penalty shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco in 1941 is in excess of the farm acreage allotment or the operator of the farm also operates any other farm on which the harvested acreage of tobacco in 1941 exceeds the farm acreage allotment.

(2) If the acreage of tobacco planted on the farm in 1941 is in excess of the farm acreage allotment and the operator does not dispose of the acreage in excess of the allotment prior to harvesting such tobacco and within 15 days after receiving notice of such excess acreage from the county office.

(3) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure the proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.

(4) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established.

(5) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.

(c) *Extent to which marketings from a farm are subject to penalty.* The extent to which marketings of tobacco from any farm are subject to penalty (except as provided in Supplement 1 to the regulations in this subpart) shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm is of the acreage of tobacco harvested from the farm (or if tobacco is disposed of without marketing after harvesting, that percentage which the amount of tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm). Each marketing card showing a percentage excess of zero also shall show a maximum number of pounds of tobacco which may be marketed thereunder which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the crop produced on the farm. For any excess marketing card which shows a percentage excess of more than zero the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card a maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the crop produced on the farm is greater than the number of pounds previously estimated by the comittee to be available for marketing.

(d) *Number of marketing cards and entries and signatures thereon.* One or more marketing cards may be issued for any farm as approved by the county office. All entries on each marketing card shall be made in accordance with instructions for isuing marketing cards. The Receipt and the "Operator's Agreement" on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative and by the person who delivers the card to the operator.*

§ 726.373 *Disposition of excess tobacco.* The amount of excess tobacco available for marketing for any farm shall be determined on the basis of the tobacco available for marketing from the farm at the time the marketing card is issued for the farm. Disposition of excess tobacco, other than by marketing shall be made only by the farm operator (or his representative) but the county committee (or a representative of the committee) shall approve the disposition. The county committee shall cause a record to be made showing the amount of tobacco (in acres or pounds) disposed of and may require the farm operator (or his representative) to sign a statement that such record is accurate before giving approval to the disposition. If all tobacco has been harvested prior to the disposition of the excess tobacco, the amount of excess tobacco available for marketing can be reduced only to the extent that the tobacco so disposed of is representative of the tobacco available for marketing from the farm.*

§ 726.374 *Report on marketing card.* The operator of each farm on which tobacco is produced in 1941 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.*

§ 726.375 *Additional reports by producers and identification of tobacco.* In addition to any other reports which may be required under the regulations in this subpart, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the Chief of the Marketing Quota Section, and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chief of the Marketing Quota Section, a written report on Form 41–Tob–76 showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed, and the number of pounds marketed, the gross price, and the date of marketing.*

§ 726.376 *Rights of producers in marketing card.* Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm.*

§ 726.377 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of marketing card for the farm.*

§ 726.378 *Person authorized to issue cards.* The county committee shall designate one person to sign marketing cards for farms in the county as issuing agent. No marketing card shall be signed by the issuing agent until all other entries required to be made thereon have been made, except that the operator's receipt therefor and the Operator's Agreement therein may be signed after the issuing agent has signed the card, but prior to its delivery to the farm operator. Only one person shall be designated as issuing agent but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each such person shall place his initials immediately beneath the name of the issuing agent as written by him on the card.*

§ 726.379 *Invalid cards.* A marketing card shall be invalid under any of the following conditions:

(a) If it is not issued or delivered in the form and manner prescribed;

(b) If entries are not made thereon as required;

(c) If it is lost, destroyed, stolen or becomes illegible;

(d) If any erasure has been made; or

(e) If any alteration has been made and not properly initialed.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft or alteration shall notify the county office to that effect, and the county office shall immediately notify the field office of the Marketing Quota Section for the belt.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the field office of the Marketing Quota Section of the receipt of such card.

At the end of two weeks after receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to the regulations in this subpart.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant, then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall be retained until such entry is made, or a new marketing card is issued, as provided above.*

§ 726.380 *Additional cards and disposition of used cards.* Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.*

§ 726.381 *Report of probable misuse of marketing card.* Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on another farm has been or is being marketed under the marketing card for a particular farm shall be reported immediately by such person to the field office of the Marketing Quota Section.*

§ 726.382 *No transfers.* There shall be no transfer of marketing quotas.*

MARKETING OF TOBACCO AND PENALTIES

§ 726.383 *Memorandum of sale to identify every marketing.* Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (Form 41–Tob–51 or 41–Tob–52) for the farm, but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Form 41–Tob–68). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

(a) A warehouseman, or his authorized representative, who has been authorized on Form 41–Tob–75, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer, but in such case the memorandum of sale shall be presented promptly by the warehouseman to the field assistant for verification with the warehouse records.

(b) A representative of the county office may issue memoranda of sale covering sales of tobacco by the producer in small lots by mail order or directly to various individuals other than dealers.

The authorization to issue within quota memoranda of sale under paragraph (a) above may be withdrawn from any warehouseman or dealer upon written notice by the Chief of the Marketing Quota Section.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown thereon to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization for Agent", on the back of such memorandum has been properly executed and signed by the operator, or by the person were presents the marketing card, in the event that such person signs his name as agent of the farm operator and places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above-described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the field office of the Marketing Quota Section for the belt in which the tobacco is sold.*

§ 726.384 *Bill of nonwarehouse sale.* Each marketing of tobacco, except a warehouse sale, shall be identified by a Bill of Nonwarehouse Sale (Form 41–Tob–64) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Form 41–Tob–64a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale shall be presented to a field assistant for issuance of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a purchase by a dealer other than a warehouseman.

§ 726.385 *Marketings free of penalty.* Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.*

§ 726.386 *Marketings subject to penalty and collection of penalties*—(a) *Farm tobacco.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.

(b) *Dealer's tobacco.* Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnished proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any

marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.

(c) *Tobacco not identified by a valid memorandum.* Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.

(d) *Liability in case of error on memorandum.* The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error which may occur on the memorandum of sale.*

§ 726.387 *Persons to pay penalty and deduction from purchase price*—(a) *Warehouse sale.* If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Sale other than warehouse sale.* If the tobacco is acquired from the producer in any manner other than through a warehouse sale, the penalty shall be paid by the person who acquired the tobacco, but such person may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Agent.* If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Agent in case of false representation.* If any person markets tobacco representing that such tobacco is being marketed from one farm when in fact such tobacco is being marketed from another farm, then such person, as agent, shall pay any penalty due upon such marketing of tobacco.

(e) *Warehouseman and dealer or dealer's tobacco.* Any penalty due upon tobacco subject to penalty under paragraph (b) of § 726.386 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.

(f) *Producer marketing outside United States.* If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

(g) *Producer on behalf of buyer in case of mail order or direct sales in small lots.* If the tobacco is marketed in small lots by the producer by mail order sales or directly to various individuals other than dealers, the penalty may be paid by the producer of such tobacco on behalf of the various buyers. In such case the buyer of such tobacco shall be relieved of the penalty to the extent that it is paid by the producer.*

§ 726.388 *Amount of penalty.* The penalty shall be five cents per pound upon any marketing of tobacco which is not identified under the regulations in this subpart as being free from penalty.*

§ 726.389 *Penalty for false identification or failure to account for disposition of tobacco.* If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield (determined under the 1941 Agricultural Conservation Program) of the number of acres harvested in 1941 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.*

§ 726.390 *Payment of penalty.* Penalties upon the marketing of tobacco shall become due at the time of the marketing, and shall be paid by remitting the amount thereof to the Marketing Quota Section, Agricultural Adjustment Administration, Washington, D. C., not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.*

§ 726.391 *Application for return of penalty.* Any producer of tobacco who bore the burden of the payment of any penalty collected may file an application for return of any amount of such penalty which is in excess of that amount equal to five cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for the return of any penalty shall be filed on Form 41–Tob–74, "Application for Return of Penalty".

An application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee shall approve an Application for Return of Penalty only with respect to that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in 1941–42 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

Any application for the return of penalty pursuant to this section shall be filed not later than sixty days before the end of the marketing year next succeeding that in which the penalty is collected.*

RECORDS AND REPORTS

§ 726.392 *Warehouseman's records and reports*—(a) *Record of marketings.* Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse; the name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced), the name of the purchaser, the date of sale, the number of pounds sold, the sale price, the amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer). All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Form 41–Tob–66). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm, or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale record and bill of nonwarehouse sale record.* A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in the regulations in this subpart) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with a properly executed Bill of Nonwarehouse Sale (Form 41–Tob–64). Any warehouseman who obtains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

(d) *Suspended sale record.* Any warehouse bills for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills as "suspended," write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Forms 41–Tob–62); provided that if a field assistant is not available, the warehouseman may stamp such bills suspended and deliver them to a field assistant as soon as one becomes available.

(e) *Warehouse entries on dealers' records.* Each warehouseman shall enter on each Dealer's Record (Form 41–Tob–65) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1941 the entry on the Dealer's Record shall clearly show such fact.

(f) *Daily report of warehouse business and report of penalties.* Each warehouseman shall make reports on Form 41–Tob–66, Auction Warehouse Report, and on Form 41–Tob–67, Listing of Penalties, showing the information required on the respective reports. Form 41–Tob–66 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the Marketing Quota Section at or before the end of the next following calendar week. Form 41–Tob–67 shall be prepared for each week and the report for each week shall be forwarded, together with the remittance of the penalty due, as shown thereon, to the Marketing Quota Section not later than the end of the next following calendar week.

(g) *Summary of warehouse accounts.* Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by the regulations in this subpart.

(h) *Additional records and reports.* In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce the regulations in this subpart.*

§ 726.393 *Dealer's records and reports.* Each dealer, except as provided in § 726.394, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the page "Receipt for Dealer's Record" contained in Form 41–Tob–65, "Dealer's Record" which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on Form 41–Tob–65, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1941, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1941.

(c) *Report of penalties.* Each dealer shall make a report on Form 41–Tob–67 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The amount of penalty shown to be due by each such report shall be remitted with the report.

(d) *Memorandum of sale record and bill of nonwarehouse sale record.* For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a representative of the Marketing Quota Section. No memorandum of sale shall be issued unless: (1) the farm operator or his authorized agent has signed the "Operator's Certificate" on the back of the memorandum and (2) unless a properly executed Bill of Nonwarehouse Sale (Form 41–Tob–64) is presented covering such sale.

(e) *Additional records.* Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him: The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced), the name of the purchaser, the date of the transaction, the number of pounds and the gross sale price; and in the event of resale of tobacco bought by him and carried over from a crop produced prior to 1941, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.*

§ 726.394 *Dealers exempt from regular records and reports.* Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of § 726.393 of the regulations in this subpart; but each such dealer shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce the regulations in this subpart.*

§ 726.395 *Records and reports of redryers, etc.* Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report of the following information with respect to each lot of tobacco received by him: The date of receipt of the tobacco, the number of pounds received, the purpose for which the tobacco was received (and if received from a producer, the name and address of the farm operator, and the code and serial number of the farm on which the tobacco was grown), the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce the regulations in this subpart.*

§ 726.396 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on Form 41–Tob–65, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on Form 41–Tob–66.*

§ 726.397 *Failure to keep record or make report.* Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under the regulations in this subpart, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under the regulations in this subpart within fifteen days after notice

to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chief of the Marketing Quota Section.*

§ 726.398 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chief of the Marketing Quota Section, such books, papers, records, accounts, correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.*

§ 726.399 *Length of time records and reports to be kept.* Records required to be kept and copies of the reports required to be made by any person under the regulations in this subpart for the 1941–42 marketing year shall be kept by him until September 20, 1943, and for such longer period of time as may be requested in writing by the Chief of the Marketing Quota Section.*

§ 726.400 *Information confidential.* All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of the regulations in this subpart shall be kept confidential by all officers and employees of the Department of Agriculture, and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.*

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing regulations pertaining to Burley tobacco marketing quotas for the 1941–42 marketing year to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C., this 21st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41-7925; Filed, October 21, 1941; 11:31 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4177]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BILT-RITE BOX CORPORATION, ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer.* In connection with offer, etc., in commerce, of paper boxes or other shipping containers, representing in any manner that respondents, or any one or more of them, own and operate or control a plant or factory wherein paper boxes or other shipping containers are manufactured, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Bilt-Rite Box Corporation, et al., Docket 4177, October 15, 1941]

In the Matter of Bilt-Rite Box Corporation, a corporation; Jacob Glekel and Jacob Press, individually and as officers of the Bilt-Rite Box Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, the testimony and other evidence taken before Lewis C. Russell, a duly appointed trial examiner of the Commission designated by it to serve in this proceeding, the report of the trial examiner thereon and the exceptions to said report, and briefs filed in support of and in opposition to, the complaint, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Bilt-Rite Box Corporation, a corporation, its officers, directors, agents, representatives and employees, and the respondents, Jacob Glekel and Jacob Press, individually and as officers of the Bilt-Rite Box Corporation, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of paper boxes or other shipping containers, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing in any manner that respondents, or any one or more of them, own and operate or control a plant or factory wherein paper boxes or other shipping containers are manufactured.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7959; Filed, October 22, 1941; 10:38 a. m.]

[1] 6 F.R. 608.

[Docket No. 4433]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FOOD SERVICE EQUIPMENT INDUSTRY, INC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.24 (e) *Coercing and intimidating—Suppliers of competitors—By boycotting and threats of:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* §3.30 (e) *Cutting off competitors' access to customers or market—Threatening and boycotting competitors:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* I. In connection with the sale, offering for sale, or distribution in commerce of food service equipment of any type or description, and on the part of respondent Food Service Equipment Industry, Inc., its officers, directors, representatives, etc., and on the part of all members thereof, their officers, etc., including specifically various members joined as representatives thereof, and among other things, as in order set forth, continuing, entering into, or carrying out any agreement, understanding, etc., between or among themselves or with certain manufacturers, certain association of manufacturers, its officers and members, or with others; and acting concertedly or cooperatively with intent or effect of lessening, eliminating or forestalling competition in such offer and sale; through (1) selecting or classifying, according to any standards set up by respondent Food Service Equipment Industry, Inc., jobbers or dealers in such equipment as being or not being "legitimate" or "recognized", or by, or according to, any other classification, whereby certain jobbers or dealers in such equipment are, in any manner or by any method, given any form of approval by said respondent Equipment Industry, Inc., to resell food service equipment, or whereby certain jobbers or dealers are differentiated from other jobbers or dealers in such equipment, for the purpose, or with the intent, or with the effect, of thereby securing, or attempting to secure, for any particular jobbers or dealers or classes of jobbers or dealers in such equipment any special or particular benefits of any nature or description not granted to, or secured by, or for, any other jobbers or dealers in such equipment; (2) issuing, distributing or circulating, by any means or method, to or among manufacturers of food service equipment of any nature or description, a list or enumeration of those jobbers or dealers in such equipment whom respondent Food Service Equipment Industry, Inc., has designated, selected or classified, for the purposes herein prohibited in sub-division (1) of this division of the order; (3) securing, selecting or designating firms, by any means or methods, as members of respondent Food Service Equipment Industry, Inc., where the intent, purpose or effect of said membership is to secure, or attempt to secure, for such members, from the manufacturers of such equipment, special or particular benefits or privileges of any nature or description, not granted or offered by such manufacturers to firms who are not members of respondent Equipment Industry, Inc.; (4) urging or advocating in any manner, or by any method, manufacturers of food service equipment of any nature or description to sell such equipment exclusively or solely through or by means of members of respondent Food Service Equipment Industry, Inc., or through or by means of particular or designated jobbers or dealers in such equipment whom respondent Equipment Industry, Inc., may classify or designate in such a manner as to set them apart from other jobbers, dealers or brokers in such equipment; (5) protesting in any manner, or by any method, to any manufacturer of food service equipment of any nature or description because of such manufacturer's selling such equipment to any jobbers or dealers in such equipment other than those who are members of respondent Food Service Equipment Industry, Inc., or to those jobbers or dealers who are especially selected, classified or approved by said respondent, in the manner hereinbefore described in sub-division (1) of this division of the order, as being entitled to resell such equipment; (6) urging or advocating in any manner, or by any method, manufacturers of food service equipment of any nature or description to refrain from selling such equipment directly to the ultimate users thereof; (7) protesting in any manner, or by any method, to any manufacturer of food service equipment of any nature or description for selling same directly to public service companies, chain stores or other large users of such equipment at lower prices than such purchasers could receive from jobbers or dealers in such equipment who are especially designated, classified or approved by respondent Food Service Equipment Industry, Inc., as being entitled to resell such equipment; (8) selecting, classifying or designating certain manufacturers of food service equipment to be recipients of special awards, such as Honor Roll Certificates, or other designations, from respondent Food Service Equipment Industry, Inc., because of said manufacturers' cooperation in carrying out any or all of the methods, policies, practices, acts or things prohibited in this order, where the purpose, intent or effect of such selection, designation or classification is to cause preference of any nature or description to be given to such manufacturers in purchases by the members of aforesaid respondent, or by other dealers or jobbers of food service equipment; (9) suggesting, advocating or urging by any means or methods that members of respondent Food Service Equipment Industry, Inc., should purchase food service equipment from, or give preference in their purchases of such equipment to, those manufacturers who are recipients of Honor Roll Certificates, or other designations, from respondent Equipment Industry, Inc., prohibited herein in sub-division (8) of this division of the order; (10) issuing, or disseminating or circulating to the members of respondent Food Service Equipment Industry, Inc., or to any other party or parties, by any means or methods, any bulletins, by whatever name called, or any other form of written or printed matter, for the purpose, or with the intent, or with the effect, of listing, or designating, or pointing out by any method, or in any manner, those manufacturers of food service equipment who have received, in the manner or for the reasons hereinbefore set out and prohibited in sub-division (8) of this division of the order, Honor Roll Certificates or any other form of award or recognition from respondent Equipment Industry, Inc.; (11) advocating, or urging by any means or methods a common course of action by members of respondent Food Service Equipment Industry, Inc., to purchase food service equipment from, or give preference in their purchase of such equipment to, any particular type, group or class of manufacturers who assist respondent Industry or respondent Industry Members in carrying out any of the policies, practices, acts or things herein prohibited; (12) refusing or refraining from pitting against each other competing manufacturers of vitrified china products, where the purpose, intent, or effect of such refusal is to prevent, hinder or forestall competition in price among such manufacturers for the sale of their products to dealers or jobbers in food service equipment; (13) waiving or refusing to accept volume discounts from manufacturers of vitrified china products, when such discounts are not contrary to law; (14) refusing to solicit or accept sales for the same decorations on the same makes of vitrified china because a particular jobber or dealer in food service equipment is already being supplied with such decorations; (15) refraining from requesting one manufacturer of vitrified china to copy or duplicate the design of another such manufacturer where such copying or duplicating is not contrary to law; (16) arranging, holding or taking part in any meetings or conferences of officers, directors or members of respondent Food Service Equipment Industry, Inc., of representatives of manufacturers of food service equipment, or of dealers or jobbers of such equipment, for the purpose, intent or with the effect, of continuing, promoting, encouraging or carrying out, in any way, any of the methods, policies, practices, acts or things prohibited by this order; (17) organizing, forming or encouraging in any manner, or by any method, the continuance or creation of any local organization, or organizations, of members of respondent Food Service Equipment Industry, Inc., for the purpose, intent, or with the effect of continuing, promoting, encouraging or carrying out, in any manner or by any method, any of the methods, policies, practices, acts or things prohibited by this order; and (18) supervising or investigating, by means of respondent Food Service Equipment Industry, Inc.'s directors or officers, or by any other means or methods, the practices or policies of competing dealers in food service equipment, for the purpose, or with the intent, or with the effect, of maintaining, or attempting to maintain, any of the methods, policies, practices, acts or things prohibited by this order; prohibited, subject to the proviso that nothing in such order is to be construed as prohibiting any single respondent from selecting its own customers or sources of supply in good faith in the regular or ordinary course of trade, or from entering into any contract or agreement not prohibited by the provisions of the Sherman Anti-Trust Act as amended. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Food Service Equipment Industry, Inc., et al., Docket 4433, October 15, 1941]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* II.—In connection with the sale, offering for sale, or distribution in commerce of food service equipment of any type or description, and on the part of all manufacturers of food service equipment who (1) are recipients of Honor Roll Certificates or other awards, etc., from respondent Food Service Equipment Industry, Inc., signifying formers' compliance with latter's requirements, or (2) have cooperated in carrying out policies and practices of aforesaid respondent, and on the part of the officers, etc., of said manufacturers (made respondents through naming as their representatives certain specified concerns), and among other things, as in order set forth, continuing, entering into, or carrying out, any agreement, understanding, etc. (through the receipt of such Honor Roll Certificates or other such awards, etc., from said respondent Food Service Equipment Industry, Inc., or through or by any other means or methods), between or among themselves, or with said respondent Equipment Industry, Inc., or with officers or directors of said last-named respondent, or with its member

dealers, or with respondent American Vitrified China Manufacturers Association and its officers and members, as in order set forth, or with any others, and acting concertedly or cooperatively, with intent or effect of lessening, eliminating, or forestalling competition in the sale or offering for sale of such equipment in said commerce, through (1) refusing or ceasing to sell any of the food service equipment of any nature or description, which any of said respondents manufacture, through any broker, jobber or dealer, because such broker, jobber or dealer in such equipment has not been selected, classified or approved by respondent Food Service Equipment Industry, Inc., or any other group or organization, of jobbers or dealers in such equipment, as entitled to resell such equipment; (2) refusing or ceasing to sell any of such food service equipment to curbstone brokers, commission agents, or any other party or parties who desire to, and are financially and otherwise able to, purchase such equipment from them, because such prospective purchasers have not been, or are not, approved in any manner, or by any method, by respondent Food Service Equipment Industry, Inc., or any other group or organization of jobbers or dealers in such equipment; (3) refusing or ceasing to sell any such food service equipment directly to hotels, restaurants, chain stores and similar large-volume purchasers of such equipment at lower prices than such purchasers could receive from jobbers or dealers in such equipment who have been, or are, approved in any manner by respondent Food Service Equipment Industry, Inc., or any other group or organization of jobbers or dealers in such equipment; and (4) refusing or ceasing to sell any such food service equipment directly to hotels, restaurants, chain stores or other similar large-volume purchasers of such equipment on any basis other than that which is satisfactory to respondent Food Service Equipment Industry, Inc., or any other group or organization of jobbers or dealers in such equipment; prohibited, subject to the proviso that nothing in this order is to be construed as prohibiting any single respondent from selecting its own customers or sources of supply in good faith in the regular or ordinary course of trade, or from entering into any contract or agreement not prohibited by the provisions of the Sherman Anti-Trust Act as amended. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Food Service Equipment Industry, Inc., et al., Docket 4433, October 15, 1941]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* III. In connection with the sale, offering for sale, or distribution in commerce of any type of food service equipment, especially vitrified china products, and on the part of respondent American Vitrified China Manufacturers Association, and respondent individuals, as officers thereof, and on the part of various members and their officers, etc., and among other things, as in order set forth, continuing, entering into, or carrying out, any agreement, understanding, etc., between or among themselves, or with respondent Food Service Equipment Industry, Inc., or with its directors, officers or members, or with certain manufacturers joined as Honor Roll Members, or with others; or acting concertedly or cooperatively, with intent or effect of lessening, eliminating or forestalling competition in the sale or offering for sale of such equipment or products in said commerce; through (1) refusing to sell directly to department stores, which have no china departments, the products manufactured by said respondent corporations, for use in the restaurants of such department stores; (2) endeavoring to sell, or attempting to sell, or selling, such products to department stores having no china departments, exclusively through dealers in food service equipment; (3) endeavoring to sell, or attempting to sell, or selling, such products to chain stores, exclusively through dealers in food service equipment; (4) refusing to sell such products directly to the consumers thereof; (5) refusing to take on, accept or acquire any new broker or agent accounts; and (6) refusing to quote, or refraining from quoting, prices on such products to consumers without first having received consent of the dealers in food service equipment as to the mark-up to be used; prohibited, subject to the proviso that nothing in such order is to be construed as prohibiting any single respondent from selecting its own customers or sources of supply in good faith in the regular or ordinary course of trade, or from entering into any contract or agreement not prohibited by the provisions of the Sherman Anti-Trust Act as amended. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Food Service Equipment Industry, Inc., et al., Docket 4433, October 15, 1941].

In the matter of Food Service Equipment Industry, Inc., a non-profit corporation, I. S. Anoff, M. P. Duke, L. E. Iwert, S. R. Sperans, individually and as officers, and all except L. E. Iwert, also as directors of Food Service Equipment Industry, Inc., A. H. Beadle, S. J. Carson, H. C. Davis, W. F. Dougherty, B. Dohrmann, P. L. Ezekiel, A. W. Forbriger, W. Friedman, C. A. Winchester, C. Winkler, individually, and as directors of Food Service Equipment Industry, Inc.; A. L. Cahn & Sons, a corporation, Duke Manufacturing Co., a corporation, Ezekiel & Weilman Co., Inc., a corporation, Alex Janows & Company, a corporation, Albert Pick Co., Inc., a corporation, The Stearnes Company, a corporation, Straus-Duparquet, Inc., a corporation, individually, and as representative members of Food Service Equipment Industry, Inc.; American Stove Co., a corporation, Josiah Anstice & Co., Inc., a corporation, G. S. Blakeslee & Co., a corporation, G. S. Blodgett Co., Inc., a corporation, Carrollton Metal Products Co., a corporation, Colt's Patent Fire Arms Manufacturing Co., a corporation, Detroit-Michigan Stove Co., a corporation, Hobart Manufacturing Co., a corporation, Lalance-Grosjean Manufacturing Co., a corporation, McGraw Electric Co., a corporation, Polar Ware Co., a corporation, Standard Gas Equipment Corporation, a corporation, United States Stamping Co., a corporation, Vollrath Co., a corporation, individually, and as representatives of the recipients of Honor Roll Certicates from Food Service Equipment Industry, Inc.; Illinois Brass Mfg. Co., a corporation; Columbia Stamping and Enameling Co., a corporation; American Vitrified China Manufacturers Association, an unincorporated association; Albert M. Walker and James K. Love, individually, and as president and secretary-treasurer, respectively, of American Vitrified China Manufacturers Association; Bailey-Walker China Co., a corporation, Buffalo Pottery Co., Inc., a corporation, Carr China Company, a corporation, Iroquois China Co., a corporation, Jackson Vitrified China Co., a corporation, D. E. McNichol Co. of W. Va., a corporation, Mayer China Company, a corporation, Onondaga Pottery Co., a corporation, Scammell China Company, a corporation, Shenango Pottery Co., a corporation, Sterling China Company, a corporation, Wellsville China Co., a corporation, individually, and as members of American Vitrified China Manufacturers Association

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on 15th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents and a stipulation as to the facts entered into by all of the respondents, except Illinois Brass Mfg. Co., and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that, without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents named in said stipulation, findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that all of the respondents named in the caption hereof, except respondents Illinois Brass Mfg. Co. and Columbian Enameling and Stamping Company, Inc. (referred to in the complaint as Columbia Stamping and Enameling Company), have violated Section 5 of the provisions of the Federal Trade Commission Act, the Commission issues the following order to cease and desist from such violations:

I

It is ordered, That respondents Food Service Equipment Industry, Inc., a non-profit corporation, I. S. Anoff, M. P. Duke, (Miss) L. E. Iwert, and S. R. Sperans, as officers of respondent Food Service Equipment Industry, Inc., A. H. Beadle, S. J. Carson, H. C. Davis, W. F. Dougherty, B. Dohrmann, P. L. Ezekiel, A. W. Forbriger, W. Friedman, C. A. Winchester, and C. Winkler, as directors of respondent Food Service Equipment Industry, Inc., together with any and all of the other officers, directors, representatives, agents and employees of said respondent Food Service Equipment Industry, Inc., and its successors and assigns, and all of the members of respondent Food Service Equipment Industry, Inc., their officers, directors, representatives, agents and employees, successors and assigns, and which members were made respondents herein by naming as their representatives, respondents A. L. Cahn & Sons, a corporation, Duke Manufacturing Co., a corporation, Ezekiel & Weilman Co., Inc., a corporation, Alex Janows & Company, a corporation, Albert Pick Co., Inc., a corporation, The Stearnes Company, a corporation, and Straus-Duparquet, Inc., a corporation, directly or indirectly, or through any corporate or other device, in connection with the sale, offering for sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of food service equipment of any type or description, do forthwith cease and desist from continuing, entering into, or carrying out, any agreement, understanding or combination, express or implied, between or among themselves or with any of the other respondents named in the caption hereof, or with others, and from concerted action or cooperative effort, for the purpose, intent, or with the effect, of lessening, eliminating, restricting, hampering, suppressing or forestalling competition in the sale, or offering for sale of such equipment in said commerce, by the following methods, policies, practices, acts or things, or any one or more thereof, to-wit:

(1) Selecting or classifying, according to any standards set up by respondent Food Service Equipment Industry, Inc., jobbers or dealers in such equipment as being or not being "legitimate" or "recognized", or by, or according to, any other classification, whereby certain jobbers or dealers in such equipment are, in any manner or by any method, given any form of approval by said respondent Food Service Equipment Industry, Inc. to resell food service equipment, or whereby certain jobbers or dealers are differentiated from other jobbers or dealers in such equipment, for the purpose, or with the intent, or with the effect, or thereby securing, or attempting to secure, for any particular jobbers or dealers or classes of jobbers or dealers in such equipment any special or particular benefits of any nature or description not granted to, or secured by, or for, any other jobbers or dealers in such equipment;

(2) Issuing, distributing or circulating, by any means or method, to or among manufacturers of food service equipment of any nature or description, a list or enumeration of those jobbers or dealers in such equipment whom respondent Food Service Equipment Industry, Inc., has designated, selected or classified for the purposes herein prohibited in sub-paragraph (1) of this paragraph;

(3) Securing, selecting or designating firms, by any means or methods, as members of respondent Food Service Equipment Industry, Inc., where the intent, purpose or effect of said membership is to secure, or attempt to secure, for such members, from the manufacturers of such equipment, special or particular benefits or privileges of any nature or description, not granted or offered by such manufacturers to firms who are not members of respondent Food Service Equipment Industry, Inc.;

(4) Urging or advocating in any manner, or by any method, manufacturers of food service equipment of any nature or description to sell such equipment exclusively or solely through, or by means of, members of respondent Food Service Equipment Industry, Inc., or through, or by means of, particular or designated jobbers or dealers in food service equipment whom respondent Food Service Equipment Industry, Inc., may classify or designate in such a manner as to set them apart from other jobbers, dealers or brokers in such equipment;

(5) Protesting in any manner, or by any method, to any manufacturer of food service equipment of any nature or description because of such manufacturer's selling such equipment to any jobbers or dealers in such equipment other than those who are members of respondent Food Service Equipment Industry, Inc., or to those jobbers or dealers who are especially selected, classified or approved by respondent Food Service Equipment Industry, Inc., in the manner hereinbefore described in sub-paragraph (1) of this paragraph, as being entitled to resell such equipment;

(6) Urging or advocating in any manner, or by any method, manufacturers of food service equipment of any nature or description to refrain from selling such equipment directly to the ultimate users thereof;

(7) Protesting in any manner, or by any method, to any manufacturer of food service equipment of any nature or description for selling same directly to public service companies, chain stores or other large users of such equipment at lower prices than such purchasers could receive from jobbers or dealers in such equipment who are especially designated, classified or approved by respondent Food Service Equipment Industry, Inc., as being entitled to resell such equipment;

(8) Selecting, classifying or designating certain manufacturers of food service equipment to be recipients of special awards, such as Honor Roll Certificates, or other designations, from respondent Food Service Equipment Industry, Inc., because of said manufacturers' cooperation in carrying out any or all of the methods, policies, practices, acts or things prohibited in this order, where the purpose, intent or effect of such selection, designation or classification is to cause preference of any nature or description, to be given to such manufacturers in purchases by the members of respondent Food Service Equipment Industry, Inc., or by other dealers or jobbers of food service equipment;

(9) Suggesting, advocating or urging by any means or methods that members of respondent Food Service Equipment Industry, Inc., should purchase food service equipment from, or give preference in their purchases of such equipment to, those manufacturers who are recipients of Honor Roll Certificates, or other designations, from respondent Food Service Equipment Industry, Inc., prohibited herein in sub-paragraph (8) of this paragraph;

(10) Issuing, or disseminating or circulating to the members of respondent Food Service Equipment Industry, Inc., or to any other party or parties, by any means or methods, any bulletins, by whatever name called, or any other form of written or printed matter, for the purpose, or with the intent, or with the effect, of listing, or designating, or pointing out by any method, or in any manner, those manufacturers of food service equipment who have received, in the manner or for the reasons hereinbefore set out and prohibited in sub-paragraph (8) of this paragraph, Honor Roll Certificates or any other form of award or recognition from respondent Food Service Equipment Industry, Inc.;

(11) Advocating or urging by any means or methods a common course of action by members of respondent Food Service Equipment Industry, Inc., to purchase food service equipment from, or give preference in their purchase of such equipment to, any particular type, group or class of manufacturers who assist respondent Industry or respondent Industry Members in carrying out any of the policies, practices, acts or things herein prohibited;

(12) Refusing or refraining from pitting against each other competing manufacturers of vitrified china products, where the purpose, intent, or effect of such refusal is to prevent, hinder or forestall competition in price among such manufacturers for the sale of their products to dealers or jobbers in food service equipment;

(13) Waiving or refusing to accept volume discounts from manufacturers of

vitrified china products, when such discounts are not contrary to law;

(14) Refusing to solicit or accept sales for the same decorations on the same makes of vitrified china because a particular jobber or dealer in food service equipment is already being supplied with such decorations;

(15) Refraining from requesting one manufacturer of vitrified china to copy or duplicate the design of another such manufacturer where such copying or duplicating is not contrary to law;

(16) Arranging, holding or taking part in any meetings or conferences of officers, directors or members of respondent Food Service Equipment Industry, Inc., of representatives of manufacturers of food service equipment, or of dealers or jobbers of such equipment, for the purpose, intent, or with the effect, of continuing, promoting, encouraging or carrying out, in any way, any of the methods, policies, practices, acts or things prohibited by this order;

(17) Organizing, forming or encouraging in any manner, or by any method, the continuance or creation of any local organization, or organizations, of members of respondent Food Service Equipment Industry, Inc., for the purpose, intent, or with the effect of continuing, promoting, encouraging or carrying out, in any manner or by any method, any of the methods, policies, practices, acts or things prohibited by this order;

(18) Supervising or investigating, by means of respondent Food Service Equipment Industry, Inc.'s directors or officers, or by any other means or methods, the practices or policies of competing dealers in food service equipment, for the purpose, or with the intent, or with the effect, of maintaining, or attempting to maintain, any of the methods, policies, practices, acts or things prohibited by this order.

II

It is further ordered, That all manufacturers of food service equipment who are recipients of Honor Roll Certificates or other awards or designations from respondent Food Service Equipment Industry, Inc., which signify or point out that such manufacturers have complied with the requirements of respondent Food Service Equipment Industry, Inc., to receive such certificates, awards or designations, or who have cooperated in carrying out the policies and practices of said respondent Food Service Equipment Industry, Inc., together with the officers, directors, representatives, agents, employees and the successors and assigns of each of said manufacturers, and which manufacturers were made respondents herein by naming as their representatives, the respondents American Stove Co., a corporation, Josiah Anstice & Co., Inc., a corporation, G. S. Blakeslee & Co., a corporation, G. S. Blodgett Co., Inc., a corporation, Carrollton Metal Products Co., a corporation, Colt's Patent Fire Arms Manufacturing Co., a corporation, Detroit-Michigan Stove Co., a corporation, Hobart Manufacturing Co., a corporation, Lalance-Grosjean Manufacturing Co., a corporation, McGraw Electric Co., a corporation, Polar Ware Co., a corporation, Standard Gas Equipment Corporation, a corporation, United States Stamping Co., a corporation, Vollrath Co., a corporation, Buffalo Pottery, Inc., a corporation (referred to in the complaint as Buffalo Pottery Co., Inc.) and D. E. McNichol Co. of W. Va., a corporation, directly or indirectly, or through any corporate or other device, in connection with the sale, offering for sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of food service equipment of any type or description, do forthwith cease and desist from continuing, entering into, or carrying out, any agreement, understanding or combination, express or implied (through the receipt of such Honor Roll Certificates or other such awards or designations, from respondent Food Service Equipment Industry, Inc., or through or by any other means or methods) between or among themselves, or with respondent Food Service Equipment Industry, Inc., or with any of the other respondents named in this order or with any other person, partnership, firm or corporation, and from concerted action or cooperative effort, for the purpose, or with the intent, or with the effect, of lessening, eliminating, restraining, hampering, suppressing or forestalling competition in the sale or offering for sale of such equipment in said commerce, by the following methods, policies, practices, acts or things, or any one or more thereof, to-wit:

(1) Refusing or ceasing to sell any of the food service equipment of any nature or description, which any of said respondents manufacture, through any broker, jobber or dealer, because such broker, jobber or dealer in such equipment has not been selected, classified or approved by respondent Food Service Equipment, Inc., or any other group or organization, of jobbers or dealers in such equipment, as entitled to resell such equipment;

(2) Refusing or ceasing to sell any of such food service equipment to curbstone brokers, commission agents, or any other party or parties who desire to, and are financially and otherwise able to, purchase such equipment from them, because such prospective purchasers have not been, or are not, approved in any manner, or by any method, by respondent Food Service Equipment Industry, Inc., or any other group or organization of jobbers or dealers in such equipment;

(3) Refusing or ceasing to sell any such food service equipment directly to hotels, restaurants, chain stores and similar large-volume purchasers of such equipment at lower prices than such purchasers could receive from jobbers or dealers in such equipment who have been, or are, approved in any manner by respondent Food Service Equipment Industry, Inc., or any other group or organization of jobbers or dealers in such equipment;

(4) Refusing or ceasing to sell any such food service equipment directly to hotels, restaurants, chain stores or other similar large-volume purchasers of such equipment on any basis other than that which is satisfactory to respondent Food Service Equipment Industry, Inc., or any other group or organization of jobbers or dealers in such equipment.

III

It is further ordered, That respondent American Vitrified China Manufacturers Association, an unincorporated association, and respondents Bailey-Walker China Co., a corporation, Buffalo Pottery, Inc., a corporation (referred to in the complaint as "Buffalo Pottery Co., Inc."), Carr China Company, a corporation, Iroquois China Co., a corporation, Jackson Vitrified China Co., a corporation, D. E. McNichol Co. of W. Va., a corporation, Mayer China Company, a corporation, Onandaga Pottery Co., a corporation, Scammell China Company, a corporation, Shenango Pottery Co., a corporation, Sterling China Company, a corporation, and Wellsville China Co., a corporation, both individually and as members of respondent American Vitrified China Manufacturers Association, and the respective officers, directors, representatives, agents, employees, successors and assigns of each of said respondents, and also respondents Albert M. Walker and James K. Love, as president and as secretary-treasurer, respectively, of respondent American Vitrified China Manufacturers Association, directly or indirectly, or through any corporate or other device, in connection with the sale, offering for sale, or distribution in commerce, as "Commerce" is defined in the Federal Trade Commission Act, of any type of food service equipment, especially any vitrified china products, do forthwith cease and desist from continuing, entering into or carrying out, any agreement, understanding or combination, express or implied, between or among themselves or with any of the other respondents named herein, especially respondent Food Service Equipment Industry, Inc., or with others, and from concerted action or cooperative effort, for the purpose, with the intent, or with the effect, of lessening, eliminating, restraining, hampering or forestalling competition in the sale or offering for sale of such equipment or products in said commerce, by the following methods, policies, practices, acts and things, or any one or more thereof, to-wit:

(1) Refusing to sell directly to department stores, which have no china departments, the products manufactured by said respondent corporations, for use in the restaurants of such department stores;

(2) Endeavoring to sell, or attempting to sell, or selling, such products to department stores having no china departments, exclusively through dealers in food service equipment;

(3) Endeavoring to sell, or attempting to sell, or selling, such products to chain

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PART 3—DIG

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stores, exclusively through dealers in food service equipment;

(4) Refusing to sell such products directly to the consumers thereof;

(5) Refusing to take on, accept or acquire any new broker or agent accounts;

(6) Refusing to quote, or refraining from quoting, prices on such products to consumers without first having received consent of the dealers in food service equipment as to the mark-up to be used.

IV

It is further ordered, That nothing in this order is to be construed as prohibiting any single respondent from selecting its own customers or sources of supply, in good faith in the regular or ordinary course of trade, or from entering into any contract or agreement not prohibited by the provisions of the Sherman Anti-Trust Act as amended.

V

It is further ordered, That the case growing out of the complaint herein be, and the same hereby is, closed as to the respondents Illinois Brass Mfg. Co., Columbian Enameling and Stamping Company, Inc. (referred to in the complaint as Columbia Stamping and Enameling Co.), and also as to respondents I. S. Anoff, M. P. Duke, (Miss) L. E. Iwert, S. R. Sperans, A. H. Beadle, S. J. Carson, H. C. Davis, W. F. Dougherty, B. Dohrmann, P. L. Ezekiel, A. W. Forbriger, W. Friedman, C. A. Winchester, C. Winkler, Albert M. Walker and James K. Love, individually (but not as to such individual respondents when they are acting in their respective official capacities as officers and directors of respondents Food Service Equipment Industry, Inc., or American Vitrified China Manufacturers Association), but without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and resume prosecution thereof in accordance with its regular procedure.

It is further ordered, That all, and each, of the respondents named in the caption hereof, except those respondents against whom the case growing out of the complaint has been closed by Paragraph V of this order, shall, in their individual and official or representative capacities, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7958; Filed, October 22, 1941; 10:38 a. m.]

[Docket No. 4510]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF KAY'S CUT RATE, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondents' "Madame Bea's Capsules" or any other substantially similar medicinal preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation constitutes a competent or effective treatment for delayed, unnatural or suppressed menstruation, or that it is safe or harmless; or which advertisments fail to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in cases of pregnancy may cause uterine infection and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kay's Cut Rate, etc., Docket 4510, October 14, 1941]

In the Matter of David L. Silver and O. C. Cowles, individually, and trading as Kay's Cut Rate and as Kay's Cut Rate Drugs

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer the respondents admit all of the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents David L. Silver and O. C. Colwes, individually, and trading as Kay's Cut Rate and as Kay's Cut Rate Drugs, or trading under any other name or names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparation known as Madame Bea's Capsules, or any other medicinal preparation or product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation constitutes a competent or effective treatment for delayed, unnatural or suppressed menstruation, or that said preparation is safe or harmless; or which advertisement fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in cases of pregnancy may cause uterine infection and blood poisoning;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which advertisement fails to reveal that the use of said preparation may cause gastro-intestinal disturbances and excessive congestion and hemorrhage of the pelvic organs, and in cases of pregnancy may cause uterine infection and blood poisoning.

It is further ordered, That respondents shall, within ten (10) days after service upon them of this order file with the Commission an interim report in writing, stating whether they intend to comply with this order, and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after the service of this order, respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7960; Filed, October 22, 1941; 10:39 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[Res., 10-21-41]

PART 301—INSURANCE OF ACCOUNTS

AMENDMENT RELATING TO THE ISSUANCE OF DEBENTURES IN PAYMENT OF INSURANCE

Be it resolved, That § 301.19 (b) (2) of the Rules and Regulations for Insurance of Accounts is amended, effective October 22, 1941, to read as follows:

§ 301.19 *Settlement of insurance upon default.*

* * * * *

(b) *Method of determining amount of each insured account; payments to each insured member.*

* * * * *

(2) The amount of his account which is insured, as follows: 10 percent in cash, 45 percent in negotiable noninterest-bearing debentures of the Corporation due within 1 year from the date of the

default, and 45 percent in such debentures due within 3 years from the date of default.

Be it further resolved, That this amendment is deemed to be of a procedural character within the provisions of paragraph (c) of § 301.22 of the Rules and Regulations for Insurance of Accounts. (Secs. 401 (d), 402 (a), 405 (b), 48 Stat. 1256, 1259, sec. 406 (b), 48 Stat. 1260, sec. 26, 49 Stat. 299; 12 U.S.C. 1724 (d), 1725 (a), 1728 (b), 12 U.S.C. 1729 (b), and Sup.)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 41-7967; Filed, October 22, 1941; 11:58 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-454]

PARTS 322, 323, AND 326—MINIMUM PRICE SCHEDULE, DISTRICT NOS. 2, 3, AND 6

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF DISTRICT NO. 3 FOR ALL-RAIL SHIPMENTS TO CERTAIN DESTINATIONS IN MARKET AREAS 11, 12 AND 13

This proceeding was instituted upon a petition filed by District Board 3 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested temporary and permanent orders reducing the effective minimum prices of coal shipped all-rail by producers in District 3 into Akron, Canton, Ceico, Cleveland, Lorain, South Lorain, Massillon, and Warren, Ohio, destinations in Market Areas 11, 12, and 13, to the extent of eight cents per net ton. Intervening petitions were filed by District Boards 1, 2, 4, 6, and 7. An appearance was entered by the Consumers' Counsel Division.

By Order of the Director, as subsequently modified, the following temporary relief was granted: "All effective minimum prices set forth in the Schedules of Effective Minimum Prices for Districts 2, 3, 4 and 6, inclusive, for shipment ex-river, via Colona and Conway, Pennsylvania, shall forthwith be increased 7½ cents per net ton except when such shipment is made to Youngstown, Ohio, or Walford, Pennsylvania, or points intermediate between Colona and Conway, Pennsylvania, and Youngstown, Ohio, and Walford, Pennsylvania, via route of movement in accordance with intermediate rule contained in applicable tariffs of the Pennsylvania Railroad and the Pittsburgh and Lake Erie Railroad."

Pursuant to Orders of the Director and after due notice to all interested parties, a hearing in this matter was held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C. On September 11, 1941, the Examiner submitted Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, recommending the amendment of the price schedules of Districts 2, 3, and 6 for shipment ex-river, via Colona and Conway, Pennsylvania, in accordance with the temporary relief theretofore granted by the Director. An opportunity was afforded all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, and supporting briefs. On October 13, 1941, the Office of the Bituminous Coal Consumers' Counsel filed exceptions.

On October 25, 1940, the railroads serving Colona and Conway promulgated new rate schedules effective November 25, 1940, under which the railroads reduced their lifting charge at those points from 13 cents to 5½ cents for coal shipped to Akron, Canton, Ceico, Cleveland, Lorain, South Lorain, Massillon, and Warren. This reduction resulted in a delivered price for coals shipped ex-river to these points 7½ cents lower than the delivered price for all-rail shipments.

The district boards which appeared herein sought an adjustment of the f. o. b. mine price of ex-river and all-rail coals so that the parity which existed prior to October 1, 1940, and from that date to November 25, 1940, would be restored. District Board 3 sought such restoration by reducing by eight cents per ton the f. o. b. mine prices of coal shipped all-rail to the destinations in question. District Boards 1, 4, 6, and 7 urged that the f. o. b. mine prices for ex-river coals should be raised 7½ cents per ton. District Board 2 indicated no preference for either procedure. The Consumers' Counsel Division urged, as the Office of the Bituminous Coal Consumers' Counsel now urges in its exceptions, that the schedules of effective minimum prices should not be changed but that the producers who have ex-river shipping facilities should be allowed to pass on to consumers the competitive advantage afforded them by the lowered lifting charges.

In its exceptions, the Bituminous Coal Consumers' Counsel contends that the effect of the Examiner's recommendations, if adopted by the Division, would be to counteract and frustrate valid freight rate reductions, whether ordered by the Interstate Commerce Commission or extended by the railroads themselves, to the detriment of consumers. However, under the mandate of the Congress requiring the Division to consider transportation charges in coordinating the minimum prices established pursuant to the Act, any important revision in transportation charges which affects coordination raises the question of whether an appropriate revision of the effective minimum prices must be made.

In this case, the lowered lifting charges put into effect by the railroads, operated to disrupt the coordination of the ex-river and all-rail coals moving to the destinations in question. Prior to October 1, 1940, but about 10 per cent of the coals moving to Market Areas 11, 12, and 13 moved ex-river under circumstances where prices for similar coals moving to the same destinations by rail and ex-river were on a substantial parity. The reduced lifting charges put into effect by the railroads on November 25, 1940, resulted in the cessation of all-rail shipments from District 3 to the destinations in question in Market Areas 11, 12, and 13 until after the issuance of the temporary relief herein restoring the parity between rail and ex-river shipments. Under these circumstances, it is clear that to adopt the contention of the Bitumnious Coal Consumers' Counsel, while perhaps resulting in some benefit to some consumers in Market Areas 11, 12, and 13, would be seriously to impair and disrupt the coordination of all-rail and ex-river prices. As found by the Examiner, that coordination was originally accomplished by using a proper delivered price for all-rail coals as a base and coordinating thereafter the prices of ex-river coals so that the same delivered price would be maintained regardless of the method of shipment.

In accordance with the provisions of the Act, the Division, in the regulation of the minimum price level, pays due regard to the interests of the consuming public. This does not mean, however, that in regulating the minimum price structure of bituminous coal, the other standards of the Act can be disregarded. These standards, indeed the maintenance of a sound price structure, require that minimum prices be coordinated in common consuming market areas upon a fair competitive basis, that transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis shall be considered, and that the prices shall preserve as nearly as may be existing fair competitive opportunities. Although the Act does not seek to "freeze" market conditions, the requirement that existing fair competitive opportunities be preserved does necessitate a readjustment of the coordination of coals moving by different methods so as to allow the continued movement of such coals on a fair competitive basis. Nor has the Bituminous Coal Consumers' Counsel shown, nor does the record indicate, that consumers will necessarily be injured by the increase in the effective minimum prices recommended by the Examiner.

On the basis of the above opinion and for the reasons stated therein, I conclude that the exceptions are without merit and that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

The Order granting temporary relief herein was issued on December 26, 1940, 5 F.R. 5293. On December 31, 1940, the Pursglove Coal Mining Company, a code member producer in District 3, loaded one barge of coal for shipment to Market Area 13 via Colona, and on January 2, 1941, shipped the same. The loading and shipping occurred prior to Pursglove's receiving notice of the Order of December 26. Pursglove has filed a verified application for permission to invoice the aforesaid barge load at the minimum price in effect immediately prior to the Order of December 26, 1940. I find that such relief should be granted.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That all effective minimum prices set forth in § 322.9 (*Special prices*—(e) *Ex-river coal*), § 323.8 (*Special prices*—(f) *Ex-river coal*), and § 326.8 (*Special prices*—(f) *Prices for ex-river shipment from mines having river loading facilities*) in the Schedules of Effective Minimum Prices for Districts 2, 3, and 6, for shipment ex-river, via Colona and Conway, Pennsylvania, shall forthwith be increased 7½ cents per net ton, except when such shipment is made to Youngstown, Ohio, or Walford, Pennsylvania, or points intermediate between Colona and Conway, Pennsylvania, and Youngstown, Ohio, and Walford, Pennsylvania, via route of movement in accordance with intermediate rule contained in applicable tariffs of the Pennsylvania Railroad and the Pittsburgh and Lake Erie Railroad.

It is further ordered, That the Pursglove Coal Mining Company be, and it hereby is, permitted to invoice the contents of one barge, loaded by it on December 31, 1940, and shipped by it on January 2, 1941, to Market Area 13 via Colona, Pennsylvania, at the minimum price for such coal which was effective immediately prior to the Order herein dated December 26, 1940.

It is further ordered, That the prayers for relief contained in the several petitions filed herein are granted to the extent set forth above, and in all other respects denied.

Dated: October 21, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7951; Filed, October 22, 1941; 10:21 a. m.]

[Docket No. A-972]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR REDUCTIONS IN THE EFFECTIVE MINIMUM PRICES APPLICABLE TO THE COALS OF THE KREGER MINING COMPANY (MINE INDEX NO. 2211) FOR TRUCK SHIPMENT

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division, pursuant to the provisions of the Bituminous Coal Act of 1937, by District Board 8. The petition requests a revision in the effective minimum prices, for truck shipment, established for the coals produced at Compton Mine (Mine Index No. 2211) operated by the Kreger Mining Company, a code member producer in District 8.[1]

Pursuant to an Order of the Director dated August 13, 1941, and after due notice to all interested persons, a hearing was held in this matter on September 10, 1941, before Edward J. Hayes, a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Only original petitioner appeared at the hearing. The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned, who has considered the record of this proceeding.

The petition of District Board 8 herein requests a revision in the effective minimum prices heretofore established for the coals produced at the Compton Mine (Mine Index No. 2211) for truck shipment. This mine is located in Russell County, Virginia, in District 8. The prices proposed by the District Board are based upon a requested change in seam designation.

A witness for the District Board testified that he had made a personal investigation of the Compton Mine and found that the mine is producing in the Upper Banner Seam, rather than in the Widow Kennedy Seam as presently designated in the schedule. He stated that the prices herein requested are the same as those established for comparable coals produced from the Upper Banner Seam by mines located in close proximity to the Compton Mine. These prices are 10 and 20 cents per ton lower in certain size groups than those presently established for the Compton Mine coals. It was the opinion of the witness that the prices herein requested will reflect the relative market value of the Compton Mine coals and will not have any detrimental effect upon competing coals.

Upon the basis of the uncontroverted evidence, I find and conclude: (1) that the minimum prices and the seam designation shown in the schedule hereto attached for the coals produced at the Compton Mine are proper and should be established; that said prices conform with the prices heretofore established for analogous and similar coals of District 8; (2) that such amendment of the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments is required in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be, and it hereby is, amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[1] It appears that the Kreger Mining Company has succeeded the Compton Coal Company as the operator of the Compton Mine.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and Supplements thereto.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes							
				Lump over 2", exc 4" x 6"	Lump 2" and under, exc 3" x 6"	Lump ¾" and under	Egg 2" x 4", exc 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 7—VIRGINIA											
RUSSELL COUNTY											
Kreger Mining Company	Compton	2,211	Upper Banner	265	245	220	220	215	210	155	150

[F. R. Doc. 41-7919; Filed, October 21, 1941; 10:40 a. m.]

[Docket Nos. A-209, A-220, A-292, A-294, A-311, A-395, and A-457-A-458]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER AMENDING ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF CERTAIN PRODUCERS IN WILLIAMSON AND SALINE COUNTIES, DISTRICT 10, FOR A REDUCTION OF MINIMUM PRICES

On September 9, 1941, 6 F.R. 4662, the Director issued his Findings of Fact, Conclusions of Law, and Opinion in the above-entitled proceedings, and issued an Order Granting Permanent Relief therein. That Order, *inter alia*, reduced the prices for certain coals of District 10 for shipment by truck. The Director has been advised that the Order of September 9, 1941, is ambiguous and does not clearly indicate that the reductions ordered are limited to prices of coals for shipment by truck. It appears advisable that this ambiguity should be eliminated.

Now, therefore, it is ordered, That the next to the last paragraph of the Order Granting Permanent Relief entered in this proceeding on September 9, 1941, be and it hereby is amended and revised to read as follows:

It is ordered, That commencing forthwith, the effective minimum prices applicable to all mines in Section 10 of District 10 which are set forth in § 330.25 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District 10 for Truck Shipments shall be and the same are hereby reduced for shipments by truck as follows: Size Group 8 from $1.80 to $1.60; Size Group 9 from $1.75 to $1.50; Size Groups 10, 11, and 12 from $1.65 to $1.50; Size Group 13 from $1.40 to $1.30; and Size Group 15 from $0.75 to $0.65 per ton f. o. b. the mine; and that the effective minimum prices in all size groups for Mine Index 40 (Augustina Coloni) for truck shipments be and the same are hereby established the same as those for the above-mentioned mines in Section 10 of District 10, as herein revised.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7957; Filed, October 22, 1941; 10:23 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY

[Dept. Circ. 230 Amended]

PART 10—PRACTICE OF ATTORNEYS AND AGENTS BEFORE THE TREASURY DEPARTMENT [1]

Part 10 is hereby amended by changing the name of the Committee on Enrollment and Disbarment to the Committee on Practice.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

OCTOBER 17, 1941.

[F. R. Doc. 41-7937; Filed, October 21, 1941; 3:15 p. m.]

[Dept. Circ. 559 Amended]

PART 11—CUSTOMHOUSE BROKERS [1]

Part 11 is hereby amended by changing the name of the Committee on Enrollment and Disbarment to the Committee on Practice.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

OCTOBER 17, 1941.

[F. R. Doc. 41-7936; Filed, October 21, 1941; 3:15 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

PRICE SCHEDULE NO. 9 [2]—HIDES, KIPS AND CALFSKINS

Sections 1314.4, 1314.11 and 1314.12 are amended to read as follows:

§ 1314.4 *Commissions.* In the event that a seller of hides, kips or calfskins shall employ a broker to sell hides, kips or calfskins on his behalf, or in the event that a buyer shall employ a broker to buy, receive and ship hides, kips or calfskins on his behalf, a brokerage commission of not more than 3% of the purchase price may be charged for such services and added to the applicable maximum price established hereunder. A commission may not be charged to both buyer and seller. A commission shall be payable only if (a) it is shown as a separate charge in billing; (b) the hides, kips or calfskins are purchased or sold at a price not higher than the applicable maximum price established by this Schedule; and (c) no broker splits or divides the commission with the buyer or with the seller, or with an agent or employee of the buyer or the seller.

In no case may any person charge or receive such a commission or fee on hides, kips or calfskins sold for his own account even though such person may have performed the receiving service or any other service for the buyer.

§ 1314.11 *Appendix A, maximum prices for domestic hides—(a) Packer classifications sold on a selected basis* [3].

Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point No. 1's	No. 2's
Native steers, heavy and light	$0.15½	$0.14½
Native steers, extreme light (23 to 48 lb.)	.15½	.14½
Heavy native cows (53 lb. and up)	.15½	.14½
Light native cows (less than 53 lbs.)	.15½	.14½
Butt branded steers	.14½	.13½
Texas steers, heavy and light	.14½	.13½
Texas steers, extreme light (23 to 48 lb.)	.15	.14
Colorado steers	.14	.13
Branded cows	.14½	.13½
Native bulls	.12	.11
Branded bulls	.11	.10

Packer classifications of hides which fail to meet established standards of trim, tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth above.

Packer Classifications Sold on an Unselected Basis

The maximum prices for packer classifications of hides sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for No. 2's set forth above.

(b) *Hides other than packer classifications sold on an unselected basis.* [1]

	Price per lb., f. o. b. shipping point Trimmed	Untrimmed [2]
Free of brand steers and cows	$0.15	$0.14
Branded steers and cows	.14	.13
Free of brand bulls	.11½	.10½
Branded bulls	.10½	.09½

Premium for Hides Other Than Packer Classifications Sold on a Selected Basis

A seller who does not grade his hides according to packer classifications but who permits selection to be made according to standards prevailing for hides of packer classifications and who allows a one cent per pound discount for No. 2's may charge a premium of one-half cent per pound over the maximum prices set forth in this paragraph (b) above.

Tare Allowance

A tare allowance of not less than 2% shall be allowed on all sales of hides other than packer classifications.

(c) *Pacific coast hides.*

	Price per lb., f. o. b. shipping point Trimmed	Untrimmed [2]
Native and branded steers and cows, (flat for No. 1's and No. 2's)	$0.13½	$0.12½
Native and branded bulls (flat for No. 1's and No. 2's)	.10	.09

[1] This affects §§ 10.1 (a), 10.2 (a) (2), 10.2 (x), 10.2 (y), 10.3 (a), 10.3 (b), 10.6 (a), 10.6 (c), 10.7 (b) (2), 10.10 (b) (5), wherein the name "Committee on Enrollment and Disbarment" occurs written in full.

[1] This affects §§ 11.2 (c), 11.10 (b) (2) and 11.10 (b) (7) wherein the name "Committee on Enrollment and Disbarment" occurs written in full.

[2] 6 F.R. 2909, 4736, 4820.

[1] Paragraphs (a) and (b) of Appendix A do not apply to hides originating in the Pacific Coast.

[2] The term "Untrimmed" as applied to hides, means hides without the standard head and tail trim prevailing on hides of packer classifications, in which the ears, ear butt fat and gristle, ox-lip, snouts and lower lips are trimmed off in the green state before salting and in which the tails are cut off to not more than eight inches in length.

Tare Allowance

A tare allowance of not less than two pounds tare per hide shall be allowed on all sales of Pacific Coast hides.

(d) *Hides or skins sold in mixed lots.* When hides or skins are sold in lots containing more than one type or grade of hides, kips or calfskins for which maximum prices are established by this Schedule, unless the quantity of each such type or grade is determined by actual inspection and separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type or grade of hide or skin included in the lot which has the lowest established maximum price.

§ 1314.12 *Appendix B, maximum prices for domestic kips and calfskins*—(a) (1) *Packer calf and kipskins sold on a selected basis.*

No. 1 Selection, Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point
Chicago packer heavy northern (9½-15 lb.)	$0.27
Chicago packer lights (less than 9½ lb.)	.23½
Packer kips, No. 1 northern native (15-30 lb.)	.20
Branded kips (30 lb. and down)	.17½
Slunks, regular	[1] 1.10
Slunks, hairless	[1] .55

[1] Each, flat for No. 1's and No. 2's.

Tare Allowance for Packer Calf and Kipskins

A tare allowance of not less than one-half pound per skin for packer calf (except slunks) and three-fourths pound per skin for packer kip shall be allowed on all sales of packer calf and kipskins.

(2) *Chicago city calf and kipskins sold on a selected basis.*

No. 1 Selection, Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point
Chicago City (10 to 15 lb.)	$0.23
Chicago City (8 to 10 lb.)	.20½
Chicago City native kips (15 to 30 lb.)	.18
Chicago City branded kips (30 lb. and down)	.17

	Price per skin, f. o. b. shipping point
Chicago City (less than 8 lb.)	$1.43

(3) *New York City packer and collector calf and kipskins sold on a selected basis.*

No. 1 Selection, New York City Trim—Standard Tare Allowance and Delivery

	Price per skin, f. o. b. shipping point
New York packer (3 to 4 lb.)	$1.25
New York packer (4 to 5 lb.)	1.40
New York packer (5 to 7 lb.)	1.80
New York packer (7 to 9 lb.)	2.80
New York packer (9 to 12 lb.)	3.80
New York packer (12 to 17 lb.)	4.20
New York packer (17 lb. or more)	4.60
New York collector (3 to 4 lb.)	1.15
New York collector (4 to 5 lb.)	1.30
New York collector (5 to 7 lb.)	1.65
New York collector (7 to 9 lb.)	2.60
New York collector (9 to 12 lb.)	3.55
New York collector (12 to 17 lb.)	3.95
New York collector (17 lb. or more)	4.35

Calf and kipskins of the classifications set forth above which fail to meet established standards of trim, tare allowance or delivery for the type or grade sold, shall be sold at a price at least 2¢ per pound, or, when sold on a per skin basis, at least 20¢ per skin, less than the applicable maximum price set forth above.

Maximum prices for No. 2's. The maximum price for No. 2 calf and kipskins of the classifications set forth above shall not exceed the maximum price for each such classification reduced by a discount of 10%.

Maximum prices for skins not New York City trimmed. The maximum prices for calf and kipskins, other than Pacific Coast skins, which are not New York City trimmed, shall be the maximum prices established by this Schedule for Packer Calf and Kipskins, Chicago City Calf and Kipskins or Country Calf and Kipskins, whichever are applicable.

Maximum prices for skins sold on an unselected basis. The maximum prices for calfskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for No. 2's.

The maximum prices for kipskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for each such classification less 1¢ per pound.

When the quantity of No. 2's in any lot of skins sold is not determined by actual inspection or is based upon the buyer's or the seller's estimate thereof, the maximum price for the lot shall be the maximum price established by this Schedule for skins sold on an unselected basis.

(b) *Country calf and kipskins.*

	Price per lb., f. o. b. shipping point
Country calf (10 lb. and down)	[1] $0.16
Country calf (10 to 15 lb.)	[1] .18
Country kips (15 to 30 lb.)	[1] .16

(c) *Pacific coast calf and kipskins,* [2] *standard tare allowance and delivery.*

	Price per lb., f. o. b. shipping point
Pacific coast kips (15 lb. or more)	[1] $0.19¼
Pacific coast New York City trimmed kips (15 lb. or more)	[1] .21
Pacific coast trimmed calf (6 to 13 lb.)	[1] .26
Pacific coast trimmed calf (13 to 15 lb.)	[1] .23½

	Price per skin, f. o. b. shipping point
Pacific coast calf (less than 6 lb.)	[1] $1.25

[1] Flat for No. 1's and No. 2's.

[2] The maximum price of any calfskin originating in the Pacific Coast, but not Pacific Coast trimmed, shall not exceed 80% of the maximum price set forth above for Pacific Coast Trimmed Calf of corresponding weight except that (a) in the case of skins weighing less than six pounds, the maximum price of $1.25 per skin shall apply to both trimmed and untrimmed skins, and (b) New York City trimmed calfskins originating in the Pacific Coast weighing 15 pounds or less may be sold by the skin at prices not exceeding the maximum prices established above for New York Collector skins.

Pacific Coast Calf and Kipskins which fail to meet established standards of tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth above.

(d) *Hides or skins sold in mixed lots.* When hides or skins are sold in lots containing more than one type or grade of hides, kips or calfskins for which maximum prices are established by this Schedule, unless the quantity of each such type or grade is determined by actual inspection and separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type or grade of hide or skin included in the lot which has the lowest established maximum price.

Effective Date of this Amendment

This amendment shall become effective October 22, 1941: *Provided, however*, That firm commitments entered into prior to October 22, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9, as heretofore amended, may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before December 22, 1941. (Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 21st day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-7961; Filed, October 22, 1941; 10:41 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 72 (Sub-No. 1)]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 60—CLASSIFICATION OF EMPLOYEES AND SUBORDINATE OFFICIALS

In the Matter of Regulations Concerning the Class of Employees and Subordinate Officials To Be Included Within the Term "Employee" Under the Railway Labor Act—Ore Dock Foremen and Laborers

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 6th day of October, A. D. 1941.

It appearing, That on May 9, 1940, division 3 entered its report in the above entitled proceeding, and that on November 11, 1940, this case was reopened for reargument and reconsideration;

And it further appearing, That such reargument has been held and the Commission on the date hereof has made and filed a report on reconsideration containing its findings of fact and conclusions thereon, which said report and the report of May 9, 1940, are hereby

referred to and made a part of this order; [1]

It is ordered, That the orders heretofore issued by the Commission under authority of section 300 (5) of the Transportation Act, 1920, and the fifth paragraph of section 1 of the Railway Labor Act defining work as that of employees or subordinate officials, now in effect, be, and they are hereby, amended by adding the following:

§ 60.12d *Foreman, assistant foreman, and laborers on ore docks.* The work performed by the foreman, assistant foreman, and laborers on the ore dock of the Northern Pacific Railway Company at Superior, Wis., is defined as that of employees and subordinate officials. (Sec. 300, 41 Stat. 469, Sec. 1, 44 Stat. 577, 48 Stat. 1186; 45 U.S.C. 131, 151.)

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 41-7962; Filed, October 22, 1941; 10:50 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-37]

IN THE MATTER OF J. BRUNER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 23, 1941, by Bituminous Coal Producers Board for District No. 9, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on November 26, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Hawesville, Kentucky, subsequent to September 30, 1940, sold substantial quantities of mine run coal produced at his Bruner Mine, Mine Index No. 261, to various purchasers whose names are unknown, at $1.50 per net ton f. o. b. said mine, whereas said coal is classified as Size Group No. 7 and priced at $1.60 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments.

That the defendant, during the period from October 1, 1940 to August 30, 1941, sold substantial quantities of 1½" screenings produced at his Bruner Mine to various purchasers whose names are unknown at 75 cents per net ton f. o. b. the mine, whereas said coal is classified as Size Group No. 14 and priced at $1.10 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments.

That the defendant, on or about December 2, 1940, sold one ton of 1½" screenings produced at his Bruner Mine, Mine Index No. 261, to Paul Barker, address unknown, at 50 cents per net ton f. o. b. said mine, whereas such coal is classified as Size Group No. 14 and priced at $1.10 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments.

That the defendant, on or about December 24, 1940, sold to Bob Algood, address unknown, two tons of 1½" screenings at 50 cents per net ton f. o. b. said mine, whereas such coal is classified as Size Group No. 14 and priced at $1.10 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7938; Filed, October 22, 1941; 10:19 a. m.]

[Docket No. B-36]

IN THE MATTER OF ARTHUR FOX AND ELBERT ENGLE, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 23, 1941, by Bituminous Coal Producers' Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 9, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(1) The defendant, whose address is Wilton, Kentucky, sold between April 20, 1941, and May 1, 1941, both dates inclusive, to J. W. Faulkner, Barboursville, Kentucky, 100 tons of high volatile 2" and under slack coal produced at defendant's Fox Mine, Mine Index No. 3285, located at or near Wilton, Knox County, Kentucky, at a price of 50 cents per net ton f. o. b. said mine, whereas such coal is classified as Size Group No. 7 and priced at $1.55 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, Truck Shipments.

(2) Sold on or about May 3, 1941, to J. W. Faulkner, Barboursville, Kentucky, 55 tons of high volatile lump coal produced at said mine at a price of $1.50 per net ton f. o. b. said mine, whereas such coal is classified as Size Group No. 1 and priced at $2.55 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, Truck Shipments.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7939; Filed, October 22, 1941; 10:19 a. m.]

[Docket No. A-113]

PETITION OF DISTRICT BOARD NO. 8 FOR RECLASSIFICATION OF CERTAIN COALS PRODUCED BY ALLBURN COLLIERIES COMPANY PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

The above-entitled matter by an Order of the Director dated December 13, 1940 was scheduled for a hearing on January 21, 1941 at 10 o'clock in the forenoon of that day, in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. before Charles S. Mitchell, examiner. The examiner convened the hearing and then on motion of Counsel for District Board 8, continued the hearing until further Order of the Director.

The Director deeming that the matter should now be scheduled for hearing;

Now, therefore, it is ordered, That a hearing be held in the above-entitled matter on November 18, 1941, at 10 a. m., at the place heretofore designated, and before the officer previously designated to preside at such hearing.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7940; Filed, October 22, 1941; 10:19 a. m.]

[Docket No. A-661]

PETITION OF SHELBY ELKHORN COAL COMPANY, A PRODUCER IN DISTRICT NO. 8, FOR A CHANGE IN MINIMUM PRICES AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES IN ADDITIONAL SIZE GROUPS PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

The above-entitled matter, by an Order of the Director, dated March 27, 1941, was scheduled for a hearing on April 10, 1941, at 10:00 in the forenoon of that day in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., before Charles S. Mitchell, Examiner. The Examiner convened the hearing and then on motion of Counsel for the Division continued the hearing until further Order of the Director.

The Director deeming that the matter should now be scheduled for hearing;

Now, therefore, it is ordered, That a hearing be held in the above-entitled matter on November 18, 1941, at 10:00 a. m. at the place heretofore designated and before the officer previously designated to preside at such hearing.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7941; Filed, October 22, 1941; 10:19 a. m.]

[Docket No. B-69]

IN THE MATTER OF CLAUDE E. TAYLOR, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 4, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 16, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bi-

[1] Filed as part of the original document.

tuminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about April 17, 1941 to Golie Shoffner and H. L. Matlock of Middlesboro, Kentucky, approximately 226.4 tons of 3/8" x 0 coal, Size Group 8, produced at the defendant's mine, Mine Index No. 1556, District No. 8, at a price of approximately 22 cents per net ton f. o. b. the mine, whereas the applicable minimum price f. o. b. the mine established for such coal is $1.50 per net ton as contained in the Schedules of Effective Minimum Prices for District No. 8, for Truck Shipments.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7942; Filed, October 22, 1941; 10:19 a. m.]

[Docket No. B-68]

IN THE MATTER OF HERBERT AYERS AND WILLIAM S. YORK, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 4, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 17, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about May 30, 1941, to Golie Shoffner and H. L. Matlock of Middlesboro, Kentucky, approximately 178.5 tons 3/4" x 0 coal, Size Group 8, produced at defendants' mine, Mine Index No. 3561, District No. 8, at a price of approximately 39 cents per net ton f. o. b. said mine, whereas the applicable minimum price f. o. b. the mine established for such coal is $1.50 per net ton as contained in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipments.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7943; Filed, October 22, 1941; 10:20 a. m.]

[Docket No. B-70]

IN THE MATTER OF JAKE ABBOTT, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 4, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 15, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about June 2, 1941, to Golie Shoffner and H. L. Matlock of Middlesboro, Kentucky, approximately 177.5 tons of 3/8" x 0 coal, Size Group 8, produced at the defendant's mine, Mine Index No. 1492, District No. 8, at a price of approximately 57 cents per net ton f. o. b. said mine, whereas the applicable minimum price f. o. b. the mine established for such coal is $1.50 per net ton as contained in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipments.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7944; Filed, October 22, 1941; 10:20 a. m.]

[Docket No. 1872-FD]

IN THE MATTER OF THE APPLICATIONS OF WHEELING VALLEY COAL CORPORATION FOR PERMISSION TO PAY, UNDER CERTAIN SALES AGENCY CONTRACTS, SALES AGENTS' COMMISSIONS IN EXCESS OF THE AMOUNTS PRESCRIBED AS MAXIMUM DISTRIBUTORS' DISCOUNTS, AS PROVIDED BY RULE 13, SECTION II OF THE MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING

Applications, pursuant to the provisions of Rule 13, Section II of the Marketing Rules and Regulations, having been duly filed with this Division by the above-named party, and

The said applicant, a code member in District No. 6, having requested, by letter, dated September 22, 1941, that it be afforded a hearing on said applications;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 1, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said petitioner and to any other person who may have an interest in these proceedings. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 25, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to sales agency contracts which provide for the payment of sales agency commissions in excess of the amounts prescribed in Docket No. 12, as maximum discounts from the minimum prices which may be allowed to registered distributors, which contracts are between the applicant and each of the following sales agents, respectively:

Pocahontas Coal Corporation,
C. M. Cross Coal Sales Company,
Davis Wilson Coal Company,
Milnes Coal Co.,
Delaware Fuel Corporation,
Scotch Anthracite Coal Company,
Millar Coal Company.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7945; Filed, October 22, 1941; 10:20 a. m.]

[Docket No. A-1079]

PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR RAIL SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered that a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 24, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 20, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary

corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1171, 1183, 1176, 1178, 1179, 1305, 1184, 1216, 1185, 1239, 1188, 1190, 1232, 1192, 1221, 1193, 1195, 1199, 1200, 1201, 1412, 1203, 1367, 1204, 1205, 1212, 1227, 1218, 1222, 1223, 1202, 1226, 1233, 1414, 1234, 1238 and 1241 in District No. 10 for rail shipment, via the Illinois Central and the Missouri-Pacific Railroads from Marion, Illinois.

The above-mentioned Mines are planning to erect a common preparation plant and loading facilities to be operated by the McLaren Fuel Company at Marion, Illinois, and to ship their coals thence by the above-mentioned Railroads. Price classifications and minimum prices are sought for coals in Size Groups 13 and 14 to be shipped as coals prepared at the McLaren preparation plant, and the Director is of the opinion that no temporary prices should be granted for such coals without a hearing.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7946; Filed, October 22, 1941, 10:20 a. m.]

[Docket No. B-53]

IN THE MATTER OF CENTRAL STATES FUEL CO. (L. T. MCNERNEY), REGISTERED DISTRIBUTOR. REGISTRATION NO. 6296, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary for the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine

(a) whether or not the respondent in the above-entitled matter, Central States Fuel Co. (L. T. McNerney), Registered Distributor, Registration No. 6296, whose address is 2634 Albion Street, Toledo, Ohio, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the agreement ("Distributor's Agreement"), dated November 13, 1939, executed by the respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, or any orders or regulations of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Said respondent is owned and operated by L. T. McNerney as sole proprietor, at 2634 Albion Street, Toledo, Ohio;

3. Said respondent, during the period from October 1, 1940 to March 8, 1941, both dates inclusive, purchased approximately 2675.1 tons of coal from various code member producers, accepted and retained a distributor's discount thereon and resold such coal to Hi-Carbon Fuel Co., a retailer located at 2634 Albion Street, Toledo, Ohio;

4. Said Hi-Carbon Fuel Co. is a partnership formed in August 1940 and is composed of Clyde C. Webb and the said L. T. McNerney, who owned the said partnership in the following proportion: L. T. McNerney, 65%, Clyde C. Webb, 35%;

5. The purchase and resale of said coal by said respondent, and the acceptance and retention by said respondent of a distributor's discount thereon, as stated herein constitutes:

(a) an acceptance of a distributor's discount on transactions entered into between the distributor and his vendee primarily for the purpose of unjustly enriching the distributor, in violation of paragraph (g) of his Distributor's Agreement;

(b) an acceptance by said respondent of a distributor's discount on coal purchased by said distributor for retailing by him, in violation of Section 304.19 (a) of the Rules and Regulations for Registration of Distributors;

(c) accepting and retaining a distributor's discount where coal is resold to any person who owns such distributor, and who financially or otherwise controls such distributor, in violation of paragraph (h) of his Distributor's Agreement; and

(d) an acceptance by said respondent of a distributor's discount on coal purchased by said respondent for resale to a person who owns such distributor or who financially or otherwise controls such distributor, in violation of § 304.19 (c) of the Rules and Regulations of Distributors;

(e) a violation of Section 4 II (l) 12 of the Act and Rule 12 of Section XIII of the Marketing Rules and Regulations and paragraphs (c) and (e) of his Distributor's Agreement, in that respondent was in fact or in effect an agency or instrumentality of Hi-Carbon Fuel Co., a retailer, in the purchase of said coal.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 21, 1941, at 10 a. m. in the forenoon in a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Toledo, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7947; Filed, October 22, 1941; 10:21 a. m.]

[Docket No. B-18]

IN THE MATTER OF HARTFORD COAL COMPANY, DEFENDANT

ORDER CHANGING PLACE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 25, 1941 at a hearing room of the Bituminous Coal Division, in the Circuit Court, Madisonville, Kentucky; and

The Director deeming it advisable that said place of hearing should be changed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be changed from the Circuit Court at Madisonville, Kentucky to a hearing room of the Bituminous Coal Division at Daviess Circuit Court, Owensboro, Kentucky, at the time heretofore designated and before the officer previously designated to preside at the said hearing.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7948; Filed, October 22, 1941; 10:21 a. m.]

[Docket No. 1740-FD]

IN THE MATTER OF ROBINSON COAL COMPANY, DEFENDANT

ORDER DISMISSING COMPLAINT

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 15, alleging wilful violation by the Robinson Coal Company, a code member producer in District 15, the defendant, of the Bituminous Coal Code or of rules and regulations thereunder.

The defendant filed its answer, denying that it had wilfully violated the Code and requesting that the complaint be dismissed without prejudice.

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter was held on September 11, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Kansas City, Missouri.

At the hearing District Board 15 moved for leave to withdraw its complaint and no evidence was presented in support of the allegations of said complaint.

It appearing to the undersigned that the complaint should be dismissed without prejudice;

Now, therefore, it is ordered, That the complaint filed herein be and it hereby is dismissed without prejudice.

Dated: October 21, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7949; Filed, October 22, 1941; 10:21 a. m.]

[Docket No. 1669-FD]

IN THE MATTER OF SMITH BROTHERS COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on April 18, 1941, by the Bituminous Coal Producers' Board for District No. 12, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging the Smith Brothers Coal Company, a partnership, defendant, willfully violated the Bituminous Coal Code and regulations thereunder, as follows:

That the defendant sold to George Pope or to the Coal Market Coal Company, during the period October 1, 1940 to March 11, 1941, from 250 to 300 tons of screenings produced at its Mine No. 463, at $1.60 per ton delivered to the purchaser at Hamilton, the defendant refunding 50¢ per ton delivery costs and a 10¢ per ton discount to the purchaser, whereas the effective minimum price for such coal is $1.60 per ton f. o. b. the mine;[1]

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on September 15, 1941, before a duly designated Examiner of the Bituminous Coal Division in Des Moines, Iowa, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Appearances having been entered on behalf of the complainant and the defendant;

All interested persons having waived the preparation and filing of a report by the Examiner and a record of the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion, which are filed herewith;[2]

Now, therefore, it is ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, Smith Brothers Coal Company, a partnership composed of A. J. Smith and John Smith, be and it hereby is revoked and cancelled; and

It is further ordered, That prior to reinstatement of the defendant, Smith Brothers Coal Company, a partnership, or any of the partners thereof, to membership in the Code, the defendant or any of the individual partners shall pay to the United States a tax in the amount of $516.30, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 21, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-7950; Filed, October 22, 1941; 10:21 a. m.]

[Docket No. A-1050]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1050, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF ADDITIONAL RAIL LOADING POINTS FOR THE COALS OF MINE INDEX NOS. 1417, 604 AND 721 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1023, 919, 870, 860, 2619 AND 2093 IN DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1050 PART II FROM DOCKET NO. A-1050, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1050 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1050 PART II

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with this Division in Docket No. A-1050, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

As indicated in an Order issued in Docket No. A-1050, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner, except with respect to the establishment of additional rail loading points for the coals of Mine Index Nos. 1417, 604, and 721 and the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1023, 919, 870, 860, 2619 and 2093 for all shipments except truck.

While it appears that a reasonable showing of necessity has been made for the granting of temporary relief in the form of price classifications and minimum prices for the coals of Mine Index Nos. 1023, 919, 870, 860, 2619 and 2093 for all shipments except truck, as prayed for by the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of additional rail loading points for the coals of Mine Index Nos. 1417, 604, and 721, or of permanent price classifications and minimum prices for the coals of Mine Index Nos. 1023, 919, 870, 860, 2619 and 2093, for all shipments except truck without a hearing;

Now, therefore, it is ordered, That the portion of Docket No. A-1050 relating to the establishment of additional rail loading points for the coals of Mine Index Nos. 1417, 604 and 721, and to the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1023, 919, 870, 860, 2619 and 2093 for all shipments except truck, be, and it hereby is, severed from the remainder of Docket No. A-1050, and designated as Docket No. A-1050 Part II.

It is further ordered, That a hearing in Docket No. A-1050 Part II under the applicable provisions of said Act and the rules of the Division be held on November 12, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby

[1] The complaint was amended at the hearing to include the tonnage sold during the period October 8, 1940 to April 23, 1941 and to allege that the coal was sold at a price of $1.00 per ton f. o. b. the mine.

[2] Not filed with the original document.

authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 7, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of additional rail loading points for the coals of Mine Index Nos. 1417, 604 and 721, and for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1023, 919, 870, 860, 2619 and 2093 in District No. 1, for all shipments except truck.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement R," annexed hereto and hereby made a part hereof.

Notice is hereby given that all applications to stay, terminate, or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY SUPPLEMENT R

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub. dist. No.	Seal	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1023	Armstrong, Paul J.	Armstrong	6	E	Juneau, Pa.	B. & O.	112	(†)	(†)	F	(†)	(†)
919	Bailey, Robert	Bailey #4	8	D & E	Morrisdale, Pa.	N. Y. C.	44	(†)	(†)	D	(†)	(†)
870	Card, Grant	Card #1	2	B	Sabula, Pa.	P. R. R.	120	H	(†)	H	J	J
860	Reiter, V. M.	Laurel Run #3	2	B	Penfield, Pa.	P. R. R.	120	(†)	(†)	H	(†)	(†)
2619	Staley, James H.	Staley	6	D	Anita, Pa.	P. R. R.	50	(†)	(†)	E	E	E
2093	Stear Bros. (C. M. Stear).	Dennison	6	D	Sprankles Mills, Pa.	P. & S.	119	(†)	(†)	E	E	E

†Indicates no classifications effective for these size groups.

[F. R. Doc. 41-7952; Filed, October 22, 1941; 10:22 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F. R. 2862) to the employers listed below effective October 23, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Kansas Bank Note Company, Fifth and Jefferson Streets, Fredonia, Kansas; Printing and lithographing of counter bank checks, check books, deposit slips, coupon books, etc.; 5 learners; 6 weeks for any one learner; 30 cents per hour; Bindery Operator; December 18, 1941.

Keener Manufacturing Company, Lancaster Avenue, Lancaster, Pennsylvania; Printing and making of paper and cardboard tags; 5 learners; 4 weeks for any one learner; 30 cents per hour; Packer, Stringer Operator; January 1, 1942.

Metro Envelope Corporation, 409 Lafayette Street, New York, New York; Envelopes; 2 learners; 4 weeks for any one learner; 30 cents per hour; Envelope Machine Operator; December 4, 1941.

Outlook Envelope Company, 1001 W. Washington Street, Chicago, Illinois; Envelopes; 5 learners; 4 weeks for any one learner; 30 cents per hour; Folding Machine Operator, Cutting Machine Operator, Hand Folder; December 4, 1941.

F. J. Schleicher Paper Box Company, 1811 Chouteau Avenue, St. Louis, Missouri; Set-up paper boxes, mostly plain and fancy candy boxes; 10 percent; 8 weeks (320 hours) and 6 weeks (240 hours) respectively for any one learner; 30 cents per hour; Fancy hand work on custom built machinery producing fancy and odd shape boxes; Basic hand and machine (standard equipment) box-making operations; (Cutting, Scoring & Slitting are excluded); April 23, 1942.

Signed at Washington, D. C., this 22nd day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-7968; Filed, October 22, 1941; 11:59 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 23, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

A & L Brand, Inc., 55 Minor Street, New Haven, Connecticut; Children's Dresses; 10 percent; October 23, 1942.

Altoona Factories, 1715 Eleventh Avenue, Altoona, Pennsylvania; Hunting Coats, Pants, Breeches, Work Trousers, Coveralls and Overalls; 10 percent; October 23, 1942.

Aurora Corset Company, 603 South LaSalle Street, Aurora, Illinois; Corsets & Brassiere-Girdles, Brassieres; 10 learners; October 23, 1942.

B & B Manufacturing Company, Inc., East Clinton Street, Newton, New Jersey; Ladies' Wash Frocks, Cotton Housecoats; 6 learners; October 23, 1942.

Blauer Manufacturing Company, Inc., 169 Bridge Street, Cambridge, Massachusetts; Coats; 5 learners; October 23, 1942.

Borman Sportswear, Inc., 21 E. Main Street, Johnstown, New York; Leather and Sheeplined Jackets, Sportswear, Wool and Gaberdine Jackets, Poplin Jackets; 5 learners; October 23, 1942.

Boulevard Frocks, Inc., 510 First Avenue, North, Minneapolis, Minnesota; Cotton and Rayon Dresses, Housecoats, Smocks; 10 percent; October 23, 1942.

Brand Brothers, Inc., 55 Minor Street, New Haven, Connecticut; Children's Dresses; 10 percent; October 23, 1942.

Cape Cod Shirt Company, 69 Alden Street, Fall River, Massachusetts; Men's Cotton Shirts; 10 percent; October 23, 1942.

Chic Manufacturing Company, 1001 South Adams Street, Peoria, Illinois; Cotton Wash Dresses; 10 percent; October 23, 1942.

A. Cohen Brassieres, Inc., 395 Fourth Avenue, New York, New York; Corsets & Brassieres; 10 percent; February 5, 1942.

Danville Sportwear Company, Inc., 328 Ferry Street, Danville, Pennsylvania; Cotton Sportswear; 10 percent; October 23, 1942.

The Flossie Dress Company, 795 Atlantic Street, Stamford, Connecticut; Children's Dresses; 10 percent; October 23, 1942.

Gail Carnogy Frocks Corporation, 146 North 13th Street, Philadelphia, Pennsylvania; Ladies' Dresses; 3 learners; October 23, 1942.

Gopher Sportswear Company, 22 North Third Street, Minneapolis, Minnesota; Dresses; 8 learners; October 23, 1942.

Harles and Company, 552 East Market Street, Alliance, Ohio; Dresses and Shirts; 10 percent; October 23, 1942.

Junior Deb Company, 120 Harrison Avenue, Boston, Massachusetts; Sportswear; 5 learners; October 23, 1942.

Katz Underwear Company, 6th Street, Honesdale, Pennsylvania; Ladies' Nightgowns, Pajamas and Slips; 10 percent; October 23, 1942.

Kaylon, Inc., 5 North Haven Street, Baltimore, Maryland; Men's & Girls' Pajamas; 10 percent; October 23, 1942.

Kops Brothers, Inc., 101st Street and Rockaway Boulevard, Ozone Park, Long Island, New York; Corsets, Combinations, Brassieres; 10 percent; October 23, 1942.

S. Liebovitz and Sons, East Seminary Street, Mercersburg, Pennsylvania; Men's Shirts; 10 percent; October 23, 1942.

R. Lowenbaum Manufacturing Company, Sparta, Illinois; Cotton and Rayon Dresses; 10 percent; October 23, 1942.

Lynchburg Garment Company, 14th and Kemper Street, Lynchburg, Virginia; Shirts; 10 learners; October 23, 1942.

MacSmith Garment Company, Inc., 28th Street, Gulfport, Mississippi; Men's Cotton Dress Shirts; 10 percent; October 23, 1942.

Nature's Rival Company, Inc., 802 East King Street, Garrett, Indiana; Corsets and Foundation Garments; 10 percent; October 23, 1942.

M. Nirenberg Sons, Inc., 750 Second Avenue, N. Troy, New York; Shirts; 10 percent; October 23, 1942.

Perfection Garment Company, Inc., First Avenue, Ranson, West Virginia; House Dresses; 10 percent; October 23, 1942. (This certificate replaces one issued bearing expiration date of March 10, 1942.)

Perfection Garment Company, Martinsburg, West Virginia; Dresses; 10 percent; October 23, 1942.

R. F. Pool Manufacturing Company, 104 North Washington Street, Dallas, Texas; Children's Clothing, Girls' Sportswear; 5 learners; October 23, 1942.

Porter Manufacturing Company, 25 French Street, Stoughton, Massachusetts; Skirts; 4 learners; October 23, 1942.

Red Lion Manufacturing Company, 224 First Avenue, Red Lion, Pennsylvania; Ladies' Pajamas, Children's Dresses, Ladies' Sportswear; 10 learners; October 23, 1942.

Rice Stix Factory No. 3, 21st and Main Streets, Blytheville, Arkansas; Shirts; 10 percent; October 23, 1942.

Rice Stix Factory No. 25, First and South A Streets, Farmington, Missouri; Shirts; 10 percent; October 23, 1942.

Rice Stix Dry Goods Company, St. James, Missouri; Dresses; 10 percent; October 23, 1942.

Rice Stix Dry Goods Company, Lebanon, Missouri; Overalls, Coats, Pants (100% Cotton Fabrics), Playsuits; 10 percent; October 23, 1942.

Rice Stix Dry Goods Company, Division & Wall, Bonne Terre, Missouri; Shirts; 10 percent; October 23, 1942.

Sackman Brothers Company, Telford, Pennsylvania; Children's Play Clothes; 10 percent; October 23, 1942.

The Schreiber Wallach Company, 1239 West 9th Street, Cleveland, Ohio; Dresses; 10 percent; October 23, 1942.

Shippensburg Pants Company, Inc., Shippensburg, Pennsylvania; Single Pants; 10 percent; October 23, 1942.

Slipco, 5 Bridge Street, Shelton, Connecticut; Ladies' Undergarments; 10 percent; October 20, 1942. (This certificate effective October 20, 1941, and omitted from REGISTER of that date).

Smith Brothers Manufacturing Company, 204 North Fourth Street, St. Joseph, Missouri; Overalls, Work Pants; 10 percent; October 23, 1942.

Charles Smithline Underwear Company, 248 Broad Avenue, Palisades Park, New Jersey; Ladies' Underwear; 10 learners; October 23, 1942.

E. H. South Company, Bethel, Ohio; Men's Single Pants; 4 learners; October 23, 1942.

Standard Overall Manufacturing Company, 301 North Water Street, Milwaukee, Wisconsin; Overalls; 6 learners; October 23, 1942.

Stegman Skirt Company, 32 East Georgia Street, Indianapolis, Indiana; Dresses; 1 learner; April 23, 1942.

J. H. Stern Garment Company, Seven Valleys, Pennsylvania; Contractor of Children's Dresses; 6 learners; October 23, 1942.

Stoughton Garment Manufacturing Company, 20 Perry Street, Stoughton, Massachusetts; Rainwear; 2 learners; October 23, 1942.

David Strain Company, Inc., Canal Street, Philmont, New York; Nightgowns and Slips; 10 percent; October 23, 1942.

Sun Valley Manufacturing Company, 166 Essex Street, Boston, Massachusetts; Sportswear, Windbreaker Jackets; 22 learners; February 5, 1942.

Teitz Brothers, 7 First Avenue, Raritan, New Jersey; Trousers; 10 percent; October 23, 1942.

Union Underwear Company, Inc., Frankfort, Kentucky; Men's & Boys' Woven Underwear; 5 percent; October 23, 1942.

United Shirt & Blouse Company, Inc., 84 Center Street, Shelton, Connecticut; Men's Shirts, Boys' Shirts; Ladies' Blouses; 10 percent; October 23, 1942.

Wilson Brothers, 1008 West Sample Street, South Bend, Indiana; Shirts; 10 percent; October 23, 1942.

The Hercules Trouser Company, Hillsboro, Ohio; Men's & Boys' Single Pants; 100 learners; April 16, 1942. (This certificate replaces one issued bearing the expiration date of December 15, 1941.)

The Hercules Trouser Company, Hillsboro, Ohio; Men's & Boys' Single Pants; 10 percent; October 23, 1942. (This certificate replaces one issued bearing expiration date of August 18, 1942.)

Milberg and Milberg, Inc., Diller Avenue, New Holland, Pennsylvania; Ladies' Slips and Gowns; 10 percent; October 23, 1942.

Gloves

Ray Brothers Glove Company, Inc., 1701 North Ashland Avenue, Chicago, Illinois; Leather Dress Gloves; 10 percent; April 23, 1942. (This certificate replaces ones bearing expiration dates of November 5, 1941 and November 8, 1941.)

Mr. Leon F. Swears, 111–113 N. Perry Street, Johnstown, New York; Knit Wool Gloves; 10 percent; October 23, 1942. (This certificate replaces ones bearing expiration dates of November 1, 1941 and November 8, 1941.)

Hosiery

Bear Brand Hosiery Company, 205 E. 21st Street, Gary, Indiana; Seamless and Full Fashioned Hosiery; 5 percent; October 23, 1942.

Bear Brand Hosiery Company, Kankakee, Illinois; Seamless and Full Fashioned Hosiery; 5 percent; October 23, 1942.

Bear Brand Hosiery Company, 1300 Washington Street, Henderson, Kentucky; Seamless Hosiery; 5 percent; October 23, 1942.

Chalfont Hosiery Mills, Chalfont, Pennsylvania; Full Fashioned Hosiery; 5 percent; October 23, 1942.

Crystal Hosiery Mill, Peacock Avenue, Denton, North Carolina; Seamless Hosiery; 5 learners; June 23, 1942.

Infants Socks, Incorporated, 235 Superior Street, Fond Du Lac, Wisconsin; Seamless Hosiery; 5 percent; October 23, 1942.

Moers Mill, Inc., Watertown, Tennessee; Seamless Hosiery; 25 learners; June 23, 1942.

Peerless Hosiery Mills, Inc., Anthony Street, Burlington, North Carolina; Seamless Hosiery; 5 learners; October 23, 1942.

Regal Hosiery Company, 222 Pearl Street, Reading Pennsylvania; Seamless Hosiery; 10 learners; June 23, 1942.

Rodgers Hosiery Company, Inc., Brookwood Drive and Hillcrest Street, Athens, Georgia; Full Fashioned Hosiery; 5 percent; October 23, 1942.

Textile

Buffalo Woven Label Works, Inc., 567 Washington Street, Buffalo, New York; Woven Labels; 2 learners; October 23, 1942.

Cabin Crafts, Dalton, Georgia; Bedspreads; 13 learners; April 16, 1942.

Wintuft Corporation, Ringgold, Georgia; Bedspreads; 5 percent; May 8, 1942.

Signed at Washington, D. C., this 22d day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7969; Filed, October 22, 1941; 11:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–1770]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (a) (2) OF THE SECURITIES EXCHANGE ACT OF 1934 TO DETERMINE WHETHER THE REGISTRATION OF LEHI TINTIC MINING COMPANY COMMON STOCK, $1 PAR VALUE, ASSESSABLE, SHOULD BE SUSPENDED OR WITHDRAWN

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of October, A. D. 1941.

Appearances: John L. Geraghty, for the Registration Division of the Commission.

The Lehi Tintic Mining Company has listed on the Salt Lake Stock Exchange and registered with the Commission its common stock, $1 par value, assessable. On August 8, 1941, the Commission instituted this proceeding, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months or to withdraw the registration and listing of registrant's common stock.

The order instituting the proceeding set forth as the issues to be determined by the hearing:

(1) Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules promulgated thereunder in failing to file its annual report for the fiscal year ended September 30, 1940; and

(2) If so, whether it is necessary or appropriate for the protection of investors to suspend or withdraw the registration of its common stock.

After appropriate notice to the registrant, the Salt Lake Stock Exchange, and the public, a hearing was held before a trial examiner in Denver, Colorado. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended September 30, 1940.[1] No exceptions to the trial examiner's report have been filed and no objection to the withdrawal of listing and registration has been made either by the Salt Lake Stock Exchange or the registrant.[2] Upon an independent review of the record we adopt the aforementioned finding of the trial examiner as being in accord with the record.

The registrant is a corporation organized under the laws of the State of Utah. Its business is that of an operating mining company but it has been inactive for several years. Trading in the stock of the registrant has been suspended by the Salt Lake Stock Exchange since March 4, 1940.

We find that the registrant has failed to comply with the statute and the rules thereunder in the respects noted above, and that it is necessary and appropriate for the protection of investors that the listing be withdrawn. Cf. *North European Oil Corporation*, 9 S. E. C. (1941), Securities Exchange Act Release No. 2987.

Accordingly, it is ordered that the listing and registration of the common stock, $1 par value, assessable, of the Lehi Tintic Mining Company on the Salt Lake Stock Exchange, a national securities exchange, be and it hereby is withdrawn.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7963; Filed, October 22, 1941; 11:23 a. m.]

[1] Under Rule X-13A-1 the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year. No annual report has yet been filed by the registrant for its fiscal year ended September 30, 1940, although such report was due to be filed not later than January 28, 1941. The registrant's counsel advises by letter that the report was not filed because the company felt that it could not pay the expense entailed in making up the report.

[2] In his letter to the Commission, counsel for the registrant stated that the company did not want to be delisted if such contingency could be avoided. However, he did not suggest any possibility that the company would take steps to file the required annual report at any time in the near future.

[File No. 31–130]

IN THE MATTER OF STANDARD OIL COMPANY (INCORPORATED IN NEW JERSEY)

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of October, A. D. 1941.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on November 18, 1941, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 10, 1941.

The matter concerned herewith is in regard to an application by Standard Oil Company, a corporation organized and existing under the laws of the state of New Jersey, for exemption for itself and all of its subsidiaries, pursuant to section 3 (a) (3) of the Act, such company claiming to be only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company, and (A) not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company, or (B) deriving a material part of its income from any one or more such subsidiary companies, if substantially all the outstanding securities of such companies are owned, directly or indirectly, by such holding company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7964; Filed, October 22, 1941; 11:23 a. m.]

[File No. 70–416]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than October 27, 1941, at 4:45 p m., E.S.T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Community Power and Light Company, a registered holding company, proposes to issue and sell to The Continental Bank & Trust Company of New York a Promissory Note in the principal amount of $390,000, said note to mature four years from its date, payable in instalments of $45,000 in six months from its date, $45,000 in twelve months from its date, and $50,000 each six months thereafter to maturity and bearing interest at the rate of 2½% per annum for the first six months and at the rate of 3½% per annum thereafter to maturity. The proceeds, together with a small amount of cash to be supplied by Community Power and Light Company, are to be used to redeem, subject to their terms, all of the outstanding Assignments and Agreements of Community Power and Light Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7965; Filed, October 22, 1941; 11:24 a. m.]

[File No. 4–36]

IN THE MATTER OF EMPIRE GAS AND FUEL COMPANY AND CITIES SERVICE COMPANY

ORDER POSTPONING DATE FOR FILING OF RESPONDENTS ANSWERS AND DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

The Commission having on July 3, 1941 issued a Notice of and Order for Hearing in the above entitled proceedings directing that the respondents named therein file with the Secretary of the Commission on or before August 2, 1941 their joint or several answers in the premises and that a hearing be held on August 19, 1941 at 10 A. M. in the offices of the Commission with reference to the allegations of the said Notice of and Order for Hearing; and

The said time for filing answers and for the hearing as above having been postponed by the Commission at the request of the respondents, by orders dated July 31, 1941, August 22, 1941, September 11, 1941 and October 10, 1941; and

Cities Service Company and Empire Gas and Fuel Company having requested that the date for filing answers and for the hearing as above postponed be further postponed for the reason that the issues involved require further time for preparation for the filing of such answers and for such hearing; and

It appearing to the Commission that the request made to the Commission by the respondents is not unreasonable and may appropriately be granted;

It is ordered, That the date of filing answers by Cities Service Company and Empire Gas and Fuel Company as postponed by the Commission order of October 10, 1941 be and the same is hereby further postponed until November 13, 1941 and that the hearing date postponed by the same order of October 10, 1941 be and the same is hereby further postponed to December 4, 1941 at 10:00 in the forenoon at the same time and before the same officer of the Commission specified in the Commission's order of July 3, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–7966; Filed, October 22, 1941; 11:40 a. m.]

OCT 26 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 208

Washington, Friday, October 24, 1941

The President

CIVILIAN DEFENSE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on May 20, 1941, with a view to ensuring the most effective correlation and use of the instruments of civilian defense, I established by Executive order the Office of Civilian Defense [1]; and

WHEREAS by my proclamation of May 27, 1941,[2] I declared that an unlimited national emergency confronts this country, which requires that its military, naval, air, and civilian defenses be put on a basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere; and

WHEREAS it is the manifest duty and desire of every person in the United States to participate in measures essential to civilian defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate the period commencing on Armistice Day, Tuesday, November 11, 1941, and continuing through Sunday, November 16, as a time for all persons throughout the Nation to give thought to their duties and responsibilities in the defense of this country, and to become better informed of the many vital phases of the civilian defense program and of the opportunities which it offers for the participation of every individual American in the defense of our priceless heritage, and I request the Governors of the several States, Territories, and possessions of the United States to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 22nd day of October in the year of our Lord nineteen hundred and forty-one and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2519]

[F. R. Doc. 41-7984; Filed, October 23, 1941; 10:57 a. m.]

[1] 6 F.R. 2517.
[2] 6 F.R. 2617.

EXECUTIVE ORDER

RESERVING CERTAIN PUBLIC LANDS IN CONNECTION WITH THE SINLAHEKIN DEER WINTER RANGE AND WILDLIFE REFUGE

WASHINGTON

WHEREAS the act of September 2, 1937, 50 Stat. 917 (U.S.C., title 16, sec. 669-669j), provides for Federal aid to States in wildlife-restoration projects; and

WHEREAS the State of Washington has set up a Federal Aid wildlife-restoration project and is acquiring certain lands therefor in Okanogan County, which lands are to be administered by the State of Washington through its Game Commission as the Sinlahekin Deer Winter Range and Wildlife Refuge; and

WHEREAS certain public lands within and adjacent to this area possess great wildlife value and could be administered advantageously in connection with the refuge; and

WHEREAS the act of March 10, 1934, 48 Stat. 401 (U.S.C., title 16, sec. 661-666), provides for cooperation with Federal, State, and other agencies in developing a Nation-wide program of wildlife conservation and rehabilitation:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid rights, the public lands hereinafter described, comprising 2,833.83 acres, more or less, in Okanogan County,

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FEDERAL REGISTER

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Washington, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved under the jurisdiction of the Department of the Interior for use by the Game Commission of the State of Washington in connection with the Sinlahekin Deer Winter Range and Wildlife Refuge, under such conditions as may be prescribed by the Secretary of the Interior:

WILLAMETTE MERIDIAN

T. 36 N., R. 25 E.,
sec. 3, lot 4, SW¼NW¼, and W½SW¼;
sec. 4, E½SE¼;
sec. 9, S½SE¼;
T. 37 N., R. 25 E.,
sec. 11, W½NE¼, SE¼NW¼, and NE¼SW¼;
sec. 14, N½N½;
sec. 19, E½;
sec. 20, lots 1 and 2, SW¼NE¼, W½, and NW¼SE¼;
sec. 21, lots 6 and 7, and NE¼NW¼;
sec. 22, lots 3 and 6, NE¼SE¼, and S½SE¼;
sec. 27, NE¼, NE¼NW¼, and W½SE¼;
sec. 28, W½NE¼;
sec. 33, SE¼SE¼;
sec. 34, NW¼NE¼ and W½;
T. 38 N., R. 25 E.,
sec. 14, SW¼NW¼, W½NW¼SW¼, and W½E½NW¼SW¼;
sec. 15, S½NE¼, N½NE¼SE¼, E½SW¼NE¼SE¼, and SE¼NE¼SE¼;
sec. 23, lots 8 to 11, inclusive;
sec. 24, lot 11, and Tracts "A" and "B".

The reservation made by this order supersedes the temporary withdrawal for classification and other purposes made by Executive Order No. 6964, of February 5, 1935, as amended, so far as any of the above-described lands are affected by that order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 22, 1941.

[No. 8920]

[F. R. Doc. 41-8003; Filed, October 23, 1941; 12:03 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 724—BURLEY TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTA FOR THE 1942–43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And, whereas said Act, in section 312 (b) further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. • • • In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period • • •

And, whereas, no amendments have been made which would cause a material revision of the farm allotments; and

Whereas, the Secretary conducted a referendum for Burley tobacco on the 23rd day of November 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941–42, as proclaimed in the proclamation issued by the Secretary, on the 31st day of December 1940, and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins • • •

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof • • •

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

• • • • •

Tobacco (Burley), October 1–September 30 • • •

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of • • • tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of • • • tobacco • • • shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years • • • immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And, whereas said Act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 724.401 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1942* [1]—(a) *Reserve supply level.* The reserve supply level of Burley tobacco is 1,030,000,000 pounds.

(b) *Total supply.* Total supply of Burley tobacco for the marketing year for such tobacco, beginning October 1, 1941, was 1,136,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for Burley tobacco which will make available during the marketing year beginning October 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 244,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for Burley tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1942, as increased, is 292,000,000 pounds. (52 Stat. 38–43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V 1301 (b), 1312 (a), (b)).

Done at Washington, D. C. this 21st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-7995; Filed, October 23, 1941; 11:31 a. m.]

[1] Rounded to the nearest 1,000,000 pounds.

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

NATIONAL MARKETING QUOTA FOR FIRE-CURED TOBACCO

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312 (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And whereas said Act. in Section 312 (b), further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. • • • In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period • • •.

And whereas no amendments have been made which would cause a material revision of the farm allotments; and

Whereas the Secretary conducted a referendum for fire-cured tobacco on the 23rd day of November 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941–42, as proclaimed in the proclamation issued by the Secretary, on the 31st day of December 1940; and

Whereas said Act contains, in Section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins • • •.

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof • • •.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

• • • • •

Tobacco (fire-cured), October 1–September 30 • • •.

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of • • • tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of • • • tobacco • • • shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years • • • immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And whereas said Act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act;

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 726.401 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1942.*[1]—(a) *Reserve supply level.* The reserve supply level of fire-cured tobacco is 216,000,000 pounds.

(b) *Total supply.* Total supply of fire-cured tobacco for the marketing year for such tobacco, beginning October 1, 1941, was 260,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for fire-cured tobacco which will make available during the marketing year beginning October 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 62,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for fire-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1942, as increased, is 67,500,000 pounds. (52 Stat. 38–43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V, Sec. 1301 (b), 1312 (a), (b)).

Done at Washington, D. C. this 21st day of October, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–7927; Filed, October 21, 1941; 11:30 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTA FOR DARK AIR-CURED TOBACCO FOR THE 1942–43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And, whereas said Act, in section 312 (b) further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. * * * In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period * * *

And, whereas no amendments have been made which would cause a material revision of the farm allotments; and

Whereas the Secretary conducted a referendum for dark air-cured tobacco on the 23d day of November 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941–42, as proclaimed in the proclamation issued by the Secretary, on the 31st day of December 1940, and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins * * *.

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof * * *.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

* * * * *

Tobacco (dark air-cured), October 1–September 30 * * *.

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco * * * shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.; and whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment Act of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 726.451. *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1942.*[1]—(a) *Reserve supply level.* The reserve supply level of dark air-cured tobacco is 93,000,000 pounds.

(b) *Total supply.* Total supply of dark air-cured tobacco for the marketing year for such tobacco, beginning October 1, 1941, was 100,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for dark air-cured tobacco which will make available during the marketing year beginning October 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 25,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for dark air-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1942, as increased, is 27,300,000 pounds. (52 Stat. 38–43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V 1301 (b), 1312 (a), (b))

Done at Washington, D. C. this 21st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7994; Filed, October 23, 1941; 11:30 a. m.]

[1] Rounded to the nearest 1,000,000 pounds.

[1] Rounded to the nearest 1,000,000 pounds.

PART 727—FLUE-CURED TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTA FOR THE 1942–43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than December 31, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

And, whereas said Act, in section 312 (b), further provides:

(b) Within thirty days after the date of the issuance of the proclamation specified in subsection (a) of this section, the Secretary shall conduct a referendum of farmers who were engaged in production of the crop of tobacco harvested prior to the holding of the referendum to determine whether such farmers are in favor of or opposed to such quota. * * * In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period * * *

And, whereas, no amendments have been made which would cause a material revision of the farm allotments; and

Whereas, the Secretary conducted a referendum for flue-cured tobacco on the 20th day of July, 1940, in which more than two-thirds of the farmers voting were in favor of marketing quotas for a three-year period beginning with the marketing year 1941–42, as proclaimed in the proclamation issued by the Secretary, on the 27th day of August 1940; and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins * * *."

"Carryover" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current, except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof * * *.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

* * * * *

Tobacco (flue-cured), July 1–June 30 * * *.

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco * * * shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And, whereas said Act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by the Agricultural Adjustment of 1938, as amended, does hereby find, determine, specify, and proclaim that:

§ 727.401 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1942*[1]—(a) *Reserve supply level.* The reserve supply level of flue-cured tobacco is 1,863,000,000 pounds.

(b) *Total supply.* Total supply of flue-cured tobacco for the marketing year for such tobacco, beginning July 1, 1941, was 2,238,000,000 pounds, and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for flue-cured tobacco which will make available during the marketing year beginning July 1, 1942, a supply of tobacco equal to the reserve supply level of such tobacco is 570,000,000 pounds. An increase in this amount is necessary in order to meet market demands, and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for flue-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1942, as increased, is 618,000,000 pounds. (52 Stat. 38–43, 46; 53 Stat. 1261; 54 Stat. 392, 1209; 7 U.S.C. Supp. V, Sec. 1301 (b), 1312 (a), (b)).

Done at Washington, D. C. this 21st day of October, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7993; Filed, October 23, 1941; 11:30 a. m.]

[1] Rounded to the nearest 1,000,000 pounds.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 60–21, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

CONTROL AIRPORT DESIGNATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of October, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 1, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.21 so as to include in the proper alphabetical order the designation of the following airports as control airports:

§ 60.21 *Control airport designation.*

City and name of airport

Albuquerque, N. Mex., Albuquerque Municipal Airport.
Augusta, Ga., Augusta Municipal Airport (Daniel Field).
Bangor, Maine, Bangor Municipal Airport.
Boise, Idaho, Boise Municipal Airport (Gowen Field).
Charlotte, N. C., Charlotte Municipal Airport.
Des Moines, Iowa, Des Moines Municipal Airport.
East Baton Rouge, La., East Baton Rouge Municipal Airport.
Fort Wayne, Ind., Fort Wayne Municipal Airport (Baer Field).
Fresno, Calif., Fresno Air Base.
Houlton, Maine, Houlton Municipal Airport.
Lake Charles, La., Lake Charles Municipal Airport.
Las Vegas, Nev., Las Vegas Municipal Airport.
Little Rock, Ark., Little Rock Municipal Airport (Adams Field).
Manchester, N. H., Manchester Municipal Airport.
Meridian, Miss., Meridian Municipal Airport (Key Airport).
Midland, Tex., Midland Municipal Airport.
Orlando, Fla., Orlando Municipal Airport.
Presque Isle, Maine, Presque Isle Municipal Airport.
Salinas, Calif., Salinas Municipal Airport (American Legion Airport).
Savannah, Ga., Savannah Municipal Airport.
Everett, Wash., Snohomish County Airport.

Tallahassee, Fla., Tallahassee Municipal Airport (Dale Mabry Field).
Tucson, Ariz., Tucson Municipal Airport.
West Palm Beach, Fla., West Palm Beach Municipal Airport (Morrison Field).
Wichita Falls, Tex., Wichita Falls Municipal Airport (Sheppard Field).

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-7986; Filed, October 23, 1941; 11:12 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50498]

PART 6—INVOICES, ENTRY, AND ASSESSMENT OF DUTIES

ADDITIONAL INFORMATION REQUIRED ON INVOICES OF LUMBER, PLANED OR DRESSED ON ONE OR MORE SIDES [1]

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T.D. 49426, [§ 6.1 (c)], customs invoices of lumber (including sawed timber), planed or dressed on one or more sides, are required to set forth the following information in addition to all other information required by law and regulation:

(1) The quantity in board feet of the rough lumber before dressing.
(2) The sizes of the lumber in the rough before dressing.
(3) The quantity of the lumber in board feet in dressed condition.
(4) The sizes of the lumber after dressing.

This requirement shall be effective as to invoices certified after thirty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10)).

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: October 17, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7970; Filed, October 22, 1941; 12:09 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T.D. 5092]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

Regulations 109 Amended To Conform to Revenue Act of 1941

In order to conform Regulations 109 [2] [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.] to the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 30.710–1 the following:

SEC. 201. EXCESS PROFITS TAX RATES AND CREDITS. (Revenue Act of 1941, Title II.)

If the adjusted excess profits net income is:	*The tax shall be:*
Not over $20,000	35% of the adjusted excess profits net income.
Over $20,000, but not over $50,000	$7,000, plus 40% of excess over $20,000.
Over $50,000, but not over $100,000	$19,000, plus 45% of excess over $50,000.
Over $100,000, but not over $250,000	$41,500, plus 50% of excess over $100,000.
Over $250,000, but not over $500,000	$116,500, plus 55% of excess over $250,000.
Over $500,000	$254,000, plus 60% of excess over $500,000.

(2) *Application of rates in case of certain exchanges.* If the taxpayer's highest bracket amount for the taxable year computed under section 752 (relating to certain exchanges) is less than $500,000, then in the application of the table in paragraph (1) of this subsection to such taxpayer, in lieu of each amount, other than the percentages, specified in such table, there shall be substituted an amount which bears the same ratio to the amount so specified as the highest bracket amount so computed bears to $500,000.

* * * * *

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

* * * * *

(e) *Excess-profits credit carry-over.* Section 710 (c) (1) (defining the unused excess-profits credit) is amended by adding at the end thereof a new sentence to read as follows: "For such purpose the excess-profits credit and the excess-profits net income for any taxable year beginning in 1940 shall be computed under the law applicable to taxable years beginning in 1941.

* * * * *

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 2. Section 30.710–2, as amended by Treasury Decision 5045, approved May 3, 1941, is further amended as follows:

(A) By inserting at the end of that portion of the first paragraph following item (c) the following new sentence:

In computing the unused excess-profits credit for a taxable year beginning in 1940, the excess-profits credit and the excess-profits net income for such taxable year shall be determined under the law applicable to taxable years beginning in 1941.

(B) By changing the first sentence of the third paragraph to read as follows:

The following tables show the excess profits tax (1) for taxable years beginning after December 31, 1939, and before January 1, 1941, and (2) for taxable years beginning after December 31, 1940, upon certain specified amounts of adjusted excess profits net income.

(C) By changing the heading of the excess profits tax table following the third paragraph to read as follows:

Table I—Taxable Years Beginning After December 31, 1939, and before January 1, 1941.

(a) *Rates.* Section 710 (a) of the Internal Revenue Code is amended to read as follows:

(a) *Imposition.*

"(1) *General rule.* There shall be levied, collected, and paid, for each taxable year, on the adjusted excess profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) the tax shown in the following table:

If the adjusted excess profits net income is:	*The tax shall be:*
Not over $20,000	35% of the adjusted excess profits net income.
Over $20,000, but not over $50,000	$7,000, plus 40% of excess over $20,000.
Over $50,000, but not over $100,000	$19,000, plus 45% of excess over $50,000.
Over $100,000, but not over $250,000	$41,500, plus 50% of excess over $100,000.
Over $250,000, but not over $500,000	$116,500, plus 55% of excess over $250,000.
Over $500,000	$254,000, plus 60% of excess over $500,000.

(D) By inserting immediately after the existing table the following additional table:

Table II—Taxable years beginning after December 31, 1940

Adjusted excess profits net income	Percent	Total excess profits tax
$0 to $20,000	35	$7,000
$20,000 to $50,000	40	19,000
$50,000 to $100,000	45	41,500
$100,000 to $250,000	50	116,500
$250,000 to $500,000	55	254,000
$500,000 up	60	

(E) By striking from the first example "1940", "$254,000", "204,000", "50 per cent", "50,000", and "254,000", wherever they appear, and inserting in lieu thereof "1941", "$314,000", "254,000", "60 percent", "60,000", and "314,000", respectively.

(F) By changing the first paragraph following the first example to read as follows:

Adjustments are required in the above tables in the case of corporations which have been through certain tax-free exchanges or liquidations (after December 31, 1939) described in sections 750 and 752 and which, as a consequence, have a highest bracket amount of less than $500,000. For definition and computation of highest bracket amount, see sections 750 (e) and 752. Such adjustments are accomplished by applying to the applicable table the ratio of the corporation's highest bracket amount, adjusted as provided in section 752, to what its highest bracket amount would have been if the adjustments required by section 752 had not been made, that is, $500,000. Thus, if the highest bracket amount of a corporation as computed under section 752 is only $300,000, the dollar amounts in Table I or Table II applicable to such corporation will be only $\frac{300,000}{500,000}$, or 60 percent, of the amounts therein set forth. The left-hand column (headed "Adjusted Excess Profits Net Income") of Table I or Table II applicable to such corporation would therefore read $0 to $12,000, $12,000 to $30,000, $30,000 to $60,000, $60,000, to $150,000, $150,000 to $300,000, and $300,000 up. The right-hand column (headed "Total Excess Profits Tax") in Table I would read $3,000, 8,400, 18,900, 54,900, and 122,400; and such column in Table II would read $4,200, 11,400, 24,900, 69,900, and 152,400. The middle, or percentage, column in each table would remain unchanged.

(G) By striking "The table" from the first sentence of the second paragraph following the first example and inserting in lieu thereof "Table I or Table II," and by striking "in the table" from the second and third sentences of such paragraph and inserting in each case in lieu thereof "in the applicable table."

(H) By striking from the third paragraph following the first example "1940," "$272,400," "$122,400," "50 per cent," "150,000," and "272,400," and inserting in lieu thereof "1941," "$332,400," "$152,400," "60 percent," "180,000," and "332,400," respectively.

(I) By striking from the first sentence of the fourth paragraph following the first example "of the excess profits tax table" and inserting in lieu thereof "of the applicable table."

(J) By striking "$50,000" and "80,000" from the second column of the table in the last example and inserting in lieu thereof "$50,000 [1]" and "80,000 [1]", respectively, and by inserting immediately after such table the following:

PAR. 3. There is inserted immediately preceding § 30.711 (a)–1 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

* * * * *

(c) *Computation of excess-profits net income.*—

(1) *Taxable years beginning after December 31, 1940.*—

(A) Section 711 (a) (1) (A) (relating to adjustment for income taxes in computing excess-profits net income under income credit) is amended to read as follows:

(A) *Income taxes.* In computing such normal-tax net income the deduction for the tax imposed by this subchapter shall not be allowed;

(B) Section 711 (a) (2) (C) (relating to adjustment for income taxes in computing excess-profits net income under invested capital credit) is amended to read as follows:

(C) *Income taxes.* In computing such normal-tax net income the deduction for the tax imposed by this subchapter shall not be allowed:

* * * * *

(d) *Computation of charitable, etc., deductions.*—

(1) Section 711 (a) (1) of the Internal Revenue code is amended by inserting at the end thereof the following new subparagraph:

(G) *Computation of charitable, etc., deductions.*—In determining any deduction the amount of which is limited to a percentage of the taxpayer's net income (or net income from the property), such net income (or net income from the property) shall be computed without regard to the deduction on account of the tax imposed by this subchapter.

(2) Section 711 (a) (2) of the Internal Revenue Code is amended by adding at the end thereof the following new subparagraph:

(I) *Computation of charitable, etc., deductions.*—In determining any deduction the amount of which is limited to a percentage of the taxpayer's net income (or net income from the property), such net income (or net income from the property) shall be computed without regard to the deduction on account of the tax imposed by this subchapter.

* * * * *

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 4. § 30.711 (a)–2 is amended as follows:

(A) By changing the second paragraph to read as follows:

For taxable years beginning before January 1, 1941, section 711 (a) (1) (A) prior to its amendment by section 202 (c) (1) (A) of the Revenue Act of 1941 provides that the deduction of taxes is to be increased in an amount equal to the tax for the taxable year under Chapter 1 (not including the tax imposed under section 102). The amount of such adjustment is the amount of such tax after the allowance of the credit for foreign taxes as provided by sections 31 and 131. For taxable years beginning after December 31, 1940, no adjustment is to be made on account of the tax under Chapter 1. Furthermore, although the excess profits tax is allowed as a deduction in computing normal-tax net income for the purposes of Chapter 1, such deduction is not allowed under section 711 (a) (1) (A) as amended by section 202 (c) (1) (A) of the Revenue Act of 1941 in computing excess profits net income.

(B) By striking "1940" from the portion of the example preceding the numbered subdivisions and inserting in lieu thereof "1941".

(C) By inserting immediately after the word "corporation" in subdivision (1) of the example the following: ", computed without regard to the deduction on account of the excess profits tax,".

(D) By striking out subdivision (2) of the example and by changing the numbers of the next five subdivisions from "(3)", "(4)", "(5)", "(6)", and "(7)" to "(2)", "(3)", "(4)", "(5)", and "(6)", respectively.

(E) By striking from subdivision (3) (as renumbered by this paragraph) of the example "1930", "1949", "1940", and "1939", wherever they appear, and inserting in lieu thereof "1931", "1950", "1941", and "1940", respectively.

(F) By striking from subdivision (5) (as renumbered by this paragraph) of the example "1940" and inserting in lieu thereof "1941."

(G) By changing the first paragraph after the last numbered subdivision of the example to read as follows:

If the income credit is used, the excess profits net income of the corporation for the calendar year 1941 is $314,600, computed as follows:

Normal-tax net income (computed without deduction of the excess profits tax)		$400,000
Plus:		
Long-term capital losses	$75,000	
50 percent of interest on indebtedness included in borrowed capital	24,000	
Interest on Government and State obligations	6,000	
		105,000
		505,000
Less:		
Long-term capital gains	$100,000	
Income from retirement of bonds	20,000	
Income from refunds of Agricultural Adjustment Act taxes and interest thereon	400	
Income from recovery of bad debts	5,000	
Additional dividends received credit (100 percent of total dividends of $120,000 received from domestic corporations including the China Trade Act Corporations, less credit of $85,000 already allowed by section 26 (b) for dividends received, or $120,000 minus $85,000	35,000	
		160,400
Excess profits net income		314,600

PAR. 5. Section 30.711 (a)–3, as amended by Treasury Decision 5045, is further amended as follows:

(A) By striking "1940" and "(4)" from subdivision (a) of the example and inserting in lieu thereof "1941" and "(3)", respectively.

(B) By striking "1940" from subdivision (b) of the example, wherever it appears, and inserting in lieu thereof "1941".

(C) By changing the first paragraph after subdivision (c) of the example to read as follows:

If the invested capital credit is used, the excess profits net income of the corporation for the calendar year 1941 is $324,600, computed as follows:

Normal-tax net income (computed without deduction of the excess profits tax)		$400,000
Plus:		
Long-term capital losses	$75,000	
50 percent of interest on indebtedness included in borrowed capital	24,000	
Interest on Government and State obligations	6,000	
		105,000
		505,000
Less:		
Long-term capital gains	$100,000	
Income from retirement of bonds	20,000	
Income from refunds of Agricultural Adjustment Act taxes and interest thereon	400	
Income from recovery of bad debts	5,000	
Additional dividends received credit ($140,000 dividends received from both domestic and foreign corporations less credit of $85,000 already allowed by section 26 (b) for dividends received)	55,000	
		180,400
Excess profits net income under section 711 (a) (2)		324,600

PAR. 6. There is inserted immediately preceding § 30.711 (b)–1 the following:

[1] This document affects 19 CFR 6.1 (c)).
[2] 6 F.R. 856.

[1] This amount is determined under the law applicable to taxable years beginning in 1941.

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

* * * * *

(c) *Computation of excess-profits net income.*

* * * * *

(2) *Taxable years in the base period.* Section 711 (b) (1) (A) (relating to adjustment for income taxes for taxable years in the base period) is repealed.

* * * * *

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 7. Section 30.711 (b)-1, as amended by Treasury Decision 5045, is further amended by changing the first paragraph after the first example to read as follows:

In computing the income tax for which an adjustment is required to be made by section 711 (b) (1) (A) for the purpose of computing the excess profits tax for a taxable year beginning prior to January 1, 1941, the normal-tax net income or special-class net income for each base period year shall be that used in the determination of the average base period net income. By reason of the repeal of section 711 (b) (1) (A), no adjustment on account of income tax for any base period year shall be made in computing the excess profits tax for taxable years beginning after December 31, 1940.

PAR. 8. There is inserted immediately preceding § 30.714-1 the following:

SEC. 201. EXCESS PROFITS TAX RATES AND CREDITS. (Revenue Act of 1941, Title II.)

* * * * *

(b) *Excess profits credit—Based on invested capital.* Section 714 of the Internal Revenue Code, as amended, is amended to read as follows:

SEC. 714. EXCESS PROFITS CREDIT—BASED ON INVESTED CAPITAL.

The excess profits credit, for any taxable year, computed under this section, shall be the amount shown in the following table:

If the invested capital for the taxable year, determined under section 715, is:	*The credit shall be:*
Not over $5,000,000	8% of the invested capital.
Over $5,000,000	$400,000, plus 7% of the excess over $5,000,000.

SEC. 205. TAXABE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 9. Section 30.714-1, as amended by Treasury Decision 5045, is further amended by changing the second sentence to read as follows:

Regardless of the ratio of earnings to invested capital for previous taxable years, such credit is an amount equal to 8 percent of the corporation's invested capital for the taxable year, except that, if such invested capital for any taxable year beginning after December 31, 1940, exceeds $5,000,000, the credit for such txable year is an amount equal to $400,000 plus 7 percent of the excess over $5,000,000.

PAR. 10. There is inserted immediately preceding § 30.718-1 the following:

SEC. 203. NEW CAPITAL. (Revenue Act of 1941, Title II.)

Section 718 (a) of the Internal Revenue Code is amended by striking out "and" at the end of paragraph (4); by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon and the word "and", and by inserting at the end thereof the following:

(6) *New capital.* An amount equal to 25 per centum of the new capital for such day. The term "new capital" for any day means so much of the amounts of money or property includible for such day under paragraphs (1) and (2) as was previously paid in during a taxable year beginning after December 31, 1940, and so much of the distributions in stock includible for such day under paragraph (3) as was previously made during a taxable year beginning after December 31, 1940, subject to the following limitations:

(A) There shall not be included money or property paid in by a corporation in an exchange to which section 112 (b), (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5) is applicable (or would be applicable except for section 371 (g)), or would have been applicable if the term "control" had been defined in section 112 (h) to mean the ownership of stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote or more than 50 per centum of the total value of shares of all classes of stock.

(B) There shall not be included money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group. As used in this subparagraph and subparagraph (C), a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (i) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and (ii) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations.

(C) There shall not be included a distribution in stock described in paragraph (3) made to another corporation, if immediately after the distribution the taxpayer and the distributee are members of the same controlled group.

(D) *Increase in inadmissible assets.* The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the excess, if any, of the amount computed under section 720 (b) with respect to inadmissible assets held on such day, over the amount computed under section 720 (b) with respect to inadmissible assets held on the first day of the taxpayer's first taxable year beginning after December 31, 1940. For the purposes of this subparagraph, in determining whether obligations which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income are to be treated as admissible or inadmissible assets, such obligations shall be treated in the same manner as they are treated for the taxable year for which tax under this subchapter is being computed.

(E) *Maximum new capital allowable.* The new capital for any day of the taxable year shall not be more than the amount, if any, by which—

(i) The sum of the equity invested capital (computed without regard to this paragraph) and the borrowed capital (as defined in section 719 (a)) of the taxpayer as of such day, reduced by the amount of money or property paid in which is excluded by reason of the limitation of subparagraph (A) or (B) of this paragraph, exceeds

(ii) The sum of such equity invested capital and borrowed capital as of the beginning of the first day of such taxpayer's first taxable year beginning after December 31, 1940, reduced by the amount, if any, by which the accumulated earnings and profits as of such first day of such first taxable year exceed the accumulated earnings and profits (computed without regard to distributions made in taxable years beginning after December 31, 1940) as of the beginning of the first day of the taxable year for which the tax under this subchapter is being computed.

(F) *Reduction on account of distributions out of pre-1941 accumulated earnings and profits.* The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the amount which, after the beginning of the first taxable year which begins after December 31, 1940, has been distributed out of earnings and profits accumulated prior to the beginning of such first taxable year.

PAR. 11. Section 30.718-1 is amended by inserting at the end of the fifth paragraph a new sentence reading as follows:

As to determination of additional amount to be included in daily equity invested capital on account of new capital, see § 30.718-4.

PAR. 12. Section 30.718-2 (a), is amended by striking "§ 30.718-4" from the second sentence and inserting in lieu thereof "§ 30.718-5".

PAR. 13. Section 30.718-3 is amended by inserting at the end thereof the following:

For new capital treatment of distributions in stock, see § 30.718-4.

PAR. 14. There is inserted immediately preceding § 30.718-4 the following:

§ 30.718-4 *Determination of daily equity invested capital; new capital*—(a) *In general.* The equity invested capital for any day of a taxable year beginning after December 31, 1940, as partially determined under section 718 (a) (1) to (5), shall be increased by an amount equal to 25 percent of the new capital, if any, for such day. The term "new capital" for any such day means the aggregate amount of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, and the amount of distributions in stock made, during a taxable year beginning after December 31, 1940, and includible for such day under section 718 (a) (1) to (3), subject, however, to the limitations provided in subparagraphs (A) to (F) of section 718 (a) (6).

(b) *Limitations under subparagraph (A) of section 718 (a) (6).* The limitations provided in subparagraph (A) of section 718 (a) (6) exclude from the term "new capital" the amount of any equity invested capital acquired in an exchange occurring during a taxable year beginning after December 31, 1940, to which section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5), is applicable. However, in determining whether an exchange is within section 112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5), the control requirement is considered to mean the ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock. These limitations also apply to all exchanges under Supplement R which would be subject to the statutory provisions referred to in the preceding sentence if it were not for section 371 (g). The application of these limitations may be illustrated by the following example:

Example. The A Corporation issues stock during a taxable year beginning after December 31, 1940, to the B Corporation in exchange for the transfer of certain property by the B Corporation. Immediately after the transfer the stock acquired by the B Corporation has a value of $10,000, the total value of all classes of stock of the A Corporation then outstanding amounting to $18,000. The A Corporation obtains no new capital, since the property for which the new stock was issued was obtained in an exchange to which section 112 (b) (5) would be applicable if the term "control" had been defined in section 112 (h) so as to include either the ownership of stock possessing more than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of all classes of stock outstanding.

(c) *Limitations under subparagraph (B) of section 718 (a) (6).* The limitations provided in subparagraph (B) of section 718 (a) (6) exclude from the term "new capital" any money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same controlled group as that term is defined in such subparagraph. The application of these limitations may be illustrated by the following example:

Example. The A Corporation owns stock in the B Corporation, and the B Corporation owns stock in the C Corporation. The A Corporation transfers property to the C Corporation in exchange for stock of the C Corporation. Immediately after the transfer the stock owned by the A Corporation in the B Corporation possesses more than 50 percent of the total combined voting power of all classes of stock entitled to vote. Also immediately after such transfer the stock owned by the B Corporation in the C Corporation has a value equal to more than 50 percent of the total value of all classes of stock of the C Corporation. The C Corporation obtains no new capital through the acquisition of the property from A Corporation in exchange for its stock, since immediately after transfer the A Corporation, the transferor, and the C Corporation, the transferee, are members of the same controlled group.

(d) *Limitations under subparagraph (C) of section 718 (a) (6).* The limitations provided in subparagraph (C) of section 718 (a) (6) exclude from the term "new capital" any distribution in stock described in section 718 (a) (3) made by the taxpayer to another corporation if immediately after the distribution the taxpayer and the other corporation are members of the same controlled group as that term is defined in subparagraph (B) of section 718 (a) (6). The application of these limitations may be illustrated by the following example:

Example. The A Corporation makes a distribution in taxable stock dividends to the B and C Corporations during a taxable year beginning after December 31, 1940. Immediately after the distribution the B and C Corporations own stock in the A Corporation which has a voting power of more than 50 percent of the combined voting power of all classes of stock entitled to vote. Also immediately after the transfer the B Corporation owns stock in the C Corporation which has a value of more than 50 percent of the total value of all classes of stock of the C Corporation. The taxable stock dividend distributed by the A Corporation does not constitute new capital to the A Corporation.

(e) *Limitations under subparagraph (D) of section 718 (a) (6).* The limitations provided in subparagraph (D) of section 718 (a) (6) require that the amount of new capital for any day of the taxable year, computed without the application of section 718 (a) (6) (E), shall be reduced by the excess of the amount of inadmissible assets held on the beginning of that day over the amount of such assets held on the beginning of the first day of the taxpayer's first taxable year beginning after December 31, 1940. The application of these limitations may be illustrated by the following example:

Example. The X Corporation makes its excess profits tax return on the calendar-year basis. On July 1, 1941, cash in the amount of $100,000 is paid in for stock. There are no other changes made in either the amount of equity invested capital or the amount of borrowed capital at any time during the year 1941. The adjusted basis of inadmissible assets as of January 1, 1941, amounts to $5,000. The adjusted basis of such assets as of July 2, 1941, is $15,000. Under subparagraph (D) the new capital of $100,000 is reduced to $90,000 as of July 2, 1941, as shown by the following computation:

Money paid in for stock July 1, 1941	$100,000
Less:	
Excess of inadmissible assets as of July 2, 1941, over such assets as of January 1, 1941 ($15,000 minus $5,000)	10,000
New capital as reduced under subparagraph (D)	90,000

(f) *Limitations under subparagraph (E) of section 718 (a) (6).* The limitations provided in subparagraph (E) of section 718 (a) (6) prevent new capital as of any day from exceeding the amount by which the total equity invested capital and borrowed capital as of such day (computed without including the 25 percent increase and reduced as provided in such subparagraph on account of amounts excluded under subparagraph (A) or (B)) exceeds the sum of the equity invested capital and borrowed capital as of the first day of the taxpayer's first taxable year beginning after December 31, 1940 (reduced as provided in such subparagraph on account of reduction in accumulated earnings and profits other than as the result of distributions). The application of these limitations may be illustrated by the following example:

Example. The Y Corporation makes its return on the calendar-year basis. Its equity invested capital as of January 1, 1941, amounts to $30,000, consisting of money paid in for stock, $20,000, and accumulated earnings and profits, $10,000. Its borrowed capital as of January 1, 1941, consists of bonds outstanding in the amount of $15,000. Accordingly, the total of its equity invested capital and borrowed capital as of January 1, 1941, is $45,000. The corporation has no inadmissible assets at any time during the year 1941. On July 1, 1941, the following events occur:

(1) The corporation distributes taxable stock dividends amounting to $5,000 out of earnings and profits accumulated prior to January 1, 1941;

(2) Money amounting to $15,000 is paid in as a contribution to capital;

(3) Property with an unadjusted basis of $20,000 for determining loss is acquired for stock in an exchange to which section 112 (b) (4) is applicable; and

(4) Bonds in the amount of $10,000 are retired.

Only $5,000 of the $40,000 of new capital (tentative) arising out of the transactions which took place on July 1, 1941, constitutes new capital as of July 2, 1941, computed as follows:

(1) Sum of equity invested capital and borrowed capital as of July 2, 1941 (computed without regard to 25 percent increase in new capital)	$70,000
(2) Property paid in for stock excluded under subparagraph (A)	20,000
(3) Item (1) minus item (2)	50,000

(4) Sum of equity invested capital and borrowed capital as of January 1, 1941	45,000
(5) New capital as of July 2, 1941 (item (3) minus item (4))	5,000

If the accumulated earnings and profits of the Y Corporation are reduced to zero as of January 1, 1942, because of the stock dividend distribution of $5,000 made on July 1, 1941, and an operating loss of $5,000 during the taxable year 1941, the new capital includible in equity invested capital as of January 1, 1942, would remain at $5,000 under the application of subparagraph (E), as shown by the following computation:

(1) Sum of equity invested capital and borrowed capital as of January 1, 1942 (computed without regard to 25 percent increase in new capital)	$65,000
(2) Property paid in for stock excluded under subparagraph (A)	20,000
(3) Item (1) minus item (2)	45,000
(4) Sum of equity invested capital and borrowed capital as of January 1, 1941	45,000
(5) Excess of accumulated earnings and profits as of January 1, 1941, over earnings and profits, computed without regard to distributions, as of January 1, 1942 ($10,000 minus $5,000)	5,000
(6) Item (4) reduced by item (5)	40,000
(7) New capital as of January 1, 1942 (item (3) minus item (6))	5,000 [1]

[1] The application of subparagraph (F) is not shown in the above computation since it does not change the result.

(g) *Limitations under subparagraph (F) of section 718 (a) (6).* The limitations provided in subparagraph (F) of section 718 (a) (6) require that new capital for any day of the taxable year (computed without the application of subparagraph (E)), shall be reduced by distributions made after the beginning of the first taxable year which begins after December 31, 1940, out of earnings and profits accumulated prior to the beginning of such first taxable year. The application of these limitations may be illustrated by the following examples:

Example (1). The Z Corporation makes its return on the calendar-year basis. Its total equity invested capital and borrowed capital as of January 1, 1941, is $100,000, including $10,000 of accumulated earnings and profits. The only capital acquired during the year amounts to $10,000, resulting from the distribution of a taxable stock dividend on July 1, 1941. The corporation has no earnings and profits for 1941. The capital resulting from the stock dividend is excluded from new capital by subparagraph (F) (as well as by subparagraph (E)), for it is reduced by the amount distributed out of earnings and profits accumulated prior to January 1, 1941.

Example (2). Assume that the facts with respect to the Z Corporation are the same as in example (1), except that the Z Corporation has an operating loss of $10,000 for the year 1941. Although under subparagraph (E), because of the adjustment relative to a reduction in accumulated earnings and profits not resulting from distributions, there would be new capital as of January 1, 1942, in the amount of $10,000, the application of subparagraph (F) prevents the stock dividend distributed on July 1, 1941, from being new capital, inasmuch as the capital from the stock dividend ($10,000) must be reduced by the amount of the distribution out of earnings and profits accumulated prior to January 1, 1941 ($10,000).

Example (3). Assume that the facts with respect to the Z Corporation are the same as in example (1), except that there are no earnings and profits in 1941 and no operating loss for such year and that its earnings and profits for 1942 are $10,000. Although, because of the 1942 earnings and profits, there would be new capital under subparagraph (E) in the amount of $10,000 as of January 1, 1943, subparagraph (F) prevents the stock dividend distributed on July 1, 1941, from being new capital, inasmuch as the capital resulting from such stock dividend ($10,000) is reduced by the amount of the distribution ($10,000) made out of earnings and profits accumulated prior to January 1, 1941.

PAR. 15. There is inserted immediately before § 30.718–1 and immediately after section 203 of the Revenue Act of 1941 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

* * * * * * *

(f) *Equity Invested Capital.* Section 718 (c) (3) (relating to the computation of earnings and profits for invested capital purposes) is amended by adding after the word "subchapter" the words "or chapter I".

* * * * * * *

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 16. Section 30.718–4 is renumbered § 30.718–5 and is further amended as follows:

(A) By inserting immediately after "1940" in the second sentence of the first paragraph the words "or, in the case of taxable years beginning after December 31, 1940, by reason of the tax imposed by Chapter 1."

(B) By striking from the second paragraph "(without diminution by any distributions or the excess profits tax for the taxable year)" and inserting in lieu thereof "(without diminution by any distributions, the excess profits tax for the taxable year, or, in the case of taxable years beginning after December 31, 1940, the income tax for the taxable year)".

PAR. 17. Section 30.718–5 is renumbered § 30.718–6.

PAR. 18. There is inserted immediately preceding § 30.722–1 the following:

SEC. 202. DEDUCTION OF EXCESS-PROFITS TAX. (Revenue Act of 1941, Title II.)

* * * * * * *

(g) *Adjustment of Abnormal Base Period Net Income.* Section 722 (c) (placing a limit on the amount of relief afforded under section 722) is amended by adding at the end thereof a new sentence to read as follows: "For the purposes of this subsection and subsection (d) the taxpayer's normal-tax net income shall be computed without deduction of the tax imposed by this subchapter."

* * * * * * *

SEC. 205. TAXABLE YEARS TO WHICH AMENDMENTS APPLICABLE. (Revenue Act of 1941, Title II.)

The amendments made by this title shall be applicable only with respect to taxable years beginning after December 31, 1940.

PAR. 19. Section 30.722–4, as added by Treasury Decision 5045, is amended by inserting immediately after the second paragraph the following new paragraph:

Although in the case of taxable years beginning after December 31, 1940, the excess profits tax is allowed as a deduction in computing normal-tax net income for the purpose of Chapter 1, the normal-tax net income is required to be computed without regard to such deduction for the purposes of the above described 6 percent limitations.

PAR. 20. There is inserted immediately preceding § 30.731–1 the following:

SEC. 204. CORPORATIONS ENGAGED IN MINING STRATEGIC METALS. (Revenue Act of 1941, Title II.)

Section 731 of the Internal Revenue Code (exempting from excess-profits tax income derived from mining certain metals) shall not apply with respect to any taxable year beginning after December 31, 1940.

PAR. 21. Section 30.731–1 (a) is amended by striking out the first sentence and inserting in lieu thereof the following:

Section 731 is applicable only to taxable years beginning before January 1, 1941, and provides that, if a domestic corporation is engaged in mining tungsten, quicksilver, manganese, platinum, antimony, chromite, or tin (hereinafter referred to as strategic metals), within the United States, the portion of its adjusted excess profits net income attributable to such mining is exempt from the excess profits tax.

(This Treasury Decision is issued under authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62), as made applicable by section 729 of the Internal Revenue Code, added by the Second Revenue Act of 1940 (Public, No. 801, 76th Congress, third session), and sections 201 to 205 of the Revenue Act of 1941 (Public Law 250, 77th Congress).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 21, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–7988; Filed, October 23, 1941; 11:17 a. m.]

No price classifications or minimum prices are established herein for the coals of Mine Index Nos. 1417, 604 and 721 for the reason that such price classifications and minimum prices have already been established for these coals.

No rail loading points are established here for the coals of Mine Index Nos. 1417, 604, 721, 1023, 919, 870, 860, 2619 and 2093, and no price classifications or minimum prices are established for the coals of Mine Index Nos. 1023, 919, 870, 860, 2619 and 2093 for all shipments except truck for the reasons set forth in an Order designating that portion of Docket No. A–1050 relating to such coals as Docket No. A–1050 Part II.

Dated: October 8, 1941.

[SEAL] H. A. GRAY,
Director.

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL DIVISION
[Docket No. A–1050]
PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, and amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that his action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 *(Alphabetical list of code members)* is amended by adding thereto Supplement T, which Supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

FOR ALL SHIPMENTS EXCEPT TRUCK

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
918	Anderson, J. Bruce (Helen Jennings Coal Co.)	Jennings #2	33	B	Dunlo, Pa	P. R. R	49	(1)	(1)	A	(1)	(1)
2883	Barton & Georges Creek Coal Co. (Joseph H. Robertson).	Barton & Georges Creek Coal Co.	43	Bakerstown	Barton, Md	C. & P	66	(1)	(1)	H	(1)	(1)
1195	Catalano, Arch	Catalano	6	E	Juneau, Pa	B. & O	112	(2)	(2)	C	F	F
1172	Cramer Coal Mining Co. (Fred Cramer, Jr.).	Cramer	26	D	Seward, Pa	P. R. R	81	(2)	(2)	C	(1)	(1)
252	King, A. C.	King	29	E	Johnstown, Pa	C. & B. L	47	F	F	E	F	F
920	Leisenring, Otto	Leisenring #2	22	Pittsburgh	W. Lebanon, Pa	B. & O	112	E	E	E	E	E
921	Leisenring, Otto	Leisenring #3	22	Pittsburgh	W. Lebanon, Pa	B. & O	112	E	E	E	E	E
2922	Leisenring, Otto	Leisenring #4	22	Pittsburgh	W. Lebanon, Pa	B. & O	112	E	E	E	E	E
867	Phillips, Harry	Phillips	32	D	Wilpen, Pa	P. & S. S	119	E	E	E	E	E
607	Snyder, Horace (Lost Hill Coal Co.)	Lost Hill	6	E	Dora, Pa	P. & S. S	119	E	E	E	E	E
917	Steell, E. V	Kinnear #1	5	D	Stanton, Pa	P. & S. S	119	E	E	E	E	E
873	Steell, E. V	Kinnear #2	5	D	Stanton, Pa	P. & S. S	119	E	E	E	E	E
2109	Silver Bros. (Edgar Miller)	Klingensmith	22	Pittsburgh	Shields, Pa	B. & O	112	(1)	(1)	E	(1)	(1)

[1] Indicates coal in this size group previously classified and priced.
[2] Indicates no classifications effective for these size groups.

Coal Division, at a hearing room of the Division in Washington, D. C., at which interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now therefore it is ordered, That § 328.42 (*General prices for low volatile coals*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and it hereby is amended in accordance with Supplement T hereto attached and made a part hereof.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

PERMANENT SUPPLEMENT, DISTRICT NO. 8

§ 328.42 *General prices for low volatile coals*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine Index No.	Seam	All lump (1)	Egg; larger than 3" top (2)	Stove; 3" top size (3)	Nut or pea; 1¼ top or less (4)	Screened M/R (5)	Straight M/R (6)	1¼" screenings (7)	¾" screenings (8)
SUB-DISTRICT No. 9, FLOYD COUNTY, KY., LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
TAZEWELL COUNTY, VA.											
Bandy, Rex	Bandy	2448	Tiller*	*265	*245	*220	*220	*215	*210	155	150
Horne, E. H.	Virginia Red Ash Coal Co.	2708	Tiller*	*265	*245	*220	*220	*215	*210	155	150

*Indicates change in price classification from previous price classification for the respective size group.
**Indicates change in seam designation.

[F. R. Doc. 41-7956; Filed, October 22, 1941; 10:23 a. m.]

[Docket No. A-1067]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 12

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 12; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

[Docket No. A-932]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 8 FOR PRELIMINARY OR TEMPORARY AND PERMANENT ORDER OF CHANGE IN CLASSIFICATIONS OF COALS PRODUCED IN DISTRICT 8 BY E. H. HORNE (VIRGINIA RED ASH COAL COMPANY) AND REX BANDY (BANDY MINE) FOR TRUCK SHIPMENT

An original petition having been filed with the Bituminous Coal Division on June 23, 1941, by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision in the minimum prices established for the coals produced for shipment by truck at the Virginia Red Ash Coal Company Mine (Mine Index No. 2708) of E. H. Horne and the Bandy Mine (Mine Index No. 2448) of Rex Bandy, Code members in District 8;

A hearing having been held in this matter pursuant to an Order of the Director dated July 22, 1941, before a duly designated Examiner of the Bituminous Coal Division on

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over.	Double screened top size 2" and under	Run of mine, modified M/A	2" and under, slack	¾" and under, slack
	Mine index No.				1	2	3	4	5
Anderson, J. Bruce (Helen Jennings Coal Co.)	918 Jennings #2	33	Cambria	B			245		
Bailey, Robert	919 Bailey #4	8	Clearfield	D. & E			230		
Berkebile Brothers (Freeman Berkebile)	922 Berkebile	37	Somerset	B			225		
Black, W. W	808 Black Diamond	37	Somerset	D		235			
Card, Grant	870 Card #1	2	Clearfield	B			210	195	185
Catalano, Arch	1105 Catalano	6	Indiana	E			(*)	210	200
Copeland, Charles R	896 Copeland	44	Mineral	Big Vein			230		
Johnson & Johnson (Carl G. Johnson)	925 Johnson & Johnson #2	8	Clearfield	B			225		
King, A. C	252 King	20	Cambria	E			245	220	210
Leiserring, Otto	920 Leiserring #2	22	Indiana	Peh					(*)
Leiserring, Otto	921 Leiserring #3	22	Indiana	Peh					(*)
Leiserring, Otto	923 Leiserring #4	22	Indiana	Peh					(*)
Mullen, Jerry	802 Phillips	33	Somerset	B			245		215
Reiter, V. M	890 Laurel Run #3	2	Clearfield	B			210	205	195
Richard, A. J	872 Guy Murray	1	Clarion	A			240	215	205
Schwimbart, David	924 Schwimbart	41	Big Vein	Big Vein			215	205	195
Shawnee Mountain Coal Co. (Charles Cohen)	923 Shawnee Mtn. #2	18	Cambria	E					
Snyder, Horace (Lost Hill Coal Co.)	607 Lost Hill	6	Jefferson	E			245	220	210
Staley, James H	2610 Staley	6	Jefferson	D					(*)
Steel, E. V. (C. M. Steel)	2093 Dennison	6	Jefferson	D			250	225	215
Steel, E. V	917 Kinnear #1	5	Jefferson	D			250	225	215
Steel, E. V	873 Kinnear #2	5	Jefferson	D			250	225	215
Wease Coal Mines, Inc., J. C. & J. C. Wease	2210 Mt. Alto	44	Mineral	Bakerstown			235	210	(*)
Zachert Brothers (Bernard Zachert)	925 Zachert-Corner #2	1	Clarion	B			245	230	220
Zachert Brothers (Bernard Zachert)	926 Zachert-Coleman	4	Clarion	B			240	215	200

*Indicates coal in this site group previously classified and priced.

[F. R. Doc. 41-7953; Filed, October 22, 1941; 10:22 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine index No.	Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
316	Carter Coal Co. (Charles R. Fisher).	Carter*	Mystic	C. M. St. P. & P	16
773	Haines, Chas. (Haines Coal Co.).	No. 2*	Eldon	C., R. I. & P	7
774	Hayes Coal Company (Everett Hayes).	Everett Hayes Coal Co.*	Knoxville	C. B. & Q	39
72	Howard, Neal (Neal Howard Coal Co.).	Neal Howard Coal Co.*	Knoxville	C. B. & Q	70
			Harvey	C. B. & Q.-Wab	70
743	K. C. B. Coal Co., (William Bolton).	K. C. B.*	Lovilia	C. B. & Q.-Wab	67
			Bussey	C. B. & Q.-Wab	
522	O. K. Coal Co. (G. C. Ruttan)	O. K.*	Albia	M. & St. L.-Wab	55
				C. B. & Q	

*Indicates Mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine name	Mine No.	Group No.	County	Chunk (1)	Standard lump (2)	Egg 8 x 2", 6 x 2" (3)	Small egg 4 x 2", 3 x 1¼" (4)	Mine run (5)	Nut 2 x 1¼", 1¼ x ¾" (6)	Dom. stoker 1¼", 1 x ¾" (7)	Screenings 2", 1¼" x 0 (8)	Ind. stoker cr. 2", 1¼", 1¼" x 0 (9)	⅝" x 0 (10)
Drake & Carter Coal Co. (Wm. Drake).	Drake & Carter	769	33	Adams	360	350	350	350	350	340	340	250	340	150
Haines, Chas. (Haines Coal Co.).	No. 2	773	6	Davis	295	285	275	265	270	270	270	180	240	100
Hayes Coal Company, Everett (Everett Hayes).	Everett Hayes Coal Co.	774	15	Marion	295	285	275	265	270	270	270	160	220	100
Leslie, Joe M. (Leslie Coal Co.).	No. 2	775	22	Mahaska	315	305	295	285	275	275	275	170	230	100
Padovich Coal Co. (Fred Padovich).	Padovich Coal Co.	771	2	Appanoose	285	275	265	255	275	265	275	200	275	100
Ray, C. V.	Ray Mine	776	31	Boone	385	375	365	355	300	325	330	210	270	100

[F. R. Doc. 41-7954; Filed, October 22, 1941; 10:22 a. m.]

[Docket No. A-1042]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF A. B. C. SMOKELESS FUEL CORPORATION, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 513 IN THAT DISTRICT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of additional price classifications and minimum prices for the coals produced at Mine Index No. 513 in that district; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days of the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: October 9, 1941.

[SEAL] H. A. GRAY, *Director.*

4

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name No.	Prod. group No.	Shipping point	Frt. origin grp. No.	Price classification by size group															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
513	A B C Smokeless Fuel Corporation	1	2	Hartman, Ark. (M. P. R. R.)	33							C							(*)	(*)	(*)		A		

*Minimum prices established for these sizes in Docket A-910.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine name No.	County	Sub-dist. No.	Prices and size group Nos.																
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A B C Smokeless Fuel Corporation	513	1	Johnson, Ark.	2							465							(*)	(*)	(*)		450		

*Minimum prices established for these sizes in Docket A-910.

[F. R. Doc. 41-7056; Filed, October 22, 1941; 10:23 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

§ 203.447 *Biscayne Bay, Fla.; bridge (highway) 13th St., Miami, Fla.* Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), the following special regulations are prescribed to govern the operation of the east and west drawspans in the bridge of the State Road Department of Florida across Biscayne Bay at 13th Street in the city of Miami, Florida.

(a) During the period from December 1 to April 1, both dates inclusive, the owner or agency controlling the bridge shall not be required to open the east and west drawspans between the hours of 7:00 a. m. and 9:00 a. m., except that the west drawspan shall be opened at 8:00 a. m. and that the east drawspan shall be opened on the half hour and even hour for sufficient time to pass any vessels awaiting passage.

(b) During the same period the owner or agency controlling this bridge shall not be required to open the east and west drawspans between the hours of 4:30 p. m. and 6:30 p. m., except that the east drawspan shall be opened at 5:30 p. m. and that the west drawspan shall be opened on the half hour and even hour for sufficient time to pass any vessels awaiting passage.

(c) Either draw shall be opened at any time when required by a tow, or in an emergency. An emergency shall be indicated by four blasts of the signaling device.

(d) Officers of the Police Departments of Miami and Miami Beach shall be stationed at the respective draws and at the ends of the causeway during the above hours to regulate traffic in conjunction with the bridge tender.

(e) The regulations in this section may be revoked in the discretion of the Secretary of War.

(f) Boat owners shall cooperate insofar as possible to facilitate the operation of the draws of this bridge.

(g) Signs indicating the nature of the regulations will be placed by the State Road Department where and as directed by the District Engineer, U. S. Engineer Department, in charge of the locality.

(h) The regulations in this section supersede those approved on November 25, 1940 and shall be in effect until revoked by the Secretary of War. They are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries." (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special regs. Oct. 14, 1941. (E.D. 6371 (Florida—Biscayne Bay—Miami)—30/5)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7071; Filed, October 22, 1941; 4:01 p. m.]

[1] § 203.447 is superseded.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

CORRECTION

Attention is directed to an error in § 4.44 *Frequency assignment*, appearing in the Friday, August 22, 1941 issue of the FEDERAL REGISTER on page 4303, as follows:

Group D (kc): "15230" should read "15250".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7975; Filed, October 23, 1941; 10:37 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service, Bureau of the Public Debt.

[1941 Department Circular No. 671]

1 PERCENT TREASURY NOTES OF SERIES A-1946 DATED AND BEARING INTEREST FROM NOVEMBER 1, 1941, DUE MARCH 15, 1946, INTEREST PAYABLE MARCH 15 AND SEPTEMBER 15

I. OFFERING OF NOTES AND INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for 1 percent notes of the United States, designated Treasury Notes of Series A-1946, the offering to be limited to the amount of subscriptions entered as provided in the two next succeeding paragraphs.

2. The Secretary of the Treasury offers to apply the proceeds of payment of Reconstruction Finance Corporation Notes of Series P, maturing November 1, 1941, tendered for payment in accordance with Sections III and IV of this circular, to payment for Treasury notes subscribed for hereunder. Tenders of Series P notes for that purpose are invited.

3. The Secretary of the Treasury, on behalf of Commodity Credit Corporation, offers to purchase on November 1, 1941, at par and accrued interest, Commodity Credit Corporation Notes of Series E, maturing November 15, 1941, to the extent to which the holders thereof subscribe for Treasury notes hereunder. Tenders of Series E notes for that purpose are invited.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 1, 1941, and will bear interest from that date at the rate of 1 percent per annum, payable on a semiannual basis on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1946, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington, and should be accompanied by Reconstruction Finance Corporation notes of Series P tendered for payment, or Commodity Credit Corporation notes of Series E tendered for purchase, to a par amount equal to the par amount of Treasury Notes of Series A-1946 subscribed for. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for notes allotted hereunder must be made on or before November 1, 1941, or on later allotment, and may be made only through application of the principal proceeds of payment of a like par amount of Reconstruction Finance Corporation notes of Series P, maturing November 1, 1941, or of Commodity Credit Corporation notes of Series E, maturing November 15, 1941. Commodity Credit Corporation notes of Series E tendered for purchase must have coupons dated November 15, 1941, attached, and payment will be made at par and accrued interest to November 1, 1941. Accrued interest from May 15, 1941 to November 1, 1941 on Series E notes ($4.619565 per $1,000) will be paid following acceptance of the notes.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-7989; Filed, October 23, 1941; 11:17 a. m.]

WAR DEPARTMENT.

[Contract No. W-6144 qm-101; O. I. No. 101-41]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: CHAS. H. TOMPKINS CO., 907 16TH ST. NW., WASHINGTON, D. C.

Contract for construction: Miscellaneous structures and utilities.

Location: Fort Belvoir, Virginia.

Fixed fee: $92,695.00.

Estimated construction cost exclusive of fixed fee: $3,471,746.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM17710 through 17718, 17304, 17432, 17467, 2981, 8422 and 8899 of CBU & A A0540-12.

This contract,[1] entered into this 27th day of June, 1941.

ARTICLE I. *Statement of work.* 1. The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of various buildings and structures, utilities and appurtenances thereto at Fort Belvoir, Virginia.

[1] Approved by the Under Secretary of War, June 30, 1941.

3. It is estimated that the construction cost of the work covered by this contract will be three million, four hundred seventy one thousand, seven hundred forty-six dollars ($3,471,746.00) exclusive of the Constructors' fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of ninety-two thousand, six hundred ninety-five dollars ($92,695.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

6. The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments*—1. *Reimbursement for cost.* The Government will currently reimburse the constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

2. *Rental for constructor's equipment.* Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

5. *Final payment.* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public No. 703—76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7980; Filed, October 23, 1941; 10:42 a. m.]

[Contract No. W 6144 qm-100; O. I. No. 1-41]

SUMMARY OF FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: BASKERVILL & SON, 2207 CENTRAL NATIONAL BANK BUILDING, RICHMOND, VIRGINIA

Amount fixed fee: For Title I $21,410, for Title II $9,180.

Estimated cost of construction project: $2,074,000.00.

Type of construction project: Construction of Quarters for Engineer Board, including necessary buildings, temporary structures, utilities and appurtenances thereto.

Location: Fort Belvoir, Virginia.

Type of service: Architect Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. Eng 133 P1-3211, A 0141-01 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 11th day of April, 1941.

Title I

ARTICLE I-A. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of Quarters for Engineer Board, including necessary buildings, temporary structures, utilities and appurtenances thereto at Fort Belvoir, Virginia.

ART. I-B. *Character and extent of services.* 1. The Architect-Engineer shall perform the following services:

c. Prepare preliminary studies, sketches, and reports for all structures, utilities and appurtenances.

d. Adapt Government designs, specifications and standards for buildings and other structures as necessary to meet the requirements of the approved layout of the proposed project, and prepare detailed designs, specifications and drawings in required form for utilities and other structures for which Government designs are incomplete or unavailable.

g. When preliminary drawings are approved by the Contracting Officer, prepare final designs, detailed working drawings and specifications in accordance with Government standards necessary for the effective coordination and efficient execution of the construction work and revise the drawings and specifications as required by the Contracting Officer.

h. Prepare an estimate of the cost of the proposed project based on the approved designs, drawings and specifications therefor.

ART. I-D. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under this Title I, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of twenty one thousand four hundred ten and no/100 dollars ($21,410.00) which shall constitute complete compensation under this Title I for the Architect-Engineer's services.

b. Reimbursement for expenditures as specified in Title III, Article III-D hereof.

Title II

Upon satisfactory completion and acceptance of the work and services to be furnished under Title I, the Government, at its option, may elect to have the Architect-Engineer perform the work and services provided under this Title II. Upon such election, the Contracting Officer shall, by a written order, direct the Architect-Engineer to proceed with such work and services. Title II of this contract shall become operative only if and when such an order is issued by the Contracting Officer and received by the Architect-Engineer.

ART. II-A. *Services to be furnished by architect-engineer.* The Architect-Engineer shall:

a. Assist the Contracting Officer in obtaining, analyzing and evaluating proposals or bids for a construction contract or contracts based upon the approved drawings and specifications.

c. Supervise the work designed by him to insure the construction of every part of the work in accordance with the approved drawings and specifications referred to in Paragraph "d" of Article I-B above, and within the areas and boundaries designated for the project.

ART. II-C. *Fixed fee and reimbursement of expenditures.* 1. In consideration for his undertakings under this Title II, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of nine thousand one hundred eighty and no/100 dollars ($9,180.00) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

b. Reimbursement for ependitures as specified in Title III.

Title III

The provisions of this title shall apply to this entire contract, to-wit: to Title I and likewise to Title II, should Title II become operative as provided therein.

ART. III-A. *Services to be performed by architect-engineer.* 1. The Architect-Engineer shall:

b. Perform all other architectural and engineering services within the scope of this contract, required by the Contracting Officer.

ART. III-B. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. III-D. *Reimbursement.* In addition to the payment of the fixed fee as specified in Article I-D and Article II-C hereof, the Architect-Engineer will be reimbursed for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. III-F. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and 90% of the amount of the Architect-Engineer's fixed-fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

ART. III-G. *Drawings and other data to become property of Government.* All drawings and specifications are to become the property of the Government.

ART. III-K. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

ART. III-J. *Changes in scope of project.* The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

This contract is authorized by the following laws: Public No. 611, 76th Congress, Approved June 13, 1940. Public No. 703, 76th Congress, Approved July 2, 1940.

[Change Order No. A, 6-28-41]

Change order to Cost-Plus-A-Fixed-Fee Contract No. W 6144, qm-100, Dated April 11, 1941, between the United States of America and Baskervill & Son, Richmond, Virginia, for architectural-engineering services in connection with the construction of a Quarters for Engineer Board at Fort Belvoir, Virginia.[1]

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to form the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work;

Add * * * to the description of the work now set forth in Article I of the principal contract.

The above will result in a net increase in the Estimated Construction Cost and the Architect-Engineer's Fixed-Fee as follows:

Increase the Estimated Construction Cost by	$1,091,657
Total Estimated Cost including this Change Order	$3,165,657
Total Fixed-Fee including this Change Order	$ 35,365
Increase in Architect-Engineer's Fixed-Fee	$ 4,775
Period of Services	No Change

Funds are available under Procurement Auhtority No. QM-18804-PL-29-77 A 0540-12.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7979; Filed, October 23, 1941; 10:42 a. m.]

[Contract No. W 6665 qm-91; O. I. No. 501]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: CAHILL BROTHERS, INC., 206 SANSOME STREET, SAN FRANCISCO, CALIF.

Contract for: Construction of Motor Transport Facilities.

Location: Fort Ord, California.

Fixed fee: $35,883.

Estimated construction cost exclusive of fixed fee: $1,176,948.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same. QM 18037 PL 29 77 AO540-12.

This contract,[2] entered into this 25th day of June, 1941.

ARTICLE I. *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of motor transport facilities and shops for Fourth Echelon Base at Fort Ord, California, including necessary buildings, temporary structures, utilities and appurtenances thereto.

It is estimated that the construction cost of the work covered by this contract will be one million one hundred seventy-six thousand nine hundred forty-eight and no/100 dollars ($1,176,948) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of thirty five thousand eight hundred eighty three and no/100 dollars ($35,883) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments — Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law: Public No. 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7978; Filed, October 23, 1941; 10:41 a. m.]

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[1] Approved by the Under Secretary of War May 15, 1941.

[1] Approved by the Under Secretary of War June 28, 1941.

[2] Approved by the Under Secretary of War June 30, 1941.

[Contract No. W 6105 qm-279]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: TEUFEL AND CARLSON, 1141 HENRY BUILDING, SEATTLE, WASH.

Contract for construction: of Fourth Echelon Base Motor Shop.

Location: Fort Lewis, Washington.

Fixed fee: $32,517.00.

Estimated construction cost, exclusive of fixed fee: $1,000,704.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 18036 PL 29 77 A0540-12.

This contract,[1] entered into this 23rd day of June, 1941.

ARTICLE I. *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: Construction of Fourth Echelon Base Motor Shops together with all temporary structures, necessary utilities and appurtenances thereto at or near Fort Lewis, Washington.

It is estimated that the construction cost of the work covered by this contract will be one million, seven hundred four dollars ($1,000,704.) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of thirty-two thousand, five hundred seventeen dollars ($32,517) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may without notice to the sureties, if any, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments*—1. *Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require.

2. *Rental for constructor's equipment.* Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

3. *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

5. *Final payment.* Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public No. 703, 76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7977; Filed, October 23, 1941; 10:41 a. m.]

[Contract No. W 569 eng. 2797]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: MION CONSTRUCTION COMPANY, 377 TECHWOOD DRIVE, NW, ATLANTA, GEORGIA

Contract for: Construction of flying field and cantonment area.

Amount: $4,212,319.47.

Place: Advanced Twin Engine Flying School, Columbus, Mississippi.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Eng. 1055 P 1-32 A-0540-12, the available balance of which is sufficient to cover cost of same.

This contract entered into this 22d day of August 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for Construction of Flying Field and Cantonment Area at Advanced Twin Engine Flying School, Columbus, Mississippi, for the consideration of $4,212,319.47, in strict accordance with the specifications schedules and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractors and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the act of Fifth Supplemental National Defense Appropriation Act, 1941, April 5, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7976; Filed, October 23, 1941; 10:41 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-999]

PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR RAIL AND TRUCK SHIPMENTS OF THE COALS OF THE HALSTEAD MINE (MINE INDEX NO. 345) OF THE HALSTEAD COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER ADVANCING DATE OF HEARING

A public hearing in the above-entitled matter having been continued from October 6, 1941 to November 13, 1941 by Order of the Director dated October 15, 1941; and

It appearing appropriate and necessary that the date of said hearing be advanced to an earlier date;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held at 10 o'clock in the forenoon of November 5, 1941 at the place heretofore designated and before the officer previously designated to preside at such hearing.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7981; Filed, October 23, 1941; 10:44 a. m.]

[Docket No. A-616]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

ORDER TO SHOW CAUSE AND NOTICE OF AND ORDER FOR HEARING THEREON

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party requesting the establishment of price classifications and minimum prices for the coals produced at certain mines in District No. 8 which had not theretofore been classified and priced.

The Director entered an Order on February 6, 1941 in Docket No. A-616 establishing price classifications and minimum prices for the coals of the Hearn Mine of R. A. Hearn and assigning Mine Index No. 4048 to this mine. It now appears, however, that prior to the date of the aforesaid Order, price classifications and minimum prices had already been established for the coals of this mine and Mine Index No. 3256 had been assigned to it by Order of the Director, dated January 31, 1941 in Docket No. A-528.

Now, therefore, it is ordered, That the petitioner in the above-designated docket be required to show cause why the aforesaid Order dated February 6, 1941, in Docket No. A-616, should not be amended by striking therefrom all reference to and matters concerning the said Hearn Mine.

It is further ordered, That a hearing on the above Order to Show Cause under the applicable provisions of said Act and the rules of the Division be held on November 5, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held. Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7982; Filed, October 23, 1941; 10:44 a. m.]

[Docket No. A-1011]

PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT THE JEANNE ANNE MINE (MINE INDEX NO. 1448) AND THE JEANNE ANNE NO. 3 MINE (MINE INDEX NO. 616) OF THE WEST VIRGINIA COAL & TRANSPORTATION COMPANY, IN MASON COUNTY, WEST VIRGINIA, KANAWHA SUBDISTRICT IN DISTRICT NO. 8 FOR SHIPMENT BY TRUCK, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER ADVANCING DATE OF HEARING

A public hearing in the above-entitled matter having been continued from September 29, 1941 to November 13, 1941 by Order of the Director dated October 15, 1941; and

It appearing appropriate and necessary that the date of said hearing be advanced to an earlier date;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held at 10 o'clock in the forenoon of November 5, 1941 at the place heretofore designated and before the officer previously designated to preside at such hearing.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7983; Filed, October 23, 1941; 10:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 629]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
New York 2019A1 Otsego	$432,000
New York 2020A1 Delaware	307,000
New York 2021A1 Steuben	664,000
New York 2022A1 Allegany	311,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7990; Filed, October 23, 1941; 11:30 a. m.]

[Administrative Order No. 630]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 2017E2 Prowers	$30,000
Indiana 2100B1 Newton	48,000
Kansas 2039A2 Pottawatomie	22,000
Louisiana 2010C3 Washington	82,000
Louisiana 2015B2 Pointe Coupee	42,000
Maryland 2004G7 St. Marys	35,000
Mississippi 2023E2 Copiah	31,000
Mississippi 2024C2 Lafayette	20,000
Mississippi 2053G1 Covington	2,100,000
Missouri 2019D3 Boone	25,000
Montana 2009E1 Yellowstone	7,000
Ohio 2033D1 Auglaize	46,000
Ohio 2083D1 Huron	82,000
South Carolina 2040A3 Hampton	30,000
Tennessee 2001F2 Meigs	40,000
Texas 2077B2 Johnson	40,000
Wyoming 2011D2 Lincoln	3,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7991; Filed, October 23, 1941; 11:30 a. m.]

[Administrative Order No. 631]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 15, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Colorado 2037A1 Douglas	$181,000
Florida 2028B1 Madison	166,000
Indiana 2001D1 Greene	165,000
Indiana 2011C1 Warren	63,000
Indiana 2027C1 Decatur	42,000
Iowa 2039D1 Benton	123,000
Michigan 2033D1 Charlevoix	113,000
Minnesota 2098G1 Pope	1,500,000
Missouri 2019E1 Boone	154,000
Missouri 2053C1 Polk	300,000
Montana 2013C1 Flathead	10,000
New Mexico 2014A1 Mora	177,000
North Dakota 2019D1 Grand Forks	566,000
Ohio 2032E1 Belmont	117,000
Oregon 2026B1 Wasco	90,000
South Dakota 2007D1 Lincoln	232,000
South Dakota 2017A1 Hamlin	160,000
Texas 2096C1 Victoria	77,000
Wisconsin 2014G1 Oconto	200,000
Wisconsin 2025E1 Monroe	130,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-7992; Filed, October 23, 1941; 11:30 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401 (B)-4, 426, 153, 196, 389]

IN THE MATTER OF THE APPLICATIONS OF CONTINENTAL AIR LINES, INC., UNITED AIR LINES TRANSPORT CORPORATION, BRANFF AIRWAYS, INC., TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF CHANGE OF TIME OF ORAL ARGUMENT

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (c) and 1001 of said Act, oral argument before the Board in the above-entitled proceeding, previously assigned to be held on October 27, 1941, at 10 a. m. (Eastern Standard Time) is hereby reassigned to begin at 9:30 a. m. (Eastern

[1] Approved by the Under Secretary of War June 30, 1941.

Standard Time) October 27, 1941, in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., October 23, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-7987; Filed, October 23, 1941; 11:12 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6004]

NOTICE RELATIVE TO COMMODORE BROADCASTING, INC. (WSOY)

Application, dated November 15, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Decatur, Illinois; operating assignment specified: Frequency, 1,560 kc.; power 10 kw. (DA night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

2. To determine the extent of any interference which would result from simultaneous operation of Station WSOY as proposed and Station WQXR.

3. To determine the areas and populations which would lose interference-free primary service particularly from Station WQXR as a result of the operation of Station WSOY as proposed, and what other broadcast services are available to these areas and populations.

4. To determine the areas and populations which would lose secondary service particularly from Station WQXR as a result of the operation of Station WSOY as proposed, and what other broadcast services are available to these areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of Station WSOY as proposed and Station KPMC as proposed in application B5-P-3118, as well as the areas and populations affected thereby (in both the interference-free primary and secondary service areas), and what other broadcast service is available to these areas and populations.

6. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice particularly in view of the expected nighttime interference limitation to the service of Station WSOY as proposed.

7. To determine whether (a) the authorization requested herein is the best available assignment, and (b) operation of Station WSOY as proposed would prevent in the United States the present or future rendition of secondary service on the frequency 1,560 kc.

8. To determine the areas and populations which would gain interference-free primary service from Station WSOY operating as proposed, and what other broadcast service is available to these areas and populations.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, and necessity will be served by the grantng of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Commodore Broadcasting, Inc., Radio Station WSOY, 353-357 North Main Street, Decatur, Ill.

Dated at Washington, D. C., October 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7973; Filed, October 23, 1941; 10:02 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5685]

IN THE MATTER OF IOWA UNION ELECTRIC COMPANY

ORDER POSTPONING HEARING

OCTOBER 21, 1941.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in this proceeding;

The Commission orders that: The hearing in this proceeding heretofore set to commence on October 27, 1941, be and it is hereby postponed until November 10, 1941, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission:

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-7974; Filed, October 23, 1941; 10:08 a. m.]

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER CHANGING PLACE OF HEARING AND POSTPONING HEARING

OCTOBER 22, 1941.

It appearing to the Commission that:

On October 14, 1941, the hearing in the above-entitled proceeding was set to reconvene on October 27, 1941, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina;

The Commission finds that:

(1) The Federal Court Room is not available for use as a hearing room; and

(2) Good cause exists for further postponement of the hearing;

The Commission orders that:

The hearing in this proceeding heretofore set to reconvene October 27, 1941, be and it is hereby postponed to October 28, 1941, at 9:45 a. m., in the auditorium of the North Carolina State Laboratory of Hygiene Building, Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-8002; Filed, October 23, 1941; 11:42 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4550]

IN THE MATTER OF INLAND EMPIRE BAKERS ASSOCIATION, INC. ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That William W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 18, 1941, at ten o'clock in the forenoon of that day (Pacific Standard time) in Room 418, Federal Building, Spokane, Washington.

Upon completion of testimony for the Federal Trade Commission the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-7985; Filed, October 23, 1941; 11:04 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE TO MANUFACTURERS OF MEDICAL SUPPLIES, ETC.

By virtue of the authority vested in him by OPM Regulation No. 3 [1] and pursuant to § 944.4 [2] of Regulation No. 1 of the Division of Priorities, the Director of Priorities issued on September 30, 1941, an Order amending Preference Rating Order P-29 by expanding and adding to the list of Health Supplies the manufacturers of which may apply for preference ratings. Individual Orders assigning a preference rating to specified quantities of materials will be issued to manufacturers of the following items for medical, surgical, dental, or veterinarian uses:

1. Acoustic aids.
2. Anaesthesia apparatus and supplies.
3. Atomizers (medical use only).
4. Biologicals, anti-toxins, serums, sterile ampoules and intravenous solutions.
5. Clinical thermometers.
6. Diagnostic equipment and supplies.
7. Hospital carts, racks and charts.
8. Hypodermic syringes and needles.
9. Infant incubators.
10. Instruments.
11. Invalid chairs, walkers and crutches.
12. Laboratory equipment and supplies.
13. Medicinal chemicals (limited to medical use only).
14. Operating room supplies and equipment.
15. Ophthalmic products and instruments.
16. Physical therapy equipment (limited to medical use only).
17. Respirators, resuscitators and iron lungs.
18. Rubber hospital sundries.
19. Sick room furniture, equipment and supplies.
20. Splints and fracture equipment.
21. Sterilizers, blanket and solution warmers.
22. Surgical dressings and adhesive plasters.
23. Surgical and orthopaedic appliances (including artificial limbs and arms).
24. Sutures and suture needles.
25. X-Ray equipment and supplies.

And such additional items as may be added to the foregoing from time to time by order of the Director of Priorities. Notice of such additional items will be released through appropriate trade journals.

Any manufacturer of the foregoing products who wishes to qualify for such an Order should apply to the Health Supplies Section, Office of Production Management, Washington, D. C.

Dated: October 23d, 1941.

DONALD M. NELSON, *Director of Priorities.*

[F. R. Doc. 41-7972; Filed, October 23, 1941; 9:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

NOTICE OF AND ORDER FOR POSTPONEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Commission having issued, on September 30, 1941, a Notice of and Order instituting proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935; said order requiring that respondents make reply to certain allegations contained therein on or before October 22, 1941, and further designating October 29, 1941, as the day for a public hearing on matters embraced by the said order; and

Respondents having sought by written request a postponement of the date for submitting the required answer;

It is ordered, That the time within which respondents may answer be and is hereby extended to November 10, 1941, and that the date of the scheduled hearing on such matters be and is hereby postponed to November 24, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7996; Filed, October 23, 1941; 11:35 a. m.]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY, AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH; ASSOCIATED GAS AND ELECTRIC CORPORATION, AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH; GENERAL GAS & ELECTRIC CORPORATION, SOUTHEASTERN ELECTRIC AND GAS COMPANY, AND VIRGINIA PUBLIC SERVICE COMPANY, RESPONDENTS

NOTICE OF AND ORDER FOR THIRD POSTPONEMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Commission having issued, on October 3, 1941, a Notice of and Order for Second Postponement in the above captioned matter extending the time to October 15, 1941, within which respondents might submit an answer in said proceedings and postponing until October 23, 1941 the scheduled public hearing on such matters; representatives of Virginia Public Service Company, one of the respondent companies herein, having requested that the staff of the Public Utilities Division of the Securities and Exchange Commission prepare a report outlining the factual material, and the problems arising therefrom, particularly to be considered at the public hearing; such a report now being in the process of preparation for release in the very near future; and respondents having sought by written request an extension of time for submitting the required answer until they have considered the above referred to report, and having also requested a postponement of the scheduled public hearing;

It is ordered, That the time within which respondents may answer be, and is, hereby extended to seven days after the date of the service on them of the above referred to report, and that the date of the scheduled hearing on such matters be, and is, hereby postponed to November 12, 1941, at 10 o'clock A. M.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7997; Filed, October 23, 1941; 11:35 a. m.]

[File No. 1-2747]

IN THE MATTER OF LAKESIDE MONARCH MINING COMPANY, 10¢ PAR VALUE COMMON STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Salt Lake Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 10¢ Par Value Common Stock of Lakeside Monarch Mining Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on November 6, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-7993; Filed, October 23, 1941; 11:35 a. m.]

[File No. 70-390]

IN THE MATTER OF THE NEWPORT GAS LIGHT COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

The Newport Gas Light Company, a subsidiary of Pennsylvania Gas & Electric Corporation, a registered holding

[1] 6 F.R. 1598.
[2] 6 F.R. 4490.

company, having filed application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, relative to the issue and sale to John Hancock Mutual Life Insurance Company of $400,000 principal amount of First Mortgage Bonds maturing October 1, 1961, and bearing interest at the rate of 3¼% per annum payable semi-annually, such sale to be for a consideration of $400,000 in cash together with accrued interest from October 1, 1941 to the date of such payment;

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified by said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 6 (b) are satisfied and that the above-named applicant is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to the proposed transaction, subject to the terms and conditions prescribed by Rule U-24;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.)

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8000; Filed, October 23, 1941; 11:36 a. m.]

[File Nos. 2-737, 2-2581]

IN THE MATTER OF COMSTOCK-DEXTER MINES, INC.

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

A proceeding having been instituted pursuant to section 8 (d) of the Securities Act of 1933 by the Commission on the registration statements of Comstock-Dexter Mines, Inc., an Arizona corporation, after confirmed telegraphic notice by the Commission to the registrant that it appears that said registration statements include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading; and

The Commission having duly considered the matter, and finding that the registration statements include untrue statement of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises,

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statements filed by Comstock-Dexter Mines, Inc., an Arizona corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-7999; Filed, October 23, 1941; 11:36 a. m.]

[File No. 70-405]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY)

ORDER APPROVING APPLICATION AS AMENDED, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

Louisville Gas and Electric Company, a Kentucky corporation and a subsidiary of a registered holding company, having filed an application and amendments thereto pursuant to the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 promulgated under said Act, with respect to the following:

(1) The issue and sale by said company of 150,000 shares of common stock at a price to the public of $23.50 per share, said sale to take place in the manner provided in said application; and

(2) Exemption of such issue and sale from the provisions of Rule U-50 (b) and (c);

Public hearings having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein;

It is ordered, That the said applications, as amended, be and they hereby are approved subject, however, to the terms and conditions prescribed in Rule U-24, and provided, however, that the applicant includes in or appends to the prospectus relating to said sale, a copy of our findings and opinion herein or such extracts therefrom as we may approve.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8001; Filed, October 23, 1941; 11:36 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 209

Washington, Saturday, October 25, 1941

The President

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE UNITED STATES COAST GUARD, TREASURY DEPARTMENT

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the United States Coast Guard, Treasury Department, in connection with the establishment of lighted buoys to mark an emergency landing area for seaplanes:

SAN BERNARDINO MERIDIAN

T. 11 S., R. 11 E., sec. 28; E½, NW¼, E½SW¼; containing 560 acres.

This order shall take precedence over, but shall not rescind or revoke, (1) the Executive order of March 10, 1924, creating Public Water Reserve No. 90, so far as such order affects the above-described land, and (2) the Executive order of November 25, 1930, withdrawing certain lands, including the E½ sec. 28 of the above-mentioned township, as a fish and wildlife refuge. This order shall be subject to the order of the Secretary of the Interior of October 19, 1920, withdrawing certain lands under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), so far as that order affects the above-described land; and after the present national emergency has been officially terminated, this order shall be without effect upon notice to the Treasury Department by the Secretary of the Interior that the entire use of the above-described land is needed for reclamation purposes or for wildlife purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 23, 1941.

[No. 8921]

[F. R. Doc. 41-8011; Filed, October 24, 1941; 10:07 a. m.]

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[1st Sup. to General Order No. C-26]

PART 150—ARREST AND DEPORTATION

AMENDMENT OF REGULATIONS GOVERNING THE ARREST AND DEPORTATION OF ALIENS

October 22, 1941.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), and § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), the following changes in § 150.11 of the said regulations (§ 19.11 of General Order No. C-26, of December 31, 1940; 6 F.R. 72) are hereby promulgated.

Section 150.11 (a) is amended to read as follows:

§ 150.11 (a) *Special deportation procedure in cases involving recent illegal entrants and in emergencies when permissible.* Notwithstanding any other provisions of this part, any officer in charge of a district shall have power to issue warrants of arrest upon application made direct to such officer by an investigating officer:

(1) In any case in which an alien is believed to have entered the United States illegally from foreign contiguous territory or adjacent islands within 60 days preceding the application for warrant of arrest, and one of the grounds of deportation upon which the application for warrant of arrest is based is:

(i) That the alien entered the United States by water at any time or place other than as designated by immigration officials; or

(ii) That the alien entered the United States by land at any place other than one designated as a port of entry for aliens by the Commissioner of Immigration and Naturalization; or

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(iii) That the alien entered the United States at any time not designated by immigration officials; or

(iv) That the alien entered the United States without inspection.

(2) In any other case in which it appears to the satisfaction of the officer in charge of a district that the alien for whom a warrant of arrest is desired is prima facie subject to deportation and may escape arrest unless the warrant is immediately issued.

Every case in which deportation proceedings are instituted under this section shall be *immediately* reported to the Central Office, together with a copy of the warrant of arrest and of all evidence in support thereof.

* * * * *

The headnotes of paragraphs (b), (c), and (d) of § 150.11 are amended to read respectively as follows:

(b) *Special deportation procedure in cases involving recent illegal entrants and in emergencies; investigations and applications for warrants of arrest.*

(c) *Special deportation procedure in cases involving recent illegal entrants and in emergencies; issuance and execution of warrants of arrest; release or detention of alien.*

(d) *Special deportation procedure in cases involving recent illegal entrants and in emergencies; hearing and procedure thereunder.*

Section 150.11 (e) is amended to read as follows:

(e) *Special deportation procedure in cases involving recent illegal entrants and in emergencies; disposition of record; issuance of warrant of deportation.* In any case conducted in accordance with the provisions of this section, in which the alien has made an exception to the proposed findings, conclusions, and order of the presiding inspector, or in which the alien has applied for suspension of deportation under the provisions of section 19 (c) of the Immigration Act of 1917, as amended, or in which the recommendation of the presiding inspector is for any action other than the deportation of the alien, the transcript of record shall be forwarded to the Central Office for decision. In addition, there shall be forwarded to the Central Office for decision any case in which the warrant of arrest was issued under the emergency powers granted by paragraph (a) (2) of this section, unless the case is one falling within the terms of paragraph (a) (1). Any case other than one included within the foregoing exceptions shall be referred for determination to the officer in charge of the district. If that office is satisfied beyond a doubt that the alien is subject to deportation and that his case falls within the provisions of paragraph (a) (1), he may issue a warrant directing the deportation of the alien upon the charges which have been established by the record. In such a case a complete copy of the record and of the order of deportation shall be forwarded to the Central Office within 48 hours after the issuance of the warrant of deportation. If the officer in charge is not satisfied beyond a doubt that the alien is subject to deportation and that his case falls within the provisions of paragraph (a) (1), he shall forward the record to the Central Office for decision, with his reasons for so doing. Deportation of an alien ordered deported by an officer in charge of a district will be effected in the same manner as though deportation had been directed by the Central Office. Any alien who has been ordered deported by an officer in charge of a district may within 10 days after such order, if deportation has not been sooner effected, file an exception to the order of deportation giving his reasons in support thereof, and may request that his case be referred to the Central Office for final decision. Upon the filing of such exception and request, deportation of the alien shall be stayed and the request of the alien, accompanied by the entire record, if not previously transmitted, shall be forwarded to the Central Office for review and final decision. If the warrant of deportation issued by the officer in charge of the district is confirmed by the Central Office, deportation will proceed upon the warrant issued by that officer as soon as notification of the action of the Central Office is received.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General, in Charge.

Approved: October 22, 1941.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-8021; Filed, October 24, 1941; 10:17 a. m.]

TITLE 13—BUSINESS CREDIT

CHAPTER I—RECONSTRUCTION FINANCE CORPORATION

AMENDMENT TO THE CHARTER OF METALS RESERVE COMPANY

Reconstruction Finance Corporation hereby certifies that, pursuant to section 5d of the Reconstruction Finance Corporation Act, as amended, it created Metals Reserve Company on June 28, 1940, and issued its Charter[1] on that date.

Reconstruction Finance Corporation hereby further certifies that, pursuant to the aforesaid section 5d, as amended, and upon request of the Federal Loan Administrator, with the approval of the President of the United States, the said Charter of Metals Reserve Company was, on October 22, 1941, amended:

(1) By changing Paragraph Third of said Charter to read as follows:

Third. The objects, purposes and powers of the Corporation shall be:

(a) To produce, acquire, carry, sell, or otherwise deal in strategic and critical materials as defined by the President;

(b) To purchase and lease land; purchase, lease, build, and expand plants; purchase and produce equipment, facilities, machinery, materials, and supplies for the manufacture of strategic and critical materials, arms, ammunition, and implements of war, any other articles, equipment, facilities, and supplies necessary to the national defense, and such other articles, equipment, supplies, and materials as may be required in the manufacture or use of any of the foregoing or otherwise necessary in connection therewith;

(c) To lease, sell, or otherwise dispose of such land, plants, facilities, and machinery to others to engage in such manufacture;

(d) To engage in the manufacture of arms, ammunition, and implements of war;

(e) To produce, lease, purchase, or otherwise acquire railroad equipment (including rolling stock), and commercial aircraft, and parts, equipment, facilities and supplies necessary in connection with such railroad equipment and aircraft, and to lease, sell, or otherwise dispose of the same;

(f) To purchase, lease, build, expand, or otherwise acquire facilities for the training of aviators and to operate or lease, sell, or otherwise dispose of such facilities to others to engage in such training; and

(g) To take such other action as the President and the Federal Loan Administrator may deem necessary to expedite the national defense program.

The Corporation shall have power and authority to do and perform all acts and things whatsoever which are necessary, suitable, convenient or proper in connection with or incidental to the foregoing objects, purposes, and powers, including but without limitation, the power to borrow and hypothecate, to lend money, to adopt and use a corporate seal, to make contracts, to acquire, hold and dispose of real and personal property, and to sue and be sued in any court of competent jurisdiction.

(2) By inserting as Paragraph Ninth of said Charter the following:

Ninth. The Corporation including its franchise, its capital, reserves, surplus, and income shall be exempt from all taxation (which shall, for all purposes, be deemed to include sales, use, storage, and purchase taxes) now or hereafter imposed by the United States, or any territory, dependency or possession thereof, or by any State, County, municipality or local taxing authority, except that any real property (or buildings which are considered by the laws of any State to be personal property for taxation purposes) of the Corporation shall be subject to State, territorial, county, municipal or local taxation to the same extent according to its value as other real property is taxed.

[SEAL] RECONSTRUCTION FINANCE CORPORATION
CHARLES B. HENDERSON,
Chairman.

Attest:
A. T. HOBSON,
Acting Secretary.

[F. R. Doc. 41-8007; Filed, October 23, 1941; 3:57 p. m.]

[1] 6 F.R. 2970.

TITLE 27—INTOXICATING LIQUORS

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5093]

PART 4—LABELING AND ADVERTISING OF WINE

STANDARDS OF FILL FOR WINE UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

By virtue of and pursuant to section 5 (e) of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), Section 3170 of the Internal Revenue Code (53 Stat., part 1), and Section 161 of the Revised Statutes (U.S.C., Title 5, Sec. 22), Part 4, Chapter 1, Title 27 of the Code of Federal Regulations (Section 37 of Regulations No. 4, Relating to Labeling and Advertising of Wine), is amended, effective 2 years after the date of filing hereof with the Division of the Federal Register, as follows:

1. Section 4.37 (a) and (b) of said regulations (Section 37 (a) and (b) of Regulations No. 4) is amended to read as follows:

§ 4.37 *Net contents.* (a) The net contents of wine for which a standard of fill is prescribed in §§ 4.70–4.72 of this chapter shall be stated in the same manner and form in which such standard of fill is set forth in said article.

(b) The net contents of wine for which no standard of fill is prescribed in §§ 4.70–4.72 of this chapter shall be stated as follows, except that net contents may be expressed in the metric system of measure for containers of ½ liter, 1 liter and 1½ liter:

(1) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated.

(2) If less than a pint, the net contents shall be stated in fractions of a pint, or in fluid ounces.

(3) If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces.

(4) If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces.

(5) If more than a gallon, the net contents shall be stated in gallons and fractions thereof.

2. Said regulations are amended by striking out §§ 4.70 and 4.71 thereof (Sections 70 and 71 of Regulations No. 4) and substituting therefor the following:

ARTICLE VII. *Standards of Fill for Wine*

§ 4.70 *Application of article.* (a) Except as provided in paragraph (b), no person engaged in business as a producer, rectifier, blender, importer, or wholesaler of wine, directly or indirectly or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any wine unless such wine is bottled or packed in the standard wine containers herein prescribed.

(b) Sections 4.70–4.72 shall not apply (1) to sake, or (2) to wine packed in containers of 5 gallons or more, or (3) to imported wine in the original containers in which entered in customs custody, or (4) to wine domestically bottled or packed, either in or out of customs custody, prior to the effective date of this article, if the container, or the label on the container, bears a conspicuous statement of the net contents thereof, and if the actual capacity of the container is not substantially less than the apparent capacity upon visual examination under ordinary conditions of purchase or use.

§ 4.71 *Standard wine containers.* (a) A standard wine container shall be made, formed and filled to meet the following specifications:

(1) *Design.* It shall be so made and formed as not to mislead the purchaser. Wine containers shall be held (irrespective of the correctness of the net contents specified on the label) to be so made and formed as to mislead the purchaser if the actual capacity is substantially less than the apparent capacity upon visual examination under ordinary conditions of purchase or use; and

(2) *Fill.* It shall be so filled as to contain the quantity of wine specified in one of the standards of fill prescribed in § 4.72; and

(3) *Headspace.* It shall be so made and filled as to have a headspace not in excess of 6% of its total capacity after closure if the net contents of the container is ⅔ pint or more, and a headspace not in excess of 10% of such capacity in the case of all other containers.

§ 4.72 *Standards of fill.* (a) The standards of for wine shall be the following, subject to the tolerances hereinafter allowed:

4.9 gallons.	⅘ pint.
3 gallons.	⅔ pint.
1 gallon.	4 ounces.
½ gallon.	3 ounces.
1 quart.	2 ounces.
⅘ quart.	

(b) The tolerances in fill shall be the same as are allowed by § 4.37 of in respect to statement of net contents upon labels.

ARTICLE VIII. *General Provisions*

§ 4.80 *Exports.* The regulations in this part shall not apply to wine exported in bond.

STEWART BERKSHIRE,
Deputy Commissioner of Internal Revenue.

Approved: October 21, 1941.

NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8027, Filed, October 24, 1941; 11:40 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-841]

PARTS 322 AND 323—MINIMUM PRICE SCHEDULE, DISTRICTS NOS. 2 AND 3

ORDER CORRECTING ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 3 FOR CLARIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT 3 WITH RESPECT TO SALES VIA RIVER TO THE COLONIAL STEEL COMPANY AT COLONA, PENNSYLVANIA

The Director having issued an Order Granting Relief in the above-entitled matter, dated October 4, 1941, 6 F.R. 5110, in which he ordered § 322.9 (e) and § 323.8 (f) in the Schedules of Effective Minimum Prices for All Shipments Except Truck for Districts 2 and 3 amended to contain the following provision: "Ex-river shipments made from mines in Districts 2 and 3 to the plant of the Colonial Steel Company at Colona, Pennsylvania, may take the effective minimum prices applicable to ex-river shipments to Youngstown, Ohio and Walford, Pennsylvania;"

It appearing that in said provision the word "may" was inadvertently used in place of the word "shall;"

Now, therefore, it is ordered, That the next to the last paragraph of the Order Granting Relief in the above-entitled matter dated October 4, 1941, be, and it hereby is, revised and amended so as to read as follows:

Now, therefore, it is ordered, That § 322.9 (*Special prices*—(e) *Ex-river coal*) and § 323.8 (*Special prices*—(f) *Ex-river coal*) in the Schedules of Effective Minimum Prices for All Shipments Except Truck for Districts 2 and 3 respectively shall be and they hereby are amended to contain the following provision:

Ex-river shipments made from mines in Districts 2 and 3 to the plant of the Colonial Steel Company at Colona, Pennsylvania, shall take the effective minimum prices applicable to ex-river shipments to Youngstown, Ohio and Walford, Pennsylvania.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8020; Filed, October 24, 1941; 10:15 a. m.]

[Docket No. A-174]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING, IN PART, RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 17 FOR REVISION OF EFFECTIVE MINIMUM PRICES

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 17. The petition sought temporary and permanent relief by revision of the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, to provide for

(1) reductions of 30 cents per ton on Size Group 13 coals from Subdistricts 4 and 5 on shipments to certain types of consumers in place of the present reductions of 40 cents per ton, as provided by Price Instruction and Exception 11 of the District 17 price schedule;

(2) amendment of Price Instruction and Exception No. 15 to make it applicable to Subdistricts 1, 6, 7, and 8 as well as to Subdistricts 2 and 3;

(3) equal opportunity for producers in Subdistrict 11 of District 17 to market their coal in Size Groups 10 to 13, inclusive, in Market Area 222 in competition with producers in Subdistrict 12;

(4) amendment of the exception set forth in § 337.5 with respect to freight absorption by Moffat County mines;

(5) minimum prices for railroad locomotive fuel shipped from Subdistrict 18;

(6) granting producers in Subdistricts 4 and 5 of District 17 the same reductions into Market Area 221 and providing for certain increases in minimum prices of coals of Subdistrict 5 shipped to all market areas except 221;

(7) listing the Bear Canon Coal Company's Bear Canon No. 6 Mine (Mine Index No. 9) in Subdistrict 8 instead of Subdistrict 7, with corresponding revision of the applicable minimum prices;

(8) listing Lawrence Guiliano's and Joseph Kruitz, Jr.'s Gem Mine (Mine Index No. 35) in Subdistrict 6 instead of Subdistrict 7, with corresponding revision of the applicable minimum prices;

(9) a 95-cent increase in the minimum price for Size Group 19 coals for shipment from Subdistrict 11 to Market Area 218;

(10) amendment of Note 11, § 337.5.

Temporary relief was granted with respect to items 1 to 8, inclusive, and denied with respect to items 9 and 10 by Order of the Director dated October 29, 1940, 5 F.R. 4370.

District Board 16 filed a petition for leave to intervene and a supplement thereto, opposing the relief sought under items 2 and 6, above. The Consumers' Counsel Division filed a notice of appearance.

Pursuant to the Order of the Director and after due notice to interested parties, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.

On September 9, 1941, the Examiner submitted Proposed Findings of Fact, Conclusions of Law, and Recommendations in this matter, recommending the granting of relief with respect to items 1, 2, 3, 4, 7, and 8, above, and denial of relief with respect to items 5, 6, 9, and 10. An opportunity was afforded all parties to file exceptions thereto and supporting briefs and no exceptions or supporting briefs have been filed.

It is the opinion of the undersigned that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner be, and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That § 337.1 (*Price instructions and exceptions*), § 337.4 (*Code member price index*), § 337.5 (*General prices; minimum for shipment via rail transportation*), and § 337.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments be, and they hereby are, amended as follows:

§ 337.1 Price Instruction and Exception (1) is changed to read as follows:

(1) Prices listed in this schedule for sizes included in Size Group No. 13 for all subdistricts shall be reduced 30 cents per net ton when such coal is shipped to a consumer for consumption at Brush or Sterling, Colorado; and the prices listed for such sizes for all subdistricts shall be reduced 15 cents per net ton when such coal is shipped to a consumer for consumption at Delta, Colorado: *Provided,* That such consumer:

(a) Uses coal during a limited season of the year;

(b) Has storage facilities sufficient to accommodate 30 per centum or more of its total annual coal requirements at such destination;

(c) Places such storage facilities at the sole disposal of coal producers and permits them to make shipments to such storage facilities at their convenience throughout the year; and

(d) Receives from coal producers of District No. 17 not less than 30 per centum of the consumer's total annual coal requirements at such destination except when such producers are prevented from shipping that quantity by strikes or other conditions beyond the control of either party.

§ 337.1 Price Instruction and Exception (p) is changed to read as follows:

When coal from Subdistricts Nos. 1, 2, 3, 6, 7, or 8 is sold for truck delivery to a retail yard and is unloaded therein, or when such coal is sold to an industrial, commercial or public utility consumer, the prices listed herein for truck shipment for Size Group Nos. 1 to 9, inclusive, shall be reduced 50 cents per net ton and such prices listed herein for all other size groups shall be reduced 25 cents per net ton: *Provided, however,* That such reductions shall not apply unless the code member has received a written purchase order from the retail dealer or from the industrial, commercial or public utility consumer, to whom such delivery has been made. In every case in which this exception applies, a copy of the written purchase order must be promptly filed with the Field Office of the Bituminous Coal Division for District No. 17.

§ 337.4 Code member Bear Canon Coal Company, The, Bear Canon #6 Mine (Mine Index No. 9) is listed under Subdistrict Price Group No. 8 instead of No. 7.

§ 337.4 Code member — Guiliano, Lawrence & Joseph Kruitz, Jr., Gem Mine (Mine Index No. 35) is listed under Subdistrict Price Group No. 6 instead of No. 7, and price page references for Truck is 26 instead of 27.

§ 337.5 The footnote exception pertaining to "Moffat County Mines" is changed to read as follows:

All mines located in Moffat County, Colorado, shipping by rail from Craig, Colorado, may absorb the freight differential, not to exceed 10 cents per ton, over the Routt County mines of Subdistrict No. 5—Mount Harris—on all shipments to Orested, Colorado, and to all destinations east thereof, and may absorb a maximum of 15 cents per net ton of such differential on all shipments to destinations west of Orestod.

§ 337.5 Note 1 in § 337.5 is changed to read as follows:

NOTE 1: Minimum prices shown for Size Groups Nos. 1 to 13 inclusive, for shipment into Market Area No. 222 shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 2—Canon No. 1—to destination, provided, however, such reduction for Size Groups Nos. 1 to 9, inclusive, shall not exceed $1.00 per net ton and for Size Groups Nos. 10 to 13, inclusive, shall not exceed 50 cents per net ton in any case where the difference in freight rates exceeds these amounts.

§ 337.21 Code Member—Guiliano, Lawrence and Joseph Kruitz, Jr., Gem Mine, Las Animas County, is listed in proper alphabetical order under Subdistrict No. 6 and the following prices apply:

Size groups:

1	2	3	4	5	6	7	9	10	13	17
455	445	425	425	400	390	375	350	315	195	340

§ 337.21 The name of Code member Guiliano, Lawrence and Joseph Kruitz, Jr., Gem Mine, and the prices listed for such mine under Subdistrict No. 7, are deleted.

§ 337.21 The name of Code member The Bear Canon Coal Company, Bear Canon No. 6 Mine, Las Animas County, and the prices listed for such mine under Subdistrict No. 7, are deleted.

§ 337.21 Code member—The Bear Canon Coal Company, Bear Canon No. 6 Mine, Las Animas County, is listed in proper alphabetical order under Subdistrict No. 8 and the following prices apply:

Size groups:

1	2	3	4	5	6	7	9	10	13	17
415	405	375	375	375	375	365	330	315	225	340

It is further ordered, That the prayers for relief contained in the several petitions filed herein be, and they hereby are, granted to the extent set forth above and in all other respects denied.

It is further ordered, That the temporary relief heretofore granted herein by Order of the Director dated October 29, 1940, be, and it hereby is withdrawn and revoked effective fifteen (15) days from the date of this Order.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8019; Filed, October 24, 1941; 10:15 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 32, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

OCTOBER 23, 1941.

General License No. 32 is amended to read as follows:

§ 131.32 *General License No. 32.* (a) A general license is hereby granted authorizing remittances by any individual through any domestic bank to any individual who is a national of a blocked country and who is within any foreign country, and any domestic bank is authorized to effect such remittances, provided the following terms and conditions are complied with:

(1) Such remittances are made only for the necessary living expenses of the payee and his household and do not exceed $100 in any one calendar month to any one household, except that additional sums not exceeding $25 in any one calendar month may be remitted for each member of the payee's household in addition to the payee, provided that in no case shall a sum in excess of $200 per calendar month be remitted to any one household;

(2) Such remittances are not made from a blocked account other than from an account in a banking institution within the United States in the name of, or in which the beneficial interest is held by, the payee or members of his household;

(3) If the payee is within any blocked country, the remittance may be effected only:

(i) By the payment of the dollar amount of the remittance to a domestic bank for credit to a blocked account in the name of a banking institution within such country; or

(ii) By the acquisition of foreign exchange from a person in the United States having a license specifically authorizing the sale of such exchange.

(4) If the payee is within any foreign country other than a blocked country the remittance may be effected in the same manner that such remittance would be effected if the payee were not a national of a blocked country.

(b) All individuals making such remittances and all domestic banks effecting such remittances shall satisfy themselves that the foregoing terms and conditions are complied with.

(c) Domestic banks through which any such remittances originate shall execute promptly section A of Form TFR-132 in triplicate with respect to each such remittance. When so executed, such copies of Form TFR-132 shall be forwarded promptly to the domestic bank ultimately transmitting abroad (by cable or otherwise) the payment instructions for such remittance and the latter bank shall, upon the receipt thereof, execute section B of such copies of Form TFR-132 and promptly file such executed report in triplicate with the appropriate Federal Reserve Bank. If the domestic bank through which any such remittance originates is also the bank ultimately transmitting abroad the payment instructions for such remittance, then such bank shall execute both sections A and B of such report. No report on Form TFR-132 shall be deemed to have been filed in compliance with this general license unless both sections A and B thereof have been duly executed as herein prescribed.

(d) As used in this general license the term "household" shall mean:

(1) those individuals sharing a common dwelling as a family; or

(2) any individual not sharing a common dwelling with others as a family. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8632, July 26, 1941;

Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8004; Filed, October 23, 1941; 3:46 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 33, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

OCTOBER 23, 1941.

General License No. 33 is amended to read as follows:

§ 131.33 *General License No. 33.* (a) A general license is hereby granted authorizing remittances by any individual through any domestic bank to any individual who is a citizen of the United States within any foreign country and any domestic bank is authorized to effect such remittances, provided the following terms and conditions are complied with:

(1) Such remittances do not exceed $500 in any one calendar month to any payee and his household and are made only for the necessary living and traveling expenses of the payee and his household, except that an additional sum not exceeding $1,000 may be remitted once to such payee if such sum will be used for the purpose of enabling the payee or his household to return to the United States;

(2) Such remittances are not made from a blocked account other than from an account in a banking institution within the United States in the name of, or in which the beneficial interest is held by, the payee or members of his household.

(b) Remittances herein authorized shall be effected pursuant to the terms and conditions of paragraph (a) (3) or (4), as the case may be, of General License No. 32. If remittances cannot be effected pursuant to paragraph (a) (3) of General License No. 32, domestic banks are authorized to effect such remittances in any of the following three ways:

(1) By establishing or maintaining free dollar accounts;

(2) By payment of the dollar amount of the remittance to a domestic bank for credit to a blocked account in the name of a banking institution within any blocked country; or

(3) By payment of the dollar amount of the remittance to a domestic bank for credit to the dollar account of a banking institution which is not a national of any blocked country.

(c) All individuals making such remittances and all domestic banks effecting such remittances shall satisfy themselves that the foregoing terms and conditions are complied with.

(d) With respect to each remittance made pursuant to this general license, reports on Form TFR-132 shall be executed and filed in the manner and form and under the conditions prescribed in General License No. 32.

(e) As used in this general license the term "household" shall be deemed to have the meaning prescribed in General License No. 32. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8005; Filed, October 23, 1941; 3:46 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 72, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

OCTOBER, 23, 1941.

Paragraph (b) of § 131.72 *General License No. 72,*[1] is hereby amended in the following respects:

(a) The following sentences are deleted:

Domestic banks are authorized to effect the payments referred to in (3) and to establish and maintain free dollar accounts if necessary, and only to the extent necessary, to effect such payments. Domestic banks are not authorized to establish or maintain free dollar accounts in cases where such payments may be effected in the manner prescribed in (a) or (b) of General License No. 32, as amended.

(b) The following sentence is substituted for the sentences deleted by paragraph (a) of this amendment:

Domestic banks shall effect the payments referred to in (3) pursuant to the terms and conditions of paragraph (b) of General License No. 33, (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, JR.
Acting Secretary of the Treasury.

[F. R. Doc. 41-8006; Filed, October 23, 1941; 3:46 p. m.]

[1] 6 F.R. 4586.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 23

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that:

1. Effective November 11, 1941, the forms, conversions, and derivatives of Paper (Proclamation No. 2506)[4] shall include the following, in addition to items previously determined: [5]

Unit of quantity	Commodity description	Department of Commerce No.
	PAPER AND MANUFACTURES	
	Printing paper:	
Lbs.	Newsprint paper	4711
Lbs.	Book paper, not coated	4714
Lbs.	Cover paper	4720
Lbs.	Greaseproof & waterproof paper (include cellophane in sheets or rolls).	4721
Lbs.	Wrapping paper, except Kraft	4723
Lbs.	Kraft wrapping paper	4724
Lbs.	Surface-coated paper in addition to that listed in previous numbered export control schedules.	4725, 98
Lbs.	Tissue & crepe paper	4726
Lbs.	Toilet paper	4728
Lbs.	Paper towels & napkins	4729
Lbs.	Kraft container board	4730
Lbs.	Other box board (paper board & strawboard).	4731
Lbs.	Bristols & bristol board	4732
Lbs.	Other paper board	4733
Lbs.	Sheathing & building paper	4735
Sq. ft.	Fiber insulating board (3/16 inch & over in thickness).	4736
Sq. ft.	Wall board of paper or pulp (1/8 to 3/8 inch in thickness).	4738
Lbs.	Blotting paper	4741
Lbs.	Filing folders, index cards, & other office forms, plain or printed.	4750
Lbs.	Papeteries (fancy writing paper)	4760
Lbs.	Writing paper: bond, ledger & drawing.	4761
Roll	Paper hangings (wallpaper)	4775
	Paper bags:	
Lbs.	Heavy shipping sack type	4777
Lbs.	Other	4778
	Boxes & cartons:	
Lbs.	Heavy fiber shipping containers of corrugated or solid container board.	4781
Lbs.	Other	4782
Lbs.	Envelopes	4793
Lbs.	Cash-register & adding-machine paper.	4797
	Other paper & paper products	4799

MILO PERKINS,
Executive Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8010; Filed, October 24, 1941; 9:49 a. m.]

[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.
[4] 6 F.R. 4469.
[5] The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical classification of Domestic Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1334—SUGAR

AMENDMENT TO PRICE SCHEDULE NO. 15—RAW CANE SUGARS

Section 1334.9 [1] is hereby amended to read as follows:

§ 1334.9 *Appendix A, maximum prices for raw cane sugars.* (a) Maximum price raw cane sugars of 96 degrees polarization, New York City duty paid basis cost and freight, 3.50¢ per pound.

(b) Differentials for deliveries from off-shore producing areas to ports other than New York City: For deliveries at any port other than New York City, there shall be added to or subtracted from (whichever is required to compensate freight differences), the New York City price, adjusted for the various degrees of polarizations as below set forth, the difference, if any, between the cost of freight from the port of shipment to New York City and the cost of freight from the port of shipment to the port of arrival, except that for deliveries of raw cane sugars made pursuant to an annual or other similar long term purchase contract to which customarily no freight differential has applied, there may be added to or subtracted from the New York City price, in lieu of the above differential, an amount agreed upon between the parties in such contract, provided such contract shall first be approved by the Office of Price Administration.

(c) Differentials for deliveries of continental United States raw cane sugars: The maximum prices for such sugars are established at the raw sugar mill and shall be calculated by obtaining the maximum price duty paid cost and freight basis, payable for Cuban sugars of like test at the nearest customs port of entry in the area in which the raw sugar mill is located, and deducting from such maximum price the published freight rate from such raw sugar mill to the refinery nearest freightwise to such raw sugar mill. This maximum price is F. O. B. the raw sugar mill. The maximum price delivered to the refinery shall be this maximum F. O. B. mill price plus actual transportation cost from said raw sugar mill to the refinery processing such sugar.

(d) Adjustment for polarization: The maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to August 14, 1941. It is not required that such method be used. However, the maximum prices for the various tests shall not exceed the prices obtained by applying such method for sugars of like test. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment shall become effective October 24, 1941.

Issued this 23d day of October 1941.

LEON HENDERSON,
Administrator.

[1] 6 F.R. 4064.

[F. R. Doc. 41-8008; Filed, October 24, 1941; 9:35 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circ. No. 1498]

PART 251—AIRPORTS AND AVIATION FIELDS

RENTALS REQUIRED UNDER LEASES FOR AIRPORTS AND AVIATION FIELDS

Paragraph 10 of Circular 1161 approved August 22, 1928 (52 L.D. 478), and § 251.11 of Title 43 of the Code of Federal Regulations based thereon, are hereby amended to read as follows:

§ 251.11 *Annual rental.* Every lessee under the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211-214) as amended August 16, 1941 (Public Law No. 205), shall pay to the lessor an annual rental of not less than $10 for an area not exceeding 640 acres, and not less than $5 for each additional 640 acres or fraction thereof. The rental terms of each lease shall be subject to reconsideration and revision at three-year intervals. The lessee shall be required to submit a report to the Commissioner of the General Land Office showing the facts as to the gross receipts within 90 days after each anniversary date of the lease. In the event the average annual gross receipts reported during any such interval from operations on the leased land, from all sources, exceed $5,000, the rentals for the succeeding interval or intervals may be increased to such reasonable amount as may be fixed by the Commissioner, but not exceeding one per cent of such average. Due consideration will be given in fixing the rentals to all pertinent facts and circumstances, including other holdings of the lessee, if any, in connection with which the receipts are obtained. The first annual rental payment shall be made when the application is filed in the district land office. All subsequent payments shall be paid in advance on or before the anniversary date of the lease. (Sec. 1, 45 Stat. 728; 49 U.S.C. 211)

[SEAL] FRED W. JOHNSON,
Commissioner.

Approved: October 17, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-8009; Filed, October 24, 1941; 9:40 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-42]

IN THE MATTER OF H. N. HARTWELL & SON, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4055, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not H. N. Hartwell & Son, Inc., Registered Distributor, Registration No. 4055, whose address is Park Square Building, Boston, Massachusetts, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated November 13, 1939, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939 in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939 or any orders or regulations of the Division.

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940 entered in General Docket No. 12;

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 2, 1941	298169	2" NS	$2.10	$2.10	$0.25	42.25
Do	705466	2" NS	2.10	2.10	.25	49.05
Jan. 3, 1941	154108	2" NS	2.10	2.10	.25	48.75
Jan. 8, 1941	166177	2" NS	2.10	2.10	.25	49.06
Jan. 9, 1941	830290	2" NS	2.10	2.10	.25	48.05
Jan. 13, 1941	157032	2" NS	2.10	2.10	.25	50.7
Jan. 15, 1941	297712	2" NS	2.10	2.10	.25	43.0
Jan. 16, 1941	206774	2" NS	2.10	2.10	.25	50.6
Jan. 27, 1941	726413	2" NS	2.10	2.10	.25	49.45
Jan. 30, 1941	704015	2" NS	2.10	2.10	.25	48.6
Feb. 3, 1941	292105	2" NS	2.10	2.10	.25	44.6
Do	715446	2" NS	2.10	2.10	.25	51.5
Feb. 6, 1941	165661	2" NS	2.10	2.10	.25	49.2
Feb. 7, 1941	725430	2" NS	2.10	2.10	.25	50.15
Do	705439	M/R	2.20	2.20	.25	49.0
Feb. 10, 1941	294174	2" NS	2.10	2.10	.25	46.35
Do	127273	2" NS	2.10	2.10	.25	50.5
Feb. 14, 1941	154675	2" NS	2.10	2.10	.25	50.15
Do	162249	2" NS	2.10	2.10	.25	51.2
Feb. 17, 1941	682729	2" NS	2.10	2.10	.25	52.45
Do	876955	2" NS	2.10	2.10	.25	44.9
Feb. 19, 1941	161561	2" NS	2.10	2.10	.25	52.0
Feb. 24, 1941	156874	2" NS	2.10	2.10	.25	49.55
Feb. 26, 1941	292921	2" NS	2.10	2.10	.25	42.3
Do	201350	2" NS	2.10	2.10	.25	51.2
Feb. 28, 1941	898254	2" NS	2.10	2.10	.25	48.9
Do	160620	2" NS	2.10	2.10	.25	49.6
Mar. 5, 1941	295350	2" NS	2.10	2.10	.25	42
Do	213147	2" NS	2.10	2.10	.25	49.9
Do	724502	2" NS	2.10	2.10	.25	48.95
Do	212812	2" NS	2.10	2.10	.25	52.05
Do	289640	2" NS	2.10	2.10	.25	41.65
Do	202602	2" NS	2.10	2.10	.25	50.95
Do	145253	2" NS	2.10	2.10	.25	51.
Do	704591	2" NS	2.10	2.10	.25	49.75
Do	322688	2" NS	2.10	2.10	.25	42.95
Do	149664	2" NS	2.10	2.10	.25	49.95
Total						1,792.21

3. In accepting and retaining the distributor discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (ā) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed, be held on December 8, 1941, at a hearing room of the Bituminous Coal Division at Conference Room C, Departmental Auditorium, Washington, D. C.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8012; Filed, October 24, 1941; 10:12 a. m.]

[Docket No. A-1051]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF ADDITIONAL LOADING POINTS FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 9, FOR SHIPMENT BY RAIL

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 26, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 21, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 for the establishment of additional loading points for the coals produced at the mines of certain code members in District No. 9, for shipment by rail, as follows:

Code member	Mine index No.	Loading point	Railroad
Peyton, James Q	300	Nortonville, Ky	Illinois Central.
Peyton, James Q	300	Nortonville, Ky	L. & N.
Porter, B. L	297	Nortonville, Ky	Illinois Central.
Porter, B. L	297	Nortonville, Ky	L. & N.
River View Mining Co., Inc	38	Beaver Dam, Ky	Illinois Central.
Warner Brothers (Robert Warner)	561	Greenville, Ky	Illinois Central.
West Kentucky Coal Company	947	Earlington, Ky	L. & N.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8013; Filed, October 24, 1941; 10:13 a. m.]

[Docket No. A-519]

PETITION OF A. O. LOSH, A CODE MEMBER IN DISTRICT NO. 3, FOR REDUCTION IN THE MINIMUM PRICES ESTABLISHED FOR THE COALS OF MINE INDEX NO. 662 FOR TRUCK SHIPMENT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

An original petition having been filed in the above matter requesting a reduction of the effective minimum prices for coals produced at the Losh Mine (Mine Index No. 662) of A. O. Losh for truck shipment; and

After due notice of the hearing, petitioner having failed to appear at the hearing held in Washington, D. C., on September 30, 1941; and

The Examiner having referred the matter to the Director for appropriate disposition;

The Director is of the opinion that the petitioner's failure to appear at the hearing or to make some reasonable explanation of his absence is just cause for dismissal of the proceeding.

It is, therefore, ordered, That the original petition in the above matter be dismissed without prejudice.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8014; Filed, October 24, 1941; 10:13 a. m.]

[Docket No. A-940]

PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR ISSUANCE OF A TEMPORARY ORDER PERMITTING THE MIDLAND ELECTRIC COAL CORPORATION ("MIDLAND") (MINE INDEX NO. 95) TO SELL 22 CARS OF $\frac{5}{16}$" X 0 RHEO REJECT WASHED CARBON AT A PRICE TO BE FIXED ON THE BASIS OF FUEL VALUE TO THE CENTRAL ILLINOIS LIGHT COMPANY

ORDER DISMISSING PETITION

This proceeding was instituted upon an original petition filed by District Board No. 10, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision of the effective minimum price of twenty-two cars of $\frac{5}{16}$" x 0 Rheo reject washed carbon produced at the Middle Grove Mine (Mine Index No. 95) of the Midland Electric Coal Corporation. It appears that all of this coal has been sold pursuant to the terms of an order of July 8, 1941, granting temporary relief.

It is, therefore, ordered, That the proceeding in the above matter be dismissed.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8015; Filed, October 24, 1941; 10:13 a. m.]

[Docket No. 1688-FD]

IN THE MATTER OF F. T. PATIK (PATIK COAL COMPANY), DEFENDANT

ORDER OF THE DIRECTOR REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint dated May 10, 1941, having been filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by the Bituminous Coal Producers Board for District No. 12; the complaint having been amended at the hearing to allege wilful violation by the defendant of the Bituminous Coal Code and Rules and Regulations thereunder as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 12 for All Shipments Except Truck, and with intent to violate the same, and in violation thereof, did sell during the period from January 16 to April 10, 1941, approximately 1,097 tons of screenings produced at the Beacon Mine (Mine Index No. 707), located in Mahaska County, Iowa, through the Oskaloosa Coal Company, sales agents, for delivery by rail to the Des Moines Electric Light Company, in Des Moines, at a delivered price of $2.42 or less per ton, the effective minimum delivered price for such coal being $2.54 per ton;

Pursuant to Orders of the Director and after notice to all interested persons, a hearing having been held in this matter on September 8, 1941, before a duly designated Examiner of the Bituminous Coal Division, in Oskaloosa, Iowa, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Appearances having been entered on behalf of the complainant and the defendant;

All interested persons having waived the preparation and filing of a report by the Examiner, and the record of the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, F. T. Patik, doing business as the Patik Company, be and it hereby is revoked and cancelled; and

It is further ordered, That prior to reinstatement of the defendant, F. T. Patik, doing business as the Patik Coal Company, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $830.25, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8016; Filed, October 24, 1941; 10:14 a. m.]

[Docket No. 1608-FD]

IN THE MATTER OF SAMUEL M. CATSMAN, DOING BUSINESS AS CATSMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1493, DEFENDANT

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND REVOKING AND CANCELING REGISTRATION

This proceeding was instituted by the Bituminous Coal Division, pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate and determine whether Samuel M. Catsman, doing business as Catsman Coal Company, a Registered Distributor (Registration No. 1493, of Flint, Michigan, had violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act.

Pursuant to a Notice of and Order for Hearing, a hearing in this matter was held before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Flint, Michigan. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and

otherwise be heard. The defendant appeared.

On September 9, 1941, the Examiner submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, recommending that the registration of the defendant as a registered distributor be revoked and cancelled, without prejudice to the right of the defendant after six months from the date of the order, if any, adopting this recommendation, to petition the Division for reinstatement as a registered distributor.

An opportunity was afforded the defendant to file exceptions to the Examiner's Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the registration of the defendant, Samuel M. Catsman, doing business as Catsman Coal Company, Registered Distributor (Registration No. 1493), be and it is hereby revoked and cancelled, without prejudice to the right of the defendant after six months from the date of this Order to petition the Division for reinstatement as a registered distributor: *Provided, however,* That as a condition to reinstatement the defendant shall submit, together with his petition for reinstatement, to the Director of the Division an affidavit verifying that during the period his registration as a registered distributor was revoked and cancelled, said defendant neither directly or indirectly transacted business as a registered distributor, nor received nor was promised any discount which distributors are entitled to receive by virtue of registration.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8018; Filed, October 24, 1941; 10:14 a. m.]

[Docket No. A-619]

PETITION OF ANCHOR COAL COMPANY AND TRUAX-TRAER COAL COMPANY, PRODUCERS IN DISTRICT 8, REQUESTING DEDUCTIONS IN PRICES FOR THEIR DOROTHY COALS IN SIZE GROUP 7 FOR USE BY CALUMET & HECLA CONSOLIDATED COPPER COMPANY IN MARKET AREA 99

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon an original petition filed, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division by Anchor Coal Company and Truax-Traer Coal Company, code member producers in District 8, seeking a reduction of 10 cents, from $2.05 to $1.95, in the minimum f. o. b. mine price for 5" x 2" egg (Size Group 7) coals, produced at the Anchor No. 1 and No. 3 mines (Mine Index No. 19) of the Anchor Coal Company and at the Acme, Raccoon, Rose, United, and Marsh Fork Mines (Mine Index Nos. 1, 386, 416, 468, and 318) of the Truax-Traer Coal Company, when for lake shipment to the plant of the Calumet & Hecla Consolidated Copper Company (the "Copper Company") on Lake Superior (Market Area 99), for industrial use. The petition requested, in the alternative, that each of said petitioners be permitted to supply to said consumer, at a price 10 cents per ton below the presently effective minimum price, such portion of the Copper Company's annual requirements as each of the petitioners has heretofore supplied to it, to wit, Anchor Coal Company approximately 10 per cent of such requirements and Truax-Traer Coal Company approximately 23 per cent of such requirements.

Petitions of intervention were filed by District Board 6 and by Boone County Coal Corporation, Amherst Coal Company, Logan County Coal Corporation, Lorado Coal Mining Company, Red Jacket Coal Corporation, Eastern Coal Corporation, and Majestic Collieries Company, code member producers in District 8. The interveners requested certain relief contingent upon relief being granted to the original petitioners. In addition thereto, the Red Jacket Coal Corporation, Eastern Coal Corporation, and Majestic Collieries Company, without regard to relief granted to the original petitioners, requested that, on the Copper Company order, they be permitted to rescreen 2" lump coals into 5" x 2" egg and 5" lump to be loaded in separate railroad cars at the minimum f. o. b. mine price applicable to 2" lump coal. The Red Jacket Coal Corporation requested further affirmative relief, in any event, reducing the minimum f. o. b. mine price from $2.00 to $1.95 for Size Groups 4 and 6 coals produced at its Mitchell Branch and Junior Mines, (Mine Index Nos. 335 and 267) when for shipment to the Copper Company plant. The Consumers' Counsel Division filed an answer to the original petition.

A hearing in this matter was held before Edward J. Hayes, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

On September 9, 1941, the Examiner submitted Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, recommending that the prayer for relief contained in the several petitions filed herein be denied.

An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. The original petitioners and Red Jacket Coal Corporation, intervener, filed exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner. No other exceptions or briefs were filed.

The exceptions filed by the original petitioners relate generally to the quality and market history of the coals involved. An exception is taken to the Proposed Finding that Chilton coals are inferior to Dorothy coals at the Copper Company plant. The petitioners rely strongly upon the direct testimony of the witness Wheelwright, an employee of and inspector for the Copper Company. This witness frankly stated that his interest in the proceeding was to broaden the source of supply of suitable coals at the *lowest possible price.* The witness did not state unequivocally that the coals had the same value. On direct examination he testified that they had "just about" the same value. This lack of positiveness permeates his entire testimony. On cross-examination this witness testified that these coals were not of uniform quality and that, at times, Dorothy coals were superior. He testified positively that Dorothy 2" lump coal was superior to Chilton 2" lump coal, and could not be purchased at the same price.

Furthermore, the evidence indicates, as found by the Examiner, that the Copper Company had drawn its requirements from the Chilton coals from 1923 to 1934, when it began purchasing Dorothy coals from the original petitioners. Their tonnage supplied to the Copper Company has increased until in 1940 it amounted to approximately 33 per cent of the Copper Company's total requirements. The Copper Company's purchases are made from distributors, and it requires that approximately one-third of its coals must be Dorothy coals. The fact that the Copper Company requires such a fixed percentage of its coals to be Dorothy coals stamps the Dorothy coals, in the estimation of the purchaser, as more desirable than Chilton. Furthermore, the Copper Company accepts Dorothy coals without rescreening, whereas the Chilton coals must be rescreened and double picked in order to reduce their ash, increase their B. t. u. content, and enhance their value so as to bring them within the limit of the Copper Company's standards of acceptability. The petitioners' exceptions are not supported by the evidence.

The petitioners except to the Examiner's Proposed Findings as to market history. An examination of the Examiner's Report indicates that he has given due consideration to the entire history of the Copper Company's purchases. The Copper Company makes comparatively large annual purchases (approximately 200,000 tons) for movement by lake. The contracts are placed with two distributors having large-scale facilities. A uniform price is fixed. There is no provision that any part of the requirements

be purchased from the original petitioners or any of the interveners. Any Dorothy coal or any Chilton coal which is suitable and meets with the approval of the Copper Company's inspector is a potential source of supply at the price fixed. In that situation the matter becomes one for the decision of the producer whether it desires to sell at the price fixed and, if so, the only question is one of salesmanship in inducing the distributor to allocate tonnage to the given producer. The original petitioners having entered a market by offering their superior coals at a price paid for Chilton coals does not establish such a competitive opportunity as the Act was designed to preserve. The exception is not well taken.

Exception is taken to the Proposed Conclusions of Law that relief should be denied and that such denial is necessary in order to effectuate the purposes of the Act. Those conclusions are based upon the entire record. I have examined the record, together with the Examiner's Report and the exceptions thereto, and upon the basis thereof find that the Proposed Conclusions of Law of the Examiner are fully supported by the evidence and that the exception is without merit.

Red Jacket Coal Corporation, intervener, filed exceptions to the Examiner's failure to find that it should be permitted to rescreen the Size Group 4 (2" lump) coals produced at its Mitchell Branch, Junior, and No. 32 Mines, into 5" x 2" egg and 5" block, and load the resultants in separate railway cars at the effective minimum price for 2" lump coal for shipment to the Copper Company.

The intervener advances no reason, not fully considered in the Examiner's Report, why this relief should be granted. The evidence has been duly considered and no reason appears to justify a change in the conclusions reached by the Examiner.

On the basis of the foregoing and for the reasons stated, I conclude that the evidence supports the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner; that the exceptions are not well taken; and that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayers for relief contained in the several petitions filed herein be and they hereby are denied.

Dated: October 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8017; Filed, October 24, 1941; 10:15 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 160]

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

Pursuant to authority of R.S. 4405, as amended (46 U.S.C. 375), an Executive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was, after public notice, convened by the Acting Secretary of Commerce in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., on October 16, 1941, at which session the following miscellaneous items of equipment were approved:

SAFETY VALVES

Top Outlet Bronze Safety Valve, Type 1445, 1½", 2", and 2½" sizes (Drawing No. C–101, dated 10–10–41), for maximum pressure of 150 lbs. per square inch and maximum temperature of 366° F., manufactured by Consolidated Safety Valve Division, Manning, Maxwell, and Moore, Inc., Bridgeport, Connecticut.

Side Outlet Bronze Safety Valve, Type 1451, 1½", 2", and 2½" sizes (Drawing No. C–74, dated 7–22–41), for maximum pressure of 150 lbs. per square inch and maximum temperature of 366° F., manufactured by Consolidated Safety Valve Division, Manning, Maxwell, and Moore, Inc., Bridgeport, Connecticut.

Marine Type "S" Safety Valve, 1½", 2", 2½", and 3" sizes (Drawing No. 815, revision of 10–7–41), for maximum pressure of 300 lbs. per square inch and maximum temperature of 750° F., manufactured by Coale Muffler & Safety Valve Co., Baltimore, Md.

LOW-PRESSURE HEATING BOILER

Preferred No. 400 Yacht Hot Water Heater (Drawing No. A–106, dated 1–20–36), for maximum pressure of 30 lbs. per square inch, manufactured by Preferred Utilities Company, New York, New York.

WATER LIGHT

Ramsey-O'Neil Electric Water Light (General arrangement drawing dated 7–29–41), manufactured by Sun Shipbuilding and Dry Dock Company, Chester, Pennsylvania.

BUOYANT CUSHIONS

Rectangular kapok buoyant cushion, 13" x 18" x 2", Approval No. B–61; Double buoyant cushion (kapok), 14" x 14" x 2" (double), Approval No. B–62; Style No. 47 kapok buoyant cushion, 14" x 20" x 2", Approval No. B–63; No. 29A kapok buoyant cushion, 12" x 48" x 2", Approval No. B–64; No. 29B kapok buoyant cushion, 12" x 36" x 2", Approval No. B–65; No. 29C kapok buoyant cushion, 12" x 24" x 2", Approval No. B–66; Style No. 39 kapok buoyant cushion, 14" x 17" x 2", Approval No. B–67; manufactured by the American Pad and Textile Co., Greenfield, Ohio.

Kapok buoyant cushion, 14" x 20" x 2", Approval No. B–68, manufactured by Badgley Manufacturing Company, Portland, Oregon.

DAVITS

Galbraith Davit, size 2–A–7–0 (Steward Type) (General arrangement drawing No. A–100, dated 10–30–39), for maximum load of 8,350 lbs. per arm, manufactured by C. C. Galbraith & Son, Inc., New York, New York.

Welin boom-type sheath screw davit Type "A" (General arrangement drawing No. 1996, dated 5–28–41, rev. 9–11–41), for a maximum load of 4,000 lbs. per arm, manufactured by Welin Davit and Boat Corporation, Perth Amboy, New Jersey.

Welin Quadrant Davit Type "B" (General arrangement, drawing No. B–50), for maximum load of 7,250 lbs. per arm, manufactured by Welin Davit and Boat Corporation, Perth Amboy, N. J.

Welin Quadrant Davit Type "C" (General arrangement drawing No. C–50), for maximum load of 6,375 lbs. per arm, manufactured by Welin Davit and Boat Corporation, Perth Amboy, N. J.

Welin Quadrant Davit Type "D–48" (General arrangement drawing No. D–48), for maximum load of 4,850 lbs. per arm, manufactured by Welin Davit and Boat Corporation, Perth Amboy, New Jersey.

Welin Quadrant Davit Type "D–48A" (General arrangement drawing No. D–48), for maximum load of 4,050 lbs. per arm, manufactured by Welin Davit and Boat Corporation, Perth Amboy, New Jersey.

Landley Barclay Gravity Davit Type "A" (Drawing Nos. NY–4029, NY–4030, NY–4031, and NY–4037), for a maximum load of 7,000 lbs. per arm, submitted by the Landley Company, New York, New York.

DISENGAGING APPARATUS

Landley Steward Type "AA" disengaging apparatus (Assembly drawing No. S–676–F), for a maximum load of 4,250 lbs. per hook, submitted by the Landley Company, New York, New York.

LIFEBOAT

Type SRP, 25'–10" motor surfboat (Construction Plan No. 91550), submitted by the U. S. Coast Guard, Washington, D. C.

FIRE EXTINGUISHERS

Alfite Model 15–D, Series 8–D, carbon dioxide fire extinguisher (Assembly drawing No. 28X–1421), manufactured by American-La France-Foamite Corporation, Elmira, New York.

Alfite Model 4–D, Series 8–D, carbon dioxide fire extinguisher (Assembly drawing No. 28X–1418), manufactured by American-La France-Foamite Corporation, Elmira, New York. (R.S. 4405, 4417a, 4426, 4433, 4479, 4488, 4491, as amended, section 2 (a) of the act of October 9, 1940, act of April 25, 1940; 46 U.S.C. 375, 391a, 404, 411, 472, 481, 489, 463a, 526–526t)

Executive Committee, Board of Supervising Inspectors.

[SEAL] R. S. FIELD, *Chairman.*
CHARLES M. LYONS,
U. S. Supervising Inspector,
1st District, Boston, Mass.
EUGENE CARLSON,
U. S. Supervising Inspector,
3d District, Norfolk, Va.

Approved: October 24, 1941.
WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-8029; Filed, October 24, 1941; 11:41 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4551]

IN THE MATTER OF THE MILK AND ICE CREAM CAN INSTITUTE ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 5, 1941, at ten o'clock in the forenoon of that day (central standard time), in Court room Three, Uptown Station, Federal Building, St. Paul, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8022; Filed, October 24, 1941; 11:13 a m.]

[Docket No. 4571]

IN THE MATTER OF LIFE SAVERS CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING THE TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A. section 13, as amended),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 3, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 1801, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8023; Filed, October 24, 1941; 11:13 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-415]

IN THE MATTER OF NEWPORT WATER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than November 10, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Newport Water Corporation, a subsidiary of Ogden Corporation which is a registered holding company, proposes to dissolve and to distribute its assets, consisting solely of cash, to the holders of the 10,000 shares of its outstanding preferred stock.

The declaration or application recites that the Company considers section 11 and 12 (c) of said Act as being applicable to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8024; Filed, October 24, 1941; 11:35 a. m.]

[File No. 70-414]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, AND ARKANSAS GENERAL UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of October A. D. 1941.

Notice is hereby given that a declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central U. S. Utilities Company and Arkansas General Utilities Company;

Notice is further given that any interested person may, not later than November 10, 1941 at 4:45 p. m. E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective and may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (c) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Central U. S. Utilities Company, a Delaware corporation and a registered holding company, and a subsidiary of Associated Electric Company, and of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, proposes to sell to Walton, Sullivan & Company for a consideration of $325,000, the securities and other interests in Arkansas General Utilities Company, a subsidiary of Central U. S. Utilities Company, which securities and other interests are as follows (amounts being stated as of August 31, 1941):

$663,500 principal amount of 1st mortgage bonds, Series A, 6%, due December 1, 1945, with accrued interest thereon aggregating $45,762.50.

$20,931.48 principal amount, 6% promissory note dated July 1, 1936 due June 1, 1937.

$137,697.23 open account indebtedness bearing interest at the rate of 6% per annum, if earned in any calendar year.

5,000 shares common stock, no par value.

Arkansas General Utilities Company proposes to sell to Central U. S. Utilities Company, and Central U. S. Utilities Company proposes to acquire from Arkansas General Utilities Company, 190 shares of capital stock of Atlantic Utility Service Corporation for a consideration of $2,517.50, payable either in cash or by credit on the open account indebtedness now owed from Arkansas General Utilities Company to Central U. S. Utilities Company.

The application states that it is anticipated that the proceeds to be derived by Central U. S. Utilities Company will be used for one or more of the following purposes:

(1) For the purchase of bonds of Associated Electric Company.

(2) For the purchase of bonds or stock of subsidiaries.

(3) For advances or contributions to subsidiary companies for capital expenditures.

(4) For the acquisition of additional operating units or companies within the Associated Electric Company group.

Central U. S. Utilities Company and Arkansas General Utilities Company have stated in their filings that Walton, Sullivan & Company have represented that they are not a public utility holding company, a subsidiary, or an affiliate of such a holding company and that therefore the provisions of section 9 (a) (2) are not applicable to the proposed acquisition of the securities of Arkansas General Utilities Company by Walton, Sullivan & Company; the applicants-declarants have designated sections 9 (a) (1), 10, 12 (d), 12 (f) and Rules U-43 and U-44 as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8025; Filed, October 24, 1941; 11:35 a. m.]

[File No. 68-1]

IN THE MATTER OF JESSE JACOBS, PAUL SHIPMAN ANDREWS, AND DANIEL F. MCCORMACK, PROTECTIVE COMMITTEE FOR SECURITY-HOLDERS OF ASSOCIATED GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of October, A. D. 1941.

The above-named parties having filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935, and particularly section 12 (e) thereof and Rule U-62 (j) promulgated thereunder, for permission to solicit authorizations from more than one class of securities of Associated Gas and Electric Company, a registered holding company, in connection with the reorganization of said company and its subsidiary, Associated Gas and Electric Corporation, which reorganization proceedings are now pending in the United States District Court for the Southern District of New York;

Such application having designated the following classes of securities of Associated Gas and Electric Company with respect to which solicitation of authorizations to act in the aforesaid reorganization proceedings is proposed:

6% Convertible Debenture Certificates (Series A of 1925, A of 1929, B, C, D, and E),

6% Convertible Debenture Certificates (Series B, 1927, 1931 Series, and Series C, Manila),

6% Convertible Debenture Obligations (Series F),

6½% Convertible Debenture Certificates (Series B, Manila),

6½% Interest Bearing Option Warrants,

$8.00 and $1.60 Interest Bearing Allotment Certificates,

Convertible Certificates (5%, 6%, 6½%, and 7% Series),

Convertible Obligations (5%, 5½%, 6%, 6½%, and 7% Series),

Convertible Obligations, due February 15, 2002 (5%, 5½%, 6½%, and 7%, Series A), and

Convertible Obligations, due March 1, 2002 (6% Series A, and Series B);

Such application having indicated that the securities which are the subject thereof constitute more than one class of securities of Associated Gas and Electric Company, such classes being sometimes designated as classes of convertible debenture certificates and convertible obligations;

Such applicants further representing that their legal counsel, in the conduct and operation of the Protective Committee, are and will be:

Albert Averbach, Esq., Syracuse, New York.

David F. Lee, Esq., Norwich, New York.

Davies, Auerbach, Cornell & Hardy, Esqs., New York, New York.

It appearing to the Commission that it is appropriate and in the public interest and in the interests of investors and consumers that a hearing be held with respect to said application;

It is ordered, That a hearing on such matter, under the applicable provisions of the Act and the Rules of the Commission thereunder, be held on October 30, 1941, at 10:00 A. M., E. S. T., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On said day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said application, particular attention will be directed at such hearing to the following matters and questions:

1. The nature of the respective claims or interests of the convertible debenture certificate holders and the convertible obligation holders and whether there exists a conflict of interest between such respective claims and interests, and whether any such conflict of interest is material with respect to representation by such committee;

2. Whether any other material conflict of interest exists between the different classes of security-holders to be solicited;

3. Whether it is necessary or appropriate in the public interest or for the protection of investors and consumers for the Commission to permit a solicitation by a committee which purposes to employ three separate legal counsel;

4. Whether the public interest and the interests of investors and consumers require the imposition of terms and conditions with respect to such proposed solicitation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8026; Filed, October 24, 1941; 11:35 a. m.]

[File No. 70-420]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than October 31, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time there-

Reference

OCT 29 1941

after such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

The United Gas Improvement Company, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to advance to Ugite Sales Corporation, a non-utility wholly-owned subsidiary, amounts as required, not to exceed a maximum amount of $500,000, for the purpose of providing Ugite Sales Corporation with funds to continue its research activities, which are directed toward the better utilization of the chemical possibilities of water gas tars and the light oil constituents and other derivatives therefrom.

Sections 10 and 12 (b) of the Act and Rules U-23 U-24, and U-45, promulgated pursuant to the Act, are designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8028; Filed, October 24, 1941; 11:41 a. m.]

Reference

OCT 29 1941

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 6 NUMBER 210

Washington, Tuesday, October 28, 1941

The President

EXECUTIVE ORDER

ESTABLISHING AN OFFICE OF FACTS AND FIGURES IN THE OFFICE FOR EMERGENCY MANAGEMENT IN THE EXECUTIVE OFFICE OF THE PRESIDENT

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and in order to define further the functions and duties of the Office for Emergency Management in the Executive Office of the President with respect to the unlimited emergency as declared by the President on May 27, 1941,[1] and for the purpose of facilitating the dissemination of factual information to the citizens of the country on the progress of the defense effort and on the defense policies and activities of the Government, it is hereby ordered as follows:

1. There is established within the Office for Emergency Management of the Executive Office of the President an Office of Facts and Figures, at the head of which shall be a Director appointed by the President. The Director shall discharge his responsibilities and duties under the direction and supervision of the President. The Director shall receive no salary or other remuneration for his services, but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties.

2. Subject to such policies and directions as the President may from time to time prescribe, the Office of Facts and Figures shall formulate programs designed to facilitate a widespread and accurate understanding of the status and progress of the national defense effort and of the defense policies and activities of the Government; and advise with the several departments and agencies of the Government concerning the dissemination of such defense information. The Office of Facts and Figures shall rely upon the services and facilities of existing agencies of the Government for the dissemination of information.

3. The several departments and agencies of the Government shall make available to the Director, upon his request, such information and data as he may deem necessary to facilitate the most coherent and comprehensive presentation to the Nation of the facts and figures of national defense.

4. There shall be in the Office of Facts and Figures an Advisory Committee consisting of the Director as chairman and such representatives of the Federal Government and other members as he may determine. The members of the Advisory Committee shall serve without compensation, but shall be entitled to necessary travel, subsistence, and other expenses incidental to the performance of their duties.

5. Within the limits of such funds as may be made available to the Office of Facts and Figures, the Director may employ necessary personnel and make provision for the necessary supplies, facilities, and services. The Office of Facts and Figures shall use such fiscal, personnel, and other general business services and facilities as may be made available to it through the Office for Emergency Management.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
October 24, 1941

[No. 8922]

[1] 6 F.R. 2617.

[F. R. Doc. 41-8049; Filed, October 25, 1941; 11:51 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR THE USE OF THE WAR DEPARTMENT AS A NATIONAL GUARD RIFLE RANGE

NEW MEXICO

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War

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NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 2 E.,
sec. 4, that part exclusive of the Atrisco grant;
T. 11 N., R. 2 E.,
secs. 28 and 33;
containing 1,527.60 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 24, 1941.

[No. 8923]

[F. R. Doc. 41-8048; Filed, October 25, 1941; 11:51 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 29—TOBACCO INSPECTION

Section 29.301 of this part hereby is amended as follows:

§ 29.301 *Orders of designation of tobacco markets.*

* * * * * * *

(s) The Burley tobacco markets at Bloomfield, Camp Taylor, Carrollton, Covington, Glasgow, Greensburg, Harrodsburg, Hopkinsville, Lexington, Louisville, Owensboro, and Richmond, Kentucky; Carthage, Fayetteville, Franklin, Gallatin, Greensville, Hartsville, Johnson City, Morristown, New Tazewell, and Rogersville, Tennessee; Asheville and Boone, North Carolina; Madison and New Albany, Indiana; and Weston, Missouri, are designated as markets at which transactions in tobacco are subject to the provisions of The Tobacco Inspection Act.

Effective thirty days from this date, no tobacco shall be offered for sale at auction on said markets until such tobacco shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under The Tobacco Inspection Act: *Provided, however,* That the requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction the markets designated herein. (Sec. 5, 49 Stat. 732; 7 U.S.C., Sup., 511d)

Done at Washington, D. C., this 25th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8044; Filed, October 25, 1941; 11:28 a. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[41-Tob-60]

PART 724—BURLEY TOBACCO

SUBPART E—1942

Notice of Marketing Quota Regulations

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public No. 430, 75th Congress, Approved February 16, 1938), as amended, he does hereby make, prescribe, publish, and give public notice of the Marketing Quota Regulations—Burley Tobacco—1941-42 Marketing Year as the same were issued over the signature of Paul H. Appleby, as Under Secretary of Agriculture, on the twenty-first day of October, 1941, and as published in Volume 6, No. 207, of the FEDERAL REGISTER,[1] to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. (52 Stat. 38, as amended; 7 U.S.C., Sup., 1301, et seq.)

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8076; Filed, October 27, 1941; 11:23 a. m.]

[41-Tob-60]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART E—1942

Notice of Marketing Quota Regulations—Dark Air-Cured Tobacco

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public No. 430, 75th Congress, Approved February 16, 1938), as amended, he does hereby make, prescribe, publish, and give public notice of the Marketing Quota Regulations—Dark Air-Cured Tobacco—1941-42 Marketing Year, as the same were issued over the signature of Paul H. Appleby, as Under Secretary of Agriculture, on the twenty-first day of October, 1941, and as published in Volume 6, No. 207, of the FEDERAL REGISTER,[2] to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. (52 Stat. 38, as amended; 7 U.S.C., Sup., 1301, et seq.)

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8078; Filed, October 27, 1941; 11:33 a. m.]

[1] 6 F.R. 5403.
[2] 6 F.R. 5415.

[41-Tob-59]

PART 726—FIRE-CURED TOBACCO

SUBPART E—1942

Notice of Marketing Quota Regulations—Fire-cured Tobacco

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public No. 430, 75th Congress, Approved February 16, 1938), as amended, he does hereby make, prescribe, publish, and give public notice of the Marketing Quota Regulations—Fire-cured Tobacco—1941-42 Marketing Year, as the same were issued over the signature of Paul H. Appleby, as Under Secretary of Agriculture, on the twenty-first day of October, 1941, and as published in Volume 6, No. 207, of the FEDERAL REGISTER,[1] to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. (52 Stat. 38, as amended; 7 U.S.C., Sup., 1301, et seq.)

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8077; Filed, October 27, 1941; 11:32 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1941 CROP OF LOUISIANA SUGARCANE FOR SUGAR

Whereas section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas the Secretary of Agriculture held public hearings in Louisiana for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1941 crop of Louisiana sugarcane for sugar:

Now, therefore, I, Paul H. Appleby, Under Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

[1] 6 F.R. 5409.

§ 802.22g *Fair and reasonable prices for the 1941 crop of Louisiana sugarcane for sugar.* (a) Fair and reasonable prices for the 1941 crop of Louisiana sugarcane shall be (when the price of 96° raw sugar, duty-paid basis, is 3.50 cents per pound) not less than $1.00 per ton of standard sugarcane for each 1 cent of the average price per pound of raw sugar determined in accordance with whichever of the following options is agreed upon: (1) the average of the weekly quotations of 96° raw sugar, duty-paid basis, on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the week in which such sugarcane is delivered; or (2) the simple average of the weekly quotations of 96° raw sugar, duty-paid basis on the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange for the weeks from Friday, October 17, 1941 (or the Friday within the first marketing week of actual trading) to April 2, 1942, except that, if such quotations do not give full effect to orders or regulations of the Federal Government pertaining to the establishment of a price for 96° raw sugar, duty-paid basis, at New Orleans, Louisiana, the Chief of the Sugar Division may substitute such prices as will give effect to any such Federal orders or regulations; *Provided, however,* (1) That on each ton of sugarcane there shall be paid a molasses bonus, such bonus to be computed by taking ½ of the excess, if any, of the average price per gallon of blackstrap molasses, as quoted by the agencies set out in (2) above for the period there specified, over 8 cents, and multiplying the product by 6½ (a figure representing the state average recoveries of blackstrap molasses for the three year period, 1938–1940), except that in computing such bonus any processor who, prior to October 4, 1941, had sold in excess of one-half of the blackstrap molasses of the 1941 crop at an established price, may, after announcement to growers served by him of the price terms of such sale, substitute for the season average price the price actually realized by him, any quantity unsold as of April 2 to be valued at the season average price;

(ii) That for each decline of ¼ cent in the price of 1 pound of 96° raw sugar, duty-paid basis, below 3.50 cents per pound, the price of standard sugarcane shall be reduced by not more than 3 per centum, with intervening prices in proportion, unless the price of sugar falls below 2.75 cents per pound, in which case no further reduction shall be made;

(iii) That for an advance of ¼ cent in the price of 1 pound of 96° raw sugar, duty-paid basis, above 3.50 cents per pound, the price of standard sugarcane shall be increased by not less than 3 per centum, with intervening prices in proportion, unless the price of raw sugar exceeds 3.75 cents per pound, in which case settlement shall be made on the basis of $1.03 for each 1 cent of the price;

(iv) That the premiums paid for sugarcane of the 1941 crop containing more sucrose in the normal juice than that defined as standard sugarcane shall be not less than those paid during the 1940 crop year;

(v) That the discounts applicable to sugarcane of the 1941 crop containing less sucrose in the normal juice than that defined as standard sugarcane shall be not greater than those applied in connection with the 1940 crop; and

(vi) That deductions based upon decreased boiling house efficiency may be made for frozen sugarcane accepted by the processor (it being understood that cane shall not be considered as frozen even after being subjected to freezing temperature unless and until there is evidence of damage having taken place because of the freeze) at a rate not in excess of 3.775 per centum of the payment, computed without regard to the molasses bonus, for each 0.25 cc. of acidity above 2.25 cc. but not in excess of 4.50 cc. (analyzed in accordance with the established methods of the area, with intervening fractions computed to the nearest multiple of 0.05 cc.).

(b) For purposes of this section:

(1) Standard sugarcane shall be sugarcane containing no more sucrose in the normal juice than was defined as standard sugarcane by the processor in his sugarcane purchase contract, or contracts, verbal or written, used in the year 1940.

(2) Costs, such as hoisting and weighing of sugarcane, shall be absorbed by the processor, except in those instances in which the processor operated in 1936 and did not bear such costs in that year; but nothing in this sub-paragraph shall be construed as prohibiting negotiations with respect to the level of such costs, subject, upon appeal, to review by the Secretary of Agriculture or his authorized agent, in the event of changes alleged to be unfair to either the producer or the processor.

(3) Where the only available practicable means of transportation are rail facilities and the distance to the nearest factory is in excess of 50 miles, the cost of transportation may, by mutual consent of the interested parties, and subject, upon appeal, to review by the Secretary of Agriculture or his authorized agent, be shared by the processor and the producer.

(4) The processor shall not, through any subterfuge or device whatsoever, reduce the returns from the 1941 crop of Louisiana sugarcane to the producer below those determined above. (Sec. 301, 50 Stat. 909; 7 U.S.C., 1131)

Done at Washington, D. C., this 24th day of October, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary.

[F. R. Doc. 41-8030; Filed, October 24, 1941; 2:28 p. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-1-6]

PART 901—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON, WITH REGARD TO THE SALABLE PERCENTAGE AND SURPLUS PERCENTAGE FOR THE 1941–42 CROP YEAR

The Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") acting pursuant to the provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended, executed a marketing agreement and issued an order on October 11, 1935, effective on and after October 15, 1935, regulating the handling of walnuts grown in California, Oregon, and Washington. The aforesaid marketing agreement regulating the handling of walnuts grown in California, Oregon, and Washington has been amended and certain agreements amending said marketing agreement, as amended, have been executed by the Secretary; and the aforesaid order regulating the handling of walnuts grown in California, Oregon, and Washington has been amended, and the Secretary has issued certain amendments to the aforesaid order, as amended.

The Secretary, acting pursuant to the request of the Control Board established pursuant to the provisions of the aforesaid marketing agreement, as amended, and order, as amended, conducted a public hearing in San Francisco, California, on September 12, 1941, pursuant to notice duly given to all interested parties, on certain proposed amendments to the aforesaid marketing agreement, as amended, and order, as amended, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed amendments to the marketing agreement, as amended, and order, as amended.

§ 901.1 *Findings.*

* * * * *

It is hereby found upon the basis of the evidence introduced at the said hearing in San Francisco, California, on September 12, 1941, and the record thereof:

(e) that the supply of merchantable walnuts available during the crop year 1941–42 for handling in interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity, will exceed the consumptive demand for such walnuts during such period;

(f) that the salable percentage for the crop year September 1, 1941, to August 31, 1942, should be sixty-five (65) percent, and the surplus percentage, for said crop year, should be thirty-five (35) percent;

(g) that the fixing of such percentages and the methods provided in the order, as amended, and as hereby further amended, for the disposition of such surplus will tend to effectuate the declared policy of Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"); and

(h) that the aforesaid order, as heretofore and hereby amended, will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon, and Washington.

The foregoing findings are supplementary and in addition to (1) the findings that were made in connection with the issuance of the aforesaid order on October 11, 1935, effective on and after October 15, 1935, and (2) the findings made in connection with the issuance of the previously issued amendment to said order and the findings made in connection with the issuance of each of the previously issued amendments to said order, as amended, and all of said previous findings, made in connection with the issuance of said original order, the amendment thereto, and each of the amendments to said order, as amended, are hereby ratified and affirmed except insofar as such previous findings may be in conflict with the findings herein set forth.

It is further found (§ 901.1 continued):

(i) that the amendment to the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, executed by the Secretary on October 23, 1941, and upon which a hearing was held in San Francisco, California, on September 12, 1941, was executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by this order) who handled not less than fifty (50) percent of the volume of said commodity, covered by this order, produced within the States of California, Oregon, and Washington;

(j) that the aforesaid agreement executed by the Secretary on October 23, 1941, amending the aforesaid marketing agreement, as amended, has been executed by more than three packers, signatory to said marketing agreement, who, during the preceding crop year, handled not less than sixty-seven (67) percent of the merchantable walnuts packed during such crop year;

(k) that the issuance of this order, amending the aforesaid order, as amended, is favored and approved by producers of walnuts who, during the 1940–41 crop year (which is hereby determined to be a representative period), produced for market, within the production area specified in said order, as amended, at least two-thirds (⅔) of the volume of such commodity produced for market within such area; and

(l) that the order, as heretofore and as hereby amended, regulates the handling of such walnuts in the same manner as the marketing agreement, as amended, does, and is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement, as amended. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. and Sup., 601 et seq.)

It is hereby ordered, Pursuant to the provisions of the aforesaid act, that said order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, is further amended in the respects stated hereinafter, and it is further ordered that the handling of walnuts grown in California, Oregon, and Washington, in interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such walnuts, from and after the effective date specified hereinafter, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, as hereby further amended in the following respects:

1. By deleting the period at the end of the first sentence in section 2, Article III (§ 901.4 (b)) of the aforesaid order, as amended, and inserting, in lieu thereof, a semicolon and the following:

§ 901.4 *Control of distribution.*

* * * * *

(b) * * * and the salable percentage for the crop year September 1, 1941, to August 31, 1942, shall be sixty-five (65) percent.

2. By deleting the period at the end of the next to the last sentence in section 2, article III (§ 901.4 (b)) of the aforesaid order, as amended, and inserting, in lieu thereof, a semicolon and the following:

(b) * * * and thirty-five (35) percent, being the difference between the salable percentage for the crop year ending August 31, 1942, and one hundred (100) percent, shall be the "surplus percentage" for said crop year.

3. By deleting all of the provisions contained in "Exhibit A" of the aforesaid marketing agreement, as amended, and inserting, in lieu thereof, the following as "Exhibit A" to said marketing agreement, as amended:

§ 901.19 *Pack specifications for merchantable walnuts.*

California Packs

No. 1 Grade or No. 1 Soft Shell. Walnuts produced from seedling trees or walnuts not properly classified in any of the following varietal packs, and in which not over 12 percent by count pass through a round opening 7⅛₄ inches in diameter.

Large Budded. Walnuts produced from trees of the Placentia Perfection or closely similar varieties, and in which not over 12 percent by count pass through a round opening 7⅝₄ inches in diameter.

Medium Budded. Walnuts produced from trees of the Placentia Perfection or closely similar varieties, and all of which pass through a round opening 7⅝₄ inches in diameter and in which not over 12 percent by count can pass through a round opening 7⅛₄ inches in diameter.

Large Concords. Walnuts of the Concord variety and of the same size specifications as given for Large Budded.

Medium Concords. Walnuts of the Concord variety and of the same size specifications as given for Medium Budded.

Large Eurekas. Walnuts of the Eureka variety and of the same size specifications as given for Large Budded.

Medium Eurekas. Walnuts of the Eureka variety and of the same size specifications as given for Medium Budded.

Large Franquettes. Walnuts of the Franquette variety and of the same size specifications as given for Large Budded.

Medium Franquettes. Walnuts of the Franquette variety and of the same size specifications as given for Medium Budded.

Large Mayettes. Walnuts of the Mayette variety and of the same size specifications as given for Large Budded.

Medium Mayettes. Walnuts of the Mayette variety and of the same size specifications as given for Medium Budded.

Large Paynes. Walnuts of the Payne variety and of the same size specifications as given for Large Budded.

Medium Paynes. Walnuts of the Payne variety and of the same size specifications as given for Medium Budded.

Baby Grade. Walnuts of any of the above-mentioned varieties may be packed under the designation of Baby Grade of that variety provided all such walnuts pass through a round opening 7⅛₄ inches in diameter and not over 12 percent by count pass through a round opening 6⅝₄ inches in diameter. Baby size walnuts of the Eureka, Franquette, or Payne varieties when packed as such shall be designated as "Long Type Baby Walnuts": *Provided, however*, That it shall not be obligatory on any packer to pack separately the baby size of the different varieties.

No pack of any of the above-mentioned varieties, except the No. 1 Grade and Baby Grades, shall contain in excess of 10 percent by count of walnuts of a dissimilar variety.

All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects.

Oregon and Washington Packs

Oregon and Washington walnuts may be packed in any of the pack specifications above-described for California walnuts, and in addition thereto, the following pack specifications which apply only to walnuts grown in Oregon or Washington.

Large Soft Shells. Walnuts produced from seedling trees or walnuts not properly classified in any of the varietal packs, and in which not over 12 percent by count pass through a round opening 7⅝₄ inches in diameter.

Medium Soft Shells. The same as Large Soft Shells except that all pass through a round opening 7⅝₄ inches in diameter and not over 12 percent by count pass through a round opening 7⅛₄ inches in diameter.

Baby Soft Shells. The same as Large and Medium Soft Shells except that all pass through a round opening 7⅛₄ inches in diameter and not over 12 percent by count pass through a round opening 6⅝₄ inches in diameter.

Baby Franquettes. Walnuts of the Franquette variety (subject to 10% tolerance for dissimilar varieties) and of the same size specifications as Baby Soft Shells.

Baby Mayettes. Walnuts of the Mayette variety (subject to 10% tolerance for dissimilar varieties) and of the same size specifications as Baby Soft Shells and Baby Franquettes.

All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. and Sup., 601 et seq.)

Nothing contained in the foregoing amendments to the order, as amended, shall be deemed to affect, waive, or terminate any right, duty, obligation, or liability which has arisen or which may hereafter arise in connection with, by virtue of, or pursuant to any provision of the aforesaid order, as amended, or affect, release, or extinguish any violation of the provisions of said order, as amended, or of any regulation issued pursuant to said order, as amended, or affect or impair any right or remedy of the Secretary of Agriculture of the United States or any other person or persons with respect to any such violation.

Issued at Washington, D. C., on this 23rd day of October 1941, to be effective on and after 12:01 a. m., P. s. t., October 28, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8043; Filed, October 25, 1941; 11:04 a. m.]

[O-4-1]

PART 904—MILK IN GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA[1]

Claude R. Wickard, Secretary of Agriculture of the United States of America, issued, effective August 1, 1941, Order No. 4, as amended,[2] regulating the han-

[1] Issued under the authority contained in 49 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup. 601 et seq.

[2] 6 F.R. 3762. See also Department of Agriculture, Surplus Marketing Administration, *infra*.

dling of milk in the Greater Boston, Massachusetts, marketing area.

Claude R. Wickard, Secretary of Agriculture of the United States of America, tentatively approved, on July 10, 1941, the marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in St. Johnsbury, Vermont, on August 26, 1941, and at Boston, Massachusetts, on August 27, 1941, at which times and places all interested parties were afforded an opportunity to be heard upon certain proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

§ 904.0 *Findings.*

* * * * *

It is found upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the hearings on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(c) That the issuance of this amendment No. 1 to the order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, shall be, and it is hereby amended as follows:

1. In § 904.3 (b) (2) delete in the second and third lines the words "not less than one-half of 1 percent butterfat and not more than 16 percent," and substitute therefor the following: "one-half of 1 percent or more, but less than 16 percent of butterfat."

2. Delete § 904.4 (a) (1) and (2) and substitute therefor the following:

§ 904.4 *Minimum prices*—(a) *Class I prices to producers.*

* * * * *

(1) For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph during delivery periods prior to April 1, 1942, and thereafter $3.26 per hundredweight: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be 47 cents less than the price otherwise applicable pursuant to this subparagraph.

92-score butter, wholesale, at New York, average of daily quotations of the United States Department of Agriculture for 30 days immediately preceding the 25th day of each month (cents per pound)	Class I price for the delivery period following the 25th day of each month
	Dollars per cwt.
Under 40	3.63
40 or over	3.86

(2) For milk delivered from producers' farms to such handler's plant located more than 40 miles from the State House in Boston, the price per hundredweight during each delivery period shall be the price effective pursuant to subparagraph (1) of this paragraph, less an amount per hundredweight equal to the sum of 13 cents and the lowest rail tariff (considering 85 pounds to one 40-quart can), for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff, M2, including revisions or supplements thereof, for the distance from the railroad shipping point for such handler's plant to such handler's railroad delivery point in the marketing area, or, if the handler has no plant in the marketing area, for the distance to Boston.

3. In § 904.4 (c) (1) delete the words "$3.50 for the periods prior to April 1, 1942, and thereafter $3.13" and substitute therefor the following: "the highest Class I price in effect pursuant to subparagraph (1) of paragraph (a) of this section plus 12 cents."

4. In § 904.7 (b) delete subparagraph (5), renumber subparagraphs 6, 7, 8, and 9, as 5, 6, 7, and 8, and amend the new subparagraph (6) (present 7) to read:

(6) Subtract not less than 5½ cents nor more than 6½ cents for the purpose of retaining a cash balance in connection with the payments set forth in §§ 904.8 (b) (3) and 904.9 (b).

5. In § 904.8 (e) delete in subparagraph (3) and subparagraph (4) the words "$3.38 prior to April 1, 1942, and thereafter $3.01" and substitute therefor the following: "the highest Class I price in effect pursuant to subparagraph (1) of § 904.4 (a)."

6. Amend § 904.9 (b) to read:

§ 904.9 *Payments of cooperative associations.*

* * * * *

(b) *Payment to qualified cooperative associations.* The market administrator shall, upon claim submitted not later than the tenth day of the second month subsequent to the delivery period to which the claim applies, in form as prescribed by him, make payments authorized under paragraph (a), or issue credit therefor out of the cash balance created pursuant to § 904.7 (b) (6), subject to verification of the receipts and other items on which the amount of such payment is based.

Issued at Washington, D. C., this 24th day of October, 1941, to become effective on and after the 28th day of October 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8031; Filed, October 24, 1941; 3:15 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER II—AIRCRAFT

PART 21—USE OF ARMY AIRCRAFT[1]

§ 21.3 *Passengers in aircraft—Authorization.*

* * * * *

(e) Requests for flights by nonmilitary personnel.

* * * * *

(5) In case of emergency involving catastrophe or possible loss of life, specified in (c) (8) above, to The Adjutant General provided the time factor permits, otherwise to the individual having immediate command of the aircraft concerned at the time, who will in accordance with his own judgment either comply with the request or forward it to higher authority in the chain of command. In each instance where a flight is made, a report will be rendered as prescribed in (c) (8) above. (R.S. 161; 5 U.S.C. 22) [Par. 1, AR 95-90, May 19, 1941, as amended by Cir. 216, WD., Oct. 13, 1941].

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8074; Filed, October 27, 1941; 11:31 a. m.]

[1] § 21.3 (e) (5) is superseded.

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[1]

§ 61.39 *Air Corps Reserve.*

* * * * *

(e) *Nonmilitary educational qualifications.*

* * * * *

(2) In lieu of the provisions of (1) above, present evidence that he has successfully passed the educational examination prescribed by the Chief of the Air Corps for appointment as aviation cadet. (39 Stat. 189, 41 Stat. 775, 42 Stat. 1033, 48 Stat. 154, 939; 10 U.S.C. 352, 353) [Par. 12, AR 140-23, July 5, 1940, as amended by Cir. 222, W.D., Oct. 20, 1941].

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8073; Filed, October 27, 1941; 11:32 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[2]

§ 81.3 *Taxes.*[3]

* * * * *

(c) *Federal taxes*—(1) *Items on which imposed.* The items on which Federal taxes are imposed are listed below. The tax imposed in each case is equivalent to the indicated per centum of the price for which sold by the manufacturer, producer, or importer and is effective October 1, 1941. The Revenue Act further provides by a specific provision that, for the purposes of the tax, the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a taxable sale of such article. (Sec. 3440, as amended.) All references to chapters, subchapters, sections, subsections and paragraphs in connection with the following items are to the Internal Revenue Code, as amended. (Title 26, U.S.C.)

(i) *Tires and inner tubes.* [Sec. 3400 (a)]

(*a*) Tires wholly or in part of rubber (exclusive of metal rims or rim bases)—5 cents a pound on total weight. [Par. (1)]

(*b*) Inner tubes (for tires) wholly or in part of rubber—9 cents a pound on total weight. [Par. (2)]

(ii) *Automobiles, trucks, busses, and parts.* [Sec. 3403]

(*a*) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof)—5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body. [Subsec. (a)]

(*b*) Other automobile chassis and bodies, chassis, and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors—7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body. [Subsec. (b)]

(c) Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in section 3403 (a) or (b)—5 per centum. [Subsec. (c)]

(iii) *Radio receiving sets, phonographs, phonograph records, and musical instruments.* Including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof—10 per centum. [Section 3404]

(*a*) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs. [subsec. (a)]

(*b*) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in section 3404 (a), whether or not primarily adapted for such use. [Subsec. (b)]

(c) Phonograph records. [Subsec. (c)]

(*d*) Musical instruments. [Subsec. (d)]

(iv) *Refrigerators, refrigerating apparatus, and airconditioners.* Including in each case parts or accessories therefor sold on or in connection with the sale thereof—10 per centum. [Sec. 3405]

(*a*) *Refrigerators, etc.* Refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline. [Subsec. (a)]

(*b*) *Refrigerating apparatus.* Compressors, condensers, evaporators, expansion units, absorbers, and controls for, or suitable for use as part of, or with, a refrigerating plants, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated in section 3405 (a). [Subsec. (b)]

(c) *Air-conditioners.* Self-contained small air-conditioning units. [Subsec. (c)]

(*d*) *Components.* Cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls, for, or suitable for use as part of, or with, any of the articles enumerated in section 3405 (c). [Subsec. (d)]

(v) *Sporting goods; luggage; etc. (New Manufacturers' Excise Taxes).* [Section 3406]

(*a*) Including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof. [Subsec. (a)]

Sporting goods. 10 per centum. [Par. (1)]

Badminton nets
Badminton rackets[4]
Badminton racket frames[4]
Badminton racket string
Badminton shuttlecocks
Badminton standards
Baseballs
Baseball bats[3]
Baseball body protectors
Baseball shin guards
Baseball gloves
Baseball mitts
Baseball masks
Basketballs
Billiard tables[4]
Billiard balls for such
Billiard cues tables
Bowling balls
Bowling pins
Boxing gloves
Boxing masks
Boxing head guards
Boxing ear guards
Clay pigeons
Cricket balls
Cricket bats
Croquet balls
Croquet mallets
Curling stones
Deck tennis rings
Deck tennis nets
Deck tennis posts
Fencing equipment
Fishing artificial lures
Fishing baits
Fishing creels
Fishing flies
Fishing reels
Fishing rods
Footballs
Football harness
Football helmets
Golf bags[3]
Golf balls
Golf clubs[3]
Gymnasium equipment
Gymnasium apparatus
Hockey balls
Hockey pucks
Hockey sticks[3]
Indoor baseballs
Indoor baseball bats[3]

[1] § 61.39 (e) (2) is superseded.
[2] § 81.3 (c) (1) is superseded.
[3] This regulation also appears in Proc. Cir. 78, War Department, dated October 31, 1941.

Indoor baseball gloves
Indoor baseball mitts
Lacrosse balls
Lacrosse sticks
Mass balls
Polo balls
Polo mallets
Pool tables[4]
Pool balls for such
Pool cues tables
Push balls
Skates
Skis
Ski poles
Snow shoes
Snow toboggans
Snow sleds
Soccer balls
Softball balls
Softball bats[3]
Softball gloves
Softball mitts
Squash balls
Squash rackets[1]
Squash racket frames[1]
Squash racket string
Tennis balls
Table tennis balls
Table tennis tables
Table tennis nets
Table tennis paddles
Tennis nets
Tennis rackets[1]
Tennis racket frames[1]
Tennis racket string
Track hurdles
Traps for throwing clay pigeons
Vaulting poles
Vaulting cross bars
Vaulting standards
Volley balls
Volley nets
Volley standards
Water polo balls
Water polo goals
Wrestling head harness

Luggage. Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases—10 per centum. [Par. (2)]

Electric, gas and oil appliances. Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flatirons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric mixers, whippers, and juicers; and household type electric vacuum cleaners—10 per centum. [Par. (3)]

Photographic apparatus. Cameras and lenses; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion picture films—10 per centum. [Par. (4)]

Electric signs. Neon-tube signs, electric signs, and electric advertising devices—10 per centum. [Par. (5)]

Business and store machines. 10 per centum. [Par. (6)]

Adding machines
Addressing machines
Autographic registers
Bank proof machines
Billing machines
Bookkeeping machines
Calculating machines
Card punching machines
Cash registers
Change making machines
Check writing machines
Check signing machines
Check canceling machines
Check perforating machines
Check cutting machines
Check dating machines
Other check protector machine devices
Computing machines
Coin counters
Dictographs
Dictating machine record shaving machines
Dictating machines
Duplicating machines
Embossing machines
Envelope opening machines
Erasing machines
Fanfold machines
Fare registers
Fare boxes
Listing machines
Line-a-time and similar machines
Mailing machines
Multigraph machines
Multigraph typesetting machines
Multigraph type justifying machines
Numbering machines
Portable paper fastening machines
Pay roll machines
Pencil sharpeners
Postal permit mailing machines
Punch card machines
Sorting machines
Stencil cutting machines
Shorthand writing machines
Sealing machines
Tabulating machines
Ticket counting machines
Ticket issuing machines
Typewriters
Transcribing machines
Time recording devices

and combinations of any of the foregoing items.

Rubber articles. Articles of which rubber is the component material of chief weight. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter—10 per centum. [Par. (7)]

Washing machines. Washing machines of the kind used in commercial laundries. No tax shall be imposed under this paragraph on washing machines of the household type. 10 per centum. [Par. (8)]

Optical equipment—10 per centum. [Par. (9)]

Colorimeters
Fire control optical instruments
Micro-projection apparatus
Microscopes
Optical machinery
Optical measuring instruments
Photo-micro apparatus
Polariscopes
Projection lenses
Projection prisms
Refractometers
Searchlight mirrors
Searchlight reflectors
Spectrometers
Spectroscopes
Telescopes
Telescopic sights

Electric light bulbs and tubes. Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter—5 per centum. [Par. (10)].

(b) *Exemption if article taxable as jewelry.* Any article taxable as jewelry under section 2400 (Chapter 19—Retailers' Excise Taxes) are exempted from the tax imposed by this section. [Subsec. (b)]

(vi) *Firearms, shells, and cartridges—11 per centum.* [Sec. 3407]. Note: The tax imposed by this section does not apply to pistols and revolvers. The sale or lease of such articles, however, by the manufacturer, producer, or importer is taxable at the same rate under Sec. 2700 (a) Chap. 25—Firearms, Subchap. A—Pistols and Revolvers.

(vii) *Matches.* [Sec. 3409]

(a) Fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk—5½ cents per 1,000 matches.

(b) All matches other than those enumerated above—2 cents per 1,000 matches.

(viii) *Electrical energy.* Electrical energy sold for domestic or commercial consumption and not for resale—3⅓ per centum. [Sec. 3411].

(ix) *Gasoline.* 1½ cents a gallon. [Sec. 3412 (a)]

All products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline), benzol, benzene, or naptha, regardless of their classifications or uses; and any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes, except that it does not include any of the foregoing sold for use otherwise than as a fuel or in the manufacture or production of such fuel. The term "gasoline" does not include products commonly or commercially known or sold as kerosene, gas oil, or fuel oil.

(x) *Lubricating oils.* 4½ cents a gallon. [Sec. 3413]

The term "lubricating oil" as used in these regulations includes all oils, regardless of their origin, which are sold as lubricating oil and all oils which are suitable for use as a lubricant. The term "lubricating oils" does not include products of the type commonly known as grease.

The items and rates in this subparagraph are based on the Revenue Act of 1941, approved September 20, 1941 (Public Law 250—77th Congress). The rates for such items supersede the defense-tax rates imposed by the Revenue Act of 1940, approved June 25, 1940 (Public, No. 656, 76th Congress). The manufacturers' tax on toilet preparations has been terminated effective October 1, 1941. [Sec. 3401]

Detailed information as to the taxes imposed, are published in Treasury Department, Bureau of Internal Revenue, Regulations Nos. 42, 44, and 46. These publications will be obtained in the same manner as those referred to in paragraph 1. AR 5–320.[1] (Sec. 5, 41 Stat. 764, 765; 10 U. S. C. 1193)

* * * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–8040; Filed, October 25, 1941; 10:33 a. m.]

[1] measuring 22 inches over-all or more in length.
[2] measuring 26 inches or more in length.
[3] measuring 30 inches or more in length.
[4] measuring 45 inches over-all or more in length.

[1] Administrative regulations of the War Department relative to interdepartmental procurement.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amend. No. 61–17, Civ. Air Regs.]

PART 61—SCHEDULED AIR CARRIER RULES

REGULATING OCCUPANCY OF PILOTS' COMPARTMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of October 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board hereby amends the Civil Air Regulations as follows:

Effective November 8, 1941, Part 61 of the Civil Air Regulations is amended as follows:

1. By striking the first sentence of § 61.7803 (a).[1]

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–8055; Filed, October 27, 1941; 9:45 a. m.]

[1] 6 F.R. 1334.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO RULES GOVERNING SOLICITATION OF AUTHORIZATIONS REGARDING SECURITIES OF REGISTERED HOLDING COMPANIES OR SUBSIDIARIES THEREOF

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (g), 12 (e) and 20 (a) thereof (Sec. 11, 49 Stat. 820; Sec. 12, 49 Stat. 823; Sec. 20, 49 Stat. 833; 15 U.S.C. 79k, 79l, 79t), and finding that such action is necessary and appropriate in the public interest and in the interest of investors and consumers and to prevent the circumvention of the provisions of the Act and the rules and regulations of the Commission thereunder, the Securities and Exchange Commission hereby amends § 250.61 [Rule U-61] and § 250.62 (a) [Rule U-62] so that the same shall read as follows:

§ 250.61 *Solicitations other than in connection with a reorganization or transaction which is the subject of an application or declaration.* The solicitation of any authorization regarding any security of a registered holding company or subsidiary company thereof, except solicitations in connection with any reorganization subject to the approval of the Commission, or in connection with any other transaction which is or will be the subject of any application or declaration filed with the Commission, shall be subject to all rules and regulations now or hereafter adopted pursuant to section 14 (a) of the Securities Exchange Act of 1934 (Sec. 14, 48 Stat. 895; 15 U.S.C. 78n) that would be applicable to such solicitation if such security were registered on a national securities exchange: *Provided,* That unless such security is actually registered on a national securities exchange, no documents need be filed with any such exchange in connection with such solicitation.

§ 250.62 *Solicitations in connection with a reorganization or transaction which is the subject of an application or declaration*—(a) *General provisions.* No solicitation of any authorization, regarding any security of a registered holding company or a subsidiary company thereof, in connection with any reorganization subject to the approval of the Commission, or in connection with any other transaction which is or will be the subject of an application or declaration filed with the Commission, shall be made except pursuant to a declaration with respect to such solicitation which has become effective in the manner prescribed in paragraph (d) of this section.

* * * * *

Effective October 25, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8047; Filed, October 25, 1941; 11:51 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50499]

PART 10—EXAMINATION, CLASSIFICATION, AND DISPOSITION OF SPECIAL CLASSES OF MERCHANDISE

EXECUTIVE ORDER PERMITTING THE ENTRY OF BONA-FIDE SAMPLES OF COFFEE FOR TESTING PURPOSES WITHOUT REGARD TO QUOTA RESTRICTIONS PROVIDED FOR IN INTER-AMERICAN COFFEE AGREEMENT; CONDITIONS PRESCRIBED

OCTOBER 24, 1941.

There is published below for your information and guidance Executive Order No. 8909 signed September 26, 1941, authorizing the Secretary of the Treasury to permit entry into the United States of bona-fide samples of coffee for testing purposes without regard to quota restrictions:

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF THE TREASURY TO PERMIT THE ENTRY OF BONA-FIDE SAMPLES OF COFFEE WITHOUT REGARD TO QUOTA RESTRICTIONS

By virtue of the authority vested in me by section 2 of the joint resolution of Congress approved April 11, 1941 (Public Law 33, 77th Cong.), I hereby authorize the Secretary of the Treasury, under such conditions as he may prescribe, to permit the entry into the United States of bona-fide samples of coffee for testing purposes without regard to the quota restrictions provided for in the Inter-American Coffee Agreement.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 26, 1941.

Pursuant to the authority contained in that Order the following regulations are prescribed:

§ 10.54 *Entry of samples of coffee without regard to quota restrictions provided for in Inter-American Coffee Agreement; conditions prescribed.* (a) Collectors of customs are authorized to admit coffee to entry for consumption without regard to quota restrictions

under the Inter-American Coffee Agreement (T.D. 50372) when satisfied from an affidavit of the importer, or other evidence presented at the time of entry, that the coffee consists of samples imported for testing purposes only.

(b) Samples of coffee found to be exempt from quota limitations in accordance with paragraph (a) of this section may be entered for consumption without being reported for quota status and shall not be included in quota reports to the Bureau nor be subject to any other quota regulations. (E.O. 8909, Sept. 26, 1941; 6 F.R. 4929)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8069; Filed, October 27, 1941; 11:26 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 9, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

OCTOBER 24, 1941.

General License No. 9 is amended to read as follows:

§ 131.9 *General license No. 9.* (a) A general license is hereby granted authorizing the bona fide purchase and sale of commodity futures contracts and of evidences of ownership of actual commodities on an exchange or board of trade within the United States by banking institutions within the United States, for the account of nationals of any blocked country, pursuant to the instructions of such nationals, and necessary transfers or other dealings in evidences of ownership of commodities, transfers of credit and payments between accounts in banking institutions within the United States as required in connection with such purchases or sales or because of fluctuations in the market value of the commodities covered by such contracts or evidences of ownership, *Provided*, That:

(1) No such purchase shall be made except for the purpose of covering a short position taken prior to October 25, 1941, in the account of the national for whom the purchase is made;

(2) No such sale shall be made except for the purpose of liquidating a long position taken prior to October 25, 1941, in the account of the national for whom the sale is made; and

(3) In the case of either purchase or sale the net proceeds of the transaction are credited to a blocked account in the name of the national for whose account the transaction was effected and in the banking institution within the United States which maintains the account for which the transaction was effected.

(b) Each banking institution engaging in any transaction herein authorized is required to file promptly with the appropriate Federal Reserve Bank monthly reports showing the details of each such transaction, including a description of the commodity futures contracts or evidences of ownership of actual commodities purchased or sold, the dates of the purchases or sales, the persons for whose account the purchases or sales were made, the price at which each purchase was made, the name of the exchange or board of trade on which each such transaction was effected, and the net market position in the commodity in question of the national for whose account the transaction was effected before such transaction and after such transaction. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8050; Filed, October 25, 1941; 11:56 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 931—DEFENSE SUPPLIES RATING ORDER

Amendment No. 1 to Supplementary Order No. P-6-a Assigning a Preference Rating to Deliveries of Civil Aircraft, Repair Parts and Accessories

Section 931.2 (*Supplementary Order P-6-a*[1]) is hereby amended to read as follows:

§ 931.2 *Supplementary order P-6-a.* (a) For the purpose of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P-6), deliveries of Civil Aircraft and repair parts and accessories for such aircraft by the producer thereof, to persons purchasing the same for use in the following activities, or to dealers who will dispose of such aircraft, repair parts or accessories, to persons purchasing the same for use in such activities, are hereby assigned a preference rating of A-10:

(1) Civilian pilot training program schools.

(2) Airline instrument training schools.

(3) Other schools approved by the Civil Aeronautics Administration.

(4) Home guard units.

(5) Pipe line patrol.

(6) State and city police.

(7) Power line patrol.

(8) Patrol activities by or for the account of any Governmental agency.

(9) Experimental projects approved by the Civil Aeronautics Administration.

(b) For the purposes of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P-6), deliveries of repair parts for Civil Aircraft and for accessories for such aircraft, by the producer thereof, to persons purchasing the same for use in the maintenance and repair of registered and certificated Civil Aircraft, or to dealers who will dispose of such repair parts to persons purchasing the same for use in such maintenance and repair, are hereby assigned a preference rating of A-10.

(c) This Order shall take effect on the 21st day of July, 1941, and, unless sooner revoked, shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

This Amendment shall take effect immediately. Issued this 27th day of October, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8051; Filed, October 27, 1941; 9:35 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-3-a Further Restricting the Production of Light Motor Trucks

In accordance with the provisions of § 976.3[1] (*General Limitation Order L-3*), which the following Order supplements, it is hereby ordered that:

§ 976.4 *Supplementary general limitation order L-3-a*—(a) *December restrictions.* During the period commencing December 1, 1941, and ending December 31, 1941, the manufacture of Light Motor Trucks by each Producer thereof is hereby restricted to a number equal to 7 percent of such Producer's average annual production of Light Motor Trucks during the three years commencing August 1, 1938, and ending July 31, 1941, and no Producer shall manufacture Light Motor Trucks during such month in excess of such number.

(b) This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 24th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8034; Filed, October 24, 1941; 4:08 p. m.]

[1] 6 F.R. 3645.

[1] 6 F.R. 4733.

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-a Further Restricting the Production of Passenger Automobiles

In accordance with the provisions of § 981.1[1] (*General limitation order L-2*), which the following Order supplements, *it is hereby ordered* that:

§ 981.2 *Supplementary general limitatin order L-2-a.* (a) During the period commencing December 1, 1941, and ending December 31, 1941, Producers shall respectively manufacture not more than the following number of Passenger Automobiles:

Name of producer	Number of passenger automobiles
General Motors	90,567
Chrysler Corporation	47,271
Ford Motor Company	38,009
Studebaker	8,834
Hudson	6,476
Nash-Lafayette	5,500
Packard	5,771
Willys-Overland	1,944
Crosley	476

(b) During the period specified above and thereafter until further order, each Producer shall continue to distribute his authorized production among various makes in accordance with the option heretofore selected by him for the period commencing August 1, 1941, and ending November 30, 1941. For the month of December, 1941, production pursuant to options previously selected by the Producers shall be as follows:

Name of make	Number under option A	Number under option B
Chevrolet		45,180
Buick		16,402
Pontiac		14,358
Oldsmobile		11,733
Cadillac and LaSalle		2,874
Plymouth	25,184	
Dodge	11,863	
Chrysler	6,028	
Desoto	4,196	
Ford	32,307	
Mercury	4,426	
Lincoln-Zephyr	1,276	

(c) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 24th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8033; Filed, October 24, 1941; 4:08 p. m.]

[1] 6 F.R. 4735.

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-b Further Restricting the Production of Passenger Automobiles

In accordance with the provisions of § 981.1 (*General limitation order L-2*[1]), which the following Order supplements, *it is hereby ordered*, That:

§ 981.3 *Supplementary general limitation order L-2-b*—(a) *Elimination of "bright work."* On and after December 15, 1941, no producer shall use any "bright work", "bright finish", metal finish, or body trim containing copper, nickel, chrome or aluminum in the production of new passenger cars: *Provided, however*, That permission to use these materials in the plating of bumpers and in the plating of bumper guard assemblies may be given upon a showing that such use will utilize all possible conservation measures and will be restricted to minimum practicable quantities. Applications for such permission shall be made by a letter addressed to the Chief of the Automotive, Transportation, and Farm Equipment Branch, Division of Civilian Supply. Effective immediately, no producer shall produce such "bright work", "bright finish", metal finish, or body trim containing copper, nickel, chrome or aluminum except in amounts necessary to complete passenger automobiles scheduled to be completed before December 15, 1941.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8052; Filed, October 27, 1941; 9:35 a. m.]

[1] 6 F.R. 4735.

[2] 6 F.R. 5009.

PART 994—MOTOR FUEL

Termination of Limitation Order L-8[1]

Whereas by reason of existing and threatened shortages of petroleum products in the Atlantic Coast Area, § 994.1 *General limitation order L-8*, was issued by the Director of Priorities on the 30th day of September, 1941, limiting the distribution of motor fuel in that area, and

Whereas availability of increased transportation facilities and a lessening of demand for fuel oil, together with an increase in stocks of gasoline and light fuel oil by reason of the conservation effected through the aforesaid Limitation Order L-8, have removed the present danger of shortage in the Atlantic Coast Area, and

Whereas the Petroleum Coordinator for National Defense has recommended the termination of said Limitation Order L-8,

Now, therefore, it is hereby ordered, That:

Section 994.1 *General limitation order L-8*, be and the same is hereby revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 24th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8053; Filed, October 27, 1941; 9:35 a. m.]

PART 1007—WASTE PAPER

General Limitation Order L-15 To Restrict the Consumption of Waste Paper by Paper Board and Roofing Mill Plants in the East

Whereas, the current supply of waste paper is inadequate to meet the needs of Eastern Consumers thereof for the production of paperboard and roofing materials which are essential for national defense, private account and export; and it is necessary, pending the formulation of a more direct method of allocation to individual consumers of waste paper, to effect an equitable distribution of available supplies thereof;

Now, therefore, it is hereby ordered, That:

§ 1007.1 *General limitation order L-15*—(a) *Regulations incorporated in this order.* (1) Except as expressly modified by the terms of this Order all of the provisions and definitions of Priorities Regulation No. 1,[1] Part 944, issued August 27, 1941, by the Director of Priorities, as amended from time to time, are hereby incorporated in and made a part of this Order, as fully and with the same effect as if specifically herein set forth.

(b) *Definitions and scope of order.* (1) "Consumer" means any mill or plant en-

[1] 6 F.R. 4489.

gaged in the production from waste paper of (i) paperboard or (ii) roofing mill products, located in the continental United States east of a line running from the Canadian border through and including Buffalo, New York, Pittsburgh, Pennsylvania, and Tallahassee, Florida, to the Gulf of Mexico.

(2) The provisions, restrictions and limitations of this Order shall apply to the use, purchase, receipt and consumption of waste paper only insofar as the same relate to the production by a Consumer of (i) paperboard or (ii) roofing mill products.

(c) *Computation of "base" by grades.* (1) Each Consumer shall immediately compute its "base" by grades of waste paper in the following manner:

(i) Each Consumer who has produced paper board or roofing materials from waste paper for five weeks or more during the ten-week period ending 7:00 a. m., October 4, 1941, shall total such waste paper consumption for the five peak weeks in such period, and determine therefrom its weekly average of consumption, classifying the same in the following grades: mixed, news, container (old corrugated and solid fiber boxes), all other.

(ii) Each Consumer who has produced paper board or roofing materials from waste paper for less than five weeks during the ten-week period ending 7:00 a. m., October 4, 1941, shall total its waste paper consumption during the weeks of such production in such period and determine its weekly average of consumption, classifying the same in the grades set forth in (c) (1) (i).

(iii) Each Consumer who has not produced paper board or roofing materials from waste paper during the ten-week period ending 7:00 a. m., October 4, 1941, shall estimate its weekly consumption of waste paper when producing at peak capacity, classifying the same in the grades set forth in (c) (1) (i).

(d) *Limitations on use, purchase and receipt of waste paper.* (1) During the week commencing 7:00 a. m., October 25, 1941 and for each week thereafter until the week ending 7:00 a. m., November 22, 1941:

(i) Each Consumer shall use not more than 90% of its "base" in each grade of waste paper, computed as provided in (c) above.

(ii) Any Consumer having an inventory of waste paper in any grade equal to or in excess of its established "base" shall purchase or receive not more than 66⅔% of such "base" in such grade of waste paper.

(iii) Any Consumer having an inventory less than its established "base" in any grade shall purchase or receive not more than 90% of such base in such grade.

(e) *Reports to be filed.* (1) Each Consumer shall make the following reports:

(i) Immediately after the issuance of this Order, a report for the ten-week period ending 7:00 a. m., October 4, 1941 of its total consumption of waste paper, classified in the following grades: mixed, news, containers (old corrugated and solid fiber boxes), all other.

(ii) Immediately after the issuance of this Order, a report of "base" by grades computed under (c) above.

(iii) Commencing Monday, October 27, 1941, and on each Monday thereafter until and including Monday, November 24, 1941, a report covering the weekly period ending 7:00 a. m., Saturday prior to each reporting date, indicating for each grade of waste paper specified in (c) (1) (i): (*a*) Total Inventory at the beginning of the weekly period. (*b*) Total receipts during such weekly period. (*c*) Total consumption during such weekly period.

(iv) Said reports shall be filed with the Pulp and Paper Branch of the Office of Production Management, Washington, D. C.

(f) *Effective date and expiration.* This Order shall take effect upon the date of its issuance and shall expire on the 22nd day of November, 1941 unless extended by the Director of Priorities, provided that (e) (1) (iii) shall be effective until the 24th day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 March 8, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th Day of October, 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8042; Filed, October 25, 1941; 10:30 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1316—COTTON TEXTILES

PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

Correction

Section 1316.61, *Appendix A, maximum prices for cotton goods*, appearing in the issue for Tuesday, October 21, 1941 (F.R. Doc. 41-7895, filed October 20, 1941, at 10:58 a. m.), is corrected as follows:

Insert a superior figure "2" (²) after "Drills:" in the column headed "Type and class of cloth" of Table III, *Sheeting yarn group*, appearing on page 5338, so that footnote 2 which appears immediately beneath the table is thereby made applicable.

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 38—GLYCERINE

A sharp increase in the demand for glycerine has occurred in recent months as a result of the national defense program. Glycerine is an extremely important chemical, essential not only in the production of high explosives used by the armed forces but also in the manufacture of a great number of important civilian products. Upon the price of glycerine depends the price of many other necessary chemicals. The tank-car price of crude glycerine (80% glycerol), the basic grade among those affected by this Schedule, has risen from 7½¢ per pound at the beginning of this year to 18¢ per pound during the fourth quarter. The price of refined glycerine (95% glycerol) has increased in recent months from approximately 13¢ per pound to 21½¢ per pound and is threatening to rise even higher. The Office of Price Administration has consulted with representatives of the industry and has determined that there are no justifiable reasons for prices of crude glycerine and refined glycerine in excess of 11½¢ per pound and 18¢ per pound, respectively, in tank-car quantities. Further increases in price would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.401 *Maximum prices for glycerine.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer glycerine in containers of 500 pounds or more, and no person shall buy, offer to buy or accept delivery of glycerine in containers of 500 pounds or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.410.*

*§§ 1335.401 to 1335.410, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.402 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.403 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of glycerine, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of glycerine, or otherwise.*

§ 1335.404 *Records and reports.* (a) Every person making purchases or sales of glycerine in containers of 500 pounds or more after November 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers of the glycerine purchased or sold.

(b) On or before December 10, 1941, and on or before the 10th day of every April, August and December thereafter, every producer of glycerine, whether of crude or refined or both, shall submit to the Office of Price Administration a report on Form 138:1 in the detail required by the Form showing the total inventory of glycerine held upon the first day of each such month, and such other information as the Form requires. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.405 *Affirmations of compliance.* On or before December 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold glycerine in containers of 500 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 138:2, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 138:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.406 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of glycerine, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.407 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless the person making such application shall have complied with this Schedule to the satisfaction of that Office.*

§ 1335.408 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Glycerine" means crude and refined glycerine.*

§ 1335.409 *Effective date of the schedule.* This Schedule shall become effective November 10, 1941.*

§ 1335.410 *Appendix A, maximum prices for glycerine.* The following maximum prices are established for glycerine:

(a) *Refined glycerine:*

	Per pound delivered
(1) C. P. glycerine (98% glycerol):	
(i) Tank cars	$0.18½
(ii) Drums, car-load lots	.18¾
(iii) Drums, less than car-load lots	.19¼
(2) C. P. glycerine (U. S. P. 95% glycerol):	
(i) Tank cars	$0.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾
(3) Dynamite:	
(i) Tank cars	$0.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾
(4) High gravity:	
(i) Tank cars	$0.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾
(5) Yellow distilled:	
(i) Tank cars	$0.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾

The above prices established for refined glycerine in this paragraph (a) are applicable to deliveries in Zones A and C. For deliveries of refined glycerine in Zone B, the maximum price shall be the maximum price for deliveries in Zones A and C plus 2¢ per pound.

(b) *Crude glycerine:*

	Per pound delivered
(1) Soap lye (basis 80% glycerol):	
(i) Tank cars	$0.11½
(ii) Drums, car-load lots	.11½
(iii) Drums, less than car-load lots	.11½
(2) Saponification (basis 88% glycerol) to refiners:	
(i) Tank cars	$0.12¾
(ii) Drums, car-load lots	.12¾
(iii) Drums, less than car-load lots	.12¾
	Per pound f. o. b. point of manufacture
(3) Saponification (basis 88% glycerol) for individual uses:	
(i) Tank cars	$0.12¾
(ii) Drums, car-load lots	.13¼
(iii) Drums, less than car-load lots	.14¾

(4) *Crude glycerine of glycerol percentages other than those listed above.* Maximum prices of crude glycerine, of glycerol percentages other than those listed above, in tank cars and drums (car-load lots and less than car-load lots), shall be determined at the rate of $0.11½ per pound delivered for glycerine of 80% glycerol content.

(c) When used in this Schedule, the term:

(1) Zone "A" means all points east of and including North Dakota, South Dakota, Nebraska, Kansas, Omaha, Texas; Laramie County, Wyoming; Colorado, east of but not including the following counties: Jackson, Grand, Gilpin, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, Costilla.

(2) Zone "B" means the territory between Zone A and Zone C, as follows: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath; Nevada, Arizona, New Mexico, that part of Colorado west of and including those counties mentioned above; Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(3) Zone "C" means the territory west of Zone "B."*

Issued this 27th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8082; Filed, October 27, 1941; 11:37 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 6616 qm-951; O. I. No. 1238]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTOR: EATON & SMITH & H. P. MORAN, 715 OCEAN AVENUE, SAN FRANCISCO, CALIFORNIA

Contract for: Construction of New Magazine Area and Related Utilities.

Location: Benicia, California.

Fixed fee: $119,645.00.

Estimated construction cost exclusive of fixed fee: $2,948,394.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

QM 8888 PL 29 77 A0540–12
QM 7488 PL 781 76 A0540.067–N
QM 18049 PL 29–77 A0540–12

This contract,[1] entered into this 18th day of June, 1941.

ARTICLE I *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government and services, and do all things necessary for

[1] Approved by the Under Secretary of War, June 24, 1941.

the completion of the following work: the construction of a new magazine area, including necessary buildings, temporary structures, utilities and appurtenances thereto at Benicia, California.

It is estimated that the construction cost of the work covered by this contract will be two million, nine hundred forty-eight thousand, three hundred ninety-four dollars ($2,948,394.00) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of one hundred nineteen thousand, six hundred forty-five dollars ($119,645.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. II. *Cost of the work—Reimbursement for constructor's expenditures.* The Constructor shall be reimbursed in the manner hereinafter described for such of his actual expenditures in the performance of the work as may be approved or ratified by the Contracting Officer.

ART. III. *Payments—Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public 703—76th Congress, Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8035; Filed, October 25, 1941; 10:27 a. m.]

[Contract No. W 7003 qm-28; O. I. No. 28]

SUMMARY OF FIXED FEE CONSTRUCTION CONTRACT

CONTRACTORS: CENTRAL CONTRACTING COMPANY AND BECKHAM & BROOKS OF 513 FIRST NATIONAL BANK BLDG., ATLANTA, GA., AND PERRY, GA., RESPECTIVELY

Contract for: Construction of Fourth Echelon Motor Base.

Location: Atlanta, Georgia.

Fixed fee: $68,125.

Estimated construction cost exclusive of fixed fee: $2,461,653.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same.

QM 18025 PL 29 77 A0540-12
QM 18307 CBU&A A0540-N

This contract,[1] entered into this 25th day of June, 1941.

ARTICLE I. *Statement of work.* The constructor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: The construction of the Fourth Echelon Motor Base, including necessary buildings, temporary structures, utilities and appurtenances thereto at or near Atlanta, Georgia.

It is estimated that the construction cost of the work covered by this contract will be two million, four hundred sixty-one thousand, six hundred fifty-three dollars ($2,461,653) exclusive of the Constructor's fee.

In consideration for his undertaking under this contract the Constructor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Constructor's equipment as provided in Article II.

(c) A fixed fee in the amount of sixty-eight thousand, one hundred twenty-five dollars ($68,125.00) which shall constitute complete compensation for the Constructor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, without notice to the sureties, if any, by a written order, issue additional instructions, require additional work or services, or direct the omission of work or services covered by this contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies for which the Constructor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments — Reimbursement for cost.* The Government will currently reimburse the Constructor for expenditures made in accordance with Article II upon certification to and verification by the Contracting Officer of the original of signed payrolls, for labor, the receipted invoices for materials, and such other documents as the Contracting Officer may require.

Rental for constructor's equipment. Rental as provided in Article II for such construction plant or parts thereof as the Constructor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed fee. Ninety percent (90%) of the fixed fee set out in Article I shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates submitted to and approved by the Contracting Officer.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Constructor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Constructor.

This Contract is authorized by the following law:

Public 703—76th Congress Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8036; Filed, October 25, 1941; 10:28 a. m.]

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[1] Approved by the Under Secretary of War June 27, 1941.

[Contract No. W-ORD-539—Supp. 1]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONTRACT

CONTRACTOR: THE MILITARY CHEMICAL WORKS, INC., KANSAS CITY, MISSOURI

Contract[1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for and operating a new ordnance facility for the manufacture of anhydrous ammonia, or ammonium nitrate.

Supplement to provide the necessary facilities for the manufacture of an additional * * * tons of anhydrous ammonia per day of twenty-four hours.

Place: Vicinity of Baxter Springs, Kansas.

Estimated Cost of management service (including cost of architect-engineer and construction subcontracts) under Title I:

Original: $10,150,600.00.
Additional for Supp. 1: $2,497,700.00.

Fixed-Fee for management service under Title I:

Original: $45,000.00.
Additional for Supp. 1: $1.00.

Estimated Cost of procuring equipment under Title II:

Original: $6,458,100.00.
Additional for Supp. 1: $1,447,100.00.

Fixed-Fee for procuring equipment under Title II:

Original: $55,000.00.
Additional for Supp. 1: 5,000.00.

Estimated Cost of Training Key Personnel under Title III (Optional): $50,000.00 (No change).

Fixed-Fee for Training Key Personnel Under Title III: $1.00 (No change).

Estimated Cost of operation under Title IV (Optional):

Original: $1,920,000.00.
Additional for Supp. 1: 288,400.00.

Fixed-Fee for operation in the production of ammonium nitrate under Title IV: * * * per ton (No change).

Fixed-Fee for operation in the production of anhydrous ammonia under Title IV: * * * per ton.

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 51229 P531-32 A-0025-13
ORD 27071 P2-99 A-0141-02
ORD 27072 P2-99 A-0141-02

This contract, entered into this 13th day of October 1941.

[1] Approved by the Under Secretary of War October 16, 1941.

There is now in force between the parties hereto a certain contract, which provides for furnishing management service (including subcontracts for architect-engineer services and construction of a new Ordnance facility and installation of equipment therein), procuring production equipment, training key personnel for, and operation of a new Ordnance facility for the manufacture of anhydrous ammonia or ammonium nitrate by the Contractor for the Government, in the vicinity of Baxter Springs, Kansas, said contract having been approved September 18, 1941, being identified by the Government as "Contract No. W-ORD-539 W-ORD-19" and being hereinafter sometimes referred to as the "Contract of September 18, 1941."

The Government now desires to modify the Contract of September 18, 1941, to provide for the facilities necessary for the manufacture of an additional * * * tons of anhydrous ammonia per day of twenty-four hours.

The parties hereto do mutually agree that the Contract of September 18, 1941, shall be and it is hereby modified in the following particulars:

A. Change Section 1, Article I-A, of Title I, (page 3) to read:

The new ordnance facility hereinafter referred to as "the Plant", and designated as Jayhawk Ordnance Works, shall comprise a plant near Baxter Springs, Kansas, upon a site to be furnished and made available by the Government, said plant to be capable of manufacturing * * * tons of anhydrous ammonia per day of twenty-four hours.

B. Change Section 1 of Article I-C, of Title I, (page 5) to read:

It is estimated that the total cost of the work under this Title I will be approximately twelve million six hundred forty eight thousand three hundred dollars ($12,648,300.00) including the cost of all subcontracts, but excluding the Contractor's fee and the procurement of all production equipment provided for in Title II hereof.

C. Change Section 2 of Article I-D, of Title I, (page 6) to read:

A fixed-fee in the amount of forty five thousand one dollars ($45,001.00), which shall constitute complete compensation for the Contractor's services, including profit.

D. Change Article II-B, of Title II, (page 8) to read:

It is estimated that the total cost under this Title II will be approximately seven million nine hundred five thousand two hundred dollars ($7,905,200.00), exclusive of the Contractor's fee.

E. Change Section 2 of Article II-C, of Title II, (page 9) to read:

A fixed-fee in the amount of sixty thousand dollars ($60,000.00), which shall constitute complete compensation for the Contractor's services.

F. Change Section 3 and 4 of Article IV-A, of Title IV, (pages 12 and 13) to read:

3. Notwithstanding the fact that the construction and equipping of the Plant as a whole shall not have been completed, when all operating units thereof are completed and ready for operation, the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant for the manufacture of an initial quantity of * * * tons of ammonium nitrate and an initial quantity of * * * tons of anhydrous ammonia, which it is estimated will require * * * months after the commencement of operation of the Plant.

4. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in Section 3 next above, the Government may, at its option, authorize the continued operation of the Plant for the manufacture of such additional ammonium nitrate and anhydrous ammonia as the Government may desire within the capacity of the Plant for an additional period of * * * months and the Contractor shall undertake such continued operation under the terms and conditions of this contract applicable to the operation of the Plant (including those relating to the fixed-fees for such additional operation, which fees shall be that provided in Sections 3 and 5 of Article IV-C, hereof).

G. Change Article IV-B, of Title IV, (page 14) to read:

It is estimated that the cost of the work under this Title IV will be two million two hundred eight thousand four hundred dollars ($2,208,400.00), exclusive of the cost of continued operation covered by the option thereof provided in Section 4 of Article IV-A hereof, and exclusive of the Contractor's fee.

H. Change Article IV-C, of Title IV, (page 14) to read:

As consideration for its undertaking under this Title IV, the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title V hereof.

2. A fixed-fee for the work under Section 3 of Article IV-A of this Title IV of * * * per ton on the initial quantity of ammonium nitrate produced hereunder and accepted by the Government; which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

3. A fixed-fee for continued operation provided in Section 4 of Article IV-A of this Title IV of * * * per ton of ammonium nitrate produced hereunder and accepted by the Government; which fee shall constitute complete compensation for Contractor's services during continued operation.

4. A fixed-fee for the work under Section 3 of Article IV–A of this Title IV of * * * per ton on the initial quantity of anhydrous ammonia produced hereunder and accepted by the Government which fee shall constitute complete compensation (except for continued operation) for Contractor's services.

5. A fixed-fee for continued operation provided in Section 4 of Article IV–A of this Title IV of * * * per ton of anhydrous ammonia produced hereunder and accepted by the Government; which fee shall constitute complete compensation for Contractor's services during continued operation.

I. Change *d.* of Section 2, of Article V–B, of Title V, (page 22) to read:

Ninety percent (90%) of the fixed-fees provided for in Article IV–C of Title IV shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public No. 703, 76th Congress), and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–8037; Filed, October 25, 1941; 10:28 a. m.]

[Contract No. W 1096 eng 7659]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTOR: T. L. JAMES & COMPANY, INCORPORATED

Fixed-fee: $51,678.

Contract for: Constructing an advanced single engine school including the utilities and appurtenances thereto.

Place: Lake Charles, Louisiana.

Estimated cost of project: $2,064,635.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: Eng. 1035 P 99 A–0540–12.

This contract,[1] entered into this 23rd day of June, 1941.

ARTICLE I. *Statement of work.* The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work: construction of Advanced Single Engine School at Lake Charles, Louisiana, to include the temporary construction of buildings, and the utilities and appurtenances thereto.

[1] Approved by the Under Secretary of War August 11, 1941.

It is estimated that the total cost of the construction work covered by this contract will be approximately one million six hundred four thousand two hundred thirty six dollars ($1,604,236.00) exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in article II.

(b) Rental for Contractor's equipment as provided in article II.

(c) A fixed fee in the amount of fifty-one thousand six hundred seventy-eight dollars ($51,678) which shall constitute complete compensation for the Contractor's services, including profit and all general overhead expenses.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. III. *Payments — Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Final payment. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof.

ART. VI. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law:

Public No. 703—76th Congress—Approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–8038; Filed, October 25, 1941; 10:32 a. m.]

[Contract No. W 1096 eng 7676]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: F. SHUTTS' SONS, A PARTNERSHIP CONSISTING OF FRED N. SHUTTS, ELMER E. SHUTTS AND HARRY H. SHUTTS

Amount fixed fee: $7,500.00.

Estimated cost of construction project: $1,300,000.00.

Type of construction project: Air Corps flying field and sewage disposal plant.

Location: Lake Charles, Louisiana.

Type of service: Architect-Engineer.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. Eng.–1035 P 99 A–0540–12 the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 27th day of June, 1941.

ARTICLE I. *Description of the work.* The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: all grading and drainage on the flying field, all paving of runways and taxiways and the construction of a sewage disposal plant including utilities and appurtenances (hereinafter referred to as "the project") at the Advanced Single Engine School at Lake Charles, Louisiana and estimated to cost $1,300,000.00.

ART. III. *Data to be furnished by the Government.* The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil condi-

[1] Approved by the Under Secretary of War July 14, 1941.

tions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

ART. VI. *Fixed-fee and reimbursement of expenditures.* In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

a. A fixed fee in the amount of seven thousand five hundred dollars ($7,500.00) which shall constitute complete compensation for the Architect-Engineer's services.

b. Reimbursement for the following expenditures.

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract.

ART. VIII. *Method of payment.* Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed-fee earned.

ART. IX. All drawings, specifications, and blue prints are to become the property of the Government.

ART. XII. *Changes in scope of project.* The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

ART. XIII. *Termination for cause or for convenience of the Government.* The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following law:

Public No. 703, 76th Congress, approved July 2, 1940.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8039; Filed, October 25, 1941; 10:32 a. m.]

[Contract No. W 852 ord 10064]

SUMMARY OF CONTRACT FOR SUPPLIES [1]

CONTRACTOR: STEVENS WALDEN, INCORPORATED, WORCESTER, MASS.

Contract for * * * Cartridge Holders.

Amount: $1,033,106.25.

Place: Springfield Armory, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority Ord-15, 265-P11-30-A (1005).105-01 the available balance of which is sufficient to cover the cost of material covered by this contract.

This contract, entered into this 27th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Holders, Cartridge.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Discount. The Government shall be entitled to a discount of one per cent (1%) upon the amount of each installment payable under the terms of the contract if payment is made within twenty days following the submission of properly certified invoice and delivery and acceptance of the work.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8070; Filed, October 27, 1941; 11:31 a. m.]

[Contract No. W 431 qm-5593; O. I. 1573]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE SPRINGDALE FINISHING CO., INC., CANTON, MASS.

Contract for: Furnishing and delivering all labor and material required in the dyeing and finishing of Duck, Grey, according to Schedule of Supplies.

Amount: $1,106,915.00.

Place: Jeffersonville Quartermaster depot, Jeffersonville, Indiana.

This contract, entered into this 23d day of September, 1941.

Scope of this contract. The contractor shall furnish and deliver all labor and material required in the dyeing and finishing of Duck, Grey, for the Jeffersonville Quartermaster Depot, Jeffersonville, Indiana for the consideration stated One million one hundred six thousand nine hundred fifteen dollars ($1,106,915.00) and no cents, in strict accordance with the specifications, schedules, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with specifications, the contracting officer may at any time, by a written order and without notice to the sureties, make changes in the specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Bond: Yes. Amount: $312,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority C & E A 1941-42 QM 15401 P 14-30 A 0515-12 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8071; Filed, October 27, 1941; 11:31 a. m.]

[Contract No. W-883-Ord-2520]

SUMMARY OF CONTRACT FOR SUPPLIES [1]

CONTRACTOR: NORRIS STAMPING AND MANUFACTURING COMPANY, LOS ANGELES, CALIFORNIA

Contract for Cases: Cartridge, * * *.

Amount: $1,935,200.00.

Place: San Francisco Ordnance District, 402 Hotel Empire, Leavenworth and McAllister Streets, San Francisco, California.

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[1] Approved by the Chief of Ordnance, October 10, 1941.

[1] Approved by the Chief of Ordnance October 15, 1941.

The supplies to be purchased by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 15,599 P 11–02 A (1105), 105–01, the available balance of which is sufficient to cover the cost of same.

This contract, entered into this 27th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Cases, Cartridge, * * *, for the cosideration stated One million, nine hundred and thirty five thousand and two hundred dollars ($1,935,200.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * * %, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 21. *Termination when contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

ART. 30. *Price adjustments.* The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

This contract is authorized by the Act of July 2, 1940. (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-6072; Filed, October 27, 1941; 11:32 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–54]

IN THE MATTER OF SILVER CREEK COAL CO., REGISTERED DISTRIBUTOR, REGISTRATION No. 8397, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary for the proper administration of the Bituminous Coal Act of 1937 (the "Act" to determine

(a) Whether or not the Respondent in the above entitled matter, Silver Creek Coal Co., Registered Distributor, Registration No. 8397, whose address is 2204 South Loomis Street, Chicago, Illinois, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors and the Agreement ("Distributor's Agreement") dated July 5, 1940, executed by the Respondent, pursuant to Order of the Bituminous Coal Division dated June 19, 1940, in General Docket No. 12, or any orders or regulations of the Division; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed.

and for said purpose gives notice that the Division has information to the effect that:

2. Said respondent is a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, with its principal offices located at 2204 South Loomis Street, Chicago, Illinois, and is engaged under the powers granted to it by its corporate charter, in the business of selling and distributing coal.

3. Said respondent purchased coal for resale from certain code members located in Districts 9 and 11, and resold such coal, to Carson, Pirie, Scott & Company, Chicago, Illinois, as follows:

(a) Resales of coal produced by Grapevine Coal Co. at its Grapevine Mine, Mine Index No. 36, located in District 9.

Shipment date	Car No.	Size	Tons
1940			
Dec 31	IC 85343	1¼ segs	60.05
1941			
Jan. 4	L & N 50042	1¼ segs	52.25
9	IC 215124	1¼ segs	54.95
11	IC 215180	1¼ segs	53.3
20	L & N 52844	1¼ segs	51.35
23	IC 83102	1¼ segs	54.35
Feb. 17	L & N 56087	1¼ segs	44.6
Mar. 4	L & N 56267	1¼ segs	50.75
7	L & N 53448	1¼ segs	49.8
14	L & N 74279	1¼ segs	44.15
19	L & N 53776	1¼ segs	49.5

(b) Resales of coal produced by Tecumseh Coal Corporation at its Tecumseh Mine, Mine Index No. 105, located in District 11.

Shipment date	Car No.	Size	Tons
1941			
Jan. 24	NYC 363678	1½" W&D Scgs	53.95
Feb. 3	NYC 620412	1½" W&D Scgs	32.9
6	NYC 604863	1½" Washd. Scgs	40.6
10	NYC 363916	1½" Washd. Scgs	51.25

(c) Resales of coal produced by Sunlight Coal Co. at its Sunlight No. 11 Mine, Mine Index No. 87, located in District 11.

Shipment date	Car No.	Size	Tons
1941			
Mar. 24	So. 175751	1½" x 10M Water DD scgs.	47.2
28	So. 191801	1½" x 10M Water DD scgs.	45.1
31	So. 175308	1½" x 10M Water DD scgs.	(1)
	So. 176873	1½" raw scgs	(1)

[1] Not indicated.

4. That said respondent accepted and retained a distributor's discount of 12 cents per net ton on the coal referred to in paragraph (3) hereof.

5. That said respondent

(a) prepaid the freight on such coal in violation of section 4, Part II (i) paragraph 3 of the Act, Rule 3 of section XIII, and Rule 1 (J) of section VII of the Marketing Rules and Regulations, which constitute violations of paragraphs (c) and (e) of its Distributor's Agreement;

(b) by making prepayments of said freight charges, said respondent extended to Carson, Pirie, Scott and Company, a service or privilege not extended to all its purchasers under like terms and conditions, or under similar circumstances in violation of section 4, Part II (h) of the Act, section 4, Part II (i) paragraph 6 of the Act, Rule 6 of section XIII of the Marketing Rules and Regulations, which constitute violations of paragraphs (c) and (e) of its Distributor's Agreement.

(c) physically handled such coal in violation of paragraph (d) of its Distributor's "Agreement."

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 22, 1941, at 10 a. m., in a hearing room of the Bituminous Coal Division at Room 1123, New Post Office Building, Chicago, Illinois.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel

their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 23, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8056; Filed, October 27, 1941; 10:20 a. m.]

[Docket No. B–43]

IN THE MATTER OF WYATT, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9907, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine—

(a) Whether or not Wyatt, Inc., Registered Distributor, Registration No. 9907, whose address is 157 Church Street, New Haven, Connecticut, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated April 1, 1940, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939 in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939 or any orders or regulations of the Division.

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12:

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Feb. 4, 1941	282675	R/M	$2.20	$2.20	$0.20	43.9
Mar. 12, 1941	598716	R/M	2.20	2.20	.20	44.35
Total						88.25

3. In accepting and retaining the distributor's discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 10, 1941, at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8057; Filed, October 27, 1941; 10:20 a. m.]

[Docket No. B–44]

IN THE MATTER OF J. O. PITCHER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7341, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not J. O. Pitcher Coal Company, Registered Distributor, Registration No. 7341, whose address is Perry Building, Elmira, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated April 19, 1939, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, or any orders or regulations of the Division.

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company,

Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12.

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Dec. 5, 1940	855820	M/M/R	$2.25	$2.20	$0.25	26.8
Feb. 6, 1941	858486	M/M/R	2.20	2.20	.25	33.1
Total						59.9

In accepting and retaining the distributor discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 11, 1941, at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8058; Filed, October 27, 1941; 10:21 a. m.]

[Docket No. 1874-FD]

IN THE MATTER OF THE APPLICATION OF SOUTHERN COAL COMPANY, INCORPORATED, FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD BY IT TO HERITAGE COAL AND STOKER COMPANY

NOTICE OF AND ORDER FOR HEARING

The Southern Coal Company, Incorporated, organized under the laws of Tennessee, with its principal offices in Memphis, Tennessee, being registered with the Division as a distributor, No. 8561, and acting as a sales agent for certain producers, filed its petition praying:

For a determination herein that its "ownership" or "control" over Heritage (Coal and Stoker Company), if any, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

It is ordered, That a hearing on such matter be held on December 3, 1941, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 27, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8059; Filed, October 27, 1941; 10:21 a. m.]

[Docket No. 1875-FD]

IN THE MATTER OF THE APPLICATION OF SOUTHERN COAL COMPANY, INCORPORATED, FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD BY IT TO BANNON COAL AND ICE COMPANY

NOTICE OF AND ORDER FOR HEARING

The Southern Coal Company, Incorporated, organized under the laws of Tennessee, with its principal offices in Memphis, Tennessee, being registered with the Division as a distributor, No. 8561, and acting as a sales agent for certain producers, filed its petition praying:

For a determination herein that its "ownership" or "control" over Bannon Coal and Ice Company, if any, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

It is ordered, That a hearing on such matter be held on December 3, 1941, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 27, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8060; Filed, October 27, 1941; 10:21 a. m.]

[Docket No. B-47]

IN THE MATTER OF MAURER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION No. 6065, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) Whether or not Maurer Coal Company, Registered Distributor, Registration No. 6065, whose address is Patton, Pennsylvania, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated April 11, 1940, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939 or any orders or regulations of the Division.

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12.

Date of shipment	P. R. R. Car No.	P. R. R. Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 10, 1941	697579	2" NS.	$2.10	$2.10	$0.25	48.05
Jan. 22, 1941	728769	2" NS.	2.10	2.10	.25	51.85
Jan. 22, 1941	155502	2" NS.	2.10	2.10	.25	52.45
Jan. 22, 1941	159306	2" NS.	2.10	2.10	.25	50.75
Jan. 22, 1941	291549	2" NS.	2.10	2.10	.25	48.9
Jan. 22, 1941	869353	2" NS.	2.10	2.10	.25	44.5
Jan. 22, 1941	885496	2" NS.	2.10	2.10	.25	43.35
Feb. 4, 1941	300280	R/M.	2.10	2.10	.25	45.5
Feb. 10, 1941	793419	R/M.	2.10	2.10	.25	46.85
Total						432.20

3. In accepting and retaining the distributor discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 12, 1941, at a hearing room of the Bituminous Coal Division at Room 806, Walker Building, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged, herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8061; Filed, October 27, 1941; 10:22 a. m.]

[Docket No. B-46]

IN THE MATTER OF HOWARD COAL AND COKE COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION No. 4541, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine

(a) whether or not Howard Coal and Coke Company, Inc., Registered Distributor, Registration No. 4541, whose address is Sixth Street and Second Avenue, Brooklyn, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and Distributor's Agreement (the "agreement"), dated January 6, 1941, executed by the respondent pursuant to the Director's Order dated June 19, 1940 in General Docket No. 12, or any orders or regulations of the Division.

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940 entered in General Docket No. 12.

Date of shipment	P. R. R. Car No.	P. R. R. Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 15, 1941	157383	2" NS	$2.10	$2.10	$0.25	51
Do	163822	2" NS	2.10	2.10	.25	49.6
Do		2" NS	2.10	2.10	.25	50.7
Do	156066	2" NS	2.10	2.10	.25	51.7
Do	410713	2" NS	2.10	2.10	.25	76.65
Do	900998	2" NS	2.10	2.10	.25	75.15
Do	895337	2" NS	2.10	2.10	.25	50.45
Feb. 8, 1941	174004	2" NS	2.10	2.10	.25	399.7
Do	189101	2" NS	2.10	2.10	.25	
Do	191226	2" NS	2.10	2.10	.25	
Do	179900	2" NS	2.10	2.10	.25	
Do	699961	2" NS	2.10	2.10	.25	
Do	161704	2" NS	2.10	2.10	.25	
Feb. 20, 1941	166204	2" NS	2.10	2.10	.25	385.9
Do	703542	2" NS	2.10	2.10	.25	
Do	705589	2" NS	2.10	2.10	.25	
Do	155068	2" NS	2.10	2.10	.25	
Do	710035	2" NS	2.10	2.10	.25	
Do	729945	2" NS	2.10	2.10	.25	
Mar. 13, 1941	178802	2" NS	2.10	2.10	.25	296.9
Do	727125	2" NS	2.10	2.10	.25	
Do	152834	2" NS	2.10	2.10	.25	
Do	159453	2" NS	2.10	2.10	.25	
Do	729106	2" NS	2.10	2.10	.25	
Total						1,457.75

3. In accepting and retaining the distributor discounts described in paragraph 2 hereof, the respondent violated section 4 II (h) of the Act and paragraph (a) of the Agreement

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 13, 1941, at a hearing room of the Bituminous Coal Division at 10 a. m. in the forenoon, Room 806, Walker Building, Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 24, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8062; Filed, October 27, 1941; 10:22 a. m.]

[Docket No. 1870-FD]

IN THE MATTER OF THE APPLICATION OF NASHVILLE COAL COMPANY, INC., FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED AND RESOLD BY IT TO OLD HICKORY COAL AND ICE COMPANY AND JACKSON ICE AND COAL COMPANY

ORDER GRANTING PETITION FOR LEAVE TO AMEND APPLICATION

The Nashville Coal Company, Inc., having filed an original application in the above-entitled matter, and the said applicant thereafter having filed on October 4, 1941, a petition for leave to amend said original application so as to include the following prayers:

1. That the Division determine that the Old Hickory Coal & Ice Company and the Jackson Ice & Coal Company do not own or financially or otherwise control petitioner.

2. That the Division determine that the ownership or control by mutual stockholders of the three corporations above mentioned is bona fide, is not established primarily or otherwise to secure indirect price reductions, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Act.

3. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to accept and retain distributor's discounts on coal purchased and resold by it to the Old Hickory Coal & Ice Company and the Jackson Ice & Coal Company.

4. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to secure commissions on coals sold by them as sales agents for code member producers to Old Hickory Coal & Ice Company and Jackson Ice & Coal Company.

5. For such further and alternative relief as to the Director may appear just and equitable.

Said petition for leave to amend does not appear to affect the allegations of fact as made in the original application, but merely broadens the prayer thereof, and should be granted.

Accordingly, it is so ordered.

Dated: October 24, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8064; Filed, October 27, 1941; 10:23 a. m.]

[Docket No. A-721; Part II]

PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER RE-SCHEDULING HEARING AND REDESIGNATING EXAMINER

Pursuant to a Notice of and Order for Hearing in the above matter, dated September 6, 1941, a hearing having been held in Washington, D. C., on October 2, 1941; and

Intervenors having failed to appear but having requested by letter that the hearing be transferred to a location convenient to them; and

The Examiner designated to preside at the above hearing having referred the matter to the Director for appropriate action,

It is, therefore, ordered, That a hearing in the above-entitled matter be held at 10 a. m. on November 7, 1941, in a hearing room of the Bituminous Coal Division in the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That Charles S. Mitchell be and he is hereby designated to preside at such hearing, vice Scott A. Dahlquist.

It is further ordered, That the Notice of and Order for Hearing herein dated September 6, 1941, shall in all other respects remain in full force and effect.

Dated: October 23, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8065; Filed, October 27, 1941; 10:23 a. m.]

[Docket No. B-78]

IN THE MATTER OF A. C. SMITH, PAYTON, KENTUCKY, DEFENDANT

ORDER OF DISMISSAL

Mr. William S. King, a code member, whose address is Payton, Kentucky, on March 11, 1941, having filed with the Division a formal complaint against A. C. Smith, the defendant in the above-entitled matter, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging the sale of 5 tons of forked residential fuel on December 8, 1940, at a price 60 cents less than the prescribed minimum price for such coal; and

It appearing that on December 8, 1940, the date of the alleged violations, said A. C. Smith was not a code member, having been removed from the list of code members as of July 1, 1940, and was not, therefore, subject to the provisions of the Code nor the Regulations established by the Division;

Now, therefore, it is ordered, That the complaint filed by William S. King against A. C. Smith, the defendant in the above-entitled matter, be and it is hereby dismissed.

Dated: October 24, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8066; Filed, October 27, 1941; 10:23 a. m.]

[Docket No. 1625-FD]

IN THE MATTER OF CONSOLIDATED COAL AND STOKER COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1804, DEFENDANT

ORDER MAKING REINSTATEMENT OF REGISTRATION RETROACTIVE

Consolidated Coal and Stoker Company having filed with the Division on September 29, 1941, a motion and affidavit of Rees Bungay, dated September 26, 1941, requesting that an Order of the Director in the above-entitled matter, reinstating the registration of said company as a distributor, dated and effective as of September 5, 1941, be made retroactive to take effect as of August 16, 1941; and

It appearing in said affidavit that extenuating circumstances prevented the filing of the affidavit of said company as required by the Order of the Acting Director, dated July 11, 1941, suspending its registration as a distributor, and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the reinstatement of the registration of Consolidated Coal and Stoker Company as a distributor be and hereby is made retroactive, to take effect as of August 16, 1941.

Dated: October 24, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8067; Filed, October 27, 1941; 10:23 a. m.]

[Docket No. A-677]

PETITION OF DISTRICT BOARD NO. 15 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF THE MINES OF CODE MEMBERS IN PRODUCTION GROUP NO. 4 IN DISTRICT NO. 15 FOR ALL SHIPMENTS EXCEPT TRUCK TO MARKET AREA NO. 78

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR CONCERNING PETITION FOR RECONSIDERATION

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by District Board 15, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested that the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck be revised and amended by increasing the price of coals in the Domestic, Commercial and Industrial Coal Schedule in Size Groups 1, 2, 3, and 4, 8 cents per ton and in Size Group 9, 13 cents per ton and shipment into Market Area 78. (St. Joseph, Missouri)

A notice of appearance was filed by Consumers' Counsel.

Pursuant to an Order of the Director, a hearing in this matter was held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Original petitioner and the Consumers' Counsel appeared. At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the Director who issued his Findings of Fact, Conclusions of Law and Opinion in this matter on August 19, 1941. It is of decision granting the requested relief that Consumers' Counsel asks reconsideration.

On February 13, 1941, The Atchison, Topeka and Santa Fe Railroad Company, serving all but two mines in Production Group 4 of District 15 published, for shipment to St. Joseph, Missouri, (Market Area 78), a new tariff rate reducing the rate then in effect 8 cents a ton in Size Groups 1, 2, 3, 4, and 9. As a result of this reduction, a substantial number of mines in Production Group 4 obtained an 8 cent price advantage on shipments into St. Joseph, Missouri, in these sizes. To offset this advantage, District Board 15 sought a corresponding increase in the minimum prices established for the mines in Production Group 4 shipping these sizes into this market area. For Size Group 9 coals produced in this production group, the District Board sought a 13 cent price increase.

In a brief contending that the relief requested should be denied, the Consumer's Counsel argued that the granting of the relief would deprive the consumers in St. Joseph, Missouri, of the benefits which have accrued to them as a result of the above-mentioned freight rate reduction. However, the testimony showed that it was unlikely that retailer would pass on so small a savings to the consumer.

The Director found that the coordinated delivered relationship between the base group coals and the coals from other production groups in District 15 had been altered by the 8 cent reduction in Size Groups 1, 2, 3, 4, and 9 in the Atchison, Topeka and Santa Fe Railroad tariff, and that the requested relief would preserve to all code members within District 15, including those in Production Group 4, their fair competitive opportunities and relationship in Market Area 78, which existed therein prior to the date of the effective Atchison, Topeka and Santa Fe Railroad tariff revision.[1] Accordingly, an Order was issued on August 19, 1941, granting relief.

On September 18, 1941, Bituminous Coal Consumers' Counsel filed a Petition for Reconsideration requesting modification of the Order of the Director dated August 19, 1941. In its petition, Bituminous Coal Consumers' Counsel contends that the effect of the Director's decision is to nullify any downward change in the transportation charge affecting bituminous coal by a corresponding increase of the minimum f. o. b. mine price. This, it is claimed, has the effect of offsetting valid reductions ordered by the Interstate Commerce Commission. The Consumers' Counsel also contends that the conclusion that any such small reduction of 8 cents would be absorbed by retailers is unwarranted since the interest of the consumer frequently coincides with the interest of the retailer.

The Director has reconsidered the matter, but can find no justification for modification of his Order of August 19. The freight increase involved here was a voluntary change by the Atchison, Topeka and Santa Fe to which no objection was offered and hence involved no "determination" by the Interstate Commerce Commission based upon a "factual record," as is charged by the Consumers' Counsel. There being no finding by that Commission as to the validity of such rate change, the contention of the Consumers' Counsel Division that this Division has upset the valid rate reductions ordered by the Interstate Commerce Commission is unsupportable.

Moreover, Consumers' Counsel has seemingly failed to comprehend the effect of the particular freight charge in question. Under the mandate of Congress requiring the Division to consider transportation charges in coordinating the minimum prices set up pursuant to section 4 II (a) of the Act, any important revision in transportation charges which affects coordination raises the question whether an appropriate revision of the effective minimum prices must be made.[2]

In this particular case the rate change operated to disrupt intra-district coordination. This disruption had to be corrected because the resulting competitive advantage was to a group of mines which has in the past shipped only a relatively small percentage of the total tonnage into Market Area 78 by District 15 producers. The record shows that of a total of 101,120 tons of coal, in the sizes involved, shipped to Market Area 78 by District 15 producers in 1937, mines in Production Group 4 shipped only 19,568 tons. Moreover, Production Group 4 shipments were confined to only one size whereas mines

[1] The Director found that the 5 cents additional increase in the effective minimum price for Size Group 9 coals should also be granted to correct an error in definition. Size Group 9 coals are lump coals and not mine run as defined in the District 15 Price Schedule.

[2] Section 4 II (b) of the Act.

in Production Groups 1, 2, and 3 shipped all sizes. Although the Act does not seek to "freeze" market conditions, the requirement that "existing fair competitive opportunities" be preserved does necessitate a readjustment of the intra-district coordination so as to allow all production groups to continue their movement of coal on a fair competitive basis.

Consumers' Counsel has not shown that the consumer will necessarily be injured by the increase in the effective minimum prices. In accordance with the provisions of the Act, the Division in its regulation of the minimum price level, always pays due regard to the interests of the consuming public. Here, however, there is no evidence that the raise in minimum prices will be of consequence to the consuming public since the price to the consumer will doubtless not be affected. The testimony shows instead that the retail dealers do not as a rule reduce prices of coal by so small an amount as 8 cents. Since the coordination of minimum prices can be restored without any appreciable effect on the consuming public, the Director concludes that the petition herein of the Consumers' Counsel does not show necessity for revision of the Order of August 19, 1941.

Now, therefore, it is ordered, That the petition of the Bituminous Coal Consumers' Counsel Division seeking a modification of the Director's Order of August 19, 1941, granting relief in this matter be and it hereby is denied.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8068; Filed, October 27, 1941; 10:24 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and Address	*Date Application Filed*
Robert B. Adams Co., Box 432 Pottsville, Pa	Oct. 11, 1941
Detroit Pomeroy Coal Co., P. O. Box 367, Pomeroy, Ohio	Oct. 9, 1941
The Robt. Dixon Co., Ltd., 313 Albert St., Oshawa, Ontario	Oct. 10, 1941
W. A. Dykes, Buck Dykes Coal Co., Box 5067, Oklahoma City, Okla	Oct. 13, 1941
Martin Lingler, 406 Maple Ave., Hamilton, Ohio	Oct. 13, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before November 24, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8063; Filed October 27, 1941; 10:22 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION PURSUANT TO SECTION 608c (7) AND (17), TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO ORDER NO. 4, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Claude R. Wickard, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act. No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective August 1, 1941, Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved on July 10, 1941, a marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area would tend to effectuate the declared policy of said act, notice was given, on August 20, 1941, of a public hearing which was held in St. Johnsbury, Vermont, on August 26, 1941, and in Boston, Massachusetts, on August 27, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such times and places all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on September 27, 1941, of amendments to the marketing agreement, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Greater Boston, Massachusetts, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 4, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Greater Boston, Massachusetts, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 4, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 22nd day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

Approved:
FRANKLIN D ROOSEVELT
The President of the United States.

OCTOBER 23, 1941.

[F. R. Doc. 41-8032; Filed, October 24, 1941; 3:15 p. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE FANS AND BLOWERS INDUSTRY

NOTICE OF HEARING AND OPPORTUNITY TO SHOW CAUSE

The Fans and Blowers Industry, for the purpose of this notice, is that industry which manufactures fans, blowers, exhausters and similar mechanical devices (exclusive of the driving mechanism) for producing air or other gas flow out of, or into an enclosed space through ducts, except:

(a) Positive displacement devices, either rotary or reciprocating; and blowers designed to operate against water pressures exceeding 42"; and

(b) Products or systems in which the fan or blower unit constitutes but one component.

All interested persons are hereby notified that they are given until November 6, 1941, to show cause why the Secretary of Labor should not determine the minimum wage for the Fans and Blowers Industry, as herein defined, to

be 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piecework basis.

The minimum wage proposal is predicated upon a tabulation of wage schedules voluntarily submitted by members of the industry through the National Association of Fan Manufacturers and collated by the Research Section of the Division of Public Contracts, Department of Labor. Copies of this wage tabulation may be had on application to the Administrator of the Division of Public Contracts, Washington, D. C.

Briefs for or against the proposed determination must be filed with the Administrator, Division of Public Contracts, Department of Labor, on or before November 6, 1941. No form for the brief is prescribed but an original and four copies must be submitted.

On November 6, 1941, at 10 a. m., a hearing will be held in Room 3229. Department of Labor Building, Washington, D. C., at which interested persons will be given opportunity to be heard in opposition to or in favor of the proposed determination.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: October 25, 1941.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-8087; Filed, October 27, 1941; 11:58 a. m.]

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder. (August 16, 1940, 5 F.R. 2862) to the employers listed below effective October 27, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review of reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Gooch Food Products Company, 6th and South Streets, Lincoln, Nebraska; Macaroni Products; 4 learners; 4 weeks for any one learner; Cellophane Bag Making Machine Operator; 30 cents per hour; December 8, 1941.

Lasko Strap Company, 26 Exchange Place, Jersey City, New Jersey; Leather Wrist Watch Straps; 4 learners; 4 weeks for any one learner; 30 cents per hour; Looping; December 8, 1941.

B. Oshrin and Brothers, 390 West Broadway, New York, New York; Photo Mounts; 4 learners; 4 weeks for any one learner; Paster, Assembling Photo Mounts; 30 cents per hour; April 27, 1942.

Fredwill Manufacturing Company, 13th and Bushkill Drive, Easton, Pennsylvania; Fancy Covered Boxes and Bridge Covers; 25 learners; 6 weeks for any one learner; Fabric Paster on Fancy Boxes; 30 cents per hour; December 22, 1941.

Signed at Washington, D. C., this 27th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8083; Filed, October 27, 1941; 11:48 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 27, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel: The following certificates at the rate of 75% of the applicable hourly minimum wage.

Clara Barton Nurses' Apparel, Inc., 82 St. Paul Street, Rochester, New York; Uniforms; 3 learners; October 27, 1942. (This certificate replaces one issued bearing expiration date of January 6, 1942.)

Baxley Dress Manufacturing Company, 115 Boren Avenue, North, Seattle, Washington; Dresses; 10 learners; October 27, 1942.

Benstone Manufacturing Company, Inc., 5202 103rd Street, Corona, New York; Men's and Boys' Pajamas; 10 percent; October 27, 1942.

Bernstein and Sons Shirt Corporation, Main Street, Terre Hill, Pennsylvania; Boys' Shirts; 10 percent; October 27, 1942.

Cambridge Cravat Company, 51 North Seventh Street, Philadelphia, Pennsylvania; Men's Neckwear; 4 learners; October 27, 1942.

The Cleveland Overall Company, 1768 East 25th Street, Cleveland, Ohio; Work Shirts, Pants, Coats and Coveralls; 10 percent; October 27, 1942.

Cohen, Goldman and Company, Inc., Queen and Pasteur Streets, New Bern, North Carolina; Men's Pants; 10 percent; October 27, 1942.

Congress Shirt Company, 831 Middle Street, Bath, Maine; Men's & Boys' Shirts, Jackets, Pants; 10 percent; October 27, 1942.

Continental Undergarment Company, Inc., One Junius Street, Brooklyn, New York; Ladies' Underwear; 10 percent; April 20, 1942.

David Coopersmith, Washington Street, Milford, Delaware; Ladies' Better Cotton Dresses; 10 percent; October 27, 1942.

Durable Pants Company, Inc., Upper Main Street, Egypt, Pennsylvania; Men's Work Trousers; 10 percent; October 27, 1942.

Crystal Springs Shirt Corporation, Crystal Springs, Mississippi; Men's Shirts; 10 percent; October 27, 1942.

Elizabeth Undergarment Corporation, 829 Newark Avenue, Elizabeth, New Jersey; Ladies' Underwear; 10 learners; October 27, 1942.

Fayette Sportswear Company, 122 Pleasant Street, Fall River, Massachusetts; Dresses; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., 835 Spring Street, Jeffersonville, Indiana; Work Pants; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., Paducah, Kentucky; Cotton

Work Shirts; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., 15th and Main Streets, New Albany, Indiana; Cotton Work Shirts, Wool Shirts, Lumberjackets; 10 percent; October 27, 1942.

M. Fine and Sons Manufacturing Company, Inc., Vicksburg, Mississippi; Cotton Work Shirts, Cotton Work Pants; 10 percent; October 27, 1942.

Flash Sportswear Company, 1013 S. Los Angeles Street, Los Angeles, California; Ladies' Slack Suits; 3 learners; October 27, 1942.

Fletcher Brothers Company, 436–440 S. Liberty Street, Winston-Salem, North Carolina; Overalls; 7 learners; October 27, 1942. (This certificate replaces one issued bearing expiration date of October 6, 1942.)

Fox Knapp Manufacturing Company, Maple Avenue, Milton, Pennsylvania; Flannel, Cotton and Service Shirts; 10 percent; October 27, 1942.

Grace Corset Company, 242 Eleanor Street, Kalamazoo, Michigan; Foundation Garments; 10 percent; October 27, 1942.

Greenberg Clothing Company, Incorporated, 1010 Georgia Avenue, Chattanooga, Tennessee; Pants, Overalls, etc.; 5 learners; October 27, 1942.

J. Grinchuck Company, Main Street, Braidwood, Illinois; Boys' Longies, Boys' Knickers; 10 percent; October 27, 1942.

Hartwell Manufacturing Company, Inc., West Howell Street, Hartwell, Georgia; Pants, Shirts; 10 percent; October 27, 1942.

The Hercules Trouser Company, Manchester, Ohio; Men's and Boys' Single Pants; 10 percent; October 27, 1942.

The Hercules Trouser Company, Wellston, Ohio; Men's and Boys' Single Pants; 10 percent; October 27, 1942.

Hickerson and Company, 1014–1018 Laurel Street, Brainerd, Minnesota; Men's and Boys' Outdoor Clothing; 5 learners; October 27, 1942.

S. L. Hoffman and Company, Inc., 1 Carlton Avenue, Brooklyn, New York; House Dresses, Uniforms; 10 percent; October 23, 1942. (Omitted from Register of October 23, 1941. This certificate effective October 23, 1941.)

Karmel Manufacturing Company, 6th and Locust Streets, Mt. Carmel, Pennsylvania; Ladies' Dresses, Blouses and Pajamas; 10 percent; October 27, 1942.

H. W. Kemp, Beech and Evans Streets, Pottstown, Pennsylvania; Men's Sport Shirts; 5 learners; October 27, 1942.

S. H. Knopf Manufacturing Company, 470 Atlantic Avenue, Boston, Massachusetts; Leather Jackets, Woolen Sportswear; 5 percent; October 27, 1942.

Liberty Trouser Company, 2211 1st Avenue, Birmingham, Alabama; Overalls, Unionalls, Overall Jackets, Pants (Work and Dress); 10 percent; October 27, 1942.

J. Libman and Son, 94 Fulton Street, Paterson, New Jersey; Ladies' Underwear; 10 percent; October 27, 1942.

S. Liebovitz and Sons, Inc., Donoghue Street, Gallitzin, Pennsylvania; Men's Shirts; 10 percent; October 27, 1942.

S. Liebovitz and Sons, Inc., Ocean City Road, Salisbury, Maryland; Cotton Garments (Dress Shirts); 10 percent; October 27, 1942.

Lubell Brothers, 230–236 Marshall Street, Elizabeth, New Jersey; Boys' Shirts and Blouses; 10 percent; October 27, 1942.

McAdoo Sportswear Company, Inc., 125 South Tamaqua Street, McAdoo, Pennsylvania; Sportswear and Odd Outerwear; 5 percent; October 27, 1942.

Charles Meyers and Company, 102 W. Harrison Street, Belleville, Illinois; Trousers; 10 percent; October 27, 1942. (This certificate replaces one issued bearing expiration date of May 15, 1942.)

B. F. Moore and Company, 4 Eastern Avenue, Newport, Vermont; Work Clothing, Pants, Jackets; 5 learners; October 27, 1942.

Mt. Pleasant Mills Shirt Factory, Mt. Pleasant Mills, Pennsylvania; Shirts; 4 learners; October 27, 1942.

Blue Jean Manufacturing Company, 315 Cherry Street, Scranton, Pennsylvania; Trousers; 10 percent; October 27, 1942. (This certificate replaces one issued bearing expiration date of November 15, 1941.)

National Garment Company, Inc., Boyle and Duncan Avenues, St. Louis, Missouri; Dress Shirts; 10 percent; October 27, 1942.

National Garment Company, Chaffee, Missouri; Sport Shirts, Dressmaker Ensembles and Slack Suits; 10 percent; October 27, 1942.

The O-C Manufacturing Company, 5 Center Avenue, Little Falls, New Jersey; Elastic Web Athletic Supporters; 3 learners; October 27, 1942.

The Patricia Undergarment Company, Inc., 125 Main Street, Springfield, Massachusetts; Ladies' Silk Undergarments; 10 percent; October 27, 1942.

Peerless Manufacturing Company, 20 Fair Street, Hackensack, New Jersey; Brassieres; 10 percent; October 27, 1942.

Penn Children's Dress Company, 831 Lackawanna Avenue, Mayfield, Pennsylvania; Children's Dresses; 10 percent; October 27, 1942.

Randolph Underwear Company, Inc., Randleman, North Carolina; Ladies' Slips of Woven Fabrics; 10 percent; October 27, 1942.

Regal Paper Company, Inc., Corner Port and Jefferson Streets, Pulaski, New York; Cotton Aprons; 10 learners; October 27, 1942.

Richfield Shirt Factory, Richfield, Pennsylvania; Shirts; 10 percent; October 27, 1942.

Royal Manufacturing Company, Washington, Georgia; Men's & Boys' Shirts and Sport Shirts, Slacks; 10 percent; October 27, 1942.

Royal Worcester Corset Company, 30 Wyman Street, Worcester, Massachusetts; Foundation Garments and Brassieres; 10 percent; October 27, 1942.

Salant and Salant, Inc., Lindell Street, Martin, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salant and Salant, Inc., Lawrenceburg, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salant and Salant, Inc., Pine Street, Lexington, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salant and Salant, Inc., Washington Street, Paris, Tennessee; Cotton Work Shirts; 10 percent; October 27, 1942.

Salem Shirt Factory, R. D. #2, Mifflintown, Pennsylvania; Shirts; 5 learners; October 27, 1942.

I. Schneierson and Sons, Inc., 460 Globe Street, Fall River, Massachusetts; Ladies' Slips; 10 percent; October 27, 1942.

Selfast Dress Company, North Side Landis Avenue, Bridgeton, Vineland Pike, New Jersey; Toddlers and Children's Cotton Dresses; 10 percent; October 27, 1942.

L. Shellenberger and Sons, McAlisterville, Pennsylvania; Shirts; 10 percent; October 27, 1942.

The Shirtcraft Company, Inc., Lurgan Avenue, Shippensburg, Pennsylvania; Men's Dress Shirts; 10 percent; October 17, 1942.

Smartly Klad Frocks, Inc., Newburgh, New York; Dresses; 10 percent; October 27, 1942.

Smith-Levin-Harris, Inc., Lopez, Pennsylvania; Men's Pajamas; 10 percent; October 27, 1942.

Society Silk Lingerie Corporation, 115 York, Michigan City, Indiana; Ladies' Underwear; 10 percent; October 27, 1942.

Southeastern Shirt Company, LaFollette, Tennessee; Dress Shirts; 7 learners; October 27, 1942.

Southland Manufacturing Company, Wilmington, North Carolina; Dress Shirts; 10 percent; October 27, 1942.

Stylecraft Studios, Inc., 1043 East Genesee Avenue, Saginaw, Michigan; Foundation Garments, Corsets, Brassieres, etc., 4 learners; October 27, 1942.

The Tanger-Goldberg Company, Inc., North Cherry Street, Wallingford, Connecticut; Men's Dress Shirts and Ladies' Riding Blouses; 10 percent; October 27, 1942.

Trump Apron Company, Frankfort, Kansas; Organdie Aprons; 1 learner; October 27, 1942.

Sam Umansky and Son, 316–320 Burnet Street, New Brunswick, New Jersey; Pants, Overalls, etc., 3 learners; October 27, 1942.

United Pants Manufacturing Company, 26th and Read Streets, Philadelphia, Pennsylvania; Trousers and Jackets; 10 percent; October 27, 1942.

The Utilitog Company, Holden Street, Warrensburg, Missouri; Women's Utility Uniforms; 6 learners; October 27, 1942.

Walco Garment Company, 127 East Ninth Street, Los Angeles, California; Ladies' Cotton Garments; 10 percent; October 27, 1942.

Wear-Rite Brassiere Company, Inc., 37 West 26th Street, New York, New York; Corsets and Allied Garments; 10 percent; February 9, 1942.

Western Dress Company, 332 Central Street, Gilman, Illinois; Dresses; 8 learners; October 27, 1942.

Gloves: Clark Brothers, 17 Maple Avenue, Saratoga Springs, New York; Knit Fabric Gloves; 5 learners; October 27, 1942.

Good Luck Glove Company, 1304 Market Street, Metropolis, Illinois; Work Gloves; 10 percent; April 27, 1942.

Good Luck Glove Company, Washington and College Streets, Carbondale, Illinois; Work Gloves; 5 percent; October 27, 1942.

Keller Glove Manufacturing Company, Plumsteadville, Pennsylvania; Work Gloves; 5 learners; October 27, 1942.

Saranac Glove Company, 42 Saranac Street, Littleton, New Hampshire; Work and Dress Gloves; 4 learners; October 27, 1942.

Hosiery: Auburn Hosiery Mills, Auburn, Kentucky; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Charles H. Bacon Company, Loudon, Tennessee; Seamless Hosiery; 5 percent; October 27, 1942.

Clay County Products Company, Inc., 217 Bay Street, Green Cove Springs, Florida; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Egg Harbor Knitting Mills, Inc., Buffalo Avenue, Egg Harbor City, New Jersey; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Fay Hosiery Mills, Inc., East Avenue, Elyria, Ohio; Seamless Hosiery; 5 percent; October 27, 1942.

Fayetteville Knitting Mills, Inc., Fayetteville, N. C.; Full Fashioned Hosiery; 5 learners; October 27, 1942.

Georgia Hosiery Mills, N. Main Street, Blakely, Georgia; Seamless Hosiery; 5 learners; October 27, 1942.

Imperial Hosiery Mills, Inc., Mocksville, North Carolina; Seamless Hosiery; 5 learners; October 27, 1942.

Industrial Hosiery Mills, Inc., 424 Guilford Street, Lebanon, Pennsylvania; Seamless Hosiery; 5 percent; October 27, 1942.

Interwoven Stocking Company, Martinsburg, West Virginia; Seamless Hosiery; 5 percent; October 27, 1942.

Koonts Hosiery Mill, Route No. 3, Lexington, North Carolina; Seamless Hosiery; 9 learners; June 27, 1942.

Massachusetts Knitting Mills, Corporation, Columbia, Tennessee; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Rutledge Hosiery Mill Company, Rutledge, Tennessee; Seamless Hosiery; 5 learners; October 27, 1942.

William T. Tonner, Pierce Street, Lansdale, Pennsylvania; Seamless Hosiery; 5 learners; October 27, 1942.

Van Raalte Company, Boonton, New Jersey; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Van Raalte Company, Inc., Athens, Tennessee; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Wayne Knitting Mills, Riverside, New Jersey; Full Fashioned Hosiery; 5 percent; October 27, 1942.

Knitted Wear: The Rayotex Knitting Mills, Tempest Street, Perry, New York; Knitted Underwear; 5 learners; October 27, 1942.

Textile: Bartow Textile Company, Cartersville, Georgia; Bedspreads; 200 learners; April 27, 1942.

Signed at Washington, D. C., this 27th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–8084; Filed, October 27, 1941; 11:48 a. m.]

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO § 516.18 OF THE RECORD KEEPING REGULATIONS

JOSEPH P. MANNING CO.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Joseph P. Manning Company, Boston, Massachusetts, relief from the necessity of preserving their billings to customers for two years as required by § 516.15 (b) on condition that the information and data entered on those billings are entered in their ledgers which will continue to be preserved in accordance with § 516.15 (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C., this 23d day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–8085; Filed, October 27, 1941; 11:48 a. m.]

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO § 516.18 OF THE RECORD KEEPING REGULATIONS

AMERICAN TOBACCO CO.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted The American Tobacco Company, New York, N. Y. relief from the necessity of preserving their bills of lading to customers for two years as required by § 516.15 (b), on condition that the information and data entered on those bills of lading are carried on their customer invoices and that those invoices will continue to be preserved in accordance with § 516.15 (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 25th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–8086; Filed, October 27, 1941; 11:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SR–101]

IN THE MATTER OF JOHN H. NANCE, JR., PETITIONER, APPLICANT FOR A COMMERCIAL PILOT CERTIFICATE

ORDER ASSIGNING ORAL ARGUMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of October, 1941.

Acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 602 (b) and 1004 (a) of said Act, the above entitled proceeding, being a reconsideration of the application of John H. Nance, Jr., for a commercial pilot certificate, is hereby assigned for oral argument, before the Board, on the 29th day of October, 1941, 10 a. m. (Eastern Standard Time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C. Fifteen minutes will be allowed each side for said argument.

Dated Washington, D. C., October 24, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–8054; Filed, October 27, 1941; 9:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811–195]

IN THE MATTER OF RESERVE PLAN INVESTMENT CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1941.

An application having been duly filed on August 15, 1941 by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that applicant has ceased to be an investment company;

It is ordered, That a hearing on this application be held on November 4, 1941 at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esq., or any other officer or offi-

cers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8045; Filed, October 25, 1941; 11:50 a. m.]

[File No. 1-3067]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (A) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF CONDOR GOLD MINING COMPANY COMMON CAPITAL STOCK, 7½ CENTS PAR VALUE, NONASSESSABLE SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1941.

I

It appearing to the Commission:

That Condor Gold Mining Company, a corporation organized under the laws of the State of Utah, is the issuer of Common Capital Stock, 7½ Par Value, Non-assessable; and

That said Condor Gold Mining Company registered such security on the Salt Lake Stock Exchange, a national securities exchange, by filing on or about March 27, 1939, an application on Form 10 with the Exchange and with the Commission pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which registration became effective April 26, 1939, and has remained in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Condor Gold Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the Instruction Book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That said Condor Gold Mining Company has a fiscal year ending December 31; that the annual report for its fiscal year ended December 31, 1940 was required to be filed not later than April 30, 1941; that no request for an extension of time was filed by said Condor Gold Mining Company; that no annual report for the fiscal year ended December 31, 1940 was filed either within the prescribed time or at any time thereafter; and

It further appearing to the Commission:

That pursuant to section 13 of said Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, said Condor Gold Mining Company filed with the Commission on May 3, 1940, its annual report on Form 10-K for the fiscal period ended December 31, 1939; that said Condor Gold Mining Company has failed to comply with said section 13 of the Securities Exchange Act of 1934, as amended, the Rules, Regulations, Form 10-K, and the Instructions thereto, promulgated by the Commission thereunder, in that the balance sheet and Schedule II in support thereof, filed as part of Item 8 of said Form 10-K, did not correctly reflect the true financial condition of the registrant and were and are false and misleading with respect to material facts at the time and in the light of the circumstances, in the following respect:

The figure given for "Cost of mining claims located in Elko County, Nevada" is materially overstated; and

II

The Commission having reasonable cause to believe that:

(a) The said Condor Gold Mining Company has failed to comply with the provisions of Section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder in that (1) it has failed to file its annual report for the year ended December 31, 1940 within the time prescribed for filing said report, and (2) it has failed to file such annual report at any time thereafter; and

(b) The said Condor Gold Mining Company has failed to comply with the provisions of said Section 13 of the Securities Exchange Act of 1934, as amended, the Rules and Regulations, Form 10K and the Instructions thereto, promulgated by the Commission thereunder, in that the annual report filed by it for the fiscal period ended December 31, 1939 fails to meet the requirements as above specified; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Condor Gold Mining Company has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Capital Stock, 7½ Par Value, Non-Assessable, of said Condor Gold Mining Company on said Salt Lake Stock Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, Gilbert C. Maxwell, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 17th day of November at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 444 17th Street, Denver, Colorado, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8046; Filed, October 25, 1941; 11:51 a. m.]

[File No. 54-24]

IN THE MATTER OF STANDARD GAS AND ELECTRIC COMPANY, AND SAN DIEGO GAS & ELECTRIC COMPANY

NOTICE OF AND ORDER OF EXTENSION OF TIME FOR FILING NOTIFICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 25th day of October, A. D. 1941.

The Commission having made findings and entered an order herein on June 20, 1941, as amended on June 24, 1941, approving a plan filed by Standard Gas and Electric Company for disposition of 590,527 shares of common stock of San Diego Gas & Electric Company owned by it, on condition that Standard Gas and Electric Company notify the Commission in writing within 30 days of the date of said order, as to the availability of the proceeds of the sale of said shares of common stock of San Diego Gas & Electric Company for the immediate reduction of the indebtedness of the said Standard Gas and Electric Company, and steps taken and proposed to be taken by the said Standard Gas and Electric Company in connection therewith;

And it appearing that because certain legal questions had arisen as to the meaning and intent of the provisions of the Supplemental Trust Agreement dated April 1, 1938 securing said indebtedness, with respect to the time at which the said Standard Gas and Electric Company might cause sums deposited with the Trustees for the various notes and debentures of said company to be used for the retirement of said notes and debentures, the said company requested and the Commission entered an order on September 25, 1941 extending the time to October 20, 1941 for the said company to report as aforesaid;

And it further appearing that the said company by petition dated October 20, 1941 has requested an additional extension of time to arrive at a solution of the aforesaid legal questions;

It is ordered, That the date for the filing by Standard Gas and Electric Company of notification as contemplated by the findings and opinion, and particularly as provided in condition numbered (2) of the order of this Commission entered on June 20, 1941, be and the same is hereby extended to November 24, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8079; Filed, October 27, 1941; 11:34 a. m.]

[File No. 70-411]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1941.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation, a registered holding company, out of capital or unearned surplus, of a regular quarterly dividend on November 1, 1941, on its $3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 98,968 shares of such stock presently outstanding, the aggregate amount of such payment being $86,597;

Said declaration having been filed on October 8, 1941, and a certain amendment having been filed thereto on October 11, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration, as amended, became effective on or about October 23, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and the same hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8080; Filed, October 27, 1941; 11:34 a. m.]

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

ORDER DENYING INTERVENTION BUT PERMITTING LIMITED PARTICIPATION IN HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of October A. D. 1941.

The Commission having by its order of September 30, 1941, directed its Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 to the above-named respondent; and

Thomas D. Lavelle, having filed an application to intervene in these proceedings representing that he is the attorney for Thomas H. Peterson, owner of a transferable certificate of beneficial interest of the class designated as "$5.50 Dividend Series Preferred Shares" of the above-named respondent; and

The Commission having considered said application and the affidavit in support thereof;

It is ordered, That said application for leave to intervene be and the same is hereby denied, without prejudice, however, to the right of said Thomas D. Lavelle to renew his application for leave to intervene and to be made a party to these proceedings at a future date;

It is further ordered, That the said Thomas D. Lavelle shall be entitled to participate in said proceedings to the extent of cross examining witnesses, introducing evidence, filing of briefs, and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8081; Filed, October 27, 1941; 11:34 a. m.]

OCT 30 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 211

Washington, Wednesday, October 29, 1941

The President

EXECUTIVE ORDER

ESTABLISHING THE CREEDMAN COULEE NATIONAL WILDLIFE REFUGE

MONTANA

By virtue of the authority vested in me as President of the United States, it is ordered (1) that, subject to valid existing rights, all public lands (approximately 80 acres) within the following-described area in Hill County, Montana, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and (2) that the said lands and all other lands and waters owned or controlled by the United States (approximately 2,960 acres) within the said area be, and they are hereby, reserved for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife:

PRINCIPAL MERIDIAN

T. 37 N., R. 15 E.,
sec. 8, S½;
sec. 15, all;
sec. 16, all;
sec. 17, NE¼;
sec. 21, all;
sec. 22, all.

It is unlawful for any person to pursue, hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of the refuge, or to enter thereon, except under such rules and regulations as may be prescribed by the Secretary of the Interior.

The reservation made by this order supersedes as to any of the above-described lands affected thereby the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended.

This reservation shall be known as the Creedman Coulee National Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 25, 1941.

[No. 8924]

[F. R. Doc. 41-8092; Filed, October 27, 1941; 2:23 p. m.]

Rules, Regulations, Orders

TITLE 12—BANKS AND BANKING

CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 222—CONSUMER CREDIT

The effective date of §§ 222.8 (a), (b), (c) and (d) of Part 222 is postponed from November 1, 1941, to December 1, 1941; and effective December 1, 1941, Part 222 is amended by this Amendment No. 2[1] in the following respects:

1. In § 222.2 (e)[2] the figure "$1,000" is changed to "$1,500."

2. Section 222.4 (e) is stricken out and a new § 222.4 (e), which reads as follows, is substituted:

§ 222.4 *Installment sale credit.*

* * * * *

(e) *Small down payments.* In any case in which the down payment required by § 222.4 (a) would be $2.00 or less, the Registrant may disregard such requirement.

3. Section 222.5 is changed to read as follows:

§ 222.5 *Instalment loan credit.* Except as otherwise permitted by § 222.6, any extension of instalment loan credit shall comply with the following requirements:

(a) *Loans secured by or to purchase listed articles.* If the extension of instalment loan credit is secured, or according to any oral or written agreement of the parties is to become secured, by any listed article which has been purchased within 45 days prior to, or is to be purchased at any time after, such extension of instalment loan credit; or if the extension of instalment loan credit, even though not so secured, is in a principal amount of $1,500 or less and the Registrant knows or has reason to know that the proceeds are to be used to purchase any listed article:

[1] Amendment No. 1 appears at 6 F.R. 4838.

[2] The numbers herein to the right of the decimal points correspond with the respective section numbers in Regulation W, Board of Governors of the Federal Reserve System.

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FEDERAL REGISTER

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(1) The principal amount lent to the obligor (excluding any interest or finance charges, and the cost of any insurance) shall not exceed the maximum credit value of the listed article specified in the Supplement (§ 222.11); and, in determining such maximum credit value, the Registrant may accept in good faith a written statement signed by the obligor setting forth the *bona fide* cash purchase price of the article and of any accessories and of any services, except insurance, rendered in connection with the acquisition thereof, which statement so accepted shall, for purposes of this part, be deemed to be correct; and

(2) The maturity shall not exceed that specified for the listed article in the Supplement (§ 222.11), and such maximum maturity shall be calculated from the date of purchase of such listed article or from the date of such extension of instalment loan credit, whichever is earlier.

(b) *Miscellaneous loans of $1,500 or less.* If the extension of instalment loan credit is not subject to paragraph (a) but is in a principal amount of $1,500 or less, the maximum maturity shall not exceed that specified in the Supplement (§ 222.11) for extensions of instalment loan credit subject to this paragraph.

(c) *General requirements.* Whether subject to paragraphs (a) or (b), the extension of instalment loan credit shall comply with the following additional requirements:

(1) The extension of instalment loan credit shall be evidenced by a written instrument or record, and there shall be incorporated therein or attached thereto a written statement, of which a copy shall be given to the obligor as promptly as circumstances will permit, and which shall set forth the terms of payment and, if the loan is subject to paragraph (a), the *bona fide* cash purchase price used for determining the maximum credit value of the listed article involved;

(2) Except as permitted by paragraph (c) (3), the total of the principal and any interest or finance charges shall be payable in instalments which shall be substantially equal in amount or be so arranged that no instalment is substantially greater in amount than any preceding instalment; and

(3) Instalments shall be payable at approximately equal intervals not exceeding one month, except that, when appropriate in order to facilitate repayment in accordance with the seasonal nature of the obligor's main source of income or to encourage off-seasonal purchases of seasonal goods, the payment schedule may reduce or omit payments over any period or periods totaling not more than 4 months during the life of such extension of credit if the schedule increases the scheduled payments in such manner as to meet the other requirements of this section.

(d) *Statement of the borrower.* On and after January 1, 1942, no Registrant shall make any extension of instalment loan credit (except under the provisions of § 222.8 (a)) unless, at or before the execution of the loan contract, he shall have obtained and accepted in good faith a signed Statement of the Borrower as to the purposes of the loan in form prescribed by the Board. No obligor shall willfully make any material misstatement or omission in such Statement. The Registrant, acting in good faith, may rely upon the facts set out by the obligor in such Statement and, when the Registrant is so acting, such facts shall be deemed to be correct for the purposes of the Registrant. Until January 1, 1942 (after which date a Statement of the Borrower must be obtained) the Registrant, in ascertaining the purposes of the loan or the maximum credit value of any listed article, may, in good faith, accept and rely upon a written statement in any form signed by the obligor and such statement shall, for the purposes of this part, be deemed to be correct. In case the Registrant accepts in good faith a written statement signed by the obligor that any listed article which secures an extension of instalment loan credit has not been purchased within 45 days prior to such extension of credit, such statement shall, for the purposes of this part, be deemed to be correct.

(e) *Credit subject to paragraph (a) only in part.* In case an extension of instalment loan credit consists only in part of an extension of credit subject to paragraph (a), the amount and terms of such extension of credit shall be such as would result if the credit were divided and each part treated in good faith as if it stood alone.

A loan or part thereof which is secured by a listed article only because of an "overlap agreement", "spreader clause", or other form of general over-all lien or only because the Registrant is prevented by a State law or regulation from having in effect more than one contract of loan from the same borrower at the same time, but which otherwise would not be subject to paragraph (a), shall not be deemed to be so secured within the meaning of such section.

(f) *Loans to make down payments prohibited.* An extension of instalment loan credit does not comply with the requirements of this part if the Registrant making such extension knows or has reason to know that any part of the proceeds thereof is to be used to make a down payment on the purchase price of any listed article: *Provided*, That, if the Registrant accepts in good faith a written statement signed by the obligor that no part of the proceeds is to be so used, such statement shall, for the purposes of this part, be deemed to be correct.

4. Section 222.6 (a) is changed to read as follows:

§ 222.6 *Certain exceptions.* • • • (a) Any extension of credit which is secured by a *bona fide* first lien on improved real estate duly recorded or which is for the purpose of financing or refinancing the construction or purchase of an entire residential building or other entire structure.

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5. A new paragraph reading as follows is added at the end of § 222.6:

(l) Any extension of instalment loan credit which is made to a person whose income is derived principally from the operation of a business enterprise of which such person is the owner or proprietor, provided the extension of credit is for the purpose of financing such business enterprise and is not for the purpose of purchasing any listed article or secured by any listed article purchased within 45 days before the extension of credit.

6. Sections 222.8 (a), (b), (c) and (d) (the effective date of which has been postponed from November 1, 1941, to December 1, 1941) are changed to read as follows:

§ 222.8 *Renewals, revisions, and additions*—(a) *Renewals or revisions.* If any obligation or claim evidencing any extension of instalment sale credit or instalment loan credit is renewed or revised by a Registrant, the extension of instalment credit does not comply with the requirements of this part if such renewal or revision has the effect of changing the terms of repayment to terms which this part would not have permitted in the first instance for such credit; *Provided*, That nothing in this part shall be construed to prevent any Registrant from making any renewal or revision, or taking any action that it shall deem necessary in good faith, (1) with respect to any obligation of any member of the armed forces of the United States incurred prior to his induction into such service, or (2) for the Registrant's own protection in connection with any obligation which is in default and is the subject of *bona fide* collection effort by the Registrant.

(b) *Additions to outstanding credit held by registrant.* An extension of instalment sale credit or instalment loan credit does not comply with the requirements of this part if it is consolidated with any obligation or obligations held by the Registrant evidencing any prior extension or extensions of instalment credit to the same obligor, unless the additional extension of credit complies with the maximum credit value limitations applicable thereto (if any) and, in addition, the consolidated obligation complies with one of the following options:

Option (1). The terms of the consolidated obligation shall be such as would have been necessary to meet the requirements of this part if the two obligations had not been consolidated; or

Option (2). The consolidated obligation shall provide for a rate of payment, throughout its term, which is (i) at least as large per month as the rate of payment or payments on the outstanding obligation or obligations being consolidated would have been for the month commencing on the date of consolidation, and (ii) is larger to whatever extent may be necessary in order to repay the consolidated obligation within 15 months.

(c) *Credit to retire obligations held elsewhere.* Any extension of instalment loan credit, the proceeds of which a Registrant knows or has reason to know will be used in whole or in part to retire any extension of instalment credit not held by such Registrant, shall be subject to the provisions of this part to the same extent as if the obligation being retired were held by the Registrant.

(d) *Statement of necessity to prevent undue hardship.* Notwithstanding the provisions of paragraphs (a), (b) and (c), if a Registrant accepts in good faith a statement of necessity as provided in the following paragraph, the renewed, revised or consolidated obligation may provide for a schedule of repayment as though it were a new extension of instalment loan credit subject to paragraph (b), even though such action results in the reduction of the rate of repayment thereon.

The requirements of a statement of necessity will be complied with only if the Registrant accepts in good faith a written statement in form and content prescribed by the Board and signed by the obligor that the contemplated renewal, revision or other action is necessary in order to avoid undue hardship upon the obligor or his dependents resulting from contingencies that were unforeseen by him at the time of obtaining the original extension of instalment credit or which were beyond his control, which statement also sets forth briefly the principal facts and circumstances with respect to such contingencies and specifically states that the renewal, revision, or other action is not pursuant to a preconceived plan or an intention to evade or circumvent the requirements of this part. Until the Board has prescribed the form and content of the statement of necessity the Registrant may in good faith accept a written statement in any form, provided such statement otherwise conforms to the requirements of this section.

• • • • • •

7. Old § 222.9 (f), which is superseded by language in the amended § 222.5 (e), is stricken out and a new § 222.9 (f), which reads as follows, has been substituted:

§ 222.9 *Miscellaneous Provisions.*

• • • • • •

(f) *"Farmer plans".* When appropriate for the purpose of facilitating repayment in accordance with the seasonal nature of the obligor's main source of income, an extension of instalment credit which is made to a person who is engaged in agriculture and derives income principally therefrom may be payable in any amounts and at any intervals, notwithstanding §§ 222.4 (c), 222.4 (d) and 222.5 (c): *Provided*, That (1) the extension of credit complies with the applicable provisions concerning the amount and maximum maturity of the credit and (2) at least one-half of the credit is to be repaid within the first half of the applicable maximum maturity.

8. Section 222.10 is changed to read as follows:

§ 222.10 *Effective date of this part.* This part shall become effective September 1, 1941, except that § 222.8 (a), (b), (c) and (d) and the amendments made by Amendment No. 2 shall not become effective until December 1, 1941.

9. In § 222.11 (d), the figure "$1,000" is changed to "$1,500".

(The foregoing amendments are issued under the authority contained in sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; 12 U.S.C. 95 (a) and Sup., and Executive Order No. 8843,[1] dated August 9, 1941.)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 41-8097; Filed, October 28, 1941; 10:15 a. m.]

[1] 6 F.R. 4035.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3689]

DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF POWER AND GANG MOWER MANUFACTURERS' ASSOCIATION, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* Following a common course of action, on the part of respondent Power and Gang Mower Manufacturers' Association and respondent members thereof, and their officers, etc., and pursuant to or in connection with any mutual understanding, agreement, etc., with intent and effect of maintaining the prices of respondents' products, establishing and maintaining uniform rates of discounts and terms of sale to any purchasers or classes of purchasers, establishing and maintaining uniform trade-in allowances for used mowing equipment, or otherwise hindering or lessening competition in the sale and distribution of power and/or gang mowers or mowing equipment in commerce, by (1) agreeing to maintain and maintaining prices published through the Power and Gang Mower Manufacturers' Association, or otherwise; (2) establishing and maintaining uniform discounts on or terms of sale for respondents' products, or any of them; (3) establishing and maintaining uniform prices for, or allowances on, equipment purchased or taken in trade in connection with the sale of other products; and (4) organizing or participating or cooperating in the actions of any groups or associations of dealers with the purpose and effect of accomplishing or furthering the accomplishment of any of the things prohibited in the preceding part of this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Power and Gang Mower Manufacturers' Association, et al., Docket 3689, October 15, 1941]

In the Matter of Power and Gang Mower Manufacturers' Association, Coldwell Lawn Mower Company, Jacobsen Manufacturing Company, Milbradt Manufacturing Company, Moto Mower Company, Toro Manufacturing Com-

pany, Ideal Power Lawn Mower Company, Outboard Motors Corporation, Roseman Tractor Mower Company, Eclipse Lawn Mower Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of October, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of certain of the respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Power and Gang Mower Manufacturers Association, a voluntary unincorporated association, and respondents Coldwell Lawn Mower Company, Jacobsen Manufacturing Company, Moto-Mower Company, Toro Manufacturing Corporation, Ideal Power Lawn Mower Company, and Eclipse Lawn Mower Company, corporations, their officers, directors, agents, and employees, either with or without the cooperation of others not parties hereto, do forthwith cease and desist from following a common course of action pursuant to or in connection with any mutual understanding, agreement, combination, or conspiracy for the purpose and with the effect of maintaining the prices of their products, establishing and maintaining uniform rates of discounts and terms of sale to any purchasers or classes of purchasers, establishing and maintaining uniform trade-in allowances for used mowing equipment, or otherwise hindering or lessening competition in the sale and distribution of power and/or gang mowers or mowing equipment in commerce, as "commerce" is defined in the Federal Trade Commission Act, by:

(1) Agreeing to maintain and maintaining prices published through the Power and Gang Mower Manufacturers Association, or otherwise;

(2) Establishing and maintaining uniform discounts on or terms of sale for their products, or any of them;

(3) Establishing and maintaining uniform prices for, or allowances on, equipment purchased or taken in trade in connection with the sale of other products;

(4) Organizing or participating or cooperating in the actions of any groups or associations of dealers with the purpose and effect of accomplishing or furthering the accomplishment of any of the things prohibited in the preceding paragraphs of this order.

[1] 5 F.R. 319.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, For the reasons set out in Paragraph One of the findings as to the facts, that this proceeding be, and the same hereby is, dismissed as to respondents Milbradt Manufacturing Company, Outboard Motors Corporation, and Roseman Tractor Mower Company.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8113; Filed, October 28, 1941; 11:40 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER III—SOCIAL SECURITY BOARD

[Regulations No. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[1]

DEFINITION OF "LIVING WITH" HUSBAND

In order to conform Regulations No. 3[2] of the Social Security Board (Part 403, Title 20, Code of Federal Regulations, 1940 Sup.) to the applicable provisions of the Social Security Act, as amended, this regulation, effective January 1, 1940, is issued to amend § 403.834 (c) of such regulations.

Effective January 1, 1940, § 403.834 (c) of Regulations No. 3[2] is amended as follows:

§ 403.834 *Definition of "living with."*

* * * * *

(c) If the husband had, at such time, been ordered by any court to contribute to his wife's support.

This condition is met if the husband is legally obligated to contribute to the support of his wife at such time by virtue of any order, judgment, or decree of a court of competent jurisdiction, regardless of whether he actually made any such contribution. In determining the existence of such a legal obligation, any such order, judgment, or decree shall be considered as in full force and effect unless it has expired or has been vacated.

Example 1. H abandoned his wife W and never thereafter contributed to her support. W secured a valid court decree for separate maintenance which directed that H pay $5 a week to the support of W. H left the jurisdiction of the court and never complied with the terms of the decree. He filed application for primary insurance benefits at the age of 65 while living in another State. W thereupon filed application for wife's insurance benefits.

W was "living with" H at the time of filing application since H was legally obligated to contribute to the support of W at such time, by virtue of a decree of a court of competent jurisdiction.

Example 2. After H abandoned his wife W, W secured a valid court decree requiring H to pay $5 a week to the support of W. Later, because of H's illness the order was suspended. H died while this suspension was in effect. W filed a claim for widow's insurance benefits.

W was "living with" H at the time of his death since H was legally obligated to contribute to the support of W at such time, by virtue of a decree of a court of competent jurisdiction. Although the decree was suspended at the time of H's death, it had not expired nor had it been vacated. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., 405 (a), 1302; interprets sec. 209 (n), 53 Stat. 1378, 42 U.S.C., Sup., 409 (n))

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation this day adopted by the Board is hereby prescribed this September 30, 1941.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER, *Chairman.*

Approved: October 27, 1941.

PAUL V. MCNUTT, *Federal Security Administrator.*

[F. R. Doc. 41-8106; Filed, October 28, 1941; 10:46 a. m.]

[1] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[2] 5 F.R. 1849.

[3] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (Section 403.1, Title 20, Code of Federal Regulations, 1940 Sup.)

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5094]

PART 321—REGULATIONS RELATING TO THE FLOOR STOCKS TAXES ON TIRES, INNER TUBES AND MATCHES

Sec.
321.0 Scope of regulations.
321.1 Scope of tax.
321.2 Rates of tax.
321.3 Payment of tax.
321.4 Inventory.
321.5 Return.
321.6 Records.
321.7 Penalties and interest.
321.8 Refunds.

§ 321.0 *Scope of regulations.* The regulations in this part deal with the floor stocks taxes imposed by sections 3400 (b) and 3409 (b) of the Internal Revenue Code, as added by sections 535 (c) and 547 of the Revenue Act of 1941 (Public Law 250—77th Congress), approved September 20, 1941. Section 3400 (b) imposes taxes with respect to tires and inner tubes, and 3409 (b) with respect to matches.*

*§§ 321.0 to 321.8, inclusive, issued under the authority contained in secs. 3448, 3791, I.R.C., 53 Stat. 419, 467; 26 U.S.C., Sup., 3448, 3791.

SEC. 535. TIRES AND TUBES. (Revenue Act of 1941.)

(a) *Rate on tires.* Section 3400 (1) of the Internal Revenue Code is amended by striking out "2¼ cents" and inserting in lieu thereof "5 cents".

(b) *Rate on tubes.* Section 3400 (2) of the Internal Revenue Code is amended by striking out "4 cents" and inserting in lieu thereof "9 cents".

(c) *Floor stocks tax on tires and inner tubes.* Section 3400 of the Internal Revenue Code is amended by inserting "(a) *Tax.*—" before the beginning thereof and by inserting at the end thereof the following:

(b) *Floor stocks tax.* Upon tires and inner tubes subject to tax under subsection (a) of the type used on vehicles subject to tax under section 3403 (a) or (b) which on October 1, 1941, are held for sale by any person there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2½ cents per pound in the case of tires and 4½ cents per pound in the case of inner tubes. The tax shall apply to tires and inner tubes held for sale on, or in connection with, or held for use in the manufacture or production of, articles the sale of which will be subject to tax under section 3403 (a) or (b). The tax shall not apply to tires and inner tubes held for sale by the manufacturer, producer, or importer thereof, and to tires and inner tubes the sale of which will be subject under the provisions of sections 3444 (a) (2) and 3445 to the manufacturers' tax on tires and inner tubes.

SEC. 547. MATCHES. (Revenue Act of 1941.) Section 3409 of the Internal Revenue Code is amended to read as follows:

SEC. 3409. TAX ON MATCHES.

(a) *Manufacturers' tax.* There shall be imposed upon matches sold by the manufacturer, producer, or importer, a tax of 2 cents per 1,000 matches, except that in the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax shall be 5½ cents per 1,000 matches.

(b) *Floor stocks tax.* On matches subject to tax under subsection (a) which, on October 1, 1941, are held and intended for sale, or for disposition in connection with the sale of other articles, there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2 cents per thousand matches. The tax shall not apply to matches in retail stocks held at the place where intended to be sold or disposed of. The tax shall not apply to matches held for sale by the manufacturer, producer, or importer thereof, nor to fancy wooden matches or wooden matches having a stained, dyed, or colored stick or stem.

SEC. 3449. APPLICABILITY OF ADMINISTRATIVE PROVISIONS. (Internal Revenue Code.)

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, in so far as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

§ 321.1 *Scope of tax*—(a) *General.* Floor stocks taxes are imposed on tires, inner tubes and matches (with the exceptions set forth in the regulations in this part) held for sale or specified disposition at the first moment of October 1, 1941, by any person other than the manufacturer, producer, or importer of the articles. The floor stocks taxes are on the holding for sale, etc., and not on the sale of the articles.

Tires, inner tubes and matches are regarded as held by the owner thereof at the first moment of October 1, 1941, although at that time the articles are in transit to the owner, or in a warehouse, storeroom, or distributing depot. Where title does not pass to the consignee until delivery, articles in transit at the first moment of October 1, 1941, are regarded as held by the consignor at that time.

(b) *Tires and inner tubes.* (1) The floor stocks taxes apply to:

(i) Tires and inner tubes of the type used on automobiles, trucks, busses, highway tractors, trailers, semi-trailers and motorcycles, held for sale at the first moment of October 1, 1941, by wholesalers, jobbers, distributors, and retailers, or any person other than the manufacturer, producer, or importer, of such tires and inner tubes;

(ii) Tires and inner tubes which at the first moment of October 1, 1941, are mounted on, or held for sale on or in connection with, automobiles, trucks, busses, highway tractors, trailers, semi-trailers and motorcycles held by the manufacturers, producers, or importers, of such vehicles and the sale of which will be taxable;

(iii) Tires and inner tubes which at the first moment of October 1, 1941, are held by manufacturers of automobiles, trucks, busses, highway tractors, trailers, semi-trailers and motorcycles for use in the manufacture of such vehicles.

(2) The floor stocks taxes do not apply to tires and inner tubes held for sale by the manufacturer, producer, or importer thereof. The floor stocks taxes likewise are not applicable to tires and inner tubes actually mounted on automobiles, trucks, etc., which are held for sale by persons who are not the manufacturers of such vehicles.

(3) The term "tires" includes rubber casings, rubber hoops, and rubber strips or bands, of all kinds, designed and shaped or built to form the tread of or to fit a wheel of a vehicle capable of use as a means of transporting a person or burden. The term includes also tires of either the pneumatic or solid type.

(4) The term "inner tubes" includes tubes or air containers of all types made wholly or in part of rubber and designed and manufactured for use in pneumatic tires.

(c) *Matches.* (1) The floor stocks tax applies to matches which at the first moment of October 1, 1941, are held and intended for sale, or for disposition in connection with the sale of other articles, by wholesalers, jobbers, distributors and retailers. In respect of matches held by retailers the floor stocks tax is applicable only to matches held in a warehouse or place other than the separate retail establishment where matches are sold or disposed of to consumers. The phrase "for disposition in connection with the sale of another article" includes matches held for delivery to a customer purchasing another article. For example, matches used as advertising material by manufacturers of various other articles and delivered to purchasers in connection with the sale of such other articles, are subject to the floor stocks tax.

(2) The floor stocks tax does not apply to matches held on October 1, 1941, in separate retail establishments or departments where such matches are to be sold or disposed of exclusively at retail directly to consumers. The floor stocks tax likewise does not apply to matches held for sale on October 1, 1941, by the manufacturer, producer, or importer thereof, or to fancy wooden matches, or wooden matches having a stained, dyed, or colored stick or stem.

(3) The term "fancy wooden matches" means matches having a wooden stem, and which in addition to serving the purpose of the ordinary match, are colored or decorated or manufactured in such a manner as to be more ornamental or attractive than the ordinary match.*

§ 321.2 *Rates of tax.* The rates of the floor stocks taxes are:

Tires—2½ cents per pound on the total weight (exclusive of metal rims or rim bases).

Inner tubes—4½ cents per pound on the total weight.

Matches—2 cents per thousand matches.*

§ 321.3 *Payment of tax.* Every person liable to floor stocks tax on tires, inner tubes, or matches is required to make return and pay such tax on or before November 30, 1941. Tax shall be paid at the time of filing return.*

§ 321.4 *Inventory.* Every person liable to pay floor stocks tax on tires, inner tubes, or matches, shall promptly make an itemized inventory of such articles subject to the floor stocks tax held at the first moment of October 1, 1941. Tires and inner tubes shall be segregated and inventoried separately according to trade name, size and weight. Matches shall be inventoried as to number.

Persons holding tires, inner tubes, or matches at more than one location shall prepare a separate inventory *in duplicate* for each such location. One copy of the separate inventory shall be retained at such location and one copy shall be forwarded to and kept at the taxpayer's principal place of business. Each inventory shall show the name of the taxpayer, the location of the particular premises for which the inventory is made and the name and address of the principal office from which the floor stocks return will be filed.

Separate inventories forwarded to the taxpayer's principal place of business shall be consolidated into a single inventory for the purpose of computing the tax and making return.

*Inventories should NOT be filed with the return but must be retained by the taxpayer at his principal place of business.**

§ 321.5 *Return.* Form 887, Revised 1941, is prescribed as the form on which persons liable to floor stocks tax on tires, inner tubes, or matches, shall make return and pay tax. The return shall be prepared and filed in duplicate on or before November 30, 1941, with the collector of the district in which is located the taxpayer's principal place of business.

The collector will retain the copy of the return for the files of his office and forward the original return to the Commissioner.*

§ 321.6 *Records.* Records showing payment of floor stocks tax on tires, inner tubes, or matches, together with the consolidated and separate inventories and other relevant papers and material must be kept by the taxpayer for a period of four years from the date the tax is due.*

§ 321.7 *Penalties and interest.* In the case of failure to pay the tax due on or before November 30, 1941, there shall be added as part of the tax, interest at the rate of 6 percent per annum for the period beginning December 1, 1941, to the date of payment of the tax. Where an assessment of the floor stocks tax is certified by the Commissioner to the collector of the district and payment of such tax is not made within ten days after issuance by the collector of the first notice and demand on Form 17 for payment, there will accrue under section 3655 of the Internal Revenue Code a 5 percent penalty and interest at the rate of 6 percent per annum from the date of issuance of the first notice and demand on Form 17 until date of payment of the tax.

The penalty under section 3612 (d) (1) of the Internal Revenue Code for delinquency in filing the return is 5 percent of the amount of the tax if the failure is not for more than thirty days, with an additional 5 percent for each additional thirty days or fraction thereof during which failure continues, but not to exceed 25 percent in the aggregate. The penalty does not apply where the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect.

In case a false or fraudulent return is willfully made the penalty under section 3612 (d) (2) of the Internal Revenue Code is 50 percent of the total tax due.

Under section 3612 (e) of the Internal Revenue Code the penalty added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

Other penalties are also imposed by the Internal Revenue Code for willful failure to pay tax, keep records, file returns, or supply information for purposes of tax computation, and for filing false or fraudulent returns.*

§ 321.8 *Refunds.* A claim for refund may be filed by any person who has overpaid a floor stocks tax on tires, inner tubes, or matches. The claim must be made under oath on Form 843 and filed with the collector of internal revenue to whom the tax was paid. The claim must contain the information required by the form and be supported by a statement of the facts and evidence upon which the claim is based.*

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 25, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8095; Filed, October 28, 1941; 9:54 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-592]

PART 344—COMMON CONSUMING MARKET AREAS

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 13 AND INCREASE IN PRICE CLASSIFICATION OF CERTAIN COALS FOR SHIPMENT TO NORTHERN PART OF MISSISSIPPI AND FOR CHANGE IN DESIGNATION OF BOUNDARIES OF MARKET AREAS NOS. 115 AND 148

A petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 13, seeking a modification of the Schedule of Common Consuming Market Areas by deleting that part of Market Area 115, lying within the State of Mississippi, and adding the same to Market Area 148 and further seeking increases in the f.o.b. mine prices applicable to all mines in Sub-District 1 of District 13, except those mines with Mine Index Nos. 30–54, both inclusive, of 35 cents per ton in Size Groups 17, 18, 22 and 23 for shipment into those parts of Market Areas 148 and 152 lying north of but not on the Columbus and Greenville Railway; 45 cents per ton in Size Groups 17, 18, 22, 23, 24, 25, and 26 for shipment into Market Area 151; and, 15 cents per ton in Size Groups 8 to 26, both inclusive, for shipment into that part of Market Area 150 lying within the State of Mississippi;

A hearing having been held before Floyd McGown, a duly designated Examiner of the Division, at a hearing room of the Division, Washington, D. C.;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith:

It is ordered, That § 344.115 (b) (*Market Area No. 115—Mississippi*) and § 344.148 (*Market Area No. 148, Mississippi*) in the Schedule of Common Consuming Market Areas be modified and revised as follows:

The Boundary description of Market Area No. 115 appearing in § 344.115 in Market Area Schedule No. 1 should be, and the same is hereby, altered and revised by deleting the following:

Mississippi. Entering Mississippi from Tennessee at a point where the Gulf, Mobile & Northern R. R. crosses the Mississippi-Tennessee state line at Brownfield and continuing in a southerly direction via that railroad to but excluding New Albany, but including all intermediate points thereon; thence continuing in a northwesterly direction via the St. Louis-San Francisco Ry. to but excluding Mineral Wells and all intermediate points thereon, again crossing the Mississippi-Tennessee state line.

It is further ordered, That the description of Market Area No. 148 appearing in § 344.148 should be, and the same hereby is, altered and revised to read as follows:

Market Area No. 148—Revised

Mississippi. Beginning at a point where the St. Louis-San Francisco Ry. crosses the Mississippi-Tennessee state line at but excluding Mineral Wells and continuing in a southeasterly direction to but excluding Holly Springs and all intermediate points; thence continuing via the St. Louis-San Francisco Ry. to and including New Albany and all intermediate points; thence continuing in a southerly direction via the Gulf, Mobile & Northern R. R. to but excluding Avent and all intermediate points thereon; thence continuing on the west bank of the Pascagoula River to and including Pascagoula to the Gulf of Mexico; thence eastward along the shore line of the Gulf of Mexico to the Mississippi-Alabama state line; thence northward along the Mississippi-Alabama state line to the southern boundary line of Market Area No. 150; thence in a northwesterly direction along the boundary line of Market Area No. 150 to the Mississippi-Tennessee state line; thence west along the Mississippi-Tennessee state line to the starting point of this area.

It is further ordered, That § 333.6 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 13, for All Shipments Except Truck, be, and the same hereby is, amended by increasing the prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing applicable to all mines in Subdistrict No. 1, except those mines with Mine Index Nos. 30 to 54, inclusive, as follows:

(a) For shipment into those parts of Market Areas 148 and 152 lying north of and excluding all points on the Columbus and Greenville Railway, in Size Groups 17, 18, 22 and 23, increase 35 cents per net ton;

(b) For shipment into Market Area 151, in Size Groups 17, 18, 22, 23, 24, 25, and 26, increase 45 cents per net ton;

(c) For shipment into that part of Market Area 150 lying within the State of Mississippi, in Size Groups 8 to 26, inclusive, increase 15 cents per net ton.

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8103; Filed, October 28, 1941; 10:21 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF GEORGIA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Georgia to direct any local board in the State of Georgia to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Georgia will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Georgia shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8088; Filed, October 27, 1941; 1:09 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF COLORADO TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Colorado to direct any local board in the State of Colorado to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Colorado will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Colorado shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8089; Filed, October 27, 1941; 1:09 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF ARIZONA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Arizona to direct any local board in the State of Arizona to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Arizona will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Arizona shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8090; Filed, October 27, 1941; 1:09 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF NEW MEXICO TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of New Mexico to direct any local board in the State of New Mexico to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of New Mexico will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of New Mexico shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

OCTOBER 24, 1941.

[F. R. Doc. 41-8091; Filed, October 27, 1941; 1:09 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-ORD-490 Supp. 1]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE DESIGN, ENGINEERING, CONSTRUCTION, EQUIPMENT AND OPERATION CONTRACT [1]

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Fixed-fee: $1.00 for acquisition of site under Title I.

Fixed-fee: $600,000.00 for design, engineering, construction and equipping under Title II; $150,000.00 (additional).

[1] Approved by the Under Secretary of War June 27, 1941.

Fixed-fee: $ * * * per ton of anhydrous ammonia for operation of the Plant under Section 2, Article III–A, of Title III.

Contract for: The acquisition of the site for, and designing, engineering, constructing, equipping and operating a plant for the manufacture of anhydrous ammonia.

Supplemental contract: To provide for an increase in the rated capacity of the Plant.

Place: Morgantown, West Virginia.

Estimated cost of acquisition of site under Title I: $210,408.35.

Estimated cost of designing, engineering, constructing, and equipping under Title II: $15,000,000.00: $15,500,000.00 (additional).

Estimated cost of operation under section 2, Article III–A of Title III: $1,604,000.00.

The equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

ORD 8008 P 99 A0141–02
ORD 8010 P11 3052 A1005–01
ORD 8009 P99 A0141–02
ORD 7975 P11–0270 A1005–01

This supplemental contract, entered into this 26th day of June 1941.

There is now in force between the parties hereto a certain contract identified by the Government as Contract No. W–Ord–490,[1] and approved November 29, 1940; which contract provides for the acquisition of the site for, and designing, engineering, constructing, equipping and operating a plant for the manufacture of anhydrous ammonia by the Contractor at Morgantown, West Virginia.

The Government now desires to modify said Contract approved November 29, 1940, so as to provide for an increase in the rated capacity of said plant, and the Contractor has agreed to such modification upon the terms, conditions and provisions hereinafter set forth.

The parties hereto do mutually agree that said contract approved November 29, 1940 shall be, and is hereby modified in the following particulars:

A. Change Article II–A of Title II (page 4) to read as follows:

The construction and equipment project (hereinafter referred to as "the Plant") shall comprise a plant at or near Morgantown, West Virgina, for the manufacture of anhydrous ammonia, having an estimated average daily capacity, based on working twenty-four hours per day, of * * * tons of such anhydrous ammonia.

B. Change Article II–C of Title II (page 4) to read as follows:

[1] 6 F.R. 1266.

It is estimated that the total cost of the original work covered by Title II of this contract (as of November 29, 1940) will be approximately fifteen million dollars ($15,000,000.00), including approximately ten million three hundred thousand dollars ($10,300,000.00) for equipment, but exclusive of the Contractor's fee. It is estimated that the total cost of the additional work covered by Title II as amended by this supplemental contract will be approximately fifteen million five hundred thousand dollars ($15,500,000.00), including approximately ten million four hundred thousand dollars ($10,400,000.00) for equipment, but exclusive of the Contractor's fee.

C. Change Paragraph c. of Article II–D of Title II (page 5) to read as follows:

A fixed-fee in the amount of seven hundred fifty thousand dollars ($750,000.00), of which one hundred fifty thousand dollars ($150,000.00) shall constitute the fee for the additional work provided by the supplemental contract, which shall constitute complete compensation for the Contractor's services under this Title II, including profit.

D. Change Section 1 Article III–A of Title III (page 10) to read as follows:

Concurrently with the performance of the work required of it under Title II hereof, the Contractor shall perform all organization services in connection with the planning of and the making of all necessary preparations for the operation of the Plant, and all other services incident to setting up an efficient and going operation force, including guard and fire fighting forces adequate for the protection of the Plant.

F. Change Paragraph a. Section 3 of Article IV–B of Title IV (page 21) to read as follows:

The fixed-fee of seven hundred fifty thousand dollars ($750,000.00) provided for in Article II–D of Title II, shall be paid to the Contractor by the Government as it accrues, in monthly installments.

G. Change Article VI–A of Title VI (page 28) to read as follows:

The Contracting Officer may, at any time, by a written order and without notice to the sureties, if any, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Cong.)

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8093; Filed, October 28, 1941; 9:54 a. m.]

SUMMARY OF CONTRACT OUTSIDE TERRITORIAL LIMITS OF UNITED STATES

Contract Number: W 6558 qm–7 (O. I. #174).

Date: Approved by the Under Secretary of War August 28, 1941.

Construction outside Continental United States.

Total: $4,047,556.00.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8041; Filed, October 25, 1941; 10:28 a. m.]

SUMMARY OF CONTRACT OUTSIDE TERRITORIAL LIMITS OF UNITED STATES

Contract No. W 6708 qm–347 (O. I. No. 88).

Date: Approved by the Under Secretary of war June 26, 1941.

Construction outside Continental United States.

Total: $1,618,450.00.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8075; Filed, October 27, 1941; 11:31 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1869–FD]

IN THE MATTER OF THE APPLICATION OF OHIO EDISON COMPANY FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS MINE IN KNOX TOWNSHIP, JEFFERSON COUNTY, OHIO

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the mine of the Ohio Edison Company in Knox Township, Jefferson County, Ohio, having been filed on July 31, 1941, by the above-named applicant, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 15, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (1) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof of this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of the Ohio Edison Company under the second paragraph of section 4–A of the Act for a determination of the status of the coal produced at its mine in Knox Township, Jefferson County, Ohio, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8098; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. 1763–FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER CANCELLING HEARING

A hearing in the above-entitled matter having been heretofore scheduled for October 27, 1941, at 10 a. m. at the County Court House, Galesburg, Illinois, and an Order Terminating Code Membership, Providing for the Payment of Tax for Reinstatement, and Directing Defendant to Cease and Desist from Further Violations having been entered in the above-entitled matter on October 25, 1941, pursuant to a stipulation of the defendant, dated October 13, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8099; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. A–669]

PETITION OF DISTRICT BOARD 10 FOR THE ISSUANCE OF A TEMPORARY ORDER PERMITTING MINE INDEX 95, DISTRICT 10, TO SELL 16 CARS OF "5/16" X 0 RHEO REJECT WASHED CARBON" AT 75 CENTS PER TON

ORDER TERMINATING PROCEEDING

This proceeding was instituted upon an original petition filed by District Board 10, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that Midland Electric Coal Corporation be permitted to sell 16 cars of reject washed carbon, frozen in the cars, at an effective minimum price of 75¢ per ton. It appears that subsequent to the entry of an order of the Director dated February 20, 1941, granting temporary relief, these 16 cars of coal were sold.

It is, therefore, ordered, That the proceeding in the above-entitled matter be and the same hereby is terminated.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8100; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. 1763–FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER TERMINATING CODE MEMBERSHIP, PROVIDING FOR PAYMENT OF TAX FOR REINSTATEMENT, AND DIRECTING DEFENDANT TO CEASE AND DESIST FROM FURTHER VIOLATIONS

A complaint, dated July 3, 1941, in the above-entitled matter, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 7, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, with the Bituminous Coal Division (the "Division"), alleging that the defendant willfully violated the provisions of the Bituminous Coal Code (the "Code"), the effective minimum prices, and the Marketing Rules and Regulations, and the complaint having been duly served upon the defendant on July 31, 1941; and

The defendant, by stipulation dated October 13, 1941, the original of which is on file with the Division, having admitted the truth of the allegations of the complaint in respect to part of the coal therein described and having consented to the making and entry of this Order; and

An Order of the Director having been entered herein on October 25, 1941 granting the application of the Complainant dated October 14, 1941 for leave to withdraw the charges in the complaint contained in paragraph 2 thereof; and

The defendant having agreed that it will pay to the United States Government the amount of the tax hereinafter referred to, namely two thousand three hundred four dollars and fifty-four cents ($2,304.54), the amount required to be paid by sections 5 (b) and (c) of the Act, as a condition to reinstatement of its membership in the Code, and having agreed to cease and desist from making further sales of Size Group 15 coals until such time as said coals are priced by the Director, and that thereafter it will sell such coals at or above the prices so established plus the actual cost of transportation from the Little John Mine to the Wataga Dock as shown by the applicable freight rate tariff published by The Galesburg & Great Eastern Railroad Company plus the estimated actual cost of handling such coal at the Wataga Dock, and having further agreed to the issuance by the Director of a cease and desist order prohibiting the defendant

from making sales at the Wataga Dock of coals produced at the Little John Mine at prices less than the effective minimum f. o. b. mine price established therefor plus the applicable freight rate tariff of 50 cents per ton published by The Galesburg & Great Eastern Railroad Company for transportation from the Little John Mine to the Wataga Dock and plus the estimated actual costs of handling such coal at the Wataga Dock, which the defendant represents at the present time are 15.94 cents per net ton;

Now, therefore, Pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust complaints of violations and compose the differences of the parties thereto and upon said stipulation on file with the Division:

It is hereby found as follows:

(a) Defendant at the times hereinafter mentioned was and now is a corporation duly organized and existing under and by virtue of the laws of the State of Indiana with its principal office located at 1016 Merchants Bank Building, Indianapolis, Indiana, engaged, under the powers granted to it by its corporate charter, in the business of producing and selling bituminous coal;

(b) on June 17, 1937, defendant filed with the National Bituminous Coal Commission (the "Commission") its acceptance, dated June 14, 1937, of the Code; said acceptance was approved by the Commission on June 17, 1937, to take effect as of the date of the promulgation of the Code, June 21, 1937, and defendant has been, since the last mentioned date, and is now, a code member in District No. 10, operating its Little John Mine, Mine Index No. 84, in said district;

(c) defendant owns and operates a truck tipple or truck loading dock at Wataga, Illinois (the Wataga Dock), at the Binford Siding of The Galesburg and Great Eastern Railroad Company; all of the coal handled and sold at the Wataga Dock is produced by the defendant at said Little John Mine and is transported from said mine to the Wataga Dock over the tracks of The Galesburg and Great Eastern Railroad Company, which is an Illinois corporation, all of the stock of which is owned by the Little John Coal Company;

It is hereby further found, That the defendant willfully violated the provisions of the Act, the Code and the effective minimum prices established thereunder, as alleged in the complaint, by selling to various purchasers f. o. b. the Wataga Dock, coal produced at its Little John Mine without adding to the effective minimum f. o. b. mine prices therefor not less than the estimated actual cost of transportation, handling and other incidental charges arrived at in good faith in a reasonable manner, at prices as follows:

Sizes of coal	Dates of sale	Number of tons sold	Effective minimum f. o. b. mine prices	Sales prices f. o. b. the Wataga dock	Aggregate effective minimum f. o. b. mine prices
	1940				
4" x 2".....	November..	18.32	$1.80	$2.00	$32.98
¾ x ¼.....	October.....	267.36	1.90	2.10	507.98
¾ x ¼.....	November..	760.15	1.90	2.10	1,444.29
¾ x ¼.....	December...	595.34	1.90	2.10	1,131.15
¾ x 0.....	October.....	30.38	1.70	1.85	51.65
¾ x 0.....	November..	196.98	1.70	1.85	334.87
¾ x 0.....	December...	252.31	1.70	1.85	428.93
	1941				
6" x 4".....	January.....	12.37	2.60	2.50	24.74
6" x 2".....	January.....	2.91	1.85	2.35	5.38
¾ x ¼.....	January.....	60.53	1.90	2.25	115.01
¾ x ¼.....	March.....	3.06	1.90	2.25	5.81
¾ x 0.....	January.....	194.95	1.70	2.10	331.42
¾ x 0.....	February...	371.29	1.70	2.10	631.19
¾ x 0.....	March.....	457.91	1.70	2.10	778.45
¾ x 0.....	April.....	50.14	1.70	2.10	85.24
		3,274.00	.....	.....	5,909.09

It is hereby further found, That said transactions of the defendant resulted in the violation of the provisions of the Act, the Code and the effective minimum prices established thereunder as follows:

(1) Said sales constituted violations of sections 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code.

(2) The failure to add to the effective minimum f. o. b. mine prices the estimated actual cost of transportation from said Little John Mine to said dock plus the estimated actual cost of handling said coal at the Wataga Dock constituted violations of Price Instruction No. 9, as set forth in Supplement No. 1 to Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck.

It is hereby further found, That the amount of tax imposed by sections 5 (b) and (c) of the Act upon the above tonnage and required to be paid by the defendant as a condition to reinstatement of its membership in the Code is two thousand three hundred four dollars and fifty-four cents ($2,304.54), which amount is 39 per cent of the aggregate of the effective minimum prices therefor of five thousand nine hundred nine dollars and nine cents ($5,909.09).

It is hereby further found, That subsequent to September 30, 1940 the defendant sold to various purchasers at the Wataga Dock substantial tonnages of coal of Size Group 15 for which no effective minimum prices had been established by the Director.

Now, therefore, Based upon the above findings and said admissions and agreements of the defendant and the defendant's consent appended hereto to the making and entry of this order:

It is ordered, That the membership of the above-named defendant in the Code be and the same is hereby cancelled and revoked.

It is further ordered, That said cancellation and revocation of the code membership of the defendant shall become effective ten (10) days after service of this order upon the defendant.

It is further ordered, That in the event of the defendant's failure to pay the amount of tax required to be paid by the defendant as a condition to its reinstatement to membership in the Code, within ten (10) days after service of this order on the defendant, the Director may in his discretion vacate, revoke, cancel, or annul this order and thereupon take such further steps or action in this proceeding as the Director may deem fit, and jurisdiction of this proceeding is hereby reserved for such purpose.

It is further ordered, That the defendant, its officers, representatives, agents, servants, employees and attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from violating the provisions of the Code, the Act, the Marketing Rules and Regulations, and the effective minimum prices, and that the provisions hereof shall continue in full force and effect in respect to the defendant, its officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf upon any restoration of the defendant's Code membership, pursuant to section 5 (c) of the Act.

It is further ordered, That the Director, in his discretion, may apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant resides and carries on business for the enforcement hereof.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8101; Filed, October 28, 1941; 10:20 a. m.]

[Docket No. 1763-FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER GRANTING APPLICATION TO WITHDRAW PART OF COMPLAINT

A complaint having been filed on July 7, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, in the above entitled matter; and

The complainant herein having filed an application dated October 14, 1941, for leave to withdraw the charges in the complaint contained in paragraph 2 thereof;

Now, therefore, it is ordered, That the application of the Bituminous Coal Producers Board for District No. 10 filed in the above-entitled matter for leave to withdraw the charges in the complaint contained in paragraph 2 thereof be and the same hereby is granted.

Dated: October 25, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8102; Filed, October 28, 1941; 10:21 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 169

ALASKA

OCTOBER 15, 1941.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands within the following-described boundaries, in the vicinity of Naknek, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

Beginning at corner No. 1, on the right bank of the Naknek River approximately 500 feet above the mouth of Eskimo Creek, in latitude 58°40' N., longitude 156°46' W.
Thence by metes and bounds,
N. 31° E., 870 feet to corner No. 2;
North, 700 feet to corner No. 3;
West, 311 feet to corner No. 4;
N. 49°34' W., 4,220 feet to corner No. 5;
S. 40°26' W., 1,200 feet to corner No. 6;
N. 49°34' W., 2,320 feet to corner No. 7;
N. 40°26' E., 2,820 feet to corner No. 8;
S. 49°34' E., 5,780 feet to corner No. 9;
East, 6,142.4 feet to corner No. 10;
South, 8,690 feet more or less, to the right bank of the Naknek River;
Thence by meanders westerly and northwesterly down stream on the right bank of the Naknek River approximately two miles to the place of beginning, containing approximately 1,340 acres.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-8094; Filed, October 28, 1941; 9:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6206]

NOTICE RELATIVE TO THE CROSLEY CORP. (W8XO)

Application dated August 15, 1941, for construction permit; class of service, developmental broadcast; class of station, developmental broadcast; location, Cincinnati, Ohio; operating assignment specified: Frequency, 700 kc., emission A-3; power, 100 to 750 kw.; hours of operation, 12 midnight to 6 a. m., E.S.T. and § 4.4 (a).

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed program of research has reasonable promise of substantial contribution to the development of broadcasting or is along lines not already thoroughly investigated.

2. To determine whether the proposed program of research could be conducted by the applicant utilizing the present operating assignment of Station W8XO.

3. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Crosley Corporation, 1329 Arlington Street, Cincinnati, Ohio.

Dated at Washington, D. C., October 25, 1941.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8096; Filed, October 28, 1941; 9:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-74]

IN THE MATTER OF INTERNATIONAL MINING CORPORATION

NOTICE OF AND ORDER FOR HEARING AND ORDER EXTENDING TEMPORARY EXEMPTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1941.

An application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definitions of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities.

It is ordered, That a hearing on the matter of this application be held on November 4, 1941 at 10:30 o'clock in the forenoon of that day at the Securities and Exchange building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing may be held.

It is further ordered, That Charles S. Lobingier or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

It is further ordered, Under the authority vested in this Commission by section 3 (b) (2) that the temporary exemption of the applicant from the provisions of the Investment Company Act of 1940 be and the same hereby is extended to January 2, 1942. If during such period the Commission by order denies the aforesaid application then such extension shall cease and terminate ten days after personal service or service by registered mail of a copy of said order on said applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8108; Filed, October 28, 1941; 11:35 a. m.]

[File No. 812-223]

IN THE MATTER OF THE EQUITY CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1941.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 permitting it to redeem by lot at par on February 1, 1942, $150,000 principal amount of an outstanding issue of $3,350,000 of 5% Gold Debentures originally issued by American-British & Continental Corporation the payment of the principal and interest on which was assumed by the applicant on merger of American-British & Gontinental Corporation with The Equity Corporation.

It is ordered, That a hearing on the matter of this application be held on November 3, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it

for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8109; Filed, October 28, 1941; 11:35 a. m.]

[File No. 9-351]

IN THE MATTER OF NILES-BEMENT-POND COMPANY UNISSUED CAPITAL STOCK, NO PAR VALUE

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 27th day of October, 1941 A. D.

New York Curb Exchange having on October 4, 1941 filed an application on Form 2-J pursuant to Rule X-12D3-5 (b) for registration of 789,984 unissued shares of Niles-Bement-Pond Company capital stock, no par value, for "when issued" dealing on such Exchange;

And a notice of deficiency having been sent to the said Exchange on October 7, 1941, setting forth that the provisions of Rules X-12D3-4 (e) had not been complied with; and

Said Exchange having on October 24, 1941 made written request to the Commission pursuant to Rule X-12D3-8 (c) for a hearing to determine whether such registration shall become effective:

It is ordered, That a hearing be held in this matter before the Commission on October 30, 1941 at 2:30 P. M. in Room 1003, 1778 Pennsylvania Avenue NW., Washington, D. C.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8110; Filed, October 28, 1941; 11:35 a. m.]

[File Nos. 7-576 to 7-603, inclusive]

IN THE MATTER OF APPLICATIONS BY THE SAN FRANCISCO STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO: AMERICAN VISCOSE CORPORATION, $14 PAR VALUE COMMON STOCK; ARMOUR & COMPANY (ILLINOIS), $5 PAR VALUE COMMON STOCK; BALDWIN LOCOMOTIVE WORKS, VOTING TRUST CERTIFICATES FOR $13 PAR VALUE COMMON STOCK; BETHLEHEM STEEL CORPORATION (DELAWARE), COMMON STOCK, NO PAR VALUE; BOEING AIRPLANE COMPANY, $5 PAR VALUE COMMON STOCK; BORDEN COMPANY, $15 PAR VALUE COMMON STOCK; BORG WARNER CORPORATION, $5 PAR VALUE COMMON STOCK; CLIMAX MOLYBDENUM COMPANY, COMMON STOCK, NO PAR VALUE; DOUGLAS AIRCRAFT COMPANY, INC., CAPITAL STOCK, NO PAR VALUE; GENERAL FOODS CORPORATION, COMMON STOCK, NO PAR VALUE; GOODYEAR TIRE AND RUBBER COMPANY, COMMON STOCK, NO PAR VALUE; GREAT NORTHERN RAILWAY COMPANY, $6 NON-CUMULATIVE PREFERRED STOCK, NO PAR VALUE; INTERNATIONAL PAPER & POWER COMPANY, $15 PAR VALUE COMMON STOCK, $100 PAR VALUE 5% CUMULATIVE CONVERTIBLE PREFERRED STOCK; NEWPORT NEWS SHIPBUILDING & DRY DOCK COMPANY, $1 PAR VALUE COMMON STOCK; NEW YORK CENTRAL RAILROAD COMPANY, CAPITAL STOCK, NO PAR VALUE; OHIO OIL COMPANY, COMMON STOCK, NO PAR VALUE; PARAMOUNT PICTURES, INC., $1 PAR VALUE COMMON STOCK; PEPSI-COLA COMPANY, $1 PAR VALUE COMMON STOCK; PULLMAN, INC., CAPITAL STOCK, NO PAR VALUE; PURE OIL COMPANY, COMMON STOCK, NO PAR VALUE; REPUBLIC STEEL CORPORATION, COMMON STOCK, NO PAR VALUE; SEARS, ROEBUCK & COMPANY, CAPITAL STOCK, NO PAR VALUE; SOCONY-VACUUM OIL COMPANY, INC., $15 PAR VALUE CAPITAL STOCK; SOUTHERN NATURAL GAS COMPANY, $7.50 PAR VALUE COMMON STOCK; SOUTHERN RAILWAY COMPANY, COMMON STOCK, NO PAR VALUE; SWIFT & COMPANY, $25 PAR VALUE CAPITAL STOCK; UNITED STATES RUBBER COMPANY, $10 PAR VALUE COMMON STOCK

ORDER SETTING HEARING ON APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 27th day of October, A. D. 1941.

The San Francisco Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, December 2, 1941, at the office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8111; Filed, October 28, 1941; 11:35 a. m.]

[File No. 70-421]

IN THE MATTERS OF NIAGARA HUDSON POWER CORPORATION AND CENTRAL NEW YORK POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than November 13, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to acquire and Niagara Hudson Power Corporation proposes to sell 54 shares of $100 par value common capital stock of Hammond Light and Power Company, Inc., comprising 54% of the voting securities thereof, for the sum of $15,869.52. It is represented that Hammond Light and Power Company, Inc., operating in adjacent territory to that of Central New York Power Corporation, is obtaining all its electric energy therefrom and is presently supervised by officers of that company.

Sections 9, 10, and 12 (f) of the Act and Rule U-43 thereunder have been designated as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8112; Filed, October 28, 1941; 11:36 a. m.]

OCT 31 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 212

Washington, Thursday, October 30, 1941

The President

ARMISTICE DAY—1941

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the armistice of November 11, 1918 marked the successful end of a war which undeniably saved democracies from imperialistic conquest; and

WHEREAS, in most parts of the world a generation of mankind lived in peace; and

WHEREAS forces of lawlessness and inhumanity have again been unleashed against us; and

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress, passed June 4, 1926 (44 Stat. 1982), requests the President of the United States to issue a proclamation calling for the observance of November 11 with appropriate ceremonies, and the act of May 13, 1938 (52 Stat. 351), provides that the 11th day of November of each year shall be a legal public holiday, to be known as Armistice Day:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby call upon the people of the United States to pause upon November 11, 1941, to show gratitude for the past, to rededicate the Nation to the fundamentals of human liberty, and to defend our future. I accordingly invite the people to observe that day in schools and churches, or other suitable places, with appropriate ceremonies, and I direct that the flag of the United States be displayed on all Government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of October, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL, *Secretary of State.*

[No. 2520]

[F. R. Doc. 41-8125; Filed, October 29, 1941; 10:37 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF LEND-LEASE ADMINISTRATION IN THE OFFICE FOR EMERGENCY MANAGEMENT OF THE EXECUTIVE OFFICE OF THE PRESIDENT

By virtue of the authority vested in me by the Constitution and statutes of the United States, and particularly by the act of March 11, 1941, entitled "An Act further to promote the defense of the United States, and for other purposes" (hereafter referred to as the act), and by the Defense Aid Supplemental Appropriation Act, 1941, approved March 27, 1941, and acts amendatory or supplemental thereto, in order to define further the functions and duties of the Office for Emergency Management of the Executive Office of the President in respect to the national emergency as declared by the President on May 27, 1941,[1] and in order to provide for the more effective administration of those acts in the interests of national defense, it is hereby ordered as follows:

1. There shall be in the Office for Emergency Management of the Executive Office of the President an Office of Lend-Lease Administration, at the head of which shall be an Administrator, appointed by the President, who shall receive compensation at such rate as the President shall approve and, in addition, shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties.

[1] 6 F.R. 2617.

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FEDERAL REGISTER

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2. Subject to such policies as the President may from time to time prescribe, the Administrator is hereby authorized and directed, pursuant to section 9 of the act, to exercise any power or authority conferred upon the President by the act and by the Defense Aid Supplemental Appropriation Act, 1941, and any acts amendatory or supplemental thereto, with respect to any nation whose defense the President shall have found to be vital to the defense of the United States: *Provided*, That the master agreement with each nation receiving lend-lease aid, setting forth the general terms and conditions under which such nation is to receive such aid, shall be negotiated by the State Department, with the advice of the Economic Defense Board and the Office of Lend-Lease Administration.

3. The Administrator shall make appropriate arrangements with the Economic Defense Board for the review and clearance of lend-lease transactions which affect the economic defense of the United States as defined in Executive Order No. 8839 of July 30, 1941.[1]

4. Within the limitation of such funds as may be made available for that purpose, the Administrator may appoint one or more Deputy or Assistant Administrators and other personnel, delegate to such Deputy or Assistant Administrators any power or authority conferred by these orders, and make provision for such supplies, facilities, and services as shall be necessary to carry out the provisions of this Order. Insofar as practicable, the Office of Lend-Lease Administration shall use such general business services and facilities as may be made available to it through the Office for Emergency Management.

5. Executive Order No. 8751 [2] of May 2, 1941, establishing the Division of Defense Aid Reports and defining its functions and duties, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
October 28, 1941

[No. 8926]

[F. R. Doc. 41-8131; Filed, October 29, 1941; 11:25 a. m.]

[1] 6 F.R. 3823.
[2] 6 F.R. 2301.
[3] 6 F.R. 4111.

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1942-1]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program [3] is amended as follows:

1. Section 701.301 (c) (6) is hereby amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.* • • •

(c) *Peanuts.*

• • • • • •

(6) *Deduction.* Ten times the payment rate for each acre of peanuts in excess of the peanut allotment if the county committee determines that any peanuts grown on an acreage in excess of the peanut allotment were marketed for purposes other than crushing for oil, provided that no deduction will be made if the acreage of peanuts on the farm is one acre or less.

• • • • • •

2. Section 701.301 (d) (5) is amended to read as follows:

(d) *Potatoes.*

• • • • • •

(5) *Acreage of potatoes harvested.* "Acreage of potatoes harvested" means the acreage of land from which potatoes are harvested or on which potatoes reach maturity, except the acreage of potatoes grown in home gardens for use on the farm.

• • • • • •

3. Section 701.301 (e) (3) (i) is amended to read as follows:

(e) *Rice.*

• • • • • •

(3) *Normal yields.*

• • • • • •

(i) Where reliable records of the actual average yield of rice per acre for a period of five consecutive years during the period 1936 to 1941, inclusive, are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

• • • • • •

4. Section 701.301 (f) (2) is amended by adding the following sentence at the end thereof:

(f) *Tobacco.*

• • • • • •

(2) *Farm acreage allotments and permitted acreages.* • • • The permitted acreage determined for any farm shall not exceed 75 percent of the acreage allotment determined for a farm which is similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

• • • • • •

5. Section 701.301 (f) is amended by adding the following paragraph:

(6) *Acreage of land devoted to Georgia-Florida Type 62 Tobacco.* Each acre of land from which Georgia-Florida Type 62 tobacco is harvested shall be considered as eight-tenths of an acre harvested: *Provided*, That (i) an average of at least four top leaves is left on each stalk on all of the acreage of such tobacco grown on the farm in 1942, and (ii) such cultural practices are carried out on the land from which such tobacco is harvested as are recommended by the State committee and approved by the Agricultural Adjustment Administration.

6. Section 701.301 (g) (3) second paragraph is amended by deleting the last sentence.

7. Sec. 701.301 (g) (5) is amended to read as follows:

(g) *Wheat.*

• • • • • •

(5) *Non-wheat-allotment farm.* "Non-wheat-allotment farm" means any farm (i) for which no wheat allotment is determined, (ii) for which a wheat allotment of 15 acres or less is determined and the acreage *seeded* to wheat exceeds the allotment by 10 percent or more; (iii) in the East Central Region or in the Southern Region except Texas and Oklahoma, from which no wheat is sold from the farm and the acreage of wheat normally harvested for grain or for any other purpose after reaching maturity is not in excess of 3 acres per family living on the farm and having an interest in the wheat crop grown thereon and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm; or (iv) any farm for which a wheat allotment of more than 15 acres is determined and on which wheat is normally planted for green manure, hay, or pasture, or will be planted for such use in 1942, and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm.

• • • • • •

8. Section 701.301 (h) is deleted.

9. Section 701.301 (i) is redesignated § 701.301 (h).

10. Section 701.301 (j) is redesignated § 701.301 (i) and is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements.* In each county one of the following four provisions shall be applicable as recommended by the State committee and approved by the Agricultural Adjustment Administration.

(1) *Minimum conserving acreage.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 5 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively, throughout the 1942 crop year, to one or more of the following uses, as recommended by the State committee and approved by the Agricultural Adjustment Administration, is less than 20 percent of the cropland on the farm:

(i) Perennial grasses or legumes, including new seedings if seeded alone or with a nurse crop pastured or clipped green.

(ii) Biennial legumes, lespedeza, or annual sweet clover, including new seedings if seeded alone or with a nurse crop pastured or clipped green.

(iii) Sudan, millet, or annual ryegrass, for pasture.

(iv) Seeded cover crops of which a good stand and good growth is left on the land, and green manure crops qualifying for credit under practice (24).

(v) Summer fallow protected by methods recommended by the State committee and approved by the Agricultural Adjustment Administration.

(vi) Fallow rice land, or rice land on which noxious plants are controlled by mowing.

(vii) Forest trees planted on cropland since 1935.

(viii) Austrian winter peas, crimson clover, or vetch, grown for seed.

(ix) Land qualifying under practice (57), provided the land is adequately protected from erosion.

(x) Idle cropland on which approved terraces are constructed during the 1942 crop year.

(xi) Sweet sorghums, oats, rye, Sudan, or millet, cut green for hay, provided a strip one rod wide is left standing between each five-rod strip harvested (applicable only in arid and semi-arid areas recommended by the State committee and approved by the Agricultural Adjustment Administration).

Provided, however, That on farms of less than 20 acres of cropland this requirement may be met in whole or in part by growing winter cover crops or green manure crops regardless of any other use of the same land during the 1942 crop year: *Provided further*, That, in areas recommended by the State committee and approved by the Agricultural Adjustment Administration, on any farm this requirement may be met in whole or in part by growing green manure or cover crops regardless of any other use of the same land during the 1942 crop year, except that on any such farm the percentage of the cropland on the farm required to be devoted to such uses shall be 30 percent and the deduction from the net payment in connection with special crop allotments shall be 3⅓ percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland by which the required percentage is not reached.

(2) *Minimum acreage of erosion-resisting crops.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 4 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of erosion-resisting crops and land uses on the farm is less than 25 percent of the cropland on the farm. Erosion-resisting crops and land uses for any county shall be determined by the State committee, with the approval of the Agricultural Adjustment Administration, and may include only cropland which is devoted in the program year to one or more of the following crops or uses:

Biennial or perennial legumes.
Perennial grasses.
Lespedeza.
Crotalaria.
Ryegrass.
Green manure crops.
Fall-seeded small grains (other than wheat) not harvested for grain.
Velvet beans.
Forest trees.
Protected summer fallow.
Sweet sorghums or millet for pasture.
Peanuts hogged off.
Cowpeas.

Thick-seeded Sudan grass.
Natal grass.
Winter legumes.
Soybeans.
Sweet clover.
Fallow rice land, or rice land on which noxious plants are controlled by mowing.
Land on which approved terraces are constructed during the 1942 program year and no intertilled row crops other than those listed in this subparagraph (2) are grown.

Land devoted to one or more of the above crops or land uses shall qualify toward meeting this requirement regardless of any other use of such land except when interplanted with row crops.

(3) *Farm conservation plan.* In counties, groups of counties, or States, upon recommendation of the State Committee and the approval of the Agricultural Adjustment Administration, the net payment that would otherwise be made with respect to special crop allotments for any farm in the county, group of counties, or State, as the case may be, shall be reduced by 1 percent for each 2 percent by which the producers on the farm fail to carry out during the 1942 program year that part approved for that year of a farm conservation plan approved for the farm as one which, over a period of years as recommended by the State committee and approved by the Agricultural Adjustment Administration, will conserve the soil and increase its productivity. Such a plan shall provide for the carrying out on the various parts of the farm of the soil-building practices needed for the proper balance between the various kinds of crops grown, for the elimination of erosion hazards, for the restoration of the necessary humus to the soil, and other good land uses. The amount of the deductions made under this provision, as estimated by the Agricultural Adjustment Administration, shall be available in the State or county where deducted for administrative expenses.

(4) *Minimum soil-building performance.* The payment made with respect to special crop allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of that part of the soil-building allowance computed under § 701.302 (d) (1)–(3), which is earned for the farm, except that such limitation will not be applicable if (i) the amount of the soil-building payment earned equals or exceeds the maximum payment computed in connection with special crop allotments, or (ii) the farm is retired from agricultural production during the 1942 program year. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Administration as areas where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included.

* * * * *

11. Section 701.301 (k) and (l) are redesignated § 701.301 (j) and (k), respectively.

12. Section 701.302 (d) is hereby amended by changing the first proviso clause to read as follows:

§ 701.302 *Soil-building goals, payments and practices.*

* * * * *

(d) *Soil-building allowance.* * * * *Provided*, That for any farm with respect to which the sum of the maximum payments computed under § 701.301 and subparagraphs (1) to (4), inclusive, of this paragraph is less than $20.00, the amount determined under this paragraph shall be increased by the amount of such difference. * * *

13. Section 701.302 (d) (1) and the parenthetical sentence of § 701.302 (d) (2) are hereby deleted, and § 701.302 (d) (2), (3), (4), and (5) are redesignated § 701.302 (d) (1), (2), (3), and (4), respectively.

14. Section 701.302 (e) is amended to read as follows:

(e) *Deduction for failure to maintain practices under previous programs.* Where the county committee, in accordance with instructions of the State committee, determines that (1) any terrace constructed, water development established, forest trees planted, or pasture established under any previous agricultural conservation program are not maintained in accordance with good farming practices, (2) any seeding of perennial legumes or grasses is destroyed after producers in the county have been generally informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1942 program year contrary to good farming practice, there shall be deducted an amount equal to the payment that would be made under the 1942 program for a similar amount of such practice from the net payment due the person on the same or any other farm in the county who was responsible for the failure to maintain such practices. In the event the amount of such deduction exceeds the amount of payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary.

* * * * *

15. Section 701.302 (f), second and last paragraphs of Practice (1) are amended to read as follows:

(f) *Soil-building practises.*

* * * * *

In an area designated by the Agricultural Adjustment Administration as an area in which the average cost at the local distribution points of 48 pounds of available P_2O_5, 500 pounds of basic slag or rock or colloidal phosphate, or 50 pounds of available K_2O is:

* * * * *

One bag of not less than 100 pounds of triple superphosphate furnished by the Agricultural Adjustment Administration will be considered the equivalent of 48 pounds of available P_2O_5. * * *

16. Section 701.302 (f), Practice (6) is amended to read as follows:

(6) Seeding alfalfa, lespedeza sericea, wheatgrasses, or perennial brome grasses: $1.50 per acre.

17. Section 701.302 (f), Practice (7), is amended to read as follows:

(7) Seeding permanent grasses, or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only to varieties and areas designated by the Agricultural Adjustment Administration with respect to which the cost of establishing improved pastures is exceptionally high and their increase is important). Any of the grasses, but not alfalfa and lespedeza sericea, listed in Practice (6) will be applicable; $3.50 per acre.

18. Section 701.302 (f), the last paragraph of Practice (14) is amended to read as follows:

Rate of payment will be that part of the soil-building allowance which is computed under paragraph (d) (2) of this section: *Provided*, That (i) if grazing is deferred on less than 25 percent of the range land or pasture land, the payment shall be a proportionate percent for each 1 percent of the range land or pasture land included in such practice; and (ii) payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that, in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not exceed 50 percent (or if grazing is deferred on less than 25 percent of the range land or pasture land, 2 percent for each 1 percent of the range land or pasture land included in such practice) of the allowance computed under paragraph (d) (2) of this section, by more than the value of such practices carried out.

19. Section 701.302 (f), the last sentence of the first paragraph and the last sentence of the third paragraph, Practice (15), are amended to read as follows:

The rate of payment will be all of the soil-building allowance which is computed under paragraph (d) (2) of this section.

* * * * *

If, however, the county committee determines that 5 percent or more of the total acreage of grazing land has been injured by overgrazing in 1942, payment shall be reduced by 5 percent of the payment otherwise earned under this practice for each 1 percent of the total grazing area which is overgrazed in 1942.

20. Section 701.302 (f), Practice (18) is amended to read as follows:

(18) Construction of reservoirs and dams, including enlargement of inadequate earthen structures and diversion to off-channel sites—15 cents per cubic yard of material moved not in excess of 2,000 cubic yards for each development, and 10 cents per cubic yard of material moved in excess of 2,000 cubic yards, in making the fill or excavation, or $6.00 per cubic yard of concrete or rubble masonry. Prior approval must be obtained from the county committee if constructed for the purpose of developing water for range livestock in connection with this practice on range land.

21. Sec. 701.302 (f), Practice (37) is amended to read as follows:

(37) Stripcropping, including protection of summer fallow by means of strip fall-a-wing. No credit will be given for this practice for any acreage qualifying under practice (38), (39), or (42).

(i) Contour stripcropping in areas where contour stripcropping is not normally practiced—$1 per acre.

(ii) Stripcropping not on the contour—70 cents per acre.

22. Section 701.302 (f), Practice (38) is amended to read as follows:

(38) Protecting summer-fallowed acreage from wind and water erosion by contour listing, pit cultivation, contour cultivation with a shovel type implement, cultivation with a rod weeder, or incorporating stubble and straw into the surface soil. No credit will be given for this practice for any acreage qualifying under practice (37). No credit will be given for this practice when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion—70 cents per acre.

23. Section 701.302 (f), Practice (39) is amended to read as follows:

(39) Contour farming intertilled crops in areas where such crops are not normally farmed on the contour. No credit will be given for this practice for any acreage qualifying under Practice (37)—20 cents per acre.

24. Section 701.302 (f), Practice (41) is amended to read as follows:

(41) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surfaces of pits cover at least 25 percent of the ground surface, or, in areas designated by the Agricultural Adjustment Administration as areas in which pit cultivation is not applicable, incorporation of stubble and straw into the surface soil in the fall as a protection against fall and winter erosion (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—15 cents per acre.

25. Section 701.302 (f), Practice (42) is amended to read as follows:

(42) Contour seeding of small grain crops, sorghums, millets, soybeans, or peas, when drilled in areas where such crops are not ordinarily seeded on the contour. No credit will be given for this practice for any acreage qualifying under Practice (37)—15 cents per acre.

26. Section 701.302 (f), Practice (54) is amended by changing the rate of payment from $1.60 per acre to $1.00 per acre.

27. Section 701.302 (f), Practice (62) is amended to read as follows:

(62) Performance of such supplemental conservation practices not normally carried out on the farm as are recommended by the State committee and approved by the Agricultural Adjustment Administration on any farm where 50 percent or more of the sum of the cropland and commercial orchard land as determined at the beginning of the program year is devoted to perennial grasses or perennial legumes or on any farm in arid or semi-arid areas designated by the Agricultural Adjustment Administration as areas in which it is unusually difficult to obtain a good stand of perennial grasses or legumes—One-half of the soil-building allowance. On any farm where the maximum payment that may be earned does not exceed $20.00, excluding any allowance for planting forest trees, any part of the soil-building allowance may be earned under this practice.

28. Section 701.302 (f) is amended by adding the following new Practice (63):

(63) Performance of such supplemental conservation practices not normally carried out on the farm as are recommended by the State committee and approved by the Agricultural Adjustment Administration. This practice shall be applicable only in areas recommended by the State committee and approved by the Agricultural Adjustment Administration. The amount of payment for carrying out this practice in any area shall not exceed the amount by which the Agricultural Adjustment Administration determines that the payments for carrying out other practices in the area are reduced by reducing the rates of credit for such other practices below those which would otherwise be applicable for such practices in the area.

29. Section 701.303 (a), (1) and (2) are amended to read as follows:

§ 701.303. *Division of payments and deductions*—(a) *Payments and deductions in connection with crop acreage allotments and restoration land.* (1) The net payment or net deduction computed for any farm with respect to any special crops shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop(s) grown on the farm in 1942. Such determination shall be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1942, or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed disease, the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1942. *Provided further*, That if for any reason the total acreage of cotton on a farm in 1942 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been planted thereon by any producer in 1942 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1942, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1942: *And provided further*, That, in cases where two or more separately-owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such crop agree (or all landlords who are entitled to receive a share of the proceeds of any such crop agree, if in any area the payment to be divided pursuant to this proviso is limited by the Agricultural Adjustment Administration to that payment accruing to landlords on the farm), as shown by their signatures on the application for payment or a separate statement, the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and share-

croppers as classes as each such class shares in the crop, or proceeds thereof, with respect to which the payment or deduction is being made.

(2) The deductions with respect to (i) failure to meet the minimum conserving acreage requirement, (ii) insufficient acreage of erosion-resisting crops, (iii) failure to carry out a farm conservation plan, and (iv) insufficient soil-building performance shall be regarded as pro-rata deductions with respect to the net payment computed in connection with crop acreage allotments.

* * * * *

30. Section 701.305, second paragraph is amended to read as follows:

§ 701.305. *Payments limited to $10,000.* * * *

All or any part of any payment which has been or otherwise would be made to any person under the 1942 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

31. Section 701.309 (a) (1), the wording appearing, following the words *Amount to be withheld or refunded:* in connection with Practice (v) is amended to read as follows:

The amount of the net deduction computed for such business enterprise.

32. Section 701.309 (a) (1), the wording apearing under *Practice* in connection with practices (xii) and (xiii), is amended to read as follows:

(xii) A person misuses or participates in the misuse of a marketing card with respect to any commodity for which marketing quotas are in effect or fails to file or knowingly falsifies any report required by or under the regulations pertaining to marketing quotas for the 1941–42 or 1942–43 marketing year and such misuse or failure to file or falsification of such report results in any erroneous or incomplete record pertaining to any farm in connection with marketing quotas.

(xiii) A person whose maximum payment computed without regard to the $10,000 limitation is in excess of $10,000 adopts practices which result in a substantial difference between the maximum payment so computed and the payment after applying all applicable deductions except the $10,000 limitation and the deduction for administrative expenses.

* * * * *

33. Section 701.314 (a) is amended to read as follows:

§ 701.314 *Authority, availability of funds, and applicability—*

(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1941, the powers now conferred on him by section 8 of the Act. In connection with the effectuation of the purposes of section 7 (a) of said Act for 1942 the payments provided for herein will be made for participation in the 1942 program.

* * * * *

Done at Washington, D. C., this 27th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41–8129; Filed, October 29, 1941; 11:07 a. m.]

[Cotton 1942–43]

PART 722—COTTON

PROCLAMATION OF COTTON MARKETING QUOTAS, 1942–43 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 342. Not later than November 15 of each year the Secretary [of Agriculture] shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1. * * *

SEC. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November 15 of such marketing year * * *, and marketing quotas shall be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

SEC. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply. * * *

(b) * * *. The national allotment for any year (after 1939) shall be not less than ten million bales.

(c) Notwithstanding the foregoing provisions of this section, the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

SEC. 344. (a) The national allotment for cotton for each year (excluding that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the "State acreage allotment". The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities affecting the production of cotton.

* * * * *

(e) (1) For 1938, 1939, and any subsequent year, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (c), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made, a number of acres sufficient to provide a total State acreage allotment for such State of not less than five thousand acres.

Whereas said Act contains, in section 301 (b), the following definitions of terms pertinent herein:

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

* * * * *

Cotton, August 1–July 31 * * *.

"Normal supply" in the case of * * * cotton * * * shall be a normal year's domestic consumption and exports of the commodity, plus * * * 40 per centum in

the case of cotton * * * of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of cotton * * *, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * cotton * * * shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"Total supply" of * * * cotton * * * for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

Whereas said Act provides, in section 301 (c), that:

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.

And whereas said Act provides, in section 350, that the provisions of Part IV (Marketing Quotas—Cotton) of subtitle B of Title III thereof

* * * shall not apply to cotton the staple of which is 1⅛ inches or more in length * * *

§ 722.401 *Findings and determinations.* Now, therefore, be it known that I, Grover B. Hill, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under sections 342, 343, and 345 of said Act (52 Stat. 56, 58, 203; 53 Stat. 1125; 7 U.S.C., Sup., 1342, 1343, 1345);

(a) That the "total supply" of American cotton as of August 1, 1941, was 23,800,000 running bales;

(b) That the "normal supply" of American cotton as of August 1, 1941, was 18,200,000 running bales;

(c) That the "carry-over" of American cotton as of August 1, 1941, was 12,800,000 running bales;

(d) That the "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1941, is 10,500,000 running bales;

(e) That the "probable exports of American cotton" during the marketing year beginning August 1, 1941, is 1,250,000 running bales;

(f) That the estimated "carry-over" of American cotton as of August 1, 1942, is 11,600,000 running bales;

(g) That the "total supply" of American cotton for the marketing year beginning August 1, 1941, exceeds by more than 7 per centum the "normal supply" of cotton for such marketing year; and

(h) That the national allotment of cotton for the calendar year beginning on January 1, 1942, shall be 10,000,000 standard bales of five hundred pounds gross weight, increased by that number of standard bales of five hundred pounds gross weight equal to the production in the calendar year 1942 of that number of acres required to be allotted for 1942 under the terms of section 344 (e) of said Act.

Done at Washington, D. C., this 28th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8116; Filed, October 28, 1941; 3:20 p. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

The Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in him by section 313 of the Agricultural Adjustment Act of 1938, as amended, does hereby determine that:

§ 726.402 *Determination of the apportionment of the national marketing quota among States and determination of State yields per acre, and State acreage allotments for fire-cured tobacco for the 1942-43 marketing year.* The national quota for the 1942-43 marketing year, as proclaimed by the Secretary of Agriculture on October 21, 1941,[1] is hereby apportioned among the States, and State yields per acre and State acreage allotments are hereby established in accordance with the following table:

State and new farms	Marketing quotas	Yields per acre	Acreage allotments
	1,000 pounds	*Pounds*	*Acres*
Virginia	12,182	858	14,198
Kentucky	26,235	838	31,307
Tennessee	28,996	861	33,677
Illinois	10	860	12
Missouri	9	860	10
New Farms	68	851	80
Total U. S.	67,500	851	79,284

(Issued pursuant to 52 Stat. 38 et seq.; 53 Stat. 1261; 7 U.S.C. 1301 et seq.)

Done at Washington, D. C., this 29th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8128; Filed, October 29, 1941; 11:07 a. m.]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

The Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in him by section 313 of the Agricultural Adjustment Act of 1938, as amended, does hereby determine that:

§ 726.452 *Determination of the apportionment of the national marketing quota among States and determination of State yields per acre, and State acreage allotments for dark air-cured tobacco for the 1942-43 marketing year.* The national quota for the 1942-43 marketing year, as proclaimed by the Secretary of Agriculture on October 21, 1941,[1] is hereby apportioned among the States, and State yields per acre and State acreage allotments are hereby established in accordance with the following table:

State and new farms	Marketing quotas	Yields per acre	Acreage allotments
	1,000 pounds	*Pounds*	*Acres*
Kentucky	23,740	871	27,256
Tennessee	3,263	859	3,799
Indiana	264	843	313
Missouri	6	860	7
New Farms	27	869	31
Total U. S.	27,300	869	31,406

(Issued pursuant to 52 Stat. 38 et seq.; 53 Stat. 1261; 7 U.S.C. 1301 et seq.)

Done at Washington, D. C., this 29th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8127; Filed, October 29, 1941; 11:07 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-34-1]

PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

Claude R. Wickard, Secretary of Agriculture of the United States of America, issued, effective August 1, 1941, Order No. 34,[2] as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

Claude R. Wickard, Secretary of Agriculture of the United States of America, tentatively approved on July 14, 1941, the marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held at Lawrence, Massachusetts, on August 28, 1941, at which time and place all interested par-

[1] 6 F.R. 5443.

[1] 6 F.R. 5444.
[2] 6 F.R. 3768.

ties were afforded an opportunity to be heard upon certain proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

§ 934.0 *Findings.*

* * * * *

It is found upon the evidence introduced at the last above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the hearing on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(f) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(g) That the order regulates the handling of milk in the same maner as a marketing agreement upon which a hearing has been held; and

(h) That the issuance of this amendment No. 1 to the order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup., 601 et seq.)

It is hereby ordered that the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, shall be, and it is hereby amended as follows:

1. In § 934.3 (b) (2) delete the words "not less than one-half of 1 percent butterfat and not more than 16 percent" and substitute therefor the following: "One-half of 1 percent or more, but less than 16 percent of butterfat."

2. Delete § 934.4 (b) (1) and (2) and substitute therefor the following:

§ 934.4 *Minimum prices.*

* * * * *

(b) *Class I price to producers.* (1) For milk delivered from producers' farms to such handler's plant located within 20 miles of the City Hall in Lowell or Lawrence the price per hundredweight during each delivery period shall be as set forth in the table in this subparagraph during delivery periods prior to April 1, 1942, and thereafter $3.26 per hundredweight: *Provided,* That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be 47 cents less than the price otherwise applicable pursuant to this subparagraph.

92-score butter, wholesale, at New York, average of daily quotations of the United States Department of Agriculture for 30 days immediately preceding the 25th of each month (cents per pound)	Class I price for the delivery period following the 25th day of each month
	Dollars per cwt.
Under 40	3.63
40 or over	3.86

(2) For milk delivered from producers' farms to such handler's plant not located within 20 miles of the City Hall in Lowell or Lawrence the price per hundredweight during each delivery period shall be the price effective pursuant to subparagraph (1) of this paragraph, less an amount per hundredweight equal to the sum of 13 cents and the average of the freight rates (considering 85 pounds to one 40-quart can), from the railroad shipping point for such handler's plant to Lowell and to Lawrence, calculated according to the lowest applicable rail tariffs for the transportation in carload lots of milk in 40-quart cans.

Issued at Washington, D. C., this 29th day of October 1941, to become effective on and after the 1st day of November 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8155; Filed, October 29, 1941; 11:56 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 53—NATIONAL CEMETERIES[1]

§ 53.1 *Authority for establishment.* National cemeteries are established under orders of the Secretary of War when empowered by act of Congress. (R.S. 4870; 24 U.S.C. 271) [Par. 1, AR 30-1840, Oct. 6, 1941]

§ 53.2 *Control and supervision.* The direct control and supervision of national cemeteries are exercised by the commander of the corps area in which they are located, except those cemeteries which are specifically exempted. General supervision over all national cemeteries is a function of The Quartermaster General. (R.S. 161; 5 U.S.C. 22) [Par. 3, AR 30-1840, Oct. 6, 1941]

§ 53.3 *Records, custody.* The Quartermaster General is charged with the preservation of all records of national cemeteries. Historical records will be prepared and maintained for all national cemeteries, utilizing the same Quartermaster Corps forms as for historical records of posts and stations. (R.S. 161; 5 U.S.C. 22) [Par. 5, AR 30-1840, Oct. 6, 1941]

§ 53.4 *Burials in national cemeteries*—(a) *Eligibility.* Under the provisions of R.S. 4878, as amended by act April 15, 1920 (41 Stat. 552; 24 U.S.C. 281) and act June 13, 1935 (49 Stat. 339; 24 U.S.C. 281), the following persons are entitled to burial in a national cemetery:

(1) Those who served in the Federal forces of the United States either during peace or war and whose last discharge therefrom was honorable, including service in the—

(i) Army.
(ii) Navy.
(iii) Marine Corps.
(iv) Coast Guard.
(v) Coast and Geodetic Survey, who were transferred to and served with the Army or Navy by authority of the President.
(vi) Public Health Service, who were detailed for duty with and served with the Army or Navy by authority of the President.
(vii) Trainees under the act approved September 16, 1940.

(2) Any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, and who was a citizen of the United States at the time of such service.

(3) Persons dying in the District of Columbia or in the immediate vicinity thereof who served in the Confederate armies during the Civil War may be buried in the Confederate Section of Arlington National Cemetery as provided in paragraph (b) of this section.

(4) Any member of the Cabinet of the President of the United States at any time during the period between April 6, 1917, and November 11, 1918.

(b) *Evidence of right.* For those who were not in the service of the United States at the time of death, it is a prerequisite that they shall have been honorably discharged from the service. In all cases the last service of a decedent must have been honorable. The production of the honorable discharge covering the last service of a decedent will be sufficient authority for the superintendent of a national cemetery to permit interment. In cases where the honorable discharge cannot be produced or where there is a reasonable doubt as to eligibility for interment in a national cemetery, the superintendent will telegraph The Quartermaster General for verification of service and authorization for interment, furnishing all the information it is possible to obtain concerning the service of the decedent including the full name, organization, serial number, if any, and dates of service. In the case of citizens of the United States who served in the army or navy of any government at war with Germany or Austria, the superintendent will request evidence of citizenship at time of service, correct name of decedent, grade, and military organization in the army in which he served and will communicate with The Quartermaster General by telegraph for the necessary permit for burial. Pension certificates will not be accepted as authority upon which to authorize interment.

In the case of Confederate veterans, the certificate of Camp No. 171, United Confederate Veterans of the District of Columbia, that such persons are entitled to burial in Arlington National Cemetery, is required.

In the case of members of the President's Cabinet as indicated in paragraph (a) of this section, authority for interment will be requested of The Quartermaster General.

(c) *Interment of members of families.* (1) The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. In the case of an officer, two grave sites are assigned, one for the officer and the other for his wife. In those cemeteries having officers' sections in which lots are laid out, a lot containing two grave sites is assigned. In the other cemeteries when either the officer or his wife is buried, the adjoining grave site will be reserved for the one surviving. The wife of an officer may be interred prior to the death and burial of her husband. In those cemeteries where lots are assigned to officers, the burial of minor children and unmarried adult daughters (this includes daughters who have never married, widows, and divorcees) is permitted, provided there is room in the officer's lot, under the following conditions:

(i) That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

(ii) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 to 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

(iii) That the written concurrence in the above conditions by the legal next of kin be forwarded to The Quartermaster General.

(2) The wives of enlisted men may be buried in the same grave with their husbands in a national cemetery but only after the death and interment therein of the veterans concerned, except where the enlisted man is 70 years of age or over, in which case interment of his wife prior to his death is authorized, provided he gives assurance that he will eventually be buried in the same grave.

(3) No lots or grave sites will be assigned in advance of their actual requirement for burial purposes. (R.S. 4878; 41 Stat. 552; 49 Stat. 339; 24 U.S.C. 281) [Par. 8, AR 30-1840, Oct. 6, 1941]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8118; Filed, October 29, 1941; 9:50 a. m.]

[1] §§ 53.1 to 53.4 are superseded.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4519]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MILES BROKERAGE COMPANY, INC., ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In purchasing commodities in interstate commerce, and on the part of respondents Miles & Company, Inc., Miles-Bradford Company, and Miles-Kane Company, and their officers, etc. (and among other things, as in order set forth), (1) accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and (2) accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof, upon purchases of commodities made by the respondents; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Miles Brokerage Company, Inc., et al., Docket 4519, October 22, 1941]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Among other things, as in order set forth, and on the part of respondent Miles Brokerage Company, Inc., its officers, etc., (1) accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by Miles & Company, Inc., Miles-Bradford Company, and Miles-Kane Company under the facts and circumstances as set forth in Paragraph Eight of the findings of fact [i. e., as there set forth, in transactions of purchase and sale in which said respondent Miles Brokerage Company, Inc., acted in fact for and on behalf of aforesaid three concerns], any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted; and (2) accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by any person, partnership, firm or corporation, in connection with which purchases said Miles Brokerage Company, Inc., acting as intermediary or agent, is subject to the direct or indirect control, or acts in fact for or in behalf of, any of said purchasers, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted; prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13c) [Cease and desist order, Miles Brokerage Company, Inc., et al., Docket 4519, October 22, 1941]

In the Matter of Miles Brokerage Company, Inc., a Corporation; Miles & Company, Inc., a Corporation; Miles-Bradford Company, a Corporation; Miles-Kane Company, a Corporation, Respondents

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22d day of October, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents and a stipulation as to the facts entered into between the respondents and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon respondents findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of Section 2 (c) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. title 15, section 13);

It is ordered, That in purchasing commodities in interstate commerce, the respondents Miles & Company, Inc., Miles-Bradford Company, Miles-Kane Company, their officers, representatives, agents and employees, do forthwith cease and desist from:

(1) Accepting from sellers, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees or commissions may be offered, allowed, granted, paid or transmitted; and

(2) Accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof, upon purchases of commodities made by the respondents.

It is further ordered, That the respondent, Miles Brokerage Company,

[1] 6 F.R. 3015.

Inc., its officers, agents, representatives and employees, do forthwith cease and desist from:

(1) Accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by Miles & Company, Inc., Miles-Bradford Company, and Miles-Kane Company under the facts and circumstances as set forth in Paragraph Eight of the findings of fact, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted; and

(2) Accepting or receiving from sellers, directly or indirectly, in connection with the purchase of commodities in interstate commerce by any person, partnership, firm or corporation, in connection with which purchases said Miles Brokerage Company, Inc., acting as intermediary or agent, is subject to the direct or indirect control, or acts in fact for or in behalf, of any of said purchasers, any brokerage fees or commissions, or any allowance or discount in lieu of brokerage, in whatever manner or form said brokerage fees, allowances and discounts may be offered, allowed, granted, paid or transmitted.

It is further ordered, That each of the said respondents Miles Brokerage Company, Inc., Miles & Company, Inc., Miles-Bradford Company, Miles-Kane Company, corporations, shall within sixty (60) days after service upon each of them of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8126; Filed, October 29, 1941; 10:43 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50501]

PART 5—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS

The Customs Regulations of 1937 are hereby amended as follows:

Article 259 (b) is amended to read as follows:

(b) Internal Revenue Code, section 3361 (c), 53 Stat. 406 (U.S.C., Sup. V, title 26, sec. 3361 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-Back of Tax Paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa.

Article 266 (c) is amended to read as follows:

(c) Internal Revenue Code, section 3341 (c), 53 Stat. 404 (U.S.C., Sup. V, title 26, sec. 3341 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-Back of Tax Paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Philippine Islands.

Article 270 (d) [§ 5.9 (c)], as amended by T.D. 49658,[1] is amended by deleting the last sentence and substituting the following:

§ 5.9 *Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa.*

* * * * *

(c) * * * No drawback of customs duties is allowable under section 313 of the Tariff Act of 1930 on articles manufactured or produced in the United States with the use of imported merchandise and shipped to Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa. No drawback of internal revenue tax is allowable under section 313 of the tariff act on articles manufactured or produced in the United States with the use of domestic tax-paid alcohol and shipped to Wake Island, Midway Islands, or Kingman Reef. (Sec. 3, Act of July 22, 1941, Public, No. 187, 77th Congress; sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 270 is further amended by adding a new paragraph (e), reading as follows:

(e) Internal Revenue Code, section 3361 (c), 53 Stat. 406 (U.S.C., Sup. V, title 26, sec. 3361 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa.

Article 272 (e) [paragraph (e) of § 5.10 *Virgin Islands*] is amended by deleting "or domestic tax-paid alcohol" in the second sentence therof after the words "with the use of imported merchandise", and a new paragraph (f) is added as follows:

(f) Internal Revenue Code, section 3351, 53 Stat. 405 (U.S.C., Sup. V, title 26, sec. 3351), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands.

Article 464 (a), as amended by T.D. 49658, is further amended by inserting "and by the Act of July 22, 1941 (Public, No. 187, 77th Congress), section 3" after the citation "Customs Administrative Act of 1938, section 5 (a)" and by inserting in the quotation of section 309 (a) of the Tariff Act of 1930, as amended, after the words "internal-revenue tax" a comma and the words "or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax". (Sec. 3, Act of July 22, 1941, Public, No. 187, 77th Congress; sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 1065 (a), as amended by T.D. 49658, is further amended by inserting "and by the Act of July 22, 1941 (Public, No. 187, 77th Congress), section 3" after the citation "Customs Administrative Act of 1938, section 5 (a)" and by inserting in the quotation of section 309 (a) of the Tariff Act of 1930, as amended, after the words "internal-revenue tax" a comma and the words "or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax". (Sec. 3, Act of July 22, 1941, Public, No. 187, 77th Congress; sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 1072 (b) is amended to read as follows:

(b) Internal Revenue Code, section 3361 (c), 53 Stat. 406 (U.S.C., Sup. V, title 26, sec. 3361 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands.

Paragraph (c) of article 1072 is redesignated (e); paragraph (d) of article 1072, as amended by T. D. 49658, is redesignated (f) and is further amended to read as follows:

(f) There is no authority of law for the payment of drawback of internal revenue tax on articles manufactured or produced in the United States and shipped to Alaska, Hawaii, Wake Island, Midway Islands, or Kingman Reef. (Act of July 22, 1941, Public, No. 187, 77th Congress. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 1072 is further amended by adding new paragraphs designated (c) and (d) as follows:

(c) Internal Revenue Code, section 3351, 53 Stat. 405 (U.S.C., Sup. V, title 26, sec. 3351), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands.

(d) Internal Revenue Code, section 3341 (c), 53 Stat. 404 (U.S.C., Sup. V, title 26, sec. 3341 (c)), as amended by the Act of July 22, 1941 (Public, No. 187, 77th Congress):

(c) *Draw-back of tax paid in the United States.* All provisions of law for the allowance of draw-back of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Philippine Islands.

W. R. JOHNSON, *Commissioner of Customs.*

Approved: October 25, 1941.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 41-8107; Filed, October 28, 1941; 11:27 a. m.]

[1] 3 F.R. 1809.

ment T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 14, 1941.

[SEAL] H. A. GRAY, *Director.*

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1072]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7 FOR ALL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for all shipments for the coals produced at the mines of certain code members in District 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 14, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Freight origin group No.	Railroad	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
247	Lindsey & Borden (C. F. P. Lindsey)	#1	3	Pocs. #3	Feckman, W. Va.	20	N. & W.	(‡)	‡	‡	‡	‡	B	B	‡	‡	‡
244	Lynch, F. H.	Big Beaver	2	Beckley	Ilhio Jay, W. Va.	10	C. & O.	‡	‡	‡	‡	‡	B	B	‡	‡	‡
659	Oakes, C. M.	Ilhio Jay #6	2	Beckley	Ilhio Jay, W. Va.	10	C. & O.	‡	‡	‡	‡	‡	A	A	‡	‡	‡
246	Pardee & Curtis Co. (William Porter)	Yarrow	4	Winifrede	Yarrow, W. Va.	30	C. & O.	‡	‡	‡	‡	‡	E	D	‡	‡	‡
217	Pardee, Thos E.	Peerless #1	3	Pocs. #3	Vivian, W. Va.	17	N. & W.	‡	‡	‡	‡	‡	B	B	‡	‡	‡
248	Peerless Coal & Coke Company	Peerless #1	3	Pocs. #1	Vivian, W. Va.	20	N. & W.	B	B	B	B	B	B	B	D	D	D

‡Indicates no classifications effective for these size groups.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump, 54" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Harman Coal Company (D. G. Harman).	242	Simon	4	McDowell	Fire Creek	----	----	270	205	----	----
Lindsey & Borden (C. F. P. Lindsey).	247	#1	3	McDowell	Poca. #3	----	----	280	215	----	----
Lynch, F. H.	244	Big Beaver	2	Raleigh	Beckley	----	----	280	215	----	----
Miller, John Allen	235	Vesey	2	Fayette	Gilbert	----	----	280	215	----	----
P. & P. Coal Co. (Willard Porter).	246	Warrior	4	McDowell	War Creek	----	----	250	195	----	----
Peerless Coal & Coke Company.	248	Peerless #4	3	McDowell	Poca. #4	315	----	280	215	185	----

[F. R. Doc. 41-8104; Filed, October 28, 1941; 10:21 a. m.]

[Docket No. A-206]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NUMBER 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

This is a proceeding instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, upon the petition of District Board 22, filed with the Bituminous Coal Division, proposing and seeking the establishment of a separate size group in its Schedule of Effective Minimum Prices to be known as Size Group 2A for its ½" lump coals; and the establishment of a classification of "B", with a corresponding price of $3.25 per ton f. o. b. the mine, for coal of producers in Subdistrict 4 in this Size Group 2A for shipment by truck to all market areas; a classification of "B" with a corresponding price of $2.75 per ton f. o. b. the mine on Size Group 7 (2" x 1¼") coals; and a classification of "B", with a corresponding price of $.75 per ton f. o. b. the mine on Size Group 12 (½" x 0) coals. Coals in the foregoing size groups have not been heretofore classified or priced.

By Order, dated December 13, 1940, 5 F.R. 5155, the Director granted temporary relief establishing temporary price classifications and minimum prices for coals involved in this matter, in general conformance with petitioner's proposals. Pursuant to this Order also, and after due notice to all interested persons, a hearing was held in this matter on January 28, 1941, before Thurlow G. Lewis, a duly designated Examiner of the Division in the Federal Building, Salt Lake City, Utah. At the hearing all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise to be heard.

Appearances were entered in behalf of the petitioner and the Consumers' Counsel Division. No opposition to the matters involved in this proceeding was noted in this record.

On January 28, 1941, the petitioner filed with the Division a waiver of the preparation and filing of a report by the Examiner, and this matter was thereupon submitted to the undersigned.

To support its requests for relief herein, the petitioner adduced the testimony of D. F. Buckingham, Secretary of District Board No. 22. He testified that on October 3, 1940, a group of code members from Subdistrict 4 consulted with the members of District Board No. 22 and requested a separate price in the Schedule of Effective Minimum Prices for District 22 for an additional size group classification for ½" lump coal. The code members represented to the District Board that there was a need for this size of coal for use by commercial and industrial buildings in the City of Lewistown, Montana. Moreover, it was represented that there was a market for ½" slack coal resultants from the screening of the ½" lump.[1]

At the conference the code members also represented that there was a need in Subdistrict 4 for the establishment of a minimum price for the standard nut size of 2" x 1¼" and the ½" x 0 slack coals.

At the conclusion of the conference it was agreed that prices of $3.25 for ½" lump coal, $2.75 for 2" x 1¼" nut size coal, and $.75 for ½" slack were proper. Notices of the agreed minimum prices for these size groups were sent to all code members affected, but no protests were made thereto.

Evidence was adduced that all code members affected herein are located in the Lewistown field in Subdistrict 4, south and east of the City of Lewistown, generally ten or twelve miles distant therefrom, and produce the same quality of coals. They are small truck operators having an aggregate total tonnage in 1939 of approximately 6,000 tons. Four producers in Subdistrict 4 are located in the Winifred and Suffolk areas thirty-five or forty miles to the north of the City of Lewistown, which produce coal in a different vein and of an inferior quality to that produced in the Lewistown field and are therefore not competitive with the Lewistown coal. In the opinion of the witness, these code members in Winifred and Suffolk fields have no need of the additional sizes and prices shown in the Board's petition since they do not produce such sizes.

Upon the basis of the uncontroverted evidence, I find that the price classifications and minimum prices sought by the petitioner herein and temporarily established by my Order of December 13, 1940, are reasonable and necessary, and should be made permanent.

For the foregoing reasons, and based upon the above findings of fact, I conclude that the price classifications and minimum prices established in my Order dated December 13, 1940, comply with all the requirements of the Bituminous Coal Act of 1937 and with the standards of section 4 II (a) and (b) thereof; their establishment as the effective minimum prices for the coals in order to effectuate the purposes of the said section 4 II (a) and (b) is necessary.

Now, therefore, it is ordered, That § 342.2 (*Size group table*) and § 342.21 (*General prices*) in the Schedule of Effective Minimum Prices for District 22 For All Shipments be and they hereby are amended as follows: Commencing forthwith the coals produced in Subdistrict 4 referred to in Supplements R and T hereto attached and made a part hereof shall be subject to the provisions and minimum prices provided therein.

Dated: October 7, 1941.

[SEAL] H. A. GRAY, *Director.*

DISTRICT NO. 22

NOTE: The material contained in this Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule for this District and Supplements thereto.

FOR ALL SHIPMENTS

The following additions shall be made in Price Schedule No. 1 for District No. 22:

§ 342.2 *Size group table*—Supplement R. Insert Size Group No. "2-A-Lump" in proper numerical order and show the maximum screen opening for this Size Group to be ½."

§ 342.21 *General prices*—Supplement T. Subdistrict No. 4—The following prices in cents per net ton for shipment into all Market Areas shall apply: Size Group No. 2A-325; Size Group No. 7-275; Size Group No. 12-75; and shall be made applicable to the following:

Code member	Mine
Baron, C. W.	Charlies.
Brown, R. A.	Brown.
Carlson, Fred	Lewistown.
Cowen, Hall	Cowen.
Davidson & Son (Lewis C. Davidson).	Brew.
Deyoe, Frank	Black Diamond.
Kovich, Joe (Domestic Coal Co.).	Domestic.
Lott, Clarence	Lott.
McBride, E. E.	Pine Tree.
McDonald, Charles	McDonald.
Miller & Son (Roy J. Miller).	Anderson.
Skaggs Bros.	Skaggs.
Smith, Clarence R.	Gilt Edge.
Swanson & Picvanich (William C. Swanson Jr.).	Smith.
Swanson, William	Swanson.
Tuss, Anton	Uncle Sam.
Tuss, Cyril M.	Divide.
Tuss, Cyril M.	Zich.
Zellick Brothers (Sam Zellick).	Zellick.

[F. R. Doc. 41-8105; Filed, October 28, 1941; 10:22 a. m.]

[1] The principal market for ½" slack was said to be a gypsum plant located in the vicinity of Lewistown.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 31]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A[1] to Volume One of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 81, entitled "Distribution of Service Ratings for Analysis," effective immediately upon the filing hereof with the Division of the Federal Register.

2. Addition of a new form designated as DSS Form 82, entitled "Employee Notification Form," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions shall, effective immediately upon the filing hereof with the Division of the Federal Register,[2] become a part of Appendix A to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY, *Director.*

OCTOBER 28, 1941

[F. R. Doc. 41-8148; Filed, October 29, 1941; 11:41 a. m.]

[1] 5 F.R. 3785.

[2] Filed with the original document.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 929—MATERIAL FOR THE PRODUCTION OF CRANES AND HOISTING EQUIPMENT

Preference Rating Order No. P-5-b

§ 929.4 *Preference rating order No. P-5-b.* For the purpose of facilitating the acquisition of Material for the production of Cranes and Hoisting Equipment as defined herein, a preference rating is hereby assigned to deliveries to the above-named Producer and to deliveries to his Suppliers upon the following terms:

(a) *Definitions.* (1) "Producer" means the specific person to whom this Order is addressed above.

(2) "Cranes and Hoisting Equipment" mean, for the purpose of this specific Order, those items specified immediately following the designation of the preference rating, above; provided that such Cranes or Hoisting Equipment are required to fill Defense Orders placed with the Producer.

(3) "Defense Order" means:

(i) Any contract or order for material or equipment to be delivered to, or for the account of:

(a) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(b) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies, and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia.

(ii) Any contract or order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(iii) Any other contract or order to which the Director of Priorities assigns a preference rating of A-10 or higher.

(iv) Any contract or order for material or equipment required by the person placing the same to fulfill his contracts or orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or orders included under (i); (ii) or (iii) above.

(4) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(5) "Supplier" means any person with whom a contract or purchase order has been placed by a Producer or by another Supplier, for delivery of any Material listed on Exhibit A hereto attached.

(b) *Assignment of preference rating.* The Preference Rating designated above is hereby assigned:

(1) To deliveries to a Producer of any Material listed on Exhibit A hereto attached which enters into his production of Cranes and Hoisting Equipment;

(2) To deliveries to a Supplier of any Material listed on Exhibit A hereto attached provided such Material

(i) Is to be delivered to a Producer or another Supplier under a preference rating assigned pursuant to this order, or

(ii) Is to be physically incorporated into other Material listed on Exhibit A, to be so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(1) The Producer;

(ii) Any Supplier who has been furnished with a copy of this Order pursuant to paragraph (d) provided that he may apply such preference rating only to those deliveries of Material specified in paragraph (b) (2).

(d) *Application of preference rating.* The Producer, or any Supplier who has been furnished with a signed copy of this Order and who is entitled to apply the preference rating in accordance with paragraph (c), in order to apply the preference rating to deliveries to him must:

(i) Execute a copy of this Order by signing the acceptance at the end hereof, and file such acceptance with the Division of Priorities of the Office of Production Management; and

(ii) Furnish one additional copy of this Order, unsigned by him, to each of his Suppliers with whom he has placed a contract or purchase order for Material listed on Exhibit A hereto attached, to the delivery of which he elects to apply the preference rating. After he has furnished one such copy to a particular Supplier, he need furnish no additional copy to that Supplier to cover any subsequent deliveries of Material entitled to be rated. The Producer or Supplier who has applied the rating shall identify subsequent purchase orders which are covered by the rating by specifying thereon the number and serial number of this Order and the preference rating hereby assigned.

(e) *Restrictions on application of rating.* The Preference Rating hereby assigned shall not be applied:

(1) To obtain any Material not listed on Exhibit A;

(2) Unless the Material to be delivered cannot be secured when required without such rating;

(3) To obtain deliveries greater in quantity or on dates earlier than re-

quired for delivery on schedule of Cranes and Hoisting Equipment;

(4) To obtain Material listed on Exhibit A which can be eliminated by substitution of other more available Material;

(5) By a Producer to obtain Material listed on Exhibit A in excess of the amount needed for the production of Cranes and Hoisting Equipment, as defined herein, required to fill Defense Orders placed with the Producer, taking into consideration existing inventories of the Producer. If a Producer has sufficient Material to produce Cranes and Hoisting Equipment for Defense Orders placed with him and will still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such Material;

(6) By a Supplier to obtain Material listed on Exhibit A in excess of the amount necessary for him to make rated deliveries, taking into consideration existing inventories of the Supplier. If a Supplier has sufficient Material to enable him to make his rated deliveries and will still have a practicable minimum working inventory, he shall not make use of the rating to obtain deliveries of such Material.

(f) *Records and reports.* The Producer and each Supplier who applies the preference rating assigned by this Order shall:

(1) Keep and preserve for a period of at least 2 years, accurate and complete records and information concerning:

(i) All applications of such preference rating, including the kinds, values, quantities, and delivery dates of Material covered by each such application, together with the name and address of each Supplier to whose deliveries of Material the rating has been applied;

(ii) Inventories and stocks on hand of Material of the kind covered by each application of the rating;

(iii) Contracts and purchase orders on his books, including delivery schedules, for Cranes and Hoisting Equipment, and for Material which appears on Exhibit A attached hereto.

(2) File reports containing such information concerning the matters specified in paragraph (f) (1) and concerning any other pertinent matters, with the Division of Priorities, Office of Production Management, as shall from time to time be required by said Division. Until further order, such information shall be furnished to the Division of Priorities by the Producer and by each such Supplier on Form PD-81 or its alternative PD-81-a, to be filed on or before the 15th day of each month, such report to cover applications of the rating herein assigned during the preceding month.

(3) Submit from time to time to an audit and inspection by representatives of the Division of Priorities concerning the matters specified in paragraph (f) (1).

(g) *False statements.* Any person who wilfully falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited by the Director of Priorities from receiving further deliveries of any material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to the Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation or expiration.

(i) *Effective date.* This Order shall take effect on the 1st day of November, 1941 and unless sooner revoked shall expire on the 1st day of February, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1596, as amended September 12, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E. O. 8875, Aug. 28, 1941; 6 F.R. 4483; sec. 2 (a) Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.; sec. 9, Pub. No. 783, 76th Cong., 3d Sess.)

Issued this 29th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

EXHIBIT A TO PREFERENCE RATING ORDER No. P-5-b

Motors and other electrical accessories;
Alloy and carbon steels in bars, forgings, castings, plates, sheets, shapes, and tubes;
Ferrous and nonferrous castings;
Machine parts and accessories;
Cutting tools, including cemented carbides;
Abrasives;
Measuring instruments and gages;
Brass, copper, and steel tubing and fittings;
Oil resisting hose;
Hydraulic Bridge brakes;
Gasoline and Diesel engines and accessories;
Paints, lacquers, and finishing materials;
Maintenance and shop supplies—this item applies to a Producer's requirements only (see paragraph (a) (1) and is restricted to Materials necessary for proper operation and maintenance of a Producer's manufacturing equipment and facilities

FOUNDRY SUPPLIES CONSISTING OF

Steel rail and other steel scrap, silvery pig iron, regular pig iron, coke, ferro-silicon, ferro-manganese, vanadium, nickel, molybdenum, and chromium.

Acceptance of Preference Rating Order No. P-5-b

TITLE 32—NATIONAL DEFENSE

PART 929—MATERIAL FOR THE PRODUCTION OF CRANES AND HOISTING EQUIPMENT

Preference Rating Order No. P-5-b

To: Name of Producer:
Address:
Serial No.:
Preference Rating Assigned:
For the Production of:

Detach along this line

To Be Signed by an Authorized Official of the Producer or Supplier Before Applying the Rating Assigned by Preference Rating Order P-5-b.

The Producer or Supplier named below hereby accepts Preference Rating Order No. P-5-b and certifies to the Director of Priorities of the Office of Production Management that he is entitled to apply the preference rating assigned by such Order in accordance with its terms.

Dated this _____ day of _____, 1941.

_____
(Legal name of Producer or Supplier)

Address_____

By:_____
(Name and title of authorized individual)

I received this order from _____,

located at _____

(Section 35A of the Criminal Code, 18 U.S.C. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

The Producer may obtain additional copies of this Order from the Division of Priorities, Office of Production Management, Washington, D. C. Suppliers may not obtain copies from the Division of Priorities but should procure them from the Producer.

[F. R. Doc. 41-8151; Filed, October 29, 1941; 11:50 a. m.]

SUBCHAPTER B—PRIORITIES DIVISION

PART 963—SILK

Amendment to General Preference Order No. M-22 as Amended October 16, 1941 to Conserve the Supply and Direct the Distribution of Silk

General Preference Order M-22, as amended October 16, 1941,[1] is hereby further amended by adding thereto the following paragraphs (h) and (i):

§ 963.1 *General preference order No. M-22.*

* * * * *

(h) Each person having title to raw silk in unbroken bales shall, on or before the close of business on the second day after the effective date of this Amendment, report to the Textile Section, Division of Purchases, Office of Production Management, New Social Security Building, Washington, D. C., by a written statement showing as to each such bale, the bale number, the weight in pounds, origin, denier, size, color, chop mark, location, the number of the warehouse receipt, if any, whether such receipt is negotiable or not, and the office address and name of the person having custody of each such receipt. Failure to make such a report on the part of any person shall be deemed a representation to the Government, subject to the penalties of Section 35 (a) of the United States Criminal Code, that such person does not have title to any raw silk in unbroken bales.

(i) This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; P.D. Reg. 2, Sept. 9, 1941, 6 F.R. 4684; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.; sec. 9, Public No. 783, 76th Cong., 3d Sess.)

Issued this 28th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8114; Filed, October 28, 1941; 2:40 p. m.]

[1] 6 F.R. 5290.

PART 992—LAUNDRY EQUIPMENT

Limitation Order L-6 to Restrict the Production of Domestic Laundry Equipment

Whereas, the demands of national defense have created a shortage of iron and steel used in the manufacture of domestic laundry equipment; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of domestic laundry equipment is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 992.1 *General limitation order L-6—*(a) *Definitions.* For the purposes of this order:

(1) "Domestic Laundry Equipment" means washing machines and ironing machines for home use.

(2) "Factory sales" means sales of Domestic Laundry Equipment from factory or branches to distributors, dealers or consumers.

(3) "Class 'A' manufacturers" means those manufacturers of domestic laundry equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was 12,000 such units or more.

(4) "Class 'B' manufacturers" means those manufacturers of domestic laundry equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was greater than 5,000 such units but less than 12,000 such units.

(5) "Class 'C' manufacturers" means those manufacturers of Domestic Laundry Equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was greater than 1,200 such units but less than 5,000 such units.

(6) "Class 'D' manufacturers" means those manufacturers of Domestic Laundry Equipment the monthly average of whose Factory Sales of units of Domestic Laundry Equipment for the twelve months ending June 30, 1941, including both domestic sales and exports, was 1,200 such units or less.

(b) *General restriction.* (1) During the five months period from August 1 to December 31, 1941, inclusive,

(i) No Class "A" manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(*a*) 50,400 units of such equipment, or

(*b*) Five times 80% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(ii) No Class "B" manufacturer shall produce more domestic laundry equipment than the greater of the following two limits;

(*a*) 22,000 units of such equipment, or

(*b*) Five times 84% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(iii) No Class "C" manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(*a*) 6,000 units of such equipment, or

(*b*) Five times 88% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(iv) No Class "D" manufacturer shall produce more domestic laundry equipment than five times 100% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(c) *Avoidance of excessive inventories.* Manufacturers of domestic laundry equipment shall not accumulate inventories of raw materials, semi-processed materials, finished parts, or assembled laundry equipment in quantities in excess of practicable minimum working inventories.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each Manufacturer to whom this order applies shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management such reports and questionnaires at said Office shall from time to time specify. Such reports, when forms are made available by the Office of Production Management, shall be filed on the fifteenth day of each month, and shall cover the month of September, 1941, and all succeeding months.

(g) *Provision for companies under common ownership.* For the purposes of this order, a manufacturer's classification into Class "A", "B", "C" or "D" shall depend upon the monthly average of Factory Sales by that manufacturer, including in the total of such sales all Factory Sales made by subsidiaries, affiliates, or by other companies or enterprises under comon ownership or control.

(h) *Violations or false statements.* Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Effective date.* This order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 29th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8153; Filed, October 29, 1941; 11:51 a. m.]

PART 993—DOMESTIC ICE REFRIGERATORS

Limitation Order L–7 To Restrict the Production of Domestic Ice Refrigerators

Whereas the demands of national defense have created a shortage of iron and steel used in the manufacture of domestic ice refrigerators; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of domestic ice refrigerators is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 993.1 *General limitation order, L–7*—(a) *Definitions.* For the purposes of this Order:

(1) "Domestic Ice Refrigerators" means non-mechanical ice chests and ice boxes for home use;

(2) "Steel Used" means the aggregate weight of steel contained in the finished products manufactured;

(b) *General restriction.* (1) During the four months period from September 1 to December 31, 1941, inclusive, no manufacturer of domestic ice refrigerators shall use more than four times 65% of the monthly average of steel used by him during the twelve months ending June 30, 1941.

(2) The restriction provided for by the preceding paragraph shall apply to use of steel from the manufacturer's own inventories of raw and semi-processed metal, as well as to use of steel from all other sources.

(c) *Avoidance of excessive inventories.* Manufacturers of domestic ice refrigerators shall not accumulate inventories of raw materials, semi-processed materials, finished parts, or assembled refrigerators in quantities in excess of practicable minimum working inventories.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this order applies shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management, such reports and questionnaires as said Office shall from time to time specify. Such reports, when forms are made available by the Office of Production Management, shall be filed on the 15th day of each month, and shall cover the month of September and all succeeding months.

(g) *Violations or false statements.* Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Effective date.* This order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 28th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8115; Filed, October 28, 1941; 2:40 p. m.]

PART 1013—CHLORINATED RUBBER

General Preference Order No. M–46 To Conserve the Supply and Direct the Distribution of Chlorinated Rubber

Whereas the national defense requirements have created a shortage of Chlorinated Rubber for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1013.1 *General preference order No. M–46*—(a) *Definitions.* For the purposes of this Order:

(1) "Chlorinated Rubber" means the reaction product of chlorine and crude rubber containing 55% to 75% of chlorine by weight, and includes the products known by the trade names of Parlon and Raolin.

(2) "Producer" means any person engaged in the production of Chlorinated Rubber, and includes any person who has Chlorinated Rubber produced for him pursuant to toll agreement, or who has purchased or purchases Chlorinated Rubber for purposes of resale.

(b) *Priorities division regulation No. 1.* Control of the supply and direction of the distribution of Chlorinated Rubber is hereby taken by the Director of Priorities and all future transactions of any kind in Chlorinated Rubber are regulated and covered by the provisions and definitions contained in Priorities Division Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), except as otherwise specifically provided herein.

(c) *Restrictions on deliveries.* No Producer shall, on or after the effective date of this Order, make deliveries of any Chlorinated Rubber except as specifically directed by the Director of Priorities. At the beginning of each calendar month the Director of Priorities will issue to all Producers specific directions covering deliveries of Chlorinated Rubber which may be made by such Producers during such month.

(d) *Records and reports.* In addition to the records and reports required by Priorities Division Regulation No. 1, hereinabove referred to, any person who receives or orders Chlorinated Rubber from a Producer at any time after the effective date of this Order shall furnish to the Priorities Division, Office of Production Management, attention Chemicals Section, Washington, D. C., information with respect to his requirements and use of such material at such times and on such forms as the Chemicals Section of the Office of Production Management shall prescribe, together with any other information which said Chemicals Section may deem necessary for the orderly and effective operation of this Order.

(e) *Revocation of previous directions.* This Order supersedes and revokes all previous orders, directions, and instructions heretofore issued by the Director of Priorities applicable to Chlorinated Rubber, to the extent that they may be inconsistent herewith: *Provided, however,* That nothing herein contained shall in any way affect or modify the Order with respect to deliveries of Chlorinated Rubber heretofore on the 13th day of October 1941, issued by the Director of Priorities to Hercules Powder Company, Inc.

(f) *Effective date.* This Order shall take effect on the 1st day of November, and unless sooner revoked, shall expire on the 31st day of July 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 29th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8152; Filed, October 29, 1941; 11:51 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1347—PAPER AND PAPER PRODUCTS

Amendment of Price Schedule No. 30[1]*—Wastepaper Sold East of the Rocky Mountains*

Section 1347.8 is amended by adding the following paragraph (e):

§ 1347.8 *Definitions.*

* * * * *

(e) "Jobber", commonly known as a wastepaper broker, means any person who sells to consumers commercially sorted and baled wastepaper owned but not packed by such person.

Section 1347.10, Appendix A, is amended to read as follows:

§ 1347.10 *Appendix A, maximum prices for wastepaper sold east of the Rocky Mountains.*[1]

Grades	Maximum prices [2] per short ton, f. o. b. point of shipment [3]
No. 1 Mixed Paper [4]	$13.00
Super-Mixed Paper [5]	14.00
No. 1 Baled News [6]	15.00
Overissue News [7]	17.00
Old Corrugated Containers [8]	16.50
Old Kraft Corrugated Containers [9]	27.00
New Corrugated Cuttings [10]	18.00
Box Board Cuttings [11]	14.50
White Blank News [12]	33.00
Extra Manilas [13]	37.00
New Manila Envelope Cuttings [14]	53.00
One Cut New Manila Envelope Cuttings [15]	57.50
No. 1 Hard White Shavings, Unruled [16]	57.50
No. 1 Hard White Shavings, Ruled [17]	50.00
Hard White Envelope Cuttings [18]	62.50
One Cut Hard White Envelope Cuttings [19]	67.50
No. 1 Soft White Shavings [20]	50.00
One Cut Soft White Shavings [21]	57.50
Miscellaneous Soft White Shavings [22]	43.00
No. 1 Fly Leaf Shavings [23]	33.50
No. 2 Fly Leaf Shavings [24]	22.50
No. 1 Groundwood Fly Leaf Shavings [25]	25.00
No. 2 Mixed Colored Groundwood Shavings [26]	18.00
Mixed Colored Shavings [27]	15.00
No. 1 Heavy Books and Magazines [28]	31.50
Mixed Books [29]	20.50
Overissue Magazines [30]	33.50
No. 1 Mixed Ledger (Colored Ledger) [31]	37.50
No. 1 White Ledger [32]	43.50
No. 1 Assorted Kraft (Old Kraft) [33]	35.00
Triple Sorted No. 1 Brown Soft Kraft [34]	50.00
Mixed Kraft Envelope and/or Bag Cuttings [35]	55.00
Kraft Envelope Cuttings [36]	65.00
New 100% Kraft Corrugated Cuttings [37]	49.00

When used in these footnote definitions the terms:

"Objectionable papers" include carbon, waxed, paraffined, oil-treated, greased, glazed, parchment, asphalt, tar, wall, friction board, book-covers, cloth bound, heavy cores, tympan, pressboard, used billboard stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printers' rolls, and paper strings; and

"Foreign materials" include every non-paper substance that cannot be manufactured into paper, including, but in no way limiting the generality of the above: cellophane, rags, rubbers, strings, vulcanized fibre, metals, and rubbish of all kinds.

[1] 6 F.R. 4822.

[1] East of the Rocky Mountains includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Wyoming, and Montana.

[2] All prices listed represent the maximum prices for the respective grades of wastepaper, the highest qualities of which are defined in the footnotes below. Other qualities of wastepaper of the grades defined must be sold at or below the maximum prices established. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided in this Appendix are to be added.

[3] All prices established by this Schedule shall be for wastepaper loaded on trucks at the point of shipment. The point of shipment is the seller's door from which the wastepaper is to be shipped to the consumer. If the wastepaper is loaded on freight cars an amount not in excess of $1.00 per ton may be added to the maximum prices established by this Schedule, which additional amount, if any, must be listed as a separate item on the invoice. No such charge may be added where freight cars are loaded at the seller's siding.

[4] "No. 1 Mixed Paper" shall consist of clean, dry wastepaper free from objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more.

[5] "Super-Mixed Paper" shall consist of No. 1 mixed paper which has been screened and dusted, and is composed of hard, bright stock. The process of screening and dusting shall be performed mechanically by a "tumbler" or similar device. Must be packed in large machine compressed bales weighing 650 pounds or more.

[6] "No. 1 Baled News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers and packed in large machine compressed bales weighing 650 pounds or more.

[7] "Overissue News" shall consist of all-white, large size, over-run newspapers from a newspaper office (not over 60 days old) and may be packed in securely tied bundles, small or large bales.

[8] "Old Corrugated Containers" shall consist of used corrugated or solid fibre containers free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more.

[9] "Old Kraft Corrugated Containers" shall consist of used containers of 90% to 100% kraft content, clean and dry, free from foreign materials, objectionable and mixed paper and packed in large machine compressed bales weighing 650 pounds or more. If kraft content is less than 90%, the packing shall be designated "Old Corrugated Containers."

[10] "New Corrugated Cuttings" shall consist of new corrugated cuttings of jute and/or kraft from a corrugating plant, or solid fibre or corrugated container converting plant, and shall be free from foreign materials, mixed and objectionable papers. May be packed in small or large bales.

[11] "Boxboard Cuttings" shall consist of clean, dry cuttings from paperboard converting plants or other users of paperboard, free from objectionable and mixed papers and foreign materials, packed in large machine compressed bales weighing 650 pounds or more.

[12] "White Blank News" shall consist of clean, dry, and white news cuttings or sheets, free from mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

[13] "Extra Manilas" shall consist of clean, dry, unprinted manila paper of uniform natural manila color, free from yellow news blanks, paper towels, canary colored blanks, goldenrod and bogus stock, as well as mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

[14] "New Manila Envelope Cuttings" shall consist of clean, dry new manila cuttings or sheets, of miscellaneous shades, from envelope factories free from printed stock of any kind, mixed or objectionable papers and foreign materials, and may be packed in small or large bales.

[15] "One Cut New Manila Envelope Cuttings" shall consist of one cut, one shade, clean, dry, new manila cuttings or sheets from envelope factories, containing not more than 10% groundwood and free from printed stock of any kind, mixed or objectionable papers and foreign materials. May be packed in small or large bales.

[16] "No. 1 Hard White Shavings, Unruled" shall consist of clean, dry, unruled bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[17] "No. 1 Hard White Shavings, Ruled" shall consist of clean, dry, ruled and unruled, bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[18] "Hard White Envelope Cuttings" shall consist of clean, dry, bond or writing paper shavings of miscellaneous shades free from all colors and tints, parchment and groundwood and from mixed or objectionable papers and foreign materials. May be packed in small or large bales or in securely tied packages.

[19] "One Cut Hard White Envelope Cuttings" shall consist of one cut, one shade, clean, dry bond or writing paper shavings containing sulphite or rag, or a mixture of both, and free from all colors and tints, parchment and groundwood and from mixed or objectionable papers and foreign materials. May be packed in small or large bales or in securely tied packages.

[20] "No. 1 Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment, and groundwood as well as mixed and objectionable papers, and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

[21] "One Cut Soft White Shavings" shall consist of one cut, one shade, clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment, and groundwood as well as mixed and objectionable papers, and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

[22] "Miscellaneous Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings of various shades free from all colors and tints, parchment, and groundwood as well as mixed and objectionable papers, and foreign materials, and containing in excess of 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

[23] "No. 1 Fly Leaf Shavings" shall consist of magazine and/or catalog trim and shall contain the bleed of the cover and insert stock, but shall be free from all solid color stock, groundwood stock and objectionable papers and foreign material. May be packed in small or large bales.

[24] "No. 2 Fly Leaf Shavings" shall consist of magazine and catalog trim and may contain cover and insert stock which may consist of solid color and other color stock but shall be free from groundwood stock and objectionable papers and foreign materials. May be packed in small or large bales.

[25] "No. 1 Groundwood Fly Leaf Shavings" shall consist of telephone, book and magazine trim, free of all bleed and coated stock, consisting of all white paper except colored cover stock. This grade shall be free from objectionable papers and foreign materials and may be packed in small or large bales.

[26] "No. 2 Mixed Colored Groundwood Shavings" shall consist of a mixture of white and

colored trim, including bleed and printed stock throughout, but free from rotogravure stock, and all objectionable papers and foreign materials. May be packed in small or large bales.

[27] "Mixed Colored Shavings" shall consist of a mixture of white and colored trim, including bleed, printed and rotogravure stock, and shall be free from all objectionable papers and foreign materials. May be packed in small or large bales.

[28] "No. 1 Heavy Books and Magazines" shall consist of dry, clean books and magazines containing not over 2 per cent groundwood papers and 2 percent packing outthrow (including outside wrappers, wrapping wires and twine), entirely free from shavings and crumpled stock, heavily-inked, deeply colored, glit, aluminum and varnished cover stock, lithographed, parchment, groundwood, rotogravure and cover papers, as well as mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[29] "Mixed Books" shall consist of dry, clean books and magazines containing not over 25 per cent total outthrow, including kraft, groundwood and outside packing, and shall be free from mixed and objectionable papers and foreign materials. May be packed in small or large bales.

[30] "Overissue Magazines" shall consist of clean, dry, fresh, overrun and misprint, unsold magazines and books. May be packed in small or large bales or securely tied packages.

[31] "No. 1 Mixed Ledger (Colored Ledger)" shall consist of white and light-colored ledger and writing waste containing not more than 2 percent groundwood papers and 2 percent packing outthrow, free from mixed and objectionable papers, and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[32] "No. 1 White Ledger" shall consist of white ledger and writing waste containing not more than 2 percent groundwood papers and 2 percent packing outthrow free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[33] "No. 1 Assorted Kraft (Old Kraft)" shall consist of brown kraft waste free from corrugated waste of any kind, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[34] "Triple Sorted No. 1 Brown Soft Kraft" shall consist of old soft brown sulphate kraft paper guaranteed 100% free from wax, tar, kraft corrugated boards, and all imitation or bogus sheets, and shall be clean, dry and free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[35] "Mixed Kraft Envelope and/or Bag Cuttings" shall consist of mixed 100% Northern and/or Southern Kraft Cuttings from strictly new envelope and/or paper bag stock, and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers and foreign materials. May be packed in small or large bales.

[36] "Kraft Envelope Cuttings" shall consist of 100% Northern Kraft Cuttings from strictly new envelope paper stock and shall be free from objectionable and mixed papers and foreign materials. May be packed in small or large bales.

[37] "New 100% Kraft Corrugated Cuttings" shall consist of cuttings, trimmings or shavings from new 100% kraft corrugated stock, and must be free of fibre papers, screening pulp, and colored paper of any kind, objectionable and mixed papers, and foreign materials. Must be packed in small or large bales.

Jobber's Allowance

(a) In the event that a consumer of wastepaper shall purchase wastepaper through a jobber, as defined in § 1347.8 (e), such consumer may pay such jobber not more than the maximum price herein plus a jobber's allowance not to exceed the lesser of the following amounts:

(1) The regular allowance customarily charged, or

(2) An amount not exceeding the following percentages per ton of the amount actually paid to the jobber, exclusive of the jobber's allowance and differential for loading cars for the particular wastepaper purchased:

Price for grade of wastepaper purchased:	*Jobber's allowance in percentage*[1]
$13.00 to $20.00	4
$20.01 to $30.00	5
$30.01 to $40.00	5½
$40.01 to $50.00	7
$50.01 to $60.00	8
$60.01 to $70.00	9

[1] Where customary allowance is not less than provided in (2) above.

(b) A jobber's allowance shall be payable only if the transaction in which it is to be paid fulfills all of the following requirements:

(1) The complete transaction is recorded as provided in § 1347.4;

(2) The jobber guarantees the quality and delivery of an agreed tonnage of wastepaper, and such guarantee is made a part of the billing and of the record referred to above;

(3) The jobber's allowance is shown as a separate item in the billing and in the record referred to above;

(4) The wastepaper purchased is invoiced to the consumer at a price (excluding the jobber's allowance) no higher than that provided by this Schedule;

(5) The jobber's allowance is not split or divided with any other jobber, broker, dealer, consumer or producer;

(6) The wastepaper was commercially baled and sorted, but this process was not performed by the jobber; and

(7) The wastepaper was owned by the jobber prior to its transfer to the consumer.

These amendments shall become effective on October 29, 1941. (Executive Order No. 8734, 8875; 6 F.R. 1917, 4483)

Issued this 29th day of October 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8124; Filed, October 29, 1941; 10:19 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 6, as Amended]

CIVILIAN ALLOCATION PROGRAM FOR MOTOR FUEL IN THE ATLANTIC COAST AREA

REVOCATION

Whereas Recommendation No. 6 of the Petroleum Coordinator for National Defense was issued under date of August 18, 1941, to implement the Civilian Allocation Program for motor fuel in the Atlantic Coast area, issued by the Office of Price Administration and Civilian Supply on August 15, 1941, and

Whereas said Recommendation was amended under date of August 21, 1941, further to implement the said Civilian Allocation Program, and

Whereas the said Civilian Allocation Program is superseded by Limitation Order L-8[1] of the Office of Production Management, issued under date of September 30, 1941.

Now, therefore pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, Recommendation No. 6 of August 18, 1941,[2] as amended August 21, 1941,[2] is hereby revoked, effective immediately.

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

OCTOBER 18, 1941.

[F. R. Doc. 41-8119; Filed, October 29, 1941; 9:50 a. m.]

[Recommendation No. 13]

PART 1503—PRODUCTION

DEVELOPMENT AND OPERATION OF CONDENSATE POOLS

To all State and Federal regulatory bodies or agencies having jurisdiction with respect to the exploration, development, production, conservation, transportation, distribution, purchase, sale, or use of petroleum or petroleum products; and to all owners, operators, or others having any interest, direct or indirect, in any underground pool of oil or gas (or any of the products of such pool) which, in whole or in part, is susceptible of classification as a condensate pool.

It is essential both for national defense and for the continued supply of essential civilian requirements that there be recovered the maximum economic quantity of petroleum and associated hydrocarbons from the oil and gas pools of the United States.

There are being developed in the United States an increasing number of so-called condensate, distillate, naptha, or retrograde pools, herein referred to as "condensate" pools, where the liquid and gaseous hydrocarbons recovered at the surface occur in a single phase under original reservoir conditions.

There are also being developed many so-called gas-cap pools wherein commercial oil occurs in the liquid phase, but in which there also occur gas caps of considerable size having the essential characteristics of condensate pools, (herein included in the term "condensate" pools).

Carefully controlled development and operation of condensate pools are particularly essential to prevent the irreparable loss of a large proportion of the hydrocarbon content of such pools through the condensation in the underground reservoir of those hydrocarbons existing in the gaseous phase when the natural pressure in the reservoir is lowered below the dew point of the hydrocarbon mixture in such pool.

The liquid hydrocarbons recovered from such pools possess qualities especially desirable for the production of aviation gasoline and other products now demanded in ever increasing quantities for the defense of the United States.

The national defense policy for the petroleum industry, as defined by the President of the United States in his letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, requires, "the proper development, production, and utilization of those reserves of crude oils and natural gas that are of strategic importance both in quality and location * * * and * * * the most economical use of raw materials, and efficiency of production and distribution; and the elimination of the drilling of unnecessary wells in proven fields and of other unnecessary activities and equipment."

Therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

§ 1503.1 *Economic operation and development of condensate pools.* All State and Federal regulatory bodies or agencies having jurisdiction over and all owners, operators, or others having any interest direct or indirect, in any condensate pool or the products thereof, shall:

(a) Direct all operations including but not limited to cycling and pressure maintenance toward obtaining the maximum economic recovery and utilization of the liquid and gaseous hydrocarbons ultimately producible from such pools.

(b) Refrain from removing "lean gas" from such pools for sale as "dry gas" or for processing into distillate and "tail gas" where such removal might have a tendency to reduce the ultimate quantity of liquid hydrocarbons recoverable from such pools.

(c) Conduct all further drilling and development of such pools in such manner as to use minimum quantities of steel and other materials necessary to obtain maximum economic recovery.

(d) Conduct all further production operations in such manner as to utilize most efficiently the limited quantities of materials and equipment that are now available and to utilize most efficiently the natural energy of the reservoir whether it be in the form of compressed natural gas or in the form of a natural water drive.

(e) Submit to the Office of Petroleum Coordinator for National Defense, for its guidance in making recommendations with respect to priorities and the allocation of materials to be supplied both for drilling, construction, producing, and transportation operations in such pools, and for handling the products to be delivered from such pools, detailed plans for the orderly development and operation of each such pool in the interest of national defense to the end that:

(1) Development shall be conducted on the widest practical uniform spacing pattern and the unitization of individual properties shall be effected to whatever extent may be necessary to render such patterns equitable; and

(2) Rates of production and production practices shall be such as to provide for the most efficient and economical use of all materials, supplies, and equipment employed in development and operation; and

(3) The disposal of the liquid and gaseous hydrocarbons produced from such pools shall be such as to provide for their most effective use as essential materials needed for national defense and essential civilian requirements.*

*§§ 1503.1 and 1503.2 issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1503.2 *Definitions.* For the purpose of § 1503.1, the term "pool" means any underground accumulation of oil, gas, or associated hydrocarbon substances constituting a single and separate reservoir, or source of supply within a field, area, or horizon, whether or not presently discovered and developed, and the terms "lean gas," "dry gas," and "tail gas" are used in the same sense as those terms are generally understood in the petroleum industry.*

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

OCTOBER 8, 1941.

[F. R. Doc. 41-8123; Filed, October 29, 1941; 9:51 a. m.]

[Recommendation No. 11]

PART 1505—TRANSPORTATION

UTILIZATION AND OPERATION OF TANKERS IN DISTRICT 5, PACIFIC COAST

To the Transportation Committee for District No. 5 and to the General Petroleum Corp. of Calif., Richfield Oil Corporation, Standard Oil Company of California, The Texas Company, Tide Water Associated Oil Co., Union Oil Company of California, Hillcone Steamship Company, and any and all others owning, operating, chartering tankers or otherwise utilizing tanker space, barges, pipe lines, or other transport facilities on the Pacific Coast, and the various subsidiary companies of any and all of the aforesaid companies:

The diversion of a part of the American tanker fleet for national defense purposes has resulted in a shortage of petroleum tanker tonnage available for the transportation of petroleum and petroleum products on the Pacific Coast.

Such shortage will, unless abated, result in a scarcity of petroleum and petroleum products in areas of the Pacific Coast States dependent upon tanker transportation for petroleum.

All steps should be taken which will cause the most efficient utilization and operation of available tanker tonnage in order to render such a scarcity less acute and to provide equitable access to markets and supplies as between the larger companies and existing smaller nonintegrated producers, refiners, and marketers of petroleum and petroleum products.

Therefore, pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

§ 1505.15 *Designation of tanker subcommittee.* A Tanker Subcommittee shall be designated by the Transportation Committee for District No. 5, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense, to plan and, after approval of such plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense, to carry into effect schedules and cargo loading and dispatching arrangements for the most efficient utilization and operation of tankers available for Pacific Coast runs and at the same time provide for equitable access to markets and supplies as between all existing producers, refiners, and marketers of petroleum and petroleum products in District No. 5.*

*§§ 1505.15 to 1505.18 inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.16 *Utilization of tankers and other facilities.* All companies owning, operating, chartering tankers or utilizing tanker space, barges, pipe lines, or other transport facilities in District No. 5 and the various subsidiary companies of any and all of such companies, in so far as practicable, shall so utilize available tankers to haul petroleum and petroleum products from the points of supply nearest the markets to be served and in such a manner as to avoid cross-hauling and multiple port loading and discharging, and for these purposes, shall arrange for, and after approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense, carry into effect:

(a) The sale, exchange, or loan of petroleum and petroleum products among themselves whenever and to whatever extent may be necessary to facilitate the reduction of the tanker tonnage required to transport the necessary petroleum and petroleum products to the various Pacific Coast points: *Provided, however,* That the rate to be charged for the use of tankers shall not exceed the maximum time charter rates prescribed by the

[1] 6 F.R. 5009, 5396.
[2] 6 F.R. 5015, 5016.

United States Maritime Commission for charters in which the Commission's concurrence is indicated.

(b) The use of the tanker, pipe line, transport, barge, terminal and storage facilities of all of the aforesaid companies shall be utilized in such a way and without regard to individual ownership thereof as to reduce to an absolute minimum idle time in port and the splitting of cargoes between two or more ports of discharge.*

§ 1505.17 *Meetings.* Meetings of the aforesaid Tanker Subcommittee and of representatives of the aforesaid companies shall be held from time to time for the sole purpose of working out the physical and contractual details and arrangements necessary to carry into effect the foregoing recommendations.*

§ 1505.18 *Coordination with Tanker Control Board.* The aforesaid Tanker Subcommittee and the aforesaid companies shall coordinate their activities under this recommendation with the policies of the Tanker Control Board established by the Petroleum Coordinator for National Defense.*

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

SEPTEMBER 17, 1941.

[F. R. Doc. 41-8120; Filed, October 29, 1941; 9:50 a. m.]

[Recommendation No. 12]

PART 1505—TRANSPORTATION

EQUITABLE DISTRIBUTION OF EXCESS TRANSPORTATION COSTS IN DISTRICT 1, ATLANTIC COAST

To the Transportation Committee of District No. 1 and to all suppliers of petroleum or petroleum products in said District:

In order to alleviate the shortage of tanker capacity for the transportation of petroleum and petroleum products from Gulf Coast ports to the Atlantic Coast area it is necessary that other and more costly additional means of transportation be employed.

Certain companies supplying petroleum or petroleum products in said area have heretofore on September 4 entered into a commitment with the Office of the Petroleum Coordinator for National Defense to press into service all available railroad tank cars as rapidly as they can be supplied to said companies and moved by the railroads, within the physical limitations as to trackage, storage, and unloading and other facilities.

Under said commitment said companies have agreed to share equitably the increased costs of transportation of petroleum or petroleum products by railroad tank car over transportation by tanker under the Maritime Commission charter rate ceilings, pursuant to a plan to be developed by the Transportation Committee of District No. 1.

It is essential to the fullest and most efficient immediate use of railroad tank car transportation that such a plan be promulgated.

Therefore pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that:

§ 1505.19 *Plan for distribution of excess costs.* The Transportation Committee for District No. 1 shall obtain and analyze all pertinent and available facts, figures, and other data, and shall prepare therefrom a plan for submission to the Chief Counsel of the Office of the Petroleum Coordinator for National Defense, for the equitable distribution, among all suppliers of petroleum or petroleum products in said District, of the excess cost of transportation of petroleum and petroleum products to the said Atlantic Coast area by railroad tank car over transportation by tanker under the Maritime Commission charter rate ceilings.*

*§§ 1505.19 to 1505.21, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.20 *Approval and execution of plan.* Upon the approval by the Chief Counsel of the Office of the Petroleum Coordinator for National Defense of a plan prepared pursuant to the preceding section, and pursuant to the direction of the Petroleum Coordinator for National Defense, the Transportation Committee for District No. 1 and all suppliers of petroleum or petroleum products in said District shall carry into effect said plan according to its terms, conditions, and intent.*

§ 1505.21 *Meetings.* Meetings of the Transportation Committee for District No. 1 and of representatives of the aforesaid suppliers shall be held from time to time for the sole purpose of preparing the aforesaid plan and, after its approval by the Chief Counsel of the Office of the Petroleum Coordinator for National Defense, of carrying into effect such plan in accordance with the foregoing provisions of this recommendation.*

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

SEPTEMBER 30, 1941.

[F. R. Doc. 41-8121; Filed, October 29, 1941; 9:51 a. m.]

[Recommendation No. 12, Amendment]

PART 1505—TRANSPORTATION

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, § 1505.19 (Recommendation No. 12, dated September 30, 1941) is hereby amended to read as follows:

§ 1505.19 *Plan for distribution of excess costs.* The Transportation Committee for District No. 1 shall obtain and analyze all pertinent and available facts, figures, and other data, and shall prepare therefrom a plan for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, for the equitable distribution, among all suppliers of petroleum or petroleum products in said District, of the excess cost of transportation of petroleum and petroleum products to the said Atlantic Coast area by railroad tank car or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the Maritime Commission charter rate ceilings. (President's letter to the Secretary of the Interior, May 28, 1941, 6 F.R. 2760).

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

OCTOBER 18, 1941.

[F. R. Doc. 41-8122; Filed, October 29, 1941; 9:51 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-72]

IN THE MATTER OF THE B & B COAL COMPANY, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 0339, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine:

(a) Whether or not the respondent in the above-entitled matter, The B & B Coal Company, a corporation, Registered Distributor, Registration No. 0339, whose address is 1209 Jefferson Building, Peoria, Illinois, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors and the agreement ("Distributor's Agreement") dated April 19, 1940, executed pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, or any orders or regulations of the Division; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. During the period commencing January 1, 1941, and ending April 30, 1941, the respondent accepted distributor's discounts in excess of the maximum allowable discounts as set forth in the Order of the Director entered on June 19, 1940 in General Docket No. 12, prescribing due and maximum discounts and establishing rules and regulations for the registration of distributors, upon 2205.05 tons of 6" lump coal and 467.94 tons of 1¼" x 6" egg coal purchased by respondent from the Rawalt Coal Company, a corporation having its principal place of business in Canton, Illinois, code member in District No. 10, which coal was produced at the said code member's Rawalt Mine, Mine Index No. 716, located at Norris, Illinois, and was resold by respondent to various retailers located in Peoria, Illinois, and Bloomington, Illinois. Respondent thereby violated paragraph (a) of the Distributor's Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 8, 1941, in a hearing room of the Bituminous Coal Division at 734 15th Street NW., Washington, D. C.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted such charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition of intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8135; Filed, October 29, 1941; 11:37 a. m.]

[Docket No. B-61]

IN THE MATTER OF C. LEROY HOLBEIN, DOING BUSINESS AS HOLBEIN COAL CO., DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 29, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 1, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Zanesville, Ohio.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendant, whose office is located at 120 North Third Street, Zanesville, Ohio, violated Sections 4 II (e) and (g) of the Act, and Price Instructions 6 as contained in Supplement No. 1 of appendix A-4-Γ to the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, by selling during the months of January, February, and March, 1941, crushed mine run coal, produced by said defendant at his Holbein Coal Co. Mine (Mine Index No. 66) located in Perry County, Ohio, in Subdistrict 6 of District No. 4, as follows:

(1) To Ohio Cultivator Company, approximately 350.55 net tons of said coal, and delivering such coal via truck to said purchaser at Bellevue, Ohio, a distance of approximately 143 miles from said defendant's mine, and adding to the effective minimum f. o. b. mine price for such coals $1.69 per net ton for hauling 75.75 net tons thereof, and $1.59 per net ton for hauling 274.8 net tons thereof; and

(2) To Old Fork Milling Company, approximately 44.38 net tons of said coal, and delivering such coal via truck to said purchaser at Marion, Ohio, a distance of approximately 100 miles from said defendant's mine, and adding to the effective minimum f. o. b. mine price for such coal $1.85 per net ton for hauling 32.78 net tons thereof, and $1.15 per net ton for hauling 11.6 net tons thereof.

Dated: October 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8136; Filed, October 29, 1941; 11:37 a. m.]

[Docket No. 1871–FD]

IN THE MATTER OF THE APPLICATION OF THE BESSEMER LIMESTONE & CEMENT CO. FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS NATIONAL MINE IN COLUMBIANA COUNTY, OHIO, PURSUANT TO THE SECOND PARAGRAPH OF SECTION 4–A OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the National Mine of The Bessemer Limestone & Cement Co. in Columbiana County, Ohio, having been filed on September 3, 1941, by the above-named applicant, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 11, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of The Bessemer Limestone & Cement Co. under the second paragraph of section 4–A of the Act for a determination of the status of the coal produced at its National Mine, Columbiana County, Ohio, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8137; Filed, October 29, 1941; 11:37 a. m.]

[Docket No. 1867–FD]

IN THE MATTER OF THE APPLICATION OF SHERWOOD-TEMPLETON COAL COMPANY, INC., AND LINTON-SUMMIT COAL COMPANY, INC., FOR A DETERMINATION OF THE STATUS OF THE WASTE SLURRY COAL PRODUCED AT MINE INDEX NOS. 63, 108, AND 112 IN DISTRICT NO. 11

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the waste slurry coal produced at Mine Index No. 63 of the Linton-Summit Coal Company, Inc., and Mine Index Nos. 108 and 112 of the Sherwood-Templeton Coal Company, Inc., in District No. 11, having been filed on July 25, 1941, by the above-named applicants, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 5, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicants and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under section VII (i) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicants or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicants within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicants do not appear and offer evidence in support of their statements of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicants.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of the Sherwood-Templeton Coal Company, Inc., and Linton-Summit Coal Company, Inc. for a determination of the status of the waste slurry coal produced at Mine Index Nos. 63, 108, and 112 in District No. 11, alleging that the said waste slurry coal is exempt from section 4–A of the Act because it is consumed by the Antioch Power Company, an Indiana corporation, wholly owned by the applicants, the producers of said waste slurry coal, or transported by applicants to themselves for consumption by them within the meaning of section 4 II (1) of the Act.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8139; Filed, October 29, 1941; 11:38 a. m.]

[Docket No. B–6]

IN THE MATTER OF CLYDE H. HOYT COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 4566, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division having issued a Notice of and Order for Hearing, dated October 9, 1941, in the above-entitled matter to determine whether or not the Clyde H. Hoyt Company, registered distributor, has violated certain provisions of the Act, Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and its Agreement as distributor executed April 29, 1939, and to determine whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed, and for said purposes having given notice of information in possession of the Division, and additional information having come into the possession of the Division;

It is ordered, That Paragraph No. 3 of the Notice of and Order for Hearing, dated October 9, 1941, in the above-entitled matter, be and it hereby is amended to read as follows:

3. The respondent during the period referred to in paragraph 2 hereof: (a) owned 66⅔% of the outstanding shares of capital stock of said retailer, (b) had interlocking officers with said retailer, and (c) its officers were also shareholders of said retailer.

It is further ordered, That additional paragraphs, No. 6 and No. 7, be inserted after Paragraph No. 5 in said Notice of and Order for Hearing, to read as follows:

6. The respondent, subsequent to October 1, 1940, secured, accepted, and retained sales commissions on approximately 108 tons of coal sold by respondent as sales agent for various code member producers, to the Blue Line Fuel Company.

7. In accepting and retaining the sales commissions described in Paragraph 6 hereof the respondent violated Rule 10 of Section II of the Marketing Rules and Regulations, inasmuch as a partial or a complete ownership, direct or indirect, or other control existed between said retailer and the respondent; and also violated Section 4 II (i) 11 and Rule 11 of Section XIII of the Marketing Rules and Regulations, inasmuch as respondent in said transactions, directly or indirectly, used its sales agency for making discounts, allowances, or rebates, to said retailer, and also violated Section 4 II (i) 12 of the Act and Rule 12 of Section XIII of the Marketing Rules and Regulations, inasmuch as respondent in said transactions was in fact or in effect an agency or an instrumentality of said retailer.

In violating the Marketing Rules and Regulations as described in this paragraph, the respondent violated Section (e) of the Agreement.

It is further ordered, That except as hereinabove specifically amended, said Notice of and Order for Hearing dated October 9, 1941, shall in all other respects remain in full force and effect.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8140; Filed, October 29, 1941; 11:38 a. m.]

[Docket No. 1836–FD]

IN THE MATTER OF THE APPLICATION OF GULF, MOBILE AND OHIO RAILROAD COMPANY FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS ILLMO MINE IN RANDOLPH COUNTY, ILLINOIS

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the Illmo Mine of the Gulf, Mobile and Ohio Railroad Company in Randolph County, Illinois, having been filed on July 23, 1941, by the above-named applicant, pursuant to the second paragraph of section 4–A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 8, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under Section VII (i) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period

in accordance with the provisions of Section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of Section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of the Gulf, Mobile and Ohio Railroad Company under the second paragraph of section 4–A of the Act for a determination of the status of the coal produced at its Illmo Mine, Randolph County, Illinois, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8141; Filed, October 29, 1941; 11:38 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (H) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 12 FOR AMENDMENT OF SCHEDULE OF MAXIMUM DISCOUNTS WITH RESPECT TO THE SEVERAL SIZES OF COALS PRODUCED IN DISTRICT NO. 12

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 12 filed a petition praying (1) that the proceedings in General Docket No. 12 be reopened "for the purpose of correcting, clarifying and redefining the maximum discounts to distributors on the various sizes of coal produced in District No. 12, so that when so corrected and clarified the permissible maximum discounts shall be as follows:

Size Group No.	1—Chunk	25¢
Size Group No.	2—Lump	25¢
Size Group No.	3—Egg or Range	25¢
Size Group No.	4—Small Egg	25¢
Size Group No.	5—Mine Run	12¢
Size Group No.	6—Nut	25¢
Size Group No.	7—Domestic Stoker	25¢
Size Group No.	8—Screenings	12¢
Size Group No.	9—Crushed Industrial Stoker	12¢
Size Group No.	10—Carbon	12¢."

(2) "For such other and further relief as by the Director shall be deemed proper in the premises."

It is, therefore, ordered, That a hearing on such matter be held on December 9, 1941, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before December 3, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

The matter concerned herewith is in regard to the Schedule of "Maximum Discounts That May Be Made to Registered Distributors from Established Minimum Prices on Coal Which They Purchase for Resale and Resell in not less than Cargo or Railroad Carload Lots", for the coals produced in District No. 12, as prescribed on page 4 of the Order of the Director in Docket No. 12, dated June 19, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8142; Filed, October 29, 1941; 11:38 a. m.]

[Docket No. A–709]

PETITION OF REX COAL LAND COMPANY, A CODE MEMBER IN DISTRICT NO. 7, FOR A REDUCTION IN THE MINIMUM PRICES HERETOFORE ESTABLISHED FOR SHIPMENT BY TRUCK OF COALS PRODUCED AT THE FRANCES MINE, MINE INDEX NO. 592, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The Examiner having, on June 12, 1941, continued the hearing in the above-entitled matter, subject to the further order of the Director; and

District Board No. 7, an intervener in this proceeding, having moved on September 30, 1941, that this petition be dismissed for want of prosecution; and

It appearing that the original petitioner has failed to prosecute this matter with due diligence;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed, without prejudice.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8143; Filed, October 29, 1941; 11:39 a. m.]

[Docket No. A–1043]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

[Docket No. A–1043 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BLUE RIDGE COAL CO. MINE (MINE INDEX NO. 517) FOR ALL SHIPMENTS EXCEPT TRUCK, AND FOR TRUCK SHIPMENTS, TO ALL MARKET AREAS

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–1043 PART II FROM DOCKET NO. A–1043, GRANTING TEMPORARY RELIEF IN DOCKET NO. A–1043 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1043, PART II

The original petition in the above-entitled matter filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 14.

As indicated in a separate order issued in Docket No. A–1043, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Blue Ridge Co. Mine (Mine Index No. 517).

A petition of intervention was filed in this matter on October 1, 1941, by the Blue Ridge Coal Company, operator of the Blue Ridge Coal Co. Mine, wherein intervener alleged that the minimum prices proposed by District Board 14 will not afford fair and equal competitive marketing opportunities for the coals of the Blue Ridge Mine and requested that upon a hearing in this matter, the price classifications and minimum prices proposed by intervener be made applicable to such coals.

The Director is of the opinion that temporary relief for the coals of the Blue Ridge Coal Co. Mine should be granted, as prayed for by petitioner, but that permanent price classifications and minimum prices should not be established for such coals without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A–1043 relating to the Blue Ridge Coal Co. Mine (Mine Index No. 517, be and the same hereby is severed from the remainder of Docket No. A–1043 and designated as Docket No. A–1043 Part II.

It is further ordered, That a hearing in Docket No. A–1043 Part II under the applicable provisions of said Act and the rules of the Division be held on November 14, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 8, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the coals of the Blue Ridge Coal Co. Mine (Mine Index No. 517) for all shipments except truck and for truck shipments to all market areas.

It is further ordered, That temporary relief, pending final disposition of Docket No. A–1043 Part II, is hereby granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 14, For All Shipments Except Truck, and For Truck Shipments, are amended to include the following price classifications and minimum prices for the coals of the Blue Ridge Coal Co. Mine (Mine Index No. 517):

District No. 14 (rail). Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel [1]

[1] The following temporary prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedule of Effective Minimum Prices for District No. 14, For All Shipments Except Truck.

Mine index No.	Code member	Mine name	Prod. group No.	Shipping point	R. R.	Freight origin group No.	Price classification by size group							
							3	6	7	8	11	14	15	16	18
517	Blue Ridge Coal Company (Earl Cobb).	Blue Ridge Coal Co.	5	Hackett, Ark.	S. L.-S. F.	18	C	L	L	L	F	B	B	B	O

District No. 14 (truck shipments) [1]

[1] The following temporary prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedule of Effective Minimum Prices for District No. 14, For Truck Shipments.

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Production group No.	County	Prices and size group Nos.							
					3	6	7	8	11	14	15	16	18
517	Blue Ridge Coal Company (Earl Cobb).	Blue Ridge Coal Co...	5	Sebastian, Ark..	355	400	400	400	355	135	115	105	315

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8144; Filed, October 29, 1941; 11:39 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION PURSUANT TO SECTION 608c (9) AND (17), TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO ORDER NO. 34, AS AMENDED,[1] REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA [2]

Claude R. Wickard, Secretary of Agriculture of the United States of America,

[1] 6 F.R. 3768.
[2] See also Title 7, Chapter IX, *supra.*

pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective August 1, 1941, Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on July 14, 1941, a marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area would tend to effectuate the declared policy of said act, notice was given, on August 20, 1941, of a public hearing which was held in Lawrence, Massachusetts, beginning on August 28, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on September 27, 1941, of amendments to the marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Lowell-Lawrence, Massachusetts, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 34, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Lowell-Lawrence, Massachusetts, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 34, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of May 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 23d day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Approved:
FRANKLIN D ROOSEVELT,
The President of the United States.
Dated: October 24, 1941.

[F. R. Doc. 41-8154; Filed, October 29, 1941; 11:56 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 30, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Bernstein and Sons Shirt Corporation, 727 Meadow Street, Allentown, Pennsylvania; Boys' Shirts; 10 percent; October 30, 1942.

Biberman Brothers, Inc., S. E. Corner 15th and Mt. Vernon Streets, Philadelphia, Pennsylvania; Dresses; 10 percent; October 30, 1942.

Blue Jay Manufacturing Company, Huntington, West Virginia; Single Pants; 10 percent; October 30, 1942.

Bremen Mills, Bremen, Georgia; Dress Shirts; 10 percent; October 30, 1942.

Capital Pants Company, 1234 Carpenter Street, Philadelphia, Pennsylvania; Work Pants; 10 percent; October 30, 1942. (This certificate replaces one issued bearing expiration date of January 30, 1942.)

H. W. Carter and Sons, Bank Street, Lebanon, New Hampshire; Cotton Work Clothing, Wool and Cotton Utility and Sports Garments; 10 percent; October 30, 1942.

Carwood Manufacturing Company, Winder, Georgia; Work Pants, Work Shirts; 10 percent; October 30, 1942.

Carwood Manufacturing Company, Monroe, Georgia; Overalls, Work Shirts, Denim Coats; 10 percent; October 30, 1942.

Charma Brassiere Company, Inc., 24 West 30th Street, New York, New York; Corsets and Allied Garments; 10 learners; February 12, 1942. (This certificate replaces one issued bearing expiration date of February 2, 1942.)

Colonial Textile Manufacturing Company, 85 Coggeshall Street, New Bedford, Massachusetts; Sleeping Garments; 10 percent; October 30, 1942. (This certificate replaces one issued bearing expiration date of December 2, 1941.)

Delaware Garment Company, 400 French Street, Wilmington, Delaware; Ladies' Blouses; 10 percent; October 30, 1942.

Elder Manufacturing Company, Webb City, Missouri; Boys' Shirts and Blouses; 10 percent; October 30, 1942.

Everite Knitting Mills, Front and Lehman Streets, Lebanon, Pennsylvania; Children's Dresses; 10 percent; October 30, 1942.

Freedman Roedelheim Quaker Shirt Company, Apple Street, Quakertown, Pennsylvania; Shirts; 10 percent; October 30, 1942.

Halff Manufacturing Company, 345 E. Commerce Street, San Antonio, Texas; Women's Sportswear, Women's Jackets, Robes, Wool or Mixed Slacksuits; 5 learners; October 30, 1942.

Hart Schaffner and Marx, 36 South Franklin Street, Chicago, Illinois; Men's Clothing; 4 percent; October 30, 1942.

Jacobs Grossman and Rosenberg, Inc., Erie Avenue at K Street, Philadelphia, Pennsylvania; Children's Dresses; 10 percent; October 30, 1942.

Ladilastics, 6 West Twenty-ninth Street, New York, New York; Knitted Girdles; 2 learners; February 12, 1942.

Lassar and Bick Company, Inc., 1143 Santee Street, Los Angeles, California; Men's Slacks; 5 learners; October 30, 1942.

Lebanon Shirt Factory, Union & Liberty Streets, Lebanon, Pennsylvania; Men's Dress Shirts; 10 percent; October 30, 1942.

Liberty Sport Togs, 40 King Street, Mt. Holly, New Jersey; Boys' Wash Suits; 5 learners; October 30, 1942. (This certificate replaces one issued to Herman Fishman and Company, bearing expiration date of October 6, 1942.

Morgan Manufacturing Company, 234 South Montebello Boulevard, Montebello, California; Slacks, Blouses; 10 learners; October 30, 1942.

Nasher Manufacturing Company, 50 Cushing Street, Stoughton, Massachusetts; Rainwear Manufacturing; 5 learners; October 30, 1942.

Newport Dress Factory, 28 S. Third Street, Newport, Pennsylvania; Children's Wash Dresses; 10 percent; October 30, 1942.

Patterson Manufacturing Company, 428 North Main Street, Miami, Oklahoma; Overalls and Coveralls; 10 percent; October 30, 1942.

Rhea Manufacturing Company, 1983 S. Allis Street, Milwaukee, Wisconsin; Dresses; 129 learners; February 19, 1942.

Royal Garment Company, North Main Street, Ansonia, Ohio; Burial Dresses and Suits; 3 learners; October 30, 1942.

Warrensburg Shirt Company, Inc., 50 River Street, Warrensburg, New York; Shirts; 10 percent; October 30, 1942.

Weiss Shirt Company, 520 Lehman Street, Lebanon, Pennsylvania; Men's Shirts; 10 percent; October 30, 1942.

Gloves

Clark Brothers, 20 Elm Street, Glens Falls, New York; Knit Fabric Gloves; 5 percent; October 30, 1942.

Hosiery

Archer Hosiery Mills, Talbotton Avenue, Columbus, Georgia; Full Fashioned Hosiery; 5 percent; October 30, 1942.

Maurice Mills Company, Taylor Street, Thomasville, North Carolina; Seamless Hosiery; 5 percent; October 30, 1942.

Thornton Knitting Company, Denton, North Carolina; Seamless Hosiery; 5 percent; October 30, 1942.

Knitted Wear

Elmira Knitting Mills, Prescott Avenue, Elmira Heights, New York; Knitted Underwear and Outerwear; 5 percent; October 30, 1942.

Textile

Adams Net and Twine Company, 701 N. Second Street, St. Louis, Missouri; Fish Nets and Tennis Nets; 3 learners; October 30, 1942.

American Mills Permoflex Plant, 158 Orange Avenue, West Haven, Connecticut; Narrow Elastic Fabrics; 10 learners; February 2, 1942. (This certificate effective October 27, 1941, and omitted from REGISTER of that date.)

Gates Paper Twine Company, Inc., Hunt's Lane, Chappaqua, New York; 3 learners; Paper Twine, Paper Cable Filling, Paper Rope Markers, etc.; October 30, 1942.

A. D. Juilliard and Company, Inc., Brookford Mills Division, Brookford, North Carolina; 3 percent; Yarn and Thread; October 30, 1942.

Kanmak Mills, Inc., Chestnut Street, Kulpmont, Pennsylvania; Cotton and Rayon Yarns; 3 percent; October 30, 1942.

The Maryland Ribbon Company, 651 North Prospect Street, Hagerstown, Maryland; Ribbons; 3 percent; October 30, 1942.

Spiess Ribbon Mills, North Third Street, Stroudsburg, Pennsylvania; Manufacturing Silk, Rayon, Cotton; 3 learners; October 30, 1942.

Signed at Washington, D. C., this 29th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8149; Filed, October 29, 1941; 11:50 a. m.]

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO § 516.18 OF THE RECORD KEEPING REGULATIONS

THE CHICAGO MAIL ORDER COMPANY

Notice is hereby given that pursuant to § 516.18[1] of the Record Keeping Regulations, the Administrator of the Wage and Hour Division has granted The Chicago Mail Order Company, Chicago, Illinois, relief from the necessity of preserving their customer orders or invoices received, outgoing customer shipping or delivery records and bills of lading to customers for two years as required by § 516.15 (b), on condition that they continue to preserve their customers' record cards in accordance with § 516.15 (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 28th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8150; Filed, October 29, 1941; 11:50 a. m.]

[1] 6 F.R. 4700.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6203]

NOTICE RELATIVE TO WDRC, INCORPORATED (W 65 H)

Application dated April 12, 1941, for modification of C. P.; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Hartford, Connecticut; operating assignment specified: frequency, 43,500 kilocycles; coverage, 13,944 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of General Electric Company, Docket No. 6204, and The Radio Voice of New Hampshire, Inc., Docket No. 6205, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed high frequency broadcast station.

2. To determine the type and character of the proposed program service.

3. To determine whether the granting of this application would be consistent with the Commission's Rules and Regulations, particularly § 3.223 (c) or (d) thereof.

4. To determine the extent and effect of any interference which would result from simultaneous operation of the proposed station and a station proposed by Columbia Broadcasting System, Inc. in Docket No. 6024, as well as the areas and populations affected thereby.

5. To determine the extent and effect of any interference which would result from simultaneous operation of the station proposed herein, and stations proposed in Docket Nos. 6205 and 6204, as well as the areas and populations affected thereby.

6. To determine whether the granting of this application and the applications of The Radio Voice of New Hampshire, Inc., Docket No. 6205, the General Electric Company, Docket No. 6204, or any of them, would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WDRC, Incorporated, % Franklin M. Doolittle, 750 Main St., Hartford, Connecticut.

Dated at Washington, D. C., October 27, 1941.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8132; Filed, October 29, 1941; 11:32 a. m.]

[Docket No. 6204]

NOTICE RELATIVE TO GENERAL ELECTRIC COMPANY (W 57 A)

Application dated April 23, 1941, for modification of C. P.; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Schenectady, New York, operating assignment specified: Frequency, 43,500 kilocycles; coverage, 15,200 (by F. C. C. formulas) 8,945 sq. mi. (by G. E. measurements); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of WDRC, Incorporated, Docket No. 6203, and The Radio Voice of New Hampshire, Inc., Docket No. 6205, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed high frequency broadcast station.

2. To determine the type and character of the proposed program service.

3. To determine whether the granting of this application would be consistent with the Commission's Rules and Regulations, particularly § 3.223 (c) or (d) thereof.

4. To determine the extent and effect of any interference which would result from simultaneous operation of the proposed station and a station proposed by Columbia Broadcasting System, Inc., in Docket No. 6024, as well as the areas and populations affected thereby.

5. To determine the extent and effect of any interference which would result from simultaneous operation of the station proposed herein, and stations proposed in Dockets Nos. 6203 and 6205 as well as the areas and populations affected thereby.

6. To determine whether the granting of this application and the applications of WDRC, Inc., Docket No. 6203, The Radio Voice of New Hampshire, Inc., Docket No. 6205, or any of them would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

General Electric Company, 1 River Road, Schenectady, New York.

Dated at Washington, D. C., October 27, 1941.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 41-8133; Filed, October 29, 1941; 11:32 a. m.]

[Docket No. 6205]

NOTICE RELATIVE TO THE RADIO VOICE OF NEW HAMPSHIRE, INC. (NEW)

Application dated March 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Manchester, New Hampshire; operating assignment specified: Frequency, 43,500 kilocycles; coverage, 20,290 sq. miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of WDRC, Incorporated, Docket No. 6203, and General Electric Company, Docket No. 6204, for the following reasons:

1. To determine the applicant's qualifications to construct and operate the proposed high frequency broadcast station.

2. To determine the type and character of the proposed program service.

3. To determine whether the granting of this application would be consistent with the Commission's Rules and Regulations, particularly § 3.223 (c) or (d) thereof.

4. To determine the extent and effect of any interference which would result from simultaneous operation of the station proposed herein, and a station proposed by Columbia Broadcasting System, Inc., in Docket No. 6024 as well as the areas and population affected thereby.

5. To determine the extent and effect of any interference which would result from the simultaneous operation of the station proposed herein, and stations proposed in Dockets Nos. 6203 and 6204 as well as the areas and populations affected thereby.

6. To determine whether the granting of this application, and the applications of WDRC, Incorporated, Docket No. 6203, the General Electric Company, Docket No. 6204, or any of them would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Radio Voice of New Hampshire, Inc., % Leslie F. Smith, 1819 Elm Street, Manchester, New Hampshire.

Dated at Washington, D. C., October 27, 1941.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 41-8134; Filed, October 29, 1941; 11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5741]

IN THE MATTER OF MONTANA-DAKOTA UTILITIES CO.

APPLICATION FILED

OCTOBER 28, 1941.

Notice is hereby given that on October 27, 1941, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the merger or consolidation of its facilities with that part of the facilities of Mountain States Power Company, a corporation organized under the laws of the State of Delaware, with its principal business office at Albany, Oregon, located exclusively within Custer and Rosebud Counties in the State of Montana, for a consideration stated in the application to be $160,000.00, and for the authority to issue $160,000.00 of unsecured Purchase Money Notes bearing interest at the rate of 2½% per annum, payable in three equal installments on or before April 1, 1943, January 1, 1944, and October 1, 1944, respectively; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 12th day of November 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 41-8130; Filed, October 29, 1941; 11:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-416]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly section 7 thereof, with respect to the issue and sale of a Promissory Note in the principal amount of $390,000 to The Continental Bank & Trust Company of New York, said note being payable in instalments every six months to maturity in four years and bearing interest at the rate of 2½% per annum for the first six months and at the rate of 3½% per annum thereafter to maturity, and the proceeds of which are to be used to retire outstanding Assignments and Agreements of Community Power and Light Company; and

Said declaration having been filed on October 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration become effective on or about October 25, 1941; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of such declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8145; Filed, October 29, 1941; 11:40 a. m.]

[File No. 70-282]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY, GENERAL PUBLIC UTILITIES, INC., THE DAKOTA POWER COMPANY, BLACK HILLS POWER AND LIGHT COMPANY, ET AL.

ORDER APPROVING APPLICATIONS AS AMENDED, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

Community Power and Light Company, a registered holding company, General Public Utilities, Inc., its subsidiary and also a registered holding company, The Dakota Power Company and Black Hills Power and Light Company, subsidiaries of the foregoing, having filed declarations and applications, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 7, 10, 12 (c), 12 (d) and 12 (f) thereof and Rules U-42, U-43, U-44, U-46 and former Rule U-12F-2 thereunder, with respect to the following: The issue and sale by Black Hills Power and Light Company of $2,000,000 principal amount of First Mortgage Bonds, 3½% Series A, due September 1, 1971, to Dillon, Read & Co. for resale to The Equitable Life Assurance Society of the United States, of 7,350 shares of Common Stock, $1 par value, to underwriters for resale to the public, of 92,650 shares of Common Stock, $1 par value, and 8,500 shares of 5% Cumulative Preferred Stock, $100 par value, to General Public Utilities, Inc.; the sale by General Public Utilities, Inc. of the securities received by it as aforesaid to underwriters for resale to the public; the acquisition by Black Hills Power and Light Company from The Dakota Power Company and General Public Utilities, Inc. of utility assets located in the State of South Dakota; the payment of liquidating dividends by The Dakota Power Company to General Public Utilities, Inc.; the use of all proceeds by General Public Utilities, Inc. to acquire and retire General Public Utilities Company First Mortgage and Collateral Trust 6½% Bonds (assumed), Series A, due April 1, 1956, and Series C, due April 1, 1955; and certain other transactions involved in and incidental to the foregoing.

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein:

It is hereby ordered, That the said applications as amended be and they hereby are approved and that the said declarations as amended be and they hereby are permitted to become effective forthwith subject to the terms and conditions prescribed in Rules U-24.

Jurisdiction is reserved with respect to all accounting entries to be made by General Public Utilities, Inc. in connection with the foregoing and also with respect to all transactions embraced in the applications and declarations filed herein and not referred to above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8146; Filed, October 29, 1941; 11:40 a. m.]

[File No. 70-406]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

SUPPLEMENTAL ORDER GRANTING APPLICATION AS AMENDED, ETC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

Central Illinois Public Service Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rules U-23 and U-50 thereunder, regarding the issue and sale of $38,000,000 principal amount of its First Mortgage Bonds, Series A, 3⅜%, due October 1, 1971 and $9,000,000 principal amounts of 2%, 2¾% and 3% unsecured notes due serially April 1, 1942–October 1, 1951, and the redemption of $38,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 3¾%, due December 1, 1968 of the company and to the redemption (or payment at maturity) of $9,000,000 principal amount of outstanding Serial Debentures, 3½% and 4%, of the company, due serially December 1, 1941–December 1, 1948, funds for such redemption being provided by the issue and sale of the securities above described, together with other funds of the applicant to the extent required, the applicant to publicly invite proposals for the purchase of the bonds in accordance with the Commission's Rules U-50; and

The Commission having on October 16, 1941, granted such application pursuant to section 6 (b) subject to the condition, among others, that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby;

The applicant having made such report to the Commission in the form of a further amendment to the application herein specifying the proposals which had been received for the purchase of said bonds pursuant to the invitation of competitive bids therefor and stating that applicant had accepted a bid from a group of forty-six underwriters,

Reference

headed by Halsey, Stuart & Co. Inc. of 105.7897% plus accrued interest from October 1, 1941 to the date of delivery, for said bonds, the same to be resold to the public at 107%, representing a spread to the underwriters of 1.2103%; and

The Commission having examined the record and finding that the plan for the sale of said bonds at such prices and with such spread is fair and equitable to the persons affected thereby, and making no adverse findings under said Act;

It is ordered, That said application as amended be and it is hereby granted in regard to the price to the issuer, spread and distribution thereof applicable to said bonds, subject however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8147; Filed, October 29, 1941; 11:40 a. m.]

Reference

NO[illegible] 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 213

Washington, Friday, October 31, 1941

The President

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR NATIONAL DEFENSE PURPOSES

NEVADA

By virtue of the authority vested in me as President of the United States, it is hereby ordered that the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and, subject to valid existing rights, reserved under the jurisdiction of the Secretary of the Interior for use in connection with the production of magnesium metals and magnesium alloys for national defense purposes:

MOUNT DIABLO MERIDIAN

T. 21 S., R. 62 E.,
sec. 25, N½NE¼; SE¼NE¼; NE¼NW¼; SW¼SE¼; SE¼SW¼;
sec. 31, SW¼NE¼; NW¼NW¼; SE¼NW¼; SE¼SE¼;
sec. 32, NE¼; SE¼NW¼;
sec. 33, NW¼;
sec. 34, NW¼SE¼; S½SE¼; W½;
sec. 35, NE¼; N½NW¼; N½SE¼; E½SE¼SE¼; W½SW¼SE¼; NE¼SW¼; S½SW¼;
sec. 36, all;
T. 22 S., R. 62 E.,
sec. 2, all;
sec. 3, all;
sec. 4, all;
sec. 9, NW¼SE¼;
T. 21 S., R. 63 E.,
sec. 30, N½; S½S½;
sec. 31, all;
T. 22 S., R. 63 E.,
sec. 5, all;
sec. 6, all;
sec. 7, all;
sec. 8, all;
sec. 17, all;
sec. 18, all;
sec. 19, all;
sec. 20, all;
sec. 21, all;
sec. 27, all;
sec. 28, all;
sec. 29, all;
sec. 33, all;
sec. 34, all.

This order shall continue in full force and effect until revoked by the President or by an act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 29, 1941.

[No. 8927]

[F. R Doc. 41-8166; Filed, October 30, 1941; 10:24 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 53—NATIONAL CEMETERIES

CORRECTION

Section 53.4 (c) (1) (ii), appearing on page 5527 of the issue for Thursday, October 30, 1941 (F.R. Doc. 41-8118; filed, October 29, 1941; 9:50 a. m.), is corrected to read as follows:

(ii) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 by 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1316—COTTON TEXTILES

PRICE SCHEDULE NO. 11—COTTON GREY GOODS

Correction

The table in paragraph (a), *Maximum prices for combed cotton grey goods*, of § 1316.7, *Schedule of maximum prices*, which appears on page 5335 of the issue for Tuesday, October 21, 1941 (F.R. Doc.

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FEDERAL REGISTER

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Wright Aeronautical Corp 5552

41-7894; filed, October 20, 1941; 10:57 a. m.), should be corrected by the addition of "Combed lawns:" so as to read as follows:

Type of cloth	*Price per yard, f. o. b. seller's point of shipment (cents)*
Combed broadcloths made of single-ply yarn:	
37"—136 x 60	[1] 14⅞
37"—128 x 68	[1] 14⅞
37"—144 x 76	15⅞
37"—152 x 80	17
Combed lawns:	
36"—76 x 72	9¾
36"—88 x 80	10¾
40"—68 x 56	9
40"—72 x 68	10
40"—76 x 72	10¼
40"—88 x 80	11¼
40"—96 x 92	12⅞
40"—96 x 100	[2] 13½
40"—108 x 112	16⅜
45"—76 x 72	11⅞
45"—88 x 80	12⅞
Dimities:	
36"—96 x 68	10¾
36½"—114 x 64	11¾
36½"—116 x 76	12⅝
Voile:	
39"—60 x 52, slack	9

[1] Contracts made between June 30 and August 22, 1941, both inclusive, for the sale of 37" 136 x 60 or 37" 128 x 68 combed broadcloth at prices not exceeding the previously established maximum price of 61 cents per pound may be carried out at contract prices.

[2] For combed lawns of the construction 40" 96 x 100 which meet United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940), a premium of ¾¢ per yard may be charged.

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20290]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: VEGA AIRPLANE COMPANY

Contract for: * * * Type * * *, Airplanes, Spare Parts and Data.

Estimated cost: $139,425,000.00.

Fixed-fee: $8,365,500.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 8th day of September, 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles:

Item 1. * * * Airplanes.

Item 2. Certain spare parts for the airplanes called for under the terms of Item 1 above.

Item 3. Data.

ART. 2. *Estimated costs.*

Item	Quantity	Estimated Cost
1 and 3	Airplanes and data.	$126, 750, 000. 00
2	Spare parts for the above airplanes.	12, 675, 000. 00
Total estimated cost.		139, 425, 000. 00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursements for cost, as outlined in Article six (6) hereof, the cost, plus a fixed fee of eight million three hundred sixty-five thousand five hundred dollars ($8,365,500.00).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor, subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety per centum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense. *Provided, however,* That the total amount of money so advanced shall not exceed thirty per centum (30%) of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 20. *Fire insurance.* The Contractor agrees, unless and until otherwise directed in writing by the Contracting Officer, to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for costs is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payments or payments in reimbursement of costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 21. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

[1] Approved by the Under Secretary of War Sept. 13, 1941.

This contract authorized under the provisions of section 2 (a), Act of June 28, 1940, and section 1 (a), Act of July 2, 1940, as amended by section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8157; Filed, October 30, 1941; 9:38 a. m.]

[Contract No. W 535 ac-140]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NORTH AMERICAN AVIATION, INC., INGLEWOOD, CALIFORNIA

Contract for: * * * Airplanes, Spare Parts Therefor and Data.

Amount: $6,352,650.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 112-30 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 27th day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Airplanes, Spare Parts Therefor and Data for the consideration stated Not to exceed six million three hundred fifty two thousand six hundred fifty dollars ($6,352,650.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles, delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

ART. 27. *Title to property where partial payments are made.* The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government in its then condition forthwith upon the making of any such partial payment or payments.

ART. 29. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

ART. 31. *Termination when contractor not in default.* If, in the opinion of the contracting officer, upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 41. *Price adjustment.* The contract prices stated in this contract for Airplanes and Spare Parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Airplanes and Spare Parts.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8158; Filed, October 30, 1941; 9:39 a. m.]

[Contract No. W 535 ac-20269; 5318]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONSOLIDATED AIRCRAFT CORPORATION, SAN DIEGO, CALIFORNIA

Contract for: Maintenance Parts for Consolidated Type * * * Airplanes.

Amount: $4,003,940.83.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 28 P 82-3037 A 0705-01, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 18th day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver Maintenance Parts for Consolidated Type * * * Airplanes for the consideration stated four million three thousand nine hundred forty dollars and eighty three cents, ($4,003,940.83) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Par. 4g (3), A.R. 5-240, section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8159; Filed, October 30, 1941; 9:40 a. m.]

[1] Approved by the Under Secretary of War, September 25, 1941.

[1] Approved by the Under Secretary of War Sept. 13, 1941.

[Contract No. W 535 ac-118]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WRIGHT AERONAUTICAL CORPORATION, PATERSON, NEW JERSEY

Contract for: Miscellaneous Parts for Wright Aeronautical * * * Engines.

Amount: $4,338,093.56.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 121-12 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 7th day of August, 1941.

Scope of this contract. The contractor shall furnish and deliver miscellaneous parts for Wright Aeronautical type * * * Engines for the consideration stated four million three hundred thirty eight thousand ninety three dollars and fifty six cents ($4,338,093.56) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Paragraph 4 g (3) A.R. 5-240, section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8160; Filed, October 30, 1941; 9:40 a. m.]

[1] Approved by the Under Secretary of War August 20, 1941.

[Contract No. W 535 ac-143]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CURTISS-WRIGHT CORPORATION, CURTISS PROPELLER DIVISION, CALDWELL, NEW JERSEY

Contract for: Propeller Assemblies, Controls, Spare Parts and Data.

Amount: $2,510,903.10.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 122-30 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 28th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver Propeller Assemblies, Controls, Spare Parts and Data for the consideration stated two million five hundred ten thousand nine hundred and three dollars and ten cents ($2,510,903.10) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Price adjustment. The Contract prices stated in this contract for Propeller and Control Assemblies are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the articles.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor. This contract authorized under the provisions of Paragraph 4 g (1), A.R. 5-240, section 1 (a), Act of July 2, 1940, section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8161; Filed, October 30, 1941; 9:41 a. m.]

[1] Approved by the Under Secretary of War October 2, 1941.

[Contract No. W 669 qm-13215; O. I. No. 1346]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. L. STIFEL & SONS, INC., WHEELING, WEST VIRGINIA

Contract for: Cloth, Cotton, Herringbone Twill.

Amount: $1,762,000.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract entered into this ninth day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Herringbone Twill, for the consideration stated totaling one million, seven hundred sixty-two thousand dollars ($1,762,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make delivery of acceptable material or supplies within the time or times specified in Article 1, or any extension or extensions thereof, the actual damage to the Government for the delay will be impossible to determine, and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay in the delivery of any articles, the amount as set forth in the specifications or accompanying papers, and the contractor and his sureties shall be liable for the amount thereof.

Liquidated damages. Under the terms and conditions stipulated in Article 17 of this contract, the contractor shall pay to the Government, as liquidated damages, for each calendar day of delay in the delivery of any article, a sum equal to * * * percentum of the price of such article for each day's delay after the time specified for delivery.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under the authority of section 1 (a) of the Act of July 2, 1940 (Public No. 703, 76th Congress, as continued in effect by section 9, Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8162; Filed, October 30, 1941; 9:41 a. m.]

SUMMARY OF CONTRACT OUTSIDE TERRITORIAL LIMITS OF UNITED STATES

Contract No. W 6708 qm-351 (O.I. No. 89.)

Date: Approved by the Under Secretary of War June 30, 1941.

Construction outside Continental United States.

Total: $1,668,580.00.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8163; Filed, October 30, 1941; 9:41 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-80]

IN THE MATTER OF SOUTHERN COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION No. 8561, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine:

(a) Whether or not the respondent in the above-entitled matter, Southern Coal Company, Inc., Registered Distributor, Registration No. 8561, whose address is 81 Madison Avenue, Memphis, Tennessee, has violated any provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the agreement ("Distributor's Agreement") dated July 3, 1939, executed by the respondent, pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, or any orders or regulations of the Division; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. During the months of October and November 1940, the respondent accepted distributor's discounts from the effective minimum prices on coal purchased by respondent from various code member producers or their sales agents, and resold by respondent to Heritage Coal & Stoker Company, a retailer in Chicago, Illinois, respondent being in fact or in effect an agency or instrumentality of said retailer in the purchase of said coal, in violation of section 4 II (i) 12 of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations, and Sections (c) and (e) of the Distributor's Agreement, as follows:

Date shipped	Car No.	Size of coal	Weight in tons	Amount of discount per ton	Vendor
Oct. 21, 1940	CNW 63509	1¼" x 0 Washed	65.55	$0.12	Walter Bledsoe & Co., Terre Haute, Indiana, Sales agent for Snow Hill Coal Corp., District No. 11.
Nov. 30, 1940	STP 94488	do	55.55	.12	Do.
Nov. 30, 1940	STP 94674	do	55.10	.12	Do.
Dec. 19, 1940	B&O 326332	1¼" lump	50.05	.17	Iroquois Coal Co., Sales Agent for Three Fork Coal Co., District No. 8.
Dec. 20, 1940	B&O 323214	do	49.35	.17	Do.
Do	B&O 726390	do	50.65	.12	Do.
Do	B&O 322710	do	49.85	.12	Do.
Dec. 23, 1940	B&O 721415	do	48.30	.12	Do.
Do	B&O 323365	do	49.70	.12	Do.
Dec. 24, 1940	B&O 326012	do	49.75	.12	Do.
Do	B&O 323301	do	49.95	.12	Do.
Dec. 27, 1940	B&O 323376	do	49.90	.12	Do.
Dec. 24, 1940	B&O 726391	do	52.65	.12	Do.
Dec. 30, 1940	B&O 330188	do	49.30	.12	Do.
Dec. 28, 1940	B&O 333094	do	50.90	.12	Do.
Dec. 13, 1940	B&O 325207	do	51.05	.12	Do.
Dec. 16, 1940	B&O 323542	do	50.10	.12	Do.
Dec. 10, 1940	B&O 323975	do	51.30	.12	Do.
Dec. 6, 1940	B&O 330296	do	50.45	.12	Do.
Dec. 5, 1940	B&O 225000	do	51.45	.12	Do.
Dec. 7, 1940	B&O 328085	do	50.35	.12	Do.
Oct. 17, 1940	C&O 125014	Dubree Dom. OT Mine Run.	60.90	.17	Maryland Coal & Coke Co., Sales agent for Maryland New River Coal Co., District No. 7.
Oct. 22, 1940	C&O 60616	do	49.60	.17	Do.
Oct. 31, 1940	C&O 117875	do	60.65	.17	Do.
Nov. 8, 1940	C&O 111055	Dubree Dom. M/R.	56.40	.17	Do.
Nov. 19, 1940	C&O 122127	Dubree Dom. OT Mine Run.	59.20	.17	Do.
Nov. 26, 1940	C&O 134859	Dubree Treated M/R.	60.05	.17	Do.
Dec. 19, 1940	C&O 122393	Dubree OT Dom M/R.	60.15	.17	Do.
Dec. 20, 1940	C&O 133965	do	60.15	.17	Do.
Dec. 19, 1940	C&O 119354	do	60.80	.17	Do.
Dec. 20, 1940	C&O 124717	do	61.25	.17	Do.
Dec. 23, 1940	C&O 61754	do	49.00	.17	Do.
Do	C&O 120698	do	60.15	.17	Do.
Do	C&O 132685	do	61.45	.17	Do.
Dec. 26, 1940	C&O 131445	do	61.85	.17	Do.
Dec. 28, 1940	C&O 128577	do	61.85	.17	Do.
Do	C&O 111952	do	56.65	.17	Do.

3. During the months of October and November 1940, the respondent accepted sales commissions from code member producers on coal sold and delivered by the respondent as sales agent for said producers, to the Heritage Coal & Stoker Company, a retailer in Chicago, Illinois, said retailer being completely or par-

tially controlled by the respondent, and respondent being in fact or in effect an agency or instrumentality of said retailer, in violation of Rule 10 of section II of the Marketing Rules and Regulations, section 4 II (l) 12 of the Act, and Rule 12 of section XIII of the Marketing Rules and Regulations, and sections (c) and (e) of the Distributor's Agreement, as follows:

Date shipped	Car No.	Size of coal	Weight in tons	Amount of commission per ton	Producer	Dist. No.
				Cents		
Oct. 9, 1940	CC&O 45031	Bent Ridge 2" lump	54.25	20.4	Ruth-Elkhorn Coals, Inc., Harlan, Ky.	8
Oct. 15, 1940	CC&O 43921	do	54.10	20.4	do	8
Oct. 17, 1940	CC&O 41594	do	52.90	20.4	do	8
Oct. 25, 1940	CC&O 45220	do	52.85	20.4	do	8
Oct. 31, 1940	CC&O 45125	do	53.70	20.4	do	8
Nov. 13, 1940	CC&O 43809	do	53.75	20.4	do	8
Do	CC&O 45208	do	52.90	20.4	do	8
Nov. 16, 1940	CC&O 47208	do	62.40	20.4	do	8
Nov. 18, 1940	CC&O 44695	do	55.80	20.4	do	8
Nov. 22, 1940	CC&O 44029	do	52.90	20.4	do	8
Nov. 20, 1940	CC&O 45181	do	52.95	20.4	do	8
Nov. 25, 1940	CC&O 44430	do	49.60	20.4	do	8
Nov. 28, 1940	CC&O 44764	do	51.30	20.4	do	8
Dec. 2, 1940	CRR 47469	do	58.60	20.4	do	8
Dec. 5, 1940	CC&O 45244	do	56.00	20.4	do	8
Dec. 9, 1940	CC&O 44269	do	52.75	20.4	do	8
Dec. 12, 1940	CC&O 44775	do	55.80	20.4	do	8
Dec. 13, 1940	CC&O 44046	do	56.25	20.4	do	8
Dec. 17, 1940	CC&O 44302	do	54.85	20.4	do	8
Dec. 24, 1940	CC&O 43979	do	54.70	20.4	do	8
Dec. 28, 1940	CC&O 45391	do	54.45	20.4	do	8
Oct. 11, 1940	B&O 135653	6" Lump	64.75	17.5	Clinton County Mining Co., Breeze, Ill.	10
Oct. 14, 1940	B&O 330830	6 x 3 Egg	45.84	16.5	do	10
Oct. 24, 1940	B&O 528316	3 x 1½ Nut	45.45	14.5	do	10
Do	B&O 328316	do	.05	14.5	do	10
Nov. 2, 1940	B&O 421856	do	46.98	14.5	do	10
Nov. 4, 1940	B&O 722656	6 x 3 Egg	41.65	16.5	do	10
Nov. 6, 1940	B&O 420588	6" Lump	46.65	17.5	do	10
Nov. 9, 1940	B&O 421615	6 x 3 Egg	45.14	16.5	do	10
Nov. 13, 1940	B&O 331297	3 x 1½ Nut	45.60	14.5	do	10
Nov. 15, 1940	B&O 328403	6 x 3 Egg	45.45	16.5	do	10
Nov. 20, 1940	B&O 325434	6" Lump	48.55	17.5	do	10
Nov. 26, 1940	B&O 329853	3 x 1¼ Nut	49.40	14.5	do	10
Dec. 3, 1940	B&O 426135	do	49.70	14.5	do	10
Do	B&O 323130	6 x 3 Egg	45.40	16.5	do	10
Dec. 7, 1940	B&O 322103	6" Lump	47.15	17.5	do	10
Dec. 11, 1940	B&O 321533	6 x 3 Egg	47.00	16.5	do	10
Do	B&O 225586	do	46.00	17.5	do	10
Dec. 14, 1940	B&O 321098	6 x 3 Egg	45.65	16.5	do	10
Dec. 16, 1940	B&O 321780	do	47.40	16.5	do	10
Dec. 26, 1940	B&O 223926	do	45.35	16.5	do	10
Dec. 28, 1940	B&O 224102	do	46.55	16.5	do	10
Dec. 19, 1940	B&O 325665	4 x 2	46.10	15	do	10
Oct. 1, 1940	IC 212340	Wt. 1½ Stoker	54.60	15	Sentry Coal Mining Co., Madisonville, Ky.	9
Do	IC 65590	do	45.55	15	do	9
Oct. 3, 1940	IC 71328	do	51.90	15	do	9
Do	IC 65951	do	45.70	15	do	9
Oct. 5, 1940	IC 209312	do	51.80	15	do	9
Oct. 7, 1940	IC 211167	do	53.65	15	do	9
Oct. 9, 1940	IC 212347	do	54.50	15	do	9
Oct. 10, 1940	IC 209639	do	50.45	15	do	9
Oct. 12, 1940	IC 211943	do	51.70	15	do	9
Oct. 14, 1940	IC 71499	do	51.60	15	do	9
Oct. 16, 1940	IC 65177	Wt. 1½ Stoker	44.55	15	Sentry Coal Mining Co., Madisonville, Ky.	9
Oct. 18, 1940	IC 212056	do	54.60	15	do	9
Oct. 19, 1940	IC 209451	Wt. 6 x 3 Lump	54.60	22	do	9
Do	IC 65324	Wt. 1¼ Stoker	46.75	15	do	9
Oct. 22, 1940	IC 65619	do	46.55	15	do	9
Oct. 24, 1940	IC 209213	WW 1½ Stoker	52.90	15	do	9
Oct. 26, 1940	IC 71127	do	52.70	15	do	9
Oct. 28, 1940	IC 71181	do	50.50	15	do	9
Nov. 7, 1940	IC 209680	WW 1½ Stoker	51.40	15	do	9
Nov. 9, 1940	IC 219811	Wt. 1½ Stoker	51.85	15	do	9
Nov. 11, 1940	IC 212235	WW 1½ Stoker	53.75	15	do	9
Nov. 13, 1940	IC 211543	do	53.65	15	do	9
Nov. 14, 1940	IC 71051	WW 6 x 3 Lump	54.15	22	do	9
Nov. 15, 1940	IC 211609	WW 1½ Stoker	51.45	15	do	9
Nov. 16, 1940	IC 212730	1 x 0	68.85	15	do	9
Nov. 18, 1940	IC 713114	1½	63.60	15	do	9
Do	IC 713216	1½	72.25	15	do	9
Nov. 21, 1940	IC 713158	1 x 0	73.85	15	do	9
Nov. 23, 1940	IC 713531	1 x 0	66.05	15	do	9
Do	IC 209435	1½ x 0	50.35	15	do	9
Nov. 25, 1940	IC 713398	1½ x 0	62.25	15	do	9
Nov. 26, 1940	IC 71267	1 x 0	55.55	15	do	9
Nov. 27, 1940	IC 209082	1½ x 0	52.85	15	do	9
Nov. 29, 1940	IC 713071	1½ x 0	65.85	15	do	9
Do	IC 219884	1 x 0	55.75	15	do	9
Dec. 2, 1940	IC 713532	1½ x 0	64.00	15	do	9
Do	IC 713288	1½ x 0	63.50	15	do	9
Dec. 3, 1940	IC 71180	1½ x 0	50.85	15	do	9
Dec. 4, 1940	IC 211450	1½ x 0	76.85	15	do	9
Do	IC 713403	1½ x 0	64.35	15	do	9
Dec. 5, 1940	IC 713581	1½ x 0	65.85	15	do	9
Dec. 6, 1940	IC 219407	WW 1½ x 0 Stoker	53.05	15	do	9
Dec. 7, 1940	IC 212954	do	67.50	15	do	9
Do	IC 212757	WW 1 x 0 Stoker	67.70	15	do	9
Dec. 9, 1940	IC 713733	do	70.10	15	do	9
Do	IC 713722	WW 1½ x 0 Stoker	63.20	15	do	9
Do	IC 713611	do	65.70	15	do	9
Dec. 11, 1940	IC 212821	do	66.10	15	do	9
Do	IC 71491	do	51.50	15	do	9
Dec. 13, 1940	IC 65598	Wt. 1½ x 0 Stoker	43.10	15	do	9
Do	IC 219752	do	49.65	15	do	9
Dec. 16, 1940	IC 212940	WW 1½ x 0 Stoker	64.95	15	do	9
Dec. 17, 1940	IC 71673	do	50.65	15	do	9
Dec. 18, 1940	IC 71257	do	49.90	15	do	9
Dec. 19, 1940	IC 713708	Wt. 1½ x 0 Stoker	61.90	15	do	9
Do	IC 713670	do	64.00	15	do	9
Dec. 20, 1940	IC 713612	do	62.20	15	do	9
Dec. 23, 1940	IC 212705	do	63.80	15	do	9
Dec. 21, 1940	IC 713359	do	65.40	15	do	9
Dec. 24, 1940	IC 71553	do	49.70	15	do	9
Do	IC 65843	Wt. 1½ x 1 nut	47.85	17	do	9
Dec. 26, 1940	IC 65389	Wt. 1½ x 0	45.05	15	do	9
Do	IC 713096	do	64.10	15	do	9
Do	IC 65321	do	44.70	15	do	9
Dec. 27, 1940	IC 713396	do	65.80	15	do	9
Do	IC 713198	Wt. 1½ x 0	65.55	15	do	9
Do	IC 212198	Wt. 1½ x 0	55.05	15	do	9
Dec. 28, 1940	IC 212321	Wt. 1½ x 0	52.85	15	do	9
Do	IC 713207	Wt. 1½ x 0	66.85	15	do	9
Do	IC 713164	Wt. 1½ x 0	64.60	15	do	9
Dec. 30, 1940	IC 209170	1 x 0	57.15	15	do	9
Do	IC 713575	1½ x 0	68.50	15	do	9
Do	IC 713314	1½ x 0	66.15	15	do	9
Do	IC 211958	1½ x 0	54.30	15	do	9

4. Subsequen
respondent acti
a distributor
upon all rail sh
tion of Section

Approximate number of cars	Car No.
1	CNW 63309
11	
1	N&W 11551
10	
2	N&W 33726, 710
10	
30	
1	L&N 55000
1	L&N 52230
1	L&N 58783
1	IC 90063
1	IC 214804
1	IC 83963
1	IC 82463
1	ITC 12137
1	SF 50021
1	IC 83330
1	C1L 32423
1	IC 89605
1	L&N 53703
1	IC 219190
1	L&N 27411
1	L&N 52354
1	PRR 203906
1	RI 184583 or 154
1	SP 91901
1	L&N 50971
1	IC 82264
1	IC 84096
1	IC 82900
1	IC 108198
1	IC 201689
2	IC 216729
1	IC 215095
1	IC 84092
2	SF 84019
1	SF 83258
1	SF 53959
1	MP 22826
1	MP 28096
1	KCS 27489
1	MP 23330
1	RI 89672
1	Sou. 175382
1	IC 108528

It is, therefor
ing pursuant to
Regulations for
tributors, to det
tration of said
voked or suspen
penalties be imp
ber 17, 1941, a

4. Subsequent to September 30, 1940, respondent acting either as sales agent or a distributor prepaid freight charges upon all rail shipments of coal in violation of Section 4 II (i) 3 of the Act, Rule 3 of Section XIII and Rule 1 (J) of Section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Distributor's Agreement, as follows:

Approximate number of cars	Car No.	Approximate date of shipment	Producer or sales agent	District No.	Consignee
1	CNW 63509	Oct. 21, 1940	Walter Bledsoe & Co., sales agent, Terre Haute, Ind.	----	Heritage Coal & Stoker Co., Chicago, Ill.
11		Between Oct. 11, and Nov. 26, 1940.	Clinton County Mining Co. Inc.	10	Do.
1	N&W 11551	Oct. 15, 1940	Hanna Coal Sales Co., sales agent, Chicago, Ill.	----	Do.
10		Between Oct. 17, and Nov. 19, 1940.	Maryland Coal & Coke Co., Philadelphia, Pa., sales agent for Maryland New River Coal Co.	7	Do.
2	N&W 33726, 71066	Nov. 14, 1940	D. J. Patterson & Co., Dayton, Ohio.	----	Do.
10		Between Oct. 9, 1940, and Nov. 20, 1940.	Ruth-Elkhorn Coals, Inc	8	Do.
30		Between Oct. 1, 1940, and Nov. 23, 1940.	Sentry Coal Mining Co	9	Do.
1	L&N 55000	Oct. 21, 1940	W. A. Wickliffe Coal Co	9	Suburban Coal Co., Memphis, Tenn.
1	L&N 52236	Oct. 24, 1940	do	9	Do.
1	L&N 58793	Nov. 8, 1940	do	9	Do.
1	IC 90093	Nov. 15, 1940	Sentry Coa Mining Co	9	Do.
1	IC 214894	Dec. 5, 1940	do	9	Do.
1	IC 83963	Dec. 16, 1940	do	9	Do.
1	IC 82493	Dec. 3, 1940	Diamond Coal Co	9	Do.
1	ITC 12137	Oct. 2, 1940	Brookside-Pratt Mining Co	13	Do.
1	SF 50021	Nov. 19, 1940	do	13	Do.
1	IC 85330	Dec. 5, 1940	Marigold Coal Mining Co	13	Do.
1	C1L 32423	Nov. 15, 1940	United Electric Coal Co	10	Do.
1	IC 83605	Dec. 5, 1940	do	10	Do.
1	L&N 53703	Nov. 16, 1940	Providence Coal Mining Co	9	Do.
1	IC 219190	Nov. 24, 1940	do	9	Do.
1	L&N 27411	Oct. 31, 1940	Ridgeway Coal Corporation, Inc.	8	Jos. F. Griffin Fuel Co., McIntosh, Ga.
1	L&N 52354	Dec. 2, 1940	do	8	Ocola Lime Rock Corp., Kendrick, Fla.
1	PRR 293906	Nov. 21, 1940	The Starr Coal Co	15	Sunset Fuel & Grain Co., McCamey, Tex.
1	RI 184583 or 154583	Oct. 2, 1940	Gore & Hoover Coal Co. (Harry V. Hoover).	15	Will T. Griffin, Camey Switch, Tex.
1	SP 91901	Oct. 26, 1940	Bernardi Coal Co	15	Interstate Co., Denison, Tex.
1	L&N 50971	Dec. 23, 1940	Dixie King Coal Co., Inc	8	Chas. A. Banks, Falmouth, Ind.
1	IC 82264	Nov. 14, 1940	Greenville Coal Co	9	Federal Barge Lines, Memphis, Tenn.
1	IC 84098	Nov. 16, 1940	Sentry Coal Mining Co	9	Sacred Heart Church, Memphis, Tenn.
1	IC 82900	Nov. 22, 1940	do	9	Corondo Gables, West Memphis, Ark.
1	IC 108198	Dec. 5, 1940	do	9	Hellas Coal Co., St. Louis, Mo.
1	IC 201689	Dec. 17, 1940	Diamond Coal Co	9	Ace Coal Co., Memphis, Tenn.
2	IC 216729	Dec. 9, 1940	Marigold Coal Mining Co	13	Do.
	IC 215095	Dec. 7, 1940	do	13	Do.
1	IC 84092	Dec. 17, 1940	do	13	G. I. Fraser Coal Co., Memphis, Tenn.
2	SF 84019	Nov. 13, 1940	Clifford Gaither (Clifford Gaither Coal Co.).	14	Walnut Park Ice & Fue Co., Jennings, Mo.
	SF 85258	do	do	14	Do.
1	SF 53959	do	do	14	Hellas Coal Co., St. Louis, Mo.
1	MP 22826	Oct. 5, 1940	United Electric Coal Companies.	10	Hill Coal Co., Popular Bluff, Mo.
1	MP 28036	Nov. 25, 1940	do	10	Ace Coal Co., Memphis, Tenn.
1	KCS 27489	Nov. 18, 1940	do	10	Jonesboro Brick Co., Jonesboro, Ark.
1	MP 23330	Oct. 3, 1940	A. & M. Coal Co	14	United Coal Co., Kansas City, Mo.
1	RI 80672	Oct. 26, 1940	Gore & Hoover Coal Co. (Harry V. Hoover).	15	C. J. McClinton, Hubbard, Tex.
1	Sou. 175382	Oct. 16, 1940	Hills Creek Coal Co	13	Louis J. Leblanc, Algiers, La.
	IC 108528	Nov. 9, 1940	Greenville Coal Co	9	Wesley Institute, Memphis, Tenn.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 17, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division, at Room 245, U. S. Court House, Nashville, Tennessee.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 28, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8138; Filed, October 29, 1941; 11:37 a. m.]

[Docket No. 1563-FD]

IN THE MATTER OF EDWARD H. LOTT (LOTT ICE AND COAL COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION NO. 5716, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Acting Director having entered an order in the above-entitled matter dated July 25, 1941, suspending the registration of the defendant, Edward H. Lott (Lott Ice and Coal Company), as a distributor, Registration No. 5716, for a period of ninety days from the date of service thereof upon said defendant; and

Said order having been received by defendant on July 30, 1941; and

Edward H. Lott (Lott Ice and Coal Company), defendant herein, having

duly filed with the Division on October 22, 1941, an affidavit dated October 20, 1941, pursuant to the provisions of said order dated July 25, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Director that said affidavit of Edward H. Lott (Lott Ice and Coal Company) sufficiently complies with the provisions of said order dated July 25, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors:

Now, therefore, it is ordered, That the registration of Edward H. Lott (Lott Ice and Coal Company) as a distributor be and it hereby is reinstated.

Dated: October 29, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8165; Filed, October 30, 1941; 10:23 a. m.]

General Land Office.

ORDER RELATIVE TO FIVE-ACRE TRACT CLASSIFICATION NO. 8

CALIFORNIA

OCTOBER 22, 1941.

On October 11, 1941, the vacant public lands in the following-described areas, in the Los Angeles, California, land district, were classified by the Secretary of the Interior as chiefly valuable for development under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), and opened for leasing under that act as home, cabin, health, and convalescent sites. The classification does not include any of the lands for use as camp, recreational, or business sites.

CALIFORNIA NO. 5

San Bernardino Meridian

T. 1 S., R. 4 E.,
Sec. 10, SE¼;
Sec. 11, SW¼, W½SE¼;
Sec. 12, NE¼;
Sec. 14, NW¼NW¼;
Sec. 15, N½NE¼, NW¼;
Sec. 16, E½NE¼.

These tracts involve about 12 applications under the above-mentioned act, are located in the Morongo Valley, and adjoin other areas heretofore classified under the act.

Those portions of the lands described not covered by applications are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

[SEAL] FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41-8156; Filed, October 30, 1941; 9:38 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Adm. Order No. 130]

DESIGNATING THE REGIONAL DIRECTORS AS AUTHORIZED REPRESENTATIVES TO GRANT OR DENY APPLICATIONS FOR SPECIAL HOMEWORK CERTIFICATES, AND TO CANCEL SUCH CERTIFICATES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, United States Department of Labor, hereby designate and appoint the directors and acting directors of the regional offices of the Wage and Hour Division as my authorized representatives with full power and authority to grant or deny applications for special home-work certificates and to sign, issue, and cancel special home-work certificates pursuant to the provisions of Regulations, Title 29, Labor, Chapter V., Wage and Hour Division, §§ 607.101 to 607.112.[1]

Signed at Washington, D. C., this 29th day of October 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8164; Filed, October 30, 1941; 9:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-196]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION, TENNESSEE UTILITIES CORPORATION, AND THE TENNESSEE ELECTRIC POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested party may, not later than November 14, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as amended, may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

The Commission entered an order on December 11, 1940 in the matter of *The Commonwealth & Southern Corporation and its Subsidiary Companies* (File No. 59-8), directing Tennessee Utilities Corporation, a wholly-owned subsidiary of The Commonwealth & Southern Corporation, to dispose of all its assets on or before July 1, 1942 or in the alternative directing The Commonwealth & Southern Corporation to dispose of its interest in the capital stock of Tennessee Utilities Corporation by that date. In compliance with this order, Tennessee Utilities Corporation proposes (1) to sell to Equitable Securities Corporation and Paul M. Davis of Nashville, Tennessee (represented in the filing not to be affiliates), certain of its assets, namely, the capital stock of the Nashville Coach Company and of the Lookout Incline Railway Company, and the transportation properties in and around Chattanooga, Tennessee for a gross consideration (subject to adjustments) of $2,100,000 and (2) thereafter to declare a liquidating dividend in cash of approximately $3,150,000. Tennessee Utilities Corporation will retain pending final liquidation cash not in excess of $60,000 and miscellaneous assets valued approximately at $48,000. The Commonwealth & Southern Corporation proposes to apply the proceeds of the above liquidating dividend to retire an equal amount of its notes payable to banks, aggregating $16,150,000 as of September 30, 1941.

The declaration or application recites that the company considers Section 12 (c) of said Act and Rule U-46 as being applicable to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8167; Filed, October 30, 1941; 11:32 a. m.]

[File No. 812-217]

IN THE MATTER OF THE ALEXANDER FUND

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

An application under section 6 (c) of the Investment Company Act of 1940 having been duly filed by the above named applicant, a registered open-end management investment company, for an order to exempt it from the registration requirements of section 8 (b) of the Act and from the provisions of section 30 (d) of the Act and Rule N-30D-1 promulgated thereunder with respect to the transmittal to participants in the Fund of the report for the fiscal period ended August 31, 1941.

It is ordered, That a hearing on the matter of this application be held on November 4, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8168; Filed, October 30, 1941; 11:32 a. m.]

[File No. 811-452]

IN THE MATTER OF SECURITIES FUND

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

An application under section 8 (f) of the Investment Company Act of 1940 having been duly filed by the above named applicant, a management open-end investment company, for an order declaring that the applicant had ceased to be an investment company within the meaning of the Act on the grounds that its outstanding securities are beneficially owned by less than one hundred persons.

It is ordered, That a hearing on the matter of this application be held on November 4, 1941 at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8169; Filed, October 30, 1941; 11:33 a. m.]

[1] 6 F.R. 5807.

Reference
NOV 3 1941

Reference

NOV 3 1941

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 6 — 1934 — NUMBER 214

Washington, Saturday, November 1, 1941

The President

EXECUTIVE ORDER

WHEREAS on the 27th day of May, 1941,[1] a Presidential proclamation was issued, declaring an unlimited national emergency and calling upon all loyal citizens in production for defense to give precedence to the needs of the Nation to the end that a system of government which makes private enterprise possible may survive; and calling upon our loyal workmen and employers to merge their lesser differences in the larger effort to insure the survival of the only kind of government which recognizes the rights of labor or of capital, and calling upon all loyal citizens to place the Nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use, all of the physical powers, all of the moral strength and all of the material resources of the Nation; and

WHEREAS, Air Associates, Incorporated, has contracted to furnish the United States and its contractors with parts and equipment necessary for the production of military aircraft vital to the defense of the United States and such parts and equipment have been in the course of manufacture at the Bendix, New Jersey, plants of said company, and the United States owns facilities there situated; and

WHEREAS, a controversy arose concerning the terms and conditions of employment between said company and its workers which they have been unable to adjust by collective bargaining and the controversy was duly certified to the National Defense Mediation Board established by Executive Order of March 19, 1941;[2] and whereas production was interrupted at said plants during the course of mediation before said Board by a strike and the Board, pending further mediation, recommended that the workers call off the strike and the company return all strikers upon application to their former jobs without discrimination, and whereas the workers affected, through their representatives, have accepted but the company has failed to carry out the Board's recommendation; and

WHEREAS, due to such failure on the part of the Company, production has now been impaired and complete cessation of production is now imminent at said plants and the objectives of said proclamation of May 27, 1941, are thereby jeopardized and it is essential to the defense of the United States that normal production be assured and cessation averted; and

WHEREAS, for the time being and under the circumstances set forth, it is essential in order that full production at said plants be assured, that the plants be operated by or for the United States in such manner as may be expedient:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, pursuant to the powers vested in me by the Constitution and laws of the United States, as President of the United States and Commander-in-Chief of the Army and Navy of the United States, hereby authorize and direct the Secretary of War immediately, in so far as may be necessary or desirable, to take possession of and operate the Bendix, New Jersey, plants of Air Associates, Incorporated, through and with the aid of such person or persons or instrumentality as he may designate, and to produce the military airplane parts and equipment called for by the company's contracts or as may be otherwise required for the national defense, and do all things necessary or incidental to that end. The Secretary of War shall employ or authorize the employment of such employees, including a competent civilian advisor on industrial relations, as are necessary to carry out the provisions of this order, and, in furtherance of the purposes of this order, the Secretary of War may exercise any existing contractual or other rights of said company, or take such other steps as may be necessary or desirable including the use of troops.

Possession and operation hereunder shall be terminated by the President as soon as he determines that such possession and operation are no longer necessary to the defense of the United States.

[1] 6 F.R. 2617.
[2] 6 F.R. 1532.

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FEDERAL REGISTER

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sion and operation are no longer required in the interests of national defense.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 30, 1941.

[No. 8928]

[F. R. Doc. 41-8205; Filed, October 31, 1941; 12:35 p. m.]

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[First Supp. to Gen. Order No. C-34]

PART 116—CIVIL AIR NAVIGATION

CHANGE IN EFFECTIVE DATE OF AIR COMMERCE REGULATIONS

OCTOBER 31, 1941.

It is hereby ordered that wherever the date, November 1, 1941, appears in General Order No. C-34, which was published in the FEDERAL REGISTER for September 3, 1941 (6 F.R. 4514), said date shall be changed to January 1, 1942. (Sec. 1, Reorg. Plan No. V, 5 F.R. 2132, 2223; R.S. 161, 5 U.S.C. 22; sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; secs. 7 (d), 11 (b), 11 (c), 44 Stat. 572, 574, 575, 48 Stat. 1116, 52 Stat. 1029, 49 U.S.C. 177 (d), 181 (b), 181 (c); 8 CFR 90.1)

[SEAL] LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-8190; Filed, October 31, 1941; 11:39 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.24 *Bid bonds*—(a) *When required.*

* * * * *

(3) *Exception.* The customary stipulations concerning guaranty and bonds as set forth in Standard Form No. 22 (Instructions to Bidders) will be included in invitations for bids for lump sum construction contracts. (20 Stat. 36, 22 Stat. 487; 5 U.S.C. 218) [Par. 8, AR 5-220, Aug. 7, 1940, as amended by Proc. Cir. 79, W.D., Oct. 16, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8172; Filed, October 31, 1941; 9:49 a. m.]

[1] § 81.24 (a) (3) is added.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amend. 60-22, Civ. Air Regs.]

PART 60—AIR TRAFFIC RULES

CONTROL AIRPORT DESIGNATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of October 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 15, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.2401 to read as follows:

§ 60.2401 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.).* Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of Superior, Mont.; from a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the LaCrosse, Wis., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport), radio range and the U. S.-Canadian border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian border, to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Buffalo, N. Y., radio range station.

2. By amending § 60.24300 to read as follows:

§ 60.24300 *Blue civil airway No. 1 airway traffic control areas (Pendleton, Oreg., to Spokane, Wash.).* All of blue civil airway No. 1.

3. By striking the words "Spokane, Wash.;" appearing in § 60.22.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8171; Filed, October 31, 1941; 9:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3174]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FORD MOTOR COMPANY

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Adequacy and additional charges unmentioned:* § 3.6 (r) *Advertising falsely or misleadingly—Prices—Product covered.* In connection with offer, etc., in commerce, of respondent's passenger motor vehicles, (1) representing as the price of any passenger motor vehicle, in or through the quotation of prices in connection with illustrations or descriptions of passenger motor vehicles, or otherwise, in any advertisement promoting the sale of such vehicles at retail, any price other than the true retail price of said passenger motor vehicles at the place designated for their sale, such retail price to include all charges for any equipment or accessories illustrated or described in such advertisement, or necessary to the operation of such motor vehicle, or customarily included as standard equipment, and any charge or charges whatsoever for advertising, delivery, handling, or for any similar or like purpose, or for any other purpose except transportation charges where the passenger motor vehicle so advertised is transported from the point where advertised for sale to another or different point for delivery to a retail purchaser; aforesaid provisions being subject to those of prohibition (3) below with respect to taxes; (2) using a designated price in any advertisement illustrating a passenger motor vehicle offered for sale at retail, unless the true retail price as defined in prohibitions (1) and (3) hereof, of the passenger motor vehicle illustrated is set out in juxtaposition thereto, in words or figures equal in size and conspicuousness to the words or figures designating the price of any other passenger motor vehicle referred to in said advertisement; (3) advertising passenger motor vehicles for sale at retail at a designated price, unless the said retail price includes all federal, state and local taxes, or unless the advertisement clearly and legibly states, immediately adjacent to the price quoted, that the price is subject to additional charges for federal, state, or local taxes, or any of them as the case may be; and (4) advertising or representing a passenger motor vehicle as being for sale at retail at a designated price, unless such vehicle is, in fact, made available and sold to the public at the point specified for the price stated, or at a point distant therefrom, for the price stated plus transportation charges thereto; aforesaid provisions being subject to those of prohibition (3) above regarding taxes; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ford Motor Company, Docket 3174, October 20, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence introduced before Wm. W. Sheppard, and John P. Bramhall, duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the report of the trial examiners thereon and exceptions thereto, briefs filed on behalf of the Commission by James M. Hammond, counsel for the Commission, and by Bodman, Longley, Bogle, Middleton & Farley, counsel for the respondent; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Ford Motor Company, a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its passenger motor vehicles in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(a) Representing as the price of any passenger motor vehicle, in or through the quotation of prices in connection with illustrations or descriptions of passenger motor vehicles, or otherwise, in any advertisement promoting the sale of such passenger motor vehicles at retail, any price other than the true retail price of said passenger motor vehicles at the place designated for their sale, such retail price to include all charges for any equipment or accessories illustrated or described in such advertisement, or necessary to the operation of such motor vehicle, or customarily included as standard equipment, and any charge or charges whatsoever for advertising, delivery, handling, or for any similar or like purpose, or for any other purpose except transportation charges where the passenger motor vehicle so advertised is transported from the point where advertised for sale to another or different point for delivery to a retail purchaser. The provisions of this subparagraph (a) are subject to the provisions of subparagraph (c) hereof with respect to taxes.

(b) Using a designated price in any advertisement illustrating a passenger motor vehicle offered for sale at retail, unless the true retail price as defined in sub-paragraphs (a) and (c) hereof, of the passenger motor vehicle illustrated is set out in juxtaposition thereto, in words or figures equal in size and conspicuousness to the words or figures designating the price of any other passenger motor vehicle referred to in said advertisement.

(c) Advertising passenger motor vehicles for sale at retail at a designated price, unless the said retail price includes all federal, state and local taxes, or unless the advertisement clearly and legibly states, immediately adjacent to the price quoted, that the price is subject to additional charges for federal, state or local taxes, or any of them as the case may be.

(d) Advertising or representing a passenger motor vehicle as being for sale at retail at a designated price, unless such passenger motor vehicle is, in fact, made available and sold to the public at the point specified for the price stated, or at a point distant therefrom, for the price stated plus transportation charges thereto. This paragraph is subject to the provisions of subparagraph (c) hereof regarding taxes.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8198; Filed, October 31, 1941; 11:51 a. m.]

[Docket No. 4429]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SNAP-ON TOOLS CORPORATION

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of tools or any other merchandise, (1) selling, etc., tools or any other merchandise by the use of any sales plan, by means of which said tools or other merchandise are sold or distributed to the public by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with any sales plan together with assortment of tools or other merchandise, which said sales plan is to be, or may be, used in selling or distributing said tools or other merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec.

3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Snap-On Tools Corporation, Docket 4429, October 20, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding, having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Snap-On Tools Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of tools or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing tools or any other merchandise by the use of any sales plan, by means of which said tools or other merchandise are sold or distributed to the public by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others any sales plan together with assortments of tools or other merchandise, which said sales plan is to be used or may be used in selling or distributing said tools or other merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8199; Filed, October 31, 1941; 11:51 a. m.]

[Docket No. 4577]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE LUX COMPANY, ETC.

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of an electric water heater, now designated variously as the "Magic Disc", the "Super-Lux Heater" and the "Lux", whether sold under these, or any other, names, and among other things, as in order set forth, representing (1) that respondent's electric water heater operates on a new principle; (2) that it heats water instantly; (3) that it is capable of heating substantial quantities of water in a shorter period of time than will gas, coal or oil, and at only a fraction of the cost; and (4) that the use of respondent's heater will enable one to save up to 75% of gas bills or that its use will effect any substantial reduction in the cost of heating water as compared with gas or other fuel; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Lux Company, etc., Docket 4577, October 20, 1941]

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.18 *Claiming indorsements or testimonials falsely.* In connection with offer, etc., in commerce, of an electric water heater, now designated variously as the "Magic Disc", the "Super-Lux Heater" and the "Lux", whether sold under these, or any other, names, and among other things, as in order set forth, representing (1) that said heater is safe; (2) that it has been tested and approved by the American Public Service Testing System; and (3) that it has been subjected to any tests at all, unless it has in fact been subjected to scientific tests by a reputable recognized testing laboratory properly equipped and staffed for the testing of such products; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Lux Company, etc., Docket 4577, October 20, 1941]

In the Matter of Lux-Visel, Inc., a Corporation, Trading and Doing Business Under the Names The Lux Company and Superlux

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Lux-Visel, Inc., a corporation, trading and doing business under the names The Lux Company and Superlux, or under any other name, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of an electric water heater, now designated variously as the "Magic Disc", the "Super-Lux Heater" and the "Lux", whether sold under these names or any other name or names, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

(1) That respondent's electric water heater operates on a new principle;

(2) That it heats water instantly;

(3) That it is capable of heating substantial quantities of water in a shorter period of time than will gas, coal or oil, and at only a fraction of the cost;

(4) That the use of respondent's heater will enable one to save up to 75% of gas bills or that its use will effect any substantial reduction in the cost of heating water as compared with gas or other fuel;

(5) That said heater is safe;

(6) That said heater has been tested and approved by the American Public Service Testing System;

(7) That said heater has been subjected to any tests at all, unless it has in fact been subjected to scientific tests by a reputable recognized testing laboratory properly equipped and staffed for the testing of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8200; Filed, October 31, 1941; 11:51 a. m.]

[Docket No. 4578]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHAMPION BATTERY COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Value:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, and among other things, as in order set forth, representing (1) that dealers purchasing respondent's said plan will receive a designated number of lanterns or other articles of merchandise, when in fact the contract for the purchase of such plan provides only that a number of so-called trade certificates will be delivered to the dealer; (2) that respondent will effect the redemption of trade certificates without further cost or obligation to the dealer or the dealer's customer; and (3) as the value of respondent's lanterns any amount which is in excess of the usual and customary retail price of such lanterns; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, and among other things, as in order set forth, (1) supplying to dealers advertising matter which represents that lanterns furnished by such dealers to their customers are furnished free or without charge; and (2) supplying to dealers advertising matter representing that the prices charged for the batteries and bulbs to be purchased by the dealer's customer in order to receive a lantern are the usual and customary retail prices of such batteries and bulbs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in conection with such plans, and among other things, as in order set forth, representing (1) that lanterns remaining in dealers' hands at the termination of said so-called sales stimulator plan will be redeemed by respondent; and (2) that respondent's dealers are given the right to exclusive distribution of respondent's products within certain designated territories; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

§ 3.96 (a) *Using misleading name—Goods—Source or origin—Maker:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others.* In connection with offer, etc., in commerce, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, and among other things, as in order set forth, using the word "Champion" (1) to designate or describe respondent's products or otherwise representing that respondent's products are the products of the Champion Spark Plug Company of Toledo, Ohio; and (2) as a part of respondent's trade name or otherwise representing that respondent is connected in any manner with the Champion Spark Plug Company of Toledo, Ohio; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, Docket 4578, October 20, 1941]

In the Matter of William B. Bartlett, Individually and Trading as Champion Battery Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent William B. Bartlett, individually and trading as Champion Battery Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of so-called sales stimulator plans, and the certificates and lanterns, batteries and bulbs, or other merchandise used in connection with such plans, do forthwith cease and desist from:

(1) Representing that dealers purchasing respondent's said plan will receive a designated number of lanterns or other articles of merchandise, when in fact the contract for the purchase of such plan provides only that a number of so-called trade certificates will be delivered to the dealer;

(2) Representing that respondent will effect the redemption of trade certificates without further cost or obligation to the dealer or the dealer's customer;

(3) Representing as the value of respondent's lanterns any amount which is in excess of the usual and customary retail price of such lanterns;

(4) Supplying to dealers advertising matter which represents that lanterns furnished by such dealers to their customers are furnished free or without charge;

(5) Supplying to dealers advertising matter representing that the prices charged for the batteries and bulbs to be purchased by the dealer's customer in order to receive a lantern are the usual and customary retail prices of such batteries and bulbs;

(6) Representing that lanterns remaining in dealers' hands at the termination of said so-called sales stimulator plan will be redeemed by respondent;

(7) Representing that respondent's dealers are given the right to exclusive distribution of respondent's products within certain designated territories;

(8) Using the word "Champion" to designate or describe respondent's products or otherwise representing that respondent's products are the products of the Champion Spark Plug Company of Toledo, Ohio;

(9) Using the word "Champion" as a part of respondent's trade name or otherwise representing that respondent is connected in any manner with the Champion Spark Plug Company of Toledo, Ohio.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8201; Filed, October 31, 1941; 11:52 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5095]

PART 182—INDUSTRIAL ALCOHOL

AMENDMENT OF APPENDIX TO REGULATIONS NO. 3, REVISED 1938

Pursuant to authority in sections 3070 (a), 3105 (a), 3124 (a) (6), and 3176 (a), Internal Revenue Code, completely denatured alcohol Formulae Nos. 12, 13, and 14, as set forth in Appendix to Regulations No. 3,[1] approved December 29, 1938, are amended to read as follows:

Formula No. 12

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

[1] 4 F.R. 10.

4 gallons of "Denol" or a compound similar thereto.

1.5 gallons of methyl isobutyl ketone, or 2.5 gallons of methyl propyl ketone, or 1 gallon of acetaldol (hydroxy-butyraldehyde).

1 gallon of gasoline.

1 gallon of "Agdite" or a compound similar thereto, or 2 gallons of "Hydronol" or a compound similar thereto.

Formula No. 13

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

4 gallons of "ST-115" or a compound similar thereto.

1.5 gallons of methyl isobutyl ketone, or 2.5 gallons of methyl propyl ketone, or 1 gallon of acetaldol (hydroxy-butyraldehyde).

1 gallon of gasoline.

0.5 gallon of "Agdite" or a compound similar thereto or 1 gallon of "Hydronol" or a compound similar thereto.

Formula No. 14

To every 100 gallons of ethyl alcohol of not less than 160° proof add:

5 gallons of "FD–13" or a product similar thereto.

1.75 gallons of methyl isobutyl ketone, or 2.5 gallons of methyl propyl ketone or 1 gallon of acetaldol (hydroxy-butyraldehyde).

Specifications for Acetaldol

Acetaldol: 90% to 100%.

Specific Gravity: 1.098 to 1.105 at 20° C.

Purity: It shall titrate not less than 90% or more than 110% by the following method:

Dissolve 15 grams of the Acetaldol in distilled water and dilute to one liter in a volumetric flask. Transfer 5 ml. of this solution to a 250 ml. glass stoppered flask containing 25 ml. distilled water. Add 25 ml. of a freshly prepared 1 per cent sodium bisulphite solution. Prepare a blank omitting the acetaldol solution. Place flasks in a dark place away from excessive heat or cold and allow to stand six hours. Remove and titrate free bisulphite with tenth-normal Iodine solution using starch indicator.

$$\frac{(\text{ml. Blank} - \text{ml. test}) \times 0.44}{\text{weight of sample}} = \% \text{ Acetaldol}$$

On account of the presence of acetaldehyde, titrations in excess of 100% will sometimes be obtained.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: October 30, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–8192; Filed, October 31, 1941; 11:42 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 937—ZINC

Supplementary Order No. M–11–e

§ 937.6 *Supplementary order No. M–11–e.* (a) The Director of Priorities hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c) of § 937.1 as amended,[1] for the month of November and for each month thereafter until otherwise determined by him, shall be as follows:

(1) Metallic Zinc—An amount equal to 31% of Producer's August 1941 production.

(2) Zinc Oxide—An amount equal to 10% of Producer's August 1941 production.

(3) Zinc Dust—None.

(b) This Order shall take effect on the 1st day of November, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8176; Filed, October 31, 1941; 10:05 a. m.]

PART 1008—ELECTRIC POWER

Limitation Order L–16 to Curtail the Consumption of Electric Power in the Southeastern Area

Whereas shortages of electric power for defense, essential civilian and other uses in the southeastern area of the United States have been created by an abnormally dry season and by increased power requirements for defense industries; and

Whereas further shortages of electric power for defense, essential civilian and other uses in the southeastern area of the United States are threatened unless immediate steps are taken to curtail consumption of electric power, and to make available to the southeastern area, to the full limit of electrical facilities, the maximum amount of power from interconnected electric systems; and

Whereas the limitations upon use and consumption of electric power and the integration of power systems hereinafter ordered are necessary in order to conserve power and maintain defense and essential civilian services;

[1] 6 F.R. 3179, 5290.

Now, therefore, it is ordered, That:

§ 1008.1 *General limitation order L–16*—(a) *Definitions.* For the purposes of this Order:

(1) "Person" means any individual, partnership, corporation, association, government agency or subdivision, or other form of enterprise.

(2) "Utility" means any person who generates, transmits or distributes electric power directly or indirectly for general use by the public. The term includes any membership corporation or cooperative supplying such services to its members or stockholders.

(3) (i) "Consumer" means any person who is an ultimate user of electric power purchased or otherwise acquired from any of the following Utilities: Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, South Carolina Power Company, Tennessee Valley Authority, Alabama Water Service Company, Birmingham Electric Company, Aluminum Company of America (Tennessee system), Carolina Aluminum Company (Western Division), Crisp County Power Commission, Riviera Utilities, Carolina Aluminum Company (Eastern Division), Carolina Power and Light Company, Duke Power Company, Lexington Water Power Company, Lockhart Power Company, J. B. McCrary Company, Nantahala Power and Light Company, South Carolina Electric and Gas Company, Tide Water Power Company, and any other Utility which currently receives net power deliveries from any of the foregoing specified Utilities, including all those set forth in Exhibit A, annexed hereto.

(ii) The term "Consumer" may be further defined from time to time by supplemental order or direction of the Director of Priorities to include any person who is an ultimate user of electric power purchased or otherwise acquired from any of the following Utilities: Arkansas Power and Light Company, Mississippi Power and Light Company, Kentucky Utilities Company, Kentucky-Tennessee Light and Power Company, Appalachian Electric Power Company, East Tennessee Light and Power Company, Virginia Electric and Power Company, Savannah Electric and Power Company, and any other Utility which currently receives net power deliveries from any of the said Utilities.

(4) "Base Billing Month" for any Consumer means the period of consumption of electric power by such Consumer for which the terminal monthly reading date fell on any day during the period September 15, 1941, to October 14, 1941, inclusive.

(5) "Weekly quota" for any Consumer means whichever is the greater of the following amounts of electric power consumed by such Consumer at any single location:

(i) 2,500 kilowatt-hours, or

(ii) Seven times the average daily consumption of electric power by such Consumer during the Base Billing Month multiplied by the applicable percentage specified in Exhibit D, annexed hereto, as the same may be amended or modified from time to time by supplemental order or direction of the Director of Priorities.

(b) *Limitations on consumption and deliveries of electric power.* (1) Except as provided in paragraph (a) hereof, no Consumer shall purchase or otherwise acquire from any Utility referred to in paragraph (a) (3) (i) during the week commencing November 10, 1941 (unless a later date is fixed by the Director of Priorities), or in any succeeding week, electric power in excess of such Consumer's Weekly Quota; and no such Utility shall deliver to any such Consumer during any such week electric power in an amount which such Utility knows or has reason to believe exceeds such Consumer's Weekly Quota.

(2) The Director of Priorities may designate the time or times within any week when any Consumer shall put into effect the curtailment provided for in paragraph (b) (1), if in order to effectuate the purposes of this Order it shall become necessary to do so.

(3) No Consumer shall be relieved of the requirements of § 944.2 or any other section of Priorities Regulation No. 1 (August 27, 1941, 6 F.R. 4489), by reason of the provisions of this paragraph.

(c) *Exemptions.* The limitations set forth in paragraph (b) hereof shall not apply to any Consumer whose uncurtailed operation is found by the Director of Priorities to be necessary to national defense or to essential civilian services. Such Consumers are specified by classes in Exhibit C, annexed hereto, as the same may be amended or modified from time to time by the Director of Priorities. The Director of Priorities shall determine which individual Consumers are included in the classes specified in said Exhibit C and no Consumer is entitled to the exemption provided for herein until he shall have received notice of such determination. Any other Consumer who considers that his uncurtailed operations are necessary to national defense or to essential civilian services may apply for such exemption to the Director of Priorities.

(d) *Prohibition of designated nonessential uses of electric power.* No Consumer shall use electric power during such hours of the day or week as may be specified from time to time by the Director of Priorities, or for any purpose or use specified in Exhibit D, annexed hereto, as the same may be amended or modified from time to time by the Director of Priorities; and no Utility referred to in paragraph (a) (3) (i) shall deliver electric power to any Consumer if such Utility knows or has reason to believe that such power or any part thereof will be used by such Consumer for any such prohibited purpose or at any such prohibited time.

(e) *Integration of power system operation.* Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, South Carolina Power Company, Tennessee Valley Authority, Alabama Water Service Company, Birmingham Electric Company, Aluminum Company of America (Tennessee system), Carolina Aluminum Company (Western Division), Crisp County Power Commission, Riviera Utilities, Carolina Aluminum Company (Eastern Division), Carolina Power and Light Company, Duke Power Company, Lexington Water Power Company, Lockhart Power Company, J. B. McCrary Company, Nantahala Power and Light Company, South Carolina Electric and Gas Company, Savannah Electric and Power Company (when interconnected), Tide Water Power Company, Arkansas Power and Light Company, Mississippi Power and Light Company, Kentucky Utilities Company, Kentucky-Tennessee Light and Power Company, Appalachian Electric Power Company, East Tennessee Light and Power Company, Virginia Electric and Power Company, Ohio Power Company, Virginia Public Service Company, Florida Public Service Company, Florida Power Corporation, Florida Power and Light Company, Tampa Electric Company, Louisiana Power and Light, New Orleans Public Service, Inc., Kentucky and West Virginia Power Company, Inc., Old Dominion Power Company and Louisville Gas and Electric Company (and any other utility which is or can readily be interconnected with any of the foregoing Utilities and which may be included within the provisions of this paragraph from time to time by supplemental order or direction of the Director of Priorities), shall so operate their reservoirs, generating plants, substations and transmission lines and other facilities, and shall so interchange electric power as to make available the maximum power capacity and achieve maximum output in the area served by such Utilities, and to relieve shortages in the southeastern area. Said Utilities shall make such pooling arrangements as may be necessary to effectuate such purposes. Where necessary for such purposes, the Director of Priorities will issue specific orders and directions as to the operation of reservoirs, generating plants, substations, transmission lines or other facilities and as to deliveries of power.

(f) *Notice to consumers.* Each Utility shall promptly notify its Consumers in the manner prescribed by the Director of Priorities of the restrictions of this Order applicable to such Consumers.

(g) *Appeal.* Any person affected by this Order who considers that compliance therewith will work or has worked an exceptional or unreasonable hardship may appeal for relief to the Director of Priorities who may grant such specific exemptions or take such other action as he shall deem appropriate for and consistent with the purposes of this Order.

(h) *Reports and information.* (1) Each Utility affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning deliveries of electric power to Consumers. Such records shall be subject to inspection by duly authorized representatives of the Office of Production Management.

(2) Each Consumer who uses more than 2,500 kilowatt-hours during the week commencing November 10, 1941 (or the first week during which the provisions of paragraph (b) are in effect, if the effective date thereof is later than November 10, 1941), or any succeeding week, shall report to the Office of Production Management at the end of every such week the amount of electric power consumed by him during such week. Such reports shall be filed with the Utility supplying electric power to such Consumer on forms prescribed by the Director of Priorities and distributed by the Utility; and each such Utility shall keep custody thereof for and subject to the direction of the Director of Priorities.

(3) At the end of the week commencing November 10, 1941 (or the first week during which the provisions of paragraph (b) are in effect, if the effective date thereof is later than November 10, 1941), and at the end of each succeeding week, each Utility affected by the provisions of paragraph (b) hereof shall report to the Power Branch, Office of Production Management, Federal Reserve Bank Building, Atlanta, Georgia, the name and address of any Consumer who, as such Utility knows or has reason to believe, has consumed during such week more electric power than his Weekly Quota, together with the Weekly Quota of such Consumer and the amount of such excess.

(i) *Regional office.* Any applications, appeals, reports (except as provided in paragraph (h) (2)), or other communications filed pursuant to this Order shall be addressed to the Power Branch, Office of Production Management, Federal Reserve Bank Building, Atlanta, Georgia.

(j) *Violations.* Any person affected by this Order who falsifies records or reports which he is required by this Order to keep or file or who violates any other provision of this Order or any other Order, regulation, or direction issued by the Director of Priorities, may be prohibited from delivering or receiving electric power or any other material subject to allocation by the Director of Priorities, and shall be subject to any other prohibitions or penalties under existing laws.

(k) *Effective date.* Except as specified in paragraph (b) hereof, this Order shall take effect immediately, and unless sooner terminated by the Director of Priorities shall expire on the 28th day of February, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan.

7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 30th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

EXHIBIT A

UTILITIES WHICH PURCHASE POWER AT WHOLESALE FROM THE UTILITIES NAMED IN THE DEFINITION OF "CONSUMER" IN PARAGRAPH (a) (2) OF LIMITATION ORDER L–16

Alabama Power Company

Private utilities: Alabama Water Service Company; Birmingham Electric Company; Tallahassee Utilities.

Municipalities: City of Dothan; City of Hartford; City of Lafayette; City of Lanett; City of Opelika; City of Piedmont; Riviera Utilities; City of Sylacauga; City of Tuskegee; City of Evergreen; City of Luverne; City of Troy; City of Alexander City.

Cooperatives: Baldwin County Electric Membership Corporation; Southern Pine Electric Cooperative; South Alabama Electric Cooperative; Tallapoosa River Electric Cooperative; Black Warrior Electric Membership Corporation; Central Alabama Electric Cooperative; Clarke-Washington Electric Membership Corporation; Coosa Valley Electric Cooperative; Dixie Electric Cooperative; Pea River Electric Cooperative; Pioneer Electric Cooperative; Southern Pine Electric Cooperative; Wiregrass Electric Cooperative.

Carolina Power & Light Company

Municipalities: South Carolina Public Service Authority; Northwest Carolina Utilities, Inc.; City of Fayetteville; Town of Lumberton; Town of Laurinburg; Town of Clayton; Town of LaGrange; City of Camden; City of Bennettsville; Pinehurst, Inc.; Town of Waynesville; Town of Wake Forest; Town of Red Springs; Town of Benson; Town of Fremont; Town of Selma; Town of Smithfield; Town of Pikeville; Hominy Power & Light Company; Town of Apex; Laurel Hill Electric Company; Tidewater Power Company.

R. E. A.: Randolph Electric Membership Corp.; Pee Dee Electric Corp.; Black River Electric Coop., Inc.; Berkeley Electric Coop., Inc.; Santee Electric Coop., Inc.; Marion Elec. Coop., Inc.; Horry Electric Coop., Inc.; Lumbee River Electric Membership Corp.; Randolph Electric Membership Corp.; Lynches River Electric Corp.; Marlboro Electric Cooperative, Clio, S. C.; Marlboro Electric Cooperative, Bennettsville, S. C.; South River Electric Membership Corp.; Cruso Electric Membership Corp.; French Broad Electric Membership Corp., Pee Dee Electric Cooperative; Marlboro Electric Cooperative, Little Rock, S. C.; Tri County Electric Membership Corp.; Halifax Electric Membership Corp.; Wake Electric Membership Corp.

South Carolina Power Co.

R. E. A.: Aiken Electric Inc.; Berkeley Electric Corp., Inc.; Coastal Electric Corp., Inc.; Edesto Electric Corp., Inc.

Wholesale towns: Bamberg Board Public Works; McCormick Commission of Public Works.

Resale: The Citadel, Charleston; U. S. Army General Hospital; U. S. Army, Marshall Field, Ft. Moultrie; U. S. Army, Ft. Moultrie, S. C.; U. S. Marine Camp, Parris Island; U. S. Navy Inshore Patrol, Charleston; Charleston Housing Authority, Charleston, S. C.

Tennessee Valley Authority

Municipalities: Aberdeen, Miss.; Albertville, Ala.; Amory, Miss.; Athens, Ala.; Athens, Tenn.; Benton Co., Tenn.; Bessemer, Ala.; Bolivar, Tenn.; Brownsville, Tenn.; Carroll Co., Tenn.; Chattanooga, Tenn.; Clarksville, Tenn.; Cleveland, Tenn.; Clinton, Tenn.; Columbia, Tenn.; Columbus, Miss.; Courtland, Ala.; Dayton, Tenn.; Decatur, Ala.; Dickson, Tenn.; Etowah, Tenn.; Fayetteville, Tenn.; Florence, Ala.; Ft. Payne, Ala.; Gallatin, Tenn.; Guntersville, Ala.; Harriman, Tenn.; Hartselle, Ala.; Holly Springs, Miss.; Humboldt, Tenn.; Huntsville, Ala.; Jackson, Tenn.; Knoxville, Tenn.; LaFollette, Tenn.; Lawrenceburg, Tenn.; Lenoir City, Tenn.; Lewisburg, Tenn.; Lexington, Tenn.; Loudon, Tenn.; Louisville, Miss.; Macon, Miss.; Maryville, Tenn.; McMinnville, Tenn.; Memphis, Tenn.; Milan, Tenn.; Mt. Pleasant, Tenn.; Murfreesboro, Tenn.; Murphy, N. C.; Muscle Shoals, Ala.; Nashville, Tenn.; New Albany, Miss.; Newbern, Tenn.; Newport, Tenn.; Okolona, Miss.; Paris, Tenn.; Philadelphia, Miss.; Pulaski, Tenn.; Ripley, Tenn.; Rockwood, Tenn.; Russellville, Ala.; Scottsboro, Ala.; Sevierville, Tenn.; Sheffield, Ala.; Shelbyville, Tenn.; Somerville, Tenn.; Springfield, Tenn.; Starkville, Miss.; Sweetwater, Tenn.; Tarrant City, Ala.; Trenton, Tenn.; Tupelo, Miss.; Tuscumbia, Ala.; Water Valley, Miss.; Weakley Co., Tenn.; West Point, Miss.; Winchester, Tenn.

Cooperatives: Alcorn Assn., Miss.; Appalachian Coop., Tenn.; Blue Ridge Assn., Ga.; Central Assn., Miss.; Cherokee Coop., Ala.; Cullman Coop., Ala.; Cumberland Corp., Tenn.; Duck River Corp., Tenn.; East Miss. Assn., Miss.; Ft. Loudoun Coop., Tenn.; 4-County Assn., Miss.; Gibson Corp., Tenn.; Hickman-Fulton Corp., Ky.; Holston Coop., Tenn.; Joe Wheeler Corp., Ala.; Lincoln Corp., Tenn.; Meriwether Lewis Coop., Tenn.; Middle Tenn. Corp., Tenn.; Monroe Assn., Miss.; Natches Trace Assn., Miss.; No. Ala. Coop., Ala.; No. East Miss. Assn., Miss.; No. Georgia Corp., Ga.; Pickwick Corp., Tenn.; Plateau Coop., Tenn.; Pontotoc Assn., Miss.; Prentiss Assn., Miss.; Sand Mtn. Coop., Ala.; Sequachee Valley Coop., Tenn.; SW Tenn. Corp., Tenn.; Tallahatchie V. Assn., Miss.; Tenn. Valley Coop., Tenn.; Tippah Assn., Miss.; Tishomingo Assn., Miss.; Tombigbee Assn., Miss.; Tri-County Corp., Tenn.; Upper Cumberland Corp., Tenn.; Volunteer Coop., Tenn.

Private companies and municipalities: Bells Lt. & Water Co., Tenn.; Franklin Power & Light Co., Tenn.; Alabama Power Co.; Arkansas Power & Light Co.; Commonwealth & Southern; Cookeville, City of; Ducktown Citizens Light Co.; Kentucky-Tennessee Light & Power Co.; City of Lebanon; City of Tullahoma.

Georgia Power Company

City of Acworth; City of Albany; City of Barnesville; City of Blakely; City of Braselton; City of Buford; City of Calhoun; City of Camilla; City of Cartersville; City of College Park; City of Commerce; City of Covington; City of Dalton; City of Doerun; City of Douglas; City of East Point; City of Elberton; City of Ellaville; City of Fairburn; City of Fitzgerald; City of Forsyth; City of Grantville; City of Griffin; City of Hampton; City of Hogansville; City of Jackson; City of LaFayette; City of LaGrange; City of Lawrenceville; City of Mansfield; City of Marietta; City of Monroe; City of Monticello; City of Moultrie; City of Newnan; City of Norcross; City of Palmetto; City of Sylvester; City of Thomaston; City of Washington; City of West Point.

Wholesale: Housing Authority, City of Atlanta: Techwood Homes; University Housing Project. Housing Authority, City of Brunswick: Glynn Villa; McIntyre Court.

Retail: Housing Authority, City of Athens: Parkview Homes, Ga.; Broad Acres Housing Project, Ga. Housing Authority, City of Atlanta: Grady Homes, Ga.; State Capitol Homes, Ga.; John J. Egan Homes, Ga.; John Hope Homes, Ga.; Clark Howell Homes, Ga. Housing Authority, City of Augusta: Sunset Homes, Ga.; Gilbert Manor, Ga.; Olmstead Homes, Ga. Housing Authority, City of Columbus: George Foster Peabody Apts., Ga.; Newton D. Baker Village, Ga.; Booker T. Washington Project, Ga. Housing Authority, City of Macon: Oglethorpe Homes, Ga.; Tindall Heights, Ga. Housing Authority, City of Rome: Altoview Terrace, Ga.; DeSoto Homes, Ga.

R. E. A.: Troup Co. EMC; Altamaha EMC, Swainsboro; Altamaha EMC, Lyons; Altamaha EMC, Soperton; Walton EMC; Carroll EMC; Planters EMC; Douglas Co. EMC, Douglasville; Douglas Co. EMC, Newnan; Flint EMC, Reynolds; Flint EMC, Buena Vista; Irwin Co. EMC; Upson Co. EMC; Central Ga. EMC, Jackson; Central Ga. EMC, Senoia; Satilla Rural EMC. Pine Grove; Satilla Rural EMC, Alma; Satilla Rural EMC, Douglas; Jefferson Co. EMC; Mitchell Co. EMC, Camilla; Mitchell Co. EMC, Sylvester; Washington Co. EMC; Little Ocmulgee EMC; Hart EMC; Sumter EMC, Sumter; Sumter EMC, Richland; Lamar EMC; Ocmulgee EMC; Jackson EMC, Jefferson; Jackson EMC, Oakwood; Excelsior EMC; Rayle Elec. Assn.; Habersham EMC; Canoochee EMC; Forsyth Co. EMC; Colquitt Co. Rural Elec. Co., Tifton; Oconee EMC; Lamar EMC; Jefferson Co. EMC; Colquitt Co. Rural Elec Co., Nashville; Tri County EMC; Middle Ga. EMC; Amicalola EMC, Ellijay; Amicalola EMC, Tate; Coastal EMC; Pataula EMC.

Mississippi Power Co.

R. E. A.: Coast Electric Power Association; East Mississippi Electric Power Association; Jones County Electric Power Association; Pearl River Valley Electric Power Association; Singing River Electric Power Association; Southern Pine Electric Power Association; West Florida Cooperative Association; Escambia River Electric Cooperative; Choctawhatchee Electric Cooperative.

Duke Power Company

Blue Ridge Electric Membership Corporation; Northwest Carolina Utilities Company; High Point Davie Electric Membership Corporation; Piedmont Electric Membership Corporation; Rutherford E. M. C.; Albemarle; Benton Heights; Central Electric & Telephone Company; Cherryville, N. C.; Concord, N. C., City of; Town of Cornelius, N. C.; Cornel E. M. C.; Town of Dallas, N. C.; Town of Davidson, N. C.; Town of Drexel, N. C.; Durham Public Service Company; Town of Forest City, N. C.; City of Gastonia, N. C.; Town of Granite Falls, N. C.; City of Huntersville, N. C.; Town of Kings Mt., N. C.; Town of Landis, N. C.; City of Lexington, N. C.; Town of Lincolnton, N. C.; Town of Marden, N. C.; Town of Monroe, N. C.; Town of Morganton, N. C.; Town of Newton, N. C.; Town of Pineville, N. C.; City of Shelbe, N. C.; City of Statesville, N. C.; Surry-Yadkin E. M. C.; Union E. M. C.; Broad River Electric Cooperative, S. C.; Town of Due West, S. C.; City of Easley, S. C.; The Electric Company, Fortmills, S. C.; City of Greer, S. C.; Heath Springs Light & Power Company; City of Newberry, S. C.; Town of Prosperity, S. C.; City of Rock Hill, S. C.; Town of Seneca, S. C.; Town of Westminster, S. C.; Blue Ridge Electric Cooperative; States Rural Electrification Authority, Columbia, S. C.; Peckins, S. C.

South Carolina Electric & Gas Co.

Mid-Carolina Electric Cooperative, Batesburg, S. C.; Mid-Carolina Cooperative, Pomaria, S. C.; Tri County Electric Cooperative, Elloree, S. C.; Tri County Electric Cooperative, St. Matthews, S. C.; Fairfield County Cooperative, Winnsboro, S. C.; Brodie Light & Power Company, Gilbert, S. C.; Jenkinsville Light & Power, Jenkinsville, S. C.; Aiken County Electric Cooperative, Aiken, S. C.; Tri County Electric Cooperative, Gadsden, S. C.; City of Orangeburg, S. C.; Richland County R. E. A., Columbia, S. C.; Town of Winnsboro, S. C.

EXHIBIT B

PERCENTAGE OF PERMISSIBLE USE OF ELECTRIC POWER UNDER PARAGRAPH (b) (1) OF LIMITATION ORDER L–16

The percentages listed below are to be used in determining a Consumer's Weekly Quota of electric power as defined in paragraph (a) (5). Any Consumer who purchases or otherwise acquires electric power from any of the Utilities listed in Column 1 shall be entitled to use during the week commencing November 10, 1941 (unless a later date is fixed) and in any succeeding week not more than seven times the average daily consumption of such Consumer during his Base Billing Month, multiplied by the Column 2 percentage opposite the name of the Utility which supplies such Consumer.

1. *Utility*	2. *Percentage*
Alabama Power Co	70.0
Georgia Power Co	70.0
Gulf Power Co	70.0
Mississippi Power Co	70.0
South Carolina Power Co	70.0
Tennessee Valley Authority	70.0
Alabama Water Service Co	70.0
Birmingham Electric Co	70.0
Aluminum Co. of America (Tennessee System)	70.0
Carolina Aluminum Co. (Western Division)	70.0
Crisp County Power Commission	70.0
Riviera Utilities	70.0
Nantahala Power and Light Co	70.0
All other Utilities which purchase power from any of the above named Utilities	70.0
• • • • •	
Carolina Aluminum Co. (Eastern Division)	95.0
Carolina Power & Light Co	95.0
Duke Power Co	95.0
Lexington Water Power Co	95.0
Lockhart Power Co	95.0
J. B. McCrary Co	95.0
South Carolina Electric & Gas Co	95.0
Tide Water Power Co	95.0
All other Utilities which purchase power from any of the above named Utilities	95.0

EXHIBIT C

ELECTRIC POWER CONSUMERS EXEMPT FROM THE MANDATORY CURTAILMENT PROVISIONS OF PARAGRAPH (b) OF LIMITATION ORDER L–16

1. The following Federal, State, County, and Municipal services: Fire, Police, and essential state and highway lighting.

2. The following essential community services: Churches, hospitals, newspapers, refrigeration and food preservation plants.

3. Transportation services:

(a) Urban, suburban, and interurban common or contract carriers of passengers or freight, including terminals.

(b) Railways, terminals, and related facilities.

(c) Shipping on inland waterways including locks and terminals and not including dredging.

(d) Army, Navy, municipal, and licensed commercial airports and airfields.

(e) Oil and gas pipe lines, and pumping stations.

(f) Maintenance and repair yards or shops used exclusively for the maintenance or repair of the above transportation services.

4. Communications services including:

(a) Post Offices.

(b) Radio—commercial broadcasting and communication.

(c) Telephone and telegraph systems.

(d) Traffic control and signal systems.

5. Water supply and public sanitation systems including water works, pumping stations and sewage disposal plants.

6. Military establishments, including cantonments, posts, depots, and fortifications.

7. Plants *exclusively* engaged in the production of any of the following munitions or materials:

(a) Airplanes, airplane engines, and parts.

(b) Naval ships and parts.

(c) Merchant ships and parts.

(d) Ordnance items including guns, ammunitions, explosives, and combat vehicles.

(e) Aluminum.

(f) Magnesium.

(g) Copper or brass.

(h) Zinc.

(i) Manganese.

(j) Mercury.

(k) Ferroalloys.

(l) Abrasives.

(m) Graphite Electrodes.

(n) Forgings.

(o) Machine Tools.

(p) Artificial gas.

EXHIBIT D

PROHIBITED USES PURSUANT TO PARAGRAPH (d) OF LIMITATION ORDER L–16

1. Sign Lighting.

2. Show-window lighting.

3. Outline and ornamental lighting.

4. Outdoor lighting, flood lighting or field lighting for amusements or sports.

5. Interior or exterior lighting for decorative or advertising purposes.

6. The foregoing prohibited uses do not include:

(a) Ordinary street or traffic lighting.

(b) Signal or other lighting required by police, fire or other public safety departments.

(c) Lighting for defense property protection required by defense regulations.

[F. R. Doc. 41–8177; Filed, October 31, 1941; 10:06 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1302—ALUMINUM

PRICE SCHEDULE NO. 2—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT [1]

As Amended, Effective November 1, 1941

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined, after full investigation and after consultation with representatives of the trade and with the Office of Production Management, (a) that the total supply of primary and secondary aluminum is grossly inadequate to satisfy combined defense and civilian demands, (b) that almost the entire supply of primary aluminum and an increasing proportion of the supply of secondary aluminum is being required for defense purposes, (c) that resulting competition for secondary aluminum has exerted highly inflationary pressure upon prices of aluminum scrap and secondary aluminum ingot and has driven such prices to unreasonable levels wholly disproportionate to the price at which primary aluminum has been voluntarily stabilized, (d) that such uncontrolled price increases have led to hoarding, speculation, profiteering and price instability injurious to national defense and have necessitated establishment of maximum prices for aluminum scrap and secondary aluminum ingot, (e) that, in order to bring such maximum prices into proper relationship to the recently reduced price of primary aluminum and into proper relationship to each other, it is essential that the maximum prices heretofore established be revised, and (f) that such maximum prices as so revised and set forth herein constitute fair and reasonable limitations on prices of aluminum scrap and secondary aluminum ingot and that their establishment is in the interest of national defense and welfare.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

Sections 1302.1 to 1302.15, inclusive, are hereby renumbered and amended to read as follows:

§ 1302.1 *Maximum prices of aluminum scrap and secondary aluminum ingot.* On and after November 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer aluminum scrap or secondary aluminum ingot, and no person shall buy, offer to buy, or accept delivery of aluminum scrap or secondary aluminum ingot, at prices higher than the maximum prices set forth in Appendices A and B hereof.*

*§§ 1302.1 to 1302.11, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

[1] 6 F.R. 1593, 2682, 4076.

§ 1302.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B hereof may be charged, demanded, paid or offered.*

§ 1302.3 *Conversion of plant scrap.* The maximum prices herein established shall have no application to the sale, delivery, or transfer of plant scrap, made from wrought aluminum (except forgings) as distinguished from cast aluminum, which is segregated as to alloy and is delivered, in accordance with permission or requirement of the Director of Priorities, Office of Production Management, by the maker of the scrap to a producer of the type of processed material from which the scrap was made, for conversion into material of such type, and pursuant to a written agreement that an equivalent amount of similar processed material will be returned to the maker of the scrap: *Provided*, That the total charge for such conversion and such returned processed material shall not exceed the sum of (a) the amount by which the current price of primary aluminum ingot exceeds the maximum price for the scrap as set forth in Column III of Appendix A of this Schedule *plus* (b) the amount by which the current price of the returned processed material exceeds the current price of primary aluminum ingot *plus* (c) the amount paid for the scrap in any case in which the transaction takes the form of a purchase of scrap and a sale of processed material.*

§ 1302.4 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of aluminum scrap or secondary aluminum ingot, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1302.5 *Records and reports.* (a) Every person making purchases or sales of aluminum scrap or secondary aluminum ingot shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(1) Each such purchase or sale, showing the person from or to whom each such purchase or sale was made, the date thereof, the price paid or received, other terms of sale and shipment, and the quantity in pounds and the quality by grades of aluminum scrap or secondary aluminum ingot involved; and

(2) At the close of each month, the amount in pounds of each grade of aluminum scrap and secondary aluminum ingot (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1302.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of aluminum scrap or secondary aluminum ingot, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1302.7 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.*

§ 1302.8 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Aluminum scrap" means the grades of aluminum scrap set forth in Appendix A hereof;

(c) "Secondary aluminum ingot" means the grades of secondary aluminum ingot set forth in Appendix B hereof.*

§ 1302.9 *Effective date.* This Schedule, as amended, shall become effective November 1, 1941. Shipments of aluminum scrap and secondary aluminum ingot made prior thereto shall be governed by the terms of this Schedule which were in effect on the date of shipment.*

Issued this 31st day of October 1941.

LEON HENDERSON,
Administrator.

§ 1302.10 *Appendix A, maximum prices for aluminum scrap*

[F. o. b. point of shipment]

Grade of aluminum scrap [1]	I Maximum price (per pound) in lots of less than 1,000 pounds	II Maximum price (per pound) in lots of 1,000 to 20,000 pounds (if shipped by truck) or 1,000 to minimum carload (if shipped by rail) [2]	III Maximum price (per pound) in lots of 20,000 pounds or more (if shipped by truck) or minimum carload (if shipped by rail) [2]
	Cents	*Cents*	*Cents*
Pure clips and cable [3]	10	11	11½
Alloy sheet clips, mixed of segregated	8½	9½	10
Old sheet and utensils	9½	10½	11
Cast scrap and forged scrap, old and new	10	10½	11
Borings and turnings, including No. 12	7	8	8½
Pistons free of struts	10	10½	11
Pistons with struts	8	8½	9

[1] These prices apply to scrap which is clean and dry and which otherwise meets generally accepted maximum standards of the trade. Scrap which fails to meet such standards should be sold at prices below the above ceilings at least in proportion to the content of moisture and other foreign matter.

[2] These quantities may consist of various grades of aluminum scrap; other metals may not enter into the computation. It will be considered that the requisite quantity has been sold and shipped, in case delivery is made by truck, if such quantity is sold in one lot and delivery is made within a period of seventy-two consecutive hours. A minimum carload is the minimum quantity required to obtain the railroad carload rate from the point of shipment to the destination.

[3] Aluminum foil and light gauge aluminum sheet which does not exceed 0.006 of an inch in thickness is not considered within this Price Schedule.

*

§ 1302.11 *Appendix B, maximum prices for secondary aluminum ingot*

(F. o. b. point of shipment)

Grade of secondary aluminum ingot:	*Maximum price (per pound) in quantities of 30,000 pounds or more (cents)*
98 percent pure aluminum ingot	15
Silicon alloys	15
Piston alloys	14½
No. 12 aluminum	14½
Deoxidizing aluminum	13½

Quantity Differentials

The following premiums may be charged, in addition to the maximum prices set forth above, where sales are in the quantities specified:

Quantity:	*Premium (cent per pound)*
10,000 to 30,000 pounds	¼
1,000 to 10,000 pounds	½
Less than 1,000 pounds	1

*

[F. D. Doc. 41-8204; Filed, October 31, 1941; 11:59 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 25—MEDICAL

TRANSPORTATION AND TRAVELING EXPENSES OF CLAIMANTS AND BENEFICIARIES

§ 25.6102 *Transportation: Hospital and domiciliary care.*

* * * * * *

(e) Transportation and necessary meal and lodging requests to cover return travel from a facility will not be supplied unless all necessary hospital observation, examination, or treatment has been completed and regular discharge made. Transportation to effectuate readmission for hospitalization subsequent to an uncleared infraction of discipline will not be supplied until the prescribed period of exclusion from rehospitalization has elapsed. The provisions hereof will apply equally to domiciliary care. (November 1, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707)

* * * * * *

§ 25.6106 *Purposes for which traveling expenses are to be authorized.*

* * * * * *

(g) The furnishing of transportation, meal and lodging requests to cover the rehospitalization of a beneficiary who has an uncleared discharge from a facility because of an infraction of discipline is not authorized except (1) when the rehospitalization is for an initial period of observation with examination, made for the convenience and upon the motion of the Veterans' Administration; or (2) if hospital readmission is required because of a medical emergency. Transportation to effect such emergency rehospitalization will not be furnished except when the applicant alleges inability to defray such expense, in which event he will be required to execute an affidavit as provided in currently approved medical procedure. That affidavit will entitle him to return transportation to the point from which he proceeded, upon his discharge following termination of the medical emergency. (November 1, 1941) (Sec. 7, 48 Stat. 9; 38 U.S.C. 707)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-8170; Filed, October 30, 1941; 3:11 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20633; 5393]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: JACOBS AIRCRAFT ENGINE COMPANY, POTTSTOWN, PENNSYLVANIA

Contract for: * * * Aeronautical Engines, Spare Parts Therefor, and Data.

Amount: $6,006,577.50.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 32 P 12–30 A 0705–2
AC 17 P 81–30 A 0705–2
AC 18 P 82–30 A 0705–2

This contract,[1] entered into this 6th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * aeronautical engines, spare parts therefor and data for the consideration stated six million six thousand five hundred seventy-seven dollars and fifty cents ($6,006,577.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles

[1] Approved by the Under Secretary of War Sept. 17, 1941.

delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 25A. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interests of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 26. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 36. *Price adjustment.* The contract prices stated in this contract for aeronautical engines and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the aeronautical engines and spare parts.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8173; Filed, October 31, 1941; 9:50 a. m.]

[Contract No. W 535 ac-20222; 5272]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SWITLIK PARACHUTE & EQUIPMENT CO., TRENTON, NEW JERSEY

Contract for: Parachutes and Parachute Equipment.

Amount: $1,787,055.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 30 P 85-30 A 0705-12, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 28th day of July, 1941.

Scope of this contract. The contractor shall furnish and deliver parachutes and parachute equipment for the consideration stated one million seven hundred eighty-seven thousand fifty-five dollars ($1,787,055.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8174; Filed, October 31, 1941; 9:50 a. m.]

[Contract No. W 535 ac-272]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: VULTEE AIRCRAFT, INC., VULTEE FIELD, CALIF.

Contract for: Airplanes, Spare Engines, Propellers and Parts, and Data.

Amount: $12,384,083.37.

Place: Matériel Division, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authority the available balance of which is sufficient to cover cost of same: AC 810 P 112-30 A 0021-13.

This contract,[1] entered into this 31st day of July, 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver Airplanes, Spare Engines, Propellers and Parts and Data for the consideration stated twelve million three hundred eighty-four thousand eighty-three dollars thirty-seven cents ($12,384,083.37) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

ART. 20. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 per centum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 22. *Price adjustment.* The contract prices stated in this contract for airplanes, spare engines, propellers and parts are subject to adjustments for changes in labor costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes, spare engines, propellers and parts.

ART. 27. *Title to property where partial payments are made.* The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

ART. 29. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

ART. 32. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8175; Filed, October 31, 1941; 9:49 a. m.]

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[1] Approved by the Under Secretary of War Sept. 6, 1941.

[1] Approved by the Under Secretary of War, September 17, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-62]

IN THE MATTER OF J. E. DICKINSON AND S. E. TIGERT, PARTNERS DOING BUSINESS AS DICKINSON FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2323, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine:

(a) Whether or not J. E. Dickinson and S. E. Tigert, partners doing business as the Dickinson Fuel Company, Registered Distributor, Registration No. 2323, whose address is 709-10 Southwestern Life Building, Dallas, Texas, the Respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, and Rules and Regulations for the Registration of Distributors and the Distributors' Agreement (the "Agreement"), executed July 24, 1940, by Respondent, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent is a partnership, organized in the State of Texas, in the year 1919, consisting of J. E. Dickinson and S. E. Tigert, partners, doing business as the Dickinson Fuel Company.

Producer	Consumer	Date of shipment	Approximate tonnage
(Troughber Coal Co.) O. D. Troughber..	Gunther Hatchery & Feed Co., Gunther, Tex.	June 6, 1941	21
(Troughber Coal Co.) O. D. Troughber..	W. R. Sharpe, Wolfe City, Tex.	May 24, 1941	22
(Troughber Coal Co.) O. D. Troughber..	W. S. Wood, Rule, Tex.	May 24, 1941	25
Gore-Hoover Coal Co.	Emmett Tilley, Colorado City, Tex.	May 19, 1941	30
Gore-Hoover Coal Co.	Bledsoe Feed & Fuel Co., San Angelo, Tex.	May 23, 1941	36
Pocahontas Producer Coal Co.	City Fuel Co., San Angelo, Tex.	May 24, 1941	29
Pocahontas Producer Coal Co.	Sterling Feed & Fuel Co., Sterling City, Tex.	May 24, 1941	30

4. Respondent solicited on the basis of a guaranteed analysis and obtained two contracts with the War Department of the United States Government, on or about March 6, 1941, and June 16, 1941, respectively (Government's invitations for bids numbered 503-41-266 and 503-41-320 respectively) for coal to be supplied at Fort Sill, Oklahoma, although the Respondent failed to file with the Field Office for District No. 15, the analyses used by it in the above transactions, thereby violating Rules 1 and 5 of section VIII of the Marketing Rules and Regulations and paragraph (e) of the Agreement.

5. Respondent failed to file with the Field Office for District No. 15, copies of the contracts referred to in Paragraph 4 hereof, as required by Rule 7 of section VI of the Marketing Rules and Regulations, thereby violating said Rule 7 of section VI of the Marketing Rules and Regulations and paragraph (e) of the Distributors Agreement.

6. Respondent during the period October 10, 1940, to May 31, 1941, both dates inclusive, sold and shipped by rail large quantities of coal to approximately 325 purchasers and extended by agreement, express or implied, with said purchasers the dates of payment for such coal beyond the twentieth (20th) day of the month following the month in which said shipments were made, without charging and collecting from said purchasers interest at the rate of not less than 5 percent per annum thereby violating the price and fair trade practice provisions of the Act, particularly section 4 II (h) and paragraph 7 of section 4 II (i) of the Act; Rules 1 (J) and 1 (I) of section VII and Rule 7 of section XIII of the Marketing Rules and Regulations; and paragraphs (c) and (e) of the Agreement.

7. Respondent acting as sales agent for Baskin & Stubblefield, code member, operating the Baskin & Stubblefield Mine, Mine Index No. 425, located in Pittsburg County, Oklahoma, in District No. 15, accepted and retained commissions of one dollar per net ton on approximately six (6) cars of coal of various sizes, produced at the aforesaid mine and sold by Respondent on behalf of said code member and delivered during the period from January 7, 1941, to July 14, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions as established by Order of Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between Respondent and said code member, dated July 27, 1940. Said Sales Agency Agreement in fact was entered into subsequent to August 8, 1940, to wit, during the month of October 1940, and said commissions were paid although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of section II of the Marketing Rules and Regulations. Respondent accordingly participated in transactions in violation of said Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement.

8. Respondent sold and shipped by rail the coal referred to in paragraph 7 hereof, when at the time of said transactions, said code member had no classifications or prices for shipment by rail of the coal so sold and had not filed a petition pursuant to section 4 II (d) of the Act for the establishment of such prices. Respondent thereby violated Order of the Director, dated October 9, 1940 in General Docket No. 19, and paragraph (e) of the Agreement.

9. Respondent acting as sales agent for O. D. Troughber, code member, operating the Troughber No. 2 Mine, Mine Index No. 153, located in Pittsburg

County, Oklahoma in District No. 15, accepted and retained commissions ranging from 47 cents to $1.25 per net ton, on approximately thirty two (32) cars of coal of various sizes, produced at the aforesaid mine, and sold by Respondent on behalf of said code member, and delivered during the period from January 10, 1941, to July 7, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on said transactions, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between Respondent and said code member, dated March 8, 1940. Said Sales Agency Agreement was entered into subsequent to August 8, 1940, to wit, during the month of October 1940, and said commissions were paid although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of section II of the Marketing Rules and Regulations. Respondent accordingly participated in transactions in violation of Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement.

10. Respondent acting as sales agent for Gore & Hoover Coal Company, code member, operating the Gore & Hoover Mine, Mine Index No. 151, located in Lattiner County, Oklahoma, in District No. 15 accepted and retained commissions ranging from $.95 per net ton to $2.25 per net ton, on approximately fourteen (14) cars of coal of various sizes, produced at the aforesaid mine, sold by Respondent on behalf of said code member, and delivered during the period from January 2, 1941, to April 10, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between Respondent and said code member, dated April 6, 1940. Said Sales Agency Agreement in fact was entered into subsequent to August 8, 1940, to wit, during the month of October 1940, and said commissions were paid although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor as required by Rule 13 of section II of the Marketing Rules and Regulations. Respondent accordingly participated in transactions in violation of rule 13 of section II of the Marketing Rules and Regulations, and thereby violated paragraph (e) of the Agreement.

11. Respondent acting as sales agent for McNabb Coal Company, code member, operating the McNab Mine, Mine Index No. 823, located in Rogers County, Oklahoma, in District No. 15 accepted and retained commissions ranging from $.49 per net ton to $2.70 per net ton, on approximately forty four (44) cars of coal of various sizes produced at the aforesaid mine, sold by Respondent on behalf of said code member, and delivered during the period from April 15, 1941, to June 18, 1941, both dates inclusive. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement entered into between Respondent and said code member subsequent to August 8, 1940, to wit, April 8, 1941, although said code member had not filed an application pursuant to Rule 13 of section II of the Marketing Rules and Regulations, for permission to pay commissions in excess of the discounts allowable to a registered distributor until May 19, 1941, and although said coal was sold and delivered prior to the date when thirty (30) days had elapsed from the date of the filing of said application, without action being taken thereon by the Division. Respondent accordingly participated in the above transactions which constituted violations of Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 18, 1941, at 10 a. m. in a hearing room of the Bituminous Coal Division, U. S. Court Room, Federal Building, McAlester, Oklahoma.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within ten (10) days after date of service thereon on the Respondent; and that any Respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 29, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8178; Filed, October 31, 1941; 10:13 a. m.]

[Docket No. 1814-FD]

IN THE MATTER OF DAVIS & DAVIS (HOMER DAVIS AND CHARLES DAVIS), A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on July 24, 1941, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder; and said complaint having been amended, by Order of the Director, dated September 8, 1941, upon motion of the complainant dated August 25, 1941;

It is ordered, That a hearing in respect to the subject matter of such amended complaint be held on December 16, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the amended complaint.

Notice is hereby given that answer to the amended complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the amended complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the amended complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the amended complaint filed by said complainant, alleging wilful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: (1) that the defendants, whose address is R. R. No. 1, Farmersburg, Indiana, during the period October 1, 1940 and June 28, 1941, both dates inclusive, have sold to various purchasers, as mine run coal, substantial quantities of 1¼" lump coal produced at defendants' Little Wonder Mine, Mine Index No. 638, at a price of $1.80 per net ton f. o. b. said mine whereas such coal is classified as Size Group 6 and priced at $2.20 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments; (2) that on or about January 30, 1941, defendants sold 4 tons of such 1¼" lump coal at $1.80 per net ton f. o. b. defendants' Little Wonder Mine, delivered to the City Hall at Sullivan, Indiana, by Lee Reno Williams, whereas the applicable minimum price for said coal is $2.20 per net ton f. o. b. the mine as set forth in said schedule referred to in paragraph (1) above.

Dated: October 29, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8179; Filed, October 31, 1941; 10:13 a. m.]

[Docket No. A-1015, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HUBER STREET COAL COMPANY, MINE INDEX NO. 1540, LEROY HUBLER (ALDER RUN MINING CO.), MINE INDEX NO. 878, AND F. J. TROUTMAN, MINE INDEX NO. 848 IN DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER MODIFYING ORDER OF OCTOBER 7, 1941 AND GRANTING IN PART TEMPORARY RELIEF

The original petition in the above-entitled matter filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 1.

As indicated in the Order of October 7, 1941, in the above-entitled matter, the Director was of the opinion that the original petitioner had not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices for the mixing of the coals of the producers named in that Order including, among others, Hastings Fuel Company, for all shipments except truck, without a hearing. The said Order provided for the holding of a hearing on November 10, 1941 in the above-entitled matter.

Subsequently a motion was filed by petitioner setting forth additional facts as to the mixing of the coals of Mine Index Nos. 207 and 877 of Hastings Fuel Company, a code member in District No. 1, and requesting that the Director grant temporary relief, pending a hearing, as to the mixing of the coals of the said mine.

From the said motion it appears that the coals of the said mines are similarly classified for all shipments except truck, and that the granting of permission to mix the said coals is essential, owing to operating conditions, to maintain the production of this producer, and that the petitioner has made a reasonable showing of the necessity for the granting of temporary relief and the establishment of temporary price classifications and minimum prices for the mixing of the coals of Hastings Nos. 1 and 2 Mines, Mine Index Nos. 202 and 877, for all shipments except truck, pending final disposition of the above-entitled matter.

Now, therefore, it is ordered, That pending further order of the Director in the above-entitled matter; temporary relief be, and it hereby is, granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 1, For All Shipments Except Truck, is supplemented to include the establishment of Price Classifications "C" for the mixing of the coals of Hastings No. 1 Mine, Mine Index No. 202, and Hastings No. 2 Mine, Mine Index No. 877, in Size Groups 1 to 5, inclusive.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 28, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8180; Filed, October 31, 1941; 10:13 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 1437]

IN RE: THE BADGER LIVESTOCK SALES, INC., BOOTH BROTHERS, INC., JOHN P. BRUEMMER & SONS, INC., CLOUGH, COOK & COMPANY, A CORPORATION, HOLMES & ROBINSON, INC., G. B. VAN NORMAN COMPANY, A CORPORATION, AND THE EQUITY COOPERATIVE LIVESTOCK SALES ASSOCIATION, INC., RESPONDENTS

ORDER OF INQUIRY, ORDER OF SUSPENSION AND NOTICE OF HEARING

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. and Sup. V, §§ 181-231), and the following allegations are made:

1. The respondents, Badger Livestock Sales, Inc., Booth Brothers, Inc., John P. Bruemmer & Sons, Inc., Clough, Cook & Company, a corporation, Holmes & Robinson, Inc., G. B. Van Norman Company, a corporation, and the Equity Cooperative Livestock Sales Association, Inc., are registered as market agencies under the act and are engaged in the business of buying and/or selling livestock in commerce on a commission basis at the Milwaukee Stock Yards, Milwaukee, Wisconsin, a stockyard posted under the act.

2. Pursuant to the provisions of the act, the respondents have heretofore filed and put into effect schedules of rates and charges for services rendered by them as market agencies.

3. On or about October 23, 1941, the respondents made, filed, and published, effective November 3, 1941, a new schedule of rates and charges for their services which are materially greater than those contained in their present tariffs now on file.

4. Upon examination of the records and other information in possession of the Department of Agriculture, there is reason to believe that the increases in the rates and charges proposed by such new schedules are not justified and that such increases are, in fact, unreasonable and unlawful.

It is concluded that a proceeding under Title III of the act should be held for the purpose of determining the reasonableness and the lawfulness of the rates and charges of the respondents and of any rule, regulation, or practice affecting such rates and charges, and whether any stockyard service is rendered by the respondents without making a lawful charge therefor, and that, pending a hearing and decision on such proceeding, the operation of the respondents' tariffs filed on or about October 23, 1941, should be suspended and their use deferred.

It is therefore ordered, That the operation and use of the tariffs filed by the respondents on or about October 23, 1941, shall be and are hereby suspended and deferred until the expiration of thirty days from and after the time such schedules would otherwise go into effect.

It is further ordered, That notice to the respondents shall be and is hereby given that a hearing covering the allegations made herein will be held before an examiner, at a time and place of which the respondents will have at least ten days notice. At such hearing, the respondents, and all other interested persons, will have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., on or before the 18th day of November 1941.

It is further ordered, That a copy hereof shall be served upon the respondents by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8191; Filed, October 31, 1941; 11:42 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 303, 460, 427, 429, 591]

IN THE MATTER OF THE APPLICATIONS OF TRANSCONTINENTAL & WESTERN AIR, INC., CHICAGO AND SOUTHERN AIR LINES, INC., AND EASTERN AIR LINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, public hearing in the above-entitled proceeding, being the applications of Transcontinental & Western Air, Inc., for a certificate authorizing air transportation between Indianapolis, Ind., and Detroit, Mich., and for an amendment of its existing certificate on route No. 2 to include Terre Haute, Ind., as an intermediate point; the applications of Chicago and Southern Air Lines, Inc., for certificates authorizing air transportation between St. Louis, Mo., and Detroit, Mich., and between Memphis, Tenn., and Detroit, Mich.; and the application of Eastern Air Lines, Inc., for a certificate authorizing air transportation between Memphis, Tenn., and Detroit, Mich., now assigned for November 3, 1941, is hereby postponed to January 12, 1942, 10:00 o'clock a. m. (Eastern Standard Time) in Room 7057, Commerce Building, 14th Street and Constitution Avenue N W.,Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., October 31, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8202; Filed, October 31, 1941; 11:54 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-34]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: ICE CREAM; FROZEN CUSTARD; SHERBET; WATER ICES; AND RELATED FOODS

NOTICE OF HEARING

Notice is hereby given that the Administrator of the Federal Security Agency, upon his own initiative and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, secs. 401 and 701, 21 U.S.C. secs. 341 and 371 (Sup. V, 1939), will hold a public hearing commencing at 10 o'clock in the morning of December 1, 1941, in Room 1039, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing a definition and standard of identity for each of the foods named in the caption hereof. Proposals, which are for the purpose of giving notice of the subject matter to be considered and giving direction to the hearing, are set forth below. Interested persons are notified that the hearing is a fact-finding proceeding, after which it will be determined in accordance with the Act whether definitions and standards of identity should be established for the foods referred to herein and what the provisions of any such definitions and standards should be. It is not to be inferred from the fact that proposals are made that they represent the views of the Federal Security Agency or that the evidence to be adduced by the Agency will support each such proposal.

Such proposals are that there be established definitions and standards of identity for the following foods: ice cream; frozen custard; sherbet; water ices; and all other foods, such as ice milk, composed of the same ingredients, or of substitutes for, or supplements to, such ingredients in whole or in part, and prepared in the same general manner as any one of such named foods, including preparation by alteration of the relative proportions of such ingredients, substitutes, or supplements. Further proposals are that definitions and standards of identity be established for other foods of the same class as the foregoing foods, to which have been added in the process of preparation, in such significant amounts as to characterize such other foods, such ingredients as vitamins and minerals, coffee, mint flavoring and acids. There are set forth below definitions and standards of identity for the foods ice cream, frozen custard, sherbet, and water ices, which are suggestive of the type of definitions and standards of identity which may be adopted upon the basis of the evidence received at the hearing. It is suggested that such definitions and standards of identity as may be established for other foods to which this notice relates name such foods (for example, mint ice, coffee ice) and conform as nearly as may be to the form of the definitions and standards of identity hereinafter proposed.

The suggested definitions and standards of identity are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence of record at the hearing may require.

§ 19.000 *Ice Cream; Identity: Label statement of optional ingredients.* (a) Ice cream is the food prepared with one of the optional dairy ingredients specified in paragraph (b), sweetened with one or more of the optional saccharine ingredients specified in paragraph (c). Subject to the conditions hereinafter prescribed, one or more of the optional ingredients indicated under the following subparagraphs (1) to (9), inclusive, and under paragraph (c) (5) to (8), inclusive, is used:

(1) Ground spice, ground vanilla beans, infusion of coffee or tea, any natural food flavoring;

(2) Any artificial food flavoring;

(3) Chocolate or cocoa; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of chocolate (For the purposes of this provision the term "cocoa" means one or any combination of two or more of the following: cocoa; breakfast cocoa; defatted cocoa; the unpulverized residual material prepared by removing part of the fat from ground cacao nibs.);

(4) Properly prepared mature fruit, or the juice of such fruit, in such quantity that the finished ice cream contains not less than 10 percent by weight of fruit or fruit juice or both, as the case may be; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient (except as a component of artificially flavored maraschino-type cherries or of any confectionary which remains in pieces rather than being homogeneously distributed in the finished ice cream), which imitates the flavor of any fruit or fruit juice. (The fruit used may be fresh, frozen, or canned, except that dried currants, dried figs, dried dates, dried prunes, and raisins may be used. The fruit juice used may be fresh, canned, or concentrated. The requirement of this section in respect of the weight of fruit or fruit juice means the weight of fruit or fruit juice exclusive of the weight of any sweetening ingredient, water, or any other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the original weight of the juice before it was concentrated; and in the case of dried fruit the weight thereof multiplied by 4.);

(5) Properly prepared nuts, in such quantity that the finished ice cream contains not less than 6 percent by weight of nuts; but if any such ingredient is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of any nut;

(6) Malted milk;

(7) Confectionery (For the purposes of this section the term "confectionery" means candy, cakes, cookies, or glaced fruits);

(8) Properly prepared cereal;

(9) Any distilled alcoholic beverage, including liqueurs, or any wine, or both; but if any such beverage or wine is used no ingredient or combination of ingredients under subparagraphs (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of any distilled alcoholic beverage or of any wine.

No ingredient or combination of ingredients under subparagraphs (1) and (2), whether added as such or as a component of any other ingredient, is used which imitates the flavor of milk, cream, butter, or egg. Any artificial flavoring in any chocolate, cocoa, maraschino-type cherries, confectionery, distilled alcoholic beverage, or other ingredient used, is an optional ingredient of the finished ice cream. Coloring may be added. One or more of the optional ingredients indicated under the following subparagraphs (10) and (11) may be used:

(10) Liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks; but the total weight of egg solids in any such ingredient used singly, or in any combination of two or more such ingredients used (including any egg white used as authorized under subparagraph (11)), is less than ____ percent (to be fixed within the range of 1½ percent to 2 percent) of the weight of the finished ice cream;

(11) Gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar agar; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished ice cream.

It may be seasoned with salt, and may be homogenized. It is frozen while being stirred.

The quantity of the optional dairy ingredient used, and its content of milk fat, are such that the weight of milk fat is not less than 12 percent of the weight of the finished ice cream; except that when one or more of the optional ingredients (other than malted milk) indicated in subparagraphs (3) to (9), inclusive, is used, the weight of milk fat is not less than 12 percent of the remainder obtained by subtracting the weight of such optional ingredients from the weight of the finished ice cream, but in no case is the weight of milk fat less than 10 percent of the weight of the finished ice cream. The finished ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon.

(b) The optional dairy ingredients referred to in paragraph (a) are cream; or cream and butter; or cream or butter or both combined with one or more of the following: milk, concentrated milk, evaporated milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk, sweetened skim milk which has been concentrated and from which part of the lactose has been removed. Water may be added to each such dairy ingredient, and each is pasteurized. The term "milk" as used herein means cows' milk.

(c) The optional saccharine ingredients referred to in paragraph (a) are:

(1) sugar;
(2) dextrose;
(3) invert sugar sirup;
(4) corn sirup, dried corn sirup;
(5) maple sirup, maple sugar;
(6) honey;
(7) brown sugar;
(8) molasses.

When any of optional saccharine ingredients (5) to (8), inclusive, is used, no ingredient or combination of ingredients under paragraph (a) (1) and (2) is used, directly or as a component of any other ingredient, which imitates the flavor of such saccharine ingredient.

(d) When any artificial flavoring is used, directly or as a component of any other ingredient, the label shall bear the statement "Artificially Flavored", or "Artificial Flavoring Added", or "With Added Artificial Flavoring", or in lieu thereof, in case the artificial flavoring is a component of another ingredient, "_____ Artificially Flavored", the blank being filled in with the name of such other ingredient. Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, such statement shall immediately and conspicuously precede or follow such name, without intervening written, printed, or other graphic matter, except that a word or words indicating the kind of the ice cream may so intervene.

§ 19.010 *Frozen custard, french ice cream, french custard ice cream; identity: Label statement of optional ingredients.* Frozen custard, french ice cream, french custard ice cream, conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for ice cream by § 19.000, except that one or more of the optional egg ingredients permitted by paragraph (a) (10) of such section are used in such quantity that the total weight of egg solids therein is ____ percent (to be fixed within the range of 1½ percent to 2 percent) or more of the weight of the finished frozen custard.

§ 19.020 *Sherbet; identity.* (a) Sherbet is the food prepared with one or more of the optional fruit ingredients specified in paragraph (b), an optional dairy ingredient specified in paragraph (c), sweetened with one or more of the optional saccharine ingredients sugar, dextrose, invert sugar sirup, corn sirup, and dried corn sirup. One or more of the optional ingredients indicated under the following subparagraphs (1) and (2) may be used:

(1) liquid eggs, frozen eggs, dried eggs, egg yolks, frozen yolks, dried yolks;

(2) gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar agar, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished sherbet.

It may be seasoned with salt, and may be homogenized. It is frozen while being stirred. The weight of the optional fruit ingredient or mixture of fruit ingredients used is not less than ____ percent (to be fixed within the range of 10 percent to 20 percent) of the weight of the finished sherbet. The quantity of the optional dairy ingredient used, and its content of milk fat and total milk constituent solids, are such that the finished sherbet contains not less than 2 percent by weight of milk fat but less than 8 percent by weight of total milk constituent solids. The finished sherbet weighs not less than 6 pounds to the gallon.

(b) The optional fruit ingredients referred to in paragraph (a) are:

(1) Any fresh, canned or concentrated juice or mixture of juices of mature fruit;

(2) Any mature, properly prepared fruit or mixture of fruits, which may be fresh, frozen, or canned, and which is screened or crushed.

The requirement of this section in respect of the weight of fruit ingredients means the weight of fruit or fruit juice exclusive of the weight of any sweetening ingredient, water, or other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the original weight of the juice before it was concentrated.

(c) The optional dairy ingredient referred to in paragraph (a) are cream, milk, concentrated milk, evaporated milk, sweetened condensed milk, or dried milk, or any combination of two or more of these, or any combination of one or more of these, with butter, or any combination of one or more of these or of butter with one or more of the following: skim milk, concentrated skim milk, evaporated skim milk, sweetened condensed skim milk, dried skim milk. Water may be added to each such dairy ingredient, and each is pasteurized. The term "milk" as used herein means cows' milk.

§ 19.030 *Water ices; identity.* (a) Water ices are the foods each of which is prepared from one or more of the optional fruit ingredients specified in paragraph (b), with or without added water, sweetened with one or more of the optional saccharine ingredients sugar, dextrose, invert sugar sirup, corn sirup, and dried corn sirup. One or more of the following optional ingredients may be used: gelatin, egg white, algin, locust bean gum, gum acacia, gum karaya, gum tragacanth, agar agar, pectin; but the total weight of the solids of any such ingredient used singly, or of any combination of two or more such ingredients used, is not more than 0.5 percent of the weight of the finished water ice. It is frozen while being stirred. The weight of the optional fruit ingredient or mixture of fruit ingredients used is not less than ____ percent (to be fixed within the range of 10 percent to 20 percent) of the weight of the finished water ice. The finished water ice weighs not less than 6 pounds to the gallon.

The optional fruit ingredients referred to in paragraph (a) are:

(1) Any fresh, canned, or concentrated juice or mixture of juices of mature fruit;

(2) Any mature, properly prepared fruit or mixture of fruits, which may be fresh, frozen, or canned, and which is screened or crushed.

The requirement of this section in respect of the weight of fruit ingredients means the weight of fruit or fruit juice exclusive of the weight of any sweetening ingredient, water, or other substance added for packing or canning, or otherwise added; and in the case of any fruit whose proper preparation requires the removal of pits, seeds, skins, cores, or other parts, the weight of such fruit after it is so prepared; and in the case of concentrated fruit juice, the weight of the original juice before it was concentrated.

(c) The name of each such water ice is "_____ Ice", the blank being filled in with the common name of the fruit or fruits from which the fruit ingredient or fruit ingredients used are obtained. When two or more fruit names are filled in, such names are in the order of predominance, if any, by weight of the respective fruit ingredients used.

All interested persons are invited to attend the hearing, either in person or by representative, and to offer evidence relative and material to the subject matter of this notice, including evidence upon the addition of any substitute or supplementary ingredients and upon the names of the product containing such ingredients.

Thomas C. Billig is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings, as published in 21 Code of Federal Regulations §§ 2.701–2.715 (Supp. 1939).

In lieu of personal appearance, interested persons may offer affidavits by delivering the same to the presiding officer at Room 2242, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., not later than the day of the opening of the hearing. Such affidavits must be submitted in quintuplicate, and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements made in affidavits. Every interested person will be permitted to examine the affidavits offered and to file counteraffidavits with the presiding officer.

Washington, D. C., October 30, 1941.

WATSON B. MILLER,
Acting Federal Security Administrator.

[F. R. Doc. 41-8186; Filed, October 31, 1941; 11:02 a. m]

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF SOUTH DAKOTA PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Unemployment Compensation Commission of the State of South Dakota having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the South Dakota unemployment compensation law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said Act provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said Act to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of South Dakota.

[SEAL] SOCIAL SECURITY BOARD.
A. J. ALTMEYER,
Chairman.

OCTOBER 24, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

OCTOBER 30, 1941.

[F. R. Doc. 41-8185; Filed, October 31, 1941; 11:02 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4110]

IN THE MATTER OF MILFORD RIVET & MACHINE COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 18, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8194; Filed, October 31, 1941; 11:50 a. m.]

[Docket No. 4113]

IN THE MATTER OF TUBULAR RIVET & STUD COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 17, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8195; Filed, October 31, 1941; 11:50 a. m.]

[Docket No. 4560]

IN THE MATTER OF EDWIN B. STIMPSON COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, November 25, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8196; Filed, October 31, 1941; 11:50 a. m.]

[Docket No. 4564]

IN THE MATTER OF SHELTON TACK COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 19, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room No. 5, Twelfth Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8197; Filed, October 31, 1941; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-317]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC., SUCCESSOR TO PUBLIC SERVICE COMPANY OF INDIANA, DRESSER POWER CORPORATION, CENTRAL INDIANA POWER COMPANY, NORTHERN INDIANA POWER COMPANY, AND TERRE HAUTE ELECTRIC COMPANY, INC.

ORDER PERMITTING TO BECOME EFFECTIVE A DECLARATION RE SOLICITATION IN CONNECTION WITH TRANSACTION WHICH IS SUBJECT TO AN APPLICATION OR DECLARATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 30th day of October, A. D. 1941.

A declaration having been filed by the above named party pursuant to Rules U-60 and U-62, adopted pursuant to the Public Utility Holding Company Act of 1935, with respect to the solicitation of assents or dissents on the part of the stockholders of Public Service Company of Indiana, Inc., to the proposed refunding by declarant of the Northern Indiana Power Company and Terre Haute Electric Company, Inc., outstanding bond issues, assumed by declarant, through the proposed issue of declarant's Series C Bonds, which proposals are the subject of declarations and applications pending herein and filed pursuant to sections 3 (d), 6, 7, 9, 10, and 12 (f) of the Act and Rules U-23, U-42, U-47, U-62, and U-65 thereunder; and

Declarant having requested that the effective date of the said declaration filed pursuant to Rules U-60 and U-62 be accelerated; and

The Commission being satisfied that to accelerate the effective date of the said declaration filed pursuant to Rules U-60 and U-62 is not detrimental to the public interest or the interests of investors or consumers:

It is ordered, That the said declaration filed herein pursuant to Rules U-60 and U-62 be, and the same hereby is, declared effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8187; Filed, October 31, 1941; 11:29 a. m.]

[File No. 70-400]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION. DEBTOR

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October A. D. 1941.

The Commission having previously, by order entered October 10, 1941, permitted

to become effective a declaration filed by Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, pursuant to the Public Utility Holding Company Act of 1935, and particularly section 7 thereof, with respect to the issue and sale by said declarants of $5,000,000 principal amount of Trustees' Certificates, bearing interest at the rate of 2.25% per annum, to Guaranty Trust Company of New York; said certificates having a maturity of two years from the date of issuance as to $4,000,000 thereof, and a maturity of one year from the date of issuance as to $1,000,000 thereof, and having other terms as more fully therein set forth; subject, however, to the conditions contained in Rule U-24, and to the further condition that said certificates should not be issued and said declaration should not become finally effective, except after approval of said certificates by the United States District Court for the Southern District of New York; and

Declarants having applied to the United States District Court for the Southern District of New York for approval of said certificates, and having obtained such approval; and declarants having filed, as Amendment No. 4, to said declaration, a copy of the certificate as approved by said United States District Court for the Southern District of New York, which certificate contains minor modifications of the form of certificate included in the declaration heretofore filed as amended; and

Declarants having requested that said Amendment No. 4 be incorporated in the record herein and that, pursuant to Rule U-24 (c) (3) (A), an order be entered by the Commission approving the issuance of said certificates in the form approved by said United States District Court and incorporated in said Amendment No. 4; and

It appearing to the Commission that the modifications in the form of said certificates are not substantial and that the Commission may appropriately approve such modifications and by supplemental order permit the declaration to become effective as amended and supplemented by said Amendment No. 4;

It is hereby ordered, That said Amendment No. 4, containing said form of proposed certificate with modifications as aforesaid, be and is hereby incorporated in the record herein; and

It is further ordered, That the form of certificate contained in said Amendment No. 4 be and is hereby approved as substantially in accordance with the form of certificate heretofore filed, and that said declaration as so amended and supplemented, be and is hereby permitted to become effective, subject however to the conditions contained in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8188; Filed, October 31, 1941; 11:29 a. m.]

[File No. 70-343]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO REQUEST OF APPLICANT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1941.

The above-named applicant having filed with the Commission a request for the withdrawal of an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935, regarding the acquisition of 5% First Mortgage Bonds of the following subsidiary companies, the amounts and maturity dates of which are set forth opposite their respective names:

Company	Maturity date	Amount
The Maryland Water Works Co., Bel Air Water & Light Co.[1]	Apr. 1, 1944	$18,900
Eastport Water Co.	Oct. 1, 1944	98,000
Southwest Harbor Water Co.	May 1, 1942	36,000

[1] Underlying issue—The Bel Air Water & Light Co. having become a part of The Maryland Water Works Co. through merger proceedings.

The Commission consents to the withdrawal of such application, and to that effect.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8189; Filed, October 31, 1941; 11:29 a. m.]

[File Nos. 59-17, 59-11]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS

[File No. 54-25]

THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 4

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1941.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the liquidation and dissolution of The United Light and Power Company and United American Company, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The United Light and Power Company, The United Light and Railways Company, United American Company and United Power Manufacturing Company have filed on October 30, 1941, an application designated as "Application No. 4" with respect to various proposed transactions hereinafter described:

1. United American Company proposes to transfer all of its assets which consist chiefly of 558,864 shares of common stock, par value $25.00 per share, of American Light & Traction Company and $1,552,000 principal amount of 6% debentures of United Power Manufacturing Company, to The United Light and Railways Company. The assets above described are carried on the books of United American Company at $30,122,970.

2. The United Light and Railways Company proposes to surrender to United American Company for cancellation all of its outstanding stock consisting of 100 shares; and all of the indebtedness of the United American Company to The United Light and Railways Company which is in the form of an open account for cash advanced in the amount of $26,872,970 plus accrued interest at September 30, 1941, in the amount of $557,165.46.

3. Thereafter United American Company will be dissolved in accordance with the laws of the State of Delaware.

4. United Power Manufacturing Company proposes to transfer to The United Light and Railways Company 77,596 shares of $6 preferred stock of American Light & Traction Company in exchange for the surrender by The United Light and Railways Company to United Power Manufacturing Company for cancellation of $1,552,000, principal amount of 6% 20-year debentures, of United Power Manufacturing Company which debentures will be acquired by The United Light and Railways Company upon the liquidation of United American Company, as above described.

Respondents and applicants represent that the purpose of the foregoing transactions, enumerated in paragraphs numbered 1 to 3 above, inclusive, is in furtherance of the Commission's order entered March 20, 1941, requiring that United American Company shall be liquidated and dissolved; and the purpose of transactions described in the paragraph numbered 4 above is to accomplish a preliminary step prior to the liquidation of United Power Manufacturing Company and to eliminate the complexity resulting from the present divided ownership of the preferred and common stock of American Light & Traction Company, now owned within the holding company system. After the transactions proposed above have been consummated, The United Light and Railways Company will own directly all of such preferred and common stock of American Light & Traction Company.

Notice is further given that United Power Manufacturing Company, a subsidiary of The United Light and Railways Company, has requested that it be made a party to this proceeding to the extent necessary to entitle it to join in this application and to secure authority of the Commission in this proceeding to consummate the aforedescribed transactions in which it has an interest.

Notice is further given that any interested person may, not later than November 15, 1941 at 1:00 P. M., E. S. T., request the Commission in writing that the hearing herein be reconvened for the purpose of taking testimony or hearing the parties with respect to said "Application No. 4." Such request shall state the reasons therefor and the nature of the interest of the person making such request. Any person may request that he be notified if the Commission should order said hearing reconvened as aforesaid. At any time thereafter said "Application No. 4," as filed or as amended, may be granted. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said Application, which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized above.

The applicants have requested that an order be entered granting said Application within 15 days after the filing date, or by November 15, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8193; Filed, October 31, 1941; 11:48 a. m.]

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 6 NUMBER 215

Washington, Tuesday, November 4, 1941

The President

EXECUTIVE ORDER

DIRECTING THE COAST GUARD TO OPERATE AS A PART OF THE NAVY

By virtue of the authority vested in me by section 1 of the act of Congress approved January 28, 1915, 38 Stat. 800 (U.S.C., title 14, sec. 1), as amended by sections 5 and 6 of the act of July 11, 1941, Public Law 166, 77th Congress, 1st Session, it is hereby directed that the Coast Guard shall from this date, until further orders, operate as a part of the Navy, subject to the orders of the Secretary of the Navy.

All Coast Guard personnel operating as a part of the Navy, subject to the orders of the Secretary of the Navy, pursuant to this order, shall, while so serving, be subject to the laws enacted for the government of the Navy: *Provided,* That in the initiation, prosecution, and completion of disciplinary action, including remission or mitigation of punishments for any offense committed by any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the Department having jurisdiction of the person of such offender at the various stages of such action: *Provided further,* That any punishment imposed and executed in accordance with the provisions of this paragraph shall not exceed that to which the offender was liable at the time of the commission of the offense.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

November 1, 1941.

[No. 8929]

[F. R. Doc. 41-8239; Filed, November 3, 1941; 11:20 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Supplement No. 2]

SUBPART D—1942

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program,[1] as amended, is further amended as follows:

The following paragraphs of § 701.301 are amended by inserting in the blank spaces the rates of payment set forth below:

(a) *Corn*

* * * * *

(8) *Payment:* 8.

* * * * *

(b) *Cotton*

* * * * *

(7) *Payment:* $1.25.

* * * * *

(c) *Peanuts*

* * * * *

(5) *Payment:* $1.45.

* * * * *

(d) *Potatoes*

* * * * *

(6) *Payment:* 2.

* * * * *

(e) *Rice*

* * * * *

(5) *Payment:* 3.

* * * * *

[1] 6 F.R. 4111.

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THE PRESIDENT

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

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(f) *Tobacco*

* * * * *

(4) *Payment:*

Burley	0.7
Flue-cured	.7
Dark air-cured	.9
Fire-cured	1.4
Virginia sun-cured	.7
Cigar-filler tobacco type 41	.4
Cigar-filler and binder (except types 41 and 45)	.7
Georgia-Florida type 62	.9

* * * * *

(g) *Wheat*

(7) *Payment:* 10.5.

* * * * *

Done at Washington, D. C., this 31st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8256; Filed, November 3, 1941; 11:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

PART 116—CIVIL AIR NAVIGATION

NOTE: For the text of the amendments to the regulations in this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *infra*.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 62—RESERVE OFFICERS' TRAINING CORPS [1]

§ 62.60 *Attendance.*

* * * * * *

(b) * * *

* * * * * *

(6) Students pursuing the Reserve Officers' Training Corps course under the provisions of § 62.17 may be authorized by the corps area commander to attend a Reserve Officers' Training Corps camp without expense to the Government other than payment for attendance as authorized by section 47c, National Defense Act. The conditions of attendance will be explained to each student and he will be required to sign a waiver of claim against the United States for any allowance whatsoever based on such attendance, except for payment under the provisions of section 47c, National Defense Act, as amended. (41 Stat. 778; 10 U.S.C. 441) [Par. 6b (6), AR 145-30, July 12, 1940, as amended by Cir. 220, W.D., Oct. 17, 1941].

[1] § 62.60 (b) (6) is amended.

* * * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8236; Filed, November 3, 1941; 10:11 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER III—OFFICE OF THE SECRETARY OF COMMERCE

PART 904—AIR COMMERCE REGULATIONS

NOTE: For the text of the amendments to the regulations in this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *infra*.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

PART 4—AIR COMMERCE REGULATIONS

AMENDMENTS TO REGULATIONS FOR THE APPLICATION TO CIVIL AIR NAVIGATION OF THE LAWS AND REGULATIONS RELATING TO CUSTOMS, PUBLIC HEALTH, ENTRY AND CLEARANCE, AND IMMIGRATION

The Secretary of the Treasury, the Federal Security Administrator, the Secretary of Commerce, and the Attorney General, within their respective authorities, hereby amend §§ 4.1 to 4.10e, title 19 (Customs Duties), Code of Federal Regulations (6 F.R. 4516) as follows:

Section 4.1. In footnote 1, the clause: "§§ 9.1 to 9.15, title 46 (Shipping)" is deleted and in lieu thereof is inserted: "§§ 904.1 to 904.15, title 14 (Civil Aviation)".

Section 4.4. In paragraph (c), the clause "residue cargo (see § 4.10a) or merchandise in bond (Chapter XVI, Customs Regulations, 1937; 19 CFR part 16)" is deleted and in lieu thereof is inserted "merchandise".

Section 4.6. In paragraph (b), the words "residue cargo (§ 4.10a); or (3) carrying merchandise in bond (Chap. XVI, Customs Regulations, 1937; 19 CFR part 16)" are deleted and in lieu thereof is inserted "merchandise".

Section 4.7. In paragraph (a), the clause "7523 and 7525" is deleted and in lieu thereof is inserted "7507 and 7509".

Section 4.8. In paragraph (c), subparagraph (1) is amended to read:

§ 4.8 *Documents for entry.*

* * * * * *

(c) * * *

(1) The original and both copies of the immigration lists shall be detached by the aircraft commander and immediately upon the arrival at the airport of entry or other first place of landing in an area one copy shall be delivered by him to the customs officer in charge at such airport or place, and the original and other copy to the immigration officer in charge at such airport or place, with an information sheet in the case of each passenger unless within an exception prescribed on the back of that sheet. The copy shall be forwarded promptly by the immigration officer to the Civil Aeronautics Administration, Washington, D. C.

* * * * * *

Section 4.9. In paragraph (e) the clause "and the other transmitted by him to the Bureau of Foreign and Domestic Commerce, Department of Commerce, Washington, D. C." is deleted and in lieu thereof is inserted a period.

The above-stated amendments shall also apply, respectively, to §§ 11.501, 11.504, 11.506, 11.507, 11.508, and 11.509, title 42 (Public Health), (6 F.R. 4536); §§ 904.1, 904.4, 904.6, 904.7, 904.8, and 904.9, title 14 (Civil Aviation), formerly designated §§ 9.1, 9.4, 9.6, 9.7, 9.8, and 9.9, title 46 (Shipping), (6 F.R. 4537); and §§ 116.1, 116.4, 116.6, 116.7, 116.8, and 116.9, title 8 (Aliens and Nationality), Code of Federal Regulations (6 F.R. 4514).

The effective date of §§ 4.1 to 4.10e, title 19 (Customs Duties); §§ 11.501 to 11.515, title 42 (Public Health); §§ 904.1 to 904.15, title 14 (Civil Aviation), formerly designated §§ 9.1 to 9.15, title 46 (Shipping), (6 F.R. 4537); and §§ 116.1 to 116.15, title 8 (Aliens and Nationality), Code of Federal Regulations, (6 F.R. 4516, 4536, 4537, 4514), shall be January 1, 1942 instead of November 1, 1941.

HERBERT B. GASTON,
Acting Secretary of the Treasury.
PAUL V. MCNUTT,
Federal Security Administrator.
SOUTH TRIMBLE, JR.,
Acting Secretary of Commerce.
FRANCIS BIDDLE,
Attorney General.

OCTOBER 31, 1941.

[F. R. Doc. 41-8211; Filed, November 1, 1941; 11:20 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5096]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 101—TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

Section 101.2 of Regulations 43 (1941 Edition) Amended

Regulations 43 [1] [Part 101, Title 26, Code of Federal Regulations, 1941 Sup.], approved October 17, 1941, relating to the taxes on admissions, dues, and initiation fees under Chapter 10 of the Internal Revenue Code, as amended, are hereby amended as follows:

Section 101.2 is amended by adding the following at the end thereof:

§ 101.2 *Meaning of "admission."*

* * * Amounts paid or contributed for the privilege of attending an exclusively religious service conducted in a place of worship are not considered "amounts paid for admission."

(This Treasury decision is issued pursuant to the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 1, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8257; Filed, November 3, 1941; 11:57 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-960, A-960, Part II]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER AMENDING AN ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN DOCKET NO. A-960; ORDER SEVERING PORTION OF DOCKET NO. A-960 RELATING TO THE COALS PRODUCED AT MINE INDEX NO. 1437 FOR ALL SHIPMENTS EXCEPT TRUCK AND DESIGNATING SAME AS DOCKET NO. A-960 PART II; AND ORDER GRANTING TEMPORARY RE-

[1] 6 F.R. 5367.

LIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF AS TO THE COALS PRODUCED AT MINE INDEX NO. 1437 FOR ALL SHIPMENTS EXCEPT TRUCK IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10; FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE M & P MINE OF BALES, PERRY (M & P MINE), MINE INDEX NO. 1437, IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Divison by District Board 10 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 10 including the M & P Mine of code member Bales, Perry (M & P Mine), Mine Index No. 969; and

The Director having issued an Order in the above-entitled matter on August 22, 1941, 6 F.R. 4706, granting temporary relief and conditionally providing that such temporary relief shall become final sixty (60) days from the date thereof unless the Director should otherwise order, which Order, *inter alia*, established temporary and conditionally final prices for the coals produced by the said Bales, Perry (M & P Mine), M & P Mine, Mine Index No. 969, for all shipments except truck; and

District Board 10 having filed with this Division on October 6, 1941, an amendment to the aforesaid original petition alleging that the said code member does not operate the M & P Mine, Mine Index No. 969, and further alleging that the said code member does operate the Perry Bales Mine, Mine Index No. 1437; and

The Acting Director deeming his action as hereinafter set forth necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That Supplement R–I, § 330.1 (*Alphabetical list of code members*), and Supplement R–II, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) annexed to and made a part of the Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated August 22, 1941, in Docket No. A–960 be, and the same hereby are, amended by deleting therefrom all reference to and matters concerning the M & P Mine, producer Bales, Perry (M & P Mine), Mine Index No. 969.

It is further ordered, That the portion of Docket No. A–960 relating to coals produced at Mine Index No. 1437 for all shipments except truck be, and it hereby is, severed from the balance of the subject matter thereof, and designated as Docket No. A–960 Part II.

It is further ordered, That, pending final disposition of Docket No. A–960 Part II, temporary relief is granted therein as follows: Commencing forthwith, § 330.1 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 330.10 (*Special Prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the amendment to the original petition in Docket No. A–960 Part II and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted in Docket No. A–960 Part II shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.1 *Alphabetical list of code members*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
14	Bales, Perry	Perry Bales	[1] 1437	73	Danville, Ill.	Wabash.

[1] The f. o. b. mine prices for mine index No. 1437 shall be the same as the prices provided for the mines in price group 14 and freight origin group 73 in price schedule No. 1 for district No. 10 for all shipments except truck: *Provided, however*, That these prices apply f. o. b. shipping point as listed above.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel*—Supplement R–II

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
14	Bales, Perry	Perry Bales	[1] 1437	73	Danville, Ill.	Wabash.

[1] The railroad locomotive fuel prices shall be: Mine run—$1.95; modified mine run—$2.00; screenings—$1.40.

[F. R. Doc. 41–8181; Filed, October 31, 1941; 10:14 a. m.]

[Docket No. A–36, Part III]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF DITNEY HILL MINE (MINE INDEX NO. 115) OF THE INGLE COAL COMPANY

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by District Board No. 11, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Ditney Hill Mine (Mine Index No. 115) of the Ingle Coal Company in District 11;

Temporary relief pending final disposition of the proceedings, having been granted by an Order of the Director dated October 28, 1940, 5 F.R. 4349, for the coals of the Ditney Hill Mine;

A hearing having been held in this matter before Charles O. Fowler, a duly designated Examiner of the Division, on September 18, 1941, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner's report having been waived and the matter thereupon having been submitted to the Director;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 331.1 (*Price instructions and exceptions*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof:

Provided, however, That the prices established for Size Groups Nos. 26 and 27 shall be reduced 10 cents per ton for a period of not more than ninety days from the date of this order.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,
Director.

PERMANENT AND LIMITED EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group No.	Price group	Railroad and shipping point
115	Ingle Coal Company	Ditney Hill	VII	PA	71	10	NYC—Elberfeld, Ind.

§ 331.1 *Price instructions and exceptions*—Supplement R–II. Minimum Price Schedule, District No. 11, for All Shipments Except Truck shall be amended by adding the following price exceptions:

(1) Size Groups 1 to 3 inclusive shall be increased fifteen cents per ton.

(2) Size Groups 26 and 27 shall be reduced ten cents per ton for a period of ninety days only commencing with the effective date of this Order.

[F. R. Doc. 41–8184; Filed, October 31, 1941; 10:15 a. m.]

[Docket No. A–761]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE 7TH VEIN COALS TO BE PRODUCED BY H. A. SIEPMAN COAL COMPANY, A CODE MEMBER PRODUCER IN DISTRICT 11, AT ITS EBONY MINE, MINE INDEX NO. 1279, WHICH COALS HAVE NOT HERETOFORE BEEN CLASSIFIED AND PRICED

This is a proceeding instituted upon an original petition filed with the Bituminous Coal Division on March 22, 1941, by District Board No. 11, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of temporary and permanent price classifications and minimum prices for the coals produced at the Ebony Mine of the H. A. Siepman Coal Company, a code member in District No. 11.

Pending final disposition of the petition in the above-entitled matter, temporary relief was granted by an Order of the Director dated March 28, 1941, 6 F.R. 1724.

Pursuant to an Order of the Director dated August 16, 1941, and after due notice to all interested parties, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Only original petitioner appeared. At the conclusion of the hearing, the preparation and filing of a report by the Examiner was waived and the record thereupon was submitted to the undersigned, who has considered the record in this matter.

The petition of District Board 11 herein requests the establishment of price classifications and minimum prices for 7th Vein coals produced at the Ebony Mine (Mine Index No. 1279) of H. A. Siepman Coal Company, a code member producer in District No. 11.

It appears from the uncontroverted testimony given by Jonas Waffle, Chairman of the District Board for District No. 11, that minimum prices pursuant to the Order of the Director dated March 28, 1941, are proper, and conform with the effective minimum prices for analogous and comparable coals in District No. 11.

The record discloses that a duly authorized committee, acting for the District Board for District No. 11, had considered all pertinent data with respect to the kinds, qualities, and sizes of 7th Vien coal to be produced at the above-mentioned mine, and based upon its consideration of such data, recommended the minimum prices here proposed.[1] It further appears that the requested minimum prices conform with those established for similar 7th Vein coals in the immediate locality.[2]

The evidence shows that the minimum prices requested will reflect the true values of the coals to which they apply and will preserve fair competitive opportunities for the producer thereof as well as other producers competing with them.

Upon the basis of the evidence, I find and conclude: (1) That the prices shown in the schedules hereto attached for the coals specified therein are proper and should be established; that said minimum prices are in proper relation to those established for analogous and comparable coals in District 11; (2) that such amendment of the price schedule for District 11 will effectuate the purposes of section 4 II (a) and section 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: October 16, 1941.

[SEAL] H. A. GRAY,
Director.

[1] Tabulation No. 355 (Exhibit No. 1) reveals analyses of the 7th Vein coals produced at the Ebony Mine and other similar coals. The committee further had available proximate and screen analyses of analogous coals of District No. 11 for comparison.

[2] The Allendale No. 7 Mine of the Central Indiana Coal Company (Mine Index No. 111) and the Robin Hood No. 7 Mine of the Sherwood-Templeton Coal Company (Mine Index No. 112).

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group No.	Price group	Railroad	Shipping point
[1] 1279	Siepman, H. A. (H. A. Siepman Coal Co.)	Ebony #7	VII	LS	61	9	CMSTP&P	Latta, Ind.

[1] Mine Index No. 1279 shall be included in Price Group 9 and shall take the same f. o. b. mine prices as the other mines in Price Group 9 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 61 of the Linton-Sullivan Subdistrict, having the same freight rate.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II. Mine Index No. 1279 shall be accorded the same prices for railroad locomotive fuel as shown on pages 28 and 29 of Price Schedule No. 1 District No. 11, For All Shipments Except Truck as are shown for Mine Index Nos. 10, 20, 21, 33, 40, 46, 51, 52, 53, 60, 63, 65, 71, 72, 78, 85, 91, 101.

[F. R. Doc. 41-8132; Filed October 31, 1941; 10:14 a. m.]

[Docket No. A-253]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING, IN PART, AND DENYING, IN PART, RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED IN CERTAIN MINES IN DISTRICT 14

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 14, requesting, as amended, the following relief:

1. Establishment of price classifications and minimum prices for the coals produced in Production Group 8 of District 14 at a new mine of C. H. Harper & Sons;

2. Revision of the effective price classifications and minimum prices for the coals produced at the Burch Mine (Mine Index No. 121) of the Smokeless Coal Company;

3. Revision of the effective price classifications and minimum prices for the coals produced at the K & S Mine (Mine Index No. 57), of the K & S Coal Company;

Petitions of intervention having been filed by the Smokeless Coal Company and the K & S Coal Company;

A hearing in this matter having been held on July 30 and August 1 and 2, 1941, before a duly designated Examiner of the Division at a hearing room thereof at Fort Smith, Arkansas, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 334.24 (*General prices for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 14 for Truck Shipments be, and the same hereby are, amended as follows:

1. The present effective price classifications and minimum prices for the coals produced by the Burch Mine (Mine Index No. 121) of Ray E. Woodson (Smokeless Coal Company) in Production Group 5, shall be, and the same hereby are, deleted.

2. Beginning forthwith, the effective price classifications and minimum prices as set forth in Supplement R, § 334.5 (*Alphabetical list of code members*), and Supplement T, § 334.24 (*General prices for shipment into all market areas*), annexed hereto and made a part hereof, shall be, and the same hereby are, established for the coals produced at the No. 2 Mine of C. H. Harper & Sons (Mine Index No. 541) and the Burch Mine (Mine Index No. 121) of Ray E. Woodson (Smokeless Coal Company) in Production Group 5.

It is further ordered, That in all other respects the prayers for relief contained in the several petitions filed herein be, and they hereby are, denied.

Dated: October 15, 1941.

[SEAL] H. A. GRAY, *Director*.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine Index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Price classification by size group															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
541 121	Harper & Sons, C. H. Woodson, Ray E. (Smokeless Coal Co.).	No. 2	8	Wister, Okla.	C. R. I. & P.													D	D	B	B	A	E		
		Burch	5	Montreal, Ark.	SL-SF					I	J	J	K	L	K	H		D	B	B	A	O			
										J	K	K													

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Mine Index No.	Code member	Mine name	Production group No.	County	Freight origin group No.	Prices and size group Nos.															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
541 121	Harper & Sons, C. H. Woodson, Ray E. (Smokeless Coal Co.).	No. 2	8	LaFlore, Oklahoma	11				415	415	415	415	390		365		290	135	115	105	185	390		
		Burch	5	Sebastian, Arkansas	16				405	405	405	405	380	340	325		290	135	115	105	185	315		

[F. R. Doc. 41-8133; Filed, October 31, 1941; 10:14 a. m.]

[Docket No. A-767]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF VERA POCAHONTAS COAL COMPANY (MINE INDEX NO. 211), A CODE MEMBER IN DISTRICT 7

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 7; the petition requesting that temporary and permanent relief be granted by reducing the effective minimum price classifications established for the coals of the No. 3 Mine (Mine Index No. 211) of the Vera Pocahontas Coal Company, a code member in District 7, from B to D in Size Groups 1 and 2, and from A to C in Size Group 3;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on August 22, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner, Scott A. Dahlquist, having made and filed his Report, Proposed Findings of Fact, and Proposed Conclusions of Law and Recommendation in this matter, dated September 20, 1941;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now therefore it is ordered, that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, that § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be, and it hereby is, amended by establishing for the coal produced at the No. 3 Mine (Mine Index No. 211) of the Vera Pocahontas Coal Company effective price classifications of "D," "D," and "C," respectively, for Size Groups 1, 2, and 3, in lieu of those presently established therefor.

Dated: October 30, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8232; Filed, November 3, 1941; 9:56 a. m.]

[Docket No. A-84]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CORRECTING FINDINGS OF FACT AND ORDER OF THE DIRECTOR IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR REDUCTION IN CLASSIFICATION OF CERTAIN COALS PRODUCED BY CEDAR GROVE COLLIERIES, INC., AND KANAWHA BY-PRODUCTS COAL COMPANY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

The Director, on September 29, 1941, 6 F.R. 5004, having issued Findings of Fact, Conclusions of Law and Opinion, and an Order Granting Permanent Relief in the above-entitled proceedings;

Provision having been made in said Findings of Fact and Order for classifying certain District 8 coals in Size Groups 11 to 14 for Great Lakes cargo only and it appearing that coals in Size Groups 11 to 14 are not included in § 328.11 (*Alphabetical list of code members*) in the District 8 price schedules for Great Lakes cargo, and that the inclusion of the aforesaid provision in the Findings of Fact and Order of September 29, 1941, was inadvertent;

Now therefore, it is ordered, That the Findings of Fact issued herein on September 29, 1941, be, and they hereby are, amended by striking from the last paragraph thereof the words "from 'C' to 'D' in Size Groups 11–14."

It is further ordered, That the Order Granting Permanent Relief issued herein on September 29, 1941, be and it hereby is, amended by striking from the last paragraph thereof the words "'D' in Size Groups 11–14."

Dated: October 31, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8231; Filed, November 3, 1941; 9:56 a. m.]

[Dockets Nos. A-611 and A-638]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF PLAINVIEW COAL CO., A CODE MEMBER IN DISTRICT NO. 15, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 1097 IN THAT DISTRICT, AND IN THE MATTER OF THE PETITION OF T. B. M. COAL COMPANY, ET AL., CODE MEMBERS IN DISTRICT NO. 15, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT CERTAIN MINES IN THAT DISTRICT

Petitions in Dockets Nos. A–611 and A–638, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by certain code member producers in Production Group 8 of District 15, seeking a reduction of 50 cents per net ton in the effective minimum prices for the coals of the respective petitioners in Size Groups 1, 2, 3, 4, and 6, as priced for shipment by rail into certain market areas and for shipment by truck into all market areas;

A petition of intervention in Docket No. A–638 having been filed by District Board 15;

Docket No. A–611, in which the petition was filed by the Plainview Coal Company (James Van Meter), operating the Richards Mine (Mine Index No. 1097), having been consolidated, by Order of the Director, with Docket No. A–638, in which the petition was filed by T. B. M. Coal Company, operating the T. B. M. Mine (Mine Index No. 100); Mike Woods (Burning Coal Company), operating the Woods Mine (Mine Index No. 1157); M. S. & A. Coal Company (B. H. McMullen) operating the M. S. & A. Mine (Mine Index No. 148); Butler Coal Company (Ed. Butler) operating the Butler Mine (Mine Index No. 417); Rigazzi & Bettine, operating the R. & B. Mine (Mine Index No. 916); and the petitioner in Docket No. A–611;

Pursuant to Order of the Director, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which none of the petitioners appeared and no evidence was offered in support of the petitions; and the hearing having been continued indefinitely by the Examiner subject to the further Order of the Director;

Pursuant to Order of the Director, a reconvened hearing in this matter having been held on July 29, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in McAlester, Oklahoma, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; and the Plainview Coal Company, the T. B. M. Coal Company, and District Board 15 having appeared;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 335.5 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices For District No. 15 for All

Shipments Except Truck be, and it hereby is, amended as follows:

1. The price classifications, for shipments to all market areas, of the coals of the Richards Mine (Mine Index No. 1097) of the Plainview Coal Company (James Van Meter) in Production Group 8 of District 15, in Size Groups 1 to 4 and 6, are hereby reduced from A to C and the corresponding minimum prices are assigned thereto.

2. The price classifications, for shipments to all market areas, of the coals of the T. B. M. Mine (Mine Index No. 100) of the T. B. M. Coal Company, in Production Group 8 of District 15, in Size Groups 1 to 4 and 6, are hereby reduced from A to C and the corresponding minimum prices are assigned thereto.

It is further ordered, That § 335.24 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments be, and it hereby is, amended as follows:

1. The minimum prices for the coals of the Richards Mine (Mine Index No. 1097) of the Plainview Coal Company (James Van Meter), in Production Group 8 of District 15, are hereby reduced from $4.35 to $4.25 in Size Groups 1 to 3, inclusive; from $3.85 to $3.75 in Size Group 4; and from $3.35 to $3.25 in Size Group 6.

2. The minimum prices for the coals of the T. B. M. Mine (Mine Index No. 100) of the T. B. M. Coal Company, in Production Group 8 of District 15, are hereby reduced from $4.35 to $4.25 in Size Groups 1 to 3, inclusive; from $3.85 to $3.75 in Size Group 4; and from $3.35 to $3.25 in Size Group 6.

It is further ordered, That the prayers for relief contained in the several petitions filed herein be, and they hereby are, granted to the extent set forth above, and in all other respects denied.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8233; Filed, November 3, 1941; 9:56 a. m.]

[Docket Nos. A–924, Part II, and A–982, Part II]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT MINE INDEX NO. 299 AND FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR ALL SHIPMENTS, PRODUCED AT CERTAIN OTHER MINES IN DISTRICT NO. 22; IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT CERTAIN MINES IN DISTRICT NO. 22

This proceeding was instituted upon original petitions, pursuant to the Bituminous Coal Act of 1937, filed with the Bituminous Coal Division by District Board No. 22. The subject matter of those original petitions relates both to the establishment and to the revisions of the price classifications and minimum prices for the coals of certain mines in District No. 22.

By Order of the Acting Director dated July 21, 1941, 6 F.R. 3657, there were segregated from the remainder of the subject matter of the original petition in Docket No. A-924 and designated as Docket No. A-924 Part II the matters relating to (1) the establishment of price classifications and minimum prices for the coals, for truck shipment, produced at the Grove Creek No. 2 Mine (Mine Index No. 299) of Sam Di Pasquale, a code member in Subdistrict 2 of District No. 22 and to (2) the revision of certain effective minimum prices, for truck shipment as follows:

(a) From $2.50 to $2.25 per net ton for the coals in Size Groups Nos. 1, 2, and 5 of Mine Index No. 132 operated by Burl F. Conner and Helmer Hovik, Mine Index No. 139 operated by R. H. Draper and Mine Index No. 183 operated by Ambrose W. Kubica, all those mines being in Subdistrict 3 in District No. 22; and

(b) From $6.00 to $5.00 per net ton for the coals in Size Group No. 2 of Mine Index No. 134 operated by Mark Culleton, Mine Index No. 178 operated by Kingston Bros., Mine Index No. 205 operated by Fred K. Johnson, Mine Index No. 246 operated by Daniel Siezak and Mine Index No. 282 operated by David A. Stokes, all those mines being located in Subdistrict 12 of District No. 22.

By that order of July 21, 1941, there were established, pending final disposition of the matter, temporarily effective minimum prices for the coals, for shipment by truck, produced at Mine Index No. 299. Those prices are the same, in the respective size groups, as the theretofore established prices for the coals, for truck shipment, produced at all other mines in Subdistrict No. 2 of District No. 22. However, for the Size Group 2 coals of Mine Index No. 299 the minimum price of $3.75 per net ton established temporarily by that Order is 25 cents in excess of the price requested in the original petition. Thereafter, on August 27, 1941, and subsequent to a formal hearing on the subject matter, District Board No. 22 filed, in Docket No. A–924 Part II, an amended petition wherein it requests that the price classifications and minimum prices established temporarily by the Order of July 21, 1941, for the coals of Mine Index No. 299, be made permanent.

By Order of the Director dated August 6, 1941, 6 F.R. 3971, there were segregated from the remainder of the subject matter of the original petition in Docket No. A–982 and designated as Docket No. A–982 Part II, the matters relating to the revision of certain effective minimum prices, for truck shipment, as follows:

(1) From $2.50 per net ton to $2.25 per net ton for the coals in Size Groups Nos. 1, 2, and 5 of the Pavek No. 1 Mine (Mine Index No. 219) of Edward W. Pavek in Subdistrict 3 in District No. 22;

(2) From $3.25 to $2.75 per net ton in Size Group No. 2 and from $3.00 to $2.75 per net ton in Size Group No. 5 for the coals of the Black Diamond Mine (Mine Index No. 248) of Miller Thatcher in Subdistrict 9 in District No. 22; and

(3) From $3.75 to $3.50 per net ton for the coals in Size Groups Nos. 2 and 5 of the Silver Tip Mine (Mine Index No. 106) of W. C. Anderson and of the Painted Robe Mine (Mine Index No. 203) of Frank Mizuta, both mines being in Subdistrict 1 of District No. 22.

Pursuant to the Orders of July 21 and August 6, 1941, the subject matters of Dockets Nos. A–924 Part II and A–982 Part II were consolidated and, after due notice given to all interested persons, a hearing was held in the consolidated matter on August 18, 19, and 20, 1941, before D. C. McCurtain, a duly designated examiner of the Division at a hearing room of the Bituminous Coal Division at the Billings Commercial Club in Billings, Montana. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise to participate in the hearing. Only the original petitioner appeared and offered evidence. At the conclusion of the hearing, the preparation and filing of a report by the Examiner were waived and the matter was submitted thereupon to the Director, who has considered the record of the proceeding.

From the uncontroverted testimony of D. F. Buckingham, a representative of the petitioner, introduced in support of the relief requested in the petition and from the entire record of the proceeding, I find the following facts:

(1) As to the establishment of price classifications and minimum prices for the coals of Mine Index No. 299 in Subdistrict 2 of District No. 22—that the marketing factors and the value of those coals are similar to those of the coals produced at all other mines in that subdistrict;

(2) As to the requested reductions in the effective minimum prices for the coals produced at Mine Index Nos. 132, 139, 183, and 219 in Subdistrict 3 of District No. 22—that those mines are located in close proximity to certain other mines in Custer County, Montana, in the same subdistrict; that the mines for which relief is requested and the Custer County mines compete extensively in serving the fuel requirements of ranchers in the same vicinity and of the inhabitants of Forsyth, Montana; that the Custer County mines have claimed exemption pursuant to the Act, on the basis that their output is lignite rather than bituminous coal and are selling that output at prices which enable its delivery and sale in those markets at prices as low as $1.00 per ton below the prices at which delivery of the coals for which relief is requested can be made under their presently effective minimum prices; and that the requested 25¢ per net ton minimum price reduction would permit a delivered price differential between the subject coals and the alleged lignite which would more nearly reflect their relative market values;

(3) As to the requested reductions in the effective minimum prices for the Size Group No. 2 coals produced at Mine Index Nos. 134, 178, 205, 246, and 282 commonly known as the Valier Group, in Subdistrict 12 of District No. 22—that those coals and the coals in that size group produced by the mines commonly known as the Pendroy Group, some 15 miles to the south, meet in competition among the ranchers in the same vicinity and in Valier, Montana; that the latter coals have an effective minimum price of $6.00 per net ton; that those coals of the Valier Group were, prior to October 1, 1940, the date on which minimum prices became effective under the Act, sold f. o. b. the mines at $5.00 per net ton with a differential of $1.00 per net ton below the prices for the coals of the Pendroy Group; and that a reduction to $5.00 per net ton in the minimum price for the coals of the Valier Group of mines is essential in order to preserve for those mines their fair competitive opportunities with the natural gas and oil producers of the Cut Bank, Montana district, located some 30 miles to the south of them;

(4) As to the requested reductions in the effective minimum prices for the coals produced at Mine Index No. 248 in Subdistrict 9 of District 22—that all of the coals produced in that subdistrict are, in the respective size groups, subject to the same minimum prices; that Mine Index No. 248, although located in Subdistrict 9, is approximately 100 miles distant from the Bull Mountain Group of mines in that subdistrict; that its coals are of a quality inferior to the Bull Mountain coals and do not meet them in competition; that it is in close proximity to, and competes principally in the markets served by the mines in Subdistrict 3; and that the minimum prices for the coals, in the respective size groups, produced in Subdistrict 3 are substantially lower than are such prices for the Subdistrict 9 coals; and

(5) As to the requested reductions in the effective minimum prices for the coals produced at Mine Index Nos. 106 and 203 in Subdistrict 1 of District No. 22—that although located in Subdistrict 1 Roundup, the coals of those mines are produced from the Painted Robe rather than the Roundup seam and are inferior, both in appearance and fuel value, to the coals produced from the latter seam; and that all of those coals meet in rigorous competition in the same markets.

I further find that the requested price classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 22; that they will reflect the relative market values of the subject coals; and that their establishment is necessary to preserve the fair competitive opportunities of the producers of those coals; I conclude, therefore, that the establishment and the revision of the price classifications and minimum prices as requested in the original petitions, as amended, are required in order to effectuate the purposes of the Act and will comply with all the standards of Sections 4 II (a) and (b) thereof.

Now, therefore, it is ordered, That the relief temporarily granted in the Order of July 21, 1941, in Docket No. A–924 Part II as to the coals produced at Mine Index No. 299 be, and it hereby is, made permanent.

It is further ordered, That § 342.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 22 for all shipments is revised as follows: (1) to include the following minimum prices in cents per net ton f. o. b. the mine for the coals, for shipment by truck produced at the Grove Creek No. 2 Mine (Mine Index No. 299) of Sam Di Pasquale, a code member in Subdistrict 2 of that district:

Size groups	1	2	3	5	7
Price	400	375	400	350	250
Size groups	8	9	10	11	12
Price	225	150	110	95	75

(2) by changing from 250 to 225 the effective minimum price in cents per net ton for the coals in Size Groups Nos. 1, 2, and 5 for truck shipment, produced at Mine Index Nos. 132, 139, 183, and 219 in Subdistrict 3 of District No. 22; (3) by changing from 600 to 500 the effective minimum price in cents per net ton for the coals in Size Group No. 2, for truck shipment, produced at Mine Index Nos. 134, 178, 205, 246, and 282 in Subdistrict 12 of District No. 22; (4) by changing from 325 and 300, respectively, to 275 the effective minimum prices in cents per net ton for the coals in Size Groups Nos. 2 and 5, for truck shipment, produced at Mine Index No. 248 in Subdistrict 9 of District No. 22; and (5) by changing from 375 to 350 the effective minimum price in cents per net ton for the coals in Size Groups Nos. 2 and 5, for truck shipment, produced at Mine Index Nos. 106 and 203 in Subdistrict 1 of District No. 22.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8234; Filed, November 3, 1941; 9:57 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 30]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A [1] to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 83 [2] entitled "Job Classification Sheet (For Positions in Field Service," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

OCTOBER 27, 1941.

[F. R. Doc. 41–8213; Filed, November 1, 1941; 11:58 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 933—COPPER

Conservation Order No. M–9–c as Amended November 1, 1941 Curtailing the Use of Copper in Certain Items

(a) Section 933.4 (Conservation Order No. M–9–c) [3] is hereby amended so as to read as follows:

Whereas national defense requirements have created a shortage of Copper for the combined needs of defense, private account, and export; action has already been taken to increase and conserve the supply and to direct the distribution of Copper to insure deliveries for defense and essential civilian requirements; and the supply of Copper now is and will be insufficient for defense and essential civilian requirements un-

[1] 5 F.R. 3785.
[2] Filed with the original document.
[3] 6 F.R. 5394.

less the use of Copper in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited;

Now, therefore, it is hereby ordered, That:

§ 933.4 *Conservation order No. M–9–c as amended November 1, 1941*—(a) *Restrictions on use of copper in articles appearing on List "A"*—(1) *Curtailment to January 1, 1942.* Except as provided in paragraph (b) hereof, during the period between October 15 and December 31, 1941, no Manufacturer may use in the aggregate in the manufacture of any Item on List "A" attached, more Copper or Copper Base Alloy than the greater of the following two limits:

(i) One-half of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such Item during the last three months of 1940, or

(ii) One-eighth of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such Item during the year 1940.

If any Manufacturer is manufacturing any such Item which he did not manufacture in 1940, then during the period between October 15 and December 31, 1941, he may use in the manufacture of such Item Copper or Copper Base Alloy to a total amount not exceeding 50% of the total amount used by him in the manufacture of such Item during the period between August 1 and September 30, 1941.

(2) *Prohibitions after January 1, 1942.* Except as provided in paragraph (a) (3) and in paragraph (b) hereof, after January 1, 1942, no Manufacturer of any Item on List "A" attached, may use in the manufacture of any such Item any Copper or Copper Base Alloy.

(3) *Substitution of plating in limited cases.* Nothing contained in this paragraph (a), however, shall prevent the use of Copper or Copper Base Alloy for plating any Item included on List "A", provided:

(i) That such plating is not primarily for decorative purposes, and

(ii) That the use of or the normal wear on such Item would make impractical any other form of coating, and

(iii) That such Item was formerly plated with Copper or Copper Base Alloy, or if such Item was not formerly so plated, then provided that the total amount of Copper or Copper Base Alloy to be used in the plating of each such Item is less than 5% of the amount that was used in the manufacture of each such Item immediately preceding the effective date of this Order.

(b) *General exception.* The prohibitions and restrictions contained in paragraphs (a) and (c) shall not apply to the use of Copper or Copper Base Alloy in articles which are being produced:

(1) Under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of Copper or Copper Base Alloy to the extent employed is required by the specifications of the prime contract, or

(2) For use to comply with Underwriters Regulations, or Safety Regulations issued under Governmental authority, provided the pertinent provisions of such Regulations were, in either case, in effect both on October 1, 1941, and on the date of such use, and specifically and exclusively require the use of Copper or Copper Base Alloy to the extent employed, or

(3) Primarily as conductors of electricity, but this exception shall be applicable only to the extent necessary to permit the conducting of the electricity required, or

(4) For use in chemical plants to the extent that corrosive action makes the use of any other material impractical, or

(5) For use in research laboratories and hospitals where and to the extent that the physical and chemical properties make the use of any other material impractical, or

(6) For use as condenser tubes, heat exchanger tubes (other than radiators which are used to control air temperature) and tube sheets in oil refining plants, in plants generating steam for public or industrial use and in plants generating electric power for public or industrial use, where and to the extent that corrosive action makes the use of any other material impractical, or

(7) For use as part of the motive power or mechanical and electrical equipment of vessels other than pleasure craft where corrosive action makes the use of any other material impractical, or

(8) For use for repair or replacement purposes in plants employing chemical processes and in plants processing food where the existing installation is Copper or Copper Base Alloy and where and to the extent that chemical action makes the use of any other material impractical, or

(9) For insecticides and fungicides such as Copper sulphates, Copper oxides and basic Copper compounds.

(c) *Restrictions on use of copper in all other articles.* During the period between October 15 and December 31, 1941, and during each three months' period thereafter, until further action by the Director of Priorities, no Manufacturer may use in the aggregate in the manufacture of any article not on List "A" attached, more Copper and Copper Base Alloy than the greater of the following three limits:

(1) 70% of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such article during the last three months of 1940, or

(2) 17½% of the total amount of Copper or Copper Base Alloy respectively, used by him in the manufacture of such article during the year 1940, or

(3) 50% of the total amount of Copper or Copper Base Alloy, respectively, used by him in the manufacture of such article during the period between July 1 and September 30, 1941;

plus in each such case, the amount of Copper or Copper Base Alloy necessary to manufacture articles which are being produced pursuant to the exceptions of paragraph (b) hereof.

The provisions of this paragraph shall not limit the amount of Copper or Copper Base Alloy which a Manufacturer may use in the manufacture of any article which is being produced by him with the assistance of a preference Rating Order (not including a Preference Rating Certificate) issued directly to and in the name of such Manufacturer which assigns a rating of A–2 or higher to deliveries to him of materials used in the production of such article provided that such limitations may be exceeded only to the extent that the use of any other material is impractical in the manufacture of such article.

(d) *Prohibitions against sales or deliveries of copper or copper base alloy.* No person shall hereafter sell or deliver Copper or Copper Base Alloy, to any person if he knows, or has reason to believe such material is to be used in violation of the terms of this Order.

(e) *Limitation of inventories.* No Manufacturer shall accumulate an Inventory of Copper, or Copper Base Alloy (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or subassemblies in quantities in excess of a minimum practicable working Inventory, taking into consideration the limitations placed upon the production of Copper products by this Order. A minimum practicable working Inventory shall in no event exceed that amount of material necessary to maintain operations for sixty days. Any Manufacturer who has an Inventory in excess of a minimum practicable working Inventory is prohibited from receiving additional Copper or Copper Base Alloy (including scrap) or products thereof, beyond the extent necessary to maintain such minimum practicable working Inventory.

(f) *Miscellaneous provisions*—(1) *Priorities Regulation No. 1.* All of the provisions and definitions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Copper conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Priorities by addressing a letter to the Director of Priorities, Ref.: M–9–c, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Copper or Copper Base Alloy in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Copper" means Copper metal which has been refined by any process of electrolysis, or fire refining to a grade and in a form (cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars, or other refined shapes) suitable for fabrication, or in any stage of fabrication. It shall include Copper metal produced from scrap.

(ii) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(iii) "Inventory" of a Person includes the Inventory of affiliates and subsidiaries of such Person, and the Inventory of others where such Inventory is under the control of or under common control with or available for the use of such Person.

(iv) "Manufacturer" means one who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins or processes in any other way.

(v) "Item" means any article or any component part thereof.

(6) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of November, 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

LIST "A"

The use of Copper or Copper Base Alloy in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order M–9–c.

(Electrical conducting parts are excepted to the extent provided in paragraph (b) (3) of Conservation Order M–9–c).

Automotive, Trailer and Tractor Equipment

Garage and Automotive repair equipment.
Headlamps and Headlamp parts.
Heaters.
Horns.
Hub and gas tank caps.
Miscellaneous fittings and trim.
Mouldings.
Rear view mirrors and hardware.

Building Supplies and Hardware

Air conditioning equipment (except for essential food storage and transportation and industrial processing where and to the extent the use of other materials is impractical).
Blinds, including fixture fittings and trimmings.
Builders' finish hardware.
Conduits.
Decorative hardware—including house numbers.
Door knockers, checks, pulls and stops.
Doors, door and window frames, sills and parts.
Elevators and Escalators, except bearings.
Gravel stops and snow guards.
Grilles.
Gutters, leaders, down spouts and expansion joints.
Incinerator hardware and fittings.
Insect screens and screening.
Letter boxes and mail chutes.
Lightning rods (except for electric power stations and industrial stacks).
Lighting fixtures.
Ornamental metal work.
Pile butt protection.
Plumbing and Heating Supplies:
  Bands on pipe covering.
  Convectors, local and unit heaters (except heat controls).
Plumbing and Heating Supplies—Continued.
  Fixture fittings and trimmings.
  Hot Water heaters, tanks, and coils (except as provided in Defense Housing Critical List issued by Director of Priorities, September 12, 1941, as the same may be amended).
  Pipe, tube, tubing, and fittings therefor other than valves or faucets (except as provided in Defense Housing Critical List issued by Director of Priorities, September 12, 1941, as the same may be amended).
  Shower rods, heads and pans.
  Sinks and drainboards.
  Toilet floats, cistern and low water floats.
  Towel racks.
Push, kick, switch, floor and all other device plates.
Roof, Roofing and flashing.
Screws, nuts, bolts and hooks.
Sheet, roll and strip for building construction.
Shelves.
Stair and threshold treads.
Termite shields.
Terazzo strips, reglets, and mouldings.
Ventilators and skylights.
Water Containers for humidification.
Weather stripping and insulation.

Burial Equipment

Burial Vaults.
Casket hardware.
Caskets.
Memorial tablets.
Morticians' supplies.

Dress Accessories

Buckles.
Buttons.
Dress ornaments.
Handbag fittings.
Metal cloths.

Home Furnishings and Equipment (Including Office and Institutional)

Andirons, Screens, and fire place fittings.
Candlesticks.
Cooking and table utensils.
Curtain fasteners, rods, and rings.
Cuspidors.
Fans.
Furniture.
Furniture hardware.
Hollow-ware.
Lamp standards, shades, shade holders, and stems.
Portable heaters.
Stoves and ranges (except heat controls).
Table flatware (except as provided in Fed. Spec. R. R. T.–56).
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls and artcraft.
Washing tubs and washing boilers.
Waste baskets, hat trees, humidors, and similar items.

Jewelry, Gifts and Novelties

All jewelry, gifts and novelties, including:
  Advertising specialties.
  Atomizers—except medical.
  Bar fittings.
  Book ends.
  Cosmetic containers.
  Lighters.
  Napkin rings.
  Picture frames.
  Smokers' accessories.
  Souvenirs.

Miscellaneous

All Plating primarily for decorative purposes.
Barrel hoops.
Beauty parlor equipment and barber shop supplies.
Beverage dispensing units and parts thereof.
Bicycles, motorcycles and similar vehicles.
Boxes, cans, jars and other containers.
Branding, marking and labelling devices, and stock for same.
Chimes and bells.
Fire extinguishers.
Fire fighting apparatus and hydrants (all decorative and all non-functional parts).

Fire hose, couplings and fittings (except brass expansion rings, swivels and valve trim).
Keys and locks (except barrels).
Ladders and hoists, including fittings.
Lanterns and lamps.
Livestock and poultry equipment.
Luggage fittings.
Match and pattern plates, matrices and flasks.
Name, identification and medal plates.
Non-operating or decorative uses or parts of installations and of equipment (mechanical or otherwise), including bases, frames, guards, standards and supports.
Paint (except for ship bottoms).
Photographic equipment and supplies.
Pleasure boat fittings, hardware and motors.
Pole line hardware.
Powder and paste.
Radios.
Reflectors.
Saddlery hardware and harness fittings.
Signs, including street signs.
Slot, game, and vending machines.
Stationery supplies:
Desk accessories.
Office supplies.
Pencils.
Pens and penholders.
Statues.
Sundials.
Toys.
Unions (except seats).
Valve handles.
Valves over two inch size (except seats, discs and stems).
Weathervanes.

[F. R. Doc. 41-8241; Filed, November 3, 1941; 11:27 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT TO PRICE SCHEDULE NO. 26,[1] DOUGLAS FIR LUMBER

Sections 1312.51, 1312.53, 1312.56, 1312.57, 1312.58, and 1312.59 are hereby amended so that Price Schedule No. 26 shall read as follows:

Douglas Fir lumber, a Pacific Coast product is often employed co-extensively and to some extent interchangeably with Southern pine lumber. It is widely used in the construction industry for exterior and interior finish, framing, millwork, sheathings, floorings, and subfloorings, and in the manufacture of crates, utility furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects, and factories, and in the production of ships and airplanes. The increased need for Douglas fir lumber has prompted government efforts to secure expanded production, but the supply has failed to keep pace with the augmented demand stemming from the defense program and the accompanying economic expansion. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Issuance of a Price Schedule is therefore necessary to protect consumers and those members of the industry who are attempting to keep prices down.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.51 *Maximum prices for Douglas fir lumber.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment except as provided in § 1312.58 hereof, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Douglas fir lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.59: *Provided,* That such maximum prices shall not apply where actual delivery has been made by the mill to a purchaser, or to a carrier for delivery to a purchaser, prior to November 10, 1941; and: *Provided,* That in the case of retail sales as defined in § 1312.57 (f), where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than $3.50 per 1,000 ft. board measure may be added to the maximum prices set forth herein.*

*Sections 1312.51 to 1312.59, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1312.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by unusual charges for extending credit or for early delivery, by charges for delivery which exceed the actual cost of such delivery, except as otherwise provided in § 1312.59 (d), by unnecessarily routing lumber through a distribution yard, by unreasonable refusal to ship except in mixed cars or in specified lengths, or under other circumstances entitling the seller to a premium, or by other direct or indirect methods. The seller shall in all cases give the purchaser the option of making his own transportation arrangements.*

§ 1312.54 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of Douglas fir lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every sale of such lumber made during such month, showing the date thereof, the name of the buyer, the prices, and grades sold. Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from purchasing Douglas fir lumber from those persons who fail to comply with this Schedule. Persons who have evidence of any offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade provisions hereof, or of speculation, or of manipulation of prices of Douglas fir lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.56 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.*

§ 1312.57 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, association, partnership, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Douglas fir" means the botanical species of Pseudotsuga taxifolia produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountains.

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing, or by planing or other comparable method, at least 25 per cent of the volume of Douglas fir logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives Douglas fir logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such logs or lumber so purchased or received by it.

(e) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to this Schedule.

(f) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, or maintenance, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck the maximum retail sale quantity shall be 20,000 ft. board measure. For the purpose of this paragraph the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.*

§ 1312.58 *Effective date of amendments.* These Amendments (§§ 1312.51, 1312.53, 1312.56, 1312.57, 1312.58 and 1312.59) shall become effective November 10, 1941: *Provided,* That firm commitments entered into prior to November 10, 1941, for the sale of Douglas fir lumber at prices not exceeding the maximum prices established by Price Schedule No. 26 before this amendment, may be completed at contract prices: *Provided,* That all deliveries pursuant to such firm commitments are completed on or before February 1, 1942.*

§ 1312.59 *Appendix A.* (a) Maximum f. o. b. mill prices per 1,000 feet board measure:

FLOORING, R/L[1]

1 x 3 and 1 x 4 V. G.:	
B&Btr	$60.00
C	55.00
D	45.00
1 x 3 and 1 x 4 F. G.:	
B&Btr	$45.00
C	43.00
D	38.00

DROP SIDING, R/L[1]

1 x 6 M. G.:	
B&Btr	$50.00
C	48.00
D	40.00

CEILING (DOUBLE BEADED OR DOUBLE V PATTERN) R/L[1]

5/8 x 4" M. G.:	
B&Btr	$37.00
C	35.00
D	28.00
1 x 4 M. G.:	
B&Btr	$45.00
C	43.00
D	38.00

CEILING (DOUBLE BEADED OR DOUBLE V PATTERN) R/L[1]—continued

1 x 6 M. G.:	
B&Btr	$50.00
C	48.00
D	40.00

[1] Regular loading random length is as follows:

B & Better and C Grades:	
4 feet } 5 feet }	3%
B & Better and C Grades—Con.	
6 feet } 7 feet }	7%
8 to 20 feet	90%
D Grade:	
4 feet } 6 feet } 7 feet }	20%
8 to 20 feet	80%

For specified lengths, 12 feet, add $2.00.
For specified lengths, 14 feet, add $3.00.
For specified lengths, 16–18 and 20 feet, add $5.00.

No. 1 boards and shiplap, green, surfaced A. L. S.

R/L	6/20'	6'	8'	10'	12'	14'	16'	18'	20'	Add for dry
1 x 4"	$27.00	$27.00	$27.00	$27.00	$27.00	$28.50	$29.50	$29.50	$29.50	$4.00
1 x 6"	27.00	27.00	27.00	27.00	27.00	28.50	29.50	29.50	29.50	4.00
1 x 8"	27.00	27.00	27.00	27.00	27.00	28.50	29.50	29.50	29.50	4.00
1 x 10"	26.00	26.00	26.00	26.00	26.00	27.50	28.50	28.50	28.50	4.00
1 x 12"	28.00	28.00	28.00	28.00	28.00	29.50	30.50	30.50	30.50	4.00

Grade spread: No. 2 Dry or Green: $2.00 per 1,000 feet less than No. 1 of same size and length. No. 3 Green: $6.00 per 1,000 feet less than No. 1 of same size and length. No. 3 Dry: $8.00 per 1,000 feet less than No. 1 of same size and length.

For working to Pattern, add $2.00 per 1,000 feet.

For rough random length, add $1.50 to R/L surfaced prices.

For No. 1, permitting up to 15% of No. 2, deduct $0.50 per 1,000 feet from the No. 1 price of the same width and length.

For surfacing ¼" off, add $1.00 per 1,000 feet to the price for the same grade, width, and length.

No. 1 dimension, green, rough, or S4S A. L. S.

	R/L 6/20'	6'	8'	9'	10'	12'	14'	16'	18'	20'	22/24'	Add for dry
2 x 3	$28.50	$21.00	$27.00	$30.50	$29.00	$29.00	$29.00	$31.50	$31.50	$31.50	$35.00	$3.50
2 x 4	28.50	21.00	28.50	29.00	28.00	28.50	28.50	29.50	29.50	29.50	32.00	3.50
2 x 6	28.50	21.00	26.50	-------	27.00	28.50	28.50	29.00	29.00	29.00	31.00	3.50
2 x 8	27.50	20.00	26.00	-------	26.00	27.50	27.50	27.50	27.50	27.50	29.50	3.50
2 x 10	27.50	20.00	26.00	-------	26.50	28.00	28.00	28.50	28.50	28.50	30.50	4.00
2 x 12	27.50	20.00	26.00	-------	27.00	28.00	28.00	28.50	28.50	28.50	30.50	5.50

Grade spreads: No. 2 Green all widths and lengths, 20' and shorter, $2.00 per 1,000 feet less than No. 1 Green of the same width and length. No. 3, 20' and shorter, 2 x 3, 2 x 4, 2 x 6, and 2 x 8 Green $8.00 per 1,000 feet, and 2 x 10 and 2 x 12 Green $9.00 per 1,000 feet, less than No. 1 Green of the same width and length. No. 2 Dry, all widths and lengths, 20' and shorter, $4.00 per 1,000 feet less than No. 1 Dry of the same width and length. No. 3 Dry, 20' and shorter, 2 x 3, 2 x 4, 2 x 6, and 2 x 8, $10.00 per 1,000 feet, and 2 x 10 and 12", $11.00 per 1,000 feet, less than No. 1 Dry of the same width and length.

For Dimension surfaced ¼" off, add $1.00 per 1,000 feet to the price for the same grade, width and length.

For No. 1, permitting up to 15% No. 2, deduct $0.50 per 1,000 feet from the No. 1 price of the same width and length.

For working to Shiplap, Center-Matched, or Dressed and Matched, add $2.00 per 1,000 feet, droppings to be included at grade differential.

For Rough dry, add $1.00 per 1,000 feet to surfaced dry price.

For Ripping and Resawing, not diagonal or tapered, add for 2 x 4, $2.50, and for 2 x 6 and wider, $1.50 per 1,000 feet.

Plank and timbers, green, rough, or S4S A. L. S.

	No. 1				Sel. Merch.				Sel. Str.			
	20' & Shtr.	22/24	26/32	34/40	20' & Shtr.	22/24	26/32	34/40	20' & Shtr.	22/24	26/32	34/40
3 x 3	$34.00	$36.50	$39.50	-------	$38.00	$40.50	$42.50	-------	$40.00	$42.50	$45.50	-------
3 x 4	32.50	35.50	38.50	-------	36.50	39.50	41.50	-------	38.50	41.50	44.50	-------
3 x 6 and 3 x 8	31.00	33.00	34.50	$37.50	35.00	37.00	38.50	$41.50	37.00	39.00	40.50	$43.50
3 x 10 and 3 x 12	30.50	32.50	34.00	36.50	33.50	35.50	37.00	39.50	35.50	37.50	39.00	41.50
4 x 4	32.00	34.00	36.00	-------	36.00	38.00	40.00	-------	38.00	40.00	42.00	-------
4 x 6 and 4 x 8	31.00	33.00	34.50	37.50	35.00	37.00	38.50	41.50	37.00	39.00	40.50	43.50
4 x 10 and 4 x 12	30.50	32.50	34.00	37.00	33.50	35.50	37.00	40.00	35.50	37.50	39.00	42.00
6 x 6 and 6 x 8	30.50	32.00	33.50	34.00	34.50	36.00	37.50	40.50	36.50	38.00	39.50	42.50
8 x 8	30.50	32.00	33.00	33.50	34.50	36.00	37.00	40.00	36.50	38.00	39.50	42.00

[1] 6 F.R. 4666.

Plank and timbers, green, rough, or S4S, A. L. S.—Continued

	No. 1			Sel. Merch.			Sel. Str.		
	20′ & Shtr.	22/30	32/40	20′ & Shtr.	22/30	32/40	20′ & Shtr.	22/30	32/40
6 x 10 and 6 x 12	$29.50	$30.50	$31.00	$31.50	$32.50	$33.00	$33.50	$34.50	$35.50
8 x 10 and 8 x 12	29.50	30.50	31.00	31.50	32.50	33.00	33.50	34.50	35.50
10 x 10 and 10 x 12	29.50	31.50	30.50	31.50	33.50	34.00	33.50	35.50	36.50
12 x 12	29.50	31.50	30.50	31.50	33.50	34.00	33.50	35.50	36.50

For specified lengths in Select Merchantable and Select Structural Grades, add $2.00 per 1,000 feet.
For No. 1, permitting up to 15% of No. 2, deduct $0.50 per 1,000 feet from the No. 1 price of the same width and length.
For surfacing ¼″ off, add $1.00 per 1,000 feet to the price for the same grade, width, and length.

FACTORY AND DOOR STOCK

Factory select	$45.00
No. 1 shop	35.00
No. 2 shop	25.00

(b) For mixed car, mixed cargo, or mixed truck shipments $2.00 additional per 1,000 feet board measure may be charged. A mixed car or mixed cargo shipment consists of four or more items as hereinafter defined of at least 1,000 board feet each. A mixed truck shipment consists of four or more items of at least 250 feet each. For the purpose of this definition the following classifications of lumber of any different species shall constitute an item:

(1) Boards, shiplap or strips.
(2) Dimension.
(3) Planks and small timbers, not exceeding 4″ in thickness.
(4) Large timbers, exceeding 4″ in thickness.
(5) Flooring.
(6) Siding.
(7) Ceiling or partition.
(8) Finish.
(9) Rough clears.
(10) Stepping.
(11) Mouldings.
(12) Silo stock.
(13) Gutter.
(14) Corn cribbing.
(15) Lath.
(16) Casing and base.

(c) For export sales, an addition of not more than $3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt estimated average weights of Douglas fir per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows:

FLOORING	*Pounds per 1,000 feet*
1 x 3″ and 1 x 4″	1,800
DROP SIDING	
1 x 6″ Pat. 107, 113, 115, 117, 124	1,500
1 x 6″ Pat. 103, 109, 111, 114, 118	1,600
1 x 6″ Pat. 101, 104, 105, 106, 112 and rustic	1,700
DROP SIDING—CON.	
1 x 6″ Pat. 102, 109, 110, 116 and V rustic	1,800
CEILING	
⅝ x 4″	1,200
1 x 4″	1,500
1 x 6″	1,700

BOARDS	*Dry*	*Green*
1 x 3″ and 4″	2,100	2,400
1 x 6″ and wider	2,200	2,500

For ⅛″ off surfacing, 100 lbs. less.
For Shiplap, D&M or C. M., deduct 100 from S4S.

Dimension, Plank and Small Timbers

	S4S Standard dry	S4S Standard green	CM and S1S or S2S standard	
			Dry	Green
2 x 3″	2,100	2,400		
2 x 4″	2,200	2,500	1,900	2,150
2 x 6″	2,250	2,550	2,050	2,300
2 x 8″	2,250	2,550	2,100	2,400
2 x 10″	2,300	2,600	2,150	2,450
2 x 12″	2,300	2,600	2,150	2,500
3 x 3″	2,400	2,600		
3 x 4″	2,400	2,600	2,050	2,250
3 x 6″	2,600	2,800	2,350	2,500
3 x 8″	2,600	2,800	2,400	2,600
3 x 10″	2,600	2,800	2,450	2,650
3 x 12″	2,600	2,800	2,500	2,700
4 x 4″	2,500	2,700		
4 x 6″	2,600	2,800	2,400	2,600
4 x 8″	2,600	2,800	2,500	2,700
4 x 10″	2,700	2,900	2,550	2,750
4 x 12″	2,700	2,900	2,600	2,800

DIMENSION SURFACED ¼″ OFF

	S4S ¼″ off by indicated width green
2 x 2″—¼″ off each way	2,550
2 x 3″—¼″ off each way	2,650
2 x 4″—¼″ off each way	2,750
2 x 6″—¼″ off each way	2,800
2 x 8″—¼″ off each way	2,850
2 x 8″—¼″ off by ½″ off in width	2,750
2 x 10″—¼″ off each way	2,850
2 x 10″—¼″ off by ½″ off in width	2,750
2 x 12″—¼″ off each way	2,850
2 x 12″—¼″ off by ½″ off in width	2,800

PLANK AND SMALL TIMBERS, AND TIMBERS

	Green surfaced ¼″ off each way
3 x 3	2,800
3 x 4	2,850
3 x 6, 3 x 8, and 3 x 10	2,950
3 x 12	3,000
4 x 4	2,950
4 x 6	3,000
4 x 8, 4 x 10, and 4 x 12	3,050
6 x 6	3,050
6 x 8 and 6 x 10	3,100
6 x 12	3,150
8 x 8, 8 x 10, and 8 x 12	3,150
10 x 10 and 10 x 12	3,150
12 x 12	3,200

DIMENSION, ROUGH OR SIZE

Green	3,300
2″, dry	2,900
3″ and thicker, dry	3,100

FIR—TIMBERS

	Green A. L. S. (rough, 3,300 lb.)
6 x 6 and 6 x 8	2,900
8 x 8	3,000
6 x 10 and 6 x 12	2,900
8 x 10 and 8 x 12	3,000
10 x 10 and 10 x 12	3,000
12 x 12	3,100

Issued this 1st day of November 1941. Effective November 10, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8203; Filed, October 31, 1941; 11:59 a. m.]

WAR DEPARTMENT

TREASURY, WAR AND NAVY DEPARTMENTS NOTICE OF PROCEDURE FOR CERTIFICATION UNDER SECTION 124 OF THE INTERNAL REVENUE CODE, AS AMENDED, (TITLE III, SECTION 302 OF THE SECOND REVENUE ACT OF 1940)

Sections 23 and 124 of the Internal Revenue Code, as amended, allow a deduction for income and excess-profits tax purposes for amortization, over a 60-month period, with respect to any emergency facility, the construction, reconstruction, erection or installation of which was completed, or which was acquired, after June 10, 1940, upon the issuance of the certificate or certificates, provided for in the statute. Such certificates are to be issued to the Commissioner of Internal Revenue by the Secretary of War or the Secretary of the Navy.

In all cases, a "Necessity Certificate" is required certifying that the facility is necessary in the interest of National Defense during the emergency period.

A taxpayer who has been or will be reimbursed by the United States for all or a part of the cost of any emergency facility pursuant to any contract (in excess of $15,000 in amount) with the United States, made on its behalf after December 31, 1939 by the War Department, the Navy Department, the United States Maritime Commission, or such other department or agency as the President may designate, is not allowed such amortization deduction with respect to such facility unless either the Secretary of War or the Secretary of the Navy issues a "Certificate of Government Protection" to the effect that the interest of the United States is adequately protected with reference to the future use and disposition of such emergency facility.

A "Certificate of Non-Reimbursement" to the effect that under the contract certified reimbursement for all or a part of the cost of any emergency facility is not provided for, shall conclusively establish that fact for the purpose of the law.

In the event that a taxpayer has no contract with the United States it is not considered necessary for the taxpayer, in addition to a "Necessity Certificate", to obtain a "Certificate of Government Protection" or a "Certificate of Non-Reimbursement", unless the taxpayer is the real party in interest under a contract with the United States, as, for example, a case in which some other person is acting in a contract as agent for the taxpayer to obtain payment of the cost of the emergency facilities by the United States.

The Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy, hereby give notice (superseding the Notice of Procedure dated November 1, 1940) that the following will be the procedure for applying for certification.

I

Applications. Applications for certificates shall be respectively entitled "Application for a Necessity Certificate", "Application for a Certificate of Non-Reimbursement", "Application for a Certificate of Government Protection". Instructions as to the information to be given in such applications may be obtained from the Office of the Under Secretary of War, Tax Amortization Section, Washington, D. C., or from the Office of the Under Secretary of the Navy, Washington, D. C.

II

Place of filing applications and copies required. The signed and verified original of each application, together with two extra copies which need not be signed, addressed to either the Secretary of War or the Secretary of the Navy, as the case may be, shall be duly prepared in accordance with the applicable instructions, and filed as follows:

Applications addressed to the Secretary of War, shall be filed with the Office of the Under Secretary of War, Tax Amortization Section, Washington, D. C.

Applications addressed to the Secretary of the Navy, shall be filed with the Office of the Under Secretary of the Navy, Washington, D. C.

III

Time of filing applications. Section 124 of the Internal Revenue Code provides that a "Necessity Certificate" shall have no effect unless application therefor is filed before the expiration of six months after the beginning of the construction, reconstruction, erection, installation or the date of acquisition of the emergency facility, or before December 1, 1941, whichever is later, and that a "Certificate of Government Protection" and a "Certificate of Non-Reimbursement" shall have no effect unless application therefor is filed before December 1, 1941; or either before the expiration of six months after the making of the contract or before the expiration of sixty-days after the making of a Necessity Certificate, whichever is latest.

IV

Notification. The Office of the Under Secretary of War, Tax Amortization Section, or the Office of the Under Secretary of the Navy, as the case may be, will notify the applicant of the action upon its application by the Secretary of War or the Secretary of the Navy.

V

Definition of terms. (1) The term "Necessity Certificate", as used herein, means a certification, issued pursuant to section 124 (f) of the Internal Revenue Code, as amended, that the construction or acquisition of the facilities, referred to in the certificate, is necessary in the interest of National Defense during the emergency period.

(2) The term "Certificate of Government Protection", as used herein, means a certification, issued pursuant to section 124 (i) of the Internal Revenue Code, as amended, that the interest of the United States is adequately protected with reference to the future use and disposition of the emergency facility, referred to in the Certificate.

(3) The term "Certificate of Non-Reimbursement", as used herein, means a certification, issued pursuant to section 124 (i) of the Internal Revenue Code, as amended, that reimbursement to the taxpayer for all or a part of the cost of any emergency facility is not provided for under a contract.

(4) The term "reimbursement", as used herein, means reimbursement to the taxpayer pursuant to any contract with the United States, in excess of $15,000 made, on its behalf after December 31, 1939, by the War Department, the Navy Department, the United States Maritime Commission, or such other agency or department as the President may designate, either (1) directly, by a provision therein dealing expressly with such reimbursement, or (2) indirectly, because the price paid by the United States (insofar as return of cost of the facility is used by the United States as a factor in the fixing of such price) is recognized by the contract as including a return of cost greater than the normal exhaustion, wear and tear: *Provided*, That no such greater return of cost shall be deemed to have been used as a factor in the fixing of such price when the negotiating or contracting officer reports that after careful consideration he is satisfied that such greater return was not included in the price.

(5) The term "emergency facility" as used herein, means any facility, land, building, machinery, or equipment, or part thereof, the construction, reconstruction, erection or installation of which was completed after June 10, 1940, or which was acquired after such date, and with respect to which a Necessity Certificate has been made.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.
ROBERT P. PATTERSON,
Under Secretary of War.
JAMES FORRESTAL,
Under Secretary of the Navy.

Dated: October 30, 1941.

[F. R. Doc. 41-8210; Filed, November 1, 1941; 11:08 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

PART 5—REGULATIONS, UNITED STATES COAST GUARD AUXILIARY

The order issued under date of March 5, 1941, pursuant to section 302 of the Coast Guard Auxiliary and Reserve Act of 1941 (Public, No. 8, 77th Congress, 1st Session), prescribing flags and insignia for the United States Coast Guard Auxiliary (6 F.R. 1361), is hereby revoked. Pursuant to the above cited authority, § 5.6 is amended to read as follows:

§ 5.6 *Flags, pennants and insignia*—(a) *Emblem.* The distinctive emblem of the United States Coast Guard Auxiliary shall be, in general terms, to wit: A shield having 13 vertical stripes and a chief—the chief and 7 stripes to be in white, and the alternate 6 stripes in solid color (except where the emblem is used on a white background, the chief and 7 stripes to be in solid color and the alternate 6 stripes in white), this shield to be placed within two concentric circles; the space between the concentric circles to have the legend "U. S. Coast Guard" above and "Auxiliary" below; all to be in front of two old-fashioned anchors, flukes downward, stocks in the same plane as the flukes, anchors to be crossed saltirewise so that the shanks are at an angle of 90° to each other; the concentric circles, legend, and anchors to be in the color of the chief of the shield.

(b) *Flags and pennants.* The following flags and pennants are prescribed:

Flag. The flag of the Coast Guard Auxiliary shall consist of the emblem of the Auxiliary in white on a blue field. The emblem shall be centered on the flag. The fly of the flag shall be one and six-tenths of the hoist. The height of the emblem shall be one-half of the hoist.

Pennant—Commander. The pennant of a Commander shall consist of the emblem of the Auxiliary in white on a triangular blue field. The emblem shall be placed on the horizontal center line of the pennant at a point one-third of the hoist from the hoist. The fly shall be twice the length of the hoist. The height of the emblem shall be one-third of the hoist.

Pennant—Captain. The pennant of a Captain shall be identical with that of a Commander with the addition of a vertical white bar, one twenty-fourth in width and one-quarter in length of the hoist, placed five-sixths of the hoist from the hoist.

Pennant—Commodore. The pennant of a Commodore shall be identical with that of a Captain with the addition of another white bar of same size, placed toward the fly, one-sixth of the hoist from the first bar.

Pennant — Vice-Commander. The pennant of a Vice-Commander shall be

identical with that of a Commander except that the emblem of the Auxiliary shall be in white on a red field.

Pennant — Vice - Captain. The pennant of a Vice-Captain shall be identical with that of a Captain except that the emblem and vertical bar shall be in white on a red field.

Pennant — Vice - Commodore. The pennant of a Vice-Commodore shall be identical with that of a Commodore except that the emblem of the Auxiliary and the vertical bars shall be in white on a red field.

Pennant—Junior Commander. The pennant of a Junior Commander shall be identical with that of a Commander except that the emblem of the Auxiliary shall be in blue on a white field.

Pennant—Junior Captain. The pennant of a Junior Captain shall be identical with that of a Captain except that the emblem of the Auxiliary and vertical bar shall be in blue on a white field.

Efficiency Pennant. The pennant indicating that a merit rating of "excellent" has been awarded to a vessel of the Auxiliary shall be blue, hoist one-eighth, and fly two and four-tenths of the hoist of the flag of the Auxiliary with which it is displayed. The pennant shall have the designation "U. S. C. G. A.—Efficiency" in rounded block letters thereon of white, approximately one-half the hoist of the pennant.

(c) *Flags and pennants, display.* Vessels of the Auxiliary shall be entitled to display the flag of the Auxiliary. The flag of the Auxiliary when flown shall be displayed as follows:

On vessels without a mast—at the bow staff.

On vessels with one mast—at the truck.

On vessels with two or more masts—at the main truck.

Vessels of the Auxiliary shall display the flag of the Auxiliary only when the Member who is owner or part owner of the vessel is aboard.

An officer of the District Board, Division Board, or a Flotilla, when aboard his vessel or a vessel of the Auxiliary of his District, Division, or Flotilla, as the case may be, shall be entitled to display his pennant from the starboard spreader if there be one. On vessels without a mast an officer of the Auxiliary may fly his pennant at the bow staff in lieu of the flag of the Auxiliary.

(d) *Insignia.* The insignia for members of the Auxiliary shall be in gold metal or gold covered metal and shall be in general terms, to wit: A shield having 13 vertical stripes and a chief, the chief to be lined emblematical of blue, six stripes to be lined emblematical of red, and seven stripes to be solid emblematical of white, this shield to be placed within two concentric circles; the space between the concentric circles to be of dark blue enamel and to have the legend in gold letters "U. S. Coast Guard" above and "Auxiliary" below; all to be in front of two old-fashioned anchors, flukes downward, stocks in the same plane as the flukes, anchors to be crossed saltirewise so that the shanks are at an angle of 90° to each other.

(e) *Display of insignia.* The insignia, United States Coast Guard Auxiliary, may be worn as:

(1) A pin on the left breast pocket, or
(2) A lapel button, or
(3) A cap device.

The pocket pin shall have an overall height of 13/16 inch, the lapel button 9/16 inch and the cap device 1¾ inches.

(f) *Unauthorized use of flags, pennants and insignia.* Any person who shall without proper authority fly from a motorboat, yacht, or other vessel, any flag or pennant or wear any insignia of the Auxiliary shall, upon conviction thereof, be punished by a fine not exceeding $100.00. (Sec. 302, 55 Stat. 13)

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

The following new sections are added:

Insignia

§ 8.9101 *Insignia.* The insignia for members of the Reserve shall be in gold metal or gold covered metal and shall be in general terms, to wit: A shield having 13 vertical stripes and a chief, the chief to be lined emblematical of blue, six stripes to be lined emblematical of red, and seven stripes to be solid emblematical of white, this shield to be placed within two concentric circles; the space between the concentric circles to have the legend "U. S. Coast Guard" above and "Reserve" below; all to be in front of two old-fashioned anchors, flukes downward, stocks in the same plane as the flukes, anchors to be crossed saltirewise so that the shanks are at an angle of 90° to each other. (Sec. 302, 55 Stat. 13)

§ 8.9102 *Display of insignia.* The insignia, United States Coast Guard Reserve, may be worn with civilian dress as a lapel button having a height of 5/16 inch. (Sec. 302, 55 Stat. 13)

§ 8.9103 *Unauthorized use of insignia.* Any person who shall without proper authority wear the insignia of the Reserve shall, upon conviction thereof, be punished by a fine not exceeding $100.00. (Sec. 302, 55 Stat. 13)

[SEAL] HERBERT B. GASTON,
Acting Secretary of the Treasury.

Approved: October 29, 1941.

[F. R. Doc. 41-8212; Filed, November 1, 1941; 11:20 a. m.]

TITLE 42—PUBLIC HEALTH

CHAPTER I—PUBLIC HEALTH SERVICE

PART 11—FOREIGN QUARANTINE

NOTE: For the text of the amendments to the regulations in this part see Title 19—Customs Duties, Part 4—Air Commerce Regulations, *supra*.

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-214]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WRIGHT AERONAUTICAL CORPORATION, PATERSON, NEW JERSEY

Contract for: Miscellaneous Parts for Wright Aeronautical Type Engines.

Amount: $19,268,820.36.

Place: Material Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 121-12 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 6th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government miscellaneous parts for Wright Aeronautical Type Engines for the consideration stated nineteen million two hundred sixty eight thousand eight hundred twenty dollars and thirty six cents ($19,268,820.36) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of paragraph 4 g (3), A. R. 5-240, section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[1] Approved by the Under Secretary of War August 23, 1941.

[F. R. Doc. 41-8208; Filed, November 1, 1941; 9:36 a. m.]

[Contract No. W-398-qm-#62; O. I. #62]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MANUFACTURING CO. (GENERAL MOTORS TRUCK & COACH DIVISION), PONTIAC, MICHIGAN

Contract for: Trucks. * * *

Amount: $4,426,020.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This Contract, entered into this 3d day of September 1941.

Scope of this contract. The contractor shall furnish and deliver Trucks * * *, for the consideration stated $4,426,020.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of acceptable articles within the time specified in Article 1, or any extension or extensions thereof, the Government may, by written notice, terminate the right of the contractor to proceed with the delivery of all or any portion of the undelivered articles covered by this contract.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22006 P 241-30 A-0022-13 the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1 (a) Act of July 2, 1940 (Public 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8206; Filed, November 1, 1941; 9:36 a. m.]

[Contract No. W 535 ac-21216; 5597]

SUMMARY OF COST - PLUS - A - FIXED - FEE SUPPLY CONTRACT

CONTRACTOR: FORD MOTOR COMPANY

Contract for: * * * Airplanes, Spare Parts therefor and Data.

Estimated Cost: $218,625,000.00.

Fixed Fee: $13,117,500.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 26th day of September 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles:

Item 1— * * * Airplanes, * * *.

Item 2—Certain spare parts for the airplanes called for under the terms of Item 1 above.

Item 3—Data pertinent to the airplanes called for under Item 1 above.

ART. 2. *Estimated costs.*

Item	*Estimated cost*
1. * * * Airplanes with Data and Breakdown pertinent thereto	$198,750,000.00
2. Spare Parts for the airplanes called for under Item 1	19,875,000.00
Total Estimated Cost	218,625,000.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items and the performance of all services and work specified in the contract subject to reimbursement for costs as outlined in Article 6 hereof, the cost of complete performance of this contract plus a fixed fee of thirteen million, one hundred seventeen thousand, five hundred dollars ($13,117,500.00), (six percentum of the estimated cost of airplanes, spare parts and data as hereinbefore set forth). This estimated cost and the fixed fee are subject to increase or decrease resulting from authorized changes as provided in Article 5 hereof: *Provided, however,* That there shall be no adjustment in the amount of the fixed-fee as provided herein, nor shall there be any claim for increased compensation, because of any errors and/or omissions made in computing the original estimated cost of the work or where the estimated cost varies from the actual cost.

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor, subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety percentum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advance payments.* The Government, as requested by the Contractor from time to time shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty per centum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it

[1] Approved by the Under Secretary of War, October 1, 1941.

advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 20. *Fire insurance.* The Contractor agrees, unless and until otherwise directed in writing by the Contracting Officer, to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for costs is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payments or payments in reimbursement of costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 21. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

ART. 39. *Option to change to fixed price.* After the Contractor has manufactured and delivered under this contract * * * airplanes, or at such other time as may be mutually agreed upon between the parties hereto, the Contractor, upon the basis of experience obtained or upon the basis of other pertinent knowledge or information then obtainable as to a definite fixed price to be paid for the articles called for hereunder, will endeavor to reach an agreement with the Government upon a definite price to be paid by the Government for such articles in lieu of the cost-plus-a-fixed-fee hereinabove provided for; and, in the event that such an agreement be reached and reduced to writing, it shall provide that the fixed price shall apply not only to the articles thereafter to be delivered but also to articles theretofore delivered, for which proper adjustment shall be made. It is understood that any agreement that may be reached between the parties hereto as provided in this Article shall contain adequate and suitable provisions for the adjustment from time to time of such price on account of changes in labor and material costs, taxes, and other changes subsequent to the making of such agreement and such other appropriate changes as may be agreed upon, and shall be contingent upon similar agreements being reached between the Contractor and Douglas Aircraft Company, Inc. and between the Contractor and the Consolidated Aircraft Corporation, with respect to the articles being manufactured by the Contractor under the Douglas Subcontract and the Consolidated Subcontract. Negotiations looking to the establishment of a definite price as contemplated by this Article shall not be required in the event the Contractor at the indicated time considers it impracticable to determine a fair and reasonable price.

This contract authorized under the provisions of section 2 (a) Act of June 28, 1940, and section 1 (a) Act of July 2, 1940, as amended by section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8207; Filed, November 1, 1941; 9:36 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1752-FD]

IN THE MATTER OF GREIER & SCHLACHTER COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, complainant, alleging wilful violation by Greier & Schlachter Coal Company, a partnership of John W. Greier and Hilbert Schlachter, a code member in District 11, the defendant, of the Bituminous Coal Code, or rules and regulations thereunder, as follows:

That the defendant with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 11 For Truck Shipments and with intent to violate the same and in violation thereof, sold, between October 10, 1940, and April 30, 1941, 119.37 tons of 1¼" screenings (Size Group 14), at 50 cents per ton, and 20 tons at 60 cents, per net ton f. o. b. the mine for truck shipments; whereas the effective minimum price established for such coal is $1.40 per net ton f. o. b. the mine for truck shipment;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 27, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith.

Now, therefore, it is ordered, That the code membership of the defendant, Greier & Schlachter Coal Company, a partnership composed of John W. Greier and Hilbert Schlachter, be and is hereby revoked and cancelled.

It is further ordered, That, prior to any reinstatement of the defendant, Greier & Schlachter Coal Company or John W. Greier, or Hilbert Schlachter, partners therein, to membership in the Code, there shall be paid to the United States a tax in the amount of $76.10 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8218; Filed, November 3, 1941; 9:51 a. m.]

[Docket No. B-75]

IN THE MATTER OF THE EAGLE BOAT STORE COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2601, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

(1) The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), to determine:

(a) Whether or not the Eagle Boat Store Company, a corporation, Registered Distributor, Registration No. 2601, the respondent in the above-entitled matter, whose address is 805 North Levee, St. Louis, Missouri, has violated any provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated January 7, 1941, executed by the respondent pursuant to Order of the Bituminous Coal Division dated June 19, 1940 in General Docket No. 12; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

(2) The respondent, during the period February 1 to May 30, 1941, both dates inclusive, purchased approximately 1,887.3 tons of various sizes of coal from code members and secured, accepted and retained distributor's discounts from the effective minimum prices of said coal. This coal was resold by the respondent to the Eagle Packet Company of St. Louis, Missouri, a corporation, a retailer, located at the same address as the respondent.

(3) The respondent, during the period referred to in paragraph (2) hereof, had interlocking offices with said retailer and its officers, its shareholders were shareholders of said retailer and respondent was under the control, financially or otherwise, of said retailer in violation of § 304.19 (c) of the Rules and Regulations for the Registration of Distributors, and (h) of the Agreement.

(4) The respondent in its application for registration with the Bituminous Coal Division as a distributor of coal referred to in paragraph (1) hereof failed to state, as required on pages 5 and 6 of said application and § 304.11 (c) (6) of the Distributors' Rules, that it was affiliated with said retailer. The failure to state this affiliation constituted a violation of paragraph (f) of the Agreement.

(5) In securing, accepting and retaining the distributor's discounts referred to in paragraph (2) hereof, the respondent was in violation of Paragraph (d) of the Agreement, since such transactions were not purchases of coal for bona fide resale and further was in violation of § 304.19 (a) of the Rules and Regulations for the Registration of Distributors.

(6) In securing, accepting and retaining the distributor's discounts referred to in paragraph (2) hereof, the respondent was in violation of paragraph (g) of the Agreement, since said transactions were entered into between the distributor and its vendee primarily for the purpose of unjustly enriching the respondent, no service of value was rendered by the respondent to the code member vendors, and, except for the incidence of II (h) of the Act, the consumer would have purchased directly from a code member.

(7) The coal referred to in paragraph (2) hereof was physically handled by the respondent, and resold by the respondent in less than carload lots. In accepting and retaining distributor's discounts on such coal, the respondent was in violation of paragraph (d) of the Agreement.

(8) The transactions referred to in paragraph (2) hereof, concerning sales to or through a broker, jobber, commission account or sales agency which is in fact or effect an agency or instrumentality of a retailer, whereby the former secures either directly or indirectly a discount, dividend, allowance or rebate or a price other than that determined in the manner prescribed by the Act were therefore in violation of section 4 II (f) 12 of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on December 5, 1941, at a hearing room of the Bituminous Coal Division at Room 516, New Federal Building, St. Louis, Missouri.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8214; Filed, November 3, 1941; 9:50 a. m.]

[Docket No. A-1119]

PETITION OF DISTRICT BOARD NO. 19 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN CERTAIN SIZE GROUPS PRODUCED AT THE MINES IN DISTRICT NO. 19, FOR SHIPMENT BY RAIL INTO MARKET AREA NO. 247

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the Rules of the Division be held on November 17, 1941 at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, in the United States Post Office, Thermopolis, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing, in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 19 for reduction of the effective minimum prices for the coals in Size Groups 1, 2, 3, 4 and 5 produced at all mines in District No. 19 for shipment by rail into Market Area No. 247, comprising Seattle and its suburban area in the State of Washington, to such minimum prices as will preserve for those coals the coordinated price relationship and differentials which existed between them and the coals in those size groups produced in District No. 20 for rail shipment into that market area, prior to the Order of the Director of June 27, 1941, in Docket No. A-277 which lowered such minimum prices for those coals in Size Groups 2, 3 and 5 produced in District No. 20.

Dated: October 31, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8215; Filed, November 3, 1941; 9:50 a. m.]

[Docket No. A-1102]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE REVISION IN SIZE GROUP 1 FROM PRICE CLASSIFICATION "B" TO "D" OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF SEMOCO MINE (MINE INDEX NO. 164) OF SHOCKLEY CREEK COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 24, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 19, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matter specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 7 for the revision in Size Group 1 from Price Classification "B" to "D" of the price classifications and minimum prices established for the coals of Semoco Mine, Mine Index No. 164, of Shockley Creek Coal Company, a Code Member in District No. 7 for all shipments except truck.

Dated: October 30, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8216; Filed, November 3, 1941; 9:50 a. m.]

[Docket No. 1617-FD]

IN THE MATTER OF NEW CITIZENS COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND REVOKING CODE MEMBERSHIP

A complaint, pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on March 19, 1941, by the Bituminous Coal Producers Board for District 12, the complainant, against the New Citizens Coal Company, defendant, a code member in District 12, alleging wilful violation by the defendant of the Act and the rules thereunder and requesting that the defendant's code membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, in Centerville, Iowa;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in the above proceedings, dated September 11, 1941, and having recommended that an order be entered revoking the code membership of the defendant H. G. Graham, doing business as the New Citizens Coal Company;

An opportunity having been afforded the parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The Director having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That pursuant to Section 5 (b) of the Act, the code membership of the defendant, H. G. Graham, doing business as the New Citizens Coal Company be revoked and cancelled;

And it is further ordered, That, prior to any reinstatement of the defendant, the New Citizens Coal Company, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $413.98 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 30, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8217; Filed, November 3, 1941; 9:51 a. m.]

[Docket No. 1749-FD]

IN THE MATTER OF KATHERINE HOFFMASTER, DOING BUSINESS AS HOFFMASTER COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, alleging that Katherine Hoffmaster, doing business as Hoffmaster Coal Company, a code member in District 4, the defendant, wilfully violated the Bituminous Coal Code or the rules and regulations thereunder by selling during January and February 1941, approximately 380 tons of 3" plus lump coal (Size Group 2), 155 tons of 3" plus resultant coal (Size Group 6), and 300 tons of mine run coal (Size Group 6), at prices of $2.50, $1.00 and $1.25, and $2.30 respectively, whereas the effective minimum prices for such coals are $2.90, $2.35, and $2.35 respectively;

The defendant having filed an answer denying the allegations of the complaint;

Pursuant to an order of the Director and after notice to all interested persons, a hearing in this matter having been held on September 4, 1941, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Youngstown, Ohio, at which the defendant appeared;

The defendant having waived the preparation and filing of a report by the Examiner and the record of the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, Katherine Hoffmaster, doing business as Hoffmaster Coal Company, operating in District 4, be and it is hereby revoked and cancelled;

It is further ordered, That prior to any reinstatement of the defendant to membership in the code, the defendant shall pay to the United States a tax in the amount of $850.28, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 30, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8219; Filed, November 3, 1941; 9:52 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board 11 having filed a complaint with the Bituminous Coal Division on May 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Morris & Campbell, a partnership, a code member in District 11, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, and with intent to violate the same and in violation thereof, sold lump coal produced by the defendant at its Rock Hollow Mine, Mine Index No. 641, located in Sullivan County, Indiana, at a price of $1.80 per net ton when the effective minimum price applicable thereto was $2.20 per net ton f. o. b. the mine; the defendant having filed an answer admitting the allegations contained in the complaint;

Pursuant to an Order of the Director and after notice to all interested persons a hearing having been held in this matter on September 24, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of defendant, Morris & Campbell, a partnership, composed of Moss Morris and Floyd Campbell be and it hereby is revoked and cancelled.

It is further ordered, That prior to the reinstatement of the defendant or any partner therein, Moss Morris and Floyd Campbell, to membership in the Code there shall be paid to the United States a tax, as provided in section 5 (c) of the Act, in the amount of $1,213.51.

Dated: October 31, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8220; Filed, November 3, 1941; 9:52 a. m.]

[Docket No. 1768-FD]

IN THE MATTER OF URBANDALE COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on June 25, 1941, by District Board 12, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violations by the Urbandale Coal Company, a code member in District 12, the defendant, of the Bituminous Coal Code and rules and regulations thereunder, as follows:

That, during the period from February 15, 1941, to June 1, 1941, the defendant sold and delivered by truck to the Des Moines Electric Light Company in Des Moines, Iowa, which purchaser has privately owned or leased railway facilities, 272 tons of screenings produced at the defendant's mine, at a delivered price of $2.42 per ton, whereas the effective minimum price for such coal was $2.54 per ton;

The defendant having filed an answer to the complaint denying that it had willfully violated the Code or the rules and regulations thereunder;

Pursuant to Orders of the Director, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Appearances having been entered for District Board 12 and the defendant;

All parties having joined in waiving the preparation and filing of a report by the Examiner, and the record of the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, the Urbandale Coal Company, operating in Polk County, Iowa, in District 12, be, and it hereby is, revoked and cancelled.

It is further ordered, That, prior to any reinstatement of the defendant, the Urbandale Coal Company, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $158.06, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 31, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8221; Filed, November 3, 1941; 9:53 a. m.]

[Docket No. 1700-FD]

IN THE MATTER OF T. E. LUMAN, DEFENDANT

ORDER REVOKING AND CANCELING CODE MEMBERSHIP

A complaint having been filed on June 2, 1941, with the Bituminous Coal Division, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4 alleging that T. E. Luman, the defendant, a code member producer in District 4, wilfully violated the provisions of the Bituminous Coal Code and the Rules and Regulations thereunder, by:

(a) Selling during the period between October 1, 1940, and November 30, 1940, 78 tons of coal produced at his Luman Mine (Mine Index No. 904), located in Muskingum County, Ohio, in Subdistrict 6 of District 4, at prices below the effective minimum prices established therefor in the Schedule of Effective Minimum Prices for District No 4 for Truck Shipments; and

(b) Failing to maintain, file, and submit to the Division, sales slips, invoices, and other reports and information relating to the sale and delivery of coal, as required by Orders Nos. 156, 296, 297, 307, and 309;

An answer having been filed by the defendant on July 31, 1941, and, pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 19, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Zanesville, Ohio;

Appearances having been entered by T. E. Luman, the defendant, and all interested parties having been afforded an opportunity to be present and to participate fully in the hearing;

At the conclusion of the hearing the defendant having waived the preparation and filing of a report by the Examiner, the record of the proceeding having thereupon been submitted to the undersigned, and the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, T. E. Luman, operating in Muskingum County, Ohio, in Subdistrict 6 of District 4, be and it is hereby revoked and cancelled,

And it is further ordered, That prior to any reinstatement of the defendant, T. E. Luman, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $43.67 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: October 31, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8222; Filed, November 3, 1941; 9:53 a. m.]

[Docket No. A-876]

PETITION OF THE CENTRAL INDIANA COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 11, FOR THE ESTABLISHMENT OF OFF LINE MINIMUM PRICES FOR THE COALS PRODUCED AT ITS MINE INDEX NOS. 1 AND 111, FOR SHIPMENT TO THE ILLINOIS CENTRAL, PENNSYLVANIA, AND NEW YORK CENTRAL RAILROADS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner in the above-entitled matter having moved that its petition therein be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8223; Filed, November 3, 1941; 9:53 a. m.]

[Docket No. A-875]

PETITION OF THE SHERWOOD-TEMPLETON COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 11, FOR THE ESTABLISHMENT OF OFF LINE MINIMUM PRICES FOR THE COALS PRODUCED AT ITS MINE INDEX NOS. 108 AND 112, FOR SHIPMENT TO THE CHICAGO AND EASTERN ILLINOIS, ILLINOIS CENTRAL, AND BALTIMORE AND OHIO RAILROADS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner in the above-entitled matter having moved that its petition therein be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8224; Filed, November 3, 1941; 9:53 a. m.]

[Docket No. 1758-FD]

IN THE MATTER OF MCCAMMON BROS. COAL COMPANY, A PARTNERSHIP, DEFENDANT

CEASE AND DESIST ORDER

District Board 11 having filed a complaint with the Bituminous Coal Division on May 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by the McCammon Bros. Coal Company, a code member in District 11, of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, and with intent to violate the same, and in violation thereof, sold during the period March 1 to April 8, 1941, mine run and 1¼" lump coals produced by the defendant at the McCammon Mine (Mine Index No. 1155) located in Sullivan County, Indiana, at a price of $1.50 per net ton when the effective minimum prices applicable thereto were $1.80 per net ton for mine run coal and $2.20 per net ton for 1¼" lump coal f. o. b. the mine. At the hearing, the complaint was amended so as to charge such violations from March 1 to April 8, 1941;

Pursuant to an Order of the Director and after notice to all interested persons a hearing having been held in this matter on September 24, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of the report of the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion which are filed herewith;[1]

Now therefore it is ordered, That the defendant, McCammon Bros. Coal Company, a partnership, composed of Floyd McCammon and Samuel McCammon, its officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its interest or behalf or in the behalf or interest of Floyd McCammon or Samuel McCammon, cease and desist, and are hereby permanently enjoined and restrained from violating the Code and selling or offering to sell coal produced by the defendant or by Floyd McCammon and Samuel McCammon at less than the applicable minimum prices established therefor contrary to the Bituminous Coal Act or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to comply with this Order the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof, or take any other appropriate action.

Dated: October 31, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8225; Filed, November 3, 1941; 9:54 a. m.]

[1] Not filed with original document.

[Docket No. 1833-FD]

IN THE MATTER OF RYAN & BENSON FUEL CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7951, RESPONDENT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING AND POSTPONING HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated September 12, 1941, in the above-entitled matter to determine whether or not Ryan & Benson Fuel Corporation, registered distributor, has violated certain provisions of the Bituminous Coal Act (the "Act"), the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement executed April 14, 1939, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalty imposed; and

An Amended Notice of and Order for Hearing having been entered on September 30, 1941, postponing the hearing to October 15, 1941, and the hearing having been postponed to November 3, 1941, at a hearing room of the Division at Washington, D. C.

It is ordered, That the hearing herein be further postponed to November 17, 1941, at 10 o'clock a. m., at a hearing room of the Division at Washington, D. C.

It is further ordered, That the Notice of and Order for Hearing, dated September 12, 1941, as amended, in the above-entitled matter, beginning with paragraph numbered "2" thereof, be and it hereby is amended and supplemented to read as follows:

2. During the period from October 1, 1940 to September 26, 1941, both dates inclusive, the respondent purchased various sizes of coal in substantial quantities, and secured and accepted distributor's discounts thereon from code member producers, which coal it resold to the Ryan & Benson Coal Corporation, a retailer of Baltimore, Maryland, under whose control, financially or otherwise, said respondent was, in violation of § 304.19 (c) of the Rules and Regulations for Registration of Distributors.

3. In the transactions referred to in paragraph 2 hereof the respondent did not purchase such coal for bona fide resale and the acceptance or retention of a distributor's discount under such circumstances was in violation of paragraph (d) of the Distributor's Agreement.

4. The transactions referred to in paragraph 2 hereof were entered into between the respondent and the Ryan & Benson Coal Corporation primarily for the purpose of unjustly enriching the respondent and when except for the incidence of section 4 II (h) of the Act the consumer would have purchased directly from a Code member, and were, therefore, in violation of paragraph (g) of the Distributor's Agreement.

5. The payment of a distributor's discount on the transactions referred to in paragraph 2 hereof created unfair competition and was, therefore, in violation of paragraph (g) of the Distributor's Agreement.

6. The respondent, in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal, dated April 14, 1939, as described in paragraph 1 hereof, failed to state as required on pages 5 and 6 thereof, the financial relations with the Ryan & Benson Coal Corporation, and the failure to state that material fact was in violation of paragraph (f) of the Distributor's Agreement and contrary to § 304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

7. The acceptance of a distributor's discount by the respondent on coal purchased by it under circumstances whereby this coal was retailed by the respondent was in violation of § 304.19 (a) of the Rules and Regulations for Registration of Distributors.

8. The transactions referred to in paragraph 2 hereof concern sales to, or through a broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance or rebates, or a price other than that determined in the manner prescribed by this Act, and were, therefore, in violation of section 4 II (i) 12 of the Act, and Rule 12 of section XIII of the Marketing Rules and Regulations.

9. In the transactions referred to in paragraph 2 hereof, the due date of the account between the respondent and the Ryan & Benson Coal Corporation was extended by agreement of the parties and the respondent failed to charge and the Ryan & Benson Coal Corporation failed to pay interest from and after the due date of the account at the rate of not less than five (5) per centum per annum, which transactions were in violation of paragraph (I) of section VII of the Marketing Rules and Regulations.

10. In the transactions referred to in paragraphs 2 and 8 hereof, the respondent extended to the Ryan & Benson Coal Corporation services and privileges not extended to all purchasers under like terms and conditions, or under similar circumstances, in violation of section 4 II (i) 6 of the Act, and Rule 6 of section XIII of the Marketing Rules and Regulations, and paragraph (c) of the Distributor's Agreement.

It is further ordered, That the time of respondent to file its answer herein is hereby extended to November 10, 1941;

It is further ordered, That the Notice of and Order for Hearing dated September 12, 1941, as amended, be renewed in all other respects.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8226; Filed, November 3, 1941; 9:54 a. m.]

[Docket No. 1784-FD]

IN THE MATTER OF STERLING COAL & SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8712, RESPONDENT

ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated July 25, 1941, to determine whether Sterling Coal & Supply Company, a registered distributor (Registration No. 8712), 1116 City National Bank Building, Omaha, Nebraska, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, and the Agreement by Registered Distributor, by accepting and retaining discounts in excess of the maximum of 12 cents per net ton allowable.

The respondent having filed an answer admitting the acceptance and retention of an excessive discount, but averring its good faith and that restitution had been made; a hearing having been held before a duly designated Examiner of the Division at a hearing room thereof in Omaha, Nebraska, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the registration of the respondent, Sterling Coal & Supply Company, as a registered distributor, Registration No. 8712, be and it hereby is suspended for a period of thirty (30) days from the date of this Order.

It is further ordered, That the respondent shall not evade the effect of such suspension directly or indirectly by the use of any device such as a sales agency agreement or any other device and that such suspension shall not excuse the respondent from all duties and functions imposed upon it by the Act or the rules or regulations thereunder.

It is further ordered, That as a condition to reinstatement of such registration, in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration.

Dated: October 30, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8227; Filed, November 3, 1941; 9:54 a. m.]

[Docket No. A-1082]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1082, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT FOR THE COALS OF HERCULES MINE, MINE INDEX NO. 644

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1082-PART II FROM DOCKET NO. A-1082 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO A-1082-PART II

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division in Docket No. A-1082, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1. As the Director found in an Order issued in Docket No. A-1082, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner, except as to the establishment of an additional loading point for the coals of the Hercules Mine, Mine Index No. 644, of A. D. Grasso, a code member in District No. 1.

Strattonville, Pennsylvania, on Lake Erie, Franklin & Clarion Railroad, is already established as the loading point for the coals of the said mine for all shipments except truck. The petitioner proposes that Corsica, Pennsylvania, on the said railroad, be established as an additional loading point for the coals of the said mine for all shipments except truck. The petition does not allege any facts in support of this proposal. The Director is of the opinion that Corsica, Pennsylvania, on the said railroad should not be established as an additional loading point for the coals of the said mine until the necessity therefor has been clearly shown at a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1082 relating to the establishment of an additional loading point at Corsica, Pennsylvania, on Lake Erie, Franklin & Clarion Railroad for the coals of Hercules Mine, Mine Index No. 644, of A. D. Grasso, a code member in District No. 1, be, and it hereby is, severed from the remainder of Docket No. A-1082 and designated as Docket No. A-1082-Part II.

It is further ordered, That a hearing in Docket No. A-1082-Part II under the applicable provisions of said Act and the rules of the Division be held on December 4, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth

Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 29, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of Corsica, Pennsylvania, on Lake Erie, Franklin & Clarion Railroad, as an additional rail loading point for the coals of Hercules Mine, Mine Index No. 644, of A. D. Grasso, a code member in District No. 1, for all shipments except truck, and for the application thereto of all adjustments required or permitted mines in Freight Origin Group No. 31.

Dated: October 31, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8229; Filed, November 3, 1941; 9:55 a. m.]

[Docket No. A-983]

IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF MAXIMUM PRICES FOR ALL COALS

MEMORANDUM OPINION AND ORDER CONCERNING MOTION OF DISTRICT BOARD 8 FOR CONTINUANCE

Bituminous Coal Producers Board for District No. 8, an intervener herein, on October 30, 1941, filed its motion requesting a further continuance of the hearing in this matter from November 4, 1941, to November 12, 1941, or, in the alternative, a recess of the hearing for a period of seven consecutive days at any time following the reconvening of the hearing on November 4, 1941, but prior to the time when District Board 8 shall be required or called upon to proceed with presentation of evidence in support of its petition of intervention.

Bituminous Coal Consumers' Counsel has expressed objection to any postponement.

The issues in this proceeding are both novel and complex, and their proper determination is of great importance to producers and consuming public alike. The district boards are in a position to render considerable aid toward such a proper determination. District Board 8, which represents the largest producing district in the nation, from the point of view of tonnage, states in support of its motion that it is seriously engaged in a comprehensive effort to prepare and present evidence on the issues involved. It alleges that a staff of engineers which it has retained is now conducting an investigation and study of the value of mine properties in District 8 with a view toward testifying as experts thereupon in this proceeding; that such investigations and studies cannot be completed prior to November 12; and that counsel for the Board require an additional week's time for consultations with the engineers in order properly to prepare for orderly presentation of their findings as evidence in this proceeding. A week's postponement would therefore seem conducive toward a more comprehensive and expeditious determination of the issues in this matter.

District Board 8 has suggested that if the hearing is not now continued it be recessed for a period of seven consecutive days at some future date prior to the time when that board is called on to present its evidence. It would seem, however, that postponement now would permit a more orderly presentation of the evidence and would serve to protect the interests of all parties.

In light of these considerations, the Director is of the opinion that a week's postponement of the hearing in this matter at this time is warranted. In view of the fact that November 11, 1941, is a legal holiday, the hearing should resume on November 12.

Accordingly, it is ordered, That the hearing in this proceeding be, and the same hereby is, postponed until November 12, 1941, at 10 o'clock in the morning at a hearing room to be designated on that day by the Chief of the Records Section, Room 502, 734 15th Street NW., Washington, D. C.

Dated: October 31, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8230; Filed, November 3, 1941; 9:55 a. m.]

APPLICATION FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by the following and is under consideration by the Director:

Name and address	*Date application filed*
Lansberry Coal Co. (A. B. Geynet Lansberry), R. D. #1, Woodland, Pa	Oct. 17, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of the above-named applicant for registration as a distributor under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before December 1, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: October 31, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8228; Filed, November 3, 1941; 9:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4303).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 3, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

American Dickey Corporation, Fourth Street, Tower City, Pennsylvania; Dickey; 40 learners; April 27, 1942.

American Robe Company, Bohemia, Long Island, New York; Bathrobes; 2 learners; November 3, 1942.

Annie Laurie Dress Company, 4 Cron Street, Pittston, Pennsylvania; Dresses; 20 learners; May 4, 1942.

Artistic Foundations, Inc., 417 Fifth Avenue, New York, New York; Corsets and Girdles; 10 percent; February 16, 1942.

B & O Manufacturing Company, Codorus, Pennsylvania; Herringbone Twill Jackets; 10 percent; May 3, 1942.

Bangor Shirt Corporation, Inc., C. K. Eagle Building, Shamokin, Pennsylvania; Shirts; 10 percent; November 3, 1942.

Berwick Shirt Company, Tenth and Pine Streets, Berwick, Pennsylvania; Men's Dress and Sport Shirts; 10 percent; November 3, 1942. (This certificate replaces one issued bearing expiration date of December 19, 1941.)

Betty Jane Frocks, Kentucky and Hunt Streets, McKinney, Texas; Wash Frocks; 10 learners; November 3, 1942. (This certificate replaces one issued bearing expiration date of December 2, 1941.)

The Big Ace Manufacturing Corporation, Thomas Street, Athens, Georgia; Overalls, Work Shirts; 10 percent; November 3, 1942.

Boston Blouse Company, 75 Kneeland Street, Boston, Massachusetts; Women's Blouses; 10 percent; November 3, 1942.

Brauer-Gressman Company, 814 Central Street, Kansas City, Missouri; Robes, Shirts, Pants, Jackets; 10 percent; November 3, 1942. (This certificate replaces one issued bearing expiration date of June 30, 1942.)

Clearfield Sportswear Company, Curwensville, Pennsylvania; Shirts; 10 percent; November 3, 1942.

Clearfield Sportswear Company, Clearfield, Pennsylvania; Rain Jackets, Shirts, Ensemble Sets; 10 percent; November 3, 1942.

Collins Manufacturing Company, 121 North Eighth Street, Philadelphia, Pennsylvania; Boys' Wash Suits and Overalls; 3 learners; November 3, 1942.

Dainty Maid Brassiere Manufacturing Company, 5 East 16th Street, New York, New York; Brassieres; 10 percent; February 16, 1942.

L. Dick Incorporated, 743 W. Front Street, Plainfield, New Jersey; Dresses; 10 percent; November 3, 1942.

Doncaster Collar and Shirt Company, Rutherfordton, North Carolina; Dresses and Shirts; 5 learners; November 3, 1942.

Empire Corset Company, Elm Street, McGraw, New York; Corsets; 5 learners; November 3, 1942.

Marion L. Gaunt, Main Street, Nullica Hill, New Jersey; Dresses, Blouses and Pajamas; 6 learners; March 23, 1942.

The Gernes Garment Company, Inc., 2617 Grand Avenue, Kansas City, Missouri; Dresses; 10 percent; November 3, 1942.

Goodman, Cohen and Company, 226 New Brunswick Avenue, Perth Amboy, New Jersey; Men's Shirts; 10 percent; November 3, 1942.

Gorchov Brothers Company, 1009 Filbert Street, Philadelphia, Pennsylvania; Men's Shirts; 1 learner; February 16, 1942.

Greensboro Overall Company, 1301 Carolina Street, Greensboro, North Carolina; Denim Overalls, Coats and Dungarees; 10 percent; November 3, 1942.

P. B. Handkerchief Company, 109 Lester Street, Wallington, New Jersey; Handkerchiefs; 5 learners; November 3, 1942.

Harrisburg Children's Dress Company, 14th and Howard Streets, Harrisburg, Pennsylvania; Children's Dresses; 10 percent; November 3, 1942.

Haspel Brothers, 2527 St. Bernard Avenue, New Orleans, Louisiana; Summer Suits; 5 percent; November 3, 1942. (This certificate replaces one issued bearing expiration date of October 16, 1942.)

Haspel Brothers, Inc., 2527 St. Bernard Avenue, New Orleans, Louisiana; Summer Suits; 10 percent; November 3, 1942. (This certificate replaces one issued bearing expiration date of October 16, 1942.)

G. Hendler and Sons, 247 South 3rd Street, Philadelphia, Pennsylvania; Slack Suits and Sportwear; 6 learners; November 3, 1942.

Herrmann Handkerchief Company, 661-663 N. 8th Street, Lebanon, Pennsylvania; Handkerchiefs; 30 learners; March 23, 1942.

G. H. Hess, Inc., 211 West Main Street, Louisville, Ohio; Maids' Uniforms and Wash Dresses; 10 percent; November 3, 1942.

Hollywood Maxwell Company, 437 S. Pleasant Street, Princeton, Illinois; Brassieres; 5 learners; November 3, 1942.

Casey Jones, Incorporated, 2311 Adams Avenue, Huntington, West Virginia; Cotton Work Clothing; 10 percent; November 3, 1942.

Kings Dresses, Inc., 519 Broadway, Kingston, New York; Dresses; 10 percent; November 3, 1942.

Kingston Manufacturing Company, 210 Third Street, San Antonio, Texas; Ladies' and Children's Slack Suits, Blouses and Separate Slacks, Boys' & Men's Breeches; 5 learners; November 3, 1942.

Korach Brothers, Genesee and 10th Street, Waukegan, Illinois; Washable Dresses; 50 learners; April 27, 1942.

Laros Textiles Company, E. Broad and Wood Streets, Bethlehem, Pennsylvania; Ladies' Woven Underwear; 10 percent; November 3, 1942. (This certificate replaces one issued bearing expiration date of December 19, 1941.)

H. D. Lee Mercantile Company, 200 N. 3rd Street, Minneapolis, Minnesota; Overalls and Jackets, Single Pants (Cotton), Coveralls; 10 percent; November 3, 1942.

Manny-Reilly Company, Inc., River Street, Valatie, New York; Polo Shirts, Ladies' Underwear; 10 percent; November 3, 1942.

Marso and Rodenborn Manufacturing Company, 700-702 First Avenue North, Fort Dodge, Iowa; Work Clothing; 10 percent; November 3, 1942.

Marvel Manufacturing Company, Marconi Boulevard, Copiague, Long Island, New York; Children's Dresses; 5 learners; November 3, 1942.

Marvel Underwear and Pajama Company, 20 Cleveland Avenue, Rutland, Vermont; Men's Pajamas; 10 percent; November 3, 1942.

Morehead City Garment Company, Inc., 1504 Bridges Street, Morehead City, North Carolina; Shirts; 10 percent; November 3, 1942.

Morgan Shirt Company, Inc., Morgantown, West Virginia; Dress Shirts, Pajamas and Army Shirts; 10 percent; November 3, 1942.

Mt. Holly Dress Company, Inc., Murrell and Paxson Streets, Mt. Holly, New Jer-

sey; Children's Cotton Dresses; 5 learners; November 3, 1942.

N. R. Garment Company, Inc., Walkersville, Maryland; Men's Pajamas; 10 percent; November 3, 1942.

Nancy Ellen Frocks, Inc., Camden, Maine; Dresses; 5 learners; November 3, 1942.

Narragansett Shirt Company, Wamsutta Street, New Bedford, Massachusetts; Men's Shirts, Men's Shorts, Men's Pajamas; 10 percent; November 3, 1942.

Neptune Garment Company, 120 Harrison Avenue, Boston, Massachusetts; Rainwear and Sportswear; 4 learners; November 3, 1942.

The Neptune Manufacturing Company, 709 West Market Street, Louisville, Kentucky; Men's Topcoats and Overcoats; 5 learners; November 3, 1942.

William H. Noggle and Sons, Inc., 27–37 East Ferdinand Street, Manheim, Pennsylvania; Children's Wash Garments, such as Pajamas, Suits, Overalls, Gowns, etc.; 10 percent; November 3, 1942.

William H. Noggle and Sons, Inc., Rexmont, Lebanon County, Pennsylvania; Boys' Cotton Pajamas; 10 percent; November 3, 1942.

William H. Noggle & Sons, Inc., Corner of Grant and High Streets, Manheim, Pennsylvania; Men's & Boys' Dress Shirts; 10 percent; November 3, 1942.

Norris Manufacturing Company, Taylors, South Carolina; Men's Shirts and Slacks; 10 percent; November 3, 1942.

Pella Overall Company, 707 East Third Street, Pella, Iowa; Work Clothing; 10 learners; November 3, 1942.

Penn Garment Company, Inc., N. W. Cor. Broad and Cherry Streets, Philadelphia, Pennsylvania; Dresses; 10 learners; November 3, 1942.

Poirette Corsets, Inc., 136 Madison Avenue, New York, New York; Corsets; 10 learners; February 16, 1942.

Polkton Manufacturing Company, Inc., Polkton, North Carolina; Work Shirts; 4 learners; November 3, 1942.

Quality Manufacturing Company, Point Pleasant, West Virginia; Dresses; 20 learners; March 23, 1942.

Red Hill Dress Company, Seventh and Washington Streets, Red Hill, Pennsylvania; Dresses; 5 learners; November 3, 1942.

Morris Schmuckler, 91 Bleecker Street, New York, New York; Pants; 10 percent; February 16, 1942.

Shamokin Dress Company, 1012 North Shamokin Street, Shamokin, Pennsylvania; Women's and Children's Dresses; 10 percent; November 3, 1942.

Edward Shuwall and Company, Inc., Elizabethtown, Pennsylvania; Dresses; 23 learners; March 23, 1942.

Edward Shuwall and Company, Inc., Hanover Street, Pottstown, Pennsylvania; Dresses; 108 learners; March 23, 1942.

Silver Trouser Manufacturing Company, 1405 East Columbus Drive, Indiana Harbor, Indiana; Trousers; 10 percent; November 3, 1942.

Boris Smoler and Sons, 3021 North Pulaski Road, Chicago, Illinois; Wash Dresses; 10 percent; November 3, 1942.

The Trenton Garment Company, West Rush Street, Kendallville, Indiana; Ladies' and Children's Knit Rayon Underwear; 5 learners; November 3, 1942.

B. Weiss Garment Manufacturing Company, 1515 North Seventh Street, Philadelphia, Pennsylvania; Aprons; 6 learners; May 4, 1942. (This certificate replaces one issued bearing expiration date of September 25, 1942.)

Wood Garment Manufacturing Company, West Elm Street, Republic, Missouri; Single Pants, Coveralls, Shirts; 53 learners; January 26, 1942.

Gloves

Brookville Glove Company, 25 Railroad Street, Brookville, Pennsylvania; Work Gloves; 5 percent; November 3, 1942.

Brookville Glove Company, 25 Railroad Street, Brookville, Pennsylvania; Work Gloves; 5 learners; November 3, 1942. (This certificate replaces one issued bearing expiration date of November 3, 1942.) (5% Certificate)

Eagle Glove and Garment Company, Conner Street, Noblesville, Indiana; Work Gloves; 20 learners; July 3, 1942.

Hansen Glove Corporation, 539 W. Wright Street, Milwaukee, Wisconsin; Leather Dress and Knit Fabric Gloves; 10 percent; May 3, 1942.

Marso and Rodenborn Manufacturing Company, 700–702 First Avenue North, Fort Dodge, Iowa; Work Gloves; 5 learners; November 3, 1942.

Milwaukee Glove Company, 807 South 14th Street, Milwaukee, Wisconsin; Leather Dress and Work Gloves; 5 learners; November 3, 1942.

Hosiery

Bisher Hosiery Mill, Salisbury Street, Denton, North Carolina; Seamless Hosiery; 10 learners; July 3, 1942.

Bland Silk Hosiery Mills, Inc., Bland, Virginia; Full Fashioned Hosiery; 10 learners; November 3, 1942.

Bland Silk Hosiery Mills, Inc., Bland, Virginia; Full Fashioned Hosiery; 15 learners; July 3, 1942.

Elizabeth James Mills No. 2, Logan Street, Marion, North Carolina; Full Fashioned Hosiery; 10 learners; July 3, 1942.

Fremont Hosiery Mills, Thomasville, North Carolina; Seamless Hosiery; 5 percent; November 3, 1942.

Gann Hosiery Mill, Alston Avenue Road, Durham, North Carolina; Seamless Hosiery; 5 learners; July 3, 1942.

Gold Seal Hosiery Company, Inc., 1003 Spain Street, New Orleans, Louisiana; Seamless Hosiery; 1 learner; November 3, 1942.

Hosiery Processing Company, Hooker Road, Rossville, Georgia; Full Fashioned Hosiery; 5 learners; May 3, 1942.

Magnet Mills, Inc., Cullom Street, Clinton, Tennessee; Full Fashioned Hosiery; 5 percent; November 3, 1942.

Magnet Mills, Inc., Lake City, Tennessee; Seamless Hosiery; 5 learners; November 3, 1942.

Millheim Hosiery Mills, Inc., Millheim, Pennsylvania; Seamless Hosiery; 5 percent; November 3, 1942.

Park Hosiery Mills, Carthage, North Carolina; Seamless Hosiery; 5 learners; November 3, 1942.

Spalding Knitting Mills, East Broad Street, Griffin, Georgia; Seamless Hosiery; 5 percent; November 3, 1942.

Varina Knitting Company, Varina, North Carolina; Seamless Hosiery; 7 learners; November 3, 1942.

Wrenn Hosiery Company, Liberty Drive, Thomasville, North Carolina; Seamless Hosiery; 5 percent; November 3, 1942.

Textile

Burrowes Manufacturing Company, Inc., Third West, Hendersonville, North Carolina; Chenille Products; 5 learners; November 3, 1942.

Hill Spinning Company, Roseboro, North Carolina; Cotton Yarns; 3 learners; November 3, 1942.

Juliette Milling Company, Juliette, Georgia; Cotton Yarn and Twine; 3 percent; November 3, 1942.

Kerstetter Silk Throwing Company, Janette Avenue, Mocanaqua, Pennsylvania; Rayon Yarns; 3 percent; November 3, 1942.

Kingston Chenille Company, Inc., Kingston, Georgia; Chenille Bedspreads; 5 percent; November 3, 1942.

Monarch Textile Corporation, 206 Globe Mills Avenue, Fall River, Massachusetts; Bedspreads and Bathmats; 10 learners; November 3, 1942. (This certificate replaces one issued bearing expiration date of December 5, 1941.)

John Sidebotham, Inc., 4317 Griscom Street, Philadelphia, Pennsylvania; Narrow Fabrics and Woven Tape and Webbing; 3 percent; November 3, 1942.

Triangle Thread Mills, 148 Greene Street, New York, New York; Yarn; 3 learners; November 3, 1942.

Signed at Washington, D. C., this 3rd day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–8259; Filed, November 3, 1941; 12:00 m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 3, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Alpha Cone Company, Bon-Air and Summit Avenue, Hatboro, Pennsylvania; Reconditioning of Used Paper Textile Cones; 3 learners; 4 weeks for any one learner; 30 cents per hour; Sorter and Inspector; December 15, 1941.

Central Bedding Company, 325 Oglethorpe Street, Macon, Georgia; Mattress Manufacturing Products, Pillows, Pads, Mattresses; 2 learners; 6 weeks for any one learner; 25 cents per hour; Tick maker and mattress maker; March 24, 1942.

R. Prescott and Son, Inc., Keeseville, New York; Wood Radio Cabinets; 22 learners; 6 weeks for any one learner; 34 cents per hour; Woodworking Machine Operator, Cabinet Assembler, Finisher; December 29, 1941.

Templetone Corporation, Mystic, Connecticut; Radio Cabinets, Assembling of Radio Sets; 25 learners; 4 weeks for any one learner; 30 cents per hour; Cabinet Assembler, Finisher, Sander, Woodworking Machine Operator; December 15, 1941.

Signed at Washington, D. C., this 3rd day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–8258; Filed, November 3, 1941; 12:00 m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6201]

NOTICE RELATIVE TO FORWARD WHEELING RADIO CORP. (NEW)

Application dated May 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Wheeling, West Virginia; operating assignment specified: Frequency, 1,450 kc.; power, 100 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders, to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine whether the granting of this application and the operation of the station herein proposed would serve public interest, convenience and necessity better than the operation of a station proposed by permittee, Washington Broadcasting Company, as authorized in the grant of August 22, 1941, of Application B2–P–3088.

4. To determine the availability of a transmitter site which would comply with the Standards of Good Engineering Practice in all respects.

5. To determine the areas and populations which would receive interference-free primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

6. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Forward Wheeling Radio Corporation, 1500 Main Street, Wheeling West Virginia.

Dated at Washington, D. C., October 29, 1941.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41–8209; Filed, November 1, 1941; 10:00 a. m.]

[Docket No. 6212]

NOTICE RELATIVE TO R. V. WARNER & G. H. TAMBLE, d/b AS WARNER AND TAMBLE RADIO SERVICE (NEW)

Application dated April 22, 1940, for construction permit; class of service, public coastal; class of station, coastal harbor; location, Pittsburgh, Pennsylvania; operating assignment specified: frequencies, 2,738, 2,782, 4,162.5, 6,455, 8,840, 11,090 kc.; power, 500 watts; emission, A2, A3; Pts. of Comm.: With ships on Miss. River and connecting inland waters.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Radiomarine Corporation of America, Docket No. 6213, for the following reasons:

1. To determine the extent and quality of the service proposed.

2. To determine the classes of service to be rendered and the approximate charges to be made for same.

3. To determine the need for the proposed service.

4. To determine whether or not interference would result to the service of any existing station or stations.

5. To determine whether or not the frequencies requested may be used upon a shared basis and to what extent.

6. To determine whether or not public interest, convenience and necessity would be served by the granting of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' address is as follows:

R. V. Warner & G. H. Tamble, d/b as Warner and Tamble Radio Service, P. O. Box 166, Memphis, Tennessee.

Dated at Washington, D. C., October 31, 1941.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41–8237; Filed, November 3, 1941; 10:50 a. m.]

[Docket No. 6213]

NOTICE RELATIVE TO APPLICATION OF RADIOMARINE CORPORATION OF AMERICA (NEW)

Dated September 15, 1941, for construction permit; class of service, public coastal; class of station, coastal harbor; location, Pittsburgh, Pennsylvania; operating assignment specified: Frequen-

cies, 2,782, 4,162.5 kc. unlimited 6,455, 8,840, 11,090 kc. day only; power, 100 watts; emission, A2, A3; pts. of comm.: With radiotelephone equipped ships operating within communicating range of the proposed station on the Mississippi River and its tributaries.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of R. V. Warner & G. H. Tamble, d/b as Warner and Tamble Radio Service, Docket No. 6212, for the following reasons:

1. To determine the extent and quality of the service proposed.
2. To determine the classes of service to be rendered and the approximate charges to be made for same.
3. To determine the need for the proposed service.
4. To determine whether or not interference would result to the service of any existing station or stations.
5. To determine whether or not the frequencies requested may be used upon a shared basis and to what extent.
6. To determine whether or not public interest, convenience and necessity would be served by the granting of the application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Radiomarine Corporation of America, c/o RCA Frequency Bureau, 30 Rockefeller Plaza, New York City, New York.

Dated at Washington, D. C., October 31, 1941.

By the Commission.

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 41-8238; Filed, November 3, 1941; 10:50 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE ADMINISTRATOR OF THE BUREAU OF UNEMPLOYMENT COMPENSATION OF OHIO PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Administrator of the Bureau of Unemployment Compensation of the State of Ohio having duly submitted to the Social Security Board, pursuant to the Provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Ohio unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Administrator of the Bureau of Unemployment Compensation of the State of Ohio.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER, *Chairman.*

OCTOBER 28, 1941.

Approved:

PAUL V. MCNUTT *Administrator.*

OCTOBER 31, 1941.

[F. R. Doc. 41-8240; Filed, November 3, 1941; 11:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-49]

IN THE MATTER OF WESTERN NEW YORK SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November, A. D. 1941.

An application having been filed by the above named applicant pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on the matter of this application be held on November 12, 1941, at 10:05 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8242; Filed, November 3, 1941; 11:42 a. m.]

[File No. 70-305]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

ORDER EXTENDING TIME FOR CONSUMMATION OF TRANSACTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1941.

An order having been entered by the Commission on May 29, 1941 approving an application filed by Atlantic Utility Service Corporation, a mutual service company for the Associated Gas and Electric system, pursuant to Section 10 of the Public Utility Holding Company Act of 1935 permitting the acquisition from Trustees Under Pension Trust Agreement Dated December 14, 1937, as amended, for $1,000 in cash of all the outstanding securities, consisting of ten shares of Class B Common Stock of Employees Welfare Association, Inc. (Del.); and an order having previously been entered on July 30, 1941 extending the time for consummation of the said acquisition to November 1, 1941; and

A further request having been made by Atlantic Utility Service Corporation for a further extension to January 1, 1942 of the time within which to consummate the said acquisition, the representation being made that acquisition of the said securities is still awaiting the consummation of the negotiations between the applicant and the said Pension Trustees; and

The Commission deeming such extension of time for the purpose requested reasonable and necessary;

It is ordered, That the time within which such acquisition may be consummated be and the same is hereby extended to January 1, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8243; Filed, November 3, 1941; 11:42 a. m.]

[File No. 812-44]

IN THE MATTER OF THE AMERICAN GENERAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1941.

Application pursuant to section 17 (f) (3) of the Investment Company Act of 1940 having been duly filed by the above named applicant, a registered closed-end investment company, for an order permitting it to maintain certain securities in its own custody.

It is ordered, That a hearing on the matter of this application be held on November 12, 1941, at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8244; Filed, November 3, 1941; 11:42 a. m.]

[File No. 811-48]

IN THE MATTER OF LIBERTY SHARE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1941.

An application having been filed by the above named applicant pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company;

It is ordered, That a hearing on the matter of this application be held on November 12, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8245; Filed, November 3, 1941; 11:42 a. m.]

[File Nos. 70-404, 70-375]

IN THE MATTERS OF NORTHWESTERN WISCONSIN ELECTRIC COMPANY, AND AMERICAN UTILITIES SERVICE CORPORATION

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of October, A. D., 1941.

Northwestern Wisconsin Electric Company having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 7 thereof, regarding the issuance and sale of $75,000 aggregate principal amount of its First Mortgage 3-3¾% Sinking Fund Bonds, Series B, to be dated as of May 1, 1939 and to mature May 1, 1954, to Northwestern National Life Insurance Company at the principal amount thereof plus accrued interest, regarding the change of the interest rate of its First Mortgage 5% Sinking Fund Bonds, Series A (of which $104,000 are presently outstanding and $15,000 are deposited with the Indenture Trustee), regarding a change in the call-price provisions with respect to such Series A bonds, and regarding the issuance of 1,056 shares of its common stock of the par value of $100 per share and the delivery thereof to its parent company, American Utilities Service Corporation, as a stock dividend;

Said application and declaration having been filed on September 24, 1941, and the last amendment thereto having been filed on October 25, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

American Utilities Service Corporation, a registered holding company, having filed an application and declaration pursuant to said Act, particularly sections 10 and 12 (d) thereof, regarding the acquisition by it of said 1,056 shares of the common stock of Northwestern Wisconsin Electric Company and the pledge thereof to Continental Illinois National Bank and Trust Company, its Indenture Trustee, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said application and declaration having been filed on August 8, 1941, but said applicant and declarant by an amendment to said application and declaration filed on September 10, 1941 having requested that action by the Commission be deferred pending the filing of an application and declaration by Northwestern Wisconsin Electric Company; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications pursuant to section 6 (b) and section 10, and to permit said declarations pursuant to sections 7 and 12 (d) to become effective, and finding that the requirements of sections 6 (b) and 12 (d) are satisfied, and finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid applications as amended be and the same hereby are granted and that the aforesaid declarations as amended be and become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8246; Filed, November 3, 1941; 11:43 a. m.]

[File No. 811-62]

IN THE MATTER OF INCOME FOUNDATION INVESTMENT CONTRACTS PLANS "F" AND "G"

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that applicant has

ceased to be an Investment Company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on November 12, 1941 at 10: 00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8247; Filed, November 3, 1941; 11:43 a. m.]

[File No. 812–209]

IN THE MATTER OF INTERNATIONAL POWER SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order exempting it from the provisions of said Act only during the period that applicant is subject to the jurisdiction of the United States District Court, District of New Jersey, in proceedings for its reorganization pursuant to and under the National Bankruptcy Act.

It is ordered, That a hearing on the matter of this application be held on November 7, 1941, at 10·00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8248; Filed, November 3, 1941; 11:43 a. m.]

[File No. 811–210]

IN THE MATTER OF PRUDENTIAL INVESTORS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) for an exemption from the provisions of sections 8 (b) and 30 (d) of the Investment Company Act of 1940;

It is ordered, That a hearing on the aforesaid application be held on November 12, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue N.W., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8249; Filed, November 3, 1941; 11:44 a. m.]

[File No. 31–513]

IN THE MATTER OF SUDAM CORPORATION

EXEMPTION ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1941.

Sudam Corporation having filed an application pursuant to section 3 (a) (5) of the Public Utility Holding Company Act of 1935 for an order exempting it as a holding company from the provisions of said Act; a hearing having been held on such application after appropriate notice; and the Commission having considered the record of said hearing and made findings based thereon;

It is hereby ordered, That Sudam Corporation be and it is hereby exempted pursuant to section 3 (a) (5) from all the provisions of said Act applicable to it as a holding company; said Sudam Corporation shall, however, be subject to all provisions of said Act applicable to it in any other capacity.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8250; Filed, November 3, 1941; 11:44 a. m.]

[File No. 70–417]

IN THE MATTER OF CONSUMERS GAS COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1941.

The above-named person having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 thereof, regarding the following transaction:

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, proposes to purchase from a non-affiliated interest 330 shares of the common stock of Reading Gas Company for $21,120 or $64 per share. Consumers Gas Company presently owns 1,362 shares (11.35%) of the securities proposed to be acquired. Applicant operates all the property of Reading Gas Company under a 99-year lease which expires in 1984, when applicant has the option of purchasing said property for $600,000 or surrendering the property together with all improvements, additions, and extensions. Applicant has duly established a special fund to provide for the exercise of the option, the uninvested cash in which in the amount of $18,403.36, together with other resources in the fund to be converted into cash, will provide the purchase price for the securities proposed to be acquired; and

Said application having been filed on October 20, 1941 and amendments thereto having been filed on October 24, 1941 and October 27, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

Consumers Gas Company having requested that the effective date of said application, as amended, be advanced; and

The Commission finding with respect to said application that no adverse findings are necessary under section 10 (b) and section 10 (c) (1), and that the transaction involved has the tendency required by section 10 (c) (2) of said Act; and

The Commission being satisfied that the date of granting said application, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and the same hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8251; Filed, November 3, 1941; 11:44 a. m.]

[File No. 37–25]

IN THE MATTER OF ELECTRIC ADVISERS, INC.

ORDER EXTENDING EFFECTIVENESS OF ORDER GRANTING TEMPORARY APPROVAL OF MUTUAL SERVICE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of November A. D. 1941.

The Commission having entered an order under date of January 5, 1939, effective as of December 31, 1938, granting approval to the above applicant as a mutual service company, subject to certain conditions therein set forth, among which was condition number (2), that the effectiveness of said order should terminate thirty days after the date of the Commission's order on the application of Cities Service Company under section 3 (a) (3) of the Public Utility Holding Company Act (File No. 31–408) the Commission reserving jurisdiction, however, to extend the effectiveness of said order pending consideration by it of such amendments to the application, or such further applications or declarations as might thereafter be filed respecting the rendering of services to companies of the Cities Service Company and/or Cities Service Power & Light Company systems; and

The Commission having, effective as of January 30, 1941, issued an order whereby said application of Cities Service Company for exemption was denied; and

The Commission, pursuant to applications, having heretofore ordered that the date on which the Commission's order of January 5, 1939 shall terminate be extended to and including November 1, 1941, the Commission having reserved jurisdiction to further extend the effectiveness of said order; and

Applicant having filed an amended application under date of October 24, 1941 requesting that the effective date of said order of January 5, 1939 be further extended subject to terms and conditions therein expressly set forth; and

The Commission finding it to be in the public interest and for the protection of investors and consumers that the date on which said order shall terminate should be extended as herein provided,

It is ordered, That the date on which the Commission's order of January 5, 1939 shall terminate is hereby extended to and including February 1, 1942, subject to the terms and conditions set forth in the amended application of October 24, 1941, the Commission reserving jurisdiction to further extend the effectiveness of said order as therein provided.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8253; Filed, November 3, 1941; 11:45 a. m.]

[File No. 70–368]

IN THE MATTER OF WESTERN NEW YORK WATER COMPANY

ORDER APPROVING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1941.

Western New York Water Company, a subsidiary of New York Water Service Corporation, which in turn is a subsidiary of Federal Water Service Corporation, a registered holding company, having filed applications and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, and Rule U-50 promulgated under said Act, with respect to the following:

(1) The proposed issue and sale to The Northwestern Mutual Life Insurance Company of $3,000,000 principal amount of First Mortgage Sinking Fund Bonds, 3¼% Series, due 1966, and $1,400,000 principal amount of 3¾% Sinking Fund Notes, due 1956, such issue and sale to be consummated in the manner described in said applications; and

(2) The exemption of such issue and sale from the competitive bidding requirements contained in paragraphs (b) and (c) of Rule U-50;

Public hearings having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein;

It is ordered, That the said applications, as amended, be, and they hereby are approved, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8254; Filed November 3, 1941; 11:45 a. m.]

[File No. 37–36]

IN THE MATTER OF GAS ADVISERS, INC.

ORDER EXTENDING EFFECTIVENESS OF ORDER GRANTING TEMPORARY APPROVAL OF MUTUAL SERVICE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of November A. D. 1941.

The Commission having entered an order under date of January 5, 1939, effective as of December 31, 1938, granting approval to the above applicant as a mutual service company, subject to certain conditions therein set forth, among which was condition number (2), that the effectiveness of said order should terminate thirty days after the date of the Commission's order on the application of Cities Service Company under section 3 (a) (3) of the Public Utility Holding Company Act (File No. 31–408) the Commission reserving jurisdiction, however, to extend the effectiveness of said order pending consideration by it of such amendments to the application, or such further applications or declarations as might thereafter be filed respecting the rendering of services to companies of the Cities Service Company and/or Cities Service Power & Light Company systems; and

The Commission having, effective as of January 30, 1941, issued an order whereby said application of Cities Service Company for exemption was denied; and

The Commission, pursuant to applications, having heretofore ordered that the date on which the Commission's order of January 5, 1939 shall terminate be extended to and including November 1, 1941, the Commission having reserved jurisdiction to further extend the effectiveness of said order; and

Applicant having filed an amended application under date of October 24, 1941 requesting that the effective date of said order of January 5, 1939 be further extended subject to terms and conditions therein expressly set forth; and

The Commission finding it to be in the public interest and for the protection of investors and consumers that the date on which said order shall terminate should be extended as herein provided.

It is ordered, That the date on which the Commission's order of January 5, 1939 shall terminate is hereby extended to and including February 1, 1942, subject to the terms and conditions set forth in the amended application of October 24, 1941, the Commission reserving juris-

diction to further extend the effectiveness of said order as therein provided.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8252; Filed, November 3, 1941; 11:45 a. m.]

[File No. 812-216]

IN THE MATTER OF SETAY COMPANY, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1941.

The above named corporation filed an application pursuant to section 2 (a) (9) of the Investment Company Act of 1940 for an order declaring that the applicant does not control Cajo Company, Incorporated.

It is ordered, That a hearing on such matter under the applicable provisions of the Act and Rules and Regulations of the Commission thereunder be held on November 19, 1941 at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building at 1778 Pennsylvania Avenue NW. Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8255; Filed, November 3, 1941; 11:45 a. m.]

NOV 6 1941

FEDERAL REGISTER

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Washington, Wednesday, November 5, 1941

The President

EXECUTIVE ORDER

ESTABLISHING A NATIONAL INDIAN INSTITUTE IN THE DEPARTMENT OF THE INTERIOR

WHEREAS on May 26, 1941, the Senate of the United States gave its advice and consent to the ratification of the Convention for the creation of an Inter-American Indian Institute, which was opened for signature at Mexico City on November 1, 1940, and signed on behalf of the United States on November 29, 1940; and

WHEREAS, pursuant to the foregoing, the said Convention was ratified by me on June 6, 1941; and

WHEREAS Article X of the Convention, providing for the creation of National Indian Institutes, is as follows:

1. The nations subscribing to this Convention shall, on such date as they may deem advisable, and within their respective jurisdictions, organize National Indian Institutes. The functions of said Institutes shall, by and large, consist in stimulating interest in and furnishing information about Indian matters to any persons and to public and private institutions. Such National Institutes shall further carry out any studies on these questions that may be of particular interest to the nation concerned.

2. National Indian Institutes shall be affiliated to the Inter-American Indian Institute, to which they shall submit an annual report.

3. The financing, organization and regulations of said National Indian Institutes shall be matters falling exclusively within the purview of the respective Governments;

AND WHEREAS the Department of the Interior is charged by law with the supervision and management of all Indian affairs:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and in effectuation of Article X of the said Convention, it is ordered as follows:

SECTION 1. There is hereby established in the Department of the Interior a National Indian Institute for the United States of America, which Institute shall be affiliated with the Inter-American Indian Institute.

SECTION 2. The National Indian Institute shall:

(a) Initiate and promote collaboration in the fields of Indian administration and the study of the Indian among Federal, State and private agencies, learned societies, and scholars in the United States, and the Inter-American Indian Institute, and through the Institute with governmental agencies, learned societies and scholars in the other American countries.

(b) Collaborate with the Inter-American Indian Institute, learned societies, and foundations in the coordination, development, and administration of research projects and studies relating to the Indian.

(c) Maintain liaison between agencies of the United States Government directly or indirectly concerned with Indian administration or Indian studies in this or other countries for the purpose of coordinating cooperation by the United States with other American nations in regard to Indian matters.

(d) Direct the preparation and publication of materials dealing with Indian administration in the United States of interest to the other American nations, and to publish such other materials as may be required in connection with authorized activities.

(e) Assemble and prepare library material and bibliographies dealing with Indian problems.

(f) Collaborate with the Inter-American Indian Institute in planning for the Inter-American Conference on Indian Life.

(g) Submit an annual report to the Inter-American Indian Institute.

SECTION 3. The Institute shall be managed by a Director who, with other necessary employees, shall be appointed by the Secretary of the Interior, and its functions shall be administered in the Bureau of Indian Affairs. The Institute shall use insofar as practicable such informational, fiscal, personnel, and other

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FEDERAL REGISTER

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general business services and facilities as may be made available through the Interior Department or other agencies of the Government.

SECTION 4. There is hereby established a Policy Board of the Institute which shall recommend policies to be followed by the Institute, and which shall be composed of:

(a) The Commissioner of Indian Affairs.

(b) Two or more members, who may be public officers or private citizens, to be appointed by the Secretary of the Interior, at least one of whom shall be an Indian.

(c) One representative designated by the Secretary of State.

(d) One representative designated by the Secretary of Agriculture.

(e) One representative designated by the Smithsonian Institution.

(f) One representative designated by the Librarian of Congress.

In addition to the foregoing, one representative may be designated as a member of the Board by each of the following organizations:

The National Research Council.
The Social Science Research Council.
The American Council of Learned Societies.

SECTION 5. The Chairman of the Board, who shall be designated by the Secretary of the Interior, shall call meetings of the Board, and, subject to the approval of the Board, may establish advisory committees and may designate, as affiliates of the Institute, learned societies and other organizations concerned with the study of the Indian and with Indian welfare.

SECTION 6. The members of the Board and the advisory committees may be reimbursed for necessary traveling expenses and subsistence, as provided by law.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 1, 1941.

[No. 8930]

[F. R. Doc. 41-8262; Filed, November 3, 1941; 2:18 p. m.]

EXECUTIVE ORDER

AMENDMENT OF PARAGRAPH 24 OF EXECUTIVE ORDER NO. 1888 OF FEBRUARY 2, 1914, AS AMENDED, RELATING TO CONDITIONS OF EMPLOYMENT IN THE PANAMA CANAL SERVICE

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act approved July 9, 1937, 50 stat. 487, paragraph 24 of Executive Order No. 1888 of February 2, 1914, as amended by Executive Order No. 2514 of January 15, 1917, relating to conditions of employment in the Panama Canal service, is hereby further amended to read as follows:

24. Absences of one-half day or more, when regularly authorized, shall be charged against annual leave. Absences due to illness or injury, when supported by the certificate of an authorized physician in the service of The Panama Canal, shall also be charged against annual leave; but no payment shall be made for time lost on account of illness due to alcoholism or drug addiction, or injury due to the wilful intention of the employee to bring about the injury or death of himself or another.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Nov. 1, 1941.

[No. 8931]

[F. R. Doc. 41-8261; Filed, November 3, 1941; 2:18 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[1937 CCC Cotton Form SFE]

PART 224—TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

Sec.
224.1 General statement.
224.2 Catalog.
224.3 Price.
224.4 Compression.
224.5 Storage charges.
224.6 Limitation on quantity.
224.7 Purchase order.
224.8 Acceptability of purchase orders.
224.9 Approved countries.
224.10 Registration of sales.
224.11 Satisfactory evidence of exportation.
224.12 Bond.
224.13 Liquidated damages.
224.14 Delivery of cotton.
224.15 Class.
224.16 Weight.
224.17 Damaged cotton.
224.18 Amendments and termination.

§ 224.1 *General statement.* Commodity Credit Corporation hereby offers to sell 1937 crop cotton held by it subject to the terms and conditions hereinafter set forth. This offer and sales made under it shall be known as the "Cotton Sales for Export Program" (referred to hereinafter as the "program").*

*§§ 224.1 to 224.18, inclusive, issued under authority contained in sec. 302 (a) 52 Stat. 43; 7 U.S.C. Sup., 1302.

§ 224.2 *Catalog.* A catalog, showing by lots and by warehouse locations the grade and the staple length of the cotton available for purchase under the program, has been prepared by the Commodity Credit Corporation. This catalog is available upon request to the Corporation, New Orleans, Louisiana, at a price of $10 each. Each catalog will be accompanied by a list showing the sales price for 15/16 inch middling cotton at each warehouse location. A basis sheet, showing the appropriate premium or discount for cotton of other grades and staples is available upon request to the Corporation, New Orleans, Louisiana.*

§ 224.3 *Price.* The sales price of any particular lot of cotton listed in the catalog shall be determined by applying the appropriate premium or discount, as shown on the appropriate basis sheet prepared by Commodity Credit Corporation, to the price listed for 15/16 inch middling cotton at the location where the cotton is stored. Where compressed cotton is delivered to the purchaser, this sales price shall be subject to an adjustment as provided in § 224.4 hereof.*

§ 224.4 *Compression.* In the event that compressed cotton is delivered to the purchaser, a charge of .15 cents per pound for high density and .12 cents per pound for standard density will be added to the sales value and included in the invoice covering the sale of the cotton.*

§ 224.5 *Storage charges.* The Corporation shall assume all storage charges through the five days following the date of the draft drawn on the purchaser as provided in § 224.14 hereof. Any storage charges accruing through such period which have not been paid by the Corporation at the time of the delivery of the cotton shall be deducted from the sales value and shall be paid by the purchaser.*

§ 224.6 *Limitation on quantity.* Commodity Credit Corporation will not sell more than 100,000 bales of cotton to any one person in reliance upon sales for the exportation of cotton to any one country in the Western Hemisphere; nor will it sell more than 10,000 bales of cotton to any person on any one day. In addition, sales of cotton under this program are subject to the statutory limitation that the Corporation may not sell more than 300,000 bales of cotton owned by it during any calendar month, nor more than 1,500,000 bales of cotton owned by it during any calendar year.*

§ 224.7 *Purchase order.* Persons desiring to purchase cotton shall submit purchase orders by wire in substantially the following form:

The undersigned offers to purchase ------ bales of cotton located at the ---------- warehouse ----------, ----------, (City) (State) subject to the provisions of the "Terms and Conditions of Cotton Sales for Export Program" 1937 Cotton Form SFE, and all amendments thereto now in effect. The bales desired are the following:

(Signature)

All purchase orders shall be considered in the order received by the telegraph company as shown by the date appearing thereon. Upon receipt of any purchase order by the Corporation, a check of the stocks available for purchase shall be made. If the cotton ordered is available for purchase and the order is otherwise acceptable, the purchaser will be promptly notified by wire that his order is accepted. If the purchase order cannot be accepted because all or a part of the cotton ordered is not available for purchase, the purchaser shall be promptly notified by wire and may reorder other cotton. No purchase order shall be regarded as accepted until the purchaser receives by wire a notification of such acceptance.*

§ 224.8 *Acceptability of purchase orders.* No purchase order shall be accepted unless the purchaser has previously registered sales for exportation to an approved country of an equivalent quantity of cotton and has submitted to the Corporation either satisfactory evidence of the completion of such sales or a bond meeting the requirements of § 224.12 hereof.*

§ 224.9 *Approved countries.* An approved country shall be a country approved for the purposes of this program by Commodity Credit Corporation. Any person desiring the approval of a particular country should notify Commodity Credit Corporation, New Orleans, Louisiana. Such person shall be promptly notified as to whether his request can be granted. If a country is approved, such approval may be withdrawn at any time, but the effective date of such withdrawal shall not be earlier than twenty-four hours following the sending of a telegram to the person to whom approval was previously given. Only sales for the exportation of cotton to a country from which approval is being withdrawn which are registered prior to the effective date of such withdrawal shall be considered as sales for the exportation of cotton to an approved country. No possession of the United States, other than the Philippine Islands, shall be eligible for approval.*

§ 224.10 *Registration of sales.* Sales of raw cotton for exportation shall be regarded as registered under this program when, and only in the event that, the following requirements have been met:

(a) The sale must have been made during the period from September 18, 1941, to July 31, 1942, for the exportation of cotton to an approved country.

(b) The sale must be reported by wire to Commodity Credit Corporation, New Orleans, Louisiana, not later than twenty-four hours after such sale was confirmed to the domestic shipper by the foreign purchaser.

(c) The wire reporting the sale must state the name and address of the foreign purchaser, the quantity of cotton sold, the price obtained, and the date and exact time of sale.

(d) There must be received by the Corporation within five (5) days after the date the sale was reported to Commodity Credit Corporation by wire certified copies of the telegrams confirming the offer of the cotton and the acceptance thereof by the foreign purchaser.

(e) There must be received by Commodity Credit Corporation, within twenty (20) days after the date the sale was reported to Commodity Credit Corporation by wire in the case of sales for export to Canada and Mexico and within sixty (60) days after such date in the case of sales to other approved countries, a certified copy of an unconditional, fixed-price contract covering the cotton sold.

(f) Such contract must show the sales price, the date of sale, the quantity (number of pounds, gross weight) of cotton sold, the delivery or sailing dates thereon, destination of shipment, the name and address of the parties to the contract, and must call for the exportation of the cotton prior to July 31, 1942.

(g) In the case of sales to countries in the Western Hemisphere, north of the Panama Canal, such sales must have been made directly to a cotton spinner in such country.*

§ 224.11 *Satisfactory evidence of exportation.* Satisfactory evidence of having exported cotton to Canada and Mexico shall be an authenticated landing certificate issued by officials of the Government of the country to which the cotton was exported, showing the place, date, gross weight of the cotton and the name and address of both the person who exported the cotton from the United States and the person to whom it is shipped. Satisfactory evidence of having exported cotton to other countries shall be either (a) an on-board-ship bill of lading, or (b) a shipmaster's receipt, showing the quantity (actual gross weight) of the cotton loaded aboard ship, the date and place of loading, name of vessel, destination of cotton loaded, and name and address of both the person exporting the cotton and the person to whom it is shipped. Satisfactory evidence of the gross weight of the cotton exported shall be a certified weight sheet of the warehouse from which the cotton is shipped for export. Evidence of the exportation of cotton to approved countries, to qualify as satisfactory evidence of exportation hereunder, must be filed with the Corporation at New Orleans, Louisiana, not later than fifteen (15) days after the date of such exportation; and in those cases in which cotton was sold by the Corporation in reliance upon registered sales for future delivery, not later than thirty (30) days after the delivery or sailing date shown on the certified copy of the sales contract filed with the Corporation.*

§ 224.12 *Bond.* The bond required by the Corporation in lieu of satisfactory evidence of exportation shall conform to the specimen form of bond attached hereto and shall be in an amount at least equivalent to 12½ cents per pound for each pound of cotton sold to the purchaser for which satisfactory evidence of

the exportation of an equivalent quantity of cotton to the approved country has not been submitted. The surety on such bond must be a corporate surety approved by Commodity Credit Corporation.*

§ 224.13 *Liquidated damages.* In all cases in which (a) cotton is sold by the Corporation in reliance upon registered sales for future delivery and satisfactory evidence of the exportation of an equivalent quantity of cotton in fulfillment of such sales is not filed within the prescribed time with the Corporation or (b) cotton as to which satisfactory evidence of exportation has been submitted re-enters the United States or its possessions (other than the Philippine Islands) in raw cotton form, the purchaser shall pay to the Corporation, as liquidated damages, the sum of 12½ cents per pound for each pound of such cotton.*

§ 224.14 *Delivery of cotton.* The Corporation, within ten (10) days from the acceptance of any purchase order, will make delivery of the cotton called for by such order by tendering the warehouse receipts representing such cotton attached to a sight draft drawn on the purchaser for the purchase price of such cotton. Such draft must be paid by the purchaser upon presentation.*

§ 224.15 *Class.* All sales will be based solely upon the class shown in the catalog, with no right of arbitration by the purchaser. The class shown in the catalog was determined under the supervision of the Agricultural Marketing Service, United States Department of Agriculture, and conforms to the United States Cotton Standards.*

§ 224.16 *Weight.* The gross weights shown in the warehouse receipts will be used in determining the purchase price and such gross weights shall be conclusive as between the Corporation and the purchaser.*

§ 224.17 *Damaged cotton.* The warehouse receipts contain the obligation of the warehouseman to deliver the bales of cotton represented thereby in good condition. The Corporation will not recognize any liability to the purchaser for loss due to damage.*

§ 224.18 *Amendments and termination.* The terms and conditions of the program in this part may be amended by Commodity Credit Corporation at any time. The effective date of any amendment will be stated therein, and such amendment shall be applicable to purchase orders thereafter received. A copy of every amendment will be mailed promptly to each purchaser of a catalog. Commodity Credit Corporation may terminate this program by making public announcement thereof twenty-four (24) hours prior to the effective date of such termination. In addition to the public announcement of termination, Commodity Credit Corporation will wire a copy of such announcement to each purchaser of a catalog. Such termination shall not be effective with respect to purchase orders submitted prior to the effective date of such termination if such purchase orders are otherwise acceptable.*

Issued at Washington, D. C., October 3, 1941.

[SEAL] COMMODITY CREDIT CORPORATION,
By J. B. HUTSON, *President*

Attest:

SAMUEL H. SABIN,
Secretary.

[F. R. Doc. 41-8279; Filed, November 4, 1941; 11:20 a. m.]

[Amendment No. 1 to 1937 CCC Cotton Form SFE]

PART 224—TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

1937 CCC Cotton Form SFE–Terms and Conditions of Cotton Sales for Export Program—issued October 3, 1941, is hereby amended as follows:

(1) Paragraph (g) of § 224.10 is amended to read as follows:

§ 224.10 *Registration of sales.*

* * * * *

(g) In the case of sales to countries in the Western Hemisphere, north of the Panama Canal, such sales must have been made directly to a consuming establishment in such country.

(2) Section 224.18 is amended to read as follows:

§ 224.18 *Amendments and termination.* The terms and conditions of the program in this part may be amended by Commodity Credit Corporation at any time. The effective date of any amendment shall be stated therein and such amendment shall only be applicable to transactions relating to sales registered subsequent to the effective date of such amendment. A copy of every amendment shall be mailed promptly to each purchaser of a catalog. Commodity Credit Corporation may terminate this program by making public announcement thereof twenty-four (24) hours prior to the effective date of such termination. In addition to the public announcement of termination, Commodity Credit Corporation shall wire a copy of such announcement to each purchaser of a catalog. Such termination shall not be applicable to transactions relating to sales registered prior to the effective date of such termination.

This amendment shall become effective as of 12:00 Noon, Eastern Standard Time, on October 15, 1941. (Sec. 302 (a), 52 Stat. 43; 7 U.S.C., Sup., 1302)

Issued this 9th day of October 1941, at Washington, D. C.

[SEAL] J. B. HUTSON,
President.

Attest:

SAMUEL H. SABIN,
Secretary.

[F. R. Doc. 41-8117; Filed, October 28, 1941; 3:20 p. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[MQ-650]

PART 717—REGULATIONS GOVERNING THE HOLDING OF REFERENDA ON MARKETING QUOTAS

Sec.
717.1 Definitions.
717.2 Agencies through which a referendum shall be conducted.
717.3 Voting eligibility.
717.4 Place for balloting.
717.5 Time of voting.
717.6 Notice of referendum.
717.7 Manner of voting.
717.8 Local arrangements for holding the referendum.
717.9 Issuing ballots to voters.
717.10 Community referendum committee's canvass of ballots and record of results of the referendum.
717.11 County committee's canvass of ballots and record of results of the referendum.
717.12 State committee's record of the result of the referendum.
717.13 Results of referendum.

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 38, 7 U.S.C. 1301 *et seq.*), as amended public notice is hereby given of the following regulations for holding any referendum on marketing quotas under said act as heretofore or hereafter amended, which regulations shall be in force and effect until rescinded or suspended, or amended or superseded by regulations hereafter made under said act.

§ 717.1 *Definitions.* As used in the regulations in this part and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) *Act.* The Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States.

(c) *Administrator.* The Administrator or Acting Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(d) *Regional director.* The director or acting director of the division of the Agricultural Adjustment Administration in charge of the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (herein referred to as the Soil Conservation and Domestic Allotment Act), in the region.

(e) *Southern region.* The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(f) *East Central region.* The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(g) *North Central region.* The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(h) *Northeast region.* The area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(i) *Western region.* The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(j) *State committee.* The group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment Act.

(k) *County committee.* The committee, within and for a county, utilized under the Soil Conservation and Domestic Allotment Act.

(l) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or any agency of a State or political subdivision thereof.*

*§§ 717.1 to 717.13, inclusive, issued under the authority contained in 52 Stat. 38, 7 U.S.C. 1301, et seq.

§ 717.2 *Agencies through which a referendum shall be conducted—(a) Utilization of existing agencies.* The Agricultural Adjustment Administration shall be in charge of and responsible for conducting each referendum on marketing quotas for any commodity required by the Act. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of the Agricultural Adjustment Administration and of each committee to conduct each referendum by secret ballot in a fair, unbiased, and impartial manner in accordance with the regulations in this part.

(b) *Community referendum committee.* In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate for each referendum a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum. Each referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in the referendum. The county committee shall name one member of the community referendum committee as chairman and another member thereof as vice chairman. The vice chairman shall act as the chairman in the event of the absence or incapacity of the chairman and the alternate shall serve on the committee in the place of any regular member who cannot serve. The community referendum committee shall be responsible for the proper holding of the referendum in its community or neighborhood by secret ballot in a fair, unbiased, and impartial manner in accordance with the regulations in this part. In counties with less than 100 farms on which there are producers who are eligible to vote in the referendum, the county shall be considered as one community for the purpose of the referendum and the county committee shall perform, in addition to its other duties, the duties of the community referendum committee unless, for any such county, the county committee and the State committee determine that one or more community referendum committees are necessary in the county for the proper holding of the referendum.*

§ 717.3 *Voting eligibility—(a) Qualifications of voters.* The qualifications of persons eligible to vote in the referendum for each commodity shall be determined in accordance with the provisions of law applicable thereto prior to the date of holding the referendum and qualifications shall be set forth in the notice of the referendum on the form prescribed by the Secretary of Agriculture. No person shall be entitled to more than one vote, regardless of the number of farms in which he is interested as a producer or the number of the communities, counties, or States in which he is so interested.

(b) *Register of eligible voters.* The county committee shall cause to be prepared on form MQ–651 a register of eligible voters for each community or neighborhood in the county. The register shall contain, insofar as can be ascertained prior to the holding of the referendum, the names and addresses of all persons shown on the records of the county committee or known to it as persons eligible to vote in the referendum in the community or neighborhood. Each register of eligible voters shall be furnished by the county committee to the chairman (or, in his absence, the vice chairman) of the appropriate community referendum committee prior to the time the polls in the county are opened for the acceptance of ballots.*

§ 717.4 *Place for balloting.* The county committee shall designate at least one place for balloting in each community or neighborhood for which a community referendum committee is designated. The polling place shall be one well known to and readily accessible to the persons in the community or neighborhood and shall be equipped and arranged so that each voter can mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatever.*

§ 717.5 *Time of voting.* There shall be no voting except on the day fixed for the holding of the referendum (except as provided herein in the case of voting by mail) and the day fixed for the holding of the referendum shall be the same in all neighborhoods, communities, counties, and States. The date for holding the referendum shall be that determined by the Secretary of Agriculture in accordance with the provisions of law applicable thereto and stated in the notice of the referendum prescribed by him. The county committee shall designate the hour at which the polls in the county shall be opened, which shall be not earlier than 7 o'clock or later than 9 o'clock a. m., local standard time, on the date fixed for holding the referendum. The polls shall be closed at 5 o'clock p. m., local standard time, or such later hour as is fixed by the State committee in order to afford a full and fair opportunity to producers to vote, on the date for holding the referendum.*

§ 717.6 *Notice of referendum—(a) Posting a notice.* The county committee shall give public notice in each community or neighborhood of the time and place for balloting in the referendum by posting a notice, on the form prescribed by the Secretary of Agriculture for use in the referendum,[1] at one or more places open to the public within each community or neighborhood at least 5 days in advance of the date of the referendum. The notice shall contain information concerning the commodity and marketing year or years or crops for which the referendum is to be held, the rules governing eligibility to vote, the location of the polling place in the community or neighborhood, the date of the referendum, and the hours when the polls will be opened and closed.

(b) *Use of agencies of public information.* The county committee and community referendum committees shall make use (without advertising expense) of all available agencies of public information, including newspapers, radio, and other means, to give persons in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the arrangements for holding the referendum in the county have been made, but not later than 5 days in advance of the date of the referendum.*

§ 717.7 *Manner of voting—(a) Secret ballot.* The voting in the referendum shall be by secret ballot. Each voter shall, at the time he is handed the form on which to cast his ballot, be instructed to mark his ballot form so as to indicate clearly how he votes and in such manner that no one else shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone else to see how he voted. A suitable place where each voter may mark and cast his ballot in secret and without coercion, duress, or interference of any

[1] Cotton 601 filed as part of the original document.

sort whatever shall be provided in each polling place. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. The fact that a voter fails to fold a ballot placed in the ballot box shall not invalidate it. It shall be the duty of each community referendum committee to see that no device of any sort whatever is used whereby any voter's ballot may be identified (except as provided in these regulations in the case of a challenged ballot or a ballot cast by mail).

(b) *Voting by proxy prohibited.* There shall be no voting by proxy, or agent, or in any manner except by the eligible voter personally depositing in the ballot box his ballot as marked by him (except as provided herein in the case of a ballot cast by mail), but a duly authorized member of a partnership, or a duly authorized officer of a corporation, firm, association, or other legal entity, may cast its vote.

(c) *Voting by mail.* Any person who will not be present on the day of the referendum in the county in which he is eligible to vote may obtain one ballot form, prior to or on the day of the referendum, from the office of a county committee conveniently situated for him and cast his ballot by mail. The office of the county committee so issuing the ballot form shall endorse on the reverse side thereof a statement in substantially the following form identifying the county in which it was issued and the county to which it will be mailed, initialed and dated by the person issuing such form: "Issued in _____ County, _____ State for use in _____ County, _____ State." The office of each county committee shall keep a register in duplicate showing for each ballot form so issued by it to be voted by mail the name and address of the person to whom issued, the date of issuance, and the names of the county and State to which the ballot is to be mailed, and the name and title of the person who issued such form. The person to whom the ballot is issued shall mark the ballot so as to indicate clearly how he votes, sign his name and enter his address thereon, and mail it in a sealed envelope, postage paid, marked "Absentee Ballot," to the county committee for the county in which he is eligible to vote. All ballots voted by mail must, in order to be accepted, reach the county committee for the county in which the voter is eligible to vote by not later than the hour for closing the polls in the county for the day of the referendum.

(d) *Challenged ballots.* The community referendum committee shall challenge the eligibility of any person to vote in the referendum where (1) the name of the person does not appear on the register of eligible voters and the community referendum committee is unable to satisfy itself that the person is eligible to vote in the referendum in its community or neighborhood, (2) the community referendum committee is unable to satisfy itself that he has not previously voted in the referendum in another community or neighborhood in the same or another county, by person or by mail, or (3) the community referendum committee is not certain that the person is eligible to vote. In every case where the eligibility of the voter is challenged, his ballot form, after being marked by the challenged person so as to show how he votes but in such a manner that no one else sees how he votes, shall be folded and placed by him (or by the committee if he refuses) in an envelope, which shall then be sealed and identified with his name and address, the word "Challenged", and a statement of the reason for the challenge, and shall then be placed in the ballot box. The county committee shall make an investigation in each case of controversy or dispute regarding the eligibility of a voter to vote in the referendum. In each case of a challenged ballot the eligibility of the person to vote in the referendum shall be determined by the county committee as soon as may be possible after the polls are closed and before the time for forwarding to the State committee the county summary of ballots on form MQ–653. If it is determined that the person whose vote was challenged is eligible to vote, the sealed envelope containing the ballot shall be placed with the challenged ballot of every other person found to be eligible to vote until all challenged ballots have been passed upon by the county committee. If it is not determined that the person whose vote was challenged is eligible, the sealed envelope shall be marked "Not eligible" and signed by a member of the county committee and shall not be opened. When all of the challenged ballots have been passed upon by the county committee, the challenged ballots which were cast by eligible voters shall be opened and tabulated in the county summary of ballots, but no disclosure shall be made as to how any particular person voted.

(e) *Ballot box.* Each polling place shall be furnished with a suitable ballot box. Any container of sufficient size so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. When strip adhesive paper or corresponding seals are used on the ballot box, such seals shall be signed or initialed by the chairman or a member of the community referendum committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.*

§ 717.8 *Local arrangements for holding the referendum.* The county committee shall see to it that all arrangements for the proper holding of the referendum in accordance with the regulations in this part have been completed prior to the date of the referendum and that full and adequate notice of the time and places for balloting has been given in each community and neighborhood in the county. The county committee shall instruct each community referendum committee concerning its duties and see to it that each member of the committee understands his duties and the duties of the committee in all respects, with particular emphasis as to (a) issuing ballot forms, (b) challenged ballots, (c) recording votes, (d) tabulating ballots, and (e) certifying results of the referendum in the community or neighborhood. The county committee shall allot to each community referendum committee an adequate supply of ballot forms and, prior to the time the polls in the county are opened for the acceptance of ballots, deliver the ballot forms and forms MQ–652, the community summary of ballots, to the chairmen of the several community referendum committees.*

§ 717.9 *Issuing ballots to voters.* The community referendum committee shall open the polls for the issuance of ballot forms and the casting of ballots at the time designated by the county committee and shall thereafter, until the time when the polls are required to be closed and the casting of ballots discontinued, issue a ballot to each person who is eligible to vote and applies for a ballot and to each person who claims to be eligible to vote and insists upon voting even though his eligibility to vote is challenged by the committee. The name and address of each person to whom a ballot form is issued shall, if he is not already listed on the register of eligible voters, be recorded on such register prior to the time the ballot form is issued to him. The community referendum committeeman who issues the ballot form shall at the same time enter in the column headed "Ballot Cast" of the register of eligible voters opposite the name and address of the voter a record of the issuance of the ballot. When the eligibility of the voter is not challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "X" and the initials of the community referendum committeeman. When the eligibility of the voter is challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "C" and the initials of the community referendum committeeman. Ballot forms shall be issued and ballots placed in the ballot box only while at least two members serving on the community referendum committee are physically present in the polling place and in position to see each ballot form as it is issued and each ballot as it is placed in the ballot box.*

§ 717.10 *Community referendum committee's canvass of ballots and records of results of the referendum*—(a) *Canvass of ballots.* Immediately after the polls are closed, the community referendum committee shall open the ballot box and canvass the ballots cast. The canvass of the ballots shall be kept open to the public. A ballot shall be considered as a spoiled ballot if it is mutilated or marked in such a way that it is not possible to determine with certainty the particular question for which the ballot was intended to be counted. The envelopes containing the challenged ballots shall not be opened. The total number of ballots issued as shown on the register of eligible voters shall be determined and the total number of ballots cast, including the spoiled and challenged ballots, shall be determined. The number of ballots cast in favor of and the number of ballots cast in opposition to the marketing quotas for which the referendum was held shall be determined. The spoiled ballots and challenged ballots shall not be considered in favor of or against the marketing quotas. If any member of the community referendum committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged, spoiled, or otherwise, he shall not disclose such knowledge to a fellow committeeman or any other person except in an investigation conducted under the regulations in this part.

(b) *Record of results of the referendum.* The community referendum committee shall notify the county committee by telephone, telegraph, messenger, or in person of the preliminary count of the votes on each question and of the number of spoiled and challenged ballots, as soon as may be possible. All the spoiled ballots shall be placed in an envelope and sealed and marked with the initials of the chairman (or vice chairman) of the community referendum committee and the designation "Spoiled Ballots" followed by the number of spoiled ballots and the names of the community or neighborhood, the county, and the State. The community referendum committee shall execute the certification as to the accuracy of the register of ballots cast on form MQ–651. The community referendum committee shall then prepare and execute the community summary of ballots on form MQ–652 and post one copy thereof, as soon as it is executed, at a conspicuous place at the polling place, so that it will remain posted and accessible to the public for at least three calendar days after the holding of the referendum. The community referendum committee shall seal the voted ballots, including those challenged and spoiled, the register of eligible voters and ballots cast, and the community summary of ballots, in one or more envelopes appropriately identified by the names of the community or neighborhood, the county, and the State, and the nature of the referendum and the date on which it was held, and deliver them to the county committee not later than 9 o'clock a. m., local standard time, on the second calendar day next succeeding the date of the referendum, together with the unused ballot forms and other forms. The chairman (or vice chairman) of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.*

§ 717.11 *County committee's canvass of ballots and record of results of the referendum*—(a) *Receiving and tabulating the results of the referendum.* The county committee shall open and canvass the ballots received by mail after the closing of the polls and determine the eligibility of each voter. If any person voting by mail is found to be ineligible to vote or the ballot is so mutilated or marked that it is not possible to determine with certainty how the person intended to vote, such ballot shall not be counted as for or against any particular question in the referendum and shall be tabulated on the county summary of ballots as a spoiled ballot. The county committee shall meet and pass upon the challenged ballots as soon as may be reasonably possible after the challenged ballots are received from the community referendum committees but not later than four days after the day of the referendum. The results of the referendum in each community and neighborhood shall be reviewed and summarized as soon as may be reasonably possible after the records, ballots, and forms are received from the several community referendum committees. Every meeting of the county committee for the purpose of canvassing the ballots cast and reviewing and tabulating the results of the referendum shall be open to the public. No member of the county committee who learns how any person besides himself voted, whether the ballott was received by mail, challenged, spoiled, or otherwise, shall disclose such knowledge to any fellow committeeman or other person except in an investigation conducted under the regulations in this part.

(b) *Record of the results of the referendum.* The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee) as to the preliminary count of the votes on each question and of the number of challenged ballots reported by the several community referendum committees as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than four calendar days after the date of the referendum, prepare and execute the county summary of ballots on form MQ–653. Form MQ–653 shall be prepared and certified in quadruplicate, two copies of which shall be sent forthwith to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee, and one copy permanently filed in the office of the county committee and kept available for public inspection. One copy of each community summary on form MQ–652 shall likewise be posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee.

(c) *Disposition of ballots and records.* The county committee shall seal the voted ballots, challenged ballots found to be ineligible, register sheets, and community summaries for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the secretary of the county committee for a period of 60 calendar days after the date of the referendum. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed but the registers and community and county summary sheets on forms MQ–651, 652, and 653 shall be permanently filed in the office of the county committee.

(d) *Investigations as to the correctness of the summary of the referendum.* The county committee shall make an investigation in each case of a dispute or challenge regarding the correctness of the summary of the referendum in a community or neighborhood. No dispute or challenge shall be investigated by the county committee unless it is brought to its attention within three calendar days after the date on which the referendum was held. The county committee shall promptly decide the dispute or the challenge and report its findings to the State committee within five calendar days after the holding of the referendum and send by registered mail or deliver in person to the office of the State committee all voted ballots, register forms, and community summary sheets involved in the dispute or challenge.*

§ 717.12 *State committee's record of the result of the referendum.* The State committee for each State shall notify the appropriate Regional Director by telegraph or telephone as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots on forms MQ–653 shall be summarized on the State tabulation of ballots on form MQ–654 as soon as possible but in no event later than seven calendar days next succeeding the date of the referendum, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof and prepare the State tabulation accordingly within fourteen calendar days next succeeding the date of the referendum. The State summary shall be prepared in triplicate and certified to by at least three members of the State committee. The original and one copy of the State summary shall be forwarded via airmail special delivery to the appropriate Regional Director. One copy of the State summary shall be permanently filed in the office of the State committee available for public inspection.*

§ 717.13 *Results of referendum*—(a) *Proclamation of results.* The final and official tabulation of the votes cast in the referendum will be made by the

Agricultural Adjustment Administration and reported to the Secretary of Agriculture and the result of the referendum will be publicly proclaimed by him. The State summaries on forms MQ–654 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

(b) *Unofficial announcements of results.* Each county committee is authorized to give out unofficial reports of the total "Yes" and "No" votes in its county to the public press and other inquirers. Each State committee is authorized to release to the press and other inquirers the unofficial results of the referendum in its State by counties as rapidly as the votes in the various counties are reported to it.

(c) *Investigations.* If the Administrator or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be re-examined and checked by such persons or agencies as may be designated.*

Done at Washington, D. C., this 31st day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–8260; Filed, November 3, 1941; 12:35 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 36—CLAIMS AGAINST THE UNITED STATES [1]

§ 36.19a *Settlement of claims received after termination of maneuvers.* All claims arising from field exercises received after termination of such exercises will be settled by the commanding general of the army, or corps area concerned, or by an officer on his staff, depending upon whether said exercises are army maneuvers or exercises or corps area maneuvers or exercises. (Act Feb. 12, 1940, Public No. 415) [Par. 4a, AR 35–7030, May 15, 1940, as amended by Cir. 225, W.D., Oct. 24, 1941]

§ 36.20 *Conditions precedent to payment.*

* * * * *

(c) The award must be approved by the commanding general of the army or the corps area involved, or by an officer on his staff, or by the Secretary of War. (Act Feb. 12, 1940; Public No. 415) [Par. 5c, AR 35–7030, May 15, 1940, as amended in Cir. 225, W.D., Oct. 24, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–8267; Filed, November 4, 1941; 10:10 a. m.]

[1] §§ 36.19a and 36.20 (c) are amended.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A–1018 and A–1018 Part II]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

MEMORANDUM OPINION AND ORDER REVISING TEMPORARY RELIEF, CANCELLING HEARING AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12, AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 742, 764, 753, 754, AND 755 IN DISTRICT NO. 12 FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices for certain coals produced in District No. 12.

The Director found in his Order dated September 11, 1941, 6 F.R. 5177, issued in Docket No. A–1018, that a reasonable showing of necessity had been made for the granting of temporary relief for the coals of certain of the mines included in the original petition in the above-entitled matter and said Order granted temporary relief and conditionally provided for final relief for these coals. As indicated in a separate Order dated September 11, 1941, issued in Docket No. A–1018 Part II, the Director found that the original petition did not set forth facts to warrant the establishment of the price classifications and minimum prices sought therein for the coals of Mine Index Nos. 742, 764, 753, 754, and 755 without a hearing. On September 20, 1941, an amendment to the original petition was filed setting forth sufficient facts to warrant the granting of temporary relief for these coals in the manner hereinafter set forth, except for the coals of Mine Index No. 742. The amended petition stated that this mine was not operating, that it had not filed a proper acceptance of the Code and requested that all reference to this mine be stricken from the original petition.

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the temporary prices established in the Director's Order dated September 11, 1941, 6 F.R. 4717, in Docket No. A–1018 Part II, for the coals of Mine Index No. 742 of the Delpierre and Davis Coal Company are deleted and that all reference to Mine Index No. 742 be, and the same hereby is, stricken from the afore-mentioned Order.

It is further ordered, That the temporary relief granted by the Director's Order dated September 11, 1941, in Docket No. A–1018 Part II be, and the same hereby is, revised as follows: Commencing forthwith, the prices established in said Order for Mine Index Nos. 764, 753, 754, and 755 shall be deleted and in lieu thereof, pending final disposition of the original petition, as amended, in the above-entitled matter, the coals of the aforesaid Mine Index Numbers temporarily shall be subject to prices as provided in Supplement T, § 332.24 (*General prices in cents per net ton for shipment into all market areas*), which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the hearing in Docket No. A–1018 Part II, heretofore scheduled for 10 o'clock in the forenoon of October 21, 1941, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., be, and the same hereby is, cancelled.

It is further ordered, That pleadings in opposition to the original petition, as amended, in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1½"	Mine run	Nut 2 x 1¼", 1¼ x ¾"	Dom. stoker 1¼", 1 x ⅝"	Screenings 2", 1½", 1¼ x 0	Ind. stoker 2", 1½", 1¼" x 0	⅝" x 0
					1	2	3	4	5	6	7	8	9	10
Blue Goose Coal Co. (Everett Green).	Blue Goose	764	18	Marion	298	288	278	268	268	268	268	158	218	100
Curtis, Evert (Curtis Coal Co.).	Curtis Coal Co	753	17	Warren	307	297	287	277	267	267	267	162	222	100
Howell Coal Co. (Arthur V. Howell).	Howell Coal Co	754	33	Adams	356	346	346	346	346	336	336	246	336	150
Peewee Coal Co. c/o Chas. Brady.	Peewee No. 2	755	18	Marion	297	728	727	267	267	267	267	157	217	100

[F. R. Doc. 41–8235; Filed, November 3, 1941; 9:57 a. m.]

[Docket No. A–1067]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER CORRECTING COPIES OF THE ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 12

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on October 9, 1941, 6 F.R. 5452; and

It appearing that although the original Order was correct the printed copies thereof show Mine Origin Group No. 70 for the coals of the Neal Howard Coal Company Mine (Mine Index No. 72), whereas the correct Mine Origin Group number for the coals of the Neal Howard Coal Company Mine is No. 68;

Now, therefore, it is ordered, That the copies of the Order Granting Temporary Relief and Conditionally Providing for Final Relief dated October 9, 1941, be and the same hereby are corrected to the extent that Mine Origin Group No. 70 shown for the coals of the Neal Howard Coal Company Mine (Mine Index No. 72) in Supplement R, § 332.2 (*Alphabetical list of code members*), is changed to Mine Origin Group No. 68.

Dated: November 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8278; Filed, November 4, 1941; 10:35 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 987—COBALT

General Preference Order M–39 to Conserve the Supply and Direct the Distribution of Cobalt

Whereas the uncertainty of shipments of Cobalt from abroad, and the national defense requirements for Cobalt have created a shortage thereof, for defense, for private account, and for export and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 987.1 *General preference order M–39*—(a) *Definitions.* For the purposes of this order:

(1) "Cobalt" means and includes:

(i) Ores, concentrates and residues, including beneficiated or treated forms containing Cobalt (commercially recognized).

(ii) The element Cobalt in any form, and combinations with other elements in which Cobalt is an essential constituent.

(iii) All chemical compounds in which Cobalt is an essential and recognizable component.

(iv) All scrap or secondary material containing commercially recoverable Cobalt as defined in (i), (ii), and (iii) above.

(2) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of Cobalt.

(3) "Processor" means any person who uses Cobalt in any form for the manufacture of or conversion into Cobalt chemical compounds or metallurgical forms of Cobalt.

(4) "Dealer" means any person who procures Cobalt either by importing or from domestic sources for resale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating to certain defense orders.* Deliveries of Cobalt under all defense orders (as defined in Regulation No. 1) to which a preference rating of A–10 or higher has not been specifically assigned are hereby assigned a preference rating of A–10.

(d) *Forms to be filed before receiving delivery.* Hereafter any person seeking delivery of Cobalt shall file with the Division of Priorities, not later than the 20th day of the month next preceding the month in which delivery is specified, Forms PD–152 and PD–153 or such other form or forms as the Division of Priorities may from time to time prescribe. The Director of Priorities may in his discretion from time to time issue specific directions exempting particular customers or classes of customers from the provisions of this paragraph (d) on the basis of the limited character of their requirements for Cobalt.

(e) *Allocation of deliveries of certain forms of cobalt.* In addition to all other limitations and restrictions contained in this order, beginning November 1, 1941, no person shall make or accept delivery of Cobalt in any of the forms specified in paragraphs (a) (1) (i) and (a) (1) (ii) above, or of Cobalt chemical compounds to be processed into Cobalt metal, except as specifically authorized by the Director of Priorities. During each calendar month, the Director of Priorities will at such time or times as he may determine allocate the supply of Cobalt in the forms specified in paragraphs (a) (1) (i) and (a) (1) (ii) above, and of Cobalt chemical compounds to be processed into Cobalt metal, among persons seeking deliveries thereof, and specifically direct the manner and quantities in which deliveries may be made and accepted. In making any such allocations and directions, the Director of Priorities may take into consideration any person's stocks on hand and supply otherwise available to him, of Cobalt in the forms

mentioned, and of scrap or secondary material containing commercially recoverable Cobalt. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders.

(f) *Limitations on deliveries and manufacture of certain cobalt chemical compounds.* Unless otherwise ordered by the Director of Priorities:

(i) Beginning October 1, 1941, the aggregate weight of Cobalt chemical compounds delivered by any processor or dealer during any calendar month which will be used for purposes other than manufacturing Cobalt metal shall not exceed 90% of the average monthly aggregate weight of such compounds delivered by such processor or dealer for such purposes during the first six months of 1941;

(ii) During the period from October 1, 1941, to March 31, 1942, inclusive, the aggregate weight of Cobalt chemical compounds not commercially convertible into Cobalt metal, which may be processed or manufactured by any processor, shall be limited to 90% of the aggregate weight of such compounds processed or manufactured by him during the first six months of 1941.

(g) *Violations.* Any person affected by this order who violates any of its provisions or a provision of any other order issued by the Director of Priorities, may be prohibited by the Director from making or receiving deliveries of Cobalt, or he may be subjected to such other or further action as the Director may deem appropriate.

(h) *Effective date.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of March 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, as amended Sept. 2, 1941; E.O. 8629, Jan. 7, 1941, 6 F.R. 191, E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 4th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8264; Filed, November 4, 1941; 9:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

AMENDMENTS TO PRICE SCHEDULE NO. 9—HIDES, KIPS AND CALFSKINS

Sections 1314.12 and 1314.15 of Price Schedule No. 9[1] are hereby amended in the following respects:

[1] 6 F.R. 2909.

Section 1314.12[2] (Appendix B, maximum prices for domestic kips and calfskins) is hereby amended by striking therefrom the last paragraph thereof, which reads as follows:

Effective Date of This Amendment

This amendment shall become effective October 22, 1941: *Provided, however,* That firm commitments entered into prior to October 22, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9, as heretofore amended, may be completed at contract prices: *Provided,* That all deliveries pursuant to such firm commitments are completed on or before December 22, 1941.

Section 1314.15 is hereby amended to read as follows:

§ 1314.15 *Effective dates of amendments.* (a) The amendments issued September 12, 1941,[3] adding §§ 1314.7a and 1314.15 and amending §§ 1314.10, 1314.11 and 1314.12 shall become effective September 13, 1941: *Provided.* That firm commitments entered into prior to September 13, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9 prior to such amendments may be completed at contract prices: *Provided,* That all deliveries pursuant to such firm commitments are completed on or before November 15, 1941.

(b) The amendments issued October 21, 1941,[4] amending §§ 1314.4, 1314.11 and 1314.12 shall become effective October 22, 1941: *Provided,* That firm commitments entered into prior to October 22, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9, as amended, but prior to the amendments issued October 21, 1941, may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before December 22, 1941. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 3d day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8263; Filed, November 4, 1941; 9:35 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 7, Amendment]

PART 1500—ADMINISTRATIVE

GENERAL

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, § 1500.6 (Recommendation No. 7, dated August 18, 1941, 6 F.R. 5017) is hereby amended to read as follows:

§ 1500.6 *Public information.* The functions of Industry Committees are in the public interest and are well able to undergo public examination. It is the responsibility of committees to see that the public is promptly and accurately informed as to actions taken and decisions reached. The means by which this is done is left to the discretion of the committees.

It is equally the responsibility of the committees to see that other members of the industry are kept informed on discussions of proper interest to them, or on matters under consideration which would affect the operations and planning of the industry. There may be occasions when such information can be most expeditiously disseminated to the industry through the press. The means for carrying out this dissemination likewise is left to the discretion of the committees.

The responsibility for handling public information or directing industry attention is up to the committees themselves, and they are expected to act within the dictates of discretion and judgment. They should avoid speculation and prophecy. Discussion of policy and action should be kept on the level of fact.

Problems of public relations may always be taken up with the Office of the Deputy Coordinator at any time, and correspondence on this subject is invited by him. (President's letter of May 28, 1941, to the Secretary of the Interior, 6 F.R. 2760)

R. K. DAVIES,
Acting Petroleum Coordinator, for National Defense.

OCTOBER 30, 1941.

[F. R. Doc. 41-8270; Filed, November 4, 1941; 10:11 a. m.]

RECOMMENDATION NO. 4

REVOCATION

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, Recommendation No. 4[1] of July 31, 1941, is hereby revoked, effective immediately.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

OCTOBER 23, 1941.

[F. R. Doc. 41-8269; Filed, November 4, 1941; 10:11 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 147]

SUBCHAPTER C—CARRIERS BY WATER

PART 315—EXEMPTION OF CONTRACT CARRIERS

Towage of Floating Objects

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 29th day of October, A. D. 1941.

[2] 6 F.R. 5429.
[3] 6 F.R. 4736.
[4] 6 F.R. 5428.

[1] 6 F.R. 5014.

It appearing, That numerous carriers by water are engaged in towing empty vessels to and from shipyards, floating objects such as logs and piling in rafts, and derricks, dredges, tanks, caissons, pontoons, and other floating objects of varying shapes, sizes and drafts which are not designed or used for the carrying of passengers and property; that because of the inherent nature of the commodities transported, or their requirement of special equipment, such transportation is not actually and substantially competitive with transportation by any common carrier subject to part I, II, or III of the Interstate Commerce Act; that carriers engaged in such transportation under individual agreements or contracts are contract carriers by water; and the divisions so finding; therefore,

It is ordered, That the following regulation shall become effective December 4, 1941, and shall continue in effect until the further order of the Commission.

§ 315.2 *Towage of floating objects.* Transportation by contract carriers of empty vessels to and from shipyards, floating objects such as logs and piling in rafts, and derricks, dredges, tanks, caissons, pontoons, and other floating objects of varying shapes, sizes and drafts which are not designed or used for the carrying of passengers and property, is hereby exempted from the requirements of part III of the Interstate Commerce Act until the further order of the Commission. (Sec. 303 (e), 54 Stat. 932; 49 U.S.C. 903)

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-8283; Filed, November 4, 1941; 11:44 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20898; 5495]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE GOODYEAR TIRE & RUBBER COMPANY, INC. AKRON, OHIO

Contract for: * * * Life Rafts Type * * *.

Amount: $1,491,840.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 299 P 111–30 A 0021–13
AC 34 P 12–30 A 0705–12
AC 28 P 82–30 A 0705–12

This contract,[1] entered into this 28th day of August, 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Life Rafts, Type * * *, for the consideration stated one million four hundred ninety-one thousand eight hundred forty dollars ($1,491,840.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 20. *Options.* The Government is granted the right and option at any time during the life of this contract to increase the quantity of Life Rafts called for under the terms of Article 16 of this contract to any amount not exceeding * * * at not more than the unit price stipulated for such Life Rafts in Article 1 hereof.

ART. 25. *Termination when Contractor not in Default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 36. *Price adjustment.* The contract prices stated in this contract for Type * * * Life Rafts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Life Rafts.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps, Assistant to the Director of Purchases and Contracts.

[1] Approved by the Under Secretary of War September 25, 1941.

[F. R. Doc. 41-8265; Filed, November 4, 1941; 10:10 a. m.]

[Contract No. W 535 ac-20863; 5460]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WESTON ELECTRICAL INSTRUMENT CORPORATION, NEWARK, NEW JERSEY

Contract for: Bulbs, Indicators, Tachometers and Data.

Amount: $1,554,435.12.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12–30 A 0705–12
AC 28 P 82–30 A 0705–12
AC 299 P 111–30 A 0021–13
AC 18 P 82–30 A 0705–02
AC 32 P 12–30 A 0705–02

This contract,[1] entered into this 9th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver bulbs, indicators, tachometers and data for the consideration stated one million five hundred fifty four thousand four hundred thirty five dollars and twelve cents ($1,554,435.12) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by

[1] Approved by the Under Secretary of War September 15, 1941.

[1] 6 F.R. 2909.

[4] 6 F.R. 5428.

[5] 6 F.R. 5014.

written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrant; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 21. *Option.* The Government is granted the right and option at any time during the life of this contract to increase the quantity or quantities of the articles called for under the terms of Article 16 of this contract to any quantity not exceeding the quantity applicable to each respective item set forth herein at not more than the unit prices specified for such articles in Article 16 herein.

ART. 25. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8266; Filed, November 4, 1941; 10:10 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1624-FD]

IN THE MATTER OF COAL HILL MINING COMPANY, REGISTRATION NO. 1675, RESPONDENT

ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing at 2 o'clock in the afternoon of November 4, 1941, at a hearing room and place to be designated by an appropriate Order of the Director; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate Order of the Director.

Dated: November 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8268; Filed, November 4, 1941; 10:32 a. m.]

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL COMPANY, INC., REGISTRATION NO. 7427, RESPONDENT

ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing at 2 o'clock in the afternoon of November 4, 1941, at a hearing room and place to be designated by an appropriate Order of the Director; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate Order of the Director.

Dated: November 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8272; Filed, November 4, 1941; 10:32 a. m.]

[Docket No. 1721-FD]

IN THE MATTER OF JOHN E. BROWN, DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed with the Bituminous Coal Division pursuant to the provisions of Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 15, complainant, alleging wilful violation by John E. Brown, a code member in District 15, the defendant, of the Bituminous Coal Code, Rules and Regulations thereunder as follows: That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments, and with intent to violate the same, and in violation thereof, sold between October 1, 1940, and March 31, 1941, 921.375 tons of lump coal (Size Group 2) at $2.20 per net ton f. o. b. the mine for truck shipments; whereas the effective minimum price established for such coal is $3.30 per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 29, 1941, before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof; all parties having joined in waiving the preparation and filing of a report by the Examiner;

The record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith; [1]

Now, therefore, it is ordered, That the defendant, John E. Brown, his officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from selling and offering to sell coal produced by the defendant at prices below the applicable minimum prices established therefor contrary to the Bituminous Coal Act or any rules and regulations promulgated thereunder, the Bituminous Coal Code; the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments; and Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this order the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof, or may reopen the case for further proceedings under the conditions contained in section 5 (b) of the Act.

Dated: November 1, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8273; Filed, November 4, 1941; 10:32 a. m.]

[Docket No. A-1112]

PETITION OF THE BOWIE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR CHANGE IN LOADING POINT

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to change the loading point of its Weigle mine (Mine Index No. 948) from Grove City, Pennsylvania and Harrisville, Pennsylvania, both located on the Bessemer and Lake Erie Railroad, to Atwell Siding, Annandale, Pennsylvania on the Bessemer and Lake Railroad, to Atwell Siding, Annandale, ting the petitioner to load his coal on the railroad at a point five miles nearer to his mine; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

[1] Not filed with original document.

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is granted as follows: Commencing forthwith, all shipments from petitioner's Weigle mine (Mine Index No. 948) on the Bessemer and Lake Erie Railroad may be made from Atwell Siding, Annandale, Pennsylvania, and no further shipments on the Bessemer and Lake Erie Railroad shall be made by petitioner from Grove City, Pennsylvania and Harrisville, Pennsylvania. All adjustments required or permitted mines in Freight Origin Group No. 20 shall be applicable to shipments of these coals from the Atwell Siding, Annandale, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8274; Filed, November 4, 1941; 10:33 a. m.]

[Docket No. A-1092]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR RAIL SHIPMENT

[Docket No. A-1092, Part II]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE ALLEN MINE OF THE ALLEN COAL COMPANY, INC., IN DISTRICT NO. 11 FOR RAIL SHIPMENTS ORIGINATING AT STEVENSON, INDIANA

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1092 PART II FROM DOCKET NO. A-1092 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1092 PART II

The original petition in the above-entitled matter filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 11.

As the Director found in a separate Order issued in Docket No. A-1092, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except in so far as the establishment of price classifications and minimum prices for the coals of the Allen Mine of the Allen Coal Company, Inc., for rail shipments originating at Stevenson, Indiana, is concerned.

The Director is of the opinion that no price classifications and minimum prices should be established for the coals of the Allen Mine of the Allen Coal Company, Inc., for rail shipments originating at Stevenson, Indiana, without a hearing for the reason that no freight rates for coal shipments from this point have been published.

Now, therefore, it is ordered, That the portion of Docket No. A-1092 relating to the Allen Mine of the Allen Coal Company, Inc., be and the same hereby is severed from the remainder of Docket No. A-1092 and designated as Docket No. A-1092 Part II.

It is further ordered, That a hearing in Docket No. A-1092 Part II under the applicable provisions of said Act and the rules of the division be held on December 15, 1941, at 10 o'clock in the forenoon of that day, at hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 10, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of the Allen Mine of the Allen Coal Company, Inc., in District No. 11 for rail shipments originating at Stevenson, Indiana.

Dated: November 3, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8275; Filed, November 4, 1941; 10:33 a. m.]

[Docket No. 1711-FD]

IN THE MATTER OF J. C. ROMAN, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on May 31, 1941, with the Bituminous Coal Division pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 by District Board No. 2, complainant, alleging *inter alia* that the defendant, J. C. Roman, a code member in District No. 2 operating the Grillo Mine, Mine Index No. 1995, in the Pittsburgh Seam, Allegheny County, Pennsylvania, wilfully violated the Bituminous Coal Code and Rules and Regulations thereunder in connection with the sale of coal to Thomas E. Brown for delivery to the Bureau of Mines, Pittsburgh, Pennsylvania;

Pursuant to an Order of the Director and after due notice to all interested parties a hearing having been held in this matter on August 18, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Pittsburgh, Pennsylvania;

All parties having joined in the waiving of the preparation and filing of a report by the Examiner and a record of the proceedings thereupon having been submitted to the Director for his consideration; the Director having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith, in which it was concluded that the defendant's code membership should be revoked because of his violation of the following:

(1) Section 4 II (e) of the Act, the Code, and the Schedule of Effective Minimum Prices for District No. 2 for Truck Shipment, by selling and delivering during the period between January 31 and May 31, 1941, both dates inclusive, to

Thomas E. Brown, 928.15 net tons of 2" x 0 and over screenings produced at the Grillo Mine, Mine Index No. 1995, in the Pittsburgh Seam, Allegheny County, Pennsylvania, at prices ranging from $1.80 per ton f. o. b. the mine to $2.275 per ton delivered f. o. b. bins, Bureau of Mines, Pittsburgh, Pennsylvania, when the effective minimum price established therefor was $2.20 per net ton f. o. b. the mine;

(2) Section 4 II (g) of the Act, the Code, and Price Instruction No. 6 as contained in the aforesaid Schedule of Effective Minimum Prices by delivering as aforesaid to the Bureau of Mines, 472.35 net tons of the aforesaid tonnage and failing to add to the effective f. o. b. mine price therefor an amount at least equal as nearly as practicable to the actual transportation charges from the aforesaid mine to the aforesaid point of delivery;

(3) Rules 1, 4, and 6 of section VIII of the Marketing Rules and Regulations;

(4) Rules 1 and 2 of section XI of the Marketing Rules and Regulations; and

(5) Rules 1 and 3 of section X of the Marketing Rules and Regulations;

(6) Order No. 14 of the National Bituminous Coal Commission dated July 15, 1937, adopted as an Order of the Division on July 1, 1939, and Rule 7 of section VI of the Marketing Rules and Regulations;

(7) Order in General Docket No. 19;

Now, therefore, it is ordered, That the code membership of the defendant, J. C. Roman, a code member in District No. 2 be and it is hereby revoked and cancelled; and

It is further ordered, That prior to any reinstatement of the defendant, J. C. Roman, to membership in the Code, the defendant shall pay the United States a tax in the amount of $796.35 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 3, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8276; Filed, November 4, 1941; 10:33 a. m.]

[Docket No. A-941]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR RAW OR WASHED COALS WHICH ARE CRUSHED, PULVERIZED OR REDUCED BY ANY METHOD DOWN TO THE SIZE DIMENSIONS PRESCRIBED FOR SIZE GROUPS 13 AND 16, INCLUSIVE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING LEAVE TO AMEND ORIGINAL PETITION, AS AMENDED

The petitioner in the above-entitled matter having moved on October 20, 1941, for leave to amend the original petition herein, as amended, by further amending the prayer for relief contained therein; and

It appearing that said motion for leave to amend is reasonable;

Now, therefore, it is ordered, That the prayer for relief contained in the original petition in the above-entitled matter as previously amended is further amended by adding the following supplement to Schedule No. 2, annexed to and made a part of the petition of District Board No. 11 for leave to amend, dated July 21, 1941.

Supplement

1 Item No.	2 Type of preparation	3 Price group Nos.	4 Minimum prices
		Nut and stoker coals	
7	Crushed coal, made from raw or mechanically cleaned coal, which is rescreened into the size dimensions prescribed for nut and stoker coals (Size Groups 9, 10, 11, 12) and resultant carbon (Size Group 15).	1, 2, 3, 4, 13, 14.	15 cents per ton over the prices for Size Groups 9, 10, 11, 12.
		5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20.	10 cents per ton over the prices for Size Groups 9, 10, 11, 12.
		Carbon	
		1,[1] 2, 3, 4, 7, 18, 19.	25 cents per ton over the prices for Size Group 15.
		14	20 cents per ton over the prices for Size Group 15.
		13, 15, 16, 17.	15 cents per ton over the prices for Size Group 15.
		5, 6, 8, 9, 10, 11, 12, 20.	10 cents per ton over the prices for Size Group 15.

[1] Includes Chinook Mine of Ayrshire Patoka Collieries Corporation, Mine Index No. 121.

Dated: November 3, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8277; Filed, November 4, 1941; 10:35 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING IN THE MATTER OF EMPLOYMENT OF LEARNERS AT LESS THAN THE MINIMUM WAGE RATE IN THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY AND IN THE KNITTED OUTERWEAR INDUSTRY

Whereas the Administrator of the Wage and Hour Division duly appointed Industry Committee Nos. 28 and 32 for the purpose of recommending to the Administrator the highest minimum wage rate (not in excess of 40 cents per hour) which will not substantially curtail employment in the Knitted and Men's Woven Underwear and Commercial Knitting Industry and the Knitted Outerwear Industry; and

Whereas the said Committees duly filed their Reports and Recommendations respectively on June 17, 1941 and August 19, 1941, to the effect that every employer shall pay not less than 40 cents per hour to each of his employees in the Knitted and Men's Woven Underwear and Commercial Knitting Industry as defined in Administrative Order No. 104 dated May 8, 1940 and in the Knitted Outerwear Industry as defined in Administrative Order No. 115 dated July 8, 1941; and

Whereas Industry Committee No. 28 unanimously adopted a resolution recommending to the Administrator that he consider a more liberal application of the learner regulations pertaining to this industry, the Committee being of the opinion that favorable consideration is warranted for allowing ten percent learners instead of five percent as heretofore, and such other modifications as the Administrator after consideration may find applicable for this industry; and

Whereas Industry Committee No. 32 unanimously adopted a resolution suggesting that the Administrator further study the problem of learners with a view to simplifying the present procedure:

Now, therefore, pursuant to the said Act and § 522.12 of the said Learner Regulations Part 522, notice is hereby given of a public hearing to be held in Room 3229, U. S. Department of Labor, 14th Street and Constitution Avenue, Northwest, Washington, D. C., to commence at 10:00 A. M. on November 14, 1941, before Alex G. Nordholm of the Hearings Branch of the Wage and Hour Division, hereby duly authorized as Presiding Officer to conduct said hearing and to take testimony for the purpose of determining what, if any, modifications of Part 522, §§ 522.060 to 522.071 (Regulations Applicable to the Employment of Learners in the Knitted Wear Industry) are warranted in the light of the above recommendations of the Industry Committee.

At this hearing opportunity to present evidence relevant to above questions will be afforded any interested person, provided the Presiding Officer shall have received from such person, prior to November 14, 1941, a notice of intention to appear, setting forth his name and address, the company or organization which he represents, and the approximate length of time required for such presentation. Any interested party unable to appear in person may file a brief or a statement which will be considered if received by November 14, 1941.

The definition of the Knitted and Men's Woven Underwear and Commercial Knitting Industry, insofar as it concerns the said hearing, shall be identical with the definition set forth in Administrative Order No. 104; dated May 8, 1940; and the definition of the Knitted Outerwear Industry shall be that set forth in

Administrative Order No. 115 dated July 8, 1941.

Signed at Washington, D. C. this 4th day of November 1941.

PHILLIP B. FLEMING, *Administrator.*

[F. R. Doc. 41-8282; Filed, November 4, 1941; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-33, 59-25]

IN THE MATTER OF THE UNITED CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1941.

The Commission having by order dated October 17, 1941, postponed the hearing in these proceedings to November 4, 1941;

The United Corporation having requested a further postponement and the Commission having found that such further postponement is appropriate;

It is ordered, That the said hearing be, and it hereby is, postponed to November 17, 1941, at which time the hearing shall be reconvened for the purpose of taking evidence in accordance with the Opinion of the Commission this day issued.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8281; Filed, November 4, 1941; 11:39 a. m.]

[File No. 70-423]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY AND NEBRASKA PUBLIC SERVICE COMPANY

NOTICE REGARDING FILING SUBJECT TO RULE U-23

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than November 20, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Nebraska Public Service Company, a wholly-owned subsidiary of Iowa Public Service Company which is a registered holding company and a subsidiary of Sioux City Gas and Electric Company (also a registered holding company), proposes to purchase for retirement 7,700 shares of its 10,000 outstanding shares of $50 par value common stock from Iowa Public Service Company for $325,000 in cash, thereby reducing its capital from $500,000 to $115,000.

The declaration or application recites that the Company considers section 12 of said Act and Rules U-42, U-43 and U-44 promulgated thereunder as being applicable to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8280; Filed, November 4, 1941; 11:39 a. m.]

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FEDERAL REGISTER

VOLUME 6 NUMBER 217

Washington, Thursday, November 6, 1941

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID TO CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 14—RANGE REGULATIONS FOR FIRING AMMUNITION IN TIME OF PEACE

SUSPENSION WITH REFERENCE TO AERIAL MACHINE GUN RANGES[1]

§ 14.1 *Safety precautions.* During the present emergency, so much of paragraph (a) (1) of this section as reads "Before firing, the danger area of land ranges will be examined and all persons and livestock will be excluded" is hereby suspended insofar as it applies to aerial machine gun ranges under the jurisdiction of the Chief of the Army Air Forces.

Every precaution will be taken to warn individuals of the danger in these areas, and the provisions of this section will be strictly carried out in this respect. (R. S. 161; 5 U.S.C. 22)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8286; Filed, November 5, 1941; 9:39 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4183]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF OHIO ART COMPANY

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported product or parts as domestic.* In connection with offer, etc., in commerce, of musical tops and other similar products, (1) using the term "Made in U. S. A." or any other term of similar import or meaning, on labels, containers, or in advertising of musical tops or other similar products which contain reeds manufactured in Germany, or any other foreign country, without clearly disclosing the foreign origin of such reeds; (2) using the unqualified words "Made by" or any other word or words of similar import or meaning in conjunction with trade names having a geographic significance in the United States or in conjunction with geographic locations within the United States, on labels, containers, or in any other manner, so as to imply that respondent's musical tops or other similar products which contain reeds manufactured in Germany or any other foreign country, are wholly of domestic origin and manufacture without clearly disclosing the foreign origin of such reeds; and (3) representing in any manner whatsoever that respondent's musical tops or other similar products are made in the United States when in fact such products are manufactured, in whole or in part, in Germany, or any other foreign country; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Ohio Art Company, Docket 4183, October 28, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before Lewis C. Russell, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial

[1] This regulation also appears at par. 3a, AR 750-10, May 22, 1939, and Cir. 228, W.D., Oct. 28, 1941.

[1] 5 F.R. 4341.

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FEDERAL REGISTER

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examiner thereon and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The Ohio Art Company, a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of musical tops and other similar products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the term "Made in U. S. A." or any other term of similar import or meaning, on labels, containers, or in advertising of musical tops or other similar products which contain reeds manufactured in Germany, or any other foreign country, without clearly disclosing the foreign origin of such reeds;

(2) Using the unqualified words "Made by" or any other word or words of similar import or meaning in conjunction with trade names having a geographic significance in the United States or in conjunction with geographic locations within the United States, on labels, containers, or in any other manner, so as to imply that respondent's musical tops or other similar products which contain reeds manufactured in Germany or any other foreign country, are wholly of domestic origin and manufacture without clearly disclosing the foreign origin of such reeds;

(3) Representing in any manner whatsoever that respondent's musical tops or other similar products are made in the United States when in fact such products are manufactured, in whole or in part, in Germany, or any other foreign country.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8308; Filed, November 5, 1941; 10:45 a. m.]

[Docket No. 4369]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CONTINENTAL SILVER OF AMERICA

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Operations as special or other advertising:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* In connection with offer, etc., in commerce, of respondent's sales stimulator plan, including premium cards, advertising matter, silverware or any other merchandise, and among other things, as in order set forth, representing, either directly or by implication, (1) that respondent is a representative of, or has any connection with the manufacturer of Wm. A. Rogers silverware; and (2) that respondent's sales stimulator plan is in the nature of an advertising campaign conducted by or on behalf of the manufacturer of Wm. A. Rogers silverware; prohibited, subject to the provision, however, that this order shall not be construed to prohibit the respondent from dealing in such silverware. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Continental Silver Company of America, Docket 4369, October 28, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of respondent's sales stimulator plan, including premium cards, advertising matter, silverware or any other merchandise, and among other things, as in order set forth, representing (1) that respondent will supply dealers purchasing his sales stimulator plan with display sets of silverware for use in putting such plan into operation, when respondent does not in fact supply such display sets as represented; (2) that upon the redemption of a specified number of premium cards respondent will refund any sum of money to dealers purchasing such cards, when such refund is not in fact made; and (3) that the operation of his sales stimulator plan is without cost to dealers purchasing such plan; prohibited, subject to the provision that if there are any conditions connected with such refund, such conditions must be clearly stated in immediate connection or conjunction with such offer of refund. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Continental Silver Company of America, Docket 4369, October 28, 1941]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (s) *Advertising falsely or misleadingly—Promotional sales plans:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of respondent's sales stimulator plan, including premium cards, advertising matter, silverware or any other merchandise, and among other things, as in order set forth, representing (1) that respondent will give silverware or other merchandise free, when such silverware or other merchandise is not in fact given free; and (2) that premium cards or other similar devices will be redeemed in silverware or other merchandise, unless and until all of the terms and conditions of such offer are clearly stated in immediate connection or conjunction with such offer, and there is no deception as to the price to be paid in connection with the obtaining of such silverware or other merchandise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Continental Silver Company of America, Docket 4369, October 28, 1941]

In the Matter of John Maricak, an Individual, Trading and Doing Business Under the Name Continental Silver Company of America

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission (no answer thereto having been filed by respondent), testimony and other evidence taken before William C. Reeves, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint, report of the trial examiner upon the evidence, and brief in support of the complaint (respondent not having filed brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, John Maricak, an individual, trading and doing business under the name Continental Silver Company of America, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of his sales stimulator plan, including premium cards, advertising matter, silverware or any other merchandise, do forthwith cease and desist from:

(1) Representing either directly or by implication that respondent is a representative of, or has any connection with, the manufacturer of Wm. A. Rogers silverware; *Provided, however*, That this order shall not be construed to prohibit the respondent from dealing in such silverware;

(2) Representing either directly or by implication that respondent's sales stimulator plan is in the nature of an advertising campaign conducted by or on behalf of the manufacturer of Wm. A. Rogers silverware;

(3) Representing that respondent will supply dealers purchasing his sales stimulator plan with display sets of silverware for use in putting such plan into operation, when respondent does not in fact supply such display sets as represented;

(4) Representing that respondent will give silverware or other merchandise free, when such silverware or other merchandise is not in fact given free;

(5) Representing that premium cards or other similar devices will be redeemed in silverware or other merchandise, unless and until all of the terms and conditions of such offer are clearly stated in immediate connection or conjunction with such offer, and there is no deception as to the price to be paid in connection with the obtaining of such silverware or other merchandise;

(6) Representing that upon the redemption of a specified number of premium cards respondent will refund any sum of money to dealers purchasing such cards, when such refund is not in fact made, and if there are any conditions connected with such refund, such conditions must be clearly stated in immediate connection or conjunction with such offer of refund;

(7) Representing that the operation of respondent's sales stimulator plan is without cost to dealers purchasing such plan.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8309; Filed, November 5, 1941; 10:43 a. m.]

[1] 6 F.R. 1513.

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Resolution, Oct. 3, 1941]

PART 402—LOAN SERVICE DIVISION

RECODIFICATIONS OF LOAN SERVICE REGULATIONS

All those sections of Parts 402 and 409 of said Chapter and Title of the Code of Federal Regulations which represent Resolutions of the Board are revoked in their entirety, and the following sections are reenacted in lieu thereof:

§ 402.00 *General policy and home office—*(a) *Responsibility of Division for servicing accounts.* The Loan Service Division shall be responsible for the protection of the Home Owners' Loan Corporation's interest in the loans or purchase money contracts it holds in its portfolio until liquidated or the Legal Department or Property Management Division is instructed by proper authority to assume jurisdiction.

(b) *General policy.* The necessity of treating each case of delinquency as an individual problem is recognized, as is the Corporation's duty to collect indebtedness from home owners, and where clearly established that the default is wilful, steps are to be taken immediately to protect the Corporation's interest.

(c) *Nature of default.* In the consideration of cases where such default is not wilful, it will endeavor to determine whether the economic status of the home owner which causes the default is reasonably to be regarded as temporary or permanent. In the case where it appears to be temporary, it will consider the effect upon its own interest and where justified may defer exercising its legal rights.

(d) *Objectives of the servicing program.* The objectives of the Corporation's servicing program are to protect the Corporation's investment in the securities it holds in its portfolio; to maintain the maximum possible number of loan accounts in good standing; to deal speedily, effectively, and sympathetically with those that are, or become, in default; to secure the facts in each case and promptly take such action as the circumstances may warrant.

(e) *Home office.* The Loan Service Division shall be under the direction and control of the General Manager, who may delegate immediate direction and control to a Deputy General Manager appointed in accordance with the regulations of the Corporation. The General Manager or such deputy, subject to the limitations hereinafter provided, shall have all necessary authority to develop and enforce loan service procedure which will effectuate the policies and regulations of the Board.

(f) *4½% per annum interest rate.* In case of payments becoming due on and after October 16, 1939, and until further notice, interest will be accepted at the rate of 4½% per annum on the indebtedness of a home owner to the Home Owners' Loan Corporation arising from a loan, advance, or sale of property which carries an interest rate of 5% or 6% per annum. The General Manager, with the approval of the General Counsel, is authorized to prescribe procedure to carry out the provisions of this section.

(g) *Taxes.* The Loan Service Division shall be responsible for causing home owners to pay delinquent taxes, assessments, other governmental levies or charges, or ground rents.

(h) *Authority to pay expenses in connection with servicing.* The General Manager may, except as otherwise expressly provided by the Board, incur and approve the amount and payment of any expenses not exceeding $50 incident to the performance of any duty or function of the Loan Service Division in connection with the investigation, preparation, and processing of applications for releases, waivers, consents, subordination agreements, substitution of security, division of indebtedness and security, and extensions of time for the making of payments to the Corporation; offers of additional security; cases involving the acquisition of property covered by the Corporation's lien, or any part thereof, by eminent domain; cases where the land or improvements covered by the Corporation's lien have been damaged or destroyed by fire, flood, windstorm, landslide, or other hazard where the loss is not covered by insurance; and cases apparently insoluble in which foreclosure or the acceptance of a voluntary conveyance is contemplated. The General Manager may determine with the advice of the General Counsel, whether any expenses not paid by the home owner shall be charged to the home owner's account or to Corporation expense. All sums for these purposes shall be advanced or paid from such funds as the Comptroller may direct, in accordance with established Corporation policy. Any legal fees and expenses shall be incurred, approved, and paid in the manner provided in Part 406 of the Code of Federal Regulations.

In cases where it appears to him to be for the best interests of the Corporation the General Manager is likewise authorized to waive the requirement that funds for appraisal, credit report, or other expense in connection with loan service operations be deposited in advance or paid by the home owner upon consummation of such transaction.

Except as provided in section 108, of the Manual, any Regional or State Manager, with the advice or approval of Regional or State Counsel, as may be required, may exercise the authority herein granted under procedure and limitations prescribed and promulgated by the General Manager with the approval of the General Counsel.*

*§§ 402.00 to 402.25, inclusive, issued under the authority contained in sec. 4 (a), (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a) (k).

§ 402.01 *Regional offices*—(a) *Appointment of deputies.* The Regional Manager may, in the manner now or hereafter provided, request the appointment of deputies to execute forms on his behalf, to exercise any authority and to perform any duties vested in or required of the Regional Manager with respect to Loan Service operations: *Provided, however,* That such deputation is limited to the Assistant Regional Manager in Charge of Loan Service and employees of the Loan Service Division recommended by him: *And provided further,* That no such deputy shall exercise any power now or hereafter conferred upon the Regional Manager to direct advances of Corporation funds or to approve extensions for the accounts of salaried employees, whether such employees are mortgagors, vendees or their successors in interest.*

§ 402.03 *Analysis and review section*—(a) *Responsibility of analysis and review section.* The Analysis and Review Section shall be responsible for the consideration of cases beyond the authority of the Control Supervisor, and the making of recommendation as to the action to be taken.

(b) *Cases to be reviewed.* This Section shall review all cases where contemplated advances will affect the future servicing of the account, excepting those which may be reviewed by the Control Supervisor and those which may be made by State Managers without prior authorization from the Regional Manager.*

§ 402.08 *Servicing treatment of accounts*—(a) *Real estate cases.* Where it is clearly established that the economic status of the home owner is unlikely to improve to a point where he may discharge his obligation in accordance with the terms of his mortgage or other instrument, it is the policy of the Corporation to consider the effect upon its interest of delay, and, where justified, defer the exercise of its legal rights in order to afford the home owner an opportunity to so dispose of his property as to realize his equity or place his obligation in good standing. Though it assumes no responsibility therefor, it is the policy of the Corporation to render such assistance to home owners in this category as may be appropriate.

(b) *Field collections.* It is the fixed policy of the Corporation to discourage the personal collection of home owners' payments by its representatives but where such collections are in its own interests, Regional Managers are empowered to designate employees who will, where circumstances require it, be authorized to make collections. The method of identification and operating procedure shall be as set forth in Part 407 or Part 402 of this Chapter.*

§ 402.10 *Extension*—(a) *Extension of time for making payments.* Where the circumstances of the home owner, condition of the security, and the best interests of the Corporation justify it, the General Manager with the advice of the General Counsel may grant extensions of time for the payment of any amount, including principal, interest and advances, or the unpaid balance of the account, and change the payment plan contained in the loan or sales instruments whether the account is delinquent or not and in connection with any such transactions may (1) accept an extension or other agreement or new obligation and security instrument and execute any such instrument, or cause the same to be executed by a duly authorized officer of the Corporation, and (2) make advances for the payment of taxes, assessments, ground rents or other levies or charges which are payable: *Provided, however,* That in no case shall the term of repayment exceed twenty-five years from the date of the original loan or twenty years from the date of the sales instrument: *And provided further,* That the home owner, in connection with the granting of an extension, execute an agreement with the Corporation for a Tax and Insurance account in accordance with and subject to the provisions of § 402.11 (a).

(b) *Basis for granting extensions.* Such extensions shall be granted on the basis of monthly payments sufficient:

(1) To retire the present indebtedness within the remainder of the original fifteen-year term, or

(2) To retire the present indebtedness within a period not to exceed twenty-five years from the date of the original loan or twenty-years from the date of the sales instrument.

The authority vested in the General Manager by this Section may be exercised by the Regional Manager with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.*

§ 402.11 *Tax and insurance accounts.* (a) In cases where the establishment of a Tax and Insurance account is a requirement of the Corporation, and in other cases where home owners have requested the establishment of such account, arrangements may be made with home owners on an approved form for a Tax and Insurance account for the accumulation of funds for the payment of the following items or for such of them as the Corporation may in its sole discretion and from time to time desire to pay:

(1) Any taxes, assessments and ground rents which, in the judgment of the Corporation, may affect the property which secures payment of any indebtedness owing to the Corporation or which may affect such indebtedness or the instruments evidencing or securing it;

(2) The premiums and costs of such fire or other insurance as the Corporation may from time to time require; and

(3) Such other levies, charges or items as the Corporation in its sole discretion may deem it necessary or proper to pay.

The General Manager may waive any requirement of the Corporation providing for the establishment of a Tax and Insurance account, or may suspend the accrual for any or all of the above items in the Tax and Insurance account in any case or class of cases when he determines it to be in the best interests of the Corporation.

The authority by this Section vested in the General Manager may also be exercised by the Regional Manager under procedure and limitations prescribed by the General Manager and the General Counsel.*

§ 402.12 *Foreclosure*—(a) *Foreclosure and deficiency judgments.* After all efforts to collect the debt owing to the Corporation have been made, as is provided by the rules and regulations, and all efforts to assist the home owner have been exhausted and it becomes necessary to protect the taxpayers, the General Manager may authorize foreclosure or the acceptance of a deed in lieu thereof. When deeds in lieu of foreclosure are accepted from owners of mortgaged properties in settlement of the indebtedness owing to the Corporation no sum shall be paid to the owner of the property, but as a part of the consideration for such deed an owner may be permitted to continue in possession of the premises for a limited time within the discretion of the Regional or State Manager under advice of the Regional or State Counsel. When foreclosure is authorized it shall be determined whether or not a deficiency claim shall be retained on the books of the Corporation if the value of the security is less than the amount of the debt.

The authority vested in the General Manager by this Section may be exercised by the Regional Manager under procedure and limitations prescribed by the General Manger with the approval of the General Counsel.*

§ 402.13 *Suspension and withdrawal*—(a) *Suspension and withdrawal of foreclosure.* At any time prior to the acquisition of absolute title by the Corporation, the General Manager, with the advice of the General Counsel, may direct that foreclosure proceedings or negotiations for a deed in lieu of foreclosure be suspended or withdrawn and the loan or sales account reinstated on such terms and conditions as he may determine to be for the best interest of the Corporation. In connection with such withdrawal and reinstatement he may affect the cancelation of the old indebtedness and the taking of new loan or sales instruments. In connection therewith he may also direct the acquisition of title by the Corporation and the execution of instalment contracts or other like sales instruments or deeds to home owners or to third parties, accepting appropriate security instruments. No suspension, withdrawal or reinstatement in such cases shall be made which would involve a loss to the Corporation. The authority herein granted may be exercised in any case where a notice of withdrawal has been issued, but on account of the lack of time or for other cause, the reinstatement has not been accomplished prior to the acquisition of absolute title. All cases handled under the authority of this resolution shall be classified as withdrawn foreclosures and not as sales. The authority herein vested in the General Manager may be exercised also by the Regional Manager, with the advice of the Regional Counsel, or by the State Manager, with the advice of the State Counsel, under procedure and limitations prescribed by the General Manager, with the approval of the General Counsel.*

§ 402.14 *Property inspection.* (a) This Division shall be responsible for reporting on the condition of properties securing indebtedness to the Corporation and such reports shall be made at such time and in such manner as the General Manager may direct.

(b) The General Manager is authorized and directed to provide and maintain an inspection and fire prevention service with respect to all properties securing indebtedness owing to the Corporation or owned by it. The authority vested in the General Manager by this section may be exercised also by the Regional Manager under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.*

§ 402.15 *Abandoned property*—(a) *Caretaker for abandoned property.* In any case in which it is found necessary to appoint a caretaker for property upon which the Corporation holds a loan and which has been abandoned, the State, or Regional Manager with the advice of the State or Regional Counsel, may appoint such a caretaker, appropriately instruct him as to the performance of his work, and determine the compensation therefor. The expense thereof shall be paid from the Regional Working Fund.*

§ 402.16 *Reconditioning* — (a) *Advances for reconditioning.* The General Manager may authorize advances for the account of borrowers, vendees and transferees, to accomplish reconditioning of any nature whatsoever, provided such reconditioning is determined to be in the best interest of the Corporation in order to protect its security, to facilitate the collection of the indebtedness owing to the Corporation or to promote the orderly liquidation of the assets of the Corporation; and may incur and approve the amount and payment of fees and expenses in connection with such advances, except legal fees and expenses which shall be incurred, approved and paid as provided in Chapter VI of the Manual. The authority herein granted may be exercised also by the Regional Manager, or by the State Manager except as provided in section 108 of the Manual, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.*

§ 402.17 *Property transfer*—(a) *Property purchase by Corporation employee.* Officers or employees of the Corporation are not permitted to purchase from home owners properties on which the Corporation holds a mortgage or sales instrument unless and until the transaction has been approved by the Board. Such cases shall be submitted to the Property Committee in Washington for their recommendation and reference to the General Manager who, after review, will submit them, together with his recommendations, to the Board for final action.*

§ 402.18 *Deceased borrowers*—(a) *Filing of claims.* In cases where the home owner or other obligor has died, except in jurisdictions where it is legally necessary to file a claim to protect the interests of the Corporation, the General Manager shall determine whether a claim shall be filed against the estate of the decedent. Ordinarily probate claims will not be filed where it appears that any of the following circumstances obtain:

(1) That the account will be maintained in good standing or satisfactory payment made.

(2) That the assets of the estate are insufficient or of such nature that they cannot be reached by a claim.

(3) That the satisfaction of a claim from assets other than the security of the Corporation will deprive the family of its only means of livelihood or otherwise result in extreme hardship.

The General Manager shall refer the cases where he determines a claim should be filed to the Legal Department, and unless there are legal reasons which would make it inadvisable to file the claim, the Legal Department shall proceed to file the same.

The authority herein vested in the General Manager may be exercised also by Regional or State Managers under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.*

§ 402.19 *Changes in liens or properties securing indebtedness*—(a) *Partial release, subordination, condemnations, waivers, consents.* The General Manager, with advice of the General Counsel, and subject to such terms, conditions and consideration therefor as the General Manager determines to be in the best interests of the Corporation may grant:

(1) The partial release or subordination of any lien or security instrument including the property covered thereby, or

(2) The waiver of any right under any security instrument, instalment sales contract, debt or evidence of indebtedness secured thereby, or of any additional or supplemental agreements held by the Corporation in connection with such instruments, whether arising by contract or by operation of law including the right for deficiency judgment (but excluding discharges based upon payment in full), or

(3) The written consent of the Corporation to the making of repairs and improvements to, or the removal or demolition of, property covered by any security instrument, contract or other obligation.

The authority vested in the General Manager by this Section may be exercised by the Regional Manager, with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with approval of the General Counsel.

(b) *Division of mortgaged property.* The General Manager, with the advice of the General Counsel, may authorize and direct a division of the property covered by a mortgage, other security instrument or sales instrument, the allocation of the indebtedness to each parcel, the reamortization of each indebtedness over a period not to exceed twenty-five years from the date of the original loan or twenty years from the date of the sales instrument, the execution or acceptance of appropriate releases, reamortization agreements, mortgages and other instruments by any official authorized to execute releases of the mortgage liens of the Corporation, and such further action as may be necessary to effect the division of the indebtedness and property: *Provided, however,* That if either indebtedness is reamortized or extended, the debtor must be eligible for an extension under the provisions of § 402.10 (a).

The Regional Manager, with the advice of the Regional Counsel, may exercise the authority herein conferred upon the General Manager under the procedure and limitations prescribed by the General Manager, with the approval of the General Counsel.

(c) *Substitution of security.* Substitution of security held by the Corporation under its mortgages is authorized to be made as herein provided and in accordance with the authorized procedure.

Where on account of condemnation proceedings, which have been commenced or are in contemplation, or on account of fire, windstorm, flood, other similar casualty losses, sale, transfer, or other matter affecting the security for the loan, conditions arise which make it for the interest of the Corporation to accept an offer from the home owner to substitute other real estate as security in lieu of that held by the Corporation under its mortgage or other lien instrument, or in addition to that to be held after the condemnation, casualty loss, sale, transfer, or other matter, a Regional Manager, with the approval of a Regional Counsel, may, after appraisal and pursuant to established regulations, authorize the acceptance of such other real estate and may consent to the removal and relocation of improvements and the repair, alteration, or reconditioning thereof, and may permit the home owner to use all or a portion of the award, insurance loss settlement, or other consideration for the purpose of acquiring the new or additional property, including additional improvements, of removing and relocating the improvements, making the repairs, alterations, or reconditioning, and of paying other proper expenses in connection with the transaction.

Advances for substitutions. Such officers may also authorize the making of an additional advance for expenses in connection with the removal and relocation of the improvements in such cases and for expenses of appraisal, title search, recording fees, and other necessary charges in connection with the substitution of the new or additional security: *Provided,* That the borrower is unable to pay such expenses and it affirmatively appears that such advance is necessary to prevent a material loss to the Corporation in the particular loan.

Upon the taking of any new or additional property as security, such instruments shall be taken to evidence and secure the total unpaid indebtedness as will adequately protect the Corporation, and such as will preserve a valid first lien on the old property retained, if any, and create a valid first lien on the new security. If a first lien is not obtainable, such cases shall be submitted to the General Manager who, with the advice of the General Counsel, shall direct the action to be taken in regard to the same. A release, in whole or in part, of the original security, where appropriate, may be made by any official authorized by the Regulations to execute releases of the mortgage lien of the Corporation; and releases may be made for such consideration as may be determined by the Regional Manager subject to the provisions hereof.

(d) *Consent to improvements by other Federal agency.* In the event Resettlement Administration, or any other department, establishment, agency, instrumentality, or corporation of the United States contemplates making an advance to any owner, lessee or occupant of any property securing a loan due Home Owners' Loan Corporation for the purpose of improving such property or providing any fixtures, equipment or facilities to be attached to, or used on such property, and finds it necessary to have a lien upon such improvement, fixtures, equipment, or facilities, the Regional Manager of the Home Owners' Loan Corporation, upon a written statement from the owner of such property and also from any lessee or occupant to whom the loan is being made, and the lender, and upon any other information available, may, in his discretion consent to such improvement, or the placing of such fixtures, equipment, or facilities, and to the removal of the same, for the purpose of being subjected to any lien for any purchase money or to any lien held by any such governmental authority, and each Regional Manager of Home Owners' Loan Corporation, with the approval of the Regional Counsel, is authorized to execute in the name of the Corporation any instruments necessary to accomplish the purposes of this resolution; provided that such consents shall relate only to the making or installing and removal of the improvements, fixtures, equipment, or facilities, and shall not afford any lien in favor of such governmental authority on the property theretofore held by the Corporation under its mortgage which will be superior to the lien of said mortgage; and such consents shall also be on condition that such governmental authority shall furnish satisfactory evidence of the satisfaction in full of any mechanics' or furnishers' liens which may arise by virtue thereof without loss or expense to the Corporation.*

§ 402.20 *Additional security.* The General Manager, a Deputy General Manager or a Regional Manager with the advice of the General Counsel, an Associate General Counsel, or a Regional Counsel may authorize and direct the acceptance of additional security for the Corporation's loans in such form and by such method as he may deem advisable when it appears that the best interests of the Corporation will be served thereby; the authority herein granted to the Regional Manager and Regional Counsel being subject to instructions and procedure promulgated by the General Manager or a Deputy General Manager and the General Counsel or an Associate General Counsel.*

§ 402.21 *Conversion of instalment contract—(a) Conversion of instalment contracts into mortgage accounts.* The General Manager, with the advice of the General Counsel, may authorize the delivery of a deed or other conveyance and the taking of a note or other obligation and a mortgage or other security instrument for the unpaid balance, (1) in cases where he determines that the purchaser or his successor in interest under an instalment contract, lease with option to purchase or similar instrument has fulfilled the requirements thereof to such extent that he is entitled by the provisions thereof to such deed or other conveyance, and (2) in other cases where he determines that it is in the best interests of the Corporation to do so.

The authority vested in the General Manager by this Section may also be exercised by the Regional Manager, with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

The provisions of this Section shall not apply to instalment contracts, leases with option to purchase or similar instruments, under which the Corporation has received payment in full of the purchase price.*

§ 402.22 *Miscellaneous credits.* (a) Upon the written request of the home owner, where necessary, the General Manager, with the advice of the General Counsel, may permit the payment of taxes, assessments, other governmental levies and charges, ground rents, attorneys' fees, cost of reconditioning from, or make such other disposition as he deems proper of, funds received by the home owner, or by the Corporation as mortgagee or assignee, in connection with transactions involving partial releases, grants of easements and flowage rights, insurance losses, mineral deeds, oil, gas or mineral interests, sales of timber, condemnation awards under decree or judgment of a court or by agreement, substitution of security, additional

security, other transactions which otherwise reduce or diminish the security held by the Corporation or the property sold by it, and from funds received as other credits to home owners' accounts, except repayments, before directing that the net amount received by the Corporation be applied to the appropriate account, as provided in § 408.00 (1) of this Chapter.

The authority vested in the General Manager by this Section may also be exercised by the Regional Manager, with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.*

§ 402.23 *Junior liens* (a) The General Manager may authorize foreclosure, where foreclosure of a junior lien has been commenced or is imminent, and the Corporation is entitled to foreclose its lien under the circumstances existing and under the terms of its lien instrument.

The authority vested in the General Manager by this Section may be exercised by the Regional Manager with advice of the Regional Counsel under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.*

§ 402.24 *Taxes—(a) Tax searches, authority limitations.* The General Manager shall determine when and how the public records shall be searched for taxes, assessments, or other governmental levies or charges and shall make or cause arrangements to be made for such searches. The Regional Manager is authorized also to cause tax searches to be made for the purpose of protecting the Corporation against loss of title or security on account of such items.

Such searches may be made by an employee of the Corporation or by competent and financially responsible tax searching agencies or competent individuals on a basis of reasonable cost per loan.

Any contract with any one corporation, firm or individual involving an expenditure of more than $500.00, or involving an entire State, Division or Territory, must be previously approved by the Board of Directors. The General Manager, or the Regional Manager, is authorized to incur expenses for such searches and for photographing, or otherwise reproducing tax search cards or other records of the Tax Section and to approve the amount and payment thereof.

(b) *Authority to certify payment, interest repayment.* The General Manager is authorized to direct the payment of any tax, assessment, ground rents or other levies or charges, or the repayment to effect redemption or recovery from any levy, sale, loss or forfeiture resulting from nonpayment thereof when in his opinion it is necessary or advisable. With the advice of the General Counsel he is authorized to direct the purchase of bonds or other evidences of indebtedness and to direct the transfer or surrender of same in payment of taxes, assessments, or other levies or charges when payment in such manner is allowed by law, and when he deems such procedure in the interests of the Corporation. The authority granted by this section may be exercised by the Regional Manager under procedure and limitations prescribed by the General Manager, with approval of General Counsel. Such advances shall be repaid in such manner, on such terms, and under such conditions and procedure as the General Manager with the approval of the General Counsel shall prescribe.

(c) *Consents to moratoria or assessments.* The Regional Manager, with advice of the Regional Counsel and the State Manager when authorized by the Regional Manager, with advice of the State Counsel may grant consents to home owners to enable them to comply with the necessary requirements to obtain the benefit of moratoria established or declared by proper legislative authority or legal action, relating to taxes, assessments, or other governmental levies or charges under such procedure and limitations as the General Manager with the approval of the General Counsel shall prescribe.

The Regional Manager, and the State Manager when authorized by the Regional Manager, may execute consents to proposed improvements out of which assessments or levies will arise, under such procedure and limitations as the General Manager, with the approval of the General Counsel, shall prescribe.*

§ 402.25 *Insurance.* (a) All properties securing indebtedness to the Corporation must be insured against loss by fire, as provided herein. Windstorm or other insurance may also be required in certain localities as the General Manager may direct.

The General Manager may accept insurance policies furnished by home owners when the following requirements are complied with:

(1) The insurance is written by an insurance company, association or organization licensed to do business in a particular state or territory, or specifically authorized by state law to transact business within the state or territory where the property is located, and whose policy contract and forms are acceptable to the General Manager.

(2) In the cases of home owners having a Tax and Insurance account or at the time of sale, of purchasers of Corporation-owned property, the insurance is written for a term of not less than three years, accompanied by a receipt for payment of premium in full. Exceptions may be made and policies for a term of less than three years may be accepted in the following instances:

(i) Where the period required for payment of the indebtedness to the Corporation is less than three years;

(ii) If insurance on the property cannot be obtained for a term of three years; or

(iii) Where policies written for not less than three years, when accompanied by a receipt for the first year premium, provide for annual endorsement renewal at reduced premium cost to the home owner.

(3) The minimum amount of the fire insurance is as follows, if not prohibited by the mortgage covenant:

(i) If the amount of the present indebtedness is more than the depreciated replacement value, full insurance to the depreciated replacement value shall be required on all buildings valued at $200.00 and over.

(ii) If the amount of the present indebtedness is more than the depreciated replacement value of the main dwelling, but less than the depreciated replacement value of all insurable improvements, insurance in the amount of 100% shall be required on the main dwelling and in addition, sufficient insurance shall be required on the remaining buildings in an amount necessary to bring the total amount of insurance to the present indebtedness, covering one or more of the remaining buildings, as recommended by the Supervisor, Insurance Section.

(iii) If the amount of the present indebtedness is equal to or less than the depreciated replacement value of the main dwelling, insurance shall be required on the main dwelling in an amount equal to the present indebtedness. If the other buildings or improvements are essential economically as a means of liquidating the loan or sales account and produce a reasonable portion or all of the home owner's income, either as a rental property or commercial interest of the home owner, then, upon the recommendation of the Supervisor, Insurance Section, the Regional Manager may, in his discretion, also require on the said other buildings such amounts of insurance as circumstances warrant.

(4) The amount of windstorm or other insurance is not less than the Corporation's requirements as determined by the General Manager.

(5) Co-insurance or similar clauses, when applicable, are complied with and the amount of insurance necessary to avoid penalty is furnished.

(6) If "extended coverage" or "supplemental coverage" is submitted by the home owner, all insurance coverage is made concurrent.

If the closing of a sale is authorized by the General Manager, notwithstanding the purchaser fails to provide insurance as required, or if the home owner fails to, or does not otherwise provide required renewal or other insurance, or, if for any reason the policy is cancelled and the home owner fails to provide an acceptable insurance contract in lieu thereof, the General Manager shall direct that insurance be ordered by the Corporation through carrier under contract, as follows:

(i) In cases of home owners who have not established a Tax and Insurance account, the Corporation's requirements

shall be those indicated in subparagraphs 3 and 4 above.

(ii) In cases of home owners having a Tax and Insurance account in which accruals for insurance have been established and not suspended, the requirements shall be those indicated in subparagraphs 3 and 4 above, except that the amount of indebtedness shall be considered to be the loan balance at the time accruals were established for the purchase of insurance. No funds accumulated in the Tax and Insurance account shall be used to pay any agent or insurance company for policies ordered by the home owner direct.

(iii) In cases of home owners who have established a Tax and Insurance account but who have not accumulated any funds for the purchase of insurance due to suspension of accruals for insurance, the requirements shall be those indicated in subparagraphs 3 and 4 above. The amount of indebtedness shall be considered to be the loan balance at the time the insurance is ordered by the Corporation. In these cases the Tax and Insurance Accrual for insurance shall be reestablished.

(iv) All insurance ordered by the Corporation shall be for a term of 3 years except in cases where no savings in premium cost would result from payment in advance for a term of three years or unless otherwise directed by the General Manager.

Exceptions may be made to any of the provisions of this section by the General Manager in any case or class of cases when he determines that the circumstances warrant and that such exception is in the best interest of the Corporation. The authority vested in the General Manager by this section may also be exercised by the Regional Manager with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

(b) *Fire, windstorm, or other losses.* The Insurance Section shall be charged with the responsibility of adjusting and settling all losses sustained on any property owned by the Corporation or securing indebtedness held by the Corporation, except that in the event an amicable settlement cannot be reached and litigation appears to be immediately imminent or court proceedings appear to be immediately necessary, the matter shall be referred to the Litigation Division of the Legal Department for appropriate action. Insurance loss funds may be applied to the proper account or used for the restoration, repair, or improvement of properties damaged, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

As directed by the General Manager, the Corporation need not be made a payee or one of the payees on drafts covering losses on property mortgaged to, or sold under instalment contract by, the Corporation where the amount of the individual loss totals $100.00 or less and he may instruct the insurer to deliver such drafts direct to the home owner except in those cases where the insurer denies liability to the insured or notice of foreclosure proceedings has been given to the insurer.

Where the Corporation receives drafts in such cases made payable to it, employees authorized to sign or countersign checks drawn on an account of the Corporation maintained in the United States Treasury are designated and directed to endorse for the Corporation, without recourse, such insurance loss drafts and shall transmit the drafts to the home owners.* (Effective date November 1, 1941)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-8284; Filed, November 4, 1941; 3:29 p. m.]

[Administrative Order No. 3-221]

PART 402—LOAN SERVICE DIVISION

RECODIFICATION OF LOAN SERVICE REGULATIONS

All of the sections contained in Administrative Orders appearing in Parts 402 and 409 of the Code of Federal Regulations are revoked in their entirety, and the following Sections are adopted in lieu thereof:

§ 402.00–1 *Authority to pay certain expenses in connection with servicing.* Any Regional Manager with the advice or approval of the Regional Counsel where required, may exercise the authority granted to the General Manager in § 402.00 (n). Such authority shall not be exercised by any State Manager except as may otherwise be provided in this Manual, but State Managers shall make such recommendation to the Regional Manager as they may see fit in connection with their reports and other recommendations in any given case.*

*§§ 402.00–1 to 402.25–36, inclusive, issued under the authority contained in secs. 4 (a) (k), 48 Stat. 129, 132, as amended by secs. 1, 13, 48 Stat. 643, 647; 12 U.S.C. 1643 (a), (k).

§ 402.05–4 *Items included in Tax and Insurance Accounts.* The Regional Manager shall determine which levies, charges or items in addition to taxes, assessments, ground rents and insurance premiums shall be included in arrangements for tax and insurance accounts in the various jurisdictions in the Region. Generally, taxes and similar items shall be paid once each year. However, where the Regional Manager determines it to be in the Corporation's interests, and tax laws do not require payment more frequently, he may direct that such payments be made semi-annually. Instructions issued by the Regional Manager in conformity with the foregoing shall be given to all Service Representatives, the Property Management Division, and others making arrangements for Tax and Insurance accounts to the end that such accounts when set up may include all proper items. Items not paid from the Tax and Insurance accounts which may be or become a lien, shall be handled in conformity with Article 224–1 of the Manual and § 402.24–3 (d) of Part 402 of this Code.*

§ 402.06–3 *Instructions regarding placing of insurance.* No individual employee of this Corporation will be permitted to enter into any agreement or arrangement with any agent or company for the placing of insurance for the account of the home owner, or to influence the borrower in any way in his selection of an agent or broker to write his insurance. Employees of the Corporation are expected to impress upon home owners, not having Tax and Insurance accounts, the necessity of maintaining their insurance for their own protection as well as the protection of the Corporation.*

§ 402.06–4 *Fee attorneys and appraisers acting as insurance agents.* Fee attorneys and fee appraisers are not employees of the Corporation. If they are engaged in the insurance business they may be allowed to rewrite policies which they have previously written on risks which are covered by loans from the Corporation. Fee appraisers and fee attorneys are prohibited from writing insurance on risks covered by loans of the Corporation which have not been heretofore written by them, and from making memoranda or notes of expirations of any kind for future solicitation. Information secured in this manner is not in keeping with good ethics of the profession and will not be tolerated.*

§ 402.08–12 *R cases.* It should be recognized that the home owner, without other source of income, may realize sufficient income from the rental of his property to carry his obligation, or may salvage his equity by the sale thereof. Such possible solutions to his problem should be carefully considered by him as a means of protecting his own interests, but neither shall be considered as a requirement of the Corporation. If he indicates a desire to follow such a course, he should appoint his own agent and should enter into such a contract with him as best suits his own purposes and provide the Corporation with copies thereof for its information.

When a home owner indicates his intention to offer his property for sale Form 528 shall be executed and Form 153 may be furnished the home owner if he does not have available a form agreeable to himself and his agent. When a home owner indicates his desire to appoint an agent to collect rents he may use any agreement suitable to himself and his agent or may execute Form 152.*

§ 402.08–19 *Designation of service representatives to receive checks, etc.* The Regional Manager may, where he considers it necessary and in the Corporation's interest, and where the home owner will not be encouraged to expect personal collection of payments to the Corporation, designate Service Representatives who may receive checks, money orders, and bank drafts when tendered as payment to the Corporation in connection with the servicing of delinquent accounts, provided the Home Owners' Loan Corporation is the named payee in such items. The Service Representative shall transmit any such items received with servicing reports to the Control Supervisor, who will forward the items to the Regional Treasurer. Service Representatives shall not receive payments in cash under any circumstances, unless specifically authorized by the Regional Manager, by the issuance of Form RO–266, in which event the method of identification and operating procedure set forth in Chapter VII of the Manual, Part 407 of this Chapter of the Code, shall be followed.*

§ 402.10–1 *Policy and purpose.* It is the policy of the Corporation to grant extensions of time for the payment of indebtedness as provided in § 402.10 (a) on an individual case basis where the circumstances of the home owner, condition of the security, and the best interest of the Corporation justify it. Every effort shall be made to place the home owner in position to maintain his taxes, insurance premiums and loan or vendee account on a current basis. Extensions may be granted in order to provide further opportunity for rehabilitation or realization of the equity in the property through transfer even though the home owner may not be able to maintain a current status under the terms of such extension if there is, in the opinion of the Regional Manager a reasonable prospect of his being able to do so.

It shall be the objective of the Corporation to deal primarily with cases that are seriously delinquent and to give preferred attention to such cases. Although it is not a requirement that precedent to the granting of an extension the home owner be delinquent in any of his obligations to the Corporation, it is not considered necessary, ordinarily, to apply the extension program to home owners who are current in their obligations or to those who are not seriously delinquent.*

§ 402.10–2 *Items included.* In connection with the granting of an extension the Regional Manager may authorize advances for the payment of taxes, assessment, other levies or charges, or ground rents. Any extension granted shall embrace all present indebtedness including delinquent principal, interest and all advances previously made or made in connection therewith whether due or not. Payments shall be required in equal monthly instalments over a period commensurate with the home owner's circumstances but in no event shall the term of payment exceed the period authorized in § 402.10 (a). While the advantages of liquidating the indebtedness in as short a period as possible should be made known to home owners applying for an extension, no effort shall be made to arbitrarily shorten the time for payment within the limitations of § 402.10 (a) where the home owner can make a reasonable showing that there is necessity for the maximum period.*

§ 402.10–3 *Provisions for tax and insurance account.* It is required in all cases where an extension is granted that the home owner in connection therewith agrees to accumulate with the Corporation in addition to his regular payments, funds to provide for a Tax and Insurance account in conformity with and subject to the provisions of § 402.11 (a) and sections thereunder.*

§ 402.10–4 *Changes in payment plan not considered as extensions.* Reamortization within the present life of the loan resulting from curtailment of principal by lump sum payment or miscellaneous credit shall not be considered an extension within the purview of § 402.10 (a) but as a reamortization under the provisions of the Accounting Chapter of the Manual.*

§ 402.10–8 *Rate of interest and monthly billing.* The instruments used in granting an extension shall provide for monthly instalments based upon the rate of interest applicable to the original obligation. In all instances, however, the actual monthly payment to be billed shall be based on the rate of interest provided in § 402.00 (f) regardless of the rate of interest stipulated in the extension instrument. Therefore, the monthly instalment stipulated in the extension instrument will be greater than the amount of the actual billing except in those instances where the payment proposed by the home owner is equal to or in excess of the minimum monthly payment required for insertion in the extension instrument, in which cases the actual monthly billings and the monthly instalment stipulated in the extension instrument will be the same.*

§ 402.10–9 *Co-makers, endorsers and signatures on application.* Neither the application nor the extension need be signed by former home owners who are not in title. Regardless of the number of persons in title to the property, the signature of the applicant may be that of any one person in title. Whether or not the spouse of the applicant is a co-maker, either with or without title interest, the signature of such spouse is not required on the application. Other co-makers and endorsers of the present home owner shall sign the consent contained in the application for extension unless the Regional Manager determines that by reason of the good credit risk of the present owner, the high security value of the property, or other reason, the signature of any such endorser or co-maker may be waived without detriment to the Corporation's interests, or that to require such signatures would work a hardship on the home owner disproportionate to the benefits to be derived therefrom, or unless the Regional Counsel advises that the granting of the extension will not release their liability. Except in jurisdictions where the consent of co-makers and endorsers is not required, the Control Supervisor or the Analysis and Review Section shall enter in Block III of Form 193 the names of any co-makers or endorsers of the present home owner, whose signatures are to be waived with a statement covering the reasons therefor.*

§ 402.10–11 *Application form.* All applications for extensions shall be made by the home owner on "Application for Extension", Form 193, which contains the agreement of the applicant to accumulate with the Corporation, in addition to his regular payments, funds to provide for the payment of taxes, assessments, other levies and charges, ground rents and insurance premiums. Form 193 shall be executed in duplicate.*

§ 402.10–12 *Application preparation.* It will be the duty of the Loan Service Division to report in Block II of Form 193, the names of any persons in addition to those reported by the applicant whom it believes to be the present owners of the property.*

§ 402.11–1 *Tax and insurance accounts required.* The establishment of a Tax and Insurance account is mandatory in certain instances as indicated in other parts of this Manual. The Regional Manager may also require the establishment of a Tax and Insurance account in connection with the granting of partial releases, subordinations, waivers, substitutions of security, or consents for removal, improvements, alterations, transfers of title, or in other cases involving similar requests by the home owners. Arrangements for a Tax and Insurance account may also be made available to home owners desiring such facilities.*

§ 402.11–2 *Waiver of tax and insurance accounts.* Waivers of the provisions of the Manual requiring the establishment, in whole or in part, of a Tax and Insurance account is not generally contemplated.*

§ 402.11–3 *Suspension of tax and insurance accrual.* Suspensions of any accrual in a Tax and Insurance account, where the Corporation's right to establish the accrual at some later time is preserved may be authorized in the following instances:

(a) The Regional Manager may suspend the accrual for any of the tax items in cases where the home owner receives credit on taxes to be paid for services rendered, is entitled to abatement of taxes, or under similar circumstances where payment of the home owner's taxes by the Corporation through the Tax and Insurance account would cause the home owner to be deprived of any special rights with the respect to the payment of such taxes.

(b) The Regional Manager shall suspend the accrual for insurance premiums (1) in cases where the home owner has furnished to the Corporation insurance for a term equal to the remaining term

of the loan or sale, or (2) after a Tax and Insurance account has been established when the home owner has replaced insurance held by the Corporation in conformity with the Corporation's requirements, as set forth in § 402.25 and paragraphs thereunder.

(c) The Regional Manager may suspend the accrual for insurance premiums (1) in cases where extensions are granted or advances have been made by the Corporation and the circumstances of the case are unusual, and (2) in cases where home owners have maintained their accounts in good standing and are willing to accumulate funds for the payment of tax items only.

(d) In any case where the insurance accrual is suspended under the provisions of paragraphs (b) or (c) above, and the remaining accrual for taxes is less than twenty-five cents, the Regional Manager may suspend the remaining accrual if he considers it in the best interest of the Corporation.

In cases where home owners request a suspension of tax or insurance accrual at the time Form 193 or 533 is executed, the Service Representative shall explain fully the home owner's reasons for such request. The Control Supervisor shall hold all forms until the home owner's request has been acted upon by the Regional Manager.*

§ 402.11–4 *Suspension and re-establishment of insurance accruals.* When a Tax and Insurance account is established for a home owner and accruals provide for the accumulation of funds for insurance premiums, such accrual shall not be suspended until existing insurance in an amount required by the Corporation has expired and the home owner has replaced existing insurance policies with insurance acceptable to the Corporation in accordance with § 402.25 and paragraphs thereunder. If the home owner has furnished such insurance in the amount required by the Corporation, the accrual for insurance shall be suspended and he shall be so notified.

If the home owner does not furnish such insurance, the necessary insurance shall be ordered by the Corporation through its contract carrier, based upon the requirements of the Corporation as set forth in § 402.25 and paragraphs thereunder, and the home owner's accrual for insurance shall not be suspended.

If insurance accruals are suspended, the funds accumulated in the Tax and Insurance account for insurance premiums may be credited to the home owner's loan or sales account.

If the insurance accrual is suspended, it shall be reestablished upon the home owner's failure at any future time to deliver insurance policies to the Corporation in accordance with its regulations. In these cases the Insurance Section shall advise the Control Supervisor on Form 197 of the home owner's failure to furnish acceptable insurance at the time insurance is ordered through the Corporation's contract carrier and shall complete both sides of a new Form 198 based upon the requirements of the Corporation at that time. The Control Supervisor shall place one copy of the new Form 198 in the correspondence file, forward one copy with proper notice to the home owner and reestablish the insurance accrual by advice to the Regional Accountant on Form 197.*

§ 402.11–5 *Payments from tax and insurance account.* No funds accumulated in the Tax and Insurance account for insurance premiums shall be paid direct to agents or insurance companies for insurance ordered by the home owner.*

§ 402.11–7 *Advances resulting from insufficiency in tax and insurance account.* Advances to home owners for the payment of taxes, assessments, other levies or charges, ground rents, or insurance premiums, arising from deficiency in the Tax and Insurance account shall be charged to the home owner's account and billed as follows:

(a) When the amount of the advance less any existing prepayment balance is equal to or less than one monthly instalment of the loan or sales account (excluding the monthly provision for tax and insurance accumulations), on a demand basis;

(b) When the amount of the advance less any existing prepayment balance is in excess of one monthly instalment of the loan or sales account (excluding the monthly provision for tax and insurance accumulations), by increasing the instalment payments of the loan or sales account in an amount sufficient to repay the advance with interest over the unexpired term of the loan or sales contract.

In cases where foreclosure is contemplated or cases involving unusual circumstances, the advance may be billed on such basis as the Control Supervisor may direct.*

§ 402.11–8 *Continuation of tax and insurance account.* In cases where a Tax and Insurance account has been established and notice of transfer of the property, death of the home owner, or notice of other similar matters affecting the account is received, it is assumed that the present Tax and Insurance account will continue in effect unless the Regional Manager, with the advice of the Regional Counsel, shall otherwise direct.

In foreclosure cases the regular monthly accruals will be continued and the balance in the Tax and Insurance account will not be transferred to the loan account until judgment or sale if such sale is not preceded by the judgment, unless otherwise directed by the Regional Counsel, or the Loan Service Division.*

§ 402.12–6 *Direction to foreclose.* If it appears to the Regional Manager, after consideration of the recommendation of the Analysis and Review Section and the evidence in the case, that foreclosure or the acceptance of a deed in lieu of foreclosure is necessary, he is authorized to so direct the Regional Counsel, by appropriate notice to foreclose, provided it can be legally accomplished. The Regional Manager shall also simultaneously send "Notice of Foreclosure" to all other interested departments, divisions, and sections.*

§ 402.13–1 *Service of cases after foreclosure authorized.* Where subsequent to the issuance of notice of foreclosure the Loan Service Division ascertains from the home owner or otherwise that there is a possibility that satisfactory arrangements may be made with the home owner for the withdrawal of the foreclosure, and where the Regional Counsel advises generally or in particular cases that negotiations to that end will not prejudice the Corporation's legal rights or remedies or endanger the foreclosure proceedings, the Loan Service Division may service the account by contacting the home owner and negotiating with him for said purposes.*

§ 402.13–5 *Payment required.* Before temporary or other suspension is directed, the home owner should ordinarily be required to remit a sum at least equivalent to the costs and expenses which have been incurred, but cases will arise in which such remittance cannot be made immediately by the home owner, and in such cases the Regional Manager or the State Manager should determine whether the required sum will be paid in full within a short time and whether temporary or other suspension without the immediate payment of such sum will be in the best interests of the Corporation.*

§ 402.13–6 *Withdrawal prior to judgment or sale.* Where foreclosure has not progressed to final judgment or sale under power, the Regional Manager, with the advice of the Regional Counsel, should generally require a payment at least equivalent to all costs and expenses and a demonstration of the home owner's ability to maintain a satisfactory schedule of payments before directing withdrawal, but may in his discretion order "withdrawal" in any case where, in his opinion, such action is in the best interest of the Corporation. It is not desirable to keep the case in suspense longer than is necessary for this purpose.*

§ 402.13–7 *Withdrawal after judgment or sale.* Where foreclosure proceedings have progressed to final judgment or sale under power, but not to acquisition of complete title by the Corporation, the Regional Manager, with the advice of the Regional Counsel, should generally require a payment equivalent to the total of all costs and expenses, all delinquency existing when foreclosure was commenced, the amount which would have matured up to the date of withdrawal had foreclosure not been commenced, and all costs of reinstatement before directing withdrawal. However, cases will arise in which by reason of the Legal factors involved or the circumstances of the case it appears in the best interests of the Corporation to withdraw such proceedings without requiring the present payment of a sum equivalent to the total of such items. In these cases the Regional Manager may, if he considers it to be in the best interest of the Corporation, direct withdrawal without the present payment of such sum.*

§ 402.13–8 *Withdrawn foreclosures.* In cases where suspension or withdrawal of foreclosure is authorized by the Regional Manager, any Form 533 obtained in connection with Form 191–A shall be processed in accordance with the Forms Manual instructions. In order that adequate sums may be available at tax paying time, consideration shall be given to the necessity of a lump sum accrual in the Tax and Insurance account at the time suspension or withdrawal of foreclosure is authorized. Any lump sum accrual shall be provided for by the issuance of Form 197.

Exceptions. In cases withdrawn from foreclosure it is the policy of the Corporation generally to reestablish the security on the same basis as existed prior to foreclosure. However, exceptions may be made where the proposal does not justify the reinstatement of a long period of redemption or where for legal or other reasons the Regional Manager considers it in the best interests of the Corporation to arrange for the acquisition of title by the Corporation and sale to the home owner or a third party on sales instrument, in which event, the Regional Manager, prior to the acquisition of title by the Corporation, shall forward to the Regional Counsel and other appropriate sections and divisions a Notice of Withdrawal containing a direction that the reinstatement is to be effected through the acquisition of title by the Corporation and the execution of an instalment contract or other sales instruments. In the event that reinstatement is not consummated after acquisition of title in such cases, the Regional Manager shall issue "Notice of Resumption" but shall not issue a new Form 191–B. Upon receipt of such "Notice of Resumption" the Regional Counsel shall issue "Notice of Acquisition" to all appropriate sections and divisions.*

§ 402.13–9 *Terms of payment.* The Regional Manager should forward to the Regional Counsel with the "Notice of Withdrawal" a statement of the outstanding indebtedness and the terms upon which it is to be repaid, and, where required, a copy of Form 533 indicating that a Tax and Insurance account is to be established in connection with the withdrawal. Any new instruments used to consummate the withdrawal shall prescribe the same rate of interest called for in the instruments foreclosed. The Regional Manager should generally prescribe the same maturity of the indebtedness which would have existed had foreclosure not been commenced. Where the Regional Manager makes an exception to this general rule, he shall not fix more liberal terms of payment than he is now or may be hereafter authorized to grant in the case of an extension if no foreclosure were involved. In instances where sales instruments are substituted for lien instruments, the period of payment shall not exceed that prescribed for the extension of an original loan. In such cases, the forms approved for use in the sale of Corporation-owned property shall be employed to close the transaction, and the present loan number shall be retained and amended by inclusion of "R" at the end thereof. The suffix "R" shall likewise be added to the loan number of any case of withdrawal heretofore where the original loan number was retained, title was acquired, and sales instruments used.*

§ 402.13–10 *Care in authorizing a withdrawal or suspension of foreclosure.* Regional Managers are directed to use extreme care in authorizing a withdrawal or suspension of foreclosure, giving particular attention to the ability of the home owner to continue in a current status with the terms of his obligation. The danger of third parties taking advantage of both the home owner and of the Corporation should be fully considered in each case.

Equal lien maintained. No proposal of the home owner should be accepted unless in the opinion of the Regional Counsel the Corporation will maintain or secure a lien or rights equal to that held before withdrawal. Other persons liable for the payment of the indebtedness should not be released except upon the approval of the Regional Manager. The right of the Corporation to resume or recommence foreclosure upon failure of the home owner to carry out his proposal shall be preserved during all suspensions.*

§ 402.14–1 *Inspection forms.* Whenever servicing calls are made at the security property the Service Representative shall report the condition of the property in the space provided in Form 525. Property inspection reports on Form 529 shall be made of properties securing indebtedness to the Corporation at such times as the General Manager may direct.*

§ 402.16–5 *Regional Manager's approval.* If the Regional Manager determines that an advance for reconditioning is in the best interest of the Corporation in order to protect its security or to facilitate the collection of the indebtedness owing to the Corporation, the Regional Manager may, if the amount to be authorized (exclusive of legal and inspection fees) does not exceed $1,000, authorize the advance, subject to the advice of the Regional Counsel and to the provisions of Part 405 of this Chapter, by completing Block V.*

§ 402.16–6 *Regional Manager's recommendation.* If the amount of the advance to be authorized (exclusive of legal and inspection fees) exceeds $1,000, or, regardless of the amount, if the Regional Manager determines that any part of the advance for reconditioning is in the best interest of the Corporation in order to promote orderly liquidation of the assets of the Corporation, he shall forward the file, together with his recommendation, to the General Manager for determination.*

§ 402.17–4 *Property purchase by Corporation employee.* When an officer or employee of the Corporation desires to enter into a contract with a home owner to purchase any property on which the Corporation holds a loan or sales instrument, such officer or employee shall submit to the nearest State Office a statement of the proposed sale contract, with a statement by the home owner or other satisfactory evidence that said home owner has been informed of the purchaser's relationship to the Corporation and that the proposed sale agreement is voluntarily entered into. All statements and other information relating to the transaction shall be forwarded through the Control Supervisor to the Regional Manager. If the Regional Manager recommends approval of the transaction, he shall forward all information with respect to the proposed sale, together with the loan docket and his recommendations to the Property Committee in Washington. The Property Committee shall report the matter with its recommendations to the General Manager who, after review, will submit them, together with his recommendations, to the Board for final action. Unless specifically waived by the Board, the employee purchasing the property shall be required to execute Form 533 or otherwise to establish a Tax and Insurance account.*

§ 402.19–1 *Policy.* The Regional Manager, with the advice of the Regional Counsel, may grant partial releases, subordinations or waivers in accordance with the following regulations and subject to such terms, conditions and consideration therefor as he determines to be necessary to fully protect the Corporation's interests. Any land or interest therein received by the home owner in, or any enhancement in value resulting from, a transaction in connection with which any such instrument is to be executed shall inure to the benefit of the Corporation and any funds received by the home owner or by the Corporation as mortgagee or assignee shall be credited or disbursed in accordance with § 402.22 (a) and sections thereunder and Part 408 of this Chapter of the Code.

Payment for errors by employees. Where the Corporation is requested to release a portion of the property covered by its lien description, because of error in including more property than was owned by the home owner, the State Manager shall ascertain the party responsible for such error and require such party or parties, if still in the employ of the Corporation, to pay the expenses incident to the release. If the party responsible for the error is not in the employ of the Corporation, such steps as the State Manager deems advisable shall be taken to obtain from such party reim-

bursement for the expenses incident to the correction. However, the collection of the expenses as provided herein shall not be considered as a condition precedent to the granting of the release. If, in the opinion of the State Counsel and Regional Counsel, the Corporation has acquired any substantial interest in the property, by virtue of advances made, or otherwise, for which it has a right of recovery, either in law or equity, the release shall not be executed unless in the opinion of the State Counsel, State Manager, Regional Counsel, and Regional Manager, the release would be for the best interests of the Corporation.

Application. Applications for partial release shall be made by the home owner on Form 194. Where applicable, and with such adaptations as may be necessary, this form may also be used in connection with requests for subordination or waiver.*

§ 402.19–2 *Survey or plat.* When application is for the partial release, sufficient information regarding identification and description of the entire property covered by the Corporation's lien instrument and the portion to be released, including the location of any and all improvements thereon, in the form of a plat or survey or such other form as may be acceptable to the Regional Manager and Regional Counsel, shall be furnished by the applicant and made part of the original application.*

§ 402.19–3 *Appraisal waived.* If the value of the portion to be released is nominal, an inspection and report by a Service Representative, preferably one who has qualified as a Field Appraiser, may be substituted for an appraisal.*

§ 402.19–4 *Deposit for cash outlay.* Deposits for expenses of the transaction shall not be accepted with the application. Any costs or expenses incurred in connection with the transaction shall be deducted from the proceeds or charged to the home owner's account in accordance with the provisions of the application form.*

§ 402.19–10 *Payment of taxes.* Where it is necessary to pay all or part of the taxes, assessments, ground rents, or other levies or charges upon the entire property to effect a partial release, and the owner is not financially able to pay same, and if the sum received as consideration for the release is insufficient to pay all or part of such items, then the Regional Manager may direct that the pro rata part of any such items on the part to be retained be advanced by the Corporation.*

§ 402.19–14 *Consents to repairs, etc.* All requests for the Corporation's consent to the making of repairs and improvements to, or the removal or demolition of, property securing indebtedness to the Corporation, received in a field office, shall be referred to the appropriate Control Supervisor, who shall send the case to the field for the execution by the home owner of Form 535 and the completion of Block I by the Service Representative. If the circumstances of the case are such that it is not necessary to have a service report by the Service Representative, the Control Supervisor may obtain the execution of Form 535 by the home owner by mail. If the request originates in connection with a field contact, the Service Representative shall have Form 535 executed by the home owner, complete Block I, and forward to the Control Supervisor. Form 536 shall be executed in triplicate. The reverse side of the original shall be left blank, as it will be returned to the home owner after execution by the Corporation of the consent in the lower portion of the face of the form. The Control Supervisor shall complete Block II.

Use of Form 535 waived. The Regional Manager, with the advice of the Regional Counsel, may waive the use of Form 535 in minor cases where he determines that sufficient information is otherwise available. In such cases the Corporation's consent, if required, may be indicated in a manner approved by the Regional Counsel.*

§ 402.19–16 *Legal advice required.* In jurisdictions where the Regional Counsel advises the Regional Manager that the priority, validity and enforceability of the Corporation's lien will not be affected by the Corporation's consent to the making of repairs and improvements to, or the removal or demolition of, property securing indebtedness to the Corporation, the Form 535 need not be referred to the Regional Counsel for the completion of Block V.

In all other jurisdictions, however, where the Corporation's lien may be affected by the giving of such consent, the form shall be forwarded to the Regional Counsel for the completion of Block V. In jurisdictions where it is necessary on receiving notice of intended improvements, or because of any provisions of law, that action be taken by the Corporation to prevent any lien arising out of such repairs, improvements, removals or demolition which would become prior or superior to the Corporation's lien, the Regional Manager is directed to take appropriate action as the Regional Counsel may advise is reasonably necessary under the law of the particular jurisdiction to preserve and protect the priority, validity and enforceability of the Corporation's lien.*

§ 402.19–17 *Indemnity bond.* Where the Regional Manager determines that it is to the best interests of the Corporation for the consent to be given even though a lien superior to the Corporation's lien may be created, he may grant such consent, provided that by proper indemnity bond or otherwise the Corporation is reasonably protected against any lien arising on account of such improvements.*

§ 402.19–18 *Approval.* The Regional Manager shall consider the recommendations on Form 535 and unless he determines it will have an adverse effect on the Corporation's security or the enforcement of its rights, or interfere with the home owner's ability to properly discharge his obligation to the Corporation, he may approve the transaction by completing Block VI.*

§ 402.19–19 *Granting consent.* The consent which may be given in any case shall be in writing and shall, except in cases as provided above, by its terms, be upon the express condition that the priority, validity and enforceability of any instrument held by the Corporation shall not be affected or impaired. The Regional Manager, with the advice of the Regional Counsel, may insert in Form 535 such other conditions as he determines to be necessary to adequately protect the Corporation's interests.*

§ 402.19–22 *Directing the division of security etc. by the Regional Manager.* The Regional Manager, with the advice of the Regional Counsel, may direct the division of security, the allocation of indebtedness to each parcel, and the execution of instruments evidencing and securing the separate debts for the purpose of permitting a sale of a parcel, or parcels, of the property and the assumption of the indebtedness allocated thereto by a financially responsible purchaser, thereby placing the home owner in a better position to retain his home and to keep his account current subject to the procedure herein set forth.*

§ 402.19–26 *Instruments used and terms of repayment.* The Regional Manager with the advice of the Regional Counsel shall decide whether the present mortgage shall be released in full and two or more new mortgages taken in lieu thereof or whether the present mortgage shall be released in part and a new mortgage taken for the part released. Whether released in whole or in part, any new mortgage must be executed by the present home owner and the new mortgage on the property purchased must be assumed by the purchaser in the conveyance or otherwise. When the foregoing procedure pertaining to instruments to be taken cannot be followed under the laws and practices in any particular state, such procedure may be followed as shall be in conformity with such laws and practices. The total indebtedness secured by said mortgages shall equal the balance due the Corporation less any credits to the loan arising from the transaction. The Regional Manager, with the advice of the Regional Counsel, shall fix the amortization rate on any new mortgages and the terms of any supplemental agreement with the home owner providing for revised amortization of the indebtedness not assumed by the purchaser, in conformity with § 402.10 (a) of Part 402 of this Chapter. No instrument shall be executed the effect of which will be to release or modify the rights of the Corporation against sureties or other parties secondarily liable without the express approval of the Regional Manager with the advice of Regional Counsel. When the transaction is consummated, the indebtedness to the Corporation shall be secured by liens valid in the opinion of the State Counsel, who shall make a certificate to that effect.

When the division proposed involves properties upon which the Corporation holds a sales instrument, the transaction shall be completed upon such instruments as the Regional Counsel shall approve.*

§ 402.19–27 *Consent of junior lienors.* No substitution of security involving the removal of the improvements to, or the rebuilding of such improvements on, substituted security shall be entered into without the consent of junior lienors. The requirements of similar consents from co-makers, endorsers, or other sureties shall be within the discretion of the Regional Manager and Regional Counsel.*

§ 402.19–28 *Complete file.* Cases involving the substitution of security shall be processed through the channels provided for the handling of partial releases and prepared and submitted to the Regional Manager and Regional Counsel, with such adaptation as may be necessary, on such approved form as may be provided for this purpose. There shall be attached to said form in addition to the appraisals therein provided for, an appraisal of the entire property to be held as security by the Corporation, after the substitution is consummated, and an agreement by the home owner that in case of rejection of his request, all expenses incurred by the Corporation (normal overhead expenses excepted) shall be charged to his account and secured by or included in the principal of his loan or sales instrument to the Corporation.*

§ 402.19–31 *New note and mortgage.* In cases involving a full release of the original security or in which the Regional Manager and Regional Counsel deem it advisable to take a new mortgage covering both the new security and the portion of the old security to be retained, releasing the old mortgage in full, a new note or bond and a new mortgage shall be taken bearing the date of the transaction. The new note or bond shall represent the amount of the unpaid balance of principal and interest of the original loan and also the unpaid balance of any advances, including advances made in connection with the substitution. It shall be in the discretion of the Regional Manager and Regional Counsel whether amounts that are delinquent at the time may be included in the principal of the note or bond and amortized with that portion of the indebtedness not due, or whether the note or bond shall be in terms payable as the original note or bond, leaving any amounts previously delinquent as payable on demand. The indebtedness evidenced by said note or bond or the unmatured portion thereof may be amortized over a period not to exceed that authorized in the case of an extension under § 402.10; *Provided*, That the home owner is eligible for an extension under the provisions of said § 402.10. However, in the event the foregoing procedure cannot be followed under the laws and practices in any particular state, such procedure may be followed as will be in conformity with such laws and practices.*

§ 402.19–33 *Completion bond and insurance.* A bond approved by the Regional Manager and Regional Counsel unconditionally guaranteeing the performance and completion of the contract to remove and relocate improvements free and clear of all mechanics' and materialmen's liens shall be required, unless other forms of protection are authorized by the General Counsel or an Associate General Counsel. Workmen's Compensation and Public Liability Insurance, a bond against levies upon or attachments of the improvements by creditors, junior lien-holders or other claimants, or such other protection as will in the opinion of the Regional Manager and Regional Counsel adequately provide against risks involved in the removal and relocation of the improvements, shall be required in each case.*

§ 402.19–35 *Rejected cases.* All disbursements made for expenses incurred by the Corporation in cases subsequently rejected shall be charged to the account of the home owner.*

§ 402.20–1 *Procedure.* Additional security may be a factor in the solution of some delinquent cases. It is not desirable to take physical possession of personal property nor an absolute conveyance of real property because of the difficulties and expense of custody and servicing of such property. Therefore, additional security must be in the form of a mortgage or other lien on personal or real property which property will be converted into cash by the home owner or his agent at some reasonably certain future date.*

§ 402.20–2 *Review recommendation and approval.* A memorandum shall be prepared by the field describing the additional security available under these provisions, the arrangements for its liquidation, the date when cash will be available, and any other pertinent information, and forwarded with the regular service reports through the usual channels to the Analysis and Review Section. If the Analysis and Review Section does not consider the proposal acceptable, it shall so notify the field through the Control Supervisor. If considered acceptable, the Analysis and Review Section shall submit the file with its recommendation to the Regional Manager for approval. If approved, the Regional Manager shall forward the file to the Regional Counsel for consideration of the legal phase of the case, the preparation of an agreement and such lien instruments as may be required to consummate the transaction, and specific instructions as to the manner of execution, recordation and other similar details. When such papers and instructions have been prepared and such papers executed where necessary on behalf of the Corporation, they shall be forwarded to the field for execution by the home owner and recordation if necessary. Except as provided in § 402.00 (e) of this Chapter if recordation is required, the home owner shall be required to deposit the cost of recordation before being permitted to execute any agreement or lien instrument. If, in the opinion of the Regional Counsel, the additional security offered should not be accepted, the file, together with his legal opinion in writing, will be returned to the Regional Manager.*

§ 402.21–1 *Policy.* Ordinarily the Corporation's title or other interest in properties sold under instalment contracts, leases with option to purchase, or similar instruments will be conveyed and an obligation and security instrument accepted only where the purchaser or his successor in interest has requested such conveyance, has made payment of that portion of the purchase price required to be paid as a condition precedent to such conveyance, and has complied with all other covenants, terms and provisions of the agreement as to payment or otherwise. In cases where the instalment contract was assigned prior to the application for conversion, the Regional Manager, with the advice of the Regional Counsel, may, if he considers it in the best interests of the Corporation, authorize conversion to the present assignee notwithstanding that such conversion will operate to release the liability of the original purchaser or any intervening purchaser.

The Corporation's title or other interest in such properties may also be conveyed, however, in cases in which the Regional Manager, with the advice of the Regional Counsel has determined that:

(a) The purchaser or his successor in interest has requested such conveyance, has made payment of the required portion of the purchase price, and all other terms and conditions of the instalment contract, lease with option to purchase or similar instrument have been so nearly complied with that it is in the best interests of the Corporation to make such conveyance; or

(b) It is to the best interests of the Corporation that a conveyance be made and an obligation and security instrument taken as result of, or in connection with, changes in the forms and procedure employed by the Corporation in the sales of its acquired properties; or

(c) It is in the best interests of the Corporation, although the circumstances of the case are other than those described heretofore in this Section; *Provided, however*, That the approval of the General Manager is obtained.*

§ 402.22–1 *Application of miscellaneous credits.* Except as otherwise provided in this Part with respect to insurance loss proceeds, the Regional Manager, with the advice of Regional Counsel, may permit the payment of taxes, assessments, other levies and

charges and ground rents, attorneys' fees, surveys, appraisal fees, cost of reconditioning and charges or expenses necessary in connection with the consummation of the particular transaction before directing the application of any part of the funds referred to in the foregoing section.

Excess funds to home owner. In cases where the consideration (whether land, interest therein, enhancement in value thereof, or funds) exceeds the amount by which the value of the Corporation's security is reduced or diminished and the home owner has requested that any such excess consideration which is represented by cash or part thereof be retained by him or turned over to him for his own use, the Regional Manager may grant the request. In cases where such excess does not exist, and the amount requested does not exceed $100.00, or where there is an excess and the amount requested does not exceed the excess by more than $100.00, the Regional Manager may grant the home owner's request that such portion of the cash proceeds be retained by or turned over to him, provided the Regional Manager determines that such allowance is necessary for the completion of the transaction, and that the Corporation's interest would not be adversely affected. Where the circumstances are exceptional and the amount requested by the home owner is in excess of that which the Regional Manager is authorized to grant, and the Regional Manager recommends that the request of the home owner be allowed, he shall forward the file, together with a summary of the case and his recommendation, to the General Manager for direction.*

§ 402.22–2 *Other application of miscellaneous credits.* Generally miscellaneous credits should apply to the principal of a home owner's account in proportion to the reduction of security. However, it is recognized that the sources of the miscellaneous credit, the condition of the home owner's account and other circumstances of each case may warrant other application of these funds. It is not generally contemplated to use miscellaneous credits as prepayments on any account. Miscellaneous credits shall be applied to the appropriate account as provided in § 408.00 (1) of this Chapter unless the Regional Manager shall otherwise direct.

Reamortization. Where miscellaneous credits are so applied as to materially reduce the unmatured principal indebtedness, the home owner may request and the Regional Manager may direct a reamortization of the loan balance within the remaining life of the loan or sales instrument, or the home owner may apply for an extension if the time required for repayment of the loan balance is greater than the remaining life of the present loan or sales instruments, subject to the provisions of § 402.10 (a) of Part 402 of this Chapter.*

§ 402.22–3 *Notice of miscellaneous credits.* Miscellaneous credits shall be applied in accordance with §§ 402.24–12 and 408.00–26. When the home owner's written direction for the application of funds to taxes or other items is required and has not already been given, such written direction shall be obtained. When miscellaneous credits are used for the payment of taxes, the Tax Section shall prepare the vouchers and certify the amount of such payments.*

§ 402.23–4 *Foreclosure by junior lienor.* The Regional Manager may authorize foreclosure of the Corporation's mortgage or other security instrument in cases where foreclosure of a junior lien has been commenced or is imminent, and the Corporation is entitled to foreclose its lien under the circumstances existing and under the terms of its lien instrument. The Regional Manager should not resort to this action, however, until every reasonable and proper effort has been made to assist the distressed home owner to avoid foreclosure of the junior lien.*

§ 402.24–3 *Payment of taxes.* Unless otherwise directed by the Deputy General Manager in Charge of the Loan Service Division, the Regional Manager shall direct the payment of taxes, assessments, other levies or charges or ground rents and advances therefor as may be required as follows:

(a) *On foreclosure cases.* Prior to the institution of legal proceedings all such items as may be delinquent in cases where foreclosure or acceptance of deed in lieu of foreclosure is authorized. To the end that interest and penalty charges may be avoided in such cases, the Regional Manager shall also direct the payment of current items (i.e., taxes which are payable without interest or penalty charges) as such items become payable, either prior to legal proceedings or acceptance of a deed in lieu of foreclosure, or after foreclosure proceedings have been commenced, (1) in jurisdictions where such payments automatically become part of the mortgage debt; (2) in jurisdictions where such payments do not automatically become part of the mortgage debt, where he determines that interest or penalty charges of 2% or more otherwise would probably accrue on such items prior to the acquisition of complete title by the Corporation. Exceptions may be made in those jurisdictions where current taxes can only be secured or included in the redemption price of the property if paid after interest or penalty charges have accrued. In such instances current taxes shall be advanced after the smallest amount of interest or penalty charges has accrued, provided such charges do not exceed 2%. If such initial penalty charges exceed 2%, it shall be considered in the best interest of the Corporation to make advances for such current taxes prior to the accrual of any interest or penalty charges without regard to security.

In cases where security for advances for taxes, assessments, ground rents, or other levies or charges may be had through some affirmative action in connection with the foreclosure proceedings, the Regional Manager, with the advice of Regional Counsel, shall direct such action be taken when he considers it in the best interest of the Corporation, upon consideration of the amount of the advance, the cost of such action, the delay which may be involved, and the probability of loss to the Corporation.

(b) *Under tax and insurance account agreements.* All such items becoming payable on properties securing obligations held by the Corporation or sold under sales instruments by the Corporation where the home owner has a Tax and Insurance account and the tax statements or other information for the items to be paid have been received by the Corporation.

The Regional Manager with the advice of the Regional Counsel and the Assistant Regional Manager in Charge of Loan Service shall determine whether a form letter shall be sent requesting the home owner to obtain tax statements or other information and forward to the Corporation for payment, or the Corporation should request taxing authorities to forward the tax statements or other information direct to the Corporation for payment. Consideration should be given to local usage and the necessity, if any, of having tax statements reviewed by the home owner before payment. When such form letters are used, they should be prepared by the Tax Section and forwarded to the home owner through the Control Section.

At the time of payment of such items, in the event the balance in the Tax and Insurance account for any home owner is insufficient to provide for the payment of all items, then payable, the Regional Manager shall direct the payment of such items and an advance for the account of the home owner to the extent that the balance in the Tax and Insurance account may be deficient.

(c) *Other tax payments.* All such items on properties securing obligations held by the Corporation or sold under sales instruments by the Corporation where Form 533 and Form 193, approved as required, are received by the Tax Section.

At the time or times recommended by the Regional Manager and approved by the Deputy General Manager in Charge of Loan Service advances shall be made for the payment of taxes, assessments, ground rents or other levies or charges, (1) which are required to be paid by home owners not having Tax and Insurance accounts or (2) which are or may become liens and are required to be paid directly by home owners having Tax and Insurance accounts, but which are found to be unpaid in accordance with the provisions of Article 224–1 of the Consolidated Manual. In recommending the time for such advances, the Regional Manager shall also state the manner in which information will be obtained regarding tax delinquency in the various taxing jurisdictions.

The Regional Manager shall give consideration to the date when such items will become subject to sale and the amount of interest and penalties which will accrue. Exceptions to the requirements of the preceding paragraph may be made by him in instances where he determines that the payment of such items is not in the Corporation's interest. These may be cases where, (1) the amount of indebtedness to the Corporation is so small or the period of time when the remaining balance will be fully paid so short that an advance for taxes by the Corporation is not desirable; or (2) instances where information is received that the value of the entire security property, or some severable portion thereof does not justify the payment of taxes. The payment of taxes in such exceptional cases shall not be deferred by the Regional Manager beyond the time when the Corporation's lien would be extinguished by the expiration of the redemption period, or for other causes, without the prior approval of the General Manager in accordance with § 401.06 of this Chapter.*

§ 402.24–7 *Terms of repayment of advances.* Advances to home owners not having Tax and Insurance account for the payment of taxes, assessments, other levies or charges, ground rents, or insurance premiums will be billed on demand unless the Control Supervisor directs that they be amortized. Ordinarily, advances under the provisions of § 402.24–3 (c) will be billed on demand. Any advances billed on demand may be subsequently amortized by direction of the Control Supervisor. In cases where the advance is to be amortized, payment shall begin with the next installment due date for which the home owner is billed following receipt of direction by the Regional Accountant, unless otherwise directed by the Control Supervisor in individual cases. The period of amortization shall not exceed the remaining life of the loan or other contract.*

§ 402.24–8 *Advances for stock or rights in improvement companies.* Any advances for stock or rights in ditch, water, artesian well, or local improvement companies shall first be referred to the Regional Counsel for advice as to whether they would be secured under the mortgage or other security instrument held by the Corporation. Such advice may be furnished by the Regional Counsel to the Loan Service Division in an opinion as to whether the form of mortgage or other security instrument used in each of the several States in the Region will secure advances for stock or rights in ditch, artesian well, water, or local improvement companies. If, in the opinion of the Regional Counsel, such advances are not secured by the instruments held by the Corporation, the Regional Counsel shall furnish the Loan Service Division with whatever instruments are required to evidence and secure such advances, together with instructions for the execution thereof. Repayment of such advances shall be secured by pledge of stock, if not already pledged, or by pledge of the water rights or interests therein, or shall be secured in such manner as the Regional Manager with the advice of the Regional Counsel may determine.*

§ 402.24–16 *Relating to moratoria.* Consents relating to moratoria affecting taxes, assessments, or other governmental levies or charges shall not be executed unless in the opinion of the State or Regional Counsel such moratoria are valid and such consents will not affect the enforceability or priority of the Corporation's lien and will not render the Corporation liable for any taxes, assessments or other governmental levies or charges, or for any interest or penalties, and the home owner requesting such consent has executed an agreement for a Tax and Insurance account.*

§ 402.24–17 *Consents to proposed improvements.* The Regional Manager, with the advice of the Regional Counsel, may execute on behalf of the Corporation consents to proposed improvements out of which assessments or levies will arise, when in the opinion of the Regional Manager, such action is in the best interests of the Corporation. Consents which may be executed hereunder by the Regional Manager may also be executed by the State Manager, with the advice of the State Counsel, when the State Manager is thereunto authorized in writing by the Regional Manager. Petitions and requests for local or neighborhood improvements which affect properties under the jurisdiction of the Property Management Division and out of which assessments or levies will not arise are governed by the provisions of Part 403 of this Chapter.*

§ 402.25–1 *Insurance required.* The Regional Manager is authorized to accept direct insurance coverage from home owners and, when necessary, to order the required amount of insurance coverage through the carrier under contract in accordance with the provisions of § 402.25.

Co-insurance qualifications. If fire or other insurance is submitted by the home owner or ordered from the carrier under contract and co-insurance or a similar clause is applicable, the necessary amount of insurance to meet this condition shall be carried so that there will be no penalty in event of loss.

Windstorm and other requirements. Windstorm or other necessary insurance coverage shall be required in the certain states and territories as follows:

Group I

Windstorm insurance is required on the main buildings and on other buildings and improvements in an amount equal to the fire insurance required to be carried on such buildings by the provision of the manual in the following States:

3. Arkansas.
11. Illinois (Exception Cook County Solid Masonry Construction—50% of fire requirement).
12. Indiana.
13. Iowa.
14. Kansas.
23. Missouri.
25. Nebraska.
32. North Dakota.
39. South Dakota.

Group II

One-half replacement value. Windstorm insurance is required up to one-half the depreciated replacement value of the main dwelling and if fire insurance has been required on other buildings and improvements, then windstorm insurance shall likewise be required on these same other buildings and improvements in an amount equal to one-half their respective depreciated replacement values.

1. Alabama.
7. Delaware.
8. Florida.
9. Georgia.
15. Kentucky.
16. Louisiana.
21. Minnesota.
22. Mississippi.
31. North Carolina.
38. South Carolina.
40. Tennessee.
41. Texas.
46. West Virginia.
49. District of Columbia.
51. Puerto Rico.

Co-insurance qualification. In States where the windstorm insurance to be carried on any one building is required to be "at least one-half the amount of the replacement value," the insurance submitted is acceptable if the amount is at least equal to the loan, even though it is not equal to one-half the amount of the replacement value, but if windstorm insurance is written with a co-insurance or a similar clause applicable, the necessary amount of insurance to meet this requirement shall be carried so that there will be no penalty in event of loss.

Extended coverage qualification. Likewise windstorm insurance need not be carried in an amount equal to one-half of the replacement value if extended coverage is included under the fire policy and such coverage complies with the apportionment clause.

Group III

One-third replacement value. Windstorm insurance is required up to one-third of the depreciated replacement value of the main dwelling and if fire insurance has been required on other buildings and improvements, then windstorm insurance shall likewise be required in an amount equal to one-third the depreciated replacement value of all such other buildings and improvements

having an individual value of $600.00 and over.

Limitation in Michigan. 20. Michigan. (In the following counties, but none required in the remainder of the State.)

Allegan	Kent
Barry	Livingston
Berrien	Lapeer
Branch	Lenawee
Calhoun	McComb
Cass	Monroe
Clinton	Muskegon
Eaton	Oakland
Genessee	Ottawa
Hilledale	St. Clair
Ingham	St. Joseph
Ionia	Shiawassee
Jackson	Van Buren
Kalamazoo	

Group IV

No windstorm required. Windstorm insurance is not required on improvements in the following States and Territories:

2. Arizona.
4. California.
5. Colorado.
6. Connecticut.
10. Idaho.
17. Maine.
18. Maryland.
19. Massachusetts.
24. Montana.
26. Nevada.
27. New Hampshire.
28. New Jersey.
29. New Mexico.
30. New York.
35. Oregon.
36. Pennsylvania.
37. Rhode Island.
42. Utah.
43. Vermont.
44. Virginia.
45. Washington.
48. Wyoming.
50. Hawaii.
52. Alaska.

Group V

Explosion. Inherent Explosion insurance shall be carried on the main dwellings in the following state:

46. West Virginia.

Group VI

Waiver of Fallen building clause. The Waiver of Fallen Building Clause shall be included in all policies on the dwellings in the following states:

4. California.
10. Idaho.
26. Nevada.
42. Utah.

Group VII

Hail insurance. Hail insurance is required in the same amount as windstorm insurance in the following states:

11. Illinois.
13. Iowa.
14. Kansas.
15. Kentucky.
25. Nebraska.
40. Tennessee.
41. Texas.
47. Wisconsin.

Group VIII

Extended coverage. Extended coverage or supplemental coverage is required on the main buildings and on other buildings and improvements in an amount equal to the fire insurance required to be carried on such buildings by the provision of the Manual in the following states: (Effective on expiration of policies already accepted.)

24. Montana.
34. Oklahoma.

Group IX

Windstorm in Ohio and Wisconsin. Windstorm insurance is required on the main building in an amount equal to one-half of the current loan balance or to the value of the main building, whichever is the smaller, in the following states:

33. Ohio.
47. Wisconsin.

When the minimum premium, imposed by insurance regulations, will purchase more insurance than that equalling one-half of the loan, insurance will be procured in an amount sufficient to absorb the minimum premium provided the value of the improvement so warrants.

If home owner requests extended coverage. In cases where the Corporation orders insurance for a home owner, "extended coverage" or "supplemental coverage" may be secured upon specific request of the home owner and if windstorm insurance is required in the particular state, the "extended coverage" or "supplemental coverage" may be considered as complying with the windstorm requirements.

In cases where the home owner submits renewal or other coverage which is less than the minimum requirement, except the submission of insurance by a purchaser at the time of a sale or the submission of a renewal policy by a home owner having a Tax and Insurance account agreement for insurance, the same shall be accepted and the home owner shall be requested to provide additional coverage necessary to meet the requirement. If he refuses or fails so to provide, the additional required coverage shall be ordered through the carrier under contract.

§ 402.25–2 *Extended coverage sales cases.* If properties that have been acquired by the Corporation are disposed of on terms other than cash, the amount of insurance required shall be the same as that required for properties in home owner status as outlined herein. Where title is retained by the Corporation in properties sold under instalment contract, extended coverage in an amount equal to the fire requirement shall be included under the fire policy in the following States:

13. Iowa.
14. Kansas.
25. Nebraska.
32. North Dakota.
39. South Dakota.

Upon receipt of a closed sales file from the Regional Accountant, the Supervisor, Insurance Section, shall immediately remove all insurance policies from the file along with pertinent insurance data, complete Form 198 and transmit the file containing Form 198 and the other forms to the Control Supervisor. The Insurance Section shall review insurance for sufficiency and make proper notation of necessary information on the policy jacket. If such insurance does not meet all the requirements as stated herein, the purchaser will be so advised and if he fails or refuses to submit acceptable coverage, all policies will be returned to the purchaser as unacceptable and the required amount of coverage shall be ordered through the carrier under contract. Upon receipt of the sales file, in cases where the Regional Manager authorized the closing of the sale without the purchaser providing the required insurance, the Supervisor, Insurance Section, shall order the required amount through the carrier under contract to be effective as of the date of sale.

Form 12–A. In all cases where a property is sold under contract of sale Corporation Form 12–A shall be attached to all policies covering the affected property. If the agent or insurance company refuses to execute said Form 12–A, the policy will not be acceptable.*

§ 402.25–3 *Discretion in establishing requirement.* If, in any case, in the opinion of the Supervisor, Insurance Section and the Regional Manager, the strict application of manual requirements as to other buildings and improvements brings about an inequitable result, the Regional Manager may, in his discretion, upon recommendation of the Supervisor, Insurance Section, require less insurance or waive all insurance on buildings other than the dwellings; moreover, in any case where the out-standing loan balance is $100 or less all insurance may be waived; and further, insurance in the amount of $200 or less on the main dwelling may be waived when such waiver does not exceed 10 per cent of the requirement and the value of the land is equivalent to or greater than the amount waived. In such cases the home owner shall be notified. However, a memorandum of facts and justification for such action shall be filed with insurance policies. In all other cases not coming within the provisions of the above, waivers of insurance requirements must be approved by the General Manager.

Consent of home owner. In any case where it is necessary to order insurance coverage to fulfill the Corporation's requirements as stated, and the premium covering any insurance in addition to the amount originally furnished by the home owner cannot be charged to the home owner's account, for the reason that the mortgage contains a covenant which specifically states the amount of insurance to be furnished and which has not been modified by a subsequent agreement, or for some other reason, the consent of the home owner shall be obtained authorizing the Corporation to secure such additional insurance and charge the premium to his account. In any such case the Regional Manager, within his discretion, may direct the taking of additional instruments in legal form approved by the Regional Counsel to secure the advance.*

§ 402.25–4 *Acceptable insurance.* The Corporation will accept insurance written by an insurance company, association or organization licensed to do business in a particular state or territory, or specifically authorized by state law to transact business within the state or territory where the property is located, provided an acceptable mortgage clause is attached and such insurance does not include any limiting clauses that would prevent the Corporation or home owner from collecting insurance in accordance with the Corporation's requirements. Provided, further that the policies issued by any carrier shall not be accepted where, by the terms of the carrier's by-laws, the contract or the local laws, contributions or assessments may be made against this Corporation as mortgagee or owner or where contributions or assessments against the home owner would become a lien on the property superior to the lien of the Corporation and further where, by the terms of the carrier's by-laws or policy or other conditions, loss payments are contingent upon action by the Board of Directors or the policy holders or members.

If a home owner submits an insurance contract having a three-fourths value clause or any other restrictive clause limiting the amount of collectible insurance to less than the Corporation requirements, such clause must be eliminated or modified.

If such limiting clause cannot be modified or eliminated so as to afford required protection, such policy is not acceptable.*

§ 402.25–5 *Mortgage clause.* It is required that the Corporation form of mortgage clause, Form 12, or "contract of sale endorsement", Form 12–A, be attached to all policies securing its mortgages or other security instruments, making the insurance payable to the Corporation, as its interest may appear. If for legal or other reasons such mortgage clause cannot be attached, then the New York, New Jersey or Pennsylvania standard mortgage clause (without contribution) is desired, and if this clause cannot be secured, then the best form of mortgage clause or loss payable clause obtainable in the territory where the insurance is to be written shall be secured.

Where required the mortgage clause or loss payable clause shall be as "Trustee for the Home Owners' Loan Corporation". No trustee or Corporation employee shall be designated as mortgagee personally, but always as "Trustee for the Home Owners' Loan Corporation", and only in States where this is the practice.

In cases where another mortgage exists, it is permissible that such other mortgagee also be named in the mortgage clause, as an inferior mortgagee.*

§ 402.25–6 *Renewals.* All home owners who have not established a Tax and Insurance account or have established a Tax and Insurance account but who have not accumulated any funds for the purchase of insurance due to suspension of accruals for insurance are expected to renew their insurance on or before expiration and to furnish the original insurance policy to the Corporation with Corporation Form 12 attached except as provided in § 402.25–5, or with Corporation Form 12–A attached,[1] depending upon the type of instrument executed by the home owner. Where home owners have a Tax and Insurance account in which accruals for insurance have been established and not suspended, the Corporation will secure the required amount of renewal or other insurance through its carrier under contract unless the home owner provides such insurance as required herein. Renewal policies should be forwarded direct to the Insurance Section of the Regional Office and if the home owner secures insurance in excess of the Corporation's requirement, all such policies should be made concurrent with existing coverage and likewise forwarded to the Insurance Section.

In cases of home owners having a Tax and Insurance account, or, at the time of sale, of purchasers of Corporation owned property, no insurance policy provided by a home owner will be accepted unless accompanied by premium receipts as provided in § 402.25.*

§ 402.25–7 *Direct coverage in tax and insurance cases.* When the home owner elects to provide the required renewal insurance, the Insurance Section shall review the same to determine its acceptability and if such insurance does not meet all the requirements as stated herein, the home owner will be so advised and if he fails or refuses to submit acceptable coverage, all policies submitted by the home owner for the particular expiration shall be returned as unacceptable and the required amount of coverage shall be ordered through the insurer under contract.

In those instances where the Corporation places less than the expiring insurance, the home owner shall be immediately notified.*

§ 402.25–8 *Financed premium on direct policies.* When an insurance policy is submitted by a premium financing company with the request for a receipt in acknowledgment thereof, the Supervisor, Insurance Section will execute, without deviation, receipt Form 723, or a receipt in form identical therewith. Upon receipt of request from the finance company for return of the policy covered under the executed receipt, the Insurance Section shall immediately return the policy to the finance company and so advise the home owner and request the submission of replacing insurance in line with the customary cancelation procedure.*

§ 402.25–9 *Receivers.* When the property is in the process of foreclosure and a receiver is appointed, such receiver may have acceptable policies that are in force transferred or endorsed to him; or where desirable and possible may secure the required amount and kinds of insurance through Corporation facilities. Notice of the expiration of policies shall be furnished in such form and manner as approved by the Regional Counsel.*

§ 402.25–10 *Foreclosure endorsement.* Immediately upon notice from the Legal Department that foreclosure proceedings have been instituted, Corporation Form 12–B shall be attached to all policies covering the affected property, except in those instances where the insurer by an existing agreement has included the provision of this form in its policy. When the insurer has so agreed Corporation Form 12–B need not be executed. If the agent or insurance company, when requested, refuses to execute Form 12–B, policies will no longer be acceptable and will be canceled and coverage secured through the insurer under contract.

Other appropriate endorsements shall be attached to any affected policies showing any changed status.*

§ 402.25–11 *Lost or misplaced policies.* In cases where an existing insurance policy has become lost or misplaced, it will be necessary to obtain a replacing policy. The replacing policy can only be obtained by all interested parties signing a Lost Policy Release.

When it becomes necessary to execute a Lost Policy Release, the Supervisor, Insurance Section will execute such release for the Corporation.

In the event the original policy is found after the issuance of a replacing policy, the original policy shall be returned to the issuing agent for cancelation.*

§ 402.25–12 *Insurer's certificate.* When a loan is paid-in-full and an insurer's certificate has been issued by an insurer under contract, the certificate shall be mailed to the insurer, who will contact the former home owner to ascertain the latter's wish in regard to the continuation or cancelation of the insurance. Upon the cancelation of a certificate any unearned premium, from the date of liquidation to the expiration of the certificate accrues to the benefit of the former home owner. It is very important that this certificate be mailed to

[1] Not filed as part of original document.

the insurer, and in no event is the home owner or any outside party to be given any papers in connection with this coverage, with the exception of the invoice. If, at the time of payment in full, a credit is due the home owner's account arising from a previous cancelation or reduction of a certificate for which credit memorandum has not been received from the insurer, the amount of such credit shall not be considered in arriving at the balance of the account to be paid, and the insurer under contract shall be requested to make payment direct to the home owner.*

§ 402.25–13 *Expired insurance.* All expired insurance policies held by the Insurance Section for account of home owners shall be absolutely destroyed after four (4) months following expiration, except where expired policies are delivered to the home owners, the signing local insurance agent, or the insurance company, upon request made by any of the aforesaid parties prior to the expiration of the four (4) months period.*

§ 402.25–14 *Insurance placed by Corporation.* Twenty-five days after the expiration and immediately upon the cancelation or voidance of any insurance policy protecting a loan or property owned on which insurance is required, all contracts protecting such loan or property shall be reviewed. If the remaining effective coverage necessary to fulfill the requirements of the Corporation is insufficient, and acceptable new or renewal insurance policies have not been submitted within forty (40) days subsequent to the actual lapsing coverage, an order for the proper coverage shall be issued by the Corporation upon special forms furnished by its insurer under contract and shall be effective as of the termination of the insurance to be replaced. The order shall be subject to cancelation by the Corporation at any time during a period of 45 days from the termination date of the former insurance without charge, in the event adequate and acceptable new or renewal insurance contracts are submitted, or a loss has not occurred.

Limitation as to foreclosure cases. If subsequent to the time an order for insurance has been issued for which a certificate has not been received, foreclosure proceedings are instituted, the insurer shall be requested to issue the certificate immediately and to provide a receipted bill for the premium on the coverage in those instances where the Regional Counsel advises a receipted bill is necessary.

The receipted bill, when required, shall be delivered to the Legal Department.*

§ 402.25–15 *Receipt of policy after placing of order.* Wherever a home owner submits an acceptable new or renewal insurance policy, subsequent to the issuance of the order to the insurer, but prior to the expiration of the 45 day period, the order for coverage shall be canceled forthwith unless a loss has occurred. No new or renewal policy shall be accepted from a home owner after the expiration of the 45 day period, unless in the opinion of the Supervisor, Insurance Section special circumstances justify the acceptance of the policy and the home owner agrees to pay the earned premium, if any, incurred in the cancelation of the insurance procured from the insurer.

Routing of certificate and notice of insurance placed. The insurer under contract will issue a certificate or policy of insurance in accordance with the order. The certificate, home owner's notice of insurance placed and Accounting Division copy of notice of insurance placed (insurance invoices) shall be sent to the Insurance Section and shall be routed as provided in the Manual.*

§ 402.25–16 *Transmittal of debits and credits.* The insurer under contract will prepare a daily Transmittal Form of debits and credits listing thereon each and every insurance transaction. No entries shall be included on such form prior to the inception date of insurance. The effective entry date in all cases shall be the "Transmittal Date" as indicated on the form.

Cancelation of certificate. When a certificate is canceled and returned to the insurer under contract credit memoranda will be issued by the insurer showing the amount of return permium which the insurer will enter on the Daily Transmittal Form. The Accounting Division copy of the credit memoranda from the insurer shall be attached to the Daily Transmittal Form, and in those instances where insurance is canceled on a flat basis and no interest is to be charged, the Insurance Section shall stamp "No Interest To Be Charged" on the Accounting Division copy of the credit memoranda.*

§ 402.25–18 *Change of ownership and occupancy.* The Supervisor, Insurance Section, upon notification from the Legal Department, Property Management Division, or Control Supervisor of vacancy, tenant occupancy, change of ownership, or increase of hazard, shall immediately notify the insurance company concerned, shall obtain the necessary or appropriate endorsement as required as to change of ownership or otherwise and attach the same to the insurance policy.

Vacancy. In all such cases, it is presumed that the home owner will be able to pay for the additional premium, if any, permitting the property to be vacant. If it appears that the home owner cannot pay the additional premium, it may be paid by the Corporation; and the Regional Manager may, in his discretion, order that an inspector of the Corporation visit the premises and report his findings as to term of vacancy, whereabouts, and financial condition of the home owner. The agent writing the policy shall provide the Supervisor, Insurance Section with a certified invoice for any additional premium required. This invoice shall be attached to a properly executed voucher which, when approved by the Regional Manager, shall be paid from the Regional Working fund, and charged to the home owner's account.

Change of occupancy. When the property is found to be occupied for purposes more hazardous than those heretofore intended an immediate inspection of the premises is required. The inspector should report as to the date of the increase in hazard, the new occupancy, and the financial condition of the home owner. If the home owner is unable to pay the additional premium, if any, the agent writing the policy must provide the Supervisor, Insurance Section with a certified invoice. The procedure for payment, as described in the preceding paragraph, shall be followed.*

§ 402.25–23 *Reinstatement after loss.* A reinstatement of insurance is necessary if the amount of loss is in excess of $200 and the remaining insurance in force is not sufficient to fulfill requirements.*

§ 402.25–24 *Authority to sign proofs of loss.* The Regional Manager, the Supervisor, Insurance Section or an authorized deputy, is authorized to sign "proofs of loss" for the Corporation to insurance companies when home owners will not, or, through legal incapacity, cannot execute such proofs of loss.

The Regional Manager, the Supervisor, Insurance Section or an authorized deputy, is authorized to sign, for the Corporation, "proofs of loss" to insurance companies when losses occur and insurance is to be paid to the Corporation as owner or vendor, and likewise said individuals shall execute as owner such other forms that may be required.*

§ 402.25–25 *Emergency loss cases.* It is the obligation of the owner and a condition of his insurance contract to take such immediate steps as may be required to protect the property temporarily from further damage from any cause whatsoever after a loss, regardless of the estimated amount of the loss. It is the customary practice for the insurance agent or the company adjuster to assist the owner in providing this protection.

In unusual cases where the estimated amount of damage is over $500 and emergency repairs are necessary, and if the owner cannot arrange to protect the property immediately and adequately, the Regional Manager, upon request, may give telegraphic or telephonic approval to effect the restoration work immediately. Like approval may be given by the State Manager when estimated amount of damage is not over $500.*

§ 402.25–26 *Disbursement and reimbursement for repairs.* When restoration work involves insurance losses in excess of $100, the home owner must execute Form 115 as a prerequisite to disbursement of loss funds which shall be made as follows upon procurement of lien waivers as required under the provisions of section 618 and Articles thereunder:

(a) To individual material men or laborers, contractors, firms or corporations for amounts indicated by certified statements of amounts due.

(b) To the home owner for any amount certified by him to have been paid by him for materials or labor.

(c) Any balance remaining after disbursements of insurance loss proceeds in connection with restoration of properties shall be handled in accordance with the provisions of section 222 (a) of the Manual and administrative orders thereunder.*

§ 402.25–27 *Adjustment practice.* Representatives of the Corporation are not to meet insurance adjusters or insurance company representatives on the premises where the loss occurred or elsewhere, or communicate with such adjusters or representatives, attend conferences in which such adjusters or representatives participate unless the conferences are for emergency action or to expedite the settling of cases in controversy. However, where in an emergency a representative of the Corporation participates in such a conference, it is to be definitely understood that the Corporation will, in no way, waive any rights it may have against the insurer. It is the desire to cooperate with insurance companies to the fullest extent to hasten the adjustment of losses.

Adjustment by borrowers. When home owners employ adjusters or attorneys to represent them in the adjustment of insurance losses, it must be understood that the fees or charges of such representatives ordinarily are not to be paid from the loss proceeds. However, in cases where the proceeds exceed all costs in connection with restoration of the property to a condition satisfactory to the Corporation and the home owner is not delinquent, the Regional Manager may, if he considers it in the interests of the Corporation, turn over to the home owner part or all of any such excess to provide for the payment of adjuster or attorneys fees.*

§ 402.25–28 *Subrogation agreements.* Where an insurance company claims nonliability to the home owner and claims subrogation under its contract to the extent of the payment made to the Corporation as mortgagee vendor or trustee, the Corporation should not execute any separate subrogation agreement except where required by the specific terms of the insurance contract.

When payment has been made with a claim of non-liability to the home owner the insurance company and all parties liable under the debt shall be informed of this fact in such a manner as approved by the Regional Manager and Regional Counsel.*

§ 402.25–30 *Losses of $100 or less mortgagor cases.* Repairs to properties where the total amount of the loss is not more than $100 may be arranged for and carried out by the home owner, who may receive the insurance loss draft direct from the insurance carrier except in those cases where the insurer denies liability to the insured or notice of foreclosure proceedings has been given to the insurer. The Corporation will not require any notice of such losses.

Endorsement of drafts. In such cases where the Corporation is made the payee or one of the payees, the insurance loss draft may be endorsed by employees, in accordance with provisions of § 402.25 (b).*

§ 402.25–31 *Losses in excess of $100.* Repairs on partial losses in excess of $100 and less than $300 may be made immediately upon the approval of the State Manager.

Forms required. The home owner will be required to execute Form 115 in duplicate in such cases and the office having jurisdiction will be held responsible for securing lien waivers when required.*

§ 402.25–32 *Losses of $300 or more.* Restoration of total losses and partial losses of $300 or more shall be made in accordance with the following procedure.

When loss is $500 or less. When the loss is $500 or less, repairs may be authorized by the State Manager.

When loss is over $500. When the loss is over $500, repairs shall be made only upon approval of the Regional Manager.

The following procedure is applicable to all losses of $300 or more.

Inspection and report losses of $300 or more. Assignment of the case will be made to a Reconditioning Inspector for inspection of the property and preparation of estimate of the damage in compliance with the applicable reconditioning procedure. The inspector shall estimate on Form R–4D the probable cost of repairs on restoration. This information is to be given to the Supervisor, Insurance Section, and to the home owner if he so requests, in order that the latter may be in a position to complete his adjustment direct with the insurance company. It is not to be given to the insurance adjuster except by the home owner.

Forms required. The home owner will be required to execute Form 115 in duplicate and 125 in triplicate in all cases involving losses of $300 or more; and the office having jurisdiction will be held responsible for securing lien waivers when required.*

§ 402.25–33 *Partial payments.* If the work is not under the supervision of the Reconditioning Section, partial payments will not be permitted unless acceptable bond is furnished by the contractor; if no acceptable bond is furnished, disbursement shall not be made until the work is completed, inspected, and accepted.*

§ 402.25–34 *Repairs commenced or completed before notice.* In event restoration or repairs have been commenced or repairs have already been completed before any notice of the loss is received by a field or Regional Office, Form 115 shall be completed and every precaution including inspections during the progress of the work when deemed necessary shall be taken prior to disbursement to insure full protection of the Corporation's interest in accordance with the instructions herein prescribed, including lien waivers when required.*

§ 402.25–36 *"Amount of loss" defined.* The terms "loss" or "amount of loss" as used in this Chapter for the purpose of establishing procedure or otherwise shall be deemed to mean the amount paid by the insurance company or companies for the damage.* (Effective date November 1, 1941)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41–8306; Filed, November 4, 1941; 3:29 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 526—INDUSTRIES OF A SEASONAL NATURE

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION IN THE MATTER OF THE APPLICATION FOR THE EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE [1]

Whereas the Kuder Citrus Pulp Company of Lake Alfred, Florida, and sundry other processors of citrus pulp and waste filed an application for the exemption of the dehydrating of citrus pulp and waste as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder; and

Whereas in accordance with § 526.5 of the regulations, the Administrator of the Wage and Hour Division determined that a prima facie case for the granting of the exemption had been shown, and notice of this preliminary determination was published in the FEDERAL REGISTER (6 F.R. 1697) on March 29, 1941; and

Whereas within 15 days following that preliminary determination, the Administrator received objection and request for a hearing from the Citrus By-Products Workers Union No. 20831, of Los Angeles, California; and

Whereas the Administrator then gave notice of a public hearing to be held at the Federal Building, Los Angeles, California, on June 5, 1941, before Mr. Harold Stein, an authorized representative of the Administrator, who was authorized to take testimony, hear argument, and determine:

Whether the dehydrating of citrus pulp and waste is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued

[1] This affects tabulation contained in 29 CFR, § 526.101.

thereunder, and if so, the appropriate limits of said industry; and

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

1. Approximately 13 plants in the United States, situated in Florida, Texas, and California, are engaged in producing cattle feed by means of dehydrating citrus waste.

2. These dehydrating establishments are located in the neighborhood of, or adjacent to, citrus canning plants and receive the citrus waste and pulp from the cannery as soon as it becomes available.

3. The pulp must be processed within a few hours after the juice or sections have been removed from the fruit. Such citrus pulp plants therefore operate during the period or periods in which citrus waste from citrus canneries is available and are dependent upon the citrus canneries for their principal raw materials.

4. Citrus waste is available during an annual period of not over six months in Texas, approximately eight months in Florida, and about ten months in California.

5. The dehydrating of citrus pulp and waste and the manufacture of cattle feed therefrom, takes place during a period too long in relation to the period of exemption afforded by section 7 (b) (3) of the act to warrant a finding that such dehydrating of citrus pulp and waste and the manufacture of cattle feed therefrom is an industry of a seasonal nature.

6. No evidence has been submitted which would warrant the granting of an exemption to the manufacturing of cattle feed from citrus pulp and waste in Texas as a separate branch of the industry.

7. The dehydrating of citrus pulp and waste, and the manufacture of cattle feed therefrom, is not an industry of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526 of the regulations issued thereunder.

The application is denied.

Whereas said findings and determination were duly filed with the Administrator on October 21, 1941, and are now on file in Room 5418, Department of Labor Building, Washington, D. C., and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within 15 days after the date that this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing held before the said representative.

Signed at Washington, D. C., this 3d day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8271; Filed, November 5, 1941; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 942—COTTON LINTERS

Amendment to General Preference Order No. M-12, as Extended

Section 942.1[1] (General Preference Order No. M-12, as extended) is hereby amended to read as follows:

Whereas, the national defense requirements have created a shortage of Cotton Linters for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply, regulate the processing, and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 942.1 *General preference order M-12*—(a) *Definitions.* For the purposes of this Order:

(1) "First Cut Cotton Linters" means those linters resulting from the first delinting of cottonseed by a mill that makes more than one delinting, and shall include imported Cotton Linters of Grade No. 2 or higher according to the standards of the U. S. Department of Agriculture.

(2) "Second Cut Cotton Linters" means all those linters resulting from all delinting of cotton seed subsequent to the first, and includes imported Cotton Linters of Grade No. 3 or lower according to the standards of the U. S. Department of Agriculture. Fibres obtained from the cottonseed hulls (otherwise known as hull-fibre) shall be included only if the producer of said fibers had previously made a first delinting with respect to the cottonseed of which the hulls were a part.

(3) "Mill Run Cotton Linters" means all those linters resulting from the delinting of cottonseed by a mill that makes only one delinting.

(4) "Person" means any individual, partnership, association, corporation or other form of business enterprise.

(5) "Mill" means any plant that delints fibres from cottonseed or cottonseed hulls by mechanical processes.

(6) "Chemical Industry" means the processing of raw cotton linters or hull fibre to produce purified cotton linter pulp.

(b) *Applicability of priorities regulation No. 1.*[2] Control of the supply, regulation of the processing, and direction of the distribution of Cotton Linters is hereby taken by the Director of Priorities and all future transactions of any kind in Cotton Linters are regulated and governed by the provisions and definitions contained in Priorities Regulation No. 1[3] issued by the Director of Priorities on August 27, 1941 (Part 944), except as otherwise specifically provided.

(c) *Cutting of linters.* No mill making more than one delinting of cottonseed shall, in the process, produce First Cut Cotton Linters to a higher proportion than 20% of its total cut.

(d) *Restrictions on sales, deliveries and use of linters.*

(1) No person shall hereafter sell, deliver or otherwise dispose of Second Cut Cotton Linters except to persons engaged in the Chemical Industry within the United States, its territories and possessions, including the Philippine Islands.

(2) No person may use Second Cut Cotton Linters except in the production of purified cotton linter pulp.

(3) No mill producing Mill Run Cotton Linters shall in any calendar month hereafter sell, deliver or otherwise dispose of more than 20 percent of such Linters produced during that month except to persons engaged in the Chemical Industry within the United States, its territories and possessions including the Philippine Islands, provided that Persons so engaged in the Chemical Industry may not use such Mill Run Linters except in the production of purified cotton linter pulp.

(4) The foregoing restrictions in paragraphs (d) (1) and (2) shall not apply to deliveries to or use by

(i) The United States Government or any agency thereof;

(ii) The government of any other country, provided the purchase is made by any agency of the United States Government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(e) *Special permits.* Special permission for delivery of Cotton Linters contrary to the directions contained in paragraph (d) above may be granted by the Director of Priorities upon application of any Person affected by this Order in the following cases:

(1) To permit delivery of Cotton Linters of any grade under contracts entered into prior to July 31, 1941;

(2) To permit delivery of Cotton Linters of Grade No. 3 under contracts entered into prior to November 5, 1941;

(3) To permit delivery of imported Second Cut Cotton Linters under contracts entered into between July 31, 1941, and August 20, 1941.

Applications for such permission should be addressed to the Chemicals Section, Office of Production Management, Washington, D. C.

(f) *Reports.* Each Mill engaged in the production of Cotton Linters shall each month report to the Chemicals Section of the Office of Production Management, the manner of its compliance with this Order, and such report shall include a certified statement of the intake of cottonseed by such Mill and its production and disposition of Cotton Linters by grades. Every Person purchasing Second Cut and Mill Run Cotton Linters shall each month report to the Chemicals Section of the Office of Production Management, his purchases and disposition of such Cotton Linters. All Persons affected by this Order shall execute and file with the Chemicals Section of the Office of Production Management, such further reports and questionnaires as said Division shall from time to time request. All reports shall be on such forms as shall be prescribed from time to time by the Chemicals Section of the Office of Production Management.

(g) *False statements.* Any Person who violates this Order or who wilfully falsifies records to be kept or information to be furnished pursuant to this Order, or who refuses or fails to make the reports hereinabove required to be made, may be prohibited by the Director of Priorities from receiving further deliveries of any material subject to allocation by the Director of Priorities, and the Director of Priorities may also take any other action deemed appropriate, including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect on the 5th day of November, 1941, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of July, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session).

Issued this 5th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8292; Filed, November 5, 1941; 10:01 a. m.]

[1] 6 F.R. 4212, 4710.
[2] 6 F.R. 4489.

PART 958—REPAIRS

Interpretation No. 1 of Preference Rating Order P-22, as Amended

The following official interpretation is hereby issued by the Director of Priorities with respect to § 958.1,[1] *Preference Rating Order No. P-22*, as amended October 16, 1941.

Section 958.1, subject to the limitations therein provided, is applicable to deliveries of Material which is to be used for the maintenance, repair or operation of property or equipment located in the Philippine Islands.

Issued this 5th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8296; Filed, November 5, 1941; 10:02 a. m.]

[1] 6 F.R. 5332.

PART 978—UTILITIES

Maintenance, Repairs and Supplies; Interpretation No. 5 of Preference Rating Order P-46, as Amended

The following official interpretation is hereby issued by the Director of Priorities with respect to § 978.1, *Preference Rating Order No. P-46*, as amended[1] September 26, 1941.

Section 978.1, subject to the limitations therein provided, is applicable to deliveries of Material which is to be used for the maintenance, repair or operation of property or equipment located in the Philippine Islands.

Issued this 5th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8295; Filed, November 5, 1941; 10:01 a. m.]

[1] 6 F.R. 4784, 4921.

PART 982—MINES

Maintenance, Repairs and Supplies; Interpretation No. 1 of Preference Rating Order P-56, as Amended

The following official interpretation is hereby issued by the Director of Priorities with respect to § 982.1, *Preference Rating Order No. P-56*, as amended[1] September 22, 1941.

Mines located in the Philippine Islands are "Domestic Mines" within the limits of "the United States, its territories and possessions", as those terms are used in § 982.1.

Issued this 5th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8294; Filed, November 5, 1941; 10:01 a. m.]

[1] 6 F.R. 4786, 4866.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

§ 204.55 *Waters of the Atlantic Ocean; firing sectors between New River and Cape Fear, North Carolina.*[2]

* * * * *

(b) (3) Two days in advance of the day when firing in any sector is scheduled to begin the Commanding General, Camp Davis, North Carolina, and/or the Commanding Officer of the Marine Barracks, New River, North Carolina, will warn the public of the contemplated firing through the public press, the Coast Guard, the Cape Fear Pilots Association at Southport, North Carolina, and the Pilots Association at Morehead City, North Carolina.

* * * * *

(6) These regulations shall be enforced by the Commanding General, Camp Davis, North Carolina, and/or the Commanding Officer, Marine Barracks, New River, North Carolina, or such responsible agent or agents as they may designate. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8287; Filed, November 5, 1941; 9:39 a. m.]

PART 206—FISHING AND HUNTING REGULATIONS[3]

§ 206.95 *Coastal waters of Alaska and navigable waters tributary thereto: Fishing.* The date for the regulations and conditions approved October 14, 1940, to govern the placing and maintenance of fishing structures in the above waters, heretofore postponed to October 14, 1941, is hereby further postponed until October 14, 1942. (Sec. 10, River and Har-

[1] § 204.55 (b) (3) and (6) is amended.
[2] These regulations also appear as Regs. Aug. 28, 1941, as amended, (E.D. 7195 (Atlantic Ocean—North Carolina)—3/3)
[3] These regulations also appear as Regs. Oct. 27, 1941 (E.D. 7221 (Alaska Waters)—93/1).

bor Act, March 3, 1899, 30 Stat. 1151; 33 U.S.C. 403)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8286; Filed, November 5, 1941; 9:40 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH, AND BURIAL OF ENROLLEES [1]

§ 203.19 *Transportation and travel allowances.*

* * * * *

(e) Enrollees will upon discharge, except by reason of desertion, be paid in advance monetary allowances in lieu of rations as prescribed in Army Regulations for enlisted men of the Regular Army for the number of days required to perform the travel from places of discharge to the places to which they are entitled to transportation in kind under paragraph (b) of this section. Payment of monetary allowances in lieu of quarters will also be made to discharged enrollees who require lodging in cases where they cannot reach their homes without stop-over during the night. (50 Stat. 319) [2]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8289; Filed, November 5, 1941; 9:40 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 669 qm-13377; O. I. No. 1738]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CHATHAM MANUFACTURING CO., ELKIN, NORTH CAROLINA

Contract for: Blankets, Wool, Olive Drab, * * *.

Amount: $2,467,500.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twenty-fourth day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Blankets, Wool, Olive Drab for the consideration stated totaling Two million, four hundred sixty-seven thousand, five hundred dollars ($2,467,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 11-30 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-E-37 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8285; Filed, November 5, 1941; 9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR., REGISTERED DISTRIBUTOR, REGISTRATION No. 9584, RESPONDENT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order For Hearing dated October 9, 1941 in the above-entitled matter to determine whether or not C. E. Werner, Jr., Registered Distributor, Registration No. 9584, has violated certain provisions of the Bituminous Coal Act (the "Act"), the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed November 19, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

Now therefore it is ordered, That the Notice of and Order for Hearing dated October 9, 1941 in the above-entitled matter be and it hereby is amended and supplemented to read as follows:

2. The respondent, during the period from January 1, 1941 to April 11, 1941, both dates inclusive, purchased substantial amounts of coal of various sizes from code members, including the Moore Coal Company, a code member in District No. 8, whose address is 1202 Hamilton Bank Building, Knoxville, Tennessee, operating the Moore Mine, Mine Index No. 344, and secured and accepted distributor's discounts thereon from said code member producers which coal he resold to the Werner Coal Company, a retailer of Chattanooga, Tennessee, under whose control financially, or otherwise, said respondent was, in violation of § 304.19 (c) of the Rules and Regulations for Registration of Distributors, and paragraph (h) of the Agreement.

3. In the transactions referred to in paragraph 2 hereof, the respondent did not purchase said coal for bona fide resale, and the acceptance or retention of a distributor's discount in such circumstances was in violation of paragraph (d) of the Agreement.

4. The transactions referred to in paragraph 2 hereof were entered into between the respondent and the Werner Coal Company primarily for the purpose of enriching the respondent and when except for the incidence of Section 4 II (h) of the Act, the consumer would have purchased directly from a code member, and were, therefore, in violation of paragraph (g) of the Agreement.

5. The payment of a distributor's discount on the transactions referred to in paragraph 2 hereof created unfair competition, and was, therefore, in violation of paragraph (g) of the Agreement.

6. The respondent in his application for registration with the Bituminous Coal Division as a distributor of bituminous coal, dated November 19, 1940, as described in paragraph 1 hereof, failed to state as required on pages 5 and 6 thereof his financial relations with the Werner Coal Company, and failure to state that material fact was in violation of paragraph (f) of the Agreement and contrary to § 304.11 (c) (6) of the Rules and Regulations for Registration of Distributors.

7. The acceptance of a distributor's discount by the respondent on coal purchased by him, under circumstances whereby this coal was retailed by the respondent, was in violation of § 304.19 (a) of the Rules and Regulations for Registration of Distributors.

8. The transactions referred to in paragraph 2 hereof, concern sales to or through a broker, jobber, commission

[1] § 203.19 (e) is amended.

[2] This regulation also appears as C.C.C. Regs., W.D., Dec. 1, 1937, as amended by C 85, October 29, 1941.

account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by the Act, and were, therefore, in violation of section 4 II (i) 12 of the Act, and Rule 12 of section XIII of the Marketing Rules and Regulations.

Notice is hereby given that answer to the charges, as amended, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the said charges, as amended, and to have consented to the entry of an appropriate order on the basis of the facts alleged.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, as amended, be renewed in all other respects.

Dated: November 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8298; Filed, November 5, 1941; 10:14 a. m.]

[Docket No. A-1049]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD No. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT No. 13

[Docket No. A-1049, Part II]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD No. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE RIVERSIDE MINE (MINE INDEX No. 1261) OF THE PRATT-AMERICAN COAL CO. AND THE CROSS ROAD MINE (MINE INDEX No. 171) OF L. B. BAIRD

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1049 PART II FROM DOCKET NO. A-1049, GRANTING TEMPORARY RELIEF, AND NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed by District Board No. 13 in Docket No. A-1049, proposing price classifications and minimum prices for the coals of certain mines in that district. Among the mines included in that petition are the Riverside Mine (Mine Index No. 1261) of the Pratt-American Coal Co. and the Cross Road Mine (Mine Index No. 171) of L. B. Baird. Petitioner requested that each of these mines be permitted to ship coal by rail from more than one loading point. No explanation was offered for this request and the Director deems it appropriate that each mine be permitted to use only one loading point until a showing has been made of the necessity for more than one loading point. The temporary relief granted herein is accordingly so limited.

It is, therefore, ordered, That the portion of Docket No. A-1049 relating to the Riverside Mine (Mine Index No. 1261) of the Pratt-American Coal Co. and the Cross Road Mine (Mine Index No. 171) of L. B. Baird be severed from the remainder of that docket and that it be designated hereafter as Docket No. A-1049 Part II.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on November 19, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties, in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 14, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of price classifications and minimum prices for the coals of the Riverside Mine (Mine Index No. 1261) of the Pratt-American Coal Co. and the Cross-Road Mine (Mine Index No. 171) of L. B. Baird for rail shipments from more than one loading point and for truck shipments.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the above matter, temporary relief be and the same is hereby granted as follows: Commencing forthwith the Schedules of Effective Minimum Prices for District No. 13 For All Shipments Except Truck and For Truck Shipments are supplemented by including the price classifications and minimum prices set forth in the Schedules marked "Supplement R" and "Supplement T" attached hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, modify, or terminate the temporary relief granted in this Order may be filed in accordance with the Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 17, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY MINIMUM PRICES FOR DISTRICT NO. 13

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR TRUCK SHIPMENTS

Supplement T

[Prices in cents per ton for shipment into all market areas]

Code member index	Mine	Sub-district	Mine index No.	Lump; over 2", Egg; Top size over 6"	Egg; Top size 6" and under	Lump; 2" and under	Nut; Top size 3" and under, bottom size 1½" over ¼"		Chestnut; Top size 3" and under, bottom size 1½" and under		Chestnut; Top size 1½" and under, bottom size ¼" and under		Run of mine or mine-prepared R/M		Resultants: 3" and under		Screenings: 1¼" and under		Industrial coal
							Wash	Raw	Wash	Raw	Wash	Raw	Raw	Raw	Wash	Raw	Wash	Raw	
1	2					3	6	7	8	9	10	11	13		17	22	18	23	24, 25, 26
ALABAMA																			
WALKER COUNTY																			
Pratt-American Coal Co.	Riverside	2	1261	325	325	325	320	310	310	295	305	290	265		270	280	265	210	265
WINSTON COUNTY																			
Baird, L. B. (L. B. Baird Coal Co.)	Cross Road	2	171	385	385	360	335	315	315	305	310	300	290		275	265	265	220	290

FOR ALL SHIPMENTS EXCEPT TRUCK

Supplement R

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WINSTON COUNTY, ALA.				
171	Baird, L. B. (L. B. Baird Coal Co.)	Cross Road [1]	1	Black Creek	111

Shipping point—Natural Bridge, Ala. Railroad—Southern Railway

[1] This mine shall have the same prices in size groups 1, 4 and 13 on all price tables as listed for mine with Index Number 14.
This mine shall have a price in size group 20 on all price tables, 10¢ under the price listed in size group 18 for mine with Index Number 14.

Supplement R—Continued

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1261	Pratt-American Coal Co.	Riverside [1]	1	Pratt	31

Shipping point—Colts, Ala. Railroad—L & N

[1] This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See Page 36 of Price Schedule No. 1)

[F. R. Doc. 41-8299; Filed, November 5, 1941; 10:16 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 632]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 29, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Nebraska 2079B1 Redwillow District Public	$145,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8315; Filed, November 5, 1941; 11:40 a. m.]

[Administrative Order No. 633]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 29, 1941.

By virtue of the authority vested in me by the provision of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	*Amount*
Florida 2014G5 Clay	$105,000
Florida 2017D1 Jackson	217,000
Georgia 2020E1 Troup	105,000
Indiana 2024D1 Carroll	63,000
Iowa 2056D1 Poweshiek	206,000
Kansas 2033B1 Pratt	183,000
Kansas 2036A1 Linn	160,000
Minnesota 2012B2 St. Louis	249,000
Nebraska 2001B1 Roosevelt District Public	33,000
North Carolina 2052B1 Cumberland	448,000
Ohio 2088C1 Gallia	330,000
Pennsylvania 2020E1 Blair	219,000
Texas 2084C1 Hall	131,000
Texas 2113A1 Dickens	179,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8316; Filed, November 5, 1941; 11:40 a. m.]

[Administrative Order No. 634]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 30, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project Designation:	*Amount*
Missouri 2054B1 Crawford	$387,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8317; Filed, November 5, 1941; 11:40 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 163]

NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE BOARD OF SUPERVISING INSPECTORS

NOVEMBER 4, 1941.

Pursuant to the authority conferred by section 4405, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York; and Eugene Carlson, Supervising Inspector of the Third District, Norfolk; to take place in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., commencing at 9:00 a. m., November 7, 1941, for the purpose of considering amendments to the general rules and regulations including the regulations for tank vessels, approval of miscellaneous items of equipment for the better security of life on vessels, and such other business as may come before the Board.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-8297; Filed, November 5, 1941; 10:10 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 6, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

A. and A. Negligee Company, 20 Bergen Street, Brooklyn, New York; Ladies' Robes; 5 learners; March 12, 1942.

Atlantic Pants Manufacturing Company, Inc., 1001 Elizabeth Avenue, Elizabeth, New Jersey; Boys' Single Pants; 10 learners; February 19, 1942.

The Benhar Company, 935 S. Wall Street, Los Angeles, California; Robes; 5 percent; November 6, 1942.

C and A Apron Company, 9712 South Main Street, Los Angeles, California; Work Aprons; 2 learners; November 6, 1942.

Chickadee Dress Company, 835 East Fourth Street, Bethlehem, Pennsylvania; Dresses; 10 percent; November 6, 1942.

DeGarcy-Aquilla, Inc., 38 East 32nd Street, New York, New York; Ladies' Underwear; 10 percent; February 19, 1942.

Ely and Walker Dry Goods Company, Ilmo, Missouri; Overalls and Jackets, Trousers; 10 percent; November 6, 1942.

Ely and Walker Dry Goods Company (Kitty Fisher Factory), 8th and Hickory Streets, St. Louis, Missouri; Dresses; 10 percent; November 6, 1942.

Ely and Walker Lingerie Factory, Warrenton, Missouri; Ladies' and Children's Underwear and Pajamas; 10 percent; November 6, 1942.

Ely and Walker Neckwear and Robe Plant, 1535 Locust Street, St. Louis, Missouri; Men's Lounging Robes; 5 percent; November 6, 1942.

Finefit Brassiere Company, 513 Broadway, New York, New York; Brassieres; 5 learners; February 19, 1942.

Fishman and Tobin, S. E. Corner Broad and Carpenter Street, Philadelphia,

Pennsylvania; Boys' Wash Suits; 10 percent; November 6, 1942.

Gresham Shirt Company, South Third Street, Clarksville, Tennessee; Dress Shirts, Sport Shirts; 10 learners; November 6, 1942.

H & J Nalibotsky Company, 128 North Broad Street, Philadelphia, Pennsylvania; Cotton Dresses; 5 learners; November 6, 1942.

Hampstead Clothing Company, Hampstead, Maryland; Men's Clothing; 20 learners; March 26, 1942.

The Hawk and Buck Company, Inc., 316 Washington Street, Waco, Texas; Overalls, Pants, Shirts; 10 percent; November 6, 1942.

Abe Kahn Halbreich Company, Elizabethtown, Pennsylvania; Dresses; 10 percent; November 6, 1942.

Liberty Sport Togs, 176–184 W. Louden Street, Philadelphia, Pennsylvania; Boys' Wash Suits; 25 learners; March 26, 1942.

Lilyette Brassiere Company, 331 Fourth Avenue, New York, New York; Brassieres; 4 learners; February 19, 1942.

Maderite Shirt Company, 1027 Metropolitan Avenue, Brooklyn, New York; Men's Shirts; 10 percent; February 19, 1942.

Meadow Avenue Shirt Company, Meadow Avenue, Cambridge, Maryland; Sport Shirts and Pajamas; 14 learners; May 7, 1942.

The NuBone Company, 25th and Ash Streets, Erie, Pennsylvania; Corsets, Brassieres, Surgical Belts and Back Braces; 10 percent; November 6, 1942.

Public Overall Company, Inc., Main Street, Bloomingdale, New Jersey; Overalls; 5 learners; November 6, 1942.

Rosa Lee Manufacturing Company, 224 E. 11th Street, Los Angeles, California; Aprons; 5 learners; November 6, 1942.

Saul-Klenberg Company, 236 Nelson Street, Southwest, Atlanta, Georgia; Dresses and Housecoats; 10 percent; November 6, 1942.

J. Shopsin and Sons, 118 Jefferson Street, Brooklyn, New York; Men's Shirts; 6 learners; February 19, 1942.

Skyline Manufacturing Company, Inc., Pine Grove Avenue, Kingston, New York; Children's Wear (Sizes 2 to 8); 10 percent; November 6, 1942.

Terry and Juden Company, Ltd., 141 Carondalet Street, New Orleans, Louisiana; Shirts; 1 learner; November 6, 1942.

Max Ulman, Inc., 104 South Lander Street, Newburgh, New York; Cotton Dresses; 10 learners; February 19, 1942.

Union Manufacturing Company, 110 West 11th Street, Los Angeles, California; Men's Work Apparel; 10 percent; November 6, 1942.

W. & G. Manufacturing Company, Market Street, Blades, Delaware; Pajamas, Sport Shirts; 10 percent, November 6, 1942.

Walden Underwear Company, Inc., North Church Street, Goshen, New York; Ladies' Underwear; 10 learners; November 6, 1942.

Well Made Dress Company, Inc., 16 Cutler Street, Warren, Rhode Island; Dresses; 10 percent; November 6, 1942.

Wilson Shirt Company, 180 Trinity Avenue, Atlanta, Georgia; Shirts (Men's Dress Shirts); 10 percent; November 6, 1942.

Gloves

Thomas Donlon Glove Shop, 108 South Washington Street, Herkimer, New York; Leather Semi Dress Gloves; 10 percent; July 6, 1942.

Hosiery

Gunther Wolff Incorporated, 607 Rose Street, Williamsport, Pennsylvania; Full Fashioned Hosiery; 5 learners; November 6, 1942.

H. R. H. Silk Hosiery Mills, Inc., 3d and Spring Streets, Quincy, Illinois; Seamless Hosiery; 5 learners; November 6, 1942.

Johnson City Mills, New Street, Johnson City, Tennessee; Seamless and Full Fashioned Hosiery; 5 percent; November 6, 1942.

Leininger Knitting Company, Wm. G. (Main Mill), Mohnton, Pennsylvania; Seamless Hosiery; 5 percent; November 6, 1942.

William G. Leininger Knitting Company, Wilton Plant, Mohnton, Pennsylvania; Seamless Hosiery; 5 percent; November 6, 1942.

William G. Leininger Knitting Company, Eshelman Plant, Mohnton, Pennsylvania; Seamless Hosiery; 5 learners; November 6, 1942.

William G. Leininger Knitting Company, Lyons Plant, Lyons Station, Pennsylvania; Seamless Hosiery; 5 learners; November 6, 1942.

Textile

Alvin Cord and Trimming Company, Inc., 117 Lewis Street, New York, N. Y.; Cordage and Braids; 2 learners; November 6, 1942.

Lanning Bag and Specialty Company, Harvard, Illinois; Bags; 3 learners; November 6, 1942.

Muster Company, Adams Avenue, Berwick, Pennsylvania; Rayon Throwing; 3 learners; November 6, 1942.

Newark Silk Company, Inc., 731 S. Franklin Street, Wilkes-Barre, Pennsylvania; Rayon Yarn Throwing and Rayon Piece Goods; 3 learners; November 6, 1942.

Rockford Manufacturing Company, Rockford, Tennessee; Cordage, Twine, Mop Yarns and Mattress Tufts; 3 percent; November 6, 1942.

Signed at Washington, D. C., this 5th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8310; Filed, November 5, 1941; 11:24 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 6, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

American Core-Twine Corporation, 60 Fulda Street, Boston, Massachusetts; Textile; 16 learners; 6 weeks for any one learner; 27½¢ per hour; Machine Operators, Tenders, Fixers and Jobs Incidental Thereto; March 26, 1942.

Crystal Tube Manufacturing Company, 538 S. Wells Street, Chicago, Illinois; Converted Paper Products; 4 learners; 4 weeks for any one Learner; 35 cents per hour; Sheeting and Rerolling Operators, Cellophane Tube Machine Operators; March 12, 1942.

Lee-Tex Rubber Products Corporation, 904 Blackhawk Street, Chicago, Illinois; Toy Balloons; 15 learners; 4 weeks (160 hours) for any one learner; 30 cents per hour; Printer, Tester, Assembler, Take-off; March 12, 1942.

The Mohigan Rubber Company, Miller Street, Ashland, Ohio; Toy Balloons; 9 learners; 6 weeks (240 hours) for any one learner; 30 cents per hour; Hand Balloon Worker; May 7, 1942.

The Oak Rubber Company, South Sycamore Street, Ravenna, Ohio; Toy Balloons; 13 learners; 6 weeks (240 hours) for any one learner; 30 cents per hour; Tester, Printer, Assembler, Packer; May 7, 1942.

The Toycraft Rubber Company, East Seventh Street, Ashland, Ohio; Toy Balloons; 5 learners; 6 weeks (240 hours) for any one learner; 30 cents per hour; Tester; May 7, 1942.

The Western Reserve Rubber Company, 483 Kenmore Boulevard, Akron, Ohio; Toy Balloons; 9 learners; 6 weeks (240 hours) for any one learner; 30 cents per hour; Tester; May 7, 1942.

Signed at Washington, D. C., this 5th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8311; Filed, November 5, 1941; 11:24 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401 (B)-2, 2-401 (B)-3, 193, 199, 206, 390, 504, 508, 509]

APPLICATIONS OF CONTINENTAL AIR LINES, INC., BRANIFF AIRWAYS, INC., ESSAIR, INC., TRANSCONTINENTAL & WESTERN AIR, INC., AND THE PETITIONS OF FORT STOCKTON, TEXAS, ALPINE, TEXAS, AND BROWNWOOD, TEXAS

NOTICE OF ORAL ARGUMENT

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 (c) and 1001 of said Act, oral argument before the Board in the above-entitled proceeding is hereby assigned for November 13, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C.

Dated Washington, D. C., November 4, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8290; Filed, November 5, 1941; 9:40 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 1853]

IN THE MATTER OF FIRST IOWA HYDRO-ELECTRIC CO-OPERATIVE

ORDER POSTPONING HEARING AND CHANGING PLACE THEREFOR

NOVEMBER 4, 1941.

It appearing that:

(a) On October 14, 1941, the Commission ordered a hearing in the above-entitled proceeding to be held on November 12, 1941, at 10:00 a. m. (C. S. T.), in Room 900, U. S. Customhouse, 610 S. Canal Street, Chicago, Illinois; and,

(b) The Attorney General of the State of Iowa, in behalf of the State, has petitioned for and has been granted leave to intervene herein and has requested that this proceeding be set not earlier than January 6, 1942, in order to enable him to prepare the opposition of said State to the granting of license to said Applicant;

The Commission finds that:

Good cause exists for changing the place of hearing and postponing the date therefor; and,

It is ordered, That:

The hearing in this proceeding heretofore set to be held on November 12, 1941, beginning at 10:00 a. m. (C. S. T.), in Room 900, U. S. Customhouse, Chicago, Illinois, be and it is hereby postponed until January 12, 1942, on which date said hearing shall commence at 9:45 a. m. (E. S. T.) in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8314; Filed, November 5, 1941; 11:34 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4534]

IN THE MATTER OF JUDD A. BROWN AND BARRY A. BROWN, INDIVIDUALLY AND AS CO-PARTNERS TRADING AS EUREKA FIBRE COMPANY; AND CHARLES H. BROWN, AN INDIVIDUAL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41).

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 10, 1941, at one o'clock in the afternoon of that day (Central Standard Time), in Room 1121, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-8307; Filed, November 5, 1941; 10:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-29]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY AND ELECTRIC BOND AND SHARE COMPANY

ORDER ON MOTION FOR CONTINUANCE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of November, A. D. 1941.

The Commission having on July 25, 1941, issued its Notice and Order for Hearing and Order to Show Cause in the above entitled proceeding; and

A public hearing having been convened pursuant to said Notice and Order for Hearing and Order to Show Cause on October 13, 1941, and the respondents having at that time moved for the postponement of hearing on the merits and having expressly consented to the further provisions of this order set forth below; and

The Commission having examined the record in this matter and having filed its memorandum opinion herein;

It is ordered, That the hearing in this matter be continued subject to further order of the Commission: *Provided*, That respondents shall file within thirty days of the date hereof a verified answer admitting or, on the basis of a specific and detailed statement of their position, denying the allegations set forth in the Notice and Order for Hearing and Order to Show Cause; *And provided further*, That jurisdiction is reserved to resume consideration of the issues set forth in the Notice and Order for Hearing and Order to Show Cause at any time that it may appear appropriate to do so, on reasonable notice, upon the Commission's own motion or upon application by any of the parties herein;

It is further ordered, That Pennsylvania Power & Light Company shall not, without further order of the Commission, declare or pay further dividends on its common stock in excess of 25% of the net earnings available for such common stock from and after June 1, 1941;

It is further ordered, That, without further order of the Commission, National Power & Light Company shall not cause or permit its subsidiary company, Birmingham Electric Company, to declare or pay any dividends on its common stock, and shall not cause or permit its subsidiary, Carolina Power & Light Company, to declare or pay further dividends on its common stock in excess of $600,000 per annum plus 25% of the amount by which net earnings of Carolina Power & Light Company available for its common stock may exceed $1,250,000 per annum: *Provided*, That the dividend restriction set forth in paragraph (7) of

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the Commission's order of May 29, 1940, as modified by the Commission's order of December 11, 1940, in the *Matter of Carolina Power & Light Company* (File No. 70-52) shall remain in effect as a minimum restriction; and

It is further ordered, That jurisdiction is reserved to modify any of the foregoing provisions of this order upon the Commission's own motion or upon application by any of the companies affected.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8312; Filed, November 5, 1941; 11:25 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, RESPONDENTS

ORDER EXTENDING TIME TO ANSWER OR REQUEST INTERVENTION AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of November A. D. 1941.

The Commission having on September 4, 1941, issued its Notice of and Order for Hearing, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in the above-entitled matter; said order having required that respondents file their answer herein on or before October 17, 1941, and having set the date for the hearing herein on October 28, 1941; and said order having further provided that any person proposing to intervene in said proceedings file his request or application therefor on or before October 17, 1941; and

The Commission having by order entered October 17, 1941, extended the time within which respondents shall file their answer and within which requests or applications for intervention shall be made to November 3, 1941, and having postponed the date of the hearing herein until November 13, 1941; and

Respondents having requested a further extension of time within which to file their answer until November 17, 1941, and having requested a corresponding postponement of the date of the hearing herein; and the Commission being of the opinion that said request may appropriately be granted and that the time within which persons shall file requests for intervention should be correspondingly extended;

It is ordered (1) that the time within which respondents may answer, and within which persons may file requests to intervene in these proceedings be and is hereby extended to November 17, 1941; and (2) that the date of the hearing in this matter be and is hereby postponed to November 25, 1941 at 10:00 o'clock A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., in such room as may be designated on said day by the hearing room clerk in Room 1102, before the officer of the Commission previously designated herein; and

It is further ordered that the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8313; Filed, November 5, 1941; 11:26 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, OCTOBER 31, 1941

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,109	51
2. Virgin Islands	15	1
3. Hawaii	281	23
4. Alaska	43	12
5. California	4,098	1,364
6. Louisiana	1,402	639
7. Michigan	3,118	1,483
8. Texas	3,806	1,996
9. Arizona	296	157
10. Georgia	1,853	1,114
11. South Carolina	1,127	690
12. Kentucky	1,698	1,036
13. Alabama	1,681	1,071
14. Mississippi	1,206	855
15. New Mexico	316	211
16. Ohio	4,096	2,818
17. North Carolina	2,119	1,464
18. Arkansas	1,156	844
19. New Jersey	2,468	1,806
20. Tennessee	1,730	1,419
21. Florida	1,126	560
22. Nevada	65	56
23. Indiana	2,634	1,754
24. Illinois	4,685	4,175
25. Delaware	158	141
26. Oregon	646	577
27. Idaho	311	289
28. Wisconsin	1,861	1,732
29. Connecticut	1,014	945
30. Pennsylvania	5,873	5,567
31. Vermont	213	202
32. New Hampshire	292	290
QUOTA FILLED		
33. Rhode Island	423	423
IN EXCESS		
34. Massachusetts	2,561	2,613
35. West Virginia	1,128	1,173
36. Missouri	2,245	2,355
37. Maine	503	539
38. Washington	1,030	1,089
39. Oklahoma	1,386	1,483
40. Utah	326	371
41. Iowa	1,506	1,723
42. Colorado	666	784
43. Wyoming	149	178
44. Minnesota	1,657	1,991
45. New York	7,997	10,077
46. Montana	332	450
47. Kansas	1,069	1,522
48. North Dakota	381	563
49. South Dakota	381	683
50. Virginia	1,589	2,462
51. Nebraska	781	1,383
52. Maryland	1,080	2,647
53. District of Columbia	393	9,442

GAINS	
By appointment	1,507
Transfer	12
Correction	1
Total	1,520
LOSSES	
By separation	191
By transfer	56
By correction	7
Total	254
Total appointments	79,531

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under section 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 19,546.

By direction of the Commission.

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 41-8291; Filed, November 5, 1941; 9:57 a. m.]

Reference

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FEDERAL REGISTER

VOLUME 6 NUMBER 218

Washington, Friday, November 7, 1941

The President

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

IDAHO

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as practice bombing ranges:

BOISE MERIDIAN

T. 2 S., R. 2 E., secs. 1, 12, 31 and 32;
T. 3 S., R. 2 E., secs. 5 and 6;
T. 2 S., R. 3 E., secs. 6 and 7;
T. 3 S., R. 3 E., secs. 26, 27, 34 and 35;
aggregating 7463.15 acres.

This order shall be subject to the order of April 8, 1935, of the Secretary of the Interior, establishing Idaho Grazing District No. 1. After the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that such lands are needed for grazing or other uses by the Department of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 5, 1941.

[No. 8932]

[F. R. Doc. 41-8318; Filed, November 6, 1941; 9:49 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-16]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART B—1940 [1]

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148) as amended, the 1940 Agricultural Conservation Program, as amended, is hereby further amended as follows:

1. Section 701.101 (k) is hereby amended by adding the following subparagraph thereto:

§ 701.101 *Allotments, yields, productivity indexes, payments and deductions.*

* * * * *

(k) *Miscellaneous.*

* * * * *

(3) *Correction of errors.* Notwithstanding any other provision of this section, where the Agricultural Adjustment Administration finds that an error in a county or State office resulted in an allotment, yield, or productivity index for a farm which is substantially less than that which would otherwise have been determined, the correction of such allotment, yield, or productivity index may be authorized without requiring a redetermination of other farm allotments, yields, or productivity indexes in the county, unless such error has resulted in farm allotments, yields, or productivity indexes for other farms in the county which are substantially higher than they otherwise would have been.

* * * * *

2. Section 701.110 (g) is amended to read as follows:

§ 701.110 *General provisions relating to payments.*

* * * * *

(g) *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of § 701.101, in any case where, through error in a county or State office, the producer was officially notified of an acreage allotment larger than the finally approved acreage allotment and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, exceeded such finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he

[1] 4 F.R. 3867.

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FEDERAL REGISTER

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exceeded the allotment of which he was erroneously notified, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment of which he was erroneously notified.

* * * * *

Done at Washington, D. C., this 5th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8335; Filed, November 6, 1941; 11:36 a. m.]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

SUBPART B—1942

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 358. (a) Between July 1 and December 1 of each calendar year the Secretary [of Agriculture] shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years: Provided, that the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be quantity of peanuts sufficient to provide a national acreage allotment of not less than 95 per centum of that established for the crop produced in the calendar year 1941.

Whereas said Act contains the following definitions of terms here pertinent:

SEC. 301 (b) (6) (c). "Market", in the case of peanuts, means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

SEC. 359 (d). The word "peanuts" * * * means peanuts which are picked and threshed by mechanical means, whether such peanuts are picked and threshed before or after marketing by the producer.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by section 358 of the Agricultural Adjustment Act of 1938, as amended, proclaim that:

§ 729.101 *Proclamation and determination with respect to the national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1942*—(a) *National marketing quota.* The amount of the national marketing quota for peanuts for the crop produced in the calendar year 1942 is 1,255,800,000 pounds.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States for the crop produced in the calendar year 1942 is 780 pounds.

(c) *National acreage allotment.* The national acreage allotment for peanuts for the crop produced in the calendar year 1942 is one million six hundred and ten thousand acres. (Sec. 358 (a), 55 Stat. 88; 7 U.S.C. Sup. 1358 (a))

Done at Washington, D. C. this 6th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8334; Filed, November 6, 1941; 11:36 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO A. J. CAMPBELL SALES YARDS, EVANS, COLORADO

NOVEMBER 5, 1941.

Whereas, the A. J. Campbell Sales Yards was posted on July 30, 1937, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the A. J. Campbell Sales Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the A. J. Campbell Sales Yards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8336; Filed, November 6, 1941; 11:37 a. m.]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO SPICER & LONG COMMISSION COMPANY YARDS, TUPELO, MISSISSIPPI[1]

NOVEMBER 5, 1941.

Whereas in accordance with the provisions of Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. § 202 (b)), the Secretary of Agriculture posted the stockyard known as the McCollum & Long Stockyards, Tupelo, Mississippi, as being subject to the provisions of said Act; and

Whereas it appears that said stockyard is now known as the Spicer & Long Commission Company Yards, and is being operated by I. W. Spicer, doing business as Spicer & Long Commission Company:

Therefore, it is ordered, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is Spicer & Long Commission Company Yards, Tupelo, Mississippi.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8337; Filed, November 6, 1941; 11:37 a. m.]

[1] Modifies list posted stockyards 9 C.F.R. 204.1.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 5—SAFEGUARDING MILITARY INFORMATION[1]

§ 5.20 *Responsibility of Government contractors.*

* * * * *

(c) (1) War Department contractors will submit to the contracting officer at the end of each month, and upon the completion of the work or project, a report of all visitors who have gained information concerning the classified work or projects. These reports will include the following information.

(i) Name, official position, and nationality.
(ii) Address.
(iii) Authority for visit.
(iv) Whether authorization for visit was written or oral.
(v) Whether authorization for visit was received prior to or simultaneous with the visit.
(vi) Number of authorizations received for which the corresponding visits were not made, with detailed information in each case. (R.S. 161; 5 U.S.C. 22) [Par. 60c (1), AR 380-5, June 18, 1941, as amended by Cir. 231, W.D., Nov. 3, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8325; Filed, November 6, 1941; 10:44 a. m.]

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[2]

§ 61.4a *Suspension of appointments in the Officers' Reserve Corps.* (a) Appointments in all sections of the Officers' Reserve Corps (except from those categories indicated in paragraph (b) of this section) are suspended with the following exceptions:

(1) Chaplain's Reserve.
(2) Medical Department Reserve.

(i) The Surgeon General and Corps Area and Department Commanders are authorized to recommend for appointment sufficient applicants to fill any vacancies existing or occurring under the approved peacetime procurement objective for Reserve Officers in the Medical Department Reserve.

(ii) All appointments under this authority will be limited to those who meet the requirements of §§ 61.1 to 61.7 and 61.69, and will be made in the lowest grade in the section in which commission is sought, with the following exception:

Former Medical officers who are available for and are desired for immediate active duty may be appointed in the highest grade formerly held, provided they meet the age restrictions for appointment as prescribed by Army regulations.

(iii) Each application must be accompanied by a written statement by the applicant that he does not come within the category of those entitled to resign under provisions of Sec. 3 (c), Public Resolution 96, 76th Congress, or that he will not exercise such rights if ordered to active duty.

(3) Positions which cannot be filled by transfer in the War Department overhead of the several supply arms and services for supply procurement duties and for Army Exchange Service, are subject to the approval of the Secretary of War in each case. The existing prohibition of appointments in the Specialist Reserve remains in effect excepting for appointments for the Army Exchange Service.

(4) Affiliated units.

(b) As indicated in paragraph (a) of this section, the suspension of appointments does not apply to the following:

(1) Recent graduates of:

(i) The United States Military Academy.
(ii) The United States Naval Academy.
(iii) The Citizens' Military Training Camps.
(iv) Reserve Officers' Training Corps.
(v) An Air Corps Training Center, who have successfully passed the educational examination prescribed by the Chief of the Air Corps for appointment as aviation cadet.
(vi) Special courses of training established under the supervision of the Chief of the Air Corps, who have successfully passed the educational examination prescribed by the Chief of the Air Corps for appointment as aviation cadet.
(vii) Schools established for the training of officer candidates.

(2) Candidates for appointment to commissioned grades who come within any one of the following categories: They will be exempt also from the requirements of paragraphs (b) (1), (e), and (f) of this section.

(i) Those who were enrolled in the Army Extension courses prior to December 20, 1939, and whose enrollments have not been cancelled.

(ii) Those whose enrollments in the Army Extension courses, or whose examinations, were authorized prior to March 4, 1941, required for commission in those sections of the Officers' Reserve Corps where appointments have not been suspended and whose enrollments have not since been cancelled.

(iii) Warrant Officers and enlisted men of the Regular Army and enlisted men of the Regular Army Reserve who were enrolled for the Army Extension courses at the time mimeograph letter from this office dated April 3, 1941, file AG 210.1 O.R.C. (3-24-41) R-A, Subject: "Suspension of appointments in the Officers' Reserve Corps for Warrant Officers and enlisted men, Regular Army" was received at Corps Area or Department Headquarters.

(iv) Those qualifying under special authority issued by the War Department.

(c) In those sections of the Officers' Reserve Corps requiring military knowledge qualifications, no appointments will be made without special authority from the War Department unless the applicant is a graduate of one of the schools mentioned in paragraph (b) (1) of this section.

(d) Completion of the Army Extension courses alone will not be construed as meeting the military educational requirements for a commission.

(e) (1) No applications for appointment received from men who are within the age for Selective Service will be approved without first being submitted to the Secretary of War, unless the candidate is a graduate of one of the schools mentioned in paragraph (b) of this section.

(2) Applications for commissions which are required to be submitted to the Secretary of War for his approval will be accompanied by the following statement signed by the Chief of Branch concerned:

This applicant possesses the special qualifications required for the position to which he will be assigned, if commissioned, and after careful inquiry no qualified officer is believed to be available for this assignment.

(f) All vancancies existing or occurring under the Reserve Officers' peacetime procurement objective for mobilization will be filled by procurement from the sources designated in paragraph (b) (1) of this section, or by promotion, or transfer of qualified Reserve Officers from other categories (paragraph (a) of this section).

(g) Applications for appointments to fill positions in affiliated units (paragraph (a) (4) of this section) and supply-procurement (paragraph (a) (3) of this section) will be forwarded to The Adjutant General only when accompanied by a letter of authorization to submit such application. Such letter of authorization will be issued by the proper

[1] § 5.20 (c) (1) is amended.
[2] § 61.4a is added.

authority charged with filling such positions (usually the chief of arm or service, or the corps area commander in certain cases).

(h) Except with the approval of the Secretary of War in each case, appointments will not be made of individuals who, if appointed, would be unavailable, by reason of civilian occupational status, for immediate mobilization assignment in an emergency pursuant to such instructions on that subject as may be issued by the War Department.

(i) Applications not in accordance with the foregoing instructions will not be forwarded to The Adjutant General. (R.S. 161; 5 U.S.C. 22) [Letter A.G.O., dated Oct. 30, 1941, AG 210.1 O.R.C. (10–6–41) RB–A]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8323; Filed, November 6, 1941; 10:43 a. m.]

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

Sec.

73.200 Appointments; general provisions.
73.201 Duration of appointments.
73.202 Command and administration.
73.203 Procurement objective.
73.204 Age and citizenship requirements.
73.205 Appointments not made from certain classes.
73.206 Grades in which appointed.
73.207 Qualifications for initial appointments.
73.208 Applications for appointment.
73.209 Appointments, how made.
73.210 Promotion.
73.211 Length of tour of active duty.
73.212 Relief from active duty.
73.213 Pay and allowances; rights and benefits.
73.214 Relative rank.
73.215 Methods of separation.
73.216 Physical standards.
73.217 Physical examinations.
73.218 Waiver of physical defects.

§ 73.200 *Appointments; general provisions.* (a) The regulations contained in §§ 73.200 to 73.218 govern appointments made in the Army of the United States under the provisions of the act of September 22, 1941, Public Law 252, 77th Congress. (Sec. II, Bulletin No. 32, W.D., 1941). Such appointments are made for the purpose of providing, during the present emergency, necessary additional officer personnel that cannot be provided by the Regular Army, the National Guard of the United States, and the Officers' Reserve Corps.

(b) The provisions of these regulations are not applicable to temporary appointments in the Army of the United States made under authority other than that contained in the above mentioned act; and nothing contained here prohibits or affects appointments or promotions in other components of the Army of the United States under existing laws and regulations.*† [Par. 1]

[1] §§ 73.200 to 73.218, inclusive, are added.

*§§ 73.200 to 73.218, inclusive, issued under authority contained in the act of Sept. 22, 1941, Public Law 252, 77th Congress.

†The regulations in §§ 73.200 to 73.218 are also contained in AR 605–10, October 27, 1941. The particular paragraphs are shown in brackets at the end of sections.

§ 73.201 *Duration of appointments.* All appointments are made for the duration of the present emergency and 6 months thereafter, unless sooner terminated.*† [Par. 3]

§ 73.202 *Command and administration.* (a) Except as specifically indicated herein, the command and administration of officers appointed under these regulations, including the functions of procurement, assignment, promotion, transfer, and discharge, will be accomplished in accordance with current regulations and instructions of the War Department governing the Officers' Reserve Corps.

(b) Officers of the Army of the United States appointed under these regulations will, while on active duty, be subject to such laws and regulations for the government of the Army as are applicable to personnel whose permanent retention in the military service is not contemplated by law.*† [Par. 4]

§ 73.203 *Procurement objective.* Initial appointments in the Army of the United States will be made in such numbers and in such grades as may be specifically authorized from time to time by the War Department for the several arms and services and War Department agencies. These allotments will serve as procurement objectives for all appointments and promotions, and will not be exceeded without special authority from the War Department.*† [Par. 5]

§ 73.204 *Age and citizenship requirements.* (a) An officer of the Army of the United States must at the time of his appointment be a citizen of the United States between the ages of 21 and 60 years of age.

(b) In general, and except as indicated in paragraph (c) of this section, the appointment of officers of the Army of the United States under these regulations will be restricted to those whose age for the grade in which appointed does not exceed the maximum specified in current War Department instructions governing extended active duty of Reserve officers.

(c) The age-in-grade limitations specified in paragraph (b) of this section will not apply to the following:

(1) Graduates of the officer candidate schools selected in accordance with current War Department instructions.

(2) Authorized appointments for supply-procurement duties and similar activities under control of the Under Secretary of War. The age-in-grade requirements for such appointments will be those specified in current War Department instructions governing similar appointments in the Officers' Reserve Corps.

(3) Appointments for assignment to affiliated units or corresponding positions.*† [Par. 6]

§ 73.205 *Appointments not made from certain classes.* No person will be initially appointed in the Army of the United States from the following classes:

(a) Cadets, United States Military Academy.

(b) Persons qualified and eligible for appointment in the Officers' Reserve Corps as graduate aviation cadets or as graduates of the senior division, Reserve Officers' Training Corps. All such qualified and eligible graduates will continue to be appointed in the Officers' Reserve Corps.

(c) Persons on either the active or reserve list of the Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

(d) Civilian officers or employees of the United States or of the District of Columbia, without the consent of the head of the department or service concerned.

(e) Any person subject to induction under the Selective Training and Service Act of 1940, without the express approval of the War Department in each case, unless he is a graduate of a school or resident course of instruction recognized by the War Department as qualifying him for a commission.

(f) Any person whose services will not be immediately available to the War Department upon acceptance of a commission.

(g) See also § 73.207.*† [Par. 7]

§ 73.206 *Grades in which appointed.* Appointments may be made in any grade for which the appointee is qualified and eligible, subject to the following limitations:

(a) Former commissioned officers of the Regular Army, the National Guard, the National Guard of the United States, or the Officers' Reserve Corps will not be initially appointed in the Army of the United States under these regulations in a higher grade than the highest permanent grade they could have normally attained had they retained continuous commissioned status. In determining the highest permanent grade that a former officer of the National Guard or National Guard of the United States could have attained, the computation will be based upon the years of service required for promotion in the Officers' Reserve Corps (see AR 140–5).[2]

(b) Appointments in the following categories will be limited to the grades indicated for each:

(1) Chaplains and appointments in the Medical Corps, Dental Corps, Veterinary Corps, and Sanitary Corps, first lieutenant to colonel, both inclusive.

(2) Appointments in the Medical Administrative Corps, second lieutenant to captain, both inclusive.

[2] Administrative regulations of the War Department pertaining to the Officers' Reserve Corps.

(3) Appointments for assignment to The Judge Advocate General's Department, captain to colonel, both inclusive.

(4) Appointments for assignment to the Military Intelligence Department, second lieutenant to lieutenant colonel, both inclusive.

(c) Graduates of officer candidate schools will be initially appointed as second lieutenants only.*† [Par. 8]

§ 73.207 *Qualifications for initial appointments.* (a) Normally, applicants for initial appointment will be required to qualify, as to military and nonmilitary education, under the standards established for appointment to corresponding grade in the Officers' Reserve Corps (§§ 61.36 to 61.84 and AR 140–22 to 140–39,[3] inclusive), except that military and nonmilitary educational requirements may be waived in whole or in part, upon the recommendation of the chief of arm or service concerned.

(b) In the case of persons recommended for appointment from civil life as commissioned officers in the Army of the United States the recommendation must include satisfactory evidence that the recommended individual possesses special qualifications, and that these special qualifications are required in the position to which he is to be assigned if commissioned.*† [Par. 9]

§ 73.208 *Applications for appointment.* (a) Except for graduates of officer candidate schools, applications for initial appointment in the Army of the United States will be submitted and processed as follows:

(1) *Form of application.* W.D., A.G.O. Form No. 170 (Application for Appointment and Statement of Preferences for Reserve Officers), in duplicate, modified to show that appointment is sought in the Army of the United States.

(2) *Accompanying papers.* Each application for appointment will be accompanied by:

(i) One copy of W.D., A.G.O. Form No. 178 (and 178–1 where applicable) (Classification Questionnaire of Reserve Officers).

(ii) Report of physical examination (W.D., A.G.O. Form No. 63 or 64 as applicable). See §§ 73.216 to 73.218.

(3) *How forwarded.* Applications, with accompanying papers, will be forwarded through military channels to The Adjutant General, Washington, D. C.

(b) *Graduates, officer candidate schools.* Applications for appointment from individuals selected to attend officer candidate schools will be forwarded to and processed by The Adjutant General in accordance with current instructions of the War Department governing officer candidate schools.*† [Par. 10]

[3] Administrative regulations of the War Department relative to the Officers' Reserve Corps.

§ 73.209 *Appointments, how made.* (a) All appointments as commissioned officers in the Army of the United States will be issued by The Adjutant General, upon the recommendation of the chief of arm or service concerned, or other authorities authorized by the War Department to submit such recommendations.

(b) The commissions issued incident to appointment will be without reference to an arm or service, except that, in the case of appointment as a chaplain or for service with the Medical Department, the service for which appointed will appear in the commission.*† [Par. 11]

§ 73.210 *Promotion.* Officers appointed under these regulations may, while on active duty, be promoted to higher grade in the Army of the United States to the same extent and under the same conditions and procedure as are prescribed in current War Department instructions governing the temporary promotion of Reserve officers on active duty.*† [Par. 12]

§ 73.211 *Length of tour of active duty.* (a) Officers initially appointed in the Army of the United States will be ordered to active duty for specified periods of service conforming to those prescribed for Reserve officers in current War Department instructions.

(b) Tours of active duty may be extended beyond the initially prescribed period, as authorized in current War Department instructions governing extension of tours of active duty of Reserve officers, except that no extension will be made beyond a date 6 months after the termination of the present emergency.*† [Par. 16]

§ 73.212 *Relief from active duty.* Officers of the Army of the United States will be relieved from active duty when and as prescribed by the War Department in periodic instructions directing such action, but in no case later than 6 months after termination of the present emergency. Orders for relief from active duty will be published by The Adjutant General, or by such subordinate commanders as may be designated by the War Department.*† [Par. 18]

§ 73.213 *Pay and allowances; rights and benefits.* While on active duty an officer appointed in the Army of the United States under these regulations will receive the same pay and allowances, and will be entitled to the same rights, privileges, and benefits, as members of the Officers' Reserve Corps of the same grade and length of commissioned service.*† [Par. 19]

§ 73.214 *Relative rank.* When an officer appointed in the Army of the United States under these regulations is ordered to active duty he will take rank as determined by the method prescribed by law and regulations for determining the rank of members of the Officers' Reserve Corps while on active duty.*† [Par. 20]

§ 73.215 *Methods of separation.* Appointments in the Army of the United States may be terminated by death, resignation, discharge, dismissal, or dropping from the rolls.

(a) *Resignations.* Resignations of officers appointed in the Army of the United States may be submitted and will receive consideration only as provided in current regulations and War Department instructions applicable to members of the Officers' Reserve Corps on active duty.

(b) *Discharge and dismissal.* (i) The discharge or dismissal of officers initially appointed in the Army of the United States will be accomplished in accordance with the laws and regulations governing the discharge or dismissal of personnel whose permanent retention in the active military service is not contemplated by law.

(ii) Except in the case of dismissal pursuant to sentence of a general court martial, an officer on active duty will be returned to his home and relieved from active duty prior to the effective date of termination of commission.*† [Pars. 23, 25, and 26]

§ 73.216 *Physical standards.* The physical standards for appointment and promotion, for retention of commission, and for entry upon active duty of an officer appointed in the Army of the United States under these regulations are those prescribed for the Officers' Reserve Corps in AR 40–100,[4] 40–105,[4] and, when applicable, 40–110,[5] all as supplemented or modified by current War Department instructions.*† [Par. 27]

§ 73.217 *Physical examinations.* Physical examination of applicants for appointment, and of officers appointed in the Army of the United States, will be required and conducted as prescribed for members of the Officers' Reserve Corps in Army Regulations and current War Department instructions supplementary thereto. Examinations of the scope prescribed for Reserve officers ordered to extended active duty are mandatory prior to initial appointment, upon being ordered to active duty, and upon completion of active duty. See § 73.208 (a).*† [Par. 28]

§ 73.218 *Waiver of physical defects.* Deviations from normal physical standards (§ 73.216) that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being appointed, or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by active military service, may be waived in the manner and under the conditions authorized in current War Department instructions applicable to members of the Officers' Reserve

[4] Administrative regulations of the War Department relative to standards of physical examination.

[5] Administrative regulations of the War Department relative to standards of physical examination for flying.

Corps ordered to extended active duty.*†

[Par. 29]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8324; Filed, November 6, 1941; 10:43 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Special Regulation, Civil Air Regulations]

OPERATION OF CIVIL AIRCRAFT AT MARTIN AIRPORT, BALTIMORE, MD.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of November 1941.

It appearing that:

1. Certain aeronautical activities will be conducted from the Martin Airport, Baltimore, Maryland, between the hours of 10:00 a. m. and 1:00 p. m. on Saturday, November 8, 1941;

2. The presence of uncontrolled air traffic in the vicinity of such airport would be hazardous to air commerce and to the activities to be conducted therefrom;

3. Its action in this matter is desirable in the public interest, the interest of national defense and the safety of air commerce;

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 601 of said Act, makes and promulgates the following special regulation, to become effective immediately:

No civil aircraft except aircraft in scheduled air transportation shall be operated between the hours of 10:00 a. m. and 1:00 p. m. on Saturday, November 8, 1941, within three miles of the Martin Airport, Baltimore, Maryland, unless special permission shall have been obtained from the Administrator of Civil Aeronautics.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8342; Filed, November 6, 1941; 12:51 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 29—LOANS TO INDIANS FROM INDUSTRY AMONG INDIANS AND TRIBAL FUNDS[1]

Sec.
29.1 Eligibility.
29.2 General loan policies.
29.3 Preferred applicants.
29.4 Applications for loans.
29.5 Approval of application.
29.6 Restrictions on approval.
29.7 Applications and requests, approval by Secretary or Commissioner.
29.8 Commitment order.
29.9 Loan agreement contract.
29.10 Advance and expenditure of funds.
29.11 Title to property.
29.12 Property identification.
29.13 Security.
29.14 Inspection of security.
29.15 Filing of liens, mortgages, and other guarantees.
29.16 Bills of sale.
29.17 Interest.
29.18 Modification of borrowers' loan agreements.
29.19 Protection of interests of the United States in property of deceased borrowers.
29.20 Default.
29.21 Disposition of property.
29.22 Reports by borrowers.
29.23 Repayment to the United States.
29.24 Signatures by thumb mark.
29.25 Loans from Menominee tribal funds.
29.26 Loans from tribal funds of the Shoshone Tribe of the Wind River Reservation.

[1] Formerly, "Part 29, Loans to Indians from reimbursable funds".

§ 29.1 *Eligibility.* Under authority contained in the Act of June 28, 1941, (Public Law 136—77th Congress, 1st Session), the Secretary of the Interior is authorized to lend industry among Indians funds (which refers to appropriations made by Congress out of public funds in the United States Treasury) and tribal industrial assistance funds (which refers to appropriations made by Congress out of tribal funds in the United States Treasury) to Indians and groups of Indians; to advance tribal industrial assistance funds to tribes incorporated under the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. 461-470); to approve the establishment and operation of tribal enterprises with tribal industrial assistance funds; and to lend industry among Indians funds to any tribe. A tribe shall be deemed to include any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner of Indian Affairs.

(a) To be eligible for a loan from industry among Indians funds an individual must be an Indian whose name appears on the official tribal rolls, and, unless he has sufficient allotted or inherited trust lands to provide security for the loan, he must be an Indian of not less than one-fourth degree of Indian blood. To be eligible for a loan from tribal industrial assistance funds an Indian must be a member of the tribe. A tribe may prescribe additional requirements regarding eligibility for loans from tribal industrial assistance funds.

(b) To be eligible for a loan a cooperative association must have a form of organization, financial structure, and plan of operation and management acceptable to the Commissioner.

(c) Tribal industrial assistance funds and all accruals thereto belonging to a tribe incorporated under the Act of June 18, 1934, may be used only for advances to the tribal corporation for use under Part 21 of this title, except for educational purposes, which shall be used under Part 43 of this title.

(d) To be eligible for a loan from industry among Indians funds, a tribe must have a plan of operation and management acceptable to the Commissioner of Indian Affairs. To be eligible for use of tribal funds in the establishment and operation of tribal enterprises, a tribe must have a plan of operation and management acceptable to the Secretary of the Interior.*

*§§ 29.1 to 29.26, inclusive, except as otherwise noted, issued under the authority contained in 52 Stat. 302, 303; 25 U.S.C. Sup., 303, 306, 306A.

§ 29.2 *General loan policies.* Funds may be loaned to individuals for construction of permanent improvements, purchase of seeds, animals, machinery, tools, implements, and other equipment and supplies, development and cultivation of irrigable allotments, support of old, indigent, or disabled Indians: *Provided,* That the amount advanced in any one year for support purposes shall not exceed $300 and shall be made only to allottees; and for educational purposes in accordance with the provisions of Part 43 of this title. Funds may be loaned to cooperative associations, and industry among Indians funds may be loaned to tribes for the establishment and operation of productive enterprises. The use of tribal industrial assistance funds may be authorized for the establishment and operation of tribal enterprises and may be loaned for burial purposes. The granting or refusal of a loan shall be determined by:

(a) The type of enterprise to be financed and its prospects of success;

(b) The extent to which the enterprise will promote a permanent improvement in the applicant's economic condition;

(c) The character and past performance of the applicant, both generally and in the particular work involved in the enterprises;

(d) Prospects for repayment of the loan;

(e) Amount and kind of security offered;

(f) The need and availability of other funds for support and burial purposes.*

§ 29.3 *Preferred applicants.* In determining which applicants shall receive loans, preference shall be given in the following order:

(a) Applications or requests of tribes to undertake tribal enterprises;

(b) Applications of cooperative associations;

(c) Applicants presenting evidence of their probable success in enterprises which will be productive and self-liquidating, who do not have other sources of credit available.

In approving other applications, consideration shall be given to the need for support, educational, or burial loans, the applicant's reputation for industry and financial responsibility, and the security offered. Applications of Indians of high degrees of Indian blood shall receive preference over those of Indians of lesser degrees of blood, other factors being equal.*

§ 29.4 *Applications for loans.* Applications for loans and requests to use tribal funds in tribal enterprises shall be prepared on forms approved by the Comsioner of Indian Affairs and, unless otherwise authorized by the Commissioner, shall include signed agricultural, commercial, or industrial plans. The superintendent or his authorized representative shall be responsible for explaining to each borrower or tribe, the nature of all instruments signed, responsibility for care of the property, and the necessity for carrying out the provisions of the loan agreements. Applications of Indians married to Indians eligible for loans must be made jointly by both parties. If either spouse is not an Indian, or is an Indian ineligible for a loan, the spouse should not sign the application, but may be required to endorse securing documents.*

§ 29.5 *Approval of application.* Applications for loans and requests to use tribal funds in tribal enterprises shall be submitted to the superintendent. Unless otherwise authorized in writing by the Commissioner of Indian Affairs, loans may not be made until the credit agent has approved the same, with the exception of fully secured loans which will be repaid within one year, where the amount does not exceed $500, and loans for burial expenses, on which the credit agent may delegate final approval authority to the superintendent.*

§ 29.6 *Restrictions on approval.* Loans shall not be granted to any applicant:

(a) Except when authorized in the loan agreement, for the development of commercial enterprises unless such enterprises are to be conducted on a cash basis;

(b) For the purpose of obtaining grazing permits or leasing of land for the grazing of livestock, where grazing facilities are available through a cooperative livestock association, unless the superintendent and credit agent agree that sufficient reasons are presented in the application for not using such facilities;

(c) Who is indebted to the United States for loans, or who has livestock or crops of the same class upon which a lien exists, or the title to which is affected because of existing debts or obligations from any source, unless plans of repayment acceptable to the superintendent and credit agent are presented in the application;

(d) For a period longer than twenty years from tribal funds;

(e) For a period longer than five years from industry among Indians funds except for the development and cultivation of irrigable allotments which may be made for periods not exceeding twenty years;

(f) For the production of crops, unless the loan will be repaid within one year, except for crops from which no income will be received the first year. Maturity dates shall be fixed at the time when the crops are to be harvested and available for sale;

(g) For less than $25.*

§ 29.7 *Applications and requests, approval by Secretary or Commissioner.* Requests of tribes for use of tribal funds in the development and operation of tribal enterprises shall be submitted to the Secretary of the Interior for prior approval.

Applications of the following character shall require prior approval of the Commissioner of Indian Affairs:

(a) Applications of Government employees;

(b) Applications from individuals married to and living with a person already a borrower unless their loans are consolidated;

(c) Applications where the individual has funds on deposit in the Agency office sufficient to finance the approved plans;

(d) Applications from Indian women married to non-Indians or Indians ineligible for loans;

(e) Applications from individuals who will have an aggregate indebtedness to the United States exceeding $2,000;

(f) Applications for loans from tribal funds for the purchase of livestock, machinery, and equipment, and for the development and cultivation of irrigable allotments, with maturities exceeding six years;

(g) Applications for loans from industry among Indians for the development and cultivation of irrigable allotments with maturities exceeding six years;

(h) Applications of old, indigent, or disabled Indians for support purposes;

(i) Applications of cooperative associations;

(j) Applications for enterprises which are not conducted on tribal or allotted lands within the boundaries of the reservation;

(k) Applications of tribes for loans from industry among Indians funds.*

§ 29.8 *Commitment order.* Upon approval of the application, a commitment order shall be prepared to cover the amount for which the application has been approved. It shall be executed, signed, and dated by the approving officer, and accepted in writing by the borrower. Conditions of approval shall be inserted in the commitment order.*

§ 29.9 *Loan agreement contract.* The approved application for loan, supporting papers, commitment order, and note constitute the loan agreement contract.*

§ 29.10. *Advance and expenditure of funds.* Advances shall be made only in accordance with the terms of approved loan agreements. Advances shall not be made until such agreements are completed and the various copies distributed, including execution of repayment guarantees. Unless otherwise authorized in such agreements, all advances shall be deposited immediately to the credit of the borrower or of the tribe in an individual Indian money account. Disbursements from such individual Indian money accounts shall be made in accordance with the terms of the agreements. In the case of a borrower with inadequate security, the initial advance shall be limited, and subsequent advances made dependent upon the borrower's accomplishments.

Expenditures of tribal funds for tribal enterprises of unincorporated tribes shall be expended by the disbursing officer from the appropriation account, and all income accruing to the enterprise shall be deposited into the Treasury of the United States to the credit of the tribe in the appropriation account.*

§ 29.11 *Title to property.* Unless otherwise specified in the borrower's loan agreement, all property purchased under the agreement or from tribal funds used in tribal enterprises, except property purchased for resale in a merchandising business, shall be taken in the name of the United States in trust for the interested party, individual, cooperative, or tribe, and all buildings, fences, and other permanent improvements constructed wholly or in part with loan funds shall not be considered a part of the realty until the loan with which they were purchased is repaid in full.*

§ 29.12 *Property identification.* All livestock and issue therefrom, and all major articles of equipment purchased under the loan agreement, and trust property given as security for loans, except as otherwise authorized in writing by the Commissioner of Indian Affairs, shall be branded or marked with the letters "ID" to make identification permanently possible, and certificates showing accomplishment filed. In addition, such property and livestock shall be marked or branded with the brands or marks of the borrower.*

§ 29.13 *Security.* All possible security up to an adequate amount shall be obtained on all loans. Unless other arrangements are authorized by the Commissioner of Indian Affairs, appropriate liens, mortgages, or other securing instruments in favor of the United States must be taken on property purchased under the loan agreement which is not purchased in the name of the United States. The increase or issue of any livestock purchased under the loan agreement in the name of the United States, or given as security therefor, shall be security for the repayment of the loan. The borrower shall agree that if he is in default, any trust funds to or accruing to his credit, or any of his personal trust property, may be applied by the superintendent on his indebtedness to the United States. Generally, greater security shall be required on loans for nonagricultural enterprises, and full

security on loans for nonagricultural enterprises which are not located in or adjacent to Indian communities.*

§ 29.14 *Inspection of security.* All property offered to the United States as security for loans must be inspected before action is taken upon the loan by the approving officer. To reduce costs, agency records, if adequate, may be used in lieu of a physical inspection.*

§ 29.15 *Filing of liens, mortgages, and other guarantees.* All crop liens or mortgages, and all repayment guarantees covering nontrust property, shall be filed, registered, or recorded, in the proper county office in accordance with the respective state laws. Repayment guarantees covering trust property, other than crops, may be filed in the agency office. Expenses of filing, registering, or recording, shall be borne by the borrower. Borrowed funds may not be used for such purposes except when included in loans to the borrower.*

§ 29.16 *Bills of sale.* The superintendent must obtain bills of sale on a form approved by the Commissioner of Indian Affairs for all livestock purchased under the loan agreement, title to which is taken in the name of the United States. This form may also be used for machinery, equipment, and other purchases, title to which is taken in the name of the United States, or receipted invoices on the vendor's stationery will be accepted in lieu thereof. Receipted invoices or appropriate bills of sale must be obtained on purchases of all items costing twenty-five dollars or more.*

§ 29.17 *Interest.* Borrowers shall be charged interest at the rate of three percent per annum from the date the money is advanced until repaid, except on loans for support of old, disabled, or indigent Indians, and for burial expenses. Interest shall be charged on loans from tribal industrial assistance funds for support and burial expenses if such action is requested by the authorized governing body of the tribe involved. No interest shall be charged a tribe for the use of tribal industrial assistance funds for tribal enterprises.*

§ 29.18 *Modification of borrowers' loan agreements.* Modifications of loan agreements shall be handled through the same channels as the original agreements, except that the credit agent may approve modifications where the amount does not exceed $1,000, on applications originally approved by the Commissioner of Indian Affairs. Loan agreements shall not be permitted to remain in default; either payment must be made, a formal extension granted in the form of a modification, or action taken under the provisions of § 29.20.*

§ 29.19 *Protection of interests of the United States in property of deceased borrowers.* The superintendent shall take all steps which may be necessary to safeguard and protect the property of a deceased borrower in which the United States has an interest, until the obligation is liquidated or assumed by heirs of the deceased borrower or by other parties. The United States may collect from the ultimate owners of such property, or deduct from the proceeds from the sale thereof, reasonable expenses for its care. The superintendent shall also protect the interests of the United States in assignments of income from real property or other sources.*

§ 29.20 *Default.* Failure on the part of any tribe to use tribal funds advanced for tribal enterprises in accordance with its agreement, shall be grounds for any one or all of the following steps to be taken at the option of the Secretary of the Interior:

(a) Stop any further advance of funds contemplated by the agreement;

(b) Prevent any further disbursement of funds advanced but not expended;

(c) Take possession of and sell any property of the tribal enterprise;

(d) Arrange for operation of the enterprise until such time as the Secretary is satisfied that the tribe can operate the same satisfactorily

Failure on the part of any borrower to make repayments when due, to use funds in keeping with the loan agreement as originally approved or amended, to make every honest effort possible to continue operations successfully, or any improper use of the funds loaned, shall be grounds for any one or all of the following steps to be taken at the option of the superintendent after due notice to the borrower, with or without recourse to legal proceedings:

(e) Declare the entire amount advanced immediately due and payable;

(f) Stop any further advance of funds contemplated by the loan agreement;

(g) Prevent any further disbursement of funds borrowed but not expended;

(h) Take possession of and sell any and all collateral or security;

(i) Have applied on the borrower's indebtedness, any of his personal trust property or any trust funds accruing to the credit of the borrower.*

§ 29.21 *Disposition of property.* The sale or other disposal of any property purchased under the loan agreement, which has not been paid for in full, or property given as security for the loan shall be handled in accordance with instructions of the Commissioner of Indian Affairs. Except as authorized under such instructions, neither the United States' right to or interest in, nor the legal title to property purchased under the loan agreement, nor the interests of the United States in property given as security, shall be transferred to a borrower before the loan under which the property has been purchased has been repaid in full. When a borrower's loan agreement has been repaid in full, the superintendent may release the interests of the United States in property purchased under the loan agreement, as well as its lien on the property given as security and return the original note marked "paid" to the borrower. The superintendent shall also release repayment guarantees of record, on forms approved by the Commissioner of Indian Affairs, when disposal of property given as security is authorized.*

§ 29.22 *Reports by borrowers.* Borrowers shall be required to furnish signed statements and reports, keep records, files, and accounts, and follow correspondence procedures as directed by the superintendent and Commissioner of Indian Affairs.*

§ 29.23 *Repayment to the United States.* All repayments shall be made to the bonded Government disbursing officer or his authorized representative. The disbursing officer shall issue an official receipt to the remitter.*

§ 29.24 *Signatures by thumb mark.* Signatures made by thumb mark must be witnessed by at least two persons, one of whom shall write in the name of the person who cannot write, near the mark, at the borrower's request. Post office addresses of both witnesses must be shown, and they must actually see the mark made. Both witnesses must be disinterested parties to the loan agreement.*

§ 29.25 *Loans from Menominee Tribal Funds.* In the case of loans made to Menominee Indians, the period in § 29.7 (f) shall be eight years, and the rate of interest in § 29.17 shall be two per cent per annum. (Public Law 136—77th Congress 1st session)

§ 29.26 *Loans from tribal funds of the Shoshone Tribe of Wind River Reservation.* In the case of loans made to the Shoshone Indians, in addition to the purposes in § 29.2, funds may be loaned for the purchase of land: *Provided*, That the amount of funds which may be loaned for this purpose shall be determined by the Commissioner of Indian Affairs. (Sec. 3 (b), 53 Stat. 1129; 25 U.S.C., Sup., 573)

OSCAR L. CHAPMAN,
Assistant Secretary.

Date: October 24, 1941.

[F. R. Doc. 41-8326; Filed, November 6, 1941; 10:44 a. m.]

tions to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 20, 1941.

[SEAL] H. A. GRAY,
Director.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1083]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows:

Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via all lakes*) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 20, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
373	Case, Silas & Sons Coal Company (Silas Case).	Case Coal Co. *	Coalburg	Camden-On-Gauley, W. Va.	B&O	10	A	A	A	A	A	A	A	A	A	A				A	A	A
364	Clark Coal Co. (John A. Clark, Jr.)	Junior #3	Pittsburgh	Everson, W. Va.	B&O	61	DD	DD	DD	DD	DD	DD	DD	DD	DD	DD	BB	BB	BB	BB	BB	BB
364	Clark Coal Co. (John A. Clark, Jr.)	Junior #6	Pittsburgh	Everson, W. Va.	B&O	61	DD	DD	DD	DD	DD	DD	DD	DD	DD	DD	BB	BB	BB	BB	BB	BB
621	Demary, Carl (Demary Coal Co.)	Demary #1	Pittsburgh	Bingamon Junction, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F						
86	Dudley, G. L., Jr.	White Rose (strip)	Pittsburgh	Blackburn Siding, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F						
357	Dudley, G. L., Jr.	Big Elm (Strip)	Pittsburgh	Bingamon Junction, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F						
347	Kraus Bros. Coal Co. (John Kraus)	Kraus	Pittsburgh	Weston, W. Va.	B&O	31	EE	EE	EE	EE	EE	EE	EE	EE	EE	EE						
1,020	Marks & Marks (Jesse Marks)	Arthur Marks	Pittsburgh	Buckhannon, W. Va.	B&O	31	EE	EE	EE	EE	EE	EE	EE	EE	EE	EE						
907	Marple & Poling Coal Co. (Verlin Marple).	Hodgeville	Redstone	Buckhannon, W. Va.	B&O	31	EE	EE	EE	EE	EE	EE	EE	EE	EE	EE						
399	Merion Coal Company	Sipes	M. V. Freeport	Tunnelton, W. Va.	B&O	70	C	C	C	C	C	C	C	C	C	C						
361	Merion Coal Company	Marshall #1	Pittsburgh	Byron, W. Va.	B&O	71	C	C	C	C	C	C	C	C	C	C						
361	Merion Coal Company	Marshall #2	Pittsburgh	Byron, W. Va.	B&O	71	C	C	C	C	C	C	C	C	C	C						
362	Merion Coal Company	De Acre #2	M. V. Freeport	Irons, W. Va.	WVN	70	C	C	C	C	C	C	C	C	C	C						
363	Merion Coal Company	De Acre #3	M. V. Freeport	Irons, W. Va.	WVN	70	C	C	C	C	C	C	C	C	C	C						
364	Merion Coal Company	Pyramid #1	L. V. Kit	Hartman, W. Va.	B&O	71	C	C	C	C	C	C	C	C	C	C						
365	Merion Coal Company	Pyramid #2	L. V. Kit	Hartman, W. Va.	B&O	71	C	C	C	C	C	C	C	C	C	C						
825	Metzgar, H. D.	Long	H. V. Kit	Frenchton, W. Va.	B&O	70	C	C	C	C	C	C	C	C	C	C						
1,102	Moore, C. L. & Son Coal Co.	Moore #1	Clarion	Sutton, W. Va.	B&O	52	J	J	J	J	J	J	J	J	J	J						
337	Moore, C. L. & Son Coal Co.	Moore #2	Clarion	Sutton, W. Va.	B&O	52	J	J	J	J	J	J	J	J	J	J						
366	Robinson Run Coal Company (F. D. Davis).	Robinson Run #4	Sewickley	Naidesville, W. Va.	Monon	52	J	J	J	J	J	J	J	J	J	J						
367	Robinson Run Coal Company (F. D. Davis).	Robinson Run #5	Sewickley	Naidesville, W. Va.	Monon	52	J	J	J	J	J	J	J	J	J	J						
368	Robinson Run Coal Company (F. D. Davis).	Robinson Run #6	Sewickley	Naidesville, W. Va.	Monon	52	J	J	J	J	J	J	J	J	J	J						
360	Tanner, H. H. (Tanner Coal Co.)	Tanner #2	Pittsburgh	Raybert Mine Siding, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F						

§ 323.23 *General prices*—Supplement T—Continued

Code member index	Mine Index No.	Mine	Seam	County	Size groups						
					Lump over 2", 6&E over 2", bottom size	Lump over 2", 6&E 2", bottom size but over 1¼"	Lump 1¼", 6&E 2", and under, bottom size	All but and pea 2" and under	Run of mine resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Robinson Run Coal Company (F. D. Davis).	366	Robinson Run #6.	Sewickley	Monongalia	208	203	178	178	163	163	153
Short Herman	374	Short's Mine	Pittsburgh	Harrison	223	218	193	193	178	178	168
Snyder & Teller (A. W. Snyder).	370	Snyder & Teller	Pittsburgh	Braxton	223	218	193	193	178	178	168
Tanner, H. H. (Tanner Coal Co.).	360	Tanner #2	Pittsburgh	Harrison	223	218	193	193	178	178	168
Wyckoff, Howard	372	Wyckoff	Pittsburgh	Taylor	223	218	193	193	178	178	168

[F. R. Doc. 41-8304; Filed, November 5, 1941; 10:16 a. m.]

[Docket No. A-1060]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR CHANGES IN LOADING POINTS FOR MINES OF CERTAIN CODE MEMBER PRODUCERS IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to change the loading points of the following mines; and

It appearing that the operators of such mines have found it impossible to make further shipments from the loading points designated at the time of the classification of the coals of such mines and that it is necessary that changes be made in such loading points in order to maintain fair competitive opportunities; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief and conditionally providing for final relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that his action is necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in the opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 13, 1941.

[SEAL] H. A. GRAY, *Director*.

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	County	Size groups						
					Lump over 2", 6&E over 2", bottom size	Lump over 2", 6&E 2" but over 1¼", bottom size	Lump 1¼", 6&E 2", and under, bottom size	All but and pea 2" and under	Run of mine resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Boyles, Ray	353	Taber	Pittsburgh	Barbour	225	218	218	193	178	163	153
Burke, Mrs. Mary (Burke Coal Company).	332	Burke	Pittsburgh	Harrison	225	218	218	193	178	163	153
Case, Silas & Sons Coal Company (Silas Case).	373	Case Coal Co	Coalburg	Nicholas	253	248	248	223	213	193	
Clark Coal Co. (John A. Clark, Jr.).	354	Junior No. 3	Pittsburgh	Marion	225	218	218	193	178	178	168
Clark Coal Co. (John A. Clark, Jr.).	355	Junior No. 6	Pittsburgh	Marion	225	218	218	193	178	178	168
Dudley, G. L., Jr.	356	White Rose (strip).	Pittsburgh	Harrison	225	218	218	193	178	178	168
Dudley, G. L., Jr.	357	Big Run (Strip).	Pittsburgh	Harrison	225	218	218	193	178	178	168
Fenna, H. M.	358	Hammett No. 2	Pittsburgh	Gilmer	225	218	218	193	178	178	168
Huggins & Sons, John (Charles Huggins).	334	Huggins & Sons Co.	Pittsburgh	Monongalia	225	218	218	193	178	178	168
Keller Coal Co. (Ira J. Keller).	335	Keller Coal Co	Bakerstown	Preston	235	235	235	210	200	190	
Kraus Bros. Coal Co. (John Kraus).	347	Kraus	Pittsburgh	Lewis	223	218	218	193	178	178	168
Malcolm, O. M.	350	Arnold #2	Redstone	Barbour	223	218	218	193	183	178	168
Marple & Rolling Coal Co. (Orville Marple).	349	Hodgeville	Redstone	Upshur	223	219	219	193	183	178	168
Merion Coal Company	359	Sigley	M. V. Freeport	Preston	225	218	218	193	178	178	168
Merion Coal Company	360	Marshall #1	Pittsburgh	Harrison	225	218	218	193	178	178	168
Merion Coal Company	361	Marion #2	M. V. Freeport	Preston	225	218	218	193	178	178	168
Merion Coal Company	362	De Acre #2	M. V. Freeport	Harrison	225	225	225	200	190	190	180
Merion Coal Company	363	De Acre #3	M. V. Freeport	Preston	235	235	235	210	200	190	180
Merion Coal Company	364	Pyramid #1	L. V. Kitt	Preston	235	235	235	210	200	190	180
Merion Coal Company	365	Pyramid #2	L. V. Kitt	Preston	235	235	235	210	200	190	180
Merion Coal Company	352	Head Run Coal Co.	H. V. Freeport	Barbour	225	218	218	193	178	163	153
Robinson Run Coal Company (F. D. Davis).	366	Robinson Run #6.	Sewickley	Monongalia	208	203	178	178	163	163	153
Robinson Run Coal Company (F. D. Davis).	367	Robinson Run #5.	Sewickley	Monongalia	208	203	178	178	163	163	153

FOR TRUCK SHIPMENTS

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via all lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule.

Group No. 1: 337, 347, 354, 355, 356, 357, 360, 361, 369, 531, 957, 1102. Group No. 2: 349, 350. Group No. 3: 359, 362, 363, 825. Group No. 4: 366 (a), 367 (a), 368 (a). Group No. 5: 373. Group No. 6: 364, 365.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all points*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule.

Group No. 1: 337, 347, 354, 355, 356, 357, 360, 361, 369, 531, 957, 1102. Group No. 2: 349, 350. Group No. 3: 359, 362, 363, 825. Group No. 4: 366, 367, 368, 369. Group No. 5: 373. Group No. 6: 364, 365.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.6 *Alphabetical list of code members*—Supplement R

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.
188	Albright Coal Co. c/o George S. Connell.	Vivian	M. V. Freeport	Snider, W. Va	WVN	71
639	Arnold, E. C	Arnold	Pittsburgh	Morgantown, W. Va	MON	52
213	Arnold, E. C	Hunt Bros	M. V. Freeport	Kingwood, W. Va	WVN	71
206	Arnold, E. C	Riley #2	M. V. Freeport	Kingwood, W. Va	WVN	71
285	B & H Coal Co. (E. H. Burke)	Clelland	Pittsburgh	Fairmont, W. Va	B&O	50
198	Blaser Fuel Co	Blaser	M. V. Freeport	Tunnelton, W. Va	WVN	71
190	Brock, Mitchell and Reed (James M. Reed)	Liston	M. V. Freeport	Caddell, W. Va	B&O	70
558	Cook & Zinn Coal Co. (Donald Zinn)	Cook	Bakerstown	Irons, W. Va	WVN	71
937	Cordray, T. L	Delphi	Pittsburgh	Chiefton, W. Va	WM	65
192	E-Z Fuel Co. (George M. Flynn)	E-Z #2	M. V. Freeport	Irons, W. Va	WVN	71
928	George, Drexel R	Davis Fork	Pittsburgh	Bingamon Jct., W. Va	WM	65
687	Henderson, Morgan & Haught (Rex Henderson).	Morgan & Henderson.	Pittsburgh	Chiefton, W. Va	WM	65
287	Henderson, Rex	Henderson	Pittsburgh	Chiefton, W. Va	WM	65
164	Winchester Coal Co. (E. E. Kennedy).	Winchester	Pittsburgh	Chiefton, W. Va	WM	65
186	West Fork Coal & Coke Co., The (L. D. Perry).	Vincent #2	Pittsburgh	Everson, W. Va	B&O	61

The above prices are applicable *only* via the respective shipping point and railroad for the respective mine.

[F. R. Doc. 41-8303; Filed, November 5, 1941; 10:15 a. m.]

[Docket No. A-1029]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices, for the coals produced at the mines of certain code members in District No. 4 for all shipments except truck and for truck shipments; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Price classifications and minimum prices have not been established herein for certain coals of Alumbaugh No. 6 Mine, Mine Index No. 5, of W. Alumbaugh, for the reason that it appears from the official records of the Division that this mine has been abandoned.

Price classifications and minimum prices have not been established herein for the coals of Myers Valley Mine, Mine Index No. 3000, of Louis Thiebaud, for truck shipments, for the reason that temporary and conditionally final effective minimum prices were established for the coals of Mine Index No. 3000 in Docket No. A–897, under the name of Pleasant Valley Mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 10, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classification by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
1281	Bailey, B. H.	B. H. Bailey	8	8	Deep	Hobson	NYC	25	K	K	O	O	O	O	Q	Q	Q			Q
525	Garrett, Oscar	Garrett Coal Co	1	8	Deep	Bellaire	B&O	11	O	O	O	O	O	O	O	O	O			O
241	Griffiths, Wm. T.	Griffiths Coal Mine	1	8	Deep	Lafferty	B&O	12	O	O	O	O	O	O	O	O	O			O
270	Matthews, Wayne (Matthews Mining Company).	Matthews	8	8A	Deep	Pomeroy Hobson	C&O NYC	29	K	K	O	O	O	O	Q	Q	Q	Q		Q
285	McKitterick, Jas. J (McKitterick Coal Co.).	Richard	7	5	Strip	Ironton	DT&I	42	K	K	O	O	O	O	Q	Q	Q	Q		Q
1936	Moore, S. C. & Amos Wells	S. C. Moore C. Co	3	6	Deep	Bergholz	NYC	52	O	O	O	O	O	O	O	O	O			O
287	Paul, Frank J. & Sons Coal Co., The	Paul	6	6	Deep	Zanesville	W&LE B&O	38 51	O	O	O	O	O	O	Q	Q	Q	Q		Q
1349	Pleasant Valley Mining Co., The	Magnolia	4	6	Deep	Mineral City	B&O	23	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q		Q
271	Snyder Coal Co. (Harry Snyder)	Snyder	8	8	Deep	Pomeroy	C&O	41	K	K	O	O	O	O	O	O	O			O
285	Steele & Reed (Geo. A. Steele) 3	Steele & Reed #3	7	5	Deep	Wellston	B&O													
2569	Tunnel Mill Mining Co	Tunnel Mill	3	5	Deep	Bergholz Hammondsville	NYC PRR	102	O	O	O	O	O	O	O	O	O			

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdist. No.
241	Griffiths Coal Mine	Griffiths, Wm. T.	Ohio No. 8	12	B&O	1
270	Matthews	Matthews, Wayne (Matthews Mining Company).	Pomeroy	29	C&O, NYC	8
271	Snyder	Snyder Coal Co. (Harry Snyder)	Pomeroy	23	C&O	8
285	Richard	McKitterick, Jas. J. (McKitterick Coal Co.).	Jackson	42	DT&I	7
286	Steele & Reed #3	Steele & Reed (Geo. A. Steele)	Jackson	41	B&O	7
287	Paul	Paul, Frank J. & Sons Coal Co., The	Crooksville	38	B&O, W&LE	6
525	Garrett Coal Co	Garrett, Oscar	Ohio No. 8	11	B&O	1
1281	B. H. Bailey	Bailey, B. H.	Pomeroy	25	NYC	8
1349	Magnolia	Pleasant Valley Mining Co., The	Middle	51	B&O	4
1936	S. C. Moore C. Co	Moore, S. C. & Amos Wells	Middle	52	NYC	3
2569	Tunnel Mill	Tunnel Mill Mining Co	Middle	102	NYC, PRR	3

§ 324.2 *Seasonal discounts*—Supplement R–III

[*Seasonal discounts.* On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of Apr.	May	June	July	Aug.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.	----------	10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 241–525	30	20	10	----	----
Pomeroy	23, 25	Add 29	14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index Nos. 270, 271, 1281	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36	Add 38	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index No. 287	30	20	10	----	----
Jackson	41	Add 42	25	Add Mine Index No. 285.	50	40	30	20	10
	41, 42, 43	----------	2, 131, 134	Add Mine Index No. 286.	50	40	30	20	10
Middle	53, 54, 57	Add 51	49, 50, 67, 94, 132	Add Mine Index No. 1349.	30	20	10	----	----
	52	Add 102	6, 158, 172	Add Mine Index Nos. 1936, 2569.	30	20	10	----	----

Seasonal discounts as shown in §324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9, and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.[1]	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.	----------	10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index Nos. 241, 525.
Pomeroy	23, 25	Add 29	14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add mine index Nos. 270, 271, 1281.
Crooksville	31, 32, 33, 34, 36	Add 38	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 287.
Jackson	41	Add 42	25	Add mine index No. 285.
	41, 42, 43	----------	2, 131, 134	Add mine index No. 286.
Middle	53, 54, 57	Add 51	49, 50, 67, 94, 132	Add mine index No. 1349.
	52	Add 102	6, 158, 172	Add mine index Nos. 1936, 2569.

[1] Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, §324.11 (a)]

Name of railroad	Mine index Nos.[1]	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add Mine index Nos. 241, 286, 287, 525, 1349.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add mine index Nos. 270, 271.
Detroit, Toledo & Ironton Railroad Co		Add mine index No. 285.[2]
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add mine index Nos. 270, 1281, 1936, 2569.
Pennsylvania Railroad Co	11, 20, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add mine index No. 2569.
Wheeling & Lake Erie Railway Co	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add mine index No. 287.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad. Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.) Pere Marquette Railway Co	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index No. 285.
For all railroads not shown above	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index No. 285.

[1] Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

[2] Prices as shown for Mine Index No. 133 in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional Mine Index No. 285 hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump 1	3", 4", 5" lump 2	2" lump 3	2" x 4" egg, 2" x 5" egg 4	1¼" lump, 1¼" x 4" egg 5	Mine run nut and pea 6	2" x 0 slack 7	¾" x 0 slack 8
SUB-DISTRICT NO. 2, CAMBRIDGE											
NOBLE COUNTY											
Stephens, W. C. (W. C. Stephens Coal Co.).	Stephens	264	8	270	260	245	220	220	220	200	190
Williams, John R	Timmons	263	9	270	260	245	220	220	220	200	190
SUB-DISTRICT NO. 4, MIDDLE											
MAHONING COUNTY											
Beaver Creek Coal Co. (L. W. Russell)	Gray	269	4	300	290	275	250	245	235	205	195
STARK COUNTY											
Waltner, Henry	Henry Waltner	284	6	275	265	250	235	235	230	190	180
TUSCARAWAS COUNTY											
Crystal Coal Co. (Henry L. Thiebaud, Jr.).	Crystal	249	6	275	265	250	235	235	220	190	180
SUB-DISTRICT NO. 6, CROOKSVILLE											
MUSKINGUM COUNTY											
Collins, John & Owen Nesselrode (John Collins).	Collins & Nesselrode	265	6	280	270	260	235	230	195	165	165
Paul, Frank J. & Sons Coal Co., The	Paul	287	6	280	270	260	235	230	195	165	165
SUB-DISTRICT NO. 7, JACKSON											
LAWRENCE COUNTY											
McKitterick, Jas. J. (McKitterick Coal Co.).	Richard	285	5	295	285	275	250	245	195	165	155
VINTON COUNTY											
Steele & Reed (Geo. A. Steele)	Steele & Reed #3	286	5	295	285	275	250	245	195	175	165
SUB-DISTRICT NO. 8, POMEROY											
GALLIA COUNTY											
Lester, T. B	W. C	262	8	295	285	275	250	245	195	140	140
Matthews, Wayne (Matthews Mining Company).	Matthews	270	8A	295	285	275	250	245	195	140	140
MEIGS COUNTY											
Snyder Coal Co. (Harry Snyder)	Snyder	271	8	295	285	275	250	245	195	140	140

[F. R. Doc. 41–8302; Filed, November 5, 1941; 10:15 a. m.]

[Docket No. A-1087]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by ading thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 16, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
559	Hollywood Coal Co.	Hollywood	2	Sewell	Mabscott, W. Va.	C&O	10	A	A	A	A	A	A	A	B	B	(†)
234	Lane & Lilly (Orlando Lane)	Lane & Lilly	2	Beckley	Beaver, W. Va.	C&O	10	(†)	(†)	(†)	(†)	(†)	A	A	A	(†)	(†)
249	Lilly, C. L.	Freezeland	2	Beckley	Beaver, W. Va.	C&O	10	A	(†)	(†)	(†)	(†)	A	A	A	A	(†)
250	New River Company, The	Graham	2	Sewell	Tamroy, W. Va.	C&O	11	A	(†)	(†)	(†)	(†)	A	A	B	B	B
251	Rich Knob Coal Company, c/o W. I. Beavers	Rich Knob	5	Beckley	Laurel Siding, W. Va.	C&O-Vgn	18	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3/4" or larger, all egg and stove 1	All nut or pea 1 1/4" top size or smaller 2	Screened M/R 3	Straight mine run 4	1 1/4" screenings 5	3/4" screenings 6
Lilly, C. L.	249	Freezeland	2	Raleigh	Beckley	330	---	280	215	200	195
New River Company, The	250	Graham	2	Raleigh	Sewell	330	---	280	215	195	190
Rich Knob Coal Company, c/o W. I. Beavers	251	Rich Knob	5	Raleigh	Beckley	---	---	280	215	---	---

[F. R. Doc. 41-8305; Filed, November 5, 1941; 10:16 a. m.]

[Docket No. A-1109]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 23, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 2																																
MARSHALL COUNTY																																
Taylor Coal Co. (Andy Sunnen)	1503	Taylor	7	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 4																																
FULTON COUNTY																																
Hamilton, Lloyd	1510	Little Gem #4	2	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 5																																
BROWN COUNTY																																
Carpenter, Elza	1497	Pea Ridge Strip Bank	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
Pearidge Mining Co. (Jesse Roberts)	1504	Pearidge L 75	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 5																																
MCDONOUGH COUNTY																																
Vawter, A. F.	1502	Vawter	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SCHUYLER COUNTY																																
Clevenger, Jeffie	1496	Jeffie	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SCOTT COUNTY																																
Eddinger, James A.	1487	Eddinger	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 6																																
SHELBY COUNTY																																
Westenhaver, Clyde	1490	Clyde Westenhaver	7	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 10																																
GALLATIN COUNTY																																
Schneider, Henry C.	1501	Schneider	2	215	215	215	200	195	190	180	160	150	150	150	150	130	130	65	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41-8300; Filed, November 5, 1941; 10:14 a. m.]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT No. 13

[Docket No. A–1049]

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*), is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein to the Riverside Mine (Mine Index No. 1261) of Pratt-American Coal Co. and to the Cross Road Mine (Mine Index No. 171) of L. B. Baird, as these mines are affected by unique considerations set forth in an Order designating that portion of Docket No. A–1049 which relates to them as Docket No. A–1049 Part II and granting temporary relief.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 17, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
314	Dixie Fire Brick Co	Dixie #2 [1]	1	Black Creek	31
342	Layne Coal Co., W. F	Big Dirt [2]	1	Black Creek	31
339	Knopf, Frank	Frank Knopf [3]	1	Black Creek	31
342	Norman & Son (C. M. Norman)	Gurley Creek [4]	1	Black Creek	31
199	Tombrello Coal Co., Inc	Spradling Hollow [5]	1	Nickel Plate	59
	MARION COUNTY, ALA.				
911	Guthrie, C. B	Kelly #8 [6]	1	Black Creek	101
1254	Pate & Son (Sterling Pate)	Pate Coal Co. [7]	1	Black Creek	101
182	Marion Black Creek Coal Mining Co	Marion #1 [8]	1	Black Creek	101
183	Marion Black Creek Coal Mining Co	Marion #2 [9]	1	Black Creek	101
184	Marion Black Creek Coal Mining Co	Marion #3 [9]	1	Black Creek	101
185	Marion Black Creek Coal Mining Co	Marion #4 [9]	1	Black Creek	101
186	Marion Black Creek Coal Mining Co	Marion #10 [9]	1	Black Creek	101
187	Marion Black Creek Coal Mining Co	Marion #11 [9]	1	Black Creek	101
188	Marion Black Creek Coal Mining Co	Marion #12 [9]	1	Black Creek	101
189	Marion Black Creek Coal Mining Co	Marion #13 [9]	1	Black Creek	101
190	Marion Black Creek Coal Mining Co	Marion #14 [9]	1	Black Creek	101
191	Marion Black Creek Coal Mining Co	Marion #15 [9]	1	Black Creek	101
	WALKER COUNTY, ALA.				
1226	Brasfield & Owen (shipping point—Burnwell, Ala. Railroad—Southern Railway).	Burnwell [7]	1	Mary Lee	50
621	Lockhart, W. H. (shipping point—Jasper, Ala. Railroad—Southern Railway).	Lockhart [7]	1	Mary Lee	80
1257	Galloway Coal Co	Hope No. 2 Drift [1]	1	Black Creek	101
1258	Galloway Coal Co	Hope No. 3 Drift [4]	1	Black Creek	101
1259	Galloway Coal Co	Hope No. 4 Drift [4]	1	Black Creek	101

[1] This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 76.
This mine shall have the same price in size group 24 on all price tables as listed for mine with Index No. 76.
Shipping point—Warrior, Ala. Railroad—L. & N.
[2] These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index No. 76.
Shipping point—Warrior, Ala. Railroad—L. & N.
[3] This mine shall have the same price in size group 1 on all price tables as listed for mine with Index No. 68.
This mine shall have the same prices in size groups 13, 22 and 23 on all price tables as listed in size groups 12, 17 and 18, respectively, for mine with Index No. 68.
Shipping point—Cardiff, Ala. Railroad—Southern Railway.
[4] This mine shall have the same prices in size groups 1 and 4 on all price tables as listed for mine with Index No. 18.
[5] This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index No. 18.
This mine shall have the same price in size group 10 on all price tables as listed for mine with Index No. 22.
This mine shall have the same price in size group 11 on all price tables as listed for mine with Index No. 20.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index No. 14.
[6] This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 18.
Shipping point—Eldridge, Ala. Railroad—S. L. & S. F.
[7] This mine shall have the same prices in size groups 1, 4, 6, 17 and 18 on all price tables as listed for mine with Index No. 18.
This mine shall have a price in size group 19 on all price tables, 10¢ higher than the price listed for mine with Index No. 14
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 18.
Shipping point—Glen Allen, Ala. Railroad—S. I. & S. F.
[8] These mines shall have the same prices in size groups 1, 2, 4, 6, 17 and 18 on all price tables as listed for mine with Index No. 18.
These mines shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index No. 18.
These mines shall have a price in size groups 13 and 20 on all price tables, 10¢ higher than the prices listed in size groups 12 and 19, respectively, for mine with Index No. 14.
Shipping point—Glen Allen, Ala. Railroad—S. I. & S. F.
[9] These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index No. 31.
Shipping points—Burnwell and Jasper, Ala., respectively. Railroad—Southern Ry.
[10] These mines shall have the same prices in size groups 1, 2, 4, 6, 10, 13, 17, 18, 19, and 26 on all price table as listed for mine with Index No. 14.
Shipping point—Hope, Ala. Railroad—S. I. & S. F.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
314	Dixie Fire Brick Co	Dixie #2 [1]	1	Black Creek	31
	MARION COUNTY, ALA.				
911	Guthrie, C. B	Kelly #8 [2]	1	Black Creek	101
1254	Pate & Son (Sterling Pate)	Pate Coal Co. [2]	1	Black Creek	101
	WALKER COUNTY, ALA.				
1257	Galloway Coal Co	Hope No. 2 Drift [3]	1	Black Creek	101
1258	Galloway Coal Co	Hope No. 3 Drift [3]	1	Black Creek	101
1259	Galloway Coal Co	Hope No. 4 Drift [3]	1	Black Creek	101

[1] This mine shall have a price of $2.85 for size group 13, and a price of $2.75 for size group 23 for Steamship Vessel Fuel.
[2] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 18.
[3] These mines shall have a price in size group 13 on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 14.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

[Prices in cents per ton for shipment into all market areas]

Code member index	Mine	Subdistrict	Mine index No.	Seam	Lump: Over 2"	Egg: Top size 4" and under	Lump: 2" and under	Nut: Top size 3" and under; bottom size over ¼"		Chestnut: Top size 1¼" and under; bottom size ½" and under		Chestnut: Top size ¾" and under; bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1¼" and under		Industrial coal [1]
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
1						2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
	ALABAMA																		
	BIBB COUNTY																		
Evans, David S	Bloeton #8	2	105	Thompson	365	365	340	335	315	315	290	300	275	275	280	190	250	175	275
	BLOUNT COUNTY																		
Mack Hill Coal Company	Scratch Out	2	196	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Parker, Grady	Pollard & Parker	2	194	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Reed, John	Pine Hill Coal Co	2	173	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
	CULLMAN COUNTY																		
King, J. M	Clifty	2	197	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	290	275	290
	JEFFERSON COUNTY																		
Rock, J. D	Yarbro #1	2	193	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Tombrello Coal Co., Inc	Spradling Hollow	2	199	Nickel Plate	340	340	325	330	310	295	285	280	270	270	260	250	250	240	270
Young, Robert H	Yarbrough #2	2	193	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285

[1] For sizes included see size group table, § 333.6.

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: Over 2" Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under; bottom size over ½"		Chestnut: Top size 3" and under; bottom size ½" and under		Chestnut: Top size 1½" and under; bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1¼" and under		Industrial coal[1]
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA—Continued																			
MARION COUNTY																			
Addison, Joe	Joe Addison	2	200	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Aldridge, Ray	New Wheeler #2	2	1268	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Baccus, Lester	Dolton Hawkins #1	2	1251	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 1	2	182	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 2	2	183	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 3	2	184	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 4	2	185	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 10	2	186	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 11	2	187	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 12	2	188	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 13	2	189	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 14	2	190	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Marion Black Creek Coal Mining Co	Marion No. 15	2	191	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Martin, W. N	Lee King #2	2	174	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
May, N. L	Sears #3	2	1252	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
O'Mary, Ervin	O'Mary #3	2	1253	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Pate & Son (Sterling Pate)	Pate Coal Company	2	1254	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Sexton & Lynn (Grady Sexton)	Sexton & Lynn	2	192	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Young, K. N	New Wheeler #4	2	1255	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
WALKER COUNTY																			
Blackwell, J. S	#1 Opening	2	1256	America	290	290	280	255	275	280	260	270	250	225	235	200	230	180	225
Cain, W. O	W. O. Cain	2	172	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	210	265
Gallacher, George (Gallacher Coal Co.)	Cy Bell	2	166	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Galloway Coal Company	Hope #2 Drift	2	1257	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Galloway Coal Company	Hope #3 Drift	2	1258	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Galloway Coal Company	Hope #4 Drift	2	1259	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Galloway Coal Company	Stelman #2	2	1260	Mary Lee	275	275	275	295	275	290	260	270	250	225	235	200	230	180	225
Hendon, C. B	Poe's	2	161	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	210	265
Poe, Spencer	Swan Coal Co. #2	2	162	Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Swan Coal Co. (Claude C. Swan)	Swan Coal Co. #3	2		Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290

[1] For sizes included see size group table, § 333.6.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2" Egg: Top size over 6"	Egg: Top size 6" and under bottom size 2" and under	Lump: 2" and under	Nut: Top size 2" and under, bottom size 1" and under	Stoker: Top size 1¼" and under bottom size ½" and under	Stoker: Top size ¾" and under, bottom size ¼" and under	Straight and modified M/R	Resultants: 3" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1¼" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ¾" and under	Industrial coal[1]
					1	2*	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE–GEORGIA																			
BLEDSOE COUNTY, TENN.																			
Pikeville Fuel Co	Bell	175	4	Sewanee	305	305	300	255	250	245	235	235	235	210	210	200	190	155	255
HAMILTON COUNTY, TENN.																			
Yother, George	Montlake	180	4	Nos. 10 and 5	305	305	295	250	240	220	225	225	225	205	205	195	190	155	260
MARION COUNTY, TENN.																			
Ake Coal Co., Inc	Ake	125	4	Battle Creek	340	340	(*)	260	250	245	(*)	(*)	(*)	(*)	(*)	195	175	140	(*)
Church, John	John Church #2	1262	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Goforth, E. L	Goforth #3	1263	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Rounsavill, A. C. (Clyd)	Rounsavill #2	1264	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Rounsavill, A. C. (Clyd)	Rounsavill #3	1265	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
South Pittsburg Coal Company	So. Pittsburg	723	4	Battle Creek	340	340	(*)	260	250	245	(*)	(*)	(*)	(*)	(*)	195	175	140	(*)
Shook, James H	Shook #2	1266	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Trussell, Oscar	Trussell #2	1267	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
DADE COUNTY, GA.																			
Sanders, Lawrence	Lawrence Sanders	831	4	Etna	315	315	(*)	260	250	245	(*)	(*)	(*)	(*)	(*)	215	205	175	(*)
Knight & Jackson	Pat O'Brien	830	4	Etna	315	315	(*)	260	250	245	(*)	(*)	(*)	(*)	(*)	215	205	175	(*)
Raines, A. J	Raines	181	4	Etna	315	315	305	260	250	245	235	235	235	225	225	215	205	175	260
Ringer, B. F	No Name	26	4	Old Dade	315	315	(*)	260	250	245	(*)	(*)	(*)	(*)	(*)	215	205	175	(*)
Wallace, C. M	C. M. W	178	4	Etna	315	315	305	260	250	245	235	235	235	225	225	215	205	175	260
WALKER COUNTY, GA.																			
Gillen, Fred A[2]	Bear Creek	739	4	Durham	315	315	305	260	250	245	235	235	235	225	225	215	205	175	260

* Indicates previously classified in this size group.
[1] For sizes included see Size Group Table, § 333.6.
[2] This mine was previously classified in size groups 3, 7, 8, 9, 10, 11 and 15 for Craig & Green.

[F. R. Doc. 41–8301; Filed, November 5, 1941; 10:15 a. m.]

[Docket No. A-1107]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER GRANTING CERTAIN TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 19

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 19; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief, in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 339.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 19, for All Shipments, is supplemented to include, for the coals produced at the Timm Mine (Mine Index No. 224) of code member, Mrs. Wm. Timm, located in Sheridan County, Wyoming, in Subdistrict 7 of District No. 19, for truck shipments, the following effective minimum prices in cents per net ton:

Size groups	1	2	3	4	5	6	7	8	9	10	12	14	15
Minimum prices	280	280	270	260	260	260	220	220	160	135	170	90	90

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for the coals of the Gebo #3 Mine (Mine Index No. 225), the Gebo #5 Mine (Mine Index No. 226), and the Joslyn Mine (Mine Index No. 220) for the reason set forth in the Order designating that portion of Docket No. A-1107 relating to such coals as Docket No. A-1107, Part II, granting certain temporary relief and scheduling that docket for hearing.

Dated: November 4, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8333; Filed, November 6, 1941; 10:50 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 976—MOTOR TRUCKS, TRUCK TRAILERS, AND PASSENGER CARRIERS

Extension No. 2 of Limitation Order L-1-a to Restrict the Production of Medium Motor Trucks, Truck Trailers, Passenger Carriers and Replacement Parts.[1]

It is hereby ordered that: § 976.1, as amended (Limitation Order No. L-1-a), issued September 12, 1941, shall continue in effect until the 31st day of January, 1942, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.1 (b) as amended be amended to read as follows:

§ 976.1 *Limitation order L-1-a.*

* * * * *

(b) *General restriction.* During the period commencing September 1, 1941, and ending January 31, 1942: (1) A producer shall not manufacture more than five-sixths the number of Medium Motor Trucks, Truck Trailers and Passenger Carriers, as the case may be, produced by him during the period from January 1, 1941 to June 30, 1941.

(2) A Producer shall not manufacture for replacement purposes, more than that number of Defined Parts sold by him for replacement purposes during the period from January 1, 1941 to June 30, 1941.

(3) The determination of the number of each category of vehicles produced, or of each category of parts sold, during the period from January 1, 1941 to June 30, 1941, shall exclude, and the foregoing limitation upon the number of each category of vehicles or parts which may be produced by any Producer during the five-month period, September 1, 1941 to January 31, 1942, shall not apply to any such vehicles or parts produced under contracts or orders for delivery to or for the account of:

(i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics, the Office of Scientific Research and Development;

(ii) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies, and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States". (Lend-Lease Act.)

(4) Each Producer must comply with such directions and instructions as may be issued from time to time by the Director of Priorities of the Office of Production Management with respect to the reduction or elimination of scarce materials in the production of motor trucks, truck-trailers, passenger carriers and parts or components therefor. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 6th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8338; Filed, November 6, 1941; 11:39 a. m.]

[1] 6 F.R. 4732, 5272.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS, AND PASSENGER CARRIERS

Extension No. 2 of Limited Preference Rating Order No. P-54; Material Entering Into the Production of Defense Products[1]

It is hereby ordered that § 976.2 (Limited Preference Rating Order No. P-54), issued September 12, 1941, shall continue in effect until the 31st day of January, 1942, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.2 (e) (3) be amended to read as follows:

§ 976.2 *Limited preference rating order P-54.*

* * * * *

(e) *Restrictions on application of rating.*

* * * * *

(3) *By a producer or supplier.*

(i) Unless the Material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of Materials on purchase orders placed after January 1, 1942.

(iv) To deliveries of materials on purchase orders calling for delivery after January 31, 1942. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 6th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8339; Filed, November 6, 1941; 11:39 a. m.]

[1] 6 F.R. 4731, 5273.

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1499]

PART 115—REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

REGULATIONS GOVERNING THE EXCHANGE OF REVESTED AND RECONVEYED LANDS

Sec.

115.94 Forest policy.
115.95 Lands subject to exchange.
115.96 Statutory authority.
115.97 Primary objectives.
115.98 Exchange policy.
115.99 Qualifications of applicants.
115.100 Application for exchange.
115.101 Costs and fees.
115.102 Action by register.
115.103 Report of Chief Forester.
115.104 Evidence required.
115.105 Publication and posting.
115.106 Deed of conveyance.
115.107 Taxes.
115.108 Tax title lands.
115.109 Title insurance.
115.110 Mineral land excepted.
115.111 Coos Bay Wagon Road land.
115.112 Conveyed land.
115.113 Action by the General Land Office.

§ 115.94 *Forest policy.* The Act of August 28, 1937 (50 Stat. 874), laid the foundation and framework of a new forest policy for the revested and reconveyed Oregon grant lands. This measure provides for the conservation of land, water, forest, and forage on a permanent basis; the prudent utilization of these resources for the purposes to which they are best adapted; and the realization of the highest current values consistent with undiminished future returns. It seeks, through the application of the policy of sustained-yield management, to provide perpetual forests which will serve as a foundation for continuing industries and permanent communities.*

*§§ 115.94 to 115.113, inclusive, issued under the authority contained in sec. 2, 53 Stat. 1145.

§ 115.95 *Lands subject to exchange.* The Oregon grant lands which are subject to exchange aggregate about 2½ million acres, and are located in 18 counties in western Oregon. Nowhere do these lands occur in large, contiguous areas but to the contrary they are widely scattered and irregularly distributed. These lands comprise approximately 7,000 separate tracts or parcels. Their most consolidated form is practically in a checkerboard arrangement of sections of 640 acres each. If consolidated in a solid block they would cover an area of about 60 miles square. However, the land is scattered throughout a strip 60 miles wide and 270 miles long, extending from the Columbia River on the north to the California State line on the south. No other equally large area of publicly owned forest land in the United States is so broken up into small units and so intermingled with other ownerships and jurisdictions. The O. and C. lands are intermingled with private holdings, State lands, unreserved public domain, and lands reserved for national forests and national parks. This extreme condition creates an administrative problem of the first magnitude. Upon its practical solution depends in large measure the effective management of this outstanding forestry project.

Where the grant lands are intermingled in checkerboard arrangement with other public lands, important administrative problems on both would be simplified by segregating them from each other and concentrating them in solid blocks. Conflicts in land use which exist in certain localities may be solved by rational land use zoning and application of the exchange procedure to segregate the lands according to the dominant use. Elsewhere, the strategic advantages to regional conservation of resources which are inherent in the checkerboard land pattern, in many cases, may outweigh the administrative advantages which could be gained by concentrating the O. and C. lands in solid blocks. This advantage lies in the fact that progressive conservation practices being applied on the grant lands tend to encourage the adoption of similar practices on the intermingled lands. This aspect of the management of the O. and C. lands has deep significance for the entire region in which the lands are located and will receive careful consideration in the development of land exchange plans.*

§ 115.96 *Statutory authority.* The Act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in his discretion, in the administration of the act approved August 28, 1937 (50 Stat. 874), to exchange any land formerly granted to the Oregon and California Railroad Company, title to which was revested in the United States pursuant to the provisions of the act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Company pursuant to the provisions of the act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, or State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the

United States. The act further provides that all lands and timber secured by the United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as the revested and reconveyed lands exchanged therefor, and that parties to the exchange may make reservations of easements, rights-of-way, and other interests and rights. Under this legislation the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry out the provisions of the law.*

§ 115.97 *Primary objectives.* Concisely stated, the primary objectives sought by the Act of July 31, 1939, include the following:

(a) Simplification of administration, improvement, and protection through the consolidation of holdings and the reduction of diversified small ownerships.

(b) The development of a balanced distribution of age classes of timber with a view to promoting the policy of sustained-yield forest management provided for in the Act of August 28, 1937.

(c) The establishment of natural cooperative sustained-yield management units, with a view to sustaining dependent industry, dependent labor and dependent communities.

(d) The effective administration of cooperative forest units.

(e) Aid in establishing economic operating units for combined agricultural and grazing enterprises, where such enterprises appear to provide the most desirable use of the land.

(f) The protection of recreational and other values against impairment or destruction.*

§ 115.98 *Exchange policy.* Since the exchange authority of the Act of July 31, 1939, has been provided for the specific purpose of promoting the policy of sustained-yield management laid down for the Oregon lands, it is essential that the formulation of tentative sustained-yield unit plans precede the actual carrying out of the exchange program. This does not mean that the planning of the exchange program will be held in abeyance pending the final establishment of sustained-yield management units, since it is expected that exchange plans will be outlined concurrently with the setting up of sustained-yield units and an action program initiated as soon as the boundaries thereof are fully determined.

It may be broadly stated that the lands and timber to be acquired under authority of the Act of July 31, 1939, should be of a character and so located that the acquisition thereof will promote the conservation principles laid down by the Act of August 28, 1937. Lands and timber which will be disposed of by exchange should be of such a type and so located that the transfer of these resources to private ownership will not interfere with the carrying out of a regional program of cooperative sustained-yield forest management in western Oregon.

Generally speaking, exchanges will not be authorized where the exchange would create a serious disturbance of existing economic conditions; or in cases where the exchange would operate materially to reduce the revenues which should accrue to the counties under authority of the Act of August 28, 1937. Neither can approval be given to the exchange of lands which would prevent the free and ready access of the Government in the development of the resources under its jurisdiction, nor the passing of title to which would in any way interfere with the policy of sustained-yield forest management which governs the administration of the O. and C. lands.

Land exchange applications will be accepted and given consideration as occasion may arise. However, the right is reserved by the Government to reject any and all applications. Applications may be received upon approval of these regulations; but no preference in action will be granted because of priority of application. Upon the establishment of sustained-yield units the Government will consider all applications for exchange within the boundaries thereof and accept those which are found most advantageous in attaining the primary objectives of such units.*

§ 115.99 *Qualifications of applicants.* Applications may be filed by the State of Oregon, by the several counties thereof either wholly or partially within the former limits of the grants, by citizens of the United States, by associations of such citizens, or by corporations organized under the laws of the United States or any State, territory, or district thereof, authorized under its charter to own and sell real property and authorized to do business in the State of Oregon. Evidence of citizenship or of incorporation must be filed with the application, and when the applicant is a corporation a certified copy of the order or direction of the board of directors, or other governing body, to effect such exchange should accompany the application.*

§ 115.100 *Application for exchange.* Applications, in duplicate and verified, should be addressed to the Commissioner of the General Land Office and filed in the district land office having jurisdiction over the selected lands, and should set forth, by legal subdivisions of the public land surveys, the lands offered to the Government and the lands selected in exchange therefor. The application should contain the full name and post office address of the applicant; state that the applicant is legally capable of consummating the exchange; that he is the owner of the lands offered in exchange; that such offered lands are not the basis of another selection or exchange; state whether any reservation or easements, rights of use, and other interests and rights in or to the offered lands are desired, and what use thereof is contemplated. It should also show the reservations or easements which, if made by the United States, on the selected land will be acceptable to the applicant.

An application by the State should be accompanied by a certificate of the selecting agent showing that the application for exchange is made under and pursuant to the laws of the State and that the State is the owner of the lands offered in the proposed exchange. In the case of an application for exchange by a county, there should also be furnished a certificate of the proper officer or officers of the county, under seal, to the effect that the application is made under and pursuant to the laws of the State.

The application must be accompanied by an affidavit by the applicant or by some credible person who is familiar with the character, condition and value of the selected lands and the character, condition and value of the lands offered in exchange. This affidavit must be in duplicate, with the original duly executed. The affidavit must specifically describe by subdivision, section, township and range, the lands offered to the Government and the lands selected in exchange therefor, and show the following: whether there is within the limits of any of the selected land any known deposit of coal, or any lode or placer deposit, oil, or other valuable mineral; whether said land contains any salt springs or known deposits of salt in any form sufficient to render it chiefly valuable therefor; whether any portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; whether said land is essentially non-mineral in character and has upon it any mining or other improvements; that the selected lands are unappropriated and are not occupied, claimed, improved or cultivated by any person adversely to the applicant; and give as full data as are available concerning the character, and the amount, kind, and value of timber upon each smallest or forty-acre subdivision of the lands offered in exchange. This affidavit must also show that the lands offered and the lands selected are approximately of equal aggregate value, consideration being given to any reservations or easements which may be made by the applicant or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior. The application must be accompanied with a corroborated affidavit relative to springs and water holes on the selected lands, in accordance with existing regulations pertaining thereto (43 C.F.R. 292.1–292.9). Evidence of citizenship, or of incorporation, must be filed with the application.*

§ 115.101 *Costs and fees.* The applicant shall agree to pay the cost of publishing notices of the exchange. Filing fees must be paid by the applicant at the rate of $2.00 for each 160 acres, or fraction thereof, of the lands selected. The act provides that no fee shall be charged in applications filed by the State of Oregon or any county thereof, except one-half of the cost of publishing notice of the proposed exchange.*

§ 115.102 *Action by Register.* If the application for exchange appears regular and in conformity with the law and these regulations, the Register will assign the current serial number and after making appropriate notations on his records will transmit the original application and all other papers to the General Land Office with a statement as to the status of the land including any conflicts, and will forward the duplicate application together with copies of all other papers to the Chief Forester, Oregon and California Revested Lands Administration, Portland, Oregon.*

§ 115.103 *Report of Chief Forester.* On receipt by the Chief Forester, Oregon and California Revested Lands Administration, of the duplicate application and other papers, they shall be given consideration by him with a view of determining whether the proposed exchange appears desirable from the standpoint of the interests of the Government in carrying into effect the purpose of the Act of August 28, 1937 (50 Stat. 874).

Applications must be accompanied by estimates showing the volume, kind, quality, and value of timber upon each subdivision of the lands offered for exchange. Such estimates will be checked for accuracy by the Chief Forester.

If the lands involved are not valuable for timber, then their value and availability for any of the purposes given in the Act of August 28, 1937 (50 Stat. 874), may be given due consideration as a basis for determining that the lands offered are approximately equal in aggregate value to the lands sought in exchange. The report of the Chief Forester, as submitted to the Commissioner of the General Land Office, in addition to the foregoing, should show the volume and value of the timber on the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by another; whether the selected lands contain minerals, springs, water holes, or hot or medicinal springs, or any special features which should be considered in acting upon the application; the value of the offered lands for use in determining the amount of the stamp tax required on the deed to the offered lands; whether there are any reasons why the exchange should not be consummated, and such facts as will aid in determination of whether the proposed exchange is in the public interests.*

§ 115.104 *Evidence required.* When the report of the Chief Forester has been received and an exchange of approximately equal aggregate values has been established, the Commissioner of the General Land Office, with the approval of the Department, unless he has reason to do otherwise, will direct publication of notice of the contemplated exchange, and will require the applicant, through the Register of the District Land Office, to submit proof of publication of notice, a deed of conveyance of the offered lands duly recorded, and in all cases except as hereinafter provided, an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the party making the conveyance. The abstractor's certificate must show that the lands as conveyed were free from judgments or mortgage liens, pending suits, taxes, tax assessments, or other encumbrances. If such certificate does not cover taxes and tax assessments, the applicant must furnish a certificate by the proper official of the county in which the lands are situated showing that all taxes or assessments levied or assessed against the lands conveyed to the United States, or that could operate as a lien thereon, have been duly paid; whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States. Such abstract must be prepared and authenticated by an abstractor or by an abstract company approved by the General Land Office, in accordance with section 42 of the Mining Regulations of April 11, 1922 (49 L.D. 15, 69), and must show that the title memoranda contained therein are a full, true, and complete abstract of all matters of record or on file in the office of the recorders of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, suits, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the offices of the clerks of courts of record affecting in any manner whatever the title to the lands to be conveyed to the United States.

Where the State is the applicant and the offered lands were acquired by grant from the United States, the State may furnish in lieu of an abstract of title a certificate of the proper State officer showing that the offered lands have not been sold or encumbered by the State, and a certificate by the Recorder of Deeds or official custodian of the records of transfers of real estate in the proper county that no instrument purporting to convey or in any way encumber title to the offered lands is of record or on file in his office; but in all cases of lands offered by the State which have been held in private ownership and were acquired by the State from such source, including cases where any of the lands offered by the State have been sold by it and title again acquired by it the State will be required to furnish an abstract of title.*

§ 115.105 *Publication and posting.* The publication notice must give the name and post office address of the applicant, serial number and date of the application, act under which application is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to permit all persons claiming the offered or selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the District Land Office within 45 days from the date of the first publication, together with evidence that a copy of such protest or objection has been served upon the applicant. The cost of publication of the notice must be at the expense of the applicant, unless such applicant is the State of Oregon or any county thereof, in which case each newspaper will collect one-half of the cost of publication from the applicant and submit proper vouchers to the United States for the remainder. The notice must be published once a week for four consecutive weeks in some designated newspaper of general circulation in the county or counties in which are situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which are situated any lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the District Land Office during the required period of publication and the Register shall certify as to the posting. Publication of notice will be directed by the General Land Office in a certain newspaper or newspapers designated by the Commissioner of the General Land Office in instructions to the Register. Proof of publication of notice shall consist of an affidavit by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. The Register shall transmit, by special letter, such evidence of publication to the General Land Office with his report as to whether protests or contests have been filed against the proposed exchange.*

§ 115.106. *Deed of conveyance.* The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State, and must contain covenants of general warranty except where the grantee is prohibited by law from executing such a conveyance. The United States of America should be named as the grantee, and such revenue stamps as are required by law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by the act of July 31, 1939 (53 Stat. 1144)". Where the deed of conveyance is by a private corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or

other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.*

§ 115.107 *Taxes.* In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant in addition to the certificates above required, relating to taxes and tax assessments, may make a deposit with the Commissioner of the General Land Office of at least twice the amount of the taxes for the preceding year with evidence as to the amount of the taxes for such year, or may furnish a bond with qualified corporate surety for such sum, in order to indemnify the United States against loss for the nonpayment of the tax so assesed or levied.*

§ 115.108 *Tax title lands.* Where the offered lands have been acquired by the applicant through tax foreclosure proceedings, it must be shown that the foreclosure was a matter of judgment and decree of the proper court; that the sheriff or other proper official has issued a deed based upon the judgment and decree of the court, and that the period of time provided by the laws of the State of Oregon within which to bring action, suit, or proceeding of whatever kind or nature, for the purpose of determining the validity of the sale, has expired. As part of the abstract of title to the offered lands, the applicant shall submit the foreclosure proceedings in full.*

§ 115.109 *Title insurance.* Title insurance issued by a company which is acceptable to the General Land Office may be furnished in lieu of an abstract of title, and same accepted upon proof that the insuring company is solvent and properly qualified, provided the policy is free from conditions and stipulations unacceptable to the United States.*

§ 115.110 *Mineral land excepted.* Mineral lands may not be selected in exchange proceedings hereunder.*

§ 115.111 *Coos Bay Wagon Road land.* An applicant under the exchange act selecting Coos Bay Wagon Road grant lands must offer as base in lieu thereof lands situated in the same county as the lands selected. (See act of May 24, 1939, 53 Stat. 753). The advantageous consolidation of the holdings of lands of the United States, required under the exchange act, may be with either the reconveyed or revested lands, or with both.*

§ 115.112 *Conveyed lands.* All lands conveyed to the United States pursuant to the act of July 31, 1939 (53 Stat. 1144), and under these regulations shall, upon acceptance of title, become a part of the revested and reconveyed lands and shall be managed, as a part of such lands, in the manner prescribed by the act of August 28, 1937 (50 Stat. 874).*

§ 115.113 *Action by General Land Office.* The publication of notice, conveyance, abstract of title, and other evidence required of the applicant will, upon receipt in the General Land Office, be examined, and if found regular and in conformity with the law and the regulations, and if there are no objections, title will be accepted to the offered lands and patent will issue for the lands selected in exchange.

If the report from the Chief Forester discloses inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to bring the proposed exchange within the provisions of the law.

Notices of additional requirements, rejection, or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed by the Rules of Practice. Protests against exchanges should be filed in the district land office and will be transmitted to the General Land Office for consideration and disposal.

If the application for exchange be finally rejected for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the lands conveyed to the United States.

An application for exchange will be noted "suspended" by the Register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and the General Land Office.

Notice shall be given to the Chief Forester of final action taken on applications hereunder.*

No. 218——5

PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

REGULATIONS AMENDED

The first sentence of § 101.19[1] of title 43 of the Code of Federal Regulations (Circ. No. 1474, July 8, 1940) is hereby amended to read as follows:

§ 101.19 *Action on applications; reports.* Commencing 60 days after the effective date hereof, the originals and copies of all applications to enter or select public lands outside of Alaska, under the nonmineral public land laws, will be transmitted by the Register to the General Land Office for preliminary consideration, except applications for exchanges of the Oregon and California revested railroad grant lands and the Coos Bay Wagon Road grant lands in Oregon, as to which the Registers will follow the procedure set forth in § 115.102. * * *

REGULATIONS SUPERSEDED

Sections 115.94 to 115.113, inclusive, supersede §§ 115.1 to 115.14, inclusive, of title 43 of the Code of Federal Regulations (Circ. No. 611, July 17, 1918, 46 L.D. 424, and secs. 4 and 5, Circ. No. 705, June 22, 1920, 47 L.D. 411).

FRED W. JOHNSON,
Commissioner.

Approved: October 28, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-8328; Filed, November 6, 1941; 10:45 a. m.]

[1] 5 F.R. 2597.

Notices

WAR DEPARTMENT.

[Contract No. W 241 ORD-8]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: A. S. CAMPBELL CO., INC., BOSTON, MASS.

Contract: for * * * Case, Cartridge, * * *.

Amount: $1,864,000.00.

Place: Boston Ordnance District Office, Room 1501, 140 Federal Street, Boston, Mass.

The Cartridge Cases to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 50,245 PO12-02 A0020-13, the available balance of which is sufficient to cover the cost thereof.

This contract,[1] entered into this 21st day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Case, Cartridge, * * *, for the consideration stated One million eight hundred sixty-four thousand dollars ($1,864,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. At any time and from time to time, after the approval of this contract, at the request of the contractor and subject to the approval of the Chief of Ordnance as to the necessity therefor, the Government shall advance to the contractor, without payment of interest therefor by the Contractor, sums not to exceed Four hundred sixty six thousand dollars ($466,000.00), or twenty-five percentum (25%) of the contract price, as it may be amended, whichever shall be the smaller.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8319; Filed, November 6, 1941; 10:41 a. m.]

[1] Approved by the Under Secretary of War August 16, 1941.

[Contract No. W 535 ac-21061, 5532]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: NORTHROP AIRCRAFT INC., HAWTHORNE, CALIFORNIA

Contract for: * * * Airplanes, Spare Parts and Data.

Estimated cost: $17,369,634.15.

Fixed-fee: $1,042,178.05.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same: AC 32 P 12-30 A 0705-2, AC 18 P 82-30 A 0705-2.

This contract,[1] entered into this 28th day of August 1941.

ARTICLE 1. *Statement of work.* The Contractor shall manufacture, furnish and deliver to the Government * * * Airplanes, Spare Parts and Data.

ART. 2. *Estimated costs.*

Item	Quantity	Estimated cost
1	* * * Airplanes	$15,790,576.80
2	Spare parts for above airplanes.	1,579,057.65
3 to 9, inc.	Data	No cost.
Total estimated cost.		17,369,634.15

[1] Approved by the Under Secretary of War Sept. 17, 1941.

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to partial payments as outlined in Article 6 hereof, the cost, plus a fixed fee of One Million Forty-two Thousand One Hundred Seventy-eight and 05/100 Dollars ($1,042,178.05), being six per cent (6%) of the total estimated cost of Seventeen Million Three Hundred Sixty-nine Thousand Six Hundred Thirty-four and 15/100 Dollars ($17,369,634.15).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments.*—(a) *Reimbursement for Cost.* The Government will currently reimburse the Contractor, subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety per cent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments.

(c) *Advances.* The Government as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty per centum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22 *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursements for costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

This contract authorized under the provisions of section 2 (a) Act of June 28, 1940, section 1 (a), Act of July 2, 1940, and section 9 June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8321; Filed, November 6, 1941; 10:42 a. m.]

[Contract No. W-535 ac-21068; 5539]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REPUBLIC AVIATION-CORPORATION, FARMINGDALE, LONG ISLAND, N. Y.

Contract for: Maintenance Parts for Republic Type * * * Airplanes.

Amount: $3,130,349.91.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 18 P 82-30 A 0705-2, the available balance of which is sufficient to cover cost of same.

This contract,[2] entered into this 24th day of September, 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver maintenance parts for Republic Type * * * Airplanes for the consideration stated three million one hundred thirty thousand three hundred forty-nine dollars and ninety-one cents ($3,130,349.91) in strict accordance with the Specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of

[2] Approved by the Under Secretary of War Sept. 24, 1941.

properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 21. *Price adjustment.* The contract prices stated in this contract for Maintenance Parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the said Maintenance Parts.

ART. 22. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense.

ART. 23. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 36. *Title to property where partial payments are made.* The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

ART. 38. *Fire insurance.* The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

This contract authorized under the provisions of Paragraph 4 g (3), A.R. 5-240, section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8320; Filed, November 6, 1941; 10:41 a. m.]

[Contract No. W-398-qm-10757 O. I. #351]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILLYS-OVERLAND MOTORS, INCORPORATED, TOLEDO, OHIO

Contract for: Trucks, * * *.
Amount: $12,040,000.00.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 13th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver motor vehicles for the consideration stated $12,040,000.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed * * *%. This option to remain in effect until * * *.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days * * *%.

Bond: Performance.
Amount: $3,010,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM-1801-P-37-30-A-0525.003-2, QM-15915-P-37-30-A-0525.003-12, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8322; Filed, November 6, 1941; 10:42 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1879-FD]

IN THE MATTER OF THE APPLICATION OF THE KOPPERS COAL COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE TO KOPPERS COMPANY

NOTICE OF AND ORDER FOR HEARING

The Koppers Coal Company, a corporation, organized under the laws of Delaware, with its principal office at Pittsburgh, Pennsylvania, being registered with the Division as a distributor, No. 5223, filed its petition praying:

1. That the Division determine

(a) that the relationship between Koppers Company and The Koppers Coal Company is bona fide and was not established to secure price reductions under the Bituminous Coal Act of 1937;

(b) that the relationship between Koppers Company and The Koppers Coal Company is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (1) of the Bituminous Coal Act.

2. That The Koppers Coal Company be authorized to receive distributors' discounts on coal purchased by it as a distributor for resale to Koppers Company.

3. That The Koppers Coal Company be permitted to retain discounts heretofore received on coal purchased by it as a distributor for resale to Koppers Company.

4. For such other and further relief as may be just and equitable.

It is ordered, That a hearing on such matter be held on December 10, 1941, at 10:00 in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before December 5, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: November 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8330; Filed, November 6, 1941; 10:49 a. m.]

[Docket No. A-1107]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 19

[Docket No. A-1107 Part II]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR ALL SHIPMENTS, PRODUCED AT THE GEBO #3 MINE (MINE INDEX NO. 225) AND THE GEBO #5 MINE (MINE INDEX NO. 226) IN DISTRICT NO. 19, AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENTS, PRODUCED AT THE JOSLYN MINE (MINE INDEX NO. 220) IN THAT DISTRICT

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1107 PART II FROM DOCKET NO. A-1107, GRANTING CERTAIN TEMPORARY RELIEF IN DOCKET NO. A-1107 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1107 PART II

The original petition in the above-entitled matter filed with this Division on October 11, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests that orders be entered establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 19 and revising the effective minimum prices applicable to the coals of the Joslyn Mine (Mine Index No. 220), operated by W. C. Joslyn, a code member in that district, for shipment via truck to all market areas.

No petitions of intervention were filed in the above-entitled proceedings.

As indicated in a separate order in Docket No. A-1107, which established temporary and conditionally final price classifications and minimum prices for the coals produced at the Timm Mine (Mine Index No. 224) as requested in the original petition, a reasonable showing of necessity was made for the granting of that relief. Such a showing was not made, however, with respect to the establishment of permanent price classifications and minimum prices for the coals produced at the Gebo #3 and the Gebo #5 mines, operated by P. H. Burnell, a code member in Subdistrict No. 5, nor with respect to the revision in minimum prices requested for the coals of the Joslyn Mine.

The Director is of the opinion that temporary relief should be granted for the coals of the Gebo #3 Mine and the Gebo #5 Mine pending final determination in this matter, but that the petition does not contain facts sufficient to warrant, in advance of a hearing, the establishment of permanent price classifications and minimum prices for such coals, nor the requested revision in effective minimum prices for the coals of the Joslyn Mine.

Now, therefore, it is ordered, That the portion of Docket No. A-1107 relating to the Gebo #3 Mine (Mine Index No. 225), the Gebo #5 Mine (Mine Index No. 226), and the Joslyn Mine (Mine Index No. 220), be, and it hereby is, severed from the remainder of Docket No. A-1107 and designated as Docket No. A-1107 Part II.

It is further ordered, That a hearing in Docket No. A-1107 Part II, under the applicable provisions of said Act and the rules of the Division, be held on November 17, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, in the United States Post Office, Thermopolis, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 19 for the establishment of permanent price classifications and minimum prices for the coals of the Gebo #3 Mine (Mine Index No. 225) and the Gebo #5 Mine (Mine Index No. 226) for all shipments f. o. b. a tipple located at Gebo, Wyoming, some distance from the mouths of those mines; and for a change in the subdistrict classification number from 9 to 8 for the Joslyn Mine (Mine Index No. 220) and revision by size groups of the effective price classifications and minimum prices in cents per ton applicable to the coals of such mine for truck shipments to all market areas, as follows:

	Size groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
From subdistrict No. 9 prices	-----	$2.40	$2.40	$2.40	$2.40	$2.40	$2.20	$2.00	$1.25	$1.25	-----	$1.50	-----	$1.25	$1.25	$1.00	$0.50
To subdistrict No. 8 prices	$2.00	2.00	-----	2.00	-----	-----	-----	1.30	1.30	1.30	-----	1.30	-----	1.00	.90	-----	-----

It is further ordered, That temporary relief, pending final disposition of Docket No. A–1107, Part II, is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 19 is supplemented to include the price classifications and minimum prices set forth below:

(1) Insert, on page 5 of that Schedule, the following listings in proper alphabetical order:

Producer	Mine No.	Mine index No.	County	Subdist. price group	Shipping point	Rail F. O. G.		Prices page	
						Road	No.	Rail	Truck
Burnell, Pat (Burnell Coal)	3	225	Hot Springs	5	Gebo	CB&Q	100	9	13
Burnell, Pat (Burnell Coal)	5	226	Hot Springs	5	Gebo	CB&Q	100	9	13

The coals of the above designated mines shall take the minimum f. o. b. mine prices in cents per net ton for shipment by rail transportation into market areas shown under Subdistrict No. 5 on page 9 of the Schedule of Effective Minimum Prices for District No. 19.

(2) Insert, on page 13 of that Schedule, Truck Shipments, below the heading "Subdistrict No. 5" and in proper alphabetical order, the following:

Code member name	Mines Nos.	County	Size groups														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Burnell, Pat (Burnell Coal Co.)	3 and 5	Hot Springs	500	500	495	485	485	485	460	350	270	245	...	290	...	...	170	170	100

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 4, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8331; Filed, November 6, 1941; 10:49 a. m.]

[Docket No. A–586]

IN THE MATTER OF THE PETITION OF CONSUMERS' COUNSEL DIVISION TO CHANGE THE SIZE GROUPING OF 2" x 0 SLACK COAL SHIPPED FROM DISTRICT NO. 8 TO DUBUQUE, IOWA, FOR RETORT GAS USE FROM SIZE GROUP 27 TO SIZE GROUP 20, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A–885]

IN THE MATTER OF THE PETITION OF CONSUMERS' COUNSEL DIVISION FOR MODIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 TO PERMIT THE SALE OF COAL TO THE KEY CITY GAS COMPANY FOR USE IN ITS DUBUQUE, IOWA, PLANT AT THE MINIMUM F. O. B. MINE PRICE ESTABLISHED FOR FREE ALONGSIDE DELIVERY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER SEVERING DOCKET NO. A–586 FROM DOCKET NO. A–885 AND DISMISSING PETITION IN DOCKET NO. A–586

The above-entitled dockets having been consolidated by an Order of the Director, dated October 3, 1941; and

The petitioner having moved to dismiss without prejudice the original petition in Docket No. A–586; and

There having been no opposition thereto;

Now, therefore, it is ordered, That Docket No. A–586 is severed from Docket No. A–885.

It is further ordered, That the original petition in Docket No. A–586 be dismissed without prejudice.

Dated: November 4, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8332: Filed. November 6, 1941; 10:50 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 157 ENLARGED

ALASKA

OCTOBER 28, 1941.

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands within the following-described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public land laws, subject to valid existing rights, for the use of the Department of Commerce as an addition to the present intermediate landing field at Iliamna, Alaska:

Beginning at the southwest corner of the Iliamna airways landing field and radio communication station, designated Air Navigation Site Withdrawal No. 157, Alaska, in latitude 59°44'30" N., longitude 154°51' W. Thence by metes and bounds,

N. 03°08' E., 4,589.4 feet, along west boundary of Air Navigation Site No. 157 to the northwest corner thereof;

N. 86°52' W., 300.0 feet;

S. 03°08' W., 4,589.4 feet;

S. 86°52' E., 300.0 feet to the place of beginning, containing approximately 31.6 acres.

JOHN J. DEMPSEY, *Acting Secretary of the Interior.*

[F. R. Doc. 41–8327; Filed, November 6, 1941; 10:44 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812–2]

IN THE MATTER OF AMERICAN PARTICIPATIONS, INC.

[File No. 812–10]

THE ARKANSAS FUND, INC.

[File No. 812–18]

FOUNDERS MUTUAL DEPOSITOR CORPORATION

[File No. 812–20]

HAMILTON DEPOSITORS CORPORATION

[File No. 812–17]

INSURED INVESTORS, INC.

[File No. 812–21]

INVESTORS INDEPENDENCE CORPORATION

[File No. 812–11]

THE TEXAS FUND, INC.

ORDER DENYING APPLICATIONS FOR EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1941.

Applications onder section 6 (c) and section 27 (b) of the Investment Company Act of 1940 having been filed with the Commission by the above-named applicants for orders granting qualified exemptions from the provisions of section 27 (a) (3) of said Act; a public hearing on the applications having been duly held after appropriate notice; the Commission having examined the record and having this day issued its Findings and Opinion in the matter;

It is ordered, On the basis of such Findings and Opinion, that the applications be, and they hereby are, denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–8340; Filed, November 6, 1941; 11:44 a. m.]

[File No. 70–420]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY

ORDER GRANTING APPLICATION UNDER SECTION 10 AND PERMITTING DECLARATION TO BECOME EFFECTIVE UNDER SECTION 12 (b) AND RULE U–45

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of November, A. D. 1941.

The United Gas Improvement Company, a Pennsylvania corporation and a registered holding company, having filed an application and declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10 and 12 (b) thereof, and Rule U–45 promulgated thereunder, regarding advances for experimental purposes of not to exceed $500,000 in the aggregate, without interest, to Ugite Sales Corporation, a wholly-owned non-utility subsidiary, engaged in experimental research with water gas tars and their light oil constituents and similar derivatives; and

Said application and declaration having been filed October 24, 1941, and amendments thereto having been filed on October 27, October 29, and November 4, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U–23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said party having requested that the effective date of said application and declaration be advanced; and

The Commission finding with respect to said application under Section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1), and that section 10 (c) (2) is not applicable to the proposed transactions; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to section 12 (b) and Rule U–45 promulgated thereunder to become effective; and

The Commission being satisfied that the effective date of said declaration and the date of granting said application should be advanced;

It is hereby ordered, Pursuant to Rule U–23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U–24, that the aforesaid application be and the same hereby is granted forthwith and that the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission. Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–8341; Filed, November 6, 1941; 11:44 a. m.]

Reference

NOV 10 1941

Director, dated October 3, 1941; and

N. 86 32 W., 3[illegible] feet.

Reference

NOV 10 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 219

Washington, Saturday, November 8, 1941

The President

DUTIES AND OTHER IMPORT RESTRICTIONS, TRADE AGREEMENT WITH ARGENTINE REPUBLIC

THE WHITE HOUSE,
Washington, October 31, 1941.

MY DEAR MR. SECRETARY:

Pursuant to the authority conferred upon me by the Act to amend the Tariff Act of 1930, approved June 12, 1934 (48 Stat. 943), as extended by Joint Resolutions approved March 1, 1937 (50 Stat. 24), and April 12, 1940 (54 Stat. 107), I hereby direct that the duties and other import restrictions proclaimed in connection with the trade agreement signed on October 14, 1941 with the Argentine Republic, and all other duties and all other import restrictions now in effect and heretofore proclaimed in connection with trade agreements (other than the trade agreement with Cuba signed on August 24, 1934, as amended) entered into under the authority of the said Act, as originally enacted or as extended, shall be applied on and after the effective date of such duties and other import restrictions, or, as the case may be, shall continue to be applied on and from the date of this letter, to articles the growth, produce, or manufacture of all foreign countries, except as otherwise hereinafter provided, whether imported directly or indirectly, so long as such duties and other import restrictions remain in effect and this direction is not modified.

Such proclaimed duties and other import restrictions shall be applied to articles the growth, produce, or manufacture of Cuba in accordance with the provisions of the trade agreement with Cuba signed on August 24, 1934, as amended.

Because I find as a fact that the treatment of American commerce by Germany is discriminatory, I direct that such proclaimed duties shall not be applied to products of Germany.

My letters addressed to you on December 30, 1939,[1] and December 18, 1940,[2] with reference to duties heretofore proclaimed in connection with the trade agreements signed under the authority of the Act of June 12, 1934, are hereby superseded.

You will please cause this direction to be published in an early issue of the weekly *Treasury Decisions*.

Very sincerely yours,

[SEAL] FRANKLIN D ROOSEVELT

The Honorable HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-8343; Filed, November 6, 1941; 1:30 p. m.]

[1] 5 F.R. 1.
[2] 5 F.R. 5215.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER III—FARM SECURITY ADMINISTRATION

SUBCHAPTER A—ADMINISTRATION

[Memorandum No. 796, Amended]

PART 300—GENERAL

NOVEMBER 5, 1941.

Subparagraph (1) of paragraph (a) of Memorandum No. 796, dated November 16, 1938, as amended by Memorandum No. 878, dated September 30, 1940, is hereby further amended to provide:

§ 300.4 *Prescribing rules and regulations for the administration of loans, grants and Farm Debt Adjustment activities for needy persons, under the rural rehabilitation program of the Farm Security Administration.*[1] • • •

(1) • • • *Provided further*, That no loan shall be made without the Secretary's approval to any cooperative association or agency which will result in a total indebtedness of such association or agency to the Farm Security Administration exceeding the amount of $25,000.

[SEAL] CLAUDE R. WICKARD,
Secretary.

[F. R. Doc. 41-8344; Filed, November 6, 1941; 11:36 a. m.]

[1] 6 F.R. 15.

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FEDERAL REGISTER

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CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Bulletin NSCP-601]

PART 706—NAVAL STORES CONSERVATION PROGRAM

SUBPART D—1942[1]

Sec.
706.300 Authority, availability of funds.
706.301 Definitions.
706.302 Duration of program.
706.303 Kind of payments.
706.304 Conditions of payment; performance required.
706.305 Excess cotton acreage.
706.306 Rates of payment.
706.307 Application and eligibility for payment.
706.308 Administration.

§ 706.300 *Authority and availability of funds.* Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1942, and contingent upon legislative authority to the Secretary to exercise after December 31, 1941, the powers now conferred on him by section 8 of said Act, payments will be made for participation in the 1942 Naval Stores Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1942 Naval Stores Conservation Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will be finally determined by such appropriation and by the extent of participation in the program. Any increase or decrease in the rates of payment and deduction set forth herein because of the extent of participation in the program will not be in excess of 10 per cent.*

*§§ 706.300 to 706.308, inclusive, issued under the authority contained in secs. 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 16 U.S.C., Sup., 590g–590q.

§ 706.301 *Definition of terms*—(a) *Turpentine farm.* The land and turpentine timber owned or leased or operated on a sharecrop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores.

(b) *Gum naval stores.* Crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

(c) *Producer.* Any person or persons, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity and producing gum naval stores from timber controlled for turpentine purposes through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(d) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), hereinafter referred to as gum.

(e) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(f) *Tins.* The gutters or aprons, made of sheet metal or other material, used to aid in conducting the gum from a face into a cup.

(g) *Crop.* 10,000 faces.

(h) *Drift or tract.* A portion or subdivision of a crop set apart for convenience of operation.

(i) *D. b. h.* Diameter breast height; i. e., diameter of tree measured at 4½ feet from the ground.

(j) *Turpentine season.* The entire calendar year or, if a turpentine farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his farm for the production of gum naval stores.

(k) *Application.* The prescribed form of application for payment for cooperating in the 1942 Naval Stores Conservation Program (hereinafter referred to as this program).*

§ 706.302 *Duration of program.* The period during which this program is to be in effect is the period January 1 to December 31, 1942, inclusive.*

§ 706.303 *Kind of payments.* Payment will be made, at the rates and subject to the conditions set forth in § 706.306, to producers who in 1942 carry out the approved practices set forth in § 706.304 with respect to turpentine farms currently being worked in 1942, beginning such cooperation within time limits to be established by the Forest Service of the United States Department of Agriculture (hereinafter referred to as the Forest Service) as appropriate and practicable time limits necessary to afford full opportunity to producers to cooperate in this program and to obtain a full measure of compliance with the objectives of this program.*

§ 706.304 *Conditions of payment; performance required.* In order to qualify for payment, producers shall meet the following requirements:

(a) *Working small trees prohibited.* No face (either old or new) shall be worked during the 1942 turpentine season on any tree less than 9 inches d. b. h. on any turpentine farm or farms owned, leased, or worked by the applicant producer.

(b) *Only one face permitted on trees under 14 inches diameter.* No tree that is less than 14 inches d. b. h. shall have more than one face worked during the 1942 turpentine season on any turpentine farm or farms owned, leased, or worked by the applicant producer.

(c) *Virgin faces on trees 10 inches or larger eligible for payment.* Payment will be made on all virgin faces worked on any crop or separate area owned or leased by the applicant producer if all virgin faces on such crop or area are on trees 10 inches d. b. h. or larger.

(d) *Method of determining base.* For each participating producer there shall be determined, in the manner hereinafter outlined, the maximum number of faces which he is entitled to work during the 1942 turpentine season. For the purpose of arriving at a base figure for each producer the number of faces which such producer worked in 1938 will be taken as a starting point. This figure is subject to modification, for the purpose of finally determining his base, by the addition or subtraction of such number of faces as may have been transferred to him from, or transferred by him to, another participating producer subsequent to 1938, provided such transfer carried with it the right to work the number of faces transferred. In determining the base for a producer who began operations in *1939*, the number of faces worked in 1939, subject to modification by any addition or subtraction, in the manner above prescribed, which may have been made in 1940 or 1941, or both, will be taken as his base. For a producer who began operations in *1940* the number of faces worked by him in 1940, subject to modification by any addition or subtraction, in the manner above prescribed, which may have been made in 1941, will be taken as his base. For a producer who began operations in *1941* the number of faces worked by him in 1941 will be taken as his base. Any producer without base, who begins operations for the first time in *1942* solely on land which is owned by him in fee simple, may participate in this program and receive a base not to exceed one crop; or any producer with a base less than a crop may increase his base to not more than one crop if such increase is made on lands owned by him in fee simple without acquisition of additional base; but in either case such base shall not be transferable during the period covered by this program and must consist of faces worked during 1942 and faces which he, himself, is required to remove from his working faces, as provided in paragraphs (a) and (b) of this section, which will be eligible for payment. In any case no transfer of base for 1942 will be recognized except between participants in this program, and then only if it is for the purpose of working more faces than the transferee's established base permits and such transfer is stated on a transfer-of-base form, which the producer submits together with satisfactory evidence of consent by the transferring producer, and is approved by the District Supervisor. In any case no transfer of base will be permitted after the final date for filing of work sheets.

(e) *Working and discontinuance quotas.* Each participating producer will be allowed to work faces in 1942 equal to 80% of his base, as determined by the provisions of paragraph (d) of this section. Where a producer has control, and his control continues through 1942 (without any renewal of leases), of more faces than 80% of his base, that portion of his base between 80% and 100% will be required to be discontinued: *Provided*, That if a produer installs new (virgin) faces either on timber already controlled or on timber acquired in 1942, or acquires faces through new leases or the renewal of expiring leases, such installation or acquisition will render ineligible for payment a corresponding number of discontinued faces which otherwise would be eligible for payment. Any producer with a base of 5 crops or less may work his entire base, or will be permitted to discontinue faces eligible for payment not to exceed one crop. No payment will be made for faces discontinued in 1942 unless the faces are 90 inches or less in height at the beginning of the 1942 turpentine season and unless (1) the land, including turpentine privileges, was owned in fee simple in 1941 or (2) the faces were controlled for turpentine purposes during the 1941 turpentine season and such control continues through the 1942 turpentine season. The producer's base as of December 31, 1941, before taking into account any transfers of base for 1942, will be the basis for determining the number of discontinued faces which shall be eligible for payment. The number of faces permitted to be worked may be increased by a transfer of base as provided in paragraph (d).

(f) *Written evidence of leases required.* Any producer who acquires faces through a new lease or the renewal of an expiring lease must present to the Forest Service satisfactory proof in writing of such a transaction.

(g) *Restrictions concerning non-participating operations.* Any producer otherwise participating in this program who permits his labor to operate timber which he cannot operate and remain eligible for participation under the terms of this program, or who assists in any manner in the operation of such timber or the sale or processing of the gum therefrom, either directly or through a relative or employee or through any member, officer, or employee of any partnership, corporation, or other business enterprise in which he has any interest or with which he has any connection, or in any other manner whatsoever, shall not be eligible to receive any benefit payment.

(h) *Faces installed on small trees in 1941 not eligible for payment.* As in previous programs, participants in this program will be paid for the removal of faces on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h., as required by paragraphs (a) and (b) of this section, if the cups on such trees were installed during the 1938, 1939, or 1940 turpentine season. As announced in the 1941 bulletin, no payment will be made for the removal of faces that were installed during the 1941 season on trees under 9 inches d. b h. and on trees between 9 and 14 inches d. b. h.; and, in the event of a Naval Stores Conservation Program for 1943, no payment will be made on such faces installed in 1942.

(i) *Discontinued faces, except on small trees, required to be in drifts or tracts.* All faces discontinued for payment under this program shall be discontinued by drifts or tracts with the exception of faces discontinued on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h., as required by paragraphs (a) and (b) of this section.

(j) *Cups and tins must be detached from small trees.* Cups and tins must be detached from removed faces on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h., but need not be removed from the area.

(k) *Limitation of working area on faces and marking required.* Total streaks per face made during the period of this program, averaged by drifts or tracts, shall not exceed 18 inches in vertical measurement between shoulders of first streak and shoulders of last streak. In case of failure to observe this requirement no benefit payment shall be made with respect to the entire operation. The producer, at the time the first 1942 streak is placed upon the face, shall mark the point of beginning of 1942 streaks on at least 25 per cent of the faces that are 90 inches or less in height at the beginning of the 1942 turpentine season, well distributed throughout each drift, with a permanent mark without any injury to the tree, so that the season's height up the tree may be accurately measured at the end of the season.

(l) *Minimum number of streaks required.* Payment shall not be made on faces in production which do not average, by drifts or tracts, at least 12

[1] For the information of producers of gum naval stores in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. This bulletin explains the procedure to be followed in order to qualify for payments under the Naval Stores Conservation Program for 1942.

streaks for the 1942 turpentine season, which streaks shall have been made at no greater frequency than two streaks per week.

(m) *Over 90 inch faces not eligible for payment.* Payment shall not be made on faces either retained in production or taken out of production in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1942 turpentine season, in vertical measurement between shoulders of first streak and shoulders of last streak, including jump streaks.

(n) *Re-payment for faces removed from small trees.* Payment shall not be made on faces taken out, or remaining out, of production pursuant to the provisions of paragraphs (a), (b), and (h) of this section in any drift or tract unless (1) such faces were discontinued under the 1939 program or a later program and have been kept out of production continuously since removal from production and (2) also the cups on all such faces were installed during the 1938, 1939, or 1940 turpentine season and such faces are under the producer's control for turpentine purposes throughout this program.

(o) *Bark-bar requirement.* No tree shall have any new (first-year) back face unless a bark-bar on each side of the back face is provided and maintained throughout the 1942 turpentine season, the total of the two being not less than 7 inches in width, measured horizontally along the bark surface; *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces.

(p) *Consolidation of farms.* Any person having part ownership and control of more than one turpentine farm shall have the right and privilege of consolidating two or more such farms for the purpose of carrying into effect the provisions of this program.

(q) *Only participants eligible for loans.* In the event of a loan program being set up for producers during 1942, only those producers who are participating in this program will be eligible for loans except as provided in paragraph (r) of this section.

(r) *Operators on public domain not eligible for payments.* The provisions of the 1942 Naval Stores Conservation Program are not applicable to producers on such portion of their operations as may be within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership (such lands include, but are not limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior): *Provided, however,* That such producers shall have the privilege of borrowing under any loan program for naval stores producers which may be in operation during 1942.

This program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

This program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Forest Service finds that land administered by any other agency complies with all of the foregoing provisions for eligibility.

(s) *Fire protection requirements.* The applicant producer shall to the best of his ability protect from fire all forest land of any kind within each turpentine farm owned, leased, or otherwise controlled by him during the duration of this program, and in doing so shall cooperate with the State and Federal Governments in any cooperative forest fire protective system that exists contiguous to his turpentine farm or within the area within which such farm is situated: *Provided,* That the producer shall not be required to pay the cost of fire protection on land not owned by him unless so stipulated in the terms of his lease. He shall, however, conduct his operations in all cases in such manner as will prevent fire escaping to adjoining forest lands, whether protected or not.

(t) *Timber cutting requirements.* The applicant producer, in order to provide for restocking and to promote continued production of timber upon which the naval stores, pulp and paper, lumber, and other wood-using industries are dependent, shall, in any and all cutting of timber during the calendar year 1942, which is owned by him or is on land owned by him, meet or exceed the following minimum requirements for the salvage and cutting of turpentine timber:

In cutting operations on turpentine areas:

(1) All worked-out turpentine, defective turpentine, and non-turpentine trees may be cut, provided at least 6 thrifty seed trees (or turpentine species) per acre, 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground), are left uncut, or provided sufficient young growth of turpentine species (at least 150 trees per acre not less than 6 to 8 feet high) is left uncut and undamaged; no round trees, except such as are defective or where thinnings are needed, shall be cut; thinnings may be made, but in such case there shall be left uncut and undamaged not less than 50 trees (of turpentine species) per acre at least 6 to 9 inches in diameter, outside bark, at the stump (12 inches above the ground).

(2) In all other cutting operations at least 4 thrifty seed trees (of turpentine species) per acre, 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground) shall be left uncut and undamaged unless sufficient young growth (at least 150 trees (of turpentine species) per acre not less than 6 to 8 feet high) is left uncut and undamaged.

Payment on working faces, discontinued faces or removed faces shall not be made if the tree is cut or removed prior to the expiration of the 1942 program; provided, however, that trees having faces which attain a height in excess of 90 inches during the 1942 season may be cut after October 15, 1942, and payment will be made for such faces if written permission to cut is given by a District Supervisor of the Forest Service.

(u) *Records required to facilitate administration of program.* Each applicant producer in measuring his trees to determine those on which operation shall respectively be continued or discontinued under the 1942 program shall make an accurate count, by drifts, lots, or other suitable units, of all faces separately as to those which are to remain in operation and those which are not and as to those located on fee land and those on leased lands; and he shall make and keep a written record thereof and furnish such record to the Forest Service, together with a description of the lands. Each producer who files a work sheet shall assist the representatives of the Forest Service in the administration of this program by giving them free access to his turpentine farm, indicating the location of trees and faces recorded on the work sheet, furnishing competent labor to assist the inspector in counting trees, and otherwise facilitating the work of the inspectors in checking compliance with the terms and conditions of this program. All drifts or tracts must be clearly marked either by paint or non-injurious blazes, so that drift or tract lines can be traced in the field without a guide. Any producer participating in this program is required to notify the Forest Service promptly in writing after the work sheet has been filed (1) if there is any change in ownership or control, (2) if there is any transfer, expiration, or sale of lease, and (3) at least 10 days in advance if any timber on the operation is to be cut.*

§ 706.305 *Excess cotton acreage.* (a) Any person who makes application for payment with respect to any turpentine farm located in a county in which cotton is planted in 1942 shall certify in his Certificate of Performance and Application for Payment that he has not knowingly planted cotton, or caused cotton to be planted, during 1942, on land in any farm wherever situated in which he has an interest, in excess of the cotton acreage allotment for the farm for 1942, and that if cotton was planted in excess of such allotment it was done without his authority or consent and, if he had knowledge thereof, he made every reasonable effort to prevent such overplanting.

(b) Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1942 on acreage in excess of the cotton acreage allotment for the farm for 1942 shall not be eligible for any payment whatsoever, on that farm, on his turpentine farm, or any other farm, for the year 1942, under the 1942 Naval Stores Conservation Program or Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1942 on an acreage in excess of the cotton acreage allotment for the farm for 1942 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1942.*

§ 706.306 *Rates of payment.* In connection with the utilization, during the period of this 1942 program, of land devoted to growing trees suitable for and used in the production of gum naval stores, on all turpentine farms operated in accordance with the conditions hereinabove set forth, payment will be made to each participating producer at the following rates:

(a) 1¾ cents per face for each face in continuous operation during the 1942 turpentine season (including virgin faces, provided all virgin faces on any crop or separate area are installed on trees 10 inches or over, d. b. h.) except faces in drifts or tracts which, by drifts or tracts, average more than 90 inches in height at the beginning of the 1942 turpentine season.

(b) 3 cents per face for each face of the net reduction of faces which, at the beginning of the 1942 turpentine season, are 90 inches or less in height and are on trees 9 inches or over, d. b. h., for that portion of the base between 80% and 100%, or for a producer with base of 5 crops or less that portion not exceeding one crop; *Provided,* That the producer had control of all such discontinued faces throughout the period of the 1941 turpentine season and continuing throughout the 1942 season.

(c) 5 cents per face for any one face of one or more faces on trees less than 9 inches d. b. h., and for any one face of two or more faces on trees 9 to 14 inches d. b. h., which are removed from operation during the 1942 turpentine season, or which were taken out of operation during the 1939, 1940 or 1941 Programs and kept out of operation during succeeding programs including this program, for which payment was made in previous programs, and which were first installed during or after the 1938 turpentine season.

(d) *Payments limited to $10,000.* The total of all payments made in connection with all programs for 1942 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate, with respect to turpentine places, farms, and ranching units situated within a single State, Territory, or possession, shall not exceed the sum of $10,000 prior to deduction for association or other administrative expenses in the county or counties or other areas with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate, with respect to turpentine places, farms, and ranching units situated in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000 prior to the aforesaid deduction.

(e) *Payment restricted to effectuation of purposes of this program.* All or any part of any payment which has been or otherwise would be made to any person under said 1942 programs may be withheld or required to be returned if he adopts or has adopted any practice which tends to defeat any of the purposes of the 1942 or previous programs, including the loan program, if any, or if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or if, with respect to grazing land, forest land, or woodland owned or controlled by him, he adopts or has adopted any practice which is contrary to sound conservation practices.

Any person who, for any part or all of the 1942 turpentine season, leases any turpentine timber owned or controlled by him, or transfers his lease on any turpentine timber, or sells his turpentine timber, to another person who he knows or has good reason to believe will not carry out all sound conservation practices throughout the 1942 turpentine season on such turpentine timber shall not be eligible to receive any payment whatsoever under this program or to receive under the 1942 Agricultural Conservation Program any payment with respect to the farm in which such turpentine timber was embraced.

(f) The total payment computed for any applicant producer with respect to his turpentine farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00.

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 per cent.

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
$1.00 to $1.99	$0.40
$2.00 to $2.99	.80
$3.00 to $3.99	1.20
$4.00 to $4.99	1.60
$5.00 to $5.99	2.00
$6.00 to $6.99	2.40
$7.00 to $7.99	2.80
$8.00 to $8.99	3.20
$9.00 to $9.99	3.60
$10.00 to $10.99	4.00
$11.00 to $11.99	4.40
$12.00 to $12.99	4.80
$13.00 to $13.99	5.20
$14.00 to $14.99	5.60
$15.00 to $15.99	6.00
$16.00 to $16.99	6.40
$17.00 to $17.99	6.80
$18.00 to $18.99	7.20
$19.00 to $19.99	7.60
$20.00 to $20.99	8.00
$21.00 to $21.99	8.20
$22.00 to $22.99	8.40
$23.00 to $23.99	8.60
$24.00 to $24.99	8.80
$25.00 to $25.99	9.00
$26.00 to $26.99	9.20
$27.00 to $27.99	9.40
$28.00 to $28.99	9.60
$29.00 to $29.99	9.80
$30.00 to $30.99	10.00
$31.00 to $31.99	10.20
$32.00 to $32.99	10.40
$33.00 to $33.99	10.60
$34.00 to $34.99	10.80
$35.00 to $35.99	11.00
$36.00 to $36.99	11.20
$37.00 to $37.99	11.40
$38.00 to $38.99	11.60
$39.00 to $39.99	11.80
$40.00 to $40.99	12.00
$41.00 to $41.99	12.10
$42.00 to $42.99	12.20
$43.00 to $43.99	12.30
$44.00 to $44.99	12.40
$45.00 to $45.99	12.50
$46.00 to $46.99	12.60
$47.00 to $47.99	12.70
$48.00 to $48.99	12.80
$49.00 to $49.99	12.90
$50.00 to $50.99	13.00
$51.00 to $51.99	13.10
$52.00 to $52.99	13.20
$53.00 to $53.99	13.30
$54.00 to $54.99	13.40
$55.00 to $55.99	13.50
$56.00 to $56.99	13.60
$57.00 to $57.99	13.70
$58.00 to $58.99	13.80
$59.00 to $59.99	13.90
$60.00 to $185.99	14.00
$186.00 to $199.99	(1)
$200.00 and over	(2)

[1] Increase to $200.
[2] No increase.

(g) There shall be deducted from the payments to each applicant producer his pro rata share of all or such part as the Secretary of Agriculture may prescribe of the estimated expenses incurred or to be incurred in the administration of this program.*

§ 706.307 *Application and eligibility for payment*—(a) *Filing of work sheet and application.* Payments will be made upon the basis of facts established in an application for payment properly executed on a prescribed form and filed in a district or regional office of the Forest Service. Each person filing an application for payment will be required to show that a work sheet has been properly executed and timely filed covering each turpentine farm owned, leased, or otherwise controlled, and being

operated by him, with respect to which an application for payment is filed.

An application for payment may be made (1) by any producer who has a base established by his previous operations and/or who is actively engaged in the production of gum naval stores during the 1942 turpentine season or (2) by any person who was so engaged during 1941, or who participated in the 1941 program on land owned, leased, or otherwise controlled by him.

(b) *Time limit for filing work sheets and applications.* Work sheets and applications shall be filed in the manner prescribed and within time limits established by the Forest Service as reasonably affording opportunity to producers to participate in the benefits of the program and keeping the administrative costs within the budget and as low as reasonably may be reached.

(c) *Producer eligible for payments.* Payment will be made to the producer who operates the turpentine farm and who executes the application for payment. In the event one producer conducts the operation of a turpentine farm during a portion of the 1942 turpentine season and another producer (or producers) conducts the operation of the turpentine farm during the remainder of the season, payment will be made to the producer who last conducts the operation of the turpentine farm during the season; *Provided, however,* That, in the event of a mutual agreement between the original producer and the successor-producer, payments shall be divided between such producers on the basis of such mutual agreement as evidenced by their joint application.

(d) *Time of payment.* Payment will be made as soon as practicable after a final field inspection of the turpentine farm on which a work sheet has been filed and after an application for payment has been filed with respect to such farm.

(e) *Assignments.* In order to carry out the provisions of section 8 (g) of the Soil Conservation and Domestic Allotment Act, as amended, and as modified by the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1939:

Any producer who may be entitled to any payment in connection with the 1942 Naval Stores Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1942. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with the instructions (ACP–70 as amended) issued by the Agricultural Adjustment Administration, witnessed, however, by a district supervisor or an inspector of the Forest Service and filed in the Regional Office of the Forest Service, Atlanta, Georgia, or in the office of the appropriate district supervisor of the Forest Service located at Jacksonville, Florida; Savannah, Georgia; or Pensacola, Florida; nor unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

The foregoing provision shall not be construed to give an assignee a right to any payment other than that to which the producer is entitled, and the statute provides that the Secretary of Agriculture and any disbursing agent shall not be subject to any suit or liability if the payment is made to the producer without regard to the existence of any assignment.

§ 706.308 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to make such determinations and to prepare and issue such bulletins, instructions, and forms as may be required to administer this program pursuant to the provisions hereof; and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia.*

Done at Washington, D. C., this 7th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41–8369; Filed, November 7, 1941; 11:41 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 5 to B. A. I. Order 309]

PART 75—DOURINE IN HORSES AND ASSES

ORDER AMENDING REGULATIONS GOVERNING THE INTERSTATE MOVEMENT OF LIVESTOCK

Pursuant to the authority conferred upon the Secretary of Agriculture by section 3 of the Act of Congress approved May 29, 1884 (23 Stat. 31; 21 U.S.C. 114), and the Act of Congress approved July 1, 1941 (Public Law 144—77th Congress—1st Session), § 75.3, Part 75, Chapter I, Title 9, Code of Federal Regulations [Reg. 5, Sec. 3, B.A.I. Order 309], as amended, is hereby further amended to read as follows:

§ 75.3 *Appraisal of and compensation for animals.* When it is necessary, in order to prevent the spread of dourine and to aid in its extermination, and an appropriation is available therefor, the department will cooperate with state and federal governmental agencies in the purchase of diseased animals in the following manner:

(a) The fact of infection with this disease shall be determined by the complement-fixation test applied in the laboratory of the Bureau.

(b) The animal shall be appaised at its actual value by a Bureau inspector and a representative of the cooperating agency, or, when provided by State law, assessed value as shown by the assessor's books will be accepted in lieu of appraisal.

(c) The department will pay one-half of the appraised or assessed value, not to exceed $100, if the owner signs an agreement to accept such sum as compensation in full for the discharge of all claims he may have against the department on account of the destruction of the animal in question: *Provided,* That if the eradication work is carried on in cooperation with a federal agency the department may pay all of the appraised value, not to exceed $100.

This amendment, which for purpose of identification is designated Amendment 5 to B.A.I. Order 309, shall be effective on and after November 17, 1941.

Done at Washington this 7th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 41–8371; Filed, November 7, 1941; 11:41 a. m.]

[Amendment 9 to B. A. I. Order 365]

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

ORDER AMENDING REGULATIONS RELATING TO RECOGNITION OF BREEDS AND PUREBRED ANIMALS

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the Act of June 17, 1930 (46 Stat. 673; 19 U.S.C., sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations,[1] is amended, effective November 3, 1941, by adding to the subdivision of said paragraph relating to sheep the following breeds and book of record:

§ 151.6 *List of recognized breeds and books of records of domestic animals across seas.* * * *

(a) *Recognized breeds and books of records across the seas.*

* * * * * *

Sheep

Name of breeds	Book of record	By whom published
Border Leicester	New Zealand Flock Book.	New Zealand Sheep Breeders' Association, M. E. Lyons, Secretary, 97 Worcester Street, Christchurch, C. 1, New Zealand.
Cheviot		
Corriedale		
Dorset Horn		
English Leicester		
Kerry Hill		
Lincoln		
Merino		
Romney Marsh		
Shropshire		
Suffolk		

[1] Section 2, paragraph 1, Regulation 2, B.A.I. Order 365.

Done at Washington, D. C., this 7th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41–8370; Filed, November 7, 1941; 11:41 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3818]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ACME STEEL COMPANY

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, (1) leasing, selling, or making any contract for the sale thereof on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any strapping other than that acquired from respondent, or from any other source designated by respondent; and (2) enforcing, or continuing in operation or effect, any condition, agreement or understanding in or in connection with any existing lease or sale contract, which condition, agreement or understanding is to the effect that the lessee or purchaser of respondent's machines, appliances or tools shall not use in or with such machines, appliances or tools any strapping other than that acquired from respondent; prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Modified cease and desist order, Acme Steel Company, Docket 3818, October 29, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, and a stipulation as to the facts entered into between the respondent and W. T. Kelley, Chief Counsel for the Commission, which provided, among other things, that a certain statement of facts stipulated to in the Commission's proceeding against Signode Steel Strapping Company (Docket No. 3688), may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provision of that certain act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondent, Acme Steel Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Leasing, selling, or making any contract for the sale of, respondent's machines, appliances or tools on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any strapping other than that acquired from respondent, or from any other source designated by respondent.

(2) Enforcing, or continuing in operation or effect, any condition, agreement or understanding in or in connection with any existing lease or sale contract, which condition, agreement or understanding is to the effect that the lessee or purchaser of respondent's machines, appliances or tools shall not use in or with such machines, appliances or tools any strapping other than that acquired from respondent.

It is further ordered, That said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–8379; Filed, November 7, 1941; 11:49 a. m.]

[Docket No. 3498]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE GERRARD COMPANY, INC., ET AL.

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making of any contract for the sale, of respondents' machines and appliances in commerce, (1) leasing, selling, or making any contract for the sale thereof on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines or appliances any wire other than that acquired from respondents, or from any other source designated by respondents; and (2) enforcing, or continuing in operation or effect, any condition, agreement or understanding in or in connection with any existing lease or sale contract, which condition, agreement or understanding is to the effect that the lessee or purchaser of respondents' machines or appliances shall not use in or with such machines or appliances any wire other than that acquired from respondents; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Modified cease and desist order, The Gerrard Company, Inc., et al., Docket 3498, October 29, 1941]

In the Matter of The Gerrard Company, Inc., a Corporation and American Steel & Wire Company, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, stipulations as to certain of the facts, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and the exceptions thereto, briefs filed herein, and oral arguments by George W. Williams, attorney for the Commission, and by Knapp, Allen and Cushing, attorneys for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of that certain act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondents, The Gerrard Company, Inc., a corporation, and American Steel & Wire Company, a corporation, and their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the leasing, sale, or making of any contract for the sale, of respondents' machines and appliances in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Leasing, selling, or making any contract for the sale of, respondents' machines or appliances on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines or appliances any wire other than that acquired from respondents, or from any other source designated by respondents.

(2) Enforcing, or continuing in operation or effect, any condition, agreement or understanding in or in connection with any existing lease or sale contract, which condition, agreement or understanding is to the effect that the lessee or purchaser of respondents' machines or appliances shall not use in or with such machines or appliances any wire other than that acquired from respondents.

It is further ordered, That said respondents shall, within sixty (60) days

after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8376; Filed, November 7, 1941; 11:48 a. m.]

[Docket No. 4442]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HASKELITE MANUFACTURING CORPORATION

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* Sec. 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* Sec. 3.96 (a) 1) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondent's serving trays, (1) representing that trays made in part of paper are made entirely of wood; (2) using the words "wood", "hardwood", "walnut", or "copomo", or any other word descriptive of wood, to designate or describe trays having paper surfaces, unless there appear in immediate connection or conjunction with such words other words clearly indicating that the surfaces of such trays are made of paper; and (3) selling or distributing trays having surfaces of paper which simulates wood, without clearly disclosing by means of legends imprinted upon such trays or upon the individual cartons in which said trays are packed and sold at retail to the ultimate consumer, that such surfaces are made of paper; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Haskelite Manufacturing Corporation, Docket 4442, October 25, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1941.

This matter coming on to be heard by the Commission upon the motion of respondent for a modification of the order to cease and desist previously entered and served herein, and the Commission having duly considered the said motion and the record herein, and being now fully advised in the premises;

It is ordered, That the order to cease and desist issued herein on August 29, 1941, be, and the same hereby is, modified solely to the extent of deleting the words "otherwise securely attached thereto" from paragraph (3) thereof and substituting the words "upon the individual cartons in which said trays are packed and sold at retail to the ultimate consumer."

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-8378; Filed, November 7, 1941; 11:49 a. m.]

[Docket No. 3688]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SIGNODE STEEL STRAPPING COMPANY

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, (1) leasing, selling, or making any contract for the sale thereof on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any wire or strapping other than that acquired from respondent, or from any other source designated by respondent; and (2) enforcing, or continuing in operation or effect, any condition, agreement or understanding in or in connection with any existing lease or sale contract, which condition, agreement or understanding is to the effect that the lessee or purchaser of respondent's machines, appliances or tools shall not use in or with such machines, appliances or tools any wire or strapping other than that acquired from respondent; prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Modified cease and desist order, Signode Steel Strapping Company, Docket 3688, October 29, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, a stipulation as to the facts entered into between the respondent and W. T. Kelley, Chief Counsel for the Commission, briefs filed by the attorney for the Commission and the attorneys for the respondent, and oral argument before the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of that certain act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act;

It is ordered, That the respondent, Signode Steel Strapping Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the leasing, sale, or making of any contract for the sale, of respondent's machines, appliances and tools in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(1) Leasing, selling, or making any contract for the sale of, respondent's machines, appliances or tools on the condition, agreement or understanding that the lessee or purchaser thereof shall not use in or with such machines, appliances or tools any wire or strapping other than that acquired from respondent, or from any other source designated by respondent.

(2) Enforcing, or continuing in operation or effect, any condition, agreement or understanding in or in connection with any existing lease or sale contract, which condition, agreement or understanding is to the effect that the lessee or purchaser of respondent's machines, appliances or tools shall not use in or with such machines, appliances or tools any wire or strapping other than that acquired from respondent.

It is further ordered, That said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8377; Filed, November 7, 1941; 11:48 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 612—MINIMUM WAGE RATE IN THE WOOLEN INDUSTRY

WAGE ORDER, IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 36 FOR A MINIMUM WAGE RATE IN THE WOOLEN INDUSTRY

Whereas on August 27, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 126, appointed Industry Committee No. 36 for the Woolen Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Woolen Industry in accordance with section 8 of the Act; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Woolen Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Woolen Industry is carried on; and

Whereas on September 25, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator, a report containing its recommendation for a 40-cent minimum hourly wage rate in the Woolen Industry; and

Whereas after notice published in the FEDERAL REGISTER on September 30, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on October 15, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing, all persons who appeared at the hearing were given leave to file briefs on or before October 31, 1941; and

Whereas no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Woolen Industry, as defined by Administrative Order No. 126, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 36 for a Minimum Wage Rate in the Woolen Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

Sec.
612.1 Approval of recommendation of Industry Committee.
612.2 Wage rate.
612.3 Posting of notices.
612.4 Definition of the Woolen Industry.
612.5 Scope of the definition.
612.6 Effective date.

§ 612.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.*

*§§ 612.1 to 612.6, inclusive, issued under the authority contained in section 8, 52 Stat. 1064; 29 U.S.C., Sup., 208.

§ 612.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Woolen Industry who is engaged in commerce or in the production of goods for commerce.*

§ 612.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Woolen Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 612.4 *Definition of the Woolen Industry.* The Woolen Industry, to which this Wage Order shall apply, is defined as follows:

(a) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto.

(b) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk).

(c) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk).

(d) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnetting of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto.

(e) The manufacturing of batting, wadding or filling made entirely of wool or animal fiber (other than silk).

(f) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber.

(g) The manufacturing, dyeing or other finishing of the products enumerated in clauses (b), (c), (d), and (e) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.*

§ 612.5 *Scope of the definition.* The definition of the woolen industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 612.6 *Effective date.* This Wage Order shall become effective November 24, 1941.*

Signed at Washington, D. C., this 3d day of November 1941.

PHILIP B. FLEMING, *Administrator.*

[F. R. Doc. 41-8381; Filed, November 7, 1941; 11:52 a. m.]

PART 613—MINIMUM WAGE RATE IN THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

WAGE ORDER, IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 28 FOR A MINIMUM WAGE RATE IN THE KNITTED AND MEN'S WOVEN UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

Whereas on May 8, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 104, appointed Industry Committee No. 28 for the Knitted and Men's Woven Underwear and Commercial Knitting Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Knitted and Men's Woven Underwear and Commercial Knitting Industry in accordance with section 8 of the Act; and

Whereas the Committee included eight distinterested persons representing the public, a like number of persons representing employers in the Knitted and Men's Woven Underwear and Commercial Knitting Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Knitted and Men's Woven Underwear and Commercial Knitting Industry is carried on; and

Whereas on June 18, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Knitted and Men's Woven Underwear and Commercial Knitting Industry; and

Whereas after notices published in the FEDERAL REGISTER on June 24, July 3, September 5, September 11, and September 25, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on October 13, 1941, at which all interested persons were given opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave

to file briefs on or before October 25, 1941; and

Whereas no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, has concluded that the Industry Committee's recommendation for the Knitted and Men's Woven Underwear and Commercial Knitting Industry, as defined by Administrative Order No. 104, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 28 for a Minimum Wage Rate in the Knitted and Men's Woven Underwear and Commercial Knitting Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

Sec.

613.1 Approval of recommendation of Industry Committee.
613.2 Wage rate.
613.3 Posting of notices.
613.4 Definition of the Knitted and Men's Woven Underwear and Commercial Knitting Industry.
613.5 Scope of the definition.
613.6 Effective date.

§ 613.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.*

*§§ 613.1 to 613.6, inclusive, issued under the authority contained in section 8, 52 Stat. 1064, 29 U.S.C., Sup., 208.

§ 613.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Knitted and Men's Woven Underwear and Commercial Knitting Industry who is engaged in commerce or in the production of goods for commerce.*

§ 613.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Knitted and Men's Woven Underwear and Commercial Knitting Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 613.4 *Definition of the Knitted and Men's Woven Underwear and Commercial Knitting Industry.* The Knitted and Men's Woven Underwear and Commercial Knitting Industry, to which this Wage Order shall apply, is defined as follows:

(a) The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

(1) The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed: *Provided,* That this exception shall not be construed to apply to the garments or garment accessories designated in paragraph (b) of this section.

(2) Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 per cent, by weight, of wool or animal fiber other than silk.

(3) Hosiery.

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products.

(1) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(2) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.

(3) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

(4) Knitted towels or cloths.

(c) The manufacturing of men's and boys' underwear from any woven fabric.*

§ 613.5 *Scope of the definition.* The definition of the Knitted and Men's Woven Underwear and Commercial Knitting Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 613.6 *Effective date.* This Wage Order shall become effective November 24, 1941.*

Signed at Washington, D. C., this 4 day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8380; Filed, November 7, 1941; 11:52 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1134]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE MT. CARBON MINE IN SUBDISTRICT NO. 10 IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals for shipment by truck, produced at Mine Index No. 147, of Mt. Carbon Coal Mine, a code member in Subdistrict 10 in District No. 16; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 for All Shipments is supplemented to include, for the coals in their respective size groups, for shipment by truck, produced at the Mt. Carbon Coal Mine (Mine Index No. 147) located in Jefferson County, Colorado, in Subdistrict 10 in District No. 16, the following effective minimum prices in cents per net ton f. o. b. the mine:

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
Prices	420	370	370	395	370	350	315	240	215	205	185	320

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8352; Filed, November 7, 1941; 10:05 a. m.]

[Docket No. A-1106]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE NO. 4 MINE OF JONESVILLE COAL CO., A CODE MEMBER IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by truck, produced at the No. 4 Mine of Jonesville Coal Co., a code member in District No. 23; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 343.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 23 for All Shipments is supplemented to include, for the coals in their respective size groups, for truck shipment, produced at the No. 4 Mine (Mine Index No. 159) of the Jonesville Coal Co., located in Kittitas County, Washington, in Subdistrict A in District No. 23, the following effective minimum prices in cents per net ton:

Size groups	2	3	4	8	12	13	16	19	20	21	23	24
Prices	500	490	460	490	425	390	350	400	375	325	325	275

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order unless the Director shall otherwise order.

Dated November 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8351; Filed, November 7, 1941; 10:05 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-c Further Restricting the Production of Passenger Automobiles

In accordance with the provisions of § 981.1 (General Limitation Order L-2 [1]), which the following Order supplements, It is hereby ordered that:

§ 981.4 *Supplementary general limitation order L-2-c.* (a) During the period commencing January 1, 1942, and ending January 31, 1942, Producers shall respectively manufacture not more than the following number of Passenger Automobiles:

Name of producer:	*Number of Passenger Automobiles*
General Motors	90,567
Chrysler Corporation	47,271
Ford Motor Company	38,009
Studebaker	8,834
Hudson	6,476
Nash-Lafayette	5,500
Packard	5,771
Willys-Overland	1,944
Crosley	476

(b) During the period specified above and thereafter until further order, each Producer shall continue to distribute his authorized production among various makes in accordance with the option heretofore selected by him for the period commencing August 1, 1941, and ending November 30, 1941. For the month of January, 1942, production pursuant to options previously selected by the Producers shall be as follows:

Name of make	Number under option A	Number under option B
Chevrolet		45,180
Buick		16,402
Pontiac		14,358
Oldsmobile		11,753
Cadillac and LaSalle		2,574
Plymouth	25,184	
Dodge	11,863	
Chrysler	6,028	
DeSoto	4,196	
Ford	32,307	
Mercury	4,426	
Lincoln-Zephyr	1,276	

(c) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 7th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8357; Filed, November 7, 1941; 11:02 a. m.]

PART 998—METAL OFFICE FURNITURE AND EQUIPMENT

Limitation Order L-13 to Restrict the Production of Metal Office Furniture and Equipment

Whereas, the demands of national defense have created a shortage of iron and steel used in the manufacture of metal office furniture and equipment; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries

[1] 6 F.R. 4735.

for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of metal office furniture and equipment is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 998.1 *General limitation order L–13*—(a) *Definitions.* For the purposes of this Order:

(1) "Steel Used" means the aggregate weight of steel contained in the finished products manufactured.

(2) "Class A Manufacturers" means those manufacturers of metal office furniture and equipment whose steel used in the manufacture of such metal office furniture and equipment for the twelve months ending June 30, 1941, was 12,000 tons or more.

(3) "Class B Manufacturers" means those manufacturers of metal office furniture and equipment whose steel used in the manufacture of such metal office furniture and equipment for the twelve months ending June 30, 1941, was more than 3,000 but less than 12,000 tons of steel.

(4) "Class C Manufacturers" means those manufacturers of metal office furniture and equipment whose steel used in the manufacture of such metal office furniture and equipment for the twelve months ending June 30, 1941, was 3,000 tons or less.

(5) "Group I Products" means the following: Insulated metal filing cabinets; safes; metal visible record equipment.

(6) "Group II Products" means the following: Metal filing cabinets other than insulated filing cabinets; metal lockers.

(7) "Group III Products" means the following: Metal office storage cabinets; metal desks; office chairs containing metal; metal office tables, including typewriter and office machine stands; metal bank vault equipment; metal shelving; metal office counters other than filing cabinets; movable metal partitions; doors, etc., for movable metal partitions; other metal office equipment, including wastepaper baskets, metal trays, and wire baskets.

(b) *General restriction.* (1) Except as provided in subparagraph (4), during the four months' period from September 1 to December 31, 1941, inclusive, no Class A Manufacturer of metal office furniture and equipment shall use in the production of any Group I Product more than four times 70% of the monthly average of steel used by him for the manufacture of such Group I Product during the twelve months ending June 30, 1941; nor shall such Class A Manufacturer use in the manufacture of any Group II Product more than four times 55% of the monthly average of steel used by him for the manufacture of such Group II Product during the twelve months ending June 30, 1941; nor shall such Class A Manufacturer use in the manufacture of any Group III Product more than four times 40% of the monthly average of steel used by him for the manufacture of such Group III Product during the twelve months ending June 30, 1941.

(2) Except as provided in subparagraph (4), during the four months' period from September 1 to December 31, 1941, inclusive, no Class B Manufacturer of metal office furniture and equipment shall use in the production of any Group I Product more than four times 80% of the monthly average of steel used by him for the manufacture of such Group I Product during the twelve months ending June 30, 1941; nor shall such Class B Manufacturer use in the manufacture of any Group II Product more than four times 65% of the monthly average of steel used by him for the manufacture of such Group II Product during the twelve months ending June 30, 1941; nor shall such Class B Manufacturer use in the manufacture of any Group III Product more than four times 50% of the monthly average of steel used by him for the manufacture of such Group III Product during the twelve months ending June 30, 1941.

(3) Except as provided in subparagraph (4), during the four months' period from September 1 to December 31, 1941, inclusive, no Class C Manufacturer of metal office furniture and equipment shall use in the production of any Group I Product more than four times 90% of the monthly average of steel used by him for the manufacture of such Group I Product during the twelve months ending June 30, 1941; nor shall such Class C Manufacturer use in the manufacture of any Group II Product more than four times 75% of the monthly average of steel used by him for the manufacture of such Group II Product during the twelve months ending June 30, 1941; nor shall such Class C Manufacturer use in the manufacture of any Group III Product more than four times 60% of the monthly average of steel used by him for the manufacture of such Group III Product during the twelve months ending June 30, 1941: *Provided, however,* That a manufacturer who produces more than one of the above products may use in producing any one such product 120% of the steel allotted to that product, provided that he reduces the amount of steel used in his other products by an equivalent amount with the result that his total use of steel does not exceed the total amount permitted by this Order.

(4) Any manufacturer who manufactures more than one product may, as between such products, adjust the permissible amounts of steel to be used, but such adjustment shall be within the following limits: In the production of any one product he may use up to but not exceeding 120% of the amount of steel permitted for such product under the terms of paragraph (b) (1), (b) (2), or (b) (3), but, in such a case, the amount of steel permitted for his other products shall be correspondingly reduced. In no event shall the total amount of steel used by any manufacturer exceed the total permitted under the terms of paragraph (b) (1), (b) (2), or (b) (3), whichever may be applicable.

(5) The restriction provided for by the preceding paragraphs shall apply to use of steel from the manufacturer's own inventories of raw and semi-processed metal, as well as to use of steel from all other sources.

(6) If any manufacturer has Defense Orders or other orders bearing preference ratings which, alone and without reference to the requirements of any other orders, require the use, during the above-specified four months' period, of more steel than is permitted by the foregoing restrictions, he may apply in writing to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., for permission to exceed such restrictions.

(c) *Avoidance of excessive inventories.* Manufacturers of metal office furniture and equipment shall not accumulate inventories of raw materials, semiprocessed materials, finished parts, or assembled office furniture and equipment in quantities in excess of practicable minimum working inventories.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this Order applies shall on the 30th day of November, 1941, and on the 15th day of every month thereafter, file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management, a report of inventories of metal office furniture and equipment and materials entering into the production of the same, in such form as shall be prescribed by the Office of Production Management. In addition, each manufacturer's report for the month of October shall include a statement of such manufacturer's production of metal office furniture, by types, for the year ending June 30, 1941, together with a statement of the steel used by such manufacturer in the production of such office furniture and equipment for the year ending June 30, 1941. Each manufacturer to whom this Order applies shall also execute and file with the Office of Production Management such other reports and questionnaires as said Office shall from time to time request.

(g) *Applicability to manufacturers previously using metals other than steel.* Any manufacturer who, during the twelve months ending June 30, 1941, used Metals other than steel in the production of any Group I, Group II, or Group III Products and, during the four months' period from September 1 to December 31, 1941, inclusive, uses or wishes to use steel in lieu of such other metals, may apply to the Director of Priorities for permission to convert the weight of such other metals previously used into an equivalent weight of steel for the purpose of computing such manufacturer's "steel used" during the base period. Such applications for permission to make such conversion shall be made on forms to be prescribed, and shall be addressed to the Chief, Electrical Appliance and Consumers Durable Goods Branch, Division of Civilian Supply, Office of Production Management. Permission to make such conversion in a proper case will be granted only upon condition that the manufacturer agrees to use none of the metals formerly used in the production of metal office furniture and equipment.

(h) *Violations or false statements.* Any person who violates this Order or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483, sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 7th day of November, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8358; Filed, November 7, 1941; 11:02 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT OF PRICE SCHEDULE NO. 32[1]—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Sections 1347.51, 1347.56, and 1347.60 are amended to read as follows:

[1] 6 F.R. 5012, 5073.

§ 1347.51 *Maximum prices for paperboard.* On and after November 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the area East of the Rocky Mountains, no person shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1347.61 and 1347.62 respectively.

§ 1347.56 *Affirmation of compliance.* All persons who are required by § 1347.54 to keep records, shall transmit, on or before December 10, 1941, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 132:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 132:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" by 10½" paper, may be prepared by persons required to submit affirmations of compliance hereunder.

§ 1347.60 *Effective date.* This Schedule (§§ 1347.51–1347.62) shall become effective on November 1, 1941. (Executive Order No. 8734, 8875; 6 F.R. 1917, 4483.)

Issued this 6th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–8345; Filed, November 6, 1941; 4:13 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD

PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS

Pursuant to § 6.4 (b), Title 33 (*Anchorage regulations, regulations for the control of vessels in the territorial waters of the United States*) (6 F.R. 5221), the Commandant of the Coast Guard, with the approval of the Secretary of the Treasury, may classify vessels for the purposes of exempting any or all persons on board any class of vessels from the requirement of personal identification as provided in said section.

§ 9.2 *Classification of vessels pursuant to § 6.4 (b) of this Chapter.* By virtue of the authority vested in me by the regulations above cited, the following classifications of vessels are hereby prescribed for the purposes of permitting the captain of the port to exempt any or all persons aboard any class of vessels from the requirement of personal identification contained in § 6.4 (b) of this chapter:

(a) Vessels operating exclusively in territorial waters within the jurisdiction of a Captain of the Port;

(b) Vessels documented or numbered under the laws of the United States, owned, controlled, and operated by citizens or corporations of the United States;

(c) Undocumented or unnumbered vessels, owned, controlled, and operated by citizens or corporations of the United States, operating exclusively in territorial waters;

(d) Vessels documented under the laws of a foreign country;

(e) Vessels owned by citizens of a foreign country but not documented under the laws of such foreign country;

(f) Undocumented or unnumbered vessels, of which the masters, operators, or other persons in charge are citizens of the United States, and of which the personnel complements of such vessels are more than 50 per centum citizens of the United States;

(g) Vessels used for commercial purposes;

(h) Vessels not used for commercial purposes;

(i) Vessels having mechanical power;

(j) Vessels not having mechanical power;

(k) Vessels less than 16 feet in length;

(l) Vessels from 16 feet to 65 feet in length;

(m) Vessels from more than 65 feet to 100 feet in length;

(n) Vessels more than 100 feet in length;

(o) Vessels not operating within 100 feet of any navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or naval arsenal or depot, warehouse, or freight pier;

(p) Vessels not carrying explosives as cargo.

Classification of a vessel may include two or more of the categories mentioned in paragraphs (a) to (p).

[SEAL] R. R. WAESCHE,
Commandant, U. S. Coast Guard.

Approved: November 1, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–8368; Filed, November 7, 1941; 11:34 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission on November 4, 1941, effective immediately, amended paragraph (c) of § 3.408 *Rebroadcast,* to read as follows:

§ 3.408 *Rebroadcast.*

* * * * *

(c) (1) The licensee of a standard or high frequency broadcast station located within a state or the District of Columbia may, without further authority of the Commission, rebroadcast on a noncommercial basis a noncommercial program

of a United States international broadcast station.

(2) The licensee of a standard or high frequency broadcast station located in any territory or insular possession of the United States may, without further authority of the Commission, rebroadcast any program of a United States international broadcast station.

(3) In the case of any rebroadcast under the provisions of this paragraph (c), the Commission shall be notified of the call letters of each station whose programs are rebroadcast and the licensee shall certify that express authority has been received from the licensee of the station originating the program.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8372; Filed, November 7, 1941; 11:42 a. m.]

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

Correction Notice

Attention is directed to an error printed in the Saturday, October 18, 1941, issue of the FEDERAL REGISTER on page 5322 under the above-entitled part.

The paragraph referring to an extension of the effective date of § 4.45 is hereby deleted.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8373, Filed, November 7, 1941; 11:42 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20232; 5282]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION, ECLIPSE AVIATION DIVISION, BENDIX, NEW JERSEY

Contract for: Starter Assemblies and Data.

Amount: $10,777,840.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-30 A 0705-12
AC 26 P 81-30 A 0705-12
AC 28 P 82-30 A 0705-12
AC 299 P 111-30 A 0021-13

This contract,[1] entered into this 8th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver Starter Assemblies and Data for the consideration stated ten million seven hundred seventy-seven thousand eight hundred forty dollars ($10,777,840.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. The Contractor shall furnish and deliver to the Government * * * Starter Assemblies and Data; total $10,777,840.00.

ART. 21. *Option.* The Government is granted the right at any time within * * * months from and after date of approval of this contract to increase the quantity or quantities of articles called for herein at not more than the unit prices stated by any amount that would not exceed * * * per cent of the entire contract price stipulated, said increase to be applied as to all or any item or items at the option of the Government.

ART. 26. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8354; Filed, November 7, 1941; 10:29 a. m.]

[1] Approved by the Under Secretary of War September 25, 1941.

[Contract No. W 535 ac-20916 (5513)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL ELECTRIC COMPANY, SCHENECTADY, NEW YORK[1]

Contract for: Generator Assemblies, Inverters, and Data.

Amount: $1,486,250.00.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 34 P 12-30 A 0705-12 the available balance of which is sufficient to cover cost of same.

This contract, entered into this 10th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Generator Assemblies, Inverters and Data for the consideration stated one million four hundred and eighty-six thousand two hundred fifty dollars in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. *Articles and data called for.* The Contractor shall furnish and deliver to the Government all of the following articles, to-wit:

Item 1. * * * Generator assemblies	$1,111,250.00
Item 2. * * * Inverters	375,000.00
Data	No cost

ART. 23. *Delays—Damages.* If the Contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1 or any extension thereof, and if by reason of such refusal or failure the Government purchases said materials or supplies in the open market or secures the manufacture and delivery of the same by contract or otherwise, then the Government may by written notice terminate the right of the Contractor to proceed with deliveries of such part or parts of the materials or supplies covered by this contract as to which there has been delay.

ART. 24. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 35. *Price adjustment.* The contract prices stated in this contract for generator assemblies and inverters are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the generators and inverters.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8355; Filed, November 7, 1941; 10:30 a. m.]

[1] Approved by the Under Secretary of War, September 30, 1941.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[1]

SECTION I

1. *Executive Orders and Treasury Department Regulations.* Executive Order No. 8389, April 10, 1940 (5 F.R. 1400), as amended, and Treasury Department regulations issued pursuant thereto impose restrictions on certain transactions involving property in which the foreign countries listed below or any national thereof has at any time on or since the effective date indicated in each case had any interest. Additional instructions of the Treasury Department provide among other things that with certain exceptions disbursing officers will not send payments to addresses in those foreign countries or to any national thereof, within the meaning of Executive Order No. 8389, as amended, or to any person, corporation, partnership, or association wherever located for or on behalf of those foreign countries or any national thereof. An individual domiciled and resident in the United States on the date indicated for a particular foreign country is not a "national" of such foreign country within the meaning of Executive Order No. 8389, as amended.

Executive order No. and FEDERAL REGISTER reference	Country	Date effective
8785 (6 F.R. 2897)	Albania	June 14, 1941
8785 (6 F.R. 2897)	Andorra	June 14, 1941
8785 (6 F.R. 2897)	Austria	June 14, 1941
8405 (5 F.R. 1677)	Belgium	May 10, 1940
8701 (6 F.R. 1285)	Bulgaria	Mar. 4, 1941
8832 (6 F.R. 3715)	China	June 14, 1941
8785 (6 F.R. 2897)	Czechoslovakia	June 14, 1941
8785 (6 F.R. 2897)	Danzig	June 14, 1941
8389 (5 F.R. 1400)	Denmark	Apr. 8, 1940
8484 (5 F.R. 2586)	Estonia	July 10, 1940
8785 (6 F.R. 2897)	Finland	June 14, 1941
8446 (5 F.R. 2279)	France (including Monaco).	June 17, 1940
8785 (6 F.R. 2897)	Germany	June 14, 1941
8746 (6 F.R. 2157)	Greece	Apr. 28, 1941
8711 (6 F.R. 1443)	Hungary	Mar. 13, 1941
8785 (6 F.R. 2897)	Italy	June 14, 1941
8832 (6 F.R. 3715)	Japan	June 14, 1941
8484 (5 F.R. 2586)	Latvia	July 10, 1940
8484 (5 F.R. 2586)	Lithuania	July 10, 1940
8785 (6 F.R. 2897)	Liechtenstein	June 14, 1941
8405 (5 F.R. 1677)	Luxembourg	May 10, 1940
8405 (5 F.R. 1677)	Netherlands	May 10, 1940
8389 (5 F.R. 1400)	Norway	Apr. 8, 1940
8785 (6 F.R. 2897)	Poland	June 14, 1941
8785 (6 F.R. 2897)	Portugal	June 14, 1941
8565 (5 F.R. 4062)	Rumania	Oct. 9, 1940
8785 (6 F.R. 2897)	San Marino	June 14, 1941
8785 (6 F.R. 2897)	Spain	June 14, 1941
8785 (6 F.R. 2897)	Sweden	June 14, 1941
8785 (6 F.R. 2897)	Switzerland	June 14, 1941
8785 (6 F.R. 2897)	Union of Soviet Socialist Republics. (See sec. II below.)	June 14, 1941
8721 (6 F.R. 1622)	Yugoslavia	Mar. 24, 1941

2. *Instructions of the War Department.* Unless prior approval therefor is given by the War Department no award will be made to, or contract entered into with, any person, firm, association, or corporation, who to the knowledge of the contracting officer would be ineligible to receive payment under the foregoing instructions.

SECTION II

General licenses. Pursuant to authority contained in Executive Order No. 8389, April 10, 1940, as amended, the Secretary of the Treasury has granted general licenses as follows:

General License No. 51, dated June 24, 1941 (6 F.R. 3100), Union of Soviet Socialist Republics:

(a) A general license is hereby granted licensing the Union of Soviet Socialist Republics as a generally licensed country,

(b) As used in this general license: Any foreign country licensed as a "generally licensed country", and nationals thereof, shall be regarded for all purposes as if such foreign country were not a foreign country designated in the Order. (R.S. 161; 5 U.S.C. 22) [Proc. Cir. 81, W.D., Oct. 27, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8356; Filed, November 7, 1941; 10:37 a. m.]

[1] Paragraphs 1 to 11 of section I, and section II are superseded.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-842]

PETITION OF GUY S. MARTIN (DE SOTO COAL COMPANY), A CODE MEMBER IN DISTRICT NO. 10, FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE DE SOTO MINE (MINE INDEX NO. 1098), IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING TO SHOW CAUSE WHY PETITION SHOULD NOT BE DISMISSED

Guy S. Martin (De Soto Coal Company) filed an original petition in the above-entitled matter on April 29, 1941, seeking revision of the effective price classifications and minimum prices established for the coals produced at the De Soto Mine (Mine Index No. 1098) in District No. 10. Petitioner was notified of certain defects of the petition both as to form and substance on May 12, 1941, and again on August 14, 1941. No response to these letters has been received, and the deficiencies have not been corrected.

Now, therefore, it is ordered, That petitioner show cause why the above-entitled proceeding should not be dismissed without prejudice at a hearing before Joseph A. Huston or any other officer of the Division duly designated to preside at such hearing on December 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. The Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held. The dismissal of the proceeding pursuant to this Order, however, shall be without prejudice to the right of petitioner to file a petition with the Division in regard to the same matters pursuant to the Rules and Regulations of the Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 5, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8347; Filed, November 7, 1941; 10:03 a. m.]

[Docket No. A–1093]

DISTRICT BOARD 11, REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR DISTRICT 11 COALS PRODUCED FOR RAIL SHIPMENT TO KELLOGG AIRPORT, BATTLE CREEK, MICHIGAN, MARKET AREA NO. 21

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 9, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 4, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 requesting the revision of the effective minimum prices for District No. 11 by providing for deductions in mine prices based upon differences in freight rates among mines in District No. 11 on shipments to Kellogg Airport (Battle Creek), Michigan, in Market Area No. 21.

Dated: November 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8346; Filed, November 7, 1941; 10:03 a. m.]

[Docket No. 1716–FD]

IN THE MATTER OF RICHARD ALMOND AND GEORGE GALBAVY, DEFENDANTS

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Havre, Montana, on August 25, 1941, pursuant to the order of the Acting Director dated July 12, 1941, and subsequently postponed pursuant to the Order of the Director dated September 12, 1941, to a date and hearing room to be thereafter designated by an appropriate order;

And it appearing to the Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held at Billings, Montana on November 15, 1941, in a hearing room of the Bituminous Coal Division in the Billings Commercial Club, and;

It is further ordered, That Scott A. Dalquist be and he is hereby designated to preside at such hearing vice D. C. McCurtain and;

It is further ordered, That the Notice of and Order for Hearing herein dated July 12, 1941, shall in all other respects remain in full force and effect.

Dated: November 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8348; Filed, November 7, 1941; 10:03 a. m.]

[Docket Nos. A–154, A–273, A–390]

PETITIONS OF L. F. GORDLEY, DISTRICT BOARD 6, AND DISTRICT BOARD 11

ORDER TO SHOW CAUSE WHY PETITIONS SHOULD NOT BE DISMISSED

Original petitions requesting relief under section 4 II (d) of the Bituminous Coal Act of 1937 have been filed by the above-named parties and have been assigned the following docket numbers: L. F. Gordley, Docket No. A–154; District Board 6, Docket No. A–273; and District Board 11, Docket No. A–390.

In Docket No. A–154, L. F. Gordley, doing business as Franceville Coal Company, requested the revision of the minimum prices established for coals of the Pike View Mine (Mine Index No. 119). By letter dated May 9, 1941, petitioner was requested to correct certain deficiencies in his petition, which were specifically pointed out in that letter. No further communication concerning this Docket has been received from petitioner.

In Docket No. A–273, District Board 6 requested an increase in specific price adjustments for certain coals for delivery to Cleveland, Ohio, in Market Area 13, via Pittsburgh and West Virginia Railway and Wheeling and Lake Erie Railway. Pursuant to the request in the petition for the granting of temporary relief, an informal conference was held on November 6, 1940. At the conference petitioner agreed to amend its original petition and to supply certain data. No such amendment has been filed.

In Docket No. A–390, District Board 11 requested the establishment of temporary minimum prices for washed coals of the Clinton Mine (Mine Index No. 22) of the Ayrshire Patoka Collieries Company. By Order of the Director dated December 13, 1940, temporary relief was granted permitting shipment, for experimental purposes, of 2,500 tons of washed coal from the Clinton Mine and requiring the District Board to notify the Division "when the sale of this coal has been completed." On August 22, 1941, District Board 11 filed an affidavit stating that 1,183.25 tons of such coal had been shipped and that District Board 11 had been notified by the code member that it had completed the sale of coal under the temporary relief granted.

Apparently petitioners in the foregoing matters have no further interest in these proceedings.

Now, therefore, it is ordered, That the petitioners be required to show cause why the foregoing proceedings should not be dismissed at a hearing before Joseph A. Huston or any other officer of the Division duly designated to preside at such hearing on December 5, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held. The dismissal of any proceedings pursuant to this Order, however, shall be without prejudice to the right of the aforesaid petitioners to file petitions with the Division in regard to the same matters pursuant to the Rules and Regulations of the Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8349; Filed, November 7, 1941; 10:04 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
Louis F. Murphy, Middlewest Coal Co., 913 Pioneer Bldg., St. Paul, Minn.	Oct. 25, 1941
Rose Shaw, North Side Ice & Coal, 313 N. Heaton St., Knox, Ind.	Oct. 27, 1941
Smith Stevedoring & Forwarding Co., Pensacola, Fla.	Oct. 30, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before December 8, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: November 5, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8350; Filed, November 7, 1941; 10:04 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 510, 662, 663, 672]

IN THE MATTER OF THE APPLICATION OF AMERICAN AIRLINES, INC., AND THE PETITIONS OF LAREDO, EAGLE PASS, AND SAN ANTONIO, TEXAS

NOTICE OF POSTPONEMENT OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, hearing in the above-entitled proceeding, being the application of American Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between El Paso, Fort Worth-Dallas and Mexico City, Mexico, via Monterrey, Mexico, and the petitions of the Cities of Laredo, Eagle Pass and San Antonio, Texas, requesting that those cities be designated as intermediate points on the proposed route of American, now assigned for November 17, 1941, is hereby postponed to December 8, 1941, 10:00 a. m. (Eastern Standard Time) in Room 7057 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., November 6, 1941.

FRANK P. MCINTYRE, *Examiner.*

[F. R. Doc. 41–8353; Filed, November 7, 1941; 10:29 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4501]

IN THE MATTER OF ELECTRO-HEALTH APPLIANCE CO., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, December 4, 1941, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 254, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41–8359; Filed, November 7, 1941; 11:22 a. m.]

[Docket No. 4543]

IN THE MATTER OF GEORGE S. MOGILNER AND JAMES WALKER, INDIVIDUALS, TRADING AS MERIT HEALTH APPLIANCE COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 9, 1941, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 254, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41–8361; Filed, November 7, 1941; 11:23 a. m.]

[Docket No. 4504]

IN THE MATTER OF PHILIP R. PARK, INC., A CORPORATION, PHILIP R. PARK, HARRISON H. HAVNER, JOHN S. HUNT AND PHILIP E. IVERSEN, INDIVIDUALLY, AND AS OFFICERS OF PHILIP R. PARK, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of November A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 15, 1941, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 254, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41–8360; Filed, November 7, 1941; 11:23 a. m.]

[Docket No. 4591]

IN THE MATTER OF BEN ARNOVITZ AND WILFORD ARNOVITZ, INDIVIDUALS, TRADING AND DOING BUSINESS AS UTAH BEVERAGE AND DISTRIBUTING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 21, 1941, at ten o'clock in the forenoon of that day (Mountain Standard Time), in Room 234, Federal Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8362; Filed, November 7, 1941; 11:22 a. m.]

[Docket No. 4531]

IN THE MATTER OF AL MODEY LOUGHNEY, INDIVIDUALLY AND TRADING UNDER THE NAME OF DR. A. M. LOUGHNEY, AND ROGER G. LOUGHNEY, AN INDIVIDUAL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 29, 1941, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 542, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8374; Filed, November 7, 1941; 11:48 a. m.]

[Docket No. 4601]

IN THE MATTER OF NATURE'S HERB COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At the regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 22, 1941, at ten o'clock in the forenoon of that day (Pacific Standard Time) in Room 542, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8375; Filed, November 7, 1941; 11:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-424]

IN THE MATTER OF NORTH WEST UTILITIES COMPANY AND LAKE SUPERIOR DISTRICT POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named companies; and

Notice is further given that any interested person may, not later than November 17, 1941, at 4:30 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Transaction A. Lake Superior District Power Company proposes, by amendment of its Articles of Organization, to change each of its 56,467 authorized shares of Common Stock, presently of the par value of $75 each, into three (3) shares of Common Stock of the par value of $25 each, and to issue and deliver certificates for 106,797 shares of its Common Stock, of the par value of $25 each, to North West Utilities Company upon the surrender by it for cancellation of the certificates presently held by it for 35,599 shares of Common Stock of Lake Superior District Power Company of the par value of $75 each, being all the shares of Common Stock of Lake Superior District Power Company now issued and outstanding. Lake Superior District Power Company desires the necessary consent and authority to issue the 106,797 shares of its Common Stock of the par value of $25 each and to acquire in exchange, and cancel, the 35,599 shares of the par value of $75 each now outstanding. North West Utilities Company desires the necessary consent and authority to acquire the 106,797 shares of Common Stock of Lake Superior District Power Company of the par value of $25 each and to surrender for cancellation the 35,599 shares of the par value of $75 each now held by it.

Transaction B. North West Utilities Company proposes to sell to underwriters the 106,797 shares of Common Stock of the par value of $25 each of Lake Superior District Power Company to be acquired as a result of the consummation of Transaction A. Public invitation of proposals for the purchase of said shares will be made by North West Utilities Company pursuant to the provisions of Rule U-50. The requisite authority and consent is desired by North West Utilities Company for the sale of said shares.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8363; Filed, November 7, 1941; 11:28 a. m.]

[File No. 1-2964]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF TRANSAMERICA CORPORATION CAPITAL STOCK, $2 PAR VALUE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER DENYING MOTIONS, ETC., AND RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its offices in the City of Washington, D. C., on the 5th day of November, A. D. 1941.

Transamerica Corporation having filed pursuant to section 12 (b) of the Securities Exchange Act of 1934 an application on Form 24 and amendments thereto for the registration of 11,590,784 shares of its capital stock, $2 par value, on the New York Stock Exchange, the Los Angeles Stock Exchange, and the San Francisco Stock Exchange; and

The Commission having issued an order under section 19 (a) (2) of the Securities Exchange Act of 1934 directing that a hearing be held to determine whether, in said application for registration and amendments thereto and in the annual report on Form 24-K filed by Transamerica Corporation for the fiscal year ending December 31, 1937, said Transamerica Corporation had failed to comply with sections 12 (b) and 13 (a) and (b) of the Securities Exchange Act of 1934 and the rules, regulations and forms promulgated by the Commission thereunder, and if so, whether it was necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw such registration; and

The hearing pursuant to said order having been duly convened on January 16, 1939 and having been continued thereafter from time to time until March 28, 1939, on which date said hearing was adjourned subject to call on ten days' notice from the Commission; and

The Commission, on November 22, 1940, having entered an amended order for hearing and a supplemental amended order for hearing directing that the hearing originally ordered and adjourned as set forth above be reconvened on December 9, 1940; and

Transamerica Corporation, on December 9, 1940, having filed various motions, objections and demands which were entitled as follows: Motion to Dismiss for Lack of Prosecution; Objections to Jurisdiction and Motion to Dismiss; Special Appearance and Motion to Strike Out Portions of Order, to Dismiss Proceeding under section 19 (a) (2), and to Reform Proceeding into a Proceeding under section 21 (a) of the Act; Objection to Trial Examiner; Demand for Auditor's Report; and

Transamerica Corporation, on January 19, 1939, having filed a motion entitled Special Appearance and Motion to Strike Out Certain Portions of Order Filed Herein and to Reform Proceeding; and

Transamerica Corporation, on February 17, 1941, having filed motions to strike the affidavits, or in the alternative portions of the affidavits, of James A. Treanor, Jr., Henry Fitts, Chester T. Lane, O. John Rogge, and Earle C. King; and

Transamerica Corporation, on February 24, 1941, having renewed its applications to take the depositions of Chester T. Lane, O. John Rogge, James A. Treanor, Jr., Earle C. King, and Henry Fitts; and

Transamerica Corporation having submitted briefs and affidavits in support of the motions, objections and demands filed by it and counsel to the Commission having filed a brief and affidavits in opposition to the various motions filed by Transamerica Corporation, and Transamerica Corporation's request for oral argument having been denied; and

The Commission having considered the record, the briefs and affidavits filed by Transamerica Corporation and the brief and affidavits filed by counsel to the Commission, and having this day entered its opinion;

It is ordered, That the motion dated January 19, 1939, and entitled Special Appearance and Motion to Strike Out Certain Portions of Order Filed Herein and to Reform Proceeding be and the same hereby is denied; and

It is further ordered, That the motions, objections and demands dated December 9, 1940 and entitled Objection to Trial Examiner, Motion to Dismiss for Lack of Prosecution; Objections to Jurisdiction and Motion to Dismiss; Special Appearance and Motion to Strike Out Portions of Order, to Dismiss Proceeding under section 19 (a) (2), and to Reform Proceeding into a Proceeding under section 21 (a) of the Act; Demand for Auditors' Report be and the same hereby are denied; and

It is further ordered, That the applications to take the depositions of Chester T. Lane, O. John Rogge, Earle C. King, Henry Fitts and James A. Treanor, Jr., be and the same hereby are denied; and

It is further ordered, That the motions to strike the affidavits, or in the alternative portions of the affidavits, of James A. Treanor, Henry Fitts, Chester T. Lane, O. John Rogge and Earle C. King be and the same hereby are denied; and

It is further ordered, That the hearing in this proceeding shall be reconvened on January 12, 1942, at 10:00 o'clock, A. M., in Room 1301, of the Commission's regional offices, at 625 Market Street, San Francisco, California, and shall be conducted before Henry Fitts, an officer of the Commission, and that said officer shall enjoy and exercise the same powers as conferred upon him by the original order in this matter issued November 22, 1938, and that the said hearing shall continue thereafter at such times and places as the said officer may designate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8364; Filed, November 7, 1941; 11:28 a. m.]

[File No. 70-408]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1941.

Philadelphia Electric Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding the issue and sale of $20,000,000 principal amount of First and Refunding Mortgage Bonds, 2¾% Series due 1971, the proceeds to be used to retire a like principal amount of 1½% notes payable to banks and maturing December 3, 1941;

Pursuant to Rule U-50 of the General Rules and Regulations under the Act, applicant will publicly invite proposals for the purchase of the bonds; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That said application, as amended, be and the same is hereby granted subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further condition:

That the applicant report to the Commission the results of competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby, jurisdiction being reserved for this purpose.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8365; Filed, November 7, 1941; 11:28 a. m.]

[File No. 70-412]

IN THE MATTER OF FEDERAL LIGHT & TRACTION COMPANY, RAWLINS ELECTRIC COMPANY, SHERIDAN COUNTY ELECTRIC COMPANY, AND THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY & GAS COMPANY

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its

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office in the City of Washington, D. C., on the 6th day of November, A. D. 1941.

The above-named companies having filed declarations and applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7, 10 and 12 thereof and Rules U-42, U-43, U-44, U-45 and U-50 thereunder, regarding:

1. The issue and sale of 3½% First Mortgage Bonds, due 1966, to John Hancock Mutual Life Insurance Company, for the following companies in the following amounts:

Rawlins Electric Co	$200,000
Sheridan County Electric Co	750,000
The Trinidad Electric Transmission, Railway & Gas Co	1,600,000

2. The issue and sale to Federal Light & Traction Company of 1,500 shares of common stock of Sheridan County Electric Company.

3. The acquisition and retirement of all outstanding bonds, notes, open accounts and preferred stocks by Rawlins Electric Company, Sheridan County Electric Company and The Trinidad Electric Transmission, Railway & Gas Company.

4. The disposition by Federal Light & Traction Company of securities of Rawlins Electric Company, Sheridan County Electric Company and The Trinidad Electric Transmission, Railway and Gas Company, to be retired and redeemed by such companies.

5. The capital contribution to be effected by Federal Light & Traction Company by surrender for cancellation of $2,413,000 principal amount of bonds of The Trinidad Electric Transmission, Railway & Gas Company.

6. The acquisition by Federal Light & Traction Company of the common stock to be issued by Sheridan County Electric Company.

7. A request for the entry by the Commission of an order exempting the issue and sale of the said bonds by The Trinidad Electric Transmission, Railway & Gas Company from the requirements of Rule U-50; and

Said applications and declarations having been filed on October 10, 1941 and certain amendments having been filed thereto, the last of said amendments having been filed on November 3, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said applications and declarations within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant and permit to become effective the said applications and declarations pursuant to Rules U-42, U-43, U-44 and U-45; and finding with respect to said declaration under Section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act and that compliance with paragraphs (b) and (c) of Rule U-50 with respect to the issuance and sale by The Trinidad Electric Transmission, Railway & Gas Company of such bonds as above set forth is not appropriate to aid the Commission (in carrying out the provisions of section 7 of the Act) to determine whether the fees, commissions or other remuneration to be paid directly or indirectly in connection with the issue, sale or distribution of such securities is reasonable, or whether any term or condition of such issue or sale is detrimental to the public interest or the interest of investors or consumers; and with respect to said application under section 10 of said Act, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications and declarations as amended be and the same hereby are granted and permitted to become effective forthwith;

It is further ordered, That the issuance and sale of the $1,600,000 principal amount of 3½% First Mortgage Bonds due 1966 to John Hancock Mutual Life Insurance Company by The Trinidad Electric Transmission, Railway & Gas Company be and hereby is exempted from the provisions of Rule U-50.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 41-8366; Filed, November 7, 1941; 11:29 a. m.]

[File No. 70-425]

IN THE MATTER OF NATHAN A. SMYTH AND LEO LOEB, AS TRUSTEES IN REORGANIZATION UNDER CHAPTER X OF THE BANKRUPTCY ACT OF WASHINGTON GAS AND ELECTRIC COMPANY, DEBTOR

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than November 15, 1941, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Nathan A. Smyth, as Trustee in Reorganization under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, debtor, a registered holding company, proposes to enter into an agreement with The Chase National Bank of the City of New York as Trustee under the mortgage securing the First Mortgage Gold Bonds of the above named debtor to distribute $5,534,343 out of the sum of $5,900,843.97, now held in the Release Fund, to the holders of said first mortgage bonds. The proposed distribution will amount to 80% of the principal and interest accrued on said bonds to December 10, 1941 or approximately $81.58 per $100 of principal amount of each bond of the Series of 1947, $81.94 per $100 of principal amount of each bond of the Series of 1953, and $82.44 per $100 of principal amount of each bond of the Series of 1955. Such payments will leave a balance of approximately $366,500.97 remaining in the Release Fund subject to said mortgage.

The agreement will further provide that of the amount due on the bonds not paid as above set forth including interest thereon, the bondholders shall retain their pro rata rights under the mortgage with respect to all of the other assets pledged or held under the lien of the mortgage as security for such payment.

The applicants have requested that this application be granted as soon as possible, particularly for the reason that a hearing by the United States District Court for the Southern District of New York upon a petition of The Chase National Bank of the City of New York as Trustee under debtor's mortgage dated February 1, 1927, and upon the petition of Nathan A. Smyth praying for the approval of the agreement hereinbefore described, has been set for November 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 41-8367; Filed, November 7, 1941; 11:29 a. m.]

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THE NATIONAL ARCHIVES
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VOLUME 6 NUMBER 220

Washington, Tuesday, November 11, 1941

The President

THANKSGIVING DAY—1941

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate and set aside Thursday, the twentieth day of November 1941, as a day to be observed in giving thanks to the Heavenly Source of our earthly blessings.

Our beloved country is free and strong. Our moral and physical defenses against the forces of threatened aggression are mounting daily in magnitude and effectiveness.

In the interest of our own future, we are sending succor at increasing pace to those peoples abroad who are bravely defending their homes and their precious liberties against annihilation.

We have not lost our faith in the spiritual dignity of man, our proud belief in the right of all people to live out their lives in freedom and with equal treatment. The love of democracy still burns brightly in our hearts.

We are grateful to the Father of us all for the innumerable daily manifestations of His beneficient mercy in affairs both public and private, for the bounties of the harvest, for opportunities to labor and to serve, and for the continuance of those homely joys and satisfactions which enrich our lives.

Let us ask the Divine Blessing on our decision and determination to protect our way of life against the forces of evil and slavery which seek in these days to encompass us.

On the day appointed for this purpose, let us reflect at our homes or places of worship on the goodness of God and, in giving thanks, let us pray for a speedy end to strife and the establishment on earth of freedom, brotherhood, and justice for enduring time.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of November, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2522]

[F. R. Doc. 41-8427; Filed, November 10, 1941; 12:11 p. m.]

EMERGENCY BOARD, RAILWAY EXPRESS AGENCY, INCORPORATED—EMPLOYEES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, the President, having been duly notified by the National Mediation Board that a dispute between the Railway Express Agency, Incorporated, a carrier, and certain of its employees as they are represented by the following labor organization:

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers

which dispute has not been heretofore adjusted under the provisions of the Railway Labor Act, amended, now threatens substantially to interrupt interstate commerce to a degree such as to deprive Cincinnati, Ohio, Cleveland, Ohio, Newark, N. J., New York, N. Y., Philadelphia, Pa., St. Louis, Mo., San Francisco, Calif., Chicago, Ill., and twenty adjoining suburban cities of essential transportation services;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the power vested in me by the Constitution and laws of the United States, and by virtue of and under the authority in me vested by Section 10 of the Railway Labor Act, amended, do hereby create a board to be composed of 3 persons not pecuniarily or otherwise interested in any organization

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of railway employees or any carrier, to investigate the aforementioned dispute and report its findings to me within 30 days from this date.

The members of this board shall be compensated for and on account of such duties in the sum of seventy-five dollars ($75.) for every day actually employed with or upon account of travel and duties incident to such board. The members will be reimbursed for and they are hereby authorized to make expenditures for expenses for themselves and of the board, including traveling expenses and in conformity with Public No. 212, 72d Congress, approved June 30, 1932, 11:30 a. m., not to exceed five dollars ($5.00) per diem for expenses incurred for subsistence. All expenditures of the Board shall be allowed and paid for out of the appropriation "National Mediation Board Appropriation Act, 1942" on the presentation of itemized vouchers properly approved by the chairman of the board hereby created.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this seventh day of November in the year of our Lord one thousand nine hundred and forty-one and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2521]

[F. R. Doc. 41-8392; Filed, November 8, 1941; 11:12 a. m.]

EXECUTIVE ORDER

EXTENDING THE PERIOD OF ELIGIBILITY ON CIVIL SERVICE REGISTERS OR LISTS OF PERSONS WHO SERVE IN THE ARMED FORCES OF THE UNITED STATES

By virtue of the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that no period of time served in the military or naval forces of the United States subsequent to May 1, 1940, shall be counted in determining the period of eligibility for appointment of those persons whose names appear on eligible registers or reemployment or replacement lists of the Civil Service Commission at the time of entering upon active military or naval service or who attain eligibility during such service: *Provided*, that such persons shall notify the Civil Service Commission within forty days after their service in the armed forces has terminated that they desire to have the benefits of this order.

This order supersedes Executive Order No. 8602[1] of November 25, 1940, entitled "Extending the Period of Eligibility on Civil Service Registers of Persons who Serve in the Armed Forces of the United States."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 7, 1941.

[No. 8937]

[F. R. Doc. 41-8391; Filed, November 8, 1941; 10:30 a. m.]

[1] 5 F.R. 4673.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C.C.C. Rice Form 1—Instructions]

PART 225—1941 RICE LOANS

INSTRUCTIONS CONCERNING 1941 RICE LOANS

General Instructions

The instructions in this part are issued pursuant to the provisions of Title III—Sec. 302 (a) of the Agricultural Adjustment Act of 1938, as Amended, and Public Law 74, 77th Congress, Approved May 26, 1941.

Commodity Credit Corporation has authorized the making of loans on, and the purchase of eligible paper secured by rice stored on farms or in approved public rice warehouses. These instructions state the requirements of Commodity Credit Corporation with reference to making such loans on rice and the purchase of notes secured by rice.

Sec.
225.1 Definitions.
225.2 Areas in which loans will be made.
225.3 Separate loans on each variety of rice.
225.4 Public warehouses.
225.5 Warehouse receipts.
225.6 Farm storage.
225.7 Liens.
225.8 Insurance.
225.9 Approval of loans by member of county agricultural conservation committee.
225.10 Source and preparation of documents.
225.11 Source of loans.
225.12 Purchase of loans.
225.13 Release of collateral.
225.21 Eligible rice.
225.22 Amount of loans.
225.23 Determination of quantity of rice.
225.24 Maturity and interest rate.
225.25 The Office of the Regional Director of Commodity Credit Corporation.
225.31 Eligible rice.
225.32 Amount of loans.
225.33 Determination of quantity of rice.
225.34 Maturity and interest rate.
225.35 The Office of the Regional Director of Commodity Credit Corporation.

§ 225.1 *Definitions.* For the purpose of the instructions in this part and the notes and loan agreements or mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* An eligible producer shall be any person (including a partnership, association, or corporation) that has an interest as a landowner, landlord, tenant, or sharecropper in the rice produced on a farm on which the acreage planted to rice in 1941 is not in excess of the 1941 rice acreage allotment under the 1941 Agricultural Conservation Program for such farm, and on which the sum of the acreages of wheat, cotton, corn, rice, and tobacco does not exceed the sum of the allotments or permitted acreages for such crops under the 1941 Agricultural Conservation Program: *Provided*, That such person shall not be an eligible producer if the county agricultural conservation committee determines that such person's aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco on all farms in the county in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program on such farms, or the State agricultural conservation committee determines that such person's aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco on all farms wherever situated in which he has an interest, exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms.

(b) *Eligible rice.* Eligible rice is rough rice of the classes listed below (1) which grades U. S. No. 6 or better; (2) which has a milling quality of prime, good, medium, fair, or ordinary; (3) which was produced in 1941; (4) the beneficial interest in which is, and always has been, in the eligible producer tendering such rice as security for the loan; and (5) which meets the special requirements set out in § 225.21 and § 225.31 of the instructions in this part:

Edith Rough Rice (Class II).
Fortuna Rough Rice (Class III).
Lady Wright Rough Rice (Class V).
Rexoro Rough Rice (Class VII).
Mira Rough Rice (Class IX).
Blue Rose Rough Rice (Class XI).
Early Prolific Rough Rice (Class XII).
Japan (including California-Japan) Rough Rice (Class XIV).
Calady Rough Rice (Class XV).
Zenith Rough Rice (Classification pending).

(c) *Eligible storage.* Eligible storage shall include public warehouses and farm storage meeting the requirements prescribed by the Commodity Credit Corporation. Public warehouses must meet the requirements set out in § 225.4 of the instructions in this part. Farm storage shall consist of farm bins and granaries which are of such substantial and permanent construction as to afford safe storage of rice for a period of two years and permit effective fumigation for the destruction of insects and vermin and afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committee.

(d) *Lending agency.* A lending agency shall be any bank, or other corporation, partnership, or person making loans in accordance with these instructions, which has entered into the Contract to Purchase (1941 C.C.C. Rice Form E) or any rice cooperative association which has entered into the 1941 Rice Cooperative Association Contract (1941 C. C. C. Rice Form C) and which makes loans in accordance with the instructions in this part and such 1941 Rice Cooperative Association Contract.

(e) *Eligible paper.* For the purposes of the Contract to Purchase (1941 C.C.C. Rice Form E) and the 1941 Rice Cooperative Association Contract (1941 C.C.C. Rice Form C), eligible paper shall consist of notes executed by eligible producers, secured by chattel mortgages covering or warehouse receipts representing a single variety of eligible rice in existence. Such notes must be dated not earlier than September 1, 1941, nor later than March 1, 1942, and must be executed in accordance with these instructions and, in the case of cooperative associations, in accordance with the 1941 Rice Cooperative Association Contract, with State documentary revenue stamps affixed thereto where required by law. Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law.*

*§§ 225.1 to 225.35, inclusive, issued under the authority contained in sec. 302 (a), 52 Stat. 43, par. (10) (a), (b), 55 Stat. 205; 7 U.S.C., Sup., 1302.

§ 225.2 *Areas in which loans will be made.* Loans shall be made on eligible rice stored in approved farm storage and in approved public rice warehouses in the States of Arkansas, Louisiana, Texas, Missouri, and California.*

§ 225.3 *Separate loans on each variety of rice.* Each note to be acceptable by the Commodity Credit Corporation must be secured by a chattel mortgage covering or warehouse receipts representing a single variety of eligible rice. Producers will be required to obtain a separate loan and to execute separate loan documents with respect to each variety of eligible rice.*

§ 225.4 *Public warehouses.* Commodity Credit Corporation will accept only non-insured negotiable warehouse receipts representing a single variety of rice pledged as collateral to notes on 1941 C.C.C. Rice Form B, issued by any public rice warehouse which is approved by the Commodity Credit Corporation (see 1941 C.C.C. Rice Forms 2 and 2a) and with respect to which the warehouseman has executed the Rice Warehouse Agreement (1941 C.C.C. Rice Form 3). Warehousemen desiring approval should communicate with the Regional Director of the Commodity Credit Corporation serving the area in which the warehouse is located. A list of the approved warehouses and their locations will be available at the offices of such Regional Directors or any State or county agricultural conservation committee office in the areas in which rice is produced. Each approved public rice warehouse will be required to enter into the Rice Warehouse Agreement and to furnish a bond in accordance with 1941 C.C.C. Rice Form 2. All rice pledged as security for any one note must be in the same warehouse, and each producer must arrange for the storage of rice in an approved warehouse.*

§ 225.5 *Warehouse receipts.* Warehouse receipts must not include insurance, must be dated on or prior to the date of the related note, must be issued to and in the name of the producer and endorsed by him in blank so as to vest title in the holder, and must be issued by an approved warehouse. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Liens for storage charges will be recognized by Commodity Credit Corporation only from September 1, 1941, or the date that the warehouse receipts are pledged as security to a loan under the 1941 Rice Loan Program, whichever is later. Such receipts must set out in their written or printed terms the number of bushels, the

gross weight, and variety of the rice represented thereby, and, in addition, if stored in bags, the number of bags of rice; must set out or be accompanied by certificates issued by the Agricultural Marketing Service of the United States Department of Agriculture stating the variety, grade, milling quality, percentage of moisture, and dockage (if any) of the rice represented thereby: *Provided, however,* That, in the case of any loans made by any rice cooperative association in accordance with the 1941 Rice Cooperative Association Contract (1941 C. C. C. Rice Form C), such information may be shown as provided in such contract; and must set out all other facts and statements required to be stated in the written or printed terms of a negotiable warehouse receipt by section 2 of the Uniform Warehouse Receipts Act.*

§ 225.6 *Farm storage.* In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve farm storage facilities and will arrange for measuring, weighing, sampling, grading, and sealing the rice collateral in approved structures. Chattel mortgages securing notes on 1941 C. C. C. Rice Form A must cover a single variety of rice and must be executed, signed, and recorded or filed in accordance with the applicable State law. Producers may obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer and the rice collateral is stored on the farm, the expiration date of the lease shall be given in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1942, or, in the case of rice stored in California, September 30, 1942, the borrower must secure from the owner and any other interested parties, consent that the rice collateral may remain in the described storage structure(s) for a period of sixty days beyond the maturity date of the note without charge except as provided in these instructions. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for delivery of the rice as determined by the county committee. Notes and chattel mortgages will not be acceptable if they provide a shipping point other than the normal shipping point customarily used by the producers in the area in which the rice was produced. A separate note and chattel mortgage must be submitted for rice stored on each quarter section of land and, as stated above, each such chattel mortgage must cover only a single variety of rice.

In the event Commodity Credit Corporation becomes the holder of any note secured by farm-stored rice, it will, upon the delivery of the mortgaged rice pursuant to section 6 of the 1941 Chattel Mortgage (1941 C. C. C. Rice Form AA), pay to the producer, or his personal representative, without right of assignment to, or substitution of, any other person, a storage payment computed at the rate of one (1) cent per bushel for the first full thirty-day period, or fraction thereof, from the date of the approval of the note and related mortgage by the county agricultural conservation committee; one (1) cent per bushel for the next succeeding thirty-day period, or fraction thereof; and thereafter, one-half (½) cent per bushel for each thirty-day period, or fraction thereof, to the date of the delivery of the rice: *Provided,* That (1) in no event shall the total storage payment exceed four (4) cents per bushel of the rice delivered; (2) no storage payment whatever shall be made if the producer has made any misrepresentation in the chattel mortgage or in connection with the loan; (3) no storage payment whatever shall be made if the rice is delivered pursuant to demand of the Commodity Credit Corporation made because the rice was damaged, threatened with damage, abandoned, or otherwise impaired; and (4) if the rice delivered is of a different quality (i. e., grades lower) or of a lesser quantity than that shown in section 1 of the chattel mortgage, there shall (unless paid by the producer) be set off against any storage payment otherwise due, an amount determined in accordance with subsections (a) and (b) of section 7 of the chattel mortgage.*

§ 225.7 *Liens.* The rice collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in 1941 C. C. C. Rice Form AA or B or on the separate C. C. C. Form AB. The names of the holders of all existing liens on the pledged or mortgaged rice, such as landlords, laborers, threshers, or mortgagees, must be listed as prescribed herein. The waiver and consent to mortgage or pledge contained in the mortgage or loan agreement or in C. C. C. Form AB must be signed personally by all lienholders listed or by their duly authorized agents or, if corporations, by the designated officer thereof authorized to execute such instruments. The producer may designate on the note (1941 C. C. C. Rice Form A) or on the note and loan agreement (1941 C. C. C. Rice Form B), persons, other than himself, to whom the proceeds of the note will be remitted. Producers should read carefully all real estate and other mortgages previously given by them in order to be sure that the rice tendered for loan is not covered thereby. Any fraudulent representation of fact made in the execution of the note and mortgage or loan agreement and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.*

§ 225.8 *Insurance*—(a) *Primary insurance.* All producers shall provide insurance on pledged and mortgaged rice for one year from the date of the approval of the note, and related loan agreement or mortgage, by the county agricultural conservation committee for not less than the amount of the note with accrued interest to maturity, against the perils of fire, lightning, inherent explosion, windstorm, cyclone, and tornado. Such insurance shall be evidenced by a certificate, in a form approved by Commodity Credit Corporation, issued by a company or association licensed to do an insurance business in the State in which the rice is stored. The insurance coverage may be obtained through the customary channels and the form of certificate required will be furnished by the agent writing the insurance.

(b) *Insurance carried by Commodity Credit Corporation.* In addition to the foregoing, Commodity Credit Corporation may obtain insurance which protects it and the lending agency against all physical loss of or damage to the pledged or mortgaged rice from any external cause (except by vermin), including theft, wrongful conversion, and flood. Such insurance is in the nature of excess insurance and covers errors and omissions in the producer's insurance. The cost of such insurance will be paid for from service fees collected from the producer as stated in § 225.10 of the instructions in this part.*

§ 225.9 *Approval of loans by member of county agricultural conservation committee*—(a) The 1941 C. C. C. Rice Forms A and B (with the exception of 1941 C. C. C. Rice Forms B evidencing loans made by cooperative associations on the basis of association weights and grades pursuant to the 1941 Rice Cooperative Association Contract) must be approved in the space provided therefor on the forms A and B by a member of the county agricultural conservation committee for the county in which farm-stored rice is stored and the county in which warehoused rice was produced. The date of the approval must not be prior to the date of the execution by the producer of the applicable form. A member of the county agricultural conservation committee for the county in which the rice was produced must certify that any producer obtaining a loan on 1941 C. C. C. Rice Form B on the basis of association weights and grades pursuant to the 1941 Rice Cooperative Association Contract is an eligible producer as defined in § 225.1 (a).

The rice loan instructions of the Agricultural Adjustment Administration will require county agricultural conservation committees, through the State agricultural conservation committees, to report as of the same day each week to the Regional Director of the Commodity Credit Corporation serving the area in which the loan is approved, the total dollar value of all loans approved during the preceding seven-day period and the total quantity of rice securing such loans (except loans on 1941 C. C. C. Rice Form B made by cooperative associations). Such reports are required to be made by cooperative associations directly to the Regional Director of the Commodity Credit Corporation serving the area in which the loans are made.

(b) The member of the county committee signing in the space provided on the 1941 Producer's Note (1941 C.C.C. Rice Form A), certifies for and on behalf of the county committee, to the committee's best knowledge and belief: (1) that the rice securing the note and the storage structure(s) in which the rice is stored have been inspected and sealed; (2) that the quantity, variety, grade, milling quality, and the loan value of the rice have been determined in accordance with regulations of the Secretary of Agriculture and the requirements of the Commodity Credit Corporation; (3) that the representations set forth in the chattel mortgage are true and complete; (4) that the chattel mortgage covering the rice has been properly executed and will be duly and properly filed for record in accordance with the requirements of the applicable State law; (5) that, in the event any person whose signature appears on the form has signed in a representative or fiduciary capacity, the committee has determined that such representative or fiduciary has authority so to act, and, if the committee did not have personal knowledge of the authority of the representative or fiduciary, that it has required such person to show the committee documentary evidence of his authority; (6) that the original or duplicate copy of the chattel mortgage, bearing receipt of the county recording official, will be held by the committee; (7) that an insurance certificate on the approved form is filed with and attached to the copy of the chattel mortgage which will be held by the county committee; (8) that all lienholders have executed the lienholders' waiver and consent to mortgage; and (9) that, where necessary, consents for storage have been granted.

(c) The member of the county committee signing in the space provided on the 1941 Rice Producer's Note and Loan Agreement (1941 C.C.C. Rice Form B), certifies for and on behalf of the county committee, to the committee's best knowledge and belief: (1) that the quantity, variety, grade, milling quality, and the loan value of the rice represented by the warehouse receipts securing the note have been determined in accordance with regulations of the Secretary of Agriculture and the requirements of the Commodity Credit Corporation; (2) that the representations set forth in the note and loan agreement are true and complete; (3) that the note and loan agreement has been properly executed; (4) that, in the event any person whose signature appears on the form has signed in a representative or fiduciary capacity, the committee has determined that such representative or fiduciary has authority so to act, and, if the committee did not have personal knowledge of the authority of the representative or fiduciary, that it has required such person to show the committee documentary evidence of his authority; (5) that all lienholders have executed the lienholders' waiver and consent to pledge; and (6) that an insurance certificate on the approved form has been executed and is attached to the original of the note and loan agreement to be transmitted to Commodity Credit Corporation or the lending agency, as the case may be.*

§ 225.10 *Source and preparation of documents.* Forms will be obtainable from the appropriate county agricultural conservation committees in the States designated in § 225.2 and from the offices of the Regional Directors of the Commodity Credit Corporation at New Orleans, Louisiana, and Portland, Oregon. All 1941 C.C.C. rice forms must be appropriately filled in and executed with ink, typewriter, or indelible pencil, and no documents containing additions, alterations, or erasures will be accepted by the Commodity Credit Corporation. The forms furnished by the Commodity Credit Corporation must be used, and reprints or substitutes of such forms may not be used and, if used, will not be accepted. In order to meet the costs of the county committees in servicing loan papers and assisting producers and the cost of insurance referred to in § 225.8 (b), county agricultural conservation committees will collect a service fee for all loans, except loans made by cooperative associations on 1941 C.C.C. Rice Form B pursuant to the 1941 Rice Cooperative Association Contract.*

§ 225.11 *Source of loans.* It is contemplated that loans will ordinarily be obtained from banks, cooperative associations, and other local lending agencies which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans directly from Commodity Credit Corporation. Notes evidencing direct loans shall be made payable to Commodity Credit Corporation and shall be delivered or sent to the Regional Director serving the area in which the rice is stored. Documents for such direct loans tendered by mail, in person, or otherwise must be delivered or postmarked not later than March 1, 1942. Upon delivery of all necessary documents properly executed and upon approval of the loan by the Regional Director, payment will be made pursuant to the directions of the producer contained in the note.*

§ 225.12 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined in the instructions in this part, only from lending agencies which have executed and delivered to the office of the Regional Director to which notes are submitted, a Contract to Purchase (1941 C.C.C. Rice Form E) or, in the case of cooperative associations, a 1941 Rice Cooperative Association Contract (1941 C.C.C. Rice Form C). These forms will be obtainable only from such Regional Director.

Notes and chattel mortgages and notes and loan agreements held by lending agencies must be tendered to the appropriate Regional Director of the Commodity Credit Corporation for purchase within the period prescribed in any demand made by the Commodity Credit Corporation for the tender of such notes and related mortgages or loan agreements. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest at the rate of one and one-half (1½) percent per annum from the respective dates of the notes to the date of payment of the purchase price. Lending agencies are required, under their contracts with Commodity, to report weekly on 1941 C.C.C. Rice Form F or, in the case of cooperative associations, on 1941 C.C.C. Rice Form G, all collections and repayments on producers' notes held by them, and to remit with such reports to the Regional Director of Commodity Credit Corporation, an amount equivalent to one and one-half (1½) percent per annum on the principal amount collected or repaid from the date of the note to the date of payment.*

§ 225.13 *Release of collateral.* A producer may obtain the return of his notes and the release of rice securing such notes upon his request in writing addressed to the payee of the note (either the lending agency or the Commodity Credit Corporation, as the case may be), and upon his payment to the holder of the note of the principal amount due thereon, together with any charges applicable thereto, plus accrued interest. If the payee of the producer's note is the Commodity Credit Corporation, the producer should address his request to the Regional Director of the Commodity Credit Corporation serving the area. Upon receipt of such a written request by the Regional Director, the producer's note, with warehouse receipts (if any) securing the note, will be transmitted to an approved bank with instructions to deliver such documents to the producer or his agent upon the payment of the principal amount of the note, together with any applicable charges, plus accrued interest. The bank to which the note is sent will be instructed to return the note to the Commodity Credit Corporation if payment is not made by the producer within fifteen days. All charges and expenses of the collecting bank incident to the collection of the note will be payable by the producer. Upon payment of notes secured by farm-stored rice, county agricultural conservation committees will release the chattel mortgages of record, either by the filing of an instrument of release or by a margin release on the county records.

In submitting a written request for the release of farm-stored rice, the producer must identify to the lending agency or the Regional Director, the seal number(s) of the bin(s) of rice securing the loan to be repaid. No partial repayments of loans will be permitted and the Commodity Credit Corporation will, in no event, allow a partial release of the rice securing any one loan. Upon receipt of such a request, the producer's note will

be forwarded to an approved bank, as stated above, to be released to the producer against the payment of the total amount loaned, together with any applicable charges, plus accrued interest.

In submitting a request for the release of warehouse-stored rice, the lending agency or the Regional Director should be informed of the warehouse receipt numbers applicable to such rice. Each request for release must cover all the rice pledged as collateral for any one loan.

In the case of notes on 1941 C. C. C. Rice Forms A and B which have not been purchased from lending agencies by the Commodity Credit Corporation, such lending agencies will also permit repayments and releases as provided above. The lending agency should remit to the Regional Director, in accordance with the terms of the Contract to Purchase (1941 C. C. C. Rice Form E) or, in the case of cooperative associations, the 1941 Rice Cooperative Association Contract (1941 C. C. C. Rice Form C), an amount equal to one and one-half (1½) percent interest per annum on the face amount of the notes repaid from the date of the note to the date of repayment.*

Special Instructions Applicable to Arkansas, Louisiana, Texas, and Missouri

§ 225.21 *Eligible rice.* Eligible rice shall be rice of the varieties described in § 225.1 (b). However, in Arkansas, Louisiana, Texas, and Missouri, rice grading "damp" or having a moisture content in excess of 14.5 percent or which is weevily, musty, or of sample grade shall not be eligible for a loan.*

§ 225.22 *Amount of loans.* Rice of the varieties produced in Arkansas, Louisiana, Texas, and Missouri shall have the following loan values:

Loan values in cents per bushel for rough rice by variety, grade, and milling quality

[Cents per bushel]

Variety and milling quality	U. S. Grade No. 1	U. S. Grade No. 2	U. S. Grade No. 3	U. S. Grade No. 4	U. S. Grade No. 5	U. S. Grade No. 6
Blue Rose:						
Prime	98	95	92	89	86	84
Good	95	92	89	86	84	81
Medium	92	89	86	84	81	78
Fair	89	86	84	81	78	75
Ordinary	86	84	81	78	75	73
Rexoro:						
Prime	111	107	104	101	97	95
Good	107	104	101	97	95	92
Medium	104	101	97	95	92	88
Fair	101	97	95	92	88	85
Ordinary	97	95	92	88	85	82
Nira:						
Prime	108	104	101	98	95	92
Good	104	101	98	95	92	89
Medium	101	98	95	92	89	86
Fair	98	95	92	89	86	82
Ordinary	95	92	89	86	82	80
Edith:						
Prime	100	97	94	91	88	86
Good	97	94	91	88	86	83
Medium	94	91	88	86	83	80
Fair	91	88	86	83	80	76
Ordinary	88	86	83	80	76	74
Fortuna:						
Prime	97	94	91	88	85	83
Good	94	91	88	85	83	80
Medium	91	88	85	83	80	77
Fair	88	85	83	80	77	74
Ordinary	85	83	80	77	74	72

Loan values in cents per bushel for rough rice by variety, grade, and milling quality—Continued

[Cents per bushel]

Variety and milling quality	U. S. Grade No. 1	U. S. Grade No. 2	U. S. Grade No. 3	U. S. Grade No. 4	U. S. Grade No. 5	U. S. Grade No. 6
Lady Wright:						
Prime	93	90	87	85	82	80
Good	90	87	85	82	80	77
Medium	87	85	82	80	77	74
Fair	85	82	80	77	74	71
Ordinary	82	80	77	74	71	69
Zenith and Southern Japan:						
Prime	86	84	81	78	76	74
Good	84	81	78	76	74	71
Medium	81	78	76	74	71	69
Fair	78	76	74	71	69	66
Ordinary	76	74	71	69	66	64
Facly prolific:						
Prime	84	82	79	77	74	72
Good	82	79	77	74	72	70
Medium	79	77	74	72	70	67
Fair	77	74	72	70	67	64
Ordinary	74	72	70	67	64	63

§ 225.23 *Determination of quantity of rice.* All quantity determinations shall be stated in bushels. Loans shall be made at values expressed in cents per bushel. One bushel weighs forty-five (45) pounds. One barrel weighs one hundred sixty-two (162) pounds and is equivalent to 3.6 bushels. When determined by measurement, one bushel shall equal 1.25 cubic feet of rice testing forty-five (45) pounds per bushel. In determining the quantity of rice by measurement, fractional pounds of the bushel test weight for rice testing less than forty-five (45) pounds per bushel will be disregarded and the quantity determined by measurement will be the following percentages of the quantity determined for 45-pound rice:

For rice testing 45 pounds or over, 100 percent.

For rice testing 44 pounds or over, but less than 45 pounds, 98 percent.

For rice testing 43 pounds or over, but less than 44 pounds, 96 percent.

For rice testing 42 pounds or over, but less than 43 pounds, 93 percent.

For rice testing 41 pounds or over, but less than 42 pounds, 91 percent.

For rice testing 40 pounds or over, but less than 41 pounds, 89 percent.*

§ 225.24 *Maturity and interest rate.* Notes secured by rice stored on farms and in public warehouses in Arkansas, Louisiana, Texas, and Missouri shall mature on demand, or April 30, 1942, whichever is earlier. All loans shall bear interest at the rate of three (3) percent per annum.*

§ 225.25 *The Office of the Regional Director of Commodity Credit Corporation.* The address of the Regional Director of the Commodity Credit Corporation serving the States of Arkansas, Louisiana, Texas, and Missouri is the Masonic Temple Building, New Orleans, Louisiana.*

Special Instructions Applicable to California

§ 225.31 *Eligible rice.* Eligible rice shall be rice of the California-Japan and Calady varieties as described in section 225.1 (b), of these instructions. However, in California, rice having a moisture content in excess of sixteen (16) percent or which is weevily, musty, or of sample grade shall not be eligible for a loan.*

§ 225.32 *Amount of loans.* Rice of the California-Japan and Calady varieties produced in California, basis San Francisco, straight fifty (50) pounds extra fancy, shall have the following loan values:

[Cents per bushel]

Grade and moisture content	California-Japan	Calady
U. S. Grades Nos. 1, 2, and 3:		
Straight	91	100
Over 15% but not more than 16% moisture	82	91
U. S. Grade No. 4:		
Straight	87	96
Over 15% but not more than 16% moisture	78	87
U. S. Grade No. 5:		
Straight	82	91
Over 15% but not more than 16% moisture	74	83
U. S. Grade No. 6:		
Straight	78	87
Over 15% but not more than 16% moisture	71	80

A premium of one (1) percent will be added to the loan value of any grade for each whole pound in excess of fifty (50) pounds extra fancy. A deduction of one (1) percent from the loan value of each grade will be made for each whole pound by which the rice falls below fifty (50) pounds extra fancy.*

§ 225.33 *Determination of quantity of rice.* All quantity determinations shall be stated in bushels. Loans shall be made at values expressed in cents per bushel. Each determination of weight and quantity shall be based on rough rice, free of dockage. One bushel weighs forty-five (45) pounds. One barrel weighs one hundred sixty-two (162) pounds and is equivalent to 3.6 bushels. When determined by measurement, one bushel shall equal 1.25 cubic feet of rice testing forty-five (45) pounds per bushel. In determining the quantity of rice by measurement, fractional pounds of the bushel test weight for rice testing less than forty-five (45) pounds per bushel will be disregarded and the quantity determined by measurement will be the following percentages of the quantity determined for 45-pound rice:

For rice testing 45 pounds or over, 100 percent.

For rice testing 44 pounds or over, but less than 45 pounds, 98 percent.

For rice testing 43 pounds or over, but less than 44 pounds, 96 percent.

For rice testing 42 pounds or over, but less than 43 pounds, 93 percent.

For rice testing 41 pounds or over, but less than 42 pounds, 91 percent.

For rice testing 40 pounds or over, but less than 41 pounds, 89 percent.

§ 225.34 *Maturity and interest rate.* Notes secured by rice stored on farms and in public warehouses in California shall mature on demand, or July 31, 1942, whichever is earlier. All loans shall bear interest at the rate of three (3) percent per annum.*

§ 225.35 *The Office of the Regional Director of Commodity Credit Corporation.* The address of the Regional Director of the Commodity Credit Corporation serving the State of California is 444 Pittock Block, Portland, Oregon.*

[SEAL] J. B. HUTSON, *President.*

Dated: October 1, 1941.

[F. R. Doc. 41-8418; Filed, November 10, 1941; 11:38 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1941-13]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM[1]

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1941 Agricultural Conservation Program is amended as follows:

1. Section 701.201 (b) (7) is hereby amended by the addition after the word "length" of the following:

§ 701.201 *Allotments, yields, productivity indexes, payments, and deductions.*

* * * * *

(b) *Cotton.*

* * * * *

(7) * * * or (4) if it is determined by the county committee, with the approval of the State committee, that the producers on any farm were unable to dispose of excess cotton on the farm within the period set forth in (2) above because of excessive rainfall and such excess cotton is disposed of within 10 days after receipt of notice of the approved action taken by the county committee. * * *

2. Section 701.201 (g) (5) is hereby amended to read as follows:

(g) *Commercial vegetables.*

* * * * *

(5) *Payment.* $1.30 for each acre in the commercial vegetable acreage allotment determined for the farm.

* * * * *

3. Section 701.201 (k) (3) is hereby amended to read as follows:

(k) *Miscellaneous.*

* * * * *

(3) *Failure to plant 80 percent of allotment.* Upon recommendation of the State committee and approval of the Agricultural Adjustment Administration, for areas in which there is a wide fluctuation from year to year in the acreage planted to corn, peanuts, potatoes, rice, tobacco, commercial vegetables, wheat, or general soil-depleting crops on a substantial number of farms, if the acreage of any such crop is less than 80 percent of the acreage allotment for such crop, or, in the case of commercial vegetables, if the acreage of commercial vegetables plus the acreage of tomatoes, corn, peas, snap beans, and lima beans grown for processing is less than 80 percent of the farm's commercial vegetable allotment, payment will be computed on an acreage equal to 125 percent of the acreage of such crop, except that payment with respect to commercial vegetables will be computed for an acreage equal to 125 percent of the acreage of commercial vegetables plus 125 percent of the acreage of tomatoes, corn, peas, snap beans, and lima beans grown for processing, unless the county committee finds that failure to have 80 percent of such acreage allotment was due to flood, drought, hail, or plant bed diseases, except that with respect to commercial vegetables unless the county committee finds that the acreage of commercial vegetables plus the acreage of tomatoes, corn, peas, snap beans, and lima beans grown for processing is less than 80 percent of such allotment due to flood or drought.

* * * * *

4. Section 701.201 (k), subparagraph (7) is hereby amended to read as follows:

(7) *Minimum soil-building performance.* Notwithstanding any provisions herein, in counties, groups of counties, or States in Area B or C, upon recommendation of the State committee and approval of the Agricultural Adjustment Administration, the payment made with respect to special soil-depleting acreage allotments shall not exceed a percentage of the net payment earned with respect to such allotments equal to the percentage of that part of the soil-building allowance computed under § 701.202 (d) (1) to (7), inclusive, which is earned for the farm, except that such limitation will not be applicable if (i) the amount of the soil-building payment earned on the farm is equal to or exceeds the total special crop payment earned, (ii) the farm is retired from agricultural production during the 1941 program year, or (iii) the county committee determines that small grain winter cover crops, other than wheat, are seeded in accordance with good farming practice during the period August 1 through the end of the program year on a number of acres equal to or in excess of two-thirds of the number of dollars obtained by subtracting the soil-building payment earned on the farm from that part of the soil-building allowance computed under § 701.202 (d) (1) to (7), inclusive. In determining performance under this subparagraph, in areas designated by the Agricultural Adjustment Administration where the allowance on noncrop open pasture is the major portion of the soil-building allowance on a substantial number of farms, the allowance on noncrop open pasture shall not be included. This subparagraph is applicable only to farms for which a special soil-depleting acreage allotment is determined. In areas where this provision is in effect the rate under § 701.202 (d) (4) shall be 60 cents per acre. The amount of the deductions made from farm payments under this provision, as estimated by the Agricultural Adjustment Administration, shall be available for use in the area where deducted for administrative expenses and for conservation materials for which a soil-building practice payment will not be made and for which no deduction from payments will be made if the material is properly used.

5. Section 701.202 (f), Practice (3) is hereby amended to read as follows:

§ 701.202 *Soil-building goals, payments, and practices.*

* * * * *

(f) *Soil-building practices.*

* * * * *

(3) Application of air-dried straw or equivalent mulching material (excluding barnyard and stable manure) in orchards (or vineyards) or on commercial vegetable land.

In areas where straw normally costs

(i) $5.00 or less per ton—$0.75 per ton.

(ii) More than $5.00 per ton—$3.00 per ton.

* * * * *

6. Section 701.202 (f), Practice (8) is hereby amended to read as follows:

(8) Seeding winter legumes, crotalaria, or strawberry, ladino, or white clover—$1.50 per acre, except in areas designated by the Agricultural Adjustment Administration where the rate for seeding winter legumes shall be as follows:

Vetch—6½ cents per pound.

Austrian winter peas—4½ cents per pound.

Clean crimson clover—6½ cents per pound.

Bur-clover (in the bur)—2 cents per pound.

Wild winter peas—6½ cents per pound.

* * * * *

7. Section 701.202 (f), Practice (47) is hereby amended to read as follows:

(47) Upon prior approval of the county committee, planting fruit and nut trees and vineyards on the contour where because of slope it is necessary to prevent erosion—$1.50 per acre.

* * * * *

8. Section 701.203 (u) is hereby amended to read as follows:

§ 701.203 *Soil-depleting acreage.*

* * * * *

(u) Sweet sorghums, when harvested for any purpose in the East Central Re-

[1] 5 F.R. 2915.

gion, in the North Central Region except South Dakota and Nebraska, or in Area B in the Southern Region; when harvested for grain, seed, or sirup in the Western Region, in Area A in the Southern Region, or in Nebraska and South Dakota.

9. Section 701.211, paragraph (c) is hereby amended to read as follows:

§ 701.211 *Applications for payment.*

* * * * *

(c) *Applications for other farms.* If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms, except that for any region, upon approval of the Regional Director, if a person makes application for payment or is furnished conservation material or services in lieu of payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county for which a deduction could be computed under the program, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

Done at Washington, D. C., this 7th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8417, Filed, November 10, 1941; 11:38 a. m.]

[Tobacco 603 (Fire-cured), Part I]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART F—1943

Procedure for the Determination of Acreage Allotments for 1942

GENERAL

Sec.
726.406 Definitions.
726.407 Extent of calculations and rule of fractions.
726.408 Instructions and forms.
726.409 Applicability of procedure.

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR OLD FARMS

726.410 1942 acreage allotments for old farms.
726.411 Determination of preliminary 1942 acreage allotment for old farm.
726.412 Adjustment of preliminary 1942 acreage allotment.
726.413 Reduction of acreage allotment for violations of 1941 marketing quota regulations.
726.414 Reconstituted farms.
726.415 Determination of normal yields.

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

726.416 Determination of acreage allotments for new farms.
726.417 Time for filing application.
726.418 Determination of normal yields.

GENERAL

§ 726.406 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject matter otherwise requires.

(a) "Fire-cured tobacco allotment procedure for 1941" means this Form Tobacco 603 (Fire-cured) Part I.

(b) "Local committee" means the county and community committees utilized under the Act. "County committee" or "community committee" shall have corresponding meanings in the connection in which they are used.

(c) "New farm" means a farm on which fire-cured tobacco was not produced in any of the five years 1937 to 1941, but on which fire-cured tobacco will be produced in 1942.

(d) "Old farm" means a farm on which fire-cured tobacco was produced in one or more of the five years 1937 to 1941, and on which fire-cured tobacco will be produced in 1942.

(e) "Operator" means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) "State committee" means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) "Fire-cured tobacco" means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 21, 22, 23 and 24, collectively known as fire-cured tobacco.*

*§§ 726.406 to 726.418, inclusive, issued under authority contained in sec. 313 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 47, 202, 586, 53 Stat. 1261, 54 Stat. 392, 1209; 7 U.S.C. Sup., 1313.

§ 726.407 *Extent of calculations and rule of fractions.* All acreages except the preliminary farm acreage allotment and the final farm acreage allotment for 1942 shall be calculated to the nearest one-hundredth of an acre. The preliminary and final 1942 farm acreage allotment shall be calculated to the nearest one-tenth of an acre and fractions of fifty-one thousandths of an acre or more shall be rounded upward and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.*

§ 726.408 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be approved and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.*

§ 726.409 *Applicability of procedure.* This Tobacco 603 (Fire-cured) Part 1 shall relate to, and be effective for, the establishment of farm acreage allotments for fire-cured tobacco for the year 1942.*

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR OLD FARMS

§ 726.410 *1942 acreage allotments for old farms.* The 1942 fire-cured tobacco acreage allotment for an old farm shall be the preliminary 1942 fire-cured tobacco acreage allotment for the farm adjusted in accordance with section 726.412, *Provided, however,* That in case farms are retired from agricultural production either (1) because of their purchase or lease by a state or federal agency for any purpose or (2) because of acquisition for use in connection with the National Defense Program, any tobacco acreage allotted to such farms in 1942 shall be placed in a State pool.

Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool provided that the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 tobacco acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.*

§ 726.411 *Determination of preliminary 1942 acreage allotment for old farm.* The preliminary 1942 fire-cured tobacco acreage allotment for an old farm shall be that percent of the 1942 normal acreage for the farm which the 1942 State acreage allotment is of the 1942 normal acreage of tobacco for all old farms in the State: *Provided,* That if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls or directs another farm on which fire-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, such acreage allotment shall be increased to the smaller of 120 percent thereof, or that acreage, which when multiplied by the normal yield would produce 2,400 pounds of tobacco.

(a) *Determination of 1942 normal acreage for old fire-cured tobacco farms.* The 1942 normal acreage for an old farm shall be the 1941 fire-cured tobacco acreage allotment plus diversion, adjusted as provided below.

(b) *Adjustment of 1942 normal acreage.* The 1942 normal acreage for an old farm, determined as provided above, shall be adjusted so as to take into account any changes for the farm for 1942 in respect to the past acreage of tobacco (harvested and diverted acreage in the five years 1937–41 as compared with the five years 1936–40) making due allowance for the effect of drought, flood, hail, other abnormal weather conditions, plantbed and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That in determining the 1941 acreage of tobacco any amount by which the 1941 harvested acreage is less than the 1941 farm acreage allotment shall be considered as diverted acreage.

(c) *Determination of 1941 acreage allotment plus diversion.* The 1941 allotment plus diversion for any farm shall be computed as follows:

Size of 1940 acreage allotment	Size of 1941 acreage allotment	Fire-cured tobacco allotment plus diversion
3.5 acres or less	2.6 acres or less	194% of allotment.
3.6 acres	2.7 acres	196% of allotment.
3.7 acres	2.8 acres	211% of allotment.
3.8 acres	2.8 acres	225% of allotment.
3.9 acres	2.9 acres or more	233% of allotment

The above method of determining preliminary 1942 fire-cured tobacco acreage allotments will result in a preliminary 1942 acreage allotment equal to the 1941 acreage allotment for a farm except for those farms for which the normal acreage is adjusted as provided in paragraph B above; therefore, for all other farms the committee may, in lieu thereof, establish the preliminary 1942 allotment at the same acreage as the 1941 acreage allotment.*

§ 726.412 *Adjustment of preliminary 1942 acreage allotment.* An acreage not in excess of one-half of one percent of the State acreage allotment for fire-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total 1941 fire-cured tobacco acreage allotment in each county is of the State acreage allotment for fire-cured tobacco, adjusted between counties as recommended by the State committee and approved by the Regional Director in such manner as will be fair and equitable taking into consideration the factors affecting the production of tobacco in the different counties in the State. Such acreage shall be used by the local committees as hereinafter provided in this section, if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of fire-cured tobacco grown on the farm; land, labor and equipment available for the production of fire-cured tobacco; crop rotation practices; and the adaptability of the soil to the growing of fire-cured tobacco. The acreage available in each county may be used for establishing 1942 fire-cured tobacco acreage allotments and for adjusting upward preliminary 1942 fire-cured tobacco acreage allotments in the following order and under the following conditions:

(a) The acreage by which 1942 allotments established as provided in § 726.411 (b) hereof exceeds the 1941 acreage allotments for such farms shall be deducted from the acreage apportioned to the county as provided above.

(b) 1942 fire-cured tobacco acreage allotments may be established for farms which grew fire-cured tobacco in 1941 for which no fire-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths acre or 10 percent of the 1941 harvested acreage of fire-cured tobacco.

(c) The preliminary 1942 fire-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed the larger of 10 percent of the 1942 preliminary acreage allotment or one-half acre.

Any allotment established or adjusted as provided above shall be subject to the approval of the State committee.*

§ 726.413 *Reduction of acreage allotment for violations of 1941 marketing quota regulations.* If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment for each farm shall be reduced by the amount of tobacco so marketed: *Provided,* That such reduction shall not be made if the Secretary through the local committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.*

§ 726.414 *Reconstituted farms.* (a) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 fire-cured tobacco acreage allotment established for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of fire-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of fire-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 fire-cured tobacco allotment shall be the sum of the 1942 fire-cured tobacco allotment for each of the farms composing the combination.*

§ 726.415 *Determination of normal yields.* The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1936–40, adjusted by the local committee so as more accurately to reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of fire-cured tobacco, by taking into consideration yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.*

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

§ 726.416 *Determination of fire-cured tobacco acreage allotments for new farms.* The fire-cured tobacco acreage allotment for a new farm for 1942 shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past fire-cured tobacco experience of the farm operator; the acreage of cropland in the farm suitable for fire-cured tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of fire-cured tobacco, the customary crop rotation practices and the adaptability of the soil to the growing of fire-cured tobacco: *Provided,* That the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of one-fifth of the past acreage of fire-cured tobacco grown by the farm operator in the years 1937–1941; 75 percent of the average fire-cured tobacco acreage allotment for old farms in the county; or one acre.

Notwithstanding any other provisions of this section a fire-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(a) The farm operator shall have had two years or more experience in growing fire-cured tobacco as a sharecropper, tenant, or as a farm operator during the past five years;

(b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(c) The farm covered by the application shall be the only farm owned or

operated by the farm operator on which tobacco of any kind is produced;

(d) There is a fire-cured tobacco curing barn in condition for use on the farm; and

(e) No kind of tobacco other than fire-cured tobacco will be grown on the farm in 1942.

The fire-cured tobacco acreage allotments determined as provided in this section shall be subject to such adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new fire-cured tobacco farms.

The fire-cured tobacco acreage available for establishing allotments for farms on which no fire-cured tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment for fire-cured tobacco.*

§ 726.417 *Time for filing application.* In order to obtain an allotment for a new fire-cured tobacco farm in 1942, the operator of the farm shall file an application therefor on Tobacco 608 prior to February 1, 1942.*

§ 726.418 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of fire-cured tobacco are similar.*

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Fire-cured Tobacco for the 1942–43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C., this 7th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–8416; Filed, November 10, 1941; 11:37 a. m.]

[Tobacco 603 (Dark Air-cured), Part I]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART F—1943

Procedure for the Determination of Acreage Allotments for 1942

GENERAL

Sec.
726.456 Definitions.
726.457 Extent of calculations and rule of fractions.
726.458 Instructions and forms.
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DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR OLD FARMS

726.460 1942 acreage allotments for old farms.
726.461 Determination of preliminary 1942 acreage allotment for old farm.
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726.464 Reconstituted farms.
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DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

726.466 Determination of acreage allotments for new farms.
726.467 Time for filing application.
726.468 Determination of normal yields.

GENERAL

§ 726.456 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) "Dark air-cured tobacco, allotment procedure for" 1941 means this Form Tobacco 603 (Dark Air-cured) Part I.

(b) "Local committee" means the county and community committees utilized under the Act. "County committee" or "Community committee" shall have corresponding meanings in the connection in which they are used.

(c) "New farm" means a farm on which dark air-cured tobacco was not produced in any of the five years 1937 to 1941 but on which dark air-cured tobacco will be produced in 1942.

(d) "Old farm" means a farm on which dark air-cured tobacco was produced in one or more of the five years 1937 to 1941, and on which dark air-cured tobacco will be produced in 1942.

(e) "Operator" means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) "State committee" means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) "Dark air-cured tobacco" means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36 and described in the Agricultural Adjustment Act of 1938, as amended, as dark air-cured tobacco.*

*§§ 726.456 to 726.468, inclusive, issued under authority contained in sec. 313 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 47, 202, 586, 53 Stat. 1261, 54 Stat. 392, 1209; 7 U.S.C. Sup., 1313.

§ 726.457 *Extent of calculations and rule of fractions.* All acreages except the preliminary farm acreage allotment and the final farm acreage allotment for 1942 shall be calculated to the nearest one-tenth of an acre and fractions of fifty-one thousandths of an acre or more shall be rounded upward and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.*

§ 726.458 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.*

§ 726.459 *Applicability of procedure.* This Tobacco 603 (Dark Air-cured) Part I shall relate to, and be effective for, the establishment of farm acreage allotments for dark air-cured tobacco for the year 1942.*

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR OLD FARMS

§ 726.460 *1942 acreage allotments for old farms.* The 1942 dark air-cured tobacco acreage allotment for an old farm shall be the preliminary 1942 dark air-cured tobacco-acreage allotment for the farm adjusted in accordance with section 726.462: *Provided, however,* That in case farms are retired from agricultural production either (a) because of their purchase or lease by a State or federal agency for any purpose or (b) because of acquisition for use in connection with the National Defense Program, any tobacco acreage allotted to such farms in 1942 shall be placed in a State pool. Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool: *Provided,* That the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 tobacco acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco-producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.*

§ 726.461 *Determination of preliminary 1942 acreage allotment for old farm.* The preliminary 1942 dark air-cured tobacco acreage allotment for an old farm shall be that percent of the 1942 normal acreage for the farm which the 1942 State acreage allotment is of the 1942 normal acreage of tobacco for all old farms in the State: *Provided,* That if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls or directs another farm on which dark air-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, such acreage allotment shall be increased to the smaller of 120 percent thereof, or that acreage, which when multiplied by the normal yield would produce 2,400 pounds of tobacco.

(a) *Determination of 1942 normal acreage for old dark air-cured tobacco farms.* The 1942 normal acreage for an old farm shall be the 1941 dark air-cured tobacco acreage allotment plus diversion, adjusted as provided below.

(b) *Adjustment of 1942 normal acreage.* The 1942 normal acreage for an old farm, determined as provided above, shall be adjusted so as to take into account any changes for the farm for 1942 in respect to the past acreage of tobacco (harvested and diverted acreage in the five years 1937–41 as compared with the five years 1936–40) making due allowance for the effect of drought, flood, hail, other abnormal weather conditions, plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided,* That in determining the 1941 acreage of tobacco any amount by which the 1941 harvested acreage is less than the 1941 farm acreage allotment shall be considered as diverted acreage.

(c) *Determination of 1941 acreage allotment plus diversion.* The 1941 allotment plus diversion for any farm shall be computed as follows:

Size of 1940 acreage allotment	Size of 1941 acreage allotment	Dark air-cured tobacco allotment plus diversion
3.0 acres or less	2.6 acres or less	104% of allotment.
3.6 acres	2.7 acres	100% of allotment.
3.7 acres	2.8 acres	211% of allotment
3.8 acres	2.8 acres	205% of allotment.
3.9 acres or more	2.9 acres or more	233% of allotment.

The above method of determining preliminary 1942 dark air-cured tobacco acreage allotments will result in a preliminary 1942 acreage allotment equal to the 1941 acreage allotment for a farm except for those farms for which the normal acreage is adjusted as provided in paragraph (b) above; therefore, for all other farms the committee may, in lieu thereof, establish the preliminary 1942 allotment at the same acreage as the 1941 acreage allotment.*

§ 726.462 *Adjustment of preliminary 1942 acreage allotment.* An acreage not in excess of one-half of one percent of the State acreage allotment for dark air-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total 1941 dark air-cured tobacco acreage allotment in each county is of the State acreage allotment for dark air-cured tobacco, adjusted between counties as recommended by the State committee and approved by the Regional Director in such manner as will be fair and equitable taking into consideration the factors affecting the production of tobacco in the different counties in the State. Such acreage shall be used by the local committees as hereinafter provided in this section, if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of dark air-cured tobacco grown on the farm; land, labor, and equipment available for the production of dark air-cured tobacco; crop rotation practices; and the adaptability of the soil to the growing of dark air-cured tobacco. The acreage available in each county may be used for establishing 1942 dark air-cured tobacco acreage allotments and for adjusting upward preliminary 1942 dark air-cured tobacco acreage allotments in the following order and under the following conditions:

(a) The acreage by which 1942 allotments established as provided in § 726.461 (b) hereof exceeds the 1941 acreage allotments for such farms shall be deducted from the acreage apportioned to the county as provided above.

(b) 1942 dark air-cured tobacco acreage allotments may be established for farms which grew dark air-cured tobacco in 1941 for which no dark air-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths acre or 10 percent of the 1941 harvested acreage of dark air-cured tobacco.

(c) The preliminary 1942 dark air-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed the larger of 10 percent of the 1942 preliminary acreage allotment or one-half acre.

Any allotment established or adjusted as provided above shall be subject to the approval of the State committee.*

§ 726.463 *Reduction of acreage allotment for violations of 1941 marketing quota regulations.* If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment for each farm shall be reduced by the amount of tobacco so marketed; *Provided,* That such reduction shall not be made if the Secretary, through the local committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.*

§ 726.464 *Reconstituted farms.* (a) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 dark air-cured tobacco acreage allotment established for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of dark air-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of dark air-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 dark air-cured tobacco allotment shall be the sum of the 1942 dark air-cured tobacco allotment for each of the farms composing the combination.*

§ 726.465 *Determination of normal yields.* The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1936–40, adjusted by the local committee so as more accurately to reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of dark air-cured tobacco, by taking into consideration yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.*

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

§ 726.466 *Determination of dark air-cured tobacco acreage allotments for new farms.* The dark air-cured tobacco acreage allotment for a new farm for 1942 shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past dark air-cured tobacco experience of the farm operator; the acreage of cropland in the farm suitable for dark air-cured tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of dark air-cured tobacco, the customary crop rotation practices and the adaptability of the soil to the growing of dark air-cured tobacco; provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of one-fifth of the past acreage of dark air-cured tobacco grown by the farm operator in the years 1937–1941; 75 percent of the average dark air-cured tobacco acre-

age allotment for old farms in the county; or one acre.

Notwithstanding any other provisions of this section a dark air-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(a) The farm operator shall have had two years or more experience in growing dark air-cured tobacco as a share-cropper, tenant, or as a farm operator during the past five years;

(b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which tobacco of any kind is produced;

(d) There is a dark air-cured tobacco curing barn in condition for use on the farm; and

(e) No kind of tobacco other than dark air-cured tobacco will be grown on the farm in 1942.

The dark air-cured tobacco acreage allotments determined as provided in this section shall be subject to such adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new dark air-cured tobacco farms.

The dark air-cured tobacco acreage available for establishing allotments for farms on which no dark air-cured tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment for dark air-cured tobacco.*

§ 726.467 *Time for filing application.* In order to obtain an allotment for a new dark air-cured tobacco farm in 1942, the operator of the farm shall file an application therefor on Tobacco 608 prior to February 1, 1942.*

§ 726.468 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of dark air-cured tobacco are similar.*

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Dark Air-cured Tobacco for the 1942–43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C., this 8th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–8415; Filed, November 10, 1941; 11:37 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3413]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CASEY CONCESSION COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy, cardboard toy cameras, women's hosiery, face powder, perfume, note books, pencils, dolls, cigarette cases, or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with any merchandise, together with a sales plan or device, or separately, which said sales plan or device is to be used or may be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV. sec. 45b) [Cease and desist order, Casey Concession Company, Docket 3413, October 28, 1941]

In the Matter of Louis Keller and William Carsky, Individually and Trading as Casey Concession Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, the testimony and other evidence taken before duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the report of the trial examiners and exceptions thereto, briefs in support of and in opposition to the complaint, and oral arguments; and the Commission having made its findings as to the facts and its conclusion that the respondents, Louis Keller and William Carsky, individually and as copartners trading as Casey Concession Company, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents, Louis Keller and William Carsky, individually and trading as Casey Concession Company, or trading under any other name or designation, their representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy, cardboard toy cameras, women's hosiery, face powder, perfume, note books, pencils, dolls, cigarette cases, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others any merchandise together with a sales plan or device, or separately, which said sales plan or device is to be used or may be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–8394; Filed, November 8, 1941; 11:16 a. m.]

[Docket No. 4516]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HARPER MANUFACTURING COMPANY, ETC.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Organization and operation:* § 3.69 (b) *Misrepresenting oneself and goods — Goods — Manufacture or preparation.* In connection with offer, etc., in commerce, of men's clothing, and among other things, as in order set forth, (1) using order blanks in taking orders for ready-made clothing which contain illustrations showing measurements being taken for the fitting of men's tailor-made or made-to-measure clothes, instructions for such fittings, or blank spaces for the entry of such fittings, or which otherwise import and imply that the clothing sold by respondents is tailor-made or made-to-measure; and (2) representing that respondents manufacture all of the ready-made suits and other garments sold by them or their agents and ship same to the customer direct from their own factory, prohibited. (sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Harper Manufacturing Company, etc., Docket 4516, October 29, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer or order conformance:* § 3.72 (M 10) *Offering deceptive inducements to purchase—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of men's clothing, and among other things, as in order set forth, (1) representing that the ready-made suits and other garments sold by respondents will be made from the materials selected by the purchasers from samples exhibited by their salesmen or agents, unless and until ready-made suits and other garments sold by respondents are made from materials of the identical quality, color, design, weave and pattern selected by such purchasers; and (2) representing that the material from which respondents' ready-made suits and other garments are made contains no cotton, when such is not the fact, prohibited (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Harper Manufacturing Company, etc., Docket 4516, October 29, 1941]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Maker:* 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (N 10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of men's clothing, and among other things, as in order set forth, representing that E. I. duPont deNemours & Company, also known as the duPont Company, is in any manner associated with respondents in connection with the sale of their ready-made suits and other garments, or that the material contained in respondents' ready-made suits and other garments is manufactured by said duPont Company or that said duPont Company is furnishing free the goods to be used in the making of respondents' said ready-made suits and other garments, and that the customer is paying only for the labor involved in the making thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Harper Manufacturing Company, etc., Docket 4516, October 29, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (N 10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of men's clothing, and among other things, as in order set forth, representing that respondents' customers will have an opportunity to inspect and try on the ready-made suits and other garments shipped to such customers by respondents before finally accepting the same and paying the balance due thereon, unless and until an opportunity for each inspection and trying on of respondents' suits and other garments is actually provided before such customers finally accept such clothing and pay any balance due theron; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Harper Manufacturing Company, etc., Docket 4516, October 29, 1941]

In the Matter of J. Fred Malone and Joe P. Malone, Individuals, Trading as Harper Manufacturing Company, Malone Clothing Manufacturing Company, Gray-Dickson Clothing Company, Piedmont Clothing Company, and Various Other Names.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Comission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents J. Fred Malone and Joe P. Malone, individuals trading as Harper Manufacturing Company, Malone Clothing Manufacturing Company, Gray-Dickson Clothing Company, Piedmont Clothing Company, and various other names, whether trading under said trade names or otherwise, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of men's clothing in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using order blanks in taking orders for ready-made clothing which contain illustrations showing measurements being taken for the fitting of men's tailor-made or made-to-measure clothes, instructions for such fittings, or blank spaces for the entry of such fittings, or which otherwise import and imply that the clothing sold by respondents is tailor-made or made-to-measure;

(2) Representing that the ready-made suits and other garments sold by respondents will be made from the materials selected by the purchasers from samples exhibited by their salesmen or agents, unless and until ready-made suits and other garments sold by respondents are made from materials of the identical quality, color, design, weave and pattern selected by such purchasers;

(3) Representing that the material from which respondents' ready-made suits and other garments are made contains no cotton, when such is not the fact;

(4) Representing that E. I. duPont deNemours & Company, also known as the duPont Company, is in any manner associated with respondents in connection with the sale of their ready-made suits and other garments, or that the material contained in respondents' ready-made suits and other garments is manufactured by said duPont Company or that said duPont Company is furnishing free the goods to be used in the making of respondents' said ready-made suits and other garments, and that the customer is paying only for the labor involved in the making thereof;

(5) Representing that respondents' customers will have an opportunity to inspect and try on the ready-made suits and other garments shipped to such customers by respondents before finally accepting the same and paying the balance due thereon, unless and until an opportunity for such inspection and trying on of respondents' suits and other garments is actually provided before such customers finally accept such clothing and pay any balance due thereon;

(6) Representing that respondents manufacture all of the ready-made suits and other garments sold by them or their agents and ship same to the customer direct from their own factory.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–8395; Filed, November 8, 1941; 11:16 a. m.]

[Docket No. 4573]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF IMPERIAL KNIFE COMPANY, INC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of pocket knives, or any other merchandise, (1) selling, etc., knives or any other merchandise so packed or assembled that sales of such knives or other merchandise to the public are to be made, or may be

made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punchboards, or other lottery devices, either with assortments of knives or other merchandise or separately, which said push or pull cards, punchboards, or other lottery devices are to be used, or may be used, in selling or distributing said knives or other merchandise to the public; and (3) selling, etc., any knives or other merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b [Cease and desist order, Imperial Knife Company, Inc., Docket 4573, October 29, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of October, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Imperial Knife Company, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pocket knives or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing knives, or any other merchandise, so packed or assembled that sales of such knives or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with assortments of knives or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said knives or other merchandise to the public;

(3) Selling or otherwise disposing of any knives or other merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8396; Filed, November 8, 1941; 11:16 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 148—READJUSTMENT AND CANCELATION OF CERTAIN IRRIGATION COSTS, UINTAH PROJECT, UTAH

JUNE 30, 1939.

Whereas the Act of Congress approved June 22, 1936 (49 Stat. 1803) authorized and directed the Secretary of the Interior to cause an investigation to be made to determine whether the owners of non-Indian lands within Indian irrigation projects are unable to pay irrigation charges; and

Whereas the said act provides in part as follows:

* * * Where the Secretary finds that said landowners are unable to make payment due to the existence of such causes, he may adjust, defer, or cancel such charges, in whole or in part, as the facts and conditions warrant. * * *

Where irrigation assessments against any such lands remained unpaid at the time the Indian title to such lands became extinguished and no lien existed and attached to such lands for the payment of charges so assessed and no contract for the payment of such charges was entered into, the Secretary shall cancel all such charges.

and

Whereas such investigation and report thereon have been completed of the Uintah Indian irrigation project in Utah, which show it to be impossible for the lands to produce sufficient returns to enable the project landowners to pay certain construction, operation and maintenance costs against their lands and that the collection of certain delinquent assessments of such costs should be adjusted and payment made in installments spread over a period of years:

Now therefore, I, Harold L. Ickes, Secretary of the Interior, pursuant to authority vested in me by the said Act of June 22, 1936, hereby order:

§ 148.1 *Order of the Secretary.* Subject to confirmation by Congress, as provided in section 6 of said Act, (1) the cancellation of $283,170.73 of unpaid construction assessment obligations and $28,875.37 of unpaid operation and maintenance assessment obligations carried on the books of the project; (2) the deferment until December 1, 1943, of the collection of $61,983.16 expended in drainage operations on the said project; and (3) I further find that contracts should be authorized with landowners covering $19,230.72 accrued operation and maintenance assessments providing for the payment of such assessments over a period of years as provided in the said Act. (49 Stat. 1803, Pub. 83, 77th Congress, 1st session)

There is attached a draft of proposed legislation,[1] the enactment of which is necessary to provide fully for the carrying out of the provisions of this Order.[2]

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-8329; Filed, November 6, 1941; 10:46 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-283-a]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER SUPPLEMENTING ORDER OF OCTOBER 6, 1941, IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

On October 6, 1941, the Director issued his Memorandum Opinion and Order of Dismissal in the above-entitled proceedings, in which the Director (1) ordered an intervening petition, seeking relief in the form of a modification of the price classifications and minimum prices temporarily established by Order of the Director on January 31, 1941, 6 F.R. 790, for the coals of the Solon Mine (Mine Index No. 432) of the Meadow Creek Coal Company, a code member in District 8, for shipment into Market Area 114, dismissed and (2) ordered the minimum price classifications temporarily established for the coals of said mine on November 6, 1940, 5 F.R. 4490, made permanent.

The Order of January 31, 1941, modified the Order of the Director of November 6, 1940, so as to establish certain prices for the coals of the Solon Mine for shipment to Market Area 114 only. In the Order of October 6, 1941, in making permanent the minimum price classifications temporarily established for the coals of the Solon Mine on November 6, 1940, it was the intention of the Director to make permanent such prices as modified by the Order of January 31, 1941.

Now, therefore, it is ordered, That § 328.12 (*General prices for high volatile coals*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended by establishing the following exception:

Exception: The coal of the Solon Mine (Mine Index No. 432 of the Meadow Creek Coal Company shall be priced as follows for shipment to Market Area 114 only:

Size group:	*Minimum Price*
1–2	$2.10
3	2.00
5	2.00
6	1.90
7	1.80
8	1.75
9	1.70
10	1.70
20	1.20

Dated: November 6, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8412; Filed, November 10, 1941; 10:17 a. m.]

[1] Not filed as part of the original document.

[2] Modified and confirmed by the Act of May 26, 1941 (Public 83, 77th Cong., 1st sess.)

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 112]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE APPOINTMENT OF ASSOCIATE MEMBERS OF ADVISORY BOARDS FOR REGISTRANTS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume One, section VII,[1] by striking out paragraph 145 thereof and substituting the following:

145. *Advisory boards for registrants.* In each State, Advisory Boards for Registrants shall be appointed by the Governor to insure that advice and assistance in preparing questionnaires, claims, or other papers which will serve as a basis for classification are readily available to every registrant. Each board shall normally be composed of three lawyers or three other reputable persons. The chairman shall, if practicable, be a judge of a county court or of a court of similar jurisdiction. Associate members of the Advisory Boards for registrants shall be appointed by the Governor upon recommendation of the members of the Advisory Boards for registrants. Members and associate members shall take the prescribed oath (Form 21), which shall then be sent to the Governor for filing. The Advisory Boards for registrants shall certify to the Governor the names of all persons who are associate members of Advisory Boards for registrants and who have been appointed through the procedure heretofore existing. The appointment of such persons will then be completed in the same manner as for persons who are hereafter appointed to be associate members.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1941.

[F. R. Doc. 41-8383; Filed, November 7, 1941; 4:07 p. m.]

[1] 5 F.R. 3763.

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF ILLINOIS TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Illinois to direct any local board in the State of Illinois to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Illinois will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Illinois shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1941.

[F. R. Doc. 41-8384; Filed, November 7, 1941; 4:08 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF NEBRASKA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Nebraska to direct any local board in the State of Nebraska to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Nebraska will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Nebraska shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1941.

[F. R. Doc. 41-8385; Filed, November 7, 1941; 4:08 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MINNESOTA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Minnesota to direct any local board in the State of Minnesota to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Minnesota will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Minnesota shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1941.

[F. R. Doc. 41-8386; Filed, November 7, 1941; 4:08 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF CALIFORNIA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me

by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of California to direct any local board in the State of California to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of California will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of California shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 6, 1941.

[F. R. Doc. 41-8387; Filed, November 7, 1941; 4:08 p. m.]

[No. 32]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

The addition of a new form designated as DSS Form 44, entitled "Daily Classification List," effective immediately after the filing hereof with the Division of the Federal Register.[2]

The foregoing addition shall, effective immediately after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

OCTOBER 2, 1941.

[F. R. Doc. 41-8388, Filed, November 7, 1941; 4:09 p. m.]

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

[Administrative Order, Supp. 3, Nov. 7, 1941]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Economic Defense Board, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President, promulgated July 17, 1941 (6 F.R. 3555), the following Supplement No. 3 containing certain additions to, deletions from, and amendments to "The Proclaimed List of Certain Blocked Nationals", promulgated July 17, 1941, is hereby promulgated.

Date: November 7, 1941.

By direction of the President.

CORDELL HULL,
Secretary of State.
HENRY MORGENTHAU, JR.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
WAYNE C. TAYLOR,
Acting Secretary of Commerce.
MILO PERKINS,
Executive Director,
Economic Defense Board.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

ADDITIONS

ARGENTINA

Argentina de Mandatos, Cia. (Argentine Trust Co. Ltd.); 134 Reconquista, Buenos Aires.
Biester, Hans (U. F. A.); Lavalle 2057, Buenos Aires.
Decker, Guillermo; 1329/53 Sarandi, Buenos Aires.
Fenner-Achenbach, Rodolfo Arturo; Buenos Aires.
Finger, Pablo; 375 Peru, Buenos Aires.
First Pan American Mercantile Corporation; Buenos Aires.
Gangler, Camilio M. F.; Paseo Colon 285, Buenos Aires.
Holzmann Monaco, Michel (Produmet Argentina); Hotel Alvear Palace, Buenos Aires.
Intercambio Comercial Americano; 536 Tucuman, Buenos Aires.
Lange, Otto; 218 Bolivar, Buenos Aires.
Maubach, Guillermo; Sarmiento 381, Buenos Aires.
Montagna, Luis; Bolivar 535, Buenos Aires.
Muchall & Compañía, Sucesores (George Steinhorst); Av. R. S. Peña 530, Buenos Aires.
Oberst Hnos. (Herman and Pedro); Rodriguez Peña 154, Buenos Aires.
Oses, Enrique (El Pampero); Buenos Aires.
Produmet Argentina (Michel Holzmann Monaco), Buenos Aires.
Retienne Sociedad en Comandita, Eduardo (Drogueria Retienne); Sarmiento 1127, Buenos Aires.
Steinhorst, George (Muchall & Compañía, Sucesores); Av. R. S. Peña 530, Buenos Aires.
U. F. A. (Hans Biester); Lavalle 2057, Buenos Aires.
Von Schulz-Hausmann, F.; Bernardo Irigoven 330, Buenos Aires.
Wilckens Hermanos, Carlos Tejedor 1742, Lanus.

BOLIVIA

Barraca Ferdinandt (Kurt Ferdinandt); Oruro.
Bollweg, L. ("El Sol"); Oruro.
Botica Germania (Sra. Beatriz Deuz viuda de Kummel; Arnold Glaeser; Teofilo Montano); Oruro.
Brito, Octavio; La Paz.
Diaz, A.; La Paz.
"El Sol" (L. Bollweg); Oruro.
Escher, Leo; Sucre.
Ferdinandt, Kurt (Barraca Ferdinandt); Oruro.
Ferreteria Findel (John Schmidt; Ernest Rude); Oruro.
Glaeser, Arnold (Botica Germania); Oruro.
Gumucio (Gumuchio), Juan; Cochabamba.
Imprenta y Libreria "La Escolar" (Francisco Forns Samso); P. O. 476, Potosi, 490, La Paz.
James, Eduardo; Tarija.
Kummel, Sra. Beatriz Deuz viuda de (Botica Germania); Oruro.
Montano, Teofilo (Botica Germania); Oruro.
Rude, Ernest (Ferreteria Findel); Oruro.
Schmidt, John (Ferreteria Findel); Oruro.
Virreira, Renato; Tarija and Tupiza.

BRAZIL

Agro Chimica Ltda.; Rua Libero Badaro 73, São Paulo.
Artigos Dentarcos Poladon Limitada; Rio de Janeiro.
Auto-Radio Ltda; Rua Barão de Itapetininga 288, São Paulo.
Brito, Antonio O. (Antonio de Oliveira Brito); Rio de Janeiro.
Cervejaria Atlantica, S. A.; Rua Iguassu 153, Curitiba, Paraná.
Cervejaria Moravia, Companhia; Rua Rio Grande 551, São Paulo.
Condor Ltda., Servicos Aereos (Syndicate Condor Ltda.); Avenida Rio Branco 128, Rio de Janeiro.
Correa da Costa Antonio; Rua General Camara 106, Rio de Janeiro.
de Almeida & Cia. Ltda., Barreira; Rua José Bonifacio 278, São Paulo.
de Almeida & Cia., Furtado; Rua 3 de Dezembro 17, São Paulo.
de Oliveira Brito, Antonio (Antonio O. Brito); Rio de Janeiro.
Despachos Almeida Ltda., Casa de; Rua José Bonifacio 278, São Paulo.
Diamants et Carbones, S. A.; Rua 1° de Marco, Rio de Janeiro.
Fabrica Fiel Ltda.; Rua Guaycurus 225, São Paulo.
Farmaco Limitada; Rua São Bento 22, Rio de Janeiro.
Ferreira, A. (Laboratorio Veritas Ltda.); Avenida Augusto Severo 58, Rio de Janeiro.
Fiação e Tecelagem São Leopoldo Ltda.; São Paulo.
Filippone & Cia., G.; Rua Senador Dantas 35-A, Rio de Janeiro.
Fouquet, Paul; Rua 1° de Marco, Rio de Janeiro.
Giesseler, Guilherme (Wilhelm Adolf Paul Gieseler); Rua Pero Correia 33, S. Vicente, Santos.

[1] 5 F.R. 3785.
[2] Filed with the original document.

Goichbum, Chuno; Rua São Pedro, 80, 1° andar, Rio de Janeiro.
Hanstein, Wolfgang; 8 Rua Mayrink Veiga, Rio de Janeiro.
Hasenclever & Cia., Ltda., Alexandre; Rua Mayrink Veiga 4/3°, 8-4, Rio de Janeiro.
Hoos, George Kurt; Fortaleza, Ceará.
Interam Exportadora, Ltda., Sociedade; Rua São Pedro 39-1°, Rio de Janeiro.
Intercontinental Sociedade Exportadora e Importadora; Rua da Alfandega 84, Rio de Janeiro.
Isolectra Ltda.; Julio Colaco 59, São Paulo.
Italo Brasileira de Industria e Commercio S. A., Companhia; Rua Deocleciana 15, São Paulo.
Jopila Exportadora, Ltda.; Recife, Pernambuco.
Kraus, Franz; Rua General Camara 41, Rio de Janeiro.
Laboratorio Veritas Ltda. (A. Ferreira); Avenida Augusto Severo 58, Rio de Janeiro.
Lodders, Ricardo; Av. Rio Branco 69/77, Rio de Janeiro.
Maselli, Arthur; Praca Mauá 7, s/1510, Rio de Janeiro.
Pereira & Companhia, Limitada, Arantes; Rua José Bonifacio 278, São Paulo.
Pirelli, S. A., Companhia Industrial Brasileira; São Paulo and Rio de Janeiro.
Pires, Manoel; Rua 15 de Novembro 204, Santos.
Produtos de Lavoura Ltda.; Rua Libero Badaro 73, São Paulo.
Rouviere, Edmundo; Rua Duvivier 43, Rio de Janeiro.
Schliefferdecker, Henrique; São Paulo.
Schmidlin, Hugo (Schmidlin & Companhia); Rua Tamoyos 487, Bello Horizonte, Minas Geraes.
Schmidlin & Companhia (Hugo Schmidlin; Hortz von Zimmermann); Rua Tamoyos 487, Bello Horizonte, Minas Geraes.
Schmitt & Cia., Ltda.; Rua 24 de Maio 207, São Paulo.
Selmi & Cia., Ltda.; Rua Portugal 9, Bahía.
Silva & Cia.; Rua Portugal 26, Bahía.
Thewico de Armazens Geraes S. A., Companhia; Avenida Rodrigues Alves and Avenida Rio Branco 79/81, Rio de Janeiro.
Urbach, Joseph; Avenida São João 239, São Paulo.
Von Klobusitzky, Dionisio M. (Dr.); Rua Voluntarios da Patria 132, Rio de Janeiro.
Von Zimmermann, Hortz (Schmidlin & Companhia); Rua Tamoyos 487, Bello Horizonte, Minas Geraes.
Westphalen, Bach, Krohn & Cia.; Rua Miguel Calmon 36, Bahía.
Wolffmetal Ltda.; 1200 Rua Hypodromo, São Paulo.

CHILE

Condor, Ltda., Sindicato (Sindicato Condor, Ltda.); all branches in Chile.
Engel, Alberto (Engel y Cia.); Santo Domingo 1025, Santiago.
Sindicato Condor Ltda. (Condor Ltda., Sindicato); all branches in Chile.

COLOMBIA

Ahrens, Heinrich; Bogotá.
Almacén Flandes (Rudolfo Borchers); Girardot.
Almacén Kruko (C. Enrique Kruse & Co.); Apartado 175, Cali.
Almacén de Radios y Discos Walter Pilgrim; Carrera 7, No. 21-46, Bogotá.
Alwers, Kurt B.; Cali.
Ariza V., Gabriel; Barranquilla.
Bauer, Carlos ("La Blanca"); Carrera 4, Calle 13 and 14, Cali.
Bermit, Wilhelm; Bogotá.
Bieler, Kurt; Calle 13, No. 5-56, Cali.
Bilhuber, Otto; Carrera 6 between Calles 11 and 12, Cali.
Borchers, Rudolfo (Almacén Flandes); Girardot.
Brill, Herbert; Medellín.
Buff, Clemens; Medellín.
Burckhardt, Luis A.; Apartado 195, Cali.
Cerveceria Alemana (Fred Starke); Pasto, Nariño.
Cervecería Baviera (Otto T. Stangel); Pasto, Nariño.
Colombiana de Maquinas Pfaff Ltda., Compañía; Carrera 8, 17-60 Bogotá and all branches.
Cristalería Zapp (Zapp & Cia.); Calle 12, 7-66/70 Bogotá.
Derka, Anton; Medellín.
Di Domenico, Giovanni (Tipografía Olympia); 5052 Calle 54, Medellín.
Ehlers, Walter; Cartagena.
Estornaiolo, Hipolito; Pasto, Nariño.
Fábrica Nacional de Artículos de Aluminio "FANAL", S. A.; Apartado Nacional 568, Barranquilla.
Fadul y Cia., Miguel; 125 Calle de la Soledad, Cartagena.
Ferretería "El Yunque"; Plaza de San Nicolas, Barranquilla.
Foto Alemán (George Koestner; Pasto, Nariño.
Gallo & Co., Miguel; 75 Calle del Porvenir, Cartagena.
Ganadería de Saldaña S. C. Rocha & Cia.; Bogotá.
Gast, Hans Otto; 305 Edificio Banco Alemán Antioqueno, Bogotá.
Gonzalez, Marco Tulio; Bogotá.
Gruetzmacher & Cia. (Punto Azul); Carrera 7, No. 20-35 Bogotá,
Gundlach, Reinhard; Medellín.
Haase, Friederich Wilhelm; Apartado 479, Progreso Boyaca, San Roque, Barranquilla.
Hacienda Berlin; Rio Negro.
Haeberlin, Francisco, Pasto, Nariño.
Held, Adolfo K., Barranquilla.
Hossfeld & Hamm, Apartado 290, Cali.
Jesse, Federico; Cali.
Kallab (Kailab), Herman; Apartado 2736, Bogotá.
Kanterreith, Karl; Medellín.
Kiehn, Max; Pasto, Nariño.
Koestner, George (Foto Alemán); Pasto, Nariño.
Kores, S. A. (Koreska); Calle 17, No. 9-40, Apartado 869, Bogotá.
Krackow, Felix; Medellín.
Kreutz, Albert; Pasto, Nariño.
Kruse & Co., C. Enrique (Almacén Kruko; Willi Kukat); Apartado 175, Cali.
Kubart, Johann (Kores, S. A.); Calle 17, No. 9-40, Bogotá.
Kuebler, Ruperto; Edificio del Banco de Bogotá, Cali.
Kuhlmann, Gustavo; Apartado 119, Cali.
Kukat, Willi (C. Enrique Kruse & Co.); Apartado 175, Cali.
Kurk, Karl Theodor; Medellín.
Lange, Fritz; Pasto, Nariño.
Lehmann, Karl (Carlos); Popayán.
Luers, Hans W.; Medellín.
Moreno Alvarez, Pablo; Medellín.
Mortler, Alejandro; Medellín.
Munch, Ernesto; Pasto, Nariño.
Optica Alemana (Walter Schmidt); Calle 12, Carreras 5a y 6a, Cali.
Ordonez & Lullemann; Calle 13, No. 6-32, Cali.
Orthmueller, Adolf; Bucaramanga.
Pattern, Max; Pasto, Nariño.
Puente y Gonzalez; Bucaramanga and Barranquilla.
Rasmussen, Ferdinand; Cali.
Reissner, Paul; Baranquilla.
Rummle, Max; Cali.
Schroder, Otto E.; Apartado 121, Cali.
Schulte & Cia., G.; Apartado 449, Bogotá, and Apartado 852, Barranquilla.
Schwerttfeger, Hans L.; Medellín.
Siegert, Christian; Bogotá.
Stadtlaender, Karl A.; Bogotá.
Stangel, Otto T. (Cervecería Baviera); Pasto, Nariño.
Starke, Fred (Cervecería Alemana); Pasto, Nariño.
Stoehr, Egon L.; Pereira.
Stumpf, Wilhelm; Cali.
Tipografía Olympia (Giovanni Di Domenico); 5052 Calle 54, Medellín.
Troll, B. Richard; Cali.
Von Bockelmann, C. H.; Cali.
Von der Heide, Gunter; Apartado 402, Cali.
Weber, Hans; Edificio Napolitana, Progreso, San Blas, Barranquilla.
Wernher, Hans; Apartado Aéreo 4230, Apartado Nacional 468, Bogotá.
Wunderlich & Co., Gerhard; Apartado 174: 20 de Julio, Real, Comercio, Barranquilla.
Zapp & Cia. (Cristalería Zapp); Calle 12, 7-66/70, Bogotá.

COSTA RICA

Andre, Arnold (Arnoldo); San José.
Andre, Otto; San José and Cartago.
Angulo Marin, Guillermo (LA EPOCA); San José.
Baumgartner Lehmann, Adolfo (Union Agency Co., S. A.); Apartado 1712, San José.
Delcore Belluci, Amadeo; Puntarenas.
Efinger, Max; San José.
Fernandez Parma, Claudio; San José.
Fischbeck, Gerhard; Port Limón.
German Club (Club Alemán); San José.
German School; San José.
Grebien, Ferdinand.
Hauke, Emil.
Herrera G., Hernán; San José.
Klefoth, Richard; San José.

Kloss, Walter; San José.
Krogmann, O. W.; San José.
Kruse, Alfredo; Puntarenas.
La Epoca (Guillermo Angulo Marin); San José.
Lindgens, Rudolf; Puntarenas.
Lorenzen, Detlef; San José.
Merlein, Max; San José.
Navarette (Navaretti), Juan; San José.
Neumann, Richard.
Preinfalk, Friedrich.
Quijano, Rodolfo; San José.
Scherer, Stephan; Port Limón.
Union Agency Co., S. A. (Adolfo Baumgartner Lehmann); Apartado 1712, San José.
Vedoua, Franz Ferdinand; San José.
Wimmer, Otto; Port Limón.
Ziegler, Paul; San José.

CUBA

Berndes y Compañía, Charles E.; Republica del Brasil 112, Habana.
Colegio Alemán; 19 Calle No. 907, Vedado, Habana.
Exclusivas Berndes; Consulado 164, Habana.
Friederich Roberto; Teniente Rey 113, Habana.
Pharmaceutical Importers, S. A.; Habana.
Pinks, Anton; Habana.
Pinks, Gerhard; Habana.
Schering Pharmaceutical Corporation of Cuba, S. A.; Habana.
Zimmerman, Enrique (Heinrich); Calle A No. 13, Apartado 874, Vedado, Habana.

DOMINICAN REPUBLIC

Barletta, Antonio; Ciudad Trujillo.
Diario del Comercio; Ciudad Trujillo.
Mallorga, Fernando; Ciudad Trujillo.

ECUADOR

Alemana, Casa (Hermann Dreier[1]); P. O. Box 394, Quito.
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Greisbach & Roehl; Quito.
Gubitz & Schwark; Casilla 433, Quito.
Industrial Beco, C. A., Sociedad; P. O. Box 8, Manta.
Internacionales, C. A., Agencias; 216 Junín Street, P. O. Box 1264, Guayaquil.
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Merello G., Alberto; P. O. Box 788, Quito.
Pauta Córdova, Emanuel; Cuenca.
Pierrottet, Tulio; 424 Calle Clemente Ballen, Casilla 1228, Guayaquil.
Schwartz, Otto; Casilla 564, Guayaquil.
Stagg, Leonard; Casilla 645, Guayaquil.
Transocean News Service; Quito.
Woehlermann, Walter; P. O. Box 788, Quito.
Zang, Carlos E.; Casilla 692, Quito.

[1] To be distinguished from the Hermann Drier who is associated with Jacobo Vorbeck.

GUATEMALA

Administración General Fincas "La Aurora", "El Eden", "Nuevo Eden", and "Camelias"; Candelaria-Xolhuitz, Retalhuleu.
Asseburg & Company (Asseburg Hermanos, Wilhelm and Adolf) (Fincas "Candelaria-Xolhuitz" and "Monte Limar"); Quezaltenango and Malacatán, San Marcos.
Augustynski, Max (Finca "La Suiza"); 7a Calle P. No. 36, Guatemala City, and San Vicente Pacaya.
Boehm, Jorge (Fincas "Chinasajub" and "Chirrepec"); Cobán, Alta Verapaz.
Bollmann, Jorge (Finca "La Perla"); Chicacao, Suchitepequez.
Bregartner, Maximo (Finca "El Carmen"); San Andrés Villa Seca, Retalhuleu.
Buechsel, Gerhard (Buechsel & Co.) (Finca "Xicacao"); San Pedro Carcha, Alta Verapaz.
Buhl, Carlotta viuda de (Finca "Alabama Grande"); Tumbador, San Marcos.
Christ, Alfredo (Fincas "Chicoj", "Chicoyonito", and "Magdalena"); Cobán, Alta Verapaz.
Christ, Jose (Fincas "Chicoj", "Chicoyonito", and "Magdalena"); Cobán, Alta Verapaz.
Daetz Villela Hermanos (Farmacia Verapaz); Cobán.
Deutsche Zeitung Guatemala; Edificio Paris, 6a Avenida Sur Guatemala City.
Döscher, Paul; Livingston.
Droege, Hugo, Finca "San Vicente"); San Pedro Carcha, Alta Verapaz.
Farmacia Verapaz (Hermanos Daetz Villela); Cobán.
Fickert Forst, Emma viuda de (Finca "Trece Aguas"); Senahu, Alta Verapaz.
Finca "Actela"; La Tinta, Alta Verapaz.
Finca "Alabama Grande"; Tumbador, San Marcos.
Finca "Alicia"; Reforma, San Marcos.
Finca "Alsacia"; San Rafael Pie de la Cuesta, San Marcos.
Finca "Aquil"; Cobán, Alta Verapaz.
Finca "Argentina"; San Rafael Pie de la Cuesta, San Marcos.
Finca "Armenia" (Maximo Wohlers); Alta Verapaz.
Finca "Armenia" y Anexos (Teodoro Rehfach); San Rafael Pie de la Cuesta, San Marcos.
Finca "Bola de Oro"; Tumbador, San Marcos.
Finca "Bremen"; Purulha, Baja Verapaz.
Finca "Cafetal Hamburgo"; San Felipe, Retalhuleu.
Finca "Camelias"; Candelaria - Xolhuitz, Retalhuleu.
Finca "Campur"; San Pedro Carcha, Alta Verapaz.
Finca "Candelaria-Xolhuitz"; Quezaltenango.
Finca "Castaños"; Chicacao.
Finca "Cecilia" y Anexos; San Francisco Zapotitlán.
Finca "Cenizas"; Zacapa.
Finca "Cerro Redondo"; Barberena, Santa Rosa.
Finca "Chiacán"; San Pedro Carcha, Alta Verapaz.
Finca "Chicoj"; Cobán, Alta Verapaz.
Finca "Chicoyonito"; Cobán, Alta Verapaz.
Finca "Chilte"; San Pedro Carcha, Alta Verapaz.
Finca "Chimax"; Cobán, Alta Verapaz.
Finca "Chimo"; San Pedro Carcha, Alta Verapaz.
Finca "Chimote"; Cobán, Alta Verapaz.
Finca "Chinama"; Lanquin, Alta Verapaz.
Finca "Chinán"; Chicacao, Suchitepequez.
Finca "Chinasajub"; Cobán, Alta Verapaz.
Finca "Chinsajquin"; San Pedro Carcha, Alta Verapaz.
Finca "Chipemech"; Cahabón, Alta Verapaz.
Finca "Chiquihuite"; Colomba, Quezaltenango.
Finca "Chirrepec"; Cobán, Alta Verapaz.
Finca "Chucul"; San Antonio, Suchitepequez.
Finca "Chulac"; Senahu, Alta Verapaz.
Finca "Cocoyán"; San Pedro Carcha, Alta Verapaz.
Finca "Concepción"; Escuintla.
Finca" Concepción-Candelaria"; La Reforma, San Marcos.
Finca "Costa Rica"; Chimaltenango.
Finca "Coyocte"; Tucuru, Alta Verapaz.
Finca "Dolores"; Mazatenango, Suchitepeqez.
Finca "El Baluarte"; Reforma, San Marcos.
Finca "El Capucal"; Gualán, Zacapa.
Finca "El Carmen"; San Andrés Villa Seca, Retalhuleu.
Finca "El Corozo"; Samayac, Suchitepequez.
Finca "El Eden"; Candelaria-Xolhuitz, Retalhuleu.
Finca "El Encanto."
Finca "El Jacote"; Pueblo Nuevo Viñas, Santa Rosa.
Finca "El Paraíso" y Anexos; Pochuta, Chimaltenango.
Finca "El Pensamiento-Palmira"; Colomba, Quezaltenango.
Finca "El Perú"; San Antonio, Suchitepequez and Tumbador, San Marcos.
Finca "El Porvenir"; San Pablo, San Marcos.
Finca "El Potosí"; Pochuta, Chimaltenango.
Finca "El Rodeo"; Pochuta.
Finca "El Rosario"; Tumbador, San Marcos.
Finca "El Rosario Bola"; Colomba, Quezaltenango.
Finca "El Salto"; Tucuru, Alta Verapaz.
Finca "El Transito"; Colomba, Quezaltenango.
Finca "Escobillo"; El Rodeo, San Marcos.

Finca "Esmeralda" (Enrique Hermann); Colomba, Quezaltenango.
Finca "Esmeralda" (Matilde de, or Maximo Quirin); Tucuru, Alta Verapaz.
Finca "Florida"; Pochuta, Chimaltenango.
Finca "Guaxpom"; Tucuru, Alta Verapaz.
Finca "Jalaute"; Purulha, Baja Verapaz.
Finca "Joya Grande"; Oriente.
Finca "La Abundancia"; Chicacao, Suchitepequez.
Finca "La Aurora"; Candelaria-Xolhuitz, Retalhuleu.
Finca "La Concha"; Acatenango, Chimaltenango.
Finca "La Esperancita".
Finca "La Esperanza"; Tucuru, Alta Verapaz.
Finca "La Fama"; Colomba, Quezaltenango.
Finca "La Fé"; San Antonio, Suchitepequez.
Finca "La Florida"; Tucuru, Alta Verapaz.
Finca "La Fuente"; Retalhuleu.
Finca "La Igualdad"; La Reforma, San Marcos.
Finca "La Interdependencia"; Candelaria-Xolhuitz, Retalhuleu.
Finca "La Paz"; Reforma, San Marcos.
Finca "La Perla"; Chicacao, Suchitepequez.
Finca "La Providencia"; San Cristóbal, Alta Verapaz.
Finca "La Suiza" (Max Augustynski); San Vicente Pacaya.
Finca "La Suiza" (Wilhelm Greite); La Reforma, San Marcos.
Finca "La Torre"; Chimaltenango.
Finca "La Unión"; Nuevo Progreso, San Marcos.
Finca "Las Amalias"; Patalul, Suchitepequez.
Finca "Las Animas"; Santo Domingo, Suchitepequez.
Finca "Las Camelias"; San Pedro Carcha, Alta Verapaz.
Finca "Las Carolinas"; San Martín Zapotitlán, Retalhuleu.
Finca "Las Mercedes"; Colomba, Quezaltenango.
Finca "Las Sabanetas"; Barberena, Santa Rosa.
Finca "Las Viñas"; Barberena, Santa Rosa.
Finca "Lorena"; San Rafael Pi de la Cuesta, San Marcos.
Finca "Los Brillantes"; Mulua, Retalhuleu.
Finca "Los Castaños"; Chicacao, Suchitepequez.
Finca "Los Laureles"; Nuevo San Carlos, Quezaltenango.
Finca "Magdalena"; Cobán, Alta Verapaz.
Finca "Medio Día"; San Antonio, Suchitepequez.
Finca "Medio Día y Filipinas"; Tumbador, San Marcos.
Finca "Milán"; Chicacao, Suchitepequez.
Finca "Monte Blanco"; Purulha, Baja Verapaz.
Finca "Monte Limar"; Malacatán, San Marcos.
Finca "Morelia-Santa Sofía"; Yepocapa, Chimaltenango.
Finca "Nueva Aguas Pansael"; Purulha, Baja Verapaz.
Finca "Nueva Granada"; Tumbador, San Marcos.
Finca "Nuevo Eden"; Candelaria-Xolhuitz, Retalhuleu.
Finca "Nuevo Mundo"; Malacatán, San Marcos.
Finca "Pachilha"; Tucuru, Alta Verapaz.
Finca "Palmira"; Colomba, Quezaltenango.
Finca "Pampa"; Purulha, Baja Verapaz.
Finca "Pancuz"; Purulha, Baja Verapaz.
Finca "Pantic"; Senahu, Alta Verapaz.
Finca "Pena Plata"; Acatenango, Chimaltenango.
Finca "Piedras Blancas";
Finca "Providencia"; Baja Verapas.
Finca "Sabana Grande"; Siquinala, Escuintla.
Finca "Sacham"; Alta Verapaz.
Finca "Sacsamani"; Purulha, Baja Verapaz.
Finca "Salitrillo"; Barberena, Santa Rosa.
Finca "San Andrés Osuna"; Escuintla, Esquintla.
Finca "San Augustín"; Suchitepequez.
Finca "San Basilo"; Santa Bárbara, Suchitepequez.
Finca "San Carlos"; Chimaltenango.
Finca "San Dionisio"; San Felipe, Retalhuleu.
Finca "San Francisco Miramar"; Colomba, Quezaltenango.
Finca "San Francisco Pecul"; San Felipe, Retalhuleu.
Finca "San Javier"; Lanquin, Alta Verapaz.
Finca "San Juan"; Senahu, Alta Verapaz.
Finca "San Julián"; Patalul, Suchitepequez.
Finca "San Luis"; Malacatán, San Marcos.
Finca "San Rafael Panjul"; Salama, Baja Verapaz.
Finca "San Rafael Panán"; Santa Bárbara, Suchitepequez.
Finca "San Vicente"; San Pedro Carcha, Alta Verapaz.
Finca "Santa Actela"; Senahu, Alta Verapaz.
Finca "Santa Anita"; Chimaltenango.
Finca "Santa Augustina"; Candelaria-Xolhuitz, Quezaltenango.
Finca "Santa Clara"; Chicacao, Suchitepequez.
Finca "Santa Elena"; Tumbador, San Marcos.
Finca "Santa Isabel"; Pueblo Nuevo Viñas, Santa Rosa.
Finca "Santiago"; Senahu, Alta Verapaz.
Finca "Secoyocte"; Senahu, Alta Verapaz.
Finca" Serilquiche"; Senahu, Alta Verapaz.
Finca "Sibaja"; Yepocapa, Chimaltenango.
Finca "Sola"; Colomba, Quezaltenango.
Finca "Soledad"; Santa Bárbara, Suchitepequez.
Finca "Trece Aguas"; Senahu, Alta Verapaz.
Finca "Venecia"; Nuevo Progreso, San Marcos.
Finca "Westfalia"; Purulha, Baja Verapaz.
Finca "Xicacao"; San Pedro Carcha, Alta Verapaz.
Gees, Hans (Dr.) (Finca "El Tránsito"); Colomba, Quezaltenango.
Giesemann & Co., Ad.; Giesemann Hermanos; Administración Giesemann (Fincas "Alicia", "El Baluarte", and "La Unión"); Reforma and Nuevo Progreso, San Marcos, and Guatemala City.
Greite, Wilhelm (Krische Hermanos) (Finca "La Suiza"); La Reforma, San Marcos.
Gross, Francisco (Fincas "El Encanto", "La Esperancita", "La Interdependencia", "Los Laureles", and "Santa Augustina"); Avenida La Reforma y 5a Calle de Santa Clara, Guatemala City, and all branches in Guatemala.
Hachmeister & Co., Sucs. (Fincas "El Rosario" and "Escobillo"); Tumbador and El Rodeo, San Marcos.
Hacienda "Chocola"; San Pablo Jocopilas, Suchitepequez.
Hacienda "El Reposo"; Genova, Quezaltenango.
Hannstein, Bernardo & Co. (Finca "La Paz"); La Reforma, San Marcos.
Hartleben, Federico (Finca "Nueva Mundo"); Malacatán, San Marcos.
Hastedt, J. Francisco, Sucs. & Cia. (Fincas "Chinán", "El Corozo", "Las Animas", and "Milán"); Ciudad Vieja, Santo Domingo, Samayac, and Chicacao, Suchitepequez.
Hemmerling, Oswaldo (Finca "La Fuente"); Retalhuleu, Retalhuleu.
Henequenera La Isla; Alta Verapaz.
Hermann, Enrique (Finca "Esmeralda"); Colomba, Quezaltenango.
Hermann, Herbert y Hno. (Finca "La Fama"); Colomba, Quezaltenango.
Hermann, Lotty (Finca "Chiquihuite"); Colomba, Quezaltenango.
Hertzsch, Enrique (Fincas "Chucul" and "La Fé"); 6a Avenida y 17a Calle, Guatemala City, and San Antonio, Suchitepequez.
Hoepfner, Hermann, Sucs. (Fincas "El Potosí", "San Rafael Panán", and "Soledad"); Pochuta, Chimaltenango, and Santa Barbara, Suchitepequez.
Hussman, Carlos (Finca "San Juan"); Senahu, Alta Verapaz.
Hussman, Herederos (Fincas "Jalaute", "Monte Blanco", and "Westfalia"); Purulha, Baja Verapaz.
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Ingenio Palo Gordo; San Antonio Suchitepequez, Suchitepequez.
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Kaffee & Import, Ges.; all branches in Guatemala.
Kaufmann & Co., Berta de (Fincas "Cenizas", "El Capucal", and "Piedras Blancas"); Gualán, Zacapa.
Keller, Herederos de Federico (Fincas "El Jacote", "Joya Grande", and "Santa Isabel"); Pueblo Nuevo Veñas, Santa Rosa, and Oriente.
Kloth, Carlos (Finca "Chinsajquin"); San Pedro Carcha, Alta Verapaz.
Knoetzsch, Martin (Nottebohm Hermanos); 5a Avenida y 10a Calle, Guatemala City.
Koeper, Federico, hijo (Fincas "La Concha" and "Sibaja"); Acatenango and Yepocapa, Chimaltenango.
Krause, Hans; 8a Avenida Sur No. 3, Guatemala City.
Kummerfeld, Hertzsch & Co. (Finca "Santa Clara"); Chicacao, Suchitepequez.
"La Duquesa" (Federico Wuiff); Pasaje Rubio y 6a Avenida Sur No. 2, Guatemala City.
La Nacional; 5a Avenida Sur No. 100 C, Guatemala City.
Lindener, Kurt (Lindener & Co.) (Finca "Actela"); La Tinta, Alta Verapaz.
Liscutin, Antonio; 6a Avenida Sur No. 18, Guatemala City.
Lütjens, Ingrid Renate; 4a Avenida Sur No. 67, Guatemala City.
Luttmann & Company (Guillermo Luttmann) (Fincas "Costa Rica", "El Rodeo", "La Torre", "San Carlos", and "Santa Anita"); Pochuta, Chimaltenango; Tumbador and Reforma, San Marcos.
Luz; 11 Calle Oriente No. 24, Guatemala City.
Meissner, Hans Fritz; 3a Avenida Sur No. 3, Guatemala City.
Moeschler, Heinrich (Enrique) (Dieseldorff y Cia., Sucs.; Fincas "Chimo" and "Guaxpom"); Cobán, San Pedro Carcha, and Tucuru, Alta Verapaz.
Moeschler, Oscar (Dieseldorff y Cia., Sucs.; Fincas "Chimo" and "Guaxpom"); Cobán, San Pedro Carcha, and Tucuru, Alta Verapaz.
Morjan, Conrado (Finca "Sabana Grande"); Siquinala, Escuintla.
Muenschmeyer, Roberto (Finca "Dolores"); Mazatenango, Suchitepequez.
Neutze, Guillermo G.; 9a Avenida Sur No. 2, Guatemala City.
Noack, Otto (Finca "Chimote"); Cobán, Alta Verapaz.
Ockelmann, Carl (Finca "San Francisco Pecul"); San Felipe, Retalhuleu.
Ockelmann, Celina de (Finca "San Dionisio"); San Felipe, Retalhuleu.
Peitzner, Guillermo, hijo (Finca "San Julian"); Patalul, Suchitepequez.
Pfister, W. (Finca "Actela"); La Tinta, Alta Verapaz.
Rausch, Enrique (Finca "El Paraíso" y Anexos); Pochuta, Chimaltenango.
Sauerbrey, Otto; Mazatenango.
Schilling, Alberto H.; All branches in Guatemala.
Schlechauf, F. (Fincas "Aquil", "La Florida" and "Sacham"); Cobán and Tucuru, Alta Verapaz.
Schwoercke, Reinaldo (Finca "Nueva Granada"); Tumbador, San Marcos.
Steffens, Alfredo C. (Fincas "Las Mercedes" and "Sola"); Colomba, Quezaltenango.
Sterkel, Emilio (Finca "La Esperanza"); Tucuru, Alta Verapaz.
Sterkel, Julio (Rodolfo) (Finca "Pachilha"); Tucuru, Alta Verapaz.
Suhr, Guillermo, Sucs. (Finca "La Abundancia"); Chicacao, Suchitepequez.
Tenería Moll; 19a Calle Oriente final, Guatemala City.
Thiemer, Waldemar (Finca "La Providencia"); San Cristóbal, Alta Verapaz.
Thiemer & Cia., Sucs. (B. Zurhellen); Livingston.
Thomae, Roberto (Fincas "Bremen"; "Nueva Aguas Pansael", "Pampa", and "San Rafael Fanjul"); Tucuru, Alta Verapaz; Purulha and Salama, Baja Verapaz.
"Viena", Panadería y Pastelería (Wagner Hermanos); 5a Avenida Sur No. 20, Guatemala City.
Wagner, E. R. (Finca "Las Amalias"); Patalul, Suchitepequez.
Wagner, Reginaldo; 9a Calle Poniente, No. 1–A, Guatemala City.
Widmann, Carl, Sr. (Cia. de Plantaciones "Concepción" de Guatemala); 8a Avenida Sur No. 47 y 13a Calle O. No. 7, Guatemala City.
Widmann, Walter (Cia. de Plantaciones "Concepción" de Guatemala); 8a Avenida Sur No. 47, Guatemala City.
Wohlers, Maximo (Fincas "Armenia", "Secoyocte", and "Chipemech"); Senahu and Cahabón, Alta Verapaz.
Wuiff, Federico ("La Duquesa"); Pasaje Rubio y 6a Avenida Sur No. 2 Guatemala City.
Zepeda de Leon, Miguel; 7a Calle O. No. 45, Guatemala City.
Zuckau (Suckau), Guillermo (Finca "El Rosario Bola"); Colomba, Quezaltenango.

HAITI

Loffredo, Maria C. (Mrs. Jean Schettini); Cap-Haitien.
Marra, Alphonse (A. Marra & Company); Cap-Haitien.
Reinbold, Georges; Port-au-Prince.
Rohlsen, Gustave; Port-au-Prince.
Schettini, Mrs. Jean (Loffredo, Maria C.); Cap-Haitien.
Vitiello, Antoine; Cap-Haitien.

MEXICO

Black Horse Tobacco Company; Ave. Pino Suarez 314 Norte, Monterrey.
Bopp, Juan José (Dr.); Uruguay 77, Mexico City.
Brunssen, S. A., Casa (Guillermo Brunssen); Avenida Dr. Pasteur No. 13, Mexico City.
Cajiga Estrada, Hipolito (Dr.); Mexico City.
Canseco, Casa de Arturo; La Paz, B. C.
Coello, Jaime; Ciudad del Carmen, Chiapas.
Curiel Algranti, Manuel; Apartado 96, Calle General Treviño Pte. 106, Monterrey.
Drogueria de la Palma (Beick, Felix & Cia., S. en C.); Corregidora 7–A and Avenida Madero 28, Mexico City.
El Gallo (Roberto Hackmack); Avenida Hidalgo No. 50, Oaxaca.
Farmacia Continental en Liquidacion (Paul Waltz; G. Gerber); Guadalajara.
Farmacia Juarez (Walter Schmiedehaus); Chihuahua.
Farmacia y Drogueria Principal (Foto Principal; Dr. Otto Ritter); Av. de Septiembre No. 3, Mexico City.
Ferreteria La Palma (Guillermo Wolff); Guadalajara.
Foto Principal (Farmacia y Drogueria Principal; Dr. Otto Ritter); Av. 16 de Septiembre No. 3, Mexico City.
Gerber, G. (Farmacia Continental en Liquidacion); Guadalajara.
Grossman, Pablo; Zuazua 10, Apartado 8702, Mexico City.
Gumler, Jorge (Imco; Partes Aereas A. en P.); General Prim 57, Mexico City.
Hermkes, Joseph ("Heromex"); Mexico City.
"Heromex" (Joseph Hermkes and Ingeniero Luis Rombold); Mexico City.
Heuer, Adolf (Compañía Técnica Comercial); Revilligigedo No. 8, Mexico City.
IMCO (Jorge Gumler); General Prim 57, Mexico City.
Importaciones Andrade, S. de R. L.; Mexico City.
Instituto Behring, S. A.; Tecoyotitla No. 364, Mexico City.
Leon Export Company, S. de R. L. (Abraham Z. Phillips); Mexico City.
Llorens, Antonio; Apartado 92 Manzanillo.
Lozano, José (Tlapaleria "El Unfo"); Juarez 210 Nte., Monterrey, N. L.
Mendoza Becerril, Francisco; Calle Barcelona 26, Mexico City.
Noelke, Carlos; Mexico City.
Partes Aereas A. en P. (Jorge Gumler); General Prim 57, Mexico City.
Petroleos Leon, S. A., Cia. (Abraham Z. Phillips); Isabel la Católica 33, Mexico City.
Phillips, Abraham Z. (Cia. Petroleos Leon, S. A.; Leon Export Company, S. de R. L.); Isabel la Católica 33, Mexico City.
Quimica Coyoacan, S. A.; Zaragoza 19, Mexico City.
Reigada, Ramon; Monterrey.
Ritter, Otto (Dr.) (Farmacia y Drogueria Principal; Foto Principal); Av. 16 de Septiembre No. 3, Mexico City.
Rombold, Ingeniero Luis ("Heromex"); Mexico City.
Schmiedehaus, Walter (Farmacia Juarez); Chihuahua.
Servicios Para Oficina, S. A.; Mexico City.
Técnica Comercial, Compañía[1] (Adolf Heuer); Revilligigedo No. 8, Mexico City.

[1] This firm is to be distinguished from Técnica y Mercantil, S. A.

Tintas Rex, S. A.; Isabel la Católica No. 750, Mexico City.
Veraza y Cia., J. J.; Articulo 123 No. 21, Mexico City.
Waltz, Paul S. en C.; Calle Buen Tono 18, Apartado Postal 1977, Mexico City.

NICARAGUA

Berewinkel, Kurt Gerhard; Managua.
Fischer, Klaus (Arthur); Managua.
Grimm, Eugenio José (Victor S. Souza and Company); Managua.
Perez Alonso, C. M.; Managua.
Souza, Victor S. and Company (Eugenio José Grimm); Apartado 22, Managua.
Vogts, William; Managua.
Wilms, Oscar; Managua.

PERU

Adler, Richard; Lima.
Alvan, Humberto, Casilla No. 1609, Lima.
Andress, Hans E. (La Quimica Bayer, S. A.); Avenida Arequipa 3610, San Isidro, Lima, and Avenida Brazil 198, Lima.
Balarezo Delta, Gliserio; Calle Lartiga 459, Lima.
Central American Trading Co.; Edificio Wiese 504, Casilla 1582, Lima.
Cornejo, Guillermo R.; Lima.
Fabrica de Jabon Pacocha; Camana 341, and Cajamarca 664, Lima.
Hernandez, Alejandro; Avenida 2 de Mayo 455, San Isidro, Lima.
Heydtmann (Heydmann), Adolf; Lima.
Neugebauer, Wilhelm (Guillermo) (Emmel Hnos., S. A.); c/o Emmel Hnos., S. A., Mercadores 410, Arequipa.
Singelmann & Cia.; Calle Arequipa 17–19, Casilla 46, Mollendo.
Thomsen, Fritz; Union 636, Lima.
Tidow, Juan (Juan Tidow y Cia., Ltda., S. A.); Malecón Reserva 121 Miraflores, Lima.

SALVADOR

Annicchiarico, José; Jucuapa.
Annicchiarico, Victor; Jucuapa.
Annicchiarico y Cia.; Jucuapa.
Annicchiarico & Sessa; Jucuapa.
Carozzi, Enea; Apartado 540, San Salvador.
Farmacia Salvadoreña (Dr. Jorge Santos); Final Calle Arce, San Salvador.
Hentzen, Erhart; Edificio Sol, Avenida España, San Salvador.
Hepperle, Werner (Relojeria "El Tiempo"); Edificio Sol, Avenida España, San Salvador.
Koch, Carlos; Apartado Postal No. 312, San Salvador.
Raubusch, Wilfred (Wilfrido); Edificio Sol, Avenida España, San Salvador.
Relojería "El Tiempo" (Werner Hepperle); Edificio Sol, Avenida España, San Salvador.
Santos, Jorge (Dr.) (Farmacia Salvadoreña); Final Calle Arce, San Salvador.
Sessa, Gaetano; Jucuapa.
Sessa, José; Jucuapa.
Woerner, Hans F.; San Salvador.

URUGUAY

Cámara de Comercio Alemana; 25 de Mayo 470, Montevideo.
Cámara de Comercio Italiana; Rincón 454, Montevideo.
Condor, Ltda., Sindicato (Sindicato Condor, Ltda.); All branches in Uruguay.
Finsterwald, Carlos (Casa Suiza); 25 de Mayo 635/639, Montevideo.
Guthmann, Arturo R.; Avenida Joaquín Suarez 3561, Montevideo.
Merck, Agencia (Walter Nier); Sal Canelones 1325, Montevideo.
Nier, Walter (Agencia Merck); Sal Canelones 1325, Montevideo.
Schaich, Adolfo (Casa Suiza); 25 de Mayo 635/639, Montevideo.
Sindicato Condor, Ltda. (Condor, Ltda., Sindicato); All branches in Uruguay.
Sommersguter, Leonardo; Sal Galicia 1026, Montevideo.
Suiza, Casa (Carlos Finsterwald & Adolfo Schaich); 25 de Mayo 635/639, Montevideo.
Teatro Artigas; Colonia 860, Montevideo.

VENEZUELA

Droguería Nacional (Valentiner & Co.); 7 Camejo a Pajaritos, Caracas.
Fernandez, Luis Gmo; c/o Breuer, Moller & Co. Sucrs., Comercio 17, Maracaibo.
Garcia, Roger E.; Maracaibo.
Gautier, Enrique; Norte 4 No. 28, Caracas.
Gutierrez, Lindorfo; Maracaibo.
Instituto Químico Biológico, S. A. (Laboratorio Meyer, C. A.); Caracas.
Laboratorio Meyer, C. A. (Instituto Químico Biológico, S. A.; Perfumería Rococo, S. A.); Avenida Principal, San Agustin del Sur, Caracas.
Martinez, Jose; Maracaibo.
Osorio Reyes, Gustavo; Maracaibo.
Perfumería Rococo, S. A. (Laboratorio Meyer, C. A.); Caracas.
Valentiner & Co. (Droguería Nacional); 7 Camejo a Pajaritos, Caracas.
Van Dissel, Rode & Cia. Sucs.; Calle Comercio, Maracaibo.

DELETIONS

ARGENTINA

Bussio, D. y Cía.; Calle Defensa 119, Buenos Aires.
Bussio, Oscar P.; Calle Defensa 119, Buenos Aires.
Finanzas & Mandatos, S. A., Sociedad de; Reconquista 356, Buenos Aires.
Furth, Julio (Papelas Astra, S. de R. L.—Oficina Tecnica Ergon); 84 Peru, Buenos Aires.
Gonzalez, R. H., & Co.; Cangallo 439, Buenos Aires.
Heinlein y Cia; Caray 2428, Buenos Aires.
La Exportadora Transatlantica, S. A.; 25 de Mayo 158, Buenos Aires.
Martini & Rossi (Argentina) Soc. de Resp. Ltda.; Ave. R. S. Pena 1110, Buenos Aires.
Nielhardt, Siegfried; Sarmiento 459, Buenos Aires.
Oficina Tecnica Ergon (Julio Furth); Buenos Aires.
Papeles Astra, S. de R. L. (Julio Furth); Buenos Aires, and all branches in Argentina.
Rubio, Andres; Reconquista 46, Buenos Aires.
Rubio, Enrique; Reconquista 46, Buenos Aires.
Rubio, Hermanos; Reconquista 46, Buenos Aires.
Skoda Platense S. A. Comercial e Industrial; 25 de Mayo 293, and Venez 110, Buenos Aires.
Suarez, Mauricio; Casilla de Correo 64, Buenos Aires.

BOLIVIA

Cerveceria Boliviana Nacional, S. A.; La Paz.

BRAZIL

Bartilotti y Cia.; Rua Santos Dumont 31, Bahia.
Eska, Ltda., Sociedad; 27 Rua Pedro Americo, Sao Paulo.
Fiacao e Tecidos Guaratingueta S. A., Cia.; Rua Benjamin Constant 143, Sao Paulo, and Guaratingueta.
Goncalves, B. y Cia., Ltda.; Rua do Commercio 58, Santos.
Hendler y Cia., Walter; Rua de Livramento 98 Recife, Pernambuco.
Marelli, Renato; Rua Libero Badaro 443, Sao Paulo.
Meyer & Cia; Rua Conselheiro Mafra 4, Florianopolis.

CHILE

Fabrica Chilena de Sederias S. A.; Ave. Libertad esquina 14 Norte, Vina del Mar.
Hammerschlag, Ernest; Constanza 1248, Santiago.
Suda; Calle Treatinos 975, Santiago.

COLOMBIA

Colombiana Comercial, Casa (Loewenthal y Cia.); Bogota, and all branches in Colombia.
Loewenthal, Margarita (Loewenthal y Cia).
Loewenthal, Robert (Loewenthal y Cia.).
Loewenthal y Cia.; Barranquilla.

COSTA RICA

Ortuno, Manuel; San Jose.

CUBA

Agencia Comercial Internacional de Rafart y Cia.; Amargura 103, Habana.
Amram, Jose V.; Muralla 474, Habana.
Eliakim, J. S. "La Balear"; Enna 612, Habana.
Eliakim y Amram; Edificio Prieto 300, Habana.
Fabrica Cubana de Tejidos, S. A.; Muralla 474, Habana.
Gabor, Andres G.
Geada Garcia, Jose Ramon; Hotel Florida, Habana.
Husek, Wm. P.
"La Balear" (Eliakim, J. S.).
Laboratorios de Inmuno-Seroterapia, S. A.; Apartado 25, Rancho Boyeros.
Loredo Cocina, Emilio; Amistad 415, Apartado 1034, Habana.

Marina, Sacramento.
Menendez, Juan.
Pinks & Loredo; [1] Amistad 415, Apartado 1034, Habana.
Rafart, Manuel.
Rafart y Cia., Agencia Comercial Internacional de; Internacional de 103, Amargura, Habana.
Tamas, Francis.
Zimmerman & Co. (Enrique [Heinrich] Zimmerman; [2] Otto Zimmerman); Calle A No. 13, Apartado 874, Vedado, Habana.

MEXICO

Excelsior, Compania S. de R. L.; Calle Durango 117, Mexico City.
Morros, Abel; Rosales 5, Mexico City.
Schoener Hugo (Agencia Comercial Anahuac); Apartado 2303, Mexico City.

NICARAGUA

Nicaragua, S. A., Agencias; Managua.

URUGUAY

Mojana, Casa Martin (Turcatti & Belatti); Ricon 633, Montevideo, R. O. U.
Morales, Jose Garcia; Uruguay 1379, Montevideo.
Serra Hermanos; Uruguay 755, Montevideo.
Standard Cartonex Ltda.; Venezuela 1278, Casilla 545, Montevideo.
Turcatti & Belatti (Casa Martin Mojana); Ricon 633, Montevideo, R. O. U.

AMENDMENTS

ARGENTINA

For El Pampero; Piedras 338, Buenos Aires, *substitute* El Pampero (Enrique Oses); Piedras 338, Buenos Aires.

BOLIVIA

For Samso, Francisco Forns; Calle Potosi, La Paz, *substitute* Samso, Francisco Forns (Imprenta y Libreria "La Escolar"); P. O. 476, Potosi 490, La Paz.

BRAZIL

In relation to Vianna, Braga y Cia., for Rua Conselheiro Dantas 35, Salvador, Bahia, *substitute;* Rua Conselheiro Dantas 35, Salvador, Bahia and Joazeiro, Bahia.

CHILE

For Engel y Cia.; Santo Domingo 808, Casilla 1481, Santiago, *substitute* Engel y Cia. (Alberto Engel); Santo Domingo 1025, Santiago.

COLOMBIA

For Schmidt, Walter, Cali, *substitute* Schmidt, Walter (Optica Alemana); Calle 12, Carrera 5a y 6a, Cali.

COSTA RICA

For Sanabria, Hermann; Apartado 928, San José, *substitute* Sanabria, Herman; Apartado 928, San José.

DOMINICAN REPUBLIC

For Perez & Co. (Brigido Fernandez Perez); Edificio Copello, Apartado 404, Ciudad Trujillo, *substitute* Perez & Co. (Brigido Fernando Perez); Edificio Copello, Apartado 404, Ciudad Trujillo.

ECUADOR

For Kruger, J. H.; Guayaquil, *substitute* Kruger, Viuda y Herrederos de J. H.; Guayaquil.

GUATEMALA

For "Cecilia" Ltda., Cia. Administradora; Quezaltenango and Guatemala City, *substitute* "Cecilia" Ltda., Cia. Administradora (Fincas "Cecilia" y Anexos, and "Castaños"); Quezaltenango, and all branches in Guatemala.

For Central American Plantations Corporation; 3a Avenida Sur No. 3, Guatemala City, *substitute* Central American Plantations Corporation ("Concepción-Candelaria", "El Pensamiento-Palmira", "El Porvenir", "Morelia-Santa Sofia", "San Andrés Osuna", "San Francisco Miramar", and "San Luis"; Haciendas "Chocola" and "El Reposo"; Ingenio Palo Gordo); 3a Avenida Sur No. 3, Guatemala City, and all branches in Guatemala.

For Dieseldorff y Cia., Sucs., *substitute* Dieseldorff y Cia., Sucs., (Heinrich [Enrique] Moeschler; Oscar Moeschler).

For Hegel, Carlos; 5a Avenida Sur No. 24–A, Guatemala City, *substitute* Hegel, Carlos (Fincas "Pena Plata" and "San Augustin"); 5a Avenida Sur No. 24–A, Guatemala City, and all branches in Guatemala.

For Laeisz y Cia. (Sucrs. Conrado Francke & Co.); Quezaltenango and all branches in Guatemala, *substitute* Laeisz y Cia., Sucs. (Conrado Francke y Cia.) (Finca "San Basilio"); Quezaltenango, and all branches in Guatemala.

For Lindener & Co. (Gerlach & Co., Sucrs.); c/o Gerlach & Co., Sucrs., 5a Avenida Sur No. 4, Guatemala City, *substitute* Lindener & Co. (Gerlach & Co., Sucrs.; Kurt Lindener; Fincas "Las Camelias", "Santa Actela", "Santiago", and "Serilquiche"); c/o Gerlach & Co., Sucrs., 5a Avenida Sur No. 4, Guatemala City, and all branches in Guatemala.

For Nottebohm & Co., Kurt; Calle Poniente II, y Ave. 5, Guatemala City, *substitute* Nottebohm & Co., Kurt (Fincas "Argentina", "Bola de Oro", "El Perú", "El Potosi", "Florida", "Las Carolinas", "Las Sabanetas", "Los Brillantes", "Los Castaños", "Medio Dia", "Medio Dia y Filipinas", "Palmira", "San Rafael Panán", and "Santa Elena"); Calle Poniente II, y Ave. 5, Guatemala City, and all branches in Guatemala.

For Plantaciones, Compania de ("Concepcion" de Guatemala); Guatemala City, *substitute* Plantaciones "Concepción" de Guatemala, Compañia de (Carl Widmann, Sr.; Walter Widmann); 8a Avenida Sur, No. 47, Guatemala City.

For Quirin, M. y M., Tucuru; Alta Verapaz, *substitute* Quirin, Matilde de and Maximo (Fincas "Coyocte", and "Esmerelda" and "El Salto"); Cobán and Tucuru, Alta Verapaz.

For Rehbach, Teodoro; San Rafael Pie de la Cuesta, San Marcos, *substitute* Rehbach, Teodoro (Fincas "Alsacia", "Armenia" y Anexos); San Rafael Pie de la Cuesta, San Marcos.

For Sapper & Co., Ltda., Cobán; Alta Verapaz, *substitute* Sapper & Co., Ltda. (Fincas "Campur", "Chiacán", "Chilte", "Chimax", "Chinama", "Chulac", "Coyocán", "Pantic", and "San Javier"); Cobán, Alta Verapaz, and all branches in Guatemala.

For Sauerbrey & Co., Sucs., Carlos (La Estrella); 8a Avenida Sur No. 8, Guatemala City, *substitute* Sauerbrey & Co., Carlos (Herederos de Carlos Sauerbrey; La Estrella; Finca "Cafetal Hamburgo"); 8a Avenida Sur No. 8, Guatemala City, and all branches in Guatemala.

For Agricola, Vinas Zapote, Sociedad; 13a Calle O., No. 7, Guatemala City, *substitute* Viñas Zapote, Sociedad Agricola (Fincas "Cerro Redondo", "Las Viñas", and "Salitrillo"); 13a Calle O., No. 7, Guatemala City, and all branches in Guatemala.

MEXICO

For Beick, Felix y Cia., S. en C. *substitute* Beick, Felix y Cia., S. en C. (Drogueria de la Palma); Ave. F. I. Madero 39, Mexico City and Monterrey.

For Hackmack, Roberto; Avenida Hidalgo No. 50, Oaxaca, *substitute* Hackmack, Roberto (El Gallo); Avenida Hidalgo No. 50, Oaxaca.

For La Maselesa (de Castelli), *substitute* La Marselesa (de Castelli); Mexico City.

In relation to Omega *add the address* Jardin de San Fernando 5, Mexico City.

For Wolff, Guillermo (Almex, S. de R.L.); Ave. Uruguay 51, Apartado 1381, Mexico City, *substitute* Wolff, Guillermo (Almex, S. de R.L.; Ferreteria La Palma); Ave. Uruguay 51, Apartado 1381, Mexico City, and Guadalajara.

URUGUAY

For Migliaro, Salto, *substitute* Migliaro Orestes, Salto.

For Somba, Ltda., Montevideo, *substitute* Somba, Ltda., (Leonardo Sommersguter); Montevideo.

[F. R. Doc. 41–8393; Filed, November 8, 1941; 11:13 a. m.]

[1] In relation to Anton and Gerhard Pinks, the individuals, see "Additions".
[2] In relation to Enrique (Heinrich) Zimmerman, the individual, see "Additions".

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER A—GENERAL PROVISIONS

[Regulation No. 7–A]

AMENDMENT OF REGULATION NO. 7

Regulation No. 7,[1] dated June 24, 1941, is hereby amended as follows:

1. The name Bureau of Clearance of Defense Industry Advisory Committees is changed to Bureau of Industry Advisory Committees.

2. Committees created pursuant to Regulation No. 7 will be known as Industry Advisory Committees.

W. S. KNUDSEN,
Director General.
SIDNEY HILLMAN,
Associate Director General.
ROBERT P. PATTERSON,
Under Secretary of War.
FRANK KNOX,
Secretary of the Navy.

Approved:
JOHN LORD O'BRIAN,
General Counsel.

Attest:
HERBERT EMMERICH,
Executive Secretary.

NOVEMBER 4, 1941.

[F. R. Doc. 41–8401; Filed, November 10, 1941; 9:59 a. m.]

[1] 6 F.R. 3153.

SUBCHAPTER B—PRIORITIES DIVISION

PART 958—REPAIRS, MAINTENANCE, AND SUPPLIES

Amendment No. 1 to Preference Rating Order No. P–22 Amended

Section 958.1 (Preference Rating Order No. P–22 Amended[1] paragraph (b) (1)) is hereby amended to read as follows:

§ 958.1 *Preference rating order P–22.*

* * * * * * *

(b) *Definitions.* (1) "Producer" means:

(i) Any governmental unit;

(ii) Any individual, partnership, association, corporation, or other form of enterprise engaged in one or more of the following activities or acting in one or more of the following capacities to the extent that it is so engaged or so acts:

(*a*) Manufacturing, processing, or fabricating;

(*b*) Warehousing—maintaining warehouses for storage or distribution of any Material;

(*c*) Wholesaling—acting as a distributor of products sold to manufacturers, wholesalers, retailers, or other persons not consumers;

(*d*) Charitable institutions—any charitable or eleemosynary institution which is recognized as such for purposes of the Internal Revenue Laws of the United States;

(*e*) Carriers—urban, suburban, and interurban common or contract carriers of passengers or freight by electric railway, electric coach, motor truck, or bus, including terminals of any of the foregoing; railroads, including terminals; shipping—commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals;

(*f*) Educational institutions (including vocational training);

(*g*) Printers and publishers;

(*h*) Radio—commercial broadcasting and communication;

(*i*) Telephone and telegraph communication, including wire services;

(*j*) Hospitals, clinics, and sanatoriums;

(*k*) Petroleum and Natural Gas—discovery, development, and depletion of pools of petroleum and associated hydrocarbons, and transportation of petroleum, associated hydrocarbons and derivatives thereof;

(*l*) Irrigation systems, whether publicly or privately owned; toll bridges and toll canals.

(iii) Any person using tools or equipment to repair or maintain the property of any Producer as defined in (b) (1) (i) and (ii).

* * * * * * *

Section 958.1 (Preference Rating Order No. P–22 Amended paragraph (b) (5)) is hereby amended to read as follows:

(5) Subject to subparagraph (6), "Operating Supplies" means any Material which is essential to the operation of the Producer's business and which is consumed in the course of such business, including without limitation, fuel, lubricants, catalysts, and small perishable tools: *Provided,* It shall not include any Material which is physically incorporated, in whole or in part, into any product of the Producer, or any Material which the Producer acquires solely to distribute, store or transport.

Section 958.1 (Preference Rating Order No. P–22 Amended paragraph (b) (6)) is hereby amended to read as follows:

(6) The terms "Maintenance," "Repair," and "Operating Supplies" *do not* include Material:

(i) For the improvement of a Producer's property or equipment through the replacement of Material in the existing installation, unless such equipment is beyond repair;

(ii) For additions to, or expansion of, such property or equipment;

(iii) Which is of a type not heretofore carried on the Producer's books under "Maintenance," "Repairs," "Operating Supplies," or the equivalent.

* * * * * * *

Section 958.1 (Preference Rating Order No. P–22 Amended paragraph (g)) is hereby amended to read as follows:

(g) *Restrictions on deliveries, withdrawals, and inventory.* (1) Except as provided in paragraph (g) (4) and (5), no Producer shall, during any Calendar Quarterly Period, accept deliveries (whether or not rated pursuant to this Order) of any items of Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed twenty-five percent (25%) of the aggregate dollar volume of the withdrawals of items of Material of the same class as carried on the Producer's books from stores or inventory during the calendar year 1940.

(2) Except as provided in paragraph (g) (4) and (5), no Producer shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair until the Producer's inventory and stores of items of Material of the same class, as carried on the Producer's books, have been reduced to a practical working minimum. Such practical minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class, as carried on the Producer's books, in inventory and stores of December 31, 1940, or, at the Producer's option, at the close of the Producer's fiscal year ending during the calendar year 1940.

(3) Except as provided in paragraph (g) (4) and (5), no Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class, as carried on the Producer's books, during the corresponding quarter of 1940, or, at the Producer's option, twenty-five percent (25%) of the aggregate dollar volume of the withdrawals of such items of Material of the same class as carried on the Producer's books during the calendar year 1940.

(4) From time to time the Director of Priorities may determine that certain Producers or classes of Producers are exempt, in whole or in part, from the restrictions contained in paragraphs (g) (1), (2), and (3).

(5) Restrictions contained in paragraphs (g) (1), (2), and (3) shall not apply to any Producer during any Calendar Quarterly Period in which the total volume of his purchases or withdrawals of Material for Maintenance, Repairs, and Operating Supplies does not exceed two thousand five hundred dollars ($2,500).

* * * * * * *

Section 958.1 (Preference Rating Order No. P–22 Amended paragraph (i)) is hereby amended to read as follows:

(i) *Utilities and mines excepted.* This Order is not applicable to any Utility defined as a Producer in Preference Rating Order No. P–46 (§ 978.1) as amended from time to time, nor to any Mine Operator as defined in Preference Rating Order No. P–56 (§ 982.1). The Director of Priorities may from time to time specifically except further classes of Producers from this Order by specific direction.

Effective date. This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3

[1] 6 F.R. 5332.

Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., 3d sess., as amended by Public No. 89, 77th Cong., 1st sess.; sec. 9, Public No. 783, 76th Cong., 3d sess.)

Issued this 10th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8398; Filed, November 10, 1941; 9:44 a. m.]

PART 969—PHENOLS

Amendment to General Preference Order No. M-27 to Conserve the Supply and Direct the Distribution of Phenols

§ 969.1 (General Preference Order No. M-27 [1]) is hereby amended to read as follows:

Whereas the national defense requirements have created a shortage of Phenols, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 969.1 *General preference order*—(a) *Definitions.* For the purposes of this Order:

(1) "Phenols" means:

(i) Synthetic phenols of all grades and from whatever source derived.

(ii) The acids, either in pure or crude form, recovered from coal tar distillates or petroleum, comprising chiefly phenol, ortho cresol, meta cresol, para cresol and xylenols and various mixtures of these products.

(2) "Producer" means any person engaged in the production of Phenols and includes any person who has Phenols produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or who purchases Phenols for purposes of resale.

(b) *Applicability of priorities regulation No. 1.* Control of the supply and direction of the distribution of Phenols is hereby taken by the Director of Priorities, and all future transactions of any kind in Phenols are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August, 1941, except as herein otherwise specifically provided.

(c) *Assignment of preference rating to certain defense orders.* Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A-10.

(d) *Restrictions on deliveries.* On and after December 1, 1941, no deliveries of Phenols shall be made, or accepted by any person, except as specifically directed by the Director of Priorities. At the beginning of each calendar month the Director of Priorities will issue to all Producers and Distributors specific directions covering deliveries of Phenols which may be made by such Producers and Distributors during such month. Such directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for assential civilian uses, and they may be made at the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or orders. If the Director of Priorities shall not have issued, by the first day of the month, specific directions covering deliveries of Phenols which may be made during such month, Producers and Distributors may, subject to the provisions of Priorities Regulation No. 1, make deliveries of Phenols without limitation.

(e) *Reports.* Reports required by Priorities Regulation No. 1, hereinabove referred to, shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Section of the Office of Production Management. In addition to the reports required by Priorities Regulation No. 1, every person other than a Producer having an inventory of Phenols in excess of a 30-day supply thereof shall forthwith report such fact to the Chemicals Section of the Office of Production Management. A 30-day supply of Phenols shall be a quantity equal to one-twelfth of such person's consumption (distribution, in the case of a Distributor) of such Phenols during the 12-month period ending September 30, 1941.

(f) *Effective date.* This Order shall take effect immediately and unless sooner terminated by direction of the Director of Priorities, will expire on the 31st day of July, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8399; Filed, November 10, 1941; 9:44 a. m.]

PART 980—RAYON YARN

Interpretation No. 1 of Supplementary Order No. M-37-a

The following official interpretation is hereby issued by the Director of Priorities with respect to § 980.2, Supplementary Order M-37-a,[1] dated September 27, 1941.

(a) The term "jobber" as used throughout the said Supplementary Order includes, in addition to jobbers acting as such, persons acting as "merchant yarn converters," namely, persons who do merchant throwing, repackaging, waxing, dyeing and similar converting functions on yarn owned by them, and persons acting as "fabric converters," namely persons who formerly bought silk and caused it to be woven or knit for them on commission.

(b) The term "reserved rayon yarn owned, controlled or otherwise held by the manufacturer," as used in paragraph (c) (9) of the Supplementary Order, does not include such yarn ordered by a manufacturer prior to the date on which such manufacturer has the right to compel delivery upon compliance with any conditions precedent.

Issued this 10th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8400; Filed, November 10, 1941; 9:44 a. m.]

PART 1015—CELLOPHANE AND SIMILAR TRANSPARENT MATERIALS DERIVED FROM CELLULOSE

Limitation Order L-20 To Limit the Use of Cellophane and Similar Transparent Materials Derived From Cellulose

Whereas, the manufacture of cellophane and similar transparent materials derived from cellulose requires utilization of large quantities of chlorine, phenol, and glycerine; and

Whereas, National Defense requirements have created a shortage in these materials for defense, private account and export; action has already been taken to conserve the supply and direct the distribution of chlorine and phenol to insure deliveries for defense requirements; and

Whereas, present supplies of these materials will be insufficient for defense and essential civilian requirements;

Now, therefore, it is hereby ordered that:

§ 1015.1 *General limitation order L-20*—(a) *Definitions.* For the purposes of this Order:

(1) "Person" means any individual, partnership, association, corporation or other form of enterprise;

(2) "Supplier" means any manufacturer, converter, jobber, dealer, printer and other Person who directly or indirectly delivers cellophane or similar transparent materials derived from cellulose, to the users enumerated in (b) hereof, or to any other users.

(b) *Restrictions on use.* Subject to the provisions of (d) hereof, no Person shall use cellophane or similar transparent materials derived from cellulose for packaging or manufacture of the materials included in the following categories:

Razor blades.
Cosmetics and soaps.
Textiles.
Rubber and rubber products, except for use as a substitute for Holland Cloth in the backing of retreading stocks for tires.
Hardware, metals and sporting goods.
Paper and paper products.
Laundry.
Candles and wax products.
Electrical equipment, except the manufacture thereof.
Decorations and novelties, including molded paper hats, molded Christmas bells, molded flower pot covers, bows and rosettes, flowers, wreaths and garlands, soda straws, ribbons, household rolls, and gift wrappings.

(c) *Restrictions on deliveries.* No Supplier shall knowingly, directly or indirectly, deliver or cause to be delivered any cellophane or similar transparent material derived from cellulose, and no Person shall accept the same, to be used for packaging or manufacture of any of the materials listed in (b) hereof.

(d) *Non-applicability to existing stocks.* The terms of (b) hereof shall not apply to stocks of cellophane or similar transparent materials derived from cellulose in the hands of users at the date of issue of this Order, and the terms of (c) hereof shall not apply to stocks of cellophane or similar transparent materials derived from cellulose in the hands of Suppliers and which have been heretofore so cut, processed, or printed as to render impracticable use by Persons other than those prohibited from using such materials under (b) hereof. *Provided, however,* That all such stocks shall be used in packaging or manufacture, as the case may be, within sixty days of the date of issue of this Order.

(e) *Notification of customers.* Any Person who is prohibited from, or restricted in, making deliveries of cellophane or similar transparent materials made from cellulose by the terms of this Order shall, as soon as practicable, notify each of his regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this Order.

(f) *Effective date.* This Order shall take effect on the date of issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities.

(g) *Violations.* Any Person who violates any provision of this Order may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation, and the Director of Priorities may also take any other action deemed appropriate. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 8th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8389; Filed, November 8, 1941; 9:38 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 31st day of October 1941.

It appearing, That by report and order dated October 24, 1918, the Commission defined the limits of the various time zones throughout the United States as created by the Act of Congress entitled "An Act to Save Daylight and to Provide Standard Time", approved March 19, 1918, which limits, as subsequently amended from time to time, were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928;

It further appearing, That by report and order dated October 15, 1941, the boundary between the United States standard Eastern and Central time zones, as so defined, was modified to include the entire State of Georgia within the Eastern zone;

And it further appearing, That the Apalachicola Northern Railroad Company has filed telegraphic application for modification of the report and order of October 15, 1941; and that a full investigation of the matters and things involved has been made, and Division 2, on the date hereof, has made and filed the twenty-fifth supplemental report containing its findings of fact and conclusions thereon, which said twenty-fifth supplemental report is hereby referred to and made a part hereof:

It is ordered, That the said order of October 24, 1918, as subsequently amended, with particular reference to the modifications made by order of October 15, 1941, and corresponding sections of the Code of Federal Regulations, be, and they are hereby, amended as follows:

Section 139.3 is amended as follows:

§ 139.3 *Boundary line between eastern and central zones.*

* * * * * *

(h) *Operating exceptions.*

* * * * * *

(2) *Lines west of boundary included in eastern zone.* * * *

Add the following at the top of the table included therein:

Railroad	From	To
Apalachicola Northern.	Apalachicola, Fla. and Apalachicola River.	Port St. Joe, Fla.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-8382; Filed, November 7, 1941; 3:25 p. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-20662; 5422]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION PIONEER INSTRUMENT DIVISION, BENDIX, NEW JERSEY

Contract for: Miscellaneous Aircraft Instruments and Data.

Amount: $27,909,314.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities

AC 299 P 112-30 A 0021-13
AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2
AC 34 P 12-30 A 0705-12
AC 28 P 82-30 A 0705-12
AC 299 P 111-30 A 0021-13
AC 30 P 85-30 A 0705-12

the available balances of which are sufficient to cover cost of same.

This contract,[1] entered into this September 10 day of 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver Miscellaneous Aircraft Instruments and Data for the consideration stated Twenty Seven Million Nine Hundred Nine Thousand Three Hundred Fourteen Dollars ($27,909,314.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make

[1] 6 F.R. 4527.

[1] 6 F.R. 4945.

[1] Approved by the Under Secretary of War September 15, 1941.

changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 19. *Option.* The Government is granted the right and option at any time during the life of this contract to increase the quantity or quantities of the articles called for under the terms of this contract to any quantity not exceeding the quantity applicable to each respective Item set forth herein at not more than the unit price specified for such articles.

ART. 24. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-8404; Filed, November 10, 1941; 10:01 a. m.]

[Contract No. W 535 ac-20669; 5429]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT[1]

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA

Contract for: * * * Airplanes and spare parts.

Estimated cost: $9,160,015.90.

Fixed-fee: $549,600.95.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2
AC 32 P 12-30 A 0705-2

This contract, entered into this twenty-sixth day of August 1941.

ARTICLE 1. *Statement of work.* The Contractor shall manufacture, furnish and deliver to the Government the following articles:

Item 1. * * * Airplanes.

Item 2. Spare parts for the airplanes called for under the terms of Item 1 above.

ART. 2. *Estimated costs.*

Item	*Quantity*	*Estimated cost*
1	* * * Airplanes	$8,264,676.00
2	Spare parts	895,339.90
	Total estimated cost	9,160,015.90

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursement for costs as outlined in Article 6 hereof, the cost of the work to be performed under this contract, plus a fixed fee of Five Hundred forty-nine thousand six hundred and 95/100 dollars ($549,600.95).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments.* (a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety per cent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advances.* The Government, as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty per centum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War shall prescribe.

[1] Approved by the Under Secretary of War Sept. 6, 1941.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursement for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

This contract authorized under the provisions of section 2 (a), Act of June 28, 1940, and section 1 (a), Act of July 2, 1940, as amended by section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8403; Filed, November 10, 1941; 10:00 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN), REGISTERED DISTRIBUTOR, REGISTRATION NO. 2712, RESPONDENT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated October 9, 1941, in the above-entitled matter to determine whether or not the Elfgen Coal Company, registered distributor, has violated certain provisions of the Bituminous Coal Act (the "Act"), the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement executed April 8, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other penalty imposed; and

Additional evidence relating to the transactions involved having come into the possession of the Division;

It is ordered, That the Notice of and Order for Hearing in the above-entitled matter, beginning with the paragraph No. 2 thereof, be and it hereby is amended and supplemented to read as follows:

2. The respondent, during the period from October 1, 1940, to December 31, 1940, both dates inclusive, purchased in carload lot quantities approximately 15,913 net tons of coal of various sizes from Walter Bledsoe & Co., St. Louis, Missouri, acting as sales agent for various code member producers, Sahara Coal Company, code member, Chicago Illinois; Binkley Coal Company, St. Louis, Missouri, acting as sales agent for various code member producers; and Lumaghi Coal Company, code member, St. Louis, Missouri, and during said period resold in carload lot quantities approximately 15,719 net tons of said coal to the City Fuel and Supply Company, Alton, Illinois, and approximately 194 net tons of said coal to the Bluff City Coal Company, Alton, Illinois. The acceptance of discounts from the effective minimum prices in these transactions where the respondent did not purchase such coal for bona fide resale was in violation of paragraph (d) of the Distributor's Agreement.

3. The acceptance of discounts in the transactions referred to in paragraph 2 hereof rendered no service of value to the sellers of the coal to the respondent and was in violation of paragraph (g) of the Distributor's Agreement.

4. The acceptance of discounts on the transactions referred to in paragraph 2 hereof, which were entered into between the distributor and his vendee primarily for the purpose of unjustly enriching the distributor and when except for the incidence of section 4 II (h) of the Act, the consumer would have purchased directly from a code member, was in violation of paragraph (g) of the Distributor's Agreement.

5. The payment of a distributor's discount on the transactions referred to in paragraph 2 hereof created unfair competition and was, therefore, in violation of paragraph (g) of the Distributor's Agreement.

6. The transactions referred to in paragraph 2 hereof concern sales to or through a broker, jobber, commission account or sales agency, which is in fact or in effect an agency or instrumentality of a retailer whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed in the Act, and were, therefore, in violation of section 4 II (i) 12 of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations, and paragraphs (c) and (e) of the Distributor's Agreement.

7. The acceptance of discounts on the transactions referred to in paragraph 2 hereof, where coal was resold to a retailer who controls, financially or otherwise, the respondent, is in violation of paragraph (h) of the Distributor's Agreement and of Section 304.19 (c) of the Rules and Regulations for Registration of Distributors.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, be renewed in all other respects.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8405; Filed, November 10, 1941; 10:15 a. m.]

[Docket No. B-15]

IN THE MATTER OF THE OAKLAND COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6934, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division having issued a Notice of and Order for Hearing dated October 9, 1941 in the above-entitled matter to determine whether or not The Oakland Coal Company, Registered Distributor, has violated certain provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement executed June 20, 1939, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

It is ordered, That said Notice of and Order for Hearing dated October 9, 1941 in the above-entitled matter be and it is hereby amended by adding after Paragraph No. 5, two additional Paragraphs Nos. 6 and 7, respectively, reading as follows:

6. The transactions referred to in Paragraph No. 2 hereof concern, directly or indirectly, the use of brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under the Act, to a retailer and were therefore in violation of section 4 II (i) (11) of the Act, and Rule 11 of Section XIII of the Marketing Rules and Regulations, and Paragraphs (c) and (e) of the Distributor's Agreement.

7. The transactions referred to in Paragraph No. 2 hereof concern sales to or through a broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or instrumentality of a retailer, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by the Act, and are therefore in violation of section 4 II (i) (12) of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations and Paragraphs (c) and (e) of the Distributor's Agreement.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941 shall, in all other respects, remain in full force and effect.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8406; Filed, November 10, 1941; 10:15 a. m.]

[Docket No. 1763-FD]

IN THE MATTER OF LITTLE JOHN COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER GRANTING APPLICATION FOR REINSTATEMENT OF CODE MEMBERSHIP

A complaint, dated July 3, 1941, in the above-entitled matter, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on July 7, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, with the Bituminous Coal Division (the "Division"), alleging that the defendant wilfully violated the provisions of the Bituminous Coal Code (the "Code"), the effective minimum prices, and the Marketing Rules and Regulations; and

An Order having been entered herein on October 25, 1941, pursuant to the stipulation of the Little John Coal Company and the said District Board dated October 13, 1941, cancelling and revoking the code membership of the Little John Coal Company, effective ten (10) days after the service of a copy of such Order upon the Little John Coal Company and ordering defendant and all persons acting or claiming to act in its interest to cease and desist from violating the provisions of the Code, the Act, the Marketing Rules and Regulations, and the effective minimum prices, which Order was duly served upon the Little John Coal Company on October 27, 1941; and

The Little John Coal Company having filed on October 30, 1941, with the Division its application dated October 29, 1941, for reinstatement of code membership to become effective simultaneously with the effective date of said cancellation and revocation of its code membership; and

It appearing from said application that the Little John Coal Company has paid to the Collector of Internal Revenue at Indianapolis, Indiana, the sum of two thousand three hundred four dollars and fifty-four cents ($2,304.54), pursuant to said Order dated October 25, 1941, as a condition precedent to reinstatement of its code membership;

Now, therefore, it is ordered, That said application of the Little John Coal Company, dated October 29, 1941, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of code membership be and the same is hereby granted.

It is further ordered, That said reinstatement of the code membership of the Little John Coal Company shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

It is further ordered, That except as hereinabove amended, said Order of Cancellation and Revocation dated October 25, 1941, shall in all other respects remain in full force and effect.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8407; Filed, November 10, 1941; 10:16 a. m.]

[Docket No. 1709-FD]

IN THE MATTER OF PRINCESS PAT COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on June 2, 1941, with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 4, complainant, alleging wilful violation by the Princess Pat Coal Company, a code member in District No. 4, defendant, of the Bituminous Coal Code and the Rules and Regulations thereunder as follows:

That the defendant, between December 1, 1940 and January 31, 1941, both dates inclusive, sold through its sales agent, H. C. Bolin Coal Company, for shipments by truck, approximately 145 tons of 2" nut and slack coal produced at its Princess Pat Mine (Mine Index No. 112), located at Meigs County, Ohio, in District No. 4, to the Ohio River Salt Company, Mason City, West Virginia, at a delivered price of $1.10 per ton. The sale of said coal at $1.10 per ton delivered, (a) was at a price less than the effective minimum price of $1.40 per ton f. o. b. the mine, and (b) was at a price less than the effective minimum price f. o. b. defendant's mine plus an amount at least equal to the actual transportation charges and other incidental handling charges from the transportation facilities at the defendant's mine to the points from which all such charges were directly paid by the purchaser, as set forth in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, and Price Instruction No. 6, as amended, contained in said Schedule;

Pursuant to an order of the Director and after due notice to all interested parties, a hearing having been held in this matter on September 17, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Pomeroy, Ohio;

The defendant having appeared, and all interested parties having been afforded an opportunity to be present and to participate fully in the hearing;

At the conclusion of the hearing all parties having joined in the waiving of the preparation and filing of the Examiner's report, the matter having been thereupon submitted to the Director, and the Director having made Findings of Fact, Conclusions of Law, and having rendered an Opinion, which is filed herewith;[1]

Now, therefore, it is ordered, That, pursuant to section 5 (b) of the Act, the code membership of the defendant, the Princess Pat Coal Company, a code member in District No. 4, be and it is hereby revoked and cancelled; and

It is further ordered, That prior to any reinstatement of the defendant, Princess Pat Coal Company, or the owner thereof, Scott Dana Folmer, to membership in the Code, the defendant or the owner thereof shall pay to the United States a tax in the amount of $79.47 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8408; Filed, November 10, 1941; 10:15 a. m.]

[Docket No. 1723-FD]

IN THE MATTER OF MACLEAN COAL COMPANY, DEFENDANT

ORDER DISMISSING COMPLAINT

A complaint having been filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 20, the complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937; the complainant alleging wilful violations by MacLean Coal Company, a code member, defendant, of the Bituminous Coal Code or Rules and Regulations thereunder as follows:

By selling (a) on or about November 22, 1940, to Rolapp-Romney Company, a registered distributor of Salt Lake City, Utah, one railroad car of 3" x 8" (Size Group 5) stove coal produced by the defendant at its MacLean Mine, Mine Index No. 11, located in District No. 20, shipped by rail to Opportunity, Washington, at a price of $3.05 per net ton f. o. b. said mine, whereas, the effective minimum price f. o. b. the mine established for such coal was $3.50 per net ton; (b) on or about November 22, 1940, to the Rolapp-Romney Company, a registered distributor of Salt Lake City, Utah, one railroad car of 3" x 8" (Size Group 5) stove coal produced by the defendant at its MacLean Mine, shipped by rail to Pendleton, Oregon, at a price of $3.05 per net ton f. o. b. the mine, whereas the effective minimum price established for such coal was $3.50 per net ton; (c) on or about November 27, 1940, to the Inter-Mountain Seed Company, Twin Falls, Idaho, one railroad car of 3" x 8" (Size Group 5) stove coal produced by the defendant at its MacLean Mine, shipped by rail to Twin Falls, Idaho, at a price of $3.45 per net ton f. o. b. the mine, whereas the effective minimum price f. o. b. said mine established for such coal was $3.50 per net ton; (d) on or about November 27, 1940, to the Filer Elevator Company, Filer, Idaho, one railroad car of 3" x 10" (Size Group 3) lump coal produced by the defendant at its MacLean Mine, shipped by rail to Filer, Idaho, at a price of $3.45 per net ton f. o. b. the mine, whereas the effective minimum price f. o. b. the mine established for such coal was $3.65 per net ton; (e) on or about November 30, 1940, to the Rolapp-Romney Company, a registered distributor, Salt Lake City, Utah, one railroad car of oil-treated 1" x 0 (Size Group 11) slack coal produced by the defendant at its MacLean Mine, shipped by rail to Vale, Oregon, at a price of $1.85 per net ton f. o. b. said mine, whereas the effective minimum price f. o. b. said mine established for such coal was $2.00 per net ton; and (f) on or about December 7, 1940, to the Pratt Sales Company, Twin Falls, Idaho, one railroad car of 3" x 10" (Size Group 3) lump coal produced by the defendant at its MacLean Mine, shipped by rail to Twin Falls, Idaho, at a price of $3.50 per net ton f. o. b. said mine, whereas the effective minimum price f. o. b. said mine established for such coal was $3.65 per net ton;

Pursuant to an Order of the Acting Director, a public hearing on this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Salt Lake City:

Appearances having been entered for the complainant and the defendant;

All interested persons having been afforded an opportunity to be present, and otherwise be heard; all parties having joined in waiving the preparation and filing of the Report by the Examiner; a record of the proceeding thereupon having been submitted to the Director; and the Director having made Findings of Fact, Conclusions of Law and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That the complaint of District Board No. 20 in this proceeding be and it is hereby dismissed without prejudice.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8409; Filed, November 10, 1941; 10:16 a. m.]

[1] Not filed with the original document.

[Docket No. 1722-FD]

IN THE MATTER OF R. B. HIDDLESTON, TRADING AS H. & M. COAL COMPANY, DEFENDANT

CEASE AND DESIST ORDER

District Board 15 having filed a complaint, as amended, with the Bituminous Coal Division on June 12, 1941, pursuant to the provisions of Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation of R. B. Hiddleston, trading as H. & M. Coal Company, a code member in District No. 15, of the Bituminous Coal Code and effective minimum prices established thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 15 For Truck Shipments, and with intent to violate the same and in violation thereof, sold for shipment by truck 1¼" lump coals produced by the defendant at his H. & M. Mine (Mine Index No. 1203) located in Craig County, Oklahoma, at a price of $3.00 per net ton which is 30 cents lower than the effective minimum price of $3.30 per net ton f. o. b. the mine for such coals.

Pursuant to an Order of the Acting Director and after notice to all interested persons, a hearing having been held in this matter on September 29, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the defendant, his officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and are hereby permanently enjoined and restrained from violating the Code and selling and offering to sell coal produced by the defendant at less than the applicable minimum prices established therefor contrary to the Bituminous Coal Act or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 15 For Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof, or take other appropriate action.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8410; Filed, November 10, 1941; 10:16 a. m.]

[1] Not filed with the original document.

[Docket No. 1732-FD]

IN THE MATTER OF OWL COAL COMPANY, A PARTNERSHIP, DEFENDANT

CEASE AND DESIST ORDER

A complaint, as amended, having been filed with the Bituminous Coal Division, pursuant to the provisions of Section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, alleging wilful violation by the Owl Coal Company, a partnership composed of Roscoe Davidson, Robert McDaniel, and M. S. Spurlin, the defendant, a code member in District 11, of the Bituminous Coal Code and the effective minimum prices established thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments sold for shipment by truck, between March 1, 1941 and March 31, 1941, 78.2 tons of ⅝" lump coal (Size Group 6) as mine run coal at $1.80 per net ton for truck shipment; whereas the effective minimum price established for such coal is $2.20 per net ton f. o. b. the mine for truck shipment;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 24, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Shoals, Indiana;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the defendant, its officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest or in behalf or interest of Roscoe Davidson, Robert McDaniel or M. S. Spurlin, partners of the Owl Coal Company, cease and desist and they hereby are permanently enjoined and restrained from selling and offering to sell coal produced by the defendant at prices below the applicable minimum prices established therefor or otherwise violating the Bituminous Coal Act or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, and Marketing Rules and Regulations.

It is further ordered, That if the defendants or any of them fail to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof, or may take any other appropriate action.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8411; Filed, November 10, 1941; 10:17 a. m.]

[1] Not filed with the original document.

General Land Office.

TEMPORARY WITHDRAWAL FOR STOCK DRIVEWAY PURPOSES NO. 6 IN IDAHO, REDUCED; STOCK DRIVEWAY WITHDRAWAL NO. 48, IDAHO NO. 3, REDUCED; AND STOCK DRIVEWAY WITHDRAWAL NO. 81, NEW MEXICO NO. 12, REDUCED

The departmental orders of December 1, 1917 and December 9, 1918, creating the Temporary Withdrawal for Stock Driveway Purposes No. 6 in Idaho and Stock Driveway Withdrawal No. 48, Idaho No. 3, and the orders of April 29, 1919 and April 29, 1933, establishing and modifying Stock Driveway Withdrawal No. 81, New Mexico No. 12, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, are hereby revoked so far as they affect the following described lands, which are within Idaho Grazing District No. 5 and New Mexico Grazing District No 1:

BOISE MERIDIAN

T. 1 N., R. 12 E.,
sec. 24, NE¼, NE¼NW¼, and N½SE¼,
sec. 25, E½SE¼;
T. 1 N., R. 13 E.,
sec. 18, W½SW¼,
sec. 19, W½,
sec. 30, N½NW¼;
aggregating 893.34 acres.

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 1 W.,
sec. 11, NE¼NE¼ and S½NE¼;
T. 23 N., R. 6 W.,
secs. 1, 3, and 4,
sec. 8, SE¼SE¼,
sec. 9, NE¼, N½NW¼, NE¼SE¼, and S½S½,
secs. 10, 11, 12, 13, and 14,
sec. 15, SE¼NE¼, N½N½, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼,
sec. 17, NE¼NE¼,
sec. 21, E½ and E½W½,
sec. 22, N½N½,
secs. 23 and 26,
sec. 27, S½N½ and S½,
sec. 28,
sec. 29, S½NE¼ and S½,
sec. 30, S½,
secs. 31, 33, 34, and 35;
aggregating 12,565.57 acres.

Dated: October 29, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 41-8390; Filed, November 8, 1941; 10:05 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 123-A 2]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 46, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOUISVILLE, KENTUCKY, MARKETING AREA

Notice is hereby given of a hearing to be held in the Kentucky Hotel, Louisville, Kentucky, at 10:00 a. m., c. s. t., November 18, 1941, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 46, as amended, regulating the handling of milk in the Louisville, Kentucky, marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the Falls Cities Cooperative Milk Producers' Association, Fenley's Model Dairy, and the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) revise the class prices, including the price for Class I milk disposed of outside the marketing area and for Class I milk disposed of for relief distribution, (2) substitute an individual handler pooling arrangement for the present market-wide type of pool, and (3) revise any sections of the order, as amended, to make them consistent with any changes made necessary by the adoption or rejection of the aforesaid proposed amendments or any part thereof.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

Dated: November 8, 1941.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.

[F. R. Doc. 41-8419; Filed, November 10, 1941; 11:37 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO § 516.18 OF THE RECORD KEEPING REGULATIONS, PART 516

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted C. W. Potter, Incorporated, Waltham, Massachusetts, relief from the necessity of preserving their customer orders or invoices as well as bills of lading to customers for two years as required by § 516.15 (b), on condition that they continue to preserve their ledger records in accordance with § 516.15 (b), and that such ledger records will show the dates of shipment and the amounts of such shipment referred to in those customer orders or invoices.

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 5th day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8424; Filed, November 10, 1941; 12:03 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 10, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS. LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Higdon Cigar Co., Quincy, Florida; cigars; 12 learners; 8 weeks machine operating, 4 weeks machine stripping and 8 weeks machine packing; 75% of applicable minimum; November 10, 1942.

I. Lewis Cigar Mfg. Co., Selma, Alabama; cigars; 500 learners; 320 hours machine operating and packing and 160 hours machine stripping; 75% of applicable minimum; January 10, 1942.

Mystic Cabinet Corporation, Mystic, Connecticut; Wood Furniture; 25 learners; 4 weeks cabinet assembler, finisher, sander and woodworking machine operator; 30¢ per hour; December 15, 1941. (This certificate replaces one issued to Templetone Corp., Mystic, Conn., on November 3, 1941, now operating as Mystic Cabinet Corp., same address.)

Seminole Art Company, 117½ W. Grand St., Oklahoma City, Oklahoma; Art Pottery; 1 learner; 4 weeks as Painter at 25¢ per hour; February 16, 1942.

Seminole Art Company, 117½ W. Grand St., Oklahoma City, Oklahoma; Art Pottery; 2 learners; 8 weeks each as Caster and Scraper; 25¢ per hour; March 30, 1942.

Signed at Washington, D. C., this 10th day of November 1941.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8425; Filed, November 10, 1941; 12:04 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3539).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 10, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCTS, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Aintree Corporation, 503 North First Street, Fairfield, Illinois; Men's and Boy's Underwear; 5 percent; November 10, 1942.

Alabama Textile Products Corporation; Riverfalls Street, Andalusia, Alabama; Dress shirts, collars, sleeping wear; 100 learners; May 4, 1942.

Alabama Textile Products Corporation, Riverfalls Street, Andalusia, Alabama; Shirts, Underwear, Men's Shorts; 10 percent; November 10, 1942.

Alpert and Fuchs, 780 East 135th Street, New York, New York; Shirts; 9 learners; February 23, 1942.

Ambassador Uniform Company, 3769 Broadway Place, Los Angeles, California; Women's Apparel; 4 learners; November 10, 1942.

Artcraft Shirt Company, Main Street and Fleming Avenue, Lewistown, Pennsylvania; Dress shirts, Collars, etc.; 10 percent; November 10, 1942.

Baily and Himes, Inc., 606 East Green Street, Champaign, Illinois; Boy's and Girl's Gym Suits; 5 learners; November 10, 1942.

Barrow Manufacturing Company, 214-18 Candler Street, Winder, Georgia; Single Pants; 10 percent; November 10, 1942.

Bay Ridge Pants Company, 353 39th Street, Brooklyn, New York; Boy's and Men's Pants; 6 learners; February 23, 1942.

Bay Ridge Pants Company, 29 Bismark Avenue, New Brighton, Staten Island, New York; Boys' Pants; 4 learners; February 23, 1942.

Better Boys' Washsuits, Inc., 7 Great Jones Place, New York, New York; Boys' Wash Suits; 5 learners; February 23, 1942.

Blue Buckle Overall Company, Inc., Kemper & 14th Street, Lynchburg, Virginia; Overalls and Overall Jackets, Copper riveted dungarees; 10 percent, November 10, 1942.

J. Braunstein, Darien and Noble Street, Philadelphia, Pennsylvania; Men's Officer Uniforms; 10 learners; March 9, 1942.

Buttnick Manufacturing Company, 204 First Avenue South, Seattle, Washington; Men's and Boys' Clothing and Sportswear; 5 learners; October 6, 1942.

Cinderella Undergarment Company, Inc., 99 Madison Avenue, New York, New York; Slips; 5 learners; February 23, 1942.

The Crown Overall Manufacturing Company, Third, Plum & McFarland Streets, Cincinnati, Ohio; Overalls, Work Shirts, Single pants, Cotton, Rayon mix; 10 percent; November 10, 1942.

The Custom Shop, 9 Desbrosses Street, New York, New York; Custom Made Shirts; 5 learners; February 23, 1942.

Ely & Walker Garment Factory, Salem, Missouri; Men's Pajamas, Shorts, Shirts, Union Suits; 10 percent; November 10, 1942.

Fit Well Undergarment Company, 114 West 27th Street, New York, New York; Ladies' Undergarments; 10 learners; February 23, 1942.

Herbert J. Freezer Company, Inc., East Street and P. R. R., York, Pennsylvania; Military Shirts; 5 percent; November 10, 1942.

Geist Sportwear Company, Inc., 1370 Broadway, New York, New York; Ladies' Blouses; 10 percent; February 23, 1942.

Golden Crown Shirt Company, 230 North Seventh Street, Bangor, Pennsylvania; Shirts; 10 percent; November 10, 1942. (This certificate replaces one bearing expiration date of December 1, 1941.)

Charles Guzy Manufacturing Company, 8 E. South Street, Wilkes-Barre, Pennsylvania; Infants Outerwear and Underwear; 5 learners; November 10, 1942.

Hanover Manufacturing Company, 16 Centennial Avenue, Hanover, Pennsylvania; Shirtwaists and Dresses; 10 percent; November 10, 1942.

Hansley Mills, Inc., 511 E. Main Street, Barnesville, Ohio; Boys' and Mens' Athletic Shorts; 10 percent; November 10, 1942. (This certificate is strictly limited to the employment of learners on commercial production.)

Helmer Manufacturing Company, Ore Street, Bowmanstown, Pennsylvania; Dresses; 25 learners; June 8, 1942.

Highland Art Embroidery Company, 5315 Butler Street, Pittsburgh, Pennsylvania; Ladies Aprons; 2 learners; November 10, 1942.

Holland-Hessol Company, Inc., 136 Madison Avenue, New York, New York; Ladies' Slips and Underwear; 10 percent; February 23, 1942.

Honesdale Garment Company, Inc., 14th Street, Honesdale, Pennsylvania; Dresses; 10 percent; November 10, 1942.

Kingston Dress Manufacturing Company, Inc.; 5 Union Street, Troy, New York; Bathrobes; 2 learners; November 10, 1942.

Kingston Dress Manufacturing Company, Inc.; 107 Greenkill Avenue, Kingston, New York; Bathrobes; 3 learners; November 10, 1942.

Knickerbocker Manufacturing Company, West Main Street, West Point, Mississippi; Pajamas; 60 learners; May 4, 1942.

Lady Jean Garments, Inc., 79 Mercer Street, New York, New York; Women's blouses and undergarments; 5 learners; February 23, 1942.

H. Lang Company, 113 North Second Street; River Falls, Wisconsin; Overalls; 10 percent; November 10, 1942. (This certificate replaces one bearing expiration date of January 22, 1942.)

Lawrence Children's Underwear Company, 64 W. 36th Street, New York, New York; Childrens' and Misses Underwear; 10 percent; February 23, 1942.

S. Liebovitz & Sons, Inc., S. Fayette & California Streets, Mercersburg, Pennsylvania; Shirts; 25 learners; March 30, 1942.

Lipelle Underwear Company, 411 High Street, Newark, New Jersey; Ladies' Slips, Underwear; 5 learners; November 10, 1942.

Marathon Underwear Corporation, 958 Los Angeles Street, South, Los Angeles, California; Slips and Gowns; 10 learners; November 10, 1942.

Marcus Undergarment Company, 16 West 22nd Street, New York, New York; Ladies' Slips; 5 learners; February 23, 1942.

Mason & Hughes, Inc., 103 Legion Street, Clarksville, Tennessee; Pants, Overalls, etc.; 10 learners; March 30, 1942.

Mason & Hughes, Inc., Erin, Tennessee; Work Shirts; 38 learners; March 30, 1942.

New England Manufacturing Company, Booth Mill, Rodney French Boulevard, New Bedford, Massachusetts; Pajamas; 50 learners; May 11, 1942.

Peasinger Brothers, 1801 Harney Street, Omaha, Nebraska; Men's & Boys' Clothing Uniforms; 1 learner; November 10, 1942.

Penn State Coat & Apron Manufacturing Company, 171 West Oxford Street, Philadelphia, Pennsylvania; White Duck Coats & Aprons; 2 learners; November 10, 1942.

Portnoy Garment Company, Alton, Illinois; Dresses; 10 percent; November 10, 1942.

Quaker Maid Dress Company, Front and Chestnut Street, Souderton, Pennsylvania; Dresses; 10 percent; November 10, 1942.

Reliable Clothing Company, Inc., 510 22nd Street, Union City, New Jersey; Boys' Coats, Boys' Jackets; 5 learners; November 10, 1942.

Robinson & Company, 410 East Main Street, Patchogue, New York; Juvenile Garments; 10 learners; November 10, 1942.

Rosalind Underwear Company, Inc., 130 Madison Avenue, New York, New York; Warp Knit Panties; 3 learners; February 23, 1942.

Scully Brothers, Inc., 725 E. Washington Boulevard, Los Angeles, California; Leather Wearing Apparel; 5 learners; November 10, 1942.

Shenandoah Manufacturing Company, Inc., Bower & Washington Streets; Shenandoah, Pennsylvania; Dresses, Nightgowns, Blouses, etc.; 35 learners; February 23, 1942.

Smart Maid Pajama Company, 71 Grand Street, New York, New York; Ladies' Pajamas; 5 learners; February 23, 1942.

Smart Set Frocks, Inc., 52 Twelfth Street, Fall River, Massachusetts; Dresses; 10 percent; November 10, 1942.

Star Union Company, Inc., Lumberton, North Carolina; Pajamas; 85 learners; January 10, 1942. ("This is not a new certificate, but merely an extension of the one you now have bearing the expiration date of November 10, 1941, and is issued because you were unable to use your earlier certificate until September 3, 1941, approximately two months after it was issued.")

Sterling Corset Company, 713 13th Avenue, Belmar, New Jersey; Corsets and Brassieres; 10 percent; November 10, 1942.

Style Form Brassiere Company, Inc., 49 West 27th Street, New York, New York; Brassieres and Girdles; 10 percent; March 23, 1942.

Style Undies, Inc., 64 West 36th Street, New York, New York; Children's undergarments, nightwear, negligees; 5 learners; February 23, 1942.

Sunrise Rayon Undergarment Company, 596 Broadway, New York, New York; Rayon Underwear; 5 learners; February 23, 1942.

Tailored Silk Undergarment Company, Inc., 136 Madison Avenue, New York, New York; Women's Lingerie; 10 percent; February 23, 1942.

I. Taitel and Son, 525 North Center Street, Bremen, Indiana; Boys' and Men's Long Pants, Breeches and Knickers; 10 learners; November 10, 1942.

Triangle Underwear Corporation, 135 Madison Avenue, New York, New York; Ladies' slips and gowns; 10 percent; February 23, 1942.

United Garment Manufacturing Company, 400 1st Avenue North, Minneapolis, Minnesota; Sportswear, Outerwear, Leather & Sheeplined Garments; 5 percent; November 10, 1942.

Wachusett Shirt Company, 100 Water Street, Leominster, Massachusetts; Shirts, Pajamas, Shorts; 10 percent; November 10, 1942.

R. Weber, 72 Madison Avenue, New York, New York; Ladies' Silk Underwear; 10 learners; February 23, 1942.

E. Weinshel & Brother Company, 1319 N. Third Street, Milwaukee, Wisconsin; Trousers, Mackinaws, Blazers; 5 percent; November 10, 1942. (This certificate is limited to the employment of learners on commercial production.)

Western Neckwear Manufacturing Company, 88 First Street, San Francisco, California; Men's Neckwear; 3 learners; March 10, 1942. (This certificate replaces one bearing expiration date of January 17, 1942.)

Hosiery

Amos Hosiery Mills, 328 Mangum Avenue, High Point, North Carolina; Seamless Hosiery; 5 percent; November 10, 1942.

Danita Hosiery Mills, Inc.; 200 S. Chapel Street, Newark, Delaware; Full Fashioned Hosiery; 5 percent; November 10, 1942.

H. R. H. Silk Hosiery Mills, Inc.; Moberly, Missouri; Seamless Hosiery; 5 learners; November 10, 1942.

Lawler Hosiery Mills, 53 Bradley Street, Carrollton, Georgia; Seamless Hosiery; 10 learners; June 10, 1942.

Wm. G. Leininger Knitting Company, Comet Plant, Mohnton, Pennsylvania; Seamless Hosiery; 5 learners; November 10, 1942.

Vestal Mills, Inc.; Athens, Tennessee; Seamless Hosiery; 5 learners; November 10, 1942.

Wayne Knitting Mills, 641 Knitters Avenue, Fort Wayne, Indiana; Full Fashioned Hosiery; 5 percent; November 10, 1942.

The Independent Branch of the Telephone Industry

Florida Telephone Corporation, 201 N. 3rd Street, Leesburg, Florida; to employ learners at the Ocala Exchange (as indicated in the Telephone Order) as commercial and switchboard operators until November 10, 1942.

Florida Telephone Corporation, 200 North Third Street, Leesburg, Florida; to employ learners at the Leesburg Exchange (as indicated in the Telephone Order) as commercial and switchboard operators until November 10, 1942.

Knitted Wear

Gibbs Underwear Company, Indiana Avenue & A Street, Philadelphia, Pennsylvania; Knit underwear and Polo shirts; 5 percent; November 10, 1942. (This certificate is limited to the employment of learners on commercial production.)

Textile

American Mills Permoflex Plant, 158 Orange Avenue, West Haven, Connecticut; Narrow Elastic Fabrics; 3 percent; November 10, 1942.

Elizabeth City Cotton Mills, Skinner Avenue, Elizabeth City, North Carolina; Cotton yarns; 3 percent; November 10, 1942.

Georgia Webbing & Tape Company, 1340 11th Avenue, Columbus, Georgia; Narrow Fabrics; 3 learners; February 9, 1942.

Roselin Manufacturing Company, Inc., 95 Milk Street, Willimantic, Connecticut; Braids and Ribbons; 3 percent; November 10, 1942.

W. Warren Thread Works, South Broad Street, Westfield, Massachusetts; Cotton thread and glazed yarn; 3 learners; November 10, 1942.

Woolen

John L. Fead & Sons, 1635 Poplar Street, Port Huron, Michigan, Wool Yarn; 8 learners; March 9, 1942.

Signed at Washington, D. C., this 10th day of November 1941.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8426; Filed, November 10, 1941; 12:04 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5701]

IN RE APPLICATION OF THOMAS PATRICK, INC. (KWK), ST. LOUIS, MISSOURI

ORDER AMENDING NOTICE OF ISSUES AND CONTINUING HEARING

It is ordered, On the Commission's own motion, this 5th day of November 1941 that the notice of issues heretofore released on the application in Docket No. 5701, be, and it is hereby, amended to read as follows:

1. To determine the financial, technical and other qualifications of the applicant to construct and operate Station KWK, as proposed.

2. To determine the nature and character of the technical and program service proposed to be rendered.

3. To determine the nature, extent and effect of interference which would result between KWK, as proposed, and Stations KPO, WPTF, and WMAQ.

4. To determine whether the proposed antenna array would constitute a hazard to air navigation.

5. To determine the extent of any interference which would result from the simultaneous operation of Station KWK as proposed and Station XED, Guadalajara, Mexico.

6. To determine whether the granting of this application would be consistent with the provisions of the North American Regional Broadcasting Agreement.

7. To determine whether the operation of Station KWK on the frequency of 680 kc., as herein proposed, would serve public interest, convenience and necessity better than the operation of Station KFEQ on this frequency as authorized in construction permit B4-P-2477.

8. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

It is further ordered, That the hearing on the above-entitled application heretofore scheduled for November 10, 1941, be, and it is hereby, continued to December 15, 1941.

By the Commission, Norman S. Case, Commissioner.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8414; Filed, November 10, 1941; 11:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5685]

IN THE MATTER OF IOWA UNION ELECTRIC COMPANY

ORDER APPROVING ACCOUNTING ENTRIES AND CANCELLING HEARING

NOVEMBER 6, 1941.

It appearing to the Commission that:

(a) On December 27, 1938, Iowa Union Electric Company, formerly Keokuk Electric Company, hereinafter referred to as "Company," filed and submitted proposed reclassification and original cost studies required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licenses, effective January 1, 1937, and the Commission's order of May 11, 1937, for its properties and acquired properties, Dallas City Light Company and Fort Madison Electric Company;

(b) The Commission's staff has made a field study of the Company's proposed reclassification and original cost studies of electric plant and submitted a report entitled "Report on the Original Cost Study of Electric Plant of Iowa Union Electric Company, formerly Keokuk Electric Company, and Acquired Companies, Fort Madison Electric Company and Dallas City Light Company, as at December 31, 1936";

(c) The Commission's staff report was transmitted to the Company on September 29, 1939, with a request that the accounting adjustments indicated in the report be made, and copies of adjusting journal entries be submitted;

(d) Under date of November 25, 1940, there was transmitted to the Company, as a result of correspondence, conferences, and the submission of additional data, a supplemental report in which a revised allocation of the differences between original cost and book cost of certain gas, electric and railway properties of the companies named in paragraph (a) hereof, was made, and at the same time the Company was requested to submit a plan for the immediate disposition of the amounts established in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, by said supplemental report;

(e) By order adopted April 1, 1941, the Commission ordered that the Company show cause at a public hearing why the adjustments proposed in the Commission's Staff Report should not be made and why disposition of the amounts established by such report in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, should not be made;

(f) Thereafter, by petition filed with the Commission on June 7, 1941, the Company requested the Commission's approval of certain journal entries reclassifying its Electric, Gas and Railway Plant Accounts and of certain plans of disposition of amounts included in Account 100.5, Electric Plant Acquisition Adjustments, Account 107, Electric Plant Adjustments, Gas Plant Acquisition Adjustments and Gas Plant Adjustments, within Account 108, Other Utility Plant, and Street Railway Plant Acquisition Adjustments and Street Railway Plant Adjustments, within Account 108, Other Utility Plant; all in accordance with the adjustments proposed by the Commission's Staff in their "Report on the Original Cost Study of Electric Plant of Iowa Union Electric Company, formerly Keokuk Electric Company, and Acquired Companies, Fort Madison Electric Company and Dallas City Light Company, as at December 31, 1936" with certain minor modifications thereof;

(g) The proposed journal entries referred to in paragraph (f) hereof will establish an amount of $209,266.58 in Account 100.5, Electric Plant Acquisition Adjustments, which amount the Company proposes to dispose of as follows:

To Account 250, Reserve for Depreciation, representing the excess of purchase cost over original cost of properties acquired by Fort Madison Electric Company and Dallas City Light Company, specifically provided for in the companies' annual provision for depreciation from 1929 to 1937, $21,237.27.

From Account 250, Reserve for Depreciation, representing the examiners' adjustment of the amount of such reserve applicable to acquired property, ($5,230.02).

To Account 250, Reserve for Depreciation, representing the portion of the cost of changing customers' appliances of Keokuk Electric Company specifically provided for in the Company's annual provision for depreciation from 1929 to 1940, $4,673.03.

To Account 250, Reserve for Depreciation, representing the portion of the excess of purchase cost over original cost of properties acquired by Keokuk Electric Company specifically provided for in the company's annual provision for depreciation from 1929 to 1940, $60,092.54.

To Account 271, Earned Surplus, representing the excess of purchase cost over original cost of properties acquired by Fort Madison Electric Company and Dallas City Light Co., $17,018.46.

To Account 271, Earned Surplus, representing the examiners' adjustment of the amount of Reserve for Depreciation applicable to such acquired property (Account 250 contra), $5,230.02.

To Account 271, Earned Surplus, representing the entire cost of changing customers' appliances of Fort Madison Electric Company and Dallas City Light Company, $7,214.54.

To Account 271, Earned Surplus, representing that portion of the cost of changing customers' appliances of Keokuk Electric Company not provided for by annual provision for depreciation, $7,009.55.

To Account 271, Earned Surplus, representing adjustment of estimated original cost of parcel of land located in Fort Madison, Iowa, which parcel had originally been acquired by Fort Madison Electric Company, $2,100.00.

From Account 271, Earned Surplus, representing the adjustment of retirements as between acquired and constructed property, ($217.62)

To Account 537, Miscellaneous Amortization, representing balance of excess of book cost over original cost to be amortized over a period of not more than five years through this account beginning with the year 1941, in equal annual installments, $90,138.81.

Total, $209,266.58.

(h) The proposed journal entries referred to in paragraph (f) hereof will establish an amount of $144,051.12 in Account 107, Electric Plant Adjustments, which amount the Company proposes to dispose of as follows:

To Account 250, Reserve for Depreciation, representing unrecorded retirements, $35,034.09.

To Account 250, Reserve for Depreciation, representing non-existent property, $14,433.61.

To Account 250, Reserve for Depreciation, representing that portion of a syndicate write-up of the plant specifically provided for in the company's annual provision for depreciation from 1929 to 1940, $34,924.82.

To Account 271, Earned Surplus, representing the balance of a syndicate write-up of plant, $52,387.24.

To Account 271, Earned Surplus, representing cost of expired franchises and other items improperly included in Organization Account, $7,030.38.

To Account 271, Earned Surplus, representing operating expenses improperly capitalized, $240.98.

Total, $144,051.12.

(i) The proposed journal entries referred to in paragraph (f) hereof will establish an amount of $96,148.06 in Gas Plant Acquisition Adjustments within Account 108, Other Utility Plant, which amount the Company proposes to dispose of as follows:

To Account 250, Reserve for Depreciation, representing that portion of the excess of purchase cost over original cost of gas properties acquired by Keokuk Electric Company specifically provided for in the Company's annual provision for depreciation from 1929 to 1940, $38,459.22.

To Account 537, Miscellaneous Amortization, representing balance of excess of book cost over original cost to be amortized over a period of not more than five years through this account beginning with the year 1941, in equal annual installments, $57,688.84.

Total, $96,148.06.

(j) The proposed journal entries referred to in paragraph (f) hereof will establish an amount of $55,879.72 in Gas Plant Adjustments within Account 108, Other Utility Plant, which amount the Company proposes to dispose of as follows:

To Account 250, Reserve for Depreciation, representing that portion of a syndicate write-up of plant, specifically provided for in the company's annual provision for depreciation from 1929 to 1940, $22,351.89.

To Account 271, Earned Surplus, representing the balance of a syndicate write-up of plant, $33,527.83.

Total, $55,879.72.

(k) The proposed journal entries referred to in paragraph (f) hereof will establish an amount of $54,083.28 in Railway Plant Acquisition Adjustments within Account 108, Other Utility Plant, which the company proposes to dispose of as follows:

To account 250, Reserve for Depreciation, representing that portion of the excess of purchase cost over original cost of railway properties acquired by Keokuk Electric Company specifically provided for in the company's annual provision for depreciation from 1929 to 1940, $21,633.31.

To Account 271, Earned Surplus, representing the balance of excess of purchase cost over original cost of railway properties acquired by Keokuk Electric Company, which properties have since been abandoned, $32,449.97.

Total, $54,083.28.

(l) The proposed journal entries referred to in paragraph (f) hereof will establish an amount of $31,432.34 in Railway Plant Adjustments within Account 108, Other Utility Plant, which amount Company proposes to dispose of as follows:

To Account 250, Reserve for Depreciation, representing that portion of a syndicate write-up of plant, specifically provided for in the company's annual provision for retirements from 1929 to 1940, $12,572.94.

To Account 271, Earned Surplus, representing the balance of a syndicate write-up of plant, $18,859.40.

Total, $31,432.34.

The Commission finds that:

The proposed journal entries and the plans for disposition of the amounts established in Account 100.5, Electric Plant Acquisition Adjustments, Account 107, Electric Plant Adjustments, Gas Plant Acquisition Adjustments and Gas Plant Adjustments within Account 108, Other Utility Plant, and Street Railway Plant Acquisition Adjustments and Street Railway Plant Adjustments, within Account 108, Other Utility Plant, submitted in the petition filed on June 7, 1941, and described in paragraphs (g) to (l) hereof, are in conformity with correct accounting principles and the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees;

The Commission orders that:

(A) The proposed journal entries submitted by the Company in its petition filed with the Commission on June 7, 1941, be and they are hereby approved;

(B) The Company dispose of the amounts of $209,266.58, established in Account 100.5, Electric Plant Acquisition Adjustments, $144,051.12 established in Account 107, Electric Plant Adjustments, $96,148.06, established in Gas Plant Acquisition Adjustments within Account 108, Other Utility Plant, $55,879.72, established in Gas Plant Adjustments within Account 108, Other Utility Plant, $54,083.28 established in Railway Plant Acquisition Adjustments within Account 108, Other Utility Plant, and $31,432.34, established in Railway Plant Adjustments within Account 108, Other Utility Plant, respectively, as described in paragraphs (g), (h), (i), (j), (k), and (l) hereof;

(C) The proposed journal entries submitted by the Company as a part of its petition filed on June 7, 1941, reflecting the accounting disposition of the amounts referred to in paragraph (B) hereof be and they are hereby approved;

(D) Permission granted herein shall not be construed as a finding with respect to the original cost of the properties of said Company;

(E) The order to show cause, adopted on April 1, 1941, in the above entitled matter, be and the same is hereby dismissed, and the hearing now set for November 10, 1941, be and it is hereby cancelled.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8402; Filed, November 10, 1941; 9:59 a. m.]

[Project No. 120]

IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY LTD.

ORDER FURTHER POSTPONING REHEARING

NOVEMBER 8, 1941

It appearing that:

(a) By order dated October 8, 1941, the Commission, upon informal request therefor of Southern California Edison Company Ltd., postponed the rehearing on this proceeding to November 12, 1941;

(b) By telegram received November 4, 1941, the company requested that the said rehearing be continued for sixty days;

It is ordered, That:

The rehearing on this proceeding now set for November 12, 1941, is hereby postponed to January 19, 1942, beginning 9:45 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8413; Filed, November 10, 1941; 10:43 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-428]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, AND MOBILE GAS SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested party may, not later than November 22, 1941 at 1:15 p. m., E. S. T., request the Commission in writing that a hearing be held on such mattters, stating the reasons for such request and the nature of his interests, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as amended, may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

Mobile Gas Service Corporation, a subsidiary of Consolidated Electric and Gas Company, a registered holding company, proposes to issue and sell to unknown purchasers, following public invitation of proposals pursuant to Rule U-50, the following: $1,400,000 principal amount First Mortgage Bonds due 1961, the interest rate as well as the purchase price to be fixed by the proposals submitted, and 6,000 shares of 6 percent Cumulative Preferred Stock, $100 par value.

The proceeds from the sale of the securities will be used to redeem and retire $867,700 principal amount of First Mortgage Bonds, 5% Series, due October 1, 1956, $637,750 principal amount of First Mortgage Income bonds (9 percent), Series A, due October 1, 1956, and $236,950 principal amount of First Mortgage Income Bonds (7 percent), Series B, due October 1, 1956, of Mobile Gas Service Corporation. All remaining proceeds will be used for construction.

In addition Consolidated Electric and Gas Company proposes to surrender to Mobile Gas Service Corporation for cancellation $39,800 principal amount of the First Mortgage Bonds, 5 percent Series, aforesaid, and $41,800 principal amount of First Mortgage Income Bonds (9 percent), Series A, aforesaid, as a capital contribution.

These transactions will result in the retirement of all of the presently outstanding long term debt securities of Mobile Gas Service Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8397; Filed, November 8, 1941; 11:43 a. m.]

[File No. 812-195]

IN THE MATTER OF THE HUTCHINS SECURITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of sections 3 (b) (2) and 6 (c) of the Investment Company Act of 1940, for an order declaring applicant to be primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities either directly or through majority owned subsidiaries or through controlled companies conducting similar types of businesses, or in the alternative for an order of exemption from all provisions of the Act;

It is ordered, That a hearing on the said application under and pursuant to sections 3 (b) (2) and 6 (c) of the said Investment Company Act be held on November 17, 1941 at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Charles S. Lobingier, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8420; Filed, November 10, 1941; 11:46 a. m.]

[File Nos. 59-30, 70-427]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH; ASSOCIATED GAS AND ELECTRIC CORPORATION AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH; GENERAL GAS & ELECTRIC CORPORATION; SOUTHEASTERN ELECTRIC AND GAS COMPANY; AND VIRGINIA PUBLIC SERVICE COMPANY

NOTICE OF FILING OF ANSWER AND ORDER FOR HEARING THEREON

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of November A. D. 1941.

Notice is hereby given that an application and a declaration have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Virginia Public Service Company, Virginia Public Service Generating Company, The Hampton Towing Corp., Middle Virginia Power Company and General Gas & Electric Corporation, it being represented that this filing is, and respondents having requested that the Commission so consider it, an answer to proceedings instituted by the Commission pursuant to section 11 (b) (2) of the Act, a hearing thereon having been scheduled previously for November 12, 1941 (See Holding Company Act Release No. 3088).

The matters embraced by said application and declaration, which are on file in the Washington office of the Securities and Exchange Commission and to which interested parties are referred for a detailed description of the provisions of the proposed transactions, are briefly described below:

The Hampton Towing Corporation and Middle Virginia Power Company, two wholly owned subsidiaries of Virginia Public Service Company, are to be dissolved and all of their assets conveyed in liquidation to Virginia Public Service Company in consideration of the latter company's surrendering for cancelation of all the stock of each of such subsidiaries and assuming all of the liabilities thereof;

Virginia Public Service Generating Company is to be merged into Virginia Public Service Company and in connection with such merger all of the outstanding indebtedness of Virginia Public Service Generating Company will be discharged (by the use of part of the funds to be generated by the issuance and sale of securities by Virginia Public Service Company to be hereinafter discussed) and all of the 3,300 shares of Common Stock of Virginia Public Service Generating Company now owned by Virginia Public Service Company are to be canceled;

Virginia Public Service Company proposes to issue the following new securities:

$22,800,000 principal amount of First Mortgage 30-Year 3½% Bonds. $5,700,000 principal amount of Serial Notes maturing two and one-half to ten years from issuance and bearing interest at rates to average not more than 3%. 70,000 shares of cumulative 5¼%, $100 par value Preferred Stock. 628,333 shares of Common Stock without par value.

All of the new Bonds, Serial Notes and Preferred Stock of Virginia Public Service Company (other than shares of new Preferred Stock which may be issued to present preferred stockholders as hereinafter described) will be sold to the public for the account of Virginia Public Service Company. Present preferred stockholders shall have the right "at their sole option, to elect prior to the time of entering into an agreement for the sale of the new securities to receive in respect of each share an amount in cash equal to the par value thereunder, plus all accrued and unpaid dividends thereon to the date of the closing. Holders of the present outstanding Preferred Stock not so electing to take cash will receive for each one share of Preferred Stock now outstanding one share of new Preferred Stock, plus an amount in cash equal to the accrued and unpaid dividends on the presently outstanding Preferred Stock to the date of closing less the sum of (a) $6 per share being the amount of estimated minimum premium at which the new Preferred Stock will be sold to the public. (In the event the new Preferred Stock is initially sold to the public at a premium less than the amount hereinbefore stated to be the estimated minimum premium the amount to be deducted to be correspondingly reduced); and (b) the accrued dividends to the date of the closing on the new Preferred Stock received. The new and reclassified Common Stock of Virginia Public Service Company will be sold for the joint account of Virginia Public Service and General Gas & Electric Corporation. The exact number of shares of the new and reclassified Common Stock of Virginia Public Service Company which will be sold for the respective accounts of Virginia Public Service Company and General Gas & Electric Corporation cannot be determined until a contract has been entered into for the sale of all of the new securities of Virginia Public Service Company;

Out of the proceeds received by it, General Gas & Electric Corporation proposes to purchase from Virginia Public Service Company the 60,666 shares of Common Stock of Eastern Shore Public Service Company (Delaware) now owned by Virginia Public Service Company for a total consideration not to exceed $500,000, the exact price not yet having been determined;

Virginia Public Service Company proposes to acquire from General Gas & Electric Corporation $1,200,000 in principal amount of First Mortgage and Refunding Twenty-year 5% Gold Bonds, Series B of Virginia Public Service Company for a cash payment of 97% of principal amount and accrued interest thereon to the date of delivery of such bonds to Virginia Public Service Company;

In addition to characterizing the above filings as an answer to the proceedings instituted by the Commission under Section 11 (b) (2), the respondents-applicants have made separate filings of the same material designating sections 6 (a), 6 (b), 7 (e), 9 (a), 10, 11 (g), 12 (c), 12 (d), 12 (e), 12 (f), 15 (f) and 20 (a) of the Act and Rules U-42, U-43, U-44, and U-62 promulgated thereunder as applicable to such transactions, the parties not yet having determined whether to seek an exemption from Rule U-50;

Representatives of Virginia Public Service Company having requested, for good cause shown, that the hearing now scheduled for November 12, 1941 on the

previously instituted proceedings under section 11 (b) (2) of the Act, and to which the instant filing is an answer, be postponed;

It is ordered, That a consolidated hearing on such matters under the applicable provisions of said Act and the Rules of the Commission thereunder be held on November 17, 1941, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held. All persons desiring to be heard or otherwise participate in the proceedings should notify the Commission in a manner prescribed by our Rules of Practice, Rule XVIII on or before November 15, 1941;

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under Section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the generality of the foregoing and without limiting the scope of the proceedings as outlined in our original order of August 12, 1941, in the premises, particular attention be directed at said hearing to the following matters and questions raised by this new filing:

1. Whether the proposed refinancing of Virginia Public Service Company satisfies the standards of the Public Utility Holding Company Act and is fair to the investors, consumers and the public generally.

2. Whether the consummation of the transactions as outlined in the filing and in the answer to the section 11 (b) (2) proceedings instituted by the Commission will be appropriate and adequate.

3. In the event the Commission finds such refinancing appropriate, what terms and conditions, if any, seem necessary and desirable to be imposed upon such transactions.

4. What pertinent facts set forth in the report, dated August 5, 1941, and the supplemental report, dated October 15, 1941, prepared by the Public Utilities Division of the Commission concerning Virginia Public Service Company and the problems attendant thereto arising under the Public Utility Holding Company Act of 1935 are admitted by respondents-applicants; what pertinent facts set forth in said report are denied; and what pertinent facts set forth in said report need further elaboration.

5. Whether the various types of securities to be offered by Virginia Public Service Company should be offered for competitive bidding separately as to each type of security, or whether bids embracing two or more types of securities may be accepted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8421; Filed, November 10, 1941; 11:46 a. m.]

[File No. 70-429]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI, and UNION ELECTRIC COMPANY OF ILLINOIS

NOTICE REGARDING FILING SUBJECT TO RULE U-23

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than November 24, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Union Electric Company of Missouri, a registered holding company and a subsidiary of The North American Company, also a registered holding company, proposes (a) to acquire for cash from time to time during the period ending June 30, 1942, 150,000 shares of additional common stock having an aggregate par value of $3,000,000 of its subsidiary, Union Electric Company of Illinois; and (b) to pledge under its First Mortgage and Deed of Trust the 150,000 shares of its said subsidiary so to be acquired by it.

Union Electric Company of Illinois proposes to issue and sell to Union Electric Company of Missouri for cash from time to time during the period ending June 30, 1942, 150,000 shares of its common stock having an aggregate par value of $3,000,000 and to use the proceeds therefrom to finance its construction program.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8422; Filed, November 10, 1941; 11:46 a. m.]

[File No. 70-357]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, AND NEW HAMPSHIRE GAS AND ELECTRIC CORPORATION

AMENDATORY ORDER RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1941.

The Commission having heretofore under date of September 24, 1941, duly entered an order, subject to certain conditions contained therein, in the above entitled proceedings whereby New Hampshire Gas and Electric Corporation was granted exemption pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 from the provisions of section 6 (a) of the said Act of the issue and sale of $1,500,000 of additional common stock represented by 22,500 shares without par or nominal value, $1,000,000 principal amount of first mortgage 3½% bonds, Series B, due 1971, and the reduction of the interest rate from 4½% to 3½% per annum on $970,000 principal amount of first mortgage bonds, Series A, due 1963 of said issuer; said order also granting an application of New England Gas and Electric Association filed pursuant to section 10 of said Act regarding the acquisition of the said $1,500,000 of common stock of New Hampshire Gas and Electric Corporation; and said order providing that the Commission retain jurisdiction over a fee of $10,000 proposed to be paid to The First Boston Corporation and that such fee should not be paid until further order of the Commission; and

A hearing having been held on October 15, 1941 with respect to the reasonableness of said fee; and the Commission deeming that such fee is not unreasonable and that payment thereof may appropriately be permitted;

It is ordered, That New Hampshire Gas and Electric Corporation be and is hereby authorized to pay said fee of $10,000 to The First Boston Corporation for services rendered in connection with the above described transactions, and that the reservation of jurisdiction over the said fee be and is hereby released.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8423; Filed, November 10, 1941; 11:46 a. m.]

NOV 14 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 221

Washington, Thursday, November 13, 1941

The President

EXECUTIVE ORDER

VESTING CERTAIN POWERS IN WARRANT OFFICERS OF THE ARMY

By virtue of and pursuant to the authority vested in me by section 4 of the act of August 21, 1941, Public Law 230, 77th Congress, it is hereby ordered that whenever the duties assigned to warrant officers of the Army include (1) the command of stations, units, or detachments, (2) the disbursement and administration of funds, including the certification of vouchers and pay rolls, (3) the issue of travel orders, bills of lading, and transportation requests, (4) the receipt for, accountability for, and administration of property, (5) the certification and verification of official papers, or (6) the performance of similar routine administrative duties, such warrant officers shall be vested with all the powers usually exercised by commissioned officers in the performance of such duties.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 10, 1941.

[No. 8938]

[F. R. Doc. 41-8454; Filed, November 12, 1941; 10:43 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Tobacco 603 (Burley), Part I]

PART 724—BURLEY TOBACCO

SUBPART E—1942

Procedure for the Determination of Acreage Allotments for 1942

GENERAL

Sec.
724.411 Definitions.
724.412 Extent of calculations and rule of fractions.
724.413 Instructions and forms.
724.414 Applicability of procedure.

ESTABLISHMENT OF ALLOTMENTS AND YIELDS FOR OLD FARMS

724.415 Acreage allotments for old tobacco farms.
724.416 Reduction of acreage allotment for violations of 1941 marketing quota regulations.
724.417 Allotments by local committees.
724.418 Reconstituted farms.
724.419 Determination of normal yields.

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

724.420 Determination of acreage allotments for new farms.
724.421 Time for filing application.
724.422 Determination of normal yields.

GENERAL

§ 724.411 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

(a) "Burley allotment procedure for 1942" means this Tobacco 603 (Burley).

(b) "Local committee" means the county and community committee utilized under the Act. "County committee" or "Community committee" shall have corresponding meanings in the connection in which they are used.

(c) "New farm" means a farm on which tobacco was not produced in any of the five years 1937 to 1941 but on which tobacco will be produced in 1942.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the five years 1937 to 1941 and on which tobacco will be produced in 1942.

(e) "Operator" means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) "State committee" means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) "Tobacco" means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bu-

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FEDERAL REGISTER

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reau of Agricultural Economics of the United States Department of Agriculture, as type 31 and known as Burley tobacco.*

*§§ 724.411 to 724.422, inclusive, issued under authority contained in sec. 313 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 47, 202, 586. 53 Stat. 1261, 54 Stat. 392; 7 U.S.C. Sup., 1313.

§ 724.412 *Extent of calculations and rule of fractions.* (a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped except as may be provided by the Regional Director. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths of an acre shall be rounded upward, and fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.*

§ 724.413 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.*

§ 724.414 *Applicability of procedure.* This Burley allotment procedure for 1942 shall relate to, and be effective for, the establishment of farm acreage allotments for Burley tobacco for the year 1942.*

ESTABLISHMENT OF ALLOTMENTS AND YIELDS FOR OLD FARMS

§ 724.415 *Acreage allotments for old tobacco farms.* The farm acreage allotment for an old farm shall be the 1941 acreage allotment for the farm plus any acreage by which such allotment was reduced because of violation of the 1940 marketing quota regulations unless adjusted in accordance with § 724.416 or § 724.417 hereof: *Provided, however,* That in case farms are retired from agricultural production either (a) because of their purchase or lease by a State or federal agency for any purpose or (b) because of acquisition for use in connection with the National Defense Program, any tobacco acreage allotted to such farms in 1942 shall be placed in a State pool. Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool provided that the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.*

§ 724.416 *Reduction of acreage allotment for violations of 1941 marketing quota regulations.* If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment for each farm shall be reduced by the amount of tobacco so marketed; *Provided,* That such reduction shall not be made if the Secretary, through the local committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.*

§ 724.417 *Allotments by local committees.* An amount not in excess of one-half of one percent of the 1941 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage apportioned to the county will be available for allotment by the local committee. A farm shall be eligible for allotment as provided hereunder (a) if the committee finds that the 1941 allotment for the farm is relatively smaller

in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to the land, labor, and equipment available for the production of tobacco on other farms in the county, or (b) if tobacco was harvested on the farm in 1941 and the acreage allotment therefor was zero. In making the adjustment in the farm acreage allotment the local committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor, and equipment available for the production of tobacco, and crop rotation practices. In no event shall the adjustment of the acreage allotment to any farm be more than the larger of ten percent of the 1941 allotment for the farm or five-tenths of an acre: *Provided,* That in the case of any farm on which tobacco was harvested in 1941 for which no acreage allotment was established the committee may establish an allotment not exceeding five-tenths of an acre.

Any adjustment as provided above shall be subject to the approval of the State committee.*

§ 724.418 *Reconstituted farms.* (a) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 tobacco acreage allotment for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 allotment shall be the sum of the 1942 allotments for each of the farms composing the combination.*

§ 724.419 *Determination of normal yields.* The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1936–40; (b) the soil and other physical factors affecting the production of tobacco on the farm and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941, unless an adjustment for abnormal conditions is made by the Secretary upon recommendations of the State committee.*

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

§ 724.420 *Determination of acreage allotments for new farms.* The acreage allotment for a new farm shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past tobacco experience of the farm operator; the acreage of cropland in the farm suitable for tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco; the customary crop rotation practices; and the adaptability of the soil to the growing of tobacco: *Provided,* That the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of: First, one-fifth of the past acreage of tobacco grown by the farm operator 1937–1941; or, second, 75 percent of the average acreage allotment for old farms in the county; or, third, one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(a) The farm operator shall have had two years or more experience in growing tobacco as a sharecropper, tenant, or as a farm operator during the past five years;

(b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced; and

(d) No kind of tobacco other than Burley will be grown on the farm in 1942.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for farms on with no tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment.*

§ 724.421 *Time for filing application.* In order to obtain an allotment for a new tobacco farm in 1942, the operator of the farm shall file an application therefor prior to February 1, 1942.*

§ 724.422 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.*

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Burley Tobacco for the 1942–43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C., this 12th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–8460; Filed, November 12, 1941; 11:31 a. m.]

[Tobacco 603 (Flue-Cured), Part I]

PART 727—FLUE-CURED TOBACCO

SUBPART E—1942

Procedure for the Determination of Acreage Allotments for 1942

GENERAL

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727.411 Definitions.
727.412 Extent of calculations and rule of fractions.
727.413 Instructions and forms.
727.414 Applicability of procedure.
ESTABLISHMENT OF ALLOTMENTS AND YIELDS FOR OLD FARMS
727.415 Acreage allotments for old tobacco farms.
727.416 Reduction of acreage allotment for violations of 1941 marketing quota regulations.
727.417 Allotments by local committees.
727.418 Reconstituted farms.
727.419 Determination of normal yields.
ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS
727.420 Determination of acreage allotments for new farms.
727.421 Time for filing application.
727.422 Determination of normal yields.

GENERAL

§ 727.411 *Definitions.* As used in this procedure and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires:

(a) "Flue-cured allotment procedure for 1942" means this Tobacco 603 (Flue-cured).

(b) "Local committee" means the county and community committee utilized under the Act. "County committee" or "community committee" shall have corresponding meanings in the connection in which they are used.

(c) "New farm" means a farm on which tobacco was not produced in any of the 5 years 1937 to 1941 but on which tobacco will be produced in 1942.

(d) "Old farm" means a farm on which tobacco was produced in one or more of the 5 years 1937 to 1941 and on which tobacco will be produced in 1942.

(e) "Operator" means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) "State committee" means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) "Tobacco" means tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as types 11, 12, 13, and 14 and collectively known as flue-cured tobacco.*

*§§727.411 to 727.422, inclusive, issued under authority contained in sec. 313 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 47, 202, 586; 53 Stat. 1261; 54 Stat. 392; 7 U.S.C. Sup. 1313.

§ 727.412 *Extent of calculations and rule of fractions.* (a) All percentages shall be calculated to the nearest whole percent. Fractions of fifty-one hundredths of one percent or more shall be rounded upward, and fractions of five-tenths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreages shall be calculated to the nearest one-tenth of an acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.*

§ 727.413 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.*

§ 727.414 *Applicability of procedure.* This flue-cured allotment procedure for 1942 shall govern the establishment of farm acreage allotments for flue-cured tobacco for use in connection with the 1942 Agricultural Conservation Program and in connection with farm marketing quotas for flue-cured tobacco for the marketing year therefor beginning July 1, 1942.*

ESTABLISHMENT OF ALLOTMENTS AND YIELDS FOR OLD FARMS

§ 727.415 *Acreage allotments for old tobacco farms.* The farm acreage allotment for an old farm shall be the 1941 acreage allotment for the farm plus any acreage by which such allotment was reduced because of violation of the 1940 marketing quota regulations unless adjusted in accordance with the procedure listed in §§ 727.416 and 727.417 below: *Provided, however,* That in case farms are retired from Agricultural production either (a) because of their purchase or lease by a State or federal agency for any purpose or (b) because of acquisition for use in connection with the National Defense Program, any tobacco acreage alloted to such farms in 1942 shall be placed in a State pool. Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool: *Provided,* That the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 tobacco acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.*

§ 727.416 *Reduction of acreage allotment for violations of 1941 marketing quota regulations.* If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment for each farm shall be reduced by the amount of tobacco so marketed; provided that such reduction shall not be made if the Secretary through the local committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished as required by the Secretary the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.*

§ 727.417 *Allotments by local committees.* An amount not in excess of one-half of one percent of the 1941 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage apportioned to the county will be available for allotment by the local committee. A farm shall be eligible for allotment as provided hereunder (a) if the committee finds that the 1941 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to the land, labor and equipment available for the production of tobacco on other farms in the county, or (b) if tobacco was harvested on the farm in 1941 and the acreage allotment therefor was zero. In making the adjustment in the farm acreage allotment the local committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop-rotation practices. In no event shall the adjustment of the acreage allotment to any farm be more than the larger of ten percent of the 1941 allotment for the farm or five-tenths of an acre; *Provided,* That in the case of any farm on which tobacco was harvested in 1941 for which no acreage allotment was established the committee may establish an allotment not exceeding 10 percent of the acreage of tobacco harvested on the farm in 1941.

Any adjustment as provided above shall be subject to the approval of the State committee.*

§ 727.418 *Reconstituted farms.* (a) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 tobacco acreage allotment for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 allotment shall be the sum of the 1942 allotments for each of the farms composing the combination.

§ 727.419 *Determination of normal yields.* The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1936–1940; (b) the soil and other physical factors affecting the production of tobacco on the farm and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941, unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.*

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

§ 727.420 *Determination of acreage allotments for new farms.* The acreage allotment for a new farm shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past tobacco experience of the farm operator; the acreage of cropland in the farm suitable for tobacco production; the number of families on the farm available for tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco; the customary crop rotation practices and the adaptability of the soil to the growing of tobacco; *Provided,* That the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of: First, one-fifth of the past acreage of tobacco grown by the farm operator 1937–1941; or, second, one-half of the acreage capacity of the curing barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm; or, third, one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

(a) The farm operator shall have had two years or more experience in growing tobacco as a share-cropper, tenant, or as a farm operator during the past five years;

(b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;

(c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced;

(d) No kind of tobacco other than flue-cured will be grown on the farm in 1942.

The acreage allotments established as provided in this section shall be subject to such adjustment as is necessary to bring such allotment in line with the total acreage available for allotments to all new farms. The acreage available for establishing allotments for farms on which no tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment.*

§ 727.421 *Time for filing application.* In order to obtain an allotment for a new tobacco farm in 1942, the operator of the farm shall file an application therefor prior to February 1, 1942.*

§ 727.422 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.*

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Flue-Cured Tobacco for the 1942–43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C., this 12th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–8461; Filed, November 12, 1941; 11:31 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[2d Supplement, General Order No. C–26]

PART 150—ARREST AND DEPORTATION

AMENDMENT OF REGULATIONS GOVERNING THE ARREST AND DEPORTATION OF ALIENS

NOVEMBER 10, 1941.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), and § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), the following change in § 150.11 of the said regulations (§ 19.11 of General Order No. C–26, of December 31, 1940; 6 F.R. 72) is hereby promulgated.

Section 150.11 (d) is amended to read as follows:

(d) *Special deportation procedure in cases involving recent illegal entrants and in emergencies; hearing and procedure thereunder.* The hearing and all further proceedings in the case of an alien arrested upon a warrant issued and executed in accordance with paragraph (c) of this section shall, if issuance of the warrant of arrest was based upon the emergency powers granted by paragraph (a) (2) of this section and the case is not one which also falls within the terms of paragraph (a) (1), be conducted in the same manner as if the warrant had been issued by the Central Office. In every case falling within the terms of paragraph (a) (1), the hearing shall be conducted in the same manner as is provided elsewhere in this part, with the following exceptions:

(1) The presiding inspector, immediately before the hearing is concluded, shall state for the record in the presence of the alien his findings of fact, conclusions of law, and recommendation as to the disposition of the case, and

(2) The alien shall be required then and there to state whether or not he takes exception to such findings of fact, conclusions of law, and recommendation as to the disposition of the case and he shall be informed that if he does take exception, the transcript of record will be submitted to the Central Office for decision, and

(3) The transcript of the record, including the findings of fact, conclusions of law and proposed order of the presiding inspector as stated in the record shall be presented to the officer in charge of the district in which the hearing is held.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41–8465; Filed, November 12, 1941; 11:37 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3908]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MILWAUKEE JEWISH KOSHER DELICATESSEN ASSOCIATION, ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (b) *Combining or conspiring—To eliminate competition—In conspirators' goods:* § 3.33 (b10) *Cutting off competitors' supplies—Refusing or withholding sales to.* Following a common course of action pursuant to any mutual understanding, combination, agreement or conspiracy for the purpose or with the effect, directly or indirectly, of lessening competition in the course of trade in kosher and/or kosher style meat and allied products, or hindering, restraining, or preventing sales of any such products in the course of commerce to purchasers or would-be purchasers, by (1) hindering, obstructing, or preventing Carl Bach, or any other would-be purchaser in Milwaukee, Wisconsin, from purchasing kosher and/or kosher style meats or allied products from manufacturers or other sellers outside the State of Wisconsin; (2) hindering, obstructing, or preventing any manufacturer or other seller outside the State of Wisconsin from selling kosher and/or kosher style meats or allied products to Carl Bach or any other would-be purchaser in Milwaukee, Wisconsin; and (3) requesting, advocating, or urging any course of action prohibited in divisions (1) or (2) hereof; on the part of respondent Milwaukee Jewish Kosher Delicatessen Association, respondent individuals, members thereof and operators of the only five delicatessen stores in said city specializing in kosher products, respondent corporate sellers of the two leading and dominant brands of such products in said city, respondent officers of said corporate sellers, and two respondent individuals, respectively factory representative and distributor in said city of said sellers, and on the part of the representatives, etc., of aforesaid re-

spondents; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Milwaukee Jewish Kosher Delicatessen Association, et al., Docket 3908, November 4, 1941]

In the Matter of Milwaukee Jewish Kosher Delicatessen Association, a Corporation, Joseph Plotkin, Aaron Guten, Carl Guten, R. Cohen, and M. Guten, Individually and as Members of Said Respondent Milwaukee Jewish Kosher Delicatessen Association; Vienna Sausage Company, a Corporation, and Wilno Kosher Sausage Company, a Subsidiary Corporation, Jules Ladany, William Ladany, Individually and as Officers of the Vienna Sausage Company and of the Wilno Kosher Sausage Company; David Berg and Company, Irving Bisk, Philip Bisk, Individually and as Officers of David Berg and Company; Sinai Kosher Sausage Factory, Jacob Levin, Individually and as an Officer of Sinai Kosher Sausage Factory, David Kurman, M. Zurkoff, Louis Gross, Independent Neighborhood Grocers Alliance, a Corporation, and its Officers, J. I. Weiss, President, Louis Zbar, Secretary, Louis Berson, Treasurer

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint and amended and supplemental complaint of the Commission, the answers thereto, testimony and other evidence, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that certain of said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Milwaukee Jewish Kosher Delicatessen Association, a corporation, and Joseph Plotkin, Aaron Guten, Carl Guten, Rubin Cohen, and Meyer Guten, individually and as members of said association; Wilno Kosher Sausage Company, a corporation, and Jules Ladany and William Ladany, individually and as officers of said corporation; Kosher Zion Sausage Company, a corporation, and Irving Bisk and Philip Bisk, individually and as officers of said corporation; David Kurman, an individual; and Louis Gross, an individual; their representatives, agents and employees; or any two or more of such respondents or their representatives, agents, and employees, either with or without the cooperation of others not parties hereto, do forthwith cease and desist from following a common course of action pursuant to any mutual understanding, combination, agreement, or conspiracy for the purpose or with the effect, directly or indirectly, of lessening competition in the course of trade in kosher and/or kosher style meat and allied products, or hindering, restraining, or preventing sales of any such products in the course of commerce to purchasers or would-be purchasers by the following methods, or any of them:

(1) Hindering, obstructing, or preventing Carl Bach, or any other would-be purchaser in Milwaukee, Wisconsin, from purchasing kosher and/or kosher style meats or allied products from manufacturers or other sellers outside the State of Wisconsin;

(2) Hindering, obstructing, or preventing any manufacturer or other seller outside the State of Wisconsin from selling kosher and/or kosher style meats or allied products to Carl Bach or any other would-be purchaser in Milwaukee, Wisconsin;

(3) Requesting, advocating, or urging any course of action prohibited in paragraphs (1) or (2) hereof.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, For the reasons appearing in the findings as to the facts in this matter, that the complaint herein be, and the same hereby is dismissed as to respondents Vienna Sausage Company, a corporation; David Berg and Company, a corporation; Sinai Kosher Sausage Factory, a corporation; Jacob Levin, individually and as an officer of Sinai Kosher Sausage Factory; Max Zurkoff, an individual; Independent Neighborhood Grocers Alliance, a corporation, and its officers, Joseph I. Weiss, Louis Zbar, and Louis Berson.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8458; Filed, November 12, 1941; 11:29 a. m.]

[1] 5 F.R. 319.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 262—MISCELLANEOUS

AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), § 262.16 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective June 1, 1938, by Board Order 41-463 dated November 4, 1941, by redesignating subsection (h) to become subsection (i), by adding certain words to said subsection (i), and by inserting a new subsection (h) immediately after subsection (g), said subsections (h) and (i) to read as follows:

§ 262.16 *Records and other papers of the Board; disclosure; service of process.*

* * * * * *

(h) No document, and no information acquired pursuant to any agreement, arrangement, contract, or request by or on behalf of the Board, relating to the gathering, preparation, receipt or transmittal of documents or information to, from or for the Board which is, by virtue of such agreement, arrangement, contract or request, in the possession of any person other than an employee of the Board, shall be produced, reproduced, or duplicated, disclosed or delivered by any person to any other person or tribunal (other than the Board or an employee thereof), whether in response to a subpoena or otherwise, except with the consent of the Board. Any person, upon receipt of any request, subpoena, or order calling for the production, disclosure, or delivery of such document or information shall notify the Board of the request, subpoena or order and shall take no further action except upon advice of the Board. Unless consent of the Board is given, the person shall respectfully decline to comply with the request, subpoena or order, basing his refusal upon the authority of this Regulation.

(i) As used in this Regulation, the word "document" includes correspondence, applications, claims, reports, records, memoranda and any other papers used, prepared, received or transmitted to, from, or for the Board in connection with the administration of any Act of Congress administered by the Board. (Sec. 10, 50 Stat. 314, 315; 45 U.S.C. Sup. III, 228j, 228k)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON, *Secretary of the Board.*

Dated: November 12, 1941.

[F. R. Doc. 41-8459; Filed, November 12, 1941; 11:29 a. m.]

TITLE 29—LABOR

CHAPTER V— WAGES AND HOUR DIVISION

PART 522—EMPLOYMENT OF LEARNERS

REGULATIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

Whereas, Regulations Part 522, §§ 522.160 to 522.178, Regulations Applicable to the Employment of Learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries,[1] were inadvertently issued so as to become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER on September 23, 1941, and

Whereas publication on that date was in error and should have occurred on September 29, 1941 to coincide with the effective date of Administrative Wage Orders for these industries, Parts 605 and 656, published in the FEDERAL REGISTER on September 13, 1941:

Now, therefore, said Regulations are made effective as of September 29, 1941. (Sec. 14, 52 Stat. 1068; 29 U.S.C., Sup., 214)

Signed at Washington, D. C. this 10th day of November 1941.

PHILIP B. FLEMING, *Administrator.*

[1] 6 F.R. 4839.

[F. R. Doc. 41-8464; Filed, November 12, 1941; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-769]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES OF CERTAIN COALS OF THE NEW RIVER COMPANY, SKELTON MINE, MINE INDEX NO. 167

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 7, requesting relief changing the classification of the coals of the Skelton Mine (Mine Index No. 167) from "A" to "B" in Size Groups 6 and 7;

A hearing in this matter having been held, pursuant to Order of the Director and after due notice to all interested persons, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the undersigned;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be and it hereby is amended by changing the classifications of the coals of the Skelton Mine (Mine Index No. 167) in Size Groups 6 and 7 from "A" to "B".

Dated: November 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8442; Filed, November 12, 1941; 10:07 a. m.]

[Docket No. A-715]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER OF THE DIRECTOR APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICT 8 FOR THE PROCTER AND GAMBLE COMPANY, CINCINNATI, OHIO, IN MARKET AREA 19

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Bituminous Coal Division by Consumers' Counsel Division on behalf of Procter and Gamble Company, Cincinnati, Ohio, a consumer, seeking a modification of the effective minimum price schedule for District No. 8 so as to grant to Procter and Gamble Company the privilege of purchasing coals produced in District 8 for delivery to its Ivorydale and St. Bernard plants located at St. Bernard, Ohio, within the switching limits of Cincinnati, Ohio, at the minimum f. o. b. mine prices for free alongside delivery in lieu of the presently applicable ex-river prices;

Petitions of intervention having been filed by District Board 8, in opposition to the requested relief, and by the Procter and Gamble Company, in support thereof;

A hearing having been held before Travis Williams, a duly designated Examiner of the Division in Washington, D. C., on April 7-8 and April 17-18, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated September 18, 1941, recommending that the relief prayed for by the original petitioner be granted;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and the same hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the Director; and

It is further ordered, That § 328.13 (*Special prices*—(a) *Prices for river (free alongside deliveries) and ex-river shipments* (1) *Special river price instructions and exceptions*—(iii) *Special cases*) in the Schedule of Effective Minimum Prices for District 8 for All Shipments Except Truck be and the same hereby is amended at subdivision (b) by inserting the following note:

Procter and Gamble Company (for consumption at its Ivorydale and St. Bernard plants located at St. Bernard, Ohio, provided that such coal is delivered in not less than barge-load lots).

Dated: November 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8443; Filed, November 12, 1941; 10:07 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 3 to General Preference Order No. M-15 to Conserve the Supply and Direct the Distribution of Rubber

It is hereby ordered, That § 940.1 General Preference Order No. M-15 [1] is hereby amended by inserting immediately after paragraph (m) thereof the following new paragraph:

§ 940.1 *General preference order M-15.*

* * * * * *

(n) Each Company (which term when used in this paragraph shall include any corporation together with all other corporations controlling, and all other corporations controlled by, such corporation) which is a Processor of Rubber and which operates plants in more than one community (all plants operated by the same Company in the same community being herein collectively referred to as a "Unit") shall (1) within fifteen days after the effective date of this order file with the Rubber and Rubber Products Branch of the Division of Civilian Supply, Office of Production Management, a report showing the amount of Rubber processed or consumed by each Unit during the month of July, 1941; and (2) immediately upon any distribution of Rubber for any calendar month among its Units which is at a ratio which differs materially from the ratio of processing or consumption by such Units during July, 1941, file with the Rubber and Rubber Products Branch of the Division of Civilian Supply, Office of Production Management, a full report thereof showing clearly the reasons for such departure in ratio of distribution. In any case in which it appears that such change in ratio was not justified or proper, the Office of Production Management will take such action as it may deem appropriate.

This order shall take effect upon the date of the issuance thereof. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4469; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8675, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress,

[1] 6 F.R. 3060, 3948, 4005.

First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 12th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8455; Filed, November 12, 1941; 11:02 a. m.]

PART 971—ALCOHOL

Amendment to General Preference Order No. M-31 to Conserve the Supply and Direct the Distribution of Methyl Alcohol (Methanol)

Section 971.2 (General Preference Order No. M-31[1]) is hereby amended to read as follows:

Whereas, the national defense requirements have created a shortage of Methyl Alcohol (Methanol) for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 971.2 *General preference order M-31*—(a) *Definitions.* For the purposes of this Order:

(1) "Methyl Alcohol" (Methanol), known also as wood alcohol, means Methyl Alcohol in any form and from whatever source derived.

(2) "Natural Origin Methyl Alcohol" means Methyl Alcohol produced by the destructive distillation of wood.

(3) "Synthetic Methyl Alcohol" means Methyl Alcohol manufactured by any process other than by the destructive distillation of wood.

(4) "Producer" means any person engaged in the production of Methyl Alcohol and includes any person who has Methyl Alcohol produced for him pursuant to toll agreement.

(5) "Distributor" means any person who has purchased or who purchases Methyl Alcohol for purposes of resale.

(b) *Applicability of Priorities Regulation No. 1.* Control of the supply and direction of the distribution of Methyl Alcohol is hereby taken by the Director of Priorities, and all future transactions of any kind in Methyl Alcohol are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August 1941, except as herein otherwise specifically provided.

(c) *Assignment of preference rating to certain defense orders.* Deliveries under all Defense Orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A-10.

(d) *Directions with respect to residual supply.* After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers and Distributors shall make deliveries of Methyl Alcohol in accordance with the following directions:

(1) Deliveries of Natural Origin Methyl Alcohol to persons who require the same for use as a denaturant for ethyl alcohol and who, prior to delivery thereof, shall have certified to the Producer or the Distributor (i) that the Natural Origin Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such use only, and (ii) that the quantity sought in any month, together with all quantities on order with other Producers or Distributors for delivery during such month, does not exceed one-twelfth of the quantity of Natural Origin Methyl Alcohol used by such persons for such purpose during the 12-month period ended September 30, 1941, are hereby assigned preference rating B-4.

(2) Deliveries of Synthetic Methyl Alcohol to persons who require the same for general chemical manufacture including the production of formaldehyde for non-defense uses permitted in General Preference Order No. M-25 as amended, and excluding the uses set forth in paragraph (d) (3) of this section, and who, prior to delivery thereof, shall have certified to the Producer of the Distributor (i) that the Synthetic Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such purpose only, and (ii) that the quantity sought in any month, together with all quantities on order with other Producers or Distributors for delivery during such month, does not exceed one-twelfth of the quantity of Synthetic Methyl Alcohol used by such persons for such purpose during the 12-month period ended September 30, 1941, are hereby assigned preference rating B-4.

(3) Deliveries of Methyl Alcohol to persons who require the same for anti-freeze or general denaturant and solvent uses, and who, prior to delivery thereof, shall have certified to the Producer or the Distributor (i) that the Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such purposes only, and (ii) that the quantities sought, in any month, together with all quantities on order with other Producers or Distributors for delivery during such month, does not exceed one-twelfth of the quantity of Methyl Alcohol used by such persons for such purposes during the 12-month period ended September 30, 1941, are hereby assigned preference rating B-8.

(4) When a non-defense order for Methyl Alcohol for a use specified in paragraph (d) (1) and (2) of this section, to which a preference rating has been assigned either by specific certificate or otherwise, is offered to a Producer or a Distributor, it shall be accepted, subject to the same terms and conditions applicable to the acceptance of Defense Orders set forth in Priorities Regulation No. 1; and deliveries shall be made under such an order in accordance with the preference rating assigned thereto and the delivery schedule specified therein even though deferment of deliveries under non-defense orders, bearing a lower preference rating or no preference rating, previously accepted is necessitated thereby. Any person seeking to place a non-defense order to which a preference rating has been assigned must make application for acceptance of such order in the first instance to his regular supplier (if a person has several regular suppliers, the order should be divided among such suppliers in accordance with such person's normal method of placing orders).

(e) *Reports.* Reports required by Priorities Regulation No. 1, hereinabove referred to, shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Section of the Office of Production Management.

(f) *Inventory restrictions.* Anything in this Order to the contrary notwithstanding, in addition to the inventory restrictions contained in Priorities Regulation No. 1, hereinabove referred to, no person shall accept deliveries of Methyl Alcohol which will effect an increase (or a further increase) in such person's inventory of Methyl Alcohol in excess of a 30-day supply, at the expected rate of use (distribution, in the case of a Distributor) thereof.

(g) *Effective date.* This Order shall take effect immediately, and unless sooner terminated by direction of the Director of Priorities will expire on the 31st day of July, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 12th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8456; Filed, November 12, 1941; 11:02 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1325—CONSUMER'S DURABLE GOODS

PRICE SCHEDULE NO. 39—UPHOLSTERY FURNITURE FABRICS

Prices of upholstery furniture fabrics constitute an important cost to the furniture manufacturer. A survey of representative upholstery fabric manufacturers shows an average increase of 24 per cent in the period between January 1, 1941, and October 15, 1941. A contemplated price schedule will freeze current prices of wood furniture at their existing levels. Preventing further rises in upholstery furniture fabrics will implement this ceiling.

With the cooperation of the great majority of the industry, by means of individual voluntary agreements, the Office of Price Administration has succeeded in achieving some measure of stability in prices during September and October.

During that period, by letters of September 27 and October 15, this Office attempted to secure detailed cost and profit information from the industry to determine whether or not the previous price rises were justified. Hardly any of this information has been submitted. This investigation is continuing. This Office is also undertaking research, in conjunction with the Bureau of Standards, for the purpose of establishing standards of quality. Meanwhile, effective measures must be taken to prevent further increases which may result in unwarranted prices. After investigation, this Office has determined that the most effective action, and the one best calculated to assure uniform treatment for all members of the industry, is the issuance of a price schedule fixing maximum prices at 105 per cent of those in effect on September 10, 1941.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1325.51 *Maximum prices for upholstery furniture fabrics.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any present pattern of upholstery furniture fabrics at a price higher than the maximum price. The maximum price for any present pattern shall be 105 per cent of the price quoted for such pattern in the manufacturer's price list in effect on September 10, 1941, to the same general class of purchasers. If no such price exists, the maximum price shall be 105 per cent of the highest price, f. o. b. seller's point of shipment, at which such pattern was sold and delivered to a purchaser of the same general class in the sixty-day period ended September 10, 1941.*

*§§ 1325.51 to 1325.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1325.52 *Less than maximum prices.* Lower prices than those established in § 1325.51 may be charged, demanded, paid or offered.*

§ 1325.53 *Evasion.* The price limitations set forth in this Price Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of upholstery furniture fabrics, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1325.54 *Reports*—(a) *Line as of September 10, 1941.* On or before November 20, 1941, each manufacturer shall submit to the Office of Price Administration reports on present patterns on Form 139:1, showing in the detail required by such Form the maximum prices established for such patterns by § 1325.51 of this Schedule, the name or number of such patterns, the specifications used for such patterns, and such other information as such Form may require. Manufacturers who have already submitted information required in Form 139:1 need not duplicate such information, but shall fill out such part of the Form as is necessary to complete the information required, and shall enclose with the Form a reference to the information already submitted. Copies of Form 139:1 can be procured from the Office of Price Administration.

(b) *Additions to such line.* Every addition to a manufacturer's line which is first delivered to a purchaser (or to a carrier for shipment to a purchaser) in the period commenced September 10, 1941, and ended November 10, 1941, shall be reported on Form 139:1 to the Office of Price Administration on or before November 20, 1941. Every addition to a manufacturer's line which is first delivered to a purchaser (or to a carrier for shipment to a purchaser) after November 10, 1941, shall be reported on Form 139:1 to the Office of Price Administration within ten days after such delivery.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1325.55 *Records.* Every manufacturer making sales of upholstery furniture fabrics after November 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, and the prices received, the patterns, and the quantity of upholstery furniture fabrics sold.*

§ 1325.56 *Affirmations of compliance.* On or before January 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1325.55 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 139:2, containing a sworn statement that during such period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 139:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1325.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of upholstery furniture fabrics, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1325.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no application under this section will be considered unless the person making such application shall have complied with this Schedule.*

§ 1325.59 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures upholstery furniture fabrics, with the exception of persons who in the first six months of 1941, manufactured at least 80 percent by dollar volume of their products on the individual order of the purchaser, rather than for their stock, in quantities of 300 yards or less per pattern per month;

(c) "Upholstery furniture fabrics" means fabrics, in their manufactured state, which are commonly used for furniture upholstery;

(d) "Pattern" means any design of upholstery furniture fabrics, irrespective of color, manufactured and sold as a distinct item;

(e) "Present pattern" means any pattern offered for sale in the sixty-day period ended September 10, 1941;

(f) "Addition" means an upholstery furniture fabric offered for sale in which the pattern or the specifications differ from the pattern or the specifications of the upholstery furniture fabrics offered for sale by the same manufacturer in the sixty-day period ended September 10, 1941.*

§ 1325.60 *Effective date of the schedule.* This schedule shall become effective on November 10, 1941.*

Issued this 10th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8428; Filed, November 10, 1941; 4:27 p. m.]

[1] 6 F.R. 4528.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of Chapter XIX of Army Act approved July 9, 1918 (40 Stat. 892; 33 U.S.C. 2), the firing range defined in § 204.70 is hereby redefined, the title of the section and description of the danger zone being amended as follows:

§ 204.70 *Waters of Atlantic Ocean; United States Marine Corps firing range between Hilton Head Island and Hunting Island, S. C.* (a) The firing range includes the waters bounded by lines as follows: Beginning at the abandoned rear range light tower on Hilton Head Island located at Lat. 32°9'59" and Long. 80°44'23" W.; thence along a straight line bearing S. 8° W. for a distance of 15,000 yards from the said old range tower; thence, East on an arc of a circle whose center is the said old range tower for an angular distance of 31°; thence, S. 23° E. for a distance of 8,000 yards to a point bearing N. 11°45' E. 2.9 miles from the Savannah light ship; thence Northeast on an arc of a circle whose center is the said old light tower for an angular distance of 13°; thence, in a straight line N. 54° E. to its intersection with a line bearing S. 42° E. from the northeastern most tip of Hunting Island; thence, along the last named line to the northeastern most tip of Hunting Island; thence, along the southeasterly shore lines of Hunting, Fripp and Prichard Islands to a point on the shore of Capers Island, 1.8 miles northeast of Bull Point, bearing N. 54° E. 23,000 yards from the said old light tower; thence, S. 54° W. to the starting point.

* * * * *

(f) During night firing a search light will be in operation on the Eastern shore of Hilton Head Island near the aforementioned old abandoned lighthouse. (40 Stat. 892; 33 U.S.C. 2) [Regs. Nov. 3, 1941 (E. D. 7195 (Atlantic Ocean—South Carolina)—26/3)]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8429; Filed, November 12, 1941; 9:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ELIMINATION FROM NEW MEXICO GRAZING DISTRICT NO. 1[2]

OCTOBER 13, 1941.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the departmental order of June 12, 1941, establishing New Mexico Grazing District No. 1, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the reservation of the lands for the use of the New Mexico National Guard Rifle Range for rifle practice:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 N., R. 2 E., sec. 4, that part exclusive of the Atrisco Grant;
T. 11 N., R. 2 E., secs. 28 and 33.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 41-8430; Filed, November 12, 1941; 9:52 a. m.]

[1] § 204.70 (a) and (f) is amended.
[2] This affects the tabulation in § 502.1 d.

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER D—UNITED STATES MARITIME SERVICE AND NAUTICAL SCHOOLS

[General Order No. 42]

PART 293—REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

Regulations and Minimum Standards for State Maritime Academies[1]

The United States Maritime Commission, pursuant to authority conferred upon it by the Act of March 4, 1911, as amended by the Act of July 29, 1941, (Public Law 191, 77th Congress, Chapter 327, 1st Session) and the Merchant Marine Act, 1936, as amended, particularly Section 216 thereof, hereby prescribes and adopts as necessary and appropriate to maintain a trained and efficient merchant marine personnel, regulations and minimum standards for State Maritime Academies, all of which are attached hereto and made part hereof as though fully set forth.

This Order shall be effective immediately.

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[1] The material in brackets at the end of each section identifies the section as contained in "Regulations and Minimum Standards for State Maritime Academies" approved by the United States Maritime Commission October 24, 1941.

SUBPART A—DEFINITIONS AND CONDITIONS OF FEDERAL AID

§ 293.0 *Definitions.* As used herein, the following definitions shall apply:

(a) "Commission" shall mean the United States Maritime Commission.

(b) "Division of Training" shall mean the Division of Training, United States Maritime Commission.

(c) "Superintendent" and "Commanding Officer" shall mean one and the same person, providing he fills both capacities; otherwise the word "Superintendent" shall mean the Superintendent of the state maritime academy and the "Commanding Officer" shall mean the Commanding Officer of the training ship.

(d) "Officers" shall mean all officers and instructors connected with the state maritime academy or the training ship, except part-time civilian instructors.*

*§§ 293.0 to 293.161, inclusive, issued under the authority contained in section 4 of the Act approved July 29, 1941 (Public Law 191, 77th Congress, 1st Session).

§ 293.1 *Loan of training vessel and Federal aid.* The Commission will loan a training vessel, if available, and during each fiscal year will, if funds therefor are appropriated by the Congress, grant to each of the four existing state maritime academies and such others as may be approved by the Commission, providing such maritime academies comply with the regulations and minimum standards prescribed by the Commission, federal aid equal to the annual appropriation to each of such academies by their respective states, not in excess of $25,000 per annum. Additional annual federal aid, when equalled by state appropriations, may be supplemented to cover the per capita cost of students admitted on appointment by the Commission, not in excess of a total of $25,000 per annum.*

§ 293.2 *Admittance of Commission appointed students.* In pursuance of Public Law 191, as a condition to receiving any portion of such monetary aid in excess of $25,000 each fiscal year, the state shall under appropriate authority agree to admit students appointed by the Commission from national competitive eligible lists upon such terms and in such numbers as the Commission shall prescribe: *Provided,* That the per capita cost of students designated by the Commission for admission to such schools shall be paid from the federal funds and that the total number of such students shall not exceed one-third of the student capacity of such schools. Such cadets shall be subject to all of the rules and regulations of the maritime academy to which they are appointed.*

§ 293.3 *Federal grant for maintenance and operation.* The federal grant of $25,000 to $50,000 per year shall be spent in the operation of the training ship and the maintenance and operation of the shore base. The state shall appropriate and spend at least an amount equal to that received from the federal government each year for the same purpose.*

§ 293.4 *Receipt by State of loan of training vessel.* The state shall sign a formal receipt for the loan of the training ship and submit same with a statement, under appropriate authority, that it will comply with the regulations and minimum standards prescribed and issued by the Commission.*

SUBPART B—GENERAL PROVISIONS

§ 293.11 *Jurisdiction of Board of Education and appointment of Board of Visitors.* The state maritime academies shall be under the jurisdiction of the Board of Education, or other state department, bureau, or agency, and it is recommended that a Board of Visitors shall be appointed, composed of at least eight members and shall include, if practicable, the following:

One from the shipping industry.
One from the shipbuilding or ship repair industry.
One Merchant Marine Master Mariner, possessing active license.
One Merchant Marine Chief Engineer, possessing active license.
One from the alumni of the academy.
One officer of the United States Navy, active or retired, designated by the Commandant of the Naval District in which the academy is located.
One from the State Board of Education, or other state department, bureau, or agency.
One representative of the Maritime Commission designated by the Commission.*

§ 293.12 *Board of Visitors; advisory capacity.* The Board of Visitors shall act in an advisory capacity only and shall meet at least once each year.*

§ 293.13 *Names of State maritime academies.* The names of the state maritime academies operating training ships on loan from the Commission shall, as soon as practicable, be as follows:

New York State Maritime Academy.
Pennsylvania Maritime Academy.
Massachusetts Maritime Academy.
California Maritime Academy.*

§ 293.14 *Names of training ships.* The names of the training ships on loan to the state maritime academies on the date of these regulations shall be:

Empire State for New York State Maritime Academy.
Keystone State for Pennsylvania Maritime Academy.
Bay State for Massachusetts Maritime Academy.
Golden State for California Maritime Academy.

These vessels shall be designated as "training ships."*

§ 293.15 *Graduation dates.* As soon as academy schedules can be arranged, graduation shall take place once each year as follows:

New York State Maritime Academy, May.
Pennsylvania Maritime Academy, October.
Massachusetts Maritime Academy, September.
California Maritime Academy, May.

The above schedule is subject to adjustment.*

§ 293.16 *Enrollment of cadets in Merchant Marine Reserve.* Cadets of the state maritime academies shall qualify for enrollment in the Merchant Marine Reserve as Cadets. When appointed, they shall wear such Naval Reserve insignia as is prescribed by the Secretary of the Navy.*

§ 293.17 *Seal of Commission on stack.* On each side of the stack of each training ship shall be the seal of the Commission; said seal to be in proper proportion to the size of the stack.*

§ 293.18 *Insurance.* Cadets shall be insured at their own expense, as soon as practicable, from loss of life or limb during their enrollment at the academy or on board the training ship, resulting from any accident they may suffer. The benefits shall be at least as follows:

Death, $5,000.
Loss of sight (both eyes), $5,000.
Loss of sight (one eye), $2,500.
Loss of two limbs, $5,000.
Loss of sight of one eye and one limb, $5,000.
Loss of one limb, $2,500.

In no event shall the Commission be liable for any damages to any of the ship's personnel or trainees due to accident, illness, or death.*

SUBPART C—FACILITIES FOR TRAINING

§ 293.31 *Condition survey.* A condition survey will be made of the vessel at least every six months by the Division of Maintenance and Repairs of the Commission, or at any other time when an inspection is required, after due notice.*

§ 293.32 *Removal of Commission property.* The Commission property on board the training ship shall not be permanently removed from the ship to shore base without written approval of the Commission.*

§ 293.33 *Use of ship's equipment by State.* The state shall have the use of all equipment, appliances, apparel, spare and replacement parts on board the ship, provided the same or their substantial equivalent shall be returned to the Commission, ordinary wear and tear, unavoidable accident, and/or perils of the sea excepted, and any such items lost, destroyed, or consumed in service shall be replaced at the expense of the state, if so requested by the Commission.*

§ 293.34 *Cost of consumable stores paid by State.* The state shall pay for all consumable stores, expendable equipment (except vessel's sails for propulsion), and fuel, in accordance with the existing law.*

§ 293.35 *Inventories of State and Federal property.* The Division of Purchase and Supply of the Commission shall take inventories of state and federal property on board the vessel and at the shore base at such times as it or the Commission deems necessary after consultation with academy authorities. A representative of the state shall be present when such inventories are being taken. The Commanding Officer of the training ship or the Superintendent of the academy shall furnish necessary assistance from the academy's personnel.*

§ 293.36 *Costs and expenses to be borne by State.* The state shall, at its own expense, man, operate, victual, fuel, and supply the vessel and shall pay all port charges, pilotage, and other operation expenses, and all other costs and expenses incidental to the operation of the vessel and the maintenance and operation of the shore base, other than those items which are deemed by the Commission to be properly chargeable to appropriated repair funds.*

§ 293.37 *Operation of academy and training ship by State.* The state shall operate the academy and training ship in the most efficient manner and shall exercise due diligence to safeguard the interests of the Commission and avoid loss and damage of every nature. Log books and reports shall be submitted, as directed, to the Commission.*

§ 293.38 *Commission approval of home port berth and vessel movements.* The Commission shall determine whether the berth of the training ship at the base in its home port is satisfactory from the standpoint of safety. When the training ship is not on the practice cruise, the Commanding Officer shall keep the Commission informed relative to the location of the vessel and of any contemplated change of the location of her berth. While on the practice cruise, the Commission shall be advised by dispatch of the date of arrival at each port visited. The date of departure shall also be reported if at variance with the approved itinerary. The cruise itinerary of the training ship shall be submitted to the Commission at least sixty days in advance of the date the cruise is scheduled to begin. At the time of submitting the itinerary, the Commanding Officer shall request the Commission to arrange with the Department of State for permission to visit the foreign ports listed on the proposed itinerary. Permission for the training ship to visit U. S. Naval Stations or Naval Bases shall be arranged by the Commanding Officer of the vessel.*

§ 293.39 *Posting notice of ownership.* The following notice shall be posted in a conspicuous place, approved by the Commission, on board the training ship, and it shall remain in such place while the training ship is on loan to the state:

> This training ship is the property of the United States of America. It is loaned to the State of ---------- by the United States Maritime Commission for the purpose of training young men to become officers in the Merchant Marine of the United States. Neither the state, the Commanding Officer, nor any other person has any right, power, or authority to create, incur, or permit to be imposed upon this vessel any lien whatever.

§ 293.40 *Fumigation.* The training ship shall be fumigated, at the expense of the state, at least twice a year, if required by the Commission. A copy of the fumigation certificate shall be forwarded to the Commission.*

§ 293.41 *Requisitions covering repairs, renewals, and betterments.* Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the training ship and submitted by the Commanding Officer to the Commission at least thirty days before the date that it is expected to commence the annual overhaul. The Division of Training shall confer with the Division of Maintenance and Repairs to determine which items of repair will be accomplished.* [III–11]

§ 293.42 *Repairs by trainees.* To further training and for the purpose of reducing expenses, repairs which need not be carried out during the annual overhaul period shall be done by the trainees under the supervision of ship's officers. When material is needed or has been ordered by the state, the Commanding Officer of the training ship shall forward to the Commission a list of material and estimated costs, and a description of the repairs to be carried out by the trainees. The Commission will promptly advise the Commanding Officer whether or not the Commission considers such work under the heading of repairs. If approved as under the heading of repairs, the state will be reimbursed by the Commission after submission of voucher and statement relative to completion of the repair job, to the Commission. In the event repairs are necessary in foreign ports, the Superintendent or Commanding Officer is authorized to make repairs, at the expense of the state, not exceeding $500 and submit vouchers for reimbursement upon the termination of the cruise. If repairs amount to more than $500, authority must be obtained from the Commission by dispatch.*

§ 293.43 *Major spare parts.* The Commanding Officer shall promptly advise the Commission when it is anticipated or it is determined that major spare parts will be or are required.*

§ 293.44 *State to keep training ship in good order and condition.* The state shall, at its own expense, keep the training ship and its machinery, boilers, appurtenances, equipment, and spare parts in good order and condition, and shall keep her clean and painted to the satisfaction of the Commission; with the exception of such items approved by the Commission as falling under the heading of repairs.*

§ 293.45 *Structural changes.* No structural changes shall be made to the training ship, her machinery or boilers without securing the written approval of the Commission.*

§ 293.46 *Presence of Commission representative at repairs or dry docking.* The Commission shall be promptly notified, sufficiently in advance to enable its representative to be present, except in an emergency, when it is necessary to repair or dry dock the training ship because of damage or other reason, except for annual overhaul.*

§ 293.47 *Reports in case of accident causing damage to training ship or other ship or property.* Complete and detailed reports shall be promptly forwarded to the Commission in case of accident causing damage to the training ship, her equipment or machinery, or damage by the ship to any other ship or property.*

§ 293.48 *Termination of loan of training ship if not operated satisfactorily.* The loan of the training ship to the state may be terminated in the event she is not operated to the satisfaction of the Commission, after due notice to state authorities and their failure to remedy conditions complained of.*

§ 293.49 *Substitution of vessel.* The Commission may substitute another vessel for the present training ship.*

§ 293.50 *Termination of loan of training ship if required for other training.* The Commission also may terminate the loan of the training ship to the state in the event said vessel is required for other training. The Commission will, however, return the vessel or provide another to the state for its annual cruises.*

§ 293.51 *Relinquishment of training ship at termination of loan.* Upon the termination of the loan of the training ship to the state, the state shall turn over to the Commission in the state base port, at such time as the Commission may direct, the vessel and all property whatsoever owned by the Commission, plus replacements and renewals made by the state, at the request of the Commission. Upon delivery of the vessel a condition survey will be made by the Division of Maintenance and Repairs to determine her then physical condition.*

SUBPART D—THE SHORE BASE

§ 293.61 *Facilities and equipment of shore base.* The state maritime academies shall maintain berthing, messing, and classroom instruction facilities ashore for at least 200 cadets; such facilities and all instructional equipment must be ready for use within two years of the date these regulations are approved: *Provided, however,* That upon proper showing to the Commission the time factor may be temporarily waived or extended.*

§ 293.62 *Maximum enrollment.* The maximum number of cadets that the state maritime academies may enroll shall be determined by the Commission. Until otherwise prescribed by the Commission, the number shall not exceed 300 for any one of the academies to which the Commission has loaned a training ship.*

§ 293.63 *Fees for State appointed cadets.* The state shall fix the fees for state appointed cadets. In determining the per capita cost the Commission shall pay for each cadet it has appointed, the total number of state cadets shall be divided into the total cost to the state. The $25,000 annual grant to the state shall be deducted from the total cost to arrive at the cost to the state. The per capita cost shall be established annually on an equitable basis.*

§ 293.64 *Uniforms, textbooks and other costs.* The Commission, in addition to paying the per capita cost for cadets it appoints, shall also pay for the uniforms and textbooks of such cadets. Other costs to cadets appointed by the Commission shall be borne by such cadets.*

§ 293.65 *Rules and regulations for internal organization.* Rules and regulations for the internal organization of the state maritime academies and training ships shall be recommended by the Superintendent of the academy and approved by the proper state authority.*

SUBPART E—ENTRANCE REQUIREMENTS

§ 293.71 *Requirements of candidate.* A candidate for entrance to a state maritime academy must be a male citizen of the United States and in all respects acceptable to the United States Navy as a Cadet, Merchant Marine Reserve.*

§ 293.72 *Oath or affirmation of allegiance to United States and finger printing.* Cadets, upon enrollment, shall be required to take an oath or affirmation of allegiance to the United States of America and submit to finger printing as prescribed by the Commission. Copies of the oath or affirmation of allegiance and finger prints shall be furnished to the Commission.*

§ 293.73 *Age.* He must be not less than 17 years of age and shall not have reached his 23rd birthday on the date of entrance: *Provided, however,* That within this range, each state may fix its upper age limit for cadets appointed by the state.*

§ 293.74 *Marriage status.* He must be unmarried, and in the event it is subsequently determined that he was married at the time of admission to the academy, or if he marries while at the academy, he shall be dismissed.*

§ 293.75 *Physical requirements.* Candidates shall be physically sound, of robust constitution, and must be of good moral character. The physical requirements for entrance shall be the same as the United States Navy requires for appointment as Cadets, Merchant Marine Reserve. The final physical examination shall be conducted by a Medical Officer of the United States Navy or Naval Reserve.*

§ 293.76 *Scholastic tests.* Objective type scholastic tests prescribed by the Commission shall be used by the state maritime academies for competitive scholastic tests. The papers will be graded and eligible lists compiled by the state maritime academies. Selection from the top of the list shall be made by the state maritime academies. The scholastic tests shall consist of algebra (up to but not including quadratics), plane geometry, and physics. Double weight shall be given to physics in arriving at average grade.*

§ 293.77 *Required and elective units.* Candidates must possess at least 16 units from accredited secondary schools. Subjects and their corresponding weights in units, which must be submitted, are given below:

Required

Mathematics, 2.
Science or Vocational Subjects, 2.
English, 3.

Elective

The remaining nine units may be supplied from other subjects completed in accredited secondary schools.*

§ 293.78 *Allocation of units.* In the event a candidate has four or more units in English or more than the required number of units in any other subject listed in the required group, such units may be accredited to the elective group.*

§ 293.79 *Unit.* The term "unit" as used herein is the value assigned to a study which has been pursued for at least 120 sixty minute hours of a school year.*

§ 293.80 *Credit for studies.* A candidate may be given credit for studies being undertaken at school, provided the principal of the school, or a tutor approved by the Superintendent of the state maritime academy, submits a statement that in his opinion the candidate will complete subjects with satisfactory grades at the end of the term.*

SUBPART F—COMMANDING OFFICER, SUPERINTENDENT AND STAFF OF INSTRUCTORS

§ 293.91 *Superintendent and commanding officer.* The Superintendent of the state maritime academy and the Commanding Officer of the training ship shall be nominated by the state and approved by the Commission after consultation with the Navy Department. They shall be either:

(a) A United States Naval Officer (active or retired) with a rank not lower than Lieutenant Commander, or

(b) A state maritime academy graduate with experience as the Master or Commanding Officer of a vessel no less in size than the training ship, and shall be an officer of the United States Naval Reserve at a rank not lower than Lieutenant Commander.

The transcript of service of the nominee, and such other documents as may be prescribed by the Commission, for the Superintendent and the Commanding Officer must be submitted to the Commission for its approval before appointment by the state.*

§ 293.92 *Discharge of superintendent or commanding officer.* If for any good and sufficient reason, following due investigation and hearing by the Commission, the Commission is dissatisfied with the Superintendent or the Commanding Officer, it will request his discharge by the state.*

§ 293.93 *Responsibility for training ship and equipment.* The Superintendent or, in his absence, the Commanding Officer of the training ship shall be responsible for the training ship and all property of the federal government and the state aboard the training ship.*

§ 293.94 *Bond.* The Superintendent and the Commanding Officer of the training ship shall be bonded. They shall be responsible for financial matters pertaining to the academy and the training ship, and the amount of said bond shall be approved by the Commission.*

§ 293.95 *Responsibility for courses of instruction and training.* The Superintendent or, in his absence, the Commanding Officer of the training ship shall be responsible for the courses of instruction and the general system of training as approved by the Commission.*

§ 293.96 *Records.* Proper records pertaining to the academy, its officers, instructors, cadets, crew, the training ship and shore base shall be maintained by each academy and shall be available to an authorized representative of the Commission upon request.*

§ 293.97 *Pay and allowance scale.* The Commission urgently recommends the adoption, as soon as possible, of the pay scale and allowances for the officers and staff of each maritime academy, which are contained in the following sections, reserving the right, if within its legal authority, to require an established pay and allowance scale at an appropriate time in the future.*

§ 293.98 *Minimum pay and allowances of superintendent and commanding officer.* The pay and allowances of the Superintendent, to be paid by the State, shall not be less than $6,000 per annum. In the event two men hold the positions of Superintendent and Commanding Officer, the pay of the Commanding Officer

shall be not less than $5,600. There shall be no cognizance taken of the retired pay or personal income received by the Superintendent, Commanding Officer, or any other member of the instruction staff.*

§ 293.99 *Succession to command.* In the absence of the Commanding Officer, the next senior deck officer shall be in command of the training ship.*

§ 293.100 *Licenses of officers and instructors.* All officers of the training ship and the instruction staff shall possess active licenses issued by the Local Inspectors of the Bureau of Marine Inspection and Navigation, United States Department of Commerce, or the Federal Communications Commission in the case of radio instructors. In addition, all such officers and instructors, except those in service on the date of these regulations, must have served at least three years in a licensed capacity on board merchant vessels of not less than 2,000 gross tons. The following shall be exempt from the above requirements:

(a) Officers of the United States Navy or Coast Guard, active or retired

(b) Civilian instructors in other than marine subjects, etc., who do not make cruises

(c) The Medical Officer

(d) The Paymaster or Supply Officer *

§ 293.101 *Appointment of officer-instructors.* Officer-instructors shall be appointed by the state after the approval of the Commission. Their transcript of service and such other documents prescribed by the Commission shall be submitted to the Commission for approval. The Commission is authorized to approve temporary appointments pending investigation of transcripts of service, and the state is authorized to make emergency appointments.*

§ 293.102 *Qualities for appointment of officers and instructors.* Officers and instructors shall be appointed for qualities of practical experience and training in their specialties, their ability to impart their knowledge to students, and their personality, including the ability to deal with young men without friction.*

§ 293.103 *Officer-instructors must be commissioned in Navy, Naval Reserve or Coast Guard.* All officer-instructors, except those for temporary emergency service and civilian part-time instructors not on cruise, must be commissioned officers in the United States Navy, Naval Reserve, or Coast Guard, and except those in service on the date of these regulations, who are not acceptable to the United States Navy because of age or lack of physical qualifications, and others listed in § 293.99.*

§ 293.104 *Appointment of Chief Engineer.* The Chief Engineer of the training ship shall be appointed by the state with the approval of the Commission. He shall possess an active unlimited license as Chief Engineer, issued by the Local Inspectors of the Bureau of Marine Inspection and Navigation, or in lieu thereof be an experienced engineer officer of the United States Navy, Naval Reserve, or Coast Guard.*

§ 293.105 *Requirements of Chief Engineer.* The Chief Engineer must have had at least ten years licensed officer experience in the Merchant Marine and/or a state maritime academy training ship, unless he is an officer of the United States Navy, Naval Reserve, or Coast Guard, with adequate experience.*

§ 293.106 *Minimum pay and allowances for officers and instructors.* The minimum pay and allowances for officers and instructors other than civilian part-time instructors, effective January 1, 1942, or as soon thereafter as practicable, shall be as follows:

Executive Officer—same as U. S. Naval Reserve (active duty) Lt. Commander, 2d pay grade.

Navigating Officer—same as U. S. Naval Reserve (active duty) Lieutenant, 4th pay grade.

Watch Officer (Senior)—same as U. S. Naval Reserve (active duty) Lieutenant (jg) 5th pay grade.

Watch Officer (Junior)—same as U. S. Naval Reserve (active duty) Lieutenant (jg) 1st pay grade.

Engineer Officer—same as U. S. Naval Reserve (active duty) Lt. Commander, 2d pay grade.

First Asst. Engineer Officer—same as U. S. Naval Reserve (active duty) Lt. 4th pay grade.

Second Asst. Engineer Officer—same as U. S. Naval Reserve (active duty) Lieutenant (jg) 5th pay grade.

Third Asst. Engineer Officer—same as U. S. Naval Reserve (active duty) Lieutenant (jg) 1st pay grade.

Paymaster [1]—same as U. S. Naval Reserve (active duty) Lieutenant, 1st pay grade.

Medical Officer [1]—same as U. S. Naval Reserve (active duty) Lieutenant 1st pay grade.

Communications Officer—same as U. S. Naval Reserve (active duty) Lieutenant (jg) 1st pay grade.

Machinists—same as U. S. Naval Reserve (active duty) Chief Warrant Officer 1st pay grade.

Boatswains—same as U. S. Naval Reserve (active duty) Chief Warrant Officer 1st pay grade.

C. P. O.'s—same as Navy permanent rating of 12 years' service.

*

§ 293.107 *Minimum increases.* Minimum increases shall be granted at the end of each three years of service with the academy, as per U. S. Naval Reserve (active duty) pay tables effective January 1, 1942.*

§ 293.108 *Deductions for quarters furnished officers and instructors.* Deductions may be made as per U. S. Naval Reserve (active duty) pay and allowance tables in event quarters are owned by the state and furnished to officers and instructors and their dependents.*

§ 293.109 *Expenses chargeable to officers and instructors.* Officers and instructors may be required by the state to pay wardroom mess for subsistance and laundry service. Wardroom and galley equipment shall not be charged to the accounts of officers and instructors.*

§ 293.110 *Minimum number of officers and instructors.* The Commission shall set the minimum number of officers for the training ships and instructors, except for part-time instructors, for the state maritime academies.*

§ 293.111 *State retirement plan.* All paid personnel attached to the state maritime academies or training ships, except part-time civilian instructors, shall be eligible to participate in the state retirement plan, with the same deductions from pay and in the same ratio as other state employees, if compatible with state law.*

SUBPART G—MEMBERS OF THE CREW

§ 293.121 *Citizenship.* Members of the crew of the training ships shall be citizens of the United States in accordance with the requirements of the United States Navy for citizenship, except during emergency.*

§ 293.122 *Oath of allegiance or affirmation to United States and finger printing.* They shall be required to take an oath of allegiance or affirmation to the United States of America and submit to finger printing as prescribed by the Commission.*

§ 293.123 *Members of the United States Navy, Naval Reserve, or Coast Guard.* They shall be members of the United States Navy, Naval Reserve, or Coast Guard, active or retired, except during an emergency, and except those in service on the date these regulations are approved. Waivers may be granted by the Commission.*

§ 293.124 *Minimum number.* The minimum number of the crew shall be set by the Commission.*

SUBPART H—CURRICULUM

§ 293.131 *Period of training.* The period of training shall be three school years and include either two cruises of at least 120 days each, or three cruises of no less than 100 days each. At least 50 percent of each cruise, excluding time at a shipyard, shall be spent actually at sea, and one passage each shall be not less than 1,000 miles.*

§ 293.132 *Minimum curriculum and number of hours.* The minimum curriculum and number of hours shall be as approved by the Commission.*

§ 293.133 *Curriculum of minimum subjects and hours.* The curriculum of minimum subjects and minimum hours for classroom approved by the Commission for the state maritime academies shall become effective not later than one year after the date of these regulations and shall be as follows:

THIRD CLASS—MINIMUM OF 500 CLASSROOM HOURS

(To be used when separated)

CADETS (D)

Mathematics—Text: "Plane and Spherical Trigonometry" by Kells, Kern & Boland.

General Knowledge and First Aid (General Knowledge to be compiled by state maritime academy). First Aid—Text: U. S. Public Health Service Book, "The Ship's Medicine Chest and First Aid at Sea."

Seamanship III—Text: "Standard Seamanship for the Merchant Service" by Riesenberg.

Elementary Marine Engineering—Text: "Heat Engines" by Ripper.

Electrical Engineering III—Text: "Practical Electricity" by Croft.

Communications III (Visual Signalling) "International Code of Signals H. O. 87, Vol. I.

Naval Science (Classroom hours and drills 80 hours)—text as prescribed by U. S. Navy.

CADETS (E)

Mathematics—Text: "Shop Mathematics" by Slade and Margolis.

General Knowledge and First Aid (General Knowledge to be compiled by state maritime academy). First Aid—Text: U. S. Public Health Service Book, "The Ship's Medicine Chest and First Aid at Sea."

Marine Steam Engineering III—Text: "Marine Steam Engineering", pamphlets 1 to 16 inclusive, by Dwyer.

Elementary Diesel Engineering—Texts to be selected by state maritime academy.

Machine Shop III—Text: "Shop Theory" by Henry Ford Trade School.

Electrical Engineering III—Text: "Practical Electricity" by Croft.

Naval Science (classroom hours and drills 80 hours)—text as prescribed by U. S. Navy.

SECOND CLASS—MINIMUM OF 500 CLASSROOM HOURS

CADETS (D)

Mechanics—Text: to be selected by state maritime academy.

Metallurgical Processes—Text: to be selected by state maritime academy.

Ship Construction II—"Manual of Naval Architecture" by Manning.

Seamanship II—Text: "Standard Seamanship for the Merchant Service" by Riesenberg.

Navigation II—Text: state maritime academy to have option of "Navigation and Nautical Astronomy" by Dutton, or "Marine Navigation" by Weems.

Cargo II—Text: (a) "Oil Tankers" by Morrell; (b) "Rules and Regulations for Tankers" by BMI&N; (c) "Manual for the Safe Handling of Inflammable and Combustible Liquids" by BMI&N.

Commerce II—Text: "Transportation by Water" by Johnson, Heubner and Henly.

Spanish II—Text: to be selected by state maritime academy.

Communications II (Radio)—Text: "The Radio Manual" by Sterling.

Naval Science (classroom hours and drills 80 hours)—text as prescribed by the U. S. Navy.

CADETS (E)

Mechanics—Text: to be selected by state maritime academy.

Metallurgical Processes—Text: "Engineering Materials and Processes" by Clapp and Clark.

Ship Construction II—Text: "Manual of Naval Architecture" by Manning.

Marine Steam Engineering II—Text: "Marine Steam Engineering", pamphlets 17 to 26 inclusive, by Dwyer.

Marine Diesel Engineering—Text: to be selected by state maritime academy.

Electrical Engineering II—Text: "Electrical Machinery" by Croft.

Mechanical Drawing II—Text: to be selected by state maritime academy.

Chemistry II—Text: "Power Plant Chemistry" by Gill.

Refrigeration—Text: to be selected by state maritime academy.

Machine Shop II—Text: to be selected by state maritime academy.

Naval Science (classroom hours and drills 80 hours)—text as prescribed by U. S. Navy.

FIRST CLASS—MINIMUM OF 500 CLASSROOM HOURS

CADETS (D)

Cargo I—Text: (a) "Oil Tankers" by Morrell; (b) "Rules and Regulations for Tankers" by BMI&N; (c) "Manual for the Safe Handling of Inflammable and Combustible Liquids" by BMI&N.

Navigation I—Text: state maritime academy to have option of "Navigation and Nautical Astronomy" by Dutton, or "Marine Navigation" by Weems.

Ship Construction I—Text: "Manual of Naval Architecture" by Manning; also "Modern Shipfitters' Handbook" by Swanson.

Seamanship I—Text: "Standard Seamanship for the Merchant Service" by Riesenberg; also "Rules of the Nautical Road" by Farwell.

Communications I (Radio)—Text: "The Radio Manual" by Sterling; also supplementary notes, assignments and lessons prepared by state maritime academies.

Mechanical Drawing I—Text: "Engineering Descriptive Geometry and Drawing" by Bartlett and Johnson.

Commerce and Law—Text: "Pursers Manual and Marine Storekeeping" by Hill; also "Maritime Law for Seamen" by Chamberlain; and supplementary material compiled by instructor staff at state maritime academy.

Spanish I—Text: to be selected by state maritime academy.

Review for license examination during last eight weeks as compiled by state maritime academy.

Naval Science (classroom hours and drills 80 hours)—text as prescribed by U. S. Navy.

CADETS (E)

Diesel Marine Engineering—Text: "American Diesel Engines" by Morrison.

Ship Construction I—Text: "Manual of Naval Architecture" by Manning; also "Modern Shipfitters' Handbook" by Swanson.

Engine Room Chemistry I—Text: "Power Plant Chemistry" by Gill; also "Applied Chemistry" by Stannard (An Oxford Review Series Book).

Electrical Engineering I—Text: "Electrical Machinery" by Croft.

Marine Steam Engineering I—Text: "Naval Machinery", U. S. Naval Institute; also "Marine Steam Engineering" by Dwyer, all pamphlets.

Mechanical Drawing I—Text: "Engineering Descriptive Geometry and Drawing" by Bartlett and Johnson.

Commerce and Law—Text: (a) "Pursers Manual and Marine Storekeeping" by Hill; (b) "Maritime Law for Seamen" by Chamberlain.

Machine Shop I—Text: "American Machinists Handbook" by Colvin and Stanley.

Review of license examination during last eight weeks as compiled by state maritime academy.

Naval Science (classroom hours and drills 80 hours)—text as prescribed by U. S. Navy.

*

§ 293.134 *Textbooks.* Textbooks for the minimum subjects shall be as listed in § 293.133 unless suitable substitutes are approved by the Commission and may be sold to the state at United States government prices.*

§ 293.135 *Classroom hours.* Classroom hours shall not include study hours or practical work and shall be full fifty minute periods.*

§ 293.136 *Maritime Commission Cadet Corps study assignments and quizzes.* Copies of Maritime Commission Cadet Corps study assignments and quizzes shall be furnished on request to state maritime academies for their information.*

§ 293.137 *Performance of practical work.* Cadets of all classes shall perform practical work as prescribed by the superintendent of the academy and a schedule of such practical work for each class shall be submitted to the Commission for its approval.*

§ 293.138 *School year.* The school year shall be divided into an "academic term" and a "sea term". During either term of the first year of training, the state maritime academy may elect to designate all cadets "nautical cadets" rather than cadets (D) and cadets (E).*

§ 293.139 *Sea term.* The "sea term" shall include the time the training ship is on the cadet practice cruise and at the shipyard. The Superintendent of the state maritime academy may elect to carry out some class room work, although it is desirable to carry out the maximum of practical work during the sea term.*

SUBPART I—MISCELLANEOUS

§ 293.151 *Medical attention and provisions with regard to illness or injury.* The Superintendent, Commanding Officer, officers, instructors (other than part-time civilian instructors), cadets, and members of the crew shall be entitled to free medical attention. The Superintendent, Commanding Officer, officers, and instructors (other than part-time instructors) shall also receive full pay and allowance during periods of illness or injury and if taken ill and left in other than the home port, suitable transportation shall be paid to the home port, unless contrary to state law.*

§ 293.152 *Annual leave.* Officers and instructors (other than part-time instructors) shall be granted a total of 26 days annual leave, with pay, unless contrary to state law.*

§ 293.153 *Medical officer and medical attention to dependents.* A medical officer shall be attached to the state maritime academies at all times when any cadets are present and on board the training ships when at shipyard and on cruise. The dependents of the Superintendent, officers, and instructors (other than part-time instructors) shall be entitled to free medical attention while a medical officer is attached to the academy, if living within a four mile radius of the academy, and permitted by state law.*

§ 293.154 *Uniform insignia.* The uniform insignia for Superintendents and Commanding Officers (except regular Navy or Coast Guard officers, active or retired), officers, instructors (other than part-time civilian instructors), and cadets, shall be the same as prescribed for instructors and cadets of the Commission, except that such insignia shall have the seal or shield of the state in lieu of the United States Maritime Commission shield.*

[1] If under 35 years of age, the minimum pay shall be as that of U. S. Navy Lieutenant (jg), 1st pay grade.

§ 293.155 *Commission Approval of Lists of and Design of Uniforms.* Lists of and design of uniforms for officers (except regular Navy or Coast Guard officers, active or retired) and cadets shall be submitted to the Commission for approval.•

§ 293.156 *Merchant Marine Reserve insignia.* All officers of the training ship and instructors holding commissions in the United States Naval Reserve shall wear Merchant Marine Reserve insignia prescribed by the Secretary of the Navy.•

§ 293.157 *Officers' stripes.* The stripes of officers on the training ships shall be as follows:

Commanding Officer	4
Executive Officer	3
Chief Engineer	3
Navigator	2½
1st Asst. Engineer	2½
Sr. Watch Officer	2
Jr. Watch Officer	2
2d Asst. Engineer	2
3d Asst. Engineer	2
Medical Officer	[1] 2
Paymaster or supply officer	[1] 2

[1] 1½ if under 35 years of age.

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§ 293.158 *United States Maritime Commission pennant.* The United States Maritime Commission pennant shall be flown from the main truck of the training ship.•

§ 293.159 *Communications concerning policies and administration.* Communications from the state maritime academies to other executive or administrative government agencies concerning the policies of the Commission shall be forwarded through the Commission. Communications in regard to Naval administration shall be forwarded through official Naval channels.•

§ 293.160 *Supplementary instructions.* After consultation with state authorities concerned, these regulations and minimum standards may be supplemented with instructions by the Commission when such action is deemed necessary.•

§ 293.161 *Table of recommended salaries of officers and certain non-commissioned personnel.* (From pay and allowance table for commissioned officers and aviation cadets, U. S. Naval Reserve (active duty), monthly table):

Position	Rank	Pay grade	Allowances— With dependents: Base	Rental	Subsistence	Total	Without dependents: Base	Rental	Subsistence	Total
Executive officer	Lt. Comdr.	2[1]	$262.50	$100	$54	$416.50	$262.50	$60	$18	$340.50
Navigating officer	Lieut.	4th	230.00	80	36	346.00	230.00	60	18	308.00
Watch officer (sr.)	Lt. (j. g.)	5th	200.00	60	36	296.00	200.00	40	18	258.00
Watch officer (jr.)	Lt. (j. g.)	1st	166.67	60	36	262.67	166.67	40	18	224.67
Engineer officer	Lt. Comdr.	2d	262.50	100	54	416.50	262.50	60	18	340.50
1st asst. engineer officer	Lieut.	4th	230.00	80	36	346.00	230.00	60	18	308.00
2d asst. engineer officer	Lt. (j. g.)	5th	200.00	60	36	296.00	200.00	40	18	258.00
3d asst. engineer officer	Lt. (j. g.)	1st	166.67	60	36	262.67	166.67	40	18	224.67
Paymaster [1]	Lieut.	1st	200.60	80	36	316.00	200.00	60	18	278.00
Medical officer [1]	Lieut.	1st	200.00	80	36	316.00	200.00	60	18	278.00
Communications officer	Lt. (j. g.)	1st	166.67	60	36	262.67	166.67	67	18	224.67
Machinists	Ch. War.	1st	125.00	40	18	183.00	125.00	40	18	183.00
Boatswains	Ch. War.	1st	125.00	40	18	183.00	125.00	40	18	183.00
C. P. O.'s	Base plus 20 percent					151.20				151.200

[1] If under 35 years of age, the minimum pay shall be as that of U. S. Navy Lieutenant (jg.), 1st pay grade.

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By Order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
Secretary.

OCTOBER 24, 1941.

[F. R. Doc. 41-8457; Filed, November 12, 1941; 11:26 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1754-FD]

IN THE MATTER OF CHESTER TEDROW, A CODE MEMBER, DEFENDANT

ORDER REVOKING AND CANCELLING A CODE MEMBERSHIP

A complaint having been filed on May 28, 1941, with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 11, complainant, alleging that the defendant, Chester Tedrow, a code member in District No. 11, operating the Chester Tedrow Mine, Mine Index No. 433, wilfully violated the Bituminous Coal Code and Rules and Regulations thereunder as follows:

Defendant with knowledge of the provisions contained in the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments, and with intent to violate same and in wilful violation thereof, sold for shipment by truck during the months of January and February 1941 coal produced at the aforesaid mine to W. H. Purkhiser at the following prices f. o. b. the mine: approximately 36 tons of 1½" x 1" nut coal, Size Group No. 10, at $1.65 per ton and approximately 50 tons of 1" x 0 screenings, Size Group 14, at $0.60 per ton, whereas the effective minimum prices for said coals, f. o. b. the mine, at the time of said sales were $1.85 and $1.55 per ton, respectively;

Pursuant to an Order of the Director and after due notice to all interested parties, a hearing having been held in this matter on September 29, 1941, at a hearing room of the Division in Shoals, Indiana; all parties having joined in waiving the preparation and filing of a report by the Examiner; the record of this proceeding having thereupon been submitted to the Director for consideration;

The Director having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith,[1] in which it was concluded that the defendant's code membership should be revoked and cancelled;

Now, therefore, it is ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, Chester Tedrow, be and it is hereby revoked and cancelled;

It is further ordered, That prior to any reinstatement of the defendant, Chester Tedrow, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $56.19, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8431; Filed, November 12, 1941; 10:03 a. m.]

[Docket No. 1770-FD]

IN THE MATTER OF DALE MCCOY, DOING BUSINESS AS THE MCCOY COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 12, alleging willful violation by Dale McCoy, doing business as the McCoy Coal Company, a code member in District No. 12, of the Bituminous Coal Code and the Rules and Regulations thereunder as follows:

That the defendant sold 50 or more tons of screenings produced at his mines, Mine Index Nos. 460 and 679 in District No. 12 from January 1, 1941, to May 10, 1941, to the Iowa Power and Light Company and/or the Des Moines Electric Light Company, located at Des Moines, Iowa, at the delivered price of $2.42 per net ton, whereas the effective delivered minimum price for such coal was $2.54 per net ton, as shown by the Schedule of Effective Minimum Prices for District No. 12 for All Shipments Except Truck;

Pursuant to an Order of the Director and after due notice to all interested parties, a hearing having been held in this matter on September 16, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa;

Appearances having been entered by District Board No. 12 and by Dale McCoy, the defendant, and all interested parties having been afforded an opportunity to be present and participate fully in the hearing;

At the conclusion of the hearing all parties having joined in the waiving of the preparation and filing of a report by the Examiner, the matter thereupon submitted to the undersigned, and the undersigned having made Findings of Fact and Conclusions of Law and having rendered an opinion which are filed herewith;

Now, therefore, it is ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Dale McCoy, doing business as the McCoy Coal Company, a code member in District No. 12, be, and it is hereby, revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Dale McCoy, to membership in the code, the defendant shall pay to the United States a tax in the amount of $193.16 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8432; Filed, November 12, 1941; 10:03 a. m.]

[1] Not filed with the original document.

[Docket No. A-1133]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR CHANGE IN LOADING POINTS OF THE GRIFFITH MINE (MINE INDEX NO. 549) OF THE GRIFFITH COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the loading points of the Griffith Mine (Mine Index No. 549) of the Griffith Coal Company, a code member in District No. 7, from Raleigh, West Virginia, on the Chesapeake & Ohio Railway to Laurel Siding, West Virginia, on the Chesapeake & Ohio Railway and the Virginian Railway[1]; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, all shipments made from the Griffith Mine (Mine Index No. 549) of the Griffith Coal Company shall be made on the Virginian Railway or the Chesapeake & Ohio Railway from Laurel Siding, West Virginia, and no further shipments shall be made on the Chesapeake & Ohio Railway from Raleigh, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 18 shall be applicable to all shipments from Laurel Siding on either the Virginian Railway or the Chesapeake & Ohio Railway.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8433; Filed, November 12, 1941; 10:03 a. m.]

[1] The loading facility at Laurel Siding, which Griffith Coal Company desires to use, is a joint operation of the Virginian Railway and the Chesapeake & Ohio Railway.

[Docket No. A-1093]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11, REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR DISTRICT 11 COALS PRODUCED FOR RAIL SHIPMENT TO KELLOGG AIRPORT, BATTLE CREEK, MICHIGAN, MARKET AREA NO. 21

MEMORANDUM OPINION AND ORDER AFFIRMING ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party requesting that the effective minimum prices for District No. 11 be revised by providing for deductions in mine prices, based upon differences in freight rates among mines in District No. 11, on shipments to Kellogg Airport, Battle Creek, Michigan, in Market Area No. 21. Thereafter, by an Order dated October 10, 1941, the Director granted temporary relief whereby all District No. 11 coals of the same price classification were enabled to deliver at the Kellogg Airport at the same price, and coals of different classifications were enabled to deliver therein at the same price relationships as are effective in Market Area No. 29 and certain other market areas.

On October 13, 1941, District Board No. 8 filed an intervening petition in opposition to the original petition.

Pursuant to telegraphic notice by the Director, dated October 17, 1941, District Board No. 11 was required to show cause why the temporary relief heretofore granted in this docket should not be terminated. Pursuant to said notice, an informal conference was held on October 21, 1941, at which conference there appeared representatives of District Board No. 8, District Board No. 11, West Virginia Coal and Coke Corporation and Island Creek Coal Company.

The following representations were made on behalf of District Board No. 11: The officer of the Quartermaster of the United States Army for the 6th Corps Area, Chicago, Illinois, had opened invitations to bid, returnable October 7, 1941, for 590 tons of egg coal for shipment to the Supply Officer, Kellogg Airport, Battle Creek, Michigan, and it appears that it is likely and probable that further invitations to bid on coal for shipment to the Airport will be issued from time to time.

The Kellogg Airport is situated in Market Area No. 21 and is served by the Grand Trunk Railway System, which also serves Fort Custer. The boundary lines of the Kellogg Airport and Fort Custer are approximately one mile apart and the coal dumps in the Kellogg Airport and Fort Custer are located approximately two and one-half miles apart. The freight rates from producing mines in District No. 11 for shipment to Kellogg Airport are the same in all instances as those for shipment to Fort Custer.

The relief sought in this petition is identical to that requested in Docket No. A-735 by District Board No. 11 with respect to shipments to Fort Custer (Battle Creek, Michigan) which temporary relief was granted by an Order dated June 16, 1941, on the basis of the record made at a formal hearing in said docket.

There are four major freight rate groups of producing mines in District No. 11 and the relief requested is merely designed to enable District No. 11 coals of the same classification to effect the same delivered price at the Airport. Since the Airport is new, it constitutes an entirely new market for District No. 8 and District No. 11 coals. The relief sought would effect the same delivered relationships among District No. 11 coals as have been established by the Director in Market Area No. 29 and other market areas. The temporary relief will not impair or adversely affect the competitive opportunities of producers in District No. 8; and, in fact, the delivered relationship which was temporarily established by the Order of October 10, 1941, is less favorable to District No. 11 coals than is the relationship existing between District No. 8 and District No. 11 coals in other market areas (22 to 30) in which District No. 8 and District No. 11 coals meet in highly active competition. In the absence of temporary relief as provided in the Order of October 10, 1941, the only mines of District No. 11 mines that can bid on airport requirements are those located in the Brazil-Clinton Subdistrict of Indiana, which district enjoys a freight rate of at least ten cents less

than any other subdistrict in District No. 11. This would result in discrimination between Brazil-Clinton producers and other producers in District No. 11.

The following representations were made on behalf of District Board No. 8: The relief heretofore granted by the Order of October 10, 1941, should be terminated because it does not appear that code members of District No. 11 will suffer a substantial and irreparable injury in the event that the temporary relief is terminated. If relief is granted in this docket, there will be an inevitable extension of such relief to the whole of Market Area No. 21 which will materially increase the competition between District No. 11 and District No. 8 coals to the deteriment of District No. 8 producers.

The representatives of West Virginia Coal and Coke Corporation and Island Creek Coal Company substantially adopted the statements made by the representative of District Board No. 8.

The intervener in this proceeding has not shown that the factual situation involved in this proceeding differs substantially from that involved in Docket No. A–735, in which proceeding District Board No. 8 failed to appear and oppose the petitioner at the hearing, although it had previously filed a petition of intervention. On the other hand, the petitioner has affirmatively demonstrated that the factual situations in the two dockets are, for all practical purposes, identical. The same considerations are present in both cases.

There is no substance in the contention that relief should be denied here because the granting of temporary relief in this docket will constitute a ruling as to any future proceedings which may be instituted with respect to other destinations in Market Area No. 21.

On November 1, 1941, the Bituminous Coal Consumers' Counsel filed a motion to terminate the temporary relief. It is alleged that the relief in issue nullifies the economies of natural geographical location, reduces realization, and is of no benefit to consumers.

Although the Bituminous Coal Consumers' Counsel was notified of the conference by a letter dated October 17, 1941, he did not participate therein; neither did he appear at the hearing in Docket No. A–735. Ample opportunity to support his allegations will be available at the hearing in this matter scheduled to proceed on December 9, 1941.

Now, therefore, it is ordered, That the Order of October 10, 1941, granting temporary relief, pending final disposition of the petition herein, is affirmed.

Nothing contained herein shall be construed as a ruling or expression of views concerning the final disposition of this proceeding.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8434; Filed, November 12, 1941; 10:05 a. m.]

[Docket No. B–51]

IN THE MATTER OF EASTERN COAL & COKE COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2615, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on November 12, 1941, at 10 a. m. in Room 323, Post Office Building, Altoona, Pennsylvania; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 a. m. on November 12, 1941, to 10 a. m. on December 12, 1941, at the same place and before the officer previously designated to preside.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8435; Filed, November 12, 1941; 10:05 a. m.]

[Docket No. B–7]

IN THE MATTER OF J. F. MARLOWE & CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 5972, RESPONDENT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated October 9, 1941, in the above-entitled matter to determine whether or not J. F. Marlows & Co., Registered Distributor, Registration No. 5972, has violated any provisions of the Bituminous Coal Act (the "Act"), the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed October 23, 1939, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated October 9, 1941, in the above-entitled matter be and it hereby is amended and supplemented to read as follows:

2. The respondent, during the months of October and November 1940 purchased approximately 23 cars of coal of various sizes produced by the Carrs Fork Coal Company, Hazard, Kentucky, Mine Index No. 10, a code member in District No. 8, Ayshire Patoka Coal Company, Posey, Indiana, Mine Index No. 121, a code member in District No. 11, Greenville Coal Company, Greenville, Kentucky, Mine Index No. 55, the Shearn Coal Company, 1005 Cotton Belt Building, St. Louis, Missouri, and Beach Creek Coal Company, Beach Creek, Kentucky, code members in District No. 9, and secured and accepted distributor's discounts thereon from said code member producers which coal it resold to the Chickasaw Coal Company, a retailer of Memphis, Tennessee, of which a majority of the outstanding shares of capital stock was owned or controlled by the respondent.

3. In the transactions referred to in paragraph 2 hereof, the respondent did not purchase said coal for bona fide resale, and the acceptance or retention of a distributor's discount in such circumstances was a violation of paragraph (d) of the Agreement.

4. The transactions referred to in paragraph 2 hereof were entered into between the respondent and the Chickasaw Coal Company primarily for the purpose of enriching the respondent and when except for the incidence of section 4 II (h) of the Act, the consumer would have purchased directly from a code member, and were, therefore, in violation of paragraph (g) of the Agreement.

5. The payment of a distributor's discount on the transactions referred to in paragraph 2 hereof created unfair competition and was, therefore, in violation of paragraph (g) of the Agreement.

6. The acceptance of a distributor's discount by the respondent on the coal purchased by it referred to in paragraph 2 hereof, under circumstances whereby this coal was retailed by the respondent, was in violation of § 304.19 (a) of the Rules and Regulations for Registration of Distributors.

7. The transactions referred to in paragraph 2 hereof, concern sales to or through a broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by the Act, and were, therefore, in violation of section 4 II (i) 12 of the Act, and Rule 12 of section XIII of the Marketing Rules and Regulations.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, as amended, be renewed in all other respects.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8436; Filed, November 12, 1941; 10:05 a. m.]

[Docket No. 1748–FD]

IN THE MATTER OF THE BEECH GROVE COAL COMPANY, DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed on June 24, 1941, with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, alleging that the Beech Grove Coal Company, the defendant, a code member producer in District 4, wilfully violated the provisions of the Bituminous Coal Code and the Rules and Regulations thereunder by selling during the month of October 1940 approximately 820 tons of 1¼" nut and slack coal produced at its Beech Grove Mine (Mine Index No. 11) located in Guernsey County, Ohio, District 4, to the Timkin Roller Bearing Company, Columbus, Ohio, at a price of $1.55 per ton f. o. b. the mine for rail delivery, whereas the effective minimum price for said coal was $1.70 per ton f. o. b. the mine for delivery by rail to Columbus, Ohio, as set forth in the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 19, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Zanesville, Ohio;

Appearances being entered by the defendant, and all interested parties having been afforded an opportunity to be present and to participate fully at the hearing;

At the conclusion of the hearing the defendant having waived the preparation and filing of a report by the Examiner, the record of the proceeding having thereupon been submitted to the undersigned, and the undersigned having made Findings of Fact and Conclusions of Law, and having rendered an opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the defendant, the Beech Grove Coal Company, or any or all the partners thereof, its sales agent, Edward W. Clark, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the provisions of section 4 II (e) of the Act and any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Marketing Rules and Regulations, and the Schedule of Effective Minimum Prices for District 4 for All Shipments Except Truck.

It is further ordered, That upon the failure or neglect of the defendant to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where such defendant carries on business, or to the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof or take any other appropriate action.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8437; Filed, November 12, 1941; 10:06 a. m.]

[1] Not filed with the original document.

[Docket No. A–1071]

IN THE MATTER OF THE PETITION OF THE HENRY CLAY COAL MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 3, FOR CHANGE IN LOADING POINTS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER TERMINATING PROCEEDING

This proceeding was instituted upon an original petition filed by The Henry Clay Coal Mining Company, a code member in District No. 3, requesting permission to change temporarily the loading point of the Victor and Keener mines (Mine Index Nos. 693 and 309, respectively,) to Ben Williams' tipple. By the Order of September 25, 1941 in the above-entitled matter such permission was granted for a period not exceeding thirty (30) days from the date of the said Order, and such period of time has now expired.

Now, therefore, it is ordered, That the proceeding in the above-entitled matter be, and it hereby is, terminated.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8438; Filed, November 12, 1941; 10:06 a. m.]

[Docket No. A–1074]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR ALL SHIPMENTS EXCEPT TRUCK

[Docket No. A–1074, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF CHARLESTON AND DAWSON SPRINGS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF DUNN #3 MINE (MINE INDEX NO. 941) OF PRODUCER DUNN, FRANK L., AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF SULLIVAN AND STURGIS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF WILSON MINE (MINE INDEX NO. 944) OF WILLIAMS BROS. (SAM WILLIAMS)

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–1074 PART II FROM DOCKET NO. A–1074, GRANTING TEMPORARY RELIEF IN DOCKET NO. A–1074 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1074 PART II

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications, minimum prices and shipping points for the coals produced at certain mines in District No. 9 for shipment by rail, as indicated in a separate Order issued in Docket No. A–1074.

The original petition requests, among other things, the establishment of price classifications and minimum prices for the coal of Dunn #3 Mine (Mine Index No. 941) of producer Dunn, Frank L., for rail shipment from Charleston and Dawson Springs, Kentucky, and the establishment of minimum prices and price classifications for the coals of the Wilson Mine (Mine Index No. 944) of Williams Bros. (Sam Williams) for rail shipment from Sullivan and Sturgis, Kentucky.

The Director is of the opinion, however, that the original petition has not set forth sufficient facts to warrant the temporary establishment of price classifications and minimum prices for rail shipment from more than one shipping point for either of the two said mines or for the granting of the final relief requested for the two said mines. It appears appropriate, however, that temporary relief shculd be granted for the Dunn #3 Mine with respect to the establishment of price classifications and minimum prices for rail shipment from Dawson Springs, Kentucky, and for the Wilson Mine with respect to the establishment of price classifications and minimum prices for rail shipment from Sturgis, Kentucky.

Now, therefore, it is ordered, That the portion of Docket No. A–1074 relating to the coal of Dunn #3 Mine (Mine Index No. 941) of producer Dunn, Frank L., and to the coal of the Wilson Mine (Mine Index No. 944) of Williams Bros. (Sam Williams), for all shipments except truck, be and the same hereby is severed from the remainder of Docket No. A–1074 and designated as Docket No. A–1074 Part II.

It is further ordered, That a hearing in Docket No. A–1074 Part II, under the applicable provisions of said Act and the rules of the Division, be held on November 26, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW. Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or

entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 21, 1941.

All persons are hereby notified—that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 for the establishment of price classifications and minimum prices and of Charleston and Dawson Springs, Kentucky, as railroad shipping points for the coal of Dunn #3 Mine (Mine Index No. 941) of producer Dunn, Frank L., and for the establishment of price classifications and minimum prices and of Sullivan and Sturgis, Kentucky, as railroad shipping points for the coal of Wilson Mine (Mine Index No. 944) of Williams Bros. (Sam Williams), for all shipments except truck.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 9 For All Shipments Except Truck, is supplemented to include the price classifications, minimum prices and shipping points set forth in the schedule marked "Supplement," attached hereto and hereby made a part hereof.

Notice is hereby given that all applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: October 29, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9—SUPPLEMENT

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

Mine index No.	Code member	Mine	Seam No.	Freight origin group No.	Shipping point	Railroad
941	Dunn, Frank L.	Dunn #3	9	10	Dawson Springs, Ky.	IC
944	Williams Bros. (Sam Williams)	Wilson	9	20	Sturgis, Ky.	IC

The f. o. b. mine prices for coal shipped by Mine Index Nos. 941 and 944 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 41-8439; Filed, November 12, 1941; 10:10 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learners Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 13, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

The Acheson Harden Company, Eighth Street, Passaic, New Jersey; Handkerchiefs; 5 percent; November 13, 1942.

Amory Garment Company, Inc., Amory, Mississippi; Pants; 32 learners; November 13, 1942.

Baldwin Shirt Company, 2400 Broadway, Parsons, Kansas; Shirts, Nightshirts, Pajamas, Girl's Gym Clothes; 5 learners; November 13, 1942.

Bridgewater Garment Company, Main Street, Bridgewater, Virginia; Pants and Breeches; 10 percent; November 13, 1942. (This certificate replaces one issued bearing the expiration date of April 17, 1942.)

Century Overall Company, 3 North Main Street, Sandwich, Illinois; Work Pants and Slacks, Overalls, Coveralls and Jackets; 10 percent; November 13, 1942.

Clyde Shirt Company, Inc., 9th and Main Street, Northampton, Pennsylvania; Dress Shirts; 10 percent; November 13, 1942.

Delaware Dress Manufacturing Company, North 13th Street, Easton, Pennsylvania; Dresses; 10 learners; November 13, 1942.

Elder Manufacturing Company, Ste. Genevieve, Missouri; Boys' Shirts and Pajamas; 10 percent; November 13, 1942.

Ely and Walker Shirt Factory, Main Street, Kennett, Missouri; Shirts; 10 percent; November 13, 1942.

Great Western Garment Company, 501 Travis Street, Wichita Falls, Texas; Single Pants, Overalls, Work Shirts; 10 percent; November 13, 1942.

The Greenwich Company, Mill Hollow, Greenwich, New York; Cotton Dresses; 25 learners; May 7, 1942.

I. C. Isaacs and Company, Inc., Bank and Grundy Streets, Baltimore, Maryland; Pants; 10 percent; November 13, 1942.

Klever Klad Frocks, Inc., Chestnut Street, Coatesville, Pennsylvania; Women's Cotton Dresses; 10 percent; November 13, 1942.

Leather Sportwear, Inc., 315 Centre Street, Jamaica Plain, Massachusetts; Sportswear, Leather Coats; 4 learners; November 13, 1942.

S. Liebovitz and Sons, Inc., Leola, Pennsylvania; Men's Shirts; 10 learners; November 13, 1942.

Litwin and Oabjones, 5 North Greene Street, Baltimore, Maryland; Men's & Ladies' Coats; 1 learner; November 13, 1942.

Mandell Handkerchief Manufacturing Co., Inc., 347 Broadway, Passaic, New Jersey; Handkerchiefs; 5 percent; November 13, 1942.

Miller Brothers, Inc., 1619 Preston Avenue, Houston, Texas; Work Clothing; 10 percent; November 13, 1942.

Okolona Garment Company, Main and Center Streets, Okolona, Mississippi; Pants; 62 learners; May 14, 1942.

Paramount Manufacturing Company, West Elm and Sterley Streets, Shillington, Pennsylvania; Ladies' Silk Undergarments; 10 learners; November 13, 1942.

Parsonsburg Manufacturing Company, Parsonsburg, Maryland; Children's Dresses; 5 learners; November 13, 1942.

Reliable Sportswear Company, 2200 West Street, Union City, New Jersey; Ladies' Jackets, Ladies' Sportswear; 5 percent; November 13, 1942.

Royal Manufacturing Company, Washington, Georgia; Shirts & Slacks; 25 learners; May 7, 1942.

Spring Mount Clothing Manufacturing Company, Spring Mount, Pennsylvania; Men's Suits and Overcoats; 5 learners; November 13, 1942.

Star Garment Manufacturing Company, 211 E. 4th Street, St. Paul, Minnesota; Single Pants; 10 learners; November 13, 1942. (This certificate replaces one issued bearing expiration date of April 17, 1942.)

S. E. Stein, Hebron, Maryland; Shirts; 10 percent; November 13, 1942.

Stein-Shwartz, Inc., 314 North 13th Street, Philadelphia, Pennsylvania; White Duck Garments; 10 percent; November 13, 1942.

Wildman Manufacturing Company, 905 Washington Avenue, St. Louis, Missouri; Dresses; 8 learners; November 13, 1942.

Gloves

Clausen Glove Manufacturing Corporation; 411-413 68th Street, Guttenberg, New Jersey; Leather Dress Gloves; 1 learner; May 13, 1942.

Hosiery

Apex Hosiery Company, Inc., 5th and Luzerne Streets, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 5 percent; November 13, 1942.

Charles H. Bacon Company, Lenoir City, Tennessee; Seamless Hosiery; 17 learners; November 13, 1942.

Bisher Hosiery Mill, Salisbury Street, Denton, North Carolina; Seamless Hosiery; 5 learners; November 13, 1942.

Brown Brothers Hosiery Mills, 1205 Second Street, Hickory, North Carolina; Seamless Hosiery; 5 percent; November 13, 1942.

Crescent Hosiery Mills, Niota, Tennessee; Seamless Hosiery; 5 percent; November 13, 1942.

Dobson Hosiery Mills, Pulaski, Virginia; Seamless Hosiery; 5 learners; November 13, 1942.

Elliott Knitting Mills, Inc., Catawba, North Carolina; Seamless Hosiery; 5 percent; November 13, 1942.

Elliott Knitting Mills, Inc., Catawba, North Carolina; Seamless Hosiery; 10 learners; July 13, 1942.

Elliott Knitting Mills, Inc., 8th Street, Hickory, North Carolina; Seamless Hosiery 5 percent; November 13, 1942.

Illinois Knitting Company, S. 12th Street, Mt. Vernon, Illinois; Seamless Hosiery; 5 percent; November 13, 1942.

Knitted wear

Waynesboro Knitting Company, 312 West Second Street, Waynesboro, Pennsylvania; Knitted Underwear; 5 percent; November 13, 1942.

Westfield Knitting Mills, Inc., Mill #7, Amoskeag Yards, Canal Street, Manchester, New Hampshire; Knitted Outerwear; 5 learners; March 12, 1942.

Textile

Galax Weaving Company, Galax, Virginia; Cotton Yarns; 3 percent; November 13, 1942.

Bear Brand Hosiery Company, West Avenue and Hickory Street, Kankakee, Illinois; Cotton Yarn; 3 percent; November 13, 1942.

Trenton Mills, Inc., Factory Street, Trenton, Tennessee; Cotton Meat Bags; 3 percent; November 13, 1942.

Signed at Washington, D. C., this 12th day of November 1941.

PAULINE C. GILBERT, *Authorized Representative of the Administrator.*

[F. R. Doc. 41-8463; Filed, November 12, 1941; 11:36 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-554; 7-555; 7-556; and 7-557]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO CENTRAL POWER AND LIGHT COMPANY, FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE AUGUST 1, 1969; KENTUCKY UTILITIES COMPANY, FIRST MORTGAGE BONDS, 4% SERIES, DUE JANUARY 1, 1970; 4½% SINKING FUND MORTGAGE BONDS, DUE FEBRUARY 1, 1955; AND WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER GRANTING APPLICATION TO INTERVENE AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission having ordered that a hearing be held in this matter on Thursday, November 13, 1941, in Washington, D. C.; and

The National Association of Securities Dealers, Inc. by its Executive Director, Wallace H. Fulton, having filed on November 6, 1941, an application to intervene in the above-entitled proceeding; and

The National Association of Securities Dealers, Inc., having requested a postponement of the hearing to be held in the above-entitled proceeding for the purpose of completing preparation of its case; and

The Commission having duly considered the matter and being duly informed in the premises;

It is ordered, That said application of the National Association of Securities Dealers, Inc., to be made a party to the said proceeding be and it hereby is granted.

It is further ordered, That the hearing in the above-entitled proceeding be postponed until 11:00 a. m. on Friday, November 28, 1941, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given.

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8462; Filed, November 12, 1941; 11:31 a. m.]

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Rules, Regulations, Orders

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1346—BUILDING MATERIALS

PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

Builders' hardware, which includes such items as knobs, handles, locks, hinges, and window bolts, and insect screen cloth are important elements in building construction, and as such have considerable significance both in the defense program and in the civilian economy. Shortages of their basic raw materials, chiefly copper, and to a lesser extent such metals as zinc and tin, have produced inflationary pressure upon builders' hardware and screen cloth, most noticeably in the case of existing inventories. The issuance by the Office of Production Management of Conservation Order No. M–9–c [1] on October 21, as amended November 3, severely curtailing at once the use of copper in builders' hardware and screening (among other things), and prohibiting its use therein altogether after January 1, 1942, will tend to cause an accentuation of this pressure on inventories.

The present schedule, instead of specifying the ceiling price for each item of builders' hardware and screen cloth, fixes as maximum prices on a group of named items the highest prices prevailing during the thirty-day period ending October 21, 1941. This action is taken because of the difficulty of classifying these products, and because of the danger of inflationary price action during the time that would be required for the preparation of individual schedules covering each product.

[1] 6 F.R. 5394, 5589.

Accordingly, under the authority vested in me under Executive Order No. 8734, it is hereby directed that:

§ 1346.1 *Maximum prices for builders' hardware screen cloth.* (a) On and after November 19, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person, except a retailer as defined in § 1346.7 (b), shall sell, offer to sell, deliver, or transfer any of the builders' hardware or screen cloth products set forth in Appendix A, incorporated herein as § 1346.9, at prices higher than the maximum price.

(b) (1) The maximum price shall be the highest price received by the seller for the delivery during the period between September 22, 1941, and October 21, 1941, of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to the same purchaser.

(2) If no such delivery to the same purchaser was made, the maximum price shall be the highest price received by the seller for a delivery during such period of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to a purchaser recognized by the trade as entitled to similar treatment.

(3) If no delivery of products of approximately the same grade, quality, and amount was made, the maximum price shall be determined from the price of a related builders' hardware or screen cloth product, delivered during such period, by making an appropriate adjustment for differences in type of product, grade, quality, amount, and type of purchaser. A "related builders' hardware or screen cloth product" means one bearing a recognized or determinable price relationship to the product being sold.

(4) In all other cases, the maximum price shall be the market price during such period for the same type of prod-

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FEDERAL REGISTER

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uct, grade, quality, amount, and type of purchaser.*

*§§ 1346.1 to 1346.9, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1346.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid, or offered.*

§ 1346.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of builders' hardware or screen cloth products, alone or in conjunction with any other material, or by way of premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 21, 1941, or by any other means.*

§ 1346.4 *Records and reports.* Every person, other than a retailer, whose total sales of builders' hardware and/or screen cloth products during any calendar month beginning with November 1941, shall exceed One Thousand Dollars shall have available for inspection by the Office of Price Administration for a period of not less than one year a complete and accurate record of every such sale of such products, including the date of sale, the name of the purchaser, the price, and the grade, quality, and amount sold.

Every such person shall also, within thirty days of the effective date of this Schedule, have available a record of his selling prices for such products during the period from September 22, 1941, to October 21, 1941.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1346.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1346.6 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1346.7 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Retailer" means a person who maintains a store or similar establishment, where 75% of the dollar volume of sales of all products during the six months preceding the effective date of this Schedule consisted of sales without discount (except cash discount) from the said person's regular retail price.

(c) "Builders' hardware products" means any products listed in Appendix A suitable for use in a building, whether they are actually so used or not. "Screen cloth" means insect screen cloth of the types listed in Appendix A.

(d) "Delivery" means the physical transfer of builders' hardware or screen cloth products to the purchaser, or to a carrier for carriage to the purchaser, pursuant to a sale.*

§ 1346.8 *Effective date of schedule.* This Schedule (§§ 1346.1 to 1346.9, inclusive) shall become effective on November 19, 1941.*

§ 1346.9 *Appendix A; products subject to the schedule:*

Knobs and handles. Knobs, handles, escutcheons, roses, key plates, push buttons, lever handles, drop and ring handles.

Locks. Upright rim knob locks, padlocks, rim knob locks, draw-back knob locks, horizontal rim knob locks, rim knob latches, cylinder rim night latches, cylinder rim dead locks, bathroom locks, sliding door locks, communication door locks, school house locks, asylum latches, french door latches, cylinder apartment locks, cylinder hotel locks, cylinder sliding door locks, cylinder mortise locks, hotel locks, key blanks.

Locks for: outside doors, inside doors, hospital doors, screen doors, french doors, bathroom doors, lavatory doors, garage doors, sliding doors.

Hinges. Loose pin, ball bearing, frictionless, hinge plates, transom hinges, floor spring hinges, strap hinges, showcase hinges, screen door hinges, cabinet hinges, lavatory door strikes and keepers, spring hinges, T-hinges.

Miscellaneous door hardware. Door closers, door holders, door bumpers, door stays, square spring bolts, door pulls, door bells, door hooks, door bolts, door checks (screen), door fasteners (chain), thumb latches, push and kick plates, panic bolts, exit bolts, door stops.

Window hardware. Window bolts, casement window bolts, casement window adjusters, casement window operators, french window bolts, blind hold backs, sash lifts, sash fasteners, pulleys, springs.

Screen hardware. Window screen brackets & corners, door screen brackets & corners, door screen catches, hooks (screen), springs (screen).

Miscellaneous. Letter box plates, number plates, name plates, house numbers, snap catches, closet locks, thumb latches, transom & sash pivots, transom chains, transom lifters, transom catches, spring window bolts, screw hooks and eyes.

Insect screen cloth. Painted steel wire, electro-galvanized steel wire, commercial bronze, hand-drawn copper, koolshade fabric.*

Issued this 13th day of November 1941.
Effective November 19, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8507; Filed, November 13, 1941; 11:52 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1057]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No price classifications and no minimum prices are established herein for the mixing of the coals of Mine Index Nos. 890 and 891, no rail loading point is established for the coals of Mine Index No. 1471, and no price classifications or minimum prices are established for the coals of Mine Index Nos. 2812, 885, 774, and 894, for all shipments except truck, for the reasons set forth in an Order designating that portion of Docket No. A-1057 relating to such coals, as Docket No. A-1057 Part II, and granting in part temporary relief.

Dated: October 20, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group No.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2113	De Church & Callahan (Tony De Church)	De Church & Callahan	5	E	Fuller, Pa	PRR	122	(†)	(†)	G	(†)	(†)
2404	Desort, John (Ogletown Coal Co.)	Ogletown C. Co	33	B	Windber, Pa	PRR	49	(†)	(†)	A	(†)	(†)
1324	Eichenlaub, George (G. F. Eichenlaub Coal Co.).	Russett #4	27	A	Kittanning Point, Pa	PRR	49	(†)	(†)	F	(†)	(†)
889	Lorenzo, F. A. (Dr.)	Eleanora	6	D	Anita, Pa	B&O	112	(†)	(†)	E	E	E
1782	Mills Coal Co. (W. L. Todd)	Mills #2	14	B	Osceola Mills, Pa	PRR	45	(†)	(†)	E	(†)	(†)
2028	Mt. Storm Coal Corporation c/o T. R. Craig	Mt. Storm	44	E	Gorman, Md	WM Ry	68	(†)	D	(*)	D	D
890	Smith, R. C	Jewell #1	23	B	Black Lick, Pa	PRR	82	(†)	(†)	H	(†)	(†)
891	Smith, R. C	Jewell #2	23	E	Black Lick, Pa	PRR	82	(†)	(†)	G	(†)	(†)
935	Wallwork Coal Company (J. C. Wallwork)	Hawthorn #5	4	E	Hawthorn, Pa	PRR	75	G	G	G	H	H

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	¾" and under, slack
						1	2	3	4	5
Ervin, Albert C	883	Ervin	44	Garrett	Bakerstown			210		
Esbbaugh, A. F. & F. L. (A. F. Esbbaugh).	884	George	1	Clarion	B	245	220	220	210	200
Gruskin, Louis (L. Gruskin Mining Company)	885	Gruskin	10	Armstrong	B	235	215	215	195	185
Haworth, James	887	Haworth #1	8	Clearfield	C			220		
Hubler, Robert W	916	Hubler (Drift)	8	Clearfield	B			225		
Indian Head Fuel Co. (H. M. Young).	774	Layman	35	Fayette	B			(*)	210	200
Lorenzo, F. A. (Dr.)	889	Eleanora	6	Jefferson	D			225	215	205
Mt. Storm Coal Corporation c/o T. R. Craig.	2028	Mt. Storm	44	Grant	E	255	230	(*)	220	210
Red Arrow Coal Co	1931	Red Arrow	18	Cambria	B	255		(*)	220	210
Smith, R. C	890	Jewell #1	23	Indiana	B			210		
Smith, R. C	891	Jewell #2	23	Indiana	E			215		
Stage, Clyde I	892	Stage	8	Clearfield	B			225		
Wallwork Coal Company (J. C. Wallwork).	935	Hawthorne #5	4	Clarion	E	240	215	215	200	190
Weaver & Co., Charles H. (Charles H. Weaver).	893	C. H. Weaver & Co.	9	Clearfield	D			230		
Yanity Brothers (Casmer Yanity).	894	Coy	23	Indiana	E			215		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-8441; Filed, November 12, 1941; 10:11 a. m.]

[Docket No. A-1024]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT No. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No minimum prices are established herein for the coals of the Sterling #2 Mine (Mine Index No. 378) of Wm. Haas, for truck shipments, because such prices were established for these coals in Docket No. A-511.

No minimum prices are established herein for the coals of the Morgan (Strip) Mine (Mine Index No. 499) of G. M. Hochheimer (Sackett Coal & Coke Co., H. R.), for truck shipments, because such prices were established for these coals in Docket No. A-989.

No relief is granted herein to certain mines included in the original petition, as these mines are affected by unique considerations set forth in an Order designating that portion of Docket No. A-1024 which relates to them as Docket No. A-1024 Part II, and granting them temporary relief therein.

The petition proposes price classifications and minimum prices for the coals of the Palmer Mine of Louis Johnson. It appears from the official records of the Bituminous Coal Division and from the data submitted in this proceeding that Louis Johnson is operating a slate dump in connection with the Palmer Mine of the H. C. Frick Coke Company and that the price classifications and minimum prices proposed herein are for the coals from this slate dump. No price classifications or minimum prices are therefore established herein for these coals.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 21, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-district	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
432	Chuboy, Steve	Chuboy	Pittsburgh	9	Smithton, Pa	B&O	83	D	D	C	C	C	C	C	C	C							
1053	Downey Bros. Coal Co	Gapen	Sewickley	3	Poland, Pa	Monon	30	J	L	H	H	H	J	K	K	K							
2124	McGraw & Bindley (Durban A. McGraw).	Midway #2 (Strip)	Pittsburgh	7	Midway, Pa	PRR	74	L		J	J	J	K	K	K	K							
2123	R. & O. Coal Co. (Edward Oglietti)	McCormick (Strip)	Kittanning	1	Leesburg, Pa	PRR	50	E	E	E	E	E	F	F	F	F							
2122	Shirley Gas Coal Corporation	Tasa (Strip)	U. Freeport	1	Mahood, Pa	WA	21	F	F	E	E	E	F	F	F	F							
2106	Strenske, Oscar	Strenske (Strip)	Pittsburgh	9	Allenport, Pa	PRR	74	D	D	C	C	C	C	C	C	C							

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R-II

In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 432, 2106; Group No. 2: 2124; Group No. 8: 1053; Group No. 12: 2122; Group No. 15: 2123.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Davenport, E. W	2104	Davenport	Pittsburgh	275	265	255	230	215	215	210	220	180	170	160
Terminal Coal & Coke Co.	2131	Murphy #2 (Strip).	Pittsburgh	310	300	290	265	235	235	225	245	190	180	170
BUTLER COUNTY														
Shirley Gas Coal Corporation.	2122	Tasa (Strip)	U. Freeport	290	280	270	265	255	245	230	220	190	180	160
Taggart, John	2103	Taggart	L. Kittanning	300	290	280	255	250	245	225	225	185	175	165
FAYETTE COUNTY														
Umble & Wedge (W. G. Umble).	2130	Clark	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175

§ 322.23 *General prices*—Supplement T—Continued

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
LAWRENCE COUNTY														
R. & O. Coal Co. (Edward Oglietti).	2123	McCormick (Strip).	Kittanning	300	290	280	255	250	245	230	230	185	175	165
WASHINGTON COUNTY														
Strenske, Oscar	2106	Strenske (Strip).	Pittsburgh	310	300	290	270	250	240	235	210	210	200	175
WESTMORELAND COUNTY														
Dunlap, P. H	2112	Dunlap	Pittsburgh	280	270	260	250	230	220	220	215	195	185	175
Glasgow, W. H., Trustee (United Coke Co.).	2102	Lyeippus	Pittsburgh	310	300	290	270	250	240	235	245	210	200	175
Newcomer, Harry	2129	Newcomer	Pittsburgh	270	260	250	235	230	230	200	205	195	185	175
Strichik Mine Co. (Lee Strichik).	468	Strichik #2	Pittsburgh	300	290	280	260	240	230	225	235	200	190	175

[F. R. Doc. 41-8444; Filed, November 12, 1941; 10:11 a. m.]

[Docket No. A-1066]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The petition proposed a Price Classification "J" for Size Group 7, 8, and 9 coals of the Titus (Strip) Mine of Downey Bros. Coal Co. for all shipments except truck. All other Sewickley seam coals in District 2 are classified "H" in Size Groups 7, 8, and 9 for all shipments except truck, and the petition states no facts justifying the establishment of a lower classification for coal of this mine in these size groups. In the absence of such facts it is proper that an "H" classification be established for coals of the Titus (Strip) Mine in Size Groups 7, 8, and 9 for all shipments except truck.

Permission to D. W. Heck to make rail shipments from his Dan Mine from Mercer Road on the Western Allegheny Railroad; to Lindey Bros. Coal Co. to make rail shipments from its Lindey No. 2 (Strip) Mine from Mercer Road on the Western Allegheny Railroad; and to Mutual Coal Co. to make rail shipments from its McDonald No. 2 Mine from Forrestville on the Bessemer and Lake Erie Railroad is not granted because it appears from the records of the Division that there are no loading facilities on these railroads at the points named and because it also appears that freight rates have not been published for shipments over the Western Allegheny Railroad from Mercer Road and over the Bessemer and Lake Erie Railroad from Forrestville.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 23, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group No.]

Mine index No.	Code member	Mine name	Seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Size group No. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2162	Baker, C. H. (Shamrock Coal & Coke Co.).	Baker #10	Pittsburgh	3	Martin, Pa	Monon	30	E	E	E	E	E	E	E	E	E							
2149	Bonanni Coal Co. (Joe Bonanni)	Bonanni	Kittanning	1	Hallston, Pa	B&LE	20	F	F	E	E	E	E	F	F	F							
2140	Browning Coal Co. (A. L. Gilleland)	Browning (Strip)	Pittsburgh	3	Vances Mills, Pa	PRR	31						E										
2141	Burkhard, J. L. & Kriley, Joe (J. L. Burkhard).	Dietrich	U. Freeport	1	Carbon Centre, Pa	B&O	26	E	E	D	D	C	C	D	D	D							
529	Chiri, Leon	Wilson	Pittsburgh	7	Imperial, Pa	MONT	72	D	D	C	C	E	F	G	G	G							
2111	Coldren, J. R	Coldren (Strip)	Pittsburgh	3	Point Marion, Pa	B&O	80	F	F	E	E	E	E	E	E	E							
2163	Fayette Fuel Company	Hill	Pittsburgh	3	Lake Lynn, Pa	B&O	80	F	F	E	E	E	E	E	E	E							
2170	Frick Coke Company, H. C	Buffington	Pittsburgh	3	New Salem, Pa	MONON	30	E	E	C	C	B	B	C	C	C					C	C	C
2173	Frick Coke Company, H. C	Shoaf	Pittsburgh	3	Shoaf, Pa	B&O	114	E	E	C	C	B	H	C	C	C					C	C	C
2150	Hill, Thomas W	Thomas W. Hill	Pittsburgh	6	Kingston, Pa	Lig. Valley	10	G	G	G	D	H	H	G	G	G							
2159	Imbrie, Roy S	Imbrie #2	U. Freeport	1	Butler, Pa	B&LE	20	E	E	D	D	C	E	D	F	D							
2160	Lindey Bros. Coal (E. F. Lindey)	Lindey #2 (Strip)	L. Kittanning	1	Hallston, Pa	B&LE	20	F	F	E	E	E	E	F	F	F							
2109	Luxner Coal Company (Albert Luxner).	Luxner (Strip)	Pittsburgh	3	Summit, Pa	PRR	31						D	C		C							
1398	Morocco & Warren (Tony Morocco)	Stark (Strip)	Pittsburgh	9	Delmont, Pa	PRR	74			F	F	G	F	G	G	G							
2161	Mutual Coal Co. (C. L. Croft)	McDonald #2	M. Kittanning	1	Grove City, Pa	B&LE	20	F	F	E	E	E	E	E	F	E							
2144	Newcomer & Reilly (F. C. Newcomer)	Robinson (Strip)	Pittsburgh	3	Rich Hill, Pa	B&O	80						D	E	E	E							
2145	Pillar, Wm. T	Uhren (Strip)	Pittsburgh	3	Shamrock, Pa	Monon	30						D	E	E	E							
2146	Rhodes, Basil	Gans	Pittsburgh	3	Gans, Pa	B&O	80	F	F	E	E	E	E	E	F	E							
1751	Richardson Coal Co., John C. (J. B. Teyssier).	Larimer	L. Freeport	2	Apollo, Pa	PRR	90	F	F	E	E	E	E	F	F	F							
2110	Sepanski, Walter	Scott (Strip)	Redstone	9	Elizabeth, Pa	P&LE	73	G	G	G	G	G	G	G	G	G							
2130	Shearer, D. H	Shearer #2 (Strip)	Pittsburgh	5	Derry, Pa	PRR	91						H	G	G	G							
2157	Strawn, A. E. (Strawn Coal Co.)	Strawn #2	Pittsburgh	9	Wickhaven, Pa	P&LE	73	E	E	C	C	C	C	C	C	C							
2152	Wapenoh Coal Co. c/o J. B. Williamson.	McBride (Strip)	Pittsburgh	7	Midway, Pa	PRR	74	L	L	J	J	J	J	K	K	K							
2169	Warman, Fred C	Shupe (Strip)	Pittsburgh	9	Smithton, Pa	B&O	83	D	D	C	C	C	C	C	C	C					E	E	E

§ 322.7 *Alphabetical list of code members*—Supplement R–I—Continued

Mine index No.	Code member	Mine name	Seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Size group No. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1070	Downey Bros. Coal Co	Titus (Strip)	Sewickley	3	Poland, Pa	Monon. R. R	30	J	J	H	H	H	H	H	H	H							
1070	Downey Bros. Coal Co	Titus (Strip)	Sewickley	3	Point Marion, Pa.	Monon. River		J	J	H	H	H	H	H	H	H							
2174	Frick Coke Company, H. C	Bridgeport	Pittsburgh	3	Bridgeport, Pa	Monon. R. R	30	E	E	C	C	C	B	C	C	C					C	C	C
2174	Frick Coke Company, H. C	Bridgeport	Pittsburgh	3	Bridgeport, Pa	Monon. River		E	E	C	C	C	B	C	C	C					C	C	C
2171	Frick Coke Company, H. C	Leisenring	Pittsburgh	3	Bute, Pa	P. R. R	31	E	E	C	C	C	B	C	C	C					C	C	C
2171	Frick Coke Company, H. C	Leisenring	Pittsburgh	3	Colonial Docks	Monon. River		E	E	C	C	C	B	C	C	C					C	C	C
1730	Smith, Harry J	Smith	Pittsburgh	3	Crystal, Pa	B. & O	80	F	F	E	E	E	E	E	E	E							
1730	Smith, Harry J	Smith	Pittsburgh	3	Point Marion, Pa.	Monon. River		F	F	E	E	E	E	E	E	E							

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule add the mine index numbers in groups shown. Group No. 1: 2157, 2169; Group No. 2: 529, 1398, 2152; Group No. 3: 2174; Group No. 5: 2110; Group No. 6: 2109, 2140, 2171, 2173; Group No. 7: 1730, 2111, 2144, 2145, 2146, 2162, 2163, 2170; Group No. 8: 1070; Group No. 14: 2150; Group No. 15: 2149, 2159, 2160, 2161; Group No. 18: 2136; Group No. 20: 1751; Group No. 22: 2141.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	Base sizes: Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Carter, Robert (Carter Coal & Supply).	2142	Carter	Pittsburgh	300	290	280	255	230	230	220	210	200	190	180
Jepson, W. A	2143	Jepson	Pittsburgh	275	265	255	240	215	210	210	220	180	170	160
Kaminski, Michael	2158	Marcon	Pittsburgh	270	260	250	225	210	210	200	210	175	165	155
Sepanski, Walter	2110	Scott (Strip)	Redstone	275	265	255	230	215	215	210	220	180	170	160
Sutter, Stanley	2107	Suek	Sewickley	275	265	255	230	215	215	210	220	180	170	160
Wapenoh Coal Co. c/o J. B. Williamson.	2152	McBride (Strip)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
White, White & Blackemore (James B. White).	2148	White	Pittsburgh	310	300	290	265	235	235	225	245	205	195	185
BEAVER COUNTY														
Baker, W. T	2153	Wildcat Hollow #2.	Kittanning	300	290	280	255	250	245	225	225	185	175	165
BUTLER COUNTY														
Bonanni Coal Co. (Joe Bonanni).	2149	Bonanni	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Burkhard, J. L. & Joe Kriley (J. L. Burkhard).	2141	Dietrich	U. Freeport	315	300	290	280	270	260	240	230	200	190	180
Imbrie, Roy S	2159	Imbrie #2	U. Freeport	315	300	290	280	270	260	240	230	200	190	180
Lindey Bros. Coal (E. F. Lindey).	2160	Lindey #2 (Strip).	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Mutual Coal Co. (C. L. Croft).	2161	McDonald #2	Kittanning	325	305	285	265	260	245	245	230	190	180	170

§ 322.23 *General prices*—Supplement T—Continued

Code member index	Mine Index No.	Mine	Seam	Base sizes: Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
FAYETTE COUNTY														
Baker, C. H. (Shamrock Coal & Coke Co.).	2162	Baker #10	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Browning Coal Co. (A. L. Gilleland).	2140	Browning (Strip).	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Coldren, J. R	2111	Coldren (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Frick Coke Company, H. C.	2174	Bridgeport	Pittsburgh	310	300	290	270	250	240	235	240	210	200	185
Frick Coke Company, H. C.	2170	Buffington	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Frick Coke Company, H. C.	2172	Redstone	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Frick Coke Company, H. C.	2173	Shoaf	Pittsburgh	310	300	290	270	250	240	235	240	210	200	185
Frick Coke Company, H. C.	2171	Leisenring	Pittsburgh	310	300	290	270	250	240	235	240	210	200	185
Fayette Fuel Company.	2163	Hill	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Luxner Coal Company (Albert Luxner).	2109	Luxner (Strip)	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Newcomer & Reilly (F. C. Newcomer).	2144	Robinson (Strip).	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Pillar, Wm. T	2145	Uhren (Strip)	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Rhodes, Basil	2146	Gans	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Strawn, A. E. (Strawn Coal Co.).	2157	Strawn #2	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Victory Coal Company (Howard R. Guyaux).	2147	Sharpnack (Strip).	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
White & Frederick Coal Co.	2164	Snyder #1	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Work, G. Emerson	2139	Work	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
GREENE COUNTY														
Reed, Harry	2155	Herod	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Studebaker, Charles	2156	Studebaker	U. Freeport	300	290	280	255	250	245	225	225	185	175	165

§ 322.23 *General prices*—Supplement T—Continued

Code member index	Mine Index No.	Mine	Seam	Base sizes: Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
WASHINGTON COUNTY														
Dempe, J. D.	2165	Dempe	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
McGraw & Bindley (Durban A. McGraw).	2124	Midway #2 (Strip).	Pittsburgh	310	300	290	260	250	235	225	235	205	195	170
Wardle & Warrington Coal Co. (Howard Wardle).	2116	Wardle	Pittsburgh	280	270	260	235	230	215	205	215	180	170	160
WESTMORELAND COUNTY														
Cipolla Fuel Company (Steve Cipolla).	2134	Cipolla Fuel Co.	Freeport	285	275	265	240	220	220	220	220	190	180	170
Ford, Lee S. (Ford Coal Co.).	2167	Andrews Farm	Pittsburgh	310	300	290	270	250	240	235	245	210	200	175
Harbaugh, J. C.	2168	Betty	Redstone	265	255	245	230	225	215	195	200	180	170	160
Hill, Thomas W.	2150	Thomas W. Hill.	Pittsburgh	280	270	260	250	230	220	220	215	195	185	175
S. & U. Coal Co. (Stanley Skeloski).	2151	West Newton	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Shearer, D. H.	2136	Shearer #2 (Strip).	Pittsburgh	280	270	260	250	230	220	220	215	195	185	175
Warman, Fred C.	2169	Shupe (Strip)	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175

[F. R. Doc. 41-8445; Filed, November 12, 1941; 10:11 a. m.]

[Docket No. A-1074]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for all shipments except truck for the coals produced at the mines of certain code members in District No. 9; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coal of Dunn #3 Mine (Mine Index No. 941) of producer Dunn, Frank L., nor for the coal of the Wilson Mine (Mine Index No. 944) of Williams Bros. (Sam Williams), for the reasons set forth in the Order designating that portion of Docket No. A-1074 relating to such coals as Docket No. A-1074 Part II.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 29, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
[1] 945	Blanchard & Sons, J. J.	Blanchard #3	No 9	30	Nebo, Ky.	L&N.
[2] 938	Baker, V. O.	Oak Ridge	No. 6	30	Belton, Ky.	L&N.
[3] 950	Williams, B. D.	Williams	Stray	30	Browder, Ky.	L&N.

[1] The f. o. b. mine prices for coal shipped by Mine Index No. 945, to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index No. 938 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[3] The f. o. b. mine prices for coal shipped by Mine Index No. 950 to any Market Area for any use, including Railroad Locomotive Fuel, for size groups 1 to 4, inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72 in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck; for size groups 5 to 29, inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 41-8446; Filed, November 12, 1941; 10:12 a. m.]

[Docket No. A-1091]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipment; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 22, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.: 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
PERRY COUNTY																														
Miller, H. C.	160	Miller	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
SPENCER COUNTY																														
Harpenau Bros. (Slyvester Harpenau)	163	No. 5	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Emmons, William F.	164	Meier	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
SULLIVAN COUNTY																														
Williams, Clark & Meeks (Lee Reno Williams)	162	Williams, Clark & Meeks—Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41-8447; Filed, November 12, 1941; 10:12 a. m.]

[Docket No. A-1092]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR RAIL SHIPMENT

An orginal petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for rail shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of the Allen Mine of the Allen Coal Company, Inc., for the reasons set forth in the Order designating that portion of Docket No. A-1092 as Docket No. A-1092 Part II.

Dated: November 3, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Railroad
1022..	Bolinger, Ike.....	White Oak.....	V	LS	61	9	Latta, Ind..	CMStP&P.

Mine Index No. 1022 shall be included in Price Group 9 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 9 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck. On account of differences in freight rates, Mine Index No. 1022 shall be accorded the same adjustments in f. o. b. mine price applicable to other mines in Freight Origin Group 61 having the same freight rates.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II. Mine Index No. 1022 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 10, 19, 20, 21, 33, 40, 46, 52, 53, 60, 63, 65, 71, 72, 85, 91, 101, 122, 130, 205, 238, 360, 378, 720, 1279 on pages 28 and 29 of Price Schedule No. 1, District No. 11, For All Shipments Except Truck.

[F. R. Doc. 41–8448; Filed, November 12, 1941; 10:12 a. m.]

[Docket No. A–992]

PART 333–MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 13, including, among others, the establishment of price classifications and minimum prices for the coals of the Alabama By-Products Corporation, Labuco Mine (Mine Index No. 52) for shipment by railroad, for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing; and

An Order granting temporary relief and conditionally providing for final relief having been entered in this matter on September 8, 1941, 6 F.R. 5070; and

It appearing that price classifications and minimum prices proposed in the original petition herein for the coals of the Alabama By-Products Corporation, Labuco Mine (Mine Index No. 52) for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing, were inadvertently omitted from the above-mentioned Order granting temporary and conditionally final relief.

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 13, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices designated in the schedule marked "Supplement R–I," annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 23, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1306	DeBardeleben Coal Corporation.....	Sipsey [1].....	1	Black Creek.....	80

[1] This mine shall have the same prices in size groups 1, 2, 4, 6, 8, 10, 17, 18 and 26 on all price tables as listed for mine with Index Number 22.

Shipping Point: DeBardeleben, Ala. Railroad: SL&SF.

[Docket No. A–1128]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF THE DEBARDELEBEN COAL CORPORATION, A CODE MEMBER IN DISTRICT NO. 13, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE SIPSEY MINE (MINE INDEX NO. 1306) IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named person, a code member in District No. 13, requesting the establishment of price classifications and minimum prices for the coals produced at the Sipsey Mine (Mine Index No. 1306) in District No. 13; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, and § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 1, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
52	Alabama By-Products Corp.....	Labuco [1].....	1	Mary Lee.....	31

[1] This mine shall have the same prices for size groups 1, 2, 6, 12, 14, 15, 16, 17, 18 and 24 on all price tables as listed for mine with Index Number 48.

Shipping Point—Labuco, Ala. Railroad—L&N.

[F. R. Doc. 41–8450; Filed, November 12, 1941; 10:13 a. m.]

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1306	DeBardeleben Coal Corporation.....	Sipsey [1].....	1	Black Creek.....	80

[1] This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1306	De Bardeleben Coal Corporation.....	Sipsey [1].....	1	Black Creek.....	80

[1] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 22.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per ton for shipment into all market areas]

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: over 2"; Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over ½"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine, modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
WALKER COUNTY																			
DeBardeleben Coal Corporation.....	Sipsey.....	1	1306	Black Creek.....	410	410	(†)	350	(†)	315	(†)	315	(†)	(†)	290	(†)	280	(†)	310

†Indicates no classification effective for these size groups.

[F. R. Doc. 41–8449; Filed, November 12, 1941; 10:13 a. m.]

Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for the coals of the Blue Ridge Mine (Mine Index No. 517) for the reasons set forth in the Order designating that portion of Docket No. A-1043 relating to such coals as Docket No. A-1043, Part II, granting temporary relief therein, and scheduling Docket No. A-1043, Part II, for hearing.

Dated: October 28, 1941.

H. A. GRAY,
Director.

[SEAL]

[Docket No. A-1043]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

A petition of intervention having been filed with the Division in the above-entitled matter in regard to the price classifications and minimum prices proposed for the coals of the Blue Ridge Mine (Mine Index No. 517) only; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

§ 334.5 *Alphabetical list of code members*—Supplement R

EXCEPT TRUCK

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine Index No.	Code member	Mine name	Production group No.	Shipping point	Freight origin group No.	Price classification by size group																
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
546	Blue Valley Coal Co. (Harvey E. Allison), Johnson, M. W. (Bonanza Smokeless Coal Co.).	No. 1	1	Lamar, Ark. (MP RR)	33	A	A										C	A	A	A	A		
547		No. 3	5	Hartford, Ark. (CH&F-MV Rlk).	23		E											B				Q		

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	County	Sub-district No.	Prices and size group Nos.																	
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Blue Valley Coal Co. (Harvey E. Allison) Johnson, M. W. (Bonanza Smokeless Coal Co.).	546	No. 1	Johnson, Ark.	1	450	425											250	200	200	200		450		
	547	No. 3	Sebastian, Ark.	5			355											135					270		

[F. R. Doc. 41-8451; Filed, November 12, 1941; 10:14 a. m.]

[Docket No. A-1100]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE CLIMAX NO. 2 MINE OF CLIMAX COAL CO., A CODE MEMBER IN SUBDISTRICT 9 IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by truck, produced at the Climax No. 2 Mine of the Climax Coal Co., a code member in Subdistrict 9 in District No. 16; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 336.2 (*Code member price index*) is amended by adding thereto Supplement T–I and § 336.21 (*General prices*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937;

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 3, 1941.

H. A. GRAY,
Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 16

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 336, Minimum Price Schedule for District No. 16 and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 16:

§ 336.2 *Code member price index*—Supplement T–I

Insert the following listings in proper alphabetical order:

Code member	Mine	Mine index No.	County	Subdistrict price group
Climax Coal Co. (Henry Huyghe)	Climax #2	148	El Paso	9

§ 336.21 *General prices*—Supplement T–II. Insert the following code member name, mine name and county under Subdistrict No. 9, and the following prices:

Code member—mine name	County	Size groups											
		1	2	3	4	5	6	7	8	9	10	11	12	13
SUBDISTRICT NO. 9														
Climax Coal Co. (Henry Huyghe), Climax #2 Mine.	El Paso	455	405	405	430	405	385	350	340	265	215	205	185	345

[F. R. Doc. 41-8452; Filed, November 12, 1941; 10:14 a. m.]

[Docket No. A-958]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

ORDER GRANTING IN PART FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 17 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED IN SUBDISTRICT NO. 10 IN DISTRICT NO. 17, FOR SHIPMENT BY RAIL INTO ALL MARKET AREAS, AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE FOR THE COALS OF THE SIZE ⅝'' x ¼'' PRODUCED IN SUBDISTRICT NO. 18 IN THAT DISTRICT, FOR SHIPMENT BY TRUCK

A petition having been filed with the Bituminous Coal Division by District Board 17, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking the establishment of rail prices for all mines in Subdistrict 10 (New Mexico No. 2) of District 17 and prices for truck shipment from all mines in Subdistrict 18 (Rifle-New Castle) in a new size, ⅝'' x ¼'';

A hearing in this matter having been held on August 11, 13, 14, and 15, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Denver, Colorado, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 337.5 (*General prices: minimum for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments be and the same hereby is amended by the establishment for all mines in Subdistrict 10, of the effective minimum prices for rail shipment set forth in "Supplement R", attached hereto and made a part hereof.

It is further ordered, That the Schedule of Effective Minimum Prices for District No. 17 for All Shipments be and the same hereby is amended by inserting in § 337.21 (*General prices in cents per net ton for shipment into all market areas*) in Price Schedule No. 1, Truck Shipments, Subdistrict No. 18, immediately

following the prices of the Zieseniss Mine, the following:

Exception. Zieseniss Mine (Mine Index No. 420), Henry Zieseniss, price for ⅝" x ¼" coals for truck shipment into all market areas, shall be 200 cents per net ton.

It is further ordered, That the prayers for relief contained in the petition filed herein in all other respects be and they hereby are denied.

Dated: October 30, 1941.

[SEAL] H. A. GRAY, *Director.*

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 17

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17 and supplements thereto.

NO. 10—NEW MEXICO NO. 2—SUBDISTRICT

[Minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation into market areas shown]

§ 337.5 *General prices; minimum for shipment via rail transportation—* Supplement R[1]

Market areas	Size groups														
	5"	6"	3"	8" x 3"	1½" and 6" x 3"	8" x 1½"	6" x 1½"	3" x 1½"	1½" x 1"	1½" x 0"	1" x 0"	¾" x 0"	¾" x 0"	Mine run	8" x 0"
	1	2	3	4	5	6	7	9	10	13	14	15	16	17	19
45 thru 50, 52 thru 70 and 75 thru 78	380	370	350	345	320	300	290	250	270	200	175	170	105	315	280
204 thru 211 (See Note 10)	395	385	365	365	340	315	305	275	290	200	175	170	105	315	280
212, 226 thru 232 and 236	430	420	400	400	375	350	340	315	300	200	175	170	.....	315	285
213 thru 215, 219 and 220 (See Note 10)	430	420	400	400	375	350	340	310	290	200	175	170	105	315	285
217, 244, 245 and 246 (See Note 10)	430	420	400	400	375	350	340	300	290	200	175	170	135	315	280
218 (See Note 10)	360	360	360	360	350	335	330	290	315	190	175	170	155	315	280
237 thru 241 and 247 thru 254 (See Note 10)	410	400	380	380	355	330	320	290	290	200	180	175	110	315	285
All other market areas	395	385	365	360	335	315	305	265	280	200	175	170	105	315	280

[1] Minimum prices shown for all size groups for shipment into Market Areas 200 thru 211, 217 thru 220, 244, 245 and 246, and other northern markets, shall be reduced by the exact amount of the difference in freight rate over the freight rate from Subdistrict No. 7—Trinidad No. 1—to destination; provided, however, such reduction shall not exceed 65 cents per net ton in any case where the difference in freight rates exceeds that amount.

(Prices shown above are subject to Price Instructions and Exceptions, § 337.1, and Note 7 as shown above.)

[F. R. Doc. 41-8453; Filed, November 12, 1941; 10:14 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), and a Proclamation issued June 27, 1940 (5 F.R. 2419), the Rules and Regulations for the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

Section 7.10 (c) is amended by adding the following subparagraph:

§ 7.10 *Anchorage Regulations for certain ports of the United States.*

* * * * * *

(c) * * *

(20) *San Francisco Bay, California; restricted area for Naval operations.* (i) The following area in San Francisco Bay, California, divided into a North Section and a South Section, is hereby designated a restricted area for Naval operations:

An area in San Francisco Bay, the five corners of which are the following true bearings and distances from the point described: (a) 225°, 3,060 yards from Point Stuart Light; (b) 233°, 1,590 yards from Point Stuart Light; (c) 280°, 1,370 yards from Alcatraz Light; (d) 215°, 2,375 yards from Alcatraz Light; (e) 234°, 3,705 yards from Alcatraz Light. The area is divided into a North Section and a South Section by a line through buoys "A", bearing 245°, 3,250 yards from Alcatraz Light and "B", bearing 232°, 2,215 yards from Alcatraz Light.

(ii) No vessel except those engaged in Naval operations shall navigate or anchor in the North Section without the permission of the captain of the port.

(iii) Vessels shall cross the restricted area only through the South Section. Upon publication of due notice through the usual channels of notice to mariners, no vessel shall navigate or anchor in the South Section except with the permission of and subject to the directions of the captain of the port.

(iv) Anchorage (temporary) No. 1 in San Francisco Bay (33 CFR 202.90 (a) (1)) is discontinued.

[SEAL] HENRY MORGENTHAU, JR., *Secretary of the Treasury.*

Approved:

FRANKLIN D ROOSEVELT

The White House, November 6, 1941.

[F. R. Doc. 41-8479, Filed, November 12, 1941; 3:55 p. m.]

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) the following danger zone is hereby defined and established in Monterey Bay, California, for target practice and antiaircraft firing practice at Fort Ord, California, and the following regulations relating thereto are hereby adopted:

§ 204.98a *Monterey Bay, California; danger zone for target range, Fort Ord.*

THE DANGER ZONE

(a) (1) The sector in Monterey Bay, California, the southerly limit of which is a line bearing 265°20' true, 14,000 yards from the shore line of said bay at Indian Harbor Beach, 5.1 miles south of the mouth of the Salinas River, and the northeasterly limit of which is a line bearing 327°20' true, 14,000 yards from the shore line of said bay opposite Marina, 3.75 miles south of the mouth of the Salinas River.

(2) The above danger zone is divided into a short-range area, extending from the shore line seaward for a distance of 7,500 yards, and a long-range area, embracing the entire danger zone.

THE REGULATIONS

(b) (1) Except when notified to the contrary as prescribed in subparagraph (b) (4) of this section, any ship, vessel, or boat may proceed over and/or through the above danger zone without restriction.

(2) Fishermen desiring to fish in the above danger zone will be required to have written permits which will be issued by the Commanding General, Fort Ord, California. Applications for permits may be made direct to the Commanding General, Fort Ord, California.

(3) When firing over the water is in progress, no vessel or boat, except vessels of the United States or one authorized by the Commanding General, Fort Ord, will enter or remain in the above danger zone.

[1] § 204.98a is added.

(4) In all cases where firing will extend over the water, notice of such firing will be given by the Commanding General, Fort Ord, by the use of one or more of the following means. The notice will state whether the firing will be over the short-range or long-range area.

(i) Notice published in the Monterey daily papers.

(ii) Display of red flags at Indian Beach Harbor for firing over the short-range area and of red flags near Point Pinos Lighthouse and at Indian Beach Harbor for firing over the long-range area.

(iii) Radio broadcast.

(iv) Telephone advice to such fishermen's organizations as may request, in writing, that such advice be given.

(v) Notice to individual craft by a visit of a United States vessel.

(5) These regulations will be enforced by the Commanding General, Fort Ord, California. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Oct. 30, 1941 (E.D. 7195 (Monterey Bay, Calif.)—1/7)]

[SEAL] E. S. ADAMS, *Major General, The Adjutant General.*

[F. R. Doc. 41-8466; Filed, November 12, 1941; 3:22 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 170—COMMERCIAL ZONES

§ 170.8 *Kansas City, Mo.; Kansas City, Kans.* For the purpose of administration and enforcement of the Interstate Commerce Act, Part II, the zone adjacent to and commercially a part of Kansas City, Mo.-Kans., and the municipalities contiguous thereto within which transportation of passengers or property by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is until otherwise ordered by the Commission partially exempt under section 203 (b) (8) of said act from regulation, be, and it is hereby, defined to include; and to be comprised of, all that area within a line as follows:

Beginning at the north end of the Fairfax Bridge across the Missouri River, thence north and east along U. S. Highway 69 to Claycomo, thence south along an unnumbered road to the Missouri River, thence straight south across the Missouri River and along the South bank thereof to and including Cement City, thence southwest along County Road 7E to Sugar Creek Road (4N), thence east along Sugar Creek Road (4N) to a common junction thereof with U. S. Highway 24 and an unnumbered highway, thence southeast over such unnumbered highway to its junctions with Jones Road and south thereon and on Necessary Road to Holke Road; thence west thereon to Kiger Road; thence south thereon to Evans & Sheley Lane; thence west thereon to Noland Road (U. S. Highway 71 By-Pass); thence south thereon to junction with U. S. Highway 40; thence west along U. S. Highway 40 and Alternate U. S. Highway 40 to Norfleet Road; thence south thereon to Smith Road (or an unnumbered highway representing an extension thereof); thence generally west thereon to Woodson Road; thence south on Woodson Road to junction with an unnumbered east and west road somewhat south of Wildwood Lakes; thence west over such east and west road to Raytown South Road; thence south on Raytown South Road (5E) to Bannister Road; thence west on Bannister Road to Blue Ridge Boulevard Extension (County Road 4E); thence south on Blue Ridge Boulevard Extension to junction with Red Bridge Road, east of Hickman Mills; thence west through Hickman Mills on Red Bridge Road (County Road 10S) to Missouri-Kansas State line; thence north on Missouri-Kansas State line to 94th Street; thence west on 94th Street to Mission Road; thence north on Mission Road to 83rd Street; thence west on 83rd Street through and including Overland Park to State Highway 58 and southwest thereon to the Mission Township line; thence north on Mission Township line to U. S. Highway 50; thence west on U. S. Highway 50 and State Highway 10 to Cemetery Road; thence north on Cemetery Road to Fisher Lane; thence east thereon to O'Hara Road; thence north to Hester Road; thence west thereon to Holliday Road; thence southwest along Holliday Road to a point directly south of Morris; thence north through Morris to Muncie; thence northeast from Muncie on State Highway 32 to its junction with Francis Road; thence generally north along Francis Road to its junction with U. S. Highway 40; thence east on U. S. Highway 40 to its junction with Brenner Heights Road; thence generally north on Brenner Heights Road to Parallel Avenue; thence west thereon to Mahoney Road and on Dickinson Road to Nearman; thence north to the Missouri River and thence east and south along the south bank of the Missouri River to Fairfax Bridge; thence across the bridge to point of beginning (including all points and places within the limits of all points described as on said boundary).

(Sec. 203 (b) (8), 49 Stat. 546, 54 Stat. 919; 49 U.S.C., Sup., 303 (b) (8))

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 41-8508; Filed, November 13, 1941; 11:54 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-21053; 5524]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FAIRCHILD ENGINE AND AIRPLANE CORPORATION, RANGER AIRCRAFT ENGINES DIVISION, FARMINGDALE, LONG ISLAND, N. Y.

Contract for: * * * Aircraft Engines, Spare Parts Therefor and Data.

Amount: $2,494,964.80.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 26 P 81-30 A 0705-12
AC 28 P 82-30 A 0705-12
AC 17 P 81-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 29th day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * aircraft engines, spare parts therefor and data for the consideration stated not to exceed two million four hundred ninety-four thousand nine hundred sixty-four dollars, eighty cents ($2,494,964.80) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 23. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 25. *Price adjustment.* The contract prices stated in this contract for Aircraft Engines and Spare Parts are subject to adjustments for changes in labor and material costs.

[1] Approved by the Under Secretary of War, September 17, 1941.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Aircraft Engines.

ART. 25. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of sec. 1 (a) Act of July 2, 1940, and sec. 9, Act of June 30, 1941, and Para. 4 g (1) A.R. 5–240.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8467; Filed, November 12, 1941; 3:22 p. m.]

[Contract No. W 535 ac–300]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION (INDIANAPOLIS, INDIANA), ALLISON DIVISION

Contract for: Maintenance Parts for Allison Type * * * Aeronautical Engines.

Amount: $2,203,734.88.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 121–12 A 0021–13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 3d day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver to the Government maintenance parts for Allison Type * * * aeronautical engines for the consideration stated two million two hundred three thousand seven hundred thirty-four dollars and eighty-eight cents ($2,203,734.88) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination when Contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8468; Filed, November 12, 1941; 3:22 p. m.]

[Contract No. W–175–eng–22]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: JOSEPH E. BENNETT CO.; BOSTON, MASS.

Contract for: Construction of temporary buildings.

Amount: Approx. $1,144,987.00.

Place: Presque Isle, Maine.

This contract authorized by Procurement Authority–Eng–3033 P137–32 A0021–13.

This contract,[1] entered into this 5th day of September 1941.

ARTICLE 1. *Statement of work.* The contractor shall furnish the materials, and perform the work for constructing temporary buildings for the Air Base, Presque Isle, Maine, for the consideration of One Million, One Hundred Forty-Four Thousand, Nine Hundred and Eighty-Seven Dollars ($1,144,987.00) in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

ART. 3. *Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawing and/or specifications of this contract and within the general scope thereof.

ART. 9. *Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

ART. 16. *Payments to contractors.* Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8469; Filed, November 12, 1941; 3:23 p. m.]

[Contract No. W 303 ord 976]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE DEFIANCE PRESSED STEEL CO.; MARION, OHIO

Contract for: Case, Cartridge, * * *

Amount: $1,291,548.00.

Place: Cleveland Ordnance District, 1450 Terminal Tower, Cleveland, Ohio.

The supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authority ORD 15,187 P 11–02 A (1005) .105–01, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 1st day of July 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Case, Cartridge * * * for the consideration stated one million, two hundred ninety-one thousand, five hundred forty-eight dollars and no cents ($1,291,548.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * % and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Advance payments. At any time and from time to time after the approval of this contract, at the request of the contractor and subject to the approval of the Chief of Ordnance as to the necessity therefor, the Government shall advance to the Contractor, without payment of interest therefor by the Contractor, sums not to exceed three hundred eighty seven thousand four hundred sixty four dollars and forty cents ($387,464.40) or thirty percentum (30%) of the contract price.

Price adjustments. The contract prices stated in Article 1 are subject to adjustments for changes in labor and material costs.

This contract is authorized by the Act of July 2, 1940, Public 703, 76th Congress.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8470; Filed, November 12, 1941; 3:23 p. m.]

[Contract No. W 535 ac–20667 5427]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIF.

Contract for: * * * Airplanes, Spare Parts Therefor and Data.

Amount: $6,061,385.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover costs of same:

AC 32 P 12–30 A 0705–2
AC 18 P 82–30 A 0705–2

This contract,[1] entered into this 8th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Airplanes, Spare Parts Therefor and Data for the consideration stated not to exceed six million sixty-one thousand three hundred eighty-five dollars ($6,061,385.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advance, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes and spare parts.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of sec. 1 (a), Act of July 2, 1940 and sec. 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col. Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8471; Filed, November 12, 1941; 3:24 p. m.]

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[1] Approved by the Under Secretary of War September 13, 1941.

[1] Approved by the Under Secretary of War, September 6, 1941.

[1] Approved by the Under Secretary of War September 20, 1941.

[1] Approved by the Under Secretary of War, September 25, 1941.

[Contract No. W 535 ac-296]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: VULTEE AIRCRAFT, INCORPORATED; VULTEE FIELD DIVISION, VULTEE FIELD, CALIF.

Contract for: Airframe Spares • • • Amount $1,044,400.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 140–30 A0021–13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 5th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver • • • Airframe Spares • • • for the consideration stated one million forty-four thousand four hundred dollars ($1,044,400.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Paragraph 4 g (3), A.R. 5–240, section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8472; Filed, November 12, 1941; 3:24 p. m.]

[1] Approved by the Under Secretary of War September 17, 1941.

[Contract No. W 535 ac-21059; 5530]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WALTER KIDDE & COMPANY, INC., NEW YORK, N. Y.

Contract for: Fire Extinguishers and Data.

Amount, $2,805,966.80.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 299 P 111–30 A 0021–13
AC 34 P 12–30 A 0705–12
AC 28 P 82–30 A 0705–12

This contract,[1] entered into this 11th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver fire extinguishers and data for the consideration stated two million, eight hundred five thousand, nine hundred sixty-six dollars and eighty cents ($2,805,966.80) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Option. The Government is granted the right and option at any time during the life of this contract to increase the quantity or quantities of the articles called for under the terms of Items 1 and 2 of Article 16 of this contract to any amount not exceeding the quantity applicable to each respective Item set forth herein at not more than the unit prices specified.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8473; Filed, November 12, 1941; 3:25 p. m.]

[1] Approved by the Under Secretary of War, September 15, 1941.

[Contract No. W 535 ac-20848; 5445]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SQUARE D COMPANY, KOLLSMAN INSTRUMENT DIVISION, ELMHURST, NEW YORK

Contract for: Miscellaneous Airplane Instruments and Data.

Amount: $4,689,233.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 30 P 85–30 A 0705–12
AC 34 P 12–30 A 0705–12
AC 299 P 111–30 A 0021–13
AC 28 P 82–30 A 0705–12
AC 32 P 12–30 A 0705–2

This contract,[1] entered into this 11th day of September 1941.

[1] Approved by the Under Secretary of War, October 1, 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver miscellaneous airplane instruments and data for the consideration stated four million, six hundred eighty nine thousand, two hundred thirty three dollars ($4,689,233.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted on services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Option.* The Government is granted the right and option at any time during the life of this contract to increase the quantity or quantities of the articles called for under the terms of this contract to any quantity not exceeding the quantity applicable to each respective item set forth herein at not more than the unit price specified for such articles.

ART. 24. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8474; Filed, November 12, 1941; 3:25 p. m.]

[Contract No. W 535 ac 218]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION; ALLISON DIVISION; INDIANAPOLIS, INDIANA

Contract for: Aircraft Engines, Spare parts therefor and Data.

Amount: $8,501,605.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 112–30 A 0021–13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 26 day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver Aircraft Engines, Spare Parts Therefor and Data for the consideration stated eight million five hundred one thousand six hundred five dollars ($8,501,605.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 19. *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed 30 percentum of the contract price of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 29. *Price adjustment.* The contract prices stated in this contract for Aircraft Engines and Spare Parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Aircraft Engines.

ART. 30. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940 and section 9 Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8475; Filed, November 12, 1941; 3:25 p. m.]

[1] Approved by the Under Secretary of War, September 10, 1941.

[Contract No. W 535 ac–173]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FAIRCHILD ENGINE & AIRPLANE CORPORATION; FAIRCHILD AIRCRAFT DIVISION; HAGERSTOWN, MARYLAND

Contract for: • • • Airplanes, Spare Parts Therefor and Data.

Amount: $1,075,236.50.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 114–30 A 0021–13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 9th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver • • • airplanes, spare parts therefor and data for the consideration stated not to exceed one million seventy-five thousand two hundred thirty-six dollars and fifty cents ($1,075,236.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes

[1] Approved by the Under Secretary of War, September 25, 1941.

as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Price adjustment. The contract prices stated in this contract for Airplanes, Engines incorporated therein, and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the airplanes, engines incorporated therein and spare parts.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8476; Filed, November 12, 1941; 3:26 p. m.]

[Contract No. W 669 qm-13465; O. I. No. 1914]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY, INCORPORATED; 44 LEONARD ST., NEW YORK, N. Y.

Contract for: Cloth, Cotton, Uniform, Twill.

Amount: $1,732,455.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Uniform, Twill, Khaki, * * * yards Cloth, Cotton, Uniform, Twill, Olive Drab for the consideration stated totaling one million, seven hundred thirty-two thousand, four hundred fifty-five dollars ($1,732,455.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directives Nos. P-C-237 (42) and P-C-236 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8477; Filed, November 12, 1941; 3:26 p. m.]

[Contract No. W 535 ac-56]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CLARK EQUIPMENT COMPANY; CLARK TRUCTRACTOR DIVISION; BATTLE CREEK, MICHIGAN

Contract for: Heavy Duty Tractors, Spare Parts and Data.

Amount: $1,588,343.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 299 P 130-30 A 0021-13, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 2nd day of September, 1941.

Scope of this contract. The contractor shall furnish and deliver heavy duty tractors, spare parts and data for the consideration stated one million five hundred eighty-eight thousand three hundred forty-three dollars and no cents ($1,588,343.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Discount. All or any payments made under the terms of this contract shall be subject to a discount of one-half of one percent (½ of 1%) of the amount or amounts stipulated if payment of the invoice is made within ten (10) calendar days after date of delivery of articles invoiced.

[1] Approved by the Under Secretary of War, Sept. 30, 1941.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8478; Filed, November 12, 1941; 3:26 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1024]

PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

[Docket No. A-1024, Part II]

PETITION OF DISTRICT BOARD 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1024 PART II FROM DOCKET NO. A-1024, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1024 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1024 PART II

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board No. 2 in Docket No. A-1024 proposing price classifications and minimum prices for the coals of certain mines in that district. Among the mines included in that petition are those listed in Supplements R and T, attached hereto. For each of the mines listed in Supplement R the petition requested permission to ship coal by rail from more than one loading point and, in many instances, on more than one railroad. No explanation was offered for this request, and the Director deems it appropriate that each mine be permitted to use only one loading point until some showing has been made of the necessity for permitting rail shipments from more than one loading point.

It is, therefore, ordered, That the portion of Docket No. A-1024 relating to the mines listed in Supplements R and T attached hereto be severed from the remainder of that docket and that it be designated hereafter as Docket No. A-1024 Part II.

It is further ordered, That a hearing in the above-entitled matter be held under the applicable provisions of the Act and the rules of the Division on November 18, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to:

(1) The establishment of price classifications and minimum prices proposed for the following mines and the determination of the exact loading point for rail shipments from each: Mack Mine of E. C. Fullick; Big Six #3, #4, and #5 mines of George Grandi; S & C Mine of Snider & Cudzilo; Sunnyside (strip) and Mt. Nebo (strip) mine of Fred S. Geer, Inc.;

(2) The establishment of price classifications and minimum prices for the coals of the following mines in District No. 2 for rail shipments from more than one loading point and on more than one originating railroad: Ewing (strip) Mine of The Florence Coal Co.; Baxter Ridge Mine of C. H. Franks Coal Co.; Jacobs (strip) Mine of Hatfield Coal Co.; Holter Mine of Holter Coal Co.; McGrew (strip) Mine of Robert L. McGrew; Rex Mine of Charles Metz; Minnich Mine of John Minnich; Negley No. 2 (strip) Mine of Negley Coal Company; Public Coal Co. (strip) Mine of F. C. Newcomer; and Sunnyhill No. 2 (strip) Mine of Sunnyhill Coal Co.;

(3) The establishment of price classifications and minimum prices for river shipments from the Natali (strip) Mine of Natali, Pelligrini & Bianchi and the Rothey Brothers (strip) Mine of Rothey Brothers;

(4) The establishment of price classifications and minimum prices for coals of the Weigle Mine of L. S. Weigle for shipment by rail from an additional loading point, namely, Annandale on the Bessemer and Lake Erie Railroad.

It is further ordered, That, a reasonable showing of necessity therefor having been made, pending final disposition of the above matter, temporary relief be and the same is hereby granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 2 for All Shipments is revised so as to include the price classifications and minimum prices set forth in the Schedules marked Supplement R and Supplement T attached hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: October 21, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY SUPPLEMENT, DISTRICT NO. 2

prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Sub-division list	Shipping point	Railroad	Freight origin group No.	Size group No. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2106	Florence Coal Co., The (W. J. Koerner).	Ewing (Strip)	Brookville	1	Stoneboro, Pa	NYC	101	J	J	H	H	H	H	J	J	J							
973	Franks Coal Co., C. H.	Baxter Ridge	Pittsburgh	3	Sackett, Pa	B&O	80	J	J	H	H	H	H	E	E	E							
1035	Fullick, E. C. (Fullick Coal Co.)	Monk	Waynesburg	9	Waynesburg, Pa	Monon	30	J	J	H	H	H	H	J	J	J							
2024	Geer, Fred S., Inc	Shumaker Side (Strip)	Freeport	1	Darlington, Pa	PL&W	121			C	C	B	B	B	B	B							
2124	Geer, Fred S., Inc	Mt. Nebo (Strip)	Freeport	1	Darlington, Pa	PL&W	121			C	C	B	B	B	B	B							
2126	Grandi, George	Big Six #3 (Strip)	Pittsburgh	9	Charleroi, Pa	PRR	74	D	D	C	C	C	C	C	C	C							
2127	Grandi, George	Big Six #4 (Strip)	Pittsburgh	9	Charleroi, Pa	PRR	74	D	D	C	C	C	C	C	C	C							
2128	Grandi, George	Big Six #5 (Strip)	Pittsburgh	3	Crawford 3, Pa	B&O	114	G	G	G	G	G	G	G	G	G							
2125	Hatfield Coal Co. (Wm. Panzera)	Jacobs (Strip)	Pittsburgh	1	Grove City, Pa	B&LE	30	G	G	G	G	G	G	G	G	G							
2118	Holler Coal Co. (Frank B. Holler)	Holler	Brookville	8	Curllsville, Pa	PRR	74	G	G	G	G	E	E	G	G	G							
2113	McGrew, Robert L	McGrew (Strip)	Pittsburgh	9	Wilson, Pa	PRR	29	F	F	E	E	E	E	F	F	F							
2120	Metz, Charles	Rex	Redstone	1	Queen Jct, Pa	B&LE	75																
2107	Miller, John	Wilmich	Kittanning	7	Brownfield, Pa	P&WVA																	
2114	Natali, Pelligrini & Bianchi (Fred Bianchi).	Natali (Strip)	Pittsburgh	1	Hooker, Pa	WA	21	F	F	E	E	E	E	F	F	F							
2137	Negley Coal Company (A. H. McMinn).	Negley #2 (Strip)	U. Kittanning	3	Masontown, Pa	Monon	30						E	E	E	E							
2076	Newcomer, F. C. (Newcomer Coal Co.).	Public Coal Co. (Strip).	Pittsburgh	7	Dravosburg, Pa	Mon. River							F										
2115	Rothey Brothers, Inc. c/o Burnett W. Rothey.	Rothey Bros. #1 (Strip) (River).	Pittsburgh	3	Hagerty, Pa	PRR	31						E	E	E	K							
493	Snider & Cudzilo (E. Gadd Snider)	S. & C	Freeport	7	Boggs, Pa	MONT	72	L	L	J	J	J	J	E	E	K							
1174	Sunnyhill Coal Co	Sunnyhill #2 (Strip)	Pittsburgh																				

NOTE: Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

NOTE: In price Schedule No. 1, add the mine index numbers in groups shown. Group No. 1: 2126, 2127, 2128; Group No. 2: 1174, 2114; Group No. 5: 2120; Group No. 6: 493, 2076, 2118; Group No. 7: 978; Group No. 8: 1055; Group No. 9: 2113; Group No. 10: 2024, 2124; Group No. 12: 2137; Group No. 15: 901, 1129; Group No. 19: 2108.

FOR TRUCK SHIPMENTS

Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea 3/4" x 1 1/4" (7)	Run of mine (8)	2" N/S (9)	1 1/4" slack (10)	3/4" slack (11)
ALLEGHENY COUNTY														
McGrew, Robert L	2113	McGrew (Strip)	Pittsburgh	285	275	265	240	220	220	220	220	190	180	170
Natali, Pelligrini & Bianchi (Fred Bianchi).	2114	Natali (Strip)	Pittsburgh	280	270	260	235	230	215	205	215	180	170	160
Rothey Brothers, Inc. c/o Burnett W. Rothey.	2115	Rothey Bros. #1 (Strip).	Pittsburgh	280	270	260	235	230	215	205	215	180	170	160
BEAVER COUNTY														
Geer, Fred S., Inc	2125	Mt. Nebo (Strip)	Freeport	300	290	280	275	250	245	225	225	185	175	165
BUTLER COUNTY														
Negley Coal Company (A. H. McMinn).	2137	Negley #2 (Strip)	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Grandi, George	2127	Big Six #4 (Strip).	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Hatfield Coal Co. (Wm. Panzera)	2118	Jacobs (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Snider & Cudzilo (E. Gadd Snider)	493	S. & C	Freeport	280	270	260	245	225	210	210	210	200	195	175
MERCER COUNTY														
Florence Coal Co., The (W. J. Koerner).	2106	Ewing (Strip)	Brookville	325	310	290	275	270	255	255	240	185	175	160
WASHINGTON COUNTY														
Grandi, George	2126	Big Six #3 (Strip).	Pittsburgh	310	300	290	260	250	235	225	245	205	195	170
Grandi, George	2128	Big Six #5 (Strip).	Pittsburgh	310	300	290	260	250	235	225	235	205	195	170
WESTMORELAND COUNTY														
Metz, Charles	2120	Rex	Redstone	265	255	245	230	225	215	195	200	180	170	160

[F. R. Doc. 41-8440; Filed, November 12, 1941; 10:10 a. m.]

[Docket No. B-107]

IN THE MATTER OF PATTERSON & WILLIAMS, ALSO KNOWN AS WILLIAM PATTERSON AND ARTHUR WILLIAMS, INDIVIDUALS, TRADING AS PATTERSON & WILLIAMS, A CO-PARTNERSHIP, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Altoona, Pennsylvania.

It is further ordered, That C. R. Larrabee or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Patterson & Williams, R. F. D. #1, Osceola Mills, Pa., sold substantial quantities of run of mine coal subsequent to September 30, 1940, to various purchasers, including 16 tons during the period from February 6 to February 18 inclusive to W. D. Krouse, Osceola Mills, Pa., produced at their Wilpat Mine, Mine Index No. 2637, at an f. o. b. mine price of $1.75 per net ton whereas the effective minimum price for such coal was $2.25 per net ton as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments; therefore, the transactions hereinabove described were in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8482; Filed, November 13, 1941; 10:24 a. m.]

[Docket No. B-97]

IN THE MATTER OF JAMES F. EYERLY, DOING BUSINESS AS THE HILLSIDE COAL COMPANY, A CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed

on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 18, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Clearfield, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, bay file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, James F. Eyerly, whose address is 115 11th Street, Philipsburg, Pennsylvania, sold a quantity of 2" slack coal f. o. b. the mine for truck shipment which was produced at his Moshannon #11 Mine (Mine Index No. 337), located in Centre County, Pennsylvania, District No. 1 in that on or about March 17, 1941 he sold 5.50 net tons at a price of $1.64 per net ton to H. O. Andrews, Jr., of Mapleton, Pennsylvania, and 3.63 net tons at a price of $1.70 per net ton to Lee W. Ellenberger, of Pennsylvania Furnace, Pennsylvania, and on or about March 28, 1941 he sold 5.51 net tons at a price of $1.75 per net ton to Richard H. Albert of Mill Hall, Pennsylvania, whereas the effective minimum price for said coal was $2.05 f. o. b. the mine for truck shipment as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment. The transactions as hereinabove set forth were in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8483; Filed, November 13, 1941; 10:24 a. m.]

[Docket No. B-88]

IN THE MATTER OF FRANK C. MCCOMBIE, DOING BUSINESS AS MCCOMBIE COAL MINING CO., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: Defendant, Frank C. McCombie, doing business under the name and style of McCombie Coal Mining Co., whose address is First National Bank Building, Spangler, Pennsylvania, granted sales agency commissions to C. W. Stahl, Lewistown, Pa., for selling approximately 69 cars of coal produced at his Bakerton No. 3 Mine, Mine Index No. 25, and his Miller No. 5 Mine, Mine Index No. 322, to the Standard Steel Works Division, Burnham, Pennsylvania, during the period from October 4, 1940 until May 31, 1941, after having filed with the Division a sales agency contract with said C. W. Stahl, Lewistown, Pennsylvania, which failed to comply with section II of the Marketing Rules and Regulations of the Division.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8484; Filed, November 13, 1941; 10:24 a. m.]

[Docket No. B-111]

IN THE MATTER OF ZACHERL COAL COMPANY (LORA E. BRIGGS AND OTHERS, INDIVIDUALS DOING BUSINESS AS A COPARTNERSHIP, ZACHERL COAL COMPANY) CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 22, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Oil City, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, Zacherl Coal Company, whose address is Main Street, Titusville, Pennsylvania, sold approximately 1193 net tons of run of mine coal during October 1940 and 900.82 net tons of run of mine coal during November 1940 produced at the Zacherl Mine, Mine Index No. 2276, located in Clarion County, Pennsylvania, District No. 1, to Struthers Wells Company located at Warren, Pennsylvania, at a price of $1.75 per net ton f. o. b. the mine for truck shipment, whereas the effective minimum price was $2.20 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8485; Filed, November 13, 1941; 10:25 a. m.]

[Docket No. B-95]

IN THE MATTER OF MOHAWK MINING COMPANY, A CORPORATION, A CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by

Schedule, and were, therefore, in violation of section 4 Part II (e) and section 4 Part II (g) of the Act and Part II (e)

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, Mohawk Mining Company, 132 N. McKean Street, Kittanning, Pennsylvania sold for rail shipment during the period October 1, 1940 to January 31, 1941, both dates inclusive, approximately 4,528 tons of run of mine coal produced at the defendant's Mohawk Mine (Mine Index No. 326) located in Clearfield County, Pennsylvania, District No. 1 to Pittsburg and Shawmut Coal Company at a price of not more than $1.87 per net ton f. o. b. the mine and approximately 1,125 tons of run of mine coal produced at the aforesaid mine to the Pittsburg and Shawmut Coal Company at a price of not more than $1.83 per net ton f. o. b. the mine, whereas the applicable minimum price for said coal was $2.10 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck. The sales of coal as hereinabove set forth were in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8486; Filed, November 13, 1941; 10:25 a. m.]

[Docket No. D-1]

IN THE MATTER OF THE APPLICATION OF JEROME FREEDMAN FOR REGISTRATION AS A DISTRIBUTOR

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to § 304.11 of the Rules and Regulations for Registration of Distributors, and a request for hearing thereon having been filed with the Bituminous Coal Division by the above-named party;

It is ordered, That a hearing on such matter be held on December 16, 1941, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before December 12, 1941.

The matter concerned herewith is in regard to the application of Jerome Freedman, 800 8th Avenue, New York, New York, to be registered as a distributor.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8487; Filed, November 13, 1941; 10:25 a. m.]

[Docket No. B-98]

IN THE MATTER OF H. G. LUCAS, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, Harry G. Lucas, whose address is 409 Center Street, Curwensville, Pennsylvania, sold and delivered by truck, during the period from November 1, 1940 to March 31, 1941, 926 net tons of run of mine coal produced at his Lucas Mine (Mine Index No. 1702), located at Curwensville, Pennsylvania, and his Snyder Mine (Mine Index No. 2870), located in Olanta, Pennsylvania, both in Clearfield County, Pennsylvania, District No. 1 to the Franklin Tannery located at Curwensville, Pennsylvania, at a truck delivered price of $2.20 per net ton, whereas the applicable minimum price f. o. b. the mine was $2.20 per net ton. The sales and deliveries hereinabove described were at prices less than the effective minimum price for said coal f. o. b. the mine plus amounts at least equal to the actual transportation charges and other incidental handling charges from the transportation facilities at the Lucas Mine and the Snyder Mine to the point from which all such charges were assumed and directly paid by the purchaser as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment and Price Instruction No. 6 as amended and contained in said Schedule, and were, therefore, in violation of section 4 Part II (e) and section 4 Part II (g) of the Act and Part II (e) and Part II (g) of the Code.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8488; Filed, November 13, 1941; 10:26 a. m.]

[Docket No. A-1132]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 511 OPERATED BY PARIS PURITY COAL CO., A CODE MEMBER IN DISTRICT NO. 14

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 8, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 3, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for revision of the effective price classifications and minimum prices, by size groups, for the coals produced at Mine Index No. 511 operated by Paris Purity Coal Co., a code member in District No. 14, as follows:

FOR TRUCK SHIPMENTS

	Size groups											
	3	4	6	7	8	9	10	11	13	17	18	19
From (prices in cents per ton)	355		385	385	385						270	165
To (prices in cents per ton)		415	415	415	415	390	370	355	200	185	335	

AND FOR ALL SHIPMENTS EXCEPT TRUCK

	Size groups											
	3	4	6	7	8	9	10	11	13	17	18	19
From (letter classifications)	E		N	N	N						Q	A
To (letter classifications)		I	J	J	J	J	G	F	D	A	L	

Also for a permissive reduction to the extent of 15¢ per ton in the proposed revised prices upon such coals in Size Groups 4, 6, 7 and 8 as may be stained and of inferior quality, subject to certain conditions as to inspection and approval.

Dated: November 10, 1941.

[SEAL] H. R. GRAY, *Director.*

[F. R. Doc. 41-8489; Filed, November 13, 1941; 10:26 a. m.]

[Docket No. A-1125]

PETITION OF DISTRICT BOARD NO. 9 FOR REDUCTION IN THE EFFECTIVE MINIMUM PRICES AND PRICE CLASSIFICATIONS FOR THE COALS OF THE BROWN (K. Y. 6) MINE (MINE INDEX NOS. 97 AND/OR 235) IN DISTRICT NO. 9, FOR TRUCK AND RAIL SHIPMENTS, AND FOR THE ESTABLISHMENT OF MINIMUM PRICES AND PRICE CLASSIFICATIONS FOR THE COALS OF THE SAID MINE IN SIZE GROUPS 17 TO 25, INCLUSIVE, FOR SHIPMENT BY RAIL

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 18, 1941, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and re-

lated thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 for reduction in the effective minimum prices and price classifications for the coals of the Brown (K. Y. 6) Mine (Mine Index Nos. 97 and/or 235) in District No. 9, for truck and rail shipments, and for the establishment of minimum prices and price classifications for the coals of the said mine in Size Groups 17 to 25, inclusive, for shipment by rail.

Dated: November 12, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8490; Filed, November 13, 1941; 10:26 a. m.]

[Docket No. 1738-FD]

IN THE MATTER OF JOHN F. OWENS, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 15, complainant, alleging willful violation by John F. Owens, a code member in District 15, the defendant, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments and with intent to violate the same and in violation thereof, sold, between December 1, 1940, and March 7, 1941, for shipment by truck 395 tons of 1" lump coal (Size Group 2), at $2.20 per net ton f. o. b. the mine; whereas the effective minimum price established for such coal is $3.30 per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 29, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner;

The record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the code membership of the defendant, John F. Owens, be and it is hereby revoked and cancelled.

It is further ordered, That, prior to any reinstatement of the defendant, John F. Owens, to membership in the Code, there shall be paid to the United States a tax, as provided in section 5 (c) of the Bituminous Coal Act of 1937, in the amount of $508.37.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8491; Filed, November 13, 1941; 10:27 a. m.]

[Docket No. 1772-FD]

IN THE MATTER OF LLOYD GREENLAND (GREENLAND COAL COMPANY), DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, complainant, alleging willful violation by Lloyd Greenland (Greenland Coal Company), a code member in District 12, the defendant, of the Bituminous Coal Code, or Rules and Regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 12 for Truck Shipments, and with intent to violate the same and in violation thereof, sold, between February 19 and June 17, 1941, to the Des Moines Electric Light Company for delivery by truck to its plant at Des Moines, Iowa, screenings (Size Group 8) as follows: 24.20 tons at $2.00, 11.90 tons at $2.38, 26 tons at $2.30, and 14.10 tons at $2.48 per net ton, delivered; whereas the effective minimum price established for such coal is $2.54 per net ton delivered.

Pursuant to orders of the Director and after notice to all interested persons, the hearing having been held in this matter on September 12, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Des Moines, Iowa;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the code membership of the defendant, Lloyd Greenland (Greenland Coal Company) be and is hereby revoked and cancelled.

It is further ordered, That, prior to any reinstatement of the defendant, Lloyd Greenland (Greenland Coal Company), to membership in the Code, there shall be paid to the United States a tax in the amount of sixty-nine dollars and fifty-four cents ($69.54) as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8492; Filed, November 13, 1941; 10:27 a. m.]

[Docket No. 1755-FD]

IN THE MATTER OF JOEL JONES, A CODE MEMBER IN DISTRICT NO. 11, DEFENDANT

ORDER OF THE DIRECTOR REVOKING AND CANCELLING A CODE MEMBERSHIP

A complaint having been filed on May 28, 1941, with the Bituminous Coal Division pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 11, complainant, alleging that the defendant, Joel Jones, a code member in District No. 11, operating the Jones Mine (Mine Index No. 942) wilfully violated the Bituminous Coal Code and the Rules and Regulations thereunder as follows:

Defendant, with knowledge of the provisions contained in the Schedule of Effective Minimum Prices for District No. 11, and with intent to violate same and in willful violation thereof, sold for shipment by truck during the period November 2, 1940, to May 14, 1941, both dates inclusive, an unknown quantity of screenings (Size Group No. 14) produced at the aforesaid mine to the French Lick Springs Hotel, French Lick, Indiana, at $1.35 per ton delivered, when the effective minimum price for said coal f. o. b. the mine was $1.55 per net ton;

Pursuant to an Order of the Director and after due notice to all interested parties, a hearing having been held in this matter on September 29, 1941, at a hearing room of the Division at Shoals, Indiana; all interested parties having joined in the waiving and filing of a report by the Examiner, and the record of the proceeding thereupon having been submitted to the Director for consideration;

The Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith,[1] in which it was concluded that the defendant's code membership should be revoked;

Now, therefore, it is ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Joel Jones, a code member in District No. 11, be and it hereby is revoked and cancelled; and

It is further ordered, That prior to any reinstatement of defendant, Joel Jones, in the Code the defendant shall pay to the United States a tax in the sum of $547.11 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8493; Filed, November 13, 1941; 10:27 a. m.]

[Docket No. 1705-FD]

IN THE MATTER OF PETERSON COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on June 2, 1941, with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 4, alleging wilful violation by the Peterson Coal Company, the defendant, a code member in District No. 4, of the Bituminous Coal Code and the Rules and Regulations thereunder by:

(a) selling during January, 1941, approximately 100 tons of 1½" x 4" egg coal produced at its Peterson Bros. Mine (Mine Index No. 1623), located in Portage County, Ohio, in District No. 4, for shipment via trucks owned or controlled by said defendant to the Republic Steel Corp. at Newton Falls, Ohio, at a delivered price of $2.50 per ton;

(b) selling during January 1941, approximately 720 tons of 2" nut and slack coal and approximately 220 tons of 1½" x 4" egg coal produced at its Peterson Bros. Mine for shipment via trucks owned or controlled by the defendant to the Republic Steel Corp. at Niles, Ohio, at a delivered price of $2.30 per ton for the nut and slack and $2.60 per ton for the 1½" x 4" egg coal;

(c) selling during January 1941, approximately 78.8 tons of 2" nut and slack coal produced at its Peterson Bros. Mine for shipment via trucks owned or controlled by the defendant to the Ohio Boxboard Company at Rittman, Ohio, at a delivered price of $2.30 per ton; and

(d) selling during January 1941, approximately 37.6 tons of mine run coal produced at its Peterson Bros. Mine for shipment via trucks owned or controlled by the defendant to the Ohio Edison Company at Cuyahoga Falls, Ohio, at a delivered price of $2.60 per ton;

The complaint further alleges that these violations were accomplished by failing to add not less than the actual charge for or cost of transportation to the minimum f. o. b. mine price when such sale was made f. o. b. destination, all in violation of section 4 II (g) of the Bituminous Coal Act of 1937 and Price Instruction No. 6 in the Schedule of Effective Minimum Prices for Truck Shipments for District No. 4.

An answer having been filed by the defendant on August 7, 1941, and pursuant to an Order of the Director and after due notice to all persons, a hearing having been held on this matter on September 5, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Akron, Ohio;

Appearances having been entered by the Division and by the Peterson Coal Company, the defendant; and all interested parties having been afforded an opportunity to be present and to take part fully in the hearing;

At the conclusion of the hearing all parties having joined in the waiving of the preparation and filing of the Examiner's Report, the matter having thereupon been submitted to the Director, and the Director having made Findings of Fact, Conclusions of Law, and having rendered an Opinion, which is filed herewith,[1]

Now, therefore, it is ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, the Peterson Coal Company, a code member in District No. 4, be and it is hereby revoked and cancelled; and

It is further ordered, That prior to any reinstatement of the defendant, the Peterson Coal Company, a partnership, or Roy Kays, C. E. Peterson, and Harry Peterson, partners therein, to membership in the Code, the defendant or any of the individual partners thereof shall pay the United States a tax in the amount of $902.60 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8494; Filed, November 13, 1941; 10:27 a. m.]

[Docket No. A-983]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF MAXIMUM PRICES FOR ALL COALS

MEMORANDUM OPINION AND ORDER CONCERNING MOTION OF DISTRICT BOARDS 3, 4, 6, 7, 8 AND 11 FOR CONTINUANCE

Bituminous Coal Producers Boards for Districts Nos. 3, 4, 6, 7, 8 and 11, interveners herein, on November 6, 1941, filed a consolidated motion requesting a further continuance of the hearing in this matter from November 12, 1941, to a date subsequent to the entry of the final Order of the Director in the first or cost phase of General Docket No. 21, or in any event to a date subsequent to November 25, 1941, the date set for oral argument before the Director in that Docket. District Boards Nos. 9 and 10 consent to the granting of this motion.

The Bituminous Coal Consumers' Counsel has expressed objection to any postponement.

The District Boards allege that they are now engaged in an analysis of the Examiner's Report in General Docket No. 21, are preparing exceptions, briefs, and oral argument thereon, and that in order to prepare intelligently and efficiently, it will be necessary for the Boards and their counsel constantly to devote themselves to those tasks at least until the oral argument, scheduled for November 25, 1941, is completed.

In the light of these considerations, and in the absence of any showing that the further postponement will adversely affect the interests of producers, consumers, or any party to this proceeding, the Director is of the opinion that a postponement of the hearing in this matter until December 2, 1941, is warranted.

Accordingly, it is ordered, That the hearing in this proceeding be and it hereby is postponed until December 2, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., to be designated by the Chief of the Records Section in Room 502.

Dated: November 7, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8495; Filed, November 13, 1941; 10:28 a. m.]

[Docket No. 1596-FD]

IN THE MATTER OF B. B. B. COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on February 19, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers' Board for District 12, alleging that B. B. B. Coal Company, a partnership composed of Edmon Briggs and George W. Burke, a code member in District 12, defendant, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling 443.7 tons of screenings (Size Group 8) to one George Pope at $1.00 per ton f. o. b. the mine, whereas the effective minimum price for such coal is $1.60 per ton f. o. b. the mine, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa, on April 9, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter dated September 30, 1941, in which it was rec-

[1] Not filed as part of the original document.

[1] Not filed as part of the original document.

ommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, B. B. B. Coal Company, a partnership composed of Edmon Briggs and George W. Burke, operating Mine Index No. 9, located near Hamilton, Iowa, be and it is hereby revoked and cancelled;

And it is further ordered, That, prior to any reinstatement of the defendant or either partner to membership in the Code, the defendant or either partner shall pay to the United States a tax in the amount of $267.87, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8496; Filed, November 13, 1941; 10:28 a. m.]

[Docket No. 1726-FD]

IN THE MATTER OF EDWARDS BROTHERS COAL COMPANY, A PARTNERSHIP, DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed on May 17, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, with the Bituminous Coal Division, alleging the wilful violation by Edwards Brothers Coal Company, the defendant, a partnership consisting of Mathew Edwards and Oliver Edwards, of the Bituminous Coal Code or the rules and regulations thereunder, *inter alia*, as follows:

That the defendant sold certain coals at less than the effective minimum prices established therefor and falsified records in order to avoid discovery of the violation;

The defendant having filed an answer on July 31, 1941, amounting to a general denial of the alleged violations;

Pursuant to an appropriate Order and after due notice to all interested persons a hearing in this matter having been held on September 5, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Oskaloosa, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

At the conclusion of the hearing, the preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith; [1]

Now, therefore, it is ordered, That the defendant, and each partner thereof, its representatives, servants, agents, employees, attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal at prices below the effective minimum prices, from violating the Bituminous Coal Act of 1937, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, the Marketing Rules and Regulations, and Orders of the Director.

It is further ordered, That upon the failure or neglect of the defendant to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit wherein the defendant carries on business for the enforcement thereof.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8497; Filed, November 13, 1941; 10:28 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL

WEISER INVESTIGATIONS, IDAHO—HORSE FLAT RESERVOIR

JULY 29, 1941.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269) as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in section 3, Act of June 17, 1902 (32 Stat. 388), and that Departmental Order of April 8, 1935, including the said lands in Grazing District No. 1, Idaho, be modified and made subject to the withdrawal effected by this order.

[1] Not filed as part of the original document.

WEISER INVESTIGATIONS, IDAHO

Horse Flat Reservoir, Boise Meridian

Township 15 North, Range 3 West,
Sec. 29, SW¼SW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 32, NW¼, NE¼SW¼, NW¼SE¼, S½ SE¼;
Sec. 33, SW¼SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: September 2, 1941.

A. D. MOLOHON,
Acting Director of the Grazing Service.

I concur: October 29, 1941.

FRED W. JOHNSON,
Commissioner of the General Land Office.

NOVEMBER 1, 1941.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 41-8481; Filed, November 13, 1941; 9:46 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 635]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 5, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Alabama 2022S2 Butler	$15,000
Georgia 2087S3 Tattnall	10,000
Illinois 2018S4 Pike	12,500
Illinois 2028S3 Champaign	8,000
Illinois 2030S2 Adams	14,000
Illinois 2032S2 McDonough	5,000
Illinois 2033S3 Hancock	5,000
Illinois 2034S3 Jackson	8,000
Illinois 2036S2 Jasper	5,000
Illinois 2040S2 Macoupin	8,000
Illinois 2044S2 Carroll	5,000
Iowa 2034S3 Jones	5,000
Iowa 2060S3 Emmet-Dickinson	8,000
Iowa 2062S2 Ida	5,000
Iowa 2071S2 Buchanan	5,000
Iowa 2079S2 Clarke	15,000
Kentucky 2026S3 Todd	10,000
Kentucky 2035S4 Warren	10,000
Michigan 2044S3 Grand Traverse	20,000
Minnesota 2096S2 Beltrami	20,000
Mississippi 2041S3 Pike	2,500
New Hampshire 2004S3 Merrimack	15,000
North Carolina 2025S3 Rutherford	15,000
North Carolina 2039S3 Martin	5,000
South Carolina 2014S5 Aiken	10,000
South Carolina 2029S2 Sumter	20,000

Project designation—Continued.	*Amount*
South Carolina 2031S2 Horry	15,000
South Carolina 2035S2 Abbeville	7,000
South Dakota 2003S1 Clay	3,000
South Dakota 2006S2 Union	2,000
South Dakota 2011S2 Pennington	15,000
Tennessee 2049S1 Fayette	20,000
Texas 2030S6 Upshur	7,000
Texas 2041S2 Panola	4,000
Texas 2064S5 San Augustine	7,000
Texas 2080S2 Collingsworth	6,000
Texas 2083S2 Fisher	6,000
Texas 2096S3 Comanche	20,000
Texas 2103S2 Polk	15,000
Vermont 2007S3 Orleans	10,000
Virginia 2039S1 Northampton	7,500
Wisconsin 2032S5 Pierce	9,500
Wisconsin 2047S4 Jackson	12,000
Wisconsin 2053S3 Eau Claire	10,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8499; Filed, November 13, 1941; 11:24 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-217]

PUBLIC SERVICE COMMISSION OF INDIANA V. PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, AND NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER FIXING DATE OF HEARING

NOVEMBER 6, 1941.

It appearing to the Commission that:

(a) On September 29, 1941, the Public Service Commission of Indiana filed a petition requesting the Federal Power Commission to hold a hearing, and upon said hearing to determine the just and reasonable charge, rate, practice, and contracts thereafter to be observed, and in force respecting certain mutual contractual relations between Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, Northern Indiana Public Service Company, Defendants, and Eva Simerman, et al., consumers of natural gas supplied by said Defendants in the cities and towns of Fort Wayne, Bluffton, Huntington, Decatur, Columbia City, Preble, Ossian and South Whitley, Indiana, and other consumers similarly situated, and petitioning further for all other proper relief in the premises;

(b) On August 25, 1941, there was filed with the Public Service Commission of Indiana the petition of said Eva Simerman, et al., requesting the said Commission to file a complaint before the Federal Power Commission requesting the said hearing, a copy of which petition is marked Exhibit I and made a part of the petition in this proceeding;

(c) Said petition of Eva Simerman, et al., alleges, among other things, that Panhandle Eastern Pipe Line Company sells and delivers natural gas at the Illinois-Indiana State line to Michigan Gas Transmission Corporation pursuant to a contract dated October 1, 1936, designated in the files of the Commission as Rate Schedule FPC No. 18; that said gas is delivered by Michigan Gas Transmission Corporation to Northern Indiana Public Service Company for resale in Bluffton, Preble, Decatur, Toscin, Fort Wayne, Columbia City, South Whitley and Huntington, Indiana, under a contract dated May 1, 1937, designated in the files of the Commission as Michigan Gas Transmission Corporation Rate Schedule FPC No. 11; and that said contracts and their provisions, conditions and limitations affecting the rates of said petitioners as consumers are unjust and unreasonable, unduly discriminatory, and preferential;

(d) The Public Service Commission of Indiana alleges that the matters contained in the said petition of Eva Simerman, et al., are matters over which it has no jurisdiction, said matters being interstate in nature; that an investigation should be made by the Federal Power Commission relative to the charge that the practices complained of are capricious, arbitrary, unfair, discriminatory, and in violation of the Natural Gas Act; and that it is interested in having a determination by the Federal Power Commission of the alleged discriminatory and unfair practices;

(e) On October 28, 1941, Michigan Gas Transmission Corporation filed with the Commission an answer to the said petition of the Public Service Commission of Indiana denying certain allegations contained therein, and praying that the petition be dismissed as to said Michigan Gas Transmission Corporation;

(f) On November 4, 1941, Panhandle Eastern Pipe Line Company filed with the Commission an answer to the said petition of the Public Service Commission of Indiana denying certain allegations contained therein, and praying that the petition be dismissed as to said Panhandle Eastern Pipe Line Company;

The Commission orders that: A public hearing upon said petition of the Public Service Commission of Indiana shall be held commencing on December 8, 1941 at 9:45 a. m., in Room 353, Federal Building at Fort Wayne, Indiana.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8480; Filed, November 13, 1941; 9:38 a. m.]

[Docket No. IT-5714]

IN THE MATTER OF THE CALIFORNIA OREGON POWER COMPANY

ORDER POSTPONING HEARING

NOVEMBER 12, 1941.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above entitled matter;

The Commission *orders* that: The hearing in this proceeding, heretofore set to commence on November 17, 1941, be and it is hereby postponed to January 19, 1942.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8501; Filed, November 13, 1941; 11:36 a. m.]

[Project No. 1503]

IN THE MATTER OF STATE OF ARIZONA

ORDER POSTPONING DATE OF HEARING

NOVEMBER 12, 1941.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in the above-entitled proceeding;

The Commission *orders* that: The hearing in this proceeding heretofore set to commence on December 1, 1941, be and it is hereby postponed until January 12, 1942, at 9:45 a. m., in the hearing room, Arizona Corporation Commission, Phoenix, Arizona.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8502; Filed, November 13, 1941; 11:36 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4582]

IN THE MATTER OF ROBERT T. K. HEE, INDIVIDUALLY AND TRADING UNDER THE NAME THE EASTERN HERB COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Miles J. Furnas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 1, 1941, at ten o'clock in the forenoon of that day (pacific standard time) in Court Room 523, Electric Building, San Diego, California.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on

behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-8500; Filed, November 13, 1941; 11:24 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-434]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, AND OHIO RIVER POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Central U. S. Utilities Company and Ohio River Power Company;

Notice is further given that any interested person may, not later than November 29, 1941 at 1:15 p. m. E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest; or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application as filed or as amended may become effective and may be granted as provided in Rule U-23 of the Rules and Regulations promulgated to said Act or the Commission may exempt such transaction as provided in Rules U-20 (c) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C. All interested persons are referred to said declaration and application, which are on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Ohio River Power Company proposes to transfer all its property—real, personal and mixed and wherever located—and all its liabilities to Central U. S. Utilities Company in return for the surrender by Central U. S. Utilities Company to Ohio River Power Company for cancelation and retirement all of the outstanding shares of capital stock of Ohio River Power Company. Such transfer is to be followed by liquidation and dissolution of Ohio River Power Company which company then will cease to do business, surrender its charter, and no longer exist as a corporation;

Subsequent to the liquidation of Ohio River Power Company, Central U. S. Utilities Company proposes to sell the properties and other assets formerly owned by Ohio River Power Company to the cities of Tell City and Cannelton, Indiana. By the terms of the proposed contract for purchase and sale, Cannelton is to pay $125,000 and Tell City $475,000 for the properties to be acquired by each, these figures being subject to certain adjustments detailed in the sales contract.

It is represented by Central U. S. Utilities Company that the proceeds of the sale to be derived by it will be used for one or more of the following purposes:

(1) For the purchase of bonds of Associated Electric Company.

(2) For the purchase of bonds or stock of subsidiaries.

(3) For advances or contributions to subsidiary companies for capital expenditures.

(4) For the acquistion of additional operating units or companies within the Associated Electric Company group.

Applicants-declarants have designated sections 2 (c), 9 (a) (1), 10, 12 (c), 12 (f), Rules U-42, U-43 and U-44 (b) (3) as being applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8503; Filed, November 13, 1941; 11:37 a. m.]

[File No. 812-37]

IN THE MATTER OF BANKERS SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of November, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 for an order declaring applicant to be excepted from the definition of an investment company contained in said Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities.

It is ordered, That a hearing on the said application under and pursuant to section 3 (b) (2) of the said Investment Company Act be held on December 2, 1941 at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8504; Filed, November 13, 1941; 11:37 a. m.]

[File No. 811-247]

IN THE MATTER OF MORRISTOWN SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of November, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company;

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 8 (f) of the Investment Company Act of 1940 be held on November 18, 1941, at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Charles S. Lobingier, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8505; Filed, November 13, 1941; 11:37 a. m.]

[File No. 1-2130]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF GNOME GOLD MINING COMPANY COMMON STOCK, 5¢ PAR VALUE SHOULD BE SUSPENDED OR WITHDRAWN

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

Appearances: James E. Newton, for the Registration Division of the Commission.

The Gnome Gold Mining Company, a corporation organized under the laws of the State of Washington, has its common stock, 5¢ par value, listed and registered on the Standard Stock Exchange of Spokane. These shares were effectively registered under the Securities Exchange Act of 1934 on October 1, 1935.[1]

On August 14, 1941, the Commission instituted this proceeding, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration and listing of registrant's common stock. The order instituting the proceeding set forth as the issues to be determined at the hearing:

(1) Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1940; and

(2) If so, whether it is necessary or appropriate for the protection of investors to suspend, or to withdraw, the registration of its common stock.

After appropriate notice to the registrant, the Standard Stock Exchange of Spokane, and the public, a hearing was held before a trial examiner in Seattle, Washington. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1940.[2] No exceptions to the trial examiner's report have been filed, and no objection to the withdrawal of listing and registration has been made either by the Standard Stock Exchange of Spokane or the registrant.[3] Upon an independent review of the record, we adopt the aforementioned finding of the trial examiner as being in accord with the record.

We find that the registrant has failed to comply with the statute and the rules thereunder in the respects noted above, and that it is necessary and appropriate for the protection of investors that the listing be withdrawn. Cf. *North European Oil Corporation,* 9 S.E.C. — (1941), Securities Exchange Act Release No. 2987; *Lehi Tintic Mining Company,* 9 S.E.C. — (1941), Securities Exchange Act Release No. 3049.

Accordingly, it is ordered, That the listing and registration of the common stock, 5¢ par value, of the Gnome Gold Mining Company on the Standard Stock Exchange of Spokane, a national securities exchange, be and it hereby is withdrawn.

By the Commission (Chairman Eicher, Commissioners Healy, Purcell, and Burke), Commissioner Pike being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8506; Filed November 13, 1941; 11:38 a. m.]

[1] The volume of trading in the stock from January 1, 1937, to August 29, 1941, was as follows: 1937, 1,568,441 shares; 1938, 343,600 shares; 1939, 110,000 shares; 1940, 54,000 shares; 1941 (to August 29), none.

[2] Under Rule X-13A-1 the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year. No annual report has yet been filed by the registrant for its fiscal year ended December 31, 1940, although such report was due to be filed not later than April 30, 1941. No request was made for an extension of time within which to file the report. The registrant advises by letter that the report was not filed because the company was unable to pay the expense entailed in making out the report.

[3] In a letter to the Commission the registrant stated that the officers of the company were authorized to take such steps as were necessary to delist the securities; and that "On February 13, 1941, a letter was written to the Standard Stock Exchange of Spokane, requesting that the listing of the stock of the said company be terminated, to which the Secretary replied on February 14 that the Application must be made in conformity with certain rules, with which the Company has no funds to comply."

UNITED STATES TARIFF COMMISSION.

NOTICE OF SUPPLEMENTAL INVESTIGATION AND HEARING WITH RESPECT TO CERTAIN COTTON AND COTTON WASTE

INVESTIGATION NO. 1

The United States Tariff Commission, on this 12th day of November 1941,[1] announces a supplemental investigation under section 22 of the Agricultural Adjustment Act of 1933, as amended, and Executive Order No. 7233, of November 23, 1935, with respect to:

(a) Cotton and cotton waste produced in the United States offered for reentry after exportation;

(b) Commercial samples of cotton and cotton waste of any origin;

(c) Card strips made from cottons having a staple of $1^{3}/_{16}$ inches or more in length.

The object of the supplemental investigation is to determine whether any or all of the foregoing items may be suspended from the application of the President's proclamation "Imposing Quotas on Imports of Cotton and Cotton Waste," of September 5, 1939, without causing imports to render or tend to render the cotton program ineffective.

Hearing. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held at the office of the Commission in Washington, D. C., at 10 a. m., on the 10th day of December 1941.

Nature of information at hearing. Information submitted at the hearing must be relevant and material to the matters under investigation.

Appearances at hearing. Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject, it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

[SEAL] E. M. WHITCOMB,
Acting Secretary.

[F. R. Doc. 41-8498; Filed, November 13, 1941; 11:03 a. m.]

[1] Notice issued November 12, 1941.

Reference

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Reference

FEDERAL REGISTER

VOLUME 6 NUMBER 223

Washington, Saturday, November 15, 1941

The President

EXECUTIVE ORDER

PERMITTING CERTAIN POSITIONS IN THE FARM SECURITY ADMINISTRATION TO BE FILLED BY PROMOTION, TRANSFER, OR ASSIGNMENT OF CERTAIN EMPLOYEES, AND AUTHORIZING SUCH EMPLOYEES TO ACQUIRE A CLASSIFIED STATUS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

SECTION 1. The incumbent of any position (other than a temporary position) in the Farm Security Administration of the Department of Agriculture who held a permanent, indefinite, or emergency appointment on June 30, 1941, and who is still so employed, may be promoted, transferred, or assigned to any position in the Farm Security Administration which, on and after July 1, 1941, is required to be filled in accordance with the Civil Service Rules.

SECTION 2. Any employee of the Farm Security Administration who, subsequent to June 30, 1941, is promoted, transferred, or assigned under section 1 of this order may acquire a competitive classified civil-service status in accordance with the provisions of the act of November 26, 1940, 54 Stat. 1211, extending the classified civil service.

This order shall be effective as of July 1, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 13, 1941.

[No. 8939]

[F. R. Doc. 41-8522; Filed, November 14, 1941; 9:30 a. m.]

Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

CHAPTER I—CIVIL SERVICE COMMISSION

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

The following section is to be added to the regulations issued on June 27, 1941; 6 F.R. 3577: Aug. 6, 1941; 6 F.R. 4091: Aug. 20, 1941; 6 F.R. 4181;

§ 17.6 *Approval required for transfers of attorneys.* A person holding an attorney position may not be transferred to another such position in a different agency without the consent of the agency in which he is employed or, if the agency refuses to consent, the approval of the Board of Legal Examiners. (E.O. 8743, 6 F.R. 2117; 54 Stat. 1211)

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

NOVEMBER 7, 1941.

[F. R. Doc. 41-8552; Filed, November 14, 1941; 12:09 p. m.]

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 517]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS MODIFYING THE RESTRICTIONS OF THE DUTCH ELM DISEASE QUARANTINE BY AUTHORIZING THE RESHIPMENT FROM POINTS WITHIN THE REGULATED AREA OF ELM PLANTS RECEIVED FROM NONREGULATED AREA AND RESHIPPED DURING THE DORMANT PERIOD OF THE INSECT VECTORS OF THE DISEASE

Pursuant to the authority conferred upon the Chief of the Bureau of Ento-

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FEDERAL REGISTER

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mology and Plant Quarantine by the fourth proviso of § 301.71, Chapter III, Title 7, Code of Federal Regulations [Notice of Quarantine No. 71 on account of the Dutch elm disease], § 301.71–4 is hereby modified, effective November 10, 1941, by providing that elm plants originating in nonregulated area and received within the regulated area during the period from November 1 to March 31, inclusive, of any 12-month period may be reshipped interstate to nonregulated area during the period specified above when such plants have been handled under conditions of sanitation and segregation as prescribed by the inspector to prevent attack or infestation by insect vectors of the Dutch elm disease or accidental or natural infection by the fungus causing the disease. Such shipments of elm plants shall bear an identifying tag issued by the Bureau of Entomology and Plant Quarantine showing compliance with these conditions. (7 CFR, § 301.71; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 8th day of November 1941.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 41–8548; Filed, November 14, 1941; 11:35 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Fourth Supplement to General Order No. C–28]

TYPE OF MONEY ORDER REQUIRED UNDER NATIONALITY REGULATIONS

NOVEMBER 12, 1941.

Pursuant to the authority conferred by section 327 of the Nationality Act of 1940 (54 Stat. 1151; 8 U.S.C. 727), section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), § 90.1 of Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following changes in said Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

Sections 324.4,[1] 362.2,[2] 365.1,[3] 370.1,[4] 378.1,[5] 379.2,[6] 380.1,[7] 382.3,[8] and 383.4 [9] are amended so that in each of those sections where the words "money order" appear, the said words shall be preceded by the words "United States postal."

LEMUEL B. SCHOFIELD, *Special Assistant to the Attorney General; in charge of Immigration and Naturalization Service.*

Approved:

FRANCIS BIDDLE, *Attorney General.*

[F. R. Doc. 41–8547; Filed, November 14, 1941; 11:34 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 5 to B.A.I. Order 309][*]

PART 75—DOURINE IN HORSES AND ASSES

ORDER AMENDING REGULATIONS GOVERNING THE INTERSTATE MOVEMENT OF LIVESTOCK

Pursuant to the authority conferred upon the Secretary of Agriculture by section 3 of the Act of Congress approved May 29, 1884 (23 Stat. 31; 21 U.S.C. 114), and the Act of Congress approved July 1, 1941 (Public Law, 144—77th Congress—1st Session), § 75.3, Part 75, Chapter I, Title 9, Code of Federal Regulations [Reg. 5, Sec. 3, B.A.I. Order 309], as amended, is hereby further amended to read as follows:

§ 75.3 *Appraisal of and compensation for animals.* When it is necessary, in order to prevent the spread of dourine and to aid in its extermination, and an appropriation is available therefor, the department will cooperate with state and federal governmental agencies in the purchase of diseased animals in the following manner:

(a) The fact of infection with this disease shall be determined by the complement-fixation test applied in the laboratory of the Bureau.

(b) The animal shall be appraised at its actual value by a Bureau inspector and a representative of the cooperating agency, or, when provided by State law, assessed value as shown by the assessor's books will be accepted in lieu of appraisal.

(c) The department will pay one-half of the appraised or assessed value, not to exceed $100, if the owner signs an agreement to accept such sum as compensation in full for the discharge of all claims he may have against the department on account of the destruction of the animal in question: *Provided*, That if the eradication work is carried on in cooperation with a federal agency the department may pay all of the appraised value, not to exceed $100.

This amendment, which for purpose of identification is designated Amendment 5 to B.A.I. Order 309, shall be effective on and after November 17, 1941. (23 Stat. 31, Public Law 144, 77th Cong., 1st Session; 21 U.S.C. 114)

Done at Washington this 13th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL, *Acting Secretary.*

[F. R. Doc. 41–8553; Filed, November 14, 1941; 11:35 a. m.]

[1] 6 F.R. 233.
[2] 6 F.R. 240.
[3] 6 F.R. 243.
[4] 6 F.R. 244.
[5] 6 F.R. 247.
[6] 6 F.R. 248.
[7] 6 F.R. 249.
[8] 6 F.R. 250.
[9] F. R. Doc. 41–8371, also designated as amendment 5 to B.A.I. Order 309, published in the FEDERAL REGISTER November 8, 1941 at page 5692, was incorrectly signed.

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC–30 General]

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

HABIT FORMING DRUGS, AMENDMENT OF REGULATIONS GOVERNING LABEL REQUIREMENTS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [sec. 701 (a), 52 Stat., 1040; 21 U.S.C. 301], paragraphs (a) (1) and (d) of the General Regulations promulgated under section 502 (d) of the Act[1] are hereby amended to read as follows:

§ 2.104 *Habit-forming drugs; label requirements.* (a) (1) The name of a substance or derivative required to be borne on the label of a drug by section 502 (d) of the Act shall be the common or usual name of such substance or derivative, unless it is designated solely by a name recognized in an official compendium and such designation complies with the provisions of section 502 (c).

* * * * *

(d) A drug shall not be considered to be misbranded by reason of failure of its label to bear the statement "Warning—May be habit forming"—

(1) if such drug is not suitable for internal use, and is distributed and sold exclusively for such external use as involves no possibility of habit formation; or

(2) if the only substance or derivative subject to section 502 (d) of the Act contained in such drug is chlorobutanol, which is present solely as a preservative and in a quantity not more than 0.5 percent by weight, and such drug is for parenteral use only; or

(3) if the only substance or derivative subject to section 502 (d) of the Act contained in such drug is chlorobutanol, which is present as an analgesic or as an analgesic and a preservative in a quantity not more than 3.0 percent, and such drug contains one or more other active ingredients and is for parenteral use only. (Sec. 701 (a), 52 Stat. 1040; 21 U.S.C., Sup., 301)

Dated: November 10, 1941.

WATSON B. MILLER, *Acting Administrator.*

[F. R. Doc. 41–8542; Filed, November 14, 1941; 10:56 a. m.]

[1] 3 F.R. 3167.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–887]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF PETITION OF DISTRICT BOARD 8 FOR REVISION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR TRUCK SHIPMENT BY J. S. STEWART (SAXTON COAL COMPANY), A. W. DENHAM, AND ISHAM SMITH, CODE MEMBER PRODUCERS IN DISTRICT 8

This is a matter instituted upon an original petition filed on May 26, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision of the effective minimum prices established for coals produced for shipment by truck at the Saxton Coal Company Mine (Mine Index No. 1882) of J. S. Stewart (Saxton Coal Company), at the Denham Mine (Mine Index No. 1826) of A. W. Denham, and at the Isham Mine (Mine Index No. 1880) of Isham Smith, all code member producers in District 8, as follows:

Mine index No.	Code member	Mine	Size group 1	2	3	4	5	6	7	8
1882	Stewart, J. S.	Saxton Coal Co.: Change—								
		From	335	315	235	260	225	225	-----	-----
		To	275	255	220	230	215	210	-----	-----
1826	Denham, A. W.	Denham: Change—								
		From	300	280	225	250	-----	215	170	165
		To	275	255	220	230	-----	210	145	140
1880	Smith, Isham	Isham: Change—								
		From	300	280	225	250	-----	215	170	165
		To	275	255	220	230	-----	210	145	140

Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The Saxton Coal Company Mine of J. S. Stewart (Mine Index No. 1882), Denham Mine of A. W. Denham (Mine Index No. 1826), and Isham Mine of Isham Smith (Mine Index No. 1880) are located near Saxton in Whitley County, Kentucky. The truck coals of the Isham Mine and the Denham Mine are designated as being in the River Gem Seam, and of the Saxton Coal Company Mine as being in the Blue Gem Seam. About 100 tons of coal a day are mined at the Saxton Coal Company Mine by the strip method, and from 1 to 10 tons a day at the Isham Mine by the drift method. Coals have been mined in the past at the Denham Mine by the strip method although at the time of the hearing this mine was not operating. All these coals compete chiefly with coals produced in the Jellico Seam and in the Blue Gem Seam.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8, that the coals of the three mines involved herein are comparable and are produced from the same seam. Hence, the witness stated, the coals of the Saxton Coal Company Mine should be designated as produced in the River Gem Seam and not in the Blue Gem Seam as presently designated in the truck schedule for District 8.[1] The witness Daniel further testified that in

[1] In Docket No. A–615, the seam designation of the rail coals of the Saxton Coal Company Mine was corrected by Order of the Director from "Blue Gem" to "River Gem".

the domestic sizes (Size Groups 1–6) these River Gem coals are of better quality than some Jellico Seam coals but not as good as other Jellico Seam coals. His testimony also indicates that in the industrial sizes (Size Groups 7 and 8) the River Gem Seam coals are of very poor quality. The record also shows that the River Gem Seam coals are inferior in quality to the Blue Gem Seam coals; they are slower burning and have a higher ash content. The witness stated that in view of the comparability of the River Gem Seam coals to each other and their poorer qualitative content than the better Jellico Seam coals and the Blue Gem Seam coals, revision of the effective minimum prices of the River Gem Seam coals is necessary to reflect their relative market value and to afford them a reasonable opportunity to compete on a fair basis with such other coals.

Upon the basis of the uncontroverted testimony, I find and conclude that the revision of the effective minimum prices of the coals of Mine Index Nos. 1882, 1826 and 1880 for shipment by truck, and of the seam designation of the coals of Mine Index No. 1882 is necessary to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with all of the standards thereof.

Now, therefore, it is ordered, That § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and it hereby is revised by establishing the following minimum prices for the mines indicated:

Mine Index No.	Code member	Mine	Size groups							
			1	2	3	4	5	6	7	8
1882	Stewart, J. S.	Saxton Coal Co.	275	255	220	230	215	210	.....	.....
1826	Denham, A. W.	Denham	275	255	220	230	.....	210	145	140
1880	Smith, Isham	Isham	275	255	220	230	.....	210	145	140

It is further ordered, That the seam designation of the coals produced at the Saxton Coal Company Mine (Mine Index No. 1882) be and it hereby is changed from "Blue Gem" to "River Gem" in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8537; Filed, November 14, 1941; 10:49 a. m.]

[Dockets Nos. A–209, A–220, A–292, A–294, A–311, A–395, A–457, A–458]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITIONS OF CERTAIN PRODUCERS IN WILLIAMSON AND SALINE COUNTIES, DISTRICT 10, FOR A REDUCTION OF MINIMUM PRICES

On September 9, 1941, 6 F.R. 4662, the Director issued his Findings of Fact, Conclusions of Law, and Opinion in the above-entitled proceedings, and issued an Order Granting Permanent Relief therein. On October 21, 1941, 6 F.R. 5428, the Director issued his Order Amending Order Granting Permanent Relief. The Order Granting Permanent Relief, as thus amended, provided for certain reductions, for shipments by truck, of the effective minimum prices applicable to all mines in section 10 of District 10 which are set forth in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments. The Order, as amended, further provided that the effective minimum prices in all size groups for Mine Index No. 40 (Augustina Coloni) for truck shipments be established the same as those for the above-mentioned mines in section 10 of District 10.

In section 10 of District 10 there are producers whose coals are priced for shipment both by rail and truck. The coals of other producers located in section 10 are priced for shipment by truck only. It appears from the Findings of Fact issued by the Director on September 9 that all the petitioners herein are in the latter class, operating exclusively as truck mines and being given only truck mine prices, with the exception of Coloni, whose mine has rail facilities and has heretofore been priced for both rail and truck shipments. Coloni testified at the hearing herein, however, that he had discontinued rail shipments. It further appears from the Findings of Fact of September 9 that the petitioners herein are representative truck shippers in section 10 of District 10, that the difficulties encountered by them are common to all the mines in that section shipping exclusively by truck, and that the relief granted to the petitioners should also be granted to all similar truck mine producers in section 10.

Some question has been raised as to whether a proper interpretation of the Order of September 9, as amended, restricts the application of the reduced prices to those truck mine producers in section 10 of District 10 which operate exclusively as truck mines. The Findings of Fact of September 9 are clear that the application of the reduced prices is thus restricted. To prevent any misinterpretation of the Order of September 9, as amended, I will further amend it to eliminate any ambiguity which may appear therein.

Now, therefore, it is ordered, That the next to the last paragraph of the Order Granting Permanent Relief entered in this proceeding on September 9, 1941, as amended on October 21, 1941, be and it hereby is amended and revised to read as follows:

It is ordered, That commencing forthwith, the effective minimum prices in § 330.25 (*General prices in cents per net ton for shipment into all market areas*), applicable to all mines in Section 10 of District 10 which are priced only for truck shipment shall be and the same are hereby reduced for shipments by truck as follows: Size Group 8 from $1.80 to $1.60; Size Group 9 from $1.75 to $1.50; Size Groups 10, 11, and 12 from $1.65 to $1.50; Size Group 13 from $1.40 to $1.30; and Size Group 15 from $.75 to $.65 per ton f. o. b. the mine; that the effective minimum prices in all size groups for Mine Index 40 (Augustina Coloni) for truck shipments be and the same are hereby established the same as those for the above-mentioned mines in section 10 of District 10, as herein revised; and that the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments be and it hereby is revised accordingly.

Dated: November 10, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8536; Filed, November 14, 1941; 10:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSACTIONS INCIDENT TO TRADE BETWEEN THE UNITED STATES AND ANY PART OF CHINA OTHER THAN MANCHURIA

General License No. 58, as Amended, Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 58[1] is amended to read as follows:

§ 131.58 *General license No. 58.* (a) A general license is hereby granted licensing all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China other than Manchuria; *provided*, the following terms and conditions are complied with:

(1) Such transaction shall not involve property in which any one of the following has at any time on or since the effective date of the Order had any interest

[1] 6 F.R. 3723.

and shall not be by, or on behalf of, or pursuant to the direction of any one of the following:

(i) Any blocked country other than China, or

(ii) Any person within Manchuria, or

(iii) Any national of any blocked country other than China unless such national is within China;

(2) Exports from the United States to China having a value in excess of $100 shall be effected only provided *both* of the following conditions are satisfied:

(i) Payment therefor has been or will be made through a domestic bank and such domestic bank has been notified by an appointed bank that the importer within China has paid or has completed arrangements to pay therefor with United States dollars acquired from such appointed bank, or in lieu of the foregoing, a domestic bank has been notified by an appointed bank that the shipment has been otherwise approved by the Stabilization Board of China; and

(ii) On each shipment the domestic bank referred to in (i) shall execute Form TFR–158[2] in quadruplicate. The original of such executed form shall be transmitted by the domestic bank directly to the collector of customs at the port of exportation and shall be received by such collector of customs prior to the exportation of the shipment. The duplicate of such executed form shall be delivered by the domestic bank to the exporter or his agent who shall present and, if requested, deliver such copy to the collector of customs at the port of exportation at the time the Shipper's Export Declaration is filed. The remaining two copies of such executed form shall be filed promptly by the domestic bank with the appropriate Federal Reserve Bank.

(3) Imports into the United States from China having a value in excess of $100 shall be effected only provided *both* of the following conditions are satisfied:

(i) Payment therefor in United States dollars has been or will be made through a domestic bank and the exporter within China has sold or has completed arrangements for selling such United States dollars to an appointed bank, or in lieu of the foregoing, the shipment has been otherwise approved by the Stabilization Board of China; and

(ii) Prior to the release of any such shipment from customs custody the collector of customs of the port of entry through which the shipment is imported shall have received a consular invoice covering such shipment and such consular invoice shall bear the certification of a United States consul in China that an appointed bank has duly notified the consul that the exporter within China has sold or has completed arrangements for selling the United States dollar proceeds from such shipment to such appointed bank or that the shipment has been otherwise approved by the Stabilization Board of China.

(4) The conditions prescribed in (2) and (3) shall not apply with respect to any import or export:

(i) If the shipment was in transit between the United States and China on November 12, 1941; or

(ii) If the consignee or consignor of the shipment is the United States Government or the Chinese National Government or a recognized agency or political instrumentality of either government; or

(iii) If payment for the shipment was fully effected prior to November 12, 1941, and the following reporting procedure is followed: On each such shipment a domestic bank participating in financing the shipment shall execute Form TFR–158A in quadruplicate. The original of such executed form shall be transmitted by such domestic bank directly to the collector of customs at the port of importation or exportation as the case may be and shall be received by such collector of customs prior to the release of such shipment from customs custody or prior to the exportation of such shipment as the case may be. The duplicate of such executed form shall be delivered by the domestic bank to the importer or exporter or their respective agents who shall present and, if requested, deliver such copy to the collector of customs at the time the shipment is released from customs custody or the Shipper's Export Declaration is filed, as the case may be. The remaining two copies of such executed form shall be filed promptly by the domestic bank with the appropriate Federal Reserve Bank.

(5) Any domestic bank prior to issuing, confirming or advising letters of credit, or accepting or paying drafts drawn, or reimbursing themselves for payments made, under letters of credit, or making any other payment or transfer of credit, in connection with any importation or exportation pursuant to this general license, or engaging in any other transaction herein authorized, shall satisfy itself (from the shipping documents or otherwise) that:

(i) Any such transaction is incident to a bona fide importation or exportation and is customary in the normal course of business, and that the value of such importation or exportation reasonably corresponds with the sums of money involved in financing such transaction; and

(ii) Such importation or exportation is or will be made pursuant to all the terms and conditions of this license.

(b) As used in this general license:

(1) The term "appointed bank" shall mean any of those banks cooperating with the Stabilization Board of China and buying and selling foreign exchange with the permission of, and subject to the conditions prescribed by, such Board, the names of which appear on Schedule A of this general license at the time the transaction is effected.

(2) A person shall not be deemed to be "within China" unless such person was situated within and doing business within China on and since June 14, 1941.

Schedule A of General License No. 58

The offices within Hong Kong and any part of China except Manchuria of the following are hereby licensed as "appointed banks" within the meaning of General License No. 58:

(a) The Chase Bank.
(b) National City Bank of New York.
(c) Underwriters Bank for the Far East.
(d) American Express Company.
(e) Moscow Narodny Bank, Ltd.
(f) Thos. Cook & Son (Bankers) Ltd.
(g) Hongkong & Shanghai Banking Corporation.
(h) Mercantile Bank of India, Ltd.
(i) David Sassoon & Co., Ltd.
(j) E. D. Sassoon & Co., Ltd.
(k) E. D. Sassoon Banking Co., Ltd.
(l) Chartered Bank of India, Australia & China, Ltd.
(m) Nederlandsch Indische Handelsbank.
(n) Nederlandsche Handel Maatschappij.
(o) Shanghai Commercial and Savings Bank, Ltd.
(p) Bank of East Asia, Ltd.
(q) National Commercial Bank, Ltd.
(r) Chekiang Industrial Bank, Ltd.
(s) Bank of Canton, Ltd.
(t) Oversea-Chinese Banking Corporation, Ltd.
(u) Kincheng Banking Corporation.
(v) China Banking Corporation.
(w) Bank of China.
(x) Bank of Communications.
(y) Farmers Bank of China.
(z) Central Bank of China.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 41–8516; Filed, November 13, 1941; 3:36 p. m.]

[2] Filed as part of the original document.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

OFFICES OF CERTAIN NEW YORK BANKS AND CERTAIN OTHER INSTITUTIONS WITHIN CHINA

General License No. 59, as Amended Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 59[1] is amended to read as follows:

§ 131.59 *General license No. 59.* (a) A general license is hereby granted licensing as generally licensed nationals the offices within Hong Kong and any part of China except Manchuria of the following:

(1) The Chase Bank.
(2) National City Bank of New York.
(3) Underwriters Bank for the Far East.
(4) American Express Company.
(5) Moscow Narodny Bank, Ltd.
(6) Thos. Cook & Son (Bankers) Ltd.
(7) Hongkong & Shanghai Banking Corporation.
(8) Mercantile Bank of India, Ltd.
(9) David Sassoon & Co., Ltd.
(10) E. D. Sassoon & Co., Ltd.
(11) E. D. Sassoon Banking Co., Ltd.
(12) Chartered Bank of India, Australia & China, Ltd.
(13) Nederlandsch Indische Handelsbank.
(14) Nederlandsche Handel Maatschappij.
(15) Shanghai Commercial and Savings Bank, Ltd.
(16) Bank of East Asia, Ltd.
(17) National Commercial Bank, Ltd.
(18) Chekiang Industrial Bank, Ltd.
(19) Bank of Canton, Ltd.
(20) Oversea-Chinese Banking Corporation, Ltd.
(21) Kincheng Banking Corporation.
(22) China Banking Corporation.

(b) Any such office of any such bank is also authorized to engage in all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China, except Manchuria, provided all the terms and conditions of General License No. 58 are complied with.

(c) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned banking institutions shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8517; Filed, November 13, 1941; 3:36 p. m.]

[1] 6 F.R. 3723, 3888.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

OFFICES OF CERTAIN CHINESE BANKS OUTSIDE THE UNITED STATES AND NOT WITHIN ANY BLOCKED COUNTRY OTHER THAN CHINA

General License No. 61, as Amended, Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 61[1] is amended to read as follows:

§ 131.61 *General license No. 61.* (a) A general license is hereby granted licensing the offices outside the United States and not within any blocked country other than China of the following Chinese banks as generally licensed nationals:

(1) the Bank of China;
(2) the Bank of Communications; and
(3) the Farmers Bank of China.

Any transaction engaged in by any such office of any such bank pursuant to the order of or for the account of any person not within any blocked country is also hereby authorized to the same extent, and under the same circumstances, as though such transaction were solely for the account of such office of such bank: *Provided, however,* That this authorization shall not be deemed to permit any payment, transfer or withdrawal from any blocked account.

(b) Any office within Hong Kong or any part of China, except Manchuria, of any such bank is also authorized to engage in all transactions ordinarily incident to the importing and exporting of goods, wares and merchandise between the United States and any part of China, except Manchuria, provided all the terms and conditions of General License No. 58 are complied with.

(c) Banking institutions within the United States making any payment, transfer or withdrawal from the accounts of any such office of the aforementioned banks shall file promptly with the appropriate Federal Reserve Bank monthly reports setting forth the details of such transactions during such period. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8518; Filed, November 13, 1941; 3:36 p. m.]

[1] 6 F.R. 3724, 3883.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSACTIONS INCIDENT TO TRADE BETWEEN THE PHILIPPINE ISLANDS AND CHINA AND BETWEEN THE PHILIPPINE ISLANDS AND JAPAN

Revocation of General License No. 64 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

General License No. 64[1] is hereby revoked. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8519; Filed, November 13, 1941; 3:36 p. m.]

[1] 6 F.R. 3725.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REMITTANCES THROUGH DOMESTIC BANKS TO PERSONS IN CHINA

General License No. 75 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 12, 1941.

§ 131.75 *General license No. 75.* (a) A general license is hereby granted authorizing remittances in any amount by any person through any domestic bank to any person in any part of China except Manchuria, and any domestic bank is authorized to effect such remittances, provided the following terms and conditions are complied with:

(1) Such remittances may be made from any account other than a blocked account and, subject to item (2) hereof, such remittances may be made from the blocked account of any national of China.

(2) Such remittances may not be made from any blocked account if any of the following has an interest in such account:

(i) Any national of any blocked country other than China;
(ii) Any person within Manchuria; or
(iii) Any blocked country other than China; and

(3) Such remittances shall be effected by a domestic bank paying the dollar amount of the remittance to a designated agent of the Central Bank of China for the account of an appointed bank.

(b) All domestic banks effecting such remittances shall satisfy themselves that the foregoing terms and conditions are complied with.

(c) With respect to each remittance made pursuant to this general license reports on Form TFR-132 shall be executed and filed in the manner and form and under the conditions prescribed in General License No. 32. Domestic banks through which any such remittances originate shall note on the reverse side of such form the nature of the transaction for which the remittance is being made but need not furnish the information called for in item 6 of such form.

(d) All dollars accruing to any appointed bank pursuant to this general license shall, if so required by the Stabilization Board of China, be made available to the Board by payment to the Central Bank of China against delivery of an equivalent amount of Chinese national currency.

(e) This general license shall not be deemed to authorize any transaction incidental to imports and exports between the United States and China.

(f) As used in this general license:

(1) The term "appointed bank" shall have the same meaning as that prescribed in General License No. 58.

(2) The term "designated agent of the Central Bank of China" shall mean either the Bank of China or the Philippine Bank of Communications. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8520; Filed, November 13, 1941; 3:37 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REMITTANCES THROUGH DOMESTIC BANKS TO PERSONS IN CHINA

Public Circular No. 7 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, etc.

Appendix

NOVEMBER 12, 1941.

General Licenses Nos. 32[1] and 33[2] shall not be deemed to authorize remittances to any individual in any part of China, except Manchuria, unless such remittances are effected in the manner prescribed in paragraph (a) (3) of General License No. 75,[3] namely, by a domestic bank paying the dollar amount of the remittance to a designated agent of the Central Bank of China for the account of an appointed bank. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8515; Filed, November 13, 1941; 3:35 p. m.]

[1] 6 F.R. 5467.
[2] 6 F.R. 5468.
[3] *Supra.*

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MISSOURI TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Missouri to direct any local board in the State of Missouri to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Missouri will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Missouri shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8511; Filed, November 13, 1941; 2:59 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF IOWA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Iowa to direct any local board in the State of Iowa to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Iowa will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Iowa shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8512; Filed, November 13, 1941; 2:59 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF KANSAS TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940

(54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Kansas to direct any local board in the State of Kansas to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Kansas will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Kansas shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8513; Filed, November 13, 1941; 2:59 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF ARKANSAS TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Arkansas to direct any local board in the State of Arkansas to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Arkansas will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Arkansas shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 11, 1941.

[F. R. Doc. 41-8514; Filed, November 13, 1941; 3:00 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 922—MAGNESIUM

General Preference Order No. M-2-b to Conserve the Supply and Direct the Distribution of Magnesium

Whereas national defense requirements have created a shortage of magnesium; and

Whereas notwithstanding every effort to increase the production of magnesium, such shortage continues and is intensified by reason of increasing defense requirements; and

Whereas under current practices in the handling of magnesium scrap, scrap of proper quality is not coming forward in sufficient volume for reprocessing for reuse for defense purposes; and

Whereas the restrictions and requirements relating to the use of magnesium hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

Now, therefore, it is ordered, That:

§ 922.3 *General preference order No. M-2-b*—(a) *Definitions.* For the purposes of this Order:

(1) "Magnesium" means any material the principal ingredient of which is magnesium, including, but not limited to, "Magnesium Scrap" and "Magnesium Products", as well as "Magnesium Metal".

(2) "Magnesium Metal" or "Metal" means primary or secondary metal or any alloy thereof, the principal ingredient of which is magnesium, as distinguished from "Magnesium Products" or "Magnesium Scrap".

(3) "Magnesium Products" means any finished or semi-finished part, component, casting, powder or other product, the principal ingredient of which is magnesium.

(4) "Magnesium Scrap" or "Scrap" means any scrap material the principal ingredient of which is magnesium, including, but not limited to:

(i) Scrap material, the principal ingredient of which is magnesium, generated in the course of any industrial process, herein sometimes called "Plant Scrap";

(ii) Defective work in process made of Magnesium, and rejected Magnesium Products, herein sometimes called "Reject Scrap";

(iii) Work in process made of Magnesium which, if completed would be classified as "Dead Stock" as hereinafter defined; as well as

(iv) Discarded Magnesium Products, by whomsoever held.

(5) "Person" means any individual, partnership, association, corporation or other form of enterprise.

(6) "Producer" means the Dow Chemical Company, the Permanente Corporation and any other Person who, upon application, may be so designated by the Director of Priorities.

(7) "Approved Smelter" means the American Magnesium Company, Apex Smelting Company, National Smelting Company, Aluminum and Magnesium Company and the Federated Metals Division, American Smelting and Refining Company, and any other Person who upon application, may be so designated by the Director of Priorities.

(8) "Fabricator" means any Person, including pattern shops and foundries, who fabricates Magnesium Products from Metal or Scrap.

(9) "User" means any Person who uses Magnesium Products in the production of material, or who incorporates Magnesium Products as parts or components in products which he is producing, whether or not the principal content of such material or products is Magnesium.

(10) "Dead Stock" means all Metal and Magnesium Products by whomsoever held, except

(i) That amount of Metal, held by any Fabricator, which constitutes the minimum working inventory (stocks on hand and work in process) required for his currently scheduled production of products to be delivered in filling purchase orders bearing a rating of A-1-j or higher (any Metal held by such Fabricator in excess of such amount to be classified as Dead Stock hereunder);

(ii) Metal held by any Producer or Approved Smelter;

(iii) That amount of Magnesium Products held by any User, which constitutes the minimum working inventory (stocks on hand and work in process) required for his currently schedule production of products to be delivered in filling purchase orders bearing a rating of A-1-j or higher (any Magnesium Products held by such User in excess of such amount to be classified as Dead Stock hereunder); and

(iv) Magnesium Products, held by any Fabricator, for which at the time he has purchase orders on his books bearing a rating of A-1-j or higher (any other Magnesium Products held by such Fabricator to be classified as Dead Stock hereunder).

(v) Magnesium Products consisting of patterns, forming blocks, blocks, dies, jigs, flasks, fixtures and other equipment: *Provided, however*, That such Magnesium Products, if obsolete or if substitute equipment is available, shall be classified as Dead Stock hereunder.

(b) *Prohibition of contamination and debasement.* No Person shall contaminate or debase Magnesium by the admixture therewith of, or the incorporation thereof with, any other metal or material, except as the Director of Priorities may, upon application, specifically authorize; provided, that any admixture or incorporation for the purpose of producing Magnesium or aluminum alloys, which alloys are produced, held, used and disposed of in conformity with this Order or any Order issued by the Director of Priorities with reference to aluminum, is hereby permitted.

(c) *Allocation of output of producers, approved smelters and fabricators.* Each Producer and Approved Smelter shall set aside currently his entire stock of Metal (current production, work in process and stocks on hand), and each Fabricator shall set aside currently his entire stock of Magnesium Products (current output, work in process and stocks on hand), to be held subject to allocation by the Director of Priorities. Except as provided in (d) below, no deliveries or withdrawals shall be made from this stock for any purpose except pursuant to specific directions heretofore or hereafter issued by the Director of Priorities. Prior to the first day of December, 1941, and of each calendar month thereafter, the Director of Priorities will issue to each Producer, Approved Smelter and Fabricator specific directions covering deliveries of metal which may be made by each such Producer or Approved Smelter and of Magnesium Products which may be made by each such Fabricator, to its customers during each month. However, even though specifically authorized by the Director of Priorities, no Producer, Approved Smelter or Fabricator shall make any delivery of Magnesium to any User during any month unless such User shall have furnished him with a statement that (1) such User has filed with the Office of Production Management the inventory report currently required from such User, to be prescribed hereunder, and that (2) such User has not placed an order for Magnesium with some other Person duplicating the order for delivery in question: *Provided, however*, That such delivery may be made pursuant to a specific direction from the Director of Priorities which specifies that delivery shall be made notwithstanding the failure of such User to file such report.

(d) *Operations confined to purchase orders bearing a rating of A-1-j or higher.* No User shall order, acquire, offer, deliver or use Magnesium Products except for the purpose of filling purchase orders bearing a rating of A-1-j or higher, or except as the Director of Priorities may specifically authorize or direct. Pending receipt of specific directions allocating his output pursuant to (c) above, any Fabricator or Approved Smelter may, during November, 1941, continue to use, offer and deliver Magnesium, but only in the fulfillment of purchase orders bearing a rating of A-1-j or higher.

(e) *Inventory and scheduling provisions.* No Fabricator shall order or acquire Metal, and no User shall order or acquire Magnesium Products, except for delivery at such times and to the extent that may be necessary to maintain the minimum working inventory (stocks on hand and work in process) which is required for his currently scheduled production of products to be delivered in fulfillment of purchase orders bearing a rating of A-1-j or higher, except as the Director of Priorities may specifically authorize or direct.

(f) *Dead stock.* (1) Except as the Director of Priorities may, upon application, authorize or direct, each Person owning Dead Stock shall sell such Dead Stock to a Producer, Approved Smelter, Fabricator or, in the case of Dead Stock other than Metal, a User; and no such Person shall in any way use or dispose of such Dead Stock except by such a sale.

(2) Each Fabricator, User and any other Person who in the normal course of operations accumulates or acquires Metal or Magnesium Products, which may constitute Dead Stock hereunder, shall immediately review, and thereafter at least monthly shall review, his stock of Metal and Magnesium Products, with a view to determination as to what part of such stock may, without jeopardizing the filling of purchase orders currently on his books which bear a rating of A-1-j or higher, but irrespective of any dislocation of his other business operations which may arise from changes in inventory practice resulting from compliance with this Order, be set aside as Dead Stock.

(3) On or before the last day of November, 1941, and of each calendar month thereafter, each Person owning any Dead Stock shall report the amount and kind of all such Dead Stock to the Aluminum and Magnesium Branch, Office of Production Management, Social Security Building, Washington, D. C.: *Provided*, That no such report shall be required of any Producer, Approved Smelter, Fabricator or User except as a part of the monthly report of his operations to be prescribed hereunder. In all such reports except the first, such Person shall also state the source of any such Dead Stock which may have been acquired after the effective date of this Order from any Person other than a Producer, Approved Smelter, Fabricator or User. Failure to make such report on the part of any Person, other than a Producer, Approved Smelter, Fabricator or User shall be deemed a representation to the Office of Production Management, subject to the penalties of Section 35A of the United States Criminal Code, that such Person does not own any Metal or Magnesium Products.

(g) *Collection, segregation, and use of scrap.* (1) Except as provided in (2) below, any Person owning any Scrap, and any Person operating a plant which generates any Plant or Reject Scrap, shall, in his plant or on his premises, collect, bag or place in suitable containers, label, identify and otherwise prepare for shipment for reprocessing by others, all such Scrap which he owns or which is generated in his plant. Such Scrap shall be segregated so as to avoid contamination by other metals and materials and otherwise handled in such manner that it will be of acceptable quality for reprocessing.

(2) Any Producer or Approved Smelter may use any Scrap in the production of Magnesium in a plant operated by it. Any Fabricator, who, in the normal course of, or as an incident to its operations, melts Scrap for the purpose of fabricating Magnesium Products therefrom, may use any Plant Scrap and Reject Scrap generated in his plant in the course of such fabrication, but only if such Scrap is re-melted and re-fabricated in such plant into products for the production of which such Fabricator is currently obtaining deliveries of Magnesium in conformity with this Order, and if, in estimating, applying for and ordering such Magnesium, such Fabricator reduced his requirements by an amount which, under the circumstances, represented a reasonable anticipation of the amount of Plant and Reject Scrap which would be recoverable for reuse as above authorized.

(h) *Disposition of all scrap.* Except as provided in (g) above or as the Director of Priorities may, upon application, specifically authorize or direct, any Person owning any Scrap shall promptly sell all such Scrap to a Producer or Approved Smelter and shall not use or dispose of such Scrap in any way except by such a sale. On or before the last day of November 1941, and each calendar month thereafter, each Person owning any Scrap shall report the amount and kind of all such Scrap to the Aluminum and Magnesium Branch, Office of Production Management, Social Security Building, Washington, D. C.: *Provided*, That no such report shall be required of any Producer, Approved Smelter, Fabricator or User except as part of the monthly reports of his operations to be prescribed hereunder. In all such reports except the first, such Person shall also state the source of any such Scrap owned which may have been acquired after November 30, 1941, from any Person other than a Producer, Approved Smelter, Fabricator or User. Failure to make such a report on the part of any Person, other than a Producer, Approved Smelter, Fabricator or User, shall be deemed a representation to the Office of Production Management, subject to the penalties of section 35A of the United States Criminal Code, that such Person does not own any Scrap.

(i) *General provisions.* Except as hereinbefore provided, or as may be specifically authorized or directed by the Director of Priorities, no Person shall accept delivery, order or attempt to order, contaminate, debase, use, acquire for use or attempt to use, deliver, offer or attempt to deliver, Magnesium. No Per-

son shall accept delivery of Magnesium knowing or having reason to believe that such Magnesium has been owned, acquired, held, used, contaminated, debased or disposed of in violation of this Order; nor shall any Person dispose of Magnesium to any other Person if he knows or has reason to believe that such other Person is acquiring, or will use, contaminate, debase, hold or dispose of such Magnesium in violation of this Order: *Provided*, That for any purpose permitted by this Order, any Producer or Approved Smelter may freely acquire any Scrap or Dead Stock, any Fabricator may freely acquire Dead Stock and any User may freely acquire Dead Stock other than Metal, irrespective of the status under this Order of the Person disposing of the same.

(j) *Responsibility of agents, bailees, and warehousemen.* Any Person, who, as agent, bailee, warehouseman or otherwise, holds any Magnesium beneficially owned by another Person, which, as he knows or has reason to believe, is not being used or disposed of in accordance with the requirements of this Order, or is about to be used or disposed of in contravention of the terms of this Order, shall be deemed responsible equally with such other Person for such violation, unless he shall promptly report to the Office of Production Management the amount and kind of such Magnesium, the period of time during which he has held it, and the use or disposition to which he knows or has reason to believe such Magnesium is about to be put.

(k) *Specific authorizations or directions.* Provisions in this Order to the effect that Magnesium shall be produced, collected, segregated, delivered, acquired, held, contaminated, debased, used, or disposed of as the Director of Priorities may specifically authorize or direct, contemplate specific action by the Director of Priorities with reference to Magnesium which is specifically identified as the subject matter of such action; and, except to the extent provided in (d) above, no purported authorization or direction to deliver materials in the form of a rated preference order or otherwise, even though by its terms such order would comprehend Magnesium as a material within its scope, shall per se constitute a valid authorization for any delivery of any Magnesium by any Person.

(l) *Hardship clause.* Where, under the peculiar circumstances of an individual case, disposition of Magnesium as required by any of the foregoing provisions, cannot be effected at regularly established prices and terms of sale or payment, or would otherwise impose an unreasonable hardship or sacrifice, the Person required to dispose of the same may apply to the Director of Priorities for exemption in whole or in part from the operation of such provision. Such application shall identify the provision in question, shall specify the nature and extent of exemption applied for and shall fully set forth the facts alleged to prove unreasonable hardship or sacrifice. Except as the Director of Priorities may otherwise specifically direct, pending determination by him of the merits of any case in which exemption has been so applied for, the filing of the application therefor shall be effective to afford the applicant a temporary exemption, to the extent applied for, from the operation of the provision in question which requires disposition of Magnesium; *Provided, however*, That such filing of the application shall not have any such effect if, at any time, the Director of Priorities shall find that such application was not filed in good faith.

(m) *Regulation No. 1, Incorporation.* Except as otherwise specifically provided herein all the definitions and provisions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941, (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein. Anything in such Priorities Regulation No. 1 to the contrary notwithstanding, no Person is required, hereunder, to accept purchase orders for Magnesium bearing a rating lower than A–1–j, except as the Director of Priorities may specifically direct.

(n) *Effective date.* This Order shall take effect on the 14th day of November, 1941, and, unless terminated by the Director of Priorities, shall expire on the 30th day of April, 1942. This Order supersedes all other Orders and instructions, including General Preference Order No. M–2 as extended,[1] issued by the Director of Priorities with reference to Magnesium but all specific directions and authorizations applicable to particular transactions which have been issued by the Director of Priorities with reference to Magnesium are hereby ratified and confirmed. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8546; Filed, November 14, 1941; 11:21 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L–3–b, Further Restricting the Production of Light Motor Trucks

In accordance with the provisions of § 976.3 (*General Limitation Order L–3*),[2] which the following Order supplements, *it is hereby ordered*, That:

§ 976.5 *Supplementary general limitation order L–3–b*—(a) *January restrictions.* During the period commencing January 1, 1942, and ending January 31, 1942, the manufacture of Light Motor Trucks by each Producer thereof is hereby restricted to a number equal to 7 per cent of such Producer's average annual production of Light Motor Trucks during the three years commencing August 1, 1938, and ending July 31, 1941, and no Producer shall manufacture Light Motor Trucks during such month in excess of such number.

(b) *Elimination of "bright work."* On and after December 15, 1941, no Producer shall use any "Bright Work", "Bright Finish", metal finish, or body trim containing copper, nickel, chrome or aluminum in the production of new Light Motor Trucks: *Provided, however*, That permission to use these materials in the plating of bumpers and in the plating of bumper guard assemblies may be given upon a showing that such use will utilize all possible conservation measures and will be restricted to minimum practicable quantities. Applications for such permission shall be made by a letter addressed to the Chief of the Automotive, Transportation, and Farm Equipment Branch, Division of Civilian Supply. Effective immediately, no Producer shall produce such "Bright Work", "Bright Finish", metal finish, or body trim containing copper, nickel, chrome or aluminum except in amounts necessary to complete light motor trucks scheduled to be completed before December 15, 1941.

(c) *Substitution of light motor trucks for passenger automobiles.* In any month any Producer making both passenger automobiles and light motor trucks may increase the number of light motor trucks he is authorized to produce under this General Limitation Order: *Provided*, That he correspondingly reduces his production of passenger automobiles under General Limitation Order L–2. In no event shall he exceed in any month his combined quotas of light motor trucks and passenger automobiles.

(d) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41–8543; Filed, November 14, 1941; 11:20 a. m.]

[1] 6 F.R. 1626, 1784.
[2] 6 F.R. 4733.

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Supplementary General Limitation Order No. L–4–a

In accordance with the provisions of § 983.1 (General Limitation Order No. L–4),[1] which the following order supplements, it is hereby ordered that:

§ 983.3 *Supplementary general limitation order No. L–4–a*—(a) *January restrictions.* During the period commencing January 1, 1942 and ending January 31, 1942:

(1) A Producer shall not manufacture more than one-third of that number of replacements parts (as defined in General Limitation Order L–4) sold by him for replacement purposes during the period from January 1, 1941 to March 31, 1941.

(2) The determination of the number of replacement parts sold from January 1, 1941 to March 31, 1941, shall exclude, and the foregoing limitation upon the number of replacement parts which may be produced by any Producer during the period January 1, 1942 to January 31, 1942 shall not apply to any such replacement parts produced under contracts or orders for delivery to or for the account of any of the persons, governments or agencies enumerated in subparagraph (b) (2) of General Limitation Order No. L–4.

(b) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41–8544; Filed, November 14, 1941; 11:20 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Extension No. 1 of Limited Preference Rating Order No. P–57

It is hereby ordered that § 983.2 (Limited Preference Rating Order No. P–57),[2] issued September 18, 1941, shall continue in effect until the 31st day of January, 1942, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 983.2 (e) (3) be amended as follows:

§ 983.2 *Limited preference order No. P–57.*

* * * * *

(3) *By a producer or a supplier:*

(i) Unless the material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of materials on purchase orders placed after January 1, 1942,

(iv) To deliveries of materials on purchase orders calling for delivery after January 31, 1942.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Mar. 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41–8545; Filed, November 14, 1941; 11:20 a. m.]

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[1] 6 F.R. 4818.
[2] 6 F.R. 4819.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

PRICE SCHEDULE NO. 41—STEEL CASTINGS

The production of steel castings plays a critical role in the whole defense program. Steel castings at reasonable prices are essential to the increased flow of machines, tanks, ships, airplanes, guns, and, indeed, every variety of military and naval supplies, from the assembly line to the front line of the nation's defense.

Since January 1, 1941, the prices of steel castings have advanced to a point where a further increase would create pressure to raise the prices of ordnance, transportation equipment, and machinery of every description and cause unwarranted risk to our enlarged defense program in terms of delay and useless expense.

After a thorough investigation of costs and other factors relevant to the production and sale of steel castings and after numerous conferences with representatives of all branches of the steel castings industry, it has been decided in the interest of national defense and the public welfare, to establish maximum prices for steel castings of every description whatever.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Sec.
1306.100 Maximum prices for steel castings.
1306.101 Less than maximum prices.
1306.102 Castings not previously produced.
1306.103 Evasion.
1306.104 Filing of prices.
1306.105 Records and reports.
1306.106 Affirmations of compliance.
1306.107 Enforcement.
1306.108 Modification of the schedule.
1306.109 Definitions.

§ 1306.100 *Maximum prices for steel castings.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no producer shall sell, offer to sell, deliver, or transfer steel castings of any description whatever, previously made by him, and no person shall buy, offer to buy, or accept delivery of such steel castings, at prices higher than the prices, together with the extras, terms, and conditions, which were or would have been charged by such producer on July 15, 1941, and which, following December 1, 1941, are filed with the Office of Price Administration in accordance with § 1306.104.*

*§§ 1306.100 to 1306.110, inclusive, issued pursuant to authority contained in E. O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.101 *Less than maximum prices.* Lower prices than those set forth in § 1306.100 may be charged, demanded, paid, or offered.*

§ 1306.102 *Castings not previously produced.* Any producer undertaking to make a steel casting, which is part of an order totaling $100 or more, which has not previously been made by such producer, and which is substantially different in design from any steel casting previously made by such producer, shall file with the Office of Price Administration a copy of the Estimate Sheet for each such steel casting, with an explanation thereof, together with a clear description and the selling price: *Provided*, That where such steel casting is priced in accordance with the "Comprehensive Report" such producer shall not be required to file with the Office of Price Administration the documents mentioned in this section.*

§ 1306.103 *Evasion.* The price limitations set forth in § 1306.100 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of steel castings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.104 *Filing of prices.* On or before December 1, 1941, every producer shall file with the Office of Price Administration the price or prices, extras, terms, and conditions, classified by size and quantity, in accordance with which

he sold or would have sold steel castings subject to § 1306.100, on July 15, 1941: *Provided,* That where such price or prices coincide with the "Comprehensive Report" the producer need only signify that such prices do coincide with those listed in said "Comprehensive Report." •

§ 1306.105 *Records and reports.* Every person making purchases or sales of steel castings after November 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind purchased or sold, and (b) the quantity of steel castings (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.•

§ 1306.106 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every producer who, during the preceding calendar month has sold steel castings, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 141:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 141:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.•

§ 1306.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of steel castings, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.•

§ 1306.108 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.•

§ 1306.109 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Producer" means a person engaged in the production of steel castings.

(c) "Steel castings" means any cast steel object that has been initially cast into the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totaling not more than 8%, and includes both railroad specialty and miscellaneous steel castings.

(d) "Comprehensive Report" means the "Comprehensive Report of Price Lists of Miscellaneous Castings," published by the Steel Founders' Society of America, for the third quarter of 1941, beginning July 1, 1941.•

§ 1306.110 *Effective date of the schedule.* This Schedule shall become effective November 15, 1941.•

Issued this 14th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8521; Filed, November 14, 1941; 9:06 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission on November 12, 1941, effective immediately, amended § 3.406 in the following respects:

§ 3.406 *Station identification.*[1] (a) A licensee of a standard or high-frequency broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation (1) on the hour and (2) either on the half hour or at the quarter hour following the hour and at the quarter hour preceding the next hour, *Provided:*

• • • • • • •

(c) Such identification announcement need not be made on the half hour or quarter hours when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert, or operatic production. In such cases an identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of the program, *Provided,* That an announcement within 5 minutes of the time specified in paragraph (a) (2) of this section will satisfy the requirements of identification announcements.

(d) In the case of variety show programs, baseball game broadcasts, or similar programs of longer duration than 30 minutes, the identification announcement shall be made within 5 minutes of the hour and of the times specified in paragraph (a) (2) of this section.

(e) In the case of all other programs the identification announcement shall be made within 2 minutes of the hour and of the times specified in paragraph (a) (2) of this section. (sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

• • • • • • •

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8509; Filed, November 13, 1941; 2:22 p. m.]

[1] 6 F.R. 1317.

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

The Commission on November 12, 1941, effective immediately amended the following sections to read:

§ 6.9 *Radiotelegraph.* The term "radiotelegraph" as hereinafter used shall be construed to include types A–0, A–1, A–2, and A–4 emission. In addition, the term shall be construed to include type A–3 emission for the purposes of § 6.51. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

§ 6.51 *Addressed program material.* (a) Stations operating in the fixed public service and in the fixed public press service may be authorized to transmit addressed program material to a fixed point or points, specifically named in the instrument of authorization granted to the licensee, beyond the continental limits of the United States intended for broadcast only by a broadcast station. Any such authorization shall be subject to the condition that no interference is caused to the authorized regular service of the station as defined by § 6.8.

(b) Such stations may also, upon proper application therefor, be authorized to transmit addressed program material to any such fixed point in South or Central America for simultaneous interception and broadcast by a broadcast station at one or more additional points in the same general area upon a showing that public message service to such fixed point of communication will not be unduly impaired. Application for such authority shall be submitted not less than 10 days prior to the proposed date of the first interception. Such application shall show, in addition to the proposed intercept and broadcast points, the South or Central American station or stations over which the program will be broadcast, a full description of the arrangements made for such intercept and broadcast, and the period for which such authority is requested. Authorizations will be limited to the period for which arrangements for broadcasting by South or Central American stations have been made and in no event will extend beyond the term of the point-to-point station license. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8510; Filed, November 13, 1941; 2:22 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-271-ORD-624]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL ROLL & STEEL FOUNDRY CO., EAST CHICAGO, INDIANA

Contract for: • • • Cast Armor Shields • • • Additional Facilities.

Amount: $1,687,000.00.

Place: Chicago Ordnance District Office, 38 South Dearborn Street, Chicago, Illinois.

The • • • Cast Armor Shields • • • to be obtained under this contract are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 20,063 P 22–30 A 1204–12, the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 29th day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver • • • cast armor shields • • • additional facilities for the consideration stated of one million, six hundred eighty-seven thousand ($1,687,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 17. *Increased quantities.* The Government reserves the right to increase the quantity on this contract by as much as • • • % and at the unit price specified in Article 1, such option to be exercised within • • • days from date of this contract.

ART. 18. *Termination for convenience of the government.* Should conditions arise which, in the opinion of the Secretary of War, make it desirable that the contract be terminated, the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this article.

ART. 28. *Price adjustments.* The contract price stated in Article 1 is subject to adjustments for changes in labor and materials costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

ART. 33. *Government-owned facilities.* (a) In connection with its work under this contract, the Contractor shall acquire or manufacture for the Government's account, the facilities listed herein.

(b) As each item of the facilities listed is delivered to, or manufactured by, the Contractor, for the Government's account, it shall become and remain the property of the Government, and title thereto shall vest in the Government. The Government hereby grants to the Contractor the right to use, without the payment of rental therefor, such facilities in connection with the work herein contracted for and, subject to the written approval of the Contracting Officer, to any additional work for which the Government may contract. The Contractor agrees at its own expense to keep such facilities in good operating condition and repair and to make all necessary repairs and replacements thereof.

This contract is authorized by Act of July 2, 1940 (Public No. 703, 76th Congress), as continued in effect by Act of Congress approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[1] Approved by the Chief of Ordnance October 20, 1941.

[F. R. Doc. 41-8524; Filed, November 14, 1941; 9:38 a. m.]

[Contract No. W 535 ac-21601: 5675]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL ELECTRIC COMPANY, SCHENECTADY, NEW YORK

Contract for: • • • Turbine Supercharger Assemblies.

Amount: $26,406,000.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 32 P 12–30 A–0705–2
AC 18 P 82–30 A–0705–2

This contract,[1] entered into this 17th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver • • • Turbine Supercharger Assemblies for the consideration stated twenty-six million four hundred and six thousand dollars ($26,406,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 19. *Price adjustment.* The contract prices stated in this contract for superchargers are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the superchargers.

ART. 20. *Delays—Damages.* If the Contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 17 or any extension thereof, then the Government

[1] Approved by the Under Secretary of War October 2, 1941.

may by written notice terminate the right of the Contractor to proceed with deliveries of such part or parts of the materials or supplies covered by this contract as to which there has been delay.

ART. 22. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, section 9, June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8525; Filed, November 14, 1941; 9:38 a. m.]

[Contract No. W-398-qm-10328: O. I. #4628]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION (CHEVROLET DIVISION), DETROIT, MICHIGAN

Contract for: Trucks, * * *.
Amount: $10,434,629.65.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 7th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * trucks for the consideration stated $10,434,629.65 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed * * *%. This increase option to remain in effect until * * *.

Terms of payment. Discount will be allowed for payment as follows: 30 calendar days 5%.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority SC 706 P 6-30 A 0605-01, SC 2066 P-13-13 A 0605-12, QM 15915 P 37-30 A 0525.003-12, QM 16036 P 63-07 A 0525-12, AC 11 P 71-1281 A 0605-12, Eng 287 P 3-30 A 0905-12, CWS 882 P 25-30 A (1105) .108-12, QM 15242 P 23-30 A 0535-12, the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8526; Filed, November 14, 1941; 9:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-1]

IN THE MATTER OF HARMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 4002, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division issued a Notice of and Order for Hearing, dated October 9, 1941, in the above-entitled matter, to determine whether or not the Harman Coal Company, a registered distributor, Registration No. 4002, has violated certain provisions of the Act, the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and its Agreement as Distributor, executed June 29, 1939, and to determine whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, and for said purposes having given notice of information in possession of the Division, and additional information having come into the possession of the Division;

It is ordered, That said Notice of and Order for Hearing be, and the same hereby is, amended by adding after paragraph 3 a new paragraph numbered 4, reading as follows:

4. If the respondent acted as sales agent for said C. E. Haymaker, doing business as Paramount Coal Company, in the sale of the 4 cars of slack coal described in paragraph 3 hereof, then said respondent violated Rule 3 of Section II of the Marketing Rules and Regulations and paragraph (e) of its Distributor's Agreement inasmuch as the invoices filed by the respondent covering said 4 cars of slack coal failed to disclose the fact of the agency relationship between the respondent and said code member and also failed to disclose the name of the code member-principal.

It is further ordered, That, except as hereinabove specifically amended, said Notice of and Order for Hearing herein, dated October 9, 1941, shall in all other respects remain in full force and effect.

Dated: November 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8527; Filed, November 14, 1941; 10:46 a. m.]

[Docket No. B-19]

IN THE MATTER OF ISAAC COLLINS (MAMMOTH BLOCK COAL COMPANY), DEFENDANT

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT AND CANCELLING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 14, 1941, at a hearing room of the Bituminous Coal Division at Catlettsburg, Kentucky; and

The Bituminous Coal Producers Board for District No. 8, complainant in the above-entitled matter, having filed a motion to withdraw its complaint heretofore filed against the above-named defendant; and

Good cause having been shown why said motion to withdraw should be granted and said hearing cancelled;

Now, therefore, it is ordered, That the motion to withdraw the above-entitled complaint be and the same is hereby granted without prejudice; and

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8528; Filed, November 14, 1941; 10:46 a. m.]

[Docket No. A-1031, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE GREEN RIVER COAL MINE (MINE INDEX NO. 230) IN DISTRICT NO. 9 FOR RAIL SHIPMENTS ORIGINATING AT BEAVER DAM, KENTUCKY

ORDER POSTPONING HEARING

The petitioner having moved that the hearing in the above-entitled matter, scheduled for November 12, 1941, at 10 o'clock in the forenoon of that day, be postponed until 10 o'clock in the forenoon of November 26, 1941; and

The petitioner having shown good cause therefor, and no opposition thereto appearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of November 12, 1941, until 10 o'clock in the forenoon of November 26, 1941, at the place and before the officers heretofore designated.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8529; Filed, November 14, 1941; 10:46 a. m.]

[Docket No. B-10]

IN THE MATTER OF J. B. WILLIAMSON, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on November 14, 1941 at 10 a. m. at a hearing room of the Bituminous Coal Division at the Old Federal Building, Rm. 539, Cleveland, Ohio; and

It appearing to the Director that it is advisable to postpone said hearing;

Now therefore it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 a. m. on November 14, 1941 to 10 a. m. on November 25, 1941 at the same place and before the officer previously designated to preside.

Dated: November 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8530; Filed, November 14, 1941; 10:46 a. m.]

[Docket No. B-31]

IN THE MATTER OF LONNIE ROMANS, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 21, 1941, at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky, by Order of the Director; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby postponed to a date and at a place to be hereafter designated by an appropriate Order of the Director.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8531; Filed, November 14, 1941; 10:47 a. m.]

[Docket No. B-12]

IN THE MATTER OF E. H. FANNIN, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 14, 1941, at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, Catlettsburg, Kentucky, by Order of the Director, and;

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is, hereby postponed to a date and at a place to be hereafter designated by an appropriate Order of the Director.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8532; Filed, November 14, 1941; 10:47 a. m.]

[Docket No. B-33]

IN THE MATTER OF T. E. HARRIS, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 15, 1941, at a hearing room of the Bituminous Coal Division, at the Court Room, Federal Building, Catlettsburg, Kentucky; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of November 15, 1941, until 10 o'clock in the forenoon of December 8, 1941, at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, London, Kentucky, and before the officers previously designated to preside at said hearing.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8533; Filed, November 14, 1941; 10:47 a. m.]

[Docket No. B-39]

IN THE MATTER OF CLARENCE SMITH, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 17, 1941, at a hearing room of the Bituminous Coal Division, at the Court Room, Federal Building, Catlettsburg, Kentucky; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of November 17, 1941, until 10 o'clock in the forenoon of December 8, 1941, at a hearing room of the Bituminous Coal Division at the Court Room, Federal Building, London, Kentucky, and before the officers previously designated to preside at said hearing.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8534; Filed, November 14, 1941; 10:48 a. m.]

[Docket No. A-227]

IN THE MATTER OF THE PETITION OF TRUAX-TRAER COAL COMPANY AND UNITED ELECTRIC COAL COMPANIES ON BEHALF OF THEMSELVES AND CERTAIN RETAIL DEALERS IN THE CHICAGO AREA REQUESTING FREE ALONGSIDE PRICES FOR THE RETAIL DEALERS

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon a joint petition filed with the Bituminous Coal Division ("Division") by Truax-Traer Coal Company ("Truax-Traer"), and the United Electric Coal Companies ("United Electric"), code member producers in District 10, on behalf of themselves and seven named retail coal dealers in Chicago, Illinois, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act").

The original petition requests that these retailers; South Chicago Coal and Dock Company; Chicago Waterways Fuel Company; Black Hawk Coal Company;[1] Silver Creek Coal Company; Riverdale Coal and Dock Company; Consumers Company of Illinois; and Holland Coal Company, (the "Chicago Retailers"), be permitted to purchase coals from the Buckheart Mine (Mine Index No. 17) of United Electric, and the Flatt Mine (Mine Index No. 46) of Truax-Traer (both mines being in Freight Origin Group No. 91 and Price Group No. 24 in District 10) at the minimum f. o. b. mine prices for free alongside delivery ("f. a. s. prices"), in accordance with paragraph 3-A of the "Special River Price Instructions and Exceptions" in the Schedule of Effective Minimum Prices for District 10 for All Shipments Except Truck ("District 10 Schedule").

Intervening petitions were filed by District Boards 2, 7, 10, and 11; by Franklin County Coal Corporation, et al., Pyramid Coal Corporation, and Central Illinois Coal Mining Company, et al., code members in District 10.

A hearing was held on November 26 and 27, 1940, before a duly designated examiner of the Division. Appearances at the hearing were filed by Consumers' Counsel Division and District Board 8. The original petitions, all intervening petitioners, and District Board 8 participated in the hearing.

On May 12, 1941, the Examiner, Charles O. Fowler, submitted his Report, Proposed Findings of Fact, Conclusions of Law and Recommendations, to the Di-

[1] Black Hawk Coal Company has gone out of business and was, by amendment, eliminated from this petition.

rector in which he recommended that relief be denied.

On June 2, 1941, petitioners filed a motion for an extension of time within which to file exceptions to the Examiner's Report and contemporaneously therewith filed a motion to amend the original petition to request that the Director, in the alternative, enter an order establishing just and equitable minimum prices for petitioner's coals when shipped via river to Market Area No. 29 which will preserve their existing fair competitive opportunities; and, to remand the case to the Examiner with directions to prepare a further report based upon the issues raised by the amended petition.

On July 11, 1941, the Director entered an Order sustaining the motion and permitting the amendment of the original petition as requested by the original petitioners and remanding the proceedings to an Examiner with directions to reopen the hearing for the limited purpose of receiving additional testimony directed to the question of whether the alternative relief requested by the amended petition should be granted.

Accordingly the hearing was reopened and held on August 7, 1941, before a duly designated examiner of the Division. The original petitioners; intervening petitioners; District Boards 2, 7, 8, and 11; Franklin County Coal Corporation, et al.; and the Consumers' Counsel Division, participated in the reopened hearing.

On August 9, 1941, the petitioners filed a motion for temporary relief, pending final disposition of the original petition, upon the basis of the record, including evidence presented at the hearing which concluded on November 27, 1940, and the further evidence taken at the reopened hearing on August 7, 1941.

The record shows that the development of the Illinois River began about 1919 by building locks and by dredging. The Federal Government, in cooperation with the State of Illinois, expended approximately $32,000,000 from 1919 to 1939 in improving and developing the river for navigation purposes. By 1937 improvements had progressed to the point that the river was open for navigation from Chicago to the Mississippi River. Substantial quantities of coal were transported by this river in 1937 and continued to be so transported in increasing volume.

The petitioners began making river shipments to the named retailers in 1938. The Buckheart Mine was opened in 1937 and in that same year washing facilities were installed at the Fiatt Mine. About the same time both petitioners expended funds for the construction of docks and in the acquisition of transportation facilities for transporting coal from the mines to the river and loading on barges.

Shipments to the Chicago retailers by river were as follows: From the Buckheart Mine, 23,049 tons in 1939 and 29,806 tons in 1940; from the Fiatt Mine, 16,720 tons in 1938, 12,827 tons in 1939, and 17,830 tons in 1940.

Under the present schedule of prices Chicago retailers are required to pay the ex-river prices described in the District 10 schedule. These prices, delivered prices, are the same as the prices for rail-delivered coals except that 20 cents per ton may be deducted in Size Groups 9 to 29, inclusive, and 60 cents per ton in Size Groups 1 to 8, inclusive. This deduction is allowed in order to compensate for the cost of lifting coal from the barge to the retail yard alongside the river and degradation.

Evidence was introduced by the petitioners that the cost of transporting coal (Size Groups 9 to 29, inclusive) from the Buckheart and Fiatt Mines to Chicago was $1.05 per net ton. The cost of transporting coal from the mines to Chicago via rail was shown to be $1.65 per net ton. Thus there is a difference of 60 cents in favor of river borne coals. This difference, however, is reduced by 20 cents per net ton which may be deducted from the effective minimum price for coals in Size Groups 9 to 29, inclusive, moving by river to retailers in the Chicago area. After deducting the 20 cents per ton from the 60-cent difference there remains, according to the testimony introduced by the petitioners, 40 cents per net ton net difference in favor of river borne coals. Although there was some evidence challenging this testimony, it is a fair inference from all the evidence that coal may be transported from these mines to Chicago free alongside at a lower transportation cost than when moving by rail.

There was evidence relating to quality of coals produced at the Buckheart and Fiatt Mines. These mines are in the Fulton-Peoria Subdistrict of District 10. The petitioners contended that Fulton-Peoria coals are lower in quality than competing coals. It is recognized that they are among the lower quality coals produced in District 10. Petitioners contend, however, that Fulton-Peoria coals are also inferior to competing coals from District 11.

The evidence establishes that, with the exception of a negligible quantity, petitioners have not shipped coal from the Buckheart and Fiatt Mines to the Chicago retailers by river since October 1, 1940, the date minimum prices became effective. Testimony for the petitioners was that the cessation of the river movement was due entirely to the applicable minimum prices. They contend that Fulton-Peoria coals must have a 40-cent differential favorable to those coals, equivalent to the free alongside price, before they can compete in the Chicago market. They further contend that they enjoyed that differential under open competition and that large expenditures were made by them preparatory to making river shipments and that expenditures were also made by the retailers, all in anticipation of being able to avail themselves of lower river transportation costs and thereby be enabled to sell the low grade Fulton-Peoria coal in competition with other coal.

It is further contended that at least some of the retail dealers on whose behalf this petition was brought have no facilities to accept rail-shipped coal or at best limited facilities and therefore their inability in whole or in part to purchase river-shipped coal at prices which would permit the successful resale thereof endangers the continuance of their operation.

Evidence was introduced by interveners that the minimum prices for Fulton-Peoria coals were properly coordinated in Market Area 29 (Chicago) with the lower grade coals produced in District 11 and with the coals produced in the other producing fields in District 10, and that if the relief prayed for by the original petitioners is granted the consequence will be a disruption of that coordination because of an increased flow of tonnage from the Fulton-Peoria field to Chicago with the consequent displacement of tonnage from the other fields.

Thus, the petitioners contend that the preservation of their existing fair competitive opportunities requires the granting of the relief prayed for and their competitors contend that their rights in that regard will be prejudiced by the granting of relief. Testimony introduced by the petitioners was to the effect that the granting of relief would not result in any appreciable increase over the 1938, 1939, and 1940 tonnages of petitioners' coals moving by river to Chicago.

The matter of coordination of the prices of the coals in question in Market Area 29 put in issue by petitioners' amended petition need not be now considered for it should await receipt of the Examiner's supplemental report and additional data hereinafter required to be filed in this cause.

Since the establishment of effective minimum prices on October 1, 1940, little or no coal has moved by river to the retail dealers in Chicago. Even to the extent that this shipping stoppage may have been due to the effective minimum prices, it does not necessarily mean that the established prices are improper. It may well be that this stoppage of shipment is an inevitable consequence of the application of the standards of the Act. Indeed, this is the claim of the producers shipping by rail to Chicago who contend that the granting of f. a. s. privileges here would seriously disrupt the competitive situation now existing in Chicago under which 20,000,000 tons of coal move by rail. Such a claim must, however, be carefully scrutinized, particularly because petitioners claim that the existing prices are depriving consumers of the benefit of cheaper river transportation and are rendering less useful the improvements made on the river at great expense to the government and the investments in river shipping equipment made by private industry. It is conceded that prior to the establishment of effective minimum prices petitioners were shipping by river in the aggregate of 38,000 net tons of coal to Chicago. Consequently, it cannot be urged that the continued shipping of such tonnage would, under normal circumstances, disrupt the competitive situation heretofore existing in Chicago. Therefore, as a matter of temporary relief and pending final determination of the requests for relief here, it is appropriate to grant the relief requested by petitioners, limiting it to the quantity of coal previously shipped by river to the named Chicago retailers and requiring that the shipments be spread as far as practicable over the entire year.

The "river situation" in Chicago is indeed a difficult one and the Director has considered carefully the conflicting positions of the parties. In an effort to reach a solution, which is both consistent with the standards of the Act and fair to all the interests involved, the Director has concluded that the relief, qualified as above explained, is unlikely to prejudice the movement of rail shipped coal into the Chicago market whereas it will at the same time permit the utilization of the developments heretofore made to further the use of river shipments.

The relief to be granted will be temporary only. The alternatives which will present themselves for final determination are whether (1) the f. a. s. prices should be given the petitioners, (2) petitioners should be denied f. a. s. prices, or (3) petitioners should be given f. a. s. prices extending, however, only to the quantity of coal sold prior to the establishment of effective minimum prices.

The Director feels that the Chicago "river situation" can be better resolved in the light of the experience gained under the operation of this temporary relief, and to that end certain reports will be required to be filed with the Division by petitioners and by the retail dealers on whose behalf this petition has been brought. Careful study of these reports will be made with a view to ascertaining what further action need be taken to solve the difficult problem now existing.

As has been stated, the temporary relief will be limited to the quantity of coal which the respective petitioners may ship in any one calendar year under this temporary relief. In the calendar year 1940, prior to October 1, United Electric sold 29,806 net tons, and Truax-Traer sold 17,830 net tons for shipment via the Illinois River for free alongside delivery to the seven named retailers in Chicago. These were the highest tonnages shipped by the petitioners, respectively, in any calendar year prior to the establishment of minimum prices on October 1, 1940. Good and sufficient reasons appear for a limitation upon the aggregate tonnages which may be sold by the petitioners respectively, under the temporary relief. United Electric should be limited to 30,000 tons and Truax-Traer to 18,000 tons which may be shipped via the Illinois River, to the six remaining Chicago retailers.[1] Such limitation will preserve for the petitioners the highest level of shipments attained by them in the past and will not unduly prejudice the interveners or either of them.

The effect of the relief to be given can be ascertained only if the tonnage permitted to be shipped at f. a. s. prices is shipped over in the normal manner and over a representative period. Therefore, it will be a condition of this order that no more than 1/12 of the tonnage authorized to be shipped by the respective petitioners at f. a. s. prices shall be shipped in any one month except that any tonnages authorized to be shipped in a preceding month which have not been shipped may be added to the shipments for a subsequent month.

Now, therefore, it is ordered, That temporary relief pending final disposition of this proceeding is granted forthwith by temporarily amending the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, as follows:

Under the section "Prices for River (free alongside deliveries) and Ex-River Shipments, Special River Price Instructions and Exceptions," "Special Cases (d)," page 53, add the following provision: "Truax-Traer Coal Company (Fiatt Mine (Mine Index No. 46)), and United Electric Coal Companies (Buckheart Mine (Mine Index No. 17)), may sell coal for barge delivery free alongside at the minimum f. o. b. mine prices for free alongside delivery when shipped from the mines and reloaded into barges on the Illinois River for transshipment on the Illinois River to South Chicago Coal and Dock Company, Chicago Waterways Fuel Company, Silver Creek Coal Company, Riverdale Coal and Dock Company, Consumers Company of Illinois, and Holland Coal Company, retail coal dealers, for resale at retail by such dealers located within the switching limits of the City of Chicago, Illinois: *Provided,* That the aggregate tonnage, which may be sold under this order by Truax-Traer Coal Company shall not exceed 18,000 net tons, and by United Electric Coal Companies, 30,000 net tons in any calendar year."

Provided, however, That the relief herein granted shall apply only to coal shipped subsequent to the date hereof; and

Provided further, That petitioners Truax-Traer Coal Company and United Electric Coal Companies shall, during any one month, ship to Chicago at f. a. s. prices here authorized no more than one-twelfth of the tonnage authorized to be shipped by this order except that if in any one month less than the allowable tonnage is shipped, such deficiency may be shipped in any subsequent month in addition to the amount initially allowed to be shipped during that month;

Provided further, That Truax-Traer Coal Company or United Electric Coal Companies offering for sale, selling or reselling any coal pursuant to this Order shall submit to the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C., within five (5) days after such offer, sale or resale as is required by the Marketing Rules and Regulations of the Division, Order 313, and any other orders of the Division. The filing of this data at the offices of the Bituminous Coal Division in Washington, D. C., shall be in addition to that required for filing with the field office;

Each report or description required herein shall be duly verified and marked for incorporation in this docket as part of the record in these proceedings; and

Provided further, That the retail dealers on whose behalf this petition was brought shall file with the Division a statement at the end of each month setting forth the amount of coal purchased from petitioners here at f. a. s. prices and the prices at which such coal was sold at retail; and

It may be required from time to time that there shall be made available for inspection for representatives of the Bituminous Coal Division at all reasonable times and places, all books, records, correspondence, or other documents pertaining to the offer for sale, sale, delivery, or other transactions of and involving such coals.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Director's views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8535; Filed, November 14, 1941; 10:48 a. m.]

[1] The petition has been withdrawn with respect to Black Hawk Coal Company.

CIVIL AERONAUTICS BOARD.

[Docket Nos. 638, 639]

IN THE MATTER OF THE APPLICATIONS OF NORTHWEST AIRLINES, INC.

NOTICE OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, public hearing in the above-entitled proceeding, being the applications of Northwest Airlines, Inc. for amendment of its existing certificate of public convenience and necessity for route No. 3 so as to permit the applicant to schedule trips eastbound out of Portland via Seattle as the first intermediate stop rather than via Yakima or Spokane

as the first stop; and to schedule westbound trips to Portland via Seattle; and for temporary certificate of public convenience and necessity between Seattle and Portland, pending final disposition of Docket No. 638, is hereby assigned for December 1, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 7856, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., November 12, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-8523; Filed, November 14, 1941; 9:38 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-30]

IN THE MATTER OF DESIGNATING AS HABIT FORMING CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PROPOSED ORDER

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [Sec. 502 (d), 52 Stat. 1050, 21 U.S.C. Sec. 352 (d) (Sup. V, 1939)]; the Reorganization Act of 1939 [53 Stat. 561 ff., 5 U.S.C., 133–133v (Sup. V, 1939)]; and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat. 1234, 5 F.R. 2421); and upon the basis of evidence of record at the above-entitled hearing duly held pursuant to notice thereof issued by the Administrator on January 27, 1941 (6 F.R. 680), the following order be promulgated:

FINDINGS OF FACT [1]

Finding 1

The principal factors which govern formation of a drug habit are the nature of the individual who takes the drug and the pharmacologic action produced by that drug (R. pp. 520–522, 959).

Finding 2

The effect of a drug which may give rise to habit formation is pleasurable stimulation or escape from unpleasant experience, such as insomnia, fear, grief, pain, etc. (R. pp. 521–523, 527–528, 538).

Finding 3

Such effects are produced by the administration of drugs which have depressant or stimulant properties (R. pp. 523–528, 537–538, 546–548, 592).

Finding 4

Desire to obtain such effects is likely to cause frequently repeated use of such drugs (R. pp. 520–522, 526–528, 538).

Finding 5

Frequently repeated use of such drugs is likely to induce, and in certain persons does induce, psychic dependence and, in the case of some drugs, psychic and physical dependence, on such drugs (R. pp. 520–523, 526–530, 537–538, 604–606, 610–611, 614–616, Govt. Ex. No. 10).

Finding 6

Psychic dependence on a drug is habituation to that drug, and psychic and physical dependence on a drug is addiction to that drug, so that addiction to a drug includes habituation to that drug. A drug which is likely to induce, and in certain persons does induce, habituation to such drug is a habit-forming drug, although repeated use of that drug may not necessarily induce addiction to that drug (R. pp. 520–530, 546–547, 553, 604–606, 610–611, 615, Govt. Ex. No. 10).

Finding 7

The fundamental nucleus of a drug which possesses the habit-forming properties is in no way modified by the addition of the basic or acidic ion, so that the habit-forming properties of a drug are substantially the same whether it be a free base, or acid, or a salt formed by its combination with an acidic or basic ion. The principal differences between these forms are only in their physical properties, such as solubility, which may affect the mode of administration of the drug or its rate of absorption by the human body; but once absorbed their effects are identical (R. pp. 538–541, 549–550, 554, 560–561, 963–964, 971–972).

Finding 8

A chemical derivative is a substance so related to another substance by modification or partial substitution as to be regarded as theoretically derivable from it, even when not obtainable from it in practice (R. pp. 83, 236).

Finding 9

Each of the following drugs is theoretically derivable or is actually derived from a parent substance specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act, as hereinafter indicated:

Parent substance	Chemical derivative	Chemical description of derivative
Barbituric Acid	Alurate	(5-allyl-5-isopropyl-barbituric acid.)
	Amytal	(5-ethyl-5-isoamyl-barbituric acid.)
	Barbital	(5,5-diethyl-barbituric acid.)
	Butisol	(5-ethyl-5-*sec*-butyl-barbituric acid.)
	Cyclopal	(5-allyl-5-cyclopentenyl-barbituric acid.)
	Cyclopen	(5-ethyl-5-(1-methyl-1-butenyl)-barbituric acid.)
	Delvinal	(5,5-diallyl-barbituric acid.)
	Dial	(5-ethyl-5-(1-piperidyl)-barbituric acid.)
	Eldoral	(5-(2-bromoallyl)-5-isopropyl-1-methyl-barbituric acid.)
	Eunarcon	(1,5-dimethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Evipal	(5-ethyl-5-isopropyl-barbituric acid.)
	Ipral	(5-ethyl-5-phenyl-1-methyl-barbituric acid.)
	Mebaral	(5-allyl-5-isopropyl-1-methyl-barbituric acid.)
	Narconumal	(5-ethyl-5-butyl-barbituric acid.)
	Neonal	(5-isopropyl-5-(2-bromoallyl)-barbituric acid.)
	Nostal	(5-ethyl-5-hexyl-barbituric acid.)
	Ortal	(5-ethyl-5-cyclopentenyl-barbituric acid.)
	Pentenal	(5-ethyl-5-(1-methylbutyl)-barbituric acid.)
	Pentobarbital	(5-ethyl-5-(1-methylbutyl)-2-thio-barbituric acid.)
	Pentothal	(5-*sec*-butyl-5-(2-bromoallyl)-barbituric acid.)
	Pernoston	(5-ethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Phanodorn	(5-ethyl-5-phenyl-barbituric acid.)
	Phenobarbital	(5,5-dipropyl-barbituric acid.)
	Proponal	(5-(2-bromoallyl)-5-(1-methylbutyl)-barbituric acid.)
	Rectidon	(5-methyl-5-phenyl-barbituric acid.)
	Rutonal	(5-allyl-5-isobutyl-barbituric acid.)
	Sandoptal	(sodium 5-allyl-5-(1-methylbutyl)-barbiturate.)
	Seconal	(5-amyl-5-(2-bromoallyl)-barbituric acid.)
	Sigmodal	
	All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid.	
Bromal	Bromal Hydrate	(tribromoacetaldehyde hydrate.)
	Brometone	(2-(tribromomethyl)-2-propanol.)
	Bromoform	(tribromomethane.)
Cannabis	Extract of Cannabis.	
Marihuana	Fluidextract of Cannabis.	
	Tincture of Cannabis.	
Carbromal	Acetylcarbromal	(α-bromo-α-ethylbutyryl-acetyl-urea.)
	Bromural	(α-bromoisovaleryl-urea.)
	Neuronal	(α-bromo-α, α-diethyl-acetamide.)
	Sedormid	(α-allylisovaleryl-urea.)
Chloral	Alpha-Chloralose	(α-(β-trichloro-α-hydroxyethyl)-d-glucoside.)
	Chloralformamide	(N-(β-trichloro-α-hydroxyethyl)-formamide.)
	Chloral Hydrate	(trichloroacetaldehyde hydrate.)
	Chloralimide	(trichloroethylideneimine.)
	Chlorobutanol	(2-(trichloromethyl)-2-propanol.)
Cocaine	All salts of cocaine obtained by combining cocaine with any acid.	
Codeine	Dicodid	(dihydro-codeinone.)
	Eucodal	(dihydrohydroxy-codeinone.)
	Eucodin	(codeine methyl bromide.)
	All salts of the foregoing chemical derivatives of codeine, and all salts of codeine, obtained by combining any such derivative or codeine with any acid.	
Heroin	All salts of heroin obtained by combining heroin with any acid.	
Morphine	Dilaudid	(dihydro-morphinone.)
	Ethylmorphine.	
	Paramorphan	
	All salts of the foregoing chemical derivatives of morphine, and all salts of morphine, obtained by combining any such derivative or morphine with any acid.	
Opium	Extract of Opium.	
	Fluidextract of Opium.	
	Tincture of Opium.	
Paraldehyde	Metaldehyde	(2, 2-diethylsulfonyl-butane.)
Sulphonmethane	Sulfonethylmethane	(2, 3-diethylsulfonyl-pentane.)
	Sulfondiethylmethane	(3, 3-diethylsulfonyl-pentane.)

Each of such drugs is a chemical derivative of the parent substance indicated (R. pp. 83–86, 106–128, 132–145, 236–254).

Finding 10

Each of the derivatives specified in finding 9 has been investigated, and it has been found that each possesses depressant or stimulant properties, and that its frequently repeated use is likely to induce, and in certain persons does induce, psychic dependence on such derivative and in some cases physical dependence (R. pp. 516–520, 534–541, 546–547, 549–563, 611–617, 958–963, 968–976, 980–986).

On the basis of the evidence of record at the hearing and the foregoing findings of fact it is hereby found, after investigation, that each of the derivatives specified in finding 9 is habit forming. (See references to the record under finding 10.)

It is, therefore, ordered that the following regulation be and it hereby is promulgated:

§ 145.1 *Habit forming drugs which are chemical derivatives of substances specified in section 502 (d) of The Federal Food, Drug, and Cosmetic Act:* Each of the following chemical derivatives of a substance named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act is hereby designated as habit forming:

Parent substance	Chemical derivative	Chemical description of derivative
Barbituric Acid	Alurate	(5-allyl-5-isopropyl-barbituric acid.)
	Amytal	(5-ethyl-5-isoamyl-barbituric acid.)
	Barbital	(5,5-diethyl-barbituric acid.)
	Butisol	(5-ethyl-5-*sec*-butyl-barbituric acid.)
	Cyclopal	(5-allyl-5-cyclopentenyl-barbituric acid.)
	Cyclopen	(5-ethyl-5-(1-methyl-1-butenyl)-barbituric acid.)
	Delvinal	(5,5-diallyl-barbituric acid.)
	Dial	(5-ethyl-5-(1-piperidyl)-barbituric acid.)
	Eldoral	(5-(2-bromoallyl)-5-isopropyl-1-methyl-barbituric acid.)
	Eunarcon	(1,5-dimethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Evipal	(5-ethyl-5-isopropyl-barbituric acid.)
	Ipral	(5-ethyl-5-phenyl-1-methyl-barbituric acid.)
	Mebaral	(5-allyl-5-isopropyl-1-methyl-barbituric acid.)
	Narconumal	(5-ethyl-5-butyl-barbituric acid.)
	Neonal	(5-isopropyl-5-(2-bromoallyl)-barbituric acid.)
	Nostal	(5-ethyl-5-hexyl-barbituric acid.)
	Ortal	(5-ethyl-5-cyclopentenyl-barbituric acid.)
	Pentenal	(5-ethyl-5-(1-methylbutyl)-barbituric acid.)
	Pentobarbital	(5-ethyl-5-(1-methylbutyl)-2-thio-barbituric acid.)
	Pentothal	(5-*sec*-butyl-5-(2-bromoallyl)-barbituric acid.)
	Pernoston	(5-ethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Phanodorn	(5-ethyl-5-phenyl-barbituric acid.)
	Phenobarbital	(5-ethyl-5-phenyl-barbituric acid.)

[1] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

Any interested person whose appearance has been entered in this hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file exceptions to this proposed order. Exceptions must point out with particularity the alleged errors in the proposed order, and must contain specific reference to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof. The exceptions and brief should be filed with the Hearing Clerk, Office of the Assistant General Counsel, Federal Security Agency, Room 2240, South Building, 14th Street and Independence Avenue SW., Washington, D. C.

Washington, D. C., November 10, 1941.

WATSON B. MILLER, *Acting Administrator.*

[F. R. Doc. 41-8541; Filed, November 14, 1941; 10:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-435]

IN THE MATTER OF THE UNITED CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

An application or declaration (or both) pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party; and

Such application or declaration (or both) concerning the following:

The United Corporation, a registered holding company, proposes to expend in the aggregate not to exceed $2,500,000 of cash in bank deposits, totalling $10,944,979.66, to purchase, through brokers, in the discretion of its board of directors, from time to time over a period of twelve months, shares of its $3 Cumulative Preference Stock; said purchases are to be made for cash at the market price on a national securities exchange; annual Preference Stock dividend requirements aggregate $7,466,136, three quarterly dividends in the amount of $5,599,602 being in arrears; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 2, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 27, 1941.

It is further ordered, That without limiting the scope of issues presented by said application or declaration (or both) particular attention will be directed, among other things, to:

(1) Whether the proposed purchase program is appropriate in the public interest and in the interest of investors;

(2) Whether the proposed purchase program will circumvent any of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations, or orders thereunder;

(3) In the event the Commission finds the proposed purchase program appropriate, whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors to attach terms and conditions with respect to said purchase program.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8549; Filed, November 14, 1941; 11:47 a. m.]

[File Nos. 70-140 and 70-144]

IN THE MATTERS OF CENTRAL NEW YORK POWER CORPORATION; NIAGARA HUDSON POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

Notice is hereby given that amendments to the pending applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than November 21, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such applications, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said applications and the amendments thereto, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell, and Niagara Hudson Power Corporation proposes to acquire, 65,662 additional shares of its common stock without par value (stated value $25 per share) at a price of $25 per share, to realize proceeds of $1,641,550. Of said proceeds, the sum of $741,550 will be used to reimburse the treasury of Central New York Power Corporation for a part of the cost of reacquiring 7,415 1/2/20 shares of its Preferred Stock 5% Series, said reacquisition having been required as a legal result of the consolidation forming the company. It is then proposed to apply said amount of $741,550 toward the payment of a like amount of open account advances owed by the company to Niagara Hudson Power Corporation. The balance of said proceeds, in the sum of $900,000, is proposed to be used as additional working capital, made necessary by reason of the company's increased business.

Niagara Hudson Power Corporation owns all the presently outstanding 1,265,696 shares of the Common Stock and 41,515 17/20 shares of the presently outstanding 251,584 8/20 shares of the Preferred Stock 5% Series of Central New York Power Corporation.

Applicants have designated the third sentence of section 6 (b) of said Act and section 10 as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8550; Filed, November 14, 1941; 11:47 a. m.]

[File No. 70-432]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY; WISCONSIN ELECTRIC POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than November 28, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Wisconsin Michigan Power Company, a subsidiary of Wisconsin Electric Power Company, a registered holding company, proposes (a) to issue and sell, at par, to Wisconsin Electric Power Company for cash from time to time during the period ending December 31, 1942, 50,000 additional shares of its common stock having an aggregate par value of $1,000,000; and (b) to issue and sell to certain purchasing banks, at the principal amount, unsecured promissory notes in the aggregate principal amount of $1,000,000 to be issued on or about December 15, 1941, bearing interest at the rate of 2 1/4% per annum, and maturing in installments of $200,000 on the anniversary date thereof in each of the years 1944 to 1948, both inclusive. The proceeds from the sale of the stock and notes will be used to finance the company's construction program.

Wisconsin Electric Power Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, proposes to acquire for cash, when and as issued and delivered during the period ending December 31, 1942, 50,000 shares of additional common stock having an aggregate par value of $1,000,000 of its subsidiary, Wisconsin Michigan Power Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8551; Filed, November 14, 1941; 11:47 a. m.]

NOV 19 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 224

Washington, Tuesday, November 18, 1941

The President

CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of Congress approved on May 22, 1918 (40 Stat. 559), as amended by the act of Congress approved on June 21, 1941 (Public Law 114, 77th Cong., chap. 210, 1st sess., 55 Stat. 252) vests authority in me to impose restrictions and prohibitions in addition to those otherwise provided by law upon the departure of persons from and their entry into the United States when the United States is at war, or during the existence of the national emergency proclaimed by the President on May 27, 1941,[1] or, as to aliens, whenever there exists a state of war between or among two or more states, and when I find that the interests of the United States so require; and

WHEREAS the national emergency proclaimed by me on May 27, 1941 is still existing; and

WHEREAS there unhappily exists a state of war between or among two or more states and open hostilities engage a large part of the Eastern Hemisphere; and

WHEREAS the exigencies of the present international situation and of the national defense require that restrictions and prohibitions, in addition to those otherwise provided by law, be imposed upon the departure of persons from and their entry into the United States, including the Panama Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me as set forth above, do hereby find and publicly proclaim and declare that the interests of the United States require that restrictions and prohibitions, in addition to those otherwise provided by law, shall be imposed upon the departure of persons from and their entry into the United States, including the Panama Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States; and I make the following rules, regulations, and orders which shall remain in force and effect until otherwise ordered by me:

(1) After the effective date of the rules and regulations hereinafter authorized, no citizen of the United States or person who owes allegiance to the United States shall depart from or enter, or attempt to depart from or enter, the United States, including the Panama Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport issued by the Secretary of State or, under his authority, by a diplomatic or consular officer of the United States, or the United States High Commissioner to the Philippine Islands, or the chief executive of Hawaii, of Puerto Rico, of the Virgin Islands, of American Samoa, or of Guam, or unless he comes within the provisions of such exceptions or fulfils such conditions as may be prescribed in rules and regulations which the Secretary of State is hereby authorized to prescribe in execution of the rules, regulations, and orders herein prescribed. Seamen are included in the classes of persons to whom this paragraph applies.

(2) No alien shall depart from or attempt to depart from the United States unless he is in possession of a valid permit to depart issued by the Secretary of State or by an officer designated by the Secretary of State for such purpose, or unless he is exempted from obtaining a permit, in accordance with rules and regulations which the Secretary of State, with the concurrence of the Attorney General, is hereby authorized to prescribe in execution of the rules, regulations, and orders herein prescribed; nor shall any alien depart from or attempt to depart from the United States at any

[1] 6 F.R. 2617.

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place other than a port of departure designated by the Attorney General or by the Commissioner of Immigration and Naturalization or by an appropriate permit-issuing authority designated by the Secretary of State.

No alien shall be permitted to depart from the United States if it appears to the satisfaction of the Secretary of State that such departure would be prejudicial to the interests of the United States as provided in the rules and regulations hereinbefore authorized to be prescribed by the Secretary of State, with the concurrence of the Attorney General.

(3) After the effective date of the rules and regulations hereinafter authorized, no alien shall enter or attempt to enter the United States unless he is in possession of a valid unexpired permit to enter issued by the Secretary of State, or by an appropriate officer designated by the Secretary of State, or is exempted from obtaining a permit to enter in accordance with the rules and regulations which the Secretary of State, with the concurrence of the Attorney General, is hereby authorized to prescribe in execution of these rules, regulations, and orders.

No alien shall be permitted to enter the United States if it appears to the satisfaction of the Secretary of State that such entry would be prejudicial to the interests of the United States as provided in the rules and regulations hereinbefore authorized to be prescribed by the Secretary of State, with the concurrence of the Attorney General.

(4) No person shall depart from or enter, or attempt to depart from or enter, the United States without submitting for inspection, if required to do so, all documents, articles, or other things which are being removed from or brought into the United States upon or in connection with such person's departure or entry, which are hereby made subject to official inspection under rules and regulations which the Secretary of State in the cases of citizens, and the Secretary of State with the concurrence of the Attorney General in the cases of aliens, is hereby authorized to prescribe.

(5) A permit to enter issued to an alien seaman employed on a vessel arriving at a port in the United States from a foreign port shall be conditional and shall entitle him to enter only in a case of reasonable necessity in which the immigration authorities are satisfied that such entry would not be contrary to the interests of the United States; but this shall not be deemed to supersede the provisions of Executive Order 8429,[1] dated June 5, 1940 concerning the documentation of seamen.

(6) The period of validity of a permit to enter or a permit to depart, issued to an alien, may be terminated by the permit-issuing authority or by the Secretary of State at any time prior to the entry or departure of the alien, provided the permit-issuing authority or the Secretary of State is satisfied that the entry or departure of the alien would be prejudicial to the interests of the United States which it was the purpose of the above-mentioned acts to safeguard.

(7) Except as provided herein or by rules and regulations prescribed hereunder, the provisions of this proclamation and the rules and regulations issued in pursuance hereof shall be in addition to, and shall not be held to repeal, modify, suspend, or supersede any proclamation, rule, regulation, or order heretofore issued and now in effect under the general statutes relating to the immigration of aliens into the United States; and compliance with the provisions of this proclamation or of any rule or regulation which may hereafter be issued in pursuance of the act of May 22, 1918, as amended by the act of May 22, 1918, as amended by considered as exempting any individual from the duty of complying with the provisions of any statute, proclamation, rule, regulation, or order heretofore issued and now in effect.

[1] 5 F.R. 2145.

(8) I direct all departments and agencies of the Government to cooperate with the Secretary of State in the execution of his authority under this proclamation and any subsequent proclamation, rule, regulation, or order promulgated in pursuance hereof. They shall upon request make available to the Secretary of State for that purpose the services of their respective officials and agents. I enjoin upon all officers of the United States charged with the execution of the laws thereof the utmost diligence in preventing violations of the act of May 22, 1918, as amended by the act of June 21, 1941, and in bringing to trial and punishment any persons who shall have violated any provisions of such acts.

(9) Paragraph 6, part I, of Executive Order 8766,[2] issued June 3, 1941, is hereby superseded by the provisions of this proclamation and such regulations as may be prescribed hereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 14th day of November in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2523]

[F. R. Doc. 41-8576; Filed, November 17, 1941; 10:49 a. m.]

EXECUTIVE ORDER

AMENDING SECTION 2 OF EXECUTIVE ORDER No. 8833 DATED JULY 26, 1941

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States, the first sentence of section 2 of Executive Order No. 8833[1] of July 26, 1941, entitled "Authorizing Certain Employees of the Government to Acquire a Classified Status and Permitting Certain Positions to be Filled by Promotion, Transfer, or Assignment of Certain Employees" is hereby amended to read as follows:

Any position which is covered into the classified service by section 1 of the said Executive Order No. 8743 or which is now in the classified service, and which becomes vacant on or after July 1, 1941, may be filled by the promotion, transfer, or assignment of any qualified employee (1) who is the incumbent of a position which is covered into the classified service by section 1 of the said Executive Order No. 8743, or (2) to whom section 1 of this order is applicable.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 14, 1941.

[No. 8940]

[F. R. Doc. 41-8564; Filed, November 15, 1941; 10:20 a. m.]

[1] 6 F.R. 3761.
[2] 6 F.R. 2741.

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO AMERICAN UNION STOCK YARDS AND VICTOR SIMON SALE STABLE, BATON ROUGE, LOUISIANA[1]

NOVEMBER 17, 1941.

Whereas the American Union Stock Yards and Victor Simon Sale Stable was posted on March 28, 1938, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the American Union Stock Yards and Victor Simon Sale Stable is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the American Union Stock Yards and Victor Simon Sale Stable no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8577; Filed, November 17, 1941; 11:21 a. m.]

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO GRIDLEY AUCTION & SALES YARD, GRIDLEY, CALIFORNIA[2]

NOVEMBER 17, 1941.

To: B. E. Wedin and Ed C. Haecker, doing business as Gridley Auction & Sales Yard, at Gridley, California.

Whereas The Gridley Auction & Sales Yard was posted on February 10, 1941, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Gridley Auction & Sales Yard is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Gridley Auction & Sales Yard no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8578; Filed, November 17, 1941; 11:21 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[1]

§ 61.4a *Suspension of appointments in the Officers' Reserve Corps.*[2] [Rescinded]

Attention of all concerned is invited to §§ 61.5 (a) (2) and 73.200 (c). (R.S. 161; 5 U.S.C. 22)

§ 61.5 *Applications*—(a) *Applications for appointment.*[3] (1) Applications for appointment as a Reserve officer will be submitted through the corps area commander to The Adjutant General in duplicate on W.D., A.G.O. Form No. 170 (Application for Appointment and Statement of Preferences for Reserve Officers), accompanied by such information as the applicant may care to submit.

(2) All aplications for appointment in the Officers' Reserve Corps now being processed, or that may be received in the future, that are not in conformity with § 73.200 (c) of this title, will be considered as applications for appointment in the Army of the United States under the provisions of Public Law No. 262, 77th Congress, approved September 22, 1941. (R. S. 161; 5 U.S.C. 22)

* * * * * *

CHAPTER VII—PERSONNEL[4]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.200 *Appointments; general provisions.*[4]

* * * * *

(c) Effective at once, except as specified below, all persons commissioned as officers during the present emergency will be appointed in the Army of the United States:

(1) Qualified applicants selected for appointment in the Regular Army.

(2) Members of the graduating classes of the Senior Division of the Reserve Officers' Training Corps who qualify under current War Department regulations and instructions for appointment in the Officers' Reserve Corps.

[1] § 61.4a is rescinded and § 61.5 (a) (2) is added.
[2] This regulation also appears as letter A.G.O., dated Nov. 10, 1941, AG 210.1 O.R.C. (11-6-41) RB-A.
[3] This regulation also appears as letter A.G.O., dated Nov. 7, 1941, AG 210.1 (10-8-41) RB-A.
[4] § 73.200 (c) is added.

(3) Qualified graduates of Junior Units, Reserve Officers' Training Corps, established at essentially military schools, who are twenty-one years of age at time of graduation and qualified graduates of such units holding certificates for appointment as Reserve officers, who present such certificates within six months after the time they reach the age of twenty-one years.

(4) Members of the graduating classes of Aviation Cadets who, upon graduation, are recommended for appointment as Reserve officers. (Act Sept. 22, 1941, Public Law 252, 77th Cong.)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8575; Filed, November 17, 1941; 10:35 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

BIDS AND AWARDS [2]

§ 81.12 *Opening of bids.* Pertinent questions asked at the opening will be fully answered and the examination of bids by properly interested persons will be permitted, provided the bids remain at all times in the personal possession of the officer opening the bids or his superiors, and provided such action does not unduly interfere with the conduct of Government business. (20 Stat. 36, 22 Stat. 487, R.S. 3710; 5 U.S.C. 218, 41 U.S.C. 8) [Par. 2*b* (5)]

§ 81.13 *Awards* — (a) *General* — (1) *How made.* The award will be made to the lowest responsible bidder complying with conditions of the invitation for bids, provided:

(i) His bid is reasonable, and

(ii) It is to the interest of the United States to accept it.

(2) *Definitions.* (i) A responsible bidder is one who:

(*a*) Qualifies as such under the laws and lawful regulations governing the purchase of the articles in question.

(*b*) Has complied with all of the requirements of the invitation for bids.

(*c*) Is a manufacturer of or a regular dealer in the articles which he offers to supply.

(*d*) Is in position to perform the contract, and whose previous record for the faithful fulfillment of similar contract obligations does not justify determination that he is irresponsible.

(ii) A regular dealer is:

(*a*) An individual or firm who regularly carries a stock of the merchandise bid upon and who has a warehouse or shop from which sales are made to the public or to the Government, or

(*b*) A bona fide manufacturers' agent who is regularly employed on a salary or commission basis by one or more manufacturers of the goods bid upon with authority to bind such manufacturer or manufacturers to a contract and who holds proper credentials which establish those facts.

(b) *Bids received after opening.* A bid received in the mail after the time fixed for opening but before award is made will be considered only when it is shown to the satisfaction of the officer authorized to make the award that the nonarrival on time was due solely to delay in the mails for which the bidder was not responsible.

(c) *Telegraphic bids.* Unless specifically authorized in the invitation for bids, telegraphic bids will not be considered, but modifications by telegraph of bids already submitted will be considered if received prior to the hour for opening.

(d) *Modification or withdrawal of bids by bidders.* There is no authority to permit a bidder to modify or withdraw his bid after the time set for opening as provided in the invitation, which time will not be delayed on account of such a request. Any such request by a bidder will be forwarded to the chief of the arm, service, or bureau concerned. If a bidder to whom an award is made refuses to enter into a contract, the contract will be offered to the next lowest responsible bidder and a report of the matter made to the chief of the arm, service, or bureau concerned.

(e) *Mistake in bid*—(1) *When the prices as entered on the bids are the lowest received but as clearly intended are not the lowest received.* When a low bid is received which when compared with other bids shows clearly that a bona fide mistake in the amount of such bid has been made, or does not show clearly that a bona fide mistake in the amount of such bid has been made but the low bidder alleges a bona fide mistake and furnishes the purchasing officer with evidence which in the latter's opinion sustains the allegation, such bids should not in any circumstances be accepted. In such cases the matter will be forwarded to the chief of the supply arm or service concerned, except that when there is either an emergency requiring that the contract be awarded immediately, or circumstances (such as the limited time allowed for acceptance of the erroneous bid or of the next low bid) which does not permit of sufficient delay to submit the case to the chief of the supply arm or service, if there is no room for doubt as to the price intended in the bid in which the mistake occurred, such bid will be entered on the abstract of bids at the prices clearly intended and the award will be made to the bidder who is then the lowest. A statement of the pertinent facts and any supporting evidence, together with reasons for receiving the intended bid and making the award accordingly, will be attached to and accompany the abstract of bids.

(2) *When the prices as entered on the bid are not the lowest received but as clearly intended are the lowest received.* When a bid is received which when compared with other bids shows clearly that a bona fide mistake in the amount of such bid has been made, or does not show clearly that a bona fide mistake in the amount of such bid has been made but the low bidder alleges a mistake, the matter will be forwarded to the chief of the supply arm or service concerned, except that when there is either an emergency requiring that the contract be awarded immediately, or circumstances (such as the limited time allowed for acceptance of the erroneous bid or of the next low bid) which do not permit of sufficient delay to submit the case to the chief of the supply arm or service, if there is no room for doubt as to the price intended in the bid in which the mistake occurred, such bid will be entered on the abstract of bids at the prices clearly intended and the award will be made in the usual manner. A statement of the pertinent facts and supporting evidence, together with reasons for receiving the intended bid and making the award accordingly or the reason for refusing to accept the bid intended as alleged by the bidder, will be attached to and accompany the abstract of bids.

(3) *When the lowest acceptable bid received is from a bidder who alleges a mistake but fails to submit satisfactory evidence to support the allegation.* (i) When a low bid is received which when compared with other bids does not show clearly that a bona fide mistake in the amount of such bid has been made but the low bidder alleges a mistake yet fails to furnish the purchasing officer with satisfactory evidence to support the mistake claimed, the purchasing officer may:

(*a*) If time does not permit, accept the bid as submitted and inform the bidder that he must perform under the tender and that failure to perform will result in a purchase against the bidder, or

(*b*) If time permits, forward the case as provided in subparagraph (e) (4) of this section.

(ii) If a bidder is compelled to accept a contract over his protest, he should be informed of his right to present to the Comptroller General, after performing the contract, a claim for such amount as he may contend is due in addition to the amount provided in the contract.

(4) *When a mistake in bid is forwarded.* When a mistake in bid is forwarded to the chief of a supply arm or service, the following should be clearly shown:

(i) A statement from the bidder declaring:

(*a*) That a mistake has been made.
(*b*) How the mistake was made.
(*c*) In what the mistake consists.

(ii) A statement from the purchasing officer as to whether notice of the alleged mistake was received before the acceptance of the bid.

(iii) A copy of the invitation for bids.

(iv) A copy of the bid wherein the mistake is alleged or appears to have been made.

(v) An abstract of bids received.

(f) *Discounts.* (1) In determining which of several bids received is the lowest, any discount offered will be deducted from the bid price under the assumption that the discount will be obtained, unless it is known with reasonable certainty that the Government cannot take advantage of the discount within the time specified.

(2) If, when bids are opened, facts become known which render it necessary to disregard a discount, a full statement of the facts and circumstances and of the reasons for the action taken will be entered upon the abstract of bids, provided, that such bid would have been the lowest bid received if the discount offered had been taken.

(g) *Rejection of bids.* The lowest bid as to price may be rejected by the purchasing officer if:

(1) The bidder does not qualify as a responsible bidder.

(2) The price is unreasonable.

(3) All of the essential conditions of the invitation have not been complied with.

(4) The bidder is at the time on the "Confidential List of Bidders to Whom Awards Will Not Be Made", as published by The Adjutant General.

(5) No guaranty has been required and the bidder is unable to furnish satisfactory evidence that he possesses the experience and equipment to perform his contract satisfactorily in accordance with the terms thereof.

(6) The grade, quality, or kind of supplies bid upon are not those upon which bids were invited.

(7) The bidder offers foreign materials or offers to use foreign vessels in effecting shipments to the oversea departments and the excess cost of satisfactory domestic materials or of the use of American vessels is reasonable.

(h) *Waivers of irregularities in bids.* Minor irregularities in bids should be waived when it is in the interest of the United States to do so. Failure to furnish a bid bond may be waived under certain conditions. (See 7 Comp. Gen. 563)

(i) *Equal bids.* (1) Where two or more bids are equal in all respects, i. e., as to price, cost of transportation, cash discounts, etc., and it is in the interest of the Government, award will be made by lot.

(2) Under the conditions stated in paragraph (i) (1) of this section, and when liquidated damages are provided, award will be made to the bidder offering the earliest performance.

(3) Under the conditions stated in paragraph (i) (1) of this section, and when the bidders have been requested in the invitation to state the time within which performance will be completed but no liquidated damages are provided, award may be made to the bidder offering the earliest performance or by lot as the interest of the Government may dictate.

(4) When award is made by lot and the information available shows that the products of a particular manufacturer is offered by more than one bidder, a preliminary drawing by lot will be made to ascertain which of the bids will represent that manufacturer in the final drawing to determine the award.

(5) As a result of the preliminary drawing, the field of the bidders for the final drawing is narrowed to one bidder only on the product of each manufacturer. This bidder may be the manufacturer himself or one of the other bidders offering his product, depending upon the results of the preliminary drawing.

(6) In the final drawing there will be included with the names of the bidders drawn in the preliminary drawing the names of any other bidders whose product is offered only by the one bidder.

(7) In the case of lumber, awards will be made on the basis of the special conditions in the invitation prescribed in § 81.10 (f) (6).

(j) *Correspondence and contact with bidders*—(1) *General.* Because of the established policy of decentralization of purchasing operations and the fact that the purchasing officer has available more information on his purchases than has any other office in the War Department, all purchasing officers are charged with the responsibility of making every possible effort to furnish legitimate information to bidders, to make complete response to their proper questions, and to explain to their satisfaction the action which has been taken by the War Department. If it is found impossible to do so, a complete report of the matter will be forwarded to higher authority so that if bidders apply thereto also, prompt action can be taken by it.

(2) *Furnishing of information as to awards made.* Subject to Army Regulations as to restricted projects:

(i) Purchasing officers will furnish to any bidder or his representative the names of the successful bidders and the prices at which awards were made on items on which the inquirer submitted bids: *Provided,* That the number of items and bidders is reasonable and that furnishing such information would not interfere with the work of the purchasing office.

(ii) If a written request is received from an inquirer who is not a bidder or representative of a bidder and the request is for a reasonable number of items, the purchasing officer may furnish the names of the successful bidders and the prices at which awards were made.

(iii) In cases where requests require a large amount of work, the inquirer should be informed that a copy of the abstract of bids is on file in the purchasing office and in the office of the Under Secretary of War, Purchase and Contract Branch, Washington, D. C., where it may be seen by a representative of his office, if he wishes to call.

(iv) The foregoing procedure is not intended to apply to requests for general information as to purchases made over extended periods of time, such as one for information as to the number of shoes purchased during a year and the prices paid therefor. No general procedure is prescribed for such cases.

(3) *Notice of protest against award.* Notice will be given promptly to all bidders affected thereby of any protest or objection against the awarding of a contract to any particular bidder, in order that, if the parties interested so desire, they may take action in their own behalf before further steps are taken in the matter of awarding the contract.

(4) *When all bids are rejected.* When it has been decided to reject all bids and the lowest bid received is in excess of $25,000, the purchasing officer will, if otherwise expedient, inform each bidder of the fact that all bids have been rejected and the reason for such action. (20 Stat. 36, 22 Stat. 487, R.S. 3710; 5 U.S.C. 218, 41 U.S.C. 8) [Pars. 5, 6*a*, 7, 8, 9, 10, 11, 12, 13, and 16]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8561; Filed, November 15, 1941; 9:28 a. m.]

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[1] §§ 81.12 and 81.13 are superseded.

[2] These regulations also appear in Army Regulations S–16, Oct. 24, 1941. Particular sections of the Army Regulations are indicated in brackets at the end of sections.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3861]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BERLAND SUPPLY COMPANY, INC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.24 (a) *Coercing and intimidating—Competitors—By threatening boycott:* § 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To maintain resale prices:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* In connection with the offer, etc., in commerce, of glassware, and on the part of respondent wholesalers thereof, respondent manu-

facturers thereof, respondent agents of said manufacturers, and respondent Hotel, Restaurant and Tavern Equipment Association and its members, continuing, entering into, or assisting each other in carrying out, any conspiracy, agreement, understanding, cooperative plan, program, concert or common course of action among said respondents, between any two or more of them, or between the officers, agents, and employees of any two or more of them, (1) to refuse to sell glassware to any person, partnership, or corporation; (2) to cut off the source or sources of supply of any person, partnership, or corporation, or hinder, impede, or handicap any person, partnership, or corporation in its efforts to obtain supplies of glassware for sale or resale in trade and commerce, or to otherwise deprive any person, partnership, or corporation of an opportunity to compete in the sale or resale of glassware; (3) to determine or designate who shall be a wholesaler of glassware and who shall not be in Milwaukee and the surrounding trade area or in any other trade area in the United States; (4) to coerce or persuade any wholesaler, retailer, or dealer of glassware to refrain from engaging in price competition in the sale and distribution of glassware in commerce; and (5) to limit the number of persons, partnerships, or corporations who may participate in trade and commerce in glassware or to limit or prescribe or seek to limit or proscribe the rights of any such person, partnership, or corporation to conduct trade and commerce according to its own free will; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Modified cease and desist order, Berland Supply Company, Inc., et al., Docket 3861, November 10, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of November, A. D. 1941.

This matter coming on to be heard by the Commission upon the request of respondent Anchor-Hocking Glass Corporation, by its attorney, that the cease and desist order entered in this case by the Commission on July 9, 1941, be modified, and the Commission having duly considered the matter, and being now fully advised in the premises;

It is ordered, That the cease and desist order[1] aforesaid be, and the same hereby is, modified to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before Edward E. Reardon, a duly appointed Trial Examiner of the Commission designated by it to serve in this proceeding in support of the allegations of the complaint and in opposition thereto, the report of the Trial Examiner thereon and the exceptions to said report, brief in support of the complaint and in opposition thereto and oral argument by counsel for the Commission and counsel for respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Berlan Supply Company, Inc.; S. J. Casper Company, Incorporated; I. Shapiro, Inc.; Louis M. Mintz, trading as Mintz Supply Company; W. A. Reinemann, trading as Hotel and Restaurant Supply Company; National Beverage Distributing Company; Anchor-Hocking Glass Corporation; West Virginia Glass Specialty Company; Indiana Glass Company; Roseware, Inc.; W. H. Peterson; and Hotel, Restaurant & Tavern Equipment Association and its members, in connection with the offering for sale, sale, and distribution of glassware in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist:

From continuing, entering into, or assisting each other in carrying out, any conspiracy, agreement, understanding, cooperative plan, program, concert or common course of action among said respondents, between any two or more of them, or between the officers, agents, and employees of any two or more of them:

(a) To refuse to sell glassware to any person, partnership, or corporation;

(b) To cut off the source or sources of supply of any person, partnership, or corporation, or hinder, impede, or handicap any person, partnership, or corporation in its efforts to obtain supplies of glassware for sale or resale in trade and commerce, or to otherwise deprive any person, partnership, or corporation of an opportunity to compete in the sale or resale of glassware;

(c) To determine or designate who shall be a wholesaler of glassware and who shall not be in Milwaukee and the surrounding trade area or in any other trade area in the United States;

(d) To coerce or persuade any wholesaler, retailer, or dealer of glassware to refrain from engaging in price competition in the sale and distribution of glassware in commerce;

(e) To limit the number of persons, partnerships, or corporations who may participate in trade and commerce in glassware or to limit or proscribe or seek to limit or proscribe the rights of any such person, partnership, or corporation to conduct trade and commerce according to its own free will.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-8566; Filed, November 15, 1941; 10:56 a. m.]

[1] 6 F.R. 3630.

[Docket No. 4029]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF EXCEL MERCHANDISE & NOVELTY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of sauce pans, dripolators, coffee percolators, pillows, smoking stands, electric table lamps, fountain pens, ash trays, or any other articles of merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with any merchandise, together with Bingo sets, punch boards, push or pull cards, or other devices, which said Bingo sets, punch boards, push or pull cards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (3) supplying, etc., others with Bingo sets, punchboards, push or pull cards or other devices, either with assortments of merchandise or separately, which said Bingo sets, punch boards, push or pull cards or other devices are to be, or may be, used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Excel Merchandise & Novelty Company, Docket 4029, November 4, 1941]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* In connection with offer, etc., in commerce, of sauce pans, dripolators, coffee percolators, pillows, smoking stands, electric table lamps, fountain pens, ash trays, or any other articles of merchandise, supplying, etc., others with punch boards, push or pull cards or other devices which are to be, or may be, used in selling or distributing any merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Excel Merchandise & Novelty Company, Docket 4029, November 4, 1941]

In the Matter of Max A. Wasserman, Individually and Trading as Excel Merchandise and Novelty Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Max A. Wasserman, individually and trading as Excel Merchandise and Novelty Company, or trading under any other name or names, his representatives, agents, or employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of sauce pans, dripolators, coffee percolators, pillows, smoking stands, electric table lamps, fountain pens, ash trays, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

2. Supplying to or placing in the hands of others any merchandise, together with Bingo sets, punch boards, push or pull cards, or other devices, which said Bingo sets, punch boards, push or pull cards or other devices are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

3. Supplying to or placing in the hands of others Bingo sets, punch boards, push or pull cards or other devices, either with assortments of merchandise or separately, which said Bingo sets, punch boards, push or pull cards or other devices are to be used or may be used in selling or distributing said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

4. Supplying to or placing in the hands of others punch boards, push or pull cards or other devices which are to be used or may be used in selling or distributing any merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

5. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8567; Filed, November 15, 1941; 10:56 a. m.]

[1] 4 F.R. 879.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5097]

PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPER AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

Regulations 8 as Made Applicable to the Internal Revenue Code by Treasury Decision 4885, Amended

In order to conform Regulations 8 (revised November 1934) [Part 140, Title 26, Code of Federal Regulations], relating to the taxes on tobacco, snuff, cigars, and cigarettes, also on cigarette papers and tubes and purchase and sale of leaf tobacco, to section 212 of the Revenue Act of 1940 (54 Stat. 516) and section 521 (a) (8) of the Revenue Act of 1941 (Public Law 250, 77th Congress), amending section 2000 (c) (2) of the Internal Revenue Code, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 [Chapter I, note, Title 26, Code of Federal Regulations, 1939 Supp.] are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding article 72 [§ 140.72] the following:

SEC. 2000. RATE OF TAX. (Internal Revenue Code.)

* * * * * *

(c) Cigars and Cigarettes.—Upon cigars and cigarettes manufactured in or imported into the United States, which are sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid the following taxes:

(1) *Cigars.* On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, 75 cents per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 5 cents each, $2 per thousand;

If manufactured or imported to retail at more than 5 cents each and not more than 8 cents each, $3 per thousand;

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, $5 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, $10.50 per thousand;

If manufactured or imported to retail at more than 20 cents each, $13.50 per thousand;

Whenever in this paragraph reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar in its principal market.

(2) *Cigarettes.* On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $3 per thousand;

Weighing more than three pounds per thousand, $7.20 per thousand; except that if more than 6½ inches in length they shall be taxable at the rate provided in the preceding paragraph, counting each 2¾ inches (or fraction thereof) of the length of each as one cigarette.

The tax imposed by this subsection shall be in addition to any import duties imposed upon imported cigars and cigarettes.

* * * * * *

SEC. 212. CIGARETTES. (Revenue Act of 1940.)

Subchapter A of Chapter 15 of the Internal Revenue Code is amended by inserting at the end thereof the following new sections:

SEC. 2004. DEFENSE TAX FOR FIVE YEARS.

In lieu of the rates of tax specified in section 2000 (c) (2), the rates of tax for the period after June 30, 1940, and before July 1, 1945, shall be $3.25 and $7.80, respectively.

* * * * * *

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (Revenue Act of 1941.)

(a) The following sections of the Internal Revenue Code are amended as follows:

* * * * * *

(8) *Cigarettes.* Section 2000 (c) (2) is amended by striking out "$3" and inserting in lieu thereof "$3.25" and by striking out "$7.20" and inserting in lieu thereof "$7.80".

* * * * * *

(b) The rates specified in subsection (a) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in * * * section 2004 * * * of the Internal Revenue Code shall not apply with respect to such period.

PAR. 2. Article 72 (a) [§ 140.72] as amended by Treasury Decision 4985,[1] approved July 18, 1940, is further amended to read as follows:

§ 140.72 *Rates of tax on cigars and cigarettes; date effective; when tax accrues.* (a) The rates of tax on cigars as shown below became effective on March 29, 1926. The rates of tax on cigarettes as shown below became effective on July 1, 1940.

Class	Cigars weighing more than 3 pounds per 1,000	Rate per 1,000
	If manufactured or imported to retail at—	
A	Not more than 5 cents each	$2.00
B	More than 5 cents each and not more than 8 cents each	3.00
C	More than 8 cents each and not more than 15 cents each	5.00
D	More than 15 cents each and not more than 20 cents each	10.50
E	More than 20 cents each	13.50

[1] 5 F.R. 2636.

	Rate
Cigars weighing not more than 3 pounds per 1,000—per 1,000	$0.75
Cigarettes weighing not more than 3 pounds per 1,000—per 1,000	3.25
Cigarettes weighing more than 3 pounds per 1,000 and measuring not more than 6½ inches in length—per 1,000	7.80
Cigarettes weighing more than 3 pounds per 1,000 and measuring more than 6½ inches in length; each 2¾ inches (or fraction thereof) of the length of each to be counted as one cigarette—per 1,000	3.25

(This Treasury Decision is prescribed pursuant to section 212 of the Revenue Act of 1940 (54 Stat. 516), section 521 of the Revenue Act of 1941, approved September 20, 1941, and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 13, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8554; Filed, November 14, 1941; 2:59 p. m.]

TITLE 27—INTOXICATING LIQUORS

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5098]

PART 4—LABELING AND ADVERTISING OF WINE

MANDATORY INFORMATION ON WINE LABELS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

SECTION 1. By virtue of and pursuant to section 5 (e) of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), section 3170 of the Internal Revenue Code (53 Stat., part 1), and section 161 of the Revised Statutes (U.S.C., Title 5, sec. 22), § 4.32, Part 4, Chapter 1, Title 27 of the Code of Federal Regulations (section 32 of Regulations No. 4, Relating to Labeling and Advertising of Wine), is amended to read as follows:

§ 4.32 *Mandatory label information.* (a) Except as otherwise provided in paragraph (c), there shall be stated on the brand label:

(1) Brand name, in accordance with § 4.33.

(2) Class, type, or other designation, in accordance with § 4.34.

(3) Name and address, in accordance with § 4.35.

(4) On blends consisting of foreign and domestic wines, if any reference to the presence of foreign wine is made, the exact percentage by volume of foreign wine.

(b) There shall be stated on the brand label, or on a separate label affixed in immediate proximity thereto on the same side of the container:

(1) Alcoholic content, in accordance with § 4.36.

(2) Net contents, in accordance with § 4.37.

(c) In the case of imported wine, the name and address of the importer need not be stated upon the brand label if it is stated upon any other label affixed to the container. In the case of domestic wine, bottled or packed for a retailer or other person under his private brand, the name and address of the bottler or packer need not be stated upon the brand label if the name and address of the person for whom bottled or packed appears upon the brand label, and the name and address of the bottler or packer is stated upon any other label affixed to the container.

SEC. 2. These regulations shall take effect upon the date of filing with the Division of the Federal Register.

[SEAL] STEWART BERKSHIRE,
Deputy Commissioner of Internal Revenue.

Approved: November 13, 1941.

GUY T. HELVERING,
Commissioner of Internal Revenue.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8555; Filed, November 14, 1941; 2:59 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets Nos. A-848 and A-849]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR THE BLACK EAGLE COAL MINE (MINE INDEX NO. 23) OF THE BLACK EAGLE SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7; AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR COALS OF THE WYCO MINE (MINE INDEX NO. 207) OF THE GULF SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7

Original petitions having been filed with the Bituminous Coal Division by District Board No. 7, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by revising the price classifications for certain coals produced at the Black Eagle Mine (Mine Index No. 23) of the Black Eagle Smokeless Coal Company and at the Wyco Mine (Mine Index No. 207) of the Gulf Smokeless Coal Company, code members in District No. 7;

A hearing having been held in this matter pursuant to Orders and Notices of the Director, on July 28, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be, and it hereby is, amended by establishing for the coals produced at the Black Eagle Mine (Mine Index No. 23) of the Black Eagle Smokeless Coal Company, in Size Groups 3, 4, 8, and 9, the effective price classifications of "E", "D", "B", and "B", respectively, in lieu of the classifications presently established therefor.

It is further ordered, That the prayer contained in the original petition in Docket No. A-849 for a reduction in the classifications established for the coals in Size Groups 2 and 3 produced at the Wyco Mine (Mine Index No. 207) of the Gulf Smokeless Coal Company be, and it hereby is, denied.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8597; Filed, November 17, 1941; 11:38 a. m.]

[Docket No. A-1108]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R–I, and § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 5, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
16	Black Banner Coal Co. (Carl H. Grisham)	Monarch	[1] 1459	80	Elkville, Ill.	IC
10	Hallidayboro Coal Company (% Clarence McCormick).	Hallidayboro	[2] 1296	80	Elkville, Ill.	IC
25	Diamond Coal Company (Paul R. O'Bryant).	Diamond Coal Mine	[3] 677	94	Glasford, Ill.	TP&W

[1] Mine Index No. 1459 shall be included in Price Group 16 and shall take the same f.o.b. mine prices as other mines in Price Group 16, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however,* That these f.o.b. mine prices apply on board transportation facilities at Elkville, Illinois.

[2] Mine Index No. 1296 shall be included in Price Group 10 and shall take the same f.o.b. mine prices as other mines in Price Group 10, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel: *Provided, however,* That these f.o.b. mine prices apply on board transportation facilities at Elkville, Illinois.

[3] Mine Index No. 677 shall be included in Price Group 25 and shall take the same f.o.b. mine prices as other mines in Price Group 25, Schedule No. 1, District No. 10, for All Shipments Except Truck, on all size groups and for shipment to all Market Areas and for all uses exclusive of railroad locomotive fuel: *Provided, however,* That these f.o.b. mine prices apply on board transportation facilities at Glasford, Illinois. For shipment to the Cities of Peoria and Pekin, Illinois, in Market Area 37, the f.o.b. mine prices stated above shall be increased 12¢ per ton.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
16	Black Banner Coal Co. (Carl H. Grisham)	Monarch	[4] 1459	80	Elkville, Ill.	IC
10	Hallidayboro Coal Company (% Clarence McCormick).	Hallidayboro	[5] 1296	80	Elkville, Ill.	IC
25	Diamond Coal Company (Paul R. O'Bryant).	Diamond Coal Mine	[6] 677	94	Glasford, Ill.	TP&W

[4] The railroad locomotive fuel price shall be: mine run—$1.80; screenings—$1.40; 6" x 1¼" Egg—$1.85 f. o. b. cars Elkville, Illinois.

[5] The railroad locomotive fuel price shall be: mine run—$1.80; screenings—$1.40; 6" x 1¼" Egg—$1.85, f. o. b. cars Elkville, Illinois.

[6] The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 f. o. b. cars, Glasford, Illinois.

[F. R. Doc. 41–8538; Filed, November 14, 1941; 10:49 a. m.]

[Docket Nos. A–436, A–440, A–36 Part II, A–147, A–44, A–115, A–259, A–363]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED; AND OF DISTRICT BOARD 11 FOR THE REVISION OF MINIMUM PRICES FOR THE COALS OF MINE INDEX 1055, HICKS & RELKER, INCORPORATED; AND OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE ENOS COAL MINING COMPANY'S SEVEN STAR MINE; AND OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS FOR WASHED COAL, SIZE GROUPS 17 TO 25, FOR MINE INDEX NO. 47

These are matters instituted upon petitions duly filed with the Bituminous Coal Division on October 8, 14, and 28,

November 14, and December 2, 1940, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 11. The several petitions propose and seek the establishment of price classifications and minimum prices for the coals of certain mines not theretofore classified and priced.

The original petitions prayed for the issuance of temporary as well as final orders, pending final disposition of the petitions. By Orders of the Director, dated October 28, 1940 (Dockets A–36–Part II and A–147), 5 F.R. 4349; October 28, 1940 (Docket A–115), 5 F.R. 4324; November 14, 1940 (Docket A–259), 5 F.R. 4594; December 2, 1940 (Docket A–363), 5 F.R. 4831; and December 13, 1940 (Dockets A–436 and A–440), 5 F.R. 5157, temporary relief was granted, pending final disposition of the original petition, establishing temporary price classifications and minimum prices for the coals in question in general conformance with the petitioners' proposals.

In accordance with the Orders of October 28, November 14 and 19, December 2, 6, 13 and 16, 1940, a hearing in these matters[1] was duly held on January 29, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room of the Division, in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. No intervening petitions were filed and no objection to the relief requested was made at the hearing. By agreement of all parties present, the preparation and filing of the Examiner's report was waived, and the record was thereupon transmitted to the undersigned.

The record evidence reveals that the price classifications and prices set in the Orders of October 28, 1940 (Dockets A–36—Part II and A–147), except that part of Docket A–36—Part II relating to Ditney Hill Mine, Mine Index 115 (Ingle Coal Company);[2] October 28, 1940 (Docket A–115); November 14, 1940 (Docket A–259), except that part of Docket A–259 relating to the Hicks & Relker Mine, Mine Index 1055 (Hicks & Relker, Inc. (James G. Hicks));[3] December 2, 1940 (Docket A–363); and December 13, 1940 (Dockets A–436 and A–440) except that the Julian Mine, Mine Index 117 (Standard Coal Company),[4] which price classifications and prices are attached hereto as Supplements "R" and "T", are expressed in terms of the symbols of and are in conformity with the effective minimum prices for analogous and comparable coals heretofore established by the Director in General Docket No. 15; properly relate said coals among themselves and with comparable competitive coals; and should be permanently established as the effective classifications and minimum prices for the coals in question. Such classifications and prices comply in all respects with applicable standards of the Act and effectuate the purpose of sections 4 II (a) and (b) thereof.

There was no opposition to the requested relief.

Now, therefore, it is ordered, That § 331.5 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 11 is amended by adding thereto Supplements R–I, R–III, R–V and R–VII, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplements R–II, R–IV and R–VI, § 331.8 (*General prices*) is amended by adding thereto Supplement R–VIII, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T–I, T–II, T–III, T–IV and T–V, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: October 8, 1941.

[SEAL] H. A. GRAY, *Director.*

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I[1]

Mine index No.	Name of code member	Mine	Seam	Sub-dist.	Freight origin group	Price group
[2] 392	Linn Coal Co.	Linn	VI	LS	63	7

[1] Docket No. A–436.
[2] Mine Index No. 392 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 392 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 63 having the same freight rates.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II. Mine Index No. 392 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index nos. 48, 49, 69.

§ 331.5 *Alphabetical list of code members*—Supplement R–III[3]

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group
[4] 93	Indiana Mining Company, Inc.	Mine No. 1	V	BC	32	3
[5] 118	Lone Star Coal Co., Inc.	Lone Star No. 3	III	BC	32	1

[3] Docket No. A–259.
[4] Mine Index 93 shall be included in Price Group 3 and shall be accorded the prices shown for other mines in Price Group 3 listed in the Price Schedule No. 1 for District No. 11 for all shipments except truck for shipment into various market areas. It shall also be accorded adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to other mines in freight origin group 32, taking the same freight rate.
[5] Mine Index 118 shall be included in Price Group 1 and shall be accorded the prices shown for other mines in Price Group 1 listed in the Price Schedule No. 1 for District No. 11 for all shipments except truck for shipment into various market areas. It shall also be accorded adjustments in f. o. b. mine prices on account of differences in freight rates as those applicable to other mines in freight origin group 32, taking the same freight rate.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–IV[6]

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group
[7] 93	Indiana Mining Company, Inc.	Mine No. 1	V	BC	32	3
118	Lone Star Coal Co., Inc.	Lone Star No. 3	III	BC	32	1

[6] Docket No. A–259.
[7] Mine Index 93 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck as those shown for mine index 22, 59, 75 and 94.
[8] Mine Index 118 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck as those shown for mine index 22, 59, 75 and 94.

[1] By Order of the Director dated January 28, 1941, Docket A–44 and that part of Docket A–36—Part II relating to the Ditney Hill Mine, Mine Index 115 (Ingle Coal Company), were severed from these proceedings.
[2] The coals of the Ditney Hill Mine will be classified and priced in Docket A–36—Part III.
[3] The Hicks & Relker Mine, Mine Index 1055, was erroneously classified in Docket A–259 as being located in Seam 5. In Docket A–440, infra, this mine was correctly classified as being in Seam 4. In all other respects the mine is duplicated and should therefore be deleted from the temporary order in Docket A–259.
[4] Permanent prices were established for the Julian Mine, Mine Index 117 (Standard Coal Company) by Order in Docket A–437 dated August 22, 1941, 6 F.R. 4707, and should therefore be deleted from the temporary order in Docket A–436.

§ 331.5 *Alphabetical list of code members*—Supplement R–V[9]

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group
[10] 238	Gordon Coal Company (Carl F. Fougerousse).	Gordon	IV	LS	61	13
[11] 360	Hi-Grade Coal Company	Hi-Grade	IV	LS	61	13
[12] 120	H & M Coal Company (Undrel Hubble)	H & M No. 2	V	LS	60	9
[13] 119	Strietelmeier, Henry W.	Pleasantville No. 6	VI	LS	62	7

[9] Docket No. A–363.
[10] Mine Index No. 238 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 238 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 61 having the same freight rates.
[11] Mine Index No. 360 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 360 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 61 having the same freight rates.
[12] Mine Index No. 120 shall be included in Price Group 9 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 9 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 120 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 60 having the same freight rates.
[13] Mine Index No. 119 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11 for all shipments except truck. On account of differences in freight rates, Mine Index No. 119 shall be accorded the same adjustments in f. o. b. mine prices applicable to other mines in freight origin group 62 having the same freight rates.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–VI[14]

Mine index No.	Name of code member	Mine	Seam	Sub-District	Freight origin group	Price group
[15] 238	Gordon Coal Company (Carl F. Fougerousse).	Gordon	IV	LS	61	13
[16] 360	Hi-Grade Coal Company	Hi-Grade	IV	LS	61	13
[17] 120	H & M Coal Company (Undrel Hubble).	H & M No. 2	V	LS	60	9
[18] 119	Strietelmeier, Henry W.	Pleasantville No. 6	VI	LS	62	7

[14] Docket No. A–363.
[15] Mine Index No. 238 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 19, 20, 51, 52, 53, 70, 72, 85, 91 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.
[16] Mine Index No. 360 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 19, 20, 51, 52, 53, 70, 72, 85, 91 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.
[17] Mine Index No. 120 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 1, 2, 3, 23, 30, 38, 56, 68, 70, 73 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.
[18] Mine Index No. 119 shall be accorded the same prices for railroad locomotive fuel as those shown for mine index Nos. 32, 50, 100 in §331.10 in Minimum Price Schedule for District No. 11 for all shipments except truck.

§ 331.5 *Alphabetical list of code members*—Supplement R–VII[19]

Mine Index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group No.	Price group	Railroad and shipping point
[20] 47	Princeton Mining Company	King Station	V	PA	72	14	C&EI—King Station, Ind.

[19] Docket No. A–115.
[20] The prices for Mine Index No. 47 in Size Groups 17–25, inclusive, For All Shipments Except Truck, shall be subject to the same adjustments, for shipment into the various Market Areas, as are the prices for Mine Index No. 47 in all other Size Groups, as set forth in the Schedule of Effective Minimum Prices for District No. 11 For All Shipments Except Truck.

§ 331.8 *General prices*—Supplement R–VIII[21]

Size groups	Price table Nos.					
	1	2	3	4	5	6
17	178	200	190	190	173	153
18–19–20	168	190	180	180	163	143
21	173	195	185	185	168	148
22	163	185	175	175	158	138
23	163	185	175	175	158	138
24	153	175	165	165	148	128
25	128	150	140	140	123	103

[21] Docket No. A–115.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I[1]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																														
Baker, Hershel	1136	Baker	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40													
Ball, Lennie & Co	1097	Ball & Co	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Crawford, Wm. T	1108	Crawford	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Daily & Vandever (Albert C. Daily)	1131	Daily & Vandever	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Decker & Lynch (Sam Lynch)	1123	Decker & Lynch	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Durkos, Mike	1118	Red Oak	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Lee & Marshall	1105	Lee & Marshall	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
McDonald & Co., Arthur	1112	McDonald & Co	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Penman & Warren	1138	P & W	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Williams Brothers (Arthur Williams)	1079	Williams Brothers	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Wolfe & Vanhorn	1110	Wolfe & Vanhorn																												
DAVIESS COUNTY																														
Chatham, Charles	1113	Chatham	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
DUBOIS COUNTY																														
Merchand, Michael	1134	High Hill	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
FOUNTAIN COUNTY																														
Bush & Marshall (Richard Bush)	1119	Bush & Marshall	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Gill Bros	1101	Gill Bros	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Huck, Chauncey	1082	Hack	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Lloyd & Son, Marion (Marion Lloyd)	1121	Lloyd & Son	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Perry, William & Sons	1084	Perry & Sons	5	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Richardson Coal Mine (Ray Bracken)	1129	Richardson																												
GREENE COUNTY																														
Beatty, Monroe	1103	Rogers	SB	275	260	255	245	240	235	205	205	185	175	155	145	85	55													
York, Robert W	1141	Lost Hope	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
OWEN COUNTY																														
Chatman, Commodore	980	Chatman	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
PARKE COUNTY																														
Bannon & Sowers (Ernest G. Bannon)	1130	B & S	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Davis & Glaze (Peter Glaze)	1132	Davis & Glaze	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
PERRY COUNTY																														
Kieser, Charles B	1127	Foster	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
PIKE COUNTY																														
Delaney, Elmer	1120	Delaney	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Durham, Hollis R	1128	Durham	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Erwin, Roscoe	1087	Erwin	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Northerner, John	1124	Northerner	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Sullivan Coal Company	1085	Sullivan	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Taylor, Ernest	1086	Taylor																												
SPENCER COUNTY																														
Fox Hill Coal & Mining Co., Inc	1122	Fox Hill	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Hagan, Tex	1104	Hurst & Adye	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
McFall, Cosby I	1099	Meier	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Mehringer, Karl H	1140	Mehringer	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Quick, John	1106	Quick	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Rue & Suhrkamp	1098	Rue																												
SULLIVAN COUNTY																														
Mahan, Louis & Jesse Mahan	1137	Mahan	5	250	245	240	230	225	220	180	185	175	170	165	135	125	70	40												
Owl Coal Co. (Roscoe Davidson)	1133	McCammon	7	250	245	240	230	225	220	180	185	175	170	165	135	125	70	40												
Smith, Homer & Jake Wilson	1117	Smith & Wilson	6	275	270	265	230	225	220	180	185	175	170	165	135	125	70	40												

[1] Docket No. A–436.

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
VERMILLION COUNTY																														
Bates, Markello & Petak	1135	Bates, Markello & Petak	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Frazier, George	1139	Sunlite Coal Co	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Holechko, Mike & Co	1083	Holechko & Co	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Steffy, Chris	1102	Steffy	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
VIGO COUNTY																														
Duby, O'Leary & Polick	1125	Canal	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Hargraves & McCloud (John W. Hargraves)	1126	Hargrave & McCloud	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Koch Bros	1115	Koch Bros	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40													
Koch, George & Son	1116	George Koch	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40													
WARRICK COUNTY																														
Kassler, E. J. (Kassler Coal Company)	1114	Kassler	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Steinkuhl & Purcell	1107	Barnett	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
DAVIESS COUNTY																														
Hicks & Relker, Inc. (James G. Hicks)	1055	Hicks & Relker	4	275	270	265	255	250	245	215	215	190	180	160	150	100	70													

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II[1]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																														
Beatty, Burger & Nash (Frank Beatty)	1047	Beatty	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Bolonger & Puckett (Ike Bolonger)	1022	White Oak	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Roy Bridgewaters	1023	Bridgewaters	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Callahan Construction Co., W. E	1032	New North	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Kennedy & Co., John (John Kennedy)	1015	Hendrix St	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Payne & Bemis (Clint Payne)	1048	Payne & Bemis	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
DAVIESS COUNTY																														
Ledgerwood & Woodling	1029	Ledgerwood	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
DUBOIS COUNTY																														
Dorsam, Edward	1014	Dorsam	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
FOUNTAIN COUNTY																														
Basil O. Allan	1095	Allen's	5	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Crowder & Son, Marvin (Marvin Crowder)	1037	Crowder	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Harold M. Smith	1049	Morgan Rib	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
McKinney & Co., Wm. H. (Wm. H. McKinney)	1036	McKinney	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Ping & Roman (Charles Roman)	1030	Ping & Roman	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
GIBSON COUNTY																														
Mason, Hirshel Dewey (Columbia Coal Company)	1016	Columbia	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
GREENE COUNTY																														
Possum Hollow Coal Co., Inc	1093	Hoosier King	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
OWEN COUNTY																														
Micheals & Fisher Coal Co. (John Micheals)	1090	Micheals	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
PERRY COUNTY																														
Earl Flamion	1025	Flamion	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
Zoglmen & Grenlich (Raymond Zoglmen)	1033	Denning	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													

[1] Docket No. A–259.

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II—Continued

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
PIKE COUNTY																														
Better Coal Company (Herbert E. Bradfield)	1019	Better	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Black Beauty Coal Company (Marlin Willis)	1018	Black Beauty	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Cannon & Leighty (Delbert Cannon)	1017	Cannon & Leighty	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Hayes & White (Claude White)	1020	Apex No. 2	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Hert & Company, C. A. (C. A. Hert)	1028	Lee	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Log Creek Coal Co. (Clarence McKinney)	1009	Log Creek	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Naugle & Bonenberger (George Naugle)	885	Hurley	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
New Hope Coal Company (H. E. Wiley)	2403	New Hope	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Sandhill Coal Company (Eli H. Hendrix)	1013	Sandhill	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Shelton & Company William N. (William N. Shelton)	1031	Maple Hill	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Thompson & Thompson (George Thompson)	1011	Thompsons	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
SULLIVAN COUNTY																														
Bush & Moody (Ernest V. Bush)	1046	Bush & Moody	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Chesnutt, Oscar & Son (Oscar Chesnutt)	1042	Chesnutt	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Chesnutt, Oscar & Son (Oscar Chesnutt)	1094	Chesnutt	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Delbert Palmer	1034	Palmer	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Keene, Lester	1061	Keene	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Krist & Black (Oscar Black)	1067	Krist & Black	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Nelson, Vaughn	1091	Nelson Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Williams, Reno	1068	Williams	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
VIGO COUNTY																														
Crabb Coal Company, William F.	1089	Crabb	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	145	135	105	---	---	---
Lone Star Coal Co., Inc.	118	Lone Star No. 3	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	145	135	105	---	---	115
Indiana Mining Company, Inc.	93	No. 1	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
WARRICK COUNTY																														
Byers, Jacob U	1012	Byers Rib	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Houchin, Howard	1010	Houchin	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–III [1]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																														
Baker, Richard	1058	Baker Rib	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
Deckard, Leonard	1060	All Star	4	275	270	265	255	250	245	215	215	190	180	160	150	100	70	---	---	---	---	---	---	---	---	---	---	---	---	---
Wolfe & Van Horn (C. P. Van Horn)	1110	Wolfe	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
GREENE COUNTY																														
Strietelmeier, Henry W.	119	Pleasantville #6	6	275	270	265	230	225	220	180	185	175	170	135	125	70	40	---	---	---	---	---	---	---	145	135	105	---	---	---
Verseman, Henry (Muddy Valley No. 2)	1057	Muddy Valley 2	4	275	270	265	255	250	245	215	215	190	180	160	150	100	70	---	---	---	---	---	---	---	---	---	---	---	---	---
MARTIN COUNTY																														
Burner, Charles W.	1062	Burner	4	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---	---	---	---	---	---	---	---	---	---	---	---	---
Cox, John	1043	Cox	5	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---	---	---	---	---	---	---	---	---	---	---	---	---
Jones & Holland	1063	Tedrow	5	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---	---	---	---	---	---	---	---	---	---	---	---	---
Sheetz & Son, Walter	1092	Jones	4	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---	---	---	---	---	---	---	---	---	---	---	---	---
Worley, Herman Chas.	1045	Worley																												
OWEN COUNTY																														
Bragg, William	1064	Bragg	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	160	150	110	---	115	155
H & M Coal Company (Undrel Hubble)	120	H & M No. 2	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---

[1] Docket No. A–363.

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–III—Continued

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
PERRY COUNTY																														
Palmer & Waninger	1076	Foster	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Smith, Allen	1056	Smith	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Taylor, Adlai E.	1078	Taylor	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
PIKE COUNTY																														
Biggs & Son, Chas., Co.	1059	Higgs	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Lee & Elsholf (Rufus Lee)	1066	Sakel	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Mattison, Thurlow	1044	Mattison Rib	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Morton, Willie	1069	Morton	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
SPENCER COUNTY																														
Fugitt, John H.	1100	Fugitt	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
VERMILLION COUNTY																														
Haffley & Co., Joe	1072	Haffley & Co	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
WARRICK COUNTY																														
Alexander Coal Co. (Earl Alexander)	1070	Gentry	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Fortune, Lona	1071	Fetter	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–IV [1]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																														
Beech Coal Company (Giles Duncan)	439	Beech	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	165	155	100	---	---	---
Eder, Charles	1021	Eder	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
Log Cabin Coal Company (Herbert Knust)	990	Log Cabin	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
McGill, Paul	1041	McGill	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
DAVIESS COUNTY	970																													
Eichmiller, William	970	Eichmiller	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
GREEN COUNTY																														
Letsinger, H. A.	1050	Letsinger	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Lutes Bros. Coal Company (Kenneth Lutes)	1051	Lutes	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Sharp Coal Co. (Daniel Sharp)	1005	Sharp	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
MARTIN COUNTY																														
Dollens Coal Co., Paul (Paul Dollens)	981	Courtney	4	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---	---	---	---	---	---	---	---	---	---	---	---	---
PARKE COUNTY																														
Head & Co. (David Head)	1006	Head & Co	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
Sollers, Phillip	1039	Sollers	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---
Sure Shot Coal Co. (Otis McClure)	985	Sure Shot	SB	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
PERRY COUNTY																														
Basham & Hagedorn (Clarence Hagedorn)	982	Hagedorn	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Hearst, William	983	Hearst	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Sumner, James	984	Hagedorn	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
PIKE COUNTY																														
Loveless, Emil & Roy (Emil Loveless)	881		5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Luker & Roth (Carl Luker)	978	Luker & Roth	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
McClure & Sons, Louis (Kenneth McClure)	1027	McClure	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
Parke, Elza	986	Parke	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---

[1] Docket Nos. A–36 Part II and A–147.

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–IV—Continued

| Code member index | Mine index No. | Mine | Seam | Prices and size group Nos. | | |

§ 333.6 *General prices*—Supplement R–I—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA—Continued				
	WALKER COUNTY				
29	Marigold Coal Mining Co.	Marigold [1]	1	Black Creek	130
1136	Pratt-American Coal Co.	Pratt 1 and 2 [10]	1	Pratt	120
1137	Pratt-American Coal Co.	America 1 and 2 [11]	1	America	120

[1] This mine shall have the same prices in size groups 1, 2 and 18 on all price tables as listed for mines with Index Nos. 14 and 15.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index Nos. 14 and 15.
[10] This mine shall have the same prices in size groups 1, 2 and 24 on all price tables as listed for mines with Index Nos. 55, 56, 57 and 70.
This mine shall have a price in size groups 7, 13, 19, 20, 21, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 15, 16, 17 and 18 respectively, for mines with Index Nos. 55, 56, 57 and 70.
[11] This mine shall have the same prices in size groups 1, 2 and 24 on all price tables as listed for mines with Index Nos. 55, 56, 57 and 70.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index Nos. 55, 56, 57 and 70.
This mine shall have a price in size groups 13, 19, 20, 21, 22 and 23 on all price tables, 20¢ under the prices listed in size groups 12, 14, 15, 16, 17 and 18, respectively, for mines with Index Nos. 55, 56, 57 and 70.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	WALKER COUNTY				
616	Jones Coal & Clay Co.	Sulphur Springs [12]	1	Carmel	120

[12] This mine shall have the same price for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, 4, etc. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.6 *General prices*—Supplement R–III [13]

[Prices for mines for shipment by railroad, applicable for all uses except railroad locomotive fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	JEFFERSON COUNTY				
311	Davidson, H. S.	Davidson [14]	1	Pratt	80

§ 333.6 *General prices*—Supplement R–III—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	MARION COUNTY				
20	Eldridge Coal Company	Eldridge [15]	1	Black Creek	101
	TUSCALOOSA COUNTY				
780	Norris, Tom	Fikes [16]	1	Perkins	42

[13] Docket A–343.
[14] This mine shall have the same price in size groups 6, 14, 15, 16, 17 and 18 on all price tables as listed for mines with Index Number 71.
[15] This mine shall have the same price in size group 18 on all price tables as listed for size group 15 for mines with Index Number 17. This mine shall have the same price in size group 22 on all price tables as listed for size group 17 for mines with Index Number 17.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–IV

[Prices f. o. b. mines for shipment to all railroads and for exclusive use of railroads]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	JEFFERSON COUNTY				
311	Davidson, H. S.	Davidson [17]	1	Pratt	80

[17] This mine shall have the same price for all sizes customarily furnished Railroads for Locomotive Fuel on price tables as listed for Mine Index No. 71 in § 333.7 (a) in Minimum Price Schedule for District 13.

§ 333.7 *Special prices*—(b) *Prices for shipment by railroad, applicable only for blacksmithing use for all destinations in market areas as listed*—Supplement R–V

[Prices f. o. b. mines for shipment by railroad, applicable only for blacksmith use for all designations in market areas as listed subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	JEFFERSON COUNTY				
311	Davidson, H. S.	Davidson [18]	1	Pratt	80

[18] This mine shall have the same price for Blacksmithing use as set forth in §333.7 (b) in Minimum Price Schedule for District No. 13 as shown for mines with Mine Index Nos. 17, 67, 68, 76, 77 and 78.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–VI

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel. Subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	JEFFERSON COUNTY				
311	Davidson, H. S.	Davidson [19]	1	Pratt	80

[19] This mine shall have the same price on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index No. 71.

§ 333.6 *General prices*—Supplement R–VII [20]

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	CULLMAN COUNTY				
249	Freeman, Willis S. (Freeman Coal Co.)	Freeman [21]	1	Black Creek	38
	JEFFERSON COUNTY				
1162	Colonial Coal & Coke Company	Pratt # 2 Slope [22]	1	Pratt	30
	MARION COUNTY				
1015	Aldridge, Gray	Aldridge [23]	1	Black Creek	101
455	Anderson, C. E.	Butler #3 [24]	1	Black Creek	101
1082	Beasley & Doss	Beasley & Doss [25]	1	Black Creek	101
763	Butler, Clarence	Butler #1 [25]	1	Black Creek	101
965	Collier, G. M.	Collier [23]	1	Black Creek	101
1911	Farris, Dee	D. Farris [23]	1	Black Creek	101
1436	Guthrie, Frel	Winston #5 [23]	1	Black Creek	101
1167	Miles, Roy	Wheeler #6 [23]	1	Black Creek	101
1075	Weeks, Leatha	Weeks [23]	1	Black Creek	101
459	Robbins, R. L.	Moore [24]	1	Black Creek	101
1164	Wheeler, R. G.	Wheeler Strip [26]	1	Black Creek	101

[20] Docket A–438.
[21] This mine shall have the same prices in size groups 1, 2, 4 and 6 on all price tables as listed for mine with Index No. 22.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index No. 22.
[22] This mine shall have the same price in size groups 1, 2, 6, 13 and 23 on all price tables as listed for mines with Index Nos. 71, 72 and 73.
[23] These mines shall have the same prices in size groups 1, 2, 4, 6, 17, 18, and 26 on all price tables as listed for mine with Index No. 18.
These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index No. 18.
[24] This mine shall have the same prices in size groups 1, 2, and 18 on all price tables as listed for mine with Index No. 18.
This mine shall have a price in size groups 7 and 23 on all price tables, 10¢ under the prices listed in size groups 6 and 18, respectively, for mine with Index No. 18.
[25] This mine shall have the same prices in size groups 9 and 11 on all price tables as listed for mine with Index No. 20.
Any freight rate adjustments applicable to Mine Index No. 459 shall be decided by using the Glen Allen rate as applicable to all shipments.

§ 333.6 *General prices*—Supplement R–VII—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA—Continued				
	TUSCALOOSA COUNTY				
522	Avery, J. W. (Avery Coal Co.)	Avery Coal Co. [26]	1	Millidale	1
	WALKER COUNTY				
624	McGough & Co., J. Tom	McGough Mine [27]	1	Black Creek	101
568	Bonner, George F.	Bonners [27]	1	Black Creek	101
646	Rice and Day (W. P. Rice)	Rice #3-Hambright [28]	1	Black Creek	80
647	Rice, Preston	Rice #1 [28]	1	Black Creek	80
645	Rice, Herman	Rice #4 [28]	1	Black Creek	80
	WINSTON COUNTY				
678	Garrett & Sons, D. E.	Lone Oak [29]	1	Black Creek	111
910	Swindle Coal Co.	Swindle [30]	1	Black Creek	111
	WALKER COUNTY				
1229	Hemphill, Paul J.	Rice #4 [31]	1	Black Creek	80

[26] This mine shall have the same prices in size groups 1, 4 and 18 on all price tables as listed for mine with Index No. 18.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index No. 18.
[27] This mine shall have the same prices in size groups 22 and 23 on all price tables as listed for size groups 17 and 18, respectively, for mine with Index No. 17.
These mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index No. 22.
[28] These mines shall have the same price in size group 18 on all price tables as listed for mine with Index No. 22.
These mines shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 22.
[29] This mine shall have the same price in size group 13 on all price tables as listed for mine with Index No. 14.
[30] This mine shall have the same price in size group 23 on all price tables as listed for mine with Index No. 20.
[31] This mine shall have the same price in size group 18 on all price tables as listed for mine with Index No. 22.
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed for size group 18 for mine with Index No. 22.

§ 333.6 *General prices*—Supplement R–VIII [32]

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	MARION COUNTY, ALA.				
411	Burgess, J. H.	Burgess [33]	1	Black Creek	101
466	Pate & Son (Sterling Pate)	Pate & Son [33]	1	Black Creek	101
472	Segars, J. D.	Segars [33]	1	Black Creek	101

[32] Docket No. A–518.
[33] These mines shall have a price in size group 19 on all price tables, 10¢ higher than the price listed for Mine with Index No. 14.
These mines shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for Mine with Index No. 18.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I[1]

Code member index	Mine	Sub-district	Seam	Lump: over 2" egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under, bottom size over ½"		Chestnut: top size 3" and under, bottom size ½" and under		Chestnut: top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
							Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
				1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
All mines in Cullman, Marion, Walker and Winston Counties, Alabama, operating in the Black Creek Seam shall have the following price classification in size group 23																	225	
All mines in Walker County, Alabama, operating in Pratt, Corona and America Seams shall have the following price classification in size group 23																	220	

[1] Docket No. A-504.

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II[2]

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump, over 2": egg, top size over 6"	Egg, top size 6" and under	Lump, 2" and under	Nut, top size 3" and under bottom size over ½"		Chestnut, top size 3" and under, bottom size ½" and under		Chestnut, top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants, 3" and under		Screenings, 1½" and under		Industrial coal [3]
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24,25,26
ALABAMA																			
BLOUNT COUNTY																			
Beasley, W. H	Blount Springs Coal Co.	2	1055	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
ETOWAH COUNTY																			
Vernon, J. O	Woods Holler	2	1072	Underwood	345	345	320	315	295	295	270	280	255	280	260	280	255	240	280
JACKSON COUNTY																			
Womack, M. E	Womack	2	961		325	325	325	320	310	310	295	305	290	265	235	200	230	180	265
JEFFERSON COUNTY																			
Carr, W. C. (Carr Coal Co.)	Carr & Goode	2	1106	Pratt	325	325	325	320	310	310	295	305	290	265	270	230	255	240	265
Cox Coal Company	Cox Coal Co	2	1061	Clark	365	365	340	335	315	315	290	300	275	275	290	160	260	150	275
Hart & Smith (Onar Hart)	Hart & Smith	2	1059	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Moore, W. B	Moore	2	1047	L. Nunnally	280	280	275	295	275	(†)	(†)	270	250	230	235	200	230	180	230
Sheelor, Ed	Sheelor #2	2	1105	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265
MARION COUNTY																			
Barnes, W. C	Harbin #1	2	1087	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Beasley & Doss	Ben W. Miles #6	2	1088	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Brock & Pratt (T. S. Brock)	Box & Sullivan #2	2	1078	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Burleson & Skelton	Holcomb Hill #2	2	1060	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Crow & Richardson	Crow-Richardson	2	1052	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Gann, Claud	Jasper Coal Co. #2	2	1090	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Goddard, E. J	Goddard	2	1061	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Holcomb & Morgan	Holcomb & Morgan	2	687	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Logan, Quinn	Box & Sullivan #3	2	1066	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
McGuire, John W	Hallmark #3	2	1048	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Price, J. W	Ingram #3	2	1073	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Rawl, Walter	Walter Rawl's	2	1069	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Tidwell, Robert	Ingram #1	2	1076	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Weeks, Leatha [2]	Weeks #4	2	1075	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Wideman & Martin	Weeks #1	2	1074	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Willcutt Brothers	Isaac Miles #5	2	1072	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

[2] Docket No. A-240.
[3] Erroneously listed in Temporary order as Weeks, Luther.
†Indicates no classification effective for these size groups.

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II—Continued

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: over 2": egg, top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under bottom size over ½"		Chestnut: top size 3" and under size ½" and under		Chestnut: top size 1½" and under bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA—Continued																			
ST. CLAIR COUNTY																			
Kelly Coal Company	Kelly Coal Co	2	1064	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Lawley, O. H	Lawley's	2	434	Marion	310	310	300	295	275	(†)	(†)	280	255	240	260	190	250	175	240
TUSCALOOSA COUNTY																			
Garrison, J. T. (City Coal Co.)	Garrison	2	970	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
WALKER COUNTY																			
Abbott, Marion	Abbott	2	983	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Bonnor & Wideman	Bonnor & Wideman	2	984	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Bonnor, W. T	W. T. Bonnor	2	1077	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Bridgeman, Van	Bridgeman	2	985	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Lockhart, Tommy	Lockhart Coal Co	2	1065	Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
McGuire, John	McGuire	2	[4] 988	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	250	290
Marigold Coal Mining Co	Marigold	1	29	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Prescott, Cecil E	Prescott	2	1067	Mary Lee	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Ramey & Franks	Ramey & Franks	2	1041	Black Creek	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Townley, Jessie	Townley	2	1016	Mary Lee	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Pratt-American Coal Company	America 1 & 2	2	1137	America	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Pratt-American Coal Company	Pratt 1 & 2	2	1136	Pratt	290	290	280	285	275	(†)	(†)	275	250	255	260	240	255	220	245
					325	325	325	320	310	310	295	305	290	265	290	250	265	220	265
WINSTON COUNTY																			
Garrison, H. P	Delmar	2	1084	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

[4] Erroneously listed in Temporary order as M. I. 1048.
† Indicates no classification effective for these size groups.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*— Supplement T–III

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2"; egg: top size over 6"	Egg: top size 6" and under, bottom size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bottom size 1" and under	Stoker: top size 1¼" and under, bottom size ¾" and under	Stoker: top size ¾" and under, bottom size ⅜" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal*
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
GRUNDY COUNTY																			
Brown, G. M.	No. 10 Hill	1079	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Church, John	John Church	1069	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Eldridge, Walter H		1083	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Graham, Homer	Graham	1051	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Parsons, Laney	Woods Tract	989	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Sanders, Herman	Sanders	1070	4	Sewanee															
HAMILTON COUNTY																			
Alexander, Tom J.	Alexander	1085	4	Soddy #13	(†)	(†)	295	(†)	(†)	(†)	225	225	225	205	205	(†)	(†)	(†)	250
Perkins, L. M.	Perkins	1068	4	#10	305	305	295	250	(†)	(†)	225	225	225	205	205	195	(†)	(†)	250
Buchanan, Blaine (Sims Neck Coal Co.)	Sims Neck	1042	4	Soddy #10	305	305	295	250	(†)	(†)	225	225	225	205	205	195	(†)	(†)	250
MARION COUNTY																			
Abraham, F. C.	F. C. Abraham	1054	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Dalton, Billie	Bolton	1082	4	Bluff	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Goforth, J. H.	Goforth	1062	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Griffith, James Alvin	Griffith	1063	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Hunziker, C. P.	Hunziker	1017	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Johnson, Dee	Dee Johnson	1050	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Panter	Panter	1049	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Pirtle, W. M.	Pirtle	1019	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Rector & Coffelt	Rector & Coffelt	1045	4	Bottom															

† Indicates no classification effective for these size groups.
*For sizes included see Size Group Table, § 333.42.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*— Supplement T–III—Continued

Code member index name	Mine	Subdistrict	Mine index No.	Seam	Base sizes: Lump over 2", Egg 4" x 6"	Lump 2" and under, Egg 3" x 6"	Lump ¾" and under	Egg 2" x ¾", 2"	Stove 3" and under, Nut 2" and under	Straight mine run	2" and under, Slack	¾" and under, Slack
					1	2	3	4	5	6	7	8
WHITE COUNTY, TENN.												
Rackley, Jim	Clifty #2	4	1068	Sewanee	250	230	205	210	185	195	135	130

§ 333.34 *General prices in cents per net ton for shipment into all market areas*— Supplement T–IV[1]

Code member index	Mine	Subdistrict	Seam	Lump: over 2", egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under.	Nut: top size 3" and under, bottom size over ½"		Chestnut: top size 3" and under, bottom size ½" and under		Chestnut: top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
							Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
				1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																		
BLOUNT COUNTY																		
All the mines in this county operating in the Black Creek and Tait's Gap Seams shall have the following classifications and minimum prices:				355	355	340	345	325	310	300	295	285	285	275	265	265	250	285

[1] Docket No. A–170.

§ 333.34 *General prices in cents per net ton for shipment into all market areas*— Supplement T–V[1]

Code member index	Mine	Subdistrict	Seam	Lump: over 2"; egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under, bottom size over ½"		Chestnut: top size 3" and under, bottom size ½" and under		Chestnut: top size 1½" and under, bottom size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
							Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
				1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
TUSCALOOSA COUNTY, ALABAMA																		
All mines in this county operating in the Millidale, Weaver, Woodstock-North River, Chambers, Bowers, Perkins and Johnson seams shall have the following price classification in size group 23																	230	

[1] Docket No. A–296.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*— Supplement T–VI[1]

Code member index	Mine	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x ¾", egg 2" x 2"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
			1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 4, WHITE COUNTY, TENNESSEE										
Commencing immediately, Part 333, Schedule of Effective Minimum Prices for District No. 13 and Supplements thereto are amended to provide that all mines in White County, Tennessee, shall have the following size groups, price classifications and minimum prices for their coals for shipment by truck			250	230	205	210	185	195	135	130

[1] Docket No. A–402.

Price Exception No. 4 entitled "Seasonal Discounts" listed in §333.41 in Part 333, shall not be applicable to such mines.

No Price Exceptions shall apply to the coal of these mines which are not also applicable to coals in District No. 8 as set forth in §328.31 in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–VII[1]

Code member index	Mine	Subdistrict	Mine index No.	Seam	Lump, over 2", egg, top size over 6"	Egg, top size 6" and under	Lump, 2" and under	Nut, top size 3" and under, bottom size over 1½"		Chestnut, top size 3" and under, bottom size 1½" and under		Chestnut, top size 1½" and under, bottom size ½" and under		Run of mine, modified R/M	Resultants 3" and under		Screenings 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
BLOUNT COUNTY																			
Parker & Faucette Coal Co	Parker & Faucette	2	884	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
CULLMAN COUNTY																			
Boyd & Boyd	C. C. Boyd	2	1150	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
DE KALB COUNTY																			
Cooper, W. C	Cooper	2	1157	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	250	290
ETOWAH COUNTY																			
Poe, Roy	Tunnel	2	1111	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
JEFFERSON COUNTY																			
Colonial Coal & Coke Company	Pratt Slope #2	2	1162	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265
Odom, O. J	Odom	2	1039	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265
MARION COUNTY																			
Doss & Beasley	Doss & Beasley	2	1022	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Tidwell, Lewis and W. C. Tidwell	Hallmark Hollow	2	1023	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Wheeler, R. G	Wheeler Strip	2	1164	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
SHELBY COUNTY																			
Hyde & Houston	Maylene #1 & #2	2	1158	Dogwood	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
TUSCALOOSA COUNTY																			
Boyd, H. C., Jr	H. C. Boyd Coal Co	2	1151	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Payne, J. W. & Tom Foster	Chambers	2	1152	Chambers	385	385	360	335	315	315	305	310	300	290	275	265	265	230	290
Williams, Ben (Williams Coal Co.)	Williams #1	2	1165	Milldale	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Williams, Ben (Williams Coal Co.)	Williams #2	2	1166	Milldale	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
WALKER COUNTY																			
Ballenger & Taylor	Honey Suckle	2	1156	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Guthrie, J. M	Slarian	2	1154	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Guthrie, R. C	R. C. Guthrie	2	1110	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Hemphill, Paul J	Rice #4	2	1229	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Robbins, Leab	Owens #9	2	1112	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Sides, V		2	1133	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WINSTON COUNTY																			
Aderholt, W. C	Delmar	2	1116	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

[1] Docket No. A–438.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–VIII

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2", egg: top size over 6"	Egg: top size 6" and under, bottom size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bottom size 1" and under	Stoker: top size 1½" and under, bottom size ¾" and under	Stoker: top size ¾" and under, bottom size ⅜" and under	Straight and modified M/R	Resultants: 3" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal*
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE–GEORGIA																			
FRANKLIN COUNTY																			
Morgan, Garvin	Long Coal Co	1163	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	200
GRUNDY COUNTY																			
Adams, Chris	Adams	1135	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Conry, Oscar	Conry	1114	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
HAMILTON COUNTY																			
Schlageter, Roy Lee	Brown	1159	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Thomas, H. R	H. R. Thomas	708	4	Soddy #10	305	305	(**)	250	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
MARION COUNTY																			
Grimes, J. F	Prior Ridge	1161	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Hassler Brothers & C. J. Green	Bryant	853	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	205	(**)	165	(**)
Kelly, Joe A		1113	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Nolan, Jim	Pryor Ridge	1099	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
Yokley, George W	Cureton	1153	4	Battle Creek	(†)	(†)	330	(†)	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	285
SEQUATCHIE COUNTY																			
Vandergriff, Layne & Sullivan	Cumberland Mt. Coal Co.	1155	4	Sewanee	315	315	305	260	250	245	235	235	235	205	205	205	200	165	260
DADE COUNTY, GA.																			
Wallace, Leonard	Wallace	1160	4	Etna	315	315	305	260	250	245	235	235	235	225	225	215	205	175	260

*For sizes included see Size Group Table, § 333.42.
†Indicates no classification effective for these size groups.
**Previously classified in these size groups.

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–VIII—Continued

Code member index	Mine	Subdistrict	Mine index No.	Seam	Base sizes							
					Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 3¼" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
					1	2	3	4	5	6	7	8
WHITE COUNTY, TENN.												
Dotson & Sparks	Dotson & Sparks	4	1134	Sewanee	250	230	205	210	185	195	135	130

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–IX*

Code member index	Mine	Subdistrict	Mine index No.	Seam	Lump: over 2", egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under, bottom size over 1½"		Chestnut: top size 3" and under, bottom size 1¼" and under		Chestnut: top size 1¾" and under, bottom size ¾" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1¼" and under	
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw
					1	2	3	6	7	8	9	10	11	16	17	22	18	23
ALABAMA																		
CULLMAN COUNTY																		
King, E. D.	Beck	2	1123	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225
JEFFERSON COUNTY																		
Crane & Jay	Beltona #6	2	1128	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250
Elmore, Z. J. (Calaba Coal Mining Co.)		2	[11] 1302	Thompson	365	365	[11] 345										250	180
Hudson & Garrett (W. H. Hudson)	Washington	2	1000	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	225	160
Mulvehill, Willie	Mulvehill	2	1117	Black Creek	355	355	340	345	325	310	300	295	285	275	275	265	265	225
Munkus & Son, R. J	Munkus	2	1118	Upper Gould	365	365	340	335	315	315	290	300	275	275	260	190	250	175
Strickland & Lowe Mining Co., Inc	Strickland & Lowe #2	2	886	Buck	290	280	275	295	275			270	250	290	235	200	230	180
Strickland & Lowe Mining Co., Inc	Strickland & Lowe #3	2	1138	L. Nunnally	355	355	340	345	325	310	300	295	285	285	275	265	265	250
Strickland & Lowe Mining Co., Inc	Turner	2	1124	Black Creek	290	290	280	285	275			275	250	245	260	240	255	230
Turner, Curtis	Fox Hill	2	1145	Nickel Plate														
Wood Coal Company, P. G.																		
MARION COUNTY																		
Buell, A.	Gold Eagle #6	2	1028	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225
Dodd, Ree	Dodd	2	1141	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225
Ramey, Robert	Robert Ramey	2	962	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225
Self, Sims & Wate	Self	2	1126	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225
Spann, L. J	Wheeler	2	1139	Black Creek														
TUSCALOOSA COUNTY																		
Champion, H. G	Champion	2	1130	Bowers	355	355	340	345	325	310	300	295	285	285	275	265	265	230
Weaver & Hallman	Seale & Perrin	2	1142	Millidale	355	355	340	345	325	310	300	295	285	285	275	265	265	230
WALKER COUNTY																		
Guthrie, L. H	L. H. Guthrie	2	1115	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180
Harlen & Bridgeman		2	1104	Mary Lee	275	275	275	295	275	280	260	270	250	230	235	200	230	180
Hilton, A. M	A. M. Hilton	2	1021	Jagger	290	280	275	295	275			270	250	230	235	200	230	180
Hudson, John M	Hudson	2	1120	Jefferson	385	385	360	335	315	315	305	310	300	290	275	265	265	225
King, E. W	King	2	1122	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180
Millwood & Sons, J. M	Millwood	2	1131	Mary Lee	275	275	275	295	275	280	260	270	250	230	235	200	230	180
Sherer, J. R., Jr	Williams	2	1125	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225
Whitt & Son, J. C	Whitt	2	1101	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180
WINSTON COUNTY																		
Aldridge, Leon	Lovelady #4	2	1100	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225

Code member index	Mine	Subdistrict	Mine index No.	Seam	Stoker: top size ¾" and under, bottom size ⅜" and under	Straight and modified M/R	Resultants: 3" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal
					24	25	26	27	28	29	30	31	32	33
ALABAMA														
CULLMAN COUNTY														
King, E. D.	Beck	2	1123	Black Creek	265	225	290							
JEFFERSON COUNTY														
Crane & Jay	Beltona #6	2	1128	Black Creek	250	180	225							
Elmore, Z. J. (Calaba Coal Mining Co.)		2	[11] 1302	Thompson	265	250	285							
Hudson & Garrett (W. H. Hudson)	Washington	2	1000	Mary Lee	250	175	275							
Mulvehill, Willie	Mulvehill	2	1117	Black Creek	250	175	275							
Munkus & Son, R. J	Munkus	2	1118	Upper Gould	230	180	230							
Strickland & Lowe Mining Co., Inc	Strickland & Lowe #2	2	886	Buck	265	250	285							
Strickland & Lowe Mining Co., Inc	Strickland & Lowe #3	2	1138	L. Nunnally	255	230	245							
Strickland & Lowe Mining Co., Inc	Turner	2	1124	Black Creek										
Turner, Curtis	Fox Hill	2	1145	Nickel Plate										
Wood Coal Company, P. G.														
MARION COUNTY														
Buell, A.	Gold Eagle #6	2	1028	Black Creek	265	225	290							
Dodd, Ree	Dodd	2	1141	Black Creek	265	225	290							
Ramey, Robert	Robert Ramey	2	962	Black Creek	265	225	290							
Self, Sims & Wate	Self	2	1126	Black Creek	265	225	290							
Spann, L. J	Wheeler	2	1139	Black Creek	265	225	290							
TUSCALOOSA COUNTY														
Champion, H. G	Champion	2	1130	Bowers	265	230	285							
Weaver & Hallman	Seale & Perrin	2	1142	Millidale	265	230	285							
WALKER COUNTY														
Guthrie, L. H	L. H. Guthrie	2	1115	Mary Lee	230	180	225							
Harlen & Bridgeman		2	1104	Mary Lee	230	180	230							
Hilton, A. M	A. M. Hilton	2	1021	Jagger	265	250	290							
Hudson, John M	Hudson	2	1120	Jefferson	230	180	225							
King, E. W	King	2	1122	Mary Lee	230	180	225							
Millwood & Sons, J. M	Millwood	2	1131	Mary Lee	265	225	290							
Sherer, J. R., Jr	Williams	2	1125	Black Creek	230	180	225							
Whitt & Son, J. C	Whitt	2	1101	Mary Lee										
WINSTON COUNTY														
Aldridge, Leon	Lovelady #4	2	1100	Black Creek	265	225	290							

[1] Docket A-343.

[11] Erroneously listed in Temporary Order as M. I. 318.

[11] Applies to nut coal only 4" top size.

No. 224——4

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–X

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2", egg: top size over 5"	Egg: top size 5" and under, bottom size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bottom size 1" and under	Stoker: top size 1¼" and under, bottom size ¾" and under	Stoker: top size ¾" and under, bottom size ⅜" and under	Straight and modified M/R	Resultants: 3" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ⅜" and under	Industrial coal*
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
BLEDSOE COUNTY																			
Cagle & Gruesback	Pocahontas	79	4	Battle Creek	(†)	(†)	330	(†)	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	285
Robertson Fork Coal Co.	Metz	690	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	200	190	155	(**)
GRUNDY COUNTY																			
Fultz, E. D	Fultz	1127	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Oliver, Emmett	Oliver	1143	4	Sewanee	315	315	305	260	(†)	(†)	235	235	205	205	205	(†)	(†)	(†)	260
HAMILTON COUNTY																			
Alexander, C. R	Alexander	695	4	Soddy #5	305	305	(**)	(**)	240	220	(**)	(**)	(**)	(**)	(**)	(**)	190	155	(**)
Barnes & McLain (J. R. McLain)	Suck Creek	696	4	No. 10	(**)	(**)	(**)	(**)	240	220	(**)	(**)	(**)	(**)	(**)	(**)	190	155	(**)
Bean, W. H. and C. R	Bean Brothers	697	4	Soddy #10	305	305	(**)	(**)	240	220	(**)	(**)	(**)	(**)	(**)	(**)	190	155	(**)
Card & Alexander	Flat top	1129	4	Soddy #13	(†)	(†)	295	(†)	(†)	(†)	225	225	225	205	205	(†)	(†)	(†)	250
Carlisle, Johnson, Millsap & Ables	Millsap	699	4	No. 10	305	305	(**)	250	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
Dicks Coal Mining Company (L. T. Dicks)	Dick's	709	4	Waldens Ridge #10	305	305	(**)	250	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
Glen Mining Co., Mary	Brandon	810	4	Soddy #12	305	305	(**)	(**)	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
Goodson, W. H.	Nix Coal Co.	1119	4	Soddy #1	(†)	(†)	295	250	(†)	(†)	225	225	225	205	205	195	190	155	250
Gothard, Elsea & Alexander		701	4	Soddy #13	305	305	(**)	250	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
Ledford, J. H	Ledford	702	4	No. 12	305	305	(**)	(**)	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
Shadwick, John	Shadwick	811	4	Soddy #12	305	305	(**)	(**)	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
Sunshine Coal & Coke Company	Signal Mountain	707	4	Soddy #10	305	305	(**)	250	240	220	(**)	(**)	(**)	(**)	(**)	195	190	155	(**)
MARION COUNTY																			
Brown, J. C	J. C. Brown	710	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	205	(**)	165	(**)
Caldwell, Herbert	Kilgore	1140	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Cantrell, William A	Cantrell	712	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	205	(**)	165	(**)
Dykes, C. M	Dykes	1121	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Goforth, E. L	Goforth	714	4	Sewanee	315	315	(**)	260	250	215	(**)	(**)	(**)	(**)	(**)	205	200	165	(**)
Harris, Albert	John's Ridge	1146	4	Sewanee	315	315	305	260	(†)	(†)	235	235	205	205	205	205	(†)	(†)	260
Holland, John	Holland	814	4	Top	340	340	(**)	260	250	245	(**)	(**)	(**)	(**)	(**)	195	175	140	(**)
Hudson & Sanders	Hudson	815	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	205	(**)	165	(**)
Hutson, N. E. and Paul	Peacock	716	4	Soddy #10	(**)	(**)	(**)	(**)	240	220	(**)	(**)	(**)	(**)	(**)	200	(**)	165	(**)
Levan, Edd	Levan	717	4	Sewanee #7	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	190	155	155	(**)
McNabb Brothers	Abeel	1102	4	Soddy #10	305	305	295	250	(†)	(†)	225	225	225	205	205	195	(†)	(†)	250
Market Street Coal Company	Market Street Coal Company.	1147	4	Etna	(†)	(†)	305	(†)	(†)	(†)	235	235	235	225	225	(†)	(†)	(†)	260
Pressnell, Farrin	Pressnell	721	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	(**)	200	165	(**)
Roberts, John	Robert's Mine	1144	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Sunshine Coal & Coke Company	Sunshine-Whitwell	724	4	Sewanee	315	315	(**)	260	250	245	(**)	(**)	(**)	(**)	(**)	205	200	165	(**)
Tate & Johnson Coal Company (R. L. Tate)	Tate & Johnson	822	4	Sewanee	(†)	(†)	(†)	(†)	250	245	(†)	(†)	(†)	(†)	(†)	205	(†)	165	(†)
Tate, Will	Tate	823	4	Sewanee	(†)	(†)	(†)	(†)	250	245	(†)	(†)	(†)	(†)	(†)	205	(†)	165	(†)
Tuder, L. J.[11]	Tuder	824	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	205	(**)	165	(**)
Turner, Jim	Turner	725	4	Sewanee	315	315	(**)	260	250	245	(**)	(**)	(**)	(**)	(**)	205	200	165	(**)
RHEA COUNTY																			
Small & Mansfield	Grayville	727	4	#5 Sewanee	305	305	(**)	250	(**)	(**)	(**)	(**)	(**)	(**)	(**)	(**)	(**)	155	(**)
Tennessee River Coal Company	Cumberland	728	4	Nelson	(**)	(**)	(**)	(**)	260	255	(**)	(**)	(**)	(**)	(**)	(**)	(**)	155	(**)
SEQUATCHIE COUNTY					315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Market Street Coal Company	Miller	1148	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Market Street Coal Company	Pennington	1149	4	Sewanee	(**)	(**)	(**)	(**)	250	245	(**)	(**)	(**)	(**)	(**)	(**)	200	165	(**)
Robertson Fork Coal Company (Joe Anderson)	Sexton	730	4	Sewanee															
DADE COUNTY, GA.					315	315	(**)	260	250	245	(**)	(**)	(**)	(**)	(**)	215	205	175	(**)
Holland, J. E.	Murphy	738	4	Etna															

[11] This code member was erroneously listed in the Temporary Order as Tuder, J. L.

* For sizes included see Size Group Table, § 333.42.

** Indicates previously classified these size groups.

† Indicates no classification effective for these size groups.

§ 333.43 *General prices in cents per net ton for shipment into all market areas—* Supplement T–X—Continued

Code member index	Mine	Subdistrict	Mine index No.	Seam	Base sizes: Lump over 2" Egg 4" x 6"	Lump 2" and under 6" Egg 2½" x 4"	Lump ¾" and under	Egg 2" x 4" 2" x 6"	Stove 3" and under Nut 2" and under	Straight mine run	2" and under Slack	¾" and under Slack
					1	2	3	4	5	6	7	8
WHITE COUNTY, TENN.												
Hickey, Leslie	Hickey's	4	1132	Bon Air	250	230	205	210	185	195	135	130
West Brothers and Ben Donaldson	Clifty #1	4	829	Sewanee	250	230	205	210	185	195	135	130

[F. R. Doc. 41–8539; Filed, November 14, 1941; 10:50 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

Amendment No. 3 to General Preference Order No. M–25[1] to Conserve the Supply and Direct the Distribution of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins Produced Therefrom

Section 967.1 (*General preference order No. M–25*) is hereby amended in the following particulars:

(1) In paragraph (c) (1) (i), Bases for Radio Tubes shall be included in the enumeration designated Classification I.

(2) In paragraph (c) (1) (ii), the words "and radio parts not otherwise specifically provided for" shall be added after the word "Radios" appearing in the enumeration designated Classification II.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8568; Filed, November 17, 1941; 9:59 a. m.]

[1] 6 F.R. 4301, 4527, 5090.

PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

Amendment No. 4 to General Preference Order No. M–25[1] to Conserve the Supply and Direct the Distribution of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins Produced Therefrom

Section 967.1, paragraph (c) (2) is hereby amended to read as follows:

§ 967.1 *General preference order No. M–25.*

* * * * * * *

(c) * * * (2) Deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated in Classification I, are hereby assigned a preference rating of B–4, and deliveries of Resins made directly or indirectly from Formaldehyde for non-defense uses, enumerated under Classification II, are hereby assigned a preference rating of B–8. In Classifications I and II, the preference ratings, hereinabove mentioned in this paragraph (c) (2), are granted only to deliveries of Resins the use of which is essential to the functioning of the classified articles or use, except that,

(i) A preferences rating of B–8 is hereby assigned to deliveries of Synthetic Resins Molding Powder to radio manufacturers in amounts required by such radio manufacturers to fabricate molded radio cabinets for existing inventories of radio chassis and component parts therefor; and

(ii) Radio manufacturers who manufacture their own Synthetic Resins Molding Powder may use such powder in amounts required, taking into consideration amounts received under paragraph (c) (2) (i) above, by such radio manufacturers to fabricate molded radio cabinets for existing inventories of radio chassis and component parts therefor.

No such preference ratings are assigned to deliveries of Resins if satisfactory substitutes therefor are available. The quantities of Resins available for the production of articles in Classification II may be limited in amount, in which event such limited amount shall be equitably distributed.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8569; Filed, November 17, 1941; 9:59 a. m.]

[1] 6 F.R. 4301, 4527, 5090.

PART 990—CHLORINE IN PULP, PAPER AND PAPERBOARD

General Limitation Order L–11 to Restrict the Use of Chlorine in the Manufacture of Pulp, Paper and Paperboard

Whereas the production of pulp, paper and paperboard consumes large quantities of chlorine; national defense requirements have created a shortage of chlorine; action has already been taken to conserve the supply and limit the use of chlorine in the production of pulp, paper and paperboard in order to insure its availability for essential defense and civilian requirements; increasing diversion of chlorine to defense uses requires further restrictions of its use in such production:

Now, therefore, it is hereby ordered, That:

§ 990.1 *General limitation order L–11*—(a) *Definitions.* For the purpose of this order:

(1) "Producer" means any individual, partnership, association, corporation or other form of business enterprise, engaged in the manufacture of pulp, paper or paperboard.

(2) "Brightness" means the degree of brightness determined by the General Electric Brightness Tester.

(3) "Semi-bleached grade" means that grade of pulp which prior to June 16, 1941, had a brightness of less than 70.

(4) "Calendar quarterly period" means the quarterly period commencing on the first day of the second, fifth, eighth, and eleventh months of the calendar year and ending, respectively, on the last day of the fourth, seventh, tenth, and first months of the calendar year.

(b) *General restrictions relating to pulp, paper and paperboard.* (1) No Producer subject to this order shall, after the effective dates of the applicable provisions hereof, use chlorine in a quantity in excess of that specifically authorized herein or increase the brightness of pulp, paper or paperboard in excess of the degrees of brightness established herein.

(2) No Producer shall increase the brightness of any pulp, paper or paperboard to a degree greater than the brightness of like pulp, paper or paperboard produced by him on June 11, 1941.

(c) *Specific restrictions relating to pulps, effective November 1, 1941.* The following restrictions in the use of chlorine shall become effective November 1, 1941:

(1) No Producer in any calendar quarterly period shall use more chlorine in the bleaching of rag stock than 80% of his use of chlorine for similar purposes during the three-month period ending July 31, 1941.

(2) Except as provided in (c) (4) and (c) (6) hereof, the brightness of the following pulps shall not exceed 74:

(i) Bleached Sulphite.
(ii) Bleached Sulphate.

(3) Except as provided in (c) (4) and (c) (6) hereof, the brightness of the following pulps shall not exceed 70:

(i) Soda Pulp.
(ii) Waste Paper when used for conversion into bleached papers.

(4) The brightness ceilings established in (c) (2) and (c) (3) hereof may be exceeded to the extent that the Office of Production Management may permit upon application accompanied by satisfactory proof that the applicant's process of achieving a higher brightness will further the program for the conservation of chlorine embodied in this Order. Such applications should be addressed to the Office of Production Management, and marked Ref: L–11.

(5) No producer in any calendar quarterly period shall use more chlorine in the production of semi-bleached grades than 70% of his use of chlorine for similar production during the three-month period ending July 31, 1941.

(6) Notwithstanding the limitations set forth in (c) (2) and (c) (3), any producer in any calendar quarterly period may use, per ton of pulp produced for the following purposes requiring the use of chlorine as a processing, rather than as a bleaching agent, an amount of chlorine necessary for such processing: *Provided,* That in no case shall he use more chlorine per ton of pulp produced than he used for similar purposes during the three-month period ending July 31, 1941:

(i) In the processing into paper stock of rope, jute, hemp, flax, Sunn fiber, Benares fiber or like fibers;

(ii) In the processing of pulp for use in the manufacture of sanitary pads, hospital wadding, or wadding for use in the filtering of dissolving and nitrating pulps.

(7) Except for (i), (j), (k), (l), (m), and (n) hereof, this Order shall not apply to the following pulps:

(i) High Alpha Pulps (not less than 90% Alpha Cellulose content).
(ii) Dissolving Pulps.
(iii) Nitrating Pulps.
(iv) Pulps used in the manufacture of photographic base papers.

(d) *Specific restrictions relating to paper and paperboard, effective November 10, 1941.* (1) Except as provided in (d) (2) hereof, after November 10, 1941 the brightness of the following grades of paper and paperboard shall not exceed the brightness ceilings specified below;

Division of industry	Grades	Brightness ceilings
Blotting	All grades	70
Book	A & B grades, including M. F. Super and Antique Book Publication Grades Rotogravure.	72
	M. F. and Super Litho and Label.	
	Machine-coated grades	
	Offset	
	Envelope	70
	C, D, & E grade book, including M. F., Super, and Antique.	
	Tablet	
	Drawing	
	Poster	
	Hanging	
	End Leaf	68
	Band Stock	
	Linings	
	Gumming	
	Carbonizing	
	Body Stocks for all coated, other than machine-coated.	
Bristol and index	No. 1 Grades	74
	No. 2 Grades	71
	No. 3 Grades	68
Cardboard	All grades uncoated and coating base stock.	68
Groundwood	All grades	67
Kraft	Brown Envelope	40
Sulphite and Bleached Kraft.	Bleached Group including M. F. and M. G. Waxing, Drug Wrapping and Fully Bleached Bag.	67
	M. F. and M. G. Opaque Waxing either beater filled or coated.	70
	Unbleached Group including Butchers Manilla, Steam Finish and Dry Finish Grocers, Screenings, etc.	60
	Bag papers, Imitation Parchment and All Other.	
	Envelope Manilla and Wrapping Manilla.	60
Tissue	M. G. Wrapping	60
	Toilet and Towel	67
	Facial Cleaning	68
	Wrapping Tissue No. 1 Grade	70
	Waxing Tissue	67
	Napkin Stock	70
	Carpet Twisting	62
	Creping Tissue	70
	Kraft and Sulphite Fruit and Vegetable Wrap.	60

Division of industry	Grades	Brightness ceilings
Writing	Rag Content Papers:	
	100% Grade	82
	75% Grade	80
	50% Grade	77
	25% Grade	75
	Sulphite Papers, Writing Ledger, Bond, and Mimeograph:	
	No. 1 Grade	74
	No. 2 Grade	73
	No. 3 and 4 Grades	70
Specialty Paper & Paperboard.	File Folder Stock	62
	White Tag Stock	68
	All other Tagboard	62
	Lined and solid unbleached paperboard.	62
	Bogus Bristol	68
	Mill Blanks	68
	Lined and solid bleached paperboard.	70
	White patent coated paperboard.	70

(2) The brightness ceilings established in (d) (1) hereof, may be exceeded to the extent that the Office of Production Management may permit upon application accompanied by satisfactory proof that the applicant's process of achieving a higher brightness will further the program for the conservation of chlorine embodied in this Order. Such application should be addressed to the Office of Production Management and marked Ref: L–11.

(e) *Elimination of certain pulps from specified grades of paper and paperboard, effective November 10, 1941.* (1) After November 10, 1941, all pulp bleached with chlorine shall be eliminated from the following grades of paper and paperboard:

Division of industry	*Grades*
Groundwood	A–1 Groundwood Catalog.
	A–1 Groundwood Carbonizing.
	A–1 Groundwood Coating.
	A–1 Groundwood Board and Box Lining.
Kraft	All gradea of semi-bleached bags and sacks, which prior to June, 1941, were of 62 brightness or less.
	Asphalting Kraft Papers.
	Tile Mounting.
	Creping.
	Twisting.
	Spinning.
	Tire Wrap.
	Coin Wrap.
	Gummings and Tape, and Waxings.
Specialty paper and paper board	Sand Paper Stock.
	Insulating.
	Pattern Board.
	Beaming Paper.
	Stencil and Cable Stock.

(f) *Exception as to stocks on hand and in transit.* No provision of this Order shall be construed to apply to pulp, paper or paperboard produced prior to the respective applicable dates contained herein.

(g) *Exception as to use of chlorine to destroy bacteria.* No provision of this Order shall be construed to restrict the use of chlorine for reduction of bacterial

count, for slime control or for sanitary purposes, below the minimum amounts necessary for such uses.

(h) *Ownership by producers of captive supply of chlorine.* Producers who also manufacture their own supply of chlorine shall observe the provisions of this Order in all respects.

(i) *Records.* (1) Each producer of any pulp referred to in (c) hereof shall keep and preserve for not less than two years, accurate and complete records, on a calendar month basis of:

(i) Total incoming deliveries of chlorine;

(ii) Total production of chlorine (if any);

(iii) Total chlorine consumption;

(iv) Production of each type and brightness of pulp referred to in (c) hereof, and the quantities of chlorine used in the production of each such type and brightness;

(v) The quantities of chlorine consumed for each of the purposes referred to in (g) hereof;

(vi) The quantity of chlorine on hand at the end of each month.

(2) Each producer of paper or paperboard shall keep and preserve for not less than two years, accurate and complete records, on a calendar month basis, of the quantity of each type of pulp, and the brightness thereof, used in his production of each of the kinds, grades and brightnesses of paper and paperboard listed in (d) and (e) hereof, and the quantity produced of each such kind, grade and brightness of paper and paperboard.

(j) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(k) *Audit and inspection.* All records required to be kept by this Order shall upon request be submitted to audit and inspection by a duly authorized representative of the Office of Production Management.

(l) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Office of Production Management, or otherwise wilfully furnishes false information to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(m) *Superseding earlier order.* This order shall supersede as of its date of issuance all directions respecting the use of chlorine by producers of pulp, paper and paperboard contained in directives issued on June 11 and September 8, 1941.

(n) *Effective date.* This order shall take effect upon its date of issuance except that sections (c), (d), and (e) hereof shall not become effective until the respective dates specified in these sections. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3, March 8, 1941, 6 F.R. 1598, as amended Sept. 12, 1941, 6 F.R. 486; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public, No. 89, 77th Congress, First Session; Sec. 7, Public, No. 783, 76th Congress, Third Session.)

Issued this 15th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8563; Filed, November 15, 1941; 10:18 a. m.]

PART 1016—SHEET STEEL

General Preference Order M-45 To Reserve an Inventory of Sheet Steel for Steel Drums

Whereas it is found that demands for steel drums for the shipment of gasoline, oil, and other petroleum products overseas, are recurringly creating temporary and local shortages of such drums and of the sheet steel necessary for the manufacture of such drums; and

Whereas it is further found that the best interests of the national defense require the reservation of a stock of sheet steel to be immediately available for the manufacture of steel drums required for such shipment;

Now, therefore, it is hereby ordered:

§ 1016.1 *General preference order M-45—*(a) *Definitions.* For the purposes of this Order:

(1) "Steel Drums" means drums made of 16 or 18 gauge hot rolled sheet steel.

(2) "Producer" means any fabricator of Steel Drums.

(b) *Reservation of sheet steel for specific allocation.* The Director of Priorities will, from time to time, by specific order to each Producer, direct the reservation of a designated quantity of 16 and 18 gauge hot rolled sheet steel in the Producer's possession or ownership. In addition, all sheet steel acquired by application of a preference rating pursuant to Preference Rating Order No. P-76 shall be likewise reserved. Thereafter the Director will, from time to time, specifically authorize the sale, delivery, or processing of quantities of sheet steel so reserved. Except pursuant to such an authorization, no Producer shall sell, deliver or process any such reserved sheet steel.

(c) *Records.* Each Producer shall keep and preserve for a period of not less than two years accurate and complete records concerning inventories and stocks on hand of, and deliveries to such Producer, and by such Producer, of 16 and 18 gauge hot rolled sheet steel and steel drums.

(d) *False statements and penalties.* Any person who wilfully violates any of the terms and provisions of this Order, or wilfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of material by means of a material and willful misstatement may be prohibited from obtaining further deliveries of material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(e) *Effective date.* This Order shall take effect immediately, and unless sooner revoked, shall expire on the 30th day of May, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; P.D. Reg. 2, Sept. 9, 1941, 6 F.R. 4684; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 17th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8570; Filed, November 17, 1941; 9:59 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1338—SILK AND SILK PRODUCTS

MAXIMUM PRICES FOR RAW SILK AND SILK WASTE

Correction

Table I in § 1338.8, appearing on page 4974 of the issue for October 1, 1941, is corrected to read as follows:

TABLE I

[Prices per pound, ex seller's warehouse]

Type	Grade	E	D	C	B	A	AA	AAA	Special AAA	Special AAA	Special AAA	Special AAA
	Percentage evenness	73	78	81	83	85	87	90	92	93	94	95
	DENIER											
Japan, White, Ivory, and Cream.[1]	9–11	$4.31	$4.33	$4.35	$4.37	$4.40	$4.43	$4.49	$4.58	$4.68	$4.78	$4.88
	10–12	4.21	4.23	4.25	4.27	4.30	4.33	4.39	4.48	4.58	4.68	4.78
	11–13	4.06	4.08	4.10	4.12	4.15	4.18	4.24	4.33	4.43	4.53	4.63
	12–14	3.11	3.13	3.15	3.17	3.20	3.23	3.29	3.38	3.48	3.58	3.68
	13–15 and 14–16	3.06	3.08	3.10	3.12	3.15	3.18	3.24	3.33	3.43	3.53	3.63
	15–17 to 18–20 inc.	3.04	3.06	3.08	3.10	3.13	3.16	3.22	3.31	3.41	3.51	3.61
	20–22 to 30–32 inc.	3.00	3.02	3.04	3.07	3.10	3.15	3.20	3.29	3.39	3.49	3.59
	40–44, 41–43 and 42–44.	3.00	3.02	3.04	3.07	3.10	3.30	3.35	3.44	3.54	3.64	3.74
	60–66, 60–80, 62–64 and 63–65.	3.00	3.02	3.04	3.07	3.10	3.15	3.20	3.29	3.39	3.49	3.59
Japan, Yellow;[1] And Italian, Yellow and Persian White.	20–22 to 30–32, inc.	2.95	2.97	2.99	3.02	3.05	3.10	3.15	3.24	3.34	3.44	3.54
	40–44	2.95	2.97	2.99	3.02	3.05	3.25	3.30	3.39	3.49	3.59	3.69

[1] Any Japan silk of undesignated grade (i. e., percentage evenness), shall sell at a price not exceeding 10 cents per pound below the Grade E, 73 percent evenness, price for its denier.

PART 1346—BUILDING MATERIALS

PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

Correction

The paragraphs concerned with "*Locks*" which appear in § 1346.9, *Appendix A; products subject to the schedule*, which appear on page 5767 of the issue for Friday, November 14, 1941, should read as follows:

Locks. Upright rim knob locks, padlocks, rim knob locks, draw-back knob locks, horizontal rim knob locks, rim knob latches, cylinder rim night latches, cylinder rim dead locks, bathroom locks, sliding door locks, communication door locks, school house locks, asylum latches, french door latches, cylinder apartment locks, cylinder hotel locks, cylinder sliding door locks, cylinder mortise locks, hotel locks, key blanks:

For: outside doors, inside doors, hospital doors, screen doors, french doors, bathroom doors, lavatory doors, garage doors, sliding doors.

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE LEATHER MANUFACTURING INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (hereinafter called the Act).

On April 29, 1941 notice issued (6 F.R. 2294) advising all interested parties that hearing would be held on May 12, 1941 to give them an opportunity to show cause why the Secretary of Labor should not determine the prevailing minimum wage for the tanning, currying, and finishing of leather (including rawhide) from any type of hide or skin, to be 50 cents an hour for all the states of the United States with the exception of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas, as to which states the proposed minimum was 40 cents an hour; and why the Secretary of Labor should not determine the minimum wage for the manufacture of welting and power transmission belting, when made wholly or principally of leather, to be 40 cents an hour regardless of where manufactured.

On May 12, 1941 a hearing was held in Room 3135, Department of Labor Building, Washington, D. C. Appearances were made and testimony was given at the hearing by individual members of the industry and by the Tanner's Council of America. Labor was represented by the International Fur and Leather Workers Union, the United Leather Workers International Union, and the American Federation of Labor.

A survey of the earnings and hours in the leather and leather belting and packing industries, made by the Bureau of Labor Statistics and published in Bulletin No. 679, covering the payroll periods between September 10 and October 1, 1939, was introduced in evidence at the hearing. In addition to the Bureau of Labor Statistics survey there were presented the wage data of 8 Delaware plants covering 2,374 wage earners and 2 Maryland plants covering 396 wage earners for the week ending April 19, 1941. On the representation made at the hearing that there had been considerable wage changes since the Bureau of Labor Statistics survey the Tanner's Council of America agreed to solicit from all known members of the industry new information as to the wage structure, the individual schedules thus obtained to be tabulated by the Public Contracts Division and made a part of the record. The data as submitted were for a week in May 1941 and covered 237 plants in 25 states employing a total of 35,785 employees in the leather manufacturing industry and 95 plants with 2,017 employees in 23 states in the manufacture of leather belting and welting. Thus, the survey in evidence covers about 75 percent of the number of employees reported for the industry by the 1939 Census of Manufactures. Furthermore, it covers all known producing states except two. The evidence indicates that each of these states has only one plant. A check against the Census of Manufactures of 1939 indicates that the survey as made is fully representative of the various size plants in the industry. I find, therefore, that the data collected through the Tanner's Council of America and supplemented by wage data submitted at the hearing constitute a fair sample of the wage structure as it exists in the industry.

By order effective September 16, 1940 the Wage and Hour Division of the Department ordered that the minimum wage rate under the Fair Labor Standards Act for the leather industry, which is defined as in this determination, shall be 40 cents an hour. The evidence amply proves that the leather industry is engaged in interstate commerce and it is to be presumed that at least 40 cents is the prevailing wage paid in all states for the manufacture of leather and leather belting and welting.

The evidence shows that in all states except West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas the prevailing minimum wage for the manufacture of leather is higher than 40 cents. The variations in plant minima exist within limited geographic pattern. There is in fact a considerable variance in minimum wages even within the confines of limited political subdivisions. In the states other than those enumerated above, 30 percent of all employees covered in the survey are engaged in plants having no employees at wages below 50 cents an hour and 50 percent of all employees are engaged in plants having either no employees, or only a scattering of employees, below that rate. Furthermore, of the 216 plants covered

in these states, 75 have no workers be- | Arkansas, Louisiana, Oklahoma, and | tion of goods for commerce, as that term

carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mix- | more favorable to employees than the requirements of this determination | 0515–12 the available balance of which is

in these states, 75 have no workers below 50 cents, and 105 have either no employees, or only a scattering of employees, below that figure. These facts are fairly indicative of the fact that 50 cents prevails as a minimum wage throughout all the states of the United States except those mentioned above.

The American Belting Association has protested against the determination of a minimum wage for belting because it was no more properly included in the leather determination than shoes, belts, or other products made primarily of leather. Inasmuch, however, as the minimum wage of 40 cents is required under the Fair Labor Standards Act of 1938 there would be no reason why the minimum should not be established.

The Tanner's Council objected, stating that there was no need for the establishment of a minimum because not more than one percent of the products are sold to the government, because segregation of government from commercial work is not possible, and because some of the plants in the North are paying less than the proposed 50 cents an hour. The necessity for the establishment of a minimum becomes apparent when within a limited locality there appears a divergency of wages.

I hereby determine:

§ 202.42 *Leather manufacturing industry.* That the Leather Manufacturing Industry, as that term is used in this decision, shall be understood to be that industry which (a) tans, curries, and finishes leather (including rawhide) from any type of hide or skin, and (b) manufactures welting and power transmission belting when made wholly or principally of leather.

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the tanning, currying, and finishing of leather (including rawhide) from any type of hide or skin shall be:

50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece rate basis, for the states of Maine, Vermont, New Hampshire, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Pennsylvania, Delaware, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, Washington, and the District of Columbia;

40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece rate basis, for the states of West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Florida, Arkansas, Louisiana, Oklahoma, and Texas.

That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of welting and power transmission belting when made wholly or principally of leather, regardless of where manufactured, shall be:

40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law or agreement more favorable to employees than the requirements of this determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936 bids for which are solicited or negotiations otherwise commenced on or after December 17, 1941.

Dated: November 17, 1941.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 41–8580; Filed, November 17, 1941; 11:28 a. m.]

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE TEXTILE INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On August 16, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause why I should not determine the prevailing minimum wage for persons employed in the Textile Industry to be 37.5 cents per hour or $15.00 per week of forty hours, the determination to be effective and the minimum wage thereby established to apply to all contracts of the United States awarded subject to the provisions of the Walsh-Healey Public Contracts Act, contemplating any of the textile manufacturing, processing and finishing operations more fully described in the notice.

The action proposed by the notice was predicated upon evidence before the Department of Labor that substantially all members of the Textile Industry are engaged in commerce or in the production of goods for commerce, as that term is defined in the Fair Labor Standards Act of 1938, and that in consequence thereof, the Wage Order of the Administrator of the Wage and Hour Division, issued pursuant to the provisions of the Fair Labor Standards Act and effective June 30, 1941, establishing 37.5 cents per hour as the minimum wage under that Act in the Textile Industry (6 F.R. 2885) had had the effect of establishing 37.5 cents per hour as the prevailing minimum wage in that industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to trade unions, trade publications, and trade associations. Notice was also given to interested parties through the national press and by publication in the FEDERAL REGISTER (6 F.R. 4169).

A memorandum in opposition to the proposed determination was filed by the Cotton Textile Institute, Inc. No other objections or protests in response to the notice were received.

The several points of objection enumerated in the memorandum of the Cotton Textile Institute are directed to the Institute's apprehension that the wage determination as proposed in the notice made no specific provision for the allowance of the deductions made by employers in the industry from the wages of their employees and for the employment of apprentices, learners, and handicapped workers. In substance, the Institute desires that provision be made under the Walsh-Healey Public Contracts Act for the same privileges extended to employers in the industry under the requirements of the Fair Labor Standards Act with respect to deductions and the employment of learners and handicapped workers. I have concluded that the desire of the Institute in this respect is a reasonable one, and it is my purpose in this determination to coordinate the minimum wage requirements under both Acts as presently effective and to take such action in the future as may be necessary to preserve this uniformity.

Upon consideration of all the facts and circumstances,

I hereby determine that:

§ 202.43 *Textile industry.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. Sup. III 35), contemplating any of the following described manufacturing, processing, and finishing operations, shall be 37.5 cents an hour or $15.00 per week of forty hours, arrived at either upon a time or piece work basis:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of the fibers with wool or animal fiber (other than silk) as are specified in paragraphs (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in paragraph (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, luncheloths and napkins; towels; and window curtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in paragraph (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

Provided, That learners, handicapped workers, and apprentices may be employed and deductions from the wages of employees may be made in accordance with the present regulations under the Fair Labor Standards Act, which I hereby adopt for the purposes of this wage determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after December 17, 1941.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

Dated: November 17, 1941.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 41–8579; Filed, November 17, 1941; 11:28 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 431 qm–5594; O. I. 1574]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WM. E. HOOPER & SONS COMPANY; BALTIMORE, MARYLAND

Contract for: Furnishing and delivering all labor and material required in the dyeing and finishing of Duck, Grey, according to Schedule of Supplies.

Amount, $1,114,769.34.

Place: Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

This contract, entered into this 25th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver all labor and material required in the dyeing and finishing of Duck, Grey, for the Jeffersonville Quartermaster Depot, Jeffersonville, Indiana, in accordance with Schedule of Supplies attached hereto and made a part hereof, for the consideration stated One million one hundred fourteen thousand seven hundred sixty-nine dollars ($1,114,769.34) and thirty-four cents, in strict accordance with the specifications and schedules, all of which are made a part hereof.

ART. 5. *Delays — Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority C & E A 1941 42 QM 15401 P 14–30 A 0515–12 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8556; Filed, November 15, 1941; 9:26 a. m.]

[Contract No. W–1097–eng–4]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: FREDERICK SNARE CORPORATION; 114 LIBERTY STREET; NEW YORK, N. Y.

Contract for: The construction of a pier and approach trestle and roadways, railroad tracks, grading, drainage and fences, complete.

Amount: $2,077,623.69 more or less.

Place: Jersey City Terminal in Upper Bay, New York Harbor.

This contract, entered into this 4th day of October 1941.

ARTICLE 1. *Statement of work.* The contractor shall furnish the materials and perform the work for the construction of a pier and approach trestle, roadways, railroad tracks, grading, drainage and fences, complete, at the Jersey City Terminal, Jersey City, N. J., for the consideration stated $2,077,623.69 more or less, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 3. *Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

ART. 9. *Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

ART. 16. *Payments to contractors.* Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter

as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

FRANK W. BULLOCK,
Lt. Col., Signals Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8557; Filed, November 15, 1941; 9:26 a. m.]

[Contract No. W 849–ORD–2329]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NATIONAL ENAMELING AND STAMPING COMPANY; GRANITE CITY, ILLINOIS

Contract for: Case, Cartridge, * * *.
Amount: $1,294,650.00.
Place: St. Louis Ordnance District, St. Louis, Missouri.

The Cartridge Cases to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 22,099 P11–02 A(1005).105–02, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this Eighth day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Case, Cartridge * * * for the consideration stated one million, two hundred ninety-four thousand, six hundred fifty dollars ($1,294,650.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government, when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * * per cent and at the unit price specified in Article 1, such option to be exercised within * * days from date of this contract.

ART. 20. *Termination when contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

ART. 26. *Price adjustments.* The contract price stated in Article 1 is subject to adjustment for changes in labor and materials costs.

This contract entered into under authority of the Act of Congress approved July 2, 1940 (Public, 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public, 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8558; Filed, November 15, 1941; 9:27 a. m.]

[Contract No. W 535 ac–156]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: BELL AIRCRAFT CORPORATION

Contract for: * * * Airplanes and Spare Parts therefor.
Estimated Cost: $14,985,926.00.
Fixed-Fee: $899,155.56.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same: AC 299 P 112–30 A 0021–13.

This contract,[1] entered into this 10th day of September 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles: * * * Airplanes, * * * Spare Parts.

ART. 2. *Estimated costs.*

Quantity	*Estimated cost*
* * * Airplanes	$12,488,272.00
* * * Spare parts for above airplanes	2,497,654.00
Total estimated cost	14,985,926.00

ART. 3. *Consideration.* The Government will pay the contractor upon satisfactory delivery of all items specified in the contract, subject to reimbursement for costs as outlined in Article 6 hereof, the cost, plus a fixed fee of eight hundred ninety-nine thousand one hundred fifty-five and fifty-six hundredths dollars ($899,155.56).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments—Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

Payment of the fixed fee. Ninety per cent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

Advances. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of national defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty per centum (30%) of the contract price of the articles called for that such advances, as made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time, refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 21. *Title to property where partial payments are made.* The title to all property upon which any partial payments is made prior to the completion of this contract, shall vest in the Government.

ART. 23. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, until the same is delivered to the Government. Such property is to be considered as delivered to the Government, upon its final acceptance.

This contract authorized under the provisions of Act of June 28, 1940, section 1 (a) Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col. Signal Corps,
Assistant to the Director of Purchases and Contract.

[F. R. Doc. 41–8559; Filed, November 15, 1941; 9:27 a. m.]

[Contract No. W 398 qm–10250; O. I. No. 4473]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MANUFACTURING COMPANY (GENERAL MOTORS TRUCK & COACH DIVISION), PONTIAC, MICHIGAN

Contract for: * * * Trucks * * *.
Amount: $41,672,451.20.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 4th day of June 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Trucks for the consideration stated $41,672,451.20 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of acceptable articles within the times specified in Article 1, or any extension or extensions thereof, the Government may, by written notice, terminate the right of the contractor to proceed with the delivery of all or any portion of the undelivered articles covered by this contract.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 15. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Variations. Quantities listed hereon are subject to increase of not to exceed * * * %. This option to remain in effect for * * * days, or until * * *.

Terms of payment. Discount will be allowed for prompt payment as follows: 20 calendar days * * * dollars per truck.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM–1801–P–37–3053 A 0525.003–01, QM–15915 P37–3053 A 0525.003–12 the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1a, Act July 2, 1940 (Public No. 703).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8560; Filed, November 15, 1941; 9:27 a. m.]

[Contract No. W–271–ORD–577]

SUMMARY OF COST-PLUS-A-FIXED-FEE OPERATION CONTRACT

CONTRACTOR: REVERE COPPER AND BRASS INCORPORATED

Contract for: Operation (including training of operating personnel) of a Plant for the manufacture of Caliber * * * and Caliber * * * small arms ammunition brass cups (hereinafter referred to as "cups").
Place: Chicago, Illinois.
Estimated cost of operation of plant: $10,733,601.99.
Fixed-fee for operation of plant: $300,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same.

ORD 7727 P11–0270A (1005).105–01
ORD 9508 P11–02A (1005).105–01

This contract,[1] entered into this 12th day of August 1941.

TITLE I. *Operation of plant*—ARTICLE 1–A. *Statement of work.* 1. The Contractor shall perform all organization service in connection with the planning of and the making of all necessary preparations for the operation of the Plant, including the training of operating personnel in the Plant, and all other services incident to assuring an efficient and going operating force when any unit of the Plant is ready for operation.

2. As each operating unit of the Plant is completed and is ready for operation, the Contractor shall proceed to operate it for the manufacture of cups. When all operating units of said Plant shall have been completed and ready for operation the Contractor shall so notify the Contracting Officer in writing, and from and after the date of said notice the Contractor shall operate said Plant so as to reach as promptly as possible a production of approximately * * * lbs. of cups per month (such amount being the estimated productive capacity of said Plant).

ART. I–B. *Estimates.* It is estimated that the total cost of the Contractor's performance under Section 3 of Article I–A of this Title I of this contract will be approximately ten million, seven hundred and thirty-three thousand, six hundred and one dollars and ninety-nine cents ($10,733,601.99), exclusive of the Contractor's fee.

ART. I–C. *Consideration.* In consideration of its undertaking under this Title I the Contractor shall receive the following, which shall constitute complete compensation for the Contractor's services under this Title I, including profit other than that included in the prices quoted pursuant to the provisions of section 5 of Article I–A thereof:

1. Reimbursement for expenditures as provided in Title II.

2. Fixed-fees for operation of the Plant at the rate of * * * per pound of cups: *Provided, however,* That the Contractor shall not be entitled to receive for work done under Title I hereof in connection with the performance of this contract total fees in excess of three hundred thousand dollars ($300,000.00).

TITLE II. *Cost of the work and payment therefor*—ART. II–B. *Payments*—1. *Reimbursement for cost.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article II–A of this Title II, upon certification and delivery to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials, or other papers satisfactory to the Contracting Officer. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant. All payments made under this section 1 shall be subject to the provisions of Article II–C.

2. *Payment of the fixed-fees.* The fixed-fees provided for in Article I–C shall be paid monthly as they accrue, dependent upon the types and quantities of cups produced, inspected and accepted for delivery, subject to the limitation contained in Section 2 of Article I–C.

4. *Final payment.* Upon completion of the work, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title II hereof, and of the fees.

[1] Approved by the Chief of Ordnance October 6, 1941.

[1] Approved by the Under Secretary of War, September 17, 1941.

[1] Approved by the Under Secretary of War October 6, 1941.

ART. II–C. *Advances.* At any time and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor, without payment of interest thereon by the Contractor, a sum not in excess of thirty percent (30%) of the estimated cost of the work under this contract (as increased or decreased pursuant to the provisions of Article III–O of Title III or as increased pursuant to the provisions of Article I–A of Title I).

TITLE III. *General provisions*—ART. III–A. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by reasonable notice in writing from the Contracting Officer to the Contractor.

ART. III–B. *General.* The Government shall furnish the Contractor such available schedules of preliminary data, and other available information respecting the work to be done under this contract, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the office of the Quartermaster General or the Chief of Ordnance and which are applicable to the work to be done under this contract.

The title to all work under this contract, completed or in the course of construction or manufacture, and to all the cups manufactured or in the process of being manufactured, shall be in the Government. Likewise, upon delivery at the site of the work, or at an approved storage site, title to all purchased materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title II hereof, shall vest in the Government.

ART. III–O. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work or direct the omission of work covered by the contract.

This contract is authorized by the following law: Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8571; Filed, November 17, 1941; 10:34 a. m.]

[Contract No. W 294 ord–760]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: INDIANAPOLIS DROP FORGING COMPANY, INDIANAPOLIS, INDIANA

Contract for: * * * Armor Piercing Shot * * *.

Amount, $1,800,500.00.

Place: Cincinnati Ordnance District, 1229 The Enquirer Bldg., Cincinnati, Ohio.

The material to be obtained by this instrument is authorized by, is for the purpose set forth in, and is chargeable to the Procurement Authority ORD 15,-204 P11–02 A(1005).105–01, the available balance of which is sufficient to cover same.

This contract,[1] entered into this 17th day of July 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Armor Piercing Shot for the consideration stated of one million, eight hundred thousand five hundred dollars ($1,800,500.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 17. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * *%, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 31. *Price adjustments.* The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

ART. 33. *Renegotiation.* The parties hereto recognize that the unit price as specified in Article 1 is based on computations involving certain factors as to which the contractor does not now have accurate knowledge based on experience and that it is the desire of the contractor to reduce the price of the forgings if the specified unit price appears to be unduly high in the light of such experience. It is expressly agreed that the unit price will be re-established at the end of the month when the first * * *% of the total number of units contracted for have been delivered, and again re-established at the end of the month when the first * * *% of the total number of units have been delivered. At each time of repricing, the unit price then in effect will be subject to ~~reduction~~ but in no event ~~shall the re-established~~ unit price exceed the unit price stated in Article 1 of the contract.

ART. 34. *Termination for convenience of the Government.* Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8572; Filed, November 17, 1941; 10:34 a. m.]

[Contract No. W–761–ORD–1951]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: NATIONAL TUBE COMPANY, PITTSBURGH, PENNSYLVANIA

Contract for: * * * Bomb.

Amount $4,141,500.00.

Place: Pittsburgh Ordnance District, Pittsburgh, Pennsylvania.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost thereof.

Procurement Authority: ORD 22.044 P11–02 A (1005).205–02.

This contract,[1] entered into this 22d day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Bomb for the total consideration of four million, one hundred forty-one thousand, and five hundred ($4,141,500.00) dollars in strict accordance with the specifications, schedules, drawings, and instructions listed herein.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * *%, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 33. *Termination for convenience of the Government.* Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

This contract is entered into under authority of the Act of Congress approved July 2, 1940 (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8573; Filed, November 17, 1941; 10:34 a. m.]

[Contract No. W–398–qm–8; O. I. #8]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION (CHEVROLET DIVISION), DETROIT, MICHIGAN

Contract for: trucks * * *.

Amount: $5,072,935.12.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 7th day of June 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * trucks for the consideration stated $5,072,935.12 and in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on the partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed * * * %. This increase option to remain in effect until * * *.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days 5%.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22000 P 241–30 A 0022–13, QM 22000 P 241–07 A 0022–13, QM 22001 P 414–30 A 0024–13 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col. Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8574; Filed, November 17, 1941; 10:34 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1783–FD]

IN THE MATTER OF HORNING-ROSS COAL COMPANY (WALTER F. HORNING) REGISTERED DISTRIBUTOR, REGISTRATION NO. 4507, RESPONDENT

ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division, pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether Horning-Ross Coal Company (Walter F. Horning), a registered distributor (Registration No. 4507), 856 Insurance Building, Omaha, Nebraska, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal and the Agreement by Registered Distributor, by purchasing and reselling coals below the effective minimum price therefor;

The respondent having filed an answer admitting the resale of coals below the effective minimum price therefor but averring its good faith and that restitution had been made;

A hearing having been held before a duly designated Examiner of the Division at a hearing room thereof in Omaha, Nebraska, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned.

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the registration of the respondent, Horning-Ross Coal Company (Walter F. Horning), as a registered distributor, Registration No. 4507, be and it hereby is suspended

[1] Not filed with the original document.

[1] Approved by the Chief of Ordnance October 2, 1941.

[1] Approved by the Chief of Ordnance October 29, 1941.

for a period of thirty (30) days from the date of this Order.

It is further ordered, That the respondent shall not evade the effect of such suspension directly or indirectly by the use of any device such as a sales agency agreement or any other device and that such suspension shall not excuse the respondent from all duties and functions imposed upon it by the Act or the rules and regulations thereunder.

It is further ordered, That as a condition to reinstatement of such registration, in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8588; Filed, November 17, 1941; 11:36 a. m.]

[Docket No. 1789-FD]

IN THE MATTER OF LUMBERMAN'S BRICK & SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 5757, RESPONDENT

ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated July 31, 1941, to determine whether Lumberman's Brick & Supply Company, a registered distributor (Registration No. 5757), 2061 Farnum Street, Omaha, Nebraska, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, and the Agreement by Registered Distributor, by extending by agreement, express or implied, with the purchasers from it of certain coals of the dates of payment for such coals beyond the twentieth day of the month following the month in which shipments were made without charging said purchasers interest from and after the due dates of the accounts at the rate of not less than five per cent per annum;

The respondent having filed an answer admitting its failure to charge interest but averring its good faith and that payment of said interest had since been made;

A hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Omaha, Nebraska, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;[1]

Now, therefore, it is ordered, That the registration of the respondent, Lumberman's Brick & Supply Company, as a registered distributor, Registration No. 5757, be and it hereby is suspended for a period of thirty (30) days from the date of this Order.

It is further ordered, That the respondent shall not evade the effect of such suspension directly or indirectly by the use of any device such as a sales agency agreement or any other device and that such suspension shall not excuse the respondent from all duties and functions imposed upon it by the Act or the rules and regulations thereunder.

It is further ordered, That as a condition to reinstatement of such registration, in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8589; Filed, November 17, 1941; 11:36 a. m.]

[Docket No. 1765-FD]

IN THE MATTER OF LOG CREEK COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board 11 having filed a complaint with the Bituminous Coal Division on May 15, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by the Log Creek Coal Company, a code member in District 11, of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant sold lump coals produced by it at its mine (Mine Index No. 1009) located in Pike County, Indiana, at a price 95 cents lower than the effective minimum price thereof. At the hearing the complaint was amended without objection to allege similar violations between November 14, 1940, and May 5, 1941, and to allege violations of Division Orders Nos. 295, 296, 297, and 307;

Pursuant to Orders of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 22, 1941, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Evansville, Indiana;

The preparation and filing of a report by the Examiner having been waived and the record of the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the code membership of the defendant, operating the Log Creek Mine (Mine Index No. 1009), in Pike County, Indiana, in District 11, be and it hereby is revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $2,388.63 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8590; Filed, November 17, 1941; 11:36 a. m.]

[Docket No. 1746-FD]

IN THE MATTER OF CITY COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on May 22, 1941, with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 6, alleging wilful violation of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant, during October 1940, sold 203.7 net tons of Size Group 3 nut coal produced at its Warwood Mine (Mine Index No. 21), located at Wheeling, West Virginia, in District 6, to the Wheeling Electric Company, Wheeling, West Virginia, at $1.95 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was $2.10 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 6 for All Shipments Except Truck;

Pursuant to an Order of the Acting Director and after due notice to all interested persons, a hearing in this matter having been held on August 20, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Pittsburgh, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the code membership of the defendant, City Coal Company, be and it is hereby revoked and cancelled.

It is further ordered, That, prior to any reinstatement of the defendant, City Coal Company, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $166.83 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8591; Filed, November 17, 1941; 11:36 a. m.]

[Docket No. 1738-FD]

IN THE MATTER OF CARTERVILLE COAL CO., DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 10, complainant, alleging wilful violation by Carterville Coal Co., the defendant, of the Bituminous Coal Code, or rules and regulations thereunder as follows:

That the defendant sold for shipments by truck during the period from October 5, 1940 to January 21, 1941, inclusive, 3" lump coal (Size Group 3) at $2.00, and 2" x 7/16" (Size Group 8 at $1.65, per net ton f. o. b. the mine, when the effective minimum f. o. b. mine prices applicable thereto are, for 3" lump coal (Size Group 3), $2.15, and for 2" x 7/16" (Size Group 8), $1.80, per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on October 6, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner;

The record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

It is ordered, That the defendant, his officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained from selling and offering to sell coal produced by the defendant at prices below the applicable minimum prices established therefor contrary to the Bituminous Coal Act or any rules and regulations promulgated thereunder; the Bituminous Coal Code; the Schedule of Effective Minimum Prices for District No. 19 for Truck Shipments, and Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order the Division may forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof or reopen the proceeding as provided in section 5 (b) of the Act and take other appropriate action.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8592; Filed, November 17, 1941; 11:37 a. m.]

[Docket No. A-1089]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

[Docket No. A-1089, Part II]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1261 AND 1293 IN DISTRICT NO. 13 FOR RAIL SHIPMENT

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1089, PART II, FROM DOCKET NO. A-1089, GRANTING TEMPORARY RELIEF IN PART IN DOCKET NO. A-1089, PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1089, PART II

The original petition in the above-entitled matters filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 13.

As indicated in an order issued in Docket No. A-1089, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner, except for the coals of Mine Index Nos. 913 (because the records of the Division indicate that no code acceptance has been received for this mine), 1261, and 1293, (in part).

The original petition prays for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1261 and 1293 for rail shipment and in addition seeks the establishment of an additional loading point for the coals of Mine Index No. 1261. The Director is of the opinion that an additional rail loading point for the coals of Mine Index No. 1261 should not be established without a hearing.

In the original petition the establishment for the coals of Mine Index Nos. 1261 and 1293 of an f. o. b. effective minimum price of $2.65 in Size Group 13 for steamship vessel fuel is sought. There does not appear in the original petition sufficient justification for the establishment of this price for these coals for steamship vessel fuel use. The Director is of the opinion, therefore, that this price of $2.65 should not be established for the coals of Mine Index Nos. 1261 and 1293 without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1089 relating to the coals of Mine Index Nos. 1261 and 1293, be, and the same hereby is severed from Docket No. A-1089 and designated as Docket No. A-1089, Part II.

It is further ordered, That, pending final disposition of Docket No. A-1089, Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 13 for All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement R" annexed hereto and hereby made a part hereof.

It is further ordered, That a hearing in Docket No. A-1089, Part II, under the applicable provisions of said Act and the Rules of the Division be held on December 10, 1941, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief

[1] Not filed with the original document.

[1] Not filed with the original document.

in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 5, 1941.

The matter concerned herewith is in regard to the petition of District Board No. 13 for the establishment of permanent price classifications and minimum prices for the coals of Mine Index No. 1261 for rail shipment; and for the establishment of permanent price classifications and minimum prices for steamship vessel fuel use for the coals of Mine Index Nos. 1261 and 1293.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 4, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in this temporary supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

Temporary Supplement R

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1261	Pratt-American Coal Co.	Riverside [1]	1	Pratt	31

[1] Shipping Point: Colta, Ala. Railroad: L&N.
This mine shall have a price in size groups 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 14, 17 and 18, respectively, for mine with Index Number 55.
This mine shall have the same price in size group 24 on all price tables as listed for mine with Index Number 55.

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1261	Pratt-American Coal Co.	Riverside	1	Pratt	31
1293	Winn, D. F.	Winn-Pratt #1	1	Pratt	120

[1] These mines shall have a price of $2.70 for size group 13 for Steamship Vessel Fuel.

[F. R. Doc. 41-8593; Filed, November 17, 1941; 11:37 a. m.]

[Docket No. A-826]

PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF THE QUALITY MINE (MINE INDEX NO. 1468) OF RAY MORGAN (F. C. MORGAN COAL CO.), A CODE MEMBER IN DISTRICT 10, FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board No. 10, proposing price classifications and minimum prices, for all shipments except truck, for the coals of the Quality Mine (Mine Index No. 1468) of Ray Morgan (F. C. Morgan Coal Co.). The petition states that minimum prices for truck shipments have heretofore been established for this mine. It appears from the records of the Bituminous Coal Division that this is a new mine, for which no minimum prices have heretofore been established, and that the mine for which minimum prices for truck shipments have been established is the Quality Mine (Mine Index No. 576) of the Quality Coal Co. A hearing appears to be the most appropriate means of resolving this conflict between the statements in the petition and the facts shown by the records of the Division. Pending a hearing, the establishment of temporary minimum prices for all shipments except truck and for truck shipments is desirable in order that coals from this mine may be marketed.

It is therefore ordered, That a hearing in the above-entitled matter be held under the applicable provisions of the Act and the rules of the Division on November 24, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 19, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of the following minimum prices for the coals of the Quality Mine (Mine Index No. 1468) of Ray Morgan (F. C. Morgan Coal Co.):

For all shipments except truck, the minimum prices applicable to coals in Price Group No. 33.

For railroad fuel, a minimum price of $2.00 per net ton for mine run and $1.40 per net ton for screenings.

For truck shipments:

Size group:	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

Supplement R

Price group No.	Code member	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
33	Morgan, Ray (F. C. Morgan Coal Co.)	Quality [1]	1468	11	Green River	CR&P

[1] Mine Index No. 1468 shall be included in Price group 33 and shall take the same f. o. b. mine prices as other mines in Price Group 33, Schedule No. 1, District No. 10, on all size groups and for shipment to all market areas and for all uses except railroad locomotive fuel; *Provided, however*, that these f. o. b. mine prices apply on board transportation facilities at Green River, Illinois. The railroad locomotive fuel prices shall be: Mine Run—$2.00; screenings—$1.40.

Notice is hereby given that at the hearing the relation between the Quality Mine (Mine Index No. 1468) of Ray Morgan (F. C. Morgan Coal Co.) and the Quality Mine (Mine Index No. 581) of the Quality Coal Co. will be a subject of inquiry.

It is further ordered, That a reasonable showing of necessity therefor having been made, pending final disposition of the above matter, temporary relief be and the same is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck and for Truck Shipments are revised to include the price classifications and minimum prices set forth in the schedules marked supplement "R" and supplement "T" attached hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: October 30, 1941.

[SEAL] H. A. GRAY, *Director.*

FOR TRUCK SHIPMENTS

Supplement T

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 2, HENRY COUNTY																																
Morgan, Ray (F. C. Morgan Coal Co.)	1468	Quality	1	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														

[F. R. Doc. 41-8594; Filed, November 17, 1941; 11:37 a. m.]

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0310, South Building, or may be there inspected.

Dated: November 14, 1941.

[SEAL] ROBERT H. SHIELDS, *Assistant to the Secretary of Agriculture.*[1]

[F. R. Doc. 41-8565; Filed, November 15, 1941; 10:45 a. m.]

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 153-A 1]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE MARKETING AGREEMENT AND ORDER NO. 54, REGULATING THE HANDLING OF MILK IN THE DULUTH-SUPERIOR MARKETING AREA

Notice is hereby given of a hearing to be held in the Woodman Hall, 2031 West First Street, Duluth, Minnesota, at 10:00 a. m. c. s. t., November 26, 1941, with respect to proposed amendments to the marketing agreement and Order No. 54, regulating the handling of milk in the Duluth-Superior marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the Twin Ports Cooperative Dairy Association, the Arrowhead Creamery Association, and the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) revise the class prices for milk, including the price for Class I milk disposed of for relief distribution, the price for Class I milk disposed of outside the marketing area, and the price for Class II milk; (2) revise the formula for determining the butterfat differential; and (3) clarify the provisions with respect to (a) interhandler and nonhandler sales, (b) handlers who receive no milk from producers or new producers other than milk of their own production, and (c) the method of deducting emergency milk.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 17, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Comet Envelope and Paper Company, Inc., 5 East 17th Street, New York, New York; Converted Paper Products; 6 learners; 6 weeks for any one learner; 30 cents per hour; Sewing Machine Operator; February 23, 1942.

Dairy Products Company, 1622 Second Avenue, S. Birmingham, Alabama; Dairy Products; 2 learners; 4 weeks for any one learner; 25 cents per hour; Forming, lining and closing cartons; December 29, 1941.

Pearl Creamery Company, Pullman, Michigan; Dairy Products; 1 learner; 4 weeks for any one learner; 25 cents per hour; Butter Wrapper; February 23, 1942.

"Take-Along" Travel Chair Company, Thomasville, Georgia; Folding Chairs and Folding Furniture Novelties; 1 learner; 8 weeks for any one learner; 30 cents per hour; Woodworking Machine Operator; January 26, 1942.

"Take-Along" Travel Chair Company, Thomasville, Georgia; Folding Chairs and Folding Furniture Novelties; 1 learner; 4 weeks for any one learner; 30 cents per hour; Assembler; December 29, 1941.

Tennessee River Pearl Button Company, Clifton, Tennessee; Pearl Buttons; 2 learners; 8 weeks for any one learner; 25 cents per hour; Button Cutter; March 23, 1942.

Signed at Washington, D. C., this 17th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8509; Filed, November 17, 1941; 11:45 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective2 November 17, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

American Lady Corset Company, 1060 West Fort Street, Detroit, Michigan; Foundation Garments and Brassieres; 10 percent; November 17, 1942.

Atlanta Knitting Mills, Catskill, New York; Slips, Polo Shirts; 10 percent; November 17, 1942.

Bay State Manufacturing Company, Inc., 286 Congress Street, Boston, Massachusetts; Cotton and Rayon Dresses; 10 percent; November 17, 1942.

The Bayly-Underhill Manufacturing Company, 1200 West Ocean Boulevard, Long Beach, California; Overalls; 10 percent; November 17, 1942.

Belle-Craft Undergarment Company, 321 Cleveland Street, Brooklyn, New York; Ladies' Underwear; 1 learner; March 2, 1942.

Belmont Manufacturing Company, 321 N. 8th Street, Philadelphia, Pennsylvania; Ladies' Cotton and Rayon Dresses, Ladies' Cotton & Rayon Blouses; 10 percent; November 17, 1942.

California Manufacturing Company, California, Missouri; Single Pants; 10 percent; November 17, 1942.

Cooper Sportswear Manufacturing Company, 133 Monroe Street, Newark, New Jersey; Men's Leather Jackets and Sports Apparel; 5 learners; November 17, 1942.

Divineform Brassiere Company, Inc., 28 West 23rd Street, New York, New York; Brassieres and Girdles; 10 percent; March 2, 1942.

Domestic Overall and Pants Company, 28 North 3rd Street, Philadelphia, Pennsylvania; Overalls and Dungarees; 10 learners; April 6, 1942. (This certificate replaces one issued bearing expiration date of October 20, 1942.)

Edward's Athletic Clothing Company, 717 Lakeside Avenue, N. W., Cleveland, Ohio; Athletic Clothing; 5 learners; November 17, 1942.

Emmaus Shirt Company, Inc., Keystone Avenue and Ridge Street, Emmaus, Pennsylvania; Pajamas; 10 percent; November 17, 1942.

Franklin Garment Company, North Third Street, Chambersburg, Pennsylvania; Dresses; 10 percent; November 17, 1942.

Gem Garment Company, South Cedar Lane, Greencastle, Pennsylvania; Dresses; 10 percent; November 17, 1942.

Edward I. Gill, 57 Hope Street, Brooklyn, New York; Shirts; 10 learners; June 15, 1942.

L. N. Gross Company, Fayetteville, Tennessee; Cotton and Rayon Dresses; 10 percent; November 17, 1942.

L. N. Gross Company, 1220 West 3rd Street, Cleveland, Ohio; Cotton and Rayon Dresses; 10 percent; November 17, 1942.

Hampstead Clothing Company, Hampstead, Maryland; Men's Clothing; 5 percent; November 17, 1942.

Hickory Overall Company, 902 Federal Street, Hickory, North Carolina; Overalls, Pants, Work Shirts; 10 percent; November 17, 1942.

George Hirsch, Main and Oakford Streets, New Egypt, New Jersey; Ladies' Rayon Underwear; 8 learners; April 6, 1942.

George Hirsch, 2 Fifth Street, Lakewood, New Jersey; Ladies' Rayon Underwear; 10 learners; April 6, 1942.

Holly Cal Sportswear, 421 West 11th Street, Los Angeles, California; Men's Loofer Jackets and Sportswear; 2 learners; November 17, 1942.

Jobbers Pants Company, Fayette Street, Martinsville, Virginia; Pants; 132 learners; April 6, 1942.

Johnson and Company, 100 S. Minnesota Avenue, St. Peter, Minnesota; Blanket Lined Coats; 2 learners; November 17, 1942.

Kaizel Garment Company, 1531 Washington Street, St. Louis, Missouri; Dresses; 5 learners; November 17, 1942.

Keystone Garment Company, North Stratton Street, Gettysburg, Pennsylvania; Dresses; 10 percent; November 17, 1942.

Jacob Kleiman, 80 Second Street, Mineola, New York; Washable Service Apparel; 10 learners; April 6, 1942.

LaVivante Foundations, Inc., 11 West 32nd Street, New York, New York; Corsets and Foundation Garments; 4 learners; March 2, 1942.

Lebanon Knitting Mills, Lebanon, Pennsylvania; Knitted Underwear; 10 percent; November 17, 1942.

S. Liebovitz and Sons, Inc., Snow Hill, Maryland; Men's Shirts; 10 learners; November 17, 1942.

Lov-e Brassiere Company, 7494 Santa Monica Boulevard, Hollywood, California; Brassieres and Brassiere Accessories; 5 learners; November 17, 1942.

Majestic Sportswear, Inc., 123 W. 3rd Street, Los Angeles, California; Sport Shirts; 3 learners; November 17, 1942.

Merit Lingerie, Inc., 483 Broadway, New York, New York; Cotton Gowns and Pajamas; 7 learners; March 2, 1942.

Metropolis Company, 1427 Vine Street, Philadelphia, Pennsylvania; Ladies' Blouses; 2 learners; November 17, 1942.

Nassau Brassiere Company, Inc., 205-7 Lawrence Avenue, Inwood, Long Island, New York; Foundation Corsets and Girdles; 10 learners; November 17, 1942.

New England Pants Company, Inc., 57 North Street, Willimantic, Connecticut; Men's & Boys' Trousers; 10 percent; November 17, 1942.

Nora Lee Lingerie Company, Inc., Church Street, Granville, New York; Ladies' Nightgowns; 10 learners; November 17, 1942.

Norris Manufacturing Company, Taylors, South Carolina; Slacks, Shirts; 40 learners; April 6, 1942.

Oswego Undergarment Company, 333 West First Street, Oswego, New York; Ladies' Slips; 5 learners; April 6, 1942.

Parkville Shirt Company, 521 River Street, Troy, New York; Shirts; 10 percent; November 17, 1942.

J. B. Pearson Company, Main Street, Thomaston, Maine; Sportswear, Mackinaws, Coats; 10 learners; November 17, 1942.

Perfect Trouser Company, Inc., 26th and Reed Streets, Philadelphia, Pennsylvania; Pants and Jackets; 10 percent; November 17, 1942.

Pleasant Novelty Company, 177 Granite Street, Manchester, New Hampshire; Boys' Cotton Wash Suits; 2 learners; November 17, 1942.

Progressive Clothing Manufacturing Company, Broad and Carpenter Streets, Philadelphia, Pennsylvania; Men's Clothing and Uniforms; 5 percent; November 17, 1942.

J. B. Simpson, Inc., 843 West Adams Street, Chicago, Illinois; Men's Suits and Overcoats; 5 percent; November 17, 1942.

D. H. Smith, Inc., 601 Washington Street, Lynn, Massachusetts; Dresses; 10 percent; November 17, 1942.

Standard Garment Company, Inc., 120 N. George Street, York, Pennsylvania; Ladies' Cotton Dresses; 10 learners; November 17, 1942.

Standard Overall Company, 701 West Pratt Street, Baltimore, Maryland; Overall and Dress Shirts; 10 learners; November 17, 1942.

Style Wear Manufacturing Company, 441 Chapel Street, New Haven, Connecticut; Pajamas; 10 learners; May 17, 1942.

Tate Manufacturing Company, Inc., 518-520 Craghead Street, Danville, Virginia; 5 learners; Coveralls, Shop Coats, Pants, Shirts, Jackets, Aprons; May 17, 1942.

Tennessee Overall Company, 401 Atlantic Street, Tullohoma, Tennessee; Overalls and Work Pants; 12 learners; April 6, 1942.

Toyland Togs, Inc., 684 Washington Street, Boston, Massachusetts; Dresses; 7 learners; April 6, 1942.

Morris Trichon Company, Inc., 919 Walnut Street, Philadelphia, Pennsylvania; Shirts; 10 learners; May 17, 1942.

Valley Garment Manufacturing Company, 322 East Iowa Street, Spring Valley, Illinois; Pinafore Aprons; 1 learner; November 17, 1942.

White Fabric Company, 1954 University Avenue, St. Paul, Minnesota; Nurses' Uniforms; 1 learner; November 17, 1942.

Wilhoite-Evans and Cohn, Inc., 945 S. Los Angeles Street, Los Angeles, California; Men's Sport Clothing; 5 learners; November 17, 1942.

Wilmington Manufacturing Company, 900 Church Street, Wilmington, Delaware; Women's Wear, Boys' Wash Suits; 10 percent; November 17, 1942.

Artificial Flowers and Feathers

Zunino-Altman, 120 East 16th Street, New York, N. Y.; Decorative Flowers; 16 learners; December 29, 1941.

Gloves

Canvas Glove Manufacturing Works, Inc., 294 Graham Avenue, Brooklyn, New York; Work Gloves; 5 percent; November 17, 1942.

The Enoch Manufacturing Company, Mt. Sterling, Kentucky; Work Gloves; 48 learners; May 17, 1942.

Royalknit Glove Corporation, 19 West State Street, Johnstown, New York; Knit Wool Gloves; 5 learners; November 17, 1942.

Scotsmoor Company, Inc., 29 North Market Street, Johnstown, New York; Knit Wool Gloves; 10 percent; May 17, 1942.

Hosiery

Browns Hosiery Mills, Inc., Holt Street, Burlington, North Carolina; Seamless Hosiery; 5 learners; November 17, 1942.

Burdwyn Hosiery Mills, Inc., King and Quinter Streets, Pottstown, Pennsylvania; Full Fashioned Hosiery; 3 learners; November 17, 1942.

Conover Knitting Company, Newton, North Carolina; Seamless Hosiery; 4 learners; July 10, 1942.

Conover Knitting Company, Conover, North Carolina; Seamless Hosiery; 3 learners; July 10, 1942.

Dexdale Hosiery Mills, W. Main Street, Lansdale, Pennsylvania; Full Fashioned Hosiery; 5 percent; November 17, 1942.

Dolly Hosiery Mills, Inc., Valdese, North Carolina; Seamless Hosiery; 4 learners; November 17, 1942.

Doylestown Finishing Company, Union and Hamilton Street, Doylestown, Pennsylvania; Seamless and Full Fashioned Hosiery; 10 learners; July 17, 1942.

Elizabeth James Mills No. 2, Logan Street, Marion, North Carolina; Full Fashioned Hosiery; 5 percent; November 17, 1942.

Foster Hosiery Mill, 600 Cameron Street, Burlington, North Carolina; Full Fashioned Hosiery; 10 learners; July 17, 1942.

Hazel Knitting Mill, 602 Cameron Street, Burlington, North Carolina; Full Fashioned Hosiery; 8 learners; July 17, 1942.

Newnan Hosiery Mills, Inc., Berry Avenue, Newnan, Georgia; Seamless Hosiery; 5 percent; November 17, 1942.

Pine Hosiery Mills, Inc., Star, North Carolina; Seamless Hosiery; 5 learners; November 17, 1942.

Shuford Hosiery Mills, Inc., East Highland Avenue, Hickory, North Carolina; Seamless Hosiery; 5 learners; November 17, 1942.

Tricnit Hosiery Mill, Main Street, Greenville, New Hampshire; Seamless Hosiery; 11 learners; July 17, 1942.

Vance and Crawford, Salem Street, Kernersville, North Carolina; Seamless Hosiery; 8 learners; July 17, 1942.

Wilkes-Barre Hosiery Mills, 173 Gilligan Street, Wilkes-Barre, Pennsylvania; Full Fashioned Hosiery; 4 learners; November 17, 1942.

Telephone

Northwestern Illinois Utilities, 214 Main Street, Savanna, Illinois, Savanna Exchange; to employ learners as commercial and switchboard operators until November 17, 1942.

Knitted Wear

Luxuray, Incorporated, Willit Street, Fort Plain, New York; Knitted Underwear; 15 learners; November 17, 1942.

Sakura Mills, Inc., Kane, Pennsylvania; Knitted Underwear; 5 percent; November 17, 1942.

Van Raalte Company, Inc., 84 Sweeney Street, North Tonawanda, New York; Knitted Underwear and Commercial Knitting; 8 learners; November 17, 1942.

Ware Knitters, Inc., East Main Street, Ware, Massachusetts; Knitted Underwear and Outerwear; 16 learners; November 17, 1942.

Textile

W. S. Libbey Company, Mill Street, Lewiston, Maine; Cotton Blankets, Cotton Piece Goods; 3 percent; November 17, 1942.

Moore and Cram Webbing Company, Beharrell Street, West Concord, Massachusetts; Narrow Woven Fabrics and Non-Elastic Webbing; 2 learners; November 17, 1942.

Pioneer Fabric Company, Braid Street, Gadsden, Alabama; Rayon Veils and Nets, Elastic Rayon and Cotton Braids; 3 learners; November 17, 1942.

Rocky Mount Mills, Rocky Mount, North Carolina; Cotton Yarns; 3 percent; November 17, 1942.

The Ufford Textile Company, Second Street, Norwich, Connecticut; Cotton Yarns; 1 learner; November 17, 1942.

Valdese Weaving Company, Valdese, North Carolina; Cotton Yarns and Upholstery Fabrics; 3 percent; November 17, 1942.

Woolen

River Mills, Inc., 206 Globe Mills Avenue, Fall River, Massachusetts; Yarns; 40 learners; March 23, 1942.

River Mills, Inc., 206 Globe Mills Avenue, Fall River, Massachusetts; Yarns; 3 percent; November 17, 1942.

Signed at Washington, D. C., this 17th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8600; Filed, November 17, 1941; 11:45 a. m.]

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 31 FOR THE MISCELLANEOUS APPAREL INDUSTRY

Whereas a hearing has been held on October 27, 1941, before Major Robert N. Campbell, Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 31 for the establishment of a minimum wage in the Miscellaneous Apparel Industry were given an opportunity to be heard and to offer evidence relevant thereto; and

Whereas the complete record of said hearing has been transmitted to the Administrator;

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on or before November 24, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at the said hearing, based upon the complete record compiled thereat.

Signed at Washington, D. C., this 14th day of November 1941.

BAIRD SNYDER, III,
Acting Administrator.

[F. R. Doc. 41-8602; Filed, November 17, 1941; 11:45 a. m.]

NOTICE OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY, TO BE HELD JANUARY 13, 1942, AT WASHINGTON, D. C.

Whereas in accordance with notice of hearing published in the FEDERAL REGISTER for July 1, 1941, a hearing was held on July 28 and 29, 1941, for the purpose, inter alia, of securing evidence to determine what, if any prohibition, restriction, or regulation of home work in the Women's Apparel Industry, as defined in Administrative Order No. 103, is necessary to carry out the purposes of a wage order issued for such industry, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein in the event a 40 cent minimum recommended by Industry Committee No. 27 were approved for such industry; and

Whereas after consideration of the evidence adduced at the same hearing, the Administrator, by order published in the FEDERAL REGISTER for September 13, 1941, approved a 40 cent minimum wage rate, effective September 29, 1941, for the Women's Apparel Industry in conformance with his authority under Section 8 of the Fair Labor Standards Act of 1938; and

Whereas after consideration of the evidence introduced at the hearing on the question of what prohibition, restriction, or regulation of home work in this industry is necessary to carry out the purposes of a wage order for this industry, to prevent the circumvention or evasion thereof and to safeguard the minimum wage rate established therein, the Administrator determined it advisable to take further evidence in this matter before deciding whether he should issue an order under the terms of section 8 (f) of the Act;

Now, therefore, notice is hereby given that:

I. A public hearing will be held on January 13, 1942, before Major Robert N. Campbell as Presiding Officer at 10:00 a. m., Room 3229 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking further evidence on the following question:

What, if any, prohibition, restriction or regulation of home work in the Women's Apparel Industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent the circumvention or evasion of such order, and to safeguard the 40 cent minimum wage rate established therein.

II. The definition of the Women's Apparel Industry as set forth in Administrative Order No. 103, issued May 9, 1941, is as follows:

The production of women's, misses', and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear, and negligees from woven fabric; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear. The definition of the women's apparel industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. Any interested person may appear at the aforesaid hearing to offer evidence on the home work question, either on his own behalf or on behalf of any other person: *Provided,* That not later than December 23, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

IV. Any person interested in the home work question may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

V. A transcript of the testimony taken at the original hearing of July 28 and 29, 1941, and the exhibits introduced at such hearing relating to the home work question, will be offered in evidence at this hearing, and will be available for inspection at the Department of Labor Building by any interested person who intends to appear at the aforesaid hearing.

VI. The hearing will be conducted in accordance with the rules issued for the original hearing in a notice of hearing published in the FEDERAL REGISTER on July 1, 1941.

Signed at Washington, D. C., this 3d day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8603; Filed, November 17, 1941; 11:46 a. m.]

NOTICE OF OPPORTUNITY TO SUBMIT WRITTEN BRIEFS OF THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 33 FOR THE PASSENGER MOTOR CARRIER INDUSTRY

Whereas a hearing has been held on October 30, 1941, before Major Robert N. Campbell as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 33 for the establishment of a minimum wage in the Passenger Motor Carrier Industry were given an opportunity to be heard and to offer evidence relevant thereto; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given that the Administrator will receive written briefs (not fewer than twelve copies) on or before November 24, 1941, at the Department of Labor, Washington, D. C., from any person who entered an appearance at the said hearing, based upon the complete record compiled thereat.

Signed at Washington, D. C., this 14th day of November, 1941.

BAIRD SNYDER, III,
Acting Administrator.

[F. R. Doc. 41-8601; Filed, November 17, 1941; 11:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6215]

IN RE APPLICATION OF CHARLES P. BLACKLEY (NEW)

NOTICE OF HEARING

Application dated August 15, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Staunton, Virginia; operating assignment specified: Frequency, 1240 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To obtain full information with respect to the relationships, the nature, extent and effect thereof, between Charles P. Blackley and the licensee of Station WSVA.

2. To determine the areas and populations now receiving primary service from Station WSVA which would receive similar service from the station proposed herein.

3. To determine the type and character of the program service which applicant may be expected to render, and the extent to which such service is now being rendered by any other station or stations serving the proposed service area in whole or in part.

4. To determine whether in view of the facts adduced under the foregoing issues public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Charles P. Blackley, 333 South Liberty Street, Harrisonburg, Virginia.

Dated at Washington, D. C., November 13, 1941.

By the Commision.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8562; Filed, November 15, 1941; 9:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-436]

IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than December 2, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company, proposes to issue a note dated on or about December 20, 1941, maturing not later than nine months thereafter in an amount not to exceed $100,000 payable to Mississippi Valley Trust Company, with interest at a rate not in excess of 2% per annum. It is stated that the proceeds of the note will be used to reimburse the company's treasury, in part, for amounts expended on various construction projects from June 1, 1939 to September 30, 1941.

The first sentence of section 6 (b) of the Act is designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8581; Filed, November 17, 1941; 11:32 a. m.]

[File No. 1-802]

IN THE MATTER OF FANNY FARMER CANDY SHOPS, INC., $1 PAR VALUE COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of November, A. D. 1941.

The Fanny Farmer Candy Shops, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $1 Par Value Common Stock from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Friday, December 12, 1941 at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8582; Filed, November 17, 1941; 11:32 a. m.]

[File No. 812-230]

IN THE MATTER OF NATIONAL SHAREHOLDERS CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of this Commission that the applicant be granted a temporary exemption from the provisions of section 10 (a) and (b) of said Act until December 1, 1941;

It is ordered, That a hearing on the matter of the aforesaid application of the above named applicant under and pursuant to section 6 (c) of the Investment Company Act of 1940 be held on November 24, 1941, at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Robert P. Reeder, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8583; Filed, November 17, 1941; 11:32 a. m.]

[File No. 59-33]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, RESPONDENTS

[File No. 70-263]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION

[File No. 70-371]

IN THE MATTER OF COLUMBIA OIL & GASOLINE CORPORATION

[File No. 70-387]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

[File No. 70-430]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, THE OHIO FUEL GAS COMPANY

[File No. 70-431]

IN THE MATTER OF COLUMBIA OIL & GASOLINE CORPORATION

NOTICE OF AND ORDER OF CONSOLIDATION; NOTICE OF AND ORDER SETTING DATE FOR HEARING; ORDER OVERRULING OBJECTION AND DIRECTING PROCEDURE TO BE FOLLOWED IN PRESENTATION OF EVIDENCE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

Applications, declarations, or amendments having been filed, since the hearing herein on October 30, 1941, by Columbia Gas & Electric Corporation and The Ohio Fuel Gas Company (File No. 70-430), by Columbia Oil & Gasoline Corporation (File No. 70-431), and by Panhandle Eastern Pipe Line Company (File No. 70-387) in respect of their respective parts in the following proposed transactions:

(1) The sale by Columbia Gas & Electric Corporation to Panhandle Eastern Pipe Line Company of the stock and indebtedness of Michigan Gas Transmission Corporation and of Indiana Gas Distribution Corporation;

(2) The sale by The Ohio Fuel Gas Company to Panhandle Eastern Pipe Line Company of certain gas pipe lines in Indiana and Ohio;

(3) The retirement or redemption by Panhandle Eastern Pipe Line Company of all of the $10,000,000 aggregate par value of its Class A Preferred Stock now held by Columbia Oil & Gasoline Corporation, and the related disposition by Columbia Oil & Gasoline Corporation of said stock;

(4) The application by Columbia Oil & Gasoline Corporation of the proceeds of its disposition of said Class A Preferred Stock of Panhandle Eastern Pipe Line Company, plus available cash on hand, to the acquisition, for retirement and cancelation, of approximately $11,000,000 principal amount of Twenty-Year Debentures of Columbia Oil & Gasoline Corporation held by Columbia Gas & Electric Corporation;

(5) The issue and sale by Panhandle Eastern Pipe Line Company of $10,000,000 aggregate principal amount First Mortgage and First Lien 3% Bonds, Series C, due November 1, 1960, and of $15,000,000 aggregate par value of Cumulative Preferred Stock, consisting of 150,000 shares of the par value of $100 each—the proceeds of such securities to be used in connection with the transactions mentioned in sub-paragraphs (1), (2), and (3) above and to pay part of the cost of certain construction;

said applications, declarations, or amendments being hereinafter referred to as "subsequent filings"; and

The following sections of the Public Utility Holding Company Act of 1935 and the following rules thereunder having been designated in said "subsequent filings" by the respective applicants or declarants as being applicable:

(1) Sections 12 (d) and 12 (f) and Rules U-43 and U-44, by Columbia Gas & Electric Corporation and The Ohio Fuel Gas Company;

(2) Sections 12 (c) and 12 (f) and Rules U-42 and U-43, by Columbia Oil & Gasoline Corporation;

(3) Sections 6, 9, 10, and 12 (c) and Rules U-42 and U-50, by Panhandle Eastern Pipe Line Company; and

Columbia Gas & Electric Corporation being a registered public utility holding company and a subsidiary company of The United Corporation, also a registered public utility holding company; Columbia Oil & Gasoline Corporation being a subsidiary company of Columbia Gas & Electric Corporation; Panhandle Eastern Pipe Line Company being a subsidiary company of both Columbia Gas & Electric Corporation and Columbia Oil & Gasoline Corporation; Michigan Gas Transmission Corporation, Indiana Gas Distribution Corporation, and The Ohio Fuel Gas Company being wholly-owned subsidiaries of Columbia Gas & Electric Corporation; and

The Commission having heretofore consolidated proceedings in respect of: (1) the application and amendment thereto bearing File No. 70-263 filed by Columbia Gas & Electric Corporation and a second amendment thereto filed by Columbia Gas & Electric Corporation in which The Ohio Fuel Gas Company joined; (2) the application and amendment thereto filed by Columbia Oil & Gasoline Corporation bearing File No. 70-371; (3) the application filed by Panhandle Eastern Pipe Line Company bearing File No. 70-387; and (4) proceedings instituted by the Commission against Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation, Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation, and Indiana Gas Distribution Corporation, and each of them, under sections 11 (b) (1), 11 (b) (2), 12 (c), 12 (f), and 15 (f) of the Act and bearing File No. 59-33; and

It having been proposed in the hearing held October 30, 1941, that the order of procedure previously directed by the Commission be modified so as to permit the introduction of evidence and consideration of applications, declarations, or amendments proposed to be filed by certain of the respondents and The Ohio Fuel Gas Company; and

Missouri-Kansas Pipe Line Company having objected to such modification and requested oral argument before the Commission; and

The Commission having heard oral argument on said objection and having given a full, fair and adequate hearing thereon to Missouri-Kansas Pipe Line Company, and to all others appearing herein, and having given full, fair and adequate consideration to all the arguments presented and to the issues involved; and

It appearing to the Commission that such objection should be overruled; and

It further appearing to the Commission that substantial savings in time, effort and expense, and substantial progress toward the speedy and effective carrying out of the purposes of the Act and of the applicable provisions thereof, and adequate protection of any and all rights and interests herein of Missouri-Kansas Pipe Line Company, of the City of Detroit, and of all others appearing herein, will result from the consolidation of the hearings on the aforementioned "subsequent filings" with one another and with the proceedings heretofore consolidated herein so that they may be heard as one matter and so that evidence heretofore or hereafter adduced in each matter may stand as evidence in each other matter for all purposes, and that such advantages will also result from the further provisions of this order; and

It further appearing to the Commission that the matters referred to above are related and involve common questions of law and fact and that evidence offered in respect of each of the matters may have a bearing on the others;

It is hereby ordered, That the aforementioned objection of Missouri-Kansas Pipe Line Company be and the same hereby is overruled; and

It is further ordered, That the hearing in the proceedings heretofore consolidated herein, which on October 30, 1941, was adjourned until 10:00 A. M. November 18, 1941, be and it hereby is consolidated with and set for the time and place of the consolidated hearing as hereinafter set forth; and

It is further ordered, That the proceedings heretofore mentioned in this order or here involved be consolidated for hearing and that a hearing on such matters under the applicable provisions of the Act and the Rules promulgated thereunder be held on November 25, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such day by the hearing room clerk in Room 1102; and

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, by registered mail, to Columbia Gas & Electric Corporation; Columbia Oil & Gasoline Corporation; Panhandle Eastern Pipe Line Company; Michigan Gas Transmission Corporation; Indiana Gas Distribution Corporation; The Ohio Fuel Gas Company; Missouri-Kansas Pipe Line Company; Gano Dunn, Trustee; City of Detroit, Michigan; City of Cincinnati, Ohio; Public Utilities Commission of Ohio; William H. Danforth; Abner Goldman; Department of Justice, Anti-Trust Division; Kansas Corporation Commission; and Federal Power Commission; and that notice of said hearing is hereby given to all security holders of the parties herein and their subsidiary companies, in all consumers of said companies, to all states, municipalities, or political sub-divisions of states and foreign countries in which are located any of the assets of the holding company system of Columbia Gas & Electric Corporation or under the laws of which any of such companies are incorporated, to all state commissions, state security commissions, and all agencies, authorities, or instrumentalities of one or more states, municipalities, or other political sub-divisions having jurisdiction over Columbia Gas & Electric Corporation or any subsidiary company thereof, or over any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the Press and mailed to the mailing list for releases issued under the Act and by publication of this notice and order in the FEDERAL REGISTER; and

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before November 21, 1941, a written statement relative thereto; and any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice; and

It is further ordered, In the interest of expeditious procedure that all evidence in the proceedings heretofore consolidated (File Nos. 59-33, 70-263, 70-371 and 70-387), so far as relevant to the issues herein, shall be incorporated in the record of the proceeding herein ordered and shall be regarded as evidence duly adduced in the present proceeding, subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced; and such further objections and exceptions as may be made by any party in the within proceeding; and

It is further ordered, That the right be and it hereby is reserved, if at any time it may appear conducive to an orderly and economic disposition of any matter consolidated for hearing herein, to order a separate hearing, to close the record, or to take action on such matter prior to closing the record on any other matter or proceeding herein; and

It is further ordered, That upon the resumption of hearings in this consolidated proceeding, evidence bearing upon the issues raised by said "subsequent filings" (File Nos. 70-430, 70-431, and 70-387) shall first be introduced; and that thereafter evidence relating to the remaining issues raised under Section 11 (b) (1) of the Act shall be introduced; and that thereafter evidence relating to the remaining issues in this consolidated proceeding shall be introduced in accordance with the further direction of the Commission; any direction in the fourth ordering clause of the Commission's order herein dated October 15, 1941, to the contrary notwithstanding: *Provided, however*, That the Commission hereby reserves the right at any time and from time to time to direct that evidence bearing upon any and all issues herein be introduced at such time and in such order as it may direct, and hereby further reserves the right at any time and from time to time to order any

change in the priority of receiving evidence herein and to change any procedure herein or any provision of this order, and hereby further reserves the right at any time and from time to time to issue any appropriate order or orders pursuant to the provisions of the Act, insofar as may be in conformity with the Act, the Rules thereunder and any applicable law; and notice is hereby given of such reservations.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8584; Filed, November 17, 1941; 11:32 a. m.]

[File No. 1-1799]

IN THE MATTER OF UNION COPPER LAND & MINING COMPANY $25 PAR VALUE CAPITAL STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1941.

The Boston Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $25 Par Value Capital Stock of Union Copper Land & Mining Company.

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective November 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8585; Filed, November 17, 1941; 11:33 a. m.]

[File No. 1-2845]

IN THE MATTER OF AMERICAN CENTRIFUGAL CORPORATION $1 PAR VALUE COMMON STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1941.

The New York Curb Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $1 Par Value Common Stock of American Centrifugal Corporation.

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective November 25, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8586; Filed, November 17, 1941; 11:33 a. m.]

[File No. 70-394]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION AND MINNESOTA UTILITIES COMPANY

ORDER PERMITTING POST-AMENDMENT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

American Utilities Service Corporation, a registered holding company, and Minnesota Utilities Company, its subsidiary company, having heretofore filed a declaration pursuant to Rules U-42 and U-44 promulgated under the Public Utility Holding Company Act of 1935, regarding the sale by said Minnesota Utilities Company of certain of its utility assets to Otter Tail Power Company and the acquisition and retirement by said American Utilities Service Corporation of not to exceed $400,000 principal amount of its Collateral Trust 6% Bonds, Series A; and

The Commission by its order of October 7 herein permitted said declaration to become effective; and

American Utilities Service Corporation having on November 7, 1941, filed a post-amendment pursuant to Rule U-62 with reference to a form of communication to be sent to bondholders; and

The Commission having considered the form of communication and finding it not objectionable to the standards of Rule U-62:

It is ordered, That said post-amendment be and become effective forthwith

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8587; Filed, November 17, 1941; 11:33 a. m.]

NOV 21 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 225

Washington, Wednesday, November 19, 1941

The President

CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES

CORRECTION OF PROCLAMATION

A corrected line of type was substituted for the wrong line resulting in a misprint in paragraph (7) on page 5822 of the issue for Tuesday, November 18, 1941. Paragraph (7) should read as follows:

(7) Except as provided herein or by rules and regulations prescribed hereunder, the provisions of this proclamation and the rules and regulations issued in pursuance hereof shall be in addition to, and shall not be held to repeal, modify, suspend, or supersede any proclamation, rule, regulation, or order heretofore issued and now in effect under the general statutes relating to the immigration of aliens into the United States; and compliance with the provisions of this proclamation or of any rule or regulation which may hereafter be issued in pursuance of the act of May 22, 1918, as amended by the act of June 21, 1941, shall not be considered as exempting any individual from the duty of complying with the provisions of any statute, proclamation, rule, regulation, or order heretofore issued and now in effect.

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-35]

CHANGES IN FORM NUMBERS, CITATIONS AND OTHER PROVISIONS OF TITLE 8, CHAPTER I, CODE OF FEDERAL REGULATIONS

NOVEMBER 14, 1941.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); section 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following changes in Title 8, Chapter I of the said regulations are hereby promulgated.

The references to form numbers which appear in the following sections of Chapter I of the said regulations are changed in accordance with the following table. The changes in such form numbers, however, shall not preclude the use of the old forms until such time as present supplies of such forms are exhausted.

Sections	Old form numbers	New form numbers
107.2	500	I-400
	630	I-430
107.4	628	I-428
107.9	500	I-400
	500-A	I-401
	500-B	I-402
	500-C	I-403
107.10	630	I-430
	630a	I-431
	630b	I-432
	630c	I-433
107.11	628	I-428
107.12	542	I-442
107.17	548	I-448
110.33	636	I-336
	637	I-337
	638	I-338
114.2	521	I-121
	548	I-448
114.3	521	I-121
	548	I-448
114.4	521	I-121
	548	I-448
114.5	521	I-121
	548	I-448
120.8	680	I-480
	689	I-489
120.9	680	I-480
120.14	751	I-198
120.15	699	I-199
125.1	513	I-113
125.2	535	I-535
125.4	St. 17	I-17
125.6	St. 17	I-17
128.2	546	I-146
142.11	548	I-448
142.16	548	I-448
153.2	597	I-287
153.3	597	I-287
153.4	597	I-287
165.1	633	I-133
165.3	631	I-131
165.12	539	I-539
168.10	A-2213	N-300
	A-2214	N-400
	160-Im.	N-215
	161-Im.	N-210
	505	I-404
	526-B	N-250
168.11	575	I-475
170.4(1)(12)	A-2213	N-300
	A-2214	N-400
172.8	517	I-117

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FEDERAL REGISTER

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The next to the last word in § 90.1 is changed from "Naturalization" to "Nationality".

Section 90.13 (j) is amended to read as follows:

§ 90.13 *Deputy commissioner in charge of the legal branch; powers.*

* * * * *

(j) To consider and determine applications for exemption from loss of residence for naturalization purposes under section 307 (b) (c) of the Act of October 14, 1940;

Section 90.13 (k) is amended to read as follows:

(k) To order the cancelation of registry fraudulently or illegally procured under the Act of March 2, 1929, as amended, or section 328 (b) of the Act of October 14, 1940;

Section 90.15 (e) is amended to read as follows:

§ 90.15 *Chief of the certification branch; powers.*

* * * * *

(e) To grant or deny registry under section 328 (b) of the Act of October 14, 1940.

Section 105.3 (h) is amended to read as follows:

(h) *Commuters.* Aliens who, without taking up residence in the United States, habitually cross and recross the land boundaries and who hold a Resident Aliens' Border Crossing Identification Card;

Section 105.3 (l) is amended by changing the figures "120.21" appearing therein to "120.20".

Section 107.9 is amended by deleting from that section the words "Government Printing Office issue of November 1924".

Section 107.17 is amended by changing the citation of authority appearing at the end of the section to read as follows:

(Sec. 12, 39 Stat. 882; Sec. 3, 43 Stat. 154, 47 Stat. 607, 54 Stat. 711; sec. 328 (a), 54 Stat. 1151; 8 U.S.C. 148, 203, 728a)

Section 110.1 is amended by changing the headquarters for District No. 6 from Jacksonville, Florida, to Miami, Florida.

Sections 110.11 and 110.12 are canceled.

Sections 110.20 to 110.26, inclusive, are canceled.

Section 110.37 is amended to read as follows:

§ 110.37 *Nonquota status on basis of former residence.* (a) An alien claiming to be a nonquota immigrant on the ground that he has previously been lawfully admitted to the United States and is returning from a temporary visit abroad shall not be admitted as such unless at the time of arrival he shall establish that he has previously been lawfully admitted for permanent residence, is returning from a temporary visit abroad, and presents such valid documents as may be necessary under the terms of an outstanding Executive Order or Orders prescribing documents required of aliens entering the United States, or a waiver of such documents has been granted by the Secretary of State under the circumstances present in his case.

(b) The following described aliens who on admission expressed an intention of remaining but temporarily in or passing in transit through the United States, of whose admission a record exists, and in whose cases a head tax was assessed, if assessable, and not refunded, but who remained in the United States, may be regarded as having been admitted for permanent residence:

(1) Aliens admitted prior to June 3, 1921, except that aliens of these classes admitted temporarily under the 9th proviso to section 3 of the Immigration Act of 1917, will not be regarded as having been admitted for permanent residence;

(2) Aliens admitted under the Act of May 19, 1921, as amended, who were of a class admissible for permanent residence under that Act notwithstanding the quota limitations of that Act;

(3) An accompanying wife or unmarried child under 21 years of age of an alien admitted under the Act of May 19, 1921, as amended, who was of a class admissible for permanent residence under that Act notwithstanding the quota limitations of the Act; and

(4) Aliens charged under such law to the proper quota at time of admission or subsequently and who remained so charged. (Secs. 4, 23, 43 Stat. 155, 165; 8 U.S.C. 204, 221; E.O. 8766, June 3, 1941, 6 F.R. 2741)

The last sentence of § 110.38 is amended to read as follows: Nothing in this section shall be deemed to preclude an alien qualified to do so from applying for registry under section 328 (b) of the Act of October 14, 1940 (54 Stat. 1152; 8 U.S.C. 728b).

The citation of authority appearing at the end of § 110.38 is amended by deleting "E.O. 7865, Apr. 12, 1938, 3 F.R. 753".

Section 110.39 is amended by deleting the last two sentences of this section and by changing the citation of authority at the end of the section to read as follows:

(Secs. 4 (c), 23, 43 Stat. 155, 165; 8 U.S.C. 204 (c), 221)

Section 114.3 is amended by eliminating the sentence "Form 514, when applicable, shall be prepared except as to date and signature, and shall be completed upon the actual admission of the holder."

Section 118.2 is amended by deleting from the citation of authority at the end of the section "E.O. 7865, Apr. 12, 1938, 3 F.R. 753".

Section 120.7 is amended by deleting the citation of authority appearing at the end of the section.

Section 120.38 is amended by changing the citation of authority at the end of the section to read:

(E.O. 8429, June 5, 1940, 5 F.R. 2145)

Section 120.39 is amended by changing the citation of authority at the end of the section to read:

(E.O. 8429, June 5, 1940, 5 F.R. 2145)

Section 120.41 is amended by changing the citation of authority at the end of the section to read:

(Sec. 35, 39 Stat. 896; 41 Stat. 1082; Sec. 20, 43 Stat. 164; 8 U.S.C. 167, 169, 170; E.O. 8429, June 5, 1940, 5 F.R. 2145)

Section 128.4 is amended by eliminating "in accordance with §§ 150.1–150.4, 150.6, 150.8–150.31, 150.35–150.49,".

Section 165.4 (b) is amended to read as follows:

(b) Persons who have been registered under the Act of March 2, 1929, as amended, or section 328 (b) of the Act of October 14, 1940; and.

Section 165.6 is amended to read as follows:

§ 165.6 *Permit to re-enter; application for; procedure.* When an application is presented in person, the applicant will be carefully questioned to determine whether he is entitled to a re-entry permit. If the examining officer has reason to believe that any irregularity is involved, a written question and answer statement will be taken. The officer in charge will forward the application direct to the Central Office, together with the fee, photographs, statement of the applicant, if one is taken, and any information obtained concerning applications filed other than by personal appearance. At the same time, in those cases where applications are required to be filed at field offices, the officer in charge will request the port of arrival, by use of Form I–413, to forward on that form direct to the Central Office the facts of arrival. Any claim made in addition to, or in substitution for, any of those contained in the original application must be made and filed under oath and in the manner required in filing the original application and will be subject to the same interrogation or investigation as those set forth in the original application. (Sec. 10, 43 Stat. 158; 8 U.S.C. 210)

Section 168.21 is amended to show the headquarters of District No. 6 as Miami, Florida, and of District No. 11 as Kansas City, Missouri.

Part 174 entitled "Voluntary Emigration of Certain Filipinos from the United States", is hereby canceled.

General Orders No. C–9, of March 21, 1939 (4 F.R. 1292) and No. C–13, of August 28, 1939 (4 F.R. 3768) are hereby canceled.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41–8625; Filed, November 18, 1941; 11:35 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20–22, Civil Air Regulations]

PART 20—PILOT RATING

PHYSICAL CONDITION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of November 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601, and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 1, 1941, Part 20 of the Civil Air Regulations is amended as follows:

1. By amending § 20.124 to read as follows:

§ 20.124 *Physical condition.* Same as in § 20.104.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–8607; Filed, November 18, 1941; 9:32 a. m.]

[Amendment 61–18, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

ALTITUDE RECORDING DEVICE REQUIRED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of November 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Board hereby amends the Civil Air Regulations as follows:

Effective December 1, 1941, Part 61 of the Civil Air Regulations is amended as follows:

By striking the words "January 1, 1942", appearing in the third line of § 61.341 and by inserting in lieu thereof, the words, "April 1, 1942", so that said section shall read as follows:

§ 61.341 *Altitude recording device.* No aircraft with gross weight in excess of 10,000 pounds shall be operated in scheduled air transportation of passengers after April 1, 1942, unless it is equipped with a device or devices which make a record of the altitude of the aircraft and the use of the aircraft's radio transmitter at all times during flight. This device shall be so constructed and installed as to afford substantial protection of the record in the event of an accident to the aircraft. (Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U.S.C., Sup., 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–8606; Filed, November 18, 1941; 9:33 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 209—MILITARY SERVICE

DEFINITIONS OF WAR PERIODS AMENDED

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), as amended by Title VI, Part II, sections 625 and 626 of Public No. 801, 76th Congress, Chapter 757, 3d Session, approved October 8, 1940, section 209.12 (b) of the Regulations of the Railroad Retirement Board under such Act (5 F.R. 4736) is amended, effective October 8, 1940, by Board Order 41–472 dated November 13, 1941, to read as follows:

§ 209.12 *Military service; war service period; war period.*

* * * * *

(b) *War period.* A war period begins on the date on which the Congress of the United States declared war, or on the date as of which the Congress of the United States declared a state of war to have existed, or on the date on which war was declared by one or more foreign states against the United States, or on the date on which any part of the United States or any territory under its jurisdiction was invaded or attacked by any armed force of one or more foreign states, or on the date on which the United States engaged in armed hostilities for the purpose of preserving the Union or of maintaining in any State of the Union a republican form of government, whichever date is the earliest. A war period ends

on the date on which hostilities shall have ceased.

(1) *Spanish American War.* The war period of the Spanish American War began April 21, 1898 and ended August 13, 1898.

(2) *Philippine Insurrection.* The war period of the Philippine Insurrection began February 4, 1899 and ended April 27, 1902.

(3) *World War.* The war period of the World War began April 6, 1917 and ended November 11, 1918. (Sec. 625, Title VI, Part II, Public No. 801, 76th Cong., Chap. 757, 3d Sess., approved October 8, 1940)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

Dated: November 17, 1941.

[F. R. Doc. 41-8623; Filed, November 18, 1941; 10:44 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISON

[Docket No. A-1095]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED IN DISTRICT NO. 12

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 12; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No prices are established herein for the coals of the W. M. P. Coal Company Mine (Silas Jacoby) Mine Index No. 625 of the W. M. P. Coal Company for all shipments except truck because Price Classifications and Effective Minimum Prices For All Shipments Except Truck have been established previously for the coals of this mine in Dockets No. A-675 and A-873.

Dated: October 30, 1941.

[SEAL] H. A GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine Index No.	Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
552	Carter Coal Company (Lewis Carter)	Carter Coal Company*	Charlton	CRI&P	64
785	Ellis, Earl (Kinser Valley Coal Co.)	Kinser Valley*	Wayside	ISU	70
783	Molloy, Jack (Jack Molloy Building Material & Coal Company).	No. 1*	Bussey	CB&Q—Wabash	31
782	Ritter, Clarence C	Clarence Ritter*	Newton	CRI&P	71
784	Shamrock Coal Company (Curt Ellis)	Shamrock*	Rathbun	CMStP&P	20

*Indicates Mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1½"	Mine run	Nut 2 x 1½", 1¼ x ¾"	Dom. stoker 1¼" x 5/16"	Screenings 2", 1¼" x 0	Ind. stoker cr. 2", 1½", 1¼ x 0	9/16" x 0
					1	2	3	4	5	6	7	8	9	10
Brown & Ferrell Coal Company (C. D. Brown).	Brown & Ferrell	777	25	Polk	370	360	350	340	300	325	330	200	260	100
Ellis, Earl (Kinser Valley Coal Co.)	Kinser Valley	785	11-A	Monroe	300	290	280	270	270	270	270	180	240	100
Molloy, Jack (Jack Molloy Building Material & Coal Company).	No. 1	783	18	Marion	300	290	280	270	270	270	270	160	220	100
Ritter, Clarence C	Clarence Ritter	782	27	Jasper	345	335	325	315	300	300	300	190	270	100
Shamrock Coal Company (Curt Ellis)	Shamrock	784	3	Appanoose	285	275	265	255	275	265	275	200	275	100
Wilcox, Wm	Ankeny	772	34	Taylor	352	342	342	342	342	332	332	242	332	150

[F. R. Doc. 41-8595; Filed, November 17, 1941; 11:38 a. m.]

No relief is granted herein for the coals of the Burnett Mine operated by the Latimer County Coal Co. in Production Group No. 8, Latimer County, Oklahoma, since those coals are classified and priced for rail shipment in Price Schedule No. 1 for District No. 15, under the name of the Burnett Coal Co., the previous operator of that mine (Mine Index No. 143).

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 1, 1941.

H. A. GRAY,
Director.

[SEAL]

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine Index No.	Code member	Railroad	Freight origin group No.	Price classification by size group														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1501	Askew, Humphry	M-K-T	101	A	A	A	A		A	A	A	A	A	A	A		A	A
1494	Cairo Coal Company (J. R. Evans)	Wabash	200	A	A	A	A	C	C	A	A	C	A	A	A		A	A
1095	Gritus-Speights Coal Company (J. W. Speights)	M-K-T	101	A	A	A	A		A	A	A	A	A	A	A		A	A
1483	Miles, Dorsey	Wabash	111	A	A	A	A	C	C	C	C	A	C	A	A		A	A
155	McAlester-Alderson Coal Company	CRI&P	100	A	A	A	A		A	A	A	A	A	A	A		A	A
645	Ramble, Homer (Ramble Coal Co.)	A T&SF	160	A	A	A	A	A	A	A	A	A	A	A	A		A	A
615	Rose & Porter Coal Co., c/o L. A. Blevans	M-K-T	170	A	A	A	A		A	A	A	A	A	A	A		A	A
990	Wagoner County Coal Co., c/o L. A. Blevans	M-K-T	170	A	A	A	A		A	A	A	A	A	A	A		A	A
1052	Westbrook Coal Co. (Pat McAlister)	M-K-T	101	A	A	A	A		A	A	A	A	A	A	A		A	A

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

[Docket No. A-1075]

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition in this matter requests the establishment of price classifications and minimum prices for the coals of the Spenny Mine, operated by Oval Spenny, and for the coals of the Spenny Mine, operated by M. R. Spenny. The records of this Division indicate that there is but one Spenny Mine and that M. R. Spenny (Spenny Coal Co.) operator of the Spenny Mine (Mine Index No. 1481) is the successor of Oval Spenny, former operator of such mine in Production Group No. 3, Audrain County, Missouri. Accordingly, the minimum prices established for the coals of the Spenny Mine (Mine Index No. 1481) in the attached schedule designated "Supplement T" are set forth opposite the name of M. R. Spenny, the successor code member.

The original petition identifies the operator of the Porter Mine (Mine Index No. 900) in Production Group No. 11 in District No. 15, as the Porter Coal Co. However, the records of this Division disclose that such operator has been succeeded by the Wagoner County Coal Co., c/o L. A. Blevans. Accordingly, the relief requested as to the coals of that mine is extended herein to the Wagoner County Coal Co., c/o L. A. Blevans.

No relief is granted herein for the coals of the Yake Mine operated by Yake and Burnett (John Yake) in Production Group No. 3, Callaway County, Missouri, since the requested minimum prices for those coals were established under the previous name of that mine, Stark Coal Co., by the Order of January 11, 1941, in Docket No. A-476, 6 F.R. 567.

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

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The original petition identifies the operator of the Porter Mine (Mine Index No. 900) in Production Group No. 11 in District No. 15, as the Porter Coal Co. However, the records of this Division disclose that such operator has been succeeded by the Wagoner County Coal Co., c/o L. A. Blevans. Accordingly, the relief requested as to the coals of that mine is extended herein to the Wagoner County Coal Co., c/o L. A. Blevans.

No relief is granted herein for the coals of the Yake Mine operated by Yake and Burnett (John Yake) in Production Group No. 3, Callaway County, Missouri, since the requested minimum prices for those coals were established under the previous name of that mine, Stark Coal Co., by the Order of January 11, 1941, in Docket No. A-476, 6 F.R. 567.

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

[Docket No. A-1075]

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition in this matter requests the establishment of price classifications and minimum prices for the coals of the Spenny Mine, operated by Oval Spenny, and for the coals of the Spenny Mine, operated by M. R. Spenny. The records of this Division indicate that there is but one Spenny Mine and that M. R. Spenny (Spenny Coal Co.) operator of the Spenny Mine (Mine Index No. 1481) is the successor of Oval Spenny, former operator of such mine in Production Group No. 3, Audrain County, Missouri. Accordingly, the minimum prices established for the coals of the Spenny Mine (Mine Index No. 1481) in the attached schedule designated "Supplement T" are set forth opposite the name of M. R. Spenny, the successor code member.

The original petition identifies the operator of the Porter Mine (Mine Index No. 900) in Production Group No. 11 in District No. 15, as the Porter Coal Co. However, the records of this Division disclose that such operator has been succeeded by the Wagoner County Coal Co., c/o L. A. Blevans. Accordingly, the relief requested as to the coals of that mine is extended herein to the Wagoner County Coal Co., c/o L. A. Blevans.

No relief is granted herein for the coals of the Yake Mine operated by Yake and Burnett (John Yake) in Production Group No. 3, Callaway County, Missouri, since the requested minimum prices for those coals were established under the previous name of that mine, Stark Coal Co., by the Order of January 11, 1941, in Docket No. A-476, 6 F.R. 567.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine Index No.	Code member	Mine name	Truckset group No.	Shipping point	Price classification by size group														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1501	Askew, Humphry		8	Wilburton, Okla	A	A	A	A		A	A	A	A	A	A	A		A	A
1494	Cairo Coal Company (J. R. Evans)	Cairo Coal Co	3	Cairo, Mo	A	A	A	A	C	C	A	A	C	A	A	A		A	A
1095	Gritus-Speights Coal Company (J. W. Speights)	Museo	8	North McAlester, Okla	A	A	A	A		A	A	A	A	A	A	A		A	A
1483	Miles, Dorsey	Miles	3	Moberly, Mo	A	A	A	A	C	C	C	C	A	C	A	A		A	A
155	McAlester-Alderson Coal Company	No. 1	7	Hailleyville, Okla	A	A	A	A		A	A	A	A	A	A	A		A	A
645	Ramble, Homer (Ramble Coal Co.)	Ramble	4	Richmond, Mo	A	A	A	A	A	A	A	A	A	A	A	A		A	A
615	Rose & Porter Coal Co., c/o L. A. Blevans	Rose & Porter	8	Henryetta, Okla	A	A	A	A		A	A	A	A	A	A	A		A	A
990	Wagoner County Coal Co., c/o L. A. Blevans	Porter	11	Porter, Okla	A	A	A	A		A	A	A	A	A	A	A		A	A
1052	Westbrook Coal Co. (Pat McAlister)	Westbrook	8	Krebs, Okla	A	A	A	A		A	A	A	A	A	A	A		A	A

"A" Is Market Area list price as listed in Price Schedule No. 1; C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Price No.	Mine	Product group No.	County	3" lump	¾" (a)	10" x 1½"	10" x 1¾"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ⅜"	1¼" x ¾" (a)	1¼" x ¾" (b)	1¼" x 0 (b)	¾" x 0
1		2	3	4	5	6	7	8	9	1	0	11	12	13	14	15			
Askew, Hughey	1501																		
B. & E. Coal Co. (Edwin E. Hartwig)	1479	B. & E.	8	Latimer, Okla.	435	435	435	385	335	275	245	210	265	165	220	205	-	140	35
Blair Coal Company, Inc	1506	Dave Blair	6	Lafayette, Mo.	285	285	285	285	275	245	245	220	265	205	290	205	205	125	35
Brautigam & Solomon (H. Brautigam)	1495	Brautigam & Solomon	4	Ray, Mo.	270	270	270	260	215	195	195	185	210	190	185	170	170	110	35
Cairo Coal Company (J. H. Hamilton)	1493	Cairo Coal Co.	3	Randolph, Mo.	290	290	290	260	215	195	195	185	230	195	170	155	155	110	35
Carpenter, J. L. (A. B. C. Coal Company)	1493	No. 1	1	Crawford, Kans.	290	290	290	260	215	195	195	185	210	185	185	170	170	110	35
Jackson, Everette	1502	Jackson	3	Howard, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Magic City Coal Company	1505	Farmer	11	Muskogee, Okla.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Mack, Floyd A.	1503	Mack Coal Co.	1	Cedar, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Mills, Dorsey	1481	Miles	3	Randolph, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Nelson, Earl (Nelson Coal Company)	1482	Number 1	2	Harton, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Neuenschwander, C. E.	1490		3	Clay, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Smith, Guy M.	1483	Cline, Palmer	3	Boone, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Speny, M. R. (Speny Coal Co.)	1480	Speny	3	Audrain, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Steele, Wayne	1488	Steele	3	Putnam, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Ware, Gabriel	1484	Ware	5	Lafayette, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Wilson, J. C.	1487	Wilson	3	Linn, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35
Wise, Frank J.	1491	Wise Banner	3	Boone, Mo.	290	290	290	260	215	195	195	185	210	185	170	155	155	110	35

[F. R. Doc. 41-8596; Filed, November 17, 1941; 11:38 a. m.]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

[Docket No. A-228]

MEMORANDUM OPINION APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND ORDER GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF CAPROCK FUEL COMPANY, A CODE MEMBER IN DISTRICT NO. 16, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR ITS COALS IN SIZE GROUPS 1–6, INCLUSIVE, AND 8–13, INCLUSIVE WHEN SHIPPED BY TRUCK TO MARKET AREAS 217 AND 218, FOR SPECIAL DEDUCTIONS IN SIZE GROUPS 11 AND 12 FOR SALES TO THE VALMONT PLANT OF THE PUBLIC SERVICE COMPANY OF COLORADO AND FOR OTHER RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Caprock Fuel Company, a code member in District 16, operating the Caprock Mine (Mine Index No. 108) in Jefferson County, Colorado. On March 26, 1941, the petitioner filed an amendment to the petition. The amended petition requests: (1) that the petitioner be granted the right to remove from its slack coals part of the ⅜" x 0 fines on the basis that the 2½" x 0 slack produced at the Caprock Mine shall contain not less than 25 per cent ⅜" x 0 fines; (2) that the effective minimum prices of the petitioner's slack coals, Size Groups 10, 11, and 12 should be lowered 20 cents on sales for truck shipment to Market Areas 217 and 218; (3) that on sales for truck shipment of coals in Size Groups 11 and 12 to the Valmont Plant of the Public Service Company of Colorado, the effective minimum prices should be $1.45 and $1.25 per ton, respectively, and (4) that the effective minimum price on coals in Size Groups 1 through 8 should be reduced 50 cents per ton and on Size Group 9 should be reduced 25 cents per ton on sales for shipment by truck to dealers' yards in Market Area 218 (Denver).

District Board 16 filed an answer to the original petition and the Leyden Lignite Company, a code member producer in District 16, filed a petition of intervention.

On January 2, 1941, 6 F.R. 108, the Director granted the petitioner temporary relief in part, providing for a reduction in the effective minimum prices for the petitioner's coals in Size Groups 1 to 9 when shipped to two specific retail yards in Market Area 218 (Denver), and for special effective minimum prices for coals in Size Groups 11 and 12 when shipped to the Valmont Plant of the Public Service Company of Colorado.

Thereafter, pursuant to Order of the Director, a hearing in this matter was held before a duly designated Examiner of the Division at Denver, Colorado.[1] All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of the petitioner, Leyden Lignite Company, District Board 16, and the Consumers' Counsel Division. Briefs on behalf of the petitioner and the Consumers' Counsel Division were filed.

Thereafter, the petitioner asked for additional temporary relief and submitted statements in support thereof. On August 1, 1941, the petitioner filed a petition to make certain data part of the record for the purpose of showing that the petitioner has suffered a loss of production despite the granting to it of partial temporary relief.

On August 9, 1941, Examiner Larrabee submitted his Proposed Findings of Fact and Conclusions of Law in this matter, recommending that the District 16 price schedule should be amended to provide for a reduction of 10 cents in the effective minimum prices for Size Groups 10, 11, and 12 of the Caprock Mine, and that the relief requested on truck shipments of coals in Size Groups 1 to 9 to retail yards in Market Area 218 should be granted, but that in all other respects the prayers for relief contained in the petitions should be denied. On August 21, 1941, Caprock filed a further petition for temporary relief and, on August 27, a statement in support thereof. On August 29, 1941, District Board 16 filed a reply in opposition to such petition for temporary relief and on September 3, the Leyden Lignite Company filed a memorandum adopting the reply of District Board 16 as its brief. On September 14, District Board 16 filed exceptions to the Proposed Findings of Fact and Conclusions of Law of Examiner Larrabee and on September 15, 1941, the petitioner

[1] By Order of the Director entered hereafter, C. Rollin Larrabee was designated Examiner vice Thurlow Lewis.

filed exceptions thereto and a brief in support thereof.

1. *Removal of fines.* The petitioner requests that it be granted the right to remove from its slack coals part of the ⅜" x 0 fines on the basis that the 2½" x 0 slack produced at the Caprock Mine shall contain not less than 25 percent of ⅜" x 0 fines. Analyses were introduced by the petitioner and District Board 16 to show the size consist of the Caprock slack coals. Those introduced by the petitioner, which had been made by F. W. Whiteside, an independent engineer, showed that such coals contained a much larger proportion of fines than those found in the slack coals of competing mines in the neighborhood. Those introduced by District Board 16 which had been made by the Bureau of Mines, showed, on the other hand, that the average proportion of fines found in the slack coals of these 13 mines is 29.1 percent, as compared with 34.7 percent found in the Caprock coals. Examiner Larrabee found that the analyses made by Whiteside were not so authentic and reliable as those made by the Bureau of Mines, and concluded that, on the basis of such Bureau of Mines analyses, the slack coals of the Caprock Mine do not compare unfavorably with slack coals of competing mines in the proportion of ⅜" x 0 fines.

The petitioner, in its exceptions, contends that the Bureau of Mines analyses had been made of samples taken at a time when the coal was extracted by the pillar system and not by the usual stope system and hence should not be given as much credence as the Whiteside analyses which had been made of samples taken from stopes. The petitioner further contends, in its exceptions, that witnesses, appearing in opposition to the petition, had admitted that the petitioner has an operating problem in view of the geological position of the mine which causes it to produce coals which contain an unusually large proportion of fines.

An examination of the record reveals that neither the analyses made by Whiteside or by the Bureau of Mines are entirely representative. The evidence indicates that under the stope system of mining, such as is employed by Caprock, it is proper to keep the stopes full, thus giving a cushion to the lumps as they come down and reducing breakage. Whiteside, however, had taken samples of coal which had rolled down empty stopes, which Whiteside himself admitted would increase the number of fines. The Bureau of Mines analyses were made of samples taken when the Caprock Mine was operating under a pillar system of mining, whereas Caprock normally employed the stope system. However, witnesses appearing in opposition to the petition submitted evidence that more efficient operations can reduce the number of fines, that Caprock employs a method of operation which tends to increase the number of fines, and that its competitors employ more efficient methods.

In light of this evidence, I agree with the Examiner's conclusion that the Bureau of Mines analyses are of more probative effect than those submitted by Whiteside. Furthermore, the burden of showing the necessity for relief was upon the petitioner and this burden it did not sustain.

The petitioner, in its exceptions, also contends that the evidence indicates that it had lost many customers because of excessive fines. At the hearing considerable testimony by retailers and truckers was introduced to the effect that they had encountered consumer resistance to Caprock slack coals because of the fines. However, it appears that the Caprock slack coals have performed satisfactorily in some large plants. As to the domestic market, the evidence indicates that the complaints have arisen since 1938, when many such consumers installed stokers. The testimony shows that the removal of fines from the Caprock slack coals results in a modified pea coal, which performs quite well in stokers and for which there is a market. The witness Pool, a member of the District 16 classification committee, testified that Caprock has an operating problem and also a marketing problem.[1]

Although in its exceptions the petitioner contends that the removal of all the fines would be necessary in order to produce a modified pea coal, the weight of the evidence indicates that the removal of fines in the amount requested by the petitioner would result in the creation of modified pea.

Accordingly, I find that the Examiner correctly concluded that the evidence does not bear out the contention of the petitioner either that its slack coals contain an appreciably greater amount of fines than the coals of its competitors, or that the sales of the Caprock Mine have been seriously reduced since the establishment of effective minimum prices, because of the failure to remove fines. The evidence indicates that the Caprock coals would be given an unfair competitive advantage, if the prayer for relief were granted, in that it would enable Caprock to sell modified pea coals at slack prices. I, therefore, find that the prayer of the petition with respect to the removal of fines should be denied.

2. *Reduction in Size Groups 10, 11, and 12.* The petitioner requests that the effective minimum prices of its coals in Size Groups 10, 11, and 12 should be reduced on sales to Market Areas 217 and 218 so as to create a price differential of 20 cents between such coals and competing coals based upon claimed quality differences between the respective coals. The Examiner found that the quality of the Caprock slack coals, which constitute 85 per cent of production at that mine, is inferior to that of the competing coals. However, he found that relief granted in Docket No. A–17, authorizing deductions of 25 cents per ton in Size Groups 10, 11, and 12 for truck shipments to plants having railroad facilities, should aid Caprock to compete with its closest competitor, the Leyden Mine, on sales to industrial plants. However, he found that the evidence of loss of business by Caprock since the establishing of minimum prices may well be due to a tendency on the part of consumers to switch to other coals even though prices were equalized since the Caprock slack coals in the past have sold at a lower price than competing coals. Under all these circumstances, Examiner Larrabee concluded that the Caprock slack coals are of a sufficiently inferior quality to be unable to meet competition on an equal basis and that relief in the amount of a 10-cent reduction in the effective minimum prices of coals in Size Groups 10, 11, and 12, should be granted.

District Board 16 in its exceptions contends that the evidence shows that the petitioner competed unfairly in the past by cutting prices, and that the very rapid growth of the petitioner's sales under unregulated prices, in comparison with those of other producers in District 16, indicates either the truth of this or that Caprock sells superior coal, neither of which would justify the Examiner's recommendations.

The evidence shows an inferior qualitative content of the Caprock slack coals to that of competing coals. Despite the District Board's charge of price-cutting by Caprock in the past, it would seem that Caprock's coals, because of their inferior quality, would have to have been offered at lower prices than those of competing coals in order to sell at all. The same appears to be true under the effective minimum prices. Yet, there is evidence to the effect that the Caprock slack does burn fairly satisfactorily in large industrial plants and that some of the petitioner's loss of business may well be due to a tendency on the part of consumers to switch business when prices are suddenly raised. Upon an examination of the record, I find, as did the Examiner, that Caprock slack coals are unable to meet competition on an equal basis, and conclude, as did the Examiner, that relief to an amount of a 10-cent reduction in the effective minimum prices for Size Groups 10, 11, and 12 should be granted.

3. *Reductions in Size Groups 1 to 9, inclusive.* The petitioner requests that the effective minimum prices for its coals should be reduced 50 cents per ton on Size Groups 1 to 8, inclusive, and 25 cents per ton on Size Group 9 when sold for truck delivery to all retail yards in Market Area 218 and unloaded in said yards. The Examiner found that the pe-

[1] The Examiner found that Pool "expressed the opinion that Caprock has a marketing, rather than an operating, problem." The petitioner has excepted to this, claiming that the substance of Pool's testimony was that Caprock has a very serious operating problem. The undersigned finds that Pool testified, as stated above, that Caprock has both an operating and a marketing problem.

titioner has shown that it is at a competitive disadvantage when shipping coal to retail yards in Market Area 218, and accordingly recommended the granting of the relief requested. District Board 16, in its exceptions, contends that the evidence shows conclusively that the practice among operators of truck mines in District 16 is not to unload coals in retail dealers' yards; that it has been the continuous practice in District 16 for many years to charge higher prices for truck coals than for rail coals so as to enable retailers to stay in business; and that the relief herein recommended by the Examiner would discriminate in favor of one mine.

An examination of the record indicates that the petitioner is at a competitive disadvantage when shipping coal to retail yards in Market Area 218. While its effective minimum prices are higher than those of its chief competitor in that market which ships by rail, its transportation charges are the same. Moreover, both Caprock's truck domestic coals and its competitor's rail domestic coals when unloaded at and handled through retail yards incur similar costs of handling and storage and loss due to degradation. Although other truck mines may not wish to ship to those retail yards, the evidence is clear that Caprock has in the past so shipped and unloaded coals, and that, in order to preserve the existing fair competitive opportunities of Caprock, the relief recommended by the Examiner should be granted.

4. *Coals for shipment to the Valmont Plant.* The petitioner requests additional reductions in prices for Size Groups 11 and 12 of 40 cents for deliveries on the Valmont Plant of the Public Service Company. The Examiner found that the evidence indicated that due to the relief granted in Docket No. A–17, the disparity between the delivered price of the petitioner's slack coals and those of its chief competitor, the Leyden Lignite Company, is quite narrow and that, moreover, the criterion of heat value used by the Valmont Plant in its purchase of coal, on the basis of which the petitioner seeks relief, cannot be adopted as the basis for granting relief, particularly in view of the lack of evidence to show the representative character of the Valmont analyses and the deleterious effect upon the price schedule of adopting the value criterion of one consumer as the basis for establishing special effective minimum prices. The petitioner contends, in its exceptions, that the Valmont analyses should nevertheless be given probative effect and that the Valmont Plant buys coal upon its analytical value as compared with competing coals, so that if the Caprock coals cannot be delivered at a competitive price, Valmont will discontinue buying Caprock coals if it can obtain an adequate supply of slack from competing mines.

An Examination of the record is convincing that the conclusion reached by the Examiner is sound. One of the most potent factors in the disruption of the flow of bituminous coals under open competition was the ability of large consumers, because of their strong bargaining power, to depress prices.[2] Accordingly, the Congress concluded that its objective of promoting interstate commerce in bituminous coal and removing burdens and obstructions therefrom could be best secured by the establishment of effective minimum prices coordinated upon the basis of relative market values of coals in common consuming market areas. To permit the standards of purchasing employed by one large consumer to serve as the basis for granting relief would militate against the purpose of Congress by creating a bewilderingly complex price schedule. I find that Examiner Larrabee correctly denied the relief requested.

On the basis of the above Opinion and for the reasons stated therein, the undersigned concludes that the Proposed Findings of Fact and the Conclusions of Law based thereon should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director.

It is further ordered, That:

1. § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 for All Shipments be and it hereby is amended to provide for a reduction of 10 cents in the effective minimum prices for Size Groups 10, 11, and 12 of the Caprock Mine (Mine Index No. 108).

2. § 336.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 16 for All Shipments be and it hereby is amended by adding Price Instruction and Exception (r) thereto, as follows:

When coals in Size Groups Nos. 1 through 9 from the Caprock Fuel Company's Caprock Mine (Mine Index No. 108) are sold by the Caprock Fuel Company for truck delivery to retail yards in Market Area 218 and the coal is unloaded within such yards, the minimum f. o. b. mine prices listed herein for Size Groups 1 through 8 may be reduced 50 cents and the minimum f. o. b. mine price listed herein for Size Group 9 may be reduced 25 cents.

Not later than the fifteenth day subsequent to the last day of each month, the Caprock Fuel Company shall file with the Statistical Bureau for District 16 reports, signed by itself, the purchasers, and the truckers, showing at least the following: (a) the name and address of the yard; (b) tonnage and size of coal sold; (c) the price charged for the coal; (d) the name and address of the person transporting the coal; and (e) if the producer delivers coal in his own trucks, the actual cost of delivery; if he does not, the transportation charge paid. Such reports shall be identified as being filed pursuant to the terms of this price exception.

3. The prayers for relief contained in the several petitions filed herein, except as granted above, be and they hereby are in all other respects denied.

It is further ordered, That the temporary relief granted by Order of the Director of January 2, 1941, with respect to shipments to the Valmont Plant be and the same hereby is revoked, such revocation to become effective ten (10) days from the date of this Order.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8621; Filed, November 18, 1941; 10:43 a. m.]

[2] See the findings of the Director in Dockets Nos. A–40 and A–41.

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 19—SOUTHERN PINE LUMBER

Sections 1312.26, 1312.28, 1312.29, 1312.30, 1312.31, 1312.32, 1312.33, and 1312.34[1] are hereby amended so that Price Schedule No. 19 shall read as follows:

Southern pine lumber is widely used in the construction industry for exterior and interior finish, framing, millwork, sheathings, floorings, and sub-floorings, and in the manufacture of motor vehicles, low grade furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects and factories. The increased use of southern pine lumber stemming from the defense program and the accompanying expanded economic activity has caused demand to exceed supply. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Warnings to industry members to reduce prices to reasonable levels have failed to secure more than temporary price reductions. Those producers who have manifested a willingness to cooperate with the Government have been unable effectively to keep prices down because of the large number of operators who have consistently maintained high prices. Under these circumstances, voluntary cooperation with the request of the Office of Price Administration to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

[1] 6 F.R. 4142, 4588.

Sec.
1312.26 Maximum prices for Southern pine lumber.
1312.27 Less than maximum prices.
1312.28 Evasion.
1312.29 Records and reports.
1312.30 Enforcement.
1312.31 Modification of the schedule.
1312.32 Definitions.
1312.33 Effective date of amendments.
1312.34 Appendix A—Maximum prices for Southern pine lumber.

§ 1312.26 *Maximum prices for Southern pine lumber.* On and after November 24, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1312.33 hereof, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any southern pine lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.34: *Provided,* That in the case of retail sales as defined in § 1312.32, where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than $3.50 per 1,000 feet board measure may be added to the maximum prices set forth in Appendix A.*

*§§ 1312.26 to 1312.34, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.27 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.28 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of southern pine lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on September 5, 1941; or by unnecessarily routing lumber through a distribution yard; or by unreasonably refusing to ship except in mixed cars or trucks, or in specified lengths, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery; or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

§ 1312.29 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of southern pine lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.30 *Enforcement.* In the event of refusal or failure to abide by the price limitations and other provisions contained in this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who conform to this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the demand of prices above the limitations set forth, of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern pine lumber, or the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.31 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.32 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Southern pine" means the botanical species of short leaf pine (Pinus echinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), longleaf pine (Pinus palustris), or any other Pinus species known commercially as "southern pine".

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which sells less than 75 percent of the volume of its southern pine lumber at retail and which processes, by sawing, or by planing or other comparable method, at least 25 percent of the volume of southern pine logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern pine logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which (1) processes, by sawing, or by planing or other comparable method, less than 25 percent of the volume of such logs or lumber so purchased or received by it, or (2), regardless of the percentage of such processing, sells more than 75 percent of the volume of its southern pine lumber at retail.

(e) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, maintenance, or fabrication, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck, the maximum retail sale quantity shall be 20,000 feet board measure. For the purpose of this subparagraph, the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser, and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.

(f) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to this Schedule.

(g) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a puchaser to whom the lumber has been previously sold.*

§ 1312.33 *Effective date of amendments.* Amendment No. 2, amending §§ 1312.26, 1312.28, 1312.29, 1312.30, 1312.31, 1312.32, 1312.33 and 1312.34, shall become effective November 24, 1941: *Provided,* That firm commitments entered into prior to November 24, 1941, for the sale of any southern pine lumber covered by Price Schedule No. 19 prior to Amendment No. 2, at prices not exceeding the maximum prices established by such Schedule, may be completed at the contract price.*

§ 1312.34 *Appendix A—Maximum prices for Southern pine lumber—(a) Maximum f. o. b. mill prices per 1,000 feet board measure:*

BOARDS AND STRIPS (ROUGH GREEN)

Grade	Standard length [1]	8' length	10' length	12' length	14' length	16' length	18' and 20' length
No. 1:							
1 x 3	$34.00	$31.00	$35.00	$35.00	$35.00	$36.50	$37.00
1 x 4	32.00	32.00	33.00	33.00	33.00	34.50	35.00
1 x 6	32.00	33.00	34.00	34.00	35.50	35.50	36.00
1 x 8	34.00	35.00	36.00	36.00	36.00	37.50	38.00
1 x 10	35.00	43.00	44.00	44.00	44.00	46.50	46.00
1 x 12	43.00	6' and 8'					
No. 2:			27.50	28.00	28.00	28.50	30.00
1 x 2 and 3	26.00	25.00	24.50	25.00	25.00	25.50	27.00
1 x 4	25.00	25.00	26.50	27.50	27.50	28.00	30.00
1 x 6	25.00	25.00	28.50	28.50	29.00	29.50	31.50
1 x 8	25.50	25.50	30.50	33.00	34.00	34.50	37.50
1 x 10	30.00	30.00	33.00				
1 x 12							
No. 3:							
1 x 4	19.00	19.00	20.50	21.00	21.00	21.50	23.00
1 x 6	20.00	20.00	21.50	22.00	22.50	23.00	25.00
1 x 8	20.50	20.50	23.50	25.50	24.00	24.50	26.50
1 x 10	21.00	21.00	24.00	24.00	25.00	25.50	28.50
1 x 12							

Additions to Rough Green Prices:
For Kiln Dried, add $2.00.
For Rough, Kiln Dried, add $3.00.
For S1S, S2S, S1S1E, S2S & Matched, or Shiplap, Standard or Thinner, add $1.00.
For Ripping or Resawing, add $1.00, plus 50¢ to the Green or Air Dried prices but not to Kiln Dried prices.
For working to Shiplap, Center Match, Dressed and Matched, or Grooved, add $2.00 to Rough prices.
For cleaning, Centel Standard Length is specified, 8' to 16' or longer, add $1.00 per 1,000 board feet for each cut.
For Ripping and Resawing, add $1.00, plus 50¢ to Green or Air Dried prices but not to Kiln Dried prices.
For Chemical Anti-Stain Treatment, add 50¢ to Green or Air Dried prices but not to Kiln Dried prices.
Random Lengths may be 8' to 16' or longer.
Odd lengths or Fractional Lengths shall be counted and priced as next longest even length.

FLOORING (NO HEART SPECIFICATION), PLAIN END, KILN DRIED, STANDARD LENGTHS[1]

Grade	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Edge grain:					
1 x 4	$68.00	$60.00	$42.00		
1 x 6	69.00	58.00	40.00		
1 x 8	61.00	53.00	37.00		
1 x 10	59.00	51.00	35.00		
Near edge grain:					
1 x 3	53.00	50.00	35.00	$30.00	$20.00
1 x 4	52.00	49.00	34.00	28.00	19.00
Flat grain:					
1 x 4					
1 x 6					

Add $2.00 for Specified Lengths.
Add $2.00 for End-Matching Standard Length Flooring.

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8- and/or 9-foot.
C	5% 6- and/or 7-foot.
	5% 8- and/or 9-foot.
D and No. 2	5% 4- and/or 5-foot.
	5% 6- and/or 7-foot.
	5% 8- and/or 9-foot.
No. 3	Not to exceed 20% 4- and 6-foot lengths

FLOORING (NO HEART SPECIFICATION), END MATCHED, KILN DRIED, 2' TO 8' NESTED LENGTHS

Grade	Grade B and better	Grade C	Grade D
Edge Grain:			
1 x 3	$60.00	$53.00	$36.00
1 x 4	58.00	51.00	34.00
Near Edge Grain:			
1 x 4	55.00	50.00	35.00
1 x 6	54.00	49.00	34.00
Flat Grain:			
1 x 4	45.00	42.00	28.00
1 x 6	44.00	41.00	27.00

DROP SIDING, KILN DRIED STANDARD LENGTHS[1]

Grade	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Drop Siding Patterns 115, 117, 118, 119:					
End 6"	$46.00	$43.00	$30.00	$31.00	$25.00
End 8"	48.00	45.00	40.00	32.00	25.00
Other patterns:					
End 6"	51.00	48.00	30.00	31.00	25.00
End 8"	47.00	45.00	40.00	32.00	25.00
Drop Siding all other patterns:					
Plain End 6"	47.00	45.00	33.00	28.00	20.00
Plain End 8"	39.00	36.00	28.00	24.00	17.00
Bevel Siding ½"					
Bevel Siding ⅝"					

STANDARD BEADED OR V-GROOVED CEILING, KILN DRIED STANDARD LENGTHS[1]

Grade	Grade B and better	Grade C	Grade D	Grade No. 2	Grade No. 3
Plain End:					
11/16 & ¾	$49.00	$45.00	$34.00	$29.00	
9/16	46.00	38.00	30.00	26.00	

Add $2.00 for Specified Lengths.

[1] Standard lengths are 4' to 20' inclusive, and the following percentages of short lengths may be included in all shipments in which the lengths are not specifically restricted:

A and B	5% 8- and/or 9-foot.
C	5% 6- and/or 7-foot.
	5% 8- and/or 9-foot.
D and No. 2	5% 4- and/or 5-foot.
	5% 6- and/or 7-foot.
	5% 8- and/or 9-foot.
No. 3	Not to exceed 20% 4- and 6-foot.

TIMBERS, GREEN, ROUGH, S4S OR S2S

	No. 1 common		No. 2 common	
	8' to 16'	18' and 20'	8' to 16'	18' and 20'
3 x 3 to 4 x 4	$32.00	$36.00	$29.00	$33.00
3 x 6 to 6 x 6	30.00	34.00	27.00	31.00
3 x 8 to 6 x 8	32.00	36.00	28.00	32.00
8 x 8	34.00	38.00	30.00	34.00
3 x 10 to 10 x 10	35.00	39.00	31.00	35.00
3 x 12 to 12 x 12	40.00	44.00	36.00	40.00

Add $2.00 for Shiplap or T&G.
Add $4.00 for Beveling or Outgauging.
For odd sizes, price at next larger even size.
Odd or fractional lengths, except 5' and 7' shall be counted and priced as next longest even length.

CAR MATERIAL

	9' length	10' length	12' length	14' length	16' length	18' and 20' length
LINING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Select (Par. 59 AAR Rules): [1] 1 x 4 and 1 x 6	$60.00	$55.00	$57.00	$60.00	$62.00	$68.00
Common (Par. 60 AAR Rules): [1] 1 x 4 and 1 x 6	40.00	35.00	37.00	40.00	42.00	45.00
VERTICAL SHEATHING (KILN DRIED AND DRDSSSED TO ALL PATTERNS AND SIZES)						
Select (Par. 51 AAR Rules): [1] 1 x 4 and 1 x 6	$60.00	$55.00	$57.00	$60.00	$62.00	$68.00
Common (Par. 52 AAR Rules): [1] 1 x 4 and 1 x 6	50.00	45.00	47.00	50.00	52.00	58.00
LONGITUDINAL SHEATHING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Select (Par. 53 AAR Rules): [1] 2 x 4	$67.00	$57.00	$57.00	$57.00	$62.00	$67.00
2 x 6	72.00	62.00	62.00	62.00	67.00	72.00
Common (Par. 54 AAR Rules): [1] 2 x 4	47.00	42.00	42.00	42.00	45.00	47.00
2 x 6	52.00	47.00	47.00	47.00	50.00	52.00
FLOORING (DECKING) (KILN DRIED OR AIR DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Common (Par. 58 AAR Rules): [1] 2 x 6 and 2 x 8	$44.50	$42.50				
2¼, 2½, 2¾, and 3" x 6" and 8"	47.50	45.50				
For Dense Flooring (Decking) Add $2.50.						

For final inspection at the point of destination, rather than at the shipping point, add $5.00.
For grades and specifications other than those contained in the A. A. R. Rules, the maximum price shall be the price for the A. A. R. grade and specification which most closely corresponds to the grade and specification of the car material item involved in the sale governed by this Schedule.
Odd and fractional lengths, except 9', shall be counted and priced as next longest even length.

[1] Specifications for car material (designated above as "AAR Rules") correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M 907-33, adopted, 1910; revised, 1933.

(b) For mixed car or mixed truck shipments, $1.00 additional per 1,000 feet board measure may be charged. A mixed car shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 500 board feet each, or at least six items amount to not less than 250 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, moulding, partition, ceiling, siding, plain end flooring, and matched flooring, shiplap, boards, strips, dimension, or timbers.

(c) For export sales, an addition of not more than $3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt the estimated average weights of southern pine per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows:[1]

BOARDS AND STRIPS

1 x 2" to 1 x 10" Rough	3,200
1 x 12" Rough	3,300
1 x 2" to 1 x 10" S1S or S2S 25/32"	2,500
1 x 12" S1S or S2S 25/32"	2,600
1 x 2" to 1 x 10" S3S or S4S 25/32"	2,400
1 x 12" S3S or S4S 25/32"	2,500
1 x 2" to 1 x 4" D&M	1,900
1 x 6" D&M or Shiplap	2,200
1 x 8" to 1 x 10" D&M or Shiplap	2,300
1 x 12" D&M or Shiplap	2,400
For ¾" dressed boards, deduct	100
For ⅝" boards, all workings, deduct	500
For 11/16" boards, all workings, deduct	300
For 13/16" boards, all workings, add	100
For resawing, deduct for each cut	200
For Ripping, no deduction	-----
For 1¼" and 1½", add	300

DIMENSION

(2" Dimension, Factory Flooring, and Roof Decking)

2 x 4" to 2 x 12" Rough green	4,500
2 x 4" to 2 x 12" Green, dressed 1⅝"	3,800
2 x 2" to 2 x 8" Rough	3,300
2 x 10" & 2 x 12" Rough	3,400
2 x 2" to 2 x 8" Dressed to 1⅝"	2,500
2 x 10" & 2 x 12" Dressed to 1⅝"	2,600
For 1¾", add	400
For D&M, SL & Gr. for splines, deduct	200

FLOORING

(Plain End and End Matched)

1 x 3" (for Hollow Back deduct 100 lbs.)	1,800
1 x 4" (for Hollow Back deduct 100 lbs.)	1,900

DROP SIDING

1 x 6" (Pat. 116)	2,000
1 x 8" (Pat. 116)	2,100
1 x 6" (Pat. 117)	1,700
1 x 8" (Pat. 117)	1,800
1 x 6" (other patterns)	1,800
1 x 8" (other patterns)	1,900
Bevel and SE Siding from 1"	1,000
Bevel and SE Siding from 1¼"	1,300

STANDARD BEADED OR V-GROOVED CEILING

11/16"	1,700
¾"	1,800
9/16"	1,400

[1] The figures given refer to dry weight, except where otherwise specified.

TIMBERS

(Heavy Joists, Timbers, etc. [over 2" thick])

Rough, green	4,500
S4S ¼" scant, green	4,200
S4S ⅜" scant, green	4,000
S4S ½" scant, green	3,800
T&G, SL & Gr. for splines, deduct	300

CAR MATERIAL

VERTICAL SHEATHING, LINING

4" and 6" 13/16 T&G	2,200
4" and 6" 13/16 S2S	2,600
For 2 3/32" thickness, deduct	100

LONGITUDINAL SHEATHING

4" T&G 1¾"	2,400
4" T&G 1⅝"	2,300
4" T&G 1½"	2,100
4" S2S to 1¾"	2,900
4" S2S to 1⅝"	2,700
4" S2S to 1½"	2,500
6" T&G to 1¾"	2,500
6" T&G to 1⅝"	2,400
6" T&G to 1½"	2,200
6" S2S to 1¾"	2,900
6" S2S to 1⅝"	2,700
6" S2S to 1½"	2,500

FLOORING (CAR DECKING)

6" and 8", S2S to 1¾, 2½, 2¾, and 3", Dry	3,000
6" and 8", S2S to 1¾, 2½, 2¾, and 3", Green	4,200
6" and 8", S2S and T&G to 2½, 2¾, and 3", Dry	2,700
6" and 8", S2S and T&G to 1¾, 2½, 2¾, and 3" Green	3,500
6" and 8", S2S and T&G to 1¾", Dry	2,600
6" and 8", S1S⅛" scant, Dry	3,200
Rough, Green	4,500
Rough, Dry	3,400

Issued this 18th day of November 1941. Effective November 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8626, Filed, November 18, 1941; 11:38 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 14]

PART 1507—DISTRIBUTION

STEEL AND OTHER METAL CONTAINERS

To all persons using containers for petroleum or petroleum products:

The needs of the defense program of the United States for steel and other metals are so urgent and in excess of the available supply that the petroleum industry must make more steel and other metals available for such defense needs by conducting its operations in such manner as to use the minimum quantity of steel and other metals and by using substitute materials wherever and whenever possible.

Such needs are so great that the allocation of steel to drum manufacturers has already been reduced by one third and the requirements of oil companies constitute about 57% of the normal production of the drum manufacturers.

It is also necessary to curtail the use of tin cans, tubes, and other metal containers now being employed in the distribution of petroleum and its products. Wood, glass, paper, and other materials offer practicable substitutes for steel, tin, and other metal containers and the manufacturers of containers from such substitutes are in position to accept orders and make immediate shipments of wood barrels and of other containers within a reasonable time.

Therefore, pursuant to the President's letter of May 28, 1941 establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1507.1 *Steel and other metal containers not to be used.* All persons in the petroleum industry shall discontinue the use of steel, tin, and other metal containers, including but not limited to drums, cans, and tubes for petroleum or petroleum products to the greatest possible degree and substitute therefor containers made of wood, paper, glass, or other materials which are available. (President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760))

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

OCTOBER 25, 1941.

[F. R. Doc. 41-8622; Filed, November 4, 1941; 10:11 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

§ 203.446 *New River; highway bridge at S. E. 6th Avenue, Fort Lauderdale, Fla.*[2] (a) During the period December 1 to April 30, both dates inclusive, the owners or agency controlling the bridge may keep the drawspan closed to navigation between the hours of 11:00 a. m. and 6:30 p. m. except on the hour and half hour, when the bridge shall be opened to allow all accumulated navigation to pass, and except at 12:45 p. m., 1:15 p. m., 2:45 p. m., 4:15 p. m., 4:45 p. m., and 5:15 p. m., when the bridge shall be opened to allow the passage of any sight-seeing boat authorized to carry passengers for hire; other craft awaiting passage may also pass the drawspan at these times providing the bridge is opened for passage of a sight-seeing boat.

(b) The draw shall be opened at any time to allow the passage of a tow or vessel in distress.

(c) The owner or agency controlling the bridge shall place a clock on each side of the drawspan at such location and of sufficient size to be seen at day or night by craft within 300 feet of the bridge. The time of opening shall be governed by this clock.

(d) The owner or agency controlling the bridge shall place signs, of a size and description designated by the District Engineer, at each side of the bridge and at intervals of ½, 1, 1½, and 2 miles above and below the bridge.

(e) These regulations may be revoked at any time by the Secretary of War. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8598; Filed, November 18, 1941; 9:32 a. m.]

[1] § 203.446 is superseded.

[2] This regulation also appears in War Department regulations of November 7, 1941, E.D. 6371, Florida—New R.—S. E. 6th Ave.—7/5.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 166]

PART 5—FOREIGN CLEARANCES

Pursuant to the authority in section 161 R.S., the following changes in the regulations contained in Part 5, Foreign Clearances, are hereby made:

Sections 5.80 *Vessel statement,* 5.81 *Vessels required to file vessel statement,* 5.82 *American vessels denied clearance to belligerent states,* 5.83 *Declaration as to right, title, and interest in articles or materials,* 5.84 *Combat areas,* and 5.86 *Armed American vessels,* are hereby rescinded.

Section 5.85 *Belligerent vessels carrying American citizens as passengers* is hereby amended to read as follows:

§ 5.85 *Foreign vessels.* (a) Final clearance shall not be granted to any foreign vessel (watercraft or aircraft), wherever bound, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master.

(b) No clearance shall be granted to any vessel (watercraft or aircraft) of a belligerent state while having on board any citizen of the United States, whether as a passenger or member of the crew, except in accordance with the rules and regulations prescribed under authority of the Neutrality Act of 1939. (R.S. 161; 5 U.S.C. 22)

Section 5.89 *Definitions* is amended to read as follows:

§ 5.89 *Definitions.* Where used in 46 C.F.R. 5.85, 5.87, and 5.88: (a) The term "vessel (watercraft or aircraft)" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(b) The term "belligerent state" means any nation, government, or country, named in a proclamation of the President issued under authority of section 1 (a) of the Neutrality Act of 1939.

(c) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States. (R. S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8633; Filed, November 18, 1941; 11:51 a. m.]

[Order No. 165]

GENERAL RULES AND REGULATIONS, AMENDMENTS

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), an Executive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was, after public notice, convened by the Acting Secretary of Commerce in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., on November 7, 1941, at which session, after public hearings, the following amendments and approvals of miscellaneous items of equipment were adopted.

SUBCHAPTER D—TANK VESSELS

PART 33—LIFE-SAVING APPLIANCES

Section 33.2-1 is amended to read as follows:

§ 33.2-1 *Tank ships; ocean-T/O.* All tank ships which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That every tank ship carrying an armed guard that is not provided with lifeboatage on each side of the vessel to accommodate all persons on board shall carry an extra lifeboat not to exceed 40 persons in capacity under davits crane, boom, or other practical means of launching. Every tank ship carrying an armed guard, in addition to the lifeboatage, shall be equipped with sufficient approved life rafts to accommodate all persons on board. The minimum number of life rafts to be furnished shall be four.

No boat shall be of less than 180 cubic feet measurement. (R.S. 4405, 4417a (2), as amended; 46 U.S.C. and Sup. 375, 391a (2))

Section 33.2-3 is amended to read as follows:

§ 33.2-3 *Tank ships; coastwise—T/C.* All tank ships which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That every tank ship carrying an armed guard that is not provided with lifeboatage on each side of the vessel to accommodate all persons on board shall carry an extra lifeboat not to exceed 40 persons in capacity under davits, crane, boom, or other practical means of launching. Every tank ship carrying an armed guard, in addition to the lifeboatage, shall be equipped with sufficient approved life rafts to accommodate all persons on board. The minimum number of life rafts to be furnished shall be four. (R. S. 4405, 4488, as amended; 46 U.S.C. and Sup. 375, 481)

* * * * * *

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES (COASTWISE)

Section 60.4 (a) is amended to read as follows:

§ 60.4 *Lifeboats required on vessels of class* (c). (a) Cargo vessels shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided,* That every cargo vessel carrying an armed guard that is not provided with lifeboatage on each side of the vessel to accommodate all persons on board shall carry an extra lifeboat not to exceed 40 persons in capacity under davits, crane, boom, or other practical means of launching. Every cargo vessel carrying an armed guard, in addition to the lifeboatage, shall be equipped with sufficient approved life rafts to accommodate all persons on board. The minimum number of life rafts to be furnished shall be four. (R.S. 4405, 4488, as amended; 46 U.S.C. and Sup. 375, 481)

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Buoyant Cushion

Buoyant cushion, consisting of kapok life preserver vest (Modified U. S. Gov't Vest, Universal Size) (Drawing dated 10-16-41), Approval No. B-69, manufactured by the American Pad and Textile Co., Greenfield, Ohio.

Davit

Schat RD Davit (Drawing Nos. B. A. 192, B. A. 191, B. A. 115, B. A. 106, B. A. 105, C. A. 218), submitted by Marine Safety Devices, Inc., New York, N. Y. (Maximum working load of 9,000 pounds per arm.)

Disengaging Apparatus

Lane Rottmer lifeboat releasing gear, size "C" (Drawing Nos. S-112, S-113, S-114, and S-115), for maximum working load of 6,250 pounds per hook, manufactured by the Lane Lifeboat and Davit Corp., Brooklyn, N. Y.

Lifeboat Hand-propelling Gear

Hand-propelling gear, consisting of combination of Standard Type RT Cleveland Worm and Gear Co. Reduction Unit (Drawing Nos. 1125 RT and 1126 RT) and 3XE-90 Paragon Enclosed Reverse Gear (Drawing No. Y-5161), submitted by Frank Morrison & Son Co., Cleveland, Ohio. (R.S. 4405, 4417a, 4426, 4488 and 4491, as amended; sec. 6 of act of April 25, 1940; 46 U. S. C. 375, 391a, 404, 481, 526-526t)

[SEAL] EXECUTIVE COMMITTEE,
BOARD OF SUPERVISING INSPECTORS,
R. S. FIELD,
Director, Chairman.
GEORGE FRIED,
U. S. Supervising Inspector, 2d District New York, N. Y.
EUGENE CARLSON,
U. S. Supervising Inspector, 3d District Norfolk, Va.

Approved: November 17, 1941.

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-8632; Filed, November 18, 1941; 11:51 a. m.]

[Order No. 167]

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Order Exempting Armed Merchant Passenger-Carrying Vessels of the United States From Certain Provisions of Subsection (4) of R.S. 4472 as Amended

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended, the following findings relative to the acceptance, transportation, carriage, conveyance, storage, stowage or use on board armed merchant passenger-carrying vessels of the United States of high explosives and an exemption of such vessels from certain of the provi-

sions of subsection (4) of R.S. 4472, as amended, are hereby promulgated.

Acting upon representations made to the Department, I have caused an investigation to be made and as a result thereof I find that in the interest of our national defense, and notwithstanding the provisions of subsection (4) of R.S. 4472, as amended, it is essential to the safety of merchant passenger-carrying vessels of the United States that such vessels as are armed be authorized to accept, transport, carry, convey, store, stow, or use on board in connection with such arming certain high explosives. I further find that such explosives may be accepted, transported, carried, conveyed, stored, stowed or used on board these vessels with safety, provided such acceptance, transportation, carriage, conveyance, storage, stowage, or use is carried out in accordance with the provisions contained in §§ 147.06–2 to 147.06–5,[1] inclusive, of the regulations governing explosives or other dangerous articles on board vessels. Because of the existing situation with regard to the national emergency, I also find it essential to take action to make this authorization effective immediately.

Therefore, it is ordered, That under the authority contained in subsection (11), and under the emergency provisions of said subsection of R.S. 4472, as amended (46 U.S.C.; Sup. 170), that armed merchant passenger-carrying vessels of the United States shall be exempt from the application of the provisions of subsection (4) of R.S. 4472, as amended; to the extent that such vessels may accept, transport, carry, convey, store, stow, or use on board such high explosives as are necessary for such armament when said high explosives are accepted, transported, carried, conveyed, stored, stowed, or used in accordance with the provisions of §§ 147.06–2 to 147.06–5,[1] inclusive, of the regulations governing explosives or other dangerous articles on board vessels. (R. S. 4472, as amended; 46 U.S.C.; Sup. 170)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

NOVEMBER 17, 1941.

[F. R. Doc. 41–8634; Filed November 18, 1941; 11:51 a. m.]

[Order No. 168]

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Order Amending the Regulations Governing the Use of Explosives or Other Dangerous Articles on Board Cargo Vessels

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended, regulations governing the transportation, storage, stowage, or use of explosives or other dangerous articles or substances, and combustible liquids on board vessels, effective April 9, 1941, are hereby amended, under the emergency provision contained in subsection (9) of R.S. 4472, as amended; (46 U.S.C., Sup. 170); as follows:

To Part 147, Regulations Governing Use of Dangerous Articles as Ships' Stores and Supplies on Board Vessels, add after § 147.05–100, Table S.—Classification: Ships' stores and supplies of a dangerous nature, the following new section:

Arming of U. S. Merchant Cargo Vessels

§ 147.06–1 *Authorization.* Armed cargo vessels of the United States may accept, transport, carry, convey, store, stow or use such high explosives as are necessary for such armament when said high explosives are accepted, transported, carried, conveyed, stored, stowed or used in accordance with the provisions of §§ 147.06–2 to 147.06–5, inclusive.*

*§§ 147.06–1 to 147.06–5, inclusive, issued under the authority contained in R.S. 4472 as amended; 46 U.S.C.; Sup. 170.

§ 147.06–2 *Storage of high explosives.* Magazines shall be provided on board the vessel for the storage of high explosive ammunition (either fixed or separate loaded). Magazines may be located in an upper tween deck or a shelter deck cargo space, or in any other compartment below the weather deck, and adjacent to the gun mount, *provided* such magazines are not located over, under or adjacent to passenger spaces. The maximum separation possible shall be maintained between any magazine and any space allotted to the use of passengers or crew. Magazines shall not be constructed in bearing with the collision bulkhead nor with a bulkhead forming a boiler room, engine room, coal bunker or galley boundary. If it is necessary to construct such magazines in proximity to these bulkheads, a cofferdam space of at least 4 feet shall be provided between the bulkhead and the magazine side. Consistent with the above restrictions magazines shall be constructed in locations selected by the Navy Department. A "ready" supply of shells may be stowed in "ready boxes" on deck adjacent to the gun mount. These "ready boxes" shall be as provided by, or constructed to a design furnished by, the Bureau of Ships, Navy Department.*

§ 147.06–3 *Storage of small-arms ammunition.* Small-arms ammunition having all the component parts necessary for one firing, all in one assembly, may be stowed in boxes or lockers in a location adjacent to the gun mounts, such location to be selected by the Navy Department. Boxes or lockers for the stowage of small-arms ammunition shall be as provided by, or constructed to a design furnished by, the Bureau of Ships, Navy Department.*

§ 147.06–4 *Care of ammunition.* The loading, stowage, handling and use of all ammunition intended for the guns mounted on the vessel shall be under the control of the commander of the armed guard or other representative of the Navy Department.*

§ 147.06–5 *Construction of magazines.* Magazines shall be constructed in accordance with specifications furnished by, or approved by, the Bureau of Ships, Navy Department.*

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

NOVEMBER 17, 1941.

[F. R. Doc. 41–8635; Filed, November 18, 1941; 11:52 a. m.]

[1] *Infra.*

Notices

DEPARTMENT OF STATE.

TRADE-AGREEMENT NEGOTIATIONS WITH ICELAND

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Iceland.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

[SEAL] CORDELL HULL,
Secretary of State.

NOVEMBER 17, 1941.

[F. R. Doc. 41–8605; Filed, November 17, 1941; 4:05 p. m.]

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH ICELAND

PUBLIC NOTICE

Closing date for submission of briefs, December 8, 1941; closing date for application to be heard, December 8, 1941; public hearings open, December 15, 1941.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Iceland, of which notice of intention to negotiate has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, December 8, 1941. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held beginning at 10 a. m. on December 15, 1941, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Tariff Commission Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 17th day of November 1941.

E. M. WHITCOMB,
Acting Secretary.

NOVEMBER 17, 1941.

List of Products on Which the United States Will Consider Granting Concessions to Iceland

NOTE: The rates of duty indicated are those now applicable to products of Iceland. Where the rate is one which has been reduced pursuant to a previous trade agreement by 50 percent (the maximum permitted by the Trade Agreements Act) it is indicated by the symbol MR. Where the rate represents a reduction pursuant to a previous trade agreement, but less than a 50-percent reduction, it is indicated by the symbol R. Where a rate has been bound against increase, but has not been reduced in a previous trade agreement, it is indicated by the symbol B; likewise, items which have been bound free of duty are indicated by the symbol B.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules of the Tariff Act of 1930.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

United States Tariff Act of 1930, Paragraph	Description of article	Present rate of duty	Symbol
717 (c)	Fish, dried and unsalted: Cod, haddock, hake, pollock, and cusk	2½c per lb.	
	Other	1¼c per lb.	
718 (a)	Fish (other than tuna), prepared or preserved in any manner, when packed in oil or in oil and other substances: When of a value not exceeding 9 cents per pound including the weight of the immediate container only.	44% ad valorem.	
	Other	30% ad valorem.	
718 (b)	Fish (other than salmon), prepared or preserved in any manner, when packed in airtight containers weighing with their contents not more than fifteen pounds each (except fish packed in oil or in oil and other substances): Herring, smoked or kippered or in tomato sauce, packed in immediate containers weighing with their contents more than one pound each.	15% ad valorem	R
	Other	25% ad valorem.	
719	Fish, pickled or salted (except fish packed in oil or in oil and other substances and except fish packed in airtight containers weighing with their contents not more than fifteen pounds each): (2) Cod, haddock, hake, pollock, and cusk, neither skinned nor boned (except that the vertebral column may be removed): When containing not more than 43 per centum of moisture by weight.	⅝¢ per lb.	MR
	When containing more than 43 per centum of moisture by weight.	⅜¢ per lb.	MR
	(4) Herring, whether or not boned: In bulk or in immediate containers weighing with their contents more than fifteen pounds each.	⅝¢–1¢ per lb. net weight	[1]R
	In immediate containers (not airtight) weighing with their contents not more than fifteen pounds each.	25% ad valorem.	
720 (a)	Fish, smoked or kippered (except fish packed in oil or in oil and other substances and except fish packed in airtight containers weighing with their contents not more than fifteen pounds each): (6) Other fish	25% ad valorem.	
721 (d)	Caviar and other fish roe for food purposes: Other than sturgeon	20¢ per lb.	
	Any of the foregoing roe, if boiled and packed in airtight containers, whether or not in bouillon or sauce.	30% ad valorem.	
1519(a)	Dressed furs and dressed fur skins, not dyed: Lamb and sheep (except caracul and Persian lamb)	15% ad valorem	R
1685	Fish scrap and fish meal of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers.	Free	B
1730(b)	Cod oil and cod-liver oil	Free.	
1780	Fish scrap and fish meal, unfit for human consumption	Free.	

[1] In part.

[F. R. Doc. 41–8604; Filed, November 17, 1941; 4:05 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–7]

IN THE MATTER OF J. F. MARLOWE & CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 5972, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME OF RESPONDENT TO FILE ANSWER

The above-entitled matter having been previously scheduled for hearing at 10 a. m. on November 28, 1941, at a hearing room of the Bituminous Coal Division, Room 245, United States Court House, Nashville, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearing to a later date and to extend the time within which the respondent must file its answer;

Now, therefore, it is ordered, That the time for the filing by the respondent in the above-entitled matter of its answer herein be, and the same hereby is, extended to and including December 29, 1941; and

It is further ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed from 10 o'clock in the forenoon of November 28, 1941, to a date and at a hearing room to be hereafter designated by an appropriate Order of the Director.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8608; Filed, November 18, 1941; 10:41 a. m.]

[Docket No. B–15]

IN THE MATTER OF THE OAKLAND COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6934, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME OF RESPONDENT TO FILE ANSWER

The above-entitled matter having been previously scheduled for hearing at 10 a. m. on November 17, 1941, at a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Toledo, Ohio; and

It appearing to the Director that it is advisable to postpone said hearing to a later date and to extend the time within which the respondent must file its answer; and

Lewis J. Gifford, President of the Oakland Coal Company, Toledo, Ohio, and Frank J. Reis, Secretary of the Gallant Lumber and Coal Company, Toledo, Ohio, heretofore having been duly served with subpoenae requiring each of them

to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records;

Now, therefore, it is ordered, That the time for the filing by the respondent in the above-entitled matter of its answer herein be, and the same hereby is, extended to and including December 17, 1941; and

It is further ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed from 10 o'clock in the forenoon of November 17, 1941, to a date and at a hearing room to be hereafter designated by an appropriate Order of the Director; and

It is further ordered, That Lewis J. Gifford, President of the Oakland Coal Company, and Frank J. Reis, Secretary of the Gallant Lumber and Coal Company, appear before the designated officers at the time and place of hearing to be hereafter designated by an appropriate Order of the Director.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8609; Filed, November 18, 1941; 10:41 a. m.]

[Docket No. B-6]

IN THE MATTER OF THE CLYDE H. HOYT COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 4566, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME OF RESPONDENT TO FILE ANSWER

The above-entitled matter having been previously scheduled for hearing at 10 a. m. on November 22, 1941, at a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Toledo, Ohio; and

It appearing to the Director that it is advisable to postpone said hearing to a later date and to extend the time within which the respondent must file its answer; and

Clyde H. Hoyt, Secretary-Treasurer of the Clyde H. Hoyt Company, Toledo, Ohio, and George W. Harsh, President of the Blue Line Fuel Company, heretofore having been duly served with subpoenae requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records;

Now, therefore, it is ordered, That the time for the filing by the respondent in the above-entitled matter of its answer herein be, and the same hereby is, extended to and including December 22, 1941; and

It is further ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed from 10 o'clock in the forenoon of November 22, 1941, to a date and at a hearing room to be hereafter designated by an appropriate Order of the Director; and

It is further ordered, That Clyde H. Hoyt, Secretary-Treasurer of the Clyde H. Hoyt Company, and George W. Harsh, President of the Blue Line Fuel Company, appear before the designated officers at the time and place of hearing to be hereafter designated by an appropriate Order of the Director.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8610; Filed, November 18, 1941; 10:41 a. m.]

[Docket No. 1710-FD]

IN THE MATTER OF HOLLOW ROCK COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on June 2, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, with the Bituminous Coal Division, alleging wilful violation by the Hollow Rock Coal Company, a code member in District 4, the defendant, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, with full knowledge of the requirements of the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments sold, during December 1940, approximately 275 tons of ½" lump coal produced at its Hollow Rock Mine, Mine Index No. 190, located in Jefferson County, Ohio, for shipment by truck to the Kaul Clay Manufacturing Company at $2.40 per ton delivered, whereas the applicable effective minimum price established for such coal was $2.20 per net ton f. o. b. the mine, and the cost of transporting said coal was 40 cents per ton;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on August 21, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Pittsburgh, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the defendant appeared;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in the matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the code membership of the defendant, The Hollow Rock Coal Company, a code member in District 4, be, and it hereby is revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, The Hollow Rock Coal Company, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $250.24 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8611; Filed, November 18, 1941; 10:41 a. m.]

[1] Not filed with the original document.

[Docket No. 1803-FD]

IN THE MATTER OF EARL BICKMEIER, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, alleging wilful violation by Earl Bickmeier, a code member in District 4, the defendant, of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments, sold for shipments by truck, from November 1940 through February 1941, 1085 tons of ¾" x 0 slack coal (Size Group 8) at a delivered price of $1.50 per net ton, whereas the effective minimum price f. o. b. the mine applicable thereto was $1.90 per net ton;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing in this matter having been held on October 8, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Canton, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which District Board 4 and the defendant appeared;

All parties having joined in waiving the preparation and filing of a report by the Examiner, and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith; [1]

Now, therefore, it is ordered, That the code membership of the defendant, Earl Bickmeier, be and the same is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, Earl Bickmeier, to membership in the Code, he shall pay to the United States a tax in the amount of $719.32, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8612; Filed, November 18, 1941; 10:42 a. m.]

[1] Not filed with the original document.

[Docket No. 1701-FD]

IN THE MATTER OF IVAN SHAW AND SON, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed on June 2, 1941, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, alleging wilful violation by Ivan Shaw & Son, a code member in District 4, of the Bituminous Coal Code and the Rules and Regulations thereunder as follows:

That the defendant, between October 1, 1940, and January 7, 1941, (a) sold a quantity of nut and slack coal in excess of 2" x 0 produced at Mine Index No. 1531 located in Coshocton County, Ohio, in District 4 to the Muskingum Fibre Company and to the Novelty Advertising Company, both of Coshocton, Ohio, at a truck delivered price of $2.00 per ton, whereas the effective minimum price for said coal was $1.95 per ton f. o. b. the mine, and (b) sold a quantity of 2" nut and slack coal produced at the Willowbrook Mine (Mine Index No. 2407), located in Coshocton County, Ohio, to the Muskingum Fibre Company at Coshocton, Ohio, at a truck delivered price of $2.00 per ton, whereas the effective minimum price for such coal was $1.65 per ton f. o. b. the mine;

An answer having been filed by the defendant on August 8, 1941, denying the allegations of the complaint;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 22, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Coshocton, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which the defendant appeared;

At the conclusion of the hearing, the preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith; [1]

Now, therefore, it is ordered, That the code membership of the defendant, Ivan Shaw & Son, a partnership, be, and it is hereby revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Ivan Shaw & Son, a partnership, or any of the partners thereof, to membership in the Code, the defendant, or any of the partners thereof, shall pay to the United States a tax in the amount of $243.36, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8613; Filed, November 18, 1941; 10:42 a. m.]

[1] Not filed with the original document.

[Docket No. 1689-FD]

IN THE MATTER OF NATIONAL COAL COMPANY, INC., DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division (the "Division") on May 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), by the Bituminous Coal Producers Board for District No. 12, alleging *inter alia* that the defendant, National Coal Company, Inc., a code member in District No. 12, operating Mine Index No. 33, in Mahaska County, Iowa, wilfully violated the Act, the Code promulgated thereunder, (the "Code") and certain Orders and Rules and Regulations of the Division;

Pursuant to an Order of the Director, and after due notice to all interested parties, a hearing having been held in this matter on September 8, 1941, at Oskaloosa, Iowa;

All parties having joined in waiving of the preparation and filing of a report by the Examiner, and a record of the proceedings thereupon having been transmitted to the Director for his consideration, and from a review of the record it appearing that the defendant violated the following provisions of the Act, and certain Orders and Rules and Regulations of the Division and that the allegations contained in said complaint are substantiated to that extent;

1. Section 4 II (e) of the Act, Part II (e) of the Code and the Schedule of Effective Minimum Prices for District No. 12 for All Shipments Except Truck, by selling to the Iowa Power and Light Company, and delivering to the Des Moines Electric Light Company at Des Moines, Iowa, 5,806.75 net tons of screenings, Size Group No. 8, produced at the aforesaid mine during the periods, in the amounts, and at the prices per net ton f. o. b. the mine, as herinafter set forth:

(a) During the period October 11, 1940, to April 25, 1941, both dates inclusive, 716.95 net tons of coal at a delivered price of $2.30 per net ton less 60 cents freight, or a net price of $1.70 per net ton f. o. b. the mine.

(b) During the period December 30, 1940, to January 28, 1941, both dates inclusive, 1,348.40 net tons of coal at a delivered price of $2.34 per net ton less 60 cents freight, or a net price of $1.74 per net ton f. o. b. the mine.

(c) During the period January 28, 1941, to March 6, 1941, both dates inclusive, 964.95 net tons of coal at a price of $2.38 per net ton less 60 cents freight, or a net price of $1.78 per net ton f. o. b. the mine.

(d) During the period October 10, 1940, to March 27, 1941, both dates inclusive, 2,776.45 net tons of coal at a delivered price of $2.42 per net ton less 60 cents freight, or a net price of $1.82 per net ton f. o. b. the mine;

2. Paragraph 8 of section 4 II (i) of the Act, Paragraph 8 of Part II (i) of the Code, and Rule 8 of section XIII of the Marketing Rules and Regulations, by intentionally making, causing, or permitting to be made, a false, untrue, misleading and deceptive statement by way of invoices concerning the size, quality, character, nature, and preparation of the coals set forth in Paragraph 1 hereof;

3. Rule 2 of section XII of the Marketing Rules and Regulations, in that the aforesaid coal was not sold under the proper size and price classification and other designations thereof in the applicable minimum price schedule published by the Division;

The Director having made Findings of Fact and Conclusions of Law, and having rendered an Opinion, which are filed herewith, [1] in which it is concluded that the defendant's code membership should be cancelled and revoked;

Now, therefore, it is ordered, That the code membership of the defendant, National Coal Company, Inc., a code member in District No. 12, be and it is hereby revoked.

And, it is further ordered, That as a condition to the reinstatement of the defendant, National Coal Company, Inc. to membership in the Code, there shall be paid to the United States a tax, as provided in section 5 (c) of the Act, in the amount of $4,393.39.

Dated: November 17, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8614; Filed, November 18, 1941; 10:42 a. m.]

[1] Not filed with the original document.

[Docket No. 1671-FD]

IN THE MATTER OF FOREST CITY COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3092, RESPONDENT

ORDER SUSPENDING DISTRIBUTOR'S REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to the provisions of the Bituminous Coal Act of 1937, and § 304.14 of the Rules and Regulations for the Registration of Distributors, by a Notice of and Order for Hearing dated July 28, 1941, to determine whether the Forest City Coal Company, a Registered Distributor, Registration No. 3092, of Cleveland, Ohio, has

violated the Bituminous Coal Act of 1937, or the Rules and Regulations thereunder and giving notice to said distributor that information in the possession of the Division was to the following effect:

That on or about February 11, 1941, and during the period March 4 to March 20, 1941, the respondent purchased seven carloads of coal from Industrial Coal & Iron Company, Pittsburgh, Pennsylvania, and other code members in District 4, and resold and delivered said coal to United Milk Products Company of Cleveland, Ohio at its Kent, Ohio plant, the respondent prepaying transportation charges thereon to the point of delivery and accepting discounts from the effective minimum prices for such coal in violation of section 4 II (h) and subsections 3 and 6 of section 4 II (i) of the Act, Rule 1 (J) of section VII of the Marketing Rules and Regulations, and paragraphs (c) and (e) of the Distributor's Agreement;

Personal service of Notice of and Order for Hearing having been made on the respondent on August 4, 1941; a hearing having been held on September 12 and 13, 1941, before a duly designated Examiner of the Division, in Cleveland, Ohio, at which all interested parties were afforded an opportunity to be present and fully participate;

The Examiner's report having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;[1]

Now, therefore, it is ordered, That the registration of the Forest City Coal Company, Registered Distributor, Registration No. 3092, be and it hereby is suspended for a period of thirty (30) days from the effective date of this order, and the respondent, its officers, representatives, agents, servants, employees and attorneys be and they hereby are prohibited from receiving or accepting any discounts as a registered distributor, either directly or indirectly, on coal purchased by them during period of suspension; *Provided, however*, That if respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors within said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by § 304.15 shall have been filed with the Division; and *Provided further*, That the respondent return to the code member producers all improperly collected discounts and that a statement by respondent that such refunds have been made shall be included in the affidavit.

And it is further ordered, That the respondent during such period of suspension shall fully observe, abide by and remain in all respects subject to all pertinent and applicable provisions of (1) the Bituminous Coal Act of 1937; (2) the Bituminous Coal Code; (3) the Marketing Rules and Regulations; (4) the Rules and Regulations for the Registration of Distributors; (5) the Distributor's Agreement and all Orders of the Division.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8615; Filed, November 18, 1941; 10:42 a. m.]

[1] Not filed with the original document.

[Docket No. 1674-FD]

IN THE MATTER OF TAGGART COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8905, RESPONDENT

ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937, in order to investigate and determine whether Taggart Coal Sales Company, a registered distributor (Registration No. 8905), of Massillon, Ohio, had violated certain provisions of the Rules and Regulations for the Registration of Distributors by:

(1) Purchasing on December 8 and 28, 1940, approximately 11 tons and 7.65 tons of coal, respectively, produced at the Sandy Valley Coal Company, a code member in District 4, and reselling this coal to the Griscom Russell Company, Massillon, Ohio, and accepting and retaining discounts thereon of 15 cents per ton, which discounts are in excess of the allowable maximum discount of 12 cents.

(2) Accepting and retaining discounts on the sales referred to in (1) although this coal was purchased and resold in less than railroad carload lots.

(3) Purchasing between December 1 and 16, 1940, 616.3 tons of coal produced at the Sandy Valley Coal Company and reselling it to the Timken Roller Bearing Company, Toledo, Ohio, and accepting and retaining discounts thereon of 15 cents per ton, which discounts are in excess of the allowable maximum discount of 12 cents;

The respondent, having filed an answer, admitting having accepted the alleged discounts on the 11 tons of coal resold to Griscom Russell Company and the 616.3 tons of coal resold to Timken Roller Bearing Company;

A hearing in this matter having been held on September 25, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Canton, Ohio, pursuant to the Order of August 9, 1941, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and the respondent appeared;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the registration of the defendant, Taggart Coal Sales Company, a registered distributor (Registration No. 8905), be and it hereby is suspended for a period of thirty (30) days beginning with the date of this Order.

It is further ordered, That the effect of such suspension shall not be evaded directly or indirectly by the use of any device and that such suspension shall not excuse the Taggart Coal Sales Company from all duties and functions imposed upon it by the Act and the Rules, Regulations, and Orders of the Division.

It is further ordered, That as a condition to reinstatement, in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five (5) days prior to the expiration of the suspension period, to the Director of the Division, an affidavit verifying that during the period of its suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8616; Filed, November 18, 1941; 10:42 a. m.]

[Docket No. A-917]

PETITION OF KEYSTONE MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE SIZE GROUP 3 COALS OF MINE INDEX NOS. 251 AND 451 FOR RAILROAD FUEL USE, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner in the above-entitled matter having moved that its petition therein be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8617; Filed, November 18, 1941; 10:42 a. m.]

[Docket No. A-1140]

PETITION OF J. E. VINCENT FOR CHANGE IN LOADING POINT OF HIS MARION MINE, MINE INDEX NO. 331, IN DISTRICT NO. 3, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the loading point of his Marion Mine, Mine Index No. 331, in District No. 3, from Fairmont, West Virginia, on Baltimore & Ohio Railroad to Fairmont, West Virginia, on Monongahela Railway, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Marion Mine, Mine Index No. 331, of J. E. Vincent, for rail shipments on Baltimore & Ohio Railroad from Fairmont, West Virginia, shall be applicable only to shipments on Monongahela Railway from Fairmont, West Virginia, and shall no longer be applicable for shipments from Fairmont, West Virginia, on Baltimore & Ohio Railroad. All allowances or adjustments required or permitted mines in Freight Origin Group No. 52 shall be applicable to all shipments of the coals of the Marion Mine, Mine Index No. 331, of J. E. Vincent from Fairmont Siding on Monongahela Railway.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8618; Filed, November 18, 1941; 10:43 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	*Date application filed*
G. E. Brownwell, City Coal Co., Bryan, Ohio	Nov. 3, 1941
Ralph W. Daykin, 1666 Woodword Ave., Lakewood, Ohio	Oct. 31, 1941
Henriette Coal Mng. Co., 15 Moore St., New York, N. Y.	Oct. 24, 1941
Martin County Coal Corp., 201 Lewis Arcade, Huntington, W. Va.	Nov. 6, 1941
Reilly Coal Sales Co., Spangler, Pa	Nov. 4, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before December 15, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8619; Filed, November 18, 1941; 10:43 a. m.]

[Docket No. A-1040]

PETITION OF BOVARD COAL CO., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS FOR COAL PRODUCED AT ITS RIMER MINE

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This is a proceeding instituted upon an original petition filed by Bovard Coal Company, a code member in District No. 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. Petitioner requests the establishment of price classifications and minimum prices for the coals of its Rimer Mine in District No. 1 for all shipments except truck from Brady's Bend, Pennsylvania. Pursuant to a Notice of and Order for Hearing dated September 24, 1941, a hearing was held on October 23, 1941, before a duly designated Examiner of the Division. As no price classifications or minimum prices have been established for the coals of petitioner's Rimer Mine for rail shipment, it is necessary that such price classifications and mine prices be established temporarily, pending final disposition of this proceeding, in order to preserve for petitioner and its competitors their existing fair competitive opportunities.

It appears from the testimony adduced at the hearing that petitioner does not prepare coal in Size Groups 1 and 2 and does not now have facilities for preparing coal in Size Group 5. It further appears that petitioner requests the same price classifications as have already been established in Size Groups 3 and 4 for coals of the Fox Mine (Mine Index No. 2989) of the Rimersburg Coal Mining Company. The witness Fair stated that the Fox Mine is adjacent to the Rimer Mine, and the petition alleges that the coals of these mines are of similar quality. Pending final disposition of this proceeding the price classifications requested for Size Groups 3 and 4 for rail shipment should be established for coals of the Rimer Mine.

A difficult problem is presented by petitioner's request for permission to make rail shipments on Western Allegheny Railroad from Brady's Bend. From the testimony adduced at the hearing it appears that petitioner's crusher and loading facilities are at Brady's Bend and that petitioner desires to make rail shipments on the Western Allegheny Railroad from that point in order to serve certain customers in Meadville and Erie, Pennsylvania (in Market Area 10). Brady's Bend is in District No. 2, approximately 10 miles from the Rimer Mine. There are several nearer loading points on other railroads which petitioner might use, for example, Rimersburg, Pennsylvania, in District No. 1, approximately 3.7 miles from the Rimer Mine, on the Pennsylvania Railroad. The witness Fair stated at the hearing that petitioner would prefer to use Rimersburg if it were required to ship over the Pennsylvania Railroad.

It seems that the freight rates to Meadville and Erie are higher from Rimersburg than from Brady's Bend.[1] This results in a delivered differential in favor of District 2 producers on shipments into Market Area 10. In General Docket No. 15, after extensive public hearings, it was decided that District 1 producers had no such "existing fair competitive opportunities" in Market Area 10 as necessitated the allowance to them of freight rate absorptions on shipments into that market area. Petitioner's request represents a sharp break with the coordination established in General Docket No. 15 and should not be granted as a matter of temporary relief in the absence of a very strong showing. Such a showing does not seem to have been made.

Moreover, if petitioner's request is granted, it will receive preferential treatment over other District 1 producers, who must ship into Market Area 10 at the higher freight rate. The record does not reveal any reason for giving the Rimer

[1] To Meadville the published freight rate from Brady's Bend appears to be $1.23, from Rimersburg, $2.24; to Erie, the published freight rate from Brady's Bend is $1.49, from Rimersburg, $2.05.

Mine such special treatment as a matter of temporary relief.

Upon the basis of the foregoing considerations, I am of the opinion that pending final disposition of this mattter, minimum prices should be established for rail shipments from petitioner's Rimer Mine only via the Pennsylvania Railroad from Rimersburg, Pennsylvania. Pending the final disposition of this proceeding, the temporary relief granted will make available to the Rimer Mine those markets in which District 1 coals have customarily been sold.

It is, therefore, ordered, That, pending final disposition of this proceeding, temporary relief be granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck is supplemented by including a "G" classification in Size Group 3 and an "H" classification in Size Group 4 for the coals of the Rimer Mine (Mine Index No. 902) of the Bovard Coal Company. Such shipments shall be made on the Pennsylvania Railroad from Rimersburg, Pennsylvania, and all adjustments required or permitted mines in Freight Origin Group 90 shall be applicable thereto.

Notice is hereby given that motions to stay, terminate or modify the temporary relief granted in this order may be made pursuant to the Rules and Regulations of the Bituminous Coal Division for proceedings under section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing herein shall be taken as an expression of the views of the Director concerning the final disposition of this proceeding.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8620; Filed, November 18, 1941; 10:43 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 18, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Helmer Manufacturing Company, Ore Street, Bowmanstown, Pennsylvania; Dresses; 37 learners; June 8, 1942.

Signed at Washington, D. C., this 18th day of November 1941.

MERLE D. VINCENT,
Authorized Representative, of the Administrator.

[F. R. Doc. 41-8631; Filed, November 18, 1941; 11:47 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-34]

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: ICE CREAM; FROZEN CUSTARD; SHERBET; WATER ICES; AND RELATED FOODS

POSTPONEMENT OF HEARING

Pursuant to the application of International Association of Ice Cream Manufacturers for a postponement of the hearing in the above entitled proceeding, it is hereby ordered that the public hearing for the purpose of receiving evidence upon the basis of which regulations may be promulgated fixing and establishing definitions and standards of identity for ice cream, frozen custard, sherbet, water ices, and related foods, heretofore announced to commence on December 1, 1941 (6 F.R. 5574), be postponed to commence at 10 o'clock in the morning of January 5, 1942, in Room 1039, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C.

THOMAS C. BILLIG,
Presiding Officer.

NOVEMBER 15, 1941.

[F. R. Doc. 41-8624; Filed, November 18, 1941; 11:26 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-228]

IN THE MATTER OF WESTERN NEW YORK FUND, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

An application having been duly filed by the above named corporation for an order of the Commission under and pursuant to the provisions of sections 6 (c) and 23 (c) of the Investment Company Act of 1940 requesting a temporary exemption from the provisions of Rule N-23-1 to the extent that said rule requires the applicant to inform its stockholders in writing of its intention to purchase its own outstanding stock prior to the mailing to stockholders of the notice of the annual stockholders' meeting in January 1942;

It is ordered, That a hearing on the matter of this application be held on November 24, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esquire or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8627; Filed, November 18, 1941; 11:42 a. m.]

[File No. 70-433]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

Notice is hereby given that a declaration or application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may not later than November 30, 1941 at 4:45 P. M. E. S. T. request the Commission in writing that a hearing be held on such matters, stating the reason for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as amended, may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

Public Service Company of Indiana, Inc., proposes to issue and sell:

1. $42,000,000 Principal Amount of its First Mortgage Bonds, Series D, 3⅜%, due December 1, 1971, and

2. Either (a) $10,000,000 aggregate Principal Amount of its Serial Debentures due December 1, 1942—December 1, 1950, or (b) to borrow $10,000,000 and to issue to the lender or lenders thereof its notes in said amount maturing serially from December 1, 1942 to December 1, 1950.

Public Service Company of Indiana, Inc., states that the proceeds of the sale of the above securities will be used (1) to call for redemption the now outstanding $38,000,000 aggregate Principal Amount of its First Mortgage Bonds, Series A, 4%, due September 1, 1959, (2) to pay and retire $8,800,000 Principal Amount of the Serial Debentures 3⅞% due March 1, 1942–September 1, 1949, (3) to pay and retire $400,000 aggregate Principal Amount of Northern Indiana Power Company's Serial Notes, 3%, assumed by Public Service Company of Indiana, Inc., (4) to pay $396,923.05 aggregate Principal Amount of Central Indiana Power Company's Collateral Notes, 2.73%, which were issued to United States of America as evidence of loans and which have been assumed by Public Service Company of Indiana, Inc., and (5) to aid the Company in carrying out a proposed major construction program.

Public Service Company of Indiana, Inc., requests that this Commission, in view of the heavy capital expenditures with which the Company is faced in order to carry out the proposed major construction program, abrogate and set aside a condition imposed by the Commission in connection with the issuance and sale by Public Service Company of Indiana, a predecessor company of Public Service Company of Indiana, Inc., of its Series B Bonds (File No. 70-258), which in effect, provides that in addition to the sinking fund provisions of its outstanding long-term debt, it should retire by 1958 $3,859,500 additional amount of its long-term debt.

Public Service Company of Indiana, Inc., states that section 6 (b) of the Holding Company Act of 1935 and Rules U-20 to 24 and Rule U-50 adopted thereunder are applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8628; Filed, November 18, 1941; 11:42 a. m.]

[File No. 70-196]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE), AND TENNESSEE UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND RELEASING JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

The Commonwealth & Southern Corporation (Delaware), a registered holding company, and Tennessee Utilities Corporation, a subsidiary thereof, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder regarding the liquidation of Tennessee Utilities Corporation through the payment of an immediate cash dividend to The Commonwealth & Southern Corporation of $3,150,000 and a final liquidating dividend to The Commonwealth & Southern Corporation of the remaining cash of Tennessee Utilities Corporation, consisting of cash, to be derived from liquidation of miscellaneous assets estimated to have a value of approximately $48,000, and cash (not exceeding $60,000) to be temporarily retained by Tennessee Utilities Corporation and which is not necessary for the payment of liabilities and expenses of liquidation. The liquidating dividend of $3,150,000 arises from the sale by Tennessee Utilities Corporation of certain non-utility assets (including transportation properties in and around Chattanooga, Tennessee, and the capital stock of Nashville Coach Company and Lookout Incline Railway Company); The Commonwealth & Southern Corporation proposes to utilize such liquidating dividend for reduction of its liability on notes due banks:

Said declaration having been filed on October 25, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

The above-named declarants having requested that the effective date of said declaration be accelerated in order to permit The Commonwealth & Southern Corporation to effect interest savings; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration pursuant to section 12 (c) of the said Act and Rule U-46 thereunder to become effective, and being satisfied that the effective date of such declaration should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and hereby is permitted to become effective forthwith;

It is further ordered, That pursuant to the reservation of jurisdiction by an Order in the above-entitled matter dated December 11, 1940, jurisdiction be and it is hereby reserved over the final entries to be made in the accounts of The Commonwealth & Southern Corporation to reflect the loss, if any, in connection with the liquidation of The Tennessee Electric Power Company (whose assets in the course of liquidation were transferred to Tennessee Utilities Corporation), pending completion of such studies as may be made with respect thereto by The Commonwealth & Southern Corporation, or until such time as the Commission may, in proceedings now pending, or by institution of proceedings, or otherwise, pass upon such accounting entries.

It is further ordered, That jurisdiction reserved by our Order of August 8, 1939 in the matter of *The Commonwealth & Southern Corporation* (File No. 43-202) as to the ultimate disposition of the assets remaining in The Tennessee Electric Power Company (which assets included the above-mentioned non-utility properties), be, and the same is hereby released.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8629; Filed, November 18, 1941; 11:42 a. m.]

[File No. 70-425]

IN THE MATTER OF NATHAN A. SMYTH AND LEO LOEB, AS TRUSTEES IN REORGANIZATION UNDER CHAPTER X OF THE BANKRUPTCY ACT OF WASHINGTON GAS AND ELECTRIC COMPANY, DEBTOR

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

Nathan A. Smyth and Leo Loeb, as Trustees in Reorganization Under Chapter X of the Bankruptcy Act of Washington Gas and Electric Company, Debtor, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 12 (c) thereof, and Rule U-42 promulgated thereunder, regarding a proposal by Nathan A. Smyth, as such Trustee, to enter into an agreement with The Chase National Bank of the City of New York as trustee under the mortgage securing the First Mortgage Gold Bonds of the above-named debtor to distribute $5,534,343 out of the sum of $5,900,843.97, now held by said The Chase National Bank of the City of New York in a Release Fund, to the holders of said First Mortgage Bonds; such proposed distribution amounting of 80% of the principal, and interest on such 80% of principal accrued to December 10, 1941; and

Said declaration having been filed on November 4, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said declarants having requested that the effective date of said declaration be advanced; and

The Commission deeming that no adverse findings are necessary under section 7 (c) and that it is appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective; and

The Commission being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8630; Filed, November 18, 1941; 11:42 a. m.]

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THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 6 NUMBER 226

Washington, Thursday, November 20, 1941

The President

EXECUTIVE ORDER

AMENDING SUBDIVISION IV OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of the authority vested in me by paragraph Eighth, Subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is ordered that Subdivision IV of Schedule A of the Civil Service Rules be, and it is hereby, amended by adding thereto the following paragraph, numbered 13:

13. During the emergency declared by the President to exist on May 27, 1941,[1] all positions in the War Department on the Isthmus of Panama.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 17, 1941.

[No. 8941]

[F. D. Doc. 41-8641; Filed, November 18, 1941; 2:14 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.-518]

PART 301—DOMESTIC QUARANTINE NOTICES

TREATMENT PRESCRIBED FOR CERTAIN PUERTO RICAN VEGETABLES

§ 301.58-3b *Administrative instructions; treatment requirement for green string beans, lima beans, faba beans, and pigeonpeas, in the pod, moving from Puerto Rico.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.58-3, Chapter III, Title 7, Code of Federal Regulations [regulation 3 of the rules and regulations supplemental to the Fruit and Vegetable Quarantine of Puerto Rico (No. 58)], treatment is prescribed for green string beans, lima beans, faba beans, and pigeonpeas, in the pod, moving by freight or express from Puerto Rico to any other State, Territory, or District of the United States, effective November 15, 1941, as follows:

(a) *Vacuum fumigation.* Treatment is to be given in a standard vacuum fumigation vault equipped with a blower, with a 15-inch vacuum maintained throughout the period, at any temperature above 34° F., with a dosage of 3 pounds of methyl bromide per 1,000 cubic feet of space, including the load, for 1½ hours.

(b) *Atmospheric fumigation.* Treatment is to be given in an approved atmospheric fumigation vault provided with a circulating fan, for a period of 2 hours, with dosages of methyl bromide as follows: (1) if the mass temperature is between 50° and 70° F., the dosage shall be at the rate of 3 pounds per 1,000 cubic feet of space, including the load; (2) if the mass temperature is above 70° F., the dosage shall be at the rate of 1½ pounds per 1,000 cubic feet of space, including the load.

NOTE: Atmospheric fumigation is not recommended at temperatures below 50° F.

Treatment vaults and equipment will be approved for fumigation purposes by the Bureau of Entomology and Plant Quarantine through the local plant quarantine inspector only when reasonably accessible for supervision purposes and when properly constructed and equipped to carry out the treatment prescribed.

All costs of treatment other than the services of the supervising inspector shall be borne by the owner of the products, or his representative.

While the prescribed treatment is judged from experimental tests to be safe for use with these products the Department assumes no responsibility for any damage sustained through or in the course of treatment.

[1] 6 F.R. 2617.

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Shipments of small lots of these products may be certified for shipment by parcel post without fumigation when they have been examined by an inspector and found free from infestation. (7 CFR, § 301.58–3; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 12th day of November 1941.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 41–8662; Filed, November 19, 1941; 11:14 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER IV—MILITARY EDUCATION

PART 43—PROMOTION OF RIFLE PRACTICE [1]

§ 43.5 *Rifle and pistol competitions in schools and colleges.*[2]

* * * * * * *

(c) *Annual indoor rifle matches.*

* * * * * * *

(iii) *Stages of competition.* The competition will consist of 4 stages, each stage consisting of 2 series of 2 sighting and 10 record shots each. One stage will be fired each week until the four stages have been completed. If it is found that the firing of one stage each week is impracticable, the corps area commander on application made to him, is authorized to make such changes in the time of firing each stage as will be most appropriate and equitable in each particular case, provided that no two stages shall be fired in any one day and that all four stages of any competition are fired between March 16 and April 16 of any one year. Each competitor will use 1 target for each series of 10 shots, firing 1 shot for record on each of the 10 bull's-eyes. The two sighting shots for each series will be fired on a target other than the record target, and such target will be removed from the frame or covered before any of the 10 shots for record are fired. The sighting shots will be followed immediately by the prescribed number of record shots. No other shots will be fired by the competitor during the firing of any stage of the match. The stages are as follows:

(*a*) First stage: Two sighting shots, 10 shots for record, slow fire, prone; 2 sighting shots, 10 shots for record, slow fire, sitting.

(*b*) Second stage: Two sighting shots, 10 shots for record, slow fire, prone; 2 sighting shots, 10 shots for record, slow fire, kneeling.

(*c*) Third stage: Two sighting shots, 10 shots for record, slow fire, prone; 2 sighting shots, 10 shots for record, slow fire, standing.

(*d*) Fourth stage: Four sighting shots, 20 shots for record, slow fire, prone; 2 sighting shots to be fired on each target.

* * * * * * *

(vi) *Positions.* As described in FM 23–10, U. S. Rifle, Caliber .30, M1903, except in the sitting position which may be modified to include the cross-legged sitting position. In all positions the use of a carpet, cloth, gymnasium pad, mat, or similar ground covering is permitted, provided such covering is of firm material, perfectly level, not over 2 inches in thickness and without depressions or ridges. Such covering must extend under the entire body of the shooter and not solely under or against his elbows or knees. (45 Stat. 786; 33 U.S.C. 181b)

* * * * * * *

[SEAL] E. S. ADAMS, *Major General, The Adjutant General.*

[F. R. Doc. 41–8659; Filed, November 19, 1941; 9:34 a. m.]

[1] § 43.5 (c) (iii) and (iv) is amended.

[2] This regulation also appears as Par. 3d, AR 850–110, June 8, 1936, as amended in Cir. 232, W.D., Nov. 5, 1941.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3152]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF GENERAL MOTORS CORPORATION ET AL.

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By threatened loss attractive business in preponderant and established product:* § 3.24 (c) *Coercing and intimidating—Customers or prospective customers of competitors—By threatened loss attractive business in preponderant and established product:* § 3.30 (a) *Cutting off competitors' access to customers or market—Forcing goods:* § 3.30 (f) *Cutting off competitors' access to customers or market—Threatening withdrawal of patronage from competitors' customers:* § 3.30 (g) *Cutting off competitors' access to customers or market—Withholding supplies from competitors' customers:* § 3.39 *Dealing on exclusive and tying basis.* In connection with offer, etc., in commerce, of automobile accessories, automobile supplies, and other similar products, and among other things, as in order set forth, (1) requiring dealers, by means of intimidation or coercion, to purchase or deal in accessories or supplies sold and distributed by the respondents, or by anyone designated by them; (2) canceling, or directly or by implication threatening the cancellation of, any franchise or agreement with dealers, because of failure or refusal of such dealers to purchase or deal in accessories or supplies sold and distributed by the respondents, or by anyone designated by them; (3) canceling, or directly or by implication threatening the cancellation of, any franchise or agreement with any dealer, for purchasing or dealing in accessories or supplies not obtained from respondents, or from any other source designated by them; (4) shipping accessories or supplies without prior orders therefor, or canceling, or directly or by implication threatening the cancellation of, any franchise or agreement with a dealer, because of a failure or refusal to accept accessories or supplies shipped without prior order; (5) refusing, or threatening to refuse, to deliver automobiles to dealers because of a failure or refusal of such dealer to purchase or deal in accessories or supplies sold and distributed by the respondents, or by anyone designated by them; and (6) the use of any practice, plan, or method of doing business, for the purpose, or having the effect, of coercing or intimidating dealers into purchasing or dealing in accessories or supplies manufactured or supplied by the respondents, or by anyone designated by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, General Motors Corporation et al., Docket 3152, November 12, 1941]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with any franchise or agreement for the sale of automobiles or in connection with the sale, or making of any contract for the sale, of automobile parts in commerce, and among other things, as in order set forth, entering into, enforcing, or continuing in operation or effect, any franchise or agreement for the sale of automobiles, or any contract for the sale of, or selling, automobile parts on the condition, agreement, or understanding that the purchaser thereof shall not use or sell automobile parts other than those acquired from the respondents, unless such condition, agreement, or understanding be limited to automobile parts necessary to the mechanical operation of an automobile, and which are not available, in like quality and design, from other sources of supply, prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Cease and desist order, General Motors Corporation et al., Docket 3152, November 12, 1941]

In the Matter of General Motors Corporation and General Motors Sales Corporation

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 12th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence taken before John L. Hornor and W. W. Sheppard, trial examiners of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of Trial Examiner W. W. Sheppard upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act and have violated the provisions of that certain Act of the Congress of the United States entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act; do forthwith cease and desist from:

(1) Requiring dealers, by means of intimidation or coercion, to purchase or deal in accessories or supplies sold and distributed by the respondents, or by anyone designated by them;

(2) Canceling, or directly or by implication threatening the cancellation of, any franchise or agreement with dealers, because of failure or refusal of such dealers to purchase or deal in accessories or supplies sold and distributed by the respondents, or by anyone designated by the respondents;

(3) Canceling, or directly or by implication threatening the cancellation of, any franchise or agreement with any dealer, for purchasing or dealing in accessories or supplies not obtained from respondents, or from any other source designated by the respondents;

(4) Shipping accessories or supplies without prior orders therefor, or canceling, or directly or by implication threatening the cancellation of, any franchise or agreement with a dealer, because of a failure or refusal to accept accessories or supplies shipped without prior order;

(5) Refusing, or threatening to refuse, to deliver automobiles to dealers because of a failure or refusal of such dealer to purchase or deal in accessories or supplies sold and distributed by the respondents, or by anyone designated by them;

(6) The use of any practice, plan or method of doing business, for the purpose, or having the effect, of coercing or intimidating dealers into purchasing or dealing in accessories or supplies manufactured or supplied by the respondents, or by anyone designated by them.

It is further ordered, That the respondents, General Motors Corporation, a corporation, and General Motors Sales Corporation, a corporation, and their respective officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with any franchise or agreement for the sale of automobiles or in connection with the sale, or making of any contract for the sale, of automobile parts in commerce as "commerce" is defined in that Act of Congress entitled, "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act, do forthwith cease and desist from:

(1) Entering into, enforcing, or continuing in operation or effect, any franchise or agreement for the sale of automobiles, or any contract for the sale of, or selling, automobile parts on the condition, agreement, or understanding that the purchaser thereof shall not use or sell automobile parts other than those acquired from the respondents, unless such condition, agreement, or understanding be limited to automobile parts necessary to the mechanical operation of an automobile, and which are not available, in like quality and design, from other sources of supply.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41–8639; Filed, November 18, 1941; 12:39 p. m.]

[Docket No. 3221]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF UNITED BUYERS CORPORATION, ET AL.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Directly or indirectly, on the part of respondent United Buyers Corporation, its officers, etc., and among other things, as in order set forth, in any manner or form whatever, (1) accepting from sellers any brokerage or commission, or any allowance, discount or thing of value in lieu thereof, upon the purchase of commodities in interstate commerce, by itself, by any of its stockholders, or by any buyer for whom in fact, on whose behalf, or under whose direct or indirect control it acts; and (2) transmitting, passing or granting to buyers of commodities, any brokerage or commission, and any allowance, discount or thing of value, in lieu thereof, received on such buyers' purchases of commodities in interstate commerce; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U.S.C., Sup. IV, sec. 13c) [Cease and desist order, United Buyers Corporation, et al., Docket 3221, November 13, 1941]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Accepting from respondent United Buyers Corporation, on the part of respondents H. P. Lau Company, Bluffton Grocery Company, Lima-Kenton Grocery Company, S. Zollinger Company, William Edwards Company and

Copps Company, and all other stockholders in said United Buyers Corporation prior to May 21, 1941, their officers, etc., and among other things, as in order set forth, directly or indirectly, in any manner or form whatever, any brokerage or commission, and any allowance, discount or thing of value in lieu thereof, upon their purchases of commodities in interstate commerce, prohibited. (Sec. 2c, 49 Stat. 1527; 15 U.S.C., Sup. IV, sec. 13c) [Cease and desist order, United Buyers Corporation, et al., Docket 3221, November 13, 1941]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* Paying or granting to respondent United Buyers Corporation, on the part of respondents Allison-Bedford Company, Blue Seal Products Company, Bordo Products Company, Champion Chemical Works, Cupples Company, Dean Milk Company and J. B. Inderrieden Company, their officers, etc., and among other things, as in order set forth, any brokerage or commission, and any allowance, discount or thing of value in lieu thereof, upon their sales of commodities in interstate commerce, except in transactions in which United Buyers Corporation renders to them a bona fide selling service as their selling agent or broker, and does not act for or on behalf of, or under the direct or indirect control of, the purchasers in such transactions, prohibited. (Sec. 2c, 49 Stat. 1527; 15 U.S.C., Sup. IV, sec. 13c) [Cease and desist order, United Buyers Corporation, et al., Docket 3221, November 13, 1941]

In the Matter of United Buyers Corporation: Arthur E. Koeniger, Individually and as One of the Directors of United Buyers Corporation; Eli P. Gale, Individually and as Vice-President in Charge of Buying and as One of the Directors of United States Buyers Corporation; W. Wendell Caldwell, Individually and as Vice-President in Charge of Merchandising, and as One of the Directors of United Buyers Corporation; Helen M. Driscoll, Individually and as Secretary of United Buyers Corporation; Stella E. Nordlund, Individually and as Treasurer of United Buyers Corporation; Paul E. Painter, Milton E. Rolfsmeyer, Alfred M. Copps, Eldon B. Smith, and Oliver J. Lecklider, and Each of Them, Individually and as Directors of United Buyers Corporation; H. P. Lau Company, a corporation; Bluffton Grocery Company, a Corporation; Lima-Kenton Grocery Company, a Corporation; S. Zollinger Company, a Corporation; William Edwards Company, a Corporation; Copps Company, a Corporation; Allison-Bedford Company, a Corporation; Angelus Campfire Company, a Corporation; Blue Seal Products Company, a Corporation; Bordo Products Company, a Corporation; Champion Chemical Works, a Corporation; Cupples Company, a Corporation; Dean Milk Company, a Corporation; J. B. Inderrieden Company, a Corporation; Respondents

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint [2] of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint, and the Commission having made its findings as to the facts and its conclusion that the respondents, with the exception of Angelus Campfire Company, have violated the provisions of section 2 (c) of the Clayton Act, approved October 15, 1914 (38 Stat. 730) as amended by the Robinson-Patman Act, approved June 19, 1936 (49 Stat. 1526; 15 U.S.C. Sec. 13);

It is ordered, That respondent United Buyers Corporation, its officers, directors, agents, representatives and employees, do forthwith cease and desist from:

1. Directly, or indirectly, in any manner or form whatever, accepting from sellers any brokerage or commission, or any allowance, discount or thing of value in lieu thereof, upon the purchase of commodities in interstate commerce, by itself, by any of its stockholders, or by any buyer for whom in fact, on whose behalf, or under whose direct or indirect control it acts.

2. Directly or indirectly, in any manner or form whatever, transmitting, passing or granting to buyers of commodities, any brokerage or commission, and any allowance, discount or thing of value, in lieu thereof, received on such buyers' purchases of commodities in interstate commerce.

It is further ordered, That respondents H. P. Lau Company, Bluffton Grocery Company, Lima-Kenton Grocery Company, S. Zollinger Company, William Edwards Company and Copps Company, and all other stockholders in United Buyers Corporation prior to May 21, 1941, their officers, directors, agents, representatives and employees, do forthwith cease and desist from accepting from United Buyers Corporation, directly or indirectly, in any manner of form whatever, any brokerage or commission, and any allowance, discount or thing of value in lieu thereof, upon their purchases of commodities in interstate commerce.

It is further ordered, That respondents Allison-Bedford Company, Blue Seal Products Company, Bordo Products Company, Champion Chemical Works, Cupples Company, Dean Milk Company and J. B. Inderrieden Company, their officers, directors, agents, representatives and employees, do forthwith cease and desist from paying or granting to United Buyers Corporation any brokerage or commission, and any allowance, discount or thing of value in lieu thereof, upon their sales of commodities in interstate commerce, except in transactions in which United Buyers Corporation renders to them a bona fide selling service as their selling agent or broker, and does not act for or on behalf of, or under the direct or indirect control of, the purchasers in such transactions.

It is further ordered, That the complaint herein be, and hereby is, dismissed as to:

1. Respondent Arthur E. Koeniger.
2. Respondent Eli P. Gale.
3. Respondent Helen M. Driscoll.
4. Respondent Angelus Campfire Company.

Respondent Arthur E. Koeniger is deceased; respondents Eli P. Gale and Helen M. Driscoll have resigned their offices and positions with the United Buyers Corporation, and there is no indication that they are likely to resume their previous employment with it; and the record does not show that respondent Angelus Campfire Company, a seller-respondent, has paid any brokerage or commissions to United Buyers Corporation.

It is further ordered, That the respondents, except those as to whom the complaint is dismissed, shall file with the Commission, within sixty (60) days after service upon them of this order, a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8669; Filed, November 19, 1941; 11:55 a. m.]

[1] 3 F.R. 1541.
[2] 2 F.R. 1802.

[Docket No. 4320]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SALT PRODUCERS ASSOCIATION, ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices;* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* (I.) In connection with offer, etc., in commerce, of salt, and on the part of respondent Salt Producers Association, respondent corporate salt producers and their officers, etc., and on the part of respondent Stevenson, Jordan & Harrison, Inc., and respondents Charles R. Stevenson and D. M. Metzger, respectively president and treasurer of said corporation, and on the part of their agents, etc., or any two or more of said respondents, with or without the cooperation of others not party hereto, entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any common course of action, mutual agreement, combination, or conspiracy, to fix or maintain the prices of salt or curtail, restrict, or regulate the production or sale thereof, and pursuant to said common course of action, etc., (1) establishing or maintaining uniform prices for salt, or uniform terms and conditions in the sale thereof, or in any manner agreeing upon, fixing, or maintaining any prices, including terms and conditions of sale, at which salt is to be sold; (2) adhering, or promising to adhere, to filed or published prices or terms and conditions of sale for salt pending the filing of changes therein with respondent Salt Producers Association, or with any other agency, or with each other; (3) establishing or maintaining delivered price zones, or making quotations and sales of salt upon a delivered price basis under a zone system whereby the cost of salt delivered to buyers within each respective zone is made identical at all destinations within such zone; (4) exchanging, directly or through the Salt Producers Association, or any other agency or clearing house, price lists, invoices, and other records of sale showing the quantity, current prices and terms and conditions of sale allowed by respondent corporations to dealers and distributors (subject to the provision, "however, that nothing herein shall prevent the respondent association from collecting and disseminating to the respective respondent manufacturers figures showing the total volume of sales of salt without disclosing the sales volume of individual producers"); (5) exchanging, directly or through the medium of the Salt Producers Association, or any other agency, the names of distributors or dealers who receive special discounts; (6) curtailing, restricting, or regulating the quantity of salt to be produced and sold by any respondent corporation by any method or means during any given period of time; and (7) doing, or causing to be done, any of the things forbidden by this order through the medium of respondents Stevenson, Jordan & Harrison, Inc., Charles R. Stevenson or D. M. Metzger, or any other corporation, firm, or individual; and (II) doing or performing any of the things forbidden by this order, or aiding, assisting or cooperating in the performance thereof, on the part of respondents Stevenson, Jordan & Harrison, Inc., and respondents Charles R. Stevenson and D. M. Metzger, as officers thereof, and on the part of their agents, etc.; prohibited, subject to the proviso that nothing in the order is to be construed as prohibiting the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are not prohibited by the provisions of an Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, (the Sherman Act) as amended. (Sec. 5, 38 Stat. 719, as amended by sec 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Salt Producers Association, et al., Docket 4320, November 10, 1941]

In the Matter of Salt Producers Association, a Corporation; Avery Salt Company; Barton Salt Company; Carey Salt Company; Cayuga Rock Salt Company; Colonal Salt Company; Detroit Rock Salt Company; Diamond Crystal Salt Co., Inc.; International Salt Company; Jefferson Island Salt Company, Inc.; Hardy Salt Company; Morton Salt Company; Myles Salt Company, Ltd.; Mulkey Salt Company; Ohio Salt Company; Ruggles & Rademaker Salt Company; Saginaw Salt Products Company; Union Salt Company; Watkins Salt Company; Worcester Salt Company; American Salt Corporation; and Stevenson Corporation, a Corporation, and Its Officers, Charles R. Stevenson, T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, Howard Marvin, and D. M. Metzger, a Partnership, Doing Business Under the Firm Name of Stevenson, Jordan and Harrison

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission and the answers of the corporate respondents Salt Producers Association, Avery Salt Company, Barton Salt Company, The Carey Salt Company, Cuyuga Rock Salt Company, Colonial Salt Company, Detroit Rock Salt Company, Diamond Crystal Salt Co., Inc., International Salt Company, Jefferson Island Salt Company, Inc., Hardy Salt Company, Morton Salt Company, Myles Salt Company, Ltd., Mulkey Salt Company, Ohio Salt Company, Ruggles & Rademaker Salt Company, Saginaw Salt Products Company, Union Salt Company, Watkins Salt Company, and Worcester Salt Company admitting all the material allegations of fact set forth in said complaint and waiving all intervening procedure and further hearing as to said facts; the answer of American Salt Corporation, a corporation, admitting all the material allegations of fact set forth in said complaint, certain additional facts, and waiving all intervening procedure and further hearing as to said facts; and the answer and statement of admitted facts filed by respondents Stevenson, Jordan and Harrison, Inc. (referred to in the complaint under its former name, Stevenson Corporation), a corporation, and its officers Charles R. Stevenson and D. M. Metzger, president and treasurer, respectively and its employees T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, and Howard Marvin (referred to in the complaint as members of a partnership trading under the name Stevenson, Jordan and Harrison), and the order of the Commission granting the motion of respondents Stevenson, Jordan and Harrison, Inc., and its said officers and employees that the Commission receive said statement of admitted facts in lieu of taking testimony or further hearing and that the statement of admitted facts be made a part of the record in this proceeding; and the Commission having made its findings as to the facts and its conclusion that the aforesaid respondents except T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, and Howard Marvin, have violated the provisions of Section 5 of the Federal Trade Commission Act;

It is ordered, That the respondents Salt Producers Association, a corporation, Avery Salt Company, a corporation, Barton Salt Company, a corporation, The Carey Salt Company, a corporation, Cayuga Rock Salt Company, a corporation, Colonial Salt Company, a corporation, Detroit Rock Salt Company, a corporation, Diamond Crystal Salt Co., Inc., a corporation, International Salt Company, a corporation, Jefferson Island Salt Company, Inc., a corporation, Hardy Salt Company, a corporation, Morton Salt Company, a corporation, Myles Salt Company, Ltd., a corporation, Mulkey Salt Company, a corporation, Ohio Salt Company, a corporation, Ruggles & Rademaker Salt Company, a corporation, Saginaw Salt Products Company, a corporation, Union Salt Company, a corporation, Watkins Salt Company, a corporation, Worcester Salt Company, a corporation, American Salt Corporation, a corporation, their officers, servants, agents and employees, and Stevenson, Jordan and Harrison, Inc., Charles R. Stevenson and D. M. Metzger, respectively president and treasurer of said Stevenson, Jordan and Harrison, Inc., and their agents, servants, and employees, or any two or more of said respondents, with or without the cooperation of others not parties hereto, in connection with the offering for sale, sale, and distribution of salt in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any common course of action, mutual agreement, combination, or conspiracy to fix or maintain the prices of salt or curtail, restrict, or regulate the production of sale thereof, and from doing any of the following acts or things pursuant thereto:

(1) Establishing or maintaining uniform prices for salt, or uniform terms and conditions in the sale thereof, or in any manner agreeing upon, fixing, or maintaining any prices, including terms

and conditions of sale, at which salt is to be sold;

(2) Adhering, or promising to adhere, to filed or published prices or terms and conditions of sale for salt pending the filing of changes therein with respondent Salt Producers Association, or with any other agency, or with each other;

(3) Establishing or maintaining delivered price zones, or making quotations and sales of salt upon a delivered price basis under a zone system whereby the cost of salt delivered to buyers within each respective zone is made identical at all destinations within such zone;

(4) Exchanging, directly or through the Salt Producers Association, or any other agency or clearing house, price lists, invoices, and other records of sale showing the quantity, current prices and terms and conditions of sale allowed by respondent corporations to dealers and distributors: *Provided, however,* That nothing herein shall prevent the respondent association from collecting and disseminating to the respective respondent manufacturers figures showing the total volume of sales of salt without disclosing the sales volume of individual producers;

(5) Exchanging, directly or through the medium of the Salt Producers Association, or any other agency, the names of distributors or dealers who receive special discounts;

(6) Curtailing, restricting, or regulating the quantity of salt to be produced and sold by any respondent corporation by any method or means during any given period of time;

(7) Doing, or causing to be done, any of the things forbidden by this order through the medium of respondents Stevenson, Jordan and Harrison, Inc., Charles R. Stevenson or D. M. Metzger, or any other corporation, firm, or individual.

It is further ordered, That respondents Stevenson, Jordan and Harrison, Inc., and Charles R. Stevenson and D. M. Metzger as officers thereof, and their agents, servants, and employees, do forthwith cease and desist from doing or performing any of the things forbidden by this order, or aiding, assisting, or cooperating in the performance thereof.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That nothing in this order is to be construed as prohibiting the respondents from entering into such contracts or agreements relating to the maintenance of resale prices as are not prohibited by the provisions of an Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, (the Sherman Act) as amended.

It is further ordered, That for the reasons appearing in the findings as to the facts the complaint herein be, and hereby is, dismissed as to the following respondents; T. M. Harrison, C. H. Ferris, N. M. Perris, E. G. Ackerman, A. H. Dyer, R. E. Case, F. L. Sweetser, W. R. Guthrie, A. P. Nonweiler, S. M. Hudson, R. R. Bliss, L. B. Platt, and Howard Marvin.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8638; Filed, November 18, 1941; 12:38 p. m.]

[Docket No. 4527]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF D. WATSON & COMPANY, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation known as Dr. J. Lariviere's Vegetable Compound, or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation constituted a competent or effective treatment for painful or irregular menstruation; that its use will strengthen the system or organs, or build up physical resistance to restlessness, nervousness, cramps, headaches, or fainting spells, or to other symptoms which may be due to female disorders; or that restlessness, nervousness, or moody spells in young women are indicative of or symptoms of dangerous periods imperiling health; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, D. Watson & Company, etc., Docket 4527, November 13, 1941]

In the Matter of Fred T. Hopkins, an Individual Trading as D. Watson & Company and as Colonnade Advertising Agency

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Fred T. Hopkins, an individual, trading as D. Watson & Company and as Colonnade Advertising Agency, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation known as Dr. J. Lariviere's Vegetable Compound, or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation constitutes a competent or effective treatment for painful or irregular menstruation; that its use will strengthen the system or organs, or build up physical resistance to restlessness, nervousness, cramps, headaches, or fainting spells, or to other symptoms which may be due to female disorders; or that restlessness, nervousness, or moody spells in young women are indicative of or symptoms of dangerous periods imperiling health;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That respondent shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8637; Filed, November 18, 1941; 12:38 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Order No. 21]

CASCADE LOCKS CAMP PROJECT, ESTABLISHMENT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Cascade Locks Camp project to be work of national importance. Said camp, located at Cascade Locks, Hood River County, Oregon, will be the base of operations for forestry work in the State of Oregon, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Cascade Locks Camp will consist of recreational development, hazard reduction, truck trail construction and fire suppression, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY, *Director.*

NOVEMBER 12, 1941.

[F. R. Doc. 41-8651; Filed, November 18, 1941; 2:39 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF CONNECTICUT TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Connecticut to direct any local board in the State of Connecticut to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Connecticut will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Connecticut shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY, *Director.*

NOVEMBER 17, 1941.

[F. R. Doc. 41-8645; Filed, November 18, 1941; 2:38 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MAINE TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Maine to direct any local board in the State of Maine to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Maine will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Maine shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY, *Director.*

NOVEMBER 17, 1941.

[F. R. Doc. 41-8650; Filed, November 18, 1941; 2:40 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MASSACHUSETTS TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Massachusetts to direct any local board in the State of Massachusetts to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Massachusetts will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Massachusetts shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY, *Director.*

NOVEMBER 17, 1941.

[F. R. Doc. 41-8643; Filed, November 18, 1941; 2:37 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF NEW HAMPSHIRE TO ORDER ADDITIONAL OF ALTERNATIVE PHYSICAL EXAMINATIONS.

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of New Hampshire to direct any local board in the State of New Hampshire to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of New Hampshire will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of New Hampshire shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY, *Director.*

NOVEMBER 17, 1941.

[F. R. Doc. 41-8644; Filed, November 18, 1941; 2:37 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF NORTH DAKOTA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of North Dakota to direct any local board in the State of North Dakota to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of North Dakota will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of North Dakota shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8647; Filed, November 18, 1941; 2:38 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF RHODE ISLAND TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Rhode Island to direct any local board in the State of Rhode Island to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Rhode Island will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Rhode Island shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8648; Filed, November 18, 1941; 2:38 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF SOUTH DAKOTA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of South Dakota to direct any local board in the State of South Dakota to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of South Dakota will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of South Dakota shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8642; Filed, November 18, 1941; 2:37 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF VERMONT TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Vermont to direct any local board in the State of Vermont to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Vermont will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Vermont shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8642; Filed, November 18, 1941; 2:37 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF WYOMING TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Wyoming to direct any local board in the State of Wyoming to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Wyoming will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Wyoming shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8649; Filed, November 18, 1941; 2:39 p. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS

[General Order No. 39,[1] Amended]

PART 222—STATEMENTS AND AGREEMENTS REQUIRED TO BE FILED

Cargo and Passenger Reports To Be Filed by Common Carriers by Water

Whereas pursuant to the authority contained in section 21 of the Shipping Act, 1916 (39 Stat. 736, 46 U. S. C. A. 820), the Commission may require any common carrier by water to file with it any periodical or special report of any facts and transactions appertaining to the business of such carrier in the form and within the time prescribed by the Commission; and

Whereas said section 21 also provides that whoever fails to file any report as required by the Commission shall forfeit to the United States the sum of $100 for each day of such default, and whoever willfully falsifies, destroys, mutilates or alters such report or willfully files a false report shall be guilty of a misdemeanor and subject upon conviction to a fine of not more than $1,000 or imprisonment for not more than one year, or to both such fine and imprisonment; and

Whereas by resolution of the former United States Shipping Board, passed on March 13, 1922, which is among the orders of the Board adopted and continued in effect by the Commission, every common carrier by water operating a vessel in either direction between a port in continental United States and a port in a foreign country or in any of the possessions of the United States or between a port on the Pacific Coast of continental United States and another port in continental United States not on the Pacific Coast, was ordered to file in duplicate with the Collector of Customs at the first port of entry in continental United States, on each voyage of the vessel, or at the last port of clearance therefrom, reports, on the forms prescribed, setting forth the quantity of the several kinds of goods, wares, merchandise and property forming the cargo of such vessel; and

Whereas the Commission finds it necessary that the forms of reports heretofore prescribed for use by such common carriers by water, namely, U. S. Maritime Commission Form 7801, Revised May, 1941 (Single), Cargo and Passenger Report for Vessels Entering United States Ports, and U. S. Maritime Commission Form 7802, Revised May, 1941 (Single), Cargo and Passenger Report for Vessels Clearing United States Ports be revised; *It is therefore ordered*, That:

§ 222.2 *Revised forms of cargo and passenger reports approved.* The attached U. S. Maritime Commission Form 7801 Revised November 1941, Cargo and Passenger Report (Vessels Arriving at United States Ports)[2] and the attached U. S. Maritime Commission Form 7802, Revised November, 1941, Cargo and Passenger Report (Vessels Departing from United States Ports),[2] be and they hereby are approved.*

*§§ 222.2 to 222.4, inclusive, issued under authority contained in section 21, Shipping Act, 1916 (37 Stat. 736; 46 U.S.C. 20).

§ 222.3 *Carriers required to file reports.* Every common carrier by water operating a vessel in either direction between a port in continental United States and a port in a foreign country or in any of the territories or possessions of the United States, including the Philippine Islands, is hereby ordered to file, for each voyage of the vessel, U. S. Maritime Commission Form 7801, Revised November 1941, Cargo and Passenger Report,[2] duly executed in duplicate and certified to in the manner indicated thereon, with the Collector of Customs at the first port of arrival in continental United States, and U. S. Maritime Commission Form 7802, Revised November 1941, Cargo and Passenger Report,[2] duly executed in duplicate and certified to in the manner indicated thereon, with the Collector of Customs at the last port of departure in continental United States.

In the case of an intercoastal voyage, a report on U. S. Maritime Commission Form 7801, Revised November 1941, Cargo and Passenger Report,[2] duly executed in duplicate and certified to in the manner indicated thereon, shall be filed with the Collector of Customs at the first port of arrival in continental United States after transiting the Panama Canal. No reports are required on U. S. Maritime Commission Form 7802 for vessels in intercoastal service.*

§ 222.4 *Time for filing.* U. S. Maritime Commission Form 7801, Revised November 1941, Cargo and Passenger Report for Vessels Arriving at United States Ports, and U. S. Maritime Commission Form 7802, Revised November, 1941, Cargo and Passenger Report for Vessels Departing from United States Ports must be filed with the Collector of Customs before midnight of the fourth full business day after arrival or departure, as the case may be, effective December 1, 1941. Forms filed with the Collectors of Customs for transmittal to the Commission, as provided herein, shall be deemed to be filed with the Commission within the meaning of section 21 of the Shipping Act, 1916.*

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
Secretary.

OCTOBER 23, 1941.

[F. R. Doc. 41-8640; Filed, November 18, 1941; 1:15 p. m.]

[1] 6 F.R. 2753.

[2] Filed with the original document. Copies of the forms of reports referred to may be obtained on request from the Collectors of Customs.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 5060]

PART 3—STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

The Commission hereby suspends the effective date of the Chain Broadcasting Regulations (§§ 3.101–3.108)[1] adopted May 2, 1941, in Docket No. 5060, as last amended October 11, 1941,[2] in accordance with stipulations annexed hereto (set forth below) entered into between the Commission and the plaintiffs in Civil Actions No. 16–178 and No. 16–179, brought in the District Court for the Southern District of New York to set aside those regulations.

Stipulation

It is hereby stipulated by and between all the parties by their respective counsel:

1. That counsel for all parties will cooperate to bring on for hearing on or before December 15, 1941, the Motion for Preliminary Injunction heretofore filed by plaintiffs and the defendants' Motion to Dismiss the Complaint or, in the alternative, for Summary Judgment.

2. Pending such hearing by this Court and the determination by it of plaintiffs' said Motion for Preliminary Injunction, the defendant Federal Communications Commission is suspending, and will take no steps for enforcement or application of, the Commission's Order of May 2, 1941, in Docket No. 5060, as last amended October 11, 1941, with respect to any failure by any radio station to comply with such Order.

3. Any party hereto may move before the Court to modify the terms of this stipulation to the same extent which such party would be entitled to had this stipulation been in the form of a temporary restraining order issued after hearing.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8661; Filed, November 19, 1941; 10:38 a. m.]

[1] 6 F.R. 2282.

[2] 6 F.R. 5257.

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

LOWER SOURIS NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Under authority of section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924, 43 Stat. 98, the ad-

ministration of which was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in extension of § 12.9 of the regulations of December 19, 1940,[1] for the administration of national wildlife refuges, the following regulations permitting and governing the hunting of deer in the Lower Souris National Wildlife Refuge, North Dakota, are made and prescribed:

§ 29.573a *Lower Souris National Wildlife Refuge, North Dakota; hunting of deer.* Deer may be taken during the open season prescribed therefor by the Game and Fish Department of the State of North Dakota during the calendar year 1941 on certain lands, hereinafter described of the United States within the Lower Souris National Wildlife Refuge, North Dakota, under the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* The following-described lands of the United States within the refuge shall be open to the hunting of deer: That part of the refuge south and east of Dam No. 320 except the area north of the Souris River between Dam No. 320 and the line common to secs. 29 and 30, and 31 and 32, T. 159 N., R. 76 W., 5th p. m.

(b) *Compliance with State laws and regulations.* Any person who hunts on the refuge shall have in his possession a valid hunting license issued by the State of North Dakota authorizing him to hunt deer and a permit issued by the officer in charge of the refuge authorizing him to enter the refuge. The license and permit must be exhibited upon the request of any representative of the North Dakota Game and Fish Department authorized to enforce the State game laws or of any representative of the Department of the Interior. The permittee must comply in every respect with the State laws and regulations governing the hunting of deer and must upon request of any of the aforesaid representatives exhibit for inspection all game killed by him or in his possession.

(c) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(d) *Entry upon refuge.* Persons entering the refuge for the purpose of hunting, as permitted by these regulations, shall use such routes of travel as may be designated by suitable posting by the officer in charge and shall not otherwise enter upon the refuge.

(e) *Limitation on firearms.* Deer may be taken only by the use of rifled firearms of .25 caliber or larger, shooting a projectile of not less than one hundred grains.

(f) *Penalties.* Failure of any person hunting upon the refuge to comply with any of the conditions, restrictions, or requirements of the regulations in this section will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(g) *State cooperation in management of the shooting area.* The provisions of the regulations in this section shall be incorporated in and deemed to be a part of any agreement between the Director of the Fish and Wildlife Service and the Commissioner of the Game and Fish Department of North Dakota for the regulation, management, and operation of the shooting area established hereunder.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 6, 1941.

[F. R. Doc. 41-8658; Filed, November 19, 1941; 9:35 a. m.]

[1] 5 F.R. 5284

PART 91—ALASKA GAME REGULATIONS

REGULATIONS RESPECTING GAME ANIMALS, LAND FUR-BEARING ANIMALS, GAME BIRDS, NONGAME BIRDS, AND NESTS AND EGGS OF BIRDS IN ALASKA, APPROVED ON JUNE 6, 1941

Pursuant to the authority and direction contained in section 10 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended by acts of February 14, 1931, 46 Stat. 1111; June 25, 1938, 52 Stat. 1169; and October 10, 1940, 54 Stat. 1103, I, Oscar L. Chapman, Assistant Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, and having determined when, to what extent, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds may be taken, possessed, transported, bought, or sold in Alaska, do hereby amend that part of regulation 13 of the regulations respecting game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds in Alaska (Circular AGC-19; 6 F.R. 2913, § 91.13, *Fur districts and open seasons and limits on land fur-bearing animals*, 50 CFR 91) specifying the open season in fur district 5 on mink, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx, by inserting a semicolon in lieu of the period after the word "February" as it appears at the end of the paragraph under that subheading, and by adding thereafter the words "except that mink, land otter, and weasel (ermine) may be taken from November 16 to the last day of February in that part of fur district 5 lying south of the Unalakleet River."

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the city of Washington this 10th day of November 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-8657; Filed, November 19, 1941; 9:35 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 670 ORD 1812]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL STEEL CASTINGS CORPORATION, DELAWARE COUNTY, PA.

Contract for: Cast Armor Shields * * *.

Amount: $2,600,000.00.

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pa.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authorities ORD 20,318 P 22-30 A 1204-2 and ORD 20,318 P 22-30 A (1204).146-2, the available balances of which are sufficient to cover the cost of same.

This contract,[1] entered into this 22d day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Cast Armor Shields * * * for the consideration stated of two million, six hundred thousand dollars ($2,600,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified, invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination for convenience of the Government.* Should conditions arise which, in the opinion of the Secretary of War, make it desirable that the contract be terminated, the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this Article.

ART. 27. *Quantities.* The Government reserves the right to increase the quantity of this contract by * * * units at the unit price specified in Article 1, such option to be exercised by the Contracting Officer prior to * * *.

This contract is authorized by the following laws: The act of July 2, 1940 (Public No. 703, 76th Congress) as continued in effect by The Act of Congress approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8652; Filed, November 19, 1941; 9:33 a. m.]

[1] Approved by the Chief of Ordnance October 24, 1941.

[Contract No. W 669 qm-13468; O. I. No. 1919]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY, NEW YORK, NEW YORK

Contract for: Blankets, Wool, Olive Drab * * *.

Amount: $2,738,363.60.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this thirtieth day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Blankets, Wool, Olive Drab for the consideration stated totaling two million, seven hundred thirty-eight thousand, three hundred sixty-three dollars and sixty cents ($2,738,363.60) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 11-30 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under provisions of Section 1 (a) of the Act of July 2, 1940, (Public No. 703, 76th Congress, as continued in effect by section 9, Public No. 139—77th Congress)

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8653; Filed, November 19, 1941; 9:33 a. m.]

[Contract No. W 669 qm-13417; O. I. No. 1833]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY; NEW YORK, NEW YORK

Contract for: Blankets, Wool, Olive Drab * * *.

Amount: $1,163,750.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this twenty-ninth day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * blankets, wool, olive drab for the consideration stated totaling one million, one hundred sixty-three thousand, seven hundred fifty dollars ($1,163,750.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 11-30 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under provisions of section 1 (a) of the Act of July 2, 1940 (Public No. 703, 76th Congress, as continued in effect by Section 9, Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8654; Filed, November 19, 1941; 9:33 a. m.]

[Contract No. W-ORD-540]

SUMMARY OF COST-PLUS-A-FIXED-FEE NEW ORDNANCE FACILITY CONSTRUCTION CONTRACT LEASE OF GOVERNMENT-OWNED PLANT AND FIXED-PRICE (LUMP-SUM) OPERATION CONTRACT

CONTRACTOR: TENNESSEE COPPER COMPANY, NEW YORK, NEW YORK

Contract[1] for: Furnishing management service (including subcontracts for architect-engineer services and construction of a new ordnance facility and installation of equipment therein) and procuring production equipment on a cost-plus-a-fixed-fee basis; acquisition of site; leasing the new ordnance facility; and operating the same for the manufacture of sulphuric acid at 40% Oleum, on a fixed-price (lump-sum) basis.

Place: Near Copperhill, Tennessee.

Fixed-price (lump-sum) for acquisition of site under Title I: $200.00.

Estimated cost of management service (including cost of architect-engineer and construction subcontracts): $759,329.00.

Fixed-fee for management service under title II: $1.00.

Estimated cost of procuring equipment under Title III: $1,302,000.00.

Fixed-fee for procuring equipment under title III: $1.00.

Rental for lease of Government-owned plant under title VI: $1.00.

Total net contract price (after estimated credits) for * * * tons 40% Oleum under Title VII (excluding freight estimated at * * *): $372,915.00 (optional).

The new ordnance facility, services and supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 27090 P2-99 A0141-02
ORD 27091 P2-99 A0141-02
ORD 51231 P531 A0025-13

This contract, entered into this 19th day of September 1941.

TITLE I—*Acquisition of Site*

ARTICLE I-A. *Acquisition of site.* In consideration of the sum of two hundred

[1] Approved by the Under Secretary of War October 6, 1941.

dollars ($200.00) in cash, to be paid to the Contractor by the Government, the Contractor agrees to convey to the Government by deed or deeds satisfactory to the Contracting Officer that certain tract of land near Copperhill, Tennessee, outlined on the map of the layout of the Plant filed in the offices of the Chief of Ordnance and The Quartermaster General * * *.

ART. I–B. *Payment.* The consideration of two hundred dollars ($200.00) provided in Article I–A of this Title I shall be paid to the Contractor upon the receipt and approval by the Contracting Officer of a deed or deeds as above-provided duly executed by the Contractor.

TITLE II—*Management Service*

ART. II–A. *Description of new ordnance facility.* 1. The new ordnance facility, hereinafter referred to as the "Plant", and designated as East Tennessee Ordnance Works, shall comprise a plant at or near Copperhill, Tennessee, for the production of Sulphuric Acid as 40% Oleum (hereinafter referred to as "Oleum"), having an estimated average daily capacity, based on working twenty-four hours per day, of * * * tons of 40% Oleum.

2. Said Plant, for use in connection with a part of Contractor's existing facilities, shall consist of the necessary buildings and structures, together with necessary utilities and appurtenances thereto, and all equipment necessary or appropriate in and about a plant for the production of 40% Oleum of the capacity above stated, when used in connection with a part of Contractor's existing facilities.

3. Said Plant shall conform, insofar as is practicable, with typical designs, drawings, specifications, details, standards or instructions which are on file in the offices of the Chief of Ordnance and The Quartermaster General and which shall be promptly furnished to the Contractor or which will be furnished hereafter by the Contracting Officer.

ART. II–B. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of a Plant of the type and capacity described in Article II–A hereof.

2. In the performance of the work described in Section 1 of this Article II–B, the Contractor shall:

a. Furnish management service covering supervision, direction and control of the designing (including designing of the production equipment), engineering and construction (including the installation of the production equipment) of the Plant, and subject to the approval of the Contracting Officer, establish, equip and maintain adequate guard and fire fighting forces.

b. Subcontract, on forms prescribed by The Quartermaster General, for Architect-Engineer services covering design (including necessary design of production equipment) and engineering and subcontract for the construction (including the installation of production equipment) of the Plant, with subcontractors selected by The Quartermaster General and approved by the Contractor.

4. The Government shall furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details, standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and are applicable to the design, construction, and equipping of the said Plant.

5. All of the Contractor's notes and other data concerning the design, construction and equipping of the Plant shall become the property of the Government.

ART. II–C. *Estimates.* 1. It is estimated that the total cost of the work under this Title II will be approximately seven hundred fifty-nine thousand three hundred twenty-nine dollars ($759,329.00), including the cost of all subcontracts but excluding the Contractor's fee and the procurement of production equipment provided for in Title III hereof.

ART. II–D. *Consideration.* As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title IV.

2. A fixed-fee in the amount of One Dollar ($1.00) which shall constitute complete compensation for the Contractor's services, including profit, and all general overhead.

TITLE III—*Procurement of Production Equipment*

ART. III–A. *Statement of work.* 1. The Contractor shall, in the shortest reasonable time, determine the production equipment requirements for the Plant and shall, subject to the approval of the Contracting Officer, thereupon proceed to do all things necessary and incident to the procurement of the production equipment required, by subcontract or otherwise.

ART. III–B. *Estimates.* It is estimated that the total cost under this Title III will be approximately one million three hundred two thousand dollars ($1,302,000.00), exclusive of the Contractor's fixed-fee.

ART. III–C. *Consideration.* As consideration for its undertaking under this Title III the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title IV.

2. A fixed-fee in the amount of one dollar ($1.00), which shall constitute complete compensation for the Contractor's services.

TITLE IV—*Cost of the Work Under Titles II and III and Payment Therefor*

The provisions of this Title IV shall relate only to the work to be performed under Titles II and III of this contract.

ART. IV–B. *Payments—Reimbursement for cost.* 1. The Government will currently reimburse the Contractor for expenditures made in accordance with Article IV–A of this Title IV, upon certification and delivery to and verification by the Contracting Officer of the original signed payrolls for labor, receipted invoices for materials, equipment, etc., or other evidence satisfactory to the Contracting Officer. Reimbusement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph *a* of Section 1 shall be subject to the provisions of Article IV–C.

Payment of the fixed-fees. 2. *a.* The fixed-fee of one dollar ($1.00) provided for in Article II–D shall be paid upon the completion of the work provided therein.

b. The fixed-fee of one dollar ($1.00) provided for in Article III–C shall be paid upon the completion of the work provided therein.

Final payment. 4. Upon completion of the work under Titles II and III of its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title IV hereof, and of the fees.

ART. IV–C. *Advances.* At any time, and from time to time, after the execution of this contract, the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work.

TITLE V—*Provisions Applicable to Titles I, II and III*

ART. V–B. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by this contract.

ART. V–C. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title IV hereof shall vest in the Government.

ART. V–H. *Termination by Government.* The Government may terminate this contract, at any time prior to the completion of the work under Titles I, II and III hereof, by a notice in writing from the Contracting Officer to the Contractor.

Title VI—Lease of Government-Owned Plant

ART. VI–A. *Subject matter.* The Government hereby leases to the Contractor, subject to the provisions and conditions hereof, the land and the buildings, improvements, machinery and appurtenances thereunto belonging, on said lands referred to in Title I, herein referred to as the Plant.

The Contractor shall maintain adequate guard and fire fighting forces for the protection of the Plant during the term of this lease.

ART. VI–C. *Rental.* The Contractor agrees to pay to the Government in advance, as rental for the term herein created, the sum of one dollar ($1.00).

ART. VI–E. *Termination.* In the event of termination of the work under Title VII of this contract in accordance with the terms of Article VII–G of Title VII hereof, or upon complete performance of this contract by the Contractor, this lease shall terminate, and subject to the provisions of section 2 of Article VI–A hereof, the property hereby leased shall be returned to the Government in as good condition as when received by the Contractor, ordinary wear and tear excepted.

TITLE VII—*Fixed-Price (Lump-Sum) Supply (Optional)*

ART. VII–A. *Statement of work.* 1. The obligation of the Contractor to proceed with the work under this Title VII shall be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do.

2. Upon receipt by the Contractor of the notice provided in Section 1 immediately preceding, the Contractor shall proceed with the preparation for operation and operation of the Plant for the production of an initial quantity of * * * tons of Oleum; it being estimated that said initial quantity shall be produced at an approximately uniform rate over a period of * * * months operation of the Plant.

3. Upon written notice to the Contractor not less than * * * days before the anticipated completion of the operation provided for in section 2 next above, the Government may, at its option, authorize the continued operation of the Plant for the production of an additional quantity.

ART. VII–C. *Prices.* The Government agrees to pay to the Contractor for each * * * pounds of 40% Oleum inspected and accepted in accordance with the provisions of this Title VII the sum of * * * dollars

ART. VII–E. *Changes.* The Contracting Officer may at any time, by a written order, and without notice to the sureties make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. VII–G. *Termination of work under Title VII.* If, in the opinion of the Contracting Officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the Contractor be not in default, by a notice in writing relative thereto from the Contracting Officer to the Contractor.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public, No. 703, 76th Congress) and the Act of June 30, 1941 (Public, No. 139, 77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8655; Filed, November 19, 1941; 9:34 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–62]

IN THE MATTER OF J. E. DICKINSON AND S. E. TIGERT, PARTNERS, DOING BUSINESS AS DICKINSON FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2323, RESPONDENT

ORDER EXTENDING TIME TO FILE ANSWER POSTPONING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at 10 o'clock in the forenoon of November 18, 1941, in the hearing room of the Bituminous Coal Division at McAlester, Oklahoma; and

J. E. Dickinson, Dallas, Texas; G. W. McNabb, Catoosa, Okla.; Harry V. Hoover, Wilburton, Okla.; Louie Messina, McAlester, Okla.; Oscar Gore, Wilburton, Okla.; R. E. Taylor, Henryetta, Okla.; R. H. Reeves, Briartown, Okla.; O. O. Traughber, Pittsburg, Okla.; E. E. Baskin, Savannah, Okla.; and J. L. Stubblefield, Savannah, Okla.; heretofore having been duly served with subpoenae requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

The respondent having filed a motion dated November 10, 1941, to extend the time within which to file an answer to said Notice of and Order for Hearing to November 17, 1941, and to postpone the hearing from November 18, 1941, to November 21, 1941, and respondent having later on November 12, 1941, before the motion referred to above could be acted upon, filed a second motion for a postponement of said hearing until December 8, 1941; and

The Director deeming it advisable to grant an extension of time to file an answer and postpone said hearing to December 8, 1941;

Now, therefore, it is ordered, That the time within which the respondent may file an answer herein with the Division be and the same hereby is extended to and including November 24, 1941; and

It is further ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from 10 o'clock in the forenoon of November 18, 1941, to 9 o'clock in the forenoon of December 8, 1941, in the hearing room of the Bituminous Coal Division, at the District Court Room, McAlester, Oklahoma.

It is further ordered, That Scott A. Dahlquist or any other officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in the above-entitled matter, vice Joseph D. Dermody; and

It is further ordered, That J. E. Dickinson, Dallas, Texas; G. W. McNabb, Catoosa, Okla.; Harry V. Hoover, Wilburton, Okla.; Louie Messina, McAlester, Okla.; Oscar Gore, Wilburton, Okla.; R. E. Taylor, Henryetta, Okla.; R. H. Reeves, Briartown, Okla.; O. O. Traughber, Pittsburg, Okla.; E. E. Baskin, Savannah, Okla.; and J. L. Stubblefield, Savannah, Okla.; appear before the designated officers at the latter named place of hearing at 9 o'clock in the forenoon of December 8, 1941, as theretofore directed in said subpoenae.

Dated: November 18, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8660; Filed, November 19, 1941; 10:24 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 19, WYOMING NO. 4, REDUCED

Departmental order of May 16, 1918, withdrawing certain lands in Wyoming for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 41 N., R. 61 W.,
Sec. 33, SE¼,
Sec. 34, SW¼;
aggregating 320 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

NOVEMBER 6, 1941.

[F. R. Doc. 41–8656; Filed November 19, 1941; 9:35 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective September 20, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

S. Heinemann, 816 Front Street, Newport, Arkansas; Buttons; 5 learners; 8 weeks for any one learner; 25 cents per hour; Button Blank Cutter; January 29, 1942.

Louisville Lamp Company, Louisville, Kentucky; Lamp Shades; 10 learners; 320 hours for any one learner; 35 cents per hour; Hand Sewing; January 31, 1942.

Signed at Washington, D. C., this 19th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8668; Filed, November 19, 1941; 11:47 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 20, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

Addison Underwear Company, Inc., 112 Madison Avenue, New York, N. Y.; Slips, Gowns; 6 learners (T); March 5, 1942.

Amity Manufacturing Co., Inc., Boyertown, Pennsylvania; Pants, Overalls, Work Aprons; 10 learners (T); November 20, 1942.

B. C. Undergarment Company, Strawberry Avenue, Bloomsburg, Pennsylvania; Slips and Nightgowns; 4 learners (T); November 20, 1942.

B. G. Garment Company, 830 Congdon Avenue, Elgin, Illinois; Dresses and Slacks; 10 percent (T); November 20, 1942.

Becker Dress, Incorporated, 113 Water Street, Baltimore, Maryland; Dresses; 10 percent (T); November 20, 1942.

J. H. Bonck Company, 1100 South Jefferson Davis Parkway, New Orleans, Louisiana; Shirts and Pants; 10 percent (T); November 20, 1942.

Brownstown Manufacturing Company, Brownstown, Pennsylvania; Ladies' Princess Slips; 10 percent (T); November 20, 1942.

Century Manufacturing Company, 600 Columbus Street, Alexandria, Virginia; Work Shirts; 10 learners (T); November 20, 1942.

Cherni Manufacturing Company, Inc., 911 Broadway, Kansas City, Missouri; Ladies' Sportswear; 15 learners (E); March 19, 1942.

Cliffside Garment Company, 510 22d Street, Union City, New Jersey; Cotton Uniforms; 10 percent (T); November 20, 1942.

Elizabeth Shirt Company, 701 Spring Street, Elizabeth, New Jersey; Shirts, Pajamas, Polo Shirts; 10 percent (T); November 20, 1942. (This certificate replaces one issued bearing expiration date of April 7, 1942.)

Emmaus Shirt Company, Inc., Meyer & Elm Streets, Emmaus, Pennsylvania; Dress and Sport Shirts; 10 percent (T); November 20, 1942.

Elias Epstein, 158 Bullard Street, New Bedford, Massachusetts; Ladies' Gowns, Pajamas & Housecoats; 10 learners (T); March 5, 1942.

Essex Manufacturing Company, 620 Franklyn Avenue, Baltimore, Maryland; Work Pants; 10 learners (T); November 20, 1942.

Fawn Grove Manufacturing Company, Market Street, Fawn Grove, Pennsylvania; Work Pants, Overalls & Dungarees, Work Shirts; 10 percent (T); November 20, 1942.

The Fessenden Shirt Company, Inc., 9–11 Field Court, Kingston, New York; Shirts; 10 percent (T); November 20, 1942.

Figure Builder Foundations, Inc., 683 Broadway, New York, N. Y.; Corsets & Girdles; 10 percent (T); March 5, 1942.

H. N. Firstman, St. Michaels, Maryland; Men's Pajamas; 5 learners (T); November 20, 1942.

Fredericksburg Shirt Company, 402 Willis Street, Fredericksburg, Virginia; Work Shirts; 10 learners (T); November 20, 1942.

Goldstein & Levin, 232 Levergood Street, Johnstown, Pennsylvania; Dresses; 10 percent (T); November 20, 1942.

C. F. Hathaway Company, Waterville, Maine; Men's Shirts; 10 percent (T); November 20, 1942.

Imperial Manufacturing Company, 524 Broadway, New York, N. Y.; Bandeaux, Girdles, Corselettes; 10 percent (T); March 5, 1942.

Irwin Manufacturing Company, Highland Street, New Albany, Mississippi; Sport Shirts, Work Shirts; 10 percent (T); November 20, 1942.

Junal Dress Company, 148 Middle Street, Portland, Maine; Dresses; 10 percent (T); November 20, 1942.

Kingsley Fashions, Inc., 38 Broadway, Kingston, New York; Dresses; 10 learners (T); May 20, 1942.

Knothe Brothers Company, Inc., 3605 Hickory Avenue, Baltimore, Maryland; Men's Pajamas; 10 percent (T); November 20, 1942.

Kurtzman Brothers, 4529 East 49th Street, Los Angeles, California; Men's Suits, Coats, Trousers; 5 percent (T); November 20, 1942.

LaParee Undergarment Company, Inc., 5 Johnson Avenue, Matawan, New Jersey; Children's Underwear; 10 learners (T); November 20, 1942.

LaParee Undergarment Company, Inc., 12 South Wood Avenue, Linden, New Jersey; Children's Underwear; 10 percent (T); November 20, 1942.

LaParee Undergarment Company, Inc., 26 Exchange Place, Jersey City, New Jersey; Children's Underwear; 10 percent (T); November 20, 1942.

Lerner Blouse Company, 40 North Sixth Street, Philadelphia, Pennsylvania; Ladies' Blouses and Sportswear; 10 percent (T); November 20, 1942.

Lesnow Brothers Manufacturing Company, 48 Pleasant Street, Easthampton, Massachusetts; Shirts, Pants; 10 percent (T); November 20, 1942.

Louis Levy, 114 Main Street, Ravena, New York; Blouses; 3 learners (T); November 20, 1942.

S. Liebovitz and Sons, Inc., York and Factory Streets, Mechanicsburg, Pennsylvania; Men's & Boys' Pajamas; 10 percent (T); November 20, 1942.

Lustberg, Nast and Company, Inc., 6th Avenue and Mifflin Streets, Lebanon, Pennsylvania; Mackinaws and Jackets; 5 percent (T); November 20, 1942.

Lustberg, Nast and Company, Inc., 6th Avenue and Mifflin Streets, Lebanon, Pennsylvania; Men's Dress Shirts; 10 percent (T); November 20, 1942.

Macanray Company, Inc., 48 East 21st Street, New York, N. Y.; Washable Service Apparel; 5 learners (T); March 5, 1942.

Melbern-Schild, Inc., 114 E. 25th Street, New York, New York; Ladies' Cotton Underwear; 10 percent (T); March 5, 1942.

Monarch Wash Suit Company, Prospect Street, New Bedford, Massachusetts; Boys' Outerwear; 10 percent (T); November 20, 1942.

Mt. Aetna Manufacturing Company, Mt. Aetna, Pennsylvania; Cotton Sport Shirts; 5 learners (T); November 20, 1942.

Nuckasee Manufacturing Company, 121 West Broad Street, Greenville, South Carolina; Shirts and Union Suits; 10 percent (T); November 20, 1942.

Oakdale Manufacturing Company, Gate City, Virginia; Shirts; 82 learners (E); April 9, 1942.

Oberman and Company, Fayetteville, Arkansas; Separate Pants & Shirts; 10 percent (T); November 20, 1942.

Perfect Negligee Company, 16 East 34th Street, New York, N. Y.; Negligees, Lounging Pajamas; 10 percent (T); March 5, 1942.

The Polsefair Company, Inc., 44 East 32nd Street, New York, N. Y.; Girdles and Brassieres; 10 percent (T); March 5, 1942.

The Pyke Manufacturing Company, 154 West 2nd South, Salt Lake City, Utah; Overalls, Work Pants, Ladies' Sportswear; 10 learners; November 20, 1942. (This certificate replaces one issued bearing expiration date of February 3, 1942.) (T)

The Pyke Manufacturing Company, 154 West 2nd South, Salt Lake City, Utah; Overalls, Work Pants, Ladies' Sportswear; 6 learners (E); April 9, 1942.

R & R Garment Company, 119 Church Avenue, Ephrata, Pennsylvania; Slips; 10 percent (T); November 20, 1942.

Reliable Kimono Company, Inc., 2396 Pacific Street, Brooklyn, New York; Gowns, Housecoats, Pajamas, Bloomers and Panties; 4 learners; (T); April 9, 1942.

D. Rosenberg Sons, Inc., 314 Market Street, Newark, New Jersey; Lingerie; 6 learners (T); April 9, 1942.

Joseph Rosenberg Company, 46 Garvey Street, Everett, Massachusetts; Dresses; 10 learners (T); April 9, 1942.

Samson, Polay and Goodman, 3111 W. Allegheny Avenue, Philadelphia, Pennsylvania; Cotton Dresses; 19 learners (T); November 20, 1942.

Schindel-McDaniels Company, Inc., 6 N. Tennessee Street, Cartersville, Georgia; Tufted Bedspreads; 35 learners (T); November 20, 1942. (Chenille Housecoats)

Sherman Manufacturing Company, 578 Forest Street, Orange, New Jersey; Dresses; 10 percent (T); November 20, 1942.

Slatington Dress Company, Inc., Cherry Street, Slatington, Pennsylvania; Dresses; 10 learners; (T); November 20, 1942.

Smith Brothers, Webb City, Misscuri; Shirts and Playsuits; 10 percent (T); November 20, 1942.

George B. Smith and Company, 25 Foster Street, Worcester, Massachusetts; Uniforms for Hotel Waitresses and Nurses, Shirts; 3 learners; (T); November 20, 1942.

South Jersey Underwear Company, Inc., 12 E. 12th Street, New York, N. Y.; Children's Underwear and Pajamas; 3 learners (T); March 5, 1942.

Star Clothing Company, Inc., 216 Wallabout Street, Brooklyn, New York; Children's Mackinaws; 5 learners (T); March 19, 1942.

Star Garter Company, 529 S. Franklin Street, Chicago, Illinois; Girdles and Brassieres, Infants' Flannelette Wear, Rubber Baby Pants; 10 learners (T); November 20, 1942.

Sterling Garment Corporation, 301 W. Wallace Street, Sterling, Illinois; Men's Work Pants; 10 percent (T); November 20, 1942.

Style-Craft Lingerie Company, 127 East 9th Street, Los Angeles, California; Ladies' Shirts, Blouses and Lingerie; 5 learners (T); November 20, 1942.

Sun Manufacturing Company, 12th and Penn Streets, St. Joseph, Missouri; Cotton Work Shirts; 10 percent (T); November 20, 1942.

Super Form Brassiere, Inc., 598 Broadway, New York, N. Y.; Brassieres, Bathing Trunks; 10 percent (T); March 5 1942.

Superior Sewing Company, 239 North George Street, York, Pennsylvania; Dress and Sport Shirts; 5 learners (T); November 20, 1942.

Thompsontown Manufacturing Company, Thompsontown, Pennsylvania; Pajamas, Nightgowns; 5 learners (T); November 20, 1942.

Annis B. Tribe, Contractor, Inc., 378½ 23rd Street, Ogden, Utah; Aprons & Dresses; 5 learners (T); November 20, 1942.

Trimount Athletic Underwear Company, 84–86 Essex Street, Boston, Massachusetts; Men's & Boys' Sportswear and Pajamas; 5 learners (T); May 20, 1942.

Valmor Undergarment Company, 118–9th Street, Passaic, New Jersey; Slips Nightgowns; 10 percent (T); November 20, 1942.

The Van Wert Manufacturing Company, 201–203 East Main Street, Van Wert, Ohio; Overalls, Coversuits, Utility Jackets, Work Shirts; 10 percent (T); November 20, 1942.

Vido Manufacturing Corporation, 38 West 21st Street, New York, N. Y.; Underwear, Slips; 10 learners (T); March 5, 1942.

Watson Shirt Company, Barclay Street, Salisbury, Maryland; Men's Dress Shirts; 10 percent (T); November 20, 1942.

Weaver Pants Corporation, Foote and Polk Streets, Corinth, Mississippi; Single Pants; 50 learners (T); November 20, 1942.

Wexler, 725 Arch Street, Philadelphia, Pennsylvania; Blouses & Dresses; 5 learners (T); November 20, 1942.

White Swan Uniforms, Inc., 856 Broad Street, Bridgeport, Connecticut; White Cotton Uniforms; 10 percent (T); November 20, 1942.

H. Woolf and Company, Inc., 528 S. Franklin Street, Chicago, Illinois; Washable Service Apparel; 5 learners (T); November 20, 1942.

Gloves

The Chippewa Glove Company, Chippewa Falls, Wisconsin; Work Gloves; 5 learners (T); November 20, 1942.

Hanover Glove Company, Inc., 2–6 Exchange Place, Hanover, Pennsylvania; Leather Dress and Work Gloves; 4 learners (T); November 20, 1942.

Joseph A. Milstein Company, 104 Fuller Street, Schenectady, New York; Knit Wool Gloves; 10 percent (T); May 20, 1942.

Nation-Wide Manufacturing Company, Pontiac, Illinois; Work Gloves; 25 learners (E); May 20, 1942.

Hosiery

Alabama Hosiery Mills, Inc., 6th Avenue and 11th Street, Decatur, Alabama; Full Fashioned Hosiery; 10 percent (T); November 20, 1942. (This certificate replaces one issued bearing expiration date of July 24, 1942.)

Baker-Cammack Hosiery Mills, Inc., Webb Avenue, Burlington, North Carolina; Seamless Hosiery; 5 percent (T); November 20, 1942.

Bales Hosiery Corporation, 2562 Enghils Street, High Point, North Carolina; Seamless Hosiery; 4 learners (T); November 20, 1942.

Barber Hosiery Mills, Inc., Mount Airy, North Carolina; Seamless Hosiery; 5 percent (T); November 20, 1942.

Belmont Hosiery Mills, Incorporated, 117 Chronicle Street, Belmont, North Carolina; Seamless Hosiery; 5 percent (T); November 20, 1942.

Dayton Hosiery Mills, Dayton, Tennessee; Seamless Hosiery; 12 learners (E); July 20, 1942.

Elizabeth City Hosiery Company, Skinner Avenue, Elizabeth City, North Carolina; Seamless and Full Fashioned Hosiery; 5 percent (T); November 20, 1942.

Galax Knitting Company, Inc., Virginia Street, Galax, Virginia; Seamless Hosiery; 10 percent (T); November 20, 1942.

Grace Hosiery Mills, Inc., Tucker Street, Burlington, North Carolina; Seamless Hosiery; 5 learners (T); November 20, 1942.

Granite Hosiery Mills, Granite Falls, North Carolina; Seamless Hosiery; 5 learners (T); November 20, 1942.

Guilford Hosiery Mills, Inc., 706 Grimes Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); November 20, 1942.

Hub Hosiery Mills, Perkins Street, Lowell, Massachusetts; Seamless Hosiery; 5 percent (T); November 20, 1942.

Jackson Hosiery Mills, Inc., English Street, High Point, North Carolina; Seamless Hosiery; 5 learners (T); November 20, 1942.

J. H. Kissinger Knitting Company, Inc., Martin Street, Millersburg, Pennsylvania; Seamless Hosiery; 5 learners (T); November 20, 1942.

Lawler Hosiery Mills, 53 Bradley Street, Carrollton, Georgia; Seamless Hosiery; 5 percent (T); November 20, 1942.

William G. Leininger Knitting Company, Inc., Fritztown, Sinking Spring, Pennsylvania; Seamless Hosiery; 5 learners (T); November 20, 1942.

Lynchburg Hosiery Mills, Inc., Lynchburg, Virginia; Seamless & Full Fashioned Hosiery; 5 percent (T); November 20, 1942.

John-Massey Hosiery Company, Valdese, North Carolina; Seamless Hosiery; 5 learners (T); November 20, 1942.

Melrose Hosiery Mills, Inc., English Street, High Point, North Carolina; Seamless & Full Fashioned Hosiery; 15 learners (E); July 20, 1942.

Melrose Hosiery Mills, Inc., English Street, High Point, North Carolina; Seamless & Full Fashioned Hosiery; 5 percent (T); November 20, 1942.

Thompson Hosiery Mills, Webb Avenue, Burlington, North Carolina; Seamless Hosiery; 5 learners (T); November 20, 1942.

Knitted Wear

Belle Knitting Corporation, 703 South Elmer Avenue, Sayre, Pennsylvania; Knitted Underwear, Commercial Knitting; 5 percent (T); November 20, 1942.

Julius Berger, 800 McCarter Highway, Newark, New Jersey; Infants' & Children's Wear; 5 learners (T); November 20, 1942.

Julius Berger, 800 McCarter Highway, Newark, New Jersey; Infants' & Children's Wear; 15 learners (E); March 5, 1942.

Century Beverly Corporation, Walnut Street, Pottstown, Pennsylvania; Knitted Underwear & Commercial Knitting; 7 learners (T); November 20, 1942.

Kingston Knitting Mills, Inc., 141 Cornell Street, Kingston, New York; Knitted Outerwear; 5 percent (T); November 20, 1942.

Manny-Rielly Company, River Street, Valatie, New York; Knitted Rayon & Knitted Cotton Underwear and Boys' Polo Shirts; 5 percent (T); November 20, 1942.

Textiles

Bonita Ribbon Mills, Mill Street, Brewton, Alabama; Ribbon Seam Bindings; 3 percent (T); November 20, 1942.

Darlington Manufacturing Company, Darlington, South Carolina; Print Cloths and Sheeting; 3 percent (T); November 20, 1942.

The Duplan Corporation, 11th and Mulberry Streets, Berwick, Pennsylvania; Yarn; 6 percent (T); November 20, 1942.

The Duplan Corporation, Walnut and Washington Streets, Nanticoke, Pennsylvania; Yarn and Thread; 6 percent (T); November 20, 1942.

The Duplan Corporation, West Diamond Avenue, Hazleton, Pennsylvania; Yarn and Thread; 6 percent (T); November 20, 1942.

The Duplan Corporation, Grottoes, Virginia; Yarn and Thread; 6 percent (T); November 20, 1942.

The Duplan Corporation, Eley Street, Kingston, Pennsylvania; Yarn and Thread; 6 percent (T); November 20, 1942.

Edward Hyman Company, 1830 S. Hill Street, Los Angeles, California; Chenille Bedspreads; 5 learners (T); November 20, 1942.

Kendall Mills, Wateree Plant, Camden, South Carolina; Surgical Gauze; 3 percent (T); November 20, 1942.

N. A. Textile Corporation, Whitman Mill No. 2, New Bedford, Massachusetts; Bedspreads; 5 percent (T); November 20, 1942.

Texas Textile Mills, Elm Street, McKinney, Texas; Cotton Goods, Piece Goods; 3 percent (T); November 20, 1942.

Wauregan-Quinebaug Mills, Inc., South Walnut Street, Wauregan, Connecticut; Yarns; 3 percent (T); November 20, 1942.

Woolen

Paragon Worsted Company, Olneyville, Rhode Island; Worsted Cloth; 3 percent (T); November 20, 1942.

Signed at Washington, D. C., this 19th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8667; Filed, November 19, 1941; 11:46 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4563]

IN THE MATTER OF PENN RIVET CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Edward E. Reardon, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 26, 1941, at two o'clock in the afternoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8636; Filed, November 18, 1941; 12:38 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-255]

IN THE MATTER OF TRUSTEES, ASSOCIATED GAS AND ELECTRIC CORPORATION, ASSOCIATED UTILITIES CORPORATION, AND NORTHEASTERN WATER COMPANIES, INC.

ORDER REQUIRING DISSOLUTION OF HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

Trustees, Associated Gas and Electric Corporation, Associated Utilities Corporation, and Northeastern Water Companies, Inc., all registered holding companies, having jointly filed a declaration and applications pursuant to sections 7, 10, 11 (e), 12 (b) and 12 (c) of the Public Utility Holding Company Act of 1935, incident to a plan for the dissolution and liquidation of Northeastern Water Companies, Inc.; a public hearing having been held after appropriate notice, and the Commission on April 25, 1941, having granted the applications and having permitted the declaration to be effective in the above entitled matter, subject to the terms and conditions in Rule U-24, and having since that time ordered extensions of time for completion of the transactions involved; and

Such parties having thereafter requested, pursuant to the provisions of the Public Utility Holding Company Act of 1935, and particularly section 11 (e) thereof, that the Commission enlarge and modify the scope of its order above referred to, so as to find that the action proposed to be taken by such companies complies with the requirements of section 11 (e) of the Act and thereafter to render an appropriate order under such section;

The Commission having reviewed the record herein and finding that said companies have submitted in their said declaration and applications a plan pursuant to section 11 (e), and the Commission finding that the continued existence of Northeastern Water Companies, Inc., should be terminated and that the liquidation and dissolution of Northeastern Water Companies, Inc., and the various steps under the plan and hereinafter directed to be taken are necessary and appropriate to comply with the requirements of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, that such plan is fair and equitable to the persons affected by such plan;

It is ordered, Pursuant to the provisions of the Public Utility Holding Company Act of 1935, and particularly section 11 thereof, that the plan filed under section 11 (e) be, and hereby is, approved, and that such approval shall include the steps to be taken under such plan and the dissolution and liquidation of Northeastern Water Companies, Inc.;

It is further ordered, That, in order to effectuate such dissolution and liquidation, and as steps in the plan submitted by the parties herein and approved herewith, the applicants-declarants take the following steps:

(1) Associated Utilities Corporation shall transfer to the Trustees of Associated Gas and Electric Corporation and the latter shall acquire:

Northeastern Water Companies, Inc.: Notes Payable in the amount of	$1,056,767
Accrued interest thereon	[1] 71,569
	1,128,336

In consideration thereof the Trustees of Associated Gas and Electric Corporation shall grant the following credits to Associated Utilities Corporation:

Reduction in the principal amount of 2% Convertible Obligations in the amount of	$805,376
Cancellation of accrued interest on of 2% Convertible Obligations in the amount of	[1] 322,960
Total	1,128,336

(2) Northeastern Water Companies, Inc., shall transfer to Trustees of Associated Gas and Electric Corporation and the latter shall acquire 155,747 shares of $1.00 a share, par value, common stock of Northeastern Water and Electric Corporation, which Northeastern Water Companies, Inc., now owns and carries on its books at $3,224,666. Said Trustees shall acquire such shares in consideration for the following:

Cash	$90,000
Cancellation of certain obligations of Northeastern Water Companies, Inc., (including notes to be acquired from Associated Utilities Corporation), such obligations being as follows:	
Notes payable	1,056,767
Accrued interest thereon	[1] 71,569
Notes payable	250,805
Accrued interest thereon	[1] 16,925
Accounts payable	1,839,617
Accrued interest thereon (estimated net income for 1940)	[1] 82,246
Total	3,407,929

(3) With said $90,000 received from said Trustees, Northeastern Water Companies, Inc., shall pay its remaining obligations as at November 30, 1940, which (subject to adjustment) consist of:

Notes payable to New England Gas & Electric Association	$76,353
Accrued interest thereon	[1] 5,517
Account payable to the Utility Management Corporation (now Atlantic Utility Service Corporation)	1,525
Miscellaneous accounts payable	923
Capital stock taxes	188
Total	84,506

(4) Northeastern Water Companies, Inc., shall dissolve, pursuant to the provisions of section 105 of the New York State Corporation laws, or otherwise, and shall distribute its remaining assets as liquidating dividends to said Trustees as its sole stockholder;

[1] Accrued interest is calculated to November 30, 1940, and is subject to adjustment as at the date of the consummation of the transactions and the recording thereof on the books of the several applicants-declarants.

It is further ordered, That, upon consummation of the transactions and pending the outcome of the reorganization under Chapter X of the Bankruptcy Act of Associated Gas and Electric Corporation, the Trustees thereof shall not ascribe any value to its acquisitions nor record any loss upon the exchange contemplated;

It is further ordered, Pursuant to section 11 (c) of the Public Utility Holding Company Act of 1935, that this order be complied with, within one year from the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8663; Filed, November 19, 1941; 11:29 a. m.]

[File Nos. 7-611, 7-610]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO: EASTERN SUGAR ASSOCIATES VOTING TRUST CERTIFICATES FOR PREFERRED $5 CUMULATIVE STOCK, $1 PAR VALUE; AND, VOTING TRUST CERTIFICATES FOR COMMON STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 11 A. M. on Monday, December 8, 1941, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8664; Filed, November 19, 1941; 11:29 a. m.]

[File No. 70-437]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than November 28, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Mountain States Power Company proposes to acquire from Montana-Dakota Utilities Co. two of the latter company's Purchase Money Notes each in the face amount of $80,000 in payment of the purchase price of certain existing electric public utility properties located in and near Forsyth, Montana, to be sold by Mountain States Power Company to Montana-Dakota Utilities Co., said purchase money notes to be payable in three equal installments maturing on or before April 1, 1943, January 1, 1944, and October 1, 1944, respectively, bearing interest on the principal amount from time to time remaining unpaid from the date thereof until payment of the respective installments of principal, at the rate of 2½% per annum, payable quarterly on the first days of January, April, July, and October in each year. The acquisition by Mountain States Power Company of said purchase money notes is to be conditioned on the proposed sale thereof at face amount, by endorsement without recourse, to commercial banks, such sale of said purchase money notes by Mountain States Power Company to be consummated simultaneously with the receipt by it thereof.

Mountain States Power Company is a subsidiary company of Standard Gas and Electric Company which is a registered holding company while Montana-Dakota Utilities Co. is not a registered holding company nor a subsidiary company thereof. It is stated that there exists between Mountain States Power Company and Montana-Dakota Utilities Co. no intercorporate relationship through holding companies, ownership of securities or otherwise; that no finders' or underwriters' fees of any kind will be paid, that after the sale by Mountain States Power Company of said purchase money notes, the same will not be an obligation direct or indirect, conditional, or otherwise, of Mountain States Power Company; and that the properties to be sold by Mountain States Power Company are located at a considerable distance from all other properties thereof and are not connected with any other properties thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8665; Filed, November 19, 1941; 11:29 a. m.]

[File No. 54-32]

IN THE MATTER OF NORTH SHORE GAS COMPANY, NORTH SHORE COKE & CHEMICAL COMPANY, NORTH CONTINENT UTILITIES CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1941.

North Shore Gas Company, North Shore Coke & Chemical Company and North Continent Utilities Corporation having filed applications and declarations, and amendments thereto, pursuant to section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder with respect to the recapitalization of the North Shore Gas Company, the sale of assets of the North Shore Coke & Chemical Company to the North Shore Gas Company, the dissolution of the North Shore Coke & Chemical Company, and the refunding by the North Shore Gas Company of joint bonds of the North Shore Gas Company and North Shore Coke & Chemical Company; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein; and

The Commission having found, subject to the conditions and reservations hereinafter set forth, that the plan is necessary to effectuate the provisions of subsection (b) of section 11 of the Act and is fair and equitable to the persons affected by such plan;

It is hereby ordered, That said applications, as amended, be and the same hereby are granted forthwith, and that said declarations, as amended, be and the same hereby are permitted to become effective forthwith, subject, however, to the following conditions and reservations:

1. The conditions prescribed by Rule U-24;

2. No fees or expenses incurred or to be incurred in connection with the plan and any transactions incident thereto may be paid until thirty (30) days after the applicants file a notification with this Commission as to the proposed amount of such fees and expenses, with a detailed statement as to the services and expenses for which any such amounts are to be paid. Similar statements shall be filed as to all such fees and expenses which have already been paid. Jurisdiction is reserved as to all fees and expenses, and further hearings thereon may be required prior to approval of payment if such action is deemed by this Commission necessary or appropriate in the public interest or for the protection of investors or consumers;

3. Jurisdiction is reserved with respect to the application for an exemption of the proposed new debt securities under section 6 (b) of the Public Utility Holding Company Act, and with respect to the imposition of conditions with respect to such new debt securities and their issuance and sale until the terms and provisions of such new debt securities and indentures and of the sale shall be submitted to us in definitive form;

4. Jurisdiction is reserved with respect to the amount to be entered on the books of North Continent Utilities Corporation in respect of securities or other assets to be acquired by North Continent Utilities Corporation on the liquidation and dissolution of North Shore Coke & Chemical Company;

5. Jurisdiction is reserved to entertain such further proceedings, to make other findings and to take such other action as may be appropriate in the premises in connection with the plan or the various steps required to execute the plan.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8666; Filed, November 19, 1941; 11:38 a. m.]

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FEDERAL REGISTER

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Washington, Saturday, November 22, 1941

The President

EXECUTIVE ORDER

PROVIDING FOR THE ADMINISTRATION OF THE REQUISITIONING OF PROPERTY REQUIRED FOR NATIONAL DEFENSE

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and particularly by the Act of October 10, 1940, entitled "An Act to Authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," and the Act of October 16, 1941, entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States" (hereinafter referred to as the Acts), and in order to provide for the effective administration of the requisitioning of property required for the defense of the United States, it is hereby ordered:

1. The Office of Production Management, in addition to the responsibilities and duties described in Executive Order No. 8629 of January 7, 1941,[1] and Executive Order No. 8875 of August 28, 1941,[2] shall, except as may otherwise be provided hereinafter, exercise the powers and authorities conferred upon the President by the Acts.

2. Whenever the Office of Production Management determines, in accordance with the provisions of the Acts, the necessity for requisitioning property, that Office may:

a. requisition and dispose of such property on its own account; or

b. provide for the requisitioning and disposition of such property through the Department of War, the Department of the Navy, or any other department or agency of the Government authorized to engage in the procurement of property of the type subject to requisition under the Acts.

3. Whenever requested by the Office of Production Management, any department or agency of the Government is hereby authorized to requisition and dispose of property in accordance with the provisions of the Acts and to make available to the Office of Production Management such personnel, including officers of the armed services, as may be necessary to enable that Office to carry out its functions under this Order. The United States Marshals also are hereby authorized and directed, when requested by, and in accordance with directions of the Office of Production Management or the head of any department or agency of the Government authorized to requisition property pursuant to this Order, to requisition and dispose of property.

4. The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Chairman of the United States Maritime Commission, the Executive Director of the Economic Defense Board, or the head of such other agency as the President may from time to time designate, may initiate action for the requisitioning of property by submitting proposals for the requisitioning and disposal of such property to the Office of Production Management, whenever he determines that:

a. such property is of the type which may be requisitioned under either of the Acts;

b. with respect to proposals for requisitioning property under the Act of October 16, 1941:

(1) the use of such property is needed for the defense of the United States,

(2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply,

(3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted,

(4) if the property to be requisitioned is machinery or equipment, such machinery or equipment is not in actual use in connection with any operating factory or business or is not necessary to the operation of such factory or business, and

[1] 6 F.R. 191.
[2] 6 F.R. 4483.

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FEDERAL REGISTER

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(5) the property to be requisitioned is not a firearm possessed by an individual for his personal protection or sport, the possession of which is not prohibited by existing law;

c. with respect to proposals to requisition property under the Act of October 10, 1940, there exists a necessity for requisitioning the property in accordance with the provisions of section 1 of the Act.

The head of any department or agency acting pursuant to the provisions of this paragraph shall be authorized to requisition and dispose of such property, provided that the Office of Production Management determines that the proposed requisitioning and disposal of such property is consistent with the priorities and allocations program and the general production and supply plan of the Office of Production Management.

5. The Office of Production Management or the head of any department or agency which requisitions property pursuant to this Order shall determine the amount of the fair and just compensation to be paid for any property requisitioned pursuant to the Acts, and the fair value of any property returned in accordance with section 2 of the Act of October 16, 1941.

6. The Supply Priorities and Allocations Board is authorized to establish policies to govern the Office of Production Management and the several requisitioning agencies in exercising the authorities and performing the functions vested in them by this Order, and to issue such rules and regulations as may be necessary or proper to carry out the provisions of this Order.

7. The head of any department or agency of the Government authorized to requisition property pursuant to this Order may, subject to regulations promulgated by the Supply Priorities and Allocations Board, require and compel a disclosure of information under section 4 of the Act of October 16, 1941.

8. The Office of Production Management shall from time to time, but not less frequently than once every three months, transmit to the President a report of operations under this Order.

9. All Executive Orders or regulations, or any parts thereof, heretofore issued under the Act of October 10, 1940, are hereby rescinded insofar as they are inconsistent with the provisions of this Order.

10. This Order shall not affect the authority of the United States Maritime Commission with respect to the requisitioning and disposal of vessels under the terms of section 902 of the Merchant Marine Act, 1936, as amended, or by virtue of Executive Order No. 8771 of June 6, 1941,[1] and Executive Order No. 8881 of September 2, 1941,[2] issued pursuant to Public Law 101, 77th Congress, approved June 6, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 19, 1941.

[No. 8942]

[F. R. Doc. 41-8686; Filed, November 21, 1941; 10:58 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8495 OF JULY 26, 1940, DESIGNATING AGENCIES FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SECTION 40 OF THE EMERGENCY RELIEF APPROPRIATION ACT, FISCAL YEAR 1941

By virtue of and pursuant to the authority vested in me by section 40 of the Emergency Relief Appropriation Act, Fiscal Year 1941, approved June 26, 1940 (Public Resolution No. 88, 76th Congress), and of all other authority vested in me, and in order to effectuate the purposes of that Act, sections 1 and 3 of Executive Order No. 8495 of July 26, 1940,[3] entitled "Designation of Agencies for the Purpose of Carrying out the Provisions of Section 40 of the Emergency Relief Appropriation Act, Fiscal Year 1941", are hereby amended to read as follows:

"1. I hereby designate the Secretary of Agriculture in respect to agricultural supplies, the Secretary of War and the Secretary of the Treasury, acting separately or jointly, in respect to medical supplies, and the Secretary of the Treasury in respect to other materials and supplies, to purchase, to transport to points of embarkation determined by The American Red Cross, or by such other agency as I may hereafter designate, and to deliver to The American Red Cross or to such other agency at such points, materials and supplies for the relief of refugee men, women, and children who have been driven from their homes or otherwise rendered destitute by hostilities or invasion."

"3. The materials and supplies to be purchased in accordance with this order shall, in the case of agricultural supplies, be determined jointly by the Secretary of Agriculture and The American Red Cross, in the case of medical supplies, jointly by the Secretary of War or the Secretary of the Treasury and The American Red Cross, and in the case of other materials and supplies jointly by the Secretary of the Treasury and The American Red Cross."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 19, 1941.

[No. 8943]

[F. R. Doc. 41-8685; Filed, November 21, 1941; 10:58 a. m.]

[1] 6 F.R. 2682.
[2] 6 F.R. 2759.
[3] 6 F.R. 4551.

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

SUBCHAPTER B—IMMIGRATION REGULATIONS

[General Order No. C-36]

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

Aliens Leaving

Sec.
175.21 Definitions.
175.22 Permits to depart required.
175.23 Aliens exempted from obtaining permits to depart.
175.24 Refusal of permission to depart.
175.25 Classes of aliens not entitled to depart.
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175.29 Departure not permitted in special cases.
175.30 Departure permitted in special cases.
175.31 Applications for permits to depart.
175.32 Effective date.

§ 175.21 *Definitions.* For the purposes of these regulations:

(a) The term "United States" includes the States, the District of Columbia, Alaska, the Panama Canal Zone, the Philippine Islands, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(b) The term "continental United States" includes the territory of the several States, the District of Columbia, and Alaska.

(c) The term "depart from the United States" includes any departure by land, water, or air, from any place included in the United States to any place outside of the United States, or from one port or terminus of the United States to another port or terminus of the United States, including any trip or journey on or over the Great Lakes or their connecting waters, any rivers or other waters coinciding with or covering the boundary of the United States, tidal waters beyond the shoreline of the United States, the said shoreline being hereby defined as the line of seacoast and the shores of all waters of the United States and its territorial possessions connected with the high seas: *Provided, however,* That no trip or journey upon a public ferry, passenger vessel sailing coastwise on fixed schedules, excursion vessel, or aircraft, having both termini in the continental United States or in any one of the other parts of the United States specified in paragraph (a) of this section and not touching foreign territory or waters, shall be deemed a departure from the United States.

(d) The term "seamen" includes every alien signed on the ship's articles and employed in any capacity on board any vessel arriving in or departing from the United States, as well as sea-going fishermen and all owners, masters, officers, members of crews, and other alien persons employed on vessels which for purposes of business or pleasure cruise on tidal waters beyond the shoreline or on the Great Lakes.

(e) The term "airman" includes any alien pilot, navigator, aviator, or other alien person operating or employed on any aircraft.

(f) The term "departure-control officer" means any employee of the Immigration and Naturalization Service assigned to supervise the departure of aliens from the United States, or any person assigned by the chief executive officers of the Panama Canal Zone, Guam, or American Samoa to such duties in those territories, or any person designated by the United States High Commissioner to the Philippine Islands after consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines.

(g) The term "permit-issuing authority" means the Secretary of State, the chief executive officer of Alaska, of Hawaii, of Puerto Rico, of the Virgin Islands, of the Panama Canal Zone, of Guam, or of American Samoa, or the United States High Commissioner to the Philippine Islands acting in consultation with the military and naval authorities of the United States in the Philippine Islands and with the Government of the Commonwealth of the Philippines.

(h) The term "permit to depart" means a copy of the application for a permit to depart as described hereinafter in these regulations, duly executed by the alien, approved and appropriately endorsed by the Secretary of State.

(i) The term "port of departure" means a port in continental United States, the Virgin Islands, Puerto Rico, or Hawaii designated as a port of entry by the Attorney General or by the Commissioner of Immigration and Naturalization, or a port in Guam, American Samoa or the Panama Canal Zone designated by the chief executive officer thereof, or any port in the Philippine Islands designated by the permit-issuing authority therein.*

*§§ 175.21 to 175.32, inclusive, issued pursuant to the authority contained in Proc. 2523, November 14, 1941, 6 F.R. 5821, under the act approved May 22, 1918, as amended by the act approved June 21, 1941 (40 Stat. 559; Public Law 114, 77th Cong., 55 Stat. 252).

§ 175.22 *Permits to depart required.* No alien shall hereafter depart from the United States except at a port of departure and unless there has been issued in accordance with these regulations a valid permit to depart or he is exempted under these regulations from obtaining a permit to depart.*

§ 175.23 *Aliens exempted from obtaining permits to depart.* The following classes of aliens shall not be required to obtain permits to depart:

(a) Accredited diplomatic, consular, and other officers of foreign governments recognized by the United States who have been accorded recognition as such by the Secretary of State, such recognition not having been withdrawn, and the members of the family of such officers, as well as their attendants, servants, and employees who have been notified to and recognized by the Secretary of State: *Provided,* That any such person shall obtain an exit visa from the Chief or Acting Chief of the Visa Division of the Department of State, or from another officer authorized by him. An exit visa shall be subject to verification in the discretion of a departure-control officer at the port of departure, if he has reason to question the authenticity of such exit visa;

(b) Canadian citizens or British subjects lawfully domiciled in Canada or in the United States departing across the border between the United States and Canada;

(c) Aliens in possession of border-crossing identification cards, departing

across the border between the United States and Canada;

(d) Mexican citizens lawfully domiciled in Mexico or in the United States, departing across the border between the United States and Mexico;

(e) Aliens who have entered the United States with limited entry certificates and who are departing within the limits of the period for which they were admitted;

(f) Alien seamen, *Provided*, That, in addition to complying with all other laws and regulations, they submit a passport, or document in the nature of a passport, establishing their identity and nationality (unless such document is waived by the Secretary of State), and also, where departure is from a port in continental United States, the Virgin Islands, Puerto Rico, or Hawaii, an alien registration-receipt card; *Provided further*, That they meet such other requirements as may be prescribed by the Commissioner of Immigration and Naturalization, or the appropriate permit-issuing authorities in the Panama Canal Zone, Guam, American Samoa, or the Commonwealth of the Philippines;

(g) Aliens who have received communications from an American consular officer in foreign contiguous territory to the effect that the documents submitted by them to the consular officer are sufficiently in order to warrant the alien's personal appearance at the consular office in connection with an application for an immigration visa;

(h) Aliens who present valid re-entry permits issued with the concurrence of the Secretary of State as to destination;

(i) Aliens ordered deported from the United States or aliens under deportation proceedings who are given permission to depart at their own expense in lieu of deportation to a specified destination and are departing to such destination;

(j) Immigrant aliens lawfully admitted into the United States who pass in direct transit, without stop-over, through foreign contiguous territory from one part of the United States to another by means of a transportation line which runs through the territory or waters of both countries;

(k) An alien arriving at a seaport in Canada, passing in direct transit by continuous journey through the United States to a destination in Canada by means of a transportation line which runs through the territory of both countries;

(l) Aliens who presented valid transit certificates in entering the continental United States after the effective date of these regulations: *Provided*, That any such alien is passing through the continental United States in continuous transit, remaining in the continental United States no longer than necessary for such continuous transit, and submits to the immigrant inspector at the port of arrival three copies of his itinerary to the port of departure, one copy of which shall be transmitted immediately to the port of departure for verification of the transit journey and one copy to the Secretary of State: *And provided further*, That there has been no deviation or delay in the transit journey without the consent of the Secretary of State or the Attorney General;

(m) Aliens of the following classes, departing from the United States after having been admitted under waiver of documents, as members of such classes:

(1) Aliens proceeding in continuous travel from Patterson, British Columbia, to Laurier, British Columbia;

(2) Non-immigrant aliens residing in remote sections of Canada who entered Alaska temporarily as visitors or as transients and who were unable without undue inconvenience to obtain passports and visas;

(3) Aliens lawfully residing in remote sections of Alaska who desire to enter Canada for a temporary period;

(4) Officers and employees of the International Boundary Commissions who are citizens of Canada or Mexico and who entered the United States temporarily from Canada or Mexico in connection with their official duties;

(5) Immigration and customs officers of the Canadian and Mexican Governments who entered the United States temporarily in the performance of their official duties;

(6) Employees of the Mexican Postal Service assigned to border areas who entered the United States temporarily in the performance of their official duties;

(7) Fire-fighting groups who entered the United States temporarily for fire-fighting activities;

(8) Members of the Plant Protection Division of the Canadian Department of Agriculture who entered the United States temporarily in connection with their official duties;

(9) Canadian law-enforcement officers who entered the United States temporarily in connection with their official duties;

(10) Residents of Canada or Mexico who entered the United States temporarily in urgent cases such as those involving serious illness or death, where no opportunity existed to obtain a passport or visa;

(11) Citizens of Mexico resident in the continental United States departing from the United States to Mexico in urgent cases such as those involving serious illness or death where no opportunity existed to obtain a border-crossing identification card;

(12) Naval personnel of foreign government-owned vessels of war;

(13) British subjects domiciled in the British Virgin Islands and French citizens domiciled in the French island of St. Bartholomew who were admitted into the Virgin Islands for business or pleasure for a period of less than 30 days on any one visit;

(14) Aliens residing in the Virgin Islands who have occasion to proceed temporarily to the British Virgin Islands or to the French Island of St. Bartholomew;

(15) Officials of the national Government of Canada or Mexico who enter the United States temporarily for business or pleasure;

(16) Aliens who are members of the armed forces of the United States and who are travelling under orders.*

§ 175.24 *Refusal of permission to depart.* No permit to depart, exit visa, border-crossing identification card, reentry permit, pre-examination border-crossing identification card, authorization for voluntary departure in lieu of deportation, or other document facilitating departure shall be issued to an alien if the issuing authority has any reason to believe that the departure will be prejudicial to the interests of the United States.*

§ 175.25 *Classes of aliens not entitled to depart.* The departure of an alien who is within one or more of the following categories shall be deemed to be prejudicial to the interests of the United States, for the purposes of these regulations:

(a) Any alien who, without authorization of this Government, is in possession of secret information concerning the plans, preparations, equipment, or establishments for the national defense of the United States;

(b) Any alien who, without authorization by this Government, is carrying any secret message to a foreign government, or to any officer or employee thereof, either directly or indirectly, concerning the plans, preparations, equipment, or establishments for the national defense of the United States;

(c) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities designed or likely to obstruct, impede, retard, delay, or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States in the public interest or for the defense of any other country;

(d) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities which would obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country of the Western Hemisphere in the interest of the common defense of the countries of such hemisphere;

(e) Any alien departing from the United States for any country for the purpose of organizing in, or directing from, such country, any rebellion, insurrection, or violent uprising in, or against, the United States, or of waging war against the United States, or of destroying sources of supplies or material vital to the national defense of the United States or to the effectiveness of the measures adopted by the United States for the defense of any other country;

(f) Any alien who is a fugitive from justice on account of an offense punishable in the United States;

(g) Any alien whose presence is needed as a witness in, or as a party to, any criminal case pending in a Federal court or which is under investigation;

(h) Any alien who is registered or enrolled, or who is subject to registration or enrolment, for military service in the United States and who shall not have obtained the consent of the Secretary of War or of his local draft board to depart from the United States.*

§ 175.26 *Departure from the Panama Canal Zone.* In addition to all applicable restrictions upon departures from the United States hereinbefore set forth and which may be required by the permit-issuing authority, all aliens before departure from the Panama Canal Zone shall comply with such additional regulations concerning the place and method of departure and method and route of travel through the Zone to the place of departure as may be required by the permit-issuing authority in the Canal Zone.*

§ 175.27 *Departure from the Philippine Islands.* In addition to all applicable restrictions upon departure from the United States hereinbefore set forth and which may be required by the permit-issuing authority, all aliens before departure from the Philippine Islands shall comply with such reasonable additional rules and regulations, not inconsistent herewith, as may be promulgated by the United States High Commissioner to the Philippine Islands, acting in consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines, concerning the place and method of departure and mode and route of travel through the Philippine Islands to the place of departure required by the permit-issuing authority in the Philippine Islands.*

§ 175.28 *Authority to make additional regulations.* The permit-issuing authorities in the Panama Canal Zone and the Philippine Islands are hereby authorized to make such additional rules and regulations, including limitations and exceptions of a procedural character, governing departure from the Panama Canal Zone and the Philippine Islands as they may deem necessary in the public interest.*

§ 175.29 *Departure not permitted in special cases.* (a) Any departure-control officer or other authorized official in any individual case may require any alien, or person he believes to be an alien, departing or attempting to depart even if such person has a permit to depart, to submit for official inspection all documents, articles, or other things which are being removed from the United States upon, or in connection with, such person's departure.

(b) Any departure-control officer or other authorized official shall temporarily prevent the departure of any person of the class mentioned in the preceding paragraph if such person refuses to submit to such official inspection, or if the officer or official believes the departure of such person would under these regulations be prejudicial to the interests of the United States, or if directed by the Secretary of State or the Attorney General to prevent such departure. In every such case the officer or other official preventing departure shall temporarily take possession of any travel document presented by the alien. Such action shall be reported immediately by the departure-control officer to the head of his Department with a full statement of the facts. An individual so temporarily take possession of any travel docbe permitted to depart and shall not be entitled to the benefits of any exemptions or limitations hereinbefore provided unless the Secretary of State is satisfied that the departure of such person would not be prejudicial to the interests of the United States.*

§ 175.30 *Departure permitted in special cases.* (a) Notwithstanding the provisions of these regulations the Secretary of State may, in any individual case, authorize the issuance of a permit to depart to any alien or may allow any alien to depart without a permit if he deems such action to be in the interests of the United States.

(b) A departure-control officer may grant any airman emergency permission to depart, but in all such cases a copy of the airman's application shall be forwarded immediately to the appropriate permit-issuing authority or to the Secretary of State. Such emergency permission shall not be granted unless the departure-control officer is satisfied that such departure would not endanger the public safety or be prejudicial to the interests of the United States.*

§ 175.31 *Applications for permits to depart.* Except in cases for which special procedure has hereinbefore been provided and cases in which permits to depart are not required by these regulations, any alien desiring to depart from the United States shall apply to the Secretary of State, or to such officer as may be designated, for a permit to depart from the United States as follows:

(a) Blank application forms for permits to depart may be obtained from the Visa Division, Department of State, Washington, D. C., or from an office of the Immigration and Naturalization Service, or from a permit-issuing authority in the outlying possessions of the United States. Applications should be mailed at least 30 days before the date of intended departure in order that any delay in departure may be avoided.

(b) Applications for permits to depart from the continental United States, *excepting Alaska*, shall be made to the Secretary of State, Washington, D. C. All other applications for permits to depart shall be made to the appropriate permit-issuing authority specified in these regulations. Applications for permits to depart shall be made upon Form AD–1 prescribed by the permit-issuing authority and executed strictly in accordance with the instructions issued therewith, including the furnishing of photographs.

(c) A married woman accompanying her husband, or a child or children under 14 years of age accompanying either parent or both parents, may be included in the permit granted to the husband or parent, and in such case the wife or child will not be required to make a separate application. Group photographs may be used in such cases.

(d) Any attempt by an applicant to depart from the United States before action has been taken on his application, or after a permit has been denied, may subject the applicant to the penalties provided in the act of May 22, 1918, as amended by the act of June 21, 1941.

(e) If the application for permission to depart is approved the applicant will be notified, and one copy of the application, appropriately endorsed, which shall thereupon become the permit to depart, will be forwarded to the appropriate departure-control officer at the port or place from which the applicant has stated in his application that he intends to depart. Upon the applicant's personal appearance before such departure-control officer, indicated in the notification to the applicant, and upon the identification of such applicant by the departure-control officer, to whom the applicant shall surrender the notification received, the departure-control officer may permit such applicant to depart from the United States and shall verify such departure. The departure-control officer shall thereupon place a notation or certification on the permit concerning the alien's departure and forward such permit, together with the notification surrendered by the alien, to the Secretary of State, Washington, D. C. Under no circumstances should an alien to whom a

departure permit has been granted be permitted to take such permit out of the United States or to have such permit in his possession while in the United States.

(f) A permit to depart shall be revocable at any time before departure of the alien in whose case such permit shall have been granted. The Secretary of State reserves the power to revoke a permit which has been issued by any permit-issuing authority.

(g) No permit to depart from the United States shall be construed as a permit to enter any place in the United States.*

§ 175.32 *Effective date.* These regulations shall become effective on December 1, 1941.*

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

NOVEMBER 19, 1941.

[F. R. Doc. 41-8682; Filed, November 21, 1941; 10:27 a. m.]

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

Aliens Entering

Sec.

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§ 175.41 *Definitions.* For the purposes of these regulations:

(a) The term "United States" includes the States, the District of Columbia, Alaska, the Panama Canal Zone, the Philippine Islands, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(b) The term "continental United States" includes the territory of the several States, the District of Columbia, and Alaska.

(c) The term "permit to enter" means an immigration visa, a re-entry permit, a passport visa, a transit certificate, a limited-entry certificate, a border-crossing identification card, a crew-list visa, or any other document which may be required under authority of law for entry into the United States.

(d) The term "permit-issuing authority" means a diplomatic, consular, or other officer of the United States authorized to issue immigration visas, passport visas, crew-list visas, transit certificates, limited-entry certificates, or non-resident border-crossing identification cards, or an officer of the Immigration and Naturalization Service authorized to issue re-entry permits, or border-crossing identification cards.

(e) The term "entry into the United States" includes any entry by land, water, or air, from any place outside of the United States into any place included within the United States, or from any outlying possession of the United States into the mainland, or from the mainland into any outlying possession, or from one outlying possession into another.

(f) The term "seaman" includes every alien signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any place outside of the United States.

(g) The term "airman" includes any alien pilot, navigator, aviator, or other alien person operating or employed on any aircraft.

(h) The term "port of entry" means a port in the continental United States, the Virgin Islands, Puerto Rico, or Hawaii designated as a port of entry by the Attorney General or the Commissioner of Immigration and Naturalization, or such ports in the Panama Canal Zone, Guam, and American Samoa as may be designated by the Governors thereof, or a port in the Philippine Islands designated by the United States High Commissioner to the Philippine Islands, after consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines.*

*§§ 175.41 to 175.58, inclusive, issued pursuant to the authority contained in Proc. 2523, November 14, 1941, 6 F.R. 5821, under the act approved May 22, 1918, as amended by the act approved June 21, 1941 (40 Stat. 559; Public Law 114, 77th Cong., 55 Stat. 252), and by virtue of the authority contained in the Immigration Act approved May 26, 1924 (43 Stat. 153), as amended, section 30 of the Alien Registration Act, 1940 (54 Stat. 673), and Executive Order 8766 of June 3, 1941.

§ 175.42 *Permits to enter required.* No alien shall hereafter enter the United States (a) except at a port of entry designated as such by the Commissioner of Immigration and Naturalization or other authorized official and (b) unless he is in possession of a valid unexpired permit to enter or is exempted under these regulations from presenting a permit to enter.*

§ 175.43 *Permits to enter not a guarantee of admission.* No alien who is inadmissible into the United States under the provisions of the immigration laws and regulations, or other laws and regulations, including these regulations, shall be admitted into the United States even if he is in possession of an unexpired permit to enter.*

§ 175.44 *Immigrants not required to obtain permits to enter.* Pursuant to the provisions of section 30 of the Alien Registration Act, 1940 (54 Stat. 673; 8 U.S.C. 451), Executive Order 8766 of June 3, 1941, and the proclamation of the President hereinbefore mentioned, the following classes of immigrants are not required to obtain permits to enter and the requirements of immigration visas, which constitute permits to enter in respect of immigrants, and passports, are waived in the following emergency cases:

(a) An alien immigrant child born subsequent to the issuance of the immigration visa of an accompanying parent, the visa not having expired;

(b) An alien immigrant child born during the temporary visit abroad of an alien mother who has previously been legally admitted into the United States for permanent residence, provided the child is accompanying a parent admissible to the United States, and application is made for admission into the United States within a period of two years after the date of birth;

(c) An immigrant alien lawfully admitted into the United States who passes in direct transit, without stop-over, through foreign contiguous territory from one part of the United States to another by means of a transportation line which runs through the territory or waters of both countries;

(d) An alien immigrant who has previously been legally admitted into the United States for permanent residence and who is proceeding by vessel or airplane from the mainland to an insular possession or from an insular possession to the mainland or from one mainland port to another, without stop-over, although touching at a foreign port;

(e) An alien immigrant who has previously been legally admitted into the United States for permanent residence reentering from a journey beginning in an American port without transshipment from the original vessel to another vessel;

(f) An alien immigrant lawfully admitted into the United States and returning from a visit not exceeding 30 days to contiguous territory where, because of urgency such as one involving serious illness or death, no opportunity existed to obtain a reentry permit or a resident alien's border-crossing identification card prior to departure from the United States;

(g) Aliens, occupationally seamen, previously lawfully admitted for permanent residence, who have not relinquished their domicile in the United States and who are returning to the United States in accordance with the terms of the articles of outward voyage, or in accordance with and following the terms of their discharge before an American consular officer;

(h) Alien members of the armed forces of the United States, provided they are in uniform or bear documentation identifying them as members of the armed forces;

(i) Individual cases considered by the Department of Justice to be within the provisions of section 13 (b) of the Immigration Act of 1924 may be submitted to the Secretary of State for consideration of a waiver of documents in each case.*

§ 175.45 *Non-immigrants not required to obtain permits to enter.* Pursuant to the provisions of section 30 of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), Executive Order 8766 of June 3, 1941, and the proclamation of the President hereinbefore mentioned, the following classes of non-immigrants are not required to obtain permits to enter and the requirements of non-immigrant visas, border-crossing identification cards, transit certificates, and limited-entry certificates, which constitute permits to enter in respect of non-immigrants, are waived in the following classes of emergency cases:

(a) Canadian railway-mail clerks entering in connection with their official duties, provided they carry documents identifying them as such;

(b) Aliens residing in remote sections of Canada and entering Alaska temporarily as visitors or as transients, who are unable without undue inconvenience to obtain passports and visas;

(c) Members of the staff of the International Fisheries Commission and the International Pacific Salmon Fisheries Commission entering the United States temporarily in connection with the performance of their official duties, provided they carry documents bearing photographs and identifying them as members of the staff of the Commissions;

(d) Officers and employees of the International Boundary Commissions who are citizens of Canada or Mexico entering the United States temporarily from Canada or Mexico in connection with their official duties;

(e) Immigration and customs officers of the Canadian and Mexican Governments entering the United States temporarily in the performance of their official duties;

(f) Employees of the Mexican Postal Service assigned to border areas entering the United States temporarily in the performance of their official duties, who have credentials establishing their identity and their official duties in the region of the border;

(g) Fire-fighting groups entering the United States temporarily for fire-fighting activities;

(h) Members of the Plant Protection Division of the Canadian Department of Agriculture entering the United States temporarily in connection with their official duties;

(i) Canadian law-enforcement officers entering the United States temporarily in connection with their official duties and possessing identification as such;

(j) Residents of Canada or Mexico entering the United States temporarily in urgent cases, such as those involving serious illness or death, where no opportunity exists to obtain a passport or a visa, a border-crossing identification card, or a limited-entry certificate;

(k) Canadian citizens entering for a temporary stay of less than thirty days at Point Roberts, Washington;

(l) Naval personnel of foreign government-owned vessels of war;

(m) British subjects domiciled in the British Virgin Islands and French citizens domiciled in the French Island of St. Bartholomew, seeking admission into the Virgin Islands for business or pleasure for a period of less than thirty days on any one visit;

(n) Aliens residing in the Virgin Islands who have occasion to proceed temporarily to the British Virgin Islands or to the French Island of St. Bartholomew;

(o) Responsible officials of the national governments of Canada or Mexico, who proceed unexpectedly to the border and who seek to enter the United States temporarily for business or pleasure;

(p) Special cases of unforeseen emergency in which the Secretary of State is satisfied that the aliens concerned are entering temporarily and have had no reasonable opportunity to procure appropriate documents;

(q) A national of a contiguous country passing in direct transit, without stop-over, from the country of residence through the United States back to the country of residence, by means of a transportation line which runs through the territory or waters of both countries;

(r) An alien arriving at a seaport in Canada passing in direct transit by continuous journey through the United States to a destination in Canada, by means of a transportation line which runs through the territory of both countries;

(s) Persons proceeding in continuous travel from Patterson, British Columbia to Laurier, British Columbia;

(t) A non-immigrant alien child born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired;

(u) Residents of the Fiji Islands and remote Pacific islands who, after arrival at ports of entry in Hawaii or on the Pacific Coast are found by the Immigration authorities to be classifiable as *bona fide* non-immigrant temporary visitors under section 3 (2) of the Immigration Act of 1924 or as transients under section 3 (3) of the act;

(v) Canadian seamen sent forward to join vessels in ports of the United States, provided they present seamen's identification cards;

(w) Seamen whose occupational status as such is found to be *bona fide*, seeking admission as passengers solely in pursuit of their calling as seamen, if arriving in the United States under the following circumstances:

(1) Seamen who were members of the crew of an American vessel which has been sold and delivered abroad, when the contract of employment provides for the return of the crew or when the laws of the United States provide for their return to an American port;

(2) Shipwrecked or cast-away seamen rescued by, or transferred at sea to, a vessel bound for an American port;

(3) Seamen who are American consular passengers or who are repatriated without expense to the United States Government following, and in accordance with the terms of, their discharge in a foreign port before an American consular officer;

(x) Seamen, entering temporarily as such, who are members of the crew of a vessel arriving from a port at which there is no American consul and the master of the vessel was unable to obtain a crew-list visa from a nearby consular officer without undue delay of the vessel's departure;

(y) Members of the crew of a vessel operating on a regular service between a port in Florida and Habana, Cuba, entering temporarily as seamen, are exempt from the crew-list visa requirement, except that a new crew-list visa must be presented (1) to cover the first trip each month of each such vessel and (2) to cover an additional seaman who is signed on as a member of the crew during the month;

(z) Members of the crews of vessels sailing between ports of the United States and Canada or Newfoundland which do not touch at ports of other countries, who are entering the United States temporarily as seamen, are exempt from the crew-list visa requirement;

(aa) An alien lawfully admitted to the United States as a non-immigrant who is proceeding by vessel or airplane from the mainland to an insular possession or territory or from an insular possession or territory to the mainland or from one mainland port to another, without stop-over, although touching at a foreign port;

(bb) Persons presenting certificates of identity issued by American consular officers under the provisions of section 503 of the Nationality Act of 1940 and the regulations issued thereunder (see 22 CFR. 19.18–19.29).*

§ 175.46 *Refusal of permission to enter.* (a) No permit to enter shall be issued to any alien if the issuing authority has reason to believe that the entry of the alien would be prejudicial to the interests of the United States.

(b) The permit-issuing authority shall report the refusal of a permit to the head of his department. If a permit is refused by an officer of the Immigration and Naturalization Service of the Department of Justice on the ground that he has reason to believe that the

entry of the alien would be prejudicial to the interests of the United States, the Attorney General may, after consultation with the Secretary of State, authorize issuance of the permit if he is satisfied that entry of the alien would not be prejudicial to the interests of the United States. If a permit is refused by any other officer of the United States authorized to issue documents constituting permits to enter under these regulations, the Secretary of State, or an official designated by him, may authorize the issuance of a permit to enter if he is satisfied that the entry of the alien will not be prejudicial to the interests of the United States. The report of a refusal of a permit to enter made to the head of a department other than the Secretary of State shall be communicated to the Secretary of State.*

§ 175.47 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.* The entry of an alien who is within one of the following categories shall be deemed to be prejudicial to the interests of the United States for the purpose of these regulations;

(a) Any alien who belongs to one of the classes specified in the act of October 16, 1918 (40 Stat. 1012) as amended;

(b) Any alien who is a member of, affiliated with, or may be active in the United States in connection with or on behalf of a political organization associated with or carrying out the policies of any foreign government opposed to the measures adopted by the Government of the United States in the public interest or in the interest of national defense or in the interest of the common defense of the countries of the Western Hemisphere;

(c) Any alien in possession of, or seeking to procure, unauthorized secret information concerning the plans, preparations, equipment, or establishments for the national defense of the United States;

(d) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of the measures adopted by the Government of the United States for the defense of the United States or for the defense of any other country;

(e) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country of the Western Hemisphere in the interest of the common defense of the countries of such Hemisphere;

(f) Any alien engaged in organizing or directing any rebellion, insurrection, or violent uprising against the United States;

(g) Any alien engaged in a plot or plan to destroy materials or sources thereof vital to the defense of the United States;

(h) Any alien whose admission would endanger the public safety, as provided in any Executive order issued in pursuance of the act of Congress approved June 20, 1941 (Public Law 113, 77th Cong.);

(i) Any alien who is not within one or more of the foregoing classes, but in whose case circumstances of a similar character may be found to exist, which render the alien's admission prejudicial to the interests of the United States, which it was the purpose of the act of June 21, 1941 to safeguard.*

§ 175.48 *Aliens leaving close relatives in certain foreign countries.* The fact that a spouse, or a relative of the first degree or consanguinity, with whom the applicant has maintained close family ties, remains abroad in any country, or in territory under the control of any country, the government of which is opposed to the measures of the Government of the United States with regard to the wars now being waged in the Eastern Hemisphere, may be considered with other evidence in determining whether an alien's permit to enter should be denied upon the ground that the alien is within one or more of the categories set forth in § 175.47.*

§ 175.49 *Permission to enter the Panama Canal Zone, Guam, American Samoa, and the Philippine Islands.* In addition to all applicable restrictions set forth in these regulations, an alien seeking to enter the Panama Canal Zone, Guam, and American Samoa shall follow such procedure as may be prescribed by the Governors thereof, and an alien seeking to enter the Philippine Islands shall follow such procedure as may be prescribed by the United States High Commissioner to the Philippine Islands after consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines. The said officials are hereby authorized to make such additional regulations as may be required, in their judgment, to carry out the restrictions contained in these regulations.*

§ 175.50 *Entry not permitted in special cases.* (a) Any alien, even though in possession of a permit to enter, or exempted under these regulations from obtaining a permit to enter, may be excluded temporarily if at the time he applies for admission at a port of entry it appears that he is or may be within one of the categories set forth in § 175.47. The official excluding the alien shall immediately report the facts to the head of his department, who will communicate such report to the Secretary of State. Any alien so temporarily excluded by an official of the Department of Justice shall not be admitted and shall be excluded and deported unless the Attorney General, after consultation with the Secretary of State, is satisfied that the admission of the alien would not be prejudicial to the interests of the United States. Any alien so temporarily excluded by any other official shall not be admitted and shall be excluded and deported unless the Secretary of State is satisfied that the admission of the alien would not be prejudicial to the interests of the United States.

(b) In the case of an alien temporarily excluded by an official of the Department of Justice on the ground that he is or may be within one or more of the categories set forth in § 175.47, no hearing by a board of special inquiry shall be held until after the case is reported to the Attorney General and such a hearing is directed by the Attorney General or his representative. In any special case the alien may be denied a hearing before a board of special inquiry and an appeal to the Board of Immigration Appeals if the Attorney General determines that he is within one of the categories set forth in § 175.47 on the basis of information of a confidential nature the disclosure of which would be prejudicial to the public interest.*

§ 175.51 *Procedure for issuance of permits to enter.* Applications for documents which are permits to enter under these regulations shall be made as provided by the rules and regulations applicable to the issuance of such documents and in accordance with the additional requirements for admission to the United States provided in these regulations. With the exceptions hereinafter specified, no permit to enter shall be issued until after the permit-issuing authority shall have received from the Secretary of State an advisory opinion or instruction recommending the issuance of a permit.*

§ 175.52 *Additional requirements for officials of foreign governments.* In addition to all other requirements, any official, employee, or agent of a foreign government proceeding to the United States temporarily as a tourist or on personal business or for pleasure, or proceeding through the United States to a foreign destination, must disclose in connection with his application for a permit to enter his official governmental position, status, or connection and must not engage while in the United States in any official activity on behalf of his government without first having been recognized by the Secretary of State, and he is hereby prohibited from engaging in any such activity in the United States unless and until he obtains a change of status from that of a visitor to that of an official on official business. Failure to disclose his official position, status, or connection in making application for a permit to enter, or engaging in any official business in the United States prior to such change of status, shall be punishable as a breach of these regulations.*

§ 175.53 *Additional requirements for aliens in transit.* In addition to all other requirements, an alien seeking admission in transit through the United States to a foreign destination by virtue of a transit certificate must submit to the Immigrant Inspector or to an officer acting in such capacity at the port of arrival three copies of his itinerary to the port of departure, one copy of which shall be transmitted immediately to the port of departure for verification of the transit journey and departure, and one copy to the Secretary of State. No deviation or delay in the transit journey will be permitted without the consent of the Secretary of State or the Attorney General.*

§ 175.54 *Additional requirements for alien seamen.* In addition to all other requirements, no non-resident alien seaman employed on any vessel arriving in the United States from any place outside thereof shall be granted shore leave or be permitted to go ashore in the United States except with the approval of the master and in the discretion of the immigration officials at the port of arrival acting under authority of the Attorney General. The period of shore leave granted a seaman shall not exceed that during which the vessel on which he arrived will remain in a port of the United States, unless the Attorney General, in his discretion, concurs in the granting of a longer period of shore leave.*

§ 175.55 *Exceptions from requirements of advisory opinions.* (a) Final action may be taken on applications for permits to enter without prior submission of applications to the Secretary of State, as provided in § 175.51 hereof, in the following classes of cases:

(1) Applicants for re-entry permits or the renewal thereof.

(2) Applicants for border-crossing identification cards who have been previously lawfully admitted into the United States for permanent residence.

(3) Applicants for non-resident border-crossing identification cards who are citizens and residents of Mexico, born therein or born abroad of a native Mexican father, and Canadian citizens or British subjects domiciled in Canada or Newfoundland.

(4) Applicants for any kind of permit to enter, who are native born citizens of the independent countries of the Western Hemisphere, citizens of Canada or Newfoundland, British subjects born or domiciled in any Western Hemisphere territory: *Provided*, Such persons are sufficiently known by or to the permit-issuing authority to warrant a conclusion that the admission of the applicants would not be prejudicial to the interests of the United States (the wives and minor children of such persons, who have the same nationality status, may be included in this category regardless of the place of birth of such wives and children).

(5) Applicants for non-quota section 4 (a) immigration visas in whose behalf a relative petition (form 633) shall have been approved by the Department of Justice.

(6) Applicants for non-quota section 4 (b) immigration visas in Western Hemisphere countries.

(7) Applicants for transit certificates, who are proceeding to Canada or British territory in the Western Hemisphere and who have received advance permission to enter Canada or such British territory.

(8) Applicants for replace immigration visas who, because of their inability to procure passage or transportation to the United States, were unable to use their original immigration visas issued after July 1, 1941.

(9) Applicants for any kind of permit to enter, who are under 18 years of age, who have previously been lawfully admitted into the United States for either temporary or permanent residence, and who are applying in Western Hemisphere countries for permits to enter.

(10) *Bona fide* alien seamen included in crewlists submitted for visas.

(11) Female applicants who were formerly American citizens and who have lost their citizenship by marriage to aliens.

(12) Native-born citizens of Iceland domiciled therein and natives of Greenland of Danish nationality domiciled in Greenland.

(13) Members of British military or naval forces who are recommended by their responsible superior officer.

(14) Officials of governments of the countries of the Western Hemisphere and British Government officials, the members of their families, and their attendants, servants and employees, accompanying them.

(15) The lawful wife and alien minor children of an alien Chinese merchant who have complied with the pre-investigation procedure prescribed by the applicable regulations of the Immigration and Naturalization Service governing admission of Chinese.

(16) Cases concerning which the Secretary of State shall have issued special instructions to the permit-issuing authority.

(b) Notwithstanding the aforesaid exceptions a permit-issuing authority may refer any application to the Secretary of State for an opinion or decision, if he deems it to be doubtful whether the applicant comes within one of the excepted classes or if he considers that there is a question whether the entry of an alien who comes within one of such classes would be likely to prejudice the interests of the United States. Officers of the Immigration and Naturalization Service will refer such cases to the Attorney General.*

§ 175.56 *Sponsorship of applicants.* (a) An applicant for a permit, not excepted under § 175.55 from the requirement of an advisory opinion, must be sponsored by citizens of the United States or by alien residents of the United States lawfully admitted for permanent residence. Supporting statements of sponsorship under oath in accordance with the requirements of form BC, prescribed pursuant to these regulations, shall be furnished to the Secretary of State. Husbands, wives, and their children under 18 years of age traveling together may be included in one form BC. Two letters of reference from reputable and responsible persons, preferably American citizens, who know the person or persons executing the form, must be attached thereto.

(b) Form BC shall consist of:

Part B. Biographical data. A statement executed under oath and containing biographical data concerning each applicant for a permit to enter.

Part C. Affidavit of support and sponsorship. If the applicant is not self-supporting, statements of two persons executed under oath and containing information concerning the affiants' identity and financial condition and their undertaking to support the applicant, shall be furnished in accordance with the requirements of part C of form BC. If the applicant is self-supporting, statements of two persons executed under oath shall be furnished in the space provided for an alternative statement in accordance with form BC.

(c) *Form K. Authorization to act as intermediary.* In the discretion of the Secretary of State a person who desires to act as attorney or other intermediary on behalf of a sponsor may be required to present form K, executed by the sponsor authorizing him to do so.*

§ 175.57 *Procedure in formulating advisory opinions.* (a) Form BC, when properly executed and received in the Department of State, shall be considered by an inter-departmental committee, together with all the documents attached thereto and all other information which may be available concerning the applicant for a permit to enter, his sponsors, and their references. The inter-departmental committee shall be composed of one representative of each of the State, War, and Navy Departments, and of the Federal Bureau of Investigation and the Immigration and Naturalization Service of the Department of Justice. Each member of the inter-departmental committee shall be permitted to express his opinion concerning the eligibility of the applicant to receive a permit to enter. Such opinions shall be recorded and shall be considered confidential. A majority opinion shall constitute the opinion of the committee.

(b) If the committee's opinion is that a permit to enter may be granted, and if such opinion is acceptable to the Secretary of State, it may be transmitted to the permit issuing authority, thereby becoming the advisory opinion of the Department of State.

(c) If the committee's opinion is not acceptable to the Secretary of State, or if the opinion is that a permit to enter should not be issued, or if any member of the committee so requests, the opinion of the committee shall be referred to a committee of review, together with the complete record in the case. The committee of review shall be composed of

one representative of each of the agencies named in paragraph (a) of this section. The committee of review shall consider the record forwarded from the interdepartmental committee and may allot a limited time for the appearance of an alien's sponsors or other interested persons, who may submit statements. The committee may make rules and regulations governing the appearance before it of sponsors, attorneys, agents, or other intermediaries. Statements made by persons appearing before the committee of review shall be under oath. After being duly sworn a sponsor shall answer any material interrogatories which may be addressed to him by the members of the committee. Confidential information in the possession of the committee shall not be disclosed to the sponsor or to his attorney, agent, or other intermediary.

(d) If the opinion of the committee of review is that a permit to enter may be granted, and if such opinion is acceptable to the Secretary of State, it may be transmitted to the permit issuing authority, thereby becoming the advisory opinion of the Department of State.

(e) If the opinion of the committee of review is not acceptable to the Secretary of State, or if the opinion is that a permit to enter should not be issued, or if any member of the committee so requests, the opinion of the committee shall be referred to a board of appeals, together with the complete record in the case. The board shall be composed of two members appointed by the President. The board shall preserve the confidential character of any information in the record. Cases shall be considered and decided by the board of appeals solely upon the basis of the written record as made up in the committees. If the opinion of the board of appeals is not acceptable to the Secretary of State, or if the members of the board are unable to agree on any particular case, the Secretary of State may substitute his own opinion, which shall be final and shall be transmitted to the permit-issuing authority as the advisory opinion of the Department of State.

(f) Each member of the inter-departmental committee, committee of review, or board of appeals, shall, while the case of an applicant for a permit to enter is under consideration by his committee or board, express his opinion of the applicant's eligibility for entry solely with reference to one of the categories set forth in § 175.47 of these regulations, and in the case of an adverse opinion the particular category involved shall be specified and recorded. The record thereof shall be confidential, and only the recommendation of the committee or board, without the reasons therefor, shall be disclosed.

(g) The board of appeals may not reconsider any case until after the lapse of a period of six months from the date of the previous opinion of the board in the case concerned. The board shall have the power to remand any case to the committee of review or to the interdepartmental committee for investigation and reconsideration, without expressing an opinion concerning the case.

(h) If a permit-issuing authority who shall have received an advisory opinion from the Department of State is in possession of information which indicates that the entry of the alien concerned would be prejudicial to the interests of the United States as provided in § 175.47 hereof, action shall be suspended on the case and a full report shall be submitted to the Secretary of State. The permit-issuing authority shall thereafter be guided by any further advisory opinion received from the Secretary of State regarding the question whether the entry of the particular applicant for a permit to enter would be prejudicial to the interests of the United States under these regulations.*

§ 175.58 *Effective date.* These regulations shall become effective on December 1, 1941.*

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

NOVEMBER 19, 1941.

[F. R. Doc. 41-8683; Filed, November 21, 1941; 10:27 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 55—MOTION PICTURE SERVICE [1]

§ 55.10 *Acceptance of commercially sponsored motion picture films.*[2] The following policy with regard to the acceptance of commercially sponsored motion picture films for advertising purposes is announced:

(a) Films of a purely recreational nature will not be accepted from commercial sponsors for exhibition at posts, camps, and stations served by the United States Army Motion Picture Service.

(b) Films having definite training or educational value may be accepted for the showing in camps, posts, or stations where desired by local commanders: *Provided:*

(1) That films to be shown in War Department theaters using their equipment will not be shown during paid performances of motion picture programs, but may be shown as part of the training film program if the subject matter of the film contributes substantially to the instruction in a subject concurrently appearing on the local training program. Those that are shown in places other than War Department theaters will be subject to the approval of, and at the times desired by, local commanders.

(2) That the subject matter of the film has a reasonable relationship to the commercial advertiser's product or manufacturing methods.

(3) That no admission charge for attendance will be permitted for commercially sponsored films.

(4) That such films do not advertise products which are considered to be incompatible with the best interests of the service or places of business that are of an unwholesome character.

(c) Offers of educational film sponsored by commercial concerns may be accepted at the discretion of the corps area commander concerned. The agency or individual making such offer will be advised:

(1) That either by appropriate announcement, slide, or as an integral part of film, a statement must be included to the effect that the showing of the film does not necessarily constitute War Department endorsement of the company or the product advertised.

(2) That the United States Government will not be responsible for the loss, damage, or destruction of any film loaned for this purpose. (R.S. 161; 5 U.S.C. 22)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8672; Filed, November 21, 1941; 9:29 a. m.]

CHAPTER IX—TRANSPORT

PART 93—TRANSPORTATION OF INDIVIDUALS [1]

SLEEPING-CAR AND SIMILAR ACCOMMODATIONS [2]

§ 93.15 *When and to whom sleeping car and similar accommodations furnished; allowances*—(a) *Standard accommodations.*

(1) • • •

• • • • • •

(iii) Aviation cadets and noncommissioned officers of first, second, and third grades, when traveling individually, or included in parties of nine persons, or less (i. e. enumerating aviation cadets, noncommissioned officers of all grades, other enlisted men, applicants for enlistment and rejected applicants for enlistment, but not officers and warrant officers).

• • • • •

(b) *Tourist accommodations*—(1) *Nine persons or less.* (i) Noncommissioned officers below the third grade traveling under orders, individually, or included in parties of nine persons or less (i. e., enumerating aviation cadets, noncommissioned officers of all grades, other enlisted men, applicants for enlistment, and rejected applicants for enlistment, when the journey exceeds 12 hours and is scheduled to terminate after midnight, or when the journey involves spending a night on the train, are entitled to a separate berth each in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, an upper, if available; otherwise a lower. See subparagraph (b) (4) of this section.

(ii) Enlisted men other than aviation cadets and noncommissioned officers, and/or applicants for enlistment, and/or rejected applicants for enlistment, traveling under orders, individually, or included in parties of nine persons or less (i. e., enumerating aviation cadets, noncommissioned officers of all grades, other enlisted men, applicants for enlistment and rejected applicants for enlistment, but not officers and warrant officers), when the journey exceeds 12 hours and is scheduled to terminate after midnight, or when the journey involves spending a night on the train, are entitled to accommodations in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, on the following basis:

(*a*) One person traveling, individually, will be furnished an upper berth, if available; otherwise a lower. See subparagraph (b) (4) of this section.

(*b*) Parties of two to nine persons, both inclusive, will be furnished accommodations on the basis of two persons in a lower berth; the "odd-number" person, if any, to be furnished an upper. If an upper is not available for the "odd-number" person, he will be furnished a lower. See subparagraph (b) (4) of this section.

(2) *Ten persons, or more.* Enlisted men (including aviation cadets and all noncommissioned officers), and/or applicants for enlistment, and/or rejected applicants for enlistment, traveling under orders and included in parties of 10 persons, or more (not enumerating officers and warrant officers), when the journey exceeds 12 hours and is scheduled to terminate after midnight, or when the journey involves spending a night on the train, are entitled to accommodations in a tourist sleeping car, except as provided in subparagraph (3) of this paragraph, on the basis of two persons in a lower berth; the "odd-number" person, if any, being entitled to an upper berth, provided that if there are more than a sufficient number of persons to occupy all the lower berths of an entire car on the basis of two persons in a berth, then the remaining persons will be furnished an upper berth each in the same car until its capacity is reached. For larger parties, accommodations in the second and succeeding cars will be furnished on the same basis as that prescribed above for the first car or a part thereof. See subparagraph (4) of this paragraph. See also § 93.18.

• • • • •

(4) *Alternative allowances; reservations.* The alternative allowances (upper and lower berths; tourist or standard accommodations) provided for in subparagraphs (1), (2), and (3) of this paragraph contemplate the furnishing of the most economical accommodations available on the train (and connecting trains on route) which the persons enumerated are required to use so as to carry out their orders. The higher cost berths and/or accommodations should be utilized only for such distance that those of lower cost are not available. The quartermaster furnishing the transportation should endeavor, through the carrier's agent, to reserve, so far as practicable, the required accommodations for the entire journey, except that The Quartermaster General will arrange for accommodations in the case of movements which are routed by him under existing regulations, except that under paragraph 12, MR 1-7,[3] transportation officers at induction stations arrange for any accommodations authorized herein, in connection with routings prescribed by The Quartermaster General. See § 93.20. (R.S. 161, 5 U.S.C. 22)

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8673; Filed, November 21, 1941; 9:31 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4280]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF A. KRASNE, INC.

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Brokerage payments.* In the course of commerce, (1) receiving or accepting, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees, or commissions may be offered, allowed, granted, paid, or transmitted; and (2) receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof upon purchases of commodities made by respondent; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U.S.C., Sup. IV, sec. 13c) [Cease and desist order, A. Krasne, Inc., Docket 4280, November 14, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearings as to said facts and expressly waives the filing of briefs and oral argument, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of subsection (c) of section 2 of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (the Clayton Act), as amended by an Act of Congress approved June 19, 1936 (the Robinson-Patman Act), (U.S.C. Title 15, Sec. 13):

It is ordered, That in the course of commerce, as "commerce" is defined in the aforesaid Clayton Act, the respondent A. Krasne, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(1) Receiving or accepting, directly or indirectly, any allowance or discount in lieu of brokerage fees or commissions in whatever manner or form said allowances, discounts, brokerage fees, or commissions may be offered, allowed, granted, paid, or transmitted;

(2) Receiving or accepting from sellers in any manner or form whatever, directly or indirectly, anything of value as a commission, brokerage fee, or other compensation, or any allowance or discount in lieu thereof upon purchases of commodities made by respondent.

It is further ordered, That the said respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8690; Filed, November 21, 1941; 11:07 a. m.]

[Docket No. 4512]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MINERAL WELLS CRYSTAL PRODUCERS, INC.

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., in commerce, of mineral crystals, and among other things, as in order set forth, (1) using the

[1] § 55.10 is added.

[2] These paragraphs also appear as Cir. 235, W.D. Nov. 8, 1941.

[1] § 93.15 (a) (1) (iii) and (b) (1) (2) and (4) is amended.

[2] These paragraphs also appear as par. 2 *a* and *b*, AR 30-925, Oct. 8, 1935, as amended in Cir. 234, W.D., Nov. 7, 1941.

[3] Administrative regulations of the War Department, relative to reception of selective service men.

[1] 5 F.R. 3570.

statement or legend, "Made in Mineral Wells, Texas", or any statement or legend of similar import or meaning, on respondent's leaflets, billheads, sales invoices, display cards, or other advertising material, in connection with the sale or the offering for sale of any mineral crystals not produced exclusively from mineral water obtained in its natural state from the earth within the City of Mineral Wells, Texas, or from the vicinity thereof; (2) using the statement or legend, "Made from Texas Mineral Water", or any other statement or legend of similar import or meaning, on its leaflets, billheads, sales invoices, display cards, or other advertising material in connection with the sale or the offering for sale of any mineral crystals not produced exclusively from mineral water obtained in its natural state from the earth within the State of Texas; and (3) using the words "Mineral Wells", or any simulation thereof, in its corporate or trade name, or in any manner to designate, describe, or refer to its business in connection with the sale or the offering for sale of any mineral crystals not produced exclusively from mineral water obtained in its natural state from the earth within the City of Mineral Wells, Texas, or from the vicinity thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Mineral Wells Crystal Producers, Inc., Docket 4512, November 14, 1941]

§ 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Government indorsement:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (b) *Misbranding or mislabeling—Government, official or other sanction:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards.* In connection with offer, etc., in commerce, of mineral crystals, and among other things, as in order set forth, using the word "Certified", or any other word or words of similar import or meaning, on respondent's advertising material, or otherwise, to represent or to imply that respondent's product has been endorsed or attested as to quality or fitness by some governmental, scientific, or other recognized agency empowered and qualified to certify to such facts, when such an endorsement or attestation has not been obtained, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Mineral Wells Crystal Producers, Inc., Docket 4512, November 14, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Mineral Wells Crystal Producers, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of mineral crystals in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the statement or legend, "Made in Mineral Wells, Texas", or any statement or legend of similar import or meaning, on its leaflets, billheads, sales invoices, display cards, or other advertising material, in connection with the sale or the offering for sale of any mineral crystals not produced exclusively from mineral water obtained in its natural state from the earth within the City of Mineral Wells, Texas, or from the vicinity thereof;

2. Using the statement or legend, "Made from Texas Mineral Water", or any other statement or legend of similar import or meaning, on its leaflets, billheads, sales invoices, display cards, or other advertising material in connection with the sale or the offering for sale of any mineral crystals not produced exclusively from mineral water obtained in its natural state from the earth within the State of Texas;

3. Using the words "Mineral Wells", or any simulation thereof, in its corporate or trade name, or in any manner to designate, describe, or refer to its business in connection with the sale or the offering for sale of any mineral crystals not produced exclusively from mineral water obtained in its natural state from the earth within the City of Mineral Wells, Texas, or from the vicinity thereof;

4. Using the word "Certified", or any other word or words of similar import or meaning, on its advertising material, or otherwise, to represent or to imply that respondent's product has been endorsed or attested as to quality or fitness by some governmental, scientific, or other recognized agency empowered and qualified to certify to such facts, when such an endorsement or attestation has not been obtained.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8689; Filed, November 21, 1941; 11:06 a. m.]

[1] 6 F.R. 4390.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

AMENDMENT TO RULE DEFINING TERM "TOTAL ASSETS" FOR PURPOSES OF SECTIONS 5 AND 12 OF THE ACT

Acting pursuant to the Investment Company Act of 1940, particularly sections 2 (a) (39) and 38 (a) thereof, the Securities and Exchange Commission hereby amends § 270.5b-1 [Rule N-5B-1] to read as follows:

§ 270.5b-1 *Definition of "total assets."* The term "total assets," when used in computing values for the purposes of Sections 5 and 12 of the Act [Sec. 5, 54 Stat. 800; 15 U.S.C. 80a-5: Sec. 12, 54 Stat. 808; 15 U.S.C. 80a-12], shall mean the gross assets of the company with respect to which the computation is made, taken as of the end of the fiscal quarter of the company last preceding the date of computation. This rule shall not apply to any company which has adopted either of the alternative methods of valuation permitted by § 270.2a-1 [Rule N-2A-1]. (Secs. 2, 38, 54 Stat. 790, 841; 15 U.S.C. 80a-2, 80a-38)

Effective November 21, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8700; Filed, November 21, 1941; 11:43 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 84]

PART 210—STATEMENTS AND REPORTS (SCHEDULES)

PRESCRIBING THE FILING OF POWER SYSTEM STATEMENTS FOR ELECTRIC UTILITIES, LICENSEES AND OTHERS, FPC FORM NO. 64

NOVEMBER 4, 1941.

The Commission, pursuant to Sections 4 (a), 301 (a), 304 (a), 309, and 311 of the Federal Power Act, and other provisions of said Act thereunto authorizing it, orders that;

§ 210.51 *FPC Form No. 64 (1941).* (a) The accompanying FPC Form No. 64 for Power System Statement (Class I and II systems),[1] including the instructions and schedules therein contained, be and the same hereby is approved;

(b) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation, or transmission, or distribution of electric energy, and which is in the classification of a Class I or a Class II system (as the same are defined in the accompanying Form FPC No. 64) shall prepare and file with the Commission on or before the date indicated by said form, such statement or statements and in such form as is required by said instructions and schedules, setting forth the answers to the questions therein stated and furnishing the information therein called for. (Secs. 4 (a), 301 (a), 304 (a), 309, 311, 49 Stat. 812, 854, 855, 858, 859; 15 U.S.C., Sup., 79d (a), 16 U.S.C., Sup., 825 (a), 825c (a), 825h, 825k)

This order and the form herein prescribed shall become effective on November 18, 1941; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-8679; Filed, November 21, 1941; 9:31 a. m.]

[1] Filed with the original document.

[Order No. 85]

PART 210—STATEMENTS AND REPORTS (SCHEDULES)

PRESCRIBING THE FILING OF POWER SYSTEM STATEMENTS FOR ELECTRIC UTILITIES, LICENSEES AND OTHERS, FPC FORM NO. 64-A

NOVEMBER 4, 1941.

The Commission, pursuant to sections 4 (a), 301 (a), 304 (a), 309, and 311 of the Federal Power Act, and other provisions of said Act thereunto authorizing it, *orders* that:

§ 210.52 *FPC Form No. 64-A.* (a) The accompanying FPC Form No. 64-A, Power System Statement (Class III and Class IV systems),[1] including the instructions and schedules therein contained, be and the same hereby is approved;

(b) Each corporation, person, agency, authority or other legal entity or instrumentality, whether public or private, which operates facilities for the generation or transmission, or distribution of electric energy, and which is in the classification of a Class III or Class IV system (as the same are defined in the accompanying Form FPC No. 64-A) shall prepare and file with the Commission on or before the date indicated by said form, such statement or statements and in such form as is required by said instructions and schedules, setting forth the answers to the questions therein stated and furnishing the information therein called for: *Provided*, That said form shall not be required to be prepared and filed for Classs III systems having "net energy for system" during the year less than 5,000,000 kilowatt-hours (as the same is defined in the accompanying form), or for Class IV systems having energy received plus net generation during the year less than 5,000,000 kilowatt-hours except as specifically directed. (Secs. 4 (a), 301 (a), 304 (a), 309, 311, 49 Stat. 812, 854, 855, 858, 859; 15 U.S.C., Sup. 79d (a), 16 U.S.C., Sup., 825 (a), 825c (a), 825h, 825k

This order and the form herein prescribed shall become effective on November 18, 1941; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-8691; Filed, November 21, 1941; 11:28 a. m.]

[1] Filed with the original document.

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-24]

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

AMENDMENT TO GENERAL REGULATIONS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [Sec. 701 (a), 52 Stat. 1055, 21 U.S.C., Sup. V, 371 (a)], the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., Sup. V, 133 ff.), and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat., 5 F.R. 2421); the following general regulations under the Federal Food, Drug, and Cosmetic Act [Sec. 403 (j), 52 Stat. 1048, 21 U.S.C. Sup. V, 343 (j)] are hereby promulgated:

§ 2.10a *General.* (a) The term "special dietary uses", as applied to food for man, means particular (as distinguished from general) uses of food, as follows:

(1) Uses for supplying particular dietary needs which exist by reason of a physical, physiological, pathological or other condition, including but not limited to the conditions of disease, convalescence, pregnancy, lactation, allergic hypersensitivity to food, underweight, and overweight;

(2) Uses for supplying particular dietary needs which exist by reason of age, including but not limited to the ages of infancy and childhood;

(3) Uses for supplementing or fortifying the ordinary or usual diet with any vitamin, mineral, or other dietary property. Any such particular use of a food is a special dietary use, regardless of whether such food also purports to be or is represented for general use.

(b) No provision of any regulation under section 403 (j) of the Act shall be construed as exempting any food from any other provision of the Act or regulations thereunder, including sections 403 (a) and (g) and, when applicable, the provisions of Chapter V. (Sec. 403 (j), 52 Stat. 1048; 21 U.S.C., Sup., 343 (j))

WATSON B. MILLER, *Acting Administrator.*

NOVEMBER 18, 1941.

[F. R. Doc. 41-8702; Filed, November 21, 1941; 11:48 a. m.]

[Docket No. FDC-24]

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

FINDINGS OF FACT AND REGULATIONS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [Sec. 403 (j), 52 Stat. 1048, 21 U.S.C., Sup. V, 343 (j); Sec. 701 (e), 52 Stat. 1055, 21 U.S.C., Sup. V, 371 (e)], the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., Sup. V, 133 ff.), and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (54 Stat., 5 F.R. 2421); and upon the basis of evidence of record at the above entitled hearing duly held pursuant to notice thereof issued by the Administrator on August 31, 1940 (5 F.R. 3565), the following order is hereby promulgated:

Findings of Fact

1. The value of a food for any special dietary use is determined by its dietary properties, such as the presence or absence of a substance or the quantity or altered character of a constituent.

2. Information necessary in order to inform the purchaser of the value of a food for a special dietary use includes a statement of the dietary properties upon which its value for such use is based.

3. Among other dietary properties of food, certain vitamins and minerals are known to be essential to the normal functioning of the human organism; the quantity of any vitamin or mineral required is customarily expressed in terms of the quantity required each day and is referred to as the daily requirement.

4. Deficiency in the intake of any essential vitamin, mineral, or other dietary property produces pathological conditions known as a deficiency disease, whereas, intake of a certain minimum quantity of such substance prevents the onset of such conditions.

5. The value of a food for special dietary use may depend on its suitability for the treatment of a deficiency disease.

6. The quantity of a vitamin, mineral, or other dietary property necessary to prevent a deficiency disease is usually less than the quantity necessary for the effective treatment of that disease.

7. The quantity and the duration of administration of such a property for the correction of such disease may differ under different conditions.

8. Purchasers in general are unaware of the quantities of dietary constituents or the duration of their consumption

necessary for the effective treatment of deficiency diseases.

9. Information required by the purchaser to evaluate a food for the correction of deficiency diseases includes adequate directions for use.

10. The value of a food for special dietary use may depend on its content of one or more of the vitamins A (or precursors thereof), B_1, C, D, riboflavin, nicotinic acid or nicotinic acid amide, and some other vitamins.

11. The terms "vitamin B_1" and "thiamine," the terms "vitamin C" and "ascorbic acid", and the terms "riboflavin", "vitamin B_2" and "vitamin C", are synonymous.

12. Deficiency in the intake of vitamin A produces the pathological conditions known as nutritional night blindness and as xerophthalmia.

13. Vitamin A exists as such in certain animal tissues and is produced by the animal organism from precursors of vitamin A, which include the vegetable pigments alpha carotene, beta carotene, gamma carotene, and cryptoxanthin.

14. The vitamin A activity of food is determined by biological assay; an equal weight of vitamin A and of each of its known precursors, when reacted upon by the animal organism, do not all have the same degree of activity; none of such precursors has as high a degree of activity as vitamin A.

15. It is necessary, in order fully to inform the purchaser of the value of the precursors of vitamin A for special dietary use, that their activity be measured and stated as vitamin A, but that any such precursor sold as such be designated by its common or usual name and not as vitamin A.

16. Deficiency in the intake of vitamin B_1 produces the pathological condition known as beriberi.

17. Deficency in the intake of vitamin C produces the pathological condition known as scurvy.

18. Deficiency in the intake of vitamin D produces the pathological conditions known as rickets and osteoporosis.

19. Deficiency in the intake of riboflavin produces the pathological condition known as aribofiavinosis.

20. The value of a food for special dietary use may depend on its content of one or more of the mineral elements calcium, phosphorus, iron, iodine, and possibly other mineral elements.

21. Deficiency in the intake of calcium or phosphorus produces the pathological conditions known as rickets and osteoporosis.

22. Deficiency in the intake of iron results in the pathological condition known as nutritional anemia.

23. Deficiency in the intake of iodine results in the pathological condition known as simple goiter.

24. The minimum daily requirements for such vitamins and minerals in the human diet are the quantities necessary for the prevention of such deficiency diseases.

25. The requirements of different persons for most of the essential vitamins bear a relationship to body weight which in turn bears a relationship to age groups. Thus, for nutritional purposes, with respect to these and many other dietary factors, persons are commonly classed as infants (persons under one year of age), children (persons one or more but less than 12 years of age), and adults (persons 12 or more years of age); children may be further classified as the groups less than six, and six or more years of age, when nutritional requirements bear an unusually close relationship to body weight.

26. The nutritional requirements for vitamins A, B_1, C, and riboflavin are so correlated with age, but the requirements for vitamin D and minerals are not.

27. Purchasers generally do not know the quantity of vitamins and minerals needed to supply their minimum daily requirements.

28. Information necessary for the purchaser to evaluate a food for special dietary use based on its vitamin or mineral property for which the minimum daily requirement has been established is a statement of the proportion of the minimum daily requirement for such vitamin or mineral supplied by a specified quantity of such food.

29. To be reasonably useful to the purchaser, the quantity so specified must be the quantity of the food customarily or usually consumed during a period of one day, or a quantity reasonably suitable for or practicable of consumption during a period of one day.

30. The quantity of vitamin A in a food is expressed as the biologically measured activity of vitamin A and its precursors in terms of United States Pharmacopoeia units (commonly referred to as U.S.P. units).

31. The quantity of vitamin B_1 in a food is expressed by weight in terms of the metric system or by United States Pharmacopoeia units (commonly referred to as U. S. P. units).

32. The quantity of vitamin C in a food is expressed by weight in terms of the metric system or by United States Pharmacopoeia units (commonly referred to as U. S. P. units).

33. The quantity of vitamin D in a food is expressed in terms of United States Pharmacopoeia units (commonly referred to as U. S. P. units).

34. The quantity of riboflavin in a food is expressed by weight in terms of the metric system.

35. The quantities of calcium, phosphorus, iron, and iodine in foods are commonly expressed by weight in terms of the metric system.

36. Because of variations in body weight and other factors, the minimum daily requirements of individuals for vitamins vary, even among persons in the same age groups; but in the cases of vitamins A, B_1, C, D, and riboflavin the variation within any age group is of such narrow range that a minimum daily requirement for any such vitamin can be prescribed for different age groups, and the ingestion of the quantity so prescribed will prevent any clinically significant manifestation of the deficiency disease characteristic of deficiency of such vitamin.

37. The minimum daily requirement for vitamin A is as follows:

For infants, 1,500 U. S. P. units.

For children more than 1 but less than 12 years of age, 3,000 U. S. P. units.

For any person 12 or more years of age, 4,000 U. S. P. units.

38. The minimum daily requirement for vitamin B_1 is as follows:

For infants, 0.25 mg. (83 U. S. P. units).

For children more than 1 but less than 6 years, 0.5 mg. (167 U. S. P. units).

For children 6 or more but less than 12 years old, 0.75 mg. (250 U. S. P. units).

For a person 12 or more years old, 1 mg. (333 U. S. P. units).

39. The minimum daily requirement for vitamin C is as follows:

For infants, 10 mg. (200 U. S. P. units).

For children more than 1 but less than 12 years old, 20 mg. (400 U. S. P. units).

For a person 12 or more years old, 30 mg. (600 U. S. P. units).

40. The minimum daily requirement for vitamin D is 400 units for any person, irrespective of age, except as hereinafter noted in respect of vitamin D contained in cows' milk and evaporated milk.

41. The minimum daily requirement for riboflavin is as follows:

For an infant, 0.5 mg.

For a person 12 or more years old, 2.0 mg.

42. The minimum daily requirement for riboflavin for children one year or more but less than 12 years of age has not been established.

43. A given quantity of vitamin D consumed in cows' milk or evaporated milk is more efficacious in the prevention of rickets than the same quantity of vitamin D consumed in other carriers, but the minimum daily requirement of vitamin D when consumed in cows' milk or evaporated milk has not been established.

44. Cows' milk containing 135 units of vitamin D per quart, and evaporated milk containing 7.5 U. S. P. units of vitamin D per avoirdupois ounce, usually will prevent clinical rickets when fed to normal infants in customary quantities.

45. Cows' milk and evaporated milk with increased vitamin D content are customarily marketed at two levels of vitamin D content, 400 U. S. P. units and 135 U. S. P. units per quart in the case of milk, and 22.2 U. S. P. units and 7.5 U. S. P. units per avoirdupois ounce in the case of evaporated milk.

46. In the absence of established fact as to the minimum daily requirement for vitamin D carried in cows' milk and evaporated milk, information essential to the purchaser concerning the value of such milk and evaporated milk for special dietary use based on its vitamin D content includes at least a statement of the number of U. S. P. units of vitamin D in a specified quantity of such milk or evaporated milk.

47. The prevalence of rickets among infants and children is such that information essential to purchasers concerning the value of cows' milk for special dietary use based on a vitamin D content increased to less than 135 U. S. P. units per quart, includes at least the statement that additional vitamin D should be supplied from other sources.

48. Because of variations in body weight, in the quantity of food ingested, and in other factors, it is impracticable to establish minimum daily requirements applicable to the needs of infants generally for calcium, phosphorus, iron, and iodine.

49. Because of variations in the body weight and other factors, individuals other than infants have varying minimum daily requirements for minerals. In the cases of calcium, phosphorus, iron, and iodine, the variation is of such narrow range that a minimum daily requirement for any such mineral can be prescribed, and the ingestion of the quantity so prescribed will prevent any clinically significant manifestation of the deficiency disease characteristic of a deficiency of such mineral, except as specified in Finding 50 with respect to pregnant and lactating women.

50. During pregnancy and lactation the requirements of women for calcium, phosphorus, and iron are increased.

51. The minimum daily requirement for calcium and for phosphorus is 750 milligrams for any person more than one year of age, except any pregnant or lactating woman for whom 1.5 grams is the minimum daily requirement.

52. The minimum daily requirement for iron is 7.5 milligrams for a child more than one but less than six years of age, 10 milligrams for a person six or more years of age, except any pregnant or lactating woman for whom 15 milligrams is the minimum daily requirement.

53. The minimum daily requirement for iodine is 0.1 milligram for any person more than one year of age.

54. In order fully to inform purchasers of the value of a food purporting to be or represented for special dietary use by pregnant or lactating women based in whole or in part on its mineral property in respect of calcium, phosphorus, or iron, a statement of the proportion of the minimum daily requirement furnished thereby must include the proportion for such women.

55. Simple goiter is endemic to certain geographical areas in the United States, because of the inadequacy of the iodine content of the water and other foods in those areas.

56. Federal and state public health authorities seek to encourage and increase the consumption of iodine in those areas.

57. As a means of supplying adequate quantities of iodine to the diet in those areas, such authorities have induced the manufacturers of salt, inasmuch as salt is common to all adequate diets, to produce iodized salt by the addition to salt of 0.023 percent by weight of potassium iodide, equivalent to 0.0176 percent iodine.

58. The distribution of iodized salt has resulted in a great decrease in the incidence of simple goiter in those areas.

59. Under the program so agreed upon between health authorities and salt manufacturers, the quantity of iodine in the usual daily intake of iodized salt is approximately 10 times the minimum daily requirement for iodine of persons other than infants.

60. The statement on the label of iodized salt that the usual daily intake thereof contains 10 times the minimum daily requirement for iodine would be reasonably calculated to result in a decrease in the consumption of iodized salt, even in those areas where goiter is endemic, and thus cause an increase in the incidence of simple goiter.

61. It is the established practice of manufacturers of iodized salt to declare on the label the percent by weight of potassium iodide in the iodized salt.

62. Purchasers of iodized salt are adequately informed of its value in the prevention of simple goiter by the declaration on the label of the percent by weight of potassium iodide present therein.

63. In the consumption of vitamins and minerals it is desirable to have a safety factor above the minimum daily requirements, and fractional proportions of requirements above the minimum daily requirements for vitamins and minerals may be regarded as such a safety factor.

64. Such fractions may be disregarded in label statements without depriving the purchaser of essential information.

65. The dietary requirements of age groups other than adults are usually estimated by reference to adult intakes as a standard.

66. A statement of the proportion of the minimum daily requirements of adults for vitamins and minerals suffices to furnish full information as to such requirements for persons generally; but, where the food is for the use of a specific age group or groups, full information as to its value for such use includes a statement of the proportion of the minimum daily requirement for such vitamin or mineral for such age group or groups.

67. A food may have special dietary use by reason of its content of some vitamins other than A, B_1, C, D, or riboflavin, or some minerals other than calcium, phosphorus, iron, or iodine. The minimum daily requirements and, in some cases, the need in human nutrition for such other substances have not been established by the opinion of experts qualified by scientific training and experience to determine such facts; but in the cases of some such other substances there is substantial, though inconclusive, support in the opinions of such experts of a determination of one or both of such facts.

68. When the need for such a substance has not been so established, information necessary fully to inform the purchaser of the value for special dietary use of a food containing it includes a statement that the need for such substance has not been established.

69. When the need for a vitamin or mineral has been so established, it is frequently still unknown what is the minimum daily requirement therefor.

70. When the minimum daily requirement for such a substance has not been established, whether or not evidence of human need therefor is conclusive, purchasers must rely on the best available scientific information or professional advice; and in order to evaluate such food in terms of such information or advice, it is necessary that the purchaser be informed of the quantity of the vitamin or mineral present in a specified quantity of such food suitable for daily consumption.

71. The quantity of such a vitamin or mineral necessary to prevent a disease resulting from a dietary deficiency of such substance, is usualy unrelated to the quantity necessary for use in treating the disease; when such a vitamin or mineral purports to be or is represented for use in treating such a disease, in addition to adequate directions for use, a statement of the quantity of the substance present in a specified quantity of the food is information necessary for the purchaser to evaluate the food for such use in terms of the best available scientific information or professional advice.

72. The value of a food for special dietary use may depend on its suitability as a food for infants.

73. The diet of infants is more restricted than that of normal persons of other age groups and the suitability of a food for infant use depends on its ingredients or character.

74. Information necessary fully to inform the purchaser of the value of a food for such use includes the common or usual name of each ingredient thereof.

75. Infants are more susceptible to allergies resulting from plant or animal substances than persons of other age groups.

76. Information concerning the source of a food of plant or animal origin for use by infants is necessary properly to evaluate its suitability for use by particular infants.

77. The value of an infant food may depend upon its simulation of, or suitability as a complete or partial substitute for, human milk.

78. Normal human milk contains adequate quantities of all the factors essential to infant nutrition, except that its content of vitamin C, vitamin D, and iron is insufficient in many cases to prevent scurvy, rickets, and nutritional anemia, respectively.

79. The value of a food as a complete or partial substitute for human milk in infant feeding depends on its content of such factors as moisture, protein, fat,

carbohydrates, crude fiber, calcium, phosphorous, iron, and vitamins A, B_1, C, and D, and the calories supplied by such food.

80. Information necessary to evaluate a food as a complete or partial substitute for human milk in infant feeding includes a statement of the percent by weight of moisture, protein, fat, available carbohydrates, crude fiber, calcium, phosphorous, and iron, a statement of the number of available calories, and a statement of the number of units of vitamin A, vitamin B_1, vitamin C, and vitamin D supplied by the food.

81. The most common dietary deficiency diseases in infants are scurvy, rickets, and nutritional anemia, caused respectively by deficiencies of vitamin C, vitamin D, and iron in human milk or in preparations used as substitutes for human milk, including, among others, cows' milk and evaporated milk in which the quantities of such substances have not been increased.

82. Many purchasers are unaware of the deficiencies in these respects of such substitutes.

83. Such substitutes are customarily diluted and mixed with a soluble carbohydrate for infant feeding. In the proportions usually recommended by pediatricians each 100 calories of the mixed substitute must contain 30 U. S. P. units of vitamin C, 50 U. S. P. units of vitamin D, and 0.75 milligram of iron to supply the minimum daily requirements of infants for such substances.

84. Where a food for use as a complete or partial substitute for human milk in infant feeding contains less than such quantities of vitamin C, vitamin D, or iron, information necessary for the purchaser to determine the value of the food includes a statement that such factors must be supplemented from other sources.

85. The value of cows' milk and evaporated milk used as a complete or partial substitute for human milk in infant feeding is sufficiently well known that, aside from their deficiency in vitamin C, iron, and vitamin D when the quantity of vitamin D has not been adequately increased, a statement relative to their constituents is not necessary to inform the purchaser of their value for such use.

86. 135 U. S. P. units of vitamin D per quart of cows' milk and 7.5 U. S. P. units per avoirdupois ounce of evaporated milk, the equivalent of 135 units per quart of milk when the evaporated milk is reconstituted by the addition of water, being usually sufficient, when fed in customary quantities, for the prevention of clinical rickets in normal infants due to its greater efficacy in milk, a statement that vitamin D must be supplied from other sources is not necessary when the milk or evaporated milk contains such quantities of vitamin D.

87. The value of a food for special dietary use may depend on its suitability for use in the control of body weight through regulating the intake of protein, fat, carbohydrates, or calories.

88. The quantity and relative proportions of protein, fat, and carbohydrates, and the number of calories consumed, are important factors in the regulation of body weight.

89. The value of a food for special dietary use may depend on its suitability for use in dietary management with respect to disease through regulating the intake of protein, fat, carbohydrates, or calories; such management is an important factor in the treatment of many diseases.

90. Some carbohydrate substances are not digested or assimilated by the human organism and supply no food energy. Only the carbohydrates which may be digested and assimilated are available to the metabolic processes of the organism.

91. Carbohydrates which are nonavailable to the metabolic processes have a theoretical caloric value but supply no calories to the human organism.

92. Information necessary for the purchaser to evaluate a food for use in the control of body weight, or in dietary management with respect to disease, includes a statement on the label of the percent by weight of protein, fat, and available carbohydrates in such food and a statement on the label of the number of available calories supplied by a specified quantity of the food.

93. The value of a food for special dietary use may depend on the presence therein of a constituent which is not utilized in normal metabolism and which consequently has no nutritive value.

94. Its use may be for the reduction of caloric intake, as in the case of mineral oil; for the promotion of laxation, as in the case of fibrous plant matter; or for the satisfaction of taste desires without increasing food value, as in the case of saccharin.

95. Information necessary to inform the purchaser of the value of a food for special dietary use by reason of its content of such a constituent includes a statement of the percent by weight of the constituent in the food, preceded or followed by the word "nonnutritive", except as hereinafter noted in Finding 98 with respect to saccharin.

96. If such constituent is fibrous plant matter it is commonly determined as and expressed as crude fiber.

97. Saccharin, alone or in combination in a saccharin salt, is a nonnutritive, synthetic sweetening substance sometimes used to satisfy the psychological desire for sweets in the diets of persons who must restrict their intake of carbohydrates. It has no other use as a food and is not utilized in normal metabolism.

98. Information necessary to inform the purchaser of the value of a food for special dietary use by reason of its saccharin content is a statement that it contains a specified percent by weight of saccharin, a nonnutritive, artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets.

99. The value of a food for special dietary use may depend on its hypoallergenic property; that is, the absence of, or greatly reduced quantity of, a substance which causes allergic reaction.

100. Allergic effects are abnormal, toxic tissue disturbances and may be produced by any food constituent.

101. Decrease of an allergenic constituent may be accomplished by treatment or processing of the constituent.

102. When a food or ingredient is a plant or animal substance the allergenic property thereof is usually based on a specific factor, most frequently a protein, derivable only from the plant or animal which is its source.

103. Persons subject to gastrointestinal allergic effects can avoid them only by elimination of the allergenic substances from their diets or by such a reduction thereof that the quantity is insufficient to produce the toxic disturbances, and in some cases by hyposensitization measures.

104. Information necessary to inform the purchaser of the value of a food for hypoallergenic use includes the following: The common or usual name and the quantity or proportion of each ingredient, in case it is fabricated from two or more ingredients; a qualification of the name of the food, in case it consists of a single ingredient, or of the name of each ingredient, in case it is fabricated from two or more ingredients, to reveal the specific plant or animal which is the source of such food or such ingredient, if such food or such ingredient consists in whole or in part of plant or animal matter and such name does not clearly reveal the specific plant or animal which is such source; a statement indicating the nature and effect of any treatment or processing, if the changed allergenic property results from such treatment or processing.

On the basis of the foregoing detailed findings of fact it is found and determined that the label of a food which purports to be or is represented for special dietary uses by man should bear the information concerning the vitamin, mineral, and other dietary properties of such food prescribed in the regulations hereinafter set forth, and that such information concerning such properties of such food is necessary in order fully to inform purchasers as to its value for such uses.

It is therefore, ordered, That the following regulations be and they hereby are promulgated:

Regulations

Sec.
125.01 Definitions and interpretations of terms.
125.02 General label statements.
125.03 Label statements relating to vitamins.
125.04 Label statements relating to minerals.
125.05 Label statements relating to infant food.

Sec.
125.06 Label statements relating to certain food used in control of body weight or in dietary management with respect to diseases.
125.07 Label statements relating to nonnutritive constituents.
125.08 Label statements relating to hypoallergenic food.

§ 125.01 *Definitions and interpretations of terms.* (a) The defintions and interpretations of terms contained in section 201 of the Act shall be applicable also to such terms when used in these regulations.

(b) Any requirement of the regulations in this part with respect to the quantity of vitamin A means the biologically measured activity of vitamin A and its precursors; but if any such precursor is sold as such or is added to a food the label shall designate such precursor by its common or usual name and not as vitamin A.

(c) Specification in the regulations in this part of a quantity of any vitamin, mineral, or other dietary property as a minimum daily requirement shall not be construed as a determination that such quantity is sufficient for the treatment of any disease resulting from a deficiency in such vitamin, mineral, or other property.

(d) For the purposes of the regulations in this part, the terms "infant", "child", and "adult" mean persons not more than 12 months old, more than 12 months but less than 12 years old, and 12 years or more old, respectively.*

* §§ 125.01 to 125.08, inclusive, issued under the authority contained in secs. 403 (j), 701 (e), 52 Stat. 1048, 1055, 53 Stat. 561; 21 U.S.C., Sup. 343 (j), 371 (e), 5 U.S.C., Sup., 133–133t, and Reorganization plans I, IV, 53 Stat. 1423, 54 Stat. 1234; 4 F.R. 2727, 5 F.R. 2421.

§ 125.02 *General label statements.* (a) If a food (including food to which any one or more of §§ 125.03 to 125.08, inclusive, of the regulations in this part is applicable) purports to be or is represented for any special dietary use by man, its label shall bear a statement of the dietary porperties upon which such use is based in whole or in part. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other dietary property of such food upon which such use is so based.

(b) If a food (including food to which any one or more of §§ 125.03 to 125.08, inclusive, of the regulations in this part is applicable) purports to be or is represented for special dietary use by reason of its use for treating any disease resulting from a dietary deficiency in man, its label shall bear, in addition to the information required under paragraph (a) hereof, adequate directions for such use.*

§ 125.03 *Label statements relating to vitamins.* (a) (1) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property in respect of—

Vitamin A or its precursors,
Vitamin B_1 (thiamine),
Vitamin C (ascorbic acid),
Vitamin D, or
Riboflavin (vitamin B_2, vitamin G),

the label (except as hereinafter provided with respect to cows' milk and evaporated milk, and unless the exemption under subparagraph (4) of this paragraph applies) shall bear a statement of the proportion of the minimum daily requirement for such vitamin supplied by such food when consumed in a specified quantity during a period of one day. If such purported or represented special dietary use is for persons within two or more age groups for which minimum daily requirements are set forth in paragraph (b), such statement shall include such proportion for each such group; but if such use is for persons irrespective of age groups, such statement may be limited to the proportion of the minimum daily requirement set forth in paragraph (b) for an adult. The quantity specified as above required shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. When such proportion is a whole number and a fraction it may be expressed as the whole number and the fraction may be disregarded. The foregoing requirements of this paragraph shall not apply to cows' milk and evaporated milk which purport to be or are represented for special dietary use by reason of their content of vitamin D; but in the case of cows' milk in which the vitamin D content has been increased by any means, and in the case of evaporated milk with increased vitamin D content as prescribed in the definition and standard of identity for evaporated milk (§ 18.520), the label shall bear a statement of the number of U. S. P. units in a specified quantity of such milk or evaporated milk. In the case of cows' milk in which the vitamin D content is increased to less than 135 U. S. P. units to each quart, the label shall also bear a statement that additional vitamin D should be supplied from other sources.

(2) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property in respect of any vitamin not listed in subparagraph (1) of this paragraph, the label shall bear a statement of the quantity of such vitamin in a specified quantity of such food. The quantity of food specified as required herein shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. If the need in human nutrition for such vitamin has not been established, the label shall also bear the statement "The need for _____ in human nutrition has not been established," the blank to be filled in with the name of such vitamin.

(3) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property, and any such use is for treating any disease resulting from a dietary deficiency of any vitamin, the label shall bear a statement of the quantity of such vitamin in a specified quantity of such food. If the represented special dietary use of such food is solely for treating any such disease, such food shall be exempt from the labeling requirements of subparagraphs (1) and (2) of this paragraph when otherwise applicable.

(4) Compliance with the provisions of subparagraphs (2) and (3) of this paragraph shall not be construed as relieving any food which purports to be or is represented for special dietary use by reason of its vitamin property from the application of sections 403 (a) and 201 (n) of the Act, as in the case where the need for such vitamin in human nutrition is not substantially supported by the opinion of experts qualified by scientific training and experience to determine such needs.

(b) For the purposes of the regulations in this section the following are minimum daily requirements:

(1) For vitamin A, 1,500 U. S. P. units for an infant, 3,000 U. S. P. units for a child, 4,000 U. S. P. units for an adult.

(2) For vitamin B_1 (thiamine), 0.25 milligram (83 U. S. P. units) for an infant, 0.5 milligram (167 U. S. P. units) for a child less than six years old, 0.75 milligram (250 U. S. P. units) for a child six or more years old, 1 milligram (333 U. S. P. units) for an adult.

(3) For vitamin C (ascorbic acid), 10 milligrams (200 U. S. P. units) for an infant, 20 milligrams (400 U. S. P. units) for a child, 30 milligrams (600 U. S. P. units) for an adult.

(4) For vitamin D, 400 U. S. P. units for an infant, child, or adult.

(5) For riboflavin (vitamin B_2, vitamin G), 0.5 milligram for an infant, 2.0 milligrams for an adult.*

§ 125.04 *Label statements relating to minerals.* (a) (1) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of—

Calcium,
Phosphorus,
Iron, or
Iodine,

the label (except as hereinafter provided with respect to iodized salt, and unless the exemption under subparagraph (4) of this paragraph applies) shall bear a statement of the proportion of the minimum daily requirement for such element supplied by such food when consumed in a specified quantity during a period of one day. If such purported or represented special dietary use is for persons within two or more age groups or other groups having special dietary requirements, for which minimum daily requirements are set forth in paragraph (b), such statement shall include such proportion for each such group; but if such use is for persons irrespective of such groups, such statement may be lim-

ited to the proportion of the minimum daily requirement set forth in paragraph (b) for an adult other than a pregnant or lactating woman. The quantity specified as above required shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. When such proportion is a whole number and a fraction it may be expressed as the whole number and the fraction may be disregarded. The foregoing requirements of this paragraph shall not apply to iodized salt which purports to be or is represented for special dietary use by reason of its iodine content, if the label bears a statement of the quantity or proportion of iodine, or salt thereof, in the iodized salt and the quantity of iodine present therein is not more than 0.02 percent by weight.

(2) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of any element not listed in subparagraph (1) of this paragraph, the label shall bear a statement of the quantity of such element in a specified quantity of such food. The quantity of food specified as required herein shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. If the need in human nutrition for such element has not been established, the label shall also bear the statement "The need for _____ in human nutrition has not been established," the blank to be filled in with the name of such element.

(3) If a food purports to be or is represented for special dietary use by man by reason of its mineral property, and any such use is for treating any disease resulting from a dietary deficiency of any element, the label shall bear a statement of the quantity of such element in a specified quantity of such food. If the represented special dietary use of such food is solely for treating any such disease, such food shall be exempt from the labeling requirements of subparagraphs (1) and (2) of this paragraph when otherwise applicable.

(4) Compliance with the provisions of subparagraphs (2) and (3) of this paragraph shall not be construed as relieving any food which purports to be or is represented for special dietary use by reason of its mineral property from the application of §§ 403 (a) and 201 (n) of the Act, as in the case where the need for such element in human nutrition is not substantially supported by the opinion of experts qualified by scientific training and experience to determine such needs.

(b) For the purposes of the regulations in this section, the following are minimum daily requirements:

(1) For calcium (Ca), 750 milligrams for a child or an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 1.5 grams.

(2) For phosphorus (P), 750 milligrams for a child or an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 1.5 grams.

(3) For iron (Fe), 7.5 milligrams for a child less than six years old, 10 milligrams for a child six or more years old or for an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 15 milligrams.

(4) For iodine (I), 0.1 milligram for a child or an adult.*

§125.05 *Label statements relating to infant food.* If a food which purports to be or is represented for special dietary use is a food for infants, the label shall bear, in case such food is fabricated from two or more ingredients, the common or usual name of each such ingredient including spice, flavoring, and coloring; if such food, or any ingredient thereof in case it is fabricated from two or more ingredients, consists in whole or in part of plant or animal matter and the name of such food or ingredient does not clearly reveal the specific plant or animal which is its source, such name shall be so qualified as to reveal clearly the specific plant or animal which is such source. If such use of the food is by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk, the label shall also bear

(a) a statement of the percent by weight of moisture, protein, fat, available carbohydrate, crude fiber, calcium (Ca), phosphorus (P), and iron (Fe) contained in such food;

(b) a statement of the number of available calories and of U. S. P. units of vitamin A, vitamin B_1 (thiamine), vitamin C (ascorbic acid), and vitamin D supplied by a specified quantity of such food; and

(c) If less than 30 U. S. P. units of vitamin C (ascorbic acid), less than 50 U. S. P. units of vitamin D, or less than 0.75 milligram of iron (Fe), is supplied by the quantity of such food which, as customarily or usually prepared for consumption, supplies 100 available calories, a statement that additional quantities of such vitamin or iron, as the case may be, should be supplied from other sources.

The provisions of paragraphs (a) and (b) of this section shall not apply to cows' milk and evaporated milk. The provisions of paragraph (c) of this section with respect to vitamin D shall not apply to cows' milk or evaporated milk in which the vitamin D is increased by any means to not less than 135 U. S. P. units to each quart in the case of cows' milk and not less than 7.5 U. S. P. units to each avoirdupois ounce in the case of evaporated milk.*

§ 125.06 *Label statements relating to certain food used in control of body weight or in dietary management with respect to disease.* If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, or calories, for the purpose of controlling body weight, or for the purpose of dietary management with respect to disease, the label shall bear a statement of—

(a) the percent by weight of protein; fat, and available carbohydrates in such food; and

(b) the number of available calories supplied by a specified quantity of such food.*

§ 125.07 *Label statements relating to nonnutritive constituents.* If a food purports to be or is represented for special dietary use by man by reason of the presence of any constituent which is not utilized in normal metabolism, the label shall bear a statement of the percent by weight of such constituent, and, in juxtaposition with the name of such constituent, the word "nonnutritive". If such constituent is fibrous plant matter, it shall be considered to be crude fiber and its percent expressed as such. But if such constituent is saccharin or a saccharin salt, the label shall bear, in lieu of such statement and word, the statement "Contains ____ saccharin (or saccharin salt, as the case may be), a nonnutritive, artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets", the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food. The provisions of this section shall not be construed as authorizing the use of saccharin or its salts in any food other than one for use by persons who must restrict their intake of carbohydrates, or as relieving any food from compliance with any requirement of sections 402 (b) or (d), 403 (g), or other provisions of the Act.*

§ 125.08 *Label statements relating to hypoallergenic food.* If a food purports to be or is represented for special dietary use by man by reason of the decrease or absence of any allergenic property, the label shall bear

(a) the common or usual name and the quantity or proportion of each ingredient including spices, flavoring, and coloring, in case the food is fabricated from two or more ingredients;

(b) a qualification of the name of the food, or of the name of each ingredient thereof in case the food is fabricated from two or more ingredients, to reveal clearly the specific plant or animal which is the source of such food or of such ingredient, if such food or such ingredient consists in whole or in part of plant or animal matter and such name does not clearly reveal the specific plant or animal which is such source; and

(c) a statement indicating the nature and effect of any treatment or processing of the food or any ingredient thereof, if the changed allergenic property results from such treatment or processing.*

These regulations shall be effective from and after the 180th day from this day.

WATSON B. MILLER,
Acting Administrator.

NOVEMBER 18, 1941.

[F. R. Doc. 41-8701; Filed, November 21, 1941; 11:48 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER A—THE DEPARTMENT

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

Aliens Leaving

Sec.
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58.22 Permits to depart required.
58.23 Aliens exempted from obtaining permits to depart.
58.24 Refusal of permission to depart.
58.25 Classes of aliens not entitled to depart.
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58.31 Applications for permits to depart.
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§ 58.21 *Definitions.* For the purposes of these regulations:

(a) The term "United States" includes the States, the District of Columbia, Alaska, the Panama Canal Zone, the Philippine Islands, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(b) The term "continental United States" includes the territory of the several States, the District of Columbia, and Alaska.

(c) The term "depart from the United States" includes any departure by land, water, or air, from any place included in the United States to any place outside of the United States, or from one port or terminus of the United States to another port or terminus of the United States, including any trip or journey on or over the Great Lakes or their connecting waters, any rivers or other waters coinciding with or covering the boundary of the United States, tidal waters beyond the shoreline of the United States, the said shoreline being hereby defined as the line of seacoast and the shores of all waters of the United States and its territorial possessions connected with the high seas: *Provided, however,* That no trip or journey upon a public ferry, passenger vessel sailing coastwise on fixed schedules, excursion vessel, or aircraft, having both termini in the continental United States or in any one of the other parts of the United States specified in paragraph (a) of this section and not touching foreign territory or waters, shall be deemed a departure from the United States.

(d) The term "seaman" includes every alien signed on the ship's articles and employed in any capacity on board any vessel arriving in or departing from the United States, as well as sea-going fishermen and all owners, masters, officers, members of crews, and other alien persons employed on vessels which for purposes of business or pleasure cruise on tidal waters beyond the shoreline or on the Great Lakes.

(e) The term "airman" includes any alien pilot, navigator, aviator, or other alien person operating or employed on any aircraft.

(f) The term "departure-control officer" means any employee of the Immigration and Naturalization Service assigned to supervise the departure of aliens from the United States, or any person assigned by the chief executive officers of the Panama Canal Zone, Guam, or American Samoa to such duties in those territories, or any person designated by the United States High Commissioner to the Philippine Islands after consultation with the military and naval authorities of the United States, and the Government of the Commonwealth of the Philippines.

(g) The term "permit-issuing authority" means the Secretary of State, the chief executive officer of Alaska, of Hawaii, of Puerto Rico, of the Virgin Islands, of the Panama Canal Zone, of Guam, or of American Samoa, or the United States High Commissioner to the Philippine Islands acting in consultation with the military and naval authorities of the United States in the Philippine Islands and with the Government of the Commonwealth of the Philippines.

(h) The term "permit to depart" means a copy of the application for a permit to depart as described hereinafter in these regulations, duly executed by the alien, approved and appropriately endorsed by the Secretary of State.

(i) The term "port of departure" means a port in continental United States, the Virgin Islands, Puerto Rico, or Hawaii designated as a port of entry by the Attorney General or by the Commissioner of Immigration and Naturalization, or a port in Guam, American Samoa or the Panama Canal Zone designated by the chief executive officer thereof, or any port in the Philippine Islands designated by the permit-issuing authority therein.*

*§§ 58.21 to 58.32, inclusive, issued pursuant to the authority contained in Proc. 2523, November 14, 1941, 6 F.R. 5821, under the act approved May 22, 1918, as amended by the act approved June 21, 1941 (40 Stat. 559; Public Law 114, 77th Cong., 55 Stat. 252).

§ 58.22 *Permits to depart required.* No alien shall hereafter depart from the United States except at a port of departure and unless there has been issued in accordance with these regulations a valid permit to depart or he is exempted under these regulations from obtaining a permit to depart.*

§ 58.23 *Aliens exempted from obtaining permits to depart.* The following classes of aliens shall not be required to obtain permits to depart:

(a) Accredited diplomatic, consular, and other officers of foreign governments recognized by the United States who have been accorded recognition as such by the Secretary of State, such recognition not having been withdrawn, and the members of the family of such officers, as well as their attendants, servants, and employees who have been notified to and recognized by the Secretary of State: *Provided,* That any such person shall obtain an exit visa from the Chief or Acting Chief of the Visa Division of the Department of State, or from another officer authorized by him. An exit visa shall be subject to verification in the discretion of a departure-control officer at the port of departure, if he has reason to question the authenticity of such exit visa;

(b) Canadian citizens or British subjects lawfully domiciled in Canada or in the United States departing across the border between the United States and Canada;

(c) Aliens in possession of border-crossing identification cards, departing across the border between the United States and Canada;

(d) Mexican citizens lawfully domiciled in Mexico or in the United States, departing across the border between the United States and Mexico;

(e) Aliens who have entered the United States with limited entry certificates and who are departing within the limits of the period for which they were admitted;

(f) Alien seamen: *Provided,* That, in addition to complying with all other laws and regulations, they submit a passport, or document in the nature of a passport, establishing their identity and nationality (unless such document is waived by the Secretary of State), and also, where departure is from a port in continental United States, the Virgin Islands, Puerto Rico, or Hawaii, an alien registration-receipt card: *Provided further,* That they meet such other requirements as may be prescribed by the Commissioner of Immigration and Naturalization, or the appropriate permit-issuing authorities in the Panama Canal Zone, Guam, American Samoa, or the Commonwealth of the Philippines;

(g) Aliens who have received communications from an American consular officer in foreign contiguous territory to the effect that the documents submitted by them to the consular officer are sufficiently in order to warrant the alien's personal appearance at the consular office in connection with an application for an immigration visa;

(h) Aliens who present valid re-entry permits issued with the concurrence of the Secretary of State as to destination;

(i) Aliens ordered deported from the United States or aliens under deportation proceedings who are given permission to depart at their own expense in lieu of deportation to a specified destination and are departing to such destination;

(j) Immigrant aliens lawfully admitted into the United States who pass in direct transit, without stop-over, through foreign contiguous territory from one part of the United States to another by means of a transportation line which runs through the territory or waters of both countries;

(k) An alien arriving at a seaport in Canada, passing in direct transit by continuous journey through the United States to a destination in Canada by means of a transportation line which runs through the territory of both countries;

(l) Aliens who presented valid transit certificates in entering the continental United States after the effective date of these regulations: *Provided*, That any such alien is passing through the continental United States in continuous transit, remaining in the continental United States no longer than necessary for such continuous transit, and submits to the immigrant inspector at the port of arrival three copies of his itinerary to the port of departure, one copy of which shall be transmitted immediately to the port of departure for verification of the transit journey and one copy to the Secretary of State: *And provided further*, That there has been no deviation or delay in the transit journey without the consent of the Secretary of State or the Attorney General;

(m) Aliens of the following classes, departing from the United States after having been admitted under waiver of documents, as members of such classes:

(1) Aliens proceeding in continuous travel from Patterson, British Columbia, to Laurier, British Columbia;

(2) Non-immigrant aliens residing in remote sections of Canada who entered Alaska temporarily as visitors or as transients and who were unable without undue inconvenience to obtain passports and visas;

(3) Aliens lawfully residing in remote sections of Alaska who desire to enter Canada for a temporary period;

(4) Officers and employees of the International Boundary Commissions who are citizens of Canada or Mexico and who entered the United States temporarily from Canada or Mexico in connection with their official duties;

(5) Immigration and customs officers of the Canadian and Mexican Governments who entered the United States temporarily in the performance of their official duties;

(6) Employees of the Mexican Postal Service assigned to border areas who entered the United States temporarily in the performance of their official duties;

(7) Fire-fighting groups who entered the United States temporarily for fire-fighting activities;

(8) Members of the Plant Protection Division of the Canadian Department of Agriculture who entered the United States temporarily in connection with their official duties;

(9) Canadian law-enforcement officers who entered the United States temporarily in connection with their official duties;

(10) Residents of Canada or Mexico who entered the United States temporarily in urgent cases such as those involving serious illness or death, where no opportunity existed to obtain a passport or visa;

(11) Citizens of Mexico resident in the continental United States departing from the United States to Mexico in urgent cases such as those involving serious illness or death where no opportunity existed to obtain a border-crossing identification card;

(12) Naval personnel of foreign government-owned vessels of war;

(13) British subjects domiciled in the British Virgin Islands and French citizens domiciled in the French island of St. Bartholomew who were admitted into the Virgin Islands for business or pleasure for a period of less than 30 days on any one visit;

(14) Aliens residing in the Virgin Islands who have occasion to proceed temporarily to the British Virgin Islands or to the French Island of St. Bartholomew;

(15) Officials of the national Government of Canada or Mexico who enter the United States temporarily for business or pleasure;

(16) Aliens who are members of the armed forces of the United States and who are travelling under orders.*

§ 58.24 *Refusal of permission to depart.* No permit to depart, exit visa, border-crossing identification card, reentry permit, preexamination border-crossing identification card, authorization for voluntary departure in lieu of deportation, or other document facilitating departure shall be issued to an alien if the issuing authority has any reason to believe that the departure will be prejudicial to the interests of the United States.*

§ 58.25 *Classes of aliens not entitled to depart.* The departure of an alien who is within one or more of the following categories shall be deemed to be prejudicial to the interests of the United States, for the purposes of these regulations:

(a) Any alien who, without authorization of this Government, is in possession of secret information concerning the plans, preparations, equipment, or establishments for the national defense of the United States;

(b) Any alien who, is without authorization by this Government, is carrying any secret message to a foreign government, or to any officer or employee thereof, either directly or indirectly, concerning the plans, preparations, equipment, or establishments for the national defense of the United States;

(c) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities designed or likely to obstruct, impede, retard, delay, or counteract the effectiveness of the national defense of the United States or the measures adopted by the United States in the public interest or for the defense of any other country;

(d) Any alien departing from the United States for the purpose of engaging in, or who is likely to engage in, activities which would obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country of the Western Hemisphere in the interest of the common defense of the countries of such hemisphere;

(e) Any alien departing from the United States for any country for the purpose of organizing in, or directing from, such country, any rebellion, insurrection, or violent uprising in, or against, the United States, or of waging war against the United States, or of destroying sources of supplies or material vital to the national defense of the United States or to the effectiveness of the measures adopted by the United States for the defense of any other country;

(f) Any alien who is a fugitive from justice on account of an offense punishable in the United States;

(g) Any alien whose presence is needed as a witness in, or as a party to, any criminal case pending in a Federal court or which is under investigation;

(h) Any alien who is registered or enrolled, or who is subject to registration or enrolment, for military service in the United States and who shall not have obtained the consent of the Secretary of War or of his local draft board to depart from the United States.*

§ 58.26 *Departure from the Panama Canal Zone.* In addition to all applicable restrictions upon departures from the United States hereinbefore set forth and which may be required by the permit-issuing authority, all aliens before departure from the Panama Canal Zone shall comply with such additional regulations concerning the place and method of departure and method and route of travel through the Zone to the place of departure as may be required by the permit-issuing authority in the Canal Zone.*

§ 58.27 *Departure from the Philippine Islands.* In addition to all applicable restrictions upon departure from the United States hereinbefore set forth and which may be required by the permit-issuing authority, all aliens before departure from the Philippine Islands shall comply with such reasonable additional rules and regulations, not inconsistent herewith, as may be promulgated by the United States High Commissioner to the Philippine Islands, acting in consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines, concerning the place and method of departure and mode and route of travel through the Philippine Islands to the place of departure required by the permit-issuing authority in the Philippine Islands.*

§ 58.28 *Authority to make additional regulations.* The permit-issuing authorities in the Panama Canal Zone and the Philippine Islands are hereby authorized to make such additional rules and regulations, including limitations and exceptions of a procedural character, governing departure from the Panama Canal Zone and the Philippine Islands as they may deem necessary in the public interest.*

§ 58.29 *Departure not permitted in special cases.* (a) Any departure-control officer or other authorized official in any individual case may require any alien, or person he believes to be an alien, departing or attempting to depart even if such person has a permit to depart, to submit for official inspection all documents, articles, or other things which are being removed from the United States upon, or in connection with, such person's departure.

(b) Any departure-control officer or other authorized official shall temporarily prevent the departure of any person of the class mentioned in the preceding paragraph if such person refuses to submit to such official inspection, or if the officer or official believes the departure of such person would under these regulations be prejudicial to the interests of the United States, or if directed by the Secretary of State or the Attorney General to prevent such departure. In every such case the officer or other official preventing departure shall temporarily take possession of any travel document presented by the alien. Such action shall be reported immediately by the departure-control officer to the head of his Department with a full statement of the facts. An individual so temporarily prohibited from departing shall not be permitted to depart and shall not be entitled to the benefits of any exemptions or limitations hereinbefore provided unless the Secretary of State is satisfied that the departure of such person would not be prejudicial to the interests of the United States.*

§ 58.30 *Departure permitted in special cases.* (a) Notwithstanding the provisions of these regulations the Secretary of State may, in any individual case, authorize the issuance of a permit to depart to any alien or may allow any alien to depart without a permit if he deems such action to be in the interests of the United States.

(b) A departure-control officer may grant any airman emergency permission to depart, but in all such cases a copy of the airman's application shall be forwarded immediately to the appropriate permit-issuing authority or to the Secretary of State. Such emergency permission shall not be granted unless the departure-control officer is satisfied that such departure would not endanger the public safety or be prejudicial to the interests of the United States.*

§ 58.31 *Applications for permits to depart.* Except in cases for which special procedure has hereinbefore been provided and cases in which permits to depart are not required by these regulations, any alien desiring to depart from the United States shall apply to the Secretary of State, or to such officer as may be designated, for a permit to depart from the United States as follows:

(a) Blank application forms for permits to depart may be obtained from the Visa Division, Department of State, Washington, D. C., or from an office of the Immigration and Naturalization Service, or from a permit-issuing authority in the outlying possessions of the United States. Applications should be mailed at least 30 days before the date of intended departure in order that any delay in departure may be avoided.

(b) Applications for permits to depart from the continental United States, *excepting Alaska*, shall be made to the Secretary of State, Washington, D. C. All other applications for permits to depart shall be made to the appropriate permit-issuing authority specified in these regulations. Applications for permits to depart shall be made upon Form AD–1 prescribed by the permit-issuing authority and executed strictly in accordance with the instructions issued therewith, including the furnishing of photographs.

(c) A married woman accompanying her husband, or a child or children under 14 years of age accompanying either parent or both parents, may be included in the permit granted to the husband or parent, and in such case the wife or child will not be required to make a separate application. Group photographs may be used in such cases.

(d) Any attempt by an applicant to depart from the United States before action has been taken on his application, or after a permit has been denied, may subject the applicant to the penalties provided in the act of May 22, 1918, as amended by the act of June 21, 1941.

(e) If the application for permission to depart is approved the applicant will be notified, and one copy of the application, appropriately endorsed, which shall thereupon become the permit to depart, will be forwarded to the appropriate departure-control officer at the port or place from which the applicant has stated in his application that he intends to depart. Upon the applicant's personal appearance before such departure-control officer, indicated in the notification to the applicant, and upon the identification of such applicant by the departure-control officer, to whom the applicant shall surrender notification received, the departure-control officer may permit such applicant to depart from the United States and shall verify such departure. The departure-control officer shall thereupon place a notation or certification on the permit concerning the alien's departure and forward such permit, together with the notification surrendered by the alien, to the Secretary of State, Washington, D. C. Under no circumstances should an alien to whom a departure permit has been granted be permitted to take such permit out of the United States or to have such permit in his possession while in the United States.

(f) A permit to depart shall be revocable at any time before departure of the alien in whose case such permit shall have been granted. The Secretary of State reserves the power to revoke a permit which has been issued by any permit-issuing authority.

(g) No permit to depart from the United States shall be construed as a permit to enter any place in the United States.*

§ 58.32 *Effective date.* These regulations shall become effective on December 1, 1941.*

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

NOVEMBER 19, 1941.

[F. R. Doc. 41–8682; Filed, November 21, 1941; 10:27 a. m.]

PART 58—CONTROL OF PERSONS ENETRING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

Aliens Entering

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58.41 Definitions.
58.42 Permits to enter required.
58.43 Permits to enter not a guarantee of admission.
58.44 Immigrants not required to obtain permits to enter.
58.45 Non-immigrants not required to obtain permits to enter.
58.46 Refusal of permission to enter.
58.47 Classes of aliens whose entry is deemed to be prejudicial to the public interest.
58.48 Aliens leaving close relatives in certain foreign countries.
58.49 Permission to enter the Panama Canal Zone, Guam, American Samoa, and the Philippine Islands.
58.50 Entry not permitted in special cases.
58.51 Procedure for issuance of permits to enter.
58.52 Additional requirements for officials of foreign governments.
58.53 Additional requirements for aliens in transit.
58.54 Additional requirements for alien seamen.
58.55 Exceptions from requirements of advisory opinions.
58.56 Sponsorship of applicants.
58.57 Procedure in formulating advisory opinions.
58.58 Effective date.

§ 58.41 *Definitions.* For the purposes of these regulations:

(a) The term "United States" includes the States, the District of Columbia, Alaska, the Panama Canal Zone, the Philippine Islands, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

(b) The term "continental United States" includes the territory of the several States, the District of Columbia, and Alaska.

(c) The term "permit to enter" means an immigration visa, a re-entry permit, a passport visa, a transit certificate, a limited-entry certificate, a border-cross-

ing identification card, a crew-list visa, or any other document which may be required under authority of law for entry into the United States.

(d) The term "permit-issuing authority" means a diplomatic, consular, or other officer of the United States authorized to issue immigration visas, passport visas, crew-list visas, transit certificates, limited-entry certificates, or non-resident border-crossing identification cards, or an officer of the Immigration and Naturalization Service authorized to issue re-entry permits, or border-crossing identification cards.

(e) The term "entry into the United States" includes any entry by land, water, or air, from any place outside of the United States into any place included within the United States, or from any outlying possession of the United States into the mainland, or from the mainland into any outlying possession, or from one outlying possession into another.

(f) The term "seaman" includes every alien signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any place outside of the United States.

(g) The term "airman" includes any alien pilot, navigator, aviator, or other alien person operating or employed on any aircraft.

(h) The term "port of entry" means a port in the continental United States, the Virgin Islands, Puerto Rico, or Hawaii designated as a port of entry by the Attorney General or the Commissioner of Immigration and Naturalization, or such ports in the Panama Canal Zone, Guam, and American Samoa as may be designated by the Governors thereof, or a port in the Philippine Islands designated by the United States High Commissioner to the Philippine Islands, after consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines.*

*§§ 58.41 to 58.58, inclusive, issued pursuant to the authority contained in Proc. 2523, November 14, 1941, 6 F.R. 5821, under the act approved May 22, 1918, as amended by the act approved June 21, 1941 (40 Stat. 559; Public Law 114, 77th Cong., 55 Stat. 252), and by virtue of the authority contained in the Immigration Act approved May 26, 1924 (43 Stat. 153), as amended, section 30 of the Alien Registration Act, 1940 (54 Stat. 673), and Executive Order 8766 of June 3, 1941.

§ 58.42 *Permits to enter required.* No alien shall hereafter enter the United States (a) except at a port of entry designated as such by the Commissioner of Immigration and Naturalization or other authorized official and (b) unless he is in possession of a valid unexpired permit to enter or is exempted under these regulations from presenting a permit to enter.*

§ 58.43 *Permits to enter not a guarantee of admission.* No alien who is inadmissible into the United States under the provisions of the immigration laws and regulations, or other laws and regulations, including these regulations, shall be admitted into the United States even if he is in possession of an unexpired permit to enter.*

§ 58.44 *Immigrants not required to obtain permits to enter.* Pursuant to the provisions of section 30 of the Alien Registration Act, 1940 (54 Stat. 673; 8 U.S.C. 451), Executive Order 8766 of June 3, 1941, and the proclamation of the President hereinbefore mentioned, the following classes of immigrants are not required to obtain permits to enter and the requirements of immigration visas, which constitute permits to enter in respect of immigrants, and passports, are waived in the following emergency cases:

(a) An alien immigrant child born subsequent to the issuance of the immigration visa of an accompanying parent, the visa not having expired;

(b) An alien immigrant child born during the temporary visit abroad of an alien mother who has previously been legally admitted into the United States for permanent residence, provided the child is accompanying a parent admissible to the United States, and application is made for admission into the United States within a period of two years after the date of birth;

(c) An immigrant alien lawfully admitted into the United States who passes in direct transit, without stop-over, through foreign contiguous territory from one part of the United States to another by means of a transportation line which runs through the territory or waters of both countries;

(d) An alien immigrant who has previously been legally admitted into the United States for permanent residence and who is proceeding by vessel or airplane from the mainland to an insular possession or from an insular possession to the mainland or from one mainland port to another, without stop-over, although touching at a foreign port;

(e) An alien immigrant who has previously been legally admitted into the United States for permanent residence reentering from a journey beginning in an American port without transshipment from the original vessel to another vessel;

(f) An alien immigrant lawfully admitted into the United States and returning from a visit not exceeding 30 days to contiguous territory where, because of urgency such as one involving serious illness or death, no opportunity existed to obtain a reentry permit or a resident alien's border-crossing identification card prior to departure from the United States;

(g) Aliens, occupationally seamen, previously lawfully admitted for permanent residence, who have not relinquished their domicile in the United States and who are returning to the United States in accordance with the terms of the articles of outward voyage, or in accordance with and following the terms of their discharge before an American consular officer;

(h) Alien members of the armed forces of the United States, provided they are in uniform or bear documentation identifying them as members of the armed forces;

(i) Individual cases considered by the Department of Justice to be within the provisions of section 13 (b) of the Immigration Act of 1924 may be submitted to the Secretary of State for consideration of a waiver of documents in each case.*

§ 58.45 *Non-immigrants not required to obtain permits to enter.* Pursuant to the provisions of section 30 of the Alien Registration Act, 1940 (54 Stat. 673; 8 U.S.C. 451), Executive Order 8766 of June 3, 1941, and the proclamation of the President hereinbefore mentioned, the following classes of non-immigrants are not required to obtain permits to enter and the requirements of non-immigrant visas, border-crossing identification cards, transit certificates, and limited-entry certificates, which constitute permits to enter in respect of non-immigrants, are waived in the following classes of emergency cases:

(a) Canadian railway-mail clerks entering in connection with their official duties, provided they carry documents identifying them as such;

(b) Aliens residing in remote sections of Canada and entering Alaska temporarily as visitors or as transients, who are unable without undue inconvenience to obtain passports and visas;

(c) Members of the staff of the International Fisheries Commission and the International Pacific Salmon Fisheries Commission entering the United States temporarily in connection with the performance of their official duties, provided they carry documents bearing photographs and identifying them as members of the staff of the Commissions;

(d) Officers and employees of the International Boundary Commissions who are citizens of Canada or Mexico entering the United States temporarily from Canada or Mexico in connection with their official duties;

(e) Immigration and customs officers of the Canadian and Mexican Governments entering the United States temporarily in the performance of their official duties;

(f) Employees of the Mexican Postal Service assigned to border areas entering the United States temporarily in the performance of their official duties, who have credentials establishing their identity and their official duties in the region of the border;

(g) Fire-fighting groups entering the United States temporarily for fire-fighting activities;

(h) Members of the Plant Protection Division of the Canadian Department of Agriculture entering the United States temporarily in connection with their official duties;

(i) Canadian law-enforcement officers entering the United States temporarily in connection with their official duties and possessing identification as such;

(j) Residents of Canada or Mexico entering the United States temporarily in urgent cases, such as those involving serious illness or death, where no opportunity exists to obtain a passport or a visa, a border-crossing identification card, or a limited-entry certificate;

(k) Canadian citizens entering for a temporary stay of less than thirty days at Point Roberts, Washington;

(l) Naval personnel of foreign government-owned vessels of war;

(m) British subjects domiciled in the British Virgin Islands and French citizens domiciled in the French Island of St. Bartholomew, seeking admission into the Virgin Islands for business or pleasure for a period of less than thirty days on any one visit;

(n) Aliens residing in the Virgin Islands who have occasion to proceed temporarily to the British Virgin Islands or to the French Island of St. Bartholomew;

(o) Responsible officials of the national governments of Canada or Mexico, who proceed unexpectedly to the border and who seek to enter the United States temporarily for business or pleasure;

(p) Special cases of unforeseen emergency in which the Secretary of State is satisfied that the aliens concerned are entering temporarily and have had no reasonable opportunity to procure appropriate documents;

(q) A national of a contiguous country passing in direct transit, without stop-over, from the country of residence through the United States back to the country of residence, by means of a transportation line which runs through the territory or waters of both countries;

(r) An alien arriving at a seaport in Canada passing in direct transit by continuous journey through the United States to a destination in Canada, by means of a transportation line which runs through the territory of both countries;

(s) Persons proceeding in continuous travel from Patterson, British Columbia to Laurier, British Columbia;

(t) A non-immigrant alien child born subsequent to the issuance of the passport visa of an accompanying parent, the visa not having expired;

(u) Residents of the Fiji Islands and remote Pacific islands who, after arrival at ports of entry in Hawaii or on the Pacific Coast are found by the Immigration authorities to be classifiable as *bona fide* non-immigrant temporary visitors under section 3 (2) of the Immigration Act of 1924 or as transients under section 3 (3) of the act;

(v) Canadian seamen sent forward to join vessels in ports of the United States, provided they present seamen's identification cards;

(w) Seamen whose occupational status as such is found to be *bona fide*, seeking admission as passengers solely in pursuit of their calling as seamen, if arriving in the United States under the following circumstances:

(1) Seamen who were members of the crew of an American vessel which has been sold and delivered abroad, when the contract of employment provides for the return of the crew or when the laws of the United States provide for their return to an American port;

(2) Shipwrecked or cast-away seamen rescued by, or transferred at sea to, a vessel bound for an American port;

(3) Seamen who are American consular passengers or who are repatriated without expense to the United States Government following, and in accordance with the terms of, their discharge in a foreign port before an American consular officer;

(x) Seamen, entering temporarily as such, who are members of the crew of a vessel arriving from a port at which there is no American consul and the master of the vessel was unable to obtain a crew-list visa from a nearby consular officer without undue delay of the vessel's departure;

(y) Members of the crew of a vessel operating on a regular service between a port in Florida and Habana, Cuba, entering temporarily as seamen, are exempt from the crew-list visa requirement, except that a new crew-list visa must be presented (1) to cover the first trip each month of each such vessel and (2) to cover an additional seaman who is signed on as a member of the crew during the month;

(z) Members of the crews of vessels sailing between ports of the United States and Canada or Newfoundland which do not touch at ports of other countries, who are entering the United States temporarily as seamen, are exempt from the crew-list visa requirement;

(aa) An alien lawfully admitted to the United States as a non-immigrant who is proceeding by vessel or airplane from the mainland to an insular possession or territory or from an insular possession or territory to the mainland or from one mainland port to another, without stop-over, although touching at a foreign port;

(bb) Persons presenting certificates of identity issued by American consular officers under the provisions of section 503 of the Nationality Act of 1940 and the regulations isued thereunder (see 22 CFR 19.18–19.29).*

§ 58.46 *Refusal of permission to enter.* (a) No permit to enter shall be issued to any alien if the issuing authority has reason to believe that the entry of the alien would be prejudicial to the interests of the United States.

(b) The permit-issuing authority shall report the refusal of a permit to the head of his department. If a permit is refused by an officer of the Immigration and Naturalization Service of the Department of Justice on the ground that he has reason to believe that the entry of the alien would be prejudicial to the interests of the United States, the Attorney General may, after consultation with the Secretary of State, authorize issuance of the permit if he is satisfied that entry of the alien would not be prejudicial to the interests of the United States. If a permit is refused by any other officer of the United States authorized to issue documents constituting permits to enter under these regulations, the Secretary of State, or an official designated by him, may authorize the issuance of a permit to enter if he is satisfied that the entry of the alien will not be prejudicial to the interests of the United States. The report of a refusal of a permit to enter made to the head of a department other than the Secretary of State shall be communicated to the Secretary of State.*

§ 58.47 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.* The entry of an alien who is within one of the following categories shall be deemed to be prejudicial to the interests of the United States for the purpose of these regulations:

(a) Any alien who belongs to one of the classes specified in the act of October 16, 1918 (40 Stat. 1012) as amended;

(b) Any alien who is a member of, affiliated with, or may be active in the United States in connection with or on behalf of a political organization associated with or carrying out the policies of any foreign government opposed to the measures adopted by the Government of the United States in the public interest or in the interest of national defense or in the interest of the common defense of the countries of the Western Hemisphere;

(c) Any alien in possession of, or seeking to procure, unauthorized secret information concerning the plans, preparations, equipment, or establishments for the national defense of the United States;

(d) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of the measures adopted by the Government of the United States for the defense of the United States or for the defense of any other country;

(e) Any alien engaged in activities designed to obstruct, impede, retard, delay, or counteract the effectiveness of any plans made or steps taken by any country of the Western Hemisphere in the interest of the common defense of the countries of such Hemisphere;

(f) Any alien engaged in organizing or directing any rebellion, insurrection, or violent uprising against the United States;

(g) Any alien engaged in a plot or plan to destroy materials or sources thereof vital to the defense of the United States;

(h) Any alien whose admission would endanger the public safety, as provided in any Executive order issued in pursuance of the act of Congress approved June 20, 1941 (Public Law 113, 77th Cong.);

(i) Any alien who is not within one or more of the foregoing classes, but in whose case circumstances of a similar character may be found to exist, which render the alien's admission prejudicial to the interests of the United States, which it was the purpose of the act of June 21, 1941 to safeguard.*

§ 58.48 *Aliens leaving close relatives in certain foreign countries.* The fact that a spouse, or a relative of the first degree of consanguinity, with whom the applicant has maintained close family ties, remains abroad in any country, or in territory under the control of any country, the government of which is opposed to the measures of the Government of the United States with regard to the wars now being waged in the Eastern Hemisphere, may be considered with other evidence in determining whether an alien's permit to enter should be denied upon the ground that the alien is within one or more of the categories set forth in § 58.47.*

§ 58.49 *Permission to enter the Panama Canal Zone, Guam, American Samoa, and the Philippine Islands.* In addition to all applicable restrictions set forth in these regulations, an alien seeking to enter the Panama Canal Zone, Guam, and American Samoa shall follow such procedure as may be prescribed by the Governors thereof, and an alien seeking to enter the Philippine Islands shall follow such procedure as may be prescribed by the United States High Commissioner to the Philippine Islands after consultation with the military and naval authorities of the United States and the Government of the Commonwealth of the Philippines. The said officials are hereby authorized to make such additional regulations as may be required, in their judgment, to carry out the restrictions contained in these regulations.*

§ 58.50 *Entry not permitted in special cases.* (a) Any alien, even though in possession of a permit to enter, or exempted under these regulations from obtaining a permit to enter, may be excluded temporarily if at the time he applies for admission at a port of entry it appears that he is or may be within one of the categories set forth in § 58.47. The official excluding the alien shall immediately report the facts to the head of his department, who will communicate such report to the Secretary of State. Any alien so temporarily excluded by an official of the Department of Justice shall not be admitted and shall be excluded and deported unless the Attorney General, after consultation with the Secretary of State, is satisfied that the admission of the alien would not be prejudicial to the interests of the United States. Any alien so temporarily excluded by any other official shall not be admitted and shall be excluded and deported unless the Secretary of State is satisfied that the admission of the alien would not be prejudicial to the interests of the United States.

(b) In the case of an alien temporarily excluded by an official of the Department of Justice on the ground that he is or may be within one or more of the categories set forth in § 58.47, no hearing by a board of special inquiry shall be held until after the case is reported to the Attorney General and such a hearing is directed by the Attorney General or his representative. In any special case the alien may be denied a hearing before a board of special inquiry and an appeal to the Board of Immigration Appeals if the Attorney General determines that he is within one of the categories set forth in § 58.47 on the basis of information of a confidential nature the disclosure of which would be prejudicial to the public interest.*

§ 58.51 *Procedure for issuance of permits to enter.* Applications for documents which are permits to enter under these regulations shall be made as provided by the rules and regulations applicable to the issuance of such documents and in accordance with the additional requirements for admission to the United States provided in these regulations. With the exceptions hereinafter specified, no permit to enter shall be issued until after the permit-issuing authority shall have received from the Secretary of State an advisory opinion or instruction recommending the issuance of a permit.*

§ 58.52 *Additional requirements for officials of foreign governments.* In addition to all other requirements, any official, employee, or agent of a foreign government proceeding to the United States temporarily as a tourist or on personal business or for pleasure, or proceeding through the United States to a foreign destination, must disclose in connection with his application for a permit to enter his official governmental position, status, or connection and must not engage while in the United States in any official activity on behalf of his government without first having been recognized by the Secretary of State, and he is hereby prohibited from engaging in any such activity in the United States unless and until he obtains a change of status from that of a visitor to that of an official on official business. Failure to disclose his official position, status, or connection in making application for a permit to enter, or engaging in any official business in the United States prior to such change of status, shall be punishable as a breach of these regulations.*

§ 58.53 *Additional requirements for aliens in transit.* In addition to all other requirements, an alien seeking admission in transit through the United States to a foreign destination by virtue of a transit certificate must submit to the Immigrant Inspector or to an officer acting in such capacity at the port of arrival three copies of his itinerary to the port of departure, one copy of which shall be transmitted immediately to the port of departure for verification of the transit journey and departure, and one copy to the Secretary of State. No deviation or delay in the transit journey will be permitted without the consent of the Secretary of State or the Attorney General.*

§ 58.54 *Additional requirements for alien seamen.* In addition to all other requirements, no non-resident alien seaman employed on any vessel arriving in the United States from any place outside thereof shall be granted shore leave or be permitted to go ashore in the United States except with the approval of the master and in the discretion of the immigration officials at the port of arrival acting under authority of the Attorney General. The period of shore leave granted a seaman shall not exceed that during which the vessel on which he arrived will remain in a port of the United States, unless the Attorney General, in his discretion, concurs in the granting of a longer period of shore leave.*

§ 58.55 *Exceptions from requirements of advisory opinions.* (a) Final action may be taken on applications for permits to enter without prior submission of applications to the Secretary of State, as provided in § 58.51 hereof, in the following classes of cases:

(1) Applicants for re-entry permits or the renewal thereof.

(2) Applicants for border-crossing identification cards who have been previously lawfully admitted into the United States for permanent residence.

(3) Applicants for non-resident border-crossing identification cards who are citizens and residents of Mexico, born therein or born abroad of a native Mexican father, and Canadian citizens or British subjects domiciled in Canada or Newfoundland.

(4) Applicants for any kind of permit to enter, who are native born citizens of the independent countries of the Western Hemisphere, citizens of Canada or Newfoundland, British subjects born or domiciled in any Western Hemisphere territory: *Provided*, Such persons are sufficiently known by or to the permit-issuing authoity to warrant a conclusion that the admission of the applicants would not be prejudicial to the interests of the United States (the wives and minor children of such persons, who have the same nationality status, may be included in this category regardless of the place of birth of such wives and children).

(5) Applicants for non-quota section 4 (a) immigration visas in whose behalf a relative petition (form 633) shall have been approved by the Department of Justice.

(6) Applicants for non-quota section 4 (b) immigration visas in Western Hemisphere countries.

(7) Applicants for transit certificates, who are proceeding to Canada or British territory in the Western Hemisphere and who have received advance permission to enter Canada or such British territory.

(8) Applicants for replace immigration visas who, because of their inability to procure passage or transportation to the United States, were unable to use their original immigration visas issued after July 1, 1941.

(9) Applicants for any kind of permit to enter, who are under 18 years of age, who have previously been lawfully admitted into the United States for either temporary or permanent residence, and who are applying in Western Hemisphere countries for permits to enter.

(10) *Bona fide* alien seamen included in crew-lists submitted for visas.

(11) Female applicants who were formerly American citizens and who have lost their citizenship by marriage to aliens.

(12) Native-born citizens of Iceland domiciled therein and natives of Greenland of Danish nationality domiciled in Greenland.

(13) Members of British military or naval forces who are recommended by their responsible superior officer.

(14) Officials of governments of the countries of the Western Hemisphere and British Government officials, the members of their families, and their attendants, servants and employees, accompanying them.

(15) The lawful wife and alien minor children of an alien Chinese merchant who have complied with the pre-investigation procedure prescribed by the applicable regulations of the Immigration and Naturalization Service governing admission of Chinese.

(16) Cases concerning which the Secretary of State shall have issued special instructions to the permit-issuing authority.

(b) Notwithstanding the aforesaid exceptions a permit-issuing authority may refer any application to the Secretary of State for an opinion or decision, if he deems it to be doubtful whether the applicant comes within one of the excepted classes or if he considers that there is a question whether the entry of an alien who comes within one of such classes would be likely to prejudice the interests of the United States. Officers of the Immigration and Naturalization Service will refer such cases to the Attorney General.*

§ 58.56 *Sponsorship of applicants.* (a) An applicant for a permit, not excepted under § 58.55 from the requirement of an advisory opinion, must be sponsored by citizens of the United States or by alien residents of the United States lawfully admitted for permanent residence. Supporting statements of sponsorship under oath in accordance with the requirements of form BC, prescribed pursuant to these regulations, shall be furnished to the Secretary of State. Husbands, wives, and their children under 18 years of age travelling together may be included in one form BC. Two letters of reference from reputable and responsible persons, preferably American citizens, who know the person or persons executing the form, must be attached thereto.

(b) Form BC shall consist of:

Part B. Biographical data. A statement executed under oath and containing biographical data concerning each applicant for a permit to enter.

Part C. Affidavit of support and sponsorship. If the applicant is not self-supporting, statements of two persons executed under oath and containing information concerning the affiants' identity and financial condition and their undertaking to support the applicant, shall be furnished in accordance with the requirements of part C of form BC. If the applicant is self-supporting, statements of two persons executed under oath shall be furnished in the space provided for an alternative statement in accordance with form BC.

(c) *Form K. Authorization to act as intermediary.* In the discretion of the Secretary of State a person who desires to act as attorney or other intermediary on behalf of a sponsor may be required to present form K, executed by the sponsor authorizing him to do so.*

§ 58.57 *Procedure in formulating advisory opinions.* (a) Form BC, when properly executed and received in the Department of State, shall be considered by an inter-departmental committee, together with all the documents attached thereto and all other information which may be available concerning the applicant for a permit to enter, his sponsors, and their references. The inter-departmental committee shall be composed of one representative of each of the State, War, and Navy Departments, and of the Federal Bureau of Investigation and the Immigration and Naturalization Service of the Department of Justice. Each member of the inter-departmental committee shall be permitted to express his opinion concerning the eligibility of the applicant to receive a permit to enter. Such opinions shall be recorded and shall be considered confidential. A majority opinion shall constitute the opinion of the committee.

(b) If the committee's opinion is that a permit to enter may be granted, and if such opinion is acceptable to the Secretary of State, it may be transmitted to the permit-issuing authority, thereby becoming the advisory opinion of the Department of State.

(c) If the committee's opinion is not acceptable to the Secretary of State, or if the opinion is that a permit to enter should not be issued, or if any member of the committee so requests, the opinion of the committee shall be referred to a committee of review, together with the complete record in the case. The committee of review shall be composed of one representative of each of the agencies named in paragraph (a) of this section. The committee of review shall consider the record forwarded from the inter-departmental committee and may allot a limited time for the appearance of an alien's sponsors or other interested persons, who may submit statements. The committee may make rules and regulations governing the appearance before it of sponsors, attorneys, agents, or other intermediaries. Statements made by persons appearing before the committee of review shall be under oath. After being duly sworn a sponsor shall answer any material interrogatories which may be addressed to him by the members of the committee. Confidential information in the possession of the committee shall not be disclosed to the sponsor or to his attorney, agent, or other intermediary.

(d) If the opinion of the committee of review is that a permit to enter may be granted, and if such opinion is acceptable to the Secretary of State, it may be transmitted to the permit-issuing authority, thereby becoming the advisory opinion of the Department of State.

(e) If the opinion of the committee of review is not acceptable to the Secretary of State, or if the opinion is that a permit to enter should not be issued, or if any member of the committee so requests, the opinion of the committee shall be referred to a board of appeals, together with the complete record in the case. The board shall be composed of two members appointed by the President. The board shall preserve the confidential character of any information in the record. Cases shall be considered and decided by the board of appeals solely upon the basis of the written record as made up in the committees. If the opinion of the board of appeals is not acceptable to the Secretary of State, or if the members of the board are unable to agree on any particular case, the Secretary of State may substitute his own opinion, which shall be final and shall be transmitted to the permit-issuing authority as the advisory opinion of the Department of State.

(f) Each member of the inter-departmental committee, committee of review, or board of appeals, shall, while the case of an applicant for a permit to enter is under consideration by his committee or board, express his opinion of the applicant's eligibility for entry solely with reference to one of the categories set forth in § 58.47 of these regulations, and in the case of an adverse opinion the particular category involved shall be specified and recorded. The record thereof shall be confidential, and only the recommendation of the committee or board, without the reasons therefor, shall be disclosed.

(g) The board of appeals may not reconsider any case until after the lapse of a period of six months from the date of the previous opinion of the board in the case concerned. The board shall have the power to remand any case to the committee of review or to the inter-departmental committee for investigation and reconsideration, without expressing an opinion concerning the case.

(h) If a permit-issuing authority who shall have received an advisory opinion from the Department of State is in possession of information which indicates that the entry of the alien concerned would be prejudicial to the interests of the United States as provided in § 58.47 hereof, action shall be suspended on the case and a full report shall be submitted to the Secretary of State. The permit-issuing authority shall thereafter be guided by any further advisory opinion received from the Secretary of State regarding the question whether the entry of the particular applicant for a permit to enter would be prejudicial to the interests of the United States under these regulations.*

§ 58.58 *Effective date.* These regulations shall become effective on December 1, 1941.*

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

NOVEMBER 19, 1941.

[F. R. Doc. 41-8683; Filed, November 21, 1941; 10:27 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 412]

PART 404—APPRAISAL SECTION

APPRAISAL FOR RECONDITIONING

Section 404.03-4 is amended to read as follows:

§ 404.03-4 *Appraisals in advance cases.* When an advance for reconditioning has been requested pursuant to the provisions of Part 405 of this chapter, the State or Regional Manager may, in the exercise of sound discretion, authorize an appraisal if the advance for such reconditioning exceeds $500.00, or if the nature of the work and other factors justify.

(Effective November 24, 1941)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-8670; Filed, November 19, 1941; 12:46 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1003—TITANIUM PIGMENTS

General Preference Order M-44, to Conserve the Supply and Direct the Distribution of Titanium Pigments

National Defense requirements having created extraordinary and unforeseen demands for protective and technical coatings containing titanium pigments, and civilian demand for titanium pigments having been rapidly increasing in recent years so that existing productive plants have been operating at capacity, and

The total output of the titanium pigments industry being at present insufficient to meet the total of defense needs and existing civilian demand, due to the lack of sufficient production of titanium dioxide for use as pigment, and

Due to the said excess of demand over supply, it being necessary and appropriate in the public interest and to promote national defense to allocate titanium dioxide for use as pigment in the manner and to the extent in this Order provided:

Now therefore, it is hereby ordered, That:

§ 1003.1 *General preference order M-44.* (a) *Applicability of priorities regulation No. 1.* All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, shall be deemed a part of this Order, except in so far as they are inconsistent herewith.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Delivery" means, in addition to its regular meaning, a setting aside or earmarking.

(2) "Manufacturer" means a manufacturer using titanium pigment as one of his raw materials. Such term shall include a jobber previously handling titanium pigment for resale to manufacturers as defined in the first sentence hereof: *Provided, however,* That such jobbers shall be subject to the restrictions of paragraphs (e) and (g) hereof applicable to producers.

(3) "Month" means calendar month.

(4) "Producer" means any person producing titanium pigments.

(5) "Mandatory purchase order" means any order, the acceptance of which is compelled by any general regulation issued by the Director of Priorities, but does not include those placed under paragraph (e) (4) hereof.

(6) "Reserved quota percentage" means the percentage of each producer's production of titanium dioxide required by this Order to be set aside for the filling of mandatory purchase orders for titanium pigments and for specific allocation, as such percentage shall from time to time be prescribed by the Director of Priorities. Until further prescription such percentage shall be 20%.

(7) "Reserved titanium dioxide" means titanium dioxide set aside pursuant to this Order.

(8) "Titanium pigment" means any pigment containing commercial titanium dioxide either alone or admixed with or precipitated on inerts, extenders or opaque pigments.

(9) "Monthly average poundage" means the monthly average number of pounds of titanium dioxide content of pigments received by the manufacturer from all sources combined during the twelve months ended October 31, 1941, exclusive of mandatory purchase orders.

(10) "Basic monthly poundage" means the number of pounds of titanium dioxide content of pigments obtained by multiplying the monthly average poundage by a percentage equal to 100 minus the reserved quota percentage.

(11) "Proportionate basic monthly poundage" means the poundage of titanium dioxide content of pigments obtained by applying to the basic monthly poundage the proportion which a particular order to one producer for delivery in a specific month bears to the total of such manufacturer's orders placed with all sources of supply for delivery in the said month.

(c) *Assignment of preference ratings.* Every mandatory purchase order not otherwise rated is hereby assigned a rating of A-10.

(d) *Directions with respect to defense orders.* (1) On and after the effective date hereof, each producer shall set aside each day an amount of titanium dioxide for manufacture into pigment to fill mandatory purchase orders and for specific allocation equal to the reserved quota percentage of such producer's total daily production of titanium dioxide. Such titanium dioxide shall, so far as is practicable, be reserved in the types usually required for mandatory purchase orders.

(2) Each producer shall accept and fill mandatory purchase orders for titanium pigment or titanium dioxide received by him from his reserved titanium dioxide in the order of their respective preference ratings, until such producer has accepted mandatory purchase orders requiring delivery in any one month of pigments of titanium dioxide content equal to the then existing reserved quota percentage of such producer's estimated monthly production of titanium dioxide. Thereafter such producer shall report such facts by telegraph to the Protective and Technical Coatings Section, Office of Production Management. The said Section by telegraph will furnish such producer with the names and addresses of all other producers who have not so exhausted their supplies of reserved titanium dioxide for the said month, and will subsequently notify such producer by telegraph of the name and address of each other producer also exhausting his supplies of reserved titanium dioxide. Each succeeding mandatory purchase order received by such producer, regardless of the preference rating applicable thereto, may be returned promptly to the person tendering the same, together with copies of the telegrams received from the Office of Production Management, showing the names and addresses of all other producers who have not exhausted their supplies of reserved titanium dioxide; subject, however, to such manufacturer's right to elect to receive the amount of titanium pigment covered by such order out of the residual supply which he would be eligible to receive, under paragraph (e) (3) hereof.

(3) Whenever, in any month, producers of titanium pigments are notified that all producers have exhausted their supplies of reserved titanium dioxide as to any particular type of pigment, each producer shall thereafter fill all mandatory purchase orders received by him and requiring delivery in that month in accordance with the regulations applicable thereto, reducing deliveries upon his nonmandatory purchase orders pro rata.

(4) All reserved titanium dioxide set aside in any one month which has not been disposed of upon mandatory purchase orders or by specific allocation prior to the end of the month succeeding such month shall thereupon be immediately available for sale to any purchaser without restriction, subject only to § 944.14 of Priorities Regulation No. 1.

(e) *Directions with respect to residual supply.* (1) In the event that, after providing for his reserved titanium dioxide, any producer's residual supply shall be insufficient to fill all non-mandatory purchase orders accepted by him for delivery in such month, such producer shall prorate the residual monthly supply of titanium dioxide for manufacture into pigment among non-mandatory purchase orders accompanied by the certificate prescribed by subparagraph (2) (whether contract or spot customers) in proportion to the proportionate basic monthly poundages of the manufacturers placing such orders and shall deliver, subject, however, to § 944.14 of Priorities Regulation No. 1, such pro rata shares to or upon the order of such manufacturers.

(2) Except when such delivery has been specifically authorized and directed by the Director of Priorities, no producer shall sell or deliver any titanium pigment to or for the account of any manufacturer, nor shall any manufacturer purchase or accept delivery of any such pigment, unless such producer has first received from such manufacturer a certificate covering such manufacturer's monthly requirements for the month in which delivery is to be made. Such certificate shall be in the form or forms to be prescribed by the Director of Priorities, accompanied by such duplicates or copies thereof as the Director of Priorities may prescribe. Such certificate shall, among others things, set forth such manufacturer's proportionate basic monthly poundage with respect to such producer, together with such manufacturer's method of calculating it and shall set forth the amount of titanium pigments ordered for delivery in such month from all sources combined. No manufacturer shall order any additional amounts for delivery in such month without amending all certificates filed by him with respect to that month. The producer shall be entitled to rely upon any facts stated in any such certificate in the absence of actual knowledge to the contrary or of reason to doubt the accuracy of any of the facts stated therein.

(3) Any manufacturer who has a mandatory purchase order returned by a producer because such producer has exhausted his supply of reserved titanium dioxide and who has placed a civilian order with such producer which has been accepted in whole or in part in accordance with the provisions of this Order, shall be entitled to elect to receive the amount of titanium pigment covered by such mandatory purchase order out of the titanium pigment due him under his said civilian contract for use in filling such mandatory purchase order, in preference and priority over all non-mandatory purchase orders accepted by such producer.

(4) No producer shall refuse to accept any order from a manufacturer, who is a former customer of such producer and who meets such producer's regularly established credit terms, for delivery in such month of an amount of titanium dioxide in pigment form equal to or less than the said manufacturer's basic monthly poundage purchased from such producer.

(f) *Specific allocations.* Specific allocations of reserved titanium dioxide may be made by the Director of Priorities from time to time to manufacturers caused undue hardship by the operation of this Order, or to manufacturers who are not able to certify a basic monthly poundage by reason of lack in whole or in part of a prior purchase record, and who establish that the use of titanium dioxide or titanium pigments by them is necessary and appropriate in the public interest. Such manufacturers may, in the discretion of the Director of Priorities, be assigned a basic monthly poundage for a limited period or periods of time in lieu of a specific allocation. Applications for allocations of reserved titanium dioxide, or for the assignment of a basic monthly poundage, under this paragraph shall be made in the manner and upon the form or forms prescribed by the Director of Priorities.

(g) *Reports.* Every producer shall, within fifteen (15) days after the end of each month, report to the Office of Production Management the amount of titanium dioxide produced by him, the amount of mandatory purchase orders filled by him in such month, the amounts of titanium dioxide in pigment form delivered on specific allocation, the amount of reserved titanium dioxide remaining on hand, and a summary tabulation of all certificates filed with such producer covering such month by manufacturers pursuant to paragraph (e) (2). Such report shall be accompanied by one complete set of the said certificates, arranged alphabetically by manufacturers.

(h) *Additional sanctions.* Any manufacturer or producer who knowingly participates in an unauthorized delivery of titanium pigment, or who otherwise violates the provisions of this Order, or who makes a material misstatement in a certificate or in any other statement or report required hereunder, may, in addition to the other penalties provided therefor, be prohibited by the Director of Priorities from obtaining further deliveries of material subject to any General Preference, Allocation or Limitation Order.

(i) *Effective date.* This Order shall take effect at the opening of business, December 1, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress Third Session)

Issued this 21st day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8684; Filed, November 21, 1941; 10:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

CORRECTION TO AMENDMENT NO. 2[1] TO PRICE SCHEDULE NO 19—SOUTHERN PINE LUMBER

Section 1312.32 of Price Schedule No. 19 is hereby corrected to read as follows:

§ 1312.32 *Definitions.*

* * * * *

(b) "southern pine" means the species of shortleaf pine (Pinus eschinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), such longleaf pine

[1] 6 F. R. 5876.

(Pinus palustris) as contains less than six annual rings per inch and less than one-third summerwood, or any other Pinus species known commercially as "southern pine."

* * * * * * *

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 21st day of November, 1941. Effective November 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8704; Filed, November 21, 1941; 12:28 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 8—RULES GOVERNING SHIP SERVICE

The Commission on November 18, 1941, made the following changes in its rules and regulations:

Modified § 8.81 (a) effective December 15, 1941, in the following respects:

§ 8.81 *Allocation for ship stations.* (a) * * *

394 [20]
400 [20]

* * * * * * *

(Sec. 4 (i), 303 (c), 48 Stat. 1068, 1082; 47 U.S.C. 154 (i), 303 (c))

Modified § 8.131 (a), effective immediately, as follows:

§ 8.131 *Automatic-alarm-signal keying device required.* (a) Beginning January 1, 1943, each passenger ship of the United States, of over 3,000 gross tons, and beginning January 1, 1944, each ship of the United States, which is subject to title III, part II, of the Communications Act of 1934, as amended, shall be fitted with one or more automatic-alarm-signal keying devices of a type approved by the Commission in accordance with § 8.133. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 318, 48 Stat. 1089, as amended by 50 Stat. 56; 47 U.S.C. 318)

Modified "Automatic-Alarm-Signal Keying Device Requirements and Type Approval Tests" by adding a footnote indicator following § 8.131 in the first line [1] and a footnote reading as follows:

On November 18, 1941, the Commission modified § 8.131 (a) of its Rules Governing Ship Service by extending for one year the effective date(s) of this section to January 1, 1943, for each passenger ship of the United States over 3,000 gross tons and to January 1, 1944, for each ship of the United States, subject to title III, part II, of the Communications Act of 1934, as amended.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 41-8678; Filed, November 21, 1941; 9:50 a. m.]

[1] 6 F.R. 626.

[20] Not available for use on the Great Lakes or on inland waters.

Notices

WAR DEPARTMENT.

[Contract No. W 271 ORD 3]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE VILTER MANUFACTURING COMPANY, MILWAUKEE, WISCONSIN

Contract for: * * * Howitzers and Extra Parts Therefor.

Amount: $1,446,518.32.

Place: Chicago Ordnance District Office, 38 South Dearborn Street, Chicago, Illinois.

The * * * Howitzers and Extra Parts to be obtained under this contract are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authorities ORD 50053 P022-30 A0020-13 and ORD 15011 P11-30 A 1005-01, the available balances of which are sufficient to cover cost of material covered by this contract.

This contract,[1] entered into this 17th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Howitzers and Extra Parts Therefor for the consideration stated of one million, four hundred forty-six thousand, five hundred eighteen dollars and thirty-two cents ($1,446,518.32) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Increased quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * per cent, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

Payments. Seventy-five per cent (75%) of the contract price will be paid after provisional acceptance of each Howitzer; balance, after final acceptance. Full payment will be made for extra parts upon delivery and acceptance thereof.

[1] Approved by the Chief of Ordnance June 30, 1941.

Use of Government-owned machine tools and aids to manufacture. In the manufacture of the articles of munitions listed under Article 1 hereof, the use of machine tools, punches, dies, gages, jigs, fixtures, patterns, and other aids to manufacture being used by the Contractor under Contract No. W-953-ORD-993 is hereby approved and agreed upon, and the price of this contract is predicated upon such use.

Price adjustments. The contract price stated in Article 1 is subject to adjustments for changes in labor and materials costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in completion.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8676; Filed, November 21, 1941; 9:29 a. m.]

[Contract No. W-957-eng-552]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. B. KLEIN IRON & FOUNDRY CO., OKLAHOMA CITY, OKLAHOMA

Contract for: Furnishing fabricated structural steel.

Amount: ($1,208,400.00 (approximate.)

Place of delivery: F. o. b. cars mills Chicago Switching District, Chicago, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to procurement authorities below enumerated, the available balances of which are sufficient to cover the cost thereof: Eng-970 P1-32 A-0540-12.

This Contract entered into this 30th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver approximately * * * tons of structural steel for the consideration of approximately $1,208,400.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8674; Filed, November 21, 1941; 9:30 a. m.]

[Contract No. W-957-eng-306]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: MIDLAND STRUCTURAL STEEL COMPANY, CICERO, ILLINOIS

Contract for: furnishing fabricated structural steel.

Amount: $2,488,200.00 (approximate).

Place of delivery: F. o. b. cars Bethlehem, Pennsylvania; and Chicago, Illinois.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to procurement authorities below enumerated, the available balances of which are sufficient to cover the cost thereof:

Eng 734 P1-02 A-0141-01
Eng 735 P1-02 A-(0141).116-01

This contract, entered into this 14th day of May 1941.

Scope of this contract. The contractor shall furnish and deliver approximately * * * tons of structural steel f. o. b. cars Bethlehem, Pennsylvania, and approximately * * * tons of structural steel f. o. b. cars Chicago, Illinois, for the consideration of approximately $2,488,200.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8675; Filed, November 21, 1941; 9:30 a. m.]

[Contract No. W-849-ORD-4]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SCULLIN STEEL COMPANY, ST. LOUIS, MISSOURI

Contract for: Bomb Bodies, * * *, including Components and Container Units.

Amount: $1,454,485.50.

Place: St. Louis Ordnance District, St. Louis, Missouri.

The supplies to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority: ORD 50,248, PO13-02 A 0020-13 the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 2nd day of August 1941.

Scope of this contract. The contractor shall furnish and deliver Bomb Bodies, * * *, including components and container units for the consideration stated one million, four hundred fifty-four thousand, four hundred eighty-five dollars and fifty cents ($1,454,485.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantities on this contract by as much as * * * per cent and at the unit prices specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of Congress approved July 2, 1940, (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8677; Filed, November 21, 1941; 9:31 a. m.]

[1] Approved by the Chief of Ordnance October 6, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-61]

IN THE MATTER OF C. LEROY HOLBEIN, DOING BUSINESS AS HOLBEIN COAL CO., DEFENDANT

AMENDMENT TO NOTICE OF AND ORDER FOR HEARING

A complaint dated September 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 29, 1941, a Notice of and Order for Hearing on said complaint having been entered herein on October 28, 1941,[1] and an amended complaint dated October 31, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been duly filed on November 4, 1941, by the Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division alleging wilful violations by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is hereby ordered, That said Notice of and Order for Hearing dated October 28, 1941, be and the same is hereby amended by adding thereto at the end thereof after the paragraph numbered 2

[1] 6 F.R. 5539.

an additional paragraph numbered 3 reading as follows:

3. That said defendant wilfully violated the provisions of the Code and the Effective Minimum Prices, (a) by selling during the months of February and March, 1941, to the Ohio Power Company for railroad shipment to its plant at Philo, Ohio in Market Area 14 approximately 7,395.60 net tons of mine run coal crushed to 2" produced at its mine, Mine Index No. 66, located in Perry County, Ohio at the price of $1.40 per net ton f. o. b. the mine; and (b) by selling on March 1, 1941 to the Lima Locomotive Works, Inc., for rail shipment to its plant at Lima, Ohio in Market Area 15, approximately 70.8 net tons of mine run coal crushed to 2" produced at its said mine at the price of $1.75 per net ton f. o. b. the mine, whereas the Effective Minimum Prices for such coal was at said time and now is $1.55 per net ton f. o. b. the mine when shipped into Market Area 14 and $1.90 per net ton f. o. b. the mine when shipped into Market Area 15. The said sales, therefore, were in violation of section 4 II (e) of the Act and Part II (e) of the Code.

It is further ordered, That except as hereinabove specifically amended, said Notice Of and Order for Hearing dated October 28, 1941, shall in all other respects remain in full force and effect.

Dated: November 18, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8680; Filed, November 21, 1941; 10:01 a. m.]

[Docket No. B–10]

IN THE MATTER OF J. B. WILLIAMSON, CODE MEMBER, DEFENDANT

ORDER CHANGING PLACE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of November 25, 1941, at a hearing room of the Bituminous Coal Division at the Old Federal Building, Room 539, Cleveland, Ohio; and

J. B. Williamson, 219 Greensburg Avenue, Turtle Creek, Pennsylvania, C. Ray Goodwin, President, Coal Sales, Inc., 1314 N. B. C. Building, Cleveland, Ohio, having been heretofore served with subpoenae duces tecum requiring them to appear and testify at said hearing; and

The Director deeming it advisable that said place of hearing should be changed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be changed from the Old Federal Building, Room 539, Cleveland, Ohio, to Room 4086, New Post Office Building, Cleveland, Ohio.

It is further ordered, That said J. B. Williamson and C. Ray Goodwin, President, Coal Sales, Inc., appear before the designated officers at the time and place of hearing hereinabove set forth.

Dated: November 18, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8681; Filed, November 21, 1941; 10:01 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF DATE AND PLACE OF WASHINGTON, D. C., HEARING ON THE SUBJECT OF WAGES, HOURS AND OTHER CONDITIONS AND PRACTICES OF EMPLOYMENT OF RED CAPS

Whereas, the Acting Administrator of the Wage and Hour Division of the United States Department of Labor, under date of July 3, 1941 (Fed. Reg. July 4, 1941), gave notice pursuant to S. Res. 105, adopted by the United States Senate on May 15, 1941, that public hearings would be held for the purpose of obtaining information as to the wages, hours and other conditions and practices of employment of red caps by railroad or terminal companies, and announced therein that a hearing would be hereafter scheduled in Washington, D. C.;

Now, therefore, notice is hereby given that:

1. A hearing will be held before Thomas Holland, Presiding Officer, in Room 3229, Department of Labor Building, Constitution Avenue at Fourteenth Street NW., Washington, D. C., commencing at 10 A. M., on December 1, 1941. Said hearing will cover those railroad terminals operated by the following companies in the following cities: Washington Terminal Co., Washington, D. C.; Birmingham Terminal Co., Birmingham, Alabama; Atlanta Terminal Co., Atlanta, Georgia; Savannah Union Station Co., Savannah, Georgia; Jacksonville Terminal Co., Jacksonville, Florida; Tampa Union Station Co., Tampa, Florida; and Durham Union Station Co., Durham, North Carolina. Said hearing will also cover railroad stations of the Seaboard Airline Railway Company in the following cities: Clearwater, Florida; Ocala, Florida; Miami, Florida; Tallahassee, Florida; Tampa, Florida; St. Petersburg, Florida; West Palm Beach, Florida; Norlina, North Carolina; Raleigh, North Carolina; Weldon, North Carolina; Hamlet, North Carolina; Southern Pines, North Carolina; Wilmington, North Carolina; Camden, South Carolina; Columbia, South Carolina; Petersburg, Virginia; and Portsmouth, Virginia; the Pennsylvania Railroad and Baltimore and Ohio Railroad stations at Baltimore, Maryland; and the Baltimore and Ohio Railroad station at Silver Spring, Maryland.

2. The aforesaid notice of July 3, 1941, shall be applicable to the Washington, D. C., hearing.

Signed at Washington, D. C., this 19th day of November 1941.

JAMES G. JOHNSON,
Acting Administrator.

[F. R. Doc. 41–8703; Filed, November 21, 1941; 11:51 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G–219]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING

NOVEMBER 19, 1941.

Upon application filed on October 20, 1941, by United Gas Pipe Line Company requesting that its rate schedule designated in the files of the Commission as United Gas Pipe Line Company Supplement No. 5 to Rate Schedule FPC No. 5 providing for the sale of natural gas to Memphis Natural Gas Company be permitted to become effective as of August 1, 1940, and for other relief;

It appearing to the Commission that: A hearing on the said application may be in the public interest;

The Commission *orders* that: A public hearing on the said application of United Gas Pipe Line Company be held commencing on December 4, 1941, at 9:45 a. m., in the hearing room of the Federal Power Commission at 1800 Pennsylvania Avenue, NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41–8671; Filed, November 21, 1941; 9:29 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4636]

IN THE MATTER OF BISSELL CARPET SWEEPER COMPANY

COMPLAINT

The Federal Trade Commission, having reason to believe that Bissell Carpet Sweeper Company, a corporation, has violated and is violating the provisions of section 2 (a) of the Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, as amended (U.S.C. title 15, section 13), hereby issues its complaint, charging as follows:

PARAGRAPH 1. The respondent, Bissell Carpet Sweeper Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Michigan, with principal office and place of business located at Grand Rapids, Michigan.

PAR. 2. Respondent is engaged in the business of manufacturing and selling certain hand operated mechanical devices commonly known as carpet sweepers. In the course and conduct of its said business respondent transports said carpet sweepers or causes them to be transported, and sells the same to be transported, from its factory at Grand Rapids, in the State of Michigan, to purchasers thereof located in other States of the United States; and respondent is, and at all times herein mentioned has been, engaged in trade and commerce in said merchandise between Michigan and most of the other States of the United States. Said carpet sweepers are sold by respondent for use, consumption or resale within the United States.

PAR. 3. During 1940 respondent manufactured and sold some fifteen or sixteen different models of carpet sweepers (exclusive of toy sweepers), its list prices therefor ranging from $23.00 to $60.00 a dozen. A copy of respondent's price list, effective September, 1940, is annexed hereto and made a part hereof, marked "Exhibit A". Sales are made on terms f. o. b. respondent's factory at Grand Rapids, Michigan. Pursuant to such sales the sweepers sold are shipped by respondent, or delivered to the carrier by it for shipment, to its customers in all parts of the United States. Respondent sells its said sweepers directly to several thousand retail resellers located in cities and towns throughout the United States. Respondent also sells said sweepers to several hundred wholesalers or jobbers, located chiefly in the larger cities of the United States, who resell said sweepers to retailers in their respective trading areas.

PAR. 4. In the course and conduct of its said business, respondent enters into contracts with the various retailers to whom it sells its carpet sweepers, said contracts setting forth the terms of sale of such sweepers, effective for a period of twelve months from date of first shipment thereunder. Copies of the blank forms used for such contracts with Eastern retailers in 1939 and 1940 are annexed hereto and made a part hereof, marked "Exhibit B," and "Exhibit B,". Prices charged retailers vary, the price depending upon the quantity of sweepers purchased by the retailer during the twelve month period, according to the following schedule of discounts:

List price less 3% on total purchases of 3 dozen to 5 dozen.
List price less 6% on total purchases of 5 dozen to 10 dozen.
List price less 12% on total purchases of 10 dozen to 25 dozen.
List price less 13% on total purchases of 25 dozen to 50 dozen.
List price less 14% on total purchases of 50 dozen to 100 dozen.
List price less 15% on total purchases of 100 dozen or more.

These discounts are applied upon all grades of sweepers (other than toy sweepers), and in all sales territories throughout the United States, subject to a 2% cash discount available to all customers and certain freight allowances on individual shipments made uniformly to all customers in a given territory. Said discounts are extended to some retailers at billing, to other retailers by remittance or credit at the end of the twelve month period, and to others partly at billing and partly at the end of the twelve-month period. Regular retailer customers whose purchases amount to ten dozen or more sweepers per year are usually allowed the quantity discount at billing, the amount of the discount being based upon the quantity of sweepers purchased by the customer during the preceding year or years. Retailers whose average annual purchases of respondent's sweepers are less than ten dozen per year frequently are allowed no quantity discount at billing, this being true in most cases as to customers purchasing less than five dozen sweepers per year.

PAR. 5. In many cities and towns throughout the United States, retailers purchasing carpet sweepers from respondent at list price, and retailers purchasing the same at list price less a discount of 6% or less, as described in paragraph 4 hereof, are engaged in competition in the resale of said carpet sweepers with other retailers purchasing sweepers of the same model, grade and quality from respondent at list price less discounts ranging from 12% to 15%.

PAR. 6. Respondent sells its carpet sweepers to certain other retail resellers, classified by it as "hotel and janitor supply houses", located chiefly in the larger cities. Sales to customers so classified are made at list price less a discount of 12% deducted at billing, regardless of quantity purchased, and an additional discount of 1%, 2% or 3% allowed at the end of each twelve month period if the customer's purchases during the period reach 25 dozen, 50 dozen or 100 dozen. Said customers are engaged in competition, actual or potential, in the resale of said sweepers at retail with other customers of respondent who purchase said sweepers at list price less discounts at 6% or less, or at no discount, as described in paragraph 4 hereof.

PAR. 7. Respondent sells its carpet sweepers to its jobber or wholesaler customers at list price less a discount of 20%, regardless of quantity purchased. It is respondent's practice, in the course and conduct of its business as aforesaid, to enter into annual agreements with said jobbers, a copy of the blank form of agreements used by respondent in contracting with Eastern jobbers being annexed hereto and made a part hereof, marked "Exhibit C". By said agreement the jobber agrees not to sell sweepers bearing respondent's name or trade mark at less than respondent's list prices. Similar agreements are entered into by respondent with all of its jobber customers in some forty-four States of the United States where such resale price maintenance agreements are not prohibited by statute. By means of such agreements respondent fixes and prescribes its list prices as the minimum wholesale prices at which sweepers manufactured by it may be sold to retailers by jobbers and others in the states where such agreements are in effect. A large number of retailers dealing in respondent's sweepers, in the various trading areas where respondent's jobber customers are located and do business, are compelled to purchase their supply of such sweepers from jobbers, and are not permitted by respondent to purchase sweepers from it direct. Respondent has notified its jobber customers from time to time that it will refuse to sell to any jobber who resells sweepers purchased from respondent at less than respondent's list prices. A copy of such a letter sent by respondent to jobbers in 1938 is annexed hereto and made a part hereof, marked "Exhibit D".

PAR. 8. By the practices and policies described in Paragraph 7 hereof, respondent has been and is discriminating in price between retailers who purchase respondent's sweepers directly from respondent at list prices less the discounts described in Paragraph 4 hereof, and other retailers dealing in said sweepers who purchase the same from jobbers or other sources in the forty-four states above mentioned. Respondent's sweepers which it sells to jobbers are the same models, and as to each model, are of the same grade and quality as the sweepers which it sells direct to retailers, except that in some instances a new model may be sold to retailers before it is offered for sale to jobbers. Retailers purchasing said sweepers from respondent at discounts ranging from 3% to 15% off list price are engaged in competition in the resale thereof in many cities and towns with retailers who are compelled to and do obtain their supply of said sweepers from jobbers at respondent's list prices.

PAR. 9. The effect of respondent's discrimination in price between purchasers of carpet sweepers manufactured and sold by it, as described in Paragraphs Four, Six, Seven and Eight hereof, has been and may be to injure, destroy and prevent competition with respondent's retailer customers who are granted the benefit of such discrimination.

Wherefore, the premises considered, the Federal Trade Commission on this 14th day of November, A. D. 1941, issues this its complaint against said respondent.

NOTICE

Notice is hereby given you, Bissel Carpet sweeper Company, respondent herein, that the 19th day of December, A. D., 1941, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission

in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If the respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 14th day of November, A. D. 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

EXHIBIT A

PRICE LIST OF BISSELL SWEEPERS

(Established under Federal and State Law, by contracts in all States, Territories, and District having "Fair Trade" Laws) Effective September, 1940, and until superseded.

"Hi-Lo" Brush Control, Ball Bearing

	Per doz. (plus sales tax if any)	Minimum retail
Elite	$60.00	$7.50
Broad-way, 17-inch	60.00	7.50
Flight	51.00	6.95
Charm	50.00	6.95
American	46.00	6.45
Vanity	46.00	6.45
Special Service	46.00	6.00
Sweepmaster	46.00	5.95
Grand Rapids	44.00	5.50
Silver Streak, 13-inch	39.00	4.95

"Cyco" Ball Bearing (Not "Hi-Lo")

Century	$32.00	$3.95
Utility (a $4.75 value)	36.00	Open

Plain Bearing

Universal (a $3.75 value)	$30.00	(*)
Reliance (a $3.75 value)	30.00	Open
New Wizard (a $3.75 value)	30.00	Open
Champion (a $3.00 value) (not to be sold or advertised as a "Bissell" Sweeper)	23.00	Open

*A $3.75 value which may be sold for less, but not below $2.95.

Toy Sweepers

	Per doz.	Retail
Little Queen (1 dozen in carton)	$7.20	$1.00
Little Gem (3 dozen in carton)	3.60	.50
Little Helper (3 dozen in carton)	1.80	.25

Special Brands Take the Same Prices as Their Equivalents in Our Regular Line.
Terms—2% 10—Net 60 days.

BISSELL CARPET SWEEPER CO.,
Grand Rapids, Mich.

U.S.C.C. F779-9/40.

EXHIBIT B,

2 Dated ---------- 19----

Bissell Carpet Sweeper Co.,
Grand Rapids, Mich.

Enter us for our requirements up to the maximum quantity of Bissell Sweepers specified below (not including "Toy" Sweepers) for the twelve months from date of first shipment under this agreement, at your list prices per dozen prevailing at date of shipment plus sales tax, if any, subject to the following quantity discounts:

------% at billing, in consideration that we purchase not less than 3 ------ Dozen such sweepers during the twelve months; and an additional ------%, at the end of the twelve months, if we have purchased ------ Dozen during that period.

We agree that if we should not purchase the smaller quantity above specified (on which the discount at billing is based) within the twelve months, we will honor your invoice for the amount of such discount we may have received in excess of that which our purchases shall have earned, based upon your regular schedule of quantity discounts.

Terms: 2% 10—Net 60 days; freight allowance of $.50 per dozen deductible in remitting.

We agree not to sell sweepers bearing your name or trademark at less than your established retail prices at the time of such sales. (See other side for present price list.) (This paragraph does not apply in any State, Territory, or District where price maintenance agreements are prohibited.)

Signed ----------
By ---------- Dept----------
Street Address ----------
City and State ----------

For and Subject to the Approval of Bissell Carpet Sweeper Co., at Grand Rapids, Michigan.

EXHIBIT B,

1 Dated ---------- 19--

Bissell Carpet Sweeper Co.,
Grand Rapids, Mich.

Enter us for our requirements for Bisell Sweepers (not including "Toy" Sweepers) up to the maximum quantity specified below, for the twelve months from date of first shipment under this agreement, at your list prices per dozen prevailing at date of shipment plus sales tax, if any, subject to the following quantity discounts:

------%, at the end of the twelve months, if we have purchased ------ Dozen during that period, or

------%, if we have purchased ------ Dozen during that period.

Terms: 2% 10—Net 60 days; freight allowance of $0.50 per dozen deductible in remitting.

We agree not to sell sweepers bearing your name or trademark at less than your established retail prices at the time of such sales. (See other side for present price list.) (This paragraph does not apply in any State, Territory, or District where price maintenance agreements are prohibited.)

Signed ----------
By ---------- Dept----------
Street Address ----------
City and State ----------

For and Subject to the Approval of Bissell Carpet Sweeper Co., At Grand Rapids, Michigan.

EXHIBIT C

Dated ---------- 19----

COVERING CALENDAR YEAR OF 19----

Bissell Carpet Sweeper Co.,
J *Grand Rapids, Mich.*

Enter our order for the following to be shipped during the calendar year above indicated:

Not less than Ten dozen "regular" carpet sweepers at your list prices per dozen to the trade less 20%;

Our requirements for toy sweepers at your list prices per dozen to the trade less 20%;

Repair parts at your List Prices per dozen less 25%.

Above mentioned List Prices are to be those prevailing at date of shipment—current prices listed on other side.

Terms: 2% 10—Net 60 days; freight allowance of $.50 per dozen on "regular" sweepers, $.08 per dozen on "Toy" sweepers, deductible in remitting.

We agree not to offer or catalog the "Champion" model as a "Bissell" sweeper.

We agree not to export any of your goods, nor to sell them to other jobbers, purchasing syndicates, "commission" men, or others, sales to whom might tend to defeat your policy of limited jobbing outlets; also that this agreement is terminable by either of us at any time after we have purchased the minimum quantity of carpet sweepers above specified.

We agree not to sell sweepers bearing your name or trade-mark at less than your established resale prices to the trade at the time of such sales and to co-operate with you in having your established retail prices maintained by retailers. (This paragraph does not apply in any State, Territory, or District where price maintenance agreements are prohibited.)

Signed ----------
By ---------- Dept----------
Street Address ----------
City and State ----------

For and Subject to Approval of Bissell Carpet Sweeper Co., at Grand Rapids, Michigan.

EXHIBIT D

BISSELL CARPET SWEEPER CO.

M. R. Bissell, Jr., Pres.; B. H. Vandermass, Treas.; I. J. Bissell, Vice Pres.; J. W. Scott, Sec'y; J. A. Collins, Ass't Sec'y, Grand Rapids, Michigan.

Re: Prices for 1938. Resale Price Protection Under "Fair Trade" Laws

GENTLEMEN: We believe you will welcome this announcement that minimum retail prices of Bissell Sweepers have already been or are now being definitely established in your State and others by contracts containing an agreement that Bissell Sweepers shall not be sold at less than the prices shown in our printed price lists.

These contracts are made under the provisions of the Federal Tydings-Miller Law, and the various State "Fair Trade" Laws, most of which stipulate that non-signers of such contracts are as fully obligated to maintain the correct prices as are those who have specifically signed the contracts, provided suitable notice has been given, which is the purpose of this letter.

This wholesome policy will be supported by refusing to sell to those who fail to observe such established prices and otherwise as these laws provide. We are glad to be able to give this better protection to that 99% or more of Bissell Dealers who have always approved and observed our published prices.

Copies of our present retail price list are enclosed for your records and sales floor.

There will be no change in Bissell prices for at least the first six months of 1938. It is our usual custom to announce prices for not more than six months in advance.

Very truly yours,

BISSELL CARPET SWEEPER CO.,
———, *Secretary.*

Enc.,
JWS:LF

[F. R. Doc. 41-8687; Filed, November 21, 1941; 11:06 a. m.]

[Docket No. 4637]

CRANBERRY CANNERS, INC., A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. title 15, Section 13), hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Cranberry Canners, Inc., is a corporation organized and existing under the laws of the State of Delaware, with its principal office and place of business located at South Hanson, Massachusetts.

PAR. 2. Respondent is now and has been since June 19, 1936 engaged in the business of packing, offering for sale, selling and distributing cranberry juice and cranberry juice cocktail. Respondents sell and distribute said products in commerce between and among the various states of the United States, and as a result of said sales cause said products to be shipped and transported from the place of origin of the shipment to the purchasers thereof who are located in the various states of the United States other than the state of origin of the shipment. There is and has been, at all times mentioned, a continuous current of trade and commerce in the said products across state lines between respondent's principal place of business and the purchasers of said products. Said products are sold and distributed principally to wholesale and jobbing outlets of groceries and food supplies.

PAR. 3. In the course and conduct of said business, as described herein, respondent, since June 19, 1936, has been and is now contracting to pay and paying to some of its customers, as part of the consideration in sales to such customers, an advertising allowance which is computed variously at 2½% of purchase price of respondent's product, at $240 and $300 per year, and at 12¢ per retail outlet served by a jobber, for the benefit of such customers without making such payments available on proportionally equal terms to other of its customers competing with such favored customers in the distribution of respondent's product.

Typical of the practices herein complained of is the following:

In the trading area represented by the City of Philadelphia, Pennsylvania, are located in excess of fifty jobbers, wholesalers and dealers in groceries and food products who deal in respondent's product. Many of these dealers purchase respondent's product under a brand name represented by their privately owned label. Located in the City of Philadelphia, Pennsylvania are the Quaker City Wholesale Grocery Co., which received from respondent the sum of $228.00, equivalent to 3.8¢ per case purchased, for the year 1940 as payment for advertising services in connection with the sale and offering for sale of respondent's cranberry sauce under the private brand name "Penn Treaty"; the firm of Alfred Lowry & Brother, which received from respondent for the year 1940 the sum of $195.70, equivalent to 4.9¢ per case purchased, as payment for advertising services in connection with the sale and offering for sale, of respondent's cranberry sauce, under the private brand name "Tarton"; William B. Mackey doing business under the firm name of H. Kellogg & Sons, who received from respondent for the year 1940 the sum of $240.00, equivalent to 6¢ per case purchased, as payment for advertising services in connection with the sale and offering for sale, of respondent's cranberry sauce under the private brand name "Kellogg"; and William Montgomery Company, which received from respondent for the year 1940 the sum of $300.00, equivalent to 6¢ per case purchased, as payment for advertising services, in connection with the sale and offering for sale of respondent's cranberry sauce under the private brand "Montco."

In the city of Philadelphia are located the following jobbers, wholesalers and dealers, customers of respondent, engaged in selling respondent's product, cranberry sauce, under privately owned brand names: Ely E. Davis, trading as Githens Rexsamer & Company, who purchases said product under the brand name "Herald Brand"; Perloff Brothers, who purchase said products under the brand name "Perlo"; L. H. Parke Company, which purchases said product under the brand name "Parke Brand"; and Richmond Grocery Company, which purchases said product under the brand name "Richmond Brand." These firms purchased large quantities of respondent's product during the year 1940 and did not receive any payment for advertising allowance, and such payment for advertising was not made available to them during the year 1940, nor during any year or season since June 19, 1936 in the course of their dealings with respondent.

PAR. 4. The payment and contracts for payment to four of its competing Philadelphia customers of sums of money in consideration for advertising services furnished in connection with the sale and offering for sale, of its product, without making such payments available on proportionally equal terms to such customers; and the granting to some of its customers of sums of money upon certain terms in consideration for advertising services furnished in connection with the sale and offering for sale of its product, while at the same time not making available such payments upon any terms whatsoever to other of its customers competitively engaged with those customers who are granted such payments, is in violation of the provisions of subsection (d) of Section 2, of the Act described in the preamble hereof.

Wherefore the premises considered, the Federal Trade Commission on this 14th day of November, A. D. 1941, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Cranberry Canners, Inc., a corporation, respondent herein, that the 19th day of December, A. D. 1941, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with

the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows):

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 14th day of November, A. D. 1941.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8688; Filed, November 21, 1941; 11:06 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-237]

IN THE MATTER OF THE BROOKLYN NATIONAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1941

An application having been filed by the above named applicant under and pursuant to the provisions of Section 6 (c) for an exemption from the provisions of sections 8 (b), 13 (a) and 30 (d) of the Investment Company Act of 1940;

It is ordered, That a hearing on the aforesaid application be held on November 28, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8692; Filed, November 21, 1941; 11:42 a. m.]

[File No. 812-231]

IN THE MATTER OF CONSOLIDATED INVESTMENT TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) for an exemption from the provisions of section 13 (a) (1) of the Investment Company Act of 1940;

It is ordered, That a hearing on the aforesaid application be held on November 28, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8693; Filed, November 21, 1941; 11:42 a. m.]

[File No. 70-418]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY, KENTUCKY POWER & LIGHT COMPANY, THE MIDDLE WEST CORPORATION, AND UNITED PUBLIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

Applications and declarations having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Kentucky Utilities Company, Kentucky Power & Light Company, The Middle West Corporation and United Public Service Corporation; and

Such applications and declarations concerning the following:

Kentucky Utilities Company, a public utility subsidiary of The Middle West Corporation, a registered holding company, proposes to purchase from United Public Service Corporation, a registered holding company subsidiary of The Middle West Corporation, a promissory note of Kentucky Power & Light Company, a public utility subsidiary of United Public Service Corporation, said note being payable to United Public Service Corporation in the principal amount of $1,200,000 due April 1, 1942. Kentucky Utilities Company also proposes to purchase from United Public Service Corporation 16,000 shares of common stock of the par value of $50 per share of Kentucky Power & Light Company held by United Public Service Corporation. Kentucky Utilities Company proposes to pay for such acquisitions the sum of $1,100,000, plus accrued interest on said note to the date of delivery and payment.

Upon consummation of such acquisitions Kentucky Utilities Company will hold all the outstanding securities of Kentucky Power & Light Company except its First Mortgage 5½% Gold Bonds, Series A and Series B, outstanding in the principal amount of $1,207,400, and Kentucky Utilities Company proposes to acquire all the property and assets of Kentucky Power & Light Company subject to the liabilities of such company, including said outstanding bonds, in exchange for the securities of Kentucky Power & Light Company to be held by Kentucky Utilities Company.

Kentucky Utilities Company proposes to sell to The Middle West Corporation 31,429 shares of its common stock without par value at their stated value of $35 per share, or $1,100,015 in the aggregate, the proceeds thereof to be used by Kentucky Utilities Company in consummating the acquisition of the securities of Kentucky Power & Light Company from United Public Service Corporation.

Kentucky Utilities Company proposes to sell at private sale $1,000,000 principal amount of its First Mortgage Bonds, Series of 1970, 4% due January 1, 1970, the proceeds of such sale to be used together with general funds of Kentucky Utilities Company to the extent necessary to effect the retirement of the outstanding bonds of Kentucky Power & Light Company by the payment at their maturity on April 1, 1942 of such bonds of Series A outstanding in the principal amount of $755,500 and the redemption on March 1, 1942 at 101¼ of such bonds of Series B outstanding in the principal amount of $451,900.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declarations and applications, and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on December 8, 1941 at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declarations as filed shall become effective;

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of issues presented by said applications and declarations as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

1. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the privisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder, to impose any conditions regarding the consideration to be received for such sale, the maintenance of competitive conditions, fees and commissions, accounts, disclosure of interest, and similar matters with respect to the sale by United Public Service Corporation to Kentucky Utilities Company of the securities of Kentucky Power & Light Company.

2. The facts and circumstances concerning the ownership of the notes and common stock of Kentucky Power & Light Company by United Public Service Corporation.

3. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

4. Whether the fees proposed to be paid for any or all services to be performed in connection with any of such transactions are or are not reasonable.

5. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers.

6. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

7. Whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers, and it is particularly given to the stockholders of United Public Service Corporation.

It is further ordered, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than fifteen days prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect to the Commission on or before the fourth day of December, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8694; Filed, November 21, 1941; 11:42 a. m.]

[File No. 59-37]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1941.

The Commission having on October 16, 1941, issued its Notice of and Order for Hearing in the above entitled matter pursuant to the provisions of sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935, directing that a hearing be held on November 24, 1941, at 10 A. M. in the offices of the Commission with reference to the allegations of the said Notice of and Order for Hearing; and

Central Illinois Public Service Company having requested that the date for the hearing as above be postponed because, by reason of prior engagements of counsel for the respondent, additional time will be required for preparation for the said hearing; and

It appearing to the Commission that the request made to the Commission by the respondent is not unreasonable and may appropriately be granted;

It is ordered, That the date set for the hearing in the above matter by the said Order of October 16, 1941, be and the same hereby is postponed to Wednesday, December 10, 1941, at 10 o'clock in the forenoon at the same time and before the same officer of the Commission specified in the Commission's Order of October 16, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8695; Filed, November 21, 1941; 11:42 a. m.]

[File No. 70-441]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 21st day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested party may, not later than December 6, 1941, at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

Central Maine Power Company, a subsidiary of Northern New England Company and of New England Public Service Company, registered holding companies, proposes to issue and sell $1,000,000 principal amount of First and General Mortgage Bonds, Series L 3½% due 1970, to Aetna Life Insurance Company and to New England Mutual Life Insurance Company at the price of 111 percent of the principal amount thereof plus accrued interest from October 1, 1941. The company has agreed to pay $2,500 to Coffin & Burr, Incorporated, for services rendered or to be rendered in effecting the sale of these bonds.

The application recites that the issue and sale of these bonds will be expressly authorized by the Public Utilities Commission of Maine and that the funds to be derived from such sale are necessary due to commitments for construction.

The application recites that the company considers section 6 (b) of said Act as being applicable to such transaction and also requests exemption from the provisions of Rule U-50, pursuant to paragraph (4) or (5) thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8696; Filed, November 21, 1941; 11:42 a. m.]

[File No. 70-410]

IN THE MATTER OF CRESCENT PUBLIC SERVICE COMPANY, AND EMPIRE SOUTHERN SERVICE COMPANY

ORDER GRANTING APPLICATION PURSUANT TO SECTION 10 AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1941.

The above-named persons having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 10, 12(c) and 12 (f) thereof and Rules U-42 and U-43 thereunder with respect to a transaction wherein Crescent Public Service Company proposes to acquire $87,500 principal amount of its Collateral Trust 6% Income Bonds, Series B, due October 1, 1954, and 2,055 shares of its Common Stock, $1 par value, from Empire Southern Service Company, its wholly-owned subsidiary company; and

Said application and declarations having been filed on October 7, 1941, and certain amendments thereto having been filed, the last of said amendments having been filed on November 15, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named persons having requested that the said application, as amended, be granted, and that said declarations, as amended, become effective as promptly as possible; and

The Commission finding with respect to said application, as amended, under section 10 of the Act, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) and that the transaction involved has the tendency required by section 10 (c) (2), and finding with respect to said declarations, as amended, pursuant to Rules U-42 and U-43 that the requirements of sections 12 (c) and 12 (f), respectively, of said Act are satisfied, and being satisfied that the effective date of such declarations, as amended, and the date of granting such application, as amended, should be advanced:

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application, as amended, be and hereby is granted, and that the aforesaid declaration, as amended, be and hereby are permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8697; Filed, November 21, 1941; 11:43 a. m.]

[File No. 59-17]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS

[File No. 59-11]

THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

[File No. 54-25]

THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER GRANTING APPLICATION NO. 4 RELATING TO TRANSACTIONS INCIDENTAL TO DISSOLUTION OF UNITED AMERICAN COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

The United Light and Power Company, The United Light and Railways Company, United American Company (all registered holding companies) and United Power Manufacturing Company, a subsidiary of The United Light and Railways Company, having jointly and severally filed herein Application No. 4 pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 (b), 9 (a), 10 and 12 (c), (d) and (f) thereof and Rules U-42, U-43, U-44 and U-46 thereunder, regarding the following proposed transactions:

1. United American Company proposes to transfer all of its assets which consist chiefly of 558,864 shares of common stock, par value $25.00 per share, of American Light & Traction Company and $1,552,000 principal amount of 6% debentures of United Power Manufacturing Company, to The United Light and Railways Company.

2. The United Light and Railways Company proposes to surrender to United American Company for cancellation all of the latter's outstanding stock consisting of 100 shares; and all of the indebtedness of the United American Company to The United Light and Railways Company which is in the form of an open account for cash advanced in the amount of $26,872,970 plus accrued interest which at September 30, 1941 amounted to $557,165.46.

3. Thereafter United American Company will be dissolved in accordance with the laws of the State of Delaware under which it was organized.

4. United Power Manufacturing Company proposes to transfer to the United Light and Railways Company 77,596 shares of 6% preferred stock of American Light & Traction Company in exchange for the surrender by The United Light and Railways Company to United Power Manufacturing Company for cancellation of $1,552,000 principal amount 6% debentures of United Power Manufacturing Company which debentures will be acquired by The United Light and Railways Company upon the liquidation of United American Company, as above described.

Said application having been filed on October 29, 1941 and notice of said filing having been duly given as required by the Act and applicable rules of the Commission, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that an order be entered granting said application on the fifteenth day after the filing thereof; and

United Power Manufacturing Company having requested that it be made a party to these proceedings to the extent necessary to entitle it to join in this application and to secure authority of the Commission in these proceedings to consummate the aforedescribed transactions in which it has an interest; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to sections 12 (c), (d) and (f) of the Act and Rules U-42, U-43, U-44 and U-46 thereunder, and the applicants having consented in writing to the reservation of jurisdiction hereinafter provided for; and

The Commission finding with respect to said application under section 10 of said Act, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that the transactions involved have the tendency required by section 10 (c) (2) of said Act; and

The Commission finding that the transactions described in paragraphs numbered 1 to 4 inclusive herein are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820, (U.S.C., Sup. V, Title 15, 879k (b)) and to comply with the applicable provisions of our order of March 20, 1941. (Holding Company Act Release No. 2636)

It is hereby ordered, Pursuant to the applicable provisions of said Act and the applicable rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same is hereby granted.

Our approval of the application is, however, expressly subject to a reservation of jurisdiction by this Commission with respect to the final accounting entries to be placed upon the books of The United Light and Railways Company to record the receipt of the American Light & Traction Company securities and the amount at which such securities shall be recorded on the books of The United Light and Railways Company.

It is further ordered, That United Power Manufacturing Company be made a party to this proceeding for the purpose necessary to effectuate the aforedescribed transactions in which it has an interest.

By the Commission, Judge Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8698; Filed, November 21, 1941; 11:43 a. m.]

[File No. 70-412]

IN THE MATTER OF FEDERAL LIGHT & TRACTION COMPANY, RAWLINS ELECTRIC COMPANY, SHERIDAN COUNTY ELECTRIC COMPANY, AND THE TRINIDAD ELECTRIC TRANSMISSION, RAILWAY & GAS COMPANY

SUPPLEMENTAL ORDER WITH RESPECT TO CHANGES IN INDENTURES PROVISIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1941.

The Commission having, by order entered November 6, 1941, permitted, among other things, declarations pursuant to Section 7 of the Public Utility Holding Company Act of 1935 to become effective regarding the issue and sale by Rawlins Electric Company and Sheridan County Electric Company of 3½% First Mortgage Bonds due 1966 to John Hancock Mutual Life Insurance Company, and, by virtue of Rule U-24, having reserved jurisdiction to pass upon any modifications of the terms and conditions of any document previously submitted to the Commission with reference thereto; and

Rawlins Electric Company and Sheridan County Electric Company having on November 18, 1941, requested that the Commission enter an order permitting the making of certain modifications of the indentures securing said bonds which they state are required by the chattel mortgage laws of the State of Wyoming; and

It appearing to the Commission that the modifications of the indentures as proposed are not such as to require any change in the Commission's order of November 6, 1941;

It is ordered, That the jurisdiction reserved by the Commission is hereby released with respect to the proposed modifications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8699; Filed, November 21, 1941; 11:43 a. m.]

Reference

NOV 26 1941

THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 6 NUMBER 228

Washington, Tuesday, November 25, 1941

The President

EXECUTIVE ORDER

DIRECTING THE FEDERAL WORKS ADMINISTRATOR TO TAKE POSSESSION OF AND OPERATE A CERTAIN PROJECT OF THE GRAND RIVER DAM AUTHORITY

WHEREAS Grand River Dam Authority of Vinita, Oklahoma, is the holder of a license (Project No. 1494) under the Federal Power Act (41 Stat. 1063) and is constructing, maintaining and operating a project (as defined in said Act) under such license in the State of Oklahoma; and

WHEREAS, in my opinion, the safety of the United States demands that the United States enter upon and take possession of such project for the purposes and time, and upon the conditions hereinafter stated; and

WHEREAS I have, simultaneously with this order, issued an order addressed to Grand River Dam Authority, reading as follows:

TO: GRAND RIVER DAM AUTHORITY,
VINITA, OKLAHOMA

Pursuant to section 16 of the Federal Power Act, I hereby order and direct that the project now being constructed, maintained, and operated by you in the State of Oklahoma under a license (Project No. 1494) held by you under the Federal Power Act, be surrendered to, and entered upon, taken possession of, managed, and operated by the Federal Works Administrator, acting for and on behalf of the United States, through such person or persons as he may designate, for the reasons, the purposes, and the time, and upon the conditions set forth in the Executive Order issued by me simultaneously with this order, a copy of which Executive Order is attached as a part of this order.

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and the statutes of the United States, and particularly by section 16 of the Federal Power Act, it is hereby ordered as follows:

1. The Federal Works Administrator, acting for and on behalf of the United States, through such person or persons as he may designate, is hereby authorized and directed immediately to enter upon, and take possession of, manage, and operate, the project above mentioned for the purpose of generating and supplying power for the manufacture of explosives or munitions of war or otherwise necessary to the safety and defense of the United States, and for other purposes involving the safety of the United States.

2. The Federal Works Administrator shall retain possession, management, and control of said project until such time as it shall appear to the President that further retention of the project by the United States is unnecessary for the accomplishment of the above-stated purposes, and, thereupon, shall restore possession and control of the project to the party or parties then entitled thereto.

3. The Federal Works Administrator shall pay just and fair compensation for the use of the property of the Authority as may be fixed by the Federal Power Commission upon the basis of a reasonable profit in time of peace, and shall also pay the cost of restoring the property to as good condition as existed at the time of the taking over thereof, less the reasonable value of any improvements that may be made by the United States and which are valuable and serviceable to the licensee.

4. The Federal Works Administrator may employ, without compliance with the requirements of the Civil Service Rules, such personnel as may be necessary to carry out the provisions of this order, and may exercise any existing contractual or other rights of the Authority, and take such other steps as may be necessary to carry out the provisions of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 19, 1941.

[No. 8944]

[F. R. Doc. 41-8720; Filed, November 22, 1941; 10:04 a. m.]

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PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 61—SCHEDULED AIR CARRIER RULES

TEMPORARY ROUTE AUTHORIZATION DURING RCAF MANEUVERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of November 1941.

It appearing that: (a) The Royal Canadian Air Force proposes extensive maneuvers to be held within a large area covering the southern portion of Ontario, Canada, beginning approximately November 10, 1941, for an undetermined period of time, which will jeopardize the safety of American air carrier aircraft operating within that area;

(b) The air carrier which is authorized to operate over this area may safely conduct scheduled operations along a suitable temporary alternate route;

(c) Parts 40 and 61 of the Civil Air Regulations prohibit air carriers from operating over such temporary alternate route unless route test flights have been made, and the pilots and aircraft dispatchers used have demonstrated route competency;

The board finds that: Its action is in the public interest and in the interest of safety of air transportation;

Now therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 604 of said Act, makes and promulgates the following Special Regulation:

Notwithstanding the provisions of Parts 40 and 61 of the Civil Air Regulations which deal with airway route requirements, pilot and aircraft dispatcher route competency, and the amending of air carrier operating certificates and competency letters, the schedule air carrier, which has been issued an air carrier operating certificate authorizing operations over the area in which the Royal Canadian Air Force is conducting maneuvers in the southern portion of Ontario, Canada, may conduct from November 21, 1941, to February 1, 1942, inclusive, scheduled day and night contact and instrument operations over such temporary route, with such facilities and personnel, in accordance with such procedures and practices established by the Administrator for this operation as the Administrator may deem sufficient to protect the safety of air transportation.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 41-8737; Filed, November 24, 1941; 9:35 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4270]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FEDERAL SALES COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy or any any other merchandise, (1) selling, etc., candy or any other merchandise so packed and assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with assortments of candy, for ultimate sale to the public, composed of individually wrapped pieces of candy of uniform size and shape but of different colors, such colors being effectively concealed, together with articles of merchandise which are to be, or may be given as prizes to purchasers procuring pieces of said candy of a particular color; (3) supplying, etc., others with any device which is to be, or may be, used in the sale or distribution of respondent's candy or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (4) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Federal Sales Company, Docket 4270, November 14, 1941]

In the Matter of John Shapiro, Individually and Trading as Federal Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondent), testimony and other evidence taken before Andrew B. Duvall, trial examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint (no testimony or other evidence being offered in opposition thereto), report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, John Shapiro, individually and trading as Federal Sales Company, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of such candy or other merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to or placing in the hands of others for ultimate sale to the public, assortments of candy composed of individually wrapped pieces of candy of uniform size and shape but of different colors, such colors being effectively concealed, together with articles of merchandise which are to be or may be given as prizes to purchasers procuring pieces of said candy of a particular color;

(3) Supplying to or placing in the hands of others any device which is to be used or may be used in the sale or distribution of respondent's candy or other merchandise to the public by means of a game of chance, gift enterprise or lottery scheme;

(4) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[1] 6 F.R. 2804.

[F. R. Doc. 41-8730; Filed, November 22, 1941; 11:29 a. m.]

[Docket No. 4417]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MERCHANDISE SALES SYNDICATE

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of novelties and other merchandise, (1) selling, etc., novelties, or any merchandise, so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of novelties or other merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be, or may be, used in selling or distributing said novelties or other merchandise to the public; and (3) selling, etc., any novelties or other merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Merchandise Sales Syndicate, Docket 4417, November 14, 1941]

In the Matter of Ewen Cameron, Individually and Trading as Merchandise Sales Syndicate

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Ewen Cameron, an individual, trading as Merchandise Sales Syndicate, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device,

[1] 6 F.R. 662.

in connection with the offering for sale, sale, and distribution of novelties and other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing novelties, or any merchandise, so packed or assembled that sales of such novelties or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, either with assortments of novelties or other merchandise or separately, which said push or pull cards, punch boards, or lottery devices are to be used, or may be used, in selling or distributing said novelties or other merchandise to the public;

(3) Selling or otherwise disposing of any novelties or other merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8729; Filed, November 22, 1941; 11:28 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 [1]

AMENDMENT TO CERTAIN RULES UNDER THE ACT RELATING TO EXEMPTIONS, REPORTS BY INDIVIDUALS REPRESENTING HOLDING COMPANIES OR SUBSIDIARIES BEFORE FEDERAL AGENCIES, AND THE FORM OF NOTICE OF FILING OF CERTAIN DECLARATIONS OR APPLICATIONS

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof (Sec. 20, 49 Stat. 833; 15 U.S.C. 79t), and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby takes the following action:

I. Sec. 250.6 [Rule U-6] under said Act is amended to read as follows:

[1] 6 F.R. 2015.

§ 250.6 *Termination of exemptions.* If it appears to the Commission (on the basis of statements claiming exemption or otherwise) that a substantial question of law or fact exists as to whether any holding company claiming exemption under §§ 250.2, 250.3, 250.4, 250.5, or 250.10 [Rules U-2, U-3, U-4, U-5, or U-10], or any other rule now or hereafter in force pursuant to section 3 (a) of that Act (Sec. 3, 49 Stat. 810; 15 U.S.C. 79c) exempting any class of holding companies from the registration requirements of the Act, is within the exemption afforded by any such rule, or if it appears that any question exists as to whether the exemption of any such company may be detrimental to the public interest or the interest of investors or consumers, the Commission may notify such holding company to that effect by registered mail. Thirty days after such notification, such exemption shall terminate, without prejudice to the right of such holding company to file an application for an order granting such an exemption pursuant to any applicable section of the Act, and without prejudice to any temporary exemption provided for by the Act if such application is filed in good faith.

II. That portion of paragraph (a) of § 250.10 [Rule U-10] which precedes the numbered subparagraphs thereof is amended to read as follows:

§ 250.10 *Effect of certain exemptions*—(a) *Parent holding companies exempt where subsidiaries have obtained, or applied for, certain exemptions.* Subject to the provisions of § 250.6 [Rule U-6], any holding company shall be exempt from any obligation, duty, or liability imposed on it as a holding company solely by reason of such company having as a subsidiary any company which, insofar as it is either a public utility or a holding company, is:

* * * * *

III. Paragraph (d) of § 250.22 [Rule U-22] under said Act is amended to read as follows:

§ 250.22 *Applications and declarations.*

* * * * *

(d) *Formal specifications.* All applications, declarations, certificates and statements, and any amendments thereto, shall be filed in triplicate. One copy shall be signed but the other two copies may have facsimile or typed signatures. Such applications and declarations, and any amendments thereto, should be on paper approximately 8½ by 13 inches in size, except that tables, charts and other documents may be larger if folded to approximately that size. Such document should have a 1½ inch binding margin at the left, and if the application or declaration, or any amendments thereto, is bound, it should be bound on the left side. All typewritten or printed matter (including deficits in financial statements) should be set forth in black so as to permit photocopying.

IV. Paragraph (b) of § 250.24 [Rule U-24] under said Act is amended to read as follows:

§ 250.24 *Terms and conditions applicable to declarations and order granting applications.*

* * * * *

(b) *Conditions and restrictions proposed in an application or declaration.* Every order granting an application or making effective a declaration shall, unless otherwise therein expressly stated, impose upon the applicant or declarant the obligation to comply with any restriction or condition which the application or declaration proposes shall be imposed by the Commission in connection therewith.

V. Sub-division (2) of § 250.70 (c) [Rule U-70 (c)] is amended to read as follows:

(2) "Director" means any director of a corporation or any individual who performs similar functions in connection with a corporation, partnership, trust, voting trust or other company.

VI. Paragraphs (a) and (b) of § 250.71 [Rule U-71] are amended to read as follows:

§ 250.71 *Statements to be filed pursuant to section 12 (i) of the Act*—(a) *Ten-day statement.* Any person who engages in any activity within the scope of section 12 (i) of the Act (Sec. 12, 49 Stat. 823; 15 U. S. C. 791), shall file with the Commission within 10 days after the date of such activity a statement on Form U-12 (I)-A, except as to activity within the scope of any advance statement on Form U-12 (I)-B, which is duly filed in accordance with paragraph (b).

(b) *Advance statement.* An advance statement, covering anticipated activity for the remainder of the calendar year, may be filed on Form U-12 (I)-B by any person (whether or not the compensation of such person has been fixed in advance) who is a salaried officer or employee or an attorney, accountant or other expert regularly retained by any company or by companies in the same holding company system, or any person specially retained in connection with a particular proceeding or enterprise which is expected to involve a series of appearances or activities, if such employment or retainer does not contemplate any expenses other than ordinary personal, traveling or sustenance expenses, stationery, postage, telephone and telegraphic service, stenographic and clerical assistance, expenditures for the printing of briefs or other documents to be submitted to any agencies specified in section 12 (i) of the Act (Sec. 12, 49 Stat. 823; 15 U.S.C. 791), and similar items.

VII. The Commission hereby adopts a revised form of "Notice Regarding Filing Subject to § 250.23 [Rule U-23]" as set forth below, viz.,

UNITED STATES OF AMERICA
BEFORE THE SECURITIES AND EXCHANGE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the ---------- day of ----------, A. D. 19--.

NOTICE REGARDING FILING SUBJECT TO SECTION 250.23 [RULE U-23]

In the Matter of

File No. ----------

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than ---------- at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Section 250.23 [Rule U-23] of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Sections 250.20 (a) and 250.100 [Rules U-20 (a) and U-100] thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Effective November 24, 1941.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8778; Filed, November 24, 1941; 11:48 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50515]

PART 24—DUTIES OF INSPECTORS

CUSTOMS REGULATIONS AMENDED—WEIGHING [1]

Article 1366, as Amended, and Article 1367, Customs Regulations of 1937, on Weighing of Merchandise, Amended

The Customs Regulations of 1937 are amended as follows:

Article 1366, as amended by (1941) T.D. 50317 [1] [§ 24.7], is further amended by changing the caption to read "Bulk merchandise—Acceptance of commercial weights.—", and by further amending paragraph (e) [§ 24.7 (e)] to read as follows:

§ 24.7 *Bulk merchandise; acceptance of commercial weights.*

* * * * *

[1] This document affects 19 CFR 24.7 and 24.8.
[1] 6 F.R. 645.

(e) The waybill weights of cargoes unladen directly from the importing vessel into cars and of shipments imported in railroad cars may be accepted as the official weights of the merchandise when the waybill shows that the commodity has been actually weighed by the carrier, or that the weights were accepted by the carrier under a shipper's load and count and weight agreement basis, and the collector is satisfied that the revenue is adequately protected. In the case of merchandise, such as copper, which is bought and sold on sworn weight certificates of the refiners, the weights shown on the sworn certificates may be accepted as the official weights. Care shall be taken to ascertain whether or not the weights as shown on the waybill include tare. Importations of merchandise as to which the weights shown on waybills or weight certificates are accepted for official purposes shall be weighed, counted, or weighed and counted occasionally on a test basis in order to verify the correctness of the weights and quantities given on the waybills or weight certificates. In any case in which there is a material variance between the waybill weight and the invoice weight or between the test weight and the weight shown on the waybill or sworn weight certificate, actual weight shall be determined and a special investigation shall be made to ascertain the reason for the variance. When the weights shown on the waybill or sworn weight certificate are accepted, the weighing officer shall note that fact in his dock book and on his report of weight. (R.S. 161, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624.)

Article 1367 (a) [§ 24.8(a)] is amended by inserting before the first sentence the words "Except as otherwise permitted by article 1366 (e) [§ 24.7 (e)], the following procedure shall be followed in the case of uniform packages or articles:". (R.S. 161, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1624)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: November 19, 1941.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8711; Filed, November 21, 1941; 3:51 p. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-24]

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

Correction

Paragraph 11 of the *Findings of Fact*, appearing on page 5922 of the issue for Saturday, November 22, 1941, should read as follows:

11. The terms "vitamin B_1" and "thiamine," the terms "vitamin C" and "ascorbic acid", and the terms "riboflavin", "vitamin B_2" and "vitamin G", are synonymous.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets Nos. A-612 and A-684]

PARTS 324 AND 326—MINIMUM PRICE SCHEDULE, DISTRICT NOS. 4 AND 6

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF RUSH RUN COAL COMPANY, A CODE MEMBER IN DISTRICT 4, FOR THE ESTABLISHMENT OF A PRICE OF $1.50 PER TON F. O. B. MINE FOR TRUCK SHIPMENT OF ITS COAL IN SIZE GROUP 10 TO THE BEECH BOTTOM POWER COMPANY, IN MARKET AREA 9, AND IN THE MATTER OF DISTRICT BOARD 6, REQUESTING THE DELINEATION OF A CONSUMING ZONE WITHIN MARKET AREA 9, AND FURTHER REQUESTING REVISION OF EFFECTIVE MINIMUM PRICES ESTABLISHED FOR CERTAIN PRODUCERS IN DISTRICT 6 FOR COALS SHIPPED TO POINTS WITHIN SAID CONSUMING ZONE

Original petitions having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Rush Run Coal Company, a code member in District 4 (Docket No. A-612), and by District Board 6 (Docket No. A-684), requesting certain relief with reference to shipments of coal to the plant of the Beech Bottom Power Company at Power, West Virginia;

Petitions of intervention having been filed herein by District Boards 4 and 6;

A hearing having been held in this matter on March 11, 1941, pursuant to an Order of the Director dated February 28, 1941, before a duly designated examiner of the Bituminous Coal Division at a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Temporary relief pending a final disposition of the original petitions having been granted by Order of the Director dated April 7, 1941, 6 F.R. 1850;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 324.24 (*General prices in cents per net ton for shipment into all market areas*) and § 324.21 (*Price instructions and exceptions*—(a) *Price instructions*) in the Schedule of Effective Minimum Prices for District No. 4 for Truck Shipments be, and it hereby is, amended as follows:

(1) § 324.24 *General prices in cents per net ton for shipment into all market*

areas. The effective minimum prices for coals in Size Groups 7 and 8, of mines located in Belmont and Jefferson Counties, may be reduced 25 cents per ton for shipment to the Beech Bottom Power Company at Power, West Virginia.

(2) § 324.24 *General prices in cents per net ton for shipment into all market areas.* Any coals crushed, pulverized or reduced in size, by any method, at mines located in Belmont and Jefferson Counties resulting in a size not exceeding 2" may be sold to the Beech Bottom Power Company at $1.90 per ton f. o. b. the mine: *Provided, however,* That all orders, acknowledgments and invoices shall contain complete description of all sizes before being crushed, pulverized, or otherwise reduced and description of size and sizes resulting from such reduction.

(3) § 324.21 *Price instructions and exceptions*—(a) *Price instructions.* Price Instruction No. 6 is hereby amended by adding the following paragraph:

Provided, however, That code members in Belmont and Jefferson Counties which transport coal or sell coal for transportation by truck, whether owned or controlled by them, independent, or otherwise, for delivery to the Beech Bottom Power Company at Power, West Virginia, *may,* if the actual transportation costs exceed 25¢ per net ton for delivery to such consumer, reduce the effective minimum price f. o. b. the mine established for their coals by an amount not greater than the excess of such cost over said 25¢, but no such reduction shall exceed 25¢ per ton; and they *shall,* if the actual transportation costs are less than 25¢ per net ton for delivery to this consumer, add to the effective minimum price f. o. b. the mine established for these coals an amount not less than the difference between said 25¢ and their actual costs.

It is further ordered, That § 326.23 (*General prices; for shipment into all market areas*) and § 326.21 (*Price instructions and exceptions*—(a) *Price instructions*) in the Schedule of Effective Minimum Prices for District No. 6 for Truck Shipments be, and it hereby is, amended as follows:

(1) § 326.23 *General prices; for shipment into all market areas.* The effective minimum prices for coals in Size Groups 7 and 8 may be reduced 25¢ per ton for shipment to the Beech Bottom Power Company at Power, West Virginia.

(2) § 326.23 *General prices; for shipment into all market areas.* Any coals crushed, pulverized or reduced in size, by any method at the mines, resulting in a size not exceeding 2" may be sold to the Beech Bottom Power Company at $1.90 per ton f. o. b. the mine: *Provided, however,* That all orders, acknowledgements and invoices shall contain complete description of all sizes before being crushed, pulverized, or otherwise reduced, and description of size or sizes resulting from such reduction.

(3) § 326.21 *Price instructions and exceptions*—(a) *Price instructions.* Price Instruction No. 6 of said schedule should be amended by adding the following paragraph:

Provided, however, That code members which transport coal or sell coal for transportation by truck, whether owned or controlled by them, independent, or otherwise, for delivery to the Beech Bottom Power Company at Power, West Virginia, *may,* if the actual transportation costs exceed 25¢ per net ton for delivery to such consumer, reduce the effective minimum price f. o. b. the mine established for their coals by an amount not greater than the excess of such cost over said 25¢, but no such reduction shall exceed 25¢ per ton; and they *shall* if the actual transportation costs are less than 25¢ per net ton for delivery to this consumer, add to the effective minimum price f. o. b. the mine established for these coals an amount not less than the difference between said 25¢ and their actual costs.

It is further ordered, That the prayers of the original petitions and the petitions of intervention are granted to the extent set forth above and that in all other respects are hereby denied.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8765; Filed, November 24, 1941; 10:06 a. m.]

[Dockets Nos. A-229, A-301, and A-225]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CORRECTING ORDER CONCERNING FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD 8 FOR CHANGE IN CLASSIFICATION OF SIZE GROUPS 1 THROUGH 9, AND 11 THROUGH 21 COALS PRODUCED BY NEW LONG RIDGE COAL COMPANY, INC., AND SIZE GROUPS 11 THROUGH 14, AND 15 THROUGH 17 COALS PRODUCED BY EXCELSIOR MINING COMPANY; OF WHIPPLE COALS, INC., FOR CHANGE IN CLASSIFICATION IN SIZE GROUPS 1 THROUGH 9, AND 15 THROUGH 21; AND OF DISTRICT BOARD 8 FOR A PERMANENT ORDER CHANGING THE CLASSIFICATION OF SIZE GROUPS 18 TO 21 COALS PRODUCED BY WEBB COAL MINING COMPANY, A CODE MEMBER OF DISTRICT 8, FOR ALL SHIPMENTS EXCEPT TRUCK TO ALL MARKET AREAS

An Order Concerning Final Relief having been issued in the above-entitled matters on September 29, 1941, 6 F. R. 5005; and

It apearing that in the schedule set forth in said order, § 328.11 (*alphabetical list of code members*), the New Long Ridge Coal Company has been referred to as operating Mine Index No. 198, whereas the correct Mine Index number for this company's mine is No. 298;

Now, therefore, it is ordered, That that portion of the Order Concerning Final Relief in this matter referring to the New Long Ridge Coal Company as Mine Index No. 198, be and it hereby is corrected to read "Mine Index No. 298."

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8766; Filed, November 24, 1941; 10:06 a. m.]

[Docket No. A-1148]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, IN SIZE GROUPS 1, 2, 3 AND 5, PRODUCED IN SUBDISTRICTS 1 AND 2 OF DISTRICT NO. 22 FOR SHIPMENT INTO MARKET AREA 243, ALASKA

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 has been duly filed with this Division by the above-named party requesting reductions in the effective minimum prices for coals in Size Groups 1, 2, 3 and 5 produced in Subdistricts 1 and 2 in District No. 22 for shipment into Market Area 243, Alaska.

The petition requests the establishment of the same minimum prices for the coals of Subdistricts 1 and 2 of District No. 22 for shipment into Market Area 243, Alaska, as have heretofore been established for those coals for shipment into Market Area 247, Seattle, Washington. Petitioner notes that the effective minimum prices applicable to the competing coals of District Nos. 19 and 20 are lower for shipment to Market Area 243, Alaska, than for shipment to Market Area 247, Seattle; and alleges that the coals of Subdistricts 1 and 2 of District No. 22 will be deprived of a reasonable opportunity to compete unless the requested temporary relief is granted and that bids covering shipments to Market Area 243 will soon be closed, so that the need for the temporary prices requested is immediate and urgent.

It appears that District Board No. 22, original petitioner in this matter, communicated with District Board Nos. 17, 19, 20 and 23 and requested such boards to advise the Division whether they had any objections to the granting of the relief prayed for in the original petition. District Boards 17, 19 and 23 have advised the Division that there will be no objection from such Boards to the granting of the relief requested by petitioner. District Board No. 20 has not indicated any position, by a petition of intervention or otherwise.

No petitions of intervention have been filed with the Division in the above-entitled matter.

In view of these foregoing circumstances, it appears to the Director that a reasonable showing of necessity has been made for the granting of temporary relief, and that other interested parties will not be unduly prejudiced by the granting thereof, pending the final disposition of this proceeding, in the manner hereinafter set forth.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief be and the same hereby is, granted as follows: Commencing forthwith § 342.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments is supplemented to include the following minimum prices for the coals of Subdistricts 1 and 2 of District No. 22 when for shipment into Market Area 243, Alaska:

Market area	Size groups			
	1	2	3	5
243	330	305	330	305

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8764; Filed, November 24, 1941; 10:05 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Order No. 22]

HENRY CAMP PROJECT, ILLINOIS, ESTABLISHMENT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Henry Camp project to be work of national importance. Said camp, located at Henry, Marshall County, Illinois, will be the base of operations for soil conservation work in the State of Illinois, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Henry Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8707; Filed, November 21, 1941; 3:15 p. m.]

[No. 33]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of paragraph 163 and Appendix A [1] to Volume One of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Revision of DSS Form 264,[2] effective fifteen (15) days after the filing hereof with the Division of the Federal Register. Upon receipt of the revised DSS Form 264 all copies of the original DSS Form 264 will be destroyed and its use discontinued.

2. Addition of a new form designated as DSS Form 265,[2] effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

3. Addition of a new form designated as DSS Form 266,[2] effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

4. Addition of a new form designated as DSS Form 267,[2] effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

The foregoing revision and additions shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

OCTOBER 27, 1941.

[F. R. Doc. 41-8708; Filed, November 21, 1941; 3:15 p. m.]

ORDER AUTHORIZING THE DIRECTOR OF SELECTIVE SERVICE FOR THE TERRITORY OF ALASKA TO APPROVE THE MAXIMUM AMOUNT THAT MAY BE EXPENDED FOR MEALS OR LODGINGS

Pursuant to the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules, regulations, and orders prescribed by the President thereunder, and notwithstanding any conflicting provisions of the Selective Service Regulations, I hereby direct that the Director of Selective Service for the Territory of Alaska may authorize or approve the maximum amount that may be properly expended by the Selective Service System for meals or lodgings furnished registrants within the Territory of Alaska.

LEWIS B. HERSHEY,
Director.

NOVEMBER 22, 1941.

[F. R. Doc. 41-8770; Filed, November 24, 1941; 11:16 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Supplementary Order M-37-b]

PART 980—RAYON YARN

Designation of Agency to Receive Duplicate Certificates Filed Under Supplementary Order M-37-a

Paragraph (f) (3) of Supplementary Order M-37-a [1] required each producer or jobber to file duplicates of the certificates received from manufacturers with an agency to be designated by the Director of Priorities;

Now, therefore, it is hereby ordered, That:

§ 980.3 *Supplementary order M-37-b.* (a) The Textile Tabulating Office, Bureau of Research and Statistics of the Office of Production Management, 10 East 40th Street, New York, New York, is hereby designated as the agency referred to in paragraph (f) (3) to receive the duplicates of the certificates and allocation orders filed with producers and jobbers by persons seeking to purchase reserved yarn set aside in accordance with Supplementary Order M-37-a.

(b) This Order shall take effect immediately and shall terminate December 31, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sep-

[1] 5 F.R. 3785.
[2] Filed with the original document.

[1] 6 F.R. 4945.

tember 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8718; Filed, November 22, 1941; 10:03 a. m.]

[Amendment No. 1 to Limitation Order L-4 [1]]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Restriction of the Production of Replacement Parts Used in the Repair of Passenger Automobiles and Light Trucks

Section 983.1 (b) (1) is hereby amended by adding at the end thereof the following:

§ 983.1 *General limitation order L-4.*

* * * * * *

(b) *General restrictions.* * * * (1) * * * *Provided however,* That any Producer may take as his base period the period from July 1, 1940 to December 31, 1940, in lieu of the period from January 1, 1941 to June 30, 1941.

Section 983.1 (b) (2) is hereby amended by inserting after the words "January 1, 1941 to June 30, 1941" the words "or July 1, 1940 to December 31, 1940, as the case may be."

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F. R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 22d day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8719; Filed, November 22, 1941; 10:03 a. m.]

[Limitation Order L-25]

PART 1018—TIN FOIL AND LEAD FOIL

Limiting the Use of Tin Foil and Lead Foil

Whereas the manufacture of lead foil and tin foil requires utilization of large quantities of lead and tin; and

Whereas national defense requirements have created shortages in these materials for defense, private account and export; action has already been taken to conserve the supply and direct the distribution of lead and tin to insure deliveries for defense requirements; and

Whereas present supplies of these materials will be insufficient for defense and essential civilian requirements;

Now, therefore, it is hereby ordered, That:

§ 1018.1 *General Limitation Order L-25.* (a) *Restrictions on use of tin foil and lead foil.* On and after March 15, 1942, no person shall use tin foil, lead foil, or any composition foil containing tin or lead in the manufacture of any decorative article or material, or in the packaging of any of the following products:

Tobacco and tobacco products, including cigars and cigarettes.
Chewing gum.
Beverages of all types.
Confections.
Ribbons for typewriters and other business machines.
Friction tape.
Photographic films.

(b) *Restrictions on manufacture and delivery*—(1) *Limitation prior to January 15, 1942.* During the period from the effective date of this order to January 15, 1942, no person shall manufacture a quantity of tin foil, lead foil or other composition foil containing tin or lead for the uses prohibited in paragraph (a) above greater than one-third (⅓) of the quantity of tin foil, lead foil and composition foils containing tin and lead, manufactured by such person for such uses during the first three months of 1941.

(2) *Prohibitions effective January 15, 1942.* On and after January 15, 1942, no person shall manufacture, sell or deliver any tin foil, lead foil or composition foil containing tin or lead which he knows or has reason to believe will be used in the manufacture of any decorative article or material or in the packaging of any of the products specified in paragraph (a) above, and no person shall accept delivery thereof for such prohibited uses.

(c) *Violations.*- Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of tin foil, lead foil, or composition foil containing tin or lead or of any material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(d) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(e) *Effective dates.* This order shall take effect immediately upon its issuance, and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F. R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 24th day of November 1941.

D. M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8767; Filed, November 24, 1941; 10:19 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Price Schedule No. 4, as amended]

PART 1304—IRON AND STEEL SCRAP

IRON AND STEEL SCRAP, PRICE SCHEDULE [1]

Sections 1304.1 to 1304.19, inclusive, are hereby amended so that Price Schedule No. 4 shall read as follows:

§ 1304.1 *Maximum prices on sales of iron and steel scrap other than railroad scrap.* On and after April 3, 1941, regardless of the terms of any commitment theretofore entered into, no person shall sell, offer to sell, deliver, or transfer at a price, iron and steel scrap other than railroad scrap to the consumer of such scrap, at prices higher than the prices set forth in Appendix A, incorporated herein as § 1304.16, and no consumer shall buy, offer to buy, or accept delivery of, iron and steel scrap other than railroad scrap at prices higher than the prices set forth in Appendix A, *except* as provided in §§ 1304.5 and 1304.6 hereof. Lower prices may, however, be charged, demanded, paid or offered.*

*§§ 1304.1 to 1304.18, inclusive, issued pursuant to the authority contained in Executive Orders No. 8734, 8875, 6 F.R. 1917, 4483.

§ 1304.2 *Maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, regardless of the terms of any commitment theretofore entered into, no person shall sell, offer to sell, deliver, or transfer at a price, iron and steel railroad scrap to the consumer of such scrap, at prices higher than the prices set forth in Appendix B, incorporated herein as § 1304.17, and no consumer shall buy, offer to buy, or accept delivery of, iron and steel railroad scrap at prices higher than the prices established in Appendix B, except as provided in §§ 1204.5 and 1304.6 hereof. Lower prices may, however, be charged, demanded, paid or offered.*

§ 1304.3 *Maximum prices on sales of iron and steel scrap for export.* On or after April 3, 1941, regardless of the terms of any commitment theretofore entered into, no person shall sell or offer to sell for export, or deliver for export, iron and steel scrap, to any person at prices higher than the prices set forth in Appendix C, incorporated herein as § 1304.18 and no consumer or agent or other person shall buy or offer to buy for export, or accept delivery of for export, iron and steel scrap at higher prices than the prices set forth in Appendix C, *except* as provided in §§ 1304.5 and 1304.6 hereof. Lower prices may, however, be charged, demanded, paid or offered.*

§ 1304.4 *Method of securing information governing maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, a sale of any grade of iron and steel railroad scrap for which no maximum price is published in Appendix B shall be made only after opportunity has been given any buyer of such scrap to learn the maximum price, if any, applicable to such sale by addressing an inquiry to the office of Price Administration, Washington, D. C. In order to provide such opportunity, no sale of any such grade of iron or steel railroad scrap, concerning which a maximum price is applicable hereunder, shall be made, except as provided under § 1304.5 below, until after the railroad maker thereof or other person has filed with the Office of Price Administration the information required to determine with Appendix B the maximum price thereby established for such grade, and until the Office of Price Administration has thereupon released a maximum price therefor.*

§ 1304.5 *Extension to May 10, 1941 for uncompleted contracts.* (a) In the event that any person has, prior to April 3, 1941, acquired possession of, and ownership in, iron and steel scrap at a price in excess of the maximum price established in this Price Schedule for the purpose of carrying out a contract for the sale of such scrap entered into prior to such date, such sale may be made and completed at the price contracted for, even though such price is in excess of the maximum price established herein, provided that deliveries are completed on or before May 10, 1941.

(b) Any person who, prior to April 3, 1941, entered into a contract at prices higher than the maximum prices established under this Price Schedule for the sale of iron and steel scrap:

(1) Originating from a demolition operation commenced prior to April 3, 1941; or

(2) Acquired prior to April 3, 1941, and accumulated at a point of shipment, for export or otherwise, and impossible, due to lack of transportation facilities, to deliver to the purchaser of such scrap,

may make and complete such sale at the prices contracted for provided that deliveries of such scrap are completed on or before May 10, 1941, or on a later date fixed by the Office of Price Administration upon application, supported by affidavit establishing a reasonable ground for extension beyond May 10, 1941.*

§ 1304.6 *Commissions.* In the event that a consumer of iron and steel scrap shall employ an agent or broker to purchase iron and steel scrap for its use, such consumer may pay such agent or broker for such scrap a sum not exceeding the maximum prices established under this Schedule plus a commission of not more than 50¢ per gross ton. Such commission shall be payable only if (a) the agent or broker guarantees the quality and delivery of an agreed tonnage of the scrap; (b) the commission is shown as a separate charge in billing; (c) the scrap is invoiced at a price not higher than the maximum applicable herein; and (d) no dealer or broker splits or divides the commission allowed him by a consumer with the seller or sellers of the scrap, with another broker or a subbroker, or with the consumer. A dealer who has never acted as a broker prior to June 18, 1941, shall in no case be allowed a brokerage commission.*

§ 1304.7 *Shipment; limitation on use of certain kinds of iron and steel scrap.* (a) The shipment of iron and steel scrap shall, insofar as practicable, be routed through the channels customarily utilized by the maker, dealer, broker or consumer in order to minimize the necessity for cross-hauling and to prevent dislocation of the machinery of collection and preparation for consumption.

(b) Consumers, brokers and dealers, shall, to the greatest possible extent, refrain from the purchase, and steel mills (open hearths) from the use of the kinds and grades of iron and steel railroad scrap not essential to their production; i. e., rerolling rails scrap must be diverted to rerolling mills and not cut for melting purposes.

(c) A railroad maker of iron and steel scrap shall not sell such scrap off the line of his railroad, irrespective of price, until he has supplied consumers located on the line of the railroad as they have been in the past customarily supplied with the iron and steel scrap originating on the railroad.*

§ 1304.8 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase or sale of iron and steel scrap, or of any other materials, or by way of any service or other charge, including transportation charges, or discount, premium or other privilege, or by any tying agreement or trade understanding, or otherwise.*

§ 1304.9 *Record-keeping requirements.* Every dealer in, and every maker, smelter, processor, broker, or consumer of, and every other person purchasing or selling iron and steel scrap shall, until such time as further information is deemed necessary or appropriate hereunder, keep for inspection by the Office of Price Administration and preserve for a period of not less than one year, complete and accurate records of:

(a) All purchases and sales of iron and steel scrap, recording therein the person from or to whom each such purchase or sale was made, the date thereof, the price paid, or received, and the quantity in pounds and quality by grades in iron and steel scrap, or both, involved; and

(b) As of the close of each month, the amount in pounds of iron and steel scrap, (1) on hand and (2) on order.*

§ 1304.10 *Reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1304.11 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of iron and steel scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1304.12 *Supplemental schedule and reporting requirements.* In order to insure compliance with this Schedule supplements further stating its scope and, if necessary, requiring further reports to the Government, will be issued from time to time when found appropriate.*

§ 1304.13 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule and all other Schedules issued by the Office of Price Administration.*

§ 1304.14 *Definitions.* When used in this Schedule:

(a) The term "person" includes an individual, corporation, association, partnership, or other business entity;

[1] 6 F.R. 4818.

[1] Revised to November 24, 1941.

(b) The term "iron and steel scrap other than railroad scrap" means the kinds and grades of imported and domestic iron and steel scrap referred to in Appendix A;

(c) The term "iron and steel railroad scrap" means iron and steel scrap having a railroad origin and includes the kinds and grades of imported and domestic iron and steel scrap referred to in, and determined under, Appendix B;

(d) The term "railroad" includes steam and electric railroads, and street, suburban, and interurban electric railways and local trolleys;

(e) The term "iron and steel scrap" means all kinds and grades of imported and domestic iron and steel scrap including iron and steel railroad scrap;

(f) The term "consumer" means a purchaser, for its own consumption, of iron or steel scrap, i. e. smelter, foundry, steel mill, etc.*

§ 1304.15 *Effective date.* This Schedule shall become effective April 3, 1941, except as otherwise specifically provided herein.*

Issued this 24th day of November 1941.

LEON HENDERSON,
Administrator.

§ 1304.16 *Appendix A—Maximum prices for iron and steel scrap other than railroad scrap*—(a) *Basing point*[1] *prices from which shipping point prices and consumers' delivered prices are to be computed*

[All the prices given below are per gross ton]

Grades [2]	Basing points				
	Alabama City, Ala.	Alloy, W. Va.	Ashland, Ky.	Atlanta, Ga.	Bethlehem, Pa.
No. 1 Heavy Melting Steel	$17.00	----------	$19.50	$17.00	$18.25
No. 1 Hydraulic Compressed Black Sheet Scrap	17.00	----------	19.50	17.00	18.25
No. 2 Heavy Melting Steel	16.00	----------	18.50	16.00	17.25
Dealers' No. 1 Bundles	16.00	----------	18.50	16.00	17.25
Dealers' No. 2 Bundles	15.00	----------	17.50	15.00	16.25
Mixed Borings and Turnings	12.25	----------	14.75	----------	13.50
Machine Shop Turnings	15.00	$17.60	15.00	----------	13.75
Shoveling Turnings	16.00	----------	16.00	----------	14.75
No. 1 Busheling	16.50	----------	19.00	----------	17.75
No. 2 Busheling	12.50	----------	15.00	----------	13.75
Cast Iron Borings	12.75	----------	15.25	----------	14.00
Uncut Structural & Plate Scrap	16.00	----------	18.50	----------	17.25
No. 1 Cupola	----------	----------	21.00	----------	22.50
Heavy Breakable Cast	----------	----------	19.50	----------	21.00
Stove Plate	----------	----------	17.50	----------	18.00
Low Phos Billet & Bloom Crops	----------	----------	24.50	----------	23.25
Low Phos Bar Crops & Smaller	----------	----------	22.50	----------	21.25
Low Phos Punchings & Plate Scrap [7]	----------	----------	22.50	----------	23.50
Machinery Cast Cupola Size [8]	----------	----------	22.00	----------	24.00
No. 1 Mach. Cast, drop-broken, 150 lbs. & under	----------	----------	22.50	----------	24.00
Clean Auto Cast	----------	----------	22.50	----------	20.25
Punchings & Plate Scrap [9]	----------	----------	21.50	----------	19.25
Punchings & Plate Scrap [10]	----------	----------	20.50	----------	17.75
Heavy Axle & Forge Turnings	----------	----------	19.00	----------	16.25
Medium Heavy Electric Furnace Turnings	----------	----------	17.50	----------	----------

Grades [2]	Basing points						
	Birmingham, Ala.	Bridgeport, Conn.	Buffalo, N. Y.	Canton, Ohio	Chattanooga, Tenn.	Chicago, Ill.	Cincinnati, Ohio [4]
No. 1 Heavy Melting Steel	$17.00	----------	$19.25	$20.00	----------	$18.75	$19.50
No. 1 Hydraulic Compressed Black Sheet Scrap	17.00	----------	19.25	20.00	----------	18.75	19.50
No. 2 Heavy Melting Steel	16.00	----------	18.25	19.00	----------	17.75	18.50
Dealer's No. 1 Bundles	16.00	----------	18.25	19.00	----------	17.75	18.50

§ 1304.16 *Appendix A—Maximum prices for iron and steel scrap other than railroad scrap*—(a) *Basing point*[1] *prices from which shipping point prices and consumers' delivered prices are to be computed*—Continued

Grades [2]	Basing points						
	Birmingham, Ala.	Bridgeport, Conn.	Buffalo N. Y.	Canton, Ohio	Chattanooga, Tenn.	Chicago, Ill.	Cincinnati, Ohio [4]
Dealers' No. 2 Bundles	$15.00	----------	$17.23	$18.00	----------	$16.75	$17.50
Mixed Borings and Turnings	12.25	----------	14.50	15.25	----------	14.00	14.75
Machine Shop Turnings	15.00	----------	14.75	15.50	----------	14.25	15.00
Shoveling Turnings	16.00	----------	15.75	16.50	----------	15.25	16.00
No. 1 Busheling	16.50	----------	18.75	19.50	----------	18.25	19.00
No. 2 Busheling	12.50	----------	14.75	15.50	----------	14.25	15.00
Cast Iron Borings	12.75	----------	15.00	15.75	----------	14.50	15.00
Uncut Structural & Plate Scrap	16.00	----------	18.25	19.00	----------	17.75	18.50
No. 1 Cupola	20.00	$22.00	20.00	21.00	$20.50	20.00	21.00
Heavy Breakable Cast	18.50	20.50	18.50	19.50	19.00	18.50	19.50
Stove Plate	17.00	17.50	19.00	----------	17.50	17.00	17.50
Low Phos Billet & Bloom Crops	22.00	----------	24.25	25.00	----------	23.75	24.50
Low Phos Bar Crops & Smaller	20.00	----------	22.25	23.00	----------	21.75	22.50
Low Phos Punchings & Plate Scrap [7]	20.00	----------	22.25	23.00	----------	21.75	22.50
Machinery Cast Cupola Size [8]	21.00	23.00	21.00	22.00	21.50	21.00	22.00
No. 1 Mach. Cast, Drop-broken, 150 lbs. & under	21.50	23.50	21.50	22.50	22.00	21.50	22.50
Clean Auto Cast	21.50	23.50	21.50	22.50	22.00	21.50	22.50
Punchings & Plate Scrap [9]	19.00	----------	20.25	22.00	----------	20.75	21.50
Punchings & Plate Scrap [10]	18.00	----------	20.25	21.00	----------	19.75	20.50
Heavy Axle & Forge Turnings	16.50	----------	18.75	19.50	----------	18.25	19.00
Medium Heavy Electric Furnace Turnings	15.00	----------	17.25	18.00	----------	16.75	17.50

Grades [2]	Basing points						
	Claymont, Del.	Cleveland, Ohio	Coatesville, Pa.	Conshohocken, Pa.	Detroit, Mich.	Duluth, Minn.	Harrisburg, Pa.
No. 1 Heavy Melting Steel	$18.75	$19.50	$18.75	$18.75	$17.85	$18.00	$18.75
No. 1 Hydraulic Compressed Black Sheet Scrap	18.75	19.50	18.75	18.75	17.85	18.00	18.75
No. 2 Heavy Melting Steel	17.75	18.50	17.75	17.75	16.85	17.00	17.75
Dealer's No. 1 Bundles	17.75	18.50	17.75	17.75	16.85	17.00	17.75
Dealers' No. 2 Bundles	16.75	17.50	16.75	16.75	15.85	16.00	16.75
Mixed Borings and Turnings	14.00	14.75	14.00	14.00	13.10	----------	14.00
Machine Shop Turnings	14.25	15.00	14.25	14.25	13.35	15.80	14.25
Shoveling Turnings	15.25	16.00	15.25	15.25	14.35	16.50	15.25
No. 1 Busheling	18.25	19.00	18.25	18.25	17.35	17.50	18.25
No. 2 Busheling	14.25	15.00	14.25	14.25	13.35	16.50	14.25
Cast Iron Borings	14.50	15.25	14.50	14.50	13.60	13.75	14.50
Uncut Structural & Plate Scrap	17.75	18.50	17.75	17.75	16.85	17.00	17.75
No. 1 Cupola	21.00	22.00	23.00	23.00	20.35	19.00	23.00
Heavy Breakable Cast	21.50	20.50	21.50	21.50	18.85	17.50	21.50
Stove Plate	18.50	18.00	18.50	18.50	14.10	16.00	18.50
Low Phos Billet & Bloom Crops	23.75	24.50	23.75	23.75	22.85	23.00	23.75
Low Phos Bar Crops & Smaller	21.75	22.50	21.75	21.75	20.85	21.00	21.75
Low Phos Punchings & Plate Scrap [7]	21.75	22.50	21.75	21.75	20.85	21.00	21.75
Machinery Cast Cupola Size [8]	24.00	23.00	24.00	24.00	21.35	20.00	24.00
No. 1 Mach. Cast, Drop-broken, 150 lbs. & under	24.50	23.50	24.50	24.50	21.85	20.50	24.50
Clean Auto Cast	24.50	23.50	24.50	24.50	21.85	20.50	24.50
Punchings & Plate Scrap [9]	20.75	21.50	20.75	20.75	19.85	19.00	20.75
Punchings & Plate Scrap [10]	19.75	20.50	19.75	19.75	18.85	19.00	19.75
Heavy Axle & Forge Turnings	18.25	19.00	18.25	18.25	17.35	17.50	18.25
Medium Heavy Electric Furnace Turnings	16.75	17.50	16.75	16.75	15.85	16.00	16.75

See footnotes at end of table.

§ 1304.16 *Appendix A—Maximum prices for iron and steel scrap other than railroad scrap*—(a) *Basing point*[1] *prices from which shipping point prices and consumers' delivered prices are to be computed*—Continued

Grades [2]	Basing points						
	Johnstown, Pa.	Kokomo, Ind.	Middletown, Ohio	Minneapolis-St. Paul, Minn.	Minnequa, Colo.	Philipsdale, R. I.	Phoenixville, Pa.
No. 1 Heavy Melting Steel	$20.00	$18.25	$19.50	----------	$16.50	----------	$18.75
No. 1 Hydraulic compressed Black Sheet Scrap	20.00	18.25	19.50	----------	16.50	----------	18.75
No. 2 Heavy Melting Steel	19.00	17.25	18.50	----------	15.50	----------	17.75
Dealers' No. 1 Bundles	19.00	17.25	18.50	----------	15.50	----------	17.75
Dealers' No. 2 Bundles	18.00	16.25	17.50	----------	14.50	----------	16.75
Mixed Borings and Turnings	15.25	14.25	14.75	----------	11.75	----------	14.00
Machine Shop Turnings	15.50	14.50	15.00	----------	12.00	----------	14.25
Shovelling Turnings	16.50	15.50	16.00	----------	13.00	----------	15.25
No. 1 Busheling	19.50	17.75	19.00	----------	16.00	----------	18.25
No. 2 Busheling	15.50	13.75	15.00	----------	12.00	----------	14.25
Cast Iron Borings	15.75	14.00	15.00	----------	12.25	----------	14.50
Uncut Structural & Plate Scrap	19.00	17.25	18.50	----------	15.50	----------	17.75
No. 1 Cupola	21.00	20.00	21.00	$19.00	----------	$22.00	23.00
Heavy Breakable Cast	19.50	18.50	19.50	17.50	----------	20.50	21.50
Stove Plate	19.00	16.00	17.50	16.00	----------	17.50	18.50
Low Phos Billet & Bloom Crops	25.00	23.75	24.50	----------	----------	----------	23.75
Low Phos Bar Crops & Smaller	23.00	21.75	22.50	----------	----------	----------	21.75
Low Phos Punchings & Plate Scrap [7]	23.00	21.75	22.50	----------	----------	----------	21.75
Machinery Cast Cupola Size [8]	22.00	21.00	22.00	20.00	----------	23.00	24.00
No. 1 Mach. Cast, Dropbroken, 150 lbs. & under	22.50	21.50	22.50	20.50	----------	23.50	24.50
Clean Auto Cast	22.50	21.50	22.50	20.50	----------	23.50	24.50
Punchings & Plate Scrap [9]	22.00	20.75	21.50	----------	----------	----------	20.75
Punchings & Plate Scrap [10]	21.00	19.75	20.50	----------	----------	----------	19.75
Heavy Axle & Forge Turnings	19.50	18.25	19.00	----------	----------	----------	18.25
Medium Heavy Electric Furnace Turnings	18.00	16.75	17.50	----------	----------	----------	16.75

Grades [2]	Basing points						
	Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis Mo.[5]		
No. 1 Heavy Melting Steel	$20.00	----------	$19.50	----------	$17.50		
No. 1 Hydraulic Compressed Black Sheet Scrap	20.00	----------	19.50	----------	17.50		
No. 2 Heavy Melting Steel	19.00	----------	18.50	----------	16.50		
Dealers' No. 1 Bundles	19.00	----------	18.50	----------	16.50		
Dealers' No. 2 Bundles	18.00	----------	17.50	----------	16.50		
Mixed Borings and Turnings	15.25	----------	14.75	----------	12.75		
Machine Shop Turnings	15.50	----------	15.00	----------	13.00		
Shovelling Turnings	16.50	----------	16.00	----------	14.00		
No. 1 Busheling	19.50	----------	19.00	----------	17.00		
No. 2 Busheling	15.50	----------	15.00	----------	13.00		
Cast Iron Borings	15.75	----------	15.25	----------	13.25		
Uncut Structural & Plate Scrap	19.00	----------	18.50	----------	16.50		
No. 1 Cupola	21.00	18.00	21.00	21.00	20.00		

§ 1304.16 *Appendix A—Maximum prices for iron and steel scrap other than railroad scrap*—(a) *Basing point*[1] *prices from which shipping point prices and consumers' delivered prices are to be computed*—Continued

Grades [2]	Basing points						
	Pittsburgh, Pa.	Portland, Oreg.	Portsmouth, Ohio	Radford, Va.	St. Louis Mo.[5]		
Heavy Breakable Cast	$19.50	$16.50	$19.50	$19.50	$18.50		
Stove Plate	19.00	15.00	17.50	18.00	17.00		
Low Phos Billet & Bloom Crops	25.00	20.50	24.50	----------	22.50		
Low Phos Bar Crops & Smaller	23.00	18.50	22.50	----------	20.50		
Low Phos Punchings & Plate Scrap [7]	24.75	18.50	22.50	----------	20.50		
Machinery Cast Cupola Size [8]	22.00	19.00	22.00	22.00	21.00		
No. 1 Mach. Cast, Drop-broken, 150 lbs. & under	22.50	19.50	22.50	22.50	21.50		
Clean Auto Cast	22.50	19.50	22.50	22.50	21.50		
Punchings & Plate Scrap [9]	23.75	17.50	21.50	----------	19.50		
Punchings & Plate Scrap [10]	22.75	16.50	20.50	----------	18.50		
Heavy Axle & Forge Turnings	21.25	15.00	19.00	----------	17.00		
Medium Heavy Electric Furnace Turnings	19.75	13.50	17.50	----------	15.50		

Grades [2]	Basing points						
	Los Angeles, Calif.	San Francisco, Calif. [6]	Pittsburg, Calif.	Seattle, Wash.	Sparrows Point, Md.	Sharon, Pa.	Steubenville, Ohio
No. 1 Heavy Melting Steel	$17.00	$17.00	$17.00	$14.50	$18.75	$20.00	$20.00
No. 1 Hydraulic Compressed Black Sheet Scrap	17.00	17.00	17.00	14.50	18.75	20.00	20.00
No. 2 Heavy Melting Steel	16.00	16.00	16.00	13.50	17.75	19.00	19.00
Dealers' No. 1 Bundles	16.00	16.00	16.00	13.50	17.75	19.00	19.00
Dealers' No. 2 Bundles	15.00	15.00	15.00	12.50	16.75	18.00	18.00
Mixed Borings and Turnings	12.25	12.25	12.25	9.75	14.00	16.25	15.25
Machine Shop Turnings	12.50	12.50	12.50	10.00	14.25	15.50	15.50
Shovelling Turnings	13.50	13.50	13.50	11.00	15.25	16.50	16.50
No. 1 Busheling	16.50	16.50	16.50	14.00	18.25	19.50	19.50
No. 2 Busheling	12.50	12.50	12.50	10.00	14.25	15.50	15.50
Cast Iron Borings	12.75	12.75	12.75	10.25	14.50	15.75	15.75
Uncut Structural & Plate Scrap	16.00	16.00	16.00	13.50	17.75	19.00	19.00
No. 1 Cupola	19.50	19.50	19.50	18.00	22.00	21.00	21.00
Heavy Breakable Cast	18.00	18.00	18.00	17.00	21.00	19.50	19.50
Stove Plate	16.50	16.50	16.50	14.00	18.00	----------	19.00
Low Phos Billet & Bloom Crops	22.00	22.00	22.00	19.50	23.75	25.00	25.00
Low Phos Bar Crops & Smaller	20.00	20.00	20.00	19.50	21.75	23.00	23.00
Low Phos Punchings & Plate Scrap [7]	20.00	20.00	20.00	17.50	21.75	23.00	23.00
Machinery Cast Cupola Size [8]	20.50	20.50	20.50	19.00	23.50	22.00	22.00
No. 1 Mach. Cast, drop-broken, 150 lbs. & under	21.00	21.00	21.00	19.50	24.00	22.50	22.50
Clean Auto Cast	21.00	21.00	21.00	19.50	24.00	22.50	22.50
Punchings & Plate Scrap [9]	19.00	19.00	19.00	16.50	20.75	22.00	22.00
Punchings & Plate Scrap [10]	18.00	18.00	18.00	15.50	19.75	21.00	21.00
Heavy Axe & Forge Turnings	16.50	16.50	16.50	14.00	18.25	19.50	19.50
Medium Heavy Electric Furnace Turnings	15.00	15.00	15.00	12.50	16.75	18.00	18.00

See footnotes at end of table.

§ 1304.16 *Appendix A—Maximum prices for iron and steel scrap other than railroad scrap*—(a) *Basing point*[1] *prices from which shipping point prices and consumers' delivered prices are to be computed*—Continued

Grades [2] [3]	Basing points				
	Toledo, Ohio	Warren, Ohio	Weirton, W. Va.	Worcester, Mass.	Youngstown, Ohio
No. 1 Heavy Melting Steel	----------	$20.00	$20.00	----------	$20.00
No. 1 Hydraulic Compressed Black Sheet Scrap	----------	20.00	20.00	----------	20.00
No. 2 Heavy Melting Steel	----------	19.00	19.00	----------	19.00
Dealer's No. 1 Bundles	----------	19.00	19.00	----------	19.00
Dealers' No. 2 Bundles	----------	18.00	18.00	----------	18.00
Mixed Borings and Turnings	$13.10	15.25	15.25	----------	15.25
Machine Shop Turnings	13.35	15.50	15.50	----------	15.50
Shoveling Turnings	14.35	16.50	16.50	----------	16.50
No. 1 Busheling	----------	19.50	19.50	----------	19.50
No. 2 Busheling	----------	15.50	15.50	----------	15.50
Cast Iron Borings	13.60	15.75	15.75	----------	15.75
Uncut Structural & Plate Scrap	----------	19.00	19.00	----------	19.00
No. 1 Cupola	----------	21.00	21.00	$22.00	21.00
Heavy Breakable Cast	----------	19.50	19.50	20.50	19.50
Stove Plate	15.60	----------	19.00	17.50	----------
Low Phos Billet & Bloom Crops	----------	25.00	25.00	----------	25.00
Low Phos Bar Crops & Smaller	----------	23.00	23.00	----------	23.00
Low Phos Punchings & Plate Scrap [7]	----------	23.00	23.00	----------	23.00
Machinery Cast Cupola Size [8]	----------	22.00	22.00	23.00	22.00
No. 1 Mach. Cast, Drop-broken, 150 lbs. & under	----------	22.50	22.50	23.50	22.50
Clean Auto Cast	----------	22.50	22.50	23.50	22.50
Punchings & Plate Scrap [9]	----------	22.00	22.00	----------	22.00
Punchings & Plate Scrap [10]	----------	21.00	21.00	----------	21.00
Heavy Axle & Forge Turnings	----------	19.50	19.50	----------	19.50
Medium Heavy Electric Furnace Turnings	----------	18.00	18.00	----------	18.00

[1] A Basing Point includes its switching district.

[2] The grades specified are, except Dealers' No. 1 and No. 2 Bundles and Uncut Structural and Plate Scrap, as named and defined in the simplified practice recommendations R-58-36 of the Department of Commerce which shall be the governing specifications for iron and steel scrap hereunder. Dealers' No. 1 Bundles shall consist of new, clean black sheet scrap, hydraulically compressed in a dealer's yard. Dealers' No. 2 Bundles shall consist of old fender and body scrap, and shall in no case command a premium.

[3] These grades represent the major classifications of iron and steel scrap. The maximum prices of superior or inferior grades shall continue to bear the same comparable relationship to those major grade classifications as heretofore existed between the prices of such superior or inferior grades and the prices of the major grades.

[4] The Cincinnati Basing Point includes the switching district of Newport, Kentucky.

[5] The St. Louis Basing Point includes the switching districts of Granite City, East St. Louis, and Madison, Illinois.

[6] The San Francisco Basing Point includes the switching districts of South San Francisco, Niles and Oakland, California.

[7] This grade is ⅜-inch and heavier, cut 12 inches and under.

[8] This grade also may include clean agricultural cast.

[9] This grade is under ⅜-inch to ¼-inch, cut 12 inches and under.

[10] This grade is under ¼-inch to No. 12 gage, cut 12 inches and under.

(b) *Maximum price at shipping point.* "A shipping point" is the point from which the scrap is to be shipped to a consumer.

The maximum price at which a grade of scrap may be sold F. O. B. its point of shipment is the Shipping Point Price of such scrap.

"A shipping point price" is computed as follows:

(1) *For shipping points located within a basing point.* The price established above for the Basing Point in which the Shipping Point is located, is determined. There are then deducted from this price the actual costs involved in transporting scrap from the Shipping Point to the consumer's plant within the Basing Point which is nearest, in terms of transportation costs, to the Shipping Point; *except* that the Shipping Point Price within the Cincinnati Basing Point, for all grades other than No. 1 Cupola, Heavy Breakable Cast, Stove Plate, Machinery Cast, Cupola Size, No. 1 Machinery Cast, drop-broken, 150 lbs. & under, and Clean Auto Cast, shall in no case exceed the Basing Point Price of the specified grade, minus 80 cents.

(2) *For shipping points located outside a basing point.* The price established above for the Basing Point nearest, in terms of transportation charges, to the Shipping Point is determined. There is then deducted from this price the lowest *established* charge for transporting scrap from the Shipping Point to such Basing Point. The figure thus obtained is the Shipping Point Price, *with the following exceptions:*

(i) The Shipping Point Price at any Shipping Point in New England, of those grades of scrap for which no prices are listed at the Basing Points established for New England in paragraph (a), hereof, shall be the Johnstown Basing Point Price as set forth in paragraph (a), hereof, minus the all-rail transportation costs from the New England Shipping Point to Johnstown. However, the Shipping Point Price at any Shipping Point in New England of those grades of scrap for which prices *are listed at the Basing Points* in New England established in paragraph (a), shall be computed from those New England Basing Point Prices.

(ii) Shipping Point Prices for any Shipping Point in New York City, Brooklyn, New York, and New Jersey, which, by reason of barge rates, are nearest in terms of transportation charges to the Buffalo Basing Point, shall not be computed from the Buffalo Basing Point, but shall be computed from the Bethlehem, Pennsylvania, Basing Point.

(iii) Scrap shipped from Tampa, Florida; Pensacola, Florida; Gulfport, Miss.; Mobile, Alabama; New Orleans, Louisiana; Lake Charles, Louisiana; Port Arthur, Texas; Beaumont, Texas; Galveston, Texas; Texas City, Texas; Houston, Texas; Corpus Christi, Texas; shall have a maximum Shipping Point Price as great as, but not exceeding, $14 per gross ton f. o. b. cars for No. 1 Heavy Melting Steel. For other grades at these points the price differentials established in paragraph (a) hereof for Birmingham, Alabama, shall apply.

(iv) In the State of Florida and in all states west of the Mississippi River, excepting Washington, whenever the Shipping Point Price of No. 2 Heavy Melting Steel Scrap, as computed above (with St. Louis price differentials for the other grades), falls below $12.00 per gross ton at any Shipping Point, the maximum Shipping Point Price thereof at such point shall be $12.00, and the maximum Shipping Point Prices for other grades of scrap at such point shall be computed by applying the price differentials established in paragraph (a) for St. Louis, Missouri.

(c) *Maximum prices delivered to a consumer wherever located.* The maximum price at which any grade of scrap may be delivered to the plant of a consumer wherever located is the Shipping Point Price as determined in paragraph (b) plus actual transportation charges from the Shipping Point to the consumer's plant. Where shipment is by water, *actual* handling charges at the dock of not more than 75 cents per gross ton may be included as a part of transportation charges, but must be shown as separate charges on all invoices. *In no case, however, shall this maximum price exceed by more than one dollar the prices set forth in paragraph (a)* for the Basing Point *nearest*, in terms of established transportation charges, to the consumer's plant, except as provided in paragraph (f).

(d) *Billet and bloom crops originating in Pittsburgh, Pa.* Where the grade of scrap classified as billet and bloom crops originates in the Pittsburgh Basing Point, it may be sold, delivered to a consumer, located within or without the Pittsburgh Basing Point, at the price established in paragraph (a), for Pittsburgh, Pa., plus not more than $2.50 in actual transportation charges from the point of origin to the consumer's plant. In no case shall the consumer pay a sum in excess of the price established under paragraph (a), for the Pittsburgh Basing Point plus the lowest established charge for transporting the scrap from the point of origin to the consumer's plant.

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap.

For unprepared scrap, irrespective of source, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

(f) *Remote scrap* — (1) *Definitions.* When used in this paragraph:

(i) "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in Appendix A and having a Shipping Point and a point of origin within the States of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, or, to the extent indicated in subparagraph (ii) below, Oregon.

(ii) In the State of Oregon "remote scrap" means only the following grades: No. 1 Heavy Melting Steel, No. 1 Hydraulic Compressed Black Sheet Scrap, No. 2 Heavy Melting Steel, Dealers' No. 1 Bundles, Dealers' No. 2 Bundles, Mixed Borings and Turnings, Machine Shop Turnings, Shoveling Turnings, No. 1 Busheling, No. 2 Busheling, Cast Iron Borings, and Uncut Structural & Plate Scrap.

(iii) The Shipping Point of Remote Scrap is the point from which Remote Scrap is to be shipped, whether to consumer, dealer, broker or other person or persons.

(2) *Maximum shipping point price of remote scrap.* The maximum Shipping Point Price of Remote Scrap shall be $12.00 for No. 2 Heavy Melting Steel Scrap and, for other grades of scrap, the maximum Shipping Point Price shall be computed by applying to the price of $12.00 for No. 2 Heavy Melting Steel Scrap the price differentials established in paragraph (a) hereof for St. Louis.

(3) *Maximum delivered price of remote scrap.* The maximum price of Remote Scrap delivered to a consumer *wherever located* shall be the Shipping Point Price plus actual transportation charges from the Shipping Point to the consumer's plant as provided in paragraph (c), *except that*, whenever necessary to absorb transportation charges, the maximum delivered price may exceed the maximum delivered price set forth in paragraph (c) by a maximum of $4.00. Thus the maximum delivered price for Remote Scrap shall be $5.00 above the prices set forth in paragraph (a), for the Basing Point nearest, in terms of established transportation charges, to the consumer's plant. The consumer, however, may not exceed the maximum delivered price provided in paragraph (c) unless he conforms to the reporting requirements of subparagraph (i).

(i) No sales or purchases of Remote Scrap may be completed under the provisions of this paragraph unless the consumer of such scrap shall file, with the Office of Price Administration, Washington, D. C., (a) within 10 days following the purchase thereof, a fully detailed statement under oath setting forth the name and address of the seller, the point of shipment of the scrap, the grade, quantity and price at Shipping Point, delivery price, the name of the carrier, and the transportation charges from the Shipping Point to the consumer's plant, *and* (b) immediately upon delivery of such scrap, certified copies of all bills of lading covering the shipment of such scrap from the remote area to the consumer's plant. Only reports of purchases and bills of lading involving delivery of not less than one car of scrap need be filed.

(ii) Where Remote Scrap cannot be delivered to the consumer within the maximum delivered prices of Remote Scrap established in subparagraph (3), a consumer may apply to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap. Applications by consumers must be fully detailed, including an affidavit seting forth the point of shipment of the scrap, the grade, quantity and price at Shipping Point, proposed delivery prices, the name of the carrier, and the transportation charges from the Shipping Point to the consumer's plant. The application should be accompanied by an affidavit from the consumer setting forth its need for, and its willingness to accept, such scrap at the price quoted.

Only applications for purchases which would involve actual delivery of not less than one car of scrap per month from one Shipping Point to one consumer destination will be considered.

The approval of the Office of Price Administration shall be obtained before consumers may absorb the additional transportation charge necessary to secure such scrap.

(4) *Termination of remote scrap provisions.* The provisions of subparagraph (iv) of paragraph (b) and this paragraph (f) shall become inoperative and terminated on and after December 31, 1941. Deliveries under contracts entered into pursuant to these provisions shall be completed on or before December 31, 1941.

(g) *Maximum delivered price of machine shop turnings or related grades of turnings under an allocation order.* Whenever the Director of Priorities of the Office of Production Management shall issue an allocation order for a specified tonnage of Machine Shop Turnings or related grades of turnings, as defined in paragraph (a) and footnote 3 to paragraph (a) hereof, to be delivered to electric furnace producers of ferro alloys, such producers may pay therefor a maximum delivered price which is the sum of: (1) the Shipping Point price, as computed in paragraph (b) hereof; and (2) actual transportation charges from the Shipping Point to the plants of such producers: *Provided, however*, That where the delivered price of the turnings exceeds by more than $1.00 the price at the Basing Point nearest the plant of such producer, no sales or purchases thereof may be completed hereunder unless such producer shall file, with the Office of Price Administration, Washington, D. C., (i) within 10 days following the purchase thereof, a fully detailed statement under oath setting forth the name and address of the seller, the point of shipment of the scrap, the grade, quantity and price at Shipping Point, delivery price, and the transportation charges from the Shipping Point to the consumer's plant, and (ii) immediately upon delivery of such scrap, certified copies of all bills of lading covering the shipment of such scrap from the Shipping Point to the consumer's plant.

§ 1304.17 *Appendix B—Maximum prices for iron and steel scrap originating from railroads*—(a) *Scrap originating from railroads operating in a basing point*[1] *named below*

[All the prices given below are per gross ton]

(1) *Delivered to a consumer's plant located on the line of the railroad from which the scrap originated*

Basing points	(i) Listed grades					
	No. 1 railroad grade heavy melting steel	Scrap rails	Rails for rerolling [2]	Scrap rails 3 feet and under	Scrap rails 2 feet and under	Scrap rails 18 inches and under
Ashland, Ky	$20.50	$21.50	$23.00	$23.50	$23.75	$24.00
Birmingham, Ala	18.00	19.00	20.50	21.00	21.25	21.50
Buffalo, N. Y	20.25	21.25	22.75	23.25	23.50	23.75
Canton, Ohio	21.00	22.00	23.50	24.00	24.25	24.50
Chicago, Ill	19.75	20.75	22.25	23.00	23.25	23.25
Cincinnati, O	20.50	21.50	23.00	23.50	23.75	24.00
Cleveland, O	20.50	21.50	23.00	23.50	23.75	24.00
Detroit, Mich	18.85	19.85	21.35	21.85	22.10	22.35
Duluth, Minn	19.00	20.00	21.50	22.00	22.25	22.50
Kansas City, Mo	17.00	18.00	19.50	20.00	20.25	20.50
Kokomo, Ind	19.25	20.25	21.75	22.25	22.50	22.75
Los Angeles, Calif	18.00	19.00	20.50	21.00	21.25	21.50
Middletown, O	20.50	21.50	23.00	23.50	23.75	24.00
Philadelphia, Pa	19.75	20.75	22.25	22.75	23.00	23.25
Pittsburgh, Pa	21.00	22.00	23.50	24.00	24.25	24.50
Portsmouth, O	20.50	21.50	23.00	23.50	23.75	24.00
San Francisco, Calif	18.00	19.00	20.50	21.00	21.25	21.50
Seattle, Wash	16.50	16.50	18.00	18.50	18.75	19.00
Sharon, Pa	21.00	22.00	23.50	24.00	24.25	24.50
Sparrows Point, Md	19.75	20.75	22.25	22.75	23.00	23.25
Steubenville, O	21.00	22.00	23.50	24.00	24.25	24.50
St. Louis, Mo	18.50	19.50	21.00	21.50	21.75	22.00
Wheeling, W. Va	21.00	22.00	23.50	24.00	24.25	24.50
Wilmington, Del	19.75	20.75	22.25	22.75	23.00	23.25
Youngstown, O	21.00	22.00	23.50	24.00	24.25	24.50

[1] Where the railroad originator of the scrap operates in two or more of the Basing Points named above, the highest of the maximum prices established above for such Basing Points shall be the maximum price of the scrap delivered to a consumer's plant at any point on the railroad's line.

[2] The term "rails for rerolling" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for re-laying.

(ii) *Grades not listed.* (*a*) The price at which a consumer located on the line of the railroad from which the scrap originated may purchase any grade of scrap not listed above shall not exceed the average price per gross ton at which such railroad sold such grade delivered to the plant of a consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, or, in case no sale was made during the period, the price at which the grade was last sold by the railroad prior thereto, *and, in either event*, adjusted to allow for the average grade differentials of the railroad in a manner indicated in subparagraph (*b*) below.

(*b*) For purposes of subparagraph (*a*) above, the maximum prices for any grade not listed in paragraph (1), (i), shall be adjusted to allow for the average grade differentials of the railroad by:

First, computing the amount of the base grade differential for the railroad which shall be the difference between the average price per gross ton at which the railroad from which the scrap originated sold No. 1 Railroad Grade Heavy Melting Steel Scrap delivered to the plant of the consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, and the railroad's maximum price established for such grade under paragraph (1), (i); and

Second, by applying this base grade differential to the price to be adjusted by either (i) subtracting the amount of such differential from such prices in case the railroad's average price of No. 1 Railroad Grade Heavy Melting Steel Scrap exceeds the railroad's maximum price established for such grade under paragraph (a), (1), *or* (ii) adding the same in case the railroad's average price is less than such maximum.

(2) *Delivered to a consumer's plant located off the line of the railroad from which the scrap originated.* The maximum price is either of the following, whichever is greater:

(i) The maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, or, if the consumer can establish that he has been served by the same source of scrap in the past, this maximum price plus transportation charges (including off-the-line switching charges), from the railroads line to the consumer's plant, of not more than two dollars per gross ton for Rails for Rerolling, Scrap Axles and other scrap for rerolling, and of not more than one dollar per gross ton for all other grades of scrap; or

(ii) The prices set forth in paragraph (1), (i), above, for the Basing Point nearest the consumer's plant.

(b) *Scrap originating from railroads not operating in any of the basing points named above.* Except in the case of Rails for Rerolling, the maximum price of any grade of such scrap delivered to consumers located on and off the line of the railroad shall not exceed:

(1) *For the grades listed above,* either of the following, whichever is less:

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940 and ending January 31, 1941: or

(ii) The price at the Basing Point nearest, in terms of transportation costs, to the consumers plant; and

(2) *For the grades not listed above,* either of the following, whichever is less:

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940 and ending January 31, 1941; or

(ii) The average price per gross ton as determined in Subparagraph (i) hereof, minus the amount by which the average price of No. 1 Railroad Grade Heavy Melting Steel scrap, as determined in (i), exceeds the price of No. 1 Railroad Grade Heavy Melting Steel scrap at the Basing Point nearest, in terms of transportation costs, to the consumer's plant.

In the case of Rails for Rerolling, the maximum price of such scrap f. o. b. the lines of the railroad originator thereof shall be the average price per gross ton at which the railroad originator sold such grade f. o. b. *its line* during the period commencing September 1, 1940, and ending January 31, 1941. The maximum price of Rerolling Rails shall be the f. o. b. lines price thus established plus the lowest actual charge for transporting the rails from the railroad's lines to the specific rerolling mill consumer of the rails.[1]

This exception for Rails for Rerolling applies only in the case of railroads not operating in a Basing Point named in paragraph (a), (1), (i) hereof.

(c) *Scrap which cannot be identified as to origin.* The maximum price per gross ton at which a consumer may purchase, delivered at his plant, any grade of railroad scrap which cannot be identified as to origin, shall not exceed the maximum price established under Appendix A of this Schedule for the grade in which such scrap may be classified.

(d) *General provisions*—(1) *Unprepared scrap.*[2] (i) Identifiable as to Grade. The maximum prices for unprepared scrap identifiable as to grade shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

(ii) Unidentifiable as to Grade. Unprepared scrap which cannot be identified as to grade (for example, a box car, a locomotive, or the like) is not subject to the maximum prices established herein until such scrap has been prepared for consumption.

(2) *Scrap prepared by a person other than a railroad.* Where scrap originates from a railroad but is broken down and prepared by a person other than the railroad and the railroad origin of such scrap is known, the maximum price at which a consumer may purchase such scrap shall be the price established above for purchases of scrap prepared by the railroad.

(e) *Maximum prices for scrap rails and rails for rerolling originating from mines, logging roads, etc.* "A shipping point" is the point from which the scrap is to be shipped to a consumer.

"The shipping point price" is the price f. o. b. the Shipping Point.

The maximum Shipping Point Price of Scrap Rails and Rails for Rerolling originating from mines, logging roads, and similar sources shall be the price set forth in paragraph (a) above for Scrap Rails and Rails for Rerolling at the Basing Point nearest, in terms of transportation charges, to the Shipping Point, minus the lowest established charge for transporting such rails from the Shipping Point to such Basing Point, except that the maximum Shipping Point Price need in no case be less than $13.50 per gross ton for Scrap Rails and $15.00 per gross ton for Rails for Rerolling. The maximum delivered price of such rails shall be the Shipping Point Price thus established, plus the lowest actual charge for transporting the rails from the Shipping Point to the consumer.*

§ 1304.18 *Appendix C—Maximum prices for iron and steel scrap for export from the United States.*

(Per Gross Ton, F. A. S. and F. O. B. Point of Export)

(a) *Other than railroad scrap.* The maximum export price of any grade of iron and steel scrap other than railroad scrap shall be the maximum Shipping Point Price derived under paragraph (b) of Appendix A, plus the actual charge for transporting the scrap from the Shipping Point to the place of export. For scrap exported by ship this maximum export price shall be F. A. S. the place of export and *actual* costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be F. O. B. the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of this Schedule and must be shown as a separate charge on the invoice.

[1] In paragraph (b) of § 1304.7 of this Schedule the following statement appears: "* * * rerolling rails scrap must be diverted to rerolling mills and not cut for melting purposes."

[2] The maximum prices established hereinabove are maximum prices for prepared scrap.

[2] In § 1304.7 (b) of this Schedule the following statement appears: "* * * Rerolling rails scrap must be diverted to rerolling mills and not cut for melting purposes."

(b) *Scrap originating from railroads.* The maximum export price of any grade of iron and steel scrap of railroad origin shall be the maximum price established and determined under Appendix B for a consumer located on the line of the railroad originator of the scrap plus actual transportation charges from the line to the place of export. For scrap originating from a railroad not operating at a Basing Point, no transportation charges shall be added to the maximum prices of such scrap as determined under Appendix B. For scrap exported by ship these maximum export prices shall be F. A. S. the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be F. O. B. the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of this Schedule and must be shown as a separate charge on the invoice.*

[F. R. Doc. 41-8771; Filed, November 24, 1941; 11:45 a. m.]

[Price Schedule No. 43]

PART 1306—IRON AND STEEL

PRICE SCHEDULE FOR USED STEEL BARRELS OR DRUMS

Used steel barrels or drums play a vital role in the distribution of petroleum and its derivatives, chemicals, and foods. To prevent excessive and unwarranted price increases in the petroleum, chemical, and food industries the establishment of ceiling prices for used steel barrels is absolutely essential. The present spiraling of such prices, unless controlled effectively, is certain to have an adverse effect on the national defense and the public welfare completely out of proportion to the intrinsic value of the used barrels or drums.

It has been determined, consequently, after complete investigation and after numerous conferences with representatives of the industry, to establish maximum prices for used steel barrels or drums as a necessary protection of the public welfare and the national defense.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.201 *Maximum prices for used steel barrels or drums.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1306.204 hereof, no person shall sell, offer to sell, deliver or transfer, used steel barrels or drums, and no person shall buy, offer to buy, or accept delivery of used steel barrels or drums, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.210.*

*§§ 1306.201 to 1306.210, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.202 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1306.203 *Evasion.* The price limitation set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of a used steel barrel or drum, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.204 *Permission to carry out contracts entered into prior to December 1, 1941.* Any person who, prior to December 1, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of one or more used steel barrels or drums, at prices higher than the maximum prices established by this Schedule, may make application to the Office of Price Administration on Form 143:1, provided for that purpose, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only when necessary to protect the applicant against loss in the disposition of inventory (a) acquired prior to December 1, 1941, at prices higher than the established maximum prices and held by the applicant on that date, and (b) acquired by the applicant pursuant to permission granted by the Office of Price Administration to such applicant and his vendor under this Section. Such application shall be filed with the Office of Price Administration on or before December 15, 1941. No permission will be granted to make delivery of used steel barrels or drums on or after January 15, 1942, at prices higher than the established maximum prices.*

§ 1306.205 *Records and reports.* Every person making purchases or sales of used steel barrels or drums after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of used steel barrels or drums (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1306.206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of used steel barrels or drums, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.207 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1306.208 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Reconditioned steel barrel or drum" means a used steel barrel or drum which has been washed and painted, dedented, chained, welded, or subjected to any other reconditioning process by which a raw barrel or drum is made fit for re-use;

(c) "Raw used steel barrel or drum" means a barrel or drum which has been emptied but which has not been subjected to any reconditioning process;

(d) "User" means the person who uses the barrel or drum as a container for the shipment or storage of his products.

§ 1306.209 *Effective date of the schedule.* This Schedule shall become effective December 1, 1941.*

§ 1306.210 *Appendix A—Maximum prices for used steel barrels or drums*—(a) *Maximum price for reconditioned steel barrels or drums, size 50 to 55 gallons, 18 gauge.* The maximum price for reconditioned steel barrels or drums, size 50 to 55 gallons, 18 gauge, except reconditioned barrels or drums which have been lacquer-relined and baked, shall be $2.25 per barrel or drum, delivered to a

purchaser situated within a radius of 50 miles from the plant where the barrel or drum was reconditioned: *Provided*, That for each 75 miles or fraction thereof, in excess of 50 miles from the plant where the barrel or drum was reconditioned, all actual charges for transportation or the sum of ten cents per barrel or drum, whichever is lower, may be added: *Provided further*, That where a barrel or drum is reconditioned and delivered in the States of California, Washington, and Oregon, the sum of fifty cents may be added to the above maximum charges.

(b) *Maximum price for lacquer-relined and baked drums, size 50 to 55 gallons, 18 gauge.* The maximum price for reconditioned steel barrels or drums, size 50 to 55 gallons, 18 gauge, which have been lacquer-relined and baked, shall be the maximum prices set forth in paragraph (a) above, to which may be added the sum of twenty-five cents per barrel or drum.

(c) *Maximum price for raw used drums, size 50 to 55 gallons, 18 gauge.* Except as provided in paragraph (d) below, the maximum price for raw used steel barrels or drums, size 50 to 55 gallons, 18 gauge, shall be $1.60 per barrel or drum delivered to the plant of the user or reconditioner: *Provided*, That in the States of California, Washington, and Oregon, the sum of forty cents per barrel or drum may be added.

(d) *Maximum price for raw used drums in case of direct purchases by user.* The maximum prices for raw used steel barrels or drums, size 50 to 55 gallons, 18 gauge, purchased by a user directly from the person who empties the barrels or drums, shall be $1 25 per barrel or drum f. o. b. point where barrel or drum is emptied: *Provided*, That in the States of California, Washington, and Oregon, the sum of 40 cents per barrel or drum may be added.

(e) *Maximum price for other reconditioned drums.* The maximum delivered price for reconditioned steel barrels or drums, other than those covered by paragraphs (a) and (b) above, shall be 80% of the delivered price, excluding extras, quoted by the Rheem Manufacturing Company, a corporation, or by the Wheeling Corrugating Company, a corporation, when delivered in carload lots, of new, black, hot-rolled steel barrels or drums of the same type and size: *Provided*, That for each 75 miles or fraction thereof in excess of 50 miles from the plant where the barrel or drum was reconditioned, all actual charges for transportation or the sum of ten cents per barrel or drum, whichever is lower, may be added.

(f) *Maximum price for other raw used drums.* The maximum delivered price for raw used steel barrels or drums, other than those covered by paragraphs (c) and (d) above, delivered to the plant of the user or reconditioner, shall be 65 cents less than the maximum price provided in paragraph (e) above for a reconditioned barrel or drum of the same size and type.*

Issued this 24th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8768; Filed, November 24, 1941; 10:50 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 42—PARAFFIN WAX

As a direct consequence of expanded economic activity induced by the national defense program, the demand for paraffin wax has increased greatly in the past few months. Paraffin wax is used as a coating on paper cartons for dairy products and in the manufacture of waxed and water-proofed papers, electrical insulation compositions, candles and many other important products. It is also used for such defense purposes as a coating on cartridges and a water-proofing agent for explosives.

Increased demand and speculative tendencies have caused the price of crude scale paraffin wax to rise above the price of refined paraffin wax of comparable melting points. The price of crude scale paraffin wax (122/124 A. M. P.) has increased in recent months from 2.8¢ to 6.25¢ per pound. During the year 1940, the price of such paraffin wax averaged 3.86¢ per pound.

After conferences with members of the paraffin wax industry and representatives of other government agencies, the Office of Price Administration has found that there are no justifiable reasons for prices of crude scale paraffin wax (122/124 A. M. P.) and refined paraffin wax (123/125 A. M. P.) in excess of 4.25¢ per pound and 5.20¢ per pound, respectively. Increases in such prices at this time would, therefore, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.451 *Maximum prices for paraffin wax.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer paraffin wax in quantities of 1,000 pounds or more, and no person shall buy, offer to buy or accept delivery of paraffin wax in quantities of 1,000 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.460.*

*§§ 1335.451 to 1335.460, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.452 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.453 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of paraffin wax, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of paraffin wax, or otherwise.*

§ 1335.454 *Records and reports.* Every person making purchases or sales of paraffin wax in quantities of 1,000 pounds or more after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the paraffin wax purchased or sold.*

§ 1335.455 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold paraffin wax in quantities of 1,000 pounds or more whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 142:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 142:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.456 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of paraffin wax, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.457 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.458 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association or other business entity;

(b) "Paraffin wax" means crude scale and refined paraffin wax of the grades listed in Appendix A hereof.*

§ 1335.459 *Effective date of the schedule.* This Schedule shall become effective December 1, 1941.*

§ 1335.460 *Appendix A — Maximum prices for paraffin wax*—(a) *More than 10,000 pounds in slack barrels and slabs loose.* The following maximum prices are established for paraffin wax of the grades listed below in quantities of 10,000 pounds or more:

	Slack barrels
(1) Crude scale (white and yellow):	
122/124 A. M. P.	$0.0425
124/126 A. M. P.	.0425
129/131 A. M. P.	.0475
132 A. M. P. or higher	.0525
(2) Semi-refined:	
122/124 A. M. P.	.0425
124/126 A. M. P.	.0425
128 A. M. P. or higher	.0525
(3) Fully refined:	*Slabs loose*
120/122 A. M. P.	$0.050
123/125 A. M. P.	.052
125/127 A. M. P.	.052
128/130 A. M. P.	.056
130/132 A. M. P.	.0585
131/133 A. M. P.	.0585
133/135 A. M. P.	.0615
135/137 A. M. P.	.064
138/140 A. M. P.	.0715
143/145 A. M. P.	.0810
149/151 A. M. P.	.1050

The above prices for paraffin wax are f. o. b. seller's shipping point[1] with freight equalized at the rate for a shipment of identical quantity over standard routes from the following basing points:

Whiting, Indiana.
New York, New York.
Philadelphia, Pa.
Texas Gulf Ports.
New Orleans, La.
Baton Rouge, La.

The maximum price which a purchaser may pay for any of the various grades of paraffin wax on this Schedule delivered to him from a seller's shipping point shall not exceed the maximum price set forth above for the particular grade plus transportation charges as follows: either the transportation rate from that basing point to destination which produces the lowest transportation charge or the transportation rate from the actual shipping point to destination, whichever transportation rate is less.

(b) *Tank cars.* The maximum prices for paraffin wax sold in tank cars shall be the maximum prices established in paragraph (a) minus $0.0005 per pound.

(c) *Less than 10,000 pounds.* For paraffin wax sold in quantities of 1,000 pounds or more, but less than 10,000 pounds, the maximum prices shall be the maximum prices set forth in sub-paragraphs (1), (2) and (3), of paragraph (a) above, plus $0.015 per pound, delivered in the United States.

(d) *Paraffin wax sold in bags.* The maximum prices for paraffin wax sold in bags shall be the maximum prices established in paragraphs (a) or (c) above, whichever the case may be, plus $0.004 per pound.

(e) *Paraffin wax sold in other containers.* The maximum prices for paraffin wax sold in containers other than those specified above shall be the maximum prices established in paragraphs (a) or (c) above, whichever the case may be, plus a reasonable charge for containers.*

Issued this 21st day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8705; Filed, November 21, 1941; 12:28 p. m.]

[1] When used in this Schedule, the term "seller's shipping point" means point of manufacture or other point of distribution maintained by a manufacturer or seller.

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 261—TRESPASS

ORDER FOR THE REMOVAL OF TRESPASSING HORSES, MULES, AND BURROS IN THE SITGREAVES NATIONAL FOREST — CHEVALON RANGER DISTRICT AND HEBER COMMUNITY, PEARCE SEEP, AND PEARCE WASH ALLOTMENTS OF HEBER RANGER DISTRICT

Whereas a number of horses, mules, and burros are trespassing and grazing on land in the Chevalon Ranger District and in the western part of the Heber Ranger District, Sitgreaves National Forest, in the State of Arizona; and

Whereas these horses, mules, and burros are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection, and administration of land in the Chevalon Ranger District and in the Heber Ranger District, excepting the Heber Community, Pearce Seep, and Pearce Wash Allotments, Sitgreaves National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Chevalon Ranger District and the Heber Ranger District, excepting the Heber Community, Pearce Seep, and Pearce Wash Allotments, Sitgreaves National Forest, are hereby closed for the period beginning December 1, 1941, and ending February 28, 1942, to the grazing of horses, mules, and burros, except those horses, mules, and burros that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses, mules, and burros found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such horses, mules, and burros shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Sitgreaves National Forest is located. (30 Stat. 35, 33 Stat. 628; 16 U.S.C. 551, 472)

Done at Washington, D. C., this 21st day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8722; Filed, November 22, 1941; 10:45 a. m.]

TITLE 42—PUBLIC HEALTH

CHAPTER I—UNITED STATES PUBLIC HEALTH SERVICE

[Amendment No. 5]

PART 12—INTERSTATE QUARANTINE

INTERSTATE QUARANTINE REGULATIONS; TRICHINOSIS, SHIPMENT OF GARBAGE

Pursuant to the authority contained in section 3 of the Act of February 15, 1893, 27 Stat. 450, 42 U.S.C. 92, the Interstate Quarantine Regulations of the United States, 42 CFR 12.1 etc., are hereby amended by adding trichinosis to the list of contagious and infectious diseases set forth in § 12.1, and by adding a new section numbered 12.18, which sections shall read as follows:

§ 12.1 *Contagious and infectious diseases.* For the purpose of interstate quarantine the following diseases shall be regarded as contagious and infectious diseases within the meaning of section 3 of the Act approved February 15, 1893: Plague, cholera, smallpox, typhus fever,

yellow fever, typhoid fever, paratyphoid, dysentery, pulmonary tuberculosis, leprosy, scarlet fever, diphtheria, measles, whooping cough, epidemic cerebrospinal meningitis, anterior poliomyelitis, Rocky Mountain spotted or tick fever, syphilis, gonorrhea, chancroid, anthrax, influenza, pneumonia, epidemic encephalitis, septic sore throat, rubella, chicken pox, psittacosis, and trichinosis. (Sec. 3, 27 Stat. 450; 42 U.S.C. 92)

§ 12.18 *Use or shipment of garbage.* No person, firm, or corporation shall offer for shipment in interstate traffic, or shall accept for shipment or transport in interstate traffic any garbage intended to be used for feeding swine unless all particles of such garbage have been heated to a minimum temperature of 212° F., and held at that temperature at least 30 minutes in apparatus and by methods approved by the State or local health officer: *Provided*, That this requirement may be waived where such heat treatment of garbage intended for swine feeding is carried out at destination under State or local statutes, ordinances or regulations. (Sec. 3, 27 Stat. 450; 42 U.S.C. 92)

PAUL V. MCNUTT,
Federal Security Administrator.

OCTOBER 11, 1941.

[F. R. Doc. 41-8769; Filed, November 24, 1941; 11:11 a. m.]

Notices

DEPARTMENT OF STATE.

SUPPLEMENT TO THE LIST OF PRODUCTS ON WHICH THE UNITED STATES WILL CONSIDER GRANTING CONCESSIONS TO ICELAND

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, public notice of intention to negotiate a trade agreement with the Government of Iceland was issued on November 17, 1941.[1] In connection with that notice, there was published a list of products[2] on which the United States will consider the granting of concessions to Iceland, and it was announced that concessions on products not included in the list would not be considered unless supplementary announcement were made.

I hereby announce that the product described in the attached supplement has been added to the list issued on November 17, 1941.

[SEAL] CORDELL HULL,
Secretary of State.

NOVEMBER 19, 1941.

[1] 6 F.R. 5882.
[2] 6 F.R. 5883.

Supplement to the List of Products on Which the United States Will Consider Granting Concessions to Iceland

In the event that articles which are at present regarded as classifiable under the paragraph of the United States Tariff Act of 1930 and the section of the Internal Revenue Code specified below are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the supplement will nevertheless be considered as including such articles.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty
52	Herring oil	5¢ per gallon.

Internal Revenue Code section	Description of article	Present rate of import tax
2491 (a)	Herring oil	3¢ per lb.

[F. R. Doc. 41-8709; Filed, November 21, 1941; 3:32 p. m.]

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH ICELAND

PUBLIC NOTICE

Supplement to the List of Products[1]

Closing date for submission of briefs, December 8, 1941; closing date for application to be heard, December 8, 1941; public hearings open, December 15, 1941.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, with regard to the supplement to the list of products announced by the Secretary of State on this date in connection with the negotiation of a trade agreement with the Government of Iceland, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, December 8, 1941. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets N.W., Washington, D. C."

A public hearing will be held, beginning at 10 a. m. on December 15, 1941, before the Committee for Reciprocity Information, in the hearing room of the Tariff Commission in the Tariff Commission Building, when supplemental oral statements will be heard with regard to herring oil.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 19th day of November 1941.

E. M. WHITCOMB,
Acting Secretary.

NOVEMBER 19, 1941.

[1] See also Department of State, *supra*.

[F. R. Doc. 41-8710; Filed, November 21, 1941; 3:32 p. m.]

WAR DEPARTMENT.

[Contract No. W-740-ORD-2131]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL RAILWAY SIGNAL COMPANY, ROCHESTER, NEW YORK

Contract for: Shell, * * *, (Machining Only) and Machine Tools.

Amount: $6,375,000.00.

Place: Rochester Ordnance District, 1238 Mercantile Building, Rochester, New York.

The Items to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority (740) Ord 22,189 P11-02 A(1005).105-02, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this 25th day of September 1941.

ARTICLE 1. *Scope of this contract.* The Contractor shall furnish and deliver Item 1. * * * Shell * * * (Machining Only). Item 2. Machine Tools * * * for the consideration stated of six million, three hundred seventy-five thousand dollars and no cents ($6,375,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

[1] Approved by the Chief of Ordnance October 28, 1941.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 16. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * *% and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 23. *Termination for convenience of the government.* Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

ART. 30. *Facilities.* (a) In order to manufacture and deliver the supplies provided in Article 1, Item 1 of this contract the Contractor will require an addition to existing facilities, the new facilities listed in Exhibit A attached hereto and made a part hereof. The cost of these facilities has been included in the contract price under Article 1, Item 2. Hence, the Contractor shall purchase, construct or acquire these facilities for and at no additional cost to the Government. Title to these facilities shall vest in the Government upon inspection and approval by or for the Contracting Officer.

(b) As further consideration for the furnishing of supplies under this contract, the Government hereby leases to the Contractor the facilities referred to in paragraph 1 of this article, the term of this lease to commence upon the vesting of title to any of these facilities in the Government, and to continue during the period that the Contractor shall require their use for work under this contract.

(c) The Contractor shall procure and carry, at its own expense fire insurance on all property in its possession, or in the possession of any person other than the Government, title to which has vested or is about to vest in the Government.

(f) The Government shall have the right to terminate this lease by written notice at any time for violation of any of the provisions of the contract.

ART. 32. *Use of Government owned machine tools and aids to manufacture.* In the manufacture of the articles of munitions listed under Article 1 hereof, the use of machine tools, punches, dies, gages, jigs, fixtures, patterns, and other aids to manufacture required by the Government, is hereby approved and agreed upon, and the price of this contract is predicated upon such use.

ART. 36. *Price adjustments.* (a) The unit contract prices stated in Article 1, Item 1, are subject to adjustments for changes in direct labor costs.

General. (c) It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the supplies hereunder.

This contract entered into under authority of the Act of Congress approved July 2, 1940 (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[1] Approved by the Chief of Ordnance October 3, 1941.

[F. R. Doc. 41-8706; Filed, November 21, 1941; 3:06 p. m.]

[Contract No. W 478 ORD-28]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SMITH & WESSON, INCORPORATED, SPRINGFIELD, MASSACHUSETTS

Contract for: Revolvers, Cal. * * *, * * * with Spare Parts.

Amount: $1,170,444.71.

Place: Hartford Ordnance District, 95 State Street, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of the same: ORD 50,149 P 021-30 A 0020-13.

This contract,[1] entered into this 10th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Revolvers, Caliber * * * with Spare Parts for the consideration stated a total price of one million, one hundred, seventy thousand, four hundred forty-four dollars and seventy-one cents ($1,170,444.71) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnshed are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * *%, and at the price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination for convenience of the Government. Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the contracting officer to the contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

Price adjustments. The unit contract prices stated in Article 1 are subject to adjustments for changes in direct labor and materials costs.

General. It is expressly agreed that quotas for labor and material will not be altered on account of delays in the completion of the supplies hereunder unless extensions in the time for delivery are authorized by the contracting officer.

This contract is authorized by the Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8713; Filed, November 22, 1941; 9:30 a. m.]

[Contract No. W 849 ord 2326]

SUMMARY OF COST-PLUS-A-FIXED-FEE EQUIPPING AND OPERATION CONTRACT

CONTRACTOR: SEFTON FIBRE CAN COMPANY, ST. LOUIS, MISSOURI

Contract for: Equipping, including procurement and supervision of design, of layout, of plans for installation and of installation; preparation for operation (including training of operating personnel); and operation of a Plant for the manufacture of Fibre Containers.

Place: Memphis, Tennessee.

Estimated cost of Equipping under Title I: $300,618.00.

Fixed-Fee for Equipping under Title I: $12,024.72.

Estimated cost of operation of Plant under Title III: $679,604.65.

Fixed-Fee for Operation under Title III: $27,184.19.

This equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same: ORD 15, 594 P11–02 A (1005) .105–01.

This contract,[1] entered into this 27th day of August 1941.

TITLE I—*Selecting and Equipping Plant*

ARTICLE I–A. *Statement of work.* The Contractor shall, in the shortest reasonable time, select and lease an appropriate building or buildings, procure and install equipment (including plans, designs, labor, materials, tools, machinery and facilities necessary for such installation there); shall furnish supplies not furnished by the Government and services; train the necessary personnel to operate the plant; and do all things necessary for the accomplishment of the above purposes in connection with equipping said plant (hereinafter referred to as "the Plant") which will be equipped for the manufacture of U. S. Army Fibre Containers. The purchase of this machinery shall be subject to the approval in advance of the Contracting Officer. The lease of said building or buildings shall be submitted to the Contracting Officer for approval prior to execution thereof.

ART. I–B. *Estimates.* It is estimated that the total cost of the work under this Title I of this contract will be approximately $300,618.00 exclusive of the Contractor's fee.

ART. I–C. *Consideration.* In consideration for the Contractor's undertaking under this Title I, the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Title IV;

(b) A fixed fee in the amount of $12,024.72 which shall constitute complete compensation for the contractor's services, including profit.

TITLE II—*Lease*

ARTICLE II–A. *Subject matter.* As additional consideration for the Contractor's undertaking of the work under this contract, the Government hereby leases to the Contractor all machinery (including special equipment therefor) and miscellaneous factory equipment (all of which are hereinafter referred to, collectively, as "Manufacturing Facilities"), mentioned in Title I of this contract and listed in Appendix A.

The Contractor shall maintain and keep in repair all of the Manufacturing Facilities referred to in this Article.

ART. II–B. *Term.* The term of this lease shall begin on the date of acceptance by the Government of the facilities purchased under Title I, which date shall be certified by the Contracting Officer and shall terminate contemporaneously with the termination of this contract or any extension thereof.

TITLE III—*Operation*

ARTICLE III–A. *Statement of work.* The Contractor shall operate the plant for and on account of the Government and shall do all things necessary for its complete management, operation, servicing and maintenance, including the purchase of supplies, the hiring and training of personnel, the repair or replacement of equipment and facilities.

ART. III–B. *Estimates.* It is estimated that the total cost of the work described and authorized to date under Article III–A of this Title will be $879,604.65, exclusive of the Contractor's fee.

ART. III–C. *Consideration.* In consideration for the Contractor's undertaking under this Title III, the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Title IV.

(b) A fixed fee in the amount of $27,184.19 as complete compensation, except for possible profit to be derived in accordance with paragraph 3 of this Article, for performance of the work described in Article III–A of this Title.

TITLE IV—*Cost of the Work and Payment Therefor*

ARTICLE IV–B. *Payments:*

Reimbursement for cost. 1. *a.* The Government will currently reimburse the Contractor for expenditures made in accordance with Article IV–A of this Title IV, upon certification and delivery to and verification by the Contracting Officer of the original signed pay rolls for labor, the original receipted invoices for materials, equipment, etc., or other documentary accounting papers satisfactory to the Contracting Officer. Reimbursement will be made as promptly as possible, generally weekly, but may be made at more frequent intervals if the conditions so warrant. All payments made under this paragraph of section 1 shall be subject to the provisions of Article IV–C.

Payment of the fixed-fees. 2. *a.* The fixed-fee provided for in Article I–C of Title I shall be paid in partial payments, less ten percent (10%) of each such partial payment as it accrues.

b. The fixed-fee provided for in Article III–C of Title III shall be paid monthly as it accrues, dependent upon the quantities and types of fiber containers produced and accepted, as follows:

* * *	----------$*	* * per 1,000
* * *	----------$*	* * per 1,000
* * *	----------$*	* * per 1,000
* * *	----------$*	* * per 1,000

Final payment. 4. Upon completion of the work under Title I and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title IV hereof, and of the fees.

ART. IV–C. *Advances.* At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

TITLE V—*Termination*

ARTICLE V–A. *Termination by Government.* The Government may terminate this contract at any time by a notice in writing from the Contracting Officer to the Contractor.

TITLE VI—*General*

ARTICLE VI–C. *Changes.* The Contracting Officer may at any time after consultation with the Contractor, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. VI–D. *Title.* The title to all work, completed or in the course of construction, preparation or manufacture shall be in the Government. Likewise, upon delivery at the site of the work, at an approved storage site or other place approved by the Contracting Officer and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under Title IV hereof shall vest in the Government.

This contract is authorized by the following law: Act of July 2, 1940 (Public No. 703, 76th Cong.)

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8714; Filed, November 22, 1941; 9:30 a. m.]

[Contract No. W 398 qm–10326; O. I. 4670]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE WHITE MOTOR COMPANY, CLEVELAND, OHIO

Contract for: Trucks * * *.

Amount: $2,546,060.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 12th day of June 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks; total, $2,546,060.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Terms of payment. Discount will be allowed for prompt payment as follows: 10 calendar days $* * * per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority:

ORD 9783 P 11–30 A 1005–01
QM 15915 P 37–30 A 0525.003–12

the available balance of which is sufficient to cover cost of same.

This contract authorized by section (1) a Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8738; Filed, November 24, 1941; 9:35 a. m.]

[Contract No. W 953 ORD 1987]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: COLT'S PATENT FIRE ARMS MFG. COMPANY, HARTFORD, CONNECTICUT

Contract for: * * * Guns, Automatic, * * *, and Spare Parts therefor.

Amount: $1,918,108.64.

Place: Watervliet Arsenal, Watervliet, New York.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities shown below, the available balances of which are sufficient to cover the cost thereof:

O. S. & S. A. 1940—41 (953) ORD 9283 P2–30 A 1005–01.
O. S. & S. A. 1940—41 (953) ORD 15002 P11–30 A (1005) .105–01.

This contract, entered into this 10th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Guns, Automatic, * * *, * * * Sets of Spares as listed herein for the consideration stated $1,918,108.64.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Ninety percent (90%) of the contract price of each completed item will be paid after function firing at the contractor's plant. Final payment will be made upon acceptance after proof firing and final inspection * * *.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8739; Filed, November 24, 1941; 9:35 a. m.]

[Contract No. W 911–Eng.–533]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTOR: C. S. LAMBIE & COMPANY, W. S. MOSS AND HOLLAND PAGE; AMARILLO, TEXAS

Contract for: Construction of Advanced Twin-Engine Flying School.

Amount: $3,973,365.58 (approximate).

Place: Lubbock, Texas.

Proc. Auth.: Eng.–941 P 99 A–0540–12.

This contract,[1] entered into this 28th day of June 1941.

ARTICLE 1. *Statement of work.* The contractor shall furnish the materials, and perform the work for the construction of temporary buildings and facilities and flying field for the Advanced Twin-Engine School at Lubbock, Texas, for the consideration stated $3,973,365.58 (approx.) in strict accordance with the specifications, schedules, and drawings which have been furnished the contractor, all of which are made a part hereof.

ART. 3. *Changes.* The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

ART. 9. *Delays—Damages.* If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

ART. 16. *Payments to contractors.* Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer.

All material and work covered by partial payments made shall thereupon become the sole property of the Government.

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[1] Approved by the Under Secretary of War October 18, 1941.

[1] Approved by the Under Secretary of War August 22, 1941.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

This contract is authorized by the acts of April 5, 1941 (9th Suppl. Nat. Defense Appr. Act, 1941)

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8740; Filed, November 24, 1941; 9:36 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1154]

PETITION OF DISTRICT BOARD NO. 10 FOR A CHANGE IN THE PRICE EXCEPTION APPLICABLE TO THE COALS OF MINE INDEX NO. 125 FOR RAILROAD LOCOMOTIVE FUEL AND FOR A CHANGE IN PRICE EXCEPTION NO. 23 FOR RAILROAD LOCOMOTIVE FUEL IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 31, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 10 for a change in the price exception applicable to the coals of Mine Index No. 125 for railroad locomotive fuel use from Price Exception 1-H now applicable to such coals to Price Exception 1-J; and for a change in Price Exception 23 for railroad locomotive fuel in the Schedule of Effective Minimum Prices for District No. 10, For All Shipments Except Truck, so that producers may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad instead of the 16 cents per ton absorption now permitted by that rule.

It is further ordered, That, a reasonable showing of necessity having been made, pending final disposition of the above matter, temporary relief be and the same hereby is granted as follows: Commencing forthwith Price Exception 1-J in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck applies to the coals of Mine Index No. 125 for railroad locomotive fuel use instead of Price Exception 1-H heretofore applicable to these coals; and Price Exception 23 for railroad locomotive fuel in the aforesaid Schedule is temporarily amended to read as follows: "The producer may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad."

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

Nothing herein shall be deemed to constitute an opinion concerning the final disposition of the original petition.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8750; Filed, November 24, 1941; 10:03 a. m.]

[Docket No. B-2]

IN THE MATTER OF BURNS FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1285, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated October 9, 1941, in the above-entitled matter to determine whether or not the Burns Fuel Company, Registered Distributor, Registration No. 1285, has violated any provisions of the Bituminous Coal Act (the "Act"), the Code, the Marketing Rules and Regulations (the "Marketing Rules"), Rules and Regulations for the Registration of Distributors, (the "Distributors' Rules"), and the Distributor's Agreement (the "Agreement"), executed August 17, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated October 9, 1941 in the above-entitled matter be and it is hereby amended by striking therefrom paragraphs numbered 2, 3, 4, 5, 6 and 7 and inserting in lieu thereof paragraphs numbered 2, 3, 4, 5, 6, 7, 8, 9 and 10 as follows:

2. That Mike Burns was, and still is, at all the times referred to herein, operating under the firm name and style of Burns Fuel Company and acting in the capacity of a distributor, as defined in the Distributors' Rules.

3. The respondent during the month of November 1940, sold to the Victor Chemical Company, Mt. Pleasant, Tennessee, 2 cars of 3" x 1¼" nut, which the respondent invoiced as 2" x 1¼" nut, at a price of $1.60 per net ton f. o. b. said mine, whereas the applicable effective minimum price therefor was $1.70 per net ton f. o. b. said mine. Said coal was produced by the Luton Mining Company at its Luton Mine, Mine Index No. 77, District No. 9.

4. The selling of the coal described in paragraph 3 hereof constituted a violation of sections 4 II (e) and 4 II (h) of the Act, the Distributors' Rules, and paragraph (b) of the Agreement.

5. The false statement in invoicing said coal, as referred to in paragraph 3 hereof, constituted a violation of Rule 2 of section XII of the Marketing Rules and paragraph (e) of the Agreement.

6. Mike Burns was, and is the sole owner, and operates under the firm name and style of Burns Coal Company of Nashville, Tennessee, as a retailer, and in the application for registration as a distributor of coal under the firm name and style of Burns Fuel Company, which was filed with the Division as referred to in paragraph 1 hereof, failed to state as required on pages 5 and 6 of such application and § 304.11 (c) (6) of the Distributors' Rules that the respondent was affiliated with said retailer. The failure to state this affiliation constituted a violation of paragraph (f) of the Agreement.

7. The respondent during the period October 18, 1940 to March 14, 1941, both dates inclusive, purchased approximately 36 cars of coal of various sizes produced by the Flat Creek Coal Company, Flat Creek Mine, Mine Index No. 30, District No. 9; Providence Coal Mining Company, Providence Mine No. 3, Mine Index No. 65, District No. 9; Bardo Coal Mining Company, Bardo Mine, Mine Index No. 30, District No. 8; Moore Coal Company, Moore Mine, Mine Index No. 344, District No. 8; and Algoma Block Coal Company, Algoma Mine, Mine Index No. 7, District No. 8; which coal the respondent resold to said Burns Coal Company, and accepted and retained discounts from the effective minimum prices of said coal.

8. The transactions referred to in paragraph 7 hereof were entered into between the respondent and the Burns Coal Company primarily for the purpose of enriching the respondent and when, except for the incidence of section 4 II (h) of the Act, the consumer would have purchased directly from a code member, and were, therefore, in violation of paragraph (g) of the Agreement.

9. (a) The acceptance of a distributor's discount by the respondent on the coal purchased as referred to in paragraph 7 hereof, under circumstances whereby this coal was retailed by said Burns Coal Company, was in violation of § 304.19 (a) of the Distributors' Rules; or (b) the acceptance of a distributor's discount by the respondent on the coal purchased as referred to in paragraph 7 hereof and resold to a retailer, Burns Coal Company, which owns or financially or otherwise controls said respondent, was in violation of § 304.19 (c) of the Distributors' Rules.

10. The transactions referred to in paragraph 7 hereof concern sales to or through a broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance or rebates or a price other than that determined in the manner prescribed by the Act, and were, therefore, in violation of section 4 II (1) 12 of the Act, and Rule 12 of section XIII of the Marketing Rules.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, as amended, be renewed in all other respects.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8751; Filed, November 24, 1941; 10:03 a. m.]

[Docket No. 1852-FD]

IN THE MATTER OF ROBERT L. SCOTT, TRADING AS ROBERT L. SCOTT COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at 10 o'clock in the forenoon of November 24, 1941 in the hearing room of the Bituminous Coal Division at the Craig County Court, Vinita, Oklahoma; and

Robert L. Scott, Vinita, Oklahoma, H. C. DeMunbrun, Vinita, Oklahoma, and E. G. Bennett, Vinita, Oklahoma heretofore having been duly served with subpoenae requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

The Director deeming it advisable to postpone said hearing to December 12, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed to December 12, 1941 at 10 a. m. in the hearing room of the Bituminous Coal Division at the District Court Rm., Vinita, Okla.; and

It is further ordered, That Scott A. Dahlquist or any other officer of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in the above-entitled matter, vice Joseph D. Dermody; and

It is further ordered, That Robert L. Scott, Vinita, Oklahoma, H. C. DeMunbrun, Vinita, Oklahoma, and E. G. Bennett, Vinita, Oklahoma, appear before the designated officers at the latter named place of hearing at 10 o'clock in the forenoon of December 12, 1941 as theretofore directed in said subpoenae.

Dated: November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8752; Filed, November 24, 1941; 10:03 a. m.]

[Docket No. 1771-FD]

IN THE MATTER OF LITER COAL COMPANY, DEFENDANT

CEASE AND DESIST ORDER

District Board 12 having filed a complaint with the Bituminous Coal Division on July 12, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Liter Coal Company, a code member in District 12, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant on various dates since October 1, 1940, sold a considerable number of tons of screenings, produced by the defendant at its mine (Mine Index No. 27) located in Marion County, Iowa, in District 12, at prices 25 cents below the effective minimum prices for such coals;

The defendant having filed an answer;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 15, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusion of Law and having rendered an Opinion in this matter, which are filed herewith;[1]

Now, therefore, it is ordered, That the defendant, Liter Coal Company, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at prices less than the applicable effective minimum prices established therefor, contrary to the Bitmuinous Coal Act of 1937, or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof.

Dated: November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8753; Filed, November 24, 1941; 10:03 a. m.]

[Docket No. 1724-FD]

IN THE MATTER OF W. T. NELSON (NELSON COAL COMPANY), DEFENDANT

CEASE AND DESIST ORDER

District Board 12 having filed a complaint with the Bituminous Coal Division

[1] Not filed with the original document.

on May 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by W. T. Nelson (Nelson Coal Company), a code member in District 12, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant after October 1, 1940, sold 1,500 or more tons of various sizes of coal, produced by the defendant at his mine (Mine Index No. 72) located in Marion County, Iowa, at prices 25 cents below the effective minimum prices for such coals;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 11, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner and the record in the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith; [1]

Now, therefore, it is ordered, That the defendant, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof.

Dated: November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8754; Filed, November 24, 1941; 10:03 a. m.]

[1] Not filed with the original document.

[Docket No. A–607]

PETITION OF JOHN TAYLOR FOR A CHANGE IN MINIMUM PRICES FOR THE COALS OF THE JOHN AND EARL SCOTT MINE (MINE INDEX NO. 1262) OF JOHN TAYLOR, A PRODUCER IN DISTRICT 8, FOR TRUCK SHIPMENT

ORDER TO SHOW CAUSE WHY PETITION SHOULD NOT BE DISMISSED

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed on February 25, 1941, with this Division by the above-named party requesting a change in minimum prices for the coals produced at the John and Earl Scott Mine (Mine Index No. 1262) of John Taylor, a producer in District 8, for truck shipment.

Subsequently a request for a change in the minimum prices heretofore established for the coals of this mine was included in a petition filed by District Board No. 8 and designated by the Division as Docket No. A–991. The original petitioner in the above-entitled docket was advised by letter of October 29, 1941, of the inclusion in Docket No. A–991 of a request for a change in the prices heretofore established for the coals of his mine and was asked whether he wished to withdraw his original petition in the above-entitled docket.

No answer to this inquiry or any other communication has been received from the petitioner since the filing of the original petition herein. Apparently petitioner in the foregoing matter has no further interest in this proceeding.

Now, therefore, it is ordered, That the petitioner be required to show cause why the foregoing proceeding should not be dismissed at a hearing before Joseph A. Huston or any other officer of the Division duly designated to preside at such hearing on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held. The dismissal of any proceedings pursuant to this Order, however, shall be without prejudice to the right of the aforesaid petitioner to file a petition with the Division in regard to the same matter pursuant to the Rules and Regulations of the Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8755; Filed, November 24, 1941; 10:04 a. m.]

[Docket No. 1654–FD]

IN THE MATTER OF F. E. JACKSON (F. E. JACKSON SAND & COAL COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION NO. 4728, RESPONDENT

ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 and the Rules and Regulations for the Registration of Distributors, to determine whether F. E. Jackson (F. E. Jackson Sand & Coal Company), a registered distributor, Registration No. 4728, 411 S. W. 9th Street, Des Moines, Iowa, the respondent, has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations, and the Agreement by Registered Distributor executed by the respondent on October 5, 1940, by accepting and retaining distributor's discounts from the effective minimum prices on coals purchased in less than carload lot quantities, handled physically by the respondent, and resold at retail in less than cargo or carload lot quantities, and by accepting discounts in excess of the maximum allowable discounts from the effective minimum prices;

Pursuant to Notice of and Order for Hearing, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross examine witnesses, and otherwise be heard and the respondent having appeared thereat;

The preparation and filing of a report by the Examiner having been waived, the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the registration of F. E. Jackson (F. E. Jackson Sand & Coal Company), as a registered distributor (Registration No. 4728) be and it hereby is suspended for a period of ninety (90) days beginning with the date of this Order.

It is further ordered, That the effect of such suspension shall not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other device, and that such suspension shall not excuse the respondent from the duties and functions imposed upon him by the Bituminous Coal Act of 1937 and the Rules, Regulations, and Orders thereunder.

It is further ordered, That as a condition to reinstatement in accordance with § 304.15 of the Distributors' Rules, the respondent shall submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of his suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to recive by virtue of registration.

It is further ordered, That the respondent return to the producers all improperly collected discounts and that a statement by the respondent that such refunds have been made shall be included in the affidavit filed by the respondent pursuant to § 304.15 of the Distributors' Rules.

Dated, November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8756; Filed, November 24, 1941; 10:04 a. m.]

[Docket No. 1775–FD]

IN THE MATTER OF ARCHIE J. HENDRICKSON (RUNNELS COAL CO.) DEFENDANT

ORDER APPROVING AND ADOPTING EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Divison, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, complainant, alleging wilful violation by Archie J. Hendrickson (Runnells Coal Company), a code member in District 12, the defendant, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Effective Price Schedule for District No. 12 for Truck Shipments and with intent to violate the same and in violation thereof, sold for truck shipments, between October 1, 1940, and July 2, 1941, several truck loads of screenings or small egg coal produced at the defendant's mine (Mine Index No. 332) in District 12, shipping via truck to the Des Moines Electric Light Company, or to Thomas Smith for delivery to the Light Company at its plant in Des Moines, Iowa, at prices lower than the effective minimum f. o. b. mine price for such coal;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on September 15, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Proposed Findings of Fact, Conclusions of Law and Recommendations in the above proceeding dated October 14, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the defendant to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Archie J. Hendrickson (Runnells Coal Co.), be and the same is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, Archie J. Hendrickson (Runnells Coal Co.), to code membership in the Code, he shall pay to the United States a tax in the amount of $35.10, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8757; Filed, November 24, 1941; 10:04 a. m.]

[Docket No. 1547–FD]

PETITION OF MARIANNA SMOKELESS COAL COMPANY TO MODIFY THE WESTERN BOUNDARY OF DISTRICT 7 TO INCLUDE MINE INDEX NO. 588 THEREIN

ORDER GRANTING RELIEF

A petition having been filed pursuant to section 4 I (a) of the Bituminous Coal Act of 1937 with the Bituminous Coal Division by the Marianna Smokeless Coal Company, a Code member of District 7, seeking a change in the boundaries between Districts 7 and 8 so that petitioner's #1 Mine (Mine Index No. 588, as of District 8) will be included within District 7;

A petition of intervention having been filed by District Board 7 in support of the relief requested in the original petition;

A hearing having been held in this matter, pursuant to an Order of the Director and after notice to all interested persons before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the boundaries and limits of Districts 7 and 8, as defined in the "Schedule of Districts" annexed to the Act, in so far as including Wyoming County, West Virginia, be and the same are hereby amended to read as follows:

District 7: Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying east of and including the town of Marianna, and that portion served by the main line and the Glen Rogers branch of the Virginian Railway.

District 8: Wyoming County, that portion served by the Gilbert branch of the Virginian Railway lying west of the town of Marianna, West Virginia.

It is further ordered, That Mine Index No. 588 and Freight Origin Group 230, presently applicable to the #1 Mine as of District 8, be and they are hereby cancelled; and, as located in District 7, the #1 Mine of the Marianna Smokeless Coal Company be and the same is hereby given Mine Index No. 266 and placed in Freight Origin Group 14, with the shipping point at Marianna, West Virginia, on the Virginian Railway.

Dated: November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8758; Filed, November 24, 1941; 10:04 a. m.]

[Docket No. 1715–FD]

IN THE MATTER OF STEVE SVONAVEC, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND CEASE AND DESIST ORDER

A complaint pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 26, 1941, by the Bituminous Coal Producers' Board for District No. 1, alleging that Steve Svonavec, a code member in District No. 1, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

[1] Not filed with the original document.

A hearing having been held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof, in Clearfield, Pennsylvania, on August 16, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated October 15, 1941, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, and the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Steve Svonavec, his representatives, agents, servants, employees, and attorneys, and all persons acting and claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That the Division may, upon the failure of the defendant herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: November 21, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8759; Filed, November 24, 1941; 10:04 a. m.]

[Docket No. 1667–FD]

IN THE MATTER OF NEW DEAL COAL COMPANY, (JAMES LENNIE, JR.), DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on April 24, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging that the New Deal Coal Company, the defendant, a code member in District 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling, during the period between October 1, 1940, and April 1, 1941, a substantial tonnage of screenings produced at its mine (Mine Index No. 528), located near Albia, Iowa, at a minimum price f. o. b. the mine of $1.00 per ton, whereas the effective minimum price for such coals is $1.60 per ton f. o. b. the mine, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing in this matter having been held on September 6, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Oskaloosa, Iowa;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated October 13, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to Section 5 (b) of the Act, the code membership of the defendant, New Deal Coal Company (James Lennie, Jr.), operating Mine Index No. 528, located in Marion County, Iowa, be and it is hereby revoked and cancelled;

And it is further ordered, That prior to any reinstatement of the defendant, New Deal Coal Company, or any of the partners thereof, James Lennie, Jr. or Hensel Wagaman, to membership in the Code, the defendant or any of the partners therein shall pay to the United States a tax in the amount of $304.08, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 19, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8760; Filed, November 24, 1941; 10:05 a. m.]

[Docket No. 1728–FD]

IN THE MATTER OF JOHNS COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 12 pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Johns Coal Company, a partnership composed of John Pokone, Charles Sertterh, and George Sertterh, a code member in District 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling from October 1, 1940, to May 10, 1941, 350 or more tons of coal of several sizes produced at its mine (Mine Index No. 351) at prices less than the effective minimum prices established for such coal f. o. b. the mine as shown by the Schedule of Effective Minimum Prices for District No. 12 For Truck Shipments, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, in Oskaloosa, Iowa, on September 5, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated October 13, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Johns Coal Company, a partnership, operating Mine Index No. 351 in Wapello County, Iowa, be and it is hereby revoked and cancelled;

It is further ordered, That prior to any reinstatement of the defendant, Johns Coal Company, or any of its partners, John Pokone, Charles Sertterh, and George Sertterh, to membership in the Code, the defendant or any of its partners shall pay to the United States a tax in the amount of $347.04 as provided in section 5 (c) of the Bituminous Coal Act of 1937.[1]

Dated: November 19, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8761; Filed, November 24, 1941; 10:05 a. m.]

[Docket No. 1676–FD]

IN THE MATTER OF BOYLES COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 18, 1941, by the Bituminous Coal Producers' Board for District No. 12, alleging that Boyles Coal Company,[1] defendant, a code member in District No. 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, in Oskaloosa, Iowa, on September 6, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated October 18, 1941, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the defendant, Dominick Cora, doing business as the Boyles Coal Company, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That the Division may, upon the failure of the defendant herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for enforcement thereof or take any other appropriate action.

Dated: November 19, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8762; Filed, November 24, 1941; 10:05 a. m.]

[Docket No. A–150]

PETITION OF BEAR CANON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR PETITIONER'S COALS IN SIZE GROUPS 2, 3, 5, 7, 9, 17, AND 19, FOR SHIPMENT INTO MARKET AREAS 215, 217–223, 244–246

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bear Canon Coal Company, a code member in District 17, operating the Bear Canon No. 6 Mine (Mine Index No. 9). The petitioner sought modification of effective minimum prices of the coals of the Bear Canon No. 6 Mine, permission to absorb certain freight transportation charges, and reclassification of the petitioner's mine from Subdistrict 7 to Subdistrict 8.

After due notice to all interested persons and pursuant to orders of the Director, a hearing in this matter was held before a duly designated Examiner of the Division. Thereafter, on August 2, 1941, Examiner C. Rollin Larrabee submitted his Proposed Findings of Fact and Conclusions of Law herein, recommending that an order be entered denying the petitioner's prayer for relief, reserving, however, for disposition in Docket No. A–174, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8.

The petitioner filed Exceptions to the Examiner's Report on September 10, 1941.

On October 7, 1941, after a consideration of all the evidence and the record herein, the Director issued his Memorandum Opinion and Order Approving and Adopting the Proposed Findings of Fact and Conclusions of Law of the Examiner and Denying Relief, reserving, however, the question of reclassification of the Bear Canon No. 6 Mine to Subdistrict 8 for disposition in Docket No. A–174.

On November 1, 1941 the petitioner filed a petition for reconsideration, praying that the Order of the Director dated October 7, 1941, be set aside and revoked and that upon review and consideration of the entire proceeding, the Director grant the prayers of the petitioner for relief as requested.

The petition requests reconsideration on the grounds, *inter alia,* that the Examiner and the Director failed to make Findings of Fact within the purview of "section III"[1] of the Act and that the evidence considered and mentioned in the Findings of Fact is not the substantial evidence or the controlling evidence in the record.

The petitioner further states that the Examiner and the Director erred in relying upon a tonnage tabulation submitted by the petitioner on July 19, 1941, "because the petitioner does not rely heavily upon that tabulation nor was it offered at the hearing but was submitted upon request being made at the hearing. * * *" It is true that this tabulation was submitted after the hearing in accordance with request of counsel made at the hearing, but, since the petitioner agreed to furnish the information and subsequently did submit it, the petitioner can hardly disavow the figures contained therein. However, this tabulation was mentioned by the Examiner only as corroborative testimony of the petitioner's own witness, Plested, the general manager, secretary, and treasurer of the petitioner, while the Director analyzed and discussed this tabulation only in the course of considering the petitioner's Exceptions, several of which specifically relied upon said tabulation for support.

The undersigned has again reviewed the entire record in this proceeding and has concluded that no good purpose will be served by further discussion of the evidence. From all the evidence it does not appear that the relief sought by the petitioner is necessary in order to preserve, as nearly as may be, existing fair competitive opportunities within the meaning of the Act. It does appear that the relief requested, if granted, would endanger the existing fair competitive

[1] At the hearing the complaint was amended to show the defendant as "Dominick Cora, doing business as Boyles Coal Company."

[1] Section 3 of the Act relates solely to the tax imposed upon the sale or other disposal of bituminous coal.

opportunities of other producers in District 17 and competing districts.

I find that the Proposed Findings of Fact and Conclusions of Law based thereon, submitted by the Examiner on August 2, 1941, and approved and adopted as the Findings of Fact and Conclusions of Law of the Director on October 7, 1941, are fully supported by substantial evidence and comply with the requirements of the Act.

Now, therefore, it is ordered, That the petition of the Bear Canon Coal Company for reconsideration of the Memorandum Opinion and Order of the Director entered herein on October 7, 1941, be and it hereby is denied.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8763; Filed, November 24, 1941; 10:05 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 168, ALASKA

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the following-described public lands near Anchorage, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

SEWARD MERIDIAN

T. 13 N., R. 8 W., sec. 28, S½NW¼, 80 acres.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 5, 1941.

[F. R. Doc. 41-8712; Filed, November 22, 1941; 9:30 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES AND PARISHES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county and parish hitherto designated, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with provisions of these rules and regulations. There follows a description of the localities and the determination of value for each of these localities:

Region VI, Arkansas, Independence County. Locality I—Townships of Ashley, Barren, Black River, Cushman, Dota, Gainsboro, Jefferson, Logan, Marshell, Union, Washington, and Wycough, $1,400. Locality II—Townships of Big Bottom, Christian, Craig, Greenbrier, Magness, McHue, Moorefield, Oil Trough, Rosie, Ruddell, Salado, Vaughan, and White River, $2,825. Locality III—Townships of Departee, Fairview, Hill, Huff, Liberty, and Relief, $1,222.

Region VI, Louisiana, Caldwell Parish. Locality I—Ward Numbers 1, 2, 7, and 8, $3,461. Locality II—Ward Numbers 3, 4, 5, 6, 9, and 10, $1,514.

Approved, November 21, 1941.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 41-8728; Filed, November 22, 1941; 10:47 a. m.]

Rural Electrification Administration.

[General Memorandum No. 55]

AMENDMENT OF PROJECT DESIGNATION

NOVEMBER 10, 1941.

The allocation specified below was made by Executive Order under the Emergency Relief Appropriation Act of 1935. It is now desired to change such allocation designation in accordance with the provisions of the amendment dated August 15, 1941 to General Order No. 84, the loan made to the Wilson County Electric Membership Corporation having been assumed by the Town of Wilson. However, inasmuch as Executive orders cannot be amended by Administrative Order, such allocation should for the purposes of our records be deemed to be changed as specified below:

Project designation and date of Executive order	*New project designation*
North Carolina 3 Wilson, October 1, 1935	North Carolina, 60 Wilson Public (North Carolina 3 Wilson).

The entire amount of $160,324.43 advanced to the Wilson County Electric Membership Corporation has been assumed by the Town of Wilson.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8723; Filed, November 22, 1941; 10:45 a. m.]

[Administrative Order No. 636]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 10, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Florida 2022B1 Escambia	$98,000
Florida 2029B1 Gadsden	330,000
Georgia 2074D1 Jefferson	185,000
Georgia 2091B2 Laurens	181,000
Indiana 2008C1 Wabash	28,500
Iowa 2027D1 Buena Vista	87,000
Kansas 2026D1 Coffey	111,000
Kansas 2037A1 McPherson	102,000
Kansas 2040A1 Leavenworth	265,000
Kentucky 2050D1 Graves	135,000
Kentucky 2055E1 Henderson-Union	37,000
Kentucky 2058B2 Floyd	65,000
Michigan 2005G2 Lenawee	25,000
Nebraska 2071B1 Madison District Public	317,000
North Carolina 2010C1 Haywood	279,000
North Carolina 2039C1 Union	92,000
North Dakota 2021A2 Sargent	167,000
North Dakota 2022A1 Bottineau	200,000
Ohio 2030D1 Marion	27,500
South Carolina 2035B2 Abbeville	140,000
South Dakota 2018A1 Clark	200,000
South Dakota 2021A1 Brown	160,000
Tennessee 2036A1 Scott	230,000
Tennessee 2039A1 Lincoln	164,000
Texas 2047D1 Deaf Smith	148,000
Texas 2080C1 Collingsworth	93,000
Texas 2088B2 Nueces	16,000
Texas 2108B1 Swisher	104,000
Texas 2119A1 Kimble	177,000
Texas 2121GT1 Brazos	1,000,000
Texas 2123A2 Baylor	108,000
Utah 2006B1 Garfield	213,000
Utah 2006C4 Garfield	140,000
Virginia 2036B1 Prince George	86,000
Virginia 2039A2 Northampton	66,000
Washington 2035B1 Pend Oreille	115,000
Wisconsin 2058B1 Price	26,000
Wisconsin 2063B1 Bayfield	43,000
Wyoming 2012C1 Park	127,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8727; Filed, November 22, 1941; 10:46 a. m.]

[Administrative Order No. 637]

AMENDMENT OF PROJECT DESIGNATION

NOVEMBER 10, 1941.

I hereby amend Administrative Order No. 625, dated October 7, 1941, by changing the project designation appearing therein as "North Carolina 2003B1 Wilson Public" to read "North Carolina 2060A1 Wilson Public."

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8724; Filed, November 22, 1941; 10:45 a. m.]

[Administrative Order No. 638]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1941.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 2015S2 Woodruff	$7,000
Colorado 2035S1 Chaffee	10,000
Indiana 2029S3 Fulton	5,000
Kansas 2027S3 Morris	5,000
Missouri 2046S3 Taney	10,000
Ohio 2033S3 Auglaize	10,000
South Carolina 2036S2 Barnwell	5,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8725; Filed, November 22, 1941; 10:46 a. m.]

[Administrative Order No. 639]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
New York 2023A1 Chautauqua	$176,000
New York 2024A1 Oneida	170,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-8726; Filed, November 22, 1941; 10:46 a. m.]

Surplus Marketing Administration.

ORDER TERMINATING THE ORDER REGULATING THE HANDLING OF MILK IN THE DISTRICT OF COLUMBIA MARKETING AREA (ORDER NO. 11)

Pursuant to the powers conferred by Public Act No. 10, 73d Congress, approved May 12, 1933, as amended, and the applicable general regulations issued thereunder, the Secretary of Agriculture issued, on September 17, 1936,[1] effective September 21, 1936, an order regulating the handling of milk in the District of Columbia marketing area (Order No. 11), which order was subsequently amended on November 17, 1936, effective December 1, 1936. The operation of said order was subsequently suspended on February 5, 1937, effective on February 8, 1937.

It is hereby found and determined that Order No. 11 no longer tends to effectuate the declared policy of the act.

It is, therefore, ordered that the order regulating the handling of milk in the District of Columbia marketing area (Order No. 11) be hereby terminated, effective at 12:01 a. m., e. s. t., November 21, 1941.

Issued at Washington, D. C., on this 21st day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8721; Filed, November 22, 1941; 10:45 a. m.]

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[1] 1 F.R. 1401.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F. R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 24, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Apparel

B & S Manufacturing Company, S. E. Cor. 4th and Cumberland Streets, Philadelphia, Pennsylvania; Boys' Wash Suits; 10 learners (t); November 24, 1942.

Brew-Schneider Company, Inc., 133 West 21st Street, New York, N. Y.; Washable Service Apparel; 10 percent (t); March 9, 1942.

Brown Garment Manufacturing Company, 603 West Markham Street, Little Rock, Arkansas; Pants; 10 percent (t); November 24, 1942.

Buntly Frocks, Inc., 195 Williams Street, Middletown, Connecticut; Dresses; 10 percent (t); November 24, 1942.

Kehr-Edelmann Company, 2200 West Street, Union City, New Jersey; Bandeaux and Brassieres; 10 percent (t); November 24, 1942.

Laros Textiles Company, E. Broad and Wood Streets, Bethlehem, Pennsylvania; Ladies' Woven Underwear; 40 learners (e) April 13, 1942.

Liberty Sport Togs, 40 King Street, Mount Holly, New Jersey; Boys' Wash Suits; 10 learners (e); April 13, 1942.

Manchester Pants Company, Manchester, Maryland; Pants; 10 percent (t); November 24, 1942. (This certificate replaces one issued bearing expiration date of December 23, 1941.)

Miller Brothers, 47 Thames Street, Brooklyn, New York; Children's & Infants' Wear; 10 learners (t); March 9, 1942.

Paramount Manufacturing Company, West Elm and Sterley Street, Shillington, Pennsylvania; Ladies' Silk Undergarments; 20 learners (e); April 13, 1942.

Ralphknee Pants Company, 237 Ralph Avenue, Brooklyn, New York; Boys' Pants-Contracting; 10 learners (e); March 9, 1942.

Tailor Maid Blouses, 127 East 9th Street, Los Angeles, California; Ladies' Blouses; 10 percent (t); October 13, 1942. (This certificate replaces one issued bearing effective date of October 13, 1941.)

White Swan Uniforms, Inc., 21 St. Casimer Avenue, Yonkers, New York; Nurses' Cotton Uniforms, Maids' Cotton Uniforms; 10 percent (t); November 24, 1942.

Wilhoite-Evans and Cohn, Inc., 945 S. Los Angeles Street, Los Angeles, California; Men's Sport Clothing; 10 learners (t); November 24, 1942. (This certificate replaces one issued bearing expiration date of November 17, 1942.)

Gloves

Kaul Glove and Manufacturing Company, 1431 Brooklyn Avenue, Detroit, Michigan; Work Gloves; 5 learners (t); November 24, 1942.

Julius Kayser and Company, 453 DeKalb Avenue, Brooklyn, New York; Knit Fabric Gloves; 5 percent (t); November 24, 1942.

Livermore Falls Glove Company, Livermore, Maine; Work Gloves; 5 learners (t); November 24, 1942.

Martins Ferry Glove Company, Main and 4th Streets, Uhrichsville, Ohio; Work Gloves; 5 learners (t); November 24, 1942. (This certificate replaces one issued to your Martins Ferry Plant, bearing expiration date of January 30, 1942.)

Wells Lamont Smith Corporation, 800 Washington Street, Burlington, Iowa;

Work Gloves and Knit Wool Gloves; 5 percent (t); November 24, 1942.

Wells Lamont Smith Corporation, Beardstown, Illinois; Work Gloves; 5 percent (t); November 24, 1942.

Hosiery

Caldwell Hosiery Mills, Inc., Granite Falls, North Carolina; Seamless Hosiery; 3 learners (t); November 24, 1942.

Carpenter Hosiery Mills, Wytheville, Virginia; Seamless Hosiery; 5 learners (t); November 24, 1942.

Hollar Hosiery Mills, Inc., 12th Street, Hickory, North Carolina; Seamless Hosiery; 10 learners (t); July 24, 1942.

McDonough Hosiery Mills, Inc., Sims Street, McDonough, Georgia; Seamless Hosiery; 5 percent (t); November 24, 1942.

Silver Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, North Carolina; Seamless Hosiery; 5 percent (t); November 24, 1942.

Southland Mills, Inc., Gault Avenue, Fort Payne, Alabama; Seamless Hosiery; 5 learners (t); November 24, 1942.

Vestal Mills, Inc., Athens, Tennessee; Seamless Hosiery; 5 learners (t); November 10, 1942.

Whisnant Hosiery Mills, 4th Street, Hickory, North Carolina; Seamless Hosiery; 5 percent (t); November 24, 1942.

Telephone

The Lincoln Telephone & Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Syracuse Exchange, Syracuse, Nebraska; until November 24, 1942. (t).

Textile

Charlotte Silk Backwinders, 717 East Seventh Street, Charlotte, North Carolina; Processing waste from fabrics; 2 learners (t); November 24, 1942.

Culpeper Textile Mills, Inc., Culpeper, Virginia; Weaving of Silk, Cotton and Rayon; 3 learners (t); November 24, 1942.

General Webbing Corporation, 235 Mill Street, Springfield, Massachusetts; Elastic Webbings; 3 learners (t); November 24, 1942.

The Paris Neckwear Company, Inc., Walnutport, Pennsylvania; Weaving of Men's Tie Fabrics; 3 learners (t); November 24, 1942.

Rosenau, Harris and Company, Ontario and "I" Streets, Philadelphia, Pennsylvania; Rayon and Silk Braid; 3 learners (t); November 24, 1942.

Signed at Washington, D. C., this 24th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8780; Filed, November 24, 1941; 11:50 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 24, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Southern Mills, Inc., Senoia, Georgia; Fibre fabrics woven from twisted paper; 10 learners; 6 weeks for any one learner; 30 cents per hour; Slitter, Twister, Copper Warper, Weaver, Repairer and Finisher; March 2, 1942.

Signed at Washington, D. C., this 24th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8781; Filed, November 24, 1941; 11:50 a. m.]

[Administrative Order No. 131]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 37 FOR THE CIGAR INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the cigar industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public

Thomas L. Norton, Chairman, Buffalo, New York.

Amy Hewes, South Hadley, Massachusetts.

Leland J. Gordon, Granville, Ohio.

Lawrence Hernandez, Tampa, Florida.

James M. Herring, Philadelphia, Pennsylvania.

For the Employees

John Tisa, Camden, New Jersey.

Elizabeth Tarbutton, Lima, Ohio.

R. E. Van Horn, Washington, D. C.

A. P. Bower, Reading, Pennsylvania.

Manuel Gonzales, Tampa, Florida.

For the Employers

Milton H. Ranck, Lancaster, Pennsylvania.

Alvaro M. Garcia, Tampa, Florida.

Harry Wurman, Philadelphia, Pennsylvania.

L. G. Walton, Dover, Pennsylvania.

Hoyte D. Woodbury, Tampa, Florida.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "cigar industry" means the manufacture of cigars, from *any* types of tobacco; and the preparation or marketing (including wholesaling) of *cigar* types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars, including cheroots, stogies, and little cigars.

(b) The manufacture of cigars from *non-cigar* types of leaf tobacco and the scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed in the manufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making *cigar* leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of *cigar* types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

3. The definition of the cigar industry covers all occupations in the industry which are necessary to the production of cigars or to the preparation or marketing of cigar types of tobacco and scrap tobacco therefrom, including clerical, maintenance, and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet in Room 3229, United States Department of Labor Building, Washington, D. C. on December 9, 1941 at 10 A. M. The Committee, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 21 day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8779; Filed, November 24, 1941; 11:50 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 499, 300]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, OVER THE ROUTE BETWEEN SAN FRANCISCO AND HONG KONG, BEING PAID TO PAN AMERICAN AIRWAYS COMPANY (OF NEVADA); AND IN THE MATTER OF THE PETITION OF PAN AMERICAN AIRWAYS COMPANY (OF NEVADA) FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER THE ROUTE BETWEEN SAN FRANCISCO, CALIFORNIA, AND AUCKLAND, NEW ZEALAND

NOTICE OF ORAL ARGUMENT

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, oral argument before the Board in the above-entitled proceeding is hereby assigned for December 3, 1941, 10 a. m. (E. S. T.), in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., November 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8736; Filed, November 24, 1941; 9:34 a. m.]

[Docket No. 1-406 (A)-1]

PETITION OF BRANIFF AIRWAYS, INC., FOR AN ORDER FIXING AND DETERMINING FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR AND THE SERVICES CONNECTED THEREWITH, OVER ROUTES NOS. 9, 15 AND 50, RESPECTIVELY

NOTICE OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, public hearing in the above-entitled proceeding is hereby assigned for December 2, 1941, 10 a. m. (E. S. T.) in Parlor "E", Willard Hotel, 14th Street and Pennsylvania Avenue NW., Washington, D. C., before Examiner Frank A. Law.

Dated Washington, D. C., November 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8735; Filed, November 24, 1941; 9:34 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6136]

IN RE APPLICATION OF FREQUENCY BROADCASTING CORPORATION (NEW)

AMENDED NOTICE OF HEARING

Application dated October 4, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Borough of Brooklyn, New York, N. Y.; operating assignment specified: frequency, 620 kc.; power, 500 w.; hours of operation, daytime.

Upon further examination of the above described application the Commission has *amended* the issues on which the hearing will be based, as shown below, and has consolidated the matter with the applications of Yankee Broadcasting Company, Inc., Docket No. 6189; and Newark Broadcasting Corporation, Docket No. 6190.

1. To determine whether the applicant, its officers, directors, and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WAGE (operating as at present or as proposed in application B3-P-3323), WICC, WIP, and WPRO.

4. To determine the areas and populations which would be deprived of primary service from Stations WICC, WIP, and WPRO as a result of the operation of the proposed station, and what other broadcast service is available to these areas and populations.

5. To determine the areas and populations which would gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice, particularly as to the length of the radials.

7. To determine whether the authorization requested herein is the best available assignment.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

9. To determine whether the proposed station would provide primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of New York and Northeastern New Jersey, as contemplated by the Standards of Good Engineering Practice.

10. To determine whether the granting of this application and the applications of Yankee Broadcasting Company, Inc., Docket No. 6189, and Newark Broadcasting Corporation, Docket No. 6190, or any of them would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Frequency Broadcasting Corporation, 1250 Atlantic Avenue, Borough of Brooklyn, New York, N. Y.

Dated at Washington, D. C., November 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8715; Filed, November 22, 1941; 10:01 a. m.]

[Docket No. 6189]

IN RE APPLICATION OF YANKEE BROADCASTING COMPANY, INC. (NEW)

NOTICE OF HEARING

Application dated February 6, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, New York, New York. Operating assignment specified: Frequency, 620 kc.; power, 1 kw. (DA-night & day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of Frequency Broadcasting Corporation, Docket No. 6136; and Newark Broadcasting Corporation, Docket No. 6190, for the following reasons:

1. To determine whether the applicant, its officers, directors, and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from simultaneous operation of the station proposed herein, and Stations WIP, WAGE (operating as at present or as proposed in application B3-P-3323), WICC and WPRO.

4. To determine the areas and populations which would be deprived of primary service from Stations WIP, WAGE (operating as at present or as proposed in application B3-P-3323, WICC and WPRO as a result of the operation of the proposed station, and what other broadcast service is available to these areas and populations.

5. To determine (1) whether the operation of the proposed station at the selected transmitter site would cause any distortion in the directional patterns of Stations WBNX and WINS, and (2) whether the proposed directional pattern could be achieved, particularly in view of the distances between these stations and the aforesaid transmitter site.

6. To determine whether the proposed directional antenna array would afford adequate protection to the service of Station WAGE (operating as at present or as proposed in application B3-P-3323) particularly in view of the distances between said station and the proposed station.

7. To determine the areas and populations which would gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

8. To determine whether the authorization requested herein is the best available assignment.

9. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

10. To determine whether the proposed station would provide primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of New York-Northeastern New Jersey, as contemplated by the Standards of Good Engineering Practice.

11. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

12. To determine whether the granting of this application and the applications of Newark Broadcasting Corporation, Docket No. 6190, and Frequency Broadcasting Corporation, Docket No. 6136, or any of them, would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of §1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Yankee Broadcasting Company, Inc., Att: Joseph B. Mariani, 206 Spring Street, New York, N. Y.

Dated at Washington, D. C., November 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8716; Filed, November 22, 1941; 10:01 a. m.]

[Docket No. 6190]

IN RE APPLICATION OF NEWARK BROADCASTING CORPORATION (NEW)

NOTICE OF HEARING

Application dated July 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Newark, N. J. Operating assignment specified: Frequency, 620 kc.; power, 5 kw. (DA-day & night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing to be consolidated with the applications of Yankee Broadcasting Company, Inc., Docket No. 6189, and Frequency Broadcasting Corporation, Docket No. 6136, for the following reasons:

1. To determine whether the applicant, its officers, directors, and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WIP, WICC, WAGE (operating as at present or as proposed in application B3-P-3323), and WPRO.

4. To determine the areas and populations which would be deprived of primary service, particularly from stations WIP, WICC, and WPRO as a result of the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

5. To determine whether the proposed antenna array would afford adequate protection to the primary service areas of Stations WAGE (operating as at present or as proposed in application B3-P-3323), WCAX, and WLBZ in view of the distances between said stations and the proposed station.

6. To determine whether the proposed station would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of New York-Northeastern New Jersey, as contemplated by the Standards of Good Engineering Practice.

7. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

8. To determine whether the authorization requested herein is the best available assignment.

9. To determine the areas and populations which would gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

10. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

11. To determine whether public interest, convenience, and necessity will be served by the granting of this application and the applications of Yankee Broadcasting Company, Inc., Docket No. 6189, and Frequency Broadcasting Corporation, Docket No. 6136, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Newark Broadcasting Corporation, 744 Broad Street, Newark, New Jersey.

Dated at Washington, D. C., November 18, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8717; Filed, November 22, 1941; 10:02 a. m.]

[Docket No. 6013]

IN RE APPLICATION OF WBNX BROADCASTING CO., INC. (NEW)

NOTICE OF HEARING

Application dated December 17, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y., operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,730 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of the application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WBNX Broadcasting Co., Inc., W. C. Alcorn, Vice President, 260 East 161st Street, New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8741; Filed, November 24, 1941; 9:43 a. m.]

[Docket No. 6175]

IN RE APPLICATION OF NEWS SYNDICATE CO., INC. (NEW)

NOTICE OF HEARING

Application dated January 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 47,900 kcs.; coverage, 8,500 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

News Syndicate Co. Inc., Att: Roy C. Holliss, 220 East 42d St., New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8742; Filed, November 24, 1941; 9:43 a. m.]

[Docket No. 6176]

IN RE APPLICATION OF FM RADIO BROADCASTING COMPANY, INC., (NEW)

NOTICE OF HEARING

Application dated December 10, 1940, for construction permit; class of service, high frequency broadcast; class of sta-

tion, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting, Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

FM Radio Broadcasting Company, Inc., % P. K. Leberman, 400 Madison Avenue, New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8743; Filed, November 24, 1941; 9:43 a. m.]

[Docket No. 6177]

IN RE APPLICATION OF KNICKERBOCKER BROADCASTING CO., INC. (NEW)

NOTICE OF HEARING

Application dated January 31, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: frequency, 48,300 kcs.; coverage, 8,550 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013, News Syndicate Co., Inc., Docket No. 6175, FM Radio Broadcasting Company, Inc., Docket No. 6176, Debs Memorial Radio Fund, Inc., Docket No. 6178, Greater New York Broadcasting Corp., Docket No. 6179, Wodaam Corporation, Docket No. 6180, Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of FM Radio Broadcasting Company, Inc., Docket No. 6176; News Syndicate Company, Inc., Docket No. 6175; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300, and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Knickerbocker Broadcasting Co., Inc. Attention: C. S. Guthrie, Secretary, 1657 Broadway, New York, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8744; Filed, November 24, 1941; 9:43 a. m.]

[Docket No. 6178]

IN RE APPLICATION OF DEBS MEMORIAL RADIO FUND, INC. (NEW)

NOTICE OF HEARING

Application dated April 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180; and Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Debs Memorial Radio Fund, Inc., 117 West 46th Street, New York, N. Y.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8745; Filed, November 24, 1941; 9:44 a. m.]

[Docket No. 6179]

IN RE APPLICATION OF GREATER NEW YORK BROADCASTING CORP. (NEW)

NOTICE OF HEARING

Application dated February 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, New York; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,500 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013, News Syndicate Co., Inc., Docket No. 6175, FM Radio Broadcasting Company, Inc., Docket No. 6176, Knickerbocker Broadcasting Co., Inc., Docket No. 6177, Debs Memorial Radio Fund, Inc., Docket No. 6178, Wodaam Corporation, Docket No. 6180, Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; News Syndicate Company, Inc., Docket No. 6175; Wodaam Corporation, Docket No. 6180; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,-300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Greater New York Broadcasting Corp., Attention: Harold A. Lafount, 730 Fifth Avenue, New York, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8746; Filed, November 24, 1941; 9:44 a. m.]

[Docket No. 6180]

IN RE APPLICATION OF WODAAM CORPORATION (NEW)

NOTICE OF HEARING

Application dated November 11, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, New York; operating assignment specified: Frequency, 46,700 kcs.; coverage, 8,500 square miles; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013, News Syndicate Co., Inc., Docket No. 6175, FM Radio Broadcasting Company, Inc., Docket No. 6176, Knickerbocker Broadcasting Co., Inc., Docket No. 6177, Debs Memorial Radio Fund, Inc., Docket No. 6178, Greater New York Broadcasting Corp., Docket No. 6179, Mercer Broadcasting Company, Docket No. 6181, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Wodaam Corporation, Attention: Bernice Judis, 501 Madison Avenue, New York, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8747; Filed, November 24, 1941; 9:44 a. m.]

[Docket No. 6181]

IN RE APPLICATION OF MERCER BROADCASTING COMPANY (NEW)

NOTICE OF HEARING

Application dated November 22, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Ewing Twp., New Jersey; operating assignment specified: Frequency, 44,700 kcs.; coverage, 3,200 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of WBNX Broadcasting Company, Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corp., Docket No. 6179; Wodaam Corporation, Docket No. 6180, for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; and WBNX Broadcasting Company, Inc., Docket No. 6013, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mercer Broadcasting Company, Attention: Thomas L. Kerney, 10 S. Stockton St., Trenton, New Jersey.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8748; Filed, November 24, 1941; 9:44 a. m.]

[Docket No. 6182]

IN RE APPLICATION OF FREQUENCY BROADCASTING CORPORATION (NEW)

NOTICE OF HEARING

Application dated October 4, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Brooklyn, N. Y.; operating assignment specified: Frequency, 45,900 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the operation of the station herein proposed, using the frequency 45,900 kilocycles, would serve public interest, convenience and necessity better than the operation of the station proposed by permittee, Interstate Broadcasting Company, as authorized in the grant of June 17, 1941, of application B1-PH-109.

4. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; Knockerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; Wodaam Corporation, Docket No. 6180; FM Radio Broadcasting Company, Docket No. 6176; WBNX Broadcasting Company, Inc., Docket No. 6013; and Mercer Broadcasting Company, Docket No. 6181, or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Frequency Broadcasting Corporation, 1250 Atlantic Avenue, Brooklyn, New York.

Dated at Washington, D. C., November 21, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8749; Filed, November 24, 1941; 9:44 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5747]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY

NOTICE OF APPLICATION

NOVEMBER 19, 1941.

Notice is hereby given that on November 19, 1941, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by Central U. S. Utilities Company, a corporation organized under the laws of the State of Delaware with its principal business office in Wilmington, Delaware, seeking an order authorizing the transfer and sale to Central U. S. Utilities Company of all of the facilities and assets of its wholly-owned subsidiary, Ohio River Power Company, a corporation organized under the laws of the State of Indiana, with its post-office address in Tell City, Indiana, comprising the water production and distribution systems and the electric generation systems and distribution systems located in the cities of Cannelton, Indiana, and Tell City, Indiana, and environs; and the subsequent sale and transfer of the said facilities to the Cities of Cannelton, Indiana and Tell City, Indiana by Central U. S. Utilities Company for a consideration stated in the application to be $600,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 27th day of November 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-8782; Filed, November 24, 1941; 12:02 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4555]

IN THE MATTER OF FELDER BROTHERS, INC., A CORPORATION, AND ABRAHAM FELDER, DAVID FELDER, AND LOUIS FELDER, INDIVIDUALLY, AND AS OFFICERS OF FELDER BROTHERS, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 15, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8731; Filed, November 22, 1941; 11:29 a. m.]

[Docket No. 4604]

IN THE MATTER OF ALFRED KOHLBERG, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, December 18, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8732; Filed, November 22, 1941; 11:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 4-21 and 37-7]

IN THE MATTER OF NEW ENGLAND POWER SERVICE COMPANY, NEW ENGLAND POWER ASSOCIATION, BELLOWS FALLS HYDRO-ELECTRIC CORPORATION, AND GREEN MOUNTAIN POWER CORPORATION

ORDER CONTINUING PREVIOUS AUTHORIZATION IN EFFECT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1941.

The Commission having by its order of the 31st day of July 1936 permitted a declaration to become effective with respect to New England Power Service Company as a subsidiary service company in the New England Power Association holding-company system, pursuant to Section 13 of the Public Utility Holding Company Act of 1935; and

The Public Service Commission of the State of Vermont having on the 29th day of July 1940 requested this Commission to investigate the service contract in force between New England Power Service Company and Bellows Falls Hydro-Electric Corporation and between New England Power Service Company and Green Mountain Power Corporation, for the purpose of determining the necessity of the services rendered and the equitableness of the charges for such services; and

Pursuant to said request of the Public Service Commission of the State of Vermont, this Commission having on the 6th day of August 1940 initiated proceedings pursuant to Sections 13 and 18 of said Act, in connection with which proceedings public hearings were held; and

The Public Utilities Division of the Commission having thereafter filed its report with respect to said proceedings, the Commission having on the 22nd day of May 1941 issued its order to show cause why its order of July 31, 1936 should not be rescinded, New England Power Service Company having filed its answer and supplement thereto, and New England Power Service Company having filed an amended declaration setting forth a reorganization of its methods of doing business, and further public hearings having been held thereon; and

The Commission having considered the record herein, and having found that the authorization heretofore granted New England Power Service Company should be continued in effect as to the reorganized company, and having made and filed its Findings and Opinion herein:

It is ordered, That the authorization heretofore granted New England Power Service Company on the 31st day of July 1936 be and same hereby is continued in effect as to the reorganized company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8734; Filed, November 22, 1941; 11:43 a. m.]

[File No. 1-1800]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF MAYFLOWER-OLD COLONY COPPER COMPANY CAPITAL STOCK, $25 PAR VALUE, SHOULD BE SUSPENDED OR WITHDRAWN

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1941.

Appearances: Gerard F. Treanor, for the Registration Division of the Commission; Robert W. Cornell, for the registrant; Henry E. Tracy, for the Boston Stock Exchange.

The Mayflower-Old Colony Copper Company, a corporation organized under the laws of the State of Michigan, has its capital stock, $25 par value, listed and registered on the Boston Stock Exchange, a national securities exchange. These shares were effectively registered under the Securities Exchange Act of 1934 on July 13, 1935.[1]

On September 4, 1941, the Commission instituted this proceeding, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration and listing of registrant's capital stock. The order instituting the proceeding set forth as the issues to be determined at the hearing:

(1) Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1940; and

(2) If so, whether it is necessary or appropriate for the protection of investors to suspend, or to withdraw, the registration of its capital stock.

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[1] The volume of trading in the stock from January 1, 1938, through September 17, 1941, was as follows: 1938, 3,000 shares; 1939, 820 shares; 1940, 600 shares; 1941 (through September 17), 100 shares.

After appropriate notice to the registrant, the Boston Stock Exchange, and the public, a hearing was held before a trial examiner in Boston, Massachusetts. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1940.[3] No exceptions to the trial examiner's report have been filed, and no objection to the withdrawal of listing and registration has been made either by the registrant or the Boston Stock Exchange. Upon an independent review of the record, we adopt the aforementioned finding of the trial examiner as being in accord with the record.

We find that the registrant has failed to comply with the statute and the rules thereunder in the respects noted above, and that it is necessary and appropriate for the protection of investors that the listing be withdrawn. Cf. *North European Oil Corporation*, 9 S. E. C. ---- (1941), Securities Exchange Act Release No. 2987; *Lehi Tintic Mining Company*, 10 S. E. C. ---- (1941), Securities Exchange Act Release No. 3049; *Gnome Gold Mining Company*, 10 S. E. C. ---- (1941), Securities Exchange Act Release No. 3066.

Accordingly, *It is ordered*, That the listing and registration of the capital stock, $25 par value, of the Mayflower-Old Colony Copper Company on the Boston Stock Exchange, a national securities exchange, be and it hereby is withdrawn.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, and Burke), Commissioner Purcell being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8733; Filed, November 22, 1941; 11:43 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, RESPONDENTS

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of November, A. D. 1941.

The Commission having, on September 4, 1941, issued its Notice of and Order for Hearing, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in the above-entitled matter; said order having required that respondents file their answer herein on or before October 17, 1941, and having set the date for the hearing herein on October 28, 1941; and said order having further provided that any person proposing to intervene in said proceedings file his request or application therefor on or before October 17, 1941;

The Commission having, by orders entered October 17, 1941 and November 3, 1941, extended the times within which respondents shall file their answer and within which requests or applications for intervention shall be made, and having postponed the date of the hearing; and

Respondents having filed their answer in the above-entitled matter, and Stanley Clarke, as Trustee of Associated Gas and Electric Company, having filed an application to intervene in these proceedings and the Commission having ordered that the application to intervene be granted and that Stanley Clarke, as Trustee of Associated Gas and Electric Company, be admitted as a party in said proceedings and be heard as to all matters affecting his interest; and

Respondents and said Stanley Clarke, as Trustee of Associated Gas and Electric Company, having joined in an application for the postponement of the date of the hearing herein until December 2, 1941; and the Commission being of the opinion that said request may be appropriately granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to December 2, 1941, at 10 o'clock, a. m., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said day by the hearing-room clerk in room 1102, before the officer or the Commission previously designated herein; and

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and to said Stanley Clarke, as Trustee of Associated Gas and Electric Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8772; Filed, November 24, 1941; 11:47 a. m.]

[File No. 70-439]

IN THE MATTER OF THE KANSAS POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than December 10, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Kansas Power Company, a subsidiary of John E. Dwyer, Trustee of Inland Power & Light Corporation, a registered holding company, proposes to reduce, effective October 20, 1941, from 3½% to 2¾%, the interest rate on $360,195.46 of unsecured notes of the Company due serially January 20, 1942-July 20, 1945, owing to the Continental Illinois National Bank and Trust Company of Chicago and the City National Bank and Trust Company of Chicago. The reduction in interest rate has been agreed to by the banks in consideration of the payment by the Company of $77,608.42 principal amount of unsecured notes maturing January 20, 1946, and July 20, 1946, which maturities were paid by the Company on or about October 9, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8773; Filed, November 24, 1941; 11:47 a. m.]

[Files No. 70-438, 70-422]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION AND COLUMBIA OIL & GASOLINE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than November 29, 1941 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to dispose of, and Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, proposes to acquire $300,000 face amount of the subsidiary's debentures held by the parent, for $312,000 in cash plus accrued interest, such amount being the redemption price specified in the indenture securing such debentures; the debentures so acquired to be tendered to the Trustee under the indenture in lieu of the semi-annual cash sinking fund required under the provisions of said indenture.

Sections 9, 10, 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 of the Rules and Regulations of the Commission issued thereunder have been designated as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8774; Filed, November 24, 1941; 11:47 a. m.]

[File No. 70-440]

IN THE MATTERS OF COLUMBIA GAS & ELECTRIC CORPORATION, THE MANUFACTURERS LIGHT AND HEAT COMPANY AND PENNSYLVANIA FUEL SUPPLY COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than December 6, 1941 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to sell and The Manufacturers Light and Heat Company, and Pennsylvania Fuel Supply Company, subsidiaries of Columbia Gas & Electric Corporation, propose to acquire, at their principal amount plus accrued interest, $400,000 and $100,000 principal amount, respectively, of 3% Eleven Months' Notes of the two latter subsidiaries.

Sections 12 (c) and 12 (d) of the Act and Rules U-42 and U-43 promulgated thereunder have been designated as being applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8775; Filed, November 24, 1941; 11:47 a. m.]

[File Nos. 59-30 and 70-427]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY AND STANLEY CLARKE, TRUSTEE THEREOF, IN HIS CAPACITY AS SUCH; ASSOCIATED GAS AND ELECTRIC CORPORATION AND WILLARD L. THORP AND DENIS J. DRISCOLL, TRUSTEES THEREOF, IN THEIR CAPACITY AS SUCH; GENERAL GAS & ELECTRIC CORPORATION, SOUTHEASTERN ELECTRIC AND GAS COMPANY; VIRGINIA PUBLIC SERVICE COMPANY; RESPONDENTS-APPLICANTS

ORDER GRANTING THE RIGHT TO INTERVENE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

Written application for leave to intervene herein pursuant to Rule XVII of the Rules of Practice of the Securities and Exchange Commission having been filed on behalf of the City of Alexandria, Virginia by Armistead L. Boothe, Esquire, its duly elected City Attorney;

It is ordered, Pursuant to the provisions of Section 19 of the Public Utility Holding Company Act of 1935 that said petition be, and hereby is, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8776; Filed, November 24, 1941; 11:48 a. m.]

IN THE MATTER OF NORTH COUNTRY SECURITIES CORPORATION 328-34 WOOLWORTH BUILDING, WATERTOWN, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

Appearances: Eugene M. Kline, of the New York Regional Office, for the Trading and Exchange Division of the Commission.

The respondent, North Country Securities Corporation, is registered with this Commission as an over-the-counter broker and dealer pursuant to Section 15 of the Securities Exchange Act of 1934. This proceeding was instituted under section 15 (b) of that Act to determine whether the registrant is permanently enjoined by order of the Supreme Court of the State of New York from engaging in certain acts and practices involving the purchase and sale of securities; and, if so, whether it is in the public interest to suspend or revoke its registration as an over-the-counter broker and dealer. Pursuant to an order of the Commission dated October 1, 1941, and notice duly served upon the registrant, the hearing in this matter was held before a trial examiner in New York City on October 21, 1941. The registrant failed to appear at the hearing.

The record shows, and we find, that by a decree entered on July 2, 1941, the Supreme Court of the State of New York in and for the County of Onondaga permanently enjoined the registrant from engaging in the securities business in the State of New York and appointed a permanent receiver to take over its property and assets. It further appears that this decree was entered with the consent of the registrant upon a complaint charging that registrant had "engaged in practices relating to the purchase and sale of securities which are fraudulent and * * * operated as a fraud upon their customers and the public generally," and had in other ways violated the laws of the State of New York. Upon the basis of the record before us, we find that it is in the public interest to revoke the registration of North Country Securities Corporation.

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of North Country Securities Corporation be, and it hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8777; Filed, November 24, 1941; 11:48 a. m.]

[3] Under Rule X-13A-1 the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year. At the request of the registrant, the Commission granted an extension of time to May 15, 1941, within which registrant might file its annual report for the fiscal year ended December 31, 1940; a further extension of 15 days was granted by the Commission upon the renewed request of the registrant. However, the extensions of time requested by the registrant have expired, and no annual report for the fiscal year ended December 31, 1940, has been filed.

In a letter to the Commission the registrant stated that its directors had voted to request the Commission to withdraw its registration on the Boston Stock Exchange, "as the company has not the necessary funds to pay for an audit, and file a report, as required by the Acts cited above."

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FEDERAL REGISTER

VOLUME 6 NUMBER 229

Washington, Wednesday, November 26, 1941

The President

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 1474 OF FEBRUARY 16, 1912, WITHDRAWING PUBLIC LAND

COLORADO

By virtue of the authority vested in me by the act of June 25, 1910, 36 Stat. 847 (U.S.C., title 43, sec. 141), Executive Order No. 1474 of February 16, 1912, withdrawing lot 2, sec. 1, T. 27 S., R. 71 W., Sixth Principal Meridian, Colorado, for use by the Forest Service as the Malachite Administrative Site in connection with the administration of the San Isabel National Forest, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 24, 1941.

[No. 8947]

[F. R. Doc. 41-8823; Filed, November 25, 1941; 10:48 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1941-Insular-2]

PART 702—1941 AGRICULTURAL CONSERVATION PROGRAM INSULAR REGION[1]

SUPPLEMENT NO. 2

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1941 Agricultural Conservation Program-Insular Region is hereby amended as follows:

1. Section 702.201 (a) (1) (i) is hereby amended to read as follows:

§ 702.201 *Soil-building practices*—(a) *Allowance in connection with soil-building practices.*

* * * * * *

(1) (i) $4.00 per acre, not in excess of 10 acres, and $1.00 per acre, in excess of 10 acres, of cropland in the farm in excess of the sum of the largest acreage devoted to sugarcane at any one time in 1941 and the rice or tobacco acreage allotment established for the farm; and

* * * * *

2. The second proviso of § 702.204 (b) is hereby amended to read as follows:

§ 702.204 *Division of payments and deductions.*

* * * * * *

(b) *Payments and deductions in connection with rice and tobacco acreage allotments.* * * * *Provided further,* That, if because of crop failure the harvested acreage of tobacco is less than the planted acreage of the crop and the State office finds, in accordance with instructions issued by the Agricultural Adjustment Administration, that use of the harvested acreage as a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, the net payment or net deduction shall be divided among the landlords, tenants, and sharecroppers in the proportion that the State office determines that these persons would have shared in the proceeds of the tobacco crop if the entire acreage planted to the crop in the 1941-42 tobacco season had been harvested.

3. A second paragraph is hereby added to § 702.208 (a), reading as follows:

§ 702.208 *General provisions relating to payments*—(a) *Payments restricted to effectuation of purposes of program.* * * *

Payments other than payments in connection with soil-building practices will be made only with respect to farms which are being operated in 1941.

* * * * * *

Done at Washington, D. C., this 25th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8830; Filed, November 25, 1941; 11:32 a. m.]

[1] 6 F.R. 1443.

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[Cotton 531]

PART 722—COTTON

SUBPART C—1941

County Normal Cotton Yields

Pursuant to the authority vested in the Secretary of Agriculture under the Agricultural Adjustment Act of 1938, as amended, I, Grover B. Hill, hereby establish the following county normal yields of lint cotton per acre in accordance with the provisions of section 301, subsection (b), paragraphs (13) (B) and (C) of said Act, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act applicable with respect to the marketing year beginning August 1, 1941:

§ 722.304 *1941 county normal cotton yields.*

1941 county normal yields of lint cotton per acre in pounds.

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Virginia

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(Section 301 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 41, 202; 7 U.S.C., Sup., 1301 (b) (13), as amended by 54 Stat. 728)

Done at Washington, D. C., this 25th day of November, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-8831; Filed, November 25, 1941; 11:32 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

Correction

A corrected line of type was substituted for the wrong line, resulting in a misprint in paragraph (b) of § 175.29 on page 5913 of the issue of Saturday, November 22, 1941. Paragraph (b) should read as follows:

(b) Any departure-control officer or other authorized official shall temporarily prevent the departure of any person of the class mentioned in the preceding paragraph if such person refuses to submit to such official inspection, or if the officer or official believes the departure of such person would under these regulations be prejudicial to the interests of the United States, or if directed by the Secretary of State or the Attorney General to prevent such departure. In every such case the officer or other official preventing departure shall temporarily take possession of any travel document presented by the alien. Such action shall be reported immediately by the departure-control officer to the head of his Department with a full statement of the facts. An individual so temporarily prohibited from departing shall not be permitted to depart and shall not be entitled to the benefits of any exemptions or limitations hereinbefore provided unless the Secretary of State is satisfied that the departure of such person would not be prejudicial to the interests of the United States.*

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4306]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF TITUS BLATTER & COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties.* Using, in connection with offer, etc., of respondent's textile fabric products, the word "sunfast" or any other word or words of similar import and meaning to designate and describe or refer to fabrics which change or lose color or otherwise deviate from their original color when exposed to the light of the sun; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Titus Blatter & Company, Docket 4306, November 18, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Titus Blatter & Company, a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of its textile fabric products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist:

Using the words "sunfast" or any other word or words of similar import and meaning to designate and describe or refer to fabrics which change or lose color or otherwise deviate from their original color when exposed to the light of the sun.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8833; Filed, November 25, 1941; 11:36 a. m.]

[Docket No. 4494]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DEAN CABOT

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively to make material disclosure—Safety.* Disseminating, etc., in connection with offer, etc., of respondent's medicinal preparation known as "Caboteks," or any other substantially similar preparation, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that said preparation constitutes a competent or effective treatment, cure, or remedy for delayed menstruation, or is a competent or effective treatment therefor, or that said preparation is safe for use; or which advertisements fail to reveal that the use of such preparation may cause gastro-intestinal disturbances and congestion and hemorrhage of the pelvic organs, and in a case of pregnancy may cause uterine infection and blood poisoning, and other dangerous effects; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Dean Cabot, Docket 4494, November 17, 1941]

In the Matter of Charles Campbell Buttenfield, Sr., an Individual Trading as Dean Cabot

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Charles Campbell Buttenfield, Sr., an individual trading as Dean Cabot, or trading under any other name, his rep-

resentatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his medicinal preparation known as "Caboteks", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or in any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement (a) by means of the United States mail, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said preparation constitutes a competent or effective treatment, cure, or remedy for delayed menstruation, or is a competent or effective treatment therefor, or that said preparation is safe for use; or which advertisement fails to reveal that the use of such preparation may cause gastro-intestinal disturbances and congestion and hemorrhage of the pelvic organs, and in a case of pregnancy may cause uterine infection and blood poisoning, and other dangerous effects;

(2) Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof, or which advertisement fails to reveal the dangerous consequences which may result from the use of said preparation as required in said paragraph (1) hereof.

It is further ordered, That the respondent shall, within ten days after service upon him of this order, file with the Commission an interim report in writing stating whether he intends to comply with this order, and, if so, the manner and form in which he intends to comply; and that within sixty days after service upon him of this order, respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8836; Filed, November 25, 1941; 11:37 a. m.]

[Docket No. 4378]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JENKS PHYSICIANS' SUPPLIES, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleading—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's medicinal preparations and devices known as "Intrauterine Paste", "Dependon Vaginal Jelly", "Dependon Vaginal Creme", "Flexible Kone Diaphragm", and "Flexible Kone Pessary", or any other substantially similar medicinal preparations or devices, disseminating, etc., any advertisements by means of the United States mails or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations or devices, which advertisements represent, directly or by implication, that any of said preparations or devices, whether used alone or in conjunction with any other of said preparations or devices, will prevent conception or prevent pregnancy; that any of said preparations or devices are safe, competent or effective preventatives against conception or pregnancy; that any of said preparations, whether used alone or in conjunction with any other of said preparations, is a competent or effective treatment for dysmenorrhea, endometritis, noxious discharges arising, in the cervix or uterus, or the restoration of normal menses when delayed; and so disseminating any advertisement of the devices designated as "Flexible Kone Diaphragms" and "Flexible Kone Pessaries", which fails to reveal that the device advertised cannot be worn without danger of injury to tissues, without interfering with proper drainage and without danger of infection; and so disseminating any advertisement of the preparation designated as "Dependon Intrauterine Paste" which fails to reveal that said preparation is a very caustic preparation which may destroy healthy tissues of the womb, and produce necrosis; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp., IV, sec. 45b) [Cease and desist order, Jenks Physicians' Supplies, etc., Docket 4378, November 18, 1941]

In the Matter of Mrs. Anne M. Jenks, Trading as Jenks Physicians' Supplies and Dependon Products

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admits all of the material allegations of fact set forth in said complaint and states that she waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Mrs. Anne M. Jenks, individually and trading as Jenks Physicians' Supplies and Dependon Products, or trading under any other name, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of her medicinal preparations and devices known as Intrauterine Paste, Dependon Vaginal Jelly, Dependon Vaginal Creme, Flexible Kone Diaphragm, and Flexible Kone Pessary, or any other medicinal preparation or device of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that any of said preparations or devices, whether used alone or in conjunction with any other of said preparations or devices, will prevent conception or prevent pregnancy; that any of said preparations or devices are safe, competent or effective preventatives against conception or pregnancy; that any of said preparations, whether used alone or in conjunction with any other of said preparations, is a competent or effective treatment for dysmenorrhea, endometritis, noxious discharges arising, in the cervix or uterus, or the restoration of normal menses when delayed; and from so disseminating any advertisement of the devices designated as "Flexible Kone Diaphragms" and "Flexible Kone Pessaries", which fails to reveal that the device advertised cannot be worn without danger of injury to tissues, without interfering with proper drainage and without danger of infection; and from so disseminating any advertisement of the preparation designated as "Dependon Intrauterine Paste" which fails to reveal that said preparation is a very caustic preparation which may destroy healthy tissues of the womb, and produce necrosis;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparations or devices, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to reveal, in any advertisement of the devices designated as "Flexible Kone Diaphragms" and "Flexible Kone Pessaries" and the preparation designated as "Dependon Intrauterine Paste", the dangerous consequences which may result from use of said device or devices and the said preparation, as required in paragraph 1 hereof.

It is further ordered, That the respondent shall, within ten (10) days after service upon her of this order, file with the Commission an interim report in writing, stating whether she intends to comply with this order, and if so, the manner and form in which she intends to comply; and that, within sixty (60) days after service upon her of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8838; Filed, November 25, 1941; 11:37 a. m.]

[Docket No. 4508]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CONCORD DISTRIBUTING COMPANY, INC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of cameras, souvenir thermometers, clocks, tableware sets, dressing table sets, electric lamps or any other articles of merchandise, (1) selling, etc., any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Concord Distributing Company, Inc., Docket 4508, November 18, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and respondent's answer admitting all the material allegations of fact contained in the complaint and waiving all intervening procedure and further hearing as to the facts, and the Commission, having made its findings as to the facts and conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Concord Distributing Company, Inc., a Corporation, its officers, directors, representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cameras, souvenir thermometers, clocks, tableware sets, dressing table sets, electric lamps or any other articles of merchandise in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery scheme;

(2) Supplying to, or placing in the hands of, others push or pull cards, punch boards or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8834; Filed, November 25, 1941; 11:36 a. m.]

[Docket No. 4327]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CLARA STANTON, DRUGGIST TO WOMEN

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.96 (a) *Using Misleading Name—Goods—Qualities or Properties:* § 3.96 (a) *Using Misleading Name—Goods—Results.* In connection with offer, etc., of respondent's "Anti-Fat Tablets" medicinal preparation, or any other substantially similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference that respondent's preparation is a cure or remedy for obesity, or that it has any therapeutic value in the treatment of obesity, or that said preparation has any properties which are effective in reducing excess fat, or that its use is of value in preventing obesity; or which use the name "Anti-Fat Tablets," or any other name of similar import or meaning, to designate or describe respondent's preparation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Clara Stanton, Druggist To Women, Docket 4327, November 18, 1941]

In the Matter of Clara Stanton, an Individual, Trading as Clara Stanton, Druggist for Women

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before William C. Reeves, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Clara Stanton, an individual, trading as Clara Stanton, Druggist to Women, or trading under any other name, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of her medicinal preparation known as "Anti-Fat Tablets," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference that respondent's preparation is a cure or remedy for obesity, or that it has any therapeutic value in the treatment of obesity, or that said preparation has any properties which are effective in reducing excess fat, or that its use is of value in preventing obesity; or which advertisement uses the name "Anti-Fat Tablets," or any other name of similar import or meaning, to designate or describe respondent's preparation;

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing,

setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8837; Filed, November 25, 1941; 11:37 a. m.]

[Docket No. 4489]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THRIFT SALES CORPORATION, ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of merchandise, (1) selling, etc., merchandise so packed and assembled that sales thereof to the general public are to be made and may be made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards or other lottery devices either with assortments of merchandise or separately, which said push or pull cards or other lottery devices are to be used or may be used in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Thrift Sales Corporation, et al., Docket No. 4489, November 18, 1941]

In the Matter of Thrift Sales Corporation, a Corporation Trading as Finance Service System and as Church Extension Bureau and Gustave Heiss, Individually and as an Officer of the Thrift Sales Corporation

At a regulation session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and a stipulation as to the facts entered into by counsel for the respondents in behalf of the respondents and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Thrift Sales Corporation, a corporation, its officers, directors, representatives, agents and employees, and Gustave Heiss, an individual and as an officer of the Thrift Sales Corporation, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from

(1) Selling or distributing merchandise so packed and assembled that sales of such merchandise to the general public are to be made and may be made by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards or other lottery devices either with assortments of merchandise or separately, which said push or pull cards or other lottery devices are to be used or may be used in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8835; Filed, November 25, 1941; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-1023 and A-1087]

PART 327—MINIMUM PRICE SCHEDULE. DISTRICT NO. 7

ORDER AMENDING PREVIOUS ORDERS IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

District Board No. 7 has filed motions to amend its original petitions and the Orders of the Director dated September 3, 1941, 6 F.R. 4816, and October 16, 1941, 6 F.R. 5670, Granting Temporary Relief and Conditionally Providing for Final Relief, by deleting all reference in the above-entitled matters to the Lane & Lilly Mine, Mine Index No. 234.

From the said motions it appears that the Lane & Lilly Mine, now operated by Lane & Lilly, a Code member in District No. 7, was formerly operated by Cora Lee Coal Company (W. G. Cole) under the name of the Snuffer Mine, Mine Index No. 527, and that minimum prices were established for the coals of Mine Index No. 527 in Size Groups 3 to 6, inclusive, in Price Schedule No. 1 for District No. 7 for Truck Shipments.

Now, therefore, it is ordered, That all reference to the Lane & Lilly Mine, Mine Index No. 234, in Supplement T, § 327.34 (*General prices in cents per net ton for shipment into any market area*), and Supplement R, § 327.11 (*Low volatile coals: Alphabetical list of code members*), in the Orders of the Director dated September 3, 1941 and October 16, 1941, respectively, Granting Temporary Relief and Conditionally Providing for Final Relief, in the above-entitled matters be, and it hereby is, deleted.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8822; Filed, November 25, 1941; 10:42 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 947—PIG IRON

Extension of General Preference Order M-17

(a) Section 947.1 (*General Preference Order M-17* [1]) is hereby extended, to expire on December 31, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as Amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 25th day of November 1941.

J. S. KNOWLSON, *Acting Director of Priorities.*

[F. R. Doc. 41-8824, Filed, November 25, 1941; 11:18 a. m.]

PART 962—STEEL

Extension of General Preference Order M-21

(a) Section 962.1 (*General Preference Order M-21* [2]) is hereby extended, to expire on December 31, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th day of November 1941.

J. S. KNOWLSON, *Acting Director of Priorities.*

[F. R. Doc. 41-8825; Filed, November 25, 1941; 11:18 a. m.]

[1] 6 F.R. 3920, 5254.
[2] 6 F.R. 4005, 4730.

PART 962—STEEL

Extension of Supplementary Order No. M-21-a

(a) Section 962.2 (*Supplementary Order M-21-a* [1]) is hereby extended, to expire on the expiration date of § 962.1 (*General Preference Order M-21*) (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th day of November 1941.

J. S. KNOWLSON, *Acting Director of Priorities.*

[F. R. Doc. 41-8826; Filed, November 25, 1941; 11:18 a. m.]

PART 962—STEEL

Amendment to Supplementary Order No. M-21-a

(a) Paragraph (c) of Supplementary Order M-21-a is hereby amended to read as follows:

§ 962.2 *Supplementary Order M-21-a.*

* * * * *

(c) (1) *Restrictions on melting, processing and deliveries of alloy iron or alloy steel containing 4% or more of chromium.* Except pursuant to a specific Preference Rating Certificate or Preference Rating Order carrying a preference rating of A-10 or higher and duly issued or extended to the Producer, or pursuant to specific written permission of the Director of Priorities,

(i) no Producer shall melt, or process beyond ingot, bloom, billet, sheet bar or slab, and

(ii) on and after December 1, 1941, no Producer shall deliver

any alloy iron or alloy steel containing 4% or more of chromium.

(2) *Directions as to deliveries.* The Director of Priorities may from time to time issue directions, directing or forbidding specific deliveries.

(3) *Directions as to alloying content.* The Director of Priorities may from time to time issue directions, specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element. Any person who shall violate any such direction, or any person who knowingly receives delivery of alloy iron or alloy steel in violation thereof, may be prohibited from making or receiving further deliveries of such material or subjected to such other action as the Director of Priorities may deem appropriate.

(b) This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th day of November 1941.

J. S. KNOWLSON, *Acting Director of Priorities.*

[F. R. Doc. 41-8827; Filed, November 25, 1941; 11:19 a. m.]

PART 962—STEEL

Extension of Supplementary Order No. M-21-b

(a) Section 962.3 (*Supplementary Order M-21-b* [1]) is hereby extended, to expire on the expiration date of § 962.3 (*General Preference Order M-21*) (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th day of November 1941.

J. S. KNOWLSON, *Acting Director of Priorities.*

[F. R. Doc. 41-8828; Filed, November 25, 1941; 11:19 a. m.]

PART 978—UTILITIES—MAINTENANCE, REPAIR AND SUPPLIES

Amendment No. 2 to Preference Rating Order No. P-46

(a) Section 978.1, as heretofore amended, is hereby amended as follows:

(1) Paragraph (a) (6) (ii) is amended to read as follows:

§ 978.1 *Preference rating order P-46.*[2]

(a) * * *

(6) * * *

(ii) Additions to, or expansion of, such property or equipment, other than the connection of new consumers, and minor improvements needed for relief from serious overload and other minor capital additions: *Provided,* That such connection of new consumers, minor improvements and other minor capital additions shall not include any work order or job in which the cost of Material shall not exceed $1,500 in the case of underground connections, and $500 in the case of other capital additions, and provided further that no single job shall be subdivided into parts in order to come below these limits:

* * * * *

(2) Paragraph (f) is amended to read as follows:

(f) *Restrictions on deliveries, withdrawals and inventory.* (1) No Producer shall, during any Calendar Quarterly Period, accept deliveries (whether or not rated pursuant to this Order) of any items of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose the aggregate dollar volume of which shall exceed 25% of the aggregate dollar volume of the withdrawals of items of Material of the same class from stores or inventory during the calendar year 1940 unless such deliveries shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor.

(2) No Producer shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose until the Producer's inventory and stores of items of Material of the same class have been reduced to a practical working minimum, unless such delivery shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor. Such practical minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class in inventory and stores on December 31, 1940, or, at the Producer's option, on the most recent date during the calendar year 1940 on which the Producer's inventory was taken.

(3) No Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Materials to be used as Operating Supplies or for Maintenance or Repair or for any other purpose the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class during the corresponding quarter of 1940, or, at the Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class during the calendar year 1940 unless such withdrawals shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor.

(4) Notwithstanding the provisions contained in paragraphs (f) (1), (2) and (3), a Producer may:

(i) In any Calendar Quarterly Period increase the aggregate dollar volume of deliveries accepted of Material for Operation, Maintenance and Repair of generation, production and pumping facilities, and withdrawals of Material for such use, over the aggregate dollar volume of deliveries or withdrawals of Material for such use during the corresponding calendar quarter of 1940 proportionately to the increase in system output in the preceding Calendar Quarterly Period over the system output in

[1] 6 F.R. 4784.

[1] 6 F.R. 4587, 5255.
[2] 6 F.R. 4784, 4866.

the Calendar Quarter of 1940 corresponding to such preceding Calendar Quarterly Period; and

(ii) In any Calendar Quarterly Period accept deliveries which will increase the aggregate dollar volume of inventory of Material for the Operation, Maintenance and Repair of generation, production and pumping facilities over the aggregate dollar volume of inventory of Material for such use on December 31, 1940, or, at the Producer's option, on the most recent date on which the Producer's inventory was taken during the calendar year 1940, proportionately to the increase in system output during the preceding Calendar Quarterly Period over the system output in the Calendar Quarter of 1940 corresponding to such preceding Calendar Quarterly Period; and

(iii) In any Calendar Quarterly Period accept deliveries or make withdrawals from stores or inventory of consumers' meters and house-regulators in an amount not in excess of 25% of the number of such meters or house-regulators condemned and destroyed by the Producer in 1940, (or, at the Producer's option, not in excess of the number of such meters and house-regulators condemned and destroyed in the corresponding quarter of 1940) plus the number of meters and house-regulators necessary to serve the net increase in customers occurring in the current quarter. For the purposes of this subparagraph (iii) withdrawals of meters and house-regulators shall not include meters or house-regulators put in service to replace meters and house-regulators removed from service; and

(iv) In order to provide for unavoidable and emergency situations, accept in any Calendar Quarterly Period deliveries of Material in excess of the amounts specified in paragraphs (f) (1), (2), and (4) (i) and (ii), or make withdrawals from stores or inventory of Material in excess of the amounts specified in paragraphs (f) (3) and (4) (i), such excess, however, not to exceed 2% of the aggregate dollar volume of Material of the same class in inventory on December 31, 1940, or, at the Producer's option, on the most recent date during the calendar year 1940 on which the Producer's inventory was taken; and

(v) In any Calendar Quarterly Period accept deliveries or make withdrawals of Material to the extent necessary for the Maintenance or Repair of the Producer's property or equipment which is damaged by fire, flood, or other climatic conditions, provided that, if the restrictions in paragraphs (f) (1), (2) or (3), as modified by the provisions of paragraphs (f) (4) (i), (ii), and (iv), are exceeded because of such deliveries or withdrawals, a full report of such deliveries or withdrawals together with the reasons therefor shall be made immediately to the Office of Production Management, and provided that the Producer shall, to the extent that the aggregate dollar volume of such deliveries or withdrawals exceeds the aggregate dollar volume of deliveries or withdrawals authorized in paragraphs (f) (1) and (3), as modified by the provisions of paragraphs (f) (4) (i), (ii), and (iv), make adjustments for such excess in the two succeeding Calendar Quarterly Periods unless exemption from this proviso shall be specifically authorized by the Office of Production Management

(5) The provisions of this paragraph (f) shall not apply to fuel, water purification chemicals, wooden poles or wooden crossarms.

(b) This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th day of November 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8829; Filed, November 25, 1941; 11:19 a. m.]

PART 1003—TITANIUM PIGMENTS

Amendment to General Preference Order M-44 To Conserve the Supply and Direct the Distribution of Titanium Pigments

Section 1003.1 (*General Preference Order No. M-44*)[1] is hereby amended as follows:

Paragraph (i) of said section is hereby amended to read as follows:

§ 1003.1 *General preference order M-44.*

* * * * *

(i) *Effective date.* This Order shall take effect at the opening of business, January 1, 1942.

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 25th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8846; Filed, November 25, 1941; 1:10 p. m.]

[1] 6 F.R. 5934.

Notices

WAR DEPARTMENT.

[Contract No. W 478 ORD-12]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SCOVILL MANUFACTURING CO., WATERBURY, CONNECTICUT

Contract for: * * * Sets, Fuze, * * *, Metal Parts.

Amount: $1,273,965.00.

Place: Hartford Ordnance District, 95 State Street, Springfield, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of the same: ORD 50, 360 PO12-02A0020-13.

This contract,[1] entered into this 6th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * sets of Fuze, * * *, Metal Parts for the consideration stated a total price of one million, two hundred seventy-three thousand, nine hundred sixty-five dollars ($1,273,965.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * * % and at the price specified in Article 1, such option to be exercised within * * * days from date of this contract.

[1] Approved by the Chief of Ordnance Nov. 3, 1941

Termination for convenience of the government. Should conditions arise which, in the opinion of the head of the Department make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the contracting officer to the contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

Price adjustments. The prices quoted in Article I shall be subject to adjustment from time to time during the contract period for changes in labor costs.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Cong.).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8784; Filed, November 25, 1941; 9:26 a. m.]

[Contract No. W-670-ORD-1769]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CROWN CORK & SEAL COMPANY, INC., BALTIMORE, MARYLAND

Contract for: * * * Machine Gun Mounts, * * * Spare Parts and Accessories.

Amount: $2,713,926.40.

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pennsylvania.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

ORD 15,327 P11—30 A(1005).105—01

This contract,[1] entered into this 17th day of October 1941.

Scope of this contract. The Contractor shall furnish and deliver:

Item:	*Article*
1	Mounts, * * *, Machine Gun * * *.
2	Sets of Spare Parts.
3	Accessories.

For the consideration stated of two million, seven hundred thirteen thousand, nine hundred twenty-six dollars and forty cents ($2,713,926.40) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination for convenience of the Government. Should conditions arise which, in the opinion of the Secretary of War, make it desirable that the contract be terminated, the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this Article.

This contract is authorized by the following laws: The Act of July 2, 1940 (Public, No. 703, 76th Congress), as continued in effect by The Act of Congress approved June 30, 1941 (Public, No. 139, 77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8785; Filed, November 25, 1941; 9:26 a. m.]

[Contract No. W 398 qm-10890; O. I. #973]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MANUFACTURING CO. (GENERAL MOTORS TRUCK & COACH DIVISION), PONTIAC, MICHIGAN

Contract for: Trucks, * * *.

Amount: $37,326,055.00.

Place: Holabird Quartermaster Depot, Baltimore, Md.

This contract, entered into this 17th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks * * * Total $37,326,055.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of acceptable articles within the times specified in Article 1, or any extension or extensions thereof, the Government may, by written notice terminate the right of the contractor to proceed with the delivery of all or any portion of the undelivered articles covered by this contract.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If in the opinion of the Contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Terms of payment. Discount will be allowed for prompt payment as follows: 20 calendar days $ * * * per truck.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 1801 P 37-30 A 0525.003-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under section (1) a Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8786; Filed, November 25, 1941; 9:27 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-2]

IN THE MATTER OF THE APPLICATION OF ST. GEORGE COAL CORPORATION FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED BY IT AND RESOLD TO MARINE FUELS, INC.

NOTICE OF AND ORDER FOR HEARING

The St. George Coal Corporation, a corporation organized under the laws of New York, having its principal place of business in New York, New York, and registered with the Division as a distributor, No. 7973, filed its petition in the above-entitled matter praying that it be given permission to accept and retain distribu-

tors' discounts on all coal, heretofore and hereafter, purchased by it and resold to Marine Fuels, Inc.

It is therefore ordered, That a hearing on such matter be held on January 7, 1942, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before January 3, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8795; Filed, November 25, 1941; 10:36 a. m.]

[Docket No. D-3]

IN THE MATTER OF THE APPLICATION OF THE AKRON COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENT'S COMMISSION AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO J. P. LOOMIS COAL AND SUPPLY COMPANY

NOTICE OF AND ORDER FOR HEARING

The Akron Coal Company, a corporation organized under the laws of Ohio, having its principal place of business in Akron, Ohio, acting as sales agent for certain producers and registered with the Division as a distributor, No. 0085, filed its petition in the above-entitled matter praying that it be given permission to accept and retain sales agent's commission and distributor's discounts on all coal, heretofore and hereafter, sold to J. P. Loomis Coal and Supply Company.

It is therefore ordered, That a hearing on such matter be held on January 12, 1942, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division or designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before January 8, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8796; Filed, November 25, 1941; 10:36 a. m.]

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 15, 1941	157383	2" NS	$2.10	$2.10	$0.25	51.00
Do	163581	2" NS	2.10	2.10	.25	49.60
Do	163822	2" NS	2.10	2.10	.25	50.70
Do	156066	2" NS	2.10	2.10	.25	51.70
Do	410713	2" NS	2.10	2.10	.25	76.65
Do	900998	2" NS	2.10	2.10	.25	75.15
Do	893337	2" NS	2.10	2.10	.25	50.45
Feb. 8, 1941	174004	2" NS	2.10	2.10	.25	
Do	189101	2" NS	2.10	2.10	.25	
Do	191226	2" NS	2.10	2.10	.25	389.70
Do	179900	2" NS	2.10	2.10	.25	
Do	699961	2" NS	2.10	2.10	.25	
Do	161704	2" NS	2.10	2.10	.25	
Feb. 20, 1941	166204	2" NS	2.10	2.10	.25	
Do	705342	2" NS	2.10	2.10	.25	
Do	705589	2" NS	2.10	2.10	.25	355.90
Do	155068	2" NS	2.10	2.10	.25	
Do	710035	2" NS	2.10	2.10	.25	
Do	726865	2" NS	2.10	2.10	.25	
Mar. 13, 1941	178802	2" NS	2.10	2.10	.25	
Do	727125	2" NS	2.10	2.10	.25	
Do	152834	2" NS	2.10	2.10	.25	296.90
Do	159453	2" NS	2.10	2.10	.25	
Do	729106	2" NS	2.10	2.10	.25	
Total						1,447.75

and it is hereby amended by deleting paragraph 2 thereof, and inserting in place thereof paragraph 2 as set forth below:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12.

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 2, 1941	298169	2" NS	$2.10	$2.10	$0.25	45.85
Do	705496	2" NS	2.10	2.10	.25	49.65
Jan. 8, 1941	154108	2" NS	2.10	2.10	.25	48.75
Jan. 9, 1941	159377	2" NS	2.10	2.10	.25	49.05
Jan. 13, 1941	899037	2" NS	2.10	2.10	.25	54.55
Jan. 15, 1941	157702	2" NS	2.10	2.10	.25	51.00
Jan. 27, 1941	207712	2" NS	2.10	2.10	.25	43.60
Jan. 30, 1941	200774	2" NS	2.10	2.10	.25	49.45
Feb. 3, 1941	729415	2" NS	2.10	2.10	.25	44.60
Feb. 6, 1941	702105	2" NS	2.10	2.10	.25	44.60
Feb. 7, 1941	715446	2" NS	2.10	2.10	.25	51.80
Do	724661	2" NS	2.10	2.10	.25	45.20
Feb. 10, 1941	724630	2" NS	2.10	2.10	.25	46.15
Do	709489	Mod. M/R	2.20	2.20	.25	50.90
Feb. 14, 1941	294174	2" NS	2.10	2.10	.25	46.35
Do	157373	2" NS	2.10	2.10	.25	50.90
Feb. 17, 1941	152729	2" NS	2.10	2.10	.25	52.45
Do	879853	2" NS	2.10	2.10	.25	44.60
Feb. 19, 1941	176551	2" NS	2.10	2.10	.25	52.60
Feb. 24, 1941	156871	2" NS	2.10	2.10	.25	46.35
Feb. 26, 1941	202921	2" NS	2.10	2.10	.25	51.30
Do	201300	2" NS	2.10	2.10	.25	48.60
Feb. 28, 1941	298634	2" NS	2.10	2.10	.25	48.60
Do	160251	2" NS	2.10	2.10	.25	42.00
Mar. 5, 1941	295390	2" NS	2.10	2.10	.25	46.90
Do	213147	2" NS	2.10	2.10	.25	48.95
Mar. 10, 1941	214812	2" NS	2.10	2.10	.25	42.05
Mar. 15, 1941	213873	2" NS	2.10	2.10	.25	44.60
Mar. 21, 1941	202202	2" NS	2.10	2.10	.25	50.55
Mar. 22, 1941	143253	2" NS	2.10	2.10	.25	51.00
Do	704451	2" NS	2.10	2.10	.25	49.75
Mar. 28, 1941	372684	2" NS	2.10	2.10	.25	42.05
Do	149664	2" NS	2.10	2.10	.25	49.95
Total						1,792.00

It is further ordered, That the Notice of and Order for Hearing dated October 24, 1941, shall, in all other respects, remain in full force and effect.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8797; Filed, November 25, 1941; 10:36 a. m.]

[Docket No. B-47]

IN THE MATTER OF MAURER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6065, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division having issued a Notice of and Order for Hearing dated October 24, 1941 in the above-entitled matter to determine whether or not the Maurer Coal Company, Registered Distributor, has violated certain provisions of the Act, the Code, the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement executed April 11, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

It is ordered, That said Notice of and Order for Hearing dated October 24, 1941, in the above-entitled matter be and it is hereby amended by deleting paragraph 2 thereof and inserting in place thereof paragraph 2 as set forth below:

2. Subsequent to October 1, 1940, respondent accepted and retained discounts on large quantities of coal, as hereinafter set forth, purchased for resale from Forks Coal Mining Company, Cresson, Pennsylvania, a code member, operating the Hughes No. 11 Mine, Mine Index No. 219, in Cambria County, Pennsylvania, District No. 1, which discounts were in excess of the maximum allowable discount as contained in the Order of the Director dated June 19, 1940, entered in General Docket No. 12.

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 10, 1941	697179	2" NS	$2.10	$2.10	$0.20	48.05
Jan. 22, 1941	728709	M. M. R.	2.20	2.20	.20	41.55
Do	155892	M. M. R.	2.20	2.20	.20	32.45
Jan. 30, 1941	156906	2" NS	2.10	2.10	.20	50.75
Do	291540	M. M. R.	2.20	2.20	.20	48.90
Do	890953	M. M. R.	2.20	2.20	.20	43.30
Do	890996	M. R.	2.20	2.20	.20	43.30
Feb. 4, 1941	300290	R/M	2.20	2.20	.20	45.50
Feb. 10, 1941	726410	R/M	2.20	2.20	.20	46.85
Total						432.30

It is further ordered, That the Notice of and Order for Hearing dated October 24, 1941 shall, in all other respects, remain in full force and effect.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 41-8798; Filed, November 25, 1941; 10:36 a. m.]

[Docket No. B-42]

IN THE MATTER OF H. N. HARTWELL & SON, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4055, RESPONDENT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division having issued a Notice of and Order for Hearing

It is further ordered, That the Notice of and Order for Hearing dated October 22, 1941, shall, in all other respects, remain in full force and effect.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8799; Filed, November 25, 1941; 10:37 a. m.]

[Docket No. A-390]

PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF TEMPORARY MINIMUM PRICES FOR 2,500 TONS OF SUB-STANDARD SIXTH VEIN COAL PRODUCED AT MINE INDEX 22, CLINTON MINE, AND WASHED AT CHINOOK MINE, AYRSHIRE PATOKA COLLIERIES CORPORATION, HERETOFORE UNCLASSIFIED AND UNPRICED

ORDER TERMINATING PROCEEDING

This proceeding was instituted upon an original petition filed by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of temporary minimum prices for 2,500 tons of washed coal produced at the Clinton Mine (Mine Index No. 22) of the Ayrshire Patoka Collieries Corporation. Subsequent to the entry of an Order Granting Temporary Relief as requested, petitioner filed an affidavit stating that it had been notified by Ayrshire Patoka Collieries Corporation that the sale of coal under the Order Granting Temporary Relief had been completed, and petitioner has by letter indicated its desire to have this proceeding terminated.

It is, therefore, ordered, That the proceeding in the above matter be, and the same hereby is, terminated.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8800; Filed, November 25, 1941; 10:37 a. m.]

[Docket No. B-43]

IN THE MATTER OF WYATT, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9907, RESPONDENT

CORRECTION OF ERROR IN NOTICE OF AND ORDER FOR HEARING

An error occurred in Notice of and Order for Hearing, dated October 24, 1941,[1] in the above-entitled matter.

In the second line of the tabulation set forth in paragraph 2 thereof, the entry in the column entitled "P. R. R. Car Number" should read "298716" instead of "598716".

Now, therefore, it is ordered, That the entry of "598716" in the second column entitled "P. R. R. Car Number" of the second line of the tabulation contained in paragraph 2 of said Notice of and Order for Hearing be, and the same hereby is, deleted and the figure "298716" inserted in place thereof.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8801; Filed, November 25, 1941; 10:37 a. m.]

[Docket No. B-44]

IN THE MATTER OF J. O. PITCHER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7341, RESPONDENT

CORRECTION OF ERROR IN NOTICE OF AND ORDER FOR HEARING

An error occurred in the Notice of and Order for Hearing dated October 24, 1941,[1] in the above-entitled matter.

In the second line of the tabulation set forth in paragraph 2 thereof, the entry in the column entitled "Billed Price Per Ton" should read "$2.25" instead of "$2.20."

Now, therefore, it is ordered, That the entry of "$2.20" in the fourth column entitled "Billed Price Per Ton" of the second line of the tabulation contained in paragraph 2 of said Notice of and Order for Hearing be, and the same hereby is, deleted and the figure "$2.25" inserted in place thereof.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8802; Filed, November 25, 1941; 10:37 a. m.]

[Docket No. A-1079]

PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR RAIL SHIPMENT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 24, 1941, be postponed for a reasonable time, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from 10 o'clock in the forenoon of November 24, 1941, until 10 o'clock in the forenoon of December 10, 1941, at the place and before the officers heretofore designated.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8803; Filed, November 25, 1941; 10:37 a. m.]

[Docket No. A-1082, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT FOR THE COALS OF HERCULES MINE, MINE INDEX NO. 644, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, without prejudice, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is, dismissed, without prejudice.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8804; Filed, November 25, 1941; 10:37 a. m.]

[Docket No. 1627-FD]

IN THE MATTER OF THE ELMER MILLER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6455, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Director having entered an order in the above-entitled matter dated August 14, 1941, suspending the registration of the defendant, The Elmer Miller Coal Company, as a distributor, Registration No. 6455, for a period of ninety days from the date of service thereof upon said defendant; and

Said order having been received by defendant on August 19, 1941; and

The Elmer Miller Coal Company, defendant herein, having duly filed with the Division on November 14, 1941, an affidavit dated November 12, 1941, pursuant to the provisions of said order dated August 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Director that said affidavit of The Elmer Miller Coal Company sufficiently complies with the provisions of said order dated August 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of The Elmer Miller Coal Company as a distributor be and it hereby is reinstated.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8805; Filed, November 25, 1941; 10:38 a. m.]

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[1] 6 F.R. 5495.

[Docket No. A-276]

PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 20 FOR SHIPMENT INTO MARKET AREAS 200 AND 201

MEMORANDUM OPINION AND ORDER CONCERNING PETITION FOR RECONSIDERATION AND ORDER REOPENING HEARING

This proceeding was instituted upon a petition filed by District Board 20 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a revision in the Schedule of Effective Minimum Prices of District 20 for All Shipments so that the same minimum f. o. b. mine prices for coal shipped by rail from Subdistrict 1 (Castlegate-Hiawatha) to Market Areas 200 (North Dakota and a portion of South Dakota) and Market Area 201 (a portion of eastern South Dakota) be established as are applicable for similar shipments to Market Areas 202 and 203 (also a portion of South Dakota).

Temporary relief pending the final disposition of this matter was granted by Order of the Director dated December 16, 1940.

Pursuant to an Order of the Director, a hearing in this matter was held before Thurlow G. Lewis, a duly designated Examiner of the Division, at a hearing room thereof in Salt Lake City, Utah. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of the petitioner and Consumers' Counsel Division. At the conclusion of the hearing all interested parties waived the preparation and filing of a report by the Examiner and the record was thereupon submitted to the Director who, on September 30, 1941, issued his Findings of Fact and on the basis of the Conclusions drawn therefrom, denied the requested relief.

In a petition filed on November 4, 1941, the District Board requests that the Findings of Fact, Conclusions of Law, and the Order denying the requested relief be reconsidered; that pending such reconsideration, the Order denying relief be stayed; and that upon reconsideration an Order be entered granting the requested relief. The petition was accompanied by a brief and by an affidavit of the Secretary of the District Board. The principal reasons assigned by the petitioner in support of its petition for reconsideration are that certain Findings of Fact and Conclusions of Law of the Director are not supported by evidence and that in making said findings and conclusions the Director failed to consider certain evidence of record.

After a reconsideration of this matter the Director is of the opinion that the Order entered herein on September 30, 1941, is adequately supported by the evidence and that the evidence of record does not justify the granting of the permanent relief requested in the original petition. However, in view of the intimation in petitioner's moving papers that it did not adequately present its case and that there are facts which they desire to place in the record and which it believes preponderate in favor of granting the relief, the Director has concluded to order the record in this matter reopened for the purpose of taking additional evidence relevant to the issues in this case. The district boards are cautioned, however, that they are expected in each case to present fully all the facts relevant to the issue. The Director does not plan to follow the practice of reopening hearings on the basis of a bare allegation that a board neglected to present a complete case at the initial hearing. Orderly administration requires that only one hearing be held in each proceeding.

In view of the arguments advanced by the petitioner and the statements contained in its affidavit to the effect that irreparable injury will result from the Order of the Director dated September 30, 1941, the Director concludes that said Order should be suspended pending a rehearing in this matter. It further appears that to suspend said Order until such time as a rehearing can be held and facts more clearly presented for the Director's consideration will not result in material injury to other producers.

It is, therefore, ordered, That the Order of the Director dated September 30, 1941, denying relief herein, be and it hereby is stayed pending further Order of the Director; and that the Order of December 16, 1940, granting temporary relief be and it hereby is reinstated until further Order of the Director.

It is further ordered, That the hearing in the above-entitled matter held on January 29, 1941, be and it hereby is reopened for the purpose of adducing additional evidence on the issues presented by the original petition.

It is further ordered, That the reopened hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person who has not heretofore filed a petition of intervention in this matter and who desires to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 1, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 20 for a modification of the effective minimum prices for coals produced in Subdistrict No. 1 of District No. 20, in All Size Groups and particularly Size Groups 2, 3, 5 and 7, for shipment into Market Areas 200 and 201.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8806; Filed, November 25, 1941; 10:38 a. m.]

[Docket No. 1764-FD]

IN THE MATTER OF SOUTHERN COAL COMPANY, DEFENDANT

ORDER GRANTING PERMISSION TO WITHDRAW COMPLAINT AND DISCONTINUING MATTER

The Bituminous Coal Producers Board for District No. 14, complainant herein, having requested permission to withdraw its complaint against the defendant, a registered distributor, dated May 24, 1941 and filed with the Division May 28, 1941, on the ground that the violations alleged in said complaint have been made part of the Notice of and Order for Hearing, dated October 28, 1941, in the Matter of Southern Coal Company, Inc., Registered Distributor, Registration No. 8561, Docket No. B-80; and

The Director deeming it advisable to grant said permission;

Now, therefore, it is ordered, That the complainant herein is hereby granted permission to withdraw its complaint herein without prejudice to the Notice of and Order for Hearing dated October 28, 1941, in the Matter of Southern Coal Company, Inc., Registered Distributor, Registration No. 8561, Docket No. B–80; and

It is further ordered, That the matter herein, Docket No. 1764–FD, be and the same is hereby discontinued.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8807; Filed, November 25, 1941; 10:38 a. m.]

[Docket No. 1725–FD]

IN THE MATTER OF THE DOODLE BUG COAL COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging that the Doodle Bug Coal Company, the defendant, a code member in District 12, wilfully violated the Bituminous Coal Code or rules and regulations thereunder and the effective minimum prices, by selling for shipment by truck to George Pope, Hamilton, Iowa, during the period from January 1, 1941, to May 10, 1941, a substantial number of tons of screenings and mine run coals produced at the defendant's mine, Mine Index No. 627, in District 12, at the price of $1.00 per net ton f. o. b. the mine, or 60 cents below the effective minimum price applicable to said coals;

Pursuant to an Order of the Director dated July 21, 1941, and after due notice to interested persons, a hearing in this matter having been held on September 17, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the defendant appeared;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the code membership of the defendant, Doodle Bug Coal Company, a partnership consisting of Malcolm Collins and Dale Collins, be, and it hereby is revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $101.28, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[1] Not filed with the original document.

[F. R. Doc. 41–8808; Filed, November 25, 1941; 10:38 a. m.]

[Docket No. A–119]

PETITION OF DISTRICT BOARD 4, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

ORDER ASSIGNING MINE INDEX NO. 312 FOR THE SICKAFOOSE MINE OF SICKAFOOSE BROS., A CODE MEMBER IN DISTRICT NO. 4

On October 19, 1940, the Director issued a Notice of and Order for Hearing and Granting Temporary Relief in the above-entitled matter. Among other matters, this order assigned Mine Index No. 2303 to the Sickafoose Mine of Sickafoose Bros. and also to the Miller Mine of Marshall A. Miller, code members in District No. 4. After further proceedings in the above-entitled matter, the Director, on April 19, 1941, issued an Order Approving and Adopting the Proposed Findings of Fact and Conclusions of Law of the Examiner, and Granting Permanent Relief.

It appears that another mine index number should be assigned to the said Sickafoose Mine in order to distinguish its mine index number from that of the said Miller Mine.

Now, therefore, it is ordered, That the assignment of Mine Index No. 2303 to the Sickafoose Mine of Sickafoose Bros., a code member in District No. 4, be revoked, and in lieu thereof, Mine Index No. 312 be assigned to the said mine; and

It is further ordered, That in all other respects the said Order of April 19, 1941, be and it hereby is, continued in full force and effect.

Dated: November 24, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41–8809; Filed, November 25, 1941; 10:39 a. m.]

[Docket No. 152–FD]

INVESTIGATION TO DETERMINE WHETHER COALS IN THE STATE OF VIRGINIA ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, AND FOR THE FURTHER PURPOSE OF HEARING APPLICATIONS FOR EXEMPTION, AS PROVIDED FOR IN ORDERS NOS. 28 AND 174 OF THE NATIONAL BITUMINOUS COAL COMMISSION; AND, IN THE MATTER OF THE APPLICATIONS FOR EXEMPTION, UNDER SUBSECTION (b), SECTION 17 OF THE BITUMINOUS COAL ACT OF 1937, FROM THE OPERATION AND EFFECT OF THE PROVISIONS OF SAID ACT, FILED BY THE ANTHRACITE COAL AND BRIQUETTING COMPANY, INC., THE FRANK THOMAS COAL CORPORATION, THE GREAT VALLEY ANTHRACITE COAL CORPORATION, THE SUPERIOR ANTHRACITE MINES, INC., THE HARD COAL MINES, INC., AND THE OTEY MINES OPERATED BY HOGE BROTHERS MINING AND MANUFACTURING COMPANY, INC.

ORDER CONCERNING COALS MINED IN THE STATE OF VIRGINIA

This proceeding having been instituted by the National Bituminous Coal Commission on January 4, 1938, by its Order No. 174, directing that a hearing be held for the purpose of determining whether coals in the State of Virginia are subject to the provisions of the Bituminous Coal Act of 1937 and for the purpose of hearing applications for exemption as provided for by said Order No. 174 and by Order No. 28 issued by the Commission on July 27, 1937, which provided that "any producer of coal may, upon application to the Commission and upon presentation of proper evidence in support of such application, if required by the Commission, secure a finding by the Commission as to whether or not any such coal is bituminous as defined in the Act, and if it is not bituminous, secure a certificate from the Commission showing such fact;"

Applications for exemption from the provisions of the Act having been filed by Otey Mines operated by Hoge Brothers Mining and Manufacturing Company, Inc., Blacksburg, Virginia; Anthracite Coal and Briquetting Company, Inc., Pulaski, Virginia; Frank Thomas Coal Corporation, Merrimac, Virginia; Great Valley Anthracite Coal Corporation, McCoy, Virginia; Superior Anthracite Mines, Inc., McCoy, Virginia; and Hard Coal Mines, Inc., Christiansburg, Virginia.

Pursuant to due notice to all interested persons, a hearing in this matter having been held from February 28 to March 2, 1938, before T. B. Cantrell, a duly designated Examiner of the Commission, at which appearances were entered by the Office of Consumers' Counsel, by Frank Thomas Coal Corporation, Superior Anthracite Mines, Inc., Hard Coal Mines, Inc., Great Valley Anthracite Coal Corporation, and Anthracite Coal and Briquetting Company, Inc., by District Board 14, and by the Anthracite Institute;

The Examiner on April 22, 1938 having filed his Report, Findings, Conclusions, and Recommendations;

The undersigned having considered the entire record and upon the basis thereof having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith; [1]

Now, therefore, it is ordered, That the coals in Pulaski and Montgomery Counties, Virginia, produced by the Anthracite Coal and Briquetting Company, Inc., from the "Langhorne Seam," and by the Frank Thomas Coal Corporation, by the Great Valley Anthracite Coal Corporation, by the Superior Anthracite Mines, Inc., by the Hard Coal Mines, Inc., and by the Otey Mines operated by Hoge Brothers Mining and Manufacturing Company, Inc., are hereby declared to be not bituminous within the meaning of section 17 (b) of the Bituminous Coal Act of 1937;

It is further ordered, That all coals mined in the State of Virginia except the coals referred to in the immediately preceding paragraph of this order are bituminous coals within the meaning of the Bituminous Coal Act of 1937 and are not exempt from the operation and effect of that Act.

Date: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8810; Filed, November 25, 1941; 10:39 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Director:

Name and address	Date Application Filed
Richard Hottelet, 1928 Bath Ave., Brooklyn, N. Y.	Nov. 13, 1941
Jones Bros. Fuel Co., 2627 W. Adams St., Chicago, Ill.	Nov. 10, 1941
Winslow Coal Co., Spirit Bldg., Punxsutawney, Pa.	Nov. 10, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before December 22, 1941. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–8811; Filed, November 25, 1941; 10:39 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE MODIFICATION OF THE PREVAILING MINIMUM WAGE DETERMINATION FOR THE COTTON GARMENT AND ALLIED INDUSTRIES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Administrator of the Wage and Hour Division of this Department having by orders of September 12, 1941, and May 15, 1940, established a minimum wage rate pursuant to the authority vested in him by the Fair Labor Standards Act of 1938 of not less than 40 cents an hour to be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for such commerce in the Single Pants, Shirts, and Allied Garments Industry, the Sportswear and Other Odd Outerwear division of the Apparel Industry, and the Women's Apparel Industry, as defined by the Administrator of the Wage and Hour Division; and

Evidence having been presented to the Department that substantially all manufacturers of the products of the Single Pants, Shirts and Allied Garments Industry, the Sportswear and Other Odd Outerwear division of the Apparel Industry, and the Women's Apparel Industry are engaged in commerce or in the production of goods for such commerce; and

Inasmuch as the Single Pants, Shirts and Allied Garments Industry, the Sportswear and Other Odd Outerwear division of the Apparel Industry, and the Women's Apparel Industry include within their coverage all articles falling within the coverage of the Secretary's decision In the Matter of the Prevailing Minimum Wage in the Cotton Garment and Allied Industries (2 F. R. 1333) made under the provisions of the Public Contracts Act (49 Stat. 2036) on July 28, 1937, and amended from time to time, with the exception of—

Barrack bags and bandoleers.
Ammunition and cartridge belts, made of textiles.
Canvas leggins.
Cot covers.
Fabric pouches and carriers for first aid equipment, such as kit cantle ring straps, kit inserts, kit laces, kit pouches, and kit suspenders.
Mattress covers.
Mosquito bars.
Wardrobe bags with draw-strings, made of textiles;

and

It therefore appearing that the aforementioned wage orders of the Administrator of the Wage and Hour Division of this Department have had the effect of establishing 40 cents an hour as the prevailing minimum wage in the manufacture of all articles covered by the Secretary's decision In the Matter of the Prevailing Minimum Wage in the Cotton Garment and Allied Industries with the exception of the commodities above listed; and

Inasmuch as the Secretary has heretofore found in her decisions of January 29, 1938, and February 8, 1941, In the Matter of an Extension of the Minimum Wage Determination for the Cotton Garment and Allied Industries, that the above-listed commodities are made by substantially the same manufacturing processes and by the same manufacturers and under a similar wage structure as are the other commodities subject to the decision of the Secretary above referred to; and

The Administrator of the Wage and Hour Division having this day issued proposed learner regulations for the Single Pants, Shirts and Allied Garments Industry, the Sportswear and Other Odd Outerwear division, among others, of the Apparel Industry and the Women's Apparel Industry; and

The Administrator of the Wage and Hour Division having heretofore issued regulations concerning the employment of handicapped workers in the performance of work subject to the provisions of the Fair Labor Standards Act (Title 29; Chap. V—Code of Fed. Reg. Part 524); and

It appearing that the best interests of management and labor will be served if the regulations of the Administrator of the Wage and Hour Division for the above-mentioned divisions of the Apparel Industry and for handicapped workers be made applicable in their entirety to contracts awarded under the Public Contracts Act and the Secretary's determination In the Matter of the Prevailing Minimum Wage in the Cotton Garment and Allied Industries as modified from time to time.

Notice is hereby given to all interested parties that they will be allowed until December 11, 1941, to show cause if any they have why the Secretary should not modify the decision In the Matter of the Prevailing Minimum Wage in the Cotton Garment and Allied Industries by finding that the prevailing minimum wage for persons now employed in the industry as heretofore defined has ceased to be 37.5 cents as heretofore found by the Secretary and is now 40 cents an hour or $16.00 per week of 40 hours and to show cause if any they have why the Secretary should not further modify the Cotton Garment and Allied Industries determination to provide that the proposed regulations for the employment of learners and handicapped workers in the Apparel Industry as defined by the Administrator of the Wage and Hour Division should not be adopted by the Secretary as applicable to contracts awarded subject to the Secretary's decision above referred to for the Cotton Garment and Allied Industries.

Nothing herein shall be construed to affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any wage order thereunder, or under any other law, or agreement, more favorable to employees than the requirements of this determination.

All objections or protests should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. An original and four copies must be filed.

Dated: November 26, 1941.

[SEAL] L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 41–8843; Filed, November 25, 1941; 11:48 a. m.]

IN THE MATTER OF A REQUEST FOR AN EXEMPTION FROM THE PROVISIONS OF SECTION 1 (a) OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT TO PERMIT DEFENSE ASSOCIATIONS TO RECEIVE CONTRACTS SUBJECT TO THE ACT

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Secretaries of War and the Navy having advised the Department of Labor that, in an effort to utilize the full productive facilities of the United States in conformity with the objectives of Executive Order 8891, dated September 4, 1941, and particularly such facilities as are possessed by small manufacturing establishments, it is their desire to award contracts to corporations or other organizations capable of contracting, acting at the instance of groups of manufacturers who, having among themselves facilities which may be used to manufacture defense articles, and having agreed among themselves for the use of their facilities for such manufacture, have been certified by the Division of Contract Distribution, Office of Production Management, as Defense Production Associations appropriate in form and character to carry out the purposes of Executive Order No. 8891; and

The Secretaries of War and the Navy having found that the inclusion in the proposals of the representations and stipulations of section 1 (a) of the Act of June 30, 1936 (49 Stat. 2036), commonly called the Walsh-Healey Public Contracts Act and hereinafter called the Act, "that the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles or equipment to be manufactured or used in the performance of the contract" will seriously impair the conduct of Government business by making it impossible for such corporations or rganizations to take Government contracts when they themselves have no facilities for manufacture, but propose to use the facilities of the group of associated manufacturers; and

The Secretaries of War and the Navy having filed application under the provisions of section 6 of the Act, and in accordance with article 601 of the Administrative Regulations No. 504, for an exemption to permit such corporations and organizations when properly certified by the Division of Contract Distribution, Office of Production Management, to take contracts subject to the Walsh-Healey Public Contracts Act, without representing or stipulating they are manufacturers or regular dealers; and

There being no reason to believe that such an exemption will affect adversely the interests of management or labor, the corporations or organizations being subject to all other provisions of the Act and the Regulations of the Department thereunder;

Notice is hereby given that unless good cause is shown to the contrary on or before December 2, 1941, the Secretary of Labor will on that date exempt from the requirement of section 1 (a) of the Act all contracts thereafter awarded to corporations or other organizations having no manufacturing facilities of their own, and contracting at the instance of manufacturers collectively certified by the Division of Contract Distribution, Office of Production Management, as Defense Production Associations appropriate in form and character to carry out the purposes of Executive Order No. 8891.

Briefs or telegrams for or against the granting of the proposed exemption must be filed with the Administrator, Division of Public Contracts, Department of Labor Building, Washington, D. C., on or before December 2, 1941.

Dated: November 26, 1941.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-8844; Filed, November 25, 1941; 11:48 a. m.]

Wage and Hour Division.

IN THE MATTER OF REVISION OF THE REGULATIONS APPLYING TO THE EMPLOYMENT OF LEARNERS UNDER SECTION 14 OF THE FAIR LABOR STANDARDS ACT IN THE CLOTHING INDUSTRY (WOMEN'S APPAREL AND SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS INDUSTRIES AND IN THE SPORTSWEAR AND OTHER ODD OUTERWEAR, RAINWEAR, AND ROBES DIVISIONS OF THE APPAREL INDUSTRY)

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Notice is hereby given of the following proposed regulations to apply to the employment of learners under section 14 of the Fair Labor Standards Act in the Clothing Industry (Women's Apparel and Single Pants, Shirts, and Allied Garments Industries and in the Sportswear and Other Odd Outerwear, Rainwear, and Robes Divisions of the Apparel Industry), and opportunity is given to all interested parties to file briefs with the Wage and Hour Division by December 11, 1941, to show cause why the following regulations should not be adopted by the Administrator of the Wage and Hour Division.

REGULATIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS IN THE CLOTHING INDUSTRY (WOMEN'S APPAREL AND SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS INDUSTRIES AND IN THE SPORTSWEAR AND OTHER ODD OUTERWEAR, RAINWEAR, AND ROBES DIVISIONS OF THE APPAREL INDUSTRY)

§ 522.160 (a) These regulations relate to employment in the making of the following kinds of clothing:

(1) Women's apparel, defined as follows in Regulations, § 605.4:

The production of women's, misses', and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear, and negligees from woven fabric; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants' and children's outerwear.

(2) Single pants, shirts, and allied garments, defined as follows in Regulations, § 606.4:

The production of men's and boys': Single pants, washable service garments, work shirts, overalls, overall jackets, and coveralls from any material; dress and sport shirts from woven fabric or purchased knit fabric; and collars and sleeping wear from woven fabric.

(3) Sportswear and other odd outerwear, defined as follows in Regulations, § 561.4:

The manufacture of men's, women's, and children's sportswear and other odd outerwear, including windbreakers, lumberjackets, mackinaws and mackinaw coats, melton jackets, blanket-lined and similar coats, leatherette coats and jackets, hunting coats and vests, riding clothing, ski-suits and snow-suits (except children's ski-suits and snow-suits), and similar garments not elsewhere specified in wage orders relating to the apparel industry as defined, from any woven materials or from purchased knitted materials.

(4) Rainwear, defined as follows in Regulations, § 563.4:

The manufacture of water-proofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravenetted, or otherwise processed.

(5) Robes, defined as follows in Regulations, § 572.4:

The manufacture of men's, women's, and children's bath, lounging, and beach robes and dressing gowns, from any woven materials or purchased knitted materials.

(b) In this industry, employment of learners at subminimum wage rates shall be restricted to the following occupations:

(1) machine operating except cutting;
(2) pressing;
(3) hand sewing and finishing involving hand sewing.

§ 522.161. Application for leave to employ learners in these occupations at a wage rate below the applicable basic minimum rate may be made to the regional director of the Wage and Hour Division for the region in which the applicant's plant is situated. Application shall be made by completing an official form of application. Each application shall relate to a single plant. The regional director shall forward the form when duly completed to the Wage and Hour Division in Washington with his comments and recommendation.

§ 522.162 Notice of application for leave to employ learners shall be given by the employer by posting a completed copy of the official form of notice in a conspicuous place in each department of the plant to which it relates, if such department is in operation, and keeping it so posted as long as application is pending.

§ 522.163 (a) Upon receiving the forwarded form of application, the Administrator or his authorized representative shall, after considering any objection filed, issue, subject to the following provisions, a certificate of leave to employ learners at a rate lower than the basic minimum rate, which learner certificate shall expire at the end of not less than six weeks nor more than one year, as seems expedient in view of employment conditions, of state wage laws, and of the applicant's previous observance of learner regulations and certificates. The issuance of a learner certificate (other than an expansion certificate) shall revoke any other certificate (except an expansion certificate) applying to the same occupation.

(b) The certificate shall be issued only if the facts set forth in the completed application form and other information known to the Administrator show that:

(1) Experienced workers are not available.

(2) Employment of learners at subminimum rates is not likely to depress wages or working conditions of experienced workers at the plant.

(3) The applicant has not wilfully or substantially violated learner regulations or learner certificates issued under section 14 of the Fair Labor Standards Act within the preceding twelve months.

(c) The certificate shall state how many learners may be employed at any time or what percentage of productive workers may be learners at any time, shall designate the occupations to which the subminimum rate is restricted, and shall incorporate the provisions of subparagraphs (2) and (3), below.

(1) The maximum number of learners (including relearners) permitted at any time shall be no more than (a) 10; or (b) 10 percent of the productive workers employed at that time in the plant, except as provided in subsection (d), below.

(2) The period of learning shall last 480 hours, except for relearners, for whom the period of learning shall be 240 hours. The period of learning of each learner covered by the certificate must begin but need not end before its expiration date.

(3) The minimum wage rate for learners shall be 25 cents an hour for the first 320 hours and 32½ cents an hour for the next 160 hours, except for relearners who shall receive 32½ cents an hour for the period of 240 hours. If experienced workers are paid at piece rates, these rates shall be applied to every learner (including relearner) and he shall be paid wages so reckoned if they exceed wages reckoned at the rate established for learners.

(d) A learner certificate in lieu of or in addition to the certificate heretofore authorized may be issued when the applicant expects to increase for other than seasonal or temporary requirements the number of workers in his employ in the occupation for which he applies for a learner certificate. When an employer so applies, the regional director shall forward the form of application, when duly completed, together with accompanying documents, to the Wage and Hour Division in Washington, with his comments and recommendation. Upon receiving the forwarded form of application, the Administrator or his authorized representative shall, after considering any objection filed, issue, subject to the following provisions, an expansion certificate authorizing the employment of additional learners required by the expected increase. The duration of an expansion certificate shall correspond to the period of expansion and shall in no case be longer than 38 weeks. The issuance of an expansion certificate shall revoke any other expansion certificate applying to the same occupation. It shall be issued only if the facts set forth in the completed application form and other information known to the Administrator fulfill the requirements of paragraph (b) and further show that:

(1) Employment of learners at subminimum rates is not likely to depress wages or working conditions of experienced workers or to create or continue unemployment for experienced workers in the industry. If the situation is one in which gradual employment expansion is not economically feasible (e. g., an extra shift or a large unit addition of machinery or building), this test shall be less rigorously applied than where the employer could expand slowly. If the opening or expansion of a plant will be accompanied by the closing or contraction of a plant, this test shall be applied with special rigor.

(2) Employment of learners at subminimum rates will not tend to thwart any of the economic policies and resource utilization plans of the Government.

(3) The number of workers employed at the plant in the occupations in which learners are requested is about to be substantially increased, as by opening a new plant (during the first eight months of operation), by installing additional mechanical equipment or other production facilities, by again putting into operation a plant or machinery which has been idle for an appreciable period, or by adding a shift.

Every expansion certificate shall state how many additional learners may be employed under it, shall designate the occupations to which the subminimum rates are restricted, and shall incorporate the provisions of § 522.163 (c) (2) and (3).

(e) Employment at subminimum rates shall be lawful only when the authorizing certificate or a copy thereof is posted in a conspicuous place in each department of the plant to which it relates.

§ 522.164 The Administrator or his authorized representative may at any time review the issuance or denial of any certificate to correct error in the original decision or to revise it to accord with actual employment conditions at the plant. He shall first notify the applicant and any labor union admitting to membership workers of the occupation covered. Upon prima facie showing of substantial error or substantially erroneous estimate of employment conditions at the plant, he shall review the issuance or denial of any certificate upon demand of the applicant or the union. He may proceed by formal hearing in any case, and shall so proceed upon demand of the applicant or the union. Whenever procedure is by hearing, due notice thereof shall be given in the FEDERAL REGISTER and the decision of the Administrator or his reviewing representative shall be based on the statements in the completed application form and on the testimony of witnesses and documentary evidence presented at the hearing. A decision which amends or revokes a certificate shall not be retroactive or effective until the applicant is informed thereof, and, as to learners hired before the applicant is so informed, shall not become effective until seven days thereafter.

§ 522.165 Certificates issued, whether originally or on review, shall be reported in the FEDERAL REGISTER. Certificates amended or revoked on review shall be reported in the FEDERAL REGISTER.

§ 522.166 (a) A learner certificate is void (1) if it is issued in reliance on false statements in the completed application form or on false evidence of the applicant or if there is at any time substantial falsification of records concerning learners to whom it relates, or (2) if notice of application was not given substantially pursuant to § 522.162.

(b) During any substantial period when the employer does not keep a learner certificate or a copy thereof posted in a conspicuous place in a department, it is inoperative as to that department. The certificate shall state that it authorizes employment of learners at subminimum rates only while so posted.

(c) During any period when experienced workers in the occupation are available, a learner certificate is inoperative to authorize hiring of learners in that occupation; if such learners are hired, they are entitled to the basic minimum wage. The certificate remains operative as to learners hired at any earlier or later time when experienced workers are not available. The certificate shall state that it authorizes the taking on of learners at subminimum rates only when experienced workers are not available.

(d) From the date of a wilful or substantial violation of the terms of a learner certificate or of learner regulations relating to it, the certificate is inoperative. All learners are thereafter entitled to the

basic minimum wage. The certificate shall state that it becomes void upon violation of its terms.

§ 522.167 Each person employed under a learner certificate shall be designated as a learner on the pay roll and the occupation in which he is employed shall be shown. Learners shall be listed together in a separate group on the pay roll for each department. Employment records of the employer shall contain a full statement of the worker's employment in the apparel industry (occupation, employer, and dates) during the preceding two years, whether or not in the particular occupation which he is learning.

§ 522.168 As used herein:

(a) A "learner" is a person who within the preceding two years has been employed in any branch of the apparel industry (including government establishments which impose production and employment standards comparable or superior to private industry) less than 480 hours in the three learner occupations (though not necessarily in a branch of the industry covered by these regulations), regardless of the wage he has received. Except in connection with wage rate and period of learning, the term "learner" includes "relearner." Where differentiated, a "relearner" is a person who within the preceding two years has been employed less than 240 hours in the occupation in which he is working, but who, because of work in the other two learner occupations, is no longer a learner. Persons who are neither learners nor relearners are "experienced."

(b) "Available" means able and willing to work for a substantial period at the particular plant at the wage usually paid at the plant to workers of ordinary skill and efficiency in the particular occupation.

(c) "Subminimum" means below the basic minimum.

(d) The "basic minimum" is the minimum permitted by Section 6 of the Fair Labor Standards Act or wage orders issued by the Administrator.

§ 522.169 The Administrator at any time may, upon request of any interested person or on his own motion, hold a hearing to consider amendment of these regulations, of which reasonable notice shall be given in the FEDERAL REGISTER. After the hearing the Administrator may amend these regulations, to take effect on the date after publication in the FEDERAL REGISTER that he fixes. All learner certificates shall be subject to amendment or revocation: (1) by the amendment of these regulations; or (2) by an order of the Administrator in conformity with a change in employment conditions, which applies equally to (a) all certificates or (b) all expansion certificates, in the industry, or in any branch of it, or in any learner occupation, or in any definite region, or in any combination of these classifications, such amendment or revocation to be effective on the date after publication in the FEDERAL REGISTER that he fixes, and after notification of the holder of the certificate.

§ 522.170 When a certificate is amended or revoked under § 522.164 or § 522.169, the Administrator or his authorized representative will issue to the holder of the certificate an amended certificate, having the same expiration date, or a notice of revocation which shall be promptly posted in a conspicuous place in each department of the plant to which it relates; but even if not so posted, it shall be effective.

§ 522.175 *Local.* These Regulations do not apply to Puerto Rico and the Virgin Islands.

§ 522.176 *Temporary.* These Regulations, §§ 522.160–522.175, upon publication in the FEDERAL REGISTER, replace §§ 522.160–522.178. Certificates now outstanding are not affected by these Regulations.

Signed at Washington, D. C., this 21st day of November 1941. Sections 522.160 to 522.175, inclusive, issued under the authority contained in section 8, 52 Stat. 1064, 29 U.S.C., Sup. IV, 208.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41–8845; Filed, November 25, 1941; 12:20 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6094]

IN RE APPLICATION OF JOHN P. SCRIPPS (NEW)

NOTICE OF HEARING

Application dated October 17, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Ventura, California. Operating assignment specified: Frequency, 1,460 kc.; power, 1 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Golden Gate Broadcasting Corporation (KSAN), Docket No. 6200, for the following reasons: —

1. To determine the qualifications of the applicant to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Station XEWG, Ciudad Juarez, Chihuahua, Mexico.

4. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

5. To determine the availability of a transmitter site which would comply with the Standards of Good Engineering Practice in all respects.

6. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Station KSAN as proposed in application B5–P–3113 as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

7. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

8. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Golden Gate Broadcasting Corporation, Docket 6200, public interest, convenience and necessity will be served by the granting of this application and the application of Golden Gate Broadcasting Corporation or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

John P. Scripps, 306 Scripps Building, San Diego, California.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–8787; Filed, November 25, 1941; 10.09 a. m.]

[Docket No. 6200]

IN RE APPLICATION OF GOLDEN GATE BROADCASTING CORP. (KSAN)

NOTICE OF HEARING

Application dated February 25, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, San Francisco, Calif.; operating assignment specified: Frequency, 1460 kc.; power, 1 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of John P. Scripps (New), Docket No. 6094, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KSAN as proposed and Station XEWG, Ciudad Juarez, Chihuahua, Mexico.

2. To determine whether Station KSAN operating as proposed would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of San Francisco, California as contemplated by the Standards of Good Engineering Practice.

3. To determine the extent of any interference which would result from the simultaneous operation of Station KSAN as proposed and a station proposed for Ventura, California by John P. Scripps in application B5–P–2583 as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

4. To determine the areas and population which would gain primary service from the operation of Station KSAN as proposed.

5. To determine whether the authorization requested herein is the best available assignment.

6. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by the provisions of section 307 (b) of the Communications Act of 1934 as amended.

7. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of John P. Scripps, Docket No. 6094, public interest, convenience, and necessity will be served by the granting of this application and the application of John P. Scripps, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Golden Gate Broadcasting Corporation, Radio Station KSAN, 1355 Market Street, San Francisco, California.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–8788; Filed, November 25, 1941; 10:09 a. m.]

[Docket No. 6207]

IN RE APPLICATION OF SOUTHWESTERN MICHIGAN BROADCASTING CORPORATION (NEW)

NOTICE OF HEARING

Application dated May 12, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Kalamazoo, Michigan; operating assignment specified: Frequency, 980 kc.; power, 1 kw. (DA for night only); hours of operation, unlimited. (Facilities of WHAL.)

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations KMBC and WSIX.

2. To determine areas and populations now receiving primary service from Stations KMBC and WSIX which may be expected to lose such service should this application be granted and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations CBV, Quebec, Canada, and CJRM, Regina, Saskatchewan, Canada.

4. To determine whether the proposed station would provide primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Kalamazoo, Michigan, as contemplated by the Standards of Good Engineering Practice.

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

6. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

7. To determine whether the authorization requested herein is the best available assignment.

8. To determine whether public interest, convenience and necessity would be served through the surrender and cancellation of an outstanding construction permit No. B2–P–936 (and subsequent modifications thereof) issued to Harold F. Gross and Edmund C. Shields (stockholders of or subscribers to all of the stock of this applicant), authorizing the establishment of a station at Saginaw, Michigan (using the frequency 980 kc, with 500 watts, daytime only) and by the granting of this application.

9. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

10. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, and necessity may be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Southwestern Michigan Broadcasting Corp., % Harold F. Gross, City National Building, Lansing, Michigan.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–8789; Filed, November 25, 1941; 10:09 a. m.]

[Docket No. 6196]

IN RE APPLICATION OF INDEPENDENT MERCHANTS BROADCASTING CO. (WLOL)

NOTICE OF HEARING

Application dated August 26, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Minneapolis, Minnesota; operating assignment specified: Frequency, 630 kc.; power, 1 kw. night; 5 kw. day (DA); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with application of WMIN Broadcasting Company (WMIN), Docket No. 6197, for the following reasons:

1. To determine extent of any interference which would result from the operation of Station WLOL as proposed and Station WOI.

2. To determine the areas and population which would be deprived of primary service from Station WOI as a result of the operation of Station WLOL as proposed, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of Station WLOL as proposed and Stations CFCO, Chat-

ham, Ontario and CJRC, Winnipeg, Manitoba.

4. To determine whether Station WLOL operating as proposed would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Minneapolis and St. Paul, Minnesota, as contemplated by the Standards of Good Engineering Practice.

5. To determine the areas and population which may be expected to gain and lose primary service from Station WLOL, operating as proposed, as well as the broadcast service available to these areas and populations.

6. To determine whether the authorization requested herein is the best available assignment.

7. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WLOL as proposed.

8. To determine whether the granting of this application and the operation of Station WLOL on frequency 630 kc. as proposed would serve public interest, convenience, or necessity better than the operation of Station WMIN on the same frequency as proposed in application B4–P–3044.

9. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

10. To determine whether public interest, convenience, and necessity will be served by the granting of this application and the application of WMIN Broadcasting Company, Docket No. 6197, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Independent Merchants Broadcasting Co., Radio Station WLOL, 414 Roanoke Building, Minneapolis, Minnesota.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–8790; Filed, November 25, 1941; 10:09 a. m.]

[Docket No. 6211]

IN RE APPLICATION OF PLAINS RADIO BROADCASTING CO. (KGNC)

NOTICE OF HEARING

Dated December 11, 1940; for construction permit; class of service, broadcast; class of station, broadcast; location, Amarillo, Texas: operating assignment specified: Frequency, 860 kc.; power, 5 kw. night; 10 kw. day (DA); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the operation of Station KGNC would result in an interfering signal in excess of .025 mv/m (10% of the time) at any point along the United States-Canadian border (Appendix II, Table I, North American Regional Broadcasting Agreement).

2. To determine the extent of any interference which would result to the services of Stations XEMO, Tia Juana, Mexico, XEUN, Mexico City, Mexico and CMBL, Habana, Cuba, if Station KGNC operates as proposed (Appendix II, Table I, North American Regional Broadcasting Agreement).

3. To determine the areas and populations which may be expected to gain primary service from Station KGNC, operating as proposed, and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station KGNC as proposed.

5. To determine the areas and populations now receiving primary service from Station KFYO (licensed to this applicant) which would receive such service from Station KGNC as proposed.

6. To determine the character of the proposed program service and the extent to which such service is now being rendered by Station KFYO.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Plains Radio Broadcasting Company, Radio Station KGNC, 8th and Harrison Streets, Amarillo, Texas.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–8791; Filed, November 25, 1941; 10:10 a. m.]

[Docket No. 6197]

IN RE APPLICATION OF WMIN BROADCASTING CO. (WMIN)

NOTICE OF HEARING

Application dated November 29, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, St. Paul, Minnesota; operating assignment specified: Frequency, 630 kc.; power, 1 kw. night; 5 kw. day (DA); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with application of Independent Merchants Broadcasting Company (WLOL), Docket No. 6196, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WMIN as proposed and Station WOI.

2. To determine the areas and populations which would be deprived of primary service from Station WOI as a result of the operation of Station WMIN as proposed, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of Station WMIN as proposed, and Stations CFCO, Chatham, Ontario and CJRC, Winnipeg, Manitoba.

4. To determine whether Station WMIN operating as proposed would provide interference-free primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of Minneapolis and St. Paul, Minnesota, as contemplated by the Standards of Good Engineering Practice.

5. To determine the areas and populations which may be expected to gain primary service from Station WMIN operating as proposed, and what other broadcast service is available to these areas and populations.

6. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WMIN as proposed.

7. To determine whether the authorization requested herein is the best available assignment.

8. To determine whether the granting of this application and the operation of Station WMIN on the frequency 630 kc as proposed herein would serve public interest, convenience, or necessity better than the operation of Station WLOL on the same frequency as proposed in application B4–P–3040.

9. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

10. To determine whether public interest, convenience, and necessity will be served by the granting of this application and the application of Independent Merchants Broadcasting Company, Docket No. 6196, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WMIN Broadcasting Company, Radio Station WMIN, 1287 St. Anthony Ave., St. Paul, Minnesota.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–8792; Filed, November 25, 1941; 10:10 a. m.]

[Docket No. 6209]

IN RE APPLICATION OF DURHAM RADIO CORPORATION (WDNC)

NOTICE OF HEARING

Application dated April 15, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Durham, North Carolina; operating assignment specified: Frequency, 620 kc.; power 1 kw. night; 5 kw. day (DA-day and night); hours of operation unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Capitol Broadcasting Co., Inc., Docket No. 6210, for the following reasons:

1. To determine the areas and populations which would gain primary service from the operation of Station WDNC as proposed, and what other broadcast services are available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WDNC as proposed and the operation of Station WROL as proposed in application B3–ML–1062, Station WSJS as proposed in application B3–MP–1258, and Station WAGE as proposed in application B3–P–3323, as well as the area and populations affected thereby, and what other broadcast service is available to these areas and populations.

3. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WDNC as proposed.

4. To determine whether the authorization requested herein is the best available assignment.

5. To determine whether the granting of this application and the operation of Station WDNC as proposed on the frequency 620 kc would serve public interest, convenience, or necessity better than the operation of Station WRAL on the same frequency as proposed in application B3–P–3189.

6. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

7. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Capitol Broadcasting Company, Inc., Docket 6210, public interest, convenience, and necessity will be served by the granting of this application and the application of Capitol Broadcasting Company, Inc., or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Durham Radio Corporation, Radio Station WDNC, % J. F. Jarman, Mgr., 138 E. Chapel Hill St., Durham, North Carolina.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41–8793; Filed, November 25, 1941; 10:10 a. m.]

[Docket No. 6210]

IN RE APPLICATION OF CAPITOL BROADCASTING CO., INC. (WRAL)

NOTICE OF HEARING

Application dated April 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Raleigh, North Carolina; operating assignment specified: Frequency, 620 kc.; power, 1 kw. night, 5 kw. day; (DA-day and night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Durham Radio Corporation, Docket No. 6209, for the following reasons:

1. To determine the areas and populations which would gain primary service from the operation of WRAL as proposed and what other broadcast service is available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WRAL as proposed, and the operation of Station WROL as proposed in application B3–ML–1062 and Station WAGE as proposed in application B3–P–3323, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

3. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

4. To determine whether the authorization requested herein is the best available assignment.

5. To determine whether the granting of this application and the operation of Station WRAL on the frequency 620 kc as proposed would serve public interest, convenience, and necessity better than the operation of Station WDNC on the same frequency as proposed in application B3–P–3170.

6. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by sec-

tion 307 (b) of the Communications Act of 1934 as amended.

7. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Durham Radio Corporation, Docket No. 6209, public interest, convenience, and necessity would be served by the granting of the instant application and the application of Durham Radio Corporation or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Capitol Broadcasting Co., Inc. Radio Station WRAL, 130 S. Salisbury St., Raleigh, North Carolina.

Dated at Washington, D. C., November 22, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8794; Filed, November 25, 1941; 10:10 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4535]

IN THE MATTER OF TENNESSEE PRODUCTS CORPORATION, A CORPORATION; FOREST PRODUCTS CHEMICAL COMPANY, A CORPORATION; CROSSETT CHEMICAL COMPANY, A CORPORATION; AND HARDWOOD CHARCOAL COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of November, A, D, 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A, section 41),

It is ordered That Lewis C. Russell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 9, 1941, at ten o'clock in the forenoon of that day (Central Standard Time) in Room 339, Post Office Building, Memphis, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8832; Filed, November 25, 1941; 11:36 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 68-2]

IN THE MATTER OF PORTLAND ELECTRIC POWER COMPANY BONDHOLDERS COMMITTEE

ORDER PERMITTING AMENDED DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of November, A. D. 1941.

Thatcher C. Jones, Lloyd E. Dewey, D. O. Hood, and Joshua Morrison, styling themselves as Portland Electric Power Company Bondholders Committee, having filed an amended declaration pursuant to Rule U-62, promulgated under the Public Utility Holding Company Act of 1935, regarding the solicitation of limited authorizations from the holders of the 6% Collateral Trust Income Bonds, due March 1, 1950, of Portland Electric Power Company, a registered holding company and now in reorganization pursuant to Chapter X of the Federal Bankruptcy Act in the United States District Court for the District of Oregon;

The Commission having examined the amended declaration and exhibits thereto and finding that the same meet the requirements of said Rule U-62:

It is ordered, That said amended declaration be and become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8839; Filed, November 25, 1941; 11:40 a. m.]

[File No. 70-421]

IN THE MATTER OF NIAGARA HUDSON POWER CORPORATION AND CENTRAL NEW YORK POWER CORPORATION

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

The above-named parties, both subsidiaries of The United Corporation, a registered holding company, having filed a declaration and an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10 and 12 (f) thereof and Rule U-43 promulgated thereunder, regarding the sale by Niagara Hudson Power Corporation to Central New York Power Corporation of 54 shares (54%) of the Capital Stock ($100 par value) of Hammond Light and Power Company, Inc., a subsidiary of Niagara Hudson Power Corporation, for a cash consideration of $15,869.52; and

Said application and declaration having been filed on October 25, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application under section 10 of said Act that no adverse findings are necessary under sections 10 (b) or 10 (c) (1), and that the transaction involved has the tendency required by section 10 (c) (2) of said Act; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to section 12 (f) and Rule U-43 promulgated thereunder to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same hereby is granted forthwith and that the aforesaid declaration be and the same hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8840; Filed, November 25, 1941; 11:40 a. m.]

[File No. 59-10]

IN THE MATTER OF THE NORTH AMERICAN COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

MOTION OF THE CITY OF JACKSONVILLE, ILLINOIS TO REOPEN THE RECORD

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

The hearing having been concluded in the above entitled proceeding instituted by the Commission pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and the Commission having taken the matter under advisement;

The City of Jacksonville, Illinois having filed on September 27, 1941, a motion to reopen the record in the above entitled matter for the purpose of admitting certain information, bearing on the operations of the Illinois Iowa Power Company in and around the City of Jacksonville, Illinois, contained in an affidavit attached to said motion; said motion requesting that said affidavit be received in the record of the above entitled matter subject to the rights of the Respondents to reply thereto; and

The Respondent, The North American Company, having advised the Commission that it does not desire to oppose the granting of said motion and the Respondents, the North American Light & Power Company and Illinois-Iowa Power Company, having advised the Commission that they do not desire to oppose the granting of said motion provided they are given an opportunity to reply to said affidavit by December 8, 1941;

It is ordered, That said motion be, and it hereby is, granted and that the affidavit attached to said motion be, and it hereby is, received in the record of the above-entitled matter subject to the right of North American Light & Power Company and Illinois-Iowa Power to file a reply to said affidavit by December 8, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8841; Filed, November 25, 1941; 11:40 a. m.]

[File No. 59-10]

IN THE MATTER OF THE NORTH AMERICAN COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER PERMITTING CITY OF JACKSONVILLE, ILLINOIS, TO INTERVENE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

The hearing having been concluded in the above entitled proceeding instituted by the Commission pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and the Commission having taken the matter under advisement;

The City of Jacksonville, Illinois having filed on September 27, 1941, a written request to be permitted to intervene as a party in the above entitled proceeding; and

It appearing that said City of Jacksonville is an interested municipality as referred to in Rule XVII of the Rules of Practice of this Commission;

It is ordered, That said request be granted and that the City of Jacksonville, Illinois be and it hereby is permitted to intervene as a party in the above entitled proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8842; Filed, November 25, 1941; 11:40 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, NOVEMBER 15, 1941

Important: Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,117	51
2. Virgin Islands	15	1
3. Hawaii	253	23
4. Alaska	43	13
5. California	4,129	1,366
6. Louisiana	1,413	651
7. Michigan	3,142	1,487
8. Texas	3,834	2,000
9. Arizona	298	159
10. Georgia	1,867	1,122

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
11. South Carolina	1,136	700
12. Kentucky	1,701	1,054
13. Alabama	1,693	1,084
14. Mississippi	1,395	863
15. Ohio	4,129	2,841
16. North Carolina	2,134	1,481
17. New Mexico	318	222
18. Arkansas	1,165	848
19. New Jersey	2,487	1,823
20. Tennessee	1,743	1,428
21. Florida	1,134	935
22. Nevada	66	56
23. Indiana	2,049	1,753
24. Illinois	4,729	4,193
25. Delaware	159	142
26. Oregon	651	586
27. Connecticut	1,022	943
28. Wisconsin	1,875	1,747
29. Idaho	314	296
30. Pennsylvania	5,918	5,607
31. Vermont	215	210
32. Rhode Island	426	425
IN EXCESS		
33. New Hampshire	294	300
34. Massachusetts	2,580	2,639
35. West Virginia	1,137	1,190
36. Maine	506	536
37. Washington	1,038	1,101
38. Missouri	2,262	2,407
39. Oklahoma	1,397	1,507
40. Iowa	1,517	1,747
41. Utah	329	383
42. Colorado	671	786
43. Minnesota	1,669	2,015
44. Wyoming	150	186
45. New York	8,057	10,112
46. Montana	334	459
47. Kansas	1,077	1,524
48. North Dakota	384	572
49. South Dakota	384	589
50. Virginia	1,601	2,474
51. Nebraska	787	1,392
52. Maryland	1,089	2,660
53. District of Columbia	396	9,444

GAINS	
By appointment	795
By transfer	17
By reinstatement	2
By correction	1
Total	815
LOSSES	
By separation	162
By transfer	53
By correction	1
Total	216
Total appointments	80,130

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment fiqures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 19,733.

By direction of the Commission.

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 41-8783; Filed, November 24, 1941; 4:07 p. m.]

DEC 1 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 230

Washington, Thursday, November 27, 1941

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Effective December 1, 1941, Part 1 hereby is amended by adding the following new section:

Official Records

§ 1.1530 *Custody; duties of hearing clerk.* (a) Under the supervision of the Solicitor, the Hearing Clerk (or, in his absence, the Acting Hearing Clerk) hereby is authorized and directed:

(1) In connection with all proceedings before the Secretary in which administrative action is required to be based upon evidence, to have custody of all papers, reports, records, orders, and other documents filed in such proceedings;

(2) To have custody of such other documents as the Secretary from time to time may prescribe;

(3) To execute certified copies of any documents filed in the office of the Hearing Clerk, and to affix to each such certified copy the seal of the Hearing Clerk; and

(4) To perform such duties in addition to and not inconsistent with the foregoing as the Secretary or the Solicitor may require.

(b) The seal of the Hearing Clerk shall be circular, and shall bear on the margin around the center the words, "U. S. Department of Agriculture, Office of the Solicitor", and in the center of said seal shall appear the words, "Seal of the Hearing Clerk". (R.S. 161; 5 U.S.C. 22)

Done at Washington, D. C., this 26th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-8881; Filed, November 26, 1941; 11:40 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 60-25 to 60-43, incl., C. A. R.]

PART 60—AIR TRAFFIC RULES

ADMINISTRATOR TO DESIGNATE CONTROL ZONES AND OTHER CONTROL AREAS, ETC.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of November 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 20, 1942, Part 60 of the Civil Air Regulations is amended:

1. By amending § 60.103 to read as follows:

§ 60.103 *Control zone.* A control zone is the airspace above that area on the surface of the earth within 3 miles of the center of an airport designated by the Administrator as a control airport, and within one-half mile of a line extending from the center of such airport to the radio range station established for the purpose of directing air traffic to such airport.

NOTE: For a list of control airports, see *Air Navigation Radio Aids* published periodically by the Administrator.

2. By amending § 60.105 to read as follows:

§ 60.105 *Control zone of intersection.* A control zone of intersection is the airspace above that area on the surface of the earth within a radius of 25 miles of a radio range station designated by the Administrator as the center of such intersection.

NOTE: For a list of control zones of intersection, see *Air Navigation Radio Aids* published periodically by the Administrator.

3. By amending § 60.112 to read as follows:

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FEDERAL REGISTER

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§ 60.112 *Radio fix.* A radio fix is a geographical location designated by the Administrator on a civil airway above which the position of an aircraft in flight can be accurately determined by means of radio only, (such as a cone of silence marker, Z type marker, fan type marker, or intersection of radio range 'on course' signals).

NOTE: For a list of designated radio fixes, see *Air Navigation Radio Aids* published periodically by the Administrator.

4. By amending § 60.120 to read as follows:

§ 60.120 *Airway traffic control center.* An airway traffic control center is a station operated by the Administrator for the purpose of controlling air traffic on civil airways.

NOTE: For a list of airway traffic control centers, see *Air Navigation Radio Aids* published periodically by the Administrator.

5. By amending § 60.121 to read as follows:

§ 60.121 *Airway traffic control area.* An airway traffic control area is an area within the limits of an airway designated by the Administrator and over which an airway traffic control center exercises control of air traffic.

NOTE: For a list of airway traffic control areas, see *Air Navigation Radio Aids* published periodically by the Administrator.

6. By amending § 60.21 to read as follows:

§ 60.21 *Control airports.* The Administrator, in the interest of safety, and after finding it necessary for the proper control of air traffic, may designate as a control airport any airport in the United States.

7. By amending § 60.22 to read as follows:

§ 60.22 *Control zones of intersection.* The Administrator, in the interest of safety, and after finding it necessary for the proper control of air traffic, may designate any radio range station located within the limits of a civil airway as the center of a control zone of intersection.

8. By amending § 60.23 to read as follows:

§ 60.23 *Airway traffic control area.* The Administrator, in the interest of safety, may designate such portions of the civil airways as airway traffic control areas as may be necessary for the proper control of air traffic.

9. By eliminating § 60.24.

10. By amending § 60.53 to read as follows:

§ 60.53 *Flight plan.* Prior to take-off from any point within an airway traffic control area and prior to entering such an area, an approved flight plan as prescribed in § 60.134 is required. No flight plan shall be submitted until after the pilot has made a careful study of available current weather reports and forecasts and believes the flight can be made with safety.

NOTE: For a list of airway traffic control areas, see *Air Navigation Radio Aids* published periodically by the Administrator.

11. By changing the note to § 60.531 to read as follows:

NOTE: For a list of control zones of intersection, see *Air Navigation Radio Aids* published periodically by the Administrator.

12. By changing the word "Board" as used in § 60.571 to "Administrator" so that such section will read as follows:

§ 60.571 *Communications contacts.* The pilot shall maintain a continuous listening watch on the appropriate radio frequency and shall, by radio, contact and report as soon as possible to the appropriate communication station the time and altitude of passing each radio fix or other check point designated by the Administrator or specified in the flight plan together with unanticipated weather conditions being encountered and any other information pertinent to the aircraft movement and, further, if not within an airway traffic control area, shall, prior to entering a control zone of intersection, served by a radio voice communication station of the Administrator, establish communication with such station directly or through other communication channels, forwarding the expected time of arrival over the center of such zone, the altitude to be flown through such zone, and the course or courses proposed to be followed while within such zone.

13. By striking all of Appendix D, Appendix E, Appendix F, Appendix G, and Appendix H.

14. By changing the present title of Appendix I to read "Appendix D."

15. By amending the Table of Contents to Part 60 by striking "60.21 Control airport designation," "60.22 Control zones of intersection designation," "60.23 Radio fix designation," "60.24 Airway traffic control area designation," and by inserting in lieu thereof the following: "60.21 Control airports," "60.22 Control zones of intersection," "60.23 Airway traffic control area".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8875; Filed, November 26, 1941; 10:55 a. m.]

[Amendments 60-44 to 60-46, incl., C. A. R.]

PART 60—AIR TRAFFIC RULES

ELIMINATION OF DANGER AREA RESTRICTIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of November 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 1, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By striking § 60.333.

2. By inserting a footnote to §60.348 to read as follows:

NOTE: Areas which the Administrator believes to be hazardous to aircraft, by reason of the activities carried on in such areas, may be indicated on the aeronautical charts as "Danger Areas" and published in Notices to Airmen. Such areas will include congested flight training areas, anti-aircraft firing and training areas, field artillery firing and training areas, coast artillery firing and training areas, barrage balloon training areas, aerial gunnery firing ranges, proving grounds and any other area in which activities are conducted which would constitute a serious hazard to aircraft in flight. Pilots are warned of the extreme danger to themselves, their passengers and their aircraft should they enter such an area without first ascertaining that the activities which make the area hazardous are not to be carried on at the time of the flight.

3. By striking § 60.3501.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8877; Filed, November 26, 1941; 10:55 a. m.]

[Amendment 61-19, C. A. R.]

PART 61—SCHEDULED AIR CARRIER RULES

REVISING THE RULES GOVERNING THE DUTIES OF AIRCRAFT DISPATCHERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of November 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective November 21, 1941, Part 61 of the Civil Air Regulations is amended as follows:

By striking "§ 61.71094" as it appears in § 61.555 and inserting in lieu thereof "§ 61.71091 (b)".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8876; Filed, November 26, 1941; 10:55 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[Regulations 71—1941 Edition]

PART 113—STAMP TAXES ON ISSUES AND TRANSFERS OF STOCKS AND BONDS, CONVEYANCES OF REALTY, PASSAGE TICKETS, AND FOREIGN INSURANCE POLICIES

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Subpart A—Introductory

§ 113.0 *Scope of regulations.* These regulations apply to the stamp taxes imposed by chapters 11 and 31 of the Internal Revenue Code, as amended, with respect to—

(a) Issues of capital stock and similar interests.

(b) Sales and transfers of capital stock and similar interests.

(c) Issues of bonds, debentures, certificates of indebtedness, and other corporate securities.

(d) Sales and transfers of bonds, debentures, certificates of indebtedness, and other corporate securities.

(e) Conveyances of realty sold.

(f) Passage tickets.

(g) Foreign insurance policies.

The regulations deal with the scope and application of the stamp taxes, the determination and computation of tax liability, the sale and distribution of stamps, the application of penalties, and other related matters.

The stamp tax imposed by chapter 11 upon playing cards is the subject of Regulations 66, and the stamp tax imposed by such chapter upon transfers of interests in silver bullion is the subject of Regulations 85.

The statutory references are to the Internal Revenue Code (53 Stat., Part 1), as amended,[1] unless otherwise stated.*

*§§ 113.0 to 113.162, inclusive, are issued under the authority contained in section 8791 of the Internal Revenue Code, and follow the statutory provisions to which they respectively refer.

Subpart B—General Provisions

DEFINITIONS

SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or a partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

* * * * *

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

* * * * *

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

* * * * *

§ 113.1 *Meaning of terms.* As used in these regulations, unless otherwise specified or indicated by the context—

(a) The terms defined in the applicable provisions of law have the meanings so assigned to them.

(b) The term "association" means an association taxable as a corporation for Federal income tax purposes.

(c) The term "agreement to sell" includes contracts to sell, either written or oral, and whether on the deferred or partial payment plan or otherwise, options, calls, offers, indemnities, and privileges.

(d) The term "exchange" includes each and every agency, office, room, or other place of assembly, whether under shelter or in the open, at which stock, bonds, rights, or warrants are publicly bought, sold, bid for, offered, or exchanged, between persons there assembled, on behalf of themselves or others.

(e) The term "clearing house" includes every corporation, and every association of individuals, partnerships, or corporations, wholly or partly engaged in the business of clearing, settling, or adjusting transactions in the purchase, sale, receipt, or delivery of stock, bonds, rights, or warrants, whether or not a part or department of an exchange or an independent body.

(f) The terms "stamp tax" and "stamp taxes" when used generally mean any one or all of the stamp taxes which constitute the subject of these regulations.

(g) The term "documentary stamps" means all documentary stamps issued for use in payment of the stamp taxes; the term "ordinary documentary stamps" means stamps issued for use in payment of stamp taxes with the exception of transactions for which stock transfer stamps are required; and the term "stock transfer stamps" means stamps issued for use in payment of the stamp tax on sales or transfers of stock made at exchanges.*

NOTE: For additional definitions, see §§ 113.21, 113.31, 113.51, 113.61, 113.81, and 113.101

LIABILITY FOR TAX

SEC. 1800. IMPOSITION OF TAX.

There shall be levied, collected, and paid, for and in respect of the several bonds, debentures, or certificates of stock and of indebtedness, and other documents, instruments, matters, and things mentioned and described in sections 1801 to 1807, inclusive, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things or any of them, are written or printed, the several taxes specified in such sections.

SEC. 1809. PAYMENT OF TAX.

(a) *By whom paid.* The tax imposed by this chapter shall be paid by any person who makes, signs, issues, sells, removes, consigns, or ships any of the documents, instruments, matters, and things mentioned and described in sections 1801 to 1807, inclusive, or for whose use or benefit the same are made, signed, issued, sold, removed, consigned, or shipped.

SEC. 3480. IMPOSITION OF TAX.

There shall be levied, collected, and paid, for and in respect of the several bonds and other documents, instruments, matters, and things mentioned and described in sections 3481 and 3482, or for or in respect of the vellum, parchment, or paper upon which such instruments, matters, or things, or any of them, are written or printed, the several taxes specified in such sections.

SEC. 3483. ADMINISTRATIVE PROVISIONS.

Sections 1808 and 1809 of subchapter A of chapter 11 and subchapters B, C, and E of such chapter shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

§ 113.2 *Liability for tax.* The tax is payable by any of the parties to a taxable transaction. The parties to the transaction may agree among themselves as to which shall pay the tax, but such agreement does not relieve the others from their liability in the event it is not carried out.

No provisions, by-laws, or rules, of any exchange, and no custom, shall exempt any person from payment of the tax imposed.*

Subpart C—Issues of Capital Stock and Similar Interests

SEC. 1802 (AS AMENDED BY SECTION 1 OF THE REVENUE ACT OF 1939; SECTION 209 OF THE REVENUE ACT OF 1940; AND SECTION 521 (a) (4) (SEE ALSO SECTION 521 (b)) OF THE REVENUE ACT OF 1941). CAPITAL STOCK (AND SIMILAR INTERESTS).

(a) *Original issue.* On each original issue, whether on organization or reorganization, of shares or certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, or by any investment trust or similar organization (or by any person on behalf of such investment trust or similar organization) holding or dealing in any of the instruments mentioned or described in this subsection or section 1801 (whether or not such investment trust or similar organization constitutes a corporation within the meaning of this title), on each $100 of par or face value or fraction thereof of the certificates issued by such corporation or by such investment trust or similar organization (or of the shares where no certificates were issued), 11 cents: *Provided,* That where such shares or certificates are issued without par or face value, the tax shall be 11 cents per share (corporate share, or investment trust or other organization share, as the case may be), unless the actual value is in excess of $100 per share; in which case the tax shall be 11 cents on each $100 of actual value or fraction thereof of such certificates (or of the shares where no certificates were issued), or unless the actual value is less than $100 per share, in which case the tax shall be 3 cents on each $20 of actual value, or fraction thereof, of such certificates (or of the shares where no certificates were issued). The stamps representing the tax imposed by this subsection shall be attached to the stock books or corresponding records of the organization and not to the certificates issued.

§ 113.20 *Scope of tax.* Section 1802 (a) imposes a tax upon each original issue of certificates (or shares when issued without certificates) of stock, or of profits, or of interest in property or accumulations by (a) any corporation, or (b) any investment trust or similar organization (whether or not constituting a corporation within the meaning of the Internal Revenue Code) holding or dealing in any of the instruments mentioned or described in section 1801 (see Subpart E) or section 1802 (a), or (c) any person (such as a depositary) on behalf of such investment trust or similar organization. The tax applies to each original issue of the shares or certificates specified, irrespective of the purpose of the issue, the person to whom issued, or the time of delivery.*

§ 113.21 *Definitions.* As used hereinafter in this subpart, the term "stock" includes any of the shares or certificates mentioned in section 1802 (a) unless from the context it is clear that a different meaning is intended.

The phrase "whether on organization or reorganization" as used in section 1802 (a) means whether on organization or reorganization or not, and does not limit the application of the tax to stock issued on organization or reorganization.*

§ 113.22 *Issuance of stock.* Stock is deemed to be issued when it is subscribed for and the subscription is accepted.*

§ 113.23 *Rate and computation of tax*—(a) *General.* The rates of tax are as follows:

Par Value Stock

11 cents on each $100 or fraction thereof of the face value of each certificate.

No Par Value Stock

11 cents on each $100 or fraction thereof of the actual value of each certificate, where the actual value of each share is $100 or more.

3 cents on each $20 or fraction thereof of the actual value of each certificate, where the actual value of each share is less than $100.

A separate computation of tax must be made with respect to each certificate regardless of the number of certificates which may be issued in a single transaction.

(b) *Par value stock.* Where stock has a par value, the tax is measured by the total face value of the certificate and not by the amount paid for the stock. For example, the tax upon the issuance of a certificate for any number from 1 to 100 shares of stock having a par value of $1 a share is 11 cents, since in such case the total face value of the certificate does not exceed $100. The tax on the issuance of a certificate for any number from 11 to 20 shares of stock having a par value of $10 a share, or for any number from 5 to 8 shares of stock having a par value of $25 a share, is 22 cents, since in these cases the total face value of the certificate is more than $100 but does not exceed $200.

(c) *No par value stock.* Where stock has no par value, the rate of tax is determined by the actual value of each share and the amount of tax, computed at such rate, is measured by the actual value of the certificate. Thus, in all cases where the actual value of each share is $100 or more, the tax must be computed at the rate of 11 cents on each $100 or fraction thereof of the actual value of the certificate; and in all cases where the actual value of each share is less than $100, the tax must be computed at the rate of 3 cents on each $20 or fraction thereof of the actual value of the certificate. For example, upon the issuance of a certificate for 10 shares having an actual value of $101 a share, or a total actual value of $1,010, the tax, computed at the rate of 11 cents on each $100 or fraction thereof of the actual value of the certificate, amounts to $1.21. Upon the issuance of a certificate for 10 shares having an actual value of $99 a share, or a total actual value of $990, the tax, computed at the rate of 3 cents on each $20 or fraction thereof of the actual value of the certificate, amounts to $1.50.

The actual value of stock not having a par value shall be determined on the basis of the market value of the stock at the time of issuance. If there is no ascertainable market value of the stock at the time of issuance, the actual value must be determined on the basis of all the facts and circumstances of the particular case.

Stock which has been given a "fixed" or "stated" value, as distinguished from stock having a par value, is taxable as stock without par value.

(d) *Shares not represented by certificates.* Where the shares are not represented by certificates, the subscription is the basis of tax computation. In the case of shares having a par value, a separate computation of tax must be made with respect to the aggregate par value of the shares covered by each subscription. In the case of shares not having a par value, a separate computation of tax must likewise be made with respect to the aggregate actual value of the shares covered by each subscription at the rate determined by the actual value of each share.*

§ 113.24 *Issues subject to tax.* The following are examples of issues subject to the tax:

(a) Certificates or shares representing beneficial interests in an association. (See § 113.1 (b).)

(b) Stock issued for property, real or personal, or for the purpose of purchasing a business.

(c) Stock issued by joint-stock land banks.

(d) Stock issued as a dividend and fractional scrip certificates.

(e) Temporary or interim certificates.

(f) Stock issued upon exercise of a warrant entitling the holder to subscribe for unissued stock. (See § 113.36 (a).)

(g) Stock issued by a consolidated corporation in exchange for stock of the consolidating corporations.

(h) Stock issued in connection with a merger by the continuing corporation to the stockholders of the merging corporation; and, under certain circumstances, stock issued to the stockholders of the continuing corporation.

(i) Stock issued outside the United States by a domestic corporation.

(j) Business property investment bonds, or other instruments issued by a corporation wherein it is certified that the holder thereof is the owner of an interest in specified real property, the legal title to which has been previously conveyed to a trustee, and whereby the issuing corporation agrees to manage the property and distribute the proceeds in a certain manner.*

§ 113.25 *Issues not subject to tax.* In addition to the various issues specifically exempt under section 1808, as to which see Subpart J, the following are examples of issues not subject to the tax:

(a) The issue of stock by Federal land banks.

(b) The issue of "rights" to subscribe for unissued stock. (But see § 113.36.)

(c) The issue of certificates of stock in exchange for outstanding certificates representing the same stock as, for instance, to reflect a change in the name of the issuing corporation or to secure several certificates for one certificate or vice versa.

(d) The issue of voting-trust certificates.

(e) The issue of definitive certificates of stock in exchange for temporary or interim certificates upon the issuance of which the tax has been paid.

(f) The issue of stock in a recapitalization or reorganization where there is no dedication of additional capital, either by transfer of earned surplus or otherwise.*

§ 113.26 *Stamps to be affixed to stock book.* The requisite revenue stamps must be affixed to the stock book or corresponding record of the organization and not to the certificates issued. For this purpose, ordinary documentary stamps shall be used. For provisions relating to cancellation of stamps, see § 113.133.*

Subpart D—Sales and Transfers of Capital Stock and Similar Interests

[SEC. 1802 (AS AMENDED BY SECTIONS 1 AND 402 OF THE REVENUE ACT OF 1939; SECTION 209 OF THE REVENUE ACT OF 1940; AND SECTION 521 (a) (5) (SEE ALSO SECTION 521 (b)) OF THE REVENUE ACT OF 1941). CAPITAL STOCK (AND SIMILAR INTERESTS).]

(b) *Sales and transfers.* On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to any of the shares or certificates mentioned or described in subsection (a), or to rights to subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation or other organization, or by any assignment in blank, or by any delivery, or by any paper or agree-

[1] The Internal Revenue Code was amended by the Revenue Acts of 1939, 1940, and 1941. The Revenue Act of 1941 made permanent all of the stamp taxes covered by these regulations at rates equal to those set forth in the Revenue Act of 1940.

ment or memorandum or other evidence of transfer or sale (whether entitling the holder in any manner to the benefit of such share, certificate, interest, or rights, or not), on each $100 of par or face value or fraction thereof of the certificates of such corporation or other organization (or of the shares where no certificates were issued) 5 cents and where such shares or certificates are without par or face value, the tax shall be 5 cents on the transfer or sale or agreement to sell on each share (corporate share, or investment trust or other organization share as the case may be): *Provided*, That in case the selling price, if any, is $20 or more per share the above rate shall be 6 cents: *Provided further*, That it is not intended by this chapter to impose a tax upon an agreement evidencing a deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited nor upon the return of stock loaned: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker or his registered nominee for sale, nor upon deliveries or transfers by a broker or his registered nominee to a customer for whom and upon whose order the broker has purchased same, nor upon deliveries or transfers by a purchasing broker to his registered nominee if the shares or certificates so delivered or transferred are to be held by such nominee for the same purpose as if held by the broker, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That the tax shall not to be imposed upon deliveries or transfers from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if such shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such fiduciary, or from the nominee to such fiduciary, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That in case of sale where the evidence of transfer is shown only by the books of the corporation or other organization the stamp shall be placed upon such books; and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers: *Provided further*, That as used in this section the term "registered nominee" shall mean any person registered with the collector in accordance with such rules and regulations as the Commissioner with the approval of the Secretary shall prescribe. The tax shall not be imposed upon deliveries or transfers of shares or certificates—

(1) From the owner to a custodian if under a written agreement between the parties the shares or certificates are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or from such custodian to such owner;

(2) From such custodian to a registered nominee of such custodian, or from one such nominee to another such nominee, if in either case the shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such custodian; or from such nominee to such custodian.

No exemption shall be granted under this paragraph unless the deliveries or transfers are accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe as necessary for the evidencing of the right to such exemption. No delivery or transfer to a nominee shall be exempt under this paragraph unless such nominee, in accordance with regulations prescribed by the Commissioner, with the approval of the Secretary, is registered with the Commissioner.

The tax imposed by this subsection shall not be imposed upon any delivery or transfer by an executor or administrator to a legatee, heir, or distributee of shares or certificates of stock if it is shown to the satisfaction of the Commissioner that the value of such shares or certificates is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer.

§ 113.30 *Scope of tax.* Section 1802 (b) imposes a tax on sales, or agreements to sell, or memoranda of sales, of stock; on deliveries of stock with intent to pass title; on transfers of legal title to stock; on transfers of rights to subscribe for stock; and on transfers of rights to receive stock. The tax applies to the specified dealings or transactions in stock, whether made before, after, or without the issuance of a certificate, whether made upon or shown by the books of the corporation or other organization, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale, and without regard to whether the holder or transferee of the stock or specified right is entitled in any manner to the benefit thereof. The tax accrues at the time of making the sale or agreement to sell or memorandum of sale, or delivery of, or transfer of the legal title to, the stock or specified right, regardless of the time or manner of delivery of the certificate or agreement or memorandum of sale.*

§ 113.31 *Definitions.* As used hereinafter in this subpart, the term "stock" includes any of the shares or certificates mentioned in section 1802 (a) and rights to subscribe for or to receive such shares or certificates, and also includes voting trust certificates, temporary or interim certificates, and certificates representing beneficial interests in an association, unless from the context it is clear that a different meaning is intended.

As used in this subpart the term "sale" or "transfer" includes any of the transactions or dealings in stock which are subject to the tax imposed by section 1802 (b).*

§ 113.32 *Rates and computation of tax*—(a) *Stock having a par value.* Where, by sale or otherwise, par value stock of the same class issued by one corporation is transferred from a single transferor to a single transferee, the tax is computed on the basis of the aggregate par value of all the shares transferred.

Where there are two or more transferors or two or more transferees, or where in a single transaction transfer is made of the stock of two or more corporations or of two or more classes issued by a single corporation, a separate tax computation must be made with respect to each transferor and each transferee and with respect to the stock of each corporation and the stock of each class issued by a single corporation.

The above statements are illustrated by the following examples:

Example (1). A, owning 25 shares of common stock and 25 shares of preferred stock of the X Corporation, and 50 shares of the common stock of the Y Corporation, transfers all the stock by delivering the certificates to B. In this situation there are three taxable transfers, each requiring a separate computation of tax.

Example (2). A, owning 100 shares of stock in the X Corporation represented by one or more certificates, sells 50 shares each to B and C. To that end, A sends his certificates to the transfer agent with instructions to issue one or more certificates aggregating 50 shares to each purchaser. In this situation, there are two distinct transactions, namely, two sales of 50 shares of stock each, and the tax is computed upon the aggregate par value of the stock transferred to each purchaser.

Example (3). A and B, each owning 50 shares of stock in the X Corporation represented in each case by one or more certificates, make a gift of their stock to C. To that end, they send their certificates to the transfer agent with instructions to issue one or more certificates for the entire 100 shares to the donee. In this situation, there are likewise two distinct transactions, namely, two gifts of 50 shares of stock each, and a separate computation must be made with respect to each gift.

The rates of tax applicable to par value stock are as follows:

Six cents on each $100 or fraction thereof of the aggregate face value of the certificates or shares with respect to sales, agreements to sell, and memoranda of sales, where the selling price is $20 or more a share.

Five cents on each $100 or fraction thereof of the aggregate face value of the certificates or shares with respect to sales, agreements to sell, and memoranda of sales, where the selling price is less than $20 a share.

Five cents on each $100 or fraction thereof of the aggregate face value of the certificates or shares in all other taxable transactions.

Computation of tax is illustrated by the following examples:

Example (1). A sells to B 100 shares of stock of the X Corporation having a par value of $100 a share for $50 per share. The amount of tax payable is computed at the rate of 6 cents on each $100 of the face value of the certificate or certificates ($10,000) and is $6.

Example (2). The facts are the same as set forth in example (1) except that the stock is sold for $10 per share. The amount of tax payable is computed at the rate of 5 cents on each $100 of the face value of the certificate or certificates ($10,000) and is $5.

Example (3). A gives B 100 shares of stock of the X Corporation having a par value of $100 a share at a time when its actual value is $50 a share and later gives 100 shares of the same stock to C at a time when its actual value is $10 a share. In each instance the amount of tax is computed at the rate of 5 cents on each $100 of the face value of the certificate or certificates ($10,000) and is $5 for each gift.

(b) *Stock without par value.* Where, by sale or otherwise, stock without par value is transferred, the tax is computed strictly on the basis of the number of shares involved in each transfer. The selling price of the stock is material only where the change of ownership is by sale, and then only in determining the rate of tax.

Stock which has been given a "fixed" or "stated" value, as distinguished from stock having a par value, is taxable as stock without par value.

The rates of tax applicable to stock without par value are as follows:

Six cents per share with respect to sales, agreements to sell, and memoranda of sales, where the selling price is $20 or more a share.

Five cents per share with respect to sales, agreements to sell, and memoranda of sales, where the selling price is less than $20 a share.

Five cents per share in all other taxable transactions.

Computation of tax is illustrated by the following examples:

Example (1). A sells to B 100 shares of stock without par value of the Z Corporation for $25 per share. The amount of tax payable is computed at the rate of 6 cents per share on 100 shares and is $6.

Example (2). A sells to B 100 shares of stock without par value of the Z Corporation for $1 a share. The amount of tax payable is computed at the rate of 5 cents per share on 100 shares and is $5.

Example (3). A gives B 100 shares of stock without par value of the Z Corporation at a time when its actual value is $25 a share and later gives C 100 shares of the same stock at a time when its actual value is $1 per share. In each instance the amount of tax is computed at the rate of 5 cents per share on 100 shares and is $5 for each gift.

(c) *Rights to receive, and rights to subscribe for, stock.* In all cases, the tax on the transfer of a right to receive stock and on the transfer of a right to subscribe for stock is determined by the class of stock to which the right relates. Thus the tax is 5 cents on each share covered by the right where the stock has no par value, and 5 cents on each $100 or fraction thereof of the aggregate par value of the shares covered by the right where the stock has a par value. In computing the tax on transfers of rights to receive or rights to subscribe for stock, the selling price or the subscription price of the stock, as the case may be, is immaterial.

§ 113.33 *Sales and transfers subject to tax.* The following transactions in stock, as defined in § 113.31 (unless otherwise exempt), are subject to the tax: All sales, agreements to sell, and transfers with or without benefit to the transferee, whether effected by means of certificates or other instruments or by entries on the books of the issuing corporation or other entity or otherwise. The following are examples of taxable transactions:

(a) Transfer by gift.

(b) Transfer as a loan, including intra-office borrowing. (But see § 113.35 (b).)

(c) Transfer by an administrator or executor to a distributee or legatee. (But see § 113.35 (g).)

(d) Transfer to or by trustees. (But see § 113.34 (e) (3).)

(e) Transfer of interim and voting trust certificates.

(f) Transfer from persons holding legal title as tenants in common, as joint tenants, or as tenants by the entirety, to the same persons separately to effect a partition, or from one person to two or more persons, whether or not including the transferor, as tenants in common, as joint tenants, or as tenants by the entirety. (But see § 113.34 (e) (2).)

(g) Transfer from a partnership to a successor partnership; also from a partnership to the individual members thereof upon dissolution.

(h) Transfer to a corporation of its own stock. (But see § 113.34 (c).)

(i) Transfer upon a merger from the name of a merging corporation of stock owned by it to the name of the continuing corporation, since such a transfer arises by action of the parties and not wholly by operation of law. Similarly, upon a consolidation, a transfer from any of the consolidating corporations to the new or consolidated corporation. (But see § 113.34 (h) and (i).)

(j) Transfer upon order of the purchaser of stock to another person; transfer of the right to receive a stock dividend already declared; issuance of stock to a person other than the subscriber or one paying the consideration for the issuance; and all other transfers of rights to receive; also all transfers of rights to subscribe for stock.

(k) Transfer by a broker to a customer of stock issued as a dividend on stock purchased for the customer by the broker and held by the broker in his own name or in the name of his nominee.

(l) Transfer of stock on the books of a domestic corporation, regardless of where the sale is made or the stock certificate delivered.

(m) Sale or transfer within the territorial jurisdiction of the United States, of stock of a foreign corporation.*

§ 113.34 *Sales and transfers not subject to tax.* In addition to the various exemptions prescribed in section 1808 which apply to stamp taxes generally (as to which see Subpart J), and to the specific exemptions provided in section 1802 (b) which apply only to the stamp tax imposed under that section (as to which see § 113.35), the following are examples of transactions not subject to the tax:

(a) The transfer of stock pursuant to a sale, where the requisite stamps have been affixed to the memorandum of sale.

(b) The surrender of certificates in exchange for other certificates representing the same stock issued to the same person. (See also § 113.25 (c).)

(c) The surrender of stock to the issuing corporation for extinguishment. (See § 113.33 (h).)

(d) Change in the registration of stock for the sole purpose of recording a change in the name of a stockholder, such as from the maiden name to the married name of a stockholder, or a change in the name of a corporation which is a stockholder.

(e) Transfers which take effect wholly by operation of law, including changes in registration to record such transfers. Transfers of this character are those which the law itself will effect without any act of the parties. The following are examples:

(1) The transfer of stock from a decedent to the administrator or executor of the estate.

(2) The transfer of stock held in joint tenancy to the survivor or survivors upon death of a joint tenant.

(3) The transfer of stock from a deceased or resigned trustee to a substituted trustee.

(4) The transfer of stock from a bankrupt to his duly appointed trustee in bankruptcy.

(f) The transfer of stock to or by ambassadors, ministers, and duly accredited diplomatic representatives of foreign governments, the members of their families living with them; and members of their households, including attaches, secretaries, clerks, and servants, provided such members of their households are not citizens of the United States.

(g) The transfer of stock to or by an insolvent bank, where such transfers are within the provisions of section 3798.

(h) In a consolidation of corporations, the surrender of stock of any of the consolidating corporations in exchange for stock of the new or consolidated corporation. (But see § 113.24 (g).)

(i) In a merger of corporations the surrender of stock of both the merging and continuing corporations in exchange for stock of the continuing corporation. (But see § 113.24 (h).)

(j) Deliveries of stock to or by a clearing house for the sole purpose of clearing or adjusting accounts of its members.

(k) Transfer of stock pursuant to a call, since a "call" is an agreement to sell stock and taxable as such. However, the person making such nontaxable transfer shall furnish and attach to the certificate a statement in substantially the following form:

It is hereby certified that the transfer of -------- shares of the within stock to ---------- has been made pursuant to a "call," and that requisite Federal docu-

mentary stamps for the transaction are affixed to such "call," which is in the possession of the undersigned.

(Signature)

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§ 113.35 *Specific exemptions provided in section 1802 (b)—(a) Stock deposited as collateral security.* The tax does not apply to an agreement evidencing a deposit of certificates of stock as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited. The exemption applies also to transfers of stock to a nominee of the lender and from such nominee back to the lender, if the stock is at all times held as collateral security for the loan; and to the return of the stock to the borrower by the lender or his nominee upon payment of the loan. The exemption does not apply, however, to deposits of stock as collateral security made otherwise than in connection with a money loan.

The person making an exempt transfer under this subsection shall furnish and attach to the certificate a statement in substantially the following form:

It is hereby certified that the transfer of the attached certificates for ---------- to (Number of shares and description of stock) ---------- is made in connection with (Name of transferee) a deposit of stock as collateral security for money loaned thereon, or the return of stock so deposited.

(Signature)

(b) *Return of stock loaned.* The tax does not apply to the return of stock loaned; but the person returning such stock shall furnish and attach to the certificate a statement of the relevant facts. (But see § 113.33 (b).)

(c) *Transfer from customer to broker.* The mere delivery of a certificate of stock by a customer to his broker solely for the purpose of enabling such broker to sell the stock for the customer, where the broker has no ownership or interest therein, is exempt from stamp tax and does not require an exemption certificate. If, in the same circumstances, the stock is transferred to the name of the broker, or to the name of the broker's registered nominee, the transfer is also exempt from tax, provided the broker, at the time of such transfer, furnishes and attaches to the certificate a statement in substantially the following form:

It is hereby certified that ---------- of the shares represented by this stock certificate are transferred by the owner to the undersigned or registered nominee thereof solely for the purpose of sale.

(Signature of broker)

For provisions relating to the registration of nominees, see § 113.153.

A transfer to the name of a selling agent other than a broker, as, for example, a bank, whether the sale be made by the agent direct or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers to brokers. (But see paragraph (f) of this section.) However, liability is not incurred by the mere delivery of a certificate of stock to an agent who obtains no legal title or other interest in the stock.

(d) *Transfer from broker to customer.* The mere delivery of a certificate of stock by a purchasing broker to his customer, if tax was paid upon the sale of the stock to such broker who has no ownership or interest therein, is not subject to stamp tax and does not require an exemption certificate.

If the stock is transferred to the purchasing broker or his nominee who holds the stock for the same purpose as if held by the broker, and tax on such transfer is paid, transfer may thereafter be made to the name of the purchaser without payment of tax. If the tax was paid upon transfer to the purchasing broker, transfer may be made to the name of his nominee and from such nominee to the name of the purchaser, without payment of tax. However, no exemption under this paragraph will apply unless the broker at the time of the exempt transfer attaches to the stock certificate a statement substantially in whichever of the following forms is applicable:

(1) (In the case of transfer by a broker or his registered nominee)—

It is hereby certified that the transfer of ---------- of the shares represented by this stock certificate to the name indicated is made solely to complete the purchase made by the undersigned for a customer.

(Signature of broker)

(2) (In the case of transfer by a broker to his registered nominee)—

It is hereby certified that the transfer of ---------- of the shares represented by this stock certificate, purchased for a customer, is made to the registered nominee of the undersigned to be held by him only for the same purpose as if held by the undersigned.

(Signature of broker)

For provisions relating to the registration of nominees, see § 113.153.

Delivery to, or transfer to the name of, the customer may not be made tax-free in any case in which the stock was transferred from the seller to the broker or his registered nominee without tax payment, since the law requires that tax shall be paid on the transfer or transfers between the actual seller and actual buyer.

A transfer from the name of a purchasing agent other than a broker, as, for example, a bank, whether the purchase be made direct or through a broker for the agent's account, is subject to tax, since the exemption applies only to deliveries and transfers from brokers. (But see paragraph (f) of this section.) However, liability is not incurred by the mere delivery of a certificate of stock by an agent having no title or interest in the stock, or by a broker for the account of such agent.

(e) *Transfers between fiduciaries and their nominees.* The tax does not apply to deliveries or transfers of stock from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if the stock continues to be held by such nominee for the same purpose for which it would be held if retained by such fiduciary, or from the nominee to such fiduciary. The person making an exempt transfer under this paragraph shall, at the time of such transfer, furnish and attach to the certificate a statement setting forth the relevant facts.

(f) *Transfers to or by a custodian.* The tax does not apply to the delivery or transfer of stock from the owner thereof to a custodian, if under a written agreement between the owner and the custodian, the stock so delivered or transferred is to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or to the delivery or transfer of stock from such custodian to such owner.

The tax also does not apply to the delivery or transfer from such custodian to a registered nominee of such custodian, or from the owner direct to such registered nominee, or from one such nominee to another such nominee, if the stock continues to be held by the nominee for the same purpose for which it would be held if retained by such custodian; or from such nominee to such custodian or the owner. No exemption is granted unless the nominee is registered in the manner provided in § 113.153.

The tax further does not apply to the delivery or transfer of stock from a custodian of the owner to another custodian of the owner, or from the registered nominee of the first custodian to the second custodian or the registered nominee of the latter, if the transfer would have been exempt under the first or second paragraphs of this subsection if made by the owner direct to the second custodian or the registered nominee of the latter.

The exemption specified in this paragraph shall not be granted in any case unless the delivery or transfer is accompanied by a statement, signed by the custodian, in substantially the following form:

It is hereby certified that the transfer of the attached shares is exempt from the transfer tax under the provisions of section 1802 (b) of the Internal Revenue Code and that evidence in proof of the exemption is maintained by us and is available for inspection by internal revenue officers.

(Signature of Custodian)

The custodian contemplated by this subsection is a mere custodian and does not include a trustee. A mere custodian is a person to whom there are delivered or transferred shares or certificates of stock to be held or disposed of by the custodian for, and subject at all times to the instructions of, the owner and not otherwise.

(g) *Transfers of worthless securities by executors, etc.* The tax does not apply to deliveries or transfers of stock by an executor or administrator to a legatee, heir, or distributee, if it is shown to the satisfaction of the Commissioner that the value of the stock so delivered or transferred is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer.*

§ 113.36 *Warrants—(a) To subscribe for stock.* Transfers of warrants entitling the holder to subscribe for stock are taxable as transfers of rights to subscribe. Where the stock has a par value, the transfer of a warrant is taxable at the rate of 5 cents for each $100 or fraction thereof of the total par value of the shares to which the holder may subscribe; and where the stock is without par value, the transfer is taxable at the rate of 5 cents for each share which may be subscribed for. The issue of a warrant entitling the holder to subscribe for stock is not subject to tax, but the issue of stock upon exercise of the warrant is subject to the tax imposed by section 1802 (a). (See § 113.24 (f).)

(b) *To purchase issued stock.* Warrants entitling the holder to purchase stock are taxable upon issuance as agreements to sell stock. The rate of tax applicable to the issue of such warrants is the rate that applies to agreements to sell the kind of stock to which the warrant relates. Thus, when the stock to be purchased under the warrant has a par value and the purchase price is less than $20 per share, the tax is 5 cents for each $100 or fraction thereof of the total par value of the stock which the holder is entitled to purchase, and if the purchase price is $20 or more per share, the tax is 6 cents for each $100 or fraction thereof of the total par value. If the stock has no par value, the tax is 5 cents for each share which the holder is entitled to purchase, unless the purchase price is $20 or more per share, in which event the tax is 6 cents for each share instead of 5 cents.

Transfers of warrants entitling the holder to purchase issued stock are not subject to stamp tax since the statute does not impose a tax upon transfers of agreements to sell stock. If the transfer tax is paid upon the issuance of a warrant as an agreement to sell stock, the subsequent transfer of the stock pursuant to the exercise of the warrant does not incur an additional transfer tax. However, the person making such exempt transfer of stock shall furnish and attach to the certificate a statement in substantially the following form:

It is hereby certified that the transfer of the attached certificates for ---------- (Numbers of shares and description of stock) to ---------- is made pursuant to the (Name of transferee) exercise of a warrant which is in possession of the undersigned, and that requisite stamps due upon issuance of such warrant have been affixed thereto.

(Signature)

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§ 113.37 *Memoranda of sales, etc.* Every person who makes an agreement to sell stock, or who, by sale or otherwise, transfers title to stock by delivery of certificates assigned in blank, including a person who lends stock, shall, as a part of such transaction promptly make and deliver to the buyer, transferee, or borrower, a bill or memorandum of such agreement to sell, sale, transfer, or loan, duly signed by the seller, or transferor, or lender, or his agent, to which the requisite stamps shall be affixed and canceled. Such bill or memorandum shall show the date of the transaction, the names of the parties thereto, the name and number of shares of stock, the tax paid on the transaction, and, where a sale is involved, the sale price. (See § 113.41 (b) relative to rules applicable to clearing houses.) *

§ 113.38 *Records of sales and transfers of stock—(a) Brokers, dealers, etc.* All persons who are wholly or partly engaged in the business of buying, selling, or transferring stock, either at public or private sale, whether or not they are members of an exchange, including persons engaged in transactions known as "matched," or "on-order," or "pass-outs," or "give-ups," or settled directly between the seller and buyer, or cleared or adjusted through a clearing house or otherwise, or engaged in accepting and procuring the transmission of orders for purchase or sale of shares of stock, shall keep a record as to each transaction showing:

(1) Date of transaction.
(2) Name of customer for whom sold or loaned, or for whom bought or borrowed.
(3) Name of party to whom sold or loaned or from whom bought or borrowed.
(4) Name of correspondent broker, if any.
(5) Number of shares involved.
(6) Name and description of stock.
(7) Par value of stock; if no par value, so indicate.
(8) Aggregate face value of each certificate.
(9) Selling price of stock, per share.
(10) Amount of tax paid.

(b) *Correspondent brokers.* Persons engaged in accepting and procuring the transmission of orders for the purchase or sale of stock to be executed at a brokerage office or at an exchange, board of trade, or similar place, shall keep a record as to each transaction showing:

(1) Date of acceptance and transmission of order.
(2) Name of person from whom accepted.
(3) Name and address of person to whom transmitted.
(4) Name and description of stock.
(5) Par value of stock; if no par value, so indicate.
(6) Number of shares.
(7) Whether purchase or sale.
(8) Selling price of stock, per share.
(9) Date of execution of order.

(c) *Floor brokers, etc.* Brokers known as strictly "floor brokers," or "two-dollar men," or "room traders," in lieu of the record prescribed in paragraph (a) of this section, whether their transactions are settled directly between seller and buyer or by "matched," "on-order," "pass-out," or "scratch sale," or "give-up," or any other kind of sale or purchase, or are cleared through a clearing house or otherwise, shall keep a record as to each transaction showing:

(1) Date of transaction.
(2) Name of seller.
(3) Name of purchaser.
(4) Name and description of stock.
(5) Number of shares.
(6) Par value of stock; if no par value, so indicate.
(7) Aggregate face value of each certificate.
(8) Selling price of stock, per share.
(9) Whether the transaction is "matched," "on-order," "pass-out," "scratch sale," or "give-up."
(10) Name of person to whom "given-up."

(d) *General.* Persons keeping records as prescribed in this section may incorporate therein additional information for their own use, which should be entered, however, so as not to interfere with the recording of the information required by this section. These records must be kept in permanent form, and must be available for ready inspection by internal-revenue officers. (See § 113.151.) *

§ 113.39 *Returns by brokers, dealers, etc.* All persons who are wholly or partly engaged in the business of buying, selling, or transferring stock, whether the sales, purchases, or transfers are made, cleared, settled, or adjusted through a clearing house, or otherwise, shall on or before the 15th day of each month and at any other time designated by the Commissioner render under oath a true return on Form 838, revised September 1939, for the preceding month or for any other period designated by the Commissioner. The return shall be made to the collector of internal revenue for the district in which such person or persons are located, and shall contain the following information:

(a) The month for which the return is made.
(b) The name and address of the person making the return.
(c) The value of stamps on hand on the 1st day of the month.
(d) The value of stamps purchased during the month.
(e) The value of stamps used during the month.
(f) The value of stamps on hand at the end of the month.

The return shall be filed for every month even though no transaction occurred in a particular month.*

§ 113.40 *Stamps to be used.* Documentary stamps with the words "Stock transfer" overprinted thereon, known as stock transfer stamps, shall be used in

connection with all sales or transfers of stock that are made at exchanges or similar places.

Ordinary documentary stamps shall be used in connection with all sales or transfers of stock that are not made at exchanges or similar places.

For provisions relating to cancellation of stamps, see § 113.133.*

§ 113.41 *Where stamps shall be affixed*—(a) *General rules.* In cases of agreements to sell stock, and transfers of title to stock, including loans, by delivery of certificates assigned in blank, the stamps shall be affixed to the memoranda of such transactions as required by § 113.37.

In all cases where the change of ownership of the stock is by transfer or delivery under special indorsement, i. e., by insertion of the name of the transferee in the endorsement or power of attorney on the back of the certificate, the stamps shall be affixed to the certificate, whether or not the change of ownership results from a sale.

In all cases where the evidence of transfer is shown only by the books of the corporation or other organization, the stamps shall be affixed to such books.

In no event shall any corporation or transfer agent transfer any shares or certificates of stock unless stamps for the transfer tax due have been properly affixed and canceled as required by these regulations.

(b) *Rules applicable to clearing houses.* If any person who negotiates sales or transfers of stock on a stock exchange shall appoint in writing the clearing house for the exchange as his agent for the purposes hereinafter specified, and on each business day shall furnish to such clearing house a written report, statement, or sheet making a full disclosure of all such transactions, both clearable and nonclearable, of the preceding business day in stocks that are listed or permitted to be dealt in by such member on such exchange, and also showing in which transactions, if any, stocks were loaned or borrowed or returned, then in that event such clearing house may affix to such report, statement, or sheet, and cancel, the stamps required for each transaction. The affixing and canceling of such stamps by the clearing house shall be held to be the act of the person making the sale, or agreement to sell, or memorandum of sale, or delivery, or transfer, as the case may be. If the person filing the report, statement, or sheet and the clearing house so elects, such person may affix and cancel the stamps before delivering such report, statement, or sheet to the clearing house; but such clearing house shall not accept the stamped report, statement, or sheet unless all stamps required to be affixed are attached thereto and properly canceled.

The reports, statements, or sheets submitted to the clearing house shall in respect of each transaction show the date thereof, the names of the parties to the transaction, the amount and description of the stock, or other things traded in. The information with respect to more than one transaction may be entered upon one report, statement, or sheet. No settlement of differences or other dealings between members shall be permitted that will interfere with full disclosure of each transaction.

The report, statement, or sheet submitted to the clearing house does not relieve the seller from making and delivering to the buyer the bill or memorandum required by § 113.37. However, where the stamps are affixed to the report, statement, or sheet submitted to the clearing house, under either of the methods permitted by this subsection, the bill or memorandum shall, in lieu of stamps, bear an endorsement substantially in the following form:

It is hereby certified that requisite Federal stamps on the transfer of _____ shares of this certificate have been affixed to clearing-house sheet dated _____ filed with the _____ Stock Exchange Clearing House.

_____
(Member _____ Stock Exchange)

Wherever any clearing house carries upon its sheets or records information or reports of transactions showing the transfer by one of its members of an account of a customer without change of ownership of the securities of the customer, there shall be kept by the members involved in the transaction a record showing the particulars of such transaction.*

Subpart E—Issues of Bonds, Debentures, Certificates of Indebtedness, and Other Corporate Securities

SEC. 1801 (AS AMENDED BY SECTION 1 OF THE REVENUE ACT OF 1939; SECTION 209 OF THE REVENUE ACT OF 1940; AND SECTION 521 (a) (3) (SEE ALSO SECTION 521 (b)) OF THE REVENUE ACT OF 1941). CORPORATE SECURITIES.

On all bonds, debentures, or certificates of indebtedness issued by any corporation, and all instruments, however termed, issued by any corporation with interest coupons, or in registered form known generally as corporate securities, on each $100 of face value or fraction thereof, 11 cents: *Provided*, That every renewal of the foregoing shall be taxed as a new issue: *Provided further*, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured. The tax under this section shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 per centum of the cash amount to which entitled upon maturity of the instrument.

§ 113.50 *Scope of tax.* Section 1801 imposes a tax upon the issue by any corporation of bonds, debentures, certificates of indebtedness, and all instruments, however termed, with interest coupons or in registered form and known generally as corporate securities. Every renewal of the above described instruments is taxable as a new issue.*

§ 113.51 *Definition of bond.* As used hereinafter in this subpart, the term "bond" includes any of the instruments mentioned in section 1801 unless from the context it is clear that a different meaning is intended.*

§ 113.52 *Issuance.* A bond is not issued within the meaning of the law unless and until it is delivered.*

§ 113.53 *Rate and computation of tax.* The rate of tax is 11 cents on each $100 or fraction thereof of the face value of each bond; except that, where a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax is based upon the amount secured. Subject to the above-stated exception, the tax is measured strictly by face value of the bond.

A separate computation of tax must be made with respect to each bond regardless of the number of bonds which may be issued in a single transaction. For example, the tax on the issuance of a bond having a face value of $1,000 is $1.10. The tax on the issuance of two bonds having a face value of $50 each is 22 cents, i. e., 11 cents on each bond, whether the bonds are issued to the same person or to different persons.*

§ 113.54 *Renewals.* Every renewal of a corporate bond is subject to tax as a new issue. The time when the original bond was issued is immaterial; so also is the time when the bond is renewed, whether before or after the original date of maturity. Tax liability is not dependent upon use of any particular form of instrument to effect the renewal. The renewal may, for example, be evidenced by a notation on the original bond, by a collateral agreement, or by an extension agreement.*

§ 113.55 *Issues subject to tax.* Ordinarily, a corporate instrument styled a bond, debenture, or certificate of indebtedness is subject to the tax. However, the taxability of an instrument is not determined by the name alone but depends upon all the circumstances, such as the name, form, and terms of the instrument, etc. Hence, an instrument, however designated, having all the essential characteristics of a bond, debenture, or certificate of indebtedness is taxable as such. Similarly, an instrument issued with interest coupons, or with provision for registration, and coming within the class known generally as corporate securities will be held subject to the tax regardless of the name by which it may be called.

The following are examples of corporate instruments taxable upon issue:

(a) A bond accompanying a real estate mortgage.

(b) A bond of indebtedness delivered to a bank or trust company as security for the payment of an obligation.

(c) Bonds executed outside the United States by a foreign corporation, certified by a trustee in the United States and delivered in the United States.

(d) Interim certificates or temporary bonds issued in lieu of definitive bonds. However, no additional tax is due on the

issuance of the corresponding permanent or definitive bonds, but each of such permanent or definitive bonds must bear notation of the fact that requisite stamps were duly attached to the interim certificates or temporary bonds.

(e) Equipment trust certificates.

(f) Certificates of indebtedness issued by a receiver for a corporation.

(g) Scrip-dividend certificates.*

§ 113.56 *Issues not subject to tax.* In addition to the various issues specifically exempt under section 1808, as to which see Subpart J, the following are examples of instruments not taxable upon issue:

(a) An instrument issued by an individual.

(b) An instrument merely representing the assignment of an interest in a bond. (But see § 113.60.)

(c) Bonds issued in exchange for outstanding bonds of different denominations but of the same kind, the same total face amount, and the same maturity date.

(d) Permanent or definitive bonds issued in exchange for interim certificates or temporary bonds representing the same obligation. (But see § 113.55 (d).)

(e) An instrument under the terms of which the *obligee* is required to make payment therefor in installments and is not permitted in any year to make a payment of more than 20 per cent of the cash amount which the obligee is entitled to receive upon maturity of the instrument.

(f) A certificate of deposit issued by a bank, whether or not negotiable, and whether payable on demand or at some specified time; and a certificate of deposit issued by an organization operating under the Morris plan.

(g) Indemnity, fidelity, and surety bonds.

(h) A business property investment certificate wherein it is certified that the holder thereof is the owner of an interest in certain specified property, legal title to which has previously been conveyed to a trustee, and whereby the issuing corporation agrees to manage the property and distribute the proceeds. However, such instrument is subject to the issue tax imposed by section 1802 (a). (See § 113.24 (j).)

(i) A bond issued by a trust company on behalf of the estate of a decedent for which it is acting as executor or administrator, provided the bond is issued solely on the credit of the estate.

(j) The issue of a warrant granting the right to purchase bonds, irrespective of whether the bonds are unissued or have been issued. (But see § 113.66.)*

§ 113.57 *Where stamps shall be affixed.* The requisite revenue stamps must be affixed either to the bonds or to the indenture under which the bonds are issued. For this purpose ordinary documentary stamps shall be used. If the stamps are affixed to the indenture, the bonds must bear a legend showing that the proper revenue stamps have been affixed to the indenture and duly canceled. If the indenture provides for the issue of bonds over a period of years, the requisite stamps may be affixed at the time of each issue. For provisions relative to cancellation of stamps, see § 113.133.*

Subpart F—Sales and Transfers of Bonds, Debentures, Certificates of Indebtedness, and Other Corporate Securities

SEC. 3481 (AS AMENDED BY SECTION 1 OF THE REVENUE ACT OF 1939; SECTION 209 OF THE REVENUE ACT OF 1940; AND SECTIONS 504 AND 521 (a) (23) (SEE ALSO SECTION 521 (b)) OF THE REVENUE ACT OF 1941). TRANSFER OF BONDS.

(a) *Imposition of tax.*—On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to any of the instruments mentioned or described in section 1801 and of a kind the issue of which is taxable thereunder, whether made by any assignment in blank or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale (whether entitling the holder in any manner to the benefit of such instrument or not), on each $100 of face value or fraction thereof, 5 cents: *Provided*, That it is not intended by this chapter to impose a tax upon an agreement evidencing a deposit of instruments as collateral security for money loaned thereon, which instruments are not actually sold, nor upon the delivery or transfer for such purpose of instruments so deposited: *Provided further*, That the tax shall not be imposed on deliveries or transfers of bonds in connection with a reorganization (as defined in section 112 of the Revenue Act of 1932, 47 Stat. 196) if any of the gain or loss from the exchange or distribution involved in the delivery or transfer is not recognized under the income tax law applicable to the year in which the delivery or transfer is made: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That the tax shall not be imposed upon deliveries or transfers from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if such instruments continue to be held by such nominee for the same purpose for which they would be held if retained by such fiduciary, or from the nominee to such fiduciary, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That where the change of ownership is by transfer of the instrument the stamp shall be placed upon the instrument; and in cases of an agreement to sell or where the transfer is by delivery of the instrument assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any such instrument, or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both.

The tax shall not be imposed upon deliveries or transfers made after June 30, 1938, of instruments—

(1) From the owner to a custodian if under a written agreement between the parties the instruments are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or from such custodian to such owner;

(2) From such custodian to a registered nominee of such custodian, or from one such nominee to another such nominee, if in either case the instruments continue to be held by such nominee for the same purpose for which they would be held if retained by such custodian; or from such nominee to such custodian.

No exemption shall be granted under this paragraph unless the deliveries or transfers are accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe as necessary for the evidencing of the right to such exemption. No delivery or transfer to a nominee shall be exempt under this paragraph unless such nominee, in accordance with regulations prescribed by the Commissioner, with the approval of the Secretary, is registered with the Commissioner.

Any person who, with intent to evade the tax provided in this subdivision, falsely makes a certificate accompanying any delivery or transfer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000, or imprisoned not more than six months, or both.

§ 113.60 *Scope of tax.* Section 3481 imposes a tax upon sales of, agreements to sell, and memoranda of sales of, bonds; on deliveries of bonds with intent to pass title; and on transfers of legal title to bonds, and instruments assigning interests in bonds. The tax applies to the specified dealings or transactions in bonds, whether effected by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of sale or transfer, and without regard to whether the holder or transferee of the bond is entitled to any beneficial interest therein. The tax accrues at the time of making the sale or agreement to sell or memorandum of sale, or delivery of, or transfer of the legal title to, the bonds, regardless of the time or manner of the delivery of the bonds or agreement or memorandum of sale.*

§ 113.61 *Definitions.* As used in this subpart, the term "bond" includes any of the instruments subject upon issuance to tax under section 1801, unless from the context it is clear that a different meaning is intended.

As used hereinafter in this subpart the term "sale" or "transfer" includes any of the transactions or dealings in bonds which are subject to the tax imposed by section 3481.*

§ 113.62 *Rate and computation of tax.* Where by sale or otherwise, bonds of the same issue of a single corporation are transferred by a single transferor to a single transferee, the tax is 5 cents on each $100 of face value or fraction thereof, of the aggregate face value of all the bonds. Where there are two or more transferors or two or more transferees, or where in a single transaction transfer is made of bonds of two or more corporations or of two or more classes issued

by a single corporation, a separate tax computation must be made with respect to each transferor and each transferee, and with respect to the bonds of each corporation and of the bonds of each class issued by a single corporation.

Example (1). M, owning 25 class A bonds of the X Corporation and 25 class B bonds of the same corporation, and 50 class A bonds of the Y Corporation, transfers all the bonds to N. In this situation there are three taxable transfers, and a separate tax computation must be made with respect to the aggregate face value of the bonds involved in each.

Example (2). M, owning 100 class A bonds of the X Corporation, sells 50 bonds to N and 50 bonds to O. In this situation, there are two sales of 50 bonds each, and the tax is measured by the aggregate face value of the bonds sold to each purchaser.

Example (3). A husband and wife, each owning $50,000 face amount of class A bonds of the X Corporation, simultaneously give their bonds to their son. In this situation, there are two gifts, and a separate computation must be made with respect to the aggregate face value of the bonds included in each gift.

The separate tax computation required will result in a difference in the amount of tax only where the face values of the bonds transferred are not $100 or multiples thereof.*

§ 113.63 *Sales and transfers subject to tax.* The tax on bond transfers imposed by section 3481 is similar in scope to the tax on stock transfers imposed by section 1802 (b). Accordingly, the various examples set forth in § 113.33 of sales and transfers of stock subject to the stock transfer tax apply with some exceptions to sales and transfers of bonds.

The examples stated in paragraph (j) of § 113.33 do not apply to the bond transfer tax since transfers of rights to receive and rights to subscribe for bonds are not subject to the tax imposed by section 3481. The example stated in paragraph (b) of that section relating to loans including intraoffice borrowings applies to bond transactions, and in addition thereto the return of bonds loaned is also subject to the tax imposed under section 3481.*

§ 113.64 *Sales and transfers not subject to tax.* The various examples set forth in § 113.34 of sales and transfers of stock not subject to the stock transfer tax also illustrate, in so far as applicable to bond transactions, sales and transfers of bonds not subject to the bond transfer tax. The nontaxable transactions so illustrated are in addition to those specifically exempted by section 3481 (as to which see § 113.65), and those within the general exemptions conferred by section 1808 (as to which see Subpart J).*

§ 113.65 *Specific exemptions provided in section 3481.* Section 3481 provides a number of specific exemptions from tax which, with some exceptions, correspond to the exemptions from the stock transfer tax provided in section 1802 (b). Accordingly, the rules stated in § 113.35 with respect to the stock transfer tax exemptions also apply with respect to the corresponding bond transfer tax exemptions. The exempt transactions and the paragraphs of § 113.35 setting forth the rules applicable thereto are as follows:

Bonds deposited as collateral security, paragraph (a).
Transfers from customer to broker, paragraph (c).
Transfers from broker to customer, paragraph (d).
Transfers between fiduciaries and their nominees, paragraph (e).
Transfers to or by a custodian, paragraph (f).

The return of bonds loaned is not exempt from the bond transfer tax. Hence, subsection (b) of § 113.35 does not apply to bond transactions.

Section 3481 includes one exemption for which no corresponding exemption is made with respect to the stock transfer tax, namely, the bond transfer tax does not apply to deliveries or transfers of bonds in connection with a reorganization if (a) the reorganization is within the definition of section 112 (i) (1) of the Revenue Act of 1932 set forth below and (b) gain or loss from the exchange or distribution involved in the delivery or transfer is not recognized under the income tax law applicable to the year in which the delivery or transfer is made. The term "reorganization" is defined in section 112 (i) (1) of the Revenue Act of 1932 as follows:

The term "reorganization" means (A) a merger or consolidation (including the acquisition by one corporation of at least a majority of the voting stock and at least a majority of the total number of shares of all other classes of stock of another corporation, or substantially all the properties of another corporation), or (B) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its stockholders or both are in control of the corporation to which the assets are transferred, or (C) a recapitalization, or (D) a mere change in identity, form, or place of organization, however effected.

Claim for this exemption will not be allowed unless, upon application, the Commissioner rules that the reorganization is within section 112 (i) (1) of the Revenue Act of 1932 and that gain or loss from the exchange or distribution involved in the delivery or transfer is not recognized under the income tax law applicable to the year in which the delivery or transfer is made.*

§ 113.66 *Warrants*—(a) *To subscribe for bonds.* Warrants entitling the holder to subscribe for unissued bonds are not subject to tax under section 3481.

(b) *To purchase issued bonds.* Warrants entitling the holder to purchase bonds are subject to tax under section 3481, upon issuance, as agreements to sell bonds. Subsequent transfers of such warrants are not subject to the transfer tax since the statute does not impose a tax upon transfers of agreements to sell bonds. If the transfer tax is paid upon issuance of a warrant, the subsequent transfer of the bonds pursuant to the exercise of such warrant is not subject to transfer tax. However, the person transferring the bonds shall furnish and attach thereto a statement substantially as follows:

It is hereby certified that the transfer of the attached bonds, _____ to
(Description and face value of bonds)
_____ is made pursuant to
(Name of transferee)
the exercise of a warrant which is in possession of the undersigned, and that requisite stamps due upon issuance of such warrant have been affixed thereto.

_____
(Signature)

§ 113.67 *Memoranda of sales, etc.* Every person who makes an agreement to sell bonds, or who, pursuant to sale or otherwise, transfers title to bonds by delivery, including a person who lends bonds or returns bonds which have been borrowed, shall, as a part of the transaction, promptly make and deliver to the buyer, transferee, borrower or lender, a bill or memorandum of such agreement to sell, transfer, loan, or return, duly signed by the seller, or transferor, or lender or borrower, or his agent, to which the requisite stamps shall be affixed and canceled. Such bill or memorandum shall show the date of the transaction, the names of the parties thereto, the name and number of the bonds, and the tax paid on the transaction. No more than one stamped bill or memorandum shall be required in respect of any single transaction. (See § 113.71 (b) relative to rules applicable to clearing houses.)*

§ 113.68 *Records of sales and transfers of bonds.* The provisions of § 113.38 relative to records of sales and transfers of stock are also applicable to sales and transfers of bonds, except that the records of sales of bonds need not show the sales prices, since selling price is immaterial for purposes of the bond transfer tax.*

§ 113.69 *Returns by brokers, dealers, etc.* The provisions of § 113.39 relative to returns by brokers and dealers in stock are also applicable to brokers and dealers in bonds.*

§ 113.70 *Stamps to be used.* Ordinary documentary stamps shall be used in connection with all sales and transfers of bonds. For provisions relating to cancellation of stamps, see § 113.133.*

§ 113.71 *Where stamps shall be affixed*—(a) *General rules.* Where pursuant to the provisions of § 113.67, a bill or memorandum is prepared, the stamps shall be affixed thereto.

Where bonds are transferred by special endorsement, i. e., endorsement specifying the name of the transferee, the stamps shall be affixed to the bonds.

In no event shall any corporation, registrar, or transfer agent transfer any bond unless requisite documentary stamps have been affixed and canceled as required by these regulations.

(b) *Rules applicable to clearing houses.* The rules stated in paragraph (b) of § 113.41 relating to stock transactions are also applicable to bond transactions.*

Subpart G—Conveyances of Realty Sold

SEC. 3482 (AS AMENDED BY SECTION 1 OF THE REVENUE ACT OF 1939; SECTION 209 OF THE REVENUE ACT OF 1940; AND SECTIONS 505 AND 521 (a) (24) (SEE ALSO SECTION 521 (b)) OF THE REVENUE ACT OF 1941). CONVEYANCES.

Deed, instrument, or writing (unless deposited in escrow before April 1, 1932), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100 and does not exceed $500, 55 cents; and for each additional $500 or fractional part thereof, 55 cents. This section shall not apply to any instrument or writing given to secure a debt.

§ 113.80 *Scope of tax.* Section 3482 imposes a tax upon deeds, instruments, or other writings (unless deposited in escrow before April 1, 1932), whereby realty sold is granted, assigned, transferred, conveyed to, or vested in, the purchaser or, at his direction, in any other person, when the consideration for, or value of, the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100. (See § 113.82.)

The tax is limited to conveyances of realty sold and does not apply to other conveyances. (See § 113.81 (b).) The tax accrues at the time the deed or other instrument of conveyance is delivered, irrespective of the time when the sale is made.

Deeds deposited in escrow become subject to the tax upon delivery to the grantee, unless deposited in escrow before April 1, 1932.

A conveyance of realty subject to an equity of redemption is taxable when made, not when the time for redemption expires.

The statute expressly exempts from the tax any instrument or writing, such as a mortgage, given to secure a debt.*

§ 113.81 *Definitions.* As used hereinafter in this subpart—

(a) The term "deed" includes any instrument or writing whereby realty is assigned, transferred, conveyed to, or vested in, the purchaser or, at his direction, in any other person.

(b) The term "sold" imports transfer of title for a valuable consideration which may involve money or anything of value.*

§ 113.82 *Rate and computation of tax.* The rate of tax is 55 cents on each $500 or fractional part thereof of the net consideration paid for, or the net value of, the realty conveyed, that is, the gross consideration or gross value less, in either case, the amount of all liens or encumbrances on the realty existing before the sale and not removed thereby.

The tax is based upon the net consideration where it is definite in amount, or may be definitely determined.

The tax is based upon net value where the amount of the consideration is indefinite, or is left open to be fixed by future contingencies.

In determining the amount of the net consideration for, or net value of, the realty conveyed, only the amount of the liens and encumbrances on the property existing before the sale and not removed thereby may be deducted. Thus, for example, taxes or assessments which are liens on the property before the sale and are not paid at the time of sale are deductible. No deduction shall be made on account of any lien or encumbrance placed upon the property in connection with the sale, or by reason of deferred payments of the purchase price whether represented by notes or otherwise.*

§ 113.83 *Conveyances subject to tax.* The following are examples where the tax applies:

(a) A conveyance of realty in exchange for other property; also the conveyance of the other property if it is realty.

(b) A conveyance of realty in consideration of life maintenance. The tax is computed on the net value of the realty conveyed.

(c) A conveyance by a defaulting mortgagor to the mortgagee in consideration of the cancellation of the mortgage debt. The tax is computed on the amount of the mortgage debt plus unpaid accrued interest.

(d) Deeds given by masters in chancery, sheriffs, clerks of court, etc., for realty sold under foreclosure or execution. The tax is computed on the amount bid for the property plus the costs if paid by the purchaser, whether the purchaser is the mortgagee or judgment creditor, or any other person.

(e) Conveyances to or by building and loan associations. However, the tax does not apply to a conveyance of realty to a building and loan association for the purpose of securing a loan thereon, nor to the reconveyance of the realty to its owner as part of the loan transaction.

(f) A conveyance of realty to a corporation in exchange for shares of its capital stock.

(g) A conveyance of realty by a corporation in liquidation or in dissolution to its shareholders subject to the debts of the corporation; however, if there are no corporate debts and the conveyance is made solely for the cancellation and retirement of the capital stock, the tax does not apply.

(h) Deeds to standing timber and to mines.

(i) In jurisdictions where common-law dower still exists, an instrument conveying the estate acquired by a widow upon assignment of dower. However, an instrument purporting to convey the inchoate right of dower of a wife, or the consummate right of dower of a widow prior to assignment of dower, is not subject to the tax. Where by statute dower has been abolished and in lieu thereof a different interest in the husband's real property conferred upon the wife, the taxability of an instrument purporting to convey such interest prior to its assignment must be determined by the nature of the wife's interest as fixed by the statutes and decisions of the jurisdiction in which the real estate is located.

(j) A conveyance of real estate sold to or by the United States of America.*

§ 113.84 *Conveyances not subject to tax.* In addition to the various exemptions prescribed in section 1808 and the Bankruptcy Act as amended (as to which see Subpart J), the following are examples where the tax does not apply:

(a) The conveyance of realty to secure a debt also the reconveyance of such realty upon payment of the debt.

(b) Conveyances of realty without consideration and otherwise than in connection with a sale, including a deed conveying realty as a bona fide gift, although the deed may recite a consideration for the transfer, such as "natural love and affection and $1," "desire to promote public welfare and $1," or "$1 and other valuable consideration"; a gift of realty by a husband to his wife accomplished through the conveyance of the property for an ostensible consideration to a "straw man" who immediately reconveys the property to the wife; and a deed to or by a trustee not pursuant to a sale.

(c) A deed to confirm title already vested in the grantee, such as a quitclaim deed to correct a flaw in title.

(d) A deed given by an executor in accordance with the terms of the will; however, if, by reason of a consideration passing between devisees, one of them takes a greater share in the realty than that to which he is entitled under the will, the deed given by the executor to convey such greater share is subject to a tax computed upon the amount of such consideration.

(e) A deed from an agent to his principal conveying real estate purchased for and with funds of the principal.

(f) An option for the purchase of real property or a contract for the sale of real property, if the contract does not vest legal title.

(g) Partition deeds, unless, for consideration, some of the parties take shares greater in value than their undivided interests, in which event a tax attaches to each deed conveying such greater share computed upon the consideration for the excess.

(h) Deeds to burial sites which do not convey title to land, but only a right to sepulture, to erect monuments, etc.

(i) Ordinary leases of real property for a definite term of years.

(j) A deed executed by a debtor conveying property to a trustee for the benefit of his creditors; however, when the trustee conveys such property to a creditor or sells it to any other person, the deed executed by him is taxable.

(k) Conveyance to a receiver of realty included in the receivership assets, and reconveyance of such realty upon termination of the receivership.

(l) A deed conveying real estate situated in a foreign country.*

§ 113.85 *Where stamps shall be affixed.* Requisite stamps must be affixed to the deed, instrument, or other writing by which realty is conveyed. Ordinary documentary stamps shall be used for this purpose. For provisions relative to cancellation of stamps see § 113.133.*

Subpart H—Passage Tickets

SEC. 1806 (AS AMENDED BY SECTION 521 (a) (7) AND (b) OF THE REVENUE ACT OF 1941). PASSAGE TICKETS.

Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, Mexico, Cuba, or Puerto Rico, if costing not exceeding $30, $1.10; costing more than $30 and not exceeding $60, $3.30; costing more than $60, $5.50. This section shall not apply to passage tickets costing $10 or less.

[SEC. 554. TRANSPORTATION OF PERSONS, ETC. (REVENUE ACT OF 1941.)]

(b) Chapter 30 of the Internal Revenue Code is amended by inserting after section 3468 the following new subchapter:

"SUBCHAPTER C—TRANSPORTATION OF PERSONS

"SEC. 3469. TAX ON TRANSPORTATION OF PERSONS, ETC.

"(a) *Transportation.* There shall be imposed upon the amount paid within the United States, on or after October 10, 1941, for the transportation, on or after such effective date, of persons by rail, motor vehicle, water, or air, within or without the United States, a tax equal to 5 per centum of the amount so paid. * * *

* * * * *

(c) *Stamp tax on passage tickets not to apply.* No tax shall be imposed under Chapter 11 of the Internal Revenue Code on a ticket sold or issued for passage the amount paid for which is taxable under section 3469 of the Internal Revenue Code.

* * * * *

§ 113.90 *Scope of tax.* Section 3469 imposes upon the amount paid within the United States on or after October 10, 1941, for the transportation of persons by rail, motor vehicle, *water*, or air within or without the United States a tax equal to 5 per centum of the amount so paid. The effect of section 554 (c) of the Revenue Act of 1941 is that on and after October 10, 1941, no tax is imposed under section 1806 on a ticket sold or issued for passage the amount paid for which is taxable under section 3469. Section 1806 is therefore, on and after the date mentioned, of only limited application. It does, however, impose a tax upon passage tickets costing more than $10 for each passenger, paid for without and issued in the United States for passage, whether one way or round trip, by any vessel to a port or place NOT in the United States, Canada, Mexico, Cuba, or Puerto Rico. For the purposes of the tax, the term "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia (see section 3797 (a) (9)); and the term "Canada" does not include Newfoundland, since Newfoundland is not a part of the Dominion of Canada.

The tax applies generally to the specified passage tickets regardless of the person to whom issued, the purpose for which the voyage is made, the ownership of the vessel, and whether the vessel is operated privately or by any government. (But see § 113.95.)

A ticket entitling the holder to passage by any vessel to a taxable port or place is subject to the tax, regardless of whether such port or place is named on the ticket and without regard to the form of the ticket or the textual declarations thereon.

The tax accrues at the time of issue of the ticket in the United States. Thus, a ticket issued in the United States upon an exchange order purchased without the United States is taxable.

The tax does not apply to the issuance of tickets for passage by aircraft.*

§ 113.91 *Rates and computation of tax.* The rates of tax on passage tickets are as follows:

$1.10 for each passenger where the ticket costs more than $10 but not more than $30 per passenger.

$3.30 for each passenger where the ticket costs more than $30 but not more than $60 per passenger.

$5.50 for each passenger where the ticket costs more than $60 per passenger.

The tax is determined by the cost of the ticket per passenger. Accordingly, a ticket for two or more persons shall be considered as a ticket for each person, and the tax shall be determined on the basis of the portion of the cost properly allocable to each person. Thus, passage tickets costing more than $10 but issued for two or more persons are not subject to tax if the cost to each person is $10 or less. Where a number of tickets, each for one person, are issued or sold in bulk for a lump sum, the tax with respect to each ticket shall be determined on the basis of the cost properly allocable thereto.

While tickets costing $10 or less are exempt from the tax regardless of the passage covered thereby, a round trip ticket for one person costing more than $10 is taxable even though a one way ticket to or from the same place would cost $10 or less.

Where, by reason of inclusion of any port or place in a voyage, a ticket is taxable, the tax is based upon the full cost of the ticket, without adjustment or apportionment because of inclusion in the voyage of some other port or place, a ticket to which would not be taxable.*

§ 113.92 *Passages where tickets are taxable.* The tax applies to tickets sold without and issued in the United States for passage by any vessel to a port or place NOT in the United States, Canada, Mexico, Cuba, or Puerto Rico.

The starting point of the passage, whether a foreign or domestic port, or whether or not a ticket for passage thereto would be taxable, is immaterial. Nor does tax liability depend upon termination of the voyage at a taxable port or place. If a ticket for a voyage ending at a given place would be taxable, a ticket for a voyage which includes such place is taxable no matter where the voyage begins or ends.

For example, a ticket entitling the holder to passage, whether one way or round trip, from New York to Havana, Cuba, by way of Nassau, Bahamas, is subject to tax since the voyage includes passage to a nonexempt port (Nassau). Such ticket is taxable whether or not the passenger stops over at Nassau.*

§ 113.93 *Passages where tickets are not taxable.* Passage tickets to a port or place IN the United States, Canada, Mexico, Cuba, or Puerto Rico are not taxable.

Where a ticket is issued for a one way trip, the tax does not apply if the passage is to an exempt port or place without any intervening stop-over at a nonexempt port or place.

In the case of a round trip ticket for passage from and to a nontaxable port or place, the tax does not apply if no taxable port or place is included in the course of the passage.*

§ 113.94 *Cancellation of passage.* Liability for the tax is not incurred where a reservation for passage is canceled so that the ticket is not used for any part of the passage. However, if a taxable ticket is used for any part of the passage, the tax may not be refunded even though the passenger for any reason does not complete the passage, or visit any taxable port or place. For example, the tax upon a ticket entitling the holder to passage from New York to Miami and from that point to various taxable ports in the West Indies is not affected by cancellation of the passage to points beyond Miami.*

§ 113.95 *Passage tickets issued to certain foreign representatives.* Passage tickets are not taxable when issued to ambassadors, ministers, and duly accredited diplomatic representatives of foreign governments, the members of their families living with them; and members of their households, including attaches, secretaries, clerks, and servants, provided such members of their households are not citizens of the United States.*

§ 113.96 *Affixing stamps.* Ordinary documentary stamps shall be used in payment of the tax upon passage tickets and may be affixed to the passenger manifest, provided such manifest sets forth the name of the vessel, the date of sailing, the number, value, and class of, and the tax due on, each passage ticket, and the total amount of the tax at the foot of the manifest.

Payment of the tax may be evidenced by the affixing of one or more stamps of large denomination in an amount equal to the total tax shown at the foot of the manifest. Where the stamps are affixed to the passenger manifest, a notation shall be made on each passage ticket to the effect that the necessary documentary stamps have been so affixed and properly canceled. The stamped manifests shall be retained in the main office of the company at the port of sailing for

not less than four years, and shall be accessible for inspection by authorized internal revenue officers.

For provisions relating to cancellation of stamps see § 113.133.*

Subpart I—Foreign Insurance Policies

SEC. 1804 (AS AMENDED BY SECTION 521 (a) (6) AND (b) OF THE REVENUE ACT OF 1941). INSURANCE POLICIES.

On each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called whereby insurance is made or renewed upon property within the United States (including rents and profits) against peril by sea or on inland waters or in transit on land (including transshipments and storage at termini or way points) or by fire, lightning, tornado, windstorm, bombardment, invasion, insurrection or riot, issued to or for or in the name of a domestic corporation or partnership or an individual resident of the United States by any foreign corporation or partnership or any individual not a resident of the United States, when such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 4 cents on each dollar, or fractional part thereof of the premium charged: *Provided*, That policies of reinsurance shall be exempt from the tax imposed by this section.

[SEC. 1821. NONPAYMENT OR EVASION OF TAX.]

(b) *In particular.*

* * * * *

(3) *Insurance policies.* Any person to or for whom or in whose name any insurance policy or other instrument referred to in section 1804 is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such policy or other instrument, shall affix the proper stamps to such policy or other instrument, * * *

§ 113.100 *Scope of tax.* Section 1804 imposes a tax upon each policy of insurance, or certificate, binder, covering note, memorandum, cablegram, letter, or other instrument by whatever name called, issued—

(a) by any foreign corporation or partnership or any individual not a resident of the United States, and not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business;

(b) to or for or in the name of a domestic corporation or partnership or an individual resident of the United States;

whereby insurance is made or renewed—

(c) upon property within the United States, including rents and profits;

(d) against peril by sea, or on inland waters, or in transit on land (including transshipments and storage at termini or way points), or by fire, lightning, tornado, windstorm, bombardment, invasion, insurrection, or riot.

An insurance policy issued for a domestic corporation or partnership, or an individual resident of the United States, is subject to the tax without regard to the identity, or the nationality or residence, of the person to or in whose name the policy is issued. A policy issued to or in the name of a domestic corporation or partnership, or individual resident of the United States, is subject to the tax without regard to the identity or the nationality or residence of the person for whom the policy is issued.

The application of the tax is limited to insurance policies upon property within the United States, including rents and profits. However, there are no limitations with respect to the form of the property; the tax applies to property of all kinds whether real or personal, and whether tangible or intangible. (As to movable property, see § 113.102.)

The application of the tax is further limited to insurance against the particular risks specified in the statute. But it is not necessary that the policy cover all such risks; the policy is subject to the tax if it provides insurance against any one of the specified risks. A policy otherwise taxable is not exempt because it may also provide insurance against a risk not named in the statute.

Policies of reinsurance are expressly exempted by the statute from the tax.*

§ 113.101 *Definitions.* When used in this subpart—

(a) The terms "policy of insurance" and "other instrument" include a certificate, binder, covering note, memorandum, cablegram, letter, or any instrument by whatever name called, whereby insurance is made or renewed.

(b) The term "insurance" includes every manner of providing indemnity with respect to property within the United States (including rents and profits) against risks from peril by sea, or on inland waters, or in transit on land (including transshipments and storage at termini or way points), or by fire, lightning, tornado, windstorm, bombardment, invasion, insurrection, or riot.

(c) The term "premium" means the agreed price for assuming and carrying the risk, including any additional assessment or charge which may be assessed or charged under the contract, whether payable in one sum or in installments.*

§ 113.102 *Movable property.* Movable property, such as ships, vessels, barges, rolling stock of railroads, and other similar movable property, shall be held to be property within the United States if the principal place of business of the corporation or partnership owning and controlling the same is located within the United States, or, in the case of an individual, if he resides in the United States, unless such property is permanently located without the United States for purposes of ordinary use. The nation of registry of a vessel is immaterial.*

§ 113.103 *Exports and imports*—(a) *Exports.* A policy of insurance upon property exported from the United States is not subject to the tax if the insurance does not become effective prior to the time that the property is in the actual course of exportation.

Where a policy is issued to cover both export and nonexport property, the tax will be computed upon the full amount of the premium charged, unless the policy clearly indicates the property for export and the premium charged for the insurance thereon.

(b) *Imports.* A policy of insurance covering property shipped from a foreign country to a port in the United States, which terminates upon unloading, is not taxable where the coverage within the United States constitutes only a trifling portion of the total coverage. If the coverage within the United States constitutes more than a trifling portion of the total coverage, the policy is taxable and the tax is measured by the total premium charged.*

§ 113.104 *Rate and computation of tax.* The rate of tax is 4 cents on each dollar, or fractional part thereof, of the premium charged. For example, the tax is 44 cents upon a premium charge of $10.10.

The tax is measured strictly by the amount of the premium charged. (But see § 113.103.) The time and method of payment of the premium are immaterial; the tax liability attaches, if the insurance contract becomes effective, even though the premium is never paid.*

§ 113.105 *Affixing stamps.* Ordinary documentary stamps shall be used in payment of the tax. Requisite stamps must be affixed to the first instrument whereby the insurance is made or renewed, i. e., by which the relationship of insurer and insured is created or evidenced, whether it be a letter of acceptance, cablegram, or other instrument by whatever name called. Any policy of insurance or other instrument which is subsequent to or which confirms a contract of insurance that is created or evidenced by any prior instrument by which insurance was originally made or renewed, shall bear a notation designating such prior instrument (hereinafter referred to as the original instrument) and showing that the requisite stamps have been affixed thereto and canceled.

In the case of so-called "open policies" or "open cargo covers," where the amount of the premium is not definitely determined at the time of issuance, the stamps may be affixed to the receipts for monthly or other payments if proper notation be made upon such receipts identifying the original instruments to which they apply.

In the case of a binder or other instrument whereby insurance is made or renewed, issued without agreement as to the premium to be charged, stamps must be affixed when the amount of the premium is determined.

Any person to or for whom or in whose name any policy of insurance or other instrument is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such policy or other instrument, must affix the requisite stamps to such policy or other instrument.

For provisions relative to cancellation of stamps see § 113.133.*

§ 113.106 *Subsequent instruments that must be stamped.* In case a subsequent instrument provides for the payment of a premium greater than that provided for in the original instrument,

the subsequent instrument must have affixed thereto stamps equal to the tax imposed upon the additional premium charged and must bear a notation of the stamps affixed to the original instrument. (See § 113.105.)*

§ 113.107 *Insured to retain policy for at least four years.* The person having control or possession of a policy of insurance or other instrument to which documentary stamps must be affixed shall retain such instrument for at least four years from the date of issuance thereof to enable internal revenue officers to ascertain whether requisite stamps have been affixed and canceled.*

§ 113.108 *Instruments without stamps or notation of stamping.* Failure to affix and cancel stamps or to make the notation required by §§ 113.105 and 113.106 will be held to raise a presumption of intent to evade payment of tax.*

§ 113.109 *Returns.* No monthly return or monthly statement showing a list of policies or other instruments subject to the tax imposed by section 1804 is required from any person to or for whom or in whose name such policy or other instrument is issued, or from the solicitor or broker acting directly or indirectly for or on behalf of such person, but each person, solicitor, or broker accepting, placing, or soliciting such policy or other instrument shall keep a record of each policy or other instrument subject to the tax imposed by section 1804 by which he has directly or indirectly made, placed, solicited, or assisted in the making or renewal of such insurance, or for which he has paid or received compensation, and shall be prepared to furnish full information to the Commissioner at any time upon demand.*

§ 113.110 *Refunds.* Where an instrument on which tax has been paid is canceled or modified before the insurance becomes effective so that no tax is due or a lesser amount of tax is due than was paid, the value of the stamps used in excess of the amount of tax properly due will be redeemed upon a proper claim timely presented to the collector. As to refunds and redemptions generally, see §§ 113.158 to 113.161.*

Subpart J—Exemptions

SEC. 1808. EXEMPTIONS.

There shall not be taxed under this chapter—

(a) *Government and state obligations.* Any bond, note, or other instrument, issued by the United States, or by any foreign Government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power; or

(b) *Bonds of indemnity.* Any bond of indemnity required to be filed by any person to secure payment of any pension, allowance, allotment, relief, or insurance by the United States, or to secure a duplicate for, or the payment of, any bond, note, certificate of indebtedness, war-savings certificate, warrant or check, issued by the United States; or

(c) *Stocks and bonds of domestic building and loan associations and mutual ditch or irrigation companies.* Stocks and bonds issued by domestic building and loan associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies; or

(d) *Stocks and bonds of farmers', fruit growers', or cooperative associations.* Stocks and bonds and other certificates of indebtedness issued by any farmers' or fruit growers' or like associations organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in paragraph (12) of section 101.

(e) *Reorganization of railroads engaged in interstate commerce.* The provisions of sections 1801, 1802, and 1821 (b) of this chapter and sections 3481 and 3482 of chapter 31 shall not apply to the issuance, transfers, or exchanges of securities or filing of conveyances to make effective any plan of reorganization confirmed under the provisions of section 77 of the National Bankruptcy Act, as amended by section 1 of the Act of March 3, 1933, c. 204, 47 Stat. 1474 (U.S.C., Title 11, § 205).

(f) *Corporate reorganizations.* The provisions of sections 1801, 1802, and 1821 (b) of this chapter and the provisions of sections 3481 and 3482 of chapter 31 shall not apply to the issuance, transfers, or exchange of securities or making or delivery of conveyances to make effective any plan of reorganization confirmed under section 77B of the National Bankruptcy Act, as amended by the Act of June 7, 1934, c. 424, 48 Stat. 919 (U.S.C., Title 11, § 207).

* * * * *

BANKRUPTCY ACT

RAILROAD ADJUSTMENTS

SECTION 735, ACT OF JULY 1, 1898, 30 STAT. 544, ADDED BY ACT OF JULY 28, 1939, 53 STAT. 1140 (11 U.S.C., SUP., 1235).

The provisions of sections 1801, 1802, 3481, and 3482 of the Internal Revenue Code and any amendments thereto, unless specifically providing to the contrary shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any plan of adjustment confirmed under the provisions of this chapter. * * *

CORPORATE REORGANIZATIONS

SECTION 267, ACT OF JULY 1, 1898, 30 STAT. 544, ADDED BY ACT OF JUNE 22, 1938, 52 STAT. 903 (11 U.S.C., SUP., 867).

The issuance, transfer, or exchange of securities, or the making or delivery of instruments of transfer under any plan confirmed under this chapter, shall be exempt from any stamp taxes now or hereafter imposed under the laws of the United States or of any State.

§ 113.120. *Government and state obligations.* Section 1808 (a) exempts from stamp tax any bond, note, or other instrument having the characteristics of a bond or note, issued by the United States, or by any foreign government, or by any State, Territory, or the District of Columbia, or local subdivision thereof, or municipal or other corporation exercising the taxing power. The exemption applies to the stamp tax on issues of bonds, etc., imposed by section 1801, and the stamp tax on sales and transfers of bonds, etc., imposed by section 3481.*

§ 113.121 *Stocks and bonds of domestic building and loan associations and mutual ditch or irrigation companies.* Section 1808 (c) exempts from the taxes imposed by sections 1801, 1802, and 3481, stocks and bonds issued (a) by domestic building and loan associations substantially all the business of which is confined to making loans to members, and (b) by mutual ditch or irrigation companies.*

§ 113.122 *Stocks, bonds, and certificates of indebtedness of farmers', fruit growers', or cooperative associations.* Section 1808 (d) exempts from the taxes imposed by sections 1801, 1802, and 3481, stocks, bonds, and other certificates of indebtedness issued by any farmers' or fruit growers' or like associations organized and operated on a cooperative basis for the purposes, and subject to the conditions, prescribed in section 101 (12).*

§ 113.123 *Reorganization of railroads engaged in interstate commerce; railroad adjustments.* Section 1808 (e) exempts from the taxes imposed by sections 1801, 1802, 3481, and 3482, the issuance, transfers, or exchanges of securities or filing of conveyances to make effective any plan of reorganization confirmed under the provisions of section 77 of the Bankruptcy Act (Act of July 1, 1898, 30 Stat., 544), as amended by section 1 of the Act of March 3, 1933, 47 Stat., 1474 (11 U.S.C., 205). Section 735 of the Bankruptcy Act, as added by the Act of July 28, 1939, 53 Stat., 1140 (11 U.S.C., Sup., 1235), likewise exempts from such taxes the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any plan of adjustment confirmed under the provisions of Chapter XV of the Bankruptcy Act as added by the Act of July 28, 1939.*

§ 113.124 *Corporate reorganizations.* Section 1808 (f), and section 267 of the Bankruptcy Act as added by the Act of June 22, 1938, 52 Stat., 903 (11 U.S.C., Sup., 667), exempt from stamp tax the issuance, transfer, or exchange of securities, and the delivery of deeds of conveyance, (a) to make effective any plan of reorganization confirmed under section 77B of the Bankruptcy Act, as amended by the Act of June 7, 1934, 48 Stat., 919 (11 U.S.C., 207), or (b) under any plan confirmed under Chapter X of the Bankruptcy Act as amended.*

Subpart K—Stamps

SEC. 1809. PAYMENT OF TAX.

(b) *Method of payment.*

(1) *Stamps.* The Commissioner shall cause to be prepared and distributed for the payment of the taxes prescribed in this chapter suitable stamps denoting the tax on the documents, articles, or things to which the same may be affixed.

* * * * *

SEC. 1815. AFFIXING.

The Commissioner shall prescribe such method for the affixing of the stamps prescribed in section 1809 (b) (1) in substitution for, or in addition to the method provided in this chapter, as he may deem expedient.

SEC. 1816. CANCELLATION.

(a) *General rule.* Whenever an adhesive stamp is used for denoting any tax imposed by this chapter, except as hereinafter provided, the person using or affixing the same shall write or stamp or cause to be written or stamped thereupon the initials of his or its name and the date upon which the same is attached or used, so that the same may not again be used: *Provided*, That the Commissioner may prescribe such other method for the cancellation of such stamps as he may deem expedient.

* * * * *

SEC. 3300. ESTABLISHMENT AND ALTERATION.

(a) *Authorization.* The Commissioner, with the approval of the Secretary, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

* * * * *

SEC. 3301. ATTACHMENT AND CANCELLATION.

(a) *General authority to prescribe methods and instruments.* The stamps referred to in the preceding section shall be attached, protected, removed, canceled, obliterated, and destroyed, in such manner and by such instruments or other means as the Commissioner, with the approval of the Secretary, may prescribe; and he is authorized and empowered to make, with the approval of the Secretary, all needful regulations relating thereto.

* * * * *

SEC. 3302. EXPENSE.

The stamps or device or instrument or means of removal or obliteration referred to in sections 3300 and 3301 shall entail no additional expense upon the persons required to affix or use the same.

SEC. 3303. CANCELLATION OF STAMPS BY PERFORATION.

In lieu of or in addition to other requirements of law in that respect, all stamps used for denoting internal revenue taxes may, in the discretion of the Commissioner, be canceled by perforations to be made in such manner and form as the Commissioner may, by regulation, prescribe.

§ 113.130 *Denominations of documentary stamps.* Documentary stamps are issued in the following denominations:

Ordinary documentary stamps: 1 cent, 2 cents, 3 cents, 4 cents, 5 cents, 8 cents, 10 cents, 20 cents, 25 cents, 40 cents, 50 cents, 80 cents, $1, $2, $3, $4, $5, $10, $20, $30, $50, $60, $100, $500, $1,000.

Stock transfer stamps: 1 cent, 2 cents, 4 cents, 5 cents, 10 cents, 20 cents, 25 cents, 40 cents, 50 cents, 80 cents, $1, $2, $3, $4, $5, $10, $20, $30, $50, $60, $100, $500, $1,000.*

§ 113.131 *Documentary stamps only to be used.* Documentary stamps only shall be used in payment of documentary stamp taxes.

Documentary stamps issued under the Acts of October 22, 1914, October 3, 1917, February 24, 1919, June 2, 1924, and February 26, 1926, may be used in payment of documentary stamp taxes imposed by the Internal Revenue Code.

Ordinary postage stamps cannot be used in payment of documentary stamp taxes.*

§ 113.132 *Use of stamps.* Wherever feasible a stamp tax shall be paid by the use of a single stamp. If a stamp of a denomination equal to the tax is not readily available, the smallest practicable number of stamps shall be used.

A stamp affixed to an instrument and canceled cannot lawfully be removed therefrom and affixed to another instrument requiring a stamp. (See § 113.134.)*

§ 113.133 *Cancellation of stamps.* A person using or affixing a stamp shall cancel it and so deface it as to render it unfit for reuse, by marking it with his initials and the day, month, and year when the affixing occurs. Such marking shall be made by writing or stamping in ink or by perforating with a machine or punch. In addition, unless a stamp of the value of 50 cents or more is canceled by perforation, three parallel incisions shall be made lengthwise through the stamp with some sharp instrument after the stamp has been affixed. However, the stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

For requirements as to affixing stamps in payment of the tax on—

Issues of capital stock, see § 113.26.

Sales and transfers of capital stock, see § 113.41.

Issues of bonds, etc., see § 113.57.

Sales and transfers of bonds, etc., see § 113.71.

Deeds of conveyance, see § 113.85.

Passage tickets, see § 113.96.

Foreign insurance policies, see §§ 113.105 and 113.106.*

§ 113.134 *Penalties.* For penalties that apply to the failure to cancel stamps as required by the law and regulations, and to frauds relating generally to stamps, see sections 1822 and 1823, appearing in Subpart L under the subheading "Penalties."*

DISTRIBUTION AND SALE OF STAMPS

SEC. 1817. SUPPLY.

(a) *Post office.* The Commissioner shall furnish to the Postmaster General without prepayment a suitable quantity of adhesive stamps to be distributed to and kept on sale by the various postmasters in the United States in all post offices of the first and second classes and such post offices of the third and fourth classes as are located in county seats. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps so furnished, and each such postmaster shall deposit the receipts from the sale of such stamps to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections.

(b) *Designated depositary of the United States.* Each collector shall furnish, without prepayment, to any designated depositary of the United States, located in the district of such collector, a suitable quantity of adhesive stamps to be kept on sale by such designated depositary.

(c) *State agents.* Each collector shall furnish, without prepayment, to any person who is (1) located in the district of such collector, (2) duly appointed and acting as agent of any State for the sale of stock transfer stamps of such State, and (3) designated by the Commissioner for the purpose, a suitable quantity of such adhesive stamps as are required by section 1802, to be kept on sale by such person.

SEC. 1818. METHODS OF SAFEGUARDING.

(a) *Bond.* In cases coming within the provisions of subsections (b) and (c) of section 1817 the collector may require a bond, with sufficient sureties, in a sum to be fixed by the Commissioner, conditioned for the faithful return, whenever so required, of all quantities or amounts undisposed of, and for the payment monthly of all quantities or amounts sold or not remaining on hand.

(b) *Regulations.* The Secretary may from time to time make such regulations as he may find necessary to insure the same-keeping or prevent the illegal use of all the adhesive stamps referred to in section 1817 (b) and (c).

§ 113.140 *Where stamps may be purchased.* Documentary stamps may be purchased from—

(a) Collectors, and duly authorized deputy collectors;

(b) Postmasters in all post offices of the first and second classes and such post offices of the third and fourth classes as are located in county seats; and

(c) Depositaries of the United States designated under subsection (b) of section 1817.*

§ 113.141 *Requisitions.* Requisitions for the purchase of ordinary documentary stamps shall be made on Form 427, revised 1933; and for the purchase of stock transfer stamps on Form 743, revised 1933. Copies of these forms may be procured from any collector.*

§ 113.142 *Records and statements of depositaries.* A designated United States depositary shall make sales only upon receipt of requisitions prescribed by § 113.141. The depositary shall keep a record of sales, and on or before the 15th day of each month shall deliver to the collector of internal revenue the requisitions for all stamps purchased during the preceding calendar month, and a statement setting forth the denominations, number of each denomination, and total face value of all stamps (a) on hand at the beginning of the month, (b) sold during the month, and (c) on hand at the end of the month; and pay over to the collector of internal revenue all money received from sales of stamps during the month, taking his receipt therefor.

Any such depositary who uniformly purchases such stamps for cash shall not be required to keep such record or make such statement but shall resell the stamps purchased only upon receipt of requisitions prescribed by § 113.141 and shall file on or before the 15th day of each month the requisitions for the preceding month.*

§ 113.143 *Requisitions to be retained by the collector.* The collector of internal revenue shall keep the requisitions for stamps sold by him and those sold by designated United States depositaries separate and apart from requisitions for stamps of other kinds and shall retain them for four years.*

§ 113.144 *Restrictions on the sale or purchase of stock transfer stamps.* No person other than one authorized by law for such purpose shall sell or expose for sale, give away, traffic in, trade, barter, lend, borrow, or exchange any stock transfer stamps.

No person shall buy, receive, or have in his possession, or under his control, any stock transfer stamps, unless such stamps have been purchased on proper requisition from an official authorized by law to sell such stamps.*

Subpart L—Miscellaneous Provisions

Administrative Provisions

SEC. 1835. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this chapter or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 1837. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this chapter.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

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SEC. 3631. RESTRICTIONS ON EXAMINATION OF TAXPAYERS.

No taxpayer shall be subjected to unnecessary examinations or investigations, and only one inspection of a taxpayer's books of account shall be made for each taxable year unless the taxpayer requests otherwise or unless the Commissioner, after investigation, notifies the taxpayer in writing that an additional inspection is necessary.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal revenue personnel.*

(1) *Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

* * * * *

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

SEC. 3790. PROHIBITION OF ADMINISTRATIVE REVIEW OF COMMISSIONER'S DECISIONS.

In the absence of fraud or mistake in mathematical calculation, the findings of facts in and the decision of the Commissioner upon (or in case the Secretary is authorized to approve the same, then after such approval) the merits of any claim presented under or authorized by the internal revenue laws shall not, except as provided in chapter 5, be subject to review by any other administrative or accounting officer, employee, or agent of the United States.

§ 113.150 *Records and returns.* The following records shall be maintained and preserved for at least four years from the time of the related transaction:

All instruments, memoranda, books, or other documents to which documentary stamps have been affixed and canceled in payment of stamp taxes;

All certificates of exemption executed in lieu of the payment of stamp taxes; and

All other records required by these regulations.

The foregoing records shall be retained at the place of business, or at some other location convenient for inspection by authorized internal revenue officers.

For particular requirements relative to the records to be maintained or returns to be filed in case of the stamp tax on—

Sales and transfers of capital stock, etc., see §§ 113.38, 113.39, and 113.41 (b);

Sales and transfers of bonds, etc., see §§ 113.68, 113.69, and 113.71 (b);

Passage tickets, see § 113.96;

Foreign insurance policies, see § 113.109.*

§113.151 *Inspection of records.* Any officer designated by the Commissioner shall have authority to examine the books, papers, and records kept pursuant to these regulations, and may require the production of any books, records, papers, or statements of account necessary to determine any liability for stamp tax or the observance of the provisions of these regulations.*

Registration Requirements

§ 113.152 *Registration of brokers, exchanges, etc.* Every person engaged, in whole or in part, in any of the following businesses or activities shall file a statement for registration with the collector of internal revenue for *each* district in which such business or activity is conducted:

(a) Negotiating, making, or recording sales or transfers of stock, bonds, rights, or warrants;

(b) Conducting or transacting a stock or bond brokerage business;

(c) Accepting or procuring the transmission of orders for the purchase or sale or transfer of stock, bonds, rights, or warrants to be executed at a stock or bond brokerage office or an exchange or similar place;

(d) Transferring stock, bonds, rights, or warrants, other than their own;

(e) Conducting an exchange or clearing house, or clearing association, for the clearing adjusting, and settling of transaction made on exchanges or similar places. In case an exchange has a department connected therewith engaged in clearing, adjusting, and settling transactions made thereon, a statement shall be made setting forth the names and addresses of the superintendent and secretary of the clearing house department or committee.

The statement shall be under oath on Form 741 procurable from collectors of internal revenue, and shall set forth specifically the character of the business, the name under which it is operated, and the exact location. A concern having branches or agencies shall file a statement in the district in which its principal office is located, showing the address of each branch office or agency and the name of the manager or agent thereof. A separate statement shall also be filed in each of the other districts in which branches or agencies are maintained. The data shown in a statement covering a branch or agency shall relate to such branch or agency rather than to the principal office. The statement shall show the name and residence address of each member or representative holding membership in an exchange and the name of the exchange. If a license has been procured under the laws of any State or any provision of Federal law, the date of the license and the place of issuance shall be shown.

In the case of a partnership the statement shall be verified under oath by one of the partners and shall show the full name and residence address of each member engaged in the business.

In the case of a corporation or association, including an exchange or clearing house, the statement shall be verified under oath by the chief officer or secretary and shall show the names and residence addresses of such officers. In the case of a corporation the statement shall show the date and place of incorporation. In the case of an exchange or clearing house, the name and residence address of the superintendent shall be shown. A list of the members and their residence addresses and a copy of the constitution, charter, or agreement of association and of the by-laws, rules, and regulations shall be filed with the statement. A copy of each amendment shall be filed as adopted.

If after a statement has been filed there is an addition to the membership, an additional statement shall be filed showing the name and residence address of the additional member.

In case a person registered as herein indicated shall suspend or close his business, or move it to another district, he shall notify the collector to that effect, showing the date of suspension, closing, or removal, and shall return the certificate of registration to the collector. (See § 113.154.)*

§ 113.153 *Registration of nominees.* Any person conducting a stock brokerage business, who has registered with the collector as provided in § 113.152, may appoint some person to act as nominee in holding stock on his behalf.

Any person acting in the capacity of a custodian within contemplation of the exemptions provided in sections 1802 (b) and 3481 (a) may appoint some person to act as nominee in holding stocks or bonds on his behalf.

The name of the person appointed as nominee of a broker or a custodian shall be registered with the collector for the district in which the principal office of the broker or the custodian is located. Substitution of a nominee may be effected by likewise registering the name of the successor nominee.

No special form is prescribed for use in registering a nominee.*

§ 113.154 *Record of registration kept by collector and issue of certificate of registration.* Every collector shall preserve each registration statement filed with him in accordance with these regulations.

Upon registration of a person engaged in any of the businesses specified in § 113.152, the collector shall issue to such person a certificate of registration signed by the collector and setting forth the date of issue, the name of the person conducting the business, and the nature of the business for which the certificate is issued. Such certificate shall be kept at the place of business located within the district of the collector by whom the certificate is issued.

Upon registration of any person as a nominee of a broker or custodian, the collector shall issue to the broker or custodian a certificate of registration signed by the collector and setting forth the date of issue, the name of the person registered as nominee, and the name of the broker or custodian on whose behalf the nominee is registered. Such certificate shall be kept at the principal place of business of the broker or custodian to whom the certificate is issued.

In either case, the certificate of registration must be held available for inspection by internal revenue officers.*

ASSESSMENT

[SEC. 1809. PAYMENT OF TAX.]

(b) *Method of Payment.*

* * * * *

(2) *Assessment.* All internal revenue laws relating to the assessment and collection of taxes shall be extended to and made a part of this chapter, so far as applicable, for the purpose of collecting stamp taxes omitted through mistake or fraud from any instrument, document, paper, writing, parcel, package, or article named herein.

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SEC. 3640. ASSESSMENT AUTHORITY.

The Commissioner is authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal revenue law, where such taxes have not been duly paid by stamp at the time and in the manner provided by law.

SEC. 3312 (AS AMENDED BY SECTION 508 (a) OF THE SECOND REVENUE ACT OF 1940). PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION.

Except in the case of income, war-profits, excess-profits, estate, and gift taxes—

(a) *General rule.* All internal revenue taxes shall (except as provided in subsections (b), (c), and (d)) be assessed within four years after such taxes became due, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of five years after such taxes became due.

* * * * *

(c) *Willful attempt to evade tax.* In case of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(d) *Collection after assessment.* Where the assessment of any tax imposed by this title has been made within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun—

(1) Within six years after the assessment of the tax, or

(2) Prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayer.

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

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SEC. 3659. RECEIPTS FOR TAXES.

(a) *In general.* Every collector and deputy collector shall give receipts for all sums collected by him, excepting only when the same are in payment for stamps sold and delivered; but no collector or deputy collector shall issue a receipt in lieu of a stamp representing a tax.

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SEC. 3690. AUTHORITY TO DISTRAIN.

If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with such interest and other additional amounts as are required by law, by distraint and sale, in the manner provided in this subchapter, of the goods, chattels, or effects, including stocks, securities, bank accounts, and evidences of debt, of the person delinquent as aforesaid.

§ 113.155 *Assessment of stamp tax.* Where instruments subject to stamp tax are no longer in existence or cannot possibly be stamped or where a taxpayer, after being advised of his liability, refuses to affix stamps, the tax will be reported for assessment. When an assessment is paid a receipt on Form 1 will be issued. Where stamps are purchased and affixed to the instrument no receipt on Form 1 will be issued.*

§ 113.156 *Interest and penalty accruing upon nonpayment of assessment.* Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue, under section 3655, a 5 percent penalty and interest at the rate of 6 percent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest is computed at the above-stated rate from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 percent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 percent penalty applies. The filing of the claim does not stay the running of interest, which continues for the full period that intervenes between the date of the first notice and demand and the date of payment.*

JEOPARDY ASSESSMENT

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 113.157 *Jeopardy assessment.* Whenever in the opinion of the collector it becomes necessary to protect the interests of the Government by effecting immediate collection of tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reasons therefor. The communication must state the full name and address of the person involved, the kind and amount of tax due, and the period involved, so that the Commissioner can immediately make appropriate assessment. The amount of such assessment then becomes immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof.

The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to effect collection, by distraint, without regard to the 10-day period after notice and demand prescribed in section 3690.*

REDEMPTION OF STAMPS

SEC. 3304. REDEMPTION OF STAMPS.

(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same can not be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decisions.* The finding of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

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§ 113.158 *Redemption of stamps.* Where documentary stamps are rendered useless by gumming or sticking together in transit or otherwise without fault of the purchaser, they may be exchanged by a collector for other stamps of the same quantity and denomination.

Documentary stamps which have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake have been improperly or unnecessarily used, or have been used in excess of the amount of tax actually due, may be redeemed upon proper claim filed with the collector.*

§ 113.159 *Claims for redemption.* All claims for the redemption of or allowance for stamps must be on Form 843, and must be filed with the collector within four years after the purchase of the stamps from the Government. The stamps must be submitted with the claim, or if it is impracticable to remove the stamps from the instruments to which they are attached, they must be presented to a deputy collector or other internal revenue representative, who shall write on the face of the stamps the words "claim for refund filed," and attach to the claim a statement showing that such endorsement has been made. In any case where the actual date of purchase of the stamps from the Government can not be given, it must be definitely shown in the claim whether they were so purchased within four years prior to the date of filing of the claim.*

ABATEMENTS AND REFUNDS

SEC. 3770 (AS AMENDED BY SECTION 508 (b) OF THE SECOND REVENUE ACT OF 1940). AUTHORITY TO MAKE ABATEMENTS, • • • AND REFUNDS.

(a) *To taxpayers.*

(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) *Date of allowance.* Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue Act, the date on which he first signed such schedule (if after May 26, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

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SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SEC. 3772. SUITS FOR REFUND.

(a) *Limitations.*

(1) *Claim.* No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner, according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof.

(2) *Time.* No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates.

(3) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun. This paragraph shall not operate (A) to bar a suit or proceeding in respect of a claim reopened prior to June 22, 1936, if such suit or proceeding was not barred under the law in effect prior to that date, or (B) to prevent the suspension of the statute of limitations for filing suit under section 3774 (b) (2).

(b) *Protest or duress.* Such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

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§ 113.160 *Claims for abatement or refund.* Where a stamp tax is not paid by stamp but the amount thereof is assessed as required by § 113.155, the person against whom the assessment is made may file a claim in abatement thereof, or a claim for refund for any part of the assessment that has been paid. In either case, the claim must be made on Form 843, filed with the collector in whose district the amount claimed was assessed or paid, and supported by a statement of the grounds and evidence on which the claim is based.

A claim for refund of stamp tax paid pursuant to an assessment must be made within four years next after payment of the tax.*

INTEREST ON OVERPAYMENTS OF TAX

SEC. 3771. INTEREST ON OVERPAYMENTS.

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

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(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

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§ 113.161 *Interest on overpayments.* Interest on overpayments of stamp taxes is allowable in accordance with the provisions of section 3771, irrespective of whether the tax was paid by stamp or through assessment. However, interest is allowable upon amounts paid in redemption of stamps only where the stamps were used in payment of a tax, and in such cases only from the date the stamps were affixed and canceled.*

PENALTIES

SEC. 1820. UNDERPAYMENT OF TAX.

Whoever—

(a) *Instruments.* Makes, signs, issues, or accepts, or causes to be made, signed, issued, or accepted, any instrument, document, or paper of any kind or description whatsoever without the full amount of tax thereon being duly paid • • • is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than $100 for each offense.

SEC. 1821. NONPAYMENT OR EVASION OF TAX.

(a) *In general.* (1) Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(2) Any person required under this chapter to collect, account for and pay over any tax imposed by this chapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(3) Any person who willfully fails to pay, collect, or truthfully account for and pay over, any tax imposed by this chapter, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this paragraph for any offense for which a penalty may be assessed under authority of section 3612.

(4) The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(b) *In particular*—(1) *Capital stock sales or transfers.* Any person liable to pay the tax as provided in subsection (b) of section 1802, or anyone who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any stock, share, interest, or right, or bill or memorandum thereof, as required in that subsection, without having the proper stamps affixed thereto, with intent to evade the provisions of such subsection, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both.

(2) Any person who, with intent to evade the tax provided in subsection (b) of section 1802, falsely makes a certificate accompanying any delivery or transfer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $1,000, or imprisoned not more than six months, or both.

(3) *Insurance policies.* Any person to or for whom or in whose name any insurance policy or other instrument referred to in section 1804 is issued, or any solicitor or broker acting for or on behalf of such person in the procurement of any such policy or other instrument, shall affix the proper stamps to such policy or other instrument, and for failure to affix such stamps with intent to evade the tax shall, in addition to other penalties provided therefor, pay a fine of double the amount of the tax.

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SEC. 1822. USE OF UNCANCELED STAMPS.

Whoever makes use of any adhesive stamp to denote any tax imposed by this chapter without canceling or obliterating such stamp as prescribed in section 1816, is guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than $100 for each offense.

SEC. 1823. FRAUDS RELATING TO STAMPS.

Whoever—

(a) *Mutilation or removal.* Fraudulently cuts, tears, or removes from any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this chapter, any adhesive stamp or the impression of any stamp, die, plate, or other article provided, made, or used in pursuance of this chapter;

(b) *Use of mutilated, insufficient, and counterfeit stamps.* Fraudulently uses, joins, fixes, or places to, with, or upon any vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this chapter, (1) any adhesive stamp, or the impression of any stamp, die, plate, or other article, which has been cut, torn, or removed from any other vellum, parchment, paper, instrument, writing, package, or article, upon which any tax is imposed by this chapter; or (2) any adhesive stamp or the impression of any stamp, die, plate, or other article of insufficient value; or (3) any forged or counterfeited stamp, or the impression of any forged or counterfeited stamp, die, plate, or other article;

(c) *Reuse of stamps.*

(1) *Preparation for reuse.* Willfully removes, or alters the cancellation or defacing marks of, or otherwise prepares, any adhesive stamp, with intent to use, or cause the same to be used, after it has already been used;

(2) *Trafficking.* Knowingly or willfully buys, sells, offers for sale, or gives away, any such washed or restored stamp to any person for use, or knowingly uses the same; or

(3) *Possession.* Knowingly and without lawful excuse (the burden of proof of such excuse being on the accused) has in possession any washed, restored, or altered stamp, which has been removed from any vellum, parchment, paper, instrument, writing, package, or article;

shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than five years, or both, and any such reused, canceled, or counterfeit stamp and the vellum, parchment, document, paper, package, or article upon which it is placed or impressed shall be forfeited to the United States.

SEC. 3793. PENALTIES AND FORFEITURES.

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(b) *Fraudulent returns, affidavits, and claims.*

(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

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SECTION 35, CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY THE ACT APPROVED APRIL 4, 1938 (52 STAT., 197).

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; • • • shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

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AUTHORITY FOR REGULATIONS

SEC. 3791. RULES AND REGULATIONS.

(a) *Authorization.*

(1) *In general.* Except as provided in section 1928 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 113.162 *Promulgation of regulations.* In pursuance of the provisions of the law, the foregoing regulations are hereby prescribed, and Regulations 71, approved July 16, 1932, as amended (Part 113, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code (53 Stat., Part 1) by Treasury Decision 4885, approved February 11, 1939, are hereby superseded.*

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 25, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8880; Filed, November 26, 1941; 11:24 a. m.]

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 321.24 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for the coals of the Hercules Mine, Mine Index No. 644, for the reasons set forth in the Order designating that portion of Docket No. A-1082 relating to such coals as Docket No. A-1082, Part II, and scheduling a hearing therein.

Dated: October 31, 1941.

H. A. GRAY,
Director.

[SEAL]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1082]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 321.24 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for the coals of the Hercules Mine, Mine Index No. 644, for the reasons set forth in the Order designating that portion of Docket No. A-1082 relating to such coals as Docket No. A-1082, Part II, and scheduling a hearing therein.

Dated: October 31, 1941.

H. A. GRAY,
Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Freight Origin group No.	Shipping point	Railroad	1	2	3	4	5
946	Bigler, H. F., Jr.	Woodward Twp.	21	D	45	Houtzdale, Pa.	PRR	(1)	(1)	F	(1)	(1)
908	Bigler, H. F., Jr. (Rose Hill Coal Company).	Dean #9	18	C'	42	Dean, Pa.	PRR	(1)	(1)	E	(1)	(1)
941	Burt, William L.	Burt	8	A	44	Munson, Pa.	NYC	(1)	(1)	H	(1)	(1)
947	Carrier & Son (W. W. Carrier).	Harlan #2	1	B	31	Sumneyville, Pa.	LEF & O	(1)	(1)	H	(1)	(1)
896	Casher, Fred	Casher #2	21	B	45	Berkley's Mill, Pa.	WM Ry	(1)	(1)	G	(1)	(1)
2823	Cloverdale Mines (E. L. Donges)	Cloverdale	41	Pittsburgh	102	Sandy Ridge, Pa.	PRR	(1)	(1)	C	(1)	(1)
948	Cotroneo, C. F.	Banks Coal Co	12	B	50	Osceola Mills, Pa.	PRR	(1)	(1)	E	(1)	(1)
913	Crain, George & Robert (George Crain).	Drane Coal Co	14	D	45	Osceola Mills, Pa.	N. R. R.	(1)	(1)	E	(1)	(1)
942	Davis, George H. (Matthew Davis, Sr.).	Fehr	7	E & D	44	Bell's Landing, Pa.	B. & O.	(1)	(1)	F	(1)	(1)
906	Harding, John	Margaret #3	41	Pgh. & Red	100	Wyano, Pa.	P. R. R.	(1)	(1)	A	(1)	(1)
949	Heckler, B. F. (The "B" Quality Coal Co.).	"B" Quality #5	33	B	49	Windber, Pa.	P. R. R.	(1)	(1)	F	(1)	(1)
2028	Hollis, Harold (Hollis Coal Co.)	Hollis	18	E	52	Frugality, Pa.	P. & S.	(1)	(1)	F	(1)	(1)
903	Humphrey, Lee B. (The Humphrey Brick & Tile Company).	Sulger #1	5	C'	119	Allens Mills, Pa.	P. R. R.	(1)	(1)	H	(1)	(1)
904	Ingham, Headley V.	Ingham	10	B	11	Kittanning, Pa.	P. R. R.	(1)	(1)	E	(1)	(1)
1839	Kinney, H.	Reminger	6	D	119	Stanton, Pa.	P. & S.	(1)	(1)	E	(1)	(1)
950	Miller, William	Miller #2	5	D	119	Knoxdale, Pa.	B. & O.	(1)	(1)	E	(1)	(1)
1846	Nightingale, Thos. (Thos. Nightingale Coal Co.)	Nightingale	40	D	100	Garrett, Pa.	B. & O.	(1)	(1)	D	(1)	(1)
910	Patrician Coal Company c/o W. L. Sherman.	Patrician	44	Big Vein	68	Shaw, W. Va.	W M Ry	(1)	(1)	D	(1)	(1)
951	Pile, R. M.	Pile #2	37	D	100	Coleman, Pa.	B & O	(1)	(1)	B	(1)	(1)
3153	Raybould, Fred	Imperial	7	C'	62	Clearfield, Pa.	PRR	(1)	(1)	F	(1)	(1)
					92		NYC	(1)	(1)	G	(1)	(1)
3154	Reitler & Sons, F. (Fred Reitler, Jr.).	Reitler #1	28	C	80	Bolivar, Pa.	PRR	(1)	(1)	C	(1)	(1)
899	Slater & Black (Chas. E. Slater).	Lerch	4	B	68	Reesburg, Va.	WM Ry	(1)	(1)	H	(1)	(1)
2370	Snyder, Geo. F.	Snyder	44	Bakerstown	43	Hansel, Va.	PRR	(1)	(1)	H	(1)	(1)
2684	Spruce Hill Coal Mining Co., c/o John Kinsman.	Davis	13	A		Maders, Pa.						
952	Straitiff, D. W.	Straitiff #6-E	5	E	75	Hawthorn, Pa.	PRR	(1)	(1)	C	(1)	(1)
953	Straitiff, D. W.	Straitiff #6-D	5	D	75	Hagerty, Pa.	PRR	(1)	(1)	C	(1)	(1)
954	Straitiff, D. W.	Straitiff #8	1	E	80	Lesper, Pa.	B & O	(1)	(1)	C	(1)	(1)
955	Walker, A. E.	Walker	11	B	172	Yatesboro, Pa.	B & O	(1)	(1)	H	(1)	(1)
2632	Williams & Co., George H. (George H. Williams).	Williams	44	B	68	Gorman, W. Va.	W M Ry	(1)	(1)	H	(1)	(1)

[1] Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub. dist. No.	County	Seam	All lump, coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Aaron Mines (Arthur M. Aaron).	912	Aaron	4	Clarion	B	240	215	215	200	190
Berkley, Howard A	908	Berkley	41	Somerset	Pittsburgh			215		
Bigler, H. F., Jr.	946	Woodward Twp.	21	Clearfield	D			220		
Booterbaugh, Catherine (Rose Hill Coal Company.)	908	Dean #9	18	Cambria	C'			225		
Burt, William L.	941	Burt	8	Centre	A			210		
Calhoun, E. H. (Mrs.)	882	Calhoun	3	Clinton	B			235		
Carrier & Son (W. W. Carrier).	947	Harlan #2	1	Clarion	A	245	220	220	210	200
Casher, Fred	896	Casher #2	21	Centre	B			235		
Cotroneo, C. F.	948	Banks Coal Co	12	Indiana	B	240	215	215	205	195
Crain, George & Robert (George Crain).	913	Drane	14	Clearfield	D			225		
Davis Coal Co. (Matthew Davis, Sr.).	942	Davis Coal Co	14	Clearfield	D			225		
Davison & Son, T. H. (T. H. Davison).	955	Bennett	23	Indiana	E			215		
Evans, Brooks O	897	Evans #1	44	Mineral	Big Vein			230		
Fehr, George H	907	Fehr	7	Clearfield	E & D			220		
H. C. Coal Co. (Griff T. Haines).	886	H. C. Coal Co	44	Garrett	D			210		
Harding, John	906	Margaret #3	41	Somerset	Pgh. & Red			230		
Heckler, B. F. (The "B" Quality Coal Co.).	949	"B" Quality #5	33	Somerset	B			245		
Humphrey, Lee B. (The Humphrey Brick & Tile Company).	903	Sulger #1	5	Jefferson	C'			220		
Ingham, Headley V.	904	Ingham	10	Armstrong	B			215		
Johnson, Heimer	944	Troxel	8	Clearfield	C			220		
Kriebel, Joseph C	905	Kriebel	4	Clarion	B	240	215	215	200	190
Miller, William	950	Miller #2	5	Jefferson	D			225		
Olinger Mines (Clyde Olinger).	914	Olinger	10	Armstrong	E			215		
Patrician Coal Company, c/o W. L. Sherman.	910	Patrician	44	Mineral	Big Vein			230		
Paul, Daniel	909	Saylor	40	Somerset	E			210		
Pile, R. M.	951	Pile #2	37	Somerset	D			240		
Raybould, Fred	3153	Imperial	7	Clearfield	C'			220		
Reitler & Sons, F. (Fred Reitler, Jr.).	3154	Reitler #1	28	Indiana	C			215		
Saylor Brothers (John M. Saylor).	900	Saylor Bros	4	Clarion	C'	240	215	215	200	190
Slater & Black (Chas. E. Slater).	899	Lerch	4	Clarion	B	240	215	215	200	190
Straitiff, D. W.	952	Straitiff #6-E	5	Jefferson	E	240	215	215	205	195
Straitiff, D. W.	953	Straitiff #6-D	5	Jefferson	D			225	215	
Straitiff, D. W.	954	Straitiff #8	1	Clarion	A'	240	215	215	205	195
Walker, A. E.	934	Walker	12	Indiana	E			215		
Whipkey, William H	898	Whipkey	40	Somerset	C'			210		
White, David	940	David White #1	11	Armstrong	E			215	205	190
Williams & Co., George H. (George H. Williams).	2632	Williams	44	Grant	B	235		(1)	200	
Zimmerman, Harry (New Enterprise Coal Co.).	911	New Enterprise	18	Cambria	B			230		

[1] Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-8818; Filed, November 25, 1941; 10:41 a. m.]

[Docket No. A-1094]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto supplement R-II, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No price classifications and no minimum prices are established herein for the coals of the Sizemore Mine of Frank Sizemore because the Division has received no code acceptance from this producer.

Freight Origin Group 250 has been assigned to the coals of the Fleming and McReynolds Mine (Mine Index No. 2240) of Alfred Fleming and Z. B. McReynolds in place of Freight Origin Groups 50 and 30, as requested in the original petition, because it appears more advisable to create a new Freight Origin Group than to assign two Freight Origin Groups to one mine.

Norton, Virginia, has been assigned as the shipping point for the coals of Graham Bros. Mine (Mine Index No. 2690), of G. H. Patrick (M. C. A. D. Coal Company), instead of Esserville, Virginia, as requested by the original petition, because the Division is advised by the original petitioner that this former shipping point is desired, and the code acceptance of this member indicates Norton, Virginia, as the shipping point for this mine. The Freight Origin Group has been changed accordingly from 200, as listed in the original petition, to Freight Origin Group No. 205.

Barbourville, Kentucky, has been assigned as the shipping point for the coals of the Indian Mine (Mine Index No. 3717) of the Brush Creek Fuel Company (J. R. Ketcham) in place of Wilton, Kentucky, as requested in the original petition, because the Division is advised that no proper shipping facilities exist at Wilton, Kentucky, and the code acceptance of this member indicates Barbourville, Kentucky, as the shipping point for this mine.

No price classification and no minimum prices are established herein for the coals of the Hodge Mine (Mine Index No. 3603) of Osborn Mining Co. (Clifford J. Osborn) for rail shipment because the records of the Division indicate that prices were previously established for this mine for rail shipment in Docket A-795 under the name of Mine No. 2 of C. J. Osborn.

The Division is advised by the original

petitioner that the name of the Red Jacket No. 2 Mine (Mine Index No. 797) of J. L. McIntyre has been changed to Macks No. 2 Mine. Price classifications and minimum prices have been established accordingly for this mine under the name Macks No. 2 Mine.

The Division is advised by the owner that the name of the New Deal Mine (Mine Index No. 3712) of George M. Simpson, (New Deal Coal Co.) has been changed to Simpson Coal Co. Mine of George M. Simpson (Simpson Coal Co.). Price classifications and minimum prices have been established accordingly for this mine under the name Simpson Coal Co. Mine.

The original petition seeks price classification "E" in Size Group 4 for the coals of Mine Index No. 2457 of R. W. Johnson. This price classification is sought for the reason that the coals of this mine are represented to be analogous and comparable to the coals of the Premier Mine (Mine Index No. 377) of Consumers Mining Corporation, for which price classification "E" in Size Group 4 had been established temporarily in an Order in Docket A–355 dated February 20, 1941. Subsequent to the filing of the original petition in this docket, a final Order in Docket A–355 was issued on October 16, 1941 establishing permanent price classification "D" in Size Group 4 for the coals of the Premier Mine (Mine Index No. 377) of Consumers Mining Corporation.

Consequently, on the basis of the petitioner's representation that the coals of both aforementioned mines are analogous and comparable, price classification "D" in Size Group 4 for the Coals of Mine Index No. 2457 of R. W. Johnson is established herein in place of price classification "E" which was sought in the original petition.

Dated: November 5, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of Code Members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdist.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
42	Bertha Jellico Coal Co.	Bertha	Jellico	6	Bertha, Ky.	L&N	111	(*)	(*)	J	H	G	E	G	E	(*)	K	(†)	(†)	(†)	(†)	(†)	(†)
2210	Blue Eagle Coal Co. (B. F. McGlothlin).	Blue Eagle	Upper Banner	7	Swords Creek, Va.	N&W	20	M	M	K	J	F	C	E	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
3717	Brush Creek Fuel Co. (J. R. Ketcham).	Indian	Jellico	6	Barbourville, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
2209	Buckles, W. M. & O. C. Compton.	Buckles & Compton.	Upper Banner	7	Swords Creek, Va.	N&W	20	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
994	Bullock, Ernest E	Suella	Horse Creek	6	Mt. Vernon, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
926	Carr, Paris	Gracy	Lilly	6	London, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
924	Carson, Tom J	Tom J. Carson	Coal Creek	6	Oliver Springs, Tenn.	Sou	40	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)
3636	Castle & Crider (D. H. Crider).	Castle & Crider	Millers Creek	1	Paintsville, Ky.	C&O	61	D	D	E	E	E	C	C	B	A	G	L	(†)	(†)	(†)	(†)	(†)
923	Collins & Adams (Arnold Collins).	Collins & Adams	Elkhorn	3	Whitesburg, Ky.	L&N	100	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)
2261	Compton, John & Grat Smith (John Compton).	Rufus Whited	Widow Kennedy.	7	Swords Creek, Va.	N&W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
3803	Conaway Fuel Company, Inc. (c/o Landen Elswick.)	No. 2	Brooks	1	Elkhorn City, Ky.	C&O, CC&O	63	P	P	N	M	J	G	J	F	G	N	(†)	(†)	(†)	(†)	(†)	(†)
980	Denham, A. W	Denham	Jellico	6	Rockhold, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
2885	Deskins, Troy T	Orinoco	Pond Creek	8	Belfry, Ky.	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
939	Doby, Dan		Jellico	6	Grays, Ky.	L&N	111	G	A	A	H	G	E	G	E	A	J	(†)	(†)	(†)	(†)	(†)	(†)
3714	Elliott, Bob	Oramay	Blue Gem	6	Artemus, Ky.	A&J	110	A	A	L	A	A	E	G	E	D	K	(†)	(†)	C	C	C	(†)
3698	Eureka Coal Company	Lewiston #1	Stockton-Lewiston.	4	Montgomery, W. Va.	C&O	123	M	M		K	G	E	G	E	D	J	(†)	(†)	(†)	(†)	(†)	(†)
3633	Farley, W. K	Slate Creek Coal Co.	Bon Air #2	6	Wilder, Tenn.	T. C	210	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)
2240	Fleming, Alfred & Z. B. McReynolds.	Fleming & McReynolds.	Upper Banner	7	St. Paul, Va.	CC&O, N&W	250	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	C	M
3691	Fleming, Hershel	Fleming	Upper Banner	7	Allen, Va.	CC&O	10	M	M	K	J	F	C	E	C	D	G	C	C	(†)	(†)	(†)	(†)
3721	Gilley & Hillman (George L. Hillman).	Gilley & Hillman	Blair	7	Norton, Va.	N&W	206	O	O	K	J	G	E	G	E	D	G	(†)	(†)	(†)	(†)	(†)	(†)
649	Hale, H. S	Ruby	Horse Creek	6	Manchester, Ky.	L&N	111	M	M	K	J	H	G	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
2297	Hart & Harris (Samson Hart)	Hart & Harris	Jellico	6	Woodbine, Ky.	L&N	111	O	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
814	Heath, Bob	Wolf Pit	No. 1	6	Stearns, Ky.	Sou	171	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
3457	Heath, George	Hamlin	No. 3	6	Somerset, Ky.	Sou	171	O	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
3693	Hibbard, Theo	Log Cabin	Horse Creek	6	Manchester, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
2312	Hillman & Gilliam (Geo. L. Hillman).	Hillman & Gilliam	Blair	7	Esserville, Va.	Inter	200	O	O														

Mine index No.	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
42	(*)	M	J	F	D	D	G	(*)	K	(†)	(†)	(†)	(†)	(†)
2210	M	M	K	F	D	D	G	E	L	(†)	(†)	(†)	(†)	(†)
3717	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
2209	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
994	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
926	M	M	K	G	F	D	F	M	K	(†)	(†)	(†)	(†)	(†)
924	O	M	L	F	D	B	F	G	K	(†)	(†)	(†)	(†)	(†)
3636	D	D	E	B	B	B	C	F	G	L	(†)	(†)	(†)	(†)
923	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
2261	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
3803	P	O	M	H	F	F	J	P	N	(†)	(†)	(†)	(†)	(†)
980	O (*) G	M (*) A	J (*) A	F (*) A	D (*) D	D (*) A	G (*) G	M (*) D	K (*) K	(†) (†) J	(†) (†) C	(†) (†) C	(†) (†) C	(†) (†) C
2885	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	(†)
939	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	(†)
3714	(*) A	(*) A	(*) A	(*) A	(*) A	(*) A	(*) A	(*) A	(*) A	(†)	(†)	(†)	(†)	(†)
3698	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
3633	C	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	C
2240	C	M	M	K	F	F	D	D	E	M	G	(†)	(†)	C
3691	C	M	M	K	F	F	D	D	E	M	G	(†)	(†)	C
3721	M	M	M	K	J	K	G	F	E	M	G	(†)	(†)	(†)
649	M	M	M	K	J	K	G	F	G	M	M	K	(†)	(†)
2297	M	M	M	K	K	K	G	F	G	M	M	K	(†)	(†)
814	M	M	M	K	K	K	G	F	G	M	M	K	(†)	(†)
3457	M	M	M	K	K	K	G	F	G	M	M	K	(†)	(†)
3693	M	M	M	K	K	K	G	F	G	M	M	K	(†)	(†)
2312	O	O	M	K	K	K	G	F	G	M	M	K	(†)	(†)

See footnotes at end of table.

§ 328.11 *Alphabetical list of code members*—Supplement R–I—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdist.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
938	Hodges, Jake	Hodges	Winifrede	8	Lenore, W. Va.	N&W	130	K	K	K	J	G	E	G	D	D	H	(†)	(†)	(†)	(†)	(†)	(†)
3741	Huddleston, W. M. & Son (W. M. Huddleston).	Huddleston Blue Gem.	Blue Gem	6	Verne, Ky.	L&N	111	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2123	Hughes, Calvin	Dickerson Coal Co. #1.	Clintwood	7	Allen, Va.	CC&O	10	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
959	Humfleet, Glenn	Humfleet	Jellico	6	Grays, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
2607	Hurley, Jeff	Jeff Hurley	Hazard #4	6	Combs, Ky.	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
2333	Jordan & Jordan (Millard Jordan).	Jordan & Jordan #2.	Widow Kennedy.	7	Coeburn, Va.	N&W	30	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
1248	Justice & Taylor (Hut Justice).	John Kendrick	Elkhorn #3	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
971	Keeney, Robert H	Elizabeth	Top Seam-No. 3.	6	Somerset, Ky.	Sou	171	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
972	King, Joe	Cantrell-King	No. 1	1	Paintsville, Ky.	C&O	61	D	D	E	E	E	C	J	C	L	B	L	(†)	(†)	(†)	(†)	(†)
3632	Kirk, Ken (Kirk Mining Company).	Kirk Mng. Co	Warfield	8	Kermit, W. Va.	N&W	130	Q	Q	O	N	L	J	L	F	F	N	(†)	(†)	(†)	(†)	(†)	(†)
3634	Kiser & McGlothlin (Mont McGlothlin).	Kiser & McGlothlin.	Lower Banner	7	Hayst, Va.	CC&O	10	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
514	Koppers Coal Company, The	Powellton #8	Peerless	4	Columbia, W. Va.	C&O	123	(*)	(*)	(*)	(†)	(†)	(†)	(†)	C	E	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3690	Loyd, Henry	Loyd	Pittsburg	6	London, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
986	McGlothlin, E. R (Hydro Coal Co.)	Hydro	Hooper	6	Oliver Springs Tenn.	Sou	40	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)
979	McIntyre, J. L	Macks #2	Barner	6	Ferndale, Ky.	L&N	111	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
1530	Madon, Robert	Madon	Straight Crk	6	Pineville, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	A	(†)
1734	Moore, Burgess	Burress Moore	Lilly	6	London, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
3689	Moore Coal Co., (W. P. Moore).	Moore C. Co. #1	Upper Banner	7	Trammel, Va.	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
3688	Moore Coal Co., (W. P. Moore).	Moore C. Co. #2	Upper Banner.	7	Trammel, Va.	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
973	Moses, J. W	Witt	Jellico	6	Savoy, Ky.	L&N	111	H	H	F	E	E	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)
990	Murphy, Finley			6	Pine Knot, Ky.	Sou	171	O	O	M	L	H	F	H	D	K	K	(†)	(†)	(†)	(†)	(†)	(†)
982	Napier & Hensley (John L. Napier).	Napier & Hensley #2.	Straight Crk	6	Hanby, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A
3808	Napier & Hensley (John L. Napier).	Napier & Hensley #3.	Straight Crk	6	Hanby, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A
3764	New Southland Coal Corporation.	No. 1	Straight Crk. & Jellico.	6	Morse, Ky.	L&N	111	G	G	E	D	C	C	E	B	C	H	(†)	(†)	A	A	B	A
948	Onkst, G. D	Black Mule	Pittsburg	6	London, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
2690	Patrick, G. K. (Mcab Coal Co.).	Graham Bros	Blair	7	Norton, Va.	Inter	205	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
3806	Patrick, J. W	Rebecca Mae	Elkhorn #3	1	Lackey, Ky.	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	(†)
544	Patrick, J. W	Rebecca Mae	Elkhorn #1	1	Lackey, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	C
1756	Prater, Hiram	Hiram Prater	Hazard No. 4	6	Combs, Ky.	L&N	100	K	K	J	H	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
974	Price, Bee & Logan (Logan Price).	Goforth		6	Somerset, Ky.	Sou	171	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
944	Roberts, N. R	Fox	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
2141	Sheckler, W. H	Sheckler	Jawbone & Tiller.	7	Hayst, Va.	CC&O	10	M	M	K	J	G	E	E	C	D	K	G	(†)	(†)	(†)	(†)	C
3712	Simpson, George M. (Simpson Coal Co.).	Simpson Coal Co.	Cedar Grove	4	Marmet, W. Va.	C&O	123	M	M	L	K	H	F	H	C	C	F	(†)	(†)	(†)	(†)	(†)	(†)
3492	Soulsbyrd, Henry P	Charbonne	No. 3	6	Somerset, Ky.	Sou	171	M	M	K	J	G	E	G	E	D	J	K	(†)	(†)	(†)	(†)	(†)	(†)
1354	Stamper, I. D	I. D. Stamper	Elkhorn	3	Whitesburg, Ky.	L&N	100	K	K	K	J	G	E	G	D	D	J	K	(†)	(†)	(†)	(†)	(†)	(†)
3732	Stephens, Elmer W	Buelah	Horse Creek	6	Mt. Vernon, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	K	(†)	(†)	(†)	(†)	(†)	(†)
554	Sycamore Coal Company	No. 12	Alma	8	Cinderella, W. Va.	N&W	130	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	D	(†)	(†)	(†)	(†)	(†)	D
3664	Utilities Elkhorn Coal Company.	Esco No. 10-K	Elkhorn #3	1	Esco, Ky.	C&O	61	H	H	F	E	E	C	C	A	A	D	H	(†)	A	A	A	A	A
3866	Wright Coal Company (F. A. Wright).	Wright	Upper Elkhorn.	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
3357	Whitis, Ed. & Son (Ed. Whitis).	Cliffy Creek	No. 3—Top Seam.	6	Somerset, Ky.	Sou	171	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
4104	Williams, J. A	Stone	No. 2 Gas	4	Peytona, W. Va.	C&O	123	L	L	H	G	G	E	G	B	B	H	(†)	(†)	(†)	(†)	(†)	(†)
3606	Osborne Mining Co. c/o Clifford J. Osborne.	Hodge	Horse Creek	6	Corbin, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)

Mine index No.	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
938	K	A	K	F	E	A	G	K	H	(†)	(†)	(†)	(†)	(†)
3741	A	A	A	A	A	C	A	D	L	(†)	(†)	(†)	(†)	(†)
2123	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
959	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
2607	K	K	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
2333	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
1248	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
971	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
972	D	D	E	B	B	H	C	F	G	N	L	(†)	(†)	(†)
3632	Q	Q	O	N	L	J	L	Q	N	(†)	(†)	(†)	(†)	(†)
3634	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
3690	(*)	(*)	(*)	(†)	(†)	(†)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
986	M	M	K	G	E	B	G	M	K	(†)	(†)	(†)	(†)	(†)
979	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
1530	F	F	E	C	C	B	D	F	J	(†)	(†)	(†)	(†)	(†)
1734	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3689	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
3688	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
973	H	H	F	C	H	B	C	E	K	G	(†)	(†)	(†)	(†)
990	O	O	M	E	C	F	C	H	A	K	(†)	(†)	(†)	(†)
982	F	F	E	H	C	B	C	A	J	H	(†)	(†)	(†)	A
3808	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
3764	G	G	E	C	B	C	E	J	H	(†)	A	A	B	A
948	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
2690	O	O	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
3806	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	(†)
544	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	C
1756	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
974	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
944	O	O	M	J	F	D	D	M	K	(†)	(†)	(†)	(†)	(†)
2141	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
3712	M	M	L	G	E	E	H	L	F	(†)	(†)	(†)	(†)	(†)
3492	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
1354	K	K	K	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
3732	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
554	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	D	(†)	(†)	(†)	(†)	D
3664	H	H	F	C	B	B	C	H	D	H	A	A	A	A
3866	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
3357	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
4104	L	L	J	E	C	E	G	M	H	(†)	(†)	(†)	(†)	(†)
3606	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.
‡Change in Mine Name.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
2434	Altizer, W. I.	W. I. Altizer	9	Cary	Raven, Va.	N&W	21	C	C	D	D	D	C	C	H	H	H
2457	Johnson, R. W.	R. W. Johnson Coal Co.	9	Raven	Doran, Va.	N&W	21	C	C	D	D	D	A	A	H	H	H

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under; slack	¾" and under; slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY ELKHORN											
BOYD COUNTY, KY.											
Holley, Grant	Holley	3894	No. 7	265	245	210	220	205	200	150	145
Keeney & Newman (Earl Keeney)	Lynd	3729		265	245	210	220	205	200	150	145
Rigsby Bros. (E. L. Rigsby)	Peacock No. 2	3605	No. 7	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
Chandler, E. J.	Chandler	3727	No. 7	265	245	210	220	205	200	150	145
Gullett, Charles	Hensley	3721	No. 7	265	245	210	220	205	200	150	145
ELLIOTT COUNTY, KY.											
Keeton, Parish	Watson	898	No. 7	265	245	210	220	205	200	150	145
Keeton, Tom Jeff	Fannin	3691	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Patrick, J. W	Rebecca Mae	3806	Elkhorn No. 3	285	265	225	230	215	215	165	160
JOHNSON COUNTY, KY.											
Castle & Crider (D. H. Crider)	Castle & Crider	3636	Millers Creek	305	285	235	240	215	225	170	165
King, Joe	Cantrell-King	972	No. 1	305	285	235	240	215	225	170	165
LETCHER COUNTY, KY.											
Collier, Lloyd	Lloyd Collier	999	"B"	275	255	220	220	205	210	160	155
Farlie, H. W. (Hard Luck Coal Co.)	Hard Luck Coal Co.	999		275	255	220	220	205	210	160	155
Kiser, Namon	Namon Kiser	997	Elkhorn	275	255	220	220	205	210	160	155

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under; slack	¾" and under; slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY ELKHORN—Continued											
MORGAN COUNTY, KY.											
Adkins, Cecil	Lewis	3718	No. 7	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Conaway Fuel Company, Inc	No. 2	3803	Brooks	250	230	205	205	195	195	140	135
Bartley & Cook (J. T. Bartley)	Ashcamp	3728	Lower Elkhorn	275	255	220	230	215	210	170	165
Friend, Fern	Friend	965	Elkhorn	275	255	220	230	215	210	170	165
Utilities Elkhorn Coal Company	Esco No. 10-K	3664	Elkhorn #3	285	265	235	240	215	225	185	180
Wright Coal Company (F. A. Wright)	Wright	3866	Upper Elkhorn	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 3—HAZARD											
LETCHER COUNTY, KY.											
Collins & Adams (Arnold Collins)	Collins & Adams	923	Elkhorn	275	255	220	220	205	210	160	155
PERRY COUNTY, KY.											
Lusk & Brown (J. R. Lusk)	Lusk & Brown	3730	Hazard No. 4	275	255	220	225	205	210	155	150
SUBDISTRICT NO. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Eureka Coal Company	Lewiston #1	3698	Stockton-Lewiston	280	260	220	230	205	210	160	155
Means, W. S	Hudson Hollow	3669	Black Band	280	260	220	215	200	210	165	160
Simpson, George M. (Simpson Coal Co.)	Simpson Coal Co	3712	Cedar Grove	265	245	225	215	200	215	175	170
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Johnson, J. O. & O. R. Johnson	Straight Creek	3802	Straight Creek	295	275	225	245	215	215	165	160
McIntyre, J. L.	Macks No. 2	979	Barner	285	265	220	240	215	210	155	150
Napier & Hensley (John L. Napier)	Napier & Hensley #2	982	Straight Creek	295	275	225	245	215	215	165	160
Napier & Hensley (John L. Napier)	Napier & Hensley #3	3803	Straight Creek	295	275	225	245	215	215	165	160
CLAY COUNTY, KY.											
Hale, H. S	Ruby	964	Horse Creek	265	245	220	220	205	210	155	150
Hibbard, Theo	Log Cabin	3693	Horse Creek	265	245	220	220	205	210	155	150
JACKSON COUNTY, KY.											
Crooked Creek Coal Company	Horse Lick	3807	Horse Lick Double Seam	265	245	220	220	205	210	155	150
Hooten Creek Coal Co., c/o Thomas Owens	Hooten Creek Coal Co.	3692	Sand Gap	265	245	220	220	205	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under; slack	¾" and under; slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Continued											
KNOX COUNTY, KY.											
Bertha Jellico Coal Co	Bertha	42	Jellico	(*)	(*)	(*)	225	205	(*)	155	150
Brush Creek Fuel Co. (J. R. Ketcham)	Indian	3717	Jellico	255	235	225	225	205	215	155	150
Deby, Dan		939	Jellico	255	235	225	225	205	215	155	150
Elliott, Bob	Oramay	3714	Blue Gem	335	315	235	260	225	225	145	140
Humfleet, Glenn	Humfleet	959	Jellico	255	235	225	225	205	215	155	150
New Southland Coal Corporation	No. 1	3764	Straight Creek & Jellico	290	270	225	245	215	215	165	160
Roberts, N. R	Fox	944	Jellico	255	235	225	225	205	215	155	150
Shorter, Alex & Ben Wynn (Alex Shorter)	Shorter	935	Blue Gem	335	315	235	260	225	225	145	140
LAUREL COUNTY, KY.											
Carr, Paris	Graey	926	Lilly	265	245	220	220	205	210	155	150
Loyd, Henry	Loyd	3690	Pittsburgh	265	245	220	220	205	210	155	150
McQueen, John	Bryant	937	Peacock	265	245	220	220	205	210	155	150
Onkst, G. D	Blue Mule	948	Pittsburgh	265	245	220	220	205	210	155	150
Root, Delbert	Newton	936	Stray	265	245	220	220	205	210	155	150
Wages, Alex	Sorghum	934	Stray	265	245	220	220	205	210	155	150
Wells, Jesse O	Rockhouse	3616	Wood Creek	265	245	220	220	205	210	155	150
LESLIE COUNTY, KY.											
Morgan, G. C	G. C. Morgan	3731		275	255	220	225	205	210	155	150
M'CREARY COUNTY, KY.											
Murphy, Finley		990		255	235	215	210	200	205	155	150
PULASKI COUNTY, KY.											
Baker, Ben F	Baker	3635	No. 4	265	245	220	220	205	210	155	150
Farmer & Baker (W. C. Farmer)	Wiblent	3637	No. 4	265	245	220	220	205	210	155	150
Keeney, Robert H	Elizabeth	971	Top Seam-No. 3	265	245	220	220	205	210	155	150
Price, Bee & Logan (Logan Price)	Gofforth	974		265	245	220	220	205	210	155	150
Whitaker, William Harvey	Greenslope	3734	No. 3-Top Seam	265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Barron, Lee	Barron	992	Horse Creek	265	245	220	220	205	210	155	150
Bullock, Ernest E	Suella	994	Horse Creek	265	245	220	220	205	210	155	150
Stephens, Elmer W	Buelah	3732	Horse Creek	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Davis Jellico Coal Company, c/o Jennie Davis	Davis Jellico Coal Company	3715	Jellico	285	265	225	240	215	215	170	165
Denham, A. W	Denham	980	Jellico	255	235	225	225	205	215	155	150
Goley, Frank	Goley	988	Blue Gem	335	315	235	260	225	225	145	140
Huddleston, W. M. & Son (W. M. Huddleston)	Huddleston Blue Gem	3741	Blue Gem	335	315	235	260	225	225	145	140

* Indicates previously classified these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under; slack	¾" and under; slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Continued											
WHITLEY COUNTY, KY.—continued											
Moses, J. W	Witt	973	Jellico	285	265	225	240	215	215	170	165
Rains, R. M	R. M. Rains	945	Blue Gem	335	315	235	260	225	225	145	140
Tye, Marshall	Tye	3663	Blue Gem	335	315	235	260	225	225	145	140
ANDERSON COUNTY, TENN.											
Walden Ridge Coal Company (A. H. Portwood)	Walden Ridge	989	Sewanee	255	235	225	230	205	215	145	140
CAMPBELL COUNTY, TENN.											
Bennett, Walter	Walter Bennett	930	Rex	295	275	210	245	215	200	145	140
Smith, Harrison & S. V. King (S. V. King)	Smith & King	993	Jellico	300	280	225	250	215	215	170	165
FENTRESS COUNTY, TENN.											
Farley, W. K	Slate Creek Coal Co.	3633	Bon Air No. 2	250	230	205	210	185	195	135	130
MORGAN COUNTY, TENN.											
Ad Kisson, L. T	L. T. Ad Kisson	995	Coal Creek	255	235	225	230	205	215	145	140
Carson, C. F	C. E. Carson	925	Coal Creek	255	235	225	230	205	215	145	140
Carson, Tom J	Tom J. Carson	924	Coal Creek	255	235	225	230	205	215	145	140
Falls, Bob	Bob Falls	984	Coal Creek	255	235	225	230	205	215	145	140
Jones, Bill	Bill Jones	996	State	255	235	225	230	205	215	145	140
McGlothlin, E. R. (Hydro Coal Company)	Hydro	986	Hooper	255	235	225	230	205	215	145	140
SUBDISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Fleming, Hershel	Fleming	3694	Upper Banner	265	245	220	220	215	210	155	150
Kiser & McGlothlin (Mont McGlothlin)	Kiser & McGlothlin	3634	Lower Banner	265	245	220	220	215	210	155	150
Moore Coal Co. (W. P. Moore)	Moore C. Co. #1	3689	Upper Banner	265	245	220	220	215	210	155	150
Moore Coal Co. (W. P. Moore)	Moore C. Co. #2	3688	Lower Banner	265	245	220	220	215	210	155	150
RUSSELL COUNTY, VA.											
Call & Herndon (V. J. Herndon)	Duncan & Hess	998	Widow Kennedy	275	255	220	240	225	210	155	150
Pendleton, R. C. (White Oak Mines)	White Oak Mines	3809	Widow Kennedy	275	255	220	240	225	210	155	150
WISE COUNTY, VA.											
Gilley & Hillman (George L. Hillman)	Gilley & Hillman	3723	Blair	265	245	220	220	215	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 5" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under; slack (7)	¾" and under; slack (8)
SUBDISTRICT NO. 8—WILLIAMSON PIKE COUNTY, KY.											
Charles, Blaine	Charles	1000	Cedar Grove	245	225	225	210	200	215	160	155
MINGO COUNTY, W. VA.											
Hodges, Jake	Hodges	938	Winifrede	275	255	220	220	205	210	165	160
Kirk, Ken (Kirk Mining Company)	Kirk Mng. Co	3632	Warfield	245	225	210	200	185	200	140	135
Newsom, Isaac	Newsom	950	Winifrede	275	255	220	220	205	210	165	160

CANNEL COAL

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 5"	Forked	Chips	Cuttings
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN							
MORGAN COUNTY, KY.							
Rose, Jeff	Rose	995	Cannel	$3.50	$3.00	$2.50	$1.60
Stephens, Sanford	Adkins & Stephens	3,713	Cannel	3.50	3.00	2.50	1.60

[F. R. Doc. 41-8817; Filed, November 25, 1941; 10:41 a. m.]

[Docket Nos. A-1114 and A-1115]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CERTAIN MINES IN DISTRICT NO. 9 FOR TRUCK SHIPMENT AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CERTAIN MINES IN DISTRICT NO. 9 FOR RAIL SHIPMENT

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters: and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

No prices are established herein for the coals of the Embry Mine (Mine Index No. 747) of Purtle Embry, successor to Vernon Embry for Truck Shipment because Price Classifications and Effective Minimum Prices for Truck Shipment have been established previously for this mine in Docket No. A-349.

No prices are established herein for the coals of the Bracher Mine (Claude Embry) Mine Index No. 487 of Embry and Bracher successors to W. H. Bracher because Price Classifications and Effective Minimum Prices for Truck Shipment have been established previously for the coals of this mine in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipment.

Dated: November 3, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
50	Red Valley Coal Co	Red Valley [1]	No. 6	30	Mannington, Ky	L&N
752	Williams, H. B	Williams [1]	Stray	170	Fenrod, Ky	L&N

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 50 and 752 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Dawson Daylight Coal Company, Dawson Daylight No. 6 mine, Mine Index No. 19, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
Cardwell Bros. (Harrison Cardwell)	956	Cardwell	Stray	235	225	215	175	170	160	160	150	140	110	50	----	----	----	----	----	120	115
Hunt, Clyde	965	Hawkes #2	Stray	235	225	215	175	170	160	160	150	140	110	50	----	----	----	----	----	120	115
CHRISTIAN COUNTY																					
Red Valley Coal Co., c/o J. L. Herron	50	Red Valley	#6	230	220	210	200	195	185	185	180	175	160	100	----	----	----	----	----	170	165
DAVIESS COUNTY																					
Smith, Wm. E	959	Bill #1	#9	205	195	185	175	170	160	160	150	140	110	50	----	----	----	----	----	120	115
Smith, Wm. E	966	Bill #2	#9	205	195	185	175	170	160	160	150	140	110	50	----	----	----	----	----	120	115
OHIO COUNTY																					
Helm, Olgay	957	Olgay	#9	205	195	185	175	170	160	160	150	140	110	50	----	----	----	----	----	120	115
Horton, George S	951	Sarah	#9	205	195	185	175	170	160	160	150	140	110	50	----	----	----	----	----	120	115
Satterfield, L. W	961	C. T. B. #2	#9	205	195	185	175	170	160	160	150	140	110	50	----	----	----	----	----	120	115

[F. R. Doc. 41-8821; Filed, November 25, 1941; 10:42 a. m.]

[Docket No. A-807]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 REQUESTING A PRELIMINARY AND PERMANENT ORDER FOR CHANGE OF DISTRICT NO. 11 PRICES FOR SHIPMENT INTO MARKET AREAS 49 AND 67

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 10. The petition requests revision of the effective minimum prices for the coals of District No. 11 for shipment into Market Areas 49 and 67. Petitions to intervene were filed by District Boards 11 and 12. The Consumers' Counsel Division filed a notice of appearance.

Pursuant to an Order of the Director, and after due notice to all interested persons, a hearing in this matter was held before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.

The Examiner, on September 9, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, recommending that the relief requested herein be granted. He found that the relationship between the coals of Districts Nos. 10 and 11 in Market Areas 49 and 67 was out of line with that existing elsewhere, and that in order to preserve the existing fair competitive opportunities between the coals of these two districts in these market areas, it was necessary that the minimum prices of these coals f. o. b. the mine be changed so that the coals from these two districts deliver in these market areas in the same relationship as they do in Market Areas 29 and 41.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That § 331.9 (*Adjustments in f. o. b. mine prices*) and § 331.8 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck should be amended as follows:

(a) Establish Market Area No. 49 in Price Table No. 5 (subject to price instructions and exceptions and to adjustments in f. o. b. mine prices as shown in § 331.9 (*Adjustments in f. o. b. mine prices*) in the annexed supplement R-I) in § 331.8 (*General prices*) in the said schedule.

(b) Establish Market Area No. 67 in Price Table No. 6 (subject to price instructions and exceptions and to adjustments in f. o. b. mine prices as shown in the § 331.9 (*Adjustments in f. o. b. mine prices*) in the annexed supplement R-II) in § 331.8 (*General prices*) in the said schedule.

It is further ordered, That the prayers for relief contained in the petition herein be, and they hereby are granted to the extent set forth above, and in all other respects denied.

Dated: October 22, 1941.

[SEAL] H. A. GRAY, *Director.*

Effective Minimum Prices for District No. 11

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–I

[Freight origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each freight origin group to certain destinations in market area No. 49]

Destinations in market area 49	Brazil Clinton		Linton Sullivan		Princeton Ayrshire		Boonville	
	30, 32, 33, 34, 40, 42, 43		60, 61, 62, 63, 64, 65, 67, 80, 81		10, 11, 12, 70, 71, 72		20, 21, 53	
	L	F	L	F	L	F	L	F
Brooklyn		4		4		4		4
Carnforth		4		4		4		4
Carnforth Jct.		4		4		4		4
Clutier	20	20	20	20	20	20	20	20
Dillon	20	20	20	20	20	20	20	20
Dinsdale	20	20	20	20	20	20		20
Dunbar		20		20		20		20
Dysart	20	20	20	20	20	20	20	20
Garrison	20	20	20	20	20	20	20	20
Garwin	20	20	20	20	20	20		20
Gilman		20		20		20		20
Gladbrook	20	20	20	20	20	20	20	20
Green Mountain	20	20	20	20	20	20	20	20
Grinnell		16		16		16		16
Hartwick		20		20		20		20
Hicks	20	20	20	20	20	20	20	20
Hudson	20	20	20	20	20	20	20	20
Juvenile Home		4		4		4		4
Ladora		20	20	20	20	20	20	20
LeGrand	20	20	20	20	20	20	20	20
Lincoln	20	20	20	16	20	16	20	16
Malcolm		16		20		20		20
Marshalltown	20	20	20	20	20	20	20	20
Montezuma	20	20	20	20	20	20	20	20
Montour	20	20	20	20	20	20	20	20
Newburg		20		20		20		16
Oak Grove		16		16		16		16
Pickering		20		20		20		20
Potter		20		20		20		20
Quarry	20	20	20	20	20	20	20	20
Reinbeck	20	20	20	20	20	20	20	20
Searsboro		16		16		16		16
Toledo	20	20	20	20	20	20	20	20
Traer	20	20	20	20	20	20	20	20
Victor		4		4		4		4

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II

[Freight origin group numbers and the amount of additions for freight rate differences for coal shipped from mines included in each freight origin group to New Sharon in market area No. 67]

Destinations in market area 67	Brazil Clinton		Linton Sullivan		Princeton Ayrshire		Boonville	
	30, 32, 33, 34, 40, 42, 43		60, 61, 62, 63, 64, 65, 67, 80, 81		10, 11, 12, 70, 71, 72		20, 21, 53	
	L	F	L	F	L	F	L	F
New Sharon	20	16	20	16	20	16	20	16

[F. R. Doc. 41–8820; Filed, November 25, 1941; 10:42 a. m.]

[Docket No. A–1120]

Part 331—Minimum Price Schedule, District No. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 31, 1941.

[SEAL] H. A. Gray,
Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 11

Note: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group nos.																										
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																														
Sycamore Valley Coal Corporation c/o Bessie H. P. Schuh	166	Sycamore Valley	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
GREENE COUNTY																														
Hallett, Walter	167	Hoosier Queen No. 3	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
WARRICK COUNTY																														
Scales, Norman & Sons (Woodrow Scales)	161	Scales	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													

[F. R. Doc. 41–8816; Filed, November 25, 1941; 10:41 a. m.]

[Docket No. A–513]

Part 334—Minimum Price Schedule, District No. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF KEENER MINING COMPANY, A PRODUCER IN DISTRICT NO. 14, FOR THE ASSIGNMENT OF MINIMUM PRICES

This is a matter instituted upon an original petition filed on December 21, 1940 with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Keener Mining Company, a code member producer in District 14. Petition requests the establishment of effective minimum prices for the coals of its Keener No. 3 mine (Mine Index No. 213) when shipped by rail or truck to all market areas.

On January 31, 1941, 6 F.R. 924, an Order of the Director granted temporary relief and conditionally provided for final relief, and consolidated these proceedings with those in Dockets Nos. A–409 and A–512.

District Board 14 filed a petition of intervention seeking to terminate the temporary relief granted as to the coals produced at Mine Index No. 213.[1]

On June 27, 1941, an Order of the Director was issued severing Docket No. A–513 from Dockets Nos. A–409 and A–512. Pursuant to said Order, a hearing was held in this matter on July 30, 1941 and August 1, 1941 before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by the petitioner and District Board 14.

The preparation and filing of a report by the examiner was waived, and the matter was thereupon submitted to the undersigned.

The Keener Mining Company, a corporation, operates Keener Mine No. 3 (Mine Index No. 213) near Bokoshe, Oklahoma. The coals of the Keener Mine No. 3 are mined by the slope system and are then shipped over the Fort Smith and Van Buren Railroad. Although no truck shipments have as yet been made, coals can be trucked over a nearby state highway. Operation of the mine was begun about November 1940, and since then about 2,365 tons of coal have been produced, chiefly for use as railroad fuel.

Uncontroverted evidence was introduced by Frank Gunther, a representative of District Board 14, that the effective minimum prices requested in the amended petition reflect the relative market value of the Keener Mine No. 3 coals and will afford them a reasonable opportunity to compete on a fair basis with comparable coals.

Accordingly, the undersigned finds and concludes that the establishment of such effective minimum prices as set forth in supplements "R" and "T" effectuate the purpose of section 4 II (a) and 4 II (b) of the Act, and that the prices as set forth comply with all the standards thereof.

Now, therefore, it is ordered, That commencing forthwith § 334.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: October 30, 1941.

[SEAL] H. A. Gray,
Director.

[1] At the hearing and by an amendment to the original petition filed on August 9, 1941, petitioner changed the requested effective minimum prices as to certain sizes. Thereupon, District Board 14 withdrew its petition of intervention and supported the petition, as amended.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications prices instructions exceptions and other provisions contained in Part 334 Minimum Price Schedule for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
213	Keener Mining Company (W. T. Graham)	Keener #3	7	Bokoshe, Okla.	FtS&VB-MV	20	----	----	----	G	----	H	H	H	H	H	F	----	D	B	B	B	A	M	----	----

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Prod. group No.	County	1	2	3	4	5		7	8	9	10	11	12	13	14	15	16	17	18	19	20
213	Keener Mining Company (W. T. Graham)	Keener #3	7	LeFlore, Oklahoma	----	----	----	425	----	425	425	425	400	360	355	----	200	135	115	105	185	330	----	----

[F. R. Doc. 41-8819; Filed, November 25, 1941; 10:42 a. m.]

[Docket No. A-1104]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 5, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group														
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1517	Braden, J. L. (Braden Coal Co.)	Braden	8	Wilburton, Okla.	MKT	101	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
1496	Halterman, O. E.	Halterman #2	3	Moberly, Mo.	Wabash	111	A	A	A	A	C	C	C	C	A	C	A	A	----	A	A
1499	Halterman, W. C.	Halterman #1	3	Moberly, Mo.	Wabash	111	A	A	A	A	C	C	C	C	A	C	A	A	----	A	A
1510	Oklahoma Coal Company (c/o Paul C. Adamson)	Oologah	11	Oologah, Okla.	MP	173	A	A	A	A	----	A	----	A	A	A	A	----	----	A	----
1498	Wilson & Reffett (Luther Wilson)	Klein #3	3	Moberly, Mo.	Wabash	111	A	A	A	A	C	C	C	C	A	C	A	A	----	A	A

A is Market Area list price C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Prod. group No.	County	3" lump	1½" up	10" x 1½"	10" x 1¾"	3" x 2"	3" x 1¾"	2" x 1½"	1¾" x 1"	Mine run	3" x 0	1¾" x 3/8"	1¼" x ¾ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¾" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Arthur Cooperative Coal Co. (Tom Lateham, Sr.)	1502	Arthur Coop. No. 2	2	Vernon, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Braden, J. L. (Braden Coal Co.)	1517	Braden	8	Latimer, Okla.	435	435	435	385	----	335	----	210	295	165	----	----	----	140	----
Cain, Charles	1511	Cain	1	Cherokee, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Carver, M. A.	1507	Carver	11	Craig, Okla.	330	330	330	300	----	270	----	160	220	140	150	----	----	115	----
Coalvale Coal Co. (Otis Harris)	1516	Coalvale	1	Crawford, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Conner, Lester M.	1503		1	Cedar, Mo.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Cronan, James	1504	Cronan	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Fogle, Walter (Fogle Mining Co.)	1523	#3	6	Franklin, Kans.	345	345	345	345	----	----	----	----	345	335	335	335	----	----	----
Fowler, R. M.	1515	Hardscrabble	3	Putnam, Mo.	230	230	230	230	230	215	200	190	230	185	210	195	195	135	35
Gross, C. L.	1521	Gross	11	Craig, Okla.	330	330	330	300	----	270	----	160	220	140	150	----	----	115	----
Hale Coal Co., Inc., c/o Kenneth Kilkenny	1500	Hale Coal Co. #1	4	Carroll, Mo.	285	285	285	285	275	255	245	220	285	205	220	205	----	125	35
Halterman, O. E.	1496	Halterman #2	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Halterman, W. C.	1499	Halterman #1	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Heckadon, H. E.	1513	Heckadon	2	Bates, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
John, William	1519	Hill Side Coal	1	Crawford, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Jones, Everett	1497	Jones	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Lovell Coal Co. (C. L. Dale)	1190	Lovell	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Lunney, Sherman (Okmulgee Coal Co.)	1520		10	Okmulgee, Okla.	360	360	360	315	----	270	----	160	235	140	150	----	----	115	----
Martin, Leslie	1514	Hurliman	3	Putnam, Mo.	230	230	230	230	230	215	200	190	230	185	210	195	195	135	35
Miles & Whited (Charles H. Miles)	1512	Miles & Whited	2	Bates, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Oklahoma Coal Company, % Paul C. Adamson	1510	Oologah	11	Rogers, Okla.	330	330	330	300	----	270	----	160	220	140	150	----	----	115	----
Pence Coal Company	1522	Pence #2	2	Henry, Mo.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Potts Bros. (George Potts)	1508	Potts	3	Callaway, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Puckett, Virgil	1509		10	Okmulgee, Okla.	360	360	360	315	----	270	----	160	235	140	150	----	----	115	----
Trussell, D. D.	1302	Turtle #3	3	Howard, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Willey & Gibson (Arie Willey)	1307		1	Vernon, Mo.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Wilson & Reffett (Luther Wilson)	1498	Klein #3	3	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35

[F. R. Doc. 41-8815; Filed, November 25, 1941; 10:40 a. m.]

[Docket No. A-1118]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 22

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 22; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 342.4 (*Code member price index*) is amended by adding thereto supplement T–I, and § 342.21 (*General prices*) is amended by adding thereto supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 7, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 22

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 342, Minimum Price Schedule for District No. 22 and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classifications and minimum prices shall be inserted in Price Schedule No. 1 for District No. 22:

§ 342.4 *Code member price index*—Supplement T–I

Insert the following listings in proper alphabetical order:

Code member	Mine	Mine index No.	County	Subdistrict price group
Cowen, Hall	Cowen	301	Fergus	4
Kopper, Stanley	Kopper	300	Musselshell	9
Nies & Lowery		302	Musselshell	1
Payne, Oscar	Payne	303	Gallatin	6

§ 342.21 *General prices*—Supplement T–II

Insert the following code member names, mine names and counties under Subdistricts 1, 4, 6 and 9, and the following prices:

Code member mine name	County	Size groups											
		1	2	2A	3	4	5	6	7	8	9	10	11	12
SUBDISTRICT NO. 1														
Nies & Lowery	Musselshell	400	375	----	400	----	375	----	275	250	175	110	95	75
SUBDISTRICT NO. 4														
Cowen, Hall Cowen Mine	Fergus	----	400	325	----	----	----	----	275	----	150	110	----	75
SUBDISTRICT NO. 6														
Payne, Oscar Payne Mine	Gallatin	----	450	----	----	----	----	----	----	----	----	----	200	----
SUBDISTRICT NO. 9														
Kopper, Stanley Kopper Mine	Musselshell	350	325	----	----	----	300	----	250	----	150	100	----	----

[F. R. Doc. 41–8814; Filed, November 25, 1941; 10:40 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 113]

AMENDING THE REGULATIONS WITH RELATION TO THE EMPLOYMENT OF OFFICE ASSISTANTS FOR LOCAL BOARDS.

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations, Volume Five, Section XL,[1] by deleting Paragraph 517 thereof and substituting therefor the following:

517. *Office assistants, local boards: Employment of.* (a) Local board employees must be employed under civil service laws and civil service rules and regulations. They are not, however, subject to the provisions of the Classification Act of 1923, which provides for the classification grades and pay scale for certain civilian positions. They are neither given classification grades nor is their compensation fixed or governed by the provisions of that Act. Each local board shall by a majority vote determine the individuals to be employed, and the chairman of the local board shall act as the appointing officer. Each local board may by a majority vote designate one of its employees as the clerk of the local board.

(b) The number of persons employed by each local board on a full-time, temporary, part-time, or intermittent basis and the rates of compensation to be paid shall be fixed by the State Director of Selective Service in accordance with instructions given and limitations imposed by the Director of Selective Service. Before fixing the rates of compensation to be paid to employees of a local board, the State Director of Selective Service should determine the rates being paid in the same community for the same or similar services, and the rates of compensation fixed by him should not exceed that amount.

(c) Each local board may employ, in the manner provided by the civil service laws and civil service rules and regulations (see Section XLIV, Volume Five, Selective Service Regulations), the number of persons authorized by the State Director of Selective Service at rates of compensation not exceeding those fixed by the State Director of Selective Service. All persons employed by the local board must be citizens of the United States, loyal, of good character and habits, and have good records in previous employments. They must be able to meet the physical standards required by the United States Civil Service Commission for their respective positions. All clerical employees of every local board must possess the following minimum qualifications: Training equivalent to that represented by graduation from high school, at least 1 year's successful experience in clerical work, ability to type accurately, ability to handle the records and paper work involved in classification, and mental alertness.

(d) Before any compensation is paid to any local board employee or before any local board employee's rate of compensation is changed, a report must be executed, in quintuplicate, by the local board on Report of Employment, Separation, or Status Change for Local Board Employee (Form 250) and shall be distributed as follows: The original and all four copies shall be forwarded to the State Director of Selective Service, who, if he approves the employment or change of status, will endorse his approval on the original and each of the four copies, forward the original and one copy to the manager of the appropriate civil service district, two copies to the local board, and retain one copy in his files; the local board shall attach one copy to the next pay roll affected and retain one copy in its files; the manager of the civil service district will forward the original to the Director of Selective Service.

(e) When the local board finds that the employment of any clerk or other employee of the local board unnecessary or the rate of compensation excessive, it shall be the duty of the local board to discontinue such employment or to reduce such compensation.

(f) When the State Director of Selective Service or the Director of Selective Service finds the employment of any clerk or other employee of a local board unnecessary or the rate of compensation excessive, it shall be his duty to order the discontinuance of such employment or the reduction of such compensation.

(g) The State Director of Selective Service or the Director of Selective Service, when he deems it to be in the best interest of the Selective Service System, may authorize the joint employment of an individual by two or more local boards.

LEWIS B. HERSHEY, *Director.*

NOVEMBER 22, 1941.

[F. R. Doc. 41–8847; Filed, November 25, 1941; 3:11 p. m.]

[1] 5 F.R. 3936.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Amendment No. 1, Price Schedule No. 33]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

PRICE SCHEDULE FOR CARDED COTTON YARN

Price Schedule No. 33 is hereby amended in the following respects:

A. Section 1307.53, *Evasion,*[1] is amended to read as follows:

§ 1307.53 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of carded cotton yarn, alone, or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1607.60 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.[2]

B. Section 1307.60 (b) (3)[3] is amended to read as follows:

§ 1307.60 *Appendix A, maximum prices for carded cotton yarns.*

* * * * * *

(b) * * *

(3) *Delivery or transfer.*[4] By the cotton spot price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the cotton spot price subsequent thereto, except that, when the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a cotton spot price of 15.99 cents per pound.

* * * * * *

C. That portion of this amendment designated as A shall become effective November 27, 1941.

That portion of this amendment designated as B shall be effective as of October 6, 1941.

(Executive Orders Nos. 8734, 8875, 6 F.R., 1917, 4483)

Issued this 26th day of November 1941.

LEON HENDERSON, *Administrator.*

[F. R. Doc. 41–8878; Filed, November 26, 1941; 11:21 a. m.]

[1] 6 F.R. 5091.

[Amendment No. 1, Price Schedule No. 35]

PART 1316—COTTON TEXTILES

PRICE SCHEDULE FOR CARDED GREY AND COLORED-YARN COTTON GOODS

Price Schedule No. 35[1] is hereby amended in the following respects:

A. Section 1316.53, *Evasion,* is amended to read as follows:

§ 1316.53 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.61 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.[2]

B. Section 1316.55, *Details Required in Contract of Sale and Invoice,* is amended by striking the word "off-loom" wherever it appears.

C. The three unnumbered paragraphs of § 1316.61 under the caption, *Arrangement of the Appendix,* are amended to read as follows:

§ 1316.61 *Appendix A, maximum prices for cotton goods.*

Paragraph (a) contains, in summary form, the maximum prices, as established prior to October 21, 1941, and certain premiums allowable for the types of cotton goods theretofore subject to Price Schedule No. 11, but on and after that date subject to this Schedule. The maximum prices set forth in paragraph (a) are applicable to such types of goods only when they are delivered pursuant to a sale or contract of sale entered into prior to the above-mentioned date; otherwise such goods are subject to the prices appearing in paragraph (b).

Paragraph (b) contains maximum prices for all cotton goods subject to this Schedule. As qualified by paragraph (c), these maximum prices are applicable to all transactions except those subject to paragraph (a).

Paragraph (c) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraphs (a) and (b), premiums may be paid for (1) cotton goods made to special physical requirements established by the buyer, (2) cotton goods of demonstrably superior quality, and (3) window-shade cloth.

* * * * * *

D. Paragraph (a) of § 1316.61 is amended by adding thereto, following the second unnumbered paragraph thereof, the following:

In addition to the maximum prices set forth in the table immediately below, the following premiums may be charged:

[1] 6 F.R. 5335.

[2] Paragraph (b) is effective on and after November 27, 1941.

[3] 6 F.R. 5092.

[4] This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[2] Paragraph (b) is effective on and after November 27, 1941.

(1) The premiums allowable under § 1316.61 (c) below.	
(2) For narrow print cloths:	*Cents per lb.*
Of widths:	
32¼" to 28½", inclusive	2
28¼" to 26", inclusive	3
25¾" to 24", inclusive	4
23¾" to 21", inclusive	5
(3) For print cloths with total thread count per square inch of 72 to 99, both inclusive	1½
(4) For high-count Class C sheetings:	
130 to 139, inclusive, total threads per square inch	1
140 to 159, inclusive, total threads per square inch	2½
160 and more total threads per square inch	4

Nothing herein contained shall authorize any of the above premiums to be charged in connection with any deliveries made before October 21, 1941.

E. Paragraph (b) (1) (iii) of § 1316.61 is amended to read as follows:

(iii) *Delivery or transfer.*[2] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto, except that, where the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound.

F. Tables III and III–A of paragraph (b) (4) of § 1316.61 are amended by substituting for the word "Osnaburg," under the heading "Type and Class of Cloth," the words "Part-waste Osnaburgs," and by striking from Table III–A the third column, entitled "Thread Count (total threads per square inch—all numbers inclusive)."

G. Footnote 1 to Table V of paragraph (b) (4) of § 1316.61 is amended to read as follows:

[1] The maximum prices set forth herein are for fabrics 36 or more inches in width. The maximum price for a fabric of any lesser width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 36-inch width) as does its width to 36 inches.

Maximum prices for cloths of weights other than those listed herein (for the same type of cloth) shall be determined, in proportion to weight, from the maximum price for the cloth of that type and of the nearest weight.

H. Paragraph (c) (1) of § 1316.61 is amended to read as follows:

(1) In addition to the maximum prices set forth in paragraphs (a) and (b) a premium may be demanded, charged, paid or accepted for cotton goods (other than window-shade cloth) made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the same goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.61 (c) (3):

(i) The premium shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June, 1941, or, if no such goods have been sold by the seller during that period, 5 percent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

I. Paragraph (c) (3) of § 1316.61 is amended to read as follows:

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (a) or (b), a premium for (i) cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by a seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; (iv) cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade; or (v) window-shade cloth. Such application shall state in detail (i) the specifications, if any, to which the goods are made; (ii) the use to which the goods are to be put; (iii) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (iv) the person or persons, if any, from whom the goods were purchased and the premiums, if any, paid (in cents over the prevailing market prices of the same goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted, and if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.

J. Those portions of this amendment designated as B, C, D, E, F, G, H, and I shall be effective as of October 21, 1941.

That portion of this amendment designated as A shall become effective November 27, 1941.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 26th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–8879; Filed, November 26, 1941; 11:21 a. m.]

[2] Except as provided in paragraph (a), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[3] Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (b), as the day on which the sale or contract of sale is made.

Notices

WAR DEPARTMENT.

[Contract No. W–398–qm–10327; O. I. #4671]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FARGO MOTOR CORPORATION, DETROIT, MICHIGAN

Contract for: Trucks • • •.
Amount, $9,215,785.00.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 2nd day of June 1941.

Article 1. *Scope of this contract.* The contractor shall furnish and deliver Trucks • • •, Total $9,215,785.00, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed ••••%. This increase option to remain in effect until ••••.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days $•••• per truck.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities QM 15915 P 37–30 A 0525.003–12, QM 15915 P 37–30 A 0525.005–12, ORD 8505 P 2–30 A 0151–01, ORD 7677 P 11–30 A 1005–01, ORD 7663 P 11–30 A 1005–01, ORD 7885 P 11–30 A 1005–01, ORD 7659 P 2–30 A 0141–01, ORD 8569 P 11–30 A 1005–01, ORD 7399 P 2–30 A 0141–01, ORD 8016 P 11–30 A 1005–01, ORD 8295 P 11–30 A 1005–01, ORD 8226 P 11–30 A 1005–01, ORD 8760 P 11–30 A 1005–01, ORD 7887 P 11–30 A 1005–01, ORD 7890 P 11–30 A 1005–01, ORD 7661 P 2–30 A 0141–01, the available balances of which are sufficient to cover cost of same.

This contract authorized under section 1 (a), Act of July 2, 1940 (Public, No. 703),

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8852; Filed, November 26, 1941; 9:25 a. m.]

[Contract No. W–398–qm–69; O. I. #69]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MANUFACTURING COMPANY, (GENERAL MOTORS TRUCK & COACH DIVISION), PONTIAC, MICHIGAN

Contract for: Trucks • • •.
Amount: $1,699,933.20.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 22d day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver • • • Trucks • • • for the consideration stated $1,699,933.20 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of acceptable articles within the times specified in Article 1, or any extension or extensions thereof, the Government may, by written notice, terminate the right of the contractor to proceed with the delivery of all or any portion of the undelivered articles covered by this contract.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 15. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Terms of payment. Discount will be allowed for prompt payment as follows: 20 calendar days $ • • • per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22006 P 241–30 A 0022–13, the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1 (a) Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8853; Filed, November 26, 1941; 9:25 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1079]

PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR RAIL SHIPMENT

MEMORANDUM OPINION AND ORDER GRANTING IN PART TEMPORARY RELIEF

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed with this Division in the above-entitled docket by District Board 10, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for certain coals produced in District 10 for rail shipment. These coals are produced at a number of mines heretofore classified and priced only for truck shipment. The petition sets forth that these mines will, if relief is granted, load their coals for rail shipment from facilities at Marion, Illinois, maintained by the McLaren Fuel Company in conjunction with a preparation plant which it is erecting at that point; and that coals of these mines with a top size of 2" or less will be prepared at this plant.

The original petition did not contain sufficient facts to warrant the granting of either temporary or permanent relief without a hearing, and the matter was consequently set down for hearing on November 24, 1941, by a Notice of and Order for hearing dated October 20, 1941. Subsequently, District Board 10 filed a motion for immediate temporary relief, setting forth certain additional facts. It is now alleged that screenings currently stored on the ground of the mines for which relief is prayed are deteriorating due to weather conditions, and are commencing to heat, and that unless temporary relief is granted the mines will be unable to find an outlet for these coals.

No petitions of intervention have been filed in this matter.

It now appears that there is an urgent need for temporary relief in advance of a hearing, and that the granting of such relief will not unduly prejudice the interests of other parties.

Now, therefore, it is ordered, That a reasonable showing of necessity having been made, temporary relief in the above-entitled matter is hereby granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck is supplemented temporarily by including the price classifications and minimum prices set forth in the Schedule marked "Temporary supplement R", annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be

filed in accordance with the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The temporary relief herein granted is not to be construed as in any way constituting a ruling, or expression of the Director's opinion, concerning the propriety of any arrangements which may be undertaken in connection with the preparation or marketing of the coals in question. Rail shipments made pursuant to the relief herein granted must, of course, be reported in accordance with the requirements of the Marketing Rules and Regulations and outstanding orders of the Division.

Nothing herein shall be taken as an expression of the views of the Director concerning the final disposition of this proceeding.

Dated: November 4, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this Temporary Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

Supplement R

Price group No.	Producer	Mine	Mine Index No.	Freight origin group	Shipping point	Railroad
5	Angel & Fry	Cedar Hill	1171	142	Marion, Ill.	IC-MP.
5	Black Banner Coal Co. (Carl H. Grisham).	Black Banner Coal Co.	1183	142	Marion, Ill.	IC-MP.
5	Bradely, Jack	Quality Coal Co.	1176	142	Marion, Ill.	IC-MP.
5	Brown, David	Blue Ribbon #2	1178	142	Marion, Ill.	IC-MP.
5	Brown & Roberts Coal Company	Brown & Roberts	1179	142	Marion, Ill.	IC-MP.
5	Cline, Oscar (Square Deal Coal Co.).	Square Deal	1305	142	Marion, Ill.	IC-MP.
5	Corder, Vallie (Vallie Corder Coal Mine).	Vallie Corder	1184	142	Marion, Ill.	IC-MP.
5	Cox, Lester	Cox	1216	142	Marion, Ill.	IC-MP.
5	Diamond Star Coal Co. (Loren Scott).	Diamond Star	1185	142	Marion, Ill.	IC-MP.
5	Ferges Bros. (Ed Ferges)	Ferges Bros.	1239	142	Marion, Ill.	IC-MP.
5	Fry, C. F.	Walnut Valley	1188	142	Marion, Ill.	IC-MP.
5	Gentry, Ed. (New Black Diamond Coal Co.).	Black Diamond #4	1190	142	Marion, Ill.	IC-MP.
5	Graves, M. C.	M. C. Graves	1232	142	Marion, Ill.	IC-MP.
5	Helm, R. E.	Helm #3	1192	142	Marion, Ill.	IC-MP.
5	Henson, Loren	Henson Coal Co.	1221	142	Marion, Ill.	IC-MP.
5	Hickey Coal Company	Hickey	1193	142	Marion, Ill.	IC-MP.
5	Howerton, James O. (Howerton Coal Co.).	Howerton	1195	142	Marion, Ill.	IC-MP.
5	Mitchell Coal Co. (Ed Mitchell & H. Lantrip).	Mitchell	1199	142	Marion, Ill.	IC-MP.
5	Moore & Son Coal Company	Moore & Son	1200	142	Marion, Ill.	IC-MP.
5	Moren Coal Company (R. M. Winters).	Moren	1201	142	Marion, Ill.	IC-MP.
5	New Prosperity Coal Company	New Prosperity	1412	142	Marion, Ill.	IC-MP.
5	Norris Coal Co. (Louis Norris)	Norris Coal Co.	1203	142	Marion, Ill.	IC-MP.
5	O. B. C. Coal Company (George Overby).	O. B. C.	1367	142	Marion, Ill.	IC-MP.
5	Oak Grove Coal Co. (James Palmer).	W. H. B.	1204	142	Marion, Ill.	IC-MP.
5	Ozment & Chase (Cherry Hill Coal Co.).	Cherry Hill	1205	142	Marion, Ill.	IC-MP.
5	Pulley, Guy (Pulley Coal Co.)	Pulley	1212	142	Marion, Ill.	IC-MP.
5	Ramsey, Charles (Black Diamond Mine).	Chas. Ramsey	1227	142	Marion, Ill.	IC-MP.
5	Sims Coal Co. (Ray Sims)	Sims	1218	142	Marion, Ill.	IC-MP.
5	Steel Tipple Coal Co. (Claude Angel).	Steel Tipple	1222	142	Marion, Ill.	IC-MP.
5	Strobel, A. O.	A. O. Strobel	1233	142	Marion, Ill.	IC-MP.
5	Stump, C. C.	New Superior Coal Co.	1202	142	Marion, Ill.	IC-MP.
5	Sunny Brook Coal Company	Sunny Brook	1226	142	Marion, Ill.	IC-MP.
5	White Heat Coal Company (George Frame).	White Heat	1233	142	Marion, Ill.	IC-MP.
5	Wilkins, Arleigh (Spillertown Coal Co.).	New Spillertown	1414	142	Marion, Ill.	IC-MP.
5	Willow Spring Co. (C. H. McNeil)	Willow Spring	1234	142	Marion, Ill.	IC-MP.
5	Winning Coal Co. (W. T. Winning).	Green Valley	1238	142	Marion, Ill.	IC-MP.
5	Yearack Brothers (Frank Yearack).	Egyptian	1241	142	Marion, Ill.	IC-MP.

The f. o. b. mine prices for Mine Index Nos. 1171, 1183, 1176, 1178, 1179, 1305, 1184, 1216, 1185, 1239, 1188, 1190, 1232, 1192, 1221, 1193, 1195, 1199, 1200, 1201, 1412, 1203, 1367, 1204, 1205, 1212, 1227, 1218, 1222, 1223, 1202, 1226, 1233, 1414, 1234, 1238, 1241 shall be the same as the prices provided for the mines in Price Group 5 in Price Schedule No. 1 for District No. 10 for All Shipments Except Truck, for all size groups and for all uses and for shipment to all market areas; provided, however, that these prices apply f. o. b. transportation facilities at the McLaren Fuel Co.'s Preparation Plant, Marion, Illinois.

[F. R. Doc. 41-8812; Filed, November 25, 1941; 10:40 a. m.]

[Docket No. A-1057]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1057, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF MINE INDEX NOS. 890 AND 891, FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF MINE INDEX NO. 1471 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2812, 885, 774 AND 894 IN DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1057 PART II FROM DOCKET NO. A-1057, GRANTING, IN PART, TEMPORARY RELIEF IN DOCKET NO. A-1057 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1057 PART II

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with this Division in Docket No. A-1057, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1.

As indicated in an Order issued in Docket No. A-1057, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner, except with respect to the establishment of price classifications and minimum prices for the mixing of the coals of Mine Index Nos. 890 and 891, the establishment of an additional rail loading point for the coals of Mine Index No. 1471 and the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 2812, 885, 774 and 894, for all shipments except truck.

While it appears that a reasonable showing of necessity has been made for the granting of temporary relief in the form of price classifications and minimum prices for the coals of Mine Index Nos. 2812, 885, 774 and 894, for all shipments except truck, as prayed for by the petitioner, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of price classifications and minimum prices, without a hearing, for the mixing of the coals of Mine Index Nos. 890 and 891, or for the establishment of an additional rail loading point for the coals of Mine Index No. 1471, for all shipments except truck.

Now, therefore, it is ordered, That the portion of Docket No. A-1057 relating to the establishment of price classifications and minimum prices for the mixing of the coals of Mine Index Nos. 890 and 891, for the establishment of an additional rail loading point for the coals of Mine Index No. 1471, and for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 2812, 885, 774, and 894, in District No. 1, for all shipments except truck.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 1, for All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the temporary supplement annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: October 20, 1941.

[SEAL] H. A. GRAY, *Director.*

relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 12, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the mixing of the coals of Mine Index Nos. 890 and 891, for the establishment of an additional rail loading point for the coals of Mine Index No. 1471, and for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 2812, 885, 774 and 894, for all shipments except truck, bc. and it hereby is, severed from the remainder of Docket No. A-1057 and designated as Docket No. A-1057 Part II.

It is further ordered, That a hearing in Docket No. A-1057 Part II under the applicable provisions of said Act and the rules of the Division be held on November 17, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, setting forth the facts on the basis of which the

TEMPORARY SUPPLEMENT R

NOTE: The material contained in this Temporary Supplement R is to be read in the light of the classifications, prices, instructions exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2812	Desalvo, Donato	Spring Run	2	D	Wreford, Pa.	PS&N	118	H	H	H	J	J
885	Gruskin, Louis (L. Gruskin Mining Company)	Gruskin	10	B	Kittanning, Pa.	P&S	79	H	H	H	J	J
774	Indian Head Fuel Co. (H. M. Young)	Layman	33	B	Indian Head, Pa.	B&O	100	(†)	(†)	C	F	F
894	Yanity Brothers (Casmer Yanity)	Coy	23	E	Tearing Run Jct., Pa.	PRR	83	(†)	(†)	C	(†)	(†)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

[F. R. Doc. 41-8813; Filed, November 25, 1941; 10:40 a. m.]

[Docket No. B-129]

IN THE MATTER OF R. B. MORPHEW, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 24, 1941, pursuant to the provisions of sections 4 II(j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 29, 1941, by Bituminous Coal Producers Board for District 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 16, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, R. B. Morphew, of Natural Bridge, Alabama, whose code membership became effective as of September 27, 1939, operator of the Oak Leaf Mine, Mine Index No. 139, located in Subdistrict 2 of District No. 13, Winston County, Alabama, during the month of July 1941, sold to J. O. Springer, trading as the Sheffield Coal Company, Sheffield, Alabama, substantial quantities of mine run and steam (1½ x 0") bituminous coal produced at said mine at $2.25 per net ton f. o. b. the mine for said mine run coal and $1.25 per net ton f. o. b. said mine for said steam coal. The run of mine coal referred to hereinabove was classified as Size Group No. 13 as set forth in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipment and priced at $2.90 per net ton f. o. b. the mine; and the 1½" x 0 steam coal referred to hereinabove was classified as Size Group No. 23 as set forth in the said Schedule and priced at $2.20 per net ton f. o. b. the mine, therefore, the above transactions constituted sales of bituminous coal below the minimum price established therefor in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8856; Filed, November 26, 1941; 10:33 a. m.]

[Docket No. B-64]

IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 7, 1941, by Bituminous Coal Producers Board for District 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant whose address is East Lynn, West Virginia, of the Bituminous Coal Code or Rules and Regulations thereunder as follows: section 4 II (c) of the Act and Part II (e) of the Code by selling and delivering during May and June, 1941, to the Ann Arbor Railroad Company, Norman B. Petcairn and Frank C. Nicodemus, Jr., Receivers, for use as railway locomotive fuel, approximately 450 tons of Size Group 7 or 5" x 2" egg coal produced by the defendant at the defendant's mine located in Wayne County, West Virginia and designated as Mine Index No. 2431, at a price of $1.85 per net ton f. o. b. said mine, the effective minimum price established for this grade of coal at the time of sale being $2.30 per net ton f. o. b. said mine.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8857; Filed, November 26, 1941; 10:33 a. m.]

[Docket No. B-66]

IN THE MATTER OF BEN SHELTON, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 16, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia;

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: By selling on or about November 13, 1940, to County of Nicholas, West Virginia, approximately 4 tons of High Volatile Mine Run Coal, Size Group 6, produced at defendant's mine, Mine Index No. 1462, District No. 8, at a price of $2.20 per net ton delivered to the County Court House, Summersville, West Virginia, whereas the applicable minimum price established for such coal is $2.20 per net ton f. o. b. the mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, plus an amount at least equal, as nearly as practicable, to the actual transportation charge of approximately 15 cents per net ton incurred by the defendant in transporting such coal from said mine to the County Court House, Summersville, West Virginia.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-8858; Filed, November 26, 1941; 10:35 a. m.]

[Docket No. B-22]

IN THE MATTER OF NINA C. ENGLER, AN INDIVIDUAL, DOING BUSINESS AS ENGLER COAL AND COKE COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2774, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine:

(a) Whether or not Nina C. Engler, an individual doing business as Engler Coal and Coke Company, a registered distributor, Registration No. 2774, whose address is 503 Omaha Loan Building, 15th and Dodge Street, Omaha, Nebraska, has violated any of the provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors and the Distributor's Agreement (the "Agreement"), executed on December 16, 1940, by respondent, pursuant to the Order of the Division dated June 19, 1940, in General Docket No. 12; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent, acting in the capacity of subsales agent, pursuant to a subsales agency agreement filed with the Division December 11, 1940, with Ed Sweeney (doing business as Tripple "C" Coal Company), code member principal, operating the Sweeney Mine, Mine Index No. 188, located in La Flore County, Oklahoma, in District No. 14, during the period from January 2, 1941, to January 21, 1941, both dates inclusive, sold on behalf of said code member approximately 44.20 net tons of 2½" lump coal produced at the aforesaid mine, to the Crescent Coal Company, Omaha, Nebraska, approximately 43.70 net tons of 2½" lump coal produced at the aforesaid mine, to the American Coal Company, Omaha, Nebraska, and approximately 43.75 net tons of coal produced at the aforesaid mine to the Aksarben Coal Company, Omaha, Nebraska. Respondent accepted and retained commissions on the above transactions in addition to the 9 per cent commission stipulated in said agreement as follows: 15 cents per net ton on the coal sold to the Crescent Coal Company, and 10 cents per net ton on the coal sold to the American Coal Company and the Aksarben Coal Company. The excessive commissions were paid to respondent by said code member, although a certified copy of an agreement modifying the stipulated commission in said sales agency agreement was not filed with the Division as required by Rule 4 (B) of section II of the Marketing Rules and Regulations, and the excessive commissions were, therefore, paid in violation of Rule 9 (a) of section II of the Marketing Rules and Regulations. Respondent, in accepting and retaining said excessive commissions, participated in a violation of Rule 9 (a) of section II of the Marketing Rules and Regulations, and thereby violated paragraph (e) of the agreement referred to in paragraph 1 (a) hereof.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the reg-

istration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 14, 1942, at 10 a. m. at the County Court Room, Omaha, Nebraska.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the charges and to have consented to the entry of an appropriate order on the basis of the facts.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8859; Filed, November 26, 1941; 10:35 a. m.]

[Docket No. B-56]

IN THE MATTER OF JOHN B. RAVIZZA, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 6, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 19, 1941, by Bituminous Coal Producers' Board for District No. 19, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 23, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Rawlins, Wyoming.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, John B. Ravizza, of 437 State Street, Rawlins, Wyoming, during the period October 3, 1940, to January 28, 1941, sold approximately 266 tons of slack coal, Size Groups 15 and 16 produced at his Pine Bed Mine (Mine Index No. 181) located in Carbon County, Wyoming, District No. 19, to the Wyoming State Penitentiary at Rawlins, Wyoming, at a price of $1.25 per ton f. o. b. the mine for truck delivery whereas the effective minimum price for said coal was $1.50 per ton f. o. b. the mine less one cent per ton as set forth in the Schedule of Effective Minimum Prices for District No. 19 for Truck Shipments, and Price Instruction and Exception No. 12 as contained in said Schedule.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8860; Filed, November 26, 1941; 10:35 a. m.]

[Docket No. B-79]

IN THE MATTER OF WHITELEY & BUCKALEW, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9675, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937, (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not Whiteley & Buckalew, Inc., Registered Distributor, Registration No. 9675, whose address is 19 Rector Street, New York, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Code, any orders or regulations of the Division, including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") executed July 25, 1940, by the respondent, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that

2. Respondent, Whiteley & Buckalew, Inc., is a corporation incorporated in the State of New York in the year 1936.

3. Respondent, acting in the capacity of sub-sales agent, pursuant to an agreement dated October 2, 1940, and modified on April 2, 1941, with the Pursglove Coal Mining Company, code member principal, operating The Pursglove No. 2 and Pursglove No. 15 Mines, Mine Index Nos. 120, and 119-121 respectively, located in Monongalia County, West Virginia, in District No. 3, during the period from October 9, 1940, to August 12, 1941, both dates inclusive, sold in behalf of said code member, 53 cars or approximately 2,510.99 net tons of various sizes of coal produced at the aforesaid mines. Respondent accepted and retained commissions in the aggregate amount of $593.30 on said transactions, which amount was $228.45 in excess of $364.85, the aggregate amount of the commissions to which respondent was entitled on said transactions as stipulated in the sales agency agreement. Respondent in accepting and retaining said excessive commissions participated in transactions in violation of Rule 9 (a) of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement referred to in paragraph 1 (a) hereof.

4. Respondent acting in the capacity of sales agent, pursuant to an agreement dated September 30, 1940, with Reitz Coal Company, code member principal, operating the Reitz No. 2, Reitz No. 4, Reitz No. 5 and Reitz No. 8 Mines, Mine Index Nos. 420, 423, 424 and 425, respectively, located in Somerset County, Pennsylvania, in District No. 1, during the period from October 30, 1940, to August 8, 1941, both dates inclusive, sold in behalf of said code member 32 cars or approximately 1639.95 net tons of various sizes of coal produced at the aforesaid mines. Respondent accepted and retained commissions in the aggregate amount of $489.45 on said transactions, which amount was $229.14 in excess of $260.31, the aggregate amount of the commissions to which Respondent was entitled on said transactions as stipulated in the sales agency agreement. Respondent in accepting and retaining said excessive commissions, participated in transactions in violation of Rule 9 (a) of section II of the Marketing Rules and Regulations, and thereby violated paragraph (e) of the Agreement referred to in paragraph 1 (a) hereof.

5. Respondent acting in the capacity of sales agent, pursuant to an agreement dated October 1, 1940, with Canyon Coal & Coke Company, code member principal, operating the Canyon Coal & Coke Co. Mine, Mine Index No. 32, located in Monongalia County, West Virginia, in District No. 3, during the period from January 6, 1941, to January 20, 1941, both dates inclusive, sold in behalf of said code member 3 cars or approximately 141.05 net tons of 1¼" x ⅝" pea coal, Size Group No. 5, produced at the aforesaid mine. Respondent accepted and retained commissions in the aggregate amount of $35.26 on said transactions, which amount was $7.05 in excess of $28.21, the aggregate amount of the commissions to which Respondent was entitled on said transactions as stipulated in the sales agency agreement between Respondent and said code member. Respondent in accepting and retaining said excessive commissions participated in transactions in violation of Rule 9 (a) of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement referred to in paragraph 1 (a) hereof.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 13, 1942, at 10 a. m. in a hearing room of the Bituminous Coal Division at Room D, Washington Hotel, Washington, D. C.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8861; Filed November 26 1941; 10:36 a. m.]

[Docket No. B-73]

IN THE MATTER OF AUSTIN GAP COAL CO., ALSO KNOWN AS AUSTIN GAP COAL CO., INC., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 3, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 8, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 28, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Abingdon, Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an

appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is Dante, Virginia, sold coal produced at its Austin Gap Mine, Mine Index No. 2671, located near Dante, Russell County, Virginia, in Subdistrict 6 of District No. 8, as follows:

(a) on or about January 21, 1941, to Paul Warren, Bristol, Virginia, approximately 5 tons of lump over 2'' coal, Size Group 1, at an f. o. b. mine price of $2.15 per net ton for which the effective minimum f. o. b. mine price was $2.65 per net ton as shown in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

(b) on or about January 21, 1941, to Morris Freezer & Company, Wytheville, Virginia, approximately 6 tons of stoker coal, Size Group 5, at an f. o. b. mine price of $1.55 per net ton for which the effective minimum f. o. b. mine price was $2.15 per net ton.

(c) on or about March 26, 1941, to Carson King, Hamlin, Virginia, approximately 5.92 tons of lump over 2'' coal, Size Group 1, at an f. o. b. mine price of approximately $2.01 per net ton for which the effective minimum f. o. b. mine price was $2.65 per net ton.

(d) on or about March 26, 1941, to O. J. Kiser, Hamlin, Virginia, approximately 5.3 tons of lump over 2'' coal, Size Group 1, at an f. o. b. mine price of $2.00 per net ton for which the effective minimum f. o. b. mine price was $2.65 per net ton.

(e) on or about March 26, 1941, to Front Street Service Station, Bristol, Virginia, approximately 6.37 tons of lump over 2'' coal, Size Group 1, at an f. o. b. mine price of approximately $2.29 per net ton for which the effective minimum f. o. b. mine price was $2.65 per net ton.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8862; Filed, November 26, 1941; 10:36 a. m.]

[Docket No. B-52]

IN THE MATTER OF A. E. WHITTINGTON, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 18, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, W. Va.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is R. F. D. #5, Charleston, West Virginia, sold and delivered by truck on various dates between April 1, 1941, and May 1, 1941, to the Belle Alkali Company, Belle, West Virginia, coal produced at his Whittington Mine, (Mine Index No. 1428), located in Kanawha County, West Virginia, Subdistrict 4 of District No. 8, as follows:

(a) approximately 30 tons of High Volatile Size Group 6 or Straight Mine Run coal at a delivered price of $2.20 per net ton, whereas the effective minimum price for such coal for truck shipment was $2.20 per net ton f. o. b. the Whittington Mine plus at least the actual cost of transportation, being approximately twenty (20) cents per net ton, thereof to the Belle Alkali Company, Belle, West Virginia, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment and Price Instruction 5 thereto as amended in Supplement No. 1 of said Schedule.

(b) approximately 6 tons of High Volatile Size Group 7 or 2'' and under slack coal at a delivered price of $1.65 per net ton, whereas the effective minimum price for such coal for truck shipment was $1.65 per net ton f. o. b. the Whittington Mine plus at least the actual cost of transportation, being approximately twenty (20) cents per net ton, thereof to the Belle Alkali Company, Belle, West Virginia, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipment and Price Instruction 5 thereto as amended in Supplement No. 1 of said Schedule.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8863; Filed, November 26, 1941; 10:36 a. m.]

[Docket No. B-122]

IN THE MATTER OF BARNEY SANDERS, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is East Lynn, West Virginia, sold, delivered, and offered to sell on various dates between October 1, 1940, and December 1, 1940, to the Owens Illinois Glass Company of Huntington, West Virginia, approximately 640 tons of High Volatile Size Group 5 or nut 2'' and Under coal produced by the defendant in District 8 from the defendant's mine designated as Mine Index No. 2430 located in Wayne County, West Virginia, such sales, deliveries and offers to sell being at a price of $1.45 per net ton f. o. b. the said mine, all contrary to the provisions of the Bituminous Coal Act of 1937 establishing a minimum price for each such sale, delivery, and offer to sell of $1.85 per net ton f. o. b. the mine.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8864; Filed, November 26, 1941; 10:37 a. m.]

[Docket No. B-125]

IN THE MATTER OF J. T. DANIELS, A CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 17, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 19, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Cattlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) that defendant, J. T. Daniels, whose address is Jettie, Kentucky, on or about July 17, July 18, and July 21, 1941, sold and delivered to Shelby Steam Coal Company, Shelbiana, Kentucky, approximately 18 tons of high volatile mine run coal produced at his Daniels Mine, Mine Index No. 646, located in Pike County, Kentucky in District No. 8, at a price of $2.00 per net ton f. o. b. railroad cars at Shelbiana, Kentucky, whereas the effective minimum price established for such coal was, and is, $2.10 per net ton f. o. b. the mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, and the defendant failed to add to the applicable minimum f. o. b. mine price, an amount, equal as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser, as contained in Price Instruction No. 5 of supplement No. 1 to the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, the actual transportation charges from the defendant's mine to said railroad cars being approximately 15 cents per ton.

(b) The transactions set forth above in paragraph (a) are in violation of section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code.

Dated: Nov. 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8865; Filed, November 26, 1941; 10:37 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL, MANCOS PROJECT, COLORADO

JULY 11, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269) as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in Section 10, Act of October 14, 1940 (54 Stat. 1119) and that Departmental order of April 8, 1935, including the said lands in Grazing District No. 4, Colorado, be modified and made subject to the withdrawal effected by this order.

MANCOS PROJECT, COLORADO

New Mexico Principal Meridian

T. 36 N., R. 13 W.,
Sec. 19, SE¼;
Sec. 20, SW¼;
Sec. 29, N½NW¼;
Sec. 30, NE¼, NW¼SE¼;
T. 35 N., R. 14 W., Sec. 2, S½NW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: October 2, 1941.

R. H. RUTLEDGE,
Director, Grazing Service.

I concur: September 30, 1941.

FRED W. JOHNSON,
Commissioner, General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

NOVEMBER 10, 1941.

[F. R. Doc. 41-8848; Filed, November 26, 1941; 9:24 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL MANCOS PROJECT, COLORADO

JULY 11, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 10, Act of October 14, 1940 (54 Stat. 1119):

MANCOS PROJECT, COLORADO

New Mexico Principal Meridian

T. 37 N., R. 12 W.,
Sec. 17, SW¼, S½NW¼;
Sec. 18, SE¼;
Sec. 19, N½;
Sec. 20, NW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: September 30, 1941.

FRED W. JOHNSON,
Commissioner, General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

NOVEMBER 10, 1941.

[F. R. Doc. 41-8849; Filed November 26, 1941; 9:24 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL, PAONIA PROJECT, COLORADO

OCTOBER 15, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat., 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388), and that Departmental Order of April 8, 1935, establishing Grazing District No. 3, Colorado, be modified and made subject to the reclamation withdrawal effected by this order.

PAONIA PROJECT, COLORADO, SPRING CREEK RESERVOIR SITE

Sixth Principal Meridian

T. 12 S., R. 89 W., Sec. 8, W½NW¼, SE¼NW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: November 10, 1941.

ARCHIE D. RYAN,
Acting Director, Grazing Service.

I concur: October 27, 1941.

FRED W. JOHNSON,
Commissioner, General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

NOVEMBER 13, 1941.

[F. R. Doc. 41-8850; Filed, November 26, 1941; 9:24 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL PINE FLAT RESERVOIR SITE, CALIFORNIA

OCTOBER 28, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands, excepting any tract the title of which has passed out of the United States, be withdrawn from public entry under the first form, as provided by Section 3, Act of June 17, 1902 (32 Stat. 388).

PINE FLAT RESERVOIR SITE

Mount Diablo Meridian, California

Township 12 South, Range 25 East,
Sec. 3, Lot 4, SW¼NW¼, NW¼SW¼;
Sec. 4, SW¼SW¼;
Sec. 6, SW¼SE¼;
Sec. 7, NE¼NE¼, E½SE¼, SW¼SE¼, SE¼SW¼;
Sec. 8, W½W½;
Sec. 9, SE¼SW¼;
Sec. 10, E½W½;
Sec. 14, SW¼NW¼, NW¼SW¼;
Sec. 15, S½NE¼, SW¼NW¼, N½SW¼;
Sec. 16, N½, N½SE¼, E½SW¼;
Sec. 17, SE¼NE¼, N½NW¼, SW¼SW¼;
Sec. 18, N½NE¼, SW¼NE¼, SE¼SE¼;
Sec. 19, SE¼SW¼, Lot 4;
Sec. 20, NE¼, NE¼NW¼;
Sec. 21, SW¼NW¼, NW¼SW¼;
Sec. 23, NW¼NE¼;
Sec. 24, SW¼SW¼;
Sec. 26, N½NE¼;
Sec. 27, NE¼NW¼;
Sec. 28, N½NW¼, NW¼SE¼, N½SW¼SE¼;
Sec. 29, NE¼NE¼, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 30, SE¼SE¼, SE¼SW¼, Lots 3, 4;
Sec. 31, NE¼NW¼, SE¼NE¼, N½SE¼, NE¼SW¼;
Sec. 32, NE¼NE¼, S½N½.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: November 6, 1941.

JOEL DAVID WOLFSOHN,
Acting Commissioner, General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

NOVEMBER 18, 1941.

[F. R. Doc. 41-8851; Filed, November 26, 1941; 9:24 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO THE RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Nehi Company of Owensboro, Kentucky, Owensboro, Kentucky, relief from the necessity of preserving their customer orders, invoices and bills of lading to customers for two years as required by § 516.15, paragraph (b), on condition that the Company continues to record the names and addresses of their customers in the "Consecutive Order Book" in accordance with § 516.15, paragraph (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 25th day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8889; Filed, November 26, 1941; 11:56 a. m.]

NOTICE OF GRANTING OF EXCEPTION PURSUANT TO THE RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted Cluett, Peabody & Company, Inc., Troy, New York, relief from the necessity of preserving their customer orders, invoices and bills of lading to customers for two years as required by Section 516.15, paragraph (b).

The authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C., this 25th day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8890; Filed, November 26, 1941; 11:58 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5(b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 27, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Boston Leather Specialties, Inc., 210 Broadway, Everett, Massachusetts; Automotive Accessories and Baby Necessities; 3 learners; 4 weeks for any one learner; 25 cents per hour; Filler; February 6, 1942.

S. Heinemann, 816 Front Street, Newport, Arkansas; Buttons; 5 learners; 8 weeks for any one learner; 25 cents per hour; Button Blank Cutter; January 29, 1942. (This certificate effective November 20, 1941, instead of September 20, 1941 as erroneously recorded in FEDERAL REGISTER—Reference 6 F.R.—5904.)

Louisville Lamp Company, Louisville, Kentucky; Lamp Shades; 10 learners; 320 hours for any one learner; 35 cents per hour; Hand Sewing; January 31, 1942. (This certificate effective November 20, 1941, instead of September 20, 1941 as erroneously recorded in FEDERAL REGISTER—Reference 6 F.R.—5904.)

Oxford Cabinet Company, Oxford, Pennsylvania; Furniture; 6 learners; 6 weeks for any one learner; 30 cents per hour; Lumber grader, Cabinet assembler, Sander, Hinger; January 8, 1942.

Oxford Cabinet Company, Oxford, Pennsylvania; Furniture; 6 learners; 6 weeks for any one learner; 30 cents per hour; Wood working machine operator; Paint sprayer; January 22, 1942.

Oxford Furniture Company, Oxford, Pennsylvania; Furniture; 4 learners; 6 weeks for any one learner; 30 cents per hour; Paint Sprayer, Wood working machine operator, Sink Builder; January 22, 1942.

Oxford Furniture Company, Oxford, Pennsylvania; Furniture; 16 learners; 4 weeks for any one learner; 30 cents per hour; Assembler, Sander, Striper, Upholsterer, Hinger; January 8, 1942.

Signed at Washington, D. C., this 26th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-8891; Filed, November 26, 1941; 11:58 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective November 27, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Acme Pad Corporation, 516 West Baltimore Street, Baltimore, Maryland; Shoulder Pads; 5 learners (T); November 27, 1942.

Borman Sportswear, Inc., 6–10 N. William Street, Johnstown, New York; Jackets; 5 percent (T); November 27, 1942.

Chicago Rubber Clothing Company, 1501 Albert Street, Racine, Wisconsin; Rainwear, Sportswear, Sport Shirts; 10 percent (T); May 27, 1942.

Hansley Mills, Inc., South Main Street, Paris, Kentucky; Men's & Boys' Athletic Underwear; 40 learners (E); May 27, 1942.

Ralph W. Hayden, 420 South Main Street, Rockford, Illinois; Neckties; 2 learners (T); March 12, 1942.

Charles H. Levy Company, Inc., 142 Chartres, New Orleans, Louisiana; Neckties; 5 learners (T); November 27, 1942.

United Handkerchief Corporation, 35 8th Street, Passaic, New Jersey; Handkerchiefs; 5 percent (T); November 27, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Akron Manufacturing Company, 1016-20 Moon Street, Akron, Pennsylvania; Ladies' Nightwear; 5 learners (T); November 27, 1942.

Angelica Jacket Company, 1421 Olive Street, St. Louis, Missouri; Service Coats, Dresses, Pants, Accessories; 10 percent (T); November 27, 1942.

Angelica Jacket Company of California, 1223 South Wall Street, Los Angeles, California; Washable Service

Apparel; 5 learners (T); November 27, 1942.

Berkowitz Duck Garment Manufacturing Company, Porter and Swanson Streets, Philadelphia, Pennsylvania; Butcher and Barber Coats, Aprons & Trousers; 3 learners (T); November 27, 1942.

Big Jack Overall Company, Inc., Fourth Street, Bristol, Tennessee; Overalls, Denim Pants, Denim Coats; 10 percent (T); November 27, 1942.

Big Jack Overall Company, Inc., Lee and Sycamore Streets, Bristol, Virginia; Work Pants, Work Shirts; 10 percent (T); November 27, 1942.

The Brunner Company, 632 St. Clair Avenue, N. W., Cleveland, Ohio; Dresses, Housecoats; 10 percent (T); November 27, 1942.

Famous Foundations, Inc., So. West 29th Street, New York, N. Y.; Girdles; 5 learners (T); March 12, 1942.

Fashion Foundations, Inc., 37 West 36th Street, New York, N. Y.; Corsets, Brassieres, Corselettes; 10 percent (T); March 12, 1942.

Milton Hoisch, 308 E. Ninth Street, Los Angeles, California; Ladies' Slack Suits, Ladies' Blouses; 3 learners (T); November 27, 1942.

Ideal Brassiere Company, 889 Broadway, New York, New York; Brassieres; 10 percent (T); March 12, 1942.

Jaffee Brothers, 94–21 Merrick Boulevard, Jamaica, New York; Overalls, Shorts, Slacks and Slack Sets; 10 learners (T); May 27, 1942.

Karp Dress Company, Inc., 335 Barton Street, Pawtucket, Rhode Island; Ladies' Dresses; 8 learners (T); November 27, 1942.

Kunin Manufacturing Company, Inc., 19 West 36th Street, New York, N. Y.; Children's Underwear, Sleeping Wear; 10 percent (T); March 12, 1942.

Lenore Dress Company, 105–107 Dudley Street, Dunmore, Pennsylvania; Dresses; 30 learners (E); May 28, 1942.

R. Lowenbaum Manufacturing Company, 2225 Locust Street, St. Louis, Missouri; Dresses; 10 percent (T); November 27, 1942.

Mel Rose Manufacturing Company, 712 Commerce Street, Dallas, Texas; Slacks, Slack Suits; 5 learners (T); November 27, 1942.

Meyersdale Manufacturing Company, Inc., Grant Street, Meyersdale, Pennsylvania; Shirts; 93 learners (E); April 16, 1942.

Modern Form Foundations, Inc., 650 6th Avenue, New York, N. Y.; Girdles and Brassieres; 10 percent (T); March 12, 1942.

Pleetoox Products Company, 2846 Olive Street, St. Louis, Missouri; Haircloths, Aprons, Duck, Coats, Towels, Uniforms; 2 learners (T); November 27, 1942.

Princess Undergarment Company, 59 Liberty Avenue, Brooklyn, New York; Knitted Bed Jackets (Rayon), Cotton and Satin Gowns; 4 learners (T); March 12, 1942.

S. I. Novelty Company, Inc., 2961 Atlantic Avenue, Brooklyn, New York; Beachwear for Children, Snow Suits, Overalls, Shirts; 10 percent (T); March 12, 1942.

Star Novelty Company, Inc., 477 Broadway, New York, New York; Overalls; 10 learners (T); March 12, 1942.

Sumneytown Clothing Manufacturing Company, Sumneytown, Pennsylvania; Men's Pants; 5 learners (T); November 27, 1942.

United Cotton Goods Company, Inc., Hill Street, Griffin, Georgia; Washable Service Apparel; 5 learners (T); November 27, 1942.

Upstate Garment Company, Inc., 52 South River Street, Coxsackie, New York; Ladies' Dresses; 10 percent (T); November 27, 1942.

Vogue Foundations, Inc., 60–66 Shipman Street, Newark, New Jersey; Girdles, Corsets, Foundation Garments, Brassieres, Bandettes and Accessories; 5 learners (T); November 27, 1942.

Wilmer Fashion, 7th and Bridge Streets, Lehighton, Pennsylvania; Dresses; 10 percent (T); November 27, 1942.

Worcester Underwear Company, 72 Commercial Street, Worcester, Massachusetts; Cotton Pajamas, Cotton Nightgowns; 10 learners (T); November 27, 1942.

Gloves

Sellinger Glove Company, 401 North 8th Street, Sheboygan, Wisconsin; Leather Dress Gloves; 10 percent (T); May 27, 1942.

Tennessee Glove Co., Inc., South Atlantic, Tullahoma, Tennessee; Work Gloves; 10 percent (t); November 27, 1942.

Paul K. Weil Company, 506 N. 4th Street, St. Louis, Missouri; Knit Fabric Gloves; 10 learners (T); November 27, 1942.

Hosiery

Carpenter Hosiery Mills, Wytheville, Virginia; Seamless Hosiery; 5 learners (T); May 27, 1942.

Crescent Knitting Company, 619 Armfield Street, Statesville, North Carolina; Seamless Hosiery; 5 percent (T); November 27, 1942.

Dependable Hosiery Mills, Inc., Liberty, North Carolina; Seamless Hosiery; 5 learners (T); November 27, 1942.

Glenn Hosiery Mill, Logan Street, Burlington, North Carolina; Seamless Hosiery; 5 learners (T); November 27, 1942.

Hattiesburg Hosiery Company, Tuscan Avenue, Hattiesburg, Mississippi; Full Fashioned Hosiery; 10 percent (T); November 27, 1942. (This certificate replaces one issued bearing expiration date of December 12, 1941.)

The House of Byer, Inc., 18 Ames Street, Cambridge, Massachusetts; Seamless Hosiery; 5 learners (T); November 27, 1942.

Infants Socks, Incorporated, Brown and Catherine Streets, Middletown, Pennsylvania; Seamless Hosiery; 5 percent (T); November 27, 1942.

Pen-Harris Company, Main Street, Terre Hill, Pennsylvania; Seamless Hosiery; 5 learners (T); November 27, 1942.

Tip-Top Hosiery Mills, Incorporated, Asheboro, North Carolina; Seamless Hosiery; 5 learners (T); November 27, 1942.

Knitted Wear

Clark Brothers, 20 Elm Street, Glens Falls, New York; Knitted Underwear and Outerwear; 5 learners (T); November 27, 1942.

Textiles

Cherokee Candlewick, Inc., Calhoun, Georgia; Bedspreads; 5 percent (T); November 27, 1942.

Dixie Mercerizing Company, Lupton City, Tennessee; Cotton Yarns; 3 percent (T); November 27, 1942.

Herndon Elastics Incorporated, Main Street, Herndon, Pennsylvania; Rubber Covered Thread; 12 learners (E); March 12, 1942.

Monument Mills, Main Street, Housatonic, Massachusetts; Cotton Yarn, Bedspreads; 3 percent (T); November 27, 1942.

Rocky Mount Cord Company, Gay and Pearl Streets, Rocky Mount, North Carolina; Braided Cord; 3 learners (T); November 27, 1942.

The Warren Featherbone Company, Three Oaks, Michigan; Braids, Tapes, Ribbons and Belting; 3 percent (T); November 27, 1942.

Woolens

Somerset Worsted Mills, East Madison, Maine; Men's Wear, Fancy Worsteds and Auto Fabrics; 2 learners (T); November 27, 1942.

Signed at Washington, D. C., this 26th day of November 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–8892; Filed, November 26, 1941; 11:58 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 638 and 639]

IN THE MATTER OF THE APPLICATIONS OF NORTHWEST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Please take notice that pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, public hearing in the above-entitled proceeding, being the applications of Northwest Airlines, Inc., for amendment of its existing certificate of public convenience and necessity for route No. 3 so as to permit the scheduling of trips eastbound out of Portland via Seattle as the first intermediate stop, and of trips westbound to Portland, via Seattle, now assigned for December 1, 1941, is hereby postponed to December 15, 1941, 10 a. m. (E. S. T.) in Room 7856 Commerce Building, 14th Street and Constitution Ave. NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., November 25, 1941.

[SEAL] THOMAS L. WRENN,
Examiner.

[F. R. Doc. 41–8855; Filed, November 26, 1941; 10:01 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

NOVEMBER 25, 1941.

It appearing to the Commission that: On November 15, 1941, the hearing in the above-entitled proceeding was recessed by the Commission's Examiner to reconvene on November 26, 1941;

The Commission *finds* that: Good cause exists for postponement of the hearing;

The Commission *orders* that: The hearing in this proceeding heretofore set to reconvene on November 26, 1941, be and it is hereby postponed to November 27, 1941, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41–8893; Filed, November 26, 1941; 11:58 a. m.]

[Docket No. IT–5737]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

NOVEMBER 25, 1941.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in the above-entitled matter;

The Commission *orders* that: The hearing in this proceeding, heretofore set to commence on December 1, 1941, be and it is hereby postponed to January 3, 1942, at 9:45 a. m., in Jury Room 527, United States Court House, Kansas City, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41–8894; Filed, November 26, 1941; 11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–189]

IN THE MATTER OF STONEWALL ELECTRIC COMPANY, SHERIDAN COUNTY ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

Notice is hereby given that a supplemental declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Stonewall Electric Company, a subsidiary of Federal Light & Traction Company, a registered holding company; and

Notice is further given that any interested person may, not later than December 6, 1941, at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said supplemental declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Commission, under date of November 19, 1940, issued an order herein permitting the declarations to become effective and granting the applications of Stonewall Electric Company and Sheridan County Electric Company regarding the issue and sale by Stonewall Electric Company to the United States of America acting through the Rural Electrification Administration of promissory notes in the principal amount of $74,000, the proceeds to be used for the construction of rural electric transmission, distribution and service facilities in the counties of Johnson and Sheridan, Wyoming, and the execution of a lease and option purchase agreement by Stonewall Electric Company to Sheridan County Electric Company in respect of the said electric facilities to be constructed by Stonewall.

The subject supplemental declaration and/or application is filed as an amendment herein and contemplates the issuance by Stonewall Electric Company to the Rural Electrification Administration of an additional note in the amount of $4,700, the proceeds to be used by the company in completing the construction of said electric facilities.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8882; Filed, November 26, 1941; 11:53 a. m.]

[File No. 59–17]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY; THE UNITED LIGHT AND RAILWAYS COMPANY; AMERICAN LIGHT & TRACTION COMPANY; CONTINENTAL GAS & ELECTRIC CORPORATION; UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS

[File No. 59–11]

THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

[File No. 54–25]

THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 5 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 5

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the dissolution of The United Light and Power Company; and the Commission having also by order entered in these proceedings on August 5, 1941, ordered among other things the disposition of the properties and assets of LaPorte Gas and Electric Company from its holding company system, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The United Light and Power Company (hereinafter referred to as Power), The United Light and Railways Company (Railways), Continental Gas & Electric Corporation (Continental), LaPorte Gas and Electric Company (LaPorte), Muscatine, Davenport and Clinton Bus Company (Interurban Bus Company), Iowa-Illinois Gas and Electric Company (Iowa-Illinois), United Power Manufacturing Company

(UPM), Cedar Rapids Gas Company (Cedar Rapids), Fort Dodge Gas and Electric Company (Fort Dodge), Iowa City Light and Power Company (Iowa City), Ottumwa Gas Company (Ottumwa), Moline-Rock Island Manufacturing Company (MRI), Peoples Light Company (Peoples Light), Peoples Power Company (Peoples Power), Tri-City Railway Company of Illinois (Tri-City Railway of Illinois), and Tri-City Railway Company of Iowa (Tri-City Railway of Iowa),[1] have filed on November 24, 1941, an application designated as "Application No. 5" pursuant to Sections 6, 7, 9, 10, 11, 12 (c), (d) and (f) of the Act and Rules U-42, U-43, U-44, U-45, U-46, Instruction 8C, and any other applicable sections of the Act or Rules thereunder, with respect to various proposed transactions hereinafter summarized as follows:

In effect the plan provides for the acquisition by a new operating company, to be known as the Iowa-Illinois Gas and Electric Company, of the physical assets of the directly owned operating subsidiaries (except LaPorte) of Power and of UPM., a subsidiary of Railways. This new company will be owned by Railways; it will assume the first lien consolidated mortgage bonds of Power and will become substituted as the mortgagor in place of Power. To finance this acquisition, Railways will acquire all the common stock from Iowa-Illinois. As a result of these transactions, Power will receive sufficient cash to retire, at prices not in excess of the principal amount plus accrued interest, all of its debentures. Upon consummation of all the transactions more particularly hereinafter set forth, Power will have as its remaining assets the common stock of Railways and some cash and will have outstanding only its preferred, Class A, and Class B common stocks.

The detailed transactions are more particularly summarized and set forth as follows:

(1) The sale by LaPorte of all its property and assets to non-affiliated interests; the liquidation of LaPorte; the deposit by Power with the Corporate Trustee under the First Lien and Consolidated Mortgage of all cash received on such liquidation; the application of a portion of the cash so deposited to the purchase or redemption of $1,256,600 principal amount of First Lien and Consolidated Mortgage Bonds, 5½% Series of 1924; and the release of the balance of the cash so deposited against the certification of unfunded additions to the properties of the First Lien Companies.

(2) The release of all outstanding securities of Mason City and Clear Lake Railroad Company from the lien of the First Lien and Consolidated Mortgage.

[1] Cedar Rapids, Fort Dodge, Iowa City, Ottumwa, MRI, Peoples Light, Peoples Power, Tri-City Railway of Illinois and Tri-City Railway of Iowa are sometimes collectively referred to herein as the "First Lien Companies". The First Lien Companies are wholly-owned subsidiaries of Power.

(3) The transfer by Tri-City Railway of Iowa of its interurban bus line interconnecting Muscatine, Davenport, and Clinton, Iowa; and the acquisition thereof by Interurban Bus Company and the issuance by that Company to Railways of 207 shares of Common Stock for $20,700.

(4) The transfer by Power to Railways, as a contribution to its paid-in surplus, of all the presently-outstanding Common Stock ($5,000) of Iowa-Illinois.

(5) The issuance by Iowa-Illinois to Railways of 80,000 shares of its Common Stock for $13,375,000, of which $8,000,000 will constitute capital and $5,375,000 paid-in surplus.

(6) The acquisition by Iowa-Illinois from Railways of all the then-outstanding securities and indebtedness of UPM owned by Railways and the issuance by Iowa-Illinois to Railways of 53,250 additional shares of Common Stock.

(7) The acquisition by Iowa-Illinois from Power of all outstanding securities and indebtedness of the First Lien Companies owned by Power at the time of such acquisition and the payment to Power of $13,375,000 and the assumption by Iowa-Illinois of $16,000,000 principal amount of First Lien and Consolidated Mortgage Bonds, consisting of $10,578,000 principal amount of 6% Bonds (noncallable until 1947) and $5,422,000 principal amount of 5½% Bonds.

(8) The liquidation of UPM and the First Lien Companies, involving the acquisition of the business, property, and assets and the assumption of the liabilities and contractual obligations of those companies by Iowa-Illinois.

(9) The execution by Iowa-Illinois of an Indenture supplemental to the First Lien and Consolidated Mortgage to evidence assumption of the mortgage by Iowa-Illinois; to specifically subject to the direct lien of the mortgage the physical properties acquired by Iowa-Illinois; to provide for a new series of bonds; to conform the mortgage to the Trust Indenture Act; and to otherwise modify and modernize the mortgage.

(10) The sale by Iowa-Illinois to the public or institutional investors of $6,000,000 principal amount of a new series of bonds to be issued under the First Lien and Consolidated Mortgage, as amended, to be known as First Mortgage Bonds, 3¼% Series due 1971, and the redemption of the $5,422,000 of 5½% First Lien and Consolidated Mortgage Bonds to be assumed by Iowa-Illinois.

(11) The transfer by Power to Railways as a contribution to the paid-in surplus of Railways of $479,000 principal amount of Debentures and $298,800 par amount of Prior Preferred Stock of Railways, $607,500 principal amount of Debentures and $184,800 par amount of Preferred Stock of Continental, all the outstanding Common Stock of The United Light and Power Service Company and certain miscellaneous investments owned by Power.

(12) The purchase by Continental from Railways for $573,069 of the $607,500 principal amount of Continental Debentures to be contributed by Power to Railways.

(13) The purchase by Power of all or any part of its outstanding Debentures at prices not in excess of the principal amount thereof plus accrued interest.

(14) The contribution by Power to Railways of cash remaining in the treasury of Power after the discharge of the liabilities of Power.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearings herein be reconvened for the purpose of considering said Application No. 5;

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such date by the Hearing Room Clerk in Room 1102, at 10:00 A. M. on the 16th day of December, 1941. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVIII, on or before December 12, 1941. At said reconvened hearing on that day the issues will be limited to a consideration of the matters presented by said Application No. 5 with respect to all of the various transactions previously summarized above.

All interested persons are referred to said Application No. 5 which is on file in the office of said Commission for a full statement of the transactions therein proposed.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions.

(1) Whether the consideration, including all fees, commissions and other remuneration, to whomsoever paid for the acquisition of securities or utility assets is not unreasonable or does not bear a fair relation to the sums invested in or the earning capacity of the utility assets to be acquired or the utility assets underlying the securities to be acquired;

(2) Whether such transfers or acquisitions of securities will unduly complicate the capital structure of the holding company system or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system;

(3) Whether the electric properties to be acquired and proposed to be merged into Iowa-Illinois constitute an integrated electric system or systems;

(4) Whether the gas properties to be acquired and proposed to be merged into Iowa-Illinois constitute an integrated gas system or systems;

(5) Whether the transportation properties to be acquired from Tri-City Railway of Illinois and Tri-City Railway of Iowa are reasonably incidental or necessary or appropriate to the operation of Iowa-Illinois, and not detrimental to the utility properties to be operated by Iowa-Illinois; and similarly whether the securities of Interurban Bus Company can be properly acquired by Railways Company;

(6) Whether the accounting entries proposed to be recorded are appropriate and in accordance with sound accounting practice, particularly with respect to the amount to be recorded as representing the property or plant account and depreciation reserve of Iowa-Illinois.

(7) Whether the depreciation practice or policy of Iowa-Illinois is proper and whether the provisions for depreciation are appropriate;

(8) Whether the proposed security structure of Iowa-Illinois meets the standards of the applicable sections of the Act;

(9) Whether the terms and conditions with respect to the redemption of Power's debentures are consistent with and meet the applicable standards of the Act;

(10) Whether the terms of the Supplemental Indenture contain adequate provisions to protect the interests of investors and to meet the requirements of the Trust Indenture Act;

(11) Whether the proposed transactions as outlined in Application No. 5 meet the standards of the section 11 (b) (1) and section 11 (b) (2) proceedings instituted by the Commission;

(12) In the event the Commission finds the proposed transactions appropriate, what terms and conditions, if any, seem necessary and desirable to be imposed upon such transactions;

(13) Whether any particular aspect of the remaining transactions enumerated in Application No. 5 are not in compliance with the applicable provisions of said Act or necessary and consistent with the requirements of the orders of March 20, 1941 and August 5, 1941;

(14) Whether the fees proposed to be paid for any or all services to be performed in connection with any of such transactions are or are not reasonable.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

Notice is further given that Iowa-Illinois Gas and Electric Company, a subsidiary of The United Light and Power Company, and Interurban Bus Company, have requested that they be made parties to this proceeding to the extent necessary to entitle them to join in this application and to secure authority of the Commission in this proceeding to consummate the aforedescribed transactions in which they have an interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8883; Filed, November 26, 1941; 11:53 a. m.]

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of September, A. D. 1941.

The Commission having examined the corporate structure of New England Gas and Electric Association, a registered holding company, and of the holding company system thereof, the relationships among the companies in said holding company system, the character of the interests thereof and the properties owned or controlled thereby; and the Commission having examined the Report of its Public Utilities Division, dated September 15, 1941, filed herewith and by this reference thereto made a part of this order; and it tentatively appearing to the Commission that:

1. The facts and statements contained in said Report of the Public Utilities Division are true and accurate.

2. The corporate structure of the holding company system of New England Gas and Electric Association is unduly and unnecessarily complicated.

3. More specifically, the corporate structure of New England Gas and Electric Association unduly and unnecessarily complicates the corporate structure of the holding company system of New England Gas and Electric Association.

4. Voting power is unfairly and inequitably distributed among security holders of the holding company system of New England Gas and Electric Association.

5. More specifically, the corporate structure of New England Gas and Electric Association, and the continued existence of that Association in its present form, results in an unfair and inequitable distribution of voting power among the security holders of the holding company system of New England Gas and Electric Association.

6. Section 11 (b) (2) of said Act provides as follows:

(b) It shall be the duty of the Commission, as soon as practicable after January 1, 1938:

(2) To require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system.

It therefore appearing to the Commission, on the basis of its examination as aforesaid, that proceedings should be instituted under section 11 (b) (2) of said Act with respect to the holding company system of New England Gas and Electric Association, to determine whether the facts are as stated in said Report of the Public Utilities Division, dated September 15, 1941, to determine whether and what action is necessary and whether and what steps are required to be taken by New England Gas and Electric Association to simplify its corporate structure and to cause voting power to be fairly and equitably distributed among the security holders of its holding-company system; and to determine such other matters as are incident to the foregoing or as may be necessary or appropriate under the provisions of section 11 (b) (2) with respect to said holding company system.

Wherefore, it is ordered, That New England Gas and Electric Association is hereby made Respondent in these proceedings, and said Respondent shall file with the Secretary of the Commission on or before the 22nd day of October, 1941, its answer admitting or denying the facts set forth in said Report of the Public Utilities Division dated September 15, 1941, and admitting, denying or otherwise explaining its position with respect to the allegations heretofore made in paragraphs 1 to 6 of this order. Such answer may also include a statement by the Respondent of its views as to what action, if any, should be taken to simplify its corporate structure, to bring about a fair and equitable distribution of voting power among security holders of its holding company system and to take such other action as may be necessary or appropriate under the provisions of section 11 (b) (2) with respect to said holding company system.

It is further ordered, That a hearing be held on the 29th day of October, 1941, at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such date by the hearing room clerk in Room 1102 of said building, for the purpose of determining what action, if any, is necessary and should be required to be taken by the Respondent for the purpose of bringing about the simplification of the corporate structure of New England Gas and Electric Association and of its hold-

ing company system and a redistribution of voting power among the security holders thereof, and otherwise to meet the requirements of Section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to the holding company system of New England Gas and Electric Association. At the outset of said hearing consideration will be given to such issues, if any, as may arise from the statements of fact contained in the said Report of the Public Utilities Division dated September 15, 1941, in the allegations in paragraphs 1 to 6 hereof, in Respondent's answer hereinbefore provided for and in any other papers filed herein by interested persons. To the extent that any facts set forth in said Report are not controverted in Respondent's answer, and are not controverted by any other interested person, such facts shall be deemed to be admitted for the purposes of this proceeding.

It is further ordered that James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, together with a copy of said Report of the Public Utilities Division dated September 15, 1941, by registered mail to New England Gas and Electric Association, respondent, not less than 20 days prior to the date hereinbefore fixed within which respondent may file its answer; and that notice of the entry of this order and of said hearing is hereby given to all subsidiaries of New England Gas and Electric Association, to all security holders of New England Gas and Electric Association and of its subsidiaries, to all consumers of said companies, to all States, municipalities and political subdivisions of States within which are located any of the utility assets of the holding company system of New England Gas and Electric Association, or under the laws of which any of the companies in said holding company system are incorporated, to all State commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over New England Gas and Electric Association of any subsidiaries thereof, or over any of the businesses, affairs or operations of any of them, and to all other persons, such notice to be given by a general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER not later than 20 days prior to the date hereinbefore fixed within which respondent may file its answer; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission, on or before the 22nd day of October, 1941, his application therefor as provided by Rule XVII of the Rules of Practice; and

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions which may arise in these proceedings, and to take such other action as may appear necessary to the orderly and economical disposition of the issues involved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8884; Filed, November 26, 1941; 11:54 a. m.]

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

NOTICE OF AND ORDER FOR POSTPONEMENT AND EXTENSION OF DATE FOR INTERVENTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1941.

The Commission on September 30, 1941 having issued its order instituting proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against New England Gas and Electric Association, respondents, and such order having directed that the said respondents file an answer on or before the 22d day of October 1941, to the allegations made in the said order of September 30, 1941, and that publication of said order be had in the FEDERAL REGISTER not later than 20 days prior to the date fixed for respondent to file its answer, and that a hearing be held on such matter on the 29th day of October 1941 at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.; and the Commission by its order of October 22, 1941 having postponed said hearing to November 24, 1941; and

New England Gas and Electric Association, having filed its answer as required by said order of September 30, 1941, and having notified its security holders by letter, dated October 9, 1941, of the institution of proceedings under section 11 (b) (2) of said Act; and

The said order of September 30, 1941 having been served by registered mail upon New England Gas and Electric Association and notice of such order having been given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, but not having been published in the FEDERAL REGISTER within the time required by the order of September 30, 1941; and

It appearing to the Commission that because of such failure to publish the said order, it is appropriate that further time be given to persons proposing to intervene, that the date of said hearing be postponed, and that publication of said order of September 30, 1941 and of this order be had in the FEDERAL REGISTER not later than 20 days prior to the date of the postponed hearing.

Wherefore, it is ordered, That the date of scheduled hearing on such matters be and is hereby postponed to December 17, 1941 at the same time and place and before the same Trial Examiner heretofore designated and that the time within which any person may intervene in these proceedings be and is hereby extended to December 15, 1941.

It is further ordered, That the Secretary of the Commission shall serve notice of the postponed hearing aforesaid by mailing a copy of this order by registered mail to New England Gas and Electric Association, respondent, not less than 20 days prior to the date of the postponed hearing; and that notice of the entry of the said order of September 30, 1941 and of this order and of said postponed hearing is hereby given to all subsidiaries of New England Gas and Electric Association, to all security holders of New England Gas and Electric Association and of its subsidiaries, to all consumers of such companies, to all States, municipalities and political subdivisions of States within which are located any of the utility assets of the holding company system of New England Gas and Electric Association, or under the laws of which any of the companies in said holding company system are incorporated, to all State Commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over New England Gas and Electric Association or any subsidiaries thereof, or over any of the businesses, affairs or operations of any of them, and to all other persons, such notice to be given by publication of the said order of September 30, 1941 and of this order in the FEDERAL REGISTER not later than 20 days prior to the date hereinbefore fixed for the postponed hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8885; Filed, November 26, 1941; 11:54 a. m.]

[File No. 70-433]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 25th day of November, A. D. 1941.

A declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by the above-named party, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise, as provided by Rule U-23 under said Act, and said declaration or application being concerned with the following:

Public Service Company of Indiana, Inc., a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, proposes (1) to invite publicly proposals for the purchase or underwriting pursuant to Rule U-50 of $42,000,000 Principal Amount of its First Mortgage Bonds, Series D, 3⅜%, due December 1, 1971, and (2) either (a) to sell $10,000,000 aggregate Principal Amount of its Serial Debentures due December 1, 1942–December 1, 1950, and bearing not more than 3% interest, or (b) to borrow $10,000,000 and to issue to the lender or lenders thereof its notes in said amount maturing serially from December 1, 1942 to December 1, 1950, with interest at not more than 3%.

Public Service Company of Indiana, Inc., states that the proceeds of the sale of the above securities will be used (1) to call for redemption the now outstanding $38,000,000 aggregate Principal Amount of its First Mortgage Bonds, Series A, 4%, due September 1, 1959, (2) to pay and retire $8,800,000 Principal Amount of the Serial Debentures, 3⅞%, due March 1, 1942—September 1, 1949, (3) to pay and retire $400,000 aggregate Principal Amount of Northern Indiana Power Company's Serial Notes, 3%, assumed by Public Service Company of Indiana, Inc., (4) to pay $396,923.05 aggregate Principal Amount of Central Indiana, Inc., (4) to pay $396,923.05 ag- Notes, 2.73%, which were issued to United States of America as evidence of loans and which have been assumed by Public Service Company of Indiana, Inc., and (5) to aid the Company in carrying out a proposed major construction program.

Public Service Company of Indiana, Inc., requests that this Commission, in view of the heavy capital expenditures with which the Company is faced in order to carry out the proposed major construction program, abrogate and set aside a condition imposed by the Commission in connection with the issuance and sale by Public Service Company of Indiana, a predecessor company of Public Service Company of Indiana, Inc., of its Series B Bonds (File No. 70–258), which, in effect, provides that in addition to the sinking fund provisions of its outstanding long-term debt it, or its successors, should retire by 1958 $3,859,500 additional amount of its long-term debt; and

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application and that said declaration shall not become effective or said application be granted except pursuant to the further order of the Commission:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 3, 1941 at 10:00 in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why said declaration shall become effective;

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (e) of said Act, and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearings is hereby given to declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 1, 1941;

It is further ordered, That, without limiting the scope of issues presented by said declaration or application, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed issue and sale of the aforesaid securities is solely for the purpose of financing the business of Public Service Company of Indiana, Inc. and has been approved by the Public Service Commission of Indiana.

2. What terms and conditions, if any, should be imposed by the Commission in the public interest and for the interests of investors and consumers.

3. Whether the request of Public Service Company of Indiana, Inc. that the Commission abrogate and set aside the aforementioned condition relating to long-term debt retirement should be granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8886; Filed, November 26, 1941; 11:55 a. m.]

[File No. 70–408]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1941.

Philadelphia Electric Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) thereof and Rule U-50 thereunder, regarding the issue and sale of $20,000,000 principal amount of First and Refunding Mortgage Bonds, 2¾% Series due 1971, the proceeds to be applied toward the retirement of a like principal amount of 1½% promissory notes payable to banks and maturing December 3, 1941, Philadelphia Electric Company to publicly invite proposals for the purchase of the bonds in accordance with Rule U-50; and

The Commission having on November 5, 1941, granted such application pursuant to section 6 (b) subject to the condition, among others, that applicant report to the Commission the result of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby, jurisdiction having been reserved for this purpose; and

Philadelphia Electric Company having made such report to the Commission in the form of a further amendment to the application herein, setting forth the action taken to comply with Rule U-50 (b) and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bids and setting forth that Philadelphia Electric Company has accepted a bid from a group of nine underwriters headed by Mellon Securities Corporation of 103.4544% plus accrued interest from December 1, 1941, to the date of delivery, for said bonds, which are to be resold to the public at 104.176%, representing a spread to the underwriters of 0.7216%; and

The Commission having examined the record and finding no basis for imposing any terms and conditions with respect to the issue and sale of said bonds at such price and with such spread;

It is ordered, That said application, as amended, be and it is hereby granted in regard to the price to the issuer, spread, and distribution thereof applicable to such bonds, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–8887; Filed, November 26, 1941; 11:55 a. m.]

[File No. 70-355]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY; GARY ELECTRIC AND GAS COMPANY; GARY HEAT, LIGHT & WATER COMPANY; CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 25th day of November, A. D. 1941.

Northern Indiana Public Service Company ("Northern") having filed: (1) An application pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of section 6 (a) of the Act for the issue and sale of $5,000,000 principal amount of its 2.75% 10-year serial notes and either 278,025 or 370,700 shares of its no par common stock for the purpose of acquiring from Gary Electric and Gas Company ("Gary Electric") the common stock of Gary Heat, Light & Water Company ("Gary Heat"); (2) applications pursuant to sections 9 (a) and 10 of the Act for approval of the acquisition from Gary Electric of all the outstanding no par common voting stock of Gary Heat, and also for the acquisition, in the proposed dissolution of Gary Heat, of the water properties of Gary Heat, as a liquidating dividend; and (3) a declaration pursuant to sections 6 (a) (2) and 7 of the Act with respect to reducing the capital represented by the common no par stock of Northern in such amount as may be necessary to absorb any property adjustment account resulting from the acquisition of the properties of Gary Heat.

Gary Heat having filed: (1) A declaration pursuant to sections 12 (c) and 12 (f) of the Act and Rules U-43 and U-46, with respect to the transfer to Northern, as a liquidating dividend, by Gary Heat of its electric, gas, and water utility properties, and other assets; and

Gary Electric having filed: (1) An application pursuant to sections 9 (a) and 10 of the Act for the approval of its acquisition of the Northern common stock referred to above as part payment for the stock of Gary Heat; (2) a declaration pursuant to sections 12 (d) and 12 (f) of the Act with respect to the sale by Gary Electric to Northern of the outstanding common no par voting stock of Gary; (3) a declaration pursuant to section 12 (c) of the Act and Rule U-42 adopted thereunder with respect to the acquisition by Gary Electric of its outstanding no par common voting stock as a step in liquidation; (4) a declaration pursuant to sections 12 (c), 12 (d), and 12 (f) of the Act and Rules U-43, U-44, and U-46 adopted thereunder with respect to the distribution in liquidation of the common stock of Northern received in part payment for the stock of Gary Heat to the stockholders of Gary Electric, including Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company ("Utilities"); and (5) a declaration pursuant to sections 6 (a) (2) and 7 of the Act with respect to reducing its capital from $5,000,000 to $2,000,000; and

Utilities having filed: (1) An application pursuant to sections 9 (a) and 10 of the Act for approval of the acquisition of no par voting stock of Northern, as a liquidating dividend, upon the liquidation of Gary Electric; (2) a declaration pursuant to section 12 (d) of the Act and Rule U-43 with respect to the (indirect) sale to Northern by Gary Electric of the no par voting stock of Gary Heat; (3) a declaration pursuant to sections 12 (d) and 12 (f) of the Act and Rules U-43 and U-44 with respect to the sale (indirect) of utility securities and utility assets by Northern, Gary Electric, and/or Gary Heat;

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

It is ordered, That with the exception of the declarations and application mentioned in our conditions numbered 1 and 2 below, the said applications, as amended, be and the same hereby are granted, and the said declarations, as amended, be and the same hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24, and to the following further conditions:

1. That the Commission reserve jurisdiction as to Gary Electric's declaration: (1) Pursuant to 12 (c) of the Act and Rule U-42 adopted thereunder with respect to the acquisition of its common stock as a step in the liquidation; (2) pursuant to sections 12 (c), 12 (d), and 12 (f) of the Act and Rules U-43, U-44, and U-46 with respect to the distribution in liquidation of the common stock of Northern, received in part payment of the Gary Heat common stock, to Gary Electric's stockholders, including Utilities; and (3) pursuant to sections 6 (a) (2) and (7) of the Act with respect to reducing its capital from $5,000,000 to $2,000,000.

2. That the Commission reserve jurisdiction as to Utilities' application pursuant to sections 9 (a) and 10 of the Act with respect to the acquisition by Utilities of common stock of Northern as a liquidating dividend on the dissolution of Gary Electric.

3. That Gary Electric will within 60 days of the date of this order notify Northern as to how it will exercise its option to obtain the balance, $756,000, of the purchase price of the Gary Heat common stock either in cash, or in Northern common stock at $8.1575 per share, or partly in cash and partly in Northern common stock.

4. That Northern will record the utility plant of Gary Heat on its books at the estimated original cost of $8,783,174 (as adjusted to the date of acquisition), and that Northern will record the reserve for depreciation on its books for the Gary Heat utilities plant at the same figure as it is stated on the books of Gary Heat at the date of acquisition.

5. That the stated value of Northern's common stock shall be reduced by not more than $2,268,000; that there shall be charged against the capital surplus so created an equivalent amount of the property acquisition adjustment resulting from the transactions proposed; and that the balance of such property acquisition adjustment shall be charged against earned surplus forthwith.

6. That the surplus of Northern, as of the date of the order and as adjusted as provided in the preceding paragraph numbered 5, shall be restricted against any payment of dividends on Northern's common stock.

7. That in lieu of the condition (e) contained in our order of December 13, 1939, in Northern Indiana Public Service Company (File No. 32-167, Holding Company Act Release No. 1836), the following condition is imposed: That except as the Commission may by order or orders from time to time otherwise provide, Northern Indiana Public Service Company (and any successor or successors thereto) shall charge against income as a provision for depreciation, for the calendar year 1940, at least $1,700,000; for the calendar year 1941, at least $1,700,000; plus an additional two and one-half percent (2½%) of the book value of net additions to depreciable property made during the year 1940; and for each calendar year beginning with the year 1942 and continuing so long as any of the First Mortgage Bonds, Series A, 3¾% due August 1, 1969, are outstanding, at least $1,900,000 per annum and an additional two and one-half percent (2½%) of the book value of net additions to depreciable property made after January 1, 1940, and up to the close of the preceding calendar year, including the addition to plant represented by the acquisition of the Gary Heat property.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8888; Filed, November 26, 1941; 11:56 a. m.]

DEC 1 1941

FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3751]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE WHOLESALE DRY GOODS INSTITUTE, INC., ET AL.

§ 3.24 (e) *Coercing and intimidating—Suppliers of competitors—By boycotting and threats of:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* Following a common course of action pursuant to or in connection with any mutual understanding, agreement, combination, or conspiracy, for the purpose and with the effect, directly or indirectly, of establishing or seeking to establish respondents, or any of them, as a preferred class of buyers, or of inducing, coercing, or restraining manufacturers or their agents in the determination of their sales and pricing policies or the selection of their customers, or otherwise hindering, restraining, or lessening competition in the sale and distribution of dry goods, notions, or other merchandise in commerce, (1) by preparing, maintaining, and circulating any list of buyers considered or recognized by respondents as "wholesalers", or any similar list of preferred buyers; (2) by preparing, maintaining, and circulating any list of manufacturers or their agents classified or rated in a manner which designates those whose sales policies are considered satisfactory to respondents and those whose sales policies are less satisfactory or not satisfactory to respondents; (3) by ceasing or threatening to cease to deal, or dealing or threatening to deal less extensively than otherwise, with any manufacturer or his agents on the ground or for the reason that such manufacturer sells to buyers not considered or recognized by respondents as "wholesalers", or sells to retailers, or does not grant a more favorable price to respondents and others considered or recognized by them as "wholesalers" than to other buyers; (4) by advocating and urging said common course of action outlined in part (3) hereof in publications or letters, at meetings of respondents or groups or committees of respondents, or in any other manner; and (5) by making threats, express or implied, to any manufacturer or his agents for the purpose or with the effect of inducing, persuading, constraining, or coercing such manufacturer or his agents to refuse to sell, cease selling, or charge a higher price, to any buyer or prospective buyer; on the part of respondent Institute, its officers, etc., its members, etc., or any group of such respondents, their agents, etc., either with or without the cooperation of others not parties hereto; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [The Wholesale Dry Goods Institute, Inc., et al., Docket 3751, November 24, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of certain respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, renewed motion to reverse the rulings of the trial examiners on evidence and supplement to said motion, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent The Wholesale Dry Goods Institute, Inc., a membership corporation, its officers and directors, individually and as such offi-

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FEDERAL REGISTER

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cers or directors, its members individually and as such members, or any group of such respondents, their agents, representatives, and employees, either with or without the cooperation of others not parties hereto, do forthwith cease and desist from following a common course of action pursuant to or in connection with any mutual understanding, agreement, combination, or conspiracy, for the purpose and with the effect, directly or indirectly, of establishing or seeking to establish respondents, or any of them, as a preferred class of buyers, or of inducing, coercing, or restraining manufacturers or their agents in the determination of their sales and pricing policies or the selection of their customers, or otherwise hindering, restraining, or lessening competition in the sale and distribution of dry goods, notions, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act:

(1) By preparing, maintaining, and circulating any list of buyers considered or recognized by respondents as "wholesalers," or any similar list of preferred buyers;

(2) By preparing, maintaining, and circulating any list of manufacturers or their agents classified or rated in a manner which designates those whose sales policies are considered satisfactory to respondents and those whose sales policies are less satisfactory or not satisfactory to respondents:

(3) By ceasing or threatening to cease to deal, or dealing or threatening to deal less extensively than otherwise, with any manufacturer or his agents on the ground or for the reason that such manufacturer sells to buyers not considered or recognized by respondents as "wholesalers," or sells to retailers, or does not grant a more favorable price to respondents and others considered or recognized by them as "wholesalers" than to other buyers;

(4) By advocating and urging said common course of action outlined in paragraph (3) hereof in publications or letters, at meetings of respondents or groups or committees of respondents, or in any other manner;

(5) By making threats, express or implied, to any manufacturer or his agents for the purpose or with the effect of inducing, persuading, constraining, or coercing such manufacturer or his agents to refuse to sell, cease selling, or charge a higher price, to any buyer or prospective buyer.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That for the reasons set out in Paragraph One of the findings as to the facts in this proceeding the complaint herein be, and it is, hereby dismissed as to respondents W. W. Couch Co., Inc.; Harris, Davis & Co., Inc.; Schwartz Brothers & Co., Inc.; F. B. Thomas & Co., Inc.; E. & M. Hirschler Co., Inc.; Smith, Taylor Co., Inc.; and J. S. Reeves & Co., Inc.

It is further ordered, That respondents' motion to reverse certain rulings of the trial examiners on the evidence, which motion was denied without prejudice to respondents' right to renew same, and which was duly renewed, and respondents' motion supplementing said renewed motion be, and the same hereby are, denied.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8932; Filed, November 27, 1941; 11:15 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER I—COMMODITY EXCHANGE ADMINISTRATION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

ORDER AMENDING REGULATIONS WITH RESPECT TO REPORTS OF UNCLEARED TRANSACTIONS BY CONTRACT-MARKET MEMBERS

By virtue of the authority vested in the Secretary of Agriculture by section 5 (b) of the Commodity Exchange Act, as amended (7 U.S.C., sec. 7 (b)), § 1.19a, part 1 of the Rules and Regulations of the Secretary of Agriculture under the Commodity Exchange Act, as amended, constituting § 1.19a, part 1, chapter I, title 17, Code of Federal Regulations, is hereby amended to read as follows:

§ 1.19a *Contract-market members to report uncleared transactions ("pass-outs") on Form 110.* Each member of a contract market who shall execute uncleared transactions (commonly known as "pass-outs") in any commodity for future delivery on or subject to the rules of such contract market shall report to the Commodity Exchange Administration on Form 110 applicable to such contract market each business day on which he shall execute such uncleared transactions. Such report shall be prepared and filed in accordance with the instructions appearing on Form 110, to be obtained from the Commodity Exchange Administration, and shall show accurately and fully the details of each such transaction, including the commodity, future, quantity, and price, and the name of the person from whom bought and to whom sold: *Provided*, That the requirements of this section shall not apply to any member of a contract market, all of whose uncleared transactions are recorded on the books and records of, and included in the purchases and sales reported to the Commodity Exchange Administration by, a clearing member (or clearing members) of such contract market. (Sec. 5 (b), 42 Stat. 1000; 7 U.S.C. 7 (b))

Done at Washington, D. C., this 27th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 41-8934; Filed, November 27, 1941; 11:28 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

[Departmental Order No. 1003]

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

AMERICAN CITIZENS AND NATIONALS

I, Cordell Hull, Secretary of State of the United States of America, by virtue of and pursuant to the authority vested in me by § 1 of Proclamation 2523 of the President of the United States, issued on November 14, 1941 (6 F.R. 5821), under authority of the act of Congress approved May 22, 1918 (40 Stat. 569), as amended by the act of Congress approved June 21, 1941 (Public Law 114, 77th Cong.), hereby prescribe the following rules and regulations, making exceptions and conditions to the requirement of the proclamation of the President that no citizen of the United States or person who owes allegiance to the United States shall depart from or enter, or attempt to depart from or enter, the United States, including the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport issued by the Secretary of State or under his authority by a diplomatic or consular officer of the United States, or by the United States High Commissioner to the Philippine Islands, or by the Chief Executive of Hawaii, Puerto Rico, the Virgin Islands, American Samoa, or Guam:

Sec.
58.1 Limitations upon travel prior to January 15, 1942.
58.2 Limitations upon travel after January 15, 1942.
58.3 Exceptions to regulations in §§ 58.1–58.2.
58.4 Seamen.
58.5 Persons considered as bearing passports.
58.6 Restrictions upon travel on vessels of belligerent states.
58.7 Prevention of departure or entry prejudicial to the interests of the United States.
58.8 Attempt of a citizen or national to enter without a valid passport.
58.9 Optional use of a valid passport.
58.10 Discretional exercise of authority in passport matters.
58.11 Definition of the term "continental United States".

§ 58.1 *Limitations upon travel prior to January 15, 1942.* No citizen of the United States or person who owes allegiance to the United States shall, prior to 6 o'clock in the forenoon of January 15, 1942, be required to bear a valid passport in order to depart from or enter into the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, except that, effective immediately, no such person shall depart from or attempt to depart from any such territory for any foreign country or territory in the Eastern Hemisphere, or any foreign country or territory in the Western Hemisphere under the jurisdiction of Great Britain in which the United States maintains defense bases or in which such bases are being constructed by or under contract with the Government of the United States, unless he bears a valid passport for such travel issued by or under authority of the Secretary of State or is otherwise authorized by the Secretary of State to depart from any territory subject to the jurisdiction of the United States for any foreign territory mentioned in this section.*

*§ 58.1 to 58.11, inclusive, issued under authority contained in sec. 1 of Proclamation 2523, November 14, 1941, 6 F.R. 5821, and the act of Congress approved May 22, 1918, 40 Stat. 569, as amended by the act approved June 21, 1941, Public Law 114, 77th Cong., 55 Stat. 252.

§ 58.2 *Limitations upon travel after January 15, 1942.* After 6 o'clock in the forenoon of January 15, 1942, no citizen of the United States or person who owes allegiance to the United States shall depart from or enter into or attempt to depart from or enter into the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, unless he bears a valid passport which has been issued by or under authority of the Secretary of State and which, in the case of a person entering or attempting to enter any such territory, has been verified by an American diplomatic or consular officer either in the foreign country from which he started his journey, or in the foreign country in which he was last present if such country is not the one from which he started his journey, or unless he comes within one of the exceptions prescribed in §§ 58.3–58.4. No fee shall be collected by a diplomatic or consular officer of the United States for or in connection with such verification.*

§ 58.3 *Exceptions to regulations in §§ 58.1–58.2.* No valid passport shall be required of a citizen of the United States or a person who owes allegiance to the United States:

(a) When travelling between the continental United States and the Territory of Hawaii, Puerto Rico, and the Virgin Islands, or between any such places; or

(b) When travelling between points in the continental United States and points in Canada: *Provided*, That this exception shall not be applicable to any such person when travelling to or arriving from a place outside the continental United States via Canada for which a valid passport is required under these rules and regulations; or

(c) When travelling between points in the continental United States and points in Mexico: *Provided*, That this exception shall not be applicable to any such person when travelling to or arriving from a place outside the continental United States via Mexico for which a valid passport is required under these rules and regulations; or

(d) When travelling between the continental United States or Puerto Rico or the Virgin Islands and islands adjacent to Canada or the United States or the islands of the West Indies, including the Bahamas, except any such island as is subject to the jurisdiction of a non-American country other than Great Britain and any such island subject to the

jurisdiction of Great Britain in which the United States maintains a defense base or in which such a base is being constructed by or under contract with the Government of the United States: *Provided*, That this exception shall not be applicable to any such person going from the continental United States or Puerto Rico or the Virgin Islands to any foreign territory other than Canada or Mexico via any of the islands mentioned in this section or returning to the United States or Puerto Rico or the Virgin Islands via any such islands from foreign territory other than Canada or Mexico; or

(e) When departing from or entering into the United States as an officer or member of the enlisted personnel of the United States Army or the United States Navy on a vessel operated by the United States Army or the United States Navy; or

(f) When travelling as a member of the armed forces of the United States or a civil employee of the War or Navy Departments between the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, and any foreign country or territory for which a valid passport is required under these rules and regulations: *Provided*, That he is in possession of a document of identification issued for such purposes by the War or Navy Departments.

(g) When specifically authorized by the Secretary of State, through the appropriate official channels, to depart from or enter into the continental United States, the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States.*

§ 58.4 *Seamen.* (a) Seamen who are citizens of the United States or who, although not citizens, are nationals owing allegiance to the United States are included within the provisions of these rules and regulations, except that a seaman when travelling as such is exempted from the necessity of complying with that portion of § 58.2 of these rules and regulations which relates to the verification of a passport by an American diplomatic or consular officer before entering or attempting to enter any territory of the United States mentioned in that section for which a valid pasport is required.

(b) Prior to 6 o'clock in the forenoon of February 15, 1942, no seaman shall be required to bear a passport in order to enter any territory of the United States mentioned in § 58.2 of these rules and regulations.

(c) The term "seaman" shall, for the purpose of these rules and regulations, include, in addition to the persons ordinarily described by that term, all owners, masters, officers, and members of crews and other persons employed or engaged on vessels in any capacity.*

§ 58.5 *Persons considered as bearing passports.* Every citizen of the United States, or person who owes allegiance to the United States, who is included in a valid passport issued by or under authority of the Secretary of State shall for the purpose of these rules and regulations be considered as bearing a separate valid passport if such passport is presented to the appropriate official at the time he departs from or enters into or attempts to depart from or enter into any territory of the United States mentioned in § 58.2 of these rules and regulations.*

§ 58.6 *Restrictions upon travel on vessels of belligerent states.* Nothing in these rules and regulations shall be construed to authorize the travel of a citizen of the United States, or a person who owes allegiance to the United States, on any vessel of any state named in any proclamation issued by the President under authority of § 1 (a) of the joint resolution of Congress approved November 4, 1939, on or over the North Atlantic Ocean north of 35° north latitude and east of 66° west longitude, or on or over other waters adjacent to Europe, or over the continent of Europe or adjacent islands, unless, when required under the authority of such joint resolution, he first obtains the specific authorization for such travel from the Department of State or an American diplomatic or consular officer abroad.*

§ 58.7 *Prevention of departure or entry prejudicial to the interests of the United States.* Nothing in these rules and regulations shall be construed as prohibiting the Secretary of State or his representative from preventing temporarily the departure from or entry into the United States, including the Canal Zone, the Commonwealth of the Philippines, and all territories, continental or insular, subject to the jurisdiction of the United States, of a citizen of the United States or a person who owes allegiance to the United States if the Secretary of State or his representative considers such departure or entry prejudicial to the interests of the United States, notwithstanding the fact that such person may bear a valid passport or be destined for or arriving from a place outside any such territory of the United States for which a valid passport is not required under these rules and regulations.*

§ 58.8 *Attempt of a citizen or national to enter without a valid passport.* If any person who alleges that he is a citizen of the United States or a person who owes allegiance to the United States attempts to enter any territory of the United States contrary to the provisions of these rules and regulations, the appropriate officer of the United States at the port at which the attempt is made to enter such territory, if satisfied that such person is a citizen of the United States or a person who owes allegiance to the United States, shall detain such person and immediately report the facts in the case to the Secretary of State and await his instructions.*

§ 58.9 *Optional use of a valid passport.* Nothing in these rules and regulations shall be construed to prevent the use of a valid passport by any citizen of the United States, or a person who owes allegiance to the United States, in a case in which a passport is not required by these rules and regulations.*

§ 58.10 *Discretional exercise of authority in passport matters.* Nothing in these rules and regulations shall be construed to prevent the Secretary of State from exercising the discretion resting in him to refuse to issue a passport, to restrict its use to certain countries, to withdraw or cancel a passport already issued, or to withdraw a passport for the purpose of restricting its validity or use in certain countries.*

§ 58.11 *Definition of the term "continental United States."* The term "continental United States", as used in these rules and regulations, includes the territory of the several states of the United States and Alaska.*

[SEAL] CORDELL HULL,
Secretary of State.

NOVEMBER 25, 1941.

[F. R. Doc. 41-8927; Filed, November 27, 1941; 10:59 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1116]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT No. 2

It appearing that a reasonable showing having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

Proceedings Instituted Pursuant to section 4 (II) (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1116]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Sub-dist.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2140	Browning Coal Co. (A. L. Gilleland)	Browning (Strip)	Pittsburgh	3	Vances Mills, Pa.	PRR	31							E	E	E							
1021	Duncan, Leo	Hays #2	Sewickley	3	Hays Siding, Pa.	PRR	112	J	J	H	H	H	H	E	E	E							
2201	Fitzpatrick, Richard M	R. & F. Coal Co.	Sewickley	3	Love Works, Pa.	B&O	114	J	J	H	H	H	H	H	H	H							
2204	Gallo, Salvatore Folino	Gallo's (Strip)	Pittsburgh	7	Hanlin, Pa.	PRR	74	L	L	J	J	J	K	K	K	K							
490	Hayes, T. W. (Hayes Coal Co.)	Hayes (Strip)	Pittsburgh	3	Calumet, Pa.	PRR	74						E	E	E	E							
2205	Hochheimer, G. M. (Sackett Coal & Coke Co.).	Rich Hill #10	Pittsburgh	3	Sackett, Pa.	B&O	80						E	E	E	E							
2070	Hosfelt, Harry H	Adelaide (Strip)	Pittsburgh	3	Broadford Jct., Pa.	P&LE	36						D	C	C	C							
2195	Ivywood Coal Company	Oneida #3 (Strip)	U. Kittanning	1	Oneida, Pa.	B&LE	20	F	F	E	E	E	E	F	G	F							
2184	Jamison, R. H., Jr. (Delmont Fuel Company).	Delmont #1 (Strip)	Pittsburgh	9	Delmont, Pa.	PRR	74			F	F	F	F	G	G	G							
1346	Kren, Ferguson & Frick (Anthony Kren)	Kren (Strip)	Pittsburgh	9	Irwin, Pa.	PRR	74	D	D	C	C	G	F	G	G	G							
597	Logans Ferry Coal Co	Logans Ferry Hill	Pittsburgh	8	New Kensington, Pa.	PRR	79			C			C	D									
2189	Mayer, F. C	Maraco (Strip)	Pittsburgh	7	Imperial, Pa.	Mont	72	L	L	J	J	J	J	K	K	K							
1762	Mrozek, Steve	Mrozek	Pittsburgh	3	Waltersburg, Pa.	PRR	31						E	E	E	E							
3027	Nassar, Elias J. (Nassar Coal Co.	Elias #3	Sewickley	3	Martin, Pa.	Monon	30	J	J	H	H	H	H	H	H	H							
2187	Ripko, Walter	Ripko	Pittsburgh	3	Martin, Pa.	Monon	30	E	E	E	E	E	E	E	E	E							
2180	Taylor Coal Co. (Edwin J. Taylor)	Stevenson (Strip)	Pittsburgh	3	Martin, Pa.	Monon	30	E	E	E	E	E	E	E	E	E							
2176	Walker, J. D	Blue Eagle (Strip)	U. Freeport	1	Karns City, Pa.	B&O	26	F	F	E	E	E	E	F	G	F							
3059	Wolford Coal Co., J. H	Mountz	Brookville	1	Goff, Pa.	B&LE	20	G	G	G	G	G	F	G	G	G							

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II

In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 490; Group No. 2: 1346, 2184, 2189, 2204; Group No. 6: 1762, 2070; Group No. 7: 2180, 2187, 2205; Group No. 8: 1021, 2201, 3027; Group No. 9: 597; Group No. 15: 2195, 3059; Group No. 22: 2176.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump, over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Mayer, F. C	2189	Maraco (Strip)	Pittsburgh	275	265	255	240	215	210	210	220	180	170	160
Paolucci, John	2193	No. 2	Pittsburgh	275	265	255	230	215	215	210	220	190	170	160
BEAVER COUNTY														
Conner & Lang (J. L. Conner).	2203	C. & L	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
Newton, Oswald (Newton Coal Co.).	2194	Newton #2	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
BUTLER COUNTY														
Hopper, Arthur L	2192	Hopper	U. Freeport	315	300	290	280	270	260	240	230	200	190	180
Ivywood Coal Company	2195	Oneida #3 (Strip)	U. Kittanning	325	310	300	290	280	270	250	240	210	200	190
McKean, M. E	2154	Thompson	Brookville	325	305	285	265	260	245	245	230	190	180	170
Pantell, Arthur E	2188	Pantell	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Walker, J. D	2176	Blue Eagle (Strip)	U. Freeport	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Bortz Coal Co. (Geo. H. Bortz)	338	Grimm Farm	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Dearth Coke Corporation c/o Lawrence Parshall	2196	Ricks (Strip)	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Fitzpatrick, Richard M	2201	R. & F. Coal Co	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Hajdu, Frank	2179	Sand Bank Mine	Redstone	280	270	260	245	225	210	210	210	200	195	170
Hochheimer, G. M. (Sackett Coal & Coke Co.)	2205	Rich Hill #10	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Osco, Jim	2185	Shadyside	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Pillar, Wm. T	2197	Marion	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Ripko, Walter	2187	Ripko	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Taylor Coal Co. (Edwin J. Taylor)	2180	Stevenson (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Taylor Coal Co. (Edwin J. Taylor)	2198	Fast	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
GREENE COUNTY														
Donley, Ora J	2202	Donley	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Saesan, Stephen	471	Saesan	Kittanning	305	305	295	285	280	270	235	235	195	175	150
MERCER-VENAGO COUNTIES														
Sugar Creek Coal Co. (Glenn R. Homan)	2181	Homan (Strip)	Clarion	350	335	315	300	295	275	275	265	210	200	185
WASHINGTON COUNTY														
Gallo, Salvatore Folino	2201	Gallo's (Strip)	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Young & Taylor (I. V. Young).	2199	Grant #2	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
WESTMORELAND COUNTY														
Jamison R. H., Jr. (Delmont Fuel Company).	2184	Delmont #1 (Strip)	Pittsburgh	265	255	245	225	205	200	195	205	185	175	165
Kren, Anthony	2200	Long Run	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Poorman & Freeman	2191	Gallagher	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Rogers, Donald S	2206	Shupe	Pittsburgh	300	290	280	260	240	230	225	235	200	190	175

[F. R. Doc. 41–8874; Filed, November 26, 1941; 10:42 a. m.]

[Docket No. A–936]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on June 24, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the revision of the effective price classifications and the minimum prices for the coals of certain code member producers in District 4 and for the establishment of additional price classifications and minimum prices for the coals of certain other code member producers in District 4.

Pursuant to Order of the Director dated August 19, 1941, and after due notice to all interested persons, a hearing in this matter was held on September 15, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at Washington, D. C. D. I. Angelo, a code member in District 4 and operator of Mine Index No. 2558, intervened at the hearing. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner and D. I. Angelo appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned, who has considered the record in this matter.

The petition of the District Board herein requests changes in certain price classifications and minimum prices established for the coals of certain code members in District 4, as follows: With respect to truck shipments the petition requests that certain code members in District 4 be granted a reduction of 15 cents per ton in Size Groups 1, 2, 3, 4, and 5; that the minimum prices of one mine be increased by 15 cents per ton in Size Groups 1, 2, 3, 4, and 5; and that one mine be granted a reduction of 10 cents per ton in Size Groups 7 and 8. With respect to rail shipments, certain mines seek a change in classification from "K" to "O" in Size Groups 1 and 2 and from "O" to "Q" in Size Groups 7, 8, 9, 10, and 12. The petition further requests that the Ennis Coal Co., operating Mine Index No. 2669, be given a different shipping point which results in a change of Freight Origin Group Number from #11 to #51.

A petition of intervention was filed under date of September 10, 1941, by D. I. Angelo, whose mine, Mine Index No. 2558, is located in Brookfield Township, Noble County, Ohio. This intervenor, by his petition, has requested a reduction of 35 cents per ton on his rail-shipped coal destined for Cleveland and Columbus, Ohio.

It appears from the uncontroverted testimony given by F. H. Bohecker, secretary and treasurer of District Board 4, that the classifications and minimum prices for the various coals designated should be changed pursuant to the schedules hereto attached.

It appears from the uncontroverted testimony of the witness for the petitioner that the presently effective minimum prices established for the mines involved are erroneous and do not conform with the effective prices for other analogous and comparable coals in District No. 4. It is shown that the erroneous original classifications were the result of misinformation, mechanical error, or general inadvertence. It further ap-

cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof, and that the clas-

trict 4; (2) that such amendment of the price schedule for District 4 is necessary in order to effectuate the purposes of section 4 II (a) and section 4 II (b) of the Act and to comply in all respects with the standards thereof; and (3) that

"Q" in Size Groups 7, 8, 9, and 12, and the establishment of classification "Q" in Size Group 10 will be ordered, in accordance with the prayer contained in the petition.

The evidence shows that the classifi-

pears from the record that the petitioner now has available correct factual data which substantiates each specific request for reclassification. The record further indicates that the existing minimum prices are harmful to the various code members affected and will so continue

pears from the record that the petitioner now has available correct factual data which substantiates each specific request for reclassification. The record further indicates that the existing minimum prices are harmful to the various code members affected and will so continue unless the requested relief be granted.

In support of his request for a 35 cents per ton reduction for the coals of his mine, D. I. Angelo stated that the quality of his coal was extremely poor and that he had been able to sell only small tonnage since the establishment of effective minimum prices. The record shows that the intervenor operates in the No. 9 seam in Subdistrict 2. The record fails to demonstrate that his coal is inferior to other coals in the same seam. In the absence of such or related proof, the relief requested by the intervenor cannot be granted. However, a reduction in the classification of his coals from "O" to "Q" in Size Groups 7, 8, 9, and 12, and the establishment of classification "Q" in Size Group 10 will be ordered, in accordance with the prayer contained in the petition.

The evidence shows that the classifications and minimum prices requested by the petitioner will, if adopted, reflect the true values of the coals to which they apply and will preserve fair competitive opportunities for the producers thereof as well as other local producers competing with them.

Upon the basis of the evidence, I find and conclude: (1) that the classifications, minimum prices, subdistrict, seam, and freight origin group designations shown in the schedules hereto attached for the coals specified therein, are proper and should be established; that said classifications and minimum prices are in proper relation to those established for analogous and comparable coals in District 4; (2) that such amendment of the price schedule for District 4 is necessary in order to effectuate the purposes of section 4 II (a) and section 4 II (b) of the Act and to comply in all respects with the standards thereof; and (3) that the request of the intervenor, D. I. Angelo, for a change in classification is improper and should not be established.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–II, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–III, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–IV, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof, and that the classifications, minimum prices, subdistrict, seam, and freight origin group designations thus established shall supersede and be in lieu of the classifications, minimum prices, subdistrict, seam, and freight origin group designations presently shown for the mines in question in the Schedules of Effective Minimum Prices for District No. 4 for All Shipments Except Truck and for Truck Shipments.

It is further ordered, That the petition of the intervenor be and it hereby is denied.

Dated: October 31, 1941.

[SEAL] H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
2558	Angelo, D. I.[1]		2	9	Srtip	Cumberland; Caldwell	B&O; PRR	8	[2] R; [2] R	[2] R; [2] R	[2] R; [2] R	[2] Q; [3] Q	[2] O; [2] O	[2] O; [2] O	[2] O; [2] Q	[2] O; [2] Q	[2] O; [2] Q			[2] Q; [3] Q
2048	Capcoe Coal Co. (Benjamin Kirkendall).	No. 1	5	7	Deep	Murray City	C&O	22	[2] K; [3] O	[2] K; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q		[2] Q; [3] Q
36	Culgun Coal Co., The (W. T. Gundelfinger).	Culgun	3	8	Strip	Amsterdam	NYC	52	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] O; [3] O		[2] Q; [3] Q
2463	Driggs & Lewis[1] (W. H. Driggs).	Cambridge Hill—S	2	7	Strip	Cambridge	B&O; PRR	8	[2] Q; [3] Q; [2] R; [3] R	[2] Q; [3] Q; [2] R; [3] R	[2] Q; [3] Q; [2] R; [3] R	[2] Q; [3] Q; [2] Q; [3] Q	[2] Q; [3] Q; [2] O; [3] O	[2] Q; [3] Q; [2] O; [3] O	[2] Q; [3] Q; [2] Q; [3] Q	[2] Q; [3] Q; [2] Q; [3] Q	[2] Q; [3] Q; [2] Q; [3] Q	[2] Q; [3] Q; [2] Q; [3] Q	[2] Q; [3] Q		[2] Q; [3] Q
2069	Ennis Coal Company[4] (Frank Ennis).	Ennis Coal Co	1	8	Strip	Freeport	B&O	51	[2] R; Q	[2] R; Q	[2] R; Q	[2] Q; Q	[2] O; Q	[2] O; Q	[2] Q; Q	[2] Q; Q	[2] Q; Q	[2] Q; Q			[2] Q; Q
170	Haymaker, C. E.[3] (Paramount Coal Co.).	Paramount	5	6	Strip	Carbon Hill	C&O	22	[2] K; [3] O	[2] K; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q			[2] Q; [3] Q
66	Holbein, C. Leroy[5] (Holbein Coal Co.).	Holbein Coal Co	6	5	Strip	Fultonham	NYC	32	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q		[2] Q; [3] Q
840	Johnson, A. B.[6] (Hope Hollow Coal Co.).	Hope Hollow	5	6	Deep	Zaleski	B&O	41	[2] K; [3] K	[2] K; [3] K	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] O; [3] O	[2] Q; [3] Q	[2] Q; [3] Q	[2] Q; [3] Q	[2] O; [3] O		[2] Q; [3] Q

[1] Subject to Exception No. 4, § 324.1 (b) in Schedule of Effective Minimum Prices for District No. 4.
[2] Original classification.
[3] Reclassifications.
[4] Shipping point located in Sub-District 4 and mine is priced accordingly.
[5] Erroneously listed as a Deep mine instead of a Strip mine.
[6] Erroneously listed in Sub-District 7 instead of Sub-District 5.

§ 324.2 *Seasonal discounts*—Supplement R–II

[Seasonal discounts: On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel.]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					Apr.	May	June	July	Aug.
Hocking		Add 22		Add mine index No. 170 [1]	30	20	10		
	26–27	Add 22	83–141	Add mine index No. 2048 [2]	30	20	10		

[1] Seasonal discounts apply in lieu of those shown in § 324.2 in the Schedule of Effective Minimum Prices.
[2] Seasonal discounts apply in lieu of those shown in § 324.2 in Temporary Supplement No. 7 of the Schedule of Effective Minimum Prices, issued in accordance with Order of the Director in Docket No. A-462, dated December 23, 1940, 6 F.R. 123.

§ 324.9 *Recapitulation of price classifications*—Supplement R–III

Prices for all rail shipment from mines indexed below into market areas as shown for shipment into all market areas. See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b) and § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Cambridge		Add 8		Add mine index Nos. 2463–2558.[1]
		Add 8	(Subject to exception No. 4, Page 3)	Add mine index Nos. 2463–2558.[1]
Hocking		Add 22		Add mine index No. 170.[2]
	26–27	Add 22	83–141	Add mine index No. 2048.
Crooksville	31–32		8–97	Add mine index No. 66.
Jackson	41		39–136	Add mine index No. 840.
Middle	52	Add 51	13–108	Add mine index Nos. 36–2660.

[1] Prices as shown for Mine Index Nos. 87 and 121, appearing in the Schedule of Effective Minimum Prices for District No. 4, less 10¢ in Size Groups 7, 8, 9 and 12, will apply to additional Mine Index Nos. 2463 and 2558 hereinabove noted for all Market Areas except Market Area 14. In addition, Mine Index Nos. 2463 and 2558 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8 less 5¢ for all Market Areas except Market Area 14. Prices for Market Area 14 shall be 5¢ per ton less in Size Groups 7, 8, 9 and 12 than Mine Index Nos. 87 and 121, and the price in Size Group 10 shall be the same as its Size Group 8.
[2] Prices as shown for Mine Index Nos. 83 and 141, appearing in the Schedule of Effective Minimum Prices for District No. 4, will apply to additional Mine Index No. 170 hereinabove noted. In addition, Mine Index No. 170 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8, less 5¢.
Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–IV

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown. See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index numbers	Additional mine index numbers
Baltimore & Ohio Railroad Co.	8, 25, 133, 153, 161	Add mine index Nos. 2463, 2558.
Chesapeake & Ohio Railway Co.		Add mine index No. 170.[1]
New York Central System	7, 13, 36, 45, 79, 92, 97, 108	Add mine index No. 66.
Pennsylvania Railroad Co.	166	Add mine index Nos. 2463, 2558.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railways System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York Chicago & St. Louis Railroad Co.).	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 66, 170, 2463, 2558.
Pere Marquette Railway Co.	From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 66, 170, 2463, 2558.
For all railroads not shown above		

[1] Prices for Mine Index No. 170 shall be those prices appearing in § 324.11 (a) in the Schedule of Effective Minimum Prices, less 10¢ per ton account reclassification, and in addition thereto, the price in Size Group 10 shall be the same as the applicable minimum price for its Size Group 8.
Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 4" egg 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 3—BERGHOLZ											
JEFFERSON COUNTY											
Culgun Coal Co., The (W. T. Gundelfinger)	Culgun	30	8	[1] 275 [2] 275	[1] 265 [2] 265	[1] 250 [2] 250	[1] 225 [2] 225	[1] 220 [2] 220	[1] 210 [2] 210	[1] 200 [2] 190	[1] 190 [2] 180
SUBDISTRICT NO. 5—HOCKING											
ATHENS COUNTY											
Capcoe Coal Co. (Benjamin Kirkendall)	No. 1	2, 048	7	[1] 295 [2] 280	[1] 285 [2] 270	[1] 275 [2] 260	[1] 250 [2] 235	[1] 245 [2] 230	[1] 195 [2] 195	[1] 165 [2] 165	[1] 155 [2] 155
HOCKING COUNTY											
Haymaker, C. E. (Paramount Coal Co.)	Paramount	170	6	[1] 295 [2] 280	[1] 285 [2] 270	[1] 275 [2] 260	[1] 250 [2] 235	[1] 245 [2] 230	[1] 195 [2] 195	[1] 165 [2] 165	[1] 155 [2] 155
PERRY COUNTY											
Beres, Peter	Beres	2073	7A	[1] 295 [2] 280	[1] 285 [2] 270	[1] 275 [2] 260	[1] 250 [2] 235	[1] 245 [2] 230	[1] 195 [2] 195	[1] 165 [2] 165	[1] 155 [2] 155
Downs & Company, Joseph [3]	Downs	2100	6	[1] 280 [2] 295	[1] 270 [2] 285	[1] 260 [2] 275	[1] 235 [2] 250	[1] 230 [2] 245	[1] 195 [2] 195	[1] 165 [2] 165	[1] 155 [2] 155
SUBDISTRICT NO. 6—CROOKSVILLE											
PERRY COUNTY											
Rush & Backus (Grover Backus) [4]	Rush & Backus	2631	6	[1] 295 [2] 280	[1] 285 [2] 270	[1] 275 [2] 260	[1] 250 [2] 235	[1] 245 [2] 230	[1] 195 [2] 195	[1] 165 [2] 165	[1] 155 [2] 155

[1] Original classifications and prices.
[2] Reclassifications and prices.
[3] Erroneously listed in Sub-District 6 instead of Sub-District 5.
[4] Erroneously listed in Sub-District 5 instead of Sub-District 6.

[F. R. Doc. 41–8870; Filed, November 26, 1941; 10:40 a. m.]

[Docket No. A–1110]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF

requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the

temporary relief is granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

PERRY COUNTY															
Rush & Backus (Grover Backus) [4]	Rush & Backus	2631	6	[1]	295	285	275	250	245	195	165	155
				[2]	280	270	260	235	230	195	165	155

[1] Original classifications and prices.
[2] Reclassifications and prices.
[3] Erroneously listed in Sub-District 6 instead of Sub-District 5.
[4] Erroneously listed in Sub-District 5 instead of Sub-District 6.

[F. R. Doc. 41-8870; Filed, November 26, 1941; 10:40 a. m.]

[Docket No. A-1110]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index number	Code member	Mine name	Subdist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group number	Price classifications by size group numbers									
								1	2	3	4	5	6	7	8	9	10
267	Arrow Pocahontas Coal Company	Arrow #2	4	Red Ash	Iager, W. Va.	N&W	30	B	B	A	(†)	(†)	B	B	C	(†)	(†)
268	New River & Pocahontas Consolidated Coal Co.	Berwind #9	3	Poca. 4	Gary, W. Va.	N&W	20	B	B	C	A	A	B	B	D	D	D

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Arrow Pocahontas Coal Company.	267	Arrow #2	4	McDowell	Red Ash	315	250	280	215	185	180
New River & Pocahontas Consolidated Coal Co.	268	Berwind #9	3	McDowell	Poca. 4	315	250	280	215	185	180

[F. R. Doc. 41-8871; Filed, November 26, 1941; 10:40 a. m.]

[Docket Nos. A-1098 and A-1099]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED AT THE LAKESIDE MINE (MINE INDEX NO. 955) OF THE UNION COAL CO., C/O C. D. GLASS, IN DISTRICT NO. 9, FOR RAIL SHIPMENT; IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CERTAIN MINES IN DISTRICT NO. 9, FOR TRUCK SHIPMENT

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action nec-

essary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is granted as follows: Commencing forthwith § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: November 5, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
955	Union Coal Co., c/o C. D. Glass	Lakeside	No. 11	10	Mercer, Kentucky	IC.

The f. o. b. mine prices for coal shipped by Mine Index No. 955 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek mine, Mine Index No. 1, in Price Schedule No. 1 for district No. 9 for all shipments except truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																		
				1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
HOPKINS COUNTY																					
Cowan, Boyd	960	Cowan #2	#9	205	195	185	175	170	160	160	150	140	110	50	------	------	------	------	------	120	115
Rich, W. M	953	Blue Bird	#9	205	195	185	175	170	160	160	150	140	110	50	------	------	------	------	------	120	115
MUHLENBERG COUNTY																					
Horn, Wilty	952	Horn #2	#9	205	195	185	175	170	160	160	150	140	110	50	------	------	------	------	------	120	115
Union Coal Co., c/o C. D. Glass	955	Lakeside	#11	205	195	185	175	170	160	160	150	140	110	50	------	------	------	------	------	120	115

[F. R. Doc. 41-8868; Filed, November 26, 1941; 10:39 a. m.]

[Docket No. A-1123]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF MINIMUM PRICES AND PRICE CLASSIFICATIONS FOR THE COALS OF MINE NO. 16 (MINE INDEX NO. 1518) OF SAHARA COAL COMPANY IN DISTRICT NO. 10, FOR TRUCK AND RAIL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Mine No. 16 (Mine Index No. 1518) of Sahara Coal Company in District No. 10, for truck and rail shipments.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.2 (*Mine index numbers*) is amended by adding thereto supplement R-I, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto supplement R-II, and § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 5, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R-I

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R-II

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
1	Sahara Coal Company	No. 16	1518	133	Harrisburg, Ill	NYC.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, re-

The following action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
1	Sahara Coal Company	No. 16	[1] 1518	133	Harrisburg, Ill.	NYC.

[1] Mine Index No. 1518 shall be included in Price Group 1 and shall take the same f. o. b. mine prices as other mines in Price Group 1, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Harrisburg, Illinois.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
1	Sahara Coal Company	No. 16	[1] 1518	133	Harrisburg, Ill.	NYC.

[1] The railroad locomotive fuel prices shall be: mine run—$2.25; screenings—$1.70, nd railroad locomotive fuel price exception No. 9 shall apply.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group numbers																										
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 10																														
SALINE COUNTY																														
Sahara Coal Company	1518	No. 16	5	265	265	265	250	240	235	225	225	205	195	195	195	170	160	110	60	210	205	205	205	200	190	190	180	160	180	170	160	145

[F. R. Doc. 41–8869; Filed, November 26, 1941; 10:39 a. m.]

[Docket No. A–405]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 122 IN DISTRICT NO. 14

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that temporary and permanent relief be granted by revising the price classifications and minimum prices of the coals produced at the No. 1 Mine (Mine Index No. 122) of R. A. Young and Son Coal Company, a code member in District 14.

A petition of intervention, joining in the request of District Board 14, was filed by R. A. Young and Son Coal Company, and joint petitions of intervention in opposition to the request were filed by the Gillie Coal Company and the Premium Smokeless Coal Company and by the Sans Bois Coal Company and the Keener Mining Company, all code members in District 14.

Pursuant to the request for temporary relief, and after due notice to all interested persons, an informal conference was held in Washington, D. C., in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure in proceedings instituted pursuant to section 4 II (d) of the Act, at which the R. A. Young and Son Coal Company and all the intervenors appeared. On January 28, 1941, the Director issued a Memorandum Opinion and Order, granting temporary relief.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on July 30 and 31, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 14, R. A. Young and Son Coal Company, and all the above-named intervenors appeared. At the conclusion of the hearing all parties waived the preparation and filing of a report by the Examiner and the record in the proceeding was thereupon submitted to the undersigned.

At the hearing, District Board 14 amended its petition and requested that price classifications and minimum prices be established for the Young No. 1 Mine ten cents per ton higher than those established for Size Groups 4, 6, 7, 8, and 9 and by the temporary relief order of January 28, 1941, but five cents per ton lower than the originally established classifications and minimum prices.

Evidence adduced at the hearing disCompany No. 1 Mine is located in Sebastian County, Arkansas, and ships all its closes that the R. A. Young and Son Coal production of coals by rail into midwestern markets, including Kansas City, Topeka, Omaha, and the Twin Cities. It also appears that the coals of the R. A. Young and Son Coal Company are similar to those of three other producers in District 14: the Great Western Coal Company, the Hetherington Bros. Coal Company, and the Buck Creek Coal Mining Company. The coals of these producers are shipped into the same market areas and are in direct competition with the coals of the R. A. Young and Son Coal Company.

The R. A. Young and Son Coal Company has found itself in a position where it has not been able to sell its coals in the quantities that it could normally expect to be able to as judged by its capacity and the sales made by competing producers. Horace Young, vice president

[Docket No. A-421]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS PRODUCED AT MINE INDEX NOS. 48 AND 126 IN DISTRICT NO. 14

This proceeding was instituted upon petition filed with the Bituminous Coal Division by District Board 14, pursuant to secton 4 II (d) of the Bituminous Coal Act of 1937.

The petition requests reclassification of coals of the Buck Creek Coal Mining Company, a code member operating the Buck Creek Mine (Mine Index No. 126) in Production Group 6 of District 14, and Hetherington Bros. Coal Company, a code member operating the Hether Mine (Mine Index No. 48) in Production Group 6 of District 14, as follows:

	Size group				
	4	6	7	8	9
Buck Creek:					
Present classification	E	F	F	F	F
Proposed classification	I	J	J	J	J
Hetherington:					
Present classification	E	F	F	F	F
Proposed classification	J	K	K	K	L

Petitions of intervention were filed by Hetherington and Buck Creek and by Sans Bois Coal Company and Keener Mining Company, code member producers in District 14.

In accordance with a request for temporary relief and after notice to all interested parties, an informal conference was held in Washington, D. C., in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure in proceedings instituted pursuant to section 4 II (d) of the Act, and, by an Order of January 28, 1941, temporary relief was granted.

On March 11, 1941, District Board 14 filed a motion praying that the Order of January 28, 1941, 6 F.R. 691, granting temporary relief, be amended as concerns Buck Creek.

Pursuant to an Order and after notice to all interested parties, a hearing in this matter was held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

Appearances were entered for the petitioner and all intervenors.

At the hearing a motion was made by the petitioner to amend its petition requesting the following price classifications and minimum prices for coals of both Buck Creek and Hetherington:

	Size groups												
	4	6	7	8	9	10	11	13	14	15	16	17	18
For rail shipments	I	J	J	J	J	G	F	D	B	B	B	A	L

	Size groups												
	4	6	7	8	9	10	11	13	14	15	16	17	18
For truck shipments	415	415	415	415	390	370	355	200	135	115	105	185	335

The motion was granted without objection.

At the conclusion of the hearing, the preparation and filing of a report by the Examiner was waived, and the record of the proceeding was thereupon submitted to the undersigned.

Maurice Bedwell, president of the Bedwell Coal Company, lessor of the Buck Creek lands, testified that the Buck Creek and Hether are adjoining mines. Each operation is a slope mine, two or three years old and consists of slopes from 1,200 to 1,500 feet in depth, in the Upper Hartshorne seam, Production Group 6, adjoining the Midland Valley Railroad, in Le Flore County, Oklahoma. The Buck Creek and Hether coals compete with each other and also with the coals of R. A. Young & Son Coal Company and Great Western Coal Company in the same market areas. The quality of the coals of Buck Creek and Hetherington at present is as good as at any time since prices were first established for District 14 coals.

It was the opinion of the witness that the effective minimum price established for Buck Creek and Hether Size Group 4 coals was incorrect, and that, considering the physical characteristics of the coals, their market acceptability and competitive opportunities, the classifications and prices as proposed in the amended petition for coals of both the Buck Creek and Hether Mines are fair and reasonable, and would preserve just and equitable classifications and prices among producers within the district, provided that the coals of Great Western and R. A. Young & Son Coal Company were given the same classifications and prices, as these latter coals are comparable to and competitive with coals of Buck Creek and Hetherington.

John Hetherington, president of Buck Creek and a partner in Hetherington, testified that Hetherington and Buck Creek each produced approximately 28,000 tons of coal in 1940 prior to October 1 but that after that date Hetherington was forced to close down completely, and Buck Creek worked but 40 days thereafter, during which time it sold approximately 500 tons of railroad fuel.

The sole reason assigned for this poor record was that neither producer was able to obtain the effective minimum price for its Size Group 4 coal, which represents approximately 25 per cent of its total production.

Both mines reopened in July 1941, when their season began, and are presently producing coal. The witness Hetherington corroborated the witness Bedwell to the effect that the closing of Buck Creek and Hetherington resulted from the classification of their Size Group 4 coal and that the classification and prices proposed by the petitioner for Buck Creek and Hether coals are appropriate and fair, provided that the coals of the R. A. Young & Son Coal Company and the Great Western Coal Company are similarly classified and priced.

There was no opposition to the relief requested.

Upon the basis of the uncontroverted evidence, I find and conclude that the price classifications and minimum prices for the coals of the Buck Creek and Hether Mines proposed by the petitioner should be established as set forth in Supplements R and T annexed hereto and made a part hereof and that the establishment of said price classifications and minimum prices is required in order to effectuate the policies of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That § 334.5 (*Alphabetical list of code members*) and § 334.24 (*General prices for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 14 for Truck Shipments be, and they hereby are, amended as follows:

1. The present effective price classifications and minimum prices for the coals produced by the Buck Creek Mine (Mine Index No. 126) of Buck Creek Coal Mining Company in Production Group 6 and the Hether Mine (Mine Index No. 48) of Hetherington Bros. Coal Company in Production Group 6 be, and they hereby are deleted.

2. Beginning forthwith, the price classifications and minimum prices as set forth in supplement R, § 334.5 (*Alphabetical list of code members*), and supplement T, § 334.24 (*General prices for shipment into all market areas*), annexed hereto and made a part hereof, shall be, and they hereby are, established as the effective price classifications and minimum prices for the coals produced at the Buck Creek Mine (Mine Index No. 126) of Buck Creek Coal Mining Company in Production Group 6 and the Hether Mine (Mine Index No. 48) of Hetherington Bros. Coal Company in Production Group 6.

It is further ordered, That in all other respects the prayers for relief contained in the several petitions filed herein be, and they hereby are, denied.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group																		
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
126	Buck Creek Coal Mining Co.	Buck Creek	6	Panama, Okla.	MV		15				I		J	J	J	J	G	F		D	B	B	B	A	L	
48	Hetherington Bros. Coal Company (D. R. Hetherington).	Hether	6	Panama, Okla.	MV		15				I		J	J	J	J	G	F		D	B	B	B	A	L	

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Production group No.	County	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
126	Buck Creek Coal Mining Co.	Buck Creek	6	Le Flore, Oklahoma				415		415	415	415	390	370	355		200	135	115	105	185	335		
48	Hetherington Bros. Coal Company (D. R. Hetherington)	Hether	6	Le Flore, Oklahoma				415		415	415	415	390	370	355		200	135	115	105	185	335		

[F. R. Doc. 41-8873; Filed, November 26, 1941; 10:41 a. m.]

[Docket No. A-870]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 14 FOR REVISION OF EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 3 IN DISTRICT NO. 14

This is a proceeding instituted upon a petition as amended, filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 14, seeking reclassifications and corresponding price changes for the coals produced at certain mines, operating by the "Solid Shot Method," in Production Group 3 of District 14.

Pursuant to an Order of the Director, a hearing was held in this matter on July 30, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room of the Division, Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. An appearance was entered by District Board 14. By agreement of all parties, the preparation and filing of the Examiner's Report was waived and the record was thereupon submitted to the undersigned.

Findings of Fact

The petition, as amended, requested that a group of seven mines in Production Group 3 of District 14 be given revised classifications in accordance with those classifications therein proposed.

The uncontroverted evidence shows that there are approximately twelve mines in Production Group 3 of District 14 operating by the "Solid Shot Method," as contra-distinguished from the "Machine Cut Method" of mining. The coals of all the Solid Shot Mines in Production Group 3, except the seven mines here involved are presently classified "C" in Size Group 3, "B" in Size Group 14, and "N" in Size Group 18, for rail shipment for all uses except railroad locomotive fuel; and are presently priced in Size Group 3 at $3.85, Size Group 14 at $1.35, and Size Group 18 at $3.25 per net ton f. o. b. the mine for truck shipment.

The evidence shows that all of the Solid Shot Operators in Production Group 3 have the same kind and quality of coal which is marketed under the same conditions. The lack of uniformity presently existing in the prices and classifications of the coals results in unequal competitive opportunities in favor of the seven producers who have lower classifications and prices. The relief requested, if granted, would price the coals of all such producers in Production Group 3 at the same level and thereby result in just and equitable prices for all such producers and preserve their existing fair competitive opportunities.[1]

The evidence shows that the King Walker Mine (Mine Index No. 190), of W. M. Hampton is presently classified and priced in Size Group 4 for both rail and truck shipments and is not classified and priced in Size Group 3; that the King Walker Mine does not produce Size Group 4 but does produce Size Group 3; and, that the Size Group 4 classification and prices should be deleted.

There was no opposition expressed at the hearing.

For the foregoing reasons, and based upon the foregoing Findings of Fact, I conclude that:

(1) The Schedules of Effective Minimum Prices for District 14 For All Shipments Except Truck and for Truck Shipments should be revised to effectuate the respective changes from the present classifications to the requested classifications, with corresponding changes in the effective minimum f. o. b. mine prices for rail shipments for all uses except railroad locomotive fuel, as set forth in Supplements "R" and "T" attached hereto and made a part hereof.

(2) Such changes are necessary to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto supplement "R," and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto supplement "T," which supplements are hereinafter set forth and hereby made a part hereof.

Dated: November 6, 1941.

[SEAL] H. A. GRAY, *Director.*

[1] Though originally requesting rail prices for seven mines, at the hearing counsel for petition requested that the petition be regarded as not requesting rail prices for Midget Coal Mine (Luther Gabbard). Therefore, rail prices for only six mines are herein granted.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Freight origin group No.	Price classification by size group																			
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
151	Atchinson, J. O.	Atchinson	3	Paris, Ark. (MP RR)	14			(*)											(*)				N		
190	Hampton, W. M.	Dennis	3	Paris, Ark. (MP RR)	14			C											(*)				N		
200	Sizemore, Newt	Smokeless	3	Paris, Ark. (MP RR)	14			(*)											(*)				N		
478	Stinnett, L. B. (L. B. Stinnett Coal Company)	Stinnett	3	Paris, Ark. (MP RR)	14			(*)											(*)				N		
339	Tucker, S. A.	Tucker	3	Paris, Ark. (MP RR)	14			(*)											(*)				N		
347	Wald, Abel J.	Martindale	3	Paris, Ark. (MP RR)	14			(*)											(*)				N		

*Minimum prices have been established for these sizes. No changes requested.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	County	Subdistrict No.	Prices and size group numbers																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Atchinson, J. O.	151	Atchinson	Logan	3			(*)											(*)				325		
Hampton, W. M.	190	Dennis	Logan	3			385											(*)				325		
Midget Coal Mine (Luther Gabbard)	459	Midget	Logan	3			385											(*)				325		
Sizemore, Newt	200	Smokeless	Logan	3			(*)											(*)				325		
Stinnett, L. B. (L. B. Stinnett Coal Co.)	478	Stinnett	Logan	3			(*)											(*)				325		
Tucker, S. A.	339	Tucker	Logan	3			(*)											(*)				325		
Wald, Abel J.	347	Martindale	Logan	3			(*)											(*)				325		

*Minimum prices have been established for these sizes. No changes requested.

[F. R. Doc. 41-8867; Filed, November 26, 1941; 10:38 a. m.]

[Docket No. A-895]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS AND FOR THE ESTABLISHMENT OF ADDITIONAL PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN OTHER COALS PRODUCED IN SUBDISTRICT 5 OF DISTRICT NO. 14

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the revision of the effective classifications and minimum prices heretofore established for the coals produced at the Watson Excelsior Coal Company's mine (Mine Index No. 2) and the establishment of additional price classifications and minimum prices, for both truck and rail shipment, for coal produced at the mines of the Boyd-Sicard Coal Co. (Mine Index No. 14); Excelsior Thin Vein Coal Co. (Mine Index No. 34); Harper-Thornton Coal Co. (Mine Index No. 195); Peerless Coal Company (Mine Index No. 176); and Watson Excelsior Coal Co. (Mine Index No. 2), all code members in Subdistrict 5 of District No. 14.

Pursuant to the Order of the Director, a hearing in this matter was held on July 30 and August 1, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof, in Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Harper-Thornton Coal Company, Excelsior Thin Vein Coal Company, and Peerless Coal Company appeared.[1]

[1] Prior to the hearing, a "Protest and Motion for Transfer and Consolidation" was filed by Harper-Thornton Coal Company, and a "Protest and Answer" was filed by Excelsior Thin Vein Coal Company. These, however, were withdrawn by each of said producers prior to the conclusion of the hearing. District Board 14 (petitioner) likewise withdrew its petition insofar as the same pertains to Harper-Thornton Coal Co.

mining operations. The additional classifications and prices now requested are for coal produced at a lower level in the mine, and this coal is comparable with the coal of the competing mines and, therefore, should have the same price.

The uncontroverted evidence adduced at the hearing shows that the classifications and minimum prices for the various coals designated in the annexed Schedules should be established as set forth therein; that said prices are just and equitable, and are in no way prejudicial or preferential as between districts. The evidence further establishes that the said classifications and minimum prices requested by the petitioner, will, if adopted, reflect the true values of the coals to which they apply; will preserve fair competitive opportunities for the producers thereof, as well as other local producers competing with them; are necessary in order to effectuate and comply with the purposes of section 4 II (a) and section 4 II (b) of the Act and in all respects with the standards thereof, and are without opposition.

Now, therefore, it is ordered, That commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: Nov. 7, 1941.

[SEAL] H. A. GRAY, *Director.*

At the conclusion of the hearing, the Examiner's report was waived and the matter was thereupon submitted to the undersigned for determination.

The evidence established that the mines of all the code member producers here involved are located in close proximity to one another, and all produce comparable coal from the so-called Excelsior Seam.

The differential represented by the prices heretofore established and revision of which is herein requested, was granted for the reason that the coal at that time was softer than the coal produced by competing code members of District No. 14, and of inferior character and market acceptability, due to greater friability and degradation characteristics. That situation has since changed. The coal has now reached a lower mining depth, has a harder structure, and therefore its character and market acceptability is equal to that of the coal produced by competing producers operating in the same seam in the District, and for which higher prices have heretofore been established. Therefore, I find that the existing differential is no longer justified and should be abolished.

In support of the request for the establishment of additional price classifications and minimum prices of certain coals produced by the Watson Excelsior Coal Company, it was shown that such action is necessary in order to develop the mine of this code member. Only three classifications and minimum prices have heretofore been established for this code member's mine, pending deeper

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Producing group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group												
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
14	Boyd-Steard Coal Co.	Boyd No. 3	5	Excelsior, Ark.	MV	15				(*)	(*)	(*)	(*)	(*)	G	F			(*)	(*)	(*)	(*)	(N)		
34	Excelsior Thin Vein Coal Company, Inc.	Excelsior Smokeless No. 2.	5	Hackett, Ark.	SL&SF	10				G		H	H	H	G	F			(*)	(*)	(*)	(*)	(*)		
176	Peerless Coal Company (W. H. Lawle)	Peerless #2	5	Excelsior, Ark.	MV	15				(*)		(*)	(*)	(*)	G	F			(*)	(*)	(*)	(*)	A		
2	Watson Excelsior Coal Co. (J. W. Watson).	No. 1	5	Hackett, Ark.	SL&SF	10				G		H	H	H	G	F			D	(*)	(*)	(*)	A		

*Minimum price classifications established for these sizes. No changes requested.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index name	Mine index No.	Mine	County	Sub-dist. No.	Prices and size group Nos.														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Boyd-Steard Coal Co.	14	Boyd No. 3	Sebastian, Ark.	5				(*)		(*)	(*)	(*)	(*)	370	355									
Excelsior Thin Vein Coal Company, Inc.	34	Excelsior Smokeless No. 2.	Sebastian, Ark.	5				(*)		(*)	(*)	(*)	(*)	370	355									
Peerless Coal Company (W. H. Lewis)	176	Peerless #2	Sebastian, Ark.	5				(*)		(*)	(*)	(*)	(*)	370	355									
Watson Excelsior Coal Co. (J. W. Watson).	2	No. 1	Sebastian, Ark.	5				425		425	425	425	400	370	355		200							

*Minimum prices established for these sizes. No changes requested.

[F. R. Doc. 41-8866; Filed, November 26, 1941; 10:38 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1008—ELECTRIC POWER

Supplemental Order No. 1[1] *to Limitation Order L–16 To Curtail the Consumption of Electric Power in the Southeastern Area*

To: Duke Power Company, Carolina Power & Light Company, South Carolina Electric & Gas Company, Tidewater Power Company, Lexington Water Power Company, Virginia Electric & Power Company, Appalachian Electric Power Company.

Whereas pursuant to the requirements of paragraph (e) of Limitation Order No. L–16 of the above named Utilities have worked out certain engineering arrangements for the operation of their reservoirs, generating plants, substations, transmission lines and other facilities and for interchanging electric power so as to make available maximum power capacity and achieve maximum output and to relieve shortages in the southeastern area, and

Whereas in order to make the aforesaid arrangements effective to relieve shortages in the southeastern area, it is necessary to specify the particular deliveries which shall be made from the power pool created by such arrangements;

Now, therefore, pursuant to paragraph (e) of limitation order No. L–16 *it is ordered*, That:

§ 1008.2 *Supplemental order No. 1 to general limitation order L–16.* The said Utilities shall:

(a) Deliver through the Carolina Power & Light Company over the so-called Waterville-Arlington tie-line with the Tennessee Valley Authority an average of 9,100,000 kilowatt hours per week.

(b) Deliver through the Duke Power Company over the so-called Tallulah Falls tie-line with the Georgia Power Company an average of 8,000,000 kilowatt hours per week.

(c) Deliver through the South Carolina Electric & Gas Company over the so-called Saluda-Stevens Creek tie-line with the Georgia Power Company an average of 5,000,000 kilowatt hours per week.

(d) Deliver such amounts of power through the South Carolina Electric & Gas Company to the South Carolina Power Company as may be needed (the amount to be determined by the parties, or in the absence of such determination, then to be determined under the provisions of paragraph (e) of Limitation Order No. L–16) by the latter company to supplement its existing supply in order to maintain capacity operation at the Pittsburgh Metallurgical Company plant near Charleston, South Carolina. The said term "existing supply" shall include the power delivered by South Carolina Electric & Gas Company to South Carolina Power Company under the existing firm power contract between those companies.

(e) Deliver through the connections of the Duke Power Company and of the Carolina Power and Light Company with the Carolina Aluminum Company such amounts of power as may be needed (estimated at 12,000,000 kilowatt hours per week) to supplement Carolina Aluminum Company's existing supply in order to maintain capacity operation at the Baden plant of the Aluminum Company of America.

This supplemental Order shall take effect at 12:01 A. M. November 7, 1941 and unless sooner terminated shall terminate on the expiration date of Limitation Order No. L–16.

Issued this 6th day of November 1941.

DONALD M. NELSON,
Director of Priorities.
By: J. A. KRUG,
Chief, Power Branch.

[F. R. Doc. 41–8896; Filed, November 26, 1941; 2:36 p. m.]

[1] Under paragraph (e), Integration of Power System Operations.

PART 1008—ELECTRIC POWER

Supplemental Order No. 2[1] *to Limitation Order L–16 To Curtail the Consumption of Electric Power in the Southeastern Area*

§ 1008.3 *Supplemental order No. 2 to general limitation order L–16.* The percentages specified in Exhibit B annexed to Limitation Order L–16 are hereby modified as follows for the Utilities listed below:

1. Utility	*2. Percentage*
Alabama Power Company	100
Georgia Power Company	100
Gulf Power Company	100
Mississippi Power Company	100
South Carolina Power Company	100
Tennessee Valley Authority	100
Alabama Water Service Company	100
Birmingham Electric Company	100
Aluminum Company of America (Tennessee System)	100
Carolina Aluminum Company (Western Division)	100
Crisp County Power Commission	100
Riviera Utilities	100
Nantahala Power and Light Company	100
All other Utilities which purchase power from any of the above named Utilities	100

The foregoing percentages are to be used in determining a Consumer's Weekly Quota of electric power as defined in paragraph (a) (5) of Limitation Order L–16. Any Consumer who purchases or otherwise acquires electric power from any of the Utilities listed in Column 1 shall be entitled to use during the week commencing November 17, 1941 and in any succeeding week not more than seven times the average daily consumption of such Consumer during his Base Billing Month, multiplied by the percentage opposite the name of the Utility which supplies such Consumer.

Issued this 12th day of November 1941.

DONALD M. NELSON,
Director of Priorities.
By: J. A. KRUG,
Chief, Power Branch.

[F. R. Doc. 41–8897; Filed, November 26, 1941; 2:36 p. m.]

[1] Under paragraph (a) (5) (ii) and paragraph (b) (1).

PART 1008—ELECTRIC POWER

Supplemental Order No. 3[1] *to Limitation Order L–16 to Curtail the Consumption of Electric Power in the Southeastern Area*

§ 1008.4 *Supplemental order No. 3 to general limitation order L–16.* The provision designated number "2" in Exhibit C, annexed to Limitation Order L–16, is hereby amended by inserting the word "schools" after the word "Churches" so that the provision as amended will read as follows:

2. The following essential community services: Churches, schools, hospitals, newspapers, refrigeration and food preservation plants.

Issued this 14th day of November 1941.

DONALD M. NELSON,
Director of Priorities.
By: J. A. KRUG,
Chief, Power Branch.

[F. R. Doc. 41–8898; Filed, November 26, 1941; 2:36 p. m.]

[1] Under paragraph (c).

PART 1012—DOMESTIC VACUUM CLEANERS

Limitation Order L–18 to Restrict the Production of Domestic Vacuum Cleaners

Whereas, the demands of national defense have created a shortage of various scarce materials including iron and steel used in the manufacture of domestic vacuum cleaners; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of domestic vacuum cleaners is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 1012.1 *General limitation order L–18*—(a) *Definitions.* For the purposes of this Order:

(1) "Domestic Vacuum Cleaners" means any vacuum cleaner for household use.

(2) "Factory Sales" means sales of Domestic Vacuum Cleaners from factory or branches to distributors, dealers or consumers.

(3) "Class 'A' Manufacturers" means those manufacturers of Domestic Vacuum Cleaners the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports, was 5,200 such units or more.

(4) "Class 'B' Manufacturers" means those manufacturers of Domestic Vacuum Cleaners the monthly average of whose Factory Sales for the twelve months ending June 30, 1941, including both domestic sales and exports was less than 5,200 such units.

(b) *General restriction.* During the three months period from October 1, 1941, to December 31, 1941, inclusive:

(1) No Class "A" Manufacturer shall produce more Domestic Vacuum Cleaners than the greater of the following two limits:

(i) 15,600 of such Vacuum Cleaners, or

(ii) Three times 90% of the monthly average of his Factory Sales of such Vacuum Cleaners for the twelve months ending June 30, 1941.

(2) No Class "B" Manufacturer shall produce more Domestic Vacuum Cleaners than three times 100% of the monthly average of his Factory Sales of such Vacuum Cleaners for the twelve months ending June 30, 1941.

(c) *Avoidance of excessive inventories.* Manufacturers of Domestic Vacuum Cleaners shall not accumulate inventories of raw materials, semi-processed materials, finished parts, or assembled vacuum cleaners in quantities in excess of minimum practicable working inventories.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each Manufacturer to whom this Order applies shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management reports on Forms PD–170 (monthly), PD–171 (quarterly), and such other reports or questionnaires as said Office shall from time to time specify. Form PD–170 shall be filed on or before the fifteenth day of each month commencing December 15, 1941, and shall cover the preceding month (except in the case of the first report which shall cover the months of October and November).

(g) *Provision for companies under common ownership.* For the purposes of this Order, a manufacturer's classification into Class "A" or "B", shall depend upon the monthly average of Factory Sales by that manufacturer, including in the total of such sales all Factory Sales made by subsidiaries, affiliates, or by other companies or enterprises under common ownership or control.

(h) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of recommendation for prosecution under section 35A of the Criminal Code (18 U. S. C. 80).

(i) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities.

(P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–8905; Filed, November 27, 1941; 9:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 44—DOUGLAS FIR DOORS

A large proportion of the doors manufactured in this country are made of Douglas fir lumber and plywood. Fir doors, including entrance, interior, storm and screen house doors, garage doors and cupboard doors, constitute a substantial portion of building construction costs. The vastly expanded building activity accompanying the defense program has greatly augmented the demand for fir doors. The industry has responded by increasing production, but supply has noticeably lagged behind demand. As a consequence, fir door prices have risen sharply. These price increases have markedly outstripped advances in production costs. Expanded volume of output has enabled the industry to realize economies in overhead costs, but these reductions have not been reflected in prices for fir doors. Issuance of a price schedule is therefore necessary to protect consumers, the industry, and the national economy.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.151 *Maximum prices for Douglas fir doors.* On and after December 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer of Douglas fir doors shall sell, offer to sell, deliver, or transfer, for domestic or export use and no person shall buy, offer to buy, or accept delivery of any Douglas fir doors from a manufacturer at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1312.159.*

*§§ 1312.151 to 1312.159, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.152 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.153 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of Douglas fir doors, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on December 10, 1941, or by any other means.*

§ 1312.154 *Records and reports.* Every manufacturer who sells and every person who purchases from a manufacturer Douglas fir doors of a value of more than $1,000.00 per month after December 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer or seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of Douglas fir doors (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the

cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir doors, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.156 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.157 *Definition.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a factory or plant which produces Douglas fir doors. The term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(c) "Douglas fir doors" means doors of the types listed in Appendix A made from Douglas fir lumber.

(d) "Deliver" means to make physical transfer of doors to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser, to whom the doors have been sold.*

§ 1312.158 *Effective date of the schedule.* This Schedule (§§ 1312.151 to 1312.159, inclusive) shall become effective December 10, 1941.*

§ 1312.159 *Appendix A — Maximum prices[1] for Douglas fir doors.* (a) The maximum prices f. o. b. factory shall be determined by applying the following discounts to the list prices set forth in paragraph (b).

Basic Discount	72 per cent.
No. 1 Doors "A" Grade	Basic Discount.
No. 2 Doors "B" Grade	1 point longer than Basic Discount.
No. 3 Doors "C" Grade	2 points longer than Basic Discount.
Millrun, 1⅛" only	1 point longer than Basic Discount.
Storm Doors	1 point longer than Basic Discount.
Cupboard Doors (B&Btr. only).	1 point longer than Basic Discount.
"A" Grade Sidelights	Basic Discount.
Rim and French Doors ("A" & "B" Grades only).	5 points longer than Basic Discount.

[1] When cash is paid within 5 days of delivery, the maximum price is the price herein set forth less 2%. All prices are for mixed carload quantities.

(b) *List prices*—(1) *Standard house door basic list:*

Size	1⅜"	1¾"	1⅛"
2-0 x 6-0	$6.55	$8.40	$5.90
2-4 x	6.95	8.90	6.25
2-6 x	7.15	9.30	6.45
2-8 x	7.35	9.55	6.65
3-0 x	7.95	10.75	7.20
2-4 x 6-4	7.15	9.15	6.45
2-0 x 6-6	6.85	8.75	6.15
2-4 x	7.30	9.35	6.55
2-6 x	7.50	9.75	6.75
2-8 x	7.70	10.00	6.95
3-0 x	8.35	11.25	7.50
2-0 x 6-8	7.00	8.95	6.25
2-4 x	7.40	9.50	6.65
2-6 x	7.60	9.90	6.85
2-8 x	7.80	10.15	7.05
2-10 x	8.15	11.00	7.35
3-10 x	8.50	11.50	7.65
2-0 x 6-10	7.50	9.60	6.75
2-4 x	7.90	10.10	7.10
2-6 x	8.15	10.60	7.35
2-8 x	8.35	10.85	7.50
2-10 x	8.70	11.75	7.85
3-0 x	9.05	12.20	8.15
2-0 x 7-0	7.60	9.75	6.85
2-4 x	8.00	10.25	7.20
2-6 x	8.25	10.75	7.45
2-8 x	8.45	11.00	7.65
2-10 x	8.80	11.90	7.90
3-0 x	9.20	12.40	8.30
2-6 x 7-6	8.85	11.50	
2-8 x	9.25	12.00	
2-10 x	9.65	13.00	
3-0 x	10.00	13.50	
2-6 x 8-0	9.20	12.00	
2-8 x	9.65	12.55	
3-0 x	10.45	14.10	
4-0 x	13.60	18.35	

NOTES: For 1⅛" Sash Doors, use 1⅜" list. All Storm Doors are priced from 1⅜" list.

(2) *Standard side light basic list, No. 1 grade only:*

Size	1⅜" open list	1¾" open list
1-0 x 6-8	$4.20	$5.20
6-10	4.45	5.55
7-0	4.50	5.60
1-2 x 6-8	4.40	5.50
6-10	4.60	5.75
7-0	4.65	5.80
1-4 x 6-8	4.50	5.70
6-10	4.75	6.05
7-0	4.85	6.10
1-6 x 6-8	4.65	5.95
6-10	4.95	6.25
7-0	5.00	6.30

(3) *Standard cupboard door basic list,[1] No. 2 and better grade only:*

STILES, TOP AND CROSS RAILS—2¾"

Size	¾"	1⅛"
1-6 x 1-6	$1.50	$1.60
2-0	1.65	1.80
2-6	2.10	2.30
3-0	2.25	2.50
3-6	2.70	2.95
4-0	2.85	3.15
4-6	3.30	3.65
5-0	3.50	3.80
5-6	3.65	4.00
6-0	3.85	4.20

[1] For 1⅜" Cupboard Doors, add to 1⅛ list 15%.

STILES, TOP AND CROSS RAILS—2¾"—Continued

Size	¾"	1⅛"
1-8 x 1-6	$1.55	$1.70
2-0	1.75	1.90
2-6	2.20	2.40
3-0	2.40	2.60
3-6	2.85	3.10
4-0	3.05	3.30
4-6	3.50	3.80
5-0	3.65	4.00
5-6	3.90	4.25
6-0	4.05	4.45
1-10 x 1-6	1.60	1.75
2-0	1.80	2.00
2-6	2.30	2.50
3-0	2.50	2.75
3-6	3.00	3.25
4-0	3.20	3.50
4-6	3.65	4.00
5-0	3.85	4.25
5-6	4.10	4.45
6-0	4.30	4.70
2-0 x 1-6	1.65	1.85
2-0	1.90	2.10
2-6	2.40	2.65
3-0	2.60	2.85
3-6	3.10	3.45
4-0	3.35	3.65
4-6	3.85	4.20
5-0	4.05	4.45
5-6	4.30	4.70
6-0	4.50	4.95

(c) *List rules and extras:*

RULE 1. For sizes not listed and intermediate sizes, use same list as next larger listed size.

RULE 2. List Extras are additions to be made to foregoing Basic Lists. Where a given percentage is to be added to create a new list figure for a door, such list figure is to be made to end in 5 or 0, whichever is nearer.

RULE 3. *Larger sizes than listed.*

(a) Doors wider than listed, use widest list of same height and add for each additional four inches in width or part thereof, to List Price, 10%.

(b) Doors longer than listed, use longest list of same width and add for each additional six inches or part thereof, to List Price, 10%.

RULE 4. *Thick doors over 1¾".*

(a) Up to 2" thick, add to List Price of 1¾", same size, 100%

(b) For each ¼", or fraction, over 2" thick, add to List Price an additional 50%.

(d) *Design extras exclusive of watertables and trim* (Commercial Standard CS 73–38 Department of Commerce):

Design	Net extra per door: Flat panel	Net extra per door: Raised panel
HOUSE DOORS		
F-1	$0.65	(1)
F-2	.65	(1)
F-3	None	(1)
F-13	None	(1)
F-5	None	$0.10
F-66 [2]	.25	.37
F-67 [2]	.25	.37
F-68 [2]	.25	.37
F-69 [2]	.25	.37
F-88	.35	.51
F-114	None	.04
F-614 (F-114 6 lts. 3 x 2)	.30	.34
F-914 (F-114 9 lts. 3 x 3)	.55	.59
F-415	.20	.24
F-415-H	.20	.24
F-416	.20	.26

See footnotes at end of table.

Design	Net extra per door	
	Flat panel	Raised panel
HOUSE DOORS—continued		
F-117	None	$0.08
F-117½	None	.10
F-118	None	.06
F-118½	None	.08
F-318	$0.15	.21
F-418	.20	.26
F-618	.30	.36
F-918	.55	.61
F-119	None	.06
F-214	None	.06
F-214-H	.15	.21
F-20	None	(1)
F-21	.10	(1)
F-22	.30	(1)
F-28	.10	(1)
F-29	.40	(1)
F-128	.10	(1)
F-129	.40	(1)
F-33	None	(1)
F-133	None	(1)
F-62	.25	(1)
F-162	.25	.35
F-662 (F-162 6 lts. 3 x 2)	.65	.75
F-862 (F-162 8 lts. 4 x 2)	.80	.90
F-63	.30	(1)
F-163	.30	.40
F-663 (F-163 6 lts. 3 x 2)	.70	.80
F-863 (F-163 8 lts. 4 x 2)	.85	.95
F-44	.20	.32
F-144	.20	.24
F-444 (F-144 4 lts. 2 x 2)	.40	.44
F-45	.25	.35
F-145	.25	.31
F-108	.10	(1)
F-109	.40	(1)
F-80	.30	(1)
F-82	None	(1)
F-182	None	(1)
F-682 (F-182 6 lts. 3 x 2)	.30	(1)
F-982	.55	(1)
F-147	.30	.32
F-152	.20	.30
F-154	.20	.32
F-110	.20	(1)
F-111	.45	(1)
F-310	.45	(1)
F-311	.70	(1)
F-610	.60	(1)
F-611	.85	(1)
F-810	.75	(1)
F-811	1.00	(1)
FRENCH AND RIM DOORS		
F-35	None	----------
F-36	.30	----------
F-37	.90	----------
F-435	.20	----------
F-436	.50	----------
F-437	1.10	----------
F-535	.25	----------
F-536	.55	----------
F-537	1.15	----------
F-835	.45	----------
F-836	.75	----------
F-837	1.35	----------
F-935M	.70	----------
F-936M	1.00	----------
F-937M	1.60	----------
F-1035	.45	----------
F-1036	.75	----------
F-1037	1.35	----------
F-1235	.55	----------
F-1236	.85	----------
F-1237	1.45	----------
F-1535	.70	----------
F-1536	1.00	----------
F-1537	1.60	----------
F-1635	.75	----------
F-1636	1.05	----------
F-1637	1.65	----------
STORM DOORS		
FS-7	.15	.29
FS-07	.15	.25
FS-415 (same as F-415)	.35	.39
FS-416 (same as F-416)	.35	.41
FS-162 (same as F-162)	.40	.50
FS-662 (same as F-662)	.80	.90
CUPBOARD DOORS		--
F-05	None	.08
F-020	None	(1)
F-082	None	(1)
SIDELIGHTS		
F-035	----------	None
F-0435	----------	.25
F-0535	----------	.30
F-0635M	----------	.45

[1] Flat Panel only.
[2] For Colonial doors other than designs above add net per door 15¢.

(e) *House door rules and net extras:*

RULE 1. *Lot and/or stop-over cars.* On cars containing orders for more than one lot, a charge of $2.50 per lot may be made to cover cost of segregating.

RULE 2. *Stock quantity.* 10 doors of a size and kind in 1⅜" thickness and 5 doors of a size and kind in 1¾" thickness constitute stock quantity. For less than stock quantity 10% may be added.

RULE 3. *Wide stiles and rails.* For stiles and rails wider than standard narrow layout (4 1/16" stiles and top rail, 9⅜" bottom rail) add net per door:

(a) Stiles & Top Rail over 4 1/16" to 5⅜", 25¢.

(b) Stiles & Top Rail over 5⅜" to 6⅜", 70¢.

(c) Bottom Rail over 9⅜" to 11⅜", 5¢.

(d) Bottom Rail over 11⅜" to 18⅜", 70¢.

(e) Lock Rails or Intermediate Rails, for each 1" or part thereof, over catalogued standard width, add net per member, 5¢.

RULE 4. *Glass beads and bars.* (a) Stock pattern glass beads and bars furnished in all glass openings, beads furnished and tacked in at no extra charge. No deduction for omitting glass beads in any door.

(b) For bars and beads other than standard, but of simple manufacture and assembly, add per light formed, 10¢. Minimum charge for (b) on any order, $5.00.

(c) Bar and Bead Stock:

1⅜" Bars ½" between glass (per hundred lineal ft.), $3.75 list.

1¾" Bars ½" between glass (per hundred lineal ft.), $4.25 list.

Standard Glass Beads (per hundred lineal ft.), $1.00 list.

Bar and Bead Stock subject to moulding discount.

RULE 5. *Divided lights.* (a) For dividing lights in any one-light stock door, using standard beads and bars, add per light formed as used in series 118.

(b) For dividing lights with other than standard beads and bars, see Rule 4 (b).

RULE 6. *Sticking.* (a) Bead and cove is stock sticking on all doors, unless otherwise specified.

(b) Sunk Ogee sticking, add net per door, 10¢. Minimum charge for any order, $5.00.

(c) Square sticking, add net per door, 10¢. Minimum charge for any order, $5.00.

(d) Sash sticking on French doors, add net per door, 10¢. Minimum charge for any order, $5.00.

(e) Special stickings of practical machining patterns, requiring grinding of knives, add $15.00 grinding and setup charge, and add net per door, 10¢.

(f) For sash sticking around glass opening and stock sticking around panels, add net per door, 50¢. Minimum charge for any order, $5.00.

(g) No additional charge for Ovolo sticking.

RULE 7. *Thick laminated (flat) panels.* (a) Over ¼" to ⅜" 3-Ply panels, add net per door, 35¢.

(b) Over ⅜" to ½" 5-Ply panels, add net per door, 50¢.

(c) Over ½" to ¾" 5-Ply panels, add net per door, 75¢.

RULE 8. *Solid raised or flat panels, oversize.* For standard thickness solid panels, over 11⅜" wide, in two and/or three panel designs, add net per panel, 50¢.

RULE 9. *Watertables and trim.* Shipped loose unless ordered to be planted on.

(a) For plain, one member watertable, add net per door, 10¢.

(b) Watertable with blocks or dentil, add net per door, 25¢.

(c) Planting on watertable (a), add net per door, 10¢.

(d) Planting on watertables (b), add net per door, 15¢.

RULE 10. *Astragals.* Shipped loose.

(a) For doors 1⅜" thick and not over 8' high, each, 40¢.

(b) For doors 1¾" thick and not over 8' high, each, 50¢.

(c) For doors 2¼" and 2½" thick and not over 8' high each, $1.10.

RULE 11. *Rabbeting in pairs.* 1. House doors:

(a) Rabbeting plain, add net per pair, 25¢.

(b) Rabbeting and Beading, add net per pair, 50¢.

2. Cupboard doors:

(a) Rabbeting plain, add net per pair, 10¢.

(b) Rabbeting and Beading, add net per pair, 25¢.

RULE 12. *Mirror doors.* For preparing doors for full length sunken mirror, add net per door as follows:

One Panel	20¢
Sub-Stile Type	35¢
Two Panel & Three Panel	75¢
Five Panel & Six Panel	$1.00

RULE 13. *Storm doors.* Standard Storm Doors: 1⅛" thick, Millrun Grade, ½" oversize in width and 1" oversize in length, stiles not beveled.

(a) For beveled stiles, add net per door, 10¢.

RULE 14. *Toilet doors.* Use Cupboard Door Discount and Cupboard Door List for size required, exclusive of lugs, and add for lugs not exceeding 4" long for each top and bottom, per door, 50¢.

RULE 15. *Dutch doors.* (a) Cut through lock rail, not rabbeted, add net per door, 50¢.

(b) Cut through lock rail and rabbeted, add net per door, $1.00.

(c) Plain shelf and bracket, per side, $2.00.

RULE 16. *Removable panels.* For panels removable add net per panel, 12¢.

RULE 17. *Pre-fit doors.* Per door, 15¢. For prefitting to height only, add per door, 10¢.

RULE 18. *Crating.* Price per crate regardless of number of doors per crate, $1.50.

Standard crating :

6 1⅛" doors per crate.
5 1⅜" doors per crate.
4 1¾" doors per crate.
3 1¾" Raised Moulding doors per crate.

Thicker and oversize doors—one or more per crate as can be conveniently handled.

RULE 19. *Paper wrapping.* If panel doors ordered wrapped, add per door, 25¢.

RULE 20. *Resin sealing.* If panel doors ordered resin sealed, add per door, 25¢. If panel doors ordered resin sealed, panels only, add per door, 15¢.

(f) *Maximum prices for garage doors f. o. b. factory:*

	Per pair
1¾" Basic Price	$8.00
1⅜" Basic Price	8.00

(g) *Design extras on garage doors* (Commercial Standard CS 73–38, Department of Commerce):

F–491	$1.50 per set.
F–493	$0.50 per set.
F–495	$0.50 per set.
F–496	$0.50 per set.
F–691	$1.00 per pr.
F–693	None.
F–695	None.
F–696	None.
F–894	None.
F–190 (without lights)	$10.50 per set.[1]
F–290 (without lights)	$9.00 per pr.[1]
F–093	$0.75 per pr.
F–093S	$1.25 per set.
F–096	$1.50 per pr.
F–096S	$2.00 per set.
F–099	$1.50 per pr.
F–099S	$2.00 per set.
F–0912	$2.00 per pr.
F–0912S	$2.50 per set.

Above extras include standard pattern glass beads, planted in place in all sash doors. No deduction for omission of glass beads.

[1] See Garage Door Rule No. 11.

(h) *Garage door rules and net extras:*

RULE 1. *Pairs, sets, singles.* (a) Garage doors 3'0" and narrower are priced as sets.

(b) Garage dors wider than 3'0", up to and including 5'0", are priced as pairs.

(c) Garage doors over 6'0" in width are priced as single doors.

RULE 2. *Large sizes.* (a) For each foot, or fraction thereof, in length over 8'0", add per opening, $2.50.

(b) For each foot, or fraction thereof, in width per opening over 8'0", in pairs, add per opening, $2.50.

(c) For sets of 9'0" width opening, add net per set, $1.00.

RULE 3. *Sets of four doors.* Sets of four doors per opening, add to price per set of like design, $2.00.

RULE 4. *Single doors.* For single doors, made to represent pairs, add to price per pair of like design, to determine price of each single door, $3.00.

RULE 5. *Wide stiles and rails.* For wider than standard catalogued sizes: 5⅜" stiles in sets, add per set, 75¢.

Lock rails over 5⅜" wide, up to and including 8" wide, add per pair or set, 25¢.

Bottom rails over 9⅜" wide, up to and including 11⅜", add per pair or set, 25¢.

RULE 6. *Beads for glass.* Use application of Rule 3, "House Door Rules & Net Extras."

RULE 7. *Sticking.* Rule 6, "House Door Rules & Net Extras" also applies to Garage doors.

RULE 8. *Raised panels.* If panels are required thicker than stock panels, an extra charge may be made.

RULE 9. *Rabbeting in pairs.* For plain rabbeting in pairs, add net per pair, $1.00; for plain rabbeting in sets, add net per set, $1.50.

RULE 10. *Astragals.* For 1⅜" garage door astragals, each, 40¢; for 1¾" garage door astragals, each, 50¢.

RULE 11. *Designs F190 and F290 (Aristocrat Garage Doors).* (a) Widths of doors other than 2'8" and 4'0", requiring special width battens, add per pair or set, $2.00.

(b) For cutting in rectangular lights, per light, 75¢.

(c) For dividing lights, each light over one, 10¢.

(d) If made with solid lumber core top to permit cutting down or shaping, add per pair or set, $1.00.

RULE 12. *Chamfering.* For Chamfering sawbucks on design numbers F–691 and F–491, add net per pair or set, 50¢.

RULE 13. *Removable panels.* For panels removable add net per panel, 12¢.

RULE 14. *Resin sealing.* If panels in doors ordered resin sealed add per pair or set, 50¢.

(i) A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendix A may be charged, computed according to the method used by the seller during the 30 day period ending December 10, 1941. In no case shall the addition for transportation be more onerous to the purchaser than that which was or would have been charged by the seller during the same period.*

Issued this 27th day of November, 1941. Effective December 10, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–8933; Filed, November 27, 1941; 11:17 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 3 OF PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Price Schedule No. 32[1] is hereby amended by adding thereto the following section:

§ 1347.64 *Imports.* Where paperboard of any type covered by Appendices A and B, §§ 1347.61 and 1347.62 hereof, is imported from a foreign country by a consumer, and duty must be paid on such import, such consumer may pay this duty although this payment results in a total cost to such consumer for paperboard which exceeds the maximum prices established in Appendices A and B, §§ 1347.61 and 1347.62 hereof. The total amount paid by the consumer for such imported paperboard shall in no event exceed the prices established in Appendices A and B, §§ 1347.61 and 1347.62 hereof, plus the actual amount of the import duty paid, and such import duty must be shown as a separate item in the records required to be kept in accordance with § 1347.54 hereof.

This Amendment (§ 1347.64) shall become effective November 25, 1941. (Executive Order No. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 25th day of November 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–8895; Filed, November 26, 1941; 2:34 p. m.]

[1] 6 F.R. 5012, 5073, 5699.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

BROADCASTS BY CANDIDATES FOR PUBLIC OFFICE

The Commission on November 26, 1941, effective immediately deleted present § 3.422 and substituted therefore the following:

§ 3.422 *Definitions.* A "legally qualified candidate" means any person who has publicly announced that he is a candidate for nomination by a convention of a political party or for nomination or election in a primary, special, or general election, municipal, county, state or national, and who meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate, so that he may be voted for by the electorate directly or by means of delegates or electors, and who (a) has qualified for a place on the ballot or (b) is eligible under the applicable law to be voted for by sticker, by writing in his name on the ballot, or other method, and (1) has been duly nominated by a political party which is commonly known and regarded as such, or (2) makes a substantial showing that he is a *bona fide* candidate for nomination or office, as the case may be. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–8922; Filed, November 27, 1941; 10:34 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 7089 qm–1, Supp. A]

SUMMARY OF SUPPLEMENTAL CONTRACT AND CHANGE ORDER TO CONTRACT FOR ARCHITECTURAL-ENGINEERING SERVICES

CONTRACTOR: CARNEAL, JOHNSTON, & WRIGHT, 1000 ATLANTIC LIFE BUILDING, RICHMOND, VIRGINIA

Supplemental contract to Cost-Plus-a-Fixed-Fee Contract No. W 7089 qm–1,

Dated May 21, 1941[1] for the Architectural-Engineering Services in connection with the construction of a Quartermaster General Depot at Richmond, Virginia.

Estimated cost: Original, $7,045,000; supplemental, no change; cumulative total, $7,045,000.

Fixed fee: Original, $53,992; supplemental, $2,292; cumulative total, $56,284.

Supplemental contract for: Architectural-Engineering services covering the supervision of construction of * * * warehouses.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 23089 C. B. U. & A. P–99 A–0540–N the available balance of which is sufficient to cover the cost of same.

This supplemental contract,[2] entered into this 29th day of September 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the Construction of a Quartermaster General Depot at Richmond, Virginia, bearing date of May 21, 1941, and being identified as Contract No. W 7089 qm–1, (hereinafter referred to as the "principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner.

Add to the description now set forth in Article I–A, section 1 of the principal contract the supervision of construction of * * * warehouses.

Delete Sub-paragraph *a.* of Section 1, Article II–C, relating to the Fixed-Fee, and insert in lieu thereof:

a. A fixed fee in the amount of seventeen thousand three hundred and four dollars ($17,304) which shall constitute complete compensation under this Title II for the Architect-Engineer's services.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940, as extended.

Summary of Change Order, No. B, October 11, 1941

Change order[3] to Cost-Plus-A-Fixed-Fee Contract No. W 7089 qm–1 Dated May 21, 1941,[1] between the United States of America and Carneal, Johnston & Wright, Richmond, Virginia, for architectural-engineering services in connection with the construction of a Quartermaster General Depot at Richmond, Va.

Pursuant to the authority vested in the Contracting Officer under Article XII of the contract above described, you, as architect-engineer, are hereby directed to perform the work and services indicated below.

Provide the necessary architect-engineer services incident to the following changes in the work:

Add to the description of the work now set forth in Article I section 1, of the Principal Contract, as modified and amended construction of * * * Warehouses.

The estimated cost and the Architect-Engineer's fixed-fee are as follows:

Estimated construction cost, this change order, $1,562,500.

Total estimated cost, including this change order, $8,608,000.

Total fixed-fee, including this change order, $63,634.

Increase in architect-engineer's fixed-fee, $7,350.

Funds are available under Procurement Authority Number QM 23089 C. B. U. & A., P–99, A–0540–23.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8899; Filed, November 27, 1941; 9:42 a. m.]

[Contract No. W 7089 qm–2; Supp. A]

SUMMARY OF SUPPLEMENTAL CONTRACT AND CHANGE ORDER TO CONTRACT FOR CONSTRUCTION

SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE CONTRACT NO. W 7089 QM–2, DATED MAY 22, 1941[1] FOR THE CONSTRUCTION OF A QUARTERMASTER STORAGE AND DISTRIBUTION DEPOT AT RICHMOND, VA.

Contractors: Doyle and Russell, Central National Bank Bldg., Richmond, Va., and Wise Contracting Company, Inc., 112 N. 8th Street, Richmond, Va.

Estimated cost: Original, $5,606,595; supplemental, $1,223,092; cumulative total, $6,829,687.

Fixed fee: Original, $188,905; supplemental, $26,908; cumulative total, $215,813.

Supplemental contract for: The construction of * * * warehouses.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 23087 C. B. U. & A. P–99, A–0540–N. the available balance of which is sufficient to cover the cost of same.

This supplemental contract,[2] entered into this 29th day of September 1941.

There is now in full force and effect between the parties hereto a certain contract which provides for the Construction of a Quartermaster Storage and Distribution Depot at Richmond, Virginia, bearing date of May 22, 1941, and being identified as Contract No. W 7089 qm–2, (hereinafter referred to as the "principal contract").

The parties do hereby mutually agree that the said principal contract above described shall be and the same is hereby modified in the following manner:

Add to the description now set forth in article I, section 1 and article XX, section 1, of the principal contract, the construction of * * * warehouses.

Delete the paragraph on page 4 of article I, and section 2 on page 20 of article XX, of the principal contract, both relating to the estimated cost and completion date and insert in lieu thereof the following paragraph:

The estimated cost of the work added by this Supplemental Contract, exclusive of the Contractor's fee is $1,223,092.

Delete subparagraph (c) on page 4 of article I, and paragraph 3 of article XX, of the principal contract, both relating to the fixed fee and insert in lieu thereof the following paragraph:

A fixed fee in the amount of two hundred fifteen thousand, eight hundred thirteen dollars ($215,813) which shall constitute a complete compensation for the Contractor's services including profit and all general overhead expenses.

This supplemental contract is authorized by Public No. 703, 76th Congress, Approved July 2, 1940, as extended.

Summary of Change Order No. B, October 11, 1941

Change order to Cost-Plus-A-Fixed-Fee Contract No. W 7089 qm–2, Dated May 22, 1941,[1] between the United States of America and Doyle and Russell and Wise Contracting Co., Inc., Richmond, Virginia, for the construction of a Quartermaster Storage and Distribution Depot at Richmond, Virginia.

Pursuant to the authority vested in the Contracting Officer under article I of the contract above described, you, as contractor, are hereby directed to perform the work and services indicated below.

Add to the description of the work now set forth in article I, Section 1, and article XX, Section 1 of the Principal Contract, as modified and amended, the construction of * * * Warehouses.

The estimated cost and the Construction Contractors' fixed-fee are as follows:

Estimated construction cost, this change order, $1,534,278.

Total estimated cost, including this change order, $8,363,965.

Total fixed-fee, including this change order, $244,035.

Increase in Construction Contractors' Fixed-Fee, $28,222.

Funds are available under Procurement Authority Number QM 23087 C. B. U. & A., P–99 A–0540–23.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8900; Filed, November 27, 1941; 9:42 a. m.]

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[1] 6 F.R. 3257.
[2] Approved by the Under Secretary of War October 10, 1941.
[3] Approved by the Under Secretary of War, October 21, 1941.

[1] 6 F.R. 3258.
[2] Approved by the Under Secretary of War October 10, 1941.

[1] Approved by the Under Secretary of War October 21, 1941.

[Contract No. W 535 ac-21438; 5657]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AIR CRUISERS, INC., CLIFTON, NEW JERSEY

Contract for: Oxygen Cylinders and Data.

Amount: $1,047,592.50.

Place: Matériel Division Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities as listed herein, the available balances of which are sufficient to cover cost of same:

AC 34 P 12–30 A 0705–12
AC 28 P 82–30 A 0705–12

This contract,[1] entered into this 13th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government oxygen cylinders and data for the consideration stated one million forty seven thousand five hundred ninety two dollars and fifty cents ($1,047,592.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government, so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8901; Filed, November 27, 1941; 9:42 a. m.]

[1] Approved by the Under Secretary of War October 29, 1941.

[Contract No. W 669 qm–13512 O. I. No. 1968]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY; 225 FOURTH AVENUE, NEW YORK, N. Y.

Contract for: Cloth, Serge and Flannel, Shirting.

Amount: $1,011,600.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of October 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * yards Cloth, Serge, Olive Drab, * * * yards Flannel, Shirting, Olive Drab, for the consideration stated totaling one million, eleven thousand, six hundred dollars ($1,011,600.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2–02 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directives Nos. P–C–215 (42) and P–C–212 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41–8902; Filed, November 27, 1941; 9:43 a. m.]

[Contract No. W 535 ac-21645; 5719]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION; PIONEER INSTRUMENT DIVISION, BENDIX, NEW JERSEY

Contract for: Compasses and Indicators.

Amount: $2,451,000.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities listed below, the available balances of which are sufficient to cover cost of same.

AC 32 P 12–30 A 0705–2
AC 18 P 82–30 A 0705–2
AC 810 P 112–30 A 0021–13
AC 299 P 112–30 A 0021–13

This contract,[1] entered into this 7th day of October 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * compasses and indicators for the consideration stated two million four hundred fifty one thousand dollars ($2,451,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination when Contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor

[1] Approved by the Under Secretary of War October 22, 1941.

otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclu-

[Docket No. B–65]

IN THE MATTER OF JOHN KOSOROK, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 1, 1941,

ance of which is sufficient to cover cost of same.

This contract,[1] entered into this 15th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver propeller assemblies, controls, spare parts and data for the consideration stated not to exceed four million two hundred thirty-six thousand three hundred twenty-two dollars, eighty-five cents ($4,236,322.85) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliv-

[1] Approved by the Under Secretary of War October 20, 1941.

quate security as the Secretary of War shall prescribe.

ART. 25. *Price adjustment.* The contract prices stated in this contract for Propeller Assemblies, Controls and Spare Parts therefor are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Propeller Assemblies, Controls and Spare Parts.

ART. 26. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under section 1 (a) of the Act of July 2, 1940, and section 9 of the Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8904; Filed, November 27, 1941; 9:43 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-57]

IN THE MATTER OF CHARLY KOLARICH, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 24, 1941, pursuant to the provisions of sections

or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or

Truck Shipments.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8906; Filed, November 27, 1941; 10:23 a. m.]

[Docket No. B-63]

IN THE MATTER OF LEO PILATI, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 7, 1941, by Bituminous Coal Producers Board for District 22, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant

defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That during the period from October 1, 1940, to December 14, 1940, both dates inclusive, the defendant whose address is Red Lodge, Montana, sold and delivered to various purchasers approximately 91 tons of 2" lump coal produced at his McGuire Mine, (Mine Index No. 223), located in Subdistrict No. 2 of District No. 22, at a price of $3.50 per net ton f. o. b. the mine, the effective minimum price for such coal being $3.75 per net ton f. o. b. the mine as shown by the Schedule of Effective Minimum Prices for District 22 for All Shipments.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8907; Filed, November 27, 1941; 10:23 a. m.]

witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appro-

priate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, John Kosorok, of Red Lodge, Montana, during the period December 2, 1940, to December 14, 1940, both dates inclusive, sold approximately 76 tons of 2" lump coal produced at his New Brophy Mine, (Mine Index No. 211) located in Carbon County, Montana, District No. 22, to various producers at a price of $3.50 per ton f. o. b. the mine for truck shipments whereas the effective minimum price for said coal was $3.75 per ton f. o. b. the mine for truck shipments as set forth in the Schedule of Effective Minimum Prices for District No. 22 for Truck Shipments.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8908; Filed, November 27, 1941; 10:23 a. m.]

[Docket No. B-67]

IN THE MATTER OF PARIS MARTIN, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 4, 1941, by Bituminous Coal Producers' Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 13, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, Paris Martin, of Cumberland Gap, Tennessee, sold on or about April 28, 1941, to Golie Shoffner and H. L. Matlock, of Middlesboro, Kentucky, approximately 296 tons of 3/8" x 0 coal or Size Group 8 produced at his Blue Gem Mine (Mine Index No. 1531) located in Bell County, Kentucky, District No. 8, at a price of approximately 34 cents per net ton f. o. b. the mine whereas the effective minimum price for said coal was $1.50 per net ton f. o. b. the mine for such coal as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8909; Filed, November 27, 1941; 10:23 a. m.]

[Docket No. B-71]

IN THE MATTER OF A. H. ENGLAND, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 2, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 4, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 13, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records demed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, A. H. England, whose address is Middlesboro, Kentucky, sold on May 24, 1941, approximately 150 tons of 3/8" x 0 or Size Group 8 slack coal and approximately 50 tons of 2" or Size Group 7 nut-slack coal produced at his mine (Mine Index 2747) located at Yellow Creek in Bell County, Kentucky, District No. 8, to Golie Shoffner and H. L. Matlock of Middlesboro, Kentucky, at a price of 57.5 cents per net ton f. o. b. the said mine, whereas the effective minimum price for said 3/8" x 0 or Size Group 8 slack coal was $1.50 per net ton f. o. b. the mine and $1.55 per net ton in the case of 2" or Size Group 7 nut-slack coal, as stated in the Schedule of Effective Minimum Prices, for Truck Shipments, for District No. 8.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8910; Filed, November 27, 1941; 10:24 a. m.]

[Docket No. B-77]

IN THE MATTER OF SAMSON HART AND CLYDE HARRIS, ALSO KNOWN AS SAMSON HART AND CLYDE HARRIS, INDIVIDUALS, TRADING AS HART AND HARRIS, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 9, 1941, pursuant to the provisions of Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 10, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 14, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows;

That the defendants, Samson Hart and Clyde Harris, R. F. D. 1, Corbin, Kentucky, sold for shipment f. o. b. railroad cars at Corbin, Kentucky, during the period April 29 to July 17, 1941, both dates inclusive, approximately 374.05 tons of 2" nut and slack to the Georgia Power Company, Albany, Georgia, at $1.55 per net ton, approximately 47.05 tons of 5" x 2" egg to Good & Reese, Springfield, Ohio at $2.05 per net ton, approximately 58.15 tons of run of mine coal to Williams Lime Manufacturing Co., Knoxville, Tennessee at $2.10 per net ton, and approximately 55.65 tons of 2" nut and slack to the Hy-Grade Food Products Corp., Detroit, Michigan, at $1.55 per net ton, produced at the defendant's Hart & Harris Mine, Mine Index No. 1719, Subdistrict 6 of District No. 8, located in Laurel County, Kentucky. The aforesaid sales were in violation of the Bituminous Coal Code, the regulations thereunder and the provisions of the Order of the Director dated October 9, 1940 in General Docket No. 19 in that on or prior to the dates of such sales no minimum prices, temporary or final, had been established by the Division for such sales.

Dated: November 22, 1941

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8911; Filed, November 27, 1941; 10:24 a. m.]

[Docket No. B-84]

IN THE MATTER OF JAMES R. FOLEY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board, District 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 15, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings

Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, James R. Foley, Barbourville, Knox County, Kentucky, sold and offered for sale coal produced at his mine (Mine Index No. 3487), located near Barbourville in Kent County, Kentucky, to one General Cooper, Woodbine, Kentucky, acting as agent for A. B. Ferris and Ray Ferrell of Gray, Kentucky, (a) on or about July 1, 1941, approximately 366.55 tons of 2" and under nut and slack coal at approximately 10 cents per net ton f. o. b. said mine, whereas said coal was classified as Size Group 7 as shown in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, and priced at $1.55 per net ton f. o. b. said mine, and (b) on or about April 20, 1941, approximately 12 tons of 2" and under nut and slack coal at 60 cents per net ton f. o. b. said mine, whereas said coal was classified as Size Group 7 and priced at $1.55 per net ton f. o. b. said mine as shown in the Schedule referred to in (a) hereof. The aforesaid transactions were in violation of section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code promulgated thereunder and the applicable minimum prices contained in the Schedule referred to in (a) hereof.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8912; Filed, November 27, 1941; 10:24 a. m.]

[Docket No. B-121]

IN THE MATTER OF W. H. GREENE, ALSO KNOWN AS W. H. GREEN, DOING BUSINESS AS STRAIGHT CREEK JELLICO COAL CO., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 20, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 20, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 15, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That defendant, W. H. Green, doing business as Straight Creek Jellico Coal Company, whose address is Barbourville, Ky., sold and delivered for rail shipment during the period March 27, 1941, through May 6, 1941, to various purchasers, coal produced at his W. H. Green Mine, Mine Index No. 2599, located in Knox County, Kentucky, in District 8, at prices f. o. b. railroad cars at the Barbourville Siding of the Louisville & Nashville Railroad Company, whereas minimum prices for rail shipment, temporary or final, had not been established by the Division, all of which was in violation of the Order of the Director dated October 9, 1940, in General Docket No. 19, as follows:

Date	Purchaser	Size	Quantity in tons	Price
Mar. 27, 1941	Palmetto Mills, Palmetto, Ga.	⅜ x 0 carbon	56.9	$0.70
Apr. 12, 1941	Fulton Bag Co., Atlanta, Ga.	⅜ x 0 carbon	54.1	.70
Apr. 24, 1941	Palmetto Mills, Palmetto, Ga.	⅜ x 0 carbon	56.75	.70
Apr. 25, 1941	Palmetto Mills, Palmetto, Ga.	⅜ x 0 carbon	48.95	.85
Mar. 28, 1941	Exposition Mills, Atlanta, Ga.	1½" N&S	53.05	.85
Apr. 7, 1941	Exposition Mills, Atlanta, Ga.	1½" N&S	53.35	.85
Apr. 25, 1941	Exposition Mills, Atlanta, Ga.	1½" N&S	48.5	.85
Apr. 25, 1941	Exposition Mills, Atlanta, Ga.	1½" N&S	49.15	1.25
May 6, 1941	Georgia Marble Company, Tate, Ga.	ROM	52.55	1.25
May 6, 1941	Vestal Hosiery Mills, Athens, Tenn.	ROM		

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8913; Filed, November 27, 1941; 10:25 a. m.]

[Docket No. A-1156]

PETITION OF DISTRICT BOARD NO. 4 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR CERTAIN COALS IN SIZE GROUPS 3, 4 AND 5 PRODUCED AT MINES IN SUBDISTRICTS 1 TO 4, INCLUSIVE, OF DISTRICT NO. 4, FOR RAILROAD FUEL USE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the revision of the effective minimum prices for certain coals in Size Groups 3, 4 and 5 produced at mines in Subdistricts 1 to 4, inclusive, of District No. 4, for shipment for railroad fuel use by permitting the shipment thereof at the effective minimum prices for coals in Size Group 6 produced at such mines; and, more particularly, for the deletion on pages 31 and 32 of Price Schedule No. 1 for District No. 4 For All Shipments Except Truck of the footnote reading as follows:

4" x 1¼" egg coal, which as shipped shall contain not less than 35% of the screenings not exceeding 1¼", may be applied at the mine run price applicable to all mines.

and for the insertion, in lieu thereof on pages 31 and 32, and on page 33 of the said Schedule of a footnote reading substantially as follows:

Double screened coal shipped from Subdistricts 1, 2, 3 and 4, where the bottom size is either ⅜", ¾", 1¼", 1½" or 2", may be applied at the mine run price applicable to all mines in said subdistricts, provided that said double screened coals shall be modified so as to contain not less than the following percentages of screenings of the bottom size, to-wit: ⅜"—20%; ¾"—28%; 1¼"—35%; 1½"—40%; 2"—50%.

Dated: November 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8914; Filed, November 27, 1941; 10:25 a. m.]

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9584, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on December 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 245, U. S. Court House, Nashville, Tennessee; and

It appearing to the Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order of the Director.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-8915; Filed, November 27, 1941; 10:25 a. m.]

[Docket No. A-1031, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE GREEN RIVER COAL MINE (MINE INDEX NO. 230) IN DISTRICT NO. 9 FOR RAIL SHIPMENTS ORIGINATING AT BEAVER DAM, KENTUCKY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8916; Filed, November 27, 1941; 10:26 a. m.]

[Docket No. A-1051]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF ADDITIONAL LOADING POINTS FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 9, FOR SHIPMENT BY RAIL

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8917; Filed, November 27, 1941; 10:26 a. m.]

[Docket No. A-1055]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN OHIO COUNTY, KENTUCKY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-1088]

PETITION OF DISTRICT BOARD NO. 9 REQUESTING DECREASE IN THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN DAVIESS COUNTY, KENTUCKY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be

and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8918; Filed, November 27, 1941; 10:26 a. m.]

[Docket No. A-1074, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF CHARLESTON AND DAWSON SPRINGS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF DUNN #3 MINE (MINE INDEX NO. 941) OF PRODUCER DUNN, FRANK L., AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF SULLIVAN AND STURGIS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF WILSON MINE (MINE INDEX NO. 944) OF WILLIAMS BROS. (SAM WILLIAMS), PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for November 26, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of November 26, 1941, until 10 o'clock in the forenoon of December 18, 1941, at the place and before the officers heretofore designated.

Dated: November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8919; Filed, November 27, 1941; 10:27 a. m.]

[Docket No. 1781-FD]

IN THE MATTER OF MATTHEW PHILLIPS, DEFENDANT

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above-entitled matter having been scheduled for hearing at 10 o'clock in the forenoon of December 1, 1941, at a hearing room of the Bituminous Coal Division in the County Court House, Zanesville, Ohio; and

Matthew Phillips, New Cumberland, West Virginia, and Elsie Grant, New Cumberland, West Virginia, heretofore having been duly served with subpoenae requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

The defendant having filed a motion dated November 17, 1941, to postpone the hearing from December 1, 1941, to any time subsequent to November 27, 1941, and before December 5, 1941, and that the above cause be reset for hearing at Steubenville, Ohio; and

The Acting Director deeming it advisable to postpone said hearing to December 4, 1941, and to change the place of hearing from Zanesville, Ohio, to Wheeling, West Virginia;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from 10 o'clock in the forenoon of December 1, 1941, to 10 o'clock in the forenoon of December 4, 1941, before the officers heretofore designated to preside at the hearing; and

It is further ordered, That the place of hearing be and the same hereby is changed from the County Court House, Zanesville, Ohio, to the Circuit Court Room, Wheeling, West Virginia; and

It is further ordered, That Matthew Phillips, New Cumberland, West Virginia, and Elsie Grant, New Cumberland, West Virginia, appear before the designated officers in the latter-named place of hearing at 10 o'clock in the forenoon of December 4, 1941, as theretofore directed in said subpoenae; and

It is further ordered, That the aforesaid motion is granted as hereinabove set forth, and is in all other respects denied; and

It is further ordered, That the Notice of and Order for Hearing dated September 2, 1941, shall, in all other respects, remain in full force and effect.

Dated: November 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8920; Filed, November 27, 1941; 10:27 a. m.]

[Docket No. A-47]

PETITION OF DISTRICT BOARD 6 FOR THE ESTABLISHMENT OF CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED AND FOR RECLASSIFICATION AND PRICE CHANGES FOR THE COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER REOPENING HEARING FOR LIMITED PURPOSE

This proceeding was instituted upon an original petition filed by District Board 6 requesting, *inter alia*, the establishment of price classifications and minimum prices for the coals of the Cross Creek Mine (Mine Index No. 114) of the Cross Creek Coal Company and the Rainbow No. 2 Mine (Mine Index No. 28) of the Penowa Coal Company. A hearing was held on October 21, 1940, and reopened on December 16, 1940. The Examiner submitted his Proposed Findings of Fact, Conclusions of Law, and Recommendations on September 6, 1941, and District Board 6 subsequently filed a Motion to Reopen the Proceeding.

In his Report, the Examiner found, *inter alia*, that the Rainbow No. 2 Mine is in District 2 and that "The record is peculiarly devoid of evidence relating to market history and relationships."

District Board 6 has filed a Motion to Reopen the Proceeding, in support of which it alleges that the Rainbow Mine is now in District 6 as a result of stripping operations subsequent to the final hearing. It further alleges that considerable data regarding the market history of Cross Creek and Rainbow coals has become available since the hearing. The motion refers in very general terms to "errors" and "inadequacies" in the record which it requests permission to correct at the reopened hearing. Foster-Bixler Fuel Company, sales agent for two of the producers involved, requested permission to join in the motion to reopen. As it is not a party to this proceeding, its motion will not be entertained. The motion to reopen is opposed by District Board 2.

The location of the Rainbow Mine and the data relating to market history of the coals of the Cross Creek and Rainbow Mines appear to be relevant to the issues herein. As it appears from the motion that the evidence to be adduced was not available prior to the hearing on December 16, 1940, the hearing should be reopened for the purpose of adducing additional evidence concerning the Cross Creek and the Rainbow Mines. However, the parties should not be permitted to introduce evidence available but not adduced at the previous hearings or cumulative evidence on issues fully developed therein.

Now, therefore, it is ordered, That the hearing in the above matter be reopened for the purpose of taking additional evidence not available at the prior hearing herein and not cumulative of evidence already adduced, with reference to the Cross Creek Mine (Mine Index No. 114) of the Cross Creek Coal Company and the Rainbow No. 2 Mine (Mine Index No. 28) of the Penowa Coal Company.

It is further ordered, That such hearing be held on December 18, 1941, at 10 o'clock in the forenoon of that day, before Examiner Charles O. Fowler, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That the Examiner shall submit supplemental findings of fact and conclusions of law and the recommendation of an appropriate order in the premises upon the basis of the entire record in this proceeding.

Dated: November 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-8921; Filed, November 27, 1941; 10:27 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6216]

IN RE APPLICATION OF WESTCHESTER BROADCASTING CORP. (WFAS)

NOTICE OF HEARING

Application dated June 10, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, White Plains, N. Y.; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with application of Paul Forman Godley (New), Docket No. 6217, for the following reasons:

1. To determine the type and character of the program service which Station WFAS would render operating as proposed.

2. To determine the extent of the interference which would result from the simultaneous operation of Station WFAS, as proposed and the station proposed for Newark, New Jersey by Paul Forman Godley in Docket No. 6217, as well as the areas and populations affected thereby and the broadcast services available to these areas and populations.

3. To determine the areas and populations which would receive primary service from Station WFAS operating as proposed and the broadcast services available to these areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether public interest, convenience, and necessity would be served through the granting of this application and the application of Paul Forman Godley, Docket No. 6217, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Westchester Broadcasting Corporation, Radio Station WFAS, Cor. Post Road and Chester Avenue, White Plains, New York.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8923; Filed, November 27, 1941; 10:34 a. m.]

[Docket No. 6217]

IN RE APPLICATION OF PAUL FORMAN GODLEY (NEW)

NOTICE OF HEARING

Application dated July 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Newark, N. J.; operating assignment specified: Frequency, 1,230 kc., power, 250 w., hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with application of Westchester Broadcasting Corporation (WFAS), Docket No. 6216, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Stations WFAS (operating as at present) and WBRB.

4. To determine the areas and populations which may be expected to lose primary service from Stations WFAS (operating as at present) and WBRB as a result of the operation of the proposed station and what other service is available to these areas and populations.

5. To determine the areas and populations which would receive primary service from the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed station would provide a minimum field intensity of 25 to 50 mv/m to the business districts of Newark, New Jersey. (Section 4 of the Standards of Good Engineering Practice.)

7. To determine the extent of the interference which would result from the simultaneous operation of the proposed station and Station WFAS as proposed in docket No. 6216, as well as the areas and populations affected thereby and the broadcast services available to these areas and populations.

8. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of Westchester Broadcasting Corporation, Docket No. 6216, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Paul Forman Godley, 10 Marion Road, Upper Montclair, New Jersey.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-8924; Filed, November 27, 1941; 10:35 a. m.]

[Docket No. 6218]

IN RE APPLICATION OF BEAUFORD H. JESTER (NEW)

NOTICE OF HEARING

Application dated April 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Waco, Texas; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Roy Branham Albaugh, (New), Docket No. 6219, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the areas and populations which would receive primary service from the proposed station and the broadcast service (both technical and program) available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and any of the stations proposed for Houston, Texas by Texas Star Broadcasting Company, Scripps-Howard Radio, Inc., and Greater Houston Broadcasting Company, Inc., in Docket Nos. 6089, 6088 and 6096, respectively, as well as the areas and populations affected thereby, and

what other broadcast service is available to these areas and populations.

5. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of Roy Branham Albaugh, Docket No. 6219, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Beauford H. Jester, Jester Building, Corsicana, Texas.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8925, Filed, November 27, 1941; 10:35 a. m.]

[Docket No. 6219]

IN RE APPLICATION OF ROY BRANHAM ALBAUGH (NEW)

NOTICE OF HEARING

Application dated August 1, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Waco, Texas; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Beauford H. Jester, (New), Docket No. 6218, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the areas and populations which would receive primary service from the proposed station and the broadcast service (both technical and program) available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and any of the stations proposed for Houston, Texas, by Texas Star Broadcasting Company, Scripps-Howard Radio, Inc., and Greater Houston Broadcasting Company, Inc., in Docket Nos. 6089, 6088, and 6096, respectively, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of Beauford Jester, Docket No. 6218, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Roy Branham Albaugh, 225 South 11th St., Waco, Texas.

Dated at Washington, D. C., November 24, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-8926; Filed, November 27, 1941; 10:35 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4229]

IN THE MATTER OF HARRY M. BITTERMAN, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., section 41), and (49 Stat. 1526, U. S. C. A., section 13, as amended),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 437, Post Office Building, Pittsburgh, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8928; Filed, November 27, 1941; 11:14 a. m.]

[Docket No. 4240]

IN THE MATTER OF DAVID M. WEISS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., section 41), and (49 Stat. 1526, U. S. C. A., section 13, as amended),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 9, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 437, Post Office Building, Pittsburgh, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8929; Filed, November 27, 1941; 11:14 a. m.]

[Docket No. 4257]

IN THE MATTER OF JACK HERZOG, MICHAEL HERZOG, GEORGE HERZOG, AND LOUIS HERZOG, INDIVIDUALLY AND TRADING AS JACK HERZOG & COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., section 41), and (49 Stat. 1526, U. S. C. A., section 13, as amended),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 8, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in Room 424, Federal Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8930; Filed, November 27, 1941; 11:14 a. m.]

[Docket No. 4524]

IN THE MATTER OF PENN-LUB OIL PRODUCTS CO., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., section 41),

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 16, 1941, at ten o'clock in the forenoon of that day (eastern standard time) in the Hotel Abbey, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-8931; Filed, November 27, 1941; 11:15 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-415]

IN THE MATTER OF CENTRAL HUDSON GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 17, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 10, 1941.

The matter concerned herewith is in regard to the application of Central Hudson Gas & Electric Corporation, a New York Corporation, for an order pursuant to section 2 (a) (8) of the Act, declaring it not to be a subsidiary of The United Corporation; The United Corporation owns 23.18% of the voting securities of the Niagara Hudson Power Corporation, which in turn owns 29.72% of the voting securities of Central Hudson Gas & Electric Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8935; Filed, November 27, 1941; 11:29 a. m.]

[File Nos. 70-140, 70-144]

IN THE MATTERS OF CENTRAL NEW YORK POWER CORPORATION AND NIAGARA HUDSON POWER CORPORATION

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

The above-named persons having filed applications pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 thereof, regarding the following transactions:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell, and Niagara Hudson Power Corporation proposes to acquire, 65,662 additional shares of the common stock without par value (stated value $25 per share) at a price of $25 per share, to realize proceeds of $1,641,550. Of said proceeds, $900,000 is to be used as additional working capital, and the balance of $741,550 is to be applied in partial reimbursement of the treasury for the cost of reacquiring shares of its preferred stock, which amount will then be applied toward the payment of a like amount of open account advances owed to Niagara Hudson Power Corporation;

Said applications having been filed on August 17, 1940, and August 22, 1940, and amendments thereto having been filed, the last of said amendments having been filed on November 12, 1941, and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said applications within the period specified in said notices, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application under section 6 (b) of said Act that the requirements of section 6 (b) have been satisfied, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and 10 (c) (1), and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications be and hereby are granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8936; Filed, November 27, 1941; 11:29 a. m.]

DEC 1 1941

Reference

DEC 1 1941

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 6 NUMBER 232

Washington, Saturday, November 29, 1941

The President

EXECUTIVE ORDER

ESTABLISHING AN AIRSPACE RESERVATION OVER A PORTION OF THE DISTRICT OF COLUMBIA

By virtue of and pursuant to the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570), the airspace above the following-described portion of the District of Columbia is hereby reserved and set apart for national defense and other governmental purposes, and for public-safety purposes, as an airspace reservation within which no person shall navigate a civil aircraft except by special permission of the Administrator of Civil Aeronautics:

All that area within the City of Washington, D. C., lying within the following-described boundary:

Beginning at the eastern end of the Arlington Memorial Bridge (Lat. 38°53'19" N.; Long. 77°3'9" W.) (also identifiable as a point adjacent to the Lincoln Memorial Monument); thence north along the eastern bank of the Georgetown Channel of the Potomac River to the eastern end of the Key Bridge (Lat. 38°54'14" N.; Long. 77°04'15" W.);
thence a distance of approximately 0.3 miles on a true bearing of 307° to Georgetown University (Lat. 38°54'25" N.; Long. 77°04'28" W.) (identifiable by the Astronomical Observatory situated within the University Grounds);
thence a distance of approximately 1.7 miles on a true bearing of 6° to the National Cathedral (Lat. 38°55'52" N.; Long. 77°04'17" W.) (identifiable by the spires);
thence a distance of approximately 3.4 miles on a true bearing of 78° to the Scott Building of the Soldiers' Home (Lat. 38°56'31" N.; Long. 77°00'41" W.) (identifiable by the clock cupola above the roof of such building);
thence a distance of approximately 3.1 miles on a bearing of 175° true to the center of the Union Station (Lat. 38°53'49" N.; Long. 77°00'23" W.) (identifiable by the south southwest terminal of the railroad tracks);
thence a distance of 0.4 miles on a true bearing of 120° to the center of Stanton Square (Lat. 38°53'36" N.; Long. 77°00'00" W.) (identifiable as the conjunction of Massachusetts Avenue, Maryland Avenue, and 4th, 5th, and 6th Streets Northeast, with such Square);
thence a distance of approximately 0.5 of a mile on a true bearing of 180° to the center of Seward Square (Lat. 38°53'10" N.; Long. 77°00'00" W.) (identifiable as the conjunction of Pennsylvania Avenue, North Carolina Avenue, and 4th, 5th, and 6th Streets Southeast, with such Square);
thence a distance of approximately 0.4 of a mile on a true bearing of approximately 242° to the intersection of the centerlines of New Jersey Avenue, North Carolina Avenue, and E Street Southeast (Lat. 38°53'00" N.; Long. 77°00'24" W.) (identifiable as a point adjacent to the smokestack of the Capitol power house);
thence a distance of approximately 1.4 miles on a true bearing of approximately 268° to the center of the railroad bridge over the channel of water connecting the Tidal Basin and the Washington Channel (Lat. 38°52'58" N.; Long. 77°01'57" W.); and
thence a distance of approximately 1.1 miles on a true bearing of approximately 291° to the point of beginning.

Any person navigating an aircraft within this airspace reservation in violation of the provisions of this Order will be subject to the penalties prescribed in the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended.

This Order supersedes Executive Order No. 8378[1] of March 18, 1940, establishing an airspace reservation over a portion of the District of Columbia.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 26, 1941.

[No. 8950]

[F. R. Doc. 41-8938; Filed, November 27, 1941; 2:32 p. m.]

EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 7070 OF JUNE 12, 1935, AS AMENDED, PRESCRIBING REGULATIONS GOVERNING APPOINTMENTS OF EMPLOYEES PAID FROM EMERGENCY FUNDS

By virtue of the authority vested in me as President of the United States, paragraphs 3 and 4 of Executive Order No. 7070 of June 12, 1935, as amended, prescribing regulations governing appointments of employees paid from emergency funds, are hereby modified to provide that the transfer of an employee at an increase in salary to a position the salary of which is paid from emergency funds shall hereafter be subject to the approval

[1] 5 F.R. 1114.

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FEDERAL REGISTER

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of the Civil Service Commission, and that requests for such approval shall be submitted directly to the Commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 26, 1941.

[No. 8951]

[F. R. Doc. 41-8937; Filed, November 27, 1941; 2:32 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER II—AIRCRAFT

PART 21—USE OF ARMY AIRCRAFT [1]

§ 21.3 *Passengers in aircraft.*

* * * * * * *

(b) * * *

* * * * * * *

(7) Applicants for a military aeronautical rating, for the purpose of undergoing the flight test prescribed for such a rating. (R.S. 161; 5 U.S.C. 22) [Par. 1 *b* (7), AR 95-90, May 19, 1941, as amended in Cir. 239, W.D., Nov. 18, 1941]

* * * * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8948; Filed, November 27, 1941; 3:00 p. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Resolution, Nov. 14, 1941]

PART 405—RECONDITIONING SECTION

RECONDITIONING WHERE PRIOR APPROVAL NOT OBTAINED

Section 405.05 is amended to read as follows:

§ 405.05 *Disbursement in exceptional cases.* The General Manager may authorize an advance for the account of borrowers, vendees and transferees, for reconditioning which has been partially or fully performed by a home owner not in conformance with established regulations, provided that such advance is determined to be in the best interests of the Corporation in order to protect its security or to facilitate the collection of indebtedness owing to the Corporation or to permit the orderly liquidation of the assets of the Corporation; and may incur and approve the amount and payment of fees and expenses in connection with such advances, except legal fees and expenses, which shall be incurred, approved and paid as provided in Part 406 of this Title. The authority herein granted may be exercised also by the Regional Manager under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

(Effective date November 14, 1941)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-8950; Filed, November 28, 1941; 10:02 a. m.]

[Administrative Order No. 535]

PART 405—RECONDITIONING SECTION

RECONDITIONING WHERE PRIOR APPROVAL NOT OBTAINED

Sections 405.05-1, 405.05-2 and 405.05-3 are added, reading as follows:

§ 405.05-1 *General provisions.* Where a home owner requests the Corporation to make an advance for reconditioning which he has partially or fully completed without having complied with the regulations, and without obtaining prior approval of the reconditioning, he shall file an application as in the case where the request was made in advance; and the regulations of the Corporation with respect to reconditioning advances shall apply and be followed insofar as applicable.

§ 405.05-2 *Regional Manager's authority.* The Regional Manager may authorize an advance not to exceed $500, exclusive of inspection fees, legal fees and expenses and other incidental expenses, for reconditioning which has been partially or fully performed by a home owner not in conformance with established regulations, if he determines that such reconditioning and advance therefor is in the best interest of the Corporation in order to protect its security or to facilitate the collection of the indebtedness owing to the Corporation; provided the Regional Reconditioning Supervisor certifies in writing that the reconditioning has been performed in a satisfactory manner or will be performed under the supervision of the Reconditioning Section, and that in his judgment the actual or estimated cost thereof is reasonable.

§ 405.05-3 *Cases to be referred to home office.* Any advance for reconditioning which has been partially or fully performed by a home owner not in conformance with established regulations shall be forwarded, with the recommendation of the Regional Manager and recommendation or opinion of the Regional Counsel, to the General Manager for review and decision where (a) the amount to be advanced exceeds $500, exclusive of inspection fees, legal fees, and expenses and other incidental expenses, and where (b) the advance for reconditioning is designed wholly or in part to promote the orderly liquidation of the assets of the Corporation regardless of the amount of the advance. Each such case shall be submitted to the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service for their review and recommendation, and to the Legal Department for legal advice.

(Effective November 24, 1941)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-8951; Filed, November 28, 1941; 10:02 a. m.]

[1] § 21.3 (b) (7) is added.

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 545—REGULATIONS RELATING TO HOMEWORKERS IN THE NEEDLEWORK INDUSTRIES IN PUERTO RICO

The following amendments to Regulations, Part 545 [1] (Regulations Relating to Homeworkers in the Needlework Industries in Puerto Rico) are hereby issued.

Section 545.2 (c) is amended to read as follows:

§ 545.2 *Definitions.*

* * * * * *

(c) "Home" includes any room, house, apartment, or other premises used regularly in whole or in part as a dwelling place.

* * * * * *

Section 545.2 (d) is amended to read as follows:

(d) "Homeworker" includes any employee performing in a home any operation on goods produced for commerce, provided that such work is not performed under either actively or personally regulated or supervised conditions.

* * * * * *

Section 545.11, Schedule C, Nos. 14 and 15 are amended to read as follows:

§ 545.11 *Piece rates established in accordance with § 545.7.*

* * * * * *

14. French roll on cotton or linen—Per 48 inches, 4.24¢

* * * * * *

These amendments shall become effective December 15, 1941. (Sec. 6 (a) (5), Pub. Res. No. 88, 76th Congress and sec. 11 (c), 52 Stat. 1060)

Signed at Washington, D. C., this 26th day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8972; Filed, November 28, 1941; 11:55 a. m.]

[1] 6 F.R. 3634.

PART 614—MINIMUM WAGE RATE IN THE MISCELLANEOUS APPAREL INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 31 FOR A MINIMUM WAGE RATE IN THE MISCELLANEOUS APPAREL INDUSTRY

Whereas, on July 8, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 116, appointed Industry Committee No. 31 for the Miscellaneous Apparel Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Miscellaneous Apparel Industry in accordance with section 8 of the Act; and

Whereas, the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Miscellaneous Apparel Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Miscellaneous Apparel Industry is carried on; and

Whereas, on August 28, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the Miscellaneous Apparel Industry; and

Whereas, after notice duly published in the FEDERAL REGISTER on October 11, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on October 27, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas, a complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas, by notice given at the hearing, all persons who appeared at the hearing were given leave to file briefs on or before November 24, 1941; and

Whereas, no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, has concluded that the Committee's recommendation for the Miscellaneous Apparel Industry as defined by Administrative Order No. 116, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 31 for a Minimum Wage Rate in the Miscellaneous Apparel Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

Sec.
614.1 Approval of recommendation of Industry Committee No. 31.
614.2 Wage rate.
614.3 Posting of notices.
614.4 Definition of the miscellaneous apparel industry.
614.5 Scope of the definition.
614.6 Effective date.

§ 614.1 *Approval of recommendation of Industry Committee No. 31.* The Committee's recommendation is hereby approved.*

*§§ 614.1 to 614.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 614.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Miscellaneous Apparel Industry who is engaged in commerce or in the production of goods for commerce.*

§ 614.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Miscellaneous Apparel Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 614.4 *Definition of the miscellaneous apparel industry.* The manufacture of men's and boys' neckties, scarfs and mufflers from any woven materials or from purchased knitted materials; the manufacture of robes from any woven materials or from purchased knitted materials, including without limitation men's, women's and children's bath, lounging and beach robes and dressing gowns; the manufacture of garters, suspenders, arm bands, other elastic woven products, and similar products (except orthopedic and athletic products) from webbing, leather, or other material; the manufacturing process of covering buttons and buckles with cloth, leather or similar materials; the manufacture and processing for use on apparel, of arti-

ficial flowers, buds, foliage, fruits, plants, and feathers, or parts thereof from any material; and the preservation and processing, for use on apparel, of natural flowers and feathers.*

§ 614.5 *Scope of the definition.* The definition of the miscellaneous apparel industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 614.6 *Effective date.* This Wage Order shall become effective December 15, 1941.*

Signed at Washington, D. C., this 28th day of November 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-8973; Filed, November 28, 1941; 11:56 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

INDIVIDUALS RESIDING ONLY IN UNITED STATES SINCE JULY 17, 1940; CERTAIN PARTNERSHIPS, ASSOCIATIONS, ETC.

General License No. 42A Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

NOVEMBER 27, 1941.

§ 131.42a *General license No. 42A.* (a) A general license is hereby granted:

(1) Licensing as a generally licensed national any individual who has been residing in the United States at all times on and since June 17, 1940, and

(2) Licensing as a generally licensed national any partnership, association, corporation or other organization which is a national of any blocked country solely by reason of the interest therein of a person or persons licensed as generally licensed nationals pursuant to this general license.

(b) Every person licensed herein as a generally licensed national shall file with the appropriate Federal Reserve Bank within thirty days after the date hereof a report under oath in triplicate setting forth (1) the name, address and nationality of such person; (2) a statement that such person is licensed as a generally licensed national under this general license; and (3) a statement that such person has filed a report on Form TFR-300 or that such person was not required to file such report because the total value of all property interests of such person to be reported was less than $1,000. Any person not complying with this reporting requirement is not authorized to engage in any transaction under this general license.

(c) This general license:

(1) Shall not be deemed to suspend, cancel, or otherwise modify in any way the requirements of the Order and regulations relating to reports on Form TFR-300 with respect to the property interests of persons licensed herein as generally licensed nationals, and

(2) Shall not be deemed to license as a generally licensed national any individual who on or since the effective date of the Order has acted or purported to act directly or indirectly for the benefit or on behalf of any blocked country, including the government thereof, or to license any individual who is a national of a foreign country by reason of any fact other than that such individual has been domiciled in, or a subject or citizen of, a foreign country at any time on or since the effective date of the Order. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, and Ex. Order 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 41-8957; Filed, November 28, 1941; 11:15 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-21222; 5603]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION, PIONEER INSTRUMENT DIVISION, BENDIX, NEW JERSEY

Contract for: Airspeed Indicators and Data.

Amount: $1,210,320.00.

Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 299 P 111-30 A 0021-13
AC 34 P 12-30 A 0705-12
AC 28 P 82-30 A 0705-12

This contract,[1] entered into this 18th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Airspeed Indicators and data for the consideration stated one million two hundred ten thousand three hundred twenty dollars ($1,210,320.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a) Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8939; Filed, November 27, 1941; 2:57 p. m.]

[1] Approved by the Under Secretary of War October 3, 1941.

[Contract No. W 535 ac-22235]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: NASH-KELVINATOR CORPORATION, DETROIT, MICHIGAN

Contract for: * * * Airplane Propeller Assemblies and Spare Parts.

Estimated cost: $18,399,885.00.

Fixed-fee: $1,103,993.10.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 11th day of October 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles:

* * * Propeller Assemblies.
Spare Parts for the above propellers * * *.

ART. 2. *Estimated costs.*

Quantity	*Estimated cost*
* * * Propeller assemblies	$15,999,900.00
Spare parts for the above propeller assemblies	2,399,985.00
Total estimated cost	18,399,885.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to reimbursement for costs and payments on account of the fixed fee as outlined in Article 6 hereof, the cost of the work to be performed under this contract plus a fixed fee of One Million One Hundred Three Thousand Nine Hundred Ninety-Three Dollars and Ten Cents ($1,103,993.10).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or addition to the drawings, instructions, and specifications.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3, as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers. Generally, reimbursement will be made weekly, but may be made at more frequent intervals if the conditions so warrant.

(b) *Payment of the fixed fee.* Ninety percentum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof shall be paid as it accrues. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled shall be paid to the Contractor.

(c) *Advances.* The Government, as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty per centum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War may prescribe.

ART. 9. *Termination of contract by Government.* The Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

First, in the event the Contractor shall at any time refuse, neglect or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained.

Second, in the event conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract.

ART. 20. *Fire insurance.* The Contractor agrees, unless and until otherwise directed in writing by the Contracting Officer, to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for costs is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payments or payments in reimbursement of costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 21. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

ART. 35. *Changes to fixed price contract.* In the making of this contract, it is contemplated that when the Contractor is of the opinion that it has had sufficient experience in the manufacture of the articles herein contracted for to estimate the cost thereof with reasonable accuracy it will commence negotiations with the Government in an effort to arrive at a mutually satisfactory agreement providing for definite fixed prices to be paid by the Government to the Contractor for the articles called for hereunder, in lieu of the cost plus a fixed fee herein provided for. Such agreement shall be in form mutually satisfactory to the parties hereto and shall provide that the fixed prices agreed upon shall apply to all articles theretofore and thereafter furnished to the Government hereunder.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, section 9, Act of June 30, 1941 and section 2 (a) Act of June 28, 1940.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8940; Filed, November 27, 1941; 2:57 p. m.]

[1] Approved by the Under Secretary of War October 22, 1941.

[Contract No. W 669 qm-13476; O. I. No. 1928]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILTON WOOLEN COMPANY, WILTON, MAINE

Contract for: Cloth, Lining and Suiting, Wool.

Amount: $1,347,750.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract entered into this first day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Lining, Wool, Olive Drab * * * yards Suiting, Wool, Olive Drab, for the consideration stated totaling one million, three hundred forty-seven thousand, seven hundred fifty dollars ($1,347,750.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under the authority of section 1 (a) of the Act of

July 2, 1940, (Public No. 703, 76th Congress, as continued in effect by section 9, Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8941; Filed, November 27, 1941; 2:57 p. m.]

[Contract No. W 535 ac-21937; 5754]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CHANDLER-EVANS CORPORATION, SOUTH MERIDEN, CONNECTICUT

Contract for: Fuel Pumps.
Amount: $1,320,877.25.
Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same.

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 14th day of October, 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * fuel pumps for the consideration stated one million three hundred twenty thousand eight hundred seventy-seven and $^{25}/_{100}$ dollars ($1,320,877.25) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 22. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8942; Filed, November 27, 1941; 2:58 p. m.]

[Contract No. W 669 qm-13492; O. I. No. 1944]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: J. P. STEVENS & COMPANY, INCORPORATED, NEW YORK, N. Y.

Contract for: Cloth, Lining and Suiting, Wool.
Amount: $1,019,749.98.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this first day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Lining, Wool, Olive Drab * * * yards Suiting, Wool, Olive Drab, * * * for the consideration stated totaling one million, nineteen thousand, seven hundred forty-nine dollars and ninety-eight cents ($1,019,749.98) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directives Nos. P-C-213 (42) and P-C-221 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8943; Filed, November 27, 1941; 2:58 p. m.]

[Contract No. W 669 qm-13719; O. I. No. 2376]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REEVES BROTHERS INC., NEW YORK, NEW YORK

Contract for: Drill, Cotton, Unbleached, * * *.
Amount: $1,529,550.00.
Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this fourteenth day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Drill, Cotton, Unbleached for the consideration stated totaling one million, five hundred twenty-nine thousand, five hundred fifty dollars ($1,529,550.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized under Procurement Directive No. P-C-267 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8944; Filed, November 27, 1941; 2:59 p. m.]

[Contract No. W-761-ORD-6]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: PULLMAN-STANDARD CAR MANUFACTURING COMPANY, PITTSBURGH, PENNSYLVANIA

Contract for: * * * Shell * * *.
Amount: $4,650,000.00.
Place: Pittsburgh Ordnance District, Pittsburgh, Pennsylvania.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following procurement authority, the available balance of which is sufficient to cover the cost of same.

ORD 50,238 PO 12-02 A0020-13

This contract,[1] entered into this 30th day of August 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver * * * Shell * * * for a total consideration of four million six hundred and fifty thousand dollars and no cents ($4,650,000.00) in strict accordance with the specifications, schedules and drawings.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 34. *Price adjustment.* The contract price stated in Article 1, is subject to adjustment for changes in labor and materials costs.

ART. 35. *Termination for convenience of the Government.* Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8945; Filed, November 27, 1941; 2:59 p. m.]

[Contract No. W 535 ac-21221; 5602]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: GENERAL MOTORS CORPORATION (AEROPRODUCTS DIVISION), DAYTON, INDIANA

Contract for: * * * Propeller Assemblies and Data.
Amount: $8,099,595.00.
Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in and are chargeable to Procurement Authorities listed below, the available balance of which is sufficient to cover cost of same.

AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 25th day of September 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Propeller assemblies and data for the consideration stated eight million ninety nine thousand five hundred ninety-five dollars ($8,099,595.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Price adjustment. The contract prices stated in this contract for Propeller Assemblies are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the Propeller Assemblies.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Paragraph 4 (g) (1), A. R. 5-240, section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-8946; Filed, November 27, 1941; 2:59 p. m.]

[Contract No. W 431 qm-5791; O. I. 2162]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BEAUMONT MANUFACTURING COMPANY, SPARTANBURG, SOUTH CAROLINA

Contract for: furnishing and delivering duck, cotton, tent.
Amount: $1,226,648.00.
Place: Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

This contract, entered into this 13th day of October, 1941.

Scope of this contract. The contractor shall furnish and deliver duck, cotton, tent for the consideration stated one million two hundred twenty-six thousand six hundred forty-eight dollars ($1,226,648.00) and no cents in strict accordance with the specifications, schedules all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension

[1] Approved by the Under Secretary of War October 29, 1941.

[1] Approved by the Chief of Ordnance November 1, 1941.

[1] Approved by the Under Secretary of War, October 20, 1941.

thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority C & E A., 1942 QM 326 P 14–30 A 0515–2 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41–8947; Filed, November 27, 1941; 3:00 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–126]

IN THE MATTER OF MATERIAL SERVICE CORPORATION, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6031, AND CONSUMERS COMPANY OF ILLINOIS, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1811, RESPONDENTS

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division"), finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not the respondents in the above-entitled matter, Material Service Corporation, a corporation, Registered Distributor, Registration No. 6031, whose address is 33 North LaSalle Street, Chicago, Illinois, and Consumers Company of Illinois, a corporation, Registered Distributor, Registration No. 1811, whose address is 111 West Washington Street, Chicago, Illinois, have violated any provisions of the Act, the Code, any orders or regulations of the Division including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Agreement ("Agreement") dated April 8, 1940, executed by respondent, Material Service Corporation, and the Agreement ("Agreement") dated June 9, 1939, executed by respondent, Consumers Company of Illinois, both Agreements executed pursuant to Order of the National Bituminous Coal Commission (the "Commission") dated March 24, 1939, in Docket No. 12, which was adopted as an Order of the Division on July 1, 1939; and

(b) whether or not the registration of said distributors should be revoked or suspended, or other appropriate penalties be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. The respondent, Material Service Corporation, ("Material") is a corporation organized and existing under and by virtue of the laws of the State of Illinois, with its principal place of business located at 33 North LaSalle Street, Chicago, Illinois, and was at the time of the occurrence of the transactions hereinafter described, and is now, engaged in part under the powers granted to it by its corporate charter, in the business of buying, selling and distributing bituminous coal.

3. On April 22, 1940, pursuant to the Order of the National Bituminous Coal Commission ("Commission"), dated March 24, 1939, entered in General Docket No. 12, and adopted as an Order of the Division on July 1, 1939, said Material filed with the Division its application dated April 8, 1940, for registration as a distributor. Said application was accompanied by said respondent's Agreement ("Agreement"), executed April 8, 1940, and was approved by the Division on April 24, 1940, and Certificate No. 6031 was issued to said respondent authorizing it to act as a registered Distributor, and said respondent has been acting, ever since said last mentioned date, and is now acting, as a registered distributor.

4. The respondent, Consumers Company of Illinois ("Consumers") is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business at Chicago, Illinois, and was at the time of the occurrence of the transactions hereinafter described, and is now, engaged in part under the powers granted to it by its corporate charter in the business of buying, selling and distributing bituminous coal.

5. On April 27, 1940, pursuant to the Order of the National Bituminous Coal Commission ("Commission"), dated March 24, 1939, entered in General Docket No. 12, and adopted as an Order of the Division on July 1, 1939, said Consumers filed with the Division its application dated June 9, 1939, for registration as a distributor. Said application was accompanied by said respondent's Agreement ("Agreement") dated June 9, 1939, and was approved by the Division on April 29, 1940, and Certificate No. 1811 was issued to said respondent authorizing it to act as a registered distributor, and said respondent has been acting ever since said last mentioned date, and is now acting, as a registered distributor.

6. Under date of May 25, 1933, the Union Coal Company, a corporation, of Peru, Illinois, code member in District No. 10, directly and without the intervention of any sales agent or agents, entered into a written agreement with the Alpha Portland Cement Company for the sale by said Code Member to said Cement Company of large quantities of coal produced by said Code Member, and ever since said May 25, 1933, said Code Member has sold and delivered large quantities of coal to said Cement Company under the terms of said written agreement. Prior to October 1, 1940 the respondents herein induced said Code Member to pay to them jointly, and said respondents have subsequent to October 1, 1940 accepted from said Code Member sales commissions of ten cents per ton on large quantities of coal so sold and delivered by said Code Member to said Cement Company in pursuance of said agreement of May 25, 1933. No contracts of agency between said Code Member and respondents or either of them have ever been filed with the Statistical Bureau for District No. 10, or with the Division, and the compensation received by said respondents and each of them is obviously disproportionate to the ordinary value of the services rendered by them and each of them to said Code Member, and the employment of said respondents and each of them by said Code Member was made with the primary intention and purpose of securing preferment with the Alpha Portland Cement Company as purchaser of said coal.

7. The acceptance by respondents of such sale commissions under the circumstances referred to in Paragraph 6 hereof constituted violations of the following:

(a) Rule 9 of section II of the Marketing Rules and Regulations and therefore paragraph (e) of the Agreement;

(b) Section 4 II (i) 13 of the Act, Rule 13 of section XIII of the Marketing Rules and Regulations, and, therefore, paragraphs (c) and (e) of the Agreement.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributors should be revoked or suspended, or other appropriate penalties be imposed, be held on January 19, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Custom Court House, Room 709, U. S. Custom Building, 610 South Canal Street, Chicago, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondents, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answers to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondents; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41–8952; Filed, November 28, 1941; 10:08 a. m.]

[Docket Nos. A–1144; A–1144, Part II]

PETITIONS OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8; AND FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE DARBY MINE (MINE INDEX NO. 891) OF ROBERT JAMISON, A PRODUCER IN DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–1144 PART II FROM DOCKET NO. A–1144 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1144 PART II

The original petition in the above-entitled matter filed with this Division on November 1, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 8. The original petition also prays for the establishment of an additional rail loading point for the coals of the Darby Mine (Mine Index No. 891) of Robert Jamison.

As indicated in a separate order in Docket No. A–1144, reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of the additional rail loading point sought for the coals of Mine Index No. 891. The Acting Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of an additional rail loading point for the coals of this mine.

Now, therefore, it is ordered, That the portion of Docket No. A–1144 relating to the coals of the Darby Mine (Mine Index No. 891) of Robert Jamison, be and the same hereby is, severed from the remainder of Docket No. A–1144 and designated as Docket No. A–1144 Part II.

It is further ordered, That a hearing in Docket No. A–1144 Part II under the applicable provisions of said Act and the rules of the Division be held on January 7, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division 734 Fifteenth Street NW. Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Acting Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 2, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for the establishment of an additional rail loading point, at Cumberland, Kentucky, for the coals of the Darby Mine (Mine Index No. 891) of Robert Jamison.

Dated: November 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–8953; Filed, November 28, 1941; 10:08 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 162]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF FRESH PEACHES GROWN IN THE STATE OF GEORGIA

Notice is hereby given of a hearing to be held in the Hotel Dempsey, Macon, Georgia, at 9:00 a. m., e. s. t., December 16, 1941, relative to a proposed marketing agreement and a proposed order regulating such handling of fresh peaches grown in the State of Georgia as is in the current of, or as directly burdens, obstructs, or affects, commerce between the State of Georgia and any point outside thereof.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence (a) as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and (b) as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order provide, in similar terms, a plan for the regulation of the aforesaid handling of peaches, and include, among other matters relating to such regulation, provisions for: (1) the establishment of the Industry Committee consisting of 8 producer members; (2) the establishment of the Distributors'

Advisory Committee consisting of 7 handler members; (3) the levying of assessments to cover expenses of the committees incident to the administration of such program; (4) prohibiting the handling of peaches which do not meet the maturity requirements set forth in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, or as such standards may be modified, revised, or new standards promulgated; (5) the regulation of shipments by grades or sizes, or combinations thereof; (6) inspection of shipments by an authorized representative of the Federal-State Inspection Service; and (7) reports by handlers to the Industry Committee.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

NOVEMBER 27, 1941.

[F. R. Doc. 41-8958; Filed, November 28, 1941; 11:21 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Correction

A corrected line of type was substituted for the wrong line, resulting in a misprint in the first entry for the Oxford Cabinet Company on page 6059 of the issue for Thursday, November 27, 1941. The entry should read as follows:

Oxford Cabinet Company, Oxford, Pennsylvania; Furniture; 14 learners; 4 weeks for any one learner; 30 cents per hour; Lumber grader, Cabinet assembler, Sander, Hinger; January 8, 1942.

CIVIL AERONAUTICS BOARD.

[Docket No. 561]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT OF ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 11 TO INCLUDE LONG BEACH, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

Please take notice that, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, public hearing in the above-entitled proceeding is hereby assigned for January 12, 1942, 10:00 a. m. (E. S. T.) in Conference Room A, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner John W. Belt.

Dated: November 26, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-8949; Filed, November 28, 1941; 9:25 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE EMPLOYMENT SECURITY COMMISSION OF THE STATE OF NEW MEXICO PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Employment Security Commission of the State of New Mexico having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the New Mexico Employment Security Law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Employment Security Commission of the State of New Mexico.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved: NOVEMBER 19, 1941.

PAUL V. MCNUTT,
Administrator.

NOVEMBER 26, 1941.

[F. R. Doc. 41-8956; Filed, November 28, 1941; 10:58 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4523]

IN THE MATTER OF BLANK AND STOLLER CORPORATION, A CORPORATION, AND HARRY J. LONG, GEORGE STOLLER, MAURICE SCHULTZ, AND RANDOLPH FAJEN, INDIVIDUALLY AND DOING BUSINESS AS BLANK & STOLLER STUDIOS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 8, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in Room 1801, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8959; Filed, November 28, 1941; 11:28 a. m.]

[Docket No. 4593]

IN THE MATTER OF INGENUITIES CORPORATION OF AMERICA, A CORPORATION, GOLDBERG, SQUIRE, LESSER AND COHEN, INC., A CORPORATION, AND T. P. MCCUTCHEON AND BROTHER, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 8, 1941, at ten o'clock in the forenoon of that day (eastern standard time), in Room 1801, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-8960; Filed, November 28, 1941; 11:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-409]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1941.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named person, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 of said Act; and

The said declaration or application concerning the following:

Iowa Public Service Company, a subsidiary of Sioux City Gas and Electric Company, which is a registered holding company, proposes to purchase (1) substantially all of the assets, including the gas plant and gas distribution system located at Independence, Iowa, of Independence Gas Company, a subsidiary of Great Lakes Utilities Company, which is a registered holding company, for $55,000 cash, and (2) substantially all of the assets, including the natural gas distribution system located at LeMars, Iowa, of LeMars Gas Company, also a subsidiary of Great Lakes Utilities Company, for $70,000 cash. In addition to the cash consideration, the vendee also proposes to assume all the outstanding liabilities of the vendors (other than those owed to affiliates of the vendors).

Iowa Public Service Company proposes to pay Polk-Peterson Corporation and Carleton D. Beh Company $2,500 for their right, title and interest in and to a contract to purchase said assets.

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 15, 1941, at 10:00 A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

1. Whether the consideration to be paid by Iowa Public Service Company is reasonable and bears a fair relation to the sums invested in and the earning capacity of the utility assets to be acquired.

2. Whether the $2,500 which Iowa Public Service Company proposes to pay Polk-Peterson Corporation and Carleton D. Beh Company for an assignment of their right, title and interest in and to a contract to purchase the LeMars and Independence properties is reasonable.

3. Whether said acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

4. Whether said acquisitions will be detrimental to the public interest or the interests of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8961; Filed, November 28, 1941; 11:53 a. m.]

[File No. 59-35]

IN THE MATTER OF NEW YORK WATER SERVICE CORPORATION AND FEDERAL WATER AND GAS CORPORATION, RESPONDENTS

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND SETTING DATE FOR HEARING AND ORDER TO SHOW CAUSE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 27th day of November, A. D. 1941.

The Commission having data in its official files relating to New York Water Service Corporation and Federal Water and Gas Corporation (formerly known as Federal Water Service Corporation) which, if true, tends to show:

1. New York Water Service Corporation is a corporation organized under the laws of the State of New York. The issued and outstanding common stock of New York Water Service Corporation is owned entirely by Federal Water and Gas Corporation, a registered holding company under the Public Utility Holding Company Act of 1935. No other securities or obligations of New York Water are owned by Federal.

New York water owns and operates water distribution systems serving certain communities in New York and also sells water at wholesale to certain municipalities and water districts. It has three subsidiary companies, Rochester & Lake Ontario Water Service Corporation, Western New York Water Company and South Bay Consolidated Water Company, Inc., all of which are organized under the laws of New York and operate water distribution systems and sell water at wholesale within the State of New York.

3. The capitalization, including surplus, of New York Water as of December 31, 1940, as shown by its books, was as follows:

	Amount
Funded debt:	
First mortgage 5% bonds, due 1951	[1] $13,773,000
Secured serial promissory notes, 4%, due 1941-1944	450,000
Sag Harbor Water Company first mortgage 6% bonds due 1943 (assumed)	20,500
	14,243,500
Preferred stock:	
6% cumulative, $100 par value per share, issued and outstanding 46,532 shares	4,653,200
Common stock and surplus:	
Common stock, $100 par value per share, issued and outstanding 26,015 shares	2,601,500
Capital surplus	1,874,284
Earned surplus	1,162,437
	5,638,221
Total	24,534,921

[1] Exclusive of $167,000 principal amount reacquired and $1,000,000 nominally issued and pledged as collateral to Secured Serial Promissory Notes.

4. Arrearages on the 6% preferred stock of New York Water at December 31, 1940, aggregated $2,594,159 or $55.75 per share.

5. At December 31, 1940, the value per books of the utility plant of New York Water, less depreciation reserve, was $20,444,797.

6. Substantially all of the properties owned and operated by New York Water were originally acquired by it from affiliates. The cost of such properties to New York Water exceeded the cost thereof to affiliates by more than $850,000.

7. The greater part of the utility plant accounts of New York Water are stated on the basis of appraised reproduction cost new as determined by Public Works Engineering Corporation, affiliated engineers, at various dates from 1926 to 1930 plus subsequent additions at cost, less retirements. The recorded values of net property, based on such appraisals,

exceeded the cost of such properties to New York Water by more than $3,990,000.

8. If the minimum amounts of upward revaluations referred to in paragraphs 6 and 7 were deducted from the property accounts of New York Water and the dividend arrearages as at December 31, 1940 were added to the stated value of its preferred stock, the common stock would have no equity in the assets as recorded on the books and the preferred stock would have a book value of $5.451,-421, as shown by the following table:

	Adjustments			
	Per books	Dividend arrearages	Upward revaluations	As adjusted
Funded debt	$14,243,500			$14,243,500
Preferred stock	4,633,200	$2,594,159	($1,795,938)	5,451,421
Common stock	5,638,221	(2,594,159)	(3,044,062)	
Net assets	24,534,921		(4,840,000)	19,694,921

9. The revenues and income of New York Water derived from its operation of water properties during each of the years 1936 to 1940, inclusive, are shown in the following table:

Year	Operating revenues	Operating income
1936	$2,419,863	$977,054
1937	2,431,107	997,164
1938	2,428,224	976,727
1939	2,499,451	979,716
1940	2,459,684	948,531

10. For the years 1936 to 1940 New York Water has deducted substantially greater provisions for depreciation in its Federal income tax returns than were provided on its books during such years.

11. The investments of New York Water in its subsidiary companies at December 31, 1940, were carried on its books as follows:

Subsidiaries	Shares or principal amount			Carrying value on the books of New York
	Outstanding	Owned by New York		
		Amount	*Percent*	
Rochester & Lake Ontario:				
Water Service Corporation:				
Common stock	2,000 shs.	2,000 shs.	100.00	$1,368,440
First mortgage bonds	$1,853,000	$735,000	39.67	730,091
				2,098,531
Western New York Water Co.:				
Common stock	50,000	47,397 shs.	94.79	930,261
Preferred stock [1]	10,306¾ shs.	5,740 shs.	55.69	409,363
Funded debt	$4,502,600	None		
				1,339,624
South Bay Consolidated Water Company, Inc.:				
Common stock	7,500 shs.	7,250 shs.	96.67	1,155,260
Preferred stock	10,444 shs.	192 shs.	1.84	16,424
Funded debt	$3,124,000	None		
				1,171,684
Total carrying value (exclusive of open accounts)				4,609,839
Less—Reserve provided for investment in common and preferred stock of Western New York Water Company and South Bay Consolidated Water Company, Inc.				2,000,000
Net carrying value (exclusive of open accounts)				[2] 2,609,839

[1] The preferred stock of Western is non-cumulative. It is entitled to receive $5 per share before any dividends are paid on the common and to participate share for share with the common until it receives $8 per share.
[2] New York Water also had open accounts receivable at December 31, 1940 from Rochester & Lake Ontario Water Service Corporation in the amount of $212,000, which is non-interest-bearing, and South Bay Consolidated Water Company, Inc., in the amount of $510,000, bearing interest at 6%.

12. During the years 1937 to 1940, inclusive, no dividends have ben paid on the preferred or common stocks of any of New York Water's subsidiaries and New York Water has received no income from its investment in its subsidiaries other than interest on the bonds of Rochester and on the open account due it from South Bay as shown below:

	Rochester	South Bay	Combined
1937	$36,750	$28,203	$64,953
1938	36,750	30,105	66,855
1939	36,750	29,826	66,576
1940	36,750	30,607	67,357

13. During the year ended December 31, 1940, the fixed charges of South Bay, including interest paid to New York Water, exceeded by $42,173 the gross income of South Bay for that period. The preferred stock dividend requirements of South Bay amounted to $62,664 for the year ended December 31, 1940, and at that date arrearages on such stock amounted to $556,143, or $53.25 per share. Dividends have not been paid on the preferred stock since February, 1932, and no dividends have been paid on the common stock since 1930.

14. During the year ended December 31, 1940, the gross income of Rochester was $190,523 and its net income was $97,106. No dividends have been paid on the common stock of Rochester & Lake Ontario Water Service Company since December 1931.

15. During the year ended December 31, 1940, Western's gross income per books was $345,529 and its net income per books after fixed charges was $85,-998. The latter amount was sufficient to meet the minimum preferred dividend requirement of $51,533 and leave a balance of $34,465 to be divided between common stock and the preferred stock. No dividends on the preferred stock of Western have been paid since 1935 and no dividends have ever been paid on the common stock.

16. The gross income derived by New York Water from its operations and investments and net income as shown by its books for each of the years 1936 to 1940, inclusive, were:

Year	Gross Income	Net income
1936	$1,048,505	$309,891
1937	1,042,094	287,525
1938	1,048,666	280,122
1939	1,046,110	268,886
1940	1,015,920	237,206

17. Unamortized debt discount and expense of New York Water, aggregating $1,215,521, was charged to capital surplus in 1929 and 1930. Said charges resulted in the elimination of subsequent charges to income aggregating, to December 31, 1940, approximately $646,000. For the years 1936 to 1940 such charges to income would have amounted to $53,209 per year, and, for the year 1940, $52,900.

18. If the net income of New York Water were adjusted to reflect amortization of debt discount and expense, the following net income would have been received by New York Water for the years 1936 to 1940:

Year:	*Adjusted Net income*
1936	$256,685
1937	234,617
1939	226,913
1939	215,677
1940	204,306

19. The adjusted net income as shown in paragraph 18 was not sufficient in any of the years mentioned to pay New York Water's annual preferred dividend requirements, which are $279,192, and left no income available for the common stock of New York Water.

20. Normally the entire voting control of New York Water is vested in the common stock, each share of which has one vote. As a result of dividend arrearages, the preferred stockholders of New York Water have presently equal voting rights share for share with the common stockholders. At December 31, 1940, Federal, as owner of the common stock of New York Water, had 35.86% of the voting rights and the preferred stockholders had 64.14% of the voting rights.

It appearing to the Commission in the light of the foregoing that it is appropriate and in the public interest and in the interest of investors and consumers to institute proceedings against New York Water Service Corporation and Federal Water and Gas Corporation under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 in order to determine whether certain orders should be entered pursuant to the provisions of said section:

It is hereby ordered, That New York Water Service Corporation and Federal Water and Gas Corporation, file with the Secretary of the Commission on or before December 8, 1941 answers to the allegations of paragraphs (1) to (20), inclusive, hereof in the form prescribed by Rule U-25.

It is further ordered, That, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, a hearing shall be held on such matters at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10:00 o'clock in the forenoon of December 16, 1941 to determine:

(1) Whether the allegations set forth in paragraphs (1) to (20), inclusive, are true and accurate.

(2) Whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure.

(3) What further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That notice of said hearing is hereby given to New York Water Service Corporation, Federal Water & Gas Corporation, Rochester & Lake Ontario Water Service Corporation, Western New York Water Company, South Bay Consolidated Water Company, Inc., to their respective security holders, and to all consumers of New York Water Service Corporation and its subsidiaries, all States, municipalities and political subdivisions of States within which are located any of the physical assets of said companies, or under the laws of which any of said companies are incorporated, all State Commissions, State Securities Commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over New York Water Service Corporation or over any of said companies or over any of the businesses, affairs, or operations of any of them; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to New York Water Service Corporation and Federal Water & Gas Corporation, Rochester & Lake Ontario Water Service Corporation, Western New York Water Company, South Bay Consolidated Water Company, Inc., not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 9th day of December 1941, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8967; Filed, November 28, 1941; 11:53 a. m.]

[File No. 70-446]

IN THE MATTER OF CAPE & VINEYARD ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than December 15, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Cape & Vineyard Electric Company, a subsidiary of New England Gas and Electric Association, a registered holding company, proposes to borrow against notes payable to the First National Bank of Boston, the aggregate sum not exceeding $300,000 in such amounts and at such times as funds are required to pay for necessary extensions, additions and betterments to its plant and property. All notes will be dated as issued but in any event prior to March 31, 1942, to mature not later than September 30, 1943, and will bear interest at a rate not to exceed three per cent per annum. The issue and sale of the proposed notes has been authorized by the Department of Public Utilities of Massachusetts by order dated November 19, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8692; Filed, November 28, 1941; 11:54 a. m.]

[File No. 70-444]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than December 2, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or any request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Declarant, The North American Company, a registered holding company, proposes to pay on December 30, 1941 a dividend to its holders of Common Stock of record on December 9, 1941. Such dividend will be payable in the Capital Stock of The Detroit Edison Company, owned by Declarant, at the rate of one share of Capital Stock of The Detroit Edison Company on each 50 shares of Common Stock of the Declarant outstanding. No dividend will be issued for fractions of shares of stock of The Detroit Edison Company, but, in lieu thereof, cash will be paid at the rate of 39¢ for each 1/50th of a share of stock of The Detroit Edison Company. The Declarant estimates that to pay the above mentioned dividend it will have to distribute not more than 155,000 shares of the 913,146 shares of Capital Stock of The Detroit Edison Company owned by it; that the amount of cash to be distributed in lieu of fractional shares of such Capital Stock will not exceed $415,000; and that the payment of this dividend will result in a charge to earned surplus of approximately $4,100,000.

The Declarant requests the issuance of the Commission's order on or before December 3, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8966; Filed, November 28, 1941; 11:54 a. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES; RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 6 PROVIDING FOR THE LIQUIDATION AND DISSOLUTION OF THE UNITED LIGHT AND POWER INDUSTRIALS, INC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the liquidation and dissolution of The United Light and Power Company, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The United Light and Power Company (hereinafter referred to as Power), The United Light and Railways Company (Railways), and The United Light and Power Industrials, Inc. (Industrials), have filed on November 26, 1941, an application designated as "Application No. 6" pursuant to sections 9 (a), 10, 11 (b) (1), 11 (b) (2), 11 (e), 12 (c) and (f) of the Public Utility Holding Company Act and Rules U-42, U-43 and U-46 thereunder, Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies or any other applicable section of the Act or rules thereunder with respect to various proposed transactions, which will accomplish the dissolution of Industrials, a wholly-owned subsidiary of Railways. Industrials is a non-utility holding company which owns as its principal assets, securities in Mason City Brick and Tile Company and Northwestern States Portland Cement Company, which are companies engaged in the cement and ceramic business located near Mason City, Iowa. The several proposed transactions are summarized and described as follows:

1. The transfer by Industrials to Railways and the acquisition from Industrials by Railways of all the assets of Industrials, to wit: all the 14,500 outstanding shares of common stock, without par value, stated value $50 per share, of Mason City Brick and Tile Company; the promissory note of Mason City Brick and Tile Company in the principal amount of $250,000, due January 1, 1940, and bearing interest at the rate of 5½% per annum; 8,000 shares (approximately 4%) of the common stock, without par value, of Northwestern States Portland Cement Company; and all other assets, if any, owned by Industrials at the time of the transfer of said stocks and note to Railways;

2. The surrender by Railways to Industrials and the acquisition by Industrials of all the outstanding capital stock of Industrials (10 shares without par value, stated value of $100 per share) and the cancellation by Railways of the open account indebtedness, in the amount of $1,383,281.42 plus accrued interest thereon amounting to $228,129.86, owed to it by Industrials;

3. Thereafter Industrials will be dissolved in accordance with the laws of the State of Delaware.

Respondents and applicants represent that the purpose of the proposed transactions is to facilitate compliance with the Commission's order entered March 20, 1941, and also to further the program of corporate simplification of Power's holding-company system.

Notice is further given that The United Light and Railways Company, The United Light and Power Company, and The United Light and Power Industrials, Inc., have requested that an order be entered granting said application within fifteen days after the filing hereof and that said application be permitted to become effective pursuant to the procedure prescribed by Rule U-23; and that Industrials has further requested that it be made a party to said proceedings to the extent necessary to entitle it to join in this application and to secure authority of the Commission in this proceeding to consummate the proposed transactions.

Notice is further given that any interested person may, not later than December 13, 1941, at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of the Commission, for a statement of the transactions therein proposed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8967; Filed, November 28, 1941; 11:54 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR; RESPONDENTS

ORDER EXTENDING TIME TO ANSWER OR REQUEST INTERVENTION AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1941.

The Commission having on September 4, 1941, issued Notice of and Order for Hearing, pursuant to Section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in the above-entitled matter; said order having required that respondents file their answer herein on or before October 17, 1941, and having set the date for the hearing herein on October 28, 1941; and said order having further provided that any person proposing to intervene in said proceedings file his request or application therefor on or before October 17, 1941; and

Respondents having requested an extension of time within which to file their answer until November 3, 1941, and having requested a corresponding postponement of the date of the hearing herein; and the Commission being of the opinion that said request may appropriately be granted and that the time within which persons should file requests for intervention should be correspondingly extended;

It is ordered, (1) That the time within which respondents may answer, and within which persons may file requests to intervene in these proceedings be and is hereby extended to November 3, 1941; and (2) that the date of the hearing in this matter be and is hereby postponed to November 13, 1941 at 10:00 o'clock A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said day by the hearing room clerk in Room 1102, before the officer of the Commission previously designated herein; and

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8968; Filed, November 28, 1941; 11:54 a. m.]

[File No. 1-2554]

IN THE MATTER OF NEW SUTHERLAND DIVIDE MINING COMPANY COMMON CAPITAL STOCK, 10¢ PAR VALUE, ASSESSABLE

ORDER DISMISSING PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

The Commission having, under date of September 29, 1941, ordered that a hearing be held pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, at 10:00 A. M. on October 21, 1941, at the Commission's Regional Office, 625 Market Street, San Francisco, California, to determine whether New Sutherland Divide Mining Company had failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations, Form 10-K and the Instructions thereto, promulgated by the Commission thereunder, in that no certified financial statements had been filed for the fiscal year ended December 31, 1940, as required by Item 8 of Form 10-K, and whether registration of the Common Capital Stock, 10¢ Par Value, Assessable, of said New Sutherland Divide Mining Company on the San Francisco Mining Exchange should be suspended for a period not exceeding twelve months or be withdrawn, and having subsequently by its order of October 16, 1941, postponed such hearing to December 1, 1941; and

New Sutherland Divide Mining Company, having prior to the date of the postponed hearing, filed certified financial statements for the fiscal year ended December 31, 1940, as required by Item 8 of Form 10-K;

It is ordered, That the hearing scheduled for December 1, 1941 be cancelled and that the proceedings heretofore instituted against New Sutherland Divide Mining Company pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be and the same hereby are dismissed.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-8969; Filed, November 28, 1941; 11:55 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR

ORDER DENYING INTERVENTION BUT PERMITTING LIMITED PARTICIPATION IN HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1941.

The Commission, having previously issued its Notice of and Order for Hearing herein, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935; and

Guaranty Trust Company of New York, having filed an application to intervene in these proceedings, representing that it is at present Corporate Trustee under ten Indentures, the obligors under which are direct or indirect subsidiaries of Associated Gas and Electric Corporation; and

The Commission having considered said application and the affidavit in support thereof;

It is ordered, That said application for leave to intervene be and is hereby denied;

It is further ordered, That the Guaranty Trust Company of New York shall be entitled to participate in said proceedings to the extent of cross-examining witnesses, introducing evidence, filing of briefs, and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 14-8970; Filed, November 28, 1941; 11:55 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR

ORDER DENYING INTERVENTION BUT PERMITTING LIMITED PARTICIPATION IN HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November A. D. 1941.

The Commission having previously issued its Notice of and Order for Hearing herein pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935; and

Utilities Employees Securities Company, a Delaware corporation, having filed an application to intervene in these proceedings, representing that it is the holder of securities of Associated Gas and Electric Corporation in the principal amount as of September 30, 1941, of $29,843,025 and, in addition, as of the same date, securities of Associated Gas and Electric Company in the principal amount of $6,202,330, that it further has holdings in various associate companies of Associated Gas and Electric Corporation, and that specific reference has been made to it in the Notice of and Order for Hearing in these proceedings; and

Utilities Employees Securities Company having further requested oral argument in the event the Commission required further proof of the necessity and advisability of permitting it to intervene; and

The Commission having considered said application and the affidavit in support thereof and not deeming it necessary or appropriate to hold oral argument, in view of the order being entered herein;

It is ordered, That said application for leave to intervene be and the same is hereby denied, without prejudice, however, to the right of said Utilities Employees Securities Company to renew its application for leave to intervene and to be made a party to the proceedings, at some future date;

It is further ordered, That the said Utilities Employees Securities Company shall be entitled to participate in said proceedings to the extent of cross-examining witnesses, introducing evidence, filing of briefs, and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8971; Filed, November 28, 1941; 11:55 a. m.]

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

NOTICE OF AND ORDER GRANTING REQUEST EXTENDING TIME FOR ANSWER AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1931.

The Commission having on October 31, 1941 issued its Notice of and Order for hearing instituting proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above-entitled matter; and such order having directed that the said respondents file their answer on or before November 30, 1941, and that publication of such order be made in the FEDERAL REGISTER not later than 30 days prior to the date fixed for respondents to file their answers, and that a hearing be held on such matter on the 22nd day of December 1941 at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Respondents having requested an additional 30 days in which to file their answer to said notice of and order for hearing and having also requested that the hearing date be postponed for 30 days; and

The said order of October 31, 1941 having been served by registered mail upon United Public Utilities Corporation and its subsidiary companies, and notice of such order having been given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, but not having been published in the FEDERAL REGISTER within the time required by the order of October 30, 1941; and

It appearing to the Commission that because of such failure to publish the said order it is appropriate that further time be given to persons proposing to intervene, that the date of said hearing be postponed, and that publication of said order of October 31, 1941 and of this order be had in the FEDERAL REGISTER not later than 20 days prior to the date of the postponed hearing;

Wherefore it is ordered, That the respondents herein be and are hereby granted an additional 30 days' time in which to file their answers;

It is further ordered, That the date of the scheduled hearing on such matters be and it is hereby postponed to January 22, 1942 at the same time and place and before the same trial examiner heretofore designated, and that the time within which any person may intervene in these proceedings be and it is hereby extended to January 12, 1942.

It is further ordered, That the Secretary of the Commission shall serve notice of the postponed hearing aforesaid by mailing a copy of this order by registered mail to United Public Utilities Corporation and each of its subsidiary companies, respondents, not less than 20 days prior to the date of the postponed hearing; and that notice of the entry of the said order of October 31, 1941 and of this order and of said postponed hearing is hereby given to all security holders of United Public Utilities Corporation and of its subsidiaries, to all consumers of such companies, to all States, municipalities and political subdivisions of States within which are located any of the utility assets of the holding company system of United Public Utilities Corporation, or under the laws of which any of the companies in said holding company system are incorporated, to all State Commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over United Public Utilities Corporation or any subsidiaries thereof, or over any of the businesses, affairs or operations of any of them, and to all other persons, such notice to be given by publication of the said order of October 31, 1941 and of this order in the FEDERAL REGISTER not later than 20 days prior to the date hereinbefore fixed for the postponed hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8963; Filed, November 28, 1941; 11:53 a. m.]

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

NOTICE OF AND ORDER FOR HEARING

I

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 31st day of October, A. D. 1941.

The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of United Public Utilities Corporation, a registered holding company, and its subsidiary companies, the relationship among the companies of said holding company system, the character of the interests thereof and the properties owned or controlled thereby, and it appearing to the Commission from such examination that there are reasonable grounds for believing that:

1. United Public Utilities Corporation directly and wholly (with one exception)[1] owns and controls 19 subsidiaries, 13 of which are public-utility companies within the meaning of the Act, engaged in either the electric or gas business and other businesses such as water distribution and steam heating; and the remainder of which are engaged in the manufacture and distribution of ice, cold storage, coal mining, and production of natural gas. The operations of the subsidiary companies are conducted within eight states of the United States (as will be seen from a map which appears as Exhibit 1 attached hereto); the utility operations being primarily in Indiana, Ohio, North Dakota, and South Dakota. The consolidated assets of the holding company system on a per books basis, as of December 31, 1940, were $22,601,784.

2. The names of the subsidiary companies embraced in the holding company system of United Public Utilities Corporation and the states in which such subsidiary companies are incorporated are as shown in the table which follows:

Name of Company	*State of organization*
United Public Utilities Corporation (holding company).	New Jersey.
Alabama United Ice Company.	Delaware.
The Bradford & Gettysburg Electric Light and Power Company.	Ohio
The Brookville and Lewisburg Lighting Company.	Ohio.
The Buckeye Light & Power Company.	Ohio.
Cap. F. Bourland Ice Company.	Delaware.
Citizens Heat, Light and Power Company.	Indiana.
Dakota Public Service Company.	Delaware.
The Eaton Lighting Company.	Ohio.
Fort Smith Gas Company.	Delaware.
The Greenville Electric Light and Power Company.	Ohio.
Indiana-Ohio Public Service Company.	Indiana.
Knife River Coal Mining Company.	Minnesota
Louisiana Ice Service, Inc.	Delaware.
Lynn Natural Gas Company.	Indiana.
The New Madison Lighting Company.	Ohio.
Peoples Service Company.	Indiana.
Southern Gas Producing Company.	Delaware.
Texas Ice & Refrigerating Company.	Texas.
Western Ohio Public Service Company.	Indiana.

3. The subsidiary companies which are public utility companies within the meaning of the Act, the states in which the businesses of such companies are conducted, together with gross property accounts as of December 31, 1940, and their gross revenues for the year 1940, are as shown in the following table:

[1] The one exception is Peoples Service Company, in which there are 140 out of 3967.6 shares, or 3.5%, of the common stock outstanding in the hands of the public.

Name of company	State in which business operations are conducted	Kind of business	Gross property per books	Gross revenues
Dakota Public Service Company	North Dakota, South Dakota	Electric (A)	$8,130,355	$1,602,621
The Bradford & Gettysburg Electric Light and Power Company[1]	Ohio	Electric	266,063	78,065
The Brookville and Lewisburg Lighting Company[1]	Ohio	Electric	73,196	40,264
The Buckeye Light & Power Company[1]	Ohio	Electric	732,635	187,478
The Eaton Lighting Company[1]	Ohio	Electric	121,721	84,418
The Greenville Electric Light and Power Company.[1]	Ohio	Electric	1,335,056	452,769
The New Madison Lighting Company[1]	Ohio	Electric	17,017	14,331
Western Ohio Public Service Company[1]	Ohio	Gas distribution	917,905	270,049
Indiana-Ohio Public Service Company	Ohio, Indiana	Gas distribution	609,812	122,406
Lynn Natural Gas Company	Indiana	Gas	12,856	8,768
Peoples Service Company	Indiana	Gas manufacture and distribution.	223,179	77,414
Citizens Heat, Light and Power Company.	Indiana	Electric (B)	963,184	417,902
Fort Smith Gas Company	Arkansas	Gas distribution	1,593,451	531,709

[1] There is pending a joint application by each of these companies and the United Public Utilities Corporation for a proposed merger of the six electric companies and the one gas company located in Ohio (File 70-124). Hearings have been held upon this application. No findings or order have as yet been issued.

(A) Also steam heating service.
(B) Also water service.

4. The subsidiary companies of United Public Utilities Corporation which are not public utility companies within the meaning of the Act, the states in which the operations of such companies are conducted, the nature of the businesses of such subsidiary companies, and their respective gross property accounts as of December 31, 1940, are as follows:

Name of company	State in which business operations are conducted	Kind of business	Gross property per books
Knife River Coal Mining Company	North Dakota	Coal Mining	$656,707
Southern Gas Producing Company	Arkansas	Natural Gas Production	24,095
Cap. F. Bourland Ice Company	Arkansas	Ice	138,296
Alabama United Ice Company	Alabama	Ice	227,516
Louisiana Ice Service, Inc.	Louisiana	Ice	1,075,737
Texas Ice and Refrigerating Company	Texas	Ice and Cold Storage	1,159,658

5. For the year ended December 31, 1940 the consolidated operating revenues of the United Public Utilities Corporation and its subsidiary companies were as follows:

Operating Revenues:	
Electric	$2,602,538
Gas	1,009,089
Ice and Cold Storage	561,549
Coal Mining	250,775
Steam Heating	114,541
Water and Miscellaneous	32,888
Total Operating Revenues	4,571,380

6. For the twelve months ended December 31, 1940 the balance of consolidated income before deductions for interest on funded and other debt amounted to $911,564.

II

And the Commission being tentatively of the opinion on the basis of allegations hereinbefore set forth that:

7. The properties operated by the companies listed in Paragraph 3 of this notice and order constitute more than a single integrated public utility system as defined by Section 2 (a) (29) of the Act.

8. The properties operated by the companies listed in Paragraph 3 of this notice and order constitute more than a single integrated public utility system and systems additional thereto, control of which may be retained by United Public Utilities Corporation under Section 11 (b) (1) of the Act.

9. The major assets of the holding company system are located in Ohio and Indiana and in North Dakota and South Dakota; the principal or "single" integrated public utility system, if any, of said holding company system is located either in the Ohio-Indiana operating areas or in the North Dakota and South Dakota area.

10. Under the terms of Section 11 (b) (1) and especially Clause (B) thereof, United Public Utilities Corporation cannot retain any interest in public utilities located in Arkansas.

11. Under the terms of Section 11 (b) (1) and especially Clause (B) thereof, United Public Utilities Corporation cannot, if its principal or single integrated utility system is located in Ohio and Indiana, retain any interest in public utilities operating in North Dakota and South Dakota.

12. Under the terms of Section 11 (b) (1) and especially Clause (B) thereof, United Public Utilities Corporation cannot, if its principal or single integrated system is located in North Dakota and South Dakota, retain any interest in public utilities operating in Ohio and Indiana.

13. The businesses conducted by all the subsidiary companies named in Paragraph 4 above, except the business of the Knife River Coal Mining Company, are not reasonably incidental or economically necessary or appropriate to the operations of any of the electric or gas utility systems operated by the companies named in Paragraph 3 above, which are located in Ohio, Indiana, North Dakota and South Dakota; the business of the Knife River Coal Mining Company may be reasonably incidental or economically necessary or appropriate to the operations of the Dakota Public Service Company, which fact is subject to further proof at the hearing of this matter.

14. Action should be taken, pursuant to the provisions of Section 11 (b) (1) by United Public Utilities Corporation to dispose of its interest in the subsidiary companies which are referred to in Paragraphs 10 to 13, inclusive, if such interest is found not to be retainable.

III

And it, therefore, tentatively appearing to the Commission, on the basis of the allegations hereinbefore set forth, that the holding company system of United Public Utilities Corporations is not confined in its operations to those of a single integrated public utility system within the meaning of the Act, or to those of a single integrated public utility system, together with such additional integrated public utility systems as meet the requirements of Section 11 (b) (1) and such other businesses as can be retained under the standards of Section 11 (b) (1), and that proceedings should be instituted under Section 11 (b) (1) with respect to the United Public Utilities Corporation holding company system;

Wherefore it is ordered, That the United Public Utilities Corporation and each of its subsidiary companies hereinbefore named, all of which are hereby made respondents herein, shall file with the Secretary of this Commission on or before November 30, 1941, joint or several answers admitting, denying, or otherwise explaining their respective positions as to each of the allegations set forth in Paragraphs 1 to 6 hereof, inclusive, and likewise with respect to the tentative conclusions of the Commission as set forth in Paragraphs 7 to 14, inclusive. Such answer may include a statement of the claim of the respondents or any of them as to (a) the action, if any, which is necessary and should be required to be taken (including the divestment of control, securities or other assets), to limit the operations of the holding company system to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system; (b) the extent to which the respondent, United Public Utilities Corporation, which is a registered holding company, should be permitted to continue to control one or more addi-

tional integrated public utility systems, as may meet the requirements of Clauses (A), (B) and (C) of section 11 (b) (1) of the Act; and (c) the extent to which any of said respondents should be permitted to retain any property or any interest in any business (other than the business of a public utility company as such) as provided by section 11 (b) (1) of the Act.

It is further ordered, Pursuant to section 11 (b) (1) of the Act that a hearing be held on the 22nd day of December, 1941 at 10:00 A. M. (or on such later date as the Commission may prior thereto fix by supplementary notice) at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue Northwest, Washington, D. C., in such room as may be designated on said day by the hearing room clerk in Room 1102, at which hearing the respondents and any other interested persons shall be given an opportunity to be heard with respect to the matters hereinbefore and hereinafter set forth, and with respect to any issues raised in and matters presented by respondents' answer, and at which hearing the respondents shall show cause why an order or orders should not be entered, pursuant to section 11 (b) (1) of said Act, requiring the divestment of properties, securities and other assets for the purpose of limiting the operations of respondents' holding company system so as to conform with the standards of section 11 (b) (1) of said Act, and for the purpose of determining what steps and what action are necessary for that purpose.

It is further ordered, That:

(1) At the outset of said hearing, respondents shall show cause why an order should not be entered immediately requiring the divestment by any of the respondents herein of all or part of any interests in any of the companies operating in States other than Ohio, Indiana, North Dakota and South Dakota, which companies are more fully set forth by States in Paragraphs 3 and 4 hereof;

(2) Thereafter there will be considered what evidence shall be adduced, what findings should be made, what action by respondents should be required, and what order or orders should be entered by the Commission, either pursuant to the statements made in respondents' answers or otherwise, in order to limit the operations of the holding company system of the respondents to the properties located in the States of Ohio, Indiana, North Dakota and South Dakota which may be retained under the applicable standards of section 11 (b) (1) of the Act including specifically a determination as to which of such integrated public utility systems, if any, is to be considered the "single integrated public utility system" retainable under Section 11 (b) (1) of said Act, and the extent, if any, to which additional integrated public utility systems and other businesses may upon a proper showing be retained under common control with any such single integrated public utility system under the applicable standards of Section 11 (b) (1) of the Act.

(3) Consideration will also be given, and the respondents and other interested persons shall have an opportunity to be heard, with respect to the time and manner for disposition of any other issues which may be presented in these proceedings, particularly with respect to the appropriate procedure for expediting the determination of the issues herein.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to the United Public Utilities Corporation and to each of its subsidiaries, such mailing to be not less than 30 days prior to the date hereinbefore fixed for the filing of answers; and that notice is hereby given of said hearing to all other persons, including the security holders of United Public Utilities Corporation and of its subsidiaries, all States, municipalities and political subdivisions of States within which are located any utility assets of the respondents or of any company hereinbefore mentioned by name in this order, all State Commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of said respondents, or over any of the businesses, affairs or operations of any of them, and that such notice shall be given further by general release of the Commission, distributed to the press and mailed to the mailing list of the Commission for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than thirty days prior to the date hereinbefore fixed for the filing of answers of a notice, as follows:

NOTICE OF HEARING UNDER SECTION 11 (B) (1) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 WITH RESPECT TO THE HOLDING COMPANY SYSTEM OF UNITED PUBLIC UTILITIES CORPORATION

Notice is hereby given that the Securities and Exchange Commission adopted an order on the 31st day of October, 1941, directing that a hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 be held with respect to United Public Utilities Corporation and its subsidiary companies at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, Northwest, Washington, D. C., at 10:00 A. M., on the 22nd day of December 1941.

Said order makes respondents in said proceedings United Public Utilities Corporation and each of its subsidiary companies; and, after describing the holding company system of said respondents expresses certain tentative conclusions with respect thereto, among which are tentative conclusions that the said holding company system is not confined in its operations to those of a single integrated public utility system, together with such additional systems and other businesses as can be retained under the applicable standards of section 11 (b) (1) of said Act.

Said order provides that respondents shall file an answer to the allegations set forth in said notice and order on or before the 30th day of November, 1941, for the purposes and in the manner more fully set out in the order.

On the basis of the tentative conclusions set forth in said notice of and order for hearing, said order provides that a hearing be held at the time and place hereinbefore stated, at which hearing the respondents and any other interested persons shall be given an opportunity to be heard with respect to the matters therein set forth, and with respect to any issues raised in and matters presented by respondents' answer, and at which hearing the respondents are directed to show cause why an order or orders should not be entered, pursuant to section 11 (b) (1) of said Act, requiring the divestment of properties, securities and other assets for the purpose of limiting the operations of respondents' holding company system as required by the standards of section 11 (b) (1) of said Act, and for the purpose of determining what steps and what action is necessary for that purpose.

Said order further provides that:

(1) At the outset of said hearing, respondents shall show cause why an order should not be entered immediately requiring the divestment by any of the respondents herein of all or part of any interests in any of the companies operating in States *other than* Ohio, Indiana, North Dakota and South Dakota, which companies are more fully set forth by states in Paragraphs 3 and 4 of said order;

(2) Thereafter there will be considered what evidence shall be adduced, what findings should be made, and what order or orders should be entered by the Commission, either pursuant to the statements made in respondents' answer or otherwise, in order to limit the operations of the holding company system of the respondents to the properties located in the States of Ohio, Indiana, North Dakota and South Dakota which may be retained under the applicable standards of section 11 (b) (1) of the Act, including specifically a determination as to which of such integrated public utility systems, if any, is to be considered the "single integrated public utility system" retainable under section 11 (b) (1) of said Act, and the extent, if any, to which additional integrated public utility systems and other businesses may upon a proper showing be retained under common control with any such single integrated public utility system under the applicable standards of section 11 (b) (1) of the Act.

(3) Consideration will also be given and the respondents and other interested persons shall have an opportunity to be heard, with respect to the time and manner for disposition of any other issues which may be presented in these proceedings, particularly with respect to the appropriate procedure for expediting the determination of the issues herein.

Reference is made to said notice of and order for hearing for a more complete statement of the various matters therein set forth, and a copy of said notice of and order for hearing is on file and open to public inspection at the office of the Securities and Exchange Commission in Washington, D. C., and a copy of said notice of and order for hearing may be had upon written request to the Secretary of said Commission, and said notice of and order for hearing is hereby made a part of this notice as if completely set forth herein.

Notice of said hearing is hereby given to the respondent and each of its subsidiaries which are specifically named in the order, and to all other persons including security holders of United Public Utilities Corporation and its subsidiaries, all States, municipalities, and political subdivisions of States within which are located any utility assets owned or operated by any of the subsidiaries of said respondents and which are named in the order, and all State commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over any of the respondents or over any of the businesses, affairs or operations of any of the subsidiary or affiliated companies of respondent.

Said order further provides that any person proposing to intervene in said proceedings shall file with the Secretary of the Securities and Exchange Commission on or before the 30th day of November 1941, his request or application therefor as provided by Rule XVII of the Rules of Practice of the said Securities and Exchange Commission, and any such request or application may state the position of such proposed intervener with respect to the allegations and tentative conclusions set forth in the order. The order provides that nothing therein is to be deemed to require any interested person to intervene as a prerequisite to being heard on matters affecting his interests.

By order of the Securities and Exchange Commission this 31st day of October 1941.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of this Commission, on or before the date hereinbefore fixed within which respondent may file its answer, an appropriate request or application for intervention as provided by Rule XVII of the Commission's Rules of Practice. Any such petition may state the position of such proposed intervener with respect to the allegations and tentative conclusions hereinbefore set forth and with respect to what action such proposed intervener believes should be taken by any of the respondents to comply with section 11 (b) (1) of the Act. Nothing herein contained shall be deemed to require any interested person to intervene as a prerequisite to being heard as to matters affecting his interests.

It is further ordered, That jurisdiction be and is hereby reserved to broaden the issues in this proceeding for the purpose of dealing with other problems presented under section 11 (b) (1) or under other provisions of the Act concerning the holding company system of the respondents, and jurisdiction is also reserved to make other persons respondents in these proceedings or in any proceedings the scope of which is enlarged as aforesaid, pursuant to such further notice as the Commission may deem appropriate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8964; Filed, November 28, 1941; 11:53 a. m.]

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DEC 2 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 233

Washington, Tuesday, December 2, 1941

The President

BILL OF RIGHTS DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Joint Resolution of the Congress, approved August 21, 1941, authorizes and requests the President of the United States "to issue a proclamation designating December 15, 1941 as Bill of Rights Day, calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate ceremonies and prayer":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate December 15, 1941 as Bill of Rights Day. And I call upon the officials of the Government, and upon the people of the United States, to observe the day by displaying the flag of the United States on public buildings and by meeting together for such prayers and such ceremonies as may seem to them appropriate.

The first ten amendments, the great American charter of personal liberty and human dignity, became a part of the Constitution of the United States on the 15th day of December 1791.

It is fitting that the anniversary of its adoption should be remembered by the nation which, for one hundred and fifty years, has enjoyed the immeasurable privileges which that charter guaranteed: the privileges of freedom of religion, freedom of speech, freedom of the press, freedom of assembly and the free right to petition the government for redress of grievances.

It is especially fitting that this anniversary should be remembered and observed by those institutions of a democratic people which owe their very existence to the guarantees of the Bill of Rights: the free schools, the free churches, the labor unions, the religious and educational and civic organizations of all kinds which, without the guarantee of the Bill of Rights, could never have existed; which sicken and disappear whenever, in any country, these rights are curtailed or withdrawn.

The 15th day of December, 1941, is therefore set apart as a day of mobilization for freedom and for human rights, a day of remembrance of the democratic and peaceful action by which these rights were gained, a day of reassessment of their present meaning and their living worth.

Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them. They come in time to take these rights for granted and to assume their protection is assured. We, however, who have seen these privileges lost in other continents and other countries can now appreciate their meaning to those people who enjoyed them once and now no longer can. We understand in some measure what their loss can mean. And by that realization we have come to a clearer conception of their worth to us, and to a stronger and more unalterable determination that here in our land they shall not be lost or weakened or curtailed.

It is to give public expression and outward form to that understanding and that determination that we are about to commemorate the adoption of the Bill of Rights and rededicate its principles and its practice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of November in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2524]

[F. R. Doc. 41-8983; Filed, November 29, 1941; 10:58 a. m.]

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FEDERAL REGISTER

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EXECUTIVE ORDER

REVOKING EXECUTIVE ORDER NO. 8458 OF JUNE 27, 1940, AS AMENDED BY EXECUTIVE ORDER NO. 8532 OF SEPTEMBER 4, 1940, AND AUTHORIZING PERSONS APPOINTED FROM THE EMERGENCY REPLACEMENT LIST ESTABLISHED PURSUANT TO SUCH ORDERS TO ACQUIRE A CLASSIFIED CIVIL SERVICE STATUS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), by section 1753 of the Revised Statutes (U.S.C., title 5, sec. 631), and as President of the United States, it is hereby ordered as follows:

1. Except as concerns temporary employees of the decennial census force who were appointed through civil service examinations, Executive Order No. 8458[1] of June 27, 1940, as amended by Executive Order No. 8532[2] of September 4, 1940, providing for the establishment of a replacement list (known as the Emergency Replacement List) of employees who do not possess a competitive civil service status, is hereby revoked, effective December 31, 1941.

2. All persons who have been or may be duly appointed from the said Emergency Replacement List to positions in the competitive classified civil service subsequent to June 30, 1941, who enter on duty not later than December 31, 1942, and who by such date have completed a continuous Federal service of not less than six months within the calendar years 1941 and 1942, may acquire a classified civil service status in accordance with the applicable provisions of the act of November 26, 1940 (54 Stat. 1211), and Executive Order No. 8743[3] of April 23, 1941.

3. Each appointment in the classified departmental service in the District of Columbia under the provisions of this Executive Order shall be charged to the regular apportionment of appointments among the States and territories and the District of Columbia.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 27, 1941

[No. 8952]

[F. R. Doc. 41-8975; Filed, November 28, 1941; 2:31 p. m.]

[1] 5 F.R. 2435.
[2] 5 F.R. 3589.
[3] 6 F.R. 2117.

EXECUTIVE ORDER

ESTABLISHING LOS ANGELES-LONG BEACH HARBOR NAVAL DEFENSIVE SEA AREA

CALIFORNIA

By virtue of and pursuant to the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the following-described area is hereby established for purposes of national defense as a defensive sea area, to be known as the "Los Angeles-Long Beach Harbor Naval Defensive Sea Area":

All United States territorial waters of Los Angeles-Long Beach Harbor and its approaches and tributaries from the contour line of extreme high water on the shores of these waters, as shown on the latest U.S.C. and G.S. charts, to the following seaward limits:

A line running along bearing 160° true from Whites Point, California, in approximate Latitude 33° 42' 51" North, Longitude 118° 19' West, to the seaward limit of United States territorial waters;

A line running along bearing 210° true from a point on the shore of Huntington Beach, California, in Latitude 33° 39' 47" North, Longitude 118° 00' 41" West, to the seaward limit of United States territorial waters; and

A line running along the seaward limit of United States territorial waters between the above-described bearing lines.

A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the Los Angeles-Long Beach Harbor Naval Defensive Sea Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area must be made, preferably by application to a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 Kcs and permission to enter the port requested. The name of the vessel, purpose of entry, and name of the master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

A vessel entering or navigating the waters of the Los Angeles-Long Beach Harbor Naval Defensive Sea Area does so at its own risk.

Even though permission has been obtained, it is incumbent upon a vessel entering the Los Angeles-Long Beach Harbor Naval Defensive Sea Area to obey any further instructions received from the United States Navy or other United States authority.

A vessel may expect supervision of its movements within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

The loading or unloading by vessels of oil fuel or other inflammable or explosive materials shall be under the control of the local naval authority, who shall require such loading or unloading to be accomplished in such manner and at such times as will safeguard the other activities within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area essential to the national defense.

These regulations are subject to amplification by the local United States naval authority as necessary to meet local circumstances and conditions.

When a United States Maritime Control Area is established adjacent to or abutting upon the Los Angeles-Long Beach Harbor Naval Defensive Sea Area, it shall be assumed that permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas.

Any master of a vessel or other person within the Los Angeles-Long Beach Harbor Naval Defensive Sea Area who shall disregard these regulations, or shall fail to obey an order of United States naval authority to stop or heave-to, or shall perform any act threatening the efficiency of mines or other defenses or the safety of navigation, or shall take any action inimical to the interest of the United States, may be detained therein by force of arms and renders himself liable to attack by the armed forces of the United States, and liable to prosecution as provided for in section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96).

All United States Government authorities shall place at the disposal of the naval authorities their facilities for aiding in the enforcement of these regulations. The Governor of the State of California, the local municipal officials, and the local civilian defense agencies are called upon to render the local naval authorities all possible assistance in the enforcement of these regulations.

The Secretary of the Navy shall be charged with the publication and enforcement of these regulations.

This order supersedes Executive Order No. 8403[1] of May 7, 1940, entitled "Establishing Los Angeles-Long Beach Harbor Naval Defensive Sea Area—California".

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 27, 1941.

[No. 8953]

[F. R. Doc. 41-8974; Filed, November 28, 1941; 2:31 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

NEVADA

By virtue of the authority vested in me as President of the United States of America, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as machine gun ranges:

TRACT A

MOUNT DIABLO MERIDIAN

T. 18 S., R. 61 E.,
secs. 13 to 36, inclusive;
T. 19 S., R. 61 E.,
secs. 1 to 5, inclusive, N½ sec. 6, N½ sec. 9, and secs. 10 to 12, inclusive;
T. 18 S., R. 62 E.,
secs. 13 to 36, inclusive;
T. 19 S., R. 62 E.,
secs. 1 to 11, inclusive, W½ sec. 12, and secs. 16 to 18, inclusive;
T. 18 S., R. 63 E.,
lots 1 to 4, inclusive, W½E½ and E½W½ sec. 18; lots 1 to 4, inclusive, W½E½ and E½W½ sec. 19; lots 1 to 4, inclusive, W½NE¼, E½W½ and NW¼SE¼ sec. 30; lots 1 to 4, inclusive, E½NW¼ and NE¼SW¼ sec. 31.

TRACT B

MOUNT DIABLO MERIDIAN

T. 20 S., R. 62 E.,
sec. 1, E½ sec. 11, secs. 12 to 14, inclusive, secs. 24, 25 and 36;
T. 20 S., R. 63 E.,
W½ sec. 2, secs. 3 to 5, inclusive, S½S½ sec. 6, secs. 7 to 10, inclusive, W½ sec. 11, W½ sec. 14, secs. 15 to 22, inclusive, W½ sec. 23, W½ sec. 26, secs. 27 to 34, inclusive, and W½ sec. 35, unsurveyed.

The areas described, including both public and nonpublic lands, aggregate approximately 68,533.75 acres.

This order shall be subject to (1) the order of the Secretary of the Interior of November 3, 1936,[1] establishing Grazing District No. 5, which order affects all of the public lands in the above-described areas, and (2) Power Site Classification No. 210 of January 7, 1925, so far as it affects any of the public lands in the above-described areas. After the present national defense emergency has been officially terminated, this order shall be ineffective upon notice to the War Department by the Secretary of the Interior that such lands are needed for grazing purposes or for any other purposes by the Department of the Interior.

The local Army Commandant in charge of the lands heretofore described will, after consultation with the local representative of the Grazing Service, Department of the Interior, designate not less than two days a month, exclusive of Saturdays and Sundays, on which there will be no firing affecting secs. 13, 14, 23 and 24, T. 18 S., R. 61 E., to enable the field personnel of the Grazing Service to maintain certain range improvements located on those lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 27, 1941.

[No. 8954]

[F. R. Doc. 41-8976; Filed, November 28, 1941; 2:31 p. m.]

[1] 5 F.R. 1661.

[1] 1 F.R. 1748.

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

SUBCHAPTER B—IMMIGRATION REGULATIONS

[General Order No. C-36, Supp. 1]

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

Aliens Leaving

Pursuant to the authority contained in Proclamation No. 2523[1] issued by the President on November 14, 1941 under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 175.23 of the regulations promulgated on November 19, 1941 is hereby amended by the addition of the following paragraphs:

§ 175.23 *Aliens exempted from obtaining permits to depart.*

* * * * *

(n) Aliens who are domiciled or stationed in the Western Hemisphere, who are lawfully in the United States, who are citizens of any of the independent countries of the Western Hemisphere, Canada, or Newfoundland, or British or Netherlands subjects, and who are departing from the continental United States, Puerto Rico, the Virgin Islands, or the Panama Canal Zone to a destination in the Western Hemisphere.

(o) Aliens *en route* to a destination in the United States with proper documents to apply for admission into the United States and who are passing through Puerto Rico, the Virgin Islands, Midway Island, Wake Island, Guam, American Samoa, Hawaii, or the Philippine Islands.

(p) Aliens departing on vessels engaged in the fishing industry, who comply with the anchorage regulations of the Secretary of the Treasury or the Secretary of the Navy.

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

NOVEMBER 28, 1941.

[F. R. Doc. 41-9080; Filed, November 28, 1941; 4:40 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4131]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF A. W. WILSON COMPANY

§ 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, (1) that respondent grants to any purchaser an exclusive territory for the operation of vending machines purchased from him; (2) that locations for said vending machines have been obtained, or will be obtained, by respondent prior to delivery of said vending machines to the purchaser, unless said locations actually are obtained; (3) that said vending machines will be installed at designated locations by respondent's salesmen or agents, unless respondent or his agents actually effect such installation; and (4) that the amount purchasers of vending machines will be required to pay for locations for such machines is less than is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, (1) that said vending machines will be delivered within a specified time, when such is not the fact; and (2) that any candy to be dispensed by vending machines purchased from respondent will be furnished free; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Size and equipment.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, that respondent's business is nation-wide, or that it is greater in scope or size than is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, that each vending machine usually and customarily provides a net profit of not less than $30 per week, or provides a net profit of any other amount in excess of the average, usual, and customary sum or amount actually earned under normal conditions in due course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

§ 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.6 (ff5) *Advertising falsely or misleadingly—Undertakings, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of coin-operated vending machines and candies, and among other things, as in order set forth, representing, directly or indirectly, that respondent's business is nation-wide, or that it is greater in scope or size than is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, A. W. Wilson Company, Docket 4131, November 26, 1941]

In the Matter of Alfred W. Wilson, Individually and Trading as A. W. Wilson Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Alfred W. Wilson, individually and trading as A. W. Wilson Company, or trading under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of coin-operated vending machines and candies in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

(1) That respondent grants to any purchaser an exclusive territory for the operation of vending machines purchased from him;

(2) That locations for said vending machines have been obtained, or will be obtained, by respondent prior to delivery of said vending machines to the purchaser, unless said locations actually are obtained;

(3) That said vending machines will be installed at designated locations by respondent's salesmen or agents, unless respondent or his agents actually effect such installation;

(4) That the amount purchasers of vending machines will be required to pay for locations for such machines is less than is the fact;

(5) That said vending machines will be delivered within a specified time, when such is not the fact;

(6) That any candy to be dispensed by vending machines purchased from respondent will be furnished free;

(7) That respondent's business is nation-wide, or that it is greater in scope or size than is the fact;

(8) That each vending machine usually and customarily provides a net profit of not less than $30 per week, or provides a net profit of any other amount in excess of the average, usual, and customary sum or amount actually earned under normal conditions in due course of business;

(9) That respondent will, under any stated conditions, repurchase vending machines sold by him unless he does actually repurchase such machines in accordance with the representations made.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9016; Filed, December 1, 1941; 11:18 a. m.]

[1] 6 F.R. 5821.

[1] 6 F.R. 2041.

[Docket No. 4181]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SEGAL OPTICAL COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.71 (b) *Neglecting, unfairly or deceptively, to make material disclosure—Imported product or parts as domestic.* In connection with offer, etc., in commerce, of reading glasses and sun glasses, (1) offering for sale or selling, separately or as a part of completed reading or sun glasses, lenses or glasses which are imported from any foreign country without affirmatively disclosing thereon or in immediate connection therewith such foreign origin; and (2) representing in any manner that lenses or glasses of foreign manufacture, whether or not they are mounted in frames, are of domestic manufacture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Segal Optical Company, Docket 4181, November 26, 1941]

In the Matter of Lucian V. Segal, an Individual Trading as Segal Optical Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Lucian V. Segal, an individual trading as Segal Optical Company, or trading under any other name, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of reading glasses and sun glasses, or other similar products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Offering for sale or selling, separately or as a part of completed reading or sun glasses, lenses or glasses which are imported from any foreign country without affirmatively disclosing thereon or an immediate connection therewith such foreign origin;

(2) Representing in any manner that lenses or glasses of foreign manufacture, whether or not they are mounted in frames, are of domestic manufacture.

It is further ordered, That respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9015; Filed, December 1, 1941; 11:18 a. m.]

[1] 5 F.R. 4184.

[Docket No. 4470]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF AR. WINARICK, INC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.24 (a) *Coercing and intimidating—Competitors—By threatening boycott:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* (I) In connection with the offer, etc., in commerce, of beauty and barber supplies, and on the part of respondent corporate jobber thereof, its officers, etc., respondent partner jobbers, respondent individual jobbers, respondent Gallagher, individually and as general manager of respondent corporate manufacturer, and four individuals, general officers of said corporate jobber, individually and as such officers, continuing, entering into, carrying out, or aiding or abetting the carrying out, of any agreement, understanding, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and any other person, partnership or corporation, for the purpose or with the effect of restricting, restraining, monopolizing or eliminating competition in the purchase or sale in said commerce of such products, and by cooperative or concerted action, agreement or understanding between any two or more of them, or between any one or more of them and any other person, partnership or corporation, (a) fixing, establishing, quoting or maintaining prices, or agreeing to fix and maintain the prices at which said products shall be sold by them, (b) fixing and maintaining, or agreeing to fix and maintain, the amount of discount to be allowed purchasers of said products, (c) agreeing not to sell their

products at prices less than the suggested price lists circulated by the manufacturers of such products, or at discounts in excess of 10 percent, or at any other agreed discount, and (d) coercing, threatening or intimidating any jobber of beauty and barber supplies, for the purpose or with the intent or effect of compelling such jobber to sell his products at the manufacturers' list prices, or at an agreed discount therefrom, or to refuse to allow discounts in excess of 10 percent or any other agreed amount; and (II) directly or indirectly, jointly or severally, (cooperating with, assisting or in any manner aiding or abetting the above named respondents in doing any of the things prohibited in parts (a), (b), (c) and (d) hereof; on the part of respondent corporate manufacturer of beauty and barber supplies, its officers, etc., and respondent Gallagher, individually and as general sales manager of said corporate manufacturer; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Ar. Winarick, Inc., et al., Docket 4470, November 28, 1941]

In the Matter of Ar. Winarick, Inc., Union Beauty & Barber Supply, Inc., Louis Saul and Anthony Nicastri, Partners Trading as A. B. C. Barber & Beauty Supply Company: Vasili Thalis, an Individual Trading as American Beauty & Barber Supply Company: Joseph A. Gallagher, Individually and as General Sales Manager of Ar. Winarick, Inc., George Miller, Individually and as President of Union Beauty & Barber Supply, Inc., E. D. Chapman, Individually and as Vice-President of Union Beauty & Barber Supply, Inc., Frank Waters, Individually and as Vice-President of Union Beauty & Barber Supply, Inc., and Gladys Welch, Individually and as Secretary & Treasurer of Union Beauty & Barber Supply, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, the testimony and other evidence taken before a duly appointed trial examiner of the Commission theretofore duly designated by it to serve in this proceeding, the report of the trial examiner thereon, briefs in support of the complaint and in opposition thereto, and oral arguments; and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Union Beauty & Barber Supply, Inc., a corporation, its officers, directors, agents, representatives, and employees—Louis Saul and Anthony Nicastri, copartners trading as A. B. C. Barber & Beauty Supply Company, or under any other name or designation—Vasili Thalis, an individual trading as American Beauty & Barber Supply Company, or under any other name or designation,—Joseph A. Gallagher, individually or as general sales manager of Ar. Winarick, Inc.—George Miller, individually and as president of Union Beauty & Barber Supply, Inc.—E. D. Chapman, individually and as vice-president of Union Beauty & Barber Supply, Inc.—Frank Waters, individually and as vice-president of Union Beauty & Barber Supply, Inc.—and Gladys Welch, individually and as secretary and treasurer of Union Beauty & Barber Supply, Inc., jointly and severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of beauty and barber supplies in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from containing, entering into, carrying out, or aiding or abetting the carrying out, of any agreement, understanding, combination or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and any other person, partnership or corporation, for the purpose or with the effect of restricting, restraining, monopolizing or eliminating competition in the purchase or sale in said commerce of such products, and from doing or performing by cooperative or concerted action, agreement or understanding between any two or more of them, or between any one or more of them and any other person, partnership or corporation, the following acts and things:

(a) Fixing, establishing, quoting or maintaining prices, or agreeing to fix and maintain the prices at which said products shall be sold by them.

(b) Fixing and maintaining, or agreeing to fix and maintain, the amount of discount to be allowed purchasers of said products.

(c) Agreeing not to sell their products at prices less than the suggested price lists circulated by the manufacturers of such products, or at discounts in excess of 10 per cent, or at any other agreed discount.

(d) Coercing, threatening or intimidating any jobber of beauty and barber supplies, for the purpose or with the intent or effect of compelling such jobber to sell his products at the manufacturers' list prices, or at an agreed discount therefrom, or to refuse to allow discounts in excess of 10 per cent or any other agreed amount.

It is further ordered, That respondent Ar. Winarick, Inc., a corporation, its officers, directors, agents, representatives and employees, and respondent Joseph A. Gallagher, individually and as general sales manager of said respondent corporation, jointly or severally, directly or through any corporate or other device, forthwith cease and desist from directly or indirectly, jointly or severally, cooperating with, assisting or in any manner aiding, or abetting the hereinbefore named respondents in doing any of the things prohibited in sub-paragraphs (a), (b), (c) and (d) hereof.

It is further ordered, That the respondents shall, within (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9014; Filed, December 1, 1941; 11:18 a. m.]

[1] 6 F.R. 2209.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—INVESTMENT COMPANY ACT OF 1940

ADOPTION OF RULE GRANTING EXEMPTION OF EMPLOYEES' SECURITIES COMPANY PENDING DETERMINATION OF APPLICATION

Acting pursuant to the Investment Company Act of 1940, particularly sections 6 (b), 6 (c) and 38 (a) thereof, and deeming the temporary exemption hereinafter provided appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and the provisions of the Act, the Securities and Exchange Commission hereby rescinds § 270.6c–3 [1] [Rule N–6C–3], and adopts § 270.6b–1 [Rule N–6B–1] to read as follows:

§ 270.6b–1 *Exemption of employees' securities company pending determination of application.* Any employees' securities company which files an application for an order of exemption under section 6 (b) of the Act (Sec. 6 (b), 54 Stat. 801; 15 U.S.C. 80a–6) shall be exempt, pending final determination of such application by the Commission, from all provisions of the Act applicable to investment companies as such (Sec. 6 (b), 54 Stat. 801; 15 U.S.C. 80a–6: Sec. 6 (c), 54 Stat. 802; 15 U.S.C. 80a–6: Sec. 38 (a), 54 Stat. 841; 15 U.S.C. 80a–38) [Rule N–6B–1 effective December 2, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9025; Filed, December 1, 1941; 11:42 a. m.]

[1] 5 F.R. 4346.

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 86]

PART 260—NATURAL GAS ACT STATEMENTS AND REPORTS

ORDER PRESCRIBING FORM OF ANNUAL REPORT FOR NATURAL-GAS COMPANIES AS DEFINED IN THE NATURAL GAS ACT

NOVEMBER 12, 1941

§ 260.1 *Financial and statistical report; Form 133 (1941).* The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act;

(a) Hereby adopts, promulgates and prescribes for use of natural-gas companies as defined in the Natural Gas Act (52 Stat. 821) which are included in Classes A and B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, for the year 1941, the accompanying form of Annual Report designated as FPC Form No. 133 (1941).[1]

(b) Hereby *orders* that each natural-gas company, as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes A and B as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, shall file with the Commission an original and two conformed copies, duly executed, of such Annual Report on the aforesaid form FPC Form No. 133 (1941), for the year 1941, said Annual Report to be filed on or before the last day of the third month following the close of the calendar year or other established fiscal year.

(c) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-8981; Filed, November 29, 1941; 9:33 a. m.]

[Order No. 87]

PART 210—STATEMENTS AND REPORTS (SCHEDULES)

NOVEMBER 25, 1941.

§ 210.8a *Form of initial cost statement for projects constructed under license, costing less than $500,000.* The Federal Power Commission, acting pursuant to authority conferred by the Federal Power Act, particularly sections 4 (b) and 309 thereof, and finding such action necessary and appropriate for carrying out the purposes of said Act:

(a) Hereby adopts the accompanying form[1] of initial statement showing actual legitimate original cost, designated as FPC Form No. 45–S (small projects), for use by each Licensee of a constructed project in preparing and filing an initial statement, under oath, showing the claimed actual legitimate original cost of the project, where such claimed cost is less than $500,000, pursuant to section 4.1 of the "Rules of Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938, in lieu of FPC Form No. 45 heretofore prescribed by Order No. 48, adopted January 25, 1938, said FPC Form No. 45–S (small projects) comprising instructions, Section I—Claimed Cost Statement—embracing Schedules numbered 1 to 4, inclusive; Section II—Descriptive and Supporting Data—embracing Schedules 5 to 14, inclusive, and Affidavit;

(b) Hereby orders that each Licensee constructing a project or projects pursuant to license issued therefor, (where the claimed cost is less than $500,000) shall file with the Commission, unless otherwise ordered, within one year after the original project is ready for service, an initial statement, under oath, on the form aforesaid, in the manner and number of copies prescribed by § 4.1—Initial Cost Statement—of the Rules of Practice and Regulations, Effective June 1, 1938 (under the Federal Power Act); and

(c) Hereby prescribes that this order shall become effective on December 15, 1941; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER. (Secs. 4 (b), 309, 49 Stat. 812, 858; 15 U.S.C., Sup., 79d (b), 16 U.S.C., Sup., 825h)

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-9028; Filed, December 1, 1941; 11:47 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS LEAVING

Pursuant to the authority contained in Proclamation No. 2523[2] issued by the President on November 14, 1941 under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 58.23 of the regulations promulgated on November 19, 1941 is hereby amended by the addition of the following paragraphs:

§ 58.23 *Aliens exempted from obtaining permits to depart.*

* * * * *

(n) Aliens who are domiciled or stationed in the Western Hemisphere, who are lawfully in the United States, who are citizens of any of the independent countries of the Western Hemisphere, Canada, or Newfoundland, or British or Netherlands subjects, and who are departing from the continental United States, Puerto Rico, the Virgin Islands, or the Panama Canal Zone to a destination in the Western Hemisphere.

(o) Aliens *en route* to a destination in the United States with proper documents to apply for admission into the United States and who are passing through Puerto Rico, the Virgin Islands, Midway Island, Wake Island, Guam, American Samoa, Hawaii, or the Philippine Islands.

(p) Aliens departing on vessels engaged in the fishing industry, who comply with the anchorage regulations of the Secretary of the Treasury or the Secretary of the Navy.

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

NOVEMBER 28, 1941.

[F. R. Doc. 41-8980; Filed, November 28, 1941; 4:40 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5100]

PART 184—PRODUCTION OF BRANDY

Regulations 5 (1940) Amended

By virtue of and pursuant to sections 2825 and 3176 of the Internal Revenue Code, Regulations 5,[1] "Production of Brandy", (1940), is hereby amended by inserting a new section in Articles IX and XXXII, designated § 184.44a and § 184.399a, respectively, and amending §§ 184.138 (a) (4), 184.383, 184.398, 184.400, 184.403, and 184.405, to read as follows:

ARTICLE IX—EQUIPMENT

* * * * *

§ 184.44a *Unfinished spirits tanks.* Whenever a fruit distillery established or operated under these regulations is to be operated alternately as such and as an industrial alcohol plant or as a registered distillery in accordance with Article XVI, and the fruit distiller desires

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[1] Filed as part of the original document. Requests for copies should be addressed to the Federal Power Commission.

[1] Filed as part of the original document.
[2] 6 F.R. 5821.

[1] 5 F.R. 886.

to retain unfinished spirits where the change in type of plant is to be temporary only, he must provide for the purpose one or more tanks, each of which must be constructed and equipped in accordance with the provisions of § 184.42 and have painted thereon the words "Unfinished Spirits Tank," followed by its serial number and capacity in wine gallons. The tanks must be so arranged that the unfinished spirits to be collected therein will pass from the still into the tank through continuous and securely closed, fixed pipes and vessels. The pipe lines connecting the tanks with stills or other apparatus must be constructed in accordance with § 184.52. Valves must be provided in the pipe lines and so arranged as to control completely the flow of unfinished spirits both into and out of each tank. The construction of the valves must be such that they can be secured with Government locks. (Secs. 2823, 2829, 3176, I.R.C.)

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ARTICLE XVI—REQUIREMENTS GOVERNING ALTERNATE OPERATIONS AS INDUSTRIAL ALCOHOL PLANT OR REGISTERED DISTILLERY

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§ 184.138 *Where no bonded warehouse on premises*—(a) *Suspension.*

• • • • •

(4) *Materials, heads and tails, and unfinished spirits.* If distilling materials are transferred to the successor or if heads and tails or unfinished spirits are to be retained on the premises pending the resumption of operations as a fruit distillery, comply with the requirements of Article XXXII.

• • • • •

ARTICLE XXIV—SUSPENSION AND RESUMPTION OF OPERATIONS

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§ 184.383 *Date of suspension.* The distiller will fix in the notice the time when all distilling material on the distillery premises will be distilled and all spirits in the distillery run into the receiving tanks, except unfinished spirits or distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil which are to be retained on the premises during a temporary change in the type of distillery, as provided in Article XXXII. Where no storekeeper-gauger is assigned to the distillery the distiller will forward the notice to the district supervisor in sufficient time to reach him at least 48 hours before the date the distiller intends to suspend operations, in order that the district supervisor may detail an officer to lock the furnace door of each still or the control valve in the pipe line conveying steam or fuel to each still, as the case may be, at the time operations are suspended. (Secs. 2825, 2850, 3176, I. R. C.)

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ARTICLE XXXII—ALTERNATE OPERATION AS INDUSTRIAL ALCOHOL PLANT OR REGISTERED DISTILLERY

• • • • •

§ 184.398 *Completion of operation required.* When a fruit distillery is to be operated as an industrial alcohol plant or as a registered distillery, the business of producing brandy, except as hereinafter provided, must be completely finished by the person or persons first carrying on the business, and the distillery duly suspended before it can be operated as an industrial alcohol plant or a registered distillery. Except as provided in §§ 184.399 and 184.399a, all unfinished spirits, including singlings and low wines, and distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil collected in accordance with the provisions of Article XXI, must be redistilled and run into receiving tanks, drawn off, gauged, and removed by the outgoing distiller. Except as provided in §§ 184.399 and 184.399a, all such unfinished spirits or distillates must be disposed of before the distillery can be operated as an industrial alcohol plant or registered distillery. (Secs. 2825, 2850, 3176, I. R. C.)

§ 184.399a *Retention of unfinished spirits.* Where the change in type of plant is to be temporary only, the outgoing distiller may retain unfinished spirits under Government lock in unfinished spirits tanks, provided in accordance with § 184.44a in the fruit distillery, until the plant is again operated by him as a fruit distillery under these regulations: *Provided*, That such distiller furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on the fruit distiller's bond, Form 30½, for the tax on such unfinished spirits retained on the premises, notwithstanding the change in the type of plant. (Secs. 2825, 3176, I. R. C.)

§ 184.400 *Transfer of materials, etc.* The outgoing distiller may transfer to his successor materials on hand, including those in process, at the time the change in type of plant takes place, but no spirits may be so transferred, except the residue of spirits in the stills which it is not practicable to completely boil out: *Provided*, That materials not usable and residue of spirits in stills not producible under the law at the succeeding type of plant may not be transferred to the successor. Where such materials and residue of spirits are not transferable, all materials in process must be distilled, all basic materials must be removed from the premises, and the stills and other vessels must be completely cleared of spirits, and such spirits, if other than unfinished spirits or distillates intended for retention in accordance with the provisions of §§ 184.399 and 184.399a, removed from the distillery in accordance with law before the change in type of plant becomes effective. When it is again desired to resume operations as a distiller under these regulations, the business of producing alcohol or whiskey, rum, et cetera, as the case may be, must be similarly finished and the industrial alcohol plant or registered distillery suspended in accordance with governing regulations. (Secs. 2825, 3176, I. R. C.)

§ 184.403 *Completion of records.* The outgoing distiller will complete his record, Form 15, as to the removal of basic materials from the premises, or the transfer of basic materials and materials in process to the successor, as the case may be, and as to production and removal from the distillery of all brandy produced by him. If distillates collected in accordance with Article XXI are retained on the premises under lock in tanks or in the brandy deposit room, as provided in § 184.399, or unfinished spirits are retained on the premises in locked tanks, as provided in § 184.399a, a notation will be made on Form 15 showing that such unfinished spirits or distillates are temporarily retained on the premises pending resumption of operations as a fruit distillery. The distiller will continue to file monthly reports on Form 15 during the period such unfinished spirits or distillates are retained on the distillery premises. Where the plant is operated as a fruit distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Form 15, but appropriate notations will be made on the separating lines to show the dates the distillery was operated as a registered distillery or an industrial alcohol plant and the names under which it was so operated. (Secs. 2825, 2841 (a), 3176, I. R. C.)

§ 184.405 *Disposition of spirits.* Where a change in the type of plant takes place, the storekeeper-gauger assigned or detailed to the distillery will see that all distillates collected in accordance with Article XXI are disposed of, and that all other unfinished spirits, except the residue of spirits in stills where the same is to be transferred to the successor as provided in § 184.400, are distilled and run into receiving tanks, drawn off, gauged, and removed by the outgoing distiller in the name under which they were produced, unless retained in the distillery in accordance with §§ 184.399 and 184.399a, respectively, before the plant is operated as another type of distillery. Upon disposition or retention in the distillery of such unfinished spirits or distillates, and transfer of all other spirits to the receiving tanks, the distillery may be operated as another type of plant, but all spirits transferred to the receiving tanks must be branded and removed in accordance with law by the outgoing distiller in the name under which they were produced, before any spirits are deposited in the receiving tanks or withdrawn from the distillery by the successor. (Secs. 2825, 3176, I. R. C.)

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[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved November 27, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–8084; Filed, November 29, 1941; 11:21 a. m.]

[T. D. 5099]

PART 316—EXCISE TAXES ON SALES BY THE MANUFACTURER

Regulations 46 (1940 Edition) as Amended by Treasury Decision 4998, Approved August 1, 1940, Further Amended

In order to conform Regulations 46[1] [Part 316, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 4998,[2] approved August 1, 1940, relating to excise taxes on sales by the manufacturer under the Internal Revenue Code, as amended, to sections 501, 521, 535, 536, 544, 545, 546, 549, 550, 551, 552 (b), 553, and 558 of the Revenue Act of 1941 (Public Law 250—77th Congress), and to include section 3411 of the Internal Revenue Code as amended by section 521 of the Revenue Act of 1941, within the scope thereof, such regulations are further amended as follows:

PARAGRAPH 1. The first and second paragraphs of § 316.0 are amended to read as follows:

§ 316.0 *Scope of regulations.* These regulations deal with excise taxes imposed by Chapter 29, Subchapter A, of the Internal Revenue Code, as amended, on sales—

(a) By the manufacturer, producer, or importer of—

(1) Tires and inner tubes;
(2) Automobiles, tractors, busses, trailers, etc.;
(3) Radios and components, phonographs, phonograph records, and musical instruments;
(4) Mechanical refrigerators, air-conditioning units, and components;
(5) Firearms, shells, and cartridges;
(6) Sporting goods;
(7) Luggage;
(8) Electric, gas, and oil appliances;
(9) Photographic apparatus;
(10) Electric signs;
(11) Business and store machines;
(12) Rubber articles;
(13) Commercial washing machines;
(14) Optical equipment;
(15) Electric light bulbs and tubes; and

(b) By the vendor of electrical energy for domestic and commercial consumption.

[1] 5 F.R. 142.
[2] 5 F.R. 2771.

The regulations with respect to the imposition, manner of application, and computation of tax liability are set forth in Subparts B to T, inclusive. The regulations relating to the return and collection of tax and the imposition of penalties and other matters are contained in Subpart U.

• • • • •

PAR. 2. There is inserted immediately preceding § 316.1 (*Meaning of terms*), the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

(a) *Leases.* Section 3440 of the Internal Revenue Code is amended to read as follows:

SEC. 3440. DEFINITION OF SALE.

For the purposes of this chapter the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a taxable sale of such article.

• • • • •

PAR. 3. There is inserted immediately preceding § 316.2 (*Effective period*) the following:

SEC. 501. 1932 EXCISE TAXES MADE PERMANENT. (Revenue Act of 1941, Title V, Part I.)

Section 3452 of the Internal Revenue Code (relating to expiration of 1932 excise taxes) is repealed.

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (Revenue Act of 1941, Title V, Part II.)

• • • • •

(b) The rates specified in subsection (a) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a) • • • of the Internal Revenue Code shall not apply with respect to such period.

SEC. 536. EFFECTIVE DATE OF PART III. (Revenue Act of 1941, Title V.)

The amendments made by this Part shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a) • • • of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941.

SEC. 550. EFFECTIVE DATE OF PART IV. (Revenue Act of 1941 Title V.)

(a) The amendments made by this Part shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a) • • • of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941.

• • • • •

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

• • • • •

(c) *Effective date.* This section shall take effect on October 1, 1941.

SEC. 558. EFFECTIVE DATE OF PART V. (Revenue Act of 1941, Title V.)

This part shall take effect on October 1, 1941.

PAR. 4. Section 316.2 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.2 *Effective period.* Taxes on the manufacturer's sale of tires and inner tubes; automobile truck chassis and bodies, other automobile chassis and bodies and motorcycles, and parts and accessories therefor; radio components; household type mechanical refrigerators and components therefor; and firearms, shells and cartridges became effective under Title IV of the Revenue Act of 1932, on June 21, 1932. The tax on the vendor's sale of electrical energy became effective under section 6 of the Act of June 16, 1933, (Public No. 73–73d Congress), amending section 616 of the Revenue Act of 1932, on September 1, 1933. The tax on the manufacturer's sale of tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer became effective under Title IV of the Revenue Act of 1938, on July 1, 1938. The applicable provisions of the Revenue Act of 1932, as amended, were superseded as of March 1, 1939, by provisions of the Internal Revenue Code. The Code provisions were amended by subsequent acts, including the Revenue Act of 1941.

The change in the basis of the tax on automobile bus chassis, bus bodies, bus trailer and semitrailer chassis and bodies therefor; the tax on the manufacturer's sales of chassis and bodies for trailers and semitrailers suitable for use in connection with passenger automobiles and motorcycles; the taxes on the manufacturer's sale of complete radio receiving sets; phonographs, phonograph records; musical instruments; mechanical refrigerators (other than household type refrigerators, and components therefor) including commercial refrigerators, coolers, etc.; refrigerating apparatus; air-conditioners, and components therefor; and the new manufacturers' excise taxes on sales of sporting goods; luggage; electric, gas, and oil appliances; photographic apparatus; electric signs; business and store machines; rubber articles; washing machines; optical equipment; and electric light bulbs and tubes, became effective under Title V of the Revenue Act of 1941, on October 1, 1941.

Section 521 (b) of the Revenue Act of 1941 is applicable to firearms, shells, and cartridges, and to electrical energy; section 536 is applicable to tires and inner tubes; section 550 (a) is applicable to the automobile, truck, bus, and parts tax, to radios, phonographs, records, and musical instruments, and to refrigerators, refrigerating apparatus, and air-conditioners; and section 3406 (c) added by section 551, and section 558 are applicable to sporting goods, luggage, electric, gas, and oil appliances, photographic apparatus, electric signs, business and store machines, rubber articles, washing machines, optical equipment, and electric light bulbs and tubes. Section 501 is applicable to all of the taxes covered by these regulations.

The final result is that under Title V of the Revenue Act of 1941 all of the manufacturers tax rates which have been in effect since July 1, 1940, and the increased rates and new taxes imposed under Title V are applicable for an indefinite period beginning October 1, 1941.

PAR. 5. There is inserted immediately preceding § 316.3 (*Liability for tax*) the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(b) *Existing contracts.* Chapter 29 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

SEC. 3453. EXISTING CONTRACTS.

(a) *Tax payable by vendee.* If (1) any person has, prior to the effective date of Part V of Title V of the Revenue Act of 1941, made a bona fide contract for the sale on or after such date, of any article with respect to the sale of which a tax is imposed by that Act or an existing rate of tax is increased by that Act, and (2) such contract does not permit the adding to the amount to be paid under such contract of the whole of such tax or increased rate of tax, then (unless the contract prohibits such addition) the vendee shall, in lieu of the vendor, pay so much of the tax as is not so permitted to be added to the contract price.

(b) *Tax paid to vendor.* Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated, and shall be collected and paid to the United States by the vendor in the same manner as provided in section 3467. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner who shall cause collection of such taxes to be made from the vendee.

* * * * *

PAR. 6. Section 316.3 is amended by adding thereto the following new paragraphs:

§ 316.3 *Liability for tax.*

* * * * *

The amendment of section 3400 by section 553 (a) of the Revenue Act of 1941 clarifies existing language. The term "lease" includes any renewal or extension of a lease or any subsequent lease of an article.

The purpose of section 3453, added by section 553 (b) of the Revenue Act of 1941, is to shift under certain conditions the liability for a tax, or for an increase in existing rate of tax, imposed by the Revenue Act of 1941, from the manufacturer to the vendee. The conditions under which such liability is shifted are as follows: First, there must be a bona fide contract made by the manufacturer prior to October 1, 1941, for the sale on or after such date of an article with respect to which a manufacturers' excise tax is imposed, or the rate of an existing manufacturers' excise tax is increased, by the Revenue Act of 1941; second, the contract does not provide for the addition of such tax or increase in tax to the amount payable thereunder; and third, the contract does not expressly or by implication prohibit such addition to the contract price. Where these conditions are present, the vendee becomes liable for the tax or additional tax imposed by the Revenue Act of 1941. In all other cases, the liability remains upon the manufacturer and the full amount of the tax is payable by him.

A contract which provides that the tax shall be paid by the vendor, or otherwise negatives any addition to the contract price, is regarded as prohibiting an addition of the tax to such price.

A vendee who is required to pay the tax shall make payment thereof to the vendor at the time the sale is consummated, and the tax shall be returned and paid to the collector by the vendor. (See § 316.200.) In case of failure or refusal by the vendee to pay the tax to the vendor, the vendor shall report the facts to the Commissioner, for direct collection of the tax from the vendee.

PAR. 7. There is inserted immediately preceding § 316.8 the following:

SEC. 549. INSTALLMENT, ETC., PAYMENTS. (Revenue Act of 1941, Title V, Part IV.)

Section 3441 (c) of the Internal Revenue Code is amended to read as follows:

(c) (1) In the case of (A) a lease, (B) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, or (C) a conditional sale, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment.

(2) In the application of paragraph (1) to the articles with respect to which the rate of tax is increased by the Revenue Act of 1941 or by the Revenue Act of 1940, where the lease, contract of sale, or conditional sale, and delivery thereunder—

(A) was made before July 1, 1940, the total tax referred to in paragraph (1) shall be the tax at the rate in force on June 30, 1940, and not at any greater rate; or

(B) was made after June 30, 1940, and before October 1, 1941, the total tax referred to in paragraph (1) shall be the tax at the rate in force on September 30, 1941, and not at any greater rate.

(3) Despite the provisions of paragraph (1), no tax shall be imposed with respect to any article not taxable under the law in existence on the day before the date of the enactment of the Revenue Act of 1941, if with respect to such article the lease, contract for sale, or conditional sale, and delivery thereunder, was made before October 1, 1941.

PAR. 8. Section 316.9 as amended by Treasury Decision 4998 is further amended by substituting the following new paragraphs for the second paragraph thereof:

§ 316.9 *Basis of tax on leases, installment sales, and conditional sales.*

* * * * *

Where articles are leased by the manufacturer, or sold under an installment-payment contract with title reserved, or under a conditional-sale contract with payments to be made in installments, a proportionate part of the total tax shall be paid upon each payment made with respect to the article. The tax must be returned and paid to the collector during the month following that in which such payment is made.

In the case of articles with respect to which the rate of tax is increased by the Revenue Act of 1940 or by the Revenue Act of 1941—

(a) the tax is payable at the rate in force on June 30, 1940, upon all payments where the lease, contract for sale, or conditional sale, and the delivery thereunder were made before July 1, 1940;

(b) the tax is payable at the rate in force on September 30, 1941, upon all payments where the lease, contract for sale, or conditional sale, and the delivery thereunder were made after June 30, 1940, and before October 1, 1941.

In the case of articles not subject to tax on September 30, 1941, no tax is payable upon payments made on and after October 1, 1941, where the lease, contract for sale, or conditional sale, and the delivery thereunder were made before October 1, 1941.

PAR. 9. Immediately preceding the subtitle "Articles Manufactured or Produced by Indians" appearing at the end of § 316.29, there is inserted the following:

EXEMPTION OF ARTICLES TAXABLE AS JEWELRY

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

* * * * *

(b) *Exemption if article taxable as jewelry.* No tax shall be imposed under this section on any article taxable under section 2400 (relating to jewelry tax).

* * * * *

§ 316.29a *Exemption of articles taxable as jewelry.* The manufacturers' excise taxes imposed by section 3406 of the Internal Revenue Code, as added by section 551 of the Revenue Act of 1941, do not apply with respect to any article the sale of which at retail is subject to the tax (relating to jewelry) imposed by section 2400 of the Code, as added by section 552 of the Revenue Act of 1941.

PAR. 10. There is inserted immediately preceding § 316.30 (*Scope of tax*) the following:

SEC. 535. TIRES AND TUBES. (Revenue Act of 1941, Title V, Part III.)

(a) *Rate on tires.* Section 3400 (1) of the Internal Revenue Code is amended by striking out "2¼ cents" and inserting in lieu thereof "5 cents".

(b) *Rate on tubes.* Section 3400 (2) of the Internal Revenue Code is amended by striking out "4 cents" and inserting in lieu thereof "9 cents".

* * * * *

PAR. 11. The first paragraph of § 316.32 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.32 *Rate and computation of tax.* The tax is payable by the manufacturer at the following rates: (a) tires, 5 cents a pound on total weight (exclusive of metal rims or rim bases); and (b) inner tubes (for tires), 9 cents a pound on total weight.

* * * * *

PAR. 12. There is inserted immediately preceding § 316.40 (*Scope of tax*), the following:

SEC. 552. NEW RETAILERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(b) *Termination of manufacturers' tax on toilet preparations.* The tax imposed by sec-

tion 3401 of the Internal Revenue Code shall not apply to articles sold on or after October 1, 1941.

PAR. 13. Sections 316.40, 316.41, as amended by Treasury Decision 4998, and §§ 316.43 and 316.44 are eliminated and the following section is substituted in their place:

§ 316.40 *Termination of tax.* The tax imposed by section 3401 as amended upon sales of toilet preparations by the manufacturer does not apply to sales made on and after October 1, 1941.

See Regulations 51 relative to the tax on sales of toilet preparations by retailers imposed by section 2402 as added to the Code by section 552 of the Revenue Act of 1941, effective as of October 1, 1941.

PAR. 14. There is inserted immediately preceding § 316.50, the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

(a) *Increase of rate and classification of busses.* Section 3403 (a) and (b) of the Internal Revenue Code are amended to read as follows:

(a) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof), 5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

(b) Other automobile chassis and bodies, chassis and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 7 per centum. A sale of an automobile, trailer, or semitrailer shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body.

* * * * *

PAR. 15. The first paragraph of § 316.50 is amended to read as follows:

§ 316.50 *Scope of tax.* The tax is imposed on the sale by the manufacturer of (1) automobile truck chassis and bodies, (2) other automobile chassis and bodies, (3) tractors, and (4) motorcycles.

* * * * *

PAR. 16. The first sentence of the last paragraph of § 316.50 is amended to read as follows:

* * * * *

Any parts or accessories for automobile truck chassis and bodies, other automobile chassis and bodies, tractors, and motorcycles, sold on or in connection therewith, or with the sale thereof, are taxable at the rate applicable to the sale price of the complete articles. * * *

PAR. 17. A new section is inserted at the end of § 316.50 as follows:

§ 316.50a *Definitions.* As used in this subpart, unless from the context it is clear that a different meaning is intended—

(a) The term "automobile truck" shall include automobile trucks, automobile busses, and truck and bus trailers and semitrailers.

(b) The term "other automobile" shall mean all automobiles other than automobile trucks, and shall include trailers and semitrailers suitable for use in connection with passenger automobiles.

(c) The term "tractor" shall mean the kind of tractors chiefly used for highway transportation in combination with a trailer or semitrailer.

(d) The term "motorcycle" shall mean all types of motorcycles and shall include side cars as parts of motorcycles.

PAR. 18. Section 316.51 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.51 *Rate of tax.* The tax is payable by the manufacturer at the rate of 5 percent of the sale price of automobile truck chassis, bodies, or tractors, and at the rate of 7 percent of the sale price of other automobile chassis or bodies or motorcycles as determined under §§ 316.8 to 316.15, inclusive.

PAR. 19. The first and second sentences of § 316.52 as amended by Treasury Decision 4998, are further amended to read as follows:

§ 316.52 *Combination of chassis and bodies taxable at different rates.* If the manufacturer of a truck body installs it on an "other automobile chassis" manufactured by him, he must record and bill the sale of the body and chassis separately, and pay tax on the sale price at the rates of 5 percent and 7 percent, respectively. In case a passenger body is installed by the manufacturer thereof on an automobile truck chassis manufactured by him, the transaction must be handled in a similar manner, and tax paid on the body and chassis at the rates of 7 percent and 5 percent, respectively. * * *

PAR. 20. There is inserted immediately preceding § 316.54 the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

* * * * *

(c) *Credits on account of tire and tube tax.* Section 3403 (e) of the Internal Revenue Code is amended to read as follows:

(e) If tires or inner tubes on which tax has been imposed under this chapter are sold on or in connection with, or with the sale of, a chassis, body, or motorcycle, there shall (under regulations prescribed by the Commissioner, with the approval of the Secretary) be credited against the tax under this section an amount equal to, in the case of an article taxable under subsection (a), 5 per centum, and in the case of an article taxable under subsection (b), 7 per centum—

(1) of the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 3400 (relating to tax on tires and inner tubes); or

(2) if such tires or inner tubes were taxable under section 3444 (relating to use by manufacturer, producer, or importer) then of the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires or inner tubes are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Commissioner. In lieu of the rates of credit of 5 per centum and 7 per centum above provided, the rates, respectively, for the following periods, shall be as follows:

(A) With respect to the period after June 30, 1940, and before the effective date of the increase in tax on automobiles made by the Revenue Act of 1941, 2½ per centum and 3½ per centum; and

(B) With respect to the period before July 1, 1940, 2 per centum and 3 per centum.

* * * * *

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(d) *Credits, and tax free sales of automobile radios.* * * * Section 3403 (e) of the Internal Revenue Code, as amended by this Act, is further amended by striking out "tires and inner tubes" where the phrase appears the first time and inserting "tires, inner tubes, or automobile radios"; paragraph (1) of subsection (e) of such section is amended by inserting before the semicolon "or, in the case of automobile radios, if such radios were taxable under section 3404"; paragraph (2) of subsection (e) of such section is amended by striking out "tires or inner tubes" wherever such phrase appears and inserting "tires, inner tubes, or automobile radios".

PAR. 21. Section 316.54 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.54 *Credit for taxes on tires, inner tubes, or automobile radios:* Under the specific provisions of the Code, tires, inner tubes, and automobile radios may not be purchased tax free for use as material in the manufacture of, or as a component part of, other taxable articles manufactured by the purchaser.

Where a manufacturer sells tax-paid tires, inner tubes, and automobile radios on, or in connection with, or with the sale of automobile trucks, other automobiles, taxable tractors, or motorcycles, he may take credit against the tax due on his sale in an amount determined by applying to the purchase price of the tires, inner tubes, automobile radios, the percentage rate of tax applicable to such automobile trucks, other automobiles, taxable tractors, or motorcycles, but the part of the purchase price of tires attributable to any metal rims or rim bases shall be excluded. For example, if the sale price of an automobile is $1,000, the tax payable thereon $70.00, and the cost to the automobile manufacturer of the tires, inner tubes or automobile radios, sold on or in connection therewith is $40.00, the manufacturer will be permitted to take a credit against the tax payable on the selling price of the automobile in an amount equal to 7 per cent of $40.00, or $2.80.

In the event that the manufacturer of an automobile also manufactures or imports tires and inner tubes, and sells the automobile and the tires and tubes in a single transaction, he will be liable for tax on the sale price of the automobile (including the tires and tubes) at the rate of 7 percent, and he will also be liable for tax on the tires and tubes at the rates of 5 cents and 9 cents per pound, respectively. He will, however, be permitted to take a credit against the

tax on the automobile on the same basis as if he had purchased the tires and tubes so sold. The same rule applies in the case of motorcycles and, except for the difference in the rate of tax, in the case of automobile truck chassis and taxable tractors.

Sales of automobile trucks, taxable tractors, other automobiles and motorcycles, originally equipped with tax-paid tires, inner tubes, or automobile radios, to an exempt governmental agency for its exclusive use are not properly to be regarded resales of tires and inner tubes, as such, so as to entitle the manufacturer of such tires and inner tubes to a credit or refund of the amount of tax paid by him thereon.

PAR. 22. There is inserted immediately preceding § 316.55 the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

* * * * *

(b) *Increase in rate on parts and exclusion of radios from automobile tax.* The first sentence of section 3403 (c) of the Internal Revenue Code is amended to read as follows: "Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in subsection (a) or (b), 5 per centum."

* * * * *

PAR. 23. Section 316.55 is amended by adding the following sentence at the end of the first paragraph:

§ 316.55 *Definition of parts or accessories.* * * * However, such term does not include tires, inner tubes, and automobile radios, since these articles are expressly excluded by the statute from the tax on parts or accessories. With respect to fare registers and fare boxes for use on busses and automobiles, see § 316.140.

* * * * *

PAR. 24. Section 316.56 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.56 *Rate of tax.* The tax is payable by the manufacturer at the rate of 5 per cent of the sale price as determined under §§ 316.8 to 316.15, inclusive.

PAR. 25. There is inserted immediately after the citation of section 3403 (f) the following:

SEC. 544. AUTOMOBILE, TRUCK, BUS, AND PARTS TAX. (Revenue Act of 1941, Title V, Part IV.)

* * * * *

(d) *Credits on termination of tax.* Section 3403 (f) of the Internal Revenue Code (relating to credits and refunds on termination of automobile tax) is repealed.

PAR. 26. There is inserted immediately preceding § 316.60 the following:

SEC. 545. RADIOS, PHONOGRAPHS, RECORDS, AND MUSICAL INSTRUMENTS. (Revenue Act of 1941, Title V, Part IV.)

Section 3404 of the Internal Revenue Code is amended to read as follows:

SEC. 3404. TAX ON RADIO RECEIVING SETS, PHONOGRAPHS, PHONOGRAPH RECORDS, AND MUSICAL INSTRUMENTS.

There shall be imposed upon the following articles (including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs.

(b) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a), whether or not primarily adapted for such use.

(c) Phonograph records.

(d) Musical instruments.

PAR. 27. Section 316.60 as amended by Treasury Decision 4998 and §§ 316.61 and 316.62, as amended by Treasury Decision 4998, are eliminated and the following new sections are inserted in lieu thereof:

§ 316.60 *Scope of tax.* The tax attaches to the sale by the manufacturer of (1) radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs; (2) chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs, regardless of whether such components are primarily adapted for such use; (3) phonograph records; and (4) musical instruments. Parts and accessories for such articles (except musical instruments) are subject to the tax when sold on or in connection with the sale thereof.

Automobile radio receiving sets may not be sold tax free to manufacturers of automobiles under the provisions of either section 3442 or section 3403 (c), as amended.

Automatic devices for playing or repeating records, phonograph pick-ups, home recording apparatus, and similar devices are subject to the tax if sold on or in connection with or with the sale of radio receiving sets, combination radio and phonograph sets, or phonographs.

§ 316.61 *Radios, phonographs, etc., components.* The term "chassis" includes radio receiving apparatus of all types.

The term "cabinets" includes containers suitable for housing radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs.

The term "tubes" includes vacuum tubes of all types suitable for use in connection with or as part of radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs.

The term "reproducing unts" includes all apparatus for the amplification or reproduction of sound which are suitable for use in connection with or as parts of radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs.

The term "power packs" includes all devices which are suitable for use on or in connection with or as part of radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs, which convert electric current of ordinary commercial or domestic voltages into electric current of voltages suitable for operating such articles.

The term "antennae of the 'built-in' type" includes all types of aerials of the kind completely contained in a radio receiving set, automobile radio receiving set, or combination radio and phonograph set.

The term "phonograph mechanisms" includes devices which are suitable for use in combination radio and phonograph sets, or phonographs for the purpose of playing records.

The articles defined in this section are subject to the tax regardless of whether such articles are primarily adapted for use in connection with radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, or phonographs.

§ 316.62 *Phonograph records.* The term "phonograph records" means all disks, cylinders, or other articles, regardless of the material from which they are made, and upon which are recorded or may be recorded human speech or other sounds for reproduction by means of a phonograph or combination radio and phonograph.

§ 316.63 *Musical instruments.* The term "musical instruments" includes pianos and organs of all types, trombones, saxophones, violins, drums, xylophones, chimes, cymbals, etc., and all string, wind, reed, or percussion instruments used in producing music, or in reproducing it, except radios and phonographs, for which see § 316.61.

§ 316.64 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

PAR. 28. There is inserted immediately preceding § 316.70 the following:

SEC. 546. MECHANICAL REFRIGERATORS. (Revenue Act of 1941, Title V, Part IV.)

Section 3405 of the Internal Revenue Code is amended to read as follows:

SEC. 3405. TAX ON REFRIGERATORS, REFRIGERATING APPARATUS, AND AIR-CONDITIONERS.

There shall be imposed on the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which so sold:

(a) *Refrigerators, etc.* Refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

(b) *Refrigerating apparatus.* Compressors, condensers, evaporators, expansion units, absorbers, and controls, for, or suitable for use as part of, or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated in subsection (a).

(c) *Air-conditioners.* Self-contained air-conditioning units.

(d) *Components.* Cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls, for, or suitable for use as part of, or with, any of the articles enumerated in subsection (c).

PAR. 29. Sections 316.70, 316.71, 316.72 and 316.73 as amended by Treasury Decision 4998, are eliminated and the following new sections inserted in lieu thereof:

§ 316.70 *Refrigerators, etc.* Subsection (a) of section 3405, as amended by section 546 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of refrigerators, beverage coolers, ice cream cabinets, water coolers, food and beverage display cases, food and beverage storage cabinets, ice making machines, and milk cooler cabinets, each such article having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline, and including in each case parts or accessories therefor sold on or in connection with the sale of the article.

The tax applies to all the above-enumerated articles without regard to their size, whether single or multiple cabinet installation, or whether designed for household, commercial, or industrial use.

The tax applies to all the above-enumerated articles, if primarily designed for use with a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; it is not necessary that such a mechanical refrigerating unit be sold on or in connection with the sale of the article.

A manufacturer of an article taxable under section 3405 (a), as amended, may purchase tax free for use as a component in the manufacture of such article any of the refrigerating apparatus specified in section 3405 (b), as amended. (See § 316.71.) However, if any of the refrigerating apparatus specified in section 3405 (b), as amended, is purchased tax paid and used as a component in the manufacture of an article taxable under section 3405 (a), as amended, the manufacturer of such article may be allowed a credit to the extent of the tax paid on the refrigerating apparatus so used as a component. (See § 316.204.)

The tax does not apply to refrigerator cabinets which are primarily designed for use without a mechanical refrigerating unit.

§ 316.71 *Refrigerating apparatus.* Subsection (b) of section 3405, as amended by section 546 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of compressors, condensers, evaporators, expansion units, absorbers, and controls, for, or suitable for use as part of, or with, a refrigerating plant, refrigerating system, refrigerating equipment or unit, or any of the articles enumerated in section 3405 (a), as amended, and including in each case parts or accessories therefor sold on or in connection with the sale of the specified refrigerating apparatus.

§ 316.72 *Air-conditioners, and components.* Subsections (c) and (d) of section 3405, as added by section 546 of the Revenue Act of 1941, impose taxes on sales by the manufacturer of self-contained air-conditioning units, as well as separate sales of cabinets, compressors, condensers, fans, blowers, heating coils, cooling coils, filters, humidifiers, and controls for, or suitable for use as part of, or with, self-contained air-conditioning units, and including in each case parts or accessories therefor sold on or in connection with the sale of the specified articles.

§ 316.73 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

PAR. 30. There is inserted immediately preceding § 316.80 (*Scope of tax*), the following:

SEC. 521. DEFENSE EXCISE TAX RATES MADE PERMANENT WHICH ARE NOT INCREASED BY THIS ACT. (Revenue Act of 1941, Title V, Part II.)

(a) The following sections of the Internal Revenue Code are amended as follows:

* * * * *

(18) *Firearms, etc.* Section 3407 is amended by striking out "10 per centum" and inserting in lieu thereof "11 per centum".

* * * * *

PAR. 31. The second paragraph of § 316.81 is amended to read as follows:

§ 316.81 *Exempt sales.*

* * * * *

Sales of pistols and revolvers are specifically exempt from the tax imposed under section 3407 of the Code, as amended, but are subject to the tax imposed under section 2700 (a), as amended, and (b) of the Code, which remains in effect. (See Regulations 47, revised October 1928, as amended by T. D. 5083, approved October 3, 1941, relating to excise taxes on sales by the manufacturer of pistols and revolvers.)

* * * * *

PAR. 32. Section 316.82 as amended by Treasury Decision 4998, is further amended to read as follows:

§ 316.82 *Rate of tax.* The tax is payable by the manufacturer at the rate of 11 percent of the sale price as determined under §§ 316.8 to 316.15, inclusive.

PAR. 33. "Subpart J—Miscellaneous Provisions" is amended to read "Subpart U—Miscellaneous Provisions", and the sections now appearing under "Administrative Provisions" are renumbered as follows: § 316.90 to § 316.200; § 316.91 to § 316.201; § 316.92 to § 316.202; § 316.93 to § 316.203; § 316.94 to § 316.204; § 316.95 to § 316.205; and § 316.96 to § 316.206.

PAR. 34. There are inserted immediately after § 316.82 new Subparts J to T, inclusive, as follows:

SUBPART J—SPORTING GOODS

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

(1) *Sporting goods.* Badminton nets; badminton rackets (measuring 22 inches over-all or more in length); badminton racket frames (measuring 22 inches over-all or more in length); badminton racket string; badminton shuttlecocks, badminton standards; baseballs; baseball bats (measuring 26 inches or more in length); baseball body protectors and shin guards; baseball gloves and mitts; baseball masks; basketballs; billiard and pool tables (measuring 45 inches over-all or more in length); billiard and pool balls and cues for such tables; bowling balls and pins; boxing gloves, masks, head guards, and ear guards; clay pigeons; cricket balls; cricket bats; croquet balls and mallets; curling stones; deck tennis rings, nets, and posts; fencing equipment; fishing rods, creels, reels, and artificial lures, baits, and flies; footballs; football harness; football helmets; golf bags (measuring 26 inches or more in length); golf balls; golf clubs (measuring 30 inches or more in length); gymnasium equipment and apparatus; hockey balls; hockey pucks; hockey sticks (measuring 30 inches or more in length); indoor baseballs; indoor baseball bats (measuring 26 inches or more in length); indoor baseball gloves and mitts; lacrosse balls; lacrosse sticks; mass balls; polo balls; polo mallets; push balls; skates; skis; ski poles; snow shoes; snow toboggans and sleds; soccer balls; softball balls; softball bats (measuring 26 inches or more in length); softball gloves and mitts; squash balls; squash rackets (measuring 22 inches over-all or more in length); squash racket frames (measuring 22 inches over-all or more in length); squash racket string; tennis balls; table tennis tables, balls, nets, and paddles; tennis nets; tennis rackets (measuring 22 inches over-all or more in length); tennis racket frames (measuring 22 inches over-all or more in length); tennis racket string; track hurdles; traps for throwing clay pigeons; vaulting poles, cross bars, and standards; volley balls, nets, and standards; water polo balls and goals; and wrestling head harness; 10 per centum.

* * * * *

§ 316.90 *Scope of tax.* Subsection (a) (1) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of the specified articles, equipment, and apparatus, including in each case parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "fencing equipment" includes foils, sabres, blades, dueling swords, masks, guards, plastrons, and all other equipment used in the sport of fencing.

The term "gymnasium equipment and apparatus" includes all equipment or apparatus of the type used in connection with any variety of indoor exercise for developing or exhibiting the strength, activity, or control of the body. The following is descriptive but not all inclusive of the type of equipment or apparatus intended to be included in the abovementioned term: indian clubs, dumbbells, exercising rings, stall bars, gymnasium ladders, parallel bars, vaulting horses, horizontal bars, striking or punching bags, pulley weights, rowing machines, etc.

The tax does not attach (unless otherwise indicated in subsection 3406 (a) (1)) to articles which, in view of their size, quality, or the substance of their material, are not capable of being used in the playing of any game, athletic event, sport, or as gymnasium equipment.

§ 316.91 *Rate of tax.* The tax is payable by the manufacture at the rate of 10

per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART K—LUGGAGE

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * * *

(2) *Luggage.* Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases, 10 per centum.

* * * * * *

§ 316.100 *Scope of tax.* Subsection (a) (2) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), other traveler's luggage, and leather and imitation leather brief cases, including in each case (except contents of fitted toilet cases) parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "trunks" includes all receptacles which are commonly or commercially designated as trunks, and which are designed for the purpose of carrying or conveying the effects of a traveler.

The terms "valises", "traveling bags" and "suitcases", include all receptacles which are commonly or commercially designated as valises, traveling bags and suitcases and which are designed to be used for the purpose of carrying or conveying by hand the effects of a traveler.

The term "other traveler's luggage" includes all other receptacles commonly or commercially designated as luggage and which are designed for the purpose of carrying or conveying by hand or otherwise the effects of a traveler.

The term "hat boxes for use by travelers" includes all receptacles commonly or commercially designated as hat boxes and which are designed for the purpose of conveying or carrying hats by hand or otherwise in traveling.

The term "leather or imitation leather brief cases" includes all receptacles commonly or commercially designated as brief cases which are made of any leather or imitations thereof, and which are designed for the purpose of carrying or conveying documents, etc., of any size or shape.

The term "fitted toilet cases" includes all receptacles of any form whatsoever designed or fitted to contain toilet articles or other effects of a traveler, or both, exclusive of the toilet article contents thereof.

Articles commonly or commercially designated as salesmen's trunks, valises, utility bags, etc., designed for the purpose of carrying or conveying samples of any kind are subject to the tax even though not specifically used to carry or convey the usual effects of a traveler.

§ 316.101 *Application of the tax.* In the case of articles taxable under section 3406 (a) (2), which contain fixtures such as hangers, trays, drawers, etc., the tax attaches to the price for which the entire assembly is sold.

Fittings such as bottles, phials, jars, combs, brushes, mirrors, etc., contained in fitted toilet cases, are not taxable when sold as a part thereof and the sale price of such fittings may be excluded in determining the sale price of the taxable fitted toilet case, provided the sale price of such fittings is separately invoiced by the manufacturer or that such sale price can be established by adequate records to the satisfaction of the Commissioner.

If an article taxable under section 3406 (a) (2) is sold at retail by the manufacturer, and such article contains fittings that are subject to the retailers' excise tax imposed by section 2400 (relating to jewelry etc.) or section 2402 (relating to toilet preparations), the manufacturer, in addition to the manufacturers' excise tax, incurs liability for the retailers' excise tax with respect to the sale which must be returned and paid as required by Regulations 51 (1941 Edition). However, where the fittings are subject to the tax imposed by section 2400, the sale thereof by the manufacturer, whether at wholesale or retail, does not subject him to a liability under section 3406 (a) (2). (See § 316.29a.)

§ 316.102 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 percent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART L—ELECTRIC, GAS, AND OIL APPLIANCES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * * *

(3) *Electric, gas, and oil appliances.* Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flat irons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric mixers, whippers, and juicers; and household type electric vacuum cleaners; 10 per centum.

* * * * * *

§ 316.110 *Scope of tax.* Subsection (a) (3) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of electric direct motor-driven fans and air circulators, electric, gas, or oil water heaters, electric flat irons, electric air heaters (not including furnaces), electric immersion heaters, electric heating pads and blankets, electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises, electric mixers, whippers, and juicers, household type electric vacuum cleaners, and combinations of two or more of such appliances, including in each case parts and accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "electric direct motor-driven fans and air circulators" includes appliances of the type primarily designed and adapted to be operated as independent units. It includes so-called "exhaust" fans but does not include so-called "blowers". With respect to fans and blowers for, or suitable for use as part of, or with, self-contained air-conditioning units see § 316.72.

The phrase "electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises" includes any type of appliance operated by, or for which the heat is generated by, electricity, gas, or oil, which is used, commercially or domestically, to cook, warm, or keep warm food or beverages for consumption on the premises. The following are descriptive but not all inclusive of the types of article subject to tax under this classification: coffee makers, ranges, roasters, toasters, waffle irons, griddles, hot plates, casseroles, steam tables, etc.

§ 316.111 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART M—PHOTOGRAPHIC APPARATUS

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * * *

(4) *Photographic apparatus.* Cameras and lenses; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper; photographic apparatus and equipment; and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion picture films: 10 per centum.

* * * * * *

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * * *

(c) *Unexposed Motion Picture Films.* Section 3443 (a) (3) (A) of the Internal Revenue Code (relating to credits or refunds of tax to manufacturer) is amended by inserting at the end thereof the following new clause:

(v) in the case of unexposed motion picture films, used or resold for use in making of news reel motion picture films.

* * * * * *

§ 316.120 *Scope of tax.* Subsection (a) (4) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of cameras, lenses for cameras, all unexposed still or motion picture films (except X-ray films), photographic plates, photographic sensitized paper, photographic apparatus, photographic equipment, and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures, or in the developing, printing, or enlarging of photographs or motion picture films, including in each case parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

The term "cameras" includes the entire assembly, regardless of weight, which is used for or capable of use in the taking of still or motion pictures.

The term "lenses" includes the glass and also the frame or cell in which such glass is mounted. Where a lens is sold in combination with a barrel, shutter, diffusing device, etc., the tax attaches to the total amount paid for the assembly.

The term "unexposed photographic films" includes all films for use in any type of still or motion picture camera whether in rolls, reels, or packs, but does not include X-ray films.

The term "photographic plates" includes any plate used in any type camera in the taking of a picture.

The term "sensitized paper" includes any type of paper, regardless of size, used in producing prints or enlargements from any type of photographic negative.

The term "photographic apparatus and equipment" includes any article used on or in connection with a camera or lens in the taking of a still or motion picture. The following are descriptive but not all inclusive of such articles: range finders, view finders, lens extension tubes, filters, diffusers, tripods, focusing finders, etc.

The phrase "any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in the developing, printing, or enlarging of photographs or motion pictures" includes the following articles which are descriptive but not all inclusive: exposure meters, enlargers, lenses and other attachments for enlargers, tanks or pans designed for developing films, printing frames, photoflood lamps and reflectors, flash bulbs, etc.

§ 316.121 *Unexposed motion picture films used in making news reel motion picture films.* Under the provisions of the Code, where unexposed motion picture films are used or are resold for use in the making of "news reel motion picture films" the manufacturer of such unexposed motion picture films is entitled to a refund or credit of the tax paid on the sale of such unexposed films.

The term "making of news reel motion picture films" means the production of news reel motion pictures covering current news events for immediate release for public exhibition.

The tax attaches to the manufacturer's sale of all unexposed motion picture films even though it is known at the time of the sale that such unexposed films will be used or resold for use in the making of news reel motion picture films.

In order to establish the right to a credit or refund of the tax paid on the sale of unexposed motion picture films used or resold for use in the making of news reel motion picture films, it is necessary that, (1) the manufacturer have definite knowledge that the film in question was used for such purposes, and (2) he obtain from the purchaser and retain in his possession a properly executed certificate in the form prescribed by this section.

Where the certificate is obtained prior to the time the manufacturer is required to file a return covering taxes due for the month in which the sale was made, he must include the tax on such sale in his return for that month, in the item "Total tax due", but he may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation on a rider attached to the return. If the certificate is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made, and when the certificate is obtained later he may file a claim for refund on Form 843, or take a credit upon any subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

For regulations relating to the claiming of credits or refunds, see § 316.204.

The following is a form of exemption certificate which will be acceptable for the purpose of this section and must be adhered to in substance:

CREDIT OR REFUND CERTIFICATE

(For use by purchasers of unexposed motion picture films for use in the making of news reel motion pictures.)

_____, 19____

The undersigned hereby certifies that the unexposed motion picture films covered by this certificate were used in the making of news reel motion picture films.

The undersigned understands that fraudulent use of this certificate to secure a credit or refund may subject him (1) to a penalty equivalent to the amount of tax due on the sale of the unexposed motion picture film, and (2) to a fine of not more than $10,000, or imprisonment of not more than five years, or both, together with costs of prosecution.

_____
(Name)

_____
(Address)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificate and proper records of invoices, orders, etc., relative to tax-free use shall be retained as provided in § 316.202. If, upon inspection, it is discovered that a manufacturer's records with respect to any use claimed to be tax free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the use, the tax shall be payable by the manufacturer on such sale.

The unexposed motion picture films covered by the certificate must be fully identified as to the nature of its use, the quantity used, the date of sale, and the amount of tax paid thereon.

§ 316.122 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART N—ELECTRIC SIGNS

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * * *

(5) *Electric signs.* Neon-tube signs, electric signs, and electric advertising devices, 10 per centum.

* * * * * *

§ 316.130 *Scope of tax.* Subsection (a) (5) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of neon-tube signs, electric signs, and electric advertising devices, including in each case parts or accessories therefor sold on or in connection therewith, or with the sale thereof.

§ 316.131 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART O—BUSINESS AND STORE MACHINES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * * *

(6) *Business and store machines.* Adding machines, addressing machines, autographic registers, bank proof machines, billing machines, bookkeeping machines, calculating machines, card punching machines, cash registers, change making machines, check writing machines, check signing machines, check canceling machines, check perforating ma-

chines, check cutting machines, check dating machines, other check protector machine devices, computing machines, coin counters, dictographs, dictating machine record shaving machines, dictating machines, duplicating machines, embossing machines, envelope opening machines, erasing machines, folding machines, fanfold machines, fare registers, fare boxes, listing machines, line-a-time and similar machines, mailing machines, multigraph machines, multigraph typesetting machines; multigraph type justifying machines, numbering machines, portable paper fastening machines, pay roll machines, pencil sharpeners, postal permit mailing machines, punch card machines, sorting machines, stencil cutting machines, shorthand writing machines, sealing machines, tabulating machines, ticket counting machines, ticket issuing machines, typewriters, transcribing machines, time recording devices, and combinations of any of the foregoing, 10 per centum.

* * * * *

§ 316.140 *Scope of tax.* Subsection (a) (6) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on sales by the manufacturer of all business and store machines of the types enumerated in such subsection, and to sales by the manufacturer of any combination of two or more of such machines, including parts and accessories sold on or in connection therewith, or with the sale thereof.

Where any taxable business or store machine is leased (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, such lease shall, for the purpose of this section, be considered as the sale thereof. For computation of tax on leases or rentals see § 316.9.

Fare registers and fare boxes for use in streetcars, busses, and other vehicles are taxable as business machines under section 3406 (a) (6) and not as automobile accessories under section 3403 (c), as amended.

§ 316.141 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART P—RUBBER ARTICLES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(7) *Rubber articles.* Articles of which rubber is the component material of chief weight, 10 per centum. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter.

* * * * *

§ 316.150 *Scope of tax.* Subsections (a) (7) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of any article of which rubber is the component material of chief weight, except articles of footwear such as shoes, rubbers, boots, heels, soles, etc.; articles especially designed for hospital or surgical use; and articles taxable under any other section of Chapter 29 of the Code, as amended.

The component material of chief weight of any article, for the purposes of this section, is that component material which is not exceeded in weight by any other single component.

The following list is descriptive but not all inclusive of the type of articles subject to tax if rubber is the component material of chief weight: raincoats, hose, flooring, mats and matting, thread, cement, gloves, stationers' bands, erasers, camelback, bathing caps and belts and belting, tape, sponge, fabric, tubing, packing, washers, valves, battery jars, mouth pieces for pipes, cigar and cigarette holders, stoppers of all types, etc.

Where rubber is a component material of an article and exemption with respect to the sale of such article is claimed on the ground that rubber is not the component material of chief weight, the manufacturer must maintain adequate records or have in his possession proper evidence to establish to the satisfaction of the Commissioner that the rubber is not the component material of chief weight. In the absence of such records or evidence, the tax must be paid with respect to the sale of such article.

§ 316.151 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART Q—COMMERCIAL WASHING MACHINES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(8) *Washing machines.*—Washing machines of the kind used in commercial laundries, 10 per centum. No tax shall be imposed under this paragraph on washing machines of the household type.

* * * * *

§ 316.160 *Scope of tax.* Subsection (a) (8) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of washing machines of the type designed and intended to be used in commercial laundries, including parts and accessories for such machines sold on or in connection therewith or with the sale thereof.

Under the express provisions of the Code, as amended, no tax attaches with respect to sales of washing machines of the type designed and intended solely for use in the home.

§ 316.161 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART R—OPTICAL EQUIPMENT

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(9) *Optical equipment.* Refractometers; spectrometers; spectroscopes; colorimeters; polariscopes; optical measuring instruments; telescopic sights; projection lenses and prisms; optical machinery; miscroscopes; telescopes; photo-micro and micro-projection apparatus; fire control optical instruments; and searchlight mirrors and reflectors; 10 per centum.

* * * * *

§ 316.170 *Scope of tax.* Subsection (a) (9) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of (a) refractometers, spectrometers, spectroscopes, colorimeters, polariscopes, optical measuring instruments, telescopic sights, projection lenses, projection prisms, optical machinery, microscopes, telescopes, photo-micro and micro-projection apparatus, fire control optical instruments, searchlight mirrors and reflectors, (b) combinations of two or more of such articles; and (c) parts or accessories of such articles sold on or in connection therewith, or with the sale thereof.

§ 316.171 *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 percent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART S—ELECTRIC LIGHT BULBS AND TUBES

SEC. 551. NEW MANUFACTURERS' EXCISE TAXES. (Revenue Act of 1941, Title V, Part V.)

Subchapter A of Chapter 29 of the Internal Revenue Code is amended by inserting after section 3405 the following new section:

SEC. 3406. EXCISE TAXES IMPOSED BY THE REVENUE ACT OF 1941.

(a) *Imposition.* There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

* * * * *

(10) Electric light bulbs and tubes.—Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter, 5 per centum.

* * * * *

§ 316.180 *Scope of tax.* Subsection (a) (10) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of electric light bulbs and tubes.

An electric light bulb or tube is any device designed for the diffusion of artificial light for illuminative or decorative purposes through the use of electricity.

§ 316.181 *Rate of tax.* The tax is payable by the manufacturer at the rate of 5 per cent of the sale price as determined by §§ 316.8 to 316.15, inclusive.

SUBPART T—ELECTRICAL ENERGY

SEC. 3411 (AS AMENDED BY SECTION 521 (a) (19) OF THE REVENUE ACT OF 1941). TAX ON ELECTRICAL ENERGY FOR DOMESTIC OR COMMERCIAL CONSUMPTION.

(a) There shall be imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3½ per centum of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

* * * * *

§ 316.190 *Scope of tax.* The tax imposed by section 3411 (a) of the Internal Revenue Code, as amended, applies, except as provided hereinafter, to all electrical energy sold for domestic or commercial consumption and not for resale.

The term "electrical energy sold for domestic or commercial consumption" does not include (1) electrical energy sold for industrial consumption, e. g., for use in manufacturing, mining, refining, shipbuilding, building construction, irrigation, etc., or (2) that sold for other uses which likewise can not be classed as domestic or commercial, such as the electrical energy used by electric and gas companies, waterworks, telegraph, telephone, and radio communication companies, railroads, other similar common carriers, educational institutions not operated for private profit, churches, and charitable institutions in their operations as such. However, electrical energy is subject to tax if sold for consumption in commercial phases of industrial or other businesses, such as in office buildings, sales and display rooms, retail stores, etc., or in domestic phases, such as in dormitories or living quarters maintained by educational institutions, churches, charitable institutions, or others.

Where electrical energy is sold to a consumer for two or more purposes, through separate meters, the specific use for which the energy is sold through each meter, i. e., whether for domestic or commercial consumption, or for other use, shall determine its taxable status. Where the consumer has all the electrical energy consumed at a given location furnished through one meter, the predominant character of the business carried on at such location shall determine the classification of consumption for the purposes of this tax.

The tax attaches to electrical energy sold for domestic or commercial consumption, irrespective of whether any of the energy sold is actually used or the charges therefor actually collected. The tax is due on all such sales whether the charge therefor is billed as a minimum charge, a flat charge, a service charge, or otherwise.

Where a discount is allowable from the gross charge for electrical energy if payment therefor is made by the consumer within a prescribed period, or where an additional amount is added for failure to make payment within a prescribed period, the tax shall be based on the amount due.

§ 316.191 *Sales for resale.* The tax does not apply to sales of electrical energy for resale, except where the electrical energy is sold to an owner or lessee of a building for resale to the tenants therein. The statute provides that sales of electrical energy to an owner or lessee of a building for resale to the tenants therein shall be considered a sale for consumption; accordingly, the sales to such owner or lessee are subject to the tax. However, in such case the resale of the electrical energy by the owner or lessee of the building to the tenants is not taxable. In determining the tax payable with respect to the electrical energy sold to an owner or lessee of a building for resale to tenants therein, such portion of the electrical energy as can be shown to have been resold to the tenants for other than domestic or commercial consumption may be excluded.

Every person who purchases electrical energy for resale (except resale by the owner or lessee of a building to the tenants therein) must register with the collector for the district in which is located the principal place of business of such person (or, if he has no principal place of business in the United States, with the collector at Baltimore, Md.). The application for registry must show the name and place, or places, of business of the applicant. The collector will issue registration numbers in a separate series, beginning with number 1, for his district. Electrical energy so furnished for resale shall be exempt from tax only when the vendee furnishes to the vendor a certificate showing the vendee's registration number and that the electrical energy is to be resold by him.

Where electrical energy is sold to a person registered under the provisions of the preceding paragraph, a portion of which is for domestic or commercial consumption by the vendee and a portion of which is for resale, the certificate furnished by such vendee must show the amount of such electrical energy purchased for domestic or commercial consumption by him, and the amount purchased by him for resale. The vendor must pay tax on the portion of such electrical energy sold to the vendee for domestic or commercial consumption by such vendee. Such vendee must in turn pay tax on the portion of such electrical energy resold by him for domestic or commercial consumption. The tax in each case is based on the price for which the electrical energy is sold to the consumer thereof.

§ 316.192 *Rate of tax.* The tax is payable by the vendor at the rate of 3½ per cent of the sale price.

ELECTRICAL ENERGY EXEMPTIONS

SEC. 3411. TAX ON ELECTRICAL ENERGY FOR DOMESTIC OR COMMERCIAL CONSUMPTION.

* * * * * *

(c) No tax shall be imposed under this section upon electrical energy sold to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia. None of the provisions of this section shall apply to publicly owned electric and power plants, or to electric and power plants or systems owned and operated by cooperative or nonprofit corporations engaged in rural electrification. The right to exemption under this subsection shall be evidenced in such manner as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe.

§ 316.193 *Exemptions.* Electrical energy sold to the United States or to any State or Territory, or political subdivision thereof, or the District of Columbia, is exempt from the tax.

Sales of electrical energy by electric and power plants owned by the United States, or any State or Territory, or political subdivision thereof, or the District of Columbia, are exempt from the tax.

Sales of electrical energy by electric and power plants or systems owned and operated by cooperative or nonprofit corporations engaged in rural electrification are exempt from the tax.

In every case, the exemption specified in this section must be established by an official ruling. Where not so established, any corporation claiming the right to such exemption must submit for ruling by the Commissioner, (a) a copy of its charter, (b) a copy of its by-laws, and (c) adequate and sufficiently detailed evidence of the area served by its operations.

SEC. 3411. TAX ON ELECTRICAL ENERGY FOR DOMESTIC OF COMMERCIAL CONSUMPTION.

* * * * * *

(b) The provisions of sections 3441, 3444, and 3447 shall not be applicable with respect to the tax imposed by this section.

* * * * * *

§ 316.194 *Inapplicable administrative provisions.* The provisions of sections 3441, 3444, and 3447 of the Internal Revenue Code relating to sale price, use by manufacturers, and contracts prior to May 1, 1932, respectively, do not apply to the tax imposed on sales of electrical energy.

PAR. 35. The first sentence of paragraph 3 of renumbered § 316.200 is amended to read as follows:

§ 316.200 *Returns.*

* * * * * *

Returns covering taxes collected from vendees under section 3447 (b), or section 3453, as added by section 553 (b) of the Revenue Act of 1941, should be made as prescribed above on Form 728. * * *

PAR. 36. The last sentence of renumbered § 316.201 is amended by changing "§ 316.95" in last sentence to "§ 316.205".

PAR. 37. There is inserted immediately preceding renumbered § 316.204, the following:

SEC. 553. ADMINISTRATIVE CHANGES IN MANUFACTURERS' EXCISE TAX TITLE OF CODE. (Revenue Act of 1941, Title V, Part V.)

* * * * *

(c) *Unexposed Motion Picture Films.* Section 3443 (a) (3) (A) of the Internal Revenue Code (relating to credits or refunds of tax to manufacturer) is amended by inserting at the end thereof the following new clause:

(v) in the case of unexposed motion picture films, used or resold for use in the making of news reel motion picture films.

(d) *Credits, and Tax Free Sales of Automobile Radios.* Section 3442, section 3443 (a) (1), and section 3444 (a) (1) and (2) of the Internal Revenue Code (relating to tax in case of sale of tires to manufacturers of automobiles, etc., and credit on sale) are amended by striking out "tires or inner tubes" wherever appearing therein and inserting "tires, inner tubes, or automobile radios taxable under section 3404"; and by striking out "tire or inner tube" wherever appearing therein and inserting "tire, inner tube, or automobile radio taxable under section 3404". Section 3403 (e) of the Internal Revenue Code, as amended by this Act, is further amended by striking out "tires and inner tubes" where the phrase appears the first time and inserting "tires, inner tubes, or automobile radios"; paragraph (1) of subsection (e) of such section is amended by inserting before the semicolon "or, in the case of automobile radios, if such radios were taxable under section 3404"; paragraph (2) of subsection (e) of such section is amended by striking out "tires or inner tubes" wherever such phrase appears and inserting "tires, inner tubes, or automobile radios."

PAR. 38. Paragraph 1 of renumbered § 316.204 is amended by substituting "(other than a tire, inner tube, or automobile radio taxable under section 3404)" for "(other than a tire or inner tube)".

PAR. 39. The amendments made by this Treasury Decision shall be applicable only with respect to the period beginning with October 1, 1941. (This Treasury Decision is issued under the authority contained in sections 501, 521, 535, 536, 544, 545, 546, 549, 550, 551, 552 (b), 553, and 558 of the Revenue Act of 1941 (Public Law 250, 77th Congress), and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: November 28, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-8977; Filed, November 28, 1941; 2:58 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

PART 301—RULES OF PRACTICE AND PROCEDURE

SERVICE; NUMBER OF COPIES; AMENDMENT

§ 301.13 (*Service; number of copies*—(a) *Service*) in the Rules of Practice and Procedure, promulgated June 23, 1937, as amended, heretofore adopted and ratified July 1, 1939, by the Secretary of the Interior, is hereby amended to read as follows:

§ 301.13 *Service; number of copies*—(a) *Service.* Formal complaints, petitions in intervention, supplemental complaints, amended complaints, protests, answers, briefs, notices and all other papers in proceedings must show and prove service upon all other parties to the proceeding and in addition thereto must show and prove service upon the Bituminous Coal Consumers' Counsel. Such service in all cases other than formal complaints filed pursuant to section 5 (b) of the Act, shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each party. Proof shall be by affidavit of the person making service. In the case of formal complaints filed pursuant to section 5 (b) of the Act, service must be made by delivery in person to the party against whom complaint is made, and the affidavit of service shall be made by the person making such service. (Sec. 2 (a), 50 Stat. 72; 15 U.S.C. Sup., 829 (a))

Dated: October 24, 1941.

[SEAL] H. A. GRAY,
Director.

Approved: November 12, 1941.

HAROLD L. ICKES
Secretary of the Interior.

[F. R. Doc. 41-9007; Filed, December 1, 1941; 11:12 a. m.]

PART 301—RULES OF PRACTICE AND PROCEDURE

RULES AND REGULATIONS GOVERNING APPLICATIONS BASED UPON ADMISSIONS FOR THE DISPOSITION WITHOUT FORMAL HEARINGS OF COMPLIANCE PROCEEDINGS INSTITUTED PURSUANT TO SECTIONS 4 II (j) AND 5 (b) OF THE ACT, AND § 317.5 OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS

Pursuant to the provisions of the Bituminous Coal Act of 1937, as amended, (the "Act") and sections 2 (a), 4 II (h), (j) and 5 (b) thereof, and § 317.5 of the Rules and Regulations for the Registration of Distributors, the following rules and regulations are hereby established pertaining to the procedure in respect to the filing of applications based upon admissions for the disposition without formal hearings of compliance proceedings instituted pursuant to sections 4 II (j) and 5 (b) of the Act and § 317.5 of the Rules and Regulations for the Registration of Distributors.

§ 301.132 *Applications based upon admissions for disposition of compliance proceedings without formal hearings*—(a) *Who may make such applications.* Any code member or any registered distributor against whom a compliance proceeding is pending under section 4 II (j) or 5 (b) of the Act or § 317.5 of the Rules and Regulations for the Registration of Distributors, may file a verified application based upon admissions therein contained for disposition of such proceeding without formal hearing.

(b) *Time and place of filing.* Applications made pursuant to the provisions of this Section must be verified and filed with the Division at its Washington Office not later than fifteen (15) days after receipt by the defendant or respondent of the complaint, if the proceeding is initiated by complaint, or the order, if the proceeding is initiated by an order. The verified original and five (5) conformed copies of each application must be filed at the Washington Office. In addition, conformed copies of the application must be mailed, at the time of such filing, to the complainant, and to the Statistical Bureau of the Division and the District Board for the District in which the mines of the Code member defendant are located or in which the principal place of business of the registered distributor is located, unless such place of business is not located within the boundaries of any district.

As to all pending compliance proceedings, the Director may provide for the filing of such applications within such time as he may deem appropriate.

(c) *Form of application and requirements as to the contents thereof*—(1) *Applications by code members.* Applications made by code members pursuant to this section, (i) shall set forth the identity of the code member and of any affiliates thereof engaged in the production, marketing or transportation of coal or the financing of any thereof, and a brief description of the mining operations conducted by the code member and any such affiliates; (ii) shall state by reference to the complaint, the violations admitted by the code member; (iii) shall state in respect to the admitted violations, the day or days on which the violations occurred, the quantity of coal sold or otherwise disposed of in violation of the Code or regulations thereunder, the sizes of coal sold, the sales price of the coal sold indicating whether said sales price was f. o. b. the mine, f. o. b. destination or f. o. b. some specified intermediate point, the transportation costs if the sales price was f. o. b. destination or f. o. b. some specified intermediate point, and the effective minimum price f. o. b. the mine for such coal; (iv) shall describe the act, the commission or omission of which constitutes a violation, if such an act has no relation to a specific sale or to specific tonnage; (v) shall contain a statement that to the best of the applicant's belief and knowledge, the code member has not committed any other violations of the Act, the Code, or regulations thereunder, or if the applicant is unable to so state, the application must set forth in detail the additional violations committed by the code member, and whether or not the code member agrees to the incorporation of such additional charges of violation in the complaint and Notice of and Order for Hearing by way of amendment or supplement thereto; (vi) shall contain a consent of the code member to the entry by the Director of an order cancelling and revoking his (its) code membership, or of an order directing the code member to cease and desist from violations of the Code and regulations thereunder, or to an order revoking his (its) code membership and also enjoining and restraining the code member from violations of the Code and regulations made thereunder upon any restoration of his (its) code membership; (vii) shall state the amount of tax which may be imposed upon the basis of the admitted violations as to which the code member consents to the entry of an order of revocation and an agreement by the code member to pay the same within a specified period after being served with an order revoking his (its) code membership as a condition to restoration of such membership; (viii) may state whether the application is made without prejudice to any position that may be taken by the code member on the formal hearing in the proceeding in the event that the application is not granted; (ix) shall contain an agreement on the part of the code member to execute any and all papers or instruments necessary to dispose of the proceeding in the event that the application is granted; and (x) may contain a statement of any extenuating circumstances.

(2) *Application by registered distributors.* Applications made by registered distributors pursuant to this section, (i) shall set forth the identity of the registered distributor and of any affiliates thereof; (ii) shall state by reference to the Notice of and Order for Hearing or other instrument by which the proceeding was instituted, the violations admitted by the registered distributor; (iii) shall state whether the registered distributor purchased the coal involved for resale or was otherwise acting as distributor or whether the registered distributor was acting as sales agent in the transactions involved; (iv) shall state in respect to the admitted violations, the day or days on which the violations occurred, the quantity of coal sold or otherwise disposed of as registered distributor, as a sales agent or otherwise, in violation of the Code or regulations thereunder, the provisions of the Code, the Marketing Rules and Regulations, and the Rules and Regulations for the Registration of Distributors admitted to have been violated, the sizes of coal sold, the sales price of the coal sold indicating whether said sales price was f. o. b. the mine, f. o. b. destination or f. o. b. some specified intermediate point, the price paid by the registered distributor for such coal and to whom paid, the name or names of the producers of such coal, and the name or names of the mines at which the same was produced, the effective minimum price f. o. b. the mine for such coal and any other admitted facts upon which the violations are based, and whether or not such coal was purchased and resold in not less than cargo or railroad carload lots, whether or not such coal was physically handled by the registered distributor or in any manner handled through a retail yard or facilities of the distributor or of any affiliate of the distributor; (v) shall describe completely the act, the commission or omission of which constitutes a violation, if such an act has no relation to a specific sale or to specific tonnage; (vi) the discounts or commissions received by the registered distributor in respect to the coal involved in the admitted violations; (vii) shall contain a statement that to the best of the applicant's knowledge and belief the registered distributor has not committed any other violations of the Act or regulations thereunder, or if the applicant is unable to so state, the application must set forth in detail the additional violations committed by the registered distributor, and whether or not the registered distributor agrees to the incorporation of such additional charges of violation in the complaint or Notice of and Order for Hearing by way of amendment or supplement thereto; (viii) shall contain a consent by the registered distributor to the entry by the Director of an order revoking or suspending his (its) registration for a specified period; (ix) shall contain an agreement by the registered distributor in respect to the restoration to code members or others, of amounts unlawfully accepted by the registered distributor as discounts or sales commissions on the transactions involved in the admitted violations; (x) may state whether the application is made without prejudice to any position that may be taken by the registered distributor on the formal hearing in the proceeding in the event that the application is not granted; (xi) shall contain an agreement on the part of the registered distributor to execute any and all papers and instruments necessary to the disposition of the proceeding in the event that the application is granted; and (xii) may contain a statement of any extenuating circumstances.

(d) *Notice of filing of applications.* The Director may provide that notice of the pendency of applications, filed pursuant to this section, be published in the FEDERAL REGISTER and may in such notice invite interested parties to file recommendations, or requests for informal conferences in respect to such applications, within such period as may be provided.

(e) *Informal conferences.* Any party to the proceeding or any other interested party may apply to the Director within such period as the Director may provide, for permission to be heard at an informal conference upon any application filed pursuant to this section. The Director may also without application having been filed therefor provide for an informal conference on any application filed pursuant to this section. Such informal conferences shall be held at such times and places as the Director, in his discretion, may determine. In the event that the Director determines that such conference be held, the matter will be set for presentation to the Director or to such employee or employees of the Division as the Director may designate to advise him in such matters. The Division will maintain in the Records Section a schedule of such conferences which shall be open for public inspection. The Division will also notify the code member or registered distributor, Office of Bituminous Coal Consumers' Counsel, the district board and the statistical bureau for the district in which the code member or registered distributor is located, and the complainant, if other than the district board, of the date and place of such conference. Notification of such conference will be given by the Division by telegram to all parties to the proceeding and to the district board if it is not a party thereto. Such conference shall be informal in character and may be attended by interested persons, subject, however, to such restrictions with respect to the conduct of the conference as the Director or the employee of the Division in charge shall deem advisable.

(f) *Notice of determination by the Director.* Notice of the determination of the Director on applications filed pursuant to this Section shall be published in the FEDERAL REGISTER, except the Director may, prior to publication of the pendency of applications filed pursuant to this Section, deny any application filed pursuant to this Section, by telegraph or such other communication as he may deem appropriate, and such denial need not be published. (Sec. 2 (a), 50 Stat. 72; 15 U.S.C. Sup., 829 (a))

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

Approved: November 12, 1941.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-9008; Filed December 1, 1941; 11:12 a. m.]

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-1113, A-1121, and A-1122]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3; OF C. A. BRANT, A CODE MEMBER IN DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HIS SMELL MINE (MINE INDEX NO. 927) FOR ALL SHIPMENTS EXCEPT TRUCK; AND OF C. A. BRANT, A CODE MEMBER IN DISTRICT NO. 3, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HIS BRANT MINE (MINE INDEX NO. 803) FOR ALL SHIPMENTS EXCEPT TRUCK

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of

1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that the above-entitled matters raise analogous issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 323.6 (*Alphabetical list of code members*) is amended by adding thereto supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1208	Adams & Guiliani Coal Co. (C. E. Adams).	Brookside #2	Bakerstown	Independence, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G							
375	Alvarez, Manuel	Lambert's Run	Pittsburgh	Meadowbrook, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F							
803	Brant, C. A	Brant	Pittsburgh	Chiefton, W. Va	WM	65	F	F	F	F	F	F	F	F	F							
927	Brant, C. A	Smell	Pittsburgh	Colfax, W. Va	B&O	50	F	F	F	F	F	F	F	F	F							
1209	Claypool, J. W	Claypool	Pittsburgh	Clarksburg, W. Va	B&O	60	F	F	F	F	F	F	F	F	F							
1219	George, Drexel R	Lemley #1 (Strip)	Pittsburgh	Opekiska, W. Va	B&O	51	F	F	F	F	F	F	F	F	F							
378	Hickman, T. M	Mason	Pittsburgh	Kingmont, W. Va	B&O	50	F	F	F	F	F	F	F	F	F							
377	Island Run Coal Co. (A. D. Ware)	Island Run #1	H. V. Kitt	Junior, W. Va	WM	33	J	J	J	J	J	J	H	H	H	J	H					
379	Marlin Coal Co	Byrne #2	Sewickley	Byrne, W. Va	Monon	52	J	J	J	J	J	J	J	J	J	J	J					
380	Ruthbell Coal Co	Scotch Hill #115B	Pittsburgh	Newburg, W. Va	B & O	70	H	H	H	H	H	H	H	H	H	H	H					
381	Ruthbell Coal Co	Scotch Hill #115C	Pittsburgh	Newburg, W. Va	B & O	70	H	H	H	H	H	H	H	H	H	H	H					
1092	Stout, H. V	Everett	Pittsburgh	Haywood, W. Va	B & O	61	F	F	F	F	F	F	F	F	F	F	F					
383	West, Clarence D	West	Pittsburgh	Opekiska, W. Va	B & O	51	F	F	F	F	F	F	F	F	F	F	F					

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 375, 378, 380, 381, 383, 803, 927, 1092, 1209, 1219; Group No. 3: 377; Group No. 4: 379; Group No. 6: 1208.

§ 323.8 *Special prices*. (c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III.

For railroad fuel prices, add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 375, 378, 380, 381, 383, 803, 927, 1092, 1209, 1219; Group No. 3: 377; Group No. 4: 379; Group No. 6: 1208.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump over 2", egg over 2", bottom size, but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea, 2" and under	Run of mine, resultant over 2"	1¼" and 2" slack	¼" slack
					1	2	3	4	5	6	7
Adams & Guiliani Coal Co. (C. E. Adams).	1208	Brookside #2	Bakerstown	Preston	235	235	235	210	210	200	190
Alvarez, Manuel	375	Lambert's Run	Pittsburgh	Harrison	223	218	218	193	193	178	168
Arnold, Ernest	376	Ernest Arnold	Pittsburgh	Marion	223	218	218	193	193	178	168
Boggess, E. P	1218	Lockdale	Pittsburgh	Harrison	223	218	218	193	193	178	168
Claypool, J. W	1209	Claypool	Pittsburgh	Harrison	223	218	218	193	193	178	168
Coffman, Pete	1210	Gore	Pittsburgh	Harrison	223	218	218	193	193	178	168
George, Drexel R	1219	Lemley #1 (Strip)	Pittsburgh	Monongalia	223	218	218	193	193	178	168
Grafton Domestic Coal Company (Mrs. J. H. Tucker).	333	Sandor-Tucker	Pittsburgh	Taylor	223	218	218	193	193	178	168
Gregory, I. M	1211	Gregory	H. V. Kitt	Braxton	208	203	203	178	178	168	158
Groves, W. Troy	1212	Groves	M. V. Free	Preston	225	225	225	200	200	190	180
Hickman, T. M	378	Mason	Pittsburgh	Marion	223	218	218	193	193	178	168
Island Run Coal Co. (A. D. Ware).	377	Island Run #1	H. V. Kitt	Barbour	208	203	203	178	178	168	158
Leggett, Rex	1217	Copeland	Pittsburgh	Taylor	223	218	218	193	193	178	168
McDaniel, W. M	1220	Dickenson "B"	Pittsburgh	Barbour	223	218	218	193	193	178	168
Marlin Coal Co	379	Byrne #2	Sewickley	Monongalia	208	208	208	178	178	168	153
Michael, Paul	1214	Crees	M. V. Free	Preston	225	225	225	200	200	190	180
Ruthbell Coal Co	380	Scotch Hill #115B	Pittsburgh	Preston	230	230	230	205	205	195	185
Ruthbell Coal Co	381	Scotch Hill #115C	Pittsburgh	Preston	230	230	230	205	205	195	185
Sinsel, Chester	384	Sinsel #1	Pittsburgh	Taylor	223	218	218	193	193	178	168
Sisler, Paul	1213	Chas. T. Awman	M. V. Free	Preston	225	225	225	200	200	190	180
Smith, Wm. E	382	Grant Town State Dump.	Pittsburgh	Marion	223	218	218	193	193	178	168
Sundman, John	351	Sundman #1 (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
West, Clarence D	383	West	Pittsburgh	Monongalia	223	218	218	193	193	178	168

[F. R. Doc. 41–8954; Filed, November 28, 1941; 10:09 a. m.]

[Docket No. A–1127]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT ROARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.2 (*Mine index numbers*) is amended by adding thereto supplement R–I § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto supplement R–II, and § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleading in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
27	Central State Collieries, Inc	Pure Seam	[1]1516	91	St. David, Ill	CB&Q.
24	Fairview Collieries Corporation	Flamingo	[2]1450	93	Rapatee, Ill	M&STL.
24	Midland Electric Coal Corporation	Vulcan	[3]1517	95	Middle Grove, Ill	CNW and M&STL.
24	Morgan, Ray (F. C. Morgan Coal Co.)	Bryant	[4]1485	91	Bryant, Ill	CB&Q.

[1] Mine Index No. 1516 shall be included in Price Group 27 and shall take the same f. o. b. mine prices as other mines n Price Group 27, Schedule No. 1, District No. 10, on size groups 1 to 8, Incl., and 17 to 25, Incl., for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at St. David, Illinois.

[2] Mine Index No. 1450 shall be included in Price Group 24 and shall take the same f. o. b. mine prices as other mines in Price Group 24, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Rapatee, Illinois.

[3] Mine Index No. 1517 shall be included in Price Group 24 and shall take the same f.o.b. mine prices as other mines in Price Group 24, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Middle Grove, Ill.

[4] Mine Index No. 1485 shall be included in Price Group 24 and shall take the same f. o. b. mine prices as other mines in Price Group 24, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Bryant, Illinois.

§ 330.10 *Special prices—(a) Railroad locomotive fuel prices*—Supplement R-II

Price group No.	Producer	Mine	Mine Index No.	Freight origin group	Shipping point	Railroad
27	Central State Collieries, Inc.	Pure Seam	1516	91	St. David, Ill.	CB&Q.
24	Fairview Collieries Corporation	Flamingo	1450	93	Rapatee, Ill.	M&StL.
24	Midland Electric Coal Corporation	Vulcan	1517	95	Middle Grove, Ill.	C&EI. and M&StL.
24	Morgan, Ray (F. O. Morgan Coal Co.)	Bryant	1485	91	Bryant, Ill.	CB&Q.

[1] The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1-F, 2-A, 6, 7, 8, 35 and 43 shall apply.
The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1-F, 2-A, 8 and 44 shall apply.
The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1-F, 2-A and 44 shall apply.
The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1-F, 2-A, 6, 7, 8, 35 and 43 shall apply.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 3																																
KNOX COUNTY																																
Midland Electric Coal Corporation	1517	Vulcan	6	265	260	245	235	230	225	185	165	160	155	155	155	125	115	60	----	175	170	170	170	170	160	160	150	130	125	125	----	----
SECTION No. 4																																
FULTON COUNTY																																
Central State Collieries, Inc.	1516	Pure seam	6	290	280	270	260	255	250	205	185	170	155	155	155	125	115	60	----	185	180	180	180	180	170	170	160	130	125	125	----	----
Fairview Collieries Corporation	1450	Flamingo	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	----	175	170	170	170	170	160	160	150	130	125	125	----	----
Morgan, Ray (F. O. Morgan Coal Company)	1485	Bryant	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	----	175	170	170	170	170	160	160	150	130	125	125	----	----

[F. R. Doc. 41-8965; Filed, November 28, 1941; 10:09 a. m.]

TITLE 31—MONEY AND FINANCE

CHAPTER II—FISCAL SERVICE

PART 317—REGULATIONS GOVERNING AGENCIES FOR THE ISSUE OF DEFENSE SAVINGS BONDS, SERIES E

DEPARTMENT CIRCULAR NO. 657, 1941, SECOND AMENDMENT

NOVEMBER 29, 1941.

Treasury Department Circular No. 657,[1] dated April 15, 1941, as amended, is hereby further amended by inserting immediately preceding the concluding sentence of the last paragraph thereof, appearing also as the last paragraph of § 317.6, title 31, part 317 of the Code of Federal Regulations of the United States of America, the following new sentence:

§ 317.6 *Miscellaneous.*

* * * * *

The Secretary of the Treasury may waive or modify any of the requirements of this Circular whenever he deems such action to be in the public interest. (Sec. 22 (a) of the Second Liberty Bond Act as amended; Public No. 7, 77th Congress)

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9033; Filed, December 1, 1941; 12:06 p. m.]

[1] 6 F.R. 1985.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 949—CHROMIUM

General Preference Order No. M-18-a to Conserve the Supply and Direct the Distribution of Chromium

Whereas, it is found that the increasing national defense requirements, including the need for adequate reserves occasioned by the uncertainty of future shipments from abroad, of chromium (as hereinafter defined) have created a shortage in the supply of chromium for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to supplement by further measures the action heretofore taken to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered that:

§ 949.2 *General preference order M-18-a*—(a) *Definitions.* For the purposes of this order:

(1) "Chromium" means and includes:

(i) Chromium ores or concentrates;

(ii) The element chromium in pure form, ferrochromium, chrom-x, chrome briquettes, and other combinations of the element chromium with other elements in semi-manufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes;

(iii) All chemical combinations having chromium as an essential and recognizable component;

(iv) Those products containing chromium known commercially as refractories or refractory materials;

(v) All scrap or secondary material containing chromium as defined in (i), (ii), and (iii) above.

(2) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of chromium.

(3) "Processor" means any person who uses ores or concentrates for the manufacture of, or converts them into chromium chemicals, chromium refractories or metallurgical forms of chromium.

(4) "Dealer" means any person who procures chromium either by importing or from domestic sources for sale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating.* Deliveries of chromium under all defense orders (as defined in Regulation No. 1) to which a preference rating of A-10 or higher has not been assigned are hereby assigned a preference rating of A-10.

(d) *Limitation on use of ore in chromium chemicals.* Unless otherwise ordered by the Director of Priorities, the aggregate chromium oxide content of ore which may be used by any processor in the manufacture of chromium chemicals during any calendar month shall be limited to 1/12 of the aggregate weight of such oxide content used in the manufacture of the total quantity of chromium chemicals delivered by such processor during the period from July 1, 1940 through June 30, 1941.

(e) *Allocations.* Hereafter the Director of Priorities will from time to time specifically direct the manner and quantities in which deliveries of chromium in any form, for particular uses or to particular persons shall be made or withheld. Such directions will be made primarily to insure the satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements. In making any deliveries of chromium with respect to which no specific directions have been issued by the Director of Priorities, each producer, processor and dealer must give preference to defense orders as required by the provisions of Priorities Regulation No. 1, and must be governed by any preference ratings assigned to particular contracts or purchase orders.

(f) *Application for chromium.* Unless otherwise ordered by the Director of Priorities, no processor or dealer shall make delivery of chromium and no person shall accept such delivery unless, not later than the 25th day of the month next preceding the month in which delivery is to be made, or at such other time as the Office of Production Management may determine, the person seeking such delivery shall have filed with the processor or dealer an application in the form prescribed by the Chromium Branch of the Office of Production Management, and shall have filed at the same time with the Office of Production Management a copy of such application. If the chromium for which application is made is in any of the forms specified in paragraph (a) (1) (ii) above the person seeking delivery shall also file with the Office of Production Management, together with the copy of such application, a report on Form PD-53a or such other form as may be from time to time prescribed by the Office of Production Management. The Director of Priorities may in his discretion from time to time issue specific directions exempting particular customers or classes of customers from the provisions of this paragraph (f) on the basis of the limited character of their requirements for chromium.

(g) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of chromium, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(h) *General preference order M-18 revoked.* General Preference Order M-18, issued by the Director of Priorities July 7, 1941, as amended August 22, 1941, is hereby revoked.

(i) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of April, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 3875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8989; Filed, November 29, 1941; 11:32 a. m.]

PART 950—CUTTING TOOLS

Amendment and Extension No. 1 of Supplementary Order No. E-2-a[1] to Direct the Use and Distribution of Cutting Tools

It is hereby ordered that:

(a) Paragraph (a) (1) of § 950.2 (*Supplementary Order No. E-2-a*) is hereby amended by changing the words "and machine broaches" to read as follows: "metal cutting shear knives, metal cutting circular saws, and machine broaches."

(b) Section 950.2, as amended by paragraph (a) hereof, shall continue in effect until the 28th day of February, 1942 unless sooner revoked by the Director of Priorities.

This Order shall take effect immediately. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November, 1941.

JAMES S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8991; Filed, November 29, 1941; 11:33 a. m.]

PART 954—MATERIAL FOR THE PRODUCTION OF CUTTING TOOLS SPECIFIED HEREIN

Amendment No. 1 and Extension No. 1 of Preference Rating Order No. P-18-a[2]

It is hereby ordered that:

(a) Paragraph (a) (2) of § 954.2 (*Preference Rating Order No. P-18-a*) is hereby amended by changing the words "and machine broaches" to read as follows: "metal cutting shear knives, metal cutting circular saws, and machine broaches."

(b) Section 954.2, as amended by paragraph (a) hereof, shall continue in effect until the 28th day of February, 1942, unless sooner revoked by the Director of Priorities.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O. P. M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th

[1] 6 F.R. 4524.
[2] 6 F.R. 4525.

Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

JAMES S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-8992; Filed, November 29, 1941; 11:33 a. m.]

PART 961—CALCIUM-SILICON

General Preference Order M-20-a[1] *To Conserve the Supply and Direct the Distribution of Calcium-Silicon*

Whereas, the national defense requirements have created a shortage of Calcium-Silicon, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to extend and supplement by further measures the action heretofore taken to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered that:

§ 961.2 *General preference order M-20-a*—(a) *Definition.* For the purposes of this order:

(1) "Calcium-Silicon" means that commercial product made in an electric furnace and used in the treatment and refining of certain steels, containing calcium and silicon in approximately the following proportions:

Calcium from 28% to 35%
Silicon from 60% to 65%

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating.* Deliveries of calcium-silicon under all defense orders (as defined in Regulation No. 1) to which a preference rating of A-10 or higher has not been assigned are hereby assigned a preference rating of A-10.

(d) *Restrictions on deliveries*—(1) *Allocations.* Hereafter no person shall make or accept any delivery of calcium-silicon unless specifically authorized by the Director of Priorities. The Director will from time to time allocate the supply of calcium-silicon, and specifically direct the quantities and manner in which deliveries thereof to particular persons or for particular uses shall be made or withheld. Such directions will be made primarily to insure the satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(2) *Reports.* Unless otherwise ordered by the Director of Priorities, no person shall be entitled to receive an allocation of calcium-silicon unless, not later than the 25th day of the month next preceding the month in which such person desires delivery to be made, he shall have filed in duplicate (one copy with the supplier with whom his purchase order has been placed, and one copy with the Office of Production Management) a certified report on Form PD-72 or such other form as may be from time to time prescribed by the Office of Production Management, setting forth the information specified on such form.

(e) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of calcium-silicon, or of any other material subject to allocation, or he may be subjected to any other or further action as the Director may deem appropriate.

(f) *Revocation of general preference order M-20.* General Preference Order M-20, issued by the Director of Priorities July 29, 1941, is hereby revoked.

(g) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of May, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8990; Filed, November 29, 1941; 11:32 a. m.]

PART 962—STEEL

Amendment to General Preference Order No. M-21[1]

(a) Paragraph (b) (13) (i) of § 962.1 (*General preference order No. M-21*) is hereby amended to read as follows:

§ 962.1 *General preference order M-21.*

* * * * *

(b) *Directions as to deliveries.*

* * * * *

(13) *Special instructions.* * * *

No Producer of Steel shall make, and no Person shall accept from a Producer, delivery of Steel unless and until a statement on Form PD-73 or in such other form as may from time to time be prescribed by the Director of Priorities has been filed as follows:

(*a*) Except as hereinafter provided, each purchaser shall file Form PD-73 with the Producer at the time of filing his purchase order or contract.

(*b*) On orders placed prior to September 1, 1941, with deliveries to be made after September 1, 1941, Form PD-73 shall be filed with the Producer on or before October 15, 1941.

(*c*) On all export sales as defined in Group E of Form PD-73 (except sales to purchasers in the Dominion of Canada), Form PD-73 may be filed by the accredited agent, or export division of the Producer in the United States.

(*d*) When Steel is shipped by a Producer direct to the customer of a Warehouse, Form PD-73 is to be filed with the Producer by the customer and not by the Warehouse.

(*e*) When the purchaser is the War Department or Navy Department, or a Warehouse, the purchaser may report on a single Form PD-73 all orders in a single group classification placed during a single month. In such case each Form PD-73 must be filed with the Producer on or before the fifth day of the following month.

* * * * *

(b) This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9021; Filed, December 1, 1941; 11:23 a. m.]

PART 962—STEEL

General Allocation Order No. 1—Plates

Whereas the National Defense requirements have created a shortage of steel plates for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States further to conserve the supply and direct the distribution of such products.

Now therefore it is hereby ordered, That:

§ 962.4 *General allocation order 1*—(a) *Definitions.* For the purposes of this Supplement "plates" means flat carbon or alloy steel products (other than slabs)

Over 6 inches wide and ¼ inch or more thick, or

Over 6 inches wide and weighing 10.2 pounds or more per square foot, or

Over 48 inches wide and ⅛ inch or more thick, or

Over 48 inches wide and weighing 7.65 pounds or more per square foot.

(b) *Allocation program adopted.* Pursuant to the provisions of paragraph (b) (13) (ii) of § 962.1 (*General preference order M-21*) it is hereby provided that plates shall, from and after December 1, 1941, be subject to complete allocation. Thereafter, no plates shall be produced, delivered, or accepted except in accordance with this Supplement, and no person shall use plates produced, delivered or accepted in violation thereof.

(c) *Reports and shipments*—(1) *Customer's reports.* Plate customers of a Producer shall file such forms as may be from time to time prescribed by the Director of Priorities.

(2) *Producers' reports and shipments.* On or before the fifteenth day of each month each Producer shall file with the Iron and Steel Branch, Office of Production Management, in such form as may from time to time be prescribed by the Director of Priorities, a schedule of proposed production and shipments of plates during the following month, as well as a statement of orders for plates for delivery during such month not scheduled for delivery by the Producer. The Director of Priorities shall thereafter send to such Producer an allocation Order, which may make such changes in the proposed shipments as shall seem appropriate to the Director of Priorities. After December 1, 1941, no plates shall be produced or shipped by a Producer except in accordance with such schedule as modified.

(3) *Supplementary reports and shipments by producers.* Any plates produced during any month by a Producer in excess of the amount allocated by the Director of Priorities in accordance with paragraph (c) (2) hereof, shall be disposed of by the Producer in accordance with such orders as may be given from time to time by the Director of Priorities. As to any such plates the Director may require the Producer to furnish such supplementary schedules and other information as may be deemed necessary.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9019; Filed, December 1, 1941; 11:23 a. m.]

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

Amendment No. 1 to General Preference Order No. M-30 to Conserve the Supply and Direct the Distribution of Ethyl Alcohol and Related Compounds

(a) Section 971.1, paragraph (e) is hereby amended to read as follows:

§ 971.1 *General preference order, M-30.*[1]

* * * * *

(e) *Effective date.* This Order shall take effect on the 28th day of August, 1941, and continue in effect until terminated by direction of the Director of Priorities.

(b) This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9017; Filed, December 1, 1941; 11:22 a. m.]

PART 984—LEAD

Supplementary Order No. M-38-b

§ 984.3 *Supplementary Order M-38-b.* (a) The Director of Priorities hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General preference order M-38*)[2] for the month of December, 1941, shall be 15% of the total amount of lead produced by such refiner during the month of October, 1941.

(b) This Order shall take effect on the 1st day of December, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489, O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9020; Filed, December 1, 1941; 11:23 a. m.]

PART 1008—ELECTRIC POWER

Amendment of Limitation Order L-16[1]

(a) It is hereby ordered that § 1008.1 (*Limitation Order L-16*) be amended by striking from paragraph (a) (3) (i) thereof the following names of Utilities appearing therein:

Carolina Aluminum Co. (Eastern Division)
Carolina Power and Light Co.
Duke Power Co.
Lexington Water Power Co.
Lockhart Power Co.
J. B. McCrary Co.
South Carolina Electric and Gas Co.
Tidewater Power Co.

(b) It is further ordered that Exhibit A, attached to said § 1008.1 (*Limitation Order L-16*), be amended by striking out the names of all the Utilities listed therein as receiving power deliveries from any of the Utilities specified in paragraph (a) above. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 26th day of November 1941, effective November 27, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-8988; Filed, November 29, 1941; 11:32 a. m.]

PART 1018—TIN FOIL AND LEAD FOIL

Amendment To Limitation Order No. L-25

Section 1018.1 (*Limitation order L-25*)[1] is hereby amended as follows:

Paragraph (e) of said section is hereby amended to read as follows:

§ 1018.1 *Limitation order No. L-25.*

* * * * *

(e) *Effective date.* This Order shall take effect on December 24, 1941, and shall continue in effect until revoked by the Director of Priorities.

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 29th day of November, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9018; Filed, December 1, 1941; 11:23 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1346—BUILDING MATERIALS

PRICE SCHEDULE NO. 45—ASPHALT OR TARRED ROOFING PRODUCTS

Asphalt or tarred roofing products, primarily made of a felt base (composed of

[1] All reports to be filed, appeals and other communications concerning this order, should be addressed to the Office of Production Management, Washington, D. C. Reference: M-20-a.

[1] 6 F.R. 4005, 5994.

[1] 6 F.R. 4527.
[2] 6 F.R. 5090.
[3] 6 F.R. 5564.

[1] 6 F.R. 5954.

waste rags, waste paper and other fibers), saturated and/or coated with asphalt or tar, are widely used as a building material. In the defense program, these products have been extensively employed in the construction industry. The recent increased use of asphalt roofing products stemming from the defense program and the accompanying expanded economic activity has so increased demand for such products that shipments for the first eight months of 1941 exceeded 26,000,000 squares. As a consequence, inflationary pressure has been exerted upon these products resulting in several successive price increases during the past four months totaling fifteen to sixteen per cent while total unit costs for most items have actually declined during the same period. Earnings have therefore steadily increased. While the present Schedule reduces prices below current levels it still provides a very substantial margin of profit.

The Schedule utilizes the shipping point, freight equalization, and allowance systems presently in effect in this industry, including the customary practice of free deliveries in free shipping zones. Such acceptance and incorporation of these systems into this Schedule, merely as a vehicle for determining prices, should not be regarded as approval thereof, nor should this reservation be regarded as disapproval.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1346.51 *Maximum prices for asphalt or tarred roofing products sold by manufacturers.* On and after December 12, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, asphalt or tarred roofing products, and no person shall buy, offer to buy, or accept delivery of such products from a manufacturer, at prices higher than the maximum prices established in Appendices A (Eastern area) and B (Pacific Coast area) hereof, incorporated herein as §§ 1346.59 and 1346.60: *Provided*, That this Schedule shall in no event apply to "applied sales" as defined in § 1346.57 (i).*

*§§ 1346.51 to 1346.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1346.52 *Less than maximum prices.* Lower prices than those established in Appendices A and B may be charged, demanded, paid, or offered.*

§ 1346.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of asphalt or tarred roofing products, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on the effective date of this Schedule, or by any other means.*

§ 1346.54 *Records and reports.* On and after December 12, 1941, every manufacturer who sells, delivers or transfers asphalt or tarred roofing products of a total value in excess of $1,000.00 per month, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, delivery or transfer, showing the date thereof, the name and address of the buyer, the price paid or received, and the quantity (in squares) of each grade, type, shape, size, kind and color of asphalt or tarred roofing products sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1346.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of an evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of asphalt or tarred roofing products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1346.56 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1346.57 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Asphalt or tarred roofing products" means roofing shingles and siding materials having a felt base (composed of waste rags, waste paper or other fibers), saturated and/or coated with asphalt or coal tar pitch, whether with or without mineral surface, of any grade, type, shape, size, kind or color, and without restricting the above, also includes slaters felt, and asphalt or coal tar pitch saturated and/or coated laminated fiber or felt sheets or boards not exceeding one-quarter inch in thickness;

(c) "Manufacturer" means a person operating a mill or plant producing asphalt or tarred roofing products, as well as any sales subsidiary or affiliate, any commission salesman, manufacturer's representative or other manufacturer's agent;

(d) "Carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the lowest applicable minimum carload weight as required in the established tariffs of rail carriers;

(e) "Less than carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (d) above;

(f) "Ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the highest applicable minimum truckload weight as required in the established tariffs of the motor carriers;

(g) "Less than ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (f) above;

(h) "Square" means a quanity of asphalt or tarred roofing products sufficient to cover 100 square feet of surface when applied in the customary trade manner;

(i) "Applied sale" means a transaction whereby the manufacturer furnishes materials and in addition performs the service of applying the materials to the building itself, in consideration of the total price paid by the purchaser;

(j) "Deliver" means to make physical transfer to the purchaser, or to a carrier not owned or controlled by the seller, for carriage to the purchaser, to whom the goods have been sold.*

§ 1346.58 *Effective date of the schedule.* This Schedule (§§ 1346.51 to 1346.60, inclusive) shall become effective December 12, 1941.*

§ 1346.59 *Appendix A — Maximum prices for asphalt and tarred roofing products for eastern area*—(a) *Application.* The provisions of Appendix A apply to all sales of asphalt or tarred roofing products in which the point of destination is within the continental United States east of and including the states of Montana, Wyoming, Colorado and New Mexico.

(b) *Types of shipments and prices applicable thereto.* (1) Carload (as defined in § 1346.57 (d)) via rail and/or water: Carload prices on all items.

(2) Less than carload (as defined in § 1346.57 (e)) via rail and/or water: Less than carload price on all items.

(3) Ten-ton truck shipment (as defined in § 1346.57 (f)): Carload price on all items.

(4) Less than ten-ton truck shipment (as defined in § 1346.57 (g)): Less than carload price on all items.

(c) *Transportation charges and freight equalization.* Although the maximum prices established herein are set f. o. b. shipping points, the purchaser shall bear only the transportation charges expressly provided for below, and all other transportation costs shall be absorbed by the manufacturer.

(1) Shipments to destinations within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

No charges for transportation may be added to the maximum prices set forth in this Schedule on such shipments.

(2) Shipments to destinations not within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

On all such shipments the transportation charge shall be shown as a separate item in the purchaser's invoice. Such transportation charge shall be computed by applying to the weight of the shipment as determined from the manufacturers' published price lists the rail rate from that shipping point herein contained from which the lowest rail rate to actual destination on an identical shipment is applicable. However, in addition to any other allowance which may be required or made, an allowance shall be made to the purchaser (by credit or refund) as indicated below:

(i) Carload shipments or ten-ton truck shipments:

(*a*) Where shipment is made via rail or truck:

Full allowance of the transportation charge [1] shall be made to the purchaser, unless such charge [1] shall exceed nine cents per hundred pounds, in which case the manufacturer may limit such allowance to nine cents per hundred pounds.

(*b*) Where shipment is wholly or partially by water:

In lieu of the allowance set forth in (*a*) above, the allowance to the purchaser shall be the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels.

(ii) Stop-over charges:

Where 20,000 lbs. or more of asphalt or tarred roofing products are unloaded an allowance shall be made to the purchaser equal to actual stop-over charges at such point of unloading.

(d) *Maximum prices for standard asphalt or tarred roofing products, f. o. b. shipping points:*

[1] Computed in accordance with sub-paragraph (2) above.

TABLE 1. *Strip shingles*

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
12" (3 in line) Strips	$5.17 less 6% & 5%	$4.44 less 5%.
Average Approx. Weight per Square — 240 Lb.		
Strips per Square — 80		
Exposure — 5"		
Headlap — 2"		
Underwriters Label — C		
12" (3 in line) Strips	$4.94 less 6% & 5%	$4.24 less 5%.
Average Approx. Weight per Square — 210 Lb.		
Strips per Square — 80		
Exposure — 5"		
Headlap — 2"		
Underwriters Label — C		
18" (3 in line) Tbikbut Strips	$5.62 less 6% & 5%	$4.83 less 5%.
Average Approx. Weight per Square — 280 Lb.		
Strips per Square — 80		
Exposure — 5"		
Headlap — 5"		
Underwriters Label — C		
12" Tapered Strips	$6.19 less 6% & 5%	$5.49 less 5%.
Average Approx. Weight per Square — 275 Lb.		
Strips per Square — 80		
Exposure — 5"		
Headlap — 2"		
Underwriters Label — C		
11⅓" Hexagon Strips	$3.89 less 6% & 5%	$3.34 less 5%.
Average Approx. Weight per Square — 167 Lb.		
Strips per Square — 86		
Exposure — 4⅔"		
Headlap — 2"		
Underwriters Label — C		
10" Square Butt (4 in 1) Strips	$4.94 less 6% & 5%	$4.24 less 5%.
Average Approx. Weight per Square — 210 Lb.		
Strips per Square — 100		
Exposure — 4"		
Headlap — 2"		
Underwriters Label — C		
12½" Square Butt (4 in 1) Strips	$5.92 less 6% & 5%	$5.09 less 5%.
Average Approx. Weight per Square — 266 Lb.		
Strips per Square — 100		
Exposure — 4"		
Headlap — 4½"		
Underwriters Label — C		
12" (3 in 1) Strips	$6.39 less 6% & 5%	$5.49 less 5%.
Average Approx. Weight per Square — 257 Lb.		
Strips per Square — 80		
Exposure — 5"		
Headlap — 2"		
Underwriters Label — C		

TABLE 2. *Individual shingles*

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Dutch Lap Giant With Clips or Staples	$3.83 less 6% & 5%	$3.29 less 5%.
Average Approx. Weight per Square — 162 Lb.		
Shingles per Square — 113		
Sidelap — 3"		
Headlap — 2"		
Underwriters Label — C		
Standard Individual	$5.92 less 6% & 5%	$5.09 less 5%.
Average Approx. Weight per Square — 253 Lb.		
Shingles per Square — 379		
Exposure — 4"		
Headlap — 4½"		
Underwriters Label — C		
Giant	$7.31 less 6% & 5%	$6.28 less 5%.
Average Approx. Weight per Square — 325 Lb.		
Shingles per Square — 226		
Exposure — 5"		
Headlap — 6"		
Underwriters Label — C		

TABLE 3. *Sidings*

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Brick Siding Strips—210 Lb. Average Approx. Weight per Square—210 Lb. Strips per Square—13⅓ Exposure—3″	$6.16 less 6% & 5%	$5.29 less 5%.
Brick Siding Strips—175 Lb. Average Approx. Weight per Square—175 Lb. Strips per Square—13⅓ Exposure—3″	$5.52 less 6% & 5%	$4.74 less 5%.
Embossed Brick Strip in Rolls. Average Approx. Weight per Square—105 Lb.	$2.96 less 6% & 5%	$2.54 less 5%.

TABLE 4. *Built-up roof materials*

	Maximum prices f. o. b. shipping points (per roll)	
	L/CL	CL
Asphalt Saturated Felt. Underwriters Label:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
30 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 65 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.
Tarred Felt:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
13 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 55 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.

TABLE 5. *Slaters and threaded felt*

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Slaters Felt (Asphalt or Tarred): Gross Area 500 Sq. Ft. App. Wt. per Roll 30 Lb.	$1.08 less 6% & 5%	$0.93 less 5%.
Threaded Felt (Asphalt or Tarred): Gross Area 500 Sq. Ft. App. Wt. per Roll 42 Lb.	$2.21 less 6% & 5%	$1.90 less 5%.
Gross Area 250 Sq. Ft. App. Wt. per Roll 21 Lb.	$1.10 less 6% & 5%	$0.95 less 5%.

TABLE 6. *Roll roofings mineral surfaced*

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
90 Lb. Mineral Surfaced. (Class C Label) Fixtures included. Average Approx. Weight per Roll 90 Lb.	$2.04 less 6% & 5%	$1.75 less 5%.
75 Lb. Mineral Surfaced. Fixtures included. Average Approx. Weight per Roll 75 Lb.	$1.91 less 6% & 5%	$1.64 less 5%.
Diamond Point Style. Average Approx. Weight per Roll 105 Lb.	$2.50 less 6% & 5%	$2.15 less 5%.
Shadow Point Style. Average Approx. Weight per Roll 105 Lb.	$2.50 less 6% & 5%	$2.15 less 5%.

TABLE 7. *Roll roofings, smooth surfaced*

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Cheapest Grade (Fixtures Included):		
Average Approx. Weight per Roll 35 Lb.	$0.94 less 6% & 5%	$0.80 less 5%.
Average Approx. Weight per Roll 45 Lb.	$1.10 less 6% & 5%	$0.94 less 5%.
Average Approx. Weight per Roll 55 Lb.	$1.26 less 6% & 5%	$1.08 less 5%.

(e) *Maximum prices for non-standard asphalt or tarred roofing products, f. o. b. shipping points.* For all asphalt or tarred roofing products not expressly listed above, the maximum prices f. o. b. shipping points shall be the net f. o. b. shipping points selling prices (after deduction of all discounts and allowances, whether published or unpublished) which were actually charged, or which would have been charged (upon the basis of the prices, discounts and allowances, whether published or unpublished, then listed or quoted by the manufacturer) by the manufacturer on a sale made on June 29, 1941, to the same purchaser or class of purchaser for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

(f) *Shipping points:*

Birmingham, Ala.[2]	Memphis, Tenn.
Mobile, Ala.	Fort Worth, Tex.
Port Wentworth, Ga.	Dallas, Tex.
New Orleans, La.	Port Neches, Tex.
Shreveport, La.	No. Kansas City, Mo.
Edge Moor, Del.	Bound Brook, N. J.
Chicago, Ill.	South Bound Brook, N. J.
Chicago Heights, Ill.	East Rutherford, N. J.
Clearing, Ill.	Elizabeth, N. J.
E. St. Louis, Ill.	Jersey City, N. J.
Joliet, Ill.	Kearny, N. J.
Lockport, Ill.	Manville, N. J.
Madison, Ill.	Maurer, N. J.
Marseilles, Ill.	Rutherford, N. J.
Vandalia, Ill.	Fulton, N. Y.
Waukegan, Ill.	Niagara Falls, N. Y.
Wilmington, Ill.	No. Tonawanda, N. Y.
South Bend, Ind.	Tonawanda, N. Y.
Baltimore, Md.	Cleveland, Ohio
East Walpole, Mass.	Franklin, Ohio
Millis, Mass.	Lockland, Ohio
Norwood, Mass.	Youngstown, Ohio[3]
Detroit, Mich.	Erie, Pa.
Minneapolis, Minn.	Philadelphia, Pa.
St. Paul, Minn.	York, Pa.
Kansas City, Mo.	
Marrero, La.	

(g) *Free shipping point zones. Baltimore, Md. Zone:* The corporate limits of the Independent City of Baltimore.

Birmingham, Ala. Zone:[2] The corporate limits of Birmingham.

Boston, Mass. Zone: Suffolk County. In Middlesex County, the City of Cambridge, the townships of Newton, Natick, Sherborn, and the town of Brookline. In Norfolk County, the townships of Wellesley, Needham, Denham, Dover, Medfield, Westwood, Norwood, Milton, Canton, Sharon, Walpole, Millis, Medway, Bellingham, Franklin, Wrentham, Foxborough, Norfolk and Plainville.

Buffalo, N. Y. Zone: In Niagara County, the townships of Lewiston, Cambria, Lockport, Niagara, Wheatfield, Pendleton. In Erie County, the townships of Tonawanda, Amherst, Clarence, Newstead, Cheektowaga, Erie and West Seneca.

Chicago, Ill. Zone: In Illinois: Cook County, DuPage County, Will County. In Lake County, the townships of Benton, Waukegan, Warren, Libertyville, Shields, Deerfield, West Deerfield, and Vernon. In Kane County, the townships of Elgin, St. Charles, Geneva, Sugar Grove, Aurora and Batavia. In Kendall County, the township of Oswego. In Kankakee County, the townships of Rockville, Manteno, Summer, Yellowhead, Momence, Ganeer, Kankakee and Bourbonnais. In Indiana: In Lake County, all territory north of a line drawn through and including the corporate limits of Dyer, Hartsdale, Griffith, Ross, South Gary, New Chicago and East Gary.

[2] This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

[3] This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

Cincinnati, Ohio Zone: In Hamilton County, Ohio, except the townships of Harrison, Crosby and White Water. In Butler County, Ohio, the townships of Union, Fairfield, St. Clair, Liberty, Lemon and Madison. In Warren County, Ohio, the townships of Deerfield, Union Hamilton and Franklin. In Montgomery County, Ohio, the townships of German, Miami, Jackson and Jefferson. In Kentucky, the corporate limits of Covington, Newport, Bellevue, Latonia, Dayton, Altomont, Brent, Stevens, Melbourne, Ross, Oneonta, Erlanger, Crescent Springs, Ludlow and Bromley in Kenton and Campbell Counties.

Cleveland, Ohio Zone: Cuyahoga County.

Dallas, Tex., Zone: The corporate limits of Dallas.

Detroit, Michigan Zone: The territory within the boundary of a line connecting and including South Rockwood, Carleton, West Sumpter, Willis, Ypsilanti, Plymouth, Northville, Novi, Walled Lake, West Pontiac, Auburn Heights, Utica, Waldenburg, Lakeside, Lake Short, St. Claire Shores, Grosse Pointe Farms, Grosse Pointe, thence down the Detroit River to origin point of South Rockwood.

East St. Louis, Ill. Zone: In Madison County, Ill., the townships of Alton, Wood River, Edwardsville, Choteau, Jarvis, Colinsville, Venice, Nameoki, Granite City. In St. Clair County, Ill., the townships of Caseyville, Canteen, Stites, Centerville, Sugar Loaf, Stookey, St. Clair. In St. Louis County, Mo., the corporate limits of the Independent City of St. Louis and the territory within the boundary of a line drawn through and including the suburbs of: Spanish Lake, Black Jack, Ferguson, Carsonville, Overland, Lackland, Malcolm, Ridge Farm, Sappinton, Alpha (Continental), Mehlville, Boussan, thence up the Mississippi River to origin point of Spanish Lake.

Edge Moor, Del. Zone: The corporate limits of Edge Moor.

Erie, Pa. Zone: The corporate limits of Erie.

Franklin, Ohio Zone: See Cincinnati, Ohio Zone.

Fulton, N. Y. Zone: The territory within the boundary of a line drawn through and connecting the corporate limits of the cities or villages of New Haven (Oswego County), Mexico, Hastings, Mallory, West Monroe, Brewerton, Clay, Woodward, North Syracuse, East Syracuse, Eastwood, Syracuse, Solvay, Syracuse Junction, Baldwinsville, Lamson, South Granby, Sterling, Southwest Oswego.

Kansas City, Mo. Zone: In Jackson County, Mo., Fairmount and Sugar Creek and the corporate limits of Kansas City and Independence. In Clay County, Mo., North Kansas City and Avondale. In Wyandotte County, Kansas: Kansas City, including Fairfax Industrial District, Turner and Welborn. In Johnson County, Kansas: Merriam. Any towns or villages in this area not mentioned are not to be included in this Zone.

Marseilles, Ill. Zone: The corporate limits of Marseilles.

Memphis, Tenn. Zone: The corporate limits of Memphis.

Minneapolis, Minn. Zone: The corporate limits of Minneapolis and St. Paul and the suburbs of Robbinsdale, Columbia Heights, St. Louis Park, Ft. Snelling, West St. Paul and South St. Paul.

Mobile, Ala. Zone: The corporate limits of Mobile.

New Jersey Zone: All of Bergen County, except that part of Washington and Palisades townships which lies east of (and not including) the New York Central (West Shore) Railway. That part of Passaic County which lies east and south of the line of the New York, Susquehanna and Western Railway at (and including) Pompton Lakes, Hudson, Essex, Union and Middlesex Counties. In Somerset County, the townships of North Plainfield, Franklin, Montgomery, Hillsborough, Bridgewater, and Branchburg.

New Orleans, La. Zone: On the North, Lake Pontchartrain; on the East, a line connecting and including Edgelake, Lee, Chalmette, Meraux, New Home, Story, Campbell, Violet; thence on the South, a line connecting and including Violet, Fort St. Leon, Gretna, Harvey, Powell, Avondale, Waggeman, Witherow; thence on the West, a line connecting and including Witherow, Frellsen, thence to Lake Pontchartrain along the Jefferson and St. Charles Parish Line.

Philadelphia, Pa. Zone: Philadelphia County. In Montgomery County, the townships of Lower Moreland, Upper Moreland, Horsham, Upper Dublin, Cheltenham, Springfield, Whitemarsh, Plymouth, Norriton, West Norriton and Lower Merion. Delaware County except the townships of Concord, Bethel, Birmingham and Thornbury.

Port Wentworth, Ga. Zone: The corporate limits of the following cities or towns in Chatham County, Ga.: Anderson, Bloomingdale, Burroughs, Central Junction, Keller, Meinhard, Monteith, Pooler, Port Wentworth, Savannah and Williams.

Shreveport, La. Zone: The corporate limits of Shreveport, Agers and Bossier City.

South Bend, Ind. Zone: St. Joseph County, Ind.

Vandalia, Ill. Zone: The corporate limits of Vandalia.

York, Pa. Zone: In York County, Pa. all the townships except Lower Chanceford, Peachbottom, Fawn, Hopewell, Shrewsbury, Codorus, Manheim, West Manheim, Franklin, Corroll, Moneghan, Warrington, Washington. The corporate limits of Harrisburg, Steelton and Middletown in Dauphin County. The corporate limits of Columbia and Lancaster in Lancaster County.

Port Neches, Texas Zone: Jefferson County, Texas.*

§ 1346.60 *Appendix B—Maximum prices for asphalt and tarred roofing products for Pacific Coast Area*—(a) *Application.* The provisions of Appendix B apply to all sales of asphalt or tarred roofing products in which the point of destination is within the states of Oregon, Washington, Idaho, Utah, California, Nevada or Arizona or the Territories of Hawaii or Alaska.

(b) *Maximum prices.* The maximum prices in such states and territories on and after December 12, 1941, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on July 2, 1941, (upon the basis of the prices, discounts, charges, and allowances whether published or unpublished then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.*

Issued this 29 day of November 1941. Effective December 12, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-8996; Filed, November 29, 1941; 12:31 p. m.]

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE NAVY

REGULATIONS GOVERNING AMERICAN SAMOA AND GUAM NAVAL DEFENSIVE SEA AREAS AND NAVAL AIRSPACE RESERVATIONS

Whereas, by Executive Order Number 8683 dated February 14, 1941, as amended April 2, 1941, the President established certain naval defensive sea areas around and naval airspace reservations over the Islands of Rose, Tutuila and Guam in the Pacific Ocean covering the territorial waters between the extreme high-water marks and the three mile marine boundaries surrounding said islands to be known, respectively, as "Rose Island Naval Defensive Sea Area", "Rose Island Naval Airspace Reservation," "Tutuila Island Naval Defensive Sea Area," "Tutuila Island Naval Airspace Reservation," "Guam Island Naval Defensive Sea Area," and "Guam Island Naval Airspace Reservation;" and

Whereas, said order also prohibited and penalized persons, other than those on public vessels of the United States, from entering or vessels or other craft, other than public vessels of the United States, or aircraft, other than public aircraft of the United States, from navigating or being navigated into or over or through said naval and airspace reservations unless authorized by the Secretary of the Navy and conferred upon the latter, with cooperation of the local law enforcement officers of the United States, power of enforcement thereof and power to prescribe rules and regulations neces-

sary to carry out the provisions of said order; and

Whereas, pursuant to said executive order, on the 15th day of September 1941, the Secretary of the Navy approved the Rules and Regulations hereinafter mentioned and designated the Commandants of the U. S. Naval Stations, Tutuila and Guam to act for him in the matter of promulgating the same.

Whereupon, the following rules and regulations as to American Samoa, effective October 1, 1941, and as to Guam, effective October 24, 1941, were promulgated.

PART 15—REGULATIONS FOR AMERICAN SAMOA NAVAL DEFENSIVE SEA AREAS AND NAVAL AIRSPACE RESERVATIONS

Sec.

15.1 Rose Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.
15.2 Tutuila Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.
15.3 Conduct of foreign vessels after entry.
15.4 Regulations not applicable to small boats owned and manned by native residents.
15.5 Tutuila Island Naval Airspace Reservation closed to foreign aircraft.
15.6 Tutuila and Rose Island Naval Defensive Sea Areas and Naval Airspace Reservations defined.
15.7 Penalty for violations.

American Samoa—Rose Island

§ 15.1 *Rose Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.* No person, vessel or aircraft other than persons in public vessels of the United States, and public aircraft of the United States, will be permitted to enter the Rose Island Naval Defensive Sea Area or the Rose Island Naval Airspace Reservation unless specifically authorized so to do by the Secretary of the Navy or the Commandant in each case. Should any vessel or aircraft be so authorized it shall enter Pago Pago Harbor prior to such entry and shall receive and carry out any specific instructions concerning the entry as may be issued by the Commandant.*

*§§ 15.1 to 15.7, inclusive, issued under authority contained in E.O. 8683, as amended, 6 F.R. 1015, 1791.

American Samoa—Tutuila Island

§ 15.2 *Tutuila Island Naval Defensive Sea Area and Naval Airspace Reservations closed to foreign vessels and aircraft.* No vessel or other craft, other than public vessels of the United States, shall enter the Tutuila Island Naval Defensive Sea Area unless specifically authorized so to do by the Secretary of the Navy or the Commandant. Vessels or other craft engaged in inter-island commerce which takes them to Tutuila at frequent intervals and the vessels of the Matson Navigation Company that make scheduled calls at Pago Pago Harbor, Tutuila, may apply for and receive, if the Commandant approves, permits to enter the Tutuila Island Naval Defensive Sea Area for the purpose of entering Pago Pago Harbor, valid until revoked. All other vessels or craft must obtain permission to enter the Tutuila Island Naval Defensive Sea Area covering each visit to Pago Pago Harbor. Local agents for such vessels or craft may obtain such permission for entry prior to arrival of the vessel. Where no local agent is available, vessels or craft shall obtain permission by letter or despatch prior to arrival, or remain outside the Tutuila Island Naval Defensive Sea Area until boarded by a representative of the Commandant and by him granted authority upon the direction of the Commandant to enter.*

§ 15.3 *Conduct of foreign vessels after entry.* Entry into the Tutuila Island Naval Defensive Sea Area, once a permit to enter or authority to enter is received, shall be governed by the following instructions:

(a) Entry into the Tutuila Island Naval Defensive Sea Area by other than public vessels of the United States shall not be made between the hours of sunset and sunrise. Vessels or craft approaching Pago Pago Harbor at night must remain outside the said area until after sunrise.

(b) Entry into the Tutuila Island Naval Defensive Sea Area between the hours of sunrise and sunset shall be made only on the South, East and West sides of the Island and vessels shall proceed after such entry toward Pago Pago Harbor.

(c) Vessels or other craft shall not leave Pago Pago Harbor between the hours of sunset and sunrise unless specifically authorized by the Commandant in each case and if so authorized they shall clear the Tutuila Island Naval Defensive Sea Area by the most direct route.

(d) Vessels or other craft shall show their colors while in the Tutuila Island Naval Defensive Sea Area.*

§ 15.4 *Regulations not applicable to small boats owned and manned by native residents.* Long boats, bonita boats and paopaos belonging to, and manned by, native residents of American Samoa are specifically excluded from the operation of this order.*

§ 15.5 *Tutuila Island Naval Airspace Reservation closed to foreign aircraft.* Aircraft, other than public aircraft of the United States shall not enter the Tutuila Island Naval Airspace Reservation unless specifically authorized so to do by the Commandant. If so authorized for the purpose of landing at Pago Pago Harbor they shall, prior to assuming a position for landing, enter the Naval Airspace Reservation from the southward on the bearing of the entrance range to Pago Pago Harbor at an altitude of not more than two thousand feet to permit identification and then may proceed to land. Any authorized entries into the Tutuila Island Naval Airspace Reservation shall be made only between the hours of 8:00 a. m. and sunset.*

§ 15.6 *Tutuila and Rose Island Naval Defensive Sea Areas and Naval Airspace Reservations defined.* Tutuila and Rose Island Naval Defensive Sea Areas are the territorial waters between the extreme high-water marks and the three-mile marine boundaries surrounding the islands of Tutuila and Rose. Tutuila and Rose Island Naval Airspace Reservations are the airspaces over the said territorial waters and Islands. (/s/ L. Wild, Captain, U. S. Navy, Commandant.)*

§ 15.7 *Penalty for violations.* Now, be it enacted that any violation of the above quoted Executive Orders issued by the President of the United States or any violation of the Regulations issued by the Commandant, Naval Station, Tutuila, shall constitute a violation of the law of American Samoa and any person convicted of any such violation shall be punished by imprisonment for not more than five years, or by a fine of not more than $5,000, or both. (/s/ L. Wild, Governor of American Samoa—Published and exhibited in English and Samoan at the Government offices this 1st day of October, 1941. /s/ J. R. Wallace, Attorney General of American Samoa.)*

PART 16—REGULATIONS FOR GUAM NAVAL DEFENSIVE SEA AREA AND NAVAL AIRSPACE RESERVATION

Sec.

16.1 Naval Defensive Sea Area closed between sunset and sunrise.
16.2 Persons authorized by Secretary of War and Civil Aeronautics Authority may navigate aircraft in Naval Airspace Reservation.
16.3 Laws and regulations must be obeyed.
16.4 Governor shall take steps to apprehend vessels, aircraft or persons violating Executive Order.
16.5 Governor shall formulate additional rules and regulations and instructions.
16.6 Governor of Guam designated representative of Secretary of Navy in enforcement of executive order, rules and regulations.

Guam

§ 16.1 *Naval defensive sea area closed between sunset and sunrise.* Passage of any vessel into or out of the Guam Island Naval Defensive Sea Area between the hours of sunset and sunrise is prohibited, except when specifically permitted by the Governor of Guam.*

*§§ 16.1 to 16.6, inclusive, issued under authority contained in E.O. 8683, as amended, 6 F.R. 1015, 1791.

§ 16.2 *Persons authorized by Secretary of War and Civil Aeronautics Authority may navigate aircraft in naval airspace reservation.* The Secretary of the Navy hereby authorizes any person to whom authority has been granted by the Civil Aeronautics Authority or by the Secretary of War to navigate any aircraft to, via, or over the Island of Guam, to navigate such aircraft in the Guam Island Naval Airspace Reservation in accordance with the terms of such authority.*

§ 16.3 *Laws and regulations must be obeyed.* All persons, vessels, and aircraft entering the Guam Island Naval Defensive Sea Area or the Guam Island Naval Airspace Reservation, whether or not in violation of the above-cited Executive Order, shall strictly obey the laws of Guam, and shall be governed by such regulations and restrictions upon their conduct and movements as may be established by the Governor of Guam, whether by general regulation or by special instructions in any case.*

§ 16.4 *Governor shall take steps to apprehend vessels, aircraft, or persons violating executive order.* The Governor of Guam shall take all practical measures to apprehend vessels, aircraft and persons violating the provisions of the above-cited Executive Order, and shall hold each such violator in custody pending receipt of instructions from the Secretary of the Navy.*

§ 16.5 *Governor shall formulate additional rules and regulations and instructions.* The Governor of Guam shall establish and maintain such further rules and regulations, and shall issue such special instructions in each case, as he may deem necessary for carrying out the provisions of the above-cited Executive Order.*

§ 16.6 *Governor of Guam designated representative of Secretary of Navy in enforcement of executive order, rules and regulations.* In all matters pertaining to the local administration of the Guam Island Naval Defensive Sea Area and the Guam Island Naval Airspace Reservation, the Governor of Guam is hereby designated as the representative of the Secretary of the Navy, with full authority to enforce the provisions of the above-cited Executive Order and all regulations issued pursuant thereto. (/s/G. J. McMillan, July 8, 1941—Modified and approved by the Secretary of the Navy, September 15, 1941; Published by the Commandant, U. S. Naval Station, Guam, 24 October 1941).*

[SEAL] W. B. WOODSON,
Judge Advocate General of the Navy.

[F. R. Doc. 41-8995; Filed, November 29, 1941; 11:54 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO ARIZONA GRAZING DISTRICT NO. 3 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 3, as established and defined by departmental orders of July 14, 1938, January 23, 1939, October 24, 1940, April 9, 1941, and July 30, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, and all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 10 W.,
Secs. 4 and 5, those parts north of the Santa Maria River;
Secs. 6 and 7, those parts north of the Santa Maria River in Yavapai County;
Secs. 8 and 9, those parts north of the Santa Maria River;
T. 4 S., R. 11 W., secs. 1 to 18, inclusive.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41-8998; Filed, December 1, 1941; 10:02 a. m.]

[1] This affects the tabulation in § 502.1d.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION OF NEVADA GRAZING DISTRICTS NOS. 2 AND 3 [1]

Under and pursuant to the authority vested in me by the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the following-described lands, now embraced within Nevada Grazing District No. 3, are hereby excluded from Grazing District No. 3 and added to Nevada Grazing District No. 2.

NEVADA

MOUNT DIABLO MERIDIAN

T. 21 N., R. 25 E., that part in Churchill and Lyon Counties;
Tps. 22 to 25 N., inclusive, R. 25 E., those parts in Churchill County;
Tps. 21 to 24 N., inclusive, R. 26 E., all;
T. 25 N., R. 26 E., that part in Churchill County;
Tps. 21 to 24 N., inclusive, R. 27 E., all;
T. 25 N., R. 27 E., that part in Churchill County;
Tps. 22 to 24 N., inclusive, R. 28 E., all;
T. 25 N., R. 28 E., that part in Churchill County;
Tps. 23 and 24 N., R. 29 E., all;
T. 25 N., R. 29 E., that part in Churchill County;
T. 24 N., R. 30 E., all;
T. 25 N., R. 30 E, that part in Churchill County;
T 24 N., R. 31 E., all;
T. 25 N., R. 31 E., that part in Churchill County.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41-9001; Filed, December 1, 1941; 10:03 a. m.]

[1] This affects the tabulation in § 502.1d.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO OREGON GRAZING DISTRICT NO. 6 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Oregon Grazing District No. 6, as established and defined by departmental orders of November 7, 1935, September 11, 1936, October 22, 1936, January 28, 1939, March 28, 1939, July 15, 1940, and May 15, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, all lands withdrawn or reserved for other purposes which are hereby or which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

OREGON

WILLAMETTE MERIDIAN

T. 6 S., R. 39 E., sec. 12, that part lying in Union County;
T. 6 S., R. 40 E.,
Secs. 7, 8, 17, and 22, those parts lying in Union County;
Sec. 23, all;
Secs. 26, 27, and 35, those parts lying in Union County.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41-8999; Filed, December 1, 1941; 10:02 a. m.]

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO OREGON GRAZING DISTRICT NO. 7 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Oregon Grazing District No. 7, as established and defined by departmental orders of December 18, 1936, January 6, 1941, and February 11, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, all lands withdrawn or reserved for other purposes which are hereby or which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by ap-

[1] This affects the tabulation in § 502d.

proval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

OREGON

WILLAMETTE MERIDIAN

T. 3 N., R. 19 E., all;
T. 3 N., R. 20 E., all;
T. 3 N., R. 21 E., secs 1 and 2, secs 10 to 16, secs 20 to 22, and secs. 27 to 30, inclusive;
T. 5 N., R. 28 E., secs. 9 to 16, secs. 21 to 28, and secs. 33 to 36, inclusive;
T. 4 N., R. 29 E., secs. 1 to 7, inclusive, and sec. 12;
T. 5 N., R. 29 E., all;
T. 1 S., R. 18 E., sec. 36, all;
T. 2 S., R. 18 E.,
Secs. 1 and 2, secs. 11 to 14, and
Secs. 23 to 26, inclusive,
Secs. 35 and 36;
T. 3 S., R. 18 E., secs. 1 to 4, secs. 9 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive;
T. 4 S., R. 18 E., secs. 1 to 3, secs. 10 to 15, and secs. 23 to 25, inclusive;
T. 4 S., R. 19 E., secs. 19 and 30.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

NOVEMBER 13, 1941.

[F. R. Doc. 41-9000; Filed, December 1, 1941; 10:08 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

SUBCHAPTER R—ALASKA AQUATIC MAMMALS OTHER THAN WHALES

PART 242—ALASKA SEA LIONS [1]

§ 242.1 *Purposes for which sea lions may be taken.* The killing of sea lions in the Territory of Alaska, or in any of the waters of Alaska over which the United States has jurisdiction, is permitted as follows:

(a) By natives for food or clothing, and by miners or explorers when in need of food.

(b) By anyone in the necessary protection of property or while such animals are destroying salmon or other food fish.

(c) Under permits issued by the Secretary of the Interior authorizing the taking of specimens for scientific purposes. (48 Stat. 976; 16 U.S.C. 659)

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 17, 1941.

[F. R. Doc. 41-8854; Filed, November 26, 1941; 9:25 a. m.]

[1] These regulations supersede the regulations promulgated on July 1, 1941, under Part 242—Alaska Walruses and Sea Lions, 6 F.R. 3408. Regulations governing the taking of walruses in Alaska, formerly included in this part, have been rendered obsolete by the Act of August 18, 1941, entitled "An Act for the protection of walruses in the Territory of Alaska."

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT OF WARRANT OFFICERS (JUNIOR GRADE)

1. *Dates of examination.* A special examination will be conducted for appointment as warrant officer (junior grade) in the Regular Army. For details see paragraph 5.

2. *Classifications.* Warrant officers will be examined and appointed to classifications within the arms and services as follows:

Adjutant General's Department

Administrative. (1) Clerical, (2) Clerical machine record, and (3) Fiscal (post exchanges). Typing and dictation is optional; however, the request to take typing and dictation will be indicated on W.D., A.G.O. Form No. 61.
Technician specialists. None.

Air Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Armament, (2) Bombsight, (3) Engineering, (4) Engineering lighter-than-air, (5) Motor transport, (6) Photographic, (7) Signal communications, and (8) Weather.

Armored Force

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Motor transport, (2) Signal communications, and (3) Tank.

Cavalry

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Motor transport, and (2) Signal communications.

Chaplains

Administrative. Clerical.
Technician specialists. None.

Chemical Warfare Service

Administrative. (1) Clerical and (2) Supply.
Technician specialists. Munitions.

Coast Artillery Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Munitions and (2) Signal communications.

Corps of Engineers

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Construction and utilities, (2) Motor transport, and (3) Topographic.

Field Artillery

Administrative. (1) Clerical, (2) Supply, and (3) Fiscal.
Technician specialists. Signal communications.

Finance Department

Administrative. Fiscal (auditing and disbursing).
Technician specialists. None.

Infantry

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Motor transport, (2) Munitions, and (3) Signal communications.

Inspector General's Department

Administrative. (1) Clerical and (2) Clerical, auditing and accounting. Typing and dictation is optional; however, the request to take typing and dictation will be indicated on W. D., A. G. O. Form No. 61.
Technician specialists. None.

Judge Advocate General's Department

Administrative. Clerical Judge Advocate General's Department (with typing and dictation required).
Technician specialists. None.

Medical Department

Administrative. (1) Clerical and (2) Supply.
Technician specialists. Motor transport.

Ordnance Department

Administrative. Supply and Clerical (combined).
Technician specialists. (1) Armament machinist, (2) Motors, and (3) Munitions (ammunition).

Quartermaster Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Construction and utilities and (2) Motor transport.

Signal Corps

Administrative. (1) Clerical and (2) Supply.
Technician specialists. (1) Cryptographic, (2) Motor transport, and (3) Signal communications.

3. *Eligibility.* (a) Candidates who are eligible to apply for appointment as warrant officer (junior grade) are commissioned officers of the Army of the United States, (except those commissioned in the Regular Army), and former officers of the Regular Army whose separation from active service was under honorable conditions; enlisted men of the Army of the United States and former enlisted men of the Regular Army who were discharged under honorable conditions and who are between the ages of 21 and 45 years at date of appointment, and who have at least 1 year's active service.

(b) All applicants must be citizens of the United States, not less than 20 years and 9 months of age and not more than 44 years and 9 months of age on the date of final examination, and physically qualified.

4. *Applications.* Applications for appointment as warrant officer will be submitted to the applicant's unit or detachment commander not later than December 15, 1941. The application will be submitted on W.D., A.G.O. Form No. 61 [1] (Application for Appointment as Warrant Officer) or a legible facsimile thereof, and will be accompanied by a duly executed W.D., A.G.O. Form No. 63 [1] (Report of Physical Examination). Applicants who are not in active service of the Army of the United States at the time of application will submit their applications to the nearest Army post commander. Unit and detachment commanders will forward such applications through military channels so as to reach post commanders not later than December 23, 1941. Where applicants do not meet the physical standards prescribed for appointment as commissioned officers in the Regular Army, the applications will not be forwarded. Likewise, an application disapproved by the unit or detachment commander and the regimental or next higher commander will not be forwarded. Where an enlisted applicant has received a score of less than 110 on the Army general classification test, his application will be returned disapproved.

5. *Examinations*—(a) *Preliminary.* A preliminary examination, beginning January 5, 1942, and completed not later than January 17, will be conducted at each post by a board of officers who will examine the applications and reports of physical examination, interview the applicants, and determine whether or not they possess the moral character, general fitness, and educational and technical qualifications necessary to justify their further consideration.

(b) *Final.* A final written examination will be conducted by post commanders on March 17–18, 1942, under special instructions to be issued by the War Department. This examination in general will consist of two parts: First, a general educational examination taken by all applicants; and second, a technical examination to determine the applicant's specialist qualifications. The general educational examination is considered to require graduation from a credited high school or the equivalent thereof. Certain technical examinations are considered to require 2 years of college, business or trade school, or the equivalent thereof in order to obtain the qualified mark. These examinations will be scored by the corps area and department commanders under instructions to be issued by the War Department.

6. *Appointment.* Successful applicants will be reported by corps area and department commanders to the War Department. From a consolidated list of all such reports, the War Department will arrange a single list in order of military grade, length of service, and age. Appointments will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants will be carried on an eligible list for appointment until the next succeeding examination for appointment is held, but in no case longer than 1 year. Original permanent appointments as warrant officer (junior grade) will be limited to 600 in number. Approximately 6,000 temporary appointments will be tendered to the remaining successful candidates.

7. *Departmental jurisdiction.* (a) In addition to the regularly designated departmental commanders, the commanding general, Alaska Defense Command, will function as a department commander for the purpose of this examination.

(b) Bases and other commands outside the continental United States are attached to the nearest corps area or department.

8. *Miscellaneous.* (a) Full details will be found in AR 610–10 (new) now in process of publication, and to be distributed as soon as available.

(b) In paragraph 3, "Instructions" on page 4 of W. D., A. G. O. Form No. 61,[1] add: Report of physical examination on W. D., A. G. O. Form No. 63 [1] will accompany each application. In paragraph 6, change October 1, 1941, to read September 13, 1941. (Act of Aug. 21, 1941, Public Law 230, 77th Congress) [Cir. 237, W. D., Nov. 17, 1941, as amended by Cir. 240, W. D., Nov. 19, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-8979; Filed, November 28, 1941; 3:01 p. m.]

[1] Copies may be obtained by addressing the Adjutant General's office, War Department, Washington, D. C.

[Contract No. W 535 ac-21080; 5551]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: REPUBLIC AVIATION CORPORATION

Contract for: * * * Airplanes, Spare Parts and Data.
Estimated cost: $60,758,525.00.
Fixed-Fee: $3,645,511.50.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12–30 A 0705–2
AC 16 P 02–30 A 0705–2

This contract,[1] entered into this 24th day of September, 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles: * * * Airplanes, Spare Parts for the airplanes called for and Data.

[1] Approved by the Under Secretary of War, October 14, 1941.

ART. 2. *Estimated costs.*

Quantity	*Estimated Cost*
* * * airplanes	$55,228,750.00
Spart Parts and Data	5,529,775.00
Total estimated cost	60,758,525.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursement for cost, as outlined in Article Six (6) hereof, the cost, plus a fixed fee of three million six hundred forty-five thousand five hundred eleven dollars fifty cents ($3,645,511.50).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments.* (a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues. Upon completion of the work and its final acceptance, any unpaid balance of the fee, to which the Contractor may be entitled, shall be paid to the Contractor.

(c) *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense; *Provided, however,* That the total amount of money so advanced shall not exceed 30 per centum (30%) of the estimated cost of the articles called for hereunder, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at

an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 30. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursements for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

ART. 40. *Change to fixed price contract.* After the Contractor has manufactured * * * airplanes hereunder, or at such other time as the parties may mutually agree upon, the Contractor, on the basis of experience or other bases for negotiation of prices, will endeavor to reach an agreement with the Government upon definite prices to be paid by the Government to the Contractor for the articles called for hereunder, in lieu of the Cost-Plus-A-Fixed-Fee herein provided for, subject to such changes in the terms and conditions as are adaptable and appropriate to a fixed price contract. Any such agreement shall be in writing and shall provide that the fixed prices agreed upon shall apply to all articles theretofore and thereafter furnished to the Government hereunder.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, section 2 (a), Act of June 28, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-8978; Filed, November 28, 1941; 3:01 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1033]

PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUP 9 PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 1 OF DISTRICT NO. 14

ORDER CONTINUING HEARING UNTIL DECEMBER 4, 1941

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division by the above-named party, requesting revision of the effective price classifications and minimum prices for the coals in Size Group 9, produced at certain mines in Production Group 1 of District No. 14.

On October 8, 1941 the Ozark Coal Company, a code member producer in District No. 14, filed a petition of intervention in this matter praying that no temporary order of any kind or nature be entered herein, and that upon final hearing the prayer of the original petitioner be denied.

By Order of the Director dated September 20, 1941, a hearing in this matter was scheduled to be held on October 15, 1941 at Washington, D. C. However, on October 13, 1941 the original petitioner filed a motion for postponement requesting that the hearing in this matter be postponed to the week beginning November 10, 1941. By Order dated October 14, 1941, this motion was granted.

District Board No. 14, the original petitioner, on November 13, 1941, filed a motion requesting an additional postponement to a date not later than December 4, 1941. In view of the fact that the motion for postponement was not filed with the Division until the day of the hearing, consideration could not be given to it at that time, and the hearing convened as scheduled at 10 o'clock in the forenoon of November 13, 1941 before Examiner Floyd McGown. No appearances were entered by any parties to the proceeding, and the hearing was accordingly continued pending further order of the Director.

It appears that a reasonable showing of necessity for the requested postponement has been made.

Now, therefore, it is ordered, That the hearing in this matter be, and the same hereby is, continued until 10 o'clock in the forenoon of December 4, 1941.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person who has not heretofore filed a petition of intervention and desires to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 29, 1941.

Dated: November 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9004; Filed, December 1, 1941; 11:10 a. m.]

[Docket No. B-115]

IN THE MATTER OF E. H. WASSON, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9455, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not E. H. Wasson, Registered Distributor, Registration No. 9455, whose address is Winchester, Indiana, the respondent in the above-entitled matter, has violated any provisions of the Act, the Code, any Orders or regulations of the Division including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and the Distributor's Agreement (the "Agreement") dated May 12, 1939, executed by the respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939 in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent, during the period from October 1, 1940 to July 31, 1941, both dates inclusive, purchased in carload lot quantities from various code members approximately 234 cars containing approximately 17,023.90 net tons of various sizes of coal which respondent resold to Goodrich Brothers Company, Winchester, Indiana, and its affiliated companies, Gilman Grain Company, Gilman, Indiana; Ridgeville Grain Company, Ridgeville, Indiana; Snow Hill Grain Company, Snow Hill, Indiana; Rosston Grain Company, Rosston, Indiana; F. J. Zimmerman Company, Collett, Indiana; Chesterfield Grain Company, Chesterfield, Indiana; Hinshaw Grain Company, Summitville, Indiana; Linwood Grain Company, Linwood, Indiana; Boone Grain Company, Boone, Indiana; Roseburg Grain Company, Roseburg, Indiana; and Joliet ville Grain Company, Joliet ville, Indiana. Respondent accepted and retained discounts from the effective minimum prices on said transactions, although said coal was not purchased by respondent for bona fide resale, and although at the time of said transactions respondent was financially or otherwise controlled by said Goodrich Brothers Company and its affiliated companies, and although respondent acted, in fact or in effect, as an agency or instrumentality of the Goodrich Brothers Company and its affiliated companies in the purchase of said coal, thereby violating sections 4 II (h) and 4 II (l) (12) of the Act, Part II (h) and Part II (l) (12) of the Code, Rule 12 of section XIII of the Marketing Rules and Regulations, § 304.19 (c) of the Rules and Regulations for the Registration of Distributors, and paragraphs (c) (d) (e) and (h) of the Agreement.

3. Respondent accepted and retained discounts from the effective minimum prices on the transactions referred to in paragraph 2 hereof, although respondent rendered no service of value to the code member vendors; and when, except for the incidence of section 4 II (h) of the Act, Goodrich Brothers Company and its affiliated companies, described in paragraph 2 hereof, would have purchased said coal direct from a code member or code members, thereby violating section 4 II (h) of the Act, Part II (h) of the Code, and paragraph (g) of the Agreement.

4. Respondent failed to set out in her application for registration as a distributor, executed May 12, 1939 pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, the nature of her affiliation with Goodrich Brothers Company and its affiliated companies described in paragraph (2) hereof, as required by § 304.11 (c) (6) of the Rules and Regulations for the Registration of Distributors and paragraph (f) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to Section 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 9, 1942 at 10 a. m. in a hearing room of the Bituminous Coal Division at the Council Chambers, Muncie City Hall, Muncie, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: November 22, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-9002; Filed, December 1, 1941; 11:11 a. m.]

[Docket No. 1873-FD]

IN THE MATTER OF THE APPLICATION OF THE JUNCTION CITY CLAY COMPANY FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS JUNCTION CITY MINE IN PERRY COUNTY, OHIO, PURSUANT TO THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

An application for a determination of the status of the coal produced at the Junction City Mine in Perry County, Ohio, having been filed on October 4, 1941, by the above-named applicant, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 12, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at the hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of a appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to all other parties herein and to all persons and entities having an interest in these proceedings and eligible to become a party herein. Any person or entity eligible under Section VII (l) of the Rules of Practice and Procedure before the National Bituminous Coal Commission may file a petition for intervention not later than fifteen (15) days after the date of the issuance of this Notice of and Order for Hearing.

Notice is hereby given that:

(1) Within fifteen (15) days from the date of the issuance of this Notice of and Order for Hearing, the applicant or other interested party shall file with the Division a concise statement in writing of the facts expected to be proved at the hearing. Other interested parties shall also file a written intervention in compliance with Rule VIII of the aforesaid Rules of Practice and Procedure. The statement of facts shall be considered as a pleading and not as evidence of the facts therein stated. The affirmative evidence adduced by the parties at the hearing shall be limited to the said statement of facts;

(2) If no written statement of the facts expected to be proved at the hearing is filed by the applicant within the fifteen-day period, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn on the expiration of said period in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(3) If the applicant does not appear and offer evidence in support of his statement of facts, in the absence of extenuating circumstances, the application shall be deemed to have been withdrawn in accordance with the provisions of section VII (g) of the aforesaid Rules of Practice and Procedure;

(4) The burden of proof in this proceeding shall be on the applicant.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the application of the Junction City Clay Company under the second paragraph of section 4-A of the Act for a determination of the status of the coal produced at its Junction City Mine in Perry County, Ohio, alleging that the said coal is exempt from section 4 of the Act because it is consumed by applicant, the producer thereof, or transported by applicant to itself for consumption by it within the meaning of section 4 II (1) of the Act.

Dated: November 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9003; Filed, December 1, 1941; 11:12 a. m.]

General Land Office.

FIVE-ACRE TRACT CLASSIFICATION NO. 9

NOVEMBER 25, 1941.

On November 4, 1941, the vacant public lands in the following-described areas, in the Los Angeles, California, land district, were classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for lease as home, cabin, health, and convalescent sites. The classification does not include any of the lands for use as camp, recreational, or business sites.

CALIFORNIA NO. 6

SAN BERNARDINO MERIDIAN

T. 4 N., R. 3 W.,
Sec. 6, SE¼NE¼, E½SW¼, SE¼;
Sec. 12, NW¼, N½SW¼;
Sec. 14, N½SE¼;
Sec. 21, NE¼.

These tracts involve about eight applications under the above-mentioned act, and are located part in what is known as Apple Valley and part in Lucerne Valley.

The portions of the lands described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41–8997; Filed, December 1, 1941; 10:02 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[NER–500–A–2]

SPECIAL 1941 AGRICULTURAL CONSERVATION PROGRAMS FOR THE NORTHEAST REGION

SUPPLEMENT NO. 2 [1]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the Special 1941 Agricultural Conservation Programs for the Northeast Region are amended as follows:

1. Item 4, subsection B, section I, as previously revised, is further amended to read as follows:

"Payment: $1.30 in York, Windham, and New London Counties and $1.50 in Nassau and Suffolk Counties for each acre in the commercial vegetable acreage allotment determined for the farm."

Done at Washington, D. C., this 28th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41–8994; Filed, November 29, 1941; 11:36 a. m.]

[1] Supplement No. 1 appears at 6 F.R. 4873.

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 171]

NOTICE OF EXECUTIVE COMMITTEE MEETING OF THE BOARD OF SUPERVISING INSPECTORS

Pursuant to the authority conferred by Section 4405, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York; and Robert E. Coombs, Supervising Inspector of the Fifth District, Cincinnati; to take place in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., commencing at 9:00 a. m., December 4, 1941, for the purpose of considering amendments to the regulations with respect to lifesaving appliances and equipment on vessels entering dangerous areas; amendments to the General Rules and Regulations for Tank Vessels; approval of miscellaneous items of equipment for use on board vessels; and such other business as may come before the meeting.

A public hearing on proposed amendments to the General Rules and Regulations for Tank Vessels will begin at 1:30 p. m. December 4, 1941. These proposals are not in the nature of new regulations making additional requirements on such tank vessels, but are principally for the purpose of making provisions of the Tank Vessel Regulations in accordance with the corresponding provisions already in effect in the other classes of the General Rules and Regulations. A copy of the proposed amendments to the Regulations for Tank Vessels is attached hereto.[1]

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–9032; Filed, December 1, 1941; 12:05 p. m.]

[1] Filed as part of the original document.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4389).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 1, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts, and Allied Garments and Women's Apparel

Acme Underwear Company, Inc., 429 Raritan Avenue, New Brunswick, New Jersey; Children's Underwear and Pajamas; 10 percent (T); December 1, 1942.

Alley Manufacturing Company, Alley, Georgia; Shirts and Pants; 100 learners (T); June 1, 1942.

C. A. Baltz and Sons, 49 Greenkill Avenue, Kingston, New York; Men's Pajamas, Sport Shirts, Ladies' Pajamas; 10 percent (T); December 1, 1942.

Brody Manufacturing Company, 312 Court Avenue, Des Moines, Iowa; Work Suits; 10 percent (T); December 1, 1942.

Chase Underwear Company, 38 East 29th Street, New York, N. Y.; Knit Underwear, Bed Jackets; 5 learners (T); March 16, 1942.

Collins Manufacturing Company, 121 North 8th Street, Philadelphia, Pennsylvania; Boys' Wash Suits, Overalls; 7 learners (T); May 25, 1942.

Eve-N-Form Undergarment Company, 123 North 13th Street, Philadelphia, Pennsylvania; Ladies' Undergarments; 5 learners (T); December 1, 1942.

Keystone Garment Company, Reinholds, Pennsylvania; Men's & Boys' Pajamas; 10 learners (T); December 1, 1942.

Louisiana Pants Manufacturing Company, Inc., 7800 Washington Avenue, New Orleans, Louisiana; Shirts and Pants; 5 percent (T); December 1, 1942.

Lustberg Nast and Company, Inc., 43 Smith Street, Middletown, New York; Men's Shirts; 10 percent (T); December 1, 1942.

Miller Manufacturing Company, 10 Leonard Street, Amsterdam, New York; Trousers, Work Clothing, Jackets; 5 learners (T); December 1, 1942.

Mizzie Dress, Main Street, Central Valley, New York; Ladies' Dresses; 5 learners (T); December 1, 1942.

B. F. Moore and Company, 4 Eastern Avenue, Newport, Vermont; Work Clothing, Pants, and Jackets; 10 learners (T); December 1, 1942. (This certificate replaces one issued on October 27, 1941.)

Peter-Piper Clothes, Inc., 10th and Berks Streets, Philadelphia, Pennsylvania; Boys' Wash Suits; 15 learners (T); March 16, 1942.

Pollak Brothers, Inc., 227 West Main Street, Fort Wayne, Indiana; Dresses and Smocks; 10 percent (T); December 1, 1942.

Princess Ann Dress Company, Princess Anne, Maryland; Dresses; 10 learners (T); December 1, 1942.

Secor Manufacturing Company, Inc., 435 Van Houten Avenue, Passaic, New Jersey; Ladies' Slips and Underwear; 30 learners (E); April 23, 1942.

Sel-Mor Garment Company, 923 Washington Street, St. Louis, Missouri; Underwear; 10 percent (T); December 1, 1942.

The Shirtcraft Company, Inc., 633 McKinley Street, Hazleton, Pennsylvania; Shirts, Sportswear, Pajamas, Outer Sportswear; 10 percent (T); December 1, 1942.

World Garments, Inc., 50–20 103d Street, Corona, New York; Boys' Shirts; 6 learners (T); June 1, 1942.

Apparel

The Joseph and Feiss Company, 2149 W. 53rd Street, Cleveland, Ohio; Men's Clothing; 5 percent (T); December 1, 1942.

Hunter Brothers Company, Inc., Statesville, North Carolina; Men's & Boys' Woven Underwear; 5 learners (T); December 1, 1942.

Louart Corporation, 1133 Wall Street, Los Angeles, California; Men's & Boys' Clothing; 5 percent (T); December 1, 1942.

The Moses-Rosenthal Company, 302–316 North Second Street, Boonville, Indiana; Men's & Boys' Woven Underwear; 10 percent (T); December 1, 1942.

Pullman Wholesale Tailors, Inc., 132 S. W. Temple Street, Salt Lake City, Utah; Men's Suits and Overcoats; 5 learners (T); December 1, 1942.

Gloves

Alexette Glove Corporation, Bleecker Street, Gloversville, New York; Leather Dress Gloves; 5 percent (T); November 27, 1942. (Effective 11–27–42, and omitted that date.)

Canvas Glove Manufacturing Works, Inc., 294 Graham Avenue, Brooklyn, New York; Work Gloves; 35 learners (E); June 1, 1942.

Wells Lamont Smith Corporation, Lincoln Street, New London, Iowa; Leather Dress Gloves; 5 learners (T); December 1, 1942.

Hosiery

Ashe Hosiery Mills, 642 North Gay Street, Knoxville, Tennessee; Seamless Hosiery; 5 percent (T); December 1, 1942.

Belmont Hosiery Mills, Inc., 117 Chronicle Street, Belmont, North Carolina; Seamless Hosiery; 20 learners (E); August 1, 1942.

Cherokee Hosiery Mills, Inc., Edwards Street, Cleveland, Tennessee; Seamless Hosiery; 5 learners (T); November 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Hand Knit Hosiery Company, 1319 14th Street, Sheboygan, Wisconsin; Seamless Hosiery; 5 percent (T); November 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Kenmore Hosiery Company, Fredericksburg, Virginia; Full Fashioned Hosiery; 5 percent (T); December 1, 1942.

The Locke Hosiery Mills, 4937 Mulberry Street, Philadelphia, Pennsylvania; Seamless Hosiery; 5 learners (T); November 27, 1942. (Effective 11–27–41 and omitted from FEDERAL REGISTER of that date.)

Miller Smith Hosiery Mills, Delano, Tennessee; Full Fashioned Hosiery; 5 percent (T); December 1, 1942.

Miller Smith Hosiery Mills, Delano, Tennessee; Full Fashioned Hosiery; 10 learners (E); August 1, 1942.

S & S Silk Company, Inc., East Seventh Street, Bloomsburg, Pennsylvania; Full Fashioned Hosiery; 4 learners; December 1, 1942 (T).

Independent Branch of the Telephone Industry

Hamilton County Farmers Telephone Association, 1109 K Street, Aurora, Nebraska; to employ learners as commercial switchboard operators at its Aurora Exchange, Aurora, Nebraska until December 1, 1942 (T).

Knitted Wear

Byrne Ross Knitting Mills, Grand and Smith Streets, Kingston, New York; Knitted Outerwear; 5 learners (T); December 1, 1942.

E-Cut Knitting Mills, First Avenue, Royersford, Pennsylvania; Knitted Underwear and Commercial Knitting; 5 percent (T); December 1, 1942.

Queen Maid Underwear Company, Inc., Ford Street, Milltown, New Jersey; Knitted Underwear; 10 percent (T); December 1, 1942.

Rathgeb Knitting Mills, Milton Avenue, Highland, New York; Knitted Outerwear; 5 learners (T); December 1, 1942.

Southern Silk Mills, Spring City, Tennessee; Knitted Underwear; 15 learners (E); March 30, 1942.

Stratford Knitting Mills, Inc., Linfield, Pennsylvania; Knitted Underwear; 7 learners (T); December 1, 1942.

Textile

Kerstetter Silk Throwing Company, Janette Avenue, Mocanaqua, Pennsylvania; Rayon Yarn; 6 percent (T); December 1, 1942. (This certificate replaces one issued bearing expiration date of November 3, 1942.)

Maine Potato Bag Company, 20 Broadway, Caribou, Maine; Bags; 6 learners (T); November 27, 1942. (Omitted from FEDERAL REGISTER of 11–27–41, and effective that date.)

Marietta Silk Company, 533 Broad Street, Waverly, New York; Rayon Broadcloth; 6 learners (E); May 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Santee Mills #1, South Boulevard Street, Orangeburg, South Carolina; Sheetings; 3 percent (T); November 27, 1942. (Effective 11–27–41, and omitted from FEDERAL REGISTER of that date.)

Worth Mills, 3500 McCart Street, Fort Worth, Texas; Automobile Cord Tire Fabric; 6 percent (T); December 1, 1942.

Signed at Washington, D. C., this 1st day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–9030; Filed, December 1, 1941; 11:57 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 1, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates

are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

New Bremen Rubber Company, New Bremen, Ohio; Rubber; 7 learners; 4 weeks for any one learner; 30 cents per hour; Hand decorator; cuff roller, dieing out baby pants; toy assembler; cementing grip patches on gloves; January 12, 1942.

New Bremen Rubber Company, New Bremen, Ohio; Rubber; 2 learners; 6 weeks for any one learner; 30 cents per hour; Inspector; January 26, 1942.

United Elastic Corporation, Easthampton, Massachusetts; Garters, Suspenders and Arm Bands; 6 learners; 4 weeks for any one learner; 30 cents per hour; Assembler; January 12, 1942.

J. E. Whitaker Cigar Company, 661 S. 4th Street, East Salt Lake City, Utah; Cigar Industry; 3 learners; 6 months and 8 weeks respectively for any one learner; 75% of the applicable minimum; Hand Cigar Making; Cigar Packing; December 1, 1942.

Signed at Washington, D. C., this 1st day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9031; Filed, December 1, 1941; 11:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5748]

IN THE MATTER OF ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION

NOTICE OF APPLICATION

NOVEMBER 26, 1941.

Notice is hereby given that on November 25, 1941, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Associated Maryland Electric Power Corporation and Youghiogheny Hydro-Electric Corporation, corporations organized under the laws of the State of Maryland and having their principal business offices at Johnstown, Pennsylvania, seeking an order authorizing the sale and transfer from the former to the latter of all of the electric facilities of Associated Maryland Electric Power Corporation consisting of a 22 KV transmission line extending from a point on the Pennsylvania-Maryland State line approximately two miles south of the Borough of Addison, Somerset County, Pennsylvania, to the Deep Creek power plant of Youghiogheny Hydro-Electric Corporation in Garrett County, Maryland, together with three substations located along said line, for a cash consideration stated in the application to be $48,110.39 as of September 30, 1941; all as more fully appears in the aforesaid application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to the said application should, on or before the 15th day of December 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-8962; Filed, November 29, 1941; 9:40 a. m.]

[Docket No. IT-5749]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY

NOTICE OF APPLICATION

NOVEMBER 29, 1941.

Notice is hereby given that on November 29, 1941, an application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Virginia Public Service Company, a corporation organized under the laws of the State of Virginia and doing business in the States of Virginia, West Virginia and North Carolina, with its principal office located in Alexandria, Virginia, seeking an order authorizing the acquisition of all of the assets of the Virginia Public Service Generating Company, a corporation organized under the laws of the State of Virginia and doing business in said State, with its principal office located in Alexandria, Virginia, including facilities consisting of a 15,000 KW steam electric generating station located on the banks of the Potomac River in Alexandria, Virginia, adjacent to the steam electric generating station of the applicant, or in the alternative an order dismissing the application for lack of jurisdiction; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 5th day of December, 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9027; Filed, December 1, 1941; 11:47 a. m.]

[Docket No. G-218]

IN THE MATTER OF INTERSTATE NATURAL GAS COMPANY, INCORPORATED

ORDER FIXING DATE OF HEARING

NOVEMBER 28, 1941.

Upon application filed on October 28, 1941, by Interstate Natural Gas Company, Incorporated, requesting that its rate schedule designated in the files of the Commission as Interstate Natural Gas Company Supplement No. 4 to Rate Schedule FPC No. 15 providing for the sale of natural gas to United Gas Pipe Line Company be permitted to become effective as of July 31, 1940, and for other relief;

It appearing to the Commission that:

A hearing on this application may be in the public interest;

The Commission *orders* that:

A public hearing on this application of Interstate Natural Gas Company, Incorporated, be held commencing on January 26, 1942, at 9:45 a. m., in the hearing room of the Federal Power Commission at 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9026; Filed, December 1, 1941; 11:47 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE OF EXTENSION NO. 1 OF PREFERENCE RATING ORDER NO. P-39

Notice is hereby given that Extension No. 1 of Preference Rating Order No. P-39 was duly issued on the 29th day of November 1941, and that, by such Extension, Preference Rating Order N. P-39 is continued in effect until the 15th of March, 1942, unless sooner revoked by the Director of Priorities.

JAMES S. KNOWLSON,
Acting Director of Priorities.

NOVEMBER 29, 1941.

[F. R. Doc. 41-8993; Filed, November 29, 1941; 11:33 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 7-557]

APPLICATION BY THE NEW YORK CURB EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO WEST TEXAS UTILITIES COMPANY FIRST MORTGAGE BONDS, SERIES A, 3¾% DUE MAY 1, 1969

ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1941.

The New York Curb Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the above-mentioned security; and

The Commission having ordered that a hearing be held in this matter on Friday, November 28, 1941, in Washington, D. C.; and

The applicant exchange having requested, under date of November 25, 1941, that its application in this matter be withdrawn;

It is ordered, That the request of the applicant be and it is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8985; Filed, November 29, 1941; 11:28 a. m.]

[File No. 812-215]

IN THE MATTER OF THE SECURITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definition of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities.

It is ordered, That a hearing on the matter of this application be held on December 17, 1941 at 10:00 o'clock in the forenoon of that day at the office of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8986; Filed, November 29, 1941; 11:28 a. m.]

[File No. 68-6]

IN THE MATTER OF LEE S. BUCKINGHAM, WILLIAM J. HUDSON, THOMAS KEOGH AND STANLEY STANGER, PROPOSED BONDHOLDERS' PROTECTIVE COMMITTEE FOR FIRST LIEN AND GENERAL MORTGAGE BONDS OF WASHINGTON GAS AND ELECTRIC COMPANY

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

A declaration and an amendment thereto having been filed with this Commission by the above-named parties pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935; and said declaration as amended stating:

1. That declarants propose to act as a Bondholders' Protective Committee (herein sometimes referred to as the "Committee") for the First Lien and General Mortgage Bonds of Washington Gas and Electric Company, a registered holding company, a debtor in proceedings now pending before the United States District Court for the Southern District of New York pursuant to Chapter X of the Bankruptcy Act. Said declarants propose to solicit authorizations to represent such bondholders in proceedings under Chapter X of the Bankruptcy Act or in proceedings before this Commission; and

2. That Lee S. Buckingham and Stanley Stanger are acting as members of the Committee at the request of Strauss Bros., New York, N. Y.; and That Thomas Keogh is acting as a member of the Committee at the request of Colonial Trust Company of New York, N. Y. and of Stryker & Brown of New York, N. Y. and that William J. Hudson is acting as a member of the Committee at the request of C. T. Williams & Co., Inc. of Baltimore, Maryland; and

3. That said Strauss Bros., Stryker & Brown and C. T. Williams & Co., Inc. are security dealers which are engaging in buying and selling and rendering investment advice with respect to the securities of Washington Gas and Electric Company; and that said security dealers intend to continue to trade and deal in and render investment advice with respect to such securities after the formation of the proposed Committee and the solicitation of authorizations and during the pendency of the proceedings under Chapter X of the Bankruptcy Act and before this Commission; and

4. That Scribner & Miller, a firm of attorneys of New York, New York, are proposed as counsel for such Committee, and the Commission having information tending to show that said firm of attorneys has represented Strauss Bros. in connection with the affairs of Washington Gas and Electric Company and in other matters; and

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declaration, as amended, and that said declaration as amended shall not become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission promulgated thereunder be held on December 10, 1941 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. At such time the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

1. The identity of the persons proposing to effect the solicitation of authorizations from the holders of the First Lien and General Mortgage Bonds of Washington Gas and Electric Company;

2. Whether any person or persons connected with the members of the proposed Committee, or otherwise within the purview of subdivision (g) of Rule U-62, intend to buy or sell (as principal, agent, trustee or otherwise) or render any investment advice with respect to the securities of Washington Gas and Electric Company, or of any subsidiary thereof or of any associate company which may be affected by the reorganization.

3. Whether Strauss Bros., Stryker & Brown, C. T. Williams & Co., Inc. and/or Scribner & Miller are connected with the persons proposing to effect such solicitation or any member of the proposed Committee, or otherwise come within the class of persons described in subdivision (g) of Rule U-62.

4. Whether the solicitation material which the Committee proposes to send to the holders of the First Lien and General

Mortgage Bonds makes full and fair disclosure of the material facts and otherwise is not detrimental to the public interest or the interest of investors or consumers.

It is further ordered, That notice with respect to the filing of the aforementioned declaration and of the order of and notice for hearing be given by the publication of this notice and order in the FEDERAL REGISTER. Any interested person desiring to be heard or to intervene in such proceeding shall file a notice with the Commission to such effect not later than December 9, 1941 stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-8987; Filed, November 29, 1941; 11:29 a. m.]

[File No. 70-448]

IN THE MATTER OF THE HAMPTON WATER-WORKS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than December 17, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

The proposed transaction by The Hampton Water-Works Company, a subsidiary of Northeastern Water and Electric Corporation, a registered holding company, contemplates a modification of such Company's First Mortgage Bonds, Series A, 4¼%, due January 1, 1964, and amendment of the Indenture securing said Bonds so that the interest accruing on said Bonds from and after January 1, 1942, shall be at the rate of 3¼% per annum instead of 4¼% per annum as at present, and the premium on the principal amount of the Bonds payable on redemption thereof (otherwise than a redemption arising through the acquisition of all or substantially all of the property of the Company by a municipal corporation or other governmental subdivision or any governmental body; the terms and conditions with respect thereto remaining as stated in the Indenture) shall be increased, as indicated, in the following table:

If redemption date occur within period	*Present Percent*	*Proposed Percent*
January 2, 1942–January 1, 1944	5	7
January 2, 1944–January 1, 1949	4	6
January 2, 1949–January 1, 1954	3	5
January 2, 1954–January 1, 1959	2	3
January 2, 1959–January 1, 1962	1	2
January 2, 1962–January 1, 1963	½	½
January 2, 1963–December 31, 1963	¼	¼

The proposed transaction further contemplates amending the Indenture so as to permit the Company to use as a basis for depreciation such amount as might be allowed by any regulatory authority for rate making purposes. The declaration or application states that such modification and amendment will become effective when the holder of the outstanding Bonds has assented thereto and filed its written assent and authorization with the Trustee under the Indenture authorizing the Trustee to execute a Supplemental Indenture modifying and amending the Bonds and the Indenture as above described, and the Company and the Trustee have executed said Supplemental Indenture, and the bondholder has surrendered its Bonds for stamping with an appropriate notation reflecting the said modification and amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9022; Filed, December 1, 1941; 11:42 a. m.]

[File No. 2-4157]

IN THE MATTER OF SOUTHEASTERN INDUSTRIAL LOAN COMPANY

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

A proceeding having been instituted by the Commission pursuant to section 8 (d) of the Securities Act of 1933, on the registration statement of Southeastern Industrial Loan Company, a Delaware corporation, after confirmed telegraphic notice to the registrant that it appeared that said registration statement included untrue statements of material facts and omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises;

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Southeastern Industrial Loan Company, a Delaware corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9023; Filed, December 1, 1941; 11:42 a. m.]

[File No. 59-32]

IN THE MATTER OF DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, RESPONDENTS

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1941.

The Commission having, on September 4, 1941, issued its Notice of and Order for Hearing, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in the above-entitled matter; said order having required that respondents file their answer herein on or before October 17, 1941, and having set the date for the hearing herein on October 28, 1941; and said order having further provided that any person proposing to intervene in said proceedings file his request or application therefor on or before October 17, 1941;

The Commission having by orders entered on October 17, November 3, and November 22, 1941, postponed the date of said hearing; and

Respondents having requested that said date of hearing be further postponed from December 2, 1941, to December 16, 1941, and the Commission being of the opinion that said request may appropriately be granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to December 16, 1941, at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said day by the hearing-room clerk in room 1102, before the officer of the Commission previously designated herein; and

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and to said Stanley Clarke, as Trustee of Associated Gas and Electric Company, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9024; Filed, December 1, 1941; 11:43 a. m.]

233——6

[File No. 70-255]

IN THE MATTER OF TRUSTEES, ASSOCIATED GAS AND ELECTRIC CORPORATION, ASSOCIATED UTILITIES CORPORATION, NORTHEASTERN WATER COMPANIES, INC.

CORRECTING ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1941.

The Commission, having on November 18, 1941,[1] entered an order in the above entitled matter, requiring the dissolution of Northeastern Water Companies, Inc., and other appropriate actions in the premises; and

It appearing that such order inadvertently contained two typographical errors;

It is hereby ordered, That the figures of "$250,805" and "$3,407,929", contained in such order of November 18, 1941, be amended to read "$270,805" and "$3,427,-929", respectively.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9029; Filed, December 1, 1941; 11:54 a. m.]

[1] 6 F.R. 5907.

DEC 4 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 234

Washington, Wednesday, December 3, 1941

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C. C. C. Soybean Form 1]

PART 226—1941 SOYBEAN LOANS

INSTRUCTIONS

These instructions are issued pursuant to the provisions of Title III—section 302 (a) of the Agricultural Adjustment Act of 1938, as amended.

Commodity Credit Corporation has authorized the making of loans in accordance with these instructions upon the security of soybeans stored on farms and in approved warehouses.

Sec.

226.1 Definitions.
226.2 Forms.
226.3 Areas in which loans will be made.
226.4 Amount of loans.
226.5 Maturity and interest rate.
226.6 Determination of quantity of soybeans.
226.7 Farm storage.
226.8 Chattel mortgages.
226.9 Public warehouses.
226.10 Warehouse receipts.
226.11 Liens.
226.12 Insurance.
226.13 County Agricultural Conservation Committee.
226.14 Source of loans.
226.15 Purchase of loans.
226.16 Offices of Commodity Credit Corporation.
226.17 Release of collateral.

§ 226.1 *Definitions.* For the purpose of these instructions and the notes and chattel mortgages related thereto, the terms shall be construed, respectively, to mean:

(a) *Eligible producer.* Any person partnership, association, or corporation, producing soybeans as landlord, landowner, or tenant, upon whose farm the 1941 total soil-depleting acreage does not exceed the total soil-depleting acreage allotment established for the farm under the 1941 Agricultural Conservation Program.

(b) *Eligible soybeans.* Soybeans of any class, grading No. 4 or better, which were produced in 1941, the beneficial interest to which is and always has been in the eligible producer, will be eligible for a loan; except that soybeans grading weevily, or which are musty, sour, heating, or have any commercially objectionable foreign odor, or which contain in excess of 15 percent moisture if stored on the farm, or in excess of 18 percent moisture if stored in approved warehouses, shall not be eligible for a loan.

(c) *Eligible storage.* Eligible storage shall include approved warehouses and farm storage meeting the following respective requirements:

(1) Warehouses which have met the requirements of Commodity Credit Corporation, and have executed a Uniform Grain Storage Agreement (C.C.C. Form H) including soybeans in the definition of eligible grain.

(2) Farm storage shall consist of farm bins and granaries which are of such substantial and firm construction as to afford safe storage of the soybeans and permit effective fumigation for the destruction of insects, and afford protection against rodents, other animals, thieves, and weather, as determined by State and county agricultural conservation committees.

(d) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person, which has a Contract to Purchase with Commodity Credit Corporation.

(e) *Eligible paper.* Eligible paper shall consist of notes of producers, secured by chattel mortgages or warehouse receipts representing soybeans in existence and undamaged. Such notes must be dated on or subsequent to October 1, 1941, and prior to January 31, 1942, and must be executed in accordance with these instructions, with State documentary revenue stamps affixed thereto, where required by law. A note executed by an administrator, executor, or trustee, will be acceptable only where valid in law.*

*§§ 226.1 to 226.17, inclusive, issued under authority contained in sec. 302 (a), 52 Stat. 43; 7 U.S.C. Sup., 1302.

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§ 226.2 *Forms.* Loans will be made on the following forms only and no substitutions will be acceptable.

(a) Grain Producer's Note (1941 C.C.C. Grain Form A).

(b) Grain Chattel Mortgage (1941 C.C.C. Grain Form AA).

(c) Soybean Producer's Note and Loan Agreement (Converted 1941 C.C.C. Wheat Form B)

(d) Warehouse receipts complying with the provisions of section 226.9 hereof which are issued by approved warehouses.*

§ 226.3 *Areas in which loans will be made.* Loans shall be made on eligible soybeans when stored in

(a) Warehouses approved by Commodity Credit Corporation or

(b) In farm bins or granaries approved by the county agricultural conservation committee.*

§ 226.4 *Amount of loans.* Loan values on soybeans shall be based on the numerical grade, in accordance with the following schedule:

Soybeans stored on farms:

	Per bushel
No. 1 Soybeans	$1.05
No. 2 Soybeans	1.05
No. 3 Soybeans	1.03
No. 4 Soybeans	1.01

Soybeans stored in warehouses:

	Per bushel
No. 1 Soybeans	$0.98
No. 2 Soybeans	.98
No. 3 Soybeans	.96
No. 4 Soybeans	.94

*

§ 226.5 *Maturity and interest rate.* Notes secured by farm-stored soybeans and warehouse receipts shall mature on demand, but in any event not later than June 30, 1942. All loans will bear interest at the rate of 3 percent per annum. Notes evidencing loans must be dated on or before January 31, 1942.*

§ 226.6 *Determination of quantity of soybeans.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 56 pounds when determined by weight or 1.25 cubic feet of soybeans testing 56 pounds per bushel when determined by measurement. In determining the quantity of soybeans in farm storage by measurement, fractional pounds of the bushel testweight for soybeans testing less than 56 pounds will be disregarded, and the quantity determined by measurement shall be adjusted by the following respective percentages:

	Percent
For soybeans testing 56 pounds or over	100
For soybeans testing 55 pounds or over, but less than 56 pounds	98
For soybeans testing 54 pounds or over, but less than 55 pounds	96
For soybeans testing 53 pounds or over, but less than 54 pounds	93
For soybeans testing 52 pounds or over, but less than 53 pounds	93
For soybeans testing 51 pounds or over, but less than 52 pounds	91
For soybeans testing 50 pounds or over, but less than 51 pounds	89

*

§ 226.7 *Farm storage.* Soybeans stored on the farm shall have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling, and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the soybean collateral in approved structures. Chattel mortgages covering farm-stored soybeans must be executed and filed in accordance with the applicable State law. Producers should obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant and the soybean collateral is stored on the farm, the expiration date of the lease must be given in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to August 31, 1942, the landlord must execute the Consent for Storage, section 5 of the chattel mortgage. The consent agreement must also be signed by any other party or parties entitled to possession prior to August 31, 1942. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for the delivery of the soybeans as determined by the county committee. Notes and mortgages which provide a shipping point other than the shipping point customarily used by producers in the locality in which the soybeans are stored will not be accepted. A separate note and chattel mortgage must be submitted for soybeans stored on each quarter section of land.*

§ 226.8 *Chattel mortgages.* All documents must be carefully examined as to compliance with State requirements.*

§ 226.9 *Public warehouses.* Commodity Credit Corporation will accept only negotiable, insured, warehouse receipts covering soybeans pledged as collateral to notes on the converted 1941 C.C.C. Wheat Form B issued by any approved warehouse. Warehousemen desiring approval should communicate with the regional office of Commodity Credit Corporation serving the area. A list of approved warehouses may be obtained from the State or county agricultural conservation office in the area. All soybeans pledged as security to a particular note must be stored in the same warehouse.*

§ 226.10 *Warehouse receipts.* Warehouse receipts must be dated on or prior to the date of the related note and must be properly assigned by an endorsement in blank, so as to vest title in the holder, or must be issued to bearer, and must be issued by approved warehouses. Unless the warehouse receipts are stamped or printed "insured" or "fully insured" there must be attached or included in the certificate of the warehouseman a statement that the soybeans are insured for not less than the market value, against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for storage charges will be recognized by Commodity Credit Corporation only from August 1, 1941, or the date of the warehouse receipt, whichever is later. Such receipts must set out in their written or printed terms the gross weight or bushels, the class and grade, the percentage of sound soybeans, testweight, and all other facts and statements required to be stated in the written or printed terms of a negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act, or must be accompanied by the certificate of the warehouseman identified to such warehouse receipt setting out such information, and shall be based on the delivery of the soybeans to an approved warehouse.*

§ 226.11 *Liens.* The soybean collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the chattel mortgage or note and loan agreement. The names of the holders of all existing liens on pledged or mortgaged soybeans, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to pledge or mortgage of the soybeans and the payment of the proceeds of the loan, and the proceeds of the sale of the soybeans solely to the producer, as contained in the mortgage or loan agreement, must be signed personally by all lienholders listed or by their duly authorized agents; or, if corporations, by an officer thereof customarily authorized to execute such instruments. (In lieu of signing the section of the chattel mortgage or loan agreement entitled "List of Lienholders and Their Waivers and Consent to Mortgage" lienholders may sign C.C.C. Form AB, which must completely identify the related note.) The producer may direct on the note that the proceeds of the loan be made payable to him and/or any other person or concern. Producers should read carefully all real estate or other mortgages previously given by them in order to determine whether the soybeans offered as collateral are covered thereby. Any fraudulent representation of fact made in the execution of the note and loan agreement or mortgage and related forms shall render the producer personally liable for the amount of the loan, plus interest and charges, and subject to the provisions of the United States Criminal Code.*

§ 226.12 *Insurance*—(a) *Soybeans stored on farms.* The producer must obtain primary insurance on soybeans stored on the farm for not less than the amount of the loan, plus accrued interest to maturity, which insurance shall not expire earlier than August 31, 1942. Such insurance must be evidenced by a certificate in a form approved by Commodity Credit Corporation and must be issued by a company or association licensed to do business in the State in which the soybeans are stored. The insurance coverage may be obtained through the customary channels and the form of certificate required shall be furnished by the agent writing same.

(b) *Soybeans stored in approved warehouses.* The warehouseman is required to provide insurance against the perils of fire, lightning, inherent explosion and windstorm, cyclone, and tornado, for the full market value of the soybeans.

(c) Commodity Credit Corporation has a blanket insurance policy which protects it and lending agencies against errors and omissions in the primary insurance coverage, and certain other risks not covered by the primary insurance. This insurance covers all loans and the cost of the insurance will be paid from the service fees collected from producers.*

§ 226.13 *County agricultural conservation committee.* Forms will be obtained from county agricultural conservation committees or from the office of Commodity Credit Corporation. The approval of each note should not bear a date prior to the date of the note or loan agreement, and must be signed in each instance by a member of the county agricultural conservation committee of the county in which the soybeans were produced, for warehouse-stored soybeans, and the county in which the soybeans are stored, for farm-stored soybeans. The State and county committees will determine or cause to be determined the quantity and grade of the soybean collateral and the amount of the loan. All loan documents will be completed and approved by the county committee, which will retain all documents except the producer's note and warehouse receipt. In order to reimburse itself for its expense in connection with the loan program the county agricultural conservation association will collect a service fee for each loan.*

§ 226.14 *Source of loans.* Loans may be obtained through banks and other lending agencies, as defined in section 226.1 hereof, or direct from the Commodity Credit Corporation. Notes made payable to the Corporation must be delivered to the office of the Corporation at Chicago, Illinois, on or before January 31, 1942, or postmarked on or before such date.*

§ 226.15 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, only from lending agencies which have executed and delivered to the regional office of Commodity Credit Corporation, Contract to Purchase, 1940 C.C.C. Form E, obtainable only from the Corporation.

Paper held by lending agencies must be tendered to the Commodity Credit Corporation office at least ten (10) days prior to maturity. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the outstanding face amount of such notes, plus accrued interest from the date of disbursement by the lending agency to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940 C.C.C. Form F all repayments or collections on producers' notes held by them and to remit with such report to the office of Commodity Credit Corporation, as shown below, an amount equivalent to 1½ percent per annum on the principal amount collected from the date of the note to the date of repayment.*

§ 226.16 *Offices of Commodity Credit Corporation.* The regional office of Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois, will handle all soybean loans for the Corporation. All direct loans should be forwarded to such office for disbursement. Lending agencies desiring to submit soybean notes to Commodity Credit Corporation for purchase should forward the notes to the Chicago office.*

§ 226.17 *Release of collateral.* The producer may obtain the return of his note at any time prior to maturity, upon the payment of the principal amount due thereon, plus accrued interest and charges. Loan papers may be forwarded to a local bank for collection or the producer may ascertain the amount due and remit directly to the office of Commodity Credit Corporation. Partial releases of collateral will be made as follows:

(a) In the case of farm-stored soybeans, the producer must identify to the representative or lending agency the seal number of the bin containing the collateral to be released. Such release will be made upon payment of the amount loaned on the particular quantity of soybeans to be released, plus interest.

(b) In the case of elevator-stored soybeans, producers desiring to obtain partial release should notify the representative or lending agency, describing the soybeans to be released by warehouse receipt numbers. Each partial release must cover all the soybeans under one warehouse receipt. The warehouse receipt representing such soybeans will be released upon payment of the amount loaned, plus interest on such amount and any charges applicable thereto.*

Dated October 18, 1941.

[SEAL] J. B. HUTSON,
President.

[F. R. Doc. 41-9054; Filed, December 2, 1941; 11:39 a. m.]

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[020-1]

PART 920—MILK IN LA PORTE COUNTY, INDIANA, MARKETING AREA

Grover B. Hill, Acting Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective September 1, 1941, Order No. 20, as amended,[1] regulating the handling of milk in the La Porte County, Indiana, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on July 23, 1941, a marketing agreement, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of said act, notice was given, on the 4th day of September 1941, of a public hearing which was held in La Porte, Indiana, on the 16th day of September 1941, on a proposal to amend said marketing agreement, as amended, and said order, as amended, at which time and place all interested parties were afforded an opportunity to be heard on the proposal to amend said marketing agreement, as amended, and said order, as amended.

After such hearing, handlers of more than fifty percent of the volume of milk covered by such order, as amended, which is marketed within the La Porte County, Indiana, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area, in the same manner as said order, as hereby amended.

The provisions of section 8c (9) of said act have been complied with.

It is hereby found (§ 920.0) upon the evidence introduced at the above-mentioned hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearing on said order and at hearings on amendments to said order, and in addition to the other findings made prior to or at the time of the original issuance of said order and of amendments to said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

(a) That the handling of milk which is produced outside of the State of Indiana and sold in the marketing area is in the current of interstate commerce, and that the handling of milk produced within the State of Indiana which is intermingled with the milk produced outside of the State of Indiana burdens, obstructs, and affects interstate commerce;

(b) That the prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8e of said act (50 Stat. 246; 7 U.S.C. 602, 608e) are not reasonable in view of the available supplies of feeds, the prices of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) That the order regulates the handling of milk in the same manner as the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

(d) That the issuance of this amendment No. 1 to the order, as amended, and all of the terms and conditions of such order, as so amended, will tend to effectuate the declared policy of the act.

It is hereby ordered that the order, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area, shall be, and it is hereby amended, as follows:

1. Delete § 920.4 and substitute therefor the following:

§ 920.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in § 920.8, for the 3.8 percent butterfat content equivalent of milk received at the handler's plant, not less than the following prices:

(1) *Class I milk.* The price per hundredweight for Class I milk shall be the price for Class III milk determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 50 cents: *Provided,* That with respect to Class I milk disposed of by such handler (i) to persons or families receiving relief from recognized relief agencies, or (ii) under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 30 cents.

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price for Class III milk determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 20 cents.

(3) *Class III milk.* The price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the arithmetic average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.8 percent butterfat content received during the delivery period at the following plants:

Concern	*Location of plant*
Goshen Milk Condensing Co.	Goshen, Ind.
Litchfield Creamery Co	Warsaw, Ind.
Gordon Baking Company	Nappanee, Ind.
Niles Creamery Company	Niles, Mich.

Provided, That if any of such plants fails to report to the market administrator the basic, or field, price paid for milk received during the delivery period, the price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the arithmetic average of the basic, or field, prices, as reported to the United States Department of Agriculture, paid during the delivery period to farmers at the following places or evaporated milk plants where milk is received for evaporating purposes:

Location of evaporated milk plants and places	
Mt. Pleasant, Mich.	Berlin, Wis.
Sparta, Mich.	Richland Center, Wis.
Hudson, Mich.	Oconomowoc, Wis.
Wayland, Mich.	Jefferson, Wis.
Coopersville, Mich.	New Glarus, Wis.
Greenville, Wis.	Belleville, Wis.
Black Creek, Wis.	New London, Wis.
Orfordville, Wis.	Manitowoc, Wis.
Chilton, Wis.	West Bend, Wis.

(4) *Class IV milk.* The price per hundredweight resulting from the following computation by the market administrator: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

2. Delete § 920.8 (a) (1) and substitute therefor the following:

§ 920.8 *Payments for milk*—(a) *Time and method of payment.* (1) On or before the 15th day after the end of each delivery period, other than the delivery periods of June, July, August, and September, each handler shall make payment, subject to the butterfat differential set forth in paragraph (c) of this section, to producers from whom such milk was received, as follows:

* * * * * *

3. Delete § 920.8 (a) (2) and substitute therefor the following:

(2) On or before the 15th day after the end of each June, July, August, and September delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (c) of this section, to producers from whom such milk was received, as follows:

* * * * * *

(48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup., 601 et seq.)

Issued at Washington, D. C., this 2d day of December 1941 to become effective on and after the 5th day of December 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9075; Filed, December 2, 1941; 11:39 a. m.]

PART 932—MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Claude R. Wickard, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective August 8, 1941, Order No. 32, as amended,[1] regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on July 14, 1941, a marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of said act, notice was given, on August 26, 1941, of a public hearing which was held in Fort Wayne, Indiana, on September 15, 1941, on a proposal to amend said marketing agreement, as amended, and said order, as amended, at which time and place all interested parties were afforded an opportunity to be heard on the proposal to amend said marketing agreement, as amended, and said order, as amended.

After such hearing, handlers of more than fifty (50) percent of the volume of milk covered by said order, as amended, which is marketed within the Fort Wayne, Indiana, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area, in the same manner as said order, as hereby amended.

The provisions of section 8c (9) of said act have been complied with.

It is hereby found (§ 932.0), upon the evidence introduced at the above-mentioned hearing, said findings being in addition to the findings made upon the evidence introduced at the original hearings on said order and at hearings on amendments to said order, and in addition to the other findings made prior to or at the time of the original issuance of said order and of amendments to said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

(a) That the prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of said act (50 Stat. 246; 7 U.S.C. 602, 608e) are not reasonable in view of the available supplies of feeds, the prices of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(b) That the order regulates the handling of milk in the same manner as the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

(c) That the issuance of this amendment No. 1 to the order, as amended, and all of the terms and conditions of such order, as so amended, will tend to effectuate the declared policy of the act.

It is hereby ordered that the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area shall be and it is hereby amended as follows:

1. Delete § 932.4 and substitute therefor the following:

§ 932.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers, in the manner set forth in § 932.8, for the 4 percent butterfat content equivalent of milk received at such handler's plant, not less than the following prices:

(1) *Class I milk.* The price per hundredweight for Class I milk shall be the price for Class III milk, determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 65 cents: *Provided,* That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 46 cents.

(2) *Class II milk.* The price per hundredweight for Class II milk shall be the price for Class III milk determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 30 cents.

(3) *Class III milk.* Except as set forth in subparagraph (4) of this paragraph, the price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the average of the prices per hundredweight ascertained to have been paid for milk of 4 percent butterfat content received during the delivery period at the following plants, and subtract 3 cents:

Concern	*Location of plant*
Defiance Milk Products Co.	Defiance, Ohio.
Van Camp Milk Co	Garrett, Ind.
Van Camp Milk Co	Angola, Ind.
Kraft-Phenix Cheese Corporation.	Kendallville, Ind.

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

(4) In the case of Class III milk disposed of by such handler as butter, but not to exceed 10 percent of the 4 percent butterfat content equivalent of such handler's Class I and Class II milk, the

[1] 6 F.R. 4432.

[1] 6 F.R. 4620.

[1] 6 F.R. 3936.

[1] 6 F.R. 4545.

price per hundredweight shall be that resulting from the following computation by the market administrator: multiply by 4 the average butter price computed pursuant to the proviso in subparagraph (3) of this paragraph, and add 30 percent thereof.

2. Delete § 932.9 and substitute therefor the following:

§ 932.9 *Marketing services*—(a) *Marketing service deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 932.8 (b) (1), shall make a deduction of 3 cents per hundredweight of milk, or such lesser deduction as the market administrator shall determine to be sufficient, subject to review by the Secretary, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association qualified under paragraph (b) of this section; and

(2) All milk received at a plant operated by a cooperative association qualified under paragraph (b) of this section from producers who are not members of such cooperative association.

Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with any qualified association of producers to act as his agent to furnish any or all of such services to such producers.

(b) *Marketing service deduction with respect to members of, or producers marketing through, a cooperative association.* In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deductions therefor to, a cooperative association qualified under the provisions of the act of Congress of February 18, 1922, known as the Capper-Volstead Act, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deductions specified under paragraph (a) of this section, from the payments made pursuant to § 932.8 (b) (1), the amount per hundredweight of milk authorized by such producer and shall pay over, on or before the 15th day after the end of such delivery period, such deduction to the cooperative association entitled to receive it under this paragraph. (48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup., 601 et seq.)

Issued at Washington, D. C., this 2d day of December 1941, to become effective on and after the 5th day of December 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9077; Filed, December 2, 1941; 11:41 a. m.]

[O-47]

PART 947—MILK IN FALL RIVER, MASSACHUSETTS, MARKETING AREA

Sec.
947.0 Findings.
947.1 Definitions.
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947.7 Determination of uniform prices to producers.
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947.11 Expenses of administration.
947.12 Effective time, suspension, and termination of order.

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective June 1, 1940, Order No. 47,[1] regulating the handling of milk in the Fall River, Massachusetts, marketing area.

There being reason to believe that the issuance of an amendment to said order, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held on October 28, 1940, reopened after due notice on May 19, 1941, and again reopened after due notice on September 3, 1941,[2] all sessions of the hearing being held in Westport, Massachusetts, at which times and place all interested parties were afforded an opportunity to be heard upon certain proposals to amend the order.

The requirements of section 8c (9) of said act have been complied with.

§ 947.0 *Findings.* It is found upon the evidence introduced at the last abovementioned public hearings, such findings being in addition to the findings made upon the evidence introduced at the hearings on the order, and being in addition to the other findings made prior to or at the time of the orginal issuance of the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to Secs. 2 and 8c, 50 Stat. 246; 7 U.S.C. 602, 603c, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of the order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.*

*§§ 947.0 to 947.12, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup., 601 et seq.

It is hereby ordered, That such handling of milk in the Fall River, Massachusetts, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the following terms and conditions:

§ 947.1 *Definitions*—(a) *Terms.* As used herein, the following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(2) The term "Secretary" means the Secretary of Agriculture of the United States.

(3) The term "Fall River, Massachusetts, marketing area," hereinafter called the "marketing area," means (a) the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and (b) the town of Tiverton in the State of Rhode Island.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person who produces milk which is delivered to a receiving plant from which milk is shipped to, or sold in, the marketing area during any delivery period.

(6) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

(7) The term "handler" means any person irrespective of whether such person is also a producer or a cooperative association who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk or cream in the marketing area; and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include a cooperative association with respect to the milk delivered by a handler to another handler or a nonhandler for the account of such association and the milk of any producer which it causes to be delivered to the plant of a handler or causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such association of producers, and for which such association of producers collects payment.

(8) The term "producer-handler" means a producer who is also a handler and receives no milk from other producers: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce his milk shall be the personal enterprise of and at the personal risk of such producer, and the processing, packaging, and distribution of the milk shall be the personal enterprise of and shall be at the personal risk of such producer in his capacity as a handler.

(9) The term "market administrator" means the person designated pursuant to § 947.2 as the agency for the administration hereof.

(10) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.

(11) The term "hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skimmed milk per 40-quart can, and 2.15 pounds of milk per quart.

(12) The term "receiving plant" means any milk plant currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from producers' farms, and for washing and sterilizing the milk cans in which milk is received, and at which are currently maintained weigh sheets or other records of producers' deliveries.*

§ 947.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power to:

(1) Administer the terms and provisions hereof.

(2) Receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

(3) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 947.11, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Unless otherwise directed by the Secretary, publicly disclose, within 30 days after such nonperformance becomes known to the market administrator, the name of any person who, within 6 days after the date on which he is required to perform such acts has not (a) made reports pursuant to § 947.5 or (b) made payments pursuant to § 947.9; and shall at any time thereafter so disclose any such name if authorized by the Secretary so to do.

(5) Promptly verify the information contained in the reports submitted by the handlers.*

§ 947.3 *Classification of milk*—(a) *Sales and use classification.* Milk purchased or received by each handler shall be classified subject to the provisions of paragraphs (b), (c), and (d) of this section, as follows:

(1) All milk the utilization of which is not established as Class II milk shall be Class I milk.

(2) Class II milk shall be all milk the utilization of which is established (i) as being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more, but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk; and, (ii) as actual plant shrinkage applicable to Class II milk, to be determined by prorating the total plant shrinkage between Class I and Class II milk in proportion to the volume of milk otherwise classified in each class: *Provided,* That the quantity of shrinkage which is classified as Class II milk shall not exceed 2 percent of the milk classified pursuant to (i) of this subparagraph.

(b) *Interhandler and nonhandler sales.* Whole milk or skim milk disposed of by a handler to another handler or to a person who distributes milk or manufactures milk products shall be classified, subject to verification by the market administrator, as Class I milk: *Provided,* That if such milk, except for milk disposed of by a handler to a producer-handler, is reported as having been utilized as Class II milk by the person who received it or by the disposing handler, such milk shall be classified accordingly.

(c) *Disposition of milk to other markets.* (1) Milk received by a handler at one of his plants not subject to the provisions hereof from persons reported by him as under contract to have their milk received and paid for as part of his supply for the marketing area shall be considered (a) as Class II milk if received at a plant of that handler, the handling of milk in which plant is subject to any Federal order regulating the handling of milk in either the Greater Boston, Massachusetts, or the Providence, Rhode Island, marketing areas; except that for any delivery period during which the volume of such milk received at a plant specified herein exceeds the total volume which was actually disposed of from that plant as Class II milk, the quantity of such transferred milk in excess of the quantity of milk disposed of as Class II milk shall be considered as Class I milk, and (b) as Class I milk if received at a plant of that handler other than plants specified in (a) of this subparagraph.

(2) Milk or skimmed milk disposed of by a handler to any plant not subject to the provisions hereof shall be classified (a) as Class II milk if received at a plant, the handling of milk in which plant is subject to any Federal order regulating the handling of milk in either the Greater Boston, Massachusetts, marketing area, or the Providence, Rhode Island, marketing area, and (b) as Class I milk, not to exceed the total quantity of Class I milk or skimmed milk at such plant, if received at a plant other than plants specified in (a) of this subparagraph.

(d) *Computation of milk in each class in plants serving more than one market.* Of the milk received at plants, the handling of which is subject to § 947.6 (c), the quantity of a handler's milk in each class received from producers for the Fall River marketing area shall be computed, subject to § 947.6, as follows:

(1) Determine the quantity of milk received from producers and/or associations of producers listed for the marketing area.

(2) Determine the quantity of Class I milk from producers and/or associations of producers listed for the marketing area as follows:

(i) Determine the quantity of such milk that is disposed of as Class I milk in each of the other marketing areas for which milk is received pursuant to § 947.6 (c) (including all milk disposed of from delivery routes that are partly in such marketing area, unless such routes are partly in the Fall River marketing area), or the total quantity of milk received from producers and/or associations of producers maintained pursuant to § 947.6 (c) for such marketing area, whichever is smaller.

(ii) From the handler's Class I milk received from producers and/or associations of producers that is disposed of from such plant subtract the sum of the determinations pursuant to (i) of this subparagraph.

(3) Determine the quantity of Class II milk from producers and/or associations of producers listed for the marketing

[1] 5 F.R. 2079.
[2] 6 F.R. 4454.

area as follows: subtract from the quantity of milk determined pursuant to (i) of this paragraph the quantity of milk determined pursuant to (ii) of subparagraph (2) of this paragraph.*

§ 947.4 *Minimum prices*—(a) *Class I price.* Each handler shall pay producers or associations of producers for their milk, in the manner set forth in § 947.9, not less than $3.88 per hundredweight for milk containing 3.7 percent butterfat, for delivery periods prior to April 1, 1942, and thereafter $3.42 per hundredweight except that for milk purchased by the city of Fall River for relief clients and charity hospitals and for milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be 53 cents per hundredweight less than the respective prices set forth in this paragraph.

(b) *Class II price.* Each handler shall pay producers or associations of producers for their milk in the manner set forth in § 947.9, not less than that price per hundredweight, for milk containing 3.7 percent butterfat, calculated for each delivery period by the market administrator, as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents: *Provided*, That any plus amount for skim value shall be added which results from the average of the two following computations: (a) compute the average of all hot-roller process dry skim milk quotations, "other brands, human consumption, barrels, carlots," and for "other brands, animal feed, carlots, bags, or barrels" (using midpoint of any range as one quotation), published during such delivery period in *The Producers' Price-Current*, subtract 4¼ cents, multiply by 7; and (b) compute the average of all quotations (using midpoint of any range as one quotation), published during the delivery period in the *Oil, Paint, and Drug Reporter* for domestic 20–30 mesh casein in bags in carlots at New York, subtract 6.6 cents and multiply by 2.2: *Provided further*, That if either computation results in a minus amount, the other shall be used in lieu of the average.

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an average butterfat content other than 3.7 percent, such handler shall, in making the payments to such producer prescribed by paragraph (a) of § 947.9, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered or the last such price reported for a delivery period if no such price is reported for the period between the 16th day of the preceding month and 15th day inclusive of the delivery period during which such milk is delivered, subtract 1½ cents and divide the result by 10.

(d) *Sales outside of the marketing area.* (1) Each handler shall pay producers or associations of producers for Class I milk disposed of outside of the marketing area, except as provided in subparagraph (2) of this paragraph, as follows:

(i) For milk disposed of in milk marketing areas numbers 16A and 16B as defined by official orders of the Milk Control Board of the Commonwealth of Massachusetts in effect on May 1, 1941, the price applicable to such areas pursuant to the terms of the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (Order No. 4) issued by the Secretary on February 7, 1936, effective February 9, 1936, as amended, or of any order superseding or amending such order.

(ii) For milk disposed of in areas outside of the marketing area other than those specified pursuant to (i) of this subparagraph the applicable prices for Class I milk shall be those set forth in paragraph (a) of this section: *Provided, however*, That if the market administrator ascertains that the prevailing price for milk of equivalent use being paid by distributors of milk in the area in which the milk is sold is lower, than the price ascertained to be the prevailing price shall be paid.

(2) In the case of a handler who disposes of milk in more than one marketing area from the same plant and maintains a separate list of producers and/or associations of producers for each area pursuant to § 947.6 (c), the Class I and Class II prices and the butterfat differential pursuant to the terms hereof to be paid producers for milk, other than that computed pursuant to § 947.3 (d) (2) and § 947.3 (d) (3), shall be the prices that the handler reports to the administrator that he will pay for such milk.*

§ 947.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 7th day after the end of each delivery period each handler shall, with respect to milk and cream which, during such delivery period, was received from producers, received from handlers, received from such handlers' own production, or received from other sources, report to the market administrator in the form and detail prescribed by the market administrator as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The receipts from such handler's own production;

(4) The receipts pursuant to § 947.6 (d);

(5) The receipts from all other sources; and

(6) The respective quantities of milk which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in § 947.3.

(b) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name, post office address, and farm location, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days on which deliveries were made;

(2) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period, which shall show for each producer: (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to each producer and association of producers, made pursuant to § 947.9, and (c) the deductions and charges made by the handler;

(3) On or before the 18th day after the end of the first delivery period following the effective date hereof, each handler shall report to the market administrator a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(4) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (3) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule; and

(5) On or before the 7th day after the end of each delivery period each handler shall report to the market administrator the names of any persons whose milk he is reporting pursuant to § 947.3 (c) and §947.6 (d) and include a certification that these persons have contracts as specified therein.

(c) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section and (2) those facilities necessary for the weighing, measuring, and sampling of milk and the testing of the butterfat content of milk or any product therefrom, and for determining the utilization of milk made by the handlers.*

§ 947.6 *Application of provisions*—(a) *Milk received from producers by handlers who are also producers.* In the case of a handler who is also a producer and who receives milk from producers, the market administrator shall, before making computations set forth in § 947.7, (a) exclude the milk received by him in each class from other handlers, and (b) exclude pro rata from his remaining Class I and Class II milk the quantity of milk received from his own farm production; except that the quantity thus excluded from the handler's Class II milk shall not exceed 10 percent of the total quantity of milk received from his own production.

(b) *Milk received from producer-handlers.* Milk received by a handler from a producer-handler shall be considered as being received from a producer.

(c) *Milk handled in plants serving more than one market.* (1) Except as provided in subparagraph (2) of this paragraph, in the case of a handler who disposes of milk in the marketing area from delivery routes from which no milk is distributed in the Fall River marketing area, and who maintains and submits to the market administrator a separate list of producers and/or associations of producers for each marketing area the provisions hereof shall apply subject to the exceptions provided in § 947.3 (d), § 947.4 (d), § 947.7 (a) and (b), and § 947.9 (g).

(2) This paragraph shall not apply to the handling of milk regulated pursuant to paragraph (d) of this section.

(d) *Milk for other markets.* (1) Except as provided in subparagraph (2) of this paragraph, milk received from producers who are reported by a handler as under contract to have their milk paid for as part of that handler's supply for a market other than the marketing area and milk received from the handler's plant at which all or part of his supply for such other market is received shall be reported under a separate category and the provisions of § 947.9 and § 947.10 shall not apply, except that such handler shall make payments as specified in § 947.9 (i).

(2) This paragraph shall not apply to the handling of milk of producers listed and maintained for marketing areas other than the Fall River marketing area pursuant to paragraph (c) of this section.

(e) *Handlers not distributing milk in the marketing area.* A handler who does not distribute or dispose of milk directly in the marketing area shall, with respect to the quantity of milk disposed of to other handlers, make payments as provided in § 947.9 (h) and § 947.11.

(f) *Milk handled by producer-handlers.* (1) The provisions hereof, except as set forth in § 947.5, shall not apply to the handling of milk of handlers who are also producer-handlers pursuant to § 947.1 (a) (6), as verified by the market administrator in the manner provided in subparagraph (2) of this paragraph.

(2) Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 947.1 (a) (6), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence, and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(g) *Exemptions.* The provisions hereof shall not apply, except as particularly specified, in the following cases:

(1) Except as provided in § 947.3 and § 947.5, to the handling of milk received at any handler's receiving plant which is subject to the provisions of the order regulating the handling of milk in the Greater Boston, Massachusetts, marketing area (Order No. 4), issued by the Secretary on February 7, 1936, effective February 9, 1936, as amended, or of any order superseding or amending such order unless such handler disposes of less than 10 percent of his total receipts as Class I milk in the Greater Boston marketing area.

(2) Except as provided in § 947.3 and § 947.5, to the handling of milk received at any handler's receiving plant from which a quantity of milk is disposed of in the marketing area as defined by the order regulating the handling of milk in the Providence, Rhode Island, marketing area, in excess of the quantity of milk disposed of in the marketing area (Fall River).

(3) Except as provided in paragraphs (d) and (e) of this section and § 947.5, to the handling of milk received at a handler's plant from which no milk is disposed of or distributed directly in the marketing area.*

§ 947.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk in each class.* (1) For each delivery period the market administrator shall, except as provided in subparagraph (2) of this paragraph, compute, subject to provisions of § 947.6, the value of milk sold, used, distributed, and/or disposed of by each handler, which was not received from other handlers or pursuant to § 947.6 (d), by (a) multiplying the quantity of such milk in each class by the prices applicable pursuant to paragraphs (a), (b), and (d) of § 947.4, (b) adding together the resulting value in each class, and (c) subtracting any amounts required to be paid under the order regulating the handling of milk in the Greater Boston marketing area, with respect to the handling of any milk pursuant to § 947.6 (g) (1).

(2) In the case of a handler who disposes of milk in more than one marketing area, subject to § 947.6 (c), compute, subject to the provisions of § 947.6, the value of milk disposed of which was received from producers and/or associations of producers listed for the marketing area, by (a) multiplying the quantities of milk computed pursuant to § 947.3 (d) (2) and (3) by the prices applicable pursuant to paragraphs (a), (b), and (d) of § 947.4, and (b) adding together the resulting value of each class.

(3) For the purpose of this section: (i) milk received pursuant to § 947.6 (d) from producers who are reported as having contracts applying to the Greater Boston, Massachusetts, marketing area, or in bulk from plants at which all or part of the handler's Boston supply is received, shall be considered to (a) have first been the handler's Class I milk disposed of in milk marketing areas Nos. 16A and 16B as defined by official orders of the Milk Control Board of the Commonwealth of Massachusetts, in effect on May 1, 1941, and (b) then the handler's Class I milk disposed of in the marketing area;

(ii) Milk received pursuant to § 947.6 (d), completely processed and packaged for distribution to consumers, from a plant which is subject to the order regulating the handling of milk in the Greater Boston marketing area, shall be considered to have been part of the handler's Class I milk disposed of in the marketing area; and

(iii) Milk received pursuant to § 947.6 (d) other than that specified in (i) and (ii) of this subparagraph shall be considered to (a) have been first the handler's Class II milk, (b) then any of the handler's Class I milk disposed of in the milk marketing areas Nos. 16A and 16B, as defined by official orders of the Milk Control Board of the Commonwealth of Massachusetts, in effect on May 1, 1941, that remains after the allocation pursuant to subdivision (a) of (i) of this subparagraph, and (c) then the handler's Class I milk disposed of in the marketing area that remains after the allocations pursuant to (a) (3) (i) (b) and (a) (3) (ii) of this section.

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk received during each delivery period in the following manner:

(1) For each delivery period combine into one total the respective values of

milk, pursuant to paragraph (a) of this section, for each handler who made the reports required by § 947.5 (a), for milk received during such delivery period.

(2) Add the total amount of the payments required of handlers pursuant to § 947.9 (h) and (i).

(3) Subtract the amount to be paid to producers pursuant to § 947.9 (a) (2) (ii) and (iii).

(4) Add the cash balance, if any, in his hands from payments made by handlers, during the delivery period next preceding but one, to meet the obligations arising out § 947.9 (d).

(5) Divide by the total quantity of milk which is not in excess of the delivered bases of producers and which is included in these computations.

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance in connection with the payments set forth in § 947.9 (d).

(7) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (a) such of these computations as do not disclose information confidential pursuant to the act, (b) the blended price per hundredweight which is the result of these computations, (c) the Class II price, the butterfat differential, and (d) the name of the handler, the Class I price, the Class II price, and the blended prices of any milk paid for pursuant to § 947.9 (g).*

§ 947.8 *Base ratings*—(a) *Determination of base.* (1) For each delivery period subsequent to December 31, 1940, the base of each producer shall be a quantity of milk calculated in the following manner: multiply the applicable figure computed pursuant to subparagraph (2), (3), or (4) of this paragraph, by the number of days on which milk was received from such producer during such delivery period.

(2) Effective January 1, 1941, the daily base of each producer shall be determined by the market administrator from reports filed by handlers pursuant to § 947.5 (b) (1) or from the best information available, in the following manner; except that for producers who on November 30, 1940, are being paid for their deliveries of milk pursuant to § 947.9 (a) (1) (ii), average daily bases shall be determined pursuant to subparagraph (4) of this paragraph:

(i) Determine for each producer the average daily deliveries of milk to a handler as a producer, or a new producer, for the period from the effective date hereof, or the date on which such deliveries begin, to and including November 30, 1940;

(ii) Add together in one sum all the daily average amounts computed according to subdivision (i) of this subparagraph;

(iii) Determine from reports filed by handlers pursuant to § 947.5 (a) (6) the average daily utilization of Class I milk of handlers except that of the receipts of their own production for handlers who are also producers, for the period from the effective date hereof, to and including November 30, 1940, and add to such daily average an amount equal to 15 percent thereof;

(iv) Divide the amount determined pursuant to subdivision (iii) of this subparagraph by the sum determined pursuant to subdivision (ii) of this subparagraph; and

(v) Multiply the daily average amount for each producer determined in subdivision (i) of this subparagraph by the percentage figure computed pursuant to subdivision (iv) of this subparagraph. This result shall be known as the producer's daily base.

(3) In case reports show total deliveries of milk of producers with daily bases for any two consecutive delivery periods to be less than 110 percent of Class I milk of handlers who have reported pursuant to § 947.5 (a) (6) during such delivery periods, the market administrator shall add, pro rata, to each producer's daily base an amount determined as follows:

(i) Determine the total utilization of Class I milk of handlers who have reported pursuant to § 947.5 (a) (6) for such delivery periods and add thereto an amount not to exceed 15 percent thereof;

(ii) Determine from reports received pursuant to § 947.5 (b) (1) the total deliveries for such delivery periods of producers with daily bases;

(iii) Subtract the sum determined pursuant to subdivision (ii) of this subparagraph from the amount determined pursuant to subdivision (i) of this subparagraph; and

(iv) Divide the amount determined pursuant to subdivision (iii) of this subparagraph by the total number of days of the delivery periods involved.

(4) In the event of allotment of a daily base to a producer who did not regularly sell milk for a period of 30 days prior to the effective date hereof to a handler or to persons within the marketing area, or to a producer who for other reasons does not have a base, the market administrator shall determine the daily average deliveries of milk by such producer for the first 2 full calendar months immediately following the first regular delivery of such producer, or, in the case of a producer previously holding a base, the first 2 full calendar months immediately following the first regular delivery following the date of termination of such base. Such daily average deliveries of milk shall be multiplied by the percentage that total reported base deliveries were to reported total deliveries of milk to the market by all daily base-holding producers during such 2 calendar months.

(b) *Base rules.* (1) In the event a producer delivers an average quantity of milk less than 85 percent of his daily base for each of the 2 consecutive calendar months, July and August of any year, such producer shall be reallotted a base equal to his daily average deliveries of milk of his own production for the 2 consecutive months involved.

(2) Any producer who ceases to deliver milk to a handler, the handling of whose milk is subject to the terms hereof, for a period of more than 45 consecutive days, shall forfeit his base. In the event that he thereafter commences to deliver milk to a handler, he shall receive a base computed in the manner provided in paragraph (a) (4) of this section.

(3) In case a producer delivers milk not produced by him as being milk of his own production, his base shall terminate at the beginning of the delivery period during which such milk was delivered and such producer shall be reallotted a base in the manner provided in paragraph (a) (4) of this section.

(4) Any producer, upon giving notice to the market administrator, may relinquish his base at the beginning of the delivery period following that during which notice is given. In the event the producer thereafter requests the market administrator to allot him a base, he shall be allotted a base in the manner provided in paragraph (a) (4) of this section.

(5) Daily bases shall not be transferable except to a person who will produce milk on the same farm, subject to the market administrator's verification and notification thereof, used by the producer from whom the base is transferred, and the producer who thus transfers his base shall forfeit his daily base and may be reallotted a new daily base pursuant only to paragraph (a) (4) of this section.

(6) In the case of a producer who has distributed for at least 3 months the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a figure representing 115 percent of the average daily Class I milk produced and disposed of during the previous 3 months on the delivery routes of such producer, which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. If he has distributed his milk for less than 3 months and disposes of his delivery routes the daily base shall be allotted pursuant to paragraph (a) (4) of this section.

(7) A landlord who rents on shares shall be entitled to the entire base to the exclusion of the tenant, if the landlord owns the entire herd. Likewise, the tenant who rents on shares shall be entitled to the entire base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship.*

§ 947.9 *Payments for milk*—(a) *Time and method of payment*—(1) *Advance payments.* On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period.

(2) *Final payment.* On or before the 17th day after the end of each delivery period, except as provided in paragraph (g) of this section, each handler shall make payment for the total value of milk received from producers or associations of producers during the preceding delivery period, computed pursuant to § 947.7 (a), subject to the differential set forth in paragraph (c) of § 947.4 and paragraph (f) of this section as follows:

(i) To producers, at not less than the blended price per hundredweight, computed pursuant to § 947.7 (b), for that quantity of milk received from each producer not in excess of his base determined pursuant to § 947.8.

(ii) To producers, at not less than the Class II price, for that quantity of milk received from each producer in excess of his base determined pursuant to § 947.8.

(iii) To any producer who did not regularly sell milk for a period of 30 days prior to the effective date hereof to a handler or to persons within the marketing area, or any producer who for other reasons does not have a base at the Class II price, for all the milk delivered by such producer during the period beginning with the first regular delivery of such producer and continuing until the end of 2 full calendar months following the first day of the next succeeding calendar month.

(iv) To an association of producers for milk which is caused to be delivered to a handler from producers by such association, and for which such association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subdivisions (i), (ii), and (iii) of this subparagraph.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) and out of which he shall make all payments to handlers pursuant to paragraphs (d) and (e) of this section.

(c) *Payment to the producer-settlement fund.* On or before the 13th day after the end of each delivery period each handler shall pay to the market administrator the amount by which the total value of the milk purchased or received by him from producers during the delivery period is greater than the total amount of payments made pursuant to paragraph (a).

(d) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount, if any, by which the total value of such milk purchased or received from producers by such handler is less than the total amount of payments made pursuant to paragraph (a) of this section. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(e) *Correction of errors in payments to producers.* Errors in making any of the payments required in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(f) *Other differentials.* In making payments to producers or associations of producers prescribed in paragraph (a) of this section handlers may make deductions as follows:

(1) With respect to milk delivered by producers in containers supplied by the handler for the transportation of milk from their farms to the handler's receiving plant, an allowance of $0.0075 per hundredweight as rental for such containers.

(g) *Payments to producers listed for other marketing areas.* (1) Handlers subject to and in compliance with § 947.6 (c) shall pay for the milk received from producers and/or associations of producers listed for each marketing area other than the Fall River marketing area a value equal to not less than the total quantity of such milk multiplied by a blended price determined by (a) multiplying the quantity of milk, from producers and/or associations of producers listed for each area, disposed of in each class by the prices applicable pursuant to § 947.4 (d), (b) adding together the resulting value of each class, and (c) dividing the sum of the values of each class by the quantity of milk included in the computations.

(2) For the purpose of this paragraph, the determination for each marketing area required pursuant to § 947.3 (d) (2) (i) shall be the quantity of Class I milk, and the remaining milk from producers listed for that marketing area shall be the quantity of Class II milk, applicable to the milk of producers listed for such marketing area.

(h) *Payments by handlers not distributing milk in the marketing area.* Handlers subject to § 947.6 (e) shall pay producers through the market administrator the value, if any, determined by multiplying the quantity of milk disposed of by such handlers to other handlers by the difference between the Class II price and the price applicable to the class in which such milk was disposed.

(i) *Payments for milk handled for other markets.* On or before the 13th day after the end of each delivery period, handlers who receive milk pursuant to § 947.6 (d) shall pay to producers through the market administrator, on the quantity of such milk subject to §947.7 (a) (3) (iii) the value, if any, determined by multiplying the quantities of such milk in each class by the prices applicable pursuant to § 947.4 and subtracting the value of such milk at the Class II price.*

§ 947.10 *Marketing services*—(a) *Marketing service deductions.* In making payments to producers pursuant to § 947.9 each handler shall, with respect to all milk delivered by each producer during each delivery period, except as set forth in paragraph (b) of this section, deduct 4 cents per hundredweight, or such lesser amounts as the market administrator shall determine to be sufficient, and shall, on or before the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make such deductions from payment made pursuant to § 947.9, as may be authorized by such producers, and pay over on or before the end of each delivery period such deduction to the associations rendering such service of which such producers are members.

§ 947.11 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of administration hereof, each handler, except as set forth in § 947.6 (f) and (g), shall, on or before the 13th day after the end of each delivery period, pay to the market administrator five cents per hundredweight or such lesser amount as the market administrator shall determine to be sufficient with respect to all milk produced and delivered by producers including milk received pursuant to § 947.6 (d), but not including milk of producers for marketing areas other than Fall River reported pursuant to § 947.6 (c), and by such handler if he is also a producer during such delivery periods; except that such handler, which is an association of producers, shall pay such prorata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant

for the marketing area and for which milk such association of producers collects payment.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expense set forth in this section.*

§ 947.12 *Effective time, suspension, and termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Termination of order.* The Secretary may terminate this order whenever he finds that this order obstructs or does not tend to effectuate the declared policy of the act.

This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handlers, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator, or such other person as the Secretary may designate, (a) shall continue in such capacity until discharged by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Issued at Washington, D. C., this 2d day of December, 1941, to become effective on and after the 3d day of December, 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9076; Filed, December 2, 1941; 11:41 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3557]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHICAGO MEDICAL BOOK COMPANY, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* In connection with offer, etc., in commerce, of books relating to curative or remedial agents in the treatment of ailments and diseases, commonly known as "medical books", or of any other scientific, educational or other books, and on the part of respondent Chicago Medical Book Co., dealer in such books, and on the part of respondent publishers of such books, entering into or carrying out any agreement, understanding, arrangement, combination or conspiracy, among themselves, or between and among any two or more of them, or between any one or more of them and any other competitor, for the purpose or with the effect of restraining, restricting, hindering, obstructing or eliminating competition in the sale of any such book or books, and as a part or consequence of such agreement, understanding, arrangement, combination or conspiracy, (a) boycotting or attempting to boycott any dealer in such books; (b) refusing to sell books to any such dealer; (c) preventing or attempting to prevent any dealer from purchasing such books at the regular price, trade discount, terms and other usual conditions of sale; and (d) discriminating against any dealer in such books as to price, terms, delivery, discounts or other conditions of sale; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Chicago Medical Book Company, et al., Docket 3557, November 28, 1941]

In the Matter of Chicago Medical Book Company, W. B. Saunders Company, J. B. Lippincott Company, C. V. Mosby Company, Van Antwerp Lea, and Christian Febiger, Copartners Doing Business Under the Firm Name and Style of Lea & Febiger, Respondents

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, the testimony and evidence introduced in support of the complaint and in opposition thereto before W. W. Sheppard, a duly appointed trial examiner of the Commission theretofore designated by it to serve in this proceeding, the report of the trial examiner thereon and the exceptions to said report, the briefs filed on behalf of the Commission and of the respondents, and the Commission having made its findings as to the facts and its conclusion that all of the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Chicago Medical Book Company, a corporation, W. B. Saunders Company, a corporation, J. B. Lippincott Company, a corporation, C. V. Mosby Company, a corporation, and their respective officers, directors, representatives, agents and employees, and the successors of each of said corporate respondents, and respondents Van Antwerp Lea and Christian Febiger, individually and as copartners doing business under the firm name and style of Lea & Febiger, or under any other trade name or style, or through any corporate or other device, together with their representatives, agents and employees, directly or indirectly, in connection with the offering for sale, sale and distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of books relating to curative or remedial agents in the treatment of ailments and diseases, commonly known as "medical books", or of any other scientific, educational or other books, shall forthwith cease and desist from:

Entering into or carrying out any agreement, understanding, arrangement, combination or conspiracy, among themselves, or between and among any two or more of them, or between any one or more of them and any other competitor, for the purpose or with the effect of restraining, restricting, hindering, obstructing or eliminating competition in the sale of any such book or books, and as a part or consequence of such agreement, understanding, arrangement, combination or conspiracy, among themselves, or between and among any two or more of them, or between any one or more of them and any other competitor, for the purpose or with the effect of restraining, restricting, hindering, obstructing or eliminating competition in the sale of any such book or books, and as a part or consequence of such agreement, understanding, arrangement, combination or conspiracy, from doing any of the following acts or things:

(a) Boycotting or attempting to boycott any dealer in such books;

(b) Refusing to sell books to any such dealer;

(c) Preventing or attempting to prevent any dealer from purchasing such books at the regular price, trade discount, terms and other usual conditions of sale;

(d) Discriminating against any dealer in such books as to price, terms, delivery, discounts or other conditions of sale.

It is further ordered, That the respondents, Chicago Medical Book Company, a corporation, W. B. Saunders Company, a corporation, J. B. Lippincott Company, a corporation, C. V. Mosby Company, a corporation, and Van Antwerp Lea and Christian Febiger, copartners doing business under the firm name and style of Lea & Febiger, and each of them shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9050; Filed, December 2, 1941; 11:24 a. m.]

[1] 5 F.R. 1425.

[Docket No. 4570]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF QUEEN CHEMICAL COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's medicinal preparation known as Shrader's Queen Brand Capsules and as Queen Brand Capsules, or any other substantially similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation is a safe, harmless, and effective treatment for delayed, suppressed, irregular, painful, or scanty menstruation, or other derangements of the menstrual function; or which advertisements fail to reveal that the use of said preparation may cause gastro-intestinal disturbances, pelvic congestion, and excessive uterine hemorrhages, and in cases of pregnancy may cause infection of the pelvic organs and blood poisoning; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Queen Chemical Company, Docket 4570, November 26, 1941]

In the Matter of Charles Shrader, Individually and Trading Under the Name Queen Chemical Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of November, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and respondent's answer thereto, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Charles Shrader, individually and trading under the name Queen Chemical Company, or trading under any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his medicinal preparation known as Shrader's Queen Brand Capsules and as Queen Brand Capsules, or of any other medicinal preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisements represent, directly or by implication, that said preparation is a safe, harmless, and effective treatment for delayed, suppressed, irregular, painful, or scanty menstruation, or other derangements of the menstrual function; or which advertisement fails to reveal that the use of said preparation may cause gastro intestinal disturbances, pelvic congestion, and excessive urine hemorrhages, and in cases of pregnancy may cause infection of the pelvic organs and blood poisoning;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which advertisement fails to reveal the dangerous consequences which may result from the use of said preparation, as required in paragraph 1 hereof.

It is further ordered, That the respondent shall, within ten (10) days after service upon him of this order, file with the Commission an interim report in writing stating whether he intends to comply with this order, and, if so, the manner and form in which he intends to comply, and that within sixty (60) days after the service upon him of this order, respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9049; Filed, December 2, 1941; 11:23 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50523]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE[1]

OGDENSBURG MUNICIPAL AIRPORT, OGDENSBURG, NEW YORK, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR

NOVEMBER 29, 1941.

The Ogdensburg Municipal Airport, Ogdensburg, New York, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from December 10, 1941. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9046; Filed, December 2, 1941; 11:22 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINSTRATION

PART 15—WHEAT FLOUR AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

IN THE MATTER OF A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: * * * (B) ENRICHED FLOUR * * * (D) ENRICHED BROMATED FLOUR * * * (G) ENRICHED SELF-RISING FLOUR * * * (O) ENRICHED FARINA * * *

Order Postponing Effective Date of Requirement of the Ingredient Riboflavin

The Acting Federal Security Administrator, by an order dated May 26, 1941, to become effective January 1, 1942, which was published in the FEDERAL REGISTER for May 27, 1941, made public his action promulgating regulations fixing and establishing definitions and standards of identity for the enriched foods named in the caption hereof (21 CFR 15.010, 15.030, 15.060, and 15.140, 6 F. R. 2574–2582).

[1] This document affects the tabulation in 19CFR 4.13.

Each of said regulations requires that the food for which a definition of a standard of identity is established thereby contain, among other ingredients, in each pound thereof not less than 1.2 milligrams of riboflavin.

It appears that the supply of riboflavin, in forms suitable for addition to such foods, is not sufficient to permit the production of the foods on a scale that would meet current demands, but that such supply will be available by July 1, 1942.

It is ordered, Therefore that the effective date of the requirements of said order that each pound of enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina contain not less than 1.2 milligrams of riboflavin be postponed to July 1, 1942. (Sec. 701, 52 Stat. 1055; 21 U.S.C., Sup. 371)

PAUL V. MCNUTT,
Federal Security Administrator.

NOVEMBER 29, 1941.

[F. R. Doc. 41-9044; Filed, December 2, 1941; 11:04 a. m.]

[Docket No. FDC-24]

PART 125—LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

CORRECTION OF ORDER

An order promulgating regulations prescribing label statements concerning dietary properties of food purporting to be or represented for special dietary uses having been issued in the above-entitled matter on November 18, 1941, 6 F.R. 5921; and

It appearing that paragraph (a) of § 125.06, *Label statements relating to certain food used in control of body weight or in dietary management with respect to disease* of the said regulations appears therein as follows:

(a) the percent by weight of protein; fat, and available carbohydrates in such food; and

whereas the said paragraph should have appeared therein as follows:

(a) the percent by weight of protein, fat, and available carbohydrates in such food; and

Now, therefore it is ordered, That the said paragraph of the said section of the said regulations promulgated in the above-entitled matter be and it hereby is corrected to read as follows:

(a) the percent by weight of protein, fat, and available carbohydrates in such food; and

(Sec. 701, 52 Stat. 1055; 21 U.S.C., Sup., 371)

PAUL V. MCNUTT,
Administrator.

NOVEMBER 28, 1941.

[F. R. Doc. 41-9045; Filed, December 2, 1941; 11:04 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1097]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

No relief is granted herein to Gaston Coal Company, Gaston No. 2 Mine, Mine Index No. 255, R. H. Hayes (Hayes Coal Co.), Mead Poca. No. 3 Mine, Mine Index No. 265, and I. R. Thompson, Amick Mine, Mine Index No. 508, Code Members in District No. 7, for All Shipments Except Truck, as these mines are affected by unique considerations set forth in an Order designating that portion of Docket No. A-1097 which relates to it as Docket No. A-1097 Part II and granting temporary relief.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this Supplement T is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump 3½" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Gaston Coal Company	255	Gaston #2	5	Wyoming	Poca. 3	290	250	280	215	190	190
Hayes, R. H. (Hayes Coal Co.)	265	Mead Poca. #3	5	Wyoming	Poca. 3	290		280	215	190	190

[F. R. Doc. 41-9013; Filed, December 1, 1941; 11:12 a. m.]

[Docket No. A-1009]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF CERTAIN MINES IN BELL COUNTY, KENTUCKY, SOUTHERN APPALACHIAN SUBDISTRICT, IN DISTRICT 8, FOR SHIPMENT BY TRUCK

This is a matter instituted upon an original petition filed on August 13, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision of the seam designations and applicable effective minimum prices for coals produced for shipment by truck at certain mines in Bell County, Kentucky, Southern Appalachian Subdistrict, in District 8.

Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8, that investigation conducted since the hearings in General Docket No. 15 had revealed that certain revisions, as listed in the instant petition were necessary in order to preserve the existing fair competitive opportunities of certain mines in Bell County, Kentucky, in the Southern Appalachian Subdistrict of District 8.

Based upon a consideration of the record, the undersigned finds and concludes that the revision of such seam designations and applicable effective minimum prices as set forth in supplement T annexed hereto is necessary in order to effectuate the purpose of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth therein comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and the same hereby is amended in accordance with supplement T, annexed hereto and made a part thereof.

Dated: November 14, 1941.

[SEAL] H. A. GRAY,
Director.

FOR TRUCK SHIPMENTS

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lumps over 2", exc 4"	Lump 2" and under, exc 2½" x 6"	Lump ¾" and under	Egg 2" x 4", exc 2" x 5"	Stove 3" and under, not 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Brooks, Jones & Barnett (Staley Brooks).	Brooks, Jones & Barnett.	2967	Blue Gem	285	265	*220	*240	215	*210	155	150
Cawood, A. G	Cawood Coal Co	1500	Mason	255	235	*215	220	205	*205	*145	*140
Cole & Hurst (Cannon Creek Coal Co.).	Cannon Creek	1501	Barner**	285	265	*220	*240	215	*210	155	150
Cox, Vanus	Cox	1502	Mason**	255	235	*215	*220	*205	*205	*145	*140
Craft, Harrison	Craft	4015	Mason	255	235	215	220	205	205	*145	*140
Day, Tilford	New Mathel	1504	Mason**	255	235	*215	*220	*205	*205	*145	*140
Douglas, Simon		1506	Mason	285	265	*220	*240	215	*210	155	150
Ellison, Robert	Ellison	1505	Mason	285	265	*220	*240	215	*210	155	150
Excelsior Mining Company	Excelsior	1563	Mason	*255	*235	*215	*220	*205	*205	*145	*140
Hardin, George B	Hardin	3263	Mason	255	235	215	220	205	205	*145	*140
Henson, T. J	Red Bird	3463	Barner**	285	265	*220	*240	215	*210	155	150
Hickman, Fred (Davis Branch Coal Co.).	Davis Branch	1517	Mason	285	265	*220	*240	215	*210	155	150
Hodge, Lee	Hodge	4019	Mason	255	235	215	220	205	205	*145	*140
Houston Brothers (E. Houston).	Carolina	1494	Mason	285	265	*220	*240	215	*210	155	150
Hurst, Riley	Taylor	1556	Blue Gem**	285	265	*220	*240	215	*210	155	150
Ingram, John	Ingram	1520	Blue Gem**	285	265	*220	*240	215	*210	155	150
Knuckles, C. C	Overlook	4066	Mason	285	265	*220	*240	215	*210	155	150
Lane & Owens (Helin Lane)	Lane & Owens	1524	Blue Gem**	285	265	*220	*240	215	*210	155	150
Mason Coal Company (Hay Wilson).	Mason	4011	Mason	255	235	215	220	205	205	*145	*140
Massey, Hal	Massey	1532	Mason**	255	235	*215	*220	*205	*205	*145	*140
McGeorge & McCabe (Lee McGeorge).	Mac & Mac	1529	Mason	*255	*235	*215	*229	*205	*205	*145	*140
Minton, G. Neal	Minton	5047	Blue Gem**	*285	*265	*220	*240	*215	*210	*155	*150
Miracle, L. D	Miracle	3464	Mason	255	235	215	220	205	205	*145	*140
Moore, Dewey	Moore	3554	Mason	255	235	215	220	205	205	*145	*140
Moyers, T	T. Moyers	1539	Mason	285	265	*220	*240	215	*210	155	150
New Hope Coal Mining Company (B. F. Alley).	Creech	572	Mason	255	235	215	220	205	205	*145	*140
New Long Ridge Coal Company (Isaac Slusher).	Long Ridge	298	Mason	*255	*235	*215	*220	*205	*205	*145	*140
Patterson & Mills (Tom Patterson).	Patterson & Mills	2732	Mason	285	265	*220	*240	215	*210	155	150
Renner, Hayes	Renner	2585	Mason	285	265	*220	*240	215	*210	155	150
Reese & Yoakum (Milton Reese)	Reese & Yoakum	3092	Blue Gem**	285	265	*220	*240	215	*210	155	150
Robertson & Chumley (E. M. Robertson).		1547	Blue Gem**	285	265	*220	*240	215	*210	155	150
Sanders-Ellison Coal Company	Sanders-Ellison	2733	Mason	285	265	*220	*240	215	*210	155	150
Slusher, Boyd	Boyd Slusher	1553	Mason**	*285	*265	*220	*240	*215	*210	*155	*150
Slusher, C. B	Britt	4004	No. 4	*285	*265	*220	*240	215	*210	*155	*150
Thomas, Hubert	Thomas	1560	Mason	285	265	*220	*240	215	*210	155	150
Turner & Henson (C. E. Henson)	Turner & Henson	1562	Mason	285	265	*220	*240	215	*210	155	150
Whipple Coals, Inc	Whipple	108	Mason	*255	*235	*215	*220	*205	*205	*145	*140
Wilder, Geo. W	Wilder	1570	Mason**	255	235	*215	*220	*205	*205	*145	*140
Williams, Henry Kay	Red Rooster	4067	Barner**	*285	*265	*220	*240	*215	*210	*155	*150
Williams, Lige & Elcinia Banks (Lige Williams)	Elcinia	4018	Blue Gem**	285	265	220	240	215	210	155	150
Williamson, Gaines	Williamson	2837	Mason	*285	*265	*220	*240	*215	*210	*155	*150
Wilson, Pascal	Wilson	1573	Blue Gem**	285	265	*220	*240	215	*210	155	150
York, Walter	York	1581	St. Crock**	*295	*275	225	245	215	215	*165	*160

*Indicates change in price classification from previous price classification for the respective size groups.
**Indicates change in seam designation.

[F. R. Doc. 41-9009; Filed, December 1, 1941; 11:13 a. m.]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER, AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF THE LUMAGHI COAL COMPANY FOR ESTABLISHMENT OF A MOISTURE ALLOWANCE ON TRUCK SHIPMENTS FROM MINE INDEX NO. 23 (CANTINE MINE NO. 2), DISTRICT NO. 10, IN SIZE GROUPS 17–25

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Lumaghi Coal Company, a code member in District No. 10. The petition requests that the price schedule for coal produced at Petitioner's Cantine Mine No. 2 (Mine Index No. 23), District No. 10, be amended to permit the granting of moisture allowances on washed coals shipped by truck similar to the moisture allowances now permitted on washed coals shipped by rail.

Pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure In Proceedings Instituted Pursuant to section 4 II (d) of the Act, an informal conference on the question of temporary relief was held on November 15, 1940. Appearances at this conference were entered on behalf of the Petitioner; the Consolidated Coal Company, a code member in District No. 10, which had filed an intervening petition in support of the relief requested in the original petition; Mt. Olive and Staunton Coal Company, District No. 10, which neither supported nor opposed the proposed relief; the Consumers' Counsel Division, which supported the relief prayed for in the original petition; and the Midwest Radiant Corporation, Truax-Traer Coal Company, United Electric Coal Companies, Southwestern Illinois Coal Corporation and Pyramid Coal Company, all of which opposed the relief proposed in the original petition.[1]

Pursuant to an Order dated December 16, 1940, in which the Director denied a request for temporary relief, a hearing in this matter was held on January 17, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present and to participate fully in the proceeding.

The Examiner, on October 10, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, recommending that the relief requested herein be granted. He found that the Petitioner's request for relief was based upon the fact that when coal is shipped shortly after washing, it retains extraneous moisture varying in amount from one-half percent to 12 percent, depending upon the size of the coal and the type of washing equipment. Since, as provided in the railroad tariffs, the producer is permitted to make a correction for the weight in order to take account of this extraneous moisture when invoicing coal shipped by rail, it was the opinion of the Examiner that similar permission should be granted to coals shipped by truck. The Examiner therefore concluded that where provision for moisture allowance is made in a railroad tariff, the identical allowance should be made for shipments by truck, so long as the conditions imposed by the tariffs for rail shipment are adhered to when shipment is made by truck. Likewise, he further found that similar moisture allowances should be granted, upon adequate proof, to mines that had no rail facilities but have washing equipment and shipping methods similar to mines that are granted moisture allowances by railroad tariffs.

While the Examiner found no evidence of any direct loss of business by the petitioner because of his inability to grant moisture allowances on truck shipments, the relief recommended was justified on several other grounds. The Lumaghi Coal Company deals primarily with dealers, and as the Examiner indicates, the dealers are in a position to pass on their losses to the consuming public. Nevertheless, it was found that the dealers complained both to the Lumaghi Coal Company and to the Consolidated Coal Company about the excessive water in their coal. On the ground that the Act specifically requires that "minimum prices shall have due regard to the interests of the consuming public," the Examiner found that unless this relief were granted, the consumer purchasing truck-shipped coal would be at a disadvantage in relation to the consumer who purchased rail-shipped coal. He also found that the granting of permission to give a moisture allowance for shipments by truck reestablishes the proper differential between rail and truck shipments of coal. Further, the producers who are able to de-water and ship their coal in a drier state were found to possess definite competitive opportunities over producers without de-watering facilities or without the privilege of granting moisture allowances for washed coal.

Petitioner has made an adequate showing of the need for relief. To preserve the fair competitive opportunities of the producers and the interests of the consuming public, it is necessary that the requested relief be extended to producers of washed coal shipped by truck.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and the Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That, commencing fifteen (15) days from the date of this order, § 330.21 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments should be amended by the addition of the following Price Exceptions:

There may be granted on shipments of washed coals in Size Groups 17–25 the same moisture allowances as are permitted for shipments of comparable coals by rail under an effective railroad tariff, and all supplements thereto and reissues thereof, when all conditions necessary for granting such allowances for rail shipments are fulfilled: *Provided, however,* That this exception shall apply only to those code members who have filed with the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., a certification joined in by the district board as to their complete method of operation, preparation and classification of the type of washing equipment used; *And, Provided, further,* That the Division reserve the right to revoke the application of this Price Exception to any code member if it is shown that a certification filed pursuant to this exception by the code member was inaccurate or misleading.

It is further ordered, That the prayers for relief contained in the petition herein be, and they hereby are, granted to the extent set forth above, and in all other respects denied.

Dated: November 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9069; Filed, December 2, 1941; 11:55 a. m.]

[1] District Board 11 also filed a petition for leave to intervene, but did not appear at either the informal conference or the final hearing.

[Docket No. A-1043, Pt. II]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER CANCELLING HEARING AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BLUE RIDGE COAL CO. MINE (MINE INDEX NO. 517) FOR ALL SHIPMENTS EXCEPT TRUCK, AND FOR TRUCK SHIPMENTS, TO ALL MARKET AREAS

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed on September 2, 1941 by the above-named party, requesting the establishment, *inter alia*, of temporary and permanent price classifications and minimum prices for the coals of the Blue Ridge Coal Co. Mine (Mine Index No. 517).

On October 1, 1941 the Blue Ridge Coal Company filed a petition of intervention alleging that the minimum prices proposed by District Board No. 14 for the coals of Mine Index No. 517 would not afford such coals fair and equal competitive marketing opportunities, and requesting the establishment of the price classifications and minimum prices set forth in the petition of intervention.

By Order of the Director dated October 28, 1941, 6 F.R. 5542, the price classifications and minimum prices proposed by District Board No. 14 were temporarily established for the coals of the Blue Ridge Coal Co. Mine. This order further severed that portion of Docket No. A-1043, relating to the coals of the Blue Ridge Coal Co. Mine, from the remainder of the petition therein, designated such portion as Docket No. A-1043, Part II, and scheduled a hearing therein at Washington, D. C. on November 14, 1941.

On November 13, 1941 the Blue Ridge Coal Company filed a motion for leave to dismiss its petition of intervention. However, due to the fact that the hearing in this matter was scheduled to convene on the succeeding day no action was taken in regard to this motion prior to the hearing.

The hearing in this matter convened as scheduled on November 14, 1941 at Washington, D. C., before Examiner Floyd McGown. No appearances were entered by any parties to the proceeding, and the hearing was thereupon continued until December 9, 1941.

It appears that this matter was set for hearing upon the basis of the allegations contained in the petition of intervention filed by the Blue Ridge Coal Company and that in view of the motion of the Blue Ridge Coal Company for dismissal of its petition of intervention, there is no opposition to the permanent establishment of the price classifications and minimum prices temporarily in effect for the coals of Mine Index No. 517.

Now, therefore, it is ordered, That the motion of the Blue Ridge Coal Company for dismissal of its petition of intervention be, and the same hereby is, granted.

It is further ordered, That the hearing in this matter, now scheduled for December 9, 1941, be and the same hereby is cancelled.

It is further ordered, That the temporary relief granted in the Order dated October 28, 1941, which amends § 334.5 (*Alphabetical list of code members*) and § 334.24 (*General prices for shipment into all market areas*) in the Schedule of Effective Minimum Prices for All Shipments Except Truck and For Truck Shipments by including the coals of the Blue Ridge Coal Company Mine (Mine Index No. 517) shall become final sixty (60) days from the date of this Order, unless the Acting Director shall otherwise order.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9070; Filed, December 2, 1941; 11:55 a. m.]

[Dockets Nos. A-137, Pt. II and A-737]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR CERTAIN COALS OF GREAT WESTERN COAL COMPANY, MINE INDEX NO. 44, IN DISTRICT NO. 14, AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR CERTAIN COALS OF GREAT WESTERN COAL COMPANY, MINE INDEX NO. 44, IN DISTRICT NO. 14

These proceedings were instituted upon petitions filed with the Bituminous Coal Division by District Board 14, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. In Docket No. A-137, the petition requests revision of the price classifications and minimum prices for the coals of certain code-member producers in District 14, including those of the Great Western Coal Company, a code-member producer in Production Group 5, operating the Great Western Mine (Mine Index No. 44). In Docket No. A-737, the petition requests the change of the price classification for the coals in Size Group 8 produced at the Great Western Mine from K to J for rail shipments.

At a hearing in Docket No. A-137 and Dockets Nos. A-208 and A-251, consolidated therewith, on motion of District Board 14 that portion of the petition in Docket No. A-137 relating to Great Western was continued until a later date, subject to the further order of the Director.

Temporary relief was granted in Docket No. A-137, on January 28, 1941, 6 F.R. 691, *inter alia*, by changing the price classifications of the coals of the Great Western Mine in Size Group 4 from H to I, and in Size Groups 6 and 7 from K to J.

A petition for intervention in Dockets Nos. A-137 and A-208, filed by Great Western, as amended, requested that it be allowed such relief as has been granted to the Buck Creek Coal Mining Company and the R. A. Young & Son Coal Company, code members in District 14, in Dockets Nos. A-137, A-405, A-409, and A-421, namely, that the price classifications of Great Western coals be changed in Size Group 4 to J, in Size Groups 6, 7, and 8 to K, and in Size Groups 9 to L, and that it be granted any other relief allowed to the aforesaid other two code members.

A petition for intervention in Docket No. A-737, filed by Great Western, requested consolidation of that docket with that portion of Docket No. A-137 relating to Great Western. Accordingly, on June 27, 1941, that portion of Docket No. A-137 relating to the coals produced at the Great Western Mine was severed from the remainder of Dockets Nos. A-137, A-208, and A-251, was designated Docket No. A-137, Part II, and was consolidated with Docket No. A-737.

Pursuant to Orders of the Director, a hearing in this matter was held on July 30 and 31, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof at Fort Smith, Arkansas. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, the Great Western Coal Company, Buck Creek Coal Mining Company, and Hetherington Bros. Coal Company, a code-member producer in District 14, appeared.

At the hearing, the petition in Docket No. A-137, Part II, was amended with respect to the revision of the price classifications and minimum prices sought for the coals of the Great Western Mine.

Following the hearing, the parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the undersigned.

The relief here sought by the petitioner is a revision of the price classifications and minimum prices heretofore established for the coals of Great Western, for shipments other than truck and for truck shipments, by lowering the effective minimum prices[1] for the coals in Size Groups 4 and 9 five cents per ton, and by raising such prices in Size Groups 6, 7, and 8 ten cents per ton, and in Size Group 10 twenty cents per ton. This would result in a minimum price of $4.15 in Size Groups 4, 6, 7 and 8 for truck shipments and for rail shipments to all market areas except Market Area 40. These price classifications are already in effect under the temporary relief granted in Dockets Nos. A-137, A-208 and A-251, with respect to Size Groups 4, 6 and 7. In Size Group 8, the requested classification in Docket A-137, Part II, is the same as that requested in Docket No. A-737. No changes in price classifications and minimum prices for coals in Size Groups 11 to 18, inclusive, are proposed.

[1] Established in General Docket No. 15.

It was found in the Memorandum Opinion and Order entered on January 28, 1941, granting temporary relief that coals of the Great Western Mine in Size Groups 4, 6, and 7 should be temporarily priced identically because the preparation facilities of this mine have been improved since the Director's Order in General Docket No. 15 was issued. Under effective minimum prices established in that docket, Size Group 4 is priced 15 cents higher than Size Groups 6, 7, and 8. The Memorandum Opinion stated that it was represented that, in District 14, owing to consumer acceptance, generally the prices are the same in these four size groups, that the existing differential was proposed by District Board 14 in General Docket No. 15 after protest by Great Western against the original proposal of that Board to price identically the coals in these four size groups. The Memorandum Opinion further stated that it was represented that the protest was based on the inferiority of the preparation facilities then in use in the Great Western Mine. The Memorandum Opinion found that the accomplishment of identical pricings for coals in these four size groups should be attained by decreasing the prices of coals in Size Group 4 and increasing the prices of coals in Size Groups 6 and 7, in order to conform such prices to those for the analytically similar coals of the Woodson Mine of Paul Rees in Production Group 6, and more nearly to approach the past price differential between Great Western and Excelsior "A" grade coals. In the Memorandum Opinion the fact that 75 percent of the total shipments of Great Western coals were made to Market Area 40 from July 1 to November 30, 1940, was also taken into consideration. The effective minimum prices of Great Western coals for shipments into Market Area 40 are 35 cents less than for such coals for shipments into other market areas.

The petition in Docket No. A-737 alleges that Great Western is accorded an unfair advantage over other code members having the same prices in Size Groups 4 to 8, inclusive, because of the differential between the prices of coals in Size Groups 4 and 8 which have comparable trade acceptance.

From the evidence adduced at the hearing, it appears that experience under actual working conditions subsequent to October 1, 1940, has convinced District Board 14, after careful consideration of the various factors involved, that the price classifications and minimum prices proposed by it for the Great Western Mine in General Docket No. 15 should be changed as herein proposed. The evidence shows that the coals of Great Western are practically identical from a marketing standpoint with those of the Buck Creek and Hether Mines in Production Group 6 and the Young No. 1 Mine in Production Group 5, and that the coals of all four of these mines should be on an equality in price. All four mines are in the Upper Hartshorne Vein. Their coals move in competition with each other.

There are no other District 14 mines with the same prices as those herein proposed. Coals of Mine Index No. 44 are presently produced only in Size Groups 4 and 6 to 9, inclusive. The prices in effect for the Buck Creek, Hether, and Young No. 1 Mines under the Temporary Order of the Director, issued on January 28, 1941, are lower for the coals in Size Groups 4 and 6 to 9, inclusive, than those herein proposed. However, the price classifications and minimum prices of the Great Western Mine in these size groups should not be lowered to those in effect for the Buck Creek, Hether, and Young No. 1 Mines, in the light of the uncontroverted evidence that the changes requested herein are just and proper in view of the physical characteristics and market acceptability of the Great Western coals. Moreover, the attorney for District Board 14 stated in the record that the attitude of District Board 14 is that the same recommendations for permanent relief should be made regarding the price classifications and minimum prices for the Buck Creek, Hether, and Young No. 1 Mines as are made herein for the Great Western Mine, and that similar evidence would be submitted as to all four of these mines, in the respective hearings on the question of permanent relief. The District Board attorney further stated that the other three producers have agreed to offer no opposition to the Board's proposals. The attorney for Great Western stated in the record that, in view of such an agreement, his client has no objection to the granting of the relief requested by the petitioner.

In the opinion of a witness for the petitioner, the price classifications and minimum prices herein proposed would not operate prejudicially as to any other mines, would not cause any substantial dislocation or change of tonnage, and would preserve the fair competitive opportunities of the Buck Creek, Great Western, Hether, and Young No. 1 Mines. Were the prices for the coals produced by those mines not properly related, however, the realization of Great Western, lowered in 1940, might be even further decreased.

Upon the basis of the uncontroverted evidence, I find and conclude that the price classifications and minimum prices for the coals of the Great Western Mine of the Great Western Coal Company should be revised in Size Groups 4 and 6 to 10, inclusive, to conform to those requested in the amended petition in Docket No. A-137, Part II, for those size groups and that such revisions are required in order to effectuate the policies of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That § 334.5 (*Alphabetical list of code members*) and § 334.24 (*General prices for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 14 for Truck Shipments be, and they hereby are, amended as follows:

1. The present effective price classifications and minimum prices for the coals produced by the Great Western Mine (Mine Index No. 44) of Great Western Coal Company in Production Group 5 in Size Groups 4 and 6 to 10, inclusive, be, and they hereby are, deleted.

2. Beginning forthwith, the price classifications and minimum prices as set forth in supplement R, § 334.5 (*Alphabetical list of code members*), and supplement T, § 334.24 (*General prices for shipment into all market areas*), annexed hereto and made a part hereof, shall be, and they hereby are, established as the effective price classifications and minimum prices for coals produced at the Great Western Mine (Mine Index No. 44) of Great Western Coal Company in Production Group 5.

It is further ordered, That in all other respects the prayers for relief contained in the several petitions filed herein be, and they hereby are, denied.

Dated: November 7, 1941.

[SEAL] H. A. GRAY, *Director.*

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine name	Producer group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
44	Great Western Coal Company	Great Western	5	Fire Chief, Ark	SL-SF	16	------	------	------	1	------	J	J	J	J	G	(*)	------	(*)	(*)	(*)	(*)	(*)	(*)	(*)	------

*Minimum price classifications established for these sizes. No changes requested.

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Mine index No.	Code member	Mine name	Producer group No.	County	Prices and size group Nos.																	
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
44	Great Western Coal Company	Great Western	5	Fire Chief, Arkansas	------	------	------	415	415	415	415	390	370	(*)	------	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	------

*Minimum prices established for these sizes. No changes requested.

[F. R. Doc. 41-9010; Filed, December 1, 1941; 11:13 a. m.]

[Docket No. A-409]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT AND REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 14, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications and minimum prices for the coals of certain code-member producers in District No. 14.

In accordance with an Order of the Director and after notice to all interested persons, a hearing in this matter was held on July 30, August 2, and August 6, 1941, before D. C. McCurtain, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Fort Smith, Arkansas, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District No. 14 and the Keener Mining Company appeared.[1] The preparation and filing of a report by the Examiner were waived and the matter thereupon was submitted to the undersigned.

The petition of District Board 14 requests the revision and establishment of price classifications and minimum prices for the coals, both truck and rail shipments, of the Looper Coal Company (Mine Index No. 68) and, for truck shipments only, of the Bokoshe Coal Company (Mine Index No. 41-9010; Filed, December 1, 1941; 11:13 a. m.) and rail shipments, as follows: "F" or $3.35 in Size Group No. 3, "B" or $1.35 in Size Group No. 14, and "Q" or $2.70 in Size Group No. 18.

It appears from the uncontroverted testimony of the witnesses for the petitioner that the requested classifications and minimum prices conform with the effective prices heretofore established for comparable coals in District No. 14.[2] It is shown that the requested minimum prices are just and equitable and are in no way prejudicial or preferential as between districts. The evidence further

[1] The Keener Mining Company withdrew their petition of intervention at the hearing.

[2] Mines located in District 14, Sub-district 5, producing coal similar to the Looper Mine are as follows: Bussey (Mine Index No. 304), Sam Brown (Mine Index No. 302), Farley and Darfron (Mine Index No. 307), William Jones, (Mine Index No. 311), John Turner Coal Co. (Mine Index No. 312). Other mines similar to the Bokoshe Mine are the Banner Coal Company (Mine Index No. 4), and the Premium Coal Co. (Mine Index No. 86) located in District 14, Sub-district 7.

indicates that the classifications and minimum prices requested by the petitioner will, if adopted, reflect the true values of the coals to which they apply and will preserve fair competitive opportunities for the producers thereof, as well as other local producers competing with them.

It further appears from the record that the minimum prices for the James N. Ford Coal Company, Mine No. 1 (Mine Index 210), established pursuant to the Order of the Director dated January 31, 1941, should be deleted from the Schedule of Effective Minimum Prices for District No. 14 for Truck Shipments, since minimum prices were formerly established for this mine when it was classified as the John Henry Mine (Mine Index 102). The testimony submitted clearly shows that the establishment of minimum prices by the Director in this docket for Mine Index No. 210 was in error. Since Mine Index No. 102 is now owned by James N. Ford Coal Company, the Schedule should so indicate but the prices heretofore established for the coals of that mine shall remain as the effective prices.

The requested classifications and minimum prices are fair and reasonable at the present time are fair and reasonable and are based on the quality and character of the coal, its market acceptability, and will, if approved, maintain fair competitive opportunities.

Upon the basis of the evidence, I find and conclude:

(1) That the classifications and minimum prices shown in the Supplements hereto attached for the coals specified therein, are proper and should be established; that said classifications and minimum prices are in proper relation to those established for analogous and comparable coals in District No. 14; (2) that the minimum prices for the James N. Ford Coal Company, Mine No. 1 (Mine Index 210), established pursuant to the Order of the Director dated January 31, 1941, should be deleted from the Schedules of Effective Minimum Prices for District No. 14 for Truck Shipments; (3) that such amendment of the price schedule for District No. 14 is necessary in order to effectuate the purposes of section 4 II (a) and section 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That, commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That, the minimum prices and mine index number for the James N. Ford Coal Company, Mine No. 1, (Mine Index No. 210) heretofore established in Docket A-409 by an Order of the Director dated January 31, 1941 be and they hereby are deleted from the Schedules of Effective Minimum Prices for District No. 14 for Truck Shipments.

Dated: November 10, 1941.

[SEAL] H. A. GRAY,
Director.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

§ 334.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.
68	Looper Coal Company	Looper	6	Huntington, Ark.	SLASF	16

*Minimum prices have been established for these sizes.

§ 334.24 *General prices for shipment into all market areas*—Supplement T

FOR TRUCK SHIPMENTS

Mine Index No.	Code member	Mine name	Production group No.	County	Price classifications by size group																
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
209	Bokoshe Coal Company (Chester R. Oglesby).*	Bokoshe Coal Co. No. 1	7	LaFlore, Oklahoma	----	----	----	405	----	405	395	395	380	330	315	----	200	135	115	105	105	155	315	----
68	Looper Coal Company	Looper	6	Sebastian, Arkansas	----	----	(*)	----	----	----	----	----	----	----	305	----	----	(*)	115	----	----	(*)	----	----

*Minimum prices have been established for these sizes.
**Price classification has been established for rail shipments in Docket A-750.

[F. R. Doc. 41-9012; Filed, December 1, 1941; 11:15 a. m.]

[Docket No. A-928, Part II]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF THE KISTLER MINE (MINE INDEX NO. 203) IN SIZE GROUPS 4 AND 18, AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BIG VEIN COAL COMPANY (MINE INDEX NO. 520) IN SIZE GROUPS 6, 7, 8 AND 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed in Docket No. A-928 on June 20, 1941, by District Board 14, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 14.

An Order in Docket No. A-928, issued July 28, 1941, 6 F.R. 3944, by the Acting Director, granted temporary relief and conditionally provided for final relief in accordance with the price classifications and minimum prices set forth in Supplement R and Supplement T annexed thereto and made a part thereof. No relief was granted in this Order for the coals of the Kistler Mine (Mine Index No. 203) in Size Groups 4, 14, and 18, nor for the coals of the Big Vein Coal Company (Mine Index No. 520) in Size Groups 6, 7, 8, and 10.

On the same day, 6 F.R. 3814, the Acting Director issued a Memorandum Opinion and Order Granting Temporary Relief, Severing Docket No. A-928, Part II from Docket No. A-928, and Notice of and Order for Hearing in Docket No. A-928, Part II in which, for the reasons stated therein, temporary relief was granted as follows: Price classifications "O" and "G" were established in Size Groups 6 and 10, respectively, for the coals of the Big Vein Coal Company Mine (Mine Index No. 520) for all shipments except truck and minimum prices of 375 and 370 cents per net ton in Size Groups 6 and 10, respectively, were established for such coals for truck shipments. It was further ordered that the portion of Docket No. A-923 relating to the coals of Kistler Mine (Mine Index No. 203) in Size Groups 4 and 18,[1] and the coals of Big Vein Coal Company Mine (Mine Index No. 520) in Size Groups 6, 7, 8, and 10, be severed from the remainder of Docket No. A-928 and designated as Docket No. A-928, Part II, and that a hearing in this matter be held on August 6, 1941, at a hearing room of the Division in Fort Smith, Arkansas.

A hearing was held in Docket No. A-928, Part II before D. C. McCurtain, a duly designated Examiner of the Division, at the time and place above mentioned, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

The preparation and filing of a report by the Examiner was waived.

At the hearing, counsel for District Board 14 stated that the Board had discovered certain errors and omissions in its original petition in Docket No. A-923, in regard to its recommendations as to the coals of the Kistler Mine, and asked leave to file a written amendment to its petition so as to request a classification of "K" instead of "M" in Size Groups 7 and 8, and classifications of "D" in Size Group 13 and "A" in Size Group 17 for shipment by rail. Petitioner's request was granted and testimony admitted in this hearing as to the amendments sought to be made in Docket No. A-928. On August 14, 1941, a written amendment in Docket No. A-928, Part II was filed with the Division.

It is true that all of the amendments sought in respect to the coals of the Kistler Mine, except those for Size Groups 4 and 18, were not covered in the Order setting a hearing on Docket No. A-928, Part II. However, since leave to amend was granted by the Examiner and the introduction of evidence at the hearing in support thereof was allowed, without objection being made, and it appears from the record that no one will be injured thereby, I will not rule that the departure from orthodox procedural requirements here disclosed is sufficient to bar the granting of relief in this case. Nevertheless, the petitioner is cautioned to prepare and prosecute any proceeding it may have before the Division in the future with more care.

The petitioner's written amendment in respect to the Kistler Mine, requests price classification of "L" in Size Group 9 for rail shipments and a minimum price of 380 cents for Size Group 9 for truck shipments. Neither of these are included in the original petition, and no reference thereto appears in the transcript of the hearing. There is no evidence in the record to support the necessity, in Size Group 9, for either the price classification "L" or the minimum price of 380 cents, therefore the requests as to these will not be allowed.

The evidence shows that due to a change from Solid Shot to Machine Cut operation at the Kistler Mine, the existing price classification "D" under Size Group 3 for rail shipments and minimum price of 370 cents under Size Group 3 for truck shipments, should be withdrawn.

The petitioner introduced evidence at the hearing to the effect that the prices proposed by it for the coals produced at the Kistler Mine (Mine Index No. 203) and the Big Vein Coal Company Mine (Mine Index No. 520) were fair and reasonable, based on the quality and character of the coal, its market acceptability, and with due regard to preserving fair competitive opportunities as between producers and would not be prejudicial as against any other district. There was no evidence to the contrary.

Based upon the foregoing facts and for the reasons stated, relief will be granted as to all the proposed price classifications and minimum prices except price classification "L" in Size Group 9 for rail shipments and the minimum price of 380 cents for Size Group 9 for truck shipments for the Kistler Mine.

Now, therefore, it is ordered, That commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 334.6 (*General prices*) is amended by adding thereto Supplement R–II, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That price classification "D" under Size Group 3 for rail shipments, and the minimum price of 370 cents for Size Group 3 for truck shipments, for the coals of the Kistler Mine (Mine Index No. 203), be and they are hereby withdrawn from the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments.

It is further ordered, That in all other respects the relief requested herein be and it hereby is denied.

Dated: November 7, 1941.

[SEAL] H. A. GRAY,
Director.

[1] The petition proposed the same price classification and minimum prices for Size Group 14 coals as those already established for coals in that Size Group.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
520	Big Vein Coal Co. (E. C. Farris).	Big Vein Coal Co	1	Hartman, Ark	MP	33	-----	-----	(*)	-----	-----	O	O	O	-----	G	-----	-----	-----	(*)	(*)	(*)	-----	(*)	-----	-----
203	Kistler Coal Company	Rock Island	6	Excelsior, Ark	MV	18	-----	-----	-----	J	-----	(*)	K	K	-----	-----	(*)	-----	D	(*)	(*)	(*)	A	O	-----	-----

*Minimum price classifications established for these sizes. No changes requested.

§ 334.6 *General prices*—Supplement R–II

[Subject to price instructions and exceptions shown in § 334.1]

Price classification	Size groups 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
O	----	----	----	----	----	375	375	375	----	----	----	----	----	----	----	----	----	----	----	----
O	----	----	----	----	----	340	340	340	----	----	----	----	----	----	----	----	----	----	----	----

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	County	Subdistrict No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Big Vein Coal Co. (E. C. Farris)	520	Big Vein Coal Co	Johnson, Ark	1	-----	-----	(*)	-----	-----	375	375	375	-----	370	-----	-----	-----	(*)	(*)	(*)	-----	(*)	-----	-----
Kistler Coal Company	203	Rock Island	Le Flore, Okla	6	-----	-----	-----	405	-----	(*)	405	405	-----	-----	(*)	-----	200	(*)	(*)	(*)	185	315	-----	-----

*Minimum prices established for these sizes. No changes requested.

[F. R. Doc. 41–9011; Filed, December 1, 1941; 11:13 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 956—MATERIALS ENTERING INTO THE CONSTRUCTION OF SPECIFIED LOCOMOTIVES

Extension and Amendment of Preference Rating Order No. P–20

It is hereby ordered, That § 956.1 (*Preference rating order No. P–20*), issued July 21, 1941,[1] and all Preference Rating Certificates issued thereunder, shall continue in effect until December 31, 1941, unless sooner revoked by the Office of Production Management.

Section 956.1 (f) (2) is hereby amended to read as follows:

§ 956.1 *Preference rating order P–20.*

* * * * *

(f) *Reports and information.*

* * * * *

(2) The Producer, and each Supplier who applies the preference rating, shall file reports containing such information concerning the matters specified in paragraph (e) (1) of this section, and concerning any other pertinent matters, with the Automotive, Transportation and Farm Equipment Branch, Division of Civilian Supply, Office of Production Management, as shall from time to time be required by said Branch. Until further order, such information shall be furnished to the Automotive, Transportation and Farm Equipment Branch, Division of Civilian Supply, Office of Production Management by the Producer and by each such Supplier, to the extent, in the form and at the time specified in Exhibit A attached hereto.[2]

Section 956.1 (f) (3) is hereby amended to read as follows:

(3) The Producer and each Supplier who applies the preference rating, shall submit from time to time to an audit and inspection by representatives of the Office of Production Management concerning the matters specified in paragraph (e) (1) of this section. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8675, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; Sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9034; Filed, December 1, 1941; 2:45 p. m.]

[1] 6 F.R. 3646.

[2] Not filed as part of the original document.

PART 957—MATERIAL ENTERING INTO THE REPAIR AND REBUILDING OF STEAM, ELECTRIC, OR DIESEL LOCOMOTIVES WHETHER FOR RAILROAD, MINING, OR INDUSTRIAL USE

Extension and Amendment of Preference Rating Order No. P–21

It is hereby ordered, That § 957.1, (*Preference rating order No. P–21*), issued July 21, 1941,[1] and all Preference Rating Certificates issued thereunder, shall continue in effect until December 31, 1941 unless sooner revoked by the Office of Production Management.

Section 957.1 (f) (2), is hereby amended to read as follows:

§ 957.1 *Preference rating order P–21.*

* * * * *

(f) *Reports and information.*

* * * * *

(2) The Repairer, and each Supplier who applies the preference rating, shall file reports containing such information concerning any other pertinent matters, with the Automotive, Transportation and Farm Equipment Branch, Division of Civilian Supply, Office of Production Management, as shall from time to time be required by said Branch. Until further order, such information shall be furnished to the Automotive, Transportation and Farm Equipment Branch, Division of Civilian Supply, Office of Production Management by the Repairer and by each such Supplier, to the extent, in the form and at the times specified in Exhibit A attached hereto.[2] (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8675, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; Sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 29th day of November, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9035; Filed, December 1, 1941; 2:45 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

PRICE SCHEDULE NO. 46—RELAYING RAIL

Relaying rails are used extensively in armament plants, as well as in the essential industrial and mining establishments provided for in the Defense Program. The prices of relaying rails have increased sharply since the beginning of 1941. In many instances, the price of relaying rail has been as high or higher than that of new rail. After a thorough investigation by the Office of Price Administration and numerous conferences with all branches of the relaying rail industry, I find that the maximum prices prescribed herein constitute a fair and equitable limitation on prices for relaying rail and are necessary to assure an adequate and even flow of relaying rail into defense channels.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.251 *Maximum prices for relaying rail.* On and after December 2, 1941, regardless of sale or purchase, or other commitment, except as provided in § 1306.254 hereof, no person shall sell, offer to sell, deliver or transfer relaying rail, and no person shall buy, offer to buy, or accept delivery of relaying rail, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.260.*

*§§ 1306.251 to 1306.260, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8675, 6 F.R. 1917, 4483.

§ 1306.252 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1306.253 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of relaying rail, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.254 *Permission to carry out contracts entered into prior to November 1, 1941.* Any person who, prior to November 1, 1941, has entered into a contract of sale or other firm commitment calling for the delivery of or transfer after that date, of relaying rail, at prices higher than the maximum prices established by this Schedule, may make application to the Office of Price Administration on Form 146:1 provided for that purpose, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only when necessary to protect the applicant against loss in the disposition of (a) inventory acquired prior to November 1, 1941, at prices higher than the established maximum prices and held by the applicant on that date, and (b) acquired by the applicant pursuant to permission granted by the Office of Price Administration to such applicant and his vendor under this Section. Such application shall be filed with the Office of Price Administration on or before December 22, 1941.*

[1] 6 F.R. 3647.

§ 1306.255 *Records and reports.* (a) Every person making purchases or sales of relaying rails after 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the shipping point price paid or received, and the quantity of each kind or grade purchased or sold, and (2) the quantity of relaying rail (i) on hand, and (ii) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(b) *Purchases of relaying rail in excess of 100 gross tons.* Every person other than the ultimate consumer, making a purchase of used rail, in quantities in excess of 100 gross tons, which includes relaying rail covered by paragraph (b) of § 1306.260 below, not later than ten days following the purchase shall file with the Office of Price Administration either (1) a certificate from an established, independent inspection bureau, or (2) an affidavit by such person, stating the estimated division of such rail among relaying, rerolling, and scrap rails, as well as such further documents as may be required by the Office of Price Administration: *Provided,* That the rails so purchased shall be subject to any inspection and classification as to quality which may be made by the Office of Price Administration.

(c) *Sales of relaying rail of 25 gross tons or more.* Every seller making a sale to a consumer of relaying rails in quantities of 25 tons or more, shall file with the Office of Price Administration, within 10 days after such sale, either (1) a certificate from an established, independent inspection bureau certifying that such rails are of relaying quality, or (2) an affidavit from the consumer stating that such rails are to be used for relaying purposes, the quantity, source, shipping point and delivered price of the shipment.*

§ 1306.256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of relaying rail, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.257 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by a person complying with this Schedule and all other schedules issued by the Office of Price Administration.*

§ 1306.258 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Shipping point" means on board the means of transportation to the buyer, whether truck, freight car, barge, or ship.*

§ 1306.259 *Effective date of the schedule.* This Schedule shall become effective December 2, 1941.*

§ 1306.260 *Appendix A—Maximum prices for relaying rail.*—(a) *Maximum prices for relaying rail originating from Class I railroads.* The maximum price of relaying rail, weighing 35 lbs. or more per yard, originating from Class I railroads and Class I switching or terminal companies, except when such rail is sold in track, shall be $28.00 per gross ton f. o. b. any station on the selling railroad at the option of the buyer: *Provided,* That when such rail is purchased by dealers or jobbers, such dealers or jobbers may sell, except as provided in paragraph (c) below, such rail at a maximum price of $30.00 per gross ton f. o. b. shipping point.

(b) *Maximum price for other relaying rail.* The maximum price, f. o. b. shipping point, for relaying rail weighing 35 lbs. or more per yard, other than rail covered by paragraph (a) above and paragraph (c) below, shall be $30.00 per gross ton minus the lowest railroad freight charge for transporting such rail from the shipping point to the basing point nearest freightwise to the shipping point: *Provided,* That the shipping point price need in no case be less than $22.00 per gross ton.

The following cities shall be deemed basing points:

Boston, Mass.	Minneapolis, Minn.
Philadelphia, Pa.	St. Louis, Mo.
Buffalo, N. Y.	Kansas City, Mo.
Pittsburgh, Pa.	Birmingham, Ala.
Cleveland, Ohio.	Houston, Tex.
Cincinnati, Ohio.	Los Angeles, Calif.
Detroit, Mich.	San Francisco, Calif.
Chicago, Ill.	Portland, Oreg.
Savannah, Ga.	Seattle, Wash.
Norfolk, Va.	

(c) *Maximum prices for relaying rail sold from warehouses.* (1) The maximum price of relaying rail weighing 35 lbs. or more per yard, which has been shipped to recognized relaying rail warehouses equipped with machinery for reconditioning, and there unloaded, when sold from such warehouse shall be $1.60 cwt. f. o. b. warehouse for quantities of 25 gross tons and over; $2.00 cwt. f. o. b. warehouse for quantities of 5 to less than 25 gross tons; and $2.25 cwt. f. o. b. warehouse for quantities less than 5 gross tons.

(2) Any person desiring to sell relaying rail pursuant to paragraph (c) herein must file, on or before December 10, 1941, with the Office of Price Administration, a statement indicating that he operates a recognized warehouse equipped with machinery for reconditioning. A storage point or yard, not customarily operated as a warehouse, is not a warehouse within the meaning of this paragraph.

Issued this 2d day of December, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9043; Filed, December 2, 1941; 10:52 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W ORD 458[1] Supp. 4]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE CONSTRUCTION, EQUIPMENT AND OPERATION CONTRACT

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Fixed-fee for construction: Additional, $15,443.00.

Fixed-fee for optional operation: * * * per pound of powder manufactured in excess of * * * pounds.

Contract for: Supplemental Contract to increase the powder capacity of the plant to be constructed and operated under Contract No. W-ORD-458, as amended; to change the initial quantities in order to incorporate the increases in quantities resulting from the exercise of the Options provided in Supplement No. 2 to Contract No. W-ORD-458; to alter * * * cannon powder line to provide for the production of additional small arms powder; to provide the necessary buildings and equipment for nitrating sufficient wood pulp for * * * cannon powder lines; to provide in Contract No. W-ORD-458, as amended, a "changes" clause giving the necessary authority to the Government to make certain changes within the scope of said contract; and to provide for certain optional operation.

Place: Charlestown, Indiana.

Estimated cost of construction under Article I: Additional, $2,051,000.00.

Estimated cost of operation in excess of * * * pounds of powder (optional): $ * * * per pound.

[1] 5 F.R. 4322.

The equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 7675 P99 A 0141-02
ORD 7676 P99 A 0141-02
ORD 6795 P99 A 1005-02

This supplemental contract,[2] entered into this 7th day of November 1941.

There is now in force between the parties hereto a certain contract, identified by the Government as "Contract No. W-ORD-458" which provides for the building, equipping and operating of a nitrocellulose smokeless powder plant by the Contractor for the Government at Charlestown, Indiana, said contract bearing date of July 17, 1940, and being hereinafter sometimes referred to as the "Original Contract".

Said Original Contract has been supplemented and amended by supplemental contracts dated October 9, 1940, December 28, 1940, and January 28, 1941, identified as Contracts W-ORD-458, Supplements 1, 2, and 3, respectively.

The Government by letter dated June 25, 1941 exercised the options reserved in paragraphs (b) and (c) of Article II of the Original Contract as amended by Supplement No. 2.

The Government now desires to change the initial quantities in order to incorporate the increases in quantities resulting from the exercise of such options.

B. It is estimated that the increase in the cost of the design and construction work covered by Article I of the Original Contract, as amended, on account of the additional work provided for in this fourth supplemental contract, will be two million fifty-one thousand dollars ($2,051,000.00). Paragraph (b), Article I is, therefore, changed to read:

It is estimated that the total cost of the construction work aforesaid will be approximately seventy-five million four hundred twenty-one thousand dollars ($75,421,000.00) (not including the cost of acquiring land, nor the cost of equipment furnished by the Government, nor the Contractor's compensation).

K. Except as herein provided, the terms and conditions of the Original Contract, as amended, shall continue in full force and effect and shall apply with equal force to the work added by this supplemental contract.

This contract is authorized by the following laws: Act of July 2, 1940 (Public No. 703, 76th Cong.) and the Act of June 30, 1941 (Public No. 139, 77th Cong.)

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9038; Filed, December 2, 1941; 9:31 a. m.]

[2] Approved by the Under Secretary of War November 14, 1941.

[Contract No. W 303 ord-972]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE B. F. GOODRICH COMPANY, AKRON, OHIO

Contract for: * * * Track for Half Track Vehicles.

Amount: $3,168,876.00.

Place: Cleveland Ordnance District, 1450 Terminal Tower, Cleveland, Ohio.

The supplies to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authority ORD 15231 P 11-30 A (1005) .105-01, the available balance of which is sufficient to cover cost of same.

This contract,[1] entered into this twentieth day of September 1941.

Scope of this contract. The Contractor shall furnish and deliver * * * Tracks for Half Track Vehicles for the consideration stated three million one hundred sixty-eight thousand eight hundred seventy-six dollars and no cents ($3,168,876.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50% of the total amount of the contract.

Quantities. The Government reserves the right to increase the quantity on this contract by as much as * * *% and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination for convenience of the government. Should conditions arise which, in the opinion of the head of the Department, make it necessary or advisable in the interest of the Government that work be discontinued under this contract, the Government may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate this contract in whole or in part.

This contract is authorized by the Act of July 2, 1940, Public, 703, 76th Congress.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9039; Filed, December 2, 1941; 9:31 a. m.]

[1] Approved by the Chief of Ordnance November 12, 1941.

[Contract No. W 294 ord-769]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: INTERNATIONAL FLARE-SIGNAL DIVISION OF THE KILGORE MANUFACTURING COMPANY, TIPP CITY, OHIO

Contract for: * * * Parachutes * * *.

Amount: $1,435,712.06.

Place: Cincinnati Ordnance District, 1229 The Enquirer Bldg., Cincinnati, Ohio.

The material to be obtained by this instrument is authorized by, is for the purpose set forth in, and is chargeable to the Procurement Authority ORD 15,540 P11-02A (1005) .105-01, the available balance of which is sufficient to cover same.

This contract,[1] entered into this 15th day of July 1941.

ARTICLE 1. *Scope of this contract.* The Contractor shall furnish and deliver * * * Parachutes * * * for the consideration stated of one million, four hundred thirty-five thousand, seven hundred twelve dollars and six cents ($1,435,712.06) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided.

[1] Approved by the Chief of Ordnance, November 10, 1941.

Payments will be made on partial deliveries accepted by the Government, when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 17. *Quantities.* The Government reserves the right to increase the quantity on this contract by as much as * * *% and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

ART. 21. *Termination when contractor not in default.* This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Congress) as continued in effect by Section 9, Public No. 139—77th Congress.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9040; Filed, December 2, 1941; 9:32 a. m.]

[Serial Nos. 4632, 7-16-41; 4784, 8-21-41]

SUMMARY OF CHANGE ORDERS TO EMERGENCY PLANT FACILITIES CONTRACT

CONTRACTOR: FORD MOTOR COMPANY, DEARBORN, MICHIGAN

Change No. 1[1] to Contract No. W 535 ac-17072.[2] Dated: December 23, 1940.

Subject: Additional Items and Increased Costs of Facilities Provided in Emergency Plant Facilities Contract.

Affecting: Contract No. W 535 ac-17072.

The United States of America, hereinafter called the Government and Ford Motor Company, hereinafter called the Contractor, have executed Contract W 535 ac-17072, with reference to the acquisition, construction and installation by the Contractor of certain emergency plant facilities.

Paragraph 2 of Article I of the contract provides substantially that the Contractor may at any time make changes in or additions to the drawings and specifications, and the machinery and equipment to be acquired.

The Government has found it necessary to increase the aggregate amount provided in the contract by the sum of $1,954,219.00 (one million, nine hundred fifty-four thousand, two hundred nineteen dollars), which sum is composed of the various items of increase and the additional necessary items not heretofore included and for the various purposes as set forth in Supplemental Appendix A hereto. The additional interest allowable, in respect to the above increase, under Article I, section 5 of the said contract is $3,250.00 (three thousand, two hundred fifty dollars). The aforesaid costs are deemed by the Contracting Officer under the aforesaid contract No. W 535 ac-17072 to be reasonable and necessary for the performance of said contract.

It is agreed that said contract be amended in the following respects:

1. That the Contractor hereby agrees to use its best efforts to acquire, construct and install said emergency plant facilities included in Appendix A to the original contract and Supplemental Appendix A hereto for a sum not to exceed the estimated cost of the emergency plant facilities set forth in Article I, section 1 of said original contract as increased by the additional estimated costs set forth in Supplemental Appendix A hereto, which is made a part hereof, all in accordance with the plans and specifications set forth in the original contract with Appendix A thereto and this Change Order with Supplemental Appendix A hereto.

2. That the total costs of the emergency plant facilities of the complete addition to an existing plant described in Schedules I-A to IV-A, inclusive, of Appendix A as estimated in Article I, section 1 of the contract be changed to read $8,573,884.00 (eight million, five hundred seventy-three thousand, eight hundred eighty-four dollars); that the total costs of the emergency plant facilities of the complete addition to an existing plant described in Schedules I-C to IV-C, inclusive, of Appendix A as estimated in Article I, section 1 of the contract be changed to read $325,435.00 (three hundred twenty-five thousand, four hundred thirty-five dollars); that the total costs of the emergency plant facilities of the complete addition to an existing Plant described in Schedules I-D to IV-D, inclusive of Appendix A as estimated in Article I, section 1 of the contract be changed to read $773,850.00 (seven hundred seventy-three thousand, eight hundred fifty dollars); and that the maximum costs of the emergency plant facilities, including all four complete additions to an existing plant described in Schedules I-A to IV-A, inclusive, I-B to IV-B, inclusive, I-C to IV-C, inclusive, and I-D to IV-D, inclusive, of Appendix A, and stated in Article II, section 1 of the contract be changed to read $23,666,339.43 (twenty-three million, six hundred sixty-six thousand, three hundred thirty-nine and 43/100 dollars).

Procurement Authorities:

AC 78 P 1-2030 A 0141.116-02
AC 78 P 1-3052 A 0141-02
AC 78 P 1-3100 A 0141-02
AC 78 P 1-3211 A 0141-02

Except as hereby amended, all the terms and conditions of the contract affected shall remain unmodified and in full force and effect and shall also apply in carrying out the provisions of this Change Order.

Change Order No. 2

Change No. 2[3] to Contract No. W 535 ac-17072.[2]

Dated: December 23, 1940.

Subject: Additional Items in Emergency Plant Facilities Contract.

Affecting: Contract No. W 535 ac-17072.

The United States of America, hereinafter called the Government, and Ford Motor Company, a corporation organized and existing under the laws of the State of Delaware, hereinafter called the Contractor, have executed Contract No. W 535 ac-17072, and Change Order, Serial No. 4632, being Change No. 1 to said Contract, with reference to the acquisition, construction and installation by the Contractor of certain emergency plant facilities.

Paragraph 2 of Article I of the contract provides substantially that the Contractor may at any time make changes in or additions to the drawings and specifications, and the machinery and equipment to be acquired.

The Government has found it necessary to increase the aggregate amount provided for in the contract, as amended by Change Order No. 1 thereto, by the sum of $4,081,546.87 (four million, eighty-one thousand, five hundred forty-six and 87/100 dollars), which sum is composed of the costs of the various items and for the various purposes as set forth in Appendix B hereto. The additional interest allowable, in respect to the above increase, under Article I, section 5 of the said contract is $40,815.00 (forty thousand, eight hundred fifteen dollars). The aforesaid costs are deemed by the Contracting Officer under the aforesaid contract No. W 535 ac-17072 to be reasonable and necessary for the performance of said contract.

The emergency plant facilities provided in said original contract, as amended by said Change Order No. 1 thereto, will be completed several months prior to the time the emergency plant facilities provided herein will be completed and, therefore, the Government and the Contractor are both desirous of considering the emergency plant facilities provided herein as a separate emergency facility and of including herein suitable provisions so that the contractor may file Final Cost Certificate A covering those emergency plant facilities provided in said original contract, as amended by Change Order No. 1 thereto, at the time of the completion of said facilities and the Government may start its payments on Government reimbursement for plant costs at that time, and that the Contractor may file Final Cost Certificate B covering those emergency plant facilities provided herein at the completion of said emergency plant facilities and the Government may start its payments on Government reimbursement for the plant costs for those facilities at that time.

In consideration of the premises and the mutual agreements herein contained and to provide for the further expediting of the emergency plant facilities and the efficient operation and production thereof, it is agreed that said contract be amended in the following respects:

1. That the Contractor hereby agrees to use its best efforts, to acquire, construct and install said emergency plant facilities included in Appendix A to the original contract, Supplemental Appendix A to Change Order No. 1 thereto and Appendix B hereto by a sum not to exceed the estimated cost of the emergency facilities set forth in Article I, section 1 of the said original contract as amended by Change Order No. 1 thereto and as increased by the additional estimated costs set forth in Appendix B hereto which is made a part hereof, all in accordance with the plans and specifications set forth in the original contract with Appendix A thereto, Change Order No. 1 with Supplemental Appendix A thereto and this Change Order with Appendix B hereto.

2. That the Contractor shall have the right, upon the terms and conditions of section 4 of Article I and consistent with all other provisions of said original contract, to file a Final Cost Certificate A covering those emergency plant facilities provided in said original contract, as amended by Change Order No. 1 thereto, at the time of the completion of said emergency plant facilities in order that the Government may start its payments on Government reimbursement for plant costs for those facilities, and the Contractor shall file its Final Cost Certificate B covering those emergency plant facilities provided herein at the time of the completion of said emergency plant facilities.

3. That in addition to the total cost of the emergency plant facilities of the four complete additions to an existing plant as set forth in Article I, section I, of the contract, as amended by Change Order No. 1 thereto, there is hereby added the sum of $4,081,546.87 (four million, eighty-one thousand, five hundred forty-six and 87/100 dollars) for an increase in one of the complete additions to an existing plant, described as Aircraft Engine Manufacturing Plant including Test Houses in Schedules I-A to IV-A, inclusive, of Appendix A to said contract, as amended, as set forth in Appendix B hereto, and the maximum cost as stated in Article II, section I of the contract, as amended by Change Order No. 1 thereto, is hereby changed to read $27,747,886.30 (twenty-seven million, seven hundred forty-seven thousand eight hundred eighty-six and 30/100 dollars).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9041; Filed, December 2, 1941; 9:34 a. m.]

[1] Approved by the Under Secretary of War August 28, 1941.
[2] 6 F.R. 822.
[3] Approved by the Under Secretary of War, October 15, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1097]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

[Docket No. A-1097; Part II]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF GASTON COAL COMPANY, GASTON NO. 2 MINE, MINE INDEX NO. 255, R. H. HAYES (HAYES COAL CO.) MEAD POCA. NO. 3 MINE, MINE INDEX NO. 265, AND I. R. THOMPSON, AMICK MINE, MINE INDEX NO. 508, CODE MEMBERS IN DISTRICT NO. 7 FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1097 PART II FROM DOCKET NO. A-1097, ORDER GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1097 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1097 PART II

The original petition in the above-entitled matter, which was filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 7.

As the Director found in an Order issued in Docket No. A-1097, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to the establishment of permanent price classifications and minimum prices for the coals of Gaston Coal Company, Gaston No. 2 Mine, Mine Index No. 255, R. H. Hayes (Hayes Coal Co.), Mead Poca. No. 3 Mine, Mine Index No. 265, and I. R. Thompson, Amick Mine, Mine Index No. 508, Code Members in District No. 7, for All Shipments Except Truck. While it appears that temporary relief should be granted for the coals of the said mines, for All Shipments Except Truck, the Director is of the opinion that the original petitioner did not set forth sufficient facts to warrant the establishment of permanent price classifications and minimum prices without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1097 relating to the coals of Gaston Coal Company, Gaston No. 2 Mine, Mine Index No. 255, R. H. Hayes (Hayes Coal Co.), Mead Poca. No. 3 Mine, Mine Index No. 265, and I. R. Thompson, Amick Mine, Mine Index No. 508, Code Members in District No. 7, for All Shipments Except Truck, be and the same hereby is, severed from the remainder of Docket No. A-1097 and designated as Docket No. A-1097, Part II.

It is further ordered, That a hearing in Docket No. A-1097 Part II under the applicable provisions of said Act and the rules of the Division be held on December 9, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 4, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 7 for the establishment of price classifications and minimum prices for the coals of Gaston Coal Company, Gaston No. 2 Mine, Mine Index No. 255, R. H. Hayes (Hayes Coal Co.), Mead Poca. No. 3 Mine, Mine Index No. 265, and I. R. Thompson, Amick Mine, Mine Index No. 508, Code Members in District No. 7 for All Shipments Except Truck.

It is further ordered, That, pending final disposition of Docket No. A-1097 Part II, temporary relief is granted as

...y relief granted herein may be ...uant to the Rules and Regula... ...erning Practice and Procedure ...e Bituminous Coal Division in ...gs Instituted Pursuant to sec... ...tion 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 14, 1941.

H. A. GRAY, *Director.*

[SEAL]

TEMPORARY SUPPLEMENT

...ions, prices, instructions, exceptions and other provisions contained in Price Schedule ...ations by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.					
								1	2	3	4	5	6	7	8	9	10
255	Gaston Coal Company	Gaston #2	5	Pcca. 3	Alpoca, W. Va.	VGN	14	D	F	E	D	A	B	B	B	B	B
265	Hayes, R. H. (Hayes Coal Co.)	Mine# Poca. #3	5	Pcca. 3	Mullens, W. Va.	VGN	19	(DD)	(FF)	(EE)	(DD)	(AA)	(BB)	(BB)	(BB)	(BB)	(BB)
688	Thompson, I. R.	Antelope	1	Fire Creek	Raineile Jct., W. Va.	C&O-NYC											

†Indicates no classifications effective for these size groups.

[F. R. Doc. 41-9005; Filed, December 1, 1941; 11:10 a. m.]

[Docket No. A-1101]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1101; Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE HELMICK MINE, MINE INDEX NO. 927, JOHNSON NO. 1 MINE, MINE INDEX NO. 932, BEAVER NO. 1 MINE, MINE INDEX NO. 666, BEAVER NO. 2 MINE, MINE INDEX NO. 3170, BEAVER NO. 3 MINE, MINE INDEX NO. 3171, MILLIRON MINE, MINE INDEX NO. 655, AND MILLIRON NO. 2 MINE, MINE INDEX NO. 3176, IN DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1101 PART II FROM DOCKET NO. A-1101, ORDER GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1101 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1101 PART II

The original petition in the above-entitled matter, which was filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 1.

As the Director found in an Order issued in Docket No. A-1101, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to the establishment of permanent price classifications and minimum prices for the coals of the Helmick Mine, Mine Index No. 927, and Johnson No. 1 Mine, Mine Index No. 932, and for the mixing of the coals of Beaver Nos. 1, 2, and 3 Mines, Mine Index Nos. 666, 3170, and 3171, respectively, and for the mixing of the coals of Milliron and Milliron No. 2 Mines, Mine Index Nos. 655 and 3176, respectively, for all shipments except truck. With respect to the establishment of permanent price classifications and minimum prices, the Director is of the opinion that a hearing should be held in view of the circumstances involved.

The petition proposes that two shipping points be established for the Helmick Mine, Mine Index No. 927, and for the Johnson No. 1 Mine, Mine Index No. 932 for all shipments except truck. While it appears that an adequate showing of necessity has been made that temporary relief be granted establishing temporary price classifications and minimum prices for the coals of the above-named mines for all shipments except truck from one shipping point, it does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of additional shipping points for the coals of these mines for all shipments except truck, without a hearing. The shipping points hereinafter specifically established for the coals of these mines are those which appear to be the nearer to such mines and appropriate, therefore, for the granting of temporary relief.

The petition also proposes the establishment of price classifications and minimum prices for the mixing of the coals of the above-named mines from one shipping point, it does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of price classifications and minimum prices for the mixing of the coals of Beaver Nos. 1, 2, and 3 Mines, Mine Index Nos. 666, 3170, and 3171, respectively, and of the coals of Milliron and Milliron No. 2 Mines, Mine Index Nos. 655 and 3176, respectively. The Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of price classifications and minimum prices for the mixing of the coals of the above-mentioned mines without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1101 relating to the coals of the Helmick Mine, Mine Index No. 927, and the Johnson No. 1 Mine, Mine Index No. 932, and to the mixing of the coals of the Beaver Nos. 1, 2, and 3 Mines, Mine Index Nos. 666, 3170, and 3171, respectively, and to the mixing of the coals of the Milliron and Milliron No. 2 Mines, Mine Index Nos. 655 and 3176, respectively, be, and the same hereby is, severed from the remainder of Docket No. A-1101 and designated as Docket No. A-1101 Part II.

It is further ordered, That a hearing in Docket No. A-1101 Part II under the applicable provisions of said Act and the rules of the Division be held on December 10, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 4, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of price classifications and minimum prices for the coals of the Helmick Mine, Mine Index No. 927, and Johnson No. 1 Mine, Mine Index No. 932, and for the mixing of the coals of Beaver Nos. 1, 2, and 3 Mines, Mine Index Nos. 666, 3170, and 3171, respectively, and for the mixing of the coals of Milliron and Milliron No. 2 Mines, Mine Index Nos. 655 and 3176, respectively, for all shipments except truck.

It is further ordered, That, pending final disposition of Docket No. A-1101 Part II, temporary relief is granted as follows: Commencing forthwith, Price Schedule No. 1 for District No. 1, for All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked Temporary Supplement R, annexed hereto and hereby made a part hereof.

Notice is hereby given that all applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 12, 1941.

H. A. GRAY, *Director.*

[SEAL]

TEMPORARY SUPPLEMENT R

NOTE: The material contained in this Temporary Supplement R is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
927	Abram Creek Coal Company, c/o A. L. Helmick.	Helmick	44	E	Gorman, Md.	WM	68	(†)	(†)	D	(†)	(†)
32	Johnson, Von B.	Johnson #1	9	D	Moshannon, Pa.	NYO	44	(†)	(†)	D	(†)	(†)

†Indicates no classifications effective for these size groups.

[F. R. Doc. 41-9006; Filed, December 1, 1941; 11:11 a. m.]

[Docket Nos. A-154, A-273 and A-390]

PETITIONS OF L. F. GORDLEY, DISTRICT BOARD 6, AND DISTRICT BOARD 11

ORDER AMENDING ORDER TO SHOW CAUSE WHY PETITIONS SHOULD NOT BE DISMISSED

An Order having been issued in the above-entitled matter, dated November 5, 1941, requiring petitioners to show cause at a hearing on December 3, 1941, why their petitions should not be dismissed; such order having erroneously denominated Mine Index No. 119 of L. F. Gordley as the Pike View Mine, and it appearing that the correct name of Mine Index No. 119 is Franceville Mine;

Now, therefore, it is ordered, That the Order to Show Cause herein, dated November 5, 1941, be amended by substituting therein "Franceville Mine" for "Pike View Mine" in reference to Mine Index No. 119 of L. F. Gordley.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9064; Filed, December 2, 1941; 11:53 a. m.]

[Docket No. A-947]

PETITION OF THE BIG BEND COLLIERIES, INC., ET AL., FOR THE ESTABLISHMENT OF EFFECTIVE MINIMUM PRICES FOR SUBSTANDARD COALS PRODUCED FROM THE BRAZIL BLOCK VEIN, IN DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by the Big Bend Collieries, Inc., the Maumee Collieries Co., the Birch Creek Coal Company, the Mariah Hill Super Block Coal Company, Ray Morgan (F. C. Morgan Coal Company), the Dixon Block Company, Inc., and the G. & F. Corporation, code member producers in District 11, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of effective minimum prices for all code member producers in Price Groups Nos. 15, 16, and 17 for substandard coals mined from the Brazil Block vein in District 11.

Petitions of intervention were filed by District Boards 9 and 10.

Pursuant to Order of the Director and after due notice to all interested persons, a hearing in this matter was held on September 18, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at Washington, D. C. All interested persons were afforded an opportunity to be present and participate fully in the hearing. Appearances were entered on behalf of the original petitioners and District Board 10. At the conclusion of the hearing, the parties waived the preparation and filing of a report by the Examiner and the record in the proceeding was thereupon submitted to the undersigned.

On September 30, 1941, the petitioners filed a motion requesting immediate temporary relief pending final determination of the matter by the Director. On October 8, 1941, District Board 10 filed an opposition to the motion for immediate temporary relief. On October 16 the petitioners filed a reply to the opposition of District Board 10. On October 18 District Board 10 filed an answer to the reply.

The petitioners request that minimum prices as set forth below for Brazil Block coal of substandard quality, i. e., coal which is soft and shelly, or soft, shelly, and stained, be established and that the relief sought be extended to all code members in Price Groups Nos. 15, 16, and 17 in District 11 producing from the Brazil Block vein. The requested prices are intended to apply only to coals shipped by rail.

District Board 10 opposes the granting of the request for immediate temporary relief, unless the granting of such relief carries with it the requirement that the determination of the substandard classi-

fication of Brazil Block coal be under the supervision of District Board 11.

The uncontradicted testimony of Hugh B. Lee, vice-president and general manager of the Maumee Collieries Company, reveals that substandard or inferior coal is fairly prevalent throughout the Brazil Block vein. The evidence further discloses that in the production of Brazil Block vein coals, producers frequently encounter coal which is substandard or inferior in quality. This coal was said to be coal which is soft or shelly. While there was some indication that stain also renders coals substandard, the petitioners indicated that no relief is sought by them with reference to coals which are stained only. The production of substandard coal presents to all producers a serious marketing problem, since this substandard coal is not acceptable in lieu of standard Brazil Block coal, yet carries the same effective minimum prices.

In the past it was the practice of producers of Brazil Block substandard coals to sell such coals at prices below those obtained for standard Brazil Block coals. Since the establishment of effective minimum prices, however, District 11 code members have been required to dispose of this inferior coal by shipping it as standard coal, and after delivery, making adjustments of price, as provided in Rule 1 of section X of the Marketing Rules and Regulations.[1] The record shows that this practice of making adjustments after the coal has reached its destination has worked to the detriment of the producers by reducing the producers' bargaining power in regard to allowances, which frequently results in forcing producers to make greater allowances than they would have had to make could the coals have originally been sold as substandard, and by creating an undesirable relationship with purchasers which tends to jeopardize future business relations.

The uncontroverted evidence shows that the average allowances heretofore made from the effective minimum prices by code members under Rule 1 of Section X of the Marketing Rules and Regulations amount to 51 cents per ton on Size Groups 1 and 2, 35 cents per ton on Size Groups 4 to 6, inclusive, and 44 cents per ton on Size Group 7. The proposed minimum prices for the substandard Brazil Block coals are 50 cents and 25 cents per ton, respectively, below the effective minimum prices for Brazil Block coals in Size Groups 1 to 3 and 4 to 7.

Harry A. Brattin, general manager of Brazil Block Fuels, Inc., a provisionally approved marketing agency, testified that the mines of all the producer-members are constantly checked for the production of substandard coal and that Brazil Block coals are classified upon the basis of three principal factors: preparation, condition, and color. He testified that on the basis of a rigid inspection by him, coals that are determined to be not of normal size, of good firm structure, and of black color are determined to be substandard and are so classified. A copy of each inspection report is sent to District Board 11.

District Board 10 claims that the coals for which minimum prices are herein proposed are shipped in active competition with coals of code members in District 10. However, while the record shows that the coals of District 10 and substandard Brazil Block coals are sold in the same market areas, it does not show that they are competing coals in terms of price valuation or consumer demand.

From an examination of the record herein, it appears that further delay in granting relief herein, pending final disposition of the petition, might jeopardize the interests of the producers of Brazil Block vein coals and that the interests of other producers will not be impaired by the granting of temporary relief herein, particularly if it is surrounded by proper and adequate safeguards. Therefore, it seems desirable to grant temporary relief until more detailed consideration can be given the complex issues here involved.

The relief herein granted reducing the effective minimum prices of substandard coals is based upon a classification of such coals made at the mine. The allowances for substandard coals permitted to be made by Rule 1, section X of the Marketing Rules and Regulations upon claims therefor being made by buyers after the coals have left the mine should therefore be inapplicable to coals sold at the reduced prices herein provided. Else producers whose coals were determined at the mine to be substandard could sell them at the reduced prices herein provided and could subsequently grant further substandard allowances upon receiving buyers' complaints. Such a practice would obviously be totally deceptive of a sound minimum price structure.

Now, therefore, it is ordered, That the motion for temporary relief filed herein on September 30, 1941, be, and it hereby is granted, and that pending final determination of the petition herein, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be, and it hereby is, amended by adding to the price exceptions contained on page 3 of said Schedule, a new price exception to read as follows:

"The effective minimum prices established for Brazil Block vein coals produced at mines in Price Groups Nos. 15, 16, and 17, may be reduced by not more than the following amounts, where such coals are substandard, that is, soft or shelly:

Size Group Nos.[1]	*Maximum reduction*
1 and 2	50 cents per ton,
3	30 cents per ton,
4 to 7, inclusive	25 cents per ton,

Provided, however, That (1) the determination of the substandard classification of said coals shall be under the direct supervision of District Board 11, (2) the classification of the coals shall be made by a representative of District Board 11 at the mine, (3) said representative shall issue a certificate or notice of substandard classification which certificate or notice shall be filed with the Field Office of the Division for District 11, and (4) District Board 11 shall approve and certify all orders, acknowledgments, and invoices involving substandard coals. Certificates or notices filed with the Field Office pursuant to this Order shall contain an indication to that effect; *And provided further,* That coals sold as substandard pursuant to this Order shall not be subject to the allowances for substandard coals permitted by Rule 1, section X of the Marketing Rules and Regulations."

Nothing herein contained shall be construed as a ruling or expression of the opinion of the undersigned concerning the final disposition of this proceeding.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9065; Filed, December 2, 1941; 11:53 a. m.]

[1] Where any claim for allowance • • • is requested by a buyer for any delivery of coal claimed to be substandard in preparation or quality, • • • the Code Member, his Sales Agent, or a Distributor may, within a reasonable time after delivery of the coal, make settlement and agree with the buyer upon an amount reasonably to be deducted for such inferior coal • • • and may accept payment therefor at less than the applicable minimum price.

[Docket No. B-12]

IN THE MATTER OF E. H. FANNIN, CODE MEMBER, DEFENDANT

ORDER TERMINATING CODE MEMBERSHIP AND DETERMINING THE AMOUNT OF TAX REQUIRED TO BE PAID AS A CONDITION FOR REINSTATEMENT

A complaint dated September 3, 1941, in the above-entitled matter, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division (the "Division") alleging that the defendant, whose address is R. F. D. No. 1, Rush, Kentucky, wilfully violated the provisions of the Bituminous Coal Code (the "Code") or rules and regulations thereunder, and the complaint herein having been duly served upon the defendant on October 13, 1941; and

The defendant, by stipulation dated October 15, 1941, the original of which is on file with the Division, having admitted the truth of the allegations of the complaint, and having consented to the making and entry of this Order revoking the defendant's membership in the Code; and

The defendant by said stipulation dated October 15, 1941, having further agreed and consented that immediately upon the entry of the order herein above referred to, he will pay to the United States Government the amount of tax, namely $18.29 agreed by him to be the amount required to be paid by sections 5 (b) and (c) of the Act on the coal hereinafter referred to, sold during the period commencing March 27, 1941, and ending April 7, 1941, as a condition to his reinstatement to membership in the Code, and the Bituminous Coal Producers Board for District No. 8, complainant herein, having recommended to the Division that it accept the agreements made herein by the defendant and enter an order in accordance therewith;

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act authorizing it to adjust complaints of violations to compose the differences of the parties thereto;

1. *It is hereby found,* That on June 20, 1937, the defendant filed with the National Bituminous Coal Commission (the "Commission") his Acceptance of the Code, dated June 19, 1937, and that said acceptance was approved by the Commission on June 29, 1937, to take effect as of June 20, 1937; that defendant has been since the last mentioned date and is now a code member in District No. 8, operating the Fannin Mine, Mine Index No. 1041, located in Carter County, Kentucky.

2. *It is hereby further found,* That the defendant wilfully violated the provisions of the Act, the Code, and the effective minimum prices established thereunder during the period commencing March 27, 1941, and ending April 7, 1941, by selling, offering for sale, and delivering to Ray Rife, approximately 10.275 net tons of high volatile run of mine coal, and approximately 10.75 net tons of high volatile 2" lump coal, produced by the defendant at his Fannin Mine, Mine Index No. 1041, located in Carter County, Kentucky, in District No. 8, at $1.70 per net ton and $2.10 per net ton, respectively, f. o. b. said mine, whereas this coal is classified as Size Groups 6 and 2 respectively, and is priced at $2.00 per net ton and $2.45 per net ton, respectively, f. o. b. the mine, in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

3. *It is hereby further found,* That the amount of tax imposed by sections 5 (b) and (c) of the Act and required to be paid by the defendant as a condition to his reinstatement in the Code on the tonnage referred to in paragraph two (2) hereof, is $18.29 which amount is 39 per cent of the effective minimum price of $46.89 for said coal wilfully sold by the defendant to Ray Rife during the period commencing March 27, 1941 and ending April 7, 1941, in violation of the Code and the corresponding provisions of the Act and effective minimum prices as aforesaid.

Now, therefore, based upon the above findings and upon the agreements of the defendant consenting to the entry of an order herein cancelling and revoking his membership in the Code by reason of said violations, and also based upon the agreement of the defendant that he will immediately pay to the United States Government the amount of the tax, namely $18.29 herein found to be the amount required to be paid by the defendant pursuant to section 5 (c) of the Act as a condition to its reinstatement to membership in the Code,

It is ordered, That the membership of the above-named defendant in the Code be, and the same is, hereby cancelled and revoked.

It is further ordered, That said cancellation and revocation of the defendant's code membership shall become effective ten (10) days after date of service of this order upon the defendant.

It is further ordered, That in the event that the defendant shall fail within ten (10) days after service of this Order upon the defendant, to pay to the United States Government the sum of $18.29 herein found to be the amount of the tax imposed by section 5 (b) and (c) of the Act and required to be paid by the defendant as a condition to his reinstatement to membership in the Code, this matter may be reopened and such action taken and orders entered herein as to the Division may seem just and proper under the circumstances, and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9066; Filed, December 2, 1941; 11:54 a. m.]

[Docket No. B-12]

IN THE MATTER OF E. H. FANNIN, CODE MEMBER, DEFENDANT

ORDER CANCELLING HEARING

A hearing in the above-entitled matter having been heretofore scheduled for 10 a. m. on November 14, 1941, in the Court Room, Federal Building, Catlettsburg, Kentucky; and

Said hearing having been postponed, by an Order of the Director dated November 13, 1941, to a date and at a place to be thereafter designated by an appropriate Order of the Director; and

An Order Terminating Code Membership and Determining the Amount of Tax Required to be Paid as a Condition for Reinstatement having been entered on December 1, 1941, pursuant to the stipulation of the defendant dated October 15, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, cancelled.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9067; Filed, December 2, 1941; 11:52 a. m.]

[Docket No. 1565-FD]

IN THE MATTER OF THE CARDINAL FUEL AND SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1404, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Director having entered an Order in the above-entitled matter dated September 16, 1941, suspending the registration of the defendant, the Cardinal Fuel and Supply Company, as a distributor, Registration No. 1404, for a period of sixty (60) days from the date of said Order; and

Said Order having been served upon the defendant on September 22, 1941; and

The Cardinal Fuel and Supply Company, defendant herein, having duly filed with the Division on November 10, 1941, an affidavit dated November 8, 1941, and on November 25, 1941, an amended affidavit dated November 24, 1941, pursuant to the provisions of said Order dated September 16, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said amended affidavit of the Cardinal Fuel and Supply Company sufficiently complies with the provisions of said Order dated September 16, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of the Cardinal Fuel and Supply Company as a distributor be and it hereby is reinstated.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9063; Filed, December 2, 1941; 11:52 a. m.]

[Docket No. 1689-FD]

IN THE MATTER OF NATIONAL COAL COMPANY, INC., DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated May 10, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 12, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the National Coal Company, Inc., Oskaloosa, Iowa, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director having made Findings of Fact, Conclusions of Law and Opinion and entered on Order based thereon revoking the code membership of the National Coal Company, Inc., dated November 17, 1941, respectively, after a hearing held in the above-entitled matter on September 8, 1941, at Oskaloosa, Iowa, pursuant to an Order of the Director, dated August 5, 1941; and

Said National Coal Company, Inc., having filed with the Division, as provided in section 5 (c) of the Act, its application, dated November 26, 1941, for reinstatement of code membership to become effective from and after the payment of the tax provided in said Order of November 17, 1941; and

It appearing from said application that the National Coal Company, Inc., on November 25, 1941, paid to the Collector of Internal Revenue at Des Moines, Iowa, the sum of four thousand three hundred ninety-three dollars and thirty-nine cents ($4,393.39), as provided in said Order of November 17, 1941, as a condition precedent to reinstatement of its code membership.

It is, therefore, ordered, That said application of National Coal Company, Inc., dated November 26, 1941, for reinstatement of its code membership be granted and that the code membership of National Coal Company, Inc., be and it hereby is restored as of November 25, 1941.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9066; Filed, December 2, 1941; 11:54 a. m.]

[Docket No. 1784-FD]

IN THE MATTER OF STERLING COAL & SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8712, RESPONDENT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Director having entered an order in the above-entitled matter dated October 30, 1941, suspending the registration of the respondent, Sterling Coal & Supply Company, as a distributor, Registration No. 8712, for a period of thirty days from the date of that order; and

The Sterling Coal & Supply Company, respondent herein, having duly filed with the Division on November 22, 1941, an affidavit dated November 21, 1941, pursuant to the provisions of said order dated October 30, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said affidavit of Sterling Coal & Supply Company sufficiently complies with the provisions of said order dated October 30, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of Sterling Coal & Supply Company as a distributor be and it hereby is reinstated.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9062; Filed, December 2, 1941; 11:52 a. m.]

[Docket No. 1679-FD]

IN THE MATTER OF THE APPLICATION OF THE KOPPERS COAL COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE TO KOPPERS COMPANY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for December 10, 1941, be postponed to a date during the month of January 1942, and having shown good cause why motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10:00 in the forenoon of December 10, 1941 until 10:00 in the forenoon of January 19, 1942, at the place and before the officers heretofore designated.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9061; Filed, December 2, 1941; 11:53 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL, PINE FLAT RESERVOIR SITE, CALIFORNIA

Correction

The land description following "Sec. 28," appearing in the third column on page 6058 of the issue for Thursday, November 27, 1941, should read as follows:

Sec. 28, N½NW¼, NW¼SE¼, N½SW¼ SE¼;

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 1433]

IN RE THE BELT RAILROAD AND STOCK YARDS COMPANY, RESPONDENT

ORDER OF INQUIRY AND NOTICE OF HEARING

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. and Sup. V, §§ 181-231), and the following allegations are made:

1. The respondent is engaged in the business of conducting and operating a stockyard at Indianapolis, in the State of Indiana, which stockyard has been ascertained by the Secretary of Agriculture to be a "stockyard" within the definition thereof as used in the act, and which has been posted by the Secretary of Agriculture under the act.

2. In accordance with the requirements of the act, the respondent has heretofore filed and put into effect schedules of rates and charges for its services.

3. Upon information in the possession of the Department of Agriculture, there is reason to believe that the schedules now in effect contain rates and charges which are unreasonable and otherwise unlawful.

It is concluded that a proceeding should be instituted under the provisions of title III of the act for the purpose of determining the reasonableness and lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said charges, and whether any stockyard service is rendered by the respondent without making a lawful charge therefor.

Therefore, by direction of the Secretary of Agriculture, It is ordered, That a hearing covering the matters and things alleged herein shall be held before an examiner, at a time and place of which the respondent shall have at least ten days' notice. At such hearing, the respondent, and all other interested persons, shall have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons, who may wish to appear and present evidence relevant to the issues in this proceeding, shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., within twenty days from the date of the publication of this order.

It is further ordered, That a copy hereof shall be served upon the respondent by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of November, 1941.

[SEAL] C. W. KITCHEN,
Chief.

[F. R. Doc. 41-9053; Filed, December 2, 1941; 11:39 a. m.]

Commodity Exchange Administration.

ORDER DESIGNATING THE NEW YORK MERCANTILE EXCHANGE AS A CONTRACT MARKET FOR IRISH POTATOES UNDER THE COMMODITY EXCHANGE ACT

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. and Sup. V, secs. 1-17a), and as further amended by the act of Congress, approved October 9, 1940 (Public Law No. 818, 76th Cong.), I, Claude R. Wickard, Secretary of Agriculture, do hereby designate the New York Mercantile Exchange, of New York, New York, as a contract market for Irish potatoes under the Commodity Exchange Act, as amended, effective December 1, 1941, said

exchange having applied for, and having otherwise complied with the conditions imposed by said act precedent to, such designation. Said designation is subject hereafter to suspension or revocation in accordance with the provisions of said act: *Provided,* That for the purpose of such suspension or revocation, such designation and the order issued by the Secretary of Agriculture on September 11, 1936, designating the said exchange as a contract market under the provisions of the Commodity Exchange Act, shall constitute a single designation.

Done at Washington, D. C., this 28th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9037; Filed, December 1, 1941; 2:51 p. m.]

Surplus Marketing Administration.

DETERMINATION PURSUANT TO SECTION 608c (9) AND (17), TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO ORDER NO. 20, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA [1]

Grover B. Hill, Acting Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective September 1, 1941, Order No. 20, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on July 23, 1941, a marketing agreement, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area would tend to effectuate the declared policy of said act, notice was given, on September 4, 1941, of a public hearing which was held in La Porte, Indiana, on September 16, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on October 31, 1941, of amendments to the marketing agreement, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the La Porte County, Indiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 20, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the La Porte County, Indiana, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 20, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 27th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated: November 27, 1941.

[F. R. Doc. 41-9072; Filed, December 2, 1941; 11:40 a. m.]

DETERMINATION PURSUANT TO SECTION 608c (9) AND (17), TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 1 TO ORDER NO. 32, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA [1]

Claude R. Wickard, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective August 8, 1941, Order No. 32, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on July 14, 1941, a marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area would tend to effectuate the declared policy of said act, notice was given, on August 26, 1941, of a public hearing which was held in Fort Wayne, Indiana, on September 15, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on October 28, 1941, of amendments to the marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Fort Wayne, Indiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Amendment No. 1 to Order No. 32, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Fort Wayne, Indiana, marketing area; and

3. The issuance of Amendment No. 1 to Order No. 32, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 25th day of November 1941. Witness my hand and seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

Dated: November 26, 1941.

[F. R. Doc. 41-9074; Filed, December 2, 1941; 11:41 a. m.]

[1] See Title 7, Agriculture, Chapter IX, Surplus Marketing Administration, *supra.*

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AN ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA [1]

The Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary"), acting pursuant to Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), issued, effective June 1, 1940, an order regulating the handling of milk in the Fall River, Massachusetts, marketing area.

The Secretary tentatively approved, on April 25, 1940, a marketing agreement regulating the handling of milk in the Fall River, Massachusetts, marketing area.

The Secretary, having reason to believe that the execution of an amendment to said order would tend to effectuate the declared policy of the act, with respect to the handling of milk in the Fall River, Massachusetts, marketing area, conducted a public hearing in Westport, Massachusetts, on October 28, 1940, pursuant to notice duly given to all interested parties, on said proposed amendments to the tentatively approved marketing agreement and the said order; and at the aforesaid hearing all interested parties in attendance were afforded due opportunity to be heard concerning said proposed amendments. The aforesaid hearing, held in Westport, Massachusetts, on October 28, 1940, was reopened, pursuant to notice duly given, and said reopened hearing was held in Westport, Massachusetts, on May 19, 1941, and September 3, 1941; and at the reopened hearings on May 19, 1941, and September 3, 1941, respectively, all interested parties in attendance were afforded due opportunity to be heard concerning the aforesaid proposed amendments.

The marketing agreement, as amended, drafted pursuant to the aforesaid hearings on October 28, 1940, May 19, 1941, and September 3, 1941, was tentatively approved by the Secretary on October 16, 1941. Subsequent to the tentative approval of the marketing agreement, as amended, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by the proposed order, as amended) of more than 50 percent of the volume of milk covered by the proposed order, as amended, refused or failed to sign such tentatively approved marketing agreement, as amended.

[1] See Title 7, Agriculture, Chapter IX, Surplus Marketing Administration, *supra*.

Now, therefore, pursuant to the provisions of the act, it is hereby determined that:

(1) The refusal or failure of the said handlers to sign the aforesaid tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act with respect to the commodity covered by the proposed order, as amended;

(2) The issuance of the proposed order, as amended, which regulates the handling of milk in the same manner as the tentatively approved marketing agreement, as amended, and is applicable only to persons in the respective classes of industrial or commercial activity specified in the said tentatively approved marketing agreement, as amended, is the only practical means, pursuant to the act, of advancing the interests of the producers of milk which is produced for sale in the Fall River, Massachusetts, marketing area; and

(3) The issuance of the proposed order, as amended, is approved or favored by over two-thirds of the producers who participated in the referendum conducted by the Secretary, and who, during the month of June 1941 (the said month having been determined by the Secretary to be a representative period), were engaged in the production of milk for sale in the Fall River, Massachusetts, marketing area.

Issued at Washington, D. C., on this 25th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: November 26, 1941.

[F. R. Doc. 41-9073; Filed, December 2, 1941; 11:40 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SR-182]

IN THE MATTER OF TRUETT JONES, RESPONDENT, HOLDER OF STUDENT PILOT CERTIFICATE No. 78508

ORDER ASSIGNING ORAL ARGUMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of November 1941.

Acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 609 and 1004 (a) of said Act, the above entitled proceeding, being a hearing pursuant to a complaint filed by the Administrator alleging certain violations of the Civil Air Regulations, is hereby assigned for oral argument, before the Board, on the 4th day of December 1941, 10:00 a. m. (Eastern Standard Time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated: November 28, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9042; Filed, December 2, 1941; 9:32 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4567]

IN THE MATTER OF W. A. HOUSTON, INDIVIDUALLY AND TRADING UNDER THE NAME HOUSTON'S MINERAL WELL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 15, 1941, at ten o'clock in the forenoon of that day (central standard time) in Room 214, Federal Building, Knoxville, Tennessee.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9047; Filed, December 2, 1941; 11:23 a. m.]

[Docket No. 4579]

IN THE MATTER OF WOODFINISHING PRODUCTS COMPANY ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 8, 1941, at two o'clock in the afternoon of that day (Eastern Standard Time), in Federal Court Room, Second Floor, Post Office Building, Winston-Salem, North Carolina.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9048; Filed, December 2, 1941; 11:23 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE OF EXTENSION OF PREFERENCE RATING ORDER No. P-33

Preference Rating Order No. P-33 has been amended to change the rating from B-1 to A-8 and, as so amended, has been extended to expire February 14, 1942.

Dated: November 29, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9036; Filed, December 1, 1941; 2:45 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-450]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY AND CENTRAL U. S. UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1941.

Notice is hereby given that an application and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Associated Electric Company, a registered holding company, and by Central U. S. Utilities Company, also a registered holding company and direct subsidiary of Associated Electric Company;

Notice is further given that any interested person may, not later than December 19, 1941 at 4:45 P. M. E. S. T. request the Commission in writing that a hearing be held on this matter stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application and declarations as filed or as amended may be granted and may become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (c) and Rule 100 thereof. Any such request should be addressed: Secretary of the Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application and declarations which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Associated Electric Company, a Delaware corporation, a registered holding company, and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, proposes to acquire by merger all of the assets of Central U. S. Utilities Company, also a registered holding company and direct subsidiary of Associated Electric Company. In consideration for these assets of Central U. S. Utilities Company, which consist primarily of common stocks of operating public utilities (there being twenty-seven such companies involved, the securities of which, including $14,684,569 carrying value of bonds and notes, aggregate $77,312,955 carrying value) and $34,054,-182 accounts receivable, Associated Electric Company proposes to surrender to Central U. S. Utilities Company for cancellation all of the outstanding common stock of Central U. S. Utilities Company, which is presently owned by Associated Electric Company, and further, Associated Electric Company proposes to assume the present public securities of Central U. S. Utilities Company which as at September 30, 1941 amounted to $350,000 in the form of a nine-months' promissory note payable December 1, 1941 and bearing interest at the rate of 2½%.

The filings contain a request that the Commission take whatever action thereon is necessary by December 29, 1941 in order to allow Associated Electric Company to file a certificate of ownership of all assets of Central U. S. Utilities Company with the Secretary of State of the State of Delaware not later than December 31, 1941.

The applicant-declarants have designated sections 9 (a) (1), 10, 12 (d) and Rules U-42 and U-43 as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9051; Filed, December 2, 1941; 11:36 a. m.]

[File No. 70-442]

IN THE MATTER OF NORTHERN STATES POWER COMPANY. (MINNESOTA) AND MIDLAND PUBLIC SERVICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 11, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or any request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Midland Public Service Company and Northern States Power Company (Wisconsin) are both public utility subsidiary companies of Northern States Power Company (Minnesota), a registered holding public-utility company. Midland Public Service Company which is wholly owned proposes to sell all of the properties, real, personal, and mixed, of every kind and description, owned or held for use by it to Northern States Power Company (Wisconsin) for a consideration of $205,244.98 of which $198,365 will be in cash.

As and when the disposition of the Midland Public Service Company's property has been consummated, Northern States Power Company (Minnesota) proposes to surrender to Midland Public Service Company for cancellation all of the issued and outstanding capital stock of Midland Public Service Company, and to cancel the open account indebtedness owing by Midland Public Service Company to Northern States Power Company (Minnesota) for all of the cash and other net assets, if any, of Midland Public Service Company which, thereupon, will be dissolved forthwith in accordance with the laws of the state of Wisconsin.

The joint application states that no underwriters' fees or commissions will be paid, and that it is estimated that the expenses in connection with this application will not exceed the sum of $500

as to Midland Public Service Company and $500 as to Northern States Power Company (Minnesota).

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9052; Filed, December 2, 1941; 11:36 a. m.]

[File Nos. 70-438, 70-422]

IN THE MATTERS OF COLUMBIA GAS & ELECTRIC CORPORATION AND COLUMBIA OIL & GASOLINE CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE IN PART AND RESERVING JURISDICTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1941.

The above-named parties having filed their several declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9, 10, 12 (c) and 12 (f) and Rules U-42 and U-43, regarding the following transactions:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to dispose of, and Columbia Oil & Gasoline Corporation, a subsidiary of Columbia Gas & Electric Corporation, proposes to acquire $300,000 face amount of the subsidiary's debentures held by the parent, for $312,000 in cash plus accrued interest, such amount being the redemption price specified in the indenture securing such debentures; the debentures so acquired to be tendered to the Trustee under the indenture in lieu of the semi-annual cash sinking fund required under the provisions of said indenture.

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The above-named parties having stated in their declarations that there may be problems in connection with the payment of the $12,000 premium in addition to the face amount of $300,000 for the said debentures which would be time-consuming and which are present in another pending proceeding (File No. 59-33) concerning the payment of a more substantial principal amount of debentures than is here involved; and having, therefore, suggested that an order be entered permitting the sale by Columbia Gas & Electric Corporation to Columbia Oil & Gasoline Corporation of $300,000 principal amount of debentures for immediate payment of $300,000 plus accrued interest in cash, the Commission reserving jurisdiction over the payment of the additional amount of $12,000 for consideration and determination at a later date; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit such declarations to become effective to the extent suggested by the parties and that the date thereof should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations be and hereby are permitted to become effective to the extent that they contemplate the sale by Columbia Gas & Electric Corporation and the corresponding purchase by Columbia Oil & Gasoline Corporation of $300,000 face amount of the latter's debentures for $300,000 in cash plus accrued interest; jurisdiction being hereby expressly reserved to pass upon the problems with respect to the payment of the $12,000 premium payable by Columbia Oil & Gasoline Corporation to Columbia Gas & Electric Corporation under the terms of the indenture securing the said debentures, either on motion of the Commission or at the request of Columbia Gas & Electric Corporation.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9057; Filed, December 2, 1941; 11:47 a. m.]

[File No. 70-429]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI AND UNION ELECTRIC COMPANY OF ILLINOIS

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 1st day of December, A. D. 1941.

Union Electric Company of Missouri, a registered holding company, and Union Electric Company of Illinois, its subsidiary, having filed a joint application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 10 and Rule U-44 promulgated thereunder regarding: The proposal of Union Electric Company of Missouri (a) to acquire for cash from time to time during the period ending June 30, 1942, 150,000 shares of additional common stock having an aggregate par value of $3,000,000 of its subsidiary, Union Electric Company of Illinois; and (b) to pledge under its First Mortgage and Deed of Trust the 150,000 shares of the common stock of its said subsidiary, so to be acquired by it; and the proposal of Union Electric Company of Illinois to issue and sell to Union Electric Company of Missouri for cash from time to time during the period ending June 30, 1942, 150,000 shares of its common stock having an aggregate par value of $3,000,000 and to use the proceeds therefrom to finance its construction program.

Said application having been filed on November 7, 1941, and an amendment having been filed on December 1, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act; and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named applicants having requested that said application as amended be granted on or before December 1, 1941; and

The Commission finding with respect to the said application under section 6 (b) of said Act that the requirements of section 6 (b) have been satisfied, and with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and 10 (c) (1), and that the transaction has the tendency required by section 10 (c) (2) of said Act; that the date of its order with respect to said application, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application, as amended, be, and the same is, hereby granted.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9058; Filed, December 2, 1941; 11:48 a. m.

[File No. 60-11]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY

ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1941.

The Commission having heretofore issued its Notice of and Order for Hearing pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 promulgated thereunder, which order directed Associated Electric Company to show cause why this Commission should not enter its order, preventing the declaration of dividends on the capital stock of such company; public hearings having been held thereon at which the Commission and Respondent were represented by counsel; no representative of Federal, State or municipal

governments or political subdivision thereof or any individual having requested to be heard or otherwise participate in the proceedings;

Upon the completion of the Commission's case the respondent having requested and received a postponement during which to examine the evidence and related matters and prepare cross-examination; it now being represented that such an examination will be impossible of completion for a considerable period of time; counsel for respondent having executed a certain Consent of Respondent to Order, dated November 24, 1941, on behalf of respondent, which has been placed in the record in these proceedings, and which consents to the entry by the Commission of an order as hereinafter provided, subject to the provision that said Consent does not constitute a waiver, default, or admission of allegations heretofore made in these proceedings, or a waiver of any constitutional or legal rights of said respondent, as more fully provided in said Consent;

It appears to the Commission that the entry of an order containing the provisions hereinafter set forth is appropriate to protect the financial integrity of Associated Electric Company, and is otherwise in accordance with the provisions of the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof;

It is therefore ordered, That Associated Electric Company shall not declare or pay any dividends upon its capital stock unless the consent and approval of the Commission is first obtained;

It is further ordered, That the issuance of this order shall be without prejudice to the right of Associated Electric Company to request at any future time a modification or a vacation of this order, and shall be without prejudice to the institution by the Commission at any time of any further proceedings pursuant to the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9059; Filed, December 2, 1941; 11:48 a. m.]

[File No. 70-451]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than December 10, 1941 at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Philadelphia Electric Company, a Pennsylvania corporation and a subsidiary of The United Gas Improvement Company, a registered holding company, proposes to issue, as of February 1, 1942, not exceeding 280,058 shares of preferred stock (cumulative, par value $100 per share) the dividend rate to be supplied by amendment. It is proposed to offer said preferred stock in exchange, share for share, to the holders of the presently outstanding 280,058 shares of $5 Dividend Cumulative Preferred stock without par value. It is further proposed to redeem, on February 1, 1942, such shares of said outstanding $5 Dividend Preferred Stock as are not exchanged pursuant to said exchange offer, at the redemption price of $100 per share. It is stated that funds for such redemption will be provided from the treasury of the company, or from bank loans. The offer of exchange will be conditioned upon requisite stockholders' action authorizing the new preferred stock, at a special meeting to be held on January 31, 1942, and necessary approvals of regulatory bodies being in effect.

The period from December 18, 1941 to December 30, 1941 is proposed to be provided for exchanges. The plan of exchange provides for Interim Receipts to be issued to Stockholders who accept the exchange offer, said Interim Receipts to be exchangeable on or as soon after February 2, 1942 as new preferred stock certificates are ready for delivery. It is stated that the Interim Receipts will provide that if the new preferred stock is not authorized the holders of the Interim Receipts shall be entitled to $110 per share, represented thereby, plus an amount in lieu of dividends from November 1, 1941.

Incidental to the issue of the new preferred stock, there will be certain changes in voting and other rights of the common stockholders.

In connection with said application or declaration, Philadelphia Electric Company has applied for exemption of the proposed transactions from the Commission's competitive bidding rule.

The application or declaration designates sections 6 (b) and 12 (c) of the Act and Rule U-42 thereunder as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9055; Filed, December 2, 1941; 11:47 a. m.]

[File No. 70-347]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY

SUPPLEMENTAL NOTICE REGARDING FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1941.

Notice is hereby given that an amendment to a pending application or declaration (or both) has been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than December 6, 1941, at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southwestern Development Company, a registered holding company and subsidiary of The Mission Oil Company, also a registered holding company, by an

amendment to its pending application (notification of filing of which was given on the 16th day of July, 1941, Holding Company Act Release No. 2888), now proposes, among other things: to have extended the maturity date of $5,721,000 principal amount of First Mortgage Bonds and $857,000 principal amount of 6% Debentures of Natural Gas Pipeline Company of America, pledged to secure applicant's indebtedness under a Loan Agreement with Guaranty Trust Company of New York; in event of default under indenture as supplemented to permit subordination of existing bonds to a new Series B First Mortgage Bonds in the amount of $17,500,000, to be issued by Natural Gas Pipeline Company of America under a supplemental indenture; to reduce Southwestern Development Company's indebtedness to Guaranty Trust Company by $856,000, which represents the proceeds to be received from the retirement by Natural Gas Pipeline Company of America of $6,000,000 of its presently outstanding indebtedness, all of which is owned by applicant and five other corporations.

Applicant has designated Sections 7 and 10 of the Act as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9056; Filed, December 2, 1941; 11:47 a. m.]

DEC 3 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 235

Washington, Thursday, December 4, 1941

The President

EXECUTIVE ORDER

EXTENDING THE CLASSIFICATION ACT OF 1923, AS AMENDED, TO CERTAIN POSITIONS IN THE WAR DEPARTMENT AND IN THE NAVY DEPARTMENT AND ESTABLISHING A SALARY DIFFERENTIAL THEREFOR

WHEREAS upon consideration of reports and recommendations of the Civil Service Commission, I find and declare (1) that an extension of the provisions of the Classification Act of 1923, as amended, to the hereinafter-described positions in the War and Navy Departments, outside the States of the United States and the District of Columbia, is necessary to the more efficient operation of the Government, and (2) that the rates of the compensation schedules of the Classification Act of 1923, as amended, are inadequate to permit effective and immediate recruiting of qualified citizens for such positions, which is necessary in the interests of the national-defense program:

NOW, THEREFORE, by virtue of the authority vested in me by sections 3 (a) and 3 (c), Title II of the act of November 26, 1940, 54 Stat. 1212, it is ordered as follows:

1. The provisions of the Classification Act of 1923, as amended, are hereby extended to positions in the War Department and in the Navy Department for which citizens of the United States are recruited, which are made necessary by national-defense projects, which fall into classes of employment to which the Classification Act of 1923, as amended, is applicable, and which are located in the following-named geographic areas:

Alaska	Jamaica
British Guiana	Bermuda
Trinidad	The Bahamas
Antigua	Newfoundland
St. Lucia	

2. A salary differential is hereby established for the aforesaid positions as follows: To the rates of pay applicable to such positions as specified in the Classification Act of 1923, as amended, there shall be added twenty-five *per centum* of the minimum rate of the grade to which each such position is allocated. The differential herein authorized shall not apply after June 30, 1943.

3. This order supersedes Executive Order No. 8657 of February 3, 1941,[1] entitled "Extending the Classification Act of 1923, as amended, to Certain Positions in the Navy Department and Establishing a Salary Differential Therefor".

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 1, 1941.

[No. 8955]

[F. R. Doc. 41-9082; Filed, December 2, 1941; 2:28 p. m.]

[1] 6 F.R. 769.

Rules, Regulations, Orders

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1101]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

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It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 *(Alphabetical list of code members)* is amended by adding thereto Supplement R, and by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein as to the coals of the Helmick Mine, Mine Index No. 927, and the Johnson No. 1 Mine, Mine Index No. 932, for all shipments except truck, and for the mixing of the coals of Beaver No. 1 Mine, Mine Index No. 666, Beaver No. 2 Mine, Mine Index No. 3170, Beaver No. 3 Mine, Mine Index No. 3171, and for the mixing of the coals of Milliron Mine, Mine Index No. 655, and Milliron No. 2 Mine, Mine Index No. 3176, for all shipments except truck, as these mines are affected by unique considerations set forth in an Order designating that portion of Docket No. A–1101 which relates to them as Docket No. A–1101 Part II and granting temporary relief.

No relief is granted herein as to the coals of the Watts Mine, Mine Index No. 1304, as it appears that minimum prices were established for the coals of this mine under the name of Susie No. 3 Mine, Mine Index No. 1304, in Price Schedule No. 1 for District No. 1, For Truck Shipments by an Order in Docket No. A–451, For All Shipments Except Truck, and by an Order in Docket No. A–516, For All Shipments Except Truck and For Truck Shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 12, 1941.

H. A. GRAY,
Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1037	Baldachino, Philip (Philip's Coal Mine)	Philips	24	D	Carrolltown, Pa.	NYC	44	6	6	6	6	6
3170	Beaver and Snyder (W. C. Snyder)	Beaver #2	14	C	Osceola Mills, Pa.	PRR	45	6	6	6	6	6
3171	Beaver and Snyder (W. C. Snyder)	Beaver #3	14	A	Allen's Mills, Pa.	PRR	115	6	6	6	6	6
3173	Humphrey, Lee B. (The Humphrey Brick & Tile Company)	Sulger #2	5	Big Vein	Eckhart, Md.	P&S	186	6	6	6	6	6
3172	Garvey, C. L.	Garvey C. Mine	14	E	Tinblin, Pa.	P&S	119	6	6	6	6	6
3170	Milliron, Frank (Milliron Coal Company)	Milliron #2	5	E	Jerome, Pa.	B&O	100	6	6	6	6	6
1081	Myers, Gerald H.	Host	24	B	Hoardman, Pa.	NYC	44	6	6	6	6	6
1077	Penn Smokeless Fuel Company	Spory #1	13	A	Kurtbaus, Pa.	NYC	44	6	6	6	6	6
3174	Potts Run Coal Company	Potts Run #1	9	C	Kurtbaus, Pa.	NYC	44	6	6	6	6	6
2428	Producers Economy Coal, Inc., c/o C. E. Lovejoy	Jas. F. Holley #2	8	C	Kurtbaus, Pa.	NYC	44	6	6	6	6	6
880	Producers Economy Coal, Inc., c/o C. E. Lovejoy	Jas. F. Holley #2	8	C	Sligo, Pa.	PRR	41	6	6	6	6	6
975	Todd, H. W., Jr. (Horseshoe Coal Co.)	Horseshoe	4	B	Anita, Pa.	PRR	50	6	6	6	6	6
2235	Whitefield, Thomas	Whitefield	6	D				6	6	6	6	6

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

*Indicates coal in this size group previously classified and priced.
Indicates no classifications effective for these size groups.

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FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Abram Creek Coal Company c/o A. L. Helmick.	927	Helmick	44	Grant	E			230		
Aiken, H. W.	966	Aiken	1	Clarion	B	245	220	220	210	200
Beaver and Snyder (W. C. Snyder).	3170	Beaver #2	14	Centre	C			220		
Beaver and Snyder (W. C. Snyder).	3171	Beaver #3	14	Centre	B			215		
Burgess & Liller (Albert Burgess).	930	Burgess	44	Grant	Bakerstown			210		
Fleegle, Irvin	1373	Hall	36	Somerset	C'	255	230	(*)	220	210
Garvey, C. L.	3172	Garvey C. Mine	14	Clearfield	B			225		
Hanlin, Eldred	943	Hanlin	44	Mineral	Tyson			225		
Harris, O. D.	931	Harris	44	Mineral	Big Vein			230		
Humphrey, Lee B. (The Humphrey Brick & Tile Company).	3173	Sulger #2	5	Jefferson	A			210		
Jewart J. A.	937	D. D. Marshall	11	Armstrong	E			215		
Johnson Von B.	932	Johnson #1	9	Centre	D			230		N
Langham Herbert W. (Langham Coal Co.).	888	Langham	43	Allegany	Bakerstown			210		
McMillen Frank (Mack Coal Co.).	3175	Mack	44	Garrett	D	235	210	210	190	180
Michaels Earl & Joseph (Earl Michaels).	929	Michaels	43	Allegany	Big Vein			220		
Miller & Rankin (Lee Rankin).	958	Dimond	4	Clarion	B	240	215	215	200	190
Miller John E. (Spelcher Coal Mine).	1771	Spelcher	29	Cambria	C'			(*)	215	205
Milliron Frank (Milliron Coal Company).	3176	Milliron #2	5	Jefferson	E	240	215	215	205	195
Murphy G. V.	933	Murphy	44	Mineral	Tyson			225		
Penn Smokeless Fuel Company.	1077	Spory #1	36	Somerset	E	250		(*)	215	205
Potts Run Coal Company	3174	Potts Run #1	13	Clearfield	A	235	210	210	200	190
Producers Economy Coal, Inc., c/o C. E. Lovejoy.	1639	Fred Krause	9	Clearfield	C'			(*)	215	205
Producers Economy Coal, Inc., c/o C. E. Lovejoy.	2428	Jas. F. Rolley	8	Clearfield	C			(*)	210	200
Producers Economy Coal, Inc., c/o C. E. Lovejoy.	880	Jas. F. Rolley #2	8	Clearfield	C'			(*)	215	205
Rearick's Mine (K. H. Lookabaugh).	968	Rearick's	22	Armstrong	Fgh			220		
Rupert, Emmett J.	3177	Rupert Mine	6	Clearfield	B			220		
Rush, Russell	3178	Stutzman	41	Somerset	C			220		
Todd, H. W., Jr. (Horseshoe Coal Co.).	975	Horseshoe	9	Clearfield	C'			225		
Tri-Angle Coal Co. (Claude R. Luce).	2166	Tri-Angle	2	Elk	B			(*)	195	185
Wallwork, Samuel	939	Wallwork	4	Clarion	B	240	215	215	200	190
Whitefield, Thomas	2235	Whitefield	6	Jefferson	D			(*)	215	205

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41–9068; Filed, December 2, 1941; 11:54 a. m.]

[Docket No. A-377]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 19 FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES FOR RAIL SHIPMENTS TO MARKET AREAS 234, 237–241, AND 247–254 IN SIZE GROUP 16

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 19. The petition requests a change in the Schedule of Effective Minimum Prices for District No. 19, so that the minimum price applicable to the coals produced in Subdistricts 2, 3, and 5 of District 19 for shipment by rail into Market Areas 234, 237–241, and 247–254 in Size Group 16 will not exceed the effective minimum price for Size Group 15 coals for shipment to said market areas. A petition to intervene was filed by District Board 20. The Consumers' Counsel Division filed an answer requesting that the relief sought by District Board 19 be granted.

Pursuant to an Order of the Director, and after due notice to all interested persons, a hearing in this matter was held before a duly designated Examiner of the Division, at a hearing room thereof in Salt Lake City, Utah. The Examiner,[1] on October 6, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, recommending that the relief requested herein be granted. He found that in those instances in which the Size Group 16 (1" x 0) coals of Subdistricts 2, 3, and 5 of District 19 are priced 5 cents higher than the Size Group 15 (1⅝" x 0), the differential should be eliminated. It was his opinion that it would not be prejudicial to District 20 if the (1" x 0) slacks of District 19 were priced no higher than its (1⅝" x 0) slacks. And he found no evidence that a 5-cent reduction on the Size Group 16 coals of District 19 would seriously reduce the realization of District 19 or of Minimum Price Area 7.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That said Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That § 339.5 *(General prices; minimum prices for shipment via rail transportation)* in the Schedule of Effective Minimum Prices for District 19 for All Shipments be, and it is hereby amended to reduce the minimum f. o. b. mine price of Subdistrict 2, 3, and 5 coals in Size Group 16 for rail shipments into Market Areas 234, 237–241, and 247–254, inclusive, in all instances where the established price for Size Group 16 coals is now 5 cents above that for Size Group 15 coals as is set forth in Supplement R, annexed hereto and made a part hereof.

It is further ordered, That the prayers for relief contained in the petition herein be, and they hereby are, granted to the extent set forth above, and in all other respects denied.

Dated: November 17, 1941.

[SEAL]

H. A. GRAY,
Director.

[1] The hearing was held before Thurlow G. Lewis, but by an Order of the Director, C. R. Larrabee was appointed to prepare the Examiner's Report in this matter in the place of Thurlow G. Lewis, who had resigned.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE: The material in this Schedule is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

FOR RAIL SHIPMENTS

The following changes shall be made in Price Schedule No. 1 for District 19:

§ 339.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R. Prices for Sub-Districts Nos. 2, 3 and 5 have been changed as follows (changes in italics):

[Minimum f. o. b. mine prices in cents per net ton for shipments via rail transportation into market areas shown]

	1	2	3	4	5	6	7	8	9	10	11	12	13	15	16	17
SUB-DISTRICT NO. 2—ROCK SPRINGS																
237–240 and 247–254	380	380	355	....	350	350	290	265	225	225	240	240	210	*200*	200	150
SUB-DISTRICT NO. 3—HANNA RAWLINS																
234, 237–241 and 247–254	280	280	280	280	255	255	255	265	200	175	....	200	200	*160*	150	80
SUB-DISTRICT NO. 5—GEBO KIRBY																
234 and 241	460	460	455	445	445	445	420	320	250	....	....	270	185	*160*	150	....
237–240 and 247–254	410	410	405	395	395	395	380	295	225	....	....	270	....	*160*	150	....

[F. R. Doc. 41-9071; Filed, December 2, 1941; 11:55 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

[Administrative Order—Sup. 4, Dec. 3, 1941]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Economic Defense Board, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President, promulgated July 17, 1941 (6 F.R. 3555), the following Supplement No. 4 containing certain additions to, deletions from, and amendments to "The Proclaimed List of Certain Blocked Nationals", promulgated July 17, 1941, is hereby promulgated.

Date: December 3, 1941.

By direction of the President:

CORDELL HULL,
Secretary of State.—
HENRY MORGENTHAU, JR.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Economic Defense Board.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

ADDITIONS

ARGENTINA

Barbero, Luis; Buenos Aires.

Brugger, Fernando G.; Arcos 2070, Buenos Aires.

Ciarlo, Agustín; 25 de Mayo 375, Buenos Aires.

Clemens, Pedro; Bartolomé Mitre 559, Buenos Aires.

"Club del Libro", A. L. A. (Amigos del Libro Americano); Carlos Pellegrini 1536, Buenos Aires.

Ghiringhelli, Celestino; Buenos Aires.

Hossman & Cía; Corrientes 330, Buenos Aires.

Industria Frigorífica Argentina, "I. F. A.", S. A.; Defensa 533, Buenos Aires.

Klein, Otto; 25 de Mayo 158, Buenos Aires.

Kyburg, Bernardo L.; Perú 375, Buenos Aires.

Kyburg, Luis; Perú 375, Buenos Aires.

Mampoy, Julio; Lavalle 341, Buenos Aires.

Mármoles y Piedras de Italia, S. A., Sociedad General; Brasil 71–73, Buenos Aires.

Millinghausen, Guillermo; 5 de Julio 489, Buenos Aires.

Orduvini, Augusto H.; Bernardo de Irigoyen 330 and Santa Fé 3936, Buenos Aires.

Pellegrini & Cía., Clemente; Carlos Pellegrini 1536, Buenos Aires.

Pesci, Remo; Juan de Garat 2260, Olivos.

Trabanco, Aquilino; Bernardo de Irigoyen 15, Buenos Aires.

Trabanco, Casa A.; Bernardo de Irigoyen 15, Buenos Aires.

Winkler & Cía.; Avda. R. S. Peña 636, Buenos Aires.

BOLIVIA

Aramayo del Río, Ricardo; Potosí and Sucre.

Barrientos, Emilio; La Paz.

Benavides, I. A.; La Paz.

Borda, José Vicente; Cochabamba.

Brocker, Bruno; Cochabamba.

Burgos, F. Isaías; Villazón.

Bustillos y Cía.; Casilla 167, Potosí.

Guardia, Darío; La Paz.

Hero, S. A., Cía. de Representaciones y Comercio en General; Casilla 422, Avenida Montes, La Paz.

Jacobsen, Haye; Viacha and La Paz.

Lutsch, Sigmar; Casilla 199, Cochabamba.

Paz Hermanos; Santa Cruz, La Paz, Oruro.

Representaciones y Comercio en General Hero, S. A., Cía. de; Casilla 422, Avenida Montes, La Paz.

Rivas Guzmán, Blanca T. de; La Paz.

Schomann and Company, Gustavo; La Paz.

Schuchard, Werner; La Paz.

Schuett, Nicholas Jurgen[1]; Potosí and Sucre.

Siles, A.; La Paz.

Von Landwust, Hans; Potosí and Sucre.

Weichert, Wolfgang; Cochabamba, Santa Cruz, Sucre, Oruro.

Zetsche, Heinz G.; Calle Colón 168, La Paz.

Zetsche and Company, Herbert; Calle Colón 168, La Paz.

Ziegler & Cía., Alfredo; La Paz.

BRAZIL

Aichinger, M. E.; Rua Tamoyos 438, Bello Horizonte.

A Ultraferramenta, Limitada; Rua Novo Prado 406, São Paulo.

Brasileira de Carbureto de Calcio, Companhia; Rua 1° de Marco 31, Rio de Janeiro.

Costa Carvalho & Cia; Rua do Bom Jesús, Recife.

Distribuidora Brasileira de Acos e Metaes Dibraco Ltda.; Rua José Bonifacio 278, São Paulo.

Fábrica de Machinas Raimann, Ltda.; Joinville, Santa Catarina.

Hafers, Ernesto Magalhaes (Dr.); Santos.

Halboth, Armin; Rua Buenos Aires 152, Rio de Janeiro.

Heinzerling & Lock, Limitada; Rua Turiassú 1687, São Paulo.

Horst do Brasil, Limitada, Theodor Jos.; Rua Carnot 548, São Paulo.

Industrias Chimicas Geronazzo, Ltda.; Rua Catarina Braida 9, São Paulo, and all branches in Brazil.

Industrias Rodolpho, S. A.; Fortaleza, Ceará.

Institutos Terapeuticos Reunidos "Labofarma", S. A.; Rua Glicerio 497, São Paulo, and all branches in Brazil.

Labofarma, S. A., Institutos Terapeuticos Reunidos; Rua Glicerio 497, São Paulo.

Lang & Cía., Ltda.; Rua Cdr. Manoel Pereira 177, Porto Alegre.

Lecoultre & Companhia, Ltda.; Rua Libero Badaró 173, São Paulo.

Lettieri, G.; Rua Chile 65, 67, 103, 106, Natal.

"Loja Telefunken"; Rua Tamoyos 438, Bello Horizonte.

Lück & Cía., Gurgel; Rua do Comercio 161–165, Natal.

Mangels & Kreutzberg, Ltda.; Avenida Presidente Wilson 1866, São Paulo.

Meridional Tintas e Composições, Limitada; Rua da Candelaria 9, Rio de Janeiro.

[1] Not to be confused with firm of same name in La Paz.

Minas Brasilmica, Limitada; Rua Lino Coutinho 1718, São Paulo.

Perfumaria Claco Ltda.; Fortaleza, Ceará.

Regnier de Maquinas e Baterias Eléctricas, S. A.; Rua Candelaria 92, Rio de Janeiro.

Ricordi & Companhia, G.; Alameda Barão de Limeira 331, São Paulo.

Scheidt & Companhia, Ltda., F. W.; Rua Domingos Lima 322, São Paulo.

Schmidt & Companhia; Rua Julio Adolfo 14, Bahia.

Van Rees do Brasil, Ltda.; Rua Libero Badaró 92, São Paulo.

Von Densteinen, Carlos; Recife, Pernambuco.

Wanderley & Cía., Ltda., Tercio.; Rua do Comercio 508–518, Maceió Alagôas.

CHILE

Alvárez R., Osvaldo; Calle Errázuriz 845, Punta Arenas.

Kristl, Peter J.; Calle O'Higgins 625, Antofagasta.

Kristl y Cía., P. J.; Calle O'Higgins 625, Antofagasta.

Martínez y Cía., Jesús; Bandero 843, Santiago.

Mutzembecher, Juan; 21 de Mayo 1262, Punta Arenas.

Parnow, Juan (Johannes); Punta Arenas.

Pensión Alemana; Calle O'Higgins 625, Antofagasta.

Schulze, Otto; Calle Baquedaño 111, Antofagasta.

Sepulveda, Aurelio; Augustinas 972, Santiago.

Willumsen, Hening K.; Roca 858, Punta Arenas.

COLOMBIA

Abuchaibe, Nicolás D.; Santa Marta.

Almacén Mil Novedades; Bogotá.

Arrazola, Manuel; Bogotá.

Bizzari, Enrique; Bogotá.

Boll, Karl Anton; Edificio Teodosio Moreno, Medellín.

Delle Donne, Ottavio; Bogotá.

Empacadora Nacional de Consumos Alimenticios Standard Ltda.—ENCA Standard Ltda.; Medellín.

ENCA Standard Ltda.—Empacadora Nacional de Consumos Alimenticios Standard Ltda.; Medellín.

Exportadora y Comercial del Atlántico, Ltda., Compañía; Real, 20 de Julio, Cuartel, Apartado 882, Barranquilla.

François, Xavier; Bogotá.

Garbade, Günther; Real, 20 de Julio, Cuartel, Apartado 882, Barranquilla.

Gebhardt, Gustavo; Barranquilla.

Haas, Federico; Apartado Nacional 1696, Bogotá.

Horn, José (Josef); Bogotá.

Industria Cauchera Hércules, Cía., Ltda.; Cartagena.

Laumayer, Alfredo; Edificio Teodosio Moreno, Medellín and all branches in Colombia.

Laumayer, Fritz; Edificio Teodosio Moreno, Medellín and all branches in Colombia.

Manjarres, José Manuel; Bogotá.

Martín L., Jorge; 12–49, Carrera 9, Bogotá.

Mazzanti, Spartaco; Barranquilla.

Menotti, Pierantonio; Medellín.

Miani, Alfredo; Manizales.

Morín, Mario; Medellín.

Munevar, Bernardo; Bogotá.

Paschke, Rheinhold; Plaza de la Aduana 6, Cartagena.

Pernigotti, Carlo; Bogotá.

Reyes & Cía., Alberto; San Blas, Progreso, La Paz, Barranquilla.

Rodriguez, H. & Cía., Sucr.; Progreso, Boyacá, San Roque, Barranquilla.

Serventi, Emilio; Manizales.

Serventi, Giovanni; Bogotá.

Taddei, Renato; Barranquilla.

Taller de Fotograbado; Barranquilla.

Thierl, Richard; Cartagena.

Zapateiro, Manuel; Apartado 84, Cartagena.

COSTA RICA

Brenes Gutierrez, Ramiro (Dr.); San José.

Gurcke y Cía., Werner; Apartado 219, San José.

"NICSA"; Apartado 785, San José.

Panadería Musmanni; Calle 12, Aves. F. G. y 2, San José.

Sastrería y Tienda Scaglietti y Sobrinos; Apartado 478 and Calle 2, Aves. F. G. y 1, San José.

Scaglietti, Hugo; Apartado 478, San José.

Scaglietti, Mario; Apartado 478, San José.

Scaglietti & Sobrinos; Apartado 478 and Calle 2, Aves. F. G. y 1, San José.

Schlager Quesada, Sucrs., Arturo; San José.

Wimmer, Frank; Puerto Limón.

DOMINICAN REPUBLIC

Dominican Tobacco Company; Cuidad Trujillo.

ECUADOR

Panse, Ernesto; Malecón Simón Bolivar 307, Apartado 787, Guayaquil.

Sachs, Herbert; Guayaquil.

GUATEMALA

Almacén A. E. G.; 7a Avenida Sur No. 10, Guatemala City.

Asociación Industrial Alemana; 7a Avenida Sur No. 10, Guatemala City.

Brackman y Cía., M.; Guatemala City.

Cojulun R., Raquel (Lcda.); Guatemala City.

Fábrica de Sombreros "Atlas"; Guatemala City.

"Imprenta Electra"; 10a Calle Oriente y Pasaje Coloma, Guatemala City.

Jaeger, Augusto L.; 7a Avenida Sur No. 10, Guatemala City.

Jaeger Hermanos; 7a Avenida Sur No. 10, Guatemala City.

Sak, Max; 7a Avenida Sur y 10a Calle Oriente, Guatemala City.

Sánchez, Alberto; 6a Calle Oriente No. 11, Guatemala City.

Stäbler (Staebler) Hermanos; 10a Calle Oriente y Pasaje Coloma, Guatemala City.

HAITI

Beck, Kuno; Port-au-Prince.

Beck, Kurt; Port-au-Prince.

Beck, Vera Teuchler (Mme. Kuno).

Buch, Wilhelm (Jr.); Port-au-Prince.

Grohl, Arthur Karl; Port-au-Prince.

Petersen, Johannes; Port-au-Prince.

Wehrle, Laurent; Port-au-Prince.

HONDURAS

Brito, Jorge; San Pedro Sula.

MEXICO

Bahnsen, Johann Heinrich; Calle Jiménez Norte 145, Monterrey.

Benitez y Ajuria, S. en C. por A.; Bahia Concepción 3, México, D. F.

Bossero Advertising Agency, S. de R. I.; Gante No. 14, México, D. F.

Busch, Juan; Uruguay 42–1°, México, D. F.

de Moeller, J.; Ocello 8, Mexico, D. F.

de Peña, O. A.; Calzada de la Piedad 91–3°, Mexico, D. F.

Farmacia Moderna; Chihuahua.

Fiehn, Ulrich; Chihuahua.

Frank, Walter; Guadalajara.

Galván, Alberto R.; Calle Obregón 52A, Guadalajara.

Haas, Walterio; Apartado 163, Avenida Morelos 464, Monterrey.

Industria Mexicana de Tintas; Bahía Concepción 3, México, D. F.

Indústrias Sanitarias Unidas; Sabiño 154, México, D. F.

Internacional de Drogas, S. A., Cía.; Isabel la Católica 85, México, D. F.

Laboratorios Carbo Hnos., S. A.; Ciprés 259, México, D. F.

Laboratorios Gardee; Ramón Guzmán 51, México, D. F.

Laboratorios J. C. Thome; Ramón Guzmán 58, México, D. F.

Laboratorios Nutrex, S. A.; Cerrada 3a de Colima 2, México, D. F.

La Torre e Hijo, S. R. L.; Uruguay 73–1°, México, D. F.

"La Voz del Pueblo"; Mazatlán.

Monticello Drug Co.; Joyas 16, México, D. F.

Pasquel, Bernardo; 5 de Mayo No. 43, Veracruz, and Hamburgo No. 32, México, D. F.

Pasquel, Jorge; Hamburgo No. 32, México, D .F.

Productos Químicos Fletcher, S. A.; Morelia 15, México, D. F.

Queralt Mir, Casa; Sinaloa 56, México City, D. F.

Relojería Suiza; Apartado 163, Avenida Morelos 464, Monterrey.

Schalch, Willy; Guadalajara.

Sekiguchi, Casa; México, D. F.

Stein y Schuetze; Edificio Lutecia 220, Guadalajara.

Talleri y Cía., Sucrs., Eugenio; 16 de Septiembre 66, México, D. F.

Terapia Infantil; México, D. F.

Unidas de México, Agencias; Av. 5 de Mayo, Pasaje América, Mexico, D. F.

Villaseñor Hnos., Tinajero; Piño Suárez 76, México, D. F.

Woehler Bartning Sucs; Mazatlán.

PANAMA

Papio, Miguel (Dr.); Front Street, Colón.

Wegener, Sigfrido; 4 de Julio No. 3, Apartado 1225, Panamá, R. P.

PARAGUAY

Grabow, Federico; Asunción.

Grabaw & Muller; Calle Estrella 288, Asunción.

PERU

Candela y Candela, Constantino; Lampa 936, Lima.

Detgen & Barten, S. A.; Mercedes 112, Arequipa, and all branches in Perú.

Labarthe y Durand, Luis A.; Lima.

Von Steinitz, Kurt; Lima.

SALVADOR

Moritz, Friedrich; San Salvador.

Roverso, Patuzzo y Cía.; 1a Calle Oriente No. 102, San Salvador.

Schmidt, Guillermo; Tepecoyo, La Libertad.

URUGUAY

Scharnweber, Walter; Piedras 419, Montevideo.

Stahl, Hermann; Convención 1403, Montevideo.

VENEZUELA

Hadamovsky & Co.; Caracas.

Hadamovsky, Walter; Caracas.

Stegemann & Co.; Avenida Sur, 15-Altos, Apartado 847, Caracas.

DELETIONS

BRAZIL

Reichlin, N. A.; Rio de Janeiro.

COLOMBIA

Osswald, Rudolf (Agencias de Ultramar S. A.; Trilladoras Deco S. A.[1]).

Ribbentrop y Cía. (Standard Agencies de Colombia [2]).

Ribbentrop, Erich (Standard Agencies de Colombia [1]). Barranquilla.

Staats, Luis (Enrique Kausel & Cía.; Laboratorios Enka Standard [1]).

CUBA

Aguirre, Camilo V.; Merced 324, Habana.

HONDURAS

Marrugat, Jose Riba; La Ceiba.

MEXICO

Anahuac, Agencia Comercial—Hugo Schoener; Apartado 2303, Mexico City.

Brandi, Nicolas; Avenida Zaragoza 725 Sur, Monterrey.

Ituriaga, Joaquin Fernandez; Queratro 48, Mexico City..

Melnitzen, M. (Salchichoneria "Bavaria") Morelos 142 Pte., Monterrey.

Salchichoneria "Bavaria" (M. Melnitzen)[3]; Morelos 142 Pte., Monterrey.

AMENDMENTS

BOLIVIA

In relation to Barber & Co., Sucs., Alfredo W., Riberalta, *see* footnote 1.

In relation to Bendel & Cía., La Paz, *see* footnote 2.

For Bedregal, Daniel, La Paz, *substitute* Bedregal Vela, Daniel; [3] La Paz.

COSTA RICA

For Fernandez Parma, Claudio, San José, *substitute* Fernández Palma, Claudio (C. Fernández P.); San José.

In relation to Pan American Agencies Co., S. A. (Rafael Delcore), Apartado 785, San José, *see* footnote 4.

MEXICO

In relation to Equipos Para Oficinas, S. A., Ave. Juarez 56, Mexico City, *see* footnote 5.

For Farmacia Plaza, Abasolo 954, Monterrey, *substitute* Farmacia Plaza; Zuazua y Morelos, *or* Zuazua 943 Sur, Monterrey.

For Wellstein, Oscar, Uruguay 51, Mexico City, *substitute* Wettstein, S. A., Casa (Oscar Wettstein); Uruguay 5, México, D. F.

NICARAGUA

For Bayer, Agencia, Managua, *substitute* Bayer, Agencia; Apartado 359, Managua.

PERU

For Moebius, Fritz, Carabaya 569, Lima, *substitute* Mevius, Fritz; Calle Buenos Aires 185 Miraflores, Lima, and Jirón, Carabaya 569, Lima.

[F. R. Doc. 41-9095; Filed, December 3, 1941; 11:31 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER A—GENERAL PROVISIONS

DEFINING THE STATUS OF THE DIVISION OF PURCHASES IN THE OFFICE OF PRODUCTION MANAGEMENT AND PRESCRIBING ITS DUTIES AND FUNCTIONS, AMENDMENT

Regulation No. 2–A

Paragraph 3c of Regulation No. 2,[4] dated March 7, 1941, is hereby amended to read as follows:

c. To review for clearance, prior to award, all major proposals for the purchase or construction by the War Department or the Navy Department of materials, articles, or equipment needed for defense. He shall also review for clearance or advice such other important proposals for purchase or construction as the War Department or Navy Department may desire to submit. The term "major proposals for purchase or construction," as used herein, shall mean:

(1) All proposals for purchase in the amount of $500,000 or more;

(2) All proposals for construction in the amount of $500,000 or more;

(3) All proposals for purchase or construction which would require substantial new construction of production facilities or extensive new machine tool equipment, regardless of the cost of the proposed contract.

(4) Such other proposals for purchase or construction as the Director of Purchases may indicate, through the Office of the Secretary of War or the Secretary of the Navy, because they involve unusual procurement problems, or have a substantial impact upon the market, or for other reasons.

W. S. KNUDSEN,
Director General.

SIDNEY HILLMAN,
Associate Director General.

ROBERT P. PATTERSON,
Under-Secretary of War.

FRANK KNOX,
Secretary of the Navy.

Approved:

JOHN LORD O'BRIAN,
General Counsel.

Attest:

HERBERT EMMERICH,
Executive Secretary.

NOVEMBER 25, 1941.

[F. R. Doc. 41-9085; Filed, December 3, 1941; 9:37 a. m.]

SUBCHAPTER B—PRIORITIES DIVISION

PART 937—ZINC

Supplementary Order No. M–11–f

§ 937.7 *Supplementary order M–11–f.* (a) The Director of Priorities hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under § 937.1 (c) as amended,[5] for the month of December, 1941 and for each month thereafter until otherwise determined by him, shall be as follows:

(1) *Metallic zinc.* An amount equal to 29% of Producer's August 1941 production.

(2) *Zinc oxide.* None.

(3) *Zinc dust.* None.

(b) This Order shall take effect on the 1st day of December, 1941. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM. Reg. 3 amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 3rd day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41–9102; Filed, December 3, 1941; 12:04 p. m.]

PART 939—HIGH-SPEED STEEL

Amendment No. 1 and Extension No. 1 of General Preference Order M–14

Whereas the shortage of tungsten for defense, for private account and for export has become more stringent since the issuance of General Preference Order M–14,

Now, therefore, it is hereby ordered:

(a) Paragraphs (a) (3), (a) (4), and (a) (5) of General Preference Order M–14 (939.1) are hereby revoked.

(b) Paragraph (b) of General Preference Order M–14 (§ 939.1) is hereby amended to read as follows:

§ 939.1 *General preference order.*

* * * * *

(b) *Orders.* No customer of a producer shall place an order with such producer for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements; and no producer shall accept such an order for Class B high-speed steel when he knows or has reason to believe that Class A high-speed steel would reasonably fulfill the customer's requirements. For the period October 28, 1941 to February 1, 1942, and for each quarterly period thereafter, no customer shall place and no producer shall accept orders for Class B high-speed steel which will exceed, in the aggregate, by weight, one-third of the quantities of Class A high-speed steel ordered by such customer from the same producer during the same period. Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including tungsten ore, ferro tungsten, and tungsten-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this Order. With respect to orders placed on or after October 28, 1941, no customer shall request cancellation, during the period October 28, 1941 to February 1, 1942, or during any quarterly period thereafter, of any order for Class A high-speed steel, unless such customer shall also request cancellation of an order or orders for three times such quantity, by weight, of Class B high-speed steel placed with the same or some other producer during the same period.

(c) Paragraph (c) of General Preference Order M–14 (§ 939.1) is hereby amended to read as follows:

(c) *Deliveries.* With respect to orders placed on and after October 28, 1941, no customer shall accept, during the period October 28, 1941 to February 1, 1942, or during any quarterly period thereafter, deliveries of Class B high-speed steel which will exceed in the aggregate, by weight, one-third of the aggregate of deliveries of Class A high-speed steel made to him by producers pursuant to orders placed by such customer during the same period, and no producer shall knowingly make such deliveries. In addition to the foregoing limitations, no producer shall hereafter knowingly deliver high-speed steel to any customer, and no customer shall accept delivery of high-speed steel in an amount which will increase, for any calendar month, the customer's inventory of such material in the same or other forms, in excess of the quantity necessary to meet required deliveries of such customer's products, on the basis of his usual method and rate of operation.

* * * * *

(d) Paragraph (j) of General Preference Order M–14 (§ 939.1) is hereby amended to read as follows:

(j) *Appeal.* Any person who considers that he is adversely affected by any provision or application of this order may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) Paragraph (k) of General Preference Order M–14 (§ 939.1) is hereby revoked, and the following is hereby adopted as paragraph (k) of such Order:

(k) *Regulations incorporated.* Except as modified by the terms of this Order and as otherwise specifically provided herein, all the provisions and definitions of Priorities Regulation No. 1, issued August 27, 1941, by the Director of Priorities, as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein.

(f) General Preference Order M–14 (§ 939.1), as amended, is hereby extended, to expire December 31, 1942.

(g) This amendment and extension shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9084; Filed, December 2, 1941; 3:04 p. m.]

PART 982—MINES

Preference Rating Order No. P–56 as Amended to December 2, 1941

Section 982.1 is hereby amended to read as follows:

§ 982.1 *Preference rating order P–56.* For the purpose of facilitating the acquisition of material for continued and expanded operation of Mining Enterprises, preference ratings are hereby assigned to deliveries of such material upon the terms hereinafter set forth, until such time as the Office of Production Management certifies specific quantities of such material to which the preference ratings herein assigned may be applied.

(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Mining enterprise" means:

(i) Any plant actually engaged in the extraction by surface, open-pit or underground methods, or in the beneficiation, concentration or preparation for shipment of the products of mining activity, but not including that form of mining known as "gold placer mining";

(ii) Any plant wholly engaged in the processing and burning of refractories;

(iii) Any prospecting enterprise for the discovery or exploration of new or additional mining projects.

(3) "Operator" means any person operating a Mining Enterprise, to whom a Serial Number has been issued in accordance with the provisions of paragraph (b).

(4) "Supplier" means any person with whom a purchase order or contract has been placed by an Operator or another Supplier for material

(i) Required by an Operator for any of the purposes specified in paragraph (c) hereof;

(ii) To be physically incorporated in other material so required by an Operator.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Maintenance" means minimum upkeep necessary to continue the working condition of equipment used by an Operator in and essential to the operation of a Mining Enterprise at its then current rate of production or operation.

(7) "Repair" means the restoration of property or equipment used by an Operator in and essential to the operation of a Mining Enterprise to a sound working condition after wear and tear, damage, destruction or failure of parts or the like, have made the property or equipment unfit or unsafe for service.

(8) "Operating Supplies" means material which is essential to and consumed in the operation of property and equipment used by an Operator in and essential to the operation of a Mining Enterprise and which is generally carried as Operator's stores and charged to operating expense account. The term does not include raw materials which enter into or form part of the finished product.

(b) *Certification of mining enterprises*—(1) *Domestic mining enterprises.* The agency designated by the Governor or other chief executive officer of each

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[1] This deletion relates only to individual listed and does not affect listing of firm.

[2] This deletion relates only to Ribbentrop y Cía. and does not affect Standard Agencies de Colombia listed separately.

[1] Not to be confused with Casa Barber, Cochabamba.

[2] Not to be confused with Baender & Cía., La Paz.

[3] Not to be confused with Daniel Bedregal Urquizo, La Paz.

[4] Not to be confused with Pan American Agencies operated by Roberto Sutherland Polsen.

[5] To be distinguished from Equipos Para Oficinas, S. de R. L., Calle Juan A. de la Fuente 320 Sur, Torreón, Coahuila.

[4] 6 F.R. 1595.

[5] 6 F.R. 3179, 5280.

state, territory or possession of the United States, including the Commonwealth of the Philippines shall furnish to the Office of Production Management a certificate setting forth the names of the persons operating Mining Enterprises within such state, territory or possession. The Office of Production Management will thereupon issue a Serial Number or Numbers to each such person who may be approved by the Director of Priorities. Any person aggrieved by failure or refusal of a state agency to certify him as an Operator may apply in writing to the Director of Priorities for issuance of a Serial Number. The Director of Priorities may thereupon take such action as he deems appropriate.

(2) *Foreign mining enterprises.* The Director of Priorities may, in his discretion, issue a Serial Number or Numbers to a person operating a Mining Enterprise outside the limits of the United States, its territories and possessions.

(3) *Standards.* In issuing or denying Serial Numbers, the Director of Priorities will consider the importance to national defense of the present and prospective output of materials to be produced, the consumption of essential materials by the Mining Enterprise in its operations, the necessity to the Mining Enterprise of obtaining priorities assistance, and the available alternative methods of obtaining such assistance.

(c) *Assignment of preference ratings.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other Preference Rating Certificate or Order.

(1) *As to deliveries to an operator.* (i) A–1–a to deliveries of material for repair when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential parts are not otherwise available.

(ii) A–1–c to deliveries of material up to the minimum required to make reasonable advance provisions to avert an actual breakdown or suspension as described in paragraph (c) (1) (i).

(iii) A–3 to deliveries of material for other repairs to the types of machinery and equipment listed in Schedule A hereto.

(iv) A–3 to deliveries of essential machinery or equipment of the types listed in Schedule A hereto.

(v) A–8 to deliveries of material for repairs other than those specified in paragraph (c) (1) (i), (ii) and (iii) and for maintenance or operating supplies.

(vi) A–8 to deliveries of essential machinery or equipment of types other than those listed in Schedule A hereto, provided that such machinery and equipment is to be used in the actual productive operation of a Mining Enterprise.

(2) *As to deliveries to a supplier.* (i) A–3 to deliveries of machinery or equipment of the types listed in Schedule A hereto, or repair material therefor, for delivery to an Operator under a rating assigned by paragraphs (c) (1) (i), (ii), (iii), or (iv), or to deliveries of material to be physically incorporated into material to be so delivered.

(ii) A–8 to deliveries of other machinery or equipment or other material for repair, maintenance or operating supplies, for delivery to an Operator under a rating assigned by paragraphs (c) (1) (i), (ii), (v) or (vi), or to deliveries of material to be physically incorporated into material to be so delivered.

(d) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may be applied by (1) an Operator, or (2) a Supplier to enable it to make to an Operator or to another Supplier deliveries on purchase orders or contracts endorsed or otherwise identified pursuant to paragraph (e).

(e) *Application of preference ratings.* (1) An Operator, in order to apply the A–1–a preference rating assigned by paragraph (c) (1) (i) or the A–1–c preference rating assigned by (c) (1) (ii) must communicate with the Office of Production Management, Washington, D. C. Ref: P–56, describing the material needed for emergency repair and the nature of the emergency, or the reasons why advance provision is necessary to avert breakdown or suspension, and such other information as may be required. The Director of Priorities will notify such Operator whether, and to what extent, its application is approved, and a copy of such notification shall be furnished by the Operator to its Supplier to evidence the A–1–a or A–1–c rating.

(2) An Operator in order to apply the A–3 preference rating assigned by paragraph (c) (1) (iv) must communicate with the Office of Production Management, Washington, D. C. Ref: P–56, describing the machinery or equipment needed and the reasons why such machinery or equipment is essential for the proper operation of the Mining Enterprise. The Director of Priorities will notify such Operator whether, and to what extent, its application is approved and a copy of such notification shall be furnished by the Operator to its Supplier to evidence the A–3 rating.

(3) In acting on any application pursuant to paragraph (e) (1) or (2), the Director shall consider the importance to national defense of the material to be produced by the machinery, equipment or other material for which rating is requested, and the consumption of scarce materials in the construction thereof.

(4) An Operator in order to apply the A–3 preference rating assigned by paragraph (c) (1) (iii), or a Supplier in order to apply the A–3 preference rating assigned by paragraph (c) (2) (i), or an Operator or a Supplier in order to apply any A–8 preference rating assigned by paragraph (c), must endorse the following statement on the original and all copies of the purchase order or contract for such material, signed by a responsible official duly designated for such purpose by such Operator or Supplier:

Materials for a Mining Enterprise, Rating A under Preference Rating Order P–56, Serial No.____ and in compliance therewith.

_____
(Name of Operator or Supplier)
By_____
(Authorized Signature)

If the material is for export outside the limits of the United States, its territories and possessions, the Commonwealth of the Philippines, or the Dominion of Canada, such endorsement shall also contain the sentence:

This material is for export and is covered by Export License No.____, dated _____.

Such purchase order or contract so endorsed shall be delivered to the Supplier of such material. Such endorsement shall constitute a representation to the Office of Production Management and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly and properly rated in accordance herewith. Such Supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith. With respect to any purchase order or contract for such material placed before the effective date of this order, such preference rating may be applied by delivering to the seller a duplicate copy of such purchase order or contract so endorsed.

(5) An Operator or Supplier placing any such rated purchase order or contract, and the Supplier of the material covered thereby, must each retain endorsed copies of all such purchase orders or contracts, and copies of notifications pursuant to paragraph (e), for a period of two years from the date thereof, for inspection by authorized representatives of the Office of Production Management.

(f) *Restrictions on applications of rating.* The preference ratings hereby assigned shall not be applied

(1) Unless the material to be delivered cannot be secured when required without such rating;

(2) To obtain deliveries greater in quantity or on dates earlier than required for the operation, maintenance or repair of the property or equipment used by an Operator in and essential to the operation of a Mining Enterprise;

(3) By a Supplier to obtain material in excess of the amount necessary to make rated deliveries.

(g) *Restrictions on inventory.* No Operator shall accept deliveries (whether or not rated pursuant to this Order) of operating supplies or other material which will increase such Operator's inventory of such operating supplies or other material to an amount greater than the minimum necessary for the efficient operation of his business, and the ratio of inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(h) *Resale of operating supplies and other material prohibited.* Except with specific permission of the Director of Priorities, no Operator shall resell any operating supplies or other materials (whether or not obtained pursuant to rating assigned by this Order) except to another Operator.

(i) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms, or otherwise, and to cooperate in any program developed for such purpose by the Office of Production Management. The Director of Priorities may from time to time issue specific directions as to conservation, elimination and standardization.

(j) *Relief.* In case the productivity or sound working condition of any Mining Enterprise is adversely affected by any provision or application of this Order or by inability to obtain essential operating supplies or other materials, the person operating such Mining Enterprise may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(k) *Records, audit and reports.* Each Operator and each Supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this Order and shall submit from time to time to audit and inspection by duly authorized representatives of the Office of Production Management. Each Operator and each Supplier shall execute and file with the Office of Production Management or other designated agency, such reports and questionnaires as the Office of Production Management shall from time to time require. Until otherwise directed, each Operator shall file with the designated state agency on or before the 10th day of each month a report of purchases made during the preceding month pursuant to the ratings granted by this Order, and each Supplier furnishing machinery and equipment of the types specified in Schedule A hereto, or repair material therefor shall file with the Office of Production Management or other designated agency on or before the 10th day of each month, beginning December 10, 1941, a report of deliveries and of purchases of such machinery, equipment and materials made during the preceding month pursuant to the rating of A–3 or higher granted by this Order.

(l) *Violations.* Any person affected by this Order who violates any of its provisions or a provision of any other Order, regulation or other directive of the Office of Production Management may be deprived of priorities assistance, or subjected to such other or further action as the Director of Priorities may deem appropriate.

(m) *Revocation or modification.* This Order may be revoked or modified by the Director of Priorities at any time as to any Operator or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Operator or Supplier affected by said revocation or expiration.

(n) *Amendment of prior order.* The provisions of Preference Rating Order P–22 shall not apply to deliveries to which a preference rating is assigned by this Order.

(o) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 2d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

SCHEDULE A

As to all machines listed below, the rating provided herein likewise applies to equipment items, accessories, and tools customarily sold with such machines.

Aerial Tramway Equipment.
Air Compressors for mine use.
Air distribution equipment.
Assaying and testing laboratory equipment at the mine.
Ball-casting machines.
Box-car Loaders.
Cages and Skips.
Car Dumpers—rotary or end.
Cleaning plants and equipment, including design, construction, and erection.
Concentrating plants and equipment, including design, construction, and erection.
Conveyors—shaking, belt, or chain type, including duckbills and other self-loading heads.
Cutting machines—cable reel and self-propelling transportation trucks therefor.
Diamond core drilling machines.
Dragline dredges, excavators, and scraper units.
Dredges—continuous bucket.
Drills and drilling machines, power driven, and reconditioning equipment therefor.
Dust control equipment.
Electrical Equipment for Mine Transportation and Power.
Hoists—including room hoists and car pullers.
Hydraulic monitors.
Jacks for lifting and roof support.
Lamps—Mine, Miners', Safety, and Ore-exploration types.
Locomotives for mine use.
Loaders, mobile, including mucking machines.
Milling plants and equipment, including design, construction, and erection.
Mine Cars, Track or Trackless.
Pit-car loaders and elevating conveyors.
Preparation plants and equipment, including design, construction, and erection.
Pumps, Pipe, and Fittings for Mine Drainage or Material Transport.
Rock Dusting Equipment.
Sand dryers.
Scraper loaders.
Sheaves and sheave blocks.
Shovels, power.
Shuttle cars, track or trackless.
Slusher hoists and scrapers.
Storage batteries for mine use.
Tanks and bins for storage of mine products.
Tipples and head frames, including design, construction, and erection.
Track and Track Accessories for Mine Transportation.
Treating plants and equipment, including design, construction, and erection.
Trucks, tractors and trailers for mine use.
Ventilation Equipment.
Waste disposal equipment.
Weighing Equipment, including Automatic Devices.

[F. R. Doc. 41–9083; Filed, December 2, 1941; 3:04 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 0—ORGANIZATION

ASSIGNMENT OF DUTIES, DIVISION FOUR, AMENDMENT

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of November, A. D. 1941.

Section 17 of the Interstate Commerce Act, as amended, being under consideration:

It is ordered, That the second paragraph under the heading "Division Four" in the Commission's organization schedule and assignment of work and functions adopted November 15, 1940,[1] (the second paragraph of sec. 0.2 (e), Code of Federal Regulations), be, and it is hereby, amended to read as follows:

§ 0.2 *Assignment of duties of Commission.*

* * * * * *

(e) *Division four.* * * *

Section 5 (2) to (13), inclusive (other than enforcement of penalties), and section 210a (b) of part II, relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to noncarrier control, including matters of public convenience and necessity directly related thereto.

* * * * *

(Sec. 17, 24 Stat. 385, sec. 6, 25 Stat. 861, sec. 2, 40 Stat. 270, secs. 430–432, 41 Stat. 492, 493, 47 Stat. 1368, sec. 12, 54 Stat. 913; 49 U.S.C. 17.)

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–9096; Filed, December 3, 1941; 11:32 a. m.]

[1] 5 F.R. 4695.

PART 42—ABANDONMENT OF RAILROAD LINES

APPLICATIONS FOR PERMISSION TO ABANDON LINES OF RAILROAD OR OPERATION THEREOF

At a Session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 27th day of November, A. D. 1941.

The matter of applications under section 1, paragraphs (18) to (20), inclusive, of the Interstate Commerce Act for certificates of public convenience and necessity permitting the abandonment of lines of railroad or the operation thereof being under consideration,

It is ordered, That regulations governing such applications be, and they are hereby, promulgated, as follows:

Sec.
42.1 Information to be contained in application.
42.2 Preparation of application and return to questionnaire.
42.3 Execution of application.
42.4 Filing of application.
42.5 Notice of application.

RETURN TO QUESTIONNAIRE

42.6 Filing and verification.
42.7 Service.
42.8 General instructions.
42.9 Questionnaire.

§ 42.1 *Information to be contained in application.* Applications for certificates of public convenience and necessity permitting the abandonment of railroad lines or the operation thereof shall set forth the following information:

(a) Exact corporate name of the applicant.

(b) Whether the applicant is a carrier by railroad subject to the Interstate Commerce Act.

(c) Route and termini of the line proposed to be abandoned with its total length in miles naming each county in which any portion is situated.

(d) Whether abandonment of the line itself, or only of its operation, is sought.

(e) Reasons, briefly stated, why the abandonment should be permitted. (Detailed reasons are to be reserved for the return to the questionnaire set forth in § 42.9 hereof.)

(f) Name, title, and postoffice address of counsel or officer to whom correspondence in regard to the application should be addressed.

(g) Government, State, or territory under the laws of which the applicant was organized. If incorporated under the laws of, or authorized to operate in, more than one State, give the facts in regard thereto.

(h) Reference to action by stockholders or directors of the applicant authorizing the making and filing of the application, giving date and place of meeting.

(i) If the application is made by receivers or trustees in bankruptcy, a certified copy of the court order authorizing the application should be attached, and reference should be made thereto.

(j) The application and each copy thereof shall be accompanied by a situation map on a sheet not larger than 16 x 21 inches, preferably 8 x 10½ inches or some multiple thereof. This map must be drawn to scale and the scale shown thereon. It must cover a sufficient territory, showing the railroads, water routes, and important points therein, and in clear relief, the line it is proposed to abandon, and its principal stations. In addition 3 extra copies of the map should be submitted, unbound, for the use of the Commission.*

*§§ 42.1 to 42.9, inclusive, issued under the authority contained in secs. 402, 4 (c), 41 Stat. 476, 54 Stat. 903; 49 U.S.C. 1 (18–20).

§ 42.2 *Preparation of application and return to questionnaire.* The application and the return to the questionnaire shall be prepared in typewritten or printed form on paper approximately 8½ x 11 inches, with 1½ inch margin at the left side for binding. Carbon copies, hectographed copies, white line blue prints, or copies prepared by similar processes will not be accepted.*

§ 42.3 *Execution of application.* The original application shall be signed by an executive officer of the applicant having knowledge of the matters and things therein set forth, shall be verified under oath, and shall show, among other things, that the affiant is duly authorized by the corporation or court to verify and file the application.*

§ 42.4 *Filing of application.* The original application and 10 copies for the use of the Commission, and two additional copies for each State in which is situated any part of the line of railroad proposed to be abandoned, shall be filed with the Secretary of the Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copies may be stamped or typed, and the notarial seal may be omitted.*

§ 42.5 *Notice of application.* Upon receipt of the application, the Commission will:

(a) serve notice thereof on, and file a copy thereof with, the governor and public service commission of each State in which any part of the line of railroad sought to be abandoned is situated, accompanied by an inquiry as to whether the governor or other representative of the State desires to be heard in the matter;

(b) transmit to the applicant a notice of the filing of the application, which notice shall be published by the applicant at least once during each of three (3) consecutive weeks in some newspaper of general circulation in each county in which any part of the line of railroad sought to be abandoned is situated. Copy of notice shall also be posted in a conspicuous place at each station on the line sought to be abandoned. If there is no station on the line sought to be abandoned, the notice shall be posted at the nearest agency station on the applicant's line. Proof of publication and posting of the notice shall be filed promptly by the applicant.*

Return to Questionnaire

§ 42.6 *Filing and verification.* The questionnaire to be answered by the applicant is set forth in § 42.9 hereof. The return to such questionnaire shall be prepared as provided in § 42.2 hereof, and shall be duly verified under oath by officer or agent of the applicant thereunto properly authorized. The return to the questionnaire may accompany the application, but in any event shall be filed not later than six weeks after receipt of the notice referred to in § 42.5 (b) for publication. The original return, duly verified, accompanied by ten copies for the use of the Commission, and two additional copies for each State in which any part of the line of railroad proposed to be abandoned is situated, shall be filed with the Secretary of the Commission, Washington, D. C.*

§ 42.7 *Service.* The Commission will furnish a copy of the return to the questionnaire to each governor and public service commission to whom a copy of the application was sent.*

§ 42.8 *General instructions.* Responses to all questions and requirements of the questionnaire shall be full and complete in every particular. Responses of a general nature will not be acceptable. For estimates and opinions the supporting facts and data shall be given. Information not specifically requested but which may be helpful to the Commission in reaching correct conclusions should be supplied in detail.

In the return to the questionnaire the questions must appear before the answers thereto and must be numbered and lettered as indicated in the questionnaire herein. Each copy of the return shall bear the dates and signatures that appear in the original and shall be complete in itself; the signatures in the copy may be stamped or typed and the notarial seal may be omitted.*

§ 42.9 *Questionnaire.* The questionnaire to which the applicant shall file a return is as follows:

1. Complete statement of the purpose of the application.
2. When, by whom, and for what purpose the line was constructed, and its proprietary history.
3. A copy of the applicant's general balance sheet of the latest date available, and a copy of the applicant's income account for each of the last five calendar years, and for that portion of the current year for which the information is available.
4. The present state of maintenance of the line.
5. The estimated salvage value of the line, with a general statement of the basis of the estimate.
6. The names of all railroads with which the line connects for interchange of traffic and the points of such interchange.
7. A brief description of the present train service on the line, and of important changes made in the past five years.
8. The names of all stations on the line, stated in order with milepost numbers, with the approximate population of each, and the authority for the information, showing for each place the names of all other railroads by which it is served, or its distance by highway from the nearest other railroad. Distinguish nonagency stations.
9. The approximate population of the territory served by the line, explaining how the limits of this territory are defined.
10. A detailed statement of the location and nature of the highways available for movement of the traffic now handled by the line, and of the common-carrier truck and bus service on such highways, if any.
11. The nature of the industries in the tributary territory (such as farming, mining, lumbering, manufacturing, etc.), how long established, and the extent to which each is dependent upon the line for transportation. State location and other facts concerning the most important plants served.
12. The passenger traffic handled on the line in each of the last two calendar years,[1] and for that part of the current year for which the information is available, giving separately the number of local and connecting-line passengers (if the latter designation is applicable) and the revenue from each class.
13. The freight tonnage handled by the line for each of the last two calendar years,[1] and for that part of the current year for which the information is available, showing the number of cars and the tonnage of carload freight, classified by principal commodities, and the tonnage of less-than-carload freight. Show in separate statements (a) local freight originated at and destined to points on the line, (b) freight moved between points on the line and points beyond it, and (c) freight neither originated at nor destined to points on the line (overhead or bridge traffic).
14. (1) If the line to be abandoned is less than the entire mileage operated by the applicant, a statement showing the effect of the proposed abandonment on the net railway operating income of the applicant. The statement should include for each of the last two calendar years[1] and for that part of the current year for which the information is available:

(a) The applicant's railway operating revenue from traffic handled locally between points on the line proposed to be abandoned;
(b) The applicant's railway operating revenue from traffic originating on or destined to points on the line proposed to be abandoned and also handled on other parts of the applicant's lines of railroad;
(c) An estimate in detail of the total operating revenue that should be assigned to the line proposed to be abandoned and a statement of the reasons for such assignment;
(d) The expense of operating the line proposed to be abandoned, stated by appropriate primary accounts, actual so far as possible and otherwise approximated, with a full statement of the method used;
(e) Railway tax accruals with method of apportionment;
(f) Other items entering into the applicant's income account and assignable to the line proposed to be abandoned, with methods of assignment; and
(g) The costs of moving the traffic on the line proposed to be abandoned beyond the limits of said line on other parts of the applicant's lines, with method of determination.

Revenues from freight, passenger, and other service should be shown separately.

(2) If the applicant's line is operated as part of a system under common control and management, a statement for the same period as required in paragraph (1) showing the effect of the proposed abandonment on the net railway operating income of the system and the unit members thereof. This statement should show the revenues accruing to the system and its unit members from traffic moving to and from the line proposed to be abandoned and the costs of handling such traffic. The method of determining such costs also should be shown.

15. If the volume of freight or passenger traffic of the line has decreased during recent years, any reasons therefor.
16. If the line is operated as a joint facility, and abandonment of the applicant's operation only is proposed, state fully the facts as to operation by others and the extent to which it will supply the place of the operation it is proposed to abandon.
17. State what effort has been made to dispose of the line so as to insure its continued operation, and what, if any, transportation service will remain or may be substituted for that proposed to be discontinued.
18. A summary statement of the reasons for the application.

VERIFICATION

State of _____ }
County of _____ } ss.

_____ (Name of affiant) makes oath and says that he is the _____ (Title of affiant) of the _____ (Corporate name of applicant) applicant herein; that he has been authorized by proper corporate action on the part of said applicant, or by the proper court, to verify and file with the Interstate Commerce Commission the foregoing return to questionnaire of said Commission in respect of the application in Finance Docket No. _____; that he has carefully examined all of the statements referred to in said return and the exhibits attached thereto and made a part thereof; that he has knowledge of the matters set forth in such return and that all such statements made and matters set forth therein are true and correct to the best of his knowledge, information and belief.

_____

Subscribed and sworn to before me _____ in and for the State and County above named, this ____ day of _____, 19__.

_____

My commission expires _____.

[1] The requirement that data be furnished for the last two calendar years is subject to the reservation that applicant will furnish such data for five years if specially requested by the Commission.

It is further ordered, That this order shall take effect and be in force from and after 40 days from the date hereof.

By the Commission, division 4.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 41-9079; Filed, December 2, 1941; 12:55 a. m.]

PART 42—ABANDONMENT OF RAILROAD LINES

IN THE MATTER OF APPLICATIONS UNDER SECTION 1, PARAGRAPHS (18) TO (21), INCLUSIVE, OF THE INTERSTATE COMMERCE ACT FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE ABANDONMENT OF LINES OF RAILROAD OR THE OPERATION THEREOF

At a General Session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 27th day of November, A. D. 1941.

The Commission having under consideration the order of June 1, 1936, in the above-entitled matter:

It is ordered, That said order of June 1, 1936, be, and it is hereby, revoked and set aside.

It is further ordered, That this order shall take effect and be in force from and after 40 days from the date hereof.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 41-9078; Filed, December 2, 1941; 12:54 p. m.]

[No. 3666[1]]

ORDER IN THE MATTER OF REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of November, A. D. 1941.

It appearing, That certain new and amended regulations for the transportation of explosives and other dangerous articles by rail in freight, express and baggage services, and by water and highway, have been proposed for our approval, pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and section 204 (a) (2) of Part II of the Interstate Commerce Act.

And it further appearing, That by notice dated August 18, 1941, and supplemental notice dated August 29, 1941, these matters were assigned for formal hearing, September 18, 1941.

And it further appearing, That in said notice of hearing, it was stated that the Bureau of Explosives of the Association of American Railroads had, at our request, drafted revised provisions containing the suggested new and amended requirements and would be prepared to confer with interested parties at the offices of the Commission at Washington, D. C., on September 15, 16 and 17, 1941, when oportunity would be afforded such parties to discuss and, if possible, agree upon the suggested requirements. A copy of the proposed new and amended provisions accompanied our notice of hearing.

And it further appearing, That as a result of such conferences agreement was reached by all parties with respect to the suggested requirements with certain exceptions, that the matters upon which no agreement was reached have been stricken from the proposed requirements.

And it further appearing, That upon the hearing no testimony was introduced with respect to these requirements except a statement in the record with respect to the agreement reached by the parties.

And it further appearing, That by order entered September 20, 1941, the Commission, by Commissioner Johnson, promulgated new and amended regulations appended thereto and made a part thereof.

And it further appearing, That the said new and amended regulations have now been considered by Division 3 and

[1] This order embraces Ex Parte No. MC–13, Motor Carrier Safety Regulations.

the Division finds that the said new and amended regulations attached to and made a part of the order of September 20, 1941, are in accord with the best known practicable means for securing safety in transit covering the packing, marking, loading, handling while in transit and the precautions necessary to determine whether the material when offered is in proper condition to transport.

It is ordered, That the new and amended regulations attached to and made a part of the order of September 20, 1941, be and they are hereby, made a part of this order and that the said order of September 20, 1941, be, and it is hereby, vacated and set aside.

It is further ordered, That the aforesaid regulations heretofore published in order of August 16, 1940, in No. 3666, the orders of April 1 and June 10, 1940, and March 31, 1941, in No. 3666 and Ex Parte No. MC–13, and the order of December 18, 1940, in Ex Parte No. MC–13, except that until further order provisions applying to safety of operation and equipment of motor vehicles as provided for in motor carrier safety regulations be continued in effect, be and they are hereby, superseded and amended as indicated in the regulations made a part hereof, as of the effective date of this order.

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in full force and effect on and after February 1, 1942, and shall be observed until the further order of the Commission.

It is further ordered, That compliance with the aforesaid regulations, as amended, made effective by this order, is hereby authorized on and after the date of service hereof.

And it is further ordered, That copies of this order be served upon all the parties of record herein and that notice be given to the public by posting in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–9080; Filed, December 2, 1941; 12:55 p. m.]

PARTS 71–85: EXPLOSIVES AND OTHER DANGEROUS ARTICLES

[No. 3666[1]]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: J. M. Johnson, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

[1] This order embraces ex parte No. MC–13, Motor Carrier Safety Regulations.

And it appearing, That upon applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and section 204 (a) (2) of Part II of the Interstate Commerce Act, and upon investigations had, are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

It is ordered, That the aforesaid regulations as heretofore published in orders of August 16, 1940, and March 31, 1941; and the orders of June 15, April 1, June 10, and December 18, 1940, except provisions applying to safety of operation and equipment, to be continued in effect as and when amended in Motor Carrier Safety Regulations; be and they are hereby superseded and amended by regulations attached to and made part hereof;

It is further ordered, That the aforesaid regulations as further amended herein shall be and remain in force on and after February 1, 1942, and shall be observed until further order of the Commission;

It is further ordered, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

And it is further ordered, That copies of this order be served upon all the parties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 20th day of September 1941.

By the Commission, Commissioner Johnson.

[SEAL] W. P. BARTEL,
Secretary.

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Amending order Aug. 16, 1940, as follows (*authority for regulations for contract motor vehicles*):

(ADD) PART II, INTERSTATE COMMERCE ACT

Sec. 204 (U. S. Code, title 49, sec. 304.) (a) It shall be the duty of the Commission—

(2) To regulate contract carriers by motor vehicle as provided in this part, and to that end the Commission may establish reasonable requirements with respect to uniform systems of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and safety of operation and equipment.

PART 71—GENERAL INFORMATION AND REGULATIONS *†

*† For authority and source citations see notes in sec. A, 49 CFR Part 71.

Superseding and amending section A (2), order Aug. 16, 1940, to read as follows (*plan of the regulation*):

(2) Regulations for equipment and operation of motor vehicles on the highways are published in separate issue of the Commission.

Superseding and amending section C, title, order Aug. 16, 1940, to read as follows:

CHANGES IN THE REGULATIONS

Shippers by Carriers by Rail, Highway, and Water, and Carriers by Rail and Highway

Amending section C, order Aug. 16, 1940, as follows (*regulations for equipment and operation of motor vehicles*):

C (3) Delete. (See Motor Carrier Safety Regulations.)

Amending section H, order Aug. 16, 1940, as follows (*definitions*):

(Add) (4) *Numbering and lettering.* The terms used in the numbering and lettering system employed in these regulations, and adhered to in references made from one requirement to another, are as follows:

Section: A major subdivision, as section 303.

Paragraph: A subdivision of a section, as paragraph (1) of section H, or paragraph (p) (p–1 to p–14) of section 303.

Subparagraph: A subdivision of a paragraph, as subparagraph (a) of paragraph (p) (1).

(Add) (5) *Tank motor vehicle.* The term "tank motor vehicle" means any motor vehicle designed or used for the transportation of liquids or gases covered by these regulations in any cargo tank.

(Add) (6) (a) *Cargo tank.* The term "cargo tank" means:

(b) *Permanently attached tank.* Any tank designed to be permanently attached to any motor vehicle and in which is to be transported any inflammable liquid, corrosive liquid, or compressed gas, hereby designated "cargo tank."

(c) *Fuel tank not a cargo tank.* A fuel tank is not a cargo tank, but one used to transport inflammable liquid or compressed gas solely for the purpose of supplying fuel for the propulsion of a vehicle.

Amending order Aug. 16, 1940, as follows (*transportation by motor carriers by highway*):

(Delete): Section K: (See Part 7 of these regulations.)

Superseding and amending section M, order March 31, 1941, to read as follows (*export shipments via domestic carriers by rail and motor vehicle*):

M. Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common carrier by rail or motor vehicle for domestic transportation unless in full accordance with the regulations herein.

These requirements do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such export shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

PART 73—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES *†

*† For authority and source citations, see notes in sec. 1, 49 CFR Part 73.

Amending section 4, order Aug. 16, 1940, as follows (*explanation of signs and abbreviations*):

(Add): # indicates that articles may be transported as rail baggage.

Superseding and amending list, order Aug. 16, 1940, as follows:

Article	Class	Packing (sec.)	Label	Maximum quantity one package, rail express
(Change) #Anhydrous ammonia	Noninf. G	302, 303	Green	300 pounds.
(Add) Arsenical compounds or mixtures, n. o. s., liquid.	Pois. B	338, 349	Poison	55 gallons.
(Change) Calcium phosphide	Inf. S	No exemption, 161	Yellow	25 pounds.
(Delete) Charcoal, animal.				
(Delete) Charcoal, bone.				
(Change) #Chlorine	Noninf. G	302, 303	Green	150 pounds.
(Change) *Cyclopropane* (liquefied hydrocarbon gas).	Inf. G	302, 303	Red	300 pounds.
(Change) #Ethylene	Inf. G	302, 303	Red	300 pounds.
(Add) Ethyl formate	Inf. L	103, 110	Red	10 gallons.
(Add) Fuse, safety	See sec. 73.			
(Add) Guanidine nitrate	Inf. S	173, 183	Yellow	100 pounds.
(Change) #Hydrogen	Inf. G	302, 303	Red	300 pounds.
(Change) Inflammable solid, n. o. s.	Inf. S	153, 173	Yellow	25 pounds.
(Change) #Liquefied carbon dioxide	Noninf. G	302, 303	Green	300 pounds.
(Change) #Liquefied petroleum gas	Inf. G	302, 303	Red	300 pounds.
(Change) #Methyl chloride	Inf. G	302, 303	Red	300 pounds.
(Change) Monochloracetone, stabilized	Pois. C	No exemption, 364A	Tear gas	5 gallons.
(Add) Monochlorodifluoromethane	Noninf. G	302, 303	Green	300 pounds.
(Add) Monochlorotetrafluoroethane	Noninf. G	302, 303	Green	300 pounds.
(Change) #Motion-picture film, *nitrocellulose base, including mixed shipments with noninflammable film.*	Inf. S	No exemption, 177	Yellow	200 pounds.
(Change) #Motion-picture outfits, toy	See sec. 181 (e).			
(Change) #Motion-picture film (*processed, positive or negative, nitrocellulose*).	Inf. S	No exemption, 177	Yellow	200 pounds.
(Change) #Motion-picture film (*processed, positive or negative, slow-burning*).	See sec. 181 (b).			
(Change) #Motion-picture film, toy (*nitrocellulose*).	Inf. S	No exemption, 179	Yellow	200 pounds.
(Change) #Motion-picture film, toy (slow-burning).	See sec. 181 (b).			
(Change) #Motion-picture film, toy pieces (*nitrocellulose*).	Inf. S	181 (d)	Yellow	200 pounds.
(Add) *Nitrocellulose colloided, granular or flake, wet with alcohol or solvent, See* Wet nitrocellulose colloided, granular or flake—20 percent alcohol or solvent.				
(Change) #Nitrous oxide	Noninf. G	302, 303	Green	300 pounds.
(Change) Oxidizing material, n. o. s.	Oxi. M	153, 173	Yellow	25 pounds.
(Change) #Oxygen	Noninf. G	302, 303	Green	300 pounds.
(Change) Phosphorus, white or yellow, in water.	Inf. S	No exemption, 190 (b), (c).	Yellow	25 pounds.
(Change) Potassium chlorate (potash chlorate), *See* Chlorate of potash.				
(Change) Potassium, metallic	Inf. S	No exemption, 206	Yellow	25 pounds.
(Add) Potassium nitrite	Oxi. M	153, 173	Yellow	100 pounds.
(Change) Safety fuse	See sec. 73.			
(Change) Sodium chlorate (soda chlorate)	Oxi. M	153, 163	Yellow	100 pounds.
(Change) Sodium, metallic	Inf. S	No exemption, 206	Yellow	25 pounds.
(Change) #Sulphur dioxide	Noninf. G	302, 303	Green	300 pounds.
(Change) Wet nitrocellulose colloided, granular or flake—20 percent alcohol or solvent.	Inf. L	103, 112	Red	25 pounds.

#See sec. 4.

PART 75—REGULATIONS APPLYING TO SHIPPERS *†

*† For authority and source citations, see notes in sec. 10, 49 CFR Part 75.

Superseding and amending section 12, order Aug. 16, 1940, to read as follows (*motor carrier regulations*):

12. The packing required for shipments to be offered for transportation by motor carrier is as specified herein.

Amending section 18 (a), order Mar. 31, 1941, as follows (*import shipments*):

(Add) These requirements do not apply to such transportation by motor vehicle or water as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such import shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

Superseding and amending section 28 (h), order Aug. 16, 1940, to read as follows (*reused containers*):

(h) *Single-trip containers* made under specifications prescribed herein, from which contents have once been removed following use for shipment of any article, must not be again used as shipping containers for explosives, inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, or poisons, class B or C, as defined herein: *Provided*, That during the present emergency and until further order of the Commission, single-trip containers may be reused if retested and approved for service by the Bureau of Explosives. Applications for permission for reuse should be made to the Bureau of Explosives, 30 Vesey Street, New York City.

Superseding and amending section 31 (d) (2), 31 (h), and 31 (l), order Aug. 16, 1940, to read as follows (*qualification, maintenance and use of tank cars and tank motor vehicles*):

(d) (2) For tank motor vehicles which have been exposed to the action of fire, see Motor Vehicle Cargo Tank Specifications.

(h) A tank car or a tank motor vehicle that leaks, or that has any defect which would make leakage during transit probable, or that has not been properly tested and marked, must not be used for the transportation of dangerous articles.

(l) *Tank motor vehicles.* Tank motor vehicles made before the effective date of these regulations and authorized for use under regulations of the Commission effective March 1, 1935, or those effective June 15, 1940, may be continued in use until further order of the Commission, in accordance with specifications MC 300 to MC 303, MC 310, and MC 320.

Where these regulations call for specification numbers:	*These containers made under specifications effective June 15, 1940, may also be used*
MC 200	7.2–S–1
MC 201	7.2
MC 300	7.3–S–1.2
MC 301	7.3–S–1.3
MC 302	7.3–S–1.4
MC 303	7.3–S–1.5
MC 310	7.5–S–1.2
MC 320	7.6–S–1.2

EXPLOSIVES, PACKING AND MARKING

Superseding and amending section 50 (d), order Aug. 16, 1940, to read as follows:

(d) *Liquid nitroglycerin.* (For shipment by carrier by motor vehicle other than common carriers, see section 822 (b).)

Superseding and amending section 64 (c) (4), order Aug. 16, 1940, to read as follows (*packing fireworks*):

(c) (4) *Spec. 12B. Fiberboard boxes.* Gross weight not to exceed 65 pounds. Not permitted for illuminating projectiles, toy torpedoes, aeroplane flares, and fireworks shells or fireworks bombs of which the mortar or firing device is not an integral part.

Amending section 64, order Aug. 16, 1940, as follows (*packing fireworks*):

(Add) (c) (13) (c) *Spec. 12B.* Fiberboard boxes, with inside containers which must be:

(c) (13) (d) Cartons containing not to exceed ½ gross track torpedoes each. Gross weight of outside fiberboard box not to exceed 65 pounds.

Amending section 65, order Aug. 16, 1940, as follows (*packing smokeless powder for cannon*):

(Add) (b) (5) Spec. 15A.—Wooden boxes, lined, spec. 2L.

Superseding and amending title, section 73, order Aug. 16, 1940, to read as follows:

73. *Safety Fuse (Nonexplosive)*

PACKING AND MARKING DANGEROUS ARTICLES OTHER THAN EXPLOSIVES

Inflammable Liquids

Superseding and amending section 101 (j), order Aug. 16, 1940, to read as follows (*packing inflammable liquids-outage*):

(j) No cargo tank or compartment thereof used for the transportation of any inflammable liquid shall be completely filled. The free space (outage) in a cargo tank or compartment thereof used in the transportation of inflammable liquids for distances of 100 miles or more shall not be less than 3 percent of its volume, and in any case the free space shall not be less than 1 percent; sufficient space shall be left vacant in every case to prevent leakage from or distortion of such tank or compartment by expansion of the contents due to rise in temperature in transit.

Superseding and amending section 103, order Aug. 16, 1940, to read as follows (*packing inflammable liquids-exemptions*):

(a) *Inflammable liquids*, except *carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carboyl, spirits of nitroglycerin in excess of one percent by weight*, and *zinc ethyl*, in inside glass or earthenware containers not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water.

(b) *Inflammable liquids*, except *carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of one percent by weight*, and *zinc ethyl*, in inside containers not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, rail express, highway, or by carrier by water.

Superseding and amending section 105, order Aug. 16, 1940, to read as follows (*packing self-propelled vehicles—exemptions*):

105. *Automobiles, motorcycles, tractors, or other self-propelled vehicles*, equipped with acetylene gas cylinders or gasoline or other fuel tanks are exempt from specification packaging, marking other than name of contents, and labeling requirements provided such cylinders and tanks are securely closed. When offered for transportation by carriers by rail freight, or highway, drainage of fuel tanks is not required. When offered for transportation by rail express, fuel tanks must have been drained and securely closed.

Amending section 106, order Aug. 16, 1940, as follows (*packing carbon bisulfide (disulfide)*):

(Add) (i) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

Amending section 108, order Aug. 16, 1940, as follows (*packing ethyl chloride*):

(Add) (h) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

Amending section 109, order Aug. 16, 1940, as follows (*packing ethylene oxide*):

(Add) (h) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

Superseding and amending section 110 (a) (16), (17), (18), order Mar. 31, 1941, to read as follows (*packing inflammable liquids*):

(a) (16) *Spec. 15X.* Wooden boxes with inside metal containers. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(a) (17) *Spec. 17X.* Metal drums (single-trip). For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(a) (18) *Spec. 17E.* Metal drums (single-trip), not over 55 gallons capacity, not less than full 19 gauge body and head sheets for not over 30-gallon drums, and not less than full 18 gauge body and head sheets for not over 55-gallon drums, with openings not exceeding 2.3 inches in diameter. When transported by rail or highway, authorized only for carload and truckload shipments.

Amending section 110 (a), 110 (c) (5), 110 (c) (7), and 110 (c) (9) (a), order Aug. 16, 1940, as follows (*packing inflammable liquids*):

(Add) (a) (19) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

(Add) (c) (5) (a) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

(Add) (c) (7) (a) Cylinders as prescribed for any compressed gas, except acetylene.

(Add) (c) (9) (a) *Spec. MC 300, MC 301, MC 302, or MC 303.* Tank motor vehicles.

Superseding and amending section 113 f, order Aug. 16, 1940, to read as follows (*packing paints, etc.—exemptions*):

(f) *Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor*, in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water. (See sec. 103 (b) for rail express exemptions.)

Superseding and amending section 114 (d), order Aug. 16, 1940, to read as follows (*packing polishes, etc.—exemptions*):

(d) *Polishes, metal, stove, furniture and wood, liquid*, in glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water. (See sec. 103 (b) for rail express exemptions.)

Superseding and amending section 115, order Aug. 16, 1940, to read as follows (*packing refrigerating machines—exemptions*):

115. *Refrigerating machines* assembled for shipment and containing not over 15 pounds of an inflammable liquid for their operation are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Inflammable Solids and Oxidizing Materials

Superseding and amending section 153, order Aug. 16, 1940, to read as follows (*packing inflammable solids and oxidizing materials—exemptions: section 153 (b) canceled*):

153. *Inflammable solids, and oxidizing materials* in inside containers not over 1 pound net weight each in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided, for transportation via rail freight, rail express, highway, or by carrier by water. (See section 154 for articles not exempted and section 183 for exemptions for nitrates.)

Superseding and amending section 162 (a) (1), order Aug. 16, 1940, to read as follows (*packing charcoal—exemptions*):

(a) (1) *Charcoal* as described in this paragraph is exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, highway, or by carrier by water. When offered for transportation by rail-express, charcoal, except charcoal briquettes, must be packed in barrels, bags, and boxes and must bear the yellow label.

Amending section 162, order Aug. 16, 1940, as follows:

(Delete) 162 (a) (3) (Animal and bone charcoal not dangerous articles.)

Superseding and amending section 162 (b) (10), order Aug. 16, 1940, to read as follows (*packing lump charcoal*):

(b) (10) *Lump charcoal*, dry and free from screenings and brands, may be shipped in bulk in motor vehicles. Vehicle must be swept before loading and if it contained lime it must be thoroughly cleaned.

Superseding and amending section 165 (a), order Aug. 16, 1940, to read as follows (*packing coal, etc.*):

165. (a) *Coal, ground bituminous, sea coal, coal facings*, 90 percent of which will pass through a 100-mesh sieve, must be stored for at least six days after grinding, or if not so stored must be shipped in tight metal tank cars or in tight metal containers on container cars, or in permanently covered metal hopper cars, or in other tight metal containers, or in tight, metal-bodied, covered motor vehicles.

Superseding and amending section 176 (k) (1), order Aug. 16, 1940, to read as follows (*packing matches—exemptions*):

(k) (1) *Matches, strike-on-box, book and card*, in outside fiberboard or wooden boxes, or matches, strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition, before being packed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Superseding and amending section 181 (a), order Aug. 16, 1940, to read as follows (*packing motion-picture film—exemptions*):

(a) Motion-picture film as follows is exempt from specification packaging, marking other than name of contents, and labeling requirements for rail freight, rail express, highway, or water transportation:

Superseding and amending section 183, order Aug. 16, 1940, to read as follows (*packing nitrates—exemptions*):

183. Nitrate of aluminum, nitrate of ammonia, nitrate of barium, nitrate of lead, nitrate of potash, nitrate of sodium (nitrate of soda), nitrate of strontia, nitro carbo nitrate, calcium nitrate, or other inorganic nitrates and guanidine nitrate, are exempt from specification packaging, marking other than name of contents, and labeling requirements, when packed as follows: in metal cans in outside fiberboard boxes; in wooden boxes, kegs, or barrels, metal cans, or drums; in glass bottles in outside fiber boxes not exceeding 25 pounds net weight; *calcium nitrate* in bags; *ammonium nitrate, or guanidine nitrate*, in bags containing not over 125 pounds, net weight, made moisture proof, tight against sifting, and of strength not less than bags made of 8-ounce burlap.

Acids and Other Corrosive Liquids

Superseding and amending section 241 (a) and 241 (g), order Aug. 16, 1940, as follows (*packing-outage*):

241. (a) (Change) *Outage* for containers of acids or other corrosive liquids for transportation by carriers by rail freight, rail express, highway, or water, must be as follows:

(Add) (g) No cargo tank or compartment thereof used for the transportation of any corrosive liquid shall be completely filled; sufficient space shall be left vacant in every case to prevent leakage from or distortion of any such cargo tank by expansion of the contents due to rise in temperature in transit.

Superseding and amending section 244, order Aug. 16, 1940, to read as follows (*packing corrosive liquids-exemptions*):

(a) Acids and other corrosive liquids in quantity not exceeding 1 pound bottles each inclosed in a metal can in the outside package are exempt from specification packaging, marking other than name of contents, and labeling requirements unless otherwise provided, for transportation by rail freight, highway, or by carrier by water.

(b) Other exemptions from specification packaging, marking other than name of contents, and labeling requirements for rail freight and highway transportation and exemptions from specification packaging, marking other than name of contents, and labeling requirements, when authorized for articles offered for transportation by rail express carrier, are shown with the packing requirements for the article.

Amending section 246 (b), order Aug. 16, 1940, as follows (*packing corrosive liquids*):

(Add) (b) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations

are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 247 (d), order Aug. 16, 1940, as follows (*packing acetyl chloride, etc.*):

(Add) (d) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 247, order Aug. 16, 1940, as follows (*packing acetyl chloride, etc.*):

(Add) (i) *Spec. MC 310.* Tank motor vehicles.

Amending section 248, order Aug. 16, 1940, as follows (*packing acid sludge, etc.*):

(Add) (b) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (f) *Spec. MC 310.* Tank motor vehicles.

Amending section 249, order Aug. 16, 1940, as follows (*packing alkaline corrosive liquids, n. o. s., etc.*):

(Add) (e) (1) *Spec. MC 310.* Tank motor vehicles, marked "For Caustic Soda, Liquid, Only," or "For Caustic Potash, Liquid, Only."

Superseding and amending section 249 (j), order Aug. 16, 1940, to read as follows (*packing alkaline corrosive liquids—rail express*):

(j) *Spec. 12B.* Fiberboard container with inside glass bottle, capacity not over 16 ounces, well stoppered and well cushioned with excelsior or other equally effective cushioning material. Not more than one bottle may be packed in an outside container.

Superseding and amending section 250 (a) (1), order Aug. 16, 1940, to read as follows (*packing self-propelled vehicles*):

(a) (1) Automobiles or other self-propelled vehicles equipped with charged electric storage batteries, or with charged electric storage batteries removed from vehicles; and charged electric storage batteries when included in carload or truckload shipments of automobile parts or assembled material are exempt from specification packaging, marking other than name of contents, and labeling requirements as follows:

Amending section 257, order Aug. 16, 1940, as follows (*packing electrolyte, etc.*):

(Add) (e) *Spec. MC 310.* Tank motor vehicles.

Superseding and amending section 260 (c) and (d), order Aug. 16, 1940, to read as follows (*packing electric storage batteries—exemptions*):

(c) Electric storage batteries, containing electrolyte or corrosive battery fluid, of the nonspillable type, protected against short circuits and completely and securely boxed are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(d) Carload or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Superseding and amending section 261 (b) (1), order Aug. 16, 1940, to read as follows (*packing fire-extinguisher charges—exemptions*):

(b) (1) Fire-extinguisher charges as described in the following paragraphs are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Amending section 261A, order Aug. 16, 1940, as follows (*packing formic acid*):

(Add) (e) *Spec. MC 310.* Tank motor vehicles, marked "For Formic Acid, Only."

Amending section 262 (b), order Aug. 16, 1940, as follows (*packing hydrobromic acid*):

(Add) (b) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 263 (a) (6), order Aug. 16, 1940, as follows (*packing hydrochloric acid, etc.*):

(Add) (a) (6) (a) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Superseding and amending section 264, order Aug. 16, 1940, as follows (*packing hydrofluoric acid and hydrofluoric acid, anhydrous*):

(Change) (h) (1) *Note.* Each metal container, before being put into this service, must be passified by the following or an equally efficient method: By filling drum to 90 percent of capacity with hydrofluoric acid of 58 percent strength and allowing drum to stand 48 hours at a temperature of 80° F., and then 7 hours at 104° F., the internal pressure being maintained at atmospheric pressure by means of a ventilated bung.

(Change) (h) (2) When offered for transportation in carload or truckload shipments they must be loaded by consignor and unloaded by consignee, and containers must be filled to not over 90 percent of capacity.

(Change) (h) (3) For less-than-carload or less-than-truckload shipments, containers must be of metal at least as heavy as 14 gage, United States standard, for not over 20 gallons capacity each, or 12 gage for not over 55 gallons capacity each, tested before each shipment by interior pressure of at least 30 pounds per square inch, be filled to not over 80 percent of capacity, held for at least 8 hours after filling and be vented just before shipment.

(Add) (n) (1) *Spec. MC 310.* Tank motor vehicles.

(Add) (o) (4) *Spec. MC 310.* Tank motor vehicles.

Amending section 265 (c) (2), order Aug. 16, 1940, as follows (*packing hydrofluorosilicic acid containing no free hydrofluoric acid or other ingredient*):

(Add) (c) (2) (a) *Spec. 1X.* Boxed carboys of 5- to 6-gallon capacity single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 266 (a) (3), order Aug. 16, 1940, as follows (*packing hydrogen peroxide, etc.*):

(Add) (a) (3) (a) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 267, order Aug. 16, 1940, as follows (*packing mixed acid*):

(Add) (a) (6) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (a) (7) *Spec. MC 310.* Tank motor vehicles. (See sec. 267 (a) (5).)

Amending section 268, order Aug. 16, 1940, as follows (*packing nitric acid*):

(Add (d) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (g) (3) *Spec. MC 310.* Tank motor vehicles.

Amending section 269 (c), order Aug. 16, 1940, as follows (*packing perchloric acid*):

(Add) (c) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

Amending section 271, order August 16, 1940, as follows (*packing phosphorus oxychloride and phosphorus trichloride*):

(Add) (d) (1) *Spec. MC 310.* Tank motor vehicles when tanks are lead lined.

Amending section 272, order Aug. 16, 1940, as follows (*packing sulfuric acid*):

(Add) (e) (1) *Spec. 1X.* Boxed carboys of 5 to 6 gallon capacity; single-trip for export only. For shipment via common carriers by water to noncontiguous territories or possessions of the United States and foreign countries; shipments from inland points in the United States which are consigned to such destinations are authorized to be transported to ship side by rail freight in carload lots only and by motor vehicle in truckload lots only.

(Add) (m) *Spec. MC 310.* Tank motor vehicles.

Compressed Gases

Superseding and amending section 302 (a), order Aug. 16, 1940, to read as follows (*packing compressed gases—exemptions*):

(a) Compressed gases, except poisonous gases as defined by sec. 326 (a), are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation by rail freight, rail express, highway, or by carrier by water, as follows:

Amending section 302, order Aug. 16, 1940, as follows (*packing compressed gases*):

(Add) (f) *Manifolding containers in transportation.* No means of interconnecting such as manifolding of individual containers may be employed for the following gases:

Acetylene.
Air, compressed.
Anhydrous ammonia.
Boron trifluoride.
Carbon monoxide.
Chlorine.
Coal gas.
Compressed gases, n. o. s.
Crude nitrogen fertilizer solution.
Dichlorodifluoromethane.
Dimethyl ether.
Ethane.
Ethylene.
Fertilizer ammoniating solution containing free ammonia.
Hydrogen.
Hydrogen sulphide.
Liquefied hydrocarbon gas.
Liquefied petroleum gas.
Methane.
Methyl chloride.
Monomethylamine.
Nitrosyl chloride.
Nitrous oxide.
Nonliquefied hydrocarbon gas.
Pintsch gas.
Propylene.
Sulfur dioxide.

Amending section 303, order Aug. 16, 1940, as follows (*compressed gases*):

(Add) (b) (1) *Odorization.* All liquefied petroleum gases in tank motor vehicles shall be effectively odorized by an approved agent of such character as to indicate positively, by a distinctive odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of combustibility.

NOTE: The lower limits of combustibility of the more commonly used liquefied petroleum gases are: Propane, 2.15 percent; Butane, 1.55 percent. These figures represent volumetric percentages of gas-air mixtures in each case.

(Add) (c) (1) *Filling of cargo tanks with liquefied gases.* The loading of liquefied gases into cargo tanks shall be by weight or by suitable liquid level gage device. In either event the liquid portion of such gas shall not fill the tank at 105° Fahrenheit if the tank be lagged, nor at 130° Fahrenheit if the tank be unlagged. The quantity of any such liquefied petroleum gas loaded into such a cargo tank shall not exceed the quantities set forth in sec. 303 (r) for such loading, and the loading pressure shall not exceed the tank working pressure set forth on the metal plate specified in par. 5 (a) Spec. MC 320. If the gas has inflammable or toxic properties, its vapor pressure at 130° Fahrenheit shall not exceed by more than 20 percent of the working pressure of the tank, and the safety valve setting shall be higher than that pressure. If such tanks are to be filled by weight, the gross weight shall be checked after the filling line is disconnected in each instance. The gross weight shall be calculated from the tank capacity and tare weight set forth in par. 5 (a) Spec. MC 320, and the filling density corresponding to the material being loaded into the tank as set forth in sec. 303 (r) of these regulations. If such tanks are to be filled by liquid level, each cargo tank, and each compartment thereof, shall have a thermometer well, so that the internal liquid temperature can easily be determined, and the amount of liquid in the tanks shall be corrected to a 60° Fahrenheit basis. Liquid levels may be determined by slip gaging devices or by any other suitable and safe means. If a fixed dip tube or other fixed maximum liquid level device is the only such device provided on such a cargo tank, it shall be so arranged as to function at 97 percent or less of the maximum permitted loading level prescribed in sec. 303 (r) of these regulations, and the loading shall be stopped when the device functions; although nothing contained in this provision shall be so construed as to prohibit the loading of any cargo tank to a liquid level as prescribed in sec. 303 (r) when an adjustable liquid level device is provided.

Superseding and amending title and section 303 (q) (1), orders of Aug. 16, 1940, and Mar. 31, 1941, as follows:

Compressed Gases in Tank Cars and Motor Vehicles

Name of gas	Maximum permitted filling density, note 1	Required type of tank car, note 2
(Change) Liquefied carbon dioxide	Note 10	Note 11. ICC–105A500, ICC–105A600. Note 14.
(Add) Methyl chloride	75	ICC–106A500. Note 12.
	75	ICC–105A300.
(Add) Monochlorodifluoromethane	100	ICC–106A500. Note 12.
(Add) Monochlorotetrafluoroethane	125	ICC–106A500. Note 12.

(Change) NOTE 12: Tanks complying with specification 106A500 containing sulfur dioxide, methyl chloride, dichlorodifluoromethane, monochlorodifluoromethane, or monochlorotetrafluoroethane, may be transported on trucks or semitrailers only when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

(Add) NOTE 14: This special tank vehicle, consisting of one semitrailer unit on which is mounted three steel tanks of fusion-welded construction covered with insulating material may be continued in use by the Johnson Truck Line, Price, Utah, for the transportation of liquefied carbon dioxide gas until further order of the Commission, provided the vehicle is marked as prescribed in section 823 (d) and bears a metal identification plate as prescribed in par. 5 (a) of specification MC 320.

(Add) (r) Maximum Permitted Filling Densities for Cargo Tanks for Transportation of Liquefied Petroleum Gases.

Maximum specific gravity of the liquid material at 60° F.	Maximum filling density in percent of the water-weight capacity of the container
	Unlagged containers (percent)
0.271-0.289	26
0.290-0.306	27
0.307-0.322	28
0.323-0.338	29
0.339-0.354	30
0.355-0.371	31
0.372-0.398	32
0.399-0.425	33
0.426-0.449	34
0.441-0.452	35
0.453-0.462	36
0.463-0.472	37
0.473-0.480	38
0.481-0.488	39
0.489-0.495	40
0.496-0.503	41
0.504-0.510	42
0.511-0.519	43
0.520-0.527	44
0.528-0.536	45
0.537-0.544	46
0.545-0.552	47
0.553-0.560	48
0.561-0.568	49
0.569-0.576	50
0.577-0.584	51
0.585-0.592	52
0.593-0.600	53
0.601-0.608	54
0.609-0.617	55
0.618-0.626	56
0.627-0.634	57

Poisonous Articles

Amending section 327, order Aug. 16, 1940, as follows (*packing poisons, class A*):

(Add) (c) *No class A poisons in cargo tanks.* No "extremely dangerous poison, class A," may be loaded into or transported in any cargo tank.

Amending order Aug. 16, 1940, as follows (*packing poisons, class B, liquid*):

(Add) 337 A *Outage.* No cargo tank or compartment thereof used for the transportation of any liquid poison shall be completely filled; sufficient space shall be left vacant in every case to prevent leakage from or distortion of any such cargo tank by expansion of the contents due to rise in temperature in transit, and such free space (outage) shall be sufficient in every case so that such cargo tank shall not become entirely filled with the liquid at 130° Fahrenheit.

Superseding and amending section 338 (a), order Aug. 16, 1940, to read as follows (*packing class B poisons, liquid—exemptions*):

(a) Poisonous liquids, class B, as defined in sec. 336, except hydrocyanic acid solutions, methyl bromide, motor fuel anti-knock compound, phenyldichlorarsine and tetraethyl lead, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

Superseding and amending section 339, order Aug. 16, 1940, as follows (*packing aniline oil*):

(Change) (b) Spec. 15A, 15B, 15C, 16A, or 19A.—Wooden boxes with metal inside containers not over 10 gallons capacity each, or glass bottles not over 1 pound capacity each. Not more than 25 of these bottles shall be packed in any outside container.

(Add) (e) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Superseding and amending section 340 (b), order Aug. 16, 1940, to read as follows (*packing arsenic acid*):

(b) As prescribed in sec. 349. When shipped in metal barrels or drums, or tank motor vehicles or tank cars, without lead lining, the arsenic acid must contain not over 0.05 percent nitric acid.

Amending section 345, order Aug. 16, 1940, as follows (*packing liquid sodium or potassium cyanide*):

(Add) (f) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Amending section 346, order Aug. 16, 1940, as follows (*packing methyl bromide*):

(Add) (f) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Amending section 347, order Aug. 16, 1940, as follows (*motor fuel antiknock compound*):

(Add) (h) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Amending section 349, order Aug. 16, 1940, as follows (*packing poisonous liquids, etc.*):

(Add) (m) Spec. MC 300, MC 301, MC 302, or MC 303, tank motor vehicles.

Superseding and amending section 352 (a) and (c), order Aug. 16, 1940, to read as follows (*packing class B poisons, solid-exemptions*):

(a) *Poisonous solids, class B, except cyanides,* other than as specified in sec. 357 (b), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(c) In inside chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. Not more than 5 of these cartons shall be packed in any outside container.

Superseding and amending section 354 (c), order Aug. 16, 1940, to read as follows (*packing arsenical compounds, etc.*):

(c) Spec. 36A or 36B.—Triplex bags. Authorized only for arsenical insecticides and fungicides containing 10.0 percent or less of arsenic trioxide (As_2O_3).

Superseding and amending section 355, order Aug. 16, 1940, to read as follows (*packing arsenical dust, etc.*):

355. *Arsenical dust* not subject to dangerous spontaneous heating and *arsenic trioxide*, or *sodium arsenate*, when delivery is made to plants with private sidings, only, may, in addition to containers prescribed in sec. 354, be shipped in sift-proof, self-clearing, hopper or bottom-outlet steel cars, equipped with waterproof and dustproof covers well secured in place for all openings. (See sec. 567 (a) and (b), Cleaning Cars.) *Arsenical dust* and *arsenic trioxide* may be shipped in bulk in motor vehicles with steel, sift-proof, self-clearing, hopper-type or dump-type bodies, with waterproof and dustproof covers, well secured in place.

Superseding and amending section 357 (a) (4), (a) (6), (a) (9), and (a) (10), order Aug. 16, 1940, as follows (*packing cyanides, etc.*):

(Change) (a) (4) Spec. 12B or 12C.—Fiberboard boxes with metal inside containers, spec. 2F, not over 25 pounds capacity each.

(Change) (a) (6) Spec. 37H.—Metal drums (single-trip container), watertight; must be hermetically sealed when used for calcium cyanide.

(Add) (a) (9) Spec. 45B.—Bags, cloth and paper, lined. Authorized only for sodium cyanides of globular or pellet form, diameter not less than ¾ inch. Net weight not over 100 pounds.

(Add) (a) (10) In bulk in airtight, metal-bodied, covered motor vehicles.

Amending section 363, order Aug. 16, 1940, as follows (*packing poisons, class C*):

(Add) (f) *No class C poisons in cargo tanks.* No "tear gases or irritating substances, class C" may be loaded into or transported in any cargo tank.

Amending section 364A, order Aug. 16, 1940, as follows (*packing monochloracetone, stabilized*):

(c) *Specification 15A, 15B, 15C, or 16A.* Wooden boxes with inside glass bottles or tubes in hermetically sealed metal cans in corrugated fiberboard cartons, spec. 2C. Bottles must contain not over 1 pound of liquid each, must be filled to not over 95 percent capacity, must be tightly and securely closed, and must be cushioned in cans with at least ½ inch of absorbent material. Cans must be made of metal at least 32 gage U. S. standard. Total amount of liquid in outside box must not exceed 24 pounds.

Amending section 365 (b), order Aug. 16, 1940, as follows (*packing police grenades*):

(Add) (b) (1) *Spec. 37D.* Metal drum. Functioning elements must be packed in separate compartment. Not more than 24 grenades and 24 functioning devices shall be packed in one outside container and the gross weight of the container must not exceed 75 pounds.

Shipping Instructions

Superseding and amending section 421, order March 31, 1941, to read as follows:

421. *Certificate.* The shipper offering for transportation by carriers by rail freight, highway, or water any class A or class B explosive and blasting caps or electric blasting caps in any quantity, and any inflammable liquid, inflammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, requiring labels, as prescribed by these regulations, must show on the shipping order, bill of lading, or other shipping paper, in the lower left-hand corner, the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

(No change in wording of certificate. See Note.)

NOTE: For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water, including combustible liquids and hazardous articles, and pending further consideration and order of the Commission, such shipments may be certified for rail, motor vehicle, or water transportation as follows:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Secretary of Commerce.

SHIPPING CONTAINER SPECIFICATIONS*†

*†For authority and source citations, see notes in Spec. 1 A, 49 CFR Part 75—Appendix.

Amending order Aug. 16, 1940, as follows:

(ADD) SPECIFICATION 1X—BOXED CARBOYS, 5 TO 6 GALLON, FOR EXPORT ONLY (GLASS, EARTHENWARE, CLAY, OR STONEWARE)

Single-Trip Container

General

1. *Compliance.* Required in all details.

2. *Closing devices required.* As follows except when otherwise authorized in the packing regulations:

(a) For carboys: Acidproof stoppers or other devices, with gaskets, securely fastened; closure to be vented or sufficiently porous to vent off pressure; gaskets to be of ¼ inch asbestos-rope or other resilient material equivalent in efficiency; gaskets cut from asbestos board not authorized.

(b) For box: Two flat metal nailless straps, at least ⅝ inch by 0.020 inch, encircling top, sides, and bottom and securely sealed are required.

Manufacture

3. *Capacity and marking of carboy.* Containers must be 5 to 6 gallon size and permanently marked to indicate maker and year of manufacture.

4. *Glass carboys.* Thoroughly annealed; top of lip smooth and even. Glass in side walls should be well distributed and at least 1/16 inch thick. Defective carboys not authorized.

5. *Earthenware, clay, or stoneware carboys.* Of acid-proof material.

6. (a) *Outside containers.* Wooden boxes completely enclosing body and neck of carboy, with 4 vertical corner posts. Top may consist of cap fitting snugly inside body of box and resting on corner posts.

(b) Lumber to be well seasoned, commercially dry, and free from decay, loose knots, knots that would interfere with nailing, and other defects that would materially lessen the strength.

(c) Assemble sides and ends with grain of wood horizontal and nail as specified; nail bottom to ends; fasten top by any efficient means.

(d) *Parts and dimensions.* Sides, top, and bottom at least ½ inch thick; vertical corner posts at least 2.25 square inches cross section; nails at least 6-penny at 2-inch intervals or 5-penny at 1¾ inches intervals.

Marking of Outside Container

7. *On each container.* With letters and figures at least ¾ inch high applied by hot branding iron or black printing ink with high pressure dies as follows:

(a) ICC–1X. This mark shall be understood to certify that the complete package complies with all specification requirements.

(b) Name or symbol (letters) of company setting up the package, or other party assuming responsibility for its compliance with specification requirements; this must be registered with the Bureau of Explosives and located just above or below the mark specified in (a).

8. Each outside container must also be plainly marked "For Export Only, Not Returnable" and the top must be marked "This Side Up".

Tests

9. Satisfactory tests are required as provided in paragraph 9 of I. C. C. Specification 1A.

Superseding and amending *specification 5*, paragraph 9 (c) to read as follows:

9. (c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 5/16-inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place.

Superseding and amending *specification 12B*, par. 28 (a), order Aug. 16, 1940, to read as follows:

28. (a) *Special box.* Authorized only for pyroxylin in sheets, rods, or tubes. Must comply with this specification except as follows: Must be telescope type with wooden frame between the parts that telescope; authorized gross weight 90 pounds.

Superseding and amending *specification 13*, table, par. 3 (*parts and dimensions*), to read as follows:

Thickness of material:	
Body---	30 gage; 28 gage; 24 gage; 24 gage.
Head---	30 gage; 28 gage; 28 gage; 28 gage.

Superseding and amending *specification 17C*, paragraph 9 (e), to read as follows:

9. (e) This paragraph does not apply.

Superseding and amending *specification 23F*, paragraph 23 (b), to read as follows:

23. (b) *Authorized gross weight.* 65 pounds when two or more lining tubes are used to divide the box into two or more compartments; 65 pounds when one or more lining tubes are used and contents will consist of one cartridge only or of black powder in bags; 35 pounds in all other cases.

Superseding and amending *specification 37H*, paragraph 6, to read as follows:

6. *Closure required.* Adequate to prevent leakage; gasket required when necessary; to be of screw-thread type or secured by positive fastening. Filling opening over 9-inch diameter authorized, except when consisting of full removable head. Dustproof closure required. If closing device can not be opened and closed without reducing efficiency, container must, when specified on purchase order, be provided with supplementary opening for sampling at least 2 inches in diameter with closing device such that it can be opened and closed without reduction of efficiency.

Amending order Aug. 16, 1940, as follows:

(ADD) SPECIFICATION 45B—BAGS, CLOTH AND PAPER, LINED

General

1. *Compliance.* Required in all details.

2. *Capacity.* Not over 100 pounds net.

Materials and Construction

3. *Assembly.* Bags shall consist of cloth and paper parts all cemented together with curing rubber latex or asphalt, thus making a water-proofed bag, as follows:

(a) Inside lining sheet.
(b) Cloth sheet.
(c) Intermediate sheet.
(d) Outside paper sheet.

4. Inside lining sheet and intermediate sheet must be regenerated cellulose film at least .0012 inch thick or polyvinyl alcohol film at least .001 inch thick or other material of equal thickness and equivalent efficiency.

5. Cloth sheet must be burlap at least 8-ounce, 40-inch Calcutta A or B mill grade or Osnaburg cotton cloth at least 8½-ounces per square yard.

6. Paper must be No. 1 Kraft, creped, at least 45 pounds per ream (480 sheets, 24 inches by 36 inches) before creping.

7. Latex and asphalt must be in sufficient quantity to form a secure bond between the parts of the bags.

8. Seams must be dust-tight and made by cementing or by sewing and taping with impregnated cloth tape to give seam strength at least equal to that of bag material and prevent sifting.

9. *Test.* The finished container, filled and closed as for shipment, must be capable of withstanding 2 drop tests of 6

feet on the butt and 2 drop tests of 6 feet on the side without sifting or rupture of burlap or liner.

Marking

10. *On each container.* By marks at least 1 inch high as follows:

(a) ICC–45B; this mark shall be understood to *certify* that the container complies with all specification requirements.

(b) Name and address of maker; located above or below the mark specified in (a); symbol (letters) authorized if registered with the Bureau of Explosives.

Closing for Shipment

11. By sewing and taping with impregnated cloth tape to give seam strength at least equal to that of bag material and prevent sifting.

Tank Car Tank Specifications

Superseding and amending *specification 103*, pars. ICC–4 (b) and ICC–19 (a), order Aug. 16, 1940, to read as follows:

4. (b) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in paragraph 3 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in paragraph 3 (a), minimum thickness of base plate must be as prescribed in the above table.

19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 103A*, order Aug. 16, 1940, as follows:

(Add) ICC–6 (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety vent flange, and bottom washout nozzle flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph 4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph 4. Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

Superseding and amending *specification 103A*, par. ICC–19 (a), order Aug. 16, 1940, to read as follows:

19. *Retests of tanks and interior heater systems.* (a) Tanks and interior heater systems must be retested as prescribed for original tests in paragraph 17, except that acid may be used for filling the tank and dome when testing tanks which have not been in service more than 12 years. The first retest of tank and interior heater system must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after extensive riveting, calking, or other repairs. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Superseding and amending *specification 103B*, pars ICC–6 (b), ICC–15 (a) and ICC–19 (a), order Aug. 16, 1940, to read as follows:

6. (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety vent flange, and sump flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph 4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph 4. Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments. All rivet heads on inside of tank must be of uniform size, button head or similar shape, and the under surface of heads must be driven tight against shell.

15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be riveted in place and calked to comply with conditions prescribed in paragraphs 6 and 8, or applied by other approved means of at least equal strength and efficiency. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks. All surfaces of attachments exposed to the lading must be covered with rubber as prescribed in paragraphs 3 and 4. Attachments made of metal not affected by the lading need not be rubber covered. Interior heater systems when applied must be made of metal not affected by the lading.

19. *Retests of tanks and interior heater systems.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. The first retest of interior heater systems must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Interior heater systems in service over 12 years must be inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 103C*, order Aug. 16, 1940, as follows:

(Add) ICC–4. (b) This paragraph does not apply.

(Add) ICC–6. (b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manhole ring, safety valve flange, and sump flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 percent of the strength of the thinnest plate specified in paragraph 4. The efficiency of single-riveted seams must be at least 45 percent of the strength of the thinnest plate specified in paragraph 4. Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments.

Superseding and amending *specification 104*, par. ICC–19 (a), order Aug. 16, 1940, to read as follows:

19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring extensive riveting or calking. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in the pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 104*, order Aug. 16, 1940, as follows:

(Add) ICC–20. (j) Tanks equipped with safety valves set to open at a pressure of 35 pounds per square inch, as prescribed by paragraph 14 (e), must be stenciled "For Vapor Pressures Not Exceeding 40 Pounds per Square Inch Absolute, at 100° F." in letters and figures at least one inch high immediately above the stenciled mark specified in paragraph 20 (b).

Superseding and amending *specification 103–W*, pars. ICC–15 (a), and ICC–19 (a), order Aug. 16, 1940, to read as follows:

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original test. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Superseding and amending *specification 103–W*, pars. ICC–6 (b) and ICC–19 (a), order Aug. 16, 1940, to read as follows:

ICC–6. (b) Manhole rings, safety vent flange, and bottom washout nozzle flange or other attachments may be riveted or fusion welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be driven hot and calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝ inch nominal diameter prohibited. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double-full-fillet-lap joint type.

ICC–19. *Retests of tanks and interior heater systems.* (a) Tanks and interior heater systems must be retested as prescribed for original tests in paragraph 17, except that acid may be used for filling the tank and dome when testing tanks which have not been in service more than 12 years. The first retest of tank and interior heater system must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 103B–W*, order Aug. 16, 1940, as follows:

(Add) ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks. Interior heater systems when applied must be made of metal not affected by the lading. All surfaces of attachments exposed to the lading must be covered with rubber as prescribed in paragraphs 3 and 4. Attachments made of metal not affected by the lading need not be rubber covered.

Superseding and amending *specification 103B–W*, pars. ICC–17 (a) and ICC–19 (a), order Aug. 16, 1940, to read as follows:

ICC–17. *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100° F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety vents, must be in place while test is made. After tank is rubber-lined, no further tests are required.

ICC–19 (a). *Retests of tanks and interior heater systems.* (a) Periodic retests of tanks are not required. Tanks must be retested before rubber lining is renewed. The first retest of interior heater systems must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two-year intervals up to 20 years of service, and annually after 20 years of service. Interior heater systems in service over 12 years must be inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Superseding and amending *specification 103C–W*, par. ICC–15 (a), order Aug. 16, 1940, to read as follows:

ICC–15. *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

Superseding and amending *specification 104–W*, pars. ICC–11 (a) and ICC–

19 (a), order Aug. 16, 1940, to read as follows:

ICC–11. *Gauging, bottom outlet valve operating, venting, loading and discharging, and air inlet devices extending through domes of tanks.* (a) Venting and loading and discharging devices of approved design must be installed. Gauging, bottom outlet valve operating and air inlet devices are not specification requirements. These devices when installed, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of a cast or pressed steel malleable iron housing with cover securely attached. Openings in wall of housing must be equipped with screw plugs or other closures. Drain holes permitted. Housing, if welded to dome of tank, must be of cast, forged or pressed metal and be of good weldable quality in conjunction with metal of dome. Discharging siphon pipe must be securely anchored.

ICC–19. *Retests of tanks, safety valves, and interior heater systems.* (a) Tanks, safety valves, and interior heater systems must be retested, as prescribed for original tests in paragraphs 17 and 18, at intervals of ten years or less after the original tests. Tanks must also be retested before being returned to service after any repairs requiring welding, riveting, or calking of rivets. If the jacket and lagging are not removed, the tank must hold the prescribed pressure for at least 20 minutes. A drop in pressure shall be evidence of leakage, and such portion of the jacket and lagging must be removed as may be necessary to locate the leak and make repairs. After the repairs have been made, the tank must again be subjected to the prescribed test. Interior heater systems must be retested after repairs. Reports must be rendered as prescribed in paragraph 21.

Amending *specification 104–W*, order Aug. 16, 1940, as follows:

(Add) ICC–20. (j) Tanks equipped with safety valves set to open at a pressure of 35 pounds per square inch, as prescribed by paragraph 14 (e), must be stenciled "For Vapor Pressures Not Exceeding 40 Pounds Per Square Inch Absolute, at 100° F." in letters and figures at least one inch high immediately above the stenciled mark specified in paragraph 20 (b).

Superseding and amending *specification 104A–W*, par. ICC–20 (b), order Aug. 16, 1940, to read as follows:

ICC–20. (b) ICC–104A–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

Superseding and amending *specification 105A300–W*, pars. ICC–11 and ICC–20 (a), order Aug. 16, 1940, to read as follows:

ICC–11. *Venting, and loading and discharging valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 300 pounds per square inch without leakage. The valves must be directly bolted to seatings on manhole cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

ICC–20. (b) ICC–105A300–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

Superseding and amending *specification 105A400–W*, par. ICC–17 (a), order Aug. 16, 1940, to read as follows:

ICC–17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before anchor rivet housings and the tank lagging are applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100° F. during test, and applying a pressure of 400 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or distress.

Superseding and amending *specification 105A500–W*, par. ICC–17 (a), order Aug. 16, 1940, to read as follows:

ICC–17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before anchor rivet housings and the tank lagging are applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100° F. during test, and applying a pressure of 500 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or distress.

Superseding and amending *specification 105A600–W*, par. ICC–17 (a), order Aug. 16, 1940, to read as follows:

ICC–17. *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied, and before anchor rivet housings and the tank lagging are applied, by completely filling tank and manhole nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100° F. during test, and applying a pressure of 600 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or distress.

Specifications for Containers for Motor Vehicle Transportation

Specification MC 200—Containers for Liquid Nitroglycerin

1. Every motor vehicle used for the transportation of liquid nitroglycerin shall have a body constructed as set forth below, which body shall have component parts as specified hereinafter:

Motor Vehicle Body

2. *Body proper.* The motor-vehicle body proper shall have a hinged cover. Both the body and the cover shall be well and strongly built of wood or other nonsparking material of equal strength, thoroughly waterproofed, having no end or side openings, and lined with copper or other nonsparking sheet metal having all seams made tight against leakage of nitroglycerin by welding, brazing, or soldering. No metal of such character as to be capable of producing a spark when struck may be exposed on the inside or the top of the body, nor on the nether side or any edge of the cover, the top of which shall be covered with metal. The body shall be of such dimensions that it will contain only a single tier of individual containers and of such approximate height that the felt pads will securely constrain all inside containers from vertical motion with respect to the body, and shall be securely and firmly attached to the chassis of the motor vehicle. The total load shall not exceed nine hundred (900) quarts liquid measure of liquid nitroglycerin.

3. *Cellular construction.* In the motor-vehicle body specified in par. 2 shall be inserted suitable wooden or other nonmetallic, nonsparking cellular construction, the dimensions of each cell of which shall be such that the rubber "boot" or secondary container for the primary container of the nitroglycerin, both of which are specified hereinafter, shall snugly fit. The cellular construction shall extend from near the top to near the bottom of the full height of each "boot" to be fitted therein, and shall rest upon and be covered by at least one-half (½) inch of felt padding or other material affording equivalent shock-absorbing protection. The cellular construction shall be of such strength as to provide suitable restraint under all conditions of loading to prevent relative motion of inside containers to be inserted or carried therein.

Inside Containers and Boots

4. (a) *Inside containers.* Individual containers shall be made of copper or other nonsparking metal of equivalent strength, with all seams closed by welding, brazing, or soldering, and shall be tight against leakage of liquid nitroglycerin. No individual container shall exceed ten (10) quarts (liquid measure) capacity of liquid nitroglycerin.

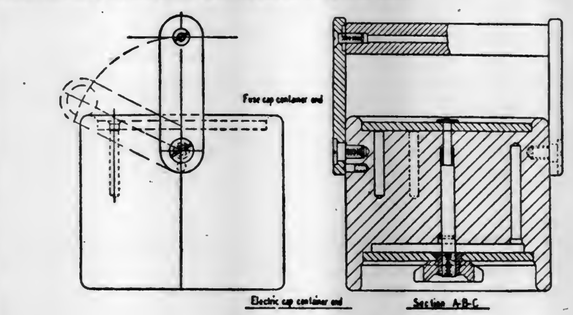
(b) *Boots, rubber containers for individual containers.* Each individual container of liquid nitroglycerin shall be contained in a rubber boot or outer container into which it shall snugly fit, and which, in turn, shall snugly fit into any cell of the cellular construction specified in par. 3 of this specification. This boot shall be watertight throughout and at least of such volume as to contain all of the liquid content of liquid nitroglycerin of any inside container inserted in it. It shall be provided with V-shaped grooves at suitable spacings throughout its inside surface, extending from top to bottom in such manner as to prevent the entrapment of air therein upon insertion of the inside container of liquid nitroglycerin. The inside height of the rubber boot shall approximate the height of the inside container (including stopper) as shipped.

Specification MC 201—Container for Blasting Caps, Electric Blasting Caps, and Percussion Caps

1. *Scope.* This specification pertains to a container to be used for the transportation of blasting caps, electric blasting caps, and percussion caps in connection with the transportation of liquid nitroglycerin, where any or all of such types of caps may be used for the detonation of liquid nitroglycerin in blasting operations. This specification is not intended to take the place of any shipping or packing requirements of this Commission where the caps in question are themselves articles of commerce.

2. *Container.* Every container for blasting caps, electric blasting caps, and percussion caps coming within the scope of this specification shall be constructed entirely of hard rubber, phenolresinous or other resinous material, or other nonmetallic, nonsparking material, except that metal parts may be used in such locations as not in any event to come in contact with any of the caps. Space shall be provided so that each blasting cap of whatever nature may be inserted in an individual cell in the body of the container, into which each such cap shall snugly fit. There shall be provided no more than twenty (20) such cellular spaces. Space may be provided into which a plurality of percussion caps may be carried, provided that such space may be closed with a screw cap, and further provided that each or any such space is entirely separate from any space provided for any blasting cap. Each cellular space into which a blasting cap is to be inserted and carried shall be capable of being covered by a rotary cover so arranged as to expose not more than one cell at any time, and capable of rotation to such a place that all cells will be covered at the same time, at which place means shall be provided to lock the cover in place. Means shall be provided to lock in place the cover for the cells provided for the carrying of electric blasting caps. The requirement that not more than one cell be exposed at one time need not apply in the case of electric blasting caps, although spaces for such caps and blasting caps shall be separate. Sufficient annular space shall be provided inside the cover for such electric blasting caps that, when the cover is closed, there will be sufficient space to accommodate the wires customarily attached to such caps. If the material is of such a nature as to require treatment to prevent the absorption of moisture, such treatment shall be applied as shall be necessary in order to provide against the penetration of water by permeation. A suitable carying handle shall be provided, except for which handle no part of the container may project beyond the exterior of the body.

Exhibited in plates I and II are line drawings of a container for blasting caps, electric blasting caps, and percussion caps, illustrative of the requirements above set forth. These plates shall not be construed as a part of this specification.



BLASTING CAP CONTAINER
PLATE I.

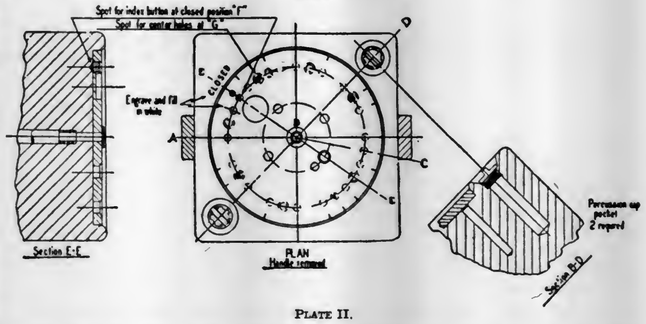


PLATE II.

Motor Vehicle Cargo Tank Specifications[1] MC 300, MC 301, MC 302, and MC 303—Cargo Tanks To Be Mounted On and To Form Part of Tank Motor Vehicles for Transportation of Inflammable Liquids and Poisonous Liquids, Class B

1. *Scope.* These specifications are primarily designed to apply to cargo tanks of tank motor vehicles to be used for the transportation of inflammable liquids or poisonous liquids, class B, and, though not mandatory for tanks or for motor vehicles for the transportation of liquids having flash points above eighty degrees Fahrenheit (80° F.), it is recommended that such liquids be transported in tanks and on tank motor vehicles having characteristics equal or superior to the requirements herein set forth. The specifications are as follows:

Specification MC 300. Cargo tanks constructed of mild (open hearth or blue annealed) steel.

Specification MC 301. Cargo tanks constructed of welded aluminum alloy (grade 3S).

Specification MC 302. Cargo tanks constructed of welded aluminum alloy (grade 52S).

Specification MC 303. Cargo tanks constructed of welded ferrous alloy (high-tensile steel).

Design and Construction

2. (a) *Existing tank motor vehicles continuing in service; specification tanks of tank motor vehicles.* Tanks of tank motor vehicles used for the transportation of inflammable liquids or poisonous liquids which shall have been in service prior to June 15, 1940, may be continued in service: *Provided,* That they have been

[1] These specifications are continued separately below.

designed and constructed in accordance with the requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, or in accordance with the requirements of specifications of the National Fire Protection Association, 1929 or 1933 edition.

(b) *Existing nonspecification tanks of tank motor vehicles.* Tanks of tank motor vehicles used for the transportation of inflammable liquids or poisonous liquids not meeting the requirements set forth in par. 2 (a), which shall have been in service prior to June 15, 1940, may be continued in service: *Provided,* That they fulfill the requirements set forth under par. 6, and that they be provided with the accessories as specified in pars. 32, 33 (a), 34, 35, 36, 37 and 38 of specification MC 300.

3. *New tank motor vehicles.* Except as provided in par. 4, every new tank of a tank motor vehicle acquired by a motor carrier on or after June 15, 1940, for the transportation of any inflammable liquid or poisonous liquid shall comply with the requirements of specification MC 300, MC 301, MC 302 or MC 303. A certificate from the manufacturer of the cargo tank, or from a competent testing agency certifying that each such tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank motor vehicle is employed in the transportation of inflammable liquids or poisonous liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

4. *Novel tanks of tank motor vehicles, special authorization.* The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tank motor vehicles which fail to meet the requirements of specification MC 300, MC 301, MC 302 or MC 303. In the event of such authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport inflammable liquids or poisonous liquids.

Marking of Cargo Tanks

5. (a) *Metal identification plate.* On and after January 1, 1941, there shall be on every cargo tank a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's serial number.[6]
Manufacturer's name.[6]
Date of manufacture.[6]
I. C. C. MC * * *.[7]
Nominal tank cap'y.-------U. S. Gallons.

(b) *Test date markings.* The date of the last test or retest required by these regulations and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plate specified in par. 5 (a).

(c) *Certification by markings.* The markings specified in pars. 5 (a) and (b) shall serve to certify that the information thereby set forth is correct.

Inspection and Maintenance

6. *No hazardous repairs on loaded motor vehicles.* None of the repairs required by Part 6 of Motor Carrier Safety Regulations to be made, or any other repairs, shall be performed on any motor vehicle containing any inflammable liquid or poisonous liquid, or on a cargo tank, whether empty or loaded, except in such cases that such repair can be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

7. *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any inflammable liquid or poisonous liquid or any compartment thereof, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless the tank or compartment shall first have been made gas-free.

8. (a) *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any inflammable liquid or poisonous liquid shall be tested or retested as follows:

(b) *Tank out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it shall successfully have fulfilled the requirements set forth under par. 9.

(c) *Nonspecification tanks.* Every cargo tank not complying with the requirements of Specification No. 1001, 1937 edition, of the American Petroleum Institute, specifications of the National Fire Protection Association 1929 or 1933, or this specification, shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under par. 9. No two such required tests shall be closer together than 6 months.

(d) *Specification tanks.* Every cargo tank complying with the requirements of Specification No. 1001, 1937 edition of the American Petroleum Institute, specifications of the National Fire Protection Association, 1929 or 1933, or this specification, shall be tested at least once in every 5-year period. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under par. 9; and if no such tests have ever been made, such tanks shall be tested within 6 months after June 15, 1940.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by this Commission for transportation of inflammable liquids or poisonous liquids under the provisions of par. 4 shall be tested under requirements specifically set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under par. 9, if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of par. 9 at any time.

Method of Testing Cargo Tanks

9. (a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of 3 pounds per square inch gage applied to each compartment, or to the whole tank if it be not divided into compartments. Such pressure shall be maintained for a period of at least 5 minutes, during which, if the test is by air pressure, the entire exterior surface of all the joints shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which will indicate the presence of leaks. Hydrostatic pressure, if used, shall be gaged at the top of the tank; and the tank shall be inspected at the joints for the issuance of liquid to indicate leaks. Any leakage discovered by either of the methods above described or by any other method, shall be suitably repaired, and the above described process shall be continued until no leaks are discovered, before any cargo tank is returned to service.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in par. 9 (a) and shall withstand such pressure without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

(Specifications MC 300, MC 301, MC 302, and MC 303, continued below.)

[6] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[6] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "Make Unknown" and/or "Date of Manufacture Unknown."

[7] Substitute "API Spec. 1001, 1937," or "NFPA Spec. 1929" (or 1933), or "No Specification," or the MC specification applicable, if appropriate.

SPECIFICATION MC 300 [1]—CARGO TANKS CONSTRUCTED OF MILD (OPEN HEARTH OR BLUE ANNEALED) STEEL

25. *Workmanship, general.* Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

26. *Material.* All steel sheets for such cargo tanks shall be of open hearth steel or blue annealed steel meeting the following requirements:

Yield point---------- 25,000 lb. per sq. in.
Ultimate strength----- 45,000 lb. per sq. in.
Elongation, 2-inch sample. 20 percent.

27. *Thickness of sheets.* The minimum thicknesses of tank sheets shall be as follows:

[1] See also Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303, *supra.*

Aggregate capacity, U. S. gallons	Shell		Head			
			Flat without reinforcement		Dished, corrugated, or reinforced	
	U. S. gage No.	Inch [1]	U. S. gage No.	Inch [1]	U. S. gage No.	Inch [1]
600 or less	14	0.078	12	0.109	14	0.078
Over 600 to 1,200	12	.109	10	.141	12	.109
Over 1,200:						
Divided into compartments of 600 gallons each or less	12	.109	10	.141	10	.141
Divided into compartments larger than 600 gallons each, or not divided	10	.141	8	.172	8	.172

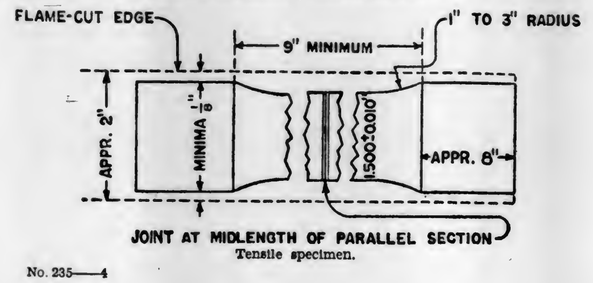
[1] Approximate.

28. *Tolerance.* A tolerance of ten percent (10%) shall be allowed for capacities of compartments and tanks.

Joints

29. (a) *Method of joining.* Sheets may be joined by fusion welding, riveting and fusion welding, brazing, or riveting and brazing at the option of the motor carrier.

(b) *Strength of joints.* The tensile strength of each joint in a tank shall be not less than 85 percent of that of the adjacent metal in the tank. Compliance with this requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to fig. as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.



Tensile specimen.

Pressure Tests

30. (a) *Test for leakage.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure of three (3) pounds per square inch gage applied to each compartment, or to the whole tank if it be not divided into compartments. Such pressure shall be maintained for a period of at least five (5) minutes, during which, if the test is by air pressure, the entire exterior surface of all the joints shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which will indicate the presence of leaks. Hydrostatic pressure, if used, shall be gaged at the top of the tank; and the tank shall be inspected at the joints for the issuance of liquid to indicate leaks. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed as evidence of failure to meet the requirements of this specification.

(b) *Test for distortion or failure.* Every cargo tank to which this specification applies shall successfully withstand the tests set forth in par. 30 (a) without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification.

31. *Marking of cargo tanks by metal plates.* Every cargo tank designed and constructed in accordance with this specification shall be marked on a metal plate with the designation "ICC–MC 300" as set forth in par. 5 (a), together with the other markings therein specified. In addition, the test markings shall be painted on the tank in the manner prescribed in par. 5 (b).

32. *Tank outlets.* Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

Bulkheads or Baffles

33. (a) *When bulkheads not required.* No bulkhead shall be required in any cargo tank regardless of capacity which is designed for service in which there will never be less than eighty percent (80%) of the capacity volume of the tank while in transportation over the highway and which, in service, is to discharge its entire contents at one unloading point.

(b) *Number, dimensions, and capacities of bulkheads and baffles.* Except as provided in par. 33 (a) of this specification, every cargo tank shall be divided into compartments and/or provided with baffles as follows:

(1) Every cargo tank larger than fifteen hundred (1,500) gallons shall be divided into compartments, the number

of which shall be the result of dividing the capacity of the tank in gallons by twelve hundred (1,200) to the nearest whole number.

(2) Every cargo tank, and every compartment of a cargo tank, over ninety inches (90 in.) in length, shall be provided with baffles, the number of which shall be such that the linear distance between any two adjacent baffles, or between any tank head or bulk head and the baffle nearest it, shall in no case exceed sixty inches (60 in.).

(3) Each bulkhead required herein shall have adequate strength to sustain without undue stress or any permanent set a horizontal force equal to the weight of so much of the contents of the tank as may come between it and any adjacent bulkhead or tank head, applied as a uniformly distributed load on the surface of the bulkhead or tank head.

(4) Each baffle required herein shall have at least an area as great as eighty percent (80%) of the cross-sectional area of the tank.

(5) If spaces are provided between compartments, such spaces shall be arranged for venting and for complete drainage at all times.

34. *Tank vents.* Each tank or tank compartment shall be provided with a vacuum and pressure operated vent with a minimum effective opening of forty-four hundredths of a square inch (0.44 sq. in.), and shall also be provided with an emergency venting facility so constructed as to provide a minimum free-venting opening having a net area in square inches equal to 1.25 plus 0.0025 times the capacity of the tank or compartment in gallons. If the emergency venting facility operates in response to elevated temperatures, the critical temperature for such operation shall not exceed two hundred degrees Fahrenheit (200° F.).

35. *Valve and faucet connections.* All draw-off valves or faucets of tanks and compartments shall have discharge ends threaded, or be otherwise so designed as to insure in every instance a tight connection with the hose extending to the storage fill pipe.

36. *Emergency discharge control.* Each tank or tank compartment of a bottom-discharge tank shall be equipped with a reliable and effective shut-off valve located inside the shell of the tank or tank compartment in the tank or compartment outlet; and the operating mechanism for such valve or valves shall be provided with a secondary closing mechanism remote from tank filling openings and discharge faucets, for operation in the event of fire or other accident. Such control mechanism shall be provided with a fusible section which will cause the valve to close automatically in case of fire, and the critical temperature for the fusing of such section shall not exceed two hundred degrees Fahrenheit (200° F.).

37. *Shear section.* There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

38. *Protection of valves and faucets.* Draw-off valves and faucets projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected by steel bumpers or other equally effective devices, against collision.

39. *Overturn protection.* All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle, by being enclosed within the body of the tank or a dome attached thereto, or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle.

SPECIFICATION MC 301 [1]—CARGO TANKS CONSTRUCTED OF WELDED ALUMINUM ALLOY (GRADE 3S)

25. *Workmanship, general.* See par. 25 of spec. MC 300.

26. *Material.* All sheets for such cargo tanks shall be of aluminum alloy, known as 3 S alloy, meeting the following minimum requirements:

Yield strength..... 18,000 lbs. per sq. in.
Ultimate strength..... 21,000 lbs. per sq. in.
Elongation, 2-inch sample..... 8 percent.

NOTE: Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gage length (ASTM E8-36).

27. *Thickness of sheets.* The minimum thickness of tank sheets shall be as follows:

[1] See also "Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303 • • •", *supra*.

Aggregate capacity, U. S. gallons	Shell		Head			
			Flat without reinforcement		Dished, corrugated, or reinforced	
	U. S. gage No.	Inch [1]	U. S. gage No.	Inch [1]	U. S. gage No.	Inch [1]
600 or less	12	0.109	9	0.156	12	0.109
Over 600 to 1,200	9	.156	6	.203	9	.156
Over 1,200:						
(a) Divided into compartments of 600 gallons or less	9	.156	6	.203	6	.203
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	6	.203	4	.234	4	.234

[1] Approximate.

28. *Tolerance.* A tolerance of ten percent (10%) shall be allowed for capacities of compartments and tanks.

29. *Joints.* Sheets shall be jointed by fusion welding. The tensile strength of each joint in a tank shall be not less than 15,000 lb. per sq. in. Compliance with this requirement shall be determined by preparing, from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, two (2) test specimens conforming to Fig. as shown in spec. MC 300 and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials, by the same technique of fabrication, and in the same shop, within six (6) months after the tests on such samples have been completed.

30. *Pressure test.* The requirements of this paragraph are identical with those set forth in spec. MC 300.

31. *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with spec. MC 300, except that tanks shall be marked "I C C MC 301," instead of "I C C MC 300."

32. Tank outlets.
33. Bulkheads or baffles.
34. Tank vents.
35. Valve and faucet connections.
36. Emergency discharge control.
37. Shear section.
38. Protection of valves and faucets.
39. Overturn protection.

The requirements concerning the listed items are identical with those set forth for such items in specification MC 300, pars. 32 to 39, inclusive.

TABLE 1. *Thickness of head and bulkhead sheets*

Distances between bulkhead attachments to shell in inches	Volume capacity of tank in gallons per inch of length: 6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Bulkheads (dished, corrugated, or reinforced) sheet thicknesses in U. S. gage numbers and number of inches depending upon distances between bulkhead attachments to shell									
	Gage No.	In. appr.	Gage No.	In. appr.	Gage No.	In. appr.	Gage No.	In. appr.	Gage No.	In. appr.
30 inches or less	17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
Over 30 inches	16	.062	15	.070	14	.078	13	.094	12	.109
	Bulkheads (flat without reinforcement) sheet thicknesses in U. S. gage numbers and number of inches depending upon distances between bulkhead attachments to shell									
30 inches or less	15	0.070	14	0.078	13	0.094	12	0.109	11	0.125
Over 30 inches	14	.078	13	.094	12	.109	11	.125	10	.141

TABLE 2. *Thickness of shell sheets*

Distance between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch of length: 6 or less		Over 6 to 10		Over 10 to 14		Over 14 to 18		Over 18	
	Shell-sheet thicknesses in U. S. gage and number of inches for that portion of the shell rolled to a radius of less than 70 inches, depending on spacing of shell stiffeners									
	Gage No.	In. appr.	Gage No.	In. appr.	Gage No.	In. appr.	Gage No.	In. appr.	Gage No.	In. appr.
20 inches or less	19	0.044	18	0.050	17	0.056	16	0.062	15	0.070
Over 20 inches to 36 inches	18	.050	17	.056	16	.062	15	.070	14	.078
Over 36 inches to 55 inches	17	.056	16	.062	15	.070	14	.078	13	.094
Over 55 inches	16	.062	15	.070	14	.078	13	.094	12	.109
	Shell-sheet thicknesses in U. S. gage and number of inches for that portion of the shell rolled to a radius of 70 inches or more but less than 90 inches, depending on spacing of shell stiffeners									
20 inches or less	18	0.050	17	0.056	16	0.062	15	0.070	14	0.078
Over 20 inches to 36 inches	17	.056	16	.062	15	.070	14	.078	13	.094
Over 36 inches to 55 inches	16	.062	15	.070	14	.078	13	.094	12	.109
Over 55 inches	15	.070	14	.078	13	.094	12	.109	11	.125
	Shell-sheet thicknesses in U. S. gage and number of inches for that portion of the shell rolled to a radius of 90 inches or more but less than 125 inches, depending on spacing of shell stiffeners									
20 inches or less	17	0.056	16	0.062	15	0.070	14	0.078	13	0.094
Over 20 inches to 36 inches	16	.062	15	.070	14	.078	13	.094	12	.109
Over 36 inches to 55 inches	15	.070	14	.078	13	.094	12	.109	11	.125
Over 55 inches	14	.078	13	.094	12	.109	11	.125	10	.141
	Shell-sheet thicknesses in U. S. gage and number of inches for that portion of the shell rolled to a radius of 125 inches or more depending upon spacing of shell stiffeners									
20 inches or less	16	0.062	15	0.070	14	0.078	13	0.094	12	0.109
Over 20 inches to 36 inches	15	.070	14	.078	13	.094	12	.109	11	.125
Over 36 inches to 55 inches	14	.078	13	.094	12	.109	11	.125	10	.141
Over 55 inches	13	.094	12	.109	11	.125	10	.141	9	.156

SPECIFICATION MC 302 [1]—CARGO TANKS CONSTRUCTED OF WELDED ALUMINUM ALLOY (GRADE 52 S)

25. *Workmanship, general.* See par. 25 of spec. MC 300.

26. *Material.* All sheets for such cargo tanks shall be of aluminum alloy, known as 52 S alloy, meeting the following minimum requirements:

Yield strength..... 26,000 lbs. per sq. in.
Ultimate strength..... 34,000 lbs. per sq. in.
Elongation, 2-inch sample..... 12 percent.

NOTE. Yield strength is the stress which produces a permanent set of 0.2 percent of the initial gage length (ASTM E8-36).

27. *Thickness of sheets.* The minimum thickness of tank sheets shall be as follows:

[1] See also "Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303 . . .", *supra*.

Aggregate capacity, U. S. gallons	Shell		Head			
			Flat without reinforcement		Dished, corrugated, or reinforced	
	U. S. gage No.	Inch [1]	U. S. gage No.	Inch [1]	U. S. gage No.	Inch [1]
600 or less	14	0.078	12	0.109	14	0.078
Over 600 to 1,200	12	.109	10	.141	12	.109
Over 1,200:						
(a) Divided into compartments of 600 gallons or less	12	.109	10	.141	10	.141
(b) If not divided into compartments, or if divided into compartments of 1,200 or more	10	.141	8	.172	8	.172

[1] Approximate.

28. *Tolerance.* A tolerance of ten percent (10%) shall be allowed for capacities of compartments and tanks.

29. *Joints.* See par. 29 of spec. MC 301.

30. *Pressure test.* The requirements of this paragraph are identical with those set forth in par. 30 of spec. MC 300.

31. *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with those set forth in par. 31 of spec. MC 300, except that tanks shall be marked "I C C MC 302," instead of "I C C MC 300."

32. Tank outlets.
33. Bulkheads or baffles.
34. Tank vents.
35. Valve and faucet connections.
36. Emergency discharge control.
37. Shear section.
38. Protection of valves and faucets.
39. Overturn protection.

The requirements concerning the listed items are identical with those set forth for such items in specification MC 300, pars. 32 to 39, inclusive.

SPECIFICATION MC 303 [1]—CARGO TANKS CONSTRUCTED OF WELDED FERROUS ALLOY (HIGH-TENSILE STEEL)

25. *Workmanship, general.* See par. 25 of spec. MC 300.

26. *Material.* All sheets for such cargo tanks shall be of ferrous alloy, commonly known as high-tensile steel, meeting the following minimum requirements:

Yield point..... 50,000 lbs. per sq. in.
Ultimate strength..... 65,000 lbs. per sq. in.
Elongation, 2-inch sample..... 20 percent.

27. *Thickness of sheets.* The minimum thicknesses of tank sheets shall be limited by the volume capacity of the tank, expressed in terms of gallons per inch of length; by the distance between successive bulkheads in the case of bulkhead sheets; and by the distance between bulkheads, baffles, or other shell stiffeners as well as by the radius of shell curvature in the case of shell sheets; as follows:

[1] See also "Motor Vehicle Cargo Tank Specifications MC 300, MC 301, MC 302, and MC 303 • • •," *supra*.

28. *Joints.*
29. *Pressure test.*

The requirements of these paragraphs are identical with those set forth in pars. 29 and 30 of MC 300.

30. *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with those set forth in par. 31 of specification MC 300, except that tanks shall be marked "I C C MC 303," instead of "I C C MC 300."

31. *Tanks outlets.*
32. *Bulkheads or baffles.*
33. *Tank vents.*
34. *Valve and faucet connections.*
35. *Emergency discharge control.*
36. *Shear section.*
37. *Protection of valves and faucets.*
38. *Overturn protection.*

The requirements concerning the listed items are identical with those set forth for such items in spec. MC 300, pars. 32 to 39, inclusive.

39. *Tank supports.* The distance from a tank support to the nearest bulkhead, baffle, or other shell stiffener, shall not exceed forty (40) times the thickness of the tank shell at the point of support.

SPECIFICATION MC 310—CARGO TANKS TO BE MOUNTED ON OR TO FORM PART OF TANK MOTOR VEHICLES FOR THE TRANSPORTATION OF CORROSIVE LIQUIDS

1. *Scope.* This specification is primarily designed to apply to cargo tanks of tank motor vehicles to be used for the transportation of corrosive liquids.

Design and Construction

2. (a) ***Existing tank motor vehicles continuing in service; specification tank motor vehicles.*** Tank motor vehicles used for the transportation of corrosive liquids which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the requirements set forth in paragraphs T–117 (a), T–118 (a) and (b), T–120, T–121, T–122, T–123, and T–124, of Regulations for the Transportation of Explosives and Other Dangerous Articles on Public Highways by Motor Truck or Motor Vehicle, approved, adopted, and prescribed by order of this Commission dated November 6, 1934, and vacated on June 15, 1940.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of corrosive liquids not meeting the requirements set forth in par. 2 (a) which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under par. 6 and are and can be maintained in safe operating condition, but in any event they shall be equipped with at least the accessories as specified in pars. 32, 33, 34, 35 (b), and 36 of specification MC 310.

3. *New tank motor vehicles.* Except as provided in par. 4, every new tank motor vehicle acquired by a motor carrier on or after June 15, 1940, for the transportation of any corrosive liquid shall comply with the requirements of this specification. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of this specification, shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in the transportation of corrosive liquids by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of this specification by his own test, he shall similarly retain the test data.

4. *Novel tank motor vehicles, special authorization.* The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tanks which fail to meet the requirements of this specification. In the event of such request for authorization, the carrier shall furnish those details concerning the design and construction of the tank as seem necessary for the determination of its ability safely to transport corrosive liquids.

Marking of Cargo Tanks

5. (a) *Metal identification plate.* On the right side, near the front, and in a place readily accessible for inspection, there shall be on every cargo tank a metal plate. This plate shall be permanently affixed by means of soldering, brazing, welding, or other suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number.[11]
Manufacturer's Name.[12]
Date of Manufacture.[12]
I. C. C. MC 310.[13]
Nominal Cap'y. _____ U. S. Gallons.

(b) *Test date markings.* The date of the last test or retest required by these regulations and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plates specified in par. 5 (a).

[11] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tanks may be put in this space.

[12] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained, the spaces indicated shall be marked "Make Unknown" and/or "Date of Manufacture Unknown."

[13] Substitute "I C C SPEC–T–118," or "I C C 7.5–S–1," or "No Specification," as appropriate.

(c) *Certification by markings.* The markings specified in pars. 5 (a) and (b) herein shall serve to certify that the information thereby set forth is correct.

Inspection and Maintenance

6. (a) *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any corrosive liquid shall be tested or retested as follows:

(b) *Tanks out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned again to or placed in such service until it shall have successfully fulfilled the requirements set forth under par. 7 herein.

(c) *Nonspecification tanks.* Every cargo tank not complying with the requirements set forth in par. 2 (a) herein or with the requirements of pars. 1 to 7 shall be tested at least once in every calendar year, and shall successfully fulfill the requirements set forth under par. 7. No two such required tests shall be closer together than 6 months.

(d) *Specification tanks.* Every cargo tank complying with the requirements set forth in par. 2 (a) or pars. 1 to 7 shall be tested at least once in every 5-year period. If tested no oftener than once every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning of such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under par. 7; and if no such tests have ever been made, such tanks shall be tested within 6 months after June 15, 1940.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by this Commission to transport corrosive liquids under the provisions of par. 4 shall be tested under requirements specifically set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under par. 7 if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, in its discretion, cause any cargo tank to be retested in accordance with the requirements of par. 7 at any time.

Method of Testing

7. (a) *Test for leaks; cargo tanks.* Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of 1½ times designed working pressure but not less than 10 pounds per square inch gage. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures shall be in place while test is made, and the pressure shall be gaged at the top of tank.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in par. 7 (a) and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be returned to service unless a suitable repair is made. The suitability of the repair shall be determined by the same method of test.

General

25. (a) ***Must comply with A. S. M. E. Code.*** Tanks built under this specification shall be designed and constructed in accordance with and fulfill all requirements of Section VIII of the Code for Unfired Pressure Vessels of the American Society of Mechanical Engineers, 1937 edition, which is hereinafter referred to as "the Code".

(b) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be designed, constructed, tested, and retested as a separate tank.

26. (a) *Material.* See paragraphs U–12 to U–16 inclusive of "the Code" for grades of material.

(b) *Lining.* Except as provided in par. 26 (c), the material used for lining each cargo tank subject to this specification shall be homogeneous, nonporous, imperforate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be of substantially uniform thickness, not less than 1/32 inch thick if metallic, and not less than 1/16 inch thick if nonmetallic, and shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means. The interior of the tank shall be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(c) *Conditions under which tanks need not be lined.* Tanks need not be lined as provided in par. 26 (b) if—

(1) the material of the tank is substantially immune to attack by the materials to be transported therein,

(2) the material of the tank is thick enough to withstand 10 years' normal service without being reduced at any point to less thickness than that specified in par. 27 corresponding to its capacity, or

(3) the chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passified or neutralized as set forth elsewhere in this appendix; or

(4) for the transportation of hydrofluoric acid of sixty percent (60%) or higher concentration, they be passified in the following or an equally effective method: By filling the tank to not less than ninety percent (90%) of its capacity with hydroflouric acid of fifty-eight percent (58%) strength and allowing it to stand at least forty-eight (48) hours at a temperature of eighty degrees Fahrenheit (80° F.), then seven (7) hours at one hundred forty degrees Fahrenheit (140° F.), the internal pressure being maintained at atmospheric pressure the meanwhile.

27. *Thickness of metal.* The minimum thickness of metal for cargo tanks shall be as follows:

Tank capacity:	*Minimum thickness (inches)*
Not more than 1,200 gallons	¼
Over 1,200 to 1,800 gallons	5/16
Over 1,800 gallons	⅜

28. *Joints.* All joints and seams formed in the manufacture of any cargo tank shall be made tight by welding, riveting, riveting and welding, brazing, or riveting and brazing, at the option of the motor carrier, subject to the limitation that any of the aforesaid methods are permissible only when any one of them or combination as used in the tank is not subject to adverse action by the nature of the corrosive liquid which is to be transported in such tank.

Pressure Tests

29. *Tanks.* Each completed cargo tank shall be tested before being put into transportation service by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed one hundred degrees Fahrenheit (100° F.) during the test, and applying a pressure of one and one-half (1½) times the working pressure of the tank (minimum pressure, ten pounds per square inch (10 lbs./sq. in.) gage). The tank shall be capable of holding the prescribed pressure for at least ten (10) minutes without leakage, evidence of impending failure, or failure. All closures shall be in place while the test is made, and the pressure shall be gaged at the top of the tank.

30. *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with those set forth in par. 31 of specification MC 300, except that tanks shall be marked "I C C MC 310," instead of "I C C MC 300."

Tank Outlets

31. (a) *No bottom outlets.* No tanks except those used for shipments of sludge acid or alkaline corrosive liquids, may have bottom discharge outlets.

(b) *Bottom outlets.* Bottom outlets or bottom wash-out chambers shall be of metal not subject to rapid deterioration by the lading, and each shall be provided with a valve or plug at its upper end and a liquid-tight closure at its lower end. Every such valve or plug shall be such as to insure against unseating due to stresses or shocks incident to transportation.

(c) *Bottom wash-out chambers.* Tanks may be equipped with bottom wash-out chambers.

32. *Venting, gaging, loading, and air inlet devices.* When installed, venting, gaging, loading, and air inlet devices, including their valves, shall be provided with adequate means for their secure closure; and means shall also be provided for the closing of pipe connections of valves.

33. *Shear section.* There shall be provided between each shut-off valve seat and discharge faucet a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the shut-off valve seat intact in case of accident to the discharge faucet or piping.

34. *Protection of valves.* Draw-off valves and fittings of cargo tanks projecting beyond the frame, or if the vehicle be frameless, beyond the shell, at the rear, shall be adequately protected by steel bumpers or other equally effective devices, against collision.

35. (a) *Fixtures, reinforcements, and other attachments not specified.* All external attachments to any cargo tank shall be made of materials specified in "the Code" and constructed and attached as therein specified.

(b) *Heater coils.* Heater coils, when installed, shall be so constructed that the breaking off of their external connections will not cause leakage of contents of tanks.

36. *Closures for manholes.* The manhole cover shall be designed to provide a secure closure of the manhole. All covers, not hinged to the tanks, shall be attached to the outside of the dome by at least ⅛ inch chain or its equivalent. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid by use of gaskets of suitable material not subject to attack by the corrosive liquid to be transported in the tank.

SPECIFICATION MC 320—CARGO TANKS (UNLAGGED) TO BE MOUNTED ON AND TO FORM PART OF TANK MOTOR VEHICLES FOR THE TRANSPORTATION OF LIQUEFIED PETROLEUM GASES

1. *Scope.* This specification is primarily designed to apply to tank motor vehicles and cargo tanks to be used for the transportation of liquefied petroleum gases. Wherever reference is herein made to gases, it shall, unless otherwise indicated, be construed to refer to petroleum gases in either the liquid or gaseous state.

Design and Construction

2. (a) ***Existing tank motor vehicles continuing in service; specification tank motor vehicles.*** Tank motor vehicles used for the transportation of compressed

gases which shall have been in service prior to June 15, 1940, may be continued in service provided they have been designed and constructed in accordance with the A. S. M. E. Code for Unfired Pressure Vessels or in accordance with the requirements of the A. P. I.–A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases.

(b) *Existing nonspecification tank motor vehicles.* Tank motor vehicles used for the transportation of compressed gases not meeting the requirements set forth in par. 2 (a), which shall have been in service prior to June 15, 1940, may be continued in service provided they fulfill the requirements set forth under pars. 7 and 8 and are and can be maintained in safe operating condition.

3. *New tank motor vehicles.* Except as provided in par. 4, every new tank motor vehicle acquired by a motor carrier on or after June 15, 1940, for the transportation of any compressed gas shall comply with the requirements of this specification. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank motor vehicle is designed and constructed in accordance with the requirements of this specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank motor vehicle is employed in the transportation of compressed gases by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank motor vehicle fulfills the requirements of this specification by his own test, he shall similarly retain the test data.

4. *Novel tank motor vehicles, special authorization.* The Commission may, upon written request for such authorization by a motor carrier, authorize the use of limited numbers, and for limited times, of new tank motor vehicles which fail to meet the requirements of this specification. In the event of such request for authorization, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle as seem necessary for the determination of its ability safely to transport compressed gases.

Marking of Cargo Tanks

5. (a) *Metal identification plate.* On the right side, near the front, and in a place readily accessible for inspection there shall be on every cargo tank a metal plate. This plate shall be permanently affixed by means of soldering, brazing, or welding, or other equally suitable means; and upon it shall be marked by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

Carrier's Serial Number.[15]
Manufacturer's Name.[16]
Date of Manufacture.[16]
I. C. C. MC 320.[17]
Capacity.[18]
Tare Weight.[18]
Working Pressure ---- Lbs.

(b) *Test date markings.* The date of the last test or retest required by these regulations and the due date of the next required routine test or retest shall be painted on the tank in letters not less than 1¼ inches high, in legible colors, immediately below the metal identification plates specified in par. 5 (a).

(c) *Certification by markings.* The markings specified in pars. 5 (a) and (b) shall serve to certify that the information thereby set forth is correct.

6. *Painting of cargo tanks.* On and after June 15, 1942, every cargo tank permanently attached to a tank motor vehicle in which is to be transported any liquefied petroleum gas shall, unless it be constructed of aluminum, stainless steel, or other bright, nontarnishing metal, be painted all over a white, aluminum, or similar reflecting color. Nothing contained in this section shall be so construed as to prohibit the lettering of the carrier's name and/or trademark or the lettering or attachment of signs required by these regulations; provided, however, that no such sign or lettering on any such tank shall exceed in aggregate area 20 percent of the projected area of either side, or 30 percent of the area of either end.

Inspection and maintenance

7. (a) *No hazardous repairs on loaded motor vehicles.* No repairs shall be performed on any motor vehicle containing any inflammable compressed gas, or on a cargo tank used for the transportation of any such gas, whether empty or loaded, except in such cases that such repair can be made without hazard, nor shall any such loaded motor vehicle be repaired in a closed garage.

(b) *No repair with flame unless gas-free.* No repair of a cargo tank used for the transportation of any inflammable compressed gas, or of any container for fuel of whatever nature, may be repaired by any method employing a flame, arc, or other means of welding, unless such space shall first have been made gas-free.

8. (a) *Times of retesting of cargo tanks.* Every cargo tank used for the transportation of any compressed gas shall be tested or retested as follows:

(b) *Tanks out of service one year or more.* Every cargo tank which has been out of transportation service for a period of one year or more shall not be returned to or placed in such service until it shall successfully have fulfilled the requirements set forth under par. 9.

(c) *Nonspecification tanks.* Every cargo tank not complying with the requirements of the A. S. M. E. Code for Unfired Pressure Vessels, with the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessel, for Petroleum Liquids and Gases, or with specification 7.6–S–1 of ICC Motor Carrier Safety Regulations, Part 7, effective June 15, 1940, shall be tested at least once in every calendar year and shall successfully fulfill the requirements set forth under par. 9. No two such required tests shall be closer together than 6 months.

(d) *Specification tanks.* Every cargo tank complying with the requirements of the A. S. M. E. Code for Unfired Pressure Vessels, with the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum, Liquids and Gases, or with specification 7.6–S–1 or ICC Motor Carrier Safety Regulations, Part 7, effective June 15, 1940, shall be tested at least once in every 5-year period. If tested no oftener than once in every 5 years, at least one such test shall be made in the last year of any such 5-year period. The time of reckoning for such testing of such cargo tanks shall be from the time of the last test made in accordance with the requirements set forth under par. 9; and if no such tests have ever been made, such tanks shall be tested within 6 months after June 15, 1940.

(e) *Novel cargo tanks.* Every cargo tank which shall have been authorized by the Commission to transport compressed gases under the provisions of par. 4 shall be tested under requirements specifically set forth in the terms of such authorization.

(f) *Testing following accidents.* Every cargo tank capable of suitable repair following any accident in which a tank motor vehicle may have been involved shall be retested in accordance with the requirements set forth under par. 9 if the cargo tank has itself been damaged in a manner likely to affect the safety of operation of the tank motor vehicle, or if the damage to the tank motor vehicle is such as to make the safety of the cargo tank uncertain.

(g) *Special testing required by this Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, in its discretion, cause any cargo tank to be retested

[15] Carriers are not required to number their tanks serially; any designation regularly used by the carrier to identify the tank may be put in this space.

[16] In the event the identity of the tank manufacturer or the date of manufacture is not known and cannot be ascertained the spaces indicated shall be marked "Make Unknown" and/or "Date of Manufacture Unknown."

[17] Substitute "A. S. M. E. Code," or "A. P. I.-A. S. M. E. Code," or "ICC 7.6–S–1," or "No Specification," if appropriate.

[18] Tank capacity is to be specified in pounds of water; tare weight may be omitted if tank is to be charged by liquid level gaging device or by pressure gage; "Pressure" is the maximum allowable charging pressure of the tank, pounds per square inch gage.

in accordance with the requirements of par. 9 at any time.

9. *Method of testing.* Every cargo tank shall be tested in accordance with the requirements for testing and retesting in either the requirements for testing and retesting set forth in the A. S. M. E. Code for Unfired Pressure Vessels or the A. P. I.-A. S. M. E. Code for Unfired Pressure Vessels for Petroleum Liquids and Gases.

General

25. *Compliance with Code.* Every cargo tank to which this specification applies shall be designed and constructed in accordance with the American Society of Mechanical Engineers, Boiler Construction Code, 1940 Edition, Section VIII, Rules for Construction of Unfired Pressure Vessels, or in accordance with the A. P. I.-A. S. M. E. Code Unfired Pressure Vessels for Petroleum Liquids and Gases, 1938 Edition, except that compliance with the following shall not be required: Rules U–2 to U–10, inclusive, and U–19, of the aforesaid A. S. M. E. Code, and paragraphs W–601 to W–606, inclusive, and section 1 and appendix to section 1, of the aforesaid A. P. I.-A. S. M. E. Code. Single-welded lap-weld joints are not permissible.

26. *Design working pressure.* The design working pressure of any unlagged cargo tank shall be as follows:

Container type	For gas with vapor pressure not to exceed lb. per sq. in. gauge at 100° F.	Minimum design pressure of containers by—	
		A. S. M. E. Code—factor of safety 5	A. P. I.-A. S. M. E. Code—factor of safety 4
80 lb.	80	80 lb. ga.	100 lb. ga.
100 lb.	100	100 lb. ga.	125 lb. ga.
125 lb.	125	125 lb. ga.	156 lb. ga.
150 lb.	150	150 lb. ga.	187 lb. ga.
175 lb.	175	175 lb. ga.	219 lb. ga.
200 lb.	200	200 lb. ga.	250 lb. ga.

The shell or head thickness of any container shall not be less than 3/16 inch.

27. *Piping.* Piping shall be full weight wrought iron, steel, copper, or brass pipe or seamless drawn tubing. The bursting strength of the piping and fittings shall in any event be no less than five (5) times the tank working pressure, and no less than four (4) times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the tank working pressure. Joints in copper tubing shall be of the sweated soldered type or of an equally strong metal union type. Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads. Suitable provision shall in every case be made to allow the piping to expand and/or contract due to changes in temperature. Slip joints shall not be used for this purpose.

Mounting Containers on Truck or Trailer Vehicle

28. (a) *Anchorage.* A suitable "stop" or "stops" shall be mounted on the truck or trailer or on the container, in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented by proper methods.

(b) *Hold down device.* A suitable "hold down" device shall be provided which will anchor the container at one or more places on each side of the container to the truck or trailer frame. Such device may consist of proper steel band or bands over the container, or container may incorporate side hold-down lugs. In any case, anchorage to truck or trailer frame should incorporate turn buckles or similar positive devices.

Testing

29. (a) *Testing of containers.* All containers shall be tested at the time of manufacture in accordance with the requirements of these rules.

(b) *Testing of piping, valves, etc.* All piping, valves, pumps, and fittings on every tank shall be tested after installation and proven tight at twice the working pressure of the tank. For purposes of this test, safety valves shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the final test is finished. In the event of replacement, all such piping, valves, or fittings so replaced shall be tested in accordance with the requirements of this rule before the container is returned to transportation service.

Marking

30. (a) *Marking of cargo tanks by metal plates.* The requirements of this specification regarding marking are identical with those set forth in par. 31 of specification MC 300, except that tanks shall be marked "I C C MC 320," instead of "I C C MC 300," and except that working pressures of the tank shall, additionally, be marked on the metal plate.

(b) *Marking of gaging devices.* Each adjustable gaging device or container equipped with such a gaging device shall be clearly, legibly, and permanently marked in increments of not more than twenty Fahrenheit degrees, with the maximum levels to which it can be filled with liquid at temperatures between twenty degrees Fahrenheit (20° F.) and one hundred thirty degrees Fahrenheit (130° F.). The one hundred thirty degrees Fahrenheit (130° F.) line shall be so located that the liquid portion of the gas shall not completely fill the container at one hundred thirty degrees Fahrenheit (130° F.).

Loading and Unloading Accessories

31. *Pumps.* Pumps of suitable design and properly protected may be mounted upon liquefied petroleum gas tank trucks and trailers and may be driven by the truck motor power take-off or internal combustion engine, hand, mechanical, hydraulic or electrical means. The pumps, except constant speed centrifugal pumps, shall be equipped with suitable pressure actuated by-pass valves permitting flow from pump discharge to pump suction when the pump discharge pressure rises above the predetermined point. Pump discharge shall also be equipped with a spring-loaded safety valve of non-leaking type, set at a pressure not to exceed 35 percent higher than the predetermined setting of the by-pass valve.

32. (a) *Hose, material.* Hose shall be fabricated of materials that are resistant to the action of liquefied petroleum gases.

(b) *Hose, high-pressure.* Hose subject to container pressure shall be designed for a bursting pressure of not less than five times the maximum pressure for which the container was designed. Hose connections when made shall be capable of withstanding a test pressure of twice the maximum pressure for which the container is designed. Hose unions shall be of substantial construction and shall be maintained in a safe condition. It is recommended that loose hose union parts shall be protected from wear or injury in transit.

(c) *Hose, low-pressure.* Hose and hose connections located on the low-pressure side of regulators or reducing valves shall be designed for a bursting pressure of not less than 125 lbs. but not less than five times the pressure setting of the safety relief device protecting that portion of the system. All connections shall be so designed that there will be no leakage when connected.

(d) *Hose, wet.* Where hose is to be used for transferring liquid from one container to another wet hose is recommended. Such hose shall be equipped with a suitable shut-off valve at discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose.

33. (a) *Discharge valves and accessories.* The discharge outlet shall be provided with a suitable automatic excess flow valve or in lieu thereof the discharge outlet may be fitted with a quick closing internal valve, which, except during delivery operations, shall remain closed. The control mechanism for such valve may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point 208° F. to

220° F.) which will cause the internal valve to close automatically in case of fire.

(b) *Filling connections.* Filling connections shall be provided with suitable automatic valves to prevent back flow in case the filling connection is broken, excepting that where the filling and discharge connect on a common opening in the container shell and that opening is fitted with a quick-closing internal valve as specified in par. 33 (a) the automatic valve shall not be required.

(c) *Miscellaneous connections.* All other connections to containers, except safety relief and liquid level gauge connections, shall be equipped with suitable automatic excess flow valves. (Refer to par. 35 (a).)

(d) *Labeling.* All container inlets and outlets, except safety relief valves, liquid level gauging devices, and pressure gauges, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

34. (a) *Container valves and accessories.* All valves and connections shall be of a type suitable for use with liquefied petroleum gas and designed for not less than the maximum pressure to which they may be subjected.

(b) *Seat material, etc.* Valve seat material, packing, gaskets, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gases.

(c) *Shut-off valves.* All connections to containers shall have a suitable shut-off valve located as close to the containers as practicable, except safety relief connections and gauging devices.

(d) *Excess flow valves function.* Excess flow valves where required by these standards shall be designed to close automatically and shut off the gas or liquid flow in case:

(1) The flow through the valve exceeds a predetermined flow which flow must be less than the pipe line capacity to and from such excess flow valve.

(2) The pressure on the inlet side of excess flow valve exceeds by a certain designed number of pounds per sq. in. the pressure in pounds on the outlet of such valve.

(e) *By-pass.* Excess flow valves may be designed with a by-pass, not to exceed a 60 drill size opening to allow equalization of pressures.

(f) *Excess flow and check valves.* Excess flow and backpressure check valves, where required by these standards, shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back-pressure check valve will not cause breakage between the container and such valve. Gauging devices which do not involve the flow of liquid or which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size need not be equipped with excess flow valves.

35. (a) *Liquid level gauging devices.* Each truck and trailer container shall be equipped with an accurate liquid level gauging device of a suitable design, for example, a rotary tube, slip tube, automatic outage tank, magnetic or fixed tube device. A fixed tube device consists of a dip pipe of small size, equipped with a valve at the outer end. Fixed tube devices shall be so arranged that the maximum liquid level to which the container may be filled is not in excess of the maximum permitted under the filling density table, in sec. 303 (r) of Part 3, but based on an initial liquid temperature of not to exceed 40° F. Liquid level gauging devices of the rotary tube, fixed tube and slip tube type may be used without installation of an excess flow check valve, provided that bleed valve opening is not larger than a No. 54 drill size.

Method of calculating length of fixed tube—

(1) Calculate the maximum volume, for which fixed length tube shall be set by the following formula:

$$\frac{\text{Total capacity of container} \times \text{filling density}}{\text{Specific gravity} \times \text{volume correction factor}} = \text{Maximum volume for which fixed length tube shall be set}$$

NOTE: Volume correction factor shall be based on the thermal coefficient of expansion of the liquefied petroleum gas from 40° F. for above-ground containers (or 50° F. for underground containers) to 60° F. (For example, propane with specific gravity of 0.510 has a volume correction factor of 1.031 from 40° F.; butane with a specific gravity of 0.570 has a volume correction factor of 1.020 from 40° F. to 60° F.). The following table gives representative volume correction factors:

VOLUME CORRECTION FACTORS

Specific Gravity

0.500, 0.510, 0.520, 0.530, 0.540, 0.550, 0.560, 0.570, 0.580, 0.590.

(Above-ground) from 40° F. to 60° F. 1.034, 1.031, 1.028, 1.026, 1.025, 1.023, 1.021, 1.020, 1.019, 1.018.

(Underground) from 50° F. to 60° F. 1.018, 1.016, 1.014, 1.013, 1.012, 1.011, 1.010, 1.009, 1.009, 1.009.

(2) Calculate the length of the fixed tube so that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum volume as determined by the formula above.

(b) *Gauge design pressure.* Gauging devices shall have a design working pressure of at least 250 lb. per sq. in. gauge.

	Type 80 lb. min.	Minimum required free discharge area (square inches) when tank working pressure, in pounds per square inch, is—				
		Type 110 lb. min.	Type 125 lb. min.	Type 150 lb. min.	Type 175 lb. min.	Type 200 lb min.
Where "A" does not exceed 10	0.32	0.27	0.22	0.19	0.18	0.16
Where "A" is greater than 10 but not more than 15	.46	.38	.30	.25	.24	.21
Where "A" is greater than 15 but not more than 20	.60	.50	.42	.36	.33	.29
Where "A" is greater than 20 but not more than 40	1.25	1.03	.84	.71	.64	.57
Where "A" is greater than 40 but not more than 60	1.90	1.57	1.25	1.08	.94	.83
Where "A" is greater than 60 but not more than 80	2.50	2.06	1.68	1.43	1.25	1.10
Where "A" is greater than 80 but not more than 100	3.15	2.60	2.13	1.81	1.58	1.40
Where "A" is greater than 100 but not more than 120	3.80	3.14	2.48	2.10	1.87	1.65
Where "A" is greater than 120 but not more than 140	4.45	3.68	2.90	2.46	2.15	1.90
Where "A" is greater than 140 but not more than 160	5.10	4.21	3.33	2.83	2.43	2.15
Where "A" is greater than 160 but not more than 180	5.80	4.79	3.55	3.09	2.72	2.40
Where "A" is greater than 180 but not more than 200	6.05	5.00	3.77	3.20	2.83	2.50

To be calculated using Fetterley's formula as promulgated by Bureau of Explosives, New York City.

(c) *Setting and marking.* Container safety relief valves shall be set to start to discharge as follows, with relation to the designed working pressure of the container.

Containers:	*Minimum Percent*	*Maximum Percent*
A. S. M. E.	100	125
A. P. I.–A. S. M. E.	80	100
I. C. C.	(1)	(1)

[1] As approved by Bureau of Explosives.

(c) *Gauge glasses.* Gauge glasses of the column type are prohibited.

(d) *Pressure gauge.* Pressure gauges and other connections (refer to sec. 35 (a)) shall be fitted with suitable automatic excess flow valves, except that no such valve may be connected with any safety valve. Pressure gauges shall communicate only to the vapor space of the container.

Safety Valves

36. (a) *Free venting and effective discharge area.* Every container shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air. The area of the discharge shall be sufficient to prevent the building up of pressures in excess of 120% of the maximum permitted setting of the safety relief valves on the container and in accordance with the provisions of the effective discharge area as specified in the following table.

(b) *Effective Discharge Area Required for Safety Relief Valves.*

(D=outside diameter of tank in feet; U=overall length of tank in feet; "A"= the product of D times U).

(d) *Relief valves, tampering.* Safety relief valves shall be so arranged that the possibility of tampering will be minimized; if pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(e) *Relief valve installation.* No shut-off valves shall be installed between the container and the safety relief valves and the container except that a shut-off valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valves.

NOTE: The above exception is made to cover such cases as a three-way valve installed under two safety relief valves, each of which has the required relief valve area and is so installed as to allow either of the safety relief valves to be closed off but does not allow both safety valves to be closed off at the same time. Another exception to this may be where two separate relief valves are installed with interconnected valve stems in this case the two shut-off valve stems shall be mechanically interconnected in a manner which will allow full required flow of one relief valve at all times.

(f) *Relief valve, vapor space.* Safety relief valves shall have direct communication with the vapor space of the container.

(g) *Relief valve markings.* Each container safety valve shall be plainly and permanently marked with the pressure in pounds per sq. in. gauge at which the valve is set to start to discharge and the actual free discharge area in sq. in. of the valve at its full open position; for example, 200–24.

PART 80—REGULATIONS APPLYING PARTICULARLY TO CARRIERS BY RAIL EFFECTIVE JANUARY 1, 1942 *†

*† For authority and source citations, see notes in sec. 1, 49 CFR Part 80.

Amending order March 31, 1941, as follows:

(Delete Section 512. (Export shipments via domestic carriers by rail. See Regulations Applying to Shippers.)

Superseding and amending section 533, order Aug. 16, 1940, to read as follows (*loading and storage chart*):

LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Explosives must not be loaded together nor with other dangerous articles, except as provided in the Loading and Storage Chart of Explosives and other Dangerous Articles shown in this section.

[The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these packages must not be loaded or stored together, for example: Blasting Caps (d) horizontal column must not be loaded or stored with High Explosives (b) vertical column]

Dangerous Explosives:		Low Explosives or Black Powder	High Explosives	Initiating or Priming Explosives: Wet: Dinitrodiazophenol, Fulminate of Mercury, Guanyl Nitrosamino Guanylidene Hydrazine, Lead Azide, Lead Styphnate, Nitro Mannite, Nitrosoguanidine, Pentaerythrite Tetranitrate, Tetrazene	Blasting Caps, with or without safety fuse (including Electric Blasting Caps)	Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets [4]	Explosive Projectiles, Bombs, Torpedoes, or Mines; Rifle or Hand Grenades (explosive)	Detonating Fuzes, Boosters (explosive) [4]	Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles	Smokeless Powder for Cannon or Smokeless Powder for Small Arms	Fireworks	Small Arms Ammunition	Primers for Cannon or Small Arms, Empty Cartridge Bases—Black Powder Initiators, Empty Cartridge Cases, primed, Empty Grenades, primed, Combustion Primers or Percussion Caps, Toy Caps	Percussion Fuzes or Tracer Fuzes	Time or Combination Fuzes	Caribou Detonant, Safety Squibs, Fuse Lighters, Fuse Igniters, Delay Electric Igniters, Electric Squibs, or Instantaneous Fuse	Inflammable Liquids or Compressed Inflammable Gases, Red Label	Inflammable Solids or Oxidizing Materials, Yellow Label	Acids or Corrosive Liquids, White Label	Compressed Noninflammable Gases, Green Label	Poisonous Gases or Liquids, in cylinders, Poison Gas Label
		a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t
Low Explosives or Black Powder	a							X													
High Explosives	b						X	X													
Initiating or Priming Explosives: Wet: Dinitrodiazophenol, Fulminate of Mercury, Guanyl Nitrosamino Guanylidene Hydrazine, Lead Azide, Lead Styphnate, Nitro Mannite, Nitrosoguanidine, Pentaerythrite Tetranitrate, Tetrazene	c						X	X													
Blasting Caps, with or without safety fuse (including Electric Blasting Caps)	d						X	X													
Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets [4]	e						X	X													
Explosive Projectiles, Bombs, Torpedoes, or Mines; Rifle or Hand Grenades (explosive)	f						X	X													
Detonating Fuzes, Boosters (explosive) [4]	g							X													
Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles	h							X													
Smokeless Powder for Cannon or Smokeless Powder for Small Arms	i							X													
Fireworks	j							X	X												
Small Arms Ammunition	k							X													
Primers for Cannon or Small Arms, Empty Cartridge Bases—Black Powder Initiators, Empty Cartridge Cases, primed, Empty Grenades, primed, Combustion Primers or Percussion Caps, Toy Caps	l							X													
Percussion Fuzes or Tracer Fuzes	m							X													
Time or Combination Fuzes	n							X													
Caribou Detonant, Safety Squibs, Fuse Lighters, Fuse Igniters, Delay Electric Igniters, Electric Squibs, or Instantaneous Fuse	o							X													
Inflammable Liquids or Compressed Inflammable Gases, Red Label	p						X	X	X	X	X	X	X	X	X						
Inflammable Solids or Oxidizing Materials, Yellow Label	q						X	X	X	X	X	X	X	X	X						
Acids or Corrosive Liquids, White Label	r						X	X	X	X	X	X	X	X	X						
Compressed Noninflammable Gases, Green Label	s						X	X	X	X	X	X	X	X	X						
Poisonous Gases or Liquids, in cylinders, Poison Gas Label	t						X	X	X	X	X	X	X	X	X						

LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES—continued

[The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these packages must not be loaded or stored together, for example: Blasting Caps (d) horizontal column 13 us[t] not be loaded or stored with High Explosives (b) vertical column]

	a	b	c	d	e	f	g	1	2	3	4	5	6	7	8	9	10	11	12	13
Less Dangerous Explosives:																				
Ammunition, for Cannon with empty, sand loaded or solid projectiles, or without projectiles								1												
Smokeless Powder for Cannon or Smokeless Powder for Small Arms								2												
Fireworks	X							3												
Relatively Safe Explosives:																				
Small Arms Ammunition								4												
Primers for Cannon or Small Arms, Empty Cartridge Bags—Black Powder Cases, Empty Cartridge Cases, primed, Empty Grenades, primed, Empty Combustion Primers or Percussion Caps, Toy Caps								5												
Percussion Fuzes or Tracer Fuzes								6												
Time or Combination Fuzes								7												
Cartridge Delonant, Safety Squibs, Fuze Igniters, Electric Squibs, or Instantaneous Fuse								8												
Other Dangerous Articles:																				
Inflammable Liquids or Compressed Inflammable Gases, Red Label								9												
Inflammable, Solids or Oxidizing Materials, Yellow Label								10												
Acids or Corrosive Liquids, White Label								11												
Compressed Nonflammable Gases, Green Label								12												
Poisonous Gases or Liquids, in cylinders, Poison Gas Label								13												

a Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with all articles named except those containing acids or other corrosive liquids, white label, must not be loaded with yellow label articles, ammunition for cannon with or without projectiles, or smokeless powder.

b Unloaded ammunition for cannon with or without projectiles, or smokeless powder.

c Cyanides or cyanide mixtures must not be loaded or stored with corrosive liquids.

d Projectiles, bombs, grenades and other forms of ammunition containing incendiary charges, either with or without bursting charge, must not be loaded or stored with any dangerous explosive, class A, or less dangerous explosive, class B.

NOTE.—Charged electric storage batteries must not be loaded in the same car nor stored with any dangerous explosive, class A.

Placards on Cars

Superseding and amending section 541 (f), order Aug. 16, 1940, to read as follows (*placards on cars*):

(f) When dangerous explosives, class A, are loaded in the same car with less dangerous explosives, class B, or any other dangerous articles except poisonous gases or liquids, class A, only the "Explosives" placard is required.

Superseding and amending section 551 (a), cut, in part, order Aug. 16, 1940, to read as follows (*name of contents of car on "dangerous" placard*):

Name of contents must be inserted here or on commodity card.

Superseding and amending Part 5 of regulations, order Aug. 16, 1940, to read as follows:

PART 81—REGULATIONS APPLYING TO CARRIERS BY RAIL EXPRESS*†

*†For authority and source citations, see notes in sec. 650, 49 CFR Part 81.

650. *Purpose of regulations.* To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by rail express carriers engaged in interstate or foreign commerce, these regulations are prescribed to define these articles for rail express transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

651. Explosives and other dangerous articles, except such as will not be accepted, may be offered for transportation to rail express carriers engaged in interstate or foreign commerce and transported, provided they are in proper condition for transportation and are certified that these regulations have been complied with, and provided their method of manufacture, packing, and storage, so far as they affect safe transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments that do not comply with these regulations must not be accepted for transportation or transported.

652. These regulations apply to all shipments of explosives and other dangerous articles as defined herein, including carriers' material and supplies.

653. (a) *Labels.* Labels prescribed by the Commission's regulations, Part 3, must be applied to rail express shipments, unless exempt from these regulations, and in addition the shipper must certify to compliance with the regulations by writing, stamping, or printing his name underneath the certificate printed thereon.

(b) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced from information given on revenue or other waybill.

654. (a) *Receipts.* A receipt upon the form prescribed by the originating express carrier must be issued to the shipper for each shipment of explosives or other dangerous articles accepted for transportation. Before a receipt is issued, the shipper must apply the label prescribed herein to each package containing any article covered by these regulations.

(b) Each receipt must show the proper and definite name of commodity, as listed in these regulations, and the color of the label affixed to the package if any is required.

655. (a) *Handling packages.* In handling packages containing explosives or other dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled.

(b) Packages protected by labels must be so loaded that they can not fall to the car floor and in such manner that other freight can not fall onto or slide against them.

(c) Unless sealed cars are equipped with a suitable guard or screen to prevent the lading coming in contact with hot steam pipes, or heat exits used in electrically-heated equipment, packages containing explosives or other dangerous articles must not be transported in them.

(d) Shipments of explosives or other dangerous articles, except poisons and noninflammable compressed gases, when transported in passenger-carrying trains, should be loaded in the car occupied by an express employee and in a place that will permit their ready removal in case of fire. They must not be loaded in cars or stored in stations near steam pipes or other sources of heat. No placards are required on such cars when occupied by an express employee. Shipments bearing poison label, when practicable, should be loaded in sealed cars; when loaded in cars occupied by messenger, care should be taken to prevent any contents sifting or leaking from containers.

(e) When an express or baggage car containing any package requiring a label prescribed by these regulations is not occupied by an express employee and is handled in a passenger, mixed, or freight train, the proper placards must be attached thereto as required by these regulations for the transportation of such articles by rail freight.

(f) Packages containing dangerous articles, as defined by these regulations, that are loaded in sealed cars for express movement from the point of origin, must be loaded in a place that will permit of their ready removal in case of fire, wreck, or unloading, and near the car door, if possible.

(g) Not to exceed 10 gas identification sets may be transported in any car at any time.

(h) It is important to prevent contact of contents of packages bearing either yellow or white corrosive liquid labels with combustible substances, such as sawdust, shavings, or sweepings, that may be present in express cars.

656. *Removal at destination.* Shipments of explosives and other dangerous articles as defined by these regulations which are refused by the consignees, or which can not be delivered within 48 hours after arrival at destination, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available off the carrier's property, or (3) by sale, or (4) when necessary to safety, by destruction: *Provided*, That charged electric batteries may be held for 30 days after arrival at destination, pending delivery or disposition.

657. *Waybills.* The revenue, or other waybilling, when prepared for such shipments, and the waybill, transfer sheet, or interchange record used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in these regulations, and show color of label applied.

658. *Connecting line shipments.* Shipments of dangerous articles offered by connecting express or other transportation lines must comply with these regulations.

659. *Astray shipments.* Any astray shipment of dangerous articles must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation. If the package is not labeled and the exact nature of the contents is unknown, the red label must be applied.

660. *Reporting violations and accidents or fires.* Serious violations of these regulations, facts relating to leaking or broken containers, and accidents or fires in connection with the transportation or storage on express or railway property of explosives or other dangerous articles, must be reported promptly by the express carrier to the Bureau of Explosives, 30 Vesey Street, New York, N. Y.

Superseding and amending Part 6 of regulations, orders Aug. 16, 1940, and Mar. 31, 1941, to read as follows:

PART 82—REGULATIONS APPLYING TO RAIL CARRIERS IN BAGGAGE SERVICE*†

*†For authority and source citations, see notes in sec. 700, 49 CFR Part 82.

700. *Purpose of regulations.* To proshipments in rail baggage service of dangerous articles in rail baggage service on passenger-carrying trains of carriers engaged in interstate or foreign commerce, the following regulations are prescribed to define these articles for rail baggage transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit.

701. These regulations apply to all shipments in rail baggage service of dangerous articles as prescribed herein. Shipments of explosives, other than those authorized for transportation by rail express, or dangerous articles, except as provided herein, must not be accepted

for transportation in rail baggage service. The Commission will make provision as occasion and safety may require for dangerous articles other than those described herein. Carriers engaged in interstate or foreign commerce must make these regulations effective and must provide for the thorough instruction of their employees.

NOTE.—Explosives or other dangerous articles, consisting of carrier's materials and supplies such as are acceptable for rail express transportation, may be transported in baggage cars when packed, marked, and labeled as prescribed by regulations for rail express shipments.

702. No dangerous article described by these regulations shall be accepted for transportation or transported in rail baggage service except the following which must be packed, marked and labeled as required herein:

703. (a) *Acceptable articles.* The following articles may be transported in rail baggage service under these regulations:

(b) (1) Compressed gases:

Hydrogen	Red gas label	In cylinders not exceeding 12 by 51 inches, and with pressure not exceeding 300 pounds at 70° F.
Oxygen	Green gas label	
Anhydrous ammonia	Green gas label	In cylinders not exceeding 4½ by 22 inches.
Chlorine	Green gas label	
Ethylene	Red gas label	
Liquefied carbon dioxide	Green gas label	
Liquefied petroleum	Red gas label	
Methyl chloride	Red gas label	
Nitrous oxide	Green gas label	
Oxygen	Green gas label	
Sulphur dioxide	Green gas label	

(b) (2) *Motion-picture films, yellow label.* In containers as prescribed by sec. 703 (e) to (h).

(c) *Compressed gases* must be shipped in metal cylinders complying with specifications and regulations as prescribed for freight shipments.

(d) *Mine-rescue equipment.* Cylinders of compressed gas for mine rescue or medical work may be shipped when packed with other equipment pertaining to such work; cylinders not over 4½ by 22 inches may be shipped when packed in traveling bags, suitcases, trunks, or other suitable outside containers. When so packed, the prescribed label must be placed on each outside container.

(e) *Inflammable motion-picture films* must be packed in spark-proof metal cases or trunks complying with spec. 32A, 32B, or 32C. Not more than 12,000 feet of standard width (1⅜ inches wide), 12 reels of approximately 1,000 feet each, or equivalent thereof, or more than 3 reels of stereoscopic film (2½ inches wide and approximately 1,500 feet each), may be packed in one such outside container; or as follows:

(f) In outside wooden boxes, spec. 15A, 15B, 15C, or 16A, provided each reel is placed in a tightly closed inside metal container. The gross weight of such a package must not exceed 80 pounds. Boxes must be equipped with handles, and covers securely fastened by metal hasp and staple with a strong lock or other efficient device.

(g) When *slow-burning* (noninflammable) *motion-picture films* are packed in the same outside containers with inflammable motion-picture films, the outside packages must bear the yellow label, and the total contents of the outside container must not exceed the quantity or gross weight permitted for inflammable films. (See sec. 703 (e).)

(h) Packages of *motion-picture films with advertising matter* attached to the outside container must not be offered or accepted for transportation. Shippers desiring to include advertising matter with their shipments of motion-picture films must place the advertising matter inside the outside box containing the films.

704. (a) *Labels.* All packages containing samples of explosives for laboratory examination, fireworks and other dangerous articles for which labels are prescribed herein, must be conspicuously labeled by the shipper. Labels should be applied when practicable to that part of the package bearing the consignee's name and address, or baggage check. The shipper must certify to compliance with these regulations by writing, stamping, or printing his name underneath the certificate printed thereon. Shippers must furnish and attach labels prescribed for their shipments.

(b) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced.

705. *Placards.* Placards ordinarily used to indicate the presence in cars of inflammable articles will not be required on baggage cars in charge of a railroad employee and moving in passenger trains, or on electric or gasoline motor cars in charge of an employee of the carrier, and which are run independently of cars carrying passengers. (See sec. 542 (d) for placarding of cars not occupied by carrier's employee.)

706. (a) *Handling of packages.* In handling packages containing dangerous articles, care must be taken to prevent them from falling or from being broken. They must not be thrown, dropped, or rolled.

(b) Packages containing dangerous articles when transported in baggage service in passenger-carrying trains must be loaded in the car occupied by a railway employee, and in a place that will permit their ready removal in case of fire. They must not be loaded in cars nor stored in stations near steam pipes or other sources of heat.

(c) The originating carrier, when a shipment is offered to it that is known to contain dangerous articles as defined by these regulations, must see that the packages are marked and labeled as prescribed herein.

(d) Shipments of dangerous articles offered by connecting transportation lines must comply with these regulations.

(e) An astray shipment of dangerous articles or a shipment made in violation of these regulations without the knowledge of the carrier, must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation.

(f) Unauthorized persons must not be allowed to have access to dangerous articles in transit at any time while such articles are in the custody of the carrier.

707. *Reporting violations and accidents or fires.* Serious violations of these regulations, facts relating to leaking or broken containers, and accidents or fires in connection with the transportation or storage on railway property of explosives or other dangerous articles, must be reported promptly by the rail carrier in baggage service to the Bureau of Explosives, 30 Vesey Street, New York, N. Y.

Superseding and amending Part 7 of Interstate Commerce Commission Regulations for Transportation of Explosives and Other Dangerous Articles made effective January 7, 1941, by order of Division 3, dated August 16, 1940, and Part 7 of Interstate Commerce Commission Motor Carrier Safety Regulations, Revised, effective June 15, 1940, and all effective amendments thereto, contained in reports and orders of the Commission and Division 3 dated April 1, June 10, and December 18, 1940, and March 31, 1941, except provisions applying to safety of operation and equipment, to be continued in effect, as amended, in Motor Carrier Safety Regulations.

PART 85—REGULATIONS APPLYING TO SHIPMENTS MADE BY WAY OF COMMON AND CONTRACT CARRIERS BY PUBLIC HIGHWAY*†

*Secs. 85.800 to 85.850 issued under authority in secs. 232–236, 41 Stat. 1444, 1445; 18 U.S.C. 382–386 for common carriers by motor vehicle, and sec. 204 (U. S. Code, title 49, sec. 304), (a) (2), Part II Interstate Commerce Act, for contract carriers by motor vehicle, superseding and amending 49 CFR Part 197.

†The source of secs. 85.800 to 85.850, inclusive, is Regulations for transportation of explosives and other dangerous articles by land and water in rail freight, express, and baggage services, and by motor vehicle (highway), and water, including specifications for shipping containers, Part 7 (regulations applying to shipments by way of common and contract carriers by public highway), revised August 16, 1940, effective January 7, 1941, as amended February 1, 1942. Regulations in Part 85 transferred from 49 CFR Part 197.

GENERAL INFORMATION AND REGULATIONS

800. *Purpose of regulations.* To promote the uniform enforcement of law and to minimize the dangers to life and property incident to the transportation of explosives and other dangerous articles, by common and contract carriers by motor vehicle engaged in interstate or foreign commerce, these regulations are prescribed to define these articles for motor vehicle transportation purposes, and to state the precautions that must be observed by the carrier in handling them while in transit. It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto.

801. *Scope and application of regulations.* Explosives and other dangerous articles, except such as may not be accepted and transported under these regulations, may be accepted and transported by common and contract carriers by motor vehicle engaged in interstate or foreign commerce, provided they are in proper condition for transportation and are certified as being in compliance with these regulations, and provided the method of manufacture, packing, and storage, so far as they affect safety in transportation, are open to inspection by a duly authorized representative of the initial carrier or of the Bureau of Explosives. Shipments that do not comply with these regulations must not be accepted for transportation or transported.

802. (a) These regulations apply to all common and contract carriers by motor vehicle transporting explosives and/or other dangerous articles as defined by Interstate Commerce Commission "Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express and Baggage Services and by Motor Vehicle (Highway) and Water." When shipments are accepted by motor vehicle for further transportation by rail express (see also paragraph (c)), rail baggage (see also paragraph (d)), rail freight or by water on board vessel, they must, in addition to these regulations, comply with the applicable regulations for the service via which they are to be transported.

(b) The regulations of the Secretary of Commerce governing the transportation of "Explosives and Other Dangerous Articles on Board Vessels" also include combustible liquids and hazardous articles.

(c) The fifth column of the Commodity List indicates the maximum quantity of an article that may be accepted for transportation by rail express or that the article is not acceptable for transportation by rail express.

(d) The mark # preceding an article in the Commodity List indicates that the article may be accepted for rail baggage transportation. All articles not so marked are not acceptable for rail baggage transportation.

803. (a) *Import shipments via domestic carriers by motor vehicle.* Import shipments of explosives and other dangerous articles offered in the United States in original packages for transportation by carriers by motor vehicle must comply with all requirements of these regulations. The importer must furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to the packing, marking, labeling, and other requirements, as prescribed herein. The forwarding agent must file with the initial carrier in the United States a properly certified shipping order or other shipping paper as prescribed herein.

(b) *Import shipments transferred in port areas by motor vehicle.* These requirements do not apply to such transportation by motor vehicle as may be necessary to effect transfer of import shipments from place of discharge to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such import shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

804. (a) *Export shipments via domestic carriers by motor vehicle.* Explosives and other dangerous articles authorized to be exported from the United States when packed, marked, labeled, and described, in accordance with rules and regulations in force at destination ports, must not be offered to any common or contract carrier by motor vehicle for domestic transportation unless in full accordance with the regulations herein.

(b) *Export shipments transferred in port areas by motor vehicle.* These requirements do not apply to such transportation by motor vehicle as may be necessary to effect transfer of export shipments from place of shipment to other places within the same port area or delivery to a water carrier within the same port area (including contiguous harbors); further transportation of such export shipments by connecting water carrier shall be subject to the regulations of the Secretary of Commerce.

805. *Canadian shipments.* Explosives or other dangerous articles which are packed, marked, labeled, and loaded, in conformity with the regulations of the Board of Transport Commissioners for Canada, may be accepted and carried by carriers from point of entry in the United States to their destination in the United States or through the United States en route to a point in Canada.

806. *U. S. Government shipments.* Shipments of explosives or other dangerous articles offered by or consigned to the War or Navy Department of the United States Government must be packed, including limitations of weight, in accordance with Interstate Commerce Commission regulations for the transportation of explosives and other dangerous articles or as required by their regulations.

807. (a) *Emergency shipments.* For the protection of the public against fire, explosion, or other or further hazard, with respect to shipments of explosives or other dangerous articles offered for transportation or in transit by any common or contract carrier by motor vehicle, such carrier shall make immediate report to the Bureau of Explosives, 30 Vesey Street, New York, N. Y., for handling, any of the following emergency matters coming to their attention (see also sections 826, 827, 828 and 850 for handling shipments in transit):

(b) Instances of packages of explosives or other dangerous articles discovered in transit not properly prepared for transportation in accordance with applicable regulations herein.

(c) Motor carrier accidents involving damage to container of explosives or other dangerous articles to such a degree as to necessitate repacking of the articles.

(d) Other like emergencies in which any common or contract carrier by motor vehicle is or is likely to become involved, or may offer aid at its command.

(e) This section shall in no respect excuse either shipper or carrier by motor vehicle for failure to exercise due care to prevent any departure from any regulation prescribed herein.

808. *Connecting carrier shipments.* Shipments of explosives or other dangerous articles offered by connecting transportation lines must comply with these regulations.

809. *Carrier's material and supplies.* These regulations apply to all shipments of explosives and other dangerous articles, including carrier's material and supplies.

810. *Vehicular tunnels.* Nothing contained in these regulations shall be so construed as to nullify or supersede regulations established and published under authority of State statute or municipal ordinance regarding the kind, character, or quantity of any explosive or other dangerous article permitted by such regulations to be transported through any urban vehicular tunnel used for mass transportation.

811. *Astray shipments.* Any astray shipment of dangerous articles other than explosives must be forwarded promptly to destination, if known, provided a careful inspection shows the package to be in proper condition for safe transportation. If the package is not labeled and the exact nature of the contents is unknown, the red label must be applied.

812. *Containers required.* Containers required for explosives and other dangerous articles are prescribed in "Part 3—Regulations Applying to Shippers."

813. *Inefficient containers.* The results of experience gained by examination of broken or leaking containers must be recorded by the Bureau of Explosives to the end that further use of any particular kind of container shown by experience to be inefficient, may be prohibited by the Commission.

814. (Sec. 800 of regulations effective January 7, 1941) *Accidents to be reported.* Accidents, fires, or explosions occurring in connection with the transportation, or storage on carrier's prop-

erty, of explosives or other dangerous articles, resulting in leaking, broken, or seriously damaged containers, must be reported promptly by the highway carrier to the Bureau of Explosives, 30 Vesey Street, New York, N. Y. These reports are required to the end that further use of containers shown by experience to be inefficient may be prohibited by the Commission.

815. *Labels.* (See sec. 404 (e) to (r) for description of labels.) Labels prescribed by the Commission's regulations, Part 3, must have been applied to shipments, unless exempt from these regulations, and in addition the shipper must have certified to compliance with the regulations by writing, stamping, or printing his name underneath the certificate printed thereon or on the shipping papers.

(b) Labels are not required on shipments forwarded in truckload quantities when such shipments are to be unloaded by the consignee. This exemption does not apply to class A and class C poisons.

(c) When it is known that subsequent shipments of these packages in less-than-truckload quantities will probably be made by the consignee, labels should be attached to the packages as would be required for less-than-truckload shipments.

(d) Carriers must keep on hand an adequate supply of labels. Lost or detached labels must be replaced from information given on waybill, manifest, memorandum, or other shipping paper.

(e) Samples will be furnished, on request, by the Bureau of Explosives, 30 Vesey Street, New York, N. Y.

(f) The carrier's name and stationery form number may be printed on the labels, in type not larger than 10 point, if placed within the red or black-line border and in the upper or lower corner of the diamond.

(g) Additional shipping information not inconsistent with these rules and regulations may be shown by the shipper on a container of dangerous articles other than explosives if so desired, but no label or marking may be of a design, or form, or size, as may be confused with the label or marking required by these regulations.

816. *Marking on containers.* Each package of explosives or other dangerous articles must show the name and address of the consignee. Whenever the transportation of any explosive or other dangerous article is to be exclusively by motor vehicle between points between which the articles are not to be transferred from one motor carrier to another, in either truckload or less-than-truckload lots, the individual packages need not be marked with the consignee's name and address.

817. *Shipping papers.* Every driver of a motor vehicle transporting explosives or other dangerous articles shall have in his possession a manifest, memorandum receipt, bill of lading, shipping order, shipping paper, or other memorandum setting forth the following information for each class of such article being transported: The shipping name, the total quantity by weight, volume, or otherwise as appropriate of each kind of explosive or other dangerous article, and the prescribed label when required for the outside container of such article.

818. (a) *Receipts.* A receipt upon the form prescribed by the originating express carrier must be issued to the shipper for each express shipment of explosives or other dangerous articles accepted for transportation. Before a receipt is issued, the shipper must have applied the label prescribed herein with written or stamped signature, to each package containing any article covered by these regulations.

(b) Each receipt must show the proper and definite name of commodity as listed in these regulations, and the color of the label affixed to the package if any is required.

819. *Certification of packages.* Except as provided herein below, no motor carrier may accept for transportation or transport any class A or class B explosive, blasting caps or electric blasting caps in any quantity, or any dangerous article requiring label as prescribed by these regulations, unless it be certified to him by the shipper's name inserted in the certificate on the label or by the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent in the lower left-hand corner of the manifest, memorandum receipt, bill of lading, shipping order, shipping paper, or other memorandum.

This is to certify that the above articles are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

NOTE. For the relief of shippers from multiplicity of certifications required for packages which may move by carriers by water (including shipments of combustible liquids or hazardous articles as defined by regulations of the Secretary of Commerce), and pending further consideration and order of the Commission, such shipments may be certified for motor vehicle transportation, as follows:

This is to certify that the above articles are properly described by name and are packed and marked and are in proper condition for transportation according to the applicable regulations prescribed by the Interstate Commerce Commission and the Secretary of Commerce.

820. *Waybills, manifests, etc.* The waybill, manifest, memorandum receipt, bill of lading, transfer sheet, or interchange record, when prepared for shipments and used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in these regulations, and show color of label applied.

Explosives or Other Dangerous Articles Forbidden or Limited for Transportation

821. (a) *Nitroglycerin forbidden to common carriers.* Liquid nitroglycerin may not be accepted for transportation or be transported by any common carrier by motor vehicle.

(b) *Rejection of leaking containers of liquid nitroglycerin.* Any individual container used for the transportation of liquid nitroglycerin, or any boot used therewith, found in such a condition as to permit leakage, shall be discarded and shall not thereafter be repaired for further use.

(c) *Explosives or other dangerous articles forbidden or limited for transportation.* No motor carrier may accept for transportation or transport any explosive or other dangerous article listed in Commodity List as forbidden for transportation by all motor carriers; nor, if there be any prohibition or limitation regarding the transportation of any particular explosive or other dangerous article by a particular kind of motor carrier, may any such article be accepted for transportation or be transported by that kind of carrier, except as indicated herein (see section 850).

(d) *Leaking or damaged packages of high explosive must not be accepted for transportation or transported.* Should any package of high explosive when offered for shipment show excessive dampness or be moldy or show outward signs of any oily stain or other indication that absorption of the liquid part of the explosive is not perfect, or that the amount of the liquid part is greater than the absorbent can carry, the package must be refused in every instance. The shipper must substantiate any claim that a stain is due to contact with material other than the liquid explosive ingredient of the explosive. In case of doubt the package must be rejected.

(e) *Condemned or leaking dynamite; repacking.* Condemned or leaking dynamite must not be repacked and offered for shipment unless the repacking is done by a competent person in the presence of or with the written consent of an inspector, or with the written authority of the chief inspector, of the Bureau of Explosives.

Acceptable Articles

822. (a) *Acceptable packages.* Any motor carrier may accept for transportation or transport any acceptable explosive or other dangerous article listed in the Commodity List, Part 2, of these regulations: *Provided, however,* That no provision of this section shall be so construed as to permit the acceptance or transportation of liquid nitroglycerine by any common carrier.

(b) *Liquid nitroglycerin.* Liquid nitroglycerin may be transported only by motor carriers other than common carriers in containers complying with specification MC 200. No form of trailer may be attached.

Marking on Motor Vehicles

823 (a) *Marking on motor vehicles and trailers other than tank motor vehicles.* Every motor vehicle transporting any quantity of dangerous explosives, class A, or poison gas, class A, and every motor vehicle transporting 2,500 pounds or more of explosives, class B, inflammable liquids, corrosive liquids, compressed gas and tear gas, or 5,000 pounds or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering, in letters not less than 3 inches high on a contrasting background, as follows:

Explosives, class A, "Explosives".[1]
Explosives, class B, "Dangerous".[1]
Inflammable liquid, "Dangerous".[1]
Corrosive liquid, "Dangerous".[1]
Compressed gas, "Compressed gas".
Poison gas, class A, "Poison Gas".[1]
Tear gas, "Dangerous".[1]

(b) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *inflammable liquid,* regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

(b) (2) With a sign or lettering on the motor vehicle, with the word "Inflammable"; or

(b) (3) With the common name of the inflammable liquid being transported, or

(b) (4) With the name of the carrier or his trademark, when and only when such name or mark plainly indicates the inflammable nature of the cargo.

(c) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *corrosive liquid,* regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

(c) (2) The common name of the corrosive liquid being transported, or

(c) (3) A sign or lettering on the motor vehicle, with the word "Acid," or, when transporting corrosive liquids other than acids, the words "Corrosive Liquid."

(d) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *compressed gas,* regardless of the quantity being transported, or whether loaded or empty shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high on a background of sharply contrasting color, optionally, as follows:

[1] Placards complying with previous requirements, which are on hand on the effective date of these regulations, may be used until further order of the Commission.

(d) (2) With a sign or lettering on the motor vehicle with the words "Compressed Gas," "Inflammable Compressed Gas," or "Chlorine," as appropriate; or

(d) (3) With the common name of the compressed gas being transported; or

(d) (4) Except as regards the marking "Chlorine," with the name of the carrier or his trademark, when and only when such name or mark plainly indicates the nature of the cargo.

(e) (1) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any *less dangerous poison, class B,* regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof, in letters at least 3 inches high, on a background of a sharply contrasting color, optionally, as follows:

(e) (2) With a sign or lettering on the motor vehicle with the word "Poison"; or

(e) (3) With the common name of the class B poison being transported.

(f) *Removal of signs or lettering.* Every sign or lettering required by section 823 (a) shall be removed from or covered on any motor vehicle to which it is attached or affixed when such motor vehicle is not transporting the article for which the sign is appropriate, except that no such sign or lettering is required to be removed or covered when such motor vehicle is used exclusively in the transportation of any article for which the sign or lettering is appropriate.

(g) *Only one marking required.* Whenever any motor vehicle is transporting more than one class of dangerous article for which signs or placards are required to be lettered on or affixed to any such motor vehicle, no more than one kind of sign, lettering, or placard need be displayed. The sign, lettering, or placard used shall be the one which, in the judgment of the motor carrier, designates the most dangerous article being transported.

LOADING AND UNLOADING

[For prohibited loading and storage of explosives and other dangerous articles, see section 825.]

General

824. (a) (1) *Containers secured in vehicle.* Any tank, barrel, drum, or cylinder, not designed to be permanently attached to a motor vehicle, containing any inflammable liquid, compressed gas, corrosive liquid, or poisonous article, shall be reasonably secured against movement within the motor vehicle by which it is being transported.

(a) (2) *No explosives or other dangerous articles on pole trailers.* No explosive or other dangerous article may be loaded into or on or transported in or on any pole trailer.

Precautions During Loading and Unloading

(a) (3) *No smoking while loading or unloading.* Smoking on or about any motor vehicle while loading or unloading any explosive inflammable liquid, inflammable solid, oxidizing material, or inflammable compressed gas is forbidden.

(a) (4) *Keep fire away, loading and unloading.* Extreme care shall be taken in the loading or unloading of any explosive, inflammable liquid, inflammable solid, oxidizing material, or inflammable compressed gas into or from any motor vehicle to keep fire away and to prevent persons in the vicinity from smoking, lighting matches, or carrying any flame or lighted cigar, pipe, or cigarette.

(a) (5) *Handbrake set while loading and unloading.* No explosive or other dangerous article shall be loaded into or on, or unloaded from, any motor vehicle unless the handbrake be securely set and all other reasonable precautions be taken to prevent motion of the motor vehicle during such loading or unloading process.

(a) (6) *Use of tools, loading and unloading.* No tools which are likely to damage the effectiveness of the closure of any package or other container, or likely adversely to affect such package or container, shall be used for the loading or unloading of any explosive or other dangerous article.

(a) (7) *Prevent relative motion between containers.* Containers of inflammable liquid, inflammable solids, oxidizing materials, corrosive liquids, acids, compressed gases, and poisonous liquids or gases, must be so braced as to prevent relative motion thereof while in transit. Containers having valves or other fittings must be so loaded that there will be the minimum likelihood of damage thereto during transportation.

(a) (8) *Precautions concerning containers in transit; fueling road units.* Reasonable care should be taken to prevent undue rise in temperature of containers and their contents during transit. There must be no tampering with such container or the contents thereof nor any discharge of the contents of any container between point of origin and point of billed destination. Discharge of contents of any container, other than a cargo tank, must not be made prior to removal from the motor vehicle. Nothing contained in this regulation shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction or maintenance.

(a) (9) *Tank motor vehicles attended, loading and unloading.* Under no circumstances shall a tank motor vehicle be left unattended during the loading or unloading process. For the purpose of this regulation, the delivery hose, when attached to the motor vehicle, shall be deemed a part thereof.

(a) (10) *Prohibited loading combinations.* In any single driven motor vehicle or in any single unit of a combination of motor vehicles, explosives and other dangerous articles shall not be loaded together if prohibited by loading and storage table, page 106 of these regulations. This section shall not be so construed as to forbid the carrying of ma-

terials essential to safe operation of motor vehicles (see Motor Carrier Safety Regulations).

(a) (11) *Access to mixed ladings.* Inflammable solids, oxidizing materials, or corrosive liquids, when transported on a motor vehicle with other lading not otherwise forbidden, shall be so loaded as to provide ready access thereto for shifting or removal.

Explosives

(b) (1) (See also section 824 (a) (1) to (a) (11)) *Engine stopped.* No explosive shall be loaded into or on or be unloaded from any motor vehicle with the engine running.

(b) (2) *Care in loading, unloading, or other handling of explosives.* No bale hooks or other metal tools shall be used for the loading, unloading, or other handling of explosives, nor shall any package or other container of explosives be rolled, thrown, or dropped during such process. Special care shall be exercised to the end that packages or other containers containing explosives shall not catch fire from sparks or hot gases from the exhaust tailpipe.

(b) (3) *Explosives on trucks or semitrailers; no other trailer.* Any explosive other than liquid nitroglycerin and forbidden explosives may be loaded into and transported on any truck or any semitrailer attached to a tractor, to which no form of trailer may be attached when so loaded.

(b) (4) *Explosives forbidden on full or pole trailers.* No explosives may be loaded into or transported on any full or pole trailer. (See sec. 824 (a) (2).)

(b) (5) *No sharp projections inside body of vehicles.* No motor vehicle transporting any kind of explosive shall have on the interior of the body in which the explosives are contained, any inwardly projecting bolts, screws, nails, or other inwardly projecting parts likely to produce damage to any package or container of explosives during the loading or unloading process or in transit.

(b) (6) *Explosives vehicles, floors tight and lined.* Motor vehicles used exclusively for the transportation of explosives shall have tight floors and lining such as wood or other nonsparking material which shall cover any projections or metal which may come into contact with packages of explosives.

(b) (7) *No detonators in same motor vehicle with other explosives.* Except as provided in section 824 (b) (13), no blasting caps or other materials designed and used for detonating charges of explosives may be transported in or on a motor vehicle with any high explosive, nor may any explosive projectile be transported with detonating fuze assembled in place, unless shipped by, for, or to the War or Navy Department of the United States Government, or unless of a type approved by the Bureau of Explosives.

(b) (8) *Lading within body or covered, tailgate closed.* Except as provided in section 824 (b) (7), (b) (11) and (b) (13), dealing with the transportation of liquid nitroglycerin, all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks.

(b) (9) *Explosives to be protected against damage by other lading.* No motor vehicle transporting any explosive may transport as a part of its load any metal or other articles or materials likely to damage such explosive or any package in which it is contained, unless the different parts of such load be so segregated or secured in place in or on the motor vehicle and separated by bulkheads or other suitable means as to prevent such damage.

(b) (10) *Transfer of explosives en route.* No dangerous or less dangerous explosive shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases flares (pot torches) fusees, red electric lanterns, or flags shall be set out in the manner prescribed for disabled or stopped motor vehicles in Motor Carrier Safety Regulations. In any event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer or against the hazard occasioned by the emergency making such transfer necessary.

Nitroglycerin by Other Than Common Carrier

(b) (11) *Loading requirements for liquid nitroglycerin.* Liquid nitroglycerin may be accepted for transportation and transported only by motor carriers other than common carriers if it be loaded into or on a truck having the type of body specified in specification MC 200. No liquid nitroglycerin may be loaded directly above any other explosive, or in any quantity in excess of 900 quarts on one motor vehicle or 10 quarts in any one individual container. Additional quantities of explosives, other than nitroglycerin, excepting any type of blasting or percussion cap or other detonating device, may be carried on such motor vehicle in a closed or covered bed or body which shall be firmly bolted or fastened above the lid of the compartment containing the nitroglycerin. In no case shall the net load be more than 7,500 pounds. (See section 824 (b) (13) and specification MC 201.)

(b) (12) *Separation of tools and supplies for preparing charges.* Motor vehicles transporting liquid nitroglycerin may also transport the tools and supplies necessary for preparing and firing charges thereof, provided that such tools and supplies be properly secured in place so as to prevent their coming in contact with the body above specified.

(b) (13) *Caps or other explosives.* Any explosive other than liquid nitroglycerin transported on any motor vehicle transporting liquid nitroglycerin shall be segregated, each kind from every other kind, and from tools or other supplies. Any percussion caps, detonators, blasting caps, or electric blasting caps, shall be carried either in a cloth container having individual pockets for each such cap, or by at least equally safe means. No greater number of any such caps shall be carried in the manner described than is necessary for use on any particular trip.

Nonexplosive Material

(c) (1) No restrictions are prescribed herein for the packing, handling, and transportation of the following:

(c) (2) Material relating to ammunition for cannon, but containing no explosive or other dangerous article, such as cartridge cases, "dummy" or "drill" cartridges, etc., sand-loaded projectiles, sand-loaded bombs, empty projectiles, empty mines, empty bombs, solid projectiles, or empty torpedoes. Rotating bands should be protected against deformation by method of packing or loading.

Inflammable Liquids

(d) (1) (See also section 824 (a) (1) to (a) (11)) *Engine stopped.* Unless the engine of the motor vehicle is to be used for the operation of a pump, no inflammable liquid shall be loaded into or on or unloaded from any other motor vehicle than a tank motor vehicle with the engine running; and in any event care should be exercised to prevent ignition of the vapors from any such liquid.

(d) (2) *Bonding or grounding containers prior to and during transfer.* For containers which are not in metallic contact with each other, either metallic bonds or ground conductors shall be provided for the neutralization of possible static charges prior to and during transfers of inflammable liquids between such containers. Such bonding shall be made by first connecting an electric conductor to the container to be filled and subsequently connecting the conductor to the container from which the liquid is to come, and not in any other order. To provide against ignition of vapors by discharge of static electricity, the latter connection shall be made at a point well removed from the opening from which the inflammable liquid is to be discharged.

Inflammable Solids and Oxidizing Materials

(e) (1) (See also section 824 (a) (1) to (a) (11)) *Lading within body or covered; tailgate closed; pick-up and delivery.* All of that portion of the lading of any motor vehicle transporting inflammable solids or oxidizing materials shall be contained entirely within the body of the motor vehicle and shall be covered by such body, by tarpaulins, or other suitable means, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation: *Provided, however,* That the provisions of this paragraph need not apply to "pick-up and delivery" motor vehicles when such motor vehicles are used in no other transportation than in and about cities, towns, or villages.

(e) (2) *Articles to be kept dry.* Special care shall be taken in the loading of any motor vehicle with inflammable solids or oxidizing materials which are likely to become hazardous to transport when wet, to keep them from being wetted during the loading process and to keep them dry during transit. Special care shall also be taken in the loading of any motor vehicle with inflammable solids or oxidizing materials, which are likely to become more hazardous to transport by wetting, to keep them from being wetted during the loading process and to keep them dry during transit. Examples of such dangerous materials are charcoal screenings, ground, crushed, or pulverized charcoal, and lump charcoal.

(e) (3) *Lading ventilation, precautions against spontaneous combustion.* Whenever a motor carrier has knowledge concerning the hazards of spontaneous combustion or heating of any article to be loaded on a motor vehicle, such article shall be so loaded as to afford sufficient ventilation of the load to provide reasonable assurance against fire from this cause; and in such a case the motor vehicle shall be unloaded as soon as practicable after reaching its destination. *Charcoal* screenings, or ground, crushed, granulated, or pulverized charcoal, in bags, shall be so loaded that the bags are laid horizontally in the motor vehicle, and so piled that there will be spaces for effective air circulation, which spaces shall not be less than 4 inches wide; and air spaces shall be maintained between rows of bags. Bags shall not be piled closer than 6 inches from the top of any motor vehicle with a closed body.

(e) (4) *Loose or baled nitrate of soda bags.* Loose or baled, unwashed, empty bags, having contained nitrate of soda, may be transported in truckload lots only in motor vehicles, and such motor vehicles must have closed or covered bodies lined with paper; such shipments are required to be loaded by the shipper and to be unloaded by the consignee.

(e) (5) *Staying or blocking of packages of matches.* Special care shall be exercised in the loading of packages containing "strike-anywhere" matches to prevent the shifting or jamming of any such package during transit. To this end, the packages shall be compactly loaded with the strongest dimensions of each box or other container loaded lengthwise of the motor vehicle.

(e) (6) *Smooth vehicle interior for matches.* Unless strike-anywhere matches are contained in wooden outside boxes, special care shall be taken to provide that the inside surfaces of any motor vehicle into which such matches are to be loaded and with which surfaces the containers might come in contact, shall be smooth, without protrusions of any sort, such as bolts, nuts, sharp edges, or corners, etc., and there shall be provided for this purpose smooth wooden inner linings, if the interior of the motor vehicle is not otherwise smooth in accordance with this requirement.

(e) (7) *Matches not loaded next to red label articles.* Matches of whatever character shall not be loaded next to packages protected by the red caution label.

Corrosive Liquids

(f) (1) (See also section 824 (a) (1) to (a) (11)) *Nitric acid.* In addition to the requirements set forth in section 824 (f) (2), no carboy or other container of nitric acid shall be loaded above any container containing any other kind of material. The loading of carboys or other containers of nitric acid shall be limited to two tiers high.

(f) (2) *Carboys and frangible containers.* In general, individual carboys and frangible containers of acids or other corrosive liquids, including charged electric storage batteries, shall, when loaded by hand, be individually loaded into and unloaded from any motor vehicle in which they are to be, or have been, transported. All reasonable precautions shall be taken to prevent, by all practicable means, the dropping of any such containers or batteries containing corrosive liquids. No such container or battery shall be loaded into a motor vehicle having an uneven floor surface. It shall be permissible to load on or transport in any motor vehicle any authorized carboys or frangible shipping containers, containing acids or other corrosive liquids, more than one tier high above any floor only if such carboys or other containers are boxed or crated, or are in barrels or kegs, as required by these regulations, and only if such containers are so stacked that the weight of each tier above the first is entirely supported by the boxes, crates, barrels, kegs, or other authorized means of enclosing the carboys or frangible containers. Only so many tiers as may adequately be so supported without danger of crushing or breaking, shall be permitted. Means shall be provided to prevent by all practicable means, in all cases, the shifting of containers or batteries during transit. Nothing contained in this section shall be so construed as to prevent the use of cleats or other retaining means for the purpose of preventing shifting of containers or batteries. For the purposes of this section a false floor or platform, secured against relative motion within the body of the motor vehicle, shall be deemed to be a floor. (For recommendations for handling leaking or broken packages, see section 828 (d) (1).)

(f) (3) *Storage batteries.* In addition to the requirements set forth in section 824 (f) (2), all storage batteries containing any electrolyte shall be so loaded, if loaded with other lading, that all such batteries will be protected against other lading falling onto or against them; and adequate means shall be provided in all cases for the protection and insulation of battery terminals against short circuits. When any such electric storage batteries are loaded more than one tier high, adequate provision shall be made for the support of each tier of such batteries. No such support for any tier of electric storage batteries will be deemed to be adequate when any part of the weight of the batteries in such tier is transmitted to any other batteries.

Compressed Gases

(g) (1) (See also section 824 (a) (1) to (a) (11)) *Floors or platforms essentially flat.* Cylinders containing compressed gases shall not be loaded onto any part of the floor or platform of any motor vehicle which is not essentially flat; cylinders containing compressed gases may be loaded onto any motor vehicle not having a floor or platform only if such motor vehicle be equipped with suitable racks having adequate means for securing such cylinders in place therein. Nothing contained in this section shall be so construed as to prohibit the loading of such cylinders on any motor vehicle having a floor or platform and racks as hereinbefore described.

(g) (2) *Cylinders horizontal.* Cylinders containing compressed gases shall be loaded in a horizontal position unless packed in boxes or crates of such dimensions as to prevent their overturning, or unless loaded into racks securely attached to the motor vehicle, or unless so securely lashed in an upright position as to prevent their overturning.

(g) (3) Tanks complying with specification 106A500 containing sulfur dioxide or dichlorodifluoromethane may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary.

The term "tanks" as here used means the commonly known one-ton containers, and no transportation therein is authorized except to and from rail cars, and then only in connection with tank car shipments by rail, to be handled in conformity with section 560 (b) (2) of current regulations governing rail freight shipments.

(g) (4) *Engine to be stopped in tank motor vehicles, except for transfer pump.* No inflammable compressed gas shall be loaded into or on or unloaded from any tank motor vehicle with the engine running unless the engine is used for the operation of the transfer pump of the vehicle. Unless the delivery hose is

spread of such compounds into the atmosphere by all means that are practicable; and no such loading or unloading shall be done near or adjacent to any place where there are or are likely to be, during the loading or unloading process, assemblages of persons other than those engaged in the loading or unloading process, or upon any public highway or in any public place.

(h) (2) No class A or class C poisons in cargo tanks. No dangerous poison, class A, or any tear gas or irritating substance, class C, may be loaded into or transported in any cargo tank.

(h) (3) *Class A or class C poisons.* It shall not be permissible to transport class A or class C poisons if there be any interconnecting means of any character between the containers.

equipped with a shut-off valve at its discharge end, the engine of the motor vehicle shall be stopped at the finish of such loading or unloading operation while the filling or discharge connections are disconnected.

Poisons

(h) (1) (See also section 824 (a) (1) to (a) (11)) *Arsenical compounds in bulk.* Care shall be exercised in the loading and unloading of "arsenical dust," "arsenic trioxide," and "sodium arsenate," allowable to be loaded into sift-proof, steel hopper-type or dump-type motor-vehicle bodies equipped with waterproof, dust-proof covers well secured in place on all openings to accomplish such loading with the minimum

Amending order Aug. 16, 1940, as follows (*add loading and storage chart as section 825*):

LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Explosives must not be loaded together nor with other dangerous articles, except as provided in the Loading and Storage Chart of Explosives and other Dangerous Articles shown in this section.

[The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these packages must not be loaded or stored together, for example: Blasting Caps (d) horizontal column must not be loaded or stored with High Explosives (b) vertical column]

	Low Explosives or Black Powder	High Explosives	Initiating or Priming Explosives: Wet: Diazodinitrophenol, Fulminate of Mercury, Guanyl Nitrosamino Guanylidene Hydrazine, Lead Azide, Lead Styphnate, Nitro Mannite, Nitrosoguanidine, Tetracene or Tetrazene	Blasting Caps, with or without safety fuse (including Electric Blasting Caps)	Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets [1]	Explosive Projectiles, Bombs, Torpedoes or Mines; Rifle or Hand Grenades (explosive) [2]	Detonating Fuzes, Boosters (explosive)
	a	b	c	d	e	f	g
Dangerous Explosives:							
Low Explosives or Black Powder							
High Explosives							
Initiating or Priming Explosives: Wet: Diazodinitrophenol, Fulminate of Mercury, Guanyl Nitrosamino Guanylidene Hydrazine, Lead Azide, Lead Styphnate, Nitro Mannite, Nitrosoguanidine, Tetracene or Tetrazene							
Blasting Caps, with or without safety fuse (including Electric Blasting Caps)		X	X		X	X	X
Ammunition for Cannon with Explosive Projectiles, Gas Projectiles, Smoke Projectiles or Incendiary Projectiles, Ammunition for Small Arms with explosive bullets [1]		X	X	X		X	X
Explosive Projectiles, Bombs, Torpedoes or Mines; Rifle or Hand Grenades (explosive) [2]		X	X	X	X		X
Detonating Fuzes, Boosters (explosive)		X	X	X	X	X	
Less Dangerous Explosives:							
Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles	1		X				
Smokeless Powder for Cannon or Smokeless Powder for Small Arms	2	X	XX	• X	X	X	
Fireworks	3						
Rubberized Safe Explosives:							
Small Arms Ammunition	4		X				
Primers for Cannon or Small Arms; Empty Cartridge Bags—Black Powder ignilers, Empty Cartridge Cases, primed, Combination Primers or Percussion Caps, Toy Caps	5		XXX				
Percussion Fuzes or Tracer Fuzes	6						
Time or Combination Fuzes	7						
Contact Detonat, Safety Squibs, Fuse Igniters, Electric Igniters, Delay Electric Igniters, Electric Squibs, or Instantaneous Fuse	8		X				
Other Dangerous Articles:							
Inflammable Liquids or Compressed Inflammable Gases, Red Label	9	X	X	• X	X	X	X
Inflammable Solids or Oxidizing Materials	10	X	XX	• XX	XX	XX	X
Acids or Corrosive Liquids, White Label	11	X	XX	• XX	XX	XX	X
Compressed Nonflammable Gases, Green Label	12	X	X	• X	X	X	X
Poisonous Gases or Liquids, in cylinders, Poison Gas Label	13						

[1] Blasting caps or electric blasting caps in quantities not exceeding 1,000 caps may also be loaded and transported with all articles named except those in columns b, c and f. Certain small arms ammunition, packed as originally supported with high explosives under the loading and packing requirements set forth in these regulations may be transported with Acids or other corrosive liquids, white label, must not be loaded above or adjacent to inflammable solids or oxidizing materials, yellow label, ammunition for cannon with or without projectiles, or smokeless powder.

NOTE.—Charged electric storage batteries must not be loaded in the same vehicle with dangerous explosives, class A.

LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES—Continued

[The following table shows the explosives and other dangerous articles which must not be loaded or stored together. The letter X at an intersection of horizontal and vertical columns shows that these packages must not be loaded or stored together, for example: Blasting Caps (d) horizontal column must not be loaded or stored with High Explosives (b) vertical column]

	Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles	Smokeless Powder for Cannon or Smokeless Powder for Small Arms	Fireworks	Small Arms Ammunition	Primers for Cannon or Small Arms; Empty Cartridge Bags—Black Powder igniters, Empty Cartridge Cases, primed, Combination Primers or Percussion Caps, Toy Caps	Percussion Fuzes or Tracer Fuzes	Time or Combination Fuzes	Cordeau Detonant, Safety Squibs, Fuse Igniters, Electric Igniters, Delay Electric Igniters, Electric Squibs, or Instantaneous Fuse	Inflammable Liquids or Compressed Inflammable Gases, Red Label	Inflammable Solids or Oxidizing Materials, Yellow Label	Acids or Corrosive Liquids, White Label	Compressed Nonflammable Gases, Green Label	Poisonous Gases or Liquids, in cylinders, Poison Gas Label
	1	2	3	4	5	6	7	8	9	10	11	12	13
Ammunition for Cannon with empty, sand loaded or solid projectiles, or without projectiles													
Smokeless Powder for Cannon or Smokeless Powder for Small Arms													
Fireworks													
Small Arms Ammunition													
Primers for Cannon or Small Arms; Empty Cartridge Bags—Black Powder igniters, Empty Cartridge Cases, primed, Combination Primers or Percussion Caps, Toy Caps													
Percussion Fuzes or Tracer Fuzes													
Time or Combination Fuzes													
Cordeau Detonant, Safety Squibs, Fuse Igniters, Electric Igniters, Delay Electric Igniters, Electric Squibs, or Instantaneous Fuse													
Inflammable Liquids or Compressed Inflammable Gases, Red Label													
Inflammable Solids or Oxidizing Materials, Yellow Label													
Acids or Corrosive Liquids, White Label													
Compressed Nonflammable Gases, Green Label													
Poisonous Gases or Liquids, in cylinders, Poison Gas Label													

[1] Cyanides or cyanide mixtures must not be loaded or stored with corrosive liquids.
[2] Projectiles, bombs, grenades, or other forms of ammunition, containing incendiary charges, either with or without bursting charges, must not be loaded or stored with any dangerous explosive, class A, or less dangerous explosive, class B.

Vehicles and Shipments in Transit; Accidents

[See sec. 807 for emergency shipments.]

826. (a) *No unnecessary delay in movement of shipments.* All shipments of explosives or other dangerous articles shall be transported without unnecessary delay, from and including the time of commencement of the loading of the cargo until its final discharge at destination.

(b) *Delivery at destination.* Shipments of explosives and other dangerous articles which are refused by the consignees, or which can not be delivered within 48 hours after arrival at destination, must be promptly disposed of (1) by return to the shipper, if in proper shipping condition, or (2) by storage, provided a suitable storage place for such articles is available, or (3) by sale, or (4) when necessary to safety, by destruction: *Provided,* That charged electric batteries may be held for 30 days after arrival at destination, pending delivery or disposition.

(c) *Delivery to authorized person, or magazine.* Every shipment of dangerous explosives by motor vehicle shall be delivered only to someone authorized to receive it, except such explosives shipments as are placed in magazines which are immediately thereafter locked.

Disabled Vehicles and Broken or Leaking Packages; Repairs

827. (a) (See also Forbidden Articles, section 821) *Care of lading explosives or other dangerous articles.* In the event of disablement of a motor vehicle transporting any explosive or other dangerous article, special care shall be taken to guard the vehicle and its load or to take such steps as may be necessary to provide against hazard. Special effort shall be made to remove the motor vehicle to a place where the hazards of the materials being transported may be provided against.

(b) *Disposition of containers found broken or leaking in transit.* When leaks occur in packages or containers during the course of transportation, subsequent to initial loading, disposition of such package or container shall be made by the safest practical means afforded under section 827 (c), (d) and (e).

(c) *Repairing packages.* Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available.

(d) (1) *Transportation of repaired packages.* Any package repaired in accordance with the requirements of section 827 (c), except as provided in sections 828 (a) (3), 828 (b) (3) and 828 (d) (2), may be transported to the nearest place at which it may safely be disposed of only in compliance with the following requirements:

(d) (2) The package must be safe for transportation.

(d) (3) The repair of the package must be adequate to prevent contamination of or hazardous admixture with other lading transported on the same motor vehicle therewith.

(d) (4) If the carrier is not himself the shipper, the consignee's name and address must be plainly marked on the repaired package.

(e) *Disposition of unsafe broken packages.* In the event any leaking package or container cannot be safely and adequately repaired for transportation or transported, it shall be stored pending proper disposition in the safest and most expeditious manner possible.

(f) (1) *Disabled vehicles; other dangerous articles.* Whenever any motor vehicle transporting inflammable liquids, inflammable solids, oxidizing materials, corrosive liquids, compressed gases, or poisons, is disabled upon the traveled portion of any highway, or a shoulder next thereto, the following requirements shall be complied with during the period of such stop:

(f) (2) For motor vehicles other than cargo tanks, flares (pot torches), fusees, red electric lanterns, and flags shall be displayed as required under rules 2.23 and 2.24 Motor Carrier Safety Regulations, Part 2.

(f) (3) For tank motor vehicles used for the transportation of inflammable liquids or inflammable compressed gases, whether loaded or empty, red electric lanterns and flags shall be displayed as required in rules 2.232 and 2.234 and under rule 2.24 of Part 2 of Motor Carrier Safety Regulations.

(g) *Repairs to disabled vehicles.* No repairs shall be made on any motor vehicle containing explosives or other dangerous articles except in case such repairs may be made without hazard; nor shall any such loaded motor vehicle be repaired in a closed garage.

Accidents—Explosives

828. (a) (1) *Vehicle disabled; warning of nearby persons; removal of explosives.* In the event of an accident involving any motor vehicle transporting any explosive, every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, and to safeguard against the aggravation of the hazard present, and to warn other users of the highway. In the event that any motor vehicle laden with or carrying dangerous explosives is entangled with another or with any other object or structure, following an accident, no attempt shall be made to disentangle either vehicle, or the laden vehicle from the object or structure, until the lading, together with any fragments thereof, be removed to a place at least 200 feet from the vehicle (and preferably 200 feet from any habitation). In the event of fire, involving a motor vehicle laden with any explosive, every practicable effort shall be made to give warning of danger of explosion to habitants in the vicinity and to other users of the highway.

(a) (2) *Disposition of spilled or leaking explosives.* In the event of any accident involving any motor vehicle transporting any explosive in which packages are broken, all unbroken packages and as much of any broken packages as possible shall be carefully gathered and removed to a place of safety, in order to prevent fire or explosion. In clearing any wreck in which a motor vehicle containing any explosive is involved, care shall be exercised not to produce sparks with tools or by other means in moving of or working about the wreckage, so as to avoid as far as possible fires or explosions.

(a) (3) *Explosives packages in transit capable of repair.* Any package of explosives found injured or broken in transit may be repaired or recoopered when this is evidently practicable and not dangerous. When a box that contains any explosive is so damaged that it cannot be repaired it should be reinforced by stout wrapping paper and twine, placed in another strong box, and surrounded by dry, fine sawdust, or dry and clean cotton waste, or elastic wads made from dry newspapers. The box cover should then be securely attached. A ruptured can or keg should be inclosed in a grain bag of good quality, and boxed. Injured packages thus protected, and properly marked with name of contents and consignee's name and address, may be carried to destination: *Provided, however,* That the motor carrier, if himself the shipper, need not mark his own name and address on the package.

(a) (4) *Liquid nitroglycerin.* When any liquid nitroglycerin has been spilled on any portion of any motor vehicle it shall be washed with a suitable neutralizing agent until all of any such spillage shall have become completely neutralized.

(a) (5) *Explosives other than liquid nitroglycerin.* When particles of any explosive composition other than liquid nitroglycerin have escaped from a damaged container to the floor of the body of the carrier's motor vehicle, the floor shall be thoroughly swept and any absorbed portion removed.

(a) (6) *Unrepairable explosives packages.* When any package of explosives in transit is found to be leaking or damaged and cannot be recoopered, it may not be transported beyond the minimum distance necessary to reach a place where the explosive may be disposed of with safety, except as provided in sections 827 (e) and 828 (a) (3).

Inflammable Liquids

(b) (1) *Accident to vehicle; warnings; no sparks or flame.* In the event of an accident involving any motor vehicle transporting any inflammable liquid

every available means shall be employed to prevent individuals, other than those employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep fires or flame away, to safeguard against the hazard present, and to warn other users of the highway. (See also section 814 (800).)

(b) (2) *Prevent leakage from spreading.* Whenever any inflammable liquid is escaping from a container, all practical means shall be taken to prevent such liquid from spreading over a wide area, from flowing into sewers and streams, and from becoming ignited.

(b) (3) *Disposition of contents of cargo tank when unsafe to continue.* In the event of a leak in a cargo tank of such a character as to make further transportation unsafe, the leaking vehicle should be removed from the traveled portion of the highway; and every available means employed for the safe disposal of the leaking liquid by preventing, so far as practicable, its spread over a wide area, such as by digging trenches to drain to a hole or depression in the ground, diverting the liquid away from streams or sewers if possible, or catching the liquid in containers if practicable. Smoking and the lighting of cigarettes, cigars, or pipes in the vicinity is prohibited, and fires or flames in the vicinity of the leaking cargo tank must be extinguished.

(b) (4) *Transfer of inflammable liquids en route.* No inflammable liquid shall be transferred from one container to another, or from one motor vehicle to another vehicle, or from another vehicle to a motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases red electric lanterns or flags shall be set out in the manner prescribed for disabled or stopped motor vehicles in Motor Carrier Safety Regulations. In any event, all practicable means, in addition to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer, or against the hazard occasioned by the emergency making such transfer necessary. Nothing contained in this rule shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction and maintenance.

(b) (5) *Transportation of leaking cargo tanks.* A leaking cargo tank may only be transported the minimum distance necessary to reach a place where the contents of the tank or compartment may be disposed of with safety. Every available means must be utilized to prevent the leakage or spillage of the liquid upon the highway.

Inflammable Solids and Oxidizing Materials

(c) (1) *Dangerous articles spilled; warning of nearby persons.* In the event of any accident involving any motor vehicle in which any inflammable solid or oxidizing material may have become spilled, every practicable and available means shall be taken to warn all approaching persons of the hazard of fire.

(c) (2) *Prevent spread of fire where possible.* Care shall be exercised in the event of damage to packages of inflammable solids or oxidizing materials which either have been or may be on fire, to limit the spread of the fire.

(c) (3) *Disposition of spilled or leaking materials.* In the event of any accident involving any motor vehicle transporting any inflammable solid or oxidizing material in which packages are broken, as much as possible of any broken packages shall be carefully gathered and removed to a place of safety, and if the removal of unbroken packages from the motor vehicle would decrease the hazard of fire or other hazard, they shall be removed. The handling of any such materials not contained in packages shall be such as to promote the greatest safety to other users of the highway.

(c) (4) *Reloading of damaged packages of matches; repairs.* In the event of damage to matches or packages of matches by fire or by water in extinguishing a fire in transit, they shall be reloaded in accordance with the applicable requirements for the packing and loading of matches. Great care shall be taken, however, first to examine and repair any damage to outside containers before reloading, and all loose matches shall be destroyed. Smoking boxes of matches shall not be opened in the vicinity of the remainder of the lading. Such boxes shall be destroyed at a safe distance from the motor vehicle, preferably by burning, and shall not be left, either smoking or burning.

Corrosive Liquids

(d) (1) *Accident to vehicle; other lading damaged; vehicle washed.* In the event of any accident involving any motor vehicle transporting corrosive liquids in which has been involved the breakage, spillage, or leakage of containers of such liquids, care shall be exercised in the handling of any other lading which may have become damaged thereby so as to minimize the hazard in handling such damaged lading during the unloading process; and the interior of any other parts of the motor vehicle upon which the corrosive liquid may have become spilled shall be thoroughly washed with water as soon after the unloading process as feasible and prior, in any event, to the subsequent reloading of the motor vehicle. (See also section 814 (800).)

(d) (2) (a) *Leaking cargo tanks.* In the event of leakage of liquid from any cargo tank or any compartment thereof used for the transportation of corrosive liquids, which develops or is discovered subsequent to the commencement of transportation, any one of the following means, or any means in addition to those herein prescribed, equally or more effective, shall be employed to minimize further hazard:

(d) (2) (b) Further to transport the cargo tank only the minimum distance to reach a place where the contents of the tank or compartment which is leaking may be disposed of with safety, meanwhile employing every available means to prevent the spillage or leaking of any liquid on the highway.

(d) (2) (c) In the event the leak is of such a character as to make further transportation of the cargo tank unsafe, to draw off the traveled portion of the highway, and to employ every available means for the safe disposal of the leaking liquid by preventing, so far as practicable, its spread over a wide area, as by absorbing by means of the use of noncombustible absorbent material, such as fine ashes, sand, earth, etc., or by any other practicable means; by digging trenches to drain to a hole or depression in the ground; by diverting the liquid away from streams or sewers if possible; or by catching the liquid in containers if practicable. So far as practicable, every available means shall be employed to prevent the congregation of spectators and to prevent them from coming in contact with the liquid or its fumes. All available means shall be taken to prevent injury or damage to other users of the highway, or to livestock or farm animals, which might be occasioned by the unloading of the corrosive liquid.

Compressed Gases

(e) (1) *Accident to vehicle; warnings; keep fire away.* In the event of an accident involving any motor vehicle transporting any compressed gas, the release of which would constitute a hazard to other users of the highway, due care shall be taken that only persons employed in the removal of hazards or wreckage shall be allowed in proximity to the motor vehicle, and the shipper should be notified. In such cases, every practicable and available means shall be taken to warn all approaching persons of the danger involved and to caution them against the use of matches or flame-producing devices, if the gas is inflammable.

(e) (2) *Transfer of inflammable gas en route; no flame or sparks.* No inflammable compressed gas shall be transferred from one container to another, or from one tank motor vehicle to another tank vehicle, or from another tank vehicle to a tank motor vehicle, on any public highway, street, or road, except in case of emergency. In such cases every precaution shall be taken to prevent the escape of gas. Red electric lanterns or flags shall be set out in the manner prescribed in Motor Carrier Safety Regulations. All cargo tanks involved in such transfer shall be grounded. The transfer shall be made only during daylight, unless the emergency occurs at night or extends into hours of darkness and the hazard would be increased by waiting until daylight. In any such event, all practicable means, in addition

to those hereinbefore prescribed, shall be taken to protect and warn other users of the highway against the hazard involved in any such transfer, or against the hazard occasioned by the emergency making such transfer necessary. Every precaution shall be taken to prevent the ignition of any inflammable compressed gas from any source; and when it is possible to prevent the congregation of persons not directly concerned with the emergency, this shall be done. Every practicable precaution shall be taken to keep flames or fire away from the scene of the emergency and to prevent smoking or the lighting of pipes, cigars, or cigarettes. Similarly, special care shall be exercised in the operation of any engine, whether of the motor vehicles involved or any other, and where the operation of any such engine would be likely to produce ignition of the inflammable compressed gas, the transfer shall be accomplished by other means, if possible. Nothing contained in these regulations shall be so construed as to prohibit the fueling of machinery or vehicles used in road construction and maintenance.

Poisons

(f) (1) *Accident to vehicle; warnings; no sparks or flame.* In the event of an accident involving any motor vehicle transporting any poison which is inflammable, noxious, or toxic, every available means shall be employed in the protection of persons or property or in the removal of hazards or wreckage, from congregating in the vicinity; such means shall also be employed to prevent smoking, to keep flame away, to safeguard against the aggravation of the hazard present, and to warn other users of the highway. Care shall also be taken to prevent any poison, whether inflammable or noninflammable, from contaminating streams or flowing or being spilled into sewers, and poison in powdered form from being scattered by wind. (See also section 814 (800).)

(f) (2) *Leaking cargo tanks.* In the event of leakage of liquid from any cargo tank or any compartment thereof used for the transportation of any poison which is also inflammable, or which would come also within the definition of an inflammable liquid, or of any gas or combination of gas and liquid, or any poison which would come within the definition of a compressed gas, the requirements shall be the same as those set forth for inflammable liquids and compressed gases. In addition, all possible care shall be taken to warn bystanders or other users of the highway against the hazard of inhaling vapors or coming in contact with the poison.

Regulations Applying to Explosives or Other Dangerous Articles on Motor Vehicles Carrying Passengers for Hire

850. (a) *Vehicles transporting passengers and property.* In addition to the foregoing regulations, the following requirements shall apply to vehicles transporting passengers and property.

(b) *No explosives or other dangerous articles on passenger-carrying vehicles, exceptions.* No explosives or other dangerous articles except small-arms ammunition, emergency shipments of drugs, chemicals and hospital supplies, and the accompanying munitions of war of the Military and Naval forces, are authorized by these regulations to be transported on motor vehicles carrying passengers for hire where other practicable means of transportation is available.

(c) *Explosives in passenger-carrying space forbidden.* No explosive, except small-arms ammunition, may be carried in the passenger carrying space of any motor vehicle transporting passengers for hire.

(d) *Explosives and other dangerous articles on passenger-carrying vehicles; quantity.* Where no other practicable means of transportation is available the following articles in the quantities as shown may be transported in motor vehicles carrying passengers for hire in a space other than that provided for passengers: Not to exceed 100 pounds gross weight of any or all of the kinds of explosives permitted to be transported by rail express or rail baggage services, may be transported on a motor vehicle transporting passengers: *Provided, however,* That samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding 20 samples or not to exceed a total of 100 blasting caps at one time in a single motor vehicle, may be transported in a motor vehicle transporting passengers. (See Commodity List, column 5.)

(e) *Articles other than explosives on passenger-carrying vehicles.* The gross weight of any given class of dangerous article other than explosives shall not exceed 100 pounds, and the aggregate weight of all such other dangerous articles shall not exceed 500 pounds. This provision does not apply to nontoxic noninflammable refrigerants, when such refrigerant is for servicing operations of a motor carrier on whose motor vehicles the refrigerant is used. A cylinder secured against movement while in transit and not exceeding 250 pounds gross weight may be transported.

(f) *Poisons on passenger-carrying vehicles.* No motor carrier may transport any extremely dangerous poison, class A, any tear gas or irritating substance, class C, any less dangerous poison, class B, which is a liquid, or any paranitraniline, in any amount, in or on any bus while engaged in the transportation of passengers; or any less dangerous poison, class B, which is other than a liquid, in any amount exceeding an aggregate of 100 pounds gross weight in or on any such bus.

[F. R. Doc. 41-9081; Filed, December 2, 1941; 12:54 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-398-qm-10857: O. I. #798]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: FORD MOTOR COMPANY, DEARBORN, MICHIGAN

Contract for: Trucks * * * various bodies.

Amount: $2,362,628.70.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 4th day of September, 1941.

Scope of this contract. The contractor shall furnish and deliver Trucks, * * *, various bodies for the consideration stated $2,362,628.70 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Terms of payment: Discount will be allowed for prompt payment as follows: 30 calendar days $ * * * per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authorities

QM 1801 P 37-30 A 0525.003-2
QM 1431 P 63-07 A 0525.003-2
ORD 32 P 96-13 A 1005-2
DDS 741 P 70-09 A 0400-2
QM 3329 P 15-30 A 1805-2

the available balances of which are sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9086; Filed, December 3, 1941; 9:37 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-110]

IN THE MATTER OF WILLIAM BURK, CHARLES BURK AND HOWARD WILLIAMS, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF FRANCIS E. BURK & SONS AND HOWARD WILLIAMS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendants, William Burk, Charles Burk, Howard Williams and Francis E. Burk & Sons and Howard Williams, copartnership, whose addresses are R. D. No. 5, Somerset, Pennsylvania, during the period of October 1, 1940 to December 31, 1940, both dates inclusive, (a) sold a substantial quantity of mine run coal, Size Group 3, produced at their Burk and Williams Mine (Mine Index No. 2298), located in Somerset County, Pennsylvania, Subdistrict 37 of District No. 1 to various persons at prices of approximately $1.75 to $2.25 per net ton f. o. b. the mine for truck shipment, whereas the applicable minimum price for said coal was $2.40 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipment, and (b) sold a substantial quantity of 1½" screenings, Size Group 4, produced at the aforesaid mine to various persons at a price of $2.00 per net ton f. o. b. said mine for which coal no price was listed in the above-named schedule and therefore such size should have been priced at the price and classification applicable to Size Group 3, the next largest size, or $2.40 per net ton f. o. b. said mine as set forth and required in Price Instruction No. 4 of the above-mentioned schedule, and (c) failed to report the change in method of mining or preparation of coal produced at said mine, said change being from run of mine to 1½" screenings, in violation of Order No. 288 dated December 8, 1939. The sales of coal hereinabove described were in violation of section 4 Part II (e) of the Act and Part II (e) of the Code and to the pertinent sections of the Act, the Code, and orders, rules and regulations promulgated thereunder.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9087; Filed, December 3, 1941; 11:04 a. m.]

[Docket No. A-1137]

PETITION OF WAPENOH COAL COMPANY FOR CHANGE IN SHIPPING POINT OF ITS MCBRIDE MINE, MINE INDEX NO. 2152, IN DISTRICT NO. 2, FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

An original petition and amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

District Board No. 8 having filed a petition of intervention in the above-entitled matter;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these pro-

ceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 2, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Wapenoh Coal Company, a code member in District No. 2, that the price classifications and minimum prices effective for the coals of its McBride Mine, Mine Index No. 2152, for rail shipments, shall be applicable only for shipments on Montour Railroad from Boggs Siding, and shall no longer be applicable for shipments on Pennsylvania Railroad from Midway (Pigear), Pennsylvania.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the McBride Mine, Mine Index No. 2152, of Wapenoh Coal Company, for rail shipments, shall be applicable only for shipments on Montour Railroad from Boggs Siding, Pennsylvania, and shall no longer be applicable for shipments on Pennsylvania Railroad from Midway (Pigear), Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 72 shall be applicable to all shipments of the coals of the McBride Mine, Mine Index No. 2152, of Wapenoh Coal Company from Boggs Siding on Montour Railroad.

It is further ordered, That applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9088; Filed, December 3, 1941; 11:04 a. m.]

[Docket No. A-1102]

PETITION OF DISTRICT BOARD NO. 7 FOR THE REVISION IN SIZE GROUP NO. 1 OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF THE SEMOCO MINE (MINE INDEX NO. 164) OF SHOCKLEY CREEK COAL COMPANY, A CODE MEMBER IN DISTRICT 7

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon petition filed with the Bituminous Coal Division by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that the effective price classification and minimum prices established for the coal in Size Group 1 produced at the Semoco Mine (Mine Index No. 164) of Shockley Creek Coal Company, a code member in District 7, be reduced from "B" to "D" for all shipments except truck. The petition contained a prayer for temporary relief.

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter was held on November 24, 1941 before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. At the conclusion of the hearing, the petitioner renewed its request for temporary relief.

Evidence was presented on behalf of the petitioner to the following effect: The Semoco Mine of the Shockley Creek Coal Company is operating in the Sewell Seam in the Winding Gulf Subdistrict of District 7 from which extremely friable coal is produced. The mine has two loading tracks and can produce only two sizes of coal simultaneously. Prior to the suspension of operations in April 1941, most of the coal produced at the mine was mine run, either domestic or straight, and resultant screenings. After closing in April, operations were not resumed at the mine until July 1941, after a contract had been entered into by the producer with the New England Coal & Coke Company to supply it with 2,500 tons of 1¼" screenings per month. In producing 1¼" screenings, the mine also produces 1¼" lump (Size Group 1). In order for the mine to supply the screenings under its contract, it must be able to market its lump coal. From the latter part of July to the first of September 1941 the lump coal was shipped to inland markets, but owing to the excessive friability of the coal and its consequent degredation in transit, complaints were received from many purchasers, some of whom requested adjustments, with the result that the inland markets were lost. The price at which the coal was shipped inland was $3.00 per ton, which, considering the seasonal discounts, was slightly above the established minimum price. However, Shockley has since been able to sell only one car of lump coal inland, at the established minimum price of $3.05 per ton.

It was further stated that during September and October 1941 the producer sold the lump coal in the tidewater market for export and bunker fuel at $2.50 and $2.55 per ton, thus enabling it to produce sufficient screenings to fulfill its contract requirements for those months. The producer feels that the tidewater market is uncertain and that it was fortunate is being able to ship its lump coal to this market during September and October but anticipates that, unless temporary relief is granted, it may not have a market for the lump coal during November and succeeding months and, therefore, will be unable to supply screenings in accordance with its contract. The producer is of the opinion that it will be able to sell the lump coal inland at the requested minimum price of $2.80 per ton.

Further evidence was presented by the petitioner to indicate that the lump coal produced at the Semoco Mine is more nearly comparable in size stability and in slack and ash content to the coals of District 7 which have a "D" classification for this size than it is to the coals of that district with which it is presently classified.

John A. Luse, executive secretary of District Board 7, expressed the belief that both the market history and the structural quality of the Semoco Mine coal justifies the relief requested, and that to grant this relief would not disturb the competitive opportunities of other producers. He stated that a copy of the petition had been served upon all other code members of the District and that no protests, either oral or written, have been received from any of them.

The undersigned is of the opinion that the petitioner has made a reasonable showing of the necessity for the granting of the temporary relief prayed for in the petition, and that no adequate showing has been made that the granting of such relief will prejudice other producers.

Now, therefore, it is hereby ordered, That, pending final disposition of the petition herein, the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck be, and it hereby is, temporarily amended by reducing the classification established for the Size Group 1 coal produced at the Semoco Mine (Mine Index No. 164) of the Shockley Creek Coal Co. from "B" to "D".

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to constitute an expression of opinion regarding the granting of final or permanent relief in this proceeding.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9089; Filed, December 3, 1941; 11:04 a. m.]

[Docket No. A-1129]

PETITION OF SOMERSET RETAIL COAL DEALER'S ASSOCIATION AND THE CODE MEMBERS REPRESENTED BY IT FOR THE ESTABLISHMENT OF MINIMUM PRICES BASED UPON TRUCK TRANSPORTATION CHARGES FOR TRUCK SHIPMENT IN SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by the Somerset Retail Coal Dealer's Association (the "Association") on behalf of ten code members in District 1 represented by it, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of reasonable truck transportation charges for the delivery of coal to Somerset Township (the "Township"), Somerset County, Pennsylvania, in District 1.

Pursuant to the request for temporary relief, an informal conference was held on November 6, 1941, in accordance with § 301.106 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act, upon notice to the petitioner, the Bituminous Coal Consumers' Counsel ("Consumers' Counsel") and District Boards 1, 2 and 3. Represented at the conference were the petitioner, the Consumers' Counsel, and District Boards 1 and 2, all of whom were afforded full opportunity to express their views.

The basis of petitioner's request for relief as shown by the representations made on its behalf at the conference is as follows: The Somerset Retail Coal Dealer's Association is composed of some ten producers in District 1 who sell coal in Somerset Township and of certain independent truckers who deliver coal to this township. In the past, coal has been delivered into Somerset Township at various prices, and in some instances, at practically the same prices that are established for the coal f. o. b. the mine. The Association was organized in September 1941, and its members agreed on a price at which they would deliver their coal to Somerset Township. At the present time, however, coal is being delivered into the township by other producers, or by independent truckers, who do not add proper transportation charges to the f. o. b. mine prices as provided in Price Instruction No. 6 of the District 1 Schedule for Truck Shipments. The failure of the other producers to comply with the price instruction has resulted in loss of business to the members of the Association. The petitioner requests that the Division remedy this condition by the establishment of a minimum truck transportation charge of $1.00 per ton for all coal sold and delivered into the Township. The members of the Association feel that the average cost of the various producers in transporting coal to the Township would be $1.00 per ton.

A representative of District Board 1 expressed the opinion that the temporary relief requested was proper, although admitting that no exact figures were given by which reasonable trucking costs for deliveries to the Township could be determined. Consumers' Counsel opposed the granting of the relief on the grounds that there was no adequate showing of the necessity for such relief and that the statements made on petitioner's behalf do not warrant the granting of any relief.

After considering the representations made at the conference, the Acting Director is of the opinion that no adequate showing has been made of the necessity for the granting of the temporary relief requested. Moreover, the record contains no definite statements of fact regarding the location of the producers shipping coal to the Township, the exact distances over which the coal is trucked, and the costs of making the deliveries. It further appears that the members of the Association constitute only a small percentage of the producers who sell coal in the Township and that the other producers delivering coal into this area were not notified of the informal conference, although they would be vitally affected if the requested relief were granted. In view of these facts, the Acting Director is of the opinion that the request for temporary relief should be denied.

Accordingly, it is so ordered.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9090; Filed, December 3, 1941; 11:04 a. m.]

[Docket Nos. 1682-FD, 1683-FD, 1685-FD, 1687-FD]

IN THE MATTERS OF C. T. NORMAN, ED SHEELOR, K. D. ABNEY, LONG & EARLY, DEFENDANTS

ORDER RESCHEDULING HEARINGS AND REDESIGNATING EXAMINER

The above-entitled matters having been scheduled for hearings at Birmingham, Alabama, on October 16, 1941, by Orders of the Acting Director dated July 28, 1941, and subsequently having been postponed by Orders of the Director dated September 12, 1941, to dates and hearing rooms to be thereafter designated by appropriate orders; and

It appearing to the Acting Director that the place and date of said hearings should now be designated;

Now, therefore, it is ordered, That hearings in the above-entitled matters be held at Birmingham, Alabama, on January 12, 1942, in a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama;

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division designated for that purpose shall preside at the hearings in such matters; and

It is further ordered, That the Notices of and Orders for Hearings herein dated July 28, 1941, shall in all other respects remain in full force and effect.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9091; Filed, December 3, 1941; 11:06 a. m.]

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9584, RESPONDENT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Nashville, Tennessee, on December 3, 1941, pursuant to the Order of the Director dated October 9, 1941, as amended by Order of the Director dated November 4, 1941, and subsequently postponed pursuant to the Order of the Director dated November 22, 1941, to a date and a hearing room to be thereafter designated by an appropriate order;

And it appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on January 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, 7th and Georgia Ave., Chattanooga, Tenn.; and

It is further ordered, That Travis Williams be and he is hereby designated to preside at such hearing vice Charles S. Mitchell; and

It is further ordered, That the Notice of and Order for Hearing herein dated October 9, 1941, as amended by Order dated November 4, 1941, shall in all other respects remain in full force and effect.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9092; Filed, December 3, 1941; 11:06 a. m.]

[Docket No. A-804]

PETITION OF C. W. DOBBS (MINE INDEX NO. 2474) A PRODUCER IN DISTRICT NO. 8, FOR A REDUCTION OF EFFECTIVE MINIMUM PRICES FOR TRUCK SHIPMENT TO MARKET AREA NO. 101

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by C. W. Dobbs, a code member in District 8, operator of the Dobbs Mine (Mine Index No. 2474), seeking a reduction in the effective minimum f. o. b. mine prices on his mine run coal from $2.20 to $1.70 per ton for shipment by truck to the Belle Alkali Company of Belle, West Virginia.

Pursuant to an order of the Director and after due notice to all interested persons, a hearing in this matter was held before Scott A. Dahlquist, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of the petitioner and District Board No. 8.

The Examiner on October 28, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, recommending that the relief requested herein be denied. He found that, while it appears that the petitioner's business with the Belle Alkali Company has fallen off sharply since the incidence of effective minimum prices, the evidence did not show that this has been due to the improper coordination of petitioner's coals with those of his competitors. He also found that the evidence did not indicate that the coals sold by his competitors, the Kanawha By-Products Coal Company and the Garbett Coal Company, had displaced the petitioner's business in any way. The latter company has been temporarily granted an f. o. b. mine price of $1.70 (the price sought by the petitioner) on its mine run coal for shipment to Belle Alkali Company at Belle, West Virginia.[1] But the Examiner found no evidence to indicate that the Garbett Coal Company has been using its $1.70 price. However, he did find that the petitioner has sold his mine run coals at prices above the effective minimum prices.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner and supporting briefs. No exceptions or supporting briefs have been filed.

[1] See Order of the Director Granting Temporary Relief, dated January 15, 1941, in Docket No. A-534.

The undersigned has determined that the Proposed Findings of Fact, and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9093; Filed, December 3, 1941; 11:06 a. m.]

[Docket No. A-1103]

PETITION OF CARR COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR ADDITIONAL LOADING POINTS FOR ITS CARR MINE, MINE INDEX NO. 313

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice; and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and the same hereby is, dismissed, without prejudice.

Dated: December 1, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9094; Filed, December 3, 1941; 11:06 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 4, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Mr. Harry King, Beebe, Arkansas; Hooked Rug Patterns; 2 learners; 4 weeks for any one learner; 25 cents per hour; Stamper and Finisher of Hooked Rug Patterns; January 15, 1942.

Signed at Washington, D. C., this 3d day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9101; Filed, December 3, 1941; 11:59 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 4, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Acme Clothing Company, 126 Shove Street, Fall River, Massachusetts; Boys' Clothing; 5 percent (T); December 4, 1942.

Braeburn Manufacturing Company, 302 West 9th Street, Kansas City, Missouri; Ladies' Sportswear; 3 learners (T); December 4, 1942.

Carolina Handkerchief Company, Inc., West End, North Carolina; Handkerchiefs; 5 learners (T); December 4, 1942.

Custom Canvas Front Company, Inc., 487 Atlantic Street, Stamford, Connecticut; Canvas Fronts for Men's Clothing; 3 learners (T); December 4, 1942.

H. B. Glover Company, 480-498 Iowa Street, Dubuque, Iowa; Sport Coats, Jackets, Ski Pants; 5 learners (T); December 4, 1942.

Louis Goldsmith, Inc., Belmont and Erie Avenues, Quakertown, Pennsylvania; Trousers; 5 percent (T); December 4, 1942.

Herrmann Handkerchief Company, 661-663 N. 8th Street, Lebanon, Pennsylvania; Handkerchiefs; 30 learners (E); March 23, 1942. (This certificate replaces one issued bearing effective date of November 3, 1941.)

Pennsburg Clothing Manufacturing Company, 301 Fourth Street, Pennsburg, Pennsylvania; Men's Trousers; 5 percent (T); December 4, 1942.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York; Lastex and Gabardine Swim Trunks; 20 learners (E); April 2, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel

Amco Manufacturing Company, 837 Mission Street, San Francisco, California; Ladies' Slips and Gowns; 8 learners (T); December 4, 1942.

Aronson-Caplin Company, Inc., 659 North 13th Street, Easton, Pennsylvania; Women's Underwear; 10 percent (T); December 4, 1942.

Betty Brooks Company, 6031 Maywood Avenue, Huntington Park, California; Washable Service Apparel; 10 percent (T); December 4, 1942. (This certificate replaces one issued bearing expiration date of January 6, 1942.)

Bobby Dress Company, 94 Main Street, Dickson City, Pennsylvania; Dresses; 10 percent (T); December 4, 1942.

Bo-Peep Manufacturing Company, Inc., 64 West 36th Street, New York, New York; Infants' and children's suits and dresses (cotton); 10 percent (T); March 19, 1942.

The Brockbank Apparel Company, 222 South West Temple Street, Salt Lake City, Utah; Nurses' Uniforms, Dresses, Blouses; 4 learners (T); December 4, 1942.

Buddy Boy Suit Company, 552 West Broadway, New York, New York; Boys' Wash Suits; 5 learners (T); March 19, 1942.

Cleveland Nurses Apparel, 1104 Prospect Avenue, Cleveland, Ohio; Nurses' Uniforms; 4 learners (T); March 19, 1942.

Delight Foundation Garments, Inc., 224 Eleanor Street, Kalamazoo, Michigan; Corsets, Girdles, Corselettes and Brassieres; 10 percent (T); December 4, 1942.

Duncannon Dress Company, Duncannon, Pennsylvania; Ladies' Dresses; 10 percent (T); December 4, 1942.

Fine Pants Company, Inc., 137 North 7th Street, Philadelphia, Pennsylvania; Boys' Clothing, Cotton Pants; 10 percent (T); December 4, 1942.

I. Ginsberg and Brothers, Inc., 83 Fall Street, Seneca Falls, New York; Wash Dreses; 10 learners (T); December 4, 1942.

I. Ginsberg and Brothers, Inc., 27 East Genesee Street, Auburn, New York; Wash Dresses; 10 percent (T); December 4, 1942.

Herman I. Gottesman, 17 North Avenue, Beacon, New York; Pants; 8 learners (T); December 4, 1942.

Hanover Shirt Company, Inc., Ashland, Virginia; Men's Shirts; 10 learners (T); December 4, 1942.

Hegins Manufacturing Company, Maple Street, Hegins, Pennsylvania; Boys' Shirts; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., Vine Street, Salisbury, Maryland; Men's Shirts; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., Smith and Cornell Streets, Kingston, New York; Men's Shirts; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., 127 Arch Street, Albany, New York; Men's Shirts and Pajamas; 10 percent (T); December 4, 1942.

F. Jacobson and Sons, Inc., Jay and River Street, Troy, New York; Men's Shirts and Pajamas; 10 percent (T); December 4, 1942.

Marvel Sportswear Company, 1 Junius Street, Brooklyn, New York; Washable Service Apparel, Infants' and Children's Outerwear; 10 learners (T); March 19, 1942.

Miller Manufacturing Company, Inc., Cherryvale, Kansas; Work Pants; 10 percent (T); December 4, 1942.

C. A. Neuberger Company, 908-916 South Main Street, Oshkosh, Wisconsin; Ladies' Wash Dresses, Housecoats, Waitress Uniforms; 10 percent (T); December 4, 1942.

Picayune Shirt Factory, Inc., Goodyear Boulevard, Picayune, Mississippi; Shirts; 200 learners (E); June 4, 1942.

The Princess Underwear Company, 111 Summer Street, Boston, Massachusetts; Gowns and Pajamas; 3 learners (T); December 4, 1942.

Salant and Salant, Inc., South First Street, Union City, Tennessee; Cotton Work Shirts; 10 percent (T); December 4, 1942.

Swann Shirt Manufacturing Company, 215 West Pembroke Street, Dallas, Texas; Shirts; 1 learner (T); April 23, 1942.

I. Taitel and Son, Prettyman Street, Knox, Indiana; Men's & Boys' Longs, Boys' Jumpers; 10 percent (T); December 4, 1942.

Unity Shirt Company, 300 Seymour Avenue, Derby, Connecticut; Men's Dress Shirts; 10 percent (T); December 4, 1942.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York; Lastex and Gabardine Swim Suits, Trunks; 10 learners (E); April 2, 1942.

Vesta Corset Company, 25 South Street, McGraw, New York; Corsets and Corselettes; 10 percent (T); December 4, 1942.

Gloves

Tennessee Glove Company, Inc., South Atlantic Street, Tullahoma, Tennessee; Work Gloves; 10 learners (T); December 4, 1942. (Replaces one expiring 11-27-42).

Hosiery

Adams-Millis Corporation, Mill No. 1, English Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 2, Grimes Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 3, Washington Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 4, Bodenheimer Street, Kernersville, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942

Adams-Millis Corporation, Mill No. 7, English Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Adams-Millis Corporation, Mill No. 8, Tryon, North Carolina; Seamless Hosiery; 5 percent (T); December 4, 1942.

Admiral Hosiery Mills, 1023-1027 Race Street, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 14 learners (T); August 1, 1942. (This certificate effective December 1, 1941, and omitted from FEDERAL REGISTER of that date.)

Cohen Hosiery Company, 108 North Davie Street, Greensboro, North Carolina; Seamless Hosiery; 5 learners (T); December 4, 1942.

Invincible Hosiery Mill, 213 Pearl Street, Reading, Pennsylvania; Seamless Hosiery; 1 learner (T); December 4, 1942.

Surry Hosiery Mills, Inc., 516 Willow Street, Mount Airy, North Carolina; Seamless Hosiery; 3 learners (T); December 4, 1942.

Independent Branch of the Telephone Industry

North Side Telephone Company, 3 RD Main Street, Parkville, Missouri; to employ learners as commercial switchboard operators at its 3 RD Main Street Exchange, Parkville, Missouri; until December 4, 1942.

Knitted Wear

Bennett Textile Company, Inc., 304 Ontario Street, Cohoes, New York; Knitted Underwear and Commercial Knitting; 5 learners (T); December 4, 1942.

Millinery

El Rita Trimmed Hat Company, Inc., 1027 Broadway, Kansas City, Missouri; Custom-Made Millinery; 2 learners (T); December 4, 1942.

Textile

Bally Ribbon Mills, Incorporated, Bally, Pennsylvania; Ribbons; 3 learners (T); December 4, 1942.

Echota Cotton Mills, Calhoun, Georgia; Cotton Yarn; 3 percent (T); December 4, 1942.

Radford Weaving Company, Norwood Street, Radford, Virginia; Rayon Piece Goods; 3 percent (T); December 4, 1942.

Tifton Cotton Mills, Tifton, Georgia; Cotton Yarns; 3 percent (T); December 4, 1942.

Woolen

Merrimac Mills, Osgood Street, Methuen, Massachusetts; Worsted Yarns and Fabrics; 3 percent (T); December 4, 1942.

Signed at Washington, D. C., this 3rd day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9100; Filed, December 3, 1941; 11:59 a. m.]

[Administrative Order No. 133]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 37 FOR THE CIGAR INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignations of Mr. R. E. Van Horn and Mr. Hoyte D. Woodbury from Industry Committee No. 37 for the Cigar Industry, and do hereby appoint in their stead Mr. John Levy, Tampa, Florida, as a representative of the employers in the industry and Mr. Prudencio Rivera Martinez, Washington, D. C., as a representative of the employees in the industry.

Signed at Washington, D. C., this 2d day of December 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-9099; Filed, December 3, 1941; 11:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-39]

IN THE MATTER OF NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM, AND, THE NORTH AMERICAN COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1941.

The Commission having examined the Report of its Public Utilities Division dated November 17, 1941, with respect to the applicability of section 11 (b) (2) of the Public Utility Holding Company Act of 1935 to the North American Light & Power Company holding-company system, said Report having been filed herewith and by this reference thereto made a part of this order; and

It appearing to the Commission on the basis of said Report that there are reasonable grounds to believe that:

1. The corporate structure and continued existence of North American Light & Power Company unduly and unnecessarily complicate the structure and unfairly and inequitably distribute voting power among the security holders of the holding-company system of which it is a part;

2. North American Light & Power Company and Illinois Traction Company, registered holding companies, each have a subsidiary company which itself has a subsidiary company which is a holding company;

3. The continued existence of Illinois Traction Company unduly and unnecessarily complicates the structure of the holding-company system of which it is a part;

4. The reserves for retirements and depreciation of plant and property owned by Missouri Power & Light Company and The Kansas Power and Light Company are inadequate.

It therefore appearing to the Commission on the basis of its examination as aforesaid, that proceedings should be instituted under sections 11 (b) (2), 15 (f) and 20 (a) of said Act with respect to said holding-company system to determine whether the facts are as stated in said Report, whether the conclusions contained in said Report should be adopted, modified or rejected, in whole or in part, by an appropriate order or orders entered pursuant to section 11 (b) (2) and other sections of the Act; and in all other respects to determine whether and what steps should be required to be taken by each of the companies constituting said North American Light & Power Company holding-company system to ensure that the corporate structure or continued existence of any company in the said holding-company system does not unduly or unnecessarily complicate the structure of said holding-company system, or unfairly or inequitably distribute voting power among the security holders of said holding-company system.

It is ordered, That a hearing shall be held at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10:00 A. M. on the 22d day of December 1941 in such room as may be designated on such date by the hearing room clerk in room 1102; and that North American Light & Power Company, each of its following subsidiaries: The Kansas Power and Light Company, Missouri Power & Light Company, The Blue River Power Company, Illinois Traction Company, Northern Natural Gas Company, Argus Natural Gas Company, Inc., Peoples Natural Gas Company, Kewanee Public Service Company, Cahokia Manufacturers Gas Company, Western Illinois Ice Company, Illinois Iowa Power Company, The McPherson Oil & Gas Development Company and Power & Light Securities Company, and The North American Company, be and hereby are made Respondents herein.

It is further ordered, That at such hearing the Respondents and any other parties in interest shall be given an opportunity to be heard with respect to the accuracy of the alleged statements of fact contained in the aforesaid Report of the Public Utilities Division dated November 17, 1941, and said Respondents and all such persons shall have an opportunity and are invited to state at that time any differences which they may have with respect to any of the conclusions contained in said Report.

It is further ordered, That at such hearing, without limiting the scope of issues presented by this notice of and order for hearing, the following matters shall be determined:

(1) Whether an order should be entered requiring the winding up of North American Light & Power Company or Illinois Traction Company or both, and the distribution of their assets to their security-holders in accordance with a fair and equitable plan.

(2) The extent to which The North American Company shall participate in any such distribution of the assets of North American Light & Power Company, if such distribution be ordered.

(3) Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to require that Missouri Power & Light Company or The Kansas Power and Light Company, or both, restate their respective depreciation, retirement, surplus, or other accounts, pursuant to sections 15 (f) and 20 (a) of said Act.

(4) What steps, if any, the said Respondents should be required to take to revise and simplify the corporate structures of said companies (except The North American Company and Illinois Iowa Power Company) to effectuate the requirements of section 11 (b) (2) of said Act.

It is further ordered, That in the interest of expeditious procedure all evidence with respect to North American Light & Power Company and the subsidiaries thereof contained in the record of the proceedings entitled "In the Matter of The North American Company, et al., File No. 59-10)" shall be incorporated in the record of the proceeding herein ordered, and shall be regarded as evidence adduced in the present proceedings subject to the same objections and exceptions preserved in the record of the proceeding in which first introduced: *And provided, however*, That the Respondents or any of them may move to strike such evidence from this record, and may move for leave to introduce other evidence in order to explain or modify such evidence.

It is further ordered, That the Secretary of the Commission shall serve notice of this hearing by mailing a copy of this order, together with a copy of said Report of the Public Utilities Division dated November 17, 1941, by registered mail to each of the Respondents herein not less than fifteen days prior to the date hereinbefore fixed as the date for the hearing; and that notice of said hearing is hereby given to all security holders of the said Respondents, to all consumers served by said Respondents, to all states, municipalities and political subdivisions of states within which are located any of the utility assets of the said North American Light & Power Company holding-company system, to all state commissions, state securities commissions and all agencies, authorities or instrumentalities of the United States, one or more states, municipalities or other political subdivisions having jurisdiction over the said Respondents, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER not later than fifteen days prior to the date hereinbefore fixed as the date of the hearing; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 16th day of December 1941, his application therefor as provided by Rule XVII of the Rules of Practice; and

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition in whole or in part, any of the issues or questions which may arise in these proceedings, or to consolidate these proceedings or any portion thereof with the proceedings heretofore instituted under section 11 (b) (1) of said Act with respect to the aforesaid The North American Company and under section 11 (b) (2) of said Act with respect to Illinois Iowa Power Company, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, That the said Respondents may file with the Secretary of the Commission on or before December 16, 1941 their joint or several answers admitting, denying or otherwise replying to the allegations heretofore made in paragraphs (1) to (4) of this order and to the facts and conclusions stated in the aforesaid Report of the Public Utilities Division dated November 17, 1941. The answer of any Respondent may include a statement as to what action such Respondent proposes to take in order to comply with the requirements of section 11 (b) (2) of said Act and the time within which it proposes to take such action.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9097; Filed, December 3, 1941; 11:41 a. m.]

[File No. 70-428]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, AND MOBILE GAS SERVICE CORPORATION

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1941.

Consolidated Electric and Gas Company, a registered holding company, and Mobile Gas Service Corporation, its subsidiary, having filed applications and declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 6 (b), 7, 10 (a), 12 (b) and 12 (c) thereof and Rules U-23, U-42, U-45 and U-50 thereunder regarding (a) the issue and sale by Mobile Gas Service Corporation of $1,400,000 principal amount of First Mortgage Bonds due December 1, 1961 and 6,000 shares of 6% Cumulative Preferred Stock, $100 par value, the proceeds therefrom to be used to redeem and retire $867,700 principal amount of First Mortgage Bonds, 5% Series, due October 1, 1956; $637,750 principal amount of First Mortgage Income Bonds, 9% Series A, due October 1, 1956; and $236,950 principal amount of First Mortgage Income Bonds, 7% Series B, due October 1, 1956; all issued by Mobile Gas Service Corporation and presently outstanding, and to establish a construction fund of approximately $75,000, the said Mobile Gas Service Corporation to publicly invite proposals for the purchase of the Bonds and Preferred Stock above-described in accordance with said Rule U-50, (b) the surrender by Consolidated Electric and Gas Company to Mobile Gas Service Corporation of $39,800 principal amount of the First Mortgage Bonds, 5% Series, due October 1, 1956, and $41,800 principal amount of the First Mortgage Income Bonds, 9% Series A, due October 1, 1956, as a capital contribution and the acquisition and retirement of the same by Mobile Gas Service Corporation, and (c) a proposed transfer by Mobile Gas Service Corporation from its capital surplus account to its earned surplus account in order to eliminate a deficit therein; and

Said applications and declarations having been filed on November 7, 1941, and certain amendments having been filed thereto, the last of said amendments having been filed on November 28, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said applications and declarations, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named parties having requested that the said applications, as amended, be granted, and that the said declarations, as amended, become effective on or before November 29, 1941; and

The Commission finding with respect to the application, as amended, pursuant to section 6 (b) of the Act that the applicable provisions of said section 6 (b) have been satisfied and that Mobile Gas Service Corporation is entitled to an exemption from the provisions of section 6 (a) of the Act with respect to the issue and sale of the above-described securities; and finding with respect to the application, as amended, pursuant to section 10 (a) of the Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the Act and that the transaction has the tendency required by section 10 (c) (2) of the Act; and finding with respect to the declarations, as amended, pursuant to section 7, 12 (b) and 12 (c) of the Act that the applicable provisions of sections 7 (e), 12 (b) and 12 (c), respectively, of the Act have been satisfied; and being satisfied that the date of granting said applications, as amended, and the effective date of said declarations, as amended, should be advanced;

It is hereby ordered, That said applications, as amended be and they hereby are granted forthwith and that said declarations be and they hereby are permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further condition:

That Mobile Gas Service Corporation report to the Commission the results of the public invitation of proposals as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9098; Filed, December 3, 1941; 11:41 a. m.]

DEC 8 1941

DEC 8 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 236

Washington, Friday, December 5, 1941

The President

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 4411 OF APRIL 1, 1926, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION AND IN AID OF LEGISLATION

MONTANA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 4411 of April 1, 1926, temporarily withdrawing certain public lands in Montana for classification and in aid of legislation, is hereby revoked so far as it affects the following-described land:

PRINCIPAL MERIDIAN

T. 15 N., R. 6 W., sec. 7, NW¼SE¼, 40 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 3, 1941.

[No. 8956]

[F. R. Doc. 41-9117; Filed, December 4, 1941; 10:32 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS CAMP SITES

COLORADO

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as camp sites:

Sixth Principal Meridian

T. 15 S., R. 66 W.,
sec. 22, NW¼NE¼;
T. 16 S., R. 67 W.,
sec. 11, E½SE¼;
sec. 14, E½NE¼NW¼;
sec. 26, NW¼NW¼;
T. 17 S., R. 66 W.,
sec. 5, NE¼NE¼ (lot 1);
sec. 18, NW¼SW¼ (lot 3);
aggregating 261.85 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 3, 1941.

[No. 8957]

[F. R. Doc. 41-9116; Filed, December 4, 1941; 10:32 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

APPOINTMENT IN MEDICAL, DENTAL, VETERINARY, AND MEDICAL ADMINISTRATIVE CORPS, REGULAR ARMY

§ 73.2 *Eligibility*—(a) *For appointment.* To be eligible for appointment the applicant must be a male citizen of the United States who fulfills the requirements specified in section 24e, added to act of June 3, 1916, by section 24, act of June 4, 1920 (41 Stat. 774; 10 U.S.C. 92, 93, 122), and section 7, act of April 3, 1939 (53 Stat. 557; 10 U.S.C. 92, 122, 123, 141, 151) for the corps concerned, and who has been examined and found qualified as prescribed in § 73.4, or who has qualified for an appointment through the completion of an internship as outlined in § 73.1. (Sec. 24e, 41 Stat. 774, sec. 7, 53 Stat. 557; 10 U.S.C. 92, 93, 122, 123, 141, 151) [Par. 4, AR 605-20, Aug. 16, 1939, as amended by C-1, November 14, 1941]

* * * * *

§ 73.3 *Applications*—(a) *Form.*

* * * * *

(2) *Dental Corps* The names of dental schools attended, date of graduation, and satisfactory evidence of the 2 years' required practice or 1 year's internship. (Sec. 24e, 41 Stat. 774, sec. 7, 53 Stat. 557;

[1] §§ 73.2 (a) and 73.3 (a) (2) are amended.

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FEDERAL REGISTER

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10 U.S.C. 122, 123) [Par. 6, AR 605–20, Aug. 16, 1939, as amended by C–1, November 14, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–9104; Filed, December 4, 1941; 9:44 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 60–47, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

CHANGE OF FLIGHT PLAN FOR CONTACT FLIGHT ABOVE 3,500 FEET

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 15, 1941, Part 60 of the Civil Air Regulations is amended as follows:

By adding a new paragraph (4) to section 60.471 [1] to read as follows:

§ 60.471 *Contact flight above 3,500 feet on civil airways.*

* * * * *

(4) No change in an approved flight plan shall be made with the prior approval of the airway traffic control center concerned unless an emergency situation arises which requires immediate decision and action or unless weather conditions make it necessary for the pilot to effect such change in order to continue flight in accordance with contact flight rules; in either case the proper airway traffic control center shall be notified as soon as possible.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–9109; Filed, December 4, 1941; 9:46 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

PART 15—WHEAT FLOUR AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

ORDER POSTPONING EFFECTIVE DATE OF REQUIREMENT OF THE INGREDIENT RIBOFLAVIN

Correction

The second paragraph of F.R. Doc. 41–9044, appearing on page 6176 of the issue for Wednesday, December 3, 1941, is corrected to read as follows:

Each of said regulations requires that the food for which a definition and standard of identity is established thereby contain, among other ingredients, in each pound thereof not less than 1.2 milligrams of riboflavin.

[1] 6 F.R. 3100.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 of Limitation Order L–1–a [1] To Restrict the Production of Medium Motor Trucks, Truck Trailers, Passenger Carriers and Replacement Parts

Section 976.1 is hereby amended as follows:

Section 976.1 (a) (1) is hereby amended to read as follows:

§ 976.1 *General limitation order L–1–a*—(a) *Definitions.* * * *

(1) "Medium Motor Truck"—means a complete motor truck or truck-tractor of a rated capacity (as advertised by the Producer prior to August 1, 1941) of one and one-half tons or more, but less than three tons, or the chassis therefor.

* * * * *

Section 976.1 (b) (1) is hereby amended to read as follows:

(b) *General restrictions.* * * *

(1) A Producer shall not manufacture more than one-half the number of Medium Motor Trucks or Passenger Carriers, as the case may be, produced by him during the period from January 1, 1941 to June 30, 1941.

* * * * *

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596; as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 4th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9119; Filed, December 4, 1941; 10:40 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Supplementary General Limitation Order L–5–a Further Restricting the Production of Domestic Mechanical Refrigerators

In accordance with the provisions of § 989.1 (*General limitation order L–5* [2])

[1] 6 F.R. 4732, 5676.
[2] 6 F.R. 5008.

which the following order supplements, it is hereby ordered that:

§ 989.2 *Supplementary general limitation order L–5–a*—(a) *January and February restrictions.* During the two months period commencing January 1, 1942, and ending February 28, 1942,

(1) Except as provided in paragraph 4, no Class A manufacturer shall produce more domestic mechanical refrigerators per month than the greater of the following two limits:

(i) 9,600 such refrigerators, or

(ii) 48% of the monthly average of his factory sales of such refrigerators for the twelve months ending June 30, 1941.

(2) Except as provided in paragraph 4, no Class B manufacturer shall produce more domestic mechanical refrigerators per month than the greater of the following two limits:

(i) 3,500 such refrigerators, or

(ii) 60% of the monthly average of his factory sales of such refrigerators for the twelve months ending June 30, 1941.

(3) Except as provided in paragraph 4, no Class C manufacturer shall produce more domestic mechanical refrigerators per month than 70% of the monthly average of his factory sales of such refrigerators for the twelve months ending June 30, 1941.

(4) In lieu of determining his quota under paragraph (1), (2), or (3), any Class "A", "B", or "C" manufacturer who so elects may determine his January or February quota by applying the above-mentioned percentages (48% for Class "A", 60% for Class "B", 70% for Class "C") to a base period figure determined as follows: The manufacturer shall ascertain the percentage of Factory Sales for the entire domestic mechanical refrigerator industry accounted for by him during the twelve months ending June 30, 1941; during the twelve months ending June 30, 1940; and during the twelve months ending June 30, 1939. (Factory Sales for the entire domestic mechanical refrigerator industry for the twelve months ending June 30, 1941, were 3,702,594; for the twelve months ending June 30, 1940, 2,656,156; for the twelve months ending June 30, 1939, 2,026,840.) The three percentage figures so arrived at shall then be averaged. The average percentage thus determined shall be multiplied by the monthly average of Factory Sales for the entire domestic mechanical refrigerator industry for the twelve months ending June 30, 1941. The resultant figure is the base period figure for the individual manufacturer.

(b) *Advanced use of quotas.* Manufacturers may exceed production quotas of domestic mechanical refrigerators for the five months' period from August 1 to December 31 and for the month of January under the following conditions and in accordance with the following terms:

(1) During the month of November, any manufacturer whose unproduced remaining quota, as of November 1, is less than 10% of his total quota for such five months' period may increase his production for November to an amount equal to 10% of his quota for such five months' period provided he reduces the sum of his quotas for January and February by an amount equal to the amount of such increase.

(2) During the month of December, any manufacturer whose unproduced remaining quota, as of December 1, is less than 10% of his total quota for such five months' period may increase his production for December to an amount equal to 10% of his quota for such five months' period provided he reduces the sum of his quotas for January and February by an amount equal to the amount of such increase.

(3) During the month of January, any manufacturer whose unproduced January quota, after reductions corresponding to increases in quotas made under paragraphs (1) or (2) hereof, is less than 50% of his total quota for January, as set forth in section (a) hereof, may increase his production for January to an amount equal to 50% of his quota for such month, provided he reduces his February quota by an amount equal to the amount of such increase.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 4th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9120; Filed, December 4, 1941; 10:40 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 172]

PART 9—ENTRY AND CLEARANCE OF AIRCRAFT

RESCISSION OF REGULATIONS

DECEMBER 4, 1941.

Part 9—*Entry and Clearance of Aircraft*, as codified in the 1938 and 1939 Supplements to the Code of Federal Regulations of the United States of America, and as supplemented and amended by Order No. 69, filed with the FEDERAL REGISTER December 20, 1940 (5 F.R. 5220), by Order No. 106 filed with the FEDERAL REGISTER April 21, 1941 (6 F.R. 2056), and by Order No. 128 filed with the FEDERAL REGISTER June 19, 1941 (6 F.R. 3011), is hereby rescinded effective 12:00 o'clock P. M., December 31, 1941. (Sec. 7 (c), 44 Stat. 572, sec. 644, 46 Stat. 761; 49 U.S.C. 177, 19 U.S.C. 1644)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–9121; Filed, December 4, 1941; 11:03 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 147]

SUBCHAPTER C—CARRIERS BY WATER

PART 315—EXEMPTION OF CONTRACT CARRIERS

Towage of Floating Objects

At a Session of the Interstate Commerce Commission, Division 4, held at its offices in Washington, D. C., on the 3d day of December, A. D. 1941.

Upon further consideration of the record in the above-entitled proceeding and upon consideration of the petition filed by Arrow Tug & Barge Company, et al., for reconsideration and postponement of the order entered herein on October 29, 1941, insofar as said order relates to the exemption of the transportation of logs and piling in rafts; and good cause appearing therefor:

It is ordered, That the effectiveness of the regulation prescribed by the above-mentioned order be, and it is hereby, modified as follows:

§ 315.2 *Towage of floating objects.* [1] * * * Exemption of the transportation by contract carriers by water of floating objects consisting of logs and piling in rafts is hereby postponed until the further order of the Commission. (Sec. 303 (e) 54 Stat. L. 932, 49 U.S.C. 903)

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–9127; Filed, December 4, 1941; 11:49 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1941 Department Circular No. 672]

OFFERING OF 2½ PERCENT TREASURY BONDS OF 1967–72, ADDITIONAL ISSUE

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for

[1] 6 F.R. 5622.

2½ percent bonds of the United States, designated Treasury Bonds of 1967–72. The amount of the public offering is $1,000,000,000, or thereabouts. In addition to the amount offered for public subscription, $50,000,000, or thereabouts, of these bonds may be allotted to Government investment accounts.

II. DESCRIPTION OF BONDS

1. The bonds now offered will be an addition to and will form a part of the series of 2½ percent Treasury bonds of 1967–72 issued pursuant to Department Circular No. 670, dated October 9, 1941, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 670:

1. The bonds will be dated October 20, 1941, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1972, but may be redeemed at the option of the United States on and after September 15, 1967, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for. The bases on which subscriptions will be entertained from the various classes of subscribers are contained in Treasury press statement of December 3, 1941, a copy of which is attached.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subscriptions for amounts up to and including $5,000 where the subscribers specify that delivery be made in registered bonds 90 days after the issue date will be given preferred allotment. In each such case a subscriber may not enter any other subscription, and payment must be made as provided in section IV of this circular. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest from October 20, 1941, for bonds allotted hereunder must be made or completed on or before December 15, 1941, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district. Accrued interest at 2½ percent from October 20, 1941 to December 15, 1941 on $1.000 face amount is $3.8674.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-9122; Filed, December 4, 1941; 11:22 a. m.]

[1941 Department Circular No. 673]

OFFERING OF 2 PERCENT TREASURY BONDS OF 1951–55

DECEMBER 4, 1941.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2 percent bonds of the United States, designated Treasury Bonds of 1951–55. The amount of the offering is $500,000,000, or thereabouts.

II. DESCRIPTION OF BONDS

1. The bonds will be dated December 15, 1941, and will bear interest from that date at the rate of 2 percent per annum, payable semiannually on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1955, but may be redeemed at the option of the United States on and after December 15, 1951, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for. The bases on which subscriptions will be entertained from the various classes of subscribers are contained in Treasury press statement of December 3, 1941, a copy of which is attached.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subscriptions for amounts up to and including $5,000 where the subscribers specify that delivery be made in registered bonds 90 days after the issue date will be given preferred allotment. In each such case a subscriber may not enter any other subscription, and payment must be made as provided in section IV of this circular. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before December 15, 1941, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-9123; Filed, December 4, 1941; 11:22 a. m.]

WAR DEPARTMENT.

[Contract No. W 431 qm-5788; O. I. 2159]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CALLAWAY MILLS, LA GRANGE, GEORGIA

Contract for: Furnishing and delivering duck, cotton, tent.

Amount: $1,533,156.30.

Place: Jeffersonville Quartermaster Depot, Jeffersonville, Indiana.

This contract, entered into this 13th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * duck, cotton, tent for the consideration stated one million five hundred thirty-three thousand one hundred fifty-six dollars ($1,533,156.30) and thirty cents, in strict accordance with the specifications and schedules, which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 326 P 14–30 A 0515–2 the available balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,
Lt. Col. Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9105; Filed, December 4, 1941; 9:44 a. m.]

[Contract No. W 669 qm-13644]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: AMERICAN WOOLEN COMPANY, 225 FOURTH AVENUE, NEW YORK, NEW YORK

Contract for: Cloth, Lining, Wool, Olive Drab.

Amount: $1,000,384.00.

Place: Philadelphia Quartermaster Depot; Philadelphia, Pennsylvania.

This contract, entered into this eighth day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Lining, Wool, Olive Drab for the consideration stated totaling one million, three hundred eighty-four dollars ($1,000,384.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P2–02 A 0515–2 the available balance of which is sufficient to cover cost of same.

This contract authorized under the authority of section 1 (a) of the Act of July 2, 1940, (Public No. 703, 76th Congress, as continued in effect by section 9, Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9106; Filed, December 4, 1941; 9:45 a. m.]

[Contract No. W-398-qm-85; O. I. #85]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: YELLOW TRUCK & COACH MFG. CO., (GEN. MOTORS TRUCK & COACH DIV.) PONTIAC, MICHIGAN

Contract for: trucks, * * *.
Amount: $8,031,758.12.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 23d day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * trucks, total cost $8,031,758.12, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of acceptable articles within the times specified in Article 1, or any extension or extensions thereof, the Government may, by written notice, terminate the right of the contractor to proceed with the delivery of all or any portion of the undelivered articles covered by this contract.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Variations: Quantities listed hereon are subject to increase (or decrease) of not to exceed * * * %. This option to remain in effect until * * *.

Terms of payment: Discount will be allowed for prompt payment as follows: 20 calendar days $* * * per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM-22006, P-241-30, A-0022-13 the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1 (a) Act of July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9107; Filed, December 4, 1941; 9:45 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-58]

IN THE MATTER OF J. G. JORDAN AND W. R. MCCRAY, ALSO KNOWN AS J. G. JORDAN AND W. R. MCCRAY, INDIVIDUALS, TRADING AS JORDAN & MCCRAY, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 26, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 28, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the County Court House, Abingdon, Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendants failing to file an answer within such period, unless otherwise ordered shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendants, whose addresses are Banner, Virginia, offered, sold and delivered on or about March 21, 1941, to Basil Shore, Vilas, North Carolina, approximately 6½ net tons of ¾" size slack coal produced at defendants' Jordan and McCray Mine, Mine Index No. 2333, located in Wise County, Virginia, in Subdistrict 7 of District 8, at 75 cents per net ton f. o. b. the mine, whereas this coal is classified as Size Group 8 and priced at $1.50 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments, which transaction constitutes a sale of coal at a price below the minimum therefor established by the Division, and accordingly, a violation of the Act and the Code.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9110; Filed, December 4, 1941; 10:02 a. m.]

[Docket No. B-51]

IN THE MATTER OF EASTERN COAL & COKE COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2615, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on December 12, 1941, at 10 a. m. in Room 323, Post Office Building, Altoona, Pennsylvania; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 a. m. on December 12, 1941, to 2 p. m. on December 16, 1941, at the same place and before the officer previously designated to preside.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9115; Filed, December 4, 1941; 10:04 a. m.]

[Docket No. B-8]

IN THE MATTER OF TONY CAPUTO, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on December 3, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to January 17, 1942, at 10 a. m., at the place and before the officer heretofore designated.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9116; Filed, December 4, 1941; 10:04 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Cotton 601, October 1941]

FORM OF NOTICE FOR COTTON MARKETING QUOTA REFERENDUM

Notice is hereby given that, in accordance with the Regulations Governing the Holding of Referenda on Marketing Quotas, MQ-650, issued by the Secretary of Agriculture on October 31, 1941,[1] the Secretary of Agriculture, on October 31, 1941, prescribed the following notice of the referendum of cotton producers to be held on December 13, 1941:

[1] 6 F.R. 5616.

[Post a copy of this notice at one or more public places within each community at least 10 days in advance of the date of the referendum.]

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

NOTICE

Cotton Marketing Quota Referendum

In view of the fact that the Acting Secretary of Agriculture of the United States on October 28, 1941, determined and proclaimed, pursuant to the provisions of section 345 of the Act of Congress known as the Agricultural Adjustment Act of 1938, that the total supply of cotton for the marketing year beginning August 1, 1941, exceeds by more than 7 percent the normal supply [2] thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1941, will be held on December 13, 1941, pursuant to section 347 of said Act and in accordance with the referendum regulations prescribed by the Secretary of Agriculture, to determine whether they favor or oppose cotton marketing quotas on the 1942 cotton crop.

If two-thirds or more of the cotton farmers voting in the referendum favor cotton marketing quotas, the cotton marketing quotas established pursuant to the provisions of said Act will be in effect for the 1942 cotton crop. If more than one-third of the cotton farmers voting in the referendum oppose the cotton marketing quotas, the quotas will not be in effect in 1942.

Eligibility to Vote

1. Farmers who were engaged in the production of cotton in 1941 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord of a share tenant, or as share tenant or sharecropper are eligible to vote (except as provided in paragraph 2 below).

2. Since the Act provides that marketing quotas are not applicable to cotton the staple of which is 1⅛ inches or more in length, a person who was engaged in the production of such cotton in 1941 shall not be eligible to vote unless he was also engaged in the production of cotton in 1941 the staple of which was less than 1⅛ inches in length.

3. No cotton farmer (whether an individual, partnership, corporation, firm, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in 1941 in the production of cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of cotton in 1941, under the same rental or cropping agreement or lease, only the person or persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons engaged in producing cotton in 1941 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to vote.

6. There shall be no voting by proxy, or agent, or in any manner except the eligible voter personally depositing his ballot marked by him in the ballot box, but a duly authorized officer of a corporation, firm, association, or other legal entity, or duly authorized member of a partnership, may cast its vote. There shall be no voting by mail except that any eligible farmer who will not be present in the county in which he was engaged in the production of cotton in 1941 on the day of the referendum may obtain a ballot in the county in which he is located and cast his ballot by mailing it to the county office of the county in which he was a cotton producer in 1941 in time to reach that office before the polls are closed.

Place for Balloting

The place for voting in the referendum in the ---------- community will be ----------.

Time

The polls, in accordance with the regulations for holding the referendum, shall be opened promptly at ---- o'clock a. m. and closed promptly at ---- o'clock p. m. on Saturday, December 13, 1941, local standard time.

(Signatures of members of the County Agricultural Conservation Committee)

Issued ----------, 1941.

Done at Washington, D. C., this 2nd day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9103; Filed, December 3, 1941; 1:54 p. m.]

[2] The Agricultural Adjustment Act of 1938 defines "normal supply," in the case of cotton, as a normal year's domestic consumption and exports plus 40 per centum of a normal year's domestic consumption and exports as an allowance for a normal carry-over.

CIVIL AERONAUTICS BOARD.

[Docket No. 619]

IN THE MATTER OF THE AMENDMENT OF THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF PENNSYLVANIA-CENTRAL AIRLINES CORPORATION UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938; AND THE PETITION OF ELIZABETH CITY, NORTH CAROLINA, FOR AIR TRANSPORTATION SERVICE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on December 10, 1941, at 10 a. m. (eastern standard time) in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., December 2, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9108; Filed, December 4, 1941; 9:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-452]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION AND ATLANTIC SEABOARD CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1941.

Notice is hereby given that declarations or applications (or both), have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than December 13, 1941 at 4:30 P. M., E. S. T., or 1:00 P. M., E. S. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to sell and Atlantic Seaboard Corporation, a registered holding company and wholly-owned subsidiary of Columbia Gas & Electric Corporation, proposes to acquire $750,000 of its 6% Demand Notes at their principal amount in cash.

Sections 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 promulgated thereunder have been designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9124; Filed, December 4, 1941; 11:30 a. m.]

[File No. 70-447]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than December 20, 1941 at 1:00 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Panhandle Eastern Pipe Line Company, hereinafter called "Panhandle," a subsidiary company of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, which is also a subsidiary of Columbia Gas & Electric Corporation, proposes to alter the basis upon which participating dividends on its Class A Preferred Stock, the entire issue consisting of 100,000 shares being owned by Columbia Oil & Gasoline Corporation, will be declared and paid during the year 1941.

Pursuant to the certificate of incorporation of Panhandle, as amended, such Class A Preferred Stock is entitled to receive in any one calendar year participating dividends after $1.50 per share shall have been paid on each share of common stock of Panhandle during such calendar year.

On September 29, 1941, the board of directors of Panhandle declared but withheld payment of a participating dividend in the sum of $201,841.75 on its Class A Preferred Stock, using as a basis a compromise figure of 25 cents per share on account of the dividend payable on the common stock instead of an original declaration of 42 cents, the par value of each share of the common stock of Central Distributing Company, a wholly-owned subsidiary, theretofore distributed as a dividend. On the basis of the original declaration of 42 cents per share, the participating dividend would be $247,592.55.

Panhandle requests than an order issue permitting the declaration to become effective prior to December 24, 1941 for the purpose of allowing Panhandle to complete the payment of dividends, as declared, prior to December 31, 1941, the end of Panhandle's fiscal year and considers the transaction to be an alteration of the rights of the holder of its Class A Preferred Stock, designating sections 6 (a) and 7 as applicable thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9125; Filed, December 4, 1941; 11:30 a. m.]

[File No. 70-444]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of December, A. D. 1941.

The North American Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof and Rule U-44 thereunder regarding a proposed distribution on or about December 30, 1941, in payment of a dividend on its common stock, of not more than 155,000 shares of the Capital Stock of The Detroit Edison Company; and

Said declaration having been filed on November 26, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and The North American Company having requested that said declaration as filed become effective forthwith; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective pursuant to said section 12 (d) and said Rule U-44, and being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9126; Filed, December 4, 1941; 11:30 a. m.]

[File No. 70-432]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY AND WISCONSIN ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1941.

A joint application and an amendment thereto having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and

otherwise as provided by Rule U-23 under said Act; and

The application, as amended, concerning the following:

(1) Wisconsin Michigan Power Company, a direct subsidiary of Wisconsin Electric Power Company and an indirect subsidiary of The North American Company which is a registered holding company, proposes (a) to issue and sell, at par, to Wisconsin Electric Power Company for cash from time to time during the period ending December 31, 1942, 50,000 additional shares of its common stock having an aggregate par value of $1,000,000; and (b) to issue and sell to certain purchasing banks, at the principal amount, unsecured promissory notes in the aggregate principal amount of $1,000,000 to be issued on or about December 15, 1941, bearing interest at the rate of 2¼% per annum, and maturing in installments of $200,000 on the anniversary date thereof in each of the years 1944 to 1948, both inclusive; and

(2) Wisconsin Electric Power Company, a direct subsidiary company of The North American Company, proposes to acquire for cash, when and as issued and delivered during the period ending December 31, 1942, 50,000 shares of additional common stock having an aggregate par value of $1,000,000 of Wisconsin Michigan Power Company; and

It appearing to the Commission that it is appropriate in the public interest and the interests of the investors and consumers that a hearing be held with respect to said application, as amended, and that said application, as amended, shall not be granted except pursuant to the further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 11, 1941, at ten o'clock in the forenoon of that day at the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why said declarations shall become effective;

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of the issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed issuance and sale of the securities by Wisconsin Michigan Power Company satisfies the applicable provisions of the Act, particularly section 6 thereof;

(2) Whether the proposed acquisition by Wisconsin Electric Power Company of the common stock to be issued and sold by Wisconsin Michigan Power Company satisfies the applicable provisions of the Act, particularly section 10 thereof;

(3) Generally, whether the issue and sale of the securities or the acquisition of the common stock or other related transactions are detrimental to the public interest or the interest of investors or consumers or will tend to circumvent the provisions of the Act or any rules, regulations or orders of the Commission; the extent of any terms and conditions that may be appropriate to assure adequate protection of such interests and compliance with applicable provisions of the Act.

Notice of such hearing is hereby given to such applicants and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers; and

It is further ordered, That any person proposing to intervene in or to make an appearance at these proceedings shall file with the Secretary of the Securities and Exchange Commission on or before December 10, 1941, his application therefor as provided by the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9128; Filed, December 4, 1941; 11:55 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 237

Washington, Saturday, December 6, 1941

The President

EXECUTIVE ORDER

DESIGNATION OF MRS. RUTH W. TALLEY TO SIGN LAND PATENTS

By virtue of and pursuant to the authority vested in me by section 450 of the Revised Statutes, as amended (U.S.C., title 43, sec. 8), Mrs. Ruth W. Talley, an employee of the General Land Office, Department of the Interior, is hereby designated to sign my name to land patents.

Executive Order No. 7703[1] of September 10, 1937 is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 4, 1941.

[No. 8959]

[F. R. Doc. 41-9149; Filed, December 5, 1941; 10:07 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-3-1]

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

AMENDMENT TO ORDER NO. 3 REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Paul H. Appleby, Acting Secretary of Agriculture of the United States of America, issued, effective December 1, 1940, Order No. 3, as amended,[2] regulating the handling of milk in the St. Louis, Missouri, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on October 17, 1940, a marketing agreement, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

[1] 2 F.R. 1832.
[2] 5 F.R. 4525.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, would tend to effectuate the declared policy of said act, notice was given August 25, 1941, of a hearing[3] which was held in St. Louis, Missouri, on the 8th and 9th days of September 1941, at which time and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the order, as amended.

After such hearing handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign such marketing agreement, as amended, relating to milk.

The requirements of sec. 8c (9) of the act have been complied with.

It is found upon the evidence introduced at the above-mentioned hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendments to the order, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the order and of amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 903.0 *Findings.* 1. That the enlargement of the area included in the marketing area within which handlers are subject to the order is reasonable and necessary.

2. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Sec. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in the amendments to this order are such prices

[3] 6 F.R. 4427.

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as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

3. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held; and

4. That the issuance of this amendment, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered, That such handling of milk in the St. Louis, Missouri, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof, be in compliance with the following terms and conditions:

A. Add to § 903.1 (a) (3) before the phrase "East St. Louis" the following phrase "Scott Field Military Reservation, and".

B. Add to § 903.1 (a) (6) the following:

§ 903.1 *Definitions*—(a) *Terms.*

* * * * * *

(6) * * * This definition shall not be deemed to include any person who is a handler under another Federal milk marketing agreement or order if such handler does not operate a plant from which bottled milk is distributed in the St. Louis marketing area.

* * * * *

C. Add as § 903.1 (a) (9) the following:

(9) The term "nonhandler" means any person who is not a handler but who distributes fluid milk on retail or wholesale routes or who engages in the manufacture of milk products: *Provided*, That a handler operating a plant or plants from which no milk is disposed of for fluid consumption in the marketing area shall be a nonhandler with respect to such plant or plants.

D. Delete § 903.2 (d) (6) and substitute therefor the following:

§ 903.2 *Marketing administrator.*

* * * * * *

(d) *Duties.*

* * * * * *

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information.

* * * * * *

E. Add as § 903.2 (e) the following:

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the price for each class of milk pursuant to § 903.4 and the differential pursuant to § 903.8 (c).

(2) Not later than the 10th day after the end of each delivery period, the uniform prices for handlers computed pursuant to § 903.7 (b) with the differentials applicable pursuant to § 903.8 (d).

F. Delete § 903.3 and substitute therefor the following:

§ 903.3 *Classification of milk*—(a) *Basis of classification.* Milk received by each handler from producers, from other handlers, and from his own production, shall be classified, subject to the conditions of paragraphs (c), (d), and (e) of this section, in the classes set forth in paragraph (b) of this section:

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk containing not less than one-half of 1 percent of butterfat and all milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk specifically accounted for (i) as being used or disposed of in any form other than as milk containing not less than one-half of 1 percent of butterfat, and (ii) as actual plant shrinkage, but not to exceed 3 percent of the total receipts of milk from producers.

(c) *Interhandler and nonhandler transfers of milk.* Milk or skim milk received by a handler from another handler shall be classified as Class I milk, and cream so received shall be classified as Class II milk: *Provided*, That if a different classification is agreed upon in writing between the receiving handler and the selling handler and is submitted to the market administrator on or before the 5th day after the end of the delivery period, then the milk, skim milk or cream shall be classified according to such written agreement: *And provided further*, That the amount so reported in any class shall not be greater than the amount used in that class by the receiving handler.

Milk moved from a handler's plant to a nonhandler's plant from which no milk is disposed of for fluid consumption shall be Class II milk. Milk moved as fluid milk from a handler's plant to a nonhandler's plant from which fluid milk is distributed shall be Class I milk, except that any of this milk in excess of the amount of Class I milk, proved to the satisfaction of the market administrator to have been distributed by the nonhandler during the delivery period, shall be classified as Class II milk: *And provided further*, That all milk moved as fluid milk to plants more than 110 airline miles from the City Hall in St. Louis shall be classified as Class I milk. Milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses shall be Class I milk.

(d) *Purchases of milk from persons who are handlers under other Federal milk agreements or orders.* Milk approved by the proper health authorities for consumption as milk in the marketing area which has been received from a person who is a handler as defined under another Federal marketing agreement or order shall be deducted from each class in the proportion that the quantity of milk used in each class by the receiving handler bears to the total quantity of milk received by him, after excluding such handler's receipts of milk from other handlers.

(e) *Computation of the volume of milk in each class.* For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class, as follows:

(1) To determine the total receipts of milk: Add into one sum the hundredweight of milk received from producers, including such handler's own production, from other handlers, and from persons described under paragraph (d) of this section.

(2) To determine the hundredweight of Class I milk: Convert to gallons the quantity of milk disposed of in the form of milk and multiply by 0.086: *Provided*, That there shall be added any excess of milk determined under subparagraph (1) of this paragraph over the Class I milk thus far determined, plus the hundredweight of Class II milk determined pursuant to subparagraph (3) of this paragraph.

(3) To determine the hundredweight of Class II milk:

(i) Multiply the hundredweight of milk received, computed under subparagraph (1) of this paragraph, by its average butterfat test;

(ii) Multiply the hundredweight of Class I milk computed prior to the proviso in subparagraph (2) of this paragraph by its average butterfat test;

(iii) Subtract the hundredweight of Class I butterfat computed pursuant to (ii) of this subparagraph from the hundredweight of butterfat in milk received, as computed under (i) of this subparagraph;

(vi) Subtract the hundredweight of Class I milk, computed prior to the proviso in subparagraph (2) of this paragraph, from the hundredweight of milk received, computed under subparagraph (1) of this paragraph;

(v) Divide the quantity of butterfat computed under (iii) of this subparagraph by the hundredweight of milk computed under (iv) of this subparagraph;

(vi) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, and add together the resulting amounts;

(vii) Add to the sum obtained in (vi) of this subparagraph the amount which represents the butterfat loss by actual plant shrinkage, but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of milk from producers multiplied by the average test of such milk; and

(viii) Divide the sum computed under (vii) of this subparagraph by the average test of Class II milk computed under (v) of this subparagraph, and divide the resulting amount by 100.

(4) To determine the classification of milk received from producers:

(i) Subtract from the hundredweight of milk in each class the hundredweight of milk received from other handlers and apportioned to each class in accordance with paragraph (c) of this section;

(ii) Subtract from the hundredweight of milk in each class a further amount computed in accordance with § 903.6; and

(iii) Subtract in the manner provided in paragraph (d) of this section the hundredweight of milk received from persons described under such paragraph.

G. Delete § 903.4 and substitute therefor the following:

§ 903.4 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraphs (b), (c), and (d) of this section, each handler shall pay at the time and in the manner set forth in § 903.8 not less than the following prices per hundredweight of milk:

(1) Class I milk. The price for Class I milk shall be the average price per hundredweight, determined under subparagraph (3) of this paragraph, plus the following amount per hundredweight:

Delivery Period and Amount in Dollars per Cwt.

April through June, 0.80; July through November, 1.00; December through March, 0.90.

(2) Class II milk. The price for Class II milk shall be the average price per hundredweight, determined under subparagraph (3) of this paragraph, plus the following amount per hundredweight:

Delivery Period and Amount in Dollars per Cwt.

April through June, 0.20; July through November, 0.30; December through March, 0.25.

Provided, That during the delivery periods of January through June the price of milk used by such handler for evaporated milk in hermetically sealed containers, or disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

(3) Basic formula price. The basic formula price to be used in determining the prices for Class I and Class II milk pursuant to subparagraphs (1) and (2) of this paragraph shall be the price resulting from the following computation by the market administrator: determine the arithmetic average of the basic, or field, prices per hundredweight, as reported to the United States Department of Agriculture, paid f. o. b. plant during the delivery period for milk of 3.5 percent butterfat content, to all farmers at each of the following plants for which prices are reported.

Concerns and Locations of Plants

Carnation Company, Ava, Missouri.

Carnation Company, Seymour, Missouri.

Pet Milk Company, Greenville, Illinois.

Litchfield Creamery Company, Litchfield, Illinois.

Indiana Condensed Milk Company, Bunker Hill, Illinois.
Borden Company, Mt. Pleasant, Michigan.
Carnation Company, Sparta, Michigan.
Pet Milk Company, Hudson, Michigan.
Pet Milk Company, Wayland, Michigan.
Pet Milk Company, Coopersville, Michigan.
Borden Company, Greenville, Wisconsin.
Borden Company, Black Creek, Wisconsin.
Borden Company, Orfordville, Wisconsin.
Carnation Company, Chilton, Wisconsin.
Carnation Company, Berlin Wisconsin.
Carnation Company, Richland Center, Wisconsin.
Carnation Company, Oconomowoc, Wisconsin.
Carnation Company, Jefferson, Wisconsin.
Pet Milk Company, New Glarus, Wisconsin.
Pet Milk Company, Belleville, Wisconsin.
Borden Company, New London, Wisconsin.
White House Milk Company, Manitowoc, Wisconsin.
White House Milk Company, West Bend, Wisconsin.

Provided, That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be used: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

(b) *Price of Class I milk disposed of outside the marketing area.* (1) Except as provided in subparagraph (2) of this paragraph, 20 cents per hundredweight shall be deducted from the price determined pursuant to subparagraph (1) of paragraph (a) of this section with respect to all Class I milk disposed of prior to December 1, 1942, by such handler in all markets outside the marketing area, except Bonhomme Township, Missouri, on any wholesale or retail route from which no milk is disposed of in the marketing area on the same trip.

(2) The price to be paid by such handler for Class I milk disposed of outside the marketing area to Government institutions and establishments on the basis of bids shall be the price for Class I milk determined pursuant to subparagraph (1) of paragraph (a) of this section: *Provided*, That until January 1, 1942, the price to be paid pursuant to this subparagraph shall be subject to a reasonable adjustment on account of transportation with respect to Class I milk moved from the handler's plant in the marketing area to the plant outside the marketing area where such milk was loaded on wholesale and retail routes.

(c) *Price of Class I milk for relief distribution.* For Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the Class I price determined pursuant to subparagraph (1) of paragraph (a) of this section less 46 cents.

(d) *Location differentials to handlers.* With respect to milk received from producers at a handler's plant located outside the marketing area, such handler shall be allowed the amount per hundredweight of milk set forth in the schedule below for the mileage range in which falls the air-line distance of the plant where the milk was first received, from the City Hall in St. Louis:

Mileage Range and Amount per Hundredweight of Milk

Not more than 10 miles, 6 cents.
More than 10 but not more than 20 miles, 12 cents.
More than 20 but not more than 30 miles, 14 cents.
More than 30 but not more than 40 miles, 16 cents.
Within each 10 miles thereafter, an additional 1 cent.

Provided, That if any of such milk is moved to a plant where milk is received for manufacturing purposes only, the maximum differential under the above schedule to be allowed with respect to the quality of milk so moved shall be 15 cents per hundredweight.

H. Delete § 903.5 and substitute therefor the following:

§ 903.5 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) On or before the 5th day after the end of each delivery period, (i) the receipts of milk at each plant from producers, from handlers, from own production, if any, and from any other source, and the average butterfat test of milk received from each source; (ii) the receipts of cream at each plant from producers, from handlers, and from any other source, and the average butterfat test of cream from each source; (iii) the utilization of all milk and cream received, computed pursuant to § 903.3, including a separate statement of the disposition of Class I milk outside the marketing area as to (*a*) the amount of such milk, (*b*) the date or dates of such disposition, (*c*) the point of use, (*d*) the plant from which such milk was shipped, and (*e*) such other information with respect thereto as the market administrator may request; (iv) the name and address of each producer from whom milk is received for the first time, and the date on which such milk was first received; (v) the name and address of each producer who discontinues deliveries of milk and the date on which the milk of such producer was last received; and (vi) the amount and category of any payments to be made pursuant to § 903.8 (e) with respect to milk received during such delivery period.

(2) On or before the 10th day after the request of the market administrator, a schedule of transportation rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's plant or plants. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 10 days.

(3) Within 20 days after the end of each delivery period, his producer pay roll, or a report, which shall show for such delivery period and for each and every producer (i) his total delivery of milk with the average butterfat test thereof and (ii) the net amount of the payment made to him with the prices, deductions, and charges involved.

(b) *Verification of reports.* (1) Each handler shall permit the market administrator or his representative, during the usual hours of business, to (i) verify the information contained in reports submitted by such handler pursuant to this section, and (ii) weigh and sample milk and test milk for butterfat.

(2) If, in the verification of the report of purchases and sales of the handler for any previous delivery period, the market administrator finds that differences occur between the reported and actual quantities of milk received or between the reported and actual quantities of milk disposed of in each class, he shall make an adjustment in the following manner: (i) recompute for such handler his class use value of milk for the delivery period for which the report of purchases and sales of milk is being verified, after making the adjustments for the differences in such reported and actual quantites of milk, and (ii) add to, or subtract from, the uniform price of milk in the current pool for such handler, computed pursuant to § 903.7 (b), an amount representing the per hundredweight value of milk accounted for by such adjustment, such addition to, or subtraction from, the current pool to be separately set forth in such manner as to clearly state the amount of the adjustment for each delivery period or delivery periods verified pursuant to this paragraph.

I. Delete from § 903.7 (b) (2) the semicolon and substitute therefor a period (.).

J. Delete § 903.7 (b) (3).

K. Delete § 903.7 (b) (4).

L. Delete § 903.8 (d) and substitute therefor the following:

§ 903.8 *Payment for milk.*

* * * * * *

(d) *Location differentials to producers.* In making payments pursuant to paragraph (a) of this section, each handler shall deduct with respect to milk received from producers at a plant located outside the marketing area, the amount per hundredweight of milk set forth in the schedule below for the mileage range in which falls the air-line distance of the plant where the milk was first received, from the City Hall in St. Louis:

Mileage Range and Amount per Hundredweight of Milk

Not more than 10 miles, 6 cents.
More than 10 but not more than 20 miles, 12 cents.
More than 20 but not more than 30 miles, 14 cents.
More than 30 but not more than 40 miles, 16 cents.
Within each 10-mile zone thereafter, an additional 1 cent.

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

(48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup., 601 et seq.)

Issued at Washington, D. C., this 3rd day of December 1941, to become effective on and after the 5th day of December 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9130; Filed, December 4, 1941; 12:32 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.205 *Appointments not made from certain classes.*

* * * * * *

(f) Any person whose services will not be immediately available to the War Department upon acceptance of a commission.

This will not be construed as requiring officers appointed in the Army of the United States, for assignment to affiliated units or positions, or officers appointed in the Medical Administrative Corps, Army of the United States, from among bona fide matriculated students in recognized medical schools, who have completed the first two years of their medical education; or medical students at recognized medical schools who seek commissions upon graduation therefrom and prior to entering upon their internship, to be immediately ordered to extended active duty. Where it is found impracticable to submit with the applications for appointment in those categories, a report of physical examination of the final type, as specified in § 73.217, a report of the type required for appointment in the Officers' Reserve Corps may be submitted. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 7*f*, AR 605-10, Oct. 27, 1941, and letter AG 210.1 (11-8-41) RB-A, dated Dec. 1, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9135; Filed, December 5, 1941; 9:53 a. m.]

[1] § 73.205 (f) is amended.

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 88]

PART 1—ADMINISTRATION

AMENDING THE "RULES OF PRACTICE AND REGULATIONS WITH APPROVED FORMS, EFFECTIVE JUNE 1, 1938" (UNDER THE FEDERAL POWER ACT)

NOVEMBER 28, 1941

The Commission, acting pursuant to authority vested in it by the Federal Power Act, particularly sections 308 and 309 thereof and finding such action appropriate and necessary for carrying out the purposes of the said Act, hereby adopts, promulgates and prescribes the following amendment to the "Rules of Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938:

Amend § 1.154 to read as follows:

§ 1.154 *Evidence, ruling on, additional may be called for.* The presiding Commissioner, examiner, or other representative before whom the hearing is held, shall rule upon the admission or exclusion of any evidence proffered by any party to such proceeding in accordance with the opinions, orders, and rules of the Commission, unless he shall determine upon the basis of, and only after, a substantial showing made by any party to such proceeding that a necessity exists for certifying the questions relating thereto to the Commission for instructions. At any stage of the hearing, or after the close of testimony, the presiding Commissioner, examiner, or other representative may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff of the Commission, either at that hearing or at a further hearing. At the hearing, the Commissioner, examiner, or other representative presiding, if he deems advisable, may authorize any party to the proceeding to file specific documentary evidence as a part of the record within a time to be fixed by him, but which shall expire not less than 10 days before the date fixed for filing and serving briefs. (Secs. 301 (b), 308, 309, 49 Stat. 854, 858; 16 U.S.C., Sup., 825 (b), 825g, 825h)

The amendment to the "Rules of Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated and prescribed by this order, shall become effective on December 20, 1941; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9147; Filed, December 5, 1941; 10:05 a. m.]

[Order No. 89]

PART 50—ADMINISTRATION

AMENDING THE "PROVISIONAL RULES OF PRACTICE AND REGULATIONS UNDER THE NATURAL GAS ACT, WITH APPROVED FORMS, EFFECTIVE JULY 11, 1938"

NOVEMBER 28, 1941.

The Commission, acting pursuant to authority vested in it by the Natural Gas Act, particularly sections 15 and 16 thereof, and finding such action appropriate and necessary for carrying out the purposes of the said Act, hereby adopts, promulgates and prescribes the following amendment to the "Provisional Rules of Practice and Regulations under the Natural Gas Act, Effective July 11, 1938," as heretofore prescribed by Order No. 52, adopted July 5, 1938.

Amend § 50.64 to read as follows:

§ 50.64 *Evidence, ruling on, additional may be called for.* The presiding Commissioner, examiner, or other representative before whom the hearing is held, shall rule upon the admission or exclusion of any evidence proffered by any party to such proceeding in accordance with the opinions, orders, and rules of the Commission, unless he shall determine upon the basis of, and only after, a substantial showing made by any party to such proceeding that a necessity exists for certifying the questions relating thereto to the Commission for instructions. At any stage of the hearing, or after the close of testimony, the presiding Commissioner, examiner, or other representative may call for further evidence upon any issue, and require such evidence to be presented by the party or parties concerned or by the staff of the Commission, either at that hearing or a further hearing. At the hearing, the Commissioner, examiner, or other representative

presiding, if he deems advisable, may authorize any party to the proceeding to file specific documentary evidence as a part of the record within a time to be fixed by him, but which shall expire not less than 10 days before the date fixed for filing and serving briefs. (Sec. 16, 52 Stat. 830; 15 U.S.C., Sup. 7170)

The amendment to the "Provisional Rules of Practice and Regulations under the Natural Gas Act" adopted, promulgated and prescribed by this order shall become effective on December 20, 1941; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9146; Filed, December 5, 1941; 10:05 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1094]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CORRECTING TYPOGRAPHICAL ERROR IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on November 5, 1941, 6 F.R. 6038; and

It appearing that a typographical error occurred in the Schedule marked Supplement T, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*), annexed to and made a part of the Order, in that the Mine Index No. 3808 of the Napier & Hensley No. 3 Mine of Napier & Hensley (John L. Napier), was written as Mine Index No. 3803:

Now, therefore, it is ordered, That the typographical error occurring in the Order Granting Temporary Relief and Conditionally Providing for Final Relief dated November 5, 1941, be, and the same hereby is, corrected to the extent that the Mine Index No. 3803 shown therein in Supplement T for the Napier & Hensley No. 3 Mine of Napier & Hensley (John L. Napier), is changed to Mine Index No. 3808.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9173; Filed, December 5, 1941; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 941—MATERIAL AND EQUIPMENT ENTERING INTO FREIGHT CAR CONSTRUCTION INCLUDING RAILROAD, INDUSTRIAL AND MINE FREIGHT CARS

Extension and Amendment of Preference Rating Order No. P-8

It is hereby ordered, That § 941.1 (*Preference rating order No. P-8*[1]), issued June 18, 1941, and all Preference Rating Certificates issued thereunder, shall continue in effect until December 31, 1941 unless sooner revoked by the Office of Production Management.

Section 941.1, paragraph (c) (2), is hereby amended to read as follows:

§ 941.1 *Preference rating order No. P-8.*

* * * * * * *

(c) * * *

(2) Furnish information respecting matters covered by (c) (1) and respecting any other pertinent matters to the Automotive, Transportation and Farm Equipment Branch, Division of Civilian Supply, Office of Production Management, from time to time, as required by said Branch. Until further order, such information shall be so furnished not later than the 15th day of each month for the next preceding calendar month, as required by Form PD-38 hereto attached, or on any other form of report which may be prescribed by the Office of Production Management; which report *must be sworn to* by an authorized officer or agent of the Producer or Rated Subcontractor furnishing the same; or, *in the alternative*, a Producer or Rated Subcontractor shall send to the Automotive Transportation and Farm Equipment Branch, Division of Civilian Supply, Office of Production Management, not later than the 15th day of each month, copies of all purchase orders to which said preference rating has been applied in the next preceding month: *Provided, however*, That such purchase orders contain the following information: Vendor's name, description, unit quantities, and dollar value of the products ordered, together with the delivery or delivery schedule thereof. Such purchase orders shall be accompanied by the certification under oath, of an authorized officer or individual of the Producer or Rated Subcontractor furnishing the same in the form set forth in Form PD-38a hereto attached.

Section 941.1, paragraph (c) (3), is hereby amended to read as follows:

(3) Submit, from time to time, to an audit and inspection by representatives of the Office of Production Management respecting matters covered by (c) (1) and (2).

Section 941.1, paragraph (d), is hereby amended to read as follows:

(d) This Order shall not continue effective as to any Producer or Rated subcontractor unless he shall regularly file with the Automotive, Transportation and Farm Equipment Branch, Division of Civilian Supply, Office of Production Management, Social Security Building, Washington, D. C., the report as required in (c) (2), above. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of November 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9150; Filed, December 5, 1941; 11:09 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Interpretation No. 1 of General Limitation Order L-1-a

The following official interpretation is hereby issued by the Director of Priorities with respect to § 976.1 (*General limitation order L-1-a*[1]) issued September 12, 1941:

Section 976.1, subsection (b) (3), excludes from each Producer's quota vehicles or parts produced "under contracts or orders for delivery to or for the account of" the Army or Navy of the United States, certain designated Governments, and certain designated Governmental Agencies. Under this subsection, vehicles or parts to which the Army, Navy, designated Governments or designated Governmental Agencies take title or contract to take title at the time of the sale are excluded from the Producer's quota, regardless of whether the vehicles or parts are sold directly by the Producer or indirectly through the Producer's dealers or other channels of distribution. All vehicles or parts which the Producer can identify as going to the Army, Navy, designated Governments, or designated Governmental Agencies are excluded from the quota.

Issued this 5th day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-9151; Filed, December 5, 1941; 11:09 a. m.]

[1] 6 F.R. 3009.

[1] 6 F.R. 4732, 5676.

PART 987—COBALT

Supplementary Order No. M-39-a

§ 987.2 *Supplementary order No. M-39-a.* (a) It is hereby ordered by the Director of Priorities that, subject to all the other provisions, restrictions and limitations of General Preference Order M-39, issued November 4, 1941, any person is authorized to receive delivery of cobalt in any of the forms included in the definition thereof, as set forth in paragraph (a) (1) of General Preference Order M-39, up to but not exceeding an aggregate of 50 pounds contained cobalt during any calendar month without filing the forms required by the provisions of paragraph (d) of said order.

(b) This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of March 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 5th day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-9152; Filed, December 5, 1941; 11:09 a. m.]

TITLE 37—PATENTS AND COPYRIGHTS

CHAPTER I—PATENT OFFICE

[Order No. 173]

PART 1—RULES OF PRACTICE

INTERFERENCES

Section 1.94, first paragraph, is amended to read as follows:

§ 1.94 *When declared; copying claims.* Interferences will be declared between applications by different parties for patent or for reissue when such applications contain claims for substantially the same invention which are allowable in the application of each party, and interferences will also be declared between applications for patent, or for reissue, and unexpired original or reissued patents, of different parties, when such applications and patents contain claims for substantially the same invention which are allowable in all of the applications involved: *Provided*, That where the filing date of any applicant is subsequent to the filing date of any patentee, the applicant shall file an affidavit that he made the invention in controversy, in this country, before the filing date of the patentee; and, when required, the applicant shall file an affidavit setting forth facts showing that he completed the invention in controversy, in this country, before the filing date of the patentee.

Section 1.94 third paragraph, is amended to read as follows:

Where an applicant presents a claim copied or substantially copied from a patent, he must, at the time he presents the claim, identify the patent, give the number of the patented claim, and specifically apply the terms of the copied claim to his own disclosure. (R.S. 483; 35 U.S.C. 6)

[SEAL] CONWAY P. COE,
Commisisoner.

Approved: December 4, 1941.

To take effect immediately.

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9132; Filed, December 4, 1941; 4:03 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS[1]

ORDER ESTABLISHING GRAZING DISTRICT NO. 8 AND MODIFYING GRAZING DISTRICT NO. 3 IN THE STATE OF COLORADO

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, et seq.), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Colorado Grazing District No. 8 is hereby established. The district shall embrace all vacant, unappropriated, and unreserved public lands within the following-described legal subdivisions, which are hereby transferred from Colorado Grazing District No. 3; all lands within the said areas withdrawn for other purposes which have heretofore been included therein or may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover; and all lands within the said areas heretofore or hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315m-1, 2, 3, 4), commonly known as the Pierce Act; not excluding lands withdrawn by Executive Order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

COLORADO

New Mexico Principal Meridian

T. 40 N., R. 3 E.,
Secs. 25 to 28 and secs. 33 to 36, inclusive;
T. 39 N., R. 4 E.,
Secs. 1, 2, and 3;
T. 40 N., R. 4 E.,
Secs 20 to 36, inclusive;
T. 44 N., R. 4 E.,
Secs. 1 and 2;
Sec. 3, S½;
Sec. 4, S½;
Secs. 9 to 12, inclusive;
Sec. 13, W½;
Secs. 14, 15, and 16;
T. 45 N., R. 4 E.,
Secs. 1, 12, 13, 24, 25, 26, 35, and 36;
T. 46 N., R. 4 E.,
Sec. 36;
T. 34 N., R. 5 E.,
Secs. 1 to 3 and secs. 10 to 13, inclusive;
Sec. 24, all;
Sec. 25, N½, E½SW¼, SE¼;
T. 35 N., R. 5 E.,
Secs. 1 and 2 and secs. 11 to 14, inclusive;
Sec. 15, Tract 37;
Sec. 16, Tract 37;
Sec. 21, Tracts 37 and 38;
Sec. 22, Tract 38 in W½;
Secs. 23 to 26, inclusive, and secs. 35 and 36;
T. 36 N., R. 5 E.,
Secs. 25, 26, 35, and 36;
T. 39 N., R. 5 E.,
Secs. 1 to 12, inclusive;
T. 40 N., R. 5 E.,
Secs. 7 to 36, inclusive;
T. 42 N., R. 5 E.,
Secs. 1 and 2, secs. 11 to 15, inclusive, and secs. 23 and 24;
T. 44 N., R. 5 E.,
Secs. 6 and 7;
T. 45 N., R. 5 E.,
Secs. 1 to 31, inclusive;
Sec. 32, W½;
T. 46 N., R. 5 E.,
Sec. 20, S½NE¼, SE¼;
Secs. 21, 22, and 23;
Secs. 25 to 29, inclusive;
Sec. 30, E½, E½NW¼, SW¼;
Secs. 31 to 36, inclusive;
T. 34 N., R. 6 E.,
Secs. 1 to 30, inclusive;
T. 35 N., R. 6 E.,
Sec. 7, all;
Sec. 12, SE¼;
Sec. 13, all;
Sec. 14, SE¼;
Secs. 18 to 36, inclusive;
T. 36 N., R. 6 E.,
Sec. 8, Tract 38 in S½S½;
Sec. 9, Tract 38 in SW¼SW¼;
Sec. 14, lots 1 and 3, Tracts 40 and 41, NW¼SW¼;
Sec. 15, lots 5, 7, 9, and 10, Tracts 39, 41, 42, and 43;
Sec. 16, lots 2, 3, 5, and 6, Tracts 38, 39, 43, and 48, NE¼NW¼;
Sec. 17, lot 1, Tract 38;
Sec. 22, Tract 41;
Sec. 23, lots 1, 2, 3, 4, 6, and 7, Tracts 40 and 41;
Sec. 24, lots 5, 6, 7, 8, 9, 10, and 11, Tract 44, N½SW¼, NW¼SE¼;
Sec. 25, Tract 44;
T. 37 N., R. 6 E.,
Secs. 1, 2, and 3;
Sec. 10, NE¼;
Sec. 11, N½;
Sec. 12, N½;
T. 38 N., R. 6 E.,
Secs. 1 to 3, secs. 10 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive;
T. 39 N., R. 6 E.,
Secs. 1 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive;
T. 40 N., R. 6 E.,
Secs. 1 to 3 and secs. 7 to 36, inclusive;
T. 41 N., R. 6 E.,
Secs. 1 to 3, secs. 10 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive;
T. 42 N., R. 6 E.,
Secs. 1 to 30 and secs. 34 to 36, inclusive;
T. 43 N., R. 6 E.,
Secs. 1 and 2, secs. 11 to 16, secs. 21 to 28, and secs. 32 to 36, inclusive;
T. 44 N., R. 6 E.,
Secs. 1, 2, 25, and 36;
T. 45 N., R. 6 E., all;
T. 46 N., R. 6 E.,
Secs. 3, 10, 13, 14, 15, and secs. 20 to 36, inclusive;
T. 32 N., R. 7 E.,
Secs. 1 and 2;

[1] This affects the tabulation in § 502.1d.

T. 32 N., R. 7 E.—Continued.
Sec. 3, E½;
Sec. 11, E½;
Sec. 12, 13, and 24;
T. 33 N., R. 7 E.,
Secs. 1 to 5, secs. 8 to 17, secs. 21 to 28, and secs. 34 to 36, inclusive;
T. 34 N., R. 7 E.,
Secs. 1 to 30 and secs. 32 to 36, inclusive;
Tps. 35 to 44 N., inclusive, R. 7 E.;
T. 45 N., R. 7 E.,
Secs. 4 to 11 and secs. 13 to 36, inclusive;
T. 46 N., R. 7 E.,
Secs. 1 and 2;
Sec. 12, N½;
Secs. 18 and 19;
T. 47 N., R. 7 E.,
Secs. 25, 35, and 36;
Tps. 32 to 44 N., R. 8 E., all;
T. 45 N., R. 8 E.,
Secs 12, 13, 14, and secs 19 to 36, inclusive;
T. 46 N., R. 8 E.,
Secs. 7 and 8;
Sec. 12, S½;
Sec. 13, E½, E½NW¼, NW¼NW¼, E½SW¼;
Sec. 16, all;
Sec. 17, E½, NW¼, NE¼SW¼;
Sec. 18, N½NE¼;
Sec. 20, NE¼;
Sec. 21, all;
Sec. 22, S½;
Sec. 23, S½;
Sec. 24, E½, E½NW¼, SW¼NW¼, SW¼;
Secs. 25 to 28, inclusive;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½;
T. 47 N., R. 8 E.
Sec. 1, all;
Sec. 2, N½, E½SE¼;
Sec. 11, E½E½;
Secs. 12 and 13;
Sec. 14, E½E½;
Sec. 24, E½;
T. 48 N., R. 8 E.,
Secs. 9 and 10, those parts in Saguache County;
Sec. 11, all;
Sec. 13, W½;
Secs. 14, 15, 16, and secs. 21 to 27, inclusive;
Secs. 35 and 36;
Tps. 32 to 44 N., inclusive, R. 9 E.;
T. 45 N., R. 9 E.,
Secs. 1 to 5 and secs. 7 to 36, inclusive;
T. 46 N., R. 9 E.,
Secs. 1 to 30 and secs. 32 to 36, inclusive;
T. 47 N., R. 9 E.,
Secs. 4 to 10, inclusive;
Sec. 11, S½;
Secs. 13 to 36, inclusive;
T. 48 N., R. 9 E.,
Sec. 19, W½;
Sec. 29, W½;
Secs. 30, 31, and 32;
Sec. 33, SW¼;
Tps. 32 to 40 N., inclusive, R. 10 E.;
Tps. 41 to 43 N., inclusive, R. 10 E., exclusive of the Luis Maria Baca Grant No. 4;
Tps. 44 and 45 N., R. 10 E., all;
T. 46 N., R. 10 E.,
Sec. 1, SW¼;
Sec. 2, S½;
Sec. 3, S½;
Secs. 4 to 36, inclusive;
T. 47 N., R. 10 E.,
Sec. 19, W½;
Sec. 29, W½;
Secs. 30, 31, and 32;
Sec. 33, W½;
Tps. 32 to 36 N., inclusive, R. 11 E., exclusive of the Sangre de Cristo Grant;
Tps. 37 to 40 N., inclusive, R. 11 E.;
Tps. 41 and 43 N., R. 11 E., exclusive of the Luis Maria Baca Grant No. 4;
T. 44 N., R. 11 E.,
Sec. 4, W½;
Secs. 5 to 9 and secs. 16 to 21, inclusive;
Sec. 22, W½;
Sec. 26, S½;
Secs. 27 to 35, inclusive;
Sec. 36, W½;
T. 45 N., R. 11 E.,
Sec. 6, W½;
Sec. 7, W½;
Secs. 18 and 19;
Sec. 29, W½;
Secs. 30, 31, and 32;
T. 46 N., R. 11 E.,
Sec. 18, W½;
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, W½;
T. 36 N., R. 12 E., fractional (unsurveyed), exclusive of the Sangre de Cristo Grant;
T. 37 N., R. 12 E., exclusive of the Sangre de Cristo Grant;
Tps. 38 and 39 N., R. 12 E.;
T. 40 N., R. 12 E.,
Secs. 3 to 10, inclusive;
Sec. 11, NW¼, S½;
Secs. 14 to 23 and secs. 26 to 36, inclusive;
T. 41 N., R. 12 E.,
Secs. 16 to 21 and secs. 28 to 33, inclusive;
T. 43 N., R. 12 E.,
Secs. 6 and 7;
T. 37 N., R. 13 E., fractional, exclusive of the Sangre de Cristo Grant;
Tps. 38 and 39 N., R. 13 E., fractional.

Sixth Principal Meridian

T. 27 S., R. 73 W.,
Secs. 28 to 33, inclusive;
T. 28 S., R. 73 W.,
Secs. 4 to 9, secs. 16 to 21, and secs. 29 to 32, inclusive;
T. 29 S., R. 73 W.,
Secs. 5 to 8, inclusive, and secs. 17, 18, and 19;
Secs. 16, 20, 21, 29, 30, and 31, all exclusive of the Sangre de Cristo Grant.

E. K. BURLEW,
Acting Secretary of the Interior.

NOVEMBER 25, 1941.

[F. R. Doc. 41-9134; Filed, December 5, 1941; 9:53 a. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.10 *Allotments and deposits.*[2]

* * * * *

(l) *Withdrawals and repayments of deposits.* (1) Enrollees will be permitted, upon approval of the company commander, to withdraw deposits prior to completion of or release from final enrollment in cases of emergency only, provided that, in all such cases, the enrollee making the request furnishes evidence satisfactory to his company commander that the need for withdrawal exists. The procurement of articles or services which are properly payable from Civilian Conservation Corps funds will not be classed as emergency situations or obligations. Emergency withdrawals will be made in even dollars, except in the case of the purchase of United States Savings Bonds, and will be limited to emergencies such as the following:

* * * * *

(v) To purchase United States Savings Bonds.

(*a*) Enrollees will execute the request for withdrawal in the usual manner, indicating the purpose of the withdrawal; for example, "for purchase of United States Savings Bonds" in the denomination desired, accompanied by Treasury Department Form P.D. 1423 (Request for Safekeeping) properly executed. A supply of these forms may be obtained from the Division of Savings Bonds, Treasury Department, Washington, D. C. Withdrawals for the purchase of United States Savings Bonds will be limited to not more than 50 percent of the total amount of the enrollee's deposit.

(*b*) Upon receipt of the request for withdrawal, the disbursing officer concerned will draw check payable to the Treasurer of the United States, indicating under object for which drawn, "Purchase of United States Savings Bonds, John Doe, CCC enrollee, ——————."

(Serial No.)

(*c*) The check referred to in (*b*) above, accompanied by Request for Safekeeping, will be forwarded directly to the Treasurer of the United States, Washington, D. C.

(*d*) The Treasury Department will issue the bond, to be held by the Treasurer of the United States, and will forward to the enrollee concerned a Safekeeping Receipt to be held by him until such time as he desires to withdraw the bond.

(*e*) The bond or bonds will be withdrawn from safekeeping and forwarded to the owner by registered mail upon receipt by the Treasurer of the United States of written request from the owner for such withdrawal, accompanied by the Safekeeping Receipt or Receipts pertaining to the particular bonds desired. (50 Stat. 319; 16 U.S.C., Sup., Chapter 3A) [Par. 36, C.C.C. Regs., W.D., Dec. 1, 1937, as amended by C 86, Nov. 24, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9145; Filed, December 5, 1941; 10:04 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A — DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 174]

PART 1—DOCUMENTATION OF VESSELS

DECEMBER 4, 1941.

Pursuant to the authority contained in R.S. 161, the following changes in the regulations contained in Part 1—Documentation of Vessels are hereby made:

§ 1.27 *Master's oath on licensing vessel.* [Rescinded]

Section 1.24 (*Forms of oath*) is amended to read as follows:

§ 1.24 *Forms of oath of owner and master for documentation.* (a) In the case of a vessel owned by an individual, a partnership, unincorporated company, association, or the United States of America, the oath of ownership required for the registry, license, or enrollment and license of the vessel shall be in the following form:

District of ——————
Port of ——————
I, ——————, of ——————
in the county of ——————, and State of ——————
swear, according to the best of my knowledge and belief, that the ——————, called
(Rig)
the ——————, of ——————,
(Name of vessel) (Home port)
official No. ——————, of ——————, gross and ——————, net tons, built in [1] ——————, at
(Place of build)
[2] ——————
——————
——————
of ——————, as appears by ——————
(Material) (Serial No.)
No. ——————, issued at ——————,
(Port)
19——, now surrendered ——————
(Cause)
is wholly the property of [3] citizen of the United States of America, [4] owning and residing as follows: [5] ——————
——————
——————
——————
[6] that no subject or citizen of any foreign prince or state is, directly or indirectly, by way of trust, confidence, or otherwise, interested therein, or in the profits or issues thereof; [7] that the present master, ——————, is a citizen of the United States, having been born at ——————
(City)
—————— on ——————
(State or country)
and [8] naturalized before the ——————
(Name of court)
for —————— on ——————, 1——,
(District, county, or State)
having been issued Naturalization Certificate No. ——————; [9] and I also swear that all equipments or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in any foreign country upon said vessel, within the year immediately preceding the date of this application, to wit, the —— day of ——————, 19——, have been duly reported and accounted for under the provisions of sections 3114 and 3115 R.S., as amended by the Tariff Act of 1930, and of section 4330 R.S., and the duties thereon have been duly paid.

——————
Managing Owner or Agent.[10]

Subscribed and sworn to before me this —— day of ——————, 19——.

——————
Deputy Collector of Customs.

[1] See 46 CFR 1.3 for means whereby vessel may become entitled to American registry. If the vessel falls within classes 4, 5, 6, or 7 of that section, the appropriate clause required by 46 CFR 1.24 must be inserted here.

[2] If vessel is owned by United States of America, delete "citizen of", and "owning and residing as follows."

[3] Insert name and address of each owner, and proportion owned by each. If incorporated company is part owner, write "incorporated under the laws of the State of ——————" after the corporate name. If the vessel is owned by the United States of America, insert "as represented by", adding immediately thereafter the name of the department or agency concerned.

[4] Strike out this section in case of licensed vessel of less than 20 tons.

[5] Strike out this section in case of registered vessel, if master is within the district where registry is to be made, and in case of licensed or enrolled and licensed vessel.

[6] Strike out if native-born citizen.

[7] Strike out this section in case of registered vessel.

[8] If oath is by an agent, he must present a power of attorney from the owner or managing owner, duly authenticated, authorizing him to make such oath for the owner or managing owner.

(b) In the case of a vessel owned by a corporation the oath of ownership required for the registry, license, or enrollment and license of the vessel shall be in the following form:

District of——————
Port of——————
I, ——————, of ——————
in the county of ——————, and
State of —————— swear that I am [1] ——
—————— of the [2] ——————
a corporation organized under the laws of the State of—————— with offices at [3] ——————;
that, according to the best of my knowledge and belief, the said corporation is the sole owner of the —————— called the——————
(Rig)
—————— of —————— official
(Name of vessel) (Home port)
No.——— of ——— gross and ———
net tons, built in 1———, at ——————
——————
(Place of build)
[4] ——————
——————
——————
of ——————, as appears by ——————
(Material)
No.———, issued at ——————
(Port)
19——, now surrendered ——————
——————;
(Cause)
that the president and managing directors of said corporation are citizens of the United States; [5] that 75 per centum of the interest in said corporation is owned by citizens of the United States; that the title to 75 per centum of the stock of said corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of any person not a citizen of the United States and that such proportion of the voting power of said corporation is vested in citizens of the United States; that through no contract or understanding is it so arranged that more than 25 per centum of the voting power of said corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen of the United States; that by no means whatsoever is the control of any interest in said corporation in excess of 25 per centum conferred upon or permitted to be exercised by any person who is not a citizen of the United States; [6] that no subject or citizens of any foreign prince or state is, directly or indirectly, by way of trust, confidence, or otherwise, interested therein, or in the profits or issues thereof; [7] and that the present master is a citizen of the United States, having been born in ——————
(City) (State or country)
on ——————, 1——, [8] and naturalized before the ——————
(Name of court)
for —————— on ——————,
(District, county, or State)
1——, having been issued Naturalization Certificate No. ——; [9] and I also swear that all equipments or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in any foreign country upon said vessel, within the year immediately preceding the date of this application, to wit, the —— day of ——————, 19——, have been duly reported and accounted for under the provisions of sections 3114 and 3115 R. S., as amended by the Tariff Act of 1930, and of section 4330 R. S., and the duties thereon have been duly paid.

[10] ——————
——————
Subscribed and sworn to before me this —— day of ——————, 19——.

——————,
Deputy Collector of Customs.

[1] Insert "President," "Secretary," "Treasurer," or "Agent" as the case may be.

[2] Insert full corporate name of corporation.

[3] Insert business address of corporation.

[4] See 46 CFR 1.3 for means whereby vessel may become entitled to American registry. If the vessel falls within classes 4, 5, 6, or 7 of that section, the appropriate clause required by 46 CFR 1.24 must be inserted here.

[5] Strike out this section if vessel is not to engage in coastwise trade.

[6] Strike out this section in case of licensed vessel of less than 20 tons.

[7] Strike out this section in case of registered vessel, if the master is within the district where registry is to be made, and in case of licensed or enrolled and licensed vessel.

[8] Strike out if native-born citizen.

[9] Strike out this section in case of registered vessel.

[10] The officer or agent of the corporation subscribing to this oath must present a written instrument, attested by the corporate seal, authorizing him to act in this behalf.

(c) If the vessel falls within classes 4, 5, 6, or 7 of § 1.3 of this chapter, there must be inserted, immediately after footnote 1 of the form of oath prescribed by paragraph (a) of this section and immediately after footnote 4 of the form of oath prescribed by paragraph (b) of this section, the appropriate clause set forth in subparagraphs (1), (2), (3), or (4) of this paragraph.

(1) If the vessel falls within class 4, the following clause must be inserted:

On the —— day of ——, 19—, captured in war by a citizen (or citizens) of the United States and lawfully condemned as prize by a decree, sentence, or judgment of the —— court of ——, an authenticated copy of which I now produce.

(2) If the vessel falls within class 5, the following clause must be inserted:

Adjudged to be forfeited, for a breach of the laws of the United States, by a decree, sentence, or judgment of the —— court of ——, an authenticated copy of which I now produce.

(3) If the vessel falls within class 6, the following clause must be inserted:

Formerly the ——, purchased from the United States (or from an officer, naming him and his office).

(4) If the vessel falls within class 7, the following clause must be inserted:

Authorized to be documented by act of Congress and by the Director of the Bureau of Marine Inspection and Navigation by letter under date of ——, an authenticated copy of which I now produce.

(d) The oath of master required for the registry of a vessel, if the master is within the district where the registry is to be made, or for the license or enrollment and license of a vessel shall be in the following form:

I, ——, master of the ——
called the ——, official No. ——
swear that I am a citizen of the United States, having been born in ——
(City)
—— on ——, —, [1] and naturalized before the —— for
(State or country) (Name of court)
—— on ——, 1—, having been issued Naturalization Certificate
(District, county, or State)

No. ------;[2] and that the license bearing No. ------, and date ----------, 19--, granted to said vessel by the Collector of Customs for the District of ----------, Port of ----------, shall not be used for any other vessel or for any other employment than the[2] ----------, or in any trade or business whereby the revenue of the United States may be defrauded.

Master.

Subscribed and sworn to before me this ------ day of ----------, 19--.

Deputy Collector of Customs.

[1] Strike out if native-born citizen.

[2] Strike out this section in case of registered vessel.

[3] Insert "coasting trade," "coasting trade and mackerel fishery," "whale fishery," "mackerel fishery," "cod fishery," "pleasure" (in case of a yacht), or "coasting and foreign trade" (in case of enrolled and licensed for foreign and coasting trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea).

The oath prescribed by this paragraph shall not be used for renewals of licenses by endorsement.

(e) In order for the renewal of the license of a vessel, the master shall make oath in the following form:

District of ----------
Port of ----------

I, ----------, master of the ---------- called the ----------, official No. ------ swear that I am a citizen of the United States, having been born in ---------- (City) (State or country) on ----------, 1----,[1] and naturalized before the ---------- for ---------- (Name of court) (District) on ---------- 1--- having been issued Naturalization Certificate No. ------, that the license, bearing No. ------, and date of ----------, 1---, granted to said vessel by the Collector of Customs for the District of ----------, Port of ----------, shall not be used for any other vessel, or for any other employment than the[2] ----------, or in any trade or business whereby the revenue of the United States may be defrauded; and that all equipments or any part thereof, including boats, purchased for, or the repair parts or materials to be used, or the expenses of repairs made in any foreign country upon said vessel, within the year immediately preceding the date of this application, to wit, the ---------- day of ----------, 19--, have been duly reported and accounted for under the provisions of sections 3114 and 3115 R.S., as amended by the Tariff Act of 1930, and of section 4330 R.S., and the duties thereon have been duly paid.

Master.

Subscribed and sworn to before me this ---------- day of ----------, 19---.

Deputy Collector of Customs.

[1] Strike out this section if native-born citizen.

[2] Insert "coasting trade," "coasting trade and mackerel fishery," "whale fishery," "mackerel fishery," "cod fishery," "pleasure" (in case of a yacht), or "coasting and foreign trade" (in case of enrolled and licensed for foreign and coasting trade on the northern, northeastern, and northwestern frontiers, otherwise than by sea).

(R. S. 161; 5 U.S.C. 22)

Section 1.31 (*Renewal of license*) is amended by the addition at the end thereof, of a new paragraph lettered (f) reading as follows:

§ 1.31 *Renewal of license.*

* * * * *

(f) When a license is presented for renewal, the master shall make oath in the form prescribed by § 1.24 (e) of this chapter. (R.S. 161; 5 U.S.C. 22)

Section 1.37 (*Exchange of documents*) is amended by the addition at the end thereof, of a new paragraph lettered (g) reading as follows:

§ 1.37 *Exchange of documents.*

* * * * *

(g) In order for the exchange of a register for an enrollment and license, or license, or for the exchange of an enrollment and license, or license for a register, the master shall make oath in the following form:

District of----------
Port of----------

I, ----------, master of the vessel called the ----------, official No. ----- of ---------- do swear that, according to the best of my knowledge and belief, the property of the said vessel remains the same as expressed in the ---------- thereof, granted by the (Register or enrollment) ---------- Collector of Customs at the Port of ----------, District of ----------, State of ----------, on the -------- day of ----------, 19--, which I now deliver up; [1] and I also swear that all equipments, or any part thereof, including boats, purchased for, or the repair of repairs made in any foreign country upon said vessel, within the year immediately preceding the date of this application, to wit, the ---------- day of ----------, 19--, have been duly reported and accounted for under the provisions of Sections 3114 and 3115 R.S., as amended by the Tariff Act of 1930, and of Section 4330 R.S., and the duties thereon have been duly paid.

Master.

Subscribed and sworn to before me this ---------- day of ----------, 19--

---

Deputy Collector of Customs.

[1] Strike out this section in case of vessel to be registered.

(R.S. 161; 5 U.S.C. 22)

The above changes shall become effective January 1, 1942.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9133; Filed, December 4, 1941; 4:28 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 77-A]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENSION OF REGULATIONS REQUIRING SHOWING OF SERVICE OR USE FOR LICENSE RENEWALS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of December, 1941.

The Commission having under consideration its Rules Governing Amateur Radio Stations and Operators and its Rules Governing Commercial Radio Operators, with particular reference to the provisions concerning renewals; and

It appearing, that present conditions render it difficult for commercial radio operators and for amateur radio station licensees and operators to make a showing of service or use required for renewal of license; and that such difficulty will be accentuated in many instances due to military service:

It is ordered, That §§ 12.26 and 12.66 of the Rules Governing Amateur Radio and § 13.28 of the Rules Governing Commercial Radio Operators, in so far as the required showing of service or use of license is concerned, be and they are hereby, suspended until further order of the Commission, but in no event beyond January 1, 1943.

This Order shall become effective January 1, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9136; Filed, December 5, 1941; 9:53 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-569-eng. 2556]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONTRACT FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: GEORGE P. RICE, CONSULTING ENGINEER, BARONNE BUILDING, NEW ORLEANS LOUISIANA

Amount fixed fee: $51,546.00.

Estimated cost of construction project: $8,591,000.

Type of construction project: Aviation Mechanics School.

Location: Near Biloxi, Mississippi.

Type of Service: Architectural—Engineering.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. Eng. 891 P 99 A-0540.068-N the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 13th day of May 1941.

Description of the work. The Architect-Engineer shall perform all the necessary service provided under this contract for the following described project: Designs; preparation of contract plans, specifications, and estimates of cost; and supervision of all construction at the Aviation Mechanics School near Biloxi, Mississippi, to include necessary buildings, temporary structures, and other facilities including utilities and appurtenances (hereinafter referred to as "the project") and estimated to cost $8,591,000.00.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following: A fixed fee in the amount of Fifty-one thousand, five hundred forty-six Dollars ($51,546.00) which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures. The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract.

Method of payment. Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned. Upon completion of the project, the Architect-Engineer shall be paid the unpaid balance of any money due the Architect-Engineer hereunder.

All drawings, specifications, and blue prints are to become the property of the Government.

Changes in scope of project. The Contracting Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

Termination for cause or for convenience of the Government. The Government may terminate this contract at any time and for any cause by a notice in writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws: Fourth Supplemental National Defense Appropriation Act, 1941, March 17, 1941; Act Approved July 2, 1940 (Public No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9139; Filed, December 5, 1941; 10:02 a. m.]

[1] Approved by the Under Secretary of War May 29, 1941.

[Contract No. W-569-eng. 2615]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTOR: J. A. JONES CONSTRUCTION COMPANY, CHARLOTTE, NORTH CAROLINA, AND NEWTON, GLENN AND KNOST[2]

Fixed fee: $265,000.00.

Contract for: Construction of Aviation Mechanics Training School, including necessary buildings and housing facilities, temporary structures, hangars, utilities, and appurtenances thereto.

Place: Biloxi Airport, near Biloxi, Mississippi.

Estimated cost of Project: $11,748,620.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same:

Eng. 891 P. 99 A 0540–12
Eng. 921 P. 99 A 0540–12
Eng. 1027 P. 99 A 0540–12

This contract,[1] entered into this 13th day of June, 1941.

ARTICLE I. *Statement of work.* The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the construction of Aviation Mechanics Training School near Biloxi, Mississippi.

It is estimated that the total cost of the construction work covered by this contract will be approximately nine million three hundred sixty three thousand two hundred dollars ($9,363,200.00) exclusive of the contractor's fee.

In consideration for his undertaking under this contract, the Contractor shall receive the following:

(a) Reimbursement for expenditures as provided in Article II.

(b) Rental for Contractor's equipment as provided in Article II.

(c) A fixed fee in the amount of two hundred sixty five thousand dollars ($265,000.00) which shall constitute complete compensation for the contractor's services, including profit and all general overhead expenses.

The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work, or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment, and supplies, for which the Contractor shall be entitled to be reimbursed under Article II, shall vest in the Government.

ART. III. *Payments — Reimbursement for cost.* 1. The Government will currently reimburse the contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

Rental for contractor's equipment. 2. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. 3. The fixed-fee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer.

Final payment. 5. Upon completion of the work and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Article II hereof, and of the fee.

ART. VI. *Termination of contract by Government.* 1. Should the contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following law: Act approved July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9140; Filed, December 5, 1941; 10:02 a. m.]

[2] Approved by the Under Secretary of War July 15, 1941.

[2] A partnership of Hattiesburg, Miss., constituting a joint venture and acting both jointly and severally.

[Contract No. W 669 qm-13723]

SUMMARY OF CONTRACT FOR CLOTH, COTTON, HERRINGBONE TWILL

CONTRACTOR: J. L. STIFEL & SONS, INC., WHEELING, WEST VIRGINIA

Amount: $1,073,700.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pa.

This contract, entered into this fourteenth day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Cloth, Cotton, Herringbone Twill for the consideration stated totaling one million, seventy-three thousand, seven hundred dollars ($1,073,700.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-265 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9141; Filed, December 5, 1941; 10:03 a. m.]

[Contract No. W 535 ac-20857 (5454)]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: FLEETWINGS INCORPORATED, BRISTOL, PENNSYLVANIA

Contract for: * * * spare parts, airplanes and data.

Estimated airplane cost	$3,504,100.00
Estimated spares cost	523,500.00
Fixed fee	241,656.00
Defense plant corporation rental	96,058.26
Development costs	190,300.51
Total	4,555,614.77

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

AC 32 P 12-30 A0705-2
AC 18 P 82-30 A0705-2

This contract,[1] entered into this 22d day of September 1941.

ARTICLE 1. *Statement of work.* The Contractor shall, within the time specified in Article 4 hereof, manufacture, furnish and deliver to the Government the following articles:

* * * Airplanes * * *

Certain Spare Parts for all of the airplanes called for under the terms of this contract.

* * * airplane of type called for under the terms of this Article.

* * * Data

ART. 2. *Estimated costs.*

Quantity	Estimated cost
* * * airplanes	$3,504,100.00
Spare parts for above airplanes	523,500.00
Data (included in estimated costs of above items)	
Estimated cost of above items	4,027,600.00

Expenditures of the Contractor as set out below for Rental and Development costs shall constitute allowable items of costs under this contract for all purposes except the computation of the fee to be earned by the Contractor:

Defense plant corporation rental	$ 96,058.26
Development costs	190,300.51
Total aggregate estimated price	4,313,958.77

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract subject to partial payments as outlined in Article 6 hereof, the cost, including Defense Plant Corporation Rental in the approximate sum of ninety-six thousand fifty-eight and 26/100 dollars ($96,058.26), the Development cost in the sum of one hundred ninety thousand three hundred and 51/100 dollars ($190,300.51), plus a fixed fee of two hundred forty-one thousand six hundred fifty-six and 00/100 dollars ($241,656.00).

Any cost incurred by the Contractor under the terms of the contract which would constitute an allowable item of cost under the provisions of paragraph (b) of this article shall be included in determining the amount payable under this contract.

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

[1] Approved by the Under Secretary of War, October 8, 1941.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3 as may be approved or ratified and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so warrant.

(b) *Payment of the fixed fee.* Ninety percent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advance payments.* Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty percentum (30%) of the estimated cost of the articles called for, and that such advances, if made, shall be upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursement for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

This contract authorized under the provisions of Section 2 (a) Act of June 28, 1940, Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9142; Filed, December 5, 1941; 10:03 a. m.]

[Contract No. W-952-Ord-4550]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: STEDFAST & ROULSTON, INC., 156 OLIVER STREET, BOSTON, MASS.

Contract for: * * * Gun Boring and Turning Lathes.

Amount: $1,352,262.00.

Place: Watertown Arsenal, Watertown, Massachusetts.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority: ORD 27007 P2-32 AO141-02 the available balances of which are sufficient to cover the cost thereof.

This contract,[1] entered into this 9th day of September, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Gun Boring and Turning Lathes for the consideration stated One Million, three hundred fifty-two thousand two hundred sixty-two dollars ($1,352,262.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. Contractor shall be paid seventy-five percent (75%) of the contract price upon complete delivery of each machine, and provisional acceptance of the equipment, and final payment of twenty-five percent (25%) of the contract price of each machine upon complete installation and final acceptance by the contracting officer: *Provided,* That upon the completion of the first payment of seventy-five percent (75%) of the contract price of each machine the title to said equipment upon which the payment is made shall vest in, and said equipment shall become the sole property of the United States, and shall so remain unless and until the equipment be rejected under the provisions of the Contract.

Performance bond. The Contractor shall furnish a Performance Bond, with surety approved by the Secretary of War, in the amount of One hundred and thirty-five thousand, two hundred and twenty-seven dollars ($135,227.00) guaranteeing the performance and fulfillment of all the undertakings, covenants, terms, conditions and agreements of this contract.

Termination for convenience of the Government. Should conditions arise which, in the opinion of the Secretary of War, make it desirable that the contract be terminated, the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this Article.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9143; Filed, December 5, 1941; 10:03 a. m.]

[Supplemental Contract to Contract No. W 535 ac-17399]

SUMMARY OF SUPPLEMENTAL CONTRACT TO COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT[1]

CONTRACTOR: THE STUDEBAKER CORPORATION, SOUTH BEND, INDIANA

Contract for: * * * Engines, Spare Parts & Data.

Estimated Cost: $69,635,420.00.

Fixed fee: $4,703,363.00.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same. The funds quoted on the contract are cancelled and are superseded by the funds quoted hereon:

AC 26 P 81-3037 A 0705-01
AC 31 P 12-30 A 0705-2
AC 17 P 81-30 A 0705-2
AC 18 P 82-30 A 0705-2

This supplemental contract to contract No. W 535 ac-17399,[2] entered into this 24th day of September 1941.

Under date of December 21, 1940, the parties hereto entered into a contract, Contract No. W 535 ac-17399, by the terms of which the Contractor was to manufacture, furnish and deliver to the Government * * * engines, spare parts and data.

Under the terms of Article 5 of said contract the Government reserved the right to make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

At the time the Contractor entered into the aforesaid contract, it expected to enter into a contract with a third party for the manufacture of * * * engines of the same type and model as those being manufactured for the Government under said contract, for which reason certain reference to said third party contract and certain conditions predicated upon said third party contract were included in said contract.

Due to causes beyond the control of the Contractor, said third party contract has not been entered into; and the Contractor hereby consents to the change in the type and model of engines to be manufactured by it under the terms of said contract and to an increase in the number of engines to be manufactured by it under said contract.

In consideration of the premises the parties hereto agree that Contract No. W 535 ac-17399 be, and the same is hereby, amended, modified and supplemented as follows:

First: Article 1. *Statement of work,* of said contract is amended by striking therefrom Items 1 and 2 of Paragraph 1 thereof, and substituting in lieu thereof, the following:

"Item (1) * * * aeronautical engines."

"Item (2) Spare parts * * *."

Third: Article 3. *Consideration,* is amended by striking paragraph (a) thereof and inserting in lieu thereof the following:

"(a) The Government will pay the Contractor for the items specified in the contract in the manner set forth in Article 6 hereof, the cost, plus a fixed fee of four million, two hundred twenty-five thousand, eight hundred and thirty dollars ($4,225,830.00), exclusive of the elements of cost excepted by paragraph (b) of article 2 hereof, for the engines, and the cost plus a fixed fee for spare parts, which fee shall be approximately four hundred twenty-two thousand, five hundred and eighty-three dollars ($422,583.00) and the cost plus a fixed fee of fifty-four thousand nine hundred fifty dollars ($54,950.00).

Eleventh: Article 32. *Special provision,* is amended by the deletion of the words "and the third party contract" appearing in the second line of the Article.

Twelfth: Article 33 is amended by the deletion of the words "and of the third party contract" appearing at the end of the first and the beginning of the second line of the Article.

Thirteenth: Article 34. *Options,* is amended by substituting the words and

[1] Approved by the Under Secretary of War, November 4, 1941.

[1] 6 F.R. 821.

[2] Approved by the Under Secretary of War, October 10, 1941.

figures * * * for the words and figures * * * appearing in the last line of paragraph (a) of the Article and by adding at the end of said paragraph the following sentence:

"The Government is granted the further option at any time within * * * days of the effective date of this supplemental contract to increase the quantity of spare parts called for under the terms of Item 2 of Article 1 by an amount equal to approximately * * * complete engines."

This contract is authorized under the provisions of section 1 (a) Act of July 2, 1940, section 2 (a) Act of June 28, 1940, and section 9 Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9144; Filed, December 5, 1941; 10:04 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-1105; A-1105, Part II]

PETITIONS OF DISTRICT BOARD 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4, AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2870, 306, 2907, 310, 4, AND 200, IN DISTRICT 4

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1105, GRANTING, IN PART, TEMPORARY RELIEF IN DOCKET NO. A-1105 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1105 PART II

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was filed by District Board 4 in Docket No. A-1105 proposing price classifications and minimum prices for the coals of certain mines and proposing additional loading points for certain other mines in that district. In its petition the District Board proposed price classifications and minimum prices for shipment from more than one loading point for the coals of the mines listed in Supplement R attached hereto.[1] The District Board also proposed that the price classifications and minimum prices heretofore established for the coals of the Allen Mine (Mine Index No. 4) of Allen Coal Co. and the Jacobs Mine (Mine Index No. 200) of Pearl Jacobs be made applicable to shipments from additional loading points.

[1] Not filed as part of the original document.

No showing has been made to justify granting these mines permission to make rail shipments from more than one loading point. The Director, therefore, deems it appropriate that price classifications and minimum prices be established at this time for coals of the mines listed in Supplement R attached hereto for shipment from only one loading point and on only one railroad; that no relief be granted as to the Allen Mine (Mine Index No. 4) and the Jacobs Mine (Mine Index No. 200) preceding a hearing on this matter; and that a hearing be held to determine the propriety of granting permission to Mine Index Nos. 2870, 306, 2907, 310, 4, and 200 to make rail shipments from more than one loading point.

It is, therefore, ordered, That the portion of Docket No. A-1105 relating to the mines listed in Supplement R attached hereto and to the mines specifically named above be severed from the remainder of the docket and that it be designated hereafter as Docket No. A-1105 Part II.

It is further ordered, That a hearing be held under the applicable provisions of the Act and the rules of the Division on January 5, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 30, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to (1) the establishment of price classifications and minimum prices for coals produced at the following mines for all shipments except truck, applicable to rail shipments from more than one loading point:

Darst Mine (Mine Index No. 2870) of Darst Bros. (Kenneth Earl Darst); Brilliant No. 2 Mine (Mine Index No. 306) of C. C. Fay (Fay Collieries Company); Lucky Mine (Mine Index No. 2907) of Luck Coal Company (E. L. Luckadoo); Black Betsy Mine (Mine Index No. 310) of Peacock Coal Company;

(2) application of the price classifications and minimum prices effective for the coals of the Allen Mine (Mine Index No. 4) of Allen Coal Company for rail shipments from Crooksville on the New York Central Railroad to such shipments from McLuney, Ohio, on the Pennsylvania Railroad and application of the price classifications and minimum prices effective for the coals of the Jacobs Mine (Mine Index No. 200) for rail shipments from Pomeroy on the Chesapeake & Ohio Railroad to such shipments from Hobson, Ohio, on the New York Central Railroad.

It is further ordered, That a reasonable showing of necessity having been made, pending final disposition of the above matter, temporary relief be and the same is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck is supplemented by including the price classifications and minimum prices set forth in the Schedule marked Supplement R annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: November 21, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-9111; Filed, December 4, 1941; 10:02 a. m.]

[Docket Nos. A-1147, A-1147 Part II]

PETITIONS OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4, AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 256, 1301, 1016, AND 1436, AND FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR COALS OF MINE INDEX NOS. 877, 938, AND 2739, IN DISTRICT NO. 4, FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1147 PART II FROM DOCKET NO. A-1147, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1147 PART II, AND NOTICE OF AN ORDER FOR HEARING IN DOCKET NO. A-1147 PART II

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with this Division in Docket A-1147 for the establishment of temporary and permanent price classifications and minimum prices, change of shipping points, and establishment of additional shipping points for coals of certain mines in District No. 4. As was found in an order issued in Docket No. A-1147 a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to the coals of Mine Index Nos. 256, 1301, 1016, 1436, 877, 938, and 2739.

The petition proposes that price classifications and minimum prices be established for the coals of Mine Index Nos. 256, 1301, 1016, and 1436 for all shipments except truck. In addition, the original petition proposed that the price classifications and minimum prices effective:

(1) For the coals of Mine Index No. 877 of the Ebenezer Coal Company (M. F. Cannon) for all shipments except truck from Crooksville, Ohio, on New York Central Railroad shall also be applicable for such shipments from Roseville, Ohio, on Pennsylvania Railroad; and

(2) For the coals of Mine Index No. 938 of R. E. Wallace for all shipments except truck from Roseville, Ohio, on Pennsylvania Railroad shall be also applicable for such shipments from Crooksville, Ohio, on New York Central Railroad; and

(3) For the coals of Mine Index No. 2739 of W. A. Linton (Sewellsville Coal Company) from Freeport, Ohio, on Baltimore & Ohio Railroad shall be also applicable for such shipments from Barnesville, Ohio, on Baltimore & Ohio Railroad.

While it appears that an adequate showing has been made of the necessity for the granting of temporary relief for the coals of Mine Index Nos. 256, 1301, 1016 and 1436 for all shipments except truck from one shipping point, the Acting Director is of the opinion that the original petition does not set forth facts sufficient to warrant the establishment of the additional shipping points or the change of shipping points requested therein without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1147 relating to the coals of Mine Index Nos. 256, 1301, 1016, 1436, 877, 938 and 2739 be, and the same hereby is, severed from the remainder of Docket No. A-1147 and designated as Docket No. A-1147 Part II.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 8, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 3, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 to establish price classifications and minimum prices for the coals of Mine Index Nos. 256, 1301, 1016 and 1436 for all shipments except truck from two or more shipping points and to make the price classifications and minimum prices effective:

(1) For the coals of Mine Index No. 877 for all shipments except truck from Crooksville, Ohio, on New York Central Railroad also applicable for such shipments from Roseville, Ohio, on Pennsylvania Railroad; and

(2) For the coals of Mine Index No. 938 from Roseville, Ohio, on Pennsylvania Railroad also applicable for such shipments from Crooksville, Ohio, on New York Central Railroad; and

(3) For the coals of Mine Index No. 2739 for all shipments except truck from Freeport, Ohio, on Baltimore & Ohio Railroad also applicable for such shipments from Barnesville, Ohio, on Baltimore & Ohio Railroad.

It is further ordered, That, a reasonable showing of necessity therefor having been made, temporary relief, pending final disposition of the matter designated Docket No. A-1147 Part II, be, and it is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 4 For All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the temporary supplement marked "Supplement R" attached hereto[1] and made a part hereof.

It is further ordered, That applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9112; Filed, December 4, 1941, 10:02 a. m.]

[Dockets Nos. A-1076; A-1076, Part II]

PETITIONS OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4; AND FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR THE COALS OF FRED S. GEER, INC., JIMTOWN MINE, MINE INDEX NO. 299, IRISH RIDGE COAL CO., IRISH RIDGE-DEEP MINE, MINE INDEX NO. 234, IRISH RIDGE COAL CO., IRISH RIDGE-STRIP MINE, MINE INDEX NO. 247, GEORGE LANTZ, LANTZ COAL CO. MINE, MINE INDEX NO. 2465, AND MINERAL CITY COAL CO., BLACK MINE, MINE INDEX NO. 278, IN DISTRICT NO. 4

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1076 PART II FROM DOCKET NO. A-1076, GRANTING TEMPORARY RELIEF

[1] Not filed as part of the original document.

IN PART IN DOCKET NO. A–1076 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1076 PART II

The original petition in the above-entitled matters filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, request the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 4.

As indicated in an order issued in Docket No. A–1076, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner, except with respect to the establishment of price classifications and minimum prices for the coals of Fred S. Geer, Inc., Jimtown Mine, Mine Index No. 299, Irish Ridge Coal Co., Irish Ridge-Deep Mine, Mine Index No. 234, Irish Ridge Coal Co., Irish Ridge-Strip Mine, Mine Index No. 247, George Lantz, Lantz Coal Co. Mine, Mine Index No. 2465, and Mineral City Coal Co., Black Mine, Mine Index No. 278, for all shipments except truck.

The original petition requests the establishment of such price classifications and minimum prices for the above-named code members for all shipments except truck from two shipping points. While it appears that temporary relief should be granted establishing temporary price classifications and minimum prices for the coals of the above-named mines, for one shipping point only, the Director is of the opinion that the original petitioner has not set forth sufficient facts to warrant the establishment of additional shipping points for the above-mentioned mines without a hearing. The shipping points hereinafter established for such mines are those which appear to be nearest to such mines, and therefore appropriate for the granting of temporary relief.

Now, therefore, it is ordered, That the portion of Docket No. A–1076 relating to the establishment of additional shipping points for the coals of Fred S. Geer, Inc., Jimtown Mine, Mine Index No. 299, Irish Ridge Coal Co., Irish Ridge-Deep Mine, Mine Index No. 234, Irish Ridge Coal Co., Irish Ridge-Strip Mine, Mine Index No. 247, George Lantz, Lantz Coal Co. Mine, Mine Index No. 2465, and Mineral City Coal Co., Black Mine, Mine Index No. 278 be, and the same hereby is, severed from Docket No. A–1076 and designated as Docket No. A–1076 Part II.

It is further ordered, That a hearing in Docket No. A–1076 Part II under the applicable provisions of said Act and the rules of the Division be held on December 16, 1941 at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 11, 1941.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the establishment of permanent price classifications and minimum prices for the coals of Fred S. Geer, Inc., Jimtown Mine, Mine Index No. 299, Irish Ridge Coal Co., Irish Ridge-Deep Mine, Mine Index No. 234, Irish Ridge Coal Co., Irish Ridge-Strip Mine, Mine Index No. 247, George Lantz, Lantz Coal Co. Mine, Mine Index No. 2465, and Mineral City Coal Co., Black Mine, Mine Index No. 278, for All Shipments Except Truck.

It is further ordered, That, pending final disposition of Docket No. A–1076 Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R" annexed hereto[1] and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 18, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–9113; Filed, December 4, 1941; 10:03 a. m.]

[1] Not filed as part of the original document.

[Docket No. A–1149; A–1149, Part II]

PETITIONS OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1; AND FOR THE ESTABLISHMENT OF AN ADDITIONAL SHIPPING POINT FOR THE COALS OF ALBERT STRIPPING MINE AND POTOMAC NO. 4 & NO. 6 MINE, MINE INDEX NOS. 1006 AND 397, RESPECTIVELY, FOR THE ESTABLISHMENT OF TWO SHIPPING POINTS FOR THE COALS OF CUSHNER NO. 1 MINE, MINE INDEX NO. 3159, AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF CHICKASAW, MOHICAN, CADOGAN NOS. 1 AND 2 MINES, MINE INDEX NOS. 93, 329, 76, AND 976, RESPECTIVELY, AND OF THE COALS OF CHERRY RUN NOS. 1, 2, 3A, AND 4 MINES, MINE INDEX NOS. 88, 688, 3189 AND 3187, RESPECTIVELY

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–1149 PART II FROM DOCKET NO. A–1149 GRANTING IN PART TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1149 PART II

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division in Docket No. A–1149, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1. As the Director found in an Order issued in Docket No. A–1149, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner, except as to the coals of Albert Stripping Mine, Potomac No. 4 and No. 6 Mine, Cushner No. 1 Mine, Chickasaw, Mohican, Cadogan Nos. 1 and 2 Mines, Cherry Run Nos. 1, 2, 3A, and 4 Mines, Mine Index Nos. 1006, 397, 3159, 93, 329, 76, 976, 88, 688, 3189, and 3187, respectively.

The petitioner proposes that the price classifications and minimum prices effective:

1. For the coals of Albert Stripping Mine, Mine Index No. 1006, for rail shipments from Morrisdale, Pennsylvania, on New York Central Railroad, shall also be applicable for such shipments from Munson, Pennsylvania, on the said railroad; and

2. For the coals of Potomac No. 4 & 6 Mine, Mine Index No. 397, for rail shipments from Lonaconing, Maryland, on Western Maryland Railroad, shall also be applicable for such shipments from Barton, Maryland, on Cumberland & Pennsylvania Railroad.

Since the petition does not allege any facts in support of these proposals, the Director is of the opinion that no temporary relief should be granted as to these proposals, and that the necessity therefor should be clearly shown at a hearing.

The petition further proposes that price classifications and minimum prices be established for the coals of Cushner No. 1 Mine, Mine Index No. 3159, for rail shipments from North Philipsburg, Pennsylvania, on New York Central Railroad, and Philipsburg, Pennsylvania, on Pennsylvania Railroad. The petition does not allege sufficient facts for the establishment of price classifications and minimum prices for rail shipments from two shipping points, without a hearing. Accordingly, the Director is of the opinion that temporary relief should be granted at this time only for shipments from North Philipsburg, Pennsylvania on New York Central Railroad, and that the necessity for an additional shipping point should be clearly shown at a hearing.

The petition further proposes that minimum prices be established for the mixing of the coals of Chickasaw, Mohican, Cadogan Nos. 1 and 2 Mines, Mine Index Nos. 93, 329, 76, and 976, respectively, and for the mixing of the coals of Cherry Run Nos, 1, 2, 3A, and 4 Mines, Mine Index Nos. 88, 688, 3189, and 3187, respectively, for all shipments except truck. The petition does not, however, allege any facts in support of these proposals. The Director is of the opinion that no temporary relief should be granted as to these proposals until the necessity therefor has been clearly shown at a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A–1149 relating to the coals of Albert Stripping Mine, Potomac No. 4 & No. 6 Mine, Cushner No. 1 Mine, Chickasaw, Mohican, Cadogan Nos. 1 and 2 Mines, Cherry Run Nos. 1, 2, 3A, and 4 Mines, Mine Index Nos. 1006, 397, 3159, 93, 329, 76, 976, 88, 688, 3189, and 3187, be, and it hereby is, severed from the remainder of Docket No. A–1149 and designated as Docket No. A–1149 Part II.

It is further ordered, That a hearing in Docket No. A–1149 Part II under the applicable provisions of said Act and the rules of the Division be held on December 19, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for the purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the application of the price classifications and minimum prices effective for the coals of Albert Stripping Mine, Mine Index No. 1006, for rail shipments from Morrisdale, Pennsylvania, on New York Central Railroad, to such shipments from Munson, Pennsylvania, on New York Central Railroad, and for the coals of Potomac No. 4 & 6 Mine, Mine Index No. 397, for rail shipments from Lonaconing, Maryland, on Western Maryland Railroad, to such shipments from Barton, Maryland, on the Cumberland & Pennsylvania Railroad and for the establishment of price classifications and minimum prices for the coals of Cushner No. 1 Mine, Mine Index No. 3159, for rail shipments from North Philipsburg, Pennsylvania, on New York Central Railroad, and Philipsburg, Pennsylvania, on Pennsylvania Railroad, and for the establishment of price classifications and minimum prices for the mixing of the coals of Chickasaw, Mohican, Cadogan Nos. 1 and 2 Mines, Mine Index Nos. 93, 329, 76, and 976, respectively, and for the mixing of the coals of Cherry Run Nos. 1, 2, 3A, and 4 Mines, Mine Index Nos. 88, 688, 3189, and 3187, for all shipments except truck.

It is further ordered, That, pending final disposition of Docket No. A–1149, temporary relief is granted as follows: Commencing forthwith, Price Schedule No. 1 for District No. 1 For All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Temporary Supplement R", annexed hereto[1] and hereby made a part hereof.

Notice is hereby given that application to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41–9114; Filed, December 4, 1941; 10:03 a. m.]

[Docket No. B–47]

IN THE MATTER OF MAURER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6065, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME TO ANSWER

The above-entitled matter having been scheduled for hearing at Washington, D. C., on December 12, 1941, by Order of the Director dated October 24, 1941;

It appearing to the Acting Director that it is advisable to postpone hearing in this matter;

Now, therefore, it is ordered, That hearing in the above-entitled matter be and the same is hereby postponed to a time and place to be determined by subsequent order issued by the Acting Director;

It is further ordered, That time to file answer by respondent is extended for a period of twenty (20) days from the date of this order; and

It is further ordered, That Notice of and Order for Hearing dated October 24, 1941, and Order Amending Notice of and Order for Hearing dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41–9153; Filed, December 5, 1941; 11:16 a. m.]

[Docket No. B–42]

IN THE MATTER OF H. N. HARTWELL & SON, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4055, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME TO ANSWER

The above-entitled matter having been scheduled for hearing at Washington, D. C., on December 8, 1941, by Order of the Director dated October 22, 1941;

It appearing that respondent having filed written motion dated November 27, 1941, for extension of time in which to file answer until December 30, 1941, and

[1] Not filed as part of the original document.

also request that hearing in its docket be indefinitely postponed to a time and place to be determined by the Acting Director after the filing of said answer; and

It appearing to the Acting Director that it is advisable to extend the time in which to file answer and to postpone hearing;

Now therefore it is ordered, That hearing in the above-entitled matter be and the same hereby is postponed to a time and place to be determined by subsequent order of the Acting Director and

It is further ordered, That time to file answer of respondent be extended for a period of twenty (20) days from the date of this order; and

It is further ordered, That Notice of and Order for Hearing dated October 22, 1941, and Order Amending Notice of and Order for Hearing dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9154; Filed, December 5, 1941; 11:16 a. m.]

[Docket No. B-43]

IN THE MATTER OF WYATT, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9907, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME TO ANSWER

The above-entitled matter having been scheduled for hearing at Washington, D. C., on December 10, 1941, by order of the Director dated October 24, 1941;

It appearing to the Acting Director that it is advisable to postpone hearing on this matter;

Now, therefore, it is ordered, That hearing in the above-entitled matter be and the same is hereby postponed to a time and place to be determined by subsequent order issued by the Acting Director;

It is further ordered, That time to file answer by respondent is extended for a period of twenty (20) days from the date of this order; and

It is further ordered, That Notice of and Order for Hearing dated October 24, 1941, and Correction of Error in Notice of and Order for Hearing dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9155; Filed, December 5, 1941; 11:17 a. m.]

[Docket No. B-44]

IN THE MATTER OF J. O. PITCHER COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7341, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME TO ANSWER

The above-entitled matter having been scheduled for hearing at Washington, D. C., on December 11, 1941, by order of the Director dated October 24, 1941;

It appearing that counsel for respondent having filed written motion dated November 24, 1941, for extension of time in which to file answer until December 1, 1941; and

It appearing to the Acting Director that it is advisable to extend the time in which to file answer and to postpone hearing;

Now therefore it is ordered, That hearing in the above-entitled matter be and the same hereby is postponed to a time and place to be determined by subsequent order of the Acting Director; and

It is further ordered, That time to file answer of respondent be extended for a period of twenty (20) days from the date of this order; and

It is further ordered, That Notice of and Order for Hearing dated October 24, 1941, and Correction of Error in Notice of and Order for Hearing dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9156; Filed, December 5, 1941; 11:17 a. m.]

[Docket No. B-46]

IN THE MATTER OF HOWARD COAL AND COKE COMPANY, INC., REGISTERED DISTRIBUTOR REGISTRATION NO. 4541, RESPONDENT

ORDER POSTPONING HEARING AND EXTENDING TIME TO ANSWER

The above-entitled matter having been scheduled for hearing at Washington, D. C., on December 13, 1941, by order of the Director dated October 24, 1941;

It appearing to the Acting Director that it is advisable to postpone hearing in this matter;

Now, therefore, it is ordered, That hearing in the above-entitled matter be and the same is hereby postponed to a time and place to be determined by subsequent order issued by the Acting Director;

It is further ordered, That time to file answer by respondent is extended for a period of twenty (20) days from the date of this order; and

It is further ordered, That Notice of and Order for Hearing dated October 24, 1941, and Order Amending Notice of and Order for Hearing dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9157; Filed, December 5, 1941; 11:17 a. m.]

[Docket No. B-95]

IN THE MATTER OF MOHAWK MINING COMPANY, A CORPORATION, A CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING AND REDESIGNATING TRIAL EXAMINER

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of December 15, 1941 at a hearing room of the Division at the Armstrong County Court House, Kittanning, Pennsylvania; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

It is ordered, That said hearing in this matter be postponed to January 8, 1942 at 10 o'clock a. m., at Room 323, Post Office Building, Altoona, Pennsylvania;

It is further ordered, That Joseph D. Dermody, or any other officer of the Division duly designated, shall preside at the hearing in the above-entitled matter, vice Edward J. Hayes.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9158; Filed, December 5, 1941; 11:18 a. m.]

[Docket No. B-133]

IN THE MATTER OF ISAAC COLLINS, BRYANT MOORE, THOMAS WILLIAMS, SR., AND THOMAS WILLIAMS, JR. (MAMMOTH BLOCK COAL COMPANY), ALSO KNOWN AS ISAAC COLLINS, BRYANT MOORE, THOMAS WILLIAMS, SENIOR, AND THOMAS WILLIAMS JUNIOR, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF MAMMOTH BLOCK COAL COMPANY, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 5, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 19, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendants, whose addresses are Rush, Kentucky, and whose code membership became effective November 24, 1940, during the period from March 8, 1941 to April 14, 1941, both dates inclusive, sold, delivered and offered to sell approximately 87.02 tons of ¾" nut and slack coal, High Volatile, Size Group 8, produced at the defendant's mine, Mine Index No. 3167, located in Boyd County, Kentucky, to Ray Rife, Rush, Kentucky, at a price of 40 cents per net ton f. o. b. said mine, whereas said coal was classified as Size Group No. 8 and priced at $1.45 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, as amended by Order of the Director entered in Docket No. A-528, dated January 31, 1941; which transactions constituted sales, deliveries and offers for sale of bituminous coal at prices below the minimum established therefor by the Division and a violation of the Act and the Code.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9159; Filed, December 5, 1941; 11:18 a. m.]

[Docket No. B-112]

IN THE MATTER OF SAMUEL C. HAER AND FRED B. HAER, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF SAMUEL C. HAER AND FRED B. HAER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 16, 1941, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, that a hearing in respect to the subject matter of such complaint be held on January 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under Section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendants, Samuel C. Haer and Fred B. Haer, individually and as co-partners doing business under the name and style of Samuel C. Haer and Fred B. Haer, of 16 South Ninth Street, Indiana, Pennsylvania, subsequent to September 30, 1940 sold and delivered to McCreary Rubber Company, Indiana, Pennsylvania, substantial quantities of run of mine coal produced at their Haer Mine, Mine Index No. 1464, located at Marion Center, Subdistrict 15 of District No. 1, Indiana County, Pennsylvania, at the delivered price of $2.25 per net ton which was less than the effective minimum f. o. b. mine price established therefor of $2.20 per net ton f. o. b. said mine, plus an amount at least equal, as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character, from the transportation fa-

cilities at the mine to the point of delivery of said coal at which point all such charges were assumed and directly paid by the purchaser. Said point of delivery was approximately 15 miles from said transportation facilities at the mine. Hence said sales and deliveries were made contrary to the provisions of Price Instruction No. 6 of Schedule No. 1, of the Effective Minimum Prices for District No. 1 For Truck Shipments as amended by Supplement No. 1 of said Schedule and, therefore, the above transactions constituted sales and deliveries of coal at a price below the minimum established therefor and in violation of section 4 Part II (e) (g) of the Act and Part II (e) (g) of the Code.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9160; Filed, December 5, 1941; 11:18 a. m.]

[Docket No. A-1129]

PETITION OF SOMERSET RETAIL COAL DEALER'S ASSOCIATION FOR THE REVISION OF PRICE INSTRUCTION 6 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1 FOR TRUCK SHIPMENTS INTO SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA, IN MARKET AREA 6

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 27, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 21, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Somerset Retail Coal Dealers' Association for the revision of Price Instruction 6 in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments into Somerset Township, Somerset County, Pennsylvania, in Market Area 6, and, more particularly, for the amendment of Price Instruction 6 in the said Schedule to provide that not less than 100 cents per net ton shall be added to the effective minimum prices f. o. b. mines for truck shipments into Somerset Township, County of Somerset, Commonwealth of Pennsylvania, in Market Area 6.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9161; Filed December 5, 1941; 11:19 a. m.]

[Docket No. A-1177]

L. O. RYALS, A CODE MEMBER PRODUCER IN DISTRICT NO. 15 FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR MINE RUN COAL PRODUCED FROM THE RYALS MINE (MINE INDEX NO. 935) FOR TRUCK SHIPMENTS TO ALL MARKET AREAS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 27, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 22, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of L. O. Ryals, a code member producer in District No. 15, for a reduction in the effective minimum price, from $2.30 per ton to $2.10 per ton, for mine run coal produced from the Ryals Mine (Mine Index No. 935) for shipment by truck into all market areas.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9162; Filed, December 5, 1941; 11:19 a. m.]

[Docket No. 1708-FD]

IN THE MATTER OF SHEBAN MINING COMPANY, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on June 11, 1941, by District Board 4, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violations by the Sheban Mining Company, a code member in District 4, the defendant, of the Bituminous Coal Code and rules and regulations thereunder, as follows:

That during October, November, and December 1940, the defendant sold for truck shipment 2" lump coal and mine-run coal produced at the defendant's mine (Mine Index No. 2314) at prices of $2.50 per net ton for the lump coal and $2.25 per net ton for the mine-run coal, which prices were below the effective minimum prices for such coals;

Pursuant to an Order of the Acting Director dated July 17, 1941, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Youngstown, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and the defendant having appeared at the hearing;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, Karam Sheban (Sheban Mining Company), operating in Mahoning County, Ohio, in District 4, be, and it hereby is, revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Karam Sheban (Sheban Mining Company), to membership in the Code, the defendant shall pay to the United States a tax in the amount of $4117.16 as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9163; Filed, December 5, 1941; 11:19 a. m.]

[Docket No. A-1135]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1135, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR MINE INDEX NOS. 863, 864 AND 501, IN DISTRICT NO. 1, FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1135 PART II FROM DOCKET NO. A-1135 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1135 PART II

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division in Docket No. A-1135 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1. As was found in an order issued in Docket No. A-1135, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to the coals of Mine Index Nos. 863, 864, and 501. for all shipments except truck.

The petition proposes that the price classifications and minimum prices effective:

(1) for the coals of Mine Index Nos. 863 and 864 for all shipments except truck from Barnum, West Virginia, on Western Maryland Railroad shall also be applicable for such shipments from Westernport, Maryland, on Cumberland & Pennsylvania Railroad; and

(2) For the coals of the Saylor Mine (Mine Index No. 501) of Leonard L. Romesburg for all shipments except truck from Rockwood, Maryland, on Baltimore & Ohio Railroad shall also be applicable for such shipments from Rockwood, Maryland, on Western Maryland Railroad.

Since the petition does not allege any facts in support of these proposals, the Acting Director is of the opinion that no temporary relief should be granted upon the basis of such proposals until the necessity therefor has been shown at a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1135 relating to the coals of Mine Index Nos. 863, 864, and 501 be, and the same hereby is, severed from the remainder of Docket No. A-1135 and designated as Docket No. A-1135 Part II.

It is further ordered, That a hearing in Docket No. A-1135 Part II under the applicable provisions of said Act and the rules of the Division be held on January 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 2, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 to make the price classifications and minimum prices effective:

(1) For the Coals of Mine Index Nos. 863 and 864 of Brown and Lawrence (Melvin L. Brown) for all shipments except truck from Barnum, West Virginia, on Western Maryland Railroad also applicable for such shipments from Westernport, Maryland, on the Cumberland & Pennsylvania Railroad.

(2) For the coals of the Saylor Mine (Mine Index No. 501) of Leonard L. Romesburg for all shipments except truck from Rockwood, Maryland, on Baltimore & Ohio Railroad also applicable for such shipments from Rockwood, Maryland, on Western Maryland Railroad.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9164; Filed, December 5, 1941; 11:19 a. m.]

[Docket No. 1705-FD]

IN THE MATTER OF PETERSON COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated June 2, 1941, having been filed herein by the Bituminous Coal Producers' Board for District No. 4, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Peterson Coal Company, Deerfield, Ohio, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of the Peterson Coal Company, dated November 10, 1941, respectively, after a hearing held in the above-entitled matter on September 5, 1941, at Akron, Ohio, pursuant to an Order of the Acting Director dated July 17, 1941; and

Said Peterson Coal Company, having filed with the Division, as provided in section 5 (c) of the Act, its application dated November 25, 1941, for restoration of code membership to become effective from and after the payment of the tax provided in said Order of November 10, 1941; and

It appearing from said application that the Peterson Coal Company, on November 19, 1941, paid to the Collector of Internal Revenue at Cleveland, Ohio, the sum of nine hundred two dollars and sixty cents ($902.60), as provided in said Order of November 10, 1941, as a condition precedent to restoration of its code membership.

It is, therefore, ordered, That said application of the Peterson Coal Company, dated November 25, 1941, for restoration of its code membership be granted and that the code membership of the Peterson Coal Company, be and it hereby is restored as of November 19, 1941.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9165; Filed, December 5, 1941; 11:20 a. m.]

[Docket No. B-9]

IN THE MATTER OF CLAUDE GALBRAITH & SON COAL COMPANY, A PARTNERSHIP, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of December 15, 1941, at a hearing room of the Bituminous Coal Division, Room 216, Post Office Building, Terre Haute, Indiana; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of December 15, 1941, until 10 o'clock in the forenoon of December 18, 1941, at a hearing room of the Bituminous Coal Division, at Room 216, Post Office Building, Terre Haute, Indiana, and before the officers previously designated to preside at said hearing.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9166; Filed, December 5, 1941; 11:20 a. m.]

[Docket No. 1836-FD]

IN THE MATTER OF THE APPLICATION OF GULF, MOBILE AND OHIO RAILROAD COMPANY FOR A DETERMINATION OF THE STATUS OF THE COAL PRODUCED AT ITS ILIMO MINE IN RANDOLPH COUNTY, ILLINOIS, PURSUANT TO THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for December 8, 1941, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of December 8, 1941, until 10 o'clock in the forenoon of January 19, 1942, at the place and before the officers heretofore designated.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9167; Filed, December 5, 1941; 11:20 a. m.]

[Docket No. A-1096]

IN THE MATTER OF THE PETITION OF ISLAND RUN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 3, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS ISLAND RUN NO. 1 MINE, (MINE INDEX NO. 377)

ORDER DISMISSING PETITION

An original petition, pursuant to the Bituminous Coal Act of 1937, having been filed with the Division, by the above-named party, for the establishment of price classifications and minimum prices for the coals of its Island Run No. 1 Mine, (Mine Index No. 377), in District No. 3; and

The Director, by a communication of October 18, 1941, having informed the above-named party that its petition was not in proper form for consideration as a petition duly filed pursuant to section 4 II (d) of the Act, and no further communication having been received from the above-named party; and

District Board No. 3 having duly filed a petition in Docket No. A-1113 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3, including the said Mine Index No. 377; and

The Director by his Order of November 7, 1941, in Docket No. A-1113, having established, among other matters, price classifications and minimum prices for the coals of Mine Index No. 377, as prayed for in the petition therein; and

It appearing, accordingly, that in view of the foregoing circumstances the original petitioner has no further interest in the above-entitled matter;

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is, dismissed, without prejudice.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9168; Filed, December 5, 1941; 11:21 a. m.]

[Docket No. A-1169]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 6 FOR CHANGE IN LOADING POINT OF DEVENNEY NO. 2 MINE, MINE INDEX NO. 31, IN DISTRICT NO. 6, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the loading point of the Devenney No. 2 Mine, Mine Index No. 31, of Wheeling Valley Coal Corporation, in District No. 6, from Wellsburg, West Virginia, on Pennsylvania Railroad to Beech Bottom, West Virginia, on the said railroad, for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled proceeding, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Devenney No. 2 Mine, Mine Index No. 31, of Wheeling Valley Coal Corporation, for rail shipments, shall be applicable only for shipments on Pennsylvania Railroad from Beech Bottom, West Virginia, and shall no longer be applicable for shipments on Pennsylvania Railroad from Wellsburg, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 30 shall be applicable to all shipments of the coals of the Devenney No. 2 Mine, Mine Index No. 31, of Wheeling Valley Coal Corporation from Beech Bottom, West Virginia, on Pennsylvania Railroad.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9169; Filed, December 5, 1941; 11:21 a. m.]

[Docket No. A-529]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR REDUCTION IN CLASSIFICATION IN SIZE GROUPS 18-21 OF COALS FROM THE DABNEY - MACBETH MINES OF HUTCHINSON COAL COMPANY

MEMORANDUM OPINION AND ORDER DENYING FURTHER RELIEF AFTER RECONSIDERATION

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction from "D" to "E" of the classification of the coals produced by the Dabney Mine (Mine Index No. 150) and the Macbeth Mine (Mine Index No. 304) of Hutchinson Coal Company (Hutchinson) in Size Groups 18 to 21. Hutchinson intervened, claiming that the reduction should be to an "F" classification.

Following an informal conference, the Director, by Order of January 18, 1941, allowed a temporary reduction in price classification from "D" to "F" for the Dabney and Macbeth Mines, but limited relief to destinations other than the Great Lakes.

District Board No. 2, Island Creek Coal Company, Mallory Coal Company, Amherst Coal Company and the Lorado Coal Mining Company intervened generally and Boone County Coal Corporation and Monitor Coal & Coke Company filed written appearances. West Virginia Coal & Coke Corporation intervened, claiming that its Earling Mine (Mine Index No. 181) produced similar coal to that of the Dabney and Macbeth Mines, and praying for the same relief as granted to them.

Pursuant to Orders of the Director, a hearing was held in Washington, D. C., beginning on February 20, 1941, in conjunction with Dockets Nos. A-538, A-579, and A-594 which involved petitions of other producers in Logan County, West Virginia, for reductions in the classification of their coals in Size Groups 18 to 21 and in some other sizes. Following the hearing, Hutchinson again requested temporary relief for shipments for Great Lakes cargo. This was granted by Order of April 30, 1941, which provided for a temporary reduction in classification from "D" to "E" for Great Lakes cargo only. On May 13, The Lorado Coal Mining Company by motion expressed further opposition to a reduction of the classification of the coals of Hutchinson's mines to "F" (for shipments to the Great Lakes).

In accordance with the waivers of the report of the Examiner filed by all parties, the Director filed his Findings of Fact, Conclusions of Law, and Opinion and issued his final Order on September 19, 1941. The final Order reduced the classification of the Dabney and Macbeth Mines in Size Groups 18 to 21 from "D" to "E" for shipment to all destinations, instead of to "F" as prayed by Hutchinson, and granted relief to eight other mines. The question of the classification of the Dabney and Macbeth Mines is now raised by a motion for reconsideration filed by Hutchinson on October 22, 1941, in which it urges a further reduction to "F."

In granting final relief, the Director found that since original classification of their coals, mechanization of the Dabney and Macbeth Mines, and important changes in the character of the seam mined had resulted in increased impurities and reduced B.t.u. in the coal from both mines in Size Groups 18 to 21, and in particular increased moisture in Dabney coal. Coals from both show a high percentage of fines and excessive coking. The deterioration appeared from proximate analyses, complaints and loss of customers and reduced running time. The Director found that the record supported the request of District Board No. 8 for a 5 cent reduction to "E", but failed to prove sufficient additional deterioration to justify the 10 cent reduction to "F" claimed by Hutchinson.

In its motion for reconsideration Hutchinson stresses an alleged failure of the Director to attach proper weight to a decrease in B. t. u. of about 300 for coals of each mine, shown by official District Board analyses, and an apparent inequality in classifying the coals at "E" when their B. t. u. value more nearly resembles the average of "F" coals in District No. 8 as shown by an exhibit in the case. At the hearing, Hutchinson and other parties overstressed the value of B. t. u. rating in the classification of coal, even urging the theory that a drop of 300 B. t. u. justified a reduction of 10 cents per ton. The question was discussed at several points in the finding. B. t. u. is only one element of a proximate analysis, and, as appeared in the testimony of witnesses McAllister and Wyatt and as the Director has often ruled, analyses are not the sole basis for classification. On fixing a price for the coals of the Hutchinson mines analyses were considered, along with the seam, physical properties, burning characteristics and market experience shown. Hutchinson's testimony regarding the amount of further deterioration of Dabney Mine coals was inadequate, for it was based on incomplete analyses, primarily of ash content, from which only an estimate of the alleged B. t. u. reduction could be made. It covered a brief period, and, as admitted by Hutchinson's witness J. L. Finkenbiner, all coals may vary a few hundred B. t. u. at times.

Hutchinson argues that its market experience justifies a 10 cent reduction, pointing to former interchangeability with the Chilton seam coals from its Argyle Mine and its sales experience before and after temporary relief, and denying the serious effect of the close of the lake season upon its sales. These matters were all carefully considered in the first instance. Only Detroit Edison Company was shown to have evaluated the coals of the Dabney and Macbeth Mines definitely at "F", and that represents the opinion of an interested party, though of value. On the other hand it was admitted that Macbeth and Dabney coals were sold to Detroit Edison Company in the summer of 1940 at a contract price of $1.45 to $1.50. Witness Gleaves testified that coals of Stirrat No. 19 Mine of West Virginia Coal & Coke Corporation, classified "E", sold there at $1.35 to $1.45, and the record shows they were practically interchangeable with those of its Earling Mine, reduced to "E" as a result of the joint hearing herein. Witnesses for both West Virginia Coal & Coke Corporation and The Lorado Coal Mining Company insisted that a reduction below "E" for the Hutchinson coals would injure their business.

In the period of January through September 1940, about 30 per cent of the production of the Dabney Mine and 33 per cent of the production of the Macbeth Mine were shipped via the Great Lakes. The proportion was even greater in 1939. This being so, it is difficult to conclude that reduced sales between October 1940, and the hearing in February 1941 were due to an excessive lake price, and not to the close of the lake season early in November 1940, or to conclude that the price was 10 cents and not 5 cents too high. The fact that in the period between the granting of a temporary "F" classification and the hearing—January 18 to February 20—no new customers were obtained, and that from February 1 to 15 running time was below average, is not persuasive proof that the "F" price classification was proper, for the test period was too short.

In reexamining the record in this proceeding, the undersigned has borne in mind the difficulty of establishing the amount of reduction necessary to restore to Hutchinson its existing fair competitive opportunities, but is unable to reach upon the record a different conclusion than that previously reached. If it shall appear to Hutchinson from its additional market experience subsequent to the hearing, the burning characteristics and further complete analyses of its coals, and other pertinent factors, that they are still improperly classified, the remedy provided by section 4 II (d) of the Act will then be open to it.

Now, therefore, it is ordered, That the motion of Hutchinson Coal Company seeking a modification of the Director's

Order of September 19, 1941, herein granting permanent relief in part be and it hereby is denied.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9170; Filed, December 5, 1941; 11:21 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, DEFENDANT

MEMORANDUM OPINION AND ORDER DENYING PETITION OF DISTRICT BOARD 11 TO VACATE ORDER OF DIRECTOR AND FOR RECONSIDERATION OF THE MATTER

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on May 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, the complainant, alleging that Morris & Campbell, the defendant, had wilfully violated the Bituminous Coal Code or rules and regulations thereunder and the effective minimum prices, and praying that an order be entered requiring the defendant to cease and desist from such violations.

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter was held at which the complainant and the defendant appeared. The parties waived the preparation and filing of a Report by the Examiner, and the matter was thereupon submitted to the Director who, on October 31, 1941, issued his Findings of Fact, Conclusions of Law, and Opinion, and entered an Order revoking and cancelling the defendant's code membership and directing that prior to any reinstatement of the defendant or any partner therein to membership in the Code, there shall be paid to the United States a tax in the amount of $1,213.51, as provided in section 5 (c) of the Act.

On November 24, 1941, District Board 11 filed a petition to vacate the Order of the Director of October 31, 1941, and for a reconsideration of the matter. District Board 11 asks that a cease and desist order be issued in lieu of the order of revocation and cancellation of code membership.

In its petition District Board 11 indicates that since the complaint filed by it herein did not pray for the revocation or cancellation of the defendant's code membership but merely requested that a cease and desist order be entered against the defendant, the defendant was led to believe that the penalty attendant upon its violations could be only a cease and desist order. This belief, if actually entertained by the defendant, was erroneous. In determining the penalties which may be visited upon a code member for a wilful violation of the Code, the Division is governed by the Act, particularly section 5 (b) thereof, and is not controlled or limited by the prayers or requests of the complainant. Under section 5 (b) of the Act, it is the Division, in the exercise of its discretion, which determines, in a case where a violation of the Code has been proved, whether an Order shall be entered providing for revocation of the defendant's code membership or an Order requiring the defendant to cease and desist from its violations.

The District Board strongly urges, however, that "without considering whether or not the Division is controlled by the prayers or the requests of the complainant in determining the penalties to be visited upon a code member for a violation of the Code . . . in view of the penalty concomitant with revocation of the defendant's code membership, it is only fair and reasonable that the defendant should have had clear notice that the final determinations to be resolved by the Director involved the revocation or cancellation of its code membership." The District Board appears to indicate that had the defendant been advised of the possibility of the revocation of its code membership as the result of this proceeding, the defendant might have introduced evidence in its defense or evidence of mitigating circumstances.

In the light of the petition of the District Board, I have reviewed the entire record in this proceeding and upon the basis thereof I find no reason to modify the order of code membership revocation entered against the defendant. I shall therefore deny the petition.

In the circumstances, however, it appears that an opportunity might well be afforded the parties to introduce additional evidence herein, either concerning the violations of the defendant or relevant to the penalties attendant thereon, to show why the Order of the Director of October 31, 1941, should be vacated. If the District Board sees fit, it may file a motion to reopen the hearing. Such motion, if filed, should be accompanied by the affidavit of at least one of the partners in the defendant setting forth whether or not the defendant understood that code membership revocation would result from the proceeding herein; if not, what evidence the defendant would have introduced at the hearing had it understood otherwise; and what evidence the defendant is prepared to introduce at a reopened hearing. On the basis of such affidavit, the undersigned will give due consideration to a motion to reopen the hearing should District Board 11 see fit to file same.

Now, therefore, it is hereby ordered, That the petition of District Board 11, filed herein on November 24, 1941, to vacate the Order of the Director revoking and cancelling code membership and for reconsideration of the matter, be and it hereby is denied.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9171; Filed, December 5, 1941; 11:22 a. m.]

[Docket No. 1688-FD]

IN THE MATTER OF F. T. PATIK (PATIK COAL COMPANY) DEFENDANT

MEMORANDUM OPINION AND ORDER DENYING PETITION AND APPLICATION TO REOPEN CASE, ETC.

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12 against the Patik Coal Company (F. T. Patik), the defendant, a code member in District 12. The complaint alleged that the defendant wilfully violated the Bituminous Coal Code or the rules and regulations thereunder, and prayed that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code or the rules and regulations thereunder.

Pursuant to Orders of the Director and after notice to all interested persons, a hearing in this matter was held on September 8, 1941, before W. A. Shipman, a duly designated Examiner of the Division, in Oskaloosa, Iowa. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The defendant appeared. The preparation and filing of a report by the Examiner was waived.

On October 22, 1941, the Director issued Findings of Fact and Conclusions of Law and rendered an Opinion in this matter and entered an Order in accordance therewith revoking and cancelling the defendant's code membership and providing that prior to any reinstatement of the defendant to membership in the Code the defendant, in accordance with section 5 (c) of the Act, should pay to the United States a tax in the amount of $830.25.

On November 8, 1941, the defendant filed a Petition and Application to Reopen Case and to Reconsider the Findings of Fact, Conclusions of Law, and Order of the Director, and for Entry of Modified Order Relative Thereto, and for Reinstatement of Code Membership and Stay of Cancellation Thereof Pending Hearing Hereon.

In his Findings of Fact herein, the Director found that the defendant had wilfully violated section 4 II (e) of the Act by selling during the period from January 16, 1941, to April 10, 1941, 1,097.35 tons of coal (20 cars) for delivery to the Des Moines Electric Light Company in Des Moines, Iowa, at delivered prices ranging from $2.30 to $2.42 per ton, whereas the effective minimum price for such coal was $2.54 per ton delivered. The f. o. b. mine price for such coal was found to be $1.94 per ton and, on the basis of 1,097.35 tons, the tax required to be paid by the defendant in order to obtain reinstatement to membership in the Code is $830.25.

The defendant contends that the tax should not have been computed upon 11 cars of said coal. It is claimed that three

of these cars were sold by the defendant before he was advised that minimum prices for his mine had been established, and that at the time when he was so advised, eight cars of coal had already been loaded and that it was the defendant's understanding from a conversation with a compliance officer of the Division concerning those eight cars that code prices did not apply thereto. Thus the defendant contends that as to the sale of the 11 cars of coal, aggregating 627.65 tons, the defendant did not wilfully violate the Act. Accordingly the defendant requests that the tax required for his reinstatement to membership in the Code be computed on the basis of 469.7 tons of coal rather than 1097.35 tons.

These contentions of the defendant were considered by the Director in his Findings of Fact issued herein on October 22. It was there pointed out by the Director that the duty was upon the defendant to ascertain the date upon which minimum prices were established for his coals, that this fact should have been determined from the order itself, and that the defendant's pretended reliance upon oral statements made by third persons was unwarranted. After a reconsideration of the record, the undersigned is of the opinion that the Director's findings in this regard are proper and fully justified by the record. Moreover, as stated by the Director in his Findings of Fact, the contention of the defendant that he sold some of the coal without knowing that minimum prices had been established must be considered in connection with the fact that he continued to sell coal below the effective minimum prices after he admittedly knew of the establishment of those prices.

The defendant's petition for reconsideration also contains statements to the effect that the defendant is an elderly man with little education, that he did not understand the procedure to obtain permission to dispose of the aforesaid eight cars of coal, which had become heated, and that to require the defendant to pay a tax in the amount of $830.25 as a condition of reinstatement to membership in the Code would deprive him of his only means of livelihood. There was no evidence as to these matters presented at the hearing, except a mere statement by the defendant that he did not know that an application could be made for permission to sell coal in order to prevent its deterioration. The undersigned has, however, further considered the record in the light of these statements, but is of the opinion that they afforded no justification for altering the views heretofore expressed. While some hardship may be incurred by some producers who violate the Code, and while this is regrettable, the provisions of the Act must nevertheless be impartially administered without regard to the unfortunate circumstances of any particular producer involved. Only by such administration of the Act can a sound price structure be maintained, and the policies of the Act be effectuated.

I therefore conclude that the Findings of Fact, Conclusions of Law, Opinion, and Order issued herein on October 22, 1941, are proper and should remain unchanged and that the petition of the defendant filed herein on November 8, 1941, should be denied.

Now, therefore, it is hereby ordered, That the Petition filed herein by the defendant on November 8, 1941, be and it hereby is in all respects denied.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9172; Filed, December 5, 1941; 11:22 a. m.]

Bureau of Reclamation.

[169100]

ROUND VALLEY RESERVOIR SITE, CALIFORNIA

ADVERTISEMENT OF LANDS FOR LEASE

NOVEMBER 26, 1941.

1. Sealed proposals will be received at the office of the General Supervisor of Operations and Maintenance, Bureau of Reclamation, 910 U. S. National Bank Building, Denver, Colorado, until 2 o'clock, P. M., December 18, 1941, for the lease for grazing or agricultural purposes of all or any tract or tracts of the land shown on the accompanying list.

2. The lands will be leased for grazing purposes for a one-year period ending December 31, 1942, the lessee having an option to renew the lease from year to year, but not beyond December 31, 1946, provided the United States does not, by written notice, 90 days prior to the expiration of any annual period, notify the lessee that the lease cannot be renewed.

3. The bidder shall state in the proposal (a) the legal description of the subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the total annual rental price he proposes to pay, and shall state whether the land is to be used for grazing or agricultural purposes. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. Please use attached proposal blank.[1]

4. Bids must be accompanied by a payment in full for the calendar year 1942. Funds so remitted by unsuccessful bidders will be returned on making of award. Subsequent payments for the purpose of exercising the yearly option renewals must be received in the office of the General Supervisor of Operation and Maintenance, Bureau of Reclamation, Denver, Colorado, 30 days in advance of the termination of the lease and must be accompanied by a notice to the effect that the lessee desires to exercise such option. In case the necessary payment, accompanied by the notice of the lessee of his desire to exercise the option, is not made on or before the due date, as herein set forth, the lease and the right of occupancy of the lessee terminate at the expiration of the period for which rental has theretofore been paid, without further notice or action. All remittances should be in the form of certified check, bank draft, or money order, drawn in favor of the "Treasurer of the United States".

5. Those desiring to bid should first consult a copy of lease form 7-523-A-G, which lease must be promptly executed by successful bidders before possession of land is given, and which describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree. Copies of the lease form may be inspected at the bulletin boards of the post offices at Adin, Bieber, Alturas, Canby, and Lookout, California.

6. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for Lease of Land, Round Valley Reservoir Site, California, to be Opened at 2 P. M., Mountain Standard Time, December 18, 1941.

MR. J. S. MOORE,
General Supervisor of Operation and Maintenance,
Bureau of Reclamation,
910 U. S. National Bank Building,
Denver, Colorado.

JOHN C. PAGE,
Commissioner.

List of Lands Available for Lease

MOUNT DIABLO MERIDIAN

Description	*Acres*
T. 39 N., R. 9 E.:	
Sec. 2—E½SE¼	80
Sec. 3—W½NE¼, SE¼NE¼	120
Sec. 4—S½NW¼	80
Sec. 9—S½SE¼	80
Sec. 11—NE¼NE¼	40
Sec. 12—NW¼NW¼, N½SW¼	120
Sec. 13—NW¼NE¼, SW¼	200
Sec. 14—S½NE¼, E½NW¼	160
Sec. 15—SE¼	160
Sec. 21—W½NE¼, SE¼SE¼	120
Sec. 22—E½NE¼, SE¼SE¼, SW¼SW¼	160
Sec. 23—W½	320
Sec. 27—N½NE¼, NW¼	240
T. 40 N., R. 9 E.:	
Sec. 33—N½SW¼	80
Sec. 34—NW¼SW¼	40

[F. R. Doc. 41-9137; Filed, December 5, 1941; 10:00 a. m.]

[169101]

IRON CANYON RESERVOIR SITE, CALIFORNIA

ADVERTISEMENT OF LANDS FOR LEASE

NOVEMBER 26, 1941.

1. Sealed proposals will be received at the office of the General Supervisor of Operation and Maintenance, Bureau of Reclamation, 910 U. S. National Bank Building, Denver, Colorado, until 2 o'clock, P. M., December 18, 1941, for the lease for grazing or agricultural purposes of all or any tract or tracts of the land shown on the accompanying list.

[1] Filed as part of the original document.

2. The lands will be leased for grazing purposes for a one-year period ending December 31, 1942, the lessee having an option to renew the lease from year to year, but not beyond December 31, 1946, provided the United States does not, by written notice, 90 days prior to the expiration of any annual period, notify the lessee that the lease cannot be renewed.

3. The bidder shall state in the proposal (a) the legal description of the subdivisions or tracts which he proposes to lease, (b) the area in acres and (c) the total annual rental price he proposes to pay, and shall state whether the land is to be used for grazing or agricultural purposes. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. Please use attached proposal blank.[1]

4. Bids must be accompanied by a payment in full for the calendar year 1942. Funds so remitted by unsuccessful bidders will be returned on making of award. Subsequent payments for the purpose of exercising the yearly option renewals must be received in the office of the General Supervisor of Operation and Maintenance, Bureau of Reclamation, Denver, Colorado, 30 days in advance of the termination of the lease and must be accompanied by a notice to the effect that the lessee desires to exercise such option. In case the necessary payment, accompanied by the notice of the lessee of his desire to exercise the option, is not made on or before the due date, as herein set forth, the lease and the right of occupancy of the lessee terminate at the expiration of the period for which rental has theretofore been paid, without further notice or action. All remittances should be in the form of certified check, bank draft, or money order, drawn in favor of the "Treasurer of the United States".

5. Those desiring to bid should first consult a copy of lease form 7–523–A–G, which lease must be promptly executed by successful bidders before possession of land is given, and which describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree. Copies of the lease form may be inspected at the bulletin boards of the post offices at Red Bluff and Redding, California.

6. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid For Lease of Land, Iron Canyon Reservoir Site, California, to be Opened at 2 P. M., Mountain Standard Time, December 18, 1941.

Mr. J. S. Moore,
General Supervisor of Operation and Maintenance,
Bureau of Reclamation,
910 U. S. National Bank Building,
Denver, Colorado.

John C. Page,
Commissioner.

[1] Filed as part of the original document.

List of Lands Available for Lease

Mount Diablo Meridian

Description	Acres
T. 28 N., R. 2 W.:	
Sec. 6—N½NE¼, NW¼, N½SW¼, SW¼SW¼, S½SE¼, NE¼SE¼	480
Sec. 8—E½NE¼, SW¼NE¼, NW¼SW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼	280
Sec. 18—NW¼NE¼, SE¼NE¼, NW¼NW¼, SE¼NW¼, NW¼SW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼	320
Sec. 20—NW¼NE¼, SE¼NE¼, NW¼NW¼, SE¼NW¼, NW¼SW¼, SE¼SW¼, NW¼SE¼, SE¼SE¼	320
T. 27 N., R. 3 W.:	
Sec. 2—NE¼	160
Sec. 4—NE¼SW¼, N½SE¼	120
Sec. 6—SE¼NE¼	40
T. 28 N., R. 3 W.:	
Sec. 10—N½NE¼, SW¼NE¼, E½NW¼	200
Sec. 12—N½NE¼, SW¼NE¼, S½NW¼, SW¼, W½SE¼, SE¼SE¼, Lots 1 and 2	560
Sec. 14—NE¼NE¼, SW¼SW¼	80
Sec. 24—NW¼NE¼, NW¼, NW¼SW¼, SE¼SW¼, SE¼	440
Sec. 26—N½NE¼, SE¼NE¼	120

[F. R. Doc. 41–9138; Filed, December 5, 1941; 10:02 a. m.]

General Land Office.

Five-Acre Tract Classification No. 10

November 26, 1941.

On November 4, 1941, the vacant public lands in the following-described areas, in the Los Angeles, California, land district, were classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for lease as home, cabin, health, convalescent, and recreational sites. The classification does not include any of the lands for use as camp or business sites.

California No. 7

San Bernardino Meridian

T. 4 S., R. 6 E.,
Sec. 12, N½NW¼;
Sec. 14, NE¼NW¼;
Sec. 30, W½, N½SE¼, SE¼NE¼.

These tracts involve about 24 applications under the above-mentioned act, and are located in the Coachella Valley.

The portions of the lands described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

Fred W. Johnson,
Commissioner.

[F. R. Doc. 41–9148; Filed, December 5, 1941; 10:05 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[NER–500–A–3]

Special 1941 Agricultural Conservation Programs for the Northeast Region

Supplement No. 3

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, item 2, subsection F, section II of the Special 1941 Agricultural Conservation Programs for the Northeast Region, as previously amended by NER–500–A, Supplement No. 1, is hereby further amended to read as follows:

Windham and New London Counties, Connecticut. Each farm on which there are at least five bovine animal units may be furnished triple or 20% superphosphate and ground limestone in accordance with the following schedule for improving open pasture land at the rate of 2,000 pounds of ground limestone and 200 pounds of triple superphosphate or its equivalent per acre.

	Pasture improvement allowance		
	Superphosphate		Limestone
	Triple	20 percent	
	Pounds	*Pounds*	*Pounds*
5 to 9, inclusive	100	300	1,000
10 to 14, inclusive	200	500	2,000
15 to 19, inclusive	300	800	3,000
20 to 24, inclusive	400	1,000	4,000
25 to 29, inclusive, etc.	500	1,300	5,000

Done at Washington, D. C., this 5th day of December, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] Grover B. Hill,
Assistant Secretary of Agriculture.

[F. R. Doc. 41–9174; Filed, December 5, 1941; 11:30 a. m.]

Surplus Marketing Administration.

Determination Pursuant to Section 608c (9) and (17), Title 7, U. S. C., With Respect to the Issuance of Order No. 3, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area[1]

Paul H. Appleby, Acting Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and

[1] See also Title 7, Agriculture, Chapter IX, Surplus Marketing Administration, *supra*.

as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective December 1, 1940, Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

Paul H. Appleby, Acting Secretary of Agriculture, tentatively approved, on October 17, 1940, a marketing agreement, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area would tend to effectuate the declared policy of said act, notice was given, on August 25, 1941, of a public hearing which was held in St. Louis, Missouri, on September 8 and 9, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the St. Louis, Missouri, marketing area, refused or failed to sign such marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Order No. 3, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the St. Louis, Missouri, marketing area; and

3. The issuance of Order No. 3, as amended, is approved or favored by over two-thirds of the producers, as shown by their approval now in the hands of the Secretary, who, during the month of July 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 29th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] Claude R. Wickard,
Secretary of Agriculture.

Approved:

Franklin D Roosevelt,
The President of the United States.

Dated: November 29, 1941.

[F. R. Doc. 41–9129; Filed, December 4, 1941; 12:32 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 132]

Appointment of Industry Committee No. 38 for the Tobacco Industry

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the tobacco industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public

Thomas L. Norton, Chairman, Buffalo, New York.
Douglas B. Maggs, Durham, North Carolina.
Robert Patten, Columbus, Ohio.
Elmo Hohman, Evanston, Illinois.
Charles S. Johnson, Nashville, Tennessee.

For the Employees

S. E. Blane, Durham, North Carolina.
J. E. Lentie, Washington, D. C.
John O'Hare, Richmond, Virginia.
G. H. Smith, Louisville, Kentucky.
Robert Himmaugh, Richmond, Virginia.

For the Employers

J. W. Abbott, New York, New York.
E. J. O'Brien, Jr., Louisville, Kentucky.
James S. Ficklen, Greenville, North Carolina.
William T. Reed, Jr., Richmond, Virginia.
W. H. Ogsbury, Durham, North Carolina.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "tobacco industry" means the manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from *any* types of tobacco; and the preparation or marketing (including wholesaling) of *non-cigar* types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of tobacco products, including cigars.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars including cheroots, stogies, and little cigars.

(b) The manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from *cigar* types of leaf tobacco and scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed at the manufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making *con-cigar* leaf tobacco and the scrap tobacco therefrom suitable for sale or for use in the manufacture of all types of tobacco products including cigars whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It does not include sales operations that are customarily performed on the sales floor of loose leaf tobacco auction warehouses or the direct loading of tobacco off the floor of such warehouses for shipment. It includes the production of Black Fat, Water Baler, and Dark African. It includes, but not by way of limitation, the operations of grading, sorting, conditioning, redrying, stemming, packing and storing. It does not include, however, such preliminary processing of *non-cigar* types of tobacco and scrap tobacco therefrom as is performed in the manufacturing plant as an integral part of the manufacturing operations attending the production of cigars; nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

3. The definition of the tobacco industry covers all occupations in the industry which are necessary to the production of the articles enumerated in the definition or to the preparation or marketing of *non-cigar* types of leaf tobacco and scrap tobacco therefrom, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet in Room 3229, United States Department of Labor Building, Washington, D. C., on December 15, 1941 at 10 A. M. The committee, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this third day of December 1941.

Philip B. Fleming,
Administrator.

[F. R. Doc. 41–9175; Filed, December 5, 1941; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-463]

IN THE MATTER OF THE WESTERN PUBLIC SERVICE COMPANY AND ENGINEERS PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1941.

Applications and declarations having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Western Public Service Company, a registered holding company, and its parent company, Engineers Public Service Company, likewise a registered holding company, to which a new corporation (hereinafter called "New Corporation") will join as a party by amendment when such a corporation is organized;

All interested persons are referred to said applications and declarations, which are on file in the office of said Commission, for a statement of transactions therein proposed, which are summarized below:

On December 1, 1941 said Engineers Public Service Company (hereinafter called "Engineers") signed a contract with Consumers Public Power District (hereinafter referred to as "Distriict") for the sale of 500,000 shares of common stock of The Western Public Service Company (hereinafter called "Western"), and a supplemental agreement was executed on December 2, 1941. The transactions covered by said applications and declarations as set forth in Plan I and Plan II are briefly described below:

Plan I

Step 1. Disposition by Western of properties in Wyoming to New Corporation

a. Transfer by Western to New Corporation of the Wyoming properties in Huntley, Hawk Springs and LaGrange and connecting 13.2 KV. line (hereinafter called "Huntley-LaGrange line") and in Laramie and Burns, together with certain miscellaneous assets allocated thereto subject to liabilities plus cash for working capital.

b. Acquisition by New Corporation of such assets, subject to liabilities.

c. Issuance of 5% Income Notes and Capital Stock by New Corporation and assumption of $258,000 municipal bonds.

d. Acquisition of 5% Income Notes and Capital Stock of New Corporation by Western.

Step 2. Contribution by Engineers to Western

a. Engineers contributes to capital of Western the following securities issued by Western and owned by Engineers:

31,341 shares of Preferred Stock, Series A.

10,000 shares of Preferred Stock, Series B.

$1,032,000 principal amount of First Mortgage Bonds.

b. Acquisition by Western of securities mentioned in Step 2-a.

c. Surrender by Western for cancellation of $1,612,000 principal amount First Mortgage Bonds (being the $1,032,000 contributed by Engineers and $580,000 held in Western's treasury) and 31,708 shares of its Preferred Stock, Series A (being the 31,341 shares contributed by Engineers and 367 shares held in Western's treasury) and 10,000 shares of its Preferred Stock Series B (being the 10,000 shares contributed by Engineers).

Step 3. Change in par value of Western's Common Stock

a. Western changes Common Stock from No Par to $1 Par Value and reduces capital represented by Common Stock to $500,000.

Step 4. Redemption of publicly owned securities of Western

a. Call for redemption by Western of 8,292 shares of Preferred Stock, Series A, at $27.50 per share, plus accrued dividends.

b. Advance by District to Western of amount sufficient to pay principal, premium and interest to redemption date of $3,909,000 First Mortgage Bonds.

c. Call for redemption by Western of First Mortgage Bonds, at 104 plus accrued interest.

d. Cancellation of First Mortgage Bonds and Preferred Stock.

Step 5. Dividend in partial liquidation by Western to Engineers of all securities and assets not to be acquired by the District.

a. Distribution as dividend in partial liquidation to Engineers of stock and bonds of Missouri Service Company, stock of Northern Kansas Power Company, securities of New Corporation, accounts and notes receivable from those companies due Western, cash of Western on hand and other specified properties.

b. Acquisition by Engineers of stock and bonds of Missouri Service Company, stock of Northern Kansas Power Company, securities of New Corporation and other assets distributed by Western as a dividend.

Step 6. Sale by Engineers of Common Stock of Western to District

a. Engineers sells 500,000 shares of Common Stock of $1 Par Value of Western to District.

b. Engineers executes $300,000 bond of indemnity to Western and District covering liability for payment of $258,000 principal amount of municipal bonds.

c. Engineers furnishes surety bond to Western and District in the amount of $50,000 for taxes accrued to closing date.

d. Engineers furnishes surety bond to District to save District harmless from (1) any suits filed against Western between date of agreement and closing date affecting titles to properties of Western, (2) any liens filed against the properties of Western, (3) any defects in title to Western's properties not disclosed to the District and discovered by the District prior to the closing date and (4) any other matters required to consummate the transaction.

Plan II

Engineers hereby applies for approval of the acquisition and retirement of a maximum of 35,000 shares of its Preferred Stock outstanding in the hands of the public. Engineers hereby applies for permission to acquire such shares for a period of six months from the date of the Order issued by the Commission subject to the right of the Company to apply for an extension or extensions of such period.

The securities of Engineers presently outstanding are as follows:

156,001 shares $5 Dividend Convertible Preferred Stock.

192,046 shares $5.50 Cumulative Dividend Preferred Stock.

69,968 shares $6 Cumulative Dividend Preferred Stock.

1,909,968 shares Common Stock.

The $5 Dividend Convertible Preferred Stock is redeemable at $105 per share and accrued dividends and the other two series of Preferred Stock are redeemable at $110 per share and accrued dividends.

The final bid and asked prices on the New York Stock Exchange for the above-named three series of Preferred Stock on November 27, 1941 were as follows:

	Bid	Asked
$5 Dividend Convertible Preferred Stock	70½	74
$5.50 Cumulative Dividend Preferred Stock	74	77½
$6 Cumulative Dividend Preferred Stock	83½	85

In the Preferred Stock Capital Accounts of Engineers the three series of Preferred Stock above named are set up at $100 per share, representing the amount per share to which said shares are entitled in involuntary liquidation.

It is estimated that the adjusted price which the District will pay the Engineers for the 500,000 shares of Western will be approximately $7,000,000.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declarations and applications, and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on December 22, 1941 at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declarations as filed shall become effective;

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearingin such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of issues presented by said applications and declarations as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

(1) What conditions, if any, are necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder;

(2) Whether or not the New Corporation should be permitted to issue evidences of indebtedness, and, if so, in what amount;

(3) Whether the New Corporation should be permitted to issue No Par Common Stock;

(4) In what manner the accounting entries are to be made on the books of Engineers with respect to the acquisition of the securities of Missouri Service Company, Northern Kansas Power Company, and the New Corporation;

(5) Whether the acquisitions by Engineers of the securities of Missouri Service Company, Northern Kansas Power Company, and the New Corporation comply with the terms and provisions of section 10 (c) (2) of the Act;

(6) Whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers;

It is further ordered, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than fifteen days prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect to the Commission on or before the eighteenth day of December, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9177; Filed, December 5, 1941; 11:50 a. m.]

[File No. 70-449]

IN THE MATTER OF WEST TEXAS UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than December 22, 1941, at 4:30 P. M., E. S. T. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

West Texas Utilities Company proposes to issue and sell the following securities:

$18,000,000 principal amount of First Mortgage Bonds, due December 1, 1971; and

$2,900,000 principal amount of unsecured notes due serially over a period of approximately six and one-half years from date of issue.

Proceeds from such sale, together with treasury funds of the company to the extent required, would be applied to the redemption and retirement of the company's $18,000,000 principal amount of outstanding First Mortgage Bonds, Series A, 3¾%, due May 1, 1969 and $2,930,000 principal amount of outstanding 3⅛% unsecured notes, due serially June 13, 1942 to December 13, 1947.

The application states that the bonds will be sold by competitive bidding pursuant to the provisions of Rule U-50 and that the sale of the notes is to be privately negotiated. Interest rates, the prices to be received, and the purchasers of the proposed securities are to be supplied by amendment.

West Texas Utilities Company is a direct subsidiary of American Public Service Company, a registered holding company, and an indirect subsidiary of Central and South West Utilities Company and The Middle West Corporation, both registered holding companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9178; Filed, December 5, 1941; 11:50 a. m.]

[File Nos. 70-419, 70-426]

IN THE MATTERS OF AMERICAN UTILITIES SERVICE CORPORATION; AND AMERICAN UTILITIES SERVICE CORPORATION AND NORTHWESTERN ILLINOIS UTILITIES

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 5th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 16, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

American Utilities Service Corporation, a registered holding company, is the owner of all of the issued and outstanding capital stock of its subsidiary Northwestern Illinois Utilities consisting of 123,862 shares of common stock, par value of $5 per share for a total of $619,310. Said company proposes to make a capital contribution of $219,310 to Northwestern Illinois Utilities through the cancellation and surrender of 43,862 shares of such stock for the purpose of providing, among other things, a reserve available for the disposition of certain amounts reclassified in the adjustment accounts,

cost and original cost studies, losses on the sale or retirement of properties, with possible deficiencies and depreciation reserves.

Said American Utilities Service Corporation proposes to acquire $150,000 of common stock consisting of 30,000 shares of the par value of $5 per share of its subsidiary Northwestern Illinois Utilities in exchange for and upon the conversion of one year promissory notes of Northwestern Illinois Utilities in the principal amount of $150,000 now held by said American Utilities Service Corporation.

Said Northwestern Illinois Utilities proposes to issue and deliver 30,000 shares of its common stock in the par value of $5 per share to its parent company, American Utilities Service Corporation, in exchange for $150,000 principal amount of the one year 4% promissory notes of the company now held by said American Utilities Service Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9179; Filed, December 5, 1941; 11:54 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, NOVEMBER 29, 1941

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,125	51
2. Virgin Islands	15	1
3. Hawaii	255	23
4. Alaska	44	14
5. California	4,156	1,381
6. Louisiana	1,422	651
7. Michigan	3,163	1,485
8. Texas	3,860	2,016
9. Arizona	300	161
10. Georgia	1,880	1,119
11. South Carolina	1,143	701
12. Kentucky	1,712	1,053
13. Alabama	1,705	1,093
14. Mississippi	1,314	864
15. Ohio	4,157	2,849
16. North Carolina	2,149	1,479
17. New Mexico	320	223
18. Arkansas	1,173	849
19. New Jersey	2,503	1,839
20. Tennessee	1,755	1,425
21. Florida	1,142	946
22. Nevada	66	55
23. Indiana	2,063	1,769
24. Illinois	4,752	4,209
25. Delaware	160	142
26. Oregon	656	584
27. Connecticut	1,028	948
28. Idaho	316	293
29. Wisconsin	1,888	1,761
30. Pennsylvania	5,957	5,685
31. Vermont	216	211
32. Rhode Island	429	424
IN EXCESS		
33. New Hampshire	296	298
34. Massachusetts	2,598	2,656
35. West Virginia	1,145	1,186
36. Washington	1,045	1,100
37. Maine	510	543
38. Missouri	2,277	2,450
39. Oklahoma	1,406	1,533
40. Utah	331	382
41. Iowa	1,527	1,783
42. Colorado	676	791
43. Minnesota	1,680	2,037
44. Wyoming	131	185
45. New York	8,111	10,241
46. Montana	337	459
47. Kansas	1,084	1,524
48. North Dakota	386	472
49. South Dakota	387	591
50. Virginia	1,611	2,486
51. Nebraska	792	1,424
52. Maryland	1,096	2,676
53. District of Columbia	399	9,448

GAINS	
By Appointment	699
By Transfer	37
By Reinstatement	1
Total	737
LOSSES	
By Separation	130
By Transfer	65
By Correction	3
Total	198
Total Appointments	80,669

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934: 19,855.

By direction of the Commission.

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 41-9131; Filed, December 4, 1941; 1:25 p. m.]

DEC 10 1941

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 6 NUMBER 238

Washington, Tuesday, December 9, 1941

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[Amendment No. 1 to 1941 C.C.C. Rice Form 1—Instructions]

PART 225—1941 RICE LOANS

AMENDMENTS TO REGULATIONS GOVERNING WAREHOUSE RECEIPTS AND FARM STORAGE

The 1941 Commodity Credit Corporation Rice Loan Instructions (1941 C.C.C. Rice Form 1)[1] are hereby amended to read as follows:

1. Section 225.5 is hereby amended to read as follows:

§ 225.5 *Warehouse receipts.* Warehouse receipts must not include insurance, must be dated on or prior to the date of the related note, must be issued to and in the name of the producer and endorsed by him in blank so as to vest title in the holder, and must be issued by an approved warehouse. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Liens for storage charges will be recognized by Commodity Credit Corporation only from September 1, 1941, or the first day of the month during which the warehouse receipts are pledged as security to a loan under the 1941 Rice Loan Program, whichever is later. Such receipts must set out in their written or printed terms the number of bushels, the gross weight, and variety of the rice represented thereby, and, in addition, if stored in bags, the number of bags of rice; must set out or be accompanied by certificates issued by the Agricultural Marketing Service of the United States Department of Agriculture stating the variety, grade, milling quality, percentage of moisture, and dockage (if any) of the rice represented thereby: *Provided, however,* That, in the case of any loans made by any rice cooperative association in accordance with the 1941 Rice Cooperative Association Contract (1941 C.C.C. Rice Form C), such information may be shown as provided in such contract; and must set out all other facts and statements required to be stated in the written or printed terms of a negotiable warehouse receipt by section 2 of the Uniform Warehouse Receipts Act.

2. Section 225.6 is hereby amended to read as follows:

§ 225.6 *Form storage.* In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve farm storage facilities and will arrange for measuring, weighing, sampling, grading, and sealing the rice collateral in approved structures. Chattel mortgages securing notes on 1941 C.C.C. Rice Form A must cover a single variety of rice and must be executed, signed, and recorded or filed in accordance with the applicable State law. Producers may obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer and the rice collateral is stored on the farm, the expiration date of the lease shall be given in section 1 (d) of the chattel mortgage. If the expiration date of the lease is prior to June 30, 1942, or, in the case of rice stored in California, September 30, 1942, the borrower must secure from the owner and any other interested parties, consent that the rice collateral may remain in the described storage structure(s) for a period of sixty days beyond the maturity date of the note without charge except as provided in these instructions. The consent agreement is set forth in the chattel mortgage. Each producer must designate in section 1 (b) of the chattel mortgage a shipping point reasonably convenient for delivery of the rice as determined by the county committee. Notes and chattel mortgages will not be acceptable if they provide a

[1] 6 F.R. 5708.

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FEDERAL REGISTER

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shipping point other than the normal shipping point customarily used by the producers in the area in which the rice was produced. A separate note and chattel mortgage must be submitted for rice stored on each quarter section of land and, as stated above, each such chattel mortgage must cover only a single variety of rice.

In the event Commodity Credit Corporation becomes the holder of any note secured by farm-stored rice, it will, upon the delivery of the mortgaged rice pursuant to section 6 of the 1941 Chattel Mortgage (1941 C.C.C. Rice Form AA), pay to the producer, or his personal representative, without right of assignment to, or substitution of, any other person, a storage payment computed at the rate of one cent per bushel for the first full thirty-day period, or fraction thereof, from the date of the approval of the note and related mortgage by the county agricultural conservation committee; and thereafter, one cent per bushel for each thirty-day period, or fraction thereof, to the date of the delivery of the rice: *Provided*, That (a) in no event shall the total storage payment exceed four cents per bushel of the rice delivered; (b) no storage payment whatever shall be made if the producer has made any misrepresentation in the chattel mortgage or in connection with the loan; (c) no storage payment whatever shall be made if the rice is delivered pursuant to demand of the Commodity Credit Corporation made because the rice was damaged, threatened with damage, abandoned, or otherwise impaired; and (d) if the rice delivered is of a different quality (i. e., grades lower) or of a lesser quantity than that shown in section 1 of the chattel mortgage, there shall (unless paid by the producer) be set off against any storage payment otherwise due, an amount determined in accordance with subsections (a) and (b) of section 7 of the chattel mortgage.

[SEAL] J. B. HUTSON, *President.*

Dated: November 12, 1941.

[F. R. Doc. 41-9197; Filed, December 6, 1941; 11:54 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[MQ-603—Peanuts, Part I]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

SUBPART B—1942

Procedure for the Determination of Acreage Allotments for 1942

Sec.
729.102 Definitions.
729.103 Rule of fractions.
729.104 Instructions and forms.
729.105 Applicability of procedure.
729.106 Determination of farm acreage allotments for 1942.
729.107 Reconstituted farms.

§ 729.102 *Definitions* As used in this procedure and in all instructions, forms, and documents, in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) *Peanuts.* Peanuts which are picked and threshed by mechanical means, whether before or after marketing by the producer.

(b) *Farm.* Any tract(s) of land considered as a farm under the provisions of the 1942 Agricultural Conservation Program.

(c) *Tillable acreage available for the production of peanuts.* The acreage in the farm in 1941 which was tilled or was in regular rotation minus the sum of the acreages devoted to the production of sugarcane for sugar, wheat or rice for market or feeding to livestock for market, cotton or tobacco for market.*

*§§ 729.102 to 729.107, inclusive, issued under the authority contained in sec. 358 (d), Public Law 27, 77th Cong., 55 Stat. 90.

§ 729.103 *Rule of fractions.* All acreages shall be rounded to the nearest one-tenth of an acre.*

§ 729.104 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and forms as may be necessary for carrying out this procedure.*

§ 729.105 *Applicability of procedure.* The provisions of this Part I of NQ-603—Peanuts shall be effective for the establishment of farm acreage allotments for peanuts of the 1942 crop.*

§ 729.106 *Determination of farm acreage allotments for 1942.* The State Agricultural Conservation Committee (hereinafter referred to as the State committee) shall distribute the State acreage allotment among the counties in the State in which peanuts are grown on the basis of the average acreage in each county in the five years 1936–1940 adjusted for trends in acreage and abnormal weather conditions. The State committee shall estimate the acreage in any of the five years for which data are not available. The State committee may set aside such a part of the State acreage allotment as shall be necessary, in light of the experience under previous Agricultural Programs, as a reserve for farms for which no 1941 peanut acreage allotment was determined and for the correction of errors.

The portion of the State acreage allotment made available to each county shall be allotted by the County Agricultural Conservation Committee (hereinafter referred to as the county committee), subject to the approval of the State committee, among the farms in the county on the basis of (1) tillable acreage available for the production of peanuts, (2) past acreage of peanuts on the farm, and (3) peanut acreage allotments under previous agricultural adjustment and conservation programs. Farm acreage allotments for peanuts shall be determined for all farms on which peanuts were produced in 1939, 1940, or 1941.

In determining farm acreage allotments for any farm on which peanuts were produced in 1939, 1940, or in 1941 if a 1941 peanut acreage allotment was determined for the farm, one of the following methods shall be used:

(a) In any State in which the State committee determines that, because of increases in peanut acreage in the last five years, the tillable acreage available for the production of peanuts will provide the fairest and most equitable basis for use in determining peanut acreage allotments and distribution of the county share of the State allotment among farms in the county eligible for the allotments, the following procedure shall be used:

The State committee shall determine that part of the acreage fixed as the county's share of the State allotment which is to be apportioned to farms on the basis of the tillable acreage available for the production of peanuts. Such acreage thus to be apportioned to each farm shall be a percentage (which shall be the same percentage for all farms in the county) of the tillable acreage available for the production of peanuts on the farm: *Provided*, That such minimum allotment shall not exceed the simple average of three figures representing the peanut acreage on the farm in 1939 and 1940, and the 1941 peanut allotment. After such apportionment has been made, the acreage remaining in the county's share of the State allotment will constitute a reserve from which farm allotments may be increased. In making such increases due consideration shall be given to, and such increases shall be made on the basis of, the past acreage of peanuts on the farm (disregarding acreage in excess of the 1941 allotment), the tillable acreage available for the production of peanuts, and the peanut acreage allotments established for the farm under previous agricultural adjustment and conservation programs.

(b) In any State where the State committee determines that, because the acreage of peanuts during the last five years has been reasonably constant, the average acreage planted to peanuts in the years 1939, 1940, and 1941 (disregarding acreage in excess of the 1941 allotment) will provide the fairest and most equitable basis for use in determining the 1942 peanut acreage allotments and distribution of the county share of the State allotment among farms in the county eligible for allotments, such average acreage shall be used as the major factor in determining farm allotments. The county committee shall carefully review the data for all farms and shall determine such average acreage. The basic allotment for each farm shall be equal to the average acreage so determined, but the county committee shall make such adjustments among individual farms as will result in comparable allotments for farms which are similar with respect to the tillable acreage available for the production of peanuts and the past acreage allotments established for the farms under previous agricultural adjustment and conservation programs.

(c) In any State where the State committee determines that the 1941 farm allotments were based on the past acreage of peanuts on the farm, tillable acreage available for the production of peanuts, and the peanut acreage allotments under previous agricultural adjustment and conservation programs, and that the 1941 allotments would provide the fairest and most equitable basis for use in determining the 1942 peanut acreage allotments, the 1941 allotments shall be used as the basis for determining 1942 allotments. The allotment for each farm shall be carefully reviewed by the county committee and such adjustments shall be made as may be necessary to reflect any material change in the tillable acreage available for the production of peanuts, trend in the past acreage of peanuts on the farm (disregarding acreage in excess of the 1941 allotment), and change in 1941 peanut acreage allotments for the farm as compared with previous allotments.

The allotment established for each farm shall be fair and equitable as compared with the allotments established for other farms in the locality which are similar with respect to the tillable acreage available for the production of peanuts, past acreage of peanuts, and previous peanut acreage allotments. The allotments determined by the county committees shall be reviewed, and may, if necessary, be revised by the State committee in order that all allotments in the State shall be comparable with respect to these factors.

For any other farm eligible for a 1942 peanut acreage allotment on which peanuts will be grown in 1942 the county committee shall recommend to the State committee an acreage allotment, on the basis of tillable acreage available for the production of peanuts only. The peanut acreage allotment recommended for such farm shall not be in excess of one percent of the peanut acreage allotments made for other farms in the same locality with similar tillable acreage. The State committee shall determine the farm acreage allotments for such farms on the basis of the recommended allotments, but the total of all allotments for such farms shall not exceed the State reserve for such farms.

The total of the acreage allotments for the farms in any county shall not exceed the limit fixed by the tate committee as the county's share of the State allotment.*

§ 729.107 *Reconstituted farms.* (a) If land operated as a single farm in 1941 is subdivided for 1942 into two or more tracts, the 1942 peanut allotment determined for the farm as constituted in 1941 shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of peanuts on each tract is of the total number of acres of cropland suitable for the production of peanuts on the farm prior to the division, unless otherwise recommended by the county committee and approved by the State committee.

(b) If two or more farms which were operated separately in 1941 are combined into a single farm for 1942, the 1942 allotment shall be the sum of the 1942 allotments for each of the farms contained in the combination.*

Done at Washington, D. C., this 6th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 41-9195; Filed, December 6, 1941; 11:54 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 9—SECRECY SURROUNDING TROOP MOVEMENTS [1]

§ 9.1 *General.* Movement of troops or individuals, or any group or class of such movements, may be classified as secret, confidential, or restricted by, or by authority of, any officer authorized to make or authorize secret classifications. All information relating to movements thus classified shall be treated as in the same category as the movements to which it relates and all movements so classified shall be governed by all the provisions of this part.

(b) Officers and men will avoid talk or discussion of military matters while in any public place and will view with suspicion any person asking questions about military subjects or discussing such topics where there is even remote possibility that the information may reach the enemy.

(c) All persons connected with the military service who receive information of proposed inland or oversea movements, classified in accordance with paragraph (a) of this section, of organizations, detachments, or individuals are forbidden to make public the details of such movements.

(d) (1) The names of organizations, ports of embarkation, or ships to be used in troop movements, or the date of departure, arrival, or embarkation will not be disclosed.

(2) When it is necessary to advise relatives or other civilians of approaching departure, persons connected with the military service will not convey any information in regard to rail routing, probable time and date of departure from or arrival at any station, names of ships, ports of embarkation, or the destination of organizations.

(e) Commanding officers of troops or individuals affected by the provisions of this part are responsible that such troops or individuals are instructed in such provisions, advised of their applicability, and warned of the danger involved in leakage of information concerning troop movements. (R.S. 161; 5 U.S.C. 22) [Par. 63, AR 380–5, June 18, 1941, as amended by Cir. 242, W.D., November 22, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–9182; Filed, December 5, 1941; 2:41 p. m.]

[1] § 9.1 is amended.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5101]

PART 306—PROCESSING TAX ON CERTAIN OILS

Regulations 48, as Made Applicable to the Internal Revenue Code by Treasury Decision 4885, Amended

In order to conform Regulations 48 [Part 306, Title 26, Code of Federal Regulations], relating to the processing tax on certain oils, to section 561 of the Revenue Act of 1941 (Public Law 250, 77th Congress), approved September 20, 1941, amending Chapter 21 of the Internal Revenue Code, such regulations, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 [Chapter 1, note, Title 26, Code of Federal Regulations, 1939 Sup.], are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding article 2 [§ 306.2, Title 26, Code of Federal Regulations], as amended by Treasury Decision 4695,[2] the following:

SEC. 561. PAYMENT OF PROCEEDS OF PROCESSING TAX TO GUAM AND AMERICAN SAMOA. (Revenue Act of 1941)

(a) *Payment to possessions.* Chapter 21 of the Internal Revenue Code (relating to processing tax on oils) is amended by adding at the end thereof the following new section:

"SEC. 2483. All taxes collected under this chapter with respect to coconut oil wholly of the production of Guam or American Samoa or produced from materials wholly of the growth or production of Guam or American Samoa, shall be held as separate funds and paid to the Treasury of Guam or American Samoa, respectively. No part of the money from such funds shall be used, directly or indirectly, to pay a subsidy to the producers or processors of copra, coconut oil, or allied products, except that this sentence shall not be construed as prohibiting the use of such money, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, for the acquisition or construction of facilities for the better curing of copra or for bona fide loans to copra producers of Guam or American Samoa."

(b) *Effective date of amendment.* The amendment made by this section shall be applicable only with respect to taxes collected after the date of enactment of this Act.

PAR. 2. Subdivision (c) of article 8 [§ 306.8, Title 26, Code of Federal Regulations], is amended to read as follows:

§ 306.8 *Records.*

* * * * *

(c) Records relative to coconut oil or to any combination or mixture containing a substantial quantity of coconut oil, with respect to which oil no tax has been paid, must be maintained in such a manner as to show:

(1) Separately, the quantity of coconut oil or combination or mixture containing a substantial quantity of coconut oil, which is wholly the production of (i) the Philippine Islands, (ii) Guam, (iii) American Samoa, and (iv) all other possessions of the United States; and

(2) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut oil, produced wholly from materials which are the growth or production of (i) the Philippine Islands, (ii) Guam, (iii) American Samoa, and (iv) all other possessions of the United States.

The records shall also show the country or possession in which the raw materials or oils were produced, when such articles were brought into the United States, and the name and address of the importer.

Such records shall be retained for a period of at least four years from the date the tax became due. The books of every person liable for the tax shall at all times be open for inspection by internal revenue officers.

For provisions relating to the imposition of penalties for failure to keep proper records, see article 21.

This Treasury decision shall be effective as of September 21, 1941. (This Treasury decision is prescribed pursuant to section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 5, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9205; Filed, December 8, 1941; 11:12 a. m.]

[1] 4 F.R. 879.
[2] 1 F.R. 1352.

[Regulations 50—1941 Edition]

PART 323—SPECIAL TAXES WITH RESPECT TO COIN-OPERATED AMUSEMENT AND GAMING DEVICES, BOWLING ALLEYS, BILLIARD TABLES AND POOL TABLES

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Subpart A—Introductory

§ 323.0 *Scope of regulations.* The regulations in this part deal with the special taxes imposed by:

(a) Chapter 27, Subchapter A, Part IX, of the Internal Revenue Code (such part being added by section 555 of the Revenue Act of 1941), on persons who maintain for use or permit the use, on any places or premises they occupy, of coin-operated amusement or gaming devices; and

(b) Chapter 27, Subchapter A, Part X, of the Internal Revenue Code (such part being added by section 556 of the Revenue Act of 1941), on persons who operate bowling alleys, billiard rooms or pool rooms.

Subpart B defines terms that are used in the Code and in the regulations in this part.

Subpart C deals with coin-operated amusement and gaming devices.

Subpart D deals with bowling alleys, and billiard and pool tables.

Subpart E contains miscellaneous provisions relating to the filing of returns, payment of tax, refunds, and penalties.

The statutory references are to the Internal Revenue Code (53 Stat., Part 1) unless otherwise stated.*

*§§ 323.0 to 323.56, inclusive, issued under the authority contained in sec. 3791 I.R.C., 53 Stat. 467; 26 U.S.C., Sup. 3791, and follow the statutory provisions to which they, respectively, refer.

Subpart B—Definitions

SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

* * * * *

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

* * * * *

§ 323.10 *Meaning of terms.* As used in the regulations in this part the terms defined in the applicable provisions of law shall have the meanings so assigned to them.*

Subpart C—Coin-Operated Amusement and Gaming Devices

SEC. 3267. TAX ON COIN-OPERATED AMUSEMENT AND GAMING DEVICES. [As added by section 555 of the Revenue Act of 1941.]

(a) *Rate.* Every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device shall pay a special tax as follows:

(1) $10 per year in the case of a device defined in clause (1) of subsection (b);

(2) $50 per year, in the case of a device defined in clause (2) of subsection (b); and

(3) $10 or $50, as the case may be, for each additional device so maintained or the use of which is so permitted. If one such device is replaced by another, such other device shall not be considered an additional device.

(b) *Definition.* As used in this part the term "coin-operated amusement and gaming devices" means (1) so-called "pin-ball" and other similar amusement machines, operated by means of the insertion of a coin, token, or similar object, and (2) so-called "slot" machines which operate by means of insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive, cash, premiums, merchandise, or tokens. The term does not include bona fide vending machines in which are not incorporated gaming or amusement features.

(c) *Applicability of administrative provisions.* An operator of a place or premises who maintains for use or permits the use of any coin-operated device shall be considered, for the purposes of subchapter B, to be engaged in a trade or business in respect of each such device.

(d) *Effective date of tax.*—With respect to the year ending June 30, 1942, no tax shall be payable under this part for any period prior to October 1, 1941.

[SEC. 3271. PAYMENT OF TAX.]

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

* * * * *

§ 323.20 *Effective date of tax.* The special taxes with respect to coin-operated amusement and gaming devices imposed by section 3267 of the Internal Revenue Code are effective on and after October 1, 1941.*

§ 323.21 *Persons liable for tax.* Every person who maintains for use or permits the use of, a coin-operated amusement or gaming device on any place or premises occupied by him, is liable to special tax. An operator of such place or premises is considered, for the purposes of the law, to become engaged in a trade or business in respect of each such device as of the day the device is placed on his premises for use thereon.*

§ 323.22 *Rate and computation of tax.* Special taxes are imposed as follows:

(a) $10 per year in the case of each so-called "pin-ball" or other similar amusement machine operated by means of insertion of a coin, token, or similar object.

(b) $50 per year in the case of each so-called "slot" machine which operates by means of insertion of a coin, token, or similar object and which, by application of the element of chance may deliver, or entitle the person playing or operating the machine to receive, cash, premiums, merchandise or tokens.

The tax year begins July 1 and ends June 30. Persons commencing business between August 1 and June 30 (both dates inclusive) must pay a proportionate part of the annual tax. "Commencing business" in the case of a coin-operated amusement and gaming device means the initial maintenance for use on the taxpayer's premises of such a device. Persons in business for only a portion of a month are liable for tax for the full month, *i. e.*, a person installing a coin-operated amusement or gaming device on his premises for use on, for example, the 15th day of a month, is liable for tax for the entire month.

As the tax became effective on October 1, 1941, persons in business on that date or commencing business during the month (that is, having such devices on their premises for use) are liable for tax for the nine months of the tax year ending the following June 30.

The amount of tax liability is computed on the basis of the number of devices of each particular type maintained for use, or permitted to be used on his premises, by the taxpayer. For each additional device subsequently during the same period brought on to the premises for use additional tax liability is incurred. Tax liability applies with respect to a device installed on the taxpayer's premises even though previously used on the premises of another person, and even though special tax for the same year or period or part thereof was paid by such other person with respect thereto.

If a taxpayer replaces a device with respect to which he has paid special tax with a like device no additional tax is payable. For example: a cigar store proprietor who maintains on the premises two "pin-ball" machines with respect to which he has paid special tax has these two machines removed and replaces them with two "pin-ball" machines of a more modern design. In this case no ad-

ditional special tax is payable. However, if the replacing article is placed in operation before operation of the replaced article is discontinued, additional tax liability is incurred. If "pin-ball" machines are replaced by coin-operated gaming devices, or gaming devices are replaced by "pin-ball" machines, liability to special tax at the rate applicable to the replacing machines or devices is incurred, and no credit is allowable for the special tax paid with respect to the replaced machines or devices.*

Subpart D—Bowling Alleys, and Billiard and Pool Tables

SEC. 3268. TAX ON BOWLING ALLEYS, AND BILLIARD AND POOL TABLES. [As added by section 556 of the Revenue Act of 1941.]

(a) *Rate.* Every person who operates a bowling alley, billiard room, or pool room shall pay a special tax of $10 per year for each bowling alley, billiard table, or pool table. Every building or place where bowls are thrown or where games of billiards or pool are played, except in private homes, shall be regarded as a bowling alley, billiard room, or pool room, respectively.

(b) *Effective date of tax.* With respect to the year ending June 30, 1942, no tax shall be payable under this part for any period prior to October 1, 1941.

[SEC. 3271. PAYMENT OF TAX.]

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

* * * * *

§ 323.30 *Effective date of tax.* The special tax with respect to bowling alleys, and billiard and pool tables, imposed by section 3268 of the Internal Revenue Code is effective on and after October 1, 1941.*

§ 323.31 *Persons liable for tax.* Every person who operates a bowling alley, billiard room, or pool room is liable for a special tax of $10 per year with respect to each bowling alley, billiard table, or pool table. For the purposes of the tax every building or place where bowls are thrown, or where games of billiards or pool are played, except in private homes, is regarded as a bowling alley, billiard room, or pool room, respectively.*

§ 323.32 *Rate and computation of tax.* The rate of tax is $10 per year for each bowling alley, billiard table, or pool table operated by the taxpayer. Each separate alley bed is considered a bowling alley for the purposes of the tax.

The tax year begins July 1 and ends June 30. Persons commencing business between August 1 and June 30 (both dates inclusive) must pay a proportionate part of the annual tax. Persons in business for only a portion of a month are liable for tax for the full month, *i. e.*, a person beginning the operation of a bowling alley, billiard table, or pool table on his premises on, for example, the 15th day of a month, is liable for tax for the entire month.

As the tax became effective on October 1, 1941, persons in business on that date or commencing business during the month (that is, operating bowling alleys, billard tables, or pool tables), are liable for tax for the nine months of the tax year ending the following June 30.

The amount of tax liability is computed on the basis of the number of alley beds, billiard tables, and pool tables maintained for use on the operator's premises. For each additional alley bed, billiard table, or pool table subsequently during the same period installed on the premises for operation, additional tax liability is incurred.

If a taxpayer replaces an alley bed, billiard table, or pool table with respect to which he has paid special tax with another article of the same or different kind subject to this tax, for example, replaces an alley bed either with another alley bed or a billiard or pool table, no additional tax is payable. However, if the replacing article is placed in operation before operation of the replaced article is discontinued additional tax liability is incurred.*

Subpart E—Administrative Provisions

SEC. 3271. PAYMENT OF TAX.

(a) *Condition precedent to doing business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

* * * * *

SEC. 3272. RETURNS.

(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

* * * * *

§ 323.40 *Registry, return, and payment of tax.* Every person first engaging in any business subject to the regulations in this part shall on or before the last day of the month in which business is commenced file, separately for each place of business, a return on Form 11–B. The collector will furnish the proper forms which must be filled out, subscribed, and attested as indicated therein.

Every person engaged on October 1, 1941, in any business mentioned herein, or first engaging in such a business during the month of October 1941, must register and file return on Form 11–B and pay the tax on or before October 31, 1941. Thereafter, such person must register, file return, and pay the tax on or before the last day of July of each year.

Where before the end of the taxable year an additional article of a type covered by the regulations in this part is maintained or operated on the taxpayer's premises, a return covering such additional article shall be filed and additional special tax paid for the remaining portion of the taxable year. Payment of the additional tax will be evidenced by special tax stamps. (See § 323.41.)

Each return must show the taxpayer's full name. A person doing business under a style or trade name must give his own name, followed by his style or trade name. In the case of a copartnership, association, firm, or company, other than a corporation, its style or trade name must be given, also the name of each member and his place of residence. In the case of a corporation, the name and title of each officer and his place of residence must be shown.*

[SEC. 3271. PAYMENT OF TAX.]

(c) *How paid.*

(1) *Stamp.* All special taxes imposed by law, * * * shall be paid by stamps denoting the tax.

* * * * *

SEC. 3273. STAMPS.

(a) *Supply.* The Commissioner is required to procure appropriate stamps for the payment of all special taxes imposed by law * * *.

SEC. 3659. RECEIPTS FOR TAXES.

(a) *In general.* Every collector and deputy collector shall give receipts for all sums collected by him, excepting only when the same are in payment for stamps sold and delivered; but no collector or deputy collector shall issue a receipt in lieu of a stamp representing a tax.

* * * * *

§ 323.41 *Tax payment evidenced by special tax stamp.* Upon receipt of a return, on Form 11–B, together with remittance of the full amount of tax due, the collector will issue a special tax stamp as evidence of payment of the special tax. Such payment must be made in the form of cash, certified check, or post office money order.

Collectors will distinctly write or print the taxpayer's registered name (see § 323.40), and the address of the particular place of business designated by street and number, on the stamp before it is delivered or mailed to the taxpayer. Special tax stamps will be transmitted by ordinary mail, unless it is desired that they be transmitted by registered mail, in which case 15 cents additional to pay registry fee should be remitted with the return.

Collectors and their deputies are forbidden to issue receipts in lieu of stamps representing the payment of special taxes.*

[SEC. 3273. STAMPS.]

(b) *Posting.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax.

* * * * *

SEC. 3274. PENALTIES RELATING TO POSTING OF SPECIAL TAX STAMP.

Any person who shall, through negligence, fail to place and keep stamps denoting the payment of the special tax as provided in section 3273 (b) shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than $10. And where the failure to comply with the provisions of section 3273 (b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

§ 323.42 *Special tax stamp to be posted.* Every special tax stamp issued to a taxpayer must be kept posted conspicuously on the premises where the business is operated. One who fails so to post a stamp thereby incurs liability to a penalty, equal and in addition to the tax, plus the costs of prosecution; but in no case shall the penalty (not including the costs of prosecution) be less than $10. Where the failure is willful the penalty is doubled. This liability is additional to any and all liability otherwise incurred.*

§ 323.43 *Certificates in lieu of stamps lost or destroyed.* When a special tax stamp has been lost or destroyed, such fact should be reported to the collector at once for the purpose of obtaining from him a certificate of payment. Such certificate will be on Form 785, and must be posted in place of the stamp; otherwise liability as above indicated for failure to post the stamp will be incurred. (See § 323.42.)*

SEC. 3279. LIABILITY IN CASE OF DIFFERENT BUSINESSES OF SAME OWNERSHIP AND LOCATION.

Whenever more than one of the pursuits or occupations described in this chapter are carried on in the same place by the same person at the same time, except as otherwise provided in this chapter the tax shall be paid for each according to the rates severally prescribed.

§ 323.44 *Tax payable for each business at same location.* Where more than one taxable business is carried on by the same person at the same location at the same time, special tax in respect to each must be paid.*

SEC. 3277. LIABILITY OF PARTNERS.

Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

§ 323.45 *Partnership liability.* Any number of persons doing business in copartnership at any one location shall be required to pay but one special tax. The firm name is the only name required on a special tax stamp issued to a partnership.*

SEC. 3280. LIABILITY IN CASE OF DEATH OR CHANGE OF LOCATION.

(a) *Requirements.* When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner.

* * * * *

§ 323.46 *Change of ownership—(a) Changes through death.* Whenever any person who has paid special tax dies, the surviving spouse or child, or executors or administrators, or other legal representatives, may carry on such business for the remainder of the term for which tax has been paid without any additional payment, subject to the conditions hereinafter stated. If the surviving spouse or child, or executors or administrators, or other legal representatives of the deceased taxpayer continue the business, such person must within 30 days after the date of the death of the taxpayer execute a new Form 11–B. The return thus executed must show the name of the original taxpayer, together with all other data required.

(b) *Changes from other causes.* A receiver or referee in bankruptcy may continue the business under the stamp issued to the taxpayer at the place and for the period for which the tax was paid. An assignee for the benefit of creditors may continue business under his assignor's special tax stamp without incurring additional special tax liability. In such cases the change must be registered with the collector in a manner similar to that required by paragraph (a) of this section.

(c) *Changes in firm.* When one or more members of a firm or partnership withdraw, the business may be continued by the remaining partner or partners under the same special tax stamp for the remainder of the period for which the stamp was issued to the old firm. The change shall, however, be registered in the same manner as required in paragraph (a) of this section. Where new partners are taken into a firm, the new firm so constituted may not carry on business under the special tax stamp of the old firm. The new firm must make return and pay its own special tax reckoned from the first day of the month in which it began business, even though the name of such firm be the same as that of the old. Where the members of a partnership which has paid special tax form a corporation to continue the business, a new special tax stamp must be taken out in the name of the corporation.

(d) *Change in corporation.* A corporation may, upon application to the collector, change its name without creating a new special tax liability, if the stamp is forwarded to the collector for proper notation within 30 days. An increase in the capital stock of a corporation does not create a new special tax liability if the laws of the State under which it is incorporated permit such increase without the formation of a new corporation. A stockholder in a corporation who after its dissolution continues the business incurs new special tax liability.*

§ 323.47 *Change of business location—(a) Procedure by taxpayer.* Whenever a special tax payer removes his business to a location other than specified in his last special tax return (see § 323.40), he shall, within 30 days after the date of removal, register the change of location with the collector of the district within which the old place of business is located, by filing another return, Form 11–B, and designated "removal registry," setting forth the time of removal. The taxpayer's special tax stamp must accompany the return for notation by the collector of the change of location. As to liability in case of failure to register a change of location within 30 days, see § 323.48.

(b) *Procedure by collector; removal within district.* When registration is made by a special tax payer in the manner specified in paragraph (a) of this section, of the removal of his business to a new location in the same district, the collector will enter on his Record 10 (see § 323.51) the place to which such removal was made and the date of the removal. The same information shall also be entered plainly on the face of the special tax stamp, which will be returned to the taxpayer, by the collector, for posting.

(c) *Procedure by collector; removal to another district.* In case of removal to another collection district, the collector will note the transfer on his Record 10, stating the location to which the business was removed, and shall then transmit the special tax stamp to the collector for the district to which said business was removed. The latter will make an entry on his Record 10 as in the case of original registration in his district, correct the location shown on the stamp, and note also thereon his name, title, date, and district, and then forward the stamp to the taxpayer.*

SEC. 3634. EXTENSION OF TIME FOR FILING RETURNS.

If the failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

[SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.]

(d) *Additions to tax.*

(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Com-

missioner shall add to the tax 50 percentum of its amount.

* * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

* * * * *

§ 323.48 *Liability for failure to register change or removal.* Any person succeeding to and carrying on a business for which special tax has been paid and any taxpayer removing his business, with respect to which special tax has been paid, to a place other than that for which tax was paid, without registering such change or removal within 30 days thereafter, will be liable to the additional tax and penalty prescribed in section 3612 (d) for failure to make return. (See § 323.49.)*

§ 323.49 *Penalties for delinquency and fraudulent return.* In case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate.

If a false or fraudulent return is filed, the taxpayer is liable to an additional amount equal to 50 percent of the total tax. If a person liable to tax for an entire year falsely states in his return that he is liable for a portion only of the year, the return is false not only as to the portion of the year not covered but as to the portion falsely represented as the actual period of liability.*

SEC. 3276. APPLICATION OF STATE LAWS.

The payment of any tax imposed by the internal revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

§ 323.50 *Doing business in violation of State law.* Payment of any special tax within the scope of the regulations in this part in nowise authorizes the carrying on of any business in violation of the law of any State. The special tax stamp is not a license or permit and affords no protection from prosecution for violation of State law.*

SEC. 3275. LIST OF SPECIAL TAXPAYERS FOR PUBLIC INSPECTION.

(a) *In collector's office.* Each collector shall, under regulations of the Commissioner, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality, he shall furnish a certified copy thereof, as of a public record, for which a fee of $1 for each one hundred words or fraction thereof in the copy or copies so requested, may be charged.

* * * * *

§ 323.51 *Public record of special taxpayers.* The list required by the above section shall be kept on Record 10, and may be inspected in the collector's office at reasonable and proper times.*

SEC. 3640. ASSESSMENT AUTHORITY.

The Commissioner is authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal revenue law, where such taxes have not been duly paid by stamp at the time and in the manner provided by law.

§ 323.52 *Assessment of taxes not paid by stamp.* In case special taxes within the scope of the regulations in this part have not been paid and the taxpayer refuses or fails to make payment, the tax will be assessed. No stamp will be issued for an expired period; the tax in such case will be assessed.*

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

* * * * *

§ 323.53 *Notice and demand for tax; penalty and interest.* Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue under section 3655, a 5 percent penalty and interest at the rate of 6 percent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest is computed at the above-prescribed rate from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 percent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 percent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.*

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time of which, but for this section, such amount would be due.

§ 323.54 *Jeopardy assessment.* Whenever, in the opinion of the collector, it becomes necessary to protect the interests of the Government by effecting immediate collection of tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reasons therefor. The communication must state the full name and address of the person involved, the kind and amount of tax due, and the period involved, so that the Commissioner can immediately assess the tax, together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof in full.

The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect the tax, penalty, and interest, by distraint, without regard to the 10-day period after notice and demand prescribed in section 3690. (See § 323.53.)*

SEC. 3304. REDEMPTION OF STAMPS.

(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax * * * where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made • • • by refunding the amount or value to the owner thereof • • •; but no allowance or redemption shall be made in any case until the stamps • • • shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same can not be returned • • •.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decisions.* The finding of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

• • • • • •

SEC. 3770 (AS AMENDED BY SECTION 508 (b), SECOND REVENUE ACT OF 1940). AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To taxpayers.*

(1) *Assessments and collections generally.* • • • the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

• • • • • •

SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must • • • be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund • • • shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim • • •.

§ 323.55 *Claims.* (a) Claims for abatement or refund of special taxes and ad valorem penalties erroneously or illegally assessed or collected, and claims for the redemption of special tax stamps shall be filed on Form 843 with the collector. The claim must set forth in detail and under oath each ground upon which it is made, and facts sufficient to apprise the Commissioner of the exact basis thereof. If the claim is for redemption of a special tax stamp, such stamp shall be attached to and made a part of the claim.

(b) No claim for the refund of a special tax or penalty or for the redemption of a special tax stamp shall be allowed unless presented within four years next after the payment of such tax or penalty or the purchase of such stamp.

(c) A special tax payer who for any reason discontinues business is not entitled to any refund for the unexpired portion of the fiscal year for which the special tax stamp was issued.*

[SEC. 3793. PENALTIES AND FORFEITURES.]

(b) *Fraudulent returns, affidavits, and claims.*

(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

• • • • • •

SEC. 35. CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY THE ACT APPROVED APRIL 4, 1938 (52 Stat. 197, 18 U.S.C., and Sup., 80, 83).

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; • • • shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

• • • • • •

SEC. 3791. RULES AND REGULATIONS.

(a) *Authorization.*

(1) *In general.* • • • the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

• • • • • •

§ 323.56 *Promulgation of regulations.* In pursuance of the provisions of the law, the foregoing regulations are hereby prescribed.*

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 5, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9180; Filed, December 5, 1941; 3:21 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 615—MINIMUM WAGE RATE IN THE PASSENGER MOTOR CARRIER INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 33 FOR A MINIMUM WAGE RATE IN THE PASSENGER MOTOR CARRIER INDUSTRY

Whereas on July 8, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 117, appointed Industry Committee No. 33 for the Passenger Motor Carrier Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Passenger Motor Carrier Industry in accordance with section 8 of the Act; and

Whereas the Committee included four disinterested persons representing the public, a like number of persons representing employers in the Passenger Motor Carrier Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Passenger Motor Carrier Industry is carried on: and

Whereas on September 4, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Passenger Motor Carrier Industry; and

Whereas after notice published in the FEDERAL REGISTER on October 14, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on October 30, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave to file briefs on or before November 24, 1941; and

Whereas no request for oral argument having been received, oral argument on the Committee's recommendation was dispensed with in this proceeding; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, has concluded that the Industry Committee's recommendation for the Passenger Motor Carrier Industry, as defined by Administrative Order No. 117, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 33 for a Minimum Wage Rate in the Passenger Motor Carrier Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Divi-

sion, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 615.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.*

*§§ 615.1 to 615.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

§ 615.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Passenger Motor Carrier Industry who is engaged in commerce or in the production of goods for commerce.*

§ 615.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Passenger Motor Carrier Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 615.4 *Definition of the passenger motor carrier industry.* The Passenger Motor Carrier Industry, to which this Wage Order shall apply, is defined as follows:

The industry carried on by any person who holds himself out to the general public to engage in, or under individual contracts or agreements engages in, the transportation by motor vehicle of passengers in interstate commerce over regular or irregular routes or under individual contracts or agreements engages in transportation of passengers by motor vehicle necessary to the production of goods for interstate commerce. The term does not include the industry carried on by any local trolley or motor bus carrier or that part of the industry carried on by any carrier of passengers by rail or water or any company which is subject to Administrative Order No. 34 defining the railroad carrier industry.*

§ 615.5 *Scope of the definition.* The definition of the passenger motor carrier industry covers all occupations in the industry including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 615.6 *Effective date.* This Wage Order shall become effective January 5, 1942.*

Signed at Washington, D. C., this 5th day of December 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-9176; Filed, December 5, 1941; 11:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PARTS 130 AND 131, APPENDIX[1]

REVOCATION OF LICENSES, ETC., RELATING TO JAPAN

*Public Circular No. 8 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.**

DECEMBER 7, 1941.

All general licenses, specific licenses, and authorizations of whatsoever character are hereby revoked in so far as they authorize, directly or indirectly, any transaction by, on behalf of, or for the benefit of, Japan, or any national thereof.

[SEAL] H. MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 41-9202; Filed, December 8, 1941; 10:02 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF ALABAMA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Alabama to direct any local board in the State of Alabama to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Alabama will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Alabama shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1941.

[F. R. Doc. 41-9185; Filed, December 6, 1941; 11:20 a. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF LOUISIANA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Louisiana to direct any local board in the State of Louisiana to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Louisiana will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Louisiana shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1941.

[F. R. Doc. 41-9191; Filed, December 6, 1941; 11:21 a. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF MISSISSIPPI TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 State 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Mississippi to direct any local board in the State of Mississippi to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Mississippi will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Mississippi shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1941.

[F. R. Doc. 41-9186; Filed, December 6, 1941; 11:20 a. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF NORTH CAROLINA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of North Carolina to direct any local board in the State of North Carolina to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of North Carolina will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of North Carolina shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1941.

[F. R. Doc. 41-9189; Filed, December 6, 1941; 11:21 a. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF SOUTH CAROLINA TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of South Carolina to direct any local board in the State of South Carolina to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of South Carolina will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of South Carolina shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1941.

[F. R. Doc. 41-9188; Filed, December 6, 1941; 11:20 a. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF TENNESSEE TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Tennessee to direct any local board in the State of Tennessee to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Tennessee will be guided by the provisions of section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Tennessee shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director

DECEMBER 2, 1941.

[F. R. Doc. 41-9190; Filed, December 6, 1941; 11:21 a. m.]

ORDER PRESCRIBING FORMS

[No. 34]

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A[1] to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:[2]

Addition of a new form designated as DSS Form 129, entitled "Reemployment Committee Report on Released or Discharged Man," effective immediately upon the filing hereof with the Division of the Federal Register.

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts. Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[1] 5 F.R. 3785.

[2] Filed with original document.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1941.

[F. R. Doc. 41-9192; Filed, December 6, 1941; 11:21 a. m.]

[No. 35]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A [1] to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms: [2]

Revision of DSS Form 25, entitled "Application and Personal History Statement," effective immediately upon the filing hereof with the Division of the Federal Register. The supply of original DSS Form 25 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

OCTOBER 21, 1941.

[F. R. Doc. 41-9193; Filed, December 6, 1941; 11:22 a. m.]

[No. 36]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A [1] to Volume One of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms: [2]

1. Addition of a new form designated as DSS Form 500, entitled "Certificate of Enrollment," effective immediately upon the filing hereof with the Division of the Federal Register.

2. Addition of a new form designated as DSS Form 501, entitled "Certificate of Separation," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

NOVEMBER 8, 1941.

[F. R. Nov. 41-9194; Filed, December 6, 1941; 11:22 a. m.]

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 24

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that effective December 23, 1941 the forms, conversions, and derivatives of the following articles and materials designated in various Proclamations (hereinafter indicated) issued pursuant to Section 6 of the Act of July 2, 1940 shall include the following in addition to items listed in previous numbered Export Control Schedules:

NOTE: The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States" or where indicated, Schedule F, "Statistical Classifications of Foreign Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

Unit of quantity	Commodity description	Department of Commerce No.
	HIDES—PROCLAMATION NO. 2413 [4]	
Piece & Lbs.	Sheep skins	0230
Piece & Lbs.	Goat skins	0250.10
Lbs.	Other hides and skins	0250.98
	ANIMAL, FISH, AND MARINE MAMMAL OILS, FATS AND GREASES—PROCLAMATION NO. 2468 [5]	
Lbs.	Inedible animal oils, other, in addition to those listed in previous numbered Export Control Schedules.	1809.98
Lbs.	Animal greases and fats, other, in addition to those listed in previous numbered Export Control Schedules.	0858.98
	RUBBER—PROCLAMATION NO. 2413 [4]	
	Rubber manufactures (except toys) in addition to items listed in previous numbered Export Control Schedules.	2099.98
	JUTE—PROCLAMATION NO. 2464 [6]	
Lbs.	Jute yarn, cordage and twine.	3211
	SYNTHETIC FIBERS—PROCLAMATION NO. 2503 [7]	
	Rayon, Nylon, and Other Synthetic Textiles:	
	Piece goods, wholly or chiefly rayon and other synthetic fibers:	
Sq. yd. & Lbs.	Pile (velvets, etc.)	3845
	Woven spun rayon fabrics:	
Sq. yd. & Lbs.	Printed	3849.6
Sq. yd. & Lbs.	Other	3849.7
	Other synthetic textile manufactures.	3859
	WOOD—PROCLAMATION NO. 2503 [7]	
	Logs and hewn timber:	
	Softwoods:	
M. bd. ft.	Douglas fir	4012
M. bd. ft.	Hemlock	4013
M. bd. ft.	Spruce	4014
M. bd. ft.	Other softwoods	4015
	Hardwoods:	
M. bd. ft.	Oak	4016
M. bd. ft.	Other hardwoods	4017
	Sawed timber:	
	Softwoods:	
M. bd. ft.	Douglas fir	4063
	Boards, planks, and scantlings:	
	Softwoods:	
	Douglas fir:	
M. bd. ft.	Rough	4101
M. bd. ft.	Dressed	4102
	CORK—PROCLAMATION NO. 2468 [5]	
	Manufacturers of artificial, composition or compressed cork:	
Lbs.	Other, in addition to those listed in previous numbered Export Control Schedules.	4307.98
	Manufacturers of natural cork:	
Lbs.	Other, in addition to those listed in previous numbered Export Control Schedules.	4309.98
	ABRASIVE AND ABRASIVE PRODUCTS—PROCLAMATION NO. 2451 [8]	
Lbs.	Emery powder	7409.20
Lbs.	Steel abrasives	7411
	PLATINUM GROUP METALS—PROCLAMATION NO. 2413 [4]	
T. oz.	Manufactures containing platinum group metals, except jewelry, in addition to those listed in previous numbered Export Control Schedules.	6929.98
	MACHINERY—PROCLAMATION NO. 2475 [9]	
Units	Steel band, pit, drag and mill saws.	6155.2
Units	Electrical motors, ¼ horse power and under.	7040
Units	Electrical motors, over ¼ horse power and under 1.	7041
Units	Sewing machines, for domestic use.	7551
	Sewing machine parts for domestic sewing machines.	7553.98
	Brewers' machinery and parts.	7645
	Industrial machinery and parts, other. (Except cigarette and cigar making and other tobacco machinery and parts).	7750.98
	CHEMICALS—PROCLAMATION NO. 2496 [10]	
	Acetylsalicylicacid (aspirin):	
Lbs.	In bulk	$135.30
	In tablet form	$127.97
Lbs.	Benzocaine-benzoate	$135.25
Lbs.	Ethocaine	$135.25
Lbs.	Novocain	$135.25
Lbs.	P-aminobenzoyl-diethyl-aminoethanol.	$135.25
Lbs.	Planocaine	$135.25
Lbs.	Procaine base	$135.25
Lbs.	Procaine borate	$135.25
Lbs.	Procaine hydrochloride	$135.25
Lbs.	Procaine nitrate	$135.25
Lbs.	Procaine, all other forms	$135.25
Lbs.	Witherite (natural barium carbonate).	$398.98
Mg.	Mesothorium salts and compounds.	$398.98
Gals.	Mesothorium, paint containing.	$438.20
Lbs.	Gases, other, liquefied, solidified and compressed, in addition to those listed in previous numbered Export Control Schedules.	$391 $393.98
	SCIENTIFIC AND PROFESSIONAL INSTRUMENTS, APPARATUS AND SUPPLIES—PROCLAMATION NO. 2506 [11]	
Doz. prs.	Optical goods:	
	Opthalmic lenses	9142
	Sun or glare glasses and sun goggles.	9143.5

[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.
[4] 5 F.R. 2467.
[5] 6 F.R. 1703.
[6] 6 F.R. 1299.
[7] 6 F.R. 4231.
[8] 5 F.R. 5229.
[9] 6 F.R. 1983.
[10] 6 F.R. 3263.
[11] 6 F.R. 4469.

Unit of quantity	Commodity description	Department of Commerce No.
	SCIENTIFIC AND PROFESSIONAL INSTRUMENTS, APPARATUS AND SUPPLIES—PROCLAMATION NO. 2506—continued	
Doz. prs.	Optical goods—Continued. Other spectacles, eyeglasses, goggles, frames, and lenses (in addition to items listed in previous numbered export control schedules).	9143.98
	Microscopes and accessories	9149.5
	Dental instruments	9150
	Dental office equipment	9155.5
Units	Sterlizers	9156
	Surgical and medical instruments.	9157
	Surgical appliances	9158
	Surveying and engineering instruments.	9160
	Other scientific, laboratory and professional instruments and apparatus.	9190.98
	VEGETABLE PRODUCTS—PROCLAMATION NO. 2406 [10]	
Lbs.	Capsicum	1549F
Lbs.	Cassia	1533F
Lbs.	Cloves	1535F
Lbs.	Nutmegs	1539F
Lbs.	Oil of Citronella	2274F
Lbs.	Gum Benzoin	2189F

MILO PERKINS,
Executive Director.

DECEMBER 6, 1941.

[F. R. Doc. 41-9203; Filed, December 8, 1941; 10:57 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 958—REPAIRS

Interpretation No. 3 of Preference Rating Order P-22 Amended

The following official interpretation is hereby issued by the Director of Priorities with respect to section 958.1, Preference Rating Order No. P-22 Amended,[1] dated October 16, 1941.

The term "Producer" as defined in (b) (1) (ii) (a) of § 958.1 is interpreted to include bakers engaged in the processing of bakery goods, whether engaged in the wholesale or retail trade.

Issued this 5th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9199; Filed, December 6, 1941; 12:14 a. m.]

PART 1008—ELECTRIC POWER

Limitation Order L-16 to Curtail the Consumption of Electric Power in the Southeastern Area

§ 1008.5 Supplemental order No. 4 to general limitation order No. L-16—(a) *It is hereby ordered,* That the operation of paragraphs (b), (c), and (d) of Limitation Order L-16 be and the same hereby is suspended.

(b) *It is further ordered,* That the operation of Supplemental Order No. 2 issued pursuant to Limitation Order L-16 on November 12, 1941, be and the same hereby is suspended.

(c) This order shall take effect immediately.

Issued this 5th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9206; Filed, December 8, 1941; 11:20 a. m.]

[1] 6 F.R. 5332.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1347—PAPER AND PAPER PRODUCTS

PRICE SCHEDULE NO. 47—OLD RAGS

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined after an exhaustive investigation and after conferences with representatives of all branches of the trade, that the defense effort has placed an increasing burden upon the supply of old rags since it is a basic raw material in the manufacture of roofing and building material, that additional demands have been made upon the supply of old rags due to the fact that old rags are used in the manufacture of many high grades of paper, and that the large percentage of old rags previously imported has been shut off by the war.

Inflationary price rises threaten, and immediate action to prevent disastrous price spiraling is essential. The establishment of maximum prices for old rags is essential in order to accomplish these purposes and is in the interest of national defense and national welfare. The maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1347.101 *Maximum prices for old rags.* On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer old rags, and no person shall buy, offer to buy, or accept delivery of old rags at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1347.110, 1347.111, and 1347.112.*

*§§ 1347.101 to 1347.112, inclusive, issued pursuant to authority contained in Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1347.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may be charged, demanded, paid or offered.*

§ 1347.103 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of old rags, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.104 *Records and reports.* Every person making purchases or sales aggregating ten tons or more of old rags in any one month after December, 1941 shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale made during such month and each month thereafter, showing the date thereof, the name of the buyer and of the seller, the prices paid or received, and the quantity and grade or grades so purchased or sold. Such records shall set forth separately the f. o. b. point of shipment price and the transportation charge. Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1347.105 *Affirmation of compliance.* All persons who are required by § 1347.104 to keep records, shall transmit, on or before the 20 day of January, 1942, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 147:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 147:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" x 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof,

or of speculation or manipulation of prices of old rags or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1347.107 *Modification of the price schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.*

§ 1347.108 *Definitions.* When used in this Schedule the term:

(a) "Person" includes an individual, partnership, association, or other business entity.

(b) "Old rags" includes the kinds and grades of old cotton rags and roofing rags specified in Appendices A and B of this Schedule.

(c) "Consumer" means a purchaser of old rags for his own consumption.

(d) "Broker" means any person who has been engaged in the business of brokering or jobbing of old rags between October 1, 1940 and October 1, 1941.

(e) "Foreign Materials" includes every non-rag substance that can not be used in the manufacture of paper, felt, or roofing.

(f) "Carload Lots" means the minimum quantity of rags required to obtain railroad carload rates from the point of shipment to the point of destination.*

§ 1347.109 *Effective date.* This Schedule shall become effective on December 20, 1941.*

Issued this 6th day of December 1941.

LEON HENDERSON,
Administrator.

§ 1347.110 *Appendix A—Maximum prices [1] for cotton rags.*

All prices given below are per short ton F. O. B. point of shipment [2] for carload lots.*

Grades [4]	Maximum prices [3] for old cotton rags
No. 1 Whites Repacked [6]	$76.00
No. 1 Whites Miscellaneous [7]	64.00
Mixed Whites [8]	63.00
No. 2 Whites Repacked [9]	58.00
No. 2 Whites Miscellaneous [10]	53.00
Twos & Blues Repacked [11]	44.00
Thirds & Blues Repacked [12]	44.00
Thirds & Blues Miscellaneous [13]	36.00
Satinet Garments [14]	29.00
Old Blue Overalls Miscellaneous [15]	50.00

[1] Except as provided in Appendix C.

[2] All prices established by this Schedule shall be for sales of carload lots of old cotton rags loaded on freight cars, trucks or other means of conveyance at the point of shipment. The point of shipment is the point from which the old cotton rags are to be shipped to the consumer.

[3] For sales of less than carload lots of any or all of the grades of old cotton rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

[4] The highest quality of each grade of old cotton rags covered by this Schedule must be dry and free of rubber, leather, wool, silk, wood, paper or muss, paint, grease, oil, and other foreign materials.

[5] All prices listed represent the maximum prices for each grade of old cotton rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of old cotton rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in Appendix C are to be added.

[6] No. 1 Whites Repacked must contain clean white cotton rags, free of lace curtains, soiled rags, silk, rayon, wool or colored rags.

[7] No. 1 Whites Miscellaneous shall be the same as No. 1 Whites Repacked except that they may contain not more than 5% of lace curtains, 20% of No. 2 Whites Miscellaneous and 10% colored silk, rayon, or wool rags.

[8] Mixed Whites shall be the same as No. 2 Whites Miscellaneous, except they shall contain a minimum of 30% No. 1 Whites Repacked.

[9] No. 2 Whites Repacked shall consist of soiled white cotton rags, free of dump rags, paint, greasy or oily rags, silk, rayon, wool, scorched rags, or other colored rags.

[10] No. 2 Whites Miscellaneous is the same as No. 2 Whites Repacked but may contain up to but not more than 25% of objectionable material as defined in footnote 4.

[11] Twos and Blues Repacked shall be rags of strictly house collection, No. 2 Whites Miscellaneous, and bleachable colored rags, free of reds, blacks, browns, silks, rayons, and wool.

[12] Thirds and Blues Repacked shall consist of the same quality of Twos and Blues Repacked except that No. 2 Whites Miscellaneous may be eliminated.

[13] Thirds and Blues Miscellaneous shall be the same as Thirds and Blues Repacked but may contain up to but not more than 25% of objectionable material as defined in footnote 4.

[14] Satinet Garments shall be classified as No. 2 Roofing Rags as defined in Appendix B.

[15] Old Blue Overalls Miscellaneous shall consist of only clean blue overalls and shall be free of miners' garments and stripped or skeleton garments.

§ 1347.111 *Appendix B—Maximum Prices [1] for roofing rags.*

All prices given below are per short ton F. O. B. point of shipment [2] for carload lots [3].

Grades [4]	Maximum prices [5] for roofing rags
No. 1 Roofing Rags [6]	$31.00
No. 1 S—Seams and Cloth Strippings from Garments [7]	31.00
No. 2 Roofing Rags [8]	29.00
No. 3 Jute Bagging [9]	27.00
No. 4 Brussels and Hard Back Carpets [10]	27.00
No. 5 Roofing Rags [11]	
Quality A	27.00
Quality B	24.00
Quality C	19.00

[1] Except as provided in Appendix C.

[2] All prices established by this Schedule shall be for sales of carload lots of roofing rags loaded on freight cars, trucks, or other means of conveyance at the point of shipment. The point of shipment is the point from which the roofing rags are to be shipped to the consumer. Sales of less than carload lots shall not be made at a price in excess of the above established prices less 4%.

[3] For sales of less than carload lots of any or all of the grades of roofing rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

[4] The highest quality of each grade of roofing rags covered by this Schedule shall be free of rubbish, shoe cuttings, felt boots, hats, corsets, suspenders, oil cloth, matting, leather, rubber, rope, machintosh clippings, pasted stock, wool dust, wood, stones, metal of all kinds, tin cans, glass, ashes, bones, excelsior, oily rags, canvas sisal, packers, fertilizer and charcoal bags, coal and cement sacks; chemical, salt, lime and plaster bags; silk rags and silk stockings, rayon, buffing wheels, rubberized cloth, auto curtains, auto cushions, dirt, felt punchings and trimmings, window shades, cement sacks, jute waste, jute droppings, carpet waste, soft strings, cotton and/or wool filled mattresses or quilts, buckram, and all other foreign materials.

[5] All prices listed represent the maximum prices for each grade of roofing rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of the roofing rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in Appendix C are to be added.

[6] No. 1 Roofing Rags shall consist of soft rags all containing a percentage of wool; and also Satinet garments, including men's coats, pants, vests, mixed linsies, women's coats, sacks and cloth skirts, all of which contain a portion of wool fibre, and shall be free of overalls, khaki, canvas, duck, quilts, seams, and strippings or similar materials.

[7] No. 1 S.—Seams and Cloth Strippings from garments shall consist of seams and cloth strippings from garments and Satinet garments.

[8] No. 2 Roofing Rags shall consist of cotton rags, large and small cotton rags, linings, rag carpets, print rags and stockings, and shall be free of silk rags, rayon, wood and fibre rags.

[9] No. 3 Jute Bagging shall consist of jute bagging and shall be free of fertilizer, charcoal, coal, cement, chemicals of all kinds, lime, plaster, salt, jute waste, jute droppings, and bagging with asphalted kraft attached.

[10] No. 4 Brussels and Hard Back Carpets shall consist of brussels, hard back carpets, upholstery cuttings and plush cuttings.

[11] *No. 5 Roofing Rags—Quality A.* Shall consist of tailor rags and shall be free of rubbish and paper.

Quality B. Shall consist of tailor rags and shall contain not more than 10% paper.

Quality C. Shall consist of tailor rags and shall contain at least 10% but not more than 50% paper.

§ 1347.112 *Appendix C—Maximum broker's allowance.* (a) In the event that a consumer of rags shall purchase rags through a broker, as defined in § 1347.108 (d) hereof, such consumer may pay such broker not more than the maximum price herein plus a broker's allowance not to exceed the lesser of the following amounts:

(1) The regular allowance customarily charged to the consumer between October 1, 1940 and October 1, 1941, or

(2) An amount not exceeding the brokerage allowances established in Paragraph (b) below.

The maximum prices established in Appendices A, B, and C can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, provided the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of rags purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made by the broker to a consumer.

(iii) The rags sold by the broker to the consumer have been commercially sorted and baled by a person other than the broker: *Provided,* That in the event a transaction complying with all other requirements of this schedule involves rags sorted and baled both by the broker and by another person, the broker may charge an allowance only with respect to the tonnage of rags sorted and baled by such other person.

(iv) The rags involved in the sale to the consumer were not purchased by the broker from any other broker or from any person or business entity acting for such broker.

(v) The broker's allowance in such transaction is shown as a separate item in the billing and invoice. This invoice must contain a statement that the rags covered have not been packed by the jobber and that the charges are not in excess of those established in this Schedule.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in this Schedule are strictly complied with.

(b) *Prices for grade of rag sold and brokers' allowances per ton.* $19.00 to $31.00, $1.00; $31.01 to $53.00, $1.50; $53.01 to $76.00, $2.00.

[F. R. Doc. 41-9200; Filed, December 6, 1941; 12:32 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS

§ 203.710 *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.*

GENERAL REGULATIONS

* * * * * *

SPECIAL REGULATIONS

(b) * * *

The amendment to subparagraph (b) (12) approved on July 31, 1941 (6 F.R. 4010) which added Hudeman Slough to the list of waterways therein is hereby revoked. (Sec. 5, River and Harbor Act, August 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. No. 21, 1941 (E.D. 6371 (U.S.—Hudeman Slough, Calif.)—4/1)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9183; Filed, December 5, 1941; 2:41 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-29]

PART 178—SPECIAL OR CHARTERED PARTIES BY COMMON CARRIER

Present: William E. Lee, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Upon further consideration of the record; and good cause appearing:

It is ordered, That the order of the Commission entered herein on May 29, 1941,[1] which by its terms as thereafter modified requires that the rules set forth in the appendix to the report, governing the transportation of special or chartered parties by common carriers by motor vehicle of passengers, subject to the provisions of the Interstate Commerce Act, shall become effective December 10, 1941, be, and it is hereby, further modified to the extent that such rules be, and they are hereby, prescribed and promulgated to become effective on and after February 10, 1942.

Dated at Washington, D. C., this 2nd day of December, A. D. 1941.

By the Commission, Commissioner Lee.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9198; Filed, December 6, 1941; 11:57 a. m.]

Notices

WAR DEPARTMENT.

[Supp. Contract W 535 ac-16288; 3897]

SUMMARY OF SUPPLEMENTAL CONTRACT CHANGING COST-PLUS-A-FIXED FEE SUPPLY CONTRACT TO A FIXED PRICE SUPPLY CONTRACT

CONTRACTOR: WRIGHT AERONAUTICAL CORPORATION

(Contract No. W 535 ac-16288 [2] published in FEDERAL REGISTER December 18, 1940. Supplement [3] of May 27, 1941, published in FEDERAL REGISTER August 2, 1941.)

Contract for: * * * Series Aeronautical Engines, Spare Parts and Data (for the U. S. Army Air Corps and the U. S. Navy).

Total fixed price: $127,997,936.77.

The supplies and services to be obtained by this instrument are authorized by, and for the purposes set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same.

AC 34 P 12-30 A 0705.261-2
AC 34 P 12-3037 A 0705-01
AC 26 P 81-3037 A 0705-01
AC 28 P 82-3037 A 0705-01
AC 604 P 12-30 A 5907.014-1
AC 604 P 12-30 A 5907.014-2
AC 201 P 81-30 A 5907.001-2
AC 26 P 81-30 A 0705.261-2
AC 28 P 82-30 A 0705.261-2

This Supplemental Contract [4] (hereinafter referred to as Contract) made and entered into this 29th day of September 1941.

Under date of October 24, 1940, the parties hereto entered into a Contract numbered W 535 ac-16288 (hereinafter called the original contract), providing for the furnishing of certain aeronautical engines and spare parts by the Contractor to the Government on a cost-plus-a-fixed-fee basis.

Under date of May 27, 1941, the parties entered into a Supplemental Contract to the original contract, making certain changes in the contract with respect to quantities of engines and spare parts to be furnished and the estimated cost thereof.

The instruments referred to above, are hereinafter referred to as the "Supplies Contract."

Article 40 of the Supplies Contract provides that the Contractor, on the basis of the experience or other bases for negotiation of prices obtained, will endeavor to reach an agreement with the Government upon a definite price to be paid by the Government to it per unit, in lieu of the cost plus fixed fee otherwise provided for. The Contractor has reached an agreement with the Government upon definite fixed prices to be paid for said units, and the parties desire to amend the Supplies Contract in accordance with said Article 40 as hereinafter provided.

ARTICLE 1. *Scope of this contract.* (a) The covenants and agreements contained in the Supplies Contract are modified and superseded by the covenants and agreements hereinafter set forth and shall be of no further force and effect, except as otherwise provided herein. The prices hereinafter set forth shall apply to and be paid for all units, articles, materials, supplies, services and data heretofore and hereafter furnished to the Government by the Contractor

[1] 6 F.R. 3042. The rules contained in this order have been renumbered §§ 178.1 to 178.6 to conform to the codification requirements.

[2] 5 F.R. 5151.

[3] 6 F.R. 3868.

[4] Approved by the Under Secretary of War October 14, 1941.

under the Supplies Contract in lieu of the cost plus fixed fee provided for therein.

(b) The Contractor shall furnish and deliver to the Government all of the units, articles, materials, supplies, services and data as set forth more particularly in Article 16 hereof for the consideration stated of one hundred twenty-seven million, nine hundred ninety-seven thousand, nine hundred thirty-six dollars and seventy-seven cents ($127,997,936.77) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof and designated more particularly in Article 16 hereof.

ART. 2 *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 20. *Termination when contractor not in default.* If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

ART. 31. *Price adjustment.* The contract prices stated in this contract for engines and spare parts are subject to adjustments for changes in labor and material costs.

General. It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the engines and spare parts.

ART. 34. *Partial payments.* The Contracting Officer may, from time to time, authorize partial payments to the Contractor upon property acquired and/or produced by it for the performance of this contract. Such partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer. Expenditures for which payment shall have been made by way of reimbursement of costs under the terms of the Supplies Contract which are to be considered and treated as advance payments as provided in paragraph (b) of this Article 34, shall be included. In making such partial payments there shall be paid to the Contractor not more than seventy-five per centum (75%) of the amount established in such statements of expenditures.

ART. 35. *Title to property where partial payments are made.* The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

ART. 37. *Fire insurance.* The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

ART. 38. *Advance payments.* The Government, as required by the Contractor from time to time shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Chief of the Air Corps or his duly authorized representative, the aggregate of which payments (including advance payments heretofore made, and the payments made by way of reimbursement of costs which are to be considered and treated as advance payments to which reference is made in Article 34 and in paragraph (b) of this Article 38) shall not exceed thirty per centum (30%) of the contract price of the articles called for. Such advances shall be made on such terms and conditions and with such adequate security as the Secretary of War shall prescribe.

All amounts heretofore paid to the Contractor, and all amounts, if any, which may be paid to the Contractor hereafter on invoices and vouchers in process of payment at the date of approval of this supplemental contract, as reimbursement of cost under the terms of Article 6 of the Supplies Contract (hereinafter referred to as "reimbursement payments"), shall henceforth be considered and treated as advance payments.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9181; Filed, December 5, 1941; 2:40 p. m.]

[Contract No. DA-W-398-qm-#57; O. I. #57]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: MACK MANUFACTURING COMPANY; WASHINGTON, D. C.

Contract for: Trucks * * *
Amount: $3,330,618.00.
Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 16th day of September, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks * * * Total Amount $3,330,618.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Terms of payment. Discount will be allowed for prompt payment as follows: $* * * 20 calendar days per vehicle.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 22000 P 241-30 A 002-13 the available balance of which is sufficient to cover cost of same.

This contract authorized under Sec. (1) a Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9223; Filed, December 8, 1941; 11:45 a. m.]

[Contract No. W 6585 qm-293]

SUMMARY OF CONTRACT FOR CONSTRUCTION

CONTRACTORS: OLSON CONSTRUCTION COMPANY AND DOBSON AND ROBINSON AND PETER KIEWIT SONS' CO., LINCOLN, NEBRASKA, AND OMAHA, NEBRASKA

Contract for: Construction, Installation and Completion of * * * Shell Loading Plant, * * * Fuze Loading Plant, * * * Primer Loading Plant, all including the utilities thereto.

Amount: $2,305,000.00.

Place: * * * Shell Loading Plant, Ogden Ordnance Depot, Ogden, Utah.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authority, the available balance of which is sufficient to cover the cost of same: ORD 8908 P2-32 A 0141-02.

This contract, entered into this 26th day of June 1941.

Statement of work. The contractor shall furnish the materials, and perform the work for the construction, installation and completion of * * * Shell Loading Plant, * * * Fuze Loading Plant, * * * Primer Loading Plant, all including the utilities thereto, at * * * Shell Loading Plant, Ogden Ordnance Depot, Ogden, Utah, for the consideration of two million, three hundred and five thousand and no/100 dollars, ($2,305,000.00), in strict accordance with the specifications, schedules, and drawings, all of which are made a part hereof.

Changes. The contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings and/or specifications of this contract and within the general scope thereof.

Delays—Damages. If the contractor refuses or fails to prosecute the work, or any separable part thereof, with such diligence as will insure its completion within the time specified in article 1, or any extension thereof, or fails to complete said work within such time, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been delay. If the Government does not terminate the right of the contractor to proceed, the contractor shall continue the work, in which event the actual damages for the delay will be impossible to determine and in lieu thereof the contractor shall pay to the Government as fixed, agreed, and liquidated damages for each calendar day of delay until the work is completed or accepted the amount as set forth in the specifications or accompanying papers and the contractor and his sureties shall be liable for the amount thereof.

Payments to contractors. Unless otherwise provided in the specifications, partial payments will be made as the work progresses at the end of each calendar month, or as soon thereafter as practicable, on estimates made and approved by the contracting officer. All material and work covered by partial payments made shall thereupon become the sole property of the Government.

Upon completion and acceptance of all work required hereunder, the amount due the contractor under this contract will be paid upon the presentation of a properly executed and duly certified voucher therefor.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9224; Filed, December 8, 1941; 11:45 a. m.]

[Contract No. W 669 qm-13513]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: PACIFIC MILLS, 12 SOUTH 12TH STREET, PHILADELPHIA, PA.

Contract for: Flannel, Shirting, Olive Drab.

Amount: $1,400,250.00.

Place: Philadelphia Quartermaster Depot, Philadelphia, Pennsylvania.

This contract, entered into this first day of October, 1941.

Scope of this contract. The contractor shall furnish and deliver * * * yards Flannel, Shirting, Olive Drab for the consideration stated totaling One million, four hundred thousand, two hundred fifty dollars ($1,400,250.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM 323 P 2-02 A 0515-2 the available balance of which is sufficient to cover cost of same.

This contract authorized by Procurement Directive No. P-C-212 (42).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9225; Filed, December 8, 1941; 11:45 a. m.]

EXAMINATION FOR APPOINTMENT OF WARRANT OFFICERS (JUNIOR GRADE)

Paragraph 2 of the notice of examination for appointment as warrant officer (junior grade), published in the FEDERAL REGISTER December 2, 1941,[1] is amended by adding under *Coast Artillery Corps, Technician specialists,* the words "(3) Motor transport," so as to read as follows: (1) Munitions, (2) Signal communications and (3) Motor transport. (Act of August 21, 1941, Public Law 230, 77th Congress) [Cir. 248, W.D., Dec. 4, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9226; Filed, December 8, 1941; 11:46 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-127]

IN THE MATTER OF J. A. WILLIAMSON, J. W. GILLIAM, R. L. BEARE, JR., INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF BEARE FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 0554, RESPONDENTS

NOTICE AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not J. A. Williamson, J. W. Gilliam, and R. L. Beare, Jr., individually, and as co-partners, doing business under the name and style of Beare Fuel Company, Registered Distributor, Registration No. 0554, respondents in the above-entitled matter, whose addresses are Jackson, Tennessee, have violated any provisions of the Act, the

[1] 6 F.R. 6152.

Code, and orders or regulations of the Division including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributors' Agreement (the "Agreement"), dated April 11, 1939, executed by said distributor pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. Respondents are J. A. Williamson, J. W. Gilliam, and R. L. Beare, Jr., individually, and as co-partners doing business under the name and style of Beare Fuel Company, a partnership organized in the State of Tennessee in the year 1934, and engaged as a distributor pursuant to the Distributors Regulations, in the business of purchasing and reselling of bituminous coal.

3. Beare Ice and Coal Company is a corporation incorporated in the State of Tennessee and is engaged in the business of retailing coal through retail yards located at Jackson, Milan, Humboldt, Trenton, and Bolivar, Tennessee.

4. Respondents during the period from October 1, 1940, to June 23, 1941, both dates inclusive, purchased approximately 10184.25 net tons of various sizes of bituminous coal in carload lot quantities from code members and secured, accepted and retained distributors discounts from the effective minimum prices of said coal. This coal was resold by respondents to Beare Ice and Coal Company, delivered to said company's retail yards described in paragraph 3 hereof.

5. During the period referred to in paragraph 4 hereof, the said J. A. Williamson, J. W. Gilliam, and R. L. Beare, Jr., were officers and directors of Beare Ice and Coal Company, and respondents were under the control, financially or otherwise, of said retailer. Respondents in securing, accepting, and retaining the discounts referred to in paragraph 4 hereof, thereby violated § 304.19 (c) of the Rules and Regulations for the Registration of Distributors and Paragraph (h) of the Agreement.

6. In securing, accepting, and retaining the discounts referred to in paragraph 4 hereof, respondents violated paragraph (d) of the Agreement, since such transactions were not purchases of coal for bona fide resale.

7. In securing, accepting, and retaining the discounts referred to in paragraph 4 hereof, respondents violated paragraph (g) of the Agreement, since no service of value was rendered by respondents to the code member vendors in said transactions. Said transactions were entered into between respondents and their vendees primarily for the purpose of unjustly enriching respondents, and except for the incidence of section 4 II (h) of the Act, said vendee would have purchased the coal directly from a code member.

8. Respondents acted, in fact or effect, as an agency or instrumentality of the Beare Ice and Coal Company in the transactions referred to in paragraph 4 hereof and in securing, accepting and retaining commissions on said transactions respondents violated section 4 II (i) (12) of the Act, Part II (i) (12) of the Code, Rule 12 of Section XIII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 7, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 339, Post Office Building, Memphis, Tennessee.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Acting Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Acting Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondents and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondents; and that any respondent failing to file an answer within such period, unless the Acting Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9210; Filed, December 8, 1941; 11:42 a. m.]

[Docket No. B-132]

IN THE MATTER OF DEXTER-CARPENTER COAL CO., INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2304, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not the Dexter-Carpenter Coal Co., Inc., Registered Distributor, Registration No. 2304, whose address is 32 Broadway, New York, New York, the respondent in the above-entitled matter, has violated any provisions of the Act, the Code, any Orders or Regulations of the Division including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors (the "Distributor's Regulations"), and the Distributor's Agreement (the "Agreement") dated December 6, 1939, executed by respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondent is a corporation, incorporated in the State of New York in the year 1924, engaged as a distributor pursuant to the Distributor's Regulations in the business of purchasing and reselling bituminous coal.

3. Respondent entered into a sales agency agreement dated September 30, 1940, filed with the Division on December 19, 1940, with the Reed Coal Mining Company, code member principal, operating the Reed No. 1 Mine, Mine Index No. 416, located in Cambria County, Pennsylvania, in District No. 1, which contract provided for payment to the sales agent of a commission of 7% of the sale price on coal sold directly to the consumer and 11% of the sale price on coal sold to registered distributors.

4. Respondent, during the period from November 16, 1940, to August 13, 1941, both dates inclusive, sold directly to consumers in behalf of said code member, pursuant to said sales agency agreement, 22 cars of approximately 994.40 net tons of various sizes of coal produced at said mine. Respondent accepted and retained commissions on said transactions in the aggregate amount of $202.72 in excess of the aggregate amount of the commissions to which respondent was entitled on said transactions on the basis of 7% of the selling price as stipulated in said sales agency agreement, although a certified copy of an agreement modifying the sales commission in said sales agency agreement was not filed with the Division as required by Rule 4 (B) of section II of the Marketing Rules and Regulations, and said excessive commissions were thereby paid in violation of Rule 9 (a) of section II of the Marketing Rules and Regulations.

5. Respondent, in accepting and retaining the excessive commissions referred to in paragraph (4) hereof, participated in transactions which were in violation of Rule 9 (a) of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 12, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room D, Washington Hotel, Washington D. C.

It is further ordered, That Floyd McGown or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9211; Filed, December 8, 1941; 11:42 a. m.]

[Docket No. A-1181]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A TEMPORARY PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE COALS OF A MINE OF THE LINTON-SUMMIT COAL COMPANY IN DISTRICT NO. 11 FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 9, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 5, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for the establishment of a temporary price classification and minimum price of $1.80 for Size Group 7 for 2500 tons of coal which will be produced during the construction work on a new mine, to be opened and operated by the Linton-Summit Coal Company, located in the Fourth Vein, in District No. 11, for truck shipment.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9212; Filed, December 8, 1941; 11:42 a. m.]

[Docket No. B-55]

IN THE MATTER OF MAURICH & ODRIZZI, ALSO KNOWN AS ANTON MAURICH AND ABRAM ODRIZZI, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF MAURICH & ODRIZZI, CODE MEMBERS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 26, 1941, by the Bituminous Coal Producers Board for District No. 19, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Lincoln County Court Room, Kemmerer, Wyoming.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at such hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence,

memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of servce thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

Defendants, whose addresses are Kemmerer, Wyoming, violated the effective minimum prices by selling and delivering during the period April 2, 1941, to June 11, 1941, both dates inclusive, approximately 90 tons of various sizes of coal produced by the defendants at their Mischler Mine, Mine Index No. 154, located at Kemmerer, Wyoming, to various persons at the mine for delivery by truck to various unknown destinations, at prices which were less than the effective minimum f. o. b. mine prices established for said coal in the Schedule of Effective Minimum Prices for District No. 19 for Truck Shipments.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9213; Filed, December 8, 1941; 11:42 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 12 FOR AMENDMENT OF SCHEDULE OF MAXIMUM DISCOUNTS WITH RESPECT TO THE SEVERAL SIZES OF COALS PRODUCED IN DISTRICT NO. 12

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The petitioner, and the Scandia Coal Company, intervenor, having moved that the hearing in the above-entitled matter, heretofore scheduled for December 9, 1941, be postponed to a later date to be designated by order of the Division, and having shown good cause therefor;

It is so ordered.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9214; Filed, December 8, 1941; 11:42 a. m.]

[Docket No. A-1093]

PETITION OF DISTRICT BOARD 11, REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR DISTRICT 11 COALS PRODUCED FOR RAIL SHIPMENT TO KELLOGG AIRPORT, BATTLE CREEK, MICHIGAN, MARKET AREA NO. 21, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

The intervener, District Board No. 8, having moved that the hearing in the above-entitled matter, heretofore scheduled for December 9, 1941, be postponed until after December 19, 1941, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from 10 o'clock in the forenoon of December 9, 1941, until 10 o'clock in the forenoon of January 9, 1942, at the place and before the officers heretofore designated.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9215; Filed, December 8, 1941; 11:43 a. m.]

[Docket No. B-68]

IN THE MATTER OF HERBERT AYERS AND WILLIAM S. YORK, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

ORDER ADVANCING DATE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing on December 17, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky; and

The Bituminous Coal Producers Board for District No. 8, complainant herein, having filed a motion to advance the date of hearing in the above-entitled matter from December 17, 1941, at Middlesboro, Kentucky, to December 15, 1941, at Middlesboro, Kentucky; and

It appearing to the Acting Director that good cause has been shown to advance the hearing in the above-entitled matter and that it is advisable to grant the motion of said complainant;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be advanced from December 17, 1941, at 10 a. m., to December 15, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky, and before the officers previously designated to preside at said hearing; and

It is further ordered, That the Notice of and Order for Hearing herein, dated October 20, 1941, shall in all other respects remain in full force and effect.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9216; Filed, December 8, 1941; 11:43 a. m.]

[Docket No B-72]

IN THE MATTER OF THE B & B COAL COMPANY, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 0339, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore set for hearing on December 8, 1941, in a hearing room of the Bituminous Coal Division at 734 15th Street NW., Washington, D. C.; and

It appearing to the Acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed to a date and place to be hereafter designated by appropriate order.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9217; Filed, December 8, 1941; 11:43 a. m.]

[Docket No. A-1160]

PETITION OF RIMERSBURG COAL MINING CO., INC., A CODE MEMBER IN DISTRICT NO. 1, FOR TEMPORARY CHANGE IN SHIPPING POINT OF FOX MINE, MINE INDEX NO. 2989, FOR ALL SHIPMENTS EXCEPT TRUCK, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having requested that the proceedings in the above-entitled matter be dismissed without prejudice; and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and the same hereby is, dismissed without prejudice.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9218; Filed, December 8, 1941; 11:43 a. m.]

[Docket No. A-661]

PETITION OF SHELBY ELKHORN COAL COMPANY, A PRODUCER IN DISTRICT NO. 8, FOR A CHANGE IN MINIMUM PRICES AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES IN ADDITIONAL SIZE GROUPS

ORDER DISMISSING PETITION

The original petition in the above-entitled matter was filed with this Division on February 11, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by the above-entitled party. The petition prayed for a change in the effective minimum prices, and the establishment of price classifications and minimum prices in certain additional size groups, for the coals of Shelby Elkhorn Coal Company, a code member in District No. 8. It was alleged that the requested reductions in the effective minimum prices for these coals were necessary in order that they might be priced at a parity with comparable coals produced in the same seam.

By an Order of the Director dated March 24, 1941, the matter was scheduled for hearing on April 10, 1941, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., before Charles A. Mitchell, Examiner.

The hearing convened as scheduled but was thereupon continued until further order when it appeared that District Board No. 8 proposed to file a petition concerning the matters contained in this original petition, and that the original petitioner had not appeared, being apparently content to await the Board's action. Subsequently, a petition was filed by District Board 8, designated as Docket No. A-991, which prayed for an increase in the effective minimum prices for certain coals alleged to be comparable to the coals of the original petitioner in the above-entitled matter, whereby all of them would be priced at a parity, as sought by the latter's petition in this proceeding. A hearing was held in Docket No. A-991 on September 29, 1941, and a final Order issued on November 28, 1941 granting relief as prayed for by the original petitioner in that proceeding.

No word was received by the Division from the original petitioner in the above-entitled matter after the continuance of the hearing on April 10, 1941. Subsequently by an Order of the Director dated October 30, 1941, the above-entitled matter was again scheduled for hearing on November 18, 1941. The hearing was convened at that time, but the original petitioner again failed to appear.

In view of the foregoing circumstances, it appears that the original petitioner has no further interest in the above-entitled matter.

Now, therefore, it is ordered, That the original petition in the above-entitled matter is dismissed without prejudice.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9219; Filed, December 8, 1941; 11:44 a. m.]

[Docket No. B-7]

IN THE MATTER OF J. F. MARLOWE & CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 5972, RESPONDENT

ORDER RESCHEDULING HEARING

The above-entitled matter having been scheduled for hearing at Nashville, Tennessee, on November 28, 1941, by Order of the Director dated October 9, 1941, and amended by Order of the Director dated November 7, 1941, and subsequently having been postponed by Order of the Director dated November 15, 1941, to a date and hearing room to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on January 8, 1942, at a hearing room of the Bituminous Coal Division at Room 339, Post Office Building, Memphis, Tennessee.

It is further ordered, That the Notice of and Order for Hearing herein dated October 9, 1941, as amended by Order of the Director dated November 7, 1941, and that provision of the Order, dated November 15, 1941, Extending the Time of Respondent to File Answer to and including December 29, 1941, shall in all other respects remain in full force and effect.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9220; Filed, December 8, 1941; 11:44 a. m.]

[Docket No. A-1179]

PETITION OF BORTZ COAL COMPANY FOR CHANGES IN SHIPPING POINT OF GRIMM FARM MINE, MINE INDEX NO. 338, IN DISTRICT NO. 2, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting a change in the shipping point of the Grimm Farm Mine, Mine Index No. 338, of Bortz Coal Company, in District No. 2, from Daugherty Siding, Pennsylvania, on Baltimore & Ohio Railroad, to Crawford No. 3 Siding of Faywest Coal Company, on the said railroad, for rail shipments, and a change in the name of the said mine from "Grimm Farm" to "Daugherty No. 2"; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled proceeding, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Grimm Farm Mine, Mine Index No. 338, of Bortz Coal Company, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Crawford No. 3 Siding of Faywest Coal Company, and shall no longer be applicable for shipments on the said railroad from Daugherty Siding, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 114 shall be applicable for all shipments of the coals of the said mine from Crawford No. 3 Siding of Faywest Coal Company on the said railroad.

That portion of the petition relating to a change in mine name will be deemed to be a report filed pursuant to Bituminous Coal Division Order No. 288 and for that reason no relief is granted herein as to that portion.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9221; Filed, December 8, 1941; 11:44 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	Date application filed
Stanley Benjamin, E. 80th & Bessemer Ave., Cleveland, Ohio	Nov. 24, 1941
Brookwood Coal Mng. Co., 600 Harrison Bldg., Philadelphia, Pa.	Nov. 18, 1941
Hamilton By Product Coke Ovens, Ltd., 82-84 King St. E., Hamilton, Ontario	Nov. 26, 1941
Francis S. Wilson, Jr., Industrial Fuel Co., of Chicago, 120 South La Salle St., Chicago Ill.	Nov. 15, 1941
Lowber Gas Coal Co., 615 Bessemer Bldg., Pittsburgh, Pa.	Nov. 21, 1941
New York Southern Coal Terminal Corp., W. 145 St. & Harlem River, New York, N. Y.	Nov. 18, 1941
Ontario Gas Coal Co., 615 Bessemer Bldg., Pittsburgh, Pa.	Nov. 21, 1941
Geo. W. Parker, Parker Brothers, 923 E. Grove St., Bloomington, Ill.	Nov. 14, 1941
Sitnek Fuel Co., 1505 Franklin Trust Bldg., Philadelphia, Pa.	Nov. 24, 1941
E. J. Wallace Coal Co., 1205 Olive St., St. Louis, Mo.	Nov. 24, 1941

Any district board code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before January 5, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9222; Filed, December 8, 1941; 11:45 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 1442]

IN RE H. L. BOWMAN DOING BUSINESS AS H. L. BOWMAN CATTLE COMPANY, RESPONDENT

ORDER OF INQUIRY, ORDER OF SUSPENSION, AND NOTICES OF HEARING

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. and Supp. V, §§ 181–231), and the following allegations are made:

1. The respondent is engaged in the business of conducting or operating a stockyard at Maquoketa, in the State of Iowa, which stockyard has been ascertained by the Secretary of Agriculture to be a "stockyard" within the definition thereof as used in the act, and which has been posted as such by the Secretary of Agriculture under the act.

2. The respondent is registered as a market agency and dealer under the Packers and Stockyards Act and is engaged in the business of buying and/or selling livestock, in commerce, on a commission basis.

3. In accordance with the requirement of the Packers and Stockyards Act, the respondent has heretofore filed and put into effect schedules of rates and charges for its services.

4. On or about November 28, 1941, the respondent made, filed and published, effective December 8, 1941, a new schedule of rates and charges designated as Supplement No. 3 to Tariff No. 1, providing for rates and charges which are materially greater than those set forth in the schedule now on file.

5. Upon an examination of the records and other information in the possession of the Department of Agriculture, there is reason to believe that the increases proposed by such new schedule are not justified, and that such increases are, in fact, unreasonable.

It is concluded that a proceeding under Title III of the act should be had for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in Supplement No. 3 to Tariff No. 1, and that pending a hearing and decision in such proceeding, the operation of such tariff should be suspended and its use deferred.

It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges, and whether any stockyard service is rendered by the respondent without making a lawful charge therefor.

It is therefore ordered, That the operation and use of the tariff filed by the respondent on November 28, 1941, and designated as Supplement No. 3 to Tariff No. 1, shall be and it is hereby suspended and deferred until the expiration of thirty days beyond the time when such tariff would otherwise go into effect.

It is further ordered, That a hearing covering the allegations made herein shall be held before an examiner at a time and place of which the respondent will have at least ten days' notice. At such hearing, the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., on or before the thirty-first day of December 1941.

It is further ordered, That a copy hereof be served upon the respondent by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 5th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-9196; Filed, December 6, 1941; 11:54 a. m.]

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein under Title I of the Bankhead-Jones Farm Tenant Act may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follows:

Region II—Michigan

Sanilac County. Locality I—Brown City, City of Sandusky, and Townships of Custer, Elmer, Flynn, Lamotte, Maple Valley, Marlette, Moore, and Watertown, $5,328. Locality II—Townships of Austin, Bridgehampton, Buel, Delaware, Elk, Evergreen, Argyle, Croswell, Forester, Fremont, Greenleaf, Lexington, Marion, Minden, Sanilac, Speaker, Washington, Wheatland, and Worth, $4,282.

Region II—Minnesota

Kandiyohi County. Locality I—Townships of Arctander, Dovre, East Lake Lillian, Edwards, Fahlun, Gennessee, Green Lake, Harrison, Holland, Kandiyohi, Lake Elizabeth, Lake Lillian, Mamre, Roseland, St. Johns, Whitefield, and Willmar; City of Willmar; and Villages of Atwater, Kandiyohi, Lake Lillian, Pennock and Raymond, $9,036. Locality II—Townships of Burbank, Colfax, Irving, Lake Andrew, New London, Norway Lake, Roseville, and Village of Spicer, $5,767.

Region V—South Carolina

Oconee County. Locality I—Townships of Center, Seneca, and Wagener, $2,440. Locality II—Townships of Chattooga, Pulaski, and White Water, $1,684. Locality III—Township of Tugaloo, $1,607. Locality IV—Township of Keowee, $1,808.

The purchase price limits previously established for the counties above-mentioned are hereby canceled.

Approved: December 2, 1941.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 41-9204; Filed, December 8, 1941; 10:58 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

EXEMPTION FROM THE PROVISIONS OF SECTION 1 (a) OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT TO PERMIT DEFENSE PRODUCTION ASSOCIATIONS TO RECEIVE CONTRACTS SUBJECT TO THE ACT

The Secretaries of War and the Navy having requested that an exemption be granted under section 6 of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), hereinafter called the Act, permitting the award of contracts subject to the Act to individuals, corporations, or other organizations acting at the instance of Defense Production Associations wtihout the inclusion in such contracts of the representation and stipulation that the contractor is a manufacturer or regular dealer as provided in section 1 (a) of the Act when such individual, corporation, or other organization is unable to make such representation and stipulation; and

It appearing that pursuant to Executive Order No. 8891 (6 F.R. 4623) dated September 4, 1941 the Division of Contract Distribution of the Office of Production Management has been set up and will certify as Defense Production Associations groups of manufacturers who, collectively having facilities which may be used to manufacture defense articles and having agreed among themselves for the use of their facilities for such manufacture, are found by that Division to be appropriate in form and character to carry out the purposes of the executive order; and

It being necessary for a Defense Production Association to negotiate contracts with agencies of the United States through some legal entity or entities capable of contracting, which entity or entities are sometimes not possessed of manufacturing or retailing facilities of their own; and

The Secretaries of War and the Navy having found that the inclusion in all contracts for defense articles of the representation and stipulation that the contractor is a manufacturer of or regular dealer in such articles will seriously impair the conduct of government business by making it impossible for entities acting at the instance of duly certified Defense Production Associations to take contracts if such entities do not themselves possess the facilities of manufacturers or regular dealers; and

Opportunity to show cause why such exemption should not be granted having been afforded to all interested parties and no objection to the granting of such exemption having been filed; and

It appearing that justice and the public interest will be served thereby

I hereby exempt, pursuant to the powers vested in me by the Act, all contracts awarded to individuals, corporations, or other organizations capable of contracting, not manufacturers or regular dealers as those terms are used in the Act but acting at the instance of Defense Production Associations duly certified by the Division of Contract Distribution of the Office of Production Management as appropriate in form and character to carry out the purposes of Executive Order No. 8891, from the requirement that the contractor represent and stipulate that he is a manufacturer or regular dealer as provided in section 1 (a) of the Act.

Nothing in this exemption shall be construed in any wise to authorize the elimination from the contracts of any of the other representations and stipulations of the Act.

Dated: December 5, 1941.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 41-9207; Filed, December 8, 1941; 11:31 a. m.]

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 8, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Dublin Pants Company, Dublin, Pennsylvania; Men's Suit Trousers; 5 percent; (T); December 8, 1942.

Garfall Brothers, 31 Beaver Street, Johnston, New York; Leather Coats; 5 learners (T); December 8, 1942.

Portland Sportwear Manufacturing Company, 3432 S. E. Belmont Street, Portland, Oregon; Wool Jackets; 5 learners (T); December 8, 1942.

Royal Manufacturing Company, Alburtis, Pennsylvania; Boys' and Men's Shorts and Athletic Shirts; 5 percent (T); December 8, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Adelphia Shirt Company, 943 Hamilton Street, Allentown, Pennsylvania; Sport Shirts; 10 percent (T); December 8, 1942.

Atlantic Highlands Manufacturing Company, Navesink Avenue, Highlands, New Jersey; Dresses; 10 learners (T); December 8 1942.

Baumel Dress Company, Corner Willow and Grant Streets, Olyphant, Pennsylvania; Dresses; 10 learners (T); December 8, 1942.

Bertelle Manufacturing Company, Inc., 122 King Street, Herkimer, New York; Dresses); 10 learners (T); December 8, 1942.

Brauer-Gressman Company, 814 Central Street, Kansas City, Missouri; Shirts, Robes, Pants, Jackets; 30 learners (E); March 23, 1942.

Cohn-Goldwater Manufacturing Company, 525 East 12th Street, Los Angeles, California; Shirts, Work Clothing; 10 percent (T); December 8, 1942.

Consolidated Garment Manufacturing Company, Altamont, Illinois; Pants; 10 learners (T); December 8, 1942.

Dahill Manufacturing Company, Albany Street, Nassau, New York; Dresses; 10 learners (T); December 8, 1942.

Charles W. Henson Garment Manufacturing Company, Inc., Clayton Street, Lawrenceville, Georgia; Work Clothing; 10 percent (T); December 8, 1942.

Imperial Shirt Company, Mill #1, West Bangor, Pennsylvania; Ladies' Sport Blouses; 10 percent (T); December 8, 1942.

Kinston Shirt Company, King Street, Kinston, North Carolina; Shirts; 10 percent (T); December 8, 1942.

L. and H. Shirt Company, Cochran, Georgia; Shirts; 10 percent (T); December 8, 1942.

J. A. Lamy Manufacturing Company, Pacific and Osage Streets, Sedalia, Missouri; Pants, Overalls, One-Piece Suits, Sport Shirts; 10 percent (T); December 8, 1942.

Love Garment Manufacturing Company, 814 American Avenue, Long Beach, California; Uniforms; 1 learner (T); December 8, 1942.

Lucas Manufacturing Company, Rear 420 Walnut Street, Columbia, Pennsylvania; Children's Cotton Wash Togs and Dresses; 10 percent (T); December 8, 1942.

Marcy Lee Manufacturing Company, 2212 South Lamar, Dallas, Texas; Dresses; 10 percent (T); December 8, 1942.

Jacob Nathanson and Company, 404 South Racine Avenue, Chicago, Illinois; Cotton Wash Dresses; 25 learners (E); June 8, 1942.

Jacob Nathanson and Company, 404 South Racine Avenue, Chicago, Illinois; Cotton Wash Dresses; 10 percent (T); December 8, 1942. (This certificate replaces the one issued bearing expiration date of March 10, 1942.)

Neu-Mode Company, 618 Cherry Street, Philadelphia, Pennsylvania; Cotton Dresses; 5 learners (T); December 8, 1942.

New England Company, 80 Langdon Street, Roxbury, Massachusetts; Washable Service Apparel; 10 percent (T); December 8, 1942.

Peekskill Human Hair Goods, Incorporated, 1037 Howard, Peekskill, New York; House Coats; 20 learners (E); March 23, 1942.

Solomon Perlmutter, 6826 76th Street, Middle Village, New York; Pajamas; 5 learners (T); December 8, 1942.

Schaefferstown Garment Company, Schaefferstown, Pennsylvania; Men's Pajamas; 10 learners (T); December 8, 1942.

Gabriel Schwartz, 263 Chapel Street, New Haven, Connecticut; Ladies' Pajamas; 5 learners (T); December 8, 1942.

Terry and Juden Company, Ltd., 141 Carondelet Street, New Orleans, Louisiana; Shirts and Summer Suits; 5 learners (T); December 8, 1942. (This certificate replaces one issued bearing expiration date of November 6, 1942.)

M. Wiener and Company, 725 Arch Street, Philadelphia, Pennsylvania; Men's Bathing Trunks; 10 percent (T); December 8, 1942. (This certificate replaces one issued bearing expiration date of October 2, 1942.)

Gloves

Advance Glove Manufacturing Company, 122 Southard Avenue, Toledo, Ohio; Knit Fabric, Work and Knit Wool Gloves; 5 learners (T); December 8, 1942.

Wells Lamont Smith Corporation, Elsberry, Missouri; Work Gloves; 10 percent (T); December 8, 1942. (This certificate replaces one issued bearing expiration date of January 3, 1942.)

Hosiery

Crown Hosiery Mills, Inc., 426 South Hamilton Street, High Point, North Carolina; Seamless Hosiery; 5 percent (T); December 8, 1942.

Knitted Wear

Kelray Knitting Mills, 128 Wood Street, Reading, Pennsylvania; Ladies' Rayon Underwear; 10 percent (T); December 8, 1942.

Nescopeck Knitting Mills, Inc., 213 West Third Street, Nescopeck, Pennsylvania; Knitted Outerwear; 20 learners (E); June 1, 1942.

The Taylor-Bramley Company, 74 Church Street, Chicopee Falls, Massachusetts; Knitted Underwear; 4 learners (T); December 8, 1942.

Woolen

Lymansville Company, 184 Woonasquatucket Avenue, Providence, Rhode Island; Men's Wear Worsted Fabrics, including 18 Oz. O. D. Serge for U. S. Army; 3 percent (T); December 8, 1942.

Signed at Washington, D. C., this 8th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9208; Filed, December 8, 1941; 11:40 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under Section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 8, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Navajo Weavers, Roswell, New Mexico; Woolen Fabrics, Men's Woolen Neckwear; 5 learners; 8 weeks for any one learner; 30 cents per hour; Hand Sewer, Sewing Machine Operator; Weaver; April 13, 1942.

Signed at Washington, D. C., this 8th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9209; Filed, December 8, 1941; 11:40 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 694, 699]

IN THE MATTER OF THE APPLICATIONS OF AMERICAN EXPORT AIRLINES, INC., PAN AMERICAN AIRWAYS COMPANY FOR CERTIFICATE AND AMENDMENT OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

ORDER CONSOLIDATING MATTERS AND ASSIGNING DATE FOR HEARING

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 5th day of December 1941.

American Export Airlines, Inc., having filed with the Board an application for a temporary certificate of public convenience and necessity authorizing air transportation of persons, property, and mail between New York, New York, and Foynes, Irish Free State, being Docket No. 694; and

Pan American Airways Company having filed with the Board an application for a temporary amendment of its certificate of public convenience and necessity between the terminal point New York, New York, and the terminal points Marseilles, France, and London, England, so as to authorize air transportation of persons, property, and mail from the intermediate point Lisbon, Portugal, to Foynes, Irish Free State, being Docket No. 699; and

It appearing to the Board that the above-entitled applications can be decided more advantageously and expeditiously if consolidated in a single proceeding; and

The Board finding that its action in this matter will enable it to effectuate the purposes of the Act, as amended;

It is ordered, That the applications of American Export Airlines, Inc., for a temporary certificate of public convenience and necessity authorizing air transportation between New York, New York, and Foynes, Irish Free State, being Docket No. 694 and the application of Pan American Airways Company for a temporary amendment of its certificate of public convenience and necessity between the terminal point New York, New York, and the terminal points Marseilles, France, and London, England, so as to authorize service between Lisbon, Portugal, and Foynes, Irish Free State, being Docket No. 699, be, and they are, consolidated into one proceeding, and said proceeding is hereby assigned for public hearing on December 8, 1941, at 9:30 a. m. in Room 5044, Commerce Building, Washington, D. C., before the Board.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9201; Filed, December 8, 1941; 9:25 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-217]

IN THE MATTER OF PUBLIC SERVICE COMMISSION OF INDIANA V. PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, AND NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

DECEMBER 5, 1941.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission orders that:

The hearing in this proceeding, heretofore set to commence on December 8, 1941, be and it is hereby postponed to December 18, 1941, at the same time and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-9184; Filed, December 6, 1941; 10:03 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 59-35]

IN THE MATTER OF NEW YORK WATER SERVICE CORPORATION FEDERAL WATER AND GAS CORPORATION, RESPONDENTS

ORDER EXTENDING TIME WITHIN WHICH TO ANSWER AND POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1941.

The Commission having instituted proceedings with respect to Federal Water and Gas Corporation, a registered holding company, and New York Water Service Corporation, one of its subsidiaries, to determine whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure and what further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and

The Commission having ordered that respondents file with the Secretary of the Commission on or before December 8, 1941, answers to the allegations contained in said order, and having further ordered that a hearing in the above entitled proceeding be held on December 16, 1941; and

Respondents herein having requested the Commission that the date within which they be required to answer be postponed to January 12, 1942, and that the date for hearing be postponed to January 21, 1942; and

It appearing to the Commission that such requests should be granted

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9227; Filed, December 8, 1941; 11:55 a. m.]

DEC 11 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 239

Washington, Wednesday, December 10, 1941

The President

[ALIEN ENEMIES—JAPANESE]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by Section 21 of Title 50 of the United States Code as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

and

WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:

PROCLAMATION

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as PRESIDENT of the United States, and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion has been perpetrated upon the territory of the United States by the Empire of Japan.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of the Empire of Japan being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter contained regarding the conduct of alien enemies within continental United States, Puerto

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Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter set forth and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

REGULATIONS

And, pursuant to the authority vested in me, I hereby declare and establish the following regulations which I find necessary in the premises and for the public safety:

(1) No alien enemy shall enter or be found within the Canal Zone and no alien enemy shall enter or leave the Hawaiian Islands or the Philippine Islands except under such regulations as the Secretary of War shall from time to time prescribe. Any alien enemy found in the Canal Zone, the Hawaiian Islands, or the Philippine Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders of each such territory in the Canal Zone, the Hawaiian Islands, and the Philippine Islands, may be immediately apprehended by authority of the Military Governors in each such territory, or if there be no Military Governor, then by authority of the Secretary of War, and detained until it is determined, under the regulations to be prescribed by the Secretary of War, whether any such alien enemy should be permanently interned following which such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(2) The exercise of the power to prescribe restricted areas and the power of arrest, detention and internment of alien enemies in the Canal Zone, the Hawaiian Islands or the Philippine Islands shall be under the jurisdiction of the Military Commanders of each such territory, each acting under such regulations as the Secretary of War shall hereafter prescribe.

(3) No alien enemy shall enter or leave Alaska, Puerto Rico or the Virgin Islands except under such regulations as the Attorney General shall from time to time prescribe. Any alien enemy found in Alaska, Puerto Rico or the Virgin Islands in violation of any such regulations and any alien enemy who enters or is found within any restricted area to be hereafter prescribed by the Military Commanders of each such territory in Alaska, Puerto Rico and by the Naval Commander in the Virgin Islands, shall be immediately apprehended by the authority of the Attorney General acting through the United States Attorney in each such territory and detained until it is determined, under the regulations to be prescribed by the Attorney General, whether any such alien enemy shall either be released, released on bond, or permanently interned, as the case may be.

(4) The Military Commanders in Alaska and Puerto Rico and the Naval Commander in the Virgin Islands shall have the power to prescribe restricted areas.

(5) No alien enemy shall have in his possession, custody or control at any time or place or use or operate any of the following enumerated articles:

a. Firearms.
b. Weapons or implements of war or component parts thereof.
c. Ammunition.
d. Bombs.
e. Explosives or material used in the manufacture of explosives.
f. Short-wave radio receiving sets.
g. Transmitting sets.
h. Signal devices.
i. Codes or ciphers.
j. Cameras.
k. Papers, documents or books in which there may be invisible writing; photograph, sketch, picture, drawing, map or graphical representation of any military or naval installations or equipment or of any arms, ammunition, implements of war; device or thing used or intended to be used in the combat equipment of the land or naval forces of the United States or of any military or naval post, camp or station.

All such property found in the possession of any alien enemy in violation of the foregoing regulations shall be subject to seizure and forfeiture.

(6) No alien enemy shall undertake any air flight or ascend into the air in any airplane, aircraft or balloon of any sort whether owned governmentally, commercially or privately, except that travel by an alien enemy in an airplane or aircraft may be authorized by the Attorney General, or his representative, or the Secretary of War, or his representative, in their respective jurisdictions, under such regulations as they shall prescribe.

(7) Alien enemies deemed dangerous to the public peace or safety of the United States by the Attorney General or the Secretary of War, as the case may be, are subject to summary apprehension. Such apprehension shall be made in the continental United States, Alaska, Puerto Rico and the Virgin Islands by such duly authorized officer of the Department of Justice as the Attorney General may determine. In the Canal Zone, the Hawaiian Islands and the Philippine Islands, such arrests shall be made by the Military Commanders in each such territory by authority of the respective Military Governors thereof, and if there be no Military Governor, then by authority of the Secretary of War. Alien enemies arrested shall be subject to confinement in such place of detention as may be directed by the officers responsible for the execution of these regulations and for the arrest, detention and internment of alien enemies in each case, or in such other places of detention as may be directed from time to time by the Attorney General, with respect to continental United States, Alaska, Puerto Rico and the Virgin Islands, and by the Secretary of War with respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands, and there confined until he shall have received such permit as the Attorney General or the Secretary of War with respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands shall prescribe.

(8) No alien enemy shall land in, enter or leave or attempt to land in, enter or leave the United States, except under the regulations prescribed by the President in his Proclamation dated November 14, 1941,[1] and the regulations promulgated thereunder or any proclamation or regulation promulgated hereafter.

(9) Whenever the Attorney General of the United States, with respect to the continental United States, Alaska, Puerto Rico and the Virgin Islands, or the Secretary of War, with respect to the Canal Zone, the Hawaiian Islands, and the Philippine Islands, deems it to be necessary, for the public safety and protection, to exclude alien enemies from a designated area, surrounding any fort, camp, arsenal, airport, landing field, aircraft station, electric or other power plant, hydroelectric dam, government naval vessel, navy yard, pier, dock, dry dock, or any factory, foundry, plant, workshop, storage yard, or warehouse for the manufacture of munitions or implements of war or any thing of any kind, nature or description for the use of the Army, the Navy or any country allied or associated with the United States, or in any wise connected with the national defense of the United States, or from any locality in which residence by an alien enemy shall be found to constitute a danger to the public peace and safety of the United States or from a designated area surrounding any canal or any wharf, pier, dock or dry dock used by ships or vessels of any designated tonnage engaged in foreign or domestic trade, or of any warehouse, shed, elevator, railroad terminal, depot or yard or other terminal, storage or transfer facility, then no alien enemy shall be found within such area or the immediate vicinity thereof. Any alien enemy found within any such area or the immediate vicinity thereof prescribed by the Attorney General or the Secretary of War, as the case may be, pursuant to these regulations, shall be subject to summary apprehension and to be dealt with as hereinabove prescribed.

(10) With respect to the continental United States, Alaska, Puerto Rico, and the Virgin Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Attorney General of the United States may, from time to time, make and declare; and the Attorney General is hereby authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies within the continental United States, Alaska, Puerto Rico and the Virgin Islands, as he may deem necessary in the premises and for the public safety.

(11) With respect to the Canal Zone, the Hawaiian Islands and the Philippine Islands, an alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Secretary of War may, from time to time, make and declare; and the Secretary of War is hereby authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies within the Canal Zone, the Hawaiian Islands, and the Philippine Islands as he may deem necessary in the premises and for the public safety.

(12) No alien enemy shall enter or be found in or upon any highway, waterway, airway, railway, railroad, subway, public utility, building, place or thing not open and accessible to the public generally, and not generally used by the public.

(13) No alien enemy shall be a member or an officer of, or affiliated with, any organization, group or assembly hereafter designated by the Attorney General, nor shall any alien enemy advocate, defend or subscribe to the acts, principles or policies thereof, attend any meetings, conventions or gatherings thereof or possess or distribute any literature, propaganda or other writings or productions thereof.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2525]

[F. R. Doc. 41-9233; Filed, December 8, 1941; 3:59 p. m.]

[1] 6 F.R. 5821.

[ALIEN ENEMIES—GERMAN]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by section 21 of title 50 of the United States Code as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory

incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

AND WHEREAS by sections 22, 23 and 24 of title 50 of the United States Code further provision is made relative to alien enemies:

PROCLAMATION

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as PRESIDENT of the United States and as Commander in Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Germany.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Germany being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections 23 and 24 of title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

REGULATIONS

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2526]

[F. R. Doc. 41-9237; Filed, December 9, 1941; 9:30 a. m.]

[ALIEN ENEMIES—ITALIAN]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Authority

WHEREAS it is provided by Section 21 of Title 50 of the United States Code as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

AND WHEREAS by Sections 22, 23 and 24 of Title 50 of the United States Code further provision is made relative to alien enemies:

PROCLAMATION

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, do hereby make public proclamation to all whom it may concern that an invasion or predatory incursion is threatened upon the territory of the United States by Italy.

Conduct To Be Observed by Alien Enemies

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens or subjects of Italy being of the age of fourteen years and upwards who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, who for the purpose of this Proclamation and under such sections of the United States Code are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President.

All alien enemies shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections 23 and 24 of Title 50 of the United States Code, and as prescribed in the regulations duly promulgated by the President.

Duties and Authority of the Attorney General and the Secretary of War

And, pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing all the regulations hereinafter prescribed regarding the conduct of alien enemies within continental United States, Puerto Rico, the Virgin Islands and Alaska, and the Secretary of War with the duty of executing the regulations which are hereinafter prescribed and which may be hereafter adopted regarding the conduct of alien enemies in the Canal Zone, the Hawaiian Islands and the Philippine Islands. Each of them is specifically directed to cause the apprehension of such alien enemies as in the judgment of each are subject to apprehension or deportation under such regulations. In carrying out such regulations within the continental United States, Puerto Rico, the Virgin Islands and Alaska, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in the Canal Zone, the Hawaiian Islands and the Philippine Islands is authorized to use such agents, agencies, officers and departments of the United States and of the territories, dependencies and municipalities thereof as he may select for the purpose. All such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

REGULATIONS

The regulations contained in Proclamation No. 2525 of December 7, 1941, relative to natives, citizens, denizens or subjects of Japan are hereby incorporated in and made a part of this proclamation, and shall be applicable to alien enemies defined in this proclamation.

This proclamation and the regulations herein prescribed shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 8th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2527]

[F. R. Doc. 41-9238; Filed, December 9, 1941; 9:30 a. m.]

ENLARGING THE PINNACLES NATIONAL MONUMENT—CALIFORNIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that certain lands adjoining the Pinnacles National Monument in California are required for the proper care, management and protection of the objects of scientific interest situated on lands within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 8, 1906 (ch. 3060, 34 Stat. 225; U.S.C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in California are hereby added to and made a part of the Pinnacles National Monument:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 7 E.,
sec. 20, E½;
secs. 21 to 23, inclusive;
sec. 24, W½;
sec. 26, NW¼, N½SW¼;
sec. 27, N½, N½S½;
sec. 28, N½, SW¼;
sec. 29, E½;
T. 17 S., R. 7 E.,
sec. 1, SW¼SE¼;
sec. 12, W½E½, SE¼SE¼;
sec. 13, W½E½, SE¼SE¼;
T. 17 S., R. 8 E.,
sec. 7, Lot 13;
sec. 18, Lot 1;
containing 4,589.26 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The reservation made by this proclamation supersedes as to any of the above-described lands affected thereby the temporary withdrawals made by Executive Orders No. 5038 of February 2, 1929 and No. 6910 of November 26, 1934, as amended.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535; U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 5th day of December, in the year of our Lord nineteen hundred and [SEAL] forty-one and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2528]

[F. R. Doc. 41-9265; Filed, December 9, 1941; 10:34 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER No. 8546 OF SEPTEMBER 24, 1940, CREATING THE DEFENSE COMMUNICATIONS BOARD AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me as President of the United States, and by the Communications Act of 1934 (48 Stat. 1064), as amended, it is ordered that Executive Order No. 8546[1] of September 24, 1940, creating the Defense Communications Board and defining its functions and duties, be, and it is hereby, amended by substituting for the words "Assistant Secretary of the Treasury in Charge of the Coast Guard", wherever they appear in the said order, the words "Assistant Secretary of the Treasury in Charge of Treasury Enforcement Activities".

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 6, 1941.

[No. 8960]

[F. R. Doc. 41-9236; Filed, December 9, 1941; 9:21 a. m.]

EXECUTIVE ORDER

REVOCATION OF ALL EXECUTIVE ORDERS OR PARTS THEREOF ESTABLISHING AIRSPACE RESERVATIONS WITHIN THE CONTINENTAL LIMITS OF THE UNITED STATES, EXCEPT THE DISTRICT OF COLUMBIA

By virtue of and pursuant to the authority vested in me by section 4 of the Air Commerce Act of 1926 (44 Stat. 570), as amended, it is ordered that all Executive orders or parts thereof establishing airspace reservations within the continental limits of the United States,

[1] 5 F.R. 3817.

except the District of Columbia, be, and they are hereby, revoked.

This Order shall not apply to Alaska or to the Panama Canal Zone.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 6, 1941.

[No. 8961]

[F. R. Doc. 41-9235; Filed, December 9, 1941; 9:21 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 7676 OF JULY 26, 1937, ENTITLED "THE CANAL ZONE JUDICIARY"

By virtue of and pursuant to the authority vested in me by sections 4 and 6 of title 7 of the Canal Zone Code, it is hereby ordered as follows:

1. Section 9 of Executive Order No. 7676[1] of July 26, 1937, entitled "The Canal Zone Judiciary", is amended to read:

SECTION 9. *Magistrates, constables and other employees of magistrates' courts; appointment; compensation.* There shall be a magistrate, a constable, and such other employees as may be necessary to conduct the business of the magistrates' courts, for each of the towns of Balboa and Cristobal, who shall be appointed, and whose compensation shall be fixed, by the Governor; and in the event of the absence or disability of a magistrate, constable, or other employee, the Governor may appoint an additional magistrate, constable, or other employee to serve during such absence or disability.

2. The said Executive Order No. 7676 of July 26, 1937, is further amended by adding thereto a new section to be numbered 12a and to read as follows:

SECTION 12a. *Duties and bonds of employees of magistrates' courts other than constables.* Employees of the magistrates' courts other than constables, appointed by the Governor, shall perform such duties as shall be prescribed by the magistrates, subject to the approval of the Governor, and shall furnish such bonds as the Governor shall in his discretion require.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 6, 1941.

[No. 8962]

[F. R. Doc. 41-9234; Filed, December 9, 1941; 9:21 a. m.]

[1] 2 F.R. 1323.

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

PART 1—POLICIES

Pursuant to the authority contained in sec. 6, 38 Stat. 721; 15 U.S.C. 46, the Commission, on October 14, 1941, added statements numbered §§ 1.4 and 1.5 to its published statement of policy, as follows:

§ 1.4 *Reports of trial examiners.* The policy of the Commission is that reports of trial examiners on the evidence shall not be open to public inspection or to publication until after the publication of the Commission's decisions in the cases in which such reports are made. During this time they are open only to the Commission, to counsel and to parties respondent in such cases.

§ 1.5 *Wool Products Labeling Act.* In the handling of cases arising under this Act, the practice and procedure of the Commission will be as provided in cases arising under the Federal Trade Commission Act.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of October 14, 1941.

By direction of the Commission.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9252; Filed, December 9, 1941; 10:29 a. m.]

PART 2—RULES OF PRACTICE

Pursuant to the authority contained in sec. 6, 38 Stat. 721; 15 U.S.C. 46, the Commission, on October 14, 1941, amended §§ 2.1, 2.5, 2.9, and 2.23 of its rules of practice to read as follows:

§ 2.1 *The Commission.* Offices. The principal office of the Commission is at Washington, D. C.

All communications to the Commission must be addressed to: Federal Trade Commission, Washington, D. C., unless otherwise specifically directed.

Branch offices are maintained at New York, Chicago, San Francisco, Seattle, and New Orleans.

Their addresses are: Federal Trade Commission, room 509, 45 Broadway, New York, N Y.; Federal Trade Commission, 1118 New Post Office Building, 433 West Van Buren Street, Chicago, Ill.; Federal Trade Commission, 548 Federal Office Building, San Francisco, Calif.; Federal Trade Commission, 801 Federal Building, Seattle, Wash.; Federal Trade Commission, 321 Federal Office Building, New Orleans, La.

Hours. Offices are open on each business day, except Saturday, from 9 a. m. to 4:30 p. m., and on Saturdays from 9 a. m. to 1 p. m.

Sessions. The Commission may meet and exercise all its powers at any place, and may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States.

Sessions of the Commission for hearings will be held as ordered by the Commission.

Sessions of the Commission for the purpose of making orders and for transaction of other business, unless otherwise ordered, will be held at the principal office of the Commission at Pennsylvania Avenue at Sixth Street, Washington, D. C., on each business day at 10 a. m.

Quorum. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

§ 2.5 *Intervention.* Any person, partnership, corporation, or association desiring to intervene in a contested proceeding shall make application in writing, setting out the grounds on which he or it claims to be interested.

The Commission may, by order, permit intervention by counsel or in person to such extent and upon such terms as it shall deem proper.

§ 2.9 *Answers.* In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Four copies of answers shall be furnished. All answers shall be signed, in ink, by the respondent or by his attorney at law. Corporations or associations shall file answers through a bona fide officer or by an attorney at law. Answers shall show the office and post-office address of the signer.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

§ 2.23 *Briefs.* Filing. Any party to a proceeding may file a brief with the Secretary of the Commission, in support of his contentions, within the time limits fixed by these rules.

Briefs not filed on or before the time fixed in the rules will be received only by special permission of the Commission.

Appearance of additional counsel in a case will not constitute grounds for extending time for filing briefs.

Time. Opening brief in support of the complaint shall be filed by the trial attorney of the Commission within twenty (20) days after service upon him of copy of the report of the trial examiner.

Brief on behalf of respondent shall be filed within twenty (20) days after service upon respondent or respondent's attorney of copy of brief in support of the complaint.

Where respondent shall have filed an answer admitting all material allegations of fact, the time so limited shall begin to run at the time of filing such answer.

Reply briefs in support of the complaint, if any, shall be filed within ten (10) days after filing of brief on behalf of respondent.

Number. Twenty (20) copies of each brief shall be filed.

Contents. Briefs, except the reply brief in support of the complaint, shall contain, in the following order:

(a) A concise abstract or statement of the case;

(b) A brief of the argument, exhibiting a clear statement of the points of fact or law to be discussed, with references to the pages of the record and the authorities relied upon in support of each point;

(c) The exceptions, if any, to the report of the trial examiner.

Index. Briefs comprising more than ten (10) pages shall contain on their top fly leaves a subject index with page references. The subject index shall be supplemented by an alphabetical list of all cases referred to, with references to pages where references are cited.

Reply briefs. Reply brief in support of the complaint shall be filed only with permission of the Commission, and shall be strictly in answer to brief on behalf of respondent.

No further reply brief on behalf of respondent shall be filed.

Form. Briefs on behalf of respondent shall be printed or lithographed on good unglazed white paper in type not smaller than ten (10) point double leaded, citations and quotations single leaded; footnotes not less than eight (8) point single leaded. Type page shall not be more than twenty-nine (29) picas wide by approximately forty-eight (48) picas deep and trimmed page shall be seven (7) inches by ten (10) inches, with an inside margin of not less than one (1) inch.

Signing. At least one copy of each brief shall be signed in ink, by the respondent or his duly authorized attorney, as prescribed in Rule VI.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of October 14, 1941.

By direction of the Commission.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9253; Filed, December 9, 1941; 10:29 a. m.]

PART 2—RULES OF PRACTICE

Pursuant to the authority contained in sec. 6, 38 Stat. 721; 15 U.S.C. 46, the Commission, on December 4, 1941, added a new section numbered 2.28 to its rules of practice, as follows:

§ 2.28 *Confidential records and information.* The records and files of the Commission, and all documents, memoranda, correspondence, exhibits and information of whatever nature coming into the possession or within the knowledge of the Commission or any of its officers or employees in the discharge of their official duties, are confidential, and none of such material or information may be disclosed, divulged, or produced for inspection or copying except under the following circumstances:

(a) Information concerning the activities of the Commission will be released from time to time under the direction or pursuant to the authority of the Commission.

(b) In proceedings instituted by the issuance of formal complaint, the pleadings, transcript of testimony, exhibits, and all documents received in evidence or made a part of the record therein shall be available for inspection and copying by the public at the convenience of the Commission.

(c) Documents, records and reports made public by the Commission, including stipulations to cease and desist, certain trade practice conference records, and certain papers filed under the Wool Products Labeling Act, shall be available for inspection and copying at the convenience of the Commission.

(d) Upon good cause shown, the Commission may by order direct that certain records, files, papers or information be disclosed to a particular applicant.

(1) Application by a member of the public for such disclosure shall be in writing, under oath, setting forth (i) the interest of the applicant in the subject matter, (ii) a description of the specific information, files, documents or other material inspection of which is requested, (iii) whether copies are desired, and (iv) the purpose for which the information or material, or copies, will be used if the application is granted. Upon receipt of such an application the Commission will take such action thereupon as it shall deem expedient in the public interest.

(2) In the event that confidential material is desired for inspection, copying or use by some agency of the Federal or a State government, a request therefor may be made by the administrative head of such agency. Such request shall be in writing, and shall describe the information or material desired, its relevancy to the work and function of such agency and, if the production of documents or records or the taking of copies thereof is asked, the use which is intended to be made of them. The Commission will consider and act upon such requests, having due regard to the public interest and questions of expediency.

(e) In cases in which an officer or employee of the Commission has been lawfully served with a subpoena duces tecum, material designated herein as confidential shall be produced only when and as authorized by the Commission. Service of such a subpoena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it shall deem advisable in the premises. If the officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in response thereto and respectfully decline to produce the documents or records subpoenaed (pointing out that he is not permitted to do so under this rule), and request a continuance pending action by or instructions from the Commission. If, notwithstanding, the court or other body orders the production of any of the material subpoenaed, the officer or employee shall immediately report the facts to the Commission.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission under date of December 4, 1941.

By direction of the Commission.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9254; Filed, December 9, 1941; 10:29 a. m.]

[Docket No. 4576]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF TRIANGLE SALES COMPANY ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of radios, bed spreads, cameras, fountain pens or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with punch boards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, pull tabs, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Triangle Sales Company et al., Docket 4576, December 4, 1941]

In the Matter of Marion Allen, an Individual, Trading as Triangle Sales Company, and Alfred J. Landay, an Individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admitted all the material allegations of fact set forth in said complaint and stated that they waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Marion Allen, individually and trading as Triangle Sales Company or trading under any other name, and Alfred J. Landay, an individual, either jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios, bed spreads, cameras, fountain pens or any other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or assembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to, or placing in the hands of, others punch boards, push or pull cards, pull tabs, or other lottery devices, either with assortments of merchandise or separately, which said punch boards, push or pull cards, pull tabs, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandising by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-9250; Filed, December 9, 1941; 10:28 a. m.]

[Docket No 4371]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHOCOLATE PRODUCTS COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's chocolate syrup product, or any similar or like product sold under the name "Stillicious Vitamin A, B, D", or "Stillicious Vitamix", or under any other name or designation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of its said product, which advertisements represent, directly or by implication by means of pictorial representations or in any other manner, that chocolate drinks or beverages made by dairies or other producers with respondent's product are made with whole milk or milk, when such drinks or beverages are made with skim milk or skim and whole milk, or which advertisements represent that the vitamin content of its product helps to build resistance to colds and infection, prohibited; subject to the provision, however, that such order shall not prohibit respondent from using the term milk to describe the aforesaid drinks or beverages when such term is properly and accurately qualified. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Chocolate Products Company, Docket 4371 December 4, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, evidence introduced before a duly appointed trial examiner of the Commission designated by it to serve in this proceeding and the stipulation as to the facts entered into by the attorney for the Commission and the attorney for the respondent, the report of the trial examiner thereon and brief filed on behalf of the Commission, and the Commission having made its findings as to the facts and its conclusion that the respondent, Chocolate Products Company, a corporation, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Chocolate Products Company, a corporation, its officers, directors, agents, representatives and employees, jointly and severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its chocolate syrup product, or any similar or like product sold under the name "Stillicious Vitamin A, B, D", or "Stillicious Vitamix", or under any other name or designation, do forthwith cease and desist from directly or indirectly—

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mail, or by any means, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly, or by implication by means of pictorial representations or in any other manner, that chocolate drinks or beverages made by dairies or other producers with respondent's products are made with whole milk or milk, when such drinks or beverages are made with skim milk or skim and whole milk, or which advertisement represents that the vitamin content of respondent's product helps to build resistance to colds and infection: *Provided, however*, That this order shall not prohibit respondent from using the term milk to describe the aforesaid drinks or beverages when such term is properly and accurately qualified;

(2) Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any of the representations prohibited in Paragraph (1) hereof.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-9251; Filed, December 9, 1941; 10:28 a. m.]

[1] 6 F.R. 2115.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 269—FORMS, TRUST INDENTURE ACT OF 1939

AMENDMENT TO INSTRUCTIONS FOR USE OF FORM T-1 UNDER THE ACT [1]

An amendment to Form T-1 adopted by the Commission effective December 9, 1941, was filed with the Division of the Federal Register, The National Archives, on December 9, 1941, at 11:49 a. m., (F.R. Doc. 41-9275). Requests for copies should be addressed to the Securities and Exchange Commission.

[1] 5 F.R. 278, 6 F.R. 417.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 262—MISCELLANEOUS

AMENDING SECTION 262.16 (h) OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), § 262.16 (h) of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective June 1, 1938, by Board Order 41-508 dated December 2, 1941, to read as follows:

§ 262.16 *Records and other papers of the Board; disclosure; service of process.*

* * * * * * *

(h) No document, and no information acquired solely by reason of any agreement, arrangement, contract, or request by or on behalf of the Board, relating to the gathering, preparation, receipt or transmittal of documents or information to, from or for the Board which is, by virtue of such agreement, arrangement, contract or request, in the possession of any person other than an employee of the Board, shall be produced, reproduced, or duplicated, disclosed or delivered by any person to any other person or tribunal (other than the Board or an employee thereof, or the person to whom the document or information pertains), whether in response to a subpoena or otherwise, except with the consent of the Board. Any person, upon receipt of any request, subpoena, or order calling for the production, disclosure, or delivery of such document or information shall notify the Board of the request, subpoena or order and shall take no further action except upon advice of the Board. Unless consent of the Board is given, the person shall respectfully decline to comply with the request, subpoena or order, basing his refusal upon the authority of this Regulation.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON, *Secretary of the Board.*

DECEMBER 8, 1941.

[F. R. Doc. 41-9230; Filed, December 8, 1941; 1:50 p. m.]

TITLE 29—LABOR

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

AMENDMENT TO THE REGULATIONS WITH RESPECT TO PAYROLL DEDUCTIONS FOR UNITED STATES DEFENSE BONDS, STAMPS, AND TAX SAVINGS NOTES

Authority for Regulation

Pursuant to and by virtue of the authority conferred by section 2 of the act of June 13, 1934 [1] and section 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940,[2] § 2.2 (c) of the Regulations of March 1, 1941,[3] is hereby amended by adding at the end of subparagraph (2) of § 2.2 (c), after the words "in writing and in advance," the following subdivision to be effective immediately upon filing with the FEDERAL REGISTER.

Regulation

§ 2.2 *Definitions.*

* * * * * * *

(c) * * * (3) deductions for the purchase of United States Defense Bonds and Stamps and United States Tax Savings Notes: *Provided*, That neither the contractor nor subcontractor nor any person acting in his behalf directly or indirectly derives any benefit or profit from the transactions; and *Provided further*, That such deductions have been voluntarily agreed to by the employees in writing and in advance.

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 41-9269; Filed, December 9, 1941; 11:33 a. m.]

[1] Sec. 2, 48 Stat. 948, 40 U.S.C., Sup., 276 (c).
[2] Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C., Sup., 133 (u).
[3] 6 F.R. 1210.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 25

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that:

1. In addition to items previously listed in the several Export Control Schedules, effective December 23, 1941, all other articles and materials of any character or description whatsoever are determined to be forms, conversions, and derivatives of military equipment, or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, the exportation of which has been prohibited pursuant to the provisions of the several Proclamations issued pursuant to Section 6 of the Act of July 2, 1940.

2. Nothing in this order shall be construed to include articles or materials the exportation of which is governed by rules and regulations prescribed pursuant to Section 5b of the "Trading With The Enemy Act" approved October 6, 1917 (40 Stat. 415), as amended, or the "Narcotic Drugs Import and Export Act" approved February 9, 1909, as amended (21 U.S.C. sec. 182).

MILO PERKINS, *Executive Director.*

DECEMBER 9, 1941.

[F. R. Doc. 41-9266; Filed, December 9, 1941; 11:28 a. m.]

[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 8, Supplement]

PART 1504—PROCESSING AND REFINING

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, § 1504.2 (Recommendation No. 8, dated August 23, 1941, 6 F.R. 5017) is hereby supplemented by adding a new section, § 1504.4, as follows:

§ 1504.4 *Base stock of aviation gasoline of 85.0 octane number or less.* All grades of gasoline used for aviation purposes having an octane number of 85.0 or less, as determined by the 1–C aviation method, shall be produced by the addition of tetraethyl lead to a clear gasoline having an octane number not greater than 67.0 as determined by the 1–C aviation method. (President's letter of May 28, 1941, to the Secretary of the Interior, 6 F.R. 2760)

RALPH K. DAVIES, *Acting Petroleum Coordinator for National Defense.*

DECEMBER 2, 1941.

F. R. Doc. 41-9248; Filed, December 9, 1941; 9:38 a. m.]

[Recommendation No. 14,[1] Supplement]

PART 1507—DISTRIBUTION

REGULATIONS GOVERNING PETROLEUM CONTAINERS, ETC.

To the Subcommittees on Containers, designated pursuant to the direction of the Petroleum Coordinator, and to all persons using containers for petroleum or petroleum products:

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defence, I do hereby recommend that:

§ 1507.2 *Conservation of containers.* The Subcommittees on Containers shall obtain and analyze all pertinent and available facts, figures, and other data and shall prepare therefrom a plan for the conservation of all types of metal containers used in the transportation, storage, distribution, and marketing of petroleum and petroleum products by making possible the preservation of such containers for the maximum life and usefulness thereof, for effecting to the highest degree possible the efficient re-use of such containers in the petroleum industry, and for avoiding inefficient use and loss of time in the use of such containers.*

*§§ 1507.2 to 1507.9, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1507.3 *Standardization of containers.* The Subcommittees shall prepare

[1] 6 F.R. 5880.

a plan for the standardization of containers employed in the petroleum industry as to sizes and shapes, and as to gauges of metal and characteristics of other materials in so far as is consistent with the requirements of defense and other essential uses, such plan to cover the elimination in so far as practicable of the use of containers of odd sizes and the use of small containers where larger containers will provide a reasonable means of transporting, distributing, or marketing the products involved; and the Subcommittees shall obtain and analyze specifications currently prescribed for containers for use by agencies of the Federal Government and shall include in the plan called for in this section conclusions concerning the possible standardization of such specifications in conformity with those considered for use by the industry generally.*

§ 1507.4 *Substitution of containers made of materials other than metal.* The Subcommittees shall prepare a plan for the use of containers for petroleum and petroleum products to be made of wood, paper, glass, or other available materials in place of containers made of metal, and for the substitution, in such metallic containers as are to be made for use in the petroleum industry, of such grade or grades of sheet metal as are most readily obtainable with the least conflict in the demand for sheet metals in the defense program, in so far as such substitutions may be made consistently with reasonable requirements of efficiency.*

§ 1507.5 *Wooden barrels for export.* The Subcommittees shall prepare a plan for the substitution of wooden barrels for steel drums as containers for petroleum and petroleum products, particularly in export shipments in order to insure to the highest degree practicable that steel containers will not be lost to use by the industry.*

§ 1507.6 *Effectuating plans.* The Subcommittees and all persons using containers for petroleum or petroleum products shall, upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of any plan prepared pursuant to any of the preceding § 1507.2 to 1507.5, inclusive, and pursuant to the direction of the Petroleum Coordinator for National Defense, carry into effect such plan according to its terms, conditions, and intent.*

§ 1507.7 *Survey of industry requirements.* Upon the approval of the plans prepared pursuant to §§ 1507.2 to 1507.5, inclusive, the Subcommittees shall make a survey of the minimum requirements of the industry for the several types of metal containers necessary to provide the petroleum requirements of defense needs and essential civilian uses over such period or periods as may be determined by the Subcommittees as appropriate to reflect the minimum demand for material for such purposes.*

§ 1507.8 *Costs survey.* In the preparation of the plans pursuant to §§ 1507.2 to 1507.5, inclusive, and in carrying such plans into effect, the Subcommittees shall obtain, compile, and analyze facts figures, and other data showing such increases or decreases in costs as may be occasioned or realized in the execution of such plans. Reports shall be made to the Office of Petroleum Coordinator for National Defense covering such increases or decreases in costs in order that that Office and the Subcommittee may advise and consult with the Office of Price Administration or other appropriate Federal agency concerning the effect of such plans upon marketing costs.*

§ 1507.9 *Meetings.* Meetings of the Subcommittees and representatives of the petroleum industry shall be held from time to time for the purpose of preparing the aforesaid plans and reports; and the Subcommittees shall meet from time to time with any committees established by the Office of Production Management or other Federal agency to study the problems involved in the container and other related industries. The Subcommittees and representatives of the petroleum industry shall, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, meet from time to time for the purpose of carrying into effect such plan in accordance with the foregoing provisions of this recommendation, including such means as may be appropriate to assist and encourage marketing branches of the industry to make the most widespread and efficient use of substitute and standardized containers.*

RALPH K. DAVIES,
Acting Petroleum Coordinator for National Defense.

DECEMBER 2, 1941.

[F. R. Doc. 41-9247; Filed, December 9, 1941; 9:38 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 1—GENERAL PROVISIONS

RELEASE OF INFORMATION CONCERNING CLAIMANTS AND BENEFICIARIES

§ 1.328 *Schedule of fees:*

Written copies, per 100 words	$0.25
Photostat copies, per sheet	.25
Certifications, each	.25

Post Office addresses furnished under § 1.311 (b) and (c-1)—In cases where the address is requested by a near relative of the veteran, the address (if permissible under § 1.311 (c-1)) may be furnished without charge. In the case of all other requests the fee charge, if any, will be determined upon the merits of each individual request. Information furnished under § 1.323 shall be supplied without charge. (December 8, 1941) [Sec. 10, Pub. No. 866, 76th Congress]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-9231; Filed, December 8, 1941; 3:21 p. m.]

PART 2—ADJUDICATION: VETERANS' CLAIMS

SERVICE REQUIREMENTS

§ 2.1001 *Persons included in the Acts in addition to commissioned officers and enlisted men.*

* * * * *

(k) *Members of training camps authorized by law.* Members of training camps authorized by section 54 of the National Defense Act, are included. Members of the National Guard ordered to active duty for training are not, under section 112 of the National Defense Act of June 3, 1916, as amended June 15, 1933, entitled to pension. Reserve officers and members of the enlisted reserves of the United States Army, Navy, or Marine Corps ordered to active duty including duty for training, are entitled to pension under Public No. 159, 75th Congress. On or after April 3, 1939 all officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the regular army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability in line of duty from disease or injury incurred while so employed shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by section 5, Public No. 18, 76th Congress. On and after September 26, 1941, reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public No. 262, 77th Congress. (December 9, 1941) [Pub. No. 262, 77th Congress]

* * * * *

PROOF OF RELATIONSHIP AND DEPENDENCY

§ 2.1057 *Conditions which determine dependency.* (a) Dependency will not be held to exist if the father or mother, or both, have an income sufficient to provide for their reasonable support and maintenance, including clothing and necessary medical treatment for themselves and members of the family under legal age, or of any age if mentally or physically incapacitated.

(b) In determining the amount of income in a given case, account will be taken of the net income from property of every character owned by the mother or father or other members of the family under legal age, and of the earnings received by such father or mother or such other members of the family under legal age. Account will not be taken of the incomes of other members of the family of legal age, but only of the actual contributions made by such members of the family.

(c) The fact that the veteran has made habitual contributions to his father or mother, or both, is not conclusive evidence that dependency existed.

(d) The fact that the father or mother or other member of the family is a beneficiary of any insurance granted under the War Risk Insurance Act or World War Veterans Act, 1924, as amended, or National Service Life Insurance Act, 1940, or is in receipt of pension or compensation under the laws administered by the Veterans' Administration or receives benefits under the World War Adjusted Compensation Act, as amended, or the Adjusted Compensation Payment Act, 1936 will be disregarded in determining dependency, as will also the receipt of any donations or assistance from charitable sources.

(e) The remarriage of a parent does not, per se, bar entitlement, but is prima facie evidence that dependency has ceased. (December 9, 1941) [Pub. No. 242, 77th Congress]

PART 4—ADJUDICATION: VETERANS' CLAIMS, CENTRAL OFFICE SECTION

SERVICE REQUIREMENTS

Persons Included, in Addition to Officers and Enlisted Men, Other Than Those Mentioned in the Act of July 14, 1862 and Other Controlling Laws

§ 4.2006 *Public No. 2, 73d Congress.* (See also § 2.1001)

* * * * *

(c) Reserve officers and members of the enlisted reserves of the United States Army ordered to active duty for training purposes are also entitled to pension under Public No. 159, 75th Congress. However, such benefits shall not be payable prior to the date of claim or June 23, 1937, whichever is the later. In the event such a person is or becomes eligible for the benefits of the United States Employees Compensation Act (Public No. 179, 76th Congress, approved July 15, 1939 and Public No. 747, 76th Congress, approved July 18, 1940) and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive. On or after April 3, 1939 such reservists, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, and who suffer disability in line of duty from disease or injury incurred while so employed shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by section 5, Public No. 18, 76th Congress. Reserve officers who may have a right to benefits under section 5, Public No. 18, 76th Congress, for disability incurred prior to July 15, 1939, who file claim within one year from July 18, 1940, have an election under Public No. 747, 76th Congress, but reserve officers who are entitled to benefits under section 5, Public No. 18, 76th Congress, for disability incurred on or subsequent to July 15, 1939, do not have such an election. On and after September 26, 1941, reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be entitled to the benefits provided by Public No. 262, 77th Congress. (December 9, 1941) [Pub. No. 262, 77th Congress]

* * * * *

AWARDS, AMENDMENTS, AND DISCONTINUANCES

Original Awards

§ 4.2116 *Act of April 3, 1939 (Public No. 18, 76th Congress) and Act of September 26, 1941 (Public No. 262, 77th Congress).* Commencement shall be from the date determined by the Secretary of War, or by someone designated by him in the War Department. (December 9, 1941) [Pub. No. 262, 77th Congress]

Apportionment

§ 4.2221 *Public No. 18, 76th Congress (Act of April 3, 1939) and Public No. 262, 77th Congress (Act of September 26, 1941).* Retirement pay under these acts may not be apportioned. (December 9, 1941) [Pub. No. 262, 77th Congress]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

§ 5.2595 *Payment of pension or compensation to a child when it reaches sixteen or eighteen years of age.* Pension or compensation to or for a helpless child will be continued from the child's eighteenth birthday, provided an allegation of helplessness is made prior to or within one year after the date on which the child attains the age of eighteen years and evidence thereof is received within one year from the date of request therefor by the Veterans' Administration. If no allegation of helplessness is made prior to or within one year after the child attains the age of eighteen years the pension or compensation on account of such helpless child will be continued from the date of receipt in the Veterans' Administration of a communication from or on behalf of the child, alleging helplessness, provided evidence thereof is received within one year from the date of request therefor by the Veterans' Administration, otherwise pension or compensation will be continued on account of a helpless child only from the date of receipt in the Veterans' Administration of the evidence showing a condition of helplessness as defined in § 5.2596 (a). (See § 5.2616 (d)) (December 9, 1941) [48 Stat. 10; 38 U.S.C. 709]

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 41-9232; Filed, December 8, 1941; 3:21 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 175]

EMERGENCY REGULATIONS

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), an Executive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was, after public notice, convened by the Acting Secretary of Commerce in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., on December 4, 1941, at which session the following regulations were adopted.

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS AND SHIPPING DURING EMERGENCY

Subchapter O is amended by the addition of a new Part 155—*Licensed Officers and Certificated Men, Regulations During Emergency* reading as follows:

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN, REGULATIONS DURING EMERGENCY

Sec.
155.1 Definitions of terms.
155.2 Third mate of ocean steam or motor vessels.
155.3 Third assistant engineer of ocean steam or motor vessels, or both.
155.4 Third assistant engineer of ocean steam vessels.
155.5 Third assistant engineer of motor vessels.

§ 155.1 *Definitions of terms.* Certain terms used in the regulations of this part are defined as follows:

(a) *Emergency.* The term "emergency" means the Unlimited National Emergency proclaimed by the President on May 27, 1941.[1] *

*§§ 155.1 to 155.5, inclusive, issued under the authority contained in R.S. 4405, 4417a, 4426, 4438, 4440, 4441, as amended, and 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 228, 229, 367.

§ 155.2 *Third mate of ocean steam or motor vessels.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that

[1] 6 F.R. 2617.

provided by §§ 36.3–7 and 62.39 of this chapter:

(a) Twenty-two months sea service in the deck department of ocean vessels. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as a part of the required sea service, but not less than eighteen months shall be served at sea; or,

(b) Cadets of the U. S. Maritime Commission's cadet system, after having served twelve months at a Maritime Commission shore school together with ten months service on an ocean vessel; or,

(c) Cadets on active duty as midshipmen in the U. S. Navy, upon completion of twenty-two months service aboard a merchant or Naval vessel; or,

(d) Cadets at a State Maritime Academy, after serving six months in the deck department at sea together with sixteen months shore training.*

§ 155.3 *Third assistant engineer of ocean steam or motor vessels, or both.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–12, 62.53, 36.3–17, and 62.58 of this chapter:

(a) Twenty-two months sea service in the engine department of an ocean steam or motor vessel, one year of which must have been served as a qualified member of the engine department. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as a part of the required sea service, but not less than eighteen months shall be served at sea; or,

(b) Cadets of the U. S. Maritime Commission's cadet system, after having served twelve months at a Maritime Commission shore school together with ten months sea service in the engine department of an ocean steam or motor vessel; or,

(c) Cadets on active duty as midshipmen in the U. S. Navy, upon completion of twenty-two months service in the engine department of a steam or motor merchant or Naval vessel; or,

(d) State Maritime Academy engineering cadets who have completed six months aboard ship on training cruises together with sixteen months shore training.*

§ 155.4 *Third assistant engineer of ocean steam vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–12 and 62.53 of this chapter:

(a) Any person holding a license as motor engineer may be considered eligible to sit for the examination as Third Assistant Engineer of Ocean Steam Vessels of appropriate tonnage.*

§ 155.5 *Third assistant engineer of motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–17 and 62.58 of this chapter:

(a) Any person holding a license as steam engineer of ocean vessels may be considered eligible to sit for the examination as Third Assistant Engineer of Motor Vessels of appropriate tonnage.*

Executive Committee, Board of Supervising Inspectors:

R. S. FIELD,
Director, Chairman.
GEORGE FRIED,
U. S. Supervising Inspector, 2d District, New York, New York.
R. E. COOMBS,
U. S. Supervising Inspector, 5th District, Cincinnati, Ohio.

Approved: December 9, 1941.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9267; Filed, December 9, 1941; 11:30 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-ORD-473; Supp. 3] [1]

SUMMARY OF SUPPLEMENTAL CONTRACT PROVIDING FOR COST-PLUS-A-FIXED-FEE CONSTRUCTION TO FIXED-PRICE (LUMP SUM) CONSULTANT SERVICE AND COST-PLUS-A-FIXED-FEE OPERATION CONTRACT

CONTRACTOR: E. I. DU PONT DE NEMOURS & COMPANY, WILMINGTON, DELAWARE

Contract for: Architect-engineer and construction services to increase the capacity of the acid facilities in the plant covered by Contract No. W-ORD-473, as amended, so as to utilize fully the capacity of the TNT manufacturing units covered by said contract; to provide a unit for the manufacture of TNT demolition blocks; and to provide for certain optional operation.

Place: Wilmington, Illinois.

Estimated cost of designing, engineering, and construction under Title V: $1,359,400.00.

Fixed-fee for designing, engineering, and construction under Title V: $22,925.00.

Estimated Cost of Operation under Title II (Additional): For manufacture of TNT demolition blocks (optional) * * * per pound.

Fixed-fee for Operation: For manufacture of TNT demolition blocks (optional) * * * per pound.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 7398 P99 A0141–02
ORD 6783 P99 A0141–02
ORD 7399 P11–99 A1005–01
ORD 50,174 P531–32 A0025–13
ORD 50,199 P540–30 A0025–13

This supplemental contract,[2] entered into this 7th day of November 1941.

There is now in force between the parties hereto a certain contract which provides for the furnishing of consultant service in connection with the designing, equipping and construction of a plant for the manufacture of TNT and DNT, preparation for operation and operation of such plant, said contract being identified by the Government as "Contract No. W-ORD-473" dated September 13, 1940, and being hereinafter sometimes referred to as the "Original Contract."

Said contract has been amended by supplemental contracts dated October 17, 1940, and June 30, 1941, increasing the production of TNT and DNT, and providing for the production of tetryl and lead azide at said Plant, which are identified by the Government as "Contract No. W-ORD-473-Supp. 1", and "Contract No. W-ORD-473-Supp. 2, respectively.

The Government now desires to modify said Original Contract, as amended by said supplements, to provide for increasing the capacity of the acid facilities covered by said Original Contract, as amended, so as to utilize fully the capacity of the TNT manufacturing units covered by said contract; to provide a unit for the manufacture of TNT demolition blocks; and to provide for certain optional operation.

The parties hereto do mutually agree that the Original Contract, as amended, shall be and is hereby modified in the following particulars:

Change Article I–A, Title I, to read as follows:

ARTICLE I–A. *Description.* The construction project (hereinafter referred to as the "Plant") shall comprise a plant near Wilmington, Illinois, for the manufacture of trinitrotoluene (hereinafter referred to as "TNT"), dinitrotoluene (hereinafter referred to as "DNT"), and tetryl, the manufacturing facilities for which are hereinafter sometimes referred to as the "Original Lines"; lead azide (including the manufacture of sodium azide), the manufacturing facilities for which are hereinafter sometimes referred to as the "Additional Line"; and TNT demolition blocks, the manufacturing facilities for which, together with certain additional facilities for increased nitric acid production necessary for increased TNT production, are hereinafter sometimes referred to as the "Second Addition". The Plant shall have an estimated capacity of * * * pounds of TNT, * * * pounds of DNT, * * * pounds of tetryl, * * * pounds of lead azide and * * * pounds of TNT demolition blocks, per day of * * * hours.

Change Section 2 of Article II–A, Title II, to read as follows:

2. As each of said Original Lines of the Plant is completed and ready for operation, the Contractor shall proceed to operate it for the production of TNT, DNT, and tetryl in the quantities set forth in this Article. The obligation of the Contractor to proceed with the necessary preparation for the subsequent operation of the Additional Line and/or of said Second Addition, including the training of key men for such operation, shall each be conditioned upon receipt by the Contractor of notice in writing from the Contracting Officer so to do. The Contractor shall, upon receipt of notice in writing from the Contracting Officer, proceed with the operation of said Additional Line and/or with the operation of said Second Addition, as the case may be, as the Contracting Officer shall direct from time to time in accordance with the provisions of Section 3 of this Article II–A.

Change Article II–B, Title II, to read as follows:

ART. II–B. *Estimates.* It is estimated that the total cost of the Contractor's performance under Title II of this contract under the Second Addition in producing TNT demolition blocks will be approximately * * * per pound of TNT demolition blocks formed from TNT furnished by the Government, exclusive of Contractor's fee for such production.

Change Section 2, Article II–C, Title II, to read as follows:

2. A fixed-fee of * * * per pound of TNT, * * * per pound of DNT, * * * per pound of tetryl, * * * per pound of lead azide, and * * * per pound of TNT demolition blocks formed from TNT furnished by the Government when such TNT, DNT, tetryl, lead azide and TNT demolition blocks have been manufactured hereunder in conformity with specifications.

Delete Article II–F of Title II.

Add the following as Paragraph (c) of Section 2, Article III–B, Title III:

(c) *Rental for contractor's equipment.* Rental as provided for in Section 6 of Article III–A of this Title III for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Change Section 3 of Article III–B, Title III to read as follows:

3. *Payment of the fixed-fees.* (a) The fixed-fee provided for in paragraph (c) of Section 1 of Article V–D, Title V hereof, shall be paid in partial payments, less ten percent (10%) of each such partial payment.

(b) The fixed-fees provided for in Section 2 of Article II–C of Title II, hereof, based on the quantities of TNT, TNT demolition blocks, DNT, tetryl and lead azide manufactured hereunder, shall be paid promptly after the close of the calendar month in which such finished product is inspected and accepted.

Add the following as Section 6 of Article III–B, Title III.

6. *Final payment.* Upon completion of the work under Title V and its final acceptance in writing by the Contracting Officer, the Government shall pay to the Contractor the unpaid balance of the cost of the work determined under Title III hereof, and of the fees, less any sum that may be necessary to settle any unsettled claims for labor or materials, or any claims the Government may have against the Contractor.

Change Article III–C, Title III, to read as follows:

ART. III–C. *Advances.* 1. At any time, and from time to time, after the execution of this contract the Government, at the request of the Contractor, and subject to the approval of the Chief of Ordnance as to the necessity therefor, shall advance to the Contractor without payment of interest thereon by the Contractor, a sum or sums not in excess of thirty percent (30%) of the estimated cost of the work under this contract.

Change Article III–D, Title III, to read as follows:

ART. III–D. *Termination by Government of the work under titles II and V.* 1. Should the Contractor at any time refuse, neglect, or fail to prosecute the work under Titles II and/or V with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under the above Titles, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

Add as Section 3 to Article IV–A, Title IV the following:

3. The title to all work under Titles II and V, completed or in the course of construction or manufacture, and to all finished or semi-finished products, shall be in the Government. Likewise, upon deliveries at the site of the work, or at an approved storage site, titles to all purchased materials, tools, machinery, equipment and supplies for which the Contractor shall be entitled to be reimbursed under Title III, shall vest in the Government.

Change Article IV–K, Title IV to read as follows:

2. *Changes.* The Contracting Officer may after consultation with the Contractor, by a written order and without notice to the sureties, require changes in or additions to the specifications for the manufacture of the TNT, TNT demolition blocks, DNT, tetryl, and lead azide, issue additional instructions, require additional work, within the limitations of the Plant, or direct the omission of work covered by Titles II and V.

Add Title V immediately following Title IV which Title V shall read as follows:

Title V—Design, Engineering, Construction, and Equipping

ART. V–A. *Description of second addition.* The Second Addition referred to in Article I–A, Title I hereof, comprises the additions, including the construction and the equipment therein, necessary to increase the capacity of the acid facilities of the Plant so as to provide for an increase in the production of TNT from * * * pounds of TNT per day of * * * hours to * * * pounds of TNT per day of * * * hours. Moreover said Second Addition is to include one complete unit for producing at least * * * pounds of TNT demolition blocks per day of * * * hours.

ART. V–B. *Statement of work.* The Contractor shall, in the shortest reasonable time, furnish the labor, materials, tools, machinery, equipment, facilities, utilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work:

a. The Construction (including the procurement and installation of equipment therein) of the Second Addition described in Article V–A hereof, in accordance with the approved plans and specifications provided for hereinafter.

b. The furnishing of all architectural and engineering services covering the design, preparation of drawings, plans and specifications, and field engineering and supervision necessary for the efficient execution and coordination of the construction (including the procurement and installation of equipment therein) of said Second Addition as provided for hereunder.

ART. V–C. *Estimates.* It is estimated that the total cost of the work under this Title V will be approximately one million three hundred fifty nine thousand four hundred dollars ($1,359,400.00), excluding the Contractor's fee but including the procurement and installation of production equipment.

ART. V–D. *Consideration.* As consideration for its undertaking under this Title V the Contractor shall receive the following:

a. Reimbursement for expenditures as provided in Title III, hereof.

b. Rental for Contractor's equipment as provided in Title III, hereof.

c. A fixed-fee in the amount of twenty two thousand nine hundred twenty five dollars ($22,925.00) which shall constitute complete compensation for the Contractor's services, including profit.

The Government shall, if so requested by the Contractor, furnish the Contractor such available schedules of preliminary data, layout sketches, and other available information respecting sites, topography, soil conditions, outside utilities and equipment, and shall make available to the Contractor such Government designs, drawings, specifications, details,

[1] W-ORD-473 published in FEDERAL REGISTER November 13, 1940, Supp. 1 published April 29, 1941; Supp. 2 published July 18, 1941; 5 F.R. 4459, 6 F.R. 2171, 3534.

[2] Approved by the Under Secretary of War, November 18, 1941.

standards and safety practices as are on hand in the offices of the Chief of Ordnance and The Quartermaster General and applicable to the design, construction, and equipping of said Second Addition.

All drawings, specifications, and blueprints are to become the property of the Government.

Except as herein provided the terms and conditions of the Original Contract, as amended, shall continue in full force and effect, and shall apply with equal force to the work added by this supplemental contract.

This contract is authorized by the following laws: Act of July 2, 1940 (Public No. 703, 76th Congress) and the Act of June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9239; Filed, December 9, 1941; 9:36 a. m.]

[Contract No. W 535 ac-21992]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: BENDIX AVIATION CORPORATION, PIONEER INSTRUMENT DIVISION, BENDIX, NEW JERSEY

Contract for: * * * Altimeters.
Amount: $1,686,830.00.
Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities as listed below, the available balances of which are sufficient to cover cost of same:

AC 299 P 115-30 A 0021-13
AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2

This contract,[1] entered into this 15th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver * * * altimeters for the consideration stated one million six hundred eighty six thousand eight hundred and thirty dollars ($1,686,830.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries of such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940 and Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9240; Filed, December 9, 1941; 9:36 a. m.]

[Contract No. W 535 ac-22734 (5960)]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: SPERRY GYROSCOPE COMPANY, INC., BROOKLYN, NEW YORK

Contract for: Automatic Pilots.
Amount: $37,534,980.00.
Place: Matériel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of same:

AC 34 P 12-30 A 0705-12
AC 29 P 82-30 A 0705-12
AC 299 P 111-30 A 0021-13

This contract,[1] entered into this 29th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver Automatic Pilots for the consideration stated thirty-seven million five hundred thirty-four thousand nine hundred eighty dollars ($37,534,980.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

This contract authorized under the provisions of Section 1 (a), Act of July 2, 1940, Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9241; Filed, December 9, 1941; 9:36 a. m.]

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[1] Approved by the Under Secretary of War October 29, 1941.

[1] Approved by the Under Secretary of War, October 31, 1941.

[Contract No. W 535 ac-21976; 5793]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: THE GLENN L. MARTIN COMPANY, BALTIMORE, MARYLAND

Contract for: Turret Assemblies, Spare Parts Therefor and Data.
Amount: $19,007,247.50.
Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authorities as listed below, the available balances of which are sufficient to cover cost of same:

AC 299 P 111-30 A 0021-13
AC 32 P 12-30 A 0705-2
AC 18 P 82-30 A 0705-2
AC 30 P 85-30 A 0705-12

This contract,[1] entered into this 22nd day of October 1941.

Scope of this contract. The contractor shall furnish and deliver to the Government * * * Turret assemblies, Spare Parts Therefor and Data for the consideration stated not exceeding nineteen million seven thousand two hundred forty seven dollars and fifty cents ($19,007,247.50) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 17 (b) or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Advance payments. Advance payments may be made from time to time for the supplies called for when the Secretary of War deems such action necessary in the interest of National Defense: *Provided, however,* That the total amount of money so advanced shall not exceed thirty per centum (30%) of the contract price of the articles called for, and that such advance, if made, shall be made upon such terms and conditions and with such adequate securities as the Secretary of War shall prescribe.

Manner of payment. Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor, approved by the Contracting Officer.

Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government in its then condition forthwith upon the making of any such partial payment or payments.

Fire insurance. The Contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

Special conditions reference additional facilities. It is understood and agreed between the parties hereto that the General Electric Company (subcontractor under this contract) is to furnish electric control units for the turret assemblies called for under the terms of this contract, and it is further understood and agreed that said General Electric Company (subcontractor under this contract) will require certain plant facilities in addition to those now available to it in order to furnish said electric control units in sufficient time to permit the Contractor to meet the delivery schedules hereinbefore specified for turret assemblies and spare parts therefor. If an agreement satisfactory to the said General Electric Company (subcontractor under this contract) providing for the construction or acquisition of such facilities in an approximate amount of $850,000.00 is not entered into and, if required, approved on or before * * *, then, and in such event negotiations shall, at the written request of the Contractor delivered to the Contracting Officer, be entered into by and between the Contractor and the Contracting Officer for an amendment to such delivery schedule. If no agreement on such amendment be reached within * * * days from the date of delivery of such request, then the Contractor shall have the right, at any time thereafter and prior to the execution and approval, if required, of an agreement providing for the facilities required as hereinbefore stated, to demand in writing of the Contracting Officer that the Government terminate this contract upon the terms and conditions stated in Article 29 herein, and the Government agrees in such event to so terminate.

Termination when contractor not in default. If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

Price adjustment. The contract prices stated in this contract for turret assemblies and spare parts are subject to adjustments for changes in labor and material costs.

This contract authorized under the provisions of Section 1 (a) Act of July 2, 1940 Section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9242; Filed, December 9, 1941; 9:37 a. m.]

[Contract No. W-374-ORD-1178]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CONTINENTAL MOTORS CORPORATION, DETROIT, MICHIGAN

Contract for: Engines, internal combustion with spare parts.
Amount: $3,597,956.08.
Place: Detroit Ordnance District, Detroit, Michigan.

The supplies and services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD 20303 P 2-30 A 1005-2
ORD 20303 P 2-30 A (1005) .105-2

This contract,[1] entered into this 8th day of September 1941.

ARTICLE 1. *Scope of this contract.* The contractor shall furnish and deliver engines, internal combustion with spare parts for the consideration stated, being a total of three million five hundred ninety-seven thousand nine hundred fifty-six and 08/100 dollars ($3,597,956.08) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. *Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. *Delays—Damages.* If the contractor refuses or fails to make deliv-

[1] Approved by the Under Secretary of War October 31, 1941.

[1] Approved by the Chief of Ordnance November 21, 1941.

eries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. *Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

ART. 19. *Termination for the convenience of the government.* Should conditions arise which in the opinion of the Secretary of War, make it desirable that the contract be terminated, the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Office to the Contractor that the contract is terminated under this Article.

ART. 26. *Price adjustments.* The contract prices stated in Article I are subject to adjustments for changes in labor and materials costs.

This contract is authorized by the Act of July 2, 1940, (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941, (Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9243; Filed, December 9, 1941; 9:37 a. m.]

[Contract No. W-740-Ord-2126]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WARD LA FRANCE TRUCK CORPORATION, ELMIRA HEIGHTS, N. Y.

Contract for: Trucks, Heavy, Wrecking.

Amount: $1,826,535.53.

Place: Rochester Ordnance District, 1238 Mercantile Bldg., Rochester, New York.

The Items to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement Authorities:

(740) ORD 15,417 P 11-30 A (1005) .105-01
(740) ORD 20,256 P 2-30 A 1005-2
(740) ORD 20,310 P 3-12 A 1005-2
(740) ORD 20,357 P 11-30 A 1005-2
(740) ORD 20,411 P 11-30 A 1005-2
(740) ORD 20,668 P 6-30 A 1005-2
(740) ENG 26 P 4-13 A 0905-2

the available balances of which are sufficient to cover cost of same.

This contract,[1] entered into this 18th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver trucks, heavy wrecking for the consideration stated of one million, eight hundred twenty-six thousand, five hundred thirty-five dollars and fifty-three cents ($1,826,535.53).

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Quantity. The Government reserves the right to increase the quantity on this contract by as much as * * *% and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

Termination for convenience of the Government. Should conditions arise which, in the opinion of the Secretary of War, make it desirable that the contract be terminated the Government may, at any time after the commencement of performance by the Contractor, terminate this contract in whole or in part by a notice in writing from the Contracting Officer to the Contractor that the contract is terminated under this Article.

This contract entered into under authority of the Act of Congress approved July 2, 1940 (Public No. 703—76th Congress), as continued in effect by the Act of Congress approved June 30, 1941 (Public No. 139—77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9244; Filed, December 9, 1941; 9:37 a. m.]

[1] Approved by the Chief of Ordnance November 14, 1941.

[Contract No. W 670 ORD-1783]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: HERCULES POWDER COMPANY, WILMINGTON, DELAWARE

Contract for: Ignition & Propelling Powder.

Amount: $2,073,438.39.

Place: Philadelphia Ordnance District, Mitten Building, Philadelphia, Pennsylvania.

The supplies to be obtained under Article 1 of this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 15,634 P11-02A (1005).105-01, the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 28th day of July 1941.

Scope of this contract. The contractor shall furnish and deliver ignition and propelling powder for the consideration stated two million, seventy-three thousand, four hundred thirty-eight dollars and thirty-nine cents ($2,073,438.39), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. This contract is subject to termination by the Government at any time as its interest may require.

Quantities. The Government reserves the right to increase the quantity of this contract by as much as * * *%, and at the unit price specified in Article 1, such option to be exercised within * * * days from date of this contract.

[1] Approved by the Chief of Ordnance, November 21, 1941.

This contract is authorized by the following laws:

The Act of July 2nd, 1940 (Public No. 703, 76th Congress), as continued in effect by The Act of Congress approved June 30, 1941 (Public No. 139, 77th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9245; Filed, December 9, 1941; 9:38 a. m.]

[Contract No. W-271-ORD-600]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: DIAMOND T MOTOR CAR COMPANY, CHICAGO, ILLINOIS

Contract for: Half-Track Personnel Carriers, * * * Spare Parts.

Amount: $4,498,706.16.

Place: Chicago Ordnance District, 38 S. Dearborn St., Chicago, Illinois.

The * * * Half-Track Personnel Carriers, * * *, Sets of Spare Parts, to be obtained under this contract, are authorized by, are for the purpose set forth in, and are chargeable to the Procurement Authority ORD 15310 P11-30 A (1005).105-01, the available balance of which is sufficient to cover the cost of same.

This contract,[1] entered into this 27th day of September 1941.

Scope of this contract. The Contractor shall furnish and deliver * * * track personnel carriers, * * * spare parts for the consideration stated four million, four hundred ninety-eight thousand, seven hundred and six dollars, and sixteen cents ($4,498,706.16) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor, whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Termination when contractor not in default. This Contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of July 2, 1940 (Public, No. 703, 76th Congress).

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9246; Filed, December 9, 1941; 9:38 a. m.]

[1] Approved by the Chief of Ordnance, November 10, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-148]

IN THE MATTER OF STINEMAN COAL & COKE CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8745, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), and the Bituminous Coal Code promulgated thereunder, to determine

(a) whether or not Stineman Coal & Coke Company, Registered Distributor, Registration No. 8745, the respondent in the above-entitled matter, whose address is 1145 Broad Street Station Building, Philadelphia, Pennsylvania, has violated any provisions of the Act, the Code, any orders or regulations of the Division including the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement"), dated May 15, 1939, executed by the respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. The respondent, during the period from October 1, 1940 to April 1, 1941, violated paragraphs (e) and (f) of the Agreement and Order 301 dated August 8, 1940 by failing to file with the Division copies of invoices and credit memoranda as required by said Order 301.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on Jan. 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the U. S. Board of Tax Appeals, Washington, D. C.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearings or by subsequent notice and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that an answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent and that any respondent failing to file an answer within such period, unless otherwise ordered shall be deemed to have admitted the said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9255; Filed, December 9, 1941; 10:31 a. m.]

[Docket No. B-60]

IN THE MATTER OF E. H. TURPIN AND J. H. TURPIN, ALSO KNOWN AS E. H. TURPIN AND J. H. TURPIN, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF E. H. & J. H. TURPIN, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint, dated September 24, 1941, pursuant to the provisions of sections 4 II

(j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 2, 1941, by Bituminous Coal Producers Board for District No. 8, a district board complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division, duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, whose address is Pineville, Kentucky, sold, between February 15, 1941 and May 30, 1941, coal produced by the defendant at the defendant's Ferndale Mine, Mine Index No. 1564, located in Bell County, Kentucky, to the purchasers, on the dates, in the sizes and quantities, and at the prices per net ton f. o. b. said mine as set out below.

Date sold 1941	Purchaser	Size sold	Weight in tons	Selling price per ton	Established minimum price per ton
Feb. 15	Kincaid & Jackson	S. G. 7	6	$1.50	$1.65
Mar. 10	do	S. G. 7	6	1.50	1.65
Mar. 15	C. L. Dunn	S. G. 4	1	2.35	2.45
Mar. 18	Kincaid & Jackson	S. G. 7	6	1.50	1.65
Mar. 25	do	S. G. 7	6	1.50	1.65
Do	do	S. G. 7	2¼	1.55	1.65
Apr. 21	Berg Fulp	S. G. 5	2¼		2.15
Do	do	S. G. 7	2¼	1.55	1.65
Do	do	S. G. 5	2¼		2.15
Do	do	S. G. 7	4	1.55	1.65
Apr. 25	Service Coal Co	S. G. 5	4		2.15
Do	do	S. G. 7	8	1.55	1.65
Apr. 28	do	S. G. 7	9	1.55	1.65
Apr. 30	Dolan Hawkins	S. G. 7	7	1.55	1.65
Do	do	S. G. 7	8	1.55	1.65
May 1	Service Coal Co	S. G. 7	7	1.55	1.65
May 2	Dolan Hawkins	S. G. 7	9	1.55	1.65
Do	do	S. G. 7	8	1.55	1.65
Do	Service Coal Co	S. G. 7	7	1.55	1.65
May 5	Dolan Hawkins	S. G. 7	9	1.55	1.65
Do	do	S. G. 7	2½	1.55	1.65
Do	Service Coal Co	S. G. 8	2½		1.60
Do	do	S. G. 7	8	1.55	1.65
May 7	do	S. G. 8	8	1.55	1.60
May 9	do	S. G. 7	5	1.55	1.65
May 14	Kincaid & Jackson	S. G. 7	6	1.55	1.65
Do	Service Coal Co	S. G. 7	4	1.55	1.65
May 17	do	S. G. 5	4		2.15
Do	do	S. G. 8	2½		1.60
May 19	Dixie Coal Co	S. G. 7	8	1.55	1.65
May 20	Service Coal Co	S. G. 7	5½	1.55	1.65
May 21	Dixie Coal Co	S. G. 7	8	1.55	1.65
May 22	Service Coal Co	S. G. 7	4	1.55	1.65
May 23	do	S. G. 5	4		2.15
Do	do	S. G. 7	5	1.55	1.65
Do	do	S. G. 7	5½	1.55	1.65
Do	Dixie Coal Co	S. G. 7	8	1.55	1.65
Do	Service Coal Co	S. G. 7	5½	1.55	1.65
May 25	Dixie Coal Co	S. G. 7	8	1.70	1.65
May 26	Service Coal Co	S. G. 5	8		2.15
Do	do	S. G. 7	3	1.70	1.65
May 28	Service Coal Co	S. G. 5	5		2.15
Do	do	S. G. 7	3	.95	1.65
May 29	do	S. G. 7	5	1.55	1.65
May 30	Horace Hyte				
Apr. 1 to May 1	Leslie Weller	S. G. 8	150	.75	1.60

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9256; Filed, December 9, 1941; 10:31 a. m.]

[Docket No. B-48]

IN THE MATTER OF SUN COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 9, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 26, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the U. S. Post Office, Room 214, Knoxville, Tennessee.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, the Sun Coal Company, Knoxville, Tennessee, sold during the period from October 21, 1940 to March 10, 1941, both dates inclusive, approximately 8,242 tons of 6" block coal produced at its Sun Mine, Mine Index No. 453, which is located at or near Caryville, Tennessee, to numerous purchasers in various market areas, at prices ranging from $3.25 to $3.35 per net ton whereas the effective minimum prices were $3.35 and $3.45 per net ton f. o. b. the mine, respectively, as stated in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck. The defendant also sold in the manner described herein, approximately 7,425.95 tons of 2½" x 6" egg coal produced at the aforesaid mine at prices varying from $2.65 to $2.97 per net ton f. o. b. the mine, whereas the effective minimum prices for such coal were $2.85 to $3.07 per net ton f. o. b. the mine, respectively, as more fully set out in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9257; Filed, December 9, 1941; 10:31 a. m.]

[Docket No. B-87]

IN THE MATTER OF SNOWDEN COAL CO., A PARTNERSHIP, ALSO KNOWN AS LEE SNOWDEN, LUTHER BRYAN, JAMES BUTLER, NEWTON LANE, MILTON HALL, CHARLES DRAKE, SPENCER M. LOWE, RAYMOND ROUATT, LOUIE ROBERTS, MIKE TOPPAS, WILLIAM DRAKE, AND WILLIAM BIGG, CO-PARTNERS, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF SNOWDEN COAL CO. (LEE SNOWDEN), CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 15, 1941, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person of entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matter specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendants, whose mine post office address is R. F. D. No. 3, (c/o Lee Snowden), Terre Haute, Indiana, violated (1) the Order of the Director entered in General Docket No. 19, dated October 7, 1940, by selling and delivering to various purchasers, during the period January 15 to 27, 1941, both dates inclusive, substantial quantities of coal produced by defendants at their Snowden Mine, Mine Index No. 1169, notwithstanding that minimum prices therefor had not been established by the Division; (2) section 4 II (e) of the Act by selling and delivering during the period January 28 to April 16, 1941, both dates inclusive, to various purchasers, a substantial quantity of 1¼" lump coal, produced by said defendants at said mine, at $1.80 per net ton, f. o. b. the mine, whereas this coal is classified as Size Group 6 and is priced at $2.20 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipment, as amended by Order of the Director entered in Docket No. A-542, dated January 28, 1941; (3) Orders of the Director Nos. 307 and 312 by failing to set forth on the truck tickets, sales slips, invoices or other memoranda or records, the actual sizes and prices per net ton and total amounts for the coal as herein set forth in (1) and (2); and (4) section 4 II (i) paragraph 8 of the Act, and Section XIII Rule 8 of the Marketing Rules and Regulations, by describing the coal referred

to in (1) and (2) hereof in the invoices, truck tickets, sales slips or other memoranda or records, as mine run coal (Size Group 7), whereas the actual size of such coal was 1¼" lump (Size Group 6).

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9258; Filed, December 9, 1941; 10:32 a. m.]

[Docket No. B-15]

IN THE MATTER OF OAKLAND COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6934, RESPONDENT

ORDER RESCHEDULING HEARING

The above-entitled matter having been scheduled for hearing at Toledo, Ohio, on November 17, 1941, by Order of the Director dated October 9, 1941, and subsequently having been postponed by Order of the Director dated November 15, 1941, to a date and at a hearing room to be designated hereafter by an appropriate order; and

Lewis J. Gifford, President of the Oakland Coal Company, Toledo, Ohio, and Frank J. Reis, Secretary of the Gallant Lumber and Coal Company, Toledo, Ohio, heretofore having been duly served with subpoenae requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on January 12, 1942, at a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Jefferson & Superior Streets, Toledo, Ohio.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, the Order Amending Notice of and Order for Hearing dated November 6, 1941, and the provisions of the Order, dated November 15, 1941, extending time of respondent to file answer to and including December 17, 1941, shall in all other respects remain in full force and effect; and

It is further ordered, That Lewis J. Gifford, President of the Oakland Coal Company, and Frank J. Reis, Secretary of the Gallant Lumber and Coal Company, appear before the designated officers at the time and place of hearing aforementioned.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9259; Filed, December 9, 1941; 10:32 a. m.]

[Docket No. 1650-FD]

IN THE MATTER OF MARTIN C. ZWARD, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division by the Bituminous Coal Producers' Board for District No. 2 pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Martin C. Zward, the defendant, a code member, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing in this matter having been held on June 17, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Uniontown, Pennsylvania.

The Examiner having prepared and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated November 8, 1941, in which he found that the defendant sold for delivery by truck, during the period from November 1, 1940 to March 26, 1941, 2862 tons of run of mine coal, produced at the defendant's Zward Mine, located in Fayette County, Pennsylvania, of which 1436 tons were sold at $1.50 per ton f. o. b. the mine and 1426 tons at $1.75 per ton f. o. b. the mine; that no minimum prices had been established by the Division for coals produced at that mine; and that the amount of tax required to be paid by the defendant as a condition to reinstatement to membership in the Code, as provided in section 5 (c) of the Act, is $1,813.31; and the Examiner having recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Martin C. Zward, be and it is hereby revoked and cancelled, effective ten days from the date hereof;

It is further ordered, That prior to any reinstatement of the defendant, Martin C. Zward, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $1,813.31 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9260; Filed, December 9, 1941; 10:32 a. m.]

[Docket No. 1713-FD]

IN THE MATTER OF HOLCOMB COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND REVOKING CODE MEMBERSHIP

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on April 26, 1941, by the Bituminous Coal Producers Board for District No. 1, the complainant, against the Holcomb Coal Co., defendant, a code member in District 1, alleging wilful violation by the defendant of the Bituminous Coal Code and the rules and regulations thereunder, and requesting that the defendant's code membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing having been held before W. A. Cuff, a duly designated Examiner of the Division, in Clearfield, Pennsylvania;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in the above proceedings, dated November 3, 1941, recommending that an order be entered revoking the code membership of the defendant, Holcomb Coal Co.;

An opportunity having been afforded the parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Holcomb Coal Co., be and the same hereby is revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant, Holcomb Coal Co., to membership in the Code, the defendant shall pay to the United States a tax in the amount of $534.84 as provided in section 5 (c) of the Bituminous Coal Act of 1937;

And it is further ordered, That this order shall become effective fifteen (15) days from the date hereof.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9261; Filed, December 9, 1941; 10:32 a. m.]

[Docket No. A-28]

PETITION OF DISTRICT BOARD NO. 13, CONCERNING THE COORDINATION OF MINIMUM PRICES FOR THE COALS OF DISTRICT NO. 9 AND DISTRICT NO. 13 IN CERTAIN MARKET AREAS

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING PERMANENT RELIEF

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 13, requesting the following reductions in the effective minimum prices for the coals of the Big Seam mines in Subdistrict 1 of District 13 having Mine Index Nos. 30 to 78, inclusive: 15 cents in Size Group 1 for shipment into Market Areas 104, 114, 115, 116, 154, 155, 156, and 157;[1] 15 cents in Size Group 2 for shipment into Market Areas 152 and 212; 10 cents in Size Group 2 for shipment into Market Area 153; 20 cents in Size Group 6 for shipment into Market Areas 152 and 153; and 25 cents in Size Group 6 for shipment into Market Area 212; and further requesting the following reductions in the minimum f. o. b. mine prices for the coals of the Sewanee Seam mines in Subdistrict 3 of District 13 for shipment into Market Areas 104 and 116 and points in Destination Group 3 of Market Area 115; 20 cents in Size Group 1, 10 cents in Size Group 6, 10 cents in Size Group 10, 10 cents in Size Group 11, 35 cents in Size Group 14; and, the following reductions in the minimum price f. o. b. mine for the Sewanee Seam coals of Subdistrict 3 of District 13 to Market Area 114: 20 cents in Size Group 1, 10 cents in Size Group 6, and 25 cents in Size Group 14;

[1] At the hearing petitioner withdrew its request with respect to Size Group 1.

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on December 9–10, 1940, before Charles S. Mitchell, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner, Charles S. Mitchell, having made and filed his Report, Proposed Findings of Fact, and Proposed Conclusions of Law, and Recommendation in this matter, dated November 3, 1941, recommending that the relief prayed for by District Board 13 in this matter be denied;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

It is further ordered, That the relief prayed for by District Board 13 in this proceeding be, and the same hereby is, denied.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9262; Filed, December 9, 1941; 10:33 a. m.]

[Docket No. 1716-FD]

IN THE MATTER OF JOHN F. KENNEY DOING BUSINESS AS BUFFALO & FREEPORT COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 5026, RESPONDENT

ORDER SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937 and Section 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether John F. Kenney, doing business as Buffalo & Freeport Coal Company, a registered distributor, (Registration No. 5026), 522 White Building, Buffalo, New York, the respondent has violated the Act, the Rules and Regulations for the Registration of Distributors, the Marketing Rules and Regulations, and the Agreement by Registered Distributor;

The respondent having filed an answer;

Pursuant to a Notice of and Order for Hearing dated July 18, 1941, a hearing in this matter having been held on August 22, 1941, before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Pittsburgh, Pennsylvania, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which the respondent appeared;

The preparation and filing of a report by the Examiner having been waived by the parties and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the registration of the respondent, John F. Kenney, doing business as Buffalo & Freeport Coal Company, registered distributor (Registration No. 5026), be and it hereby is suspended for a period of sixty (60) days, beginning ten days from the date of this Order: *Provided, however,* That as a condition to reinstatement in accordance with Section 304.15 of the Distributors' Rules, the respondent submit at least five days prior to the expiration of the suspension period, an affidavit verifying that during the period of his suspension said respondent has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which distributors are entitled to receive by virtue of registration: *And provided further,* That the respondent be required to return to the vendors of coal to him all improperly collected discounts and that a statement by respondent that such refunds have been made shall be required to be included in the affidavit.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9263; Filed, December 9, 1941; 10:33 a. m.]

[Docket No. 1711-FD]

IN THE MATTER OF J. C. ROMAN, DEFENDANT

MEMORANDUM OPINION AND ORDER CORRECTING FINDINGS OF FACT CONCLUSIONS OF LAW, AND ORDER OF THE DIRECTOR

The Director, on November 3, 1941, issued, in the above-entitled proceedings, Findings of Fact, Conclusions of Law, and Opinion, and an Order Revoking and Cancelling Code Membership. The Director, in said Findings of Fact, Conclusions of Law, and Order found, *inter alia,* that the defendant herein had violated the Order of the Director in General Docket No. 19 by having sold coal, for which no effective minimum price had been established, during the period from January 8, 1941, to January 20, 1941. The prohibition provided by the Order of the Director in General Docket No. 19 against selling unpriced coal does not apply, with respect to coal produced and

prepared by new acceptants of the Bituminous Coal Code at the time of filing acceptance thereof, after thirty (30) days from the filing of such acceptance. In finding that the defendant had violated the Order of the Director in General Docket No. 19, January 8, 1941, the effective date of the defendant's code membership acceptance, was inadvertently inserted as the beginning of said 30-day period rather than December 7, 1940, the date when the defendant filed a code membership acceptance. Had the correct date been used, it would have been clear that the defendant did not violate the Order of the Director in General Docket No. 19. The Findings of Fact, Conclusions of Law, and Opinion, and Order Revoking and Cancelling Code Membership issued by the Director herein on November 3, 1941, should be corrected accordingly.

The violation by the defendant of the Order in General Docket No. 19 found by the Director was, however, but one of many violations found by the Director by the defendant of the Bituminous Coal Code and rules and regulations thereunder. Among other things, the Director found that the defendant violated section 4 II (e) of the Act, the Code, and the Schedule of Effective Minimum Prices for District No. 2 for Truck Shipments, by selling and delivering, during the period between January 31 and May 31, 1941, inclusive, 928.15 net tons of 2" x 0 and over, screenings produced at the Grillo Mine, Mine Index No. 1995, in the Pittsburgh Seam, Allegheny County, Pennsylvania, at prices below the effective minimum price established therefor, and the amount of tax which the Director found was required to be paid by the defendant as a condition to reinstatement to membership in the Code, $796.35, was based solely upon this violation.

A review of the record herein is convincing that the penalty imposed upon the defendant for his violations of the Code and rules and regulations thereunder found by the Director, namely, revocation of code membership and the concomitant reinstatement tax of $796.35, is fully warranted by the violations found by the Director other than relating to General Docket No. 19.

It therefore appears that the Findings of Fact, Conclusions of Law, and Opinion, and Order Revoking and cancelling Code Membership issued by the Director on November 3, 1941, should be corrected with respect to the violations found by the Director concerning the Order of the Director in General Docket No. 19. It further appears that in all other respects said Findings of Fact, Conclusions of Law, Opinion, and Order should be unchanged and remain in full force and effect.

Now, therefore, it is hereby ordered, That all references contained in the Findings of Fact, Conclusions of Law, and Opinion of the Director issued herein on November 3, 1941, to a violation by the defendant of the Order in General Docket No. 19, be and they hereby are, stricken.

It is further ordered, That the Order Revoking and Cancelling Code Membership, issued herein by the Director on November 3, 1941, be, and it hereby is, corrected by striking therefrom paragraph numbered (7)..

It is further ordered, That in all other respects the Findings of Fact, Conclusions of Law, and Opinion of the Director and the Order Revoking and Cancelling Code Membership, issued herein on November 3, 1941, remain unchanged and that they remain in full force and effect.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9264; Filed, December 9, 1941; 10:33 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein under Title I of the Bankhead-Jones Farm Tenant Act may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follows:

Region VI—Arkansas

Drew County. Locality I—Townships of Bartholomew, Franklin, and Live Oak, $2,028. Locality II—Townships of Bearhouse, Clear Creek, Collins, Cominto, Crook, Marion, Saline, Spring Hill, and Veasey, $1,566.

Johnson County. Locality I—Townships of Stonewall, Lee, Grant, Ward, Prairie, Horsehead, King, Perry, Hickey, McKennon, Howell, Spadra, and Pittsburg, $1,609. Locality II—Townships of Batson, Dickerson, Hill, Low Gap, Mulberry, Pilot Rock, Piney, Red Lick, and Sherman, $1,171.

Stone County. Locality I—Townships of Bellmore, Blue Mountain, Cove, Franklin, Harris, Jones, Redstripe, Richwoods, Wallace, and Washington, $1,398. Locality II—Townships of Bryan, Chalybeate Springs, Farris, Flag, Herd, Hixson, Liberty, Locust Grove, Northwest, Red River, Roasting Ear, Rorie, Smart, Sylamore, Timbo, Turkey Creek, Union, and Wilson, $830.

The purchase price limits previously established for the counties above-mentioned are hereby canceled.

Approved: December 3, 1941.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 41-9268; Filed, December 9, 1941; 11:31 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 319]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR APPROVAL BY THE CIVIL AERONAUTICS BOARD, IF SUCH APPROVAL IS DEEMED NECESSARY, OF THE CONTROL OF AMERICAN EXPORT AIRLINES, INC., BY AMERICAN EXPORT LINES, INC., A COMMON CARRIER, UNDER SECTION 408 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 408 and 1001 of said Act, in the above-entitled proceeding, that oral argument for the sole purpose of determining whether in carrying out the mandate of the Court in *Pan American Airways Company* v. *Civil Aeronautics Board and American Export Airlines*, 121 F. (2d) 810 (C.C.A. 2nd, 1941), the Board should reopen the above proceeding for the purpose of receiving further evidence or should consider the case on the present record, is hereby assigned to be held on December 9, 1941, at 12:00 m. (Eastern Standard Time) in Room 5044 Commerce Building, 14th Street and Constitution Ave. NW., Washington, D. C., before the Board.

Dated: December 8, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9229; Filed, December 8, 1941; 12:22 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4568]

IN THE MATTER OF ARNOLD THOMPSON AND JOYCE KITTINGER, INDIVIDUALLY AND AS COPARTNERS TRADING AS PAR-A-PAC COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717, 15 U. S. C. A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, December 11, 1941, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 1801, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 41-9249; Filed, December 9, 1941; 10:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-443]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than December 24, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service Company of Oklahoma, an indirect subsidiary of The Middle West Corporation, a registered holding company, has contracted to purchase from Central States Power & Light Corporation of Oklahoma, an indirect subsidiary of the Ogden Corporation, a registered holding company, a water system located in Allen, Oklahoma and to pay therefor the sum of $10,000 plus and minus certain adjustments of the purchase price as provided for in the purchase contract.

Applicant states that the proposed purchase of the water system is an inseparable and necessary part of a transaction whereby Public Service Company of Oklahoma is purchasing at the same time from Central States Power & Light Corporation of Oklahoma its electric utility properties located in Allen, Calvin, and Atwood, Oklahoma, and that said acquisition is exempt from the provisions of the Public Utility Holding Company Act of 1935 by virtue of Rule U-41 of the Commission's Rules and Regulations promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9270; Filed, December 9, 1941; 11:48 a. m.]

[File Nos. 1-3039, 1-2474]

IN THE MATTER OF KINGDOM OF ROUMANIA AND KINGDOM OF ROUMANIA MONOPOLIES INSTITUTE 7% GUARANTEED EXTERNAL SINKING FUND GOLD BONDS, STABILIZATION AND DEVELOPMENT LOAN OF 1929, DUE FEBRUARY 1, 1959

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the 7% Guaranteed External Sinking Fund Gold Bonds, Stabilization and Development Loan of 1929, due February 1, 1959, registered with the Commission by the Kingdom of Roumania and the Kingdom of Roumania Monopolies Institute; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, December 29, 1941, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

[File No. 7-613]

IN THE MATTER OF APPLICATION BY THE BALTIMORE STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO RUSTLESS IRON AND STEEL CORPORATION $1 PAR VALUE COMMON STOCK

ORDER SETTING HEARING ON APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

The Baltimore Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Wednesday, January 21, 1942, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue N.W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9272; Filed December 9, 1941; 11:48 a. m.]

It is further ordered, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9271; Filed, December 9, 1941; 11:48 a. m.]

[File No. 70-189]

In the Matter of Stonewall Electric Company and Sheridan County Electric Company

Order Permitting Declaration to Become Effective

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1941.

The Commission having heretofore on the 19th day of November, 1940 issued an order herein permitting declarations by Stonewall Electric Company to become effective regarding the issue and sale to the Rural Electrification Administration of promissory notes in the principal amount of $74,000, the proceeds to be used for the construction of rural electric transmission, distribution and service facilities in the Counties of Johnson and Sheridan, Wyoming; and approving an application regarding the execution of a lease and option purchase agreement by Stonewall Electric Company to Sheridan County Electric Company in respect of the said electric facilities to be constructed by Stonewall; and

Stonewall Electric Company having filed a supplemental declaration in the form of an amendment to the original declarations herein, pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance of an additional note to the Rural Electrification Administration in the amount of $4,700, the proceeds thereof to be used in completing the construction of such electric facilities; and

Said supplemental declaration having been filed on November 8, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said supplemental declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid supplemental declaration be, and hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9273; Filed, December 9, 1941; 11:48 a. m.]

[File No. 70-433]

In the Matter of Public Service Company of Indiana, Inc.

Order Granting Application

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 6th day of December, A. D. 1941.

Public Service Company of Indiana, Inc. (hereinafter referred to as "Service Company"), a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed an application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereunder and Rules U-23 and U-50 thereof, regarding:

(a) The issue and sale by public bid, pursuant to Rule U-50, of $42,000,000 principal amount of its first mortgage bonds, series D, 3⅜%, due December 1, 1971, and

(b) The issue and sale to two insurance companies and six banks (one of which, Continental Illinois National Bank and Trust Company of Chicago, is an affiliate within the meaning of the Act) of $10,000,000 principal amount of serial notes payable serially beginning December 1, 1942, to and including December 1, 1950, at the rate of 2¼% per annum for those maturing up to and including June 1, 1947; 2¾% for those maturing up to and including June 1, 1949; and 3% for those maturing thereafter,

the proceeds of which will be used: (1) to call for redemption the now outstanding $38,000,000 principal amount of Service Company's First Mortgage Bonds, Series A, 4%, due September 1, 1959; (2) to pay and retire $8,800,000 principal amount of Service Company's Serial Debentures, 3⅞%, due March 1, 1942–September 1, 1949; (3) to pay and retire $400,000 aggregate principal amount of Northern Indiana Power Company's Serial Notes, 3%, assumed by Service Company; (4) to pay $396,923.05 aggregate principal amount of Central Indiana Power Company's Collateral Notes, 2.73%, which were issued to United States of America as evidence of loans and which have been assumed by Service Company; and (5) to aid the company in carrying out a proposed construction program; and

Service Company having requested that the Commission modify a condition imposed by its order dated March 27, 1941, in connection with the issue and sale of Service Company's Series B bonds (File No. 70-258) which in effect provides that in addition to maturities and sinking fund provisions applicable to its outstanding long-term debt Service Company shall retire by 1958 $3,859,500 additional amount of its long-term debt; and

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein:

It is ordered, That said application as amended be and the same hereby is granted, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

(1) That Service Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby; jurisdiction is hereby reserved for this purpose;

(2) That, unless this condition be hereafter modified by the Securities and Exchange Commission or by any successor commission or regulatory authority of the United States of America having jurisdiction in the premises (and then to the extent only that such condition be so modified), Service Company shall, during the period commencing January 1, 1945, and ending December 31, 1951, provide for the retirement (in the manner set forth below) of $1,750,000 aggregate principal amount of its long-term debt in addition to long-term debt in an aggregate principal amount equal to (i) the principal amount of long-term debt of Service Company outstanding at the time of the issue of the Series D Bonds of Service Company and bearing maturity dates falling within said period and (ii) the principal amount of Series B, Series C, and Series D Bonds of Service Company that Service Company is or will be obligated to retire through sinking fund payments. Within four months after the end of any given calendar year during said period Service Company shall have retired, pursuant to this term and condition, a cumulative amount of long-term debt as shown in the following table:

Calendar year:	*Cumulative amount of long-term debt to be retired*
1945	$250,000
1946	500,000
1947	750,000
1948	1,000,000
1949	1,250,000
1950	1,500,000
1951	1,750,000

or, Service Company shall deposit with the Trustee under its First Mortgage Indenture, funds sufficient to redeem bonds equal to the amount by which the aforesaid cumulative amount shown opposite such calendar year exceeds the amount of long-term debt retired hereunder up to and including such calendar year. This condition is in lieu of and supersedes the condition respecting debt retirement imposed in our Order dated March 27, 1941, in connection with the issue of Series B Bonds by Service Company (File No. 70-258).

(3) That after January 1, 1943, and so long as any of the long-term debt of Service Company outstanding upon the consummation of the transactions covered by the application and declaration in this File No. 70-433 shall be outstanding, Service Company shall not declare or pay any dividends (other than dividends payable in shares of its common stock) on any shares of its common stock, nor shall Service Company make any other distribution on its common stock or purchase or otherwise retire any shares of its common stock out of net income unless the earned surplus of Service Company after making such declaration, payment, distribution, purchase, or retirement shall be not less than an accumulative amount equal to $750,000 per calendar year beginning with the year 1943 and through the year in which such declaration, payment, distribution, purchase, or retirement is made: *Provided, however*, That the maximum amount of accumulated earned surplus required pursuant to this paragraph to remain after declaration or payment of such dividend or after such distribution, purchase, or retirement shall be $7,500,000: *And provided, further*, That such earned surplus required to remain after declaration or payment of such dividends or after such distribution, purchase, or retirement may be reduced for the purpose of the above computation by the amount of (a) any surplus adjustments at any time after the creation of Service Company on September 6, 1941 (other than those referred to in paragraph (2) of the order entered by the Commission in File No. 70-181 on April 17, 1941), resulting from writing down or writing off the excess of carrying value of property, acquired by Service Company at the time of its creation from the corporation through whose consolidation Service Company was formed, over the original cost of such property when first devoted to public use, and (b) any other surplus adjustments otherwise properly applicable to earned surplus. The restrictions contained in this paragraph are intended to bring about improvement in the debt ratios of Service Company, and such restrictions may be reduced or terminated in whole or in part, conditionally or unconditionally, by this Commission at any time upon application by Service Company in connection with the issuance and sale of additional common stock of Service Company or otherwise; subject, always, to the right of the Commission, in any proceeding under any provision of the Public Utility Holding Company Act of 1935 to make such orders, restrictions, or conditions as it may deem necessary or proper in the case. This condition is in lieu of and supersedes condition with respect to dividend restrictions numbered paragraph (3) in our Order of April 17, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9274; Filed, December 9, 1941; 11:49 a. m.]

FEDERAL REGISTER

VOLUME 6 NUMBER 240

Washington, Thursday, December 11, 1941

The President

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT—MARYLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following amendatory regulation adopted by him on November 17, 1941, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II (53 Stat. 1431):

Amendment of Regulation Designating a Certain Part of Chesapeake Bay as the Susquehanna Migratory Waterfowl Closed Area, Maryland

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II (53 Stat. 1431), I, Harold L. Ickes, Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of the migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, do hereby designate as closed area in or on which pursuing, hunting, taking, capturing, or killing of migratory birds, or attempting to take, capture, or kill migratory birds is not permitted, in lieu of the area designated in the regulation adopted by me on August 11, 1939 and approved and proclaimed by the President on August 24, 1939,[1] all that area of land and water of Chesapeake Bay, in Harford and Cecil Counties, Maryland, within the following-described boundary:

Beginning at a point at latitude 39°29'46" N., and longitude 76°05'01" W., in Chesapeake Bay, due north 200 yards from Fishing Battery Light;

Thence from said initial point, by metes and bounds,

Due east 4,000 yards (2.27 miles, approximate) to a point at latitude 39°29'46" N., and longitude 76°02'28" W., approximate, in Chesapeake Bay;

Thence due south 4,160 yards (2.36 miles, approximate) to a point at latitude 39°27'43" N., and longitude 76°02'28" W., approximate, in Chesapeake Bay;

Thence N. 62°30' W., 2,680 yards (1.52 miles, approximate) to a point at latitude 39°28'21" N., and longitude 76°03'59" W., approximate, in Chesapeake Bay 440 yards distant from the northeast side of Spesutie Island at Locust Point;

Thence northerly and westerly with a line 440 yards distant from the north shore of Spesutie Island to a point at latitude 39° 28'48" N., and longitude 76°05'48" W., approximate, opposite the center of Spesutie Narrows;

Thence due north 1,960 yards (1.11 miles, approximate) to a point at latitude 39°29'46" N., and longitude 76°05'48" W., approximate, in Chesapeake Bay;

Thence due east 1,230 yards (0.76 mile, approximate) to the place of beginning.

The area described contains 2,900.00 acres, more or less.

This order shall not in any way limit or affect the regulation adopted on December 12, 1939, and approved and proclaimed by the President on January 24, 1940,[2] entitled "Regulation Designating Certain Parts of Bush River and of Chesapeake Bay as Additions to the Susquehanna Migratory Waterfowl Closed Area, Maryland".

AND WHEREAS upon consideration it appears that the foregoing amendatory regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the fore-

[1] 4 F.R. 3743.

[2] 5 F.R. 313.

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THE PRESIDENT

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going regulation of the Secretary of the Interior.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of December, in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2529]

[F. R. Doc. 41-9291; Filed, December 10, 1941; 10:44 a. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8389 OF APRIL 10, 1940, AS AMENDED

By virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do hereby amend Executive Order No. 8389 of April 10, 1940, as amended,[1] by changing the period at the end of subdivision (k) of Section 3 of such Order to a semi-colon and adding the following new subdivision thereafter:

(l) June 14, 1941—

Thailand.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 9, 1941.

[No. 8963]

[F. R. Doc. 41-9285; Filed, December 10, 1941; 10:27 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations Serial Number 197]

PART 60—AIR TRAFFIC RULES

SPECIAL REGULATION, CIVIL AIR REGULATIONS, AUTHORIZING THE ADMINISTRATOR TO DESIGNATE NEW CONTROL ZONES AND OTHER NEW CONTROL AREAS PRIOR TO JANUARY 20, 1942

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 5th day of December 1941.

Whereas the Civil Aeronautics Board at a regular session held at its office in Washington, D. C., on November 21, 1941, adopted a series of amendments to Part 60 of the Civil Air Regulations, such amendments being Nos. 60–25 to 60–43,[1] inclusive, whereby the Administrator was authorized to designate control zones and other control areas, etc.; and

Whereas the effective date of such series of amendments is January 20, 1942; and

It appearing that:

(a) A further designation of additional control zones or other control areas by the Civil Aeronautics Board at this time might be confusing to the flying public;

(b) It has become necessary prior to January 20, 1942, to designate further control zones and other control areas, etc.;

The Board finds that:

Its action is in the public interest and in the interest of the safety of air commerce;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it under the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, makes and promulgates the following special regulation:

Notwithstanding the effective date of amendments Nos. 60–25 to 60–43, inclusive, to the Civil Air Regulations, the Administrator, in the interest of safety and after finding it necessary for the proper control of air traffic, may designate new or additional, or amend or repeal any existing designation of, control zones of intersection, radio fixes, airway traffic control areas, or control airports.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9306; Filed, December 10, 1941; 11:44 a. m.]

[Amendment 60–0, Civil Air Regulations]

PART 66—FOREIGN AIR CARRIER REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 9th day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 402 and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 15, 1942, the Civil Air Regulations are amended as follows:

By adding a new Part 66—*Foreign Air Carrier Regulations* to read as follows:

Sec.
66.1 Scope.
66.2 Application of the air traffic rules.
66.3 Requirement of pilot certificate.
66.4 Provision for demonstration of ability.
66.5 Requirement of aircraft airworthiness.
66.6 Inspection.

[1] 6 F.R. 2897, 3715.

[1] 6 F.R. 6013, 6014.

Sec.
66.7 Control of traffic at terminal airports.
66.8 Requirement of operation specifications.
66.9 Operation in accordance with operation specifications.

§ 66.1 *Scope.* The following regulations in this part shall apply to scheduled operations within the United States (not including the Philippines) by aircraft of a foreign air carrier holding a permit issued by the Board, pursuant to the provisions of section 402 of the Civil Aeronautics Act of 1938.

§ 66.2 *Application of the air traffic rules.* Such operation shall be conducted in accordance with the provisions of the air traffic rules prescribed in Part 60 of the Civil Air Regulations except to the extent otherwise provided in these regulations. Any pilot employed in such operation may be required to accomplish a satisfactory examination demonstrating his knowledge of such rules.

§ 66.3 *Requirement of pilot certificate.* Each member of the crew of such aircraft shall be possessed of a proper currently effective certificate issued by the country whose nationality the aircraft possesses evidencing his competency to perform his duties in connection with the operation of such aircraft, or of a comparable certificate issued by the United States.

§ 66.4 *Provision for demonstration of ability.* In the interest of avoiding collision between foreign air carrier aircraft and other aircraft, any member of the crew of such aircraft may be required satisfactorily to demonstrate his ability to serve in such operation. Such demonstration may include, but need not be limited to, the use of the radio range, and the direction finder in the navigation of aircraft, and the operation of aircraft in instrument flight and during instrument approach for landing.

§ 66.5 *Requirement of aircraft airworthiness.* Such aircraft shall be possessed of a currently effective certificate of airworthiness issued by the country whose nationality it possesses, and to the end that ground stations, for the purpose of controlling air traffic, may know the exact location of such aircraft at all times, it shall have radio equipment, of such character and quality, as may be determined by the Administrator to be necessary to accomplish such end over the route to be flown within the United States.

§ 66.6 *Inspection.* Such aircraft shall be subject to inspection by a duly authorized representative of the Administrator to determine that the aircraft has the equipment called for in § 66.5.

§ 66.7 *Control of traffic at terminal airports.* No aircraft shall be operated by a foreign air carrier within the United States unless adequate personnel and equipment are provided for two-way radio voice communication between the aircraft and ground stations at such times and places as communication is deemed necessary by the Administrator. If such communication cannot be maintained in the English language or in a language with which the ground station operator is familiar, there shall be provided by the foreign air carrier to assist the regular ground station operator during such times as communication with the aircraft is necessary, a person who is able to read, write, understand and speak fluently the English language and the language necessary to maintain adequate two-way communication with the aircraft. In the case of an air-traffic control-tower ground station such person shall be a qualified air-traffic control-tower operator and shall be in such tower during such times as communication with the aircraft is necessary.

§ 66.8 *Requirement of operation specifications.* No foreign air carrier shall operate an aircraft in scheduled service within the United States unless the Administrator shall, after investigation and upon determination that such carrier is properly and adequately equipped and able to conduct a safe operation with respect to other aircraft, have issued to such carrier operation specifications prescribing the conditions under which such operation shall be conducted.

§ 66.9 *Operation in accordance with operation specifications.* No foreign air carrier shall operate aircraft in scheduled service within the limits of the United States other than in accordance with operation specifications issued by the Administrator. Such specifications shall prescribe the type of operation (visual contact or instrument, day or night), the points to and from which and the civil airways over which such operation is to be conducted, the points of take-off and landing, and such other restrictions as may be reasonably required in the interest of avoiding collision between the foreign air carrier aircraft and other aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9305; Filed, December 10, 1941; 11:44 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

AMERICAN CITIZENS AND NATIONALS

Pursuant to the authority vested in me by § 1 of Proclamation 2523 of the President of the United States, issued on November 14, 1941 (6 F.R. 5821), under authority of the act of Congress approved May 22, 1918 (40 Stat. 559), as amended by the act of Congress of June 21, 1941 (Public Law 114, 77th Cong.; 55 Stat. 252), § 58.3 of the regulations issued by me and promulgated on November 28, 1941 (6 F.R. 6069) is hereby amended by the addition of the following paragraph (h):

§ 58.3 *Exceptions to regulations in §§ 58.1–58.2.*

* * * * * * *

(h) When travelling as an officer or employee of the Panama Canal or of the Panama Railroad Company between the Continental United States and the Canal Zone, provided that he is in possession of a document of identification issued for such purpose by the Chief of Office, The Panama Canal, Washington, D. C., or the Governor of the Panama Canal, Balboa Heights, Canal Zone.

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 9, 1941.

[F. R. Doc. 41-9292; Filed, December 10, 1941; 10:44 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5102]

PART 320—RETAILERS' EXCISE TAXES

Regulations 51, Relating to Excise Taxes on Sales by the Retailer, Amended[1]

Regulations 51, approved September 29, 1941 [Part 320, Title 26, Code of Federal Regulations, 1941 Sup.], are amended as follows:

PARAGRAPH 1. Section 320.30 (a) is amended to read as follows:

§ 320.30 *Scope of tax.* * * *

(a) All articles commonly or commercially known as jewelry, whether real or imitation, regardless of the substance of which made including articles to be carried in the hand, or hung on the arm, or carried or worn on the person, which are made of, ornamented, mounted or fitted with, pearls, precious or semi-precious stones, or imitations thereof.

* * * * * * *

PAR. 2. Section 320.31 is amended to read as follows:

§ 320.31 *Jewelry.* Jewelry in general includes articles designed to be worn on the person or apparel for the purpose of adornment and which in accordance with custom or ordinary usage are worn so as to be displayed, such as rings, chains, brooches, bracelets, cuff buttons, necklaces, earrings, beads, etc. The tax is imposed on the sale of any of such articles at retail, regardless of the substance of which made and without reference to their utilitarian value or pur-

[1] 6 F.R. 4965.

pose, unless for a purpose specifically exempted by law.

Jewelry also includes articles to be carried in the hand, or hung on the arm, or carried or worn on the person, whether in pocket or bag or under the outer garment, such as cigarette cases, eyeglass cases, pencils, powder boxes, garter buckles, canes, purses or handbags, if made of, or ornamented, mounted or fitted with, pearls, precious or semi-precious stones, or imitations thereof. Such articles are likewise subject to tax without regard to their utilitarian value or purpose. (But see § 320.33 for the taxability of such articles where made of, or ornamented, mounted or fitted with, precious metals, or imitations thereof.)

For purposes of the tax, it is immaterial whether jewelry is real or imitation.

PAR. 3. Section 320.32 is amended by adding the following at the end thereof:

§ 320.32 *Pearls, precious and semi-precious stones, and imitations thereof.* • • • (But see § 320.31 for the taxability of certain articles where made of, or ornamented, mounted or fitted with, pearls, precious or semi-precious stones, or imitations thereof.)

PAR. 4. The third paragraph of § 320.37 is amended to read as follows:

§ 320.37 *Exemptions.*

• • • • •

Where an article otherwise taxable is sold for religious purposes and the article is of such nature as to be usable for non-religious as well as religious purposes, for example, crosses, candlesticks, vases, etc., the retailer must have in his possession a statement from the consumer certifying that the article was purchased solely for religious purposes in order to establish his right to exemption from the tax on the sale. However, if the article is of such nature as to be usable only for religious purposes, for example, a crucifix, rosary, chalice, etc., a statement from the purchaser or consumer will not be required to establish the tax exemption.

• • • • •

PAR. 5. Section 320.64 is amended by eliminating all but the first paragraph and substituting the following in lieu thereof:

§ 320.64 *Returned goods; price adjustments.* • • •

Where an article is sold and *before use*, the sale is rescinded by a return of the article to the retailer and by a refund or credit of the full amount of the purchase price, including tax, to the purchaser, no tax is payable with respect to the transaction. In such case, if a tax was paid by the retailer, the amount thereof may be applied as a credit upon a subsequent monthly return, or may be made the subject of a claim for refund.

Where an article is sold and *before use*, the sale is rescinded by a return of the article to the retailer, and the purchaser receives credit for the full amount of the purchase price, including tax, in an exchange of the article for another article, with appropriate adjustment for the difference, if any, in the values of both articles, the tax applies to the second article, if taxable, without regard to the time when the sale of the first article occurred, whether before, on, or after October 1, 1941. If a tax was paid by the retailer with respect to the first article, the amount thereof may be applied as a credit upon a subsequent monthly return or may be made the subject of a claim for refund.

Where an article sold under a guaranty contract is returned to the retailer from whom purchased, *whether before or after use*, by reason of a defect or a failure under the warranty, and a new article of the same kind is given without charge in exchange therefor, no tax is payable with respect to the transaction. In such case, there is no adjustment within the meaning of section 2407 (a) of the price at which the first article was sold; accordingly, no credit or refund of the tax, if any, paid with respect to the returned article is allowable. Where the purchaser receives an article, whether of the same kind or of a different kind, and is required to make some payment for the second article in addition to whatever amount is allowed as an adjustment for the returned defective article, the tax is payable with respect to the second article, if taxable, on the basis of the amount paid therefor, plus the amount allowed for the returned article. In that case, the amount allowed for the returned article is an adjustment within the meaning of section 2407 (a) of the price at which such article was sold, and the retailer may be allowed a refund or credit of that part of the tax, if any, paid with respect to such article which is proportionate to the part of the sales price allowed as an adjustment.

A credit or refund of tax is not allowable with respect to an article returned as a "trade-in" in the purchase of another article. In such case, there is no adjustment within the meaning of section 2407 (a) of the price at which the first article was sold. Instead, the sale of the second article is a separate and distinct transaction in which the first article is merely applied in part payment of the purchase price. Accordingly, the full amount of the tax due upon the sale of the second article is payable without any allowance or offset for the tax paid on the sale of the first article. (See § 320.5)

(This Treasury decision is issued pursuant to the authority contained in section 2410 of the Internal Revenue Code, added by section 552 of the Revenue Act of 1941 (Public Law 250, 77th Congress).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 9, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9301; Filed, December 10, 1941; 11:23 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1007]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF ROCK CREEK COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 14, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT ITS ROCK CREEK MINE (MINE INDEX NO. 205) IN SIZE GROUP NO. 11

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on September 17, 1941: 6 F.R. 5072; and

It appearing that by error in Supplement R, § 334.5 (*Alphabetical list of code members*), of the above-mentioned Order, Freight Origin Group No. 11 is assigned to the Rock Creek Mine (Mine Index No. 205) of Rock Creek Coal Company, a Code member in District No. 14, and that Freight Origin Group No. 19 should be assigned to said mine.

Now, therefore, it is ordered, That the Order in the above-entitled matter granting temporary relief and conditionally providing for final relief dated September 17, 1941, be, and the same hereby is, amended by the deletion of the assignment of Freight Origin Group No. 11 to the Rock Creek Mine (Mine Index No. 205) of Rock Creek Coal Company, a Code member in District No. 14, and by assigning, in lieu thereof, Freight Origin Group No. 19 to the said mine.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9290; Filed, December 10, 1941; 10:39 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

THAILAND

General License No. 76 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 9, 1941.

§ 131.76 *General license No. 76.* A general license is hereby granted licensing any transaction which is prohibited by the Order solely by reason of the fact that it involves property in which Thailand, or any national thereof, has at any time prior to December 9, 1941, but not on or since December 9, 1941, had any interest.

This general license shall not be deemed to authorize any transaction, if (a) such transaction is by, or on behalf of, or pursuant to the direction of Thailand, or any national thereof, or (b) such transaction involves property in which Thailand, or any national thereof, has at any time on or since December 9, 1941, had any interest. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9286; Filed, December 10, 1941; 10:24 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

[Administrative Order—Sup. 5, Dec. 9, 1941]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Economic Defense Board, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President, promulgated July 17, 1941 (6 F.R. 3555), the following Supplement No. 5 containing certain additions to "The Proclaimed List of Certain Blocked Nationals", promulgated July 17, 1941, is hereby promulgated.

Date: December 9, 1941.

By direction of the President.

CORDELL HULL,
Secretary of State.
HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Economic Defense Board.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

ADDITIONS

ARGENTINA

Ando & Cia., S.; Defensa 540, Buenos Aires.

Argentina Comercial e Industrial de Pesquería, Cia.; Defensa 1597, Buenos Aires.

Asociación de Comerciantes Japoneses; Corrientes 222, Buenos Aires.

Hara & Cia., N.; Belgrano 1470, Buenos Aires.

Honda & Cia., Jiro; Moreno 1320, Buenos Aires.

Iida y Cia. Ltda., Takashimaya; Rodríguez Peña 162, Buenos Aires.

Ishiy, Carlos C.; Bmé. Mitre 341, Buenos Aires.

Itoh, Casa; San Martín 66, Buenos Aires.

Kato, K.; Viamonte 624, Buenos Aires.

Katsuda & Cia.; Méjico 1474, Buenos Aires.

Miramatsu, T.; Diagonal Norte 995, Buenos Aires.

Mitsubishi Argentina, S. R. L.; Av. Pte. R. S. Peña 832, Buenos Aires.

Murai, Taro; Maipú 463, Buenos Aires.

Nambei, Cia. de Importación y Exportación S. A.; San Martín 379, Buenos Aires.

Nishizawa, Takeo; Buenos Aires.

Omura, M.; San Martín 235, Buenos Aires.

Osaka Syosen Kabusiki Kaisya Comp., Japonesa de Navegación; Av. Pte. R. S. Peña 616, Buenos Aires.

Shimazu, S.; Piedras 113, Buenos Aires.

Takashimaya, Iida y Cia., Ltda.; Rodríguez Peña 162, Buenos Aires.

Takeuchi, Y.; Diagonal Norte 995, Buenos Aires.

Takinami, B.; Victoria 2702, Buenos Aires.

Tsuji, S.; Chile 299, Buenos Aires.

Wall & Cia.; Bmé. Mitre 531, Buenos Aires.

Yamada y Cia., S. R. L., S.; Moreno 2033/39, Buenos Aires.

Yokohama Specie Bank Limited; Av. Pte. R. S. Peña 825, Buenos Aires.

BOLIVIA

Almacenes Ono; Comercio 436, La Paz.

Aoki, Kanji; Calle Colón 120, La Paz.

Aoki, Raúl K.; Sagarnaga y Av. Santa Cruz, La Paz.

Bazar Fuji; Mercado 216, La Paz.

Bazar Fukuya; Oruro.

Bazar Japonés; Potosí 323, La Paz.

Bazar Matsuya; Mercado 1–7, La Paz.

Bazar Tokyo; Calle Yanacocha 362, La Paz.

Bazar Unión; Mercado 216, La Paz.

Bazar Yokohama; J. Sanjinés 273, La Paz.

"El Progreso"; Comercio 303, La Paz.

Fábrica de Camisas; Calle Fernando Guachalla, La Paz.

Fábrica Nacional de Sedas; La Paz.

Fujiike, Tomaste; Mercado 216, La Paz.

Hayakawa, Torajiro; Calle Loayza 200, La Paz, and Casilla 123, Sucre, Potosí.

Higa Hnos.; México 358, La Paz.

Higa, Rioko y Hijo; 16 de Julio 45, La Paz.

Higa y Cia; Oruro.

Higa y Cia., Ryoko; Potosí.

Higa & Co., Rioki; Calle Comercio 362, La Paz, and Potosí.

Hiramatsu, M.; Calle Mercado 1–7, Edificio Ultima Hora, La Paz.

Kawamura, I.; Casilla 720, Comercio 322, La Paz.

Kawamura, Isaac (Y.); Mercado 216, La Paz.

Kawamura & Cia.; La Paz.

Kayaki, I.

Kina, Julio; Evaristo Valle 95–97, La Paz.

Kiyonari, Enrique N.; Loayza s/n, La Paz.

Kiyoto, Miguel K.; Camacho y Colón, La Paz, and Cochabamba.

Komori, Casa; La Paz.

Komori, Santiago T.; F. Guachalla s/n, La Paz.

Komori & Cia., T.; Calle Comercio 495, La Paz.

Komori & Co., Hugo; La Paz.

Kuguimiya, Guillermo; Oruro.

Maeshiro, R. K.; Oruro.

Matsuya; Mercado 1–7, La Paz, and Cochabamba.

Michimata, Miguel; Comercio 481, La Paz.

Minakawa, K.; Loayza 161, La Paz.

Mitsui & Co.; La Paz.

Mori, Luis T.; Calle Bolívar, Oruro.

Nakazano y Cia.; Colón 120, La Paz.

Nishi, Lucio D.; Calle Comercio 468, La Paz.

Noda, Carlos T.; Oruro.

Ochiay, Casa; Socabaya 250, and Potosí 345, La Paz.

Ochiay, Vicente R.; Socabaya 250, and Potosí 345, La Paz.

Ochiay & Co.; Socabaya 250, and Potosí 345, La Paz.

Oishi, Alberto; Mercado 55, La Paz.

Oishi, Casa; Mercado 55, La Paz.

Oizumi, Alejandro; Yanacocha 328, La Paz.

Oizumi y Miranda; J. Sanjinés 273, La Paz.

Oku, Carlos K.; Comercio 396, La Paz.

Omoto, Hiroji; Cochabamba 62, La Paz.

Omoya, Tomás; Oruro.

Ono, Armando H.; Comercio 436, La Paz.

Orión, Casa; Sagárnaga y Av. Santa Cruz, La Paz.

Osaki, Pedro; Yanacocha 344, La Paz.

Sahashi, Casa; Yanacocha 448, La Paz.

Sahashi, Chuji; Yanacocha 448, La Paz.

Sakihama, Hugo; La Paz.

Sasaki, Guillermo; Comercio 427, La Paz.

Satsuma, Casa; Comercio 396, La Paz.

Sawaya, Casa; Potosí 323, La Paz.

Showa, Casa; Calle Comercio 468, La Paz.

Snitowsky & Ogawa.

Sugiura y Cia.; Yanacocha 336, La Paz.

Sukekawa, Masaji; Oruro.

Sunahashi & Co.; Cochabamba.

Takagaki & Co., B.; Cochabamba.

Takaki, Setaro; Loayza 192, La Paz.

Takamori, Jorge K.; Calle Yanacocha 362, La Paz.

Takaoka, Alberto S.; Comercio 303–307, La Paz.

Takeuchi, Ernesto; Cochabamba.

Takiguchi, Nicasio; Comercio 422, La Paz.

Tamashiko, Eishio; Tumusla 305, La Paz.

Tanaka Hnos.; Trinidad.

Tanaka y Co., H.; Mercado 1–7, La Paz.

Terasawa, K.; Comercio 505, and Potosí 323, La Paz.

Terasawa, Keiji; Potosí 323, La Paz.

Wakabayashi, Tomio; Yanacocha 368, La Paz.

Wayabishi, Tornio.

Yamada, Seizen; Yanacocha 391, La Paz.
Yamamoto, Victor K.; Calle La Plata, Oruro.
Yamashita, Jorge; Calle Sagárnaga, La Paz.
Yoshida, E. W.; Almirante Grau 46, La Paz.
Yoshizaki, Ricardo J.; Calle Potosí 356, La Paz.
Yutaka, Imon; Sagárnaga 227, La Paz.
Algodoeira Bratac Ltda.; Praça da Sé 81, São Paulo.
Algodoeira do Sul Limitada; Rua Dr. Falção Filho 56, São Paulo.
Armazem Kaiki, Ltd.
Armazem Kaiko, Ltda.
Associação Economica Nippo-Brasileira; Rua Mexico 174, Rio de Janeiro.
Awazu, Kicroku (Kikoku); São Paulo.
Bancaria Bratac, Casa; Praça da Sé 77, São Paulo.
Banco America do Sul Ltda.; Praça da Sé 393, São Paulo.
Bratac Ltda., Casa; Praça da Sé 81, São Paulo.
Brazcot Ltda.; Rua Boa Vista 116, São Paulo.
Camara de Comercio Nippo-Brasileira; Rua da Alfandega 107, Rio de Janeiro.
Chá Tupi, Limitada, Sociedade; Rua Felipe de Oliveira 1, São Paulo; and Rua Braz Cubas 378, Santos.
Chiba, Saburo; Rio de Janeiro.
Chikasawa, Yoshio (N.); São Paulo.
Colonizadora do Brasil Limitada, Sociedade; Praça da Sé 399, São Paulo.
Comercial Nippo-Brasileira Ltda., Sociedade; Rua Dr. Falção Filho 56, São Paulo; and Avenida Nilo Pecanha 151, Rio de Janeiro.
Cooperativa Agricola de Cotia; Rua Cardeal Arcoverde No. 2.539, São Paulo.
Costa Neto, Benedito (Dr.); São Paulo.
Empreza Brasileira de Mineração Ltda.; São Paulo.
Fabrica de Adubos Esperança; Sáo Paulo.
Fazenda "Bastos"; São Paulo.
Fazenda Monte D'Este Limitada Campinas; São Paulo.
Fazenda "Tiete"; São Paulo.
Fazenda "Três Barras"; São Paulo.
Fiação de Seda Bratac Limitada; Praça da Sé 399, São Paulo.
Gunze Silk Corporation; Rua Alvares Penteado 24-6, São Paulo.
Hachiya, Gosuke; Rio de Janeiro.
Hachiya Irmãos & Cia.; Rio de Janeiro.
Hachiya, Kazuo; Rio de Janeiro.
Hachiya, Kenkuro; Rio de Janeiro.
Hachiya, Senichi; Rio de Janeiro.
Hamaoka, Kenyto; São Paulo.
Harada, Tatsunosuke; São Paulo.
Hatanaka, Senjiro; São Paulo.
Imaki, M.; Rio de Janeiro.
Industrial Amazonense S. A., Companhia; Manáos.
Ito & Cia., Ltda., Yozo; Rua Irmã Simpliciana 78, São Paulo.
Iwasaki, Hikoyata; São Paulo.
Iwasaki, Takaya; São Paulo.
Iwasaki, Tsuneya; São Paulo.
Jimmi Ltda., Soc.; Rua Irmã Simpliciana 78, São Paulo.
Kaigai Kogyo Kabushiki Kaisha; Praça da Sé 54, São Paulo; Rua Barão de Paranapiacaba 139, Santos; and all other branches in Brazil.
Kanematsu de I. Hirokawa, Casa; Rio de Janeiro.
Kanne, Ryoji; São Paulo.
Kanzaki, Shota; São Paulo.
Kato, Carlos Y.; São Paulo.
Kimitsuka, Shin; São Paulo.
Makota Trading Co., Ltd.; All branches in Brazil.
Mitsubishi & Co.; All branches in Brazil.
Mirukani (Murakami), Fugio; São Paulo.
Mitsui & Co.; All branches in Brazil.
Miyasaka, Kunito; São Paulo.
Mori, Goro; São Paulo.
Niponica de Plantação do Brasil S. A., Cia.; Praça Frei Caetano Brandão 37, Pará.
Nishitani, Kazuo.
Nishihara, Sakae; São Paulo.
Nishitani, Shoichi.
Nishitani & Companhia Ltda.; Rua São Pedro 208, Rio de Janeiro; and Rua do Carmo 400, São Paulo.
Oficina Mechanica Tozan; Av. Celso Garcia 1248, São Paulo.
Ohno, Mochisa; Rio de Janeiro.
Okada, Shiguezo; São Paulo.
Okamoto, Hidenosuke.
Osaka do Brasil Ltda., Sociedade de Navegação; Av. Rio Branco 37, Rio de Janeiro; Rua Cidade de Toledo 31, Santos; Rua Alvares Penteado 200, São Paulo; and all branches in Brazil.
Osaka Syosen Kaisya (Osk Line); Rio de Janeiro.
Ozaki, Tsugio.
Prado & Cia. Ltda., A.; Rua Luiz Teixeira 18, São Paulo.
Ribeiro dos Santos, Antonio; São Paulo.
Sakamoto, Masaharu; São Paulo.
Shirato, Kanji; Rio de Janeiro.
Takaima, Sampey; Rio de Janeiro.
Takeda, Kanichi; Rio de Janeiro.
Tamanouchi, Hideo; São Paulo.
Tecidos Japonezes S. A. (Loja Kiito); Rua Direita 255, São Paulo.
Tecelagem de Seda Paulicea Limitada; Avenida Alvaro Ramos 35, São Paulo.
"Tok and Niwa"; Rio de Janeiro.
Tokuya, Koseki; São Paulo.
Tozan Ltda., Casa; Rua Florencio de Abreu 318, São Paulo.
Tsukamoto, Takeshi; Rio de Janeiro.
Yamamoto, Kioshi; São Paulo.
Yamashita Kisen Kabushiki Kaisha (Yamashita Line); Praça da Republica 22, Santos; and Rua Libero Badarçó 92, São Paulo.
Yokohama Specie Bank; Rua da Candelaria 23, Rio de Janeiro.

CHILE

Amano, Yoshitaro.
Chilena Oriental Ltda., Soc. Com.; Santiago.
Haramoto, S.; Santiago.
Indoo, Zonji.
Itoh Ltda., Casa; Santiago.
Kanematsu & Co.
Koike, Tsuneo; Santiago.
Matsumoto y Yamamoto; Santiago.
Mitsubishi, S. A. Com.; Santiago.
Mitsubishi, S. K.; Coquimbo.
Mitsui & Co.; All branches in Chile.
Miyake, J.; Santiago.
Miyake, Temo; Santiago.
Miyasaki, Goro.
Nippon Yusen Kaishan (N. Y. K. Line); Valparaiso.
Shiozaki, Kanzo.
Shiokata, M.; Santiago.
Sugawara, Yoshitaro Amano.
Taibo S. A., Cia. Com.; Santiago.
Toyo (News Service).
Yamato, Casa.; B. O'Higgins 2755, Santiago.
Yokobori, Rynichi.

COLOMBIA

Asano Bussan; Bogotá.
Mitsubishi & Co.; Bogotá.
Mitsui & Co.; Bogotá.
Nikko Boyeki Shokai; Barranquilla.
Nippon Trade Agency; Edificio de la Bolsa, Bogotá.
Oka, S.; Edificio de la Bolsa, Bogotá.
Osaka Shosen Kaisha; Barranquilla.
Suganami, Shimichi; Bogotá.
Takeshima, Yuzo; Calle 12 No. 9-58, Cali.
Yoshino, C.; Bolsa de Comercio, Oficina 701, Bogotá.
Yuzo; Cali.

COSTA RICA

Aman Company; Puntarenas.
"Amano"; Puntarenas.
Amano, Yoshitaro; San José.
East Pacific Fishery Co., Ltd.; Puntarenas.
Federation of Japanese Importers & Exporters.; Chaguite.
Kawakuba, Jycho; San José.
Matsui, Seijiro; Puntarenas.
Sugawara; San José.
Tsunemoto, Hajimi; Chaguite.

CUBA

"El Sol Naciente"; Obispo y Villegas, Habana.
Ohira, Keitaro; Habana.
Ohira, Tcdao; Habana.
Sakakibara, R.; O'Reilly 522, Habana.
Yama (Yamanoha), Ramón; San Rafael 1816, Habana.

ECUADOR

Sato, Tadeo; Guayaquil.
Yamamoto, Hikaru; Guayaquil.

MEXICO

Arimori, Yoshikivo.
Botica Japonesa; Tampico.
Comercial Sankyo, S. de R. L., Compañía; México, D. F.
Domei (Japanese Press Service); México, D. F.
Ebitsuka, M.
"El Nuevo Japón" S. A.; 20 de Noviembre y República del Salvador, México, D. F.
Furukawa, José María; Corona 835 Norte, Monterrey.
Goto, Masanori.

Haranda, Masatsura.
Internacional de Comercio S. A., Cia.; Isabel la Católica 85, México, D. F.
Iwamoto, Giro; México, D. F.
Japonesa de Monterrey, N. L., Sociedad; Monterrey.
Kato, Heiji; 20 de Noviembre y República del Salvador, México, D. F.
Kawasaki Kisen Kaisha, Ltd.
Knoichi, Ichinosuke; S. Díaz Mirón 42 Ote., Tampico.
Kushida, Luis N.; Tapia 540 Pte., Monterrey.
Kutsugata, José; Suárez and Tapri (P. Suárez 457 Nte.), Monterrey.
Kyushu Soda Company; México, D F.
La Crisantema; Morelos 347 Ote., Monterrey.
Laguna and Mitsui, Cia.
Mitsubishi Shoji Kaisha Ltd.; México, D. F.
Mohimura, Tetsuo.
Morino, Seigi.
Nagabuchi, S.; Bucareli 8, México, D. F.
Nakano, Yoshiro; Manzanillo.
Nakashima, Luis; Aldama 507 Pte., Saltillo.
Nii, Sanjiro; México, D. F.
Nippon Soda Company, México, D. F.
Nippon Yusen Kaisha (N. Y. K.); México, D. F.
Ogata.
Oka, Ichisei (Dr.); Tampico.
Omori, Takeo; Manzanillo.
Petleonsa Company; México, D. F.
Petrolera Vera Cruzana S. A., Cia.; México, D. F.
Quinta Japonesa; P. Suárez y Espinosa, Monterrey.
Saito, Alejandro; 21 de Marzo 205 (Apartado No. 85), Mazatlán.
Saito, Satie; Manzanillo.
Saito, T.; México, D. F.
Sankyo, S. de R. L., Compañía Comercial; Uruguay 41, Desp. 3-4, México, D. F.
Sato, H.
Shiba, Motosuke; Madero 304, Mexicali.
Shimizu, Roberto; 21 de Marzo 205 (Apartado No. 85), Mazatlán.
Shimizu y Saito; 21 de Marzo 205 (Apartado No. 85), Mazatlán.
Sugihara, Shigeyoshi; Isabel la Católica 85 (Apartado 7119), México, D. F.
Taiheiyo Sekiyu K. Kaisha Co.; México, D. F.
Tsubuki, Risaburo; Guadalajara.
Turu Mining Co.; Isabel la Católica 85, México, D. F.
Ughiyama (Ujyiyama), K.
Umezawa, S.; Cutlahuat 16 Norte, Saltillo.
Wakasugi, Kaname; México, D. F.
Wakatsuki, Tuyoshi; Manzanillo.
Wakida, Tosho; Guadalajara.
Wakida y Tsubuki, "La Japonesa"; Guadalajara.
Yamaguchi, Alameda F.; México, D. F.
Yamano, Antonio K.; P. Suárez y Espinosa, Monterrey.
Yamazi, Hiroko; Manzanillo.
Yamazi, Kazuyuki; Manzanillo.
Yamazi, Mazako; Manzanillo.
Yamazi, Yoshimo; Manzanillo.

PANAMA

Almacén "Miyako"; Avenida Central 108, Panamá.
Amano, Y.; Panamá.
Amano & Co., Ltd., Y.; Avenida Central 102, Panamá.
Bazaar "Tokyo"; Avenida Central 141, Panamá.
Central American Trading Co.; Avenida Central 47, Panamá, and Apartado 453, Ancón, Canal Zone.
Hara, Takeshi; Panamá.
Hata, Hiromi; Panamá.
Japanese Barbers' Association; Panamá.
"Japonesa", Casa; Avenida Central 102, Panamá.
Nagao, N.; Panamá.
Nagao & Co., Inc.; Avenida Central 108, Panamá.
Nippon Trade Agency; Panamá.
Sadahiro, Y.; Avenida Central 102, Panamá.
Shiraishi, Miyuki; Avenida Central 141, Panamá.
Snotomi, K.; c/o Y. Amano & Co., Ltd., Avenida Central 102, Panamá.
Yoshida, M. T.; Panamá.
Yoshida & Co., M. T.; Avenida Central 141, Panamá.

PERU

Abey, T.; Carabaya 312, Lima.
Amemiya, A. N.; Lima.
Amemiya, K.; Lampa 587, Lima.
Araki, G.; Cuzco 751, Lima.
Aray, N.; Edificio Mineria 420, Lima.
Arima & Co., K.; Trujillo.
Asahi, Casa; Carabaya 312, Lima.
Asano Bussan & Co., Ltd.; Máximo Abril 513, Lima.
Bar Tokio; Teatro 618, Chiclayo.
Commercial "Meta" S. A., Cia.; Carabaya 364, Lima.
Daiko, T.; Ayachucho 309, Desp. 204, Lima.
Desmotadora e Industrial de Huaral, Sociedad; Edificio Mineria 424, Lima.
Droguería Kato; Paz Soldán 488, Lima.
Endo y Cia., N.; Ayacucho 1201, Lima.
Fábrica de Artículos de Jebe; Avenida Iquitos 1100, Lima.
Fábrica de Tejidos "Moll"; General Orbegoso 291, and Santa Apolonia 316, Lima.
Fábrica Nacional de Lámparas Eléctricas "Diha", S. A.; Loreto 430, Lima.
Fábrica Nacional de Medias "El Inca", S. A.; Iquique 476, Lima.
Fuji Trading Co.; Junín 429, Lima.
Furuya, Angel K.; Mercaderes 136, Arequipa.
Furuya, Nicolas; Mercaderes 136, Arequipa.
Furuya & Cia., S. A., Ltda.; Huanta 1008, Lima.
Furuya & Co., N. K.; Mercaderes 136, Arequipa.
Grau, Hugo E.; Plaza de la Inquisición 569, Lima.
Hacienda Palpa; Chancay.
Hagiwara, S.; Plaza de la Inquisición 569, Lima.
Hamamura & S. Ishii; Real, Huancayo.
Hashikawa; San Pedro 52, Chiclayo.
Hata, M.; Carabaya 415 and Arequipa 238, Lima.
Hayabara, Tadashi; Parque Central 295, Miraflores.
Hayabara Tanomu; Callao 214, Lima.
Hayashi, K. F.; Lima.
Hayashi & Co., E.; Guzco 787, Lima.
Hayashida, Lula; Juan Cuglieván 619, Chiclayo.
Higa, Gitoko; Teatro 711, Chiclayo.
Hirata Hnos., K.; Salaverry.
Hironaka, I.; Abancay 1099, Lima.
Horiuchi, Enrique; Mercaderes 136, Arequipa.
Huchiyawa, Soichi; Teatro 722, Chiclayo.
Ichino, R.; Pasaje Olaya 139, Lima.
Inouye, Kuichi; Ancash 556, Lima.
Inouye & Co., K.; Ancash 556, Lima.
Ishii Hnos. & Cia., Y.; Ayacucho 786, Lima.
Ishikawa, Luis T.; Lima.
Iwai Co.; General Garzón 1147, Lima.
Jitsukata, Tsuneyoshi; Paruro 1053, Lima.
Kadena Hermanos y Cia., C.; Colmena 280, Lima.
Kaneko, Kakuaki; Huallaga 439, Lima.
Kato, Chuhei; Paz Soldán 488, Lima.
Kawahara Electric Co.; Avenida Uruguay 189, Lima.
Kawahara, Tamekichi; Avenida Uruguay 189, Lima.
Kawai & Hno., M.; Avenida Iquitos 1100, Lima.
Kawamoto & Cia., S. en C., S.; Ucayali 706, Lima.
Kawasaki Kisen Kaisha ("K" Line); Huallaga 307, Lima.
Kibune, Y.; Mercaderes 123, Arequipa.
Kikawa, Jorge; Teatro 613, Chiclayo.
Kimata, G.; Cuzco 679, Lima.
Kimura, Sine; San Pedro 95, Chiclayo.
Kobayashi, M. Yosio.
Koike, Juan S.; Junín 642, Trujillo.
Koike, Tsuneo; Edificio Wiese 310, Lima.
Kudo & Company, K.; Unión 522, Lima.
Kurotobi, T.; Ucayali 640, Lima.
Kurotobi & Cia., T.; Ucayali 640, Lima.
La Pluma de Oro; Huallaga 488, Lima.
Lima Nippo, Lima.
Maoki, U.; Balta 119, Chiclayo.
Matsubayashi, (S.) & Ikeda, (F.); Lima.
Matusita, José, Ayacucho 913, Lima.
Mishina & Co., S.; Azangaro 1017, Lima.
Mitsubishi Shoji Kaisha; Edificio Wiese 310, Lima.
Mitsui and Co., Ltd.; Plaza de la Inquisición 569, Lima.
Miyakawa, H.; Zavala 594.
Moll, F. G.; General Orbegoso 291 and Santa Apolonia 316, Lima.
Morimoto & Cia. S. A., I.; Carabaya 415 and Arequipa 238, Lima.
Murayama R.; Máximo Abril 513, Lima.
Murono y Cia., E.; Huallaga 488, Lima.
Muta, Mango; Teatro 610, Chiclayo.
Muto, Yoshihisa; Arequipa.
Nakaganeko, Shinei; Teatro 719, Chiclayo.

Nakamura, Kiyoshi; Lima.
Nakamura, Tsuneo; Lima.
Nakamura & Co., K.; Lima.
Nakamura & Co., T.; Lima.
Nakamura & Co., Ltd., Y.; Lima.
Nakamura & Co., Ltd., Y.; Arequipa.
Nakamura & Co., Ltd., Y.; Trujillo.
Nakamura & Co., Ltd., Y.; Chiclayo.
Nakamura & Co., Ltd., Y.; Huancayo.
Nakamura & Co., Ltd., Y.; Cuzco.
Nakamura & Co., Ltd., Y.; Huanta.
Nakamura & Co., Ltd., Y.; Ayacucho.
Nakamura & Co., Ltd., Y.; Huancavelica.
Nakamura & Co., Ltd., Y.; Abancay.
Nakamura & Co., Ltd., Y.; Ica.
Nakamura & Co., Ltd., Y.; Chincha Alta.
Nakamura & Co., Ltd., Y.; Pisco.
Nakamura & Co., Ltd., Y.; Cañete.
Nakamura & Co., Ltd., Y.; Huacho.
Nakamura & Co., Ltd., Y.; Huaraz.
Nakamura & Co., Ltd., Y.; Chimbote.
Nakamura & Co., Ltd., Y.; Cajamarca.
Nakamura & Co., Ltd., Y.; Chachapoyas.
Nakamura & Co., Ltd., Y.; Moyobamba.
Nakamura & Co., Ltd., Y.; Tarapoto.
Nakamura & Co., Ltd., Y.; Iquitos.
Nakamura & Co., Ltd., Y.; Pucallpa.
Nakamura & Co., Ltd., Y.; Tingo María.
Nakamura & Co., Ltd., Y.; Huánuco.
Nakamura & Co., Ltd., Y.; Cerro de Pasco

Nakawa; Colón, Chiclayo.
Negociación, Agrícola; Huaral.
Nippon Menka K. K.; Lima.
Nippon Yusen Kaisha, "N. Y. K. Line"; Lampa 587, Lima.
Nishii & Co.; Pasco 781, Lima.
Nonomiya Shoten, S. A.; Junín 312, Lima.
Ogawa & Co., Jorge; Parque Russo (Santa Inés) Chiclayo.
Ogura, Juan C.; Paruro 870, Lima.
Okada, N.; Huaral.
Okamoto, Seijiro; Carabaya 102–719, Lima.
Okinaka y Cia., Angel N.; Pierola 312, Arequipa.
Okugawa, T.; Cuzco 665, Lima.
Okugawa & Company; Cuzco 665, Lima.
Okuyama, Julio K.; Urubamba 455, Lima.
Ouchi, K.; Huallaga 419, Lima.
Otani y Cia., T.; Unión 441, Lima.
Pacific Trading Company; Lima.
Peru Jiho; Lima.
Peru Menka Kabushiki Kaisha; Pasaje Olaya 139, Lima.
Productos Lactina, S. A.; Avenida Petit Thouars 2150, Lima.
"Retes", Ltda., Sociedad Agrícola; Edificio Mineria 420, Lima.
Saiki, F. S.; Mollendo.
Saito, Y.; Portal de Botoneros 118, Lima.
Sakai, Santiago; Gálvez 323, Callao.
Sakanishi Takiji; Teatro 608, Chiclayo.
Sakata, F. K.; Azangaro 1017, Lima.
Sakata, Faustino T.; Sáenz Peña 327, Callao.
Sato, A. D.; Teatro 611, Chiclayo.
Sato, T.; Angamos 1514, Lima.
Sato & Co., José H.; Junin 273, Lima.
Sato & Company, Roberto M.; Urubamba 590, Lima.
Sawao, Y.; Samanco.
Shibayama, Yuzo; Puno 623, Lima.
Shima Hnos.; Viru (Trujillo).
Shimizu, M. Y.; Arequipa.
Shimura & Co., T.; 214 Callao.
Snotomi y Cia., K.; Lima.
Southern Cotton Company, S. A.; Ayachucho 309, Desp. 204, Lima.
Suetomi y Cia., K. T.; Camana 224, Lima.
Suva, Jorge K.; Huacho.
Suzuki Hermanos; Huancayo.
"Taibo", Sociedad Anónima; Edificio Royal 210, Lima.
Taisho & Company; Pasco 321, Lima.
Takahashi y Hnos., Ricardo; Abancay 554, Lima.
Takei, Shizuko; Cuzco 724, Lima.
Takuma, Masaki; Ucayali 699, Lima.
Tamura y Cia., S.; San Camilo 227, Arequipa.
Tanaka, Guillermo; Canta 1195, Lima.
Tanaka, R.; 7 de Enero 1001, Chiclayo.
Taniguchi y Cia., T.; Huallaga 230, Lima.
Tao, Julio; Ancash 781, Lima.
Todohuara, José; Lima.
Toguita, H.; Ancash 510, Lima.
Tokutake & Kawakami; San Vicente de Cañete.
Tosa, Alberto; Hacienda, Vilcahuaura, Huacho.
Tsushio & Co.; Pasco 321, Lima.
Tsuchida Yoshitaro; Paruro 1101, Lima.
Tsuchiya Hnos., S.; Cuzco 400, Lima.
Uchiyama, H.; San Pedro 50, Chiclayo.
Uesugi, A.; Huallaga 307, Lima.
Uruma, Yasuji; Huanta 541, Lima.
Usauro, Maoki; 7 de Enero 918, Chiclayo.
Ushida, Jorge; Teatro 627 and 701, Chiclayo.
Ushida & Company, Jorge; Chiclayo.
Uyehara, Elzo; Teatro 618, Chiclayo.
Watanabe, Roberto; Callao.
Watano, Y.; Lima.
Yabuki, T.; Casilla 316, Trujillo.
Yamamoto, Jitsuo; Huallaga 278, Lima.
Yamamoto, Juan; Elías Aguirre 238, Chiclayo.
Yamanaka, S.; Ayacucho 867, Lima.
Ychikawa, Y. S.; Huallaga 677, Camana 244, Unión 110, and Caqueta 322, Lima.
Ychikawa & Co., S. A., Y. S.; Huallaga 677, Camana 244, Unión 110, and Caqueta 322, Lima.
Ychikawa & Company, K.; Lima 401, Lima.
Yoshida y Cia., Y. S.; Elías Aguirre 128–130, Chiclayo.
Yoshimura, Masatazzi; Teatro 704, Chiclayo.
Yoshioka & Co., Y. & T.; Ayacucho 844, Lima.
Ysono, Tamatu; Manuel María Yzaga 249, Chiclayo.
Yusa, S.; Ancash 739, Lima.

SALVADOR

Almacén "El Nippon"; Portal de Cristal, San Salvador.
Kaneshige, Alfonso H. de; Portal de Cristal, San Salvador.
Mitsui Bussan Kaisha; San Salvador.
Shiraki, Antonio T.; Portal de Cristal, San Salvador.
Shiraki, José T.; Portal de Cristal, San Salvador.
Shiraki & Cia., José T.; Portal de Cristal, San Salvador.

URUGUAY

Amari, Itaro; 25 de Mayo 470, Montevideo.
Asiva (Ashiwa), Koichi; Plaza Zabela 1419, Montevideo.
Himoto, Yozaku; 25 de Agosto 522, Montevideo.
Iida & Cia., Ltda. Takashimaya; Montevideo.
Intercambio Comercial Uruguay—Japón, S. A., Cia.; Sarandí 659, Montevideo.
Ishiy, Carlos C.; Montevideo.
Ito, Saburo; 25 de Mayo 555, Montevideo.
Kubota, Shigeto; Juan Carlos Gómez 1537, Montevideo.
Omura, Matsutaro; Soriano 1190, Montevideo.
Takashimaya, Iida & Cia., Ltda.; Montevideo.
Takinami, B.; Juan Carlos Gómez 1426, Montevideo.
Yamada, Shoshiro; Uruguay 1184, Montevideo.
Zanzi, Mario Alberto; Sarandí 659, Montevideo.

VENEZUELA

Ametani, Seiichi; Caracas.
Furuya, Yoshitomi; Apartado 1652, Oeste 3 No. 100–1, Caracas.
Hachija Hermanos, Kabushiki Kaisha; Caracas.
"La Casa Japonesa"; Caracas.
Nippon, Casa; Caracas.
Takaji, Sigeji; Caracas.
Watay & Cia., Sakae "Casa Nippon"; Caracas.
Yazawa & Cia., Sucesor, "La Casa Japonesa"; Caracas.
Yonekura, Yozo; Caracas.
Yonekura, Yuzo; Apartado 1652, Oeste 3 No. 100–1, Caracas.
Yonekura & Cia., Y.; Apartado 1652, Oeste 3 No. 100–1, Caracas.

[F. R. Doc. 41-9293; Filed, December 10, 1941; 10:45 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 933—COPPER

Conservation Order No. M–9–c as Amended December 10, 1941 Curtailing the Use of Copper in Certain Items

Section 933.4 (Conservation Order No. M–9–c) is hereby amended so as to read as follows:

Whereas national defense requirements have created a shortage of Copper for the combined needs of defense, private account, and export; action has already been taken to increase and conserve the supply and to direct the distribution of Copper to insure deliveries for defense and essential civilian requirements; and the supply of Copper now is and will be insufficient for defense and essential civilian requirements unless the use of Copper in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited;

Now, therefore, it is hereby ordered, That:

§ 933.4 *Conservation order No. M–9–c as amended December 10, 1941*—(a) *Restrictions on use of copper in articles appearing on List "A"*—(1) *Curtailment to January 1, 1942.* Except as provided in paragraph (b) hereof, during the period between October 15 and December 31, 1941, no manufacturer may use in the aggregate in the manufacture of any Item on List "A" attached, more Copper or Copper Base Alloy than the greater of the following two limits:

(i) One-half of the total amount of Copper or Copper Base Alloy, respectively, used in the aggregate by him in the manufacture of such Item during the last three months of 1940, or

(ii) One-eighth of the total amount of Copper or Copper Base Alloy, respectively, used in the aggregate by him in the manufacture of such Item during the year 1940.

If any Manufacturer is manufacturing any such Item which he did not manufacture in 1940, then during the period between October 15 and December 31, 1941, he may use in the aggregate in the manufacture of such Item Copper or Copper Base Alloy to a total amount not exceeding 50% of the total amount used in the aggregate by him in the manufacture of such Item during the period between August 1 and September 30, 1941.

(2) *Prohibitions after January 1, 1942.* Except as provided in paragraph (a), sub-paragraphs (3) and (4), and in paragraph (b) hereof, after January 1, 1942, no Manufacturer of any Item on List "A" attached, may use in the manufacture of any such Item any Copper or Copper Base Alloy.

(3) *Substitution of plating in limited cases.* Nothing contained in this paragraph (a), however, shall prevent the use of Copper or Copper Base Alloy for plating any Item included on List "A," provided:

(i) That such plating is not primarily for decorative purposes, and

(ii) That the use of or the normal wear on such Item would make impractical any other form of coating, and

(iii) That such Item was formerly plated with Copper or Copper Base Alloy, or if such Item was not formerly so plated, then provided that the total amount of Copper or Copper Base Alloy to be used in the plating of each such Item is less than 5% of the amount that was used in the manufacture of each such Item immediately preceding the effective date of this Order.

(4) Notwithstanding the provisions of paragraph (a) (2), a Manufacturer may, until March 31, 1942, complete the manufacture of any Item on List "A" provided:

(i) The Manufacturer has not used more Copper or Copper Base Alloy than permitted by the terms of this Order, and

(ii) The Manufacturer had on hand on December 1, 1941, Copper or Copper Base Alloy which, as of said date, was in a form or alloy in which it could not be used by himself or by any other Person in the manufacture of any Item not on List "A," and that no additional Copper or Copper Base Alloy beyond that covered in this sub-paragraph (ii) is required to complete the manufacture of such Item; and

(iii) In no event shall the amount of Copper or Copper Base Alloy used in the aggregate in the manufacture of any such Item during the period between October 15, 1941 and March 31, 1942, exceed twice the amount permitted under sub-paragraph (a) (1) of this Order for the period between October 15 and December 31, 1941; and

(iv) On or before December 31, 1941, he files Form PD–189 with the Office of Production Management, Ref. M–9–c, establishing the facts entitling him to continue operations under the provisions of this paragraph and setting forth inventories and other particulars as called for therein.

(b) *General exception.* The prohibitions and restrictions contained in paragraphs (a) and (c) shall not apply to the use of Copper or Copper Base Alloy in the manufacture of any Item on List "B" attached where and to the extent that the use of any less scarce material is impractical, nor in articles, or parts thereof, which are being produced:

(1) Under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of Copper or Copper Base Alloy to the extent employed is required by the specifications of the prime contract, or

(2) For use to comply with Underwriters Regulations, or Safety Regulations issued under Governmental authority, provided the pertinent provisions of such Regulations were, in either case, in effect both on October 1, 1941, and on the date of such use, and specifically and exclusively require the use of Copper or Copper Base Alloy to the extent employed, or

(3) For use in chemical plants to the extent that corrosive action makes the use of any other material impractical, or

(4) For use in research laboratories and hospitals where and to the extent that the physical and chemical properties make the use of any other material impractical, or

(5) For use as part of the motive power or mechanical and electrical equipment of vessels other than pleasure craft where corrosive action makes the use of any other material impractical, or

(6) For use for repair or replacement purposes in plants employing chemical processes, in plants processing food, and in plants which are smelters or refiners of metal where in each case the existing installation is Copper or Copper Base Alloy and where and to the extent that chemical action makes the use of any other material impractical.

(c) *Restrictions on use of copper in all other articles.* During the period between October 15 and December 31, 1941, and during each 3 months' period thereafter, until further action by the Director of Priorities, no Manufacturer may use in the aggregate in the manufacture of any article not on List "A" attached, more Copper and Copper Base Alloy than the greater of the following three limits:

(1) 70% of the total amount of Copper or Copper Base Alloy, respectively, used in the aggregate by him in the manufacture of such article during the last three months of 1940, or

(2) 17½% of the total amount of Copper or Copper Base Alloy, respectively, used in the aggregate by him in the manufacture of such article during the year 1940, or

(3) 50% of the total amount of Copper or Copper Base Alloy, respectively, used in the aggregate by him in the manufacture of such article during the period between July 1 and September 30, 1941;

plus in each such case, the amount of Copper or Copper Base Alloy necessary to manufacture articles which are being produced pursuant to the exceptions of paragraph (b) hereof.

The provisions of this paragraph shall not limit the amount of Copper or Copper Base Alloy which a Manufacturer may use in the manufacture of any article which is being produced by him with the assistance of a Preference Rating Order (not including a Preference Rating Certificate) issued directly to and in the name of such Manufacturer which assigns a rating of A–2 or higher to deliveries to him of materials used in the production of such article provided that such limitations may be exceeded only to the extent that the use of any other material is impractical in the manufacture of such article.

(d) *Prohibitions against sales or deliveries of copper or copper base alloy.* No Person shall hereafter sell or deliver Copper or Copper Base Alloy, to any person if he knows, or has reason to believe such material is to be used in violation of the terms of this Order.

(e) *Limitation of inventories.* No Manufacturer shall accumulate an Inventory of Copper, or Copper Base Alloy (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or subassemblies in quantities in excess of a minimum practicable working Inventory, taking into consideration the limitations placed upon the production of Copper products by this Order. Any Manufacturer who has an Inventory in excess of a minimum practicable working Inventory is prohibited from receiving additional Copper or Copper Base Alloy (including scrap) or products thereof, beyond the extent necessary to maintain such minimum practicable working Inventory.

(f) *Miscellaneous provisions*—(1) *Priorities Regulation No. 1.* All of the provisions and definitions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set

forth herein, except as otherwise specifically provided herein.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Copper conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Priorities on Form PD-167, Ref.: M-9-c, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the use of Copper or Copper Base Alloy in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who willfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise willfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Copper" means Copper metal which has been refined by any process of electrolysis, or fire refining to a grade and in a form (cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars, or other refined shapes) suitable for fabrication, or in any subsequent stage of fabrication. It shall include Copper metal produced from scrap.

(ii) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(iii) "Inventory" of a person includes the Inventory of affiliates and subsidiaries of such person, and the Inventory of others where such Inventory is under the control of or under common control with or available for the use of such person.

(iv) "Manufacturer" means one who manufactures, fabricates, assembles, melts, casts, extrudes, rolls, turns, spins, or processes in any other way.

(v) "Item" means any article or any component part thereof.

(vi) "Use in the aggregate" means the amount of Copper or Copper Base Alloy contained in a completed article or Item multiplied by the total number of such articles or Items, respectively, completed in a given period.

(6) *Installation.* The restrictions of this Order do not apply to the installation of a finished product for the ultimate consumer.

(7) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, August 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 10th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

LIST "A" OF ORDER M-9-C AS AMENDED DECEMBER 10, 1941

The use of Copper or Copper Base Alloy in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order M-9-c.

Automotive, Trailer, and Tractor Equipment

Garage and automotive repair equipment.
Headlamps and headlamp parts.
Heaters.
Horns.
Hub and gas-tank caps.
Miscellaneous fittings and trim.
Mouldings.
Rear view mirrors and hardware.

Building Supplies and Hardware

Air conditioning equipment (except for essential food storage and food transportation, and industrial processing where and to the extent the use of other materials is impractical).
Blinds, including fixture fittings and trimmings.
Builders' finish hardware.
Conduits.
Decorative hardware—including house numbers.
Door knockers, checks, pulls, and stops.
Doors, door and window frames, sills and parts.
Elevators and escalators, except bearings.
Gravel stops and snow guards.
Grilles.
Gutters, leaders, downspouts, expansion joints and accessories thereto.
Incinerator hardware and fittings.
Insect screens and screening.
Letter boxes and mail chutes.
Lightning rods (except for electric power stations and industrial stacks).
Lighting fixtures.
Ornamental metal work.
Pile butt protection.
Plumbing and heating supplies:
  Bands on pipe covering.
  Convectors, local and unit heaters (except heat controls).
  Fixture fittings and trimmings (except as provided in Defense Housing Critical List issued by Director of Priorities, September 12, 1941, as the same may be amended).
  Hot water heaters, tanks, and coils (except as provided in Defense Housing Critical List issued by Director of Priorities, September 12, 1941, as the same may be amended).
  Pipe, tube, tubing, and fittings therefor (except as provided by Defense Housing Critical List issued by Director of Priorities, September 12, 1941, as the same may be amended).
  Shower rods, heads, and pans.
  Sinks and drainboards.
  Toilet floats, cistern, and low water floats.
  Towel racks.
Push, kick, switch, floor and all other device plates.
Roof, roofing, roofing nails, flashing valleys and other roofing items.
Sheet, roll and strip for building construction.
Shelves.
Stair and threshold treads.
Termite shields.
Terazzo strips, reglets, and mouldings.
Ventilators and skylights.
Water containers for humidification.
Weather stripping and insulation.

Burial Equipment

Burial vaults.
Casket hardware.
Caskets.
Memorial tablets.
Morticians' supplies.

Dress Accessories

Buckles.
Buttons.
Dress ornaments.
Handbag fittings.
Metal cloths.

Home Furnishings and Equipment (Including Office and Institutional)

Andirons, screens, and fire-place fittings.
Candlesticks.
Cooking and table utensils.
Curtain fasteners, rods and rings.
Cuspidors.
Fans.
Furniture.
Furniture hardware.
Hollow-ware.
Lamp standards, shades, shade holders and stems.
Portable heaters.
Stoves and ranges (except valves and controls).
Table flatware (except as provided in Fed. Spec. R. R. T.-56).
Trays.
Upholsterers' supplies, including nails and tacks.
Vases, pitchers, bowls and artcraft.
Washing tubs and washing boilers.
Waste baskets, hat trees, humidors and similar items.

Jewelry, Gifts, and Novelties

All jewelry, gifts, and novelties, including:
  Advertising specialties.
  Atomizers—except medical.
  Bar fittings.
  Book ends.
  Cosmetic containers.
  Lighters.
  Napkin rings.
  Picture frames.
  Smokers' accessories.
  Souvenirs.

Miscellaneous

Alarm and protective systems (except where the use of Copper or Copper Base Alloy is essential to the proper functioning of the parts).
All plating primarily for decorative purposes.
Barrel hoops.
Beauty parlor equipment and barber shop supplies.
Beverage dispensing units and parts thereof.
Bicycles, motorcycles and similar vehicles.
Boxes, cans, jars and other containers.
Branding, marking and labelling devices, and stock for same.
Chimes and bells.
Fire extinguishers of soda acid type.
Fire fighting apparatus (except where the use of Copper or Copper Base Alloy is essential to the proper functioning of the part).
Hooks.
Hydrants and sprinklers for fire fighting purposes (except where Copper or Copper Base Alloy is essential to the proper functioning of the parts).
Ladders and hoists, including fittings.
Lanterns and lamps (except valves and controls).
Livestock and poultry equipment.
Locks (except barrel, locking bar and key).
Luggage fittings.
Match and pattern plates, matrices and flasks.
Name, identification and medal plates.
Non-operating or decorative uses or parts of installations and of equipment (mechanical or otherwise), including bases, frames, guards, standards and supports.
Paint (except for ship bottoms).
Photographic equipment and supplies (except document copying machines and equipment therefor for business purposes).
Pleasure-boat fittings, hardware and motors.
Pole-line hardware.
Powder and paste.
Radios.
Reflectors.
Saddlery hardware and harness fittings.
Signs, including street signs.
Slot, game, and vending machines.
Stationery supplies:
  Desk accessories.
  Office supplies.
  Pencils.
  Pens and penholders.
Statues.
Sundials.
Toys.
Unions (except seats).
Valve handles.
Valves over 2-inch size (except seats, discs and stems).
Weathervanes.

LIST "B" OF ORDER M-9-C AS AMENDED DECEMBER 10, 1941

The Items listed below, and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (c) of the foregoing Conservation Order M-9-c, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Condenser tubes, heat exchanger tubes (other than radiators which are used to control air temperature) and tube sheets in oil refining plants, in plants generating steam for public or industrial use and in plants generating electric power for public or industrial use, where and to the extent that corrosive action makes the use of any other material impractical.
Conductors of electricity, but only to the extent necessary to permit the conducting of the electricity required.
Devices for the safe control and use of liquefied petroleum gas, such as pressure regulators, valves and gauges.
Fire fighting and other protection equipment where and to the extent not included on List "A" and where Copper or Copper Base Alloy is essential to the proper functioning of the parts.
Gas welding and cutting equipment, such as cylinder valves, pressure regulators, torches and tips.
Insecticides and fungicides such as Copper sulphates, Copper oxides and basic Copper compounds.
Measuring, recording and control instruments, systems, or equipment for use in industrial processes, such as pyrometers, thermometers, flow meters, pressure gauges, gas analyzers and their associated control valves.
Mining machinery as defined in Schedule A of Preference Rating Order No. P-56, and repair or replacement parts therefor, but only to the extent that no practicable substitute for Copper or Copper Base Alloy is available and permitted under state laws.
Percussion and electric blasting caps, and necessary accessories therefor.

[F. R. Doc. 41-9296; Filed, December 10, 1941; 11:16 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplemental Order No. 1 to Limitation Order L-1-a[1] To Restrict the Production of Medium Trucks, Truck Trailers, Passenger Carriers and Replacement Parts

Whereas The White Motor Company, The Twin Coach Company, The General American Aerocoach Company, The J. G. Brill Company, The Yellow Truck and Coach Manufacturing Company, The Ford Motor Company, and The Mack-International Truck Company have appealed pursuant to paragraph (g) of § 976.1, as amended, and whereas it is hereby found that each of such Companies would be caused exceptional and unreasonable hardship by compliance with said order unless relief were granted, and whereas the Army and Navy Munitions Board has inspected the orders on the books of each of such Companies and has recommended that the exceptions hereby provided for be granted.

§ 976.6 *Supplemental order No. 1 to limitation order L-1-a. Now, therefore, it is hereby ordered,* That for the period commencing September 1, 1941 and ending November 30, 1941 the passenger carrier allotment of each of such Companies is fixed as follows:

Name of Company	*Allotment*
White Motor Company	198
Twin Coach Company	300
General American Aerocoach Company	90
J. G. Brill Company	375
Yellow Truck and Coach Manufacturing Company	823
Ford Motor Company	390
Mack-International Truck Company	550

It is hereby further ordered, That for the period commencing December 1, 1941 and ending January 31, 1942, the passenger carrier allotment of each of such Companies is fixed as follows:

White Motor Company	132
Twin Coach Company	200
General American Aerocoach Company	60
J. G. Brill Company	250
Yellow Truck and Coach Manufacturing Company	549
Ford Motor Company	260
Mack-International Truck Company	367

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9297; Filed, December 10, 1941; 11:15 a. m.]

[1] 6 F.R. 4732, 5676, 6256.

PART 980—RAYON YARN

Amendment Extending Supplementary Order M–37–a To Conserve the Supply and Direct the Distribution of Rayon Yarn

Section 980.2 (*Supplementary order No. M–37–a*)[1] is hereby amended as follows:

In paragraph (g) the words "and shall expire at midnight on December 31, 1941, unless sooner terminated by direction of the Director of Priorities" shall be deleted, and the paragraph shall read as follows:

§ 980.2 *Supplementary order No. M–37–a.*

* * * * *

(g) *Effective date.* This Order shall take effect upon October 1, 1941.

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9295; Filed, December 10, 1941; 11:14 a. m.]

PART 980—RAYON YARN

Amendment Extending Supplementary Order M–37–b Designating Agency To Receive Duplicate Certificates Filed Under Supplementary Order M–37–a

Section 980.3 (*Supplementary Order M–37–b*)[2] is hereby amended as follows:

In paragraph (b) the words "and shall terminate December 31, 1941" shall be deleted, and the paragraph shall read as follows:

§ 980.3 *Supplementary order M–37–b.*

* * * * *

(b) This Order shall take effect immediately.

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9295; Filed, December 10, 1941; 11:14 a. m.]

[1] 6 F.R. 4945.
[2] 6 F.R. 5953.

PART 981—PASSENGER AUTOMOBILES

Amendment No. 1 to Supplementary General Limitation Order L–2–b[1] *Further Restricting the Production of Passenger Automobiles*

It is hereby ordered, That § 981.3 (*Supplementary general limitation order L–2–b*) is amended by changing the effective date thereof from December 15, 1941 to December 31, 1941, and by inserting therein the following new paragraphs designated (b), (c) and (d):

§ 981.3 *Supplementary general limitation order L–2–b.*

* * * * *

(b) The provisions of paragraph (a) shall not apply to ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies, and body trim bright screws.

(c) Notwithstanding the provisions of paragraph (a), stocks of "bright work" parts (such as, but not limited to, belt moldings, radiator grilles, running board moldings, windshield moldings, window frame moldings and hub caps) which were in process of manufacture or on hand in the form of finished parts on October 27, 1941, may continue to be used after December 31, 1941 if, but only if, such stocks are treated so as permanently to lose their identity as "bright work" by some practical method such as acid etching and sand blasting and are painted or enamelled before being used.

(d) Each Producer who desires to take advantage of the provisions of paragraphs (b) and (c) shall on or before December 15, 1941 file with the Automotive, Transportation and Farm Equipment Branch a statement of his October 27, 1941 inventories of "bright work" goods in process and "bright work" finished parts. The December 15, 1941 statement shall also set out the steps such Producer intends to take in order to comply with paragraph (c). In addition, each Producer shall furnish proof of compliance with paragraph (c) whenever such proof is requested by the Branch.

This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9299; Filed, December 10, 1941; 11:16 a. m.]

[1] 6 F.R. 5487.

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L–2–d Further Restricting the Production of Passenger Automobiles

In accordance with the provisions of § 981.1 (*General limitation order L–2*),[1] which the following Order supplements,

It is hereby ordered, That:

§ 981.5 *Supplementary general limitation order L–2–d.* (a) During the period commencing February 1, 1942, and ending February 28, 1942, Producers shall respectively manufacture not more than the following number of Passenger Automobiles:

Name of producer	*Number of passenger automobiles*
General Motors	76,982
Chrysler Corporation	40,181
Ford Motor Company	32,308
Studebaker	7,509
Hudson	5,505
Nash	4,675
Packard	4,905
Willys-Overland	1,652
Crosley	405

(b) During the period specified above and thereafter until further order, each Producer shall continue to distribute his authorized production among various makes in accordance with the option heretofore selected by him for the period commencing August 1, 1941, and ending November 30, 1941. For the month of January, 1942, production pursuant to options previously selected by the Producers shall be as follows:

Name of make	*Number under option A*	*Number under option B*
Chevrolet	------	38,388
Buick	------	13,943
Pontiac	------	12,216
Oldsmobile	------	9,979
Cadillac	------	2,456
Plymouth	21,406	------
Dodge	10,084	------
Chrysler	5,124	------
DeSoto	3,567	------
Ford	27,461	------
Mercury	3,762	------
Lincoln-Zephyr	1,085	------

(c) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9300; Filed, December 10, 1941; 11:15 a. m.]

[1] 6 F.R. 4735.

PART 1020—AUTOMATIC PHONOGRAPHS AND WEIGHING, AMUSEMENT AND GAMING MACHINES

Limitation Order L–21 to Restrict the Production of Automatic Phonographs and Weighing, Amusement and Gaming Machines

Whereas the demands of national defense have created a shortage of iron, steel, and other materials used in the manufacture of automatic phonographs, and weighing, amusement and gaming machines; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of automatic phonographs and weighing, amusement and gaming machines is curtailed and the use of critical material for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 1020.1 *General limitation order—*(a) *Definitions.* For the purposes of this order:

(1) "Automatic phonographs" means those automatic phonographs customarily (although not necessarily) coin-operated, and includes the following attachments or equipment for such phonographs:

(i) Telephone operation attachments.
(ii) Remote Control Adapters.
(iii) Microphone equipment.
(iv) Auxiliary speakers.
(v) Remote control boxes.
(vi) Impulse steppers.
(vii) Step receivers.
(viii) Music transmitters.
(ix) Wireless systems.
(x) Other auxiliary equipment.

(2) "Weighing and amusement machines" means those weighing and amusement machines or devices customarily (although not necessarily) coin-operated, including (but not limited to) so-called "pin-ball machines."

(3) "Gaming Machines" means those gaming machines or devices customarily (although not necessarily) coin-operated, including (but not limited to) so-called "slot machines."

(b) *General restrictions—*(1) *Manufacturers of automatic phonographs and weighing and amusement machines.* During the period beginning December 1 and ending December 31, 1941, no manufacturer of automatic phonographs and no manufacturer of weighing or amusement machines shall produce any type of such equipment in an amount greater than 75% of the monthly average of units of such type equipment produced by him during the twelve months ending June 30, 1941. During the period commencing January 1, 1942, and ending January 31, 1942, no manufacturer of automatic phonographs and no manufacturer of weighing or amusement machines shall produce per month any type of such equipment in an amount greater than 50% of the monthly average of units of such type equipment produced by him during the twelve months ending June 30, 1941. Thereafter, and until otherwise ordered, no manufacturer of automatic phonographs and no manufacturer of weighing or amusement machines shall produce per month any type of such equipment in an amount greater than 25% of the monthly average of such type equipment produced by him during the twelve months ending June 30, 1941.

(2) *Gaming machines.* During the period beginning December 1 and ending December 31, 1941, no manufacturer of gaming machines shall produce any type of such equipment in an amount greater than 50% of the monthly average of units of such type equipment produced by him during the twelve months ending June 30, 1941. During the period commencing January 1, 1942 and ending January 31, 1942 no manufacturer of gaming machines shall produce any type of such equipment in an amount greater than 25% of the monthly average of units of such type equipment produced by him during the twelve months ending June 30, 1941. Thereafter and until otherwise ordered, no manufacturer of gaming machines shall produce any such equipment.

(3) *Restriction on use of aluminum.* From the date of issuance of this order until otherwise ordered, no manufacturer of automatic phonographs, weighing or amusement machines, or gaming machines may use aluminum in any form whatever in the manufacture of such products.

(c) *Avoidance of excessive inventories.* Manufacturers of automatic phonographs, and weighing, amusement and gaming machines shall not accumulate inventories of raw materials, semi-processed materials, finished parts or assembled automatic phonographs, or weighing, amusement and gaming machines in quantities in excess of practicable minimum working inventories.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this order applies shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management a monthly report on Form PD–182, and such other reports or questionnaires as said Office shall from time to time specify.

(g) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work, may appeal by a letter directed to the Director of Priorities, Social Security Building, Washington, D. C., setting forth the pertinent facts. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Violations or false statements.* Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Effective date.* This order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191, E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9294; Filed, December 10, 1941; 11:14 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1316—COTTON TEXTILES

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 11 [1]—COMBED COTTON GREY GOODS

Price Schedule No. 11 is hereby amended in the following respects:

Section 1316.2 is amended by adding subparagraph (a) (3):

§ 1316.2 *Maximum prices established for cotton grey goods.* (a) * * *

* * * * *

(3) Deliveries against contracts entered into after December 9, 1941, and sales or contracts of sale made after such date, may be made without specifying any price if the parties agree that the buyer's obligation will be discharged at prices not in excess of such maximum prices as shall be established by any revision of this Schedule becoming effective prior to January 1, 1942.

Section 1316.9 is added:

§ 1316.9 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.7 hereof, to the original contract or to deliveries pursuant thereto. (Executive Orders Nos. 8734, 8875, 6 F.R., 1917, 4483)

This Amendment, No. 6, effective December 10, 1941.

Issued this 9th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9276; Filed, December 10, 1941; 9:50 a. m.]

PART 1350—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

PRICE SCHEDULE NO. 48—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

The declaration by the Congress of the United States that a state of war exists between this country and the Japanese Empire makes it imperative that immediate steps be taken to insure the defense of the civilian population. To accomplish this end certain materials will be needed in large amounts. In certain localities, readily available supplies of many of these emergency defense materials may prove inadequate to meet the full demand of a large civilian population. The Director of Civilian Defense has requested the Office of Price Administration to turn its attention toward the stabilization of prices of certain of these emergency defense materials. As a measure of public security, it becomes necessary to establish maximum prices for such materials and equipment as may be affected by inordinate increases in demand due to the civilian defense program.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1350.1 *Maximum prices for, and supporting provisions affecting sales of, emergency civilian defense materials and equipment.* On and after the effective date of any schedule supplemental hereto, no person shall sell, offer to sell, deliver or transfer any emergency civilian defense material or equipment at prices higher than the maximum prices established for such material or equipment by such supplemental schedule, or in any other way contrary to the provisions of such supplemental schedule.*

*§§ 1350.1 to 1350.7, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1350.2 *Less than maximum prices.* Lower prices than the maximum prices established by any schedule supplemental hereto may be charged, demanded, paid or offered.*

§ 1350.3 *Evasion.* The limitations set forth in this Schedule or in any schedule supplemental hereto shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of emergency civilian defense materials or equipment, alone or in conjunction with any other material, or by way of premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by any other means.*

§ 1350.4 *Enforcement.* In the event of refusal or failure to abide by the price limitations, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who conform with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1350.5 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule or any schedule supplemental hereto may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1350.6 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Emergency civilian defense materials and equipment" means any material or equipment defined in any schedule supplemental hereto.*

§ 1350.7 *Effective date of schedule.* This Schedule shall become effective on December 10, 1941.*

Issued this 10th day of December 1941. Effective December 10, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9309; Filed, December 10, 1941; 12:01 p. m.]

SUPPLEMENTAL SCHEDULE NO. 1 TO PRICE SCHEDULE NO. 48—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

Flashlights, Flashlight Batteries, and Flashlight Bulbs

This is a supplement to, and should be read in connection with Price Schedule No. 48, the provisions of which are set forth *supra* in F.R. Doc. 41-9309.

§ 1350.11 *Maximum prices for flashlights, flashlight batteries, and flashlight bulbs*—(a) *Sales other than retail.* On and after December 10, 1941, the maximum price for a sale other than a retail sale of any flashlight, flashlight battery, or flashlight bulb shall be the highest price received by the seller for delivery during the period October 1, 1941, to December 1, 1941, inclusive, of an identical, or substantially identical, and similarly equipped flashlight, flashlight battery, or flashlight bulb, to the same purchaser. If no such delivery to the same purchaser was made, the maximum price shall be the highest price received by the seller for a delivery during such period of an identical, or substantially identical and similarly equipped flashlight, flashlight battery, or flashlight bulb, to a purchaser of the same general class.

(b) *Retail sales.* The maximum price for a retail sale shall be the highest price received by the seller for the delivery during such period of an identical, or substantially identical, and similarly equipped flashlight, flashlight battery, or flashlight bulb, to a purchaser.

§ 1350.12 *Definitions.* When used in this Supplemental Schedule, the term

(a) "Flashlight" means a battery operated lighting device, whether or not equipped with bulb or batteries, of the size and type commonly carried in the hand or on the person;

(b) "Flashlight battery" means an electrical battery suitable for use in flashlights;

(c) "Flashlight bulb" means an incandescent bulb suitable for use in flashlights;

(d) "Retail sale" means a sale made for any purpose other than resale.

§ 1350.13 *Effective date of supplemental schedule.* This Supplemental Schedule No. 1 shall become effective December 10, 1941.

Issued this 10th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9308; Filed, December 10, 1941; 12:01 p. m.]

[1] 6 F.R. 3160, 3988, 4323, 5335.

Notices

WAR DEPARTMENT.

[Contract No. W-398-qm-10886]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILLYS-OVERLAND MOTORS, INCORPORATED, TOLEDO, OHIO

Contract for: Spare Parts for * * * Trucks.

Amount: $1,432,064.40.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 17th day of October 1941.

Scope of this contract. The contractor shall furnish and deliver Spare Parts for * * * Trucks, for the consideration stated, $1,432,064.40, in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

FRANK W. BULLOCK,
Lt. Col., Signal Corps,
Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 41-9277; Filed, December 10, 1941; 9:54 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-34]

IN THE MATTER OF HIGH POINT COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 16, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 214, U. S. Post Office, Knoxville, Tennessee.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the High Point Coal Company, whose address is Jackson and Central Streets, Knoxville, Tennessee, offered, sold and delivered, during the period October 7, 1940 to February 28, 1941, both dates inclusive, approximately 4,178 net tons of egg and block sized coals, produced by said code member at its High Point No. 1 Mine, Mine Index No. 241, through its sales agent, the Kearns Coal Company, Cincinnati, Ohio, to various consumers located in various market areas, as follows: (a) approximately 2258.45 net tons of egg coal and approximately 1778.8 net tons of 4" egg coal at prices ranging from $2.65 to $2.86 per net ton f. o. b. the mine, whereas this coal is classified as Size Group 6 and priced from $2.70 to $2.91 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck; (b) approximately 42.5 net tons of 2½" x 6" egg coal at $2.40 per net ton f. o. b. the mine, whereas this coal is classified in Size Group 5, and priced at $2.50 per net ton f. o. b. the mine in said Schedule; (c) approximately 51.7 net tons of 5" x 6" egg coal at $3.26 per net ton f. o. b. the mine, and 46.55 net tons of 5" block coal at $2.75 per net ton f. o. b. the mine, whereas these coals are classified as Size Group 2 and priced at $3.36 and $3.25

per net ton, respectively, f. o. b. the mine in said Schedule. Accordingly, these transactions constitute offers, sales and deliveries of coal at prices below the minima therefor established by the Division, and violations of the Act and Code.

Dated: December 8, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9287; Filed, December 10, 1941; 10:38 a. m.]

[Docket No. B-138]

IN THE MATTER OF THEODORE FORSBERG, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 7, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on November 14, 1941, by the Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder.

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1942, at 10 a. m. at a hearing room of the Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that an answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Theodore Forsberg, whose address is Anita, Pennsylvania, sold and delivered by truck, during the period from October 1, 1940 to March 25, 1941, inclusive, approximately 54 tons of run of mine coal, Size Group 3, produced at his Forsberg Mine (Mine Index No. 1383) located in Jefferson County, Pennsylvania, to various purchasers at prices ranging from $1.60 to $1.65 per ton f. o. b. the mine, whereas the applicable minimum price for such coal was $2.25 per net ton f. o. b. the mine for truck shipment, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments. Therefore, the transactions hereinabove described were in violation of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: December 9, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9288; Filed, December 10, 1941; 10:38 a. m.]

[Docket No. 1730-FD]

IN THE MATTER OF COMMERCIAL FUEL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on June 12, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 15, alleging that the Commercial Fuel Company, a code member in District 15, the defendant, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling substantial quantities of 1¼" x 0 washed screenings (Size Group 13) produced at the defendant's No. 2 Mine, at $1.50 per ton f. o. b. the mine, which is the effective minimum price of said coals for industrial use, whereas the coal was not actually used for industrial purposes and should have been sold at not less than the effective minimum price for commercial use of $1.80 per ton, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing in this matter having been held on September 10, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Kansas City, Missouri;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated November 4, 1941, in which he found that the defendant wilfully violated the Act and the Code by selling, for shipment by rail, during the period from November 11, 1940, to March 20, 1941, 594 tons of 1¼" x 0 washed screenings at $1.55 per net ton f. o. b. the mine, which coal was classified as Size Group 13 and priced at $1.80 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck; and that the amount of tax required to be paid by the defendant as a condition to reinstatement to membership in the Code, as provided in section 5 (c) of the Act, is $416.99; and recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined, after a consideration of the record, that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Commercial Fuel Company, operating the No. 2 Mine (Mine Index No. 36) in Cherokee County, Kansas, be and it hereby is revoked and canceled effective ten days from the date hereof;

It is further ordered, That prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $416.99, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated, December 9, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9289; Filed, December 10, 1941; 10:38 a. m.]

General Land Office.

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 145 ENLARGED; AIR NAVIGATION SITE WITHDRAWAL NO. 165 REVOKED

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands lying within the following-described boundaries, in the vicinity of McGrath, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce as an addition to Air Navigation Site Withdrawal No. 145 made by departmental order of October 1, 1940:

Beginning at corner No. 4 M. C., U. S. Survey No. 1962, on the left bank of the Kuskokwim River, in approximate latitude 62°57'32" North, longitude 155°37' West. Thence by metes and bounds,

South, 3,037.32 feet (46.02 chains), along west boundary of Survey No. 1962 to corner No. 3 thereof;
East, 2,640.0 feet (40 chains), along south boundary of Survey No. 1962 to corner No. 2 thereof;
North, 1,922.0 feet, along east boundary of Survey No. 1962 to a point;
East, 610.0 feet to left bank of Kuskokwim River;
Southeasterly, 2,510.0 feet upstream along left bank of Kuskokwim River;
South, 2,120.0 feet;
West, 2,850.0 feet to left bank of Kuskokwim River;
Westerly, northerly, and easterly, 9,600.0 feet upstream along the left bank of Kuskokwim River to point of beginning, containing approximately 554 acres.

A 100-foot right-of-way, the center line as follows:

Beginning at a point on the west boundary line of the tract withdrawn October 1, 1940, under Air Navigation Site Withdrawal No. 145, from which U. S. L. M. 1961, located on the northeast bank of the Kuskokwim River and in the south edge of the town of Old McGrath, bears

N. 45°50' W. 325 feet;
N. 47°08' E. 354 feet;
N. 48°59' W. 6,458 feet, in approximate latitude 62°57'40" N., longitude 155°37' W., Thence by metes and bounds,
S. 67°04' W., 1,050.0 feet;
S. 79°09' W., 1,200.0 feet;
N. 76°24' W., 1,100.0 feet;
N. 47°22' W., 1,300.0 feet;
N. 32°37' W., 2,185.5 feet;
N. 48°56' W., 400.0 feet more or less, to a point on the east boundary line of U. S. Survey No. 1962.

And the departmental order of July 16, 1941, withdrawing portions of the above-described lands as Air Navigation Site Withdrawal No. 165, is hereby revoked.

HAROLD L. ICKES,
Secretary of the Interior.

NOVEMBER 24, 1941.

[F. R. Doc. 41-9283; Filed, December 10, 1941; 9:56 a. m.]

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 170 ESTABLISHED; AIR NAVIGATION SITE WITHDRAWAL NO. 100 REDUCED

NOVEMBER 28, 1941.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands within the following-described boundaries, in the vicinity of Tanana Crossing, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

Beginning at a point on the left bank of Tanana River, approximately 850 feet upstream from the intersection of the center line of the existing landing field and the south shore of the Tanana River, in approximate latitude 63°23' North, longitude 143°21' West; thence,

S. 32°15' E., 1,900 feet,
N. 57°45' E., 3,300 feet,
S. 32°15' E., 8,960 feet,
S. 57°45' W., 5,280 feet,
N. 32°15' W., 12,860 feet, more or less, to the left bank of the Tanana River,

Thence along the left bank of the Tanana River, upstream approximately 2,000 feet to the place of beginning; containing approximately 1,415 acres.

And the departmental order of October 14, 1935, establishing Air Navigation Site Withdrawal No. 100 for the use of the Alaska Road Commission, is hereby revoked as to the therein-described tract at Tanana Crossing, which is included in the above description.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 41-9284; Filed, December 10, 1941; 9:58 a. m.]

FIVE-ACRE TRACT CLASSIFICATION NO. 11

DECEMBER 2, 1941.

On November 13, 1941, the vacant public lands in the following-described areas, in the Los Angeles, California, land district, were classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, cabin, health, convalescent, and recreational sites, and for camp sites if not of the class hereinafter mentioned. The classification does not include use of any of the land as business sites, or such camp sites as involve the erection of simple and temporary structures such as tents, tent platforms, etc.

CALIFORNIA NO. 8

San Bernardino Meridian

T. 13 S., R. 4 E., sec. 15. E½NW¼, SW¼NW¼, NW¼SW¼.

This tract involves four applications under the above-mentioned act, the lands embraced therein being located in the coast range of mountains near the divide which separates the Pacific Ocean from the desert region to the east, approximately 55 miles northeast of San Diego and 3½ miles southeast of Julian.

The portions of the lands described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41-9282; Filed, December 10, 1941; 9:56 a. m.]

FIVE-ACRE TRACT CLASSIFICATION NO. 12

DECEMBER 2, 1941.

On November 13, 1941, the vacant public land in the following-described area, in the Los Angeles, California, land district, was classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, cabin, health, convalescent, and recreational sites, and for camp sites if not of the class hereinafter mentioned. The classification does not include use of any of the land as business sites, or such camp sites as involve the erection of simple and temporary structures such as tents, tent platforms, etc.

CALIFORNIA NO. 9

San Bernardino Meridian

T. 3 S., R. 4 E., sec. 32. NE¼NW¼.

This tract involves five applications under the above-mentioned act, the land embraced therein being located at the foot of a narrow, steep canyon on the northeast slope of the San Jacinto Mountains, approximately 4½ miles northwest of Palm Springs and 100 miles east and slightly southeast by road from Los Angeles.

The portions of the land described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41-9281; Filed, December 10, 1941; 9:56 a. m.]

FIVE-ACRE TRACT CLASSIFICATION NO. 13

DECEMBER 2, 1941.

On November 14, 1941, the vacant public lands in the following-described areas, in the Los Angeles, California, land district, were classified and opened by the Secretary of the Interior under the

five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, cabin, health, convalescent, and recreational sites, and for camp sites if not of the class hereinafter mentioned. The classification does not include use of any of the land as business sites, or such camp sites as involve the erection of simple and temporary structures such as tents, tent platforms, etc.

CALIFORNIA No. 10

San Bernardino Meridian

T. 5 S., R. 6 E.,
Sec. 6, SE¼;
Sec. 30, N½NW¼, SE¼NW¼.

These tracts involve eight applications under the above-mentioned act, the lands embraced therein being located on the western side of the Coachella Valley, approximately 123 miles by road southeast of Los Angeles and 66 miles southeast of Riverside.

The portions of the lands described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41-9280; Filed, December 10, 1941; 9:56 a. m.]

FIVE-ACRE TRACT CLASSIFICATION No. 14

DECEMBER 2, 1941

On November 13, 1941, the vacant public lands in the following-described areas, in the Los Angeles, California, land district, were classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, cabin, health, convalescent, and recreational sites, and for camp sites if not of the class hereinafter mentioned. The classification does not include use of any of the land as business sites, or such camp sites as involve the erection of simple and temporary structures such as tents, tent platforms, etc.

CALIFORNIA No. 11

San Bernardino Meridian

T. 14 S., R. 2 E.,
Sec. 7, lots 1, 2, 3, NE¼NE¼;
Sec. 8, W½NW¼.

This tract involves seven applications under the above-mentioned act, and is located in the coast range of mountains which constitutes the drainage divide between the Pacific Ocean and the interior basins. It is approximately 44 miles by road northeast of San Diego.

The portions of the lands described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41-9278; Filed, December 10, 1941; 9:54 a. m.]

FIVE-ACRE TRACT CLASSIFICATION No. 15

DECEMBER 2, 1941.

On November 13, 1941, the vacant public land in the following-described area, in the Los Angeles, California, land district, was classified and opened by the Secretary of the Interior under the five-acre act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a), for leasing as home, cabin, health, and convalescent sites. The classification does not include use of any of the land as recreational, camp, or business sites.

CALIFORNIA No. 12

San Bernardino Meridian

T. 1 S., R. 6 E., sec. 8, E½.

This tract involves 13 applications under the above-mentioned act, the land embraced therein being located in the eastern part of the foothills and mountains of the San Bernardino Mountains approximately 122 miles east of Los Angeles and 13 miles from Twentynine Palms.

The portions of the land described not covered by applications under the five-acre act are subject to application for lease under that act, based on the above-mentioned classification, by any qualified person, in accordance with 43 CFR 257.1–257.25 (Circ. 1470, June 10, 1940).

The Register of the Los Angeles district land office will make appropriate notations upon the records of his office and acknowledge receipt hereof.

FRED W. JOHNSON,
Commissioner.

[F. R. Doc. 41-9279; Filed, December 10, 1941; 9:54 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 11, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Gordon and Ferguson Company, 333 Sibley Street, Saint Paul, Minnesota; Overcoats, Top Coats, Sportswear, Outerwear, Leather and Sheep-lined Clothing; 5 percent (T); December 11, 1942.

H. Harris Company, 174–178 East Fourth Street, St. Paul, Minnesota; Sportswear; 5 learners (T); December 11, 1942.

Quaker Coat Front Company, 1238 Callowhill Street, Philadelphia, Pennsylvania; Canvas Coat Fronts; 5 learners (T); December 11, 1942.

Rice Stix Dry Goods Company, Factory #3, 21st and Main Streets, Blytheville, Arkansas; Woven Underwear; 45 learners (E); June 11, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Barco Garment Company, 1024 Santee Street, Los Angeles, California; Nurses' Uniforms; 3 learners (T); December 11, 1942.

J. Bernard, 29 Lemon Street, Bridgeton, New Jersey; Dresses; 5 learners (T); December 11, 1942.

Best Coat and Apron Manufacturing Company, Inc., 408 E. 59th Street, New York, New York; Washable Wearing Apparel; 10 percent (T); April 9, 1942.

Biberman Brothers, Inc., 200 Maryland Avenue, Wilmington, Delaware; Dresses; 5 learners (T); December 11, 1942.

Cameron and Company, Inc., 2321 Oak Street, Napa, California; Shirts; 10 percent (T); December 11, 1942.

Carolina Maid Products, Inc., Granite Quarry, North Carolina; Dresses; 3 learners (T); December 11, 1942.

Casey Jones, Inc., Elkton, Virginia; Work Clothing; 10 learners (T); December 11, 1942.

Casey Jones, Inc., Shenandoah, Virginia; Work Clothing; 10 learners (T); December 11, 1942.

Casey Jones, Inc., Luray, Virginia; Cotton Work Clothing; 10 learners (T); December 11, 1942.

Casey Jones, Inc., Woodstock, Virginia; Work Clothing; 10 learners (T); December 11, 1942.

Casey Jones, Inc., Mt. Jackson, Virginia; Work Clothing; 10 learners (T); December 11, 1942.

Samuel Coane, 232–248 N. 11th Street, Philadelphia, Pennsylvania; Pants; 7 learners (T); December 11, 1942.

Crown Trouser Company, Second and Adler Streets, Philipsburg, Pennsylvania; Trousers; 10 percent (T); December 11, 1942.

William F. Fretz and Son, Pipersville, Pennsylvania; Men's Separate Trousers; 10 learners (T); December 11, 1942.

William F. Fretz and Son, Doylestown, Pennsylvania; Men's Separate Trousers; 10 learners (T); December 11, 1942.

William F. Fretz and Son, Bedminster, Pennsylvania; Men's Separate Trousers; 10 learners (T); December 11, 1942.

Happ Brothers Company, Broadway and Pine Streets, Macon, Georgia; Men's and Boys' Pants; 10 percent (T); December 11, 1942.

H. Lang Company, 113 North 2nd Street, River Falls, Wisconsin; Overalls; 24 learners (E); April 30, 1942.

"Little Lady" Lingerie Company, 306 12th Street, Oakland, California; Children's Underwear; 5 learners (T); December 11, 1942.

Mayfair Shirt Company, Greensboro, Maryland; Boys' Shirts; 10 learners (T); December 11, 1942.

Mutual Garment Company, Main and Cedar Streets, Washington, Missouri; Ladies' Slips, Nightgowns, Pajamas, etc.; 5 learners (T); December 11, 1942.

Reliance Manufacturing Company, 16th Street, Tyrone, Pennsylvania; Work Shirts and Pants; 10 percent (T); December 11, 1942.

Rice Stix Dry Goods Company, Factory #3 21st and Main Streets, Blytheville, Arkansas; Dress and Work Shirts, Pajamas and Nightwear; 15 learners (E); June 11, 1942.

Royal Undergarment Company, Inc., 75 Mohawk Street, Cohoes, New York; Ladies' Slips and Gowns; 30 learners (T); December 11, 1942.

Salant and Salant, Inc., Parsons, Tennessee; Cotton Work Pants; 10 percent (T); December 11, 1942.

Somerset Manufacturing Company, Depot Square, Somerville, New Jersey; Beachwear; 10 percent (T); December 11, 1942.

Standard Trouser Company, Factory and Lumber Streets, Buckhannon, West Virginia; Trousers; 10 percent (T); December 11, 1942.

Stone Manufacturing Company, 154 River Street, Greenville, South Carolina; Ladies' Cotton Slips, Maids' Lawn Aprons, Children's Sunsuits, Pajamas; 10 percent (T); December 11, 1942.

Supreme Shirt Company, 11th and Washington Avenue, Philadelphia, Pennsylvania; Men's Shirts; 25 learners (E); April 30, 1942.

Waxahachie Garment Company, South Jackson Street, Waxahachie, Texas; Shirts and Pants; 10 percent (T); December 11, 1942.

Hosiery

The Alden Mills, Meridian, Mississippi; Seamless Hosiery; 5 percent (T); December 11, 1942.

Baker-Mebane Hosiery Mills, Inc., Highway 103, Mebane, North Carolina; Seamless Hosiery; 5 percent (T); December 11, 1942.

Culpepper Hosiery Mills, Danville, Virginia; Seamless Hosiery; 3 learners (T); December 11, 1942.

DeKalb Hosiery Mills, Inc., Second Street, Fort Payne, Alabama; Seamless Hosiery; 5 percent (T); December 11, 1942.

Scotch-Knit Hosiery Mills, 507 East 165th Street, New York, N. Y.; Seamless Hosiery; 10 learners (T); December 11, 1942.

Tinicum Hosiery Mills, 3rd and Wyandotte Streets, Lester, Pennsylvania; Full Fashioned Hosiery; 4 learners (T); June 11, 1942.

Millinery

Jeanne Tete, Inc., 20 West 57th Street, New York, New York; Custom-Made Millinery; 3 learners (T); December 11, 1942.

Textile

The American Thread Company, 5th and Cedar Streets, Bristol, Tennessee; Cotton Thread Finishing; 3 percent (T); December 11, 1942.

Carolina Mills, Inc., Malden, North Carolina; Corded Cotton Yarns; 3 percent (T); December 11, 1942.

Dana Warp Mills, Bridge Street, Westbrook, Maine; Yarn; 3 percent (T); December 11, 1942.

Elysburg Silk Throwing Company, Inc., Elysburg, Pennsylvania; Spinning of Rayon and Acetate; 3 learners (T); December 11, 1942.

Mercer Silk Mills, Inc., 347 W. Market Street, Mercer, Pennsylvania; Burial Blankets; 3 learners (T); December 11, 1942.

Piedmont Drapery and Preparatory, Piedmont Heights, Burlington, North Carolina; Cotton and Rayon Yarn; 3 percent (T); December 11, 1942.

Poulan Cotton Mills, Poulan, Georgia; Cotton Osnaburgs; 3 percent (T); December 11, 1942.

Union Manufacturing Company, Union Point, Georgia; Yarns; 3 percent (T); December 11, 1942.

Signed at Washington, D. C., this 10th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9307; Filed, December 10, 1941; 11:44 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-441]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

The above named party having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 (a) (5), regarding the issue and sale of $1,000,000 principal amount of its First and General Mortgage Bonds Series L 3½% due 1970, to Aetna Life Insurance Company and to New England Mutual Life Insurance Company at the price of 111 percent of the principal amount thereof plus interest from October 1, 1941, and regarding the exemption of the issue and sale from competitive bidding, and proposing to pay $2,500 to Coffin & Burr, Incorporated as a finder's fee; and

Said application having been filed on November 19, 1941, and the last amendment having been filed December 5, 1941, and notice of said filing having been duly made in the form and manner prescribed by Rule U-23 promulgated pursuant to said section, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed issue and sale has been expressly

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authorized by the Public Service Commission of the State of Maine, the State commission of the state in which applicant is organized and does business, and that the proceeds of said issue are solely for the purpose of financing the business of applicant, and finding that the standards of Rule U-50 (a) (5) have been met; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said application pursuant to section 6 (b) and Rule U-50 (a) (5) to be granted:

It is hereby ordered, Pursuant to Rule U-23 and applicable provisions of said Act and subject to the terms and provisions prescribed in Rule U-24 that the aforesaid application, be, and same hereby is granted.

By the Commission, Commissioner Healy dissenting as to the granting of the application under section 6 (b) and under Rule U-50 (a) (5) for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9304; Filed, December 10, 1941; 11:41 a. m.]

[File No. 812-79]

IN THE MATTER OF THE ATLANTIC COAST LINE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of the Investment Company Act of 1940 for an order under section 3 (b) (2) of the said Act declaring it to be excepted from the provisions of said Investment Company Act on the ground that the applicant is primarily engaged directly or through majority-owned subsidiaries or through controlled companies in a business other than that of investing, reinvesting, owning, holding or trading in securities, or in the alternative for an order under section 6 (c) of the Act declaring it to be exempted from the provisions of said Act;

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to sections 3 (b) (2) and 6 (c) of the Investment Company Act of 1940 be held on December 19, 1941 at 10:00 o'clock in the forenoon of that day in Room 1101 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esquire or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9302; Filed, December 10, 1941; 11:41 a. m.]

[File No. 811-408]

IN THE MATTER OF TRUSTEED AMERICAN BANK SHARES, SERIES A

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

An application having been filed by the above named applicant pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on December 18, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9303; Filed, December 10, 1941; 11:41 a. m.]

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FEDERAL REGISTER

VOLUME 6 NUMBER 241

Washington, Friday, December 12, 1941

The President

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE USE, CONTROL AND CLOSING OF RADIO STATIONS AND THE PREFERENCE OR PRIORITY OF COMMUNICATIONS

WHEREAS The Senate and House of Representatives of the United States of America in Congress assembled have declared that a state of war exists between the United States and the Imperial Japanese Government;

AND WHEREAS Section 606 of the Communications Act of 1934 (48 Stat. 1104; U.S.C., title 47, sec. 606) authorizes the President under such circumstances to cause the closing of any radio station and the removal therefrom of its apparatus and equipment, and to authorize the use or control of any such station and/or its apparatus and equipment by any agency of the Government under such regulations as the President may prescribe upon just compensation to the owners, and further authorizes him to direct that communications essential to the national defense and security shall have preference or priority;

AND WHEREAS It is necessary to insure the national defense and the successful conduct of the war that the Government of the United States shall take over, operate, and have use or possession of certain radio stations or parts thereof within the jurisdiction of the United States, and shall inspect, supervise, control or close other radio stations or parts thereof within the jurisdiction of the United States, and that there should be priority with respect to the transmission of cerain communications by wire or radio;

NOW, THEREFORE, by virtue of authority vested in me under the Constitution of the United States and under the aforementioned joint resolution of Congress dated December 8, 1941, and under the provisions of the aforementioned Section 606 of the Communications Act of 1934, I hereby prescribe that from and after this date the Defense Communications Board created by the Executive Order of September 24, 1940 [1] (hereinafter referred to as the Board) shall exercise the power and authority vested in me by Section 606 of the Communications Act of 1934 pursuant to and under the following regulations:

1. The Board shall determine and prepare plans for the allocation of such portions of governmental and nongovernmental radio facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

2. The Board shall, if the national security and defense and the successful conduct of the war so demand, designate specific radio stations and facilities or portions thereof for the use, control, supervision, inspection or closure by the Department of War, Department of Navy or other agency of the United States Government.

3. The Board shall, if the national security and defense and the successful conduct of the war so demand, prescribe classes and types of radio stations and facilities or portions thereof which shall be subject to use, control, supervision, inspection or closure, in accordance with such prescription, by the Department of War, Department of Navy or other agency of the United States Government designated by the Board.

4. Every department and independent agency of the government shall submit to the Defense Communications Board, at such time and in such manner as the Board may prescribe, full information with respect to all use made or proposed to be made of any radio station or facility and of any supervision, control, inspection or closure which has been or is proposed to be effected pursuant to paragraph 3 hereof.

[1] 5 F.R. 3817.

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FEDERAL REGISTER

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5. No radio station or facility shall be taken over and operated in whole or in part or subjected to governmental supervision, control or closure unless such action is essential to national defense and security and the successful conduct of the war. So far as possible, action taken pursuant to this Order shall not interfere with the procurement needs of civilian governmental agencies, the normal functioning of industry or the maintenance of civilian morale.

6. Until and except so far as said Board shall otherwise provide, the owners, managers, boards of directors, receivers, officers and employees of the radio stations shall continue the operation thereof in the usual and ordinary course of business, in the names of their respective companies, associations, organizations, owners or managers, as the case may be.

7. The head of any department or agency which uses or controls any radio station pursuant to the terms of this Order shall ascertain the just compensation for the use or control of such radio station and recommend such just compensation in each such case to the President for approval and action by him in accordance with the provisions of subsection (d) of Section 606 of the Communications Act of 1934 (U. S. C., title 47, sec. 606 (d)).

8. By subsequent order of the Board, the use, control, or supervision of any radio station or facility or class or type thereof assumed under the provisions of this Order may be relinquished in whole or in part to the owners thereof and any restrictions placed on any radio station or facility pursuant hereto may be removed in whole or in part.

9. The Board is hereby designated, in accordance with the provisions of Section 606 (a) of the Communications Act of 1934, to make such arrangements as may be necessary in order to insure that communications essential to the national defense and security shall have preference or priority with any carrier subject to the Communications Act of 1934. The Board may issue any regulations which may be necessary to accomplish this purpose.

10. All terms herein used shall have the meanings ascribed to such terms in Section 3, as amended, of the Communications Act of 1934.

11. All regulations of general applicability issued by the Secretary of War, the Secretary of the Navy, or any other governmental agency under these Presidential regulations shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Dec. 10, 1941.

[No. 8964]

[F. R. Doc. 41-9317; Filed, December 11, 1941; 10:38 a. m.]

EXECUTIVE ORDER

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1942

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, it is ordered that the periods of trust applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1942, be, and they are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 10, 1941.

[No. 8965]

[F. R. Doc. 41-9318; Filed, December 11, 1941; 10:38 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO ASHEVILLE LIVESTOCK YARDS, ASHEVILLE, NORTH CAROLINA [1]

DECEMBER 11, 1941.

Whereas, the Asheville Livestock Yards was posted on February 4, 1936, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Asheville Livestock Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Asheville Livestock Yards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-9336; Filed, December 11, 1941; 11:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3634]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DELUXE PRODUCTS COMPANY, ETC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of bed spreads, pillows, wrist watches, chinaware, and numerous other articles of merchandise, and among other things, as in order set forth, (1) supplying, etc., others with pull cards or any other device or devices which are to be, or may be, used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; (2) shipping, etc., to agents or distributors, or to members of the public, pull cards, or any other device or devices which are to be, or may be, used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, DeLuxe Products Company, etc., Docket 3634, December 9, 1941]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* In connection with offer, etc., in commerce, of bed spreads, pillows, wrist watches, chinaware, and numerous other articles of merchandise, and among other things, as in order set forth, using the unqualified term "silver" to designate or describe tableware or other articles of merchandise which are not made entirely of silver, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, DeLuxe Products Company, etc., Docket 3634, December 9, 1941]

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.* In connection with offer, etc., in commerce, of bed spreads, pillows, wrist watches, chinaware, and numerous other articles of merchandise, and among other things, as in order set forth, representing that the price charged for merchandise is less than the usual retail price of such merchandise when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, DeLuxe Products Company, etc., Docket 3634, December 9, 1941]

In the Matter of Ralph Kalner, Rea Drath, Freda Rosten, and Alvin B. Wolf, Individuals Trading as Deluxe Products Company and Delco Novelty Company.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the testimony and other evidence introduced before duly appointed trial examiners of the Commission designated by it to serve in this proceeding, the report of the trial examiners thereon and exceptions thereto, and briefs filed in support of the complaint and in opposition to the complaint, and the Commission having made its findings as to the facts and its conclusion that the respondents, Ralph Kalner, Rea Drath, Freda Rosten and Alvin B. Wolf have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Ralph Kalner, Rea Drath, Freda Rosten and Alvin B. Wolf, individuals trading as DeLuxe Products Company and Delco Novelty Company, or under any other trade name or designation, jointly, or severally, and their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of bed spreads, pillows, wrist watches, chinaware, rifles, overnight cases, dolls, kitchen ware, blankets, suede jackets, clocks, tableware, hot water bottles, fountain pen and pencil sets, salt and pepper sets, and any other articles of merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others pull cards or any other device or devices which are to be used or may be used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

2. Shipping, mailing or transporting to agents or distributors, or to members of the public, pull cards, or any other device or devices which are to be used or may be used in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise or lottery scheme.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

4. Using the unqualified term "silver" to designate or describe tableware or other articles of merchandise which are not made entirely of silver.

5. Representing that the price charged for merchandise is less than the usual retail price of such merchandise when such is not the fact.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9321; Filed, December 11, 1941; 11:19 a. m.]

[File No. 21-317]

PART 155—RAYON AND SILK DYEING, PRINTING AND FINISHING INDUSTRY

Sec.
155.1 Misbranding and misrepresentation.
155.2 Deceptive concealment.
155.3 Substitution of products.
155.4 Imitation or simulation of trademarks, trade names, etc.
155.5 Defamation of competitors.
155.6 Disparagement of products of competitors.
155.7 Commercial bribery.
155.8 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
155.9 Inducing breach of contract.
155.10 Unlawful interference.
155.11 Unfair threats of infringement suits.
155.12 Coercing purchase of one product as a prerequisite to the purchase of other products.
155.13 Bogus independents.
155.14 Selling below cost.
155.15 Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.
155.16 "End piece pilfering," false invoicing, etc.

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

[1] Modifies list posted stockyards 9 CFR 204.1.

[1] 4 F.R. 1607.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of December 12, 1941.

Statement by the Commission

Trade practice rules for the Rayon and Silk Dyeing, Printing and Finishing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules are directed to the prevention of unfair trade practices under laws administered by the Commission in the interest of maintaining fair competition in industry and protection of the public.

The industry's business is estimated to aggregate nearly $100,000,000 annually, including the dyeing, bleaching, printing, finishing, or other processing, of fabrics made primarily of silk or rayon, or mixtures thereof; also skein-dyeing and other types of dyeing or finishing of fiber, yarn or fabric of similar composition, not including, however, the piece dyeing or processing of hosiery.

Application for establishment of trade practice rules was filed by members of the industry. Due proceedings thereon were had, including the holding of a general trade practice conference of the entire industry, the submission and consideration of proposed rules, and of briefs, memoranda and other presentations regarding the matter, together with public hearings at which all interested or affected parties were afforded opportunity to present their views to the Commission, including such pertinent information, suggestions or objections as they desired to submit.

Thereafter, and upon full consideration by the Commission of the entire matter, final action was taken whereby the Commission approved and received, respectively, the following trade practice rules in Group I and Group II.

The Rules

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of the industry and the public. Their operation is to be directed toward this end and is not to permit of the use of any practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition.

Definitions

For the purposes of these rules and in their application, the following definitions shall apply unless the context otherwise requires:

(1) The term "product of the industry", as used herein, shall include the fabric, skein, yarn, or fiber which members of the industry process by dyeing, printing, bleaching, mercerizing, finishing, or other processing, for use, sale, distribution, or marketing by their customers, by so-called cutters-up, or by others, as articles of "commerce," whether in the processed form produced by members of the industry, or in the form of garments or products made therefrom. Such term shall also include the dyeing, printing, bleaching, mercerizing, finishing, or other processing by industry members of such fabric, skein, yarn, or fiber together with the necessary processing materials used to put such industry product in finished form. The term "product of the industry," as used herein, shall not include hosiery or the piece dyeing or processing of hosiery.

(2) The word "commerce" means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

(3) The word "rayon," as used herein, is the generic term for manufactured textile fiber or yarn produced chemically from cellulose or with a cellulose base and for thread, strands, or fabric made therefrom, regardless of whether such fiber or yarn be made under the viscose, acetate, cuprammonium, nitrocellulose, or other process.

Group I

The unfair trade practices embraced in these Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 155.1 *Misbranding and misrepresentation.* The false or deceptive marking or branding of products of the industry, or the making or publishing of any false or deceptive advertisements, statements, or representations, concerning the dyeing, printing, bleaching, finishing, or processing of any products of the industry, or concerning their quality, quantity, weighting, fiber content, or preparation, or in any other material respect, is an unfair trade practice.* (Rule 1)

*§§ 155.1 to 155.16, inclusive, issued under the authority contained in 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 155.2 *Deceptive concealment.* It is an unfair trade practice for any member of the industry to use, or directly or indirectly to assist others in the use of, any deceptive selling method or other deceptive act or practice by concealing or failing to disclose textile content, weighting, and other information required to be disclosed by the Trade Practice Rules for the Rayon and Silk Industries as promulgated by the Federal Trade Commission on October 26, 1937, and November 4, 1938, respectively, or other applicable rules; or by any other means to engage in deceptive selling methods.* (Rule 2)

§ 155.3 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, or to representations made prior to securing the order, without the consent of the customers to such substitutions, or with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* (Rule 3)

§ 155.4 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the tendency and capacity or effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice.* (Rule 4)

§ 155.5 *Defamation of competitors.* The defamation of competitors by falsely imputing to them dishonorable business conduct, inability to perform contracts, questionable credit standing, or by other false representations, is an unfair trade practice.* (Rule 5)

§ 155.6 *Disparagement of products of competitors.* The false disparagement of the grade, quality, quantity, weighting, fiber content, character, or processing of competitors' products or services is an unfair trade practice.* (Rule 6)

§ 155.7 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to contract for the processing of goods or products by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing with competitors.* (Rule 7)

§ 155.8 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* Obtaining information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements, by the impersonation of one in authority, or by any other unfair means, and using the information so obtained in such a manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade, is an unfair trade practice.* (Rule 8)

§ 155.9 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice.* (Rule 9)

§ 155.10 *Unlawful interference.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices, or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell to whomsoever he chooses.* (Rule 10)

§ 155.11 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but with the effect of intimidating such customers or prospective customers, or of hampering or injuring competitors in their businesses, is an unfair trade practice.* (Rule 11)

§ 155.12 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.* (Rule 12)

§ 155.13 *Bogus independents.* It is an unfair trade practice to sell or offer to sell industry products through a pretended independent concern in such manner as to mislead or deceive customers or prospective customers into the erroneous belief that such concern is independent and in competition with that member of the industry owning or controlling such concern.* (Rule 13)

§ 155.14 *Selling below cost.* The practice of selling industry products below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This rule is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly, or substantially lessening competition.

The costs referred to in the rule are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.* (Rule 14)

§ 155.15 *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* (a) It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, allowance for alleged imperfect workmanship after material has been cut, or other form of price differential, where such rebate, refund, discount, credit, allowance for alleged imperfect workmanship, or other form of price differential, effects a discrimination in price between different purchasers of commodities of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them; *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (i) the market for the goods concerned, or (ii) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale, of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 15.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals and charitable institutions not operated for profit.* The foregoing provisions of this Rule 15 relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this Rule 15 are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination

[1] As used in Rule 15, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia, or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this shall not apply to the Philippine Islands.

Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(52 Stat. 446; Supp. 4 U.S.C. Title 15, Sec. 13c).* (Rule 15)

§ 155.16 *"End piece pilfering," false invoicing, etc.* (a) In the course of or in connection with conduct of business by any member of the industry involving the sale of, or contract to furnish, products of the industry to his customers, it is an unfair trade practice for any such member to use the device or scheme of false invoicing or of so-called end piece pilfering or of any other device or scheme characterized by deception or fraud.

(b) For purposes of this rule, end piece pilfering shall mean the pilfering, purloining, or unauthorized conversion to his own use, by any member of the industry, of fabrics or yarn, or pieces thereof, belonging to his customers and bailed to such member for dyeing, printing, finishing, bleaching, or other processing.* (Rule 16)

Group II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of Group I rules.

Rule A—Repudiation of contracts. Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry.

Rule B—Cost records. It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

Rule C—Arbitration. The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so, they should, if possible, submit these disputes to arbitration.

Promulgated and issued by the Federal Trade Commission December 12, 1941.

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9322; Filed, December 11, 1941 11:19 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER I—UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

SUBCHAPTER C—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

PART 31—GENERAL ADMINISTRATIVE PROVISIONS

Compensation District Redefined: New District Established

Pursuant to the authority conferred by section 39 of the Longshoremen's and Harbor Workers' Compensation Act (Act of March 4, 1927, 44 Stat. 1442; 33 U.S.C. 939), § 31.2, Part 31, Subchapter C of Chapter I of the regulations of this Commission (20 CFR 31.2) is hereby amended, effective January 1, 1942, so as to redefine the geographic limits of the compensation district established as District No. 13, and to establish a new compensation district under said Act to be known as District No. 15. The designations for said districts in § 31.2 of said regulations shall read as follows:

§ 31.2 *Establishment of compensation districts.* * * *

* * * * * * *

District No. 13. Comprises the States of California, Arizona, New Mexico, Nevada, Utah, and Colorado, with headquarters at San Francisco, California.

* * * * * * *

District No. 15. Comprises the Territory of Hawaii, with headquarters at Honolulu, T. H.

Amendment to regulation issued December 10, 1941.

JEWELL W. SWOFFORD,
Chairman.
JNO. J. KEEGAN,
Commissioner.

[F. R. Doc. 41-9311; Filed, December 11, 1941; 9:39 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 373]

PART 403—PROPERTY MANAGEMENT DIVISION

Limitation on Broker's Authority to Incur Charges

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.14–2 [1] is amended by adding at the end thereof the following:

§ 403.14–2 *Certification by contractor.*

* * * * * * *

Unless the payee signs Voucher Form 21, any bill to be paid by voucher shall bear the following certification by the contractor:

I hereby certify that this bill is correct and just, and that payment therefor has not been received.

Such certification shall be signed by the contractor in the manner provided for his signature on HOLC Form 21. The customary bills of public utility companies may be accepted without such certification.

(Effective December 15, 1941.)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-9312; Filed, December 11, 1941; 9:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

BANCO DI NAPOLI TRUST CO.

DECEMBER 11, 1941.

Revocation of General License No. 47 and General License No. 47A Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.[2]

General License No. 47 (§ 131.47 [3]) and General License No. 47A (§ 131.47a [3]) are hereby revoked.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-9320; Filed, December 11, 1941; 11:17 a. m.]

[1] 5 F.R. 1264.
[2] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.
[3] 6 F.R. 2908.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—ECONOMIC DEFENSE BOARD

EXPORT CONTROL SCHEDULE NO. 26

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Economic Defense Board, have determined that effective immediately the forms, conversions, and derivatives of Wood, Proclamation 2503,[4] issued pursuant to section 6 of the Act of July 2, 1940, shall include the following in addition to items listed in previous numbered Export Control Schedules:

NOTE: The numbers which follow the commodity descriptions in the following schedule refer to Commerce Department classifications established in Schedule F, "Statistical Classification of Foreign Commodities Exported from the United States." The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

Unit of quantity	Commodity description	Department of Commerce No.
	WOOD	
M. bd. ft...	Teakwood, boards, planks, logs, and scantlings.	4009F

MILO PERKINS,
Executive Director.

DECEMBER 10, 1941.

[F. R. Doc. 41-9316; Filed, December 11, 1941; 10:01 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 978—UTILITIES

Maintenance, Repair and Supplies Amendment No. 3 to Preference Rating Order No. P–46 [5]

Whereas, maintenance, repair, operation and expansion of property and equipment of public utilities consumes large quantities of copper, zinc, iron, steel and aluminum; national defense requirements have created a shortage in these materials for defense, private account and for export; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the current rate of consumption of such materials for maintenance, repair, operation and expansion of public utility property and equipment is limited to the minimum quantities essential for such purposes;

Now, therefore, it is hereby ordered, That:

Section 978.1 as heretofore amended is hereby amended as follows:

Paragraph (a) (1) is amended to read as follows:

§ 978.1 *Preference rating order P–46.* * * *

(a) *Definitions.* * * *

(1) "Producer" means any individual, partnership, association, corporation, governmental unit or other form of organization engaged in one or more of the following services:

(i) Supplying electric power directly or indirectly for general use by the public;

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public;

(iii) Supplying water directly or indirectly for general use by the public;

(iv) Public sanitation services, but not including manufacturers of public sanitation products;

(v) Supplying central steam heating directly or indirectly for general use by the public.

The term "Producer" includes any producer as herein defined, whether or not such producer has executed the acceptance attached hereto.

Paragraph (f) (3) is hereby amended to read as follows:

(f) *Restrictions on deliveries, withdrawals and inventory.*

* * * * * * *

(3) (i) No Producer shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Materials to be used as Operating Supplies or for Maintenance or Repair or for any other purpose the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class during the corresponding quarter of 1940, or, at the Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class during the calendar year 1940 unless such withdrawals shall be specifically authorized in advance by the Office of Production Management on the Producer's application therefor.

(ii) No Producer shall make withdrawals from stores or inventory of Material to be used for additions to or expansion of property or equipment without securing approval in advance from the Office of Production Management, unless (*a*) the project or job is under construction and 40% of the total dollar value thereof is installed on December 5, 1941; or (*b*) the cost of material for the work order, job or project is less than $1,500 in the case of underground connections and $500 in the case of other additions to or expansion of property or equipment: *Provided, however,* That no single work order, job or project shall be subdivided into parts in order to come below these limits: *And provided further,* that in no event shall lines be extended more than 1,000 feet from existing facilities.

Paragraph (g) is amended to read as follows:

(g) *Audits and reports.* (1) Each Producer and each Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each Producer and each such Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Office of Production Management.

(3) Each Producer shall maintain a continuing inventory of Material included in stores accounts.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9 Public No. 783, 76th Congress, Third Session)

Issued this 11th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9338; Filed, December 11, 1941; 12:20 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 50—GREEN COFFEE

The outbreak of war is threatening an inflationary increase in the price of coffee. This threatened increase is in part caused by conditions affecting foreign production and shipping to this country. During the past months, speculators attempted to profit from unbalanced inventory holdings and from threatened price and supply squeezes, despite adequate stocks in this and producing countries and an import quota for this year substantially higher than the estimated national consumption. Because of this past history and the present critical emergency, the Office of Price Administration hereby freezes all coffee prices at those which prevailed at New York City on December 8, 1941.

It is contemplated that, after completion of the studies now being made, a revised price schedule will be issued. If the studies so justify, prices lower than the maximum prices herein will be ordered.

[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.
[4] 6 F.R. 4231.
[5] 6 F.R. 4784, 4921, 5995.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.1 *Maximum prices for green coffee.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver or transfer green coffee, and no person shall buy, offer to buy, or accept delivery of green coffee at prices higher than the maximum prices; except that contracts entered into prior to December 11, 1941, calling for a price higher than the maximum prices may be carried out at the contract price. The maximum prices shall include all commissions and other charges.

(b) The maximum prices for the grades of green coffee shall be the prices specified below. These prices are for the best quality of each grade named. Poorer qualities shall be priced at the customary differentials.

1. Brazil grades:

	Cents per pound ex dock or warehouse New York City
Santos No. 4	13⅛
Rio No. 7	9⅛

The maximum prices for all other Brazilian grades shall be determined by applying the customary differentials to the above maximum prices.

2. Mild grades:

	Cents per pound ex dock or warehouse New York City
Colombian Medellins	16
Manizales	15⅝
Maracaibo, Trijillo	10¾
La Guayra, W. Caracas, Good	14½
Porto Cabello, Washed	13½
Puerto Rico, Washed	13¼
General Java	19
Robusta, Washed	10¼
Harrar, Longberry	15½
Costa Rica, Prime	17
Salvador, Washed	15
Haiti, Washed	13½
San Domingo, Washed	13

The maximum prices for all other mild grades of green coffee shall be determined by applying the customary differentials to the above maximum prices for the corresponding mild grades.

(c) The maximum prices for all grades, ex dock or warehouse New Orleans, and ex dock or warehouse San Francisco, shall be determined by applying the customary trade differentials at these points.

(d) The maximum prices ex dock or warehouse for any other port of entry shall be determined by applying the customary trade differentials at that port.

(e) The delivered price for any grade of green coffee shall in no case exceed the maximum price plus the actual transportation charges from, as the case may be, New York City, New Orleans, or San Francisco, or other port of entry ex dock or warehouse.

(f) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Coffee and Sugar Exchange. For such contracts the maximum prices shall be the closing prices on the Exchange as of December 8, 1941, for all the months then traded in as follows:

	Cents
Santos No. 4:	
December	12.83
1942	
March	12.88
May	12.93
July	13.00
September	13.00
Rio No. 7:	
December	8.26
1942	
March	8.26
May	8.65
July	8.75
September	8.85

*§ 1351.1 to 1351.8, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.3 *Records and reports.* Any person receiving or delivering green coffee on and after December 11, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price, quantity, and description of the product sold.

Every person making purchases or sales of green coffee on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.4 *Modification of schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Provided*, That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1351.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of green coffee, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1351.6 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of green coffee, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.7 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.*

§ 1351.8 *Effective date of the schedule.* This Schedule shall become effective on December 11, 1941.*

Issued this 11th day of December, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9340; Filed, December 11, 1941; 12:27 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER

Cocoa is an imported food of material importance both in the National Defense program and in our civilian economy. Recent price rises, influenced by uncertainties in the shipping situation, have been of concern to this Office. During the past few weeks, this Office has engaged in a study of the price and supply factors with a view of establishing a price ceiling schedule for cocoa beans and cocoa butter. These recent price rises have taken place in spite of the fact that present stocks of cocoa beans in this country are the largest in history. The war emergency has given rise to a further increase in prices. The danger of serious inflation and price spiraling has made it imperative to issue immediately a schedule temporarily freezing prices at those which prevailed at New York City on December 8, 1941, for all grades and types of cocoa beans and cocoa butter.

It is contemplated that, after completion of the studies now being made, a revised price schedule will be issued. If the studies so justify, prices lower than the maximum prices herein will be ordered.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer cocoa beans or cocoa butter, and no person shall buy, offer to buy, or accept delivery of cocoa beans or cocoa butter at prices higher than the maximum prices, except that contracts entered into prior to December 11, 1941, calling for a price higher than the maximum prices may be carried out at the contract price. These maximum prices shall include all commissions and other charges.

(b) The maximum prices for the various grades of cocoa beans and cocoa butter shall be the following prices:

Cocoa Beans:	*Cents per pound ex dock or warehouse New York City*
F. F. Accra Main Crop	9.50
F. A. G. Lagos	9.40
Mid Lagos	9.00
Sanchez	8.85
Superior Bahia	8.95
Fine St. Thome	9.50
Up-River Para	8.95
Laguayra-Caracas	11.25
Trinidad-Estate (or ordinary)	14.75
Trinidad Plantation	15.00
Red Summer Arriba	11.25
Season Arriba	10.625
Caraquez	10.25
Java, Estates No. 1	21.00
Grenada Plantations	14.75
Samoan	16.50
Ceylon	17.00

Cocoa Butter:	*Cents per pound f. o. b. shipping point*
Cocoa Butter	25.50

(c) The maximum prices ex dock or warehouse for any other port of entry shall be determined by applying the customary trade differential at that port.

(d) The delivered price for any grade of cocoa beans shall in no case exceed the maximum price plus the actual transportation charges from New York City or any other port of entry ex dock or warehouse.

(e) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Cocoa Exchange. For such contracts, the maximum prices shall be the closing prices on this Exchange as of December 8, 1941, for all the months then traded in as follows:

	Cents per pound
December	8.61
1942	
January	8.74
March	8.85
May	8.91
July	8.96
September	9.01
December	9.11

*§§ 1351.51 to 1351.58, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.52 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.53 *Records and reports.* Any person receiving or delivering cocoa beans or cocoa butter on and after December 11, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price, quantity, and description of the product sold.

Every person making purchases or sales of cocoa beans or cocoa butter on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every such purchase and sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.54 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1351.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cocoa beans or cocoa butter, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.56 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cocoa beans or cocoa butter, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.57 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Cocoa butter" means unpackaged cocoa butter sold in bulk by the original processor.*

§ 1351.58 *Effective date of the schedule.* This Schedule shall become effective on December 11, 1941.*

Issued this 11th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9341; Filed, December 11, 1941; 12:26 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 52—PEPPER

Pepper is one of the imported commodities which has experienced during the past few months several sharp inflationary price movements. This was followed by a period of relative price stability. With the outbreak of war, the dangers of speculation and inflationary price rises have been magnified, mainly because of the fear of shipping shortages and eventual depletion of stocks. To prevent such unwarranted movements and to hold the stability achieved by the trade, the Office of Price Administration hereby freezes all pepper prices at those which prevailed at New York City on December 8, 1941.

It is contemplated that, after completion of the studies now being made, a revised price schedule will be issued. If the studies so justify, prices lower than the maximum prices herein will be ordered.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.101 *Maximum prices for pepper.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver or transfer pepper, and no person shall buy, offer to buy, or accept delivery of pepper at prices higher than the maximum prices, except that contracts entered into prior to December 11, 1941 calling for a price higher than the maximum prices may be carried out at the contract price. These maximum prices shall include all commissions and other charges.

(b) The maximum prices for the grades of pepper specified below shall be as follows:

Grade:	*Cents per pound ex dock or warehouse New York City*
Lampong Black Pepper	6.75
Aleppy Black Pepper	8.50
Java White Pepper	11.00
White Small Berries	10.00

The maximum prices for all other grades and types of pepper shall be determined by applying the differentials, customary within the American spice trade, to the maximum prices specified above.

(c) The maximum prices ex dock or warehouse for any other port of entry shall be determined by applying the customary trade differentials at that port.

(d) The delivered price for any grade of pepper shall in no case exceed the maximum prices plus the actual transportation charges from New York City or other port of entry ex dock or warehouse.

(e) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Produce Exchange. For such contracts the maximum prices shall be the closing prices on this Exchange as of December 8, 1941, for the months then traded in as follows:

	Cents per pound
December	6.39
1942	
January	6.45
March	6.60
May	6.68
July	6.75
September	6.85
October	6.88

*§ 1351.101 to 1351.108, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.102 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid, or offered.*

§1351.103 *Records and reports.* Any person receiving or delivering pepper on and after December 11, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price, quantity, and description of the product sold.

Every person making purchases or sales of pepper on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every such purchase and sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.104 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.105 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from these persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of pepper, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.106 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of pepper, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.107 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity dealing in pepper.

(b) "Pepper" means whole or unground pepper as delivered to the processing trade.*

§ 1351.108 *Effective date of schedule.* This schedule shall become effective on December 11, 1941.

Issued this 11th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9342; Filed, December 11, 1941; 12:26 a. m.]

CHAPTER XIV—SUPPLY PRIORITIES AND ALLOCATIONS BOARD

PART 1600—REGULATIONS UNDER REQUISITIONING ACTS

Pursuant to Executive Order 8942 of November 19, 1941, the Supply Priorities and Allocations Board hereby establishes the following policies and prescribes the following regulations governing the requisitioning and disposal of property under the Act of October 10, 1940 (Public No. 829, 76th Congress) and the Act of October 16, 1941 (Public No. 274, 77th Congress):

Sec.

1600.1 General provisions applicable to all requisitioning proceedings.
1600.2 Provisions applicable to action initiated by the head of a department or agency other than the Office of Production Management.
1600.3 Provisions applicable only to requisitioning by the Office of Production Management.
1600.4 Matters pending under the Act of October 10, 1940.

§ 1600.1 *General provisions applicable to all requisitioning proceedings.* (a) As used in these Regulations, the term "Requisitioning Authority" means the Office of Production Management in all cases except when requisitioning is initiated under paragraph 4 of Executive Order 8942 in which case the term "Requisitioning Authority" means the head of the department or agency who shall have submitted the proposal for requisitioning to the Office of Production Management.

(b) Promptly after any property is requisitioned, notice of such requisition, in such manner and form as may be approved by the General Counsel of the Supply Priorities and Allocations Board, shall be given by the Requisitioning Authority to all persons known to have or claim any interest in such property; and all such persons shall be directed to file such claims with the Requisitioning Authority.

(c) As promptly as practicable after property is requisitioned the Requisitioning Authority shall make a preliminary determination of the fair and just compensation to be paid for such property and of the person or persons entitled thereto, and notice of such preliminary determination, in such manner and form as may be approved by the General Counsel of the Supply Priorities and Allocations Board, shall be given by the Requisitioning Authority to all persons known to have or claim an interest in such property.

(d) If a preliminary determination of the person or persons entitled to compensation cannot be made, or if any person known to have or claim an interest in such property shall file a written objection to a preliminary determination in accordance with paragraph (c), specifying the grounds for such objection, the Requisitioning Authority shall direct all such persons to appear in support of their claims before a board or official designated by the Requisitioning Authority for such purpose, at a specified time and place. Such board or official shall hear the claimants and shall receive any evidence relevant to the inquiry. A stenographic transcript of the proceeding before such board or official and copies of all written evidence submitted shall be preserved. Following such inquiry, such board or official shall make a recommendation to the Requisitioning Authority as to the person or persons entitled to compensation and the amount thereof, and thereupon the Requisitioning Authority shall make its final determination as to these matters.

(e) If, in any such proceeding, the person or persons entitled to compensation for the property requisitioned cannot be determined, the amount of such compensation shall nevertheless be determined; and such amount may be set aside and retained, or the proper appropriation charged therefor, until the person or persons entitled to receive the same shall be established.

(f) A Requisitioning Authority may exercise any power, duty or discretion vested in it under Executive Order 8942 or this Regulation, through such person or persons as it may designate.

(g) Any Requisitioning Authority, for the purpose of requiring and compelling a disclosure of information under section 4 of the Act of October 16, 1941, may administer oaths and affirmations, may require by subpoena or otherwise the attendance and testimony or witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States.*

*§§ 1600.1 to 1600.4, inclusive, issued under the authority containing in Executive Order 8942, November 19, 1941, 6 F.R. 5909; Public No. 829, 76th Congress, Third Session; Public No. 274, 77th Congress, First Session.

§ 1600.2 *Provisions applicable to action initiated by the head of a department or agency other than the Office of Production Management.* (a) The Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of Agriculture, the Chairman of the United States Maritime Commission, the Executive Director of the Economic Defense Board, or the head of such other agency as the President may from time to time designate shall, prior to requisitioning any property pursuant to the power granted by paragraph 4 of Executive Order 8942, submit to the Office of Production Management a written statement (in such form as may be approved by the General Counsel of the Supply Priorities and Allocations Board) setting forth in reasonable detail all pertinent facts with respect to the property which he proposes to requisition and the proposed disposal thereof, and certifying that he has made the determinations required under said paragraph 4.

(b) Upon the submission of any such proposal, the Office of Production Management shall determine whether such proposal is consistent with its priorities and allocations program and general production and supply plan. The Office of Production Management may consider and act upon the proposed requisitioning separately from the proposed disposal. The determination of the Office of Production Management shall be transmitted in writing to the Requisitioning Authority.

(c) If the proposed requisitioning is determined to be consistent with the priorities and allocations program and general production and supply plan of the Office of Production Management, the Requisitioning Authority may requisition the property in accordance with § 1600.1 hereof. If the proposed disposal of such property has been determined to be consistent with the priorities and allocations program and general production and supply plan of the Office of Production Management, such property shall be disposed of in accordance with such proposal; but if the Requisitioning Authority desires otherwise to dispose of such property, it may submit a new proposal for such disposal to the Office of Production Management.

(d) In any case in which any Requisitioning Authority which has requisitioned property pursuant to paragraph 4 of Executive Order 8942 determines that property requisitioned by it and retained is no longer needed for the defense of the United States and proposes to return it to the original owner thereof, it shall submit such proposal to the Office of Production Management, in the same manner as provided in § 1600.1 hereof, for determination as to whether such proposal is consistent with the priorities and allocations program and general production and supply plan of the Office of Production Management. The determination of the Office of Production Management shall be transmitted in writing to the Requisitioning Authority.

(e) In any case in which property is requisitioned or disposed of, or a determination of compensation or of a person entitled thereto is made, or property is returned to the original owner thereof, in accordance with this § 1600.2 or § 1600.4 hereof, the Requisitioning Authority shall report in reasonable detail concerning such requisitioning, determination and payment of compensation, disposal or return to the Office of Production Management within 15 days after the event.*

§ 1600.3 *Provisions applicable only to requisitioning by the Office of Production Management.* (a) The Office of Production Management shall keep a written record of each determination made by it, pursuant to the provisions of Executive Order 8942 and the Acts, of the necessity for requisitioning property.

(b) Whenever the Office of Production Management determines to requisition property through another department or agency pursuant to paragraphs 2 and 3 of Executive Order 8942, it shall notify such department or agency and request (in such form as may be approved by the General Counsel of the Supply Priorities and Allocations Board) it to requisition and dispose of such property, and all action taken shall be in accordance with the determination of the Office of Production Management.*

§ 1600.4 *Matters pending under the Act of October 10, 1940.* This Regulation shall apply only with respect to property requisitioned after the effective date hereof. If any property has heretofore been requisitioned under the Act of October 10, 1940, and such property has not heretofore been disposed of or the determination of the fair and just compensation therefor has not been made, such disposal of determination shall be made in accordance with said Act of October 10, 1940 and all Executive Orders and Regulations of the President thereunder.*

Approved: December 8, 1941.

JOHN LORD O'BRIAN,
General Counsel.

By the Supply Priorities and Allocations Board.

HERBERT EMMERICH,
Secretary.

[F. R. Doc. 41-9335; Filed, December 11, 1941; 11:47 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 176]

PART 9—ENTRANCE AND CLEARANCE OF AIRCRAFT

DECEMBER 11, 1941

Part 9—*Entry and clearance of aircraft* is amended by inserting a new section 9.6 (*Clearance from Grand Forks, North Dakota*), to read as follows:

§ 9.6 *Clearance from Grand Forks, North Dakota.* Aircraft of the United States or foreign registry bound to a foreign port and the place of departure of which is at the airport at Grand Forks, North Dakota, may clear at the Customs Station at Grand Forks, North Dakota. (Sec. 7 (c), 44 Stat. 572; 49 U.S.C. 177 (c))

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9319; Filed, December 11, 1941; 10:39 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

The Commission on December 9, 1941, effective immediately, adopted the following new section to read:

§ 2.93 *National defense; naval instructions regarding ship radio service.* No provision of the Commission's Rules and Regulations shall, in time of war, prevent the master of any vessel of the United States from taking any action whatsoever in regard to the radio installation, the operators, the transmission and receipt of messages, and the radio service of the ship whenever in his discretion such action is necessary to

carry out the instructions of United States Naval control officers and other instructions issued by the Navy Department. (Sec. 4 (i), 48 Stat. 1068, sec. 1, 50 Stat. 189; 47 U.S.C. 154 (i), and Sup., 1157)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-9313; Filed, December 11, 1941; 9:50 a. m.]

PART 5—RULES AND REGULATIONS GOVERNING EXPERIMENTAL RADIO SERVICES

The Commission on December 9, 1941, effective immediately, deleted §§ 5.2, 5.3 (including footnotes), 5.51 and 5.53, and substituted the following new sections in lieu thereof, to read:

§ 5.2 *Class 1 experimental station.* The term "Class 1 Experimental Station" means a station licensed in the Experimental Service but not authorized to operate in a proposed or established radio service.

§ 5.3 *Class 2 experimental station.* The term "Class 2 Experimental Station" means a station licensed in the Experimental Service and authorized to operate in a proposed or established radio service.

CLASS 1—EXPERIMENTAL STATIONS

§ 5.51 *Persons eligible.* Persons qualified to conduct fundamental, general, or specific radio research, and experimentation directed toward the advancement of the radio art, are eligible for a Class 1 experimental station authorization.

§ 5.53 *Limitations.* (a) A Class 1 experimental station may not transmit general message traffic of any kind; demonstrate radio equipment for prospective sales purposes; transmit programs intended for public reception, or render any commercial communication service.

(b) Only such test messages as are necessary and directly related to the experimental program may be transmitted by a Class 1 experimental station.

(c) A Class 1 experimental station may be used for transmissions directly relating to field strength surveys, which may include test messages, essential to the installation, extension or development of a radiocommunication facility only under the following conditions:

(1) That the licensee of the station submit to the Commission and the Inspector in Charge of the District in which the survey is to be conducted, at least ten days prior to each specific survey, complete and detailed information, including:

(i) Time, date and duration.
(ii) Location of transmitter and geographic area to be covered.
(iii) Purpose of the survey.
(iv) Method and equipment to be used.
(v) Names and addresses of the persons for whom the survey is conducted if other than the licensee of the experimental station.

(2) That the licensee of the station shall submit to the Commission a comprehensive report of all data obtained, within one month after the completion of the survey.

Provided, however, That upon notice from the Commission the licensee shall suspend or cancel such operation, or proposed operation, or conduct the same upon such conditions as the Commission may deem to be in the public interest. (Secs. 4 (i), 303 (f), 48 Stat. 1068, 1082; 47 U.S.C. 154 (i), 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-9314; Filed, December 11, 1941; 9:50 a. m.]

[Order No. 87]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

WITHDRAWAL OF FREQUENCIES ALLOCATED TO AMATEUR RADIO STATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of December 1941:

Whereas a state of war exists between the United States and the Imperial Japanese Government, and the withdrawal from private use of all amateur frequencies is required for the purpose of the National Defense;

It is ordered, That except as may hereafter be specifically authorized by the Commission, no person shall engage in any amateur radio operation in the Continental United States, its territories and possessions, and that all frequencies heretofore allocated to amateur radio stations under Part 12 of the Rules and Regulations be, and they are hereby, withdrawn from use by any person except as may hereafter be authorized by the Commission.

By Order of the Commission.
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-9315; Filed, December 11, 1941; 9:50 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-135]

IN THE MATTER OF FRANK W. MILLIRON (MILLIRON COAL COMPANY), ALSO KNOWN AS FRANK W. MILLIRON, AN INDIVIDUAL DOING BUSINESS AS MILLIRON COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 14, 1941, by the Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1942, at 2 p. m., at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Frank W. Milliron, (Milliron Coal Company), whose address is R. F. D. #3, Mayport, Pennsylvania, in violation of section 4 II (e) of the Act and Part II (e) of the Code, sold during the period from December 1, 1940, to March 1, 1941, approximately 1,588 tons of run of mine coal, Size Group 3, produced at his Milliron Mine, (Mine Index No. 655), located in Jefferson County, Pennsylvania, District No. 1, to the Pittsburg and Shawmut Coal Company, located at Kittanning, Pennsylvania, at a price of $1.75 per net ton f. o. b. the rail shipping point of said mine, whereas the applicable minimum price f. o. b. the rail shipping point of said mine was $2.25 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck.

Dated: December 9, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9323; Filed, December 11, 1941; 11:20 a. m.]

[Docket No. B-136]

IN THE MATTER OF HORACE SNYDER (LOST HILL COAL MINING COMPANY), ALSO KNOWN AS HORACE SNYDER, JAMES DOBSON, STEVE TOTH, AND H. E. ELKIN, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF LOST HILL COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 14, 1941, by the Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 14, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Horace Snyder, James Dobson, Steve Toth, and H. E. Elkin, doing business as co-partners under the name and style of the Lost Hill Coal Company, Dora, Pennsylvania, sold during the period October 1, 1940 to March 1, 1941, to the Pittsburg and Shawmut Coal Company of Kittanning, Pennsylvania, approximately 3,121 tons of run of mine coal, Size Group 3, produced at their Lost Hill Coal Company Mine (Mine Index No. 607), located in Jefferson County, Pennsylvania, District No. 1, at prices ranging from $1.45 to $1.55 per net ton f. o. b. the rail shipping point of said mine, whereas the applicable minimum price f. o. b. the rail shipping point of said mine for said coal was $2.20 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck, and were, therefore, in violation of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: December 10, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9324; Filed, December 11, 1941; 11:20 a. m.]

[Docket No. 1775-FD]

IN THE MATTER OF RUNNELLS COAL COMPANY (ARCHIE HENDRICKSON), DEFENDANT

MEMORANDUM OPINION AND ORDER DENYING EXCEPTIONS TO THE EXAMINER'S REPORT

This proceeding was instituted upon a complaint duly filed with the Bituminous Coal Division pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging that the defendant had wilfully violated the Code and regulations thereunder.

Pursuant to Orders of the Director and after due notice to interested parties, a hearing was held in this matter, before W. A. Shipman, a duly designated Examiner of the Division, at which District Board 12 and the defendant appeared and fully participated.

On October 14, 1941, the Examiner prepared and submitted a Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation, recommending that the code membership of the defendant be revoked and cancelled, and that prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $35.10 as provided in section 5 (c) of the Act.

On November 19, 1941, no exceptions to the Examiner's Report having been filed, a final Order was entered herein approving the Report and adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner; revoking and cancelling the defendant's code membership; and finding that a tax of $35.10 should be paid by the defendant to the United States prior to any reinstatement of his membership in the Code.

Exceptions to the Examiner's Proposed Findings of Fact and Proposed Conclusions of Law were forwarded by the defendant on November 8, 1941, to District Board 12 with a letter which stated that the defendant did not know the proper address and requesting the Board to see that they were properly forwarded. The exceptions were forwarded to the Division at Washington and filed on November 24, 1941.

The exceptions were thus filed late and, indeed, after the Director had acted upon the Examiner's recommendation. However, in the circumstances, I will treat the proposed exceptions as if it were a motion for reconsideration and modification of the Director's Order.

It is urged that the 30 tons of coal in question were sold at a price of $2.02 per net ton f. o. b. the mine, which constitutes the sale price on which the tax should be computed. The tax was computed, however, on the basis of the applicable effective minimum f. o. b. mine price of $3.00 per net ton rather than the actual sales price. Section 5 (c) of the Act provides the basis for the computation of this tax and specifically provides that the sales price shall in no case be taken to be less than the established minimum price.

It is contended by the defendant that the coal in question was not mine run coal. I have re-examined the evidence and conclude that it fully sustains the finding that the 30 tons of coal herein involved were of mine run coal.

For these reasons I conclude that the objections of the defendant are not well taken and should be denied and that, therefore, the Order entered herein on November 19, 1941, should remain in full force and effect.

And it is so ordered.

Dated: December 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9325; Filed, December 11, 1941; 11:21 a. m.]

[Docket Nos. 1863-FD, 1866-FD]

IN THE MATTER OF THE APPLICATION OF R. C. TWAY COAL SALES COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS ON COAL SOLD TO THE JAMES COAL COMPANY AND TO THE B. & S. COAL & STOKER COMPANY

MEMORANDUM OPINION AND ORDER DISMISSING PETITIONS

Docket No. 1863-FD is a proceeding instituted upon a joint petition filed on August 13, 1941, with the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937 and the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal by Code Members within all Districts, by R. C. Tway Coal Sales Company, a registered distributor, by R. C. Tway Coal Company, a code member in District 8, and by James Coal Company, a company doing a retail coal business in Louisville, Kentucky. The petition requests that the Division determine that the ownership or control of these companies is bona fide, is not established to secure an indirect price reduction, and is not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.

Docket No. 1866-FD is a proceeding instituted upon a joint petition filed on August 13, 1941, with the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937 and the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal by Code Members within all Districts, by R. C. Tway Coal Sales Company, a registered distributor, by R. C. Tway Coal Company, a code member in District 8, and by B. & S. Coal & Stoker Company, a company doing a retail business in Louisville, Kentucky. The petition requests that the Division determine that the ownership or control of these companies is bona fide, is not established to secure an indirect price reduction, and is not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.

Pursuant to Orders of the Director and notice to all interested persons, a consolidated hearing in these matters was held on November 17, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered on behalf of R. C. Tway Coal Sales Company and American Coal Distributors' Association.

Following the opening of the hearing, counsel for the General Counsel's Office of the Division objected to counsel for petitioners introducing as evidence the petitions initiating the proceeding. The Examiner sustained this objection. Thereupon, counsel for petitioner moved to dismiss the proceeding and the Examiner purported to grant the motion. A proceeding which has been instituted before the Division can be dismissed only by or pursuant to an Order of the Director or Acting Director. The Orders of the Director, designating Joseph A. Huston to preside at the hearings in these matters and setting a time and place therefor, granted and delegated unto the Examiner certain powers in the conduct of the hearings but in no manner, either expressly or impliedly, bestowed upon the Examiner the authority to dismiss the proceedings or the petitions. The Examiner possessed only such authority as the Orders of the Director bestowed upon him and, therefore, the Examiner was without authority to dismiss the petitions.

However, it seems appropriate to regard this ruling of the Examiner as a recommendation by the Examiner that the petitions be dismissed and I am so regarding it. In addition, I have considered the record in these proceedings, and upon the basis thereof, I conclude that the motion to dismiss should be granted and the petitions filed herein should be dismissed without prejudice.

Now, therefore, it is ordered, That the motion to dismiss the petitions filed herein be, and it hereby is, granted, and that the petitions filed herein be, and they hereby are, dismissed without prejudice.

Dated: December 10, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9326; Filed, December 11, 1941; 11:21 a. m.]

IN THE MATTER OF THE REVOCATION OF REGISTRATIONS AS DISTRIBUTORS OF DANIEL B. ALLEN, CAMPBELL, PEACOCK & KINZER, INC., E. J. DEROCHIE, MIDWEST COAL COMPANY, MONITOR COALS, INC.

ORDER REVOKING CERTAIN REGISTRATIONS

The Division having information to the effect that the Registered Distributors listed on Exhibit A, attached hereto and made a part hereof, are no longer engaged in business as registered distributors, and mail addressed to said distributors at the addresses submitted by them having been returned by the Post Office Department with the notation "Out of Business" endorsed thereon, the registrations previously granted to said persons should be revoked and their names withdrawn from the List of Registered Distributors, unless showing is duly made by them that they are actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors.

It is therefore ordered, That, effective January 10, 1942, the registration of each of the registrants listed on said Exhibit A, be and it is hereby revoked and its name deleted from the List of Registered Distributors, unless, on or before January 5, 1942, adequate showing is made by affidavit to the Division that such registration should not be revoked, and prior to January 10, 1942, an appropriate order is entered cancelling the revocation herein provided.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

Exhibit A

Name and address	Registration Number
Daniel B. Allen, 361 Keyes Avenue, Watertown, New York	0114
Campbell, Peacock & Kinzer, Inc., Franklin Trust Building, 15th and Chestnut Sts., Philadelphia, Pa.	1385
E. J. DeRochie, 2900 W. Grand Boulevard, Detroit, Michigan	2267
Midwest Coal Co., 228 North La Salle St., Chicago, Illinois	6438
Monitor Coals, Inc., 1014 Franklin Trust Bldg., Philadelphia, Pennsylvania	6535

[F. R. Doc. 41-9228; Filed, December 8, 1941; 11:44 a. m.]

Bureau of Reclamation.

UTAH LAKE INVESTIGATIONS, UTAH

ADVERTISEMENT OF LANDS FOR LEASE

NOVEMBER 28, 1941.

1. Sealed proposals will be received at the office of the General Supervisor of Operation and Maintenance, Bureau of Reclamation, 910 U. S. National Bank Building, Denver, Colorado, until 2 o'clock, P. M., December 26, 1941, for the lease for grazing and agricultural purposes of all or any tract or tracts of the land located in Goshen Valley, Utah County, Utah, shown on the accompanying list, which are vacant public lands included in withdrawal under the provisions of the act of June 17, 1902 (32 Stat. 388).

2. The lands will be leased for grazing purposes for a one-year period ending December 31, 1942, the lessee having an option to renew the lease from year to year, but not beyond December 31, 1946, provided, the United States does not, by written notice, 90 days prior to the expiration of any annual period, notify the lessee that the lease cannot be renewed.

3. The bidder shall state in the proposal (a) the legal descriptions of the subdivisions or tracts which he proposes to lease, and (b) the area in acres for each individual subdivision or tract and the rental price he proposes to pay for such subdivision or tract. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. The United States reserves the right to accept bids with respect to the combination of subdivisions or tracts which is most advantageous to the general leasing scheme of the area, without restriction to the highest bidder on any particular individual subdivision or tract. *Please use attached proposal blank.*[1]

4. Bids must be accompanied by a payment in full for the calendar year 1942. Funds so remitted by unsuccessful bidders will be returned on making of award. Subsequent payments for the purpose of exercising the yearly option renewals must be received in the General Supervisor's office 30 days in advance of the termination of the lease and must be accompanied by a notice to the effect that the lessee desires to exercise such option. In case the necessary payment, accompanied by the notice of the lessee of his desire to exercise the option, is not made on or before the due date, as herein set forth, the lease and the right of occupancy of the lessee terminate at the expiration of the period for which rental has theretofore been paid, without further notice or action. All remittances should be in the form of certified check, bank draft, or money order, drawn in favor of the "Treasurer of the United States".

5. Attention is called to the fact that by reason of the construction of canals in the vicinity of the leased premises by the Bureau of Reclamation and their location with respect to Utah Lake, said leased premises or portions thereof will be flooded by irrigation and waste water and by the water of Utah Lake and it is therefore specifically understood and agreed that the rental charges provided for in this case shall not be diminished, rebated or lowered on account of said premises or any portion thereof being so flooded, as that condition was understood and allowance made therefor in establishing said rental charges.

6. Those desiring to bid should first consult a copy of lease form 7-523 A-G, which lease must be promptly executed by successful bidders before possession of the land is given, and which describes various rights reserved by the United States, and other details not herein enumerated, to which the lessee must agree. The lease form may be inspected at the offices of the Bureau of Reclamation at Salt Lake City and Provo, or the Strawberry Water Users' Association at Payson, Utah.

7. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for Lease of Land, Utah Lake Investigations, Utah, to be Opened at 2 P. M., Mountain Standard Time, December 26, 1941.
General Supervisor of Operation and Maintenance, Bureau of Reclamation, 910 U. S. National Bank Building, Denver, Colorado.

JOHN C. PAGE,
Commissioner.

LIST OF LANDS AVAILABLE FOR LEASE

Description	*Acres*
T. 9 S., R. 1 E., S. L. M., Utah:	
Sec. 18:	
Lot 1	53.00
Lot 2	58.00
Lot 3	60.30
Lot 4	39.80
W½NE¼	80.00
SE¼NE¼	40.00
SE¼SW¼	40.00
SE¼	160.00
Sec. 19: All	640.00
Sec. 20:	
W½	320.00
W½E½	160.00
T. 9 S., R. 1 W., S. L. M., Utah:	
Sec. 11:	
Lot 1	67.00
Lot 2	40.60
Lot 3	29.50
Lot 4	51.00
NW¼	160.00
W½SW¼	80.00
NE¼SW¼	40.00
Sec. 13:	
Lot 1	4.75
Lot 2	8.70
Lot 3	9.50
Lot 4	23.50
Sec. 14:	
Lot 1	35.00
Lot 2	33.00
Lot 3	35.00
Lot 4	30.50
W½W½	160.00
Sec. 15: E½E½	160.00
Sec. 22:	
S½NE¼	80.00
SE¼	160.00
Sec. 23:	
Lot 1	63.50
Lot 2	55.50
Sec. 24:	
Lot 1	37.60
NE¼	160.00
E½NW¼	80.00
SW¼NW¼	40.00
S½	320.00

[1] Filed as part of the original document. Copies may be obtained from the Bureau of Reclamation.

[F. R. Doc. 41-9327; Filed, December 11, 1941; 11:24 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE SILVERWARE AND CORROSION-RESISTING FLATWARE INDUSTRY

NOTICE OF HEARING AND OPPORTUNITY TO SHOW CAUSE

All interested parties are hereby notified that they are given until December 18, 1941 to show cause (1) why the Secretary of Labor should not determine that 45 cents an hour, or $18.00 per week of 40 hours, arrived at either upon a time or piecework basis, is the prevailing minimum wage to be paid by the Silverware and Corrosion-resisting Flatware Industry, under section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act and hereinafter called the Act, in the performance of contracts with agencies of the United States let subject to the provisions of the Act: *Provided,* That apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship: *And, provided further,* That learners may be employed at a wage and for a period to be determined from the entire record including the testimony submitted in response to this notice; and (2) why the Secretary of Labor should not adopt the regulations issued by the Administrator of the Wage and Hour Division concerning the employment of handicapped workers in the performance of work subject to the provisions of the Fair Labor Standards Act (29 CFR, Part 524).

The Silverware and Corrosion-resisting Flatware Industry is that industry which manufactures flatware, hollow ware, and toilet articles made of sterling silver, nickel-silver, pewter, or of metal plated with silver, gold, or other metal; and corrosion-resisting flatware.

Excluded from the definition are kitchen, hospital, and household utensils; field or mess kits other than knife, fork, and spoon; jewelry; badges and emblems; and corrosion-resisting hollow ware.

The minimum wage proposal is predicated upon a tabulation of wage schedules voluntarily submitted by members of the industry through a special committee designated by the Administrator of Public Contracts and collated by the Research Section of the Division of Public Contracts, Department of Labor. Copies of this wage tabulation may be had on application to the Administrator of Public Contracts, Washington, D. C.

Briefs for or against the proposed determination must be filed with the Administrator, Division of Public Contracts, Department of Labor, on or before December 18, 1941. No form for the brief

is prescribed but an original and four copies must be submitted.

On December 18, 1941, at 10:00 a. m. a hearing will be held in Room B, Departmental Auditorium, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Public Contracts Board at which interested persons will be given opportunity to be heard in opposition to or in favor of the proposed determination.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: December 10, 1941.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-9310; Filed, December 10, 1941; 12:13 p. m.]

Wage and Hour Division.

NOTICE OF HEARING TO DETERMINE THE REASONABLE COST TO THE PIEDMONT COTTON MILLS, INCORPORATED AND TO ANY AFFILIATED PERSONS OF LODGING OR OTHER FACILITIES CUSTOMARILY FURNISHED TO THE EMPLOYEES OF THE PIEDMONT COTTON MILLS, INCORPORATED

Whereas, section 3 (m) of the Fair Labor Standards Act of 1938 provides that "'Wage' paid to any employee includes the reasonable cost, as determined by the Administrator, to the employer of furnishing such employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by such employer to his employees;" and

Whereas, the Administrator of the Wage and Hour Division, pursuant to the authority contained in section 3 (m) of the Fair Labor Standards Act of 1938, issued Regulations Determining the Reasonable Cost of Board, Lodging, and other Facilities, Regulations, Part 531, as amended, Title 29, Chapter V, Code of Federal Regulations, providing that a hearing may be held on the motion of the Administrator to determine such "reasonable cost;" and

Whereas, the Administrator on his own motion, pursuant to § 531.2 of said regulations, has found that a hearing is desirable to determine the reasonable cost to the Piedmont Cotton Mills, Incorporated, Egan, Georgia, and to any affiliated persons, within the meaning of § 531.1 (a) of regulations, Part 531, of lodging or other facilities customarily furnished to the employees of the Piedmont Cotton Mills, Incorporated;

Now, therefore, notice is hereby given that a public hearing will be held pursuant to § 531.2 of the said regulations on January 9, 1942 at 10:00 a. m. in the Henry Grady Hotel, Atlanta, Georgia, before Gustav Peck, the presiding officer hereby designated as the authorized representative of the Administrator, at which the testimony of interested persons will be taken and pertinent data received to determine the reasonable cost to the Piedmont Cotton Mills, Incorporated and to any affiliated persons, within the meaning of § 531.1 (a) of regulations, Part 531, of lodging, or other facilities, customarily furnished by said company and affiliated persons to employees of the Piedmont Cotton Mills, Incorporated.

Notices of intention to appear should be filed with Mr. R. J. McLeod, Regional Director, 314 Witt Building, 249 Peachtree Street, Atlanta, Georgia not later than January 8, 1942.

The designated presiding officer is hereby authorized to hear and determine the reasonable cost to the Piedmont Cotton Mills, Incorporated and to any affiliated persons of lodging or other facilities customarily furnished to employees of the Piedmont Cotton Mills, Incorporated.

Upon the publication of this notice the Piedmont Cotton Mills, Incorporated, pursuant to the provisions of § 531.2 of the said regulations, shall notify its employees of the place, date and purpose of the hearing hereby announced by posting notices, in a form prescribed by the Wage and Hour Division, in conspicuous places on its premises.

Signed at Washington, D. C., this 3d day of December 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-9337; Filed, December 11, 1941; 11:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6075]

IN RE APPLICATION OF THE CONSTITUTION BROADCASTING CO. (NEW)

NOTICE OF HEARING

Application dated June 13, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Atlanta, Georgia; operating assignment specified: Frequency, 550 kc.; power, 1 kw. (DA) night; 5 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of Bob Jones College, Inc. (New), Docket No. 6221, for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station CMW, Havana, Cuba (Appendix II, Table I, North American Regional Broadcasting Agreement).

5. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the stations proposed by Bob Jones College, Inc., Docket No. 6221, and Fort Smith Newspaper Publishing Co., in application number B3-P-3117, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

6. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service, as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

7. To determine whether the granting of this application, the application of Bob Jones College, Inc., Docket No. 6221, or either of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Constitution Broadcasting Co., % Roby Robinson, 148 Alabama Street SW., Atlanta, Georgia.

Dated at Washington, D. C., December 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9328; Filed, December 11, 1941; 11:33 a. m.]

[Docket No. 6217]

IN RE APPLICATION OF PAUL FORMAN GODLEY (NEW)

AMENDED NOTICE OF HEARING

Application dated July 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Newark, N. J.; operating assignment specified: Frequency, 1,230 kc.; power, 250 w.; hours of operation, unlimited.

The Commission, upon further examination of the above-described application, has *amended* the issues on which the hearing will be based as follows:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the proposed program service.

3. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Stations WFAS (operating as at present) and WBRB.

4. To determine the areas and populations which may be expected to lose primary service from Stations WFAS (operating as at present) and WBRB as a result of the operation of the proposed station and what other service is available to these areas and populations.

5. To determine the areas and populations which would receive primary service from the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed station would provide a minimum field intensity of 25 to 50 mv/m to the business districts of Newark, New Jersey. (Section 4 of the Standards of Good Engineering Practice.)

7. To determine the extent of the interference which would result from the simultaneous operation of the proposed station and Station WFAS as proposed in Docket No. 6216, as well as the areas and populations affected thereby and the broadcast services available to these areas and populations.

8. To determine the extent of any interference which would result from the simultaneous operation of proposed station and Station WCAU.

9. To determine the areas and populations which would be deprived of primary service, particularly from Station WCAU, as a result of the operation of the proposed station and what other broadcast service is available to these areas and populations.

10. To determine whether the station proposed herein would render service of a higher order of signal intensity throughout the area which would be deprived of service from Station WCAU than is now being rendered by the latter.

11. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

12. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of Westchester Broadcasting Corporation, Docket No. 6216, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Paul Forman Godley, 10 Marion Road, Upper Montclair, New Jersey.

Dated at Washington, D. C., December 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9329; Filed, December 11, 1941; 11:33 a. m.]

[Docket No. 6221]

IN RE APPLICATION OF BOB JONES COLLEGE, INC. (NEW)

NOTICE OF HEARING

Application dated June 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Tenn. Operating assignment specified: Frequency, 550 kc; power, 1 kw; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of The Constitution Broadcasting Co. (New), Docket No. 6075, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station WKRC.

4. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and a station proposed by The Constitution Broadcasting Company in Docket No. 6075, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

5. To determine the areas and populations which would receive primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

6. To determine whether there is an assignment available which would permit the rendition of local service by the applicant to Cleveland, Tennessee, and the areas contiguous thereto, during unlimited hours.

7. To determine whether there are other assignments available which would permit operation during daytime hours only, in accordance with the Standards of Good Engineering Practice.

8. To determine whether the granting of this application, proposing a local service to the Cleveland, Tennessee, area and the use of a regional frequency, 550 kilocycles, during daytime hours only, would be an efficient allocation of that frequency.

9. To determine whether the operation as proposed herein would preclude the most efficient use of the frequency 550 kilocycles.

10. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service, as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

11. To determine whether the granting of this application and the application of The Constitution Broadcasting Company, Docket No. 6075, or either of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Bob Jones College, Inc., Cleveland, Tennessee.

Dated at Washington, D. C., December 10, 1941.

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9330; Filed, December 11, 1941; 11:33 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE OF EXTENSION OF PREFERENCE RATING ORDER NO. P-23

Preference Rating Order No. P-23 has been extended to expire December 31, 1941.

Dated: November 29, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9339; Filed, December 11, 1941; 12:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-437]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY AND STANDARD GAS AND ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

Notice is hereby given that Standard Gas and Electric Company, a registered holding company, has joined in the declaration or application (or both) which has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by its subsidiary, Mountain States Power Company. The transaction is with regard to, among other things, the proposed sale to Montana-Dakota Utilities Co. of certain existing electric public utilities properties of Mountain States Power Company, such properties being located in and near Forsyth, Montana, and the acquisition by Mountain States Power Company from Montana-Dakota Utilities Co. of two of the latter company's purchase money notes each in the face amount of $80,000 in payment of the purchase price of the utility properties to be sold by Mountain States Power Company. The acquisition by Mountain States Power Company of said purchase money notes is to be conditioned on the proposed sale thereof at face amount, by endorsement without recourse, to commercial banks, such sale of said purchase money notes by Mountain States Power Company to be consummated simultaneously with the receipt by it thereof.

Notice is further given that any interested person may, not later than December 16, 1941, at 4:45 P. M., E. S. T., request the Commssion in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, and to the notice regarding the filing by Mountain States Power Company subject to Rule U-23 promulgated under the Public Utility Holding Company Act of 1935 under date fo November 18, 1941, for a summary thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9331; Filed, December 11, 1941; 11:36 a. m.]

[File Nos. 59-19 and 54-34]

IN THE MATTER OF GENERAL GAS & ELECTRIC CORPORATION

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 10th day of December, A. D. 1941.

The Commission having heretofore issued its Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 against General Gas & Electric Corporation, a registered holding company and a Delaware corporation, which order, among other things, directed respondent to show cause why its corporate structure should not be simplified and its voting power equitably distributed among its security holders;

In answer to the above described Order, General Gas & Electric Corporation having filed a plan of recapitalization pursuant to section 11 (e) of the Act, which plan among other things proposes a reclassification of the present prior and cumulative preferred stock and class A common stock of General Gas & Electric Corporation (a more detailed description of such plan having been set forth in our Order setting the date for a public hearing thereon, issued March 7, 1941, Holding Company Act Release No. 2598);

Consolidated public hearings having from time to time been held on these matters, the hearings now being in recess subject to call;

It appearing appropriate to the Commission that the hearings herein be reconvened and that appropriate public notice be given of such reconvening;

Wherefore it is ordered, That the hearing in the above-entitled matter be reconvened on the 19th day of January, 1942, at 10 o'clock in the forenoon of that day, in the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On that day the hearing room clerk in room 1102 will inform the parties as to the exact room in which said hearing shall be held;

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing aforesaid by mailing a copy of this order by registered mail to General Gas & Electric Corporation not less than 20 days prior to the date of the reconvened hearing; and that notice of this order and of said reconvened hearing is hereby given to all security holders of General Gas & Electric Corporation, the subsidiaries of said company, the parents of said company, and to all other persons including particularly Denis J. Driscoll and Willard L. Thorp, Trustees for the estate of Associated Gas and Electric Corporation, Debtor, and Stanley Clarke, successor Trustee for the estate of Associated Gas and Electric Company, Debtor, all States, municipalities, and political subdivisions of states within which are located any of the utility assets of General Gas & Electric Corporation holding company system or under the laws of which any of the said companies are incorporated, all State commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities, or other political subdivisions having jurisdiction over General Gas & Electric Corporation; that such notice shall be given by a general release of the Commission, distributed to the press, and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9332; Filed, December 11, 1941; 11:36 a. m.]

[File No. 1-349]

IN THE MATTER OF KEMPER-THOMAS COMPANY COMMON STOCK, $20 PAR VALUE; 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 10th day of December, A. D. 1941.

The Kemper-Thomas Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, $20 Par Value and its 7% Cumulative Preferred Stock, $100 Par Value from listing and registration on the Cincinnati Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 20, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9333; Filed, December 11, 1941; 11:36 a. m.]

[File No. 70-347]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 10th day of December, A. D. 1941.

Southwestern Development Company, a Colorado corporation, a registered holding company and a subsidiary of The Mission Oil Company, also a registered holding company, having filed a declaration and application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 10 thereof, regarding an issue or sale and acquisition involved in (a) extending the maturity date of $5,721,000 principal amount of First Mortgage Bonds and $875,000 principal amount of 6% Debentures of Natural Gas Pipeline Company of America, pledged to secure applicant's indebtedness under a Loan Agreement (evidenced by a note) with Guaranty Trust Company of New York, (b) subordinating, in the event of default, existing bonds pledged under the Loan Agreement, to a new Series B First Mortgage Bonds in the amount of $17,500,000 proposed to be issued by Natural Gas Pipeline Company of America under a supplemental indenture, and (c) reducing Southwestern Development Company's indebtedness to Guaranty Trust Company by $856,000, representing the proceeds to be received from the retirement by Natural Gas Pipeline Company of America of $6,000,000 of its outstanding First Mortgage Bonds and Debentures.

Said application and declaration having been filed July 5, 1941, and amendments thereto having been filed on November 27, 1941, and December 3, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said party having requested that the effective date of said application and declaration be advanced; and

The Commission finding with respect to the aforesaid declaration that the requirements of section 7 are satisfied, and that with respect to such application no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the Act, and that section 10 (c) (2) is not applicable to the proposed transaction, and deeming the proposed transaction to be appropriate in the public interest and in the interest of investors and consumers pursuant to section 12 (c) of the Act and Rule U-42 promulgated thereunder, and being satisfied that the effective date of such declaration and the date of granting such application, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and it is hereby permitted to become effective forthwith and the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission (Commissioner Healy not participating).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9334; Filed, December 11, 1941; 11:36 a. m.]

DEC 15 1941

DEC 15 1941

FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 331]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICES

AUTHORITY OF SPECIAL FIELD REPRESENTATIVE OF THE FARM CREDIT ADMINISTRATION IN THE TERRITORY OF HAWAII

DECEMBER 11, 1941.

Title 6, Code of Federal Regulations, is amended by adding the following new section:

§ 3.71–50 *Authority of special field representative of the Farm Credit Administration in the Territory of Hawaii.* I hereby delegate to Chester Arthur Woolard, Special Field Representative of the Farm Credit Administration in the Territory of Hawaii, such of the powers granted to me under the Federal Credit Union Act, as amended (Title 12 U.S.C. 1751 et seq.) as may be necessary to safeguard properly the interests of Federal credit unions in the Territory of Hawaii, and the interests of their members as such, and to supervise properly such Federal credit unions in the best interests of the United States of America.

The powers so delegated shall continue in effect for the duration of the present war emergency or until revoked.

The provisions hereinbefore set forth shall not operate to limit or restrict the Governor of the Farm Credit Administration in the execution and performance (in Washington or elsewhere) of any functions, powers, authority, or duties vested in him. (Sec. 16, 48 Stat. 1221; 12 U.S.C. 1766)

[SEAL] A. G. BLACK, *Governor.*

[F. R. Doc. 41–9371; Filed, December 12, 1941; 11:47 a. m.]

TITLE 7—AGRICULTURE

[MQ–603—Cotton]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 722—COTTON

SUBPART D–1942

Regulations Pertaining to Cotton Marketing Quotas for the 1942–1943 Marketing Year

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31, 7 U.S.C. 1301 *et seq.*), as amended, public notice is hereby given of the following regulations governing cotton marketing quotas for the 1942–1943 marketing year, which regulations shall be in force and effect until rescinded or suspended, or amended or superseded by regulations hereafter made under said act.[1]

MISCELLANEOUS PROVISIONS AND DEFINITIONS

Sec.
722.411 Issuance of forms and instructions and definitions.

ALLOTMENTS AND YIELDS

Sec.
722.412 National baleage allotment.
722.413 State baleage allotments and State acreage allotments.
722.414 County acreage allotments.
722.415 Apportionment of acreage allotments among established farms.
722.416 Apportionment of acreage allotments among new farms.
722.417 Normal yields.
722.418 Applicability of detailed instructions.

FARM MARKETING QUOTAS

Sec.
722.419 Farm marketing quotas.
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722.421 Publication of farm acreage allotments, normal yields, and farm marketing quotas.
722.422 Marketing quotas in effect.
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MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 722.411 *Issuance of forms and instructions and definitions*—(a) *Issuance*

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of forms and instructions. The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and such forms as may be required to carry out these regulations. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee or the Administrator of the Agricultural Adjustment Administration.

(b) *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) *Act.* The Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(2) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States.

(3) *Administrator.* The Administrator or Acting Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(4) *Regional Director.* The director or acting director of the division of the Agricultural Adjustment Administration in charge of the administration of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conversation and Domestic Allotment Act), in the region.

(5) *Southern Region.* The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(6) *East Central Region.* The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(7) *Western Region.* The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(8) *North Central Region.* The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(9) *State committee.* The group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment Act.

(10) *Committee.* A committee, within and for a county or community, utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(11) *Review committee.* The review committee appointed by the Secretary of Agriculture as provided in section 363 of the act.

(12) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or State or agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(13) *Owner or landlord.* A person who owns farm land and rents such land to another person or who operates such land.

(14) *Cash tenant, standing-rent tenant, fixed-rent tenant.* A person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(15) *Share tenant.* A person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(16) *Sharecropper.* A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(17) *Operator.* A person who as a landlord or cash tenant or standing or

[1] Unless otherwise indicated, all references in the text to sections relate to these regulations. All section references at the end of paragraphs are to sections of the Agricultural Adjustment Act of 1938, as amended (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Sat. 31, 7 U.S.C. 1301 *et seq.*).

fixed-rent tenant is operating a farm or who as a share tenant is operating a whole farm.

(18) *Producer or farmer.* A person who is entitled to a proportionate share of the cotton crop, or the proceeds thereof, produced on the farm in 1942, as owner, landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper. The term "producer" or "farmer" also includes a wage hand (or cropper) who as a laborer on a farm instead of receiving daily or other cash wages for his labor receives either all the cotton produced by him or another on an agreed or specified acreage or all the cotton produced on an agreed or specified portion of the acreage cultivated by him or another.

(19) *Buyer.* A person who buys cotton from a producer.

(20) *Transferee.* A person who receives cotton from a producer by barter or exchange or gift *inter vivos.*

(21) *Ginner.* A person who gins cotton.

(22) *Treasurer of the county committee.* The treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.

(23) *Farm.* All adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(24) *Farm marketing quota.* A cotton marketing quota established for a farm under section 346 (a) of the act.

(25) *Producer marketing quota.* A producer's share of a farm marketing quota.

(26) *Farm acreage allotment.* A cotton acreage allotment established for a farm under § 722.415 or § 722.416.

(27) *Normal yield.* The number of pounds of lint cotton established as the normal yield per acre for the farm in accordance with § 722.417.

(28) *Actual production.* The actual average yield per acre of lint cotton for the farm for 1942 times any number of acres.

(29) *Normal production.* The normal yield per acre of lint cotton for the farm times any number of acres.

(30) *Cotton.* Any cotton other than long staple cotton.

(31) *Long staple cotton.* Cotton the staple of which is 1½ inches or more in length.

(32) *Lint cotton.* The fiber taken from seed cotton by ginning.

(33) *Seed cotton.* The harvested fruit of the cotton plant before it is ginned.

(34) *Ginning.* Separating lint cotton from the seed.

(35) *Market.* To dispose of cotton in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift *inter vivos.*

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange or gift *inter vivos.*

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in return for cotton or any other commodity, service, or property in cases where the value of the cotton or such other commodity, service, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) The term "gift *inter vivos*" means any transfer of title, accompanied by delivery, to cotton by a producer to another which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(iv) "Marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(36) *Marketing year.* The period beginning on August 1, 1942, and ending with July 31, 1943, both dates inclusive.

(37) *Penalty.* The penalty provided in section 348 of the act.

(38) *State and county code number.* The applicable number assigned by the Agricultural Adjustment Administration to each county for the purpose of identification.

(39) *Serial number of the farm or farm serial number.* The serial number assigned to a farm.

(40) *Gin bale number or mark.* The number on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(41) *Underplanted farm.* A farm on which the acreage planted to cotton in 1942 is not in excess of the farm acreage allotment established therefor.

(42) *Overplanted farm.* A farm on which the acreage planted to cotton in 1942 is in excess of the farm acreage allotment established therefor.

(43) *Carry-over penalty cotton.* The amount of unmarketed cotton from any previous crop which the producer thereof has on hand which, if marketed during the 1941–1942 marketing year, would have been subject to the penalty.

(44) *Carry-over penalty free cotton.* The amount of unmarketed cotton from any previous crop which the producer thereof has on hand which, if marketed during the 1941–1942 marketing year, would not have been subject to the penalty. [Sec. 375, 52 Stat. 66]

ALLOTMENTS AND YIELDS

§ 722.412 *National baleage allotment.* The national allotment of cotton for the calendar year beginning January 1, 1942, is 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in 1942 of that number of acres required to be allotted for 1942 as set forth in § 722.413 (c), relating to minimum State acreage allotments, and in § 722.414 (a), relating to minimum county acreage allotments. The production in 1942 of the acreage allotment referred to in § 722.413 (e), relating to a special fund of acreage allotments consisting of four percent of the State acreage allotment, and in § 722.413 (f), relating to minimum farm acreage allotments, shall be in addition to such national allotment. [Sec. 343 (a), (b), and (c), 52 Stat. 56, as amended by 53 Stat. 1125]

§ 722.413 *State baleage allotments and State acreage allotments.* (a) *State baleage allotment.* Ten million standard bales of the national baleage allotment of cotton for the calendar year 1942 shall be apportioned among the several States on the basis of the average of the normal production of cotton in each State for the five years 1936 to 1940. The normal production of a State for each such year shall be (1) the quantity of cotton produced therein in such year plus (2) the normal production of the acres diverted from the production of cotton in all counties in the State under the agricultural adjustment or conservation program in such year. The normal production of the acres diverted from the production of cotton in any county in any year shall be the average yield per acre of the acres planted to cotton in such country in such year times the number of acres so diverted in such county in such year. [Sec. 344 (a), 52 Stat. 57]

(b) *State acreage allotment.* A State acreage allotment shall be established for each State to which an allotment is made under paragraph (a). The State acreage allotment shall be that number of acres equal to the result obtained by dividing the number of standard bales allotted to the State under paragraph (a) by the average yield per acre for the State expressed in standard bales. The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the first five years 1936 to 1940 and the average, for the same period, of the acres diverted from the production

of cotton in the State under the agricultural adjustment or conservation programs and the acres planted to cotton. [Sec. 344 (b), 52 Stat. 57]

(c) *Minimum State acreage allotment.* Notwithstanding the foregoing provisions of this section, the State acreage allotment for any State which is less than 5,000 acres shall be increased to 5,000 acres if at least 3,500 bales of cotton were produced in such State in any of the five years 1937 to 1941. [Sec. 344 (e) (2), 52 Stat. 58]

(d) *State acreage reserve for new farms.* An acreage not greater than one percent of the State acreage allotment shall be made available for apportionment to farms in the State on which cotton was not planted in any one of the three years 1939, 1940, and 1941. [Sec. 344 (c) (2), 52 Stat. 57]

(e) *Special State acreage allotment of four percent of State acreage allotment.* In addition to the State acreage allotment, a special State acreage allotment (hereinafter referred to as the "four-percent State reserve") equal to four percent of the State acreage allotment shall be established for each State for apportionment as set forth in § 722.415 (a), (b), (d), (e), and (f). [Sec. 344 (g), 52 Stat. 203]

(f) *Increases to provide for minimum farm acreage allotments.* There shall be available in each State for allotment to farms that number of acres equal to the total amount by which farm acreage allotments in the State are increased as set forth in Sec. 722.415 (h), relating to certain minimum and maximum farm acreage allotments. This increase shall be in addition to the State acreage allotment and the four-percent State reserve. [Sec. 344 (h), 52 Stat. 57, 203, and 586, and 53 Stat. 512, 853]

§ 722.414 *County acreage allotments*—(a) *Regular county acreage allotments.* The State acreage allotment (less that part set aside under § 722.413 (d) for apportionment to new farms) shall be apportioned among the counties in the State on the basis of the sum of (1) the acreage therein planted to cotton during the five years 1936 to 1940 and (2), in the applicable years, the acreage therein diverted from the production of cotton under agricultural adjustment and conservation programs, with adjustments for abnormal weather conditions and trends in acreage during such five-year period. The acreage allotment for each county to which an allotment is so apportioned shall be increased by the number of acres, if any, required to provide an acreage allotment for each such county of not less than 60 percent of the sum of (1) the acreage therein planted to cotton in 1937 and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program. [Sec. 344 (c) (1), Sec. 344 (e) (1), 52 Stat. 57 and 58]

(b) *Administrative areas.* If in any county there are one or more areas which, because of difference in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, each such area shall, in accordance with applicable instructions, be designated by the county committee as an administrative area, and the county acreage allotment shall be apportioned among such areas (1) on the basis of the acreage in each such area planted to cotton in 1937 plus the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program or (2), if conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, on the basis of the cotton base acreage in each such area which was or could have been established in 1937 under the agricultural conservation program. [Sec. 344 (f), 52 Stat. 57, 203, 586]

§ 722.415 *Apportionment of acreage allotments among established farms*—(a) *Acreage available for allotment.* The county committee, with the assistance of other local committees established in the county, shall apportion, in the manner set forth in this section, acreage allotments among all farms in the county on which cotton was planted in any one of the three years 1939 to 1941. The acreage allotments to be apportioned among such farms shall consist of (1) the regular county acreage allotment, consisting of an apportionment of the State acreage allotment made to the county, with such increase in the county acreage allotment as is necessary to provide for the county a minimum acreage allotment of not less than 60 percent of the planted plus diverted cotton acreage in the county in 1937, plus any acreage apportioned to the county from the four-percent State reserve in supplementing county allotments which are determined, in accordance with applicable instructions, to be inadequate and unrepresentative, and (2) a distributive part, applicable to the county, of the four-percent State reserve. This distributive part shall be the sum of the acreage allotted to farms in the county, insofar as the amount of the four-percent State reserve will permit, under the following conditions in the order listed: (1) in supplying any deficiency in the regular county acreage allotment for the making of initial acreage allotments not exceeding five acres for each such farm; (2) in supplementing any acreage allotment made to any farm out of the regular county acreage allotment which, in consequence of the making of such initial acreage allotments, is inadequate and unrepresentative, and (3) in supplementing any acreage allotment made to any farm under this section which the county committee determines, in accordance with applicable instructions, is inadequate and unrepresentative. The committee shall not establish any farm acreage allotment which is not covered by the allotments mentioned above, except that after but not before the apportionment among farms of all the allotments mentioned above in this paragraph an additional farm acreage allotment shall be made, as set forth in paragraph (h), of this section, to any farm in respect to which the acreage allotment otherwise made is less than the minimum acreage allotment set forth in paragraph (h). The term "planted plus diverted cotton acreage", as used in this section, shall be taken to mean the sum of the acreage planted in cotton and the acreage diverted from cotton production under agricultural adjustment or conservation programs. [Sec. 344 (d), (e), (f), (g), (h), 52 Stat. 58, 203, and 586]

(b) *Initial farm acreage allotments.* The regular county acreage allotment shall be first apportioned among farms on which cotton was planted in any one of the three years 1939 to 1941, and in making such apportionment there shall be first established for each such farm an initial acreage allotment equal to the highest planted plus diverted cotton acreage on the farm in any one of the three years 1939 to 1941, provided that no initial allotment shall exceed five acres for any such farm. These allotments shall be known as initial allotments and are referred to accordingly in this section. Any deficiency in the amount of the regular county acreage allotment for the making of such initial allotments shall be supplied by the use of the four-percent State reserve insofar as such reserve will permit for the county. [Sec. 344 (d) (1), Sec. 344 (g) (1), 52 Stat. 58 and 203]

(c) *Reserve for small farms.* In the event that the regular county acreage allotment is more than sufficient to make the initial allotments, there shall be set aside for increase of allotments to small farms, as set forth in paragraph (g) of this section, an amount of not more than three percent of that amount of the regular county acreage allotment which remains after making the initial allotments. [Sec. 344 (d) (2) 52 Stat. 58]

(d) *Apportionment on the basis of tilled land.* The remainder of the regular county acreage allotment, plus the additional allotment, if any, made to the county from the four-percent State reserve pursuant to paragraph (a) of this section, shall be apportioned among all farms on which the highest planted plus diverted cotton acreage in any one of the three years 1939 to 1941 was more than five acres. The acreage thus to be apportioned to each such farm shall, together with the initial allotment made to the farm, be a percentage (which shall be the same percentage for all farms in the county or administrative area within the county) of the acreage on the farm in 1941 which was tilled or was in regular rotation, excluding therefrom the acreage devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or of wheat or rice for feeding to livestock for market. [Sec. 344 (d) (3), 52 Stat. 58]

(e) *Increases as a result of making initial farm acreage allotments.* If, as a result of the making of initial allotments, the farm acreage allotments for farms made in accordance with paragraph (d) of this section are substantially smaller than the farm acreage allotments which would have been made without regard to any provision for the making of initial allotments, the farm acreage allotments to such farms shall be increased to the acreage which would have resulted in the absence of any provision for the making of initial allotments, insofar as the remainder, if any, of the four-percent State reserve will permit for the county after the making of initial allotments. [Sec. 344 (g) (2), 52 Stat. 203 and 53 Stat. 853]

(f) *Increase in view of past production.* After allotments have been made from the four-percent State reserve as provided in paragraphs (b) and (e) of this section, one-half of the remainder, if any, of such reserve, less the additional allotment, if any, made to all counties in the State from the four-percent State reserve pursuant to paragraph (a) of this section, shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937, and the other one-half of the remainder, if any, of such reserve shall be available for increasing the allotments for any farms which are determined, in accordance with applicable instructions, to be inadequate and not representative in view of past production on the farm: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this paragraph (f) above 40 percent of the acreage on such farm in 1941 which was tilled or was in regular rotation. [Sec. 344 (g) (3), 52 Stat. 203 and 53 Stat. 853]

(g) *Distribution of reserve for small farms.* Any farm acreage allotment made as aforesaid of more than five acres, but not exceeding 15 acres, may be increased from the reserve of not more than three percent of the county acreage allotment mentioned in paragraph (c) of this section. In making such increase due consideration shall be given to, and such allotments shall be made on the basis of, the land, labor, and equipment available for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton. [Sec. 344 (d) (2), 52 Stat. 58]

(h) *Certain minimum and maximum farm acreage allotments.* Notwithstanding the foregoing provisions of this section, (1) the farm acreage allotment made to any farm shall not exceed the highest planted plus diverted cotton acreage in any one of the three years 1939 to 1941, and (2) any farm acreage allotment which after but not before the apportionment of all acreage allotments, as provided in the foregoing paragraphs of this section, is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937 shall be increased to such amount, provided that such increase shall not be so made as to raise the farm acreage allotment above 40 percent of the acreage on the farm which in 1941 was tilled or was in regular rotation. The acreage allotments required to effect this minimum provision shall be in addition to all acreage allotments represented by the regular county acreage allotment and by the four-percent State reserve. [Sec. 344 (d) (3), (g), and (h), 52 Stat. 58, 203 and 586 and 53 Stat. 512 and 853]

(i) *Reapportionment of unused farm acreage allotments.* After making the allotments under this section, any part of the acreage allotted to individual farms which it is determined, in accordance with applicable instructions, will not be planted to cotton in 1942 shall be deducted from the allotments to such farms and may be apportioned in accordance with applicable instructions, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. Notwithstanding the foregoing provisions of this paragraph, the acreage shall be apportioned to those farms designated by the county committee. In designating the farm to which the apportionment is to be made, the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of such farm for an additional allotment to meet the requirement of the families engaged in the production of cotton in 1942 on the farm. Any transfer of allotments for 1942 as set forth in this paragraph shall not affect apportionment for any subsequent year. [Sec. 344 (h), 52 Stat. 57, 203, 586, and 53 Stat. 512, 853]

§ 722.416 *Apportionment of acreage allotments among new farms.* The county committee, with the assistance of other local committees, shall, in accordance with applicable instructions, apportion among farms for which an application for a farm acreage allotment was made in writing within the time limit prescribed therefor by the Agricultural Adjustment Administration and on which cotton was not planted in any one of the three years 1939 to 1941 and on which cotton will be planted in 1942 the distributive part, applicable to the county, of acreage allotments which constitute a reserve of not more than one percent of the State acreage allotment. The basis of the apportionment shall be the land, labor, and equipment available on the farm for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton thereon, taking into consideration the applicant's intention to plant cotton in 1942 on the farm. As a reflection of the several factors to be taken into consideration, the acreage on the farm which will be tilled in 1942 or was tilled in 1941 will be the basic index of the farm's capacity for cotton production: *Provided*, That the allotment shall not exceed an acreage equal to 50 percent of the county percentage factor, determined under paragraph (d) of this section, times the tilled acreage in the farm used in determining the cotton acreage allotment, except that (a) for any such farm with respect to which the county committee's recommendation of an allotment is less than three acres, such recommendation shall be the cotton acreage allotment for the farm if the State reserve for new farms is sufficient therefor, or for any such farm with respect to which the county committee's recommendation of an allotment is three acres or more the allotment for the farm shall not be less than three acres if the State reserve for new farms is sufficient therefor, taking into consideration also the local committee's recommendation, and (b) for a farm on which the producer has in the previous year operated another farm located in an area in which several contiguous farms were purchased by a State or Federal agency to be retired from crop production the county cotton factor times the tilled acreage for the farm may be regarded as the basic index for the farm's capacity for cotton production. [Sec. 344 (c) (2), 52 Stat. 57]

§ 722.417 *Normal yields*—(a) *Farms for which normal yields will be established.* The county committee, with the assistance of the other local committees established in the county, shall determine the normal yield per acre of lint cotton for each farm for which a farm acreage allotment is established.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield of lint cotton per acre for all of the five years 1936 to 1940 are presented by the farmer or are available to the committee, the normal yield per acre of lint cotton for the farm shall be the average of such yields, adjusted, in accordance with applicable instructions, for abnormal weather conditions.

(c) *Appraised yields.* If for any year of the five-year period 1936 to 1940 (1) records of the actual average yield are not available, or (2) there was no actual yield because cotton was not planted in such year, the normal yield per acre of lint cotton for the farm shall be appraised by the county committee, taking into consideration the normal yield for the county, the yield in the years for which data are available, and the rainfall, temperature, and other weather conditions during the years for which data are available as compared with those for which data are not available, provided the appraised yield so obtained shall be adjusted in accordance with paragraph (d) of this section.

(d) *Adjustments in appraised yields.* The yields determined under paragraph (c) of this section shall be adjusted so that the average of the normal yields per acre of lint cotton determined for all farms in the county or local administrative area therein (weighted by the cotton acreage allotments established for such farms) shall conform to but not exceed the county or administrative area normal

yield per acre of lint cotton established for 1942 by the Secretary of Agriculture. [Sec. 301 (b) (13) (B) and (E), 52 Stat. 38, 202]

§ 722.418 *Applicability of detailed instructions.* The provisions of §§ 722.411–722.417 shall be carried out in detail in accordance with the provisions of Part I, "Instructions for Determining 1942 Farm Cotton Acreage Allotments and Normal Yields", of the following instructions applicable to the regions indicated below:

(a) *Southern Region.* Cotton 608–SR, "Instructions Pertaining to Cotton Marketing Quotas for 1942".

(b) *East Central Region.* Cotton 608–ECR, "Instructions Pertaining to Cotton Marketing Quotas for 1942".

(c) *Western Region.* Cotton 608–WR, "Instructions Pertaining to Cotton Marketing Quotas for 1942".

(d) *North Central Region.* Cotton 608–NCR, "Instructions Pertaining to Cotton Marketing Quotas for 1942". [Sec. 375, 52 Stat. 66]

FARM MARKETING QUOTAS

§ 722.419 *Farm marketing quotas*—(a) *Amount of farm marketing quota.* The farm marketing quota for any farm for the 1942–1943 marketing year shall be that number of pounds of lint cotton equal to the sum of the following: (1) the amount of the normal production or the actual production, whichever is the greater, of the farm acreage allotment, and (2) the amount of any carryover penalty free cotton.

(b) *Initial farm marketing quotas.* Notwithstanding any other provisions of this section, the amount of the normal production of the farm acreage allotment, plus the amount of any carry-over penalty free cotton, shall be the farm marketing quota for any farm unless and until it is determined by the county committee that the actual production in 1942 of the farm acreage allotment therefor is in excess of the normal production thereof. If measurements for any farm cannot be made, the farm marketing quota therefor shall be the normal production of the farm acreage allotment therefor, plus the amount of carry-over penalty free cotton.

(c) *Farm marketing quotas based on actual production.* When the actual production in 1942 of the farm acreage allotment for any farm, as shown by the reports of cotton ginned from or produced on the farm, or other satisfactory evidence, is found by the county committee to be in excess of the normal production of the farm acreage allotment, the farm marketing quota for the farm shall be adjusted upward by the amount by which the actual production of the farm acreage allotment exceeds the normal production thereof. Such adjustment shall be made as soon as practicable after all cotton produced on the farm in 1942 is harvested and satisfactory records pertaining to the amount thereof are presented to the county committee; however, intermediate adjustments for any farm may be made earlier if the adjustment is requested by the operator of the farm and determined by the county committee to be justifiable on the basis of the amount of cotton produced on the farm in 1942 that is harvested at the time of the request. [Sec. 346 (a), 52 Stat. 59]

(d) *Conversion of carryover penalty cotton.* The amount of unmarketed cotton at the end of the 1941–1942 marketing year which, if marketed during that marketing year, would have been subject to penalty at a rate per pound less than the penalty rate applicable to cotton of the 1942 crop shall, for the purposes of these regulations, be regarded as having been converted, on the basis of the rate of penalty applicable to cotton of the 1942 crop, into such an amount thereof as is subject to such rate of penalty and such an amount thereof as is henceforth not subject to any penalty. The conversion is made by taking as carryover penalty cotton subject to the rate of penalty applicable to cotton of the 1942 crop, an amount of such unmarketed cotton which bears the same ratio to the total amount thereof as the lower rate of penalty bears to the rate of penalty applicable to the 1942 crop and by taking as carryover penalty free cotton the remainder of such unmarketed cotton.

§ 722.420 *Notice of farm marketing quotas.* Immediately upon the establishment of farm acreage allotments and the determination of normal yields per acre in lint cotton for farms in a county or other local administrative area, the county committee shall mail or deliver directly to the operator of each farm a written notive of the farm marketink quota for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which this quota is established". Notice so given shall constitute notice to all such persons. The notice shall contain the amount of the farm acreage allotment and normal yield for the farm, together with a brief statement of the manner in which the amount of the pursuant to § 722.419. The notice shall contain also a brief statement of the procedure whereby application for review of the quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing or delivering the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the cotton produced in 1942 on the farm for which the notice is given. The county committee shall also mail or deliver directly to the operator of each new cotton farm for which it determines that no farm marketing quota will be established a similar written notice, informing the producers on such farm of its determination. [Sec. 362, 52 Stat. 62]

§ 722.421 *Publication of farm acreage allotments, normal yields, and farm marketing quotas.* One copy of each notice of the farm marketing quota for farms in a county shall be placed in binders or folders and posted in the office of the county committee in a manner that will make the copies of the notices freely available for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices shall be filed in the office of the county committee and remain readily available for further public inspection. [Sec. 362, 52 Stat. 62]

§ 722.422 *Marketing quotas in effect.* Marketing quotas shall be in effect during the 1942–1943 marketing year with respect to the marketing of cotton. Cotton produced in the calendar year 1942 shall be subject to the quotas in effect, notwithstanding that it may be marketed prior to August 1, 1942. [Secs. 345 and 347, 52 Stat. 58 and 59]

§ 722.423 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota was established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and be subject to the restrictions on the marketing of cotton. [Sec. 375 (b), 52 Stat. 66]

§ 722.424 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm. [Sec. 375 (b), 52 Stat. 66]

§ 722.425 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm marketing quota established for his farm, or, in the case of a new cotton farm, with the action of the county committee in refusing to establish a farm marketing quota for such farm, may, by making application within 15 days after the mailing or delivery directly to him of the notice provided for in § 722.420, have such quota or determination reviewed by a local review committee composed of three farmers appointed by the Secretary of Agriculture. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm marketing quota in an amount which, under the law and regulations, should have been established. Unless such application is made within 15 days the original determination of the farm marketing quota shall be final. All applications for review shall be made in accordance with the Review Regulations (38–AAA–2, Revised) issued by the Secretary of Agriculture. [Secs. 363 and 364, 52 Stat. 63]

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after the notice is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act. [Secs. 365 and 366, 52 Stat. 63]

Done at Washington, D. C., this 11th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–9376; Filed, December 12, 1941; 11:44 a. m.]

[41–Tob–57—Supplement 1]

PART 724—BURLEY TOBACCO

1941–42 MARKETING YEAR

Supplement 1 to Marketing Quota Regulations

Marketing Quota Regulations, Burley Tobacco—1941–42 Marketing Year, are hereby amended as follows:

Section 724.334, *Amount of farm marketing quota,* is amended by adding at the end thereof the following:

The marketing quota for any farm having tobacco carried over from a crop produced prior to the calendar year 1941, shall be whichever of the following is applicable:

1. If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is not greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941 plus the amount of the carry-over tobacco.

2. If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is less than the acreage allotment for 1941 by as much as the number of acres obtained by dividing into the carry-over excess tobacco the normal yield for the farm, the farm marketing quota shall be the actual production on the farm in 1941 plus the entire amount of the carry-over tobacco.

3. If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 does not exceed the 1941 acreage allotment but is not less than such acreage allotment by as much as the number of acres obtained by dividing into the total pounds of carry-over excess tobacco the normal yield for the farm, the farm marketing quota shall be the actual production of tobacco on the farm in 1941 plus an amount of tobacco equal to the 1941 normal yield for the farm times the number of acres by which the 1941 farm acreage allotment exceeds the acreage of tobacco harvested in 1941.

4. If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941 plus the amount of the within quota carry-over tobacco.

5. If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year but the acreage of tobacco harvested on the farm in 1941 is in excess of the acreage allotment for such year the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941, plus the entire amount of carry-over tobacco.

"Excess tobacco in the case of farms having tobacco carried over from the calendar year prior to 1941 shall be all tobacco available for marketing from the farm in excess of the farm marketing quota determined as provided under paragraphs 3, 4 and 5 above."

Section 724.335, *Issuance of marketing card,* is amended by adding at the end thereof the following:

(e) *Issuance of marketing cards for farms having carry-over tobacco.* (1) For any farm on which the marketing quota is that amount determined pursuant to paragraph 1 or 2 of § 724.334 above, there shall be issued a within quota marketing card, unless the farm is operated by a person who also operates another farm on which there is tobacco available for marketing in excess of the farm marketing quota, in which event there shall be issued an excess marketing card.

(2) For any farm on which the farm marketing quota is that amount determined pursuant to paragraph 3, 4, or 5 of § 724.334 above, there shall be issued an excess marketing card.

(3) The percent excess for any farm for which paragraphs 3 and 4 of § 724.334 are applicable shall be computed as follows: (i) A number of acres shall be determined by dividing into the carry-over excess tobacco the 1941 normal yield per acre for the farm; (ii) the number of acres determined under (i) shall be added to the 1941 harvested acreage; (iii) there shall be subtracted from the acreage determined under (ii) the 1941 acreage allotment; and (iv) the result obtained under (iii) shall be divided by the acreage determined under (ii).

(4) The percent excess for any farm for which paragraph 5 of § 724.334 is applicable shall be computed as follows: (i) A number of acres shall be determined by dividing into the carry-over tobacco the 1941 normal yield per acre for the farm; (ii) the number of acres determined under (i) shall be added to the 1941 harvested acreage; (iii) the number of acres determined under (i) shall be added to the 1941 acreage allotment; (iv) there shall be subtracted from the acreage determined under (ii) the acreage determined under (iii) above; (v) the result obtained under (iv) shall be divided by the acreage determined under (ii).

Section 724.339, *Rights of producers in marketing card,* is amended by adding at the end thereof the following:

The rights of producers in the marketing card for a farm having tobacco carried over from a crop produced prior to 1941 shall be determined in accordance with the provisions of this section, except that the burden of any penalty with respect to any such carry-over tobacco shall be borne by those persons having an interest in such tobacco.

By virtue of the authority vested in the Secretary of Agriculture under Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938) as amended, he does make, prescribe, and publish the foregoing amendments to the Marketing Quota Regulations—Burley Tobacco—1941–42 Marketing Year, designated 41–Tob–57, issued by the Secretary on October 27, 1941, which regulations, as so amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 11th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–9375; Filed, December 12, 1941; 11:43 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O–12, as amended]

PART 912—MILK IN THE DUBUQUE, IOWA, MARKETING AREA

Sec.

912.0 Findings.
912.1 Definitions.
912.2 Market administrator.
912.3 Classification of milk.
912.4 Minimum prices.
912.5 Reports of handlers.
912.6 Application of provisions.
912.7 Determination of uniform prices to producers.
912.8 Payments for milk.
912.9 Expense of administration.
912.10 Marketing services.
912.11 Effective time, suspension, or termination of order, as amended.

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective June 16, 1939, Order No.

12, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on May 19, 1939, a marketing agreement, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

There being reason to believe that amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, would tend to effectuate the declared policy of said act, notice was given September 4, 1941, of a hearing which was held in Dubuque, Iowa, on the 9th day of September 1941, at which time and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended.

After such hearing and after the tentative approval on November 15, 1941, of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Dubuque, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area, in the same manner as said order as hereby amended.

The requirements of § 8c (9) of the act have been complied with.

It is found upon the evidence introduced at the last above-mentioned hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendments to the order, and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the order and of amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 912.0 *Findings.* (a) That the reduction in the marketing area, as provided by this order, as amended, is necessary, proper, and reasonable in view of the change in the conditions which previously existed;

(b) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to §§ 2 and 8e, 50 Stat. 246; 7 U. S. C. 602, 608e are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(c) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(d) That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that such handling of milk in the Dubuque, Iowa, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof, be in compliance with the following terms and conditions.*

*§§ 912.0 to 912.11, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. and Sup. 601 et seq.

§ 912.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Dubuque, Iowa, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Dubuque, Iowa, the township of Dubuque, Iowa, sections 1, 2, 3, 11, and 12 of the township of Table Mound, and sections 5 and 6 of the township of Mosalem, all in the county of Dubuque in the State of Iowa.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person, irrespective of whether any such person is also a handler, who produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area or which is caused to be delivered by a handler from such a plant to a plant from which no milk is disposed of in the marketing area.

(4) The term "handler" means any person, irrespective of whether such person is a producer or a cooperative association, wherever located or operating, who engages in such handling of milk, which is disposed of as milk or cream in the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include any cooperative association with respect to milk caused to be delivered from a producer to a handler for the account of such cooperative association and for which such cooperative association collects payment, and any cooperative association or other handler with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association or handler and for which such cooperative association or handler collects payment.

(5) The term "producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (i) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (ii) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(6) The term "market administrator" means the person designated pursuant to § 912.2 as the agency for the administration hereof.

(7) The term "delivery period" means the current marketing period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the current marketing period from the first to and including the last day of each month.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

(10) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members, and (ii) to have and to be exercising full authority in the sale of milk of its members.*

§ 912.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by § 912.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 912.5 or (ii) made payments pursuant to § 912.8.

(5) Promptly verify the information contained in the reports submitted by handlers.*

§ 912.3 *Classification of milk*—(a) *Milk to be classified.* Milk of a producer which a handler causes to be delivered to a plant from which no milk is disposed of in the marketing area, and all milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraphs (c) and (d) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk used to produce any product which is disposed of for consumption or use as cream.

(3) Class III milk shall be all milk specifically accounted for as used to produce a milk product other than those specified in Class II and Class IV milk.

(4) Class IV milk shall be all milk specifically accounted for as used to produce butter or cheese, except cottage cheese, and all milk accounted for as actual plant shrinkage but not to exceed 3 percent of the total receipts of milk from producers.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified, subject to paragraph (d) of this section, as Class I milk: *Provided,* That if the selling handler on or before the 5th day after the end of each delivery period furnishes to the market administrator a statement which is signed by the buyer and seller that such milk was disposed of as Class II milk, Class III milk, or Class IV milk, such milk shall be classified accordingly, subject to verification by the market administrator.

(d) *Sales of a cooperative association to any other handler.* Milk caused to be delivered from a producer to any other handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I, Class II, Class III, and Class IV milk.*

§ 912.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay at the time and in the manner set forth in § 912.8 not less than the prices set forth in this paragraph per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area, on the basis of milk of 3.5 percent butterfat content:

(1) For Class I milk the price shall be the price for Class III milk for such delivery period plus 70 cents per hundredweight.

(2) For Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief—the price shall be the price for Class III milk for such delivery period plus 23 cents per hundredweight.

(3) For Class II milk the price shall be the price for Class III milk for such delivery period plus 25 cents per hundredweight.

(4) For Class III milk the price shall be the result of the following computations by the market administrator: determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: *Provided,* That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing prices of "Twins" at Chicago as reported by the United States Department of Agriculture shall be used), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9.

Concern and Location of Plants

Amboy Milk Products Company, Amboy, Illinois; United Milk Products Company, Argo Fey, Illinois; Dean Milk Company, Belvidere, Illinois; Borden Company, Dixon, Illinois; Libby, McNeil & Libby Company, Morrison, Illinois; Carnation Milk Company, Oregon, Illinois; Dean Milk Company, Pearl City, Illinois; Dean Milk Company, Pecatonica, Illinois; Borden Company, Sterling, Illinois; Pet Milk Company, Schullsburg, Wisconsin.

(5) For Class IV milk the price shall be the result of the following computation by the market administrator: multiply by 2.4 the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prices of "Twins" at Chicago as reported by the United States Department of Agriculture shall be used), and multiply such result by 3.5.*

§ 912.5 *Reports of handlers* — (a) *Periodic reports.* On or before the 5th day after the end of each delivery period each handler, with respect to milk or cream which was, during such delivery period (a) received from producers, (b) received from handlers, (c) received from such handler's own production, (d) received from any other source, or (e) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The receipts at each plant from such handler's own production;

(4) The receipts at each plant from any other source; and

(5) The respective quantities of milk which were disposed of for the purpose of classification pursuant to § 912.3.

(b) *Reports as to producers.* Each handler shall report to the market administrator as follows:

(1) Within 10 days after the market administrator's request, with respect to any producer and with respect to a period of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received; and

(2) Within 5 days after first receiving milk from any producer (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which the milk of such producer was received.

(c) *Reports of payments to producers.* On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator his producer pay roll for such delivery period which shall show for each producer (a) the net amount of such producer's payment with the prices, deductions, and charges involved, and (b) the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports.* Each handler shall make available to the market administrator or his agent (a) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (b) those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.*

§ 912.6 *Application of provisions*—(a) *Handlers who are also producers and who purchase or receive milk from other producers.* In the case of a handler who is also a producer and who purchases or receives milk from other producers the value of such milk purchased or received from other producers shall be computed by the market administrator pursuant to § 912.7 (a) as follows: the quantity of such milk shall be ratably apportioned among such handler's total Class I, Class II, Class III, and Class IV milk (after excluding purchases or receipts from other handlers) and multiplied by the Class I, Class II, Class III, and Class IV prices, respectively.

(b) *Producer-handlers.* (1) The provisions hereof, except as set forth in § 912.5 shall not apply to the handling of milk by handlers who are also producer-handlers pursuant to § 912.1 (a) (5), as verified by the market administrator in the manner provided in subparagraph (2) of this paragraph.

(2) Handlers s ha ll furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 912.1 (a) (5), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence, and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Milk received by a handler from another handler who is also a producer or a producer-handler.* The market administrator, in computing the value of milk for any handler pursuant to § 912.7 (a), shall consider as Class IV milk any milk or cream received in bulk by such handler from another handler who is also a producer or a producer-handler. If such receiving handler disposes of such milk or cream for other than Class IV purposes, the market administrator shall add to the total value computed pursuant to § 912.7 (a) the difference between (1) the value of such milk or cream according to its actual usage and (2) the value at the Class IV price.*

§ 912.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 912.6, the value of milk of producers disposed of by each handler by (1) multiplying the quantity of such milk in each class by the price applicable pursuant to § 912.4 and (2) adding together the resulting values of each class.

(b) *Computation and announcement of the uniform price.* For each delivery period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the respective values of milk computed pursuant to paragraph (a) of this section for each handler who made the reports to the market administrator prescribed by § 912.5, and who made the payments to the market administrator prescribed by § 912.8 (d);

(2) Subtract the total amount to be paid pursuant to § 912.8 (a) (2);

(3) Add the amount of cash balance in the producer-settlement fund less the amount due handlers pursuant to § 912.8 (g);

(4) Divide the result obtained in subparagraph (3) of this paragraph by the total hundredweight of milk of producers other than that represented by the amount subtracted in subparagraph (2) of this paragraph;

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for milk of producers containing 3.5 percent butterfat; and

(6) On or before the 10th day after the end of such delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of milk, of the Class I, Class II, Class III, and Class IV prices, and of the butterfat differential computed pursuant to § 912.8 (b).*

§ 912.8 *Payments for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (b) of this section, for milk received at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area during such delivery period, as follows:

(1) To producers, except as set forth in subparagraph (2) of this paragraph, not less than the uniform price per hundredweight, computed pursuant to § 912.7 (b); and

(2) To any producer whose milk was not regularly received by a handler or who did not distribute milk in the marketing area during a period of 30 days prior to the effective date hereof, for all the milk received from such producer during a period beginning with the date of the first regular receipt of milk from such producer and including the first 2 full calendar months following the date of such first receipt of milk, at the Class IV price.

(b) *Butterfat differential.* If the milk of any producer received by a handler or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area during the delivery period, has an average butterfat content other than 3.5 percent, such handler shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than, an amount which is one thirty-fifth of the price per hundredweight for Class IV milk.

(c) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as "the producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to paragraphs (d), (e), and (g) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (f) and (g) of this section.

(d) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay, subject to the provisions of paragraph (e) of this section, to the market administrator for payment to producers through the producer-settlement fund, the amount by which the total utilization value of the milk of producers received by such handler or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area during the delivery period is greater than the sum obtained by multiplying the hundredweight of such milk by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts.

(e) *Payments made through a cooperative association.* On or before the 12th day after the end of each delivery period, each handler, with respect to milk which was caused to be delivered to him from producers by a cooperative association, for the account of such cooperative association and for which such cooperative association collects payments, shall make payment to such cooperative association at not less than the Class prices set forth in § 912.4, and subject to the provisions of § 912.3 (d) and to the butterfat differential provided in paragraph (b) of this section, for the utilization value of such milk. On or before the 12th day after the end of each delivery period, such cooperative association shall pay to the market administrator the amount by which the utilization value of such milk, and of the milk of each producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, is greater than the sum obtained by multiplying the hundredweight of such milk by the appropriate prices required to be paid by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts.

(f) *Payments out of producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler with respect to milk which was not caused to be delivered to such handler by a cooperative association, for the account of such cooperative association and for which such cooperative association collects payment, for payment to producers the amount, if any, by which the total utilization value of such milk or producers received by such handler is less than the sum obtained by multiplying the hundredweight of such milk of producers received by such handler by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts. On or before the 15th day after the end of each delivery period the market administrator shall pay to each cooperative association, with respect to milk which it caused to be delivered from a producer to another handler or to a plant from which no milk is disposed of in the marketing area; for the account of such cooperative association and for which such cooperative association collects payment, for payment to producers, the amount, if any, by which the total utilization value of such milk of producers is less than the sum obtained by multiplying the hundredweight of such milk of producers by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(g) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to paragraphs (d) and (e) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (f) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.*

§ 912.9 *Expense of administration*—(a) *Payment by handlers.* As his prorata share of the expense of the administration hereof, each handler who received milk from producers, with respect to all milk received from producers, received from such handler's own production,, and caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area, during the delivery period, shall pay to the market administrator, on or before the 15th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, the exact amount to be determined by the market administrator, subject to review by the Secretary. As its prorata share of the expense of the administration hereof, a cooperative association which is a handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to a plant from which no milk is disposed of in the marketing area, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this paragraph.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's prorata share of expenses set forth in this section.*

§ 912.10 *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to § 912.8 (a) (1) and (2) each handler shall, with respect to all milk received at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area during such delivery period from each such producer, deduct 5 cents per hundredweight, or such lesser amounts as the market administrator shall determine to be sufficient, and shall, on or before the 15th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services, to, or with respect to the milk delivered by, such producers.*

§ 912.11 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until removed by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

Issued at Washington, D. C. this 11th day of December 1941, to become effective

on and after the 15th day of December 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9368; Filed, December 12, 1941; 11:43 a. m.]

[O-44-1]

PART 944—MILK IN THE QUAD CITIES MARKETING AREA

Sec.

944.0 Findings.
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944.11 Effective time, suspension, or termination of order, as amended.

Grover B. Hill, Acting Secretary of Agriculture of the United States of America, issued, effective February 1, 1940, Order No. 44 regulating the handling of milk in the Quad Cities marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on December 14, 1939, a marketing agreement, regulating the handling of milk in the Quad Cities marketing area.

There being reason to believe that amendment to said tentatively approved marketing agreement and said order would tend to effectuate the declared policy of the act, notice was given September 4, 1941, of a hearing which was held at Rock Island, Illinois, on the 11th day of September 1941, at which time and place all interested parties were afforded an opportunity to be heard upon a proposal to amend the tentatively approved marketing agreement and the order.

After such hearing and after the tentative approval, on November 19, 1941, of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the Quad Cities marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, regulating the handling of milk in such marketing area, in the same manner as said order as hereby amended.

The requirements of section 8c (9) of the act have been complied with.

§ 944.0 *Findings.* It is found upon the evidence introduced at the last abovementioned hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearing on the order and being in addition to the other findings and determinations made prior to or at the time of the original issuance of the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

(a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Sec. 2 and 8e, 50 Stat. 246; 7 U. S. C. 602, 608e are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

(c) That the issuance of this order, as amended, and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that such handling of milk in the Quad Cities marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall from the effective date hereof, be in compliance with the following terms and conditions.*

*§§ 944.0 to 944.11, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U.S.C. and Sup. 601 et seq.

§ 944.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Quad Cities marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa; and Rock Island, Moline, East Moline, and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

(2) The term "persons" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at a plant from which milk is disposed of in the marketing area: *Provided,* That if such person did not regularly distribute milk in the marketing area or dispose of milk to a handler or to persons within the marketing area during a period of 30 days prior to the effective date hereof, but thereafter begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery of milk to a handler and including the first 2 full calendar months of regular delivery following first delivery to a handler, after which he shall be known as a producer. This definition of producer and new producer shall be deemed to include any person who produces milk which a cooperative association causes to be diverted from a plant from which milk is disposed of in the marketing area to a plant from which no milk is disposed of in the marketing area.

(4) The term "handler" means any person, except as provided in § 944.8 (c), who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area; and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include a cooperative association with respect to the milk of any producer which it causes to be delivered to the plant of a handler or causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association, and for which such cooperative association collects payment.

(5) The term "producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (i) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (ii) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(6) The term "delivery period" means the period from the effective date hereof to and including the last day of that month. Subsequent to that month the term "delivery period" means the period from the first to the last day of each month, both inclusive.

(7) The term "base" means the quantity of milk calculated for each producer pursuant to § 944.8 (e).

(8) The term "act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

(10) The term "market administrator" means the agency which is described in § 944.2 for the administration hereof.

(11) The term "cooperative association" means any cooperative association of producers which the Secretary determines (i) to have its entire activities under the control of its members, and (ii) to have and to be exercising full authority in the sale of milk of its members.*

§ 944.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Investigate and report to the Secretary complaints of violation of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(3) Submit his books and records to examination by the Secretary at any and all times.

(4) Furnish such information and such verified reports as the Secretary may request.

(5) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator.

(6) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to § 944.5 or (b) made payments pursuant to § 944.8.

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof.

(8) Pay, out of the funds provided by § 944.10, (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (b) his own compensation, and (c) all other expenses necessarily incurred in the maintenance and functioning of his office.

(9) Promptly verify the information contained in reports submitted by handlers.*

§ 944.3 *Classification of milk*—(a) *Milk to be classified.* Milk of a producer or new producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, for the account of such cooperative association and for which it collects payment, and all milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraphs (c) and (d) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk disposed of as cream (for consumption or use as cream) and all milk disposed of as chocolate milk, or as any flavored milk drink.

(3) Class III milk shall be all milk specifically accounted for as used to produce evaporated milk, condensed milk, ice cream mix, unsalted butter, or any milk product, other than those specified in Class II milk and Class IV milk.

(4) Class IV milk shall be all milk used to produce butter and American type Cheddar cheese and all milk accounted for as actual plant shrinkage: *Provided,* That such plant shrinkage shall not exceed 3 percent of the total receipts of milk from producers and new producers.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler or to a person not a handler but who distributes milk or manufactures milk products shall be classified, subject to paragraph (d) of this section, as Class I milk: *Provided,* That if the selling handler, on or before the date fixed for filing reports pursuant to § 944.5, furnishes to the market administrator a statement signed by the buyer and the seller that such milk was disposed of other than as Class I milk, such milk shall be classified accordingly, subject to verification by the market administrator.

(d) *Sales of a cooperative association to any other handler.* Milk caused to be delivered from a producer to any other handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I milk, Class II milk, Class III milk, and Class IV milk.*

§ 944.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 944.8, per hundredweight of milk not less than the prices set forth in this paragraph.

(1) For Class I milk in the case of milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class I milk, the price shall be the price for Class III milk for such delivery period plus 90 cents per hundredweight: *Provided,* That with respect to such Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the price for Class III milk for such delivery period plus 43 cents per hundredweight.

(2) For Class I milk in the case of milk which does not comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class I milk, the price shall be the price for Class III milk for such delivery period plus 70 cents per hundredweight: *Provided,* That with respect to such Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the price for Class III milk for such delivery period plus 23 cents per hundredweight.

(3) For Class II milk in the case of milk which complies with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class II milk, the price shall be the price for Class III milk for such delivery period plus 45 cents per hundredweight.

(4) For Class II milk in the case of milk which does not comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, and is disposed of as Class II milk, the price shall be the price for Class III milk for such delivery period plus 25 cents per hundredweight.

(5) For Class III milk the price shall be the result of the following computations by the market administrator, determine the average of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the then current month at the plants listed in this subparagraph: *Provided,* That if the price so determined is less than the price computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for such delivery period: multiply by 0.4 the average weekly prevailing price per

pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin (in the absence of such prices the prevailing prices of "Twins" at Chicago as reported by the United States Department of Agriculture shall be used), add the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture, and multiply such result by 3.9: *Provided further*, That for that portion of Class III milk specifically accounted for as used by the handler to produce ice cream or ice cream products disposed of at wholesale in a frozen state to another person for resale by the purchaser, the price shall be the price as computed above for the remainder of the Class III milk minus 15 cents per hundredweight.

Concern and location of plants

Amboy Milk Products Company, Amboy, Illinois.

United Milk Products Company, Argo Fey, Illinois.

Dean Milk Company, Belvidere, Illinois.

Borden Company, Dixon, Illinois.

Libby, McNeil & Libby Company, Morrison, Illinois.

Carnation Milk Company, Oregon, Illinois.

Dean Milk Company, Pearl City, Illinois.

Dean Milk Company, Pecatonica, Illinois.

Borden Company, Sterling, Illinois.

Pet Milk Company, Schullsburg, Wisconsin.

(6) For Class IV milk the prices shall be the result of the following computations by the market administrator: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add:

(i) 10 percent thereof when such average price of 92-score butter is less than 30 cents:

(ii) 15 percent thereof when such average price of 92-score butter is 30 cents or over, but less than 35 cents;

(iii) 20 percent thereof when such average price of 92-score butter is 35 cents or over, but less than 40 cents; and

(iv) 25 percent thereof when such average price of 92-score butter is 40 cents or over.*

§ 944.5 *Reports of handlers*—(a) *Periodic reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 5th day after the end of each delivery period (i) the receipts at each plant of milk from producers and new producers, (ii) the receipts at each plant of milk from handlers, (iii) the receipts at each plant of milk produced by him, if any, (iv) the utilization of all receipts of milk for the delivery period, (v) the utilization of milk caused to be delivered to a plant from which no milk is disposed of in the marketing area, and (vi) the name and address of each new producer.

(2) On or before the 5th day after the end of each delivery period, the receipts of milk at each plant obtained in accordance with the provisions of § 944.8 (c), as follows: (i) the amount of such milk, (ii) the date or dates upon which such milk was received during the delivery period, (iii) the plant from which such milk was shipped, (iv) the price per hundredweight paid or to be paid for such milk, (v) the utilization of such milk, and (vi) such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request with respect to any producer or new producer and with respect to a period of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received.

(2) Within 5 days after first receiving milk from any producer (i) the name and address of such producer, (ii) the date upon which such milk was first received, (iii) the plant at which the milk of such producer was received, and (iv) whether such producer is a new producer.

(c) *Reports of payments.* On or before the 20th day after the end of each delivery period, each handler shall report for such delivery period to the market administrator, in the manner prescribed by the market administrator, with respect to each producer and new producer, (1) his name, (2) his total deliveries of base milk and total deliveries of milk in excess of base milk, respectively, (3) the average butterfat content of his milk, (4) the total payment made to such producer or new producer showing the prices, deductions, and charges involved, and (5) such other information as the market administrator may request.

(d) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities which are necessary for the sampling, weighing, and testing of milk and for determining the utilization of milk by the handler.*

§ 944.6 *Application of provisions*—(a) *Handlers who are also producers and who purchase or receive milk from other producers.* In the case of a handler who is also a producer and who purchases or receives milk from other producers the value of such milk purchased or received from other producers shall be computed by the market administrator pursuant to § 944.7 (a) as follows: the quantity of such milk shall be ratably apportioned among such handler's total Class I, Class II, Class III, and Class IV milk (after excluding purchases or receipts from other handlers) and multiplied by the Class I, Class II, Class III, and Class IV prices, respectively.

(b) *Producer-handlers.* (1) The provisions hereof, except as set forth in § 944.5, shall not apply to the handling of milk by handlers who are also producer-handlers pursuant to § 944.1 (a) (5), as verified by the market administrator in the manner provided in subparagraph (2) of this paragraph.

(2) Handlers shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of their qualifications as producer-handlers pursuant to § 944.1 (a) (5), as of the effective date of the provisions hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affects their qualifications as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence, and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Milk received by a handler from a producer-handler.* The market administrator, in computing the value of milk for any handler pursuant to § 944.7 (a), shall consider as Class IV milk any milk or cream received in bulk by such handler from a producer-handler. If such receiving handler disposes of such milk or cream for other than Class IV purposes, the market administrator shall add to the total value computed pursuant to § 944.7 (a) the difference between (1) the value of such milk or cream according to its actual usage, and (2) the value at the Class IV prices.*

§ 944.7 *Determination and notification of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 944.6 and § 944.8 (c), the value of milk of producers and new producers disposed of by each handler by (1) multiplying the quantity of such milk in each class by the price applicable pursuant to § 944.4, and (2) adding together the resulting values of each class.

(b) *Computation and announcement of the uniform price.* For each delivery period the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the respective values of milk computed pursuant to paragraph (a) of this section for each handler who made the reports to the market administrator prescribed by § 944.5 and who made the payments prescribed by § 944.8 (a) (5);

(2) Compute the total quantity of milk which represents the delivered bases of producers (excluding new producers) and which is included in the computations made pursuant to paragraph (a) of this section;

(3) Compute the total value of the milk (including all milk received from new producers) which is in excess of the delivered bases of producers determined pursuant to subparagraph (2) of this paragraph and which is included in the computations pursuant to paragraph (a) of this section, by multiplying such quantity of milk by the Class IV price;

(4) Compute the total value of the milk represented by the delivered bases of producers by subtracting the value obtained in subparagraph (3) of this paragraph from the value obtained in subparagraph (1) of this paragraph;

(5) Subtract from the value computed pursuant to subparagraph (4) of this paragraph an amount computed as follows: multiply by $0.20 the total hundredweight of milk of producers who are qualified to receive payments pursuant to § 944.8 (a) (2) which was disposed of as Class I milk and Class II milk;

(6) Add to the value computed pursuant to subparagraph (5) of this paragraph an amount which will prorate any cash balance available from previous delivery periods pursuant to subparagraph (8) of this paragraph;

(7) Divide the value obtained in subparagraph (6) of this paragraph by the quantity of milk represented by the delivered bases of producers as determined in subparagraph (2) of this paragraph;

(8) Subtract from the figure obtained in subparagraph (7) of this paragraph not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining a cash balance to provide against errors in reports and payments, or delinquencies in payments by handlers. This result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.5 percent butterfat; and

(9) On or before the 10th day after the end of each delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of base milk computed pursuant to this paragraph, of the Class I, Class II, Class III, and Class IV prices, and of the differentials computed pursuant to subparagraph (2) of paragraph (a) and paragraph (d) of § 944.8.*

§ 944.8 *Payments for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period each handler shall make payment for milk, subject to the differential provided in paragraph (d) of this section as follows:

(1) To each producer, not less than the uniform price computed pursuant to § 944.7 (b) for that quantity of milk which does not comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, received from such producer not in excess of such producer's base;

(2) To each producer, not less than the uniform price computed pursuant to § 944.7 (b) for that quantity of milk which does comply with the Grade A milk quality requirements of the Milk Ordinance of the City of Davenport, Iowa, or of the Grade A Milk and Grade A Milk Products Law of the State of Illinois, and the minimum requirements adopted by the Director of the Illinois Department of Public Health for the interpretation and enforcement of said act, received from such producer not in excess of such producer's base plus the amount per hundredweight resulting from the following computation by the market administrator: divide the amount subtracted in the computation of the uniform price, pursuant to § 944.7 (b) (5), by the total hundredweight of base milk received during the delivery period from all such producers;

(3) To each producer, not less than the Class IV price for that quantity of milk received from such producer in excess of such producer's base;

(4) To each new producer, the Class IV price for the total quantity of milk received from such new producer; and

(5) To producers, through the market administrator, by paying to or receiving from the market administrator, as the case may be, the amount by which the payments required to be made pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph are less than or exceed the value of milk computed for such handler pursuant to § 944.7 (a), as shown in a statement rendered by the market administrator on or before the 12th day after the end of such delivery period.

(b) *Additional payments.* Any handler may make payments to producers in addition to the payments made pursuant to paragraph (a) (1), (2), and (3) of this section: *Provided*, That such additional payments are made to all producers supplying such handler with milk of the same quality and grade.

(c) *Emergency milk.* During any period when the market administrator determines that the supply of milk received by any handler from producers, new producers, and handlers operating wholesale or retail milk distribution routes in the marketing area, is not sufficient to fulfill the Class I milk and Class II milk requirements of such handler, such handler, after giving notice to the market administrator of his intention to purchase milk from other than such sources, may secure milk from additional sources on terms and conditions other than those provided in this section. Such milk shall be reported to the market administrator by the receiving handler separately from milk received from producers, new producers, and handlers operating wholesale or retail milk distribution routes in the marketing area, in accordance with § 944.5 (a) (2). Such milk shall be deducted from each class in the proportions that the quantity of milk disposed of by the receiving handler in each class during the delivery period bears to the total quantity of milk received by him during such delivery period. The person from whom the handler received such milk shall not be considered a handler with respect to milk disposed of in the marketing area under the circumstances described in this paragraph.

(d) *Butterfat differential.* If during the delivery period any handler has received from any producer or new producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in paragraph (a) (1), (2), (3), and (4) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent not more than:

(1) Three cents per hundredweight when the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, is less than 30 cents;

(2) Four cents per hundredweight when such average price of 92-score butter is 30 cents or over, but less than 35 cents; and

(3) Five cents per hundredweight when such average price of 92-score butter is 35 cents or over.

(e) *Determination of base.* (1) For each delivery period the base of each producer shall be a quantity of milk calculated in the following manner: (i) multiply the applicable figure, computed pursuant to subparagraph (ii) of this paragraph, by the number of days on which milk was received from such producer during such delivery period.

(2) Effective January 1, 1940, and each subsequent year thereafter, the daily base of each producer for the ensuing year shall be determined by the market administrator from reports filed by handlers pursuant to § 944.5 in the following manner:

(i) Determine for each producer that month during the preceding calendar year when his daily average deliveries of milk were the lowest. Determine the 3 months of the preceding calendar year when the daily average deliveries of milk of all producers were the lowest;

(ii) Determine for each producer his total deliveries of milk during each of the

4 months of the previous calendar year described in subdivision (i) of this subparagraph and add together the resulting amounts;

(iii) Divide the sum obtained for each producer in subdivision (ii) of this subparagraph by the number of days of such 4 calendar months;

(iv) Add together in one sum all the daily average amounts, computed in accordance with subdivision (iii) of this subparagraph;

(v) Determine the daily average utilization of Class I milk and Class II milk during the month of the preceding year when such utilization was greatest and add to such daily average an amount not to exceed 10 percent thereof;

(vi) Divide the amount determined pursuant to subdivision (v) of this subparagraph by the sum determined pursuant to subdivision (iv) of this subparagraph; and

(vii) Multiply the daily average amount for each producer determined in subdivision (iii) of this subparagraph by the percentage figure computed pursuant to subdivision (vi) of this subparagraph. This result shall be known as the producer's allotted daily base.

(3) *Base rules.* The following rules shall be observed by the market administrator with respect to the administration of the base plan:

(i) Bases allotted to producers pursuant to subparagraph (2) of this paragraph shall not be transferable: *Provided*, That bases allotted under a tenant and landlord relationship shall be combined and may be divided only if such relationship is terminated: *And provided further*, That any member of the producer's family may be named as the person to whom such base is to be allotted, but in no case shall a base be allotted to more than one member of such producer's family on the same farm;

(ii) As soon as bases are allotted to producers pursuant to subparagraph (2) of this paragraph, the market administrator shall notify each handler of the bases of producers from whom such handler received milk;

(iii) Any producer who ceases to market milk to a handler for a period of more than 45 consecutive days shall forfeit his base. In the event that he thereafter commences to market milk to a handler he shall receive a base computed in the manner provided in subdivision (x) of this subparagraph for the allotment of bases to producers who have been new producers, and shall be treated for the purposes of this section as if he had been a new producer;

(iv) In the event a producer delivers an average quantity of milk less than 85 percent of his allotted daily base for each of 3 consecutive calendar months, such producer shall be reallotted a base equal to his daily average deliveries of milk of his own production for the 3 consecutive months involved;

(v) A producer, whether landlord or tenant of a farm, may retain his base when moving his entire herd of cows from one farm to another farm: *Provided*, That at the beginning of a tenant and landlord relationship the allotted base of such tenant and landlord shall be a combined base;

(vi) A landlord who rents on shares shall be entitled to the entire base to the exclusion of the tenant, if the landlord owns the entire herd. Likewise, the tenant who rents on shares shall be entitled to the entire base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by tenant and landlord, the base shall be divided between the joint owners according to the ownership of the cattle, if and when such joint owners terminate the tenant and landlord relationship;

(vii) The base of any producer shall be automatically canceled at the beginning of any delivery period during which such producer reports milk not produced by him as being milk of his own production for the purpose of maintaining or increasing his allotted base. Such producer shall be reallotted a base computed in the manner provided in subdivision (x) of this subparagraph for the allotment of bases to producers who have been new producers, and shall be treated for the purposes of this section as if he had been a new producer;

(viii) Any producer, upon giving notice to the market administrator, may relinquish his base at the beginning of the delivery period following that during which notice is given. In the event the producer thereafter requests the market administrator to allot him a base, he shall be allotted a base in the manner provided in subdivision (x) of this subparagraph for the allotment of bases to producers who have been new producers, and shall be treated for the purpose of this section as if he had been a new producer;

(ix) If a producer, who has notified the market administrator within 5 days prior to his participation, enters into a program of disease eradication supervised by either county, State, or Federal authorities, the market administrator, in making his determination of that month of the preceding year when such producer's daily average deliveries of milk were the lowest, pursuant to subdivision (i) of subparagraph (2) of this paragraph, shall disregard any month in which such disease eradication program was being performed;

(x) In the event of allotment of a base to a producer who has shipped milk as a new producer, the market administrator shall determine the daily average deliveries of milk by such producer for the first 2 full calendar months immediately preceding the time when such producer became a producer. Such daily average deliveries of milk shall be multiplied by the percentage that base deliveries were to total deliveries of milk to the market during such 2 calendar months by all base-holding producers on the market during that period; and

(xi) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a figure representing the average daily Class I milk and Class II milk produced, and disposed of during the previous 3 months on the delivery routes of such producer, which such producer and such handler jointly report as involved in the transaction, subject to verification by the market administrator. Any base so determined shall be effective from its determination until the end of the then current calendar year and thereafter shall be superseded by a figure determined pursuant to subparagraph (2) of this paragraph.

(f) *Errors in payments.* Whenever verification by the market administrator of the payment by a handler to any producer or new producer discloses payment to such producer or new producer of less than is required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payment to producers and new producers next following such disclosure.*

§ 944.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made to producers and new producers pursuant to § 944.8 with respect to all milk received by such handler during each delivery period from producers and new producers, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers and new producers during the delivery period and to provide such producers and new producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers and new producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made to such producers and new producers as may be authorized by such producers and new producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services of which such producers and new producers are members.*

§ 944.10 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 3 cents per hundredweight with respect to all milk received during such delivery period from producers and new producers and produced by such handler, the exact sum to be determined by the market administrator subject to review by the Secretary: *Provided*, That each handler which is a cooperative association shall pay such prorata share of expense of administration on only that milk of producers and new producers received by such association or caused to be delivered by such association to a plant from which no milk is disposed of in the marketing area.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.*

§ 944.11 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (i) continue in such capacity until discharged by the Secretary, (ii) from time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (iii) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.*

Issued at Washington, D. C., this 11th day of December, 1941, to become effective on and after the 15th day of December, 1941. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9366; Filed, December 12, 1941; 11:42 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO MOULTRIE STOCK YARDS, MOULTRIE, GEORGIA [1]

DECEMBER 12, 1941.

Whereas, the Moultrie Stock Yards was posted on November 1, 1921, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Moultrie Stock Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Moultrie Stock Yards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-9367; Filed, December 12, 1941; 11:42 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 531—SEIZURE OF AIRCRAFT

DECEMBER 8, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308, 901 and 903 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest, I hereby issue the following regulation:

§ 531.1 *Seizure.* (a) All inspectors of the Civil Aeronautics Administration are authorized and directed to summarily seize and impound any aircraft owned, operated or piloted by an alien and any aircraft which is piloted by a person who is not possessed of a currently effective pilot certificate issued by the Civil Aeronautics Administration or who is the holder of a pilot certificate issued by the Civil Aeronautics Administration which is under suspension pursuant to the terms of Order No. 3 of the Administrator of Civil Aeronautics.

(b) The foregoing inspectors are also authorized and directed to summarily seize and impound all aircraft operated in violation of the provisions of the Civil Air Regulations or the safety provisions of the Civil Aeronautics Act of 1938.

[SEAL] DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-9343; Filed, December 12, 1941; 9:58 a. m.]

[Order No. 3]

SUSPENSION OF PILOT CERTIFICATES

DECEMBER 7, 1941.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 609 of said Act, and finding that this action is required to best effectuate the policies declared in, and the purposes of, said Act, and is desirable in the public interest,

It is ordered, That: Effective at 0: 01 December 8th, under the powers vested in me as Administrator of Civil Aeronautics, I hereby declare that all pilot certificates except those held by pilots employed as such by scheduled air carriers are suspended. Suspension may be released as follows:

(a) For pilots at schools where training activities are being conducted for the Government, by the senior supervising Army or Navy representative or by the Civil Aeronautics Administration representative whose signature across the certificate shall indicate that he is satisfied that the holder is an American citizen of unquestionable loyalty.

(b) For pilots at aircraft manufacturing plants and at other defense manu-

facturing plants, by the senior Army or Navy inspector supervising the activities of the plant in the same manner as indicated in (a).

(c) In ferry activities, by the responsible Army or Navy officer in the same manner as indicated in (a).

(d) All other certificates may be reinstated only after satisfactory evidence of citizenship and loyalty accompanied by positive identification has been accepted by a designated representative of the CAA.

(e) At all times, reinstated certificates shall be considered valid only when the holder presents with the certificate positive proof of identification.

These requirements are applicable at this time only to the Continental limits of the United States, its territories and possessions and the District of Columbia.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-9344; Filed, December 12, 1941; 9:58 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50525]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Regulations Under Sec. 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of the Executive Order Dated October 12, 1917, Relative to the Bringing Into, or Taking Out of, the United States of Letters and Other Tangible Forms of Communication, Except in the Regular Course of the Mails

DECEMBER 11, 1941.

Section 3 (c) of the Trading with the Enemy Act, approved October 6, 1917, provides that it shall be unlawful—

(c) For any person (other than a person in the service of the United States Government or of the Government of any nation, except that of an enemy or ally of enemy nation, and other than such persons or classes of persons as may be exempted hereunder by the President or by such person as he may direct), to send, or take out of, or bring into, or attempt to send, or take out of, or bring into the United States, any letter or other writing or tangible form of communication, except in the regular course of the mail; * * *: *Provided, however*, That any person may send, take, or transmit out of the United States anything herein forbidden, if he shall first submit the same to the President, or to such officer as the President may direct, and shall obtain the license or consent of the President, under such rules and regulations, and with such exemptions, as shall be prescribed by the President.

Section XI, Executive Order No. 2729-A, dated October 12, 1917, is in part as follows:

I further hereby vest in the Secretary of the Treasury the executive administration of the provisions of subsection (c) of section 3 of the Trading with the Enemy Act relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into the United States any letter, writing, or tangible form of communication, except in the regular course of the mail. * * * And said Secretary of the Treasury is hereby authorized and empowered to issue licenses to send, take, or transmit out of the United States anything otherwise forbidden by said subsection (c) and give such consent or grant such exemption in respect thereto as is not inconsistent with law or to withhold or refuse the same.

Under section 16 of the Trading with the Enemy Act any person bringing, or attempting to bring, into the United States any letter or other writing or tangible form of communication, except in the regular course of the mail, is subject, upon conviction, to a fine of not more than $10,000, or to imprisonment for not more than 10 years or both, and the letter or other form of communication so brought in, or attempted to be brought in, is subject to seizure and forfeiture. Any person who sends, or takes, or attempts to send, or take from the United States any letter or other writing or tangible form of communication, except in the regular course of the mail, without a license therefor, is subject to a like penalty, and the letter or other form of communication involved is subject to seizure and forfeiture.

Pursuant to the authority conferred by sections XI and XIII of Executive Order No. 2729-A, dated October 12, 1917, the following regulations are hereby prescribed for the enforcement of the provisions of the statute and order quoted above:

(1) Every person arriving in the United States from any foreign country (except persons in the service of the United States Government or of the Government of any nation other than Japan and allies of Japan) shall be required to declare to the customs officers, in addition to the usual customs declaration (if any), any letter or other tangible form of communication, carried on his person or in his baggage, or otherwise brought with him or under his control. Customs officers examining arriving passengers and baggage shall, in addition to the usual customs examination, make a particular search to discover any letters or other tangible forms of communication, and shall deliver to the collector of customs for disposition any such letters or other forms of communication so declared, or which may be found on the persons or in the baggage of passengers, or which may have been brought to the United States otherwise than in the regular course of the mails. If it appear that any letter or other tangible form of communication is being brought into the United States with intention to evade or violate the law, or if it appear that the effect of bringing such letter or other form of communication into the United States would be inimical to the interests of our Government, or in the interests of its enemies, the customs officers shall detain any person having such letter or other form of communication in his possession or under his control, and report the facts to the United States attorney for appropriate action.

(2) Customs officers shall require every person departing from the United States (except persons in the service of the United States Government or of the Government of any nation other than Japan or allies of Japan) to declare any letter or other tangible form of communication carried on his person, or contained in his baggage, or otherwise brought with him or under his control. When such action is deemed necessary, customs officers shall also search the person and baggage of any one (except persons in the service of the United States Government or of the Government of any nation other than Japan or allies of Japan) departing from the United States for any letter or other tangible form of communication. If any such letter or form of communication be declared or found which is not covered by a license issued pursuant to paragraph 4 or 5 hereof or other proper authority, the customs officers shall take possession of it and deliver it to the collector of customs for disposition. If upon investigation the collector of customs is satisfied that such letter or other form of communication was being taken out of the United States without any intention to violate or evade the law or to injure the interests of the United States or to advance the interests of its enemies, and if such letter or other form of communication is not intended for or to be delivered to an enemy or ally of an enemy, the collector may grant a license for the taking of such letter or other form of communication out of the United States, provided there are affixed to the letter or other form of communication the postage stamps that would be required if such letter or other form of communication were sent in the regular course of the mail. If such letter or other form of communication is intended for or to be delivered to an enemy or ally of an enemy and a license therefor has not been issued pursuant to proper authority, the collector of customs shall hold it in his possession until he is instructed concerning its disposition. If the collector finds on investigation that such letter or other form of communication is being taken out of the United States with intention to violate or evade the law, or if the effect of taking it out would be to injure the United States or to advance the interests of its enemies, he shall seize such letter or other form of communication and detain the person in whose possession it was found, or who had it under his control, and shall report the facts to the United States attorney for appropriate action.

(3) In connection with the examination of imports and exports for customs and control purposes, customs officers shall be alert to detect any letter or other tangible form of communication brought into or intended to be taken out of the United States contrary to law, and if any such be found, shall take possession thereof and submit it to the collector for disposition.

(4) Licenses to take or send from the United States any letter or other tangible form of communication otherwise than in the regular course of the mail may be granted, if such letter or other form of communication is not intended for or to be delivered to an enemy or ally of an enemy, upon compliance with the following procedure:

Any person desiring to take or send from the United States such letter or other form of communication shall file an application therefor with the collector of customs at the port of entry at which such letter or other form of communication is to leave the United States, or with the collector of customs at or nearest the place of residence of such person. Such application shall state the name, nationality, residence, occupation, and place of business of the person taking, and, if sent by another person, of the person sending such letter or other form of communication, and the name, nationality, residence, occupation, and place of business of the person to whom such letter or other form of communication is to be delivered, with a full statement of the reasons why it is necessary or desired to send such communication otherwise than in the regular course of the mail. If the person sending or taking such letter or other form of communication from the United States is a citizen of this country, the application shall state whether he is a native-born or a naturalized citizen, and, if naturalized, the country of which he was a citizen or subject prior to receipt of his final naturalization papers, and the place where and the date when he was naturalized. Such application shall have attached thereto the actual letter or other form of communication which it is desired to send or take from the United States and, if in a foreign language, a translation thereof. If the collector of customs is satisfied that a good reason exists for the taking or sending of such letter or other form of communication from the United States otherwise than in the regular course of the mail, and that such action will not be inimical to the interests of the United States, he shall stamp the letter or other form of communication with the word "Licensed" and the date of the stamp and affix his official seal thereto and return it to the applicant, who shall declare and exhibit it to the customs officer who examines his baggage at the time of his departure. If the collector of customs is of the opinion that the granting of any application for a license will be inimical to the interests of the United States, he shall refuse to grant the license. Any person to whom a license is refused by any collector of customs may appeal from such decision to the Secretary of the Treasury through the Commissioner of Customs. Such appeal shall state all the facts required to be stated in the application for a license and any additional facts or reasons the applicant may consider pertinent to show why the decision of the collector of customs should be reversed.

(5) A general license extending over a period of time may be granted upon application made to the Secretary of the Treasury and its being shown that the granting of such a general license is necessary to the orderly transaction of the applicant's business, and is not contrary to the interests of the United States. Each application for such a license shall state all the facts required to be stated in an application for an individual license and such additional facts as may be relied upon to show why a general license should be granted, and shall be filed with the collector of customs at or nearest the place of residence of the applicant, or at the port of entry from which the communications are to be sent. Such applications shall be forwarded to the Commissioner of Customs by the collector of customs after an investigation of the facts, with his report and recommendation. Such general license, when granted, will be issued through the collector of customs at the port at which the application was filed, or at which such letters or other forms of communication are to leave the United States, and the applicant will be notified of the granting thereof.

(6) In case of doubt, the collector of customs shall refer the application for a license to the Customs Agency Service for investigation and report.

(7) Any license issued pursuant to these regulations may be revoked at any time.

(8) Collectors of customs shall arrange with coordinators of Treasury agencies and the local representatives of the Immigration Service, the Federal Bureau of Investigation, the United States Secret Service, and the Intelligence Services of the Army and the Navy for mutual cooperation and exchange of information in carrying out these regulations.

(9) Each collector of customs shall report to the Commissioner of Customs on Monday of each week all licenses granted by him during the preceding week, stating the name, occupation, and address of each sender and addressee, and the nature and subject matter of the communication licensed.

(10) Collectors of customs shall not issue licenses for any letter or other tangible form of communication intended for or to be delivered to an enemy or ally of enemy, whether to be sent outside the regular course of the mail, or otherwise.

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9372; Filed, December 12, 1941; 11:54 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO.

DEBITING BLOCKED ACCOUNTS FOR CERTAIN CHARGES DUE BANKING INSTITUTIONS

General License No. 2, as Amended, Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 11, 1941.

General License No. 2 is hereby amended in the following respects:

(a) Paragraph (b) thereof is deleted;

(b) The following sentence is substituted for the sentence deleted by paragraph (a) of this amendment:

§ 131.2 *General license No. 2.*

* * * * *

(b) Any banking institution within the United States which during any quarterly period enters any single item in excess of $50 to any account under the authority of this general license shall file with the appropriate Federal Reserve Bank at the end of such quarterly period a report showing the name of such account and the nature and amount of each item in excess of $50 entered to such account under the authority of this general license during such quarterly period. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 197; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941; E.O. 8963, December 9, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9346; Filed, December 12, 1941; 10:29 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JAPANESE FOOD MARKETERS, DISTRIBUTORS, ETC.

General License No. 77 Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 11, 1941.

§ 131.77 *General license No. 77.* (a) A general license is hereby granted licensing any person engaged, prior to December 7, 1941, in the production, marketing or distribution of food products within the continental United

States and who is a national of Japan to engage in all transactions ordinarily incidental to the normal conduct of their business of producing, marketing or distributing food within the continental United States: *Provided, however,* That this general license shall not authorize:

(1) Any transaction which could not be effected without a license if such person were not a national of any blocked country.

(2) Total payments, transfers or withdrawals from blocked accounts of any such person during any one week in excess of the average weekly payments from such account during the six months' period immediately preceding the date of this license, or

(3) Any transaction by or on behalf of nationals of Japan who were not generally licensed nationals under General License No. 68 prior to December 7, 1941.

(b) Any person engaging in business pursuant to this general license shall not engage in any transaction pursuant to this general license which, directly or indirectly, substantially diminishes or imperils the assets of such person within the continental United States or otherwise prejudicially affects the financial position of such person within the continental United States.

(c) Any bank effecting any payment, transfer or withdrawal pursuant to this general license shall satisfy itself that such payment, transfer or withdrawal is being made pursuant to the terms and conditions of this general license.

(d) Where any blocked account in a bank is debited in excess of $500 per calendar month pursuant to this general license, such bank shall file with the appropriate Federal Reserve Bank a report for such calendar month setting forth the details of the transactions in such account during the calendar month. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, and E.O. 8832, July 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941, E.O. 8963, December 9, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9347; Filed, December 12, 1941; 10:29 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Supplementary Order No. M-15-b To Restrict the Use of Rubber

Whereas the further importation of crude rubber is imperiled:

Now, therefore, it is hereby ordered, That:

§ 940.3 *Supplementary Order No. M-15-b*—(a) *Definitions.* For the purpose of this Order:

(1) "Rubber" means compounded liquid latex, and all forms and types of crude rubber and liquid latex in crude form, but does not include balata, gutta percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber and scrap rubber.

(2) "Processor" means and includes any person processing or consuming rubber.

(3) "Person" means any individual, partnership, corporation or other form of business enterprise.

(b) *General restriction on the use of rubber.* From the date of issuance of this Order until otherwise ordered by the Office of Production Management, no Processor shall consume, use or process any Rubber, except for any of the following purposes:

(1) To fill orders assigned an A-3 or better Preference Rating.

(2) To manufacture camelback in amounts not exceeding the minimum amounts specified in letter dated December 5, 1941 from the Director of Priorities to manufacturers of camelback.

(3) To manufacture tire casings and tubes and other rubber products necessary for the manufacture, maintenance or repair of trucks or busses which require tires having a diameter of 7 inches or more.

(4) To manufacture mechanical goods, hard rubber products and sponge rubber products for industrial equipment, maintenance and repair.

(5) To manufacture medical, surgical and druggists' supplies.

(6) To manufacture cements for the shoe trade, and heels made of black or brown composition rubber only and soles, taps and soling strips made of black composition rubber only.

(7) To fill orders for industrial rubber gloves, fabric-topped footwear made with black compounded rubber soles only, rubber boots and protective rubber clothing, galoshes with fabric tops and plain all rubber overshoes and galoshes.

(8) To manufacture plumbers' supplies.

(9) To manufacture articles for use in the canning and food packing industries.

(10) To manufacture compounds, for insulating wire and cable:

Provided, That, the use of rubber by each such person during any calendar month, beginning with the month of December 1941 in the manufacture or processing permitted by sub-paragraphs (3) to (10) inclusive shall not be at rates greater than the rates of consumption in the manufacture of similar items during November 1941 to fill purchase orders which were not assigned a Preference Rating of A-3 or better.

(c) *General restriction on sales and shipments.* Except to fill purchase orders assigned an A-3 or better Preference Rating, from the date of issuance of this Order until Monday, December 22, 1941, no new automobile, truck, bus, or motorcycle, farm implement, or other type of casing or tube, shall be sold, leased, traded, delivered or transferred: *Provided,* That the foregoing prohibition shall not apply to tires which are sold as a part of new or used vehicles being sold and which are affixed to such vehicles at the time of their sale. And also, no person shall ship or permit to be removed from his plants, warehouses, or other places of storage, during any calendar month, beginning with the month of December 1941 quantities of any class or type of rubber goods other than tires at a rate in excess of the rates of shipment or removal of similar classes or types of rubber goods during the month of November 1941 to fill purchase orders not assigned a Preference Rating of A-10 or better, except for the purposes of filling purchase orders assigned a Preference Rating of A-10 or better.

(d) *Violations.* Any person who violates this Order may be deprived of priorities assistance or may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation. The Office of Production Management may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(e) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Office of Production Management by addressing a letter to the Rubber and Rubber Products Branch of the Division of Civilian Supply, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as it deems appropriate.

(f) This Order supersedes the provisions of paragraph (c) (1) of General Preference Order M-15, as amended and supplemented and all letters issued pursuant to such paragraph (c) (1).

(g) *Effective date.* This Order shall take effect upon the date of its issuance. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; OPM Reg. 3 amended, Sept. 2, 1941 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-9348; Filed, December 12, 1941; 10:35 a. m.]

PART 992—LAUNDRY EQUIPMENT

Supplementary General Limitation Order L-6-a Further Restricting the Production of Domestic Laundry Equipment

In accordance with the provisions of § 992.1 (*General limitation order L-6*) which the following order supplements,

It is hereby ordered, That:

Section 992.1 (b) (1), which now covers "the five months period from August 1 to December 31, 1941", is hereby amended to cover "the five months period from September 1, 1941 to January 31, 1942."

§ 992.2 *Supplementary general limitation order L-6-a.*

* * * * *

(a) *February restrictions.* During the period beginning February 1, 1942 and ending February 28, 1942, (1) no Class A Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 7,800 units of such equipment, or
(ii) 60% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(2) No Class B Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 3,750 units of such equipment, or
(ii) 65% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(3) No Class C Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 1,140 units of such equipment, or
(ii) 75% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(4) No Class D Manufacturer shall produce more than 95% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(b) *Appeal.* Any manufacturer who considers that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the Director of Priorities by means of a letter addressed to the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Civilian Supply, Ref: L-6-a, setting forth in such letter all facts pertinent to the appeal. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 12th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9350; Filed, December 12, 1941; 10:35 a. m.]

PART 1011—IRIDIUM

Conservation Order No. M-49 Curtailing the Use of Iridium and Iridium Alloys in the Manufacture of Jewelry

Whereas national defense requirements will create a shortage of Iridium (as hereinafter defined) for the combined needs of defense, private account, and export; and the supply of Iridium will be insufficient for defense and essential civilian requirements unless its use in the manufacture of jewelry is prohibited; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution of Iridium.

Now, therefore, it is hereby ordered, That:

§ 1011.1 *General preference order No. M-49*—(a) *Restrictions on use of iridium in the manufacture of jewelry*—(1) *Prohibition against sale.* After the effective date of this Order no Person shall sell or deliver (including deliveries under toll agreements) Iridium or Iridium Alloys to any Jewelry Manufacturer for use in the manufacture of jewelry.

(2) *Prohibition against purchase.* After the effective date of this Order no jewelry Manufacturer shall purchase or receive (including receipts under toll agreements) from any Person any Iridium or Iridium Alloys for use in the manufacture of jewelry.

(3) *Prohibitions against use.* After the effective date of this Order no Jewelry Manufacturer may use Iridium or Iridium Alloys in the manufacture of jewelry unless such use has been specifically authorized by the Director of Priorities.

(b) *Miscellaneous provisions*—(1) *Priorities regulation No. 1.*[1] This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Iridium or Iridium Alloys conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the Director of Priorities setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibition and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Iridium and Iridium Alloys in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities, or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Reports.* (i) After the effective date of this Order any Jewelry Manufacturer selling, transferring, delivering or otherwise disposing in any manner of Iridium or Iridium Alloys in his possession, or subject to his control, shall report such sale, transfer, delivery or disposition to the Office of Production Management, Ref: M-49, setting forth the name of the Person or Persons to whom such sale, transfer, delivery or disposition was made and the amount of Iridium or Iridium Alloys sold, transferred or delivered.

(ii) All Persons affected by this Order shall execute and file with the Office of Production Management, upon forms hereafter to be prescribed, reports stating the stocks and inventories of Iridium and Iridium Alloys in their possession or subject to their control on January 1, 1942.

(6) *Correspondence and communication.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the Director of Priorities, Office of Production Management, Washington, D. C., Ref: M-49.

(7) *Definitions.* For the purpose of this Order:

(i) "Iridium" means Iridium Metal in any form, including primary, secondary, and scrap.

(ii) "Iridium alloy" means any mixture of metals containing more than one-half of one percent of Iridium in form of sheet, wire, or semi-finished findings, or in any other form, including primary, secondary, and scrap.

(iii) "Jewelry manufacturer" means any Person who engages at any stage in the fabrication or production of materials or articles for use in or as personal ornaments, time pieces, trophies, exhibit pieces, and other similar ware and ornaments.

(iv) "Person" means and includes any individual, partnership, association, corporation, or other form of business enterprise.

[1] 6 F.R. 4489.

(8) *Effective date.* This Order shall take effect upon the 12th day of December, 1941, and shall continue in effect until November 30, 1942. (P.D., Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 12th day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9349; Filed, December 12, 1941; 10:35 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 54—DOUGLAS FIR PEELER LOGS

Douglas fir peeler logs are the primary raw material in the manufacture of Douglas fir plywood. An earlier ceiling on peeler logs, incorporated in Price Schedule No. 13 with Douglas fir plywood, was in the form of a schedule establishing as maximum prices the prices prevailing on May 1, 1941. An interim amendment advanced the base date to prices prevailing on August 1, 1941. Subsequent investigation has made it possible to state maximum prices in dollars and cents terms.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.201 *Maximum prices for Douglas fir peeler logs.* On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer Douglas fir peeler logs to manufacturers of plywood, and no manufacturer of plywood shall buy, offer to buy, or accept delivery of Douglas fir peeler logs, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as section 1312.209.*

*§§ 1312.201 to 1312.209, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.202 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.203 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of peeler logs, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on August 1, 1941, or by any other means. If peeler logs are included in any shipment together with logs of other grades at a flat or average price, the percentage of peeler logs and the price therefor shall be separately stated in the invoice. Any attempt to secure a higher price for peeler logs by the device of charging a flat or average price which involves an unusual and excessive price for other grades included in the shipment shall be treated as an evasion of the Schedule. If peeler logs are sold "camp run," rather than on grades, the "camp run" price shall not exceed the maximum price for the logs if sold on grades.*

§ 1312.204 *Records and reports.* Every person who shall sell to a manufacturer of plywood, and every manufacturer of plywood who shall buy, 100,000 ft. log scale or more of Douglas fir peeler logs during any calendar month, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale, showing the date thereof, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of peeler logs (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.205 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir peeler logs, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.206 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.207 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Douglas fir" means the botanical species of Pseudotsuga taxifolia.

(c) "Douglas fir peeler log" means a Douglas fir log suitable for the manufacture, by rotary cutting, of Douglas fir plywood, whether it is actually so used or not.

(d) "Deliver" means to make physical transfer of logs to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser, to whom the logs have been sold.

(e) "District" means any one of four districts, as follows:

Puget Sound district, including all counties in the State of Washington lying west of the crest of the Cascade Mountains except those named in the Gray's Harbor and Columbia River districts;

Gray's Harbor district, including the counties of Gray's Harbor and Pacific in the State of Washington;

Columbia River district, including the counties of Wahkiakum, Cowlitz, Clarke, and Skamania in the State of Washington and Clatsop, Columbia, Washington, Clackamus, and Hood River in the State of Oregon;

Willamette Valley district, including all counties in the State of Oregon lying west of the crest of the Cascade Mountains except those named in the Columbia River district.

(f) "Price" means the delivered price, including freight and commissions to wholesalers, commission salesmen, or others. The price in the Puget Sound district means the price delivered in the waters of Puget Sound; the price in the Gray's Harbor district means the price delivered in the waters of Gray's Harbor; the price in the Columbia River district means the price delivered in the waters of the Columbia River; and the price in the Willamette Valley district, means the price delivered at the factory of the buyer. When logs are sold out of one district for delivery in another, the maximum prices and the grades shall be those of the district in which the buyer takes possession of the logs.

(g) "Peeler grade," "No. 1 selected for peeling," "No. 2 selected for peeling," and "core" shall mean such grades as understood between buyer and seller in the particular district on August 1, 1941.*

§ 1312.208 *Effective date of the schedule.* This Schedule shall become effective on December 20, 1941.*

§ 1312.209 *Appendix A—Maximum delivered prices per M. ft. l. s.*

Puget Sound district:	
No. 1 log selected for peeling, minimum diameter 30"----------	$40.00
No. 2 log selected for peeling, minimum diameter 30"----------	35.00
Core log, minimum diameter 26"---	27.00
Gray's Harbor district:	
Peeler grade, minimum diameter 36"----------	41.00
No. 1 log selected for peeling, minimum diameter 30"----------	33.00
No. 2 log selected for peeling, minimum diameter 26"----------	25.00
Columbia River district:	
No. 1 log selected for peeling, minimum diameter 30"----------	37.50
No. 2 log selected for peeling, minimum diameter 30"----------	31.50
Core log----------	24.00
Willamette Valley district:	
To obtain maximum prices for Willamette Valley district, take prices given above for Columbia River district, and subtract therefrom the transportation costs which would have been applicable to the shipment had it moved from the logger's loading-out point to the Columbia River market, and then add transportation costs from logger's loading-out point to the plant of the buyer: *Provided,* That regardless of the actual result of such computation, the prices for the Willamette Valley district shall in no event exceed the prices given above for the Columbia River district.	

Issued this 12th day of December 1941.
Effective December 20, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9373; Filed, December 12, 1941; 12:14 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 53—FATS AND OILS

The outbreak of war has disrupted trade in certain fats and oils with the result that normal price relationships are disturbed and inflationary price increases threaten to develop. Supplies of domestic fats and oils are substantial, and no serious shortage for defense or civilian requirements is in prospect. Nevertheless, because of recent speculative activity, the danger of serious inflation and price spiraling has made it imperative to issue immediately a Schedule temporarily establishing maximum prices. Because of the interchangeability of fats and oils it is necessary that maximum prices be established for all fats and oils. To effect this purpose of price stabilization it is necessary to limit prices to those which preceded the recent speculative and sharp rise in prices which distorted the normal price relationship between the various fats and oils. The date of November 26, 1941, when the closing price of the December future for cottonseed oil on the New York Produce Exchange was 12.50¢ per pound best accomplishes this purpose.

Should unwarranted price rises occur at stages of distribution not covered in this Schedule, appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.151 *Maximum prices for fats and oils.* (a) On and after December 13, 1941, no person shall sell, offer to sell, deliver or transfer fats or oils, and no person shall buy, offer to buy, or accept delivery of fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941, providing for a price higher than the maximum prices, may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) For any kind, grade or quality of fat or oil the maximum shipping point price shall be the highest shipping point price at which the seller sold, on November 26, 1941, such kind of fat or oil of approximately the same grade, quality and amount to a similar purchaser for nearby delivery. The maximum delivered price shall be this maximum shipping point price plus actual transportation costs.

(c) In the event that the maximum price cannot be determined under subsection (b) above, the maximum shipping point price shall be determined as follows:

(1) When the sales price per pound, exclusive of transportation charges, in the seller's most recent sale between October 1, 1941, and November 26, 1941, for nearby delivery to a similar purchaser, of approximately the same kind, grade, quality and amount, exceeded the December future price of cottonseed oil on the day of such sale, the maximum shipping point price shall be 12.50 cents plus the number of points by which such sales price, exclusive of transportation charges, exceeded such future price; or

(2) When the sales price per pound, exclusive of transportation charges, in the seller's most recent sale between October 1, 1941, and November 26, 1941, for nearby delivery to a similar purchaser of approximately the same kind, grade, quality and amount, was less than the December future price of cottonseed oil on the day of such sale, the maximum shipping point price shall be 12.50 cents minus the number of points by which such sales price, exclusive of transportation charges, was less than such future price.

(d) In the event that the maximum price cannot be determined under either subsection (b) or (c) above, the maximum shipping point price shall be the highest price for which approximately the same kind, grade, quality and amount of such fat or oil was purchased by the purchaser from any other seller on November 26, 1941. The maximum delivered price shall be this maximum shipping point price plus actual transportation costs.

(e) In all other cases, the maximum prices shall be the market price for such product of the same kind, grade, quality, amount and type of purchaser on November 26, 1941.

(f) The above prices shall be the maximum prices for all transactions except for cottonseed oil and lard futures contracts traded on the New York Produce Exchange and the Chicago Board of Trade, respectively. For such contracts the maximum prices shall be the closing prices on these Exchanges as of November 26, 1941, for all the months then traded in as follows:

Cottonseed oil

For delivery during 1941:	*Cents per pound*
December----------	12.50
1942:	
January----------	12.47
February----------	12.47
March----------	12.49
April----------	12.49
May----------	12.50
June----------	12.50
July----------	12.53

Lard, Chicago

For delivery during 1941:	
December----------	9.77
1942:	
January----------	9.95
March----------	11.32
May----------	11.52
July----------	11.72

*§ 1351.151 to 1351.158, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.152 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.153 *Records and reports.* Any person receiving or delivering fats or oils on and after December 13, 1941, under any contract entered into previous thereto at prices higher than the maximum prices established by the Schedule shall report such delivery or receipt to the Office of Price Administration within ten days thereof stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) the date of delivery or receipt; and (d) the price, quantity, and description of the product sold. A transaction involving the transfer of less than $250.00 need not be reported.

Every person making any purchase or sale of fats or oils on and after December 13, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase and sale amounting to $500.00 or more, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office

of Price Administration as it may from time to time require.*

§ 1351.154 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1351.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of fats or oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.156 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on November 26, 1941, or by any other means.*

§ 1351.157 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity dealing in fats or oils.

(b) "Fats and oils" means all fats and oils, whether raw, crude, or refined (including olive oil and lard) sold in tank cars, drums, tierces, and sacks, except "essential", mineral and chemical oils, butter, and finished fats and oils products not specified above.

(c) "December future price of cottonseed oil" means the closing price of the December future contract calling for delivery in December of bleachable prime summer yellow cottonseed oil as established on the New York Produce Exchange.

(d) "Points" means the number of hundredths of one cent per pound.

(e) "Nearby delivery" means delivery not more than sixty days, after the date upon which the contract was entered into, except, where, by well established custom, the term is used to describe deliveries within a somewhat longer period.*

§ 1351.158 *Effective date of the schedule.* This Schedule shall become effective on December 13, 1941.*

Issued this 12th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9374; Filed, December 12, 1941; 12:15 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 177]

PART 1—DOCUMENTATION OF VESSELS

DECEMBER 12, 1941.

Section 1.18 (a) is amended to read as follows:

§ 1.18 *Evidence as to marking official number, etc.* (a) Marine documents will not be issued until proper evidence is produced that the official number and net tonnage have been marked upon the vessel's main beam, and that her name has been marked upon both sides of her bow and her name and hailing port have been marked upon her stern as required by law (Commerce Form 1322): *Provided, however,* That during the period when a state of war exists between the United States and any foreign nation, marine documents may be issued although the vessel's name has not been marked upon both sides of her bow and her name and hailing port have not been marked upon the stern, because of orders from the Army, Navy, or Maritime Commission. (R.S. 161; 5 U.S.C. 22)

* * * * *

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9355; Filed, December 12, 1941; 11:21 a. m.]

[Order No. 178]

PART 6—COASTWISE PROCEDURE

DECEMBER 12, 1941.

§ 6.11 *Fishing vessels touching and trading at foreign places* is amended to read as follows:

§ 6.11 *Fishing vessels touching and trading at foreign places.* (a) No vessel enrolled and licensed or licensed to carry on the fisheries shall touch and trade at a foreign port or place unless it has a permit to touch and trade. Such a permit (Commerce Form 1379) must be obtained from a collector of customs. Any such vessel which puts into a foreign port or place and obtains only bunkers and such sea stores, ship stores, and supplies as are suitable for a fishing voyage, is not touching and trading at a foreign port or place.

(b) In all cases where a vessel enrolled and licensed or licensed for the fisheries has put into a foreign port or place, the master of said fishing vessel, upon its return to a port in the United States, must report its arrival, make entry, and otherwise conform in all respects to the statutes and regulations prescribed for vessels arriving from a foreign port. In every case where a permit to touch and trade has been issued, it must be surrendered upon the first return of the vessel to a port or place in the United States to the nearest collector of customs.

(c) A permit to touch and trade for the purpose of touching at a foreign port or place may not be issued to a vessel licensed for the "coasting trade and mackerel fishery" which is departing on a voyage to engage exclusively in trade. In such a case the vessel must secure a certificate of registry and obtain clearance for the foreign port or place.

(d) Any vessel enrolled and licensed or licensed to carry on the fisheries which touches and trades at a foreign port or place without having a permit to touch and trade shall, with its cargo, be forfeited. (R.S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9364; Filed, December 12, 1941; 11:41 a. m.]

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS

PART 222—STATEMENTS AND AGREEMENTS REQUIRED TO BE FILED

Participation in Section 15 Agreements of Nationals of Countries at War With the United States

Whereas pursuant to the requirements of Section 15 of the Shipping Act, 1916, as amended, agreements have been filed with the Commission, and have received approval in accordance with the provisions of that section; and

Whereas the national interests of the United States so require,

It is ordered, That:

§ 222.17 *Elimination from agreements of nationals of enemy countries.* Immediately upon the existence of a state of war between the United States and any country, the parties to each of said agreements now in effect, any provisions thereof to the contrary notwithstanding, shall eliminate forthwith from membership and/or participation in every such agreement all nationals, and/or their agents or representatives, of said country. (Sec. 15, 39 Stat. 733; 48 U.S.C. 814)

By Order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.
Secretary.

[F. R. Doc. 41-9370; Filed, December 12, 1941; 11:46 a. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT OF WARRANT OFFICERS (JUNIOR GRADE)

The notice of examination for appointment as warrant officer (junior grade), published in the FEDERAL REGISTER, December 2, 1941 [1], as amended [2], is further amended as follows:

At the end of subparagraph 3 (a) add the words "on December 15, 1941."

At the end of subparagraph 5 (a) add the following sentence: "Preliminary boards should consist of experienced officers of not less than 5 years' active service, except that the president of the board should be a field officer of not less than 15 years' active service."

Paragraphs 6 to 8, inclusive, are renumbered 7 to 9, inclusive, and a new paragraph 6 is added as follows:

6. *Qualifications of applicants.* Preliminary boards will assure themselves that the applicants selected for further consideration possess the necessary educational and technical qualifications. In addition to the educational qualification of being a high school graduate or the equivalent thereof, the applicant should, if practicable, be a graduate of the branch technical school relevant to the classification in which he seeks appointment. As a guide in the selection of applicants, the following are offered as suggestions to assist preliminary boards in making selections:

MINIMUM QUALIFICATIONS TO BE REQUIRED BY PRELIMINARY EXAMINING BOARDS IN WARRANT OFFICERS' EXAMINATION SCHEDULED TO BE HELD BY POST BOARDS, JANUARY 5–17, 1942

(a) In each of the following warrant officer tests, the prospective applicant should offer evidence that he has relevant military experience of at least 6 months and preferably 1 year in the specific subject matter in which he offers his application for examination:

Administrative

1. Clerical: General.
2. Clerical: Machine records.
5. Clerical: Judge Advocate General's Department.
6. Fiscal.
7. Supply: General.
8. Supply: Air Corps.
9. Supply: Signal Corps.
10. Supply: Medical.
11. Supply and clerical: Ordnance.

Technician Specialist

14. Aviation: Lighter-than-air.
16. Aviation: Armament.
18. Construction and utilities: Quartermaster.
19. Construction and utilities: Engineer.
23. Munitions: Ordnance, armament machinist.
24. Munitions: Coast artillery.
25. Munitions: Ordnance, ammunition.
26. Munitions: Chemical warfare.
27. Signal communication: General.
28. Signal communication: Air Corps.
29. Signal communication: Field artillery.
30. Tank.
31. Signal communication: Cryptographic.

(b) In each of the following warrant officer tests, the prospective applicant should offer evidence of formal school training (at least one course), either in or out of the Army, in the specific subject matter in which he offers his application for examination.

Administrative

3. Clerical: Auditing and accounting.

Technician specialist

12. Aviation: Weather.
13. Aviation: Photography.
17. Aviation: Bombsight.
22. Topographic: Corps of Engineers.

(c) In each of the following warrant officer tests, the prospective applicant should offer evidence that he has trade experience of at least 6 months, either in or out of the Army, in the specific subject matter in which he offers his application for examination:

Administrative

4. Typing and dictation.

Technician specialist

15. Aviation: Engineering.
20. Motor transport: General.
21. Motors: Ordnance.

(Act of August 21, 1941, Public Law 230, 77th Congress) [Cir. 237, W.D., Nov. 17, 1941, as amended by Cir. 248, W.D., Dec. 4, 1941 and Cir. 250, W.D., Dec. 9, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9345; Filed, December 12, 1941; 9:59 a. m.]

[1] 6 F.R. 6152.
[2] 6 F.R. 6311.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-915]

PETITION OF WILSON MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 2, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS WILSON (STRIP) MINE, MINE INDEX NO. 457

ORDER DISMISSING PETITION

An original petition, pursuant to the Bituminous Coal Act of 1937, having been filed with the Division, by the above-named party, for the establishment of price classifications and minimum prices for the coals of its Wilson (Strip) Mine, Mine Index No. 457, in District No. 2; and

The Director, by a communication of August 23, 1941, having informed the above-named party that its petition was not in proper form for consideration as a petition duly filed pursuant to section 4 II (d) of the Act, and no further communication having been received from the above-named party; and

District Board No. 2 having duly filed a petition in Docket No. A-935 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2, including the said Mine Index No. 457; and

The Acting Director by his Order of July 28, 1941, in Docket No. A-935, having established, among other matters, price classifications and minimum prices for the coals of Mine Index No. 457, as prayed for in the petition therein; and

It appearing, accordingly, that in view of the foregoing circumstances the original petitioner has no further interest in the above-entitled matter;

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is, dismissed, without prejudice.

Dated: December 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9351; Filed, December 12, 1941; 11:05 a. m.]

[Docket Nos. B-80, 1832-FD]

IN THE MATTERS OF SOUTHERN COAL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8561, RESPONDENT

ORDER POSTPONING HEARINGS

The above-entitled matters having been scheduled for hearings on December 17, 1941, at 10 o'clock a. m. in a hearing room of the Bituminous Coal Division in Room 245, U. S. Court House, Nashville, Tennessee; and

It appearing to the Acting Director that it is advisable to postpone said hearings:

Now, therefore, it is ordered, That the hearings in the above-entitled matters

be, and the same hereby are, postponed from 10 o'clock a. m. on December 17, 1941, to a date and place to be hereafter designated by an appropriate Order.

Dated: December 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9352; Filed, December 12, 1941; 11:05 a. m.]

[Docket Nos. A-1174, A-1175]

PETITIONS OF RIMERSBURG COAL MINING CO., INC., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT REIDSBURG, PENNSYLVANIA, ON THE NEW YORK CENTRAL RAILROAD; AND FOR THE ESTABLISHMENT OF AN ADDITIONAL LOADING POINT AT KAYLOR, PENNSLYVANIA, ON THE WESTERN ALLEGHENY RAILROAD

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Petitions pursuant to the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party, and it appearing that these petitions present analogous issues;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That a hearing in the above-entitled matters under the applicable provisions of said Act and the rules of the Division be held on January 13, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 8, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to making the minimum prices and price classifications effective for coals produced at the Fox Mine (Mine Index No. 2989) of the Rimersburg Coal Mining Co., Inc., for rail shipments from Sligo, Pennsylvania, on the Pennsylvania Railroad, applicable to rail shipments from Kaylor, Pennsylvania, on the Western Allegheny Railroad and from Reidsburg, Pennsylvania, on the New York Central Railroad.

Dated: December 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9353; Filed, December 12, 1941; 11:05 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	*Date Application filed*
E. R. Ellington, Warrior, Ala.	Dec 1, 1941
James B. Shepherd, 2433 N. Delaware St., Indianapolis, Ind.	Dec. 2, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before January 12, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: December 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9354; Filed, December 12, 1941; 11:06 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION PURSUANT TO SECTION 608c (9) AND (17) TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF ORDER NO. 44, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE QUAD CITIES MARKETING AREA [1]

Grover B. Hill, Acting Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective February 1, 1940, Order No. 44, regulating the handling of milk within the area defined in said order and referred to therein as the Quad Cities marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on December 14, 1939, a marketing agreement regulating the handling of milk in the Quad Cities marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement and to the order regulating the handling of milk in the Quad Cities marketing area would tend to effectuate the declared policy of said act, notice was given, on September 4, 1941, of a public hearing, which was held in Rock Island, Illinois, on September 11, 1941, on certain proposals to amend such marketing agreement and such order, and at such time and place all interested parties were afforded an opportunity to be heard on such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on November 19, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Quad Cities marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Quad Cities marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Order No. 44, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Quad Cities marketing area; and

3. The issuance of Order No. 44, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 6th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: December 8, 1941.

[F. R. Doc. 41-9365; Filed, December 12, 1941; 11:42 a. m.]

[1] See also title 7—Agriculture; Chapter IX—Surplus Marketing Administration, *supra*.

DETERMINATION PURSUANT TO SECTION 608c (9) AND (17), TITLE 7, U.S.C., WITH RESPECT TO THE ISSUANCE OF ORDER NO. 12, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE DUBUQUE, IOWA, MARKETING AREA [1]

H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, issued, effective June 16, 1939, Order No. 12, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

H. A. Wallace, Secretary of Agriculture, tentatively approved, on May 19, 1939, a marketing agreement, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area would tend to effectuate the declared policy of said act, notice was given, on September 4, 1941, of a public hearing which was held in Dubuque, Iowa, on September 9, 1941, on certain proposals to amend such marketing agreement, as amended, and such order, as amended, and at such time and place all interested parties were afforded an opportunity to be heard on the proposals to amend such marketing agreement, as amended, and such order, as amended.

After such hearing and after the tentative approval on November 15, 1941, of a marketing agreement, as amended, regulating the handling of milk in the Dubuque, Iowa, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, as amended, which is marketed within the Dubuque, Iowa, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Order No. 12, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Dubuque, Iowa, marketing area; and

3. The issuance of Order No. 12, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

Done at Washington, D. C., this 6th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

Dated: December 8, 1941.

[F. R. Doc. 41-9369; Filed, December 12, 1941; 11:43 a. m.]

[1] See also title 7, Agriculture; Chapter IX—Surplus Marketing Administration, *supra*.

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CHEMICAL AND RELATED PRODUCTS INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Secretary of Labor has presently before her for the purpose of determining the prevailing minimum wage under section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), hereinafter called the Act, the complete record in the above-entitled matter including the transcript of hearing, the findings and recommendations of the Public Contracts Board, arrived at on the basis of the evidence presented at the hearing and briefs and communications filed pursuant thereto.

The Chemical and Related Products Industry is defined for the purposes of the proceeding to be that industry which manufactures A. (1) heavy, industrial, and fine chemicals, including among others compressed and liquefied gases, and insecticides and fungicides, and (2) the by-products of the foregoing; and B. the manufacture of such commodities as bluing; bone black, carbon black, and lampblack; cleaning and polishing preparations (except paint and varnish remover, furniture and floor wax and polish, and soap), mucilage, paste, and other adhesives. Omitted from the scope of the definition of this industry are: Fertilizer; Drugs and Medicines; Ammunition; Explosives; Fireworks; Paints, pigments, varnishes and lacquers; and Soap, which have been accorded separate treatment by the Secretary.

Copies of the Board's recommendations may be had on request addressed to the Administrator, Division of Public Contracts, Department of Labor, Washington, D. C.

The Secretary of Labor proposes on or after December 29, 1941 to find that the prevailing minimum wages in the chemical and related products industry, within the meaning of section 1 (b) of the Act, are 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis for the states of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece work basis for the remaining states of the United States.

The Secretary in support of the proposed minimum wage determination will find, unless reason is shown to the contrary, that there is a general similarity in wage structure throughout the states in each of the proposed groupings; that there is a wide spread in the minimum wages paid in the plants of each state; and that the minimum which is most generally paid to employees very closely approximates 50 cents in the states of one group and 40 cents in the states of the other.

The Secretary will point out that the proposed determination in this case is fortified by the fact that in practically all of the states in each group more than 50 percent of the plants have a minimum wage as high or higher than the proposed minimum and that these high paying plants employ more employees than those paying as a minimum wage less than the proposed minimum.

Notice is hereby given to all interested parties of the opportunity to show cause, on or before December 29, 1941 why the Secretary of Labor should not determine the prevailing minimum wages in the Chemical and Related Products Industry to be

(1) 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time

or piece work basis, for the states of Maryland, Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, and the District of Columbia; and

(2) 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the remaining states of the United States.

The proposed determination shall be effective and the minimum wages therein established shall apply to all contracts bids for which are solicited or negotiations otherwise commenced on or after the date specified therein, subject to the provisions of the afore-mentioned Act of June 30, 1936, for the manufacture and supply of the products of the Chemical and Related Products Industry.

Briefs for or against the proposed determination must be filed with the Administrator, Division of Public Contracts, Department of Labor, on or before December 29, 1941. No form for the brief is prescribed, but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: December 11, 1941.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-9363; Filed, December 12, 1941; 11:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-242]

IN THE MATTER OF THE PENNSYLVANIA-BRADFORD COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order granting an exemption from the provisions of Section 17 (a) of said Act so as to permit the sale by the applicant of 7,410 shares of common stock of Bradford Producing Company and 648 shares of common stock of The Sloan & Zook Company at public auction to be held on December 19, 1941, at 3:15 P. M., at the office of J. M. Askin & Co., auctioneers, 301 Columbia Building, 248 Fourth Avenue, Pittsburgh, Pennsylvania, to the highest bidder who may be an affiliated person of applicant.

It is ordered, That a hearing on the aforesaid application be held on December 16, 1941, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9356; Filed, December 12, 1941; 11:36 a. m.]

[File No. 70-454]

IN THE MATTER OF CONTINENTAL GAS & ELECTRIC CORPORATION AND IOWA-NEBRASKA LIGHT AND POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December, A. D. 1941.

Notice is hereby given that a combined declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than December 19, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which is on file in the Office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Continental Gas & Electric Corporation proposes to purchase $544,000 principal amount 5% First Mortgage Bonds of The Lincoln Traction Company (a Delaware corporation and wholly-owned subsidiary of Continental) from Iowa-Nebraska Light and Power Company for the consideration of $275,000 cash.

These bonds were outstanding in the principal amount of $800,000 when they matured January 1, 1939, but funds sufficient to retire the entire amount were not then available. As of December 30, 1940, they were reduced in principal amount to $624,000, by a payment on principal of $176,000 applied pro rata to each of the bonds outstanding. Subsequent to October 31, 1941, a further payment on principal in the amount of $80,000 (likewise applied pro rata to each of the bonds), reduced the principal amount outstanding to $544,000. Iowa-Nebraska owned the entire amount outstanding when each of the above payments was made. Continental owns the entire capital stock of Iowa-Nebraska.

Continental desires to acquire the bonds in order that all of the outstanding securities of Lincoln Traction Company will be owned directly by it, facilitating the contemplated disposition of its interest in Lincoln when a suitable buyer either for the properties or the securities can be found. The proposed acquisition is part of a general program to simplify the capital structure of the Continental Gas & Electric Corporation holding-company system.

The parties desire to consummate the transaction within the present calendar year and have requested that the filing be made effective by order of the Commission entered December 22, 1941, the fifteenth day after the filing date.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9357; Filed, December 12, 1941; 11:39 a. m.]

[File No. 70-458]

IN THE MATTER OF OGDEN CORPORATION AND LITCHFIELD AND MADISON RAILWAY COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 23, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Litchfield and Madison Railway Company proposes to sell at public auction in the City of Chicago, Illinois its holdings of 5,350 units of beneficial interest, no par value, of Utilities Realty Liquidation Trust. It is proposed that this sale will take place prior to the close of the calendar year 1941.

Ogden Corporation proposes to enter a bid at said auction to purchase the 5,350 units of beneficial interest of Utilities Realty Liquidation Trust at a price of $26,750.

The declaration and application recites that the companies consider sections 9 (a) and 12 (f) of said Act and Rule U-45 promulgated thereunder as being applicable to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9358; Filed, December 12, 1941; 11:36 a. m.]

[File No. 54-30]

IN THE MATTER OF OGDEN CORPORATION, CENTRAL STATES UTILITIES CORPORATION, CENTRAL STATES POWER & LIGHT CORPORATION, AND CENTRAL STATES PRODUCTION CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF PLAN FOR REORGANIZATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of December, A. D. 1941.

Ogden Corporation, a registered holding company, and Central States Utilities Corporation, Central States Power & Light Corporation and Central States Production Corporation, which are subsidiaries thereof, having filed a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 providing for the simplification of the Ogden Corporation holding company system through the reorganization of Central States Power & Light Corporation and the elimination of Central States Utilities Corporation, Central States Production Corporation and Utilities Oil Production Corporation from the Ogden Corporation holding company system; and

The parties above-named having filed a subsequent plan under section 11 (e) contemplating the liquidation of Central States Power & Light Corporation rather than the reorganization thereof, and having requested the withdrawal of the plan hereinbefore described; and

It appearing that such request should be granted;

It is ordered, That consent be, and hereby is given, to such withdrawal.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9359; Filed, December 12, 1941; 11:37 a. m.]

[File No. 1-1611]

IN THE MATTER OF GEORGIA MARBLE COMPANY 6% FIRST MORTGAGE SINKING FUND GOLD BONDS DUE 1950

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of December, A. D. 1941.

The Georgia Marble Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its 6% First Mortgage Sinking Fund Gold Bonds due 1950, from listing and registration on the Baltimore Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 22, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9360; Filed, December 12, 1941; 11:37 a. m.]

[File No. 1-563]

IN THE MATTER OF CHARLES A. KAUFMAN COMPANY, LTD., COMMON CAPITAL STOCK, PAR VALUE $50

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

The Charles A. Kaufman Company, Ltd., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Capital Stock, Par Value $50, from listing and registration on the New Orleans Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on December 26, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9361; Filed, December 12, 1941; 11:37 a. m.]

[File No. 70-434]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, AND OHIO RIVER POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December A. D. 1941.

The Commission having heretofore on November 13, 1941, issued its Notice Regarding Filing Subject to Rule U-23 concerning a filing of a declaration and an application by Ohio River Power Company and Central U. S. Utilities Company, said filing being concerned, among other things, with a proposed transfer by Ohio River Power Company of all its assets to Central U. S. Utilities Company in consideration of the return to Ohio River Power Company for cancelation of all of its common stock and the assumption by Central U. S. Utilities Company of all of the liabilities of Ohio River Power Company; Central U. S. Utilities Company thereupon proposing to sell the physical assets formerly belonging to Ohio River Power Company, consisting of electric public utility facilities located in Tell City and Cannelton, Indiana, to the municipalities of Tell City and Cannelton, Indiana, for an aggregate consideration of $600,000;

Said Notice Regarding Filing Subject to Rule U-23 further indicating that any person might, not later than November 29, 1941, at 1:15 p. m. E. S. T., request that a public hearing be held on such filing or that the Commission notify him should such a hearing be ordered; no such request having been received within the prescribed period by this Commission;

Central U. S. Utilities Company and Ohio River Power Company now having requested a withdrawal of said pending filing; and the Commission having considered the appropriateness of granting such request;

It is therefore ordered, That said request of Central U. S. Utilities Company and Ohio River Power Company be, and the same hereby is, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9362; Filed, December 12, 1941; 11:39 a. m.]

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DEC 17 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 243

Washington, Tuesday, December 16, 1941

The President

RED CROSS WAR FUND CAMPAIGN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS our country has been viciously attacked and forced into a war of vast proportions, which will inevitably bring grief and distress to many and self-sacrifice to all; and

WHEREAS for more than sixty years the American National Red Cross has played a vital role in binding up the wounds of the injured, in sheltering, feeding, and clothing the homeless, in succoring the distressed, in rebuilding broken lives, and in rehabilitating the victims of catastrophes of nature and of war; and

WHEREAS in preparation for just such an emergency as we are now facing, the American National Red Cross has been spending funds at the rate of more than one million dollars a month, which is but a small fraction of the amount that the organization now requires in order to carry out effectively its functions as an essential auxiliary of our armed forces, particularly as a friendly liaison in welfare problems between the man in service and his family at home, and as a key agency in the civil-defense plans:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, and President of the American National Red Cross, do hereby proclaim the beginning, as of this date, of a Red Cross War Fund Campaign for the raising of a minimum sum of fifty million dollars; and I appeal to the American people to make this campaign an overwhelming success. Realizing the desire of every American to participate in the national war effort, I confidently anticipate an immediate and spontaneous response to this appeal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 12th day of December in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2530]

[F. R. Doc. 41-9384; Filed, December 13, 1941; 11:17 a. m.]

EXECUTIVE ORDER

ESTABLISHING DEFENSIVE SEA AREAS AT PORTLAND, MAINE; PORTSMOUTH, NEW HAMPSHIRE; BOSTON, MASSACHUSETTS; NARRAGANSETT BAY; SAN DIEGO, CALIFORNIA; SAN FRANCISCO, CALIFORNIA; COLUMBIA RIVER ENTRANCE; AND STRAIT OF JUAN DE FUCA AND PUGET SOUND

By virtue of the authority vested in me by section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the following-described areas are hereby established for purposes of national defense as naval defensive sea areas, with names as indicated:

1. *Portland, Maine, Defensive Sea Area*

All United States territorial waters of Casco Bay, Portland Harbor, Luckse Sound, Broad Sound and their tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U. S. C. and G. S. Charts, to:

A line running from Dyer Point (Cape Elizabeth) to West Cod Ledge Rock buoy No. "2" in approximate position, Latitude 43°34'17" North, Longitude 70°07'40" West, thence to Bulwark Shoal buoy, in approximate position Latitude 43°36'02" North, Longitude 70°04'04" West, thence to Halfway Rock

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FEDERAL REGISTER

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Light, thence to the southernmost point on Little Birch Island, thence to Chebeag Point on Great Chebeag Island, thence to Blaney Point on Cousin Island, thence to Drinkwater Point on the mainland; and within Portland Harbor to:

A line crossing Portland Harbor at the Portland Terminal Bridge.

2. *Portsmouth, New Hampshire, Defensive Sea Area*

All United States territorial waters of the Atlantic Ocean, Portsmouth, New Hampshire, and Kittery, Maine Harbors, the Piscataqua River and their tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. and G.S. Charts, to:

A line running northwest and southeast across Pepperrel Cove through nun buoy No. "4" of Fishing Island, in approximate position Latitude 43°04'40" North, Longitude 70°42'18" West;

A line running southerly from Sisters Point on Gerrish Island to nun buoy No. "2", off West Sister Shoal in approximate position Latitude 43°03'36" North, Longitude 70°40'11" West, thence southwesterly to bell buoy No. "1" off Gunboat Shoal, in approximate position Latitude 43°01'25" North, Longitude 70°41'51" West, thence westerly to Seal Rocks, thence northwest to the shore of the mainland;

A line running from Frosts Point Light to Jaffrey Point Light on Newcastle Island; and within Portsmouth Harbor, to:

A line crossing the Piscataqua River at and following the Boston and Maine Railroad Bridge.

3. *Boston, Massachusetts, Defensive Sea Area*

All United States territorial waters of Massachusetts Bay, Broad Sound, President Roads, Boston Harbor; the Mystic, Chelsea, and Charles Rivers, Quincy Bay, Weymouth Fore River, Nantasket Roads, Hingham Bay and their tributaries, bays and streams from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. and G.S. Charts, to:

A line connecting Strawberry Point (Cohasset) and East Point, Nahant;

A line connecting Bass Point, Nahant, and Grovers Cliff, Winthrop Highlands; and within Boston Harbor, to:

A line across the Mystic River at and following the downstream Boston and Maine Railroad Bridge; and

A line across the Charles River at and following the Charlestown Bridge.

4. *Narragansett Bay Defensive Sea Area*

All United States territorial waters of Narragansett Bay, the Sakonnet River, Providence Harbor, and their tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. and G.S. Charts, to:

A line running from the shore North of Point Judith on true bearing East to Little League Rock, thence northeasterly to bell buoy "E" in approximate position, Latitude 41°24'23" North, Longitude 71°21'24" West, thence to bell buoy No. "2", off Schuyler Ledge, in approximate position Latitude 41°26'24" North, Longitude 71°11'39" West, thence to the southernmost land of Sakonnet Point; and within Narragansett Bay and its tributaries to:

A line across the Taunton River at and following the New York, New Haven and Hartford Railroad Bridge; and

A line across the Seekonk River at and following the Red Bridge.

5. *San Diego, California, Defensive Sea Area*

All United States territorial waters of the Pacific Ocean, San Diego Bay, and their tributaries from the contour line of extreme high water on the shores of these waters, as shown on the latest U. S. C. and G. S. Charts, to:

A line running from Point Loma Lighthouse southerly to Lighted Whistle Buoy "1A", in approximate position Latitude 32°37'19" North, Longitude 117°14'42" West, thence northeasterly to Torpedo Range Buoy "0", in approximate position, Latitude 32°38'06" North, Longitude 117°12'07" West, thence easterly to Target No. 1 on shore, in approximate position Latitude 32°37'20" North, Longitude 117°08'04" West; and, within San Diego Bay, all the waters to the north of:

A line following the parallel of Latitude 32°40' North, from shore to shore.

6. *San Francisco, California, Defensive Sea Area*

All United States territorial waters of the Gulf of the Farallones, San Francisco Bay, San Pablo Bay, the Napa River, Carquinez Strait, Oakland Harbor, San Leandro Bay and their tributaries from the contour line of extreme high water on the shores of these waters, as shown on the latest U.S.C. and G.S. Charts, to:

A line running north to the shore from Whistle Buoy "1DR" (Duxbury Reef) in approximate position, Latitude 37°51'36" North, Longitude 122°41'46" West;

A line running southerly from Whistle Buoy "1DR" along the seaward limit of United States territorial waters to the parallel of Latitude 37°40' North, thence east along that parallel of Latitude to the shore; and within San Francisco Bay and its tributaries to:

A line across the south part of San Francisco Bay at and following the San Mateo Bridge;

A line across Carquinez Straits at and following the Southern Pacific Railroad Bridge;

A line across the Napa River at and following the Vallejo-Mare Island Causeway.

7. *Columbia River Entrance Defensive Sea Area*

All United States territorial waters of the Pacific Ocean and the Columbia River and their tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. and G.S. Charts, to:

A line running from North Head, Washington, west to the boundary of United States territorial waters, thence southerly along the boundary of United States territorial waters to the vicinity of Bell Buoy No. "1", in approximate position, Latitude 46°14'21" North, Longitude 124°09'38" West, thence southeasterly along the seaward boundary of United States territorial waters to the parallel of Latitude 46°10' North, and along this parallel of Latitude to the shore; and within the Columbia River to:

A line across the Columbia River from Harrington Point, Washington, to Settler Point, Oregon;

A north and south line across Youngs River from shore to shore at the westernmost point of Daggett Point;

A line across the Lewis and Clark River at and following the Oregon Coast Highway Bridge.

8. *Strait of Juan de Fuca and Puget Sound Defensive Sea Area*

All United States territorial waters of the Pacific Ocean, the Strait of Juan de Fuca, Admiralty Inlet, Saratoga Passage, Possession Sound, Hood Canal, Puget Sound, and their tributaries from the contour line of extreme high water on the shores of these waters, as shown on the latest U.S.C. and G.S. Charts, to:

A line running north from Tatoosh Island to the international boundary, thence easterly along the international boundary line to the easternmost point of that line in the vicinity of Middle Bank, thence to Iceberg Point on Lopez Island, thence easterly to the shore of Whidbey Island at Deception Pass;

A line running north from Point Demock on Camano Island to the shore of Whidbey Island; and

A line running each from Camano Head on Camano Island to the shore of the mainland.

A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of any of the defensive sea areas established hereby except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within any of the said defensive sea areas must be made, preferably by application at the appropriate United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs and permission to enter the port shall be requested. The name of the vessel, purpose of entry, and name of the master must be given in the request. If visual communications are used, the procedure will be essentially the same.

A vessel entering or navigating the waters of any of the said defensive sea areas does so at its own risk.

Even though permission has been obtained, it is incumbent upon a vessel entering any one of the said defensive sea areas to obey any further instructions received from the United States Navy or other United States authority.

A vessel may expect supervision of its movements within any of the said defensive sea areas, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

These regulations are subject to amplification by the local United States naval authority as necessary to meet local circumstances and conditions.

When a United States Maritime Control Area is established adjacent to or abutting upon any of the said described defensive sea areas, it shall be assumed that permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas.

Any master of a vessel or other person within any of the said defensive sea areas, who shall disregard these regulations, or shall fail to obey an order of United States naval authority to stop or heave to, or shall perform any act threatening the efficiency of mine or other defenses or the safety of navigation, or shall take any action inimical to the interests of the United States, may be detained therein by force of arms and renders himself liable to attack by the armed forces of the United States, and liable to prosecution as provided in section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96).

All United States authorities shall place at the disposal of the naval authorities their facilities for aiding in the enforcement of these regulations.

The Secretary of the Navy shall be charged with the publication and enforcement of these regulations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 11, 1941.

[No. 8970]

[F. R. Doc. 41–9377; Filed, December 12, 1941; 12:31 p. m.]

EXECUTIVE ORDER

AUTHORIZING THE DIRECTOR OF SELECTIVE SERVICE TO PROVIDE FOR THE PHYSICAL REHABILITATION OF REGISTRANTS FOR TRAINING AND SERVICE IN THE ARMED FORCES OF THE UNITED STATES

By virtue of the authority vested in me by the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, it is hereby ordered that the Director of Selective Service be, and he is hereby, authorized to plan, establish, and carry on a program having as its purpose the physical rehabilitation of registrants for training and service in the armed forces of the United States.

In order to carry out this purpose, the Director of Selective Service is hereby further authorized:

(1) To prescribe such rules and regulations, including changes and amendments to Selective Service Regulations, as he shall deem necessary.

(2) To issue such public notices, orders, and instructions as he shall deem necessary.

(3) To obligate such funds as may be specifically appropriated or allocated for this purpose and funds appropriated generally for the operation and maintenance of the Selective Service System.

(4) To perform, delegate, or provide for delegation of any duties, functions, and powers necessary in carrying out the purposes of this order to such officers, agents, or persons as he may designate, and in this connection to utilize so far as may be practicable any available Federal facilities.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8971]

[F. R. Doc. 41–9382; Filed, December 12, 1941; 4:13 p. m.]

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF WAR AND THE SECRETARY OF THE NAVY TO ESTABLISH AND MAINTAIN MILITARY GUARD AND PATROLS, AND TO TAKE OTHER APPROPRIATE MEASURES, TO PROTECT CERTAIN NATIONAL-DEFENSE MATERIAL, PREMISES, AND UTILITIES FROM INJURY OR DESTRUCTION

WHEREAS the United States is now at war; and

WHEREAS there exists a serious and immediate potential danger of sabotage to national-defense material, national-defense premises, and national-defense utilities which may menace our maximum productive effort; and

WHEREAS the Congress of the United States has in recent enactments recognized this danger by enjoining efforts to injure, interfere with, or obstruct the national defense, and providing severe penalties therefor; and

WHEREAS it is considered necessary in the interests of national defense that, in particular situations where hazardous, dangerous, or other unfavorable conditions may from time to time exist, special precautionary measures be taken by establishing and maintaining military guards and patrols or other appropriate means to protect from injury or destruction national-defense material, national-defense premises, and national-defense utilities:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander-in-Chief of the Army and Navy of the United States, I hereby authorize and direct the Secretary of War, whenever he deems such action to be necessary or desirable, and the Secretary of the Navy, whenever he deems such action to be necessary or desirable, to establish and maintain military guards and patrols, and to take other appropriate measures, to protect from injury or destruction national-defense material, national-defense premises, and national-defense utilities, as defined in the act of April 20, 1918, 40 Stat. 533, as amended by the act of November 30, 1940, 54 Stat. 1220, and the act of August 21, 1941, 55 Stat. 655.

This order shall not be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, Department of Justice, with respect to the investigation of alleged acts of sabotage.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8972]

[F. R. Doc. 41-9380; Filed, December 12, 1941; 4:12 p. m.]

EXECUTIVE ORDER

TRANSFER OF EMPLOYEES POSSESSING QUALIFICATIONS FOR NATIONAL-DEFENSE WORK

WHEREAS there exists a critical shortage of persons qualified in certain occupations and professions essential to the successful prosecution of the national-defense program; and

WHEREAS there are in the executive branch of the Government employees possessing skills and qualifications in such occupations and professions who are employed in positions in which they can be replaced:

NOW, THEREFORE, by virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), it is hereby ordered that whenever the Civil Service Commission shall find (a) that there is employed in the executive civil service of the United States any person who is qualified to perform work directly connected with the national-defense program for which there is a critical shortage of qualified persons, and (b) that the position occupied by such person can be filled, the head of the department or agency concerned shall be requested by the Commission to authorize the release of such person for transfer to a public or private agency to perform work directly connected with the national-defense program; but no transfer under this order shall be made without the consent of the head of the department and of the employee concerned.

Any person, except one holding a temporary position, transferred under this order whose services are subsequently terminated without prejudice shall be entitled to reemployment benefits as stated below provided that he is still qualified to perform the duties of his position and that he makes application for reinstatement within forty days after the termination of his services or forty days after the present national emergency shall have ceased to exist:

1. He shall be reinstated within thirty days of his application in the same department or agency, and in approximately the same locality, in his former position or in a position of like seniority, status, and pay, provided that such a position then exists.

2. If such a position does not exist, and such person is therefore not reinstated within thirty days of his application, his name shall be entered on the Reemployment List established pursuant to Executive Order No. 5924 of September 20, 1932, to be considered for certification to positions for which he is qualified elsewhere in the Government service.

3. No employee reinstated under this order shall be discharged from such position without cause within one year after his reinstatement.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8973]

[F. R. Doc. 41-9381; Filed, December 12, 1941; 4:12 p. m.]

GENERAL LICENSE UNDER SECTION 3 (a) OF THE TRADING WITH THE ENEMY ACT

By virtue of and pursuant to the authority vested in me by sections 3 and 5 of the Trading with the enemy Act, as amended, and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do prescribe the following:

A general license is hereby granted licensing any transaction or act prohibited by section 3 (a) of the Trading with the enemy Act, as amended, provided, however, that such transaction or act is authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses or otherwise, pursuant to Executive Order No. 8389, as amended.[1]

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 13, 1941.

H. MORGENTHAU, JR.,
Secretary of the Treasury.

FRANCIS BIDDLE,
Attorney General of the United States.

[F. R. Doc. 41-9402; Filed, December 15, 1941; 11:10 a. m.]

[1] 5 F.R. 1400, 6 F.R. 6348.

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4574]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ASPIRONAL COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety:* § 3.96 (a) *Using misleading name—Goods—Composition:* § 3.96 (b) *Using misleading name—Vendor—Products.* In connection with offer, etc., of respondents' "Aspironal" or any other substantially similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that their said preparation is a cure or remedy for the common cold, that it will rid one of the symptoms of the common cold, that it contains an effective quantity of aspirin, or that it has any therapeutic value in the treatment of the common cold in excess of giving temporary relief from the pain and discomfort arising therefrom; or which advertisements fail to reveal that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis; or which advertisements include as a part of respondents' trade name or as a brand name for their preparation the name "Aspironal" or any other name or word whose phonetics, spelling or appearance simulates, implies or suggests the word aspirin; prohibited; subject to the provision, however, that if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation, as set forth above, such advertisements need contain only the cautionary statement: Caution, Use Only as Directed. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Aspironal Company, Docket 4574, December 9, 1941]

In the Matter of J. D. Jacobs and P. W. Smith, Trading as Aspironal Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents and a stipulation as to the facts entered into by counsel for respondents herein and counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and its conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents J. D. Jacobs and P. W. Smith, trading as Aspironal Company, or under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their preparation now named Aspironal or any other preparation containing the same or similar ingredients; under whatever name sold, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that their said preparation is a cure or remedy for the common cold; that it will rid one of the symptoms of the common cold; that it contains an effective quantity of aspirin; or that it has any therapeutic value in the treatment of the common cold in excess of giving temporary relief from the pain and discomfort arising therefrom; or which advertisement fails to reveal that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis: *Provided, however*, That if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the cautionary statement: Caution, Use Only as Directed;

(2) Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement includes as a part of respondents' trade name or as a brand name for respondents' preparation the name "Aspironal" or any other name or word whose phonetics, spelling or appearance simulates, implies, or suggests the word aspirin;

(3) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations or terms prohibited in paragraphs (1) and (2) hereof, or which fails to comply with the requirements set forth in paragraph (1) hereof with respect to said cautionary statement.

It is further ordered, That respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9388; Filed, December 13, 1941; 11:45 a. m.]

[Docket No. 4012]

IN THE MATTER OF PIONEER MERCHANDISE COMPANY, INC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (u) *Advertising falsely or misleadingly — Quality:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of cigarette holders and other merchandise, representing, directly or by implication, (1) that cigarette holders or similar products made of cellulose acetate, or other material which disintegrates readily when exposed to heat or imparts an unpleasant taste or flavor to smoke coming in contact with it, are a superior product, or satisfactory for the purpose intended, or will give the user pleasant and satisfactory service; and (2) that respondent is the manufacturer of cigarette holders or other articles of merchandise which are not in fact manufactured in a plant owned and operated or directly and absolutely controlled by respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pioneer Merchandise Company, Inc., Docket 4012, December 9, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, an agreed statement of facts and supplement thereto and other evidence taken before an examiner of the Commission theretofore duly designated by it, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Pioneer Merchandise Company, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of cigarette holders and other merchandise, do forthwith cease and desist from representing, directly or by implication:

(1) That cigarette holders or similar products made of cellulose acetate, or other material which disintegrates readily when exposed to heat or imparts an unpleasant taste or flavor to smoke coming in contact with it, are a superior product, or satisfactory for the purpose intended, or will give the user pleasant and satisfactory service;

(2) That respondent is the manufacturer of cigarette holders or other articles of merchandise which are not in fact manufactured in a plant owned and operated or directly and absolutely controlled by respondent.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9389; Filed, December 13, 1941; 11:45 a. m.]

[1] 6 F.R. 363.

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 4188]

IN THE MATTER OF WHITEWATER BREWING COMPANY, ET AL.

§ 3.6 (cc) *Advertising falsely or misleadingly — Source or origin — Place:* § 3.66 (k) *Misbranding or mislabeling — Source or origin—Place:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place.* In connection with offer, etc., in commerce of respondents' "Badger" beer, or any other beer not brewed in Wisconsin, (1) using the term "Pride of Wisconsin", or an outline of the State of Wisconsin, or any other term, symbol, or representation indicating or implying that said beer is brewed in Wisconsin; (2) using the word "Badger", or any depiction of a badger, to designate or describe said beer when or if accompanied by any word, picture, or designation which indicates or implies that the beer so designated is brewed in Wisconsin; (3) using the word "Wisconsin" in any way to refer to, designate, or describe said beer, or using such word in connection with any such designation or description unless such word is used only as part of respondents' address in the State of Wisconsin and there is stated in immediate conjunction with respondents' name and address, in letters of equal size and conspicuousness, the locality wherein said beer is brewed or that it is not brewed in the State of Wisconsin; and (4) representing in any manner that beer which is not brewed in Wisconsin is brewed in Wisconsin; prohibited, subject to the provision, however, that part (2) hereof shall not apply to the use of the word "Wisconsin" to designate or describe an address of the respondents in the State of Wisconsin if qualified as provided in part (3) hereof. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Whitewater Brewing Company, et al., Docket 4188, December 3, 1941]

In the Matter of Whitewater Brewing Company, a Corporation, and Alex Weingart, Individually and as Manager of Whitewater Brewing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, the testimony and other evidence, the stipulation as to the facts, the report of the trial examiner and exceptions thereto, briefs filed by the attorney for the Commission and by the attorney for respondents, and oral arguments, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Whitewater Brewing Company, a corporation, its officers, directors, representatives, agents and employees, and respondent Alex Weingart, individually and as Manager of respondent corporation Whitewater Brewing Company, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their "Badger" beer, or any other beer not brewed in Wisconsin, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from—

(1) The use of the term "Pride of Wisconsin," or of an outline of the State of Wisconsin, or any other term, symbol, or representation indicating or implying that said beer is brewed in Wisconsin;

(2) The use of the word "Badger," or any depiction of a badger, to designate or describe said beer when or if accompanied by any word, picture, or designation which indicates or implies that the beer so designated is brewed in Wisconsin: *Provided, however*, That this provision shall not apply to the use of the word "Wisconsin" to designate or describe an address of the respondents in the State of Wisconsin if qualified as provided in paragraph (3) hereof;

(3) The use of the word "Wisconsin" in any way to refer to, designate, or describe said beer, or the use of such word in connection with any such designation or description unless such word is used only as part of respondents' address in the State of Wisconsin and there is stated in immediate conjunction with respondents' name and address, in letters of equal size and conspicuousness, the locality wherein said beer is brewed or that said beer is not brewed in the State of Wisconsin;

(4) Representing in any manner that beer which is not brewed in Wisconsin is brewed in Wisconsin.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of a copy of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-9403; Filed, December 15, 1941; 11:12 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

AMENDMENT TO RULE GOVERNING NONDISCLOSURE OF CONTRACTS AFFECTING NATIONAL DEFENSE IN CONNECTION WITH REGISTRATION STATEMENTS FILED UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Sections 7, 10 and 19 (a) thereof, and finding it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the Act, hereby amends § 230.581 [Rule 581] to read as follows:

§ 230.581 *Contracts affecting the national defense.* (a) Notwithstanding any particular provision in any form for registration or instruction pertaining thereto, the registrant need not file as an exhibit to the registration statement a copy of any contract as to which all the following conditions are satisfied:

(1) A copy of the contract is on file with an executive department of the United States or with the United States Maritime Commission.

(2) The registrant has been notified in writing that the executive department or the United States Maritime Commission, as the case may be, has administratively determined that the subject of such contract relates to and affects the national defense and that disclosure thereof would be contrary to the public interest.

(b) The registrant shall file as an exhibit to the registration statement, in lieu of the copy of the contract omitted pursuant to paragraph (a) of this section, a copy of each notification received from the executive department or the United States Maritime Commission with respect to the filing of copies of the contract or of information as to its terms.

(c) Notwithstanding any particular provision in any form for registration or instruction pertaining thereto, the registrant need not, in answering any item in the form for registration calling for a summary of the terms of any contract of the type described in paragraph (a) of this section, furnish any information as to any terms of the contract relating directly or indirectly to any of the following subjects as to which the registrant has been notified in writing that the executive department or the United States Maritime Commission with which a copy of the contract is on file has administratively determined that such subjects relate to and affect the national defense and that disclosure thereof would be contrary to the public interest:

(1) Quantity of equipment or materials to be constructed or supplied.

(2) Designations of type, descriptions, specifications, deliveries, tests, or guarantees of performance with respect to such equipment or materials.

(3) Nature and extent of experimental facilities, services, or information to be furnished.

(d) The answer to any item in the form for registration calling for a summary of the terms of any contract of the type described in paragraph (a) shall include a statement in approximately the following form:

Information as to certain terms of the contract(s) has been omitted pursuant to the rules and regulations of the Securities and Exchange Commission, the registrant having been notified that the ---------- ------ (naming the executive department or the United States Maritime Commission) has determined that such information relates to and affects the national defense and that disclosure thereof would be contrary to the public interest. Such notification is filed as Exhibit —.

(e) Public disclosure will not be made of the contents of any notification filed pursuant to paragraph (b) of this section, or of any portion of the information as to the terms of the contract required to be furnished notwithstanding the provisions of paragraph (c) of this section, if the Securities and Exchange Commission determines that such disclosure would impair the value of the contract and is not necessary for the protection of investors. In any case where the registrant desires the Commission to make such a determination, the procedure set forth in § 230.580 [Rule 580] shall be followed, except that there shall be filed, in lieu of the three copies of the contract or portion thereof required by paragraph (b) (1) of such rule, three copies of the notification and three copies of the information as to the terms of the contract which the registrant desires to keep undisclosed, all clearly marked "Confidential".

Effective December 15, 1941. (Sec. 7, 48 Stat. 78; 15 U.S.C. 77g; Sec. 10, 48 Stat. 81; Sec. 405, 48 Stat. 906; 15 U.S.C. 77 j; Sec. 19, 48 Stat. 85; Sec. 209, 48 Stat. 908, 15 U.S.C. 77s)

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9415; Filed, December 15, 1941; 11:57 a. m.]

[1] 6 F.R. 2181.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T.D. 5103]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Withholding of the Tax Under Sections 143 and 144, and Information at the Source Under Section 147, Internal Revenue Code, as Amended by the Revenue Act of 1941—Regulations 103 Amended

In order to conform Regulations 103 [1] [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the income tax under the Internal Revenue Code, to section 116 of the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress), approved September 20, 1941, amending section 147 of the Internal Revenue Code, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.147–1 the following:

SEC. 116. INFORMATION RETURNS WITH RESPECT TO FEDERAL OBLIGATIONS. (Revenue Act of 1941.)

(a) Section 147 (d) of the Internal Revenue Code (excepting interest on obligations of the United States from information requirement) is repealed.

(b) Section 147 (b) of the Internal Revenue Code is amended by striking out "and (2)" and inserting in lieu thereof "(2) in the case of payments of interest upon obligations of the United States or any agency or instrumentality thereof, and (3)".

(c) Subsections (a) and (b) of this section shall take effect upon the day after the date of the enactment of this Act.

PAR. 2. Section 19.143–1, as amended by Treasury Decision 5071, approved September 27, 1941, is further amended by inserting at the end of the first paragraph the following:

Withholding is required in the case of interest paid on obligations issued by the United States or any agency or instrumentality thereof on or after March 1, 1941. (See §§ 19.22 (b) (4)–4 and 19.22 (b) (4)–6, relating to the taxation of such interest, and § 19.143–4, relating to ownership certificates.)

PAR. 3. Section 19.143–4 is amended as follows:

(A) By inserting at the end of the first paragraph the following:

Ownership certificates shall also be filed in the case of interest paid on or after January 1, 1942, on obligations of the United States or any agency or instrumentality thereof, regardless of the date of issuance of such obligations.

(B) By inserting at the end of the third paragraph the following:

Ownership certificates shall also be filed in the case of interest paid on or after January 1, 1942, on obligations of the United States or any agency or instrumentality thereof, regardless of the date of issuance of such obligations.

(C) By striking from the fourth paragraph "debtor corporation" and inserting in lieu thereof "obligor".

(D) By changing the first sentence of the fifth paragraph to read as follows:

Ownership certificates need not be filed in the case of interest payments on obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or the obligations of possessions of the United States.

(E) By inserting in the sixth paragraph immediately after "corporate bonds" the following: ", or (as to coupons presented on or after January 1, 1942) from obligations of the United States or of any agency or instrumentality thereof," and by striking "on line 3" from last sentence.

PAR. 4. Section 19.143–7, as amended by Treasury Decision 5046, approved May 8, 1941, is further amended as follows:

(A) By inserting at the end of the first sentence "and interest on obligations issued by the United States or any agency or instrumentality thereof on or after March 1, 1941."

(B) By inserting at the end of the first paragraph the following:

In the case of interest on obligations of the United States or of any agency or instrumentality thereof the withholding agents shall be: (1) the Commissioner of the Public Debt for interest paid by checks issued through the Bureau of the Public Debt; (2) the Treasurer of the United States for all interest paid by him, whether by check or otherwise; and (3) each Federal Reserve Bank for all interest paid by it, whether by check or otherwise.

PAR. 5. Section 19.144–1, as amended by Treasury Decision 5071, approved September 27, 1941, is further amended by inserting immediately after the first paragraph a new paragraph reading as follows:

Withholding is required in the case of interest paid on obligations issued by the United States or any agency or instrumentality thereof on or after March 1, 1941. (See §§ 19.22 (b) (4)–4 and 19.22 (b) (4)–6, relating to the taxation of such interest, and § 19.143–4, relating to ownership certificates.)

PAR. 6. Section 19.147–3 is amended by changing item (a) to read as follows:

(a) Payments prior to January 1, 1942, of interest on obligations of the United States (as to subsequent payments, see § 19.147–4).

PAR. 7. Section 19.147–4 is amended to read as follows:

§ 19.147–4 *Return of information as to certain interest.* In the case of payments of interest, regardless of amount, upon bonds and similar obligations of corporations, and interest on obligations of the United States or any agency or instrumentality thereof, the ownership certificates, when duly filed, shall constitute and be treated as returns of information and in such cases no return of information on Form 1099 is required. (See § 19.143–5.)

(This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62) and section 116 of the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress).)

[SEAL] GUY T. HELVERING, *Commissioner of Internal Revenue.*

Approved: December 13, 1941.

JOHN L. SULLIVAN, *Acting Secretary of the Treasury.*

[F. R. Doc. 41-9401; Filed, December 15, 1941; 11:09 a. m.]

[1] 5 F.R. 348, 437, 569.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Dockets Nos. A–659, A–746, A–781, A–801, A–827, A–834, A–838, A–843, A–865, and A–1031]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER REASSIGNING CERTAIN MINES TO DIFFERENT FREIGHT ORIGIN GROUPS IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CERTAIN MINES OF DISTRICT 9

Negotiations for the establishment of freight rates from the shipping points of various mines in District No. 9 having been in progress at the time when the establishment of f. o. b. mine prices for their coals for all shipments except truck was prayed; and

These mines having been assigned to certain freight origin groups by the Division pending the definite establishment of such freight rates; and

The Illinois Central Railroad Company and/or the Louisville & Nashville Railroad Company now having included the points from which these mines move their coals in the normal rate group applicable from Western Kentucky mines; and

It appearing that the application of the normal group rates from these mines requires the reassignment of freight origin group numbers, as indicated below;

It further appearing that the assignment of mines in the freight origin groups shown below would cause no change in either the minimum f. o. b. mine or delivered prices on District No. 9 coals;

It is therefore ordered, That § 329.5 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 9 for All Shipments Except Truck is amended to assign the following mines to different freight origin groups as follows:

Producer	Mine Index No.	From	To
Herman Henry	671	60	40
Kurz Coal Company	244	60	40
Charlie Langford	514	60	40
Lily Meade Coal & Land Co., Inc.	245	60	40
John A. McNulty, Jr.	246	60	40
John W. Miller	248	60	40
John Nation (John Nation Coal Co.)	250	60	40
Mrs. John T. Payne	517	60	40
Geo. H. Rudy & Co., Inc.	254	60	40
Nathan Scott	255	60	40
W. R. Smith	249	60	40
H. R. Vanover	321	60	40
George Frey (successor to L. E. Wood)	522	60	40
Oliver Wood	931	60	40
Blades & Rector	337	90	30
C. H. Bowman	590	90	30
Getta Bratcher	669	90	30
Roy Brown	238	90	30
Ben Davis	593	90	30
Buck Dwire	339	90	30
Wm. H. Jarvis	343	90	30
Maddox & Baldwin	344	90	30
Woodson More (successor to Edgar Howell)	342	90	30
O. C. Sullivan and Marvin Maddox	595	90	30
E. Walker	658	90	30
Wood & Bowman	347	90	30
Alvey Bros. (Bernard Alvey)	237	70	10
Renley Tyson	649	80	30
O. C. Penrod	345	100	30
Aaron Reynolds	518	110	40
S. S. Wathen (S. S. Wathen Coal Co.)	682	120	40
Marvin Wood	349	130	30
Austin & Leachman (E. F. Austin)	640	140	30
Robert Scott	520	150	30
I. L. Rhoades	434	180	40

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9399; Filed, December 15, 1941; 10:53 a. m.]

[Docket No. A–1108]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER CORRECTING ERROR IN ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF, DATED NOVEMBER 5, 1941, IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

An Order granting temporary relief and conditionally providing for final relief was issued in the above-entitled matter on November 5, 1941, 6 F.R. 5829. In § 330.2 (*Mine index numbers*) of Supplement R–I which was annexed to and made a part of that Order, reference is made to the Cities of "Peoria and Pekin, Illinois, in Market Area 37."

The Cities of Peoria and Pekin, Illinois, are situated in Market Area 38. The aforementioned reference to Market Area 37 was an inadvertent error.

Now, therefore, it is ordered, That the reference to "Market Area 37" in § 330.2 (*Mine index numbers*) of the aforementioned Supplement R–I is hereby corrected to read "Market Area 38."

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9398; Filed, December 15, 1941; 10:53 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JAPANESE NATIONALS, PAYMENTS FOR LIVING EXPENSES

General License No. 11–A Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 11, 1941.

§ 131.11a *General license No. 11–A.* (a) A general license is hereby granted authorizing payments out of the blocked account of any national of Japan in the continental United States for the living and personal expenses of such national and his household: *Provided*, That the total payments under this general license from all the blocked accounts of any one national shall not exceed $100 in any one calendar month.

(b) Banks, employers and other persons making any such payments shall satisfy themselves, through affidavits or otherwise, that payments out of blocked accounts for living expenses for any one national and his household do not exceed $100 in any one calendar month. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9378; Filed, December 12, 1941; 2:22 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 933—COPPER

Conservation Order No. M–9–c as Amended[1] December 10, 1941, Curtailing the Use of Copper in Certain Items

Section 933.4 (*Conservation Order No. M–9–c*) is hereby amended as follows:

The portion of sub-paragraph (a) (4) appearing before the colon is amended to read as follows:

§ 933.4 *Conservation Order No. M–9–c.* (a) * * *

(4) Notwithstanding the provisions of sub-paragraphs (a) (1) and (a) (2), a Manufacturer may, until March 31, 1942, complete the manufacture of any item on List "A" provided: * * *

* * * * *

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. (2) (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session.)

Issued this 13th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9404; Filed, December 15, 1941; 11:25 a. m.]

[1] 6 F.R. 6354.

PART 1024—PIGS' AND HOGS' BRISTLES

General Preference Order M–51 To Conserve the Supply and Direct the Distribution of Pigs' and Hogs' Bristles

The uncertainty of future shipments of pigs' and hogs' bristles from abroad and national defense requirements for products of which imported pigs' and hogs' bristles are an essential component, have created a shortage of such bristles for defense, private account, and for export, and it is necessary and appropriate in the public interest and to promote the national defense to allocate such bristles in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1024.1 *General preference order M–51*—(a) *Applicability of Priorities Regulation No. 1.* All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, as amended from time to time, shall be deemed a part of this Order, except insofar as they are inconsistent herewith.

(b) *Additional definitions.* For the purposes of this Order (1) "Bristles" shall mean pigs' or hogs' bristles of the lengths of three inches and longer which have been or may hereafter be imported into the United States.

(c) *Restrictions of deliveries to defense orders.* No person shall hereafter sell, deliver, or transfer title to, and no person, other than the Defense Supplies Corporation, shall buy, take title to, or accept delivery of bristles except upon defense orders, unless specifically authorized by the Director of Priorities; *Provided, however*, That sales, deliveries, and transfers of title to bristles may be made to the person importing the same, either directly or through an agent, if each person participating in the transaction shall report to the Office of Production Management on or before the close of the next business day following such participation, the amount, origin, size, color, number of cases, and identifying case numbers of any bristles so sold, delivered, or to which title has been so transferred, and the extent of such person's participation in such transaction.

(d) *Restrictions on use of bristles.* (1) No person shall hereafter boil, steam, sterilize, cut, trim, or mix any bristles, or otherwise commence the manufacture of any product of which bristles are a component part except upon defense orders, unless specifically authorized by the Director of Priorities.

(2) No person shall hereafter open any cases containing bristles or remove any bristles from cases, opened, broken or otherwise, except upon Defense Orders, unless specifically authorized by the Director of Priorities, or unless necessary to preserve such bristles from deterioration. Any action taken to prevent bristles from deterioration shall be reported at once to the Office of Production Management, together with a complete description of the bristles so saved from deterioration, and the location thereof after such action, together with a statement of the reasons why such action was necessary. Such bristles shall not thereafter be sold, delivered or title thereto transferred unless specifically authorized by the Director of Priorities.

(e) *Appeal for relief from undue hardship.* Any person who considers that compliance with all or any provisions of this Order will work an undue or unreasonable hardship upon him, may appeal by telegraph or letter addressed to the Division of Priorities, Office of Production Management, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief.

(f) *Reports, records, and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Ref. M–51.

(g) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9405; Filed, December 15, 1941; 11:25 a. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

General Limitation Order No. L–23 To Restrict the Production of Domestic Cooking Appliances

Whereas the demands of national defense have created a shortage of iron and steel used in the manufacture of domestic cooking appliances; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of domestic cooking appliances is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 1028.1 *General limitation order No. L–23*—(a) *Definitions.* For the purposes of this Order:

(1) "Domestic Cooking Appliances" means gas ranges, cooking stoves, and hot plates for household use; electric ranges and cooking stoves, two and one-half k. w. and over, for household use; coal and wood ranges and cooking stoves (not including laundry stoves), for household use; kerosene, fuel oil, and gasoline ranges, cooking stoves, and hot plates for household use; combination ranges (including kitchen heater and bungalow types) for household use; camp and trailer stoves for cooking purposes; and fuel oil conversion range burners.

(2) "Iron and Steel Used" means the aggregate weight of iron and steel contained in the finished products manufactured.

(3) "Factory Sales Value" means the aggregate value of shipments of domestic cooking appliances.

(4) "Class A Manufacturers" means those manufacturers of domestic cooking appliances whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $3,000,000 or more.

(5) "Class B Manufacturers" means those manufacturers of domestic cooking appliances whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was greater than $1,000,000 but less than $3,000,000.

(6) "Class C Manufacturers" means those manufacturers of domestic cooking appliances whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was $1,000,000 or less.

(7) "Fuel-burning Type" of domestic cooking appliance means any type of domestic cooking appliance using as fuel any one of the following:

(i) Gas;
(ii) Electricity;
(iii) Coal and wood;
(iv) Kerosene, fuel oil, and/or gasoline;
(v) Any combination of coal and wood or fuel oil with gas or electricity.

(b) *General restrictions.* (1) Except as provided in subparagraphs (4) and (5), during the four months' period from January 1, 1942 to April 30, 1942, inclusive, no Class A Manufacturer shall use in the production of any one fuel-burning type of domestic cooking appliance iron and steel in excess of the greater of the following two limits:

(i) Four times 58% of the monthly average of iron and steel used by him for the manufacture of such fuel-burning type of domestic cooking appliance during the twelve months ending June 30, 1941, or

(ii) That proportion of four times 64% of the monthly average of iron and steel used by him for such purposes in such period which $3,000,000 bears to his total factory sales value of domestic cooking appliances for such base period.

(2) Except as provided in subparagraphs (4) and (5), during the four months' period from January 1, 1942 to April 30, 1942, inclusive, no Class B Man-

ufacturer shall use in the production of any one fuel-burning type of domestic cooking appliance iron and steel in excess of the greater of the following two limits:

(i) Four times 64% of the monthly average of iron and steel used by him for the manufacture of such fuel-burning type of domestic cooking appliances during the twelve months ending June 30, 1941, or

(ii) That proportion of four times 70% of the monthly average of iron and steel used by him for such purposes in such period which $1,000,000 bears to his total factory sales value of domestic cooking appliances for such base period.

(3) Except as provided in subparagraphs (4) and (5), during the four months' period from January 1, 1942 to April 30, 1942, inclusive, no Class C Manufacturer shall use in the production of any one fuel-burning type of domestic cooking appliance iron and steel in excess of four times 70% of the monthly average of iron and steel used by him for the manufacture of such fuel-burning type of domestic cooking appliance during the twelve months ending June 30, 1941.

(4) Any manufacturer who ceased producing any fuel-burning type of domestic cooking appliance prior to November 1, 1941 may use his allowable quota of iron and steel for such fuel-burning type in the production of other fuel-burning types.

(5) Nothing in the Order shall limit, and each manufacturer is specifically authorized to use, in addition to the quota set forth above, any amount of iron and steel required in the production of domestic cooking appliances under specific contracts or orders placed by or for the account of, or to fulfill a contract with:

(i) The United States Government or any department or agency thereof;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(iv) Any public authority owning or operating a project financed in whole or in part by the United States Government or an agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity: *Provided*, That the contracts or orders involved were obtained as a result of competitive bidding.

(6) During the four months' period from January 1, 1942, to April 30, 1942, inclusive, the average weight of iron and steel used per unit by any manufacturer in any one fuel-burning type of domestic cooking appliance (exclusive of those produced under the terms of subparagraph (5)) shall not exceed the average weight of iron and steel used per unit by such manufacturer in the production of domestic cooking appliances of such fuel-burning type during the twelve months ending June 30, 1941.

(7) Effective December 15, 1941, no manufacturer of domestic cooking appliances shall:

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use, or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel.

(8) On and after February 1, 1942, no producer shall use any "bright work", "bright finish", metal finish, or trim containing copper, nickel, chrome or aluminum in the production of Domestic Cooking Appliances.

(9) Except as provided in subparagraph (5), during the period from the effective date of this Order to December 31, 1941, inclusive, no manufacturer's average daily use of iron and steel in the production of domestic cooking appliances of all fuel-burning types shall exceed his average daily use of iron and steel in the production of domestic cooking appliances of all fuel-burning types during the twelve months ending June 30, 1941.

(c) *Avoidance of excessive inventories.* Effective immediately manufacturers of domestic cooking appliances shall not accumulate inventories of raw materials, semi-processed materials, or finished parts for domestic cooking appliances in quantities in excess of the minimum amount necessary to maintain production of domestic cooking appliances at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the Electrical Products and Consumers' Durable Goods Branch of the Division of Civilian Supply of the Office of Production Management reports on Form PD-192 and such other reports and questionnaires as said Office shall from time to time specify. Until further notice Form PD-192 shall be filed on or before the twentieth day of each month, commencing January 20, 1942, and shall cover the preceding month or a portion thereof.

(g) *Provision for companies under common ownership.* For the purposes of this Order, a manufacturer's classification into Class "A", "B", or "C" shall depend upon the total factory sales value of that manufacturer, including in the total of such factory sales value the factory sales value of all subsidiaries, affiliates, or other companies or enterprises under common ownership or control.

(h) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management, may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal on Form PD-203 to the Office of Production Management by addressing a letter to the Office of Production Management, Ref: L-23, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Priorities, subject to such amendments or supplements thereto as may be issued from time to time by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9383; Filed, December 13, 1941; 10:50 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

General Preference Order M-55—To Conserve the Supply and Direct the Distribution of Direct-Consumption Sugar

Whereas it appears that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of direct-consumption sugar for the combined needs of defense, private account and export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of direct-consumption sugar.

Now, therefore, it is hereby ordered, That:

§ 1032.1 *General preference order M-55*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions for the purposes of this order.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Direct-Consumption Sugar" means any grade or type of saccharine product derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

(3) "Primary Distributor" means any person who manufactures or imports direct-consumption sugar or the agent of any such person.

(4) "Receiver" means any person who buys or accepts delivery of direct-consumption sugar from any Primary Distributor.

(c) *Restrictions upon receivers.* (1) Unless specifically authorized by the Director of Priorities, no Receiver shall:

(i) Accept delivery in December 1941 of any direct-consumption sugar in excess of the amount delivered to him in December 1940; or, in any calendar month after December 1941, accept delivery of any direct-consumption sugar in excess of the amount delivered to him in the corresponding calendar month of 1940; or

(ii) Accept delivery of any direct-consumption sugar if, upon acceptance of such delivery, the amount of direct-consumption sugar in his possession or under his control shall exceed a thirty days' supply based upon his use or resales during the thirty day period commencing two years before such acceptance of delivery: *Provided*, That there shall be deducted from the maximum supply thus permitted the amount, if any, by which the total of his use or resales from December 1, 1941, to the date of acceptance of such delivery exceeds his total use or resales during the corresponding period beginning and ending two years before, except that to the extent such corresponding period includes the whole or any part of December, 1939, there shall be used instead the figures for the whole or such part of December, 1940; or

(iii) Accept delivery after January 1, 1942, of any direct-consumption sugar unless before accepting the delivery he files with or mails to the Office of Production Management a report on Form PD-206, or such other forms as may be required from time to time by the Director of Priorities.

(2) Notwithstanding the limitations of paragraph (c) (1), a Receiver may accept delivery of the smallest number of carload lots which includes the amount permitted by paragraph (c) (1).

(3) In addition to deliveries permitted to be accepted by the foregoing limitations, any Receiver may accept delivery of sufficient direct consumption sugar to enable him to fill any actual order by, or contract with:

(i) The War or Navy Departments

(ii) The government of any of the following countries; the United Kingdom, Canada, and other dominions; Crown colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States Government for materials, supplies or equipment to be delivered to or for the account of any country listed above, or any other country including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act)

(4) Except as specifically authorized by the Office of Production Management or for the purpose of filling the actual orders or contracts referred to in paragraph (3) above, No Receiver who, on the effective date of this Order, has in his possession or under his control, two carloads or more of direct-consumption sugar in excess of a sixty-days' supply, shall use or resell any excess over such sixty days' supply. Such sixty days' supply shall be determined on the basis of his use or resales during the corresponding period beginning two years before the effective date of this Order, except that to the extent such corresponding period includes any part of December, 1939, there shall be used instead the figures for such part of December, 1940.

(5) Every Receiver, who, on the effective date of this Order, has in his possession or under his control, two carloads or more of direct-consumption sugar in excess of a sixty days' supply determined as provided in paragraph (c) (4) above shall, on or before the close of business on the 15th day of January, 1942, report to the Office of Production Management, on a form to be prescribed therefor, the exact quantity of such excess over a 60 days' supply. Failure to make such a report on the part of any Receiver shall be deemed a representation to the Government, subject to the penalties of Section 35 (A) of the U. S. Criminal Code (18 U.S.C. 80) that such Receiver has no such excess.

(d) *Restrictions on delivery by primary distributors.* Unless specifically authorized by the Director of Priorities and except as provided in paragraph (e) hereof, no Primary Distributor shall deliver direct-consumption sugar to any person (1) with knowledge or reason to believe that such person is not entitled to accept delivery thereof pursuant to paragraph (c) of this Order; or (2) unless (if such delivery is made after January 1, 1942) such person files a representation in writing with him in substantially the following language manually signed by a responsible officer:

> The undersigned has filed with the office of Production Management on the ------ day of ------, 1942, in connection with the delivery hereby applied for of direct-consumption sugar, the report(s) required by (c) (i) (iii) of General Preference Rating Order M-55. I represent that the facts therein stated are true to the best of my knowledge, information, and belief.
>
> Name ----------
> By ----------
> (Signature)

(e) *Exceptions.* Notwithstanding any other provision of this Order, deliveries of direct-consumption sugar may be made without restrictions:

(1) To Defense Supplies Corporation

(2) To the War and Navy Departments

(3) To the government of any of the following countries: the United Kingdom, Canada, and other dominions; Crown colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia.

(4) To any Agency of the United States Government for materials, supplies, or equipment to be delivered to, or for the account of, the government of any country listed above or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(f) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may apply for relief to the Office of Production Management by telegram or letter setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

(g) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allo-

cation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U. S. C. 80).

(h) *Communications to Office of Production Management.* Reports to be filed, appeals, and other communications concerning this Order, should be addressed to the

Office of Production Management
Washington, D. C. Ref: M–55

(i) *Effective date, and termination.* This Order shall take effect immediately; and shall continue in effect through December 31, 1942 unless revoked, amended, or modified prior thereto. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 13th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9406; Filed, December 15, 1941; 11:26 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

PRICE SCHEDULE NO. 49—RESALE OF IRON OR STEEL PRODUCTS

Prices in effect on April 16, 1941, have been specified as maximum prices for sale of iron or steel products by producers, under Price Schedule No. 6, as revised on June 21, 1941. A large proportion of the iron or steel products used in industry passes through the hands of jobbers, dealers, and distributors of various kinds. In some cases, these middlemen have charged exorbitant and unwarranted prices. It is therefore essential that the price charged by these persons, as well as the price charged by the producer, be kept within reasonable limits. To protect both the consumer and the jobbers, dealers, and other distributors who have maintained a reasonable price level, it has been determined by the Office of Price Administration that a Price Schedule covering all resale of iron or steel products should be issued. April 16, 1941, has been selected as the base date, since the maximum price at which the reseller may purchase from a producer has been established as of that date. Pending further investigation of transportation problems, maximum prices for Pacific Coast and Gulf Port prices are being specified.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.151 *Maximum prices for the resale of iron or steel products.* On and after December 15, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1306.154 hereof, no seller as defined in § 1306.157 (b) of this Schedule shall sell, offer to sell, deliver or transfer iron or steel products, and no person shall buy, offer to buy, or accept delivery of iron or steel products at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1306.159.*

*§§ 1306.151 to 1306.161, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.152 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1306.153 *Evasion.* The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of iron or steel products alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise.*

§ 1306.154 *Records and reports*—(a) *Records of sales, inventory and orders.* Every person making sales or purchases for resale of iron or steel products after December 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid on each purchase for resale and received on each resale, the quality and grade, the sizes, and the quantity of each product purchased or sold, and (2) the tonnage of iron or steel products, on hand and on order, classified by product, in a manner similar to that of Form PD 83 as issued by the Office of Production Management. A copy of Form PD 83 may be had upon request by applying to the Office of Production Management.

(b) *Filing prices.* On or before December 31, 1941, every seller of iron or steel products having annual gross sales of $50,000 or more during the year ending December 31, 1941, shall file in duplicate with the Office of Price Administration, Washington, D. C., his prices circulated to his salesmen or customers in effect on April 16, 1941, or customarily quoted and charged on that date, including extras lists, deduction lists, charges, and discounts. Every seller shall file individual price sheets for each warehouse or branch, showing city and country prices, wherever such exist; and he shall indicate the area or cities to which such prices apply. In the event that any prices so filed exceed the maximum prices established by this Schedule, the seller shall, after the effective date of this Schedule, eliminate this excess and charge a maximum price not in excess of the maximum prices established herein. Every seller shall state with regard to his April 16, 1941 price for each product, the range of sizes, types or cross-section covered by each price submitted; trade names, if any, and prices charged; prices for each base quantity; products sold in various quantity brackets, and prices for each bracket. If the person is a seller without prices as of April 16, 1941, he shall file a list of his inventory as of December 1, 1941, and prices he proposes to charge for such products. These prices shall not be in excess of the maximum as established by this Schedule. In cases where special prices or discounts are given to certain classes of customers these shall be indicated. Additional filing requirements from Pacific Coast and Gulf Port sellers, and for carload business, are included in other sections of this Schedule. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may from time to time require.*

§ 1306.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of resale prices of iron or steel products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.156 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no applications will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration. Such applications shall be submitted in a separate letter captioned "Application for Relief from Price Schedule No. 49, Resale of Iron and Steel Products," and shall not be contained in any filing of information or prices required to be filed under this Schedule.*

§ 1306.157 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, trust, corporation or other business entity, including trustees in bankruptcy and receivers;

(b) "Seller" means any person who resells iron and steel products to any other person, whether as distributor, jobber, dealer, agent, broker, merchant, exporter, including any person who acts as an intermediary in any connection with such resale, or otherwise: *Provided,* That:

(i) The term shall not include producers of iron or steel products whose activities are covered by Price Schedule No. 6—Iron and Steel Products, except insofar as such producers operate warehouses, branches, or affiliates engaged in the redistribution of iron or steel products. The operation by producers of mill depots for the purpose of distributing iron or steel products manufactured by such producers shall not be considered a resale within the terms of this Schedule, but is a sale covered by Price Schedule No. 6.

(ii) "Seller" as defined herein shall not include retail merchants who sell iron or steel products in quantities smaller than those dealt in or on which prices are quoted by established jobbers, dealers, or distributors.

(c) "Iron or steel product" includes all iron or steel ingots, all semi-finished iron or steel products, all finished hot rolled or cold rolled iron or steel products, and all iron or steel products further finished (by galvanizing, enameling, plating, coating, drawing, extruding, or otherwise) in a manner commonly performed at steel works or rolling mills, and shall include all products listed in the table of Capacity and Production for Sale contained in the Annual Statistical Report of the American Iron and Steel Institute for 1939, pages 42–43: *Provided,* That the term shall not include pig iron. Any iron and steel products as defined above subject to the operations of pickling, cutting by machine or flame, bending and threading of pipe, shall be considered a part of this definition of iron or steel products. This definition includes primes, seconds, wasters and all other off-grade products including used products. The term "iron or steel products" includes concrete reinforcing bars, and structural steel shapes, but not the fabrication thereof except as this Schedule is otherwise amended;

(d) "Maximum delivered price" means the combination of all factors entering into the final charge to the customer, including base prices, transportation and delivery charges and all extras, deductions and other terms of sale;

(e) "Published listed price" or "published list price" means a price for resale of iron or steel products publicly circulated in the trade, and is confined to price lists issued for the cities named and the persons stated in Appendix B, incorporated herein as § 1306.160. If not otherwise stated, the term is meant to apply only to price lists effective as of April 16, 1941. In any *"listed city"* in which there are several such published listed prices for any product or quantity, the highest of such prices shall be the published listed price herein referred to;

(f) "Dislocated tonnage" means any shipment to which the terms of § 1306.159 (f) of this Schedule are applicable;

(g) "Governing basing point" means the basing point of producers of iron or steel products included in Price Schedule No. 6, which results in the lowest delivered price to the mill customer;

(h) "Mill base price" means the price at the basing point which governs a sale from a mill by producers of iron or steel products included in Price Schedule No. 6;

(i) "Listed city" means any city named in Appendix B;

(j) "Unlisted city" means any city or place other than those in Appendix B;

(k) "Lowest combination" means the lowest delivered price that is the result of a combination of (1) country price of any seller located in any *listed city* and (2) less-than-carload freight from such *listed city;*

(l) "Freight as customarily charged" means that type of freight, either all-rail, rail and water, or all water which is customarily used and which may be used to arrive most economically at the place of delivery.

(m) "Mixed carload" means a bona fide mixed carload, containing several items of different kind, size, gauge, and quality, not to be less than, without limiting the generality of the foregoing, five different items of substantial size;

(n) "Pacific Coast" means any place within the States of California, Oregon, or Washington;

(o) "Gulf Ports" means all cities and other places located on or near the Gulf of Mexico in the States of Texas, Louisiana, Mississippi, Alabama, and Florida.*

§ 1306.158 *Effective date of the schedule.* This Schedule shall become effective on December 15, 1941.*

Issued this 13th day of December 1941.

LEON HENDERSON,
Administrator.

§ 1306.159 *Appendix A; domestic and export maximum prices for iron and steel products*—(a) *Maximum delivered prices in a city or free delivery area in which the seller is located.* (1) In any city or free delivery area in which the seller is located, the maximum delivered price for any iron or steel products shall be the delivered price which was or would have been charged by the seller on April 16, 1941. It is provided however:

(i) That in cities designated in Appendix B as *listed cities,* the maximum delivered prices shall not exceed the published listed prices, as set out in Appendix B, in effect as of April 16, 1941, for that city or free delivery area.

(ii) That in *unlisted cities,* the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (*a*) country prices of any seller located in any *listed city,* and (*b*) less-than-carload freight from such *listed city.*

(2) (i) Extras which were customarily charged as of April 16, 1941, may be computed in the maximum delivered price. Extras listed but not customarily charged as of April 16, 1941, shall not be charged.

(ii) Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

(3) Persons not having prices shall compute maximum delivered prices in accordance with paragraph (c) of this section.

(b) *Maximum delivered prices in places other than the city or free delivery area in which the seller is located.* (1) In any place other than a city or free delivery area in which the seller is located, the maximum delivered price for that seller shall be the lowest delivered price that is the result of a combination of (i) country price of any seller located in any *listed city* and (ii) less-than-carload freight from such *listed city.* It is provided, however, that in no case shall the maximum delivered price on a sale for delivery into a *listed city* exceed published listed prices, as set out in Appendix B, in effect as of April 16, 1941, for that city or free delivery area.

(c) *Maximum delivered prices for persons without prices.* (1) In the city or free delivery area in which such persons are located, the maximum delivered price for persons having no prices for the product or the quantity being sold shall be:

(i) *In listed cities,* the maximum delivered price shall not exceed the published listed prices, as set out in Appendix B, for that city or free delivery area.

(ii) *In unlisted cities,* the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (*a*) country prices of any seller located in any *listed city,* and (*b*) less-than-carload freight from such *listed city.*

(2) If a person not having prices sells for delivery into a place other than the city or free delivery area in which he is located, the maximum delivered price shall be set in conformance with paragraph (b) of this section.

(3) Any person who for any reason is unable to set a maximum delivered price in accordance with the terms of this Schedule may apply to the Office of Price Administration to set maximum delivered prices for the sale or series of sales in question.

(d) *Modification of certain April 16, 1941 prices.* (1) Any seller located in a *listed city* or free delivery area to which

published listed prices are applicable, if his prices as of April 16, 1941 were lower than such published listed prices, may make application to the Office of Price Administration to increase the maximum delivered price applicable to him in order to correspond to the published listed prices applicable to such *listed city* or free delivery area.

(2) The Office of Price Administration may at its discretion list additional cities as *listed cities*, and will receive applications by sellers located in *unlisted cities* requesting that such *unlisted cities* be made *listed cities*, and that the prices of such sellers in effect as of April 16, 1941, be published as the effective maximum delivered prices for such cities.

(e) *Maximum prices for exports of iron or steel products.* The maximum prices which may be charged for any iron or steel products sold for export to any place outside the territorial limits of the United States, shall be the domestic prices, as established in paragraphs (a), (b), (c), and (j) of this Schedule, f. a. s. the port from which export is to be made: *Provided*, That on shipments for export of less-than-carload quantities, a mark-up of $3.00 per net ton may be added if sold by an export broker. Extras which were customarily charged as of April 16, 1941, may be computed in the maximum delivered price. Extras listed but not customarily charged as of April 16, 1941, shall not be charged. In the case of certain products requiring special packing, such extra charges shall be not more than the standard published mill extras. Deductions customarily granted on April 16, 1941, shall be deducted in computing the maximum price under this paragraph.

(f) *Maximum delivered prices for dislocated tonnage.* In case of shipments by a seller of 150 miles or more, and if shipment is through or into any *listed city*, or substantially in the same direction and past any *listed city*, or in case of any shipments by a seller of not less than 350 miles, the maximum delivered price for any iron or steel product so shipped may be increased by the excess of (1) the country price of the seller plus less-than-carload freight as customarily charged less 15¢ per cwt., above (2) the maximum delivered price for the place of delivery, as computed in paragraph (b) of this section.

(g) *Maximum delivered prices on the Pacific Coast and for Gulf Ports; special filing provisions.* (1) Maximum delivered prices on the Pacific Coast shall be as provided in paragraphs (a), (b), (c), and (j) of this section: *Provided*, That:

(i) On the following products and no others, the sum of 35¢ per cwt. may be added to the maximum delivered price as established in paragraphs (a), (b), (c), and (j) of this section: plates, universal and sheared, carbon; hot rolled sheets, carbon; hot rolled bars and small shapes, carbon; galvanized, galvannealed, enameling, and galvanized corrugated sheets; floor plates; hot rolled strip, carbon; and structural shapes, carbon.

(ii) Pending analysis of data to be submitted under provisions of this Schedule, on standard pipe, seamless pipe, water well casing, large O. D. pipe, line pipe, wrought iron pipe, oil country tubular goods, and boiler and other pressure tubes in all cases where the rail and water rates to Pacific Coast ports are referred to in § 1306.159 (i) (1, 2, 3, 4, and 5) below these shall be disregarded and the maximum delivered prices on sales of above products at Pacific Coast points shall be the lowest prices resulting from that combination of base prices in effect April 16, 1941, and published *all-rail* carload freight from that mill basing point which gives the lowest delivered price to destination of customer plus such mark-up as is allowed for each product as set forth below in (i).

(iii) Pending analysis of data to be submitted under provisions of this Schedule, sellers located in Gulf Ports shall have a maximum delivered price as established in paragraphs (a), (b), (c), and (j) of this section based on sellers' prices in effect as of April 16, 1941.

(2) Information from Pacific Coast and Gulf Port sellers is required to be filed with the Office of Price Administration on Forms 149: 1 and 149: 2, respectively. Copies of Forms 149: 1 and 149: 2 may be had upon request by applying to the Office of Price Administration.

(h) *Maximum delivered prices for specific wire products.* (1) Notwithstanding the provisions of any other section of this Schedule, the maximum delivered price of less-than-carload quantities of standard wire nails, annealed smooth wire, and galvanized smooth wire, in the city or free delivery area in which the seller is located, shall be the aggregate of:

(i) Mill straight carload price (after deducting the regular jobber allowance of 15c per cwt.),

(ii) Carload freight from mill Basing Point to warehouse, and

(iii) One of the following: for standard wire nails, 50c per cwt.; for annealed smooth wire, 60c per cwt.; for galvanized smooth wire, 68c per cwt.

(2) The maximum delivered price of less-than-carload quantities of standard wire nails, annealed smooth wire, and galvanized smooth wire at any other place, shall be the lowest delivered price that is the result of a combination of (a) the price (as computed above) of any seller located in any *listed city* and (b) less-than-carload freight from such *listed city*.

(3) Extras charged by jobbers and dealers on merchant wire products shall be the same as regular published mill extras in effect as of April 16, 1941. Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

(4) The maximum delivered prices for all other merchant wire products shall be computed as provided in paragraphs (a), (b), (c) and (j) of this section.

(i) *Maximum delivered prices for pipe and tubular products.* Notwithstanding the provisions of any other section of this Schedule, the maximum delivered prices for the following types of iron and steel pipe and tubular products shall be as follows. Standard published mill extras which were charged as of April 16, 1941, may be computed in the maximum delivered price provided that where extras were listed but not customarily charged as of April 16, 1941, they shall not be charged. Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

(1) For standard pipe, seamless pipe, water well casing, large O. D. pipe, and line pipe: the lowest price resulting from that combination of flat basing card discounts of the National Tube Company in effect April 16, 1941, and published all-rail carload freight from Basing Point to destination of customer (except to Pacific Coast points where the rail and water rate is applicable)[1] plus:

(i) 25% on standard pipe, reamed and drifted pipe and line pipe 6 inches and smaller, both black and galvanized, and

(ii) 30% on all larger sizes of standard pipe and line pipe, also all sizes of extra strong and double extra strong, both black and galvanized, and all sizes of water well casing and large O. D. pipe.

(2) For wrought iron pipe: the price resulting from combination of resale discounts for sales from distributors' stocks as shown on A. M. Byers Company card in effect April 16, 1941, and published all-rail carload freight from Pittsburgh to destination of customer (except to Pacific Coast points where the rail and water rate is applicable).[1]

(3) For oil country tubular goods: the lowest price resulting from that combination of Basing Point prices as published by Oil Well Supply Co., distributor for National Tube Company, in effect on April 16, 1941, (Oil Country Tubular Goods Price List No. 24) and carload freight or transportation charges to destination of customer as computed in National Tube Co. Freight Book No. 1.[1]

(4) For boiler and other pressure tubes: the lowest price resulting from that combination of Basing Point prices in each quantity bracket of the National Tube Company Price list for sales to consumer in effect April 16, 1941, and less-than-carload freight from Basing Point to destination of customer (carload freight shall be charged on shipments of 40,000 lbs. and over).[1]

(5) For cold drawn seamless and other mechanical tubing: the prices in effect and actually charged as of April 16, 1941, by the exclusive distributors of the National Tube Co., covering all sections of the country, shall be the maximum prices to be charged in areas served by each such distributor.

[1] Special provisions for maximum delivered prices at Pacific Coast points for iron and steel pipe and tubular products are contained in paragraph (g) (ii) of this section.

(j) *Maximum delivered prices for tool steel.* Notwithstanding the provisions of any other section of this Schedule, the maximum delivered price for Tool Steel shall be the prices listed in the published price list of Crucible Steel Company, effective on April 16, 1941. The locations of warehouses of the Crucible Steel Company are set forth in Appendix B of this Schedule.

(k) *Maximum delivered prices for shipments in carload quantities, and in certain specific cases.* (1) Prices in excess of the mill prices provided under Price Schedule No. 6 shall not be charged by any person for:

(i) Direct shipments from producers or converters of any quantity of iron or steel products; or

(ii) Shipments of any quantity diverted from delivery to warehouses; or

(iii) Shipments of any quantity not put through the operations commonly known as the warehousing of iron or steel products.

(2) Notwithstanding the provisions of any other section of this Schedule, shipments of mixed carloads of 40,000 lbs. or more out of warehouse stock, which shipments are made up of a variety of iron and steel items (such as plates, shapes, bars, sheets, special or otherwise, strip; carbon, alloy and stainless) of different types, cross-sections, qualities, or classes, shall not be sold at a price in excess of the maximum delivered price for a 500 lb. quantity minus a discount of not less than $7.00 per net ton.

(3) Mixed carloads of Merchant Wire Products shall be sold at maximum prices not exceeding the published mill base prices established under Price Schedule 6. (Regular jobber allowances given by mills may be retained by seller of such mixed carload.)

(4) Mixed or straight carloads of 40,000 lbs. or more of pipe and tubular products, including boiler and other pressure tubes and mechanical tubing, shall be sold at maximum delivered prices not to exceed published mill carload prices of such products established by Price Schedule 6: *Provided*, That the above provision shall not apply to sales of Oil Country Tubular Goods out of distributor's stocks, but shall apply to direct mill shipment.

(5) Notwithstanding the provisions of any other section of this Schedule, on shipments of 40,000 lbs. or more out of seller's stock not falling within paragraph (2) of this section, the maximum delivered price shall be the mill price as established under Price Schedule No. 6: *Provided*, That on presentation to the Office of Price Administration of a certificate that such shipment out of seller's stock has been specifically authorized by the Office of Production Management, a maximum delivered price will be established by the Office of Price Administration.

(6) Notwithstanding the provisions of any other section of this Schedule, in the case of any shipment of any quantity out of a warehouse stock which has been specifically allocated to the warehouse by the Office of Production Management, and has been there held for reshipment at the direction of the Office of Production Management for use in defense repairs or other defense purposes, the maximum delivered price shall be fixed by the Office of Price Administration upon application for the setting of such maximum delivered price, which application shall contain a sworn statement setting forth the source of such iron or steel products, the Office of Production Management rating or certificate, and the destination to which the Office of Production Management has directed that shipment be made.

(7) Records on any sales of 40,000 lbs. or more of any iron or steel products to any single customer in any calendar month shall be filed with the Office of Price Administration on or before the 15th day of the next succeeding month. This filing shall include a sworn statement of the names and addresses of the buyers, the products and quantities sold, and the price for each quantity.

(l) *Maximum delivered prices for seconds, wasters, off-grade and used products.* The maximum delivered price for all off-grade, seconds, wasters and used iron or steel products after such shearing, cutting, straightening, bending or pickling, as may be necessary, shall not exceed the maximum delivered price for comparable iron or steel products of prime quality.

(m) *General provisions.* (1) Delivery and other services of all kinds, credit or other discounts, all freight absorptions (except as otherwise specified in this Schedule), all allowances, and all other privileges in effect on April 16, 1941, shall be continued without diminution or extra charge.

(2) Brokers, agents, consignees, distributors without stocks, and other persons acting in sales transactions on behalf of owners of iron or steel products other than producers, may continue to charge their customary commissions in effect on April 16, 1941: *Provided*, That in such cases where commissions are to be added to the selling price, the result shall not exceed the maximum delivered prices as established by this Schedule.

§ 1306.160 *Appendix B; Listed cities—*

(a) *Listed cities or free delivery areas in which sellers stock heavy steel line and merchant wire products.*

Baltimore	Scully Steel Products.
Birmingham	Southern Steel Co.
	Moore-Handley Co.[1]
Boston	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Wheeling Corrugating Co.[1]
	Wheelock-Lovejoy & Co.
Buffalo	Jos. T. Ryerson & Son.
	Wheeler Corrugating Co.[1]
	Wheelock-Lovejoy & Co.
Chicago	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Jones & Laughlin Steel Corp.
	A. M. Castle & Co.
	Hibbard Spencer Bartlett & Co.[1]
	Wheelock-Lovejoy & Co.
Cincinnati	Jos. T. Ryerson & Son.
	Jones & Laughlin Steel Corp.
	The H. Belmer Co.[1]
	Wheelock-Lovejoy & Co.
Cleveland	Jos. T. Ryerson & Son.
	Scully Steel Products.
	The Geo. Worthington Co.[1]
	Wheelock-Lovejoy & Co.
Detroit	Jos. T. Ryerson & Son.
	Jones & Laughlin Steel Corp.
	Buhl Sons Co.[1]
	Wheelock-Lovejoy & Co.
Houston	Earle M. Jorgensen Co.
	F. W. Heitmann & Co.[1]
Indianapolis	W. J. Holliday Co.
Los Angeles	A. M. Castle & Co.
	Earle M. Jorgensen Co.
	Ducommun Metals & Supply Co.
Memphis	Jones & Laughlin Steel Corp.
Milwaukee	Jos. T. Ryerson & Son.
	Frankfurth Hardware Co.[1]
New Orleans	Jones & Laughlin Steel Corp.
	Cahn Bros. & Ryder, Inc.[1]
New York	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Jones & Laughlin Steel Corp.
	Wheelock-Lovejoy & Co.
Norfolk	Eagleston-Parke Inc.
Omaha	Drake-Williams-Mount Co.
Philadelphia	Jos. T. Ryerson & Son.
	Wheeling Corrugating Co.[1]
Pittsburgh	Scully Steel Products.
	Jones & Laughlin Steel Corp.
	C. A. Turner Co.[1]
St. Louis	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Wheelock-Lovejoy & Co.
St. Paul	Scully Steel Products.
San Francisco	A. M. Castle & Co.
	Earle M. Jorgensen Co.
Seattle	A. M. Castle & Co.

[1] The prices of these firms are published list prices only as to the merchant wire product line.

(b) *Listed cities or free delivery areas in which crucible steel company warehouse stocks of tool steel are located.* Atlanta; Boston; Buffalo; Chicago; Cincinnati; Cleveland; Denver; Detroit; Indianapolis; Los Angeles; Milwaukee; Newark; New York; Philadelphia; Providence; St. Louis; San Francisco; Seattle; Springfield.

(c) *Listed cities or free delivery areas in which National Tube Company's exclusive distributors of mechanical tubing are located.*

Cambridge	Austin-Hastings Co.
Los Angeles	Ducommun Metals & Supply Co.
New York, Buffalo, Philadelphia	Peter A. Frasse & Co., Inc.
Cincinnati	E. K. Morris & Co., Inc.
Chicago, Detroit, Indianapolis, St. Louis	C. A. Roberts Co.

Cleveland	Strong, Carlisle & Hammond.
Atlanta	J. M. Tull Metal Supply Co.
Pittsburgh	Williams & Co.

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§ 1306.161 *Appendix C—List of products.* The following iron and steel products and their alloys (including stainless) are "Iron or Steel Products" as defined in Price Schedule No. 6. They are therefore iron or steel products as defined in this Schedule covering resale of iron or steel products. This list does not limit the inclusiveness of the definition. As interpretations are made, this list will be supplemented from time to time.

Ingots.
Blooms.
Billets.
Slabs.
Sheet Bars.
Skelp.
Tube rounds.
Muck bar.
Forging rounds.
Bars and small shapes, new billet and rail steel:
  Merchant.
  Cold finished—carbon.
  Concrete reinforcing.
  Alloy-hot rolled cold finished.
  Hoops and baling bands.
Tool steel bars (rolled and forged).
All plates, sheared and universal.
Armor plate—forged, cast, rolled and otherwise.
Shapes including bearing piles.
Sheet piling and accessories.
Rails:
  Standard (over 60 lbs.).
  Light (under 60 lbs.).
  All other (including girder, and guard).
Track materials including:
  Tie plates.
  Tie rods.
  Track spikes—regular cut and screw.
  Splice bars (joint bars, angle bars, rail joints, and fish plates).
  Track bolts, nuts.
  Ties.
Axles, car wheels, or any combination, rolled or forged.
Pipe and tube—plain, threaded and coupled (including conduit spiral welded pipe, and mechanical tubing):
  Butt-weld.
  Lap-weld.
  Electric-weld.
  Gas-weld.
  Seamless.
  Hammerweld.
Black Plate.
Tin plate:
  Hot rolled.
  Cold reduced.
Sheets and strip, including plain and corrugated; and roofing and siding of all types:
  Hot rolled.
  Cold rolled.
  Galvanized.
  Ternes.
  Enameling.
  Electrical.
  All other.
Wire rods.
Wire—drawn (including manufacturer's and merchant).
Wire belting.
Bale ties and buckle wire.
Wire nails, staples, tacks.
Twisted barbless and barbed wire.
Woven wire fencing.
Chain link fencing.
Poultry and animal farm netting.
Woven wire cloth—insect, hardware and all other.
Wire rope, wire strand, and special cords such as aircraft.
Wire clothes line, twisted and solid.
Wire hoops—twisted or welded.
Communications and power transmission wire.
Welded or woven wire fabric for reinforcing.
Posts—fence and sign and all other.

[F. R. Doc. 41-9387; Filed, December 13, 1941; 11:41 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 50—GREEN COFFEE[1]

Paragraph (f) of § 1351.1 is amended to read as follows:

§ 1351.1 *Maximum prices for green coffee.*

• • • • •

(f) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Coffee and Sugar Exchange. For such contracts the maximum prices shall be the closing prices on the Exchange as of December 8, 1941, for all the months then traded in as follows:

	Cents
Santos No. 4:	
December	12.83
1942	
March	12.38
May	12.93
July	12.97
September	13.00
Rio No. 7:	
December	8.26
1942	
March	8.55
May	8.65
July	8.75
September	8.85

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483) Issued this 13th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9386; Filed, December 13, 1941; 11:41 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER[1]

Paragraph (b) of § 1351.51 is amended to read as follows:

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.*

• • • • •

(b) The maximum prices for the various grades of cocoa beans and cocoa butter shall be the following prices:

	Cents per pound ex dock or warehouse New York City
Cocoa beans:	
F. F. Accra Main Crop	9.50
F. A. Q. Lagos	9.40
Mid Lagos	9.00
Sanchez	8.85
Superior Bahia	8.95
Fine St. Thome	9.50
Up-River Para	8.95
Laguayra-Caracas	11.25
Trinidad-Estate (or ordinary)	14.75
Trinidad Plantation	15.00
Red Summer Arriba	11.25
Season Arriba	10.625
Caraquez	10.25
Java, Estates No. 1	21.00
Grenada Plantations	14.75
Samoan	16.50
Ceylon	17.00

[1] 6 F.R. 6374.

	Cents per pound f. o. b. shipping point
Cocoa butter:	
Cocoa butter	25.50

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)
Issued this 13th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9385; Filed, December 13, 1941; 11:41 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 7, Amendment]

PART 1500—ADMINISTRATIVE; GENERAL

AMENDMENTS TO REGULATIONS GOVERNING COMMITTEE MEETINGS, ETC.

Pursuant to the President's letter of May 28 establishing the Office of Petroleum Coordinator for National Defense, paragraph (b) of § 1500.4 (Recommendation No. 7, dated August 18, 1941, 6 F.R. 5016) is hereby amended to read as follows:

§ 1500.4 *Minutes.*

• • • • •

(b) Functional committees shall receive copies of the minutes of the other functional committees in the same district, and the General Chairman shall receive copies of the minutes of all committees in his district. Each functional committee shall furnish copies of its minutes to the corresponding committees and to the appropriate directors in the other four districts. If the General Chairman considers that a committee in another district should have a copy of any particular minutes because of their reference to problems of interest to the other committee, he may send such minutes to the General Chairman of the other district.*

*§§ 1500.4 and 1500.7 issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

Section 1500.7 (Recommendation No. 7, dated August 18, 1941, 6 F.R. 5017) is hereby amended by adding thereto the following paragraph (j):

§ 1500.7 *Miscellaneous.*

• • • • •

(j) Operating expenses heretofore or hereafter incurred or paid for industry committees and subcommittees established by the Coordinator or the Deputy Coordinator, or otherwise established pursuant to the authority of the Coordinator, shall be distributed equitably among those members of the industry generally affected by the functions of such committees and subcommittees, on such bases as may be fixed by the functional committee concerned under the supervision and with the approval of the General Committee in each district. Operating expenses of a committee or subcommittee functioning in more than one district may be divided as between districts by agreement among the General Committees for the districts involved.*

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

DECEMBER 9, 1941.

[F. R. Doc. 41-9392; Filed, December 15, 1941; 9:58 a. m.]

[Recommendation No. 24]

PART 1500—ADMINISTRATIVE; GENERAL

PETROLEUM INDUSTRY COUNCIL FOR NATIONAL DEFENSE

In order to aid in the accomplishment of the purposes and objectives of the petroleum defense policy defined by the President of the United States in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, the Petroleum Coordinator for National Defense on November 29, 1941, established the Petroleum Industry Council for National Defense. The purpose of the Council is to mobilize most effectively the resources and abilities of the petroleum industry to deal with the emergency conditions under which the industry must operate and to provide a competent, responsible and representative body equipped and authorized both to advise the Petroleum Coordinator for National Defense with respect to the petroleum industry and to carry into effect immediately measures affecting that industry recommended by the Petroleum Coordinator for National Defense as essential to the national defense.

The resolution of December 8, 1941, of the Congress of the United States declaring that a state of war exists between the Imperial Japanese government and the Government and the people of the United States has made it vital to the national welfare that the Petroleum Industry Council for National Defense be enabled to act swiftly and effectively to advise the Petroleum Coordinator with respect to matters affecting the petroleum industry and to carry into effect recommendations of the Petroleum Coordinator for National Defense.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately, and until further notice:

§ 1500.8 *Duties and functions.* The Petroleum Industry Council shall: (a) advise or inform the Petroleum Coordinator for National Defense with respect to any matter relating to the petroleum industry submitted to it by the Petroleum Coordinator for advice or information; (b) raise and consider on its own motion and, if deemed necessary or desirable, propose to the Petroleum Coordinator for National Defense any action relating to the proper coordination of the petroleum industry for national defense, as indicated by the President of the United States in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense; (c) take any action or perform any duty or function specified in any formal recommendation of the Petroleum Coordinator for National Defense which has been duly submitted to the Attorney General and entered in the Federal Register, or in any approved plan effective under any such recommendation.*

*§§ 1500.8 to 1500.12, inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760).

§ 1500.9 *Surveys and investigations.* In accomplishing the purposes and objectives of the Petroleum Industry Council for National Defense, defined in § 1500.8, the Petroleum Industry Council shall obtain, compile and analyze all pertinent and available facts, figures, and other data with respect to any matter which may properly be before it. In this connection the Council is authorized:

(a) To direct such inquiries and questionnaires to such companies, organizations, or persons as may be necessary or appropriate.

(b) To ask and receive expert assistance from any company, organization, or person.

(c) To afford any interested or affected persons an opportunity to present their views.

(d) To consult with any of the committees or temporary or permanent subcommittees established by or under the authority of the Petroleum Coordinator for National Defense, and with any appropriate representative of the Office of Petroleum Coordinator for National Defense.*

§ 1500.10 *Plans.* The Petroleum Industry Council for National Defense, after compiling and analyzing all available and pertinent data with respect to any matter which may be before it, shall, if the Council deems it necessary or desirable, formulate and reduce to writing such specific plan or proposal as shall seem necessary or appropriate and shall submit it, with a statement of facts and reasons, to the Petroleum Coordinator for National Defense, Washington, D. C.*

§ 1500.11 *Organization of council.* The Petroleum Industry Council for National Defense shall select an executive committee which shall have all the duties, functions and authorities of the Council whenever the Council is not in session.

The Petroleum Industry Council for National Defense may maintain such staff and employ such persons as it finds necessary for carrying out its duties, responsibilities and functions under this recommendation, and may appoint such committees as it deems necessary for investigation and report on specific problems.

Minutes shall be kept of all meetings of the Council and of the executive committee and two copies thereof shall be filed in the Office of the Petroleum Coordinator for National Defense.*

§ 1500.12 *Expenses and contributions.* Operating expenses heretofore or hereafter incurred or paid for the Petroleum Industry Council for National Defense shall be met from a fund to which contributions may be made by companies or individuals engaged in the petroleum industry upon solicitation by the Council.*

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

DECEMBER 11, 1941.

[F. R. Doc. 41-9394; Filed, December 15, 1941; 9:58 a. m.]

[Recommendation No. 16]

PART 1504—PROCESSING AND REFINING

AVIATION GASOLINE

To the Refining Committees of the several Districts and to such Subcommittees on Aviation Gasoline as may be designated, and to all persons, natural or artificial, engaged in the petroleum industry, or in industries which affect the petroleum industry, or who hold or have an interest in any patent affecting the manufacture of any grade of aviation gasoline.

On December 7, 1941, the Government of the Empire of Japan declared war upon the United States of America.

It is essential, in the national interest, that the supplies of all grades of aviation gasoline for military, defense and essential civilian uses be increased immediately to the maximum.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1504.10 *Aviation gasoline survey.* The Refining Committees of the several Districts or such temporary Subcommittees on Aviation Gasoline as may be designated shall obtain, compile, and analyze all pertinent and available facts, figures, and other data with respect to the production of all grades of aviation gasoline, including but not limited to information concerning the existence, location and availability of all grades of aviation type crude oils, all grades of aviation gasoline base stocks, aviation gasoline blending agents, aviation gasoline manufacturing patents and processes, the capacity of existing aviation gasoline production and manufacturing facilities, and the possibilities of expansion thereof and the possibilities of the conversion thereto of facilities not now employed for such purposes.*

*§§ 1504.10 to 1504.18, inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760).

§ 1504.11 *Plans to increase production to be drafted.* In order to increase

to a maximum the production of all grades of aviation gasoline, the Committees or Subcommittees shall prepare plans for the use of all sources of the components of such gasoline and of all components of and facilities for producing or capable of producing any grade of aviation gasoline in such manner as will result in the maximum production of all grades of aviation gasoline in the shortest possible time.*

§ 1504.12 *Provisions of plans.* Such plans may provide for the allocation, exchange, license, pooling, loan, sale or lease of crude oil, base stocks, blending agents, processes and patents, and production, transportation and refining facilities among persons, natural or artificial, whenever and to whatever extent may be necessary to facilitate the maximum production of all grades of aviation gasoline or to reduce the time required to produce such gasoline.*

§ 1504.13 *Further provisions of plans.* Such plans may provide for the exchange, loan, sale, pooling, allocation, or leasing of other petroleum or petroleum products and of production, transportation, refining and storage facilities wherever and to whatever extent may be necessary to avoid inequities among the various affected units of the petroleum industry, whether producing, refining, transporting or marketing, and, specifically, may provide for a reduction in any locality or area of the quality and octane rating of motor fuels so far as consistent with defense or essential civilian needs where such action is made necessary because of the operation of any plan provided for in § 1504.11.*

§ 1504.14 *Adjustments or changes in costs.* In the preparation of the plans pursuant to § 1504.11 and in carrying such plans into effect, the Committees or Subcommittees shall obtain, compile, and analyze facts, figures and other data showing such increases or decreases in costs as may be occasioned or realized in the execution of such plans. Reports shall be made to the Office of Petroleum Coordinator for National Defense in order that that Office and the Committees or Subcommittees may advise and consult with the Office of Price Administration or other appropriate Federal agencies concerning the effect of such plans upon costs.*

§ 1504.15 *Terms of existing contracts to be filed.* Within 30 days from the date hereof there shall be filed in the Office of Petroleum Coordinator for National Defense a full statement of the terms of existing contracts and agreements for the production, storage, use, sale, or other disposition of all grades of aviation gasoline and all grades of aviation gasoline base stocks and blending agents.*

§ 1504.16 *Prior review of action affecting aviation gasoline.* Except where in accordance with the provisions of an approved plan formulated under the provisions of § 1504.11, after the date hereof no action shall be taken by any producer or refiner of any grade of aviation gasoline, aviation gasoline base stocks or aviation gasoline blending agents with respect to the production, storage, use, sale, or other disposition thereof without giving antecedent advice thereof to the Petroleum Coordinator for National Defense in order that he may have an opportunity to make specific recommendation with respect thereto.*

§ 1504.17 *Meetings.* Meetings of the Committees or Subcommittees and representatives of the petroleum industry shall be held from time to time for the purpose of preparing the plans provided for in § 1504.11, and the Committees or Subcommittees shall meet from time to time with any Committees or Subcommittees established by the Office of Production Management or other Federal agency to study the problems involved in the production of all grades of aviation gasoline, aviation gasoline base stocks or aviation gasoline blending agents. The Committees or Subcommittees and representatives of the petroleum industry shall, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense, meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the foregoing provisions of this Recommendation.*

§ 1504.18 *Effectuating plans.* The Committees or Subcommittees and all persons affected by any plan formulated in accordance with the provisions of § 1504.11 shall, upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of any plan prepared pursuant to § 1504.11, and pursuant to the direction of the Petroleum Coordinator for National Defense, carry into effect such plan according to its terms, conditions and intent.*

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

DECEMBER 9, 1941.

[F. R. Doc. 41-9393; Filed, December 15, 1941; 9:58 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1941, First Amendment to Dept. Circ. No. 654]

UNITED STATES SAVINGS BONDS, DEFENSE SERIES F

DECEMBER 12, 1941.

1. On and after January 1, 1942, the additional denomination of $25 (maturity value) of United States Savings Bonds of Defense Series F will be provided, the issue price of which will be $18.50; paragraph 1 of Section II, and paragraph 6 of Section III of Department Circular No. 654, dated April 15, 1941, are amended accordingly.

2. The table of redemption values and investment yields for United States Savings Bonds—Defense Series F, appended to Department Circular No. 654,[1] is modified by the addition of the following:

REDEMPTION VALUES

Maturity value	$25.00
Issue price	18.50

Period after issue date

First ½ year	(1)
½ to 1 year	$18.50
1 to 1½ years	18.55
1½ to 2 years	18.62
2 to 2½ years	18.72
2½ to 3 years	18.85
3 to 3½ years	19.00
3½ to 4 years	19.17
4 to 4½ years	19.40
4½ to 5 years	19.65
5 to 5½ years	19.92
5½ to 6 years	20.22
6 to 6½ years	20.55
6½ to 7 years	20.87
7 to 7½ years	21.20
7½ to 8 years	21.52
8 to 8½ years	21.85
8½ to 9 years	22.17
9 to 9½ years	22.50
9½ to 10 years	22.85
10 to 10½ years	23.22
10½ to 11 years	23.62
11 to 11½ years	24.05
11½ to 12 years	24.50

MATURITY VALUE

12 years from issue date	$25.00

[1] Not redeemable.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9400; Filed, December 15, 1941; 11:09 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-4]

IN THE MATTER OF THE APPLICATION OF ALABAMA FUEL AND IRON COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD BY IT TO ACTON COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

The Alabama Fuel and Iron Company, a corporation organized under the laws of Alabama with its principal offices in Birmingham, Alabama, being registered with the Division as a distributor, No. 92, and acting as a sales agent for certain producers, filed its petition praying:

For a determination herein that its "ownership" or "control" over Acton Coal Company, if any, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

It is ordered, That a hearing on such matter be held on February 10, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 6, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9395; Filed, December 15, 1941; 10:52 a. m.]

[Docket No. A-1155]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

[Docket No. A-1155, Part II]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR MIXTURE OF COALS FROM CERTAIN MINES IN DISTRICT NO. 1 AND FOR ADDITIONAL SHIPPING POINTS FOR MINE INDEX NOS. 729 AND 3074 IN DISTRICT NO. 1

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1155 PART II FROM DOCKET NO. A-1155, GRANTING TEMPORARY RELIEF, IN PART, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1155, PART II

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division in Docket No. A-1155 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1. As the Acting Director found in an Order issued in Docket No. A-1155, a reasonable showing has been made for the granting of the relief prayed for by the petition except as to a mixture of the coals of Blose and Burkett No. 1 Mines of G. C. Blose and a mixture of the coals of the Matthews Nos. 1, 2, 3, and 4 Mines of John H. Matthews, and as to the establishment of additional shipping points for the coals of the Nevling Mine of William Fraser, Jr., and for the coals of the Blose Mine.

The official records of the Division do not indicate the existence of a Matthews No. 3 Mine. Accordingly, the petition does not allege sufficient facts in support of the proposal for the establishment of price classifications and minimum prices for the mixture of the coals of the Matthews Nos. 1, 2, 3, and 4 Mines, and the temporary relief herein granted as to these mines, pending a hearing, is, therefore, limited to the Matthews Nos. 1, 2, and 4 Mines.

Since the petition does not propose a shipping point for rail shipments of the mixture of coals from the Blose and Burkett No. 1 Mines, and does not allege any facts in support of the proposal for the establishment of additional shipping points for the coals of the Blose and Nevling Mines, it appears appropriate that a hearing be held on these matters to determine the propriety of granting the relief requested.

Now, therefore, it is ordered, That the portion of Docket No. A-1155 relating to the Blose Mine (Mine Index No. 729) of G. C. Blose, the Nevling Mine (Mine Index No. 3074) of William Fraser, Jr., the Burkett No. 1 Mine (Mine Index No. 3202) of G. C. Blose, and the Matthews Nos. 1, 2, 3, and 4 Mines (Mine Index Nos. 685, 3204, and 2362, Matthews No. 3 Mine being excepted) of John H. Matthews, be, and it hereby is, severed from the remainder of Docket No. A-1155 and designated as Docket No. A-1155 Part II.

It is further ordered, That a hearing in the above-entitled matter upon the applicable provisions of said Act, and the rules of the Division, be held on January 16, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 10, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to (1) the establishment of price classifications and minimum prices for rail shipments of a mixture of coals from the Blose and Burkett No. 1 Mines of G. C. Blose, and of a mixture of coals from the Matthews Nos. 1, 2, 3, and 4 Mines of John H. Matthews, (2) making the price classifications and minimum prices effective for the coals of the Blose Mine of G. C. Blose for shipment on the Pittsburgh and Shawmut Railroad from Sprankles Mills, Pennsylvania, also applicable for such shipments on the Pennsylvania Railroad from Punxsutawney, Pennsylvania; (3) making the price classifications and minimum prices effective for the coals of the Nevling Mine of William Fraser, Jr., for shipment on the Pennsylvania Railroad from Osceola Mills, Pennsylvania, also applicable for such shipments on the Pennsylvania Railroad from Houtzdale, Pennsylvania.

It is further ordered, That a reasonable showing of necessity therefor having been made, pending final disposition of the above matter, temporary relief be and the same is hereby granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck is supplemented to provide that if the coals within each of the following groups are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixtures having the highest price classification:

[1] 6 F.R. 1969.

(1) Blose and Burkett No. 1 Mines of G. C. Blose;

(2) Matthews Nos. 1, 2, and 4 Mines of John H. Matthews.

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9396; Filed, December 15, 1941; 10:52 a. m.]

[Docket No. A-89]

PETITION OF TRUAX-TRAER COAL COMPANY REQUESTING FREE ALONGSIDE PRICES ON SALES TO CHAMPION PAPER & FIBRE COMPANY;

[Docket Nos. A-289, A-337]

PETITIONS OF THE CITY OF CINCINNATI AND THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI FOR AN ORDER ESTABLISHING FREE ALONGSIDE PRICES; AND THE COUNTY OF HAMILTON, OHIO, FOR THE ESTABLISHMENT OF FREE ALONGSIDE PRICES;

[Docket No. A-352]

PETITION OF CONSUMERS' COUNSEL FOR FREE ALONGSIDE PRICES FROM DISTRICTS 8, 9, AND 10 FOR THE OLD QUAKER COMPANY, LAWRENCEBURG, INDIANA;

[Docket No. A-352A]

IN THE MATTER OF THE REVISION OF RIVER PRICES IN DISTRICT 8 FOR DELIVERY OF HIGH VOLATILE COAL TO JOSEPH E. SEAGRAM AND SONS, INC., LAWRENCEBURG, INDIANA, PURSUANT TO AUTHORITY TO REVIEW AND REVISE PRICES CONTAINED IN SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937;

[Docket No. A-539]

PETITION OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICTS 8, 9, AND 10 FOR JAMES WALSH AND COMPANY, INC., LAWRENCEBURG, INDIANA, IN MARKET AREA No. 26.

[Docket No. A-540]

PETITION OF THE CONSUMERS' COUNSEL DIVISION SEEKING FREE ALONGSIDE PRICES FROM DISTRICTS 8 AND 9 FOR THE LAWRENCEBURG ROLLER MILLS COMPANY, LAWRENCEBURG, INDIANA, IN MARKET AREA No. 26

MEMORANDUM OPINION AND ORDER DENYING PETITION TO AMEND ORDER OF THE DIRECTOR OF SEPTEMBER 20, 1941

This proceeding was instituted upon original petitions filed with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. In general, the original petitions requested modification of the effective price schedules so as to grant to certain named consumers the privilege of purchasing certain coals at the minimum f. a. s. prices in lieu of applicable ex-river prices.

Pursuant to Orders and Notices of Hearing issued by the Director, a hearing in these matters was held before a duly designated Examiner of the Division on January 10, 11, and 23, 1941. Thereafter, the Examiner submitted Proposed Findings of Fact and Conclusions of Law, dated June 16, 1941.

On September 20, 1941, 6 F.R. 4864, the Director issued his Memorandum Opinion and Order approving and adopting the Proposed Findings of Fact and Conclusions of Law of the Examiner and granting permanent relief. Said Memorandum Opinion contained, *inter alia*, the following paragraph:

Because at the hearing there arose some doubts concerning the conditions under which f. a. s. prices apply, it is believed that a clarification thereof may be helpful. It has always been recognized that f. a. s. prices apply only where shipments are made and deliveries received by the purchaser in barges. The weights that govern are the railroad weights at the mine. Furthermore, in accordance with Price Instruction 9, consumers purchasing coal on an f. a. s. basis must assume all intervening costs subsequent to and including unloading from the barge. And, of course, f. a. s. prices apply only when the coal delivered to the consumer is the same coal which was loaded at the river loading facilities.

On October 20, 1941, the petitioners in Docket No. A-289 filed a petition seeking to amend the Memorandum Opinion and Order of September 20, by striking therefrom the foregoing paragraph and inserting in lieu thereof a paragraph "clearly indicating that as to these petitioners any code member of District 8 may sell high volatile coal in the same manner and under the same conditions as existed prior to October 1, 1940, except that no such coal shall be sold at less than minimum f. o. b. mine price as established by your Division, plus the aggregate cost of transporting and handling such coal, via river, from the mines to the bins of these petitioners."

A reconsideration of the matter leads the undersigned to conclude that the aforementioned statement contained in the Memorandum Opinion of September 20, 1941, concerning the conditions under which f. a. s. prices apply is consistent with the definition of f. a. s. prices contained in the Schedule of Effective Minimum Prices for District No. 8 for all Shipments Except Truck. For this reason the petition to modify said Memorandum Opinion should be denied.

It may be, however, that the petitioners are able and willing to present evidence concerning the effect of the aforementioned statement contained in the Memorandum Opinion of the Director of September 20 on their methods of purchasing coal or concerning the appropriateness of its inclusion. If so, and if the petitioners see fit, they may file a petition to reopen the hearing for the purpose of introducing such evidence. Upon the receipt of such motion, the undersigned will give prompt consideration thereto. Pending such receipt, however, the undersigned will deny the petition filed on October 20, 1941, to modify the Memorandum Opinion and Order of the Director dated September 20, 1941.

Now, therefore, it is hereby ordered, That the petition of the City of Cincinnati, Ohio, et al., filed herein on October 20, 1941, be, and it hereby is, denied.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9397; Filed, December 15, 1941; 10:52 a. m.]

DEPARTMENT OF AGRICULTURE.

Federal Farm Mortgage Corporation.

NOTICE OF CALL FOR REDEMPTION

To holders of 3 percent and 2¾ percent Federal Farm Mortgage Corporation bonds of 1942–47, and others concerned:

Public notice is hereby given that the Federal Farm Mortgage Corporation has called for redemption on January 15, 1942, all its outstanding 3 percent bonds of 1942–47. They will cease to bear interest on that date. Unless previously surrendered these bonds will be payable at par upon presentation at any Federal reserve bank or branch, or at the Treasury Department, Washington, D. C., on and after January 15, 1942.

Public notice is also hereby given that the Federal Farm Mortgage Corporation has called for redemption on March 1, 1942, all its outstanding 2¾ percent bonds of 1942–47. They will cease to bear interest on that date. Unless previously surrendered these bonds will be payable at par upon presentation at any Federal reserve bank or branch, or at the Treasury Department, Washington, D. C., on and after March 1, 1942.

The presentation and surrender of bonds of these two issues will be governed by the provisions of Treasury Department Circular No. 666, dated July 21, 1941.[1]

An offering of interest bearing obligations of the United States may be made available to holders of bonds of these two issues, concerning which public announcement will be made by the Secretary of the Treasury shortly after January 1, 1942.

[1] 6 F.R. 3726.

[SEAL] FEDERAL FARM MORTGAGE CORPORATION,
By A. G. BLACK,
President.

DECEMBER 15, 1941.

Attest:

D. C. CARNES,
Secretary.

Approved:

H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 41-9379; Filed, December 12, 1941; 2:30 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 15, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Apparel

A. DiPaola and Company, 211 South Fifth Street, Camden, New Jersey; Men's coats, overcoats, sackcoats; 5 percent (T); December 15, 1942.

The Marshel Novelty Company, Inc., 316 Fifth Avenue, New York, New York; Aprons; 2 learners (T); March 30, 1942.

Soboroff-Rosenwald Company, 1500 North Ogden Avenue, Chicago, Illinois; Caps; 5 percent (T); December 15, 1942.

Tailors Service Company, 417 Hennepin Avenue, Minneapolis, Minnesota; Men's Clothes; 5 learners (T); December 15, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

The Abeles Company, Inc., 143 Hilbert Street, Cedarburg, Wisconsin; Men's Trousers; 5 learners (T); December 15, 1942. (This certificate is restricted to the employment of learners on commercial work only.)

Albern Manufacturing Company, 61 Ponagansett Avenue, Providence, Rhode Island; Boys' shirts, Men's shirts; 10 percent (T); December 15, 1942.

Bixler Shirt Company, Center Street, Millersburg, Pennsylvania; Shirts; 10 percent (T); December 15, 1942.

Dorothy Manufacturing Company, 36 Frances Place, Keansburg, New Jersey; Infants' and Children's Wear; 10 learners (T); December 15, 1942.

Eff and Emm Sportswear, Inc., 117 Grattan Street, Brooklyn, New York; Sport shirts; 10 learners (T); April 13, 1942.

Grand Sportswear, 30 Bank Street, Elizabeth, New Jersey; Children's Snosuits, Beachwear; 10 percent (T); December 15, 1942.

Hirsch Shirt Corporation, Calumet and Hoffman Streets, Hammond, Indiana; Men's dress and sport shirts; 10 percent (T); December 15, 1942.

Items, Incorporated, 701 South Third Street, Belleville, Illinois; Dresses; 40 learners (E); June 15, 1942.

I. B. Kleinert Rubber Company, 20–09 127th Street, College Point, New York; Miscellaneous rubber accessories; 5 percent (T); December 15, 1942.

Kulpmont Manufacturing Company, Chestnut Street, Kulpmont, Pennsylvania; Corsets, Girdles, Brassieres, Women's Swim Suits; 6 learners (T); December 15, 1942.

S. Liebovitz & Sons, Inc., Wisconisco Street, Tower City, Pennsylvania; Shirts; 30 learners (E); June 15, 1942.

Majestic Manufacturing Company, Inc., 192 Cain Street, Atlanta, Georgia; Ladies' Wash Dresses; 10 learners (T); December 15, 1942.

N & W Overall Company, Inc., 1415 Kemper Street, Lynchburg, Virginia; Overalls, Shirts, Pants; 10 percent (T); December 15, 1942.

National Garment Company, Main Street, Chaffee, Missouri; Sport Shirts; Slack Suits; 10 learners (T); June 15, 1942.

Pennsylvania Dress Corporation, 1540 Main Street, Northampton, Pennsylvania; Dresses; 10 learners (T); December 15, 1942.

Piedmont Shirt Company, 25 East Court Street, Greenville, South Carolina; Shirts; 10 percent (T); December 15, 1942.

Piedmont Shirt Company (Eastwill Sportswear Division), 411 Rush Avenue, Greenwood, South Carolina; Sport shirts; 46 learners (E); June 15, 1942.

S. Rosenbloom, Inc., 12 N. Paca, 318–20 W. Baltimore and 500 W. Baltimore, Baltimore, Maryland; Denim Coats, Trousers; 10 percent (T); December 15, 1942.

Frank Schlosser, 632 Wood Street, Vineland, New Jersey; Dresses; 2 learners (T); December 15, 1942.

M. Setlow and Son, Inc., 131 Chestnut Street, New Haven, Connecticut; Pants and Overalls; 10 percent (T); December 15, 1942.

Troy Collar Company, 560 River Street, Troy, New York; Children's Dresses; 3 learners (T); December 15, 1942.

Union Pants Manufacturing Company, Spring and Ann Streets, Bordentown, New Jersey; Men's & Boy's work clothing; 10 percent (T); December 15, 1942.

Veronica Dress Company, 1009 Main Street, Dickson City, Pennsylvania; Children's Dresses; 6 learners (T); December 15, 1942.

Waxahachie Garment Company, South Jackson Street, Waxahachie, Texas; Shirts, Pants; 160 learners (E); June 15, 1942.

Wee Tog Manufacturing Company, Amber & Willard Streets, Philadelphia, Pennsylvania; Children's cotton dresses; 10 percent (T); December 15, 1942.

Western Fashions, 722 South Los Angeles Street, Los Angeles, California; Slacks and Blouses; 10 learners (T); December 15, 1942. (This certificate replaces the one bearing the expiration date of March 6, 1942.)

Gloves

The Glove Corporation, 301 N. Harrison Street, Alexandria, Indiana; Work Gloves; 5 learners (T); December 15, 1942.

Newton Glove Manufacturing Company, Ashe Avenue, Newton, North Carolina; Work Gloves; 5 percent (T); December 15, 1942.

Hosiery

Josephine Mills, Inc., Marion, North Carolina; Seamless Hosiery; 10 percent (T); December 15, 1942. (This certificate replaces the one bearing the expiration date of January 3, 1942.)

Lykens Hosiery Mills, Lykens, Pennsylvania; Seamless Hosiery; 3 learners (T); August 15, 1942.

Marietta Hosiery Company, 112 Winters Street, Marietta, Georgia; Seamless and Full Fashioned Hosiery; 5 learners (T); December 15, 1942. (This certificate replaces the certificates issued when located in Burlington and Hickory, North Carolina, expiring on December 9 and December 21, respectively.)

Propper-McCallum Hosiery Company, Inc., Northampton, Massachusetts; Full Fashioned Hosiery; 5 percent (T); December 15, 1942.

Salem Full Fashioned Hosiery Mill, Salem, Virginia; Full Fashioned Hosiery; 5 percent (T); December 15, 1942.

Unique Knitting Company, Acworth, Georgia; Seamless Hosiery; 5 percent (T); December 15, 1942.

Knitted Wear

Globe Knitting Works, 315 Commerce Avenue, Grand Rapids, Michigan; Knitted underwear, commercial knitting; 5 percent (T); December 15, 1942.

Betty Heitler, 464 Broad Avenue, Palisades Park, New Jersey; Knitted Outerwear; 5 learners (T); December 15, 1942.

Kain-Murphy Corporation, Chattanooga, Tennessee; Underwear; 5 percent (T); December 15, 1942.

Signal Knitting Mills, Manufacturers Road, Chattanooga, Tennessee; Underwear; 5 percent (T); December 15, 1942.

Wei-Sack Mills, Inc., South Front Street, Hudson, New York; Knitted Outerwear; 7 learners (T); December 15, 1942.

W. A. White Underwear Corporation, 353 West First Street, Oswego, New York; Children's Sweaters; 5 learners (T); March 30, 1942.

Textiles

Boott Mills, John Street, Lowell, Massachusetts; Cotton Goods; 150 learners (E); March 9, 1942.

General Webbings Corporation, 235 Mill Street, Springfield, Massachusetts; Webbings and Tapes; 11 learners (E); March 30, 1942.

Georgia Webbing and Tape Company, 1340 11th Avenue, Columbus, Georgia; Narrow Fabrics; 3 percent (T); December 15, 1942.

Hall Line Corporation, Park Avenue, Highland Hills, New York; Braids and Twine; 3 learners (T); December 15, 1942.

Grass-Grossinger Company, 312 Penn Avenue, Scranton, Pennsylvania; Apparel; Caps; 2 learners (T); December 15, 1942.

Meadow Avenue Shirt Company, Meadow Avenue, Cambridge, Maryland; Apparel; Shirts; 20 learners (E); June 15, 1942.

Phillips-Jones Corporation, 829 E. 134th Street, New York, New York; Apparel; Men's Collars; 10 learners (T); March 30, 1942.

Pioneer Cap Company, 710 Central Street, Kansas City, Missouri; Apparel; Caps; 4 learners (T); December 15, 1942.

Swanton Manufacturing Company, Swanton, Vermont; Apparel; Dresses; 56 learners (E); June 15, 1942.

Crescent Knitting Company, Armfield Street, Statesville, North Carolina; Hosiery; Seamless hosiery; 5 percent (T); December 15, 1942. (This certificate replaces the one bearing the expiration date of November 27, 1942.)

Signed at Washington, D. C., this 15th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9411; Filed, December 15, 1941; 11:55 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 15, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

The Arthurdale Association, Arthurdale, West Virginia; Wood Furniture; 15 learners; 8 weeks for any one learner; 30 cents per hour; Assembler; Finisher; April 20, 1942.

The Arthurdale Association, Arthurdale, West Virginia; Wood Furniture; 5 learners; 4 weeks for any one learner; 30 cents per hour; Sander; February 23, 1942.

Artistic Manufacturing Company, 336 Sixth Street, N. E., Atlanta, Georgia; Costume Jewelry, 10 learners; 4 weeks for any one learner; 30 cents per hour; Hand Costume Jewelry Maker; February 23, 1942.

Signed at Washington, D. C., this 15th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9412; Filed, December 15, 1941; 11:55 a. m.]

NOTICE OF GRANTING OF EXCEPTION FROM THE RECORD KEEPING REGULATIONS

WESTINGHOUSE ELECTRIC & MFG. CO.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Westinghouse Electric & Manufacturing Company, East Pittsburgh, Pennsylvania, relief from the necessity of preserving their customer orders having a billing value of not in excess of $500 for two years as required by § 516.15, paragraph (b).

This authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 12th day of December 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-9413; Filed, December 15, 1941; 11:55 a. m.]

NOTICE OF HEARING IN THE MATTER OF EMPLOYMENT OF LEARNERS AT LESS THAN THE MINIMUM WAGE IN THE SINGLE PANTS, SHIRTS AND ALLIED GARMENTS INDUSTRY AND THE WOMEN'S APPAREL INDUSTRY UNDER THE FAIR LABOR STANDARDS ACT OF 1938 AND IN THE PERFORMANCE OF GOVERNMENT CONTRACTS SUBJECT TO THE PUBLIC CONTRACTS ACT AND THE SECRETARY'S DETERMINATIONS UNDER THAT ACT FOR THE COTTON GARMENTS AND ALLIED INDUSTRIES

Whereas notice of opportunity to show cause by December 11, 1941, why certain proposed amendments of the Regulations Applicable to the Employment of Learners in the Single Pants, Shirts and Allied Garments Industry and the Women's Apparel Industry, issued effective September 29, 1941, should not be adopted was published in the FEDERAL REGISTER of November 26, 1941 and by general press release on that date, and

Whereas petitions have been received from interested parties requesting that an opportunity for objections to be heard be afforded them,

Now, therefore, notice is hereby given that a public hearing will be held in Room 3229, U. S. Department of Labor Building, Washington, D. C., beginning at 10:00 A. M. December 22, 1941, before Merle D. Vincent, Director of the Hearings Branch of the Wage and Hour Division, authorized representative of the Acting Administrator, to hear objections to the proposed amendments.

All interested parties are further notified that at the same time and place and before the same presiding officer, acting as a special examiner under the Walsh-Healey Public Contracts Act, they will be given opportunity to show cause, if any they have, why the Secretary of Labor should not adopt as applicable to government contracts for the products of the Cotton Garment and Allied Industries as defined in the decision of July 28, 1937, as amended from time to time, the proposed amendments above referred to for the employment of learners at subminimum rates.

All interested parties wishing to appear at this hearing may do so by filing notice of intention and approximate time required with the presiding officer, prior to December 22, 1941, and may file with him briefs and arguments pertaining to the proposed amendments by that date. Two copies of all briefs and arguments should be filed.

Signed this 15th day of December 1941.

BAIRD SNYDER,
Acting Administrator.
L. METCALFE WALLING,
Administrator, Division of Public Contracts.

[F. R. Doc. 41-9414; Filed, December 15, 1941; 11:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-457]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 11th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than December 20, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Florida Power & Light Company (hereinafter referred to as "Florida") proposes to enter into a contract with W. W. Levering and N. I. Thompson (individuals in no way affiliated with Florida or its affiliates) whereby, subject to certain conditions, Florida will sell to the aforementioned individuals on December 30, 1941 all the capital stock and an Income Demand Note (in the unpaid principal amount of $962,000 which is to be reduced in undetermined amount as the result of the transaction) of Consumers Water Company, a subsidiary of Florida which owns and operates water properties in Coral Gables and Stuart, Florida. Under the proposed contract the purchasers will pay to Florida a total consideration of $850,000, of which $300,000 will be in cash and $555,000 will be in the Form of First Mortgage Bonds, 4% Series due 1955 of Consumers Water Company, which are to be issued by Consumers Water Company to Levering and Thompson for this purpose. The Bonds will be secured by a closed Mortgage and Deed of Trust executed by Consumers Water Company, which will constitute a first lien on all properties and franchises of Consumers Water Company in Dade County, Florida.

Consumers Water Company also proposes to enter into a contract to sell its Stuart water properties on December 31, 1941 to Natt T. Wagner (an individual in no way affiliated with Consumers Water Company, Florida, or affiliated interests). Accordingly, the contract between Florida and Levering and Thompson contemplates that Consumers Water Company at the date its securities are transferred by Florida will own only properties and assets related to the Coral Gables water distribution system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9390; Filed, December 13, 1941; 12:00 m.]

[File No. 59-5]

IN THE MATTER OF THE MIDDLE WEST CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER GRANTING REQUEST TO INTERVENE OF THE GUADALUPE-BLANCO RIVER AUTHORITY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

Guadalupe-Blanco River Authority having filed a request to intervene in the proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 with respect to The Middle West Corporation and its subsidiary companies; said request having stated that Guadalupe-Blanco River Authority has an interest in said proceedings, and it appearing that said Authority is a political sub-division of the State of Texas:

It is ordered, That the request of Guadalupe-Blanco River Authority to intervene in said proceedings is granted, and said Guadalupe-Blanco River Authority is hereby admitted as a party in said proceedings and may be heard with respect to all matters affecting its interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9391; Filed, December 13, 1941; 12:00 m.]

[File No. 2-4752]

IN THE MATTER OF AUTOMATIC TELEPHONE DIALER, INC.

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December, A. D. 1941.

This matter coming on to be heard before the Commission on the registration statement of Automatic Telephone Dialer, Inc., a Delaware Corporation, after confirmed telegraphic notice to said registrant that it appeared that said registration statement included untrue statements of material facts and omitted to state material facts required to be stated and omitted to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served on said registrant; and

The Commission having considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises;

It is ordered, Pursuant to section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Automatic Telephone Dialer, Inc., a Delaware corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9407; Filed, December 15, 1941; 11:35 a. m.]

[File No. 1-1426]

IN THE MATTER OF THE UNION METAL MANUFACTURING COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1941.

The Union Metal Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw

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its Common Stock, No Par Value, from listing and registration on the Cleveland Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:30 a. m. on Wednesday, January 7, 1942, at the office of the Securities & Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That James C. Gruener, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9408; Filed, December 15, 1941; 11:35 a. m.]

[File No. 70-440]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, THE MANUFACTURERS LIGHT AND HEAT COMPANY, PENNSYLVANIA FUEL SUPPLY COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December, A. D. 1941.

The above-named parties having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof and Rules U-42 and U-43 promulgated thereunder regarding the sale by Columbia Gas & Electric Corporation to its wholly-owned subsidiaries, The Manufacturers Light and Heat Company and Pennsylvania Fuel Supply Company, of $400,000 and $100,000 principal amount, respectively, of 3% 11 Months' Notes of said subsidiaries at their principal amount plus accrued interest; and

Said declarations having been filed on November 19, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the above-named persons having requested that said declarations be permitted to become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective pursuant to sections 12 (c) and 12 (f) and Rules U-42 and U-43 promulgated thereunder, and being satisfied that the effective date of said declarations should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the above declarations be and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9409; Filed, December 15, 1941; 11:35 a. m.]

[File No. 70-436]

IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, 1941 A. D.

St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation a registered holding company and a subsidiary of The United Gas Improvement Company, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding the issuance of a note on or about December 20, 1941 and maturing in not exceeding nine months, in the amount of $100,000 with interest at 2% per annum, payable to Mississippi Valley Trust Company, the proceeds to be used in partial reimbursement of the Company's treasury for amounts expended for construction; and

Said application having been filed on November 14, 1941 and an amendment thereto having been filed on November 19, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified by said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 6 (b) are satisfied and that the above-named applicant is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to the proposed transaction, subject to the terms and conditions prescribed by Rule U-24;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.)

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9410; Filed, December 15, 1941; 11:35 a. m.]

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FEDERAL REGISTER

VOLUME 6 NUMBER 244

Washington, Wednesday, December 17, 1941

The President

EXECUTIVE ORDER

CONTROL OF CIVIL AVIATION

By virtue of the authority vested in me by section 1 of the act of August 29, 1916, 39 Stat. 645 (U.S.C., title 10, sec. 1361), and as President of the United States, it is hereby ordered as follows:

1. In the administration of the statutes relating to civil aviation the Secretary of Commerce is directed to exercise his control and jurisdiction over civil aviation in accordance with requirements for the successful prosecution of the war, as may be requested by the Secretary of War.

2. The Secretary of War is authorized and directed to take possession and assume control of any civil aviation system, or systems, or any part thereof, to the extent necessary for the successful prosecution of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 13, 1941.

[No. 8974]

[F. R. Doc. 41-9418; Filed, December 15, 1941; 4:11 p. m.]

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF COMMERCE TO WAIVE COMPLIANCE WITH THE NAVIGATION AND VESSEL INSPECTION LAWS FOR WAR PURPOSES

By virtue of the authority vested in me by the Constitution and Statutes of the United States as President of the United States and Commander-in-Chief of the Army and Navy, and to further the successful prosecution of the war, it is hereby ordered as follows:

1. The Secretary of Commerce is directed to waive compliance with the navigation and vessel inspection laws upon the request of the Secretary of the Navy or the Secretary of War to the extent deemed necessary in the conduct of the war by the officer making the request.

2. The Secretary of Commerce is authorized to waive compliance with the navigation and vessel inspection laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency that such action is necessary in the conduct of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8976]

[F. R. Doc. 41-9470; Filed, December 16, 1941; 12:03 p. m.]

EXECUTIVE ORDER

ESTABLISHING THE NATIONAL PATENT PLANNING COMMISSION

WHEREAS both American industrial development and our people generally have greatly benefited by the products of American inventive genius;

AND WHEREAS it is essential even in time of war to plan for a full utilization of the nation's expanded industrial capacity with the return of peace, a problem to which the inventive genius of our citizens can be applied at this time and which also requires a study to be made of our existing patent laws and procedure, together with other appropriate action, by a commission familiar with the problems of science, industry, agriculture, labor, and the consumer;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I do hereby order as follows:

1: There is hereby established the National Patent Planning Commission consisting of five members to be appointed by the President.

2: The Commission is authorized, in conjunction with the Department of

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THE PRESIDENT

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Commerce, to conduct a comprehensive survey and study of the American patent system, and consider whether the system now provides the maximum service in stimulating the inventive genius of our people in evolving inventions and in furthering their prompt utilization for the public good; whether our patent system should perform a more active function in inventive development; whether there are obstructions in our existing system of patent laws, and if so, how they can be eliminated; to what extent the Government should go in stimulating inventive effort in normal times; and what methods and plans might be developed to promote inventions and discoveries which will increase commerce, provide employment, and fully utilize expanded defense industrial facilities during normal times.

3: The Commission may appoint such officers, committees and subcommittees as it may deem necessary to carry out its functions.

4: The members of the Commission and of such committees and subcommittees as may be formed by it shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties.

5: The Commissioner of Patents and his office will assist the Commission, which is also authorized to call upon other offices and agencies of the Government for such aid and information as may be deemed necessary for its work.

6: The Commission shall report the results of such investigations and studies to the President, together with its recommendations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 12, 1941.

[No. 8977]

[F. R. Doc. 41-9471; Filed, December 16, 1941; 12:04 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION

PART 411—1942 COTTON CROP INSURANCE CONTRACT REGULATIONS [1]

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act of 1938, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the 1942 Cotton Crop Insurance Program, until amended or superseded by regulations hereafter made.

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MANNER OF OBTAINING INSURANCE

§ 411.1 *Application for insurance.* Application for insurance, on a form prescribed by the Corporation for such purpose, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper in cotton to be grown in 1942. An application shall cover each insurance unit in the county in which the applicant has an interest in the cotton crop at the beginning of the planting thereof. Applications must be submitted to the office of the county committee on or before the closing date.*

*§§ 411.1 to 411.46, inclusive, issued under the authority contained in secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. Supp. V 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255.

§ 411.2 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by the county committee, the insurance contract shall be in effect: *Provided, however,* That the average yields and the premium rates specified in the application are those approved by the Corporation for the insurance unit covered by the application; *And provided further,* That such application is submitted in accordance with the provisions of the application, these regulations and any amendments thereto. Acceptance of the application shall be evidenced by the delivery on behalf of all applicants to the applicant whose signature appears in paragraph 8 of the application, of a copy of the application signed by a member of the county committee for and on behalf of such committee.

(b) The right is reserved to reject any application for insurance or to limit the insured percentage to 50 percent of the average yield for the insurance unit covered by the application in any case where the county committee determines that the risk to be incurred under the insurance contract warrants either such action.*

PREMIUM FOR INSURANCE CONTRACT

§ 411.3 *Amount of premium.* The premium for each insured on his insurance unit shall be the number of pounds of lint cotton determined by multiplying the acreage of cotton planted, as determined by the Corporation (but not in excess of the maximum insurable acreage), by the premium rate per acre and by the insured's interest in the crop. The premium with respect to each insurance unit shall be regarded as earned when the cotton crop on such unit is planted. The minimum premium payable by the insured with respect to any insurance unit shall be ten pounds.*

§ 411.4 *Manner of payment of premium.* (a) Each applicant for insurance shall sign a note, which is part of his application, for the payment of the premium for his insurance contract. Such notes shall be payable on or before the maturity date specified in § 411.46. If the Corporation makes settlement for any indemnity, or the applicant secures a loan from Commodity Credit Corporation on any indemnity cotton before such date, the maturity date shall become the day on which settlement of the indemnity is computed by the Corporation, or the day application for such loan is made, as the case may be. Said notes shall not bear interest either before or after maturity.

(b) Payments on said notes may be made in whole or in part before maturity, either in cotton or cash, or both. After maturity, payment may be made only in cash. In connection with any payment, there shall be credited on the note the number of whole pounds of lint cotton computed by dividing the payment made (the proceeds of the cotton if cotton is paid) by the cash equivalent price per pound, for the date of payment or the maturity date, whichever occurs first.

(c) If the applicant does not agree to participate in the 1942 Agricultural Conservation Program, the premium on the maximum insurable acreage for each insurance unit listed in the application must be paid at the time the application is submitted to the office of the county committee.

(d) If a note is not paid at maturity, the amount unpaid may be deducted, (1) by the Corporation from any indemnity due to the insured, (2) from the proceeds of any commodity loan to him, and (3) by the Secretary of Agriculture from any payment made to him under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress administered by the United States Department of Agriculture.

(e) Payments in cash shall be made by means of cash or by check, money order, or bank draft, payable to the Treasurer of the United States, and all checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made. When a payment is made in cotton it shall be by means of an instrument acceptable to the Corporation representing salable cotton.*

INSURANCE COVERAGE

§ 411.5 *Insurance period.* Insurance with respect to any insurance unit shall attach at the time the crop is planted and shall cease with respect to any portion of the crop upon weighing in at the gin, other disposal after harvest, upon transfer of interest in unharvested cotton after harvest is commenced, or January 21, 1943 (unless such date is extended in writing by the Corporation), whichever occurs first.*

§ 411.6 *Insured production.* The insured production on each insurance unit shall be the number of pounds of lint cotton determined by multiplying the acreage of cotton planted (as determined by the Corporation, but not in excess of the maximum insurable acreage) by the lint cotton insurance per acre and by the insured's interest in the crop at the beginning of planting.*

§ 411.7 *Causes of loss or damage insured against.* The insurance contract shall cover loss in yield of lint cotton and cottonseed due to any unavoidable cause or causes but shall not cover damage to quality or loss in yield caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper or wage hand, or by theft, use of defective or unadapted seed, failure to properly prepare the land for planting, or properly to plant, harvest or care for the insured crop, or by failure to replant the cotton in areas and under circumstances where the Corporation determines it is customary to replant, or where insurance is written on an irrigated basis, failure to properly apply irrigation water to cotton in proportion to the amount of water available for all irrigated crops.*

§ 411.8 *Notice of transfer, damage, removal, etc., of cotton crop.* (a) Notice in writing on a form prescribed for such purpose shall be given the Corporation at the office of the county committee immediately after the cotton crop, or any portion thereof, is transferred to another person, or, if a loss is probable, immediately after any material damage to the insured crop, or before the crop is harvested, removed, or any other use is made of the insured crop. Any such notice shall be given at such time that the Corporation may have reasonable time in which to make appropriate investigation.

(b) Any portion of the cotton crop that has been destroyed or substantially destroyed may be put to another use with the consent of the Corporation subject to an appraisal of the yield by the Corporation that would be realized if such portion of the crop remained for harvest. No acreage planted to cotton shall be considered as put to another use as long as

[1] Form FCI–212–C was filed as part of the original document.

any cotton on such acreage is remaining for harvest. There shall be no abandonment of any crop or portion thereof to the Corporation.•

§ 411.9 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of weighing in of the insured crop at the gin or disposal of the harvested crop, or January 21, 1943 (unless such date is extended in writing by the Corporation), whichever occurs first, unless there is a total or substantially total destruction of the entire crop at an earlier time, in which event the loss shall be deemed to have occurred at the time of such total or substantially total destruction as determined by the Corporation. The cotton crop shall be deemed to have been substantially totally destroyed if the Corporation finds that it has been so badly damaged that farmers generally in the area where the farm is located and on whose farms similar losses occurred would not further care for the crop or harvest any portion thereof.•

§ 411.10 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation at the office of the county committee, on a form prescribed for that purpose, a statement in proof of loss containing such information as may reasonably be required regarding the insured crop. Such statement in proof of loss shall be submitted not later than 30 days after the time of loss, unless such time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by a hazard insured against by the insurance contract during the term of the contract, and that the insured further establish that such loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.•

§ 411.11 *Amount of loss.* The amount of loss for which indemnity will be payable with respect to any insurance unit will be the number of pounds of lint cotton by which the insured's interest at the time harvest is commenced (and covered by insurance) of cotton harvested from the insurance unit and weighed in at the gin, cotton harvested (and not destroyed) but not weighed in at the gin, and the appraised production of cotton not harvested but left standing in the field is less than his insured production for such unit: *Provided, however,* That such amount shall be subject to one or more of the following reductions, whenever applicable, multiplied by the insured's interest in the crop at the time harvest is commenced: (a) where any acreage of cotton planted is put to another use with the consent of the Corporation, the number of pounds of cotton equal to the appraised production from such acreage; (b) where any acreage of cotton is not replanted to cotton in areas and under circumstances where it is customary to replant cotton, the number of pounds of cotton by which the amount of cotton determined as the production from such acreage is less than the product of the acreage, the average yield and the insured percentage; (c) where the actual production of cotton on any acreage is reduced either in whole or in part by causes not insured against, including (1) the use of such acreage for any purpose other than the production of cotton, without the consent of the Corporation, and (2) failure to properly apply irrigation water to cotton in proportion to the water available for all irrigated crops in instances in which insurance is written on an irrigated basis, a number of pounds equal to the appraised reduction in production: *Provided, however,* That with respect to any acreage on which there is a complete failure in yield due solely to a cause not insured against, such number of pounds shall not be less than the product of the acreage, the average yield and the insured percentage; (d) where any acreage of cotton is planted on acreage of poorer average quality than the average quality of the land considered in establishing the average yield and premium rate and such planting was not the result of an established rotation, or where the Corporation's risk has been increased upon any acreage by (1) the planting of a different variety of cotton than the variety of cotton considered in establishing the average yield or premium rate, (2) the following of a different fertilizer or other practice in connection with the production of cotton on the insurance unit than the practice taken into consideration in establishing the average yield and premium rate for the unit, (3) or the planting of the cotton crop under conditions of immediate hazard without adjustment of the average yield or premium rate to reflect such hazard, a number of pounds equal to the product of such acreage, the insured percentage and the number of pounds of cotton per acre representing the difference between the average yield established and the yield appraised on the basis of the quality of the land seeded, the variety of cotton planted, the practice followed, or the immediate hazard at the time of planting, as the case may be. This adjustment shall be made for any one or more of the reasons listed in this item, notwithstanding that damage or total destruction of the insured crop occurs by reason of any other cause. (e) To the amount of lint loss, there shall be added a number of pounds of lint cotton equal to 19 percent of the amount of lint loss to cover loss of cottonseed.•

PAYMENT OF INDEMNITY

§ 411.12 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any farm covered by the insurance contract shall be payable within 30 days after satisfactory proof of loss is approved by the Corporation. Notwithstanding the fact that payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.•

§ 411.13 *Manner of payment of indemnity.* (a) In payment of any indemnity, the Corporation shall issue a certificate of indemnity specifying the number of pounds of lint cotton due as indemnity and bearing an expiration date. Such certificate shall not be assignable except for the purposes of securing a commodity loan upon cotton from the Commodity Credit Corporation in the event such loans are made. This certificate may be used (1) to obtain the cash equivalent of the indemnity, (2) to obtain lint cotton in payment of the indemnity (payments in cotton shall be in terms of bales only), (3) to obtain a commodity loan upon the cotton represented by the certificate in accordance with the rules of the Commodity Credit Corporation if loans upon the 1942 cotton crop are made available by Commodity Credit Corporation and the insured is eligible for any such loan.

(b) The cash equivalent of the indemnity shall be the number of pounds of lint cotton specified in the certificate of indemnity multiplied by the cash equivalent price per pound established on the basis of the price of cotton at the applicable spot market on the day the insured's request is received, or the expiration date of the certificate, whichever is earlier, and less a reasonable charge for storage and handling. The schedule of such charges shall be shown on the certificate of indemnity.

(c) If the insured, prior to the expiration date of the certificate, requests payment of his indemnity in lint cotton and the Corporation determines that lint cotton is conveniently available for the payment of the indemnity, a warehouse receipt shall be delivered to the insured in an amount of cotton equal to the indemnity due, subject to adjustment for the location of the cotton paid as indemnity and subject also, where applicable, to deduction of an amount of cotton representing the deductions that would have been made if settlement had been made in the cash equivalent.

(d) The certificate of indemnity may be used for the purpose of obtaining a commodity loan from the Commodity Credit Corporation upon the cotton represented thereby (if loans are made available by the Commodity Credit Corporation with respect to the 1942 cotton crop and the insured is eligible for such loan) in accordance with instructions issued by the Commodity Credit Corporation. If, at any time during the period of the loan, the insured elects to liquidate such loan, he may do so by notifying the Federal Crop Insurance Corporation on a form prescribed by the Corporation and request that the cash equivalent of the indemnity be established. The cash equivalent of the indemnity shall be established on the basis of the prices in effect on the date that the request of the insured is received in the appropriate branch office of the Corporation. The amount of the cash equivalent shall be computed in the same manner as is provided in paragraph (b) of this section. If the amount of the cash equivalent is not sufficient to liquidate the loan and charges in connection therewith, the Corporation shall notify the insured of such fact.

(e) The expiration date of the certificate of indemnity shall be 15 days after the final date established for obtaining cotton loans with respect to the 1942 cotton crop if such loans are made available by the Commodity Credit Corporation, or 90 days after the date of issuance of the certificate of indemnity, whichever is later. If any of the dates fall on other than a business day, the date of the next following business day shall apply.•

§ 411.14 *Adjustments in connection with indemnity payments.* In any case where settlement under the certificate of indemnity has been made by the Corporation, and an adjustment in the amount of indemnity is made for such case, the adjustment shall be made as of the same date as the original settlement.•

§ 411.15 *Other insurance.* If the insured has or acquires any other "all-risk" insurance against substantially all the risks that are insured against under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, whether valid or not, or whether collectible or not, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.•

§ 411.16 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any party for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.•

§ 411.17 *Suit.* No suit or action shall be brought to enforce any claim for loss under the insurance contract unless all the requirements of such contract shall have been complied with.•

§ 411.18 *Creditors.* (a) An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other legal process shall not be considered an interest in an insured crop within the meaning of these regulations.

(b) Any indemnity payable under an insurance contract shall be paid to and settlement under the certificate of indemnity made to, the insured, or to such other person as may be entitled to the benefits of the insurance contract under the provisions of these regulations, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person, nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall pay, or cause to be paid, to any person other than the insured or other person entitled to the benefits of the insurance contract, any indemnity payable and settlement under any certificate of indemnity in accordance with the provisions of the insurance contract because of any such process, order, or decree. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.•

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 411.19 *Transfers of interest in insured crop.* Payment of indemnity will be made only to the person or persons having the insured interest in a cotton crop at the beginning of harvest or the time of loss, whichever occurs first. In the event that there is a transfer of the insured interest in a cotton crop after planting and before the beginning of harvest, or the time of loss, whichever occurs first, the transferee shall be entitled to the benefits of the insurance contract as follows: (a) if the transfer is one of the entire insured interest in the crop or a percentage of such entire interest, the insurance unit shall not be changed, and the transferee shall be entitled to indemnity payable; (b) if the transfer is one of the insured interest or a portion thereof in a portion of the acreage constituting the insured crop (and as the result of such transfers the farm is not divided into four or more units of ownership or operation) the acreage with respect to which such interest is transferred shall constitute a separate insurance unit for the purposes of determining the amount of loss: *Provided, however,* That if any such transfer takes place after material damage to the insured crop or portion thereof and the Corporation determines that the transfer was made for the purpose of requiring that the Corporation pay a greater indemnity than would have been paid if the transfer had not taken place, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If, as a result of such transfers, the interest of the transferor is divided into four or more units of ownership or operation, the insurance unit shall remain unchanged and the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons and payment in any such manner shall constitute a complete discharge of the Corporation's liability under the contract.•

§ 411.20 *Death, incompetency, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, before the time of loss or the time harvest is commenced, whichever occurs first, and his insured interest in a cotton crop is a part of his estate at the time of loss, or if insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is otherwise duly qualified. If no such representative is or will be appointed, the indemnity shall be paid to the persons beneficially entitled to share in the insureds interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That if the indemnity exceed 5,000 pounds of cotton the Corporation may withhold the payment of the indemnity until a legal representative of the insureds estate is appointed by the Court or otherwise legally qualified.

(b) If the insured dies, is judicially declared incompetent, or disappears before the time harvest is commenced, or the time of loss, whichever occurs first, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person or persons having such interest in the crop in the manner provided for in § 411.19.

(c) An insured shall be considered to have disappeared within the meaning of this section if he leaves his place of residence and his whereabouts have been unknown for a period of 150 days.•

§ 411.21 *Collateral assignment of insurance contract.* An insurance contract may be assigned by the original insured as collateral security for a current loan, current advances to assist in the making of a cotton crop, the amount of the current year's rental due under a leasing agreement with respect to the insurance unit upon which the cotton crop is or will be planted, or the amount of the current annual installment due under a purchase, mortgage, or trust agreement covering the purchase of the insurance unit upon which the cotton crop is or will be planted and an additional amount of any delinquency which may be due under the purchase, mortgage, or trust agreement of not to exceed the amount of the current annual installment including interest and taxes. Such assignment shall be made by the execution of a form prescribed by the Corporation, and, upon approval thereof by the Corporation, the interests of the assignee will be recognized in the event that an indemnity is payable under the insurance contract, to the extent of the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (a) the Corporation, in payment of the indemnity may issue a check

payable jointly to all persons entitled thereto and that such payment shall constitute a complete discharge of the Corporation's obligation with respect to such loss under the insurance contract; and (b) payment of any indemnity will be subject to all conditions and provisions of the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing therein contained shall give any right against the Corporation to any person other than the insured except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the contract may be made.•

§ 411.22 *Fiduciaries.* Any indemnity payable under an insurance contract entered into the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. In the event that there is no succeeding fiduciary, payment of the indemnity and settlement under the certificate of indemnity shall be made to the persons beneficially entitled to the interest in the insured crop to the extent of their respective interests upon proper application and proof of the facts: *Provided, however,* That the loss may be adjusted with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized to receive such payment by the other persons so entitled.•

§ 411.23 *Indemnities subject to all provisions of insurance contract.* Indemnities payable to any person shall be subject to all the provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the premium. Any indemnity payable to any person other than the original insured as a result of transfer or otherwise shall be subject to any collateral assignment of the insurance contract by the original insured.•

§ 411.24 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the cotton crop on any farm, has died, has become incompetent, has disappeared, or has ceased to act as a fiduciary, payment in accordance with the provisions of these regulations will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made to a person other than the named insured and of the person to whom such payment shall be made shall be final and conclusive. Payment of any indemnity and settlement under any certificate of indemnity in accordance with an adjustment of loss made with such person shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.•

DEPOSITS, REFUNDS OF DEPOSITS, AND EXCESS PAYMENTS

§ 411.25 *Deposits to be applied toward payment of notes for future crop years.* (a) Any person who, at the time of submission of his application for insurance, makes a payment on the note for his 1942 crop insurance premium in an amount equal to not less than the number of pounds of cotton required as the premium on the basis of the maximum insurable acreage for each insurance unit listed in his application, may tender at such time a deposit of cash or lint cotton, not in excess of the amount paid on the note, for the payment of notes for future crop years. The Corporation reserves the right to reject the tender of any deposit.

(b) The acceptance of any deposit shall not obligate the Corporation to insure the interest of the depositor in any future insurance program, and any insurance contract for which such deposit is used will be subject to the provisions of the regulations applicable to such contract. Moreover, the depositor shall have no title or interest in any cotton held by the Corporation, including that deposited by him, and the Corporation shall be liable to the depositor only for the cash equivalent price per pound for each pound of the quantity of cotton credited to the insured's account.•

§ 411.26 *Refunds of deposits.* Except as may otherwise be provided by the Corporation, no claim for refund of a deposit shall be made prior to the final date fixed by the Corporation for receipt of the application for the 1943 Cotton Crop Insurance Program in the county in which the insurance unit covered by the insurance contract is located: *Provided, however,* That the Corporation may refund any deposit at such earlier date as it may determine. The cash equivalent price per pound of any refund of deposit shall be determined by multiplying the number of pounds of cotton credited to the insured's account by the cash equivalent price per pound applicable for the date on which the deposit was tendered.•

§ 411.27 *Refunds of excess payments.* No refund of any note payment shall be acted upon by the Corporation until the acreage planted to cotton on all the insurance units covered by the insurance contract has been determined. Any such refund shall be a refund of the actual amount of money paid to the Corporation in excess of that determined to be necessary to pay the note executed for the payment of the premium for the insurance contract.•

§ 411.28 *Assignment or transfer of claims for refunds.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract as security or any transfer of interest in any cotton crop covered by the insurance contract. Refund of any deposit will be made only to the depositor and refund of any other payment will be made only to the person who made such payment.•

§ 411.29 *Refund in case of death, etc.* In any case where a person, who is entitled to a refund of a payment or a deposit, has died, has been judicially declared incompetent or has disappeared, the provisions of § 411.20 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.•

ESTABLISHMENT OF AVERAGE YIELDS AND PREMIUM RATES

§ 411.30 *Determination of farm average yields per acre of lint cotton.* (a) When reliable and applicable records of the actual average yield of lint cotton per acre on the farm for at least five years of the period 1934–40 are available, the county committee shall determine the simple average of the annual yields per acre for such period. The annual yields of any such farm for as many as two years of the seven years 1934–40 may be appraised, or estimated, (1) if the county committee finds that the yield for any year was abnormally low due to a cause which did not result in similar losses generally throughout the county and which is not more likely to recur on the farm than to occur on any other farm in the county (hereinafter referred to as "spot loss"), (2) if the county committee finds that a computed yield is not applicable because the crop for the year was planted on a small or unrepresentative acreage, or because of a substantial change in farming practices, and (3) if no yield was computed for certain years because data were not available or because no crop was planted. Appraisal shall be based (1) upon reliable records of yields in such years on similar farms, giving due consideration to general fertility of the land, types of soil, topography, drainage, and production practices, or (2) upon the actual yield for the same or similar land on the same farm in a year of similar growing conditions.

(b) When reliable and applicable records of the actual average yield of lint cotton per acre on the farm are not available for at least five years of the period 1934–40, the average yield for the farm shall be determined on the basis of comparison of the farm with a similar "key farm," that is, a similar farm for which the average yield has been established under paragraph (a) or (c) of this section, taking into consideration any differences between the two farms in general fertility, types of soil, topography, drainage, and production practices.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the county committee shall use the methods of determining the average yield prescribed in paragraph (a) of this section in any county for farms for which reliable and applicable data for four years of the period 1934–40, with appraisals or estimates of the annual average yield for three years, when necessary in order that the number of farms qualifying under paragraph (a) and this paragraph may equal the smaller of (1) ten percent of the cotton farms in the county or (2) 100 farms, or may be sufficiently representative of all types of cotton farming conditions in the county to serve as adequate samples for the appraisals prescribed in paragraph (b) of this section.

(d) In counties where the provisions of paragraph (c) of § 411.33 apply and reliable and applicable records of the actual production and acreage of lint cotton are available for at least five years of the period 1934–40, the county committee shall determine, in accordance with instructions issued by the Corporation, the simple average of the annual yields per acre for the five-year period 1936–40 or the weighted average for the same period using the acreage planted as the basis of weighting. The annual yields of any such farms for as many as two years of the seven years 1934–40 may be appraised or estimated, (1) if a "spot loss" has occurred in any year or, (2) if the county committee finds that a computed yield is not applicable because the crop for the year was planted on a small or unrepresentative acreage or because of a substantial change in farming practices, or (3) if no yield was computed for certain years because data were not available or because no crop was planted. Appraisals shall be made in the manner provided for in paragraph (a) of this section. For farms which do not meet these qualifications, the average yield for the farm shall be determined on the basis of comparison of the farm with a similar "key farm," that is, a similar farm for which the average yield has been computed as provided above in this paragraph, taking into consideration any differences between the two farms in general fertility, types of soil, topography, drainage, and production practices.

(e) The weighted average of the average yields established for all farms in the county, obtained by weighting such average yields by the cotton acreage allotments for such farms under the 1942 Agricultural Conservation Program, shall not exceed the county chec' yield established by the Corporation.•

§ 411.31 *Determination of premium rates for insurance.* (a) For all farms in the county for which the average yield is established under paragraph (a), (c), or (d) of § 411.30 the premium rate, for lint cotton insurance only, shall be determined (1) by obtaining the average loss cost, that is, the simple average of the extent to which the yield on the farm during each year of the period 1934–40 fell below 75 percent of the average yield for the farm to be insured, and (2) by averaging such figure with the county check premium rate for 75-percent insurance of the average yield, giving a weight of three to the average farm loss cost and a weight of one to the county check premium rate, or equal weights to each such figure where the Corporation determines that such procedure more adequately reflects the risks to be incurred on the farms in the county. The same method of weighting shall be used for all farms in the county, unless the Corporation determines that cotton farming conditions within a county are so different as to warrant the use of one method of weighting in one or more administrative areas within the county and the other method in the other administrative area or areas within the county.

(b) For farms in the county for which the average yields have been established in accordance with § 411.30 (b), premium rates, for lint cotton insurance only, shall be established by appraisal on the basis of comparison of each such farm with a similar "key farm," taking into consideration any difference in risks of loss between the two farms.

(c) The average of the premium rates for lint cotton insurance established for all farms in the county, weighted by the cotton acreage allotments established for such farms under the 1942 Agricultural Conservation Program, shall not be less than the county check premium rate established by the Corporation.

(d) The minimum premium rate per acre for 75-percent insurance on lint cotton shall be four pounds of lint cotton plus two percent of the average yield established for the farm, except that for farms with an average yield of less than 100 pounds per acre the minimum premium rate shall be six percent of the average yield for the farm.

(e) The premium rate for 50-percent insurance on lint cotton shall be determined by applying a percentage factor to the 75-percent lint cotton insurance premium rate, irrespective of the minimum premium rate, which has been established for the farm. This factor shall be based upon the relationship between the county loss cost for 50-percent insurance and the county loss cost for 75-percent insurance but shall not be less than 15 percent. The minimum rate for 50-percent insurance shall be one-third of the minimum rate for 75-percent insurance.

(f) The premium rates so determined for lint cotton insurance shall be increased by 19 percent as premium for coverage against loss of cottonseed.•

§ 411.32 *Average yields and premium rates where farm varies widely in productivity or risk of loss.* When the land comprising any farm consists of tracts varying widely in productivity, topography, or risk of loss, separate average yields and premium rates may be established by the Corporation for such tracts on the basis of appraisal, taking into consideration the yield data available.•

§ 411.33 *County check yields.* County check yields shall be determined by the Corporation as follows:

(a) In counties where the Corporation finds that there is a definite upward or downward trend due to farming practices, the county check yield will be the average for the seven-year period 1934–40.

(b) In counties where the Corporation finds that there is no apparent upward or downward trend or that any apparent trend is not due to farming practices but is due to variation in weather conditions, the average yield for the period 1928–40 or other representative period shall be used.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, in counties where the 1942 Agricultural Conservation Program county normal yield for cotton is within five percent of the yield determined under either paragraph (a) or (b) of this section, and the county and state committees determine that the computations of the normal yields established under said program for the farms in the county have not included any adjustments for abnormal weather conditions except "spot losses," the 1942 Agricultural Conservation Program county normal yield for cotton will be the county check yield for the 1942 Cotton Crop Insurance Program.•

§ 411.34 *County check premium rates.* The Corporation shall establish county check premium rates on the basis of average loss cost for the county for a representative period as determined by the Corporation from annual yield data for the county during such period and the relationship between yields and loss costs for sample farms in the county selected for actuarial purposes, adjusted to reflect risks of loss not included in actuarial data available to the Corporation.•

§ 411.35 *Average yields and premium rates for fractional parts of a farm.* The average yield and premium rate for a fractional part of a farm which is to be insured as a separate insurance unit shall be appraised in accordance with instructions issued by the Corporation. Such appraisals shall be based upon the average yield and rate for farms similar in acreage, farming practices, topography, and risk of loss, taking into consideration the average yield established for the entire farm. Due to the increased risk of loss to the Corporation involved in insuring separately fractional parts of a farm, the appraised premium rate for a fractional part of a farm shall not be lower than the premium rate established for the entire farm, or, where there are four or more fractional parts of a farm, shall not be lower than such rate increased as provided in the table below, unless a lower appraised premium rate

is found by the Corporation to be fair and just in view of the production conditions and risk of loss applicable to the fractional part of the farm:

Number of fractional parts in farm as determined by the county committee:	*Increase factor*
4	1.05
5	1.06
6	1.07
7	1.08
8	1.09
9	1.10
10	1.11
11	1.12
12	1.13
13	1.14
14	1.15
15	1.16
16	1.17
17	1.18
18	1.19
19 or more	1.20

In the event that there are four or more fractional parts of the farm and the county committee cannot determine the number of units or the units are not reasonably uniform in size, the applicable increase factor shall be determined by dividing the cotton acreage allotment for the farm under the 1942 Agricultural Conservation Program by the cotton acreage in each unit. If the result of the division is two the increase factor shall be 1.03; and if the result of the division is three, the increase factor shall be 1.04. For other results of the division, the foregoing table will apply.*

GENERAL

§ 411.36 *Meaning of terms.* For the purposes of the 1942 Cotton Crop Insurance Program, the term:

(a) "Average yield" means the average yield of lint cotton per acre established for the insurance unit by the Corporation.

(b) "Cash equivalent price per pound" means the net price per pound of lint cotton established by the Corporation for the area in which the insurance unit is located on the basis of the price of lint cotton at the applicable spot market with differentials for the location of the area in which the insurance unit is situated.

(c) "Closing date" means the final date for the area specified in § 411.45 for the submission of applications for insurance to the office of the county committee, or the beginning of the planting of the cotton crop on any of the insurance units covered by the application for insurance, whichever occurs first.

(d) "Corporation" means the Federal Crop Insurance Corporation.

(e) "Cotton crop" means only American Upland, and American Egyptian cotton when yields and rates have been approved by the Corporation, and does not include any cotton planted primarily for experimental purposes.

(f) "Crop year" means the period within which the cotton crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is planted.

(g) "County" means a political or civil division of a State and includes parishes in Louisiana.

(h) "County committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

(i) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. (3) A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(j) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance, Form FCI–212–C, the acceptance in writing by the county committee of the application for insurance, the Acreage Report, Form FCI–219, and these regulations, FCI–Regulations–201–C, and amendments thereto; provided that the lint cotton insurance per acre and the premium rates(s) listed in the application have been or are approved by the Corporation for the insurance unit(s) listed.

(k) "Insured percentage" means the percentage of the average yield of lint cotton per acre for the insurance unit covered by insurance, and shall be either 50 or 75 percent.

(l) "Insurance unit" with respect to each insured shall be all or a portion of the acreage considered as a farm for the purpose of establishing the average yield and premium rate in which the insured has an interest as a cotton producer at the time of planting except that when such acreage consists of land, part of which is regularly irrigated and part never irrigated or acreage upon part of which American Upland is grown and upon part of which American Egyptian is grown such acreage shall be divided into separate insurance units.

(m) "Landlord" or "owner" means a person who owns farm land and either rents such land to another person or operates it as a farm.

(n) "Lint cotton insurance per acre" means the number of pounds of lint cotton per acre for which the applicant is insured and shall be based upon the insured percentage.

(o) "Maximum insurable acreage" means the largest number of acres of cotton which may be insured on an insurance unit. Such acreage shall be the cotton acreage allotment for the insurance unit under the 1942 Agricultural Conservation Program. In the event that the insurance unit is a part of the farm for which such cotton acreage allotment is established under the 1942 Agricultural Conservation Program, the total of the maximum insurable acreages for all units constituting the farm shall not exceed such allotment, and, if the cotton planted on all such units does exceed such allotment, the maximum insurable acreage for each such unit shall be the same percentage of the acreage planted to cotton on the unit as the cotton acreage allotment for the farm is of the total acreage planted to cotton on all such units. The term cotton acreage allotment shall also mean permitted acreage where applicable. The maximum insurable acreage of American Egyptian cotton shall be 80 percent of the cropland on the farm.

(p) "Operator" means a person who as landlord or cash tenant or standing or fixed-rent tenant is operating a farm or who as a share tenant is operating a whole farm.

(q) "Person" means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) "Premium rate" means the premium rate per acre established by the Corporation.

(s) "Sharecropper" means a person who works a farm in whole or in part under the direction and supervision of the operator, who usually furnishes his labor and bears a specified percentage of certain production expenses and is entitled to receive a specified percentage of the crops that he produces, or a specified percentage of the proceeds therefrom.

(t) "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation program in such State.

(u) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), who bears all or a portion of the production and processing expenses, who farms independently or under the general supervision of the operator, and who is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.*

§ 411.37 *Gender and plural meaning of terms.* Any term used in the masculine or in the singular shall also be construed or applied in the feminine or neuter gender, or in the plural number, wherever the context or application of such term so requires.*

§ 411.38 *Restriction on purchase and sale of cotton by the Corporation.* The restriction on the purchases and sale of cotton, as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads as follows:

Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity.

§ 411.39 *Records, access to farm.* For the purpose of enabling the Corporation to determine the loss under the insurance contract, the insured shall keep, or cause to be kept, records of the harvesting, ginning, storage, shipment, sale, or other disposition, of all cotton production on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm.*

§ 411.40 *Review of determinations of county committees.* All determinations by county committees shall be subject to review and approval or revision by duly authorized representatives of the Corporation.*

§ 411.41 *Applicant's warranties; voidance for fraud.* The insurance contract may be voided and the premium forfeited to the Corporation without waiving any right or remedy, including its right to collect the amount or the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the cotton crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the cotton crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed*

§ 411.42 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of of the insurance contract or estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers hereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.*

§ 411.43 *Fractional units in acres and yields.* Fractions of yields per acre shall be rounded to the nearest pound. Fractions of loss costs and premium rates shall be rounded to the nearest tenth of a pound. Fractions of pounds, other than loss costs and premium rates, shall be rounded to the nearest pound. Fractions of acres representing total acres of cotton shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 6, 7, 8, or 9, the rounding shall be upward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.*

§ 411.44 *Forms and instructions.* The Corporation may issue such forms, instructions and procedures as may be necessary to carry out the provisions of these regulations.*

§ 411.45 *Closing dates for submission of applications.* The closing dates established by the Corporation for the submission of applications to the office of the county committee are as follows:

Alabama: March 1 for the counties of: Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, and Wilcox and March 15, for all other counties in the state.

Arizona: March 1 for all counties.

Arkansas: March 15 for all counties.

California: March 1 for all counties.

Florida: March 1 for all counties.

Georgia: March 1 for the counties of: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Liberty, Long, Lowndes, McDuffie, McIntosh, Macon, Marion, Miller, Mitchell, Montgomery, Muscogee, Peach, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, and Worth. March 15 for all other counties in the state.

Illinois: March 31 for all counties.

Kansas: March 31 for all counties.

Kentucky: March 31 for all counties.

Louisiana: March 1 for all counties.

Mississippi: March 1 for the counties of: Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Rankin, Simpson, Smith, Stone, Walthall, Wayne, Wilkinson. March 15 for all the other counties in the state.

Missouri: March 31 for all counties.

New Mexico: March 31 for the counties of: Curry, Harding, Lea, Quay, and Roosevelt. March 1 for all other counties in the state.

North Carolina: March 15 for all counties.

Oklahoma: March 15 for the counties of: Adair, Atoka, Bryan, Canadian, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garfield, Garvin, Grady, Grant, Haskell, Hughes, Jefferson, Johnston, Kay, Kingfisher, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Stephens, Tulsa, Wagoner, and Washington. March 31 for all other counties in the state.

South Carolina: March 15 for all counties.

Tennessee: March 15 for all counties.

Texas: January 31 for the counties of: Cameron, Hidalgo, Starr, Willacy. March 1 for the counties of: Anderson, Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Chambers, Cherokee, Colorado, Comal, Coryell, Crockett, Culberson, De Witt, Dimmit, Duval, Edwards, El Paso, Falls, Fayette, Fort Bend, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Hudspeth, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Loving, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Milam, Montgomery, Nacogdoches, Newton, Nueces, Orange, Panola, Pecos, Polk, Presidio, Real,

Reeves, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Sutton, Terrell, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Williamson, Wilson, Winkler, Zapata, Zavala.

March 15 for the counties of: Andrews, Borden, Bosque, Bowie, Brown, Callahan, Camp, Cass, Clay, Coke, Coleman, Collin, Comanche, Concho, Cooke, Crane, Dallas, Dawson, Delta, Denton, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Franklin, Gaines, Glasscock, Grayson, Gregg, Hamilton, Harrison, Henderson, Hill, Hood, Hopkins, Howard, Hunt, Irion, Jack, Johnson, Jones, Kaufman, Lamar, Marion, Martin, Midland, Mills, Mitchell, Montague, Morris, Navarro, Nolan, Palo Pinto, Parker, Rains, Reagan, Red River, Rockwall, Runnels, Scurry, Shackelford, Smith, Somervell, Stephens, Sterling, Tarrant, Taylor, Titus, Tom Green, Upshur, Upton, Van Zandt, Wise, and Wood.

March 31 for the counties of: Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, Young.

Virginia: March 15 for all counties.*

§ 411.46 *Maturity dates in 1942 for premium notes under 1942 Cotton Crop Insurance Program.* The dates established by the Corporation for the maturity of 1942 Cotton Crop Insurance premium notes are as follows:

Florida: September 15 for all counties.

Mississippi: September 15 for the counties of: Adams, Amite, Claiborne, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Rankin, Simpson, Smith, Stone, Walthall, Wayne, Wilkinson. September 30 for all other counties in the state.

Alabama: September 15 for the counties of: Baldwin, Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Dallas, Escambia, Geneva, Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Pike, Russell, Washington, Wilcox. October 5 for all other counties in the state.

Georgia: September 15 for the counties of: Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Charlton, Chatham, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Hancock, Houston, Irwin, Jeff Davis, Jefferson, Jenkins, Johnson, Lanier, Laurens, Lee, Liberty, Long, Lowndes, McDuffie, McIntosh, Macon, Marion, Miller, Mitchell, Montgomery, Muscogee, Peach, Pierce, Pulaski, Quitman, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Turner, Twiggs, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkinson, Worth. October 10 for all other counties in the state.

South Carolina: October 5 for all counties.

North Carolina: October 25 for all counties.

Tennessee: October 15 for all counties.

Kentucky: October 20 for all counties.

Illinois: October 20 for all counties.

Virginia: October 20 for all counties.

Texas: August 1 for the counties of: Cameron, Hidalgo, Starr, Willacy.

September 1 for the counties of: Anderson, Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brewster, Brooks, Burleson, Burnet, Caldwell, Calhoun, Chambers, Cherokee, Colorado, Comal, Coryell, Crockett, Culberson, De Witt, Dimmit, Duval, Edwards, El Paso, Falls, Fayette, Fort Bend, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Hudspeth, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Loving, McCulloch, McLennan, McMullen, Madison, Mason, Matagorda, Maverick, Medina, Menard, Milam, Montgomery, Nacogdoches, Newton, Nueces, Orange, Panola, Pecos, Polk, Presidio, Real, Reeves, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Shelby, Sutton, Terrell, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Williamson, Wilson, Winkler, Zapata, Zavala.

September 15 for the counties of: Andrews, Borden, Bosque, Bowie, Brown, Callahan, Camp, Cass, Clay, Coke, Coleman, Collin, Comanche, Concho, Cooke, Crane, Dallas, Dawson, Delta, Denton, Eastland, Ector, Ellis, Erath, Fannin, Fisher, Franklin, Gaines, Glasscock, Grayson, Gregg, Hamilton, Harrison, Henderson, Hill, Hood, Hopkins, Howard, Hunt, Irion, Jack, Johnson, Jones, Kaufman, Lamar, Marion, Martin, Midland, Mills, Mitchell, Montague, Morris, Navarro, Nolan, Palo Pinto, Parker, Rains, Reagan, Red River, Rockwall, Runnels, Scurry, Shackelford, Smith, Somervell, Stephens, Sterling, Tarrant, Taylor, Titus, Tom Green, Upshur, Upton, Van Zandt, Wise, Wood.

October 20 for the counties of: Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hemphill, Hockley, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, Young.

Louisiana: September 20 for all counties.

Arkansas: October 10 for all counties.

Missouri: October 15 for all counties.

Oklahoma: October 15 for the counties of: Adair, Atoka, Bryan, Canadian, Carter, Cherokee, Choctaw, Cleveland, Coal, Craig, Creek, Delaware, Garfield, Garvin, Grady, Grant, Haskell, Hughes, Jefferson, Johnston, Kay, Kingfisher, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Rogers, Seminole, Sequoyah, Stephens, Tulsa, Wagoner, Washington. October 25 for all other counties in the state.

Kansas: October 25 for all counties.

New Mexico: October 15 for all counties.

Arizona: October 15 for all counties.

California: October 1 for all counties.*

Adopted by the Board of Directors on November 5, 1941.

[SEAL] CECIL A. JOHNSON.

Approved: December 16, 1941.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9460; Filed, December 16, 1941; 11:27 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[5th Supplement to General Order No. C-28]

REGULATIONS GOVERNING THE NATURALIZATION OF ALIEN ENEMIES

DECEMBER 13, 1941.

Pursuant to the authority conferred by section 327 of the Nationality Act of 1940 (54 Stat. 1150; 8 U.S.C. 727), section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458), § 90.1 of Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503) and all other authority conferred by law, the following amendment and additions to the said Title 8, Chapter I, Code of Federal Regulations are hereby prescribed:

Section 330.3 of this chapter (6 F.R. 235) is amended by changing the number of Form N-406 referred to therein to Form N-408.

The following new part is added to Subchapter D of the said regulations:

PART 335—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

Sec.

335.1 Alien enemy defined.
335.2 Naturalization of alien enemies; exceptions.
335.3 Final hearing of petition; notice by clerk of court; effect of objection.
335.4 Investigation.
335.5 Presidential exception from alien enemy classification.
335.6 Filing of declarations of intention and petitions for naturalization by alien enemies.

§ 335.1 *Alien enemy defined.* An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war, shall be considered an alien enemy for the purposes of the naturalization laws. A native of such an enemy country who subsequent to birth has become a citizen or subject of a nation with which the United States is not at war shall nevertheless be considered as an alien enemy.* (Nationality Act of 1940, sec. 326 (a), 54 Stat. 1150; 8 U.S.C. 726)

*§§ 335.1 to 335.6, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 335.2 *Naturalization of alien enemies; exceptions.* An alien enemy as defined in § 335.1, who is otherwise entitled to naturalization except for the fact that he is an alien enemy, may be naturalized if his declaration of intention was made not less than two years nor more than seven years before the date of the beginning of the war mentioned in § 335.1, or if such alien was entitled upon such date to become a citizen of the United States without having made a declaration of intention, or if his petition for naturalization shall be pending upon such date. Such alien must conform to all of the other applicable provisions of the naturalization laws.* (Nationality Act of 1940, sec. 326 (a), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.3 *Final hearing of petition: notice by clerk of court: effect of objection.* An alien enemy who comes within one or more of the classes set forth in § 335.2 shall not have his petition for naturalization called for a hearing, or heard, except after ninety days' notice to the Commissioner of Immigration and Naturalization to be represented at the hearing. Such notice shall be given to the Commissioner through the appropriate District Director of Immigration and Naturalization by the clerk of the court in which the petition is filed. The Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require. The objection by the Commissioner to the hearing of such a petition shall be presented to the court by the appropriate District Director of Immigration and Naturalization acting for and on behalf of the Commissioner. Once an objection to such final hearing has been made within ninety days by the Commissioner through the District Director, the petition shall be continued until such objection has been withdrawn.* (Nationality Act of 1940, sec. 326 (b), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.4 *Investigation.* A thorough investigation shall be made in the case of every alien enemy whose petition for naturalization may be listed for final hearing. If as a result of such investigation, the district director is satisfied of the loyalty to the United States of the petitioner and that the petitioner is in every way qualified for citizenship, no objection shall be made to the naturalization of the petitioner solely upon the ground that such petitioner is an alien enemy. If it is necessary, in order to preserve the right to have such petition continued as provided in § 335.3, to interpose objection to final hearing before completion of the investigation, such objection may be withdrawn if the result of the investigation is satisfactory in the above respects.* (Nationality Act of 1940, sec. 326 (b), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.5 *Presidential exception from alien enemy classification.* (a) An alien enemy who does not come within one or more of the classes described in § 335.2 and who has filed a petition for naturalization may, in the discretion of the President of the United States, upon investigation and report by the Department of Justice fully establishing the loyalty of such alien enemy, be excepted from such classification of alien enemy, whereupon he shall have the privilege of having a final hearing upon his petition for naturalization. Applications for such exception shall be made upon forms provided by the Immigration and Naturalization Service and shall be filed with the appropriate office of the Service. Thereupon the district director concerned shall cause a full and complete investigation to be made relative to the loyalty of such applicant and shall forward the application together with a report of his investigation and his recommendation to the Commissioner of Immigration and Naturalization, Washington, D. C., for further action.

(b) An alien enemy who has been excepted by the President of the United States from such classification shall have the privilege of having a final hearing upon his petition without being required to comply with the provisions of sections 335.3 and 335.4.* (Nationality Act of 1940, sec. 326 (b) (d), 54 Stat. 1150; 8 U.S.C. 726)

§ 335.6 *Filing of declarations of intention and petitions for naturalization by alien enemies.* Nothing in this part shall be deemed to preclude the filing of a declaration of intention or a petition for naturalization by an alien enemy. No such petition for naturalization shall be finally heard, however, except in compliance with the provisions of this part.* (Nationality Act of 1940, sec. 326, 54 Stat. 1150; 8 U.S.C. 726)

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General, in charge.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-9425; Filed, December 16, 1941; 10:18 a. m.]

TITLE 13—BUSINESS CREDIT

CHAPTER I—RECONSTRUCTION FINANCE CORPORATION

AMENDMENT TO THE CHARTER OF DEFENSE PLANT CORPORATION

Reconstruction Finance Corporation hereby certifies that, pursuant to paragraph Eighth of the Charter of Defense Plant Corporation and upon the request of the Federal Loan Administrator with the approval of the President of the United States, the Charter of Defense Plant Corporation dated August 22, 1940, as amended February 15, 1941,[1] was on December 9, 1941, further amended by changing paragraph Third of said Charter to read as follows:

Third, the objects, purposes and powers of the Corporation shall be:

(a) To produce, acquire, carry, sell, or otherwise deal in strategic and critical materials as defined by the President;

(b) To purchase and lease land, purchase, lease, build, and expand plants, and purchase and produce equipment, facilities, machinery, materials, and supplies for the manufacture of strategic and critical materials, arms, ammunition, and implements of war, any other articles, equipment, facilities and supplies necessary to the national defense, and such other articles, equipment, supplies, and materials as may be required in the manufacture or use of any of the foregoing or otherwise necessary in connection therewith;

(c) To lease, sell, or otherwise dispose of such land, plants, facilities, and machinery to others to engage in such manufacture;

(d) To engage in such manufacture itself, if the President finds that it is necessary for a Government agency to engage in such manufacture;

(e) To produce, lease, purchase, or otherwise acquire railroad equipment (including rolling stock), and commercial aircraft, and parts, equipment, facilities and supplies necessary in connection with such railroad equipment and aircraft, and to lease, sell, or otherwise dispose of the same;

(f) To purchase, lease, build, expand, or otherwise acquire facilities for the training of aviators and to operate or

[1] 6 F.R. 2971.

lease, sell, or otherwise dispose of such facilities to others to engage in such training; and

(g) To take such other action as the President and the Federal Loan Administrator may deem necessary to expedite the national defense program.

The Corporation shall have power to do all things incidental to the foregoing and necessary or appropriate in connection therewith, including, but without limitation, the power to borrow and hypothecate, to adopt and use a corporate seal, to make contracts, to acquire, hold and dispose of real and personal property necessary and incidental to the conduct of its business, and to sue and be sued in any court of competent jurisdiction. The Corporation, including its franchise, its capital, reserves, surplus, income and assets, shall be exempt from all taxation now or hereafter imposed by the United States, or any Territory, dependency, or possession thereof, or by any State, county, municipality or local taxing authority, except that any real property of the Corporation shall be subject to State, Territorial, county, municipal or local taxation to the same extent according to its value as other real property is taxed. The exemptions provided for in the preceding sentence with respect to taxation shall for all purposes be deemed to include sales, use, storage and purchase taxes and shall also be construed to be applicable to personal property owned by the Corporation, but such exemptions shall not be construed to be applicable in any State to any buildings which are considered by the laws of such State to be personal property for taxation purposes. The Corporation shall be entitled to the privileges and immunities belonging to it as an instrumentality of the United States Government (including, but without limitation, the free use of the United States mails) and shall in all respects be possessed of such privileges and immunities as are conferred upon it or Reconstruction Finance Corporation under the Reconstruction Finance Corporation Act, as now or hereafter amended.

RECONSTRUCTION FINANCE CORPORATION,
By CHARLES B. HENDERSON,
Chairman.

Attest:

A. T. HOBSON,
Acting Secretary.

[F. R. Doc. 41-9451; Filed, December 16, 1941; 10:53 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20-23, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

AIRCRAFT OWNER TO EXAMINE PILOT CERTIFICATE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of December, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 10, 1941, Part 20 of the Civil Air Regulations is amended as follows:

By amending section 20.617 to read as follows:

§ 20.617 *Permission to use aircraft.* The owner of an aircraft shall not permit any person to operate such aircraft unless he has ascertained that such person is the holder of an appropriate currently effective pilot certificate by actual examination of the certificate and by requiring such person to identify himself as the person referred to in the certificate. If any pilot is found to have piloted an aircraft after December 10, 1941, without possessing an appropriate currently effective pilot certificate, the owner of the aircraft will be presumed to have permitted such piloting in violation of this section.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc 41-9462; Filed, December 16, 1941; 11:34 a. m.]

[Amendments 60-48 to 60-50, incl., Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

PILOT IDENTIFICATION, CLEARANCE, AND PASSENGER BAGGAGE RESTRICTIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of December, 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 10, 1941, Part 60 of the Civil Air Regulations is amended as follows:

1. By adding a new § 60.322 to read as follows:

§ 60.322 *Pilot identification card.* No pilot shall pilot civil aircraft in flight after January 8, 1942, except scheduled air carrier aircraft, unless he has in his possession, in addition to a currently effective pilot certificate, an identification card, satisfactory to the Administrator, containing his fingerprints, his picture, and his signature.

2. By adding a new § 60.3305 to read as follows:

§ 60.3305 *Pilot clearance.* No pilot of a civil aircraft, except scheduled air carrier aircraft, shall take off from any landing area unless, immediately prior to take-off, he shall have (a) received clearance from a police officer or other public representative designated at such landing area for that purpose and present at such landing area at the time clearance is granted, and (b) filed with such police officer or other public representative a written statement showing the type, color, and identification mark of the aircraft, the estimated time of departure, the point of next intended landing, the route to be followed, and the estimated time of arrival: *Provided,* That if a pilot contemplates a series of take-offs and landings for instruction, practice, or flight-testing, one clearance only need be secured for such series and, in lieu of the statement described in (b) above, he may file a statement including the type, color, and identification mark of the aircraft and setting forth his intention to engage in landing and take-off instruction or practice or flight-testing and the approximate duration of such operation. A clearance shall be granted to any person who demonstrates to the satisfaction of the police officer or other public representative to whom application is made that he is the holder of a currently effective pilot certificate and, after January 6, 1942, presents the identification card required by § 60.322. No clearance issued under this section shall be deemed to authorize a violation of any regulation.

3. By adding a new § 60.349 to read as follows:

§ 60.349 *Passenger baggage restrictions.* A pilot shall not pilot any aircraft, except scheduled air carrier aircraft, in flight carrying a passenger's baggage or cargo unless every item of such baggage or cargo has been thoroughly searched by the pilot, or a person designated by him, immediately prior to taking off for the flight and placed in the aircraft by the pilot or a person designated by him (with no possession by any other person intervening between such search and the placing of the baggage or cargo in the aircraft). If such baggage or cargo includes a camera, such camera shall be placed in a closed compartment or space in the aircraft completely inaccessible to all passengers during the flight. Any pilot shall permit the search of his aircraft upon demand by any representative of the Army, Navy, Civil Aeronautics Administration, Civil Aeronautics Board or by civil police.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9461; Filed, December 16, 1941; 11:34 a. m.]

PART 66—FOREIGN AIR CARRIER REGULATIONS

Correction

The identification in brackets appearing at the head of F.R. Doc. 41-9305 on page 6348 of the issue for December 11, 1941 is corrected to read as follows:

[Amendment 66-0, Civil Air Regulations]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 601—DESIGNATION OF CONTROL AIRPORTS AND AIRWAY TRAFFIC CONTROL AREAS AND REPEAL OF CERTAIN CONTROL ZONES OF INTERSECTION

DECEMBER 12, 1941.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby make and promulgate the following regulations designating certain control airports and airway traffic control areas and repealing the designation of certain control zones of intersection:

Sec.

601.1 Airway traffic control areas.
601.100 Amber civil airway No. 6 airway traffic control areas (Jacksonville, Fla., to U. S.-Canadian Border).
601.101 Amber civil airway No. 7 airway traffic control areas (Key West, Fla., to Caribou, Me).
601.102 Red civil airway No. 9 airway traffic control areas (Tallahassee, Fla., to Alma, Ga.).
601.103 Red civil airway No. 10 airway traffic control areas (Amarillo, Tex., to Charleston, S C.).
601.104 Red civil airway No. 16 airway traffic control areas (Augusta, Ga., to Charleston, S. C.).
601.105 Red civil airway No. 25 airway traffic control areas (Daytona Beach, Fla., to Miami, Fla.).
601.106 Red civil airway No. 30 airway traffic control areas (Mobile, Ala., to Jacksonville, Fla.).
601.107 Blue civil airway No. 3 airway traffic control areas (Memphis, Tenn., to Tampa, Fla.).
601.108 Blue civil airway No. 19 airway traffic control areas (Melbourne, Fla., to Orlando, Fla.).
601.2 Control zones of intersection.
601.3 Control airports.

§ 601.1 *Airway traffic control areas.* The following airway traffic control areas are hereby designated:

§ 601.100 *Amber civil airway No. 6 airway traffic control areas (Jacksonville, Fla., to U. S.-Canadian Border).* All of amber civil airway No. 6.

§ 601.101 *Amber civil airway No. 7 airway traffic control areas (Key West, Fla., to Caribou, Me.).* Those portions of amber civil airway No. 7: From the Key West, Fla., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Florence, S. C., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Raleigh, N. C., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Hartford, Conn., radio range station.

§ 601.102 *Red civil airway No. 9 airway traffic control areas (Tallahassee, Fla., to Alma, Ga.).* All of red civil airway No. 9.

§ 601.103 *Red civil airway No. 10 airway traffic control areas (Amarillo, Tex., to Charleston, S. C.).* Those portions of red civil airway No. 10: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Clarendon, Tex., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Shreveport, La., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Jackson, Miss., radio range station, to the Charleston, S. C., radio range station.

§ 601.104 *Red civil airway No. 16 airway traffic control areas (Augusta, Ga., to Charleston, S. C.).* All of red civil airway No. 16.

§ 601.105 *Red civil airway No. 25 airway traffic control areas (Daytona Beach, Fla., to Miami, Fla.).* All of red civil airway No. 25.

§ 601.106 *Red civil airway No. 30 airway traffic control areas (Mobile, Ala., to Jacksonville, Fla.).* That portion of red civil airway No. 30: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Mobile, Ala., radio range station, to the Jacksonville, Fla., radio range station.

§ 601.107 *Blue civil airway No. 3 airway traffic control areas (Memphis, Tenn., to Tampa, Fla.).* Those portions of blue civil airway No. 3: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Muscle Shoals, Ala., radio range station, to the Tampa, Fla., radio range station.

§ 601.108 *Blue civil airway No. 19 airway traffic control areas (Melbourne, Fla., to Orlando, Fla.).* All of blue civil airway No. 19. (For a list of airway traffic control areas, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.2 *Control zones of intersection.* The designation of the following control zones of intersection are hereby repealed: Alma, Ga.; Charleston, S. C.; Daytona Beach, Fla.; Jacksonville, Fla.; Melbourne, Fla.; Miami, Fla.; Orlando, Fla.; Tallahassee, Fla.; Tampa, Fla. (For a list of control zones of intersection, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.3 *Control airports.* The following airports are designated as control airports:

City	*Name of airport*
Albany, Ga.	Albany New Municipal Airport.
Baltimore, Md.	Baltimore Municipal Airport.
Bristol, Tenn.	Tri-City Airport.
Chattanooga, Tenn.	Lovell Field.
Columbia, S. C.	Owens Field.
Daytona Beach, Fla.	Daytona Beach Airport.
Dothan, Ala.	Dothan Airport.
Fort Myers, Fla.	Lee County Airport.
Greensboro, N. C.	Greensboro - High Point Airport.
Greenville, S. C.	Greenville Airport.
Greenwood, Miss.	Greenwood Airport.
Key West, Fla.	Meacham Airport.
Knoxville, Tenn.	McGhee - Tyson Airport.
Macon, Ga.	Herbert Smart Airport.
Mobile, Ala.	Mobile Municipal Airport.
Muscle Shoals, Ala.	Muscle Shoals Airport.
Raleigh, N. C.	Raleigh Airport.
Spartanburg, S. C.	Memorial Airport.
Tampa, Fla.	Peter O. Knight Airport.

(For a list of control airports, see *Air Navigation Radio Aids* published periodically by the Administrator.)

This regulation shall become effective 12:01 A. M., E. S. T., December 15, 1941.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-9426; Filed, December 16, 1941; 10:24 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50529]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Amendment to Regulations Under Sec. 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of the Executive Order Dated October 12, 1917.

DECEMBER 15, 1941.

T.D. 50525 (6 F.R. 6404), dated December 11, 1941, is hereby amended as follows:

Strike the phrases "Japan and allies of Japan" or "Japan or allies of Japan" wherever they appear, and insert in lieu thereof the phrase "Japan, Italy, and Germany and allies thereof, including Bulgaria, Rumania, and Hungary".

Add a new paragraph numbered (11) to read as follows:

The phrase "an enemy or ally of an enemy" wherever used herein shall mean "enemy" or "ally of enemy" as those terms are defined in section 2 of the Trading with the enemy Act, approved

October 6, 1917. (Sections XI and XIII of E.O. 2729–A, Oct. 12, 1917)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9463; Filed, December 16, 1941; 11:36 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–113]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR RECLASSIFICATION OF CERTAIN COALS PRODUCED BY ALLBURN COLLIERIES COMPANY

An original petition having been filed with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by District Board 8, requesting reclassification from "C" to "E" of coals in Size Groups 18–21 produced for shipment by rail at the Allburn Mine (Mine Index No. 8) of Allburn Collieries Company, a code member in District 8;

The Director having granted temporary relief and having provided for conditionally final relief; a petition of intervention thereto having been filed by District Board 2;

Thereafter, a hearing in this matter having been held, pursuant to Order of the Director, before a duly designated Examiner of the Division, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties having waived the preparation and filing of a report by the Examiner, and the record having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact, and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for all Shipments Except Truck (High Volatile) be and it is hereby amended by changing the classification of the coals in Size Groups 18–21 of the Allburn Mine (Mine Index No. 8) of the Allburn Collieries Company from "C" to "E", for shipments to all destinations in all market areas.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9436; Filed, December 16, 1941; 10:31 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JAPANESE NATIONALS RESIDENT ONLY IN UNITED STATES SINCE JUNE 17, 1940

General License No. 68A Under Executive Order No. 8389, April 10, 1940, as Amended, and Regulations Issued Pursuant Thereto, Relating to Transactions in Foreign Exchange, Etc.

DECEMBER 15, 1941.

§ 131.68a *General License No. 68A.* (a) A general license is hereby granted:

(1) Licensing as a generally licensed national any individual who is a national of Japan and who has been residing only in the continental United States at all times on and since June 17, 1940, and

(2) Licensing as a generally licensed national any partnership, association, corporation or other organization within the continental United States which is a national of Japan solely by reason of the interest therein of a person or persons licensed as generally licensed nationals pursuant to this general license.

(b) This general license shall not be deemed to license as a generally licensed national:

(1) Any individual, partnership, association, corporation or other organization on the premises of which the Treasury Department maintains a representative or guard or on the premises of which there is posted an official Treasury Department notice that the premises are under the control of the United States Government, or

(2) Any bank, trust company, shipping concern, steamship agency, or insurance company, or

(3) Any person who, on or since the effective date of the Order, has represented or acted as agent for any person located outside the continental United States or for any person owned or controlled by persons located outside the continental United States, or

(4) Any person who on or since the effective date of the Order has acted or purported to act directly or indirectly for the benefit or on behalf of any blocked country, including the government thereof, or any person who is a national of Japan by reason of any fact other than that such person has been domiciled in, or a subject or citizen of, Japan at any time on or since the effective date of the Order.

(c) A report on the appropriate series of Form TFR–300 shall be filed with the appropriate Federal Reserve Bank within 30 days after the date hereof with respect to the property interests of every person licensed herein as a generally licensed national if the total value of the property interests to be reported is $1,000 or more.

(d) Every business enterprise licensed herein as a generally licensed national shall also file with the appropriate Federal Reserve Bank within 30 days after the date hereof an affidavit setting forth the information required by Form TFBE–1, if the total value of all property interests of such business enterprise is in excess of $5,000.

(e) Banking institutions within the United States effecting payments, transfers or withdrawals in excess of $1,000 during any month from the account of any person licensed as a generally licensed national hereunder, shall file promptly with the appropriate Federal Reserve Bank a report showing the details of such transactions.

(f) This general license shall not authorize any transaction which, directly or indirectly, substantially diminishes or imperils the assets within the continental United States of any national of Japan or otherwise prejudicially affects the financial position of such national within the continental United States.

(g) As used in this general license, the term "business enterprise" shall mean any individual proprietorship, partnership, association, corporation or other organization engaged in commercial or other business activities within the continental United States. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9419; Filed, December 15, 1941; 4:28 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 114]

AMENDING THE REGULATIONS SO AS TO PROVIDE FOR THE RECLASSIFICATION IN TIME OF WAR OF PERSONS IN CLASS IV–A

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] Section XXIV, Paragraph 357, by striking out the present paragraph and substituting in lieu thereof the following:

[1] 5 F.R. 3923.

357. *Class IV–A: Man who has completed service.* *a.* In time of peace, there shall be placed in Class IV–A any registrant who falls within any of the following categories:

1. Any person who shall have satisfactorily served as an officer or enlisted man for at least 3 consecutive years in the Regular Army, Navy, Marine Corps, or Coast Guard; or any enlisted man who has been or is hereafter honorably discharged from the Regular Army or the Coast Guard for the convenience of the Government within 6 months prior to the completion of his regular 3-year period of enlistment.

2. Any person who as a member of the active National Guard shall have satisfactorily served as an officer or enlisted man for at least 1 year in active Federal service in the Army of the United States and subsequent thereto for at least 2 consecutive years in the Regular Army or in the active National Guard.

3. Any person who is an officer or enlisted man in the active National Guard at the time fixed for registration, and who shall have satisfactorily served therein for at least 6 consecutive years.

4. Any person who is an officer in the Officers' Reserve Corps on the eligible list at the time fixed for registration, and who shall have satisfactorily served therein on the eligible list for at least 6 consecutive years.

5. Any person who as a member of the Naval Reserve or the Marine Corps Reserve shall have satisfactorily served for at least 3 consecutive years on active duty.

6. Any person who as a member of the Naval Reserve or the Marine Corps Reserve shall have satisfactorily served for at least 1 year on active duty and for at least 2 consecutive years in the Regular Navy or Marine Corps or with an organized unit of the Naval Reserve or the Marine Corps Reserve.

7. Any person who is an officer or enlisted man in the organized Naval Reserve or in the organized Marine Corps Reserve at the time fixed for registration, and who shall have satisfactorily served therein for at least 6 consecutive years.

8. Any person who is an officer or enlisted man in the Naval Merchant Marine Reserve or Volunteer Naval Reserve or Volunteer Marine Corps Reserve at the time fixed for registration, and who shall have satisfactorily served therein for at least 8 consecutive years.

9. Members of the United States Coast Guard Reserve, other than temporary members, shall receive the same classification as members of the Naval Reserve.

b. In time of war, no person shall be placed in Class IV–A and all persons previously placed in Class IV–A shall be reclassified and placed in some other classification.

LEWIS B. HERSHEY,
Director.

DECEMBER 12, 1941.

[F. R. Doc. 41–9417; Filed, December 15, 1941; 12:36 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

PRICE SCHEDULE NO. 56—RECLAIMED RUBBER

The continuity of imports of crude rubber from the Far East is seriously threatened as a result of the outbreak of war with Japan. It has therefore become necessary to restrict consumption of crude rubber to a filling of military and essential civilian needs. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of all materials that serve as substitutes for crude rubber. The demand for reclaimed rubber, in particular, may be expected to expand sharply, thereby producing strong upward pressure upon its price. The Office of Price Administration has determined after investigation and after conference with members of the industry that an increase in prices above the present levels will not increase the supply of reclaimed rubber.

It is of vital importance to the nation's war effort that the process of substitution of reclaimed rubber for crude rubber should be facilitated in every possible manner by holding the cost of such substitution to a minimum. Consequently, the present emergency demands that maximum prices for reclaimed rubber be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.51 *Maximum prices for reclaimed rubber.* (a) On or after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, reclaimed rubber, and no person shall buy, offer to buy, or accept delivery of reclaimed rubber, at prices higher than the maximum price.

(b) (1) The maximum price shall be the highest price received by the seller for a sale during the period between November 5, 1941 and December 5, 1941, of reclaimed rubber of the same grade and quality, and of a comparable amount, to the same purchaser.

(2) If no such sale to the same purchaser was made, the maximum price shall be the highest price received by the seller for a sale during such period, of reclaimed rubber of the same grade and quality, and of a comparable amount, to a purchaser previously accorded similar treatment by the particular seller or recognized by the trade as entitled to similar treatment.

(3) If, for any grade and quality of reclaimed rubber, no sale was made during the period between November 5, 1941, and December 5, 1941, either to the same purchaser or to a purchaser so entitled to similar treatment, the maximum price for that grade and quality shall be a price which bears the same relationship to prices actually received by the seller during such period for other grades and qualities, as the price of that particular grade and quality normally bears to prices of such other grades and qualities.*

*§§ 1315.51 to 1315.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.52 *Less than maximum prices.* Lower prices than those set forth in § 1315.51 may be charged, demanded, paid or offered.*

§ 1315.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of reclaimed rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 5, 1941, or by any other means.*

§ 1315.54 *Filing of prices.* On or before January 15, 1942, every person who sells reclaimed rubber shall file with the Office of Price Administration:

(a) Any printed price lists or quoted prices, including a complete statement of all terms and discounts, that were in effect during the period between November 5, 1941 and December 5, 1941.

(b) Prices which he received from each of his purchasers for each of his grades and qualities of reclaimed rubber on all sales made during the period between November 5, 1941 and December 5, 1941.*

§ 1315.55 *Records and reports.* Every person making sales or purchases of reclaimed rubber after December 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade and quality of reclaimed rubber purchased or sold, and (b) the quantity of each grade and quality of re-

claimed rubber (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1315.56 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person, who, during the preceding calendar month has sold reclaimed rubber, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 156:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 156:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of evasion or attempt to evade the price limitations, or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with the Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof are urged to communicate with the Office of Price Administration.*

§ 1315.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1315.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Reclaimed rubber" means all kinds, grades and qualities of the rubber material recovered from any vulcanized scrap rubber products.*

§ 1315.60 *Effective date of the schedule.* The Schedule shall become effective on December 20, 1941.

Issued this 16th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9452; Filed, December 16, 1941; 11:19 a. m.]

PART 1330—CONTAINERS

PRICE SCHEDULE NO. 55—SECOND HAND BAGS

The availability of large quantities of burlap and cotton bags is an important concern of Agriculture and National Defense. Curtailment of the supply of burlap, substantially all of which must be imported from India, is now threatened by the hostilities in the Pacific. The capacity of the cotton textile industry to produce fabrics of the type used for bagging purposes is inadequate to produce sufficient quantities to meet the increased demands of war-time economy, particularly to the extent that cotton bagging may have to be substituted for burlap.

The price of second hand bags has approximately doubled since January 1, 1941. Such increases add to the cost of packaging agricultural and other commodities to an unwarranted extent and cannot serve to augment the supply. Further unjustified price advances are now threatened unless remedial action is taken.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering second hand bags may be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in my by Executive Order No. 8734, it is hereby directed that:

§ 1330.51 *Maximum prices for second hand bags.* (a) On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer second hand bags at prices higher than the maximum prices established herein.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery, during the period between November 15, 1941 to December 6, 1941, inclusive, of second hand bags of the same type, size, weight, grade, and comparable quantity, to a purchaser of the same general class.

(2) If during such period, no such sale or delivery was made, the maximum price shall be the price contracted for or received by the seller for the last sale or delivery made prior to November 15, 1941, of second hand bags of the same type, size, weight, grade, and comparable quantity, to a purchaser of the same general class.

(3) In all other cases, the maximum price shall be the highest market price during the period from November 15 to December 6, 1941, of second hand bags of the same type, size, weight, and grade, to purchasers of the same general class.*

*§§ 1330.51 to 1330.69, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1330.52 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1330.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of second hand bags, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1330.54 *Filing of prices.* On or before January 10, 1942, every person who, during any single calendar month of 1941, sold more than one thousand second hand bags shall file with the Office of Price Administration, a list of all sales and deliveries made during the period of November 15, 1941 to December 6, 1941, showing with respect to each sale or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, size, weight, and grade of second hand bags sold or delivered; and (d) the price contracted for or received for each type, size, weight and grade of second hand bag.*

§ 1330.55 *Records and reports.* Every person making sales of second hand bags after December 16, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (a) of each such sale in aggregate lots of 100 bags or more, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, size, weight and grade of second hand bags sold; and (b) the quantity of each type, size, weight, and grade of second hand bags (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1330.56 *Affirmations of compliance.* On or before the 10th day of January, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold more than one thousand second hand bags, whether for immediate or future delivery, shall submit to the Office of Price Administration an Affirmation of Compliance on Form 155:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 155:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit Affirmations of Compliance hereunder.*

§ 1330.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of second hand bags, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1330.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Second hand bag" means a container composed of burlap, cotton cloth or other textile material which has been used once or more to package any product and thereafter emptied, and sold for re-use as a container.*

§ 1330.60 *Effective date of the schedule.* This Schedule shall become effective December 16, 1941.*

Issued this 16th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9450; Filed, December 16, 1941; 10:40 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 3 OF PRICE SCHEDULE NO. 30—WASTEPAPER SOLD EAST OF THE ROCKY MOUNTAINS

Section 1347.10,† *Appendix A,* is amended to read as follows:

§ 1347.10 *Appendix A; maximum prices for wastepaper sold east of the Rocky Mountains* [1]—(a) *Grades and maximum prices per short ton f. o. b. point of shipment.*

Grades	Maximum prices [2] per short ton [3] f. o. b. point of shipment [4]
No. 1 Mixed Paper [5]	$14.00
No. 1 Baled News [6]	15.00
Overissue News [7]	17.00
Old Corrugated Containers [8]	16.50
Old Kraft Corrugated Containers [9]	27.00
New Corrugated Cuttings [10]	18.00
Box Board Cuttings [11]	14.50
White Blank News [12]	33.00
Extra Manilas [13]	37.00
New Manila Envelope Cuttings [14]	53.00
One Cut New Manila Envelope Cuttings [15]	57.50
Manila Tabulating Cards, Plain Manila Color, free from groundwood [16]	45.00
Manila Tabulating Cards, Colored, free from groundwood [17]	30.00
Manila Tabulating Cards, Groundwood, Plain Manila Color [18]	27.00
Manila Tabulating Cards, Groundwood, Colored [19]	20.00
No. 1 Hard White Shavings, unruled [20]	57.50
No. 1 Hard White Shavings, ruled [21]	50.00
Hard White Envelope Cuttings [22]	62.50
One Cut Hard White Envelope Cuttings [23]	67.50
No. 1 Soft White Shavings [24]	50.00
One Cut Soft White Shavings [25]	57.50
Miscellaneous Soft White Shavings [26]	43.00
No. 1 Fly Leaf Shavings [27]	33.50
No. 2 Fly Leaf Shavings [28]	22.50
No. 1 Groundwood Fly Leaf Shavings [29]	25.00
No. 2 Mixed Colored Groundwood Shavings [30]	18.00
Mixed Colored Shavings [31]	15.00
No. 1 Heavy Books and Magazines [32]	31.50
Mixed Books [33]	20.50
Overissue Magazines [34]	33.50
No. 1 Mixed Ledger (Colored Ledger) [35]	37.50
No. 1 White Ledger [36]	43.50
No. 1 Assorted Kraft (Old Kraft) [37]	35.00
Triple Sorted No. 1 Brown Soft Kraft [38]	50.00
Mixed Kraft Envelope and/or Bag Cuttings [39]	55.00
Kraft Envelope Cuttings [40]	65.00
New 100% Kraft Corrugated Cuttings [41]	45.00

When used in these footnote definitions the terms:

"Objectionable papers" include carbon, waxed, paraffined, oil treated, greased, glazed, parchment, asphalt, tar, wall, friction board, book-covers, cloth bound, heavy cores, tympan, pressboard, used billboard stock, paper-wrapped excelaior, felt furniture pads, paper twine, uncut printer's rolls, and paper strings; and

"Foreign Materials" include every non-paper substance that can not be manufactured into paper, including, but in no way limiting the generality of the above: cellophane, rags, rubbers, strings, vulcanized fibre, metals and rubbish of all kinds.

[1] "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Wyoming and Montana.

[2] All prices represent the maximum prices for the respective grades of wastepaper, the highest qualities of which are defined in the footnotes below. Other qualities of wastepaper of the grades defined must be sold at or below the maximum prices established. The prices established in this Schedule are the maximum prices to be charged or paid and no differentials or service charges other than those specifically provided in this Appendix are to be added.

[3] In all instances tare is not to exceed 2% of the gross weight per bale.

[4] All prices established by this Schedule shall be for wastepaper f. o. b. freight cars, trucks, or barges at the point of shipment, or, in case of exports, f. a. s. the vessel at the port of export. The point of shipment shall be the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer. Sales may be made on a delivered basis, but such sales must be at prices not in excess of the maximum prices established by this Schedule, plus actual transportation costs. If the producer or jobber uses his own trucks for delivery, the transportation cost to be added must not exceed the cost of transporting a similar shipment at the lowest published rate of a common carrier by motor; or, if no such common carrier rate is published, then the transportation cost shall not exceed the lowest available transportation rate for effecting the delivery. These costs must be shown as a separate item in all records and invoices.

To the prices established by this Schedule, in appropriate cases, may be added one of the following allowances:

(a) If the wastepaper is transported to and loaded on freight cars or barges by, or at the expense of, the jobber or producer, an amount equal to the actual cost of such transportation and loading may be added to the maximum prices established by this Schedule, to cover the cost of such transportation and loading, which additional amount, if any, must be listed as a separate item on the invoice, but may in no event exceed $1.00 per short ton even though the cost of such transportation and loading may in some cases be higher. No such charge may be added in the event the jobber or producer has not kept the records required by § 1347.4 and filed in proper form any affirmations of compliance required of him by § 1347.5, or in the event the producer or jobber has available upon or adjacent to the premises at the point of shipment, a rail siding or dock suitable for loading the wastepaper to be shipped.

(b) If the wastepaper to be exported for the purpose of papermaking has been baled to meet the requirements of maritime handling and is transported to the dock or other place of delivery to an ocean carrier for export shipment at the expense of the jobber or producer, an amount equal to the actual cost of such baling and transportation may be added to the maximum prices established by this Schedule to cover the cost of such baling and transportation, which additional amount, if any, must be listed as a separate item on the invoice, but may in no event exceed $3.00 per short ton, even though the cost of such baling and transportation may in some cases be higher. No such charge may be added in the event the jobber or producer has not kept the records required by § 1347.4 and filed in

† 6 F.R. 5535.

proper form any affirmations of compliance required of him by § 1347.5.

[6] "No. 1 Mixed Paper" shall consist of clean, dry wastepaper free from objectionable papers and foreign materials and packed in bales, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, country packing, printer's waste, container manilla, print manilla, and so forth.

[7] "No. 1 Baled News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers and packed in large machine compressed bales weighing 650 pounds or more.

[8] "Overissue News" shall consist of all-white, large size, overrun newspapers from a newspaper office (not over 60 days old) and must be packed in securely tied bundles, small or large bales.

[9] "Old Corrugated Containers" shall consist of used corrugated or solid fibre containers free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more.

[10] "Old Kraft Corrugated Containers" shall consist of used containers of 90% to 100% kraft content, clean and dry, free from foreign materials, objectionable and mixed papers and packed in large machine compressed bales weighing 650 pounds or more. If kraft content is less than 90%, the packing shall be designated "Old Corrugated Containers."

[11] "New Corrugated Cuttings" shall consist of new corrugated cuttings of "jute" from a corrugating plant, or solid fibre or corrugated container converting plant, and shall be free from foreign materials, mixed and objectionable papers. Must be packed in small or large bales.

[12] "Boxboard Cuttings" shall consist of clean, dry cuttings from paperboard converting plants or other users of paperboard, free from objectionable and mixed papers and foreign materials, packed in large machine compressed bales weighing 650 pounds or more.

[13] "White Blank News" shall consist of clean, dry, white news cuttings or sheets, free from mixed and objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more.

[14] "Extra Manilas" shall consist of clean, dry, unprinted manila paper of uniform natural manila color, free from yellow news blanks, paper towels, canary colored blanks, goldenrod and bogus stock, as well as mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

[15] "New Manila Envelope Cuttings" shall consist of clean, dry, new manila cuttings or sheets of miscellaneous shades from envelope factories, free from printed stock of any kind, mixed and objectionable papers and foreign materials and must be packed in small or large bales.

[16] "One Cut New Manila Envelope Cuttings" shall consist of one cut, one shade, clean, dry, new manila cuttings or sheets from envelope factories containing not more than 10% groundwood and free from printed stock of any kind, mixed and objectionable papers and foreign materials. Must be packed in small or large bales.

[17] "Manila Tabulating Cards, Plain Manila Color, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors, from groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any colored cards are included, the packing shall be designated, "Manila Tabulating Cards, Colored, Free From Groundwood". If any groundwood is included, the packing shall take the appropriate groundwood classification.

[18] "Manila Tabulating Cards, Colored, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of colored stock, free from all groundwood and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any groundwood is included the packing shall be designated, "Manila Tabulating Cards, Groundwood, Colored".

[19] "Manila Tabulating Cards, Groundwood, Plain Manila Color" shall consist of clean, dry punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors; containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any colored cards are included, the packing shall be designated "Manila Tabulating Cards, Groundwood, Colored."

[20] "Manila Tabulating Cards, Groundwood, Colored" shall consist of clean, dry punched or unpunched printed manila tabulating cards of colored stock, containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in bales or bags.

[21] "No. 1 Hard White Shavings, Unruled" shall consist of clean, dry unruled bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more. If any ruled paper is present in the bale, the packing shall be designated, "No. 1 Hard White Shavings, Ruled".

[22] "No. 1 Hard White Shavings, Ruled" shall consist of clean, dry ruled and unruled, bond or writing paper shavings, free from colors and tints, parchment and groundwood and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[23] "Hard White Envelope Cuttings" shall consist of clean, dry bond or writing paper shavings of miscellaneous shades free from all colors and tints parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

[24] "One Cut Hard White Envelope Cuttings" shall consist of one cut, one shade, clean, dry bond or writing paper shavings containing sulphite or rags or a mixture of both, and free from all colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

[25] "No. 1 Soft White Shavings" shall consist of clean, dry, unprinted all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present, the packing shall be designated, "Miscellaneous Soft White Shavings".

[26] "One Cut Soft White Shavings" shall consist of one cut, one shade, clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present the packing shall be designated "Miscellaneous Soft White Shavings".

[27] "Miscellaneous Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings of various shades, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials and containing in excess of 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

[28] "No. 1 Fly Leaf Shavings" shall consist of magazine and/or catalog trim and shall contain the bleed of the cover and insert stock, but shall be free from all solid color stock, groundwood stock and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated, "No. 1 Groundwood Fly Leaf Shavings".

[29] "No. 2 Fly Leaf Shavings" shall consist of magazine and catalog trim and may contain cover and insert stock which may consist of solid color and other color stock but shall be free from groundwood stock and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

[30] "No. 1 Groundwood Fly Leaf Shavings" shall consist of telephone book and magazine trim, free of all bleed and coated stock, consisting of all white paper except colored cover stock. This grade shall be free from objectionable papers and foreign materials and must be packed in small or large bales. If any bleed and coated stock is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

[31] "No. 2 Mixed Colored Groundwood Shavings" shall consist of a mixture of white and colored trim, including bleed and printed stock throughout, but free from rotogravure stock and objectionable papers and foreign materials. Must be packed in small or large bales.

[32] "Mixed Colored Shavings" shall consist of a mixture of white and colored trim, including bleed, printed and rotogravure stock, free from objectionable papers and foreign materials. Must be packed in small or large bales.

[33] "No. 1 Heavy Books and Magazines" shall consist of dry, clean books and magazines containing not over 2% groundwood and/or outthrows, free from shavings and crumpled stock, heavily inked, deeply colored, gilt, aluminum and varnished cover stock, lithographed, parchment, groundwood, rotogravure and cover papers, as well as mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[34] "Mixed Books" shall consist of dry, clean books and magazines containing not over 25% total outthrow, including kraft and groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or securely tied bundles.

[35] "Overissue Magazines" shall consist of clean, dry, fresh, overrun and misprint, unsold magazines and books, quire waste and stitchless stock. Coated stock shall not exceed 5% of the gross weight of any one delivery. Must be packed in small or large bales or securely tied bundles.

[36] "No. 1 Mixed Ledger (Colored Ledger)" shall consist of white and light colored ledger and writing waste containing not more than 2% groundwood and/or outthrows; free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[37] "No. 1 White Ledger" shall consist of white ledger and writing waste containing not more than 2% groundwood and/or outthrows, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[38] "No. 1 Assorted Kraft (Old Kraft)" shall consist of brown kraft waste free from corrugated waste of any kind, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[39] "Triple Sorted No. 1 Brown Soft Kraft" shall consist of old soft brown sulphate kraft paper guaranteed 100% free from wax, tar, kraft corrugated boards, and all imitation or bogus sheets, and shall be clean, dry and free from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[39] "Mixed Kraft Envelope and/or Bag Cuttings" shall consist of mixed 100% Northern and/or Southern Kraft Cuttings from strictly new envelope and/or paper bag stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

[40] "Kraft Envelope Cuttings" shall consist of 100% Northern kraft cuttings from strictly new envelope paper stock, free from objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

[41] "New 100% Kraft Corrugated Cuttings" shall consist of cuttings, trimmings or shavings from new 100% kraft corrugated stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers, and foreign materials. Must be packed in small or large bales.

(b) *Jobber's allowance.* (1) In the event that a consumer of wastepaper shall purchase wastepaper through a jobber, as defined in § 1347.8 (e) such consumer may pay such jobber not more than the maximum price herein plus a jobber's allowance not to exceed the lesser of the following amounts:

(i) The regular allowance customarily charged, or

(ii) An amount not exceeding the following percentages per ton of the amount actually paid to the jobber, exclusive of the jobber's allowance and differential for loading cars for the particular wastepaper purchased:

Price for grade of wastepaper purchased:	*Jobber's allowance in percentage* [1]
Up to $20.00	4
$20.01 to $30.00	5
$30.01 to $40.00	5½
$40.01 to $50.00	7
$50.01 to $60.00	8
$60.01 to $70.00	9

[1] Where customary allowance is not less than provided in subparagraph (ii) above.

(2) A jobber's allowance shall be payable only if the transaction in which it is to be paid fulfills all of the following requirements:

(i) The complete transaction is recorded as provided in § 1347.4;

(ii) The jobber guarantees the quality and delivery of an agreed tonnage of wastepaper, and such guarantee is made a part of the billing and of the record referred to above;

(iii) The jobber's allowance is shown as a separate item in the billing and in the record referred to above;

(iv) The wastepaper purchased is invoiced to a consumer at a price (excluding the jobber's allowance) no higher than that provided by this Schedule;

(v) The jobber's allowance is not split or divided with any other jobber, broker, dealer, consumer or producer;

(vi) The wastepaper was commercially baled and sorted, but this process was not performed by the jobber;

(vii) The wastepaper was owned by the jobber prior to its transfer to the consumer; and

(viii) The jobber has kept the records required of him by § 1347.4 and filed in proper form affirmations of compliance required of him by § 1347.5. (Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective December 15, 1941.

Issued this 15th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9416; Filed, December 15, 1941; 12:32 p. m.]

PART 1352—FLOOR COVERINGS

PRICE SCHEDULE NO. 57—WOOL FLOOR COVERINGS

Wool floor coverings are an important item of household furnishings. Between August 1939 and May 1941 prices advanced 23.2% on a weighted average basis. The increase on one popular-priced item amounted to 33% in that period. In June 1941, the Office of Price Administration wrote the manufacturers of wool floor coverings requesting that they not increase prices on their lines to be marketed in the fall. Subsequently, individual voluntary agreements were reached with practically all members of the industry under which they agreed not to increase their prices prevailing on October 13 prior to December 15.

The outbreak of hostilities in the Far East, which is the source of all jute and much wool, the two principal raw materials, has a critical impact on the industry. Trade journal articles, and conferences with industry members, clearly indicate that price increases are planned. Efforts to obtain an extension of the individual voluntary agreements which expire on December 15 have been unsuccessful. In addition, requests by this Office to industry members on November 15 to submit detailed cost and profit data have elicited only a few replies. The cost study will continue. Meanwhile, effective measures must be taken to forestall further increases which may result in unwarranted prices. In order to prevent evasion of the Schedule, changes in specifications are restricted.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering at a price higher than the maximum price.

(a) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, shall be the price quoted therein for such unit to the same person or to a person in the same general class.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–October 13, 1941, inclusive, shall be the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1354.4) from any unit referred to in (a) and (b) above, shall be the price approved in writing by the Office of Price Administration after submission of a report to it by the manufacturer in accordance with § 1352.7 (c); and no sale, offer to sell, delivery, or transfer of such unit shall be made until such approval shall have been given.*

*§§ 1352.1 to 1352.12 inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1352.2 *Less than maximum prices.* Lower prices than those established in § 1352.1 may be charged, demanded, paid or offered.*

§ 1352.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture of wool floor coverings by deterioration of quality or in connection with a purchase, sale, delivery or transfer of wool floor coverings, alone or in conjunction with any other material, or by way of any service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 13, 1941, or by any other means.*

§ 1352.4 *Change in specifications.* On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering, differing in specifications from:

(a) A unit of wool floor covering in his price list in effect on October 13, 1941;

(b) A unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–December 15, 1941, inclusive; and

(c) A unit of wool floor covering manufactured, or in process of actual weaving, between October 13–December 15, 1941, inclusive;

Provided, That (1) changes may be made in yarn specifications which do not reduce quality, and which, in addition, in the case of pile yarn, do not vary the percentages of wool and each of the other component materials; and (2) other changes may be made in specifications with the permission of the Office of Price Administration upon the submission to it by the manufacturer of

satisfactory evidence (i) that the material previously used is unavailable or cannot be procured except (a) at prohibitive cost, or (b) in violation of any priority or allocation order or any regulation of a federal agency; and (ii) that the material substituted is one calculated to preserve quality.*

§ 1352.5 *Change in color or pattern.* Changes in color or pattern, or both, of any unit of wool floor covering may be made.*

§ 1352.6 *Records.* Every manufacturer making sales of wool floor coverings on or after December 16, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1352.7 *Reports*—(a) *Units in price list in effect on October 13, 1941.* On or before January 1, 1942, every manufacturer shall submit to the Office of Price Administration a report on Form 157:1 showing in the detail required by such form, the units whose maximum prices are determined by § 1352.1 (a), the maximum prices thus established, the name, number or other designation and the specifications of each such unit, and such other information as the form may require. Manufacturers who have already submitted information required on Form 157:1 need not duplicate such information, but shall fill out such part of the form as is necessary to complete the information required, and shall enclose with the form a reference to the information already submitted. Copies of Form 157:1 may be procured from the Office of Price Administration.

(b) *Other units sold during the period January 1–October 13, 1941, inclusive.* The maximum price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (b) shall be reported by the manufacturer on Form 157.2 to the Office of Price Administration within ten days after such unit is delivered to a purchaser (or to a carrier for shipment to the purchaser) for the first time after the effective date of this Schedule.

(c) *Other units.* The proposed price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (c) shall be reported by the manufacturer on Form 157.3 to the Office of Price Administration at least ten days prior to his commencing the actual weaving of such unit, and at least twenty days prior to the date on which he first offers such unit for sale. Where, because of the effective date of this Schedule, the report cannot be made within the prescribed time, it shall be made at the earliest possible date.

Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.8 *Affirmations of compliance.* On or before January 1, 1942, and on or before the first day of July and January thereafter, every manufacturer who is required to keep records of sales under Section 1352.6 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 157.4 containing a sworn statement that during such period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 157.4 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.10 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1352.11 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures any wool floor coverings;

(c) "Wool floor covering" means a floor covering in a manufactured state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Unit" means a wool floor covering manufactured and offered for sale as a distinct item, differing in specifications, color, or pattern, from other wool floor coverings manufactured and offered for sale by the same manufacturer;

(e) "Specifications" means (i) construction specifications, which include size, weave, pitch, rows per inch, shot, frames, cut tuft length, and wire size, and (ii) yarn specifications, which include yarn material, yarn size, and ply.

§ 1352.12 *Effective date of the schedule.* This Schedule shall become effective on December 16, 1941.

Issued this 16th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9453; Filed, December 16, 1941; 11:19 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 179]

PART 1—DOCUMENTATION OF VESSELS

DECEMBER 16, 1941.

Section 1.63 (*Application for award of number* [1]) is amended by the addition of the following new paragraph:

§ 1.63 *Application for award of number.*

* * * * *

(e) During the period of the unlimited national emergency proclaimed by the President on May 27, 1941, the issuance of a certificate of award of number under the Numbering Act of June 7, 1918, as amended (46 U.S.C., Sup., 288), to a vessel the sale or transfer of which in whole or in part is subject to Section 37 of the Shipping Act, 1916, as amended (46 U.S.C. 835), shall be governed by the following:

(1) Where such vessel has been, since May 27, 1941, sold or transferred in whole or in part without the approval of the U. S. Maritime Commission, no new certificate of award of number shall be issued. Such attempted sale or transfer is void and is not a change of ownership within the meaning of the Act of June 7, 1918, as amended. The original citizen owner may retain the certificate of award of number issued to the vessel in his name as owner. If the bill of sale on the reverse side of the certificate of award of number has been executed, such bill of sale should be cancelled by marking such bill of sale "Void". The following are not changes of ownership within the meaning of the Act of June 7, 1918, as amended:

(i) By a citizen to a person not a citizen of the United States.

(ii) By a citizen to a person not a citizen of the United States and then resold by such person to the same citizen.

[1] 4 F.R. 1687.

(iii) By a citizen to a person not a citizen of the United States and then resold by such person to another citizen.

(iv) By a citizen to a person not a citizen of the United States and then resold by such person to another person not a citizen of the United States.

(2) In cases of sale or transfer since May 27, 1941, with the approval of the U. S. Maritime Commission, the procedure outlined in paragraph (a) of this section shall be followed and, in addition, there shall be filed with the application for a certificate of award of number a certified copy of the transfer order of the U. S. Maritime Commission approving such sale or transfer. The collector shall endorse upon both the original and duplicate of the certificate of award of number the following:

Sale (or transfer) to non-citizen approved by U. S. Maritime Commission Transfer Order No. ——, dated ——

(Sec. 5, 40 Stat. 602, R.S. 161; 46 U.S.C. and Sup., 288, 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9469; Filed, December 16, 1941; 12:02 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

APPENDIX B—FREQUENCY ALLOCATIONS

The Commission on December 1, 1941, acting under the authority contained in Administrative Order No. 2, made the following change in Appendix B, Part 2 of its Rules and Regulations:

Substituted the term "ship phone" for the term "ship harbor" wherever it appears in Appendix B, specifically with respect to certain frequencies in the band 2100–2200 kc, the frequencies 2738 kc, 116350, 118350 kc, and with respect to certain frequencies in the band 30000–40000 kc.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9420; Filed, December 16, 1941; 10:03 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1537-FD]

IN THE MATTER OF TIERNEY MINING COMPANY AND W. B. DOTSON, DEFENDANTS

ORDER OF DISMISSAL

A complaint having been filed with the Bituminous Coal Division on January 30, 1941, by Troy T. Deskins, a code member in District 8, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Tierney Mining Company, a code member in District 8, and W. B. Dotson, alleged also to be a code member, of the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the defendant Tierney Mining Company, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments and in violation thereof, continuously since October 1, 1940, sold handpicked refuse coal to customers within a five mile radius of the Tierney Mine, at prices ranging from 65 cents to 15 cents below the effective minimum prices established for such coals;

The defendants having filed answers denying material allegations of the the complaint;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on April 3, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Big Stone Gap, Virginia, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which appearances were entered for the complainant, the defendants, and District Board 8;

On September 23, 1941, the Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in which he recommended that the complaint be dismissed as to both the defendants;

The record of the proceeding having thereupon been submitted to the undersigned, and the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the complaint against the defendants, W. B. Dotson and Tierney Mining Company be and it hereby is dismissed.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9427; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. 1769-FD]

IN THE MATTER OF CHAS. A. RIGGEN (RIGGEN COAL COMPANY), DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on June 21, 1941, by District Board 12 pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging wilful violations by Charles A. Riggen (Riggen Coal Company), a code member in District 12, the defendant, of the Bituminous Coal Code and Rules and Regulations thereunder, as follows:

That on various dates since October 1, 1940, the defendant sold and delivered several tons of screenings and other sizes of coals produced at defendant's mine (Mine Index No. 737) to the Des Moines Electric Light Company in Des Moines, Iowa, at prices below the effective minimum prices established for such coals;

Pursuant to orders of the Director and after notice to interested persons a hearing in this matter having been held before a duly designated Examiner of the Division, at a hearing room thereof, in Des Moines, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and the complainant and the defendant having appeared at the hearing;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date of this order, the code membership of the defendant, Charles A. Riggen (Riggen Coal Company), operating in Marion County, Iowa, in District 12, be, and it hereby is, revoked, and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Charles A. Riggen (Riggen Coal Company), to membership in the Code, the defendant shall pay to the United States a tax in the amount of $1,356.16, as provided in section 5 (b) of the Bituminous Coal Act of 1937.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9428; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. 1809-FD]

IN THE MATTER OF R. M. CARSON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on August 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 3, alleging that R. M. Carson, the defendant, a code member in District 3, had wilfully vio-

[1] Not filed with the original document.

lated the provisions of the Bituminous Coal Code, or rules and regulations thereunder by selling for shipment by truck mine run coal (Size Group 5), and delivering the same by truck, at prices lower than the effective minimum prices applicable to such coals, and praying that the Division cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Clarksburg, West Virginia, on September 25, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter dated November 10, 1941, recommending that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions and supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact, and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, R. M. Carson, be and it is hereby revoked and cancelled, effective fifteen (15) days from the date of this order.

It is further ordered, That, prior to any reinstatement of the defendant, R. M. Carson, to membership in the Code, the defendant shall pay to the United States a tax in the amount of $202.66, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9429; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. 1761-FD]

IN THE MATTER OF ALLEN PAYTON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER TO CEASE AND DESIST

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on May 15, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11 alleging that Allen Payton, defendant, a code member producer in District 11, wilfully violated the provisions of the Bituminous Coal Code or the rules and regulations thereunder, and requesting that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code or the rules and regulations thereunder;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Evansville, Indiana, on September 20, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter dated November 13, 1941, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, and the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Allen Payton, his representatives, agents, servants, employees, and attorneys and all persons acting or claiming to act on his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the provisions of section 4 II (e) of the Act and any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Marketing Rules and Regulations, and the Schedule of Effective Minimum Prices for District 11 For All Shipments Except Truck.

It is further ordered, That upon the failure or neglect of the defendant to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where such defendant carries on business, or to the United States Circuit Court of Appeals for the District of Columbia for the enforcement thereof, or may take any other appropriate action.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9430; Filed, December 16, 1941; 10:28 a. m.]

[Docket No. A-304]

PETITION OF THE PURSGLOVE COAL MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 3, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF ITS PURSGLOVE NO. 2 MINE (MINE INDEX NO. 120) IN SIZE GROUP 10 FOR SHIPMENT INTO MARKET AREAS 2 TO 16, INCLUSIVE, 20, 21 AND 100

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon a petition filed on November 2, 1940, with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Pursglove Coal Mining Company, a code member in District No. 3. The petition requests that the Schedule of Effective Minimum Prices for District No. 3 For All Shipments Except Truck be revised so as to provide that the 3/8" x 0 slack coals (Size Group 10) produced at the Pursglove No. 2 Mine (Mine Index No. 120) may deliver into Market Areas 2 to 16, inclusive, 20, 21 and 100, at a price 10 cents below the 3/4" x 0 slack coals (Size Group 9). Petitions of intervention were filed by District Boards 1, 2, 3, 4, 6, and 8, and Consolidated Coal Company. Joint petitions of intervention were filed by the Pocahontas Fuel Company, the Pocahontas Corporation, and Pulaski Iron Company, and by Davis-Wilson Coal Company and Louise Coal Company.

On April 24, 1941, the Director issued Findings of Fact, Conclusions of Law and Opinion herein and ordered the prayer of Pursglove Coal Mining Company for relief and the prayers of intervenors for affirmative relief denied on the basis of the record adduced at a hearing held in this matter on December 16, 1940.

On June 25, 1941, the Director, upon request of Pursglove Coal Mining Company, issued an Order reopening the hearing for the taking of additional evidence. Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

The Examiner submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations under date of November 13, 1941, in which he recommended that the relief requested herein be denied. He found that on an analytical basis there was no evidence to warrant the establishment of a price differential of ten cents between petitioner's 3/8" x 0 and 3/4" x 0 coals and that any difficulty arising out of the disposal of the 3/8" x 0 coals produced at the Pursglove No. 2 Mine did not arise as a result of the lack of a ten-cent differential between the 3/8" x 0 and the 3/4" x 0 coals. The Examiner therefore recommended that the prayers for affirmative relief contained in the several petitions filed herein be denied.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner and briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and the Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the prayers for affirmative relief contained in the several petitions filed herein be, and they hereby are, denied.

Dated: Dec. 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9431; Filed, December 16, 1941; 10:30 a. m.]

[Docket No. 1617-FD]

IN THE MATTER OF MALONE COAL COMPANY (W. R. MALONE), DEFENDANT

ORDER APPROVING AND ADOPTING THE EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 3, complainant, alleging wilful violation by Malone Coal Company (W. R. Malone), a code member in District 3, the defendant, of the Bituminous Coal Code and the effective minimum prices and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments, with intent to violate the same and in violation thereof, sold for shipments by truck, during the month of October 1940, mine run coal produced at defendant's Meriden No. 3 Mine (Mine Index No. 666) in District No. 3, to the Barbour County Court (West Virginia), at prices lower than the effective minimum f. o. b. mine price for such coal;

Pursuant to Orders of the Director and after notice to all interested persons, a hearing having been held in this matter on September 24, 1941, before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in the above proceeding dated November 12, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, Malone Coal Company (W. R. Malone), be and the same is hereby revoked and cancelled, effective fifteen (15) days from the date of this order;

It is further ordered, That, prior to any reinstatement of the defendant, Malone Coal Company (W. R. Malone), to code membership in the Code, he shall pay to the United States a tax in the amount of $77.06, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9432; Filed, December 16, 1941; 10:30 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 3, WYOMING NO. 1, REDUCED

Departmental order of October 20, 1917, withdrawing certain lands in Wyoming for stock driveway purposes under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 40 N., R. 75 W.,
Sec. 5, S1/2,
Sec. 6, all,
Sec. 7, NE1/4,
Sec. 8, N1/2,
Sec. 9, N1/2;
T. 42 N., R. 78 W.,
Sec. 2, SW1/4,
Sec. 3, SE1/4;
aggregating 2,031.49 acres.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 5, 1941.

[F. R. Doc. 41-9421; Filed, December 16, 1941; 10:14 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 266, COLORADO NO. 28

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public lands in Colorado are hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such lands, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved for the use of the general public as a stock driveway, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 8 N., R. 94 W.,
Sec. 19, lot 1, NE1/4NW1/4, and N1/2NE1/4;
T. 8 N., R. 95 W.,
Sec. 24, N1/2NE1/4 and NE1/4NW1/4;
aggregating 286.21 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 5, 1941.

[F. R. Doc. 41-9422; Filed, December 16, 1941; 10:14 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 11, MONTANA NO. 1, ENLARGED

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public lands in Montana are hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such lands, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to

Stock Driveway Withdrawal No. 11, Montana No. 1, subject to valid existing rights:

PRINCIPAL MERIDIAN

T. 12 S., R. 8 W.,
Sec. 22, E½SW¼ and SE¼,
Sec. 27, N½NE¼, SW¼NE¼, and W½,
Sec. 31, lots 3 and 4, E½SW¼, and SE¼,
Sec. 32, S½,
Sec. 33, S½,
Sec. 34, NW¼, N½SW¼, and SW¼SW¼;
aggregating 1,897.24 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 5, 1941.

[F. R. Doc. 41-9423; Filed, December 16, 1941; 10:14 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 127 REVOKED, NEW MEXICO

Departmental order of May 18, 1939, withdrawing the following-described land in New Mexico under the provisions of the act of May 24, 1928, for the use of the Civil Aeronautics Authority in the maintenance of air navigation facilities is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 3 S., R. 1 W.,
Sec. 25,
Lot 2, NW¼SE¼, excepting the right of way of U. S. Highway No. 85, and
Lots 3 and 4, N½SW¼
Sec. 26, Lots 1 and 2, N½SE¼

W. C. MENDENHALL,
Acting Assistant Secretary of the Interior.

DECEMBER 4, 1941.

[F. R. Doc. 41-9424; Filed, December 16, 1941; 10:14 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 641]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Colorado 2007E1 Mesa	$90,000
Florida 2024A2 Monroe	208,000
Georgia 2096A2 Pickens	12,500
Kentucky 2018D1 Meade	90,000
Kentucky 2020E1 McCracken	175,000
Kentucky 2033F1 Daviess	143,000
Maryland 2007E1 Caroline	59,000
Nebraska 2002B1 Gering District Public	26,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9454; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 642]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Alabama 2036B1 DeKalb	$132,000
Arkansas 2015C2 Woodruff	60,000
California 2016B4 Plumas	44,000
Colorado 2015C1 Morgan	228,000
Colorado 2033B1 Dolores	215,000
Georgia 2096B1 Pickens	153,000
South Carolina 2014E1 Aiken	96,000
Wisconsin 2049F1 Dunn	40,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9455; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 643]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Florida 2024G1 Monroe	$91,000
South Carolina 2037A3 Lexington	20,000
Washington 2036S1 Adams	170,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9456; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 644]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
California 2006C2 Modoc	$14,000
Kentucky 2057A2 Bell	40,000
Mississippi 2030C2 Jones	20,000
Missouri 2020B2 Marion	15,000
Pennsylvania 2015F2 Bradford	29,500
South Carolina 2021B2 Lancaster	50,000
South Carolina 2033A2 Cherokee	27,000
Texas 2041E3 Panola	10,000
Texas 2076D2 Blanco	65,000
Virginia 2011G5 Rockingham	15,000
Washington 2032B2 Okanogan	14,000
Wisconsin 2056G6 Crawford	48,000
Wyoming 2011G5 Lincoln	7,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9457; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 645]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	*Amount*
Alabama 2028B2 Chambers	$35,000
Maryland 2004E2 St. Mary	34,500
Missouri 2020C1 Marion	10,000
Virginia 2030D2 Bath	48,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9458; Filed, December 16, 1941; 11:26 a. m.]

[Administrative Order No. 646]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Georgia 2102GT1 Fulton	$3,750,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9459; Filed, December 16, 1941; 11:27 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-456]

IN THE MATTER OF THE GAS SERVICE COMPANY AND CITIES SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1941.

An application and declaration having been filed with the Commission pursuant to the Public Utility Holding Company Act of 1935 by The Gas Service Company and Cities Service Company; and

Such application and declaration concerning the following:

The Gas Service Company, a public utility subsidiary of Cities Service Company, a registered holding company, proposes to issue 2,500 shares of its common stock without par or stated value as a stock dividend to Cities Service Company, its sole stockholder, and to debit earned surplus account and credit common stock capital account with the sum of $750,000. Cities Service Company seeks approval of its receipt of said shares as a stock dividend.

The declaration or application recites that the company considers sections

6 (a), 7, 9 (a) and 10 of the Act as being applicable to such transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declaration and application, and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on December 26, 1941 at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declaration as filed shall become effective;

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of issues presented by said application and declaration as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers.

2. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

3. Whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

It is further ordered, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than five days prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before the 22d day of December, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9464; Filed, December 16, 1941; 11:46 a. m.]

[File No. 70-332]

IN THE MATTER OF ALABAMA POWER COMPANY, THE COMMONWEALTH & SOUTHERN CORPORATION, AND THE GENERAL CORPORATION

NOTICE, AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December 1941.

I

On June 12, 1941 applications and declarations were filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by the abovenamed parties. On June 14, 1941 the Commission published a Notice of Filing and Order for Hearing, summarizing the declarations and applications and ordering a hearing thereon (Holding Company Act Release No. 2828).

Hearings on the applications and declarations were commenced on July 1, 1941 and have continued from time to time thereafter. In the course of the hearings various matters, as more particularly specified in Release No. 2828, have been the subject of consideration. These include, among others,

(1) Whether and to what extent the property account of Alabama includes write-ups or other inflationary items;

(2) The adequacy of the provisions for maintenance and depreciation and of the depreciation reserve;

(3) Whether the securities proposed to be outstanding bear a reasonable relationship to the assets and earning power of Alabama; and

(4) Whether conditions should be imposed requiring the reduction of debt or an increase in the common stock equity.

II

On December 11, and 13, 1941, Alabama Power Company filed various amendments to its applications and declarations. In brief, the filings as presently amended involve, among other transactions, the refunding by Alabama of its outstanding debt of approximately $95,600,000 at a retirement cost of approximately $97,500,000 through,

(1) Issuance of $80,000,000 principal amount new bonds, a reduction of $3,878,000 from the amount originally proposed. The new bonds will bear interest not exceeding 3½% and will have a thirty year maturity; a premium on their sale is anticipated by the company;

(2) Issuance of $12,000,000 principal amount notes to banks, to bear interest at 2⅞%, repayable in sixteen equal semi-annual installments; an increase of $4,000,000 over the original proposal; and

(3) Use of approximately $4,500,000 of treasury funds, an increase of $2,200,000 over the earlier proposal.

Alabama also proposes to make certain adjustment in its accounts, including,

(1) Reduction of its stated common capital from $51,278,782 to $20,762,500, an amount of $30,516,282 compared with $18,755,903 as earlier proposed;

(2) Elimination of $23,148,901 from utility plant account as compared with a reduction of $16,465,952 shown in the original filing. Additionally, special surplus reserves aggregating $11,342,750 are provided for the possible further writing down of the utility plant account relating to the Mitchell, Martin and Jordan dam licensed projects; and

(3) The depreciation reserve will be increased by $2,217,000. Concurrently therewith an adjustment of $329,435 will be made, leaving a net addition to the reserve of $1,887,565.

The Commonwealth & Southern Corporation (Delaware), which owns all the common stock of Alabama, will surrender for cancellation its entire holdings of 11,302 shares of Alabama's preferred stock having a liquidation value of $1,130,200; the cost of these shares to Commonwealth, $717,482, will be treated as an additional investment by it in Alabama's common stock. The outstanding preferred stock will be restated at liquidation value, an increase of $553,824.

The indenture will contain a cash sinking fund which will retire 1% of the outstanding bonds annually beginning with the year following the retirement of the notes to banks (repayable in sixteen equal semi-annual installments).

III

As a part of the original filing Commonwealth proposed to transfer certain coal properties to Alabama as an additional investment in its common stock, and to dissolve The General Corporation, a wholly owned subsidiary, and acquire its assets. The transactions have been consummated. (Holding Company Act Release No. 2996, September 12, 1941.)

IV

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that the hearings be reconvened for the consideration, among other things, of the various matters herein and

in our Notice and Order of June 14, 1941, set forth (Holding Company Act Release No. 2828), relating to the applications and declarations and amendments thereto;

It is ordered, That the hearings be reconvened at 10:00 o'clock A. M. on December 19, 1941, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. At such time the hearing-room clerk in Room 1102 will advise as to the room in which the hearing will be held.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings on such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is directed that any person desiring to be heard, or to intervene pursuant to the provisions of Rule XVII of the Commission's Rules of Practice, make his intentions known at the opening of the hearing on December 19, 1941, or earlier notify the Commission in writing addressed: Secretary, Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9465; Filed, December 16, 1941; 11:46 a. m.]

[File No. 70-452]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, AND ATLANTIC SEABOARD CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1941.

The above-named parties having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof and Rules U-42 and U-43 promulgated thereunder regarding the sale by Columbia Gas & Electric Corporation to its wholly owned subsidiary, Atlantic Seaboard Corporation, of $750,000 principal amount of the latter company's 6% Income Demand Notes at their principal amount; and

Said declarations having been filed on December 2, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the above-named persons having requested that said declarations be permitted to become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective pursuant to sections 12 (c) and 12 (f) and Rules U-42 and U-43 promulgated thereunder, and being satisfied that the effective date of said declarations should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the above declarations be and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9466; Filed, December 16, 1941; 11:46 a. m.]

[File No. 7-466]

IN THE MATTER OF CHICAGO RIVET & MACHINE COMPANY COMMON STOCK, $4 PAR VALUE

SUPPLEMENTAL FINDINGS AND ORDER CONTINUING PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of December, A. D. 1941.

An application having been filed by Chicago Rivet & Machine Company for the termination of unlisted trading privileges, on the New York Curb Exchange, in the applicant's common stock; hearings having been held, at which said exchange appeared in opposition to the application; briefs having been filed and argument held before the Commission; and

The Commission having, on December 4, 1941, issued and filed its findings and opinion in this matter in which it concluded that the character of trading on said exchange in the subject security was such that, if the unit of trading therein were not reduced from 100 shares to 25 shares or less, termination of unlisted trading privileges therein would be appropriate in the public interest and for the protection of investors; but that it would be in the public interest to continue such privileges for a trial period of six months if said exchange, within ten days from the date of said findings and opinion, reduced the unit of trading as suggested and notified the Commission that such action had been taken; and

Said exchange having, under date of December 5, 1941, notified the Commission that the unit of trading in the subject security on said exchange has been reduced to 25 shares, effective at the opening of business on December 8, 1941, and the Commission finding that said exchange has fulfilled the conditions specified in the aforesaid findings and opinion; now, therefore,

The Commission deeming it appropriate in the public interest and for the protection of investors to take the action hereinafter specified, it is hereby

Ordered, That the proceeding on the application herein be and it hereby is continued until June 9, 1942, or as soon thereafter as appropriate arrangements for a hearing can be made, at which time the record herein shall be reopened for the hearing of further evidence and the New York Curb Exchange shall submit evidence bearing on the trading in the subject security on said exchange during the six months preceding said date, which evidence shall include the following:

1. Transcript of specialist's book pertaining to the subject security, including both round-lot and odd-lot orders, for the whole of such period;

2. Record of all transactions in the subject security, both round-lot and odd-lot, executed on said exchange during such period, designating separately such transactions as shall have been executed for the account of the specialist and such as shall have been knowingly executed for the account of any other member of said exchange; and

3. Record of the opening bid and asked quotations on said exchange pertaining to the subject security on each trading day during such period.

It is further ordered, That the New York Curb Exchange, the applicant and the Trading and Exchange Division of the Commission shall be given opportunity to present such additional relevant and material evidence at said hearing as they may desire.

The time and place of hearing and the trial examiner to be assigned thereto will be designated by further order of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9467; Filed December 16, 1941; 11:46 a. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER GRANTING APPLICATION NO. 6 RELATING TO TRANSACTIONS INCIDENTAL TO DISSOLUTION OF THE UNITED LIGHT AND POWER INDUSTRIALS, INC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1941.

The United Light and Power Company, The United Light and Railways Company (both of which are registered holding companies), and The United Light and Power Industrials, Inc., a subsidiary of The United Light and Railways Company, having jointly and severally filed herein Application No. 6, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 11 (b) (1), 11 (b) (2), 11 (e), 12 (c) and (f) thereof, and Rules U-42, U-43 and U-46 thereunder, regarding the following proposed transactions:

1. The transfer by Industrials to Railways and the acquisition from Industrials by Railways of all the assets of Industrials, to wit: all the 14,500 outstanding shares of common stock, without par value, stated value $50 per share, of Mason City Brick and Tile Company; the promissory note of Mason City Brick and Tile Company in the principal amount of $250,000, due January 1, 1940, and bearing interest at the rate of 5½% per annum; 8,000 shares (approximately 4%) of the common stock, without par value, of Northwestern States Portland Cement Company; and all other assets, if any, owned by Industrials at the time of the transfer of said stocks and note to Railways;

2. The surrender by Railways to Industrials and the acquisition by Industrials of all the outstanding capital stock of Industrials (10 shares without par value, stated value of $100 per share) and the cancellation by Railways of the open account indebtedness, in the amount of $1,383,281.42 plus accrued interest thereon amounting to $228,129.86, owed to it by Industrials;

3. Thereafter Industrials will be dissolved in accordance with the laws of the State of Delaware.

Said application having been filed on November 26, 1941 and notice of said filing having been duly given as required by the Act and applicable rules of the Commission, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that an order be entered granting said application on the fifteenth day after the filing thereof; and

The United Light and Power Industrials, Inc. having requested that it be made a party to these proceedings to the extent necessary to entitle it to join in this application and to secure authority of the Commission in these proceedings to consummate the aforedescribed transactions in which it has an interest; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to sections 12 (c) and (f) of the Act and Rules U-42, U-43 and U-46 thereunder, and the applicants having consented in writing to the reservation of jurisdiction hereinafter provided for; and The United Light and Railways Company, one of the applicants herein having consented in writing to the entry of an order requiring it to dispose of all its interests in Mason City Brick and Tile Company and Northwestern States Portland Cement Company, within one year from the date of this order; and

The Commission finding with respect to said application under section 10 of said Act, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act; and

The Commission finding that the transactions described in paragraphs numbered 1 to 3 inclusive herein are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820, (U.S.C., Sup. V, Title 15, 879k (b)) and to comply with the applicable provisions of our order of March 20, 1941 (Holding Company Act Release No. 2636)

It is hereby ordered, Pursuant to the applicable provisions of said Act and the applicable rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same is hereby granted.

It is further ordered, That The United Light and Railways Company shall dispose of all its interests in Mason City Brick and Tile Company and Northwestern States Portland Cement Company within one year from the date of the entry of this order.

Our approval of the application is, however, expressly subject to a reservation of jurisdiction by this Commission with respect to the final accounting entries to be placed upon the books of The United Light and Railways Company to record the receipt of the securities of Mason City Brick and Tile Company and Northwestern States Portland Cement Company and the amount at which such securities shall be recorded on the books of The United Light and Railways Company.

It is further ordered, That The United Light and Power Industrials, Inc. be made a party to this proceeding for the purpose necessary to effectuate the aforedescribed transactions in which it has an interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9468; Filed, December 16, 1941; 11:47 a. m.]

DEC 1 9 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 245

Washington, Thursday, December 18, 1941

The President

EXECUTIVE ORDER

ESTABLISHING NEW YORK HARBOR, NEW LONDON, DELAWARE BAY AND RIVER, CHESAPEAKE-NORFOLK, AND CHARLESTON HARBOR DEFENSIVE SEA AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

By virtue of the authority vested in me by section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), the following-described areas are hereby established, for purposes of national defense, as naval defensive sea areas, and the following regulations are prescribed for the control thereof:

New York Harbor Defensive Sea Area

All United States territorial waters of New York Harbor and its approaches and tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. & G.S. Charts, to:

A line from Rockaway Point Coast Guard Station, Rockaway Point, New York, to Ambrose Channel Lightship, thence to Navesink Lighthouse, Highlands, New Jersey.

A line across the Raritan River at and following the Central Railroad of New Jersey Bridge from South Amboy to Perth Amboy, New Jersey.

The contour line of extreme high water following the western shore of Arthur Kill and Newark Bay.

A line across the Passaic River at and following the Erie Railroad Bridge, Arlington, New Jersey.

A line across the Hackensack River at and following the Delaware, Lackawanna and Western Railroad Bridge near Anderson Creek, New Jersey.

A line across the Hudson River at and following the Bear Mountain Bridge.

A line across Long Island Sound from Sands Point Lighthouse, Long Island, to Execution Rocks Lighthouse, thence to Larchmont Harbor Light, Larchmont, New York.

New London Defensive Sea Area

All United States territorial waters of Long Island Sound, Block Island Sound, Thames River, Gardiners Bay, and their tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. & G.S. Charts, to:

A line from Montauk Point Lighthouse, Long Island to Block Island Southeast Lighthouse, thence to Point Judith Lighthouse, Rhode Island.

A line across the Thames River from shore to shore at and following the parallel of Latitude 41°26' North.

A line running from Black Point (Niantic Bay), Connecticut, to Orient Point, Long Island, thence to Long Beach Bar Lighthouse and thence to Cedar Point, Long Island.

Delaware Bay and River Defensive Sea Area

All United States territorial waters of Delaware Bay and its seaward approaches, Delaware River, and Schuylkill River, from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. & G.S. Charts, to:

A line running from Cape May East Jetty Light, Cape May, New Jersey, on bearing 147° true to the seaward limit of U.S. territorial waters, thence along the seaward boundary of territorial waters southwesterly to the parallel of Latitude 38°43'18" North, and thence west along this parallel of Latitude to the Tower, at Rehoboth, Delaware, in approximate position, Latitude 38°43'18", Longitude 75°04'38" West.

A line across the Delaware River above Philadelphia, Pennsylvania, at and following the Pennsylvania Railroad Bridge at Fisher Point, New Jersey.

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THE PRESIDENT

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A line across the Schuylkill River at and following Fairmount Dam.

Chesapeake Bay-Norfolk Defensive Sea Area

All United States territorial waters of Chesapeake Bay and its approaches; Hampton Roads, Elizabeth River, James River, York River, and their tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. & G.S. Charts, to:

A line running from the southernmost point of Cape Charles, Virginia, to Cape Charles Lighthouse on Smith Island, thence on a bearing 130° true to the seaward limit of U. S. territorial waters, thence southwesterly along the limit of territorial waters to the parallel of Latitude 36°51'15" and thence west meeting the shore at the U. S. Coast Guard Station, Virginia Beach, Va.

A line across the Southern Branch, Elizabeth River, from shore to shore along the parallel of Latitude 36°46' North.

A line across the James River at and following the James River Bridge, near Newport News, Virginia.

A line across the York River, from shore to shore along the parallel of Latitude 37°20' North.

A line running from New Point Comfort (Mobjack Bay), Virginia, along the parallel of Latitude 37°18' North to the eastern shore of Chesapeake Bay at Westcott Point.

Charleston Harbor Defensive Sea Area

All United States territorial waters of Charleston Harbor and its seaward approaches; Cooper River, Ashley River, Wando River, and their tributaries from the contour line of extreme high water on the shores of these waters as shown on the latest U.S.C. & G.S. Charts, to:

A line running from the Standpipe on Isle of Palms, South Carolina, on a bearing 180° to the seaward limit of U.S. territorial waters, thence along the seaward limit of territorial waters to the Latitude of Charleston Lighthouse (32°41'42" North), thence west along that parallel of Latitude to Charleston Lighthouse, thence on a line bearing 308° true to the tank in Edgewater Park in Latitude 32°46'06" North, Longitude 80°00'03" West.

A line across the Ashley River, from shore to shore at and following the meridian of 80° West Longitude.

A line across the Cooper River, from shore to shore at and following the parallel of Latitude 32°55' North.

A line across the Wando River, from shore to shore at and following the meridian of Longitude 79°52'43" West to a point at Latitude 32°51'48", thence along bearing 136° true to the Standpipe on Isle of Palms.

The following orders and regulations for the government of persons and vessels within the limits of Defensive Sea Areas, which orders and regulations are necessary for purposes of National Defense, are hereby authorized and promulgated.

Regulations for Defensive Sea Areas

I. A vessel not proceeding under U. S. Naval or other U. S. authorized supervision, shall not enter or navigate the waters of a Defensive Sea Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within a Defensive Sea Area must be made; preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 Kcs, and permission to enter the port requested. The name of the vessel, purpose of entry and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

II. A vessel entering or navigating the waters of a Defensive Sea Area does so at its own risk.

III. Even though permission has been obtained, it is incumbent upon a vessel, entering a Defensive Sea Area, to obey any further instructions received from the U. S. Navy, or other U. S. authority.

IV. A vessel may expect supervision of its movements within a Defensive Sea Area, either through surface craft or aircraft. Such controlling surface craft and aircraft will be identified by a prominent display of the Union Jack. The loading or unloading by vessels of oil fuel or other inflammable or explosive materials shall be under the control of the local Naval authority, who shall require such loading or unloading to be accomplished in such manner and at such times as will safeguard the other activities within a Defensive Sea Area essential to the national defense.

V. These regulations are subject to amplification by the local U. S. Naval authority as necessary to meet local circumstances and conditions.

VI. When a U. S. Maritime Control Area is established adjacent to or abutting upon any of the above established Defensive Sea Areas, it shall be assumed that permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas. Permission to enter or transit the Panama Canal shall, however, continue to be a separate procedure.

VII. Any master of a vessel or other person within a Defensive Sea Area who shall disregard these regulations, or shall fail to obey an order of U. S. Naval authority to stop or heave to, or shall perform any act threatening the efficiency of mine or other defenses or the safety of navigation, or shall take any action inimical to the interests of the United States in its prosecution of the war, may be detained therein by force of arms and renders himself liable to attack by United States armed forces, and liable to prosecution as provided for in Section 44, of the Criminal Code as amended (U.S.C., title 18, Section 96).

VIII. All U. S. Government authorities shall place at the disposal of the Naval authorities their facilities for aiding in the enforcement of these regulations. The Governors of the States concerned, the local municipal officials, and the local Civil Defense agencies are called upon to render the local Naval authorities all possible assistance in the enforcement of these regulations.

IX. The Secretary of the Navy will be charged with the publication and enforcement of these regulations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 16, 1941.

[No. 8978]

[F. R. Doc. 41-9500; Filed, December 17, 1941; 11:55 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE KENAI NATIONAL MOOSE RANGE

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered that, for the purpose of protecting the natural breeding and feeding range of the giant Kenai moose on the Kenai Peninsula, Alaska, which in this area presents a unique wildlife feature and an unusual opportunity for the study in its natural environment of the practical management of a big game species that has considerable local economic value, all of the hereinafter-described areas of land and water of the United States lying on the northwest portion of the said Kenai Peninsula, be, and they are hereby, subject to valid existing rights, withdrawn and reserved for the use of the Department of the Interior and the Alaska Game Commission as a refuge and breeding ground for moose for carrying out the purposes of the Alaska Game Law of January 13, 1925, 43 Stat. 739, U.S.C., title 48, secs. 192–211, as amended:

SEWARD MERIDIAN

Beginning at the point of intersection of the west boundary of the Chugach National Forest with the line of mean high tide on the south shore of Chickaloon Bay, in Turnagain Arm of Cook Inlet, in latitude 60°53' N., and longitude 150° W.;

Thence from said initial point,

Northwesterly with the meanders of the line of mean high tide, on the south shore of Chickaloon Bay to Point Possession;

Thence southwesterly with the meanders of the line of mean high tide on the east shore of Cook Inlet to the Kasilof River;

Thence southeasterly, upstream along the right bank of the Kasilof River to the meander corner on the south boundary of sec. 33, T. 3 N., R. 11 W., Seward meridian;

Thence west, 4.09 chains, to meander corner on south boundary of sec. 32, T. 3 N., R. 11 W.;

Thence southwesterly, along the crest of the watershed, to the divide between the waters flowing into Tustumena Lake and the waters flowing into Cook Inlet and Kachemak Bay;

Thence southeasterly, along said divide to the confluence of the Fox River and the principal stream flowing from Dinglestadt Glacier;

Thence southeasterly, up said stream and across Dinglestadt Glacier to the crest of Kenai Mountains;

Thence northeasterly, along the crest of Kenai Mountains to the west boundary of Chugach National Forest at a point three miles southeasterly from the head of Upper Russian Lake;

Thence northerly, along the west boundary of Chugach National Forest to the place of beginning.

The area described, including both public and non-public lands, aggregates 2,000,000 acres.

None of the above-described lands excepting Tps. 5 N., Rs. 8, 9, 10, and 11 W., and also excepting a strip six miles in width along the shore of Cook Inlet, extending from a point six miles east of Boulder Point to the point on Kasilof River intersected by said six-mile strip, shall be subject to settlement, location, sale, or entry, or other disposition (except for fish trap sites) under any of the public-land laws applicable to Alaska, or to classification and lease under the provisions of the act of July 3, 1926, entitled "An Act to provide for the leasing of public lands in Alaska for fur farming, and for other purposes", 44 Stat. 821, U.S.C., title 48, secs. 360–361, or the act of March 4, 1927, entitled "An Act to provide for the protection, development, and utilization of the public lands in Alaska by establishing an adequate system for grazing livestock thereon", 44 Stat. 1452, U.S.C., title 48, secs. 471–471o: *Provided, however*, That as to the foregoing excepted lands, primary jurisdiction thereover shall remain in the General Land Office of the Department of the Interior and their reservation and use as a part of the national moose range shall be without interference with the use and disposition thereof pursuant to the public-land laws applicable to Alaska: *Provided further*, That the lands in the said excepted areas shall be classified by the General Land Office, Department of the Interior, and those lands classified as not suitable for settlement shall no longer be available for that purpose: *Provided further*, That the reservation for the national moose range shall not operate to prevent the construction and operation of a highway to connect the area open to settlement with the Seward-Sunrise road by the most practicable route: *Provided further*, That any lands within the described area that are otherwise withdrawn or reserved shall be affected by this order only so far as may be consistent with the uses and purposes for which such prior withdrawal or reservation was made.

The provisions of this order shall not prohibit the hunting or taking of moose and other game animals and game birds or the trapping of fur animals in accordance with the provisions of the said Alaska Game Law, as amended, and as may be permitted by regulations of the Secretary of the Interior prescribed and issued pursuant thereto.

This reservation shall be known as the Kenai National Moose Range.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 16, 1941.

[No. 8979]

[F. R. Doc. 41-9501; Filed, December 17, 1941; 11:55 a. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER OF JANUARY 17, 1873, TO PERMIT PERSONS HOLDING STATE, TERRITORIAL, AND MUNICIPAL OFFICES TO BE APPOINTED AS MEMBERS OF ALIEN ENEMY HEARING BOARDS

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States, and as President of the United States, the Executive Order of January 17, 1873, as amended, prohibiting, with certain exceptions, Federal officers and employees from holding State, Territorial, and municipal offices, is hereby further amended so as to permit any person holding a State, Territorial, or municipal office to accept appointment and serve as a member of an Alien Enemy Hearing Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 16, 1941.

[No. 8980]

[F. R. Doc. 41-9499; Filed, December 17, 1941; 11:55 a. m.]

Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

CHAPTER I—CIVIL SERVICE COMMISSION

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

The following paragraph is to be added to § 17.2 of the regulations issued on August 6, 1941, effective as of August 15, 1941; 6 F.R. 4091:

§ 17.2 *Procedure prior to the establishment of registers.*

• • • • •

(f) (1) Examinations shall be directed to determining whether the candidate possesses the competence requisite for the professional grade generally rather than for any particular position within the grade.

(2) Notwithstanding the foregoing provision, a person employed in a position other than an attorney position may be approved for an attorney position in the same agency in a grade not higher than P–3, *Provided:* (i) That he meets the minimum requirements prescribed in § 17.2 (c); (ii) that his assignment will be limited to work which calls primarily for knowledge of the particular agency; (iii) that his experience in the agency specially qualifies him for the type of work for which he is proposed; and (iv) that the examining committee is satisfied of his ability to perform competently the type of work to which he will be assigned. Persons thus approved for particular positions shall be eligible to acquire qualified civil-service status as attorneys. Persons who acquire or who are approved for qualified civil-service status as attorneys may not be reassigned to a different type of legal work or transferred to an attorney position in another agency without first passing such competitive or noncompetitive tests as the Board may prescribe. Promotion to any grade above P–3 shall *per se* be deemed a reassignment for the purpose of this paragraph. (E.O. 8743, April 23, 1941, 6 F.R. 2117; 54 Stat. 1211)

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

DECEMBER 6, 1941.

[F. R. Doc. 41–9473; Filed, December 17, 1941; 11:10 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP–1942–4]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

1942 Agricultural Conservation Program Bulletin Supplement No. 4[1]

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C., 590g to 590q), as amended, the 1942 Agricultural Conservation Program Bulletin[2] is amended to show the national and State cotton acreage allotments (calculated pursuant to section 344 (c) (1) and including the additional acreage allotted to counties pursuant to section 344 (e) of the Agricultural Adjustment Act of 1938, as amended, but excluding the 4 percent State reserve and the reserve for new growers) established for the purposes of said program.

Section 701.301 (b) (1) is amended to read:

§ 701.301 *Allotments, yields, grazing capacities, payments and deductions.*

* * * * *

(b) *Cotton*—(1) *National and State acreage allotments.* The national and State cotton allotments are as follows:

State	Acres
Alabama	2,129,407
Arizona	189,725
Arkansas	2,153,432
California	391,665
Florida	75,497
Georgia	2,104,700
Illinois	4,950
Kansas	730
Kentucky	17,845
Louisiana	1,186,931
Mississippi	2,552,800
Missouri	378,996
New Mexico	110,050
North Carolina	877,039
Oklahoma	1,992,453
South Carolina	1,269,346
Tennessee	728,393
Texas	9,336,310
Virginia	50,279
Total	25,550,557

(Secs. 7 to 17, 49 Stat. 1148, 1915, 50 Stat. 329, 52 Stat. 31, 204, 205, 53 Stat. 550, 573; 16 U.S.C., Sup. 590g–590q; 54 Stat. 216, 727, 55 Stat. 257)

Done at Washington, D. C., this 16th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–9489; Filed, December 17, 1941; 11:20 a. m.]

[ACP–1941–Insular–3]

PART 702—1941 AGRICULTURAL CONSERVATION PROGRAM—INSULAR REGION

SUPPLEMENT NO. 3

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, § 702.201 (d) (8) of the 1941 Agricultural Conservation Program Bulletin—Insular Region[1] is hereby amended to read as follows:

§ 702.201 *Soil building practices.*

* * * * *

(d) *Schedule of soil-building practices for Hawaii.*

* * * * *

(8) Furrowing range land along lines deviating not more than 3 percent from contour lines, with furrows not less than 8 inches in width and 4 inches in depth.—$0.02½ per 100 linear feet.

Done at Washington, D C., this 16th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 41–9486; Filed, December 17, 1941; 11:20 a. m.]

[41–Tob–59]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART E—1942

Supplement 1 to Marketing Quota Regulations—Fire-cured Tobacco—1941–42 Marketing Year

Marketing Quota Regulations, Fire-cured Tobacco—1941–42 Marketing Year,[1] are hereby amended as follows:

Section 726.321 is amended by adding at the end thereof the following:

§ 726.321 *Amount of farm marketing quota.*

* * * * *

The marketing quota for any farm having tobacco carried over from a crop produced prior to the calendar year 1941, shall be whichever of the following is applicable:

(a) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is not greater than the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941 plus the amount of the carry-over tobacco.

(b) If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is less than the acreage allotment for 1941 by as much as the number of acres obtained by dividing into the carry-over excess tobacco the normal yield for the farm, the farm marketing quota shall be the actual production on the farm in 1941 plus the entire amount of the carry-over tobacco.

(c) If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 does not exceed the 1941 acreage allotment but is not less than such acreage allotment by as much as the number of acres obtained by dividing into the total pounds of carry-over excess tobacco the normal yield for the farm, the farm marketing quota shall be the actual production of tobacco on the farm in 1941 plus an amount of tobacco equal to the 1941 normal yield for the farm times the number of acres by which the 1941 farm acreage allotment exceeds the acreage of tobacco harvested in 1941.

(d) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is less than the acreage allotment for 1941 by as much as the number of acres determined under (a) shall be added to the 1941 harvested acreage; (c) the number of acres determined under (a) shall be added to the 1941 acreage allotment; (d) there shall be subtracted from the acreage determined under (b) the acreage determined under (c) above; (e) the result obtained under (d) shall be divided by the acreage determined under (b).

(e) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year but the acreage of tobacco harvested on the farm in 1941 is in excess of the acreage allotment for such year the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941, plus the entire amount of carry-over tobacco.

Excess tobacco in the case of farms having tobacco carried over from the calendar year prior to 1941 shall be all tobacco available for marketing from the farm in excess of the farm marketing quota determined as provided under paragraphs (c), (d) or (e) above.

Section 726.322 is amended by adding the following paragraph (e):

§ 726.322 *Issuance of marketing card.*

* * * * *

(e) *Issuance of marketing cards for farms having carry-over tobacco.* (1) For any farm on which the marketing quota is that amount determined pursuant to paragraph 1 or 2 of § 726.321 above, there shall be issued a within quota marketing card, unless the farm is operated by a person who also operates another farm on which there is tobacco available for marketing in excess of the farm marketing quota, in which event there shall be issued an excess marketing card.

(2) For any farm on which the farm marketing quota is that amount determined pursuant to paragraph (c), (d), or (e) of § 726.321, above, there shall be issued an excess marketing card.

The percent excess for any farm for which paragraph (c) and (d) of § 726.321 are applicable shall be computed as follows: (a) A number of acres shall be determined by dividing into the carry-over excess tobacco the 1941 normal yield per acre for the farm; (b) the number of acres determined under (a) shall be added to the 1941 harvested acreage; (c) there shall be subtracted from the acreage determined under (b) the 1941 acreage allotment; and (d) the result obtained under (c) shall be divided by the acreage determined under (b).

The percent excess for any farm for which § 726.321 (e) is applicable shall be computed as follows: (a) A number of acres shall be determined by dividing into the carry-over tobacco the 1941 normal yield per acre for the farm; (b) the number of acres determined under (a) shall be added to the 1941 harvested acreage; (c) the number of acres determined under (a) shall be added to the 1941 acreage allotment; (d) there shall be subtracted from the acreage determined under (b) the acreage determined under (c) above; (e) the result obtained under (d) shall be divided by the acreage determined under (b).

Section 726.326 is amended by adding at the end thereof the following:

§ 726.326 *Rights of producers in marketing card.* * * * The rights of producers in the marketing card for a farm having tobacco carried over from a crop produced prior to 1941 shall be determined in accordance with the provisions of this section, except that the burden of any penalty with respect to any such carry-over tobacco shall be borne by those persons having an interest in such tobacco.

By virtue of the authority vested in the Secretary of Agriculture under Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938) as amended, he does make, prescribe, and publish the foregoing amendments to the Marketing Quota Regulations—Fire-cured Tobacco—1941–42 Marketing Year, designated 41–Tob–59, issued by the Secretary on October 27, 1941, which regulations as so amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 16th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–9491; Filed, December 17, 1941; 11:22 a. m.]

[41–Tob–60, Supplement 1]

PART 726—FIRE-CURED AND DARK AIR-CURED TOBACCO

SUBPART E—1942

Supplement 1 to Marketing Quota Regulations—Dark Air-cured Tobacco—1941–42 Marketing Year

Marketing Quota Regulations, Dark Air-cured Tobacco—1941–42 Marketing Year,[1] are hereby amended as follows:

Section 726.371 is amended by adding at the end thereof the following:

§ 726.371 *Amount of farm marketing quota.*

* * * * *

The marketing quota for any farm having tobacco carried over from a crop produced prior to the calendar year 1941, shall be whichever of the following is applicable:

(a) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is not greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941 plus the amount of the carry-over tobacco.

(b) If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is less than the acreage allotment for 1941 by as much as the number of acres obtained by dividing into the carry-over excess tobacco the normal yield for the farm, the farm marketing quota shall be the actual production of tobacco on the farm in 1941 plus the entire amount of the carry-over tobacco.

(c) If the acreage of tobacco harvested on the farm in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 does not exceed the 1941 acreage allotment but is not less than such acreage allotment by as much as the number of acres obtained by dividing into the total pounds of carry-over excess tobacco the normal yield for the farm, the farm marketing quota shall be the actual production of tobacco on the farm in 1941 plus an amount of tobacco equal to the 1941 normal yield for the farm times the number of acres by which the 1941 farm acreage allotment exceeds the acreage of tobacco harvested in 1941.

(d) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is greater than the acreage allotment for such year and the acreage of tobacco harvested on the farm in 1941 is greater than the acreage allotment for such year, the marketing quota shall be the actual production of tobacco on the farm acreage allotment for 1941 plus the amount of the within quota carry-over tobacco.

(e) If the harvested acreage of tobacco in the year in which the carry-over tobacco was produced is not greater than the acreage allotment for such year but the acreage of tobacco harvested on the farm in 1941 is in excess of the acreage allotment for such year the marketing quota shall be the actual production

[1] Tables giving acreage allotments by States and counties were filed as part of the original document.
[2] 6 F.R. 4111.

[1] 6 F.R. 1443.

[1] 6 F.R. 5409.

[1] 6 F.R. 5414.

of tobacco on the farm acreage allotment for 1941, plus the entire amount of carry-over tobacco.

Excess tobacco in the case of farms having tobacco carried over from the calendar year prior to 1941 shall be all tobacco available for marketing from the farm in excess of the farm marketing quota determined as provided under paragraphs (c), (d) or (e) above.

Section 726.372 is amended by adding the following paragraph (e):

§ 726.372 *Issuance of marketing card.*

* * * * *

(e) *Issuance of marketing cards for farms having carry-over tobacco.* (1) For any farm on which the marketing quota is that amount determined pursuant to paragraph 1 or 2 of Section 726.371 above, there shall be issued a within quota marketing card, unless the farm is operated by a person who also operates another farm on which there is tobacco available for marketing in excess of the farm marketing quota, in which event there shall be issued an excess marketing card.

(2) For any farm on which the farm marketing quota is that amount determined pursuant to paragraph 3, 4, or 5 of Section 726.371 above, there shall be issued an excess marketing card.

The percent excess for any farm for which paragraphs (c) and (d) of § 726.371 are applicable shall be computed as follows: (a) A number of acres shall be determined by dividing into the carry-over excess tobacco the 1941 normal yield per acre for the farm; (b) the number of acres determined under (a) shall be added to the 1941 harvested acreage; (c) there shall be subtracted from the acreage determined under (b) the 1941 acreage allotment; and (d) the result obtained under (c) shall be divided by the acreage determined under (b).

The percent excess for any farm for which paragraph (e) of § 726.371 is applicable shall be computed as follows: (a) A number of acres shall be determined by dividing into the carry-over tobacco the 1941 normal yield per acre for the farm; (b) the number of acres determined under (a) shall be added to the 1941 harvested acreage; (c) the number of acres determined under (a) shall be added to the 1941 acreage allotment; (d) there shall be subtracted from the acreage determined under (b) the acreage determined under (c) above; (e) the result obtained under (d) shall be divided by the acreage determined under (b).

Section 726.376 is amended by adding at the end thereof the following:

§ 726.376 *Rights of producers in marketing card.*

* * * * *

The rights of producers in the marketing card for a farm having tobacco carried over from a crop produced prior to 1941 shall be determined in accordance with the provisions of this section, except that the burden of any penalty with respect to any such carry-over tobacco shall be borne by those persons having an interest in such tobacco.

By virtue of the authority vested in the Secretary of Agriculture under Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does make, prescribe, and publish the foregoing amendments to the Marketing Quota Regulations—Dark Air-cured Tobacco—1941–42 Marketing Year, designated 41–Tob–60, issued by the Secretary on October 27, 1941, which regulations, as so amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 16th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–9492; Filed, December 17, 1941; 11:22 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 60—AIR TRAFFIC RULES

Correction

The date "January 6, 1942" in the next to the last sentence of § 60.3305 in F.R. Doc. 41–9461 (6 F.R. 6452, Dec. 17, 1941) is corrected to read "January 8, 1942."

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4580]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF NOMIS CORPORATION, ET AL.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size.* In connection with offer, etc., in commerce, of prefabricated or ready-cut houses or other products, and among other things, as in order set forth, (1) representing that respondents are the manufacturers of prefabricated houses or other commodities which are not in fact manufactured in a plant owned and operated or directly and absolutely controlled by them; and (2) representing that the size, scope, or volume of respondents' business is greater than is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Nomis Corporation, et al., Docket 4580, December 9, 1941]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.6 (w) *Advertising falsely or misleadingly—Refunds, repairs and replacements:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of prefabricated or ready-cut houses or other products, and among other things, as in order set forth, (1) representing that respondents will refund to any prospective purchaser or distributor, or prospective purchasers or distributors, the expenses of such prospects in visiting the offices of respondents, when such is not the fact; (2) representing that the earnings or profits of distributors or other sales representatives of respondents from the sale or resale of respondents' products are, or have been, greater than the average earnings or profits of such persons in the ordinary course of business under normal conditions and circumstances, or that such earnings or profits of any one distributor or sales representative for any given period of time are, or have been, greater than the amount consistently earned or received by such person in the ordinary course of business under normal conditions and circumstances; and (3) representing that the sum of $500, or any other sum of money, is required as capital to finance a distributorship, or other sales or distribution agreement with respondents, without disclosing the portion of such sum required by respondents as payment for or toward the purchase of respondent's products in connection with such agreement; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Nomis Corporation, et al., Docket 4580, December 9, 1941]

§ 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Standards, specifications or source:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product.* In connection with offer, etc., in commerce, of prefabricated or ready-cut houses or other products, and among other things, as in order set forth, (1) representing that houses offered for sale or sold by respondents which do not contain all the essential features usually found in houses of the same type and character are complete; and (2) representing that houses offered for sale or sold by respondents meet the specifications required by lending agencies operated under the Federal Housing Administration Act, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Nomis Corporation, et al., Docket 4580, December 9, 1941]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Identity:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation.* In connection with offer, etc., in commerce, of prefabricated or ready-cut houses or other products, and among other things, as in order set forth, (1) representing that prospective purchasers or so-called distributors are given any test to determine their qualifications for a distributorship, or that any particular qualifications are required other than possession of a sum of money sufficient to make a down payment upon the purchase of respondents' houses, when such is not the fact; and (2) using or employing a sales plan or method of selling their products, or territorial or franchise rights for the distribution of same, which includes representations by advertising agencies or other instrumentalities which are apparently independent of respondents but which are in fact owned or controlled by respondents, without disclosing the true connection of such advertising agency or other instrumentality with respondents; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Nomis Corporation, et al., Docket 4580, December 9, 1941]

In the Matter of Nomis Corporation, a Corporation, Trading Under Its Corporate Name and Also as Lingle Advertising Agency; Simon Levy, an Individual; Stoker Corporation of America, Trading Under Its Corporate Name and Also as Aprocs Advertising Agency; and Charles B. Levy, an Individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents Nomis Corporation, a corporation, trading under its own or any other name; Stoker Corporation of America, a corporation, trading under its own or any other name; Simon Levy, an individual; Charles B. Levy, an individual; and their respective officers and/or representatives, agents, and employees; either jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of prefabricated or ready-cut houses or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or by implication:

(1) Representing that respondents are the manufacturers of prefabricated houses or other commodities which are not in fact manufactured in a plant owned and operated or directly and absolutely controlled by them;

(2) Representing that the size, scope, or volume of respondents' business is greater than is the fact;

(3) Representing that respondents will refund to any prospective purchaser or distributor, or prospective purchasers or distributors, the expenses of such prospects in visiting the offices of respondents, when such is not the fact;

(4) Representing that the earnings or profits of distributors or other sales representatives of respondents from the sale or resale of respondents' products are, or have been, greater than the average earnings or profits of such persons in the ordinary course of business under normal conditions and circumstances, or that such earnings or profits of any one distributor or sales representative for any given period of time are, or have been, greater than the amount consistently earned or received by such person in the ordinary course of business under normal conditions and circumstances;

(5) Representing that the sum of $500, or any other sum of money, is required as capital to finance a distributorship, or other sales or distribution agreement with respondents, without disclosing the portion of such sum required by respondents as payment for or toward the purchase of respondents' products in connection with such agreement;

(6) Representing that houses offered for sale or sold by respondents which do not contain all the essential features usually found in houses of the same type and character are complete;

(7) Representing that houses offered for sale or sold by respondents meet the specifications required by lending agencies operated under the Federal Housing Administration Act, when such is not the fact;

(8) Representing that prospective purchasers or so-called distributors are given any test to determine their qualifications for a distributorship, or that any particular qualifications are required other than possession of a sum of money sufficient to make a down payment upon the purchase of respondents' houses, when such is not the fact;

(9) Using or employing a sales plan or method of selling their products, or territorial or franchise rights for the distribution of same, which includes representations by advertising agencies or other instrumentalities which are apparently independent of respondents but which are in fact owned or controlled by respondents, without disclosing the true connection of such advertising agency or other instrumentality with respondents.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41–9488; Filed, December 17, 1941; 11:37 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A–132, A–158, A–171, A–178, A–205, A–223, A–230, A–242, A–246, A–260, A–266, A–283, A–287, and A–362]

PARTS 321, 322, 324, 326, 328, 333, AND 339—MINIMUM PRICE SCHEDULE, DISTRICT NOS. 1, 2, 4, 6, 8, 13, AND 19

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER; AND GRANTING, IN PART, PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARDS NOS. 1, 2, 4, 6, 8, 13, AND 19, RESPECTIVELY, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

These proceedings having been instituted upon original petitions of District Boards 1, 2, 4, 6, 8, 13 and 19, respectively, filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, proposing and seeking the establishment of price classifications and minimum prices for the coals of certain mines in the respective districts which had not theretofore been classified and priced;

By appropriate Order, the Director having granted temporary relief in these matters;

Pursuant to Orders and Notices of Hearing issued by the Director and after due notice to all interested persons, hearings having been held in these matters before Charles O. Fowler, a duly designated Examiner of the Division;

The Examiner having submitted his Report, Proposed Findings of Fact and Conclusions of Law in these matters, dated September 4, 1941, an opportunity having been afforded to all parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The Director has determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in these matters should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in these matters be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That the Schedules of Effective Minimum Prices for Districts Nos. 1, 2, 4, 6, 8, and 13 for All Shipments Except Truck and the Schedules of Effective Minimum Prices for Districts Nos. 1, 2, 4, 6, 8, and 13 for Truck Shipments and the Schedule of Effective Minimum Prices for District No. 19 for All Shipments be, and they hereby are amended as follows: § 339.4 (*Code member price index*) is amended by adding thereto Supplement R–I, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–II, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–III, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–IV, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–V, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto R–VI, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–VII, § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–VIII, § 326.6 (*Numerical list of mines*) is amended by adding thereto Supplement R–IX, § 326.7 (*General prices*), § 326.8 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*), § 326.8 (*Special prices*—(b) *Prices for all-rail shipment of lake cargo railroad fuel to dumping piers*), § 326.8 (*Special prices*—(c) *Prices for all-rail shipment of lake cargo coal* [*exclusive of railroad fuel*] to dumping piers) and § 326.8 (*Special prices*—(d) *Prices for all-rail shipment of vessel fuel*) are amended by adding thereto Supplement R–X, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–XI, § 333.6 (*General prices*) is amended by adding thereto Supplements R–XII and R–XIII, § 339.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, § 321.24 (*General prices*) is amended by adding thereto Supplement T–II, § 322.23 (*General prices*) is amended by adding thereto Supplement T–III, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–IV, § 326.23 (*General prices; for shipment into (all market areas)* is amended by adding thereto Supplement T–V, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplements T–VI and T–VII, § 333.34 (*General prices in cents per net ton for shipments into all market areas*) is amended by adding thereto Supplement T–VIII, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–IX, which supplements are hereinafter set forth and hereby made a part hereof.[1]

It is further ordered, That in all other respects the relief prayed for herein be and the same hereby is denied.

Dated: November 6, 1941.

[SEAL] H. A. GRAY,
Director.

[1] These supplements list the present code members and not necessarily those of the date of the Orders granting temporary relief. Corrections have also been made in the spelling of certain code member names and of incorrect mine index numbers.

The following mines listed in the Temporary Supplements have been deleted because final relief has been granted in other dockets. In Docket Nos. A–132, A–223, and A–266: Mine Index No. 2763 (A–451), Mine Index No. 2816 (A–558), Mine Index No. 2619 (A–451), Mine Index No. 2611 (A–558), Mine Index No. 2543 (A–356), Mine Index No. 2547 (A–356), Mine Index No. 2545 (A–356), and, in Size Groups 4 and 5, Mine Index No. 1950 (A–774).

In Docket No. A–287: Mine Index No. 1753 (A–552), Mine Index No. 1317 (A–552) and Mine Index No. 1886 (General Docket No. 15–A).

In Docket Nos. A–260 and A–362: Mine Index No. 2463 and Mine Index No. 840 (A–936), Mine Index Nos. 2472 and 188 have been deleted because the mines are no longer in operation. Mine Index No. 2414 has been deleted because the operator thereof did not properly execute the code acceptance.

In Docket Nos. A–158, A–178, A–246, and A–283: Mine Index No. 2486 and Mine Index No. 2782 (A–81).

EFFECTIVE MINIMUM PRICES FOR DISTRICTS NOS. 1, 4, 6, 8, 13 AND 19

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Parts 321, 324, 326, 328, 333 and 339, Minimum Price Schedules for Districts Nos. 1, 4, 6, 8, 13 and 19 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 339.4 *Code member price index*—Supplement R–I. The following price classifications and minimum prices shall be inserted in alphabetical order in Price Schedule No. 1 for District No. 19:

Producer	Mine	Mine index No.	County	Sub-dist. price group	Prices	
					Rail	Truck
Blue Rock Coal Mine (Cecil H. Conner & Ed. C. Weimer)	Blue Rock	213	Natrona	9	$ 339. 5	$ 339. 21
Dana Coal Co. (Jos. H. Treat)	Dana	209	Carbon	3	$ 339. 5	$ 339. 21
Davis, Don D. (Donald Munson & W. J. Consoliver)	Brown	200	Fremont	6	$ 339. 5	$ 339. 21
Fisch, Herman W	M. C	206	Converse	9	$ 339. 5	$ 339. 21
McCullough, D. R	Lost Canyon	208	Niobrara	9	$ 339. 5	$ 339. 21
Mellonas, James	Deal	195	Lincoln	1	$ 339. 5	$ 339. 21
Oldham, Jesse A	Lone Star	205	Park	5	$ 339. 5	$ 339. 21
Resio, Frank	Resio	207	Lincoln	1	$ 339. 5	$ 339. 21
Robertson, William H	Robertson	211	Converse	9	$ 339. 5	$ 339. 21
Shickich, Dan	Dead Man Creek	214	Lincoln	1	$ 339. 5	$ 339. 21
Adams, H. A	Fire Chief	212	Johnson	9	$ 339. 5	$ 339. 21
Voss & Sons, J. P. (J. P. Voss)	Spring Gulch	210	Hot Springs	5	$ 339. 5	$ 339. 21

[1] Successor to Antoine Silva, Silva Mine

§ 321.7 *Alphabetical list of code members*—Supplement R–II

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Shipping point	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
667	Acey & Holdin (Michael Acey)	Penn #9	14	B		Osceola Mills, Pa	PRR	45	K	K										
666	Beaver and Snyder (W. C. Snyder)	Beaver	14	E		Osceola Mills, Pa	PRR	45	K	K										
1733	Bateson, Clay (Bateson Coal Co.)	Bateson	42	E		Nineveh, Pa	P & O	100	O	O										
654	Dugan Coal Mining Co. (Dugan)	Dugan No. 1	14	B		Osceola Mills, Pa	PRR	45	K	K										
635	Garrett Coal Corporation c/o Warder Robert Netliken	Garrett	14			Vinvet, Md	WM Ry	69	H	H										
2437	Harper & Harper (William H. Harper)	Big Vein	43			Hyde, Pa	PRR–H & O	66	H	H										
615	Hoffa, Arthur F. (A. F. Hoffa Coal Co.)	Winburne, Pa	8			Winburne, Pa	C & P	44	H	H										
635	Kniewal Mining Company (Frank Kniewal)	Curwensville, Pa	7			Curwensville, Pa	B & O	113	H	H										
656	Meyers Brothers (Ralph Meyers)	Kittanning, Pa	10			Kittanning, Pa	PRR–P&S	12	H	H										
655	Milliron, Frank W. (Milliron Coal Company)	Madera, Pa	5			Madera, Pa	P & S	119	H	H										
658	Patton & Kittanning Coal Co. (Andy Koshko)	Portage, Pa	18	E		Portage, Pa	PRR	45	H	H										
685	Portage Kittanning Coal Co. (James Baker)	Portage, Pa	31	B		Portage, Pa	PRR	49	H	H										
407	Ralphton Coal Mining Company (W. E. Scurfield)	Ralphton, Pa	36	C'		Ralphton, Pa	B & O	100	E	E										
1709	Ridge Mining Company (H. L. Blunt)	Dean, Pa	19	B		Brisbin, Pa	PRR	53	D	D										
1668	Rolling Rock Coal Company	Rolling Rock	14	B		Stoystown, Pa	PRR	43	E	E										
445	Royal Quemahoning Coal Mining Company	Quemahoning	37	C'		Boynton, Pa	B & O	100	E	E										
653	Salisbury Construction Co. (T. J. Cramblett)	Dgh.	46	E		Boynton, Pa	B & O	100	E	E										
638	Spencer, Harlen	Spencer	44			Windsor, Pa	PRR	50	E	E										
651	White, James A. (White Coal Company)	White #1	6	C'		Windsor, Pa	PRR	122	E	E										

• Indicates coal in this size group previously classified and priced.
† Indicates no classifications effective for these size groups.

§ 324.7 *Alphabetical list of code members*—Supplement R–III

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
1233	A. & R. Coal Company (F. D. Allensworth)	A. & R. Coal Co	7			Cheshire	C&O	23	K	K										
672	Anderson, Hubert (Anderson Coal Co.)	Anderson	8			Hemlock	B&O	11	O	O										
1044	Bateson, Clay (Bateson Coal Co.)	Bateson	6		Deep	Nineveh, Pa	P&O	34	O	O										
2260	Bellaire Coal Company (Umlite Construction Company)	Bellaire Coal Company	1		Strip	Stewartsville	B&O	11	O	O										
1040	Blue Diamond Coal Co. (K. E. Kriebel)	Blue Diamond No. 1	7		Deep	Wellston	B&O	41	K	K										
1042	Busler, Wilber (Busler Coal Co.)	Busler Coal Co	7		Deep	Jackson	DT&I	42	K	K										
1044	Campbell, Andrew (Campbell Coal Company)	Campbell	7		Deep	Jackson	DT&I	42	K	K										
1043	Carter Coal Company (Burl Carter)	Carter	7		Deep	Jackson	DT&I	42	K	K										
445	Clark & Son, F. A	Cheshire	8			Cheshire	C&O	23	K	K										
1240	Cremeans, Bryan	Cremeans	8			Nelsonville	C&O	23	K	K										
738	Crystal Block Coal Co. (George Bateman)	Crystal Block	8	A		Cambridge	B&O	8	K	K										
2500	Dazzi Coal Co., Harvey	Harvey Dazzi	8			Cambridge	B&O	8	K	K										
† 2462	Driggs & Lewis (W. H. Driggs)	Cambridge Hill-D	2			Cambridge	PRR	53	K	K										
1723	Dundee Coal Co., The (R. B. Hurst)	Dundee	4		Strip	Dundee	W&LE	8	K	K										
1068	Elliott, John (Elliott Coal Co.)	Elite	8		Deep	Jackson	DT&I	42	K	K										
1053	Elliott, John (Elliott Coal Co.)	Elliott & Stokes	8		Deep	Jackson	DT&I	42	K	K										
2361	Glavina, R. P. (R. G. P. Coal Co.)	Cremeans	8		Deep	Nelsonville	C&O	23	K	K										
629	Glavina, R. P. (R. G. P. Coal Co.)	Cedar Fork #1	8		Deep	Cheshire	C&O	23	K	K										
2331	Glavina, R. P. (R. G. P. Coal Co.)	Cedar Fork #2	8		Deep	Cheshire	C&O	23	K	K										
1701	Hawk Coal Company (Mrs. Harrison)	Hawk	1		Deep	Pomeroy	PRR	15	K	K										
782	Hollow Rock Coal Company, The	Hollow Rock	8		Deep	Hollow Rock	C&O	23	K	K										
100	Jordan, C. R	Jordan	8		Deep	Jackson	DT&I	42	K	K										
2313	Kyger Coal Co. (E. A. Story)	Kyger Coal Co	8		Deep	Cheshire	C&O	23	K	K										
1734	Lesnik Coal Co. (Herman R. Ehrets)	Bradley	8		Deep	Bradley	B&O	41	K	K										
2132	Lesnik Coal Co. (Herman R. Ehrets)	Lewis & Dixon	8		Deep	Bradley	B&O	8	K	K										
† 676	Lewis & Dixon Coal Co	Lewis & Dixon	2		Deep	Jackson	DT&I	42	K	K										
2202	McCoy, V. R	McCoy	7		Deep	Jackson	DT&I	42	K	K										
2133	McKitterick, Wesley (Wesley McKitterick Co.)	Wesley McKitterick	6		Deep	Nelsonville	C&O	23	K	K										
965	Milligan Coal Co., C. O. (C. O. Milligan)	Milligan	1		Deep	Pomeroy	PRR	15	K	K										
754	Mine 5 Murray Co	Murray City	6		Deep	Jackson	DT&I	42	K	K										
2470	Mineral Coal Company (Fred C. Shafer)	Mineral #2	8		Deep	Cheshire	C&O	23	K	K										
1671	Nicholas Coal Company (D. Melvin Gander)	Nicholas	8		Deep	Cheshire	C&O	23	K	K										
557	Orell, J. R	Red Bird #2	8		Deep	Jackson	DT&I	42	K	K										
1078	Poe, Austin	Poe Community	7		Deep	Jackson	DT&I	42	K	K										
853	Price, Fred	Price	6		Deep	Glouster	N Y O	26	O	O										

[1] Subject to Exception No. 4, § 324.1 (b) in Schedule of Effective Minimum Prices for District No. 4.

§ 324.7 *Alphabetical list of code members*—Supplement R–III—Continued

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
1081	Rapp, Clarence		7	1	Deep	Jackson	DT&I	42	O	O	O	O	O	O	O	O	O	---	---	O
1087	Ridge, D. W. & Ridge, D. H	Ridge	7			Jackson	DT&I	42	O	O	O	O	O	O	O	O	O	---	---	O
1804	Ridgeway, John H. (Ridgeway Coal Company)	Ridgeway	4			Uhrichsville	B&O	57	Q	Q	Q	Q	O	O	Q	Q	Q	---	---	O
						Uhrichsville	PRR	57												
1222	Riffle, George N	Riffle Coal Co	7	3	Deep	Hamden	B&O	41	O	O	O	O	O	O	O	O	O	---	---	O
1223	Robison, E. J. (Hickory Ridge Coal Mine)	Hickory Ridge	7		Deep	McArthur	C&O	43	K	K	O	O	O	O	Q	Q	Q	---	---	Q
192	Salt Run Coal Co. (J. Donald Cooper)	Salt Run	1	8	Strip	Salt Run	W&LE	18	Q	Q	O	O	O	Q	Q	Q	Q	---	---	Q
1007	Schumacher Coal Company (Harvey North)	Schumacher	6	6	Deep	Crooksville	NYC	32	O	O	O	O	O	O	Q	Q	Q	---	---	Q
2430	Shuttleworth & James Coal Co. (William James)	Shuttleworth James	5	6	Deep	Cambridge	C&O	22	K	K	O	O	O	O	Q	Q	Q	---	---	Q
1532	Sicker, G. S. (Sicker Coal Co.)	Sicker	4	6	Deep	Coshocton	PRR	54	Q	Q	Q	Q	O	O	Q	Q	Q	---	---	Q
917	Spence, B. F. (B. F. Spence Coal Co.)	Spencer Hollow	6	6	Deep	Conesville	W&LE	55	Q	Q	Q	Q	O	O	Q	Q	Q	---	---	Q
798	Spencer Hollow Coal Co. (Fred Horn, Jr.)		5	6	Deep	Murray City	C&O	22	K	K	O	O	O	O	Q	Q	Q	---	---	Q
1273	Swisher, Ura		8			Cheshire	B&O	8	R	R	R	Q	O	O	O	O	O	---	---	Q
[1] 686	Three C. Coal Company (John W. Gill)	Three C	2	7	Deep	Cambridge	C&O	43	K	K	O	O	O	O	O	Q	Q	---	---	Q
1226	Vinton Stone & Coal Co	Vinton Stone & Coal	7	7	Deep	Minerton	C&O	23	K	K	O	O	O	O	Q	Q	Q	---	---	Q
1319	Werner & Son, John	Werner	8	8		Middleport	C&O													
						McArthur	C&O	45	K	K	O	O	O	O	O	O	O	---	---	O
189	Westfall, Martin C. (The Clarion Coal Company)	Clarion	7	4	Deep	Dundas	B&O													
							DT&I	42	O	O	O	O	O	O	O	O	O	---	---	O
1072	White & Downey Coal Co. (Carl E. White)	Owen	7	1	Deep	Jackson	W&LE	18	O	O	O	O	O	O	O	O	O	---	---	O
1900	Worrell, John	Locust Point	1	8		Maynard														

[1] Subject to Exception No. 4, § 324.1 (b) in Schedule of Effective Minimum Prices for District No. 4.

§ 324.8 *Numerical list of mines*—Supplement R–IV

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-dist. No.
189	Clarion	Westfall, Martin C. (The Clarion Coal Company).	Jackson	45	B&O, C&O	7
190	Hollow Rock	Hollow Rock Coal Company, The	Middle	53	PRR	3
192	Salt Run	Salt Run Coal Co. (J. Donald Cooper).	Ohio No. 8	18	W&LE	1
502	Anderson	Anderson, Hubert (Anderson Coal Co.).	Ohio No. 8	11	B&O	1
557	McConnaughy	Orell, J. R	Ohio No. 8	12	B&O	1
629	Cedar Fork #1	Glavina, R. P. (R. G. P. Coal Co.).	Ohio No. 8	15	PRR	1
669	Bradley	Lawrence Coal Co. (John W. Lawrence).	Cambridge	16	PRR	2
676	Lewis & Dixon	Lewis & Dixon Coal Co	Cambridge	8	B&O, PRR	2
679	Red Bird #2	Nearcut Coal Company (D. Edwin Gander).	Cambridge	13	B&O	2
686	Three C	Three C. Coal Company (John W. Gill).	Cambridge	8	B&O	2
738	Crystal Block	Crystal Block Coal Co. (George Bateman).	Hocking	22	C&O	5
754	#5	Mine 5 Murray Co	Hocking	22	C&O	5
782	Hawks	Hawk Coal Company, The	Hocking	22	C&O	5
798	Spencer Hollow	Spencer Hollow Coal Co. (Fred Horn, Jr.).	Hocking	22	C&O	5
853	Price	Price, Fred	Hocking	26	NYC	6
917	Tobin & Vensel	Spence, B. F. (B. F. Spence Coal Co.).	Middle	55	W&LE	6
948	Bateson	Bateson, Guy (Bateson Coal Co.)	Crooksville	34	PRR	6
965	Milligan	Milligan Coal Co., C. O. (C. O. Milligan).	Crooksville	34	PRR	6
1007	Schumacher	Schumacher Coal Company (Harvey North).	Crooksville	32	NYC	6
1040	Blue Diamond	Blue Diamond Coal Co. (K. E. Kriebel).	Jackson	41	B&O	7
1042	Busler Coal Co	Busler, Wilber (Busler Coal Co.)	Jackson	42	DT&I	7
1043	Carter	Carter Coal Company (Burl Carter).	Jackson	42	DT&I	7
1053	Eubanks & Stokes	Eubanks & Stokes Coal Co	Jackson	42	DT&I	7
1072	Owen	White & Downey Coal Co. (Carl E. White).	Jackson	42	DT&I	7
1078	Poe	Poe, Austin	Jackson	42	DT&I	7
1081		Rapp, Clarence	Jackson	42	DT&I	7
1087	Ridge	Ridge, D. W. & Ridge, D. H	Jackson	42	DT&I	7
1222	Riffle Coal Co	Riffle, George N	Jackson	43	C&O	7
1223	Hickory Ridge	Robison, E. J. (Hickory Ridge Coal Mine)	Jackson	43	C&O	7
1226	Vinton Stone & Coal	Vinton Stone & Coal Co	Jackson	43	C&O	7
1233	A. & R. Coal Co	A. & R. Coal Company (F. D. Allensworth).	Pomeroy	23	C&O	8
1240	Cremeans	Cremeans, Bryan	Pomeroy	23	C&O	8
1254	Kyger Coal Co	Kyger Coal Co. (E. A. Story)	Pomeroy	23	C&O	8
1273		Swisher, Ura	Pomeroy	23	C&O	8
1288	Elite	Eblin, John (Eblin Coal Co.)	Pomeroy	23	C&O	8
1291		Harrison Coal Co. (Ernest Harrison).	Pomeroy	23	C&O	8
1319	Werner	Werner & Son, John	Pomeroy	23	C&O	8
1532	Sicker	Sicker, G. S. (Sicker Coal Co.)	Middle	54	PRR	4
1725	Dundee	Dundee Coal Co., The (R. B. Hurst).	Middle	55	W&LE	4
1804	Ridgeway	Ridgeway, John H. (Ridgeway Coal Company).	Middle	57	PRR	4
1900	Locust Point	Worrell, John	Ohio No. 8	18	W&LE	1
2064	Campbell	Campbell, Andrew (Campbell Coal Company).	Hocking	22	C&O	5
2124	Victory	Clark & Son, F. A	Jackson	42	DT&I	7
2132		Lesmil Coal Co. (Herman R. Eberts).	Jackson	41	B&O	7
2133	Wesley McKitterick	McKitterick, Wesley (Wesley McKitterick Co.).	Jackson	42	DT&I	7
2289	Bellaire Coal Company Mine No. 1	Bellaire Coal Company (Gunite Construction Company).	Ohio No. 8	11	B&O	1
2313	Jordan	Jordan, C. R	Pomeroy	23	C&O	8
2361	Cross Creek	Glavina, R. P. (R. G. P. Coal Co.)	Ohio No. 8	15	PRR	1
2392	McCoy	McCoy, V. R	Jackson	41	B&O	7
2410	Mineral Coal Co	Mineral Coal Company (Fred C. Shafer).	Jackson	42	DT&I	7
2430	Shuttleworth James	Shuttleworth & James Coal Co. (William James).	Hocking	22	C&O	5
2462	Cambridge Hill-D	Driggs & Lewis (W. H. Driggs)	Cambridge	8	PRR	2
2530	Harvey Darst	Darst Coal Co., Harvey	Pomeroy	23	C&O	8
2535	Cedar Fork #2	Glavina, R. P. (R. G. P. Coal Co.)	Ohio No. 8	15	PRR	1

§ 324.2 *Seasonal discounts* [1]—Supplement R–V

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel.]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— April	May	June	July	Aug.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 502, 557, 1900.	30	20	10	---	---
	12, 14, 17, 18	Add 11, 15.	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index Nos. 192, 629, 2289, 2361, 2535.	30	20	10	---	---
Cambridge		Add 8		Add Mine Index Nos. 676, 686, 2462.	30	20	10	---	---
	13		87, 121	Add Mine Index No. 679.	30	20	10	---	---
	16		11, 169	Add Mine Index No. 669.	30	20	10	---	---
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 754, 782, 798, 2064, 2430.	50	40	30	20	10
	26, 27	Add 22	83, 141	Add Mine Index Nos. 738, 853.	30	20	10	---	---
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index Nos. 1233, 1240, 1254, 1273, 1288, 1291, 1319, 2313, 2530.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index Nos. 948, 965, 1007.	30	20	10	---	---
Jackson	41		39, 136	Add Mine Index No. 2410.	50	40	30	20	10
	41	Add 42	133	Add Mine Index No. 2133.	30	20	10	---	---
	41, 42, 44		58, 72, 142	Add Mine Index Nos. 1042, 1043, 1053, 1072, 1078, 1081, 1087, 1222, 2124, 2132.	30	20	10	---	---
	41, 42, 43	Add 45	2, 131, 134	Add Mine Index Nos. 189, 1040, 1223, 1226, 2392.	50	40	30	20	10
Middle	51	Add 55	71	Add Mine Index No. 917.	30	20	10	---	---
	53, 54, 57		49, 50, 67, 94, 132	Add Mine Index Nos. 1532, 1804.	30	20	10	---	---
	52	Add 53	13, 108	Add Mine Index No. 190.	30	20	10	---	---
	55		5, 48, 110	Add Mine Index No. 1725.	30	20	10	---	---
Leetonia	72–74	Add 73	3, 77, 159, 166	Add Mine Index No. 2472.	30	20	10	---	---

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications* [1]—Supplement R–VI

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index Nos. 502, 557, 1900.
	12, 14, 17, 18	Add 11, 15. Add 8	12, 16, 37, 45, 68, 92, 119, 161	Add mine index Nos. 192, 629, 2289, 2361, 2535.
Cambridge		Add 8		Add mine index Nos. 676, 686, 2462.[1]
		Add 8	(Subject to Exception No. 4, Page 3).	Add mine index Nos. 676, 686, 2462.[1]
	13		87, 121	Add mine index No. 679.
	13		87, 121 (Subject to Exception No. 4, Page 3).	Add mine index No. 679.
	16		11, 169	Add mine index No. 669.
	16		11, 169 (Subject to Exception No. 4, Page 3).	Add mine index No. 669.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index Nos. 754, 782, 798, 2064, 2430.
	26, 27	Add 22	83, 141	Add mine index Nos. 738, 853.
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add mine index Nos. 1233, 1240, 1254, 1273, 1288, 1291, 1319, 2313, 2530.
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index Nos. 948, 965, 1007.
Jackson	41		39, 136	Add mine index No. 2410.
	41	Add 42	133	Add mine index No. 2133.
	41, 42, 44		58, 72, 142	Add mine index Nos. 1042, 1043, 1053, 1072, 1078, 1081, 1087, 1222, 2124, 2132.
	41, 42, 43	Add 45	2, 131, 134	Add mine index Nos. 189, 1040, 1223, 1226, 2392.
Middle	51	Add 55	71	Add mine index No. 917.
	53, 54, 57		49, 50, 67, 94, 132	Add mine index Nos. 1532–1804.
	52	Add 53	13, 108	Add mine index No. 190.
	55		5, 48, 110	Add mine index No. 1725.
Leetonia	72, 74	Add 73	3, 77, 159, 166	Add mine index No. 2472.

[1] Prices as shown in § 324.9, § 324.10, § 324.11 (b) and § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

[1] Prices as shown for mine index Nos. 87 and 121 appearing in the Schedule of Effective Minimum Prices for District No. 4 will apply to additional mine index Nos. 676, 686 and 2462 hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–VII [1]

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 126, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add Mine Index Nos. 189, 502, 557, 676, 679, 686, 1040, 1222, 1804, 2132, 2392, 2410, 2462.
Chesapeake & Ohio Railway Co.	8, 25, 133, 153, 161. 14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index No. 2289. Add Mine Index Nos. 189, 738, 754, 782, 796, 1223, 1226, 1233, 1240, 1254, 1273, 1288, 1291, 1319, 2064, 2313, 2430, 2530.
Detroit, Toledo & Ironton Railroad Co.	2, 72, 142	Add Mine Index Nos. 1042, 1043, 1053, 1072, 1078, 1081, 1087, 2124. Add Mine Index No. 2133.[2]
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index Nos. 853–1007.
Pennsylvania Railroad Co.	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169. 166	Add Mine Index Nos. 669, 676, 686, 948, 965, 1532, 1804, 2462, 2463. Add Mine Index Nos. 188, 190, 629, 2361, 2535.
Pittsburgh, Lisbon & Western Railroad	3, 77	Add Mine Index No. 2472.
Wheeling & Lake Erie Railway Co.	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164. 5, 12, 37, 48, 110, 119	Add Mine Index Nos. 917, 1900. Add Mine Index Nos. 192, 1725.
Akron, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co.	From mine index nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 190, 192, 629, 1725, 2133, 2289, 2361, 2472, 2535.
Detroit and Mackinac Railway Company.		
Detroit and Toledo Shore Line Railroad Co.		
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.).		
Pere Marquette Railway Co.		
For all railroads not shown above	From mine index nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 190, 192, 629, 1725, 2133, 2289, 2361, 2472, 2535.

[1] Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

[2] Prices as shown for Mine Index No. 133 in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional Mine Index No. 2133 hereinabove noted.

§ 326.5 *Alphabetical list of code members*—Supplement R–VIII

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Type	Shipping points in West Virginia	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
189	Mitchell & Jones Corporation	Colliers		Pgh. 8	Strip	Locust Grove	PRR	30	E	E	E	E	E	E	E	E	E	E	----	E

§ 326.6 *Numerical list of mines*—Supplement R–IX. Refer to § 326.6 in the Schedule of Effective Minimum Prices for District No. 6. Add the following:

Mine index No.	Mine name	Code member	Freight origin group No.	Railroad
189	Colliers	Mitchell & Jones Corporation	30	PRR.

§ 326.7 *General prices*—Supplement R–X.

§ 326.8 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–X.

§ 326.8 *Special prices*—(b) *Prices for all-rail shipment of lake cargo railroad fuel to dumping piers*—Supplement R–X.

§ 326.8 *Special prices*—(c) *Prices for all-rail shipment of lake cargo coal (exclusive of railroad fuel) to dumping piers*—Supplement R–X.

§ 326.8 *Special prices*—(d) *Prices for all-rail shipment of vessel fuel*—Supplement R–X.

Refer to § 326.7, § 326.8 (a), § 326.8 (b), § 326.8 (c), and § 326.8 (d) in the Schedule of Effective Minimum Prices for District No. 6. The following additions should be made in all instances:

Mine index Nos.	Additional mine index Nos.[1]
All mine index Nos. except 7, 20, 24 and 26	189
From mine index Nos. 7, 20, 24, and 26	189

[1] Prices for mine index Nos. 7, 20, 24, and 26 shown in § 326.7, § 326.8 (a), § 326.8 (b), § 326.8 (c), and § 326.8 (d) in the Schedule of Effective Minimum Prices apply to Mine Index Number 189.

§ 328.11 *Alphabetical list of code members*—Supplement R–XI

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdist. No.	High volatile seam	Freight origin group Nos.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
2098	Bailey, G. A.	Piedmont #2	6	Coal Creek	40	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2026	Belcher, Elmer	Belcher	1	Elkhorn	63	(†)	(†)	(†)	(†)	(†)	(†)	(†)	D	D	H	N	D	A	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
40	Benedict Coal Corporation	Benedict #7	7	No. 7	204	O	O	K	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	Q	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
41	Benito Harlan Corp.	Benito	2	Harlan	204	Q	Q	E	J	D	C	K	D	C	Q	(†)	(†)	D	(†)	C	(†)	Q	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
512	Big Jim Coal Company	Big Jim	2	Harlan	80	Q	Q	E	J	D	C	K	D	C	Q	(†)	(†)	D	(†)	C	(†)	Q	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
587	Black Betsy Fuel's Inc.	Black Betsy	6	Straight Creek	111	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
64	Blue Diamond Coal Company	Bonny Blue	4	Pittsburgh #8	127	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
323	Blue Diamond Coal Company	Mayflower	7	No. 9 & No. 10	204	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
1894	Brown, W. C.	W. C. Brown	6	High & Low Splint	204	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
1885	Carnes, J. R. (Webb Branch Coal Co.)	Webb Branch	6	Coal Creek	40	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
3190	Chemical Coal Co.	Le Moyne	6	Horse Creek	111	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2417	Clark, J. P. (Camp Branch Coal Co.)	Clark #1	4	No. 5 Block	126	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
510	Coker, Frank	Frank Coker	8	No. 5 Block	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2040	Crass, S. S.	S. S. Crass	6	Glen Mary	71	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
3191	Croley, Ester	Mammoth	6	Coal Creek	70	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
273	Elcomb Coal Co.	Keenan	6	Blue Gem	111	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
229	Fayette-Jellico Coal Company	Happy	2	Harlan & Mason	80	Q	Q	E	J	D	C	K	D	C	Q	(†)	(†)	D	(†)	C	(†)	Q	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
1242	Ferguson Creek Coal Co.	Ferguson Creek	6	Dean	110	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
1941	Foley, L. O. & R. V.	Foley	1	Elkhorn #3	61	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2420	Fry, Andrew J.	Camp Creek Coal Co.	6	Jellico	112	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2421	Fry, Andrew J.	Hall Brothers	8	No. 5 Block	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2782	Fry, F. H.		8	No. 5 Block	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2703	Fry, J. C. & A. J.	Fry	8	No. 5 Block	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
428	Glover, W. H. (Draper Mining Co.)	Draper	8	No. 5 Block	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
222	Goose Creek Mining Co.	Goose Creek	5	Eagle	150	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
1894	Hensley & Finley Coal Co. (Clyde Hensley)	Elkhorn No. 1	1	Elkhorn #3	61	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
		Horse Creek	6	Horse Creek	111	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2025	Hood, Porter	Porter Hood	6	Bon Air #2	160	P	K	(†)	M	F	F	J	D	C	H	A	B	E	B	B	(†)	H	A	B	E	B	B	(†)	F	H	C	E	E	(†)	(†)
536	Johnson, F. M. (Famous Elkhorn C. Co.)	Brafford	1	Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
562	Kentucky Cardinal C. Corp.	Cardinal #2	2	Leonard	80	M	F	H	K	E	G	J	D	C	H	A	B	E	B	B	(†)	H	A	B	E	B	B	(†)	F	H	C	E	E	(†)	(†)
3069	Kentucky-Horse Creek Mining Company		6	Horse Creek	111	P	K	(†)	M	F	F	J	D	C	H	A	B	E	B	B	(†)	H	A	B	E	B	B	(†)	F	H	C	E	E	(†)	(†)
2	Kentucky Straight Crk. Co. Co.	Adalia	6	Straight Creek	111	P	K	(†)	M	F	F	J	D	C	H	A	B	E	B	B	(†)	H	A	B	E	B	B	(†)	F	H	C	E	E	(†)	(†)
963	Kentucky Straight Crk. Co. Co.	Bel va #1	6	Straight Creek	111	P	K	(†)	M	F	F	J	D	C	H	A	B	E	B	B	(†)	H	A	B	E	B	B	(†)	F	H	C	E	E	(†)	(†)
38	Kentucky Straight Crk. Co. Co.	Bel va #2	6	Straight Creek	111	P	K	(†)	M	F	F	J	D	C	H	A	B	E	B	B	(†)	H	A	B	E	B	B	(†)	F	H	C	E	E	(†)	(†)
530	Koppers Coal Co., The	Kopperston	5	Eagle	230	P	K	(†)	M	F	F	J	D	C	H	A	B	E	B	B	(†)	H	A	B	E	B	B	(†)	F	H	C	E	E	(†)	(†)
2101	Laxton, Arzo	Arzo Laxton	6	No. 3	71	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2431	Left Fork Fuel Co., Inc. (c/o W. E. Sellards)	#1	8	No. 5 Block	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
574	Lindsey, Dewey	Dewey Lindsay	6	Glen Mary	70	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
246	McNeer, H. P. Receiver Standard Banner C. Corp.	Honey Creek	7	Upper Banner	10	M	F	F	L	O	O	M	E	E	H	B	B	D	C	C	(†)	M	F	F	L	O	O	M	E	E	H	B	B	D	C
1606	Manchester Coal Co.	Paw Paw	6	Horse Creek	111	M	F	O	M	R	O	Q	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	F	O	M	R	O	Q	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)
432	Meadow Creek Coal Company*	Solon	6	Bon Air No. 2	210	K	M	L	K	J	K	J	K	G	H	G	G	M	K	K	(†)	K	M	L	K	J	K	J	K	G	H	G	G	M	K	K
334	Mingo Mining Co.	Mingo #1	8	Thacker	130	G	K	J	K	G	H	G	G	L	E	G	G	J	K	K	(†)	G	K	J	K	G	H	G	G	L	E	G	G	J	K	K
602	Phillips & White	Phillips & White	6	Horse Creek	111	F	E	E	J	F	E	F	J	C	D	E	C	C	(†)	(†)	(†)	F	E	E	J	F	E	F	J	C	D	E	C	C	(†)	(†)
490	Norfolk & Chesapeake C. Co.	Wilson #3	8	Eagle	150	M	F	F	J	F	E	F	J	C	D	E	C	C	(†)	(†)	(†)	M	F	F	J	F	E	F	J	C	D	E	C	C	(†)	(†)
356	Octavia Coal Mining Company, Inc., The	Octavia	8	Pond Creek	130	M	F	F	J	F	E	F	J	C	D	E	C	C	(†)	(†)	(†)	M	F	F	J	F	E	F	J	C	D	E	C	C	(†)	(†)
2756	Porter, Pearl	Pearl Porter	8	No. 5 Block	130	M	F	F	J	F	E	F	J	C	D	E	C	C	(†)	(†)	(†)	M	F	F	J	F	E	F	J	C	D	E	C	C	(†)	(†)
580	Price, Thos. G. (Pikeville Coal Co.)	Big Elkhorn	1	Elkhorn #2	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
122	P. V. & K. Coal Co., The	Clover Gap	2	Harlan	80	Q	Q	E	J	D	C	K	D	C	Q	(†)	(†)	D	(†)	C	(†)	Q	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
153	Red Parrot Coal Company, The	Red Cedar	4	Cedar Grove	123	K	G	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	G	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1247	Rockhouse Elkhorn Coal Co.	Janney	1	Lower Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2430	Sanders, Barney	Sanders #2	8	No. 5 Block	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
1548	S. & S. Coal Company, Inc.	Cannon Creek	6	Hignite	111	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2545	Shelby Coal Co., Inc.	Big Sandy	1	Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
559	Shelby Elkhorn C. Co. (Finley Ratliff)	Dry Fork	1	Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
387	Shelby Steam Coal Co., Inc.	Ratliff	1	Elkhorn #2	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2466	Smith, M. H.	Smith Coal Co.	6	Hasard #4	100	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
297	Splash Dam Smokeless Coal Corp.	Lonesome Branch	7	Splash Dam	10	K	G	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	G	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
442	Stearns Coal & Lumber Co.	#4	6	No. 1½	170	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
3631	Stewart, D. M.	Harless Creek	1	Upper Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
538	Stewart Elkhorn Coal Co.	Stewart #1	1	Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	C	H	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2031	Tye & Nac (H. S. Tye)	Lick Creek	6	Horse Creek	111	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
497	Winco Block Coal Co.	Winco Block	8	Winifrede	130	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)
2113	Wolford, Ancil	Leonard & Arnie Phillips	6	No. 3	71	O	O	H	G	G	E	G	E	C	M	(†)	(†)	D	(†)	C	(†)	O	M	K	F	D	G	L	M	M	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for these size groups.
*See exception in Docket A–283–A for shipment into Market Area 114 only.

§ 333.6 *General prices*—Supplement R–XII

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-dist.	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
65	Colonial Coal & Coke Company (J. M. McHugh).	Pratt #1 Slope [1]	1	Pratt	30
383	Tombrello Coal Company (Sam Tombrello).	Nickel Plate #2 [2]	1	Nickel Plate	50
381	Tombrello Coal Company (Joe Tombrello).	Tombrello [3]	1	Pratt	50
	MARION COUNTY, ALA.				
492	Wheeler, R. G.	Wheeler [4]	1	Black Creek	101

[1] This mine shall have the same price in size group 23 on all price tables as listed in size group 23, for mines with Index Numbers 71–72–73.
[2] This mine shall have a price in size groups 1, 13 and 23 on all price tables, 10¢ under the prices listed for mines with Index Numbers 71–72–73.
[3] This mine shall have the same prices in size groups 1, 13 and 23 on all price tables as listed for mines with Index Numbers 71–72–73.
[4] This mine shall have the same prices in size groups 1, 2 and 4 on all price tables as listed for mine with Index Number 20.
This mine shall have a price in size group 7 on all price tables, 15¢ higher than the price listed for mine with Index Number 20.
This mine shall have a price in size groups 13 and 19 on all price tables, 10¢ higher than the prices listed for mines with Index Numbers 14 and 15.
This mine shall have a price in size group 23 on all price tables, 10¢ higher than the price listed for mine with Index Number 20.

§ 333.6 *General prices*—Supplement R–XIII

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-dist.	Seam	Freight origin group
	BIBB COUNTY, ALA.				
7	Roden Coal Co.	Marvel [1]	1	Clark	100
	JEFFERSON COUNTY, ALA.				
311	Davidson, H. S.	Davidson [2]	1	Pratt	80

[1] This mine shall have the same price in size group 12 on all price tables as listed in size group 13 for mines with Index Numbers 9 and 11.
[2] This mine shall have the same prices in size groups 1, 2, 13, 19, 20, 21, 23 and 24 on all price tables as listed for mines with Index Numbers 71, 72, 73.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index Numbers 71, 72, 73.

FOR TRUCK SHIPMENTS

§ 339.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Insert the following Code member names, mine names, counties and prices in proper alphabetical order according to Subdistrict:

Code member	Mine	County	Size groups 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
SUBDISTRICT NO. 1																			
Mellonas, James	Deal	Lincoln	400	400	385	370	370	370	310	275	225	225	210	275	---	---	185	185	125
Resio, Frank	Resio	Lincoln																	
Shickich, Dan	Dead Man Creek.	Lincoln																	
SUBDISTRICT NO. 3																			
Dana Coal Co. (Jos. H. Treat).	Dana	Carbon	300	300	300	300	275	275	275	275	200	175	---	200	200	---	150	150	75
SUBDISTRICT NO. 5																			
Oldham, Jesse A.	Lone Star	Park	500	500	495	485	485	485	460	350	270	245	---	290	---	---	170	170	100
Voss & Sons, J. F. (J. P. Voss).	Spring Gulch	Hot Springs																	
SUBDISTRICT NO. 6																			
Davis, Don D., Donald.	Brown	Fremont	325	325	325	300	275	275	275	230	150	150	---	195	---	125	115	---	---
Munson & W. J. Consoliver.																			
SUBDISTRICT NO. 9																			
Adams, H. A. [1]	Fire Chief	Johnson																	
Blue Rock Coal Mine (C. H. Conner & E. C. Weiner).	Blue Rock	Natrona																	
Fisch, Herman W.	M. C.	Converse	---	240	240	240	240	240	220	220	125	125	---	150	---	125	125	100	50
McCullough, David R.	Lost Canyon	Niobrara																	
Robertson, William H.	Robertson	Converse																	

[1] Successor to Antoine Silva, Silva Mine.

§ 321.24—*General prices*—Supplement T–II

Code member index	Mine index No.	Mine	Sub dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine, modified R/M	2" and under slack	¼" and under slack
						1	2	3	4	5
Acey & Holdin (Michael Acey)	667	Penn #9	14	Clearfield	B			225		
Axelson, J. R.	1029	Beechwood	6	Jefferson	C'	245		(*)	210	
Bair & Son, O. B. (O. L. Bair)	2604	Bair	12	Indiana	E			215		
Beaver and Snyder (W. C. Snyder).	666	Beaver	14	Clearfield	B			215		
Beck, Kenneth	2577	Beck	7	Clearfield	D			220		
Bloom, Guy & Kay	2579	Guy Bloom	7	Clearfield	E			220		
Bowers Bros. (Oscar Bowers)	2606	Old Keystone #1	41	Somerset	Redstone			210		
Bowers, John L.	2645	A. G. Faust	38	Somerset	C'			230		
Cable, John J.	2648	Gratzer	32	Somerset	C'			220		
Campbell Coal Company	2678	Mill Run	44	Allegany	Bakerstown			210		
Clark, John & George (John Clark).	2696	Bell Run	7	Clearfield	E			220		
Claypool, Earl B. & Edward Gould (Earl B. Claypool).	2539	L. C. Marshall	11	Armstrong	E			215		
Coleman, Coleman, Smith and Bittner.	2597	Groff	41	Somerset	B			215		
Collins, Edward J.	2575	Collins	7	Clearfield	C'			220		
Condon, Earl	2608	Condon	10	Armstrong	E	236	215	215	195	185
Couser-Moshannon Coal Company (Thomas B. Couser).	2614	Couser (Moshannon)	14	Centre	D			235		
Cox, D. R. (Brock Mining Co.)	1244	Brock	5	Jefferson	D	250		(*)	215	
Crytzer & Bowser (Harry Crytzer).	2541	Kennedy	10	Armstrong	E	235	215	215	195	185
Davison & Son, T. H. (T. H. Davison).	2538	Lyda	28	Indiana	E			210		
Dietrich & Thompson	2554	Dietrich & Thompson.	18	Clearfield	B			230		
Dotts, Henry J.	2668	Dotts	18	Clearfield	E			220		
Dugan Coal Mining Co. (James F. Dugan).	654	Dusban #3	14	Centre	B	240	215	215	205	195
Faith, Ewing Coal Co. (Carl E. Faith).	2540	Ewing	22	Armstrong	Pittsburgh			220		
Fallier, William (Fallier Coal Co.).	2815	Fallier	20	Cambria	C'			225		
Fetterman, M. F. and John	2649	Fetterman	12	Indiana	E			215		
Fiscus, Edison E.	2533	Dewey-Stewart	10	Armstrong	E	235	215	215	195	185
French, Oscar	2544	Oscar French	3	Bradford	B			302		
Friedman, Jacob (Little Sandy Coal Co.)	2657	Little Sandy Coal Co.	9	Centre	B			215		
Gallo, Paul	2650	Gallo	37	Somerset	C'			225		
Garrett Coal Corporation c/o Warder Robert Nethken.	635	Earl	44	Garrett	Clarion	235		(*)	190	180
Gillespie, Geo. Y.	2570	Shadle	10	Kittanning	E	235	215	215	195	185
Gray, George	2603	George Craig	11	Armstrong	B			210		
Harper & Harper (William H. Harper).	2437	Harper & Son	7	Clearfield	D	245		(*)	210	
Heaton, Isaac F.	2669	Pioneer #3	9	Centre	B			215		
Hewitt, B. W. & Darl	2638	Hewitt	2	Elk	B			210		
Himes, E. E.	2566	Himes	11	Armstrong	E			215		
Hoffa, Arthur P. (A. P. Hoffa Coal Co.).	215	Hoffa #4	43	Allegany	Big Vein	255		(*)	230	210
Hollis, Harold (Hollis Coal Co.)	2628	Hollis	18	Cambria	E			220		
Hopkins & Gray (Walter T. Hopkins).	2666	Hopkins & Gray	22	Armstrong	Pittsburgh			220		
Horn, I. C.	2555	New Chesterfield	18	Clearfield	E			220		
Hummel, Hesch & Strickland (George Hummel).	2659	Hay	41	Somerset	Pittsburgh			215		
Jonas, Alan B.	2506	Ben-Alan Mines	3	Tioga	Bloss	327	302	(*)	202	282
K & B Coal Company (Arthur Rydberg).	584	Ogle #9	8	Clearfield	B	235		210		190
Keister, Charles L., Trustee, Lock Haven Trust Co.	2679	Batschelet #1	3	Clinton	B			235		
Keister, Charles L., Trustee, Lock Haven Trust Co.	2680	Batschelet #10	3	Clinton	B	260		235		215
Kerfoot Brothers (Wm. E. Kerfoot).	2670	Kerfoot	8	Clearfield	D			225		
Kriswal Mining Company (Frank Kristianson).	656	Kriswal	7	Clearfield	D			220	210	20

§ 321.24 *General prices*—Supplement T–II—Continued

Code member index	Mine index No.	Mine	Sub dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine, modified R/M	2" and under slack	¼" and under slack
						1	2	3	4	5
Lucas, Harry G.	1702	Lucas	7	Clearfield	E	245		(*)		200
Lucas, Michael E., George & John.	2477	Red Jacket #1	8	Centre	B			225		
McClimant, Robert	3018	McClimant	7	Clearfield	C'			220		
McCracken, Olin	2580	McCracken	7	Clearfield	E			220		
McCreary, Charles M.	2655	McCreary	33	Somerset	C'			225		
McCreary, Charles M.	2817	McCreary #2	38	Somerset	C'			230		
McDonald, Archie	2610	McDonald	5	Jefferson	E			215		
Martin, Herbert	2637	Martin	9	Clinton	A			235		
Meyers & Hottle (Ross W. Meyers.)	2546	Custer	36	Somerset	D			225		
Meyers & McCloskey (T. E. McCloskey).	2654	Meyers & McCloskey	3	Clinton	B			235		
Meyers Brothers (Ralph Meyers).	659	Meyers Bros.	10	Armstrong	B	235	215	215	195	185
Milliron, Frank W. (Milliron Coal Company).	655	Milliron	5	Jefferson	B			225		
Morris, E. E.	2542	Divens	4	Clarion	C'	240	215	215	200	190
P. B. & K. Coal Co. (Andy Koshko).	639	Number 1	18	Clearfield	E			220		
Pentz & Straw (Clair B Straw)	2576	Pentz & Straw	7	Clearfield	D			220		
Pergrim Brothers (George E. Pergrim).	2652	Pergrim	29	Cambria	C'			225		
Pew, William E. (Mrs.)	2556	The Pew Mine	44	Garrett	E			210		
Portage Kittanning Coal Co. (James Baker).	665	Portage Kitt. Coal Co.	31	Cambria	B			235		
Pulsky, Joseph Andrew	2667	Hoover	14	Centre	B			215		
Ralphton Coal Mining Company (W. E. Scurfield).	407	Ralphton #1	36	Somerset	C'	250		225	215	205
Richardson, John	2818	Richardson	13	Clearfield	B			220		
Rodkey, Andrew and Frank Christoff.	668	Rodkey #1	14	Clearfield	B			225		
Royal Quemahoning Coal Mining Company.	445	Royal #1	37	Somerset	C'	260		(*)	215	
Salisbury Construction Co. (T. J. Crainblett).	653	Big Vein #1	41	Somerset	Pittsburgh			220		
Sarver, Frank & Sam Maust (Frank Sarver).	2600	Sarver & Maust	41	Somerset	B			215		
Shaffer, Harry M.	2581	Shaffer's	7	Clearfield	D			220	210	200
Shaw, Howard T.	2678	Shaw	7	Clearfield	C			220		
Shick, Homer	2568	Shick	11	Armstrong	E			215		
Shoemaker Bros. (J. E. Shoemaker).	2671	Shoemaker	22	Armstrong	E	235	215	21	210	200
Shumaker, Charles F.	2559	Shumaker	11	Armstrong	E			215		
Smith, Claude	2662	Smith	6	Jefferson	D	250		(*)	215	205
Spencer, Harlen	638	Spencer	6	Jefferson	D			225		
Spindler, C. W.	2607	C. W. Spindler	5	Jefferson	B			225		
Sunderland & Pierce (J. C. Sunderland).	2609	Sunderland	12	Indiana	D			215		
Terwilliger, A. W.	2548	East Parker	4	Clarion	B	240	215	215	200	190
Thomas, A. F.	2567	H. E. Helper	11	Armstrong	E			215		
Thompson, George	2601	Thompson	2	Jefferson	B			210		
Troxell Coal Co. (Troxell, J. V.).	2627	Troxell	18	Cambria	D			220		
Twist, Aaron	2550	Atlantic	14	Clearfield	E			220		
Underhill Coal Mining Company.	2178	Tyler #6	2	Clearfield	B	235	210	(*)	195	185
White Ash Coal Co. (Wilburn Sharpless).	2631	White Ash C. Co.	44	Grant	Bakerstown			210		
White, James A. (White Coal Company).	651	White #1	6	Jefferson	C'			220		
Wickman Brothers (Leonard Wickman).	2552	Wickman	3	Tioga	Bloss			302		
Wilkinson, C. B.	2688	Sterling #3	14	Clearfield	D			235		
Wolfe, E. J.	2551	Wolfe	10	Armstrong	E			215		
Wolfinger, Glenn	2647	Glasgow "C"	18	Cambria	C			225		
Yeager, Carl	2612	Yeager	6	Jefferson	D			225		

*Indicates coal in this size group previously classified and priced.

§ 322.23 *General prices*—Supplement T–III

Code member index	Mine Index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" N/S (9)	1¼" slack (10)	¾" slack (11)
ALLEGHENY COUNTY														
Amic, Charles	1816	Glass	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180
Barati, Joseph	1788	Barati	Pittsburgh	310	300	290	265	235	235	225	245	205	195	185
Brown Brothers	1819	Brown Bros. #2	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180
Cerar, Matt	1790	Cerar	Pittsburgh	275	265	255	235	215	215	210	210	190	180	170
Cherepko, John	1796	Cherepko	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180
Dawso, John	1807	Moran (Strip)	Pittsburgh	285	275	265	240	220	220	210	220	190	180	170
Fekula, Harry	1777	Fekula	Redstone	275	265	255	230	215	215	210	220	180	170	160
Finley, Wilbert H	1780	Householder	Redstone	275	265	255	230	215	215	210	220	180	170	160
Hall, C. M	360	Hall #2 (Strip)	Pittsburgh	275	265	255	240	215	210	210	220	180	170	160
Heinlein Coal Co	1818	Heinlein	Pittsburgh	270	260	250	225	210	210	200	200	175	165	150
Heley & Sons, Andrew (Dan Heley).	1784	Heley	Pittsburgh	285	275	265	240	220	220	210	220	190	180	170
Holdsworth Coal (James Holdsworth).	1746	Holdsworth	Pittsburgh	275	265	255	230	215	215	210	220	180	170	160
Klein & Milligan (Charles S. Klein).	1791	Klein	Redstone	275	265	255	230	215	215	210	220	180	170	160
Muir, J. L	1766	Muir Coal Co	Redstone	300	290	280	255	230	230	220	240	200	190	180
Regdon, Susan E	1792	County Airport	Pittsburgh	265	255	245	225	205	205	200	210	190	180	170
Silhol, Jr., Fred	1812	Silhol	Pittsburgh	270	260	250	230	215	215	210	220	195	185	175
Terminal Coal & Coke Co	1832	Murphy No. 1	Pittsburgh	285	275	265	240	220	220	220	220	190	180	170
Wood, Ira	1748	Wood	Th. Freeport											
ARMSTRONG COUNTY														
Elder Brothers (George Elder)	1744	White Oak	U. Freeport	270	260	250	230	225	215	200	205	185	175	165
Johns, Albert E	717	London	L. Freeport	270	260	250	230	225	215	200	205	185	175	165
Keystone Coal Co	158	Mooween	Freeport	275	265	255	235	225	220	215	215	195	185	175
BUTLER COUNTY														
Book, Geo. W	1709	Book	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Book, Randall	1795	Book	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Dean Coal Co. (William S. Dean)	1785	Deans	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Dean & McCracken (Wm. McCracken).	1773	Book	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Guillard, Pete	801	Bauder	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
Hawkins, O. B	1588	Gillman	Brookville	325	305	285	265	260	245	245	230	190	170	160
Johnson & Son, F. O. (F. O. Johnson).	1786	Johnson	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Keagle Trading Post (A. B. Keagle).	1863	Keagle	U. Freeport	325	305	285	265	260	245	245	230	190	180	170
R. & O. Coal Co	1890	Wilmer	U. Kittanning	300	290	280	255	250	245	225	210	175	165	155
Rosner & Sons, Gust	923	Rosner	Brookville	325	305	285	265	260	245	245	230	190	180	170
Salzano, James	1797	Sisano #1	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
Sausman, Daniel H	1794	Sausman	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Stoughton, John A (Stoughtons Mine).	1842	Stoughton	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Vickey, Arthur	1731	Covert	Kittanning	325	305	285	265	260	245	245	230	190	180	170
CRAWFORD COUNTY														
Hartstown Coal Co	1891	Bradley	Sharon-Block	350	340	330	315	310	300	290	290	200	190	185
FAYETTE COUNTY														
Arnold, J. Harold	1726	Arnold	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Barranco, John F	1802	Barranco	Sewickley	265	255	245	235	215	205	205	205	190	185	170
Barton, Wm	1851	Barton	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Berny, Floyd	1880	Smithfield	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Conn, A. F	1782	Conn	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Crowe, Robert E	1759	Crowe	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Fields, Wm. E	1787	Eberhart	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Hoffstot, J. G	361	LaBelle	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Jennings & Porter Coal Co. (Glenn M. Gage.)	349	Lynn	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Lenzi, Lenzino	355	Lenzi	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
McManus Coal Company (D. R. Lytle).	279	Robinson	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Masontown Fuel Company	182	Provins	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Moreland-Taylor Coal Co. (H. P. Taylor).	1758	Vance	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Mrozek, Steve	1762	Mrozek	Pittsburgh	295	285	275	255	235	215	205	205	205	190	185	170
Newcomer, F. C., (Newcomer Coal Co.).	1843	Newcomer #1	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Newcomer, F. C. (Newcomer Coal Co.).	1844	Newcomer #2	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Newcomer, F. C. (Newcomer Coal Co.).	1845	Newcomer #3	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Newcomer, F. C. (Newcomer Coal Co.).	1846	Newcomer #4	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Newcomer, F. C. (Newcomer Coal Co.).	1847	Newcomer #5	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Oravets, Steve J	1873	Humphreys	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Oravets, Steve J	981	Lecrone (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Smith, Harry J	1730	H. J. Smith	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Sutton, Samuel M	1823	Sutton	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Switalski, Edward R., Jr	1824	Switalski	Pittsburgh	300	290	280	260	240	230	225	210	175	170	160
White & Frederick Coal Co. (C. W. White).	1828	Snyder #1 (Strip)	Pittsburgh											
GREENE COUNTY														
Nassar Coal Co. (Abraham J. Nassar).	283	Dunkard	Pittsburgh	275	265	255	245	230	220	215	220	190	180	165
Principini, M. (Mrs.)	142	Mapel (Strip)	Pittsburgh	275	265	255	245	230	220	215	220	190	180	165
LAWRENCE COUNTY														
Allen, S. H	1849	Sullivan	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Best Bros. (George E. Best)	1852	Smith	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Brophy, John	1769	Brophy	Freeport	305	305	295	285	280	270	235	235	185	170	150
C. & S. Coal & Clay Co	359	Moravia (Strip)	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Davis, Ralph	1775	Wehmann	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Davis, Joseph	1855	Davis	L. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Gorgacz, Stanley, Jr	1859	Gorgacz	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Griffith, George T	1860	Griffith	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Harper, Elmer	1754	Harper	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Hoffman, Adolph	1771	Hoffman	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Hogue, L. E	1737	Castlewood	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Hogue, W. T	1803	Hogue	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Kender & Reed	1097	Reno	Kittanning	305	305	295	285	280	270	235	235	185	170	150
McCormick, F. M	1869	McCormick	U. Kittanning	305	305	295	285	280	270	235	235	185	170	150
McQuiston, Merritt	1870	White Ash	U. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Martin, J. P	1763	Martin	L. Kittanning	305	305	295	285	280	270	235	235	185	170	150
Means, John	1778	Mayberry	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Mehan & Valiely	1807	Valiely (Strip)	U. Freeport	300	290	280	255	250	245	225	225	185	175	165
Miller, Silas	1868	Miller	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Olistro, Luigi	1768	Olistro	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Pontius, McCreary & Rodgers (John Pontius).	1874	Pontius	Kittanning	305	305	295	285	280	270	235	235	185	170	150
Speer & Rowe (Speer, Chester J.).	1804	Speer	Mercer	300	290	280	255	250	245	225	225	185	175	165
Staph, Sam	1772	Staph	L. Kittanning	305	305	295	285	280	270	235	235	285	170	150
Stuorsa, Jacob	1822	Suorsa	Kittanning	300	300	290	280	275	265	230	230	185	170	150
Tindall, Harry	1814	Tindall	Freeport	300	290	280	255	250	245	225	225	185	175	165
Tindall, John	1826	Tindall	Freeport	300	290	280	255	250	245	225	225	185	175	165
Wilmer, James A	1815	Wimer	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Woski, Frank	1760	Woski	U. Freeport	300	290	280	255	250	245	225	225	185	175	165

§ 322.23 *General prices*—Supplement T–III—Continued

Code member index	Mine Index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 1¼" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" N/S (9)	1¼" slack (10)	¾" slack (11)
MERCER-VENANGO COUNTIES														
Clayton Brothers (George Clayton).	1779	Clayton	Brookville	325	310	290	275	270	255	255	240	185	175	160
Croy, Harry	1834	Farren	Kittanning	325	305	285	265	260	245	245	230	180	170	160
Hanna Bros. (James Hanna)	1752	Hanna Bros	Kittanning	325	305	285	265	260	245	245	230	180	170	160
Jones, M. W. & Son	1862	Jones	U. Kittanning	325	305	285	265	260	245	245	230	180	170	160
Reeher Coal Co., J. P. (H. V. McClymonds).	1757	Reeher	Brookville	325	310	290	275	270	255	255	240	185	175	160
Spear, Floyd	1821	Spear #1	Mercer	325	310	290	275	270	255	255	240	185	175	160
WASHINGTON COUNTY														
Burton Coal Co	1802	Crescent #1	Pittsburgh	310	300	290	260	250	235	225	235	205	195	170
Carnegie Coal Corporation	1888	Verner	Pittsburgh								195			
Charlier, George	1853	Montour #9 Dump	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Five Points Coal Co. (H. W. Findley).	354	Midway (Strip)	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Raccoon Creek Coal Corporation (Alfred S. Freeman).	357	Raccoon (Strip)	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
WESTMORELAND COUNTY														
Clemens, P. J. & Sons	1851	Clemens & Sons	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Cochran Coal Company	36	Cochran #1	Freeport	275	265	255	235	225	220	215	215	195	185	175
Deemer, J. L	1841	Deemer's	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Demas, Pat	1774	Demas	Pittsburgh	265	255	245	225	205	200	195	205	185	175	165
Frank, Tony	1761	Peach Blossom	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Gonda, John	1756	Gonda	Pittsburgh	265	255	245	225	205	200	195	205	185	175	165
Lee and Gath (Wm. F. Gath)	1741	Lee & Gath	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Metz & Gelet	1889	Hill Top	Pittsburgh	265	255	245	225	205	200	195	200	175	165	160
Misellie, Joseph	1728	Misellie	Pittsburgh	265	255	245	225	205	200	195	205	185	175	165
Rath & Sons (Joseph Rath)	1753	Bowman	Redstone	280	270	260	245	240	230	210	215	195	185	175
Rubright, W. M	1749	Rubright	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175
Scalpontonio, Ralph	1755	Jennie	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Small, Victor	1729	Victor Small	Pittsburgh	290	280	270	250	230	220	215	225	205	195	175
Steel, Wilbur D	1739	Steel	Pittsburgh	280	270	260	235	230	215	205	215	180	170	160
Tosh, E. P	1798	Tosh	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175
Westmoreland Mining Co	193	Roaring Run	Freeport	275	265	255	235	225	220	215	215	195	185	175
Westmoreland Mining Co	82	Graff #1	Freeport	275	265	255	235	225	220	215	215	195	185	175
Westmoreland Mining Co	83	Graff #2	Freeport	275	265	255	235	225	220	215	215	195	185	175
Willyard, John E	1750	Willyard	Pittsburgh	275	265	255	235	225	220	215	215	195	185	175
Wilt, David	1768	Wilt	Redstone	265	255	245	230	225	215	195	200	180	170	165

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–IV

Code member inde	Mine	Mine index No.	Seam	1	2	3	4	5	6	7	8
SUB-DISTRICT No. 1, EASTERN OHIO											
BELMONT COUNTY											
Boggs, Millard A	Boggs Mine	2498	8	285	275	260	235	230	220	200	190
Castello & Son, D. J. (D. J. Castello)	Castello	2496	8	285	275	260	235	230	220	200	190
Kemp, Kemp & Burgy (Dewey O. Kemp)	Grove's	2496	8A	285	275	260	235	230	220	200	190
Moore, N. A	Winding Hill	2399	8A	285	275	260	235	230	220	200	190
Pfeifer, Gleason C	Pfeifer	2491	8	285	275	260	235	230	220	200	190
HARRISON COUNTY											
Archer, O. E	Montgnary	2464	8	285	275	260	235	230	220	200	190
Hammond & Sons, O. O. (O. O. Hammond)	No. 200	2489	8	285	275	260	235	230	220	200	190
Science Hill Coal Company (W. K. Hamlin)	Science Hill	2427	8	285	275	260	235	230	220	200	190
JEFFERSON COUNTY											
Glavina, R. P. (R. G. P. Coal Co.)	Cedar Fork #1	639	8	275	265	250	225	220	210	190	180
Glavina, R. P. (R. G. P. Coal Co.)	Cross Creek	2361	8	275	265	250	225	220	210	190	180
Glavina, R. P. (R. G. P. Coal Co.)	Cedar Fork #2	2535	8	275	265	250	225	220	210	190	180
Salt Run Coal Co. (J. Donald Cooper)	Salt Run	192	8	275	265	250	225	220	210	190	180
Wade, Daniel F		2420	6	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 2—CAMBRIDGE											
GUERNSEY COUNTY											
Driggs & Lewis (W. H. Driggs)	Cambridge Hill-D	2462	7	270	260	245	220	220	220	200	190
Driggs & Lewis (W. H. Driggs)	Cambridge Hill-S	2463	7	270	260	245	220	220	220	200	190
Ross & Star Coal Company (Everett Ross)	Valentine	2438	7	270	260	245	220	220	220	200	190
Sharrock & Morgan (Albert Sharrock)	Carpenter	2421	8	285	275	260	235	230	220	200	190
NOBLE COUNTY											
Thompson & Son, Joe (Joe Thompson)	Thompson	2390	8	270	260	245	220	220	220	200	190
WASHINGTON COUNTY											
Stack, S. D	Stack Mine	2443	9	270	260	245	220	220	220	200	190
SUB-DISTRICT No. 3—BEROHOLZ											
JEFFERSON COUNTY											
Hollow Rock Coal Company, The	Hollow Rock	190	8	275	265	250	225	220	210	190	180
SUB-DISTRICT No. 4—MIDDLE											
CARROLL COUNTY											
Bresett, Windsor	Bresett	2413	7	275	265	250	235	235	220	190	180
Garren & Sons, E. R. (E. R. Garren)	Hirst	2445	7	275	265	250	235	235	220	190	180
Gallagher, John	Gallagher	2444	7	275	265	250	235	235	220	190	180
Newell, Chester	Wilkins	2493	7	275	265	250	235	235	220	190	180
Snee Brothers (W. O. Snee)	Snee	2461	7	275	265	250	235	235	220	190	180
Spring Valley Coal Company (Emmett Smith)	Spring Valley	2411	7	275	265	250	235	235	220	190	180

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–IV—Continued

Code member index	Mine	Mine index No.	Seam	1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 4—MIDDLE—Continued											
COLUMBIANA COUNTY											
Cream Ridge Coal Co. (Donald Dean Withem	Cream Ridge Coal Co.	2423	6	300	290	275	250	245	235	205	195
Lattanzio & Ponich (Constantino Lattanzio)	Stander	2397	6	300	290	275	250	245	235	205	195
Ruhl, Earl	Ruhl	2210	7	300	290	275	250	245	235	205	195
COSHOCTON COUNTY											
Boyer, Jesse	Jesse Boyer	2415	6	280	270	260	235	230	195	165	155
Blowers, R. J. (Peacock Coal Co.)	Peacock #1	2601	6	280	270	260	235	230	195	165	155
Fetter, Walter	Dunn	2458	6	280	270	260	235	230	195	165	155
Hector, John	Hector	2417	6	280	270	260	235	230	195	165	155
Willowbrook Coal Co. (Delbert C. Brock	Willowbrook Coal Co	2407	6	280	270	260	235	230	195	165	155
GUERNSEY COUNTY											
Ball, Earl (Salem Hill Coal Company)	Salem Hill	2379	6	280	270	260	235	230	195	165	155
MAHONING COUNTY											
Beaver Fork Coal Co., The	Beaver Fork	2531	5	285	275	260	235	235	220	190	180
C. R. C. Coal Co. (James Curolla)	C. R. C. Mine	2495	4	300	290	275	250	245	235	205	195
Marshall Mining Co.	Padurean	2534	5	300	290	275	250	245	235	205	195
Stavich Bros. (Steve Stavich)	Stavich	2401	4	300	290	275	250	245	235	205	195
STARK COUNTY											
Reliable Sand and Gravel Co., The (c/o L. D. Burd, Jr.).	Indian Run	2459	6	275	265	250	235	255	210	190	180
TUSCARAWAS COUNTY											
Phillips, R. L.	Phillips #2	2526	6	275	265	250	235	235	220	190	180
Beaver Fork Coal Co., The	Parral	2532	5	275	265	250	235	235	210	190	180
Blue Bell Coal Mines (Thos. Kane)	Gordon	2533	5	275	265	250	235	235	210	190	180
Feigenhauer Coal Co. (Virgil Feigenhauer)	Crist	2528	5	285	275	260	235	235	220	190	180
Kinner, Clarence	Kinner	2391	6	275	265	250	235	235	220	190	180
Mapel, Ernest & Kenneth (Ernest Mapel)	Mapel	2412	6	275	265	250	235	235	220	190	180
Plotts, J. L.	Plotts	2405	6	275	265	250	235	235	220	190	180
Raichman, Lafe & Iverson	Lichty	2490	6	275	265	250	235	235	220	190	180
Ridge Coal Co. (Frank Zullo) % Joseph A. Zullo	Barrs Mills	2389	5	275	265	250	235	235	210	190	180
Ridge Coal Co. (Frank Zullo) % Joseph A. Zullo	Dundee	2367	5	275	265	250	235	235	210	190	180
Weber Coal Co. (James Weber)	Weber	2527	5	285	275	260	235	235	220	190	180
SUB-DISTRICT NO. 5—HOCKING											
ATHENS COUNTY											
Barber Coal Co. (Shelby Barber)	Barber	2393	6	295	285	275	250	245	195	165	155
Buck, Leslie & Howard Clendenin	Shaffer	2496	6	295	285	275	250	245	195	165	155
Cook & McCombs Coal Co. (Sidney A. Cook)	Cook & McCombs	2497	6	295	285	275	250	245	195	165	155
Mineral Coal Company (Fred C. Shafer)	Mineral Coal Co	2410	6	295	285	275	250	245	195	165	155
HOCKING COUNTY											
Johnson Coal Co. (Lee Johnson)	Johnson	2395	6	295	285	275	250	245	195	165	155
McVey-Rosser Coal Co. (F. M. Rosser)	#2	2432	6	295	285	275	250	245	195	165	155
Doo Little Coal Co. (Donald J. Lantz)	Doo Little	2433	6	295	285	275	250	245	195	165	155
Pittsburgh Hollow Coal Co., The (Frank Cook).	Little Daisy	2431	6	295	285	275	250	245	195	165	155
Shuttleworth & James Coal Co. (William James).	Shuttleworth James	2430	6	295	285	275	250	245	195	165	155

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T–IV—Continued

Code member index	Mine	Mine index No.	Seam	1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 5—HOCKING—Continued											
PERRY COUNTY											
Danielson, Harold	Danielson	2436	6	295	285	275	250	245	195	165	155
Dishon, Chester G	Dishon Coal Co	2437	6 thin	295	285	275	250	245	195	165	155
VINTON COUNTY											
Jackson, Isaac	Jackson	2394	6	295	285	275	250	245	195	165	155
Llewellyn Coal Co. (Roy Llewellyn)	Llewellyn	2398	6	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 6—CROOKSVILLE											
MORGAN COUNTY											
Independent Coal Co	Independent Coal Co	2402	8	280	270	260	235	230	195	165	165
Montgomery & Roberts (H. E. Montgomery)	Walls Mine	2442	9	280	270	260	235	230	195	165	165
MUSKINGUM COUNTY											
Dorer & Sons Coal Co., O. D. (O. D. Dorer)	Cedarhill Mine	2439	6	280	270	260	235	230	195	165	165
Lane & Glosser Coal Co. (Alfred Dale Lane)	Lane Glosser Coal Co	2429	6	280	270	260	235	230	195	165	165
Pavlik Coal Company (George Pavlik)	Walker	2440	6	280	270	260	235	230	195	165	165
PERRY COUNTY											
Boley Coal Company (c/o James Boley)	Boley	2433	6	280	270	260	235	230	195	165	155
Gardner, Charles	Square Deal	2404	6	280	270	260	235	230	195	165	155
Lucky Star Coal Co. (Joseph Parker)	Lucky Star Coal Co	2457	6	280	270	260	235	230	195	165	155
Patton, F. F.	F. F. Patton	2460	6	280	270	260	235	230	195	165	155
Robinson, L. A. & Sons (L. A. Robinson)	Robinson & Son	2116	6	280	270	260	235	230	195	165	155
SUB-DISTRICT NO. 7—JACKSON											
JACKSON COUNTY											
Boswell & Wyatt (William Wyatt)	Wyatt	2494	2	295	285	275	250	245	195	175	165
Grow, Edwin	Grow	2492	2	295	285	275	250	245	195	175	165
Houser Coal Co. (Willard Houser)	Zinn	2419	4	295	285	275	250	245	195	175	165
Keller & Booth (Harley Keller)	Keller-Booth	2420	5	295	285	275	250	245	195	175	165
LAWRENCE COUNTY											
Brown, Harvey	Brown	2434	5	295	285	275	250	245	195	175	165
Corn, J. S.	Corn	2441	8	295	285	275	250	245	195	155	145
Dalton, John	Dalton	2435	8	295	285	275	250	245	195	155	145
Walker & Son, G. M. (G. M. Walker)	Walker	2428	4	295	285	275	250	245	195	175	165
VINTON COUNTY											
Camp & Morrow (Fred Camp)	Morrow-camp	2425	4	295	285	275	250	245	195	175	165
McCoy, V. R.	McCoy	2392	6	295	285	275	250	245	195	175	165
Pleasant Valley Coal Co. (Leonard E. Burgess).	Pleasant Valley Coal Co.	2378	6	295	285	275	250	245	195	165	155
Refflitt & Ousley (J. L. Refflitt)	Refflitt	2400	3	295	285	275	250	245	195	175	165
Westfall, Martin C. (The Clarion Coal Company).	Clarion	189	4	295	285	275	250	245	195	175	165
SUB-DISTRICT NO. 8, POMEROY											
GALLIA COUNTY											
Darst Coal Co., Harvey	Harvey Darst	2530		295	285	275	250	245	195	140	140
Fellure, Irvin	Babcock	2446	8	295	285	275	250	245	195	140	140
Waugh, A. L.	Waugh	2418	8	295	285	275	250	245	195	140	140
Wooten, Robert T	Wooten	2422	8	295	285	275	250	245	195	140	140

§ 326.23 *General prices for shipment into all market areas*—Supplement T–V

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 6", egg, 2" x 3", egg	1¼" lump, 1¼" x 4" egg	Mine run nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
Kasloski, Albert	Morrow	195	Upper Freeport No. 6	285	275	260	235	230	220	200	190
Norman Coal Co. (Alex Larkey)	Norman	196	Pgh. No. 8	285	275	260	235	230	220	200	190
Pennington, Lawrence (Pennington Coal Co.)	Pennington	198	Pgh. No. 8	285	275	260	235	230	220	200	190
Silver, Archie	Hukel Run	199	Pgh. No. 8	285	275	260	235	230	220	200	190
West, Ray	West	199	Pgh. No. 8	285	275	260	235	230	220	200	190
Zsak Brothers Coal Mine (William Zsak).	Zsak	202	Pgh. No. 8	285	275	260	235	230	220	200	190

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–VI

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 2" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
SUB-DISTRICT NO. 1, BIG SANDY-ELKHORN											
ELLIOTT COUNTY, KY.											
Hutchinson & Moore (Thurman Hutchinson)	Skaggs	2909		265	245	210	220	205	200	150	145
Wagoner, Dee	May	2911	#7	265	245	210	220	205	200	150	145
GREENUP COUNTY, KY.											
Blevins & Blevins (Dan Blevins)	Wadell	3179	Clod	265	245	210	220	205	200	150	145
Gillum & Slone (Mitchell Slone)	Gillum-Slone	2919	#7	265	245	210	220	205	200	150	145
Hensley, David	Hensley	2893	#7	265	245	210	220	205	200	150	145
Tackett & White (Enzie White)	Hamilton	3180	Clod	265	245	210	220	205	200	150	145
White, Vernon	Joe Hamilton	3181	#7	265	245	210	220	205	200	150	145
LAWRENCE COUNTY, KY.											
Rife, H. D.	Rife	2920	McHenry	265	245	210	220	205	200	150	145
MORGAN COUNTY, KY.											
Fairchild, Ernest	Short	2908		265	245	210	220	205	200	150	145
Stevens, Sanford	Todd	2907		265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Belcher, Elmer	Belcher	2926	Elkhorn	(†)	(†)	220	(†)	(†)	(†)	210	(†)	(†)
SUB-DISTRICT NO. 3, HAZARD											
LEE COUNTY, KY.											
Newman Brothers (Charley Newman).	Newman Bros	2884	Idamay	275	255	220	225	205	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–VI—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 2" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
SUB-DISTRICT NO. 3 HAZARD—Con.											
LETCHER COUNTY, KY.											
Cook, Henry	Henry Cook	2898	Elkhorn	275	255	220	220	205	210	160	155
SUB-DISTRICT NO. 4, KANAWHA											
CLAY COUNTY, W. VA.											
Chemical Coal Co.	LeMoyne	3190	No. 5 Block	245	225	210	195	180	200	145	140
KANAWHA COUNTY, W. VA.											
Black Diamond Coal & Land Co. (c/o Linda Young).		2912		265	245	225	215	200	215	175	170
MASON COUNTY, W. VA.											
B. H. & V. Coal Co. (Waller Bland)		2892	Pittsburgh #8	270	260	205	235	180	195	155	150
NICHOLAS COUNTY, W. VA.											
Catlette, R. C.	Brown	3182	Coalburg	265	245	230	230	205	220	165	160
PUTNAM COUNTY, W. VA.											
Black Betsy Fuels, Inc.	Black Betsy	557	Pittsburgh #8	245	225	205	195	180	195	125	120
SUB-DISTRICT NO. 5, LOGAN											
LINCOLN COUNTY, W. VA.											
Jones, Herbert G		2925	Alma	245	225	220	215	195	210	165	150
LOGAN COUNTY, W. VA.											
Pyatt, Richard	Long Shute	555	Eagle	245	225	230	215	205	220	180	175
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN											
CLAY COUNTY, KY.											
Kentucky Horse Creek Mining Co.		3069	Horse Creek	265	245	220	220	205	210	155	150
Manchester Coal Co.	Paw Paw	1606	Horse Creek	265	245	220	220	205	210	155	150
Phillips & White	Phillips & White	602	Horse Creek	265	245	220	220	205	210	155	150
JACKSON COUNTY, KY.											
Dean, W. A.	W. A. Dean	2906	Bond	265	245	220	220	205	210	155	150
Robinson, General	Harrison #4	2720	Horse Creek	265	245	220	220	205	210	155	150
LAUREL COUNTY, KY.											
Tye & Nae (H. S. Tye)	Lick Creek	2931	Horse Creek	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Bailey, Lewis	Ace Burse	1871	Blue Gem	335	315	235	260	225	225	145	140
Croley, Ester	Mammoth	3191	Blue Gem	335	315	235	260	225	225	145	140
ANDERSON COUNTY, TENN.											
Kennedy, Sterling & L. E. Turner (Sterling Kennedy).	Kennedy & Turner.	2808	Joiner	255	235	225	230	205	215	145	140

†Indicates no classification effective for these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–VI—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" and under, egg 2" x 4"	Lump ¾" and under	Egg 2" x 4", 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN—Continued											
CAMPBELL COUNTY, TENN.											
Coker, C. H. (Pioneer Coal Co.)	Pioneer	3183	Dean	250	230	205	210	185	195	135	130
FENTRESS COUNTY, TENN.											
Harris, Oliver	Oliver Harris	2913	Bon Air	250	230	205	210	185	195	135	130
MORGAN COUNTY, TENN.											
Winner, Harry	Winner	2883	Blue Gem	255	235	225	230	205	215	145	140
SCOTT COUNTY, TENN.											
Lindsay, Dewey	Dewey Lindsay	574	Glen Mary	255	235	215	210	200	205	155	150
SUB-DISTRICT NO. 7, VIRGINIA											
DICKENSON COUNTY, VA.											
Mosely, W. D.	Mosely Mine	2924		265	245	220	220	215	210	155	150
LEE COUNTY, VA.											
Kelly, H. C.	Blue Gem Coal Co.	3185		265	245	215	220	205	205	155	150
King, Jasper H.	King's	3186	Penn Lee	265	245	215	220	205	205	155	150
McNabb, G. S.	Bob Branch Coal Co.	2905	Penn Lee	265	245	215	220	205	205	155	150
Pennington, Boyd R.	Mud Creek	2927	No. 5	295	275	225	245	215	215	170	165
Pike & Beavers (M. D. Pike)	Pike & Howers	2901	Penn Lee	295	245	215	220	205	205	155	150
Ridings, Julius F.	Ridines	3184	No. 5	295	275	225	245	215	215	170	165
Turnbill, E. E.	Turnbill	2895	North Fork	265	245	215	220	205	205	155	150
WISE COUNTY, VA.											
Bruce Coal Co. (F. M. Mays)	Bruce Coal Co	2332	Widow Kennedy	275	255	220	240	225	210	155	150
Harvey, Corbett	Harvey Mine	2922	Lower Banner	265	245	220	220	215	210	155	150
Rocky Fork Mine (Roscoe Holling)	Rocky Fork	3188	Blair	265	245	220	220	215	210	155	150
Thomas Mine (A. B. Thomas)	Thomas	2896	Lower Banner	265	245	220	220	215	210	155	150
SUB-DISTRICT NO. 8, WILLIAMSON											
BUCHANAN COUNTY, VA.											
Breeding, Arthur	Breeding #1	2899	Kennedy	255	235	230	230	210	220	185	180
PIKE COUNTY, KY.											
Trout, Alvis	Trout	2910	Pond Creek	245	225	225	210	200	215	160	155

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–VI—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" and under, egg 2" x 4"	Lump ¾" and under	Egg 2" x 4", 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN—Continued											
MARTIN COUNTY, KY.											
Pinson, Clyde B	Little Bee	2376	Warfield	245	225	210	200	185	200	140	135
WAYNE COUNTY, W. VA.											
Endicott, Ezkill	Endicott	2921	#5 Block	245	225	205	210	185	195	145	140
Left Fork Fuel Co., Inc. (c/o W. E. Sellards).	#1	2431	#5 Block	245	225	205	210	185	195	145	140
Lemaster & Bros., J. D. (J. D. Lemaster).	Lemaster	2923	#5 Block	245	225	205	210	185	195	145	140

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–VII

[Minimum prices for shipments by truck for code members producing in counties added to District 8 in accordance with order dated October 23, 1940, in docket No. 898-FD]

State	County	Adjoining counties to which prices are related	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 2" x 4"	Lump ¾" and under	Egg 2" x 4", 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
			1	2	3	4	5	6	7	8
Kentucky	Lewis	Greenup, Carter (Kentucky)	265	245	210	220	205	200	150	145
Kentucky	Rowan	Carter, Elliott, Morgan (Kentucky)	265	245	210	220	205	200	150	145
Kentucky	Menifee	Morgan (Kentucky)	265	245	210	220	205	200	150	145
Kentucky	Wolfe	Morgan, Magoffin (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Estill	Jackson (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Powell	Jackson, Estill (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Madison	Jackson, Rockcastle (Kentucky)	265	245	220	220	205	210	155	150
Kentucky	Pulaski	Rockcastle, Laurel (Kentucky)	255	235	215	210	200	205	155	150
Kentucky	Clinton	Wayne (Kentucky)	250	230	205	210	185	195	135	130
Tennessee	Pickett	Fentress, Overton (Tennessee)	250	230	205	210	185	195	135	130
Tennessee	Putnam	Overton, Cumberland (Tennessee)								

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–VIII

Code member index	Mine	Subdist.	Mine index No.	Seam	Lump: over 2", Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bot. size over ½"		Chestnut: Top size 3" and under, bot. size ½" and under		Chestnut: Top size 1½" and under, bot. size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
BIBB COUNTY																			
Gilbert, L. L.	Youngblood	2	927	Youngblood	365	365	340	335	315	315	290	300	275	275	250	225	240	215	275
BLOUNT COUNTY																			
Ables, Frank	Big Lump	2	870	Black Creek	355	355	340	345	325	310	300	295	285	285	275	255	265	250	285
Layne Coal Co., W. F.	Mack Hill	2	744	Black Creek	355	355	340	345	325	310	300	295	285	285	275	255	265	250	285
Poe & Davis	#55	2	863	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
CULLMAN COUNTY																			
Hudson & Garrett	Washington	2	1000	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Jones, W. J.	Jones	2	993	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
ETOWAH COUNTY																			
Mitchell, Ben	Mitchell	2	968	Underwood	345	345	320	315	295	295	270	280	255	260	260	250	255	240	260
JACKSON COUNTY																			
Coffey, H. L. (Coffey Coal Company)	Kennedy	2	845		325	325	325	320	310	310	295	305	290	295	235	200	230	180	295
Rudder, C. H.	Aught	2	843	Belmont	325	325	325	320	310	310	295	305	290	295	235	200	230	180	295
Sparkman, Silas	Sparkman	2	846	Block	325	325	325	320	310	310	295	305	290	295	235	200	230	180	295
JEFFERSON COUNTY																			
Bucksalew, J. D.	Bucksalew	2	1030	Nickel Plate	290	290	280	285	275					275	250	245	260	240	285	245
Champion, J. C.	Champion	2	942	Gould	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Clark, H. Y.	Old Sicard	2	945	Helena	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Daisy City Coal Co.	Daisy City No. 4	2	882	Pratt	325	325	325	320	310	310	295	305	290	295	270	250	265	240	295
Gentle, Bennie	Gentle	2	1016	Thompson	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Jenkins, Charlie	Gunn	2	955	Leaf	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Keel, N. W.	Keel Coal Co	2	950	L. Nunnally	290	280	275	295	275			270	250	290	255	200	230	180	285
Little "G" Coal Company	Little "G"	2	954	Helena	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
McGowan, Homer L.	Buck Seam #1	2	905	Buck	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Martin, J. H.	Martin	2	956	Clark	365	365	340	335	315	315	290	300	275	275	260	190	250	150	275
Mayfield, C. H.	Mayfield	2	947	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	250	290
Meadows, A. D.	Meadows	2	959	Black Shale	365	365	340	335	315	315	290	300	275	275	260	165	250	150	275
Negron, Leon	Convict Camp	2	310	Pratt	325	325	325	320	310	310	295	305	290	295	270	250	265	240	295
Reevers & Williams (Baker Reevers)	Williams & Ridley	2	957	Clark	365	365	340	335	315	315	290	300	275	275	260	190	250	150	275
Smith, Lufkin V.	Smith	2	918	Jefferson	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Smith, Joe	Buck	2	379	Buck	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Vary, Dan	Thompson Drift #2	2	941	Thompson	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Whaley & Mikell	Whaley & Mikell	2	1005	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
MARION COUNTY																			
Aldridge, Gray	Wheeler #6	2	1015	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Atchley, R. B.	Atchley	2	1014	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Bensley, T. F.	Jasper Coal Co. #4	2	840	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Boyd, Joe	Jasper Coal Co. #5	2	871	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Box, W. Troy	Box & Sullivan	2	1010	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Bryant, Edd and Jack Bryant	Bryant & Bryant	2	993	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Cooper, Jack	M. Weeks #4	2	1007	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Couch, Roy	Couch	2	991	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Cunningham, W. W.	Lee Kelly #2	2	909	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Derrick, Lewis	Derrick	2	958	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Freeman & Son, Alex (Alex Freeman)	Ben W. Miles #4	2	861	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Gilbert & Burks	Sullens	2	1300	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Guthrie, C. H.	Kelly #8	2	911	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Harbin & Atchley (Noah Harbin)	Norris #5	2	875	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Howell, Lowell A.	Howell #5	2	841	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Hunsley, Monroe	Logan #4	2	865	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Ingle, Oliver and Daly Ingle	Ingle	2	952	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Ingle, Robert M.	R. M. Ingle	2	999	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Linley, Parmer	Linley	2	893	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Logan & Robertson (Elmer Logan)	Logan #1	2	868	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
McNiece & McNiese	Blaylock	2	410	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
McWhirter, Hobart	Kelly #9	2	920	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–VIII—Continued

Code member index	Mine	Sub-dist.	Mine index No.	Seam	Lump over 2", Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bot. size over ½"		Chestnut: Top size 3" and under, bot. size ½" and under		Chestnut: Top size 1½" and under, bot. size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	
ALABAMA—Continued																			
MARION COUNTY—continued																			
Martin, Earnest I.	Weeks #2	2	965	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Martin, V. D.	Franks #1	2	1002	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Odom, Clarence	Young #9	2	404	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Reed, Elmer	Weeks #6	2	906	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Rowell, A. B.	Gold Eagle #6	2	897	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Rutledge & Darty	Wheeler #4	2	1008	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Sides, Eugene	Kelly #5	2	908	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Southerland, D. C.	Benson	2	1038	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Stewart, Floyd W.	Lee Kelly #5	2	997	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Weeks, Will C.	Butler #2	2	122	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Whitehead, G. W.	Kelly #6	2	972	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Whiteside, Stanley	Hallmark #2	2	973	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Wood & Townsend (C. M. Townsend)	Bowlin #3	2	1026	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
SHELBY COUNTY																			
Cox, H. S.	Cox	2	943	Underwood	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Hester, H. B.	Hester	2	856	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	160	250	150	275
Falliston Red Ash Coal Co.	No. 1 Clark	2	842	Clark	365	365	340	335	315	315	290	300	275	275	260	160	250	150	275
TUSCALOOSA COUNTY																			
Avery & Riley Coal Company	Avery & Riley Coal Co.	2	960	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Best & Linebarger	Best & Linebarger	2	989	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Garner, Frank	Garner	2	1094	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Hallman Brothers	Hallman	2	899	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Jenkins, H. M.	Jenkins	2	838	Millidale	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Linebarger & Hallman	Linebarger & Hallman	2	890	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
McCoy, H. J.	McCoy	2	971	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Walker, Luther E.	Walker	2	969	Millidale	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Walker, W. C.	Walker	2	998	Bowers															
WALKER COUNTY																			
Benson & Rowe	Benson	2	864	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Boshell, Bell	Boshell	2	839	#7	280	280	275	295	275			305	290	265	270	250	265	230	265
Bushy, J. H.	Bushy	2	858	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	230	265
Campbell & Robinson	C & R	2	1011	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Carmichael, Wake	John Smith	2	1012	Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Chaney, Andrew	Chaney	2	1009	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Daisy City Coal Co.	Henson #7	2	1006	Black #Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Davis & Ellen	Davis & Ellen	2	1005	Mary Lee	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Day, Curt	Henson #5	2	851	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Dodd, Garfield	Garfield Dodd	2	848	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Duncan & Chandler	Duncan & Chandler	2	1004	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Farris & Johnson	Geo. Bonner #2	2	1003	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Ganey, S. A.	Empty Pocket	2	1,010	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Henderson & Goldsmith	Baker #1	2	1,013	Black Creek	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Hendon, Clarence M.	Black Rock	2	970	Mary Lee	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Johnson & Rutledge	Grace #2	2	992	Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Keeton & Keeton	Keeton	2	994	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
McGough, Ed.	McGough 1-2-3-4	2	855	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Martin, Amos	Martin	2	902	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Moore, E. M.	Old Bufford	2	1,024	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Nelson, C. B.	Hemphill	2	328	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Norris, Martin	Kelly #3	2	427	Black Creek	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Price, A. J.	Myers	2	995	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Price, Claud	Ferguson	2	1,029	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Smith and Langford	Smith and Langford	2	996	Mary Lee	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Tucker & Tucker (O. J. Tucker)	Henson #5	2	862	Black Creek															
WINSTON COUNTY																			
Bass, Mack	Glen Mary #1	2	1032	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Ellington, E. R.	Twin Arrow	2	1095	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Nix & McCullar	Millstone Mountain	2	1307	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Swindle, F. L. (Swindle Coal Co.)	Swindle	2	910	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Vickery & Brown (James Vickery)	Bryson #2	2	903	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Ward, Billy	Billy Ward	2	804	Black Creek															

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–IX

Code member index	Mine	Mine index Nos.	Sub dist.	Seam	Lump: Over 2"; Egg: Top size over 6"	Egg: Top size, 6" and under size, 2" and under	Lump: 2" and under	Nut: Top size, 2" and under; bot. size, 1" and under	Stoker: Top size, 1½ and under; bot. size, ½" and under	Stoker: Top size, ¾" and under; bot. size, ½" and under	Straight and modified M/R	Resultants: 5" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ¾" and under	Industrial coal*
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
BLEDSOE COUNTY, TENN.																			
Metz, J. N.	Metz	967	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
GRUNDY COUNTY, TENN.																			
Brawley, E. K.	Brawley	1031	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Cantrell, C. J.	Cantrell	974	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Carrick, Baxter	Carrick	901	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Hampton, W. H.	Hampton	975	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Jones, W. W.	Jones	951	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Meeks, Edgar	Meeks	979	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Meeks, J. M.	Meeks	980	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Meeks, T. J.	Meeks	981	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Petty, William	Old #1	1036	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Shrum, A. P.	Shrum	894	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Slatton, Lather	Harris	1091	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
HAMILTON COUNTY, TENN.																			
Hannah, C. J.	C. J. Hannah	912	4	#10	305	305	295	250	(†)	(†)	225	225	225	205	195	------	------	------	250
Hill, Phillip	Hill	1025	4	#9	305	305	295	250	(†)	(†)	225	225	225	205	205	195	------	------	250
Pickett Brothers	Hickman	869	4	#10	305	305	295	250	(†)	(†)	225	225	225	205	205	------	------	------	250
Pikeville Fuel Co.	Soddy or Flat Top	1096	4	Soddy #10	305	305	295	250	(†)	(†)	225	225	225	205	205	195	------	------	250
Yother & Sons	Murphy	1033	4	#9	305	305	295	250	(†)	(†)	225	225	225	205	205	195	------	------	250
Yother & Sons	Stob	1037	4	#7	315	315	305	260	(†)	(†)	235	235	235	205	205	195	190	155	260
MARION COUNTY, TENN.																			
Brown & Morris (C. R. Brown)	George Bryant	859	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	------	200	------	260
Caldwell, Virgil	Turner	892	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	------	200	------	260
Dalton, David Crockett	Dalton	944	4	Bluff	315	315	305	260	(†)	(†)	235	235	235	205	205	------	------	------	260
Floyd, John Early	Floyd	913	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	------	200	------	260
Hassler Brothers & C. J. Green (Ross C. Hassler)	Bryant	853	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	------	200	------	260
McDowell, Harold	Morrison	847	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	------	200	------	260
Parmley, E. B.		888	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Raulston, Russ	Raulston	982	4	Battle Creek	(†)	(†)	330	(†)	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	235
Rector, Marvin	Raulston	849	4	Top	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Reynolds, Henry E.	Reynolds	946	4	Bolton	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Rounsavill, Clyd	Rounsavill	895	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Scisson, Henry	Scisson	857	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Shaderick & Cookston	Shaderick & Cookston	898	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Shoemake, C. J.	Shoemake	900	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Shook, James R.	Big Ridge	873	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Simmons, S.	Simmons Mine	891	4	Sewenee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Sitz & Sons, William	Pine Ridge	860	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Thomas, Virgil C.	Virgil C. Thomas	907	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Trussell, Oscar	Trussell	850	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Weaver & Medley (J. W. Weaver)	Weaver & Medley	1304	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	200	(†)	260
Westmoreland & Manning (Morris Westmorland)	Jenkins	844	4	Etna	(†)	(†)	305	(†)	(†)	(†)	235	235	235	225	225	(†)	(†)	(†)	260
RHEA COUNTY, TENN.																			
Allison, E. L.	Allison	866	4	Nelson	325	325	315	270	(†)	(†)	235	235	235	205	205	195	190	(†)	270
SEQUATCHIE COUNTY, TENN.																			
Lane, Estel	Deakins #2	978	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
Meeley, Crayton	Dickens #1	896	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	205	(†)	(†)	260
Sunshine Coal & Coke Co.	"Sun-Glo" Group	1097	4	Sewanee	315	315	305	260	(†)	(†)	235	235	235	205	205	(†)	(†)	(†)	260
VAN BUREN COUNTY, TENN.																			
Brook, E. C.	Robinson Springs	1034	4	Sewanee	315	315	315	260	(†)	(†)	235	(†)	(†)	200	195	(†)	(†)	(†)	260
Cumberland Mountain Coal Co.	Rhodes Coal Bank	1092	4	Bon Air	315	315	315	260	(†)	(†)	235	(†)	(†)	200	195	(†)	(†)	(†)	260
DADE COUNTY, GEORGIA																			
Ringer, B. F.		26	4	Old Dade	(†)	(†)	305	(†)	(†)	(†)	235	235	235	225	225	(†)	(†)	(†)	260

*For sizes included see Size Group Table, § 333.6.

†Indicates no classification effective for these size groups.

[F. R. Doc. 41-9449; Filed, December 16, 1941; 10:47 a. m.]

[Docket No. A-963]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF THE PILOT MOUNTAIN MINE (MINE INDEX NO. 1911) OF THE PILOT MOUNTAIN COAL COMPANY, INC., IN DISTRICT 8 FOR SHIPMENT BY TRUCK

This is a matter instituted upon an original petition filed on July 11, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision of the seam designation from "Dean" to "Pee Wee" for coals produced for shipment by truck at the Pilot Mountain Mine (Mine Index No. 1911) of the Pilot Mountain Coal Company, Inc., a code member in District 8, and an appropriate revision in the effective minimum prices therefor as follows:

	Size groups							
	1	2	3	4	5	6	7	8
Change from	240	220	205	210	185	195	135	130
To	335	315	235	260	225	225	170	165

Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived, and the record in the proceeding was thereupon submitted to the undersigned.

The Pilot Mountain Mine (Mine Index No. 1911) of the Pilot Mountain Coal Company, Inc., is located in Anderson County, Tennessee. The coals of the Pilot Mountain Mine are designated as being produced from the Dean Seam in the District 8 truck schedule. About 75 tons of coal a day are mined at the Pilot Mountain Mine and are trucked 47 miles to Knoxville, Tennessee.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8 to the effect that investigation by the District Board has revealed that the coals produced at the Pilot Mountain Mine are of higher quality than the Dean Seam coals. That in fact they are produced from the Pee Wee Seam and should be so designated. Accordingly, the District Board, with the approval of the operator of the Pilot Mountain Mine, seeks a revision of the seam designation of the coals produced at said mine and an appropriate revision of the effective minimum prices therefor so as to place it in a position of competitive equality with comparable coals.

Upon the basis of the uncontroverted testimony, I find and conclude that the revision of the seam designation and of the applicable effective minimum prices for the coals of the Pilot Mountain Mine, as set forth in Supplement T annexed hereto, effectuates the purpose of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth therein comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and the same hereby is amended in accordance with Supplement T annexed hereto and made a part thereof.

Dated: November 17, 1941.

[SEAL] H. A. GRAY, *Director.*

FOR TRUCK SHIPMENTS

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for this District and supplements thereto.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes: Lump over 2", Egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN											
ANDERSON COUNTY, TENN.											
Pilot Mountain Coal Company, Inc.	Pilot Mountain	1911	Pee Wee[2]	1335	315	235	260	225	225	170	165

[1] Indicates change in price classification from previous price classification for the respective size groups.
[2] Indicates change in seam designation.

[F. R. Doc. 41-9445; Filed, December 16, 1941; 10:38 a. m.]

[Docket No. A-975]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT CERTAIN MINES IN KANAWHA COUNTY, WEST VIRGINIA, SUBDISTRICT 4 IN DISTRICT 8, FOR SHIPMENT BY TRUCK

This is a proceeding instituted upon an original petition filed on July 16, 1941, with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision of the seam designation and of the effective minimum prices for coals produced for shipment by truck at certain mines in Kanawha County, West Virginia, Subdistrict 4 in District 8.

Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8, to the effect that investigation by the District Board had revealed that certain mines in the Tuppers Creek Area, Kanawha County, West Virginia, which are listed in the District 8 truck schedule as producing coals for truck shipment from the No. 2 Gas Seam, are in fact producing such coals from the Pittsburgh No. 8 Seam. The witness Daniel further testified that the truck coals produced at these Tuppers Creek mines are, however, superior in quality in Size Groups 1-6, inclusive, to other Pittsburgh No. 8 Seam coals and inferior thereto in Size Groups 7 and 8. The witness contended that revision of the seam designation and corresponding effective minimum prices of the coals produced for shipment by truck by these Tupper Creek mines was necessary in order to reflect their relative market value and to afford them a reasonable opportunity to compete with comparable coals.

Upon the basis of the uncontroverted testimony, I find and conclude that the revision of the seam designation and effective minimum prices as set forth in Supplement T effectuates the purposes of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth comply with all of the standards thereof.

Now, therefore, it is ordered, That § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and it hereby is amended in accordance with supplement T which is annexed hereto and made a part thereof.

Dated: November 18, 1941.

[SEAL] H. A. GRAY, *Director.*

FOR TRUCK SHIPMENTS

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipments into all market areas*—Supplement T

Code member index	Mine	Mine Index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Barnett, Oral C.	Barnett	1395	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Blankenship, W. R.	W. R. Blankenship.	1396	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Burgy, Harlan	Tuppers Creek-Burgy No. 2.	1399	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Fauber, C. W.	Ellison	3253	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Foster, J. W.	Foster	1404	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Goff, Delbert H.		5006	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Guthrie, A. W.	Guthrie	1406	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Guthrie & Tate (O. A. Guthrie).	O'Connor	1407	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Haynes, R. J.	Haynes	1409	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Haynes, Talmadge	R. F. Haynes	3112	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Haynes, W. H.	W. H. Haynes	1410	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Haynes, Willie H.	Willie H. Haynes	1411	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Holmes, Leon	Holmes	1419	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Holmes, Russell	Russell Holmes	3548	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Hughes, C. A.	Walker No. 2	2900	Pittsburgh No. 8	265	245	230	230	205	220	*135	*130
Rose, G. M.	Honaker #	1418	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Sokolow, Mike F.	Walker #	1420	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Taylor, Otis	Independent	1421	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Thaxton, Ben	Newhouse	1422	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Thaxton, J. R.	Thaxton	3538	Pittsburgh No. 8	265	245	230	230	205	220	*135	*130
Thaxton, L. B.	L. B. Thaxton	1423	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Thaxton, S. M.	S. M. Thaxton	1424	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Thaxton & Walker (J. A. Thaxton).	Tuppers Creek	3155	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Walker, E. W.	E. W. Walker	1427	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Whittington, A. E.	Whittington	1428	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Whittington, Carl	Whittington #	1429	Pittsburgh No. 8**	265	245	230	230	205	220	*135	*130
Whittington, L. H.	Whittington No. 2	1430	Pittsburgh No. 8	*265	*245	*230	*230	*205	220	135	130
Williams, R. S. (R. S. Williams Coal Co.).		1432	Pittsburgh No. 8	*265	*245	*230	*230	*205	220	135	130

*Indicates change in price classification from previous price classification for the respective size groups.
**Indicates change in seam designation.
#Indicates change in Mine Name.

[F. R. Doc. 41-9444; Filed, December 16, 1941; 10:38 a. m.]

[Docket No. A-1006]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS OF CERTAIN MINES IN CAMPBELL COUNTY, TENNESSEE, SOUTHERN APPALACHIAN SUBDISTRICT IN DISTRICT 8 FOR SHIPMENT BY TRUCK

This is a matter instituted upon an original petition filed on August 9, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision of the seam designations and applicable effective minimum prices for coals produced for shipment by truck at the Blue Gem Mine (Mine Index No. 1937) of Jas. L. Douglas (Newcomb Blue Gem Coal Co.), and at the Foley Mine (Mine Index No. 1941) of L. D. & R. V. Foley. Petitioner also requests the revision of the seam designations presently listed for the coals produced for shipment by truck at the W. M. Graham Mine (Mine Index No. 1944) of W. M. & H. B. Graham, and at the Hickory Creek Mine (Mine Index No. 1974) of Joe Roberts (Hickory Creek Coal Co.). The operators of all of these mines are code member producers in District 8.

Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8, that investigation has revealed that coal is produced at the Blue Gem Mine (Mine Index No. 1937) from the Blue Gem Seam and not the Jellico Seam as presently designated in the District 8 truck schedule,[1] at the Foley Mine (Mine Index No. 1941) from the Jellico Seam and not the Blue Gem Seam as presently designated and at the W. M. Graham Mine (Mine Index No. 1944), and at the Hickory Creek Mine (Mine Index No. 1974) from the Rich Mountain Seam and not from the Rex Seam as presently designated. The witness Daniel stated that revision of the effective minimum prices of the Blue Gem coals and Foley coals[2] is necessary to reflect their relative market value and to afford them a reasonable opportunity to compete on a fair basis with comparable coals.

The undersigned accordingly finds and concludes that the revision of such effective minimum prices and seam designations as set forth in supplement T annexed hereto effectuates the purpose of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments be and the same hereby is amended in accordance with supplement T annexed hereto and made a part thereof.

Dated: November 17, 1941.

[SEAL] H. A. GRAY, *Director.*

[1] In Docket No. A-680, effective minimum prices were established for the rail coals produced at Mine Index No. 1937 on the basis that such coals were produced from the Blue Gem Seam

[2] Revision of the Effective Minimum prices applicable to the coals of Mine Index Nos. 1944 and 1974 was not requested because they are the same for coals produced in District 8 from the Rich Mountain Seam and from the Rex Seam.

FOR TRUCK SHIPMENTS

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 6"	Slack 2" and under, run 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6, SOUTHERN APPALACHIAN											
CAMPBELL COUNTY, TENN.											
Douglas, Jas. L. (Newcomb Blue Gem Coal Co.).	Blue Gem	1937	Blue Gem **	*335	*315	*280	*260	*225	*225	*145	*140
Foley, L. D. & R. V.	Foley	1941	Jellico **	*300	*280	*235	*250	*215	*215	*170	*165
Graham, W. M. & H. B.	W. H. Graham	1944	Rich Mt.**	295	275	210	245	215	200	145	140
Roberts, Joe (Hickory Creek Coal Co.).	Hickory Creek	1974	Rich Mt.**	295	275	210	245	215	200	145	140

*Indicates change in price classification from previous price classification for the respective size groups.
** Indicates change in seam designation.

[F. R. Doc. 41-9446; Filed, December 16, 1941; 10:37 a. m.]

[Docket No. A-1053]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto supplement R-I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and §328.42 (*General prices for low volatile coals*) is amended by adding thereto supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition requests, among other things, the establishment of an "E" classification in Size Group 4 for the coals produced at the No. 7 Mine of Consumers Mining Corporation, Mine Index No. 3642. It appears, however, that the coals of this mine in Size Group 4 are analogous to the coals of Mine Index No. 377 in the same size group for which a "D" classification has been established by an Order of the Director dated October 16, 1941, in Docket No. A-355. Accordingly, coals produced at Mine Index No. 3642 in Size Group 4 are given a "D" classification herein, rather than the "E" classification originally proposed by the District Board.[1]

No relief is granted herein for the coals of Mine Index Nos. 3039, 1609, 3229, 1603, 3604, 602, 3270, 2397, 3649, 922, 3650, 3651, 3653, 2770, 3654, 3652, 3655, 2773, 953, 3656, 3657, 3644, 3659, 3645, 928, 2122, and 905, for all shipments except truck, for the reasons set forth in the Order designating that portion of Docket No. A-1053 relating to such coals as Docket No. A-1053 Part II.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 13, 1941.

[SEAL] H. A. GRAY, *Director*.

[1] The original petitioner, in an informal communication to the Director dated October 29, 1941, requested that the coals of Mine Index No. 3642 in Size Group 4 be given a "D" classification, rather than the proposed "E" classification.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 14	15, 16, 17	18, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 14	15, 16, 17	18, 19, 20, 21	23	24	25	26	27
917	Alder, Clarence E.	Alder	River Gem	6	Pleasant View, Ky	L & N	111	K	H	H	G	E	C	E	D	D	M	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
933	Auxier, Ben (Auxier Mining Co.).	Auxier	Elkhorn No. 2	1	Pikeville, Ky	C. & O	61	K	H	G	E	D	C	C	B	B	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
2383	Blackburn, Ellis	Blackburn	Ford Creek	6	Stone, Ky	L & N	120	Q	M	L	E	D	D	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
929	Black Nugget-Jellico Coal Co. (S. H. McDowell).	Black Nugget-Jellico	Jellico	6	Davis, Ky	L. & N.	111	H	H	F	E	D	D	E	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
927	Bradshaw-Williamson Coal Co. (D. Williamson).	Bradshaw - Williamson	Buckeye	6	Glenn, Ky	L. & N. and Sou.	113	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3162	Brock Coal Co., Inc.	Brock	Pittsburg	6	East Bernstadt, Ky.	L. & N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
741	Carico, J. Kyle	Carico	Lower Banner	7	Trammel, Va	C. C. & O	80	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3640	Consumers Mining Corporation.	No. 5	Upper Banner	8	Red Ash, Va	N. & W	20	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3641	Consumers Mining Corporation.	No. 6	Upper Banner	8	Red Ash, Va	N. & W	20	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1180	Craft & Goodwin (Charlie Craft).	Craft & Goodwin	Elkhorn	1	Maykine, Ky	L. & N	62	K	K	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3647	Cutshin Coal Co	Cutshin	No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
920	Daniels & Daniels (D. C. Daniels).	Daniels & Daniels	Elkhorn	1	Shelby, Ky	C&O	61	K	K	H	G	E	D	C	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3638	Dayton-Alma Coal Co.	Alma	Pittsburg	6	Spring, W. Va	N&W	130	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3460	Elza, Chester	E. F. Hart		6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1709	Evans, Walter	Walter Evans	Lilly	6	London, Ky	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
963	Harris & Stone Coal Co. (Olna Harris).	Harris & Stone	No. 4 or 6	1	Royalton, Ky	C&O	61	K	K	H	G	E	D	C	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
961	Harrison, James F.	Jim Harrison	Millers Creek	1	Pattonsville, Ky	C&O	61	K	K	H	G	E	D	C	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
907	Helton, Luther	Helton	Chaney Ridge	6	East Bernstadt, Ky	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
1288	Hickey Coal Co., G. C.	Blanton & Smith	Jellico	6	Bischoff, Ky	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3547	Hickey, G. C.	Hickey No. 2	Harlan	2	Baxter, Ky	L&N	80	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3643	Holt & Sons, H. C.	Holt-Blue Gem #3	Blue Gem	6	Baxter, Ky	L. & N	80	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3645	Hunter, Jim W.	Hunter	Blue Gem	6	Yadon, Ky	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3639	Kanawha & New River Barge & Rail Coal Mines, Inc.	Crown Hill #4	Cedar Grove	4	Deepwater, W. Va.	Interstate	209	M	M	L	K	J	H	G	E	E	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3166	King Horse Creek Coal Co., Inc.	King Horse Creek	Horse Creek	6	Manchester, Ky	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
863	Lambert Coal Company, The (R. J. Lambert).	Lambert Coal Company	Widow Kennedy	7	Allen, Va	CC&O	10	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
757	Leach, R. B.	Leach	Lilly	6	London, Ky	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
985	Little Elkhorn Coal Company (Walter Walters).	Jewel	Elkhorn No. 2	1	Sherman Junction, Ky	L&N-CT	61	K	K	H	G	E	D	C	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
954	McWhorter, Isaac	Yellow Jacket	Chaney Ridge	6	East Bernstadt, Ky	L&N	111	M	M	K	J	G	E	D	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
874	Mineral Creek Development Company, Inc. (c/o E. C. Shelton).	Deer Hollow	Sewanee	6	Crossville, Tenn	T. C	72	P	P	M	L	K	J	H	G	F	M	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
2191	Musick & Son (R. F. Musick)	Musick & Son	No. 5	7	St. Charles, Va	L&N and Sou.	204	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

See footnotes at end of table.

§ 328.11 *Alphabetical list of code members*—Supplement R–I—Continued

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
947	Owens, W. C.	Owens	Jellico	6	Williamsburg, Ky.	L&N	111	H	H	F	E	E	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	B	C	E	K	G	(†)	(†)	(†)	(†)	(†)
2946	Parsons, Haven R. (Parsons Mine).	Parsons	No. 3	7	Maness, Va.	L&N and Sou.	204	M	M	K	J	G	E	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
2691	Reed Coal Company (R. M. Reed).	No. 1	Blair	7	Esserville, Va.	Inter	200	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
5022	Reed Coal Company (R. M. Reed).	No. 2	Kelly	7	Esserville, Va.	Inter	200	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
901	Short, Lee	Black Diamond	Elkhorn	1	Mayking, Ky.	L&N	62	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
1988	Tennessee-Rex Coal Co., Inc.	Tennessee-Rex	Rex	6	Habersham, Tenn	L&N	140	F	F	E	D	E	C	E	C	F	M	(†)	(†)	(†)	(†)	(†)	(†)	F	F	E	B	B	C	E	K	M	(†)	(†)	(†)	(†)	(†)
2288	Victor Coal Co., Inc.	Victor Coal Co., Inc.	Eagin	7	Starnes, Va.	CC&O	50	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
2287	Victor Coal Co. (T. M. Bates).	Victor Coal Co.	Upper Banner	7	Starnes, Va.	CC&O	50	M	M	K	J	F	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
940	York, John H.	Leona	No. 2	6	Sloans Valley, Ky.	CNOTP	171	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	D	E	G	M	K	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for these size groups.

*Indicates previously classified these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub. dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
931	Ball, Albert (Ball Coal Co.)	Ball Mine	9	Cary	Raven, Va.	N&W	21	C	C	D	D	D	C	O	H	H	H
3642	Consumers Mining Corporation	No. 7	9	Raven	Red Ash, Va.	N&W	21	C	C	D	D	A	A	A	H	H	H

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 1—BIG SANDY-ELKHORN											
ELLIOTT COUNTY, KY.											
Ison, Jack F.	Ison	958	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Ewen, A. B.	Abbott Creek	3660	Top Strata	240	220	205	195	180	195	125	120
GREENUP COUNTY, KY.											
Ford, Clarence	Spears	904		265	245	210	220	205	200	150	145
Noble, Charles A.	Noble Coal Co.	940		265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Harris & Slone Coal Co. (Oina Harris).	Harris & Slone	962	Millers Creek	305	285	235	240	215	225	170	165
Pickleslmer, Oakley	Knott Mall	946	Millers Creek	305	285	235	240	215	225	170	165
Ward, Richard C.	Ward	942	Millers Creek	305	285	235	240	215	225	170	165
Ward, Richard C.	Ward No. 1	941	Millers Creek	305	285	235	240	215	225	170	165
LETCHER COUNTY, KY.											
Short, Lee	Black Diamond	901	Elkhorn	275	255	220	220	205	210	160	155
MAGOFFIN COUNTY, KY.											
Gilley, Charles W.	Gilley	983	No. 4 or 6	265	245	220	210	195	210	150	145
PIKE COUNTY, KY.											
Auxier, Ben (Auxier Mining Co.).	Auxier	933	Elkhorn No. 2	275	255	220	230	215	210	170	165
Daniels & Daniels (D. C. Daniels).	Daniels & Daniels	920	Elkhorn	275	255	220	230	215	210	170	165
Little Elkhorn Coal Company (Walter Walters).	Jewt	955	Elkhorn No. 2	275	255	220	230	215	210	170	165
Moore, Stewart	Moore	951	Lower Elkhorn	276	255	220	230	215	210	170	165
SUB-DISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Jackson, A. E.	Jackson	897	No. 5	295	275	225	245	215	215	170	165
SUB-DISTRICT NO. 3—HAZARD											
PERRY COUNTY, KY.											
Boggs, J. P.	J. P. Boggs	928	Hazard No. 4	275	255	220	225	205	210	150	145
SUB-DISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
Holbrook, W. M.	Holbrook	896	Alma	245	225	200	215	195	210	155	150
CLAY COUNTY, W. VA.											
Slack, J. H.	Slack	902	Pittsburgh #8	245	225	210	195	180	200	145	140
KANAWHA COUNTY, W. VA.											
Kanawha & New River Barge & Rail Coal Mines, Inc.	Crown Hill #4	3639	Cedar Grove	265	245	225	215	200	215	175	170

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Black Nugget-Jellico Coal Co. (S. H. McDowell).	Black Nugget-Jellico.	929	Jellico	285	265	220	240	215	210	155	150
Bradshaw-Williamson Coal Company (H. D. Williamson).	Bradshaw-Williamson Coal Co.	927	Buckeye	285	265	220	240	215	210	155	150
York, Walter	Klondike	940	Rim	285	265	220	240	215	210	155	150
CLAY COUNTY, KY.											
Brumley Bros.	Brumley	3649	Horse Creek	265	245	220	220	205	210	155	150
Crooked Creek Coal Company.	Laurel Creek	922	Horse Creek	265	245	220	220	205	210	155	150
Gregory, Ed	Gregory	3650	Green Briar	265	245	220	220	205	210	155	150
Gregory, Samuel B.	Gregory	3651	Green Briar	265	245	220	220	205	210	155	150
Harmon & Mitchell (Wm. Harmon).	Red Rooster	3652	Howard	265	245	220	220	205	210	155	150
Hibbard Bros. (Theo. Hibbard).	Hibbard's Mine	3653	Horse Creek	265	245	220	220	205	210	155	150
Hughes, John	Hughes	3654	Horse Creek	265	245	220	220	205	210	155	150
Jones Bros. (Shelby Jones)	Wood Hacker	3655	Green Briar	265	245	220	220	205	210	155	150
Mitchell, John	Mitchell	953	Howard	265	245	220	220	205	210	155	150
Pennington, Arkus	Candill Branch	3656	Horse Creek	265	245	220	220	205	210	155	150
Phillips, Shell	Phillips	3657	Horse Creek	265	245	220	220	205	210	155	150
Phillips & White (W. H. Phillips).	Pasture Field	3644	Horse Creek	265	245	220	220	205	210	155	150
Smith Bros. (Albert Smith)	Smith	3659	Howard	265	245	220	220	205	210	155	150
White Coal Co.	Steve Keith Mine	3645	Green Briar	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Sams, A. T.	Sams	975	Jellico	255	235	225	225	205	215	155	150
LAUREL COUNTY, KY.											
Harrison, James P.	Jim Harrison	961	Chaney Ridge	265	245	220	220	205	210	155	150
Hensley, Lawrence	Hensley	905	Lilly	265	245	220	220	205	210	155	150
McWhorter, Isaac	Yellow Jacket	954	Chaney Ridge	265	245	220	220	205	210	155	150
LESLIE COUNTY, KY.											
Cutshin Coal Co.	Cutshin	3647	No. 4	275	255	220	225	205	210	155	150
PULASKI COUNTY, KY.											
Lewis, Ebb	Sheepskin	956	No. 2	265	245	220	220	205	210	155	150
York, John H.	Leona	940	No. 2	265	245	220	230	205	210	155	150
WHITLEY COUNTY, KY.											
Alder, Clarence E.	Alder	917	River Gem	275	255	220	230	215	210	145	140
Davis, John	Davis	910	Jellico	285	265	225	240	215	215	170	165
Helton, Luther	Helton	907	Jellico	255	235	225	225	205	215	155	150
Holt & Sons, L. C.	Holt-Blue Gem #3	3643	Blue Gem	335	315	235	260	225	225	145	140
Owens, W. C.	Owens	947	Jellico	285	265	225	240	215	215	170	165
ANDERSON COUNTY, TENN.											
P. H. Coal Co. (Noah Braden).	Poll Hill	899	Joiner	255	235	225	230	205	215	145	140
CAMPBELL COUNTY, TENN.											
Ayers, Lewis	Lewis Ayers	932	Rex	295	275	210	245	215	200	145	140
Huckeby, Bill & Clarence Posey (Bill Huckeby)	Huckeby & Posey	960	Rex	295	275	210	245	215	200	145	140

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 5" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under slack (7)	¾" and under slack (8)
SUB-DISTRICT NO. 6—SOUTHERN APPALACHIAN—Con.											
CUMBERLAND COUNTY, TENN.											
Acme Coal Mining Company.	Acme Coal Mining Co.	918	Nelson	250	230	205	210	185	195	135	130
Mineral Creek Development Company, Inc. (c/o E. C. Shelton).	Deer Hollow	874	Sewanee	250	230	205	210	185	195	135	130
Randolph & Bohannon (G. E. Randolph).	Randolph & Bohannon.	876	Bon Air	250	230	205	210	185	195	135	130
MORGAN COUNTY, TENN.											
Vittatoe, John W. & R. C. Vittatoe (John W. Vittatoe).	Vittatoe	976	State	255	235	225	230	205	215	145	140
SUB-DISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Lambert Coal Company, The (R. J. Lambert).	Lambert Coal Company.	863	Widow Kennedy	265	245	220	220	215	210	155	150
Robinette & McCray (L. C. Robinette).	Robinette & McCray.	900	Lower Banner	265	245	220	220	215	210	155	150
Turner, A. M. & S. P. Reedy Coal Company (A. M. Turner).	T. & R. Mine	903	Lower Banner	265	245	220	220	215	210	155	150
RUSSELL COUNTY, VA.											
Brushy Ridge Coal Co. (F. M. Mays).	Brushy Ridge	894	Jawbone	265	245	220	220	215	210	155	150
Bryant Coal Co. (J. T. Bryant).	B. & M. Mine	908	Widow Kennedy	275	255	220	240	225	210	155	150
SUB-DISTRICT NO. 8—WILLIAMSON											
PIKE COUNTY, KY.											
Thornsbery, Wm.	Thornsbery	943	Pond Creek	245	225	225	210	200	215	160	155
BUCHANAN COUNTY, VA.											
Consumers Mining Corporation.	No. 5	3640	Upper Banner	(†)	(†)	(†)	(†)	(†)	210	(†)	(†)
Consumers Mining Corporation.	No. 6	3641	Upper Banner	(†)	(†)	(†)	(†)	(†)	210	(†)	(†)
MINGO COUNTY, W. VA.											
Dayton Coal Company	Dayton-Alma	3638	Alma	(†)	(†)	(†)	(†)	(†)	220	(†)	(†)

† Indicates no classification effective for this size group.

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump. (1)	Egg: Larger than 3" top. (2)	Stove: 3" top size. (3)	Nut or pea: 1¼" top or less. (4)	Screened M/R. (5)	Straight M/R. (6)	1¼" screenings. (7)	¾" screenings. (8)
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
BUCHANAN COUNTY, VA.											
Ball, Albert (Ball Coal Co.)	Ball Mine	931	Cary	305	305	290	230	270	205	155	150
TAZEWELL COUNTY, VA.											
Consumers Mining Corporation	No. 7	3,642	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 41–9437; Filed, December 16, 1941; 10:31 a. m.]

[A–1165 and A–1165 Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–1165, PART I FROM DOCKET NO. A–1165 GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN DOCKET NO. A–1165, PART I IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 8 AND PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES IN SIZE GROUPS 24 THROUGH 27 FOR COALS OF THE CAMEO MINE (MINE INDEX NO. 81) OF THE CAMEO COAL MINING COMPANY, A CODE MEMBER IN DISTRICT 8, FOR ALL SHIPMENTS EXCEPT TRUCK

The original petition in Docket No. A–1165, filed by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of price classifications and minimum prices for the coals of certain mines in that district. Among the mines included in that petition is the Cameo Mine (Mine Index No. 81) of the Cameo Coal Mining Company, for which price classifications and minimum prices are prayed in Size Groups 24 through 27, the coals of this mine having been previously priced and classified in Size Groups 1 through 21. It appears that the additional price classifications and prices thus sought on behalf of the Cameo Mine are the same as those heretofore established for analogous and comparable coals in District 8. It further appears that there is an urgent need for the granting of the temporary relief prayed for on behalf of the Cameo Mine, and that the granting of such relief should not await a disposition of the various other questions raised by the original petitioner in Docket No. A–1165.

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A–1165 relating to Mine Index No. 81 be severed from the remainder of the docket and that it be designated hereafter as Docket No. A–1165, Part I.

It is further ordered, That a reasonable showing of necessity having been made, pending final disposition of Docket No. A–1165, Part I, temporary relief be and the same is hereby granted therein as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated November 21, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as otherwise noted. Supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

Note: The material contained in this supplement is

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																															
								For destinations other than Great Lakes																			For Great Lakes cargo only															
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27			
81	Cameo Coal Mining Company...	Cameo.....	Coalburg.....	4	Cameo, W. Va....	C&O.....	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	B	C	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	B	C	D			

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

[F. R. Doc. 41-9447; Filed, December 16, 1941; 10:37 a. m.]

[Docket No. A-1145]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

NAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 5																																
BROWN COUNTY																																
Angelo, Floyd	1500	Angelo	2	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----
Bates, Frank	1520	Bates	2	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----	----
Clayton & Moorman (Fritz Moorman)	1508	Clayton & Moorman	2	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----	----
GREENE COUNTY																																
Cummins, Orval	1521	Cummins	2	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----	----
Schofield, Everett	1505	Schofield No. 2	1	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----	----
M'DONOUGH COUNTY																																
Hocker & Swanson (Sture E. Swanson)	1513	Hocker & Swanson	2	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----	----
Miller, Bert	1495	Miller	2	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----	----
Wayland Brothers (Herbert Wayland)	1511	Wayland Bros	2	255	250	245	235	230	225	170	165	160	155	155	155	125	125	115	60	----	----	----	----	----	----	----	----	----	----	----	----	----
SECTION No. 7																																
VERMILION COUNTY																																
Hathaway, Rowland Francis	1525	Hathaway	7	240	235	230	220	215	210	170	165	160	155	155	155	126	126	116	60	----	----	----	----	----	----	----	----	----	----	----	----	----
J & J Coal Co. (Joseph Jinkins, Sr.)	1507	J & J	7	240	235	230	220	215	210	170	165	160	155	155	155	126	126	116	60	----	----	----	----	----	----	----	----	----	----	----	----	----
M. & H. Coal Co. (Eugene Maddox & L. Z. Howell)	1493	Western #7	7	240	235	230	220	215	210	170	165	160	155	155	155	126	126	116	60	----	----	----	----	----	----	----	----	----	----	----	----	----
SECTION No. 10																																
SALINE COUNTY																																
Melton, Roy	1512	Melton	5	215	215	215	200	195	190	180	160	150	150	150	150	130	130	65	----	----	----	----	----	----	----	----	----	----	----	----	----	----

[F. R. Doc. 41-9442; Filed, December 16, 1941; 10:37 a. m.]

[Docket Nos. A-191 and A-195]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING, WITH MODIFICATIONS, THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING, IN PART, PERMANENT RELIEF IN THE MATTER OF THE PETITION OF MAUMEE COLLIERIES COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 68, DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 32, 33, 35–38, INCLUSIVE, AND IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF ITS OLD GLORY MINE #17 (MINE INDEX 68), FOR SHIPMENT TO DESTINATIONS IN MARKET AREAS 32, 33 AND 35–38, TO THE EXTENT NECESSARY TO ABSORB FREIGHT RATE ADVANTAGES ENJOYED AT SUCH DESTINATIONS BY OTHER MINES IN DISTRICT 11 WHICH PRODUCE SIMILARLY CLASSIFIED COALS. THE PETITION OF DISTRICT BOARD 11 PRAYS FOR THE ISSUANCE OF TEMPORARY AND FINAL ORDERS PERMITTING ALL CODE MEMBERS IN DISTRICT 11 TO ADJUST THE EFFECTIVE MINIMUM PRICES FOR THEIR COALS, FOR SHIPMENT TO ALL DESTINATIONS IN MARKET AREAS 20, 21, 31–38, AND DESTINATION GROUP 2 OF MARKET AREA 30, TO THE EXTENT NECESSARY TO EQUALIZE ALL FREIGHT RATE DIFFERENCES AMONG THEM FOR SHIPMENT TO SUCH DESTINATIONS; OR, IN THE ALTERNATIVE, PRAYS FOR SUCH RELIEF AT CERTAIN SPECIFIED DESTINATIONS IN THOSE MARKET AREAS.

MARIAH HILL SUPER BLOCK COAL COMPANY, a code member in District 11, intervened, praying that relief similar to that requested by original petitioner in Docket No. A–191 be granted to the intervener in respect to coals produced at its Commodore Mine (Mine Index 26) for shipments to Market Areas 32 and 35–40. Petitions of intervention opposing the original petition were filed by District Boards 7, 8 and 10; and by Chicago, Wilmington and Franklin Coal Company, et al., Central Illinois Coal Mining Company, et al., Central States Collieries, Inc., et al., and Sahara Coal Company, code members in District 10. A notice of appearance was filed by Consumers' Counsel Division.

Pursuant to an Order of the Director dated October 28, 1940, and after appropriate notice to all interested persons, a hearing in this matter was held in a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C., on November 7, 8, and 9, 1940, before W. A. Shipman, a duly designated Examiner of the Division. All interveners and Consumers' Counsel Division appeared. All interested persons were afforded an opportunity to be present, adduce evidence, to examine and cross-examine witnesses and otherwise be heard.

After the close of the hearing, by Memorandum Opinion and Order of the Director, dated December 2, 1940, 5 F.R. 4806, temporary relief, as prayed for, was granted to original petitioner in Docket No. A–191 and intervener Mariah Hill Super Block Coal Company, and temporary relief in part was granted in Docket No. A–195. That Order further provided that additional temporary relief might be granted code members in District 11, after reopening of the hearing, on motion of District Board 11, and due notice thereof to all interested parties. Subsequently, in an Order dated January 9, 1941, 6 F.R. 286, the Director supplemented the Order of December 2, 1940, by establishing a procedure for the extension of temporary relief to District 11 code members, upon affidavit, in those situations where there was no opposition by any of the interested parties.

Thereafter, on January 27, 1941, District Board 11, pursuant to the aforesaid Order of December 2, 1940, filed a motion to reopen the hearing in Docket No. A–195, for the purpose of receiving evidence with respect to shipments to Charlestown, Indiana, a destination in Market Area 31. Additional temporary relief was prayed for in connection with shipments to that point. Pursuant to an Order of the Director dated January 31, 1941, and a subsequent Order of Clarification dated February 6, 1941, and after appropriate notice to all interested persons, the hearing in Docket No. A–195 was reopened for that limited purpose on February 6, 1941, before the Examiner, W. A. Shipman, at a hearing room of the Division, Washington Hotel, Washington, D. C. All interested persons were given an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were noted by District Boards 10 and 11, Chicago, Wilmington and Franklin Coal Company, et al., Sahara Coal Company and Consumers' Counsel Division.

At the conclusion of the reopened hearing, all parties waived the preparation and filing of an Examiner's Report on the Charlestown phase, and, consequently, that portion of the record was submitted directly to the Director. Thereafter, by Memorandum Opinion and Order of the Director dated February 27, 1941, 6 F.R. 1269, temporary relief, as prayed for, was granted to all District No. 11 mines for shipment to Charlestown, Indiana, Market Area 31.

On August 5, 1941, the Examiner submitted his proposed Findings of Fact and Conclusions of Law in the above-entitled matters. This Report was based on all of the evidence submitted, except that introduced at the reopened hearing on February 6, 1941, as to which the Examiner's Report was waived.

Full opportunity was afforded to all parties to file exceptions thereto, together with supporting briefs. On September 25, District Board No. 11 (hereinafter referred to as "Petitioner") filed exceptions to the Proposed Findings of Fact, Conclusions of Law and Recommendations of the Examiner, and on October 7, 1941 the Bituminous Coal Consumers' Counsel (the successor to Consumers' Counsel Division) tardily filed exceptions to the Proposed Findings of Fact, Conclusions of Law and Recommendation of the Examiner.[1] No other exceptions or briefs were filed.

Exceptions of District Board 11

Exception No. 1 contests the propriety of the Examiner's Findings of Fact and Conclusions of Law "As to the general issues in this proceeding." Although Petitioner does not set forth any supporting grounds or rationale for Exception No. 1, it appears to be directed primarily against the soundness of the Examiner's general determinations as to the circumstances in which deductions for differences in freight rates are appropriate in the light of the standards of the Act. In any event, the Director has carefully examined the Findings of Fact and Conclusions of Law which are questioned by this exception in the light of the standards of the Act, and finds that this exception is not well taken.

Exceptions Nos. 2 to 8, inclusive, are of a general nature. They are directed against the Examiner's recommendations concerning the relief prayed for in Market Areas 20, 21, 31, 32, 33 and 34. After examining the record, the Director finds that these recommendations are amply supported by the evidence and accord fully with the aforementioned Proposed Findings of Fact and Conclusions of Law "As to the general issues in this proceeding," except with respect to the destinations of Carpentersville and Matthews in Market Area 32, as to which relief was not recommended. The same considerations which support the Examiner's recommendations that relief be granted at numerous other destinations in Market Area 32 apply with equal force to Carpentersville and Matthews. The Director accordingly finds that deductions for differences in freight rates should likewise be established at those destinations. Exceptions Nos. 2 to 8, inclusive, are otherwise not well taken.

Exceptions Nos. 9 to 22, inclusive, embrace a number of detailed as well as general obections. Besides contesting, in broad fashion, the Examiner's recommended disposition of the prayers for relief in Market Areas 35 to 38, inclusive, they attack various segments of, and allege certain deficiencies in, the Examiner's Proposed Findings of Fact and Conclusions of Law "As to the specific issues in this proceeding," relating to those market areas. After careful examination of the pertinent evidence, the Director finds that these exceptions do not warrant any departure from these recommendations of the Examiner, recommendations which are supported by particularly detailed and exhaustive findings of fact. Only one of them—Exception No. 20—merits particularized comment. Here an obvious error is noted. Thus the Examiner found that to the selected destinations in Market Areas 35 to 38, District No. 10 producers shipped 816,000 tons and 844,000 tons of "domestic coals" in 1937 and 1939, respectively, compared with shipments of about 179,000 and 187,000 tons in the same years from District No. 11 producers. The error was manifestly caused by the fact that the Examiner mistakenly employed the figures for total shipments in 1937 and 1939 from Districts Nos. 10 and 11, to the destinations in question, instead of the figures for "domestic coal". It is plain, and the Director finds, that the correct figures, in round numbers, are 378,000 and 324,000 tons for District No. 10 producers in 1937 and 1939, respectively, as compared with about 145,000 tons in each year from District No. 11 producers.

However, analysis of the pertinent evidence indicates that this error is of no consequence with regard to the propriety of the Examiner's ultimate determinations concerning the issues presented in connection with Market Areas 35 to 38, inclusive, and affords no basis for upsetting his recommendations in connection therewith. For the reasons aptly stated by the Examiner, the Director finds, as was recommended, that the relief prayed for in Market Areas 35 to 38, inclusive, should be granted only as to Brazil Block coals in Size Groups 1 to 8, except 7, and that as to these coals relief should be limited to the part of those Market Areas outlined by the red boundary line on Exhibit No. P–954, in General Docket No. 15, which was incorporated by reference in this proceeding.

The balance of Exceptions Nos. 9 to 22, inclusive, do not warrant detailed treatment. Some raise only trifling, immaterial differences between certain facts found by the Examiner and those which

[1] Rule 301.110 of the Rules and Regulations Governing Practice and Procedure in Proceedings Instituted Pursuant to section 4 II (d) of the Act requires that exceptions to Examiners' reports be filed within fifteen days after the report is filed. Pursuant to a motion of District Board No. 11, the original petitioner in Docket No. A–195, the time for filing exceptions and supporting briefs was extended until September 25, 1941. Bituminous Coal Consumers' Counsel thus filed its exceptions twelve days late.

Petitioner has requested oral argument before the Director. However, after examination of the record, the Director finds no sufficient reason to grant the request and hereby denies it.

Petitioner claims should have been found. In others it is asserted that the Examiner should have made certain additional findings. Manifestly, it cannot be required that an Examiner's Report should include a specific reference to every bit of testimony in the record in order to suffice. The Examiner's Report here clearly indicates that the evidence pointed up by the additional findings specified by Petitioner was not overlooked. Where not actually drawn upon by the Examiner in making his determinations, as generally appears to have been the case, it was plainly deemed to have been outweighed by stronger countervailing considerations. Basically, the primary complaint in this connection seems to stem from the circumstance that the Examiner's judgment as to the significance of such evidence is different from Petitioner's. The Examiner's determinations are wholly tenable and amply supported by the record. In any event, it is plain to the Director that the evidence thus adverted to by Petitioner does not justify any different relief from that recommended by the Examiner. In another instance, general exception is summarily taken to four pages of carefully detailed findings of fact, but no alternative findings of fact are suggested and no effort is made to explain the basis for the exception. Otherwise, Exceptions Nos. 9 to 22, inclusive, comprise mere general statements of objections to the ultimate determinations of the Examiner as to the propriety of the relief sought in Market Areas 35 to 38, inclusive; and find no adequate support in the evidence. The Director accordingly finds that Petitioner's Exceptions Nos. 9 to 22, inclusive, are not well taken.

Exception No. 23 objects to the Examiner's recommendation against the establishment of multiple deductions for the same mine for shipment to "common points." The findings of fact upon which this recommendation is based are in no wise controverted, and they are clearly supported by the evidence. Exception No. 23 is not well taken.

Exception No. 24 is a general exception contesting the Examiner's recommendations in so far as they recommend denial of any of the relief prayed for by Petitioner. As is manifest from the preceding discussion, this exception must be overruled.

Exceptions of Bituminous Coal Consumers' Counsel

The exceptions of Bituminous Coal Consumers' Counsel, on the other hand, contest the propriety of the Examiner's Findings of Fact, Conclusions of Law and Recommendation in so far as relief was recommended. Its first exception of broad scope, may be summarized as follows:

"No clear, convincing testimony was present • • • to warrant determinations different from those made by the Director in General Docket No. 15"; whether past shipments warrant the establishment of deductions for freight rate differences depends upon analysis of surrounding circumstances as to "competitive conditions" and "historical distribution", as to which the record is lacking in "substantial specific evidence" and which the Examiner did not adequately consider in making his specific recommendations; the Examiner erred to the extent that the recommended deductions at a number of points for mines which were not shown to have been substantial shippers thereto, since the fact that a high rate mine did not sell any coal, or sold only small tonnages, at various destinations clearly indicates that it was not truly competitive thereat; assuming the validity of the Examiner's "over-all approach", it represents only the initial step in determining the "general propriety" of establishing deductions in a given territory, further inquiry, which the Examiner erred in omitting, being necessary to determine in what amounts and for which particular mines deductions should be established; there is no substantial evidence supporting the establishment, as recommended in a few instances, of deductions equalling the maximum (50 cents) contended for by petitioner; "a restriction of freight absorption would tend to promote the more economical and orderly marketing of coal with resultant benefits to the consuming public and the coal industry, as was pointed out by the Consumers' Counsel in General Docket 15"; the adoption of the Examiner's recommendations would surpass the statutory requirements that minimum prices take into account transportation methods and charges, and their effect upon a reasonable opportunity to compete on a fair basis, would not preserve fair competitive opportunities, and would conflict with the mandate that due regard be accorded to the interests of the consuming public.

The foregoing exception of Consumers' Counsel is designed upon broad lines. Except to the extent that it may be construed as a plea that relief be denied *in toto*, a result plainly unwarranted by the evidence, it is devoid of any specific proposals as to the disposition of the issues raised in this proceeding and submits no workable formula for their disposition. Boiled to its essence, the theory of Consumers' Counsel, as outlined in its first exception, would require that deductions for freight differences, and the amounts thereof, be determined in piecemeal, vacuumatic fashion, upon the basis of an analysis of every mine's individual distribution and particular freight rate at each destination. This approach was carefully examined and then rejected by the Examiner. His determinations and recommendations are amply supported by the evidence, rest upon sound considerations, and comply with all of the standards of the Act, including the requirement that due regard be accorded to the interests of the consuming public. The Director accordingly finds that the first exception of Consumers' Counsel is not well taken.

Consumers' Counsel second exception is directed against the Examiner's reference to the appropriateness of the relief prayed for in the light of the Act's realization standard. I find that this exception is without merit and must be overruled.

Subsequently, on October 27, 1941, District Board No. 11 filed a sworn motion to terminate the temporary relief granted by the aforementioned Order of December 2, 1940, in so far as a deduction of 22 cents was accorded to Mine Index No. 47, for shipment to Speeds, Indiana, Market Area 31. In support of this motion, it is alleged that, effective June 23, 1941, the freight rate from Mine Index No. 47 to that destination was reduced by 22 cents, as set forth in Supplement No. 8, I. F. A., Freight Tariff No. 9–C, I. C. C. No. 943, I. R. C. No. 129, W. S. Mercer, Alternate Agent; and that this reduction obviates the need of the temporary relief heretofore granted to Mine Index No. 47 for shipment to Speeds.

No opposition to this motion has been indicated.

It accordingly appears that the adverse freight rate differential which occasioned the temporary relief heretofore granted to Mine Index No. 47, for shipment to Speeds, Indiana, and the Examiner's recommendation that this relief be made permanent, has been eliminated, and that such relief is no longer appropriate or necessary.

On the basis of the foregoing opinion, and for the reasons stated therein, the Director concludes that the Examiner's Proposed Findings of Fact and Conclusions of Law should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director, except in so far as the Examiner omitted to recommend that relief be granted at Carpentersville and Matthews, Indiana, Market Area 32, except with respect to the Findings of Fact contested by Petitioner's Exception No. 20, as to which the Director's correction has been indicated above, and except in so far as the Examiner recommended that relief be granted to Mine Index No. 47, for shipment to Speeds, Indiana, Market Area 31.

As previously indicated, the Examiner's Report was waived as to the record made at the reopening of the hearing, on February 6, 1941, for the purpose of receiving evidence relating to the destination of Charlestown, Indiana, Market Area 31. No question has been raised concerning the propriety of the temporary relief granted at that point by the Director's Memorandum Opinion and Order of February 27, 1941, upon the basis of the evidence received at the reopening of the hearing on February 6, 1941.[2] Upon further examination of the record, the Director is of the opinion that the interim recitals and determinations made in the aforesaid Memorandum Opinion and Order of February 27, 1941, are fully supported by the evidence and should also be approved and adopted as Findings of Fact and Conclusions of Law of the Director in this proceeding.

It is therefore ordered, That subject to the modifications indicated in the foregoing opinion, the Proposed Findings of Fact and Conclusions of Law of the Examiner, dated August 5, 1941, be and the same hereby are approved and adopted as Findings of Fact and Conclusions of Law of the Director; and that the interim recitals and determinations made in the Memorandum Opinion and Order Granting Temporary Relief as to Charlestown, Indiana, Market Area 31, dated February 27, 1941, be and the same hereby are approved and adopted as Findings of Fact and Conclusions of Law of the Director in this proceeding.

It is further ordered, That effective fifteen (15) days from the date hereof, § 331.1 (*Price instructions and exceptions*—(b) *Price exceptions*) is amended by adding thereto Supplement R–I § 331.9 (*Adjustments in f. o. b. mine prices*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That except as granted by the establishment of the minimum prices provided in the aforesaid "Supplement", annexed hereto and made a part hereof, the prayers for relief in the above-entitled matter, be, and hereby are, denied.

It is further ordered, That effective fifteen (15) days from the date hereof, the temporary relief previously granted in the above-entitled matters by the Director's Orders of December 2, 1940, and February 27, 1941, and also the temporary relief previously granted by Order of the Director, dated September 23, 1941, in Docket No. A–994, be and the same hereby are revoked.[3]

Dated: November 15, 1941.

[SEAL] H. A. GRAY,
Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE.—The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.1 *Price instructions and exceptions*—Supplement R–I.

• • • • •

(b) *Price exceptions.*

• • • • •

(Include the following Price Exception in § 331.1 (b) in the Schedule Of Effective Minimum Prices for District No. 11 For All Shipments Except Truck.)

For shipment to any point in Market Areas 35 to 38, inclusive, in the State of Illinois, lying within the following described boundaries, mines in Price Groups 15, 16 and 17 may reduce the prices listed herein for Size Groups 1 to 8, except 7, to the extent of the difference in the freight rate applicable to the shipping mine and the lowest freight rate to the same point applying from any other mine in Price Groups 15, 16 and 17:

Beginning at a point on the Illinois-Indiana State Line in Kankakee County where the Kankakee River crosses the State Line; thence west and southwest along the south bank of the Kankakee River to but excluding Kankakee; thence continuing along the south bank of the Kankakee River in a northwest direction to where it joins with the Illinois and Michigan Canal; thence continuing along the south bank of the Illinois and Michigan Canal west to but excluding LaSalle; thence south via and including all stations on the Illinois Central R. R. through Bloomington, Decatur, and Vandalia to and including Centralia; thence in an easterly direction via and including all stations on the Southern Ry. through Mt. Vernon and Fairfield to and including Mt. Carmel at the Illinois-Indiana State Line.

Provided, however, That any invoices and spot orders reported to the Division in connection with shipments made at prices reflecting deductions effected pursuant to this Price Exception shall show the freight rate applicable to the shipping mine and the lowest freight rate to the same point from any other mine in Price Groups 15, 16 and 17.

[2] In a later proceeding, also initiated by it, Docket No. A–994, District Board No. 11 sought particularized relief, previously embraced by its broader petition in Docket No. A–195, in the form of deductions for freight rate differences for Mine Index No. 67, District 11, for shipment to 11 specified destinations in Market Areas 37 and 38. By order of September 23, 1941, 6 F.R. 4889, in Docket No. A–994, and for reasons stated therein, temporary relief was granted in Docket No. A–994. It was expressly provided, however, that the petition in Docket No. A–994 should be finally determined by the final order in Dockets Nos. A–191 and A–195.

[3] The Order of September 23, 1941, in Docket No. A–994 provided that the temporary relief therein granted should terminate ten (10) days from the date of the issuance of a final order in Dockets Nos. A–191 and A–195. The ten (10) day period therein specified is hereby extended by five (5) days.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II

[§ 331.9 in Minimum Price Schedule for District No. 11 for all shipments except truck under caption Market Area 21 and Market Area 31 should be corrected to indicate that the following adjustments apply]

MARKET AREA 21

Mine index Nos. and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

Destination	1	2	3	5	6	7	8	9	10	11	13	14	16	19	20	21	22	23	24	26	27	28	30	31	32	33	35	36	38	39
Constantine, Mich.	10	10	10	17	0	0	0	17	10	0	0	0	0	10	10	10	0	10	0	10	35	0	10	17	10	10	17	17	10	10
Niles, Mich.	10	10	10	17	0	0	0	17	10	0	0	0	0	10	10	10	0	10	0	10	35	0	10	17	10	10	17	17	10	10

Destination	40	41	42	43	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	63	65	67	68	69	70	71	72	73	74	75
Constantine, Mich.	10	17	0	37	10	17	10	10	10	10	10	10	0	0	10	20	20	0	10	10	10	10	10	10	10	10	10	10	0	0
Niles, Mich.	10	17	0	37	10	17	10	10	10	10	10	10	0	0	10	20	20	0	10	10	10	10	10	10	10	10	10	10	0	0

Destination	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	94	96	97	98	99	100	101	102	103	104	105	106	107	108	111
Constantine, Mich.	10	17	20	20	0	0	0	10	0	20	20	0	0	10	17	0	17	17	0	0	10	10	10	0	10	17	(†)	10	10	10
Niles, Mich.	10	17	20	20	0	0	0	10	0	20	20	0	0	10	17	0	17	17	0	0	10	10	10	0	10	17	(†)	10	10	10

Destination	112	113	114	115	117	118	119	120	121	122	124	125	126	127	205	238	309	360	378	392	394	439	720	748	773	895	926	1,168	1,279	
Constantine, Mich.	10	20	17	17	17	0	10	10	0	10	0	10	10	17	10	10	17	10	10	10	10	10	10	0	20	10	20	10	10	-------
Niles, Mich.	10	20	17	17	17	0	10	10	0	10	0	10	10	17	10	10	17	10	10	10	10	10	10	0	20	10	20	10	10	-------

MARKET AREA 31

Destination	1	2	3	5	6	7	8	9	10	11	13	14	16	19	20	21	22	23	24	26	27	28	30	31	32	33	35	36	38	39
Speeds, Indiana	29	29	29	0	39	39	39	22	29	39	39	39	39	29	29	29	39	29	39	29	(†)	39	29	22	29	29	22	0	29	29

Destination	40	41	42	43	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	63	65	67	68	69	70	71	72	73	74	75
Speeds, Indiana	29	0	39	(†)	29	------	29	29	29	29	29	29	39	39	29	0	0	39	29	29	29	29	29	29	29	29	29	29	39	39

Destination	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	94	96	97	98	99	100	101	102	103	104	105	106	107	108	111
Speeds, Indiana	29	22	0	0	39	39	39	29	39	0	0	39	39	29	0	39	22	0	39	39	29	29	29	39	29	22	(†)	29	29	29

Destination	112	113	114	115	117	118	119	120	121	122	124	125	126	127	205	238	309	360	378	392	394	439	720	748	773	895	926	1168	1279	
Speeds, Indiana	29	0	22	22	22	39	20	29	39	29	39	29	29	22	29	29	22	29	29	29	29	29	29	39	0	29	0	29	29	-------

MARKET AREA 30

Destinations	1	2	3	5	6	7	8	9	10	11	13	14	16	19	20	21	22	23	24	26	27	28	30	31	32	33	35	36	38	39
Brooklyn	0	0	0	7	0	0	0	7	0	0	18	18	0	0	0	0	0	0	18	0	20	0	0	7	0	0	7	7	0	0
Brownstown	25	25	25	18	40	35	35	18	26	35	35	35	3	26	26	26	35	28	35	25	45	40	25	18	25	26	18	18	25	26
Corydon Jct.	29	29	29	0	39	39	39	22	29	39	39	39	39	29	29	29	39	29	39	29	35	39	29	22	29	29	22	0	29	29
Heimsburg	5	5	5	15	5	5	5	12	5	5	5	5	5	5	5	5	5	5	5	5	25	5	5	12	0	5	12	(†)	5	5
Medora	20	20	20	18	40	35	35	18	20	35	35	35	35	20	20	20	35	20	35	20	45	40	20	18	20	20	18	18	20	20
Morgantown, NYC	0	0	0	7	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	20	0	0	7	(†)	0	7	(†)	0	0
Morgantown, IC	0	0	0	7	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	20	0	0	7	0	0	7	(†)	0	0
Pekin	0	0	0	0	39	39	39	0	29	39	39	39	39	29	29	29	39	0	39	29	30	39	0	0	29	0	0	0	0	0
Salem	0	0	0	0	39	39	39	0	0	39	39	39	39	39	0	0	0	39	0	0	0	29	0	0	29	0	0	0	39	39
Vallonia	25	25	25	18	40	35	35	18	26	35	35	35	35	26	26	26	35	25	35	25	45	40	25	18	25	26	18	18	25	25

†No rate.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued

MARKET AREA 30—Continued

Destinations	40	41	42	43	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	63	65	67	68	69	70	71	72	73	74	75
Brooklyn	0	7	0	20	0	7	0	0	0	0	0	0	0	0	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Brownstown	26	18	35	45	26	18	25	25	25	26	26	26	40	35	25	18	18	35	26	26	26	25	25	25	25	26	26	25	35	35
Corydon Jct.	29	0	41	(†)	29	22	29	29	29	29	29	29	39	39	29	0	0	39	29	29	29	29	29	29	29	29	29	29	39	39
Heimsburg	5	(†)	5	25	5	12	5	5	0	5	5	5	5	5	5	15	15	5	5	5	5	5	5	5	5	5	5	5	5	5
Medora	20	18	35	45	20	18	20	20	20	20	20	20	40	35	20	18	18	35	20	20	20	20	20	20	20	20	20	20	35	35
Morgantown, NYC	0	(†)	0	20	0	7	0	0	(†)	0	0	0	0	0	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Morgantown, IC	0	(†)	0	20	0	7	0	0	0	0	0	0	0	0	0	10	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Pekin	29	0	39	30	29	22	29	29	29	29	29	29	39	39	0	0	0	39	29	29	29	29	0	29	0	0	29	29	0	39
Salem	0	0	39	30	0	0	0	0	29	0	0	0	39	39	0	0	0	39	0	0	0	29	0	0	0	0	0	0	39	39
Vallonia	26	18	35	45	26	18	25	25	25	26	26	26	40	35	25	18	18	35	26	26	26	25	25	25	25	26	26	25	35	35

Destinations	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	94	96	97	98	99	100	101	102	103	104	105	106	107	108	111
Brooklyn	0	7	10	10	0	0	0	0	0	10	10	0	0	0	7	0	7	7	0	0	0	0	0	18	0	7	(†)	0	0	0
Brownstown	26	0	18	18	35	35	35	26	35	18	18	35	35	26	18	35	18	8	35	40	25	26	25	35	25	18	(†)	25	25	25
Corydon Jct.	29	22	A	0	39	39	39	29	39	0	0	39	39	29	0	39	22	0	39	39	29	29	29	39	29	22	(†)	29	29	29
Heimsburg	5	12	15	15	5	5	5	5	15	5	15	5	5	5	(†)	5	12	(†)	5	5	0	5	5	5	0	12	(†)	0	5	5
Medora	20	0	18	18	35	35	35	20	40	18	18	35	40	20	18	35	18	18	35	40	20	20	20	35	20	18	(†)	20	20	20
Morgantown, NYC	0	7	10	10	0	0	0	0	0	10	10	0	0	0	(†)	0	7	(†)	0	0	(†)	0	0	0	0	7	(†)	(†)	0	0
Morgantown, IC	0	7	10	10	0	0	0	0	0	10	10	0	0	0	(†)	0	7	(†)	0	0	0	0	0	0	0	7	(†)	0	0	0
Pekin	29	22	0	0	39	39	39	29	39	0	0	39	39	29	0	39	0	0	39	39	29	29	0	39	0	0	(†)	29	0	0
Salem	0	0	0	0	39	39	39	0	39	0	0	39	39	0	0	39	0	0	39	39	29	0	0	39	0	0	(†)	29	0	0
Vallonia	26	0	18	18	35	35	35	26	40	18	18	35	40	26	18	35	18	18	35	40	25	26	25	35	25	18	(†)	25	25	25

Destinations	112	113	114	115	117	118	119	120	121	122	124	125	126	127	205	238	309	360	378	392	394	439	720	748	773	895	926	1168	1279	
Brooklyn	0	10	7	7	7	0	0	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	0	0	10	0	10	0	0	-------
Brownstown	25	18	18	18	0	35	25	25	35	25	35	25	25	18	26	26	18	26	26	25	25	25	25	35	18	25	18	25	26	-------
Corydon Jct.	29	0	22	22	22	39	29	29	39	29	39	29	29	22	29	29	22	29	29	25	29	29	29	39	0	29	0	29	29	-------
Heimsburg	5	15	12	12	12	5	0	5	5	5	5	5	5	12	5	5	12	5	5	5	5	5	5	5	15	0	15	5	5	-------
Medora	20	18	18	18	0	35	20	20	35	20	35	20	20	18	20	20	18	20	20	20	20	20	20	35	18	20	18	20	20	-------
Morgantown, N. Y.	0	10	7	7	7	0	0	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	0	0	10	(†)	10	0	0	-------
Morgantown, IC	0	10	7	7	7	0	0	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	0	0	10	0	10	0	0	-------
Pekin	0	0	0	0	22	39	29	0	39	0	39	0	0	0	29	29	0	29	29	29	29	0	29	39	0	29	0	29	29	-------
Salem	0	0	0	0	0	39	29	0	39	0	39	0	0	0	0	0	0	29	29	29	29	0	0	39	0	29	0	29	0	-------
Vallonia	25	18	18	18	0	35	25	25	35	25	35	25	25	18	26	26	18	26	26	25	25	25	26	35	18	25	18	25	26	-------

A=May deduct $8.80 per car. (†) No rate.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued

MARKET AREA 31

[Freight origin group numbers and the amount of deductions for freight rate differences for coal shipped from mines included in each freight origin groups to destination as listed below]

Destination	Producing subdistricts		
	BC	LS	EV
	30, 31, 32, 33, 34, 40, 41, 42, 43	60, 61, 62, 63, 64, 65, 66, 67, 80, 81	51, 52, 53
Charlestown	17	07	10

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued.

[Delete all reference to market area 32 as shown in § 331.9]

MARKET AREA 32

Destination	Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown																												
	1	2	3	5	6	7	8	9	10	11	13	14	15	16	19	20	21	22	23	24	26	27	28	30	31	32	33	35	36
Attica	20	20	20	45	0	0	0	27	20	0	0	0	0	20	20	20	0	20	0	20	48	0	20	0	20	0	27	27	20
Bedford	0	0	0	0	10	10	10	0	0	10	10	10	10	0	0	0	10	0	10	0	8	10	0	10	0	10	0	0	0
Bicknell	10	15	10	22	15	33	33	22	10	15	33	33	33	10	10	10	15	0	33	10	35	15	15	22	10	10	22	22	10
Bloomington	0	0	0	22	15	15	15	22	10	15	15	15	15	10	10	10	15	0	15	10	35	16	0	22	10	10	22	22	0
Boonville	50	50	50	32	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	47	50
Boswell	13	13	13	20	0	0	0	10	13	0	0	0	0	13	13	13	0	13	0	13	31	0	13	50	47	42	50	50	13
Brazil	47	47	42	50	42	10	10	50	42	0	32	32	0	42	42	42	10	47	32	42	50	42	47	50	47	44	50	50	42
Carlton	32	32	32	44	32	32	32	44	32	32	0	32	32	32	32	32	32	32	0	22	50	32	37	44	50	42	44	44	32
Catlin	37	37	32	44	32	22	22	44	32	0	22	22	22	32	32	32	32	37	22	32	50	32	37	44	50	42	44	44	32
Cato	(†)	(†)	(†)	(†)	(†)	42	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
Cayuga	50	50	50	50	22	42	42	50	50	22	42	42	42	50	50	50	0	50	0	42	80	50	37	50	50	50	50	50	50
Clay City	0	0	0	44	37	32	32	49	22	32	0	0	32	22	22	22	32	0	0	0	50	0	0	49	22	22	49	49	15
Clear Creek	0	0	0	44	37	32	32	49	22	32	0	0	32	22	22	22	32	0	15	15	35	15	15	49	22	22	49	49	15
Clinton	15	0	15	22	15	15	15	22	15	15	15	15	15	15	16	15	15	0	15	15	35	15	15	22	15	15	22	22	15
Cloverdale	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	0	50	50	50	50	50	50	50	50	50	50	50
Coalmont	22	0	22	44	37	32	32	44	32	32	32	32	32	32	32	32	37	0	32	32	(†)	32	37	44	50	42	44	44	32
Covington	22	0	22	47	22	32	32	42	0	22	32	22	32	0	0	0	32	0	22	32	50	32	37	44	50	42	42	42	32
Covington	20	20	20	27	0	0	0	27	20	0	0	0	0	20	20	20	0	20	0	20	48	0	10	27	20	20	27	27	20
Crawfordsville	28	23	23	30	10	0	0	30	23	0	10	10	0	28	23	23	10	23	0	16	50	23	0	30	23	23	30	30	23
Edwardsport	23	23	23	30	10	0	0	30	23	0	10	10	0	23	23	23	10	23	0	16	50	23	0	30	23	23	30	30	23
English	42	47	32	50	47	50	50	50	32	47	50	50	50	32	32	32	32	47	50	50	50	32	37	50	47	42	50	50	32
Farmersburg	50	50	50	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Farmersburg	37	37	32	47	32	32	32	42	32	32	22	22	32	32	32	32	22	37	22	32	50	32	37	44	50	42	42	47	32
Fontanet	37	37	32	44	22	22	22	44	32	22	0	0	22	32	32	32	22	37	0	22	50	32	37	44	50	42	44	44	32
French Lick	15	15	15	0	25	25	25	15	15	25	25	25	25	15	15	15	25	15	25	15	35	20	35	15	35	35	15	15	35
Gessie	35	35	35	50	30	20	20	50	35	30	30	20	20	35	36	35	0	35	20	35	(†)	30	32	50	32	32	50	50	32
Greencastle	37	37	32	47	32	32	32	49	22	32	0	0	32	32	32	32	32	37	22	32	50	32	37	44	50	42	44	44	32
Hardinsburg	22	22	22	44	37	32	32	49	22	32	0	0	32	22	22	22	32	0	15	15	35	15	15	22	15	15	22	22	15
Huntingburg	50	50	50	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Ladoga	23	23	23	30	10	0	0	30	23	0	0	0	0	23	23	23	0	23	0	23	0	23	0	30	23	23	30	30	23
La Fayette	13	13	13	20	0	0	0	20	13	0	0	0	0	13	13	13	0	13	0	13	0	13	0	20	13	13	20	20	13
Latta	22	22	22	47	22	32	32	42	0	32	32	32	32	0	0	0	32	0	22	32	(†)	32	37	44	50	42	42	42	32
Limedale	22	22	22	44	32	0	0	44	32	0	22	22	32	32	32	32	37	0	22	32	50	32	37	44	50	42	42	42	32
Linton	37	37	32	47	32	32	32	47	32	32	32	32	32	32	32	32	32	37	22	32	50	32	37	44	50	42	44	44	32
Logan	32	32	32	44	22	22	22	44	32	22	0	0	22	32	32	32	22	37	0	22	50	32	37	44	50	42	44	44	32
Marshall	15	15	15	25	10	10	10	25	15	10	10	10	10	15	15	15	0	15	0	15	50	0	15	25	15	15	25	25	15
Martinsville	0	0	0	7	0	0	0	7	0	0	0	0	0	15	15	15	0	15	0	15	50	0	15	30	23	23	30	30	23
Mecca	15	15	15	25	0	0	0	25	15	0	0	0	0	23	23	23	0	23	0	23	41	0	23	30	23	23	30	30	23
Mellott	23	23	23	30	0	0	0	30	23	0	0	0	0	23	23	23	0	23	0	23	50	23	0	30	23	23	42	42	23
Midland	0	0	0	47	22	32	32	42	0	32	32	32	32	0	0	0	32	0	22	32	50	32	37	44	50	42	42	42	32
Milltown	50	50	50	0	50	50	50	47	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Mitchell	15	15	15	25	25	25	15	15	15	25	25	25	25	15	15	15	25	15	25	15	50	25	15	15	15	15	15	15	15
Montezuma	15	15	15	25	0	10	10	25	15	0	10	10	10	15	15	15	0	15	0	15	50	0	15	25	15	15	25	25	15
Monticello	50	50	50	37	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Mt. Vernon	(†)	(†)	(†)	50	50	50	50	50	50	50	50	50	50	(†)	(†)	(†)	50	(†)	38	25	38	50	37	45	38	38	45	45	38
New Harmony	38	38	38	45	25	10	10	45	38	10	25	25	10	38	38	38	25	38	25	38	50	25	42	50	42	42	50	50	42
New Market	42	42	42	50	37	32	32	50	42	32	32	32	32	42	42	42	22	50	22	42	50	32	42	50	42	42	50	50	42
Newport	50	50	50	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Oakland City	0	0	0	7	0	0	0	7	0	0	0	0	0	0	0	0	10	0	0	0	8	0	0	7	0	0	7	7	0
Odillie	0	0	0	0	10	10	10	0	0	10	10	10	10	0	0	0	10	0	0	0	8	10	0	0	0	0	0	0	0
Orleans	13	13	13	20	0	0	0	20	13	0	0	0	0	13	13	13	0	13	0	13	31	0	13	20	13	13	20	20	13
Otterbein	13	13	13	20	0	0	0	20	13	0	0	0	0	13	13	13	0	13	0	13	31	0	13	20	13	13	20	20	13
Oxford	13	13	13	20	0	0	0	20	13	0	0	0	0	13	13	13	0	13	0	13	18	0	13	20	13	13	20	20	13
Paoli	10	10	10	0	20	20	20	10	10	20	20	20	20	10	10	10	20	10	20	10	32	20	10	10	10	10	10	10	10
Princeton	50	50	50	10	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Putnamville	10	0	10	22	15	0	0	22	10	0	10	10	0	10	10	10	50	10	0	10	50	0	10	22	15	15	22	22	10
Rockport	50	50	50	22	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Sanders	0	0	0	7	0	0	0	7	0	0	0	0	0	0	0	0	15	0	0	0	20	0	0	7	0	0	7	7	0
Spencer	10	15	10	22	15	33	33	22	10	33	33	33	33	10	10	10	15	0	33	10	35	15	15	22	10	10	22	22	10
Switz City	22	22	22	44	37	50	50	44	22	50	50	50	50	22	22	22	50	22	50	22	50	50	50	50	41	41	50	50	50
Tell City	50	50	50	22	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Veedersburg	20	20	20	27	0	0	0	27	20	0	0	0	0	20	20	20	0	20	0	20	48	0	20	27	20	20	27	27	20
Victor	15	15	15	25	0	0	0	25	15	0	0	0	0	15	15	15	0	15	0	15	50	0	15	25	15	15	25	25	15
Vincennes	37	37	32	47	32	32	32	47	32	32	32	32	32	32	32	32	32	37	22	32	50	32	37	44	50	42	44	44	32
Wadesville	50	50	50	37	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Washington	37	37	32	47	32	32	32	47	32	32	32	32	32	32	32	32	32	37	22	32	50	32	37	44	50	42	44	44	32
Waynetown	13	13	13	20	0	0	0	20	13	0	0	0	0	13	13	13	0	13	0	13	40	0	13	20	13	13	20	20	13
West Baden	15	15	15	0	25	25	25	15	15	25	25	25	25	15	15	15	25	15	25	15	35	15	15	22	15	15	22	22	15
West Clinton	37	37	32	47	0	32	32	47	32	32	32	32	32	22	22	22	32	22	32	22	50	32	37	44	50	42	44	44	32
West Lebanon	20	20	20	45	0	20	20	45	20	20	0	0	20	20	20	20	0	20	0	20	48	0	20	45	20	20	45	45	20
West Terre Haute	42	42	42	50	0	10	10	50	10	0	10	10	10	20	20	20	0	20	0	20	50	0	20	50	20	20	50	50	20
Williamsport	20	20	20	45	0	20	20	45	20	20	0	0	20	20	20	20	0	20	0	20	50	0	20	45	20	20	45	45	20
Winslow	50	50	50	0	50	50	50	32	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50

†No rate.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued

MARKET AREA 32—Continued

Destination	39	40	41	42	43	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	63	65	67	68	69	70	71	72	73	74	75
Attica	20	20	27	0	48	20	27	20	20	20	20	20	20	0	0	20	48	48	0	20	20	20	20	20	20	20	20	20	20	0	0
Bedford	0	0	0	10	8	0	0	0	0	0	0	0	0	10	10	0	0	0	10	0	0	10	0	10	0	10	0	0	10	33	10
Bicknell	15	10	22	33	35	10	22	10	0	10	10	0	10	15	33	10	25	25	15	10	10	10	10	15	10	10	10	10	10	15	15
Bloomington	10	10	22	15	35	10	22	10	10	0	10	10	10	15	15	0	25	25	15	10	10	10	10	0	10	10	10	10	10	0	0
Boonville	50	50	47	50	(†)	50	47	50	50	50	50	50	50	50	50	50	0	10	50	50	50	50	50	50	50	50	50	50	50	50	50
Boswell	13	13	10	0	31	13	10	13	13	13	13	13	13	13	13	13	23	23	0	13	13	13	13	13	13	13	13	13	13	0	0
Brazil	32	42	50	0	50	42	50	50	47	42	42	42	42	42	42	0	47	47	32	32	32	32	32	22	32	32	32	32	32	10	10
Carbon	32	32	44	32	50	32	44	37	37	37	32	32	32	32	32	32	47	47	32	32	32	32	32	22	32	32	32	32	32	32	32
Catlin	32	32	44	32	50	32	44	37	37	37	32	32	32	32	32	32	47	47	32	32	32	32	32	22	32	32	32	32	32	10	10
Cato	(†)	(†)	0	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
Cayuga	42	50	50	42	50	50	50	50	50	50	50	50	50	22	42	50	50	50	0	50	50	50	50	50	50	50	50	50	50	42	22
Clay City	32	22	49	32	50	22	44	32	32	22	22	22	22	37	32	0	47	47	32	22	22	22	0	32	22	22	22	22	22	32	32
Clear Creek	15	15	22	15	35	15	22	15	15	15	15	15	15	15	15	15	25	25	16	15	15	15	15	15	15	15	15	15	15	15	15
Clinton	50	50	50	50	(†)	50	50	50	50	50	50	50	50	50	50	50	50	50	0	50	50	50	50	50	50	50	50	50	50	50	50
Cloverdale	37	32	44	32	(†)	32	44	32	32	32	32	32	32	37	32	22	47	47	32	32	32	32	32	22	32	32	32	32	32	35	35
Coalmont	32	0	(†)	32	(†)	0	42	22	22	22	22	0	0	22	32	22	47	47	37	32	32	32	32	22	32	32	32	32	32	32	32
Covington	20	20	27	0	48	20	27	20	20	20	20	20	20	0	0	20	40	40	32	0	20	20	20	20	20	20	20	20	20	0	0
Crawfordsville	23	23	30	0	50	23	30	23	23	23	23	23	23	23	10	0	33	33	10	23	23	23	23	23	23	23	23	23	23	0	0
Edwardsport	47	32	50	50	50	32	42	0	0	32	32	32	32	47	50	42	50	50	47	32	32	50	32	42	47	0	50	50	50	47	50
English	50	20	50	(†)	50	50	50	50	50	50	50	50	50	50	50	50	10	0	50	50	50	50	50	50	50	50	50	50	50	50	50
Farmersburg	0	32	47	32	50	32	42	37	37	37	32	32	32	32	32	32	47	47	22	32	32	32	32	32	37	37	32	32	32	32	32
Fontanet	32	32	44	22	50	32	44	37	37	37	32	32	32	22	22	37	47	47	22	32	32	32	32	22	37	37	32	32	32	32	32
French Lick	15	15	15	25	(†)	15	15	15	15	15	15	15	15	25	25	15	5	0	25	15	15	15	15	15	15	15	15	15	15	25	25
Gessie	35	35	50	20	(†)	35	50	35	35	35	35	35	35	20	20	35	50	50	0	35	35	35	35	35	35	35	35	35	35	20	0
Greencastle	32	32	44	0	50	32	44	32	32	32	32	32	32	0	0	32	47	47	32	32	32	32	32	22	32	32	32	32	32	0	22
Hardinsburg	50	50	22	50	†	50	37	50	50	50	50	50	50	50	50	50	15	0	50	50	50	50	50	50	50	50	50	50	50	50	50
Ladoga	23	23	30	0	50	23	30	23	23	23	23	23	23	23	10	0	33	33	10	23	23	23	23	23	23	23	23	23	23	0	0
La Fayette	13	13	20	0	31	13	20	13	13	13	13	13	13	13	0	0	23	23	0	13	13	13	13	13	13	13	13	13	13	0	0
Latta	32	0	(†)	32	(†)	0	42	22	22	22	22	0	0	22	32	22	47	47	32	0	0	32	32	22	0	0	32	32	32	32	32
Limedale	32	32	44	0	50	32	44	32	32	32	32	32	32	32	0	32	47	47	32	32	32	32	32	22	32	32	32	32	32	32	32
Linton	22	32	47	32	(†)	32	50	37	37	37	32	32	32	32	32	37	47	47	37	0	0	32	32	22	0	0	32	32	32	37	37
Marshall	15	15	25	10	50	15	25	33	33	15	15	15	15	10	10	15	28	28	0	15	15	15	15	15	33	15	15	15	15	10	0
Martinsville	0	7	0	20	0	7	0	0	0	0	0	0	0	0	0	0	10	10	0	0	15	15	15	15	33	15	15	15	15	0	0
Mecca	15	15	25	0	50	15	25	33	33	15	15	15	15	0	0	0	25	25	0	15	15	15	15	15	33	15	15	15	15	0	0
Mellott	23	23	30	0	41	23	30	23	23	23	23	23	23	0	0	23	33	33	0	23	23	23	23	23	23	23	23	23	23	0	0
Midland	32	0	49	32	50	0	42	22	22	22	22	0	0	22	32	0	47	47	32	0	0	32	32	22	0	0	32	32	32	32	32
Milltown	47	50	10	50	(†)	50	47	50	50	50	50	50	50	50	50	50	0	0	50	50	50	50	50	50	50	50	50	50	50	50	50
Mitchell	15	15	15	25	25	15	15	15	15	15	15	15	15	25	25	15	15	25	15	15	15	15	15	15	33	15	15	15	15	15	15
Montezuma	15	15	25	10	50	15	25	33	33	15	15	15	15	0	10	15	28	28	0	15	15	15	15	15	33	15	15	15	15	10	10
Mt. Vernon	50	(†)	50	47	50	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
New Harmony	50	(†)	(†)	50	37	(†)	22	50	50	(†)	(†)	(†)	(†)	50	50	(†)	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
New Market	38	38	45	10	50	38	45	38	38	38	38	38	38	25	10	38	48	48	25	38	38	38	38	38	38	38	38	38	38	10	10
Newport	22	42	50	32	(†)	42	50	42	42	42	42	42	42	37	32	42	50	50	22	50	42	42	42	42	42	42	42	42	42	22	0
Oakland City	50	50	22	50	37	50	22	50	50	50	50	50	50	50	50	50	27	22	50	50	50	50	50	50	50	50	50	50	50	50	50
Odillie	0	0	(†)	10	(†)	0	0	0	0	0	0	0	0	10	10	0	0	0	10	0	0	10	0	0	0	0	0	0	0	10	10
Orleans	0	0	0	10	10	0	0	0	0	0	0	0	0	10	10	0	0	0	10	0	0	10	0	0	0	0	0	0	0	10	10
Otterbein	13	13	20	0	31	13	20	13	13	13	13	13	13	0	0	13	23	23	0	13	13	13	13	13	13	13	13	13	13	0	0
Oxford	13	13	20	0	31	13	20	13	13	13	13	13	13	0	0	13	23	23	0	13	13	13	13	13	13	13	13	13

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued.

MARKET AREA 32—Continued

Destination	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	94	96	97	98	99	100	101	102	103	104	105	106	107	108	111
Attica	20	27	48	48	0	0	0	20	0	48	48	0	0	20	27	0	27	27	0	0	20	20	20	0	20	27	0	20	20	20
Bedford	0	0	0	0	10	10	10	0	10	0	0	10	10	0	22	10	0	22	10	15	10	10	0	10	0	22	(†)	0	10	0
Bicknell	10	0	25	25	33	33	33	10	15	25	25	33	15	10	22	15	22	22	15	15	0	10	0	33	25	22	(†)	0	10	0
Bloomington	10	22	25	25	15	15	15	10	15	25	25	15	15	10	22	15	22	22	15	15	0	10	0	15	0	22	(†)	50	13	13
Boonville *	50	50	0	0	50	50	50	50	50	0	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	0	50	50	50
Boswell	13	10	23	23	0	0	0	13	0	23	23	0	42	42	50	10	50	50	0	42	37	42	42	32	0	13	(†)	47	42	47
Brazil	42	50	50	50	0	0	0	42	50	50	50	32	32	32	44	32	44	44	32	32	37	32	32	0	32	47	(†)	37	32	32
Carbon	32	44	47	47	32	32	32	32	32	47	47	22	32	32	44	32	44	44	22	32	32	32	32	22	37	44	(†)	50	37	37
Catlin	32	44	47	47	0	0	22	32	32	47	47	22	32	32	44	0	50	50	22	(†)	50	50	(†)	22	(†)	44	(†)	50	(†)	50
Cato	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	23	50	50	0	50	50	42	22	50	50	50	42	50	49	(†)	47	50	50
Cayuga	50	50	50	50	42	42	42	42	50	22	50	42	32	37	22	49	15	50	49	32	15	50	15	50	0	49	(†)	0	0	0
Clay City	22	44	47	47	32	32	32	32	22	37	47	47	32	37	22	49	15	50	49	32	15	50	15	50	0	22	(†)	0	15	50
Clear Creek	15	22	25	25	15	15	15	15	15	25	25	15	15	10	22	15	22	22	15	15	0	10	0	15	0	22	(†)	50	13	13
Clinton	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Cloverdale	32	44	44	44	32	32	32	32	32	37	47	32	32	37	22	44	15	50	44	32	15	50	15	50	0	22	(†)	50	32	32
Coalmont	0	42	47	47	32	32	32	0	22	47	47	32	32	37	22	44	15	50	44	32	15	50	15	50	0	22	(†)	50	32	32
Covington	20	27	40	40	0	0	0	20	0	40	40	0	27	27	44	0	44	44	0	27	32	32	32	0	32	44	(†)	50	32	32
Crawfordsville	23	30	33	33	0	0	0	23	10	33	33	0	10	23	30	0	30	30	0	10	37	32	32	0	32	44	(†)	50	32	32
Edwardsport	32	42	50	50	50	50	50	32	47	50	50	50	47	50	50	50	50	50	50	50	42	44	44	50	50	50	(†)	50	50	50
English *	50	50	10	10	50	50	50	50	50	10	10	50	32	32	44	47	22	44	47	44	22	32	32	32	32	42	(†)	42	32	32
Farmersburg	32	42	47	47	32	32	32	32	32	47	47	32	22	32	44	47	22	44	47	44	22	32	32	32	32	42	(†)	44	32	32
Fontanet	32	44	47	47	22	22	22	32	32	47	47	22	23	32	44	47	22	44	47	44	22	32	32	32	32	42	(†)	44	32	32
French Lick *	15	15	5	5	25	25	25	15	25	5	5	25	25	15	25	25	15	15	25	25	15	15	15	15	15	25	(†)	25	15	15
Gessie	35	50	50	50	20	20	20	35	20	50	50	20	20	35	44	32	44	44	20	20	20	20	20	20	20	50	(†)	50	20	20
Greencastle	32	44	47	47	32	32	32	32	32	47	47	32	32	32	44	32	44	44	32	32	37	32	32	0	32	44	(†)	50	32	32
Coalmont	0	42	47	47	32	32	32	0	22	47	47	32	32	37	22	44	15	50	44	32	15	50	15	50	0	22	(†)	50	32	32
Huntingburg *	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Ladoga	23	33	33	33	0	0	0	13	0	23	23	0	0	13	20	0	20	20	0	0	32	32	32	0	32	42	(†)	42	32	32
LaFayette	13	20	23	23	0	0	0	13	0	23	23	0	0	13	20	0	20	20	0	0	32	32	32	0	32	42	(†)	42	32	32
Latta	0	42	47	47	32	32	32	0	22	47	47	32	22	32	44	37	32	44	37	32	32	32	32	32	32	42	(†)	42	32	32
Limedale	32	44	47	47	37	37	37	32	32	47	47	37	32	37	44	37	32	44	37	32	32	32	32	0	32	42	(†)	42	32	32
Linton	0	42	47	47	37	37	37	32	32	47	47	37	32	37	44	47	32	44	47	44	32	32	32	32	32	42	(†)	42	32	32
Locan	32	47	50	50	32	32	32	32	32	50	50	32	32	32	47	32	47	47	32	32	37	32	32	0	32	42	(†)	42	32	32
Marshall	15	25	28	28	10	10	10	15	10	28	28	10	10	15	25	7	25	25	7	10	0	15	0	15	0	25	(†)	25	15	15
Martinsville	0	7	10	10	0	0	0	15	0	25	25	0	0	15	25	0	25	25	0	0	15	15	15	0	15	25	(†)	25	15	15
Mecca	15	25	25	25	0	0	0	15	0	25	25	0	0	15	25	0	25	25	0	0	23	23	23	0	23	36	(†)	23	23	23
Mellott	23	30	33	33	0	0	0	23	0	33	33	0	0	23	30	0	30	30	0	0	22	22	22	0	22	42	(†)	42	22	0
Midland	0	42	47	47	32	32	32	0	22	47	47	32	22	32	42	47	32	42	47	42	32	32	32	0	32	42	(†)	42	32	32
Milltown *	50	50	0	0	50	50	50	50	50	0	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Mitchell	15	0	15	15	25	25	25	15	25	15	15	25	25	15	25	25	15	15	25	25	15	15	15	15	15	25	(†)	25	15	15
Montezuma	15	28	28	28	10	10	10	15	10	28	28	10	10	15	25	7	25	25	7	10	0	15	0	15	0	25	(†)	25	15	15
Mt. Vernon	50	50	50	48	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
New Harmony	(†)	50	50	50	50	50	50	(†)	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
New Market	38	45	48	48	10	10	10	38	25	48	48	10	25	38	45	25	45	45	25	10	38	38	38	38	38	45	(†)	38	38	38
Newport	42	50	50	50	32	32	32	42	37	50	50	32	37	50	50	22	50	50	22	32	42	50	42	50	42	50	(†)	42	42	42
Oakland City	50	37	37	37	50	50	50	50	50	27	27	50	50	0	22	(†)	50	50	22	50	50	50	50	50	50	50	(†)	50	50	50
Oolitic	0	0	0	0	10	10	10	0	10	0	0	10	10	0	0	0	0	0	0	10	0	0	0	10	0	0	(†)	0	0	0
Orleans	0	0	0	0	10	10	10	0	10	0	0	10	10	0	0	0	0	0	0	10	0	0	0	10	0	0	(†)	0	0	0
Otterbein	13	20	23	23	0	0	0	13	0	23	23	0	0	13	20	0	20	20	0	0	13	13	13	0	13	20	(†)	20	13	13
Oxford	13	20	23	23	0	0	0	13	0	23	23	0	0	13	20	0	20	20	0	0	13	13	13	0	13	20	(†)	20	13	13
Paoli	10	10	0	0	20	20	20	10	20	0	0	20	20	10	20	20	10	10	20	20	10	10	10	20	10	20	(†)	20	10	10
Princeton	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Putnamville	50	50	50	48	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Rockport *	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Sanders	0	7	10	10	0	0	0	15	0	25	25	0	0	15	25	0	25	25	0	0	23	23	23	0	23	36	(†)	23	23	23
Spencer	10	22	25	25	0	0	0	15	0	25	25	0	0	15	25	0	25	25	0	0	23	23	23	0	23	36	(†)	23	23	23
Switz City	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Tell City *	0	7	10	10	0	0	0	15	0	25	25	0	0	15	25	0	25	25	0	0	23	23	23	0	23	36	(†)	23	23	23
Vincennes	32	47	47	47	37	37	37	32	37	47	47	37	37	50	50	32	50	50	32	37	32	32	32	32	32	44	(†)	44	32	32
Wadesville	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	(†)	50	50	50
Washington	32	44	44	44	37	37	37	32	37	44	44	37	37	50	50	32	50	50	32	37	32	32	32	32	32	44	(†)	44	32	32
Waynetown	13	20	23	23	0	0	0	13	0	23	23	0	0	13	20	0	20	20	0	0	13	13	13	0	13	20	(†)	20	13	13
West Baden *	15	15	5	5	25	25	25	15	25	5	5	25	25	15	25	25	15	15	25	25	15	15	15	15	15	25	(†)	25	15	15
West Clinton	22	47	47	47	32	32	32	32	32	47	47	32	32	37	44	32	44	44	32	32	37	32	32	32	32	44	(†)	44	32	32
West Lebanon	20	45	48	48	20	20	20	20	20	48	48	20	20	45	45	20	45	45	20	20	20	20	20	20	20	45	(†)	45	20	20
West Terre Haute	10	50	50	50	50	50	50	10	50	42	42	10	10	50	50	10	50	50	10	10	50	50	42	10	42	50	(†)	50	10	42
Williamsport	20	48	45	45	45	45	45	20	20	0	0	20	20	45	45	20	45	45	20	20	20	20	20	20	20	45	(†)	45	20	20
Winslow *	50	25	32	32	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50

†No rate.

* On shipments to destinations where reference is made to this symbol, in addition to the amount of deduction shown opposite such destinations under Mine Index No. 80, that mine may deduct the actual switching charge not to exceed $8.80 per car.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued

MARKET AREA 32—Continued

Destination	112	113	114	115	117	118	119	120	121	122	124	125	126	127	205	238	309	360	378	392	394	439	720	748	773	895	996	1168	1279
Attica	20	48	27	27	27	0	20	20	0	20	0	20	20	27	20	20	27	20	20	0	20	0	20	0	48	20	48	20	20
Bedford	0	0	0	0	0	10	0	0	10	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10	0	0	0	0	0
Bicknell	10	25	22	22	22	15	10	15	33	10	15	10	10	22	10	10	22	10	10	10	0	10	10	33	25	10	25	10	10
Bloomington	10	25	22	22	22	15	0	15	33	10	15	0	10	22	10	10	22	10	10	10	0	15	10	15	25	0	25	10	10
Boonville	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Boswell	13	28	10	10	10	0	13	13	0	13	0	13	13	10	13	13	13	13	13	13	0	13	13	50	23	13	23	13	13
Brazil	42	50	50	50	50	0	47	47	0	42	10	42	42	50	42	42	50	42	42	50	42	42	42	50	42	47	42	42	42
Carbon	32	47	44	44	44	32	37	37	0	32	32	32	32	44	32	32	44	32	32	37	32	32	32	37	32	47	37	47	32
Catlin	32	47	44	44	44	32	37	37	0	32	32	32	32	44	32	32	44	32	32	37	32	32	32	37	32	47	37	47	32
Cato	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	50	50	50	50	50	(†)	50	(†)	50	(†)	50	(†)	50	(†)
Cayuga	50	50	50	50	22	50	50	42	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	42	50	50	50	50	(†)
Clay City	0	47	49	49	44	32	22	0	32	0	0	32	0	49	22	50	50	22	50	50	50	32	0	32	42	22	47	0	32
Clear Creek	15	25	22	22	22	15	15	0	15	15	15	15	15	22	15	50	50	15	50	15	50	15	15	50	32	15	25	15	15
Clifton	50	50	50	50	50	35	50	50	15	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Cloverdale	22	47	44	44	44	32	32	32	32	37	22	32	22	44	32	32	44	32	32	37	32	32	32	32	32	47	32	47	32
Coalmont	0	47	42	42	42	32	22	22	0	32	0	32	0	42	0	0	42	0	0	22	20	20	22	32	22	47	22	47	22
Covington	20	40	27	27	27	0	20	20	0	20	0	20	20	27	20	20	27	20	20	20	20	20	20	20	20	40	20	40	20
Crawfordsville	23	33	30	30	30	10	23	23	0	23	10	23	23	30	23	23	30	23	23	23	23	23	23	28	23	33	23	33	23
Edwardsport	32	50	50	50	42	47	32	47	50	32	47	32	32	50	32	32	50	50	50	50	50	32	50	50	50	50	32	50	32
English	50	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Farmersburg	32	47	42	42	42	42	37	37	32	32	22	32	32	44	32	32	44	32	32	37	37	37	32	32	32	47	32	47	32
Fontanet	32	47	44	44	44	32	22	37	32	32	22	32	32	44	32	32	44	32	32	37	37	37	32	32	32	47	32	47	32
French Lick	15	0	15	15	25	25	15	15	25	15	15	15	15	15	15	15	15	15	15	15	15	15	15	25	15	25	15	25	15
Gessie	35	50	50	50	50	0	35	35	20	35	0	35	35	50	35	35	50	35	35	35	35	35	35	20	50	35	50	35	35
Greencastle	32	47	44	44	44	32	32	22	0	32	32	32	32	44	32	32	44	32	32	32	32	32	32	22	50	47	32	47	32
Huntingburg	50	0	37	37	50	50	50	50	50	50	50	50	50	37	50	50	37	50	50	50	50	50	50	50	50	50	50	50	50
Ladoga	23	33	30	30	30	10	23	23	0	23	10	23	23	30	23	23	30	23	23	23	23	23	23	28	23	33	23	33	23
La Fayette	13	23	20	20	20	0	13	13	0	13	0	13	13	20	13	13	20	13	13	13	13	13	13	0	13	23	13	23	13
Latta	0	47	(†)	42	42	32	22	22	32	0	32	0	0	42	0	0	42	0	0	22	22	22	22	32	22	47	22	47	22
Limedale	32	47	44	44	44	32	32	22	0	32	32	32	32	44	32	32	44	32	32	32	32	32	32	32	32	47	32	47	32
Linton	0	47	42	42	42	32	37	37	0	22	37	0	0	42	0	0	42	0	0	37	37	37	32	32	32	47	32	47	32
Locan	32	50	47	47	47	0	37	37	32	32	0	32	32	47	32	32	47	32	32	37	37	37	32	32	32	50	37	50	32
Marshall	15	28	25	25	25	0	15	15	10	15	0	15	15	25	15	15	25	15	15	15	15	15	15	10	15	25	15	25	15
Martinsville	0	10	7	7	7	0	0	0	0	0	0	0	0	7	0	0	7	0	0	0	0	0	0	0	0	10	0	10	0
Mecca	15	26	25	25	25	0	15	15	33	10	15	15	15	25	15	15	25	15	15	15	15	15	15	10	15	25	15	25	15
Mellott	23	33	30	30	30	0	23	23	0	23	0	23	23	30	23	23	30	23	23	23	23	23	23	28	23	33	23	33	23
Midland	0	47	42	42	42	32	22	0	32	0	0	32	0	42	0	0	42	0	0	22	22	22	22	32	22	47	22	47	22
Milltown	50	0	47	47	50	50	50	50	50	50	50	50	50	47	50	50	47	50	50	50	50	50	50	50	50	50	50	50	50
Mitchell	15	15	15	15	0	25	15	15	25	15	25	15	15	15	15	15	15	15	15	15	15	15	15	15	15	41	15	41	15
Montezuma	15	28	25	25	25	0	15	15	15	15	0	15	15	25	15	15	25	15	15	15	15	15	15	15	15	28	15	28	15
Mt. Vernon	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
New Harmony	(†)	50	50	50	50	50	50	50	(†)	(†)	50	(†)	(†)	50	(†)	(†)	50	(†)	(†)	50	(†)	50	50	50	50	50	(†)	50	(†)
New Market	38	48	45	45	45	25	38	38	32	42	42	32	38	45	38	38	45	38	38	42	42	42	42	50	42	50	42	50	42
Newport	42	50	50	50	50	22	42	42	32	42	22	42	42	50	42	42	50	42	42	42	42	42	42	50	42	50	42	50	42
Oakland City	50	22	0	0	37	50	50	50	50	50	50	50	50	0	50	50	0	50	50	50	50	50	50	50	50	27	50	32	50
Oolitic	0	0	0	0	0	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Orleans	0	0	0	0	0	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Otterbein	13	23	20	20	20	0	13	13	0	13	0	13	13	20	13	13	20	13	13	13	13	13	13	38	13	23	13	23	13
Oxford	13	23	20	20	20	0	13	13	0	13	0	14	13	20	13	13	20	13	13	13	13	13	13	0	13	23	13	23	13
Paoli	10	0	10	10	10	20	10	10	20	10	20	10	10	10	10	10	10	10	10	10	10	47	10	20	0	32	10	47	10
Princeton	50	32	32	32	47	50	50	50	50	50	50	50	50	32	50	50	32	50	50	50	50	50	50	50	50	50	50	50	50
Putnamville	10	25	22	22	22	15	10	10	0	10	10	10	10	22	10	10	22	10	10	10	10	10	10	10	10	25	10	25	10
Rockport	50	0	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
Sanders	0	10	7	7	7	0	0	0	0	0	0	0	0	7	0	0	7

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued.

[Delete all reference to market area 32 as shown in § 331.9]

MARKET AREA 32

Destination	Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown																								
	1	2	3	5	6	7	8	9	10	11	13	14	16	19	20	21	22	23	24	26	27	28	30	31	32
Carpentersville	15	0	15	22	15	10	10	22	15	10	10	10	10	15	15	15	15	0	10	15	60	15	15	15	15
Malbers	22	22	22	40	37	32	32	40	37	32	22	22	32	37	37	37	37	22	0	37	30	37	22	40	37
Destination	28	40	41	42	43	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	63	65	67	68	69
Carpentersville	15	15	22	10	30	15	22	15	15	15	15	15	15	15	10	15	25	25	25	25	15	15	15	15	15
Malbers	37	37	40	32	30	37	44	32	32	37	37	37	37	37	32	22	47	47	47	37	37	37	0	22	32
Destination	74	75	78	89	80	81	82	83	84	85	86	87	88	89	90	91	92	94	96	97	98	99	100	101	102
Carpentersville	10	10	15	22	25	25	10	10	10	15	15	15	25	10	15	15	22	15	22	22	10	15	15	15	15
Malbers	32	32	37	44	47	47	32	32	32	37	37	37	47	32	37	37	49	37	49	49	32	37	37	22	22
Destination	107	108	111	112	113	114	115	117	118	119	120	121	122	124	125	126	127	205	238	309	360	378	392	394	430
Carpentersville	15	15	15	15	25	25	22	22	15	15	15	10	15	15	15	22	22	15	22	22	15	15	15	15	15
Malbers	37	22	37	22	47	49	49	44	37	37	22	32	22	22	22	22	49	37	49	49	22	22	32	32	22
Destination	926	1168	1270																						
Carpentersville	25	15	15																						
Malbers	47	0	22																						

Destination	Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown																								
	33	35	36	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59
Carpentersville	15	22	22	15	10	10	10	10	10	15	15	15	10	22	15	10	10	10	10	10	15	15	15	25	25
Malbers	37	40	40	22	22	22	32	32	37	37	37	37	32	49	37	32	22	22	32	32	37	22	37	47	47
Destination	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	94	96
Carpentersville	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	25	10	15	15	15	22	22
Malbers	37	37	37	37	32	32	32	32	32	32	32	32	32	32	32	37	37	37	47	32	37	37	49	49	49
Destination	103	104	105	106	107	108	109	110	111	112	113	114	115	117	118	119	120	121	122	124	125	126	127	205	238
Carpentersville	15	10	15		15	15	15	15	15	15	25	15	15	15	15	15	15	10	15	15	15	22	22	15	22
Malbers	22	22	40		37	37	37	37	37	37	47	37	37	44	37	37	37	32	47	49	49	49	49	37	49
Destination	720	745	773	895																					
Carpentersville	15	10	25	15																					
Malbers	37	22	47	22																					

Destination	Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown																								
	309	360	378	392	394	430	720	745	773	895															
Carpentersville	22	15	15	15	15	15	15	10	25	15															
Malbers	49	22	22	32	32	22	37	22	47	22															

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the hearing in this docket heretofore scheduled for December 15, 1941, at 10 o'clock in the forenoon of that day be, and the same hereby is, cancelled.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

enson, Indiana, was schedule for hearing on December 15, 1941.

Subsequently freight rates for coal shipments from Stevenson, Indiana, have been published and the Acting Director deems that the hearing ordered to be held herein is no longer necessary.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R–I, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto supplement

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II—Continued

MARKET AREA NO. 33

Deductions for freight rate differences for coal shipped from each mine to all deliveries in the Terre Haute switching limits.

Mine Index No. 68 may allow a deduction of 20 cents (instead of 10 cents as heretofore provided).

[F. R. Doc. 41–9448; Filed, December 16, 1941; 10:32 a. m.]

[Docket No. A–1092, Part II]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF, CONDITIONALLY PROVIDING FOR FINAL RELIEF AND CANCELLING HEARING IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE ALLEN MINE OF THE ALLEN COAL COMPANY, INC., IN DISTRICT NO. 11 FOR RAIL SHIPMENTS ORIGINATING AT STEVENSON, INDIANA

The original petition filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requested the establishment of temporary and permanent price classifications and minimum prices for the coals of the Allen Mine of the Allen Coal Company, Inc., and for certain other mines in District No. 11.

No price classifications and minimum prices were established for the coals of the Allen Mine of the Allen Coal Company, Inc., for all shipments except truck originating at Stevenson, Indiana, for the reason that no freight rates for coal shipments from this point had been published. By an order dated November 3, 1941, in Docket A–1092 Part II the matter of the establishment of price classifications and minimum prices for the coals of the Allen Mine for all shipments except truck originating at Stevenson, Indiana, was scheduled for hearing on December 15, 1941.

Subsequently freight rates for coal shipments from Stevenson, Indiana, have been published and the Acting Director deems that the hearing ordered to be held herein is no longer necessary.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R–I, and § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto supplement

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 881, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group	Shipping point	Railroad
754	Allen Coal Co., Inc.	Allen	V	BO	20	11	Stevenson, Ind.	Southern [1]

Mine Index No. 754 shall be included in Price Group 11 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 11 listed in Price Schedule No. 1 for District No. 11 for All Shipments Except Truck. On account of differences in freight rates, Mine Index No. 754 shall be accorded the same adjustments in f. o. b. mine price applicable to other mines in Freight Origin Group 20 having the same freight rates.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II.

Mine Index No. 754 shall be accorded the same prices for railroad locomotive fuel as those shown for Mine Index Nos. 57, 87, 113, 773, 926 on pages 28 and 29 of Price Schedule No. 1, District No. 11, For All Shipments Except Truck.

[F. R. Doc. 41–9441; Filed, December 16, 1941; 10:33 a. m.]

[Docket No. A–957, Part II]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR REDUCTIONS IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 639, 392, AND 516

This proceeding was instituted upon an original petition filed on July 7, 1941, by District Board 12, pursuant to the provisions of Section 4 II (d) of the Bituminous Coal Act of 1937.[1] The petition requests a revision in the effective minimum prices for truck shipment established for the coals of the Cedar Valley Mine (Mine Index No. 639) of the Cedar Valley Coal Co. (Harvey Medearis), the Road Side Coal Mine (Mine Index No. 516) of the Road Side Coal Mine (Fred Walton) and the Koke Koal Mine (Mine Index No. 392) of Koke Koal Ko. (Frank D. Schultz). The petition contained a prayer for temporary relief.

Pursuant to an order of the Director, and after notice to all interested parties, a hearing was held in this matter before Travis Williams, a duly designated examiner of the Bituminous Coal Division, at a hearing room thereof in Washington, D. C.[2] All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Only the original petitioner appeared at the hearing. The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned who has considered the record.

The petition of District Board 12 requests that the minimum prices for truck shipments established for the coals produced at Mine Index Nos. 639, 392, and 516, located in Lucas, Warren, and Adams Counties, respectively, in District 12, be reduced 3 cents per ton in Size Groups 1–9, inclusive. This request is based upon the policy followed in District 12 of permitting reductions in minimum f. o. b. mine prices for mines located off of hard surfaced roads. The practice has been to allow no reduction for the first mile, 2 cents per ton for the second mile, and 1 cent per ton for each mile thereafter where a mine is located away from an improved highway, with total reductions not to exceed 10 cents per ton. This rule was followed generally when prices were originally established for District 12 coals in General Docket No. 15. However, it seems that no requests for such reductions were made at that time for the coals of the three mines in question.

From the uncontroverted evidence presented on behalf of the District Board, it appears that the above-mentioned mines are located on dirt roads three miles from an improved highway, and that the minimum prices established for their coals should therefore be reduced 3 cents per ton in order to establish a fair price relationship between them and other mines in the district shipping by truck. Minimum f. o. b. mine prices reflecting such reductions are set forth in the schedule attached hereto and made a part hereof.

Upon the basis of the uncontroverted evidence, I find and conclude: (1) That the prices set forth in the schedule hereto attached are proper and should be established for the coal specified herein; that said prices conform with the prices established for comparable and competing coals in District 12; (2) that such amendment of the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipment is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 332.24 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments be and it hereby is amended in accordance with supplement T, hereto attached and made a part hereof.

Dated: November 19, 1941.

[SEAL] H. A. GRAY,
Director.

[1] The petition herein, originally designated Docket No. A–957, requested the establishment of minimum prices for the coals of various mines in District 12. By the Order dated August 15, 1941, that part of the petition relating to the above-mentioned mines was severed from the remainder of Docket No. A–957 and was designated Docket No. A–957, Part II.

[2] The Order of August 15, 1941, scheduled the hearing for September 29, 1941, before Chas. O. Fowler. By Order dated September 29, 1941, Edward J. Hayes was designated Examiner vice Chas. O. Fowler. On motion of the petitioner, the Examiner continued the hearing from September 29, 1941, to October 21, 1941, on which date it was held. By Order dated October 9, 1941, Travis Williams was designated to preside as Examiner vice Edward J. Hayes.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Stanard lump	Egg 8" x 2", 6" x 2"	Small egg 1" x 2", 3" x 1½"	Mine run	Nut 2" x 1¼", 1¼" x ¾", 1¼" x ⅝"	Dom. stoker 1¼", 1" x ⅝"	Screenings 2" x 1¼", 1¼" x 0	Ind. Stoker Gr. 2", 1½", 1¼" x 0	⅝" x 0
					1	2	3	4	5	6	7	8	9	10
Cedar Valley Coal Co. (Harvey Medearis).	Cedar Valley	639	15	Lucas	292	282	272	262	267	267	267	157	217	(*)
Koke Koal Ko. (Frank D. Shultz).	Koke Koal	392	21	Warren	342	332	322	312	297	297	297	177	237	(*)
Road Side Coal Mine (Fred Walton).	Road Side Coal	516	33	Adams	357	347	347	347	347	337	337	247	337	(*)

*Minimum prices established for these sizes. No changes requested.

[F. R. Doc. 41–9443; Filed, December 16, 1941; 10:38 a. m.]

[Docket No. A–1089]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that his action is necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto supplement R–II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto supplement R–III, § 333.24 (*General prices*) is amended by adding thereto supplement R–IV, § 333.25 (*Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*) is amended by adding thereto supplement R–V, § 333.25 (*Special prices*—(a) *Prices for shipment by railroad, applicable only for blacksmithing use, for all destinations in market areas as listed*) is amended by adding thereto supplement R–VI, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No price classifications and no minimum prices are established herein for the coals of Mine Index No. 913, because the Division has not received a code acceptance for this producer.

Price classifications and minimum prices are established herein for the coals of Mine Index No. 815, which the original petition lists as belonging to Hudson and Saunders, in the name of the Sunshine Coal and Coke Company. This change has been made because the records of the Division indicate that Hudson and Saunders are no longer operating the mine, but that it is now being operated by the Sunshine Coal and Coke Company.

Price classifications and minimum prices are established herein for the coals of Mine Index No. 717, for rail shipment, which the original petition lists as belonging to Edd Levan, in the name of Howard Caldwell. The change has been made because the records of the Division indicate that Howard Caldwell has succeeded Edd Levan, and is now operating the mine.

The price of $2.70 is established herein in Size Group 20 for shipment to Market Area 147 for the coals of Mine Index No. 1291 for rail shipment. The original petition prayed that the price for this size group for this mine be the same as that already established for Size Group 18 for Mine Index No. 18, which price is $2.70. It would seem that a typographical error in the original petition listed this price as $2.85 in Size Group 20 for Mine Index No. 1291 for shipment to Market Area 147, the base market area. As this price is not the price established for Size Group 18 for Mine Index No. 18 for shipment to Market Area 147, the correction has been made and the price actually sought ($2.70) has been established for the coals of Mine Index No. 1291.

No price classifications and no minimum prices are established herein for the coals of Mine Index No. 1261 for rail shipment for the reasons set forth in the Order severing that portion of Docket No. A–1089 which prays for the establishment of such price classifications and minimum prices from the remainder of the docket, designating such portion as Docket No. A–1089 Part II, granting temporary relief therein and setting Docket No. A–1089 Part II for hearing.

No price classifications and no minimum prices are established herein for the coals of Mine Index No. 1293 for shipment by railroad applicable to all coal sold for steamship vessel fuel for the reasons set forth in the Order severing that portion of Docket No. A–1089 which prays for the establishment of such price classifications and minimum prices from the remainder of the docket, designating such portion as Docket No. A–1089 Part II, granting temporary relief therein and setting Docket No. A–1089 Part II for hearing.

Dated: November 4, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	BLOUNT COUNTY, ALA.				
1059	Hart, Onar	Hart [1]	1	Black Creek	31
194	Parker, Grady	Ballard & Parker [1]	1	Black Creek	31
1215	Skinner & Parker (R. S. Skinner)	Johnson [1]	1	Black Creek	31
196	Hill, Mack (Mack Hill Coal Co.)	Scratch Out [1]	1	Black Creek	31
1276	Parker, Grady	Collins [1]	1	Black Creek	
	JEFFERSON COUNTY, ALA.				
1289	Colonial Coal & Coke Co	Pratt Slope #3 [1]	1	Pratt	30
385	Collins & Tyler (Geo. B. Tyler)	Trammell [4]	1	Black Creek	31
198	Rock Coal Co., J. D.	Yarbro #1 [4]	1	Black Creek	31
193	Young, Robert B.	Yarbrough #2 [4]	1	Black Creek	31
367	Riverside Coal Co. (R. M. Ellis)	Riverside [1]	1	Black Creek	

[1] These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with index number 76. Shipping Point: Hayden, Ala. Railroad: L&N.
[2] These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with index number 76. Shipping Point: Trafford, Ala. Railroad: L&N.
[3] This mine shall have the same prices in size groups 1, 2, 6, 13 and 23 on all price tables as listed for mine with index number 71. Shipping Point: Pratt City, Ala. Railroad: BS.
[4] These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 76. Shipping Point: Trafford, Ala. Railroad: L&N.
[5] This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 76. Shipping Point: Warrior, Ala. Railroad: L&N.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
1289	Colonial Coal & Coke Co	Pratt Slope #3 [1]	1	Pratt	30
	MARION COUNTY, ALA.				
1291	Guthrie, Fred	R. G. Wheeler #2 [1]	1	Black Creek	101
	WALKER COUNTY, ALA.				
364	Alfread, Sam (Mrs.) (Sam Alfread & Sons)	Nauvoo Strip [1]	1	Black Creek	110
1275	Northcutt, James M	Northcutt #1 [1]	1	Mary Lee	50
1273	Northcutt, James M	Northcutt #2 [1]	1	Mary Lee	50
1293	Winn, D. F	Winn-Pratt #1 [1]	1	Pratt	120

[1] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 71.
[2] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 18.

§ 333.24 *General prices*—Supplement R–IV

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	BLEDSOE COUNTY, TENN.				
175	Pikeville Fuel Co. (% J. W. Merriman)	Bell [1]	3	Sewanee	200
	MARION COUNTY, TENN.				
126	Ake Coal Co	Ake [1]	3	Battle Creek	110
	BLEDSOE COUNTY, TENN.				
967	Metz, J. N.	Metz [1]	3	Sewanee	200
	HAMILTON COUNTY, TENN.				
138	Alexander, Tom [2]	Whelstone [1]	3	No. 7	200
663	Alexander, C. B.	Alexander [1]	3	No. 7	200
664	Alexander, C. B.	Card Coal Co. [1]	3	No. 7	200
705	Chicamauga Coal Co	Chicamauga [1]	3	No. 7	200
1037	Yother & Sons	Sub [1]	3	No. 7	200

[1] This mine shall have the same prices in all size groups on all price tables as listed for mine with Index Number 99.
[2] This mine shall have the same prices in all size groups on all price tables as listed for mine with Index Number 91.
Shipping Point: Ormes, Tenn. Railroad: NC&StL.
[3] The following prices apply on price table for Market Area 112:
This mine shall have the same prices in size groups 1, 2, 3, 4, 5, 7, 8, 9 and 15 as listed for mine with Index Number 95.
This mine shall have a price in size group 6, 1¢ higher than the price listed for mine with Index Number 95.
This mine shall have a price in size groups 10, 11, 12, 13 and 14, 6¢ higher than the prices listed for mine with Index Number 95.
The following prices apply on price table for Market Area 112:
Index Number 95.
This mine shall have a price in size group 6, 11¢ higher than the price listed for mine with Index Number 95.
This mine shall have a price in size groups 10, 11, 12, 13 and 14, 6¢ higher than the prices listed for mine with Index Number 95.
Shipping Point: Grayssville, Tenn. Railroad: CNO&TP Ry.
Shipping Point: Sale Creek, Tenn. Railroad: Southern Ry.
[4] The following prices apply on all price tables except for Market Area 112:
The above mines shall have the same prices in size groups 1, 2, 3, 4, 5, 7, 8, 9 and 15 as listed for mine with Index Number 95.
The above mines shall have a price in size group 6, 5¢ under the price listed for mine with Index Number 95.
The above mines shall have a price in size groups 10, 11, 12, 13 and 14, 10¢ under the prices listed for mine with Index Number 95.
The following prices apply on price table for Market Area 112 only:
The above mines shall have a price in size groups 1, 2, 3, 4, 5, 7, 8, 9 and 15, 10¢ higher than the prices listed for mine with Index Number 95.
The above mines shall have a price in size group 6, 1¢ higher than the price listed for mine with Index Number 95.
The above mines shall have a price in size groups 10, 11, 12, 13, and 14, 6¢ higher than the prices listed for mine with Index Number 95.
Shipping Point: Daisy, Tenn. Railroad: CNO&TP Ry.

§ 333.6 *General prices*—Supplement R–I—Continued

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	MARION COUNTY, ALA.				
1291	Guthrie, Fred	R. G. Wheeler #2 [1]	1	Black Creek	101
	WALKER COUNTY, ALA.				
364	Alfread, Sam (Mrs.) (Sam Alfread & Sons)	Nauvoo Strip [1]	1	Black Creek	110
1275	Northcutt, James M	Northcutt #1 [1]	1	Mary Lee	50
1273	Northcutt, James M	Northcutt #2 [1]	1	Mary Lee	50
1293	Winn, D. F	Winn-Pratt #1 [1]	1	Pratt	120

[4] This mine shall have the same prices in size groups 1, 2, 4, 6, 17, 18 and 26 on all price tables as listed for mine with Index Number 18.
[5] This mine shall have a price in size group 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 18.
[6] This mine shall have the same prices in size group 1 on all price tables as listed for mine with Index Number 14.
18. Shipping Point: Nauvoo, Ala. Railroad: Southern Ry.
[7] These mines shall have the same price in size group 1 on all price tables as listed for mine with Index Number 31.
This mine shall have a price in size groups 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 17 and 18, respectively, for mine with Index Number 31. Shipping Point: Burnwell, Ala. Railroad: Southern Ry.
[8] This mine shall have a price in size groups 13 and 23 on all price tables, 10¢ under the prices listed in size groups 12 and 18, respectively, for mine with Index Number 55. Shipping point: Cordova, Ala. Railroad: Southern Ry.

§ 333.7 *Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
1289	Colonial Coal & Coke Co	Pratt Slope #3 [1]	1	Pratt	30
	MARION COUNTY, ALA.				
1291	Guthrie, Fred	R. G. Wheeler #2 [1]	1	Black Creek	101
	WALKER COUNTY, ALA.				
1274	Northcutt, James M	Northcutt #1 [1]	1	Mary Lee	50
1275	Northcutt, James M	Northcutt #2	1	Mary Lee	50
1293	Winn, D. F	Winn-Pratt #1	1	Pratt	120
668	Winn, D. F	Winn	1	America	120

[1] The above mines in the various counties shall have the same prices for all sizes customarily furnished railroads for locomotive fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Schedule).

§ 333.24 *General Prices*—Supplement R–IV—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	HAMILTON COUNTY, TENN.—continued				
810	Glen Mining Co., Mary (W. L. Brandon)	Brandon [8]	3	No. 12	200
702	Ledford, J. H.	Ledford [8]	3	No. 12	200
1096	Pikeville Fuel Co	Soddy [7]	3	No. 10	200
154	Shadwick, John	Middle Ridge [8]	3	No. 10	200
1085	Alexander, Tom J.	Alexander [7]	3	No. 13	200
1042	Buchanan, Blaine	Sims Neck [7]	3	No. 10	200
1296	Chicamauga Coal Co	No name [7]	3	No. 10	200
601	Gothard, Elsea & Alexander	No name [7]	3	No. 13	200
696	Millsaps Bros	Millsaps [7]	3	No. 10	200
929	Waldens Ridge Coal Corp	Daisy [7]	3	No. 10	200
1033	Yother & Sons	Murphy [7]	3	No. 9	200
	MARION COUNTY, TENN.				
1054	Abraham, F. C.	F. C. Abraham [4]	3	Sewanee	150
859	Brown & Norris (C. R. Brown)	George Bryant [4]	3	Sewanee	150
712	Cantrell, Wm. A.	Cantrell [4]	3	Sewanee	150
812	Cain & Houser Coal Mng. Co	Morrison [4]	3	Sewanee	150
714	Goforth, E. L.	Goforth [4]	3	Sewanee	150
853	Hassler Bros. & C. J. Green	Bryant [4]	3	Sewanee	150
825	Sunshine Coal & Coke Co	Hudson [4]	3	Sewanee	150
1017	Hunziker, C. P.	Hunziker [4]	3	Sewanee	150
717	Caldwell, Howard	Levan [4]	3	Sewanee	150
1049	Panter & Lassater	Panter [4]	3	Sewanee	150
721	Pressnell, Farrin	Pressnell [4]	3	Sewanee	150
710	Summers & Ladd	J. C. Brown [4]	3	Sewanee	150
724	Sunshine Coal & Coke Co	Sun Whitwell [4]	3	Sewanee	150
822	Tate & Johnson Coal Co. (R. L. Tate)	Tate & Johnson [4]	3	Sewanee	150
823	Tate, Will	Tate [4]	3	Sewanee	150
726	Turner, Jim	Turner [4]	3	Sewanee	150
1304	Weaver & Medley (J. W. Weaver)	Weaver & Medley [4]	3	Sewanee	150
	WALKER COUNTY, GEORGIA				
739	Gillen, Fred A.	Bear Creek [4]	3	Durham	90
	RHEA COUNTY, TENN.				
727	Small & Mansfield	Graysville [10]	3	No. 5 Sewanee	200
866	Allison, E. L.	Allison [11]	3	Nelson	200
728	Tenn. River Coal Co	Cumberland [11]	3	Nelson	200

[4] The following prices apply on all price tables except for Market Area 112:
These mines shall have a price in all size groups, 10¢ under the prices listed for mine with Index Number 95.
The following prices apply on price table for Market Area 112 only:
These mines shall have a price in all size groups, 6¢ higher than the prices listed for mine with Index Number 95.
Shipping Point: Hathburn, Tenn. Railroad: Southern Ry.

[7] The following prices apply on all price tables except for Market Area 112:
These mines shall have a price in all size groups, 10¢ under the prices listed for mine with Index Number 95.
The following prices apply on price table for Market Area 112 only:
These mines shall have a price in all size groups, 6¢ higher than the prices listed for mine with Index Number 95.
Shipping Point: Daisy, Tenn. Railroad: CNO&TP Ry.

[8] These mines shall have the same prices in all size groups on all price tables as listed for mine with Index No. 95.
Shipping Point: Whitwell, Tenn. Railroad: NC&StL.

[10] This mine shall have the same prices in all size groups on all price tables as listed for mine with Index No. 92.
Shipping Point: Durham, Georgia. Railroad: C of Ga.

[11] The following prices apply on all price tables except for Market Area 112:
This mine shall have a price in size groups, 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14 and 15, 10¢ less than the prices listed for mine with Index Number 95.
This mine shall have the same prices in size groups 7, 8, and 9 as listed for mine with Index Number 95.
The following prices apply on price table for Market Area 112 only:
This mine shall have a price in size groups 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14 and 15, 6¢ higher than the prices listed for mine with Index Number 95.
This mine shall have a price in size groups 7, 8 and 9, 10¢ higher than the prices listed for mine with Index Number 95.
Shipping Point: Graysville, Tenn. Railroad: Southern Ry.

[12] The following prices apply on all price tables except for Market Area 112:
These mines shall have a price in size groups 1, 2, 3, 4, 5, 6 and 15, 10¢ higher than the prices listed for mine with Index Number 95.
These mines shall have the same prices in size groups 7, 8 and 9 as listed for mine with Index Number 95.
These mines shall have a price in size groups 10, 11, 12, 13 and 14, 10¢ under the prices listed for mine with Index Number 95.
The following prices apply on price table for Market Area 112 only:
These mines shall have a price in size groups 1, 2, 3, 4, 5, 6 and 15, 4¢ higher than the prices listed for mine with Index Number 95.
These mines shall have a price in size groups 7, 8 and 9, 6¢ under the prices listed for mine with Index Number 95.
These mines shall have a price in size groups 10, 11, 12, 13 and 14, 16¢ under the prices listed for mine with Index Number 95.
Shipping Point: Dayton, Tenn. Railroad: Southern Ry.

§ 333.25 *Special prices*—(b) *Prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*—Supplement R–V

[Prices f. o. b. mines for shipment to all railroads for locomotive fuel, station heating, power plants and other uses]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	BLEDSOE COUNTY, TENN.				
175	Pikeville Fuel Co. (c/o J. W. Merriman)	Bell [1]	3	Sewanee	150
967	Metz, J. N.	Metz [1]	3	Sewanee	200
	HAMILTON COUNTY, TENN.				
695	Alexander, C. B.	Alexander [1]	3	No. 7	200
138	Alexander, Tom J.	Whetstone [2]	3	No. 7	200
705	Chicamauga Coal Co	Chicamauga [1]	3	No. 7	200
698	Gothard, D. L.	Card Coal Co. [1]	3	No. 7	200
1037	Yother & Sons	Stob [1]	3	No. 7	200
1085	Alexander, Tom J.	Alexander [1]	3	No. 13	200
1042	Buchanan, Blaine	Sims Neck [1]	3	No. 10	200
1296	Chicamauga Coal Co	No name [1]	3	No. 10	200
601	Gothard, Elsea & Alexander	No name [1]	3	No. 13	200
702	Ledford, J. H.	Ledford [1]	3	No. 12	200
810	Glen Mining Co., Mary (W. L. Brandon)	Brandon [1]	3	No. 12	200
696	Millsaps Bros	Millsaps [1]	3	No. 10	200
1096	Pikeville Fuel Co	Soddy [1]	3	No. 10	200
154	Shadwick, John	Middle Ridge [1]	3	No. 10	200
929	Waldens Ridge Coal Corp	Daisy [1]	3	No. 10	200
1033	Yother & Sons	Murphy [1]	3	No. 9	200
	MARION COUNTY, TENN.				
125	Ake Coal Co	Ake [1]	3	Battle Creek	150
1054	Abraham, F. C.	F. C. Abraham [1]	3	Sewanee	150
859	Brown & Norris (C. R. Brown)	George Bryant [1]	3	Sewanee	150
712	Cantrell, Wm. A.	Cantrell [1]	3	Sewanee	150
812	Cain & Houser Coal Mng. Co	Morrison [1]	3	Sewanee	150
717	Caldwell, Howard	Levan [1]	3	Sewanee	150
714	Goforth, E. L.	Goforth [1]	3	Sewanee	150
853	Hassler Bros. & C. J. Green	Bryant [1]	3	Sewanee	150
1017	Hunziker, C. P.	Hunziker [1]	3	Sewanee	150
1049	Panter & Lassater	Panter [1]	3	Sewanee	150
721	Pressnell, Farrin	Pressnell [1]	3	Sewanee	150
710	Summers & Ladd	J. C. Brown [1]	3	Sewanee	150
815	Sunshine Coal & Coke Co	Hudson [1]	3	Sewanee	150
724	Sunshine Coal & Coke Co	Sun. Whitwell [1]	3	Sewanee	150
822	Tate & Johnson Coal Co. (R. L. Tate)	Tate & Johnson [1]	3	Sewanee	150
823	Tate, Will	Tate [1]	3	Sewanee	150
726	Turner, Jim	Turner [1]	3	Sewanee	150
1304	Weaver & Medley (J. W. Weaver)	Weaver & Medley [1]	3	Sewanee	150
727	Small & Mansfield	Graysville [7]	3	No. 5 Sewanee	200
728	Tenn. River Coal Co	Cumberland [1]	3	Nelson	200
866	Allison, E. L.	Allison [1]	3	Nelson	200
	WALKER COUNTY, GEORGIA				
739	Gillen, Fred A.	Bear Creek [1]	3	Durham	90

[1] This mine shall have the same prices on price table as set forth in § 333.25(b) in Minimum Price Schedule for District No. 13 as shown for mine with Index No. 99.

[2] This mine shall have the same prices on price table as set forth in § 333.25(b) in Minimum Price Schedule for District No. 13 as shown for mine with Index No. 95.

[3] These mines shall have the same prices on price table as set forth in § 333.25 (b) in Minimum Price Schedule No. 1 for District No. 13 as shown for mine with Index number 95.

[4] These mines shall have the same prices on price table as set forth in § 333.25 (b) in Minimum Price Schedule for District No. 13 as shown for mines with Index Numbers 91, 94, etc.

[5] This mine shall have the same prices on price table as set forth in § 333.25 (b) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 91.

[6] These mines shall have the same prices on price table as set forth in § 333.25 (b) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 95.

[7] This mine shall have the same prices on price table as set forth in § 333.25 (b) in Minimum Price Schedule for District No. 13 as shown for mines with Index Numbers 91, 94, etc.

[8] These mines shall have the same prices on price table as set forth in § 333.25 (b) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 95.

[9] This mine shall have the same prices on price table as set forth in § 333.25 (b) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 92.

§ 333.25 *Special prices*—(a) *Prices for shipment by railroad, applicable only for blacksmithing use, for all destinations in market areas as listed*—Supplement R–VI

[Prices f. o. b. mines for shipment by railroad, applicable only for blacksmithing use. Subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	BLEDSOE COUNTY, TENN.				
967	Metz, J. N.	Metz	3	Sewanee	200
	HAMILTON COUNTY, TENN.				
695	Alexander, C. B.	Alexander	3	No. 7	200
138	Alexander, Tom J.	Whetstone	3	No. 7	200
705	Chicamauga Coal Co	Chicamauga	3	No. 7	200
698	Gothard, D. L.	Card Coal Co.	3	No. 7	200
1037	Yother & Sons	Stob	3	No. 7	200
	MARION COUNTY, TENN.				
1054	Abraham, F. C.	F. C. Abraham	3	Sewanee	150
859	Brown & Norris (C. R. Brown)	George Bryant	3	Sewanee	150
712	Cantrell, Wm. A.	Cantrell	3	Sewanee	150
812	Cain & Houser Coal Mng. Co	Morrison	3	Sewanee	150
717	Caldwell, Howard	Levan	3	Sewanee	150

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	MARION COUNTY, TENN.—continued				
853	Hassler Bros. & C J. Green	Bryant	3	Sewanee	50
1017	Hunziker, C. P.	Hunziker	3	Sewanee	1
1049	Panter & Lassater	Panter	3	Sewanee	150
721	Pressnell, Farrin	Pressnell	3	Sewanee	150
710	Summers & Ladd	J. C. Brown	3	Sewanee	150
815	Sunshine Coal & Coke Co	Hudson	3	Sewanee	150
724	Sunshine Coal & Coke Co	Sun. Whitwell	3	Sewanee	150
822	Tate & Johnson Coal Co. (R. L. Tate)	Tate & Johnson	3	Sewanee	150
823	Tate, Will	Tate	3	Sewanee	150
726	Turner, Jim	Turner	3	Sewanee	150
1,304	Weaver & Medley (J. W. Weaver)	Weaver & Medley	3	Sewanee	150
714	Goforth, E. L.	Goforth	3	Sewanee	150
	WALKER COUNTY, GEORGIA				
739	Gillen, Fred A.	Bear Creek	3	Durham	908

All of the above mines in the various counties shall have the same prices on price table as set forth in § 333.25 (a) in Minimum Price Schedule for District No. 13 for Blacksmith use.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: Over 2" egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over 1½"		Chestnut: Top size 3" and under bottom size 1½" and under		Chestnut: Top size 1¼" and under bottom size 1½" and under		Run of mine modified R/M	Resultants 3" and under		Screenings ½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
ALABAMA					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
BLOUNT COUNTY																			
Parker, Grady	Collins	2	1276	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	28
JEFFERSON COUNTY																			
Bennett, J. W	McCormack	2	1288	Pratt	325	325	325	320	310	310	295	305	290	265	279	250	265	240	265
Colonial Coal & Coke Co	Pratt Slope No. 3	2	1289	Pratt	325	325	325	320	310	310	295	305	290	265	370	250	265	240	265
Eades, D. S. (D. S. Eades Coal Yard)	D. S. Eades Mines	2	1290	Gould	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Whaley, Grady T	Whaley Black Creek	2	1287	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
MARION COUNTY																			
Dillard, A. J.	Dillard	2	1272	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Guthrie, Fred	R. G. Wheeler No. 2	2	1291	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
Moore, L. C.	Box & Sullivan No. 7	2	1297	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290
ST. CLAIR COUNTY																			
Gillison Coal Co. (R. P. Moore)	Gillison Coal Co.	2	1273	Wadsworth	365	365	340	335	315	315	290	300	275	275	250	190	250	175	275
SHELBY COUNTY																			
Campbell Coal Co	Campbell	2	1292	Helena	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
TUSCALOOSA COUNTY																			
Pierce & Durrett Bros. (John Durrett)	Coal Branch	2	1283	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	220	285
WALKER COUNTY																			
Davis & Bronco (Charles Davis)	Davis-Bronco	2	1270	Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	250	290
Jackson, Lucius L.	Jackson	2	1296	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Northcutt, James M	Northcutt No. 1	2	1274	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Northcutt, James M	Northcutt No. 2	2	1275	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Parsons, M. B	Parsons	2	1277	Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	230	290
Styles, D. F	Styles	2	1278	Corona	325	325	325	320	310	310	295	305	290	265	275	265	265	250	290
Wilson, Lige	Tucker No. 15	2	1295	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	210	265
Winn, D. F	Winn-Pratt No. 1	2	1293	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	220	290
WINSTON COUNTY																			
Guthrie, J. M. (Guthrie Coal Co.)	Guthrie	2	1294	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	220	290

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump, over 2", egg, top size over 5"	Egg, top size 5" and under; bot. size 2" and under	Lump, 2" and under	Nut, top size 2" and under; bot. size, 1"	Stoker, top size 1½" and under; bot. size, ¾" and under	Stoker, top size ¾" and under; bot. size, ¾" and under	Straight, and modified M/R	Resultants, 5" and under	Resultants, 4" and under	Screenings, 2" and under	Screenings, 1¼" and under	Screenings, 1¼" and under	Screenings, ¾" and under	Screenings, ¾" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE																			
HAMILTON COUNTY																			
Gables, F. R. (Dicks Coal Mining Co.)	Gables	1281	4	No. 10	305	305	295	250	240	220	225	225	225	205	205	195	190	155	250
Chicamauga Coal Co	No name	1298	4	Soddy No. 10	305	305	295	250	240	220	225	225	225	205	205	195	190	165	250
MARION COUNTY																			
Rollins, J. F	Rollin's	1299	4	Battle Creek	340	340	330	260	250	245	235	235	235	205	205	195	175	140	285
RHEA COUNTY																			
Allen & Wallace (James Edward Allen)	Allen & Wallace	1279	4	Sewanee	305	305	295	250	240	235	235	235	235	205	205	195	190	155	290
Wallace, L. E	Wallace	1282	4	Sewanee	305	305	295	250	240	235	235	235	235	205	205	195	190	155	290

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II—Continued

Code member index	Mine	Mine index No.	Subdistrict	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4" egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
					1	2	3	4	5	6	7	8
TENNESSEE, WHITE COUNTY												
Bohannon & Randolph (G. E. Randolph)	Eastland	1280	4	Sewanee	250	230	205	210	185	195	135	130
Rollins, Clifton	Bon Air No. 5¾	1286	4	Bon Air	250	230	205	210	185	195	135	130

[F. R. Doc. 41–9440; Filed, December 16, 1941; 10:32 a. m.]

[Docket No. A–1111]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R. and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof: *Provided, however*, That, in view of the circumstances hereinafter set forth, the price classifications and minimum prices provided in said supplement R and supplement T for the coals of Mine Index No. 141 shall not become effective until ten days from the date of this order.

Petitioner analogizes the coals of the Hill Top Mine (Mine Index No. 556), operated by Dewey Burns, to the coals of Mine Index No. 401 operated by Charles Martin (Martin Coal Company). However, for the coals of the Hill Top Mine in Size Group 3 petitioner proposes classification C and a minimum price of $3.85, whereas Mine Index No. 401 is classified D and priced $3.70 per ton in Size Group 3. The price classification and minimum prices established herein for the coals of the Hill Top Mine in Size Group 3 have accordingly been conformed to those heretofore established for the coals of Mine Index No. 401.

Petitioner proposes Ozark, Arkansas, as the shipping point for the coals of R. V. Jaggers' Cove Creek Mine (Mine Index No. 552). However, the code acceptance filed by this code member states that Hartman, Arkansas, is the shipping point for the coals of this mine. Accordingly, Hartman, Arkansas, has been designated as the rail shipping point for the coals of Mine Index No. 552, in supplement R annexed hereto.

Petitioner proposes both Rock Island, Oklahoma, and Jenson, Arkansas, on the St. Louis-San Francisco Railway, as shipping points for the coals of the Kistler Coal Co., Mine No. 2 (Mine Index No. 558). It appears, however, that there are no published freight rates in effect for coal originating at Rock Island, Oklahoma on the St. Louis-San Francisco Railway, and petitioner has made no sufficient showing of necessity for two shipping points for this mine. Accordingly, Jenson, Arkansas, is designated in Supplement R, annexed hereto, as the rail shipping point for the coals of Mine Index No. 558.

In support of its proposed price classifications and minimum prices for the coals of the Quality Coal Company (Mine Index No. 559), petitioner alleges that these coals are analogous to the coals produced from the Quality Coal Company, Quality No. 1 Mine (Mine Index No. 88). The established price classifications and minimum prices for the coals of Quality No. 1 Mine, in Size Group 18, are D and $4.15 per ton, respectively, compared with price classification B and a minimum price of $4.45 per ton, proposed by petitioner for Mine Index No. 559. Accordingly, the price classification and prices established herein for the coals of Mine Index No. 559 in Size Group 18 have been conformed to those heretofore established for the coals of Mine Index No. 88 in the same size group.

No relief is granted herein for the coals of the Russellville Coal Mining Company (Mine Index No. 1) for the reason that price classifications and minimum prices have previously been established for this mine in General Docket No. 15, while it was operated by a predecessor code member, The Anthracite Coal Company. Those price classifications and minimum prices continue to apply to Mine Index No. 1, regardless of changes in its ownership.

Petitioner proposes herein price classifications and minimum prices for the coals of the Safeway Coal Company (E. F. Statham) (Mine Index No. 141) when produced by machine cut operation. Price classifications and minimum prices have heretofore been established for the coals of Mine Index No. 141 when produced by the solid shot method of operation. Inasmuch as the Safeway Coal Company in the operation of Mine Index No. 141 has changed from a solid shot to a machine cut method of operation and has complied with Order No. 288 in reporting such change in the method of operation, there appears no necessity for the continued existence of solid shot price classifications and minimum prices for the coals of such mine. Accordingly, Supplements R and T annexed hereto, provide price classifications and minimum prices for the coals of Mine Index No. 141 as produced by the machine cut method of operation, which, however, as previously set forth herein, do not become effective until ten days from the date of this order.

It is further ordered, That effective ten days from the date of this order the price classifications and minimum prices heretofore established for the coals of Mine Index No. 141, when produced by the solid shot method of operation, are hereby cancelled and deleted from the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 17, 1941.

[SEAL] H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group: 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
556	Burns, Dewey (Burns Coal Co.)	Hill Top	2	Allx, Ark	MP	14	----	----	D	----	----	----	----	----	----	----	----	----	----	B	----	----	----	----	----	----
548	C & M Coal Company (L. H. Cary)	C&M	5	Hackett, Ark	SL-SF-MV	18	----	----	C	----	----	----	----	----	----	----	----	----	----	A	----	----	----	Q	----	----
549	Double Bubble Coal Company (J. H. Bohannon)	Double Bubble	1	Spadra, Ark	MP	33	A	A	----	----	----	L	L	L	----	----	F	----	----	B	B	B	----	O	----	----
554	Foster, Wallace	Wallace Foster	2	Ozark, Ark	MP	14	----	----	A	----	----	H	H	H	----	----	----	----	C	A	A	A	----	A	----	----
552	Jaggers, R. V	Cove Creek	2	Hartman, Ark	MP	33	----	----	A	----	----	H	H	H	----	----	----	----	----	B	----	----	----	I	----	----
557	Keota Coal Co. (Jess Smith)	No. 1	10	Keota, Okla	MV	15	----	----	D	----	----	----	----	----	----	----	----	----	----	B	----	----	----	Q	----	----
555	Kerr, W. W	Kerr	10	Keota, Okla	MV	15	----	----	D	----	----	----	----	----	----	----	----	----	----	B	----	----	----	Q	----	----
558	Kistler Coal Company	No. 2	6	Jenson, Ark	SL-SF	16	----	----	D	----	----	----	----	----	----	----	----	----	----	B	----	----	----	Q	----	----
551	Krisler & Son Coal Company (Mathias Krisler)	Krisher	7	McCurtin, Okla	FTS-VB	12	----	----	D	----	----	----	----	----	----	----	----	----	----	B	----	----	----	Q	----	----
561	Panama Smokeless Coal Co	Ajax	7	Bokoshe, Okla	FTS-VB	12	----	----	D	----	----	----	----	----	----	----	----	----	----	B	----	----	----	Q	----	----
560	Pyron, Jake	Blue Branch No. 2	2	Ozark, Ark	MP	14	----	----	A	----	----	H	H	H	A	C	C	----	D	B	B	B	A	I	----	----
559	Quality Coal Company	Quality	2	Alix, Ark	MP	14	----	----	----	A	----	A	B	H	H	H	F	----	D	B	B	B	A	M	----	----
141	Safeway Coal Company (E. F. Statham)	Safeway	7	Bokoshe, Okla	FTS-VB	12	----	----	----	G	----	H	H	H	H	H	----	----	D	B	B	B	A	M	----	----

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	County	Sub-dist. No.	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Burns, Dewey (Burns Coal Co.)	556	Hill Top	Franklin, Ark	2			370											135	115	105		270		
C & M Coal Company (H. H. Cary)	548	C & M	Sebastian, Ark	5			385											260	200	100		415		
Double Bubble Coal Company (J. H. Bohannon)	540	Double Bubble	Johnson, Ark	1		450	425																	
Foster, Wallace	554	Wallace Foster	Franklin, Ark	2														135	115		425			
Keeter, H. V.	552	Cove Creek	Johnson, Ark	2			425											135	115		425			
Keeta Coal Co. (Jess Smith)	557	No. 1	Haskell, Okla	10			370											135	115		370			
Kerr, W. W.	558	Kerr	Haskell, Okla	10			370											135	115		370			
Klibler Coal Company	536	No. 2	LeFlore, Okla	7			370											135	115		370			
Kohler & Son Coal Company (Mathias Kohler)	561	Kohler	LeFlore, Okla	7			370											135	115		370			
Panama Smokeless Coal Co.	561	Ajax	LeFlore, Okla	7			370											135	115		370			
Tyron, Jake	560	Dixa Branch No. 2	Johnson, Ark	2			425											135	115		425			
Quality Coal Company	550	Quality	Franklin, Ark	2														135	115		425	480		
Safeway Coal Company (E. F. Statham)	141	Safeway	LeFlore, Okla	7			425											135	115		425	480		

[F. R. Doc. 41-9438; Filed, December 16, 1941; 10:31 a. m.]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 17

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 17 and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 17:

§ 337.4 *Code member price index*—Supplement T–I.

Insert the following listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Sub-district price group	Prices page Rail	Prices page Truck
Bogclo, Nemo (Glen Wright)	Trailer	493	Las Animas	8		27
Wright Fuel Co. (Glen Wright)	Wright, No. 1	491	La Plata	20		22
Wright Fuel Co (Glen Wright)	Wright No. 2	492	La Plata	20		22

General prices in cents per net ton for shipment into all market areas—Supplement T–II. Insert the following code member names, mine names and counties under Subdistricts Nos. 8 and 20, and the following prices:

Code member and mine name	County	Size groups 1	2	3	4	5	6	7	9	10	13	16	17
SUBDISTRICT NO. 8													
Bogclo, Nemo, Trailer Mine	Las Animas	415	405	375	375	375	375	365	330	315	225		340
SUBDISTRICT NO. 20													
Wright Fuel Co. (Glen Wright), Wright No. 1 Mine.	La Plata		325	325	325	325			325	215	160		300
Wright Fuel Co (Glen Wright), Wright No. 2 Mine.	La Plata		325	325	325	325			325	215	160		300

[F. R. Doc. 41-9439; Filed, December 16, 1941; 10:32 a. m.]

[Docket No. A-1139]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 17 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 17

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 17; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith § 337.4 (*Code member price index*) is amended by adding thereto supplement T–I, and § 337.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coals of the Farmers' Mine of Ishmael Austin for the reason that the coals of this mine were heretofore classified and priced in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments under the name of Lewis Owens, Bennett Mine, Mine Index No. 353.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 18, 1941.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 41-9436; Filed, December 16, 1941; 10:31 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1001—TIN

General Preference Order M–43 to Conserve the Supply and Direct the Distribution of Tin

Whereas it is found that the increasing national defense requirements and the uncertainty of future shipments from abroad of tin (as hereinafter defined) have created a situation in which an actual and serious shortage may suddenly occur in the supply of tin for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1001.1 *General Preference Order M–43*—(a) *Definitions.* For the purposes of this Order:

(1) "Tin" means tin metal in shapes and brands current in the trade, imported from foreign sources, or produced domestically from foreign or domestic ores or from any scrap or residues.

It does not include tin metal in the hands of a manufacturer produced from tin-bearing material or mill residue either by the manufacturer himself, or for him on toll; provided in either case the tin-bearing material or mill residue from which such metal is so produced, (i) originated in the manufacturer's own plant, or (ii) was returned to him by a customer in the usual course of business from material or products purchased by such customer from the manufacturer.

(2) "Import" means to transport in any manner into the continental United States from any foreign country, or from any territory or possession of the United States (including the Philippine Islands). For the purposes of this order material shall be deemed imported into the United States from the time of the announcement of the arrival of the ship bearing the same at the port of destination.

(3) "Distributor" means any person who procures tin either by importing or from domestic sources for sale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Provisions as to future imports (not including tin afloat).* Unless otherwise specifically authorized by the Director of Priorities, no person shall:

(1) Fabricate or convert any tin imported after the effective date of this order into the United States by him either directly or indirectly; or

(2) Sell, transfer or otherwise dispose of any such tin (excluding tin afloat to the United States at the date of this order) except by sale thereof to the Metals Reserve Company or to any other governmental department, agency or corporation.

(c) *Special directions for disposition of tin afloat.* No person shall receive, sell, transfer or otherwise dispose of any tin afloat at the date of this order except in accordance with the specific directions of the Director of Priorities. Any person who knows, or has reason to believe that a shipment of tin is afloat to him or for his account, when this order takes effect, shall immediately notify the Tin, Lead and Ilmenite Branch of the Office of Production Management of the point of origin, destination, kind, quantity and value of such shipment, and shall furnish such other pertinent information as the Office of Production Management may request.

(d) *Restrictions on existing stocks.* No person shall sell, transfer or deliver any tin which was imported into the United States prior to the effective date of this order without the specific authority of the Director of Priorities: *Provided, however*, That a distributor may, notwithstanding the provisions of this paragraph (d), sell and deliver such tin to his regular customers in less than five-ton lots, subject only to the provisions of Priorities Regulation No. 1, as amended from time to time.

(e) *Allocations—Metals reserve supply.* The Director of Priorities will from time to time allocate all tin released by the Metals Reserve Company among persons seeking delivery thereof, and specifically direct the manner and quantities in which deliveries may be received and the purposes for which the material so allocated shall be used.

(2) *Special directions.* The Director of Priorities will from time to time issue specific directions to any person as to the source, destination or amount of tin, other than tin released by the Metals Reserve Company, to be delivered or acquired by such person, and the Director may also specifically direct the manner and quantities in which such tin may be processed.

(3) *Basis of allocations.* Any allocations and specific directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(f) *Directions as to deliveries of tin alloys and tin products.* Until further order by the Director of Priorities, deliveries by any person of alloys containing tin as an essential component and of manufactured products made of tin or such alloys may be made and accepted subject only to the provisions of Priorities Regulation No. 1, as amended from time to time, and to the provisions of any other order or direction issued by the Director of Priorities affecting tin or any other material used with tin in the manufacture or processing of such alloys or products.

(g) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of tin, or of any other material subject to allocation, or he may be subjected to any other or further action as the Director of Priorities may deem appropriate.

(h) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(j) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 31st day of July 1942.

(P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of December 1941.

All reports to be filed, appeals and other communications concerning this order should be addressed to the Tin, Lead and Ilmenite Branch, Office of Production Management, Social Security Building, Washington, D. C., Reference: M–43.

DONALD M. NELSON, *Director of Priorities.*

[F. R. Doc. 41-9493; Filed, December 17, 1941; 11:30 a. m.]

TITLE 35—PANAMA CANAL

CHAPTER I—CANAL ZONE REGULATIONS

PART 8—CARRYING AND KEEPING OF ARMS; HUNTING; FISHING

AMENDMENT OF REGULATION RELATING TO PASSES FOR FISHING AT OR BELOW GATUN SPILLWAY

Section 8.56 of Title 35, Code of Federal Regulations, is amended to read as follows:

§ 8.56 *Passes for fishing at or below Gatun Spillway.* (a) Passes for fishing at or below Gatun Spillway may be obtained from the Commanding Officer, Gatun Police Sub-Station by persons who can meet the requirements of, and who

agree to abide by the conditions set forth in paragraph (b) of this section; but no such pass shall be issued to any person excluded from residence or employment in the Canal Zone under any law or regulation. The issuance and use of all such passes shall be subject to regulations and instructions, relating to the security of Canal locks and spillways, issued or to be issued by competent authority.

(b) Written application for such passes shall be made on the form prescribed and shall bear endorsement certifying that the applicant is of good reputation, is a capable swimmer, and possesses the required equipment. Applications of members of the armed forces of the United States shall bear the endorsement of a commanding officer of the United States Army or Navy stationed on the Isthmus. Applications of members of the Gatun Tarpon Club shall bear the endorsement of the Secretary of the Club. Applications of all other persons shall bear the endorsement of two reputable citizens of the United States who are employees of The Panama Canal or Panama Railroad Company. (Title 2, C. Z. Code, secs. 5, 7) [Governor's Regulations, October 1, 1938; as amended December 10, 1941]

GLEN E. EDGERTON,
Governor.

[F. R. Doc. 41-9472; Filed, December 17, 1941; 9:51 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1053]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8.

[Docket No. A-1053, Part II]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND RAILROAD SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8, FOR ALL SHIPMENTS EXCEPT TRUCK.

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1053 PART II FROM DOCKET NO. A-1053, GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1053 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1053 PART II

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party requesting, among other things, the establishment, both temporary and permanent, of price classifications and minimum prices and of shipping points for the coals produced at certain mines in District No. 8 as indicated in a separate Order issued in Docket No. A-1053.

The original petition prays for, among other things, the establishment of minimum prices and price classifications, for the coals of Mine Index Nos. 3039, 1609, 3229, 1603, 3604, 602, 3270, 2397, 3649, 922, 3650, 3651, 3653, 2770, 3654, 3652, 3655, 2773, 953, 3656, 3657, 3644, 3659, 3645, 928, 2122, and 905 for rail shipments.

Minimum prices and price classifications for shipments from designated rail shipping points have already been established in prior dockets for Mine Index Nos. 1609, 3229, 1603, 3604, 602, 3270, 2397, and 3039. The Director is of the opinion that no sufficient showing has yet been made of the necessity of additional rail shipping points for these mines. The need therefor should be examined at a hearing.

The original petition requests the establishment of minimum prices and price classifications for rail shipments originating at two shipping points for the coals of Mine Index Nos. 3652, 953, 3657, 3659, 3645, 928, 2122, and 905. The Director is of the opinion that the original petition contains sufficient facts to warrant the temporary establishment of minimum prices or price classifications for rail shipments originating at one of the two shipping points proposed for each mine in the petition, pending a hearing at which there may be developed further facts concerning the need for two shipping points for these mines.

It is proposed that Mine Index Nos. 3649, 922, 3650, 3651, 3653, 2770, 3654, 3652, 3655, 2773, 953, 3656, 3657, 3644, 3659, and 3645 be permitted to use the facilities of the White Coal Company for rail shipments from Richards, Kentucky. It appears that these mines are not presently priced for rail shipment from any point and accordingly that temporary relief is reasonably necessary. However, additional facts concerning this proposal should be developed at a hearing prior to the final disposition thereof.

Now, therefore, it is ordered, That the portion of Docket No. A-1053 relating to each of the above-mentioned mine index numbers be, and the same hereby is, severed from Docket No. A-1053 and designated as Docket No. A-1053 Part II.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 19, 1941, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for the establishment of Betsy Layne, Kentucky, as a railroad shipping point for Mine Index No. 3270; for the establishment of Williamson, West Virginia, as a railroad shipping point for Mine Index No. 2397; for the establishment of Grundy, Virginia, as a railroad shipping point for Mine Index No. 3039; for the establishment of minimum prices and price classifications for the coals of Mine Index Nos. 3649, 922, 3650, 3651, 3653, 2770, 3654, 3652, 3655, 2773, 953, 3656, 3657, 3644, 3659, 3645, 1609, 3229, 1603, 3604, and 602 for rail shipments originating at Richards, Kentucky; for the establishment of minimum prices and price classifications and of railroad shipping points for the coal of Mine Index No. 928 for rail shipments originating at Chavies and Krypton, Kentucky; for the establishment of minimum prices and price classifications for the coals of Mine Index No. 2122 for rail shipments originating at Coeburn and Allen, Virginia; for the establishment of price classifications and minimum prices and of London and East Barnstadt, Kentucky, as railroad shipping points for Mine Index No. 905; for the establishment of minimum prices and price classifications and of Richards and Garrard, Kentucky, as railroad shipping points for each of Mine Index Nos. 3652, 953, and 3659; and for the establishment of minimum prices and price classifications and Richards and Manchester, Kentucky, as railroad shipping points for each of Mine Index Nos. 3657 and 3645.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement," annexed hereto and hereby made a part hereof.[1]

Notice is hereby given that applications to stay, modify or terminate the temporary relief granted in this Order may be filed in accordance with the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act.

Dated: November 13, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-9433; Filed, December 16, 1941; 10:30 a. m.]

[Docket No. A-1059]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3, FOR RIVER AND EX-RIVER SHIPMENTS

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

District Board No. 4 having filed a petition of intervention in the above-entitled matter;

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 16, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 12, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 3 for the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 42 and 238 for river and ex-river shipments.

Among other matters, the original petitioner proposed the establishment of minimum prices for District No. 3 Pittsburgh Seam low sulphur coals for river shipments to all destinations on the Monongahela River from Morgantown, West Virginia, upstream to headwaters of that river. The minimum prices proposed for this movement in the special use mine run size (Size Group 15) are 30 cents per net ton less than the minimum prices proposed for commercial use mine run coal (Size Group 6). The minimum prices proposed for this movement in the other special use sizes are proportionately less than the minimum prices proposed in the other commercial use sizes.

The record in General Docket No. 15 and Price Schedule No. 1 for District No. 3 For All Shipments Except Truck indicate that the minimum prices for District No. 3 Pittsburgh Seam low sulphur coals for special use are less than such prices for such coals for commercial use only where the relationship of such coals to competing coals so requires. The petition does not, however, allege any facts to support the requested price differential in the case at hand. Accordingly, the minimum prices herein temporarily established for such coals in Size Groups 11 to 16, inclusive, reflect an increase of 30 cents per net ton in the mine run size and proportionate increases in the other sizes. It appears that such prices will more nearly reflect the customary price relationship between these and other coals, pending a hearing.

It is ordered, That pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 3, For River and Ex-river Shipments is supplemented to include the price classifications and minimum prices set forth in the attached schedule, marked "Supplement R", annexed hereto and hereby made a part hereof;[1] and

It is ordered, That such price classifications and minimum prices shall be subject to the Order of March 21, 1941, in Docket No. A-454, increasing the minimum prices set forth in the Schedule of Effective Minimum Prices for District No. 3, For River and Ex-river Shipments, 7½ cents per net ton for certain ex-river shipments, as specified therein, and the Order of October 4, 1941, in Docket No. A-841, establishing minimum prices for ex-river shipments to Colonial Steel Company at Colona, Pennsylvania.

It is further ordered, That applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 12, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-9435; Filed, December 16, 1941; 10:33 a. m.]

[Docket No. A-1151]

PETITION OF THE MARY FRANCIS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7, FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF MINE INDEX NO. 272, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, and a petition of intervention having been filed in the above-entitled matter by District Board 8;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on December 18, 1941, at 10 o'clock a. m. in the forenoon of that day, at a hearing room of the

[1] Filed as part of the original document.

and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Mary Francis Coal Company, a code member in District No. 7, for the establishment of price classifications and minimum prices for coals produced at Mine Index No. 272 for rail shipment as follows:

Size groups	1–4	15–17	18–21	22
Classifications	L	D	J	L

It is further ordered, That, a reasonable showing of necessity therefor having been made, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck is supplemented to include the price classifications and minimum prices for rail shipment only set forth in the schedule marked Temporary Supplement, annexed hereto and hereby made a part hereof.

It is further ordered, That applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 17, 1941.

[SEAL] H. A. GRAY,
Director.

Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D.C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before December 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter

TEMPORARY SUPPLEMENT

NOTE: The material contained in this temporary supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 7 for this District and supplements thereto.

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Shipping point	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27	For Great Lakes cargo only: 1½, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27
272	Mary Francis Coal Co.	Ingram Branch #2	2	Ingram Branch, W. Va.	15	J J	
	Code member	High volatile seam		Railroad			
	Peerless			VGN, Ry.		C F	

[F. R. Doc. 41-9434; Filed, December 16, 1941; 10:30 a. m.]

[Docket No. B-6]

IN THE MATTER OF THE CLYDE H. HOYT COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 4566, RESPONDENT

ORDER RESCHEDULING HEARING

The above-entitled matter having been scheduled for hearing at Toledo, Ohio, on November 22, 1941, by Order of the Division dated October 9, 1941, and subsequently having been postponed by Order of the Division dated November 15, 1941, to a date and a hearing room to be thereafter designated by an appropriate order; and

Clyde H. Hoyt, Secretary-Treasurer of the Clyde H. Hoyt Company, Toledo, Ohio, and George W. Harsh, President of the Blue Line Fuel Company, Toledo, Ohio, heretofore having been duly served with subpoenae requiring each of them to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on January 9, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Commodore Perry Hotel, Toledo, Ohio; and

It is further ordered, That Clyde H. Hoyt, Secretary-Treasurer of the Clyde H. Hoyt Company, Toledo, Ohio, and George W. Harsh, President of the Blue Line Fuel Company, Toledo, Ohio, appear before the designated officers at the time and place of hearing as herein set forth, and to testify and give evidence in the above-entitled matter and to produce and bring with each of them certain books and records as theretofore directed by said subpoenae; and

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, and the Order Amending Notice of and Order for Hearing dated October 28, 1941, shall in all other respects remain in full force and effect.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9474; Filed, December 17, 1941; 11:16 a. m.]

[Docket No. 1777-FD]

IN THE MATTER OF F. E. JACKSON (F. E. JACKSON SAND AND COAL COMPANY), REGISTERED DISTRIBUTOR, REGISTRATION NO. 4728, DEFENDANT

ORDER OF DISMISSAL

A complaint in the above-entitled matter having been filed on May 17, 1941, by the Bituminous Coal Producers Board for District No. 12; and

The Bituminous Coal Division having found it necessary in the proper administration of the Bituminous Coal Act of 1937 to determine in a proceeding instituted upon its own initiative and docketed as 1654-FD, whether F. E. Jackson (F. E. Jackson Sand and Coal Company) had violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors and the Distributor's Agreement executed October 5, 1940, by defendant pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

A hearing in the matter of F. E. Jackson, Docket 1654-FD, having been held on September 11, 1941, at the Grand Jury Room, U. S. Court House, Des Moines, Iowa, before W. A. Shipment, a duly designated Trial Examiner; and

The Bituminous Coal Producers Board for District No. 12, the complainant in the above-entitled matter, having moved orally at the hearing in Docket 1654-FD to dismiss the complaint in the above-entitled proceeding, and no objection to such motion having been made; and

It appearing to the Acting Director that the matter in the above-entitled proceeding is identical with the matter of F. E. Jackson, (F. E. Jackson Sand and Coal Company), Docket 1654-FD;

Now, therefore, it is ordered, That the complaint filed by the Bituminous Coal Producers Board for District No. 12 in the above-entitled matter be, and it hereby is, dismissed.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9475; Filed, December 17, 1941; 11:16 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein under Title I of the Bankhead-Jones Farm Tenant Act may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follows:

Region V, Florida

Washington County. Locality I—Precincts of North Chipley, South Chipley, South East Chipley, North East Chipley, and Duncan, $1,772. Locality II—Precincts of Vernon, Davis Mills, Caryville, Wausau, Hinsons Cross Roads, Millers Ferry, Ebro, Alma, Poplar Head, Greenhead, Mattox Springs, Panama, Midway, Gap Pond, and Live Oak, $992.

Region VI, Arkansas

Crawford County. Locality I—Townships of Alma, Dora, Dyer, Maxey, Richland, Van Buren, and Vine Prairie, $3,978. Locality II—Townships of Barker, Cedar Creek, Cedarville, Chester, Cove City, Jasper, LaFayette, Lancaster, Lees Creek, Mountain, Oliver Springs, Porter, Rudy, Sand Point, Shepherd, Union, Upper, Whitley, and Winfrey, $1,324.

The purchase price limits previously established for the counties above-mentioned are hereby canceled.

Approved December 11, 1941.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 41-9485; Filed, December 17, 1941; 11:20 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF AN AMENDMENT TO AND THE EXTENSION OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE MEN'S UNDERWEAR INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Under date of July 28, 1939, following a public hearing held after due notice to all interested parties, the Secretary of Labor, pursuant to the provisions of Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) determined the minimum wages for employees engaged in the performance of contracts awarded by agencies of the United States, subject to said Act, for the manufacture and supply of men's underwear, to be 32.5 cents an hour or $13.00 per week of forty hours within the States of Virginia, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Texas, Louisiana, and Oklahoma; and 35 cents per hour or $14.00 per week of forty hours for employees engaged in the performance of such contracts within any other State of the United States or the District of Columbia (Code of Federal Regulations, Title 41, Part 202, § 202.5). This determination became effective as to all such contracts awarded on or after August 2, 1937.

On November 24, 1941, the wage order issued by the Administrator of the Wage and Hour Division, U. S. Department of Labor, became effective, establishing a minimum wage of not less than 40 cents per hour for employees in the Knitted and Men's Woven Underwear and Commercial Knitting Industry who are subject to the Fair Labor Standards Act of 1938 (6 F.R. 5323). That wage order applies to the manufacture of all products presently covered by the minimum wage determination under the Public Contracts Act for the Men's Underwear Industry.

There is evidence before this Department that the Knitted and Men's Woven

Underwear and Commercial Knitting Industry, as defined in the wage order of the Administrator of the Wage and Hour Division, is interstate in character. That wage order defines the industry to which the order applies, as follows:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed: *Provided*, That this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.

3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

4. Knitted towels or cloths.

c. The manufacturing of men's and boys' underwear from any woven fabric.

It therefore appearing that the aforementioned wage order of the Administrator of the Wage and Hour Division of this Department has had the effect of establishing 40 cents an hour as the prevailing minimum wage in the manufacture of the articles covered by the Secretary of Labor's Decision in the matter of the prevailing minimum wage in the Men's Underwear Industry; and

The Administrator of the Wage and Hour Division having issued regulations applicable to the employment of learners in the Knitted Wear Industry (Title 29; Chap. V, CFR, Part 522); and

The Administrator of the Wage and Hour Division having heretofore issued regulations concerning the employment of handicapped workers in the performance of work subject to the provisions of the Fair Labor Standards Act (Title 29; Chap. V, CFR, Part 524); and

It appearing that the best interests of management and labor will be served if the regulations of the Administrator of the Wage and Hour Division, as cited above, be made applicable in their entirety to contracts awarded under the Public Contracts Act and the Secretary's determination in the matter of the Prevailing Minimum Wage in the Men's Underwear Industry. Accordingly,

Notice is hereby given to all interested parties that they will be allowed until January 2, 1942 to show cause if any they have why the Secretary should not modify the decision in the matter of the Prevailing Minimum Wage in the Men's Underwear Industry by finding that the prevailing minimum wage for persons now employed in that industry is now 40 cents an hour or $16.00 per week of 40 hours and why the decision should not be extended to include the manufacture of those products within the definition of the industry as contained in the wage order issued by the Administrator under the Fair Labor Standards Act of 1938 (6 F.R. 5323) and to show cause if any they have why the Secretary should not further modify the Men's Underwear Wage Determination to provide that applicable regulations for the employment of learners and handicapped workers issued by the Administrator of the Wage and Hour Division be adopted by the Secretary as applicable to contracts awarded subject to the Secretary's decision for the Men's Underwear Industry.

All objections or protests should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. An original and four copies should be filed.

Dated: December 15, 1941.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 41-9487; Filed, December 17, 1941; 11:24 a. m.]

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 18, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Allen Manufacturing Company, 317 West Adams Street, Chicago, Illinois; Women's Sportswear, Skirts; 5 learners (T); December 18, 1942.

American Sportswear Company, 61 S. Main Street, Brigham City, Utah; Leather Jackets; 4 learners (T); April 2, 1942.

Art Neckwear Company, 6th and Columbia Avenue, Philadelphia, Pennsylvania; Men's Neckwear; 5 percent (T); December 18, 1942.

Bond Stores, Inc., 288 Martin Street, Rochester, New York; Men's and Boys' Clothing; 5 percent (T); December 18, 1942.

L. D. Fellman, Vernfield, Pennsylvania; Men's Pants; 5 learners (T); December 18, 1942.

Hy-Grade Clothing Company, 560 Harrison Avenue, Boston, Massachusetts; Boys' Suits, Overcoats, Topcoats, and Mackinaws; 5 percent (T); December 18, 1942.

Royal Manufacturing Company, Jordan and Tilghman Street, Allentown, Pennsylvania; Men's & Boys' Shorts; 5 percent (T); December 18, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel Industries

Branfleet Sportswear, 1238 Kapiolani Boulevard, Honolulu, Hawaii; Shirts; 5 learners (T); December 18, 1942.

Carlson Garment Company, 400 First Avenue North, Minneapolis, Minnesota; Dresses; 2 learners (T); December 18, 1942.

Clover Brassiere Company, 31 East 31st Street, New York, New York; Corsets and Brassieres; 4 learners (T); April 2, 1942.

DeCody-Idalia Corporation, 34 Warren Street, Lowell, Massachusetts; Corsets and Brassieres; 5 learners (T); December 18, 1942.

Dick's Dress Company, 25 Forest Street, Rutland, Vermont; Women's Dresses; 10 percent (T); December 18, 1942.

J. S. Elichman and Company, 250 West Cambria Street, Philadelphia, Pennsylvania; Ladies' Dresses; 10 percent (T); December 18, 1942.

Even-Pul Foundations, Inc., 135 Madison Avenue, New York, New York; Foundation Garments; 8 learners (T); April 2, 1942.

S. Feller and Sons, 401 High Street, Newark, New Jersey; Infants' and Children's Wear; 10 percent (T); December 18, 1942.

J. Hildesheimer Company, Inc., 40 West 22nd Street, New York, New York; Infants' Caps and Bonnets; 5 learners (T); April 2, 1942.

Jobbers Pants Company, Martinsville, Virginia; Men's and Boys' Work and Dress Pants; 10 percent (T); December 18, 1942.

Lark Dress Company, Walnut and Fifth Streets, Shamokin, Pennsylvania; Dresses and Blouses; 10 percent (T); December 18, 1942.

Liberty Frock Company, 205 East 22nd Street, Kansas City, Missouri; Dresses; 10 percent (T); December 18, 1942.

S. Liebovitz and Sons, Inc., Pine and Oak Streets, Hazleton, Pennsylvania; Shirts; 10 percent (T); December 18, 1942.

Medaryville Garment Company, Medaryville, Indiana; Children's Overalls; 5 learners (T); December 18, 1942.

Portnoy Garment Company, Alton, Illinois; Dresses; 50 learners (E); May 7, 1942.

Princeton Dress Manufacturing Company, Inc., Wertsville Road, Hopewell, New Jersey; Dresses; 10 percent (T); December 18, 1942.

Reliable Belt Company, 131 Prince Street, New York, New York; Ski Pants and Overalls; 10 learners (T); June 18, 1942.

H. Rosenstock and Son, 48 Canal Street, Ellenville, New York; Children's Wash Suits; 10 learners (T); December 18, 1942.

I. Schneierson and Sons, Inc., 113 West Redwood Street, Baltimore, Maryland; Dresses and Uniforms; 10 percent (T); December 18, 1942.

Sea Island Manufacturing Company, Inc., Cherry Street, Jesup, Georgia; Sport Pants and Sport Shirts; 10 percent (T); December 18, 1942.

Shamokin Manufacturing Company, Inc., 100 North Rock Street, Shamokin, Pennsylvania; Dresses; 10 learners (T); December 18, 1942.

Southeastern Manufacturing Company, Lumpkin Street, Monroe, Georgia; Men's and Boys' Trousers; 20 learners (E); May 7, 1942.

Standard Overall Company, Chase City, Virginia; Work Shirts; 10 percent (T); December 18, 1942.

States Manufacturing Company, Inc., 90 Hatch Street, New Bedford, Massachusetts; Ladies' Cotton Nightwear; 10 percent (T); December 18, 1942.

Texas Infants Dress Company, Inc., 1202 West Houston Street, San Antonio, Texas; Children's Dresses; 2 learners (T); December 18, 1942.

Universal Clothing Company, 300 West Redwood Street, Baltimore, Maryland; Men's and Boys' Pants; 10 learners (T); December 18, 1942.

Mrs. M. K. Wright, 39 Woodland Avenue, Pitman, New Jersey; Dresses; 10 percent (T); December 18, 1942.

Gloves

Galena Glove and Mitten Company, Garfield Avenue, Dubuque, Iowa; Work Gloves; 5 learners (T); December 18, 1942.

Hosiery

Moorhead Knitting Company, 11th and Walnut, Harrisburg, Pennsylvania; Seamless and Full Fashioned Hosiery; 5 percent (T); December 18, 1942.

Princeton Hosiery Mills, Princeton, Kentucky; Seamless Hosiery; 5 percent (T); December 18, 1942.

S and W Hosiery Mills, Englewood, Tennessee; Seamless Hosiery; 3 learners; (T); December 18, 1942.

Seneca Knitting Mills, Inc., Bridge Street, Seneca Falls, New York; Seamless Hosiery; 5 percent (T); December 18, 1942.

Sterling Silk Glove Company, Washington Township, Pennsylvania; Full Fashioned Hosiery; 5 percent (T); December 18, 1942.

Knitted Wear

Anko Knitting Mill, 811 Church Street, Hawley, Pennsylvania; Knitted Outerwear; 10 learners (E); April 16, 1942.

Narragansett Knitting Mills, Inc., 148 Bernon Street, Woonsocket, Rhode Island; Knitted Outerwear; 12 learners (E); June 11, 1942.

Signed at Washington, D. C., this 17th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9503; Filed, December 17, 1941; 12:13 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 18, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Hawkinson Tread Service, 319 Center Street, Cumberland, Maryland; Tire treading; 1 learner; 4 weeks (160 hours) for any one learner; 30 cents per hour; January 30, 1942.

Murray Printing Company, Newnan, Georgia; Set Up Paper Boxes; 1 learner; 4 weeks for any one learner; 30 cents per hour; Box Maker; January 15, 1941. (Certificate effective 12-5-41 and omitted from FEDERAL REGISTER of that date.)

Signed at Washington, D. C. this 17th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9502; Filed, December 17, 1941; 12:13 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-217]

PUBLIC SERVICE COMMISSION OF INDIANA V. PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, AND NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

DECEMBER 16, 1941.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission *orders* that: The hearing in this proceeding, heretofore set to commence on December 18, 1941, be and it is hereby postponed to January 6, 1942, at the same time and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-9494; Filed, December 17, 1941; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-455]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION, AND DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 16th day of December, A. D. 1941.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, and Northeastern Water and Electric Corporation, a registered holding company and a subsidiary of the Trustees of Associated Gas and Electric Corporation. All interested persons are referred to said applications and declarations, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Trustees of Associated Gas and Electric Corporation propose to acquire, and Northeastern Water and Electric Corporation proposes to sell, the stocks, bonds and notes of the following electric utility companies (all incorporated under the laws of, and operating in, the State of Ohio) such securities constituting all of the outstanding securities of the electric companies:

The General Utilities Company

900 shares of Common Stock of the par value of $100 each.

$200,000.00, principal amount, First Mortgage 6½% Sinking Fund Bonds, Series A, matured July 1, 1936.

$332,321.88, principal amount, 7% Demand Promissory Note, dated August 15, 1934.

$6,000.00, principal amount, 6% Demand Promissory Note, dated March 9, 1936.

$11,000.00, principal amount, 6% Demand Promissory Note, dated May 12, 1936.

$11,000.00, principal amount, 6% Demand Promissory Note, dated August 11, 1936.

$51,271.76, principal amount, 7% Demand Promissory Note, dated October 1, 1936.

$14,804.74, principal amount, 7% Demand Promissory Note, dated October 1, 1936.

$159,569.17, principal amount, 7% Demand Promissory Note, dated October 1, 1936.

$7,258.26, principal amount, 6% Demand Promissory Note, dated August 6, 1937.

$10,000.00, principal amount, 6% Demand Promissory Note, dated August 6, 1937.

The Ohio Northern Public Service Company

1,930 shares of Common Stock of the par value of $100 each.

$102,600.00, principal amount, First Mortgage and Refunding Gold Note (6%) payable on demand.

The Western Reserve Power and Light Company

1,000 shares of Common Stock without par value.

$175,000.00, principal amount, 7% Demand Promissory Note, dated August 15, 1934.

$25,000.00, principal amount, 6% Demand Promissory Note, dated July 6, 1936.

The purchase price to be paid by the Trustees for the securities of the above-named electric companies is $1,500,000, subject to certain adjustments with respect to earnings and changes in debt subsequently to February 28, 1941.

The Trustees of Associated Gas and Electric Corporation have entered into a contract with John H. Ware, Jr., and Penn-Jersey Water Company, a Delaware corporation, under the terms of which the Trustees will sell to John H. Ware, Jr., and Penn-Jersey Water Company, 155,747 shares of the common stock of Northeastern Water and Electric Corporation now owned by Northeastern Water Companies, Inc., a wholly-owned subsidiary of the Trustees. Northeastern Water Companies, Inc., is about to be dissolved and when such dissolution takes place the said common stock will be directly owned by the Trustees. This contract is subject to a condition, among others, that Northeastern Water and Electric Corporation shall have been exempted as a holding company from the provisions of the Public Utility Holding Company Act of 1935. The present filing requests such an exemption effective upon the proposed transfer of the electric companies.

The consideration to be paid by John H. Ware, Jr., and Penn-Jersey Water Company for the common stock of Northeastern Water and Electric Corporation is approximately $3,805,197, subject to certain adjustments.

The applicants and declarants consider sections 2 (a) (7), 9 (a), 10, 11 (e), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-9, U-43, and U-44 of the General Rules and Regulations as being applicable to the proposed transactions.

The applicants and declarants represent that the proposed transactions are part of a general program of the Trustees to simplify their holding company system, and further represent that such general program is consistent with the tentative conclusions of the Commission expressed in its Notice of and Order for Hearing, dated September 4, 1941, In the Matter of Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, Respondents, and is in furtherance of the reorganization of Associated Gas and Electric Corporation pursuant to Chapter X of the Bankruptcy Act.

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declarations and applications and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 5, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declarations shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications and declarations, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the acquisition of the electric utility companies by the Trustees of Associated Gas and Electric Corporation will meet the requirements of section 10 of the said Act;

2. Whether the consideration to be received from the sale by Northeastern Water and Electric Corporation and to be paid by the Trustees of Associated Gas and Electric Corporation with respect to the securities of the electric utility companies is fair and reasonable;

3. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder;

4. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers;

5. Whether Northeastern Water and Electric Corporation will be entitled to an exemption from the provisions of the Public Utility Holding Company Act of 1935 as a holding company upon consummation of the proposed transactions;

6. Specifically, whether as a condition precedent to the granting of such an exemption, or as a condition to other steps proposed to be taken, action should be taken by Northeastern Water and Electric Corporation to dispose of the preferred stocks which it owns of Virginia Public Service Company, Eastern Shore Public Service Company, Florida Power Corporation, Tide Water Power Company and Georgia Power and Light Company;

7. Whether the sale of the common stock of Northeastern Water and Electric Corporation by the Trustees of Associated Gas and Electric Corporation to John H. Ware, Jr. and Penn-Jersey Water Company is subject to the provisions of sections 12 (d) and 12 (f) of the Act and Rules U-43, U-44 and U-50 of the General Rules and Regulations, and whether such transaction meets the requirements of said Act and Rules;

8. Specifically, whether the public interest or the interests of investors, or other applicable standards of the Act, require that prior to or in connection with any such disposition of common stock of Northeastern Water and Electric Corporation, steps should be taken toward the simplification of the corporate structure, and the redistribution of voting power among security holders of said Northeastern Water and Electric Corporation;

9. Whether other terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder;

10. Generally, whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

It is further ordered, That notice of such hearing shall be given to such applicants and declarants and that notice shall be given to security holders of said declarants and applicants and to all other persons, such notice to be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER, not later than 15 days prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of Filing and Order for Hearing. Any interested public agency, municipality, security holder, or other person desiring to be heard or to intervene in such proceeding shall file an appropriate notice, request, or application for that purpose with the Commission not later than December 31, 1941, stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9495; Filed, December 17, 1941; 11:49 a. m.]

[File No. 70-353]

IN THE MATTER OF PENNSYLVANIA GAS & ELECTRIC COMPANY AND PENNSYLVANIA GAS & ELECTRIC CORPORATION

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of December, A. D. 1941.

Pennsylvania Gas & Electric Corporation, a registered holding company, and its subsidiary, York County Gas Company, formerly known as Pennsylvania Gas & Electric Company, having filed declarations under section 112 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed donation by Pennsylvania Gas & Electric Corporation to York County Gas Company of all of the latter's outstanding common stock, the acquisition and cancellation of such stock by York County Gas Company and the solicitation by Pennsylvania Gas & Electric Corporation of the consent of its stockholders to such donation; and

The Commission having ordered that a hearing in the above entitled matter be held on December 19, 1941; and

It appearing to the Commission that it is desirable that such hearing be postponed to January 8, 1942, at 10:00 o'clock in the forenoon and that such postponement is satisfactory to all parties hereto.

It is so ordered, by the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9496; Filed, December 17, 1941; 11:49 a. m.]

[File No. 812-227]

IN THE MATTER OF NIAGARA SHARES CORPORATION OF MARYLAND

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order, (a) exempting the corporation from the provisions of section 17 (f) and subsection 7 of Rule N-17F-2 promulgated thereunder, insofar as said section and subsection apply to certain securities kept by the corporation in its own custody in a safe deposit box, and (b) exempting the corporation from the provisions of section 30 (e) of the Act on the condition that the report mentioned therein of the independent public accountants shall state that they have verified the securities as provided in said section or that such accountants have received a certificate from the depository bank to the effect that no officers have had access to the applicant's safe deposit box since the last physical verification of the assets contained in such safe deposit box by such accountants;

It is ordered, That a hearing on the aforesaid application be held on December 30, 1941 at 10:15 o'clock in the forenoon of that day, in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such date the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by him for that purpose, shall preside at the hearing for such matter. The officer so designated to preside at such hearing is hereby authorized to exercise any powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of public investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9497; Filed, December 17, 1941; 11:49 a. m.]

[File No. 70-459]

IN THE MATTER OF NEW MEXICO POWER COMPANY AND ALBUQUERQUE GAS AND ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 26, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

New Mexico Company proposes to sell and Albuquerque Company to acquire all the assets (consisting of power plant, transmission and distribution system, franchises, contracts, accounts, supplies, general equipment, and so forth) of the Belen Division of New Mexico Company (said assets hereinafter called the "Belen Division"), now rendering electric service in the communities of Belen and Los Lunas, New Mexico, and the environs thereof, pursuant to an Agreement dated as of September 30, 1941. The purchase price will be $226,223.72, increased by the amount of net additions between the date of the Agreement and the date of transfer, decreased by the amount of current obligations to be assumed by the Albuquerque Company, and increased by the amount of current assets to be transferred to the Albuquerque Company. The Albuquerque Company will assume the obligation of the New Mexico Company in respect of current taxes and assessments allocable to the Belen Division subsequent to the date of transfer, and also the obligation of the latter company in respect of all contracts, leases and franchises to be transferred, and agrees to hold the New Mexico Company harmless against any liability in respect of the payment or performance thereof respectively. The purchase price to be received by the New Mexico Company for the properties of the Belen Division will be deposited with the Trustee under its Mortgage Indenture dated April 1, 1941, in accordance with the requirements of said Indenture.

Albuquerque Company proposes to issue and sell and John Hancock Mutual Life Insurance Company proposes to purchase $267,000 principal amount of Albuquerque Company's First Mortgage Bonds, 3½% Series due 1966 at a price of 104¼% of the principal amount thereof, namely, $278,347.50, plus accrued interest to the date of purchase, in a transaction not involving a public offering. The Bonds are to be issued under and pursuant to the Albuquerque Company's Indenture dated April 1, 1941. The net proceeds from the sale of the Bonds will be applied to the purchase price of the Belen Division, and the balance thereof will be added to the working capital of the Albuquerque Company.

The declaration or application recites that the companies consider sections 6 (b), 12 (b) and Rule U-45 and section 12 (f) and Rule U-43 as being applicable to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9498; Filed, December 17, 1941; 11:49 a. m.]

DEC 29 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 246

Washington, Friday, December 19, 1941

The President

EXECUTIVE ORDER

NAVY HOSPITAL AREA, COCO SOLO, CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, it is ordered as follows:

SECTION 1. *Setting apart of reservation; boundaries.* The following-described area of land in the Canal Zone is hereby reserved and set apart as, and assigned to the uses and purposes of, a naval reservation, which shall be known as Navy Hospital Area, Coco Solo, and which shall be under the control and jurisdiction of the Secretary of the Navy, subject to the provisions of section 2 of this order:

Beginning at monument marked N. H.–1 on Panama Canal drawing, M–6109–21, which monument is a 2½ inch galvanized iron pipe surrounded by a 12 inch concrete collar, the geographic position of which monument, referred to the Panama–Colon datum of the Canal Zone triangulation system, is in latitude 9°21′ North plus 1100.4 feet and longitude 79°51′ West plus 3934.5 feet from Greenwich. Monument N. H.–1 is 15 feet in a southerly direction from the centerline of the old Cativa Road.

Thence from said initial point, by metes and bounds,

S. 17°40′30″ E., 376.0 feet to monument N. H.–2 which is a 2½ inch galvanized iron pipe surrounded by a 12 inch concrete collar. Monument N. H.–2 is 100 feet from the centerline of the Trans-Isthmian Highway; and on the northerly boundary of the Colon-Cativa Corridor;

Thence along the northerly boundary of the Colon-Cativa Corridor in a generally southwesterly direction through monuments N. H.–3 and N. H.–4 to monument N. H.–5 located on the east bank of the Coco Solo River, (all monuments are similar to the above). From monument N. H.–2 to N. H.–3 the line bears S. 63°09′45″ W., 187.2 feet; from monument N. H.–3 to N. H.–4 the chord of the curve (radius of 5,829.6 feet) is S. 59°34′45″ W., 728.7 feet, and from monument N. H.–4 to monument N. H.–5 the line bears S. 55°59′45″ W., 626.1 feet.

Thence in a generally northerly direction along the East bank of the Coco Solo River to monument N. H.–6, similar to the above. From monument N. H.–5 to N. H.–6 the direct line bears N. 22°02′30″ W., 1,346.8 feet.

N. 55°03′45″ E., 929.2 feet, to monument N. H.–7, similar to the above, which is 15 feet in a southerly direction from the centerline of the old Cativa Road;

Thence in a generally southeasterly direction parallel to and 15 feet from the centerline of the old Cativa Road to the point of beginning. From N. H.–7 to N. H.–1 the direct line bears S. 56°45′30″ E., 1,128.7 feet.

The above-described tract contains an area of 39.4 acres.

The directions of the lines refer to the true meridian.

The survey was made in May, 1941, by the Office Engineering Division, Section of Surveys, The Panama Canal, and is as shown on Panama Canal drawing No. M–6109–21 entitled "Boundary Map of Navy Hospital Area, Coco Solo, Canal Zone", on file in the Office of the Governor, The Panama Canal, and the Office of the Commandant, 15th Naval District.

SECTION 2. *Conditions and limitations.* The reservation made by section 1 of this order shall be subject to the following conditions and limitations:

(a) The area comprising this reservation shall continue to be subject to the civil jurisdiction of the Canal Zone Government in conformity with the provisions of the Canal Zone Code as amended and supplemented.

(b) The naval authorities shall bear all the costs of the transfer of such area, including the cost of surveys and of cancelation of any agricultural licenses or other permits which may be in force in the area.

(c) Personnel and equipment of The Panama Canal shall be permitted access to such area to carry out necessary Panama Canal operations in connection with drainage, sanitation, surveys, etc., in the area or vicinity.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 17, 1941.

[No. 8981]

[F. R. Doc. 41-9511; Filed, December 18, 1941; 10:38 a. m.]

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FEDERAL REGISTER

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EXECUTIVE ORDER

CHANGING THE NAME OF THE ECONOMIC DEFENSE BOARD, ESTABLISHED BY EXECUTIVE ORDER NO. 8839 OF JULY 30, 1941, TO THE BOARD OF ECONOMIC WARFARE

By virtue of the authority vested in me by the Constitution and statutes of the United States, it is hereby ordered as follows:

1. The name of the Economic Defense Board, established by Executive Order No. 8839 [1] of July 30, 1941, is changed to the Board of Economic Warfare.

2. Executive Orders No. 8839 of July 30, 1941, No. 8900 [2] of September 15, 1941, No. 8926 [3] of October 28, 1941, and No. 8942 [4] of November 19, 1941 are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 17, 1941.

[No. 8982]

[F. R. Doc. 41-9510; Filed, December 18, 1941; 10:38 a. m.]

[1] 6 F.R. 3823.
[2] 6 F.R. 4795.
[3] 6 F.R. 5519.
[4] 6 F.R. 5909.

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 629]

PART 722—COTTON

SUBPART D—1942

1942 County Cotton Acreage Allotments

§ 722.402 *County cotton acreage allotments for 1942.* The county cotton acreage allotments established with respect to the marketing year beginning August 1, 1942, in accordance with the provisions of section 344 of the Agricultural Adjustment Act of 1938, as Amended, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act are as follows:

Counties and Cotton Acreage Allotment by Acres

Alabama: Autauga, 29,101; Baldwin, 5,753; Barbour, 39,929; Bibb, 11,602; Blount, 31,196; Bullock, 29,259; Butler, 30,561; Calhoun, 27,038; Chambers, 38,276; Cherokee, 34,673; Chilton, 25,387; Choctaw, 16,016; Clarke, 19,449; Clay, 17,904; Cleburne, 12,625; Coffee, 39,772; Colbert, 31,871; Conecuh, 26,564; Coosa, 11,135; Covington, 40,792; Crenshaw, 33,118; Cullman, 48,344; Dale, 24,431; Dallas, 66,193; De Kalb, 43,149; Elmore, 44,081; Escambia, 19,536; Etowah, 28,076; Fayette, 22,181; Franklin, 26,046; Geneva, 39,179; Greene, 28,792; Hale, 37,696; Henry, 33,365; Houston, 50,187; Jackson, 36,010; Jefferson, 8,726; Lamar, 26,824; Lauderdale, 46,467; Lawrence, 48,325; Lee, 38,026; Limestone, 61,093; Lowndes, 28,004; Macon, 40,166; Madison, 77,438; Marengo, 48,237; Marion, 24,887; Marshall, 48,917; Mobile, 6,505; Monroe, 38,098; Montgomery, 31,681; Morgan, 41,734; Perry, 38,464; Pickens, 36,419; Pike, 42,606; Randolph, 29,308; Russell, 30,952; St. Clair, 16,933; Shelby, 14,351; Sumter, 33,077; Talladega, 38,857; Tallapoosa, 29,573; Tuscaloosa, 36,916; Walker, 17,509; Washington, 5,448; Wilcox, 28,942; and Winston, 15,637.

Total county allotments: 2,129,407.
4 percent State reserve: 68,701.
State reserve for new growers: 17,175.
Total, Alabama: 2,215,283.

Arizona: Cochise, 12; Gila, 12; Graham, 12,858; Greenlee, 971; Maricopa, 111,090; Mohave, 18; Pima, 6,551; Pinal, 44,594; Santa Cruz, 564; and Yuma, 13,055.

Total county allotments: 189,725.
4 percent State reserve: 4,552.
State reserve for new growers: 1,138.
Total, Arizona: 195,415.

Arkansas: Arkansas, 14,645; Ashley, 37,448; Baxter, 2,848; Boone, 568; Bradley, 17,983; Calhoun, 14,848; Carroll, 1; Chicot, 49,942; Clark, 23,345; Clay, 39,667; Cleburne, 14,347; Cleveland, 23,444; Columbia, 52,268; Conway, 38,878; Craighead, 64,830; Crawford, 9,339; Crittenden, 99,316; Cross, 40,104; Dallas, 10,343; Desha, 45,825; Drew, 26,944; Faulkner, 45,250; Franklin, 10,181; Fulton, 6,558; Garland, 2,536; Grant, 9,289; Greene, 34,249; Hempstead, 44,846; Hot Spring, 9,508; Howard, 20,540; Independence, 23,996; Izard, 14,333; Jackson, 55,669; Jefferson, 81,006; Johnson, 9,515; Lafayette, 34,696; Lawrence, 33,358; Lee, 56,450; Lincoln, 47,919; Little River, 27,310; Logan, 22,977; Lonoke, 70,178; Marion, 2,950; Miller, 40,322; Mississippi, 179,566; Monroe, 40,847; Montgomery, 6,043; Nevada, 30,332; Newton, 712; Ouachita, 17,141; Perry, 10,542; Phillips, 68,832; Pike, 10,296; Poinsett, 51,300; Polk, 5,827; Pope, 33,289; Prairie, 17,347; Pulaski, 41,190; Randolph, 20,602; St. Francis, 66,979; Saline, 3,929; Scott, 9,017; Searcy, 1,985; Sebastian, 10,877; Sevier, 11,484; Sharp, 12,370; Stone, 3,180; Union, 27,028; Van Buren, 11,786; Washington, 80; White, 53,818; Woodruff, 43,424; and Yell, 33,040.

Total county allotments: 2,153,492.
4 percent State reserve: 70,349.
State reserve for new growers: 17,587.
Total, Arkansas: 2,241,368.

California: Fresno, 85,274; Imperial, 8,371; Kern, 75,839; Kings, 40,750; Madera, 50,126; Merced, 28,127; Riverside, 12,140; San Benito, 180; San Bernardino, 43; San Diego, 36; San Joaquin, 42; Stanislaus, 1,267; and Tulare, 89,470.

Total county allotments: 391,665.
4 percent State reserve: 8,872.
State reserve for new growers: 2,218.
Total, California: 402,755.

Florida: Alachua, 421; Baker, 188; Bay, 91; Bradford, 8; Calhoun, 655; Clay, 1; Columbia, 2,554; Dixie, 33; Escambia, 4,125; Flagler, 1; Gadsden, 305; Gilchrist, 42; Gulf, 5; Hamilton, 3,329; Holmes, 9,404; Jackson, 14,955; Jefferson, 3,101; Lafayette, 689; Leon, 4,428; Levy, 145; Liberty, 2; Marion, 18; Nassau, 5,693; Okaloosa, 4,813; Putnam, 3; Santa Rosa, 8,774; Sumter, 69; Suwanee, 3,877; Taylor, 156; Union, 41; Volusia, 1; Wakulla, 91; Walton, 5,059; and Washington, 2,420.

Total county allotments: 75,497.
4 percent State reserve: 2,537.
State reserve for new growers: 634.
Total, Florida: 78,668.

Georgia: Appling, 8,771; Atkinson, 2,875; Bacon, 4,763; Baker, 8,412; Baldwin, 8,582; Banks, 10,925; Barrow, 16,562; Bartow, 28,501; Ben Hill, 10,044; Berrien, 7,168; Bibb, 4,090; Bleckley, 13,832; Brantley, 237; Brooks, 15,070; Bryan, 1,194; Bulloch, 35,261; Burke, 63,982; Butts, 10,448; Calhoun, 10,687; Camden, 19; Candler, 12,349; Carroll, 44,036; Catoosa, 4,466; Charlton, 37; Chatham, 211; Chattahoochee, 3,129; Chattooga, 11,873; Cherokee, 13,237; Clarke, 7,626; Clay, 8,638; Clayton, 6,967; Clinch, 313; Cobb, 18,523; Coffee, 13,069; Colquitt, 27,284; Columbia, 12,157; Cook, 5,239; Coweta, 20,636; Crawford, 7,379; Crisp, 18,551; Dade, 1,422; Dawson, 2,555; Decatur, 7,274; De Kalb, 6,995; Dodge, 32,650; Dooly, 34,031; Dougherty, 4,662; Douglas, 9,114; Early, 25,928; Echols, 379; Effingham, 4,237; Elbert, 21,990; Emanuel, 40,217; Evans, 6,468; Fayette, 13,072; Floyd, 24,337; Forsyth, 15,409; Franklin, 23,287; Fulton, 15,877; Gilmer, 566; Glascock, 8,515; Glynn, 10; Gordon, 20,055; Grady, 6,469; Greene, 11,084; Gwinnett, 29,312; Habersham, 3,393; Hall, 17,923; Hancock, 14,267; Haralson, 12,307; Harris, 9,383; Hart, 28,106; Heard, 13,661; Henry, 27,365; Houston, 15,082; Irwin, 16,384; Jackson, 28,397; Jasper, 10,865; Jeff Davis, 4,021; Jefferson, 35,208; Jenkins, 23,668; Johnson, 24,322; Jones, 4,599; Lamar, 9,437; Lanier, 1,255; Laurens, 54,720; Lee, 6,220; Liberty, 1,198; Lincoln, 9,894; Long, 1,317; Lowndes, 6,655; Lumpkin, 1,637; McDuffie, 14,736; McIntosh, 11; Macon, 27,917; Madison, 22,670; Marion, 9,533; Meriwether, 26,592; Miller, 9,836; Mitchell, 24,004; Monroe, 8,153; Montgomery, 12,659; Morgan, 20,585; Murray, 9,236; Muscogee, 3,778; Newton, 15,593; Oconee, 14,138; Oglethorpe, 20,405; Paulding, 14,036; Peach, 9,653; Pickens, 4,887; Pierce, 4,469; Pike, 16,900; Polk, 17,396; Pulaski, 15,406; Putnam, 6,426; Quitman, 4,170; Randolph, 20,095; Richmond, 10,733; Rockdale, 7,820; Schley, 8,950; Screven, 32,494; Seminole, 7,054; Spalding, 10,931; Stephens, 6,680; Stewart, 10,850; Sumter, 25,598; Talbot, 6,200; Taliaferro, 7,872; Tattnall, 10,109; Taylor, 14,885; Telfair, 15,106; Terrell, 21,016; Thomas, 11,356; Tift, 11,515; Toombs, 17,520; Treutlen, 12,063; Troup, 15,046; Turner, 11,869; Twiggs, 9,452; Upson, 7,475; Walker, 10,024; Walton, 32,476; Ware, 2,132; Warren, 20,618; Washington, 30,358; Wayne, 6,285; Webster, 6,092; Wheeler, 14,302; White, 2,971; Whitfield, 9,506; Wilcox, 25,153; Wilkes, 19,391; Wilkinson, 8,632; and Worth, 26,540.

Total county allotments: 2,104,700.
4 percent State reserve: 66,712.
State reserve for new growers: 16,678.
Total, Georgia: 2,188,090.

Illinois: Alexander, 3,390; Jackson, 2; Massac, 1; Pulaski, 1,556; and Randolph, 1.

Total county allotments: 4,950.
4 percent State reserve: 200.
State reserve for new growers: 50.
Total, Illinois: 5,200.

Kansas: Chautauqua, 39; Cowley, 3; and Montgomery, 688.

Total county allotments: 730.
4 percent State reserve: 29.
State reserve for new growers: 7.
Total, Kansas: 766.

Kentucky: Ballard, 23; Barren, 4; Calloway, 1,637; Carlisle, 643; Christian, —; Fulton, 10,144; Graves, 652; Hickman, 3,977; Hopkins, 1; McCracken, 30; Marshall, 724; Metcalfe, 4; and Trigg, 6.

Total county allotments: 17,845.
4 percent State reserve: 562.
State reserve for new growers: 140.
Total, Kentucky: 18,547.

Louisiana: Acadia, 24,627; Allen, 3,908; Ascension, 1,085; Assumption, 20; Avoyelles, 33,619; Beauregard, 2,915; Bienville, 42,927; Bossier, 42,623; Caddo, 71,570; Calcasieu, 4,793; Caldwell, 9,531; Cameron, 4,648; Catahoula, 17,054; Claiborne, 54,724; Concordia, 16,219; De Soto, 49,182; East Baton Rouge, 7,432; East Carroll, 31,709; East Feliciana, 13,318; Evangeline, 30,679; Franklin, 58,304; Grant, 9,650; Iberia, 2,167; Iberville, 1,030; Jackson, 13,379; Jefferson, 18; Jefferson Davis, 7,378; Lafayette, 30,062; Lafourche, 1,221; LaSalle, 2,413; Lincoln, 38,628; Livingston, 2,335; Madison, 24,455; Morehouse, 38,321; Natchitoches, 49,653; Orleans, 21; Ouachita, 22,550; Pointe Coupee, 16,522; Rapides, 27,169; Red River, 33,442; Richland, 50,036; Sabine, 20,953; St. Charles, 2; St. Helena, 5,742; St. James, 84; St. John the Baptist, 5; St. Landry, 56,245; St. Martin, 9,933; St. Mary, 215; St. Tammany, 2,076; Tangipahoa, 6,926; Tensas, 27,852; Terrebonne, 5; Union, 34,719; Vermilion, 18,913; Vernon, 8,391; Washington, 20,211; Webster 36,691; West Baton Rouge, 1,313; West Carroll, 29,589; West Feliciana, 5,968; and Winn, 9,761.

Total, Louisiana: 1,235,220.
4 percent State reserve: 38,631.
State reserve for new growers: 9,658.
Total, Louisiana: 1,235,220.

Mississippi: Adams, 10,861; Alcorn, 20,671; Amite, 24,697; Attala, 26,620; Benton, 13,465; Bolivar, 166,082; Calhoun, 20,207; Carroll, 26,236; Chickasaw, 24,433; Choctaw, 10,797; Claiborne, 13,718; Clarke, 13,542; Clay, 18,632; Coahoma, 107,620; Copiah, 19,915; Covington, 23,377; De Soto, 51,182; Forrest, 5,158; Franklin, 9,722; George, 4,021; Greene, 3,005; Grenada, 18,739; Hancock, 414; Harrison, 504; Hinds, 54,779; Holmes, 59,650; Humphreys, 58,468; Issaquena, 20,010; Itawamba, 20,767; Jackson, 330; Jasper, 21,044; Jefferson, 13,924; Jefferson Davis, 26,370; Jones, 24,646; Kemper, 25,878; Lafayette, 23,668; Lamar, 8,758; Lauderdale, 21,154; Lawrence, 18,531; Leake, 27,860; Lee, 42,465; Leflore, 95,828; Lincoln, 24,702; Lowndes, 28,090; Madison, 54,513; Marion, 23,016; Marshall, 39,371; Monroe, 46,039; Montgomery, 17,773; Neshoba, 34,274; Newton, 27,896; Noxubee, 34,222; Oktibbeha, 13,133; Panola, 54,946; Pearl River, 4,155; Perry, 4,859; Pike, 22,237; Pontotoc, 28,341; Prentiss, 22,768; Quitman, 59,858; Rankin, 20,253; Scott, 21,270; Sharkey, 37,616; Simpson, 23,835; Smith, 22,276; Stone, 1,263; Sunflower, 162,313; Tallahatchie, 69,394; Tate, 32,292; Tippah, 24,646; Tishomingo, 15,665; Tunica, 61,943; Union, 26,053; Walthall, 27,067; Warren, 13,438; Washington, 108,881; Wayne, 13,346; Webster, 16,197; Wilkinson, 10,425; Winston, 22,425; Yalobusha, 17,551; and Yazoo, 66,710.

Total county allotments: 2,552,800.
4 percent State reserve: 82,568.
State reserve for new growers: 20,642.
Total, Mississippi: 2,656,010.

Missouri: Barton, 2; Bollinger, 94; Butler, 11,793; Cape Girardeau, 124; Carter, 13; Dunklin, 83,342; Howell, 475;

Laclede, 1; Mississippi, 29,366; New Madrid, 88,412; Oregon, 1,035; Ozark, 592; Pemiscot, 109,441; Reynolds, 1; Ripley, 4,537; Scott, 17,494; Stoddard, 32,042; Taney, 200; and Wayne, 32.

Total county allotments: 378,996.
4 percent State reserve: 10,792.
State reserve for new growers: 2,698.
Total, Missouri: 392,486.

New Mexico: Chaves, 24,799; Curry, 987; De Baca, 73; Dona Ana, 35,561; Eddy, 24,544; Grant, 24; Harding, 184; Hidalgo, 340; Lea, 1,196; Luna, 1,737; Otero, 457; Quay, 3,142; Roosevelt, 16,244; Sierra, 696; and Socorro, 66.

Total county allotments: 110,050.
4 percent State reserve: 3,235.
State reserve for new growers: 809.
Total, New Mexico: 114,094.

North Carolina: Alamance, 971; Alexander, 3,292; Anson, 31,290; Beaufort, 5,435; Bertie, 8,086; Bladen, 6,695; Brunswick, 525; Burke, 1,010; Cabarrus, 13,649; Caldwell, 242; Camden, 2,481; Carteret, 862; Caswell, 106; Catawba, 12,078; Chatham, 5,210; Chowan, 4,442; Cleveland, 49,768; Columbus, 3,508; Craven, 2,518; Cumberland, 22,330; Currituck, 1,474; Davidson, 2,788; Davie, 5,087; Duplin, 9,724; Durham, 624; Edgecombe, 25,627; Forsyth, 430; Franklin, 18,167; Gaston, 14,795; Gates, 4,656; Granville, 1,998; Greene, 8,820; Guilford, 559; Halifax, 36,281; Harnett, 23,490; Hertford, 5,093; Hoke, 18,245; Hyde, 3,095; Iredell, 21,805; Johnston, 41,448; Jones, 2,843; Lee, 4,784; Lenoir, 9,476; Lincoln, 17,706; McDowell, 24; Martin, 5,955; Mecklenburg, 25,630; Montgomery, 4,647; Moore, 3,647; Nash, 22,444; New Hanover, 57; Northampton, 25,439; Onslow, 2,646; Orange, 1,160; Pamlico, 3,229; Pasquotank, 2,569; Pender, 2,002; Perquimans, 5,442; Person, 8; Pitt, 14,140; Polk, 4,892; Randolph, 979; Richmond, 14,506; Robeson, 51,255; Rockingham, 12; Rowan, 16,247; Rutherford, 23,628; Sampson, 35,169; Scotland, 24,670; Stanly, 9,091; Tyrrell, 851; Union, 40,819; Vance, 4,126; Wake, 17,833; Warren, 16,741; Washington, 1,975; Wayne, 24,023; Wilkes, 212; Wilson, 17,035; and Yadkin, 423.

Total county allotments: 877,039.
4 percent State reserve: 28,617.
State reserve for new growers: 7,154.
Total, North Carolina: 912,810.

Oklahoma: Adair, 274; Alfalfa, 68; Atoka, 13,682; Beckham, 87,628; Blaine, 25,815; Bryan, 45,581; Caddo, 104,059; Canadian, 20,744; Carter, 18,607; Cherokee, 4,257; Choctaw, 26,578; Cleveland, 14,223; Coal, 14,579; Comanche, 37,068; Cotton, 41,417; Craig, 777; Creek, 29,890; Custer, 33,174; Delaware, 93; Dewey, 17,459; Ellis, 3,830; Garfield, 316; Garvin, 43,177; Grady, 69,275; Grant, 55; Greer, 73,813; Harmon, 57,836; Harper, 55; Haskell, 20,270; Hughes, 30,644; Jackson, 99,499; Jefferson, 46,351; Johnston, 16,663; Kay, 552; Kingfisher, 8,353; Kiowa, 83,264; Latimer, 3,819; Le Flore, 32,835; Lincoln, 31,064; Logan, 18,171; Love, 22,656; McClain, 46,132; McCurtain, 37,089; McIntosh, 44,915; Major, 2,289; Marshall, 14,865; Mayes, 5,868; Murray, 9,599; Muskogee, 51,571; Noble, 4,293; Nowata, 1,688; Okfuskee, 41,119; Oklahoma, 11,767; Okmulgee, 33,878; Osage, 8,316; Ottawa, 35; Pawnee, 7,895; Payne, 15,099; Pittsburg, 29,570; Pontotoc, 18,197; Pottawatomie, 27,243; Pushmataha, 7,009; Roger Mills, 44,706; Rogers, 5,518; Seminole, 21,307; Sequoyah, 18,949; Stephens, 39,634; Tillman, 103,322; Tulsa, 7,985; Wagoner, 29,019; Washington, 244; Washita, 101,294; Woods, 0; and Woodward, 1,313.

Total county allotments: 1,990,199.
4 percent State reserve: 72,273.
State reserve for new growers: 18,068.
Total, Oklahoma: 2,080,540.

South Carolina: Abbeville, 26,536; Aiken, 41,691; Allendale, 16,549; Anderson, 81,811; Bamberg, 22,146; Barnwell, 31,594; Beaufort, 1,696; Berkeley, 9,521; Calhoun, 24,331; Charleston, 1,981; Cherokee, 28,678; Chester, 27,329; Chesterfield, 43,708; Clarendon, 30,668; Colleton, 16,828; Darlington, 34,062; Dillon, 25,154; Dorchester, 13,113; Edgefield, 18,934; Fairfield, 18,029; Florence, 28,410; Georgetown, 1,720; Greenville, 49,203; Greenwood, 22,690; Hampton, 13,750; Horry, 2,965; Jasper, 3,490; Kershaw, 34,762; Lancaster, 21,992; Laurens, 44,540; Lee, 38,610; Lexington, 20,471; McCormick, 12,095; Marion, 11,291; Marlboro, 49,631; Newberry, 26,323; Oconee, 26,470; Orangeburg, 80,762; Pickens, 22,530; Richland, 17,879; Saluda, 19,043; Spartanburg, 75,765; Sumter, 44,525; Union, 21,485; Williamsburg, 25,609; and York, 38,976.

Total county allotments: 1,269,346.
4 percent State reserve: 40,658.
State reserve for new growers: 10,164.
Total, South Carolina: 1,320,168.

Tennessee: Bedford, 2,708; Benton, 5,515; Blount, 2; Bradley, 3,932; Cannon, 101; Carroll, 23,989; Chester, 13,961; Coffee, 2,314; Crockett, 27,863; Davidson, 26; Decatur, 7,784; De Kalb, 52; Dickson, 13; Dyer, 41,073; Fayette, 58,737; Franklin, 6,535; Gibson, 47,642; Giles, 15,315; Grundy, 202; Hamilton, 2,008; Hardeman, 25,450; Hardin, 13,192; Haywood, 47,096; Henderson, 23,128; Henry, 10,841; Hickman, 61; Humphreys, 118; Knox, 32; Lake, 27,528; Lauderdale, 33,920; Lawrence, 24,469; Lewis, 495; Lincoln, 15,187; Loudon, 15; McMinn, 4,003; McNairy, 23,815; Madison, 38,834; Marion, 773; Marshall, 822; Maury, 523; Meigs, 1,307; Monroe, 976; Moore, 196; Obion, 17,588; Overton, 8; Perry, 387; Polk, 4,001; Rhea, 29; Roane, 9; Rutherford, 12,451; Sequatchie, 12; Shelby, 70,868; Stewart, 36; Tipton, 50,359; Van Buren, 12; Warren, 1,286; Wayne, 4,627; Weakley, 13,327; White, 292; Williamson, 342; and Wilson, 206.

Total county allotments: 728,393.
4 percent State reserve: 23,512.
State reserve for new growers: 5,878.
Total, Tennessee: 757,783.

Texas: Anderson, 39,668; Andrews, 2,407; Angelina, 16,663; Aransas, 2,023; Archer, 8,046; Armstrong, 2,761; Atascosa, 28,506; Austin, 33,371; Bailey, 60,728; Bandera, 132; Bastrop, 39,775; Baylor, 27,110; Bee, 32,366; Bell, 121,133; Bexar, 23,048; Blanco, 3,582; Borden, 14,153; Bosque, 40,043; Bowie, 53,576; Brazoria, 18,518; Brazos, 35,059; Brewster, 311; Briscoe, 24,328; Brooks, 6,185; Brown, 24,544; Burleson, 51,553; Burnet, 21,742; Caldwell, 53,180; Calhoun, 20,998; Callahan, 20,337; Cameron, 50,990; Camp, 14,985; Carson, 511; Cass, 57,649; Castro, 11,394; Chambers, 1,349; Cherokee, 52,573; Childress, 62,455; Clay, 41,181; Cochran, 42,419; Coke, 19,712; Coleman, 72,754; Collin, 125,543; Collingsworth, 78,136; Colorado, 27,280; Comal, 5,409; Comanche, 24,322; Concho, 41,016; Cooke, 38,941; Coryell, 67,990; Cottle, 66,331; Crockett, 5; Crosby, 87,419; Culberson, 1; Dallas, 81,302; Dawson, 122,059; Deaf Smith, 566; Delta, 45,821; Denton, 60,977; De Witt, 51,919; Dickens, 58,166; Dimmit, 785; Donley, 42,708; Duval, 30,005; Eastland, 10,622; Ector, 341; Ellis, 177,380; El Paso, 30,278; Erath, 35,507; Falls, 124,582; Fannin, 103,895; Fayette, 57,108; Fisher, 97,423; Floyd, 48,001; Foard, 23,276; Fort Bend, 78,706; Franklin, 18,758; Freestone, 47,102; Frio, 4,133; Gaines, 16,951; Galveston, 290; Garza, 36,501; Gillespie, 6,285; Glasscock, 4,267; Goliad, 22,410; Gonzales, 54,650; Gray, 7,322; Grayson, 89,278; Gregg, 12,773; Grimes, 44,734; Guadalupe, 58,684; Hale, 74,429; Hall, 89,060; Hamilton, 34,402; Hansford, 11; Hardeman, 53,748; Hardin, 656; Harris, 16,992; Harrison, 66,682; Haskell, 102,338; Hays, 20,667; Hemphill, 9,781; Henderson, 46,827; Hidalgo, 79,555; Hill, 154,127; Hockley, 116,359; Hood, 10,250; Hopkins, 74,726; Houston, 64,445; Howard, 63,717; Hudspeth, 8,026; Hunt, 132,975; Hutchinson, 30; Irion, 1,163; Jack, 8,037; Jackson, 29,758; Jasper, 5,608; Jeff Davis, 1; Jefferson, 2,023; Jim Hogg, 7,452; Jim Wells, 42,100; Johnson, 67,273; Jones, 135,016; Karnes, 86,364; Kaufman, 114,974; Kendall, 430; Kenedy, 110; Kent, 27,867; Kerr, 277; Kimble, 1,672; King, 11,490; Kinney, 30; Kleberg, 13,186; Knox, 65,820; Lamar, 88,719; Lamb, 128,412; Lampasas, 14,520; La Salle, 7,139; Lavaca, 50,052; Lee, 25,006; Leon, 39,130; Liberty, 8,804; Limestone, 125,350; Lipscomb, 551; Live Oak, 34,850; Llano, 3,502; Loving, 45; Lubbock, 171,107; Lynn, 143,910; McCulloch, 45,932; McLennan, 150,772; McMullen, 3,581; Madison, 31,795; Marion, 14,855; Martin, 54,662; Mason, 5,823; Matagorda, 18,479; Maverick, 98; Medina, 3,890; Menard, 3,247; Midland, 23,205; Milam, 105,624; Mills, 14,769; Mitchell, 72,243; Montague, 24,221; Montgomery, 9,133; Moore, 100; Morris, 17,144; Motley, 40,439; Nacogdoches, 44,999; Navarro, 158,074; Newton, 2,634; Nolan, 46,043; Nueces, 147,955; Ochiltree, 68; Orange, 540; Palo Pinto, 8,077; Panola, 49,912; Parker, 14,008; Parmer, 17,879; Pecos, 5,745; Polk, 14,076; Presidio, 3,810; Rains, 20,081; Randall, 328; Reagan, 3; Real, 7; Red River, 67,492; Reeves, 5,495; Refugio, 18,935; Roberts, 42; Robertson, 69,658; Rockwall, 29,320; Runnels, 107,647; Rusk, 66,077; Sabine, 10,999; San Augustine, 18,416; San Jacinto, 10,693; San Patricio, 93,328; San Saba, 20,694; Schleicher, 9,900; Scurry, 72,588; Shackelford, 7,776; Shelby, 47,727; Smith, 69,868; Somervell, 4,678; Starr, 21,580; Stephens, 3,800; Sterling, 845; Stonewall, 38,212; Sutton, 90; Swisher, 9,491; Tarrant, 24,347; Taylor, 68,180; Terrell, 36; Terry, 85,048; Throckmorton, 12,130; Titus, 26,638; Tom Green, 47,849; Travis, 63,669; Trinity, 14,291; Tyler, 3,759; Upshur, 37,603; Upton, 5; Uvalde, 2,165; Van Zandt, 79,612; Victoria, 34,595; Walker, 20,303; Waller, 15,123; Ward, 7,331; Washington, 52,008; Webb, 3,712; Wharton, 82,421; Wheeler, 53,150; Wichita, 27,076; Wilbarger, 67,460; Willacy, 45,715; Williamson, 150,151; Wilson, 28,802; Wise, 19,645; Wood, 38,668; Yoakum, 8,964; Young, 28,796; Zapata, 3,193; and Zavala, 945.

Total county allotments: 9,336,319.
4 percent State reserve: 315,722.
State reserve for new growers: 78,931.
Total, Texas: 9,730,972.

Virginia: Amelia, 6; Brunswick, 6,941; Charlotte, 582; Chesterfield, 29; Dinwiddie, 946; Greensville, 7,428; Halifax, 244; Isle of Wight, 2,314; Lunenburg, 1,160; Mecklenburg, 7,337; Middlesex, 2; Nansemond, 5,427; New Kent, 48; Norfolk, 1,027; Northampton, 1; Nottaway, 176; Pittsylvania, 22; Prince Edward, 8; Prince George, 233; Princess Anne, 262; Southampton, 12,643; Surry, 320; and Sussex, 3,123.

Total county allotments: 50,279.
4 percent State reserve: 1,587.
State reserve for new growers: 397.
Total, Virginia: 52,263.

(Sec. 344, 52 Stat. 57, 203, 586, 53 Stat. 853; 7 U.S.C., Sup. 1344 (a)–1344 (e))

Done at Washington, D. C., this 16th day of December 1941. Witness my hand and the seal of the Department of Agriculture.[1]

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9490; Filed, December 17, 1941; 11:21 a. m.]

[1] Table I—Apportionment of the 1942 national allotment for cotton among the several States, and Table II—Summary of 1942 State cotton acreage allotments, were filed with the original document.
[1] 5 F.R. 2111.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 310 [2]—COMPENSATION AND REMUNERATION

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

REGULATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362) as amended by the Acts of June 20, 1939, 53 Stat. 845, and Public No. 833, 76th Congress, 3d Session, approved October 10, 1940, the Railroad Retirement Board, by Board Order 41-520 dated December 11, 1941, effective November 1, 1940, adopts § 310.60 and amends Section 325.04 of the Regulations under the Railroad Unemployment Insurance Act, as follows:

§ 310.60 *Subsidiary remuneration; statutory provision.* Section 1 (k) of the Railroad Unemployment Insurance Act, as amended October 10, 1940 (see § 325.01 of the Regulations), provides that:

> For the purpose of this subsection, the term "subsidiary remuneration" means, with respect to any employee, remuneration not in excess of an average of one dollar a day for the period with respect to which such remuneration is payable or accrues, if the work from which the remuneration is derived (i) requires substantially less than full time as determined by generally prevailing standards, and (ii) is susceptible of performance at such times and under such circumstances as not to be inconsistent with the holding of normal full-time employment in another occupation.

(Sec. 1 (k), 52 Stat. 1095, 45 U.S.C. Sup. IV, 351 (k); amended by sec. 6, Pub. No. 141, 76th Cong., Chap. 227, 1st Sess., approved June 20, 1939 (53 Stat. 845); amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

§ 325.04 *Registration period; statutory provision.* Section 1 (h) of the Railroad Unemployment Insurance Act, as amended October 10, 1940, provides that:

> The term "registration period" means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office.

(Sec. 1 (h), 52 Stat. 1095, 45 U.S.C. Sup. IV, 351 (h); amended by sec. 4, Pub. No. 141, 76th Cong., Chap. 227, 1st Sess., approved June 20, 1939 (53 Stat. 845); amended by sec. 3, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary to the Board.

DECEMBER 17, 1941.

[F. R. Doc. 41-9507; Filed, December 18, 1941; 9:45 a. m.]

[2] 5 F.R. 1091; 6 F.R. 1047, 1099.

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Resolution, December 11, 1941]

PART 403—PROPERTY MANAGEMENT DIVISION

PLANS AND TERMS OF SALE

Amending Part 403, Chapter IV, Title 24 of the Code of Federal Regulations.

The seventh paragraph of § 403.10 [1] is amended to read as follows:

§ 403.10 *Refund of sales deposits.* * * *

When the Corporation has contracted to sell real estate and the contract purchaser has deposited funds with the Corporation in connection with such contract and the sale fails of consummation, or prior to the time for closing of the sale the purchaser requests to be relieved of his obligations under the agreement for sale and requests the return of his deposit or of a portion thereof, then the Regional Manager, after obtaining the advice of the Regional Counsel as to the legal rights or obligations of the Corporation in the matter, may authorize the retention or the refund by the Corporation of such deposit or any portion thereof and may also authorize reimbursement of the contract purchaser for any expenses incurred by him in connection with the transaction as he may determine to be in the best interests of the Corporation. The Corporation shall in any event retain an amount sufficient to cover any expense incurred by it in connection with the transaction unless the Regional Counsel advises that in his opinion the Corporation does not have the legal right to retain any portion of such deposit. The direction that the Corporation retain any such deposit or any portion thereof shall not prevent the Regional Manager from later directing a refund thereof where additional facts are disclosed or changed conditions are shown which in the opinion of the Regional Manager justify the refund as being in the best interest of the Corporation.

(Effective December 11, 1941)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 41-9512; Filed, December 18, 1941; 10:53 a. m.]

[1] 5 F.R. 1091; 6 F.R. 1047, 1099.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1136]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE LOGAN NO. 6 MINE (MINE INDEX NO. 287) OF THE JOHNSTOWN COAL AND COKE COMPANY, A CODE MEMBER IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Logan No. 6 Mine (Mine Index No. 287) of the Johnstown Coal and Coke Company, a code member in District No. 1.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 18, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
287	Johnstown Coal & Coke Co.	Logan #6	34	D	Lloydell, Pa	PRR	49	E	E	E	E	E

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

Code member index	Mine index No.	Mine	Sub. district No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	¾" and under, slack
						1	2	3	4	5
Johnstown Coal & Coke Co	287	Logan #6	34	Cambria	D	250	225	225	215	205

[F. R. Doc. 41-9478; Filed, December 17, 1941; 11:17 p. m.]

[Docket No. A-1149]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commenting forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Coleman Station, Pennsylvania, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Stoyestown, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 100 shall be applicable to all shipments of the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, from Coleman Station, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No temporary relief is granted herein for the establishment of price classifications and minimum prices effective for shipments of the coals of the Albert Stripping Mine, Mine Index No. 1006, and the Potomac #4 & #6 Mine, Mine Index Nos. 93, 329, 76, and 976, respectively, and for the mixing of the coals of the Cherry Run #1 Mine, the Cherry Run #2 Mine, the Cherry Run #3 A Mine, and the Cherry Run #4 Mine, Mine Index Nos. 88, 688, 3189, and 3187, respectively, for the reasons set forth in the Order designating that part of Docket No. A-1149 relating to such coals as Docket No. A-1149 Part II and granting in part temporary relief and scheduling a hearing therein.

Dated: November 17, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
957	American Mining Company, The (Marion W. Carrier)	Defender	5	A	Conifer, Pa	P&S	119	E	E	E	E	E
3182	Beam, Charles W	Susan #1	8	D	Williams, Pa	NYC	44	E	E	E	E	E
3183	Bigelow Run Coal Mining Company (Arthur Barnhouse)	Bigelow Run #1	14	A	Osceola Mills, Pa	PRR	45	E	E	E	E	E
2163	Brown, Earl M	Goshen Twp. #1	8	D	Clearfield, Pa	D&O	113	E	E	E	E	E
3164	Brown, Earl M	Goshen Twp. #2	8	D	Clearfield, Pa	D&O	113	E	E	E	E	E
956	Carrier & Son (W. W. Carrier)	Harlan #3	8	A'	Harlan Station, Pa	D&O & C	31	E	E	E	E	E
997	Carrier & Son (W. W. Carrier)	Harlan #4	8	A'	Harlan Station, Pa	LE F&C	31	E	E	E	E	E
3165	Cherry Run Coal Mining Co. (Cherry Run Coal Co.)	No. 13	9	B	Clarence, Pa	PRR	40	E	E	E	E	E
688	Cherry Run Coal Mining Co. (H. J. O'Brien)	Cherry Run #2	9	C	Snow Shoe, Pa	PRR	45	E	E	E	E	E
3189	Cherry Run Coal Mining Co. (A. A. Groe)	Cherry Run #3A	9	C	Snow Shoe, Pa	PRR	49	E	E	E	E	E
3187	Cherry Run Coal Mining Co. (A. A. Groe)	Cherry Run #4	9	C	Snow Shoe, Pa	PRR	75	E	E	E	E	E
3190	Culbertson, D. B. (The Culbertson Coal Co.)	Harvey #2	4	B	New Bethlehem, Pa	PRR	75	E	E	E	E	E
3191	Culbertson, D. B. (The Culbertson Coal Co.)	Harvey #3	4	B	New Bethlehem, Pa	PRR	75	E	E	E	E	E
3188	Geyer & Wilkins (Henry Geyer)	Pleasant Hill	4	E	Hawk Run, Pa	PRR	45	E	E	E	E	E
98	Hawk Run Coal Mining Co	Coalvale #20	21	E	Sacton, Pa	H&BT	44	E	E	E	E	E
3192	McClain, Harry C. (McClain Coal Co.)	McClain #1	8	A	Saxton, Pa	H&BT	43	E	E	E	E	E
2583	McClain, Harry C. (McClain Coal Co.)	McClain #2	39	D	Reitzville, Pa	B&O	100	E	E	E	E	E
1626	Morandizzo, Albert & Lewis	Bell Run #2	39	D	Dean, Pa	PRR	99	E	E	E	E	E
3194	Peansy Coal & Supply Co., The (N. H. Myers)	Peansy #12	4	D	Dean, Pa	PRR	52	E	E	E	E	E
3195	Ridge Mining Company (H. L. Binnix)	Ridge #4	18	E	Houtzdale, Pa	PRR	45	E	E	E	E	E
3196	Ridge Mining Company (H. L. Binnix)	Ridge #5	18	E	Osceola Mills, Pa	PRR	45	E	E	E	E	E
3181	Romney Coal Co. (R. W. Romney)	Romney #1	21	E	Meyersdale, Pa	W M	62	E	E	E	E	E
960	Ruth Coal Co. (Arthur Martin)	Ruth #1	41	B	Sabula, Pa	PRR	120	E	E	E	E	E
999	Salisbury Construction Co. (T. J. Cramblett)	Big Yein #2	41	B	Sabula, Pa	PRR	120	E	E	E	E	E
3197	Sherry, D. F	Sandy #1 B	6	D	Rolling Stone, Pa	NYC	44	E	E	E	E	E
3198	Sherry, D. F	Sandy #1 D	6	D	Dayton, Pa	B&O	112	E	E	E	E	E
2284	Sylvan Grove Mine (Gust F. Anderson)	Sylvan Grove	8	D								
3170	Walker, L. M	Foster	11	E								

* Indicates coal in this size group previously classified and priced.
† Indicates no classifications effective for these size groups.

1 If coals of the following groups: Mine Index Nos. 3163 and 3164; 3194 and 3195; and 1972 and 3138 are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	¾" and under, slack
						1	2	3	4	5
American Mining Company, The (Marion W. Carrier).	957	Defender	5	Jefferson	A			210		
Anderson, Gust	3181	Anderson	8	Clearfield	B			225		
Beam, Charles W	3182	Susan #1	8	Clearfield	B			225		
Bigelow Run Coal Mining Company (Arthur Barraclough).	3183	Bigelow Run #1	14	Centre	A			210		
Bona, John	3184	Bona	2	Elk	B			210		
Brown, Earl M	3163	Goshen Twp. #1	8	Clearfield	D			225	215	205
Brown, Earl M	3164	Goshen Twp. #2	8	Clearfield	D			225	215	205
Carrier & Son (W. W. Carrier).	996	Harlan #3	1	Clarion	A	235	210	210	200	190
Carrier & Son (W. W. Carrier).	997	Harlan #4	5	Jefferson	A'			210	200	190
Chambers, Roy A. (Roy A. Chambers Coal Co.).	998	No. 13	9	Centre	B			215		
Cherry Run Coal Mining Co. (H. J. O'Brien).	688	Cherry Run #2	9	Clearfield	C'	255		(*)	220	210
Cherry Run Coal Mng. Co. (A. A. Groe).	3189	Cherry Run #3A	9	Clearfield	C	250		225	215	205
Cherry Run Coal Mng. Co. (A. A. Groe).	3187	Cherry Run #4	9	Centre	A	255		230	220	210
Culbertson, D. B. (The Culbertson Coal Co.).	3190	Harvey #2	4	Clarion	B	240	215	215	200	190
Culbertson, D. B. (The Culbertson Coal Co.).	3191	Harvey #3	4	Clarion	E	240	215	215	200	190
English Center Coal Co. (Joseph G. Saricks).	3197	Bitumen #1	3	Clinton	B			235		
Esbaugh & Sweitzer Coal Co. (Clair J. Sweitzer).	3198	Twin Oak #2	4	Clarion	D & E	240	215	215	200	190
Garman Coal Co. (Arthur Garman).	3155	Garman	29	Cambria	B			220		
Gleyze & Williams (Henry Gleyze).	3168	Pleasant Hill	21	Clearfield	E			230		
Gustafson, Frederick A	3185	Meridith	2	Elk	B			210		
Hawk Run Coal Mining Co.	98	Coaldale #26	8	Centre	A			(*)	200	190
Hickson & Dinsmore (Thomas Hickson).	3159	Cushner #1	8	Centre	B			210		
McClain, Harry O. (McClain Coal Co.).	3192	McClain #1	39	Huntingdon	Barnett			240		
McClain, Harry O. (McClain Coal Co.).	3193	McClain #2	39	Huntingdon	Fulton			240		
Moranduzzo, Albert & Lewis.	2353	Basil Petete	37	Somerset	C'			(*)	215	205
Morrone, Joseph R	3158	Morrone	22	Indiana	E			220		
Reed, Geo. H	959	Reed	10	Armstrong	E			215		
Ridge Mining Company (H. L. Binnix).	3194	Ridge #4	18	Cambria	E			220		
Ridge Mining Company (H. L. Binnix).	3195	Ridge #5	18	Cambria	E			220		
Rounsley Coal Co. (R. W. Rounsley).	3188	Rounsley #2	21	Clearfield	E			220		
Ruth Coal Co. (Arthur Martin).	960	Ruth #1	14	Clearfield	B			215		
Salisbury Construction Co. (T. J. Cramblett).	909	Big Vein #2	41	Somerset	Pittsburgh			220		
Sherry, D. F	3156	Sandy #1B	6	Clearfield	B			220		
Sherry, D. F	3196	Sandy #1D	6	Clearfield	D			225		
Walker, L. M	3179	Foster	11	Armstrong	E			215		
Younkin, Maurice	3186	Younkin	40	Somerset	E			210		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9476; Filed, December 17, 1941; 11:16 a. m.]

[Docket No. A-1076]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for All Shipments Except Truck for the coals of the Shuttleworth James Coal Company, Shuttleworth James Mine, Mine Index No. 2430, for the reason that prices were established for the coals of this mine by the Order dated November 26, 1940, 5 F.R. 4757, in Docket No. A–362.

No relief is granted herein for the coals of B. F. Slack, Slack Mine, Mine Index No. 929, for Truck Shipments for the reason that prices were established for this mine in General Docket No. 15 and appear in § 324.24 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 4 For Truck Shipments.

No relief is granted herein for the coals of Fred S. Geer, Inc., Jimtown Mine, Mine Index No. 299, Irish Ridge Coal Co., Irish Ridge-Deep Mine, Mine Index No. 234, Irish Ridge Coal Co., Irish-Ridge-Strip Mine, Mine Index No. 247, George Lantz, Lantz Coal Co. Mine, Mine Index No. 2465, and Mineral City Coal Co., Black Mine, Mine Index No. 278, for All Shipments Except Truck, for the reasons set forth in the Order designating that portion of Docket No. A–1076 relating to such coals as Docket No. A–1076, Part II, and granting temporary relief in part therein.

Dated: November 18, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
2733	Black Lump Coal Co. (Charles Smith)	Black Lump	6	6	Deep	Moxahala	NYC	33	O	O	O	O	O	O	Q	Q	Q			Q
275	Elberfeld Coal Co. (R. F. Elberfeld)	Elberfeld	8	8	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	Q	Q	Q			Q
301	Godoway & Sons, Charles	Godoway No. 2	1	8	Deep	Barton	B&O	12	O	O	O	O	O	O	Q	Q	Q			Q
277	Jacobs, H. C	H. C. Jacobs	4	6	Deep	Coshocton	W&LE	55	Q	Q	Q	Q	O	O	Q	Q	Q			Q
240	Thorne, David	#108	5	6	Deep	Carrington	NYC	27	K	K	Q	Q	O	O	Q	Q	Q			Q
280	Victory Coal Co. (L. H. Peters)	Victory	4	6	Deep	Dover	B&O, PRR	57	Q	Q	Q	Q	O	O	Q	Q	Q			Q
260	Wild Cherry Coal Company[1] (Raymond Gill).	Wild Cherry	2	7	Deep	Byesville	PRR	16	R	R	R	Q	O	O	O	Q	Q			O

[1] Subject to Exception No. 4, § 324.1 (b) in the Schedule of Effective Minimum Prices for District No. 4.

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdistrict No.
240	#108	Thorne, David	Hocking	27	NYC	5
275	Elberfeld	Elberfeld Coal Co. (R. F. Elberfeld).	Pomeroy	23	C&O	8
277	H. C. Jacobs	Jacobs, H. C	Middle	55	W&LE	4
280	Victory	Victory Coal Co. (L. H. Peters)	Middle	57	B&O, PRR	4
260	Wild Cherry	Wild Cherry Coal Company (Raymond Gill).	Cambridge	16	PRR	2
301	Godoway No. 2	Godoway & Sons, Charles	Ohio No. 8	12	B&O	1
2733	Black Lump	Black Lump Coal Co. (Charles Smith).	Crooksville	33	NYC	6

§ 324.2 *Seasonal discounts*[1]—Supplement R–III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— April	May	June	July	August
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index No. 301.	30	20	10		
Cambridge	16		11, 169	Add Mine Index No. 290.	30	20	10		
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index No. 240.	50	40	30	20	10
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index No. 275.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index No. 2733.	30	20	10		
Middle	53, 54, 57		49, 50, 67, 94, 132	Add Mine Index No. 280.	30	20	10		
	55, 56		9, 24, 32, 52, 135	Add Mine Index No. 277.	30	20	10		

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*[1]—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9, § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d).]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index No. 301.
Cambridge	16		11, 169	Add mine index No. 290.
	16		11, 169 (Subject to Exception No. 4, Page 33).	Add mine index No. 290.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index No. 240.
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add mine index No. 275.
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 06, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 733
Middle	53, 54, 57		49, 50, 67, 94, 132	Add mine index No. 289.
	55, 56		9, 24, 32, 52, 135	Add mine index No. 277.

[1] Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V[1]

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See schedule of effective minimum prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add Mine Index Nos. 289–301.
Chesapeake & Ohio Railway Co.	14, 36, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index Nos. 275.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index Nos. 240–2733.
Pennsylvania Railroad Co.	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add Mine Index Nos. 289–290.
Wheeling & Lake Erie Railway Co.	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add Mine Index No. 277.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit and Toledo Shore Line Railroad Co. Erie Railroad. Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From all mine index numbers except those shown below.	Add Mine Index Nos. 240–275–277–289–290–301–2733.
For all Railroads not shown above.	From all mine index numbers except those shown below.	Add Mine Index Nos. 240–275–277–289–290–301–2733.

[1] Prices as shown in §324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump (1)	3", 4", 5" lump (2)	2" lump (3)	2" x 1" egg; 2" x 6" egg (4)	1¼" lump; 1¼" x 1" egg (5)	Mine run; nut and pea (6)	2" x 0 slack (7)	¾" x 0 slack (8)
SUB-DISTRICT NO. 1—EASTERN OHIO											
BELMONT COUNTY											
Godoway & Sons, Charles	Godoway No. 2	301	8	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 2—CAMBRIDGE											
GUERNSEY COUNTY											
Wild Cherry Coal Company (Raymond Gill)	Wild Cherry	290	7	270	260	245	220	220	220	200	190
NOBLE COUNTY											
Rogers, Sam & Noble (Sam Rogers)	Rogers	279	8	270	260	245	220	220	220	200	190
Willey, Lawrence E.	Shadyside	281	8	270	260	245	220	220	220	200	190
Yakupcak & Sons, Joe (Joe Yakupcak)	Yakupcak	300	8	270	260	245	220	220	220	200	190
SUB-DISTRICT NO. 4—MIDDLE											
COLUMBIANA COUNTY											
Geer, Inc., Fred S.	Jimtown	299	7	300	290	275	250	245	225	205	195
COSHOCTON COUNTY											
Jacobs, H. C.	H. C. Jacobs	277	6	280	270	260	235	230	195	165	155
Shaw & Dawson (Ivan Shaw)	Shaw & Dawson	280	6	280	270	260	235	230	195	165	155
STARK COUNTY											
Barr, Lloyd		274	6	275	265	250	235	235	220	190	180
TUSCARAWAS COUNTY											
Gooding, Earl H.	Gooding Coal	282	6	275	265	250	235	235	220	190	180
Mineral City Coal Co. (Wm. T. Laughlin)	Black	278	5,6	275	265	250	235	235	210	190	180
Victory Coal Co. (L. H. Peters)	Victory	289	6	275	265	250	235	235	220	190	180
SUB-DISTRICT NO. 5—HOCKING											
ATHENS COUNTY											
Wolfe, McCollester & McCollester (Chas. J. Wolfe)		283	6	295	285	275	250	245	195	165	155
HOCKING COUNTY											
McKnight & Skivers Coal Co. (Raymond McKnight)	McKnight-Skivers Coal Co.	288	6	295	285	275	250	245	195	165	155
PERRY COUNTY											
Thorne, David	#108	240	6	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 7—JACKSON											
VINTON COUNTY											
Henderson & Ferguson (Clyde Henderson)	H. & F.	276	3	295	285	275	250	245	195	175	165
SUB-DISTRICT NO. 8—POMEROY											
MEIGS COUNTY											
Elberfeld Coal Co. (R. F. Elberfeld)	Elberfeld	275	8	295	285	275	250	245	195	140	140

[F. R. Doc. 41-9479; Filed, December 17, 1941; 11:17 a. m.]

[Docket No. A–1105]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto supplement R–V, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications and minimum prices have been established herein for the coals of the No. 24 Mine (Mine Index No. 83) of the Black Belle Mining Company, as it appears that this mine is the same as the Lemoine #24 Mine of Francis Lemoine, for which price classifications and minimum prices were established in General Docket No. 15.

No minimum prices have been established herein for the coals of the Williams Mine (Mine Index No. 2274) of W. J. Benton, as it apepars that this mine is the same as the Wrikeman Mine of G. R. Wrikeman, for which minimum prices were established in Docket No. A–119.

The petition requests that the price classifications and minimum prices established for all shipments except truck for the coals of the Lois Mine (Mine Index No. 210) of Crescent Valley Mining Corporation no longer be applicable for rail shipments from Adena, Ohio, on the Wheeling & Lake Erie Railroad but be made applicable to rail shipments from Crescent, Ohio, on the Baltimore & Ohio Railroad. As the same relief was requested in Docket A–1077 and was granted by a temporary and conditionally final Order of the Director therein, dated September 25, 1941, 6 F.R. 4944, no relief in granted herein as to this mine.

No relief is granted herein to certain mines affected by unique considerations set forth in an order severing that portion of Docket No. A–1105 which relates to them, and designating it as Docket No. A–1105 Part II and granting temporary relief.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 21, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
725	Eckley Mine (John Eckley)	Eckley	3	5	Deep	Bergholz	NYC	52	O	O	O	O	O	O	O	O	O	(†)	(†)	O
2735	Jennings, Harold	H. H. Jennings #2	4	6	Deep	Coshocton	W&LE, PRR	58	Q	Q	Q	Q	O	O	Q	Q	Q	(†)	(†)	Q
748	Little Valley Coal Co. (William Stalder)	Stalder	5	6	Deep	Nelsonville	C&O	22	K	K	O	O	O	O	Q	Q	Q	(†)	(†)	Q
727	Parsons Brothers	Parsons Brothers	3	6	Deep	Bergholz	NYC	52	O	O	O	O	O	O	O	O	O	(†)	(†)	O
205	Pittenger Coal Co. (Clyde Pittenger)	Cyclone	7	4	Deep	Wellston	B&O	41	K	K	O	O	O	O	O	O	O	(†)	(†)	O
796	Shelton Brothers (Elmer Shelton)	Shelton Brothers	5	6	Deep	Nelsonville	C&O	22	K	K	O	O	O	O	Q	Q	Q	(†)	(†)	Q
2904	Wolfe, Chris H.	Chris H. Wolfe	5	6	Deep	Murray City	C&O	22	K	K	O	O	O	O	Q	Q	Q	(†)	(†)	Q
283	Wolfe, McCollester & McCollester (Chas. J. Wolfe)	Daisy Mae	5	6	Deep	Nelsonville	C&O	22	K	K	O	O	O	O	Q	Q	Q	(†)	(†)	Q
1030	Young, Glenn (Young & Son)	Young's	6	6	Deep	Crooksville	PRR, NYC	93	O	O	O	O	O	O	Q	Q	Q	(†)	(†)	Q

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group No.	Railroad	Subdist. No.
283	Daisy Mae	Wolfe, McCollester & McCollester (Chas. J. Wolfe).	Hocking	22	C&O	5
295	Cyclone	Pittenger Coal Co. (Clyde Pittenger).	Jackson	41	B&O	7
725	Eckley	Eckley Mine (John Eckley)	Middle	52	NYC	3
727	Parsons Brothers	Parsons Brothers	Middle	52	NYC	3
748	Stalder	Little Valley Coal Co. (William Stalder).	Hocking	22	C&O	5
796	Shelton Brothers	Shelton Brothers (Elmer Shelton)	Hocking	22	C&O	5
1030	Young's	Young, Glenn (Young & Son)	Crooksville	93	NYC, PRR	6
2755	H. R. Jennings #2	Jennings, Harold	Middle	58	PRR, W&LE	4
2904	Chris. H. Wolfe	Wolfe, Chris. H.	Hocking	22	C&O	5

§ 324.2 *Seasonal discounts*[1]—Supplement R–III

[On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					April	May	June	July	August
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index Nos. 283, 748, 796, 2904.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36	Add 93	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 1030.	30	20	10	---	---
Jackson	41, 42, 43		2, 131, 134	Add mine index No. 295.	50	40	30	20	10
Middle	52		6, 158, 172	Add mine index Nos. 725, 727.	30	20	10	---	---
	55, 56	Add 58	9, 24, 32, 52, 135	Add mine index No. 2755.	30	20	10	---	---

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*[1]—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin Nos.	Mine index Nos.	Additional mine index Nos.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 283, 748, 796, 2904.
Crooksville	31, 32, 33, 34, 36	Add 93	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add Mine Index No. 1030.
Jackson	41, 42, 43		2, 131, 134	Add Mine Index No. 295.
Middle	52		6, 158, 172	Add Mine Index Nos. 725, 727.
	55, 56	Add 58	9, 24, 32, 52, 135	Add Mine Index No. 2755.

[1] Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*[1]—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add mine index No. 295.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add mine index Nos. 283, 748, 796, 2904.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add mine index Nos. 725, 727, 1030.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add mine index Nos. 1030, 2755.
Wheeling & Lake Erie Railway Co	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add mine index No. 2755.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit and Mackinac Railway Company. Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.) Pere Marquette Railway Co.	From all mine index Nos. except those shown below.	Add mine index Nos. 283, 295, 725, 727, 748, 796, 1030, 2755, 2904.
For all railroads not shown above	From all mine index Nos. except those shown below.	Add mine index Nos. 283, 295, 725, 727, 748, 796, 1030, 2755, 2904.

[1] Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—EASTERN OHIO											
HARRISON COUNTY											
Fay, C. C. (Fay Collieries Company)	Brilliant #2	306	8	275	265	250	225	220	210	190	180
SUBDISTRICT NO. 2—CAMBRIDGE											
GUERNSEY COUNTY											
McManaway Coal Co. (William McManaway)	Navaho	296	7	270	260	245	220	220	220	200	190
NOBLE COUNTY											
Van Fossen, Frank	Flag Creek	292	8	270	260	245	220	220	220	200	190
Young Coal Co. (J. C. Young)	Feldner	294	8	270	260	245	220	220	220	200	190

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 4—MIDDLE											
COLUMBIANA COUNTY											
Shearer, George	Roush	304	6	300	290	275	250	245	235	205	195
COSHOCTON COUNTY											
Cannon, Leroy (Leroy Cannon Coal Co.)	Leroy Cannon #2	307	6	280	270	260	235	230	195	165	155
Daniels Coal Company (Ira H. Daniels)	Daniels	298	6	280	270	260	235	230	195	165	155
Roberts, Fred W	Kauffman	308	6	280	270	26	235	230	195	165	155
MAHONING COUNTY											
East Fairfield Coal Company, The	North Lima	309	4	300	290	275	250	245	235	205	195
SUMMIT COUNTY											
Bocon Mining Company (Harry L. Bord)	Boettler	2901	4	275	265	250	225	220	220	190	180
TUSCARAWAS COUNTY											
Rothacher, Ralph & George (Ralph Rothacher).	Rothacher	2906	6	275	265	250	235	235	220	190	180
SUBDISTRICT NO. 5—HOCKING											
ATHENS COUNTY											
Weltzheimer, Paul H. (Key Stone Mine)	Key Stone	293	6	295	285	275	250	245	195	165	155
HOCKING COUNTY											
Wolfe, Chris. H	Chris. H. Wolf	2904	6	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 6—CROOKSVILLE											
PERRY COUNTY											
Rose, Arthur E. (Rose Coal Company)	Rose	311	8	280	270	260	235	230	195	165	155
SUB-DISTRICT NO. 7—JACKSON											
JACKSON COUNTY											
Elkins, Thomas	Perkins #3	297	4	295	285	275	250	245	195	175	165
Pittenger Coal Co. (Clyde Pittenger)	Cyclone	295	4	295	285	275	250	245	195	175	165
LAWRENCE COUNTY											
Edwards, Edward	E. E.	2903	4	295	285	275	250	245	195	175	165
McComas, J. A	Rappsburg	291	8	295	285	275	250	245	195	165	145
SUBDISTRICT NO. 8—POMEROY											
GALLIA COUNTY											
B. & E. Coal Company (E. D. Blanchard)	B. & E. Coal Co	2902	8	295	285	275	250	245	195	140	140
Wheaton & Cremeans (H. D. Wheaton)	Wheaton & Cremeans	2905	8	295	285	275	250	245	195	140	140
MEIGS COUNTY											
Luck Coal Co. (E. L. Luckadoo)	Lucky	2907	8	295	285	275	250	245	195	140	140
Peacock Coal Co	Black Betsy	310	8A	295	285	275	250	245	195	140	140

[F. R. Doc. 41-9482; Filed, December 17, 1941; 11:18 a. m.]

[Docket No. A-1146]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated November 25, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
271	Charmco Smokeless Coal Co., Inc	Charmco #2	1	Fire Creek	McRoss, W. Va	C&O, NYC	19	D	D	C	A	A	B	B	B	B	B
561	Jones, S. E. (Jones Coal Co.)	Little Sewell	1	Poca. 6	Rupert, W. Va	C&O, NYC	17	B	(†)	(†)	(†)	(†)	B	B	B	B	B
270	Price Fork Coal Co. (W. C. Miller)	Price Fork	1	Sewell	Quinwood, W. Va	C&O, NYC	19	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine name	Subdistrict No.	County	Seam	All lump ¾" or larger; all egg and stove	All nut or pea 1¼" to size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Charmco Smokeless Coal Co., Inc	525	Charmco #1	1	Greenbrier	Fire Creek	290	250	(*)	(*)	190	(*)
Charmco Smokeless Coal Co., Inc	271	Charmco #2	1	Greenbrier	Fire Creek	290	250	802	151	901	(85
Gauley Mountain Coal Company The.	5	Ansted	2	Fayette	No. 2 Gas	315	250	*)(	*)1	(90	(*
Price Fork Coal Co. (W. C. Miller	270	Price Fork	1	Greenbrier	Sewell	----	280	215	---	---	---
Treadway, Allen	269	Dempsey	2	Fayette	Little Eagle	----	280	215	---	---	---

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9481; Filed, December 17, 1941; 11:18 a. m.]

[Docket No. A-991]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT CERTAIN MINES IN PIKE COUNTY, KENTUCKY, IN THE BIG SANDY-ELKHORN SUBDISTRICT IN DISTRICT 8

This is a matter instituted upon an original petition filed on July 30, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. Petitioner requests and proposes a revision in the classifications, effective minimum prices and designations for the coals of certain mines in Pike County, Kentucky, Big Sandy-Elkhorn Subdistrict, in District 8.

A petition of intervention was filed by District Board 2.

Pursuant to Order of the Director, a hearing in this matter was held on September 29, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 8 appeared.[1]

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

Uncontroverted evidence was introduced by John F. Daniel, a representative of District Board 8, that investigation conducted since the hearings in General Docket No. 15 had revealed that certain revisions in classifications, effective minimum prices, and designations listed in the instant petition were necessary in order to correct errors in previous designations and preserve the existing fair competitive opportunities of certain mines in Pike County, Kentucky, Big Sandy-Elkhorn Subdistrict of District 8.

Based upon a consideration of the record, the undersigned finds and concludes that the revision of such classifications, effective minimum prices and designations as set forth in supplements R and T annexed hereto is necessary in order to effectuate the purpose of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth therein comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 328.11 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: November 28, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] Intervenor District Board 2 did not appear.

ADJUSTMENTS IN CLASSIFICATIONS FOR RAIL SHIPMENTS, ELKHORN SEAMS—PIKE COUNTY, KY., AUXIER SEAMS—PIKE COUNTY, KY.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

						Price classifications by size group Nos.			
						For destinations other than Great Lakes		For Great Lakes cargo only	
Code member index	Mine index No.	Mine name	Subdistrict No.	County	Seam	1	2	3	4
Charmco Smokeless Coal Co., Inc	525	Charmco #1	1	Greenbrier	Fire Creek	1	1	1	1
Charmco Smokeless Coal Co., Inc	271	Charmco #2	1	Greenbrier	Fire Creek	1	1	1	1
Gauley Mountain Coal Company The.	5	Ansted	2	Fayette	No. 2 Gas	1	1	1	1
Price Fork Coal Co. (W. C. Miller	270	Price Fork	1	Greenbrier	Sewell	1	1	1	1
Treadway, Allen	269	Dempsey	2	Fayette	Little Eagle	1	1	1	1

[1] Intervenor District Board 2 did not appear.

Acting Director.

ADJUSTMENTS IN CLASSIFICATIONS FOR RAIL SHIPMENTS, ELKHORN SEAMS—PIKE COUNTY, KY., AUXIER SEAMS—PIKE COUNTY, KY.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22,	23	24	25	26	27
2926	Belcher, Elmer	Belcher	1	Auxier**	63	(†)	(†)	H	(†)	(†)	(†)	(†)	B	C	D	(†)	(†)	(†)	(†)	(†)	(†)
536	Johnson, F. M. (Famous Elkhorn Coal Co.)	Brafford	1	Elkhorn	61	(†)	(†)	G	(†)	(†)	(†)	(†)	B	D	D	(†)	(†)	(†)	(†)	(†)	(†)
1247	Rockhouse Elkhorn Coal Company	Janney	1	L. Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	D	D	(†)	(†)	(†)	(†)	(†)	(†)
387	Shelby Steam Coal Company, Inc.	Ratliff	1	Elkhorn No. 1	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	D	D	(†)	(†)	(†)	(†)	(†)	(†)
3631	Stewart, D. M. #	Harless Creek	1	U. Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	D	D	(†)	(†)	(†)	(†)	(†)	(†)
538	Stewart Elkhorn Coal Co. (J. E. Bowman)	Stewart No. 1	1	L. Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	D	D	(†)	(†)	(†)	(†)	(†)	(†)

Mine index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin No.	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 3	7,	8,	9,	10,	16, 17	18, 19, 20, 21	22	24	25	26	27
2926	Belcher, Elmer	Belcher	1	Auxier**	63	(†)	(†)	H	D	(†)	(†)	(†)	P	(†)	(†)	(†)	(†)	(†)	C
536	Johnson, F. M. (Famous Elkhorn Coal Co.)	Brafford	1	Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	(†)	(†)	(†)	(†)	(†)	C
1247	Rockhouse Elkhorn Coal Company	Janney	1	L. Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	(†)	(†)	(†)	(†)	(†)	C
387	Shelby Steam Coal Company, Inc.	Ratliff	1	Elkhorn No. 1	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	(†)	(†)	(†)	(†)	(†)	C
3631	Stewart, D. M. #	Harless Creek	1	U. Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	(†)	(†)	(†)	(†)	(†)	C
538	Stewart Elkhorn Coal Co. (J. E. Bowman)	Stewart No. 1	1	L. Elkhorn	61	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	(†)	(†)	(†)	(†)	(†)	C

†Indicates no classification effective for these size groups. *Indicates previously classified these size groups. **Indicates change in seam designation. #Indicates change in Mine Index Number.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 6"	Stove 3" and under nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—BIG SANDY-ELKHORN PIKE COUNTY, KY.											
Anderson & Mullins Coal Co. (Harvey Mullins).	Anderson	2496	Elkhorn	275	255	*220	*230	*215	*210	*170	*165
Baker, John	Thompson	1232	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Barrowman, David (Spencer Gap Coal Company)	Beaver	2543	U. Elkhorn	275	255	*220	*230	215	*210	170	165
Bartley, W. M	Bartley	1233	Elkhorn No. 1**	275	255	*220	230	215	*210	*170	*165
Bentley, Harrison	Bentley	1235	Elkhorn	275	255	*220	*230	*215	*210	*170	*165
Butler, Cleve	Butler	1240	L. Elkhorn	275	255	*220	230	215	*210	*170	*165
Ferguson Creek Coal Co	Ferguson Creek	1242	Elkhorn No. 2**	275	255	*220	*230	215	*210	170	165
Fuller, L. R	Fuller	1243	L. Elkhorn	275	255	*220	230	215	*210	*170	*165
Gibson, Bruce	John Kendrick	1248	Elkhorn No. 2**	275	255	*220	*230	215	*210	170	165
Hobbs, Zaley	Cline	2833	U. Elkhorn	275	255	*220	*230	215	*210	170	165
Huffman Coal Company, T. H.	T. N. Huffman	1244	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Huffman, W. D	Jake Thompson	1245	Elkhorn No. 2**	275	255	*220	*230	*215	*210	*170	*165
Hunt, Faris	Hunt	1246	L. Elkharn	275	255	*220	230	215	*210	*170	*165
Johnson, F. M. (Famous Elkhorn Coal Co.).	Brafford	536	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Johnson, F. M. (Famous Elkhorn Coal Company).	Famous	2544	Elkhorn	275	255	*220	*230	*215	*210	*170	*165
Kinney, J. J	Kinney	1249	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Lee, Willie	Elkhorn No. 1	1250	Elkhorn	275	255	*220	*230	*215	*210	*170	*165
Major Elkhorn Coal Co	Major	45	Elkhorn No. 2 & 3**	275	255	*220	230	215	*210	*170	*165
Prater, Dock	Prater	1251	Elkhorn**	275	255	*220	230	215	*210	*170	*165
Purity Cannel Coal Co	Purity Cannel	1252	Elkhorn	275	255	*220	*230	*215	*210	*170	*165
Quinby, David W. (Kentucky & Virginia Coal Company).	Big Sandy	2545	Elkhorn No. 1**	275	255	*220	*230	215	*210	170	165
Ratliff & Collins (Ransom Ratliff).	Syck	1253	Elkhorn No. 3**	275	255	*220	*230	215	*210	170	165
Ratliff, Lit	Ratliff	1254	Elkhorn	275	255	*220	*230	*215	*210	*170	*165

Code member index	Mine	Mine index No.	Seam	Base sizes: maLp over 2", egg 4" x 6"	Lump 2" and under egg 3" x 6"	Lump 3¼" and under	Egg 2" x 4", egg 2" x 6"	Stove 3" and under nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDIVISION No. 1—BIG SANDY-ELKHORN—Continued PIKE COUNTY, KY.—Con.											
Ray, John L	Ray	2546	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Ray, Willie	Willie Ray	2547	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Ross and Caldwell	Tram	3154	Elkhorn No. 1	*275	*255	*220	230	215	*210	*170	*165
Rockhouse Elkhorn Coal Company.	Janney	1247	L. Elkhorn **	*275	*255	*222	*230	*215	*210	*170	*165
Shelby Steam Coal Company, Inc.	Ratliff	387	Elkhorn No. 1	275	255	*220	230	215	*210	170	165
Sowards, Garfield	Sowards	1256	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Spears, Ford & Rollie Conley	Stanley	1257	Elkhorn **	*275	*255	*220	230	215	*210	*170	*165
Staton, I. M	Staton	1260	Elkhorn	275	255	*220	*230	*215	*210	*170	*165
Stewart, D. M	Harless Creek	%3631	U. Elkhorn	275	255	*220	230	215	*210	170	*165
Stewart Elkhorn Coal Co. (J.E. Bowman).	Stewart No. 1	538	L. Elkhorn	(†)	(†)	(†)	(†)	(†)	*210	(†)	(†)
Sturgill, Lawrence	Sturgill	1261	Elkhorn	275	255	*220	*230	*215	*210	*170	*165
Taylor Coal Company, Inc., The.	Taylor	1262	Elkhorn No. 2	275	255	*220	*230	215	*210	170	165
Thacker & Thacker (Elbridge Thacker).	Fleming	2548	Elkhorn No. 2	275	255	*220	*230	215	*210	170	155 165
Thompson, Anthony	Thompson	1263	Elkhorn **	275	255	*220	*230	215	*210	170	165
Utilities Elkhorn Coal Company	Boldman No. 5E	62	Elkhorn No. 1	*275	*255	*220	230	215	*210	170	164
White's Elkhorn Coal Co. (Richard White)	Wade Ratliff	2549	L. Elkhorn	275	255	*220	*230	215	*210	170	165
Wright, F. A. (Wright Coal Co.)	Bevins No. 1 & 2	1236	Elkhorn No. 2**	275	255	*220	*230	*215	*210	*170	*165
Wright & Spears (Evans Wright)	Wright & Spears	1258	Elkhorn**	275	255	*220	230	215	*210	*170	*165
Belcher, Elmer	Belcher	2926	Auxier**	(†)	(†)	*205	(†)	(†)	*195	(†)	(†)
Epling, Isaac	#Epling	1241	Auxier**	*250	*230	*205	*205	*195	*195	*140	*135

†Indicates no classification effective for these size groups.
*Indicates change in price classification from previous price classification for the respective size groups.
**Indicates change in seam designation.
#Indicates change in mine name.
% Indicates change in Mine Index Number.

[F. R. Doc. 41-9484; Filed, December 17, 1941; 11:19 a. m.]

[Docket No. A-1142]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR WASHED COALS OF CERTAIN MINES IN DISTRICT NO. 10 AND FOR A CHANGE IN PRICE FOR THE COALS OF MINE INDEX NO. 1353 IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices in Size Groups 17–25, inclusive, (washed coals) for certain mines in District 10 and further requesting a change in price in Size Group 7 for the coals of Mine Index No. 1353 in District 10 for truck shipment.

The original petition in Docket A–491 sought a price of $1.85 in Size Group 7 for the coals of Mine Index No. 1353 for truck shipment, alleging that this was the price heretofore established in this size group for analogous and comparable coals. It appears that the price of $1.70 was established for these coals in the Order granting temporary relief and conditionally providing for final relief in Docket A–491, dated January 15, 1941, as the result of an inadvertent error; and that this error should be corrected as prayed for by petitioner.

Minimum prices are sought for the coals of Mine Index Nos. 58 and 1353, in Size Groups 17 through 25 for all shipments except truck. The relief requested may be readily granted by transferring these mines from the present price groups to different price groups which include mines producing analogous washed coals.

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted, as follows: Commencing fifteen (15) days from the date hereof, the Order dated January 15, 1941, 6 F.R. 672, in Docket No. A–491, granting temporary relief and conditionally providing for final relief and supplementing the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments, is amended, and the price of $1.70 established therein for Size Group No. 7 for the coals of the Schuyler Mine (Mine Index No. 1353) of the Schuyler Coal Corp., c/o W. H. Moseley, for truck shipments, is deleted, and the price for Size Group 7 for these coals for truck shipments set forth in the schedule marked supplement T, annexed hereto and hereby made a part hereof, is inserted in lieu thereof.

It is further ordered, That commencing forthwith and pending final disposition of the above-entitled matter, temporary relief be and the same hereby is granted as follows:

1. The price group designated in § 330.2 (*Mine index numbers*) in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck for Mine Index No. 1353 be and the same hereby is changed from Price Group No. 25 to Price Group No. 24.

2. The price group designated in § 330.2 (*Mine index numbers*) in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck for Mine Index No. 58 be and the same hereby is changed from Price Group No. 13 to Price Group No. 12.

3. § 330.25 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments is supplemented to include the price classifications and minimum prices for Mine Index Nos. 58, 1131 and 1353 for Size Groups 17 to 27, inclusive, set forth in the schedule marked supplement T, annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 21, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 5																																
SCHUYLER COUNTY																																
Schuyler Coal Corporation c/o W. H. Moseley	1353	Schuyler	5							[1] 185										175	170	170	170	170	160	160	150	120	135	125		
SECTION NO. 9																																
MARION COUNTY																																
Marion County Coal Mining Corp., Inc	58	Glenridge	6																	165	160	160	160	160	150	150	140	110	125	115		
WASHINGTON COUNTY																																
Darmstadt Coal Company	1131	Darmstadt	6																	165	160	160	160	160	150	150	140	110	125	115		

[1] Effective fifteen days from the date hereof.

[F. R. Doc. 41-9483; Filed, December 17, 1941; 11:19 a. m.]

[Dockets Nos. A-1152 and A-1153]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE

above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-

forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order,

the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: November 21, 1941.

				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20,	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
SECTION NO. 9																														
MARION COUNTY																														
Marion County Coal Mining Corp., Inc.	58	Glenridge	6	165	160	160	160	160	150	150	140	110	125	115	---	---														
WASHINGTON COUNTY																														
Darmstadt Coal Company	1131	Darmstadt	6	165	160	160	160	160	150	150	140	110	125	115	---	---														

[1] Effective fifteen days from the date hereof.

[F. R. Doc. 41-9483; Filed, December 17, 1941; 11:19 a. m.]

[Dockets Nos. A-1152 and A-1153]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR TRUCK SHIPMENT; AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED AT THE DEEP ROCK MINE (MINE INDEX NO. 153) OF THE DEEP ROCK COAL COMPANY IN DISTRICT NO. 11 FOR RAIL SHIPMENT

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11; and

It appearing to the Director that the above-entitled matters raise similar and related issues; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–II, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless the Director shall otherwise order.

Dated: November 21, 1941.

[SEAL] H. A. GRAY, *Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group	Price group	Railroad	Shipping point
153	Deep Rock Coal Company [1] (Matthew Dean).	Deep Rock	III	BC	33	1	PRR.	Seelyville, Indiana.

[1] Mine Index No. 153 shall be included in Price Group 1 and shall take the same f. o. b. mine prices as other mines in Price Group 1 in Price Schedule No. 1, District No. 11, For All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 33 of the Brazil-Clinton Subdistrict having the same freight rate.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–II. Mine Index No. 153 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11 For All Shipments Except Truck as are shown for Mine Index Nos. 55, 83, 121 and 748.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20,	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
OWEN COUNTY																														
Gardner, Henry and James Fiscus (Henry Gardner)	170	Purox	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---												
PIKE COUNTY																														
Hall & Williams (Clarence H. Hall)	173	Hall & Williams	V	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---												
SPENCER COUNTY																														
Kellems, John T	165	Fugitt	V	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---												
VERMILLION COUNTY																														
Hawn, Glen	174	Fox Tail	VI	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---												
CLAY COUNTY																														
Gainey & Young (Henry Young)	171	Morgan Rib	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---												
Heiliger, James	169	Heiliger	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---												
Tucker, John	168	Victory Rib	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---												
DAVIESS COUNTY																														
Prince, Carl	172	Prince	V	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---												
GREENE COUNTY																														
Walton Coal Co. (Ray Walton)	176	Walton	VI	275	270	265	230	225	220	180	185	175	170	135	125	70	40	---												
MARTIN COUNTY																														
Wathen, Otto S	175	Farrall	V	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---												

[F. R. Doc. 41-9480; Filed, December 17, 1941; 11:18 a. m.]

[Docket No. A-1138]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto supplement R, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No price classifications and no minimum prices are established herein for the coals of the Southerland Mine (Mine Index No. 2) of Thomas & Tedford for truck shipment, because the records of the Division indicate that the present owners are successors to D. H. Southerland. Prices were established for this mine in the Schedule of Effective Minimum Prices for District No. 13 For Truck Shipment when the mine was owned by D. H. Southerland.

Price classifications and minimum prices for the coals of Mine Index No. 356 of A. Z. Mahaffey for rail shipment are established under the mine name Utah #2 instead of the mine name A. Z. Mahaffey, because the records of the Division indicate that Utah #2 is the correct name for this mine.

No price classifications and no minimum prices are established herein for the coals of the Grady T. Whaley mine of Grady T. Whaley for all shipments except truck, because no code acceptance has been received by the Division for this mine.

No price classifications and no minimum prices are established herein for the coals of the Sipsey Mine (Mine Index No. 1306) of DeBardeleben Coal Corporation for rail shipment, because prices for this mine have been established in Docket No. A–1128.

The price of $2.30 has been established in Size Group 23 for the coals of the Pierce & Durrett Mine (Mine Index No. 1283) of Pierce & Durrett Bros. for truck shipment, instead of $2.20 as requested in the original petition, because the coals of this mine are alleged to be analogous and comparable to other coals produced in the Milldale seam for which coals the price of $2.30 in Size Group 23 has been established by an order granting permanent relief in Docket No. A–296.

Dated: November 18, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 *General prices*—Supplement R

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	JEFFERSON COUNTY, ALA.				
141	Drake & Cato (C. R. Drake)	New Mine [1]	1	Black Creek	31
356	Mahaffey, A. Z	Utah #2 [1]	1	Black Creek	31
1313	Young, Joe	Joe Young [1]	1	Black Creek	31
	MARION COUNTY, ALA.				
1174	Colburn, W. J	Colburn No. 1 [2]	1	Black Creek	101
1317	Colburn, W. J	Colburn No. 2 [2]	1	Black Creek	101
1318	Colburn, W. J	Colburn No. 3 [2]	1	Black Creek	101
1319	Colburn, W. J	Colburn No. 9 [2]	1	Black Creek	101
1320	Colburn, W. J	Colburn No. 10 [2]	1	Black Creek	101
1321	Colburn, W. J	Colburn No. 11 [2]	1	Black Creek	101
1322	Colburn, W. J	Colburn No. 12 [2]	1	Black Creek	101
1323	Colburn, W. J	Colburn No. 13 [2]	1	Black Creek	101
1324	Colburn, W. J	Colburn No. 14 [2]	1	Black Creek	101
1325	Colburn, W. J	Colburn No. 15 [2]	1	Black Creek	101
1326	Colburn, W. J	Colburn No. 16 [2]	1	Black Creek	101
	WALKER COUNTY, ALA.				
1256	Big Ridge Coal Co. (Rufus Wilson)	No. 1 Opening	1	America	120
641	Newton & Frost (R. L. Newton)	Ferguson [4]	1	Corona	120
668	Winn, D. F	Winn [5]	1	America	120

[1] These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 76. Shipping Point: Warrior, Ala. Railroad: L&N.

[2] These mines shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 18.

These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 18.

These mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.

These mines shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 18.

Shipping Point: Glen Allen, Ala. Railroad: SL&SF.

[3] This mine shall have the same price in size group 1 on all price tables as listed for mine with Index Number 56.

This mine shall have a price in size group 13 on all price tables, 20¢ under the price listed in size group 12 for mine with Index Number 56.

Shipping Point: America Junction. Railroad: Southern Ry.

[4] This mine shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 56.

This mine shall have a price in size groups 7, 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 17 and 18, respectively, for mine with Index Number 56.

Shipping Point: Oakman, Ala. Railroad: Southern Ry.

[5] This mine shall have the same prices in size groups 1 and 24 on all price tables as listed for mine with Index Number 56.

Shipping Point: Cordova, Ala. Railroad: Southern Ry.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Subdis.	Mine index	Seam	Lump: over 2" Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under bot. size over ¼"	Chestnut: Top size 3" and under bot. size ¼" and under	Chestnut: Top size 1¼" and under bot. size ¼" and under	Run of mine modified R/M	Resultants: 3" and under	Screenings: 1½" and under	Industrial coal
	JEFFERSON COUNTY, ALA.													
141	Drake & Cato (C. R. Drake)	1	141	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
356	Mahaffey, A. Z	1	356	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1313	Young, Joe	1	1313	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
	MARION COUNTY, ALA.													
1174	Colburn, W. J	1	1174	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1317	Colburn, W. J	1	1317	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1318	Colburn, W. J	1	1318	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1319	Colburn, W. J	1	1319	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1320	Colburn, W. J	1	1320	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1321	Colburn, W. J	1	1321	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1322	Colburn, W. J	1	1322	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1323	Colburn, W. J	1	1323	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1324	Colburn, W. J	1	1324	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1325	Colburn, W. J	1	1325	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
1326	Colburn, W. J	1	1326	Black Creek	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
	WALKER COUNTY, ALA.													
1256	Big Ridge Coal Co. (Rufus Wilson)	1	1256	America	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
641	Newton & Frost (R. L. Newton)	1	641	Corona	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
668	Winn, D. F	1	668	America	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: over 2" Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under bot. size over ½"		Chestnut: Top size 3" and under bot. size. ½" and under		Chestnut: Top size 1¼" and under bot. size ½" and under		Run of mine modified R/M	Resultants: 3" and under		Screenings: 1¼" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
BIBB COUNTY																			
Tait & Blair (G. G. Tait)	Big Bonanza	2	1335	Gould	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
BLOUNT COUNTY																			
Cooper, Floyd	Cooper's	2	1309	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Perrin & Horsley (W. E. Horsley)	Rock Creek	2	165	Inland	280	280	275	295	275			270	250	230	235	200	230	180	290
Young, Joe	Joe Young	2	1313	Black Creek	355	355	340	345	325	310	300	295	285	285	275	275	265	250	285
JEFFERSON COUNTY																			
Cranford Cahaba Coal Co.	Upper Helena No. 1	2	1316	Upper Helena	280	280	275	295	275			270	250	230	235	200	230	180	280
Jenkins, Charlie	Jenkins	2	1315	Helena	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Sellers, Matt	Sellers Coal Co.	2	1312	Helena	365	365	340	335	315	315	290	300	275	275	260	190	240	175	275
MARION COUNTY																			
Beasley, Lander G	L. G. Beasley	2	1308	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Bell & Bell (Clarence & Milas Bell)	Bell	2	1336	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 2	2	1317	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn, No. 3	2	1318	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 9	2	1319	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 10	2	1320	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 11	2	1321	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 12	2	1322	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 13	2	1323	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 14	2	1324	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 15	2	1325	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Colburn, W. J	Colburn No. 16	2	1326	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Doss, Luther	Doss	2	1310	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Harbin, W. J	Harbin No. 5	2	1327	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Harbin, W. J	Harbin No. 6	2	1328	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Harbin, W. J	Harbin No. 7	2	1329	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Harbin, W. J	Harbin No. 8	2	1330	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Hill & West	Iceberg	2	1331	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Rowell, A. B	Rowell	2	1332	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
West & Company, W. I	West No. 5	2	1333	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
West & Company, W. I	West No. 6	2	1334	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
TUSCALOOSA COUNTY																			
Pierce & Durrett Bros	Pierce & Durrett	2	1283	Millidale	385	385	340	345	325	310	300	295	285	285	275	265	265	230	285
WALKER COUNTY																			
Headrick, A. L	Abe Coal Co.	2	1337	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Johnson Bros. (John M. Johnson)	Johnson	2	1338	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Roberts, L. T	Robert's Place	2	1311	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
WINSTON COUNTY																			
White, J. R	White	2	781	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

property located in the United States, its territories and possessions, including the Philippine Islands, upon an adequate operating basis, without expansion or improvement of facilities except where duly authorized or approved. The terms and conditions of this Order are to be interpreted in conformity with this expressed policy.

(b) *Definitions.* (1) "Producer" means:

(i) Any governmental unit;

(ii) Any individual, partnership, association, corporation, or other form of enterprise engaged in one or more of the following capacities to the extent that it is so engaged or so acts:

(*a*) Manufacturing, processing, or fabricating;

(*b*) Warehousing—maintaining warehouses for storage or distribution of any Material;

(*c*) Wholesaling—acting as a distributor of products sold to manufacturers, wholesalers, retailers, or other persons not consumers;

(*d*) Charitable institutions—any charitable or eleemosynary institution which is recognized as such for purposes of the Internal Revenue Laws of the United States;

(*e*) Carriers—urban, suburban, and interurban common or contract carriers of passengers or freight by electric railway, electric coach, motor truck, or bus, including terminals of any of the foregoing; railroads, including terminals; shipping—commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals;

(*f*) Educational institutions (including vocational training);

(*g*) Printers and publishers;

(*h*) Radio—commercial broadcasting and communication;

(*i*) Telephone and telegraph communication, including wire services;

(*j*) Hospitals, clinics, and sanatoriums;

(*k*) Petroleum and Natural Gas—discovery, development and depletion of pools of petroleum and associated hydrocarbons, and derivatives thereof, and transportation of petroleum, associated hydrocarbons and derivatives thereof;

(*l*) Irrigation systems, whether publicly or privately owned; toll bridges and toll canals.

(iii) Any person using tools or equipment to repair or maintain the property of any Producer as defined in (b) (1) (i) and (ii)

(2) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(3) Subject to subparagraph (6), "Maintenance" means the upkeep of a Producer's property and equipment in sound working condition.

(4) Subject to subparagraph (6), "Repair" means the restoration of a Producer's property and equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar causes.

(5) Subject to subparagraph (6), "Operating Supplies" means any Material which is essential to the operation of the Producer's business and which is consumed in the course of such business including, but not limited to, lubricants, catalysts, small perishable tools, and ferrous material necessary for the fabrication of containers: *Provided*, it shall not include

(i) Any Material which is physically incorporated, in whole or in part, into any material which the producer manufactures, distributes, sells, stores or transports; or

(ii) Any material that is to be used as fuel; or

(iii) Any non-ferrous material to be used as packaging supplies.

(6) The terms "Maintenance," "Repairs", and "Operating Supplies" *do not* include the following:

(i) The replacement of an item carried on the Producer's books as a fixed asset;

(ii) Material which would not be carried on the Producer's books as Maintenance, Repairs, Operating Supplies, or the equivalent, in the Producer's established method of bookkeeping;

(iii) Material for the improvement of a Producer's property or equipment through the replacement of Material in the existing installation, unless such equipment is beyond economic repair;

(iv) Material for additions to, or expansions of, such property or equipment.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of material to a Producer or another Supplier.

(c) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A-10 is hereby assigned:

(1) To deliveries, to a producer, of Material required by him as Operating Supplies or for the Maintenance or Repair of his property or equipment;

(2) To deliveries to any Supplier, who has received purchase orders rated under this Order from a Producer or from another Supplier, of Material which will be delivered by him or by another Supplier to the Producer to fill such rated orders, or which will be physically incorporated into Material which will be so delivered; or which will be used within the limitations of paragraph (f) (2) hereof, to replace in such Supplier's inventory Material delivered to fill orders rated pursuant to this Order or pursuant to Preference Rating Order No. P-22, as heretofore amended.

Provided, That when any General Preference ("E" or "M") Order assigns a specific preference rating to deliveries of any particular Material to be used by a particular industry or for a specific purpose, such preference rating shall control and the A-10 rating hereby assigned may not be applied: *And provided further*, That the preference rating hereby assigned may not be applied to deliveries of any Material to be used for purposes prohibited by any Order or Regulation issued by the Director of Priorities.

(d) *Persons entitled to apply preference rating.* The Preference Rating hereby assigned may be applied by:

(1) A Producer;

(2) Any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (c) and have been rated pursuant to this Order.

(e) *Application of preference rating.* (1) A Producer or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material manually signed by a responsible official duly designated for such purpose by such Producer or Supplier:

Material for Maintenance, Repair, or Operating Supplies—Rating A-10 under Preference Rating Order P-100 with the terms of which I am familiar.

Name of Producer or Supplier

Signature of Designated Official

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required for the purpose stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Producers and each Supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Office of Production Management, endorsed copies of all purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions on use of rating*—(1) *Restrictions on producer and supplier.* No Producer or Supplier may apply the rating hereby assigned to obtain scarce Material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design.

(2) *Restrictions on supplier.* (i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inven-

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[1] 5 F.R. 3785.
[2] Filed with original document.

Section 958.1 (*Preference Rating Order No. P-22 Amended*)[1] is hereby revoked.

§ 985.2 *Preference Rating Order No. P-100.* For the purpose of facilitating the acquisition of Material for (1) the maintenance and repair of the property with the Division of the Federal Register.

[1] 6 F.R. 5332, 6729.

tory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may defer application of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(g) *Restrictions on withdrawals and inventory.* (1) Except as provided in paragraph (g) (3) and (4), no Producer who has applied the ratings assigned hereby shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any Material to be used as Operating Supplies or for Maintenance or Repair until the Producer's inventory and stores of Material to be used for these purposes have been reduced to a practicable working minimum. Such practicable minimum shall in no event exceed one hundred ten percent (110%) of the maximum dollar volume of Material to be used as Operating Supplies and for Repairs and Maintenance in inventory and stores during the corresponding calendar quarter of 1940.

(2) Except as provided in paragraph (g) (3) and (4), no producer who has applied the ratings assigned hereby shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed one hundred ten percent (110%) of the aggregate dollar volume of the withdrawals of such Material during the corresponding quarter of 1940, or, at the Producer's option, twenty-seven and one-half percent (27½%) of the aggregate dollar volume of the withdrawals of such Material during the calendar year 1940.

(3) From time to time the Director of Priorities may determine that certain Producers or classes of Producers are exempt, in whole or in part, from the restrictions contained in paragraph (g) (1) and (2).

(4) Restrictions contained in paragraph (g) (1) and (2) shall not apply to any Producers during any Calendar Quarterly Period in which

(i) the total volume of his purchases of Material for Maintenance, Repairs and Operating Supplies does not exceed five thousand dollars ($5,000); and

(ii) the total volume of his withdrawals of Material for such purposes does not exceed five thousand dollars ($5,000).

(h) *Audits and reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Office of Production Management.

(2) Each such Producer or Supplier shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Office of Production Management.

(i) *Utilities and mines excepted.* This Order is not applicable to any Utility defined as a Producer in Preference Rating Order No. P-46 (§ 978.1) as amended from time to time, nor to any Operator as defined in Preference Rating Order No. P-56 (§ 982.1). The Director of Priorities may from time to time specifically except further classes of Producers from this Order by specific direction.

(j) *False statements and penalties.* Any person who applies the preference rating hereby assigned in wilful violation of the terms and provisions of this Order, or wilfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and wilful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 A of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, but no applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(l) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 18th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9545; Filed, December 18, 1941; 11:27 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 38—GLYCERINE

Sections 1335.405 and 1335.410 of Price Schedule No. 38[1] are hereby amended to read as follows:

§ 1335.405 *Affirmations of compliance.* On or before December 20, 1941, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has sold glycerine in containers of 500 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 138:2 containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 138:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.

§ 1335.410 *Appendix A; maximum prices for glycerine.* The following maximum prices are established for glycerine:

(a) *Refined glycerine*

	Per pound delivered
(1) C. P. glycerine (98% glycerol):	
(i) Tank cars	$0.18½
(ii) Drums, car-load lots	.18¾
(iii) Drums, less than car-load lots	.19¼
(2) C. P. glycerine (U. S. P. 95% glycerol):	
(i) Tank cars	.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾
(3) Dynamite:	
(i) Tank cars	.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾
(4) High gravity:	
(i) Tank cars	.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾
(5) Yellow distilled:	
(i) Tank cars	.18
(ii) Drums, car-load lots	.18¼
(iii) Drums, less than car-load lots	.18¾

The above prices established for refined glycerine in this paragraph (a) are applicable to deliveries in Zones A and C. For deliveries of refined glycerine in Zone B, the maximum price shall be the maximum price for deliveries in Zones A and C plus 2¢ per pound.

(b) *Crude glycerine*

	Per pound delivered
(1) Soap lye (basis 80% glycerol):	
(i) Tank cars	$0.11½
(ii) Drums, car-load lots	.11½
(iii) Drums, less than car-load lots	.11½
(2) Saponification (basis 88% glycerol) to refiners:	
(i) Tank cars	.12¾
(ii) Drums, car-load lots	.12¾
(iii) Drums, less than car-load lots	.12¾

[1] 6 F.R. 5488.

	Per pound f. o. b. point of manufacture
(3) Saponification (basis 88% glycerol) for individual uses:	
(i) Tank cars	$0.12¾
(ii) Drums, car-load lots	.13¾
(iii) Drums, less than car-load lots	.14¾

(4) *Crude glycerine of glycerol percentages other than those listed above.* Maximum prices for crude glycerine of any glycerol percentages other than those listed above, shall be the maximum prices set forth above for the respective grade, use and quantity, increased or decreased in proportion to the increase or decrease in the percentage of glycerol content.

(c) *Excess freight.* Where the transportation charge on a shipment of crude glycerine from point of manufacture to point of refining exceeds the transportation charge which would be applicable on the same shipment from the same point of manufacture by the same mode of transportation to another point of refining, the amount of such excess may be added to the delivered prices set forth in paragraph (b) above. Such excess shall be shown as a separate item in all records and invoices.

(d) *Definitions as used in this Appendix A.* When used in this Appendix A, the term:

(1) Zone "A" means All points east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas; Laramie County, Wyoming; Colorado, east of but not including the following counties: Jackson, Grand, Gilpin, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, Costilla.

(2) Zone "B" means The territory between Zone A and Zone C, as follows: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath, Nevada; Arizona, New Mexico, that part of Colorado west of and including those counties mentioned above; Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(3) Zone "C" means the territory west of Zone "B". (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 effective December 18, 1941.

Issued this 18th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9509; Filed, December 18, 1941; 10:02 a. m.]

PART 1354—WOOL AND WOOL PRODUCTS

PRICE SCHEDULE NO. 58—WOOL AND WOOL TOPS AND YARNS

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of clothing and other primary requirements. Hostilities in the Pacific have raised the possibility of interference with the free flow of wool from foreign countries. At the same time there is every likelihood of an increase in the wool requirements of the armed forces of the United States. This combination of circumstances would, unless forestalled, result in a bidding up of the prices of raw wool, wool tops, yarns, waste, and wool by-products and substantially increase the cost of living of the civilian customer. As a measure of public interest it becomes necessary to establish maximum prices for such materials.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, revised schedules covering wool and wool products will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.* (a) On and after December 18, 1941, no person shall sell, offer to sell, deliver or transfer wool or wool tops or yarns at prices higher than the maximum prices established herein; except that contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 6, 1941, inclusive, of wool or wool tops or yarns of the same class, kind, type, condition and grade, to a purchaser of the same general class.

(2) If during said period, no such sale or delivery was made, the maximum price shall be the price contracted or received by the seller for the last sale or delivery made prior to October 1, 1941, of wool or wool tops or yarns of the same class, kind, type, condition and grade, to a purchaser of the same general class, except that in the case of a sale of wool by or for the account of an individual grower the maximum price shall be the highest market price in the same market during said period of wool of the same class, kind, condition and grade to purchasers of the same general class.

(3) In all other cases, the maximum price shall be the highest market price during the said period of wool or wool tops or yarns of the same class, kind, type, condition and grade, to purchasers of the same general class.

(c) The maximum prices determined in accordance with paragraph (b) above shall be the maximum prices for all transactions except for grease wool and wool tops futures contracts traded on the Wool Associates of the New York Cotton Exchange, Inc. For such contracts, the maximum prices shall be the highest prices for December deliveries on said Exchange during the period between October 1, 1941, and December 6, 1941: *Provided*, That contracts entered into on said Exchange prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out, at the contract price. Such maximum prices are as follows:

	Cents
Wool Top Futures	127.8
Grease Wool Futures	95.5

(d) Sales at retail are excepted from the operation of this Schedule.*

*§§ 1354.1 to 1354.9, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1354.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1354.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or wool tops or yarns, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1354.4 *Records and reports.* Every person making sales of wool or wool tops or yarns after December 17, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each class, kind, type, condition and grade of wool or wool tops or yarns sold. Every such person shall also on or before January 10, 1942, have available for the Office of Price Administration a record of his prices for all sales and deliveries of wool and wool products during the period from October 1, 1941, to December 6, 1941.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1354.5 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold wool or wool tops or yarns, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 158:1 containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 158:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1354.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or wool tops or yarns, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1354.7 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1354.8 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Wool" means the fibers from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or of the camel, alpaca, llama and vicuna, and shall include noils, wool waste, clips and rags and reworked wool of all grades and mixtures;

(c) "Wool tops" means tops made wholly or in part of wool;

(d) "Yarns" means yarns containing 10% or more wool by fiber weight;

(e) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.*

§ 1354.9 *Effective date of the schedule.* This Schedule shall become effective December 18, 1941.*

Issued this 17th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9506; Filed, December 17, 1941; 4:14 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 88-A]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

SUSPENSION OF CERTAIN REQUIREMENTS GOVERNING RADIOTELEGRAPH OPERATORS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of December 1941;

The Commission having under further consideration the matter of the shortage of radiotelegraph operators possessing six months' previous service as qualified operators of stations on board cargo vessels of the United States which are subject to the provisions of Part II, Title III of the Communications Act of 1934, as amended; and

It appearing that the Commission by Order No. 83,[1] suspended for the period July 9, 1941 to January 9, 1942, the requirement of six months' previous service contained in sec. 353 (b) of said Act and subparagraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations; and

It appearing further that a shortage of radiotelegraph operators possessing six months' previous service will continue to exist for a period of six months from January 9, 1942, and, accordingly, further suspension of the foregoing requirement is necessary;

It is ordered, That the aforesaid requirements contained in sec. 353 (b) of the Communications Act of 1934, as amended, and in subparagraphs (c) (3) and (d) (2) of § 13.61 of the Rules and Regulations be, and the same are hereby, suspended for a perior of six months beginning January 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9508; Filed, December 18, 1941; 9:56 a. m.]

[1] 6 F.R. 3407.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1218]

IN THE MATTER OF THE REVISION OF THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SALES OR DELIVERIES OF COAL BY NORTH WESTERN FUEL COMPANY SO AS TO PERMIT THE PERFORMANCE OF CERTAIN OUTSTANDING CONTRACTS AND SPOT ORDERS IN ACCORDANCE WITH THEIR TERMS, PURSUANT TO SECTION 4 II (b) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

North Western Fuel Company, a registered distributor, by an application dated December 9, 1941, applied for review and revision of the minimum prices of coal which it is under obligation to supply to its regular customers, or is to deliver in fulfillment of certain existing spot orders and contracts. In support of its application, North Western Fuel Company states that shipments to the consumers in question are customarily made from the dock of Central West Coal Company (a division of the North Western Fuel Company) at Menominee, Michigan, and that by reason of damage to a bridge serving that dock at Menominee, it has been forced to discontinue deliveries therefrom. Until repairs are concluded, which it is estimated will take three months, North Western Fuel Company requests permission to make deliveries to these purchasers from other docks at such prices that the purchaser will pay no more for the coal delivered than it would pay for coal delivered from Menominee. As the freight rates from the other docks are higher than from Menominee, this involves reduction of the effective minimum price f. o. b. dock by the amount of the freight rate differential. This application is on file at the office of the Division at 734 15th Street NW., Washington, D. C., and is hereby made a part of the official docket in this proceeding.

It is ordered, That a hearing in the above-entitled matter, under the applicable provisions of the Bituminous Coal Act of 1937, be held on February 2, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons or entities having an interest in these proceedings and eligible to become a party herein. Any person, desiring to be admitted as a party to this proceeding, may file a petition of intervention, setting forth clearly and concisely the facts on the basis of which the relief requested by North Western Fuel Company is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 28, 1942. So far as practicable, the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 shall apply to the proceeding herein.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically referred to herein, other matters necessarily incidental and related thereto, which may be raised by the petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the request made by North Western Fuel Company.

The matter concerned herewith is in regard to revision of the minimum prices now effective for sales or deliveries of coal by North Western Fuel Company from certain docks at Milwaukee and Superior, Wisconsin, and Duluth, Minnesota, or from other docks located on the west bank of Lake Michigan or the south bank of Lake Superior, to certain purchasers in Market Areas 42, 43, and 44 in fulfillment of contracts or spot orders previously entered into.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9515; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. 1674-FD]

IN THE MATTER OF TAGGART COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8905, RESPONDENT

ORDER FOR RESTORATION OF REGISTRATION

The Director having entered an Order in the above-entitled matter dated November 15, 1941, suspending the registration of the respondent, Taggart Coal Sales Company, as a distributor, Registration No. 8905, for a period of thirty (30) days from the date of said Order; and

Said Order having been served upon the respondent on November 22, 1941; and

The Taggart Coal Sales Company, respondent herein, having duly filed with the Division on December 11, 1941, an affidavit dated December 9, 1941, pursuant to the provisions of said Order dated November 15, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said affidavit of the Taggart Coal Sales Company sufficiently complies with the provisions of said Order dated November 15, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors.

Now, therefore, it is ordered, That the registration of the Taggart Coal Sales Company, as a distributor be and it hereby is restored.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9516; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. 1783-FD]

IN THE MATTER OF HORNING-ROSS COAL COMPANY (WALTER F. HORNING), REGISTERED DISTRIBUTOR, REGISTRATION NO. 4507, RESPONDENT

ORDER FOR REINSTATEMENT OF REGISTRATION

The Director having entered an Order in the above-entitled matter dated November 14, 1941, suspending the registration of the defendant, Horning-Ross Coal Company (Walter F. Horning), as a distributor, Registration No. 4507, for a period of thirty (30) days from the date of said Order; and

Said Order having been served upon the defendant on November 18, 1941; and

The Horning-Ross Coal Company (Walter F. Horning), defendant herein, having duly filed with the Division on December 10, 1941, an affidavit dated December 8, 1941, pursuant to the provisions of said Order dated November 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said affidavit of the Horning-Ross Coal Company (Walter F. Horning) sufficiently complies with the provisions of said Order dated November 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors;

Now, therefore, it is ordered, That the registration of the Horning-Ross Coal Company (Walter F. Horning), as a distributor, be and it hereby is reinstated, as of December 15, 1941.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9517; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1709-FD]

IN THE MATTER OF PRINCESS PAT COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated June 2, 1941, having been filed herein on June 29, 1941, by the Bituminous Coal Producers Board for District No. 4, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Princess Pat Coal Company, Pomeroy, Ohio, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of the Princess Pat Coal Company, both dated November 6, 1941, after a hearing held in the above-entitled matter on September 17, 1941, at Pomeroy, Ohio, pursuant to an Order of the Acting Director dated July 12, 1941; and

Scott Dana Folmer doing business as Princess Pat Coal Company having filed with the Division pursuant to section 5 (c) of the Act, an application dated December 3, 1941, for restoration of code membership; and

It appearing from said application that Scott Dana Folmer doing business as Princess Pat Coal Company, on November 17, 1941, paid to the Collector of Internal Revenue at Columbus, Ohio, the sum of seventy-nine dollars and forty-seven cents ($79.47), as provided in said Order of November 6, 1941, as a condition precedent to restoration of his code membership;

It is, therefore, ordered, That said application of Scott Dana Folmer doing business as Princess Pat Coal Company, dated December 3, 1941, for restoration of his code membership be granted and that the code membership of Scott Dana Folmer doing business as Princess Pat Coal Company, be and it hereby is restored as of November 17, 1941.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9518, Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1768-FD]

IN THE MATTER OF URBANDALE COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated June 21, 1941, having been filed herein by the Bituminous Coal Producers' Board for District No. 12, on June 25, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Urbandale Coal Company, Des Moines, Iowa, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director, on October 31, 1941, having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of the Urbandale Coal Company, after a hearing held in the above-entitled matter on September 17, 1941, at Des Moines, Iowa, pursuant to an Order of the Acting Director dated July 21, 1941; and said Order of Revocation having been duly served upon the Urbandale Coal Company on November 10, 1941; and

Said Urbandale Coal Company, having filed with the Division as provided in section 5 (c) of the Act, its application dated December 4, 1941, for restoration of code membership; and

It appearing from said application that the Urbandale Coal Company, on November 14, 1941, paid to the Collector of Internal Revenue at Des Moines, Iowa, the sum of one hundred fifty-eight dollars and six cents ($158.06), as provided in said Order of October 31, 1941, as a condition precedent to restoration of its code membership;

Now, therefore, it is ordered, That said application of the Urbandale Coal Company, dated December 4, 1941, for restoration of its code membership be granted and that the code membership of the Urbandale Coal Company, be and it hereby is restored as of November 14, 1941.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9519; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1688-FD]

IN THE MATTER OF PATIK COAL COMPANY (F. T. PATIK), DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated May 10, 1941, having been filed herein by the Bituminous Coal Producer's Board for District No. 12, on May 17, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Patik Coal Company (F. T. Patik), Oskaloosa, Iowa, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director, on October 22, 1941, having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of Patik Coal Company (F. T. Patik), after a hearing held in the above-entitled matter on September 8, 1941, at Oskaloosa, Iowa, pursuant to an Order of the Acting Director dated July 21, 1941; and said Order of Revocation having been duly served upon the Patik Coal Company (F. T. Patik) on October 30, 1941; and

Said Patik Coal Company (F. T. Patik), having filed with the Division, as provided in section 5 (c) of the Act, its application dated December 10, 1941, for restoration of code membership; and

It appearing from said application that the Patik Coal Company (F. T. Patik), on December 10, 1941, paid to the Collector of Internal Revenue at Des Moines, Iowa, the sum of eight hundred thirty dollars and twenty-five cents ($830.25), as provided in said Order of October 22, 1941, as a condition precedent to restoration of its code membership;

Now, therefore, it is ordered, That said application of the Patik Coal Company (F. T. Patik), dated December 10, 1941, for restoration of its code membership be granted and that the code membership of the Patik Coal Company (F. T. Patik), be and it hereby is restored as of December 10, 1941.

Dated, December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9520, Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1556-FD]

IN THE MATTER OF Q. C. TAYLOR, DEFENDANT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Fairmont, West Virginia, on March 19, 1941, pursuant to the Order of the Director dated February 13, 1941, and subsequently postponed by action of the Director dated March 17, 1941, to a date and a hearing room to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on January 22, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia.

It is further ordered, That Charles S. Mitchell be and he hereby is designated to preside at such hearing vice Floyd McGown; and

It is further ordered, That the Notice of and Order for Hearing herein dated February 13, 1941, shall in all other respects remain in full force and effect.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9513; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. B-57]

IN THE MATTER OF CHARLY KOLARICH, CODE MEMBER, DEFENDANT

AMENDMENT TO NOTICE OF AND ORDER FOR HEARING

A complaint dated September 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 30, 1941, by Bituminous Coal Producers Board for District No. 22, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; and

An amendment to said complaint alleging certain additional wilful violations by the defendant of the Bituminous Coal Code or rules and regulations thereunder as set forth hereinafter in paragraph numbered "2", having been duly filed on November 4, 1941; and

Said original complaint having been noticed for hearing on January 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana, by order of the Director dated November 22, 1941;

It is ordered, That the said Notice of and Order for Hearing dated November 22, 1941 be and the same hereby is amended by adding thereto at the end thereof an additional paragraph reading as follows:

2. That said defendant wilfully violated the provisions of the Code and the effective minimum prices by selling to various persons from January 2, to March 6, 1941, both dates inclusive, (a) approximately 52.3 tons of 4½" lump coal produced at said mine for delivery by truck at $3.75 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was $4.00 per net ton f. o. b. the mine, and (b) approximately 57 tons of 4½" x 1¼" stove coal at $3.00 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was $3.50 per net ton f. o. b. the mine.

It is further ordered, That, except as hereinabove specifically amended, said Notice of and Order for Hearing dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9514; Filed, December 18, 1941; 11:17 a. m.]

[Docket No. 1815-FD]

IN THE MATTER OF FRANK H. MCDONALD, DEFENDANT

ORDER APPROVING AND ADOPTING EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 3, complainant, alleging wilful violation by Frank H. McDonald, a code member in District 3, the defendant, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 3 for Truck Shipment and with intent to violate the same and in violation thereof, sold for truck shipments between December 17, 1940 and January 15, 1941, inclusive, approximately 184 tons of mine run coal (Size Group 5) produced at defendant's McDonald Mine in District 3 at delivered prices lower than the effective minimum f. o. b. mine price for such coal;

Pursuant to an order of the Director and after due notice to all interested parties, a hearing having been held in this matter before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in the above proceeding dated November 18, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the defendant to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Frank H. McDonald, be and the same is hereby revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Frank H. McDonald, to code membership in the Code, he shall pay to the United States a tax in the amount of $147.25, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9521; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. 1810-FD]

IN THE MATTER OF R. D. ALLMAN, DEFENDANT

ORDER APPROVING AND ADOPTING WITH MODIFICATION, THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on August 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by Bituminous Coal Producers Board for District 3, alleging that R. D. Allman, a code member in District 3, defendant, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling for shipment by truck 64 tons of double screened coal 2" down to ¾" (Size Group 6), produced at the defendant's mine (Mine Index No. 505) in District 3, and delivered the same by truck to the Lewis County Court at prices lower than the effective minimum f. o. b. mine price for such coal, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Clarksburg, West Virginia, on September 24, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter dated November 10, 1941, recommending that the defendant's code membership be revoked and cancelled.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report, and supporting briefs; the defendant has filed exceptions to the Examiner's Proposed Findings of Fact and Proposed Conclusions of Law.

The defendant excepted to the proposed finding by the Examiner that the coal in question was a mixture of 1¼" slack nut and dust, falling within Size Group 6, and priced at $1.78 per net ton f. o. b. the mine, contending that the evidence shows the coal was a mixture of ¾" slack and ¼" nut and dust falling in Size Group 7 and priced at $1.68 per net ton f. o. b. the mine.

The Record indicates that witness Tharp testified concerning the size of the coal involved. Tharp testified that he purchased the coal for the county, and, as the fireman of the furnace where it was consumed, he saw and handled the coal, and that it was a mixture of 1¼" slack, nut, and dust. The defendant testified that the coal was a mixture of ¾" slack, ¼" nut, and dust. The defendant also testified that the coal passed through a 1" screen. Witness Payne, a compliance agent, testified that he saw certain coals at the court house which were pointed out to him as defendant's coal and which approximated 2" down to ¾" in size. There is thus sharp conflict in the testimony of the three witnesses. Should we disregard the testimony of witness Payne, there remains the conflict between the testimony of Tharp and the defendant. There are certain well-defined criteria helpful in resolving conflicts in testimony. Among these are the opportunity of the presiding officer to observe the demeanor of the witness; the interest of the witness; the facilities and opportunities of the witness for observation; and, the disposition of the witness toward fairness, accuracy, and impartiality. Witness Tharp was disinterested. He was an employee of the county and had the duty of purchasing its fuel and physically tending the furnaces. His testimony respecting the size of the coal in question is unequivocal. He saw and actually handled the coal as well as purchasing it. The demeanor of the witnesses was under the direct observation and scrutiny of the Examiner. His conclusion as to the facts testified to by witnesses must be afforded considerable weight. On the basis of the foregoing and on the basis of the record, I conclude that the Examiner's proposed findings as to size are correct and that the exception thereto should be denied.

The Examiner found that 64 tons of coal were involved and that the amount of tax, based on 64 tons at $1.78 per ton f. o. b. the mine, required that there be paid by the defendant as a condition to reinstatement of code membership $44.43. The defendant excepted to the finding that 64 tons were involved, contending that the tonnage should be only 32 tons and the tax reduced accordingly. On reviewing the record I find that the complaint was limited to sales made during October and November 1940. During this period defendant sold 32 tons of coal to the county court. At the hearing an attempt was made to amend the complaint to include similar sales made during December 1940 and January 1941. The record fails to disclose that defendant agreed to this amendment. Accordingly, I find that this exception is well taken and should be sustained. I find, therefore, that the tonnage in question was 32 tons and the amount of tax required to be paid by the defendant as a condition to his reinstatement to membership in the Code as provided in section 5 (c) of the Act is $22.21.

The undersigned having determined, after a consideration of the record and the defendant's exceptions, that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, as hereinabove modified, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the exception of the defendant that the tonnage of coal involved should be reduced from 64 to 32 tons and the penalty reduced accordingly, be and the same hereby is sustained, and in all other respects the exceptions of the defendant should be, and hereby are, denied.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as herein amended, be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That pursuant to Section 5 (b) of the Act, the code membership of the defendant, R. D. Allman, be and it is hereby revoked and cancelled;

It is further ordered, That, prior to any reinstatement of the defendant to mem-

bership in the code, the defendant shall pay to the United States a tax in the amount of $22.21, as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9522; Filed, December 18, 1941; 11:18 a. m.]

[Docket No. A-279]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 20 FOR SHIPMENT INTO MARKET AREAS 47–50, 52–60, 64–68, 76, 77, 200–208, 210, 211, 213, 216, 217, 219, 224, 234, 237–241 and 243–254

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 20, requesting that the Schedule of Effective Minimum Prices for District No. 20 for All Shipments be amended with respect to Market Areas 47–50, 52–60, 64–68, 76, 77, 200–208, 210, 211, 213, 216, 217, 219, 224, 234, 237–241, and 243–254, so as to include 10" x 3" coal as an alternative size to 8" x 3" stove coal in Size Group 5, and eliminate such 10" x 3" coal as an alternative size in Size Group 3.

Answers to the petition were filed by District Boards 17 and 19 and an intervening petition was filed by District Board 22, opposing the request for relief.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held before Thurlow G. Lewis,[1] a duly designated Examiner of the Division, at a hearing room of the Division in Salt Lake City, Utah.

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of the petitioner, by District Boards 17, 19 and 22, and by the Consumers' Counsel Division.

The Examiner, C. Rollin Larrabee, on November 12, 1941, submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations, recommending that the relief requested by the petitioner be denied.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in this matter should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9523; Filed, December 18, 1941; 11:19 a. m.]

[Docket No. A-893]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR A CHANGE IN THE BOUNDARY LINES OF MARKET AREAS 26 AND 30, AND AMENDMENT OF PRICE EXCEPTION 4 ON PAGE 40 OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 FOR ALL SHIPMENTS EXCEPT TRUCK, OR, IN THE ALTERNATIVE, FOR F. A. S. PRICES FROM DISTRICT NO. 8 FOR THE KIEFFER PAPER MILLS, BROWNSTOWN, INDIANA, IN MARKET AREA 30

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on May 28, 1941, by the Office of the Bituminous Coal Consumers' Counsel, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition, as amended, requests: (1) extension of the boundary line of Market Area 26 to include both Brownstown and Vallonia, Indiana, now in Market Area 30, or, in the alternative, to include only Brownstown; (2) amendment of the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck by reducing the minimum price, f. o. b. the mine, of coals in Size Groups 18 to 22, inclusive, for shipment to Brownstown, Indiana, by 25 cents per net ton[1] if the requested boundary change is not made, and by reducing the minimum f. o. b. mine price of such coals by 17 cents per net ton for ex-river deliveries to Brownstown, Indiana; and (3) the granting of such other relief as the cause may require.

District Boards 2, 7, 8, and 11 and the Island Creek Coal Company, a code member in District 8, intervened. In its amended petition of intervention, the Island Creek Coal Company requests relief for shipments to the Kieffer Paper Mills ("Kieffer"), in Ewing (a part of Brownstown), Indiana, if the prayers of petitioner are denied.

Pursuant to Orders of the Director and Acting Director, a hearing in this matter was held on August 25, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which appearances were entered by the Petitioner, District Board 11, and the Island Creek Coal Company.

District Board 11 filed a brief on September 23, 1941, advocating denial of the relief sought.

Thereafter, the Examiner made his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation, dated September 30, 1941, recommending that the relief prayed for be denied.

On October 15, 1941, the petitioner filed Exceptions to the Report of the Examiner and brief in support thereof.

The petitioner seeks to reduce the f. o. b. mine prices of District 8 high-volatile screenings 42 cents per net ton for delivery ex-river to Brownstown, so as to remove the existing differentials between Market Areas 26 and 30. Relief which would result in a 25-cent reduction of the f. o. b. mine prices per net ton of such coal for delivery to Vallonia is also requested. Intervenor Island Creek Coal Company asks a 25-cent reduction as to Kieffer, in the event the prayers of the petitioner are denied.

The first so-called Exception to the recommendation of the Examiner that relief be denied is taken to the alleged issuance of the Examiner's Report before the final time for filing briefs and constitutes a request that the matter be resubmitted to the Examiner for a further report in light of the Petitioner's Exceptions. At the hearing, the Examiner ordered that briefs might be filed within eight days from the furnishing to the parties of copies of Division Exhibit No. 3. Although the other parties made no complaint of a failure to receive copies of this Exhibit more than 8 days before the Examiner's Report was issued on September 30, 1941, the petitioner claims that its copy was received on September 25, 1941, only 5 days before the Examiner's Report was issued. For this reason, the petitioner requests the return of the Examiner's Report to him for any revision he may desire to make, in which case the petitioner requests that its Brief in support of its Exceptions be considered as a Brief before the Examiner.

Any delayed receipt of Division Exhibit No. 3 by the petitioner appears in no

[1] By Order of the Director dated October 2, 1941, the undersigned, C. Rollin Larrabee, was designated to prepare and submit to the Director Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of an appropriate order in the premises and to perform all other duties delegated to Thurlow G. Lewis in this matter.

[1] The wording of the prayer for a reduction of 25¢ per net ton is not restricted to high-volatile coals, though it is obvious that it was intended to be so restricted to remove the differential between Market Areas 26 and 30, as to Brownstown.

way to prejudice the case of this petitioner before the undersigned. Although the Examiner did not have the benefit of a brief by the petitioner before his Report was issued, the undersigned now has before him petitioner's Exceptions and Brief. This Brief has been given due consideration by the undersigned. Since the undersigned is unable to agree that points made in petitioner's brief escaped the attention of the Examiner, he concludes that there is no occasion to resubmit the case to the Examiner and accordingly the request for resubmission of the matter to the Examiner is denied.

Although not embodied in petitioner's Brief as an exception, the position of petitioner that the findings in General Docket No. 15 insufficiently considered certain local situations in Market Area 30 is set out in the introductory statement preceding the specific exceptions. By the Order in that Docket, the f. o. b. mine prices of District 8's screenings were reduced 25 cents per ton under their home market prices for movement to Market Areas 22–28, inclusive. In Market Area 30, bordering the aforesaid Market Areas in Indiana on the west, however, this reduction was made only as to shipments to South Bend, on the ground that practically the entire steam distribution was concentrated in South Bend, as appeared from an examination of the freight rate structures and distribution data. Fixing the f. o. b. mine price of District 8 screenings, for delivery to parts of Market Area 30 other than South Bend, the same as that for the home market was found by the Director to reflect properly relative market values and preserve existing fair competitive opportunities. The 17-cents ex-river allowance for shipments to said points was based on like considerations. The contention of the petitioner that sufficient consideration was not given by the Examiner in General Docket No. 15 to the situation at Brownstown is supported by insufficient facts on which to base a finding that the Order in General Docket No. 15 was wrong in these respects.

The petitioner takes exception (Exception No. 2) to the failure of the Examiner to find that Kieffer competes with paper plants in Market Areas 23 and 24, which enjoy favorable differentials with regard to f. o. b. mine prices of District 8 screenings. The Examiner's Report did find a lack of competition between consumers in Market Areas 26 and 30; and the tenor of the petition goes to the competitive situation between Brownstown in Market Area 30, and Seymour in Market Area 26. For this reason the position might be tenable that the requested finding is immaterial to the issues here involved. However, in view of the claimed deprivation of the right of petitioner to file a brief before the Examiner, the exception is sustained, and a finding with respect to the competition between Kieffer and paper companies in Market Area 23 and 24 will be made.

Any competition of Kieffer with paper manufacturers in other Market Areas in Indiana appears to be confined to sales of chip, comprising less than 30 percent of the output of Kieffer. And even this competition exists only when the paper firms in Market Areas 23 and 24 do not use their chip in the fabrication of their own products. It appears from the evidence that most of these companies now themselves use all chip produced at their plants. This limited competition affords no proof of discrimination in minimum prices between Market Area 30 and the market areas in which the other paper companies have their plants, especially in the absence of any adequate showing of the coals used by the other companies or their fuel costs, f. o. b. the mine and delivered, as compared with those of Kieffer, both before and after October 1, 1940. No evidence of shifts in coal purchases or paper sales by these companies, after October 1, 1940, was adduced. In fact, there is no showing that the present price differentials existing between these territories were not the same prior to the effective date of the minimum price schedule. From all that appears, were any change in the existing differentials to be made, it might be as proper to raise the f. o. b. mine prices of District 8 screenings for shipments to the other market areas as to lower those for Market Area 30. Because of the paucity of the evidence, there might be a danger of disrupting a proper coordination of prices as between Districts 8 and 11 by changing these differentials. I find that there is no showing of such a competitive situation between Kieffer and paper companies in Market Areas 23 and 24 as would justify the granting of the relief requested.

Exception No. 3 is based on the failure of the Examiner to find that the price differentials between Market Area 30 and the other market areas in District 11 do not have due regard to the interests of the consuming public. No sufficient evidence was presented upon which such a finding could be predicated. The mere fact that a coal is priced higher for delivery into one market area than into another does not in itself demonstrate a disregard of consumer interest. For this reason, Exception No. 3 is without merit, and, therefore, is denied.

Exception No. 4 is addressed to the alleged finding of the Examiner that a reduction in the minimum prices would not benefit Kieffer unless the market prices were reduced. This statement was, in reality, a recital by the Examiner of an uncontested statement made by the petitioner's only witness. What the Examiner found in that connection was the very obvious fact that, since the evidence shows that the current f. o. b. mine price of Island Creek coal sold to Kieffer is more than the minimum price thereof and less than the price of such coal moved to Seymour in Market Area 26, the relief requested as to lowering the minimum prices would have no effect on the price paid for coal by Kieffer under the market prices currently in effect. This finding is relevant, not on the proposition that adjustment of minimum prices should cease when prices rise above the minima, as argued by the petitioner, but on the question of any loss of competitive opportunity through the discriminatory operation of the price schedule. That consumers in Market Area 26 are buying District 8's screenings at prices above the minimum prices but less than the current prices in market areas enjoying minimum price differentials tends to discount any contention that Market Area 30 minimum prices here involved are operating discriminatorily as to Market Area 30. Accordingly, exception No. 4 by petitioner is overruled.

Exception No. 5 is taken to the Conclusion of Law of the Examiner that "denial of relief is required in order to effectuate the purposes of sections 4 II (a) and (b) of the Act, and to comply in all respects with the standards thereof." The facts set out by the Examiner in his Proposed Findings of Fact amply support this conclusion. Accordingly, Exception No. 5 is overruled as being without merit.

Exception No. 6 is addressed to certain statements of the Examiner regarding the 17-cents ex-river allowance for District 8 screenings for shipment to certain market areas in District 11, not including Marketing Area 30. These include the statement that this Price Exception should not be amended for the accommodation of one mine selling to one industrial plant in the absence of a strong showing of discrimination. This statement is based on the lack of evidence as to any producer other than the Island Creek Coal Company and any consumer other than Kieffer. Petitioner's Exception is based on the prayer of the petition for relief as to all District 8 high-volatile mines shipping into Brownstown. But evidence in support thereof is singularly lacking. Petitioner fails to point out any evidence discounting the Examiner's Finding of Fact. Exception No. 6 also criticizes two other statements of the Examiner with reference to this Price Exception as seemingly immaterial or irrelevant. I find no merit in Exception No. 6. It is hereby overruled.

Exception No. 7 is based on the finding that there is no evidence upon which to grant relief to Vallonia or to Brownstown in its entirety. The argument of petitioner in support of this Exception points out no evidence whatsoever to justify the relief sought as to Vallonia or as to Brownstown in its entirety. Exception No. 7, therefore, is overruled.

Now, therefore, it is ordered, That the Exceptions of Petitioner Office of the Bituminous Coal Consumers' Counsel to the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, other than Exception No. 2, be and they hereby are severally overruled;

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner as supple-

mented herein be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Acting Director; and

It is further ordered, That the relief prayed for in the petition, as amended, of the Bituminous Coal Consumers' Counsel and the petition, as amended, of intervention of the Island Creek Coal Company be and it hereby is denied.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9524; Filed, December 18, 1941; 11:19 a. m.]

[Docket No. A-1158]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

[Docket No. A-1158, Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PRAIRIE CREEK COAL COMPANY NO. 1 MINE (MINE INDEX NO. 540) AND FOR THE COALS OF THE NEW BLUE VALLEY COAL COMPANY, BLUE VALLEY MINE (MINE INDEX NO. 562)

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1158, PART II, FROM DOCKET NO. A-1158 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1158, PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1158, PART II

The original petition in the above-entitled matter filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 14.

As indicated in a separate order issued in Docket No. A-1158, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) and for the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562).

Petitions of intervention were filed in this matter on November 24, 1941 by the Prairie Creek Coal Company and on November 27, 1941 by the New Blue Valley Coal Company.

The petition of intervention filed by the Prairie Creek Coal Company alleges that the price classifications of "C" and "O" and the minimum prices of $3.85 per ton and $3.15 per ton proposed by District Board No. 14 for the coals of the Prairie Creek Coal Company's No. 1 Mine, Mine Index No. 540, in Size Groups 3 and 18 respectively, are improper and requests that in lieu thereof price classifications "E" and "Q" and minimum prices of $3.55 per ton and $2.70 per ton, respectively, be established. This intervener represents that it would be handicapped in the sale of its coal by the establishment of the price classifications and minimum prices proposed by District Board No. 14 and that such prices are much in excess of those heretofore established for similar coals produced at other mines in the same vicinity.

The petition of intervention of the New Blue Valley Coal Company alleges that the price classifications and minimum prices proposed by District Board No. 14 for the coals of the Blue Valley Mine, Mine Index No. 562, are improper and, if established, would not afford to this intervener fair competitive marketing opportunities with competing producers in District No. 14, who are producing and marketing similar coal. This intervener requests that certain lower prices be established for its coals and that the formal hearing of the subject matter be held at Fort Smith, Arkansas.

It appears that temporary relief as to the coals of the Prairie Creek Coal Company's No. 1 Mine and for the coals of the New Blue Valley Coal Company's Blue Valley Mine, should be granted substantially as prayed for by the original petitioner, but that permanent price classifications and minimum prices should not be established for such coals without a hearing. Furthermore, the exigencies presently devolving upon the Division make it impractical at this time to schedule such hearing at a place other than in Washington, D. C.

Now, therefore, it is ordered, That the portion of Docket No. A-1158 relating to the coals of the Prairie Creek Coal Company's Mine No. 1 (Mine Index No. 540), and to the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562), be and the same hereby is severed from the remainder of Docket No. A-1158 and designated as Docket No. A-1158 Part II.

It is further ordered, That a hearing in Docket No. A-1158 Part II under the applicable provisions of said Act and the rules of the Division be held on January 21, 1942 at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 16, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 14 for the establishment of price classifications and minimum prices for the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) and the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562), for shipments to all market areas.

It is further ordered, That temporary relief, pending final disposition of Docket No A-1158 Part II, is hereby granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 14, For All Shipments Except Truck, and For Truck Shipments, are supplemented to include the price classifications and minimum prices set forth below for the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) and the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562).

*District No. 14 (rail)—Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel**

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.
562	New Blue Valley Coal Co., The (Marshall Whitecotton).	Blue Valley	2	Hartman, Ark.	MP	33
540	Prairie Creek Coal Co. (Arthur L. Rains).	No. 1	5	Midland, Ark.	SL-SF & MV	18

Price classification by size group

Size group No.	3	4	6	7	8	14	15	16	18
Mine index No. 562	---	J	K	K	K	B	B	B	O
Mine index No. 540	C	---	---	---	---	B	---	---	O

*District No. 14 (truck shipments)**

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Product group No.	County
562	New Blue Valley Coal Co., The (Marshall Whitecotton)	Blue Valley	2	Johnson, Ark.
540	Prairie Creek Coal Co. (Arthur L. Rains)	No. 1	5	Sebastian, Ark.

Prices and size group numbers

Size group No.	3	4	6	7	8	14	15	16	18
Mine index No. 562	---	405	405	405	405	135	115	105	315
Mine index No. 540	385	---	---	---	---	135	---	---	315

NOTE: The foregoing temporary price classifications and minimum prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedules of Effective Minimum Prices for District No. 14, for All Shipments Except Truck and for Truck Shipments.

The original petition requests for the coals of Mine Index No. 562 that price classifications and minimum prices be established for rail shipments originating at both Hartman and Coal Hill, Arkansas. However, Coal Hill is not on any railroad and the price classifications and minimum prices for such coals for rail shipment temporarily established by this order are applicable to such coals only when they originate for rail shipment at Hartman, Arkansas.

The original petition also requests that for the coals of Mine Index No. 540, for rail shipment, price classifications and minimum prices be established for shipment from both Midland and Excelsior, Arkansas. However, such coals would have to be moved either through or around Midland a distance of some miles in order to be loaded at Excelsior. No reason having been shown for such movement, the price classifications and minimum prices for such coals, for rail shipment, temporarily established by this order are applicable only to loadings at Midland, Arkansas.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9525; Filed, December 18, 1941; 11:19 a. m.]

[Docket No. A-849]

PETITION OF DISTRICT BOARD NO. 7 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES HERETOFORE ESTABLISHED FOR COALS OF THE WYCO MINE (MINE INDEX NO. 207) OF THE GULF SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT 7

MEMORANDUM OPINION CONCERNING PETITION FOR RECONSIDERATION AND ORDER DENYING REQUEST FOR VACATION OF ORDER OF THE DIRECTOR DENYING RELIEF

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on May 1, 1941, by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requested that the effective price classifications established for the coals of the Wyco Mine (Mine Index No. 207) of the Gulf Smokeless Coal Company, a code member in District 7, be reduced from "F" to "G" in Size Group 2 and from "E" to "F" in Size Group 3, such classifications to be established at levels five cents below the classifications presently established.

By Order of the Acting Director, dated July 22, 1941, this docket was consolidated with Docket No. A-848 and, pursuant to orders and notices duly issued, a consolidated hearing in this matter was held on July 28, 1941, before Joseph D. Dermody, a duly designated Examiner of the Division, in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The original petitioner appeared. The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the Director.

On November 14, 1941, the Director issued Findings of Fact, Conclusions of Law and rendered an Opinion in this matter and entered an Order in accordance therewith, denying the requested relief.

In a petition filed on December 5, 1941, the petitioner requests that the Order of the Director entered in this proceeding on November 14, 1941, denying relief, be reconsidered and that upon reconsideration, the Director enter an Order vacating the Order denying relief and enter an Order granting the requested relief. The principal reasons assigned by the petitioner in support of its petition for reconsideration are that the Director failed to give sufficient weight to certain evidence of record regarding the ash content of the Wyco Mine coals and the evidence regarding their market history. The evidence regarding these factors was considered by the Director, who found that it was not sufficient to warrant the granting of the relief requested. The undersigned has however, reconsidered the record in connection with the allegations contained in the petition for reconsideration, and is of the opinion that the Findings of Fact and Conclusions of Law of the Director are adequately supported by the record and that all evidence of material value was given proper consideration.

While the evidence of record does not justify the granting of the relief requested, the undersigned is of the opinion that the petitioner should not be precluded from requesting a reopening of the hearing in this matter to present additional evidence. Such a motion for a reopening of the hearing, if accompanied by affidavits to the effect that petitioner has additional evidence to support its claim for relief, will be entertained by the undersigned.

I, therefore, conclude that the Findings of Fact, Conclusions of Law, Opinion and Order issued herein on November 14, 1941, are proper and should remain unchanged, and that the petitioner's request for a vacation of the Order Denying Relief and for the entry of an Order granting the requested relief, should be denied.

Now, therefore, it is ordered, That the petition filed herein by the petitioner on

December 5, 1941, be, and it hereby is, denied.

Nothing contained herein shall preclude the petitioner from requesting a reopening of the hearing in this matter in order to present additional evidence in support of its claims for relief.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9526; Filed, December 18, 1941; 11:20 a. m.]

[Docket No. A-573]

PETITION OF CONSUMERS' COUNSEL DIVISION FOR FREE ALONGSIDE PRICES FROM DISTRICTS 8 AND 10 FOR THE HOSKINS COAL AND DOCK CORPORATION

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on January 9, 1941, by the Consumers' Counsel Division on behalf of the Hoskins Coal and Dock Corporation ("Hoskins"), a retail coal dealer in Chicago, Illinois, pursuant to the provisions of section 3-A Special River Price Instructions and Exceptions in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, and pursuant to a similar provision in the District 8 Price Schedule. The petition seeks a final order granting Hoskins the privilege of purchasing coals from producers in Districts 8 [1] and 10 at the minimum f. o. b. mine prices for free alongside delivery.

Petitions of intervention were filed by District Boards 10 and 11, and by six code member producers in District 10. In addition, an appearance was entered by District Board 8.

A hearing was held on February 18, 1941, before Travis Williams, a duly designated Examiner of the Division. Appearances were noted for the original petitioner, the interveners, and District Board 8. On June 12, 1941, the Examiner filed a Report, Proposed Findings of Fact, Conclusions of Law and Recommendations, in which he recommended that the requested relief be denied.

Following the Director's Order of November 10, 1941, granting temporary relief in Docket No. A-227 [2] the Bituminous Coal Consumers' Counsel renewed its earlier motion for temporary relief in this matter.

Hoskins introduced evidence to the effect that it is engaged in the sale of coal at retail in the Chicago area. It owns or controls three retail yards equipped with dock facilities, where it has, in the past, received coal transported by barge on the Illinois River.[3] These yards are located at 441 East North Water Street, 901 North Halstead Street, and 92nd and Harbor Avenue. The dock at 901 North Halstead Street was acquired by Hoskins in 1937 exclusively for river shipments. This dock has no rail connection.

Improvements for navigation purposes in the Illinois River had reached a point of development by the year 1937 that enabled coals to be transported by barge. Desiring to receive coals from the Fulton-Peoria field in District 10, Hoskins, in 1937, expended large sums in the acquisition and development of dock facilities at Liverpool on the Illinois River and also acquired and organized trucking facilities by which coals could be trucked from nearby mines to the Liverpool dock.

What was said in the Director's Opinion and Order of November 10, 1941, in Docket No. A-227, so far as it relates to the transportation of coal by river from the Fulton-Peoria field to Chicago, is applicable here. In summary, it appears that there is a fair inference from the evidence that coal may be transported by Hoskins from the mines in question to Chicago free alongside at a lower transportation cost than when moving by rail.

Availing itself of its dock facilities at Liverpool and its truck transportation equipment, Hoskins purchased 27,375 tons in 1938; 62,107 tons in 1939; and 20,555 tons during the first nine months in 1940, aggregating 110,037 tons. Of this total, 106,021 tons were purchased from the Little Sister Mine (Mine Index No. 37) of the Central State Collieries, Inc.; approximately 3,733 tons from the Buckheart Creek Mine (Mine Index No. 661) of the Buckheart Creek Coal company; and 283 tons from miscellaneous truck mines. These coals were transported by Hoskins by truck to Liverpool, and by barge to the three Chicago yards hereinabove described.

The witness for Hoskins testified that since minimum prices became effective October 1, 1940, Hoskins had been unable to move coals by river to these yards because of the minimum price and, with the exception of negligible quantities, had moved no coals by river since October 1, 1940. This witness further testified that operations at the docks in Chicago had been seriously impaired and that operations at the Liverpool dock, including Hoskins' truck and barge facilities, were at a complete standstill.

On the basis of the record here, it appears that a satisfactory showing has been made by the petitioner for the granting of temporary relief; that the failure to grant such relief will result in irreparable injury to Hoskins; and that no prejudice to the interveners will arise if temporary relief is granted. The reasons which prompted the granting of temporary relief in Docket No. A-227 are present here, as are all the reasons for studying the consequences of that relief.

However, like that relief granted in Docket No. A-227, the temporary relief to be granted should be limited as to the quantity of coal which may be shipped to an amount equal as nearly as practicable to past shipments. The evidence shows that during the 24-month period from October 1, 1938 to October 1, 1940, Hoskins shipped by river to Chicago, 110,037 net tons of coal. On this basis, Hoskins' purchases testified to average just over 4,500 tons per month. The temporary relief should, therefore, be limited to 54,000 tons annually. Such limitation will preserve for Hoskins the approximate level of shipment attained by it in the past and will not unduly prejudice the interveners or either of them.

The effect of the relief to be granted can be ascertained only if the tonnage permitted to be shipped at f. a. s. prices is shipped in the normal manner and over a representative period. Therefore, it will be a condition of this order that no more than 4,500 tons may be shipped in any one month except that any tonnages authorized to be shipped in any one month which have not been shipped, may be added to the shipments for a subsequent month.

In proportion to purchases made in the past, the 4,500 tons monthly should be purchased as follows: 4,300 tons from Central States Collieries, Inc., and 200 tons from Buckheart Creek Coal Company. However, since the Buckheart Creek Mine of the Buckheart Creek Coal Company is a truck mine and has no f. a. s. prices, it seems reasonable to allow Hoskins to purchase from the Little Sister Mine the quantity of coal previously purchased from both mines. It may be that Hoskins may encounter some difficulty in purchasing these quantities from this mine. In such event, it may petition for a modification of this formula. Since this relief, like that in Docket No. A-227, is somewhat experimental, modifications may well be expected, if a need therefor is shown.

Now, therefore, it is ordered, That temporary relief pending final disposition of this proceeding is granted forthwith by temporarily amending the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, as follows:

Under the section (page 53) "Prices for River (free alongside deliveries) and Ex-River Shipments, Special River Price Instructions and Exceptions," "Special Cases (e)," add the following provision:

Central States Collieries, Inc., [Little Sister Mine (Mine Index No. 37)] may sell coal for barge delivery free alongside at the minimum f. o. b. mine prices for free alongside delivery when shipped

[1] At the hearing the original petition was amended to eliminate the relief requested as to District 8.

[2] This order granted to Truax-Traer Coal Company and United Electric Coal Companies, code member producers in District 10, the right to sell a specified tonnage of coal at f. a. s. prices to six named retail dealers in Chicago. Hoskins was not among these six.

[3] Hoskins also operates two other yards which have never received coals moving by river.

from the mines by truck to the Liverpool dock and reloaded into barges on the Illinois River for transshipment on the Illinois River to Hoskins Coal and Dock Company, retail coal dealer, at its yards at 441 East North Water Street, 901 North Halstead Street, and 92nd and Harbor Avenue, Chicago, Illinois, for resale at retail by such dealer, within the switching limits of the City of Chicago, Illinois. *Provided,* That the aggregate tonnage, which may be sold under this provision by Central States Collieries, Inc., shall not exceed 54,000 net tons in any calendar year.

Provided, however, That the relief herein granted shall apply only to coal shipped from the mines subsequent to the date hereof, and

Provided further, That Central States Collieries, Inc., shall, during any one month, sell to Hoskins Coal and Dock Corporation for shipment at f. a. s. prices here authorized no more than 4,500 tons of coal in any one month except that any tonnages authorized to be shipped in any one month which have not been shipped, may be shipped in any subsequent month in addition to the amount initially allowed to be shipped during that month;

Provided further, That Central States Collieries, Inc., offering for sale, selling or reselling any coal pursuant to this provision shall submit to the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C., within five (5) days after such offer, sale or resale, a complete description of such offer, sale or resale as is required by the Marketing Rules and Regulations of the Division, Order 313, and any other orders of the Division. The filing of this data at the offices of the Bituminous Coal Division in Washington, D. C., shall be in addition to that required for filing with the field office.

Each report or description required herein, shall be duly verified and marked for incorporation in this docket as part of the record in these proceedings; and

Provided further, That Hoskins Coal and Dock Corporation shall file with the Division a statement at the end of each month setting forth the amount of coal purchased from Central States Collieries, Inc., at f. a. s. prices and the prices at which such coal was sold at retail; and

It may be required from time to time that there shall be made available for inspection for representatives of the Bituminous Coal Division at all reasonable times and places, all books, records, correspondence or other documents pertaining to the offer for sale, sale, delivery, or other transactions of and involving such coals.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure for the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Acting Director's views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9527; Filed, December 18, 1941; 11:20 a. m.]

[Docket No. A-1170]

PETITION OF DISTRICT BOARD NO. 6 FOR CHANGE IN SHIPPING POINT OF WALNUT GROVE MINE, MINE INDEX NO. 108, IN DISTRICT NO. 6, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting a change in the shipping point of the Walnut Grove Mine, Mine Index No. 108, of Matt Buday, in District No. 6, from Wellsburg, West Virginia, on Pennsylvania Railroad to Wellsburg (McKinleyville), West Virginia, on the said railroad, for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled proceeding, temporary relief is granted as follows: Commencing forthwith, the price classification and minimum prices effective for the coals of the Walnut Grove Mine, Mine Index No. 108, of Matt Buday, for rail shipments, shall be applicable only for shipments on Pennsylvania Railroad from Wellsburg (McKinleyville), West Virginia, and shall no longer be applicable for shipments on Pennsylvania Railroad from Wellsburg, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 30 shall be applicable for all shipments of the coals of the said mine from Wellsburg (McKinleyville), West Virginia, on Pennsylvania Railroad.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9528; Filed, December 18, 1941; 11:20 a. m.]

[Docket No. A-1181]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A TEMPORARY PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE COALS OF A MINE OF THE LINTON-SUMMIT COAL COMPANY IN DISTRICT NO. 11, FOR TRUCK SHIPMENT

ORDER GRANTING TEMPORARY RELIEF AND CANCELLING HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, was filed on November 27, 1941, with this Division by the above-named party, requesting the establishment of a temporary minimum price f. o. b. the mine of $1.80 per ton in Size Group 7 for 2,500 tons of coal for truck shipment to be produced during the construction work on a new Fourth Vein mine to be opened and operated by the Linton-Summit Coal Company located in Cass Township, Sullivan County, Indiana, in the Linton-Sullivan Subdistrict of District No. 11. By an Order dated December 8, 1941, the matter was set down for hearing on January 9, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.

Subsequently, on December 9, 1941, the original petitioner filed a supplemental petition alleging that the code member had no way of disposing of the coal produced in the construction work on the new mine; that further construction and development work would be interfered with and delayed until the temporary relief sought was granted, unless the code member resorted to wasting the coal. The supplemental petition further alleged that all parties of interest enumerated in the original petition were consulted and requested to communicate with the Division if they did not oppose the relief sought.

Many code members who compete with the Linton-Summit Coal Company have indicated that they do not object to the relief sought on its behalf in this proceeding. No opposition to the granting of the temporary relief has been indicated.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments, is supplemented to include a minimum price of $1.80 for 2,500 tons of coal in Size Group 7 to be produced from a Fourth Vein mine now under construction in Cass Township, Sullivan County, Indiana, in the Linton-Sullivan Subdistrict of District No. 11, by the Linton-Summit Coal Company.

It is further ordered, That the hearing in the above-entitled matter heretofore scheduled for January 9, 1942, be and the same hereby is cancelled.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9529; Filed, December 18, 1941; 11:20 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 134]

APPOINTMENT OF INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended June 26, 1940, I, Philip B. Fleming, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the Railroad and Property Carrier Industry of Puerto Rico (as such industry is defined in paragraph 2 hereof) an industry committee composed of the following representatives:

For the public. William Homer Spencer, Chairman, Chicago, Illinois; Martin Travieso, San Juan, Puerto Rico.

For the employees. Vicente Geigel Polanco, San Juan, Puerto Rico; Jorge Font Saldana, Santurce, Puerto Rico.

For the employers. Manuel I. Vallecillo, Rio Piedras, Puerto Rico; Reinaldo Ramirez, San Juan, Puerto Rico.

2. For the purpose of this order, the "Railroad and Property Carrier Industry of Puerto Rico" means:

The industry carried on in Puerto Rico by (1) any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in commerce, or, of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than $25,000 annually or which derives at least ten percent of its total operating revenues from passenger transportation service; (2) any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce; (3) any trucking firm or company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce: *Provided*, That, (a) it is not directly or indirectly owned or controlled by a company primarily engaged in manufacturing, processing, wholesaling or other non-transportation activity, *and* (b) it does not perform any transportation functions for such company.

The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

3. The industry committee herein created shall meet on January 7, 1942, at 9:30 A. M. in the Auditorium of the Chamber of Commerce of Puerto Rico, San Juan, Puerto Rico, and in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and, rules and regulations promulgated thereunder, shall proceed to investigate conditions in the Industry and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 9th day of December 1941.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 41-9547; Filed, December 18, 1941; 11:45 a. m.]

NOTICE OF PUBLIC HEARING BEFORE THE INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO FOR THE PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR SUCH INDUSTRY

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, as amended June 26, 1940, and with § 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning at 10 A. M., January 7, 1942, in the Auditorium of the Chamber of Commerce of Puerto Rico, San Juan, Puerto Rico, for the purpose of receiving evidence to be considered by the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico in determining the highest minimum wage rates in such Industry, which, having due regard to economic and competitive conditions, will not substantially curtail employment and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

The term "Railroad and Property Carrier Industry of Puerto Rico" is defined in Administrative Order No. 134,[1] signed December 9, 1941, as follows:

The industry carried on in Puerto Rico by (1) any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in commerce, or, of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than $25,000 annually or which derives at least 10 per cent of its total operating revenues from passenger transportation service; (2) any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce; (3) any trucking firm or company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce: *Provided*, That (a) it is not directly or indirectly owned or controlled by a company primarily engaged in manufacturing, processing, wholesaling, or other non-transportation activity, *and* (b) it does not perform any transportation functions for such company.

The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

The Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico was created by Administrative Order No. 134, referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938 as amended and Rules and Regulations promulgated thereunder, with the duty of investigating conditions in such Industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14.

[1] *Supra.*

Any person, who in the opinion of the Committee or its duly authorized subcommittee has an interest in the proceedings may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with the Wage and Hour Division, U. S. Department of Labor, El Banco Popular Building, San Juan, Puerto Rico, *prior to December 24, 1941*, a Notice of Intention to Appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom, or organization which, he is representing.

(3) A brief description of the material intended to be presented.

(4) The approximate length of time which his presentation will consume.

All testimony will be taken under oath and witnesses will be subject to reasonable cross examination by any interested person present.

Persons who cannot appear may submit written briefs and documentary or statistical material which will be considered by the committee. *Twenty copies* of such material should be furnished in care of the Wage and Hour Division, San Juan, Puerto Rico, *not later than December 31, 1941.*

Witnesses appearing before the Committee should also provide, if practicable, *twenty copies* of all briefs and documentary or statistical material to be presented to the Committee. At least *six copies* of such material must be presented to be accepted as exhibits for the record.

Signed at Chicago, Illinois, this 15th day of December 1941.

W. H. SPENCER,
Chairman, Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico.

[F. R. Doc. 41-9546; Filed, December 18, 1941; 11:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 148]

INCREASED RAILWAY RATES, FARES, AND CHARGES, 1942

IN THE MATTER OF THE PETITION OF RAILROADS TO INCREASE THEIR RATES, FARES, AND CHARGES

DECEMBER 18, 1941.

The above-entitled proceeding is assigned for hearing at Hotel Morrison, Chicago, Illinois, before Commissioners Aitchison, Mahaffie, and Splawn, January 5, 1942, at 10:00 o'clock a. m.

Oral argument before the Commission at its offices in Washington will be held as soon after the conclusion of the oral testimony as possible, beginning at a date to be announced at the conclusion of the oral hearing. Briefs and written arguments will not be expected.

Attention is called to the appendix hereto, which contains special instructions and rules of procedure to be followed by parties who may appear herein.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

APPENDIX

Protestants: Petitions of intervention unnecessary. Persons appearing in opposition to the petition herein, or in opposition to any similar petitions of other carriers than those filing the original petition, will be considered as protestants, and may be heard without the filing of petitions of intervention.

Simplification of presentations. In order to conserve time and avoid expense, it is strongly urged that persons finding themselves with common interests in the proceeding shall, to the greatest extent possible, endeavor to consolidate their presentation of testimony, and arrange for cross-examination by as few counsel as possible. The same course should be followed upon oral argument.

Evidence offered should be carefully prepared with a view to conciseness and clarity, and so as to avoid unnecessary extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony or of witnesses upon any point. It should be factual in character, and argument should be reserved for the oral argument stage, and not be incorporated in the testimony.

Exhibits. In the preparation of exhibits Rules XIII and XXI of the rules of practice should be followed. Pertinent excerpts from those rules are copied below. If possible, all documents submitted by a witness should be embraced in a single exhibit, with pages consecutively numbered, suitably bound together. In order to supply the State Commissioners, members of this Commission, and counsel in the proceeding, at least 150 copies of each exhibit should be prepared. So far as possible exhibits should be made self-explanatory in order to minimize the amount of time required for explanation by oral testimony.

Prepared statements. Witnesses who expect in the course of their testimony to read from a written statement should have sufficient copies thereof to supply opposing counsel, the Commissioners on the bench, and the official reporter. However, in the interest of conservation of time, it is suggested that such statements be prepared and offered in the manner indicated in the following paragraph, as verified statements, instead of being submitted orally by a witness on the stand.

Verified statements (affidavits). Evidence in the form of verified statements (affidavits) without personal appearance of the affiant as a witness will also be received in the absence of objection, as hereinafter specified. Parties desiring to offer such statements should send 15 copies to the Commission and 75 copies to R. V. Fletcher, counsel for the applicants, Transportation Bldg., Washington, D. C. prior to January 1, 1942. Notice of any objection to the receipt of any such statement in evidence should be given to the Commission and to the party submitting the statement within three days following the receipt of such statement in evidence. If no such notice is given within that time, it will be considered that objection to the receipt of the statement in evidence is waived, but objection to the weight to be accorded the statement of facts is reserved. Copies of such statements must also be furnished to other interested parties who specifically request them. Such statements should conform to Rules XIII and XXI of the rules of practice in respect of style, mimeographing, printing, etc. *They should be limited strictly to statements of fact and contain no argument, and if not so limited may be excluded.* The Commission on its own motion or on objection may exclude a verified statement or any portion thereof which (a) is not material or relevant to the questions presented in this proceeding, (b) is obviously incompetent, or (c) is argumentative in character. In the absence of objection to introduction of the verified statement it will be unnecessary for the affiant to appear personally at the hearing. All verified statements received in evidence will be part of the record in the proceeding, upon which the Commission will base its decision.

Notice of intention to produce testimony. Persons who desire to be heard will facilitate the arrangements necessary by sending notice to the Commission at Washington of their intention, so as to reach the Commission prior to January 1, 1942, which shall state the number of witnesses, and the approximate amount of time necessary for presentation of direct testimony.

Correspondence. Correspondence relative to this matter should be addressed to the Commission at Washington, D. C., with a reference to the docket number, Ex Parte No. 148.

Rule XIII, Rules of Practice (in Part)

(c) 1. (*Tariffs; offer of matter contained in schedules.*) In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity in such manner as to be readily identified and may be received in evidence subject to check by reference to the original tariff schedules so on file.

2. (*Reference in exhibits to tariff authority, routes, and distances.*) All exhibits showing rates, fares, charges, or other tariff provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff authority therefor, and if distances are shown must also show the authority therefor and, by lines and junction points, the routes over which the distances are computed; except that the routes over which the distances are computed need not be shown when such distances are specifically published in a tariff schedule lawfully on file with the Commission, or are definitely ascertainable from a tariff schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, provided the exhibit makes specific reference to such tariff schedules as provided by this rule.

(d) (*Copies of exhibits furnished opposing counsel.*) When exhibits of a documentary character are to be offered in evidence copies must be furnished to opposing counsel, unless the presiding Commissioner or Examiner otherwise directs. Whenever practicable, the parties should interchange copies of exhibits before or at the commencement of the hearing.

(e) (*Size, form, and identification of exhibits; relevancy, materiality; not argumentative.*) All exhibits of a documentary character received in evidence are bound with the rest of the record in covers of uniform size. Whenever practicable they should be on one side only of sheets not exceeding 12½ inches from top to bottom by 22 inches in width, and a sufficient margin for binding, preferably 1½ inches, must be left blank on the left side of each sheet. They must be on paper of good quality and so prepared as to be plainly legible and durable, whether printed or typewritten. If typewritten they must in other respects conform to the requirements of Rule XXI (b). Whenever practicable the sheets of each exhibit and the lines of each sheet should be numbered, and, if the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show, with reference by sheet and line to illustrative or typical examples contained in the exhibit and should bear an identifying number, letter, or short title which will readily distinguish the exhibit from the other exhibits of the

same party. It is desirable that, whenever practicable, rate comparisons and other evidence should be condensed into tables. Exhibits should be limited to statements of fact relevant and material to the issue, which can be shown in that form better than by oral testimony. They should not be argumentative.

Rule XXI (In Part)

(b) (*Size, acceptable copies and legibility of typewritten papers.*) If typewritten they must, unless otherwise specifically provided, be on paper not more than 8½ inches wide or 12 inches long weighing not less than 16 pounds to the ream, folio base, 17 by 22 inches, with left-hand margin not less than 1½ inches wide. The impression must be on only one side of the paper and must be double-spaced, except that long quotations should be single-spaced and indented. Mimeographed, multigraphed, planographed, or photographed copies will be accepted as typewritten, but carbon copies, hectographed copies, white-line blue prints, or copies prepared by similar processes will not be so accepted. All copies must be clearly legible.

[F. R. Doc. 41-9551; Filed, December 18, 1941; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHIOGHENY, HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND CENTRAL U. S. UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The proposed transactions are part of a general program for the acquisition by Pennsylvania Electric Company, a subsidiary of Central U. S. Utilities Company, a registered holding company, of the assets of The Clarion River Power Company, a subsidiary of Pennsylvania Electric Company, Erie Lighting Company, a subsidiary of Pennsylvania Electric Company, Solar Electric Company, a subsidiary of Central U. S. Utilities Company, Youghiogheny Hydro-Electric Corporation, a subsidiary of Central U. S. Utilities Company, Associated Maryland Electric Power Corporation, a subsidiary of Central U. S. Utilities Company, and the issuance by Pennsylvania Electric Company of $32,500,000 principal amount of First Mortgage Bonds and $3,400,000 par value of Preferred Stock, the proceeds of which will be used in part for redemption or retirement of all the long term indebtedness and bank loans presently outstanding and to be assumed by the company. Pennsylvania Electric Company also proposes to reclassify its common stock and make certain accounting and other adjustments. For this purpose it is proposed that:

(1) Pennsylvania Electric Company is to authorize the change and conversion of its presently authorized stock into 250,000 shares of $100 par new Preferred Stock and 1,500,000 shares of $25 par Common Stock and thereupon exchange 800,000 shares of the new $25 par Common Stock for the 856,875 shares of no par Common Stock now held by Central U. S. Utilities Company;

(2) Central U. S. Utilities Company is to surrender certain securities of Pennsylvania Electric Company and of its subsidiary, Erie Lighting Company, and acknowledge satisfaction of open account indebtedness of Pennsylvania Electric Company in exchange for the indicated number of new shares of Common Stock of Pennsylvania Electric Company to be issued by such company;

(3) Pennsylvania Electric Company is to acquire the assets subject to liabilities of Logan Light, Heat & Power Company, a subsidiary of NY PA NJ Utilities Company, an associate of Central U. S. Utilities Company;

(4) Youghiogheny Hydro-Electric Corporation is to acquire the fixed assets of Associated Maryland Electric Power Corporation;

(5) Pennsylvania Electric Company is to acquire the assets subject to liabilities of The Clarion River Power Company in consideration of a credit in the amount of $5,184,075.83 on the open account indebtedness owed Pennsylvania Electric Company by The Clarion River Power Company;

(6) Pennsylvania Electric Company is to acquire the assets subject to liabilities of Erie Lighting Company in consideration for the surrender for cancellation of the preference and common stock of Erie Lighting Company held by Pennsylvania Electric Company;

(7) Pennsylvania Electric Company is to acquire the assets subject to liabilities (exclusive of the open account indebtedness and accrued interest owing to Central U. S. Utilities Company) of Solar Electric Company, issuing in consideration therefor 6,894 shares of new Common Stock of Pennsylvania Electric Company;

(8) Pennsylvania Electric Company is to acquire the fixed assets of Youghiogheny Hydro-Electric Corporation including the fixed assets of Associated Maryland Electric Power Corporation, issuing in consideration therefor 184,488 shares of new Common Stock of Pennsylvania Electric Company;

(9) Pennsylvania Electric Company is to issue and sell at public sale, in compliance with Rule U-50, promulgated under the Public Utility Holding Company Act of 1935, the following securities:

$32,500,000 principal amount of First Mortgage Bonds, 34,000 shares of $100 par Cumulative Preferred Stock.

(10) Based on the assumption of the issuance of call notices by January 30, 1942, Pennsylvania Electric Company is to apply the proceeds from the sale of the bonds and Preferred Stock: to reacquire, pay, redeem or otherwise retire all the outstanding long term indebtedness of Pennsylvania Electric Company and Erie Lighting Company and the bank loan of Pennsylvania Electric Company, to pay estimated expenses of consummating proposed transactions and refinancing and to have cash in the amount of $3,087,700.03 available for construction expenditures;

(11) Solar Electric Company and Youghiogheny Hydro-Electric Corporation are to dissolve and will transfer to Central U. S. Utilities Company the new Common stock of Pennsylvania Electric Company acquired through the sale of their assets in consideration for the surrender for cancellation of their own Common Stocks;

(12) Associated Maryland Electric Power Corporation is to dissolve and will transfer its remaining assets to Central U. S. Utilities Company in consideration for the surrender for cancellation of its own Common Stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9542; Filed, December 18, 1941; 11:27 a.m.]

[File No. 70-437]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY, AND STANDARD GAS AND ELECTRIC COMPANY

ORDER GRANTING APPLICATION PURSUANT TO SECTION 10 AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1941.

Standard Gas and Electric Company, a registered holding company, and its subsidiary public utility company, Mountain States Power Company, having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935, regarding (a) the proposed sale by Mountain States Power Company to Montana-Dakota Utilities Co. of certain existing electric utility properties located in and near Forsyth, Montana; (b) the proposed acquisition by Mountain States Power Company from Montana Utilities Co. of the latter company's purchase money notes in the face amount of $80,000 each in payment of the electric utility properties to be sold by Mountain States Power Company; and (c) the proposed sale by Mountain States Power Company to certain commercial banks of said purchase money notes at face amount and without recourse;

Said application and declaration by Mountain States Power Company having been filed on November 17, 1941, and said declaration by Standard Gas and Electric Company having been filed on December 6, 1941, and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

It appearing to the Commission that no application is required to be filed by Mountain States Power Company regarding its sale of said purchase money notes;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application of Mountain States Power Company pursuant to section 10 of said Act and to permit to become effective said declaration of Standard Gas and Electric Company pursuant to section 12 (d) of said Act, and finding with respect to said application of Mountain States pursuant to section 10 that no adverse findings are necessary under section 10 (d) and section 10 (c) (1) of said Act, and that the transaction involved has the tendency required by section 10 (c) (2) of said Act and finding with respect to the declaration of Standard Gas and Electric Company pursuant to section 12 of said Act that no adverse findings are necessary under said section as implemented by Rule U-44 under the Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same hereby is granted, forthwith and that the aforesaid declaration be and the same hereby is permitted to become effective, forthwith.

By the Commission, Commissioner Healy being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9543; Filed, December 18, 1941; 11:27 a. m.]

[File No. 70-463]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

NY PA NJ Utilities Company, a registered holding company and subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to effect the following transactions, which together constitute a program under which NY PA NJ Utilities Company will acquire a large amount of its own outstanding bonds and debentures and certain securities of some of its subsidiaries now held by other companies in the system of said Trustees of Associated Gas and Electric Corporation:

1. NY PA NJ Utilities Company proposes to acquire from Shinn & Co., a subsidiary of said Trustees of Associated Gas and Electric Corporation, all the outstanding common stock of The General Finance Corporation;

2. NY PA NJ Utilities Company then proposes to liquidate The General Finance Corporation, acquiring the assets thereof, subject to its liabilities;

3. Upon the acquisition of such assets, which includes all the common stock of Metropolitan Investing Company, NY PA NJ Utilities Company proposes to liquidate Metropolitan Investing Company and acquire all of its assets, subject to its liabilities;

4. NY PA NJ Utilities Company proposes to acquire from its subsidiary, Northern Pennsylvania Power Company, certain bonds and debentures of The Mohawk Valley Company;

5. NY PA NJ Utilities Company proposes to acquire by cancellation, or otherwise, from said Trustees of Associated Gas and Electric Corporation, certain bonds and debentures of its subsidiaries now owned by Associated Utilities Corporation, a subsidiary of said Trustees;

6. NY PA NJ Utilities Company proposes to acquire from Canadea Power Corporation, its subsidiary, certain bonds of the Metropolitan Edison Corporation, also one of its subsidiaries, now owned by Canadea Power Corporation;

7. NY PA NJ Utilities Company proposes to acquire from Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation, which in turn is a subsidiary of NY PA NJ Utilities Company, certain bonds of Associated Electric Company, a direct subsidiary of said Trustees of Associated Gas and Electric Corporation;

8. NY PA NJ Utilities proposes to acquire from New York State Electric & Gas Corporation, the 2,725 shares of preferred stock of Staten Island Edison Corporation;

9. NY PA NJ Utilities Company proposes to acquire from Staten Island Edison Corporation certain bonds of Associated Electric Company and of The Mohawk Valley Company, now held by Staten Island Edison Corporation;

10. NY PA NJ proposes to acquire from Metropolitan Edison Company certain bonds of Associated Electric Company, including bonds which Metropolitan Edison Company proposes to acquire from Staten Island Edison Corporation;

11. NY PA NJ Utilities Company proposes to acquire from Associated Electric Company and Central U. S. Utilities Company, a registered holding company and subsidiary of Associated Electric Company, certain bonds and debentures of its subsidiaries and of itself now held by such companies.

The applicant-declarant represents that the effects of the proposed transaction will be to facilitate such further steps as may be necessary or desirable for it to take in order to simplify its subholding company system and to provide for its funded and other indebtedness and to reduce materially the number of

cross-holdings of securities among companies in its system and in that of the Trustees of Associated Gas and Electric Corporation.

Before NY PA NJ Utilities Company will be able to effectuate its proposed transactions, it will be necessary for various subsidiaries of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation and such Trustees to file applications and/or declarations with the Commission. The present filing is concerned only with such transactions as NY PA NJ Utilities Company proposes to take.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9548; Filed, December 18, 1941; 11:48 a. m.]

[File No. 70-461]

IN THE MATTER OF STATEN ISLAND EDISON CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Staten Island Edison Corporation, subsidiary of New York State Electric & Gas Corporation, and indirect subsidiary of NY PA NJ Utilities Company, a registered holding company, and of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to sell $3,015,000, principal amount, of Associated Electric Company 4½% Gold Bonds, Refunding Series, due 1956, now owned by it, to NY PA NJ Utilities Company.

The present filing is made in connection with the application-declaration of NY PA NJ Utilities Company (File No. 70-463) and is part of the program by which NY PA NJ Utilities Company will acquire certain securities held by its subsidiaries, and thereby, among other possible effects, reduce the number of cross-holdings of securities among companies in the NY PA NJ Utilities Company system and in that of the Trustees of Associated Gas and Electric Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9549; Filed, December 18, 1941; 11:48 a. m.]

[File No. 70-462]

IN THE MATTER OF NORTHERN PENNSYLVANIA POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Notice is hereby given that a declaration and application have been filed with this Commission by the above-named party; and

Notice is further given that any interested person may, not later than December 29, 1941 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration and application, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Northern Pennsylvania Power Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company and an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to declare and pay a dividend in kind on its common stock, to its parent, NY PA NJ Utilities Company, in the following treasury securities:

(a) $406,100, principal amount, of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981; and

(b) $53,300, principal amount, of The Mohawk Valley Company 6% Gold Debentures, due 2031.

The present filing is made in connection with the application-declaration of NY PA NJ Utilities Company (File No. 70-463) and is part of the program by which NY PA NJ Utilities Company proposes to acquire certain of its own outstanding bonds and debentures and certain securities of its subsidiaries and thereby, among other possible effects, to facilitate such further steps as may be necessary or desirable for NY PA NJ Utilities Company to take in order to simplify its sub-holding company system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9550; Filed, December 18, 1941; 11:48 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS MONDAY, DECEMBER 15, 1941

Important: Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,137	51
2. Virgin Islands	15	1
3. Hawaii	257	23
4. Alaska	44	14
5. California	4,201	1,390
6. Louisiana	1,438	651
7. Michigan	3,196	1,510
8. Texas	3,901	2,045
9. Arizona	304	163
10. Georgia	1,900	1,128
11. South Carolina	1,155	701
12. Kentucky	1,731	1,078
13. Alabama	1,723	1,104
14. Mississippi	1,328	884
15. Ohio	4,201	2,878
16. North Carolina	2,172	1,511
17. New Mexico	323	230
18. Arkansas	1,186	863
19. New Jersey	2,530	1,860
20. Tennessee	1,773	1,451
21. Florida	1,154	902
22. Nevada	67	56
23. Indiana	2,085	1,779
24. Illinois	4,803	4,222
25. Oregon	663	583
26. Delaware	162	143
27. Connecticut	1,039	956
28. Wisconsin	1,908	1,760
29. Idaho	319	295
30. Pennsylvania	6,021	5,768
31. Rhode Island	434	422
32. Vermont	218	212
33. Washington	1,056	1,093
IN EXCESS		
34. West Virginia	1,157	1,185
35. New Hampshire	299	310
36. Massachusetts	2,625	2,741
37. Missouri	2,302	2,470
38. Maine	515	557
39. Oklahoma	1,421	1,558
40. Utah	335	383
41. Colorado	683	812
42. Wyoming	152	184
43. Minnesota	1,698	2,067
44. Iowa	1,544	1,883
45. New York	8,197	10,291
46. Montana	340	466
47. Kansas	1,095	1,545
48. North Dakota	390	589
49. Virginia	1,629	2,507
50. South Dakota	391	606
IN EXCESS—Continued		
51. Nebraska	800	1,429
52. Maryland	1,108	2,694
53. District of Columbia	403	9,464

GAINS	
By Appointment	1,080
By Transfer	35
Total	1,115
LOSSES	
By Separation	164
By Transfer	92
Total	256
Total Appointments	81,528

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,000.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director, and Chief Examiner.

[F. R. Doc. 41-9504; Filed, December 17, 1941; 2:47 p. m.]

DEC 22 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 247

Washington, Saturday, December 20, 1941

The President

EXECUTIVE ORDER

APPOINTING A COMMISSION TO INVESTIGATE THE JAPANESE ATTACK OF DECEMBER 7, 1941, ON HAWAII

Pursuant to the authority in me vested by the Constitution of the United States, I hereby appoint as a commission to ascertain and report the facts relating to the attack made by Japanese armed forces upon the Territory of Hawaii on December 7, 1941, the following:

Associate Justice Owen J. Roberts, United States Supreme Court, Chairman;
Admiral William H. Standley, United States Navy, Retired;
Rear Admiral Joseph M. Reeves, United States Navy, Retired;
Major General Frank R. McCoy, United States Army, Retired;
Brigadier General Joseph T. McNarney, United States Army.

The purposes of the required inquiry and report are to provide bases for sound decisions whether any derelictions of duty or errors of judgment on the part of United States Army or Navy personnel contributed to such successes as were achieved by the enemy on the occasion mentioned, and if so, what these derelictions or errors were, and who were responsible therefor.

The Commission will convene at the call of its Chairman at Washington, D. C., will thereafter proceed with its professional and clerical assistants to Honolulu, Territory of Hawaii, and any other places it may deem necessary to visit for the completion of its inquiry. It will then return to Washington, D. C., and submit its report direct to the President of the United States.

The Commission is empowered to prescribe its own procedure, to employ such professional and clerical assistants as it may deem necessary, to fix the compensation and allowances of such assistants, to incur all necessary expenses for services and supplies, and to direct such travel of members and employees at public expense as it may deem necessary in the accomplishment of its mission. Each of the members of the Commission and each of its professional assistants, including civilian advisers and any Army, Navy, and Marine Corps officers so employed, detailed or assigned shall receive payment of his actual and necessary expenses for transportation, and in addition and in lieu of all other allowances for expenses while absent from the place of his residence or station in connection with the business of the Commission, a per diem allowance of twenty-five dollars. All of the expenses of the Commission shall be paid by Army disbursing officers from allocations to be made to the War Department for that purpose from the Emergency Fund for the President.

All executive officers and agencies of the United States are directed to furnish the Commission such facilities, services, and cooperation as it may request of them from time to time.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 18, 1941.

[No. 8983]

[F. R. Doc. 41-9555; Filed, December 18, 1941; 3:00 p. m.]

EXECUTIVE ORDER

PRESCRIBING THE DUTIES OF THE COMMANDER IN CHIEF OF THE UNITED STATES FLEET AND THE CO-OPERATIVE DUTIES OF THE CHIEF OF NAVAL OPERATIONS

By virtue of the power vested in me as President of the United States and as Commander in Chief of the armed forces of the United States and by the Constitution and Statutes of the United States, particularly the Act of May 22, 1917

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FEDERAL REGISTER

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(U.S.C., title 34, sec. 212), it is hereby ordered that the Commander in Chief, United States Fleet, shall have supreme command of the operating forces comprising the several fleets of the United States Navy and the operating forces of the naval coastal frontier commands, and shall be directly responsible, under the general direction of the Secretary of the Navy, to the President of the United States therefor.

The staff of the Commander in Chief, United States Fleet, shall be composed of a Chief of Staff and of such officers and agencies as appropriate and necessary to perform duties in general as follows:

(a) Make available for evaluation all pertinent information and naval intelligence;

(b) Prepare and execute plans for current war operations;

(c) Conduct operational duties;

(d) Effect all essential communications;

(e) Direct training essential to carrying out operations;

(f) Serve as personal aides.

The Commander in Chief shall keep the Chief of Naval Operations informed of the logistic and other needs of the operating forces, and in turn the Chief of Naval Operations shall keep the Commander in Chief informed as to the extent to which the various needs can be met. Subject to the foregoing, the duties and responsibilities of the Chief of Naval Operations under the Secretary of the Navy will remain unchanged. The Chief of Naval Operations shall continue to be responsible for the preparation of war plans from the long range point of view.

In order that close liaison may be maintained with the Navy Department, the principal office of the Commander in Chief shall be in the Navy Department unless otherwise directed.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 18, 1941.

[No. 8984]

[F. R. Doc. 41-9587; Filed, December 19, 1941; 12:01 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

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SUBPART—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE MARKETING AGREEMENTS AND MARKETING ORDERS

§ 900.1 *Meaning of words.* Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.*

*§§ 900.1 to 900.17, inclusive, issued under the authority contained in sec. 10 (c), Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. and Sup., 610 (c)). Statutes interpreted or applied or statutes giving special authority are listed in parentheses at the end of specific sections.

§ 900.2 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. and Sup., 601).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "Solicitor" means the Solicitor of the Department.

(e) The term "Administrator" means the Administrator of the Surplus Marketing Administration of the Department.

(f) The term "Administration" means the Surplus Marketing Administration of the Department.

(g) The term "Federal Register" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

(h) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(i) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to section 8b of the act.

(j) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act, and after notice and hearing as required by said section.

(k) The term "proceeding" means a proceeding upon the basis of which a marketing agreement may be entered into or a marketing order may be issued.

(l) The term "hearing clerk" means the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.

(m) The term "presiding officer" means any employee or employees of the Department designated by the Secretary to preside over hearings under the act.*

§ 900.3 *Proposals.* A marketing agreement or a marketing order may be proposed by the Secretary or by any other person. If any person other than the Secretary proposes a marketing agreement or marketing order, he shall file with the Administrator a written application, together with at least four copies of the proposal, requesting the Secretary to hold a hearing upon the proposal. Upon receipt of such proposal, the Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If the investigation and consideration lead the Administrator to conclude that the proposed marketing agreement or marketing order will not tend to effectuate the declared policy of the act, and that a hearing should not be held on the proposal, he shall so advise the person who filed the proposal.

If the investigation and consideration lead the Administrator to conclude that the proposed marketing agreement or marketing order will tend to effectuate the declared policy of the act, he shall recommend to the Secretary that a hearing be held upon the proposal. If the Secretary approves the recommendation, or if the Secretary desires to propose a marketing agreement or order, he shall sign and cause to be served a notice of hearing, as hereinafter provided.*

§ 900.4 *Institution of proceeding—*(a) *Filing and contents of the notice of hearing.* The proceeding shall be instituted by filing the notice of hearing with the hearing clerk. The notice of hearing shall define the scope of the hearing as specifically as may be practicable; shall contain the complete text or a summary of the major provisions of any proposed marketing agreement or marketing order which may have been formulated by the Secretary or which may have been filed with the Administrator, as hereinbefore provided in § 900.3; and shall state the industry, area, and class of persons to be regulated, the time and place of such hearing, and the place where copies of such proposed marketing agreement or marketing order may be obtained or examined. The time of the hearing shall not be less than 15 days after the date of publication of the notice in the FEDERAL REGISTER, as hereinafter provided, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances: *Provided,* That, in the case of hearings on amendments to marketing agreements or marketing orders, the time of the hearing may be less than 15 days but shall not be less than 3 days after the date of publication of the notice in the FEDERAL REGISTER.

(b) *Giving notice of hearing.* (1) Upon the filing of the notice of the hearing, the hearing clerk shall give or cause to be given notice of the hearing in the following manner:

(i) By publication of the notice of hearing in the FEDERAL REGISTER;

(ii) By mailing a true copy of the notice of hearing to each of the persons known to the Administrator to be interested therein;

(iii) By issuing a press release containing the complete text or a summary of the contents of the notice of hearing and making the same available to such newspapers as reasonably will tend to bring the notice to the attention of the persons interested therein;

(iv) By forwarding copies of the notice of hearing addressed to the governors of such of the several States of the United States and to executive heads of such of the Territories and possessions of the United States as the Administrator, having due regard for the subject matter of the proposal and the public interest, shall determine should be notified.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided by subparagraph (1) (i) of this paragraph; and failure to give notice in the manner provided in subdivisions (ii), (iii), and (iv) of said subparagraph shall not affect the legality of the notice.

(c) *Proof of the giving of notice.* Proof of the giving of notice (other than by publication in the FEDERAL REGISTER) shall be by the affidavit or certificate of the person giving the same. Such affidavit or certificate shall be filed with the hearing clerk and the filing thereof shall be noted on the docket of the proceeding*. (Paragraph (b), in part, applies 7 U.S.C. and Sup., 608c, (17).)

§ 900.5 *Docket number.* Each proceeding, immediately following its insti-

tution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.*

§ 900.6 *Presiding officers*—(a) *Designation and assignment.* The Secretary shall, from time to time, designate employees of the Department to serve as presiding officers in proceedings under the act. No person who has any pecuniary interest in the outcome of a proceeding shall serve as presiding officer in such proceeding.

(b) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the presiding officer, in any proceeding assigned to him by the Solicitor, shall have power to:

(1) rule upon motions and requests;
(2) change the time and place of hearing, and adjourn the hearing from time to time or from place to place;
(3) administer oaths and affirmations and take affidavits;
(4) examine and cross-examine witnesses and receive evidence;
(5) admit or exclude evidence;
(6) hear oral argument on facts or law;
(7) do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence, illness, resignation, or death of the presiding officer who has been assigned to a proceeding, or, in case the Solicitor determines that, for other good cause, such presiding officer should not act, the powers and duties to be performed by the presiding officer under these rules of practice in connection with such proceeding may, subject to the provisions of paragraph (a) of this section, be assigned to any other employee of the Department whom the Secretary shall have designated to serve as a presiding officer in proceedings under the act.* (Applies 7 U.S.C., 610 (h).)

§ 900.7 *Motions and requests*—(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of a hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal of the record to the Secretary as hereinafter provided. The Secretary shall rule upon all motions and requests filed after that time.

(b) *Certification to Secretary.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the transmittal of the record to the Secretary, as hereinafter provided, shall be in the discretion of the presiding officer.*

§ 900.8 *Conduct of the hearing*—(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the hearing clerk a notice of such change, which notice shall be given in the same manner as hereinbefore provided in § 900.4 (relating to the giving of notice of the hearing): *Provided,* That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any person participating in the proceeding, is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Providing,* That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding.

(c) *Order of procedure.* The presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the Division of the Federal Register, National Archives. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation and such notice, or a duly certified copy of such designation and notice.

Evidence shall then be received with respect to the matters specified in the notice of the hearing in such order as the presiding officer shall announce.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall not be permitted, except in the discretion of the presiding officer.

When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Affidavits.* Affidavits, if relevant and material, shall be received and marked as exhibits, provided they are filed with the presiding officer before the close of the hearing. Every interested person shall be permitted to examine all affidavits which have been so filed and to file counter-affidavits with the presiding officer within a period of time (to be fixed by the presiding officer) not more than 5 days following the close of the hearing. In any event, the Secretary shall consider the lack of opportunity for examination in determining the weight to be attached to statements made in the form of affidavits.

(4) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(5) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits (including affidavits) shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. If the testimony of a witness refers to a statute, or to a report or document (including the record of any previous hearing), the presiding officer, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report or document (including the record of any previous hearing) containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(6) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character.

(7) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript *in toto.* In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence *in toto* if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.*

§ 900.9 *Oral and written arguments*—(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument, when permitted, may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) *Briefs.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the hearing clerk written arguments or briefs based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material, other than that adduced at the hearing, shall not appear in or be alluded to in briefs, and, in any case, shall not be considered in the formulation of the marketing agreement or marketing order. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 900.8 (d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.*

§ 900.10 *Filing the transcript of testimony.* The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments or briefs and shall furnish the hearing clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate the hearing clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer.*

§ 900.11 *Copies of the transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business, but such copy shall remain the property of the Department and may not be removed from said office.

If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.*

§ 900.12 *The Administrator's report.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs, the Administrator shall cause to be prepared for his signature and shall file with the hearing clerk a report. Such report shall be prepared by the personnel of the Administration through which such marketing agreement or marketing order, or both, if executed or issued, would be administered.

(a) *In proceedings relating to milk and its products*—(1) *Form and disposition of the Administrator's report.* In proceedings relating to milk or its products, the Administrator's report shall include: (i) a preliminary statement containing a description of the history of the proceeding, a brief explanation of the major issues developed at the hearing, and proposed conclusions with respect to such issues; and (ii) a proposed marketing agreement or marketing order, or both, as the case may be, based upon the evidence introduced at the hearing, if it is concluded that such an agreement or order should be proposed. Immediately following the filing of such report with the hearing clerk, notice thereof (together with notice of the date fixed by the Administrator for the filing of exceptions thereto as provided in subparagraph (2) of this paragraph) shall be given in the same manner as hereinbefore provided in § 900.4 (relating to the giving of notice of the hearing).

(2) *Exceptions.* Within a period of time (to be fixed by the Administrator but not to exceed 20 days) after the filing of the report with the hearing clerk, any interested person may file exceptions to the Administrator's proposed marketing agreement or marketing order, or both, as the case may be, and a brief in support of such exceptions. Any such person who desires to take exception shall transmit his exceptions, in writing, to the hearing clerk, referring, where practicable, to the relevant pages of the transcript and suggesting appropriate changes in the proposed marketing agreement or marketing order.

(b) *In proceedings relating to other commodities.* In proceedings relating to agricultural commodities other than milk and its products, the Administrator's report shall have the same content as is

required (in paragraph (a) (1) of this section) of reports in proceedings relating to milk and its products. Except as the Administrator may direct otherwise, however, (in which event the provisions of paragraph (a) (1) and (2) of this section shall be applicable) notice of his report shall not be given, nor shall opportunity be given to file exceptions thereto.*

§ 900.13 *Submission to Secretary—*(a) *In proceedings relating to milk and its products.* In proceedings relating to milk and its products, immediately following the termination of the period for the filing of exceptions to the Administrator's proposed marketing agreement or marketing order, or both, the Administrator shall cause to be prepared (by the personnel of the appropriate division of the Administration) for his signature, and shall file with the hearing clerk, such revision of the Administrator's report as he shall deem to be appropriate in view of the exceptions. Promptly upon the filing of the revision of the Administrator's report, or upon notification by the Administrator that no revision will be made, the hearing clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any written arguments or briefs that may have been filed in connection with the hearing; the Administrator's report; such exceptions, and briefs in support thereof, as may have been filed pursuant to § 900.12 (a) (2); a statement containing an analysis of any such exceptions filed; and the Administrator's revised report, if any revision is made.

(b) *In proceedings relating to other commodities.* In proceedings relating to agricultural commodities other than milk and its products, the hearing clerk, immediately following the filing of the Administrator's report, shall transmit to the Secretary the record of the proceeding. Such record shall include: all motions and requests filed with the hearing clerk and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any written arguments or briefs as may have been filed in connection with the hearing; and the Administrator's report: *Provided, however,* That, if the Administrator has directed that opportunity be given to file exceptions to his proposed marketing agreement or marketing order, or both, as provided in § 900.12 (b), the Administrator may, after receiving and considering exceptions, cause to be prepared and included in the record of the proceeding a revision of his proposed marketing agreement or marketing order in the same manner as is provided in paragraph (a) of this section, and the record shall include any exceptions, and briefs in support thereof, that may have been filed, and a statement containing an analysis of any exceptions filed.*

§ 900.14 *Execution of marketing agreement and issuance of marketing order—*(a) *Execution of marketing agreements.* If, after due consideration of the record, the Secretary decides to approve a marketing agreement, he shall announce his tentative approval thereof, and the marketing agreement shall thereupon be filed in the office of the hearing clerk, where a copy thereof shall be available for public inspection, and the Administrator shall distribute other copies thereof for execution by the handlers eligible to become parties thereto. If and when such number of the handlers as the Secretary shall deem to be sufficient shall have executed the marketing agreement, the Secretary shall execute the same, and notice of its effective date shall be mailed to each person signatory thereto. A marketing agreement shall be effective and binding upon any party thereto even though such party may not have received the notice herein provided, or the hearing clerk may have failed to mail such notice.

(b) *Issuance of marketing order with marketing agreement.* Whenever, as provided in paragraph (a) of this section, the Secretary executes a marketing agreement, and the requisite number of handlers shall have executed the same, he may also issue a marketing order, which shall regulate the commodity or product involved in the same manner as such marketing agreement: *Provided,* That the issuance of such order, and all of its terms and conditions, shall have been approved or favored by producers in the number and manner required by the act.

(c) *Issuance of marketing order without marketing agreement—*(1) *When issuable.* If, despite the refusal or failure of the requisite number of handlers to sign the marketing agreement, the Secretary, with the approval of the President, makes the determinations required under section 8c (9) of the act, and if the Secretary finds, upon the evidence introduced at the hearing, that the issuance of a marketing order, and all of the terms and conditions of such marketing order, will tend to effectuate the declared policy of the act, the Secretary shall issue such order.

(2) *Effective date of marketing order.* No marketing order issued pursuant to this paragraph shall become effective less than 3 days after it has been filed with the Division of the Federal Register, National Archives, and, unless a greater number of days is prescribed in a marketing order, such order shall become effective 3 days after it has been so filed.

(3) *Notice of issuance.* After issuance of a marketing order, it shall be filed with the hearing clerk, and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 900.4 (relating to the giving of notice of hearing).*

§ 900.15 *Filing; extensions of time; effective date of filing; and computation of time—*(a) *Filing, number of copies.* Except as is provided otherwise herein, all documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extensions of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this subpart to be filed may be extended by the presiding officer (before the record is transmitted to the Secretary) or by the Secretary (after the record is transmitted to the Secretary), upon request filed, and if, in the judgment of the presiding officer or the Secretary, as the case may be, there is good reason for the extension.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions of this subpart to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.*

§ 900.16 *Discussion of issues, etc., of proceeding prohibited.* Except as may be provided otherwise in this subpart, no officer or employee of the Department shall, following the close of the hearing in a marketing agreement or marketing order proceeding and prior to the execution of a marketing agreement or the issuance of a marketing order therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such person: *Provided, however,* That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of Regulation 1544 of the publication entitled "Regulations of the U. S. Department of Agriculture," the provisions of this section shall prevail.*

§ 900.17 *Additional documents to be filed with hearing clerk.* In addition to the documents or papers required or authorized by the foregoing provisions of this subpart to be filed with the hearing clerk, the hearing clerk shall receive for filing and shall have custody of all papers, reports, records, orders, and other documents which relate to the administration of any marketing agreement or

marketing order and which the Secretary is required to issue or to approve.*

SUBPART—RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM MARKETING ORDERS

§ 900.50 *Meaning of words.* Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.*

*§§ 900.50 to 900.69, inclusive, issued under the authority contained in secs. 8c (15) (A) and 10 (c) of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. and Sup., 608c (15) (A) and 610 (c)). Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 900.51 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. and Sup. 601);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead;

(d) The term "Solicitor" means the Solicitor of the Department;

(e) The term "Administrator" means the Administrator of the Surplus Marketing Administration of the Department;

(f) The term "Administration" means the Surplus Marketing Administration of the Department;

(g) The term "Federal Register" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act;

(i) The term "handler" means any person who, by the terms of a marketing order, is subject thereto, or to whom a marketing order is sought to be made applicable;

(j) The term "proceeding" means a proceeding before the Secretary arising under subsection (15) (A) of section 8c of the act;

(k) The term "hearing" means that part of the proceeding which involves the submission of evidence;

(l) The term "party" includes the Department;

(m) The term "hearing clerk" means the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.;

(n) The term "presiding officer" means any employee of the Department designated by the Secretary to preside over hearings under the act;

(o) The term "presiding officer's report" means the presiding officer's report to the Secretary and includes the presiding officer's proposed findings of fact, proposed conclusions, and proposed order.*

§ 900.52 *Institution of proceeding—*(a) *Filing and service of petition.* Any handler desiring to complain that any marketing order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law, shall file with the hearing clerk, in quadruplicate, a petition in writing addressed to the Secretary. Promptly upon receipt of the petition, the hearing clerk shall transmit a true copy thereof to the Administrator and the Solicitor, respectively.

(b) *Contents of petition.* A petition shall contain:

(1) The correct name, address, and principal place of business of the petitioner. If petitioner is a corporation, such fact shall be stated, together with the name of the State of incorporation, the date of incorporation, and the names, addresses, and respective positions held by its officers and directors; if an unincorporated association, the names and addresses of its officers, and the respective positions held by them; if a partnership, the name and address of each partner;

(2) Reference to the specific terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(3) A full statement of the facts (avoiding a mere repetition of detailed evidence) upon which the petition is based, and which it is desired that the Secretary consider, setting forth clearly and concisely the nature of the petitioner's business and the manner in which petitioner claims to be affected by the terms or provisions of the order, or the interpretation or application thereof, which are complained of;

(4) A statement of the grounds on which the terms or provisions of the order, or the interpretation or application thereof, which are complained of, are challenged as not in accordance with law;

(5) Prayers for the specific relief which the petitioner desires the Secretary to grant;

(6) An affidavit by the petitioner, or, if the petitioner is not an individual, by an officer of the petitioner having knowledge of the facts stated in the petition, verifying the petition and stating that it is filed in good faith and not for purposes of delay.

(c) *Insufficient petitions; amendments.* The hearing hereinafter provided for shall be held only upon a petition, or the portion thereof, which, as determined by the Administrator and approved by the Solicitor, raises a question whether a marketing order, or any term or provision thereof, or any obligation imposed in connection therewith, is in accordance with law. If the Administrator, with the approval of the Solicitor, finds that any petition does not substantially comply, in form and content, with the act or the regulations in this promulgated thereunder, or is not filed in good faith or is filed for purposes of delay, the Administrator shall so notify the petitioner, and the Administrator shall, in the name of the Secretary, dismiss the petition without further procedure: *Provided,* That the petitioner shall be permitted, within 10 days following the mailing of the notice of the insufficiency of the petition, to file a supplemental or an amended petition which does substantially comply, in form and content, with the act and said regulations.* (Paragraph (a) of this section applies subsection (15) (A) of sec. 8c of the act; 7 U.S.C. and Sup., 608c, (15) (A).)

§ 900.53 *Withdrawal of petition.* If, at any time after the petition is filed, the petitioner desires to withdraw the same, he shall file with the hearing clerk (or, if filed during the course of a hearing, with the presiding officer) a written request for permission to withdraw. The Secretary may, in his discretion, thereupon dismiss the petition without further procedure: *Provided,* That, if the request to withdraw is filed after a hearing has been opened, permission to withdraw shall be granted only in exceptional circumstances.*

§ 900.54 *Docket number.* Each proceeding, immediately following its institution, shall be assigned a docket number by the hearing clerk and thereafter the proceeding may be referred to by such number.*

§ 900.55 *Presiding officers—*(a) *Designation and assignment.* The Secretary shall, from time to time, designate employees of the Department to serve as presiding officers in proceedings under the act. No person who (1) has any pecuniary interest in the outcome of the proceeding or (2) has participated in the investigation preceding the institution of the proceeding shall serve as presiding officer in such proceeding.

(b) *Status and conduct.* In the discharge of his duties in connection with any proceeding to which he has been assigned, the presiding officer shall be subject to the direction and control of the Secretary only, although he may avail himself of the advice of the Solicitor on questions of law or procedure. He shall conduct such proceeding in a fair and impartial manner and shall not discuss *ex parte* the merits of the proceeding with any person who is or who has been connected in any manner with the proceeding in an advocative or investigative capacity.

(c) *Powers of presiding officers.* Subject to review by the Secretary, as provided elsewhere in this subpart, the pre-

siding officer, in any proceeding assigned to him by the Solicitor, shall have power to:

(1) Rule upon motions and requests;

(2) Adjourn the hearing from time to time, and change the time and place of hearing;

(3) Administer oaths and affirmations and take affidavits;

(4) Issue subpenas, under the facsimile signature of the Secretary, requiring the attendance and testimony of witnesses and the production of books, records, contracts, papers, and other documentary evidence;

(5) Summon and examine witnesses and receive evidence;

(6) Take or order, under the facsimile signature of the Secretary, the taking of depositions;

(7) Admit or exclude evidence;

(8) Hear oral argument on facts or law;

(9) Consolidate hearings upon two or more petitions pertaining to the same order;

(10) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(d) *Who may act in absence of presiding officer.* In case of the absence, illness, resignation, or death of the presiding officer who has been assigned to a proceeding, or, in case the Solicitor determines that, for other good cause, such presiding officer should not act, the powers and duties to be performed by him under these rules of practice in connection with such proceeding may, subject to the provisions of paragraph (a) of this section, be assigned to any other employee of the Department whom the Secretary shall have designated to serve as a presiding officer in proceedings under the act.* (Interprets and applies subsection (h) of sec. 10 of the act; 7 U.S.C., 610 (h).)

§ 900.56 *Consolidated hearings.* At the discretion of the Solicitor or the presiding officer, hearings upon two or more petitions pertaining to the same order may be consolidated, and the evidence taken at such consolidated hearing may be embodied in a single record.*

§ 900.57 *Intervention.* Intervention in proceedings subject to this subpart shall not be allowed, except that, in the discretion of the Secretary or the presiding officer, any person (other than the petitioner) showing a substantial interest in the outcome of a proceeding shall be permitted to participate in the oral argument and to file a brief.*

§ 900.58 *Prehearing conferences.* In any proceeding in which it appears that such procedure will expedite the proceeding, the presiding officer, at any time prior to the commencement of or during the course of the hearing, may request the parties or their counsel to appear at a conference before him to consider (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; (c) the limitation of the number of expert or other witnesses; and (d) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but the presiding officer shall prepare and file for the record a written summary of the action taken at the conference, which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference. If the circumstances are such that a conference is impracticable, the presiding officer may request the parties to correspond with him for the purpose of accomplishing any of the objects set forth in this section. The presiding officer shall forward copies of letters and documents to the parties as the circumstances require. Correspondence in such negotiations shall not be a part of the record, but the presiding officer shall submit a written summary for the record if any action is taken.*

§ 900.59 *Motions and requests*—(a) *General.* All motions and requests shall be filed with the hearing clerk, except that those made during the course of an oral hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript.

The presiding officer is authorized to rule upon all motions and requests filed or made prior to the transmittal by the hearing clerk to the Secretary of the record as hereinafter provided. The Secretary shall rule upon all motions and requests filed after that time.

(b) *Certification of motions.* The submission or certification of any motion, request, objection, or other question to the Secretary prior to the transmittal of the record to the Secretary, as hereinafter provided, shall be in the discretion of the presiding officer.*

§ 900.60 *Oral hearings before presiding officer*—(a) *Time and place.* The Solicitor or the presiding officer shall set a time and place for hearing and shall file with the hearing clerk a notice stating the time and place of hearing. If any change in the time or place of hearing becomes necessary, it shall be made by the presiding officer, who, in such event, shall file with the hearing clerk a notice of the change. Such notice shall be served upon the parties, unless it is made during the course of an oral hearing and made a part of the transcript.

(b) *Appearances*—(1) *Representation.* In any proceeding under the act, the parties may appear in person or by counsel or other representative. The Department, if represented by counsel, shall be represented by an attorney assigned by the Solicitor of the Department, and such attorney shall present or supervise the presentation of the position of the Department.

(2) *Debarment of counsel or representative.* Whenever, while a proceeding is pending before him, the presiding officer finds that a person acting as counsel or representative for any party to the proceeding is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or representative.

In case the presiding officer has issued an order precluding a person from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding the issuance of the order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter, the Secretary may, after notice and an opportunity for hearing, issue such order respecting the appearance of such person as counsel or representative in proceedings before the Secretary as the Secretary finds to be appropriate.

(3) *Failure to appear.* If the petitioner, after being duly notified, fails to appear at the hearing, he shall be deemed to have authorized the Secretary, without further procedure, to dismiss the proceeding with or without prejudice, as the Secretary may determine. In the event that the petitioner appears at the hearing and no representative of the Department appears, the presiding officer shall proceed *ex parte* to hear the evidence of the petitioner: *Provided,* That failure on the part of such representative of the Department to appear at a hearing shall not be deemed to be a waiver of the Department's right to file suggested findings of fact, conclusions, and order; to be served with a copy of the presiding officer's report; and to file exceptions with and to submit argument before the Secretary with respect thereto.

(c) *Order of proceeding.* Except as may be determined otherwise by the presiding officer, the petitioner shall proceed first at the hearing.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination.

Any witness may, in the discretion of the presiding officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding.

The presiding officer shall exclude, insofar as practicable, evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the presiding officer. The transcript shall not include argument or debate thereon, except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Depositions.* The deposition of any witness shall be admitted, in the manner hereinafter provided in and subject to the provisions of § 900.61.

(4) *Affidavits.* Except as is otherwise provided in this subpart, affidavits may be admitted only if the evidence is otherwise admissible and the parties agree (which may be determined by their failure to make timely objections) that affidavits may be used.

(5) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible in evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(6) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon a satisfactory showing of the admissibility of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Except where the presiding officer finds that the furnishing of copies is impracticable, a copy of each exhibit, in addition to the original, shall be filed with the presiding officer for the use of each other party to the proceeding. The presiding officer shall advise the parties as to the exact number of copies which will be required to be filed and shall make and have noted on the record the proper distribution of the copies.

If the testimony of a witness refers to a statute, or to a report, document, or transcript, the presiding officer, after inquiry relating to the identification of such statute, report, document, or transcript, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If relevant and material matter offered in evidence is embraced in a report, document or transcript containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(7) *Official notice.* Official notice will be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the parties shall be given adequate notice, at the hearing or by reference in the presiding officer's report or the tentative order or otherwise, of matters so noticed, and (except where official notice is taken, for the first time in the proceeding, in the final order) shall be given adequate opportunity to show that such facts are erroneously noticed.

(8) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript *in toto.* In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence *in toto* if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

(e) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be allowed unless the presiding officer finds that the denial of such argument will not deprive the parties of an adequate opportunity for oral argument subsequently in the proceeding. Such argument may be limited by the presiding officer to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(f) *Transcript.* A copy of the transcript shall be kept on file in the office of the hearing clerk, where it shall be available for examination during official hours of business. Such copy shall remain the property of the Department and may not be removed from said office.

If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter, and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.*

§ 900.61 *Depositions*—(a) *Procedure in lieu of deposition.* Before any party may be entitled to have testimony taken by deposition, such party shall submit to the other party an affidavit which shall set forth the facts to which the witness would testify, if the deposition should be taken. If, after examination of such affidavit, the other party agrees, or (within 10 days after submission of the affidavit) fails to object, that the affidavit may be used in lieu of the deposition, the presiding officer shall admit the affidavit in evidence and shall not order the deposition to be taken.

(b) *Application for taking deposition.* Upon the application of a party to the proceeding, the presiding officer may, at any time after the filing of the moving paper, order, under the facsimile signature of the Secretary, the taking of testimony by deposition. The application shall be in writing and shall be filed with the hearing clerk and shall set forth: (1) the name and address of the proposed deponent; (2) the name and address of the person (referred to hereinafter in this section as the "officer"), qualified under the rules in this part to take depositions, before whom the proposed examination is to be made; (3) the proposed time and place of the examination, which shall be at least 15 days after the date of the mailing of the application; and (4) the reasons why such deposition should be taken.

(c) *Presiding officer's order for taking deposition.* If, after the examination of the application, the presiding officer is of the opinion that the deposition should be taken, he shall order its taking. The order shall be filed with the hearing clerk and shall be served upon the parties and shall state: (1) the time and place of the examination (which shall not be less than 10 days after the filing of the order); (2) the name of the officer before whom the examination is to be made; (3) the name of the deponent. The officer and the time and place need not be the same as those suggested in the application.

(d) *Qualifications of officer.* The deposition shall be taken before the presiding officer, or before an officer authorized by the law of the United States or by the law of the place of the examination to administer oaths, or before an officer authorized by the Secretary to administer oaths.

(e) *Procedure on examination.* The deponent shall be examined under oath or affirmation and shall be subject to cross-examination. The testimony of the deponent shall be recorded by the officer or by some person under his direction and in his presence. In lieu of oral examination, parties may transmit written interrogatories to the officer prior to the examination and the officer shall propound such interrogatories to the deponent.

The applicant must arrange for the examination of the witness either by oral examination or by written interrogatories. If it is found by the presiding officer, upon the protest of a party to the proceeding, that such party has his residence and his place of business more than 100 miles from the place of the examination and that it would constitute an undue hardship upon such party to be represented at the examination, the applicant will be required to conduct the examination by means of interrogatories. When the examination is conducted by means of interrogatories, copies of the interrogatories shall be served upon the

other parties to the proceeding at least five days prior to the date set for the examination, and the other parties shall be afforded an opportunity to file with the officer cross-interrogatories at any time prior to the time of the examination.

(f) *Certification by officer.* The officer shall certify on the deposition that the deponent was duly sworn by him and that the deposition is a true record of the deponent's testimony. He shall then securely seal the deposition, together with two copies thereof, in an envelope and mail the same by registered mail to the hearing clerk.

(g) *Use of depositions.* A deposition ordered and taken in accord with the provisions of this section may be used in a proceeding under the act if the presiding officer finds that the evidence is otherwise admissible and (1) that the witness is dead; or (2) that the witness is at a distance greater than 100 miles from the place of hearing, unless it appears that the absence of the witness was procured by the party offering the deposition; or (3) that the witness is unable to attend or testify because of age, sickness, infirmity, or imprisonment; or (4) that the party offering the deposition has endeavored to procure the attendance of the witness by subpena but has been unable to do so; or (5) that such exceptional circumstances exist as to make it desirable, in the interests of justice, to allow the deposition to be used. If a deposition has been taken, and the party upon whose application it was taken refuses to offer it in evidence, the other party may offer the deposition, or any part thereof, in evidence.* (Applies sec. 9, 38 Stat. 722; 15 U.S.C. 49; made applicable by subsection (h) of sec. 10 of the act; 7 U.S.C. 610 (h).)

§ 900.62 *Subpenas—*(a) *Issuance of subpenas.* The attendance of witnesses and the production of documentary evidence from any place in the United States on behalf of any party to the proceeding may, by subpena, be required at any designated place of hearing. Subpenas may be issued by the Secretary or by the presiding officer, under the facsimile signature of the Secretary, upon a reasonable showing by the applicant of the grounds, necessity, and reasonable scope thereof.

(b) *Application for subpena duces tecum.* Subpenas for the production of documentary evidence, unless issued by the presiding officer upon his own motion, shall be issued only upon a verified written application. Such application shall specify, as exactly as possible, the documents desired and shall show their competency, relevancy, and materiality and the necessity for their production.

(c) *Service of subpenas.* Subpenas may be served (1) by a United States Marshal or his deputy, or (2) by any other person who is not less than 18 years of age, or (3) by registering and mailing a copy of the subpena addressed to the person to be served at his or its last known residence or principal place of business or residence. Proof of service may be made by the return of service on the subpena by the United States Marshal or his deputy; or, if served by an individual other than a United States Marshal or his deputy, by an affidavit of such person stating that he personally served a copy of the subpena upon the person named therein; or, if service was by registered mail, by an affidavit made by the person mailing the subpena that it was mailed as provided herein and by the signed return post-office receipt: *Provided,* That, if the subpena is issued on behalf of the Department, the return receipt without an affidavit of mailing shall be sufficient proof of service. In making personal service, the person making service shall leave a copy of the subpena with the person subpenaed; the original, bearing or accompanied by the required proof of service, shall be returned to the official who issued the same.* (Applies sec. 10 (h) of the act (7 U.S.C. 610 (h)).)

§ 900.63 *Fees and mileage.* Witnesses who are subpenaed and who appear in such proceeding, including witnesses whose depositions are taken, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and persons taking depositions shall be entitled to the same fees as are paid for like services in the courts of the United States, to be paid by the party at whose request the deposition is taken. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear, and claims therefor, as to witnesses subpenaed on behalf of the Department, shall be proved before the person issuing the subpena, and, as to witnesses subpenaed on behalf of any other party, shall be presented to such party.* (Applies sec. 10 (h) of the act (7 U.S.C. 610 (h)).)

§ 900.64 *The presiding officer's report—*(a) *Filing the transcript of evidence.* As soon as practicable after the close of the hearing, the presiding officer shall transmit to the hearing clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the hearing clerk. The presiding officer shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true, correct, and complete transcript of the testimony given at the hearing, except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits received in evidence at the hearing, with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of testimony. In accordance with such certificate the presiding officer shall note on the original transcript, and the hearing clerk shall note upon each copy of the transcript, each correction detailed in such certificate by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate places any words necessary to make the text conform to the correct meaning, as certified by the presiding officer.

Immediately following the filing of the transcript, the hearing clerk shall advise each party to the proceeding as to the date of such filing.

(b) *Suggested findings of fact, conclusions, and orders.* Within 10 days (unless the presiding officer shall have announced at the hearing a shorter or longer period of time) after the transcript has been filed with the hearing clerk, as provided in paragraph (a) of this section, each party may file with the hearing clerk suggested findings of fact, conclusions, and order, based solely upon the evidence of record, and briefs in support thereof.

(c) *Presiding officer's report.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of suggested findings of fact, conclusions, and orders, and briefs in support thereof, shall prepare, upon the basis of the evidence received at the hearing, and shall file with the hearing clerk, his report, a copy of which (together with notification of the date fixed by the presiding officer for the filing of exceptions thereto) shall be served by the hearing clerk upon each of the parties.

(d) *Exceptions.* Within a period of time (to be fixed by the presiding officer but not to exceed 20 days) after the filing of the presiding officer's report, the parties may file exceptions to the report. Any party who desires to take exception to any matter set out in the report shall transmit his exceptions in writing to the hearing clerk, referring, where practicable, to the relevant pages of the transcript, and suggesting a corrected finding of fact, conclusion, or order. Within the same period of time, each party shall transmit to the hearing clerk a brief statement in writing concerning each of the objections taken to the action of the presiding officer, as set out in § 900.60 of this part, upon which the party wishes to rely, referring, where practicable, to the pertinent pages of the transcript. A party, if he files exceptions or a statement of objections, shall state in writing whether he desires to make an oral argument thereon before the Secretary; otherwise, it shall be considered that he does not desire to make such oral argument.

(e) *Revision of presiding officer's report.* If exceptions are filed to the presiding officer's report, as provided in paragraph (d) of this section, the presiding officer, after consideration of such exceptions, shall make and file with the hearing clerk a draft of the findings of fact, conclusions, and final order of the Secretary, which shall include such revision of his report as he deems to be appropriate in view of such exceptions.*

§ 900.65 *Transmittal of record.* The hearing clerk, immediately following the filing of the revision of the presiding officer's report, or upon notification by the presiding officer that no revision will be made, shall transmit to the Secretary the record of the proceeding. Such record shall include: the petition; motions and requests filed with the hearing clerk, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such suggested findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the hearing; the presiding officer's report; such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding; and the presiding officer's draft of the findings of fact, conclusions, and final order of the Secretary.*

§ 900.66 *Argument before Secretary—*(a) *Oral argument.* Unless a party has included in his exceptions a request for oral argument or has filed a separate request for oral argument prior to the expiration of the last date for filing such exceptions, it shall be considered that he does not desire to make such oral argument. The granting of a request to make oral argument shall rest in the discretion of the Secretary.

(b) *Briefs.* The parties may, in the discretion of the Secretary, file written briefs either in addition to oral argument or in lieu thereof.

(c) *Scope of argument.* Except where the Secretary determines that argument on additional issues would be helpful, argument, whether oral or in a written brief, shall be limited to the issues raised by the exceptions and statement of objections, or to such issues as the Secretary may indicate. If the Secretary determines that additional issues should be argued, counsel for the parties shall be given reasonable notice of such determination, so as to permit the preparation of adequate argument on all the issues to be argued.*

§ 900.67 *Consideration and issuance of order—*(a) *Consideration of order.* As soon as practicable after the receipt of the record from the hearing clerk, or, in case argument was had, as soon as practicable thereafter, the Secretary, upon the basis of the record, shall begin his consideration of the final order to be issued in the proceeding. If an oral argument was held, the order shall be considered by and shall be issued over the signature of the official who heard such oral argument, unless the parties shall consent to a different arrangement. At no stage of the proceeding between its institution and the issuance of the order shall the Secretary discuss *ex parte* the merits of the proceeding with any person who is connected with the proceeding in an advocative or an investigative capacity, or with any representative of such person: *Provided, however,* That the Secretary may discuss the merits of the proceeding with such a person if all parties to the proceeding, or their representatives, have been given an opportunity to be present. If, notwithstanding the foregoing provisions of this section, a memorandum or other communication from any party, or from any person acting on behalf of any party, which relates to the merits of the proceeding, receives the personal attention of the Secretary (or, if an official other than the Secretary is to issue the order, then of such other official) during the pendency of the proceeding, such memorandum or communication shall be regarded as argument made in the proceeding and shall be filed with the hearing clerk, who shall serve a copy thereof upon the opposite party to the proceeding, and opportunity shall be given the opposite party to file a reply thereto.

(b) *Issuance of order.* The order shall be issued and served upon the parties as the final order in the proceeding without further procedure: *Provided,* That, if the terms of the order differ substantially from those proposed in the report of the presiding officer, the Secretary shall, if he deems it advisable to do so, direct that a copy of the order be served upon the parties as a tentative order; and, in such event, opportunity shall be given the parties to file exceptions thereto and written arguments or briefs in support of such exceptions. In such case, if exceptions are filed within a period of time (to be fixed by the Secretary but not to exceed 20 days) following the service of the tentative order, the Secretary shall give consideration to and shall make such changes in the tentative order as he deems to be appropriate; otherwise, the tentative order shall become final, as of the day following the date of expiration of the period fixed for the filing of exceptions.*

§ 900.68 *Applications for reopening hearings; for rehearings or reargruments of proceedings; or for reconsideration of orders—*(a) *Petition requisite—*(1) *Filing; service.* An application for reopening the hearing to take further evidence, or for rehearing or reargument of the proceeding, or for reconsideration of the order shall be made by petition addressed to the Secretary and filed with the hearing clerk, who immediately shall notify and serve a copy thereof upon the other party to the proceeding. Every such petition shall state specifically the grounds relied upon.

(2) *Petitions to reopen hearings.* A petition to reopen the hearing for the purpose of taking additional evidence may be filed at any time prior to the issuance of the final order. Every such petition shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not merely cumulative, and shall set forth a good reason why such evidence was not adduced at the hearing.

(3) *Petitions to rehear or reargue proceedings, or to reconsider orders.* A petition to rehear or reargue the proceeding or to reconsider the final order shall be filed within 15 days after the date of the service of such order. Every such petition shall state specifically the matters claimed to have been erroneously decided, and alleged errors must be briefly stated.

(b) *Procedure for disposition of petitions.* Within 10 days following the service of any petition provided for in this section, the other party to the proceeding shall file with the hearing clerk an answer thereto. As soon as practicable thereafter, the Secretary shall announce the decision granting or denying the petition. Unless the Secretary shall determine otherwise, the issuance or operation of the order shall not be stayed pending the decision of the Secretary upon the petition. In the event that any such petition is granted by the Secretary, the applicable rules of practice, as set out elsewhere in this subpart, shall be followed.*

§ 900.69 *Filing; service; extensions of time; effective date of filing; and computation of time—*(a) *Filing; number of copies.* Except as provided otherwise herein, all documents or papers required or authorized in this subpart to be filed with the hearing clerk shall be filed in quadruplicate: *Provided,* That, if there are more than two parties to the proceeding, a sufficient number of additional copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized in this subpart to be filed with the hearing clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Service; proof of service.* Copies of all such papers shall be served upon the parties by the hearing clerk, by the presiding officer, or by some other employee of the Department or by a United States Marshal or his deputy. Service shall be made either (1) by delivering a copy of the document or paper to the individual to be served or to a member of the partnership to be served or to the president, secretary, or other executive officer or any director of the corporation, organization, or association to be served, or to the attorney or agent of record of such individual, partnership, corporation, organization, or association; or (2) by leaving a copy of the document or paper at the principal office or place of business of such individual, partnership, corporation, organization, or association, or of his or its attorney or agent of record; or (3) by registering and mailing a copy of the document or paper, addressed to such individual, partnership, corporation, organization, or association, or to his or its attorney or agent of record, at his or its last known principal office, place of business, or residence. Proof of service hereunder shall be made by the affidavit of the person who actually made the service: *Provided,* That, if the service is made by registered mail, as outlined in (3) above, proof of service shall be made by the return post-office receipt. The affidavit or post-office receipt contemplated herein shall be filed with the hearing clerk, and the fact of filing thereof shall be noted on the docket of the proceeding.

(c) *Extensions of time.* The time for the filing of any document or paper required or authorized in this subpart to be filed may be extended by the presiding officer (before the transmittal of the record to the Secretary) or by the Secretary (after such transmittal), upon request, if, in the judgment of the presiding officer or the Secretary, as the case may be, there is good reason for the extension.

(d) *Effective date of filing.* Any document or paper required or authorized under these rules to be filed shall be deemed to be filed when it is postmarked or when it is received by the hearing clerk.

(e) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires on a Sunday or legal holiday, such time shall be extended to include the next following business day.*

SUBPART—PROCEDURE GOVERNING MEETINGS TO ARBITRATE AND MEDIATE DISPUTES RELATING TO SALES OF MILK OR ITS PRODUCTS

§ 900.100 *Meaning of words.* Words in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.*

*§§ 900.100 to 900.118, inclusive, issued under the authority contained in sec. 3 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C., Sup., 671). Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 900.101 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means sec. 3 of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C., Sup., 671);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead;

(d) The term "Solicitor" means the Solicitor of the Department;

(e) The term "Administrator" means the Administrator of the Surplus Marketing Administration of the Department;

(f) The term "Administration" means the Surplus Marketing Administration of the Department;

(g) The term "Division" means the Dairy Division of the Administration;

(h) The term "cooperative" means any association, incorporated or otherwise, which is in good faith owned or controlled by producers, or organizations thereof, of milk or its products, and which is bona fide engaged in the collective processing or preparing for market or handling or marketing, in the current of interstate or foreign commerce, of milk or its products;

(i) The term "arbitrator" means any officer or employee of the Administration designated by the Administrator, pursuant to the act, to arbitrate a bona fide dispute with reference to the terms and conditions of the sale of milk or its products between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products;

(j) The term "mediator" means any officer or employee of the Administration designated by the Administrator, pursuant to the act, to mediate a bona fide dispute with reference to terms and conditions of the sale of milk or its products between a producer cooperative and purchasers, handlers, processors, or distributors of milk or its products;

(k) The term "hearing clerk" means the hearing clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C.*

§ 900.102 *Filing of applications for mediation or arbitration.* All applications for mediation or arbitration, all submissions, and all correspondence regarding mediation or arbitration shall be addressed to the Secretary, attention of the Division.*

§ 900.103 *Application for mediation.* An application for mediation by a cooperative shall be in writing and shall include the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) Description of the cooperative organization and business, including copies of the articles of incorporation or association, by-laws, and membership contract; information regarding the number of shares of outstanding stock and the approximate portion owned by active producers; a statement of the function performed in connection with the collective processing, preparing, handling, or marketing of milk or its products; and data relative to the distribution of membership by States, the distribution by States of plant facilities for collecting, processing, or disposing of milk or its products, and the business operations for the year last past, including the total quantity of milk and its products handled by the applicant and the proportion of that quantity that was sold in States other than the States of production;

(c) Suggested time and place for meeting between parties and mediator.*

§ 900.104 *Inquiry by the Administrator.* Upon receipt of an application for mediation, the Administrator, through such officers or employees of the Administration as he may designate, may make any inquiry which is deemed to be necessary or proper in order to determine whether a bona fide dispute exists.*

§ 900.105 *Notification.* The Administrator, acting on behalf of the Secretary, will notify the applicant as to whether he considers that mediation will effectuate the purpose of the act and as to whether he will mediate.*

§ 900.106 *Assignment of mediator.* The Chief of the Division shall assign a mediator, from the group designated by the Administrator, to act in such capacity.*

§ 900.107 *Meetings.* All meetings held pursuant to §§ 900.103 to 900.109 hereof shall be held with and under the direction of the mediator.*

§ 900.108 *Mediator's report.* The mediator, upon the completion of mediation proceedings, shall submit to the Administrator a complete report on such proceedings.*

§ 900.109 *Mediation agreement.* An agreement arrived at by mediation shall not become effective until approved by the Secretary, and the Secretary will not approve an agreement if there is evidence of fraud, if there is a lack of evidence to support the agreement, or if the agreement provides for any unfair trade practice.*

§ 900.110 *Application for arbitration.* An application for arbitration by a cooperative shall be in writing and shall contain the following information:

(a) Names in full of the parties to the dispute and their addresses;

(b) The same information required under § 900.103 (b);

(c) Concise statement of dispute to be submitted;

(d) Originals or certified copies of all contracts, if any, involved in the dispute, and of correspondence which has passed between the parties and of any other documents or information relied upon;

(e) Dates before which it is desired that the hearing shall be had and the award shall become effective;

(f) Suggested time and place for arbitration hearing.

The applicant shall send a copy of the application to each other party to the dispute.*

§ 900.111 *Inquiry by the Administrator.* Upon receipt of an application for arbitration, the Administrator, through such officers or employees of the Administration as he may designate, may make any inquiry deemed to be necessary or proper in order to determine whether a bona fide dispute exists, to assist the parties in reducing the dispute to well-defined issues, and to select an arbitrator who would be satisfactory to all parties.*

§ 900.112 *Notification.* The Administrator, acting on behalf of the Secretary, within a reasonable time after the receipt of an application, will notify the applicant as to whether he will grant the application.*

§ 900.113 *Submission.* Within a reasonable time after the receipt of the Administrator's consent to arbitrate, the parties to the dispute shall file with the Administrator a formal submission, which shall contain the following information:

(a) Names in full of the parties;

(b) Addresses of the parties to whom all notifications and communications concerning the arbitration shall be sent;

(c) Description of the organization and businesses of all parties to the dispute, including sufficient information to show that the cooperative is a bona fide one, and that the parties are engaged in activities in the current of interstate or foreign commerce;

(d) Concise statement of the specific questions submitted and a brief outline of the contentions of each party to the dispute, and a statement as to the period of time during which the award shall be in effect, said period to be not less than thirty days from the effective date of the award;

(e) Name of arbitrator;

(f) Time and place of arbitration, including street address;

(g) Stipulation by the parties that they will produce any books, records, and correspondence required by the arbitrator as being necessary to a fair determination of the dispute;

(h) Agreement by the parties that they will consider the award as final and will comply therewith;

(i) Stipulation by the parties that arbitration is to take place under rules and regulations issued by the Secretary, and that any such rules and regulations pertaining to mediation and arbitration shall be considered a part of the submission;

(j) Stipulation that a stenographic report of the proceedings must be made.

The submission shall be signed by each party before a notary public, and when the signature is that of an agent of a corporation or cooperative association, the same shall be accompanied by evidence of the authority to sign.

A submission may be withdrawn at any time before the award, and any question held by the arbitrator to be a separable question may be withdrawn before award by agreement of all parties. When any question is so withdrawn, the parties shall file with the arbitrator the agreement on that question reached by the parties, showing all the details thereof, and the arbitrator shall include it in the record of the arbitration.*

§ 900.114 *Designation of arbitrator.* The Administrator, after receiving the submission, will designate one or more persons to act as arbitrator.*

§ 900.115 *Hearing.* The arbitrator shall have full discretion to conduct the hearing in such manner as will, in his opinion, enable him to ascertain all the facts in the case.

Parties to the dispute may appear in person or by duly accredited agents and may be represented by counsel.

All relevant and material evidence may be presented. The arbitrator shall not be bound by the legal rules of evidence.

The arbitrator, in the presence of the parties, may require the production of books and records for examination by himself, but not for examination of confidential information by other parties to the dispute unless the party producing the same consents to its examination by the other parties to the dispute.

No evidence offered by one party shall be received except in the presence of all parties unless the parties so agree in a submission specifying the nature of the evidence to be received.

Final determination as to what will be considered confidential information shall be made by the arbitrator.

The arbitrator may request the opinions of economists, marketing specialists, statisticians, lawyers, accountants, and other experts.

When more than two arbitrators are designated to hear a dispute, and they disagree, the award of the majority shall be the final award. If the arbitrators are evenly divided, there shall be no award.

A stenographic record of all the proceedings during an arbitration must be made.*

§ 900.116 *Award.* An award shall be made within ten days after the close of the hearing.

The award shall be in writing and shall cover only points of dispute raised in the submission.

The arbitrator, in making the award, may use his own technical knowledge in addition to the evidence submitted by the parties.

The award shall state the period during which it shall be in effect, said period to be not less than thirty days from the effective date thereof; and said period may be extended by agreement among the parties upon notification thereof to the Administrator, unless or until the Administrator withdraws his approval.

The arbitrator shall sign the award in the presence of a notary public, or, when more than one arbitrator is designated, the arbitrators shall sign in the presence of each other.

Copies of the award shall be delivered to the parties by the Division.*

§ 900.117 *Approval of award.* The award shall not become effective until approved by the Secretary, and the Secretary will not approve an award if there is evidence of fraud, or evidence of misconduct upon the part of the arbitrator, or lack of evidence to support the award, or if the award provides for any unfair trade practice.*

§ 900.118 *Costs.* The parties jointly shall pay for the stenographic record. A copy of the record shall be furnished by the parties to the arbitrator and shall be forwarded by him to the Administrator, ultimately to be filed in the office of the hearing clerk.

The arbitrator shall not receive compensation from parties to the dispute.*

SUBPART—MISCELLANEOUS REGULATIONS

§ 900.200 *Definitions.* As used in this subpart, the terms as defined in the act shall apply with equal force and effect. In addition, unless the context otherwise requires:

(a) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601);

(b) The term "Department" means the United States Department of Agriculture;

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead;

(d) The term "Solicitor" means the Solicitor of the Department;

(e) The term "Administrator" means the Administrator of the Surplus Marketing Administration of the Department;

(f) The term "Administration" means the Surplus Marketing Administration of the Department;

(g) The term "Federal Register" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof;

(h) The term "marketing agreement" means any marketing agreement or any amendment thereto which may be entered into pursuant to section 8b of the act;

(i) The term "marketing order" means any order or any amendment thereto which may be issued pursuant to section 8c of the act;

(j) The term "person" means any individual, corporation, partnership, association, or any other business unit;

(k) The term "official" means the Secretary, any officer, employee, or other person employed or appointed by the Department, and any agency or agent appointed by the Secretary to administer a marketing agreement or a marketing order, and any agent or employee of any such agency or agent;

(l) The term "information" means and includes reports, books, accounts, records, and the facts and information contained therein and required to be furnished to or acquired by any official pursuant to the provisions of any marketing agreement or marketing order.*

*§§ 900.200 to 900.220, inclusive, issued under the authority contained in sec. 10 (c), Public Law No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. and Sup., 610 (c)). Statutes interpreted or applied or statutes or sections of the act giving special authority are listed in parentheses at the end of specific sections.

§ 900.201 *Investigation and disposition of alleged violations.* Whenever the Administrator has reason to believe that any handler has violated, or is violating, the provisions of any marketing order, he may institute such investigation and, after due notice to such handler, con-

duct such hearing in order to determine the facts as, in his opinion, are warranted. If, in the opinion of the Administrator and the Solicitor, the facts developed as a result of such investigation or hearing warrant such action, the Solicitor shall refer the matter to the Attorney General for appropriate action. (Issued under the authority contained in secs. 8a (7) and 10 (c), Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. and Sup., 608a (7) and 610 (c)).)

§ 900.210 *Disclosures of information.* Unless otherwise expressly provided in any marketing agreement or any marketing order, all information in the possession of any official which relates to the business or property of any person, and which was furnished by, or obtained from, such person pursuant to the provisions of any marketing agreement or marketing order, shall be kept confidential and shall not be disclosed, divulged, or made public, except that:

(a) Such information may be disclosed, divulged, or made public if it has been obtained from or furnished by a person who is not the person to whose business or property such information relates or an employee of such latter person, or if such information is otherwise required by law to be furnished to an official;

(b) Such information may be furnished to other officials for use in the regular course of their official duties;

(c) Such information may be combined and published in the form of general statistical studies or data in which the identity of the person furnishing such information or from whom it was obtained shall not be disclosed;

(d) Such information may be disclosed upon lawful demand made by the President or by either House of Congress or any committee thereof, or, unless the Secretary determines that the disclosure of such information would be against the public interest, in response to a subpena by any court of competent jurisdiction;

(e) Such information may be offered in evidence (whether or not it has been obtained from or furnished by the person against whom it is offered) by or on behalf of the Secretary, the United States, or the official who obtained it or to whom it was furnished, in any administrative hearing held pursuant to section 8c (15) (A) of the act or in any action, suit, or proceeding, civil or criminal, in which the Secretary or the United States or any such official is a party, and (1) which is instituted (i) for the purpose of enforcing or restraining the violation of any marketing agreement or marketing order, or (ii) for the purpose of collecting any penalty or forfeiture provided for in the act, or (iii) for the purpose of collecting any monies due under a marketing agreement or marketing order, or (2) in which the validity of any marketing agreement or marketing order, or any provision of either, is challenged or involved.* (Applies sec. 8d (2) of the act (7 U.S.C. and Sup., 608d (2).)

§ 900.211 *Penalties.* Any official who shall have violated the provisions of § 900.210 of this subpart by wilfully divulging, disclosing, or making public any information acquired by or furnished to or in the possession or custody of such official pursuant to the provisions of a marketing agreement or marketing order shall be subject to a penalty of $100 for each offense.* (The civil penalty provided in this section is prescribed under the authority contained in sec. 10 (c) of the act (7 U.S.C. and Sup., 610 (c)); this provision is not intended to supersede the provision in sec. 8d (2) of the act (7 U.S.C. and Sup., 608d (2)) for criminal liability and removal from office.*

§ 900.220 *Effective date; prior regulations superseded.* The foregoing rules and regulations shall become effective on January 1, 1942, and shall supersede all regulations now set forth in Part 900, Chapter IX, Subtitle B, Title 7 of the Code of Federal Regulations, except § 900.501 (relating to investigations with respect to imports of agricultural commodities). The procedures provided in the foregoing rules and regulations shall, on January 1, 1942, become applicable to all proceedings and matters then pending, except to the extent that rights or privileges of any persons may be prejudiced thereby.*

Done at Washington, D. C., this 16th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT
The President of the United States.

THE WHITE HOUSE,
December 17, 1941.

[F. R. Doc. 41-9553; Filed, December 18, 1941; 1:51 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS [1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.200 *Appointment; general provisions.*

* * * * *

(d) Citizens' Military Training Camp graduates of the following categories, who prior to January 1, 1942, meet all requirements for appointment, will be tendered appointment in the Army of the United States, notwithstanding the limitations of AR 605-10 [2] and §§ 73.200 to 73.218:

(1) Graduates of the 1939 White Course who were recommended for the Blue Course, and who applied for and were rejected for the 1940 camps due to quota restrictions.

(2) 1939 Blue Course trainees who were recommended for further training, who applied for and were rejected for the 1940 camps due to quota restrictions.

(3) Graduates of the 1940 White Course who were recommended for the Blue Course.

(4) 1940 Blue Course trainees who were recommended for further training.

Those graduates who do not meet all requirements prior to January 1, 1942, will not be tendered appointments based on this training.

Graduates who are so qualified except for age will be tendered appointments on attaining the age of 21 years.

The appointees will be available to the corps area commanders for active duty on the same basis as are Reserve Officers. (Act September 22, 1941, Public Law 252, 77th Congress) [Letter AGO dated December 15, 1941, AG 210.1 (12-1-41) RB-A]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9564; Filed, December 19, 1941; 10:28 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Special Regulation, Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION

PART 60—AIR TRAFFIC RULES

SPECIAL REGULATION AUTHORIZING OPERATIONS BY CATALINA AIR TRANSPORT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of December 1941.

It appearing that: (a) The provisions of Parts 40 and 61 of the Civil Air Regulations prescribe those safety requirements for the certification of scheduled air carriers engaged in interstate air transportation within the continental limits of the United States and for the operation of air carriers to whom such certificates have been issued;

(b) The Catalina Air Transport is engaged in scheduled interstate air transportation as defined by the Act between Santa Catalina Island and Los Angeles, California;

(c) The regular route over which the operations of Catalina Air Transport are conducted is not within the limits of a

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[1] § 73.200 (d) is added.

[2] Administrative regulations of the War Department relative to officers appointed in the Army of the United States.

civil airway and includes international waters;

(d) The continuance of such operations would not endanger safety in air transportation if conducted in accordance with such terms, conditions and limitations as shall be set forth in the air carrier operating certificate and operations specifications issued by the Administrator in respect to such service;

The Board finds that: Its action is desirable in the public interest and in the interest of safety in air transportation;

Now therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act makes and promulgates the following special regulation:

Notwithstanding the provisions of Parts 40 and 61 of the Civil Air Regulations, the operations of Catalina Air Transport between Santa Catalina Island and Los Angeles, California, may be conducted in accordance with such terms, conditions and limitations as are set forth in the air carrier operating certificate and operations specifications made a part thereof issued by the Administrator of Civil Aeronautics with respect to such service.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9554; Filed, December 18, 1941; 2:50 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4539]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MIDDLEBROOK HOSPITAL AND CLINIC

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of medicinal preparations designated "Calomel, Rhubarb and Colocynth Compound", "Special Formula No. 17831" and "Methenamine (7½ Grains)", whether separately or in combination as enclosed in package designated as "Special Prostate Package for Home Treatment", or other substantially similar preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference, that said preparations separately or in combination will relieve pain or soothe or heal the affected parts involved in kidney, bladder or rectal diseases, or diseases of the prostate gland; that the preparation "Methenamine (7½ Grains)" is one of the best urinary antiseptic treatments for cleansing infection or inflammation from the kidneys, bladder, prostate or urethral canal; that the preparation designated "Special Formula No. 17831", when applied through the rectum, medicates or penetrates the prostate gland in sufficient quantities by absorption through the tissues to be effective; that the price at which said "Special Prostate Package for Home Treatment" is offered for sale constitutes a special, reduced or introductory price, when such price is in fact the usual and customary price at which said package is offered for sale and sold by respondent in the normal and regular course of business; or which advertisements with respect to the preparation "Calomel, Rhubarb and Colocynth Compound" fail to reveal that said preparation is a cathartic and should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to the provision, however, that if the directions for use, whether they appear on the label or in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of aforesaid preparation, as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only as Directed. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Middlebrook Hospital and Clinic, Docket 4539, December 11, 1941]

In the Matter of James R. Middlebrook, M. D., Individually and Doing Business Under the Name and Style of the Middlebrook Hospital and Clinic

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, James R. Middlebrook, M. D., individually and doing business under any other name or names, his agents, representatives and employees, directly or through any corporate or any other device, in connection with the offering for sale, sale and distribution of the medicinal preparations designated "Calomel, Rhubarb and Colocynth Compound", "Special Formula No. 17831" and "Methenamine (7½ Grains)", separately or in combination as enclosed in a package designated as "Special Prostate Package for Home Treatment", or any preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names, or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference: that said preparations separately or in combination will relieve pain or soothe or heal the affected parts involved in kidney, bladder or rectal diseases, or diseases of the prostate gland; that the preparation "Methenamine (7½ Grains)" is one of the best urinary antiseptic treatments for cleansing infection or inflammation from the kidneys, bladder, prostate or urethral canal; that the preparation designated "Special Formula No. 17831," when applied through the rectum, medicates or penetrates the prostate gland in sufficient quantities by absorption through the tissues to be effective; that the price at which said "Special Prostate Package for Home Treatment" is offered for sale constitutes a special, reduced or introductory price, when such price is in fact the usual and customary price at which said package is offered for sale and sold by respondent in the normal and regular course of business; or which advertisement with respect to the preparation "Calomel, Rhubarb and Colocynth Compound" fails to reveal that said preparation is a cathartic and should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis: *Provided, however*, That if the directions for use, whether they appear on the label or in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation, as hereinabove set forth, such advertisement need contain only the cautionary statement: Caution, use only as directed;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which advertisement with respect to said preparation "Calomel,

[1] 6 F.R. 4391.

Rhubarb and Colocynth Compound" fails to reveal the dangerous consequences which may result from the use of said preparation, as required in paragraph 1 hereof.

It is further ordered, That the respondent shall, within ten (10) days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order, and if so, the manner and form in which he intends to comply; and that within sixty (60) days after service upon him of this order said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-9579; Filed, December 19, 1941; 11:37 a. m.]

[Docket No. 4553]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF GRANT COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Ton Jon No. 1", "Ton Jon No. 2" and "Ton Jon No. 3", or any other substantially similar medicinal preparations, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of "Ton Jon No. 1", which advertisements represent, directly or through inference, that said preparation (1) is an effective treatment for ailments and diseases of the stomach and bowels, and (2) will bring effective relief or complete relief from indigestion, gas, bloat, dyspepsia, pain in chest, pain in stomach, heart palpitation, headache, loss of weight, loss of strength, nervousness, skin eruptions, foul breath, sleeplessness, tired feeling, constipation, and various other conditions and troubles, as in order set forth; or which advertisements fail to reveal that said preparation may be dangerous when used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms or appendicitis; prohibited, subject to the provision, however, that such advertisements need contain only the statement, "Caution, use only as directed", if and when the directions for use wherever they appear on the label, in the labeling, or both, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Grant Company, Docket 4553, December 11, 1941]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Ton Jon No. 1", "Ton Jon No. 2" and "Ton Jon No. 3", or any other substantially similar medicinal preparations, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of "Ton Jon No. 2", which advertisements represent, directly or through inference, that said preparation (1) is a powerful liver medicine and an effective treatment for ailments and disorders of the liver and gall bladder, and (2) will bring relief from impurities of the blood and inner organs of the body, lazy liver, sick headache, biliousness, constipation, dizzy spells, lazy spells, drowsy, tired feeling, foul breath, unsightly complexion, gallstones, bad blood, high blood pressure, and various other conditions and troubles, as in order set forth; or which advertisements fail to reveal that said preparation may be dangerous when used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to the provision, however, that such advertisements need contain only the statement, "Caution, use only as directed", if and when the directions for use wherever they appear on the label, in the labeling, or both, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Grant Company, Docket 4553, December 11, 1941]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Ton Jon No. 1", "Ton Jon No. 2" and "Ton Jon No. 3", or any other substantially similar medicinal preparations, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of "Ton Jon No. 3", which advertisements represent, directly or through inference, that said preparation (1) is an effective treatment for ailments and disorders of the kidneys and prostate gland, (2) will give effective or complete relief from bladder irritation and weakness, dull and sharp pains in back, stiffness in back and lower limbs, spots before eyes, swelling of the feet and lower limbs, puffed or dark circles beneath the eyes, nephritis, cystitis, urethritis, prostatitis, sexual power weakened, nervousness, irritability, mental depression, forgetfulness, melancholia, neurasthenia, sleeplessness, tiredness, low blood pressure, and various other conditions and troubles, as in order set forth, and (3) will accomplish better results in the treatment of prostate gland and kidney disorders than any medicine has ever done before, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Grant Company, Docket 4553, December 11, 1941]

In the Matter of Grant T. Whiteside, Individually, and Trading as Grant Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of the respondent, in which answers respondent admits all of the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Grant T. Whiteside, individually, and trading as Grant Company, or trading under any other name or names, his agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the medicinal preparations designated as hereinafter set forth, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same names or any other name or names, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, or disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or, indirectly, the purchase in such commerce of the medicinal preparation designated as "Ton Jon No. 1", which advertisement—

(A) Represents, directly or through inference, that said preparation—

(a) Is an effective treatment for ailments and diseases of the stomach and bowels;

(b) Will bring effective relief or complete relief from indigestion, gas, bloat, dyspepsia, pain in chest, pain in stomach, heart palpitation, headache, loss of weight, loss of strength, sour stomach, cramps, spitting up food, sour liquids, acid rising, belching, nervousness, skin eruptions, bloated feeling, coated tongue, foul breath, sleeplessness, tired feeling, and constipation;

(B) Fails to reveal that said preparation may be dangerous when used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis; *Provided, however,* That such advertisement need contain only the statement, "Caution, use only as directed," if and when the directions for use wherever they appear on the label, in the labeling, or both, contain a warning to the above effect.

(2) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, or disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in such commerce of the medicinal preparation designated as "Ton Jon No. 2", which advertisement—

(A) Represents, directly or through inference, that said preparation—

(a) Is a powerful liver medicine and an effective treatment for ailments and disorders of the liver and gall bladder;

(b) Will bring relief from impurities of the blood and inner organs of the body, lazy liver, sick headache, biliousness, constipation, dizzy spells, lazy spells, drowsy, tired feeling, foul breath, unsightly complexion, sallowness or muddiness, belching, acid rising, gall bladder, gallstones, stagnant bile, bad blood, and high blood pressure.

(B) Fails to reveal that said preparation may be dangerous when used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis: *Provided, however,* That such advertisement need contain only the statement, "Caution, use only as directed," if and when the directions for use wherever they appear on the label, in the labeling, or both, contain a warning to the above effect.

(3) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, or disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in such commerce of the medicinal preparation designated as "Ton Jon No. 3", which advertisement represents, directly or through inference, that said preparation—

(A) Is an effective treatment for ailments and disorders of the kidneys and prostate gland;

(B) Will give effective relief or complete relief from bladder irritation and weakness, dull and sharp pains in back, stiffness in back and lower limbs, frequent getting up nights, spots before eyes, swelling of the feet and lower limbs, puffed or dark circles beneath the eyes, nephritis, cystitis, urethritis, prostatitis, sexual power weakened, nervousness, irritability, mental depression, forgetfulness, melancholia, neurasthenia, pains in the lower back, pains in the hips and legs, sleeplessness, tiredness, inability to stand work, low blood pressure, low temperature, pains in testicles, pains in penis, pains in rectum, difficult bowel movement, dribbling, pain in nape of neck, sudden urination, and irritation;

(C) Will accomplish better results in the treatment of prostate gland and kidney disorders than any medicine has ever done before.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 41-9576; Filed, December 19, 1941; 11:37 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50531]

PART 10—EXAMINATION, CLASSIFICATION, AND DISPOSITION OF CERTAIN CLASSES OF MERCHANDISE

COFFEE QUOTA REGULATIONS

The following regulations are hereby promulgated pursuant to the provisions of Executive Order No. 8902 signed September 17, 1941: [1]

§ 10.55 *Bond for production of consular invoice showing that a shipment of coffee under the Inter-American Coffee Agreement is within the producing country's quota for exportation to the United States.* The amount of the bond required by Executive Order No. 8902 for the production of a consular invoice showing that a shipment of coffee is within the producing country's quota for exportation shall be $5,000 or an amount equivalent to the estimated value of the coffee involved, whichever is lower, unless a larger amount is deemed necessary to insure compliance with the customs laws, the Inter-American Coffee Agreement, and said executive order. Liquidated damages in the full amount of the bond shall be demanded, and no remission or mitigation of the penalty will be granted by the Department unless the importer shall produce within one month after the expiration of the bond period satisfactory evidence that failure to satisfy the conditions of the bond was not due to negligence or lack of good faith on the part of any party to the transaction. (E.O. 8902, Sept. 17, 1941; 6 F.R. 4809)

[SEAL] W. R. JOHNSON, *Commissioner of Customs.*

Approved, December 18, 1941.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 41-9586; Filed, December 19, 1941; 11:52 a. m.]

[T.D. 50530]

PART 26—IMPORTS AND EXPORTS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER NO. 8389, AS AMENDED, AND THE PRESIDENT'S PROCLAMATION OF JULY 17, 1941, REGARDING "BLOCKED NATIONALS".

RESTRICTED EXPORTATIONS AND IMPORTATIONS—PROCEDURE IN RE SPECIAL LICENSES

DECEMBER 17, 1941.

The following instructions are hereby prescribed and shall be followed by you in enforcing Executive Order No. 8389, April 10, 1940, as amended: [1]

§ 26.11 *Extra copies of entry, withdrawal, or export declaration.* Whenever presentation of a special license issued pursuant to Executive Order No. 8389, as amended, is required upon the entry, withdrawal, or exportation of merchandise, two extra, legible copies of the entry, withdrawal, or export declaration, shall be filed with the collector of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal, or export declaration, including the two extra copies, shall bear plainly on its face the number of the license pursuant to which it is filed.*

*§§ 26.11 to 26.14, inclusive, issued under the authority contained in Executive Order No. 8389 dated April 10, 1940, as amended, and in Proclamation No. 2497, dated July 17, 1941 (6 F.R. 3555).

§ 26.12 *Presentation of original copy of special license.* The original copy of the special license shall be presented to the collector in respect of each such transaction and shall bear a notation in ink by the licensee or person present-

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No. 247——3

[1] 6 F.R. 4809.

[1] 6 F.R. 2867, 3715, 6348.

ing the license showing the description, quantity, and value of the merchandise to be entered, withdrawn, or exported. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal, or exportation the collector, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the two extra copies of the entry, withdrawal, or export declaration shall be forwarded to the Federal Reserve Bank which issued the license pursuant to which they were filed.*

§ 26.13 *Waiver of presentation of original copy of special license.* The collector of customs at any port at which merchandise is to be entered, withdrawn, or exported pursuant to the terms of some special license may waive the requirement of presentation of the original copy of such license provided that:

(a) The person presenting the entry, withdrawal, or export declaration presents to the collector an affidavit stating:

(1) facts indicating that it would create great and unreasonable hardship for him to present the original copy of the license, and

(2) that the entry, withdrawal, or exportation is one of the large number which are to be made pursuant to the same license, and

(3) that all the entries, withdrawals, or exportations are to be made at the same port; and

(b) The collector receiving such an affidavit is satisfied that the circumstances in fact warrant the waiver; and

(c) There is presented to the collector either a photostatic copy of the original license or a copy of the license signed by the officer who issued and signed the original.

If such waiver is granted, the collector shall retain the copy of the license presented to him and shall note on it, or cause to be noted on it, the description, quantity, and value of all merchandise entered, withdrawn, or exported from time to time pursuant to the authority therein contained.

When such waiver is granted and all the merchandise authorized to be entered, withdrawn, or exported under a special license has been entered, withdrawn, or exported, the copy of the license on file with the collector shall be endorsed to indicate this fact and shall be forwarded to the Federal Reserve Bank which issued the license. When a license expires, unless it is renewed and the collector is advised of its renewal, any copy thereof which is on file with the collector shall be endorsed to show the expiration and shall be forwarded to the Federal Reserve Bank which issued the license.*

§ 26.14 *Effect of waiver of original copy of special license.* The requirement that two extra copies of each entry, withdrawal, or export declaration be filed in connection with every transaction under a special license shall remain in effect notwithstanding any waiver of the requirement of presenting the original copy of the license.*

T.D. 50433 issued on July 22, 1941 (6 F.R. 3672) is amended as follows: Paragraph 3 (19 CFR 26.3) is deleted.

Paragraphs 4 and 5 (19 CFR 26.5 and 26.6) are renumbered 3 and 4 (19 CFR 26.3 and 26.4) respectively.

The provisions hereof shall be effective on and after the tenth day following its publication in the FEDERAL REGISTER.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9585; Filed, December 19, 1941; 11:52 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1082]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition and amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division in the above-entitled matter, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1, including the Harlan No. 2 Mine, Mine Index No. 947, of Carrier & Son, a code member in District No. 1; and

An order granting temporary relief and conditionally providing for final relief having been issued in the above-entitled matter on October 31, 1941, 6 F.R. 6034, establishing, among other matters, price classifications and minimum prices for the coals of the aforementioned mine, as prayed for; and

A motion further to amend the original petition having subsequently been filed, on November 6, 1941, alleging that Mine Index No. 947 is actually located in subdistrict No. 5 of District No. 1, rather than in subdistrict No. 1, as originally alleged, and praying that the price classifications and minimum prices previously established for the coals thereof should be revised accordingly; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

It appearing that the following action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, the Order Granting Temporary Relief and Conditionally Providing For Final Relief in the above-entitled matter, dated October 31, 1941, be, and it hereby is, amended as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) and § 321.24 (*General prices*) in the Schedules of Effective Minimum Prices for District No. 1, For All Shipments Except Truck, and For Truck Shipments, are supplemented to include the price classifications and minimum prices designated for Mine Index No. 947 in the Schedules marked "Supplement R" and "Supplement T," annexed hereto and hereby made a part hereof.

It is further ordered, That the price classifications and minimum prices heretofore established for the coals of the Harlan No. 2 Mine, Mine Index No. 947, by the Order Granting Temporary Relief and Conditionally Providing For Final Relief in the above-entitled matter, dated October 31, 1941, be, and they hereby are terminated.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, as amended on October 17 and November 6, 1941, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Acting Director shall otherwise order; and

It is further ordered, That, except as to the coals of the said Harlan No. 2 Mine, Mine Index No. 947, the Order of October 31, 1941, in the above-entitled matter, be, and it hereby is, continued in full force and effect until otherwise ordered.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
947	Carrier & Son (W. W. Carrier.	Harlan #2...	5	A	Summerville, Pa..	LEF&C..	31	H	H	H	H	H

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub. district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3		5
Carrier & Son (W. W. Carrier).....	947	Harlan #2...	5	Clarion...	A	235	210	210	200	190

[F. R. Doc. 41-9538; Filed, December 18, 1941; 11:23 a. m.]

[Docket No. A-1147]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No price classifications or minimum prices are established herein for the coals of Mine Index No. 1042 of Busler Barlow & Hayslett Coal Company (Wilber H. Busler) for truck shipments for the reason that minimum prices for such coals for truck shipments appear, under the name of Busler Coal Company, in § 324.24 in Minimum Price Schedule for District No. 4 For Truck Shipments.

No price classifications or minimum prices are established herein for the coals of Mine Index No. 179 of the Forrest Run Coal Company No. 1 (Jake Thomas) for the reason that price classifications and minimum prices for such coals appear, under the name of Forest Run Fuel, Ltd., in § 324.24 in Minimum Price Schedule for District No. 4 For Truck Shipments, and in § 324.7 in supplement No. 2 in Minimum Price Schedule for District No. 4 For All Shipments Except Truck.

No relief is granted herein as to the coals of Mine Index Nos. 256, 877, 1301, 1016, 1436, 938 and 2739 for the reasons set forth in the order severing that portion of Docket No. A–1147 which relates to such mines from the remainder of the Docket, designating such portion as Docket No. A–1147 Part II, granting temporary relief and scheduling a hearing therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Shipping points in Ohio	Road	Freight origin group Nos.	Price classifications by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
2274	Benton, W. J	Williams	3	6	Deep	Berghoiz	NYC	52	O	O	O	O	O	O	O	O	O			O
2925	Hazelton, Henry (Star Coal Company).	Star	5	6	Deep	Shawnee	NYC	27	K	K	O	O	O	O	Q	Q	Q			Q
313	Jefferson Company, The	Sydney	1	8	Strip	Fernwood	PRR	15	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q		Q
787	Joyce Bros., The	Joyce	5	6	Deep	Carbon Hill	C&O	22	K	K	O	O	O	O	Q	Q	Q			Q
2917	Richards & McCray (L. W. Richards).	Stevenson	7	5	Strip	Wellston	B&O	41	K	K	O	O	O	O	Q	Q	Q	Q		Q
659	Teramana Brothers Coal Company (Tony Teramana).	Teramana Bros	1	8	Deep	Steubenville	PRR	15	O	O	O	O	O	O	O	O	O			O
2576	Walker, Lawrence (Lawrence Walker Coal Co.).	Arnold	5	6	Deep	Nelsonville	C&O	22	K	K	O	O	O	O	Q	Q	Q			Q
663	Wukelic Brothers Coal Company (Daniel Wukelic).	Wukelic Bros	1	8	Deep	Steubenville	PRR	15	O	O	O	O	O	O	O	O	O			O

DISTRICT NO. 4

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdistrict No.
179	Forest Run Fuel, Ltd.	Forest Run Coal Company No. 1 (Jake Thomas)	1	52	NYC	3
256	Hutchinson Coal Company	Hutchinson Coal Company	1	52	NYC	3
877	Kenny Coal Company	Kenny Coal Company	1	52	NYC	3
1301	Kenny Coal Company No. 2	Kenny Coal Company	1	52	NYC	3
1016	Kenny Coal Company No. 3	Kenny Coal Company	1	52	NYC	3
1436	Kenny Coal Company No. 4	Kenny Coal Company	1	52	NYC	3
938	Kenny Coal Company No. 5	Kenny Coal Company	1	52	NYC	3
2739	Kenny Coal Company No. 6	Kenny Coal Company	1	52	NYC	3
1042	Busler Mine	Busler Barlow & Hayslett Coal Company (Wilber H. Busler)	1	52	NYC	3

§ 324.9 *Recapitulation of price classifications*[1]—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas.—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
1	52		179, 256, 877, 1301, 1016, 1436, 938, 2739, 1042	

DISTRICT No. 4

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdistrict No.
313	Sydney	Jefferson Company, The	Ohio No. 8	15	PRR	1
659	Teramana Bros	Teramana Brothers Coal Company (Tony Teramana).	Ohio No. 8	15	PRR	1
663	Wukelic Bros	Wukelic Brothers Coal Company (Daniel Wukelic).	Ohio No. 8	15	PRR	1
787	Joyce	Joyce Bros., The	Hocking	22	C&O	5
2274	Williams	Benton, W. J	Middle	52	NYC	3
2576	Arnold	Walker, Lawrence (Lawrence Walker Coal Co.).	Hocking	22	C&O	5
2917	Stevenson	Richards & McCray (L. W. Richards)	Jackson	41	B&O	7
2925	Star	Hazelton, Henry (Star Coal Company)	Hocking	27	NYC	5

§ 324.2 *Seasonal discounts*[1]—Supplement R–III

[On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of				
					April	May	June	July	August
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 659–663.	30	20	10	---	---
	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 313.	30	20	10	---	---
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 787, 2576, 2925.	50	40	30	20	10
Jackson	41		25	Add Mine Index No. 2917.	50	40	30	20	10
Middle	52		6, 158, 172	Add Mine Index No. 2274.	30	20	10	---	---

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*[1]—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas.—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 659, 663.
	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 313.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 787, 2576, 2925.
Jackson	41		25	Add Mine Index No. 2917.
Middle	52		6, 158, 172	Add Mine Index No. 2274.

[1] Prices as shown in § 324.9, § 324.10, § 324.11(b), § 324.11(c) and § 324.11(d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*[1]—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	8, 25, 133, 153, 161	Add Mine Index No. 2917.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index Nos. 787, 2576.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index Nos. 2274, 2925.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add Mine Index Nos. 659, 663.
	166	Add Mine Index No. 313.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co	From all Mine Index Nos. except those shown below: From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 659, 663, 787, 2274, 2576, 2925. Add Mine Index Nos. 313, 2917.
For all Railroads not shown above	From all Mine Index Nos. except those shown below: From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 659, 663, 787, 2274, 2576, 2925. Add Mine Index Nos. 313, 2917.

[1] Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump	3", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1, EASTERN OHIO											
HARRISON COUNTY											
Dowdel, Jonas & Issac (Issac Dowdel)	Holmes	315	8	285	275	260	235	230	220	200	190
JEFFERSON COUNTY											
Jefferson Company, The	Sydney	313	8	275	265	250	225	220	210	190	180
Kirkman Coal Company, The (C. S. Kirkman)	Kirkman	2918	8	275	265	250	225	220	210	190	180
SUBDISTRICT NO. 3, BERGHOLZ											
JEFFERSON COUNTY											
W. E. Coal Company (Ernest H. Wade)	Brimstone	2924	5	285	275	260	235	230	220	200	190
SUBDISTRICT NO. 4, MIDDLE											
CARROLL COUNTY											
S. & S. Coal Co., The (Earl Stotler & Brooks Smith)	S. & S. Coal Co.	2916	7	275	265	250	225	220	220	190	180
STARK COUNTY											
Peters, H. B	Peters	2913	----	275	265	250	235	235	220	190	180
TUSCARAWAS COUNTY											
Ellwood, Abel	Glasgow	2911	6	275	265	250	235	235	220	190	180
Finzer, Donald E	Finzer	2926	6	275	265	250	235	235	220	190	180
Norka Coal Company	Norka #3	314	5	275	265	250	235	235	210	190	180
SUBDISTRICT NO. 5, HOCKING											
ATHENS COUNTY											
Carter, William F	Carter	2919	8	280	270	260	235	230	195	165	155
PERRY COUNTY											
Hazelton, Henry (Star Coal Company)	Star	2925	6	295	285	275	250	245	195	165	155
Lanning & Spencer (Roy Lanning)	Lanning & Spencer.	2909	6	295	285	275	250	245	195	165	155
SUBDISTRICT NO. 6, CROOKSVILLE											
PERRY COUNTY											
Y. & W. Coal Co. (Samuel Young)	Y. & W.	2915	5	280	270	260	235	230	195	165	155
SUBDISTRICT NO. 7, JACKSON											
JACKSON COUNTY											
Clayton Mining Co. (Jefferson Muncy)	Goodrich	2923	2	295	285	275	250	245	195	175	165
Richards & McCray (L. W. Richards)	Stevenson	2917	5	295	285	275	250	245	195	165	155
LAWRENCE COUNTY											
Abner, Douglas & Clarence (Clarence Abner)	Abner	2912	5	295	285	275	250	245	195	175	165
VINTON COUNTY											
Holtz, John	Holtz	2914	3	295	285	275	250	245	195	175	165

[F. R. Doc. 41-9534; Filed, December 18, 1941; 11:22 a. m.]

[Docket No. A-1126]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Acting Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Acting Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 337, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-District No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group No.									
								1	2	3	4	5	6	7	8	9	10
242	Harman Coal Company (D. G. Harman)	Simon	4	Fire Creek	War, W. Va	N&W	30	(†)	(†)	(†)	(†)	(†)	C	C	(†)	(†)	(†)
527	Lane & Lilly (Orlando Lane)	Lane & Lilly	2	Beckley	Beaver, W. Va	C&O	10	A	(†)	(†)	(†)	(†)	A	A	B	B	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	Screenings ¾" 1¼"	Screenings ¾"
						1	2	3	4	5	6
Lane & Lilly (Orlando Lane)	527	Lane & Lilly	2	Raleigh	Beckley	315	250	(*)	(*)	(*)	(*)

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9531; Filed, December 18, 1941; 11:21 a. m.]

[Docket No. A-616]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER AMENDING ORDER DATED FEBRUARY 6, 1941, IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8 NOT HERETOFORE CLASSIFIED AND PRICED

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by District Board No. 8, requesting the establishment of price classifications and minimum prices for the coals produced at certain mines in District No. 8 which had not heretofore been classified and priced;

The Director having entered an Order on February 6, 1941, 6 F.R. 995, in Docket No. A-616, establishing price classifications and minimum prices for the coals of the Hearn Mine of R. A. Hearn, and assigning Mine Index No. 4048 to said mine;

It later appearing, however, that prior to the date of the aforesaid Order, price classifications and minimum prices had already been established for the coals of this mine and Mine Index No. 3256 had been assigned to it by Order of the Director, dated January 31, 1941, 6 F.R. 988 in Docket No. A-528, an Order was entered by the Director on October 21, 1941, requiring the petitioner in the above designated docket to show cause why the aforesaid Order, dated February 6, 1941, in Docket No. A-616, should not be amended by striking therefrom all reference to and matters concerning the said Hearn Mine;

A hearing on the Order to Show Cause having been held before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., on November 5, 1941;

Counsel for petitioner having appeared and stated that the inclusion of the Hearn Mine in the petition in Docket No. A-616 was through error, and that petitioner had no objection to the amendment of the Order of the Director, dated February 6, 1941, in Docket No. A-616, by striking therefrom all reference to and matters concerning the Hearn Mine;

Now, therefore, it is ordered, That § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Supplement of the Order of the Director, dated February 6, 1941, in Docket No. A-616, be and it is hereby amended by striking therefrom all reference to and matters concerning the said Hearn Mine.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9540; Filed, December 18, 1941; 11:23 a. m.]

[Docket No. A-961]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO 8 FOR PRELIMINARY, OR TEMPORARY AND PERMANENT ORDER ESTABLISHING MINIMUM ON-LINE RAILWAY LOCOMOTIVE FUEL PRICES FOR COAL PRODUCED IN DISTRICT NO. 8 BY ISLAND CREEK COAL COMPANY, MINES NOS. 15 AND 16

This is a matter instituted upon a petition filed on July 10, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 by District Board 8. The amended petition proposes and seeks the establishment of effective minimum prices for railway locomotive fuel produced in District 8 at Mine Nos. 15 and 16 (Mine Index Nos. 788 and 789, respectively), of the Island Creek Coal Company, a code member in District 8, for use both by on-line and off-line railways.

The Director has earlier by order granted temporary relief for shipments of railway locomotive fuel from each of these mines both to on-line and off-line railways.

Pursuant to Order of the Director, a hearing in this matter was held on October 7, 1941, before Travis Williams, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Island Creek Coal Company and District Board 8 appeared.

The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned.

Mines Nos. 15 and 16 of the Island Creek Coal Company are located in Logan County, West Virginia. Coals are

produced at these mines from the Island Creek Seam by the drift method. Both of these mines are located on and served by the Chesapeake and Ohio Railway Company.

Uncontroverted evidence was introduced by A. L. Lynn, Division Manager of the Island Creek Coal Sales Company, Sales Agent for Island Creek Coal Company, that Mines Nos. 15 and 16 are both mines which have been idle for about the past five years and have recently been reopened in order to enable Island Creek Coal Company to fulfill contractual obligations to supply off-line railroads, such as the New York, Chicago and St. Louis Railroad Company and Pere Marquette Railway Company. The witness Lynn testified that it is imperative that off-line prices be granted to Mines Nos. 15 and 16 so as to fulfill these contractual obligations, because of the pressure on other Island Creek mines which are producing coal to supply the increased industrial demand due to national defense activities. The witness Lynn further testified that the Island Creek Coal Company proposes to sell to the Chesapeake and Ohio Railway Company coals produced at these two mines for use as railway fuel.

Having considered the record in this matter, the undersigned finds and concludes that the establishment of effective minimum prices for Mines Nos. 15 and 16 of Island Creek Coal Company for railway locomotive fuel for both on-line and off-line shipments as set forth in Supplement "R" annexed hereto is necessary in order to effectuate the purpose of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth therein comply with all the standards thereof. These prices are the same as those established for off-line railroad fuel for other mines in freight origin group 150.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 328.13 (*Special prices*—(c) *Railway locomotive fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: November 28, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

EFFECTIVE MINIMUM PRICES

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
788	Island Creek Coal Company	No. 15	5	Island Creek	150	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
789	Island Creek Coal Company	No. 16	5	Island Creek	150	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no effective classifications for these size groups.

§ 328.13 *Special prices*—(c) *Railway locomotive fuel*—Supplement R–II. Prices for shipment off-line railway locomotive fuel. These mines shall have the same prices f. o. b. mines for railroad locomotive fuel "off-line" as other comparable coals in F. O. G. 150 as listed in the Schedule of Effective Minimum Prices for District No. 8, for Run of Mine coal only.

Prices for shipment of railway locomotive fuel. Run of mine coal only not less than $2.15 per net ton of 2,000 pounds f. o. b. transportation facilities at the mines with Index Numbers 788 and 789. For Sale to the Chesapeake and Ohio Railway Company only for use as Locomotive Fuel.

[F. R. Doc. 41-9541; Filed, December 18, 1941; 11:24 a. m.]

[Docket No. A–1117]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: November 22, 1941.

[SEAL] H. A. GRAY, *Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Shedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3672	America Coal Company (Monroe Maynard).	America	Elkhorn #3	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
1976	Baird, Pryor H. (Crown Coal Company) [1].	Crown Mine	Jellico	6	Habersham, Tenn.	L&N	140	E	E	D	C	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	E	E	D	C	B	C	E	G	G	(†)	(†)	(†)	(†)	(†)
3127	Bartley, John E	Ash Camp	Elkhorn	1	Elkhorn City, Ky.	C&O and CC&O.	63	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
1139	Blair, Marvin	Pickleimer	Millers Creek	1	Paintsville, Ky	C&O	61	D	D	E	E	E	C	C	B	A	G	L	(†)	(†)	(†)	(†)	(†)	D	D	E	B	B	B	C	F	M	G	L	(†)	(†)	(†)	(†)
3739	Breeding, Arthur	Breeding #3	Widow Kennedy.	8	Grundy, Va	N&W	130	K	K	E	E	E	C	C	E	B	C	D	A	D	M	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	(†)	(†)	(†)	(†)	(†)	(†)
3711	Bryant, Walter	Bryant	River Gem	6	Williamsburg, Ky.	L&N	111	K	K	H	G	E	C	C	E	D	D	M	G	(†)	(†)	(†)	(†)	(†)	K	K	H	K	E	F	B	D	C	D	E	M	M	(†)
2360	Burnrite Fuel Company (C. S. Williams).	Burnrite Fuel Co.	Blair	7	Esserville, Va	Inter	200	O	O	K	J	F	C	C	E	D	D	M	G	(†)	(†)	(†)	(†)	(†)	C	O	K	M	K	E	F	B	D	C	D	E	M	M	G	(†)	(†)	(†)	(†)	C
3700	Camp Creek Coal Co. (J. C. Fry).	Camp Creek #4	No. 5 Block	8	East Lynn, W. Va	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
3726	Collins & Merritt (Gorman Collins).	Collins	Elkhorn #1	1	Lackey, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	C
3725	Collins & Merritt (Gorman Collins).	Collins No. 1	Elkhorn #1	3	Lackey, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	C
3724	Collins & Merritt (Gorman Collins).	Collins No. 2	Elkhorn #1	1	Lackey, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	C
1361	Combs, A. B	A. B. Combs	Hazard No. 4	3	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
3716	Comer, Oscar E. (Comer Black Band Coal Co.).	Comer Black Band #1.	Black Band	4	Charleston, W. Va.	C&O	123	J	J	L	K	H	F	H	D	D	H	(†)	(†)	(†)	(†)	(†)	(†)	J	J	L	G	E	E	H	J	H	(†)	(†)	(†)	(†)	(†)
3814	Comer, Oscar E. (Comer Black Band Coal Co.).	Comer Black Band #2.	Black Band	4	Charleston, W. Va.	C&O	123	J	J	L	K	H	F	H	D	D	H	(†)	(†)	(†)	(†)	(†)	(†)	J	J	L	G	E	E	H	J	H	(†)	(†)	(†)	(†)	(†)
2837	Conley, M. H	Conley	Elkhorn #3	3	Lackey, Ky	C&O	61	H	H	H	G	E	C	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	C
3670	Coon Creek Coal Company, The, c/o Henry Nickels.	Coon Creek	Elkhorn #3	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	O	B	C	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
3668	Cooper, Sherman	Cooper	Jellico	6	Barbourville, Ky	L&N	111	O	O	K	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	K	J	F	D	D	D	G	M	K	(†)	(†)	(†)
3710	Craft Elkhorn Coal Co., Inc. c/o W. R. Preston, Jr.	No. 1	Elkhorn	1	Mayking, Ky	L&N	62	K	K	K	J	G	G	E	E	D	D	K	J	(†)	(†)	(†)	(†)	(†)	(†)	O	K	K	J	F	D	D	D	G	M	K	J	(†)	(†)	(†)	(†)	(†)
5056	Creech, Frank D	Furnace	Straight Crk	6	Pineville, Ky	L&N	111	F	F	E	D	C	C	E	A	B	C	H	(†)	(†)	(†)	(†)	A	F	F	E	C	B	C	D	C	A	J	H	(†)	(†)	(†)	(†)	A
2608	Day, Felix	Felix Day	No. 4	6	Combs, Ky	L&N	100	K	K	K	J	H	J	G	D	C	D	D	H	K	G	(†)	(†)	(†)	(†)	C	K	K	K	J	K	F	P	D	D	D	E	J	L	K	G	(†)	(†)	(†)	(†)	C
2722	Fleming & Stanley (Ralph Fleming).	Fleming & Stanley	Upper Banner	7	Coeburn, Va	N&W	30	M	M	K	K	J	G	G	E	E	E	D	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	K	F	P	D	D	D	D	E	M	M	G	(†)	(†)	(†)	(†)	C
3759	Fry, A. B	Laurel Creek	No. 5 Block	8	East Lynn, W. Va	N&W	130	Q	Q	O	L	L	J	J	L	H	H	G	M	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
3088	Fry, H. F	Stiltner	No. 5 Block	8	East Lynn, W. Va	N&W	130	Q	Q	O	L	L	J	J	L	H	H	G	M	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
3673	Gray & Bentley (E. B. Gray).	Gray & Bentley	Elkhorn No. 2	1	Virgie, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
1376	Greene, O. E	Greene	Alma	4	Madison, W. Va	C&O	123	Q	Q	L	K	H	F	H	D	E	J	(†)	(†)	(†)	(†)	(†)	(†)	Q	K	N	J	G	B	H	O	J	(†)	(†)	(†)	(†)	(†)
2317	Hamm & Sons (J. G. Hamm).	Hamm & Sons	Widow Kennedy.	7	Coeburn, Va	N&W	30	K	K	E	E	E	C	H	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	E	C	B	E	M	K	(†)	(†)	(†)	(†)	(†)
3740	Hampton, E. C	Pfoff	Jellico	6	Rockhold, Ky	L&N	111	O	O	J	H	G	E	G	E	B	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	D	G	M	K	(†)	(†)	(†)	(†)
3720	Helton, John & Mark Partin (John Helton).	Helton & Partin	Jellico	6	Saxton, Ky	L&N	111	H	H	F	E	G	K	C	G	E	B	C	K	G	(†)	(†)	(†)	(†)	(†)	H	H	J	F	C	B	D	C	G	E	M	K	G	(†)	(†)	(†)	(†)	(†)
3683	Hunsaker, Jim	Jim Hunsaker	Elkhorn	1	Mayking, Ky	L&N	62	K	K	K	J	G	E	G	D	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	D	G	E	L	J	(†)	(†)	(†)	(†)
2267	Hunters Valley Coal Co. (F. H. Wolfe).	Hunters Valley Coal Co.	Upper Banner	7	Sunbright, Va	Sou	202	M	M	K	J	J	F	C	G	E	D	C	D	D	J	K	(†)	(†)	(†)	(†)	(†)	(†)	K	M	K	K	F	D	D	D	G	E	L	J	K	(†)	(†)	(†)	(†)	(†)
788	Island Creek Coal Company	No. 15	Island Creek	5	Holden, W. Va	C&O	150	Q	Q	L	K	H	F	C	H	E	F	E	J	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	D	D	F	H	E	O	L	K	(†)	(†)	(†)	(†)	(†)
3682	Jackson, W. F	Jackson	Clintwood	7	Glamorgan, Va	Inter	200	M	M	K	J	E	F	C	E	D	C	J	K	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	C	B	D	C	D	E	K	G	(†)	(†)	(†)	(†)	(†)	C
3823	Jones, Joe L. [2]	Jones	Jellico	6	Saxton, Ky	L&N	111	H	H	F	E	E	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	B	C	E	K	G	(†)	(†)	(†)	(†)	(†)

[1] Baird, Pryor H. was erroneously listed in Docket A–1035 as Mine Index No. 976.
[2] Jones, Joe L. was erroneously listed in Docket A–880 as Mine Index No. 1554.
†Indicates no classifications effective for these size groups.

§ 328.11 *Alphabetical list of code members*—Supplement R–I—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3666	Jones & Hicks (Wiley J. Jones)	Jones & Hicks	Elkhorn #2	1	Maytown, Ky.	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	E	K	H	(†)	(†)	(†)	(†)	C
530	Koppers Coal Company, The	Kopperston No. 1	Eagle	5	Kopperston, W. Va.	Vir	230	(*)	(*)	(*)	(*)	(†)	(†)	(†)	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)
374	Koppers Coal Company, The	Powellton No. 4	No. 2 Gas	4	Columbia, W. Va.	C&O	123	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	(*)	A	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	(†)	(†)	(†)	(†)	(*)
871	Lonesome Pine Coal Corp. c/o J. S. Stewart.	Hanby	Rim	6	Hanby, Ky.	L&N	111	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
2229	Low Ash Coal Company (G. R. Lipps).	Low Ash Coal Co.	Blair	7	Esserville, Va.	Inter	200	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
3709	Marcum, G. L.	Quizenbury	Dorchester	7	Esserville, Va.	Inter	200	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
3671	Morris, Lloyd	Lloyd Morris	Blue Gem	6	Barbourville, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	K	(†)	(†)	(†)	(†)	(†)
3816	Morris, W. H.	W. H. Morris	Blue Gem	6	Barbourville, Ky.	L&N	111	K	K	J	G	G	E	C	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	J	D	B	B	C	L	K	(†)	(†)	(†)	(†)	(†)
3766	Muncy, Fadl	Paul Muncy	No. 4	6	Combs, Ky.	L&N	100	H	H	H	E	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	C	K	H	(†)	(†)	(†)	(†)	C
3677	Nickels, Austin (Austin Nickels Coal Co.).	Austin Nickels Coal Co.	No. 4	3	Lackey, Ky.	C&O	61	D	D	E	E	E	C	C	B	A	G	L	(†)	(†)	(†)	(†)	C	D	D	F	G	L	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
970	Osborn, Harold	Cantrell-Osborn	No. 1	1	Paintsville, Ky.	C&O	61	(†)	(†)	(†)	E	C	(†)	C	(†)	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3817	Rennebaum Coal Company	Rennebaum #2	Buckeye Springs.	6	Bryson Mountain, Tenn.	L&N and Sou.	113	A	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)
3675	Shepherd, H. D.	Shepherd Coal Co.	Blue Gem	6	Saxton, Ky.	L&N	111	M	M	K	J	G	E	C	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3822	Souleyret, Henry P.	No. 2	No. 2	6	Sloans Valley, Ky.	CNO&TP	171	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)
866	Lambert Mine, L. D., The (Wm. Culbertson, Jr.).	L. D. Lambert Mine.	Elkhorn No. 2	1	Kona, Ky.‡	L&N	62																													

‡ Indicates change in shipping point from Mayking, Ky.
*Indicates previously classified in these size groups.
†Indicates no classifications effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group no. 1	2	3	4	5	6	7	8	9	10
3821	Brooks, S. E.	Buchanan Red Ash.	9	Red Ash	Richlands, Va.	N&W	21	C	C	D	D	A	A	A	H	H	H

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump 1¼" and under Egg 2" x 4" egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾ and under slack
				1	2	3	4	5	6	7
SUBDISTRICT No. 1—BIG SANDY-ELKHORN										
CARTER COUNTY, KY.										
Branham, Edward	Branham	3763	No. 7	265	245	210	220	205	205	150	145
Clay, Author	Clay	3760	No. 7	265	245	210	220	205	200	150	145
Russell, Elijah	Russell	3706	No. 7	265	245	210	220	205	200	150	145
ELLIOTT COUNTY, KY.										
Ison, Dock	Ison	3743	No. 7	265	245	210	220	205	200	150	145b
FLOYD COUNTY, KY.										
Collins & Merritt (Gorman Colline).	Collins	3726	Elkhorn #1	285	265	225	230	215	215	165	160
Collins & Merritt (Gorman Colline).	Collins No. 2	3724	Elkhorn #1	285	265	225	230	215	215	165	160
Jones & Hicks (Wiley J. Jones)	Jones & Hicks	3666	Elkhorn #2	285	265	225	230	215	215	165	160
GREENUP COUNTY, KY.										
Fultz, Dewey	Fultz	3684		265	245	210	220	205	200	150	145
Sergent, Minnie Adams (Mrs.)	Adams	3705	No. 7	265	245	210	220	205	200	150	145
Tackett & Brooks (Charles Tackett).	Frasure #2	3674	No. 7	265	245	210	220	205	200	150	145
Woods, Edward	Stewart	3701	No. 7	265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.										
Hitchcock, Eddie	Hitchcock	987	Millers Creek	305	285	235	240	215	225	170	165
Osborn, Harold	Cantrell-Osborn	970	No. 1	305	285	235	240	215	225	170	165
LAWRENCE COUNTY, KY.										
Pigg, Ben	Pigg	3616		265	245	210	220	205	200	150	145
LETCHER COUNTY, KY.										
Craft, Elkhorn Coal Co., Inc., c/o W. R. Preston, Jr.	No. 1	3710	Elkhorn	275	255	220	220	205	210	160	155
Hunsaker, Jim	Jim Hunsaker	3683	Elkhorn	275	255	220	220	205	210	160	155
MORGAN COUNTY, KY.										
Nickell, J. D.	Nickell	3707	No. 7	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.										
America Coal Company (Monroe Maynard) America		3672	Elkhorn #3	275	255	220	230	215	210	170	165
Coon Creek Coal Company, The c/o Henry Nickels	Coon Creek	3670	Elkhorn #3	275	255	220	230	215	210	170	165
Gray & Bentley (E. B. Gray)	Gray & Bentley	3673	Elkhorn #2	275	255	220	230	215	210	170	165
Justice, Miles	Miles Justice	3667	Elkhorn	275	255	220	230	215	210	170	165
SUBDISTRICT No. 2—HARLAN										
HARLAN COUNTY, KY.										
Middleton Brothers (Steve Middleton)	Middleton	3677	Harlan	270	250	225	230	210	215	175	170

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under Egg 2" x 4" egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾ and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 3—HAZARD											
KNOTT COUNTY, KY.											
Collins & Merritt (Gorman Colline)	Collins No. 1	3725	Elkhorn No. 1	285	265	225	230	215	215	165	160
Nickels, Austin (Austin Nichels Coal Co.)	Austin Nichels Coal Co.	3677	No. 4	285	265	225	230	215	215	165	160
LETCHER COUNTY, KY.											
Collins, Ted	Ted Collins	3699	Whitesburg	265	245	220	220	205	210	155	150
WOLFE COUNTY, KY.											
Elkins, Silas R.	Elkins Coal Co. #3	3754	No. 4	265	245	210	220	205	200	150	145
McAlister, Howard	Lexie Coal Co.	3745	No. 7	265	245	210	220	205	200	150	145
SUBDISTRICT No. 4, KANAWHA											
FAYETTE COUNTY, W. VA.											
Koppers Coal Company, The	Powellton #4	374	No. 2 Gas	(†)	(†)	(*)	(†)	(†)	(*)	200	195
KANAWHA COUNTY, W. VA.											
Comer, Oscar E. (Comer Black Band Coal Co.).	Comer Black Band No. 1.	3716	Black Band	280	260	220	215	200	210	165	160
Comer, Oscar E. (Comer Black Band Coal Co.).	Comer Black Band No. 2.	3814	Black Band	280	260	220	215	200	210	165	160
SUBDISTRICT No. 5, LOGAN											
LOGAN COUNTY, W. VA.											
Island Creek Coal Company	No. 15	788	Island Creek	245	225	215	215	200	205	160	155
WYOMING COUNTY, W. VA.											
Morgan, W. A.	Garden Gap	3708	Little Eagle	285	265	235	250	225	225	175	170
SUBDISTRICT No. 6, SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Lonesome Pine Coal Corp. c/o J. S. Stewart.	Hanby	871	Rim	285	265	220	240	215	210	155	150
JACKSON COUNTY, KY.											
Congleton Coal Company	Congleton Coal Co.	3815	Sand Gap	265	245	220	220	205	210	155	150
Wilkerson, John R.	Wilkerson #2	3703	Sand Gap	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Centers, Russell & Steele (John Centers).	Centers	3761	Blue Gem	335	315	235	260	225	225	145	140
Cooper, Sherman	Cooper	3668	Jellico	255	235	225	225	205	215	155	150
Hubbard, M. D.	Hubbard	3733	Jellico	255	235	225	225	205	215	155	150
Morris, Lloyd	Lloyd Morris	3671	Blue Gem	335	315	235	260	225	225	145	140
Morris, W. H.	W. H. Morris	3816	Blue Gem	335	315	235	260	225	225	145	140

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 5" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under slack (7)	¾ and under slack (8)
SUBDISTRICT No. 6, SOUTHERN APPALACHIAN—Continued											
LESLIE COUNTY, KY.											
Muncy, Paul		3766	Hazard #4	275	255	220	225	205	210	155	150
PULASKI COUNTY, KY.											
Soulcyret, Henry P	No. 2	3822	No. 2	265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Shearer, Bennie	Shearer	3791	Horse Creek	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Bray Brothers (Thurman Bray)	Bray Bros	3762	Jellico	285	265	225	240	215	215	170	165
Bryant, Walter	Bryant	3711	River Gem	275	255	220	230	215	210	145	140
Hampton, E. C	Pfoff	3740	Jellico	255	235	225	225	205	215	155	150
Helton, John & Mark Partin (John Helton).	Helton & Partin	3720	Jellico	285	265	225	240	215	215	170	165
Jones, Joe L	Jones	3823	Jellico	285	265	225	240	215	215	170	165
Shepherd, H. D	ShepherdCoal Co.	3675	Blue Gem	335	315	235	260	225	225	145	140
ANDERSON COUNTY, TENN.											
Braden, Edd. T. & Clay Braden (Edd. T. Braden).		3747	Coal Creek	255	235	225	230	205	215	145	140
Lindsay Coal Co. (R. C. Lindsay)	Blue Gem	978	Stray	255	235	225	230	205	215	145	140
CLAIBORNE COUNTY, TENN.											
Rennebaum Coal Company	Rennebaum #2	3817	Buckeye Springs	285	265	220	240	215	210	155	150
CUMBERLAND COUNTY, TENN.											
Walker, Newton D. (Haley Mountain Coal Co.).	Haley Mt. Nelson #2	3755	Nelson	250	230	205	210	185	195	135	130
MORGAN COUNTY, TENN.											
Jarvis, William H	Jarvis	3744	Coal Creek	255	235	225	230	205	215	145	140
SUBDISTRICT No. 7, VIRGINIA											
DICKENSON COUNTY, VA.											
Fleming & Stanley (Ralph Fleming)	Fleming & Stanley.	3722	Upper Banner	265	245	220	220	215	210	155	150
RUSSELL COUNTY, VA.											
Gross, Ishmeal	Foster Miller	3730	Widow Kennedy	275	255	220	240	225	210	155	150
Jackson, T. J	Jackson No. 2	3756	Widow Kennedy	275	255	220	240	225	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6" (1)	Lump 2" and under, egg 3" x 6" (2)	Lump ¾" and under (3)	Egg 2" x 4", egg 2" x 5" (4)	Stove 3" and under, nut 2" and under (5)	Straight mine run (6)	2" and under slack (7)	¾ and under slack (8)
SUBDISTRICT No. 7, VIRGINIA—Continued											
SCOTT COUNTY, VA.											
Sturgill, J. W		3818	Upper Banner	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
B. & H. Coal Co. (E. E. Bowman)	B. & H. Coal Co	3749	Widow Kennedy	275	255	220	240	225	210	155	150
Jackson, W. F	Jackson	3682	Clintwood	265	245	220	220	215	210	155	150
Marcum, G. L	Quisenberry	3709	Dorchester	265	245	220	220	215	210	155	150
SUB-DISTRICT No. 8, WILLIAMSON											
BUCHANAN COUNTY, VA.											
Breeding, Arthur	Breeding No. 3	3739	Widow Kennedy.	275	255	220	240	225	210	155	150
Kinder, Thompson	Kinder	3671	Splashdam	265	245	220	230	215	210	180	175
MCDOWELL COUNTY, W. VA.											
Lockhart, Randolph	Lockhart	3665	Douglas	285	265	235	250	225	225	175	170
WAYNE COUNTY, W. VA.											
Camp Creek Coal Co. (J. C. Fry)	Camp Creek #4	3700	No. 5 Block	245	225	205	210	185	195	145	140
Fry, A. B	Laurel Creek	3759	No. 5 Block	245	225	205	210	185	195	145	140
Fry, H. F	Stiltner	3685	No. 5 Block	245	225	205	210	185	195	145	140

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump (1)	Egg: Larger than 3" top (2)	Stove: 3" top size (3)	Nut or pea: 1¼" top or less (4)	Screened M/R (5)	Straight M/R (6)	1¼" screenings (7)	¾" screenings (8)
SUBDISTRICT No. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
BUCHANAN COUNTY, VA.											
Brooks, S. E	Buchanan Red Ash	3821	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 41–9530; Filed, December 18, 1941; 11:21 a. m.]

[Docket No. A–1144]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*)

of Effective Minimum Prices for District 8 For Truck Shipments.

Price classifications and minimum prices are established herein for the coals of Mine Index No. 3941 of James P. Lambert under the name of Indian Creek Mine and not James P. Lambert Mine as requested in the original petition be-

been established herein accordingly for the coals of Mine Index No. 3859 for rail shipments, from Esserville, Virginia.

No relief is granted herein for the coals of the Darby Mine (Mine Index No. 891) of Robert Jamison for the reasons set forth in the Order designating that portion of Docket No. A–1144 relating to

Gross, Ishmeal	Foster Miller	3730	Widow Kennedy	275	255	220	240	225	210	155	150		
Jackson, T. J	Jackson No. 2	3756	Widow Kennedy	275	255	220	240	225	210	155	150		
Brooks, S. E	Buchanan Red Ash	3821	Red Ash	300	300	300	300	250	215	155	150		

[F. R. Doc. 41-9530; Filed, December 18, 1941; 11:21 a. m.]

[Docket No. A-1144]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coals of the Koontz Mine of Russel E. Brown in Nicholas County, West Virginia, for the reason that records of the Division indicate that this mine is located within District No. 3.

No price classifications and minimum prices are established herein for the coals of the Black Widow Mine (Mine Index No. 2672) of Robert Van Dyke (Black Widow Coal Company) for truck shipment because the records of the Division indicate that the present owners are successors to Black Widow Coal Company (R. D. Van Dyke), owners at the time prices were established for this mine in Supplement 2 to the Schedule of Effective Minimum Prices for District 8 For Truck Shipments.

Price classifications and minimum prices are established herein for the coals of Mine Index No. 3941 of James P. Lambert under the name of Indian Creek Mine and not James P. Lambert Mine as requested in the original petition because the record of the Division indicates that Indian Creek is the correct name of this mine.

Price classifications and minimum prices are established herein for the coals of Mine Index No. 3836 as the Horn and Son Mining Company mine of Horn and Son Mining Company (Simon Horn). The original petition lists this mine as the Ham and Son Mining Company mine of Ham and Son Mining Company (Simon Ham). The records of the Division indicate that the former name is correct.

The name of the shipping point for the coals of Mine Index No. 3859 of J. L. Perry (Perry Coal Company) is listed in the original petition as Rays Siding, Virginia. The records of the Division indicate that Esserville, Virginia, is the correct name for this shipping point. Price classifications and minimum prices have been established herein accordingly for the coals of Mine Index No. 3859 for rail shipments, from Esserville, Virginia.

No relief is granted herein for the coals of the Darby Mine (Mine Index No. 891) of Robert Jamison for the reasons set forth in the Order designating that portion of Docket No. A-1144 relating to such coals as Docket A-1144, Part II.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Acting Director shall otherwise order.

Dated: November 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

| Mine Index No. | Code member | Mine name | High volatile seam | Subdistrict | Shipping point | Railroad | Freight origin group No. | Price classifications by size group Nos. | | | | | | | | | | | | |

§ 328.11 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1	2	3	4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	‡2	25	26	27	For Great Lakes cargo only: 1	2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
1740	Cathers, Charlie		Lilly	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	E	G	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3845	Candill Shelby	Muddy Gap	Horse Creek	6	Manchester, Ky	L&N	111	M	M	K	J	G	E	G	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	F	E	D	G	E	L	K	(†)	(†)	(†)	(†)
2818	Clinch Mining Co. (L. L. Kreger).	Miller & Son	Upper Benner	7	Swords Creek, Va	N&W	20	M	M	K	J	F	C	E	D	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	K	G	F	E	D	E	D	G	E	L	K	(†)	(†)	(†)	(†)
3750	Coal River By-Product Co. (c/o R. W. Morgan).	Doris Ann	Cedar Grove	4	Seth, W. Va	C&O	123	Q	Q	L	K	H	F	H	B	C	E	(†)	(†)	(†)	(†)	(†)	B	P	N	L	G	E	E	H	L	E	(†)	(†)	(†)	(†)	B
3502	Collins & Eastern (John Collins).	Collins & Eastern	Jellico	6	Williamsburg, Ky.	L&N	111	H	H	F	E	E	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	B	C	E	K	G	(†)	(†)	(†)	(†)	(†)
3606	Creech, John A	Darby	Darby	2	Louellen, Ky	L&N	80	D	D	E	E	D	B	A	A	A	F	(†)	(†)	(†)	(†)	(†)	A	D	D	L	A	A	E	A	D	G	F	(†)	(†)	(†)	(†)	A
3606	Creech, John A	Dartmont	Kelliokx	2	Evarts, Ky	L&N	80	D	D	H	E	E	C	D	D	B	C	(†)	(†)	(†)	(†)	(†)	(†)	D	D	H	G	E	B	C	K	G	(†)	(†)	(†)	(†)	(†)	(†)
1839	Croley, J. R	Croley	Jellico	6	Williamsburg, Ky.	L&N	111	H	H	F	E	E	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	H	H	H	H	F	C	B	C	E	K	G	(†)	(†)	(†)	(†)	(†)
3826	Dalton, A. J	Low Ash No. 2	Elkhorn No. 3	1	Pikeville, Ky	C&O	61	K	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	K	H	J	D	D	B	B	C	G	(†)	(†)	(†)	C
1296	Dalton, A. J	Low Ash No. 3	Elkhorn No. 3	1	Pikeville, Ky	C&O	61	K	K	K	H	G	E	C	C	B	D	K	(†)	(†)	(†)	(†)	(†)	C	K	K	K	H	J	F	D	B	D	G	K	(†)	(†)	(†)	C
3849	Dalton Coal Co. (A. N. Dalton).	Dalton Coal Co	No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	E	E	G	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	K	J	F	D	B	D	G	K	L	(†)	(†)	(†)	(†)
161	Detroit Mining Company	No. 1	Coalburg	4	Gordon, W. Va	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	B	C	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	B	C	D
162	Detroit Mining Company	No. 2	Coalburg	4	Gordon, W. Va	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	B	C	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	B	C	D
3850	Dixon, Eddy	Eddy Dixon	Hazard No. 4	3	Cornettsville, Ky	L&N	100	K	K	J	H	G	E	G	G	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	J	F	F	D	D	G	G	K	(†)	(†)	(†)	(†)	(†)
3851	Engle, Arvie Lee	Arvie Lee Engle	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	J	H	F	F	D	D	G	G	M	K	(†)	(†)	(†)	(†)
3842	Ewing, C. E	Ewing	No. 3 (Jack Rock).	7	Maness, Va	L&N and Sou.	204	M	M	K	J	G	E	G	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	K	G	E	E	G	M	M	K	(†)	(†)	(†)	(†)	(†)
3753	Ferrell, Roy	Brafford	Jellico	6	Grays, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	(*)	J	F	F	D	D	G	G	M	K	(†)	(†)	(†)	(†)	(†)
1651	Ferrell, Roy	Ferrell	Jellico	6	Grays, Ky	L&N	111	O	(*)	J	H	G	E	G	G	E	(*)	(†)	(†)	(†)	(†)	(†)	(†)	O	(*)	J	J	F	F	D	D	G	G	(*)	K	(†)	(†)	(†)	(†)	(†)
3781	Ferrell, Roy	Kelly Hollow	Jellico	6	Grays, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	M	J	J	F	D	D	G	G	M	K	(†)	(†)	(†)	(†)	(†)
1688	Ferrell, Roy	B. W. Setser	Jellico	6	Grays, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	M	K	K	G	E	E	G	M	M	K	(†)	(†)	(†)	(†)	(†)
3046	Gabbard, Hugh	Broken Gate	Horse Creek	6	Sibert, Ky	L&N	111	M	M	K	J	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	K	G	E	E	G	M	M	K	(†)	(†)	(†)	(†)	(†)
3843	Garrison Brothers (Lonzo Garrison).	Valley View	Horse Creek	6	Manchester, Ky	L&N	111	M	M	K	J	G	E	G	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)	(†)
2745	Gibbs, Otto	Lillian	Pittsburgh	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3896	Horn & Son Mining Co. (Simon Horn).	Horn & Son Mining Co.	Warfield	8	Beauty, Ky	N&W	130	Q	Q	O	N	L	J	L	F	F	N	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	L	Q	N	(†)	(†)	(†)	(†)	(†)
3769	Harris, J. V	Viva	Pittsburgh	6	London, Ky	L&N	111	M	O	K	J	H	G	E	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	J	F	F	E	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3854	Helton, Larence	Larence Helton	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	J	J	F	F	D	D	G	G	M	K	(†)	(†)	(†)	(†)	(†)
3782	Helton, Maud (Mrs.)	Helton	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	J	F	F	D	D	G	G	M	K	(†)	(†)	(†)	(†)	(†)
3783	Helton, Temus	Temus Helton	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	K	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)	(†)
2567	Hogg, Chester	Chester Hogg	Hazard No. 4	2	Whitesburg, Ky	L&N	100	M	M	K	J	G	E	C	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	D	D	M	K	J	G	E	C	D	B	C	D	N	F	N	G	H	(†)	(†)	(†)	(†)
3771	Johnson, Alfred H		Millers Creek	1	Paintsville, Ky	C&O	61	D	D	L	K	F	D	D	B	A	D	G	H	(†)	(†)	(†)	(†)	(†)	G	O	M	K	K	F	B	F	C	D	N	(†)	(†)	(†)	(†)	(†)	C
3801	Kelly Brothers Coal Co. (D. M. Kelly).	Kelly	Harlan	2	Evarts, Ky	L&N	80	O	O	L	K	F	D	D	B	A	D	G	H	(†)	(†)	(†)	(†)	(†)	G	O	M	K	K	F	B	F	C	D	B	C	D	N	(†)	(†)	(†)	(†)	(†)	(†)
155	Kentucky Ridge Coal Company.	Davy Crockett	Crockett	6	Crockett, Ky	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	A	B	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	A	B	A
3936	Kreger, L. L. (Kreger Mining Co.).	Kreger Mining Co. No. 2.	Widow Kennedy.	7	Honaker, Va	N&W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
1753	Lee, Wesley	Lee	Horse Creek	6	East Bernstadt, Ky.	LN&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3855	Lowe, Paris	Lowe	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	K	F	F	D	E	H	G	M	K	(†)	(†)	(†)	(†)	(†)
1731	McCracken, W. L	W. L. McCracken	Lilly	6	London, Ky	L&N	111	M	M	K	O	N	L	J	L	F	N	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	O	G	K	C	E	H	G	L	K	N	(†)	(†)	(†)	(†)
3935	Maynard, Kin (Maynard Mining Co.).	Hy-Steam	Warfield	8	Beauty, Ky	N&W	130	Q	Q	O	N	L	J	L	F	F	N	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	L	Q	N	(†)	(†)	(†)	(†)	(†)
3837	Meadors, Raymond	Meadors	Jellico	6	Williamsburg, Ky	L&N	111	H	H	F	E	E	C	E	B	C	F	G	(†)	(†)	(†)	(†)	(†)	(†)	H	O	K	C	F	F	C	D	D	E	G	K	J	(†)	(†)	(†)	(†)
3788	Miracle, Jack	Miracle	Jellico	6	Woodbine, Ky	L&N	111	O	O	K	K	J	G	E	G	D	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	K	F	F	B	F	B	C	D	C	G	M	L	(†)	(†)	(†)	(†)
3857	Mullins, C. C., Sr	C. C. Mullins	Elkhorn	3	Whitesburg, Ky	L&N	100	K	K	J	H	G	E	G	G	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	B	C	D	D	E	M	K	(†)	(†)	(†)	(†)	(†)
61	New Jellico Coal Company, Inc.	Blue Rose	Jellico	6	Morley, Tenn	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	A
3789	Old Daley Coal Co. (Mitchell Joseph).	Old Daley	No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	O	L	K	(†)	(†)	(†)	(†)	(†)
3937	Patterson, Willie	Robinson Creek	Lewiston	4	Madison, W. Va	C&O	123	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3859	Perry, J. L. (Perry Coal Co.)	Perry Coal Co	Blair	7	Esserville, Va	Inter	200	O	O	K	J	F	C	C	C	C	O	J	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	K	J	F	E	H	M	O	G	J	(†)	(†)	(†)	(†)	C
3875	Pond Creek Mining Company (Noah D. Howard).	Pond Creek	Toler	8	Toler, Ky	N&W	130	Q	Q	Q	M	L	J	H	E	H	C	D	(†)	(†)	(†)	(†)	(†)	(†)	Q	D	O	N	K	L	G	D	D	E	H	O	(†)	(†)	(†)	(†)	D

*Indicates previously classified these size groups.
†Indicates no classifications effective for these size groups.

§ 328.11 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Subdistrict	Price classifications by size group Nos. For destinations other than Great Lakes: 1	2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1	2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3578	Priode, Frank J. (Lick Branch Mining Co.).	Lick Branch	No. 5 Block	8	Ft. Gay, W. Va	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
368	Pioneer Coal Company	Pioneer	Straight Creek	6	Kettle Island, Ky	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	A
2189	Ridge Mountain Coal Corp. (c/o A. T. Pennington, Sr.).	Ridge Mt'n Coal Corp.	No. 4	7	Purcell, Va	Sou	202	M	M	K	J	G	E	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	E	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3267	Sand Gap Coal Co., Inc	McKee	Sand Gap	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
2755	Sexton, Q. E. & T. H. Lingerfelt (Q. E. Sexton).	Saxton & Lingerfelt.	Jellico	6	Habersham, Tenn	L&N	111	E	E	D	C	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	E	E	D	C	B	C	E	G	G	(†)	(†)	(†)	(†)	(†)
3773	Sizemore, Hugh	Beattyville	Beattyville	3	Beattyville, Ky	L&N	100	K	K	J	H	G	G	J	F	D	M	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	F	J	L	M	(†)	(†)	(†)	(†)	(†)
3630	Stanfill, J. S	Stanfill	Blue Gem	6	Jellico, Tenn	L&N and Sou.	113	A	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)
1553	Taylor Ford Coal Co. (Patton Slusher).	Lucinda	Mason	6	Miracle, Ky	L&N	111	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
22	Tennessee Jellico Coal Company.	Anthras	Jellico	6	Anthras, Tenn	L&N and Sou.	113	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	A
3704	Turpin, E. H. & J. H	Turpin No. 2	Stray	6	Pineville, Ky	L&N	111	H	H	H	F	E	D	C	E	D	C	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	G	F	C	D	D	E	M	K	(†)	(†)	(†)	(†)	(†)
3248	Varney, W. A	W. A. Varney	Pond Creek	8	Williamson, Ky	N&W	130	Q	Q	O	K	J	H	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	J	F	F	D	D	G	G	L	K	(†)	(†)	(†)	(†)	(†)
3860	Walters, J. F	Walters	Jellico	6	Woodbine, Ky	L&N	111	O	O	K	J	H	G	E	G	D	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	K	J	F	D	D	G	G	M	K	(†)	(†)	(†)	(†)	(†)
3865	Wells, Riley	Wells	Hazard No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	G	E	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	D	D	G	G	L	K	(†)	(†)	(†)	(†)	(†)
3798	Williams, Cleasey	Williams	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	K	K	G	E	E	G	M	M	K	(†)	(†)	(†)	(†)	(†)
3094	Wilson, L. A. (Wilson Coal Co.).	Cabin Creek Mng. Co.	Cedar Grove	4	Cheyan, W. Va	C&O	123	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	(†)	(†)	(†)	(†)	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	L	(†)	(†)	(†)	(†)	B
3794	Wright, J. D. (Lower Branch Coal Co.).	Lower Branch Coal Co.	Brooks	1	Elkhorn City, Ky	C&O and CC&O.	63	P	P	N	M	J	G	J	F	G	N	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	J	P	N	(†)	(†)	(†)	(†)	(†)
3748	Yokley, Ed	Roadside	Pittsburgh	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
1809	Young, Albert L	Smith No. 3	Horse Creek	6	Livingston, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)

*Indicates previously classified in these size groups.
†Indicates no classification effective for these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 3", egg 2" x 4", egg	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1, BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Hicks, Kenith	Hicks	3841	No. 6	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
Sarton & Jacob (M. V. Sarton).	Clay	3862	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Tackett, Tapley	Tackett	3774	Elkhorn	285	265	225	230	215	215	165	160
GREENUP COUNTY, KY.											
Baldridge, James	Baldridge	3864		265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Johnson, Alfred H		3771	Millers Creek	305	285	235	240	215	225	170	165
LAWRENCE COUNTY, KY.											
Hinkle, Alonzo	Hinkle	3784		265	245	210	220	205	200	150	145
Hughes & Hughes (James Hughes).	Hughes	3835	McHenry	265	245	210	220	205	200	150	145
Thompson, Virgil	E. H. Stuart	3799		265	245	210	220	205	200	150	145
MAGOFFIN COUNTY, KY.											
Cole, Roy	Cole	3846	No. 7	265	245	210	220	205	200	150	145
MORGAN COUNTY, KY.											
Tipton, J. H	Tipton	3863	No. 7	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Auxier, Andrew E	Andrew E. Auxier	3767	Elkhorn No. 1, 2 & 3.	275	255	220	230	215	210	170	165
Dalton, A. J	Low Ash #2	3826	Elkhorn No. 3	275	255	220	230	215	210	170	165
Johnson, Guy F		3785		275	255	220	230	215	210	170	165
Wright, J. D. (Lower Branch Coal Co.).	Lower Branch Coal Co.	3794	Brooks	250	230	205	205	195	195	140	135
SUBDISTRICT No. 2—HARLAN											
HARLAN COUNTY, KY.											
Creech, John A	Darby	3695	Darby	295	275	225	245	215	215	175	170
Creech, John A	Dartmont	3696	Kelliokia	245	225	215	215	200	205	155	150
Elliott, Oscar	Nolan Branch	3779	Pine Mountain	270	250	225	230	210	215	175	170
Kelly Brothers Coal Co. (D. M. Kelly).	Kelly	3801	Harlan	270	250	225	230	210	215	175	170
Pruett, H. L	Pruett	3790	Mason	250	230	215	205	200	205	165	160

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 3", egg 2" x 4", egg	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 3—HAZARD											
LEE COUNTY, KY.											
Blakey, G. T	Blakey	3844	Beattyville	275	255	220	225	205	210	155	150
Sizemore, Hugh	Sizemore	3773	Beattyville	275	255	220	225	205	210	155	150
LETCHER COUNTY, KY.											
Adams, William	William Adams	3825	Whitesburg	265	245	220	220	205	210	155	150
Collins & Breeding (Blaine Collins).	Collins & Breeding	3777	Whitesburg	265	245	220	220	205	210	155	150
Halcomb, Warren G	Buckeye	3781	Rider	275	255	220	220	205	210	160	155
Mullins, C. C., Sr	C. C. Mullins	3857	Elkhorn	275	255	220	220	205	210	160	155
PERRY COUNTY, KY.											
Dixon, Eddy	Eddy Dixon	3850	Hazard No. 4	275	255	220	225	205	210	165	160
SUBDISTRICT No. 4, KANAWHA											
BOONE COUNTY, W. VA.											
Coal River By-Product Co. (c/o R. W. Morgan).	Doris Ann	3750	Cedar Grove	245	225	225	215	200	215	180	175
Patterson, Willie	Robison Creek	3937	Lewiston			225			215		
KANAWHA COUNTY, W. VA.											
Kava Coal Company (c/o D. S. Nichols) No. 2.		3786	No. 2 Gas	265	245	225	215	200	215	175	170
PUTNAM COUNTY, W. VA.											
McClanahan, Wright & Wright (O. W. McClanahan).	Buzzards Glory	3772		245	225	205	195	180	195	125	120
SUBDISTRICT No. 6, SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Turpin, E. H. & J. H	Turpin No. 2	3704	Stray	265	265	220	240	215	210	150	150
CLAY COUNTY, KY.											
Caudill, Shelby	Muddy Gap	3845	Horse Creek	265	245	220	220	205	210	155	150
Garrison Brothers (Lonzo Garrison).	Valley View	3843	Horse Creek	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Bennett, Frank	Rich Partin	3840	Blue Gem	335	315	235	260	225	225	145	140
Carter & Logan (Cay Carter).	Carter & Logan	3775	Jellico	255	235	225	225	205	215	155	150
Carty, Glen	Carty	3833	Jellico	255	235	225	225	205	215	155	150
Engle, Arvie Lee	Arvie Lee Engle	3851	Jellico	255	235	225	225	205	215	155	150
Ferrell, Roy	Kelly Hollow	3751	Jellico	255	235	225	225	205	215	155	150
Ferrell, Roy	Bradford	3753	Jellico	255	235	225	225	205	215	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 3", egg 2" x 4", egg	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 6 SOUTHERN APPALACHIAN—con.											
Helton, Larence	Larence Helton	3854	Jellico	255	235	225	225	205	215	155	150
Helton, Maud (Mrs.)	Helton	3782	Jellico	255	235	225	225	205	215	155	150
Helton, Temus	Temus Helton	3783	Jellico	255	235	225	225	205	215	155	150
Lowe, Paris	Lowe	3855	Jellico	255	235	225	225	205	215	155	150
McDonald, Maxwell	McDonald	3856	Blue Gem	335	315	235	260	225	225	145	140
Miracle, Jack	Miracle	3788	Jellico	255	235	225	225	205	215	155	150
Walters, J. F	Walters	3860	Jellico	255	235	225	225	205	215	155	150
Williams, Cleasey	Williams	3793	Jellico	255	235	225	225	205	215	155	150
LAUREL COUNTY, KY.											
Harris, J. V	Viva	3769	Pittsburgh	265	245	220	220	205	210	155	150
Holt, Bert	Byrd	3770	Mayflower	265	245	220	220	205	210	155	150
Yokley, Ed	Roadside	3748	Pittsburgh	265	245	220	220	205	210	155	150
LESLIE COUNTY, KY.											
Baker, H. Y	Baker	3870	No. 4	275	255	220	225	205	210	155	150
Dalton Coal Co. (A. N. Dalton).	Dalton Coal Co	3849	No. 4	275	255	220	225	205	210	155	150
Old Daley Coal Co. (Mitchell Joseph)	Old Daley	3789	No. 4	275	255	220	225	205	210	155	150
Wells, Riley	Wells	3865	Hazard #4	275	255	220	225	205	210	155	150
MCCREARY COUNTY, KY.											
Meadors, Roscoe & Charlie (Charlie Meadors).		3858		255	235	215	210	200	205	155	150
PULASKI COUNTY, KY.											
Wilson, Delbert	Louise	3831	No. 3	265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Barnes, Harvey N	Vulcan	3838	Horse Creek	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Bennett, Alvin & John (Alvin Bennett).	Bryants	3719	Blue Gem	335	315	235	260	225	225	145	140
Brown, J. R	Brown Blue Gem No. 2.	3828	Blue Gem	335	315	235	260	225	225	145	140
Eagle, Henry		3795	Jellico	255	235	225	225	205	215	155	150
Meadors, Raymond	Meadors	3837	Jellico	285	265	225	240	215	215	170	165
ANDERSON COUNTY, TENN.											
Miller, Harve	Harve Miller	3679	Coal Creek	255	235	225	230	205	215	145	140
Williams, A. H	Big Mountain	3861	Popular Creek	255	235	225	230	205	215	145	140
CAMPBELL COUNTY, TENN.											
Walden, Floyd M. & Foster Walden (Floyd M. Walden).	Peabody Ridge	3832	Rich Mountain	295	275	210	245	215	200	145	140

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 3", egg 2" x 4", egg	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 6 SOUTHERN APPALACHIAN—con.											
CUMBERLAND COUNTY, TENN.											
Keys & Hamby (C. W. Keys).	Keys & Hamby	3787	Bon Air No. 2	250	230	205	210	185	195	135	130
SUBDISTRICT No. 7, VIRGINIA											
LEE COUNTY, VA.											
Ewing, C. E	Ewing	3842	#3 (Jackrock)	265	245	215	220	205	205	155	150
Shepard Coal Co., R. J. (R. J. Shepard).		3906	Penn Lee	265	245	215	220	205	205	155	150
RUSSELL COUNTY, VA.											
Kreger, L. L. (Kreger Mining Co.).	Kreger Mining Co. #2.	3936	Widow Kennedy	275	255	220	240	225	210	155	150
SCOTT COUNTY, VA.											
Begley & Darnell (S. J. Begley).	Begley & Darnell	3768	Upper Banner	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
Holbrook & Mann (S. W. Holbrook).		3901	Widow Kennedy	275	255	220	240	225	210	165	160
Perry, J. L. (Perry Coal Co)	Perry Coal Co	3859	Blair	265	245	220	220	215	210	155	150
SUBDISTRICT No. 8, WILLIAMSON											
BUCHANAN COUNTY, VA.											
Ashby, Walter J	W. J. Ashby	3735	Lower Banner	265	245	220	220	215	240	155	150
Lambert, James	Indian Creek	3941	Tiller	265	245	220	220	215	210	155	150
MARTIN COUNTY, KY.											
Horn & Son Mining Co. (Simon Horn).	Horn & Son Mining Co	3836	Warfield	245	225	210	200	185	200	140	135
Maynard, Kin (Maynard Mining Co.).	Hy-Steam	3935	Warfield	245	225	210	200	185	200	140	135
PIKE COUNTY, KY.											
Farley, Charley	Farley	3852	Pond Creek	245	225	225	210	200	215	160	155
Pond Creek Mining Company (Noah D. Howard).	Toler	3875	Pond Creek	245	225	225	210	200	215	160	155
WAYNE COUNTY, W. VA.											
Wellman, Theron	Salt Peter	3796	No. 5 Block	245	225	205	210	185	195	145	140
Wellman, Theron	Vinson Branch	3797	No. 5 Block	245	225	205	210	185	195	145	140

[F. R. Doc. 41-9535; Filed, December 18, 1941; 11:22 a. m.]

[Docket No. A-1167]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR WASHED COALS OF THE UNION MINE (MINE INDEX NO. 175) OF THE UNION COAL COMPANY IN DISTRICT 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices in Size Groups 17 through 25 (washed coals) for the coals of the Union Mine (Mine Index No. 175) of the Union Coal Company in District No. 10.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth and that the minimum prices sought for the coals of this mine for all shipments except truck in Size Groups 17 through 25 may be readily granted by transferring this mine from its present price group to a different price group which includes mines producing analogous washed coals.

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, the price group designated in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck for Mine Index No. 175 be and the same hereby is changed from Price Group No. 31 to Price Group No. 30 and the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments is supplemented to include the price classifications and minimum prices for Mine Index No. 175 set forth in Supplement T, § 330.25 (*General prices in cents per net ton for shipment into all market areas*), which supplement is annexed hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 2																																
LA SALLE COUNTY																																
Union Coal Company	175	Union	2																	205	200	200	200	200	190	190	180	150				

[F. R. Doc. 41-9532; Filed, December 18, 1941; 11:21 a. m.]

[Docket No. A-1171]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 11, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
SULLIVAN COUNTY																														
Eslinger, R.	181	Kingkol Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Harper, Ralph	183	Kingkol Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Miller, Ivan George	182	Kingkol Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													

[F. R. Doc. 41-9533; Filed, December 18, 1941; 11:22 a. m.]

[Docket No. A-1049]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above matter on October 17, 1941; 6 F.R. 5672;

It appearing that through error Freight Origin Group 80 was assigned to the Lockhart Mine, Mine Index 621 of W. H. Lockhart, and that Freight Origin Group 100 should be assigned to this mine;

It is, therefore, ordered, That § 333.6 (*General prices*) in Supplement R-I of the Order of October 17, 1941 in the above matter be, and the same hereby is, amended by the deletion of the assignment of Freight Origin Group 80 to the Lockhart Mine, Mine Index 621, of W. H. Lockhart, and by the assignment in lieu thereof, of Freight Origin Group 100 to this mine.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9539; Filed, December 18, 1941; 11:23 a. m.]

[Docket No. A-1131]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coals of the Blue Ridge Coal Company No. 1 Slope Mine, for the reason that this Division has no record of such a mine being operated by the Blue Ridge Coal Company. Before price classifications and minimum prices can be established for the coals of its No. 1 Slope Mine it will be necessary for the Blue Ridge Coal Company to comply fully with the requirements of Order No. 288.

No relief is granted herein for the coals of the Independent Coal Company Mine, Mine Index No. 173, for the reason that the price classifications and minimum prices proposed by petitioner for the coals of such mine are applicable to such coals only when produced by the solid-shot method of operation. Since the Independent Coal Company has effective price classifications and minimum prices for the coals of Mine Index No. 173 when produced by the machine-cut method of operation, and has failed to comply with Order No. 288 in connection with the change, or contemplated change, in its method of operation, the relief sought for the coals of Mine Index No. 173 cannot be granted.

The coals of the Johnson-Simpson J & S Mine, Mine Index No. 437, one of the mines for which relief is sought, have previously been classified and priced for production by the machine-cut method of operation only in Docket Nos. A-109 (on October 25, 1940, 5 F.R. 4348) and A-759 (on April 7, 1941, 6 F.R. 2189), for truck and rail shipments respectively. Petitioner now requests the establishment of minimum prices for the coals of Mine Index No. 437 when produced by the solid-shot method of operation. However, the Johnson-Simpson Coal Company has failed to comply with the requirements of Order No. 288 in reporting the change or contemplated change in the method of producing the coals of Mine Index No. 437. Accordingly, the relief prayed for on behalf of Mine Index No. 437 cannot be granted at this time.

Petitioner proposes Excelsior, Arkansas and Greenwood, Arkansas a/c Fort Smith, Arkansas, as railroad shipping points for the Lewis Excelsior Mine of the Lewis Excelsior Coal Company, Mine Index No. 553. Fort Smith is not shown in the attached schedule marked "Supplement R" for the reason that the Division's records indicate that Fort Smith, Arkansas is merely the railroad station at which bills of lading are issued, for shipments from Mine Index No. 553 which originate at Greenwood, Arkansas upon the Missouri-Pacific Railroad.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the

temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group																	
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
554	Howell Mining Co. (Leslie E. Howell).	Howell	5	Excelsior, Ark	MV	15	----	----	C	----	----	----	----	----	----	----	----	----	----	B	----	----	----	P	----	----
553	Lewis Excelsior Coal Co. (T. E. Lewis).	Lewis Excelsior	5	Excelsior, Ark. Greenwood, Ark.	MV MP	26	----	----	----	G	----	H	H	H	H	G	F	----	D	B	B	B	A	N	----	----

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Mine index No.	Code member	Mine name	Production group No.	County	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
554	Howell Mining Co. (Leslie E. Howell)	Howell	5	Sebastian, Ark	----	----	385	----	----	425	425	425	400	370	355	----	200	195	115	105	185	280	----	----
553	Lewis Excelsior Coal Co. (T. E. Lewis)	Lewis Excelsior	5	Sebastian, Ark	----	----	----	425	----	----	----	----	----	----	----	----	----	135	----	----	----	325	----	----

[F. R. Doc. 41-9536; Filed, December 18, 1941; 11:22 a. m.]

[Docket No. A-1159]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coals of Craig Mine No. 2 (Mine Index No. 38) of the Craig Coal Company (Frank S. Williams) for the reason that these coals were previously classified and priced for truck shipments in General Docket No. 15 and for all shipments except truck in Docket No. A-1041, by an order dated September 30, 1941, 6 F.R. 5321.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine Index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin Group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Baskin & Stubblefield [1]	425	Stubblefield	7	Savanna, Okla	MKT	101	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
Burger, Claud (Burger Coal Company).	1530	Burger	8	Wilburton, Okla	RI&MKT	104	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
Creason, J. L. (Home Coal Co.)	910	Home Coal Co	4	Camden, Mo	SF&W	164	A	A	A	A	A	A	A	A	----	A	A	A	----	A	A
Gritis, Mike	1529	Gritis Coal Co	8	Hartshorne, Okla	RI	100	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
Jones Coal Company, Inc., Tom. [1]	729	Tom Jones No. 1	9	Conigate, Okla	OCAA	107	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
Loudermilk Coal Co. (Ed Loudermilk).	1541	#1	8	Haileyville, Okla	CRIP	100	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
McCutcheon, William (McCutcheon Coal Company). [1]	1382	McCutcheon Coal Co.	7	Dow, Okla	PCR	102	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----

[1] Previously classified as truck mines only.

A is Market Area list price as listed in Price Schedule No. 1.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	3" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ¾"	1¼" x ¾" (R)	1¼" x 0 (W)	1¼" x 0 (R)	¾" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	M	15
Ahlbom, W. H	1518	W. H. Ahlbom	3	Macon, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Bright, O. R	1533	Bright	1	Vernon, Mo	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Burger, Claud (Burger Coal Company)	1530	Burger	8	Latimer, Okla	435	435	435	385	----	335	----	210	295	165	----	----	----	140	----
Davis, Theodore	1531	Hopps	10	Okmulgee, Okla	300	300	300	315	----	270	----	160	235	140	150	----	----	115	----
Dunlap & Cooper (Ralph Dunlap)	1539	Dunlap & Cooper	1	Bourbon, Kans	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Fantz & Sons (H. E. Fantz)	1525	Fantz	2	Henry, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Gallop & Son (Kirt Gallop)	1535	Elliott #1	3	Randolph, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Griffith, Sherman	1524	Sherman Griffith Coal Works.	2	Henry, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	160	35
Gritis, Mike	1529	Gritis Coal Co	8	Latimer, Okla	435	435	435	385	----	335	----	210	295	165	----	----	----	140	----
Hereford, Isaac	1305	Eldorado Coal Co	1	Cedar, Mo	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Hestand, J. H. & J. D. Teays	1469	J. H. Hestand Coal Co	2	Henry, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Loudermilk Coal Co. (Ed Loudermilk)	1541	#1	8	Latimer, Okla	435	435	435	385	----	335	----	210	295	165	----	----	----	140	----
Loyd-Davis Coal Co. (Steve W. Davis)	1526	Loyd-Davis	2	Henry, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Manbeck, A. H	1527	Manbeck	2	Henry, Mo	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Millner, W. W. (Maple-Wood Coal Co.)	1536	Millner, W. W. (Maple-Wood Coal Co.).	1	Cherokee, Kans	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Newcomer, J. H	1542	J. H. Newcomer	10	McIntosh, Okla	300	300	300	315	----	270	----	160	235	140	150	----	----	115	----
Norton, Glen (Norton Coal Mine)	1532	Norton Coal	6	Osage, Kans	345	345	345	345	----	----	----	----	345	335	335	335	----	----	----
Ray, Vernice, Administrator, Oak Ridge Coal Co	1537	Oak Ridge Coal Co	7	Latimer, Okla	485	485	485	435	----	385	----	210	295	165	----	----	----	140	----
Riner & Withers (Jack W. Riner)	1528	Riner & Withers	3	Cole, Mo	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
S. H. & S. Coal Company (William Sandmann)	1538	S. H. & S. Coal Co	9	Coal, Okla	435	435	435	385	----	335	----	210	295	165	----	----	----	140	----
True Cherokee Coal Co. (Otto Buche)	1534	True Cherokee	1	Barton, Mo	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Wise, W. A	1543	Red Onion	1	Barton, Mo	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35

[F. R. Doc. 41-9537; Filed, December 18, 1941; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 115]

AMENDING THE REGULATIONS SO AS TO DELETE PARAGRAPH 420[1]

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Four, Section XXXV, in the following manner:

By deleting Paragraph 420 in its entirety.

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9558; Filed, December 19, 1941; 9:24 a. m.]

Effective January 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 621 of the Second Edition of the Selective Service Regulations:

Paragraph 136 as amended becomes § 621.7.
Paragraph 161 as amended becomes § 621.9.
Paragraph 319 as amended becomes § 621.1.
Paragraph 320 as amended becomes § 621.2.
Paragraph 321 as amended becomes § 621.6.
Paragraph 322 as amended becomes § 621.4.
Paragraph 323 as amended becomes § 621.9.
Paragraph 324 as amended becomes § 621.5.
Paragraph 325 as amended becomes § 621.8.
Paragraph 363 as amended becomes § 621.3.

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

Sec.
621.1 Mailing questionnaires.
621.2 Time allowed to return questionnaire.
621.3 Special form for conscientious objector.
621.4 Claims for, or information relating to, deferment.
621.5 Inadequate questionnaire.
621.6 Assistance to registrants in filling out questionnaires.
621.7 Securing information from welfare and governmental agencies.
621.8 Subpena power of local board.
621.9 Permit and Selective Service Questionnaire of registrant leaving the United States.

§ 621.1 *Mailing questionnaires.* (a) The local board shall mail a Selective Service Questionnaire (Form 40) to each registrant in strict accordance with the order numbers, from the smallest to the largest. Selective Service Questionnaires (Form 40) shall be mailed as rapidly as possible, consistent with the ability of the local board to give them prompt consideration upon their return.

(b) Before a Selective Service Questionnaire (Form 40) is mailed, it shall be prepared by filling in all blanks on page 1.

(c) The date upon which the Selective Service Questionnaire (Form 40) is mailed shall be entered on the Classification Record (Form 100).

(d) Each day when one or more Selective Service Questionnaires (Form 40) are mailed, an Important Notice to Registrants (Form 55) shall be completed and posted in a public place.*

*§§ 621.1 to 621.9, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 621.2 *Time allowed to return questionnaire.* (a) Unless the local board grants an extension of time, as explained below, the registrant shall complete and return his Selective Service Questionnaire (Form 40) within 10 days after the date on which it is mailed to him.

(b) If the registrant has a valid reason, the local board may grant an extension of time for returning the Selective Service Questionnaire (Form 40). Examples of valid reasons are:

Too sick to answer the Selective Service Questionnaire (Form 40).

Too far away to receive and return the Selective Service Questionnaire (Form 40) by mail within 10 days.*

§ 621.3 *Special form for conscientious objector.* A registrant who claims to be a conscientious objector shall offer information in substantiation of his claim on a Special Form for Conscientious Objector (Form 47) which, when filed, shall become a part of his Selective Service Questionnaire (Form 40). The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of such Special Form for Conscientious Objector (Form 47).*

§ 621.4 *Claims for, or information relating to, deferment.* (a) The registrant shall be entitled to present all written information which he believes to be necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the Selective Service Questionnaire (Form 40) and may include any documents, affidavits, or depositions. The affidavits and depositions shall be as concise and brief as possible.

(b) Any person other than the registrant who has cause to claim that the registrant should be deferred may obtain Claim for Deferred Classification by Others Than Registrants (Form 42) from the local board, make out the claim, and file it directly with the local board. In appropriate cases, an Affidavit of Dependent Over 18 Years of Age (Form 40A) or an Affidavit to Support Claim for Occupational Deferment (Form 42A) should be prepared in accordance with the instructions printed on such forms and filed with the local board. Such claims and affidavits should be filed within the time allowed for the registrant to return his Selective Service Questionnaire (Form 40).

(c) Any person so claiming that the registrant should be deferred shall be entitled to present information in support of his claim. Such information should be included in or attached to the Claim for Deferred Classification by Others Than Registrants (Form 42), or the Affidavit of Dependent Over 18 Years of Age (Form 40A), or the Affidavit to Support Claim for Occupational Deferment (Form 42A), and may include any documents, affidavits, or depositions supporting the claim. The affidavits or depositions shall be as concise and brief as possible.*

§ 621.5 *Inadequate questionnaire.* When a registrant's Selective Service Questionnaire (Form 40) omits needed information, contains material errors, or shows that the registrant failed to understand the questions, the local board may return the Selective Service Questionnaire (Form 40) to the registrant for correction and completion and direct him to return same so completed and corrected on or before a specified date. While compliance with the instructions upon the Selective Service Questionnaire (Form 40) is required, the local board should be guided by common sense rather than technicalities.*

§ 621.6 *Assistance to registrants in filling out questionnaires.* Advisory boards for registrants will help registrants fill out Selective Service Questionnaires (Form 40). The local board shall request newspapers to publish full information about the advisory boards for registrants. Registrants who ask the local board for advice or assistance will be directed to members of the advisory board for registrants.*

§ 621.7 *Securing information from welfare and governmental agencies.* (a) The local board is authorized to request and receive information from local welfare and governmental agencies where such information will assist it in determining the proper classification of a registrant.

(b) The local board is authorized to request the State Director of Selective Service to secure information from State or National welfare and governmental agencies where such information will assist it in determining the proper classification of a registrant.*

§ 621.8 *Subpena power of local board.* The local board shall have authority to subpena any person to appear before it; to direct him to produce such papers and records as may be deemed necessary; and to require him to testify, under oath, in regard to any information within his knowledge. It shall be the duty of any person subpenaed to appear; to produce the papers and records described in the subpena; and to testify. Such a subpena may be issued by any member of the local board, using for the purpose Subpena to Witness to Appear Before Local Board (Form 56). The original of such subpena shall be served upon the individual who is required to appear as a witness. Such service may be made by any person who is 21 years of age or over and shall be made in the manner provided by the law of the State in which the subpena is served. Any person subpenaed may be compelled to appear and testify before the local board in the same manner as persons subpenaed by a court of the United States may be compelled to appear and testify in proceedings before such court. Any member of the local board may apply to a court of the United States for summary aid to compel a person within its jurisdiction who has failed to respond to a subpena or refused to testify to appear before such local board; to produce such papers and records as may have been described in such subpena; or to testify.*

§ 621.9 *Permit and Selective Service questionnaire of registrant leaving the United States.* The local board may issue to a registrant a permit of the Local Board for Registrant to Depart from the United States (Form 351), provided that the registrant's absence is not likely to interfere with the proper administration of the selective service law. Before determining whether a permit should be issued, the local board may require the registrant to complete and file his Selective Service Questionnaire (Form 40) and such other forms and information as may be necessary to complete his classification. The local board in such a case may thereupon classify such a registrant if it appears necessary to a determination of the advisability of issuing the permit.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9561; Filed, December 19, 1941; 9:24 a. m.]

[1] 5 F.R. 4211.

Effective January 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding a new section; and by publishing such rearranged, renumbered, and amended paragraphs and the new section as the sections of Part 622 of the Second Edition of the Selective Service Regulations:

Paragraph 327 as amended becomes § 622.1.
Paragraph 328 as amended becomes § 622.1.
Paragraph 342 as amended becomes § 622.11.
Paragraph 342 as amended becomes § 622.12.
Paragraph 343 as amended becomes § 622.13.
Paragraph 343 as amended becomes § 622.14.
Paragraph 344 as amended becomes § 622.15.
Paragraph 345 as amended becomes § 622.16.
Paragraph 350 as amended becomes § 622.23.
Paragraph 351 as amended becomes § 622.24.
Paragraph 352 as amended becomes § 622.21.
Paragraph 352 as amended becomes § 622.22.
Paragraph 353 as amended becomes § 622.21.
Paragraph 353 as amended becomes § 622.22.
Paragraph 354 as amended becomes § 622.31.
Paragraph 355 as amended becomes § 622.32.
Paragraph 356 becomes § 622.33.
Paragraph 357 becomes § 622.41.
Paragraph 358 becomes § 622.42.
Paragraph 359 becomes § 622.43.
Paragraph 360 as amended becomes § 622.44.
Paragraph 361 as amended becomes § 622.51.
Paragraph 361 as amended becomes § 622.53.
Paragraph 362 as amended becomes § 622.61.
Paragraph 364 as amended becomes § 622.12.
Paragraph 364 as amended becomes § 622.14.
Paragraph 365 as amended becomes § 622.51.
Paragraph 365 as amended becomes § 622.53.
New section § 622.62.

PART 622—CLASSIFICATION

CLASSES ESTABLISHED

Sec.
622.1 Classes.

AVAILABLE FOR OR IN MILITARY SERVICE

622.11 Class I-A: Available for general military service when found acceptable to the land or naval forces.
622.12 Class I-A-O: Available for noncombatant general military service when found acceptable to the land or naval forces; conscientious objector.
622.13 Class I-B: Available for limited military service when found acceptable to the land or naval forces.
622.14 Class I-B-O: Available for noncombatant limited military service when found acceptable to the land or naval forces; conscientious objector.
622.15 Class I-C: Member of land or naval forces of United States.
622.16 Class I-H: Man deferred by reason of age.

DEFERRED BY REASON OF OCCUPATION

622.21 Class II-A: Man necessary in his civilian activity.
622.22 Class II-B: Man necessary to the war production program.
622.23 General rules for classification in Class II-A and Class II-B.
622.24 "Necessary man" defined.

DEFERRED BY REASON OF DEPENDENCY

622.31 Class III-A: Man deferred by reason of dependency.
622.32 "Dependent" defined.
622.33 Certain relatives defined.

DEFERRED FOR MISCELLANEOUS REASONS

622.41 Class IV-A: Man who has completed service.
622.42 Class IV-B: Official deferred by law.
622.43 Class IV-C: Nondeclarant alien.
622.44 Clas IV-D: Minister of religion or divinity student.

AVAILABLE FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

622.51 Class IV-E: Available for general service in civilian work of national importance; conscientious objector.
622.52 Class IV-E-LS: Available for limited service in civilian work of national importance; conscientious objector.
622.53 Class IV-E-H: Man formerly classified in Class IV-E or Class IV-E-LS, since deferred by reason of age.

DEFERRED BY REASON OF BEING UNFIT

622.61 Class IV-F: Morally unfit.
622.62 Class IV-F: Physically or mentally unfit.

CLASSES ESTABLISHED

§ 622.1 *Classes.* The local board shall classify each registrant in one of the following classes:

Class I-A: Available for general military service when found acceptable to the land or naval forces.

Class I-A-O: Available for noncombatant general military service when found acceptable to the land or naval forces; conscientious objector.

Class I-B: Available for limited military service when found acceptable to the land or naval forces.

Class I-B-O: Available for noncombatant limited military service when found acceptable to the land or naval forces; conscientious objector.

Class I-C: Member of land or naval forces of United States.

Class I-H: Man deferred by reason of age.

Class II-A: Man necessary in his civilian activity.

Class II-B: Man necessary to the war production program.

Class III-A: Man deferred by reason of dependency.

Class IV-A: Man who has completed service. (In time of war, no registrant shall be placed in this class and all registrants previously placed in this class shall be reclassified.)

Class IV-B: Official deferred by law.

Class IV-C: Nondeclarant alien.

Class IV-D: Minister of religion or divinity student.

Class IV-E: Available for general service in civilian work of national importance; conscientious objector.

Class IV-E-LS: Available for limited service in civilian work of national importance; conscientious objector.

Class IV-E-H: Man formerly classified in Class IV-E or Class IV-E-LS, since deferred by reason of age.

Class IV-F: Physically, mentally, or morally unfit.*

*§§ 622.1 to 622.62, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

AVAILABLE FOR OR IN MILITARY SERVICE

§ 622.11 *Class I-A: Available for general military service when found acceptable to the land or naval forces.* In Class I-A shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class I-C, Class IV-F (by reason of being morally unfit), class IV-D, Class IV-C, Class IV-B, Class IV-A (not considerd in time of war), Class III-A, Class II-B, Class II-A, or Class I-H and who, upon classification after physical examination by the local board examining physician, has not been found to have any defect set forth in Part I or in Part II of the List of Defects (Form 220) and has not been placed in Class IV-F, Class IV-E-LS, Class IV-E, Class I-B-O, Class I-B, or Class I-A-O, and every such registrant shall be available for induction for general military service when found acceptable for such service by the land or naval forces.*

§ 622.12 *Class I-A-O: Available for noncombatant general military service when found acceptable to the land or naval forces; conscientious objector.* In Class I-A-O shall be placed every regis-

trant who would have been classified in Class I–A but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to combatant military service in which he might be ordered to take human life, but not conscientiously opposed to noncombatant military service in which he could contribute to the health, comfort, and preservation of others, and every such registrant shall be available for induction for general noncombatant military service when found acceptable for such service by the land or naval forces.*

§ 622.13 *Class I–B: Available for limited military service when found acceptable to the land or naval forces.* In Class I–B shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class I–C, Class IV–F (by reason of being morally unfit), Class IV–D, Class IV–C, Class IV–B, Class IV–A (not considered in time of war), Class III–A, Class II–B, Class II–A, or Class I–H and who, upon classification after physical examination by the local board examining physician, has not been placed in Class IV–F (by reason of having a defect set forth in Part I of the List of Defects (Form 220)), Class IV–E–LS, Class IV–E, or Class I–B–O, and who is found to have a defect set forth in Part II of the List of Defects (Form 220), and every such registrant shall be available for induction for limited military service when found acceptable for such service by the land or naval forces.*

§ 622.14 *Class I–B–O: Available for noncombatant limited military service when found acceptable to the land or naval forces; conscientious objector.* In Class I–B–O shall be placed every registrant who would have been classified in Class I–B but for the fact that he has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to combatant military service in which he might be ordered to take human life, but not conscientiously opposed to noncombatant military service in which he could contribute to the health, comfort, and preservation of others, and every such registrant shall be available for induction for limited military service when found acceptable for such service by the land or naval forces.*

§ 622.15 *Class I–C: Member of land or naval forces of United States.* (a) In Class I–C shall be placed every registrant who is, or who by induction, enlistment, or appointment becomes, a commissioned officer, warrant officer, field clerk, pay clerk, or enlisted man of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Federally recognized active National Guard, the Officers' Reserve Corps, the Army of the United States, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve Corps; or a cadet of the United States Military Academy; or a midshipman of the United States Naval Academy; or a cadet of the United States Coast Guard Academy; or a man who has been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as a cadet, or to the United States Naval Academy as a midshipman, or to the United States Coast Guard Academy as a cadet, but only during the continuance of such acceptance.

(b) A registrant who enlists or is inducted into the land or naval forces, other than by volunteering under the Selective Training and Service Act of 1940, as amended, and being inducted through a local board, shall be classified in Class I–C when the local board receives authentic information that such registrant is in the land or naval forces. No Selective Service Questionnaire (Form 40) shall be mailed to such registrant. No credit shall be given for such registrant until the Director of Selective Service receives, from the land or naval forces, a Home Address Report (Form 166) covering such registrant.

(c) When a local board receives a Home Address Report (Form 166), it shall be checked against the list of registrants, and any registrant appearing upon such a report, not already classified in Class I–C, shall be so classified. When the local board receives a Home Address Report (Form 166) for a man who is not a registrant, no classification shall be given to such man. The local board shall write on each Home Address Report (Form 166) "Registrant" or "Nonregistrant," as the case may be. All Home Address Reports (Form 166) received by the local board shall be filed in one place.*

§ 622.16 *Class I–H: Man deferred by reason of age.* In Class I–H shall be placed every registrant not a volunteer who on or prior to July 1, 1941, or on or prior to July 1 of any subsequent year has attained the 28th anniversary of the date of his birth and who, upon classification, is not classified in Class I–C, Class IV–F (by reason of being morally unfit), Class IV–D, Class IV–C, Class IV–B, Class IV–A (not considered in time of war), Class III–A, Class II–B, or Class II–A, and who has not theretofore been classified in Class IV–E or Class IV–E–LS.*

DEFERRED BY REASON OF OCCUPATION

§ 622.21 *Class II–A: Man necessary in his civilian activity.* (a) In Class II–A shall be placed any registrant found to be a "necessary man" in any industry, business, employment, agricultural pursuit, governmental service, or any other service or endeavor, or in training or preparation therefor, the maintenance of which is essential to the national health, safety, or interest.

(b) Class II–A deferments shall be for the period of 6 months or less as may be deemed necessary to secure or train a replacement for the registrant. If there is a change in the registrant's status during the period of his deferment in Class II–A, his classification shall be reopened and considered anew. At the expiration of the period of the registrant's deferment in Class II–A, his classification shall be reopened, and he shall be classified anew. When the registrant is classified anew, he shall not be again placed in Class II–A unless such classification is warranted, and in addition, the registrant or the registrant's employer convinces the local board, or the board of appeal (if an appeal is taken), or the President (if an appeal is permitted and is taken) that a reasonable but unsuccessful effort has been made during the period of deferment to secure or to train a replacement. If these conditions are met and the registrant is again placed in Class II–A, such further deferment shall be for the period of 6 months or less as may be deemed necessary to secure or train a replacement. The same rule shall be applied when again classifying such a registrant at the end of each successive period for which he has been classified in Class II–A.*

§ 622.22 *Class II–B: Man necessary to the war production program.* (a) In Class II–B shall be placed any registrant found to be a "necessary man" in any industry, business, employment, agricultural pursuit, governmental service, or in any other service or endeavor, or in training or preparation therefor, the maintenance of which is necessary to the war production program.

(b) Class II–B deferments shall be for a period of 6 months or less. If there is a change in the registrant's status during the period of deferment in Class II–B, his classification shall be reopened and considered anew. At the expiration of the period of the registrant's deferment in Class II–B, his classification shall be reopened, and he shall be classified anew. In again classifying the registrant, care should be taken not to impede the war production program. The registrant should be again classified in Class II–B for a period of 6 months or less if such classification is warranted and if the registrant's employer has made a reasonable but unsuccessful effort to secure or train a replacement for the registrant during the period of deferment. The same rule shall be applied when again classifying such a registrant at the end of each successive period for which he has been classified in Class II–B.*

§ 623.23 *General rules for classification in Class II–A and Class II–B.* (a) On the local board is placed the primary responsibility of deciding which men should be deferred because of their civilian activities. It is in the national interest and of paramount importance to our national defense that civilian activities which are directly contributing to the war effort or which are otherwise essential to the national health, safety,

or interest should be maintained where possible, consistent with the fundamental purposes of the Selective Training and Service Act of 1940, as amended.

(b) No deferment from training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no deferment shall be made of individuals by occupational groups or groups of individuals in any plant or institution.

(c) The local board may avail itself of the assistance of all Federal, State or local agencies (such as the Office of Production Management Labor Supply Committees, State and Federal employment services, State occupational advisors, county agricultural agents, or others) to obtain information in cases of occupational deferments.*

§ 622.24 *"Necessary man" defined.* A registrant shall be considered a "necessary man" in industry, business, employment, agricultural pursuit, governmental service, or in any other service or endeavor, including training or preparation therefor, only when all of these conditions exist: (1) He is, or but for a seasonal or temporary interruption would be, engaged in such activity; (2) he cannot be replaced because of a shortage of persons with his qualifications or skill in such activity; and (3) his removal would cause a serious loss of effectiveness in such activity.*

DEFERRED BY REASON OF DEPENDENCY

§ 622.31 *Class III–A: Man deferred by reason of dependency.* (a) In Class III–A shall be placed any registrant upon whom one or more dependents, as defined in § 622.32, depend for support in a reasonable manner: *Provided, however,* That no registrant shall be deferred by placing him in Class III–A (1) if he acquired such status on or after September 16, 1940, and before December 8, 1941, unless he is able to present information which convinces the local board, or the board of appeal (if an appeal is taken, or the President (if an appeal is permitted and is taken), when classifying him, that such status was not voluntarily acquired at a time when his selection was imminent or for the primary purpose of providing him with a basis for Class III–A deferment; or (2) if he acquired such status on or after December 8, 1941, unless he is able to present information which convinces the local board, or the board of appeal (if an appeal is taken), or the President (if an appeal is permitted and is taken), when classifying him, that such status was acquired under circumstances which were beyond his control.

(b) The local board should determine all questions of Class III–A deferments with sympathetic regard for the registrant and his dependents. Any reasonable doubts in connection with dependency should be resolved in favor of deferment, and in doubtful cases the local board should be mindful of injuries which may be expected to result from separating a father from his children or a husband from his wife. The maintenance of the family as a unit is of importance to the national well-being.

(c) No hard-and-fast rules will work. Each case must be weighed carefully and decided on its own merits. What is reasonable support in one locality or in one set of circumstances may not be in others. The local board should be diligent in preventing registrants from evading military service where their status with respect to dependents does not warrant their deferment, but the local board must be equally diligent in making its classifications to protect the registrant's dependents.

(d) The local board may avail itself of the assistance of State or local welfare agencies for information on doubtful matters concerning dependency. The local board may request such welfare agencies to assign an agent to it for this purpose.

(e) Notwithstanding the provisions of paragraph (a) of this section, when, as, and if allotments and allowances are provided for dependents of registrants who may be inducted into the land or naval forces, the Director of Selective Service shall prescribe the effect to be given thereto under these regulations.*

§ 622.32 *"Dependent" defined.* (a) A person shall be considered a registrant's dependent only when all of the following are satisfied:

(1) Such person must be the registrant's wife, divorced wife, child, parent, grandparent, brother, or sister, or must be a person under 18 years of age, or a person of any age who is physically or mentally handicapped, whose support the registrant has assumed in good faith; and

(2) Such person must either be a United States citizen or live in the United States, its Territories, or possessions; and

(3) Such person, at the time the registrant is classified, must depend in fact for support in a reasonable manner, in view of such person's circumstances, on income earned by the registrant by his work in a business, occupation, or employment (including employment on work relief projects but excluding employment as an enrollee in the Civilian Conservation Corps and similar employment in the National Youth Administration).

(4) Such person must in fact regularly receive from the registrant contributions (including payments to a divorced wife) to the support of such person, and such contributions must not be merely a small part of such person's support. Even though the registrant is unable to furnish to such person money or other support for temporary periods because of the registrant's physical or economic situation, he may be considered to be regularly contributing to such person's support, if such person and the community look upon the registrant as the normal source of such person's support.*

§ 622.33 *Certain relatives defined.* (a) The term "child" includes an unborn child, a child legally adopted, or a child born out of wedlock, but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

(b) The term "parent" includes a person who is supported in good faith by the registrant in a relationship similar to that of parent and child.

(c) The term "brother" or "sister" shall include only a person, having one or both parents in common with the registrant, who is either under 18 years of age or is physically or mentally handicapped.*

DEFERRED FOR MISCELLANEOUS REASONS

§ 622.41 *Class IV–A: Man who has completed service.* (a) In time of peace, there shall be placed in Class IV–A any registrant who falls within any of the following categories:

(1) Any person who shall have satisfactorily served as an officer or enlisted man for at least 3 consecutive years in the Regular Army, Navy, Marine Corps, or Coast Guard; or any enlisted man who has been or is hereafter honorably discharged from the Regular Army or the Coast Guard for the convenience of the Government within 6 months prior to the completion of his regular 3-year period of enlistment.

(2) Any person who as a member of the active National Guard shall have satisfactorily served as an officer or enlisted man for at least 1 year in active Federal service in the Army of the United States and subsequent thereto for at least 2 consecutive years in the Regular Army or in the active National Guard.

(3) Any person who is an officer or enlisted man in the active National Guard at the time fixed for registration, and who shall have satisfactorily served therein for at least 6 consecutive years.

(4) Any person who is an officer in the Officers' Reserve Corps on the eligible list at the time fixed for registration, and who shall have satisfactorily served therein on that eligible list for at least 6 consecutive years.

(5) Any person who as a member of the Naval Reserve or the Marine Corps Reserve shall have satisfactorily served for at least 3 consecutive years on active duty.

(6) Any person who as a member of the Naval Reserve or the Marine Corps Reserve shall have satisfactorily served for at least 1 year on active duty and for at least 2 consecutive years in the Regular Navy or Marine Corps or with an organized unit of the Naval Reserve or the Marine Corps Reserve.

(7) Any person who is an officer or enlisted man in the organized Naval Reserve or in the organized Marine Corps Reserve at the time fixed for registration,

and who shall have satisfactorily served therein for at least 6 consecutive years.

(8) Any person who is an officer or enlisted man in the Naval Merchant Marine Reserve or Volunteer Naval Reserve or Volunteer Marine Corps Reserve at the time fixed for registration, and who shall have satisfactorily served therein for at least 8 consecutive years.

(9) Members of the United States Coast Guard Reserve, other than temporary members, shall receive the same classification as members of the Naval Reserve.

(b) In time of war, no person shall be placed in Class IV–A and all persons previously placed in Class IV–A shall be reclassified and placed in some other classification.*

§ 622.42 *Class IV–B: Official deferred by law.* In Class IV–B shall be placed any registrant who is the Vice President of the United States, a Governor of a State, a member of the Congress of the United States, a member of a State legislative body, a judge of a court of record of the United States or of a State; or who is a commissioned officer, warrant officer, pay clerk, or enlisted man in the Coast and Geodetic Survey, the Public Health Service; or who is a cadet of the advanced course, senior division, of the Reserve Officers' Training Corps or the Naval Reserve Officers' Training Corps.*

§ 622.43 *Class IV–C: Nondeclarant alien.* (a) In Class IV–C shall be placed any registrant who is an alien (including a citizen of the Philippine Commonwealth) who has not declared his intention to become a citizen of the United States pursuant to the naturalization laws of the United States.

(b) Whenever the local board has a perplexing alien case, it should request assistance through State Headquarters for Selective Service from the Federal Immigration and Naturalization Service.*

§ 622.44 *Class IV–D: Minister of religion or divinity student.* (a) In Class IV–D shall be placed any registrant who is a regular or duly ordained minister of religion or who is a student preparing for the ministry in a theological or divinity school which has been recognized as such for more than 1 year prior to the date of enactment of the Selective Training and Service Act (September 16, 1940).

(b) A "regular minister of religion" is a man who customarily preaches and teaches the principles of religion of a recognized church, religious sect, or religious organization of which he is a member, without having been formally ordained as a minister of religion; and who is recognized by such church, sect, or organization as a minister.

(c) A "duly ordained minister of religion" is a man who has been ordained in accordance with the ceremonial ritual or discipline of a recognized church, religious sect, or religious organization, to teach and preach its doctrines and to administer its rites and ceremonies in public worship; and who customarily performs those duties.*

AVAILABLE FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

§ 622.51 *Class IV–E: Available for general service in civilian work of national importance; conscientious objector.* In Class IV–E shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class IV–F (by reason of being morally unfit), Class IV–D, Class IV–C, Class IV–B, Class IV–A (not considered in time of war), Class III–A, Class II–B, Class II–A, or Class I–H and who, upon classification after physical examination by the local board examining physician, has not been found to have any defect set forth in Part I or in Part II of the List of Defects (Form 220) and who has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to both combatant and noncombatant military service, and every such registrant shall be available for general service in work of national importance under civilian direction when found to be acceptable for such service.*

§ 622.52 *Class IV–E–LS: Available for limited service in civilian work of national importance; conscientious objector.* In Class IV–E–LS shall be placed every registrant who, upon classification before physical examination by the local board examining physician, has not been placed in Class IV–F (by reason of being morally unfit), Class IV–D, Class IV–C, Class IV–B, Class IV–A (not considered in time of war), Class III–A, Class II–B, Class II–A, or Class I–H, and who, upon classification after physical examination by the local board examining physician, has not been placed in Class IV–F (by reason of having a defect set forth in Part I of the List of Defects (Form 220)) and who has been found to have one of the defects set forth in Part II of the List of Defects (Form 220), and who has been found, by reason of religious training and belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to both combatant and noncombatant military service, and every such registrant shall be available for limited service in work of national importance under civilian direction when found to be acceptable for such service.*

§ 622.53 *Class IV–E–H: Man formerly classified in Class IV–E or Class IV–E–LS, since deferred by reason of age.* In Class IV–E–H shall be placed each registrant who has been classified in either Class IV–E or Class IV–E–LS and who on July 1, 1941, or on July 1 of any subsequent year, has attained the 28th anniversary of the date of his birth and has not been assigned to and accepted for work of national importance.*

DEFERRED BY REASON OF BEING UNFIT

§ 622.61 *Class IV–F: Morally unfit.* In Class IV–F shall be placed every registrant who is found to be morally unfit. A registrant shall be found to be morally unfit who:

(1) Has been discharged from the Army, Navy, Marine Corps, or Coast Guard with a form of discharge certificate other than honorable.

(2) Has been convicted of any of the following heinous crimes: Treason, murder, rape, kidnapping, arson, sodomy, pandering, any crime involving sex perversion, or any crime involving illegal dealing in narcotics or other habit-forming drugs.

(3) Has been convicted on two or more occasions of any offense (other than a conviction for an offense committed in violation of the Selective Training and Service Act of 1940, as amended, or the regulations prescribed or orders issued pursuant thereto) for which he could have been punished by death or confinement for a term exceeding 1 year in a penitentiary or prison.

(4) Is a chronic offender with pronounced criminal tendencies.

(5) Is being retained in the custody of any court of criminal jurisdiction or other civil authority. In the event such court or other civil authority releases such registrant from custody, upon final adjudication or otherwise, such registrant may be reclassified. A registrant shall be considered to have been released from custody by an order terminating such custody if and when the registrant is inducted or suspending such custody for the period of military service of the registrant, if inducted, either with or without credit for such period.

If a registrant is otherwise qualified for service and would be placed in Class I–A except for the fact that he is being retained in the custody of a court of criminal jurisdiction or other civil authority, the local board shall place him in Class I–A and shall request the court or other civil authority to grant an order terminating such custody in order that the registrant may be inducted. In all such cases the registrant shall not be classified in Class IV–F unless and until the local board's request for an order terminating civil custody of the registrant is refused.

When the court or other civil authority grants an order terminating civil custody of the registrant, the local board must be furnished with at least one certified copy of such order. At the time the registrant is ordered to report for induction, the local board shall mail the certified copy of the order to the induction station commander with a letter of explanation so that the commander will have full knowledge of the situation before the induction date.

(6) Is found, irrespective of the foregoing provisions, to be morally unfit for military service.*

§ 622.62 *Class IV–F: Physically or mentally unfit.* In Class IV–F shall be placed any registrant who:

(1) After physical examination by the examining physician is found to have a defect set forth in Part I of the List of Defects (Form 220):

(2) After physical examination by the armed forces is found to be physically or mentally unfit for any military service by reason of a defect which cannot be remedied so as to make the registrant fit for either general or limited military service; or

(3) Is a conscientious objector to both combatant and noncombatant military service found, after physical examination (final type), to be physically or mentally unfit for either general or limited work of national importance under civilian direction by reason of a defect which cannot be remedied so as to make the registrant fit for either general or limited service in work of national importance under civilian direction.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41–9560; Filed, December 19, 1941; 9:25 a. m.]

Effective January 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 623 of the Second Edition of the Selective Service Regulations.

Paragraph 319*a* as amended becomes § 623.1.
Paragraph 326*a* as amended becomes § 623.1.
Paragraph 329*b* as amended becomes § 623.2.
Paragraph 330 as amended becomes § 623.21.
Paragraph 330 as amended becomes § 623.31.
Paragraph 331 as amended becomes § 623.51.
Paragraph 332 as amended becomes § 623.52.
Paragraph 336 as amended becomes § 623.31.
Paragraph 337 as amended becomes § 623.32.
Paragraph 337.2 as amended becomes § 623.41.
Paragraph 337.3 as amended becomes § 623.42.
Paragraph 338 as amended becomes § 623.33.
Paragraph 340 as amended becomes § 623.34.
Paragraph 366 as amended becomes § 623.53.
Paragraph 382 as amended becomes § 623.11.
Paragraph 383 as amended becomes § 623.12.
Paragraph 384 as amended becomes § 623.13.

PART 623—CLASSIFICATION PROCEDURE

COMMENCEMENT OF CLASSIFICATION

Sec.
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623.2 Information considered for classification.

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CLASSIFICATION AFTER PHYSICAL EXAMINATION

623.51 Procedure for classification after physical examination.
623.52 Notice and record of classification or change of classification.
623.53 Register of conscientious objectors.

COMMENCEMENT OF CLASSIFICATION

§ 623.1 *General principles of classification.* (a) Each registrant shall be classified as soon as practicable after his Selective Service Questionnaire (Form 40) is received by the local board.

(b) It is the local board's responsibility to decide in the first instance the class in which each registrant shall be placed.

(c) In classifying a registrant there shall be no discrimination for or against him because of his race, creed, or color, or because of his membership or activity in any labor, political, religious, or other organization. Each registrant shall receive equal and fair justice.*

*§§ 623.1 to 623.53, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 623.2 *Information considered for classification.* The registrant's classification shall be made solely on the basis of the Selective Service Questionnaire (Form 40), Affidavit of Dependent Over 18 Years of Age (Form 40A), Claim for Deferred Classification by Person Other Than Registrant (Form 42), or Affidavit to Support Claim for Occupational Deferment (Form 42A), and such other written information as may be contained in his file. Oral information should not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances should the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file.*

TRANSFER FOR CLASSIFICATION

§ 623.11 *Registrants transferred for classification.* After returning the Selective Service Questionnaire (Form 40), a registrant may be transferred to another local board for classification if he is so far from his local board as to make complying with notices a hardship; if a majority of the members of the local board cannot act on his case because of disqualification under the provisions of § 603.55; or if a majority of the members of the local board, because of any conflicting interest, bias, or other reason, withdraw from consideration of the registrant's classification.*

§ 623.12 *Procedure upon transfer for classification.* (a) The local board from which the registrant is transferred shall prepare, in triplicate, an Order of Transfer for Classification (Form 63); shall send one copy thereof to the registrant; and shall transmit the original to the loal board to which the registrant is transferred, together with all papers pertaining to the registrant except the Registration Card (Form 1) and the remaining copy of the Order of Transfer for Classification (Form 63). The local board from which the registrant is transferred shall, with red ink, note the transfer in the proper column of the Classification Record (Form 100).

(b) The local board to which the registrant is transferred shall classify the registrant. It shall follow the same procedure as in the case of one of its own registrants if a request for hearing, a request for reopening, or an appeal is filed. It shall give the same notices and maintain the same records as are sent and maintained for its own registrants, except that it shall use a separate page in its Classification Record (Form 100) for transferred registrants and shall make all entries on that page in red ink. The local board to which the registrant is transferred shall prepare a duplicate Cover Sheet (Form 53). After the classification, after the hearing, when requested, and after the determination on appeal, when taken, the local board to which the registrant is transferred shall return to the local board from which the registrant is transferred all papers pertaining to the registrant except the duplicate Cover Sheet (Form 53) and the Order of Transfer for Classification (Form 63). In the proper column of the Classification Record (Form 100) the local board to which the registrant is transferred shall note the date of the returning of the papers.*

§ 623.13 *Accepting reports on transferred registrants.* The classification made by the local board to which a registrant is transferred shall be appealed through that local board only. The local board from which the registrant was transferred shall accept and enter on its records, without any change, the classification reported by the board which classified the registrant. If the local board from which the registrant was transferred receives new information that might affect his classification, the board shall send the information and the registrant's file to the board to which he was transferred. The local board to which the registrant is transferred retains jurisdiction of the classification of the registrant permanently, and such

classification cannot be reopened, considered anew, or changed by the local board of origin or any other local board.*

CLASSIFICATION BEFORE PHYSICAL EXAMINATION

§ 623.21 *Consideration of classes not requiring physical examination.* (a) Upon undertaking to classify any registrant, it should first be determined whether he should be classified in Class I–C.

(b) If the registrant is not classified in Class I–C, the local board shall next determine whether, under the provisions of § 622.48, the registrant is morally unfit for any military service, and if it finds that he is, he shall be classified in Class IV–F. No consideration will be given at this time to whether the registrant should be classified in Class IV–F by reason of being physically or mentally unfit. This determination will be made only after receiving the Report of Physical Examination (Form 221) from the local board examining physician. (*See* sec. 623.51.)

(c) If the registrant is not classified in Class I–C as provided in (a) above and is not classified in Class IV–F by reason of being morally unfit as provided in (b) above, the remaining classes in which a registrant may be placed without investigating his physical or mental condition should then be considered in the order in which those classes are hereinafter set out, and the registrant should be classified in the first class in the sequence for which grounds are established:

Class IV–D.
Class IV–C.
Class IV–B.
Class IV–A (not considered in time of war).
Class III–A.
Class II–B.
Class II–A.
Class I–H.*

PHYSICAL EXAMINATION

§ 623.31 *Notice to registrant to appear for physical examination.* (a) If a registrant is not classified in Class I–C, Class IV–F by reason of being morally unfit, Class IV–D, Class IV–C, Class IV–B, Class IV–A (not considered in time of war), Class III–A, Class II–B, Class II–A, or Class I–H, the local board, as soon as practicable after the determination of that fact, shall mail to him a Notice to Registrant to Appear for Physical Examination (Form 201). This notice shall fix the date, time, and place for the registrant to report for such physical examination, normally 5 days after the date of mailing such notice.

(b) On the day and at the time and place fixed in the Notice to Registrant to Appear for Physical Examination (Form 201), the registrant shall appear before the examining physician and submit to physical examination.

(c) The local board may grant a delay of the date when any registrant is to appear for physical examination when he is quarantined because of a communicable disease, is sick, has some temporary ailment, is awaiting an operation, or when he has some other good and sufficient reason for being unable to appear.

(d) The date of mailing of the Notice to Registrant to Appear for Physical Examination (Form 201) and the date on which the registrant reports for physical examination will be entered on the Classification Record (Form 100).*

§ 623.32 *Preparing report of physical examination.* (a) After the local board has mailed to the registrant a Notice to Registrant to Appear for Physical Examination (Form 201), it shall prepare an original and three copies of the Report of Physical Examination (Form 221). The local board shall enter its stamp at the top of the Report of Physical Examination (Form 221) and shall indicate in the space provided therefor whether it is the first time the registrant has been forwarded to the local board examining physician for examination or, if he has been examined before, whether the examination will be the second, third, or a subsequent examination. The local board will also fill in all of the answers to questions in Section I of the Report of Physical Examination (Form 221). Entries should be made with a typewriter or black ink. All entries shall be made on the original and all copies. Any indicated entry which it is not possible to complete with the information in the hands of the local board shall be left blank, and a memorandum shall be sent with the original copy of the Report of Physical Examination (Form 221) to the examining physician with the request that he complete such entries after questioning the registrant. Only the original should be signed.

(b) The local board shall deliver the prepared original Report of Physical Examination (Form 221) to the examining physician before the date on which a registrant is to report. The copies will all be retained in the registrant's file by the local board.*

§ 623.33 *Physical examination by examining physician.* (a) The Director of Selective Service, from time to time, will issue a List of Defects (Form 220), which will set forth, as Part I, defects, not remediable, which manifestly disqualify the registrant for both general and limited military service and which will set forth, as Part II, defects, not remediable, which manifestly disqualify the registrant for general military service but do not manifestly disqualify the registrant for limited military service. The examination of the registrant will be so conducted as to disclose the existence of any such defects.

(b) The physical examination of registrants should be held in a well-lighted, well-heated place. It should be held while the registrant is in the nude.

(c) The physical examination should consist of observing the registrant while walking toward, standing before, and walking away from the examining physician. The registrant may be required to go through calisthenics to determine the mobility of joints or to furnish a basis for determination of his alertness, intelligence, understanding of commands, postural tensions, tendencies to incoordination, and tremors. If peculiarities are noted, simple questions should be asked in an effort to bring out replies bearing on the mental health and personality characteristics of the registrant. The examining dentist, or if he is not available the examining physician, will examine the mouth of the registrant. No blood will be taken for serological tests, and no laboratory procedures will be undertaken as a part of this physical examination.

(d) When the examining physician knows or learns of a history of mental disease in the family of the registrant or of social maladjustment, poor work record, or other mental or personality conditions of the registrant which might cause the armed forces to ultimately reject the registrant, further information bearing on the personal and social history of the registrant shall be sought from local social agencies, school systems, state hospitals, and training schools for defectives, and the examining physician shall review the information thus received and shall enter an abstract thereof on the Report of Physical Examination (Form 221) under "Remarks" or on a memorandum attached thereto.

(e) The examining physician may report to the local board on the case of a registrant who does not personally appear before him when the report is based upon his professional knowledge that a registrant has a history of commitment for mental disease, is an idiot or imbecile, or is confined as an invalid to his home or in an institution, and such condition is of a character which makes it inadvisable for the registrant to personally appear before the examining physician at the place fixed for physical examination. If the examining physician does not have professional knowledge of such condition of the registrant, he may accept an affidavit from a reputable physician as to such condition, and the affidavit shall be attached to the Report of Physical Examination (Form 221). In all other cases, the registrant shall personally appear before the examining physician and be examined in the manner provided in (c) above.

(f) The examining physician shall complete any entries in Section I of the Report of Physical Examination (Form 221) which were not completed by the local board.

(g) The examining physician, on the Report of Physical Examination (Form 221), shall complete the answers to both of the following questions:

(1) Do you find that the above-named registrant has any of the defects set forth in Part I of the List of Defects (Form 220)?

(2) Do you find that the above-named registrant has any of the defects set forth in Part II of the List of Defects (Form 220)?

If the examining physician's answer to either question (1) or question (2) is "Yes," he shall describe the defects in order of their significance. If the examining physician entertains a doubt as to whether he should answer "Yes" or "No" to either question (1) or question (2), his answer to such question shall be "No."

§ 623.34 *Malingerers.* (a) If the examining physician is unable to detect an ailment or defect claimed by the registrant or believes that the registrant is feigning the ailment or defect or that such ailment or defect is self-inflicted or purposely caused, he shall attach a statement of the facts and his opinion to the Report of Physical Examination (Form 221).

(b) If the local board believes that a registrant's disqualifying physical ailments or defects are feigned, self-inflicted, or purposely caused to avoid military service or assignment to work of national importance under civilian direction, the local board shall immediately prepare, in duplicate, a full statement of the facts and its recommendations as to what action should be taken by the Director of Selective Service. The original of this statement, with the original Report of Physical Examination (Form 221), shall be sent to the State Director of Selective Service and the duplicate filed with the copies of the Report of Physical Examination (Form 221) in the registrant's Cover Sheet (Form 53).

(c) If the registrant is capable of any duty at all and the local board recommends his induction into the armed forces or his assignment to work of national importance under civilian direction, the State Director of Selective Service shall transmit the record to the Director of Selective Service. The Director of Selective Service may direct that the registrant be reported to a United States district attorney for prosecution or may request a waiver of the defect in order to permit the induction of the registrant, or, in the case of a conscientious objector, may waive the defect and order that the registrant be assigned to work of national importance under civilian direction.*

REFERENCE FOR PHYSICAL EXAMINATION

§ 623.41 *When registrant may be referred to another local board for physical examination only.* In cases where the examining physician is disqualified under the provisions of § 603.63, where the examining physician, because of conflicting interest, bias, or other reason, withdraws from consideration of the registrant's physical qualifications, or where his local board determines that the registrant is so far from his local board as to make his return for physical examination a hardship, it shall direct the registrant to be referred to a local board close to the registrant to be physically examined by such local board examining physician.*

§ 623.42 *Procedure when registrant is referred to another local board for physical examination only.* (a) When the local board of the registrant refers the registrant to another local board for physical examination, it shall prepare, in triplicate, an Order Referring Registrant to Another Local Board for Physical Examination Only (Form 203). One copy of the Order Referring Registrant to Another Local Board for Physical Examination Only (Form 203), together with the original and three copies of the Report of Physical Examination (Form 221) with the portions thereof prepared by the local board of the registrant for delivery to the examining physician, as provided by § 623.32, shall be sent to the local board to which the registrant is referred for physical examination only; one copy of the Order Referring Registrant to Another Local Board for Physical Examination Only (Form 203) shall be sent to the registrant; and the third copy placed in the registrant's Cover Sheet (Form 53).

(b) The local board to which the registrant is referred for physical examination only shall mail to the registrant a Notice to Appear for Physical Examination (Form 201) and shall send a copy of such notice to the local board of the registrant. The local board of the registrant shall note the date of mailing of the Notice to Appear for Physical Examination (Form 201) on the Classification Record (Form 100) in the same manner as if it had sent the Notice to Appear for Physical Examination (Form 201) itself.

(c) The registrant shall appear for physical examination by the examining physician at the time and place designated in the notice and shall be examined. The examining physician and examining dentist, when available, of the local board to which the registrant has been referred for physical examination only shall examine the registrant in the same manner as in the case of any other registrant.

(d) When the local board to which the registrant has been referred for physical examination only receives from its examining physician the completed original of such registrant's Report of Physical Examination (Form 221), it shall complete the three copies thereof and three copies of the memoranda and affidavits attached thereto and shall transmit the original and all three copies to the registrant's own local board. The local board to which the registrant was referred for physical examination shall not keep any copy of the Report of Physical Examination (Form 221).

(e) Upon receiving the original and three copies of the Report of Physical Examination (Form 221), the registrant's own local board shall treat such report as if the physical examination had been made by its own examining physician, shall prepare its records, and shall forward a copy of such report to the State Director of Selective Service at the same time and in exactly the same manner as in any other case.*

CLASSIFICATION AFTER PHYSICAL EXAMINATION

§ 623.51 *Procedure for classification after physical examination.* (a) After physical examination, the report of the examining physician shall be considered, and the registrant shall be classified in the manner hereinafter provided.

(b) If the registrant is found to have a defect, not remediable, set forth in Part I of the List of Defects (Form 220) as manifestly disqualifying him for both general and limited military service, he shall be classified in Class IV–F.

(c) If the registrant has made a claim that he is a conscientious objector and if such registrant has not been classified in Class IV–F as provided in (b) above, it shall be determined whether such registrant, by reason of religious training and belief, is conscientiously opposed to participation in war in any form, and, if he is, whether he is conscientiously opposed to both combatant and noncombatant military service or is opposed to combatant military service only. When this determination has been made, classification will continue in the manner hereinafter provided.

(d) If the registrant has not been classified in Class IV–F in the manner provided in (b) above and is found to have a defect, not remediable, listed in Part II of the List of Defects (Form 220) as manifestly disqualifying him for general military service but not manifestly disqualifying him for limited military service, he shall be classfied in Class I–B; provided that: (1) If such registrant has been found to be a conscientious objector to combatant military service but not a conscientious objector to noncombatant military service, he shall be classified in Class I–B–O; or (2) if such registrant has been found to be a conscientious objector to both combatant and noncombatant military service, he shall be classfied in Class IV–E–LS.

(e) If the registrant has not been classified in Class IV–F in the manner provided in (b) above or has not been classified in Class I–B, Class I–B–O, or Class IV–E–LS, in the manner provided in (d) above, he shall be classified in Class I–A: *Provided*, That: (1) If such registrant has been found to be a conscientious objector to combatant military service but not a conscientious objector to noncombatant military service, he shall be classified in Class I–A–O; or (2) if such registrant has been found to be a conscientious objector to both combatant and noncombatant military service, he shall be classified in Class IV–E.*

§ 623.52 *Notice and record of classification or change of classification.* (a) As soon as practicable after the local board has classified or changed the classification of a registrant, it shall mail notice thereof on Notice of Classification (Form 57) to the registrant and, in addition, shall mail a copy thereof to each person signing an Affidavit of Dependent Over 18 Years of Age (Form 40A), Claim for Deferred Classification by Person

Other Than Registrant (Form 42), or Affidavit to Support Claim for Occupational Deferment (Form 42A), which has been filed in the registrant's Cover Sheet (Form 53), and to any other person authorized to request the reopening of the registrant's classification who has filed such a request. If the registrant is placed in Class II–A or Class II–B, such notice shall include the date on which the deferment terminates.

(b) The local board, at the close of the day, shall make a list of the registrants who have been classified or whose classification has been changed on that day. Such list shall be made on the Daily Classification List (Form 44) and the original posted in the office of the local board. A copy shall be sent to the government appeal agent.

(c) When the local board classifies or changes the classification of a registrant, it shall record such classification on the Selective Service Questionnaire (Form 40) and the Classification Record (Form 100). Such classification shall also be entered in Section II on the Report of Physical Examination (Form 221) when the registrant is classified following physical examination by the examining physician.

(d) When the Notice of Classification (Form 57) is mailed, the date of mailing such notice shall be entered on the Classification Record (Form 100), and, in addition, the date of mailing such notice and the persons to whom it is mailed shall be entered on the Selective Service Questionnaire (Form 40).*

§ 623.53 *Register of conscientious objectors.* The local board shall list on a register of conscientious objectors each registrant whose claim for special classification as a conscientious objector has been sustained, either by the local board or upon appeal. The register of conscientious objectors shall show separately those registrants who have been classified as available for noncombatant military service (Class I–A–O and Class I–B–O) and those who have been classified as available for work of national importance under civilian direction only (Class IV–E and Class IV–E–LS). No special form is provided for this register.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41–9559; Filed, December 19, 1941; 9:25 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 971—ALCOHOL

Amendment No. 2 to General Preference Order No. M–31 as Amended to Conserve the Supply and Direct the Distribution of Methyl Alcohol

(a) Paragraph (d) of General Preference Order No. M–31 as amended[1] (§ 971.2) is hereby amended to read as follows:

§ 971.2 *General Preference Order M–31.*

* * * * *

(d) *Directions with respect to residual supply.* After providing for all deliveries under Defense Orders, giving preference among such deliveries in accordance with any preference ratings specifically assigned thereto, Producers and Distributors shall make deliveries of Methyl Alcohol in accordance with the following directions:

(1) Deliveries of Natural Origin Methyl Alcohol to persons who requife the same for use as a denaturant for ethyl alcohol and who, prior to delivery thereof, shall have certified to the Producer or the Distributor that the Natural Origin Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such use only, are hereby assigned preference rating B–4.

(2) Deliveries of Synthetic Methyl Alcohol to persons who require the same for the production of formaldehyde for non-defense uses permitted in General Preference Order No. M–25 as amended, and who, prior to delivery thereof, shall have certified to the Producer or the Distributor that the Synthetic Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such purpose only, are hereby assigned preference rating B–3.

(3) Deliveries of Synthetic Methyl Alcohol to persons who require the same for general chemical manufacture, excluding the uses set forth in paragraph (d) (4) hereof and who prior to delivery thereof, shall have certified to the Producer or the Distributor that the Synthetic Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such purpose only, are hereby assigned preference rating B–4.

(4) Deliveries of Methyl Alcohol to persons who require the same for anti-freeze or general denaturant and solvent uses, and who, prior to delivery thereof, shall have certified to the Producer or the Distributor (a) that the Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such purposes only, and (b) that the quantities sought, in any month, together with all quantities on order with other Producers or Distributors for delivery during such month, do not exceed one-twelfth of the quantity of Methyl Alcohol used by such persons for such purposes during the 12-month period ended September 30, 1941, are hereby assigned preference rating B–8.

(5) When a non-defense order for Methyl Alcohol for a use specified in paragraph (d) (1), (2) and (3) hereof, to which a preference rating has been assigned either by specific certificate or otherwise, is offered to a Producer or a Distributor, it shall be accepted, subject to the same terms and conditions applicable to the acceptance of Defense Orders set forth in Priorities Regulation No. 1; and deliveries shall be made under such an order in accordance with the preference rating assigned thereto and the delivery schedule specified therein even though deferment of deliveries under non-defense orders, bearing a lower preference rating or no preference rating, previously accepted is necessitated thereby. Any person seeking to place a non-defense order to which a preference rating has been assigned must make application for acceptance of such order in the first instance to his regular supplier (if a person has several regular suppliers, the order should be divided among such suppliers in accordance with such person's normal method of placing orders).

(b) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 19th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9562; Filed, December 19, 1941; 10:19 a. m.

[1] 6 F.R. 5750.

PART 977—MANILA FIBER AND MANILA CORDAGE

Amendment No. 2 to General Preference Order No. M–36 to Conserve the Supply and Direct the Distribution of Manila Fiber and Manila Cordage

Section 977.1 (*General Preference Order No. M–36*) is hereby amended to read as follows:

Whereas, the uncertainty of future shipments of Manila Fiber from abroad and national defense requirements for Manila Cordage have created a shortage thereof for defense and for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 977.1 *General Preference Order M–36*—(a) *Regulations incorporated in this Order.* Except as expressly modified by the terms of this Order, all of the provisions and definitions of Priorities Regulation No. 1, Part 944, issued August 27, 1941, by the Director of Priorities, as amended from time to time, are hereby incorporated in and made a part of this Order as fully and with the same effect as if specifically herein set forth.

(b) *Definitions for the purposes of this Order.* (1) "Manila Fiber" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp (either stripped or decorticated), Sumatra Abaca, and Panama Abaca, except that "Manila Fiber" does not mean the fiber of grades T, O, W, or Y as established by the Insular Government of the Philippine Islands.

(2) "Manila Cordage" means cables and ropes 1/4" in diameter and larger, and twines used for fishing nets, in which Manila Fiber either alone or in combination with other materials is used.

(3) "Class A Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will at least equal the fiber quality requirements of Federal Specifications T–R–601a.

(4) "Class B Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will give a Becker value not in excess of thirty-nine, such Becker value to be determined according to the methods set forth in said Federal Specifications T–R–601a.

(5) "Cordage Processor" means any Person who spins, twists, weaves or otherwise uses Manila Fiber in the production of Manila Cordage.

For the purpose of this Order the term "Cordage Processor" shall also mean any Person who imports Manila Cordage.

(6) "Processing" means any use of Manila Fiber for the manufacture of any other article or commodity into which the Manila Fiber goes or of which it becomes a part.

(7) "Dealer" means any person who procures Manila Cordage for storage or for sale, and includes selling agents, warehousemen, and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such Manila Cordage.

(c) *Restrictions on deliveries of Manila fiber.* No Person shall hereafter make delivery and no Person shall accept delivery of Manila Fiber unless specifically authorized by the Director of Priorities: *Provided, however,* That deliveries of Manila Fiber may be made:

(1) By and to the Navy Department.

(2) By and to Defense Supplies Corporation.

(3) By and to persons importing or otherwise handling Manila Fiber in accordance with written instructions from the Navy Department or from Defense Supplies Corporation, provided that such Manila Fiber is to be delivered, either processed or unprocessed, directly, or through one or more other persons, to the Navy Department or to Defense Supplies Corporations.

(4) By Importers to Cordage Processors pursuant to contracts entered into on or before the date of this amended Order provided that shipments of such Manila Fiber leave the country of origin on or before April 30, 1942.

(5) By Importers to Cordage Processors of Manila Fiber rejected by the Navy Department or Defense Supplies Corporation as unfit for their use.

(d) *Restrictions on processing of Manila fiber.* (1) Unless specifically authorized by the Director of Priorities, no Person shall hereafter begin the processing of any Manila Fiber except for the purpose of manufacturing Class A or Class B Cordage.

(2) Unless specifically authorized by the Director of Priorities, no Person shall hereafter begin the processing of any Manila Fiber for the purpose of manufacturing any Class A, or Class B Cordage except for sale or delivery to fulfill those categories of orders specified in paragraph (e) (3).

(e) *Restrictions on sales and deliveries of Manila cordage.* (1) Cordage Processors may sell and deliver to Dealers and Dealers may buy and accept delivery of Manila Cordage except as restricted by this Order.

(2) Except as provided in paragraph (e) (4), no Cordage Processor shall sell or deliver to any Dealer and no Dealer shall buy or accept delivery of any Manila Cordage so long as the inventory thereof in the hands or under the control of the Dealer is sufficient to enable such Dealer to fill those categories of orders specified in (e) (3) below which, based upon his customary rate of operation with respect to those categories, it is estimated he will be required to fill within sixty days thereafter.

(3) Except as provided in paragraphs (e) (4), (e) (5) and (e) (6) no Cordage Processor or Dealer, unless specifically authorized by the Director of Priorities, shall sell or deliver Manila Cordage and no Person shall buy or accept delivery of Manila Cordage except to fulfill the following categories of orders:

(i) Defense Orders accompanied by preference rating certificates (not including a Preference Rating Order) having a rating of A–1–j or better.

(ii) Purchase Orders for use by Persons in the following categories of usage:

(*a*) Commercial marine usages in vessels engaged in the carriage of cargo or passengers, or in towage, lighterage or fishing for commercial fish markets or canneries, and usages for shipbuilding.

(*b*) Oil wells and gas wells—for drilling cables only.

(iii) Orders placed by the Defense Supplies Corporation.

(4) Notwithstanding the provisions of (e) (2) and (e) (3), any cordage Processor or Dealer may sell or deliver Manila Cordage of any class from stocks on hand or in process as of August 29, 1941, of the following types:

(i) Manila lariat rope.

(ii) Manila yacht lariat rope.

(5) Notwithstanding the provisions of paragraph (e) (3), any retail dealer or wholesaler may sell any Manila Cordage which, on the date of this Amendment, was in the form of cut lengths of less than 200 feet.

(6) Any stock of Class C Cordage in the hands of a retail dealer, in transit on the date of this Amendment, or made from Manila Fiber actually placed on machines by a Cordage Processor on or prior to the date of this Amendment, may be sold without restriction. For the purposes of this paragraph, Class C Cordage shall mean Manila Cordage which contains no Manila Fiber of the following grades: AB Davao or non-Davao, CD Davao or non-Davao, E Davao or non-Davao, F Davao or non-Davao, I Davao, JI Davao, G Davao, S2 Davao, and in addition to which is so processed that the Manila Fiber therein contained is combined or mixed with at least an equal amount of fiber other than Manila Fiber.

(7) Applications for specific exceptions from the limitations of paragraph (e) (3) must be made in writing by the person desiring to use the Cordage and must set forth in detail the nature of the use, the maximum size of Cordage usable, the minimum strength usable, and the reasons why Cordage not made of Manila Fiber is not suitable, giving full descriptions of the tests made on substitute Cordage. No application will be granted where adequate tests of substitutes have not been made.

(f) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Amendment, should be addressed to the Office of Production Management, Washington, D. C., Ref. M–36.

(g) *Effective date.* This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 19th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9563; Filed, December 19, 1941; 10:19 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 28—ETHYL ALCOHOL

Section 1335.159 of Price Schedule No. 28 is hereby amended to read as follows:

§ 1335.159 *Appendix A; Maximum prices for ethyl alcohol.* The following maximum prices are established for ethyl alcohol (188–190 proof unless otherwise indicated) of the formulae listed below whether produced synthetically or from the fermentation of molasses, corn or other raw material:

(a) *Eastern territory.*

(1) Tank cars:	*Per wine gallon (231 cubic inches)*
CD12	$0.58 f. o. b. shipping point.
CD13	$0.58 f. o. b. shipping point.
CD14	$0.58 f. o. b. shipping point.
SD1	$0.53 at works.
SD2B	$0.50 at works.
SD3A	$0.53 at works.
SD12A	$0.51 at works.
SD23A	$0.53 at works.
SD23G	$0.56 at works.
SD23H	$0.535 at works.
Proprietary name CDA	$0.58 f. o. b. shipping point.
Proprietary name solvent	$0.54 at works.

In the case of ethyl alcohol produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is $2.47 per hundred pounds of sugar content delivered to the plant of the producer. For each increase or decrease of $0.10 in such cost, the maximum prices for such ethyl alcohol shall be the above maximum prices plus or minus $0.015.

(2) *Less than tank car quantities.* For quantities of less than tank cars the following differentials, plus a reasonable charge for containers, may be added to the maximum prices established in subparagraph (1) above.

	Per wine gallon (231 cubic inches)
Drums or barrels, C. L.	$0.035
Drums or barrels, LCL, 19 or more	.06
Drums or barrels, LCL, 1–18	.09

(b) *Western territory.* 4 cents per gallon may be added to the maximum prices established by subparagraphs (1) or (2) above, as the case may be.

(c) *Anhydrous ethyl alcohol (200 proof).* 3 cents per gallon may be added to the maximum prices established by paragraphs (a) or (b) above, as the case may be.

(d) When used in this Appendix, the term "Eastern" territory shall mean the states of New Mexico, Colorado, Wyoming, and Montana, and all states east thereof; the term "Western" territory shall mean all other states of the United States. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 18th day of December 1941. This amendment No. 1 effective January 1, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9557; Filed, December 18, 1941; 4:24 p. m.]

PART 1353—VEGETABLE FIBERS

PRICE SCHEDULE NO. 59—KAPOK

The supply of kapok, used principally for life-saving devices, sleeping bags, mattresses, cushions, upholstery, and sound and thermal insulation, is obtained primarily from the Netherlands East Indies. The uncertainty of further shipments, occasioned by the hostilities in the Far East, may be expected to result in curtailment of the supply, which is already inadequate to meet normal civilian needs for any extended period of time.

Prices of kapok have risen appreciably since December 6, 1941, and a further rise may be expected unless remedial action is taken. Such price increases cannot serve to increase the supply.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering various grades of kapok will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1353.1 *Maximum prices for kapok.* (a) On and after December 22, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer kapok, at a price higher than the applicable maximum price established herein.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between November 15, 1941, and December 6, 1941, inclusive, of kapok of the same type, grade, quality, and comparable quantity, to a purchaser of the same general class.

(2) If during said period no such sale or delivery was made, the maximum price shall be the price contracted for or received by the seller for the last sale or delivery made prior to November 15, 1941, of kapok of the same type, grade, quality, and comparable quantity, to a purchaser of the same general class.

(3) In all other cases, the maximum price shall be the highest market price during the period between November 15 and December 6, 1941, of kapok of the same type, grade, and quality, to purchasers of the same general class.*

*§§ 1353.1 to 1353.10, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1353.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1353.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of kapok, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1353.4 *Filing of prices.* On or before January 10, 1942, every seller of kapok shall file with the Office of Price Administration a list of all sales and deliveries made during the period between November 15, 1941, and December 6, 1941, inclusive, showing, with respect to each such sale or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, grade, and quality of kapok sold or delivered; and (d) the price contracted for or received for each type, grade, and quality of kapok.*

§ 1353.5 *Records and reports.* Every person making sales of kapok after December 22, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (a) of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, grade and quality of kapok sold, and (b) the quantity of each type, grade and quality of kapok (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1353.6 *Affirmations of compliance.* On or before the 10th day of January 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold kapok whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 159:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 159:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1353.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of kapok, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1353.8 *Modification of schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modifica-

tion thereof or exception therefrom: *Provided*, That no application under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1353.9 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Kapok" means the vegetable fiber derived from the species *Ceiba pentandra, Ceiba caribaea, Ceiba thonningii,* and *Ceiba guinensis,* regardless of the country of origin.*

§ 1353.10 *Effective date of the schedule.* This Schedule shall become effective December 22, 1941.*

Issued this 18th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9556; Filed, December 18, 1941; 3:08 p. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 19]

PART 1503—PRODUCTION

DISTRICT 5—PACIFIC COAST AREA

To the Production Committee of District 5 and to each producer, owner, transporter, purchaser or other person who produces, handles, or has an interest in any petroleum or natural gas in District 5:

On December 8, 1941 the Congress of the United States passed a resolution declaring that a state of war exists between the Imperial Japanese government and the Government and the people of the United States.

In defining the petroleum defense policy the President of the United States, in his letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, stated that:

> One of the essential requirements of the national defense program, which must be made the basis of our petroleum defense policy in the unlimited national emergency declared on May 27, 1941, is the development and utilization with maximum efficiency of our petroleum resources and our facilities, present and future, for making petroleum and petroleum products available, in the proper forms, at the proper places, and at reasonable prices to meet military and civilian needs.
>
> Some of the problems * * * which require immediate action are: The proper development, production, and utilization of those reserves of crude oil and natural gas that are of strategic importance both in quality and location; * * * the most economical use of raw materials, and efficiency of production and distribution; and the elimination of the drilling of unnecessary wells in proven fields and of other unnecessary activities and equipment.

In carrying out the petroleum defense policy the President made it the duty and responsibility of the Petroleum Coordinator for National Defense, as his representative "to make specific recommendations * * * to insure the maintenance of a ready and adequate supply of petroleum and petroleum products."

The Fifth District, bordering on the Pacific Ocean, is one of the areas most important in the national defense program and in the war effort. The Army, the Navy and defense industries are extremely active in this area and petroleum and petroleum products are prime necessities for each. The Pacific military and naval bases in Hawaii and Alaska, western Canada and the entire area comprising the Fifth District have been and must continue to be dependent upon petroleum and natural gas produced within the confines of the Fifth District, separated as they are from the other petroleum producing regions of the United States by the Rocky Mountains and lacking other adequate sources of fuel for heat, light, power and transportation. In order effectively to assure a continuing, ready and adequate supply of petroleum in this area to meet the needs of the national defense program, the war effort, and essential civilian requirements, the development and production of petroleum and natural gas in District 5 must be so conducted as to assure not only an immediate but a continuous supply in adequate quantities for the duration of the national emergency.

Many of the critical materials used in the discovery, development and production of petroleum are needed also in other phases of the national defense program and notwithstanding large increases in the demand for petroleum, such critical materials cannot be made available to the petroleum industry in as large quantities as they have in the past. It is necessary, therefore, that all activities of the petroleum industry be conducted with a minimum use of critical materials and that the materials available be used in the most efficient and effective manner.

In order to assure an adequate, continuing, supply of petroleum and natural gas for the Fifth District, it is essential that development and production be conducted in an orderly and efficient manner and that production be at, but not greater than, a rate sufficient to provide adequate stocks and to fill current needs. The demand for petroleum and natural gas from the Fifth District can continue to be met only if the exploration, development and production of petroleum and natural gas therein are so coordinated as to effect maximum operating efficiency.

In view of the foregoing, to attain the objectives defined by the President, the Petroleum Coordinator for National Defense, by a letter dated September 16, 1941, requested the Production Committee for District 5 to formulate and present to him a concrete and specific plan to coordinate the production activities and functions of the petroleum industry of District 5 along the lines and within the boundaries set forth in the President's letter of May 28. The Production Committee has now proposed a plan which will enable that Committee, with the approval and under the direction of the Petroleum Coordinator for National Defense, to coordinate the development and production of petroleum in District 5 so as to conserve both petroleum and the critical materials used by the industry while meeting war, national defense and essential civilian needs. This Recommendation is issued in furtherance of the plan proposed.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1503.4 *Purposes and objectives.* The Production Committee of District 5, in accordance wtih the provisions of this Recommendation and under the direction of the Petroleum Coordinator, shall do all things hereinafter set forth relative to the discovery, development and production of petroleum and natural gas in District 5 so as: (a) to assure the proper development, production, and utilization of the reserves of petroleum and natural gas in District 5; (b) to make petroleum and petroleum products available at the proper places to meet military and civilian needs; (c) to accomplish the most effective use of critical materials; (d) to assure the efficient use of transportation, storage and refining facilities; (e) to eliminate the drilling of unnecessary wells; (f) to prevent physical waste above and under ground; (g) and to assure that natural gas produced in conjunction with petroleum is used primarily for the efficient recovery of petroleum.*

*§§ 1503.4 to 1503.10 inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760).

§ 1503.5 *Method of accomplishing purposes and objectives.* In order to accomplish the purposes and objectives of this Recommendation as defined in § 1503.4, the Committee shall prepare a plan or plans for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, for the development and operation of fields, pools and wells in District 5 in accordance with the provisions of §§ 1503.7 and 1503.8. Such plan or plans shall become effective only after approval thereof by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and shall be carried into effect pursuant to the direction of the Petroleum Coordinator for National Defense.*

§ 1503.6 *Exploration.* The Production Committee of District 5, in order to encourage and foster the exploration for and discovery of petroleum and natural gas reserves at a rate not less than that by which known reserves are being depleted, shall accumulate and disseminate such information as will encourage needed development and shall make reports and suggestions thereon from time to time to the Petroleum Coordinator.*

§ 1503.7 *Development*—(a) *Newly discovered fields or pools.* The Production Committee of District 5, with the cooperation and assistance of the owners and operators of newly discovered fields and pools, and others having an interest therein, shall prepare plans for the orderly development of such new fields or pools, including proper well-spacing practices and the consummation of unit or cooperative agreements for development, pressure maintenance, or repressuring, designed to effectuate the maximum practicable recovery with a minimum expenditure of critical materials.

(b) *Proven fields.* The Production Committee for District 5 shall study and report to the Office of Petroleum Coordinator the necessity for any new well or wells in a proven field or pool, taking into consideration the relation of such well or wells to the most efficient operation of the field or pool as a whole, the availability of critical materials, and other pertinent factors. If the Production Committee finds that any proven field or pool should be developed further in order to accomplish the objectives of the Recommendation, it shall cooperate with the owners and operators thereof, and others having an interest therein, in devising a plan to effect this development with a minimum expenditure of critical materials.*

§ 1503.8 *Production*—(a) *Plan for petroleum production allocation schedules.* In order to prevent underground waste, and thereby to prolong the existence of fields and pools in District 5 as a source of supply and obtain therefrom the maximum practicable ultimate recovery of petroleum and natural gas, and in order to prevent surface waste by limiting production to an amount sufficient to provide adequate stocks and to fill current national defense and civilian needs, and thereby to prevent the excessive accumulation of petroleum and petroleum products in storage, reduce the requirements of critical material and storage facilities, eliminate unnecessary losses from evaporation, and reduce the danger of fire and sabotage, the Production Committee shall prepare a plan, which shall be reviewed from time to time by said Committee and appropriate revisions made, for the equitable allocation of petroleum production among the various fields, pools and wells in District 5.

(b) *Factors considered in allocation schedules.* The allocation schedules contained in any such plan shall be predicated upon a consideration of the following factors:

(1) Gas-oil ratios.
(2) Water production.
(3) Regularity of water encroachment.
(4) Maintenance of reservoir pressures.
(5) Regularity of pressure pattern throughout the reservoir.
(6) Other factors bearing upon the efficiency of production operations under recognized engineering practices and the principles of conservation.
(7) Such other factors as may have a bearing on the problem of obtaining the maximum practicable ultimate recovery of petroleum and natural gas from each field and pool.

(c) *Determination of maximum efficient rate of production.* The Committee, after consideration of the foregoing factors, shall determine the maximum rate at which petroleum can be produced from the several fields, pools and wells in compliance with recognized engineering practices and principles of conservation, which maximum rate shall be redetermined from time to time.

(d) *Estimation of requirements.* The Office of the Petroleum Coordinator for National Defense shall estimate from time to time the quantity of petroleum and natural gas which should be produced in District 5 to provide adequate stocks and to meet current needs and shall inform the Production Committee of District 5 thereof.

(e) *Calculation of production rates to meet requirements.* When the Committee has determined the maximum rate at which the several fields, pools, and wells can be produced efficiently and has been informed of the current requirements for petroleum and natural gas, then, if such requirements are less than the amount that can be produced without waste underground, the Committee shall, in order to avoid waste above ground, calculate appropriate rates of production for the various fields, pools and wells, without unreasonable discrimination in favor of any one field, pool or well as against any other field, pool or well in District 5, to meet the estimated requirements. In calculating the rates of production as provided in the foregoing sentence, the Production Committee of District 5 shall consider in addition to the factors listed in paragraph (b) the following factors:

(1) The kind and quality of petroleum produced in the various fields, pools or wells in relation to current requirements.
(2) The availability of transportation.
(3) The effect of reducing rates of production on the continuity of production from any field, pool or well.
(4) Maximum production for large wells and minimum production for small wells.

(f) *Exception for national defense needs.* No plan shall provide that any field, pool or well produce at a rate in excess of the maximum rate at which it can be operated in accordance with recognized engineering practices and principles of conservation, except where the Petroleum Coordinator for National Defense has certified that the national defense program requires that there be produced a greater amount of the type of petroleum being produced in such field, pool, or well.

(g) *Transfers of allocations.* No plan shall provide that the amount of petroleum allocated for production from any well, pool or field may be produced from any other well, pool or field provided that after full consideration of the individual wells, pools, and fields in their relation to the national defense program and proper conservation, the Production Committee of District 5, with the approval of the Petroleum Coordinator for National Defense, may permit transfers of allocations from any well or wells to any other well or wells in the same pool, which is within the same lease, unit or cooperative plan. Except as provided in the foregoing sentence, the amount of petroleum allocated for production from each well may be produced only from the well to which the allocation is made.*

§ 1503.9 *Effectuating plans.* Upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense: (a) Any plan prepared pursuant to § 1503.7 or § 1503.8 shall be carried into effect according to its terms, conditions and intent by the Production Committee of District 5 and each producer, owner, transporter, purchaser or other person who produces, handles, or has an interest in any petroleum or natural gas in District 5. (b) No person, natural or artificial, shall produce any petroleum or natural gas from any well in excess of the amount scheduled in any petroleum production allocation plan and no person, natural or artificial, shall store, sell, market, transport or cause to be transported in any manner, and no person, natural or artificial, shall purchase, receive, accept, transport or cause to be transported in any manner any petroleum or natural gas which is produced from any well contrary to provisions of any approved plan.*

§ 1503.10 *Administration*—(a) *Production statistics.* The Production Committee of District 5 shall ascertain the rate of the production of all petroleum and natural gas wells, pools, and fields in District 5 and shall prepare and maintain full statistical summaries with respect thereto. Any production from any well, pool, or field by any person, natural or artificial, in excess of that allocated thereto under any approved plan, shall be investigated by the Committee, giving to any person having an interest therein full opportunity to be heard, and the Committee shall submit a report thereon to the Petroleum Coordinator for National Defense.

(b) *Review and appeal.* Any person who may object to any plan or any provision thereof formulated pursuant to this Recommendation may obtain a hearing and review of the plan, so far as it affects him, before the Committee or before such subcommittee as may be established to consider such matters, by filing with the Committee or subcommittee a written statement setting forth the facts upon which his objection is grounded and indicating the manner in which he believes the plan or provision should be modified. Appeal may be taken to the Petroleum Coordinator for National Defense from the final decision of the Committee or subcommittee within thirty days after receipt of notice of such final decision. The appeal shall be in the form of a written statement addressed to the Petroleum Coordinator for National Defense, Washington, D. C., and shall state clearly and concisely the ground of complaint. Copies shall be filed concurrently with the Committee or subcommittee and with the District Director of Production for District 5. The Committee or subcommittee and the Director of Production for District 5 shall promptly forward a full report on the matter to the Petroleum Coordinator for National Defense. Pending final decision on any objection to any plan or provision thereof, the objector shall comply with such plan or provision. If the objection is finally sustained, the Committee shall allow appropriate readjustments and compensations, where such are not violative of recognized engineering practices or the principles of conservation.

(c) *Staff and subcommittees.* The Production Committee of District 5 may maintain such staff and employ such persons as it finds necessary for carrying out its duties, responsibilities and functions under this Recommendation and may appoint such temporary subcommittees as it deems necessary for investigation and report on specific problems. The Committee may propose to the Petroleum Coordinator for National Defense the appointment of such standing subcommittees as it deems necessary in connection with the performance of its duties, responsibilities and functions hereunder and may submit nominations for membership on such standing subcommittees.*

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

DECEMBER 11, 1941.

[F. R. Doc. 41-9552; Filed, December 18, 1941; 1:27 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER K—SEAMEN

[Order No. 181]

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

DECEMBER 19, 1941.

Section 138.3 (a) (1) is hereby amended to read as follows:

§ 138.3 *Able seaman*[1]—(a) *High seas and inland waters.* (1) Three years' service on deck at sea or on the Great Lakes on vessels of 100 gross tons or over to which sec. 1 (a) of the act of June 25, 1936, amending sec. 13 of the act of March 4, 1915, applies, including decked fishing vessels and vessels in the United States Government service. (Sec. 7, 48 Stat. 1936, 46 U.S.C., Sup., 689)

* * * * * *

Section 138.3 (b) is hereby amended to read as follows:

(b) *Great Lakes and inland waters.* Eighteen months' service on deck at sea or on the Great Lakes, smaller lakes, bays, or sounds on vessels of 100 gross tons or over to which section 1 (a) of the act of June 25, 1936, amending section 13 of the act of March 4, 1915, applies, including decked fishing vessels and vessels in United States Government service. (Sec. 7, 48 Stat. 1936, 46 U.S.C., Sup., 689)

* * * * *

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9577; Filed, December 19, 1941; 11:08 a. m.]

[1] 5 F.R. 5172, 6 F.R. 3596, 4947, 4977.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1731-FD]

IN THE MATTER OF W. C. THOMAS AND L. PAYNE, DOING BUSINESS AS THOMAS & PAYNE, A PARTNERSHIP, DEFENDANTS

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated May 17, 1941, having been filed herein by the Bituminous Coal Producers' Board for District No. 8, on May 20, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by W. C. Thomas and L. Payne, doing business as Thomas & Payne, a partnership, Banner, Virginia, of the Bituminous Coal Code and rules and regulations thereunder; and

An Order having been entered herein on October 9, 1941, pursuant to the stipulation of W. C. Thomas and L. Payne, doing business as Thomas & Payne and the said District Board dated August 23, 1941, cancelling and revoking the code membership of W. C. Thomas and L. Payne, doing business as Thomas & Payne, effective ten (10) days after the service of a copy of such Order upon W. C. Thomas and L. Payne, doing business as Thomas & Payne and ordering defendants and all persons acting or claiming to act in their interest to cease and desist from violating the provisions of the Code, the Act, the Marketing Rules and Regulations, and the effective minimum prices, which Order was duly served upon W. C. Thomas and L. Payne, doing business as Thomas & Payne on October 17, 1941; and

Said W. C. Thomas and L. Payne, doing business as Thomas & Payne, having filed with the Division, as provided in Section 5 (c) of the Act, its application dated December 8, 1941, for restoration of code membership; and

It appearing from said application that W. C. Thomas and L. Payne, doing business as Thomas & Payne, on October 21, 1941, paid to the Collector of Internal Revenue at Richmond, Virginia, the sum of seven dollars and eighteen cents ($7.18), as provided in said Order of October 9, 1941, as a condition precedent to restoration of its code membership.

Now, therefore, it is ordered, That said application of W. C. Thomas and L. Payne, doing business as Thomas & Payne, dated December 8, 1941, for restoration of its code membership be granted and that the code membership of W. C. Thomas and L. Payne, doing business as Thomas & Payne, be and it hereby is restored as of October 21, 1941.

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9567; Filed, December 19, 1941; 11:05 a. m.]

[Docket No. B-11]

IN THE MATTER OF WALTER V. BEISSER, DOING BUSINESS AS TEN X COAL COMPANY, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 4, a District Board, complainant, with the Bituminous Coal Division, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Muskingum County Court House, Zanesville, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and

to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations issued thereunder, in that the defendant, whose address is R. F. D. No. 6, Zanesville, Ohio, sold and delivered by truck substantial quantities of bituminous coal produced at the Ten X Coal Company Mine (Mine Index No. 935), located in Muskingum County, Ohio, to various purchasers and at prices hereafter indicated:

1. (a) By selling and delivering during the months of January, February and March 1941, approximately 166.7375 tons of 4" lump coal to City Coal Company, Marion, Ohio, (a distance of 100 miles from said mine), at a truck delivered price of $4.25 per net ton, whereas the effective minimum price for said coal was $2.70 per net ton f. o. b. said mine;

(b) By selling and delivering during the months of January and March 1941, approximately 68.99 tons of 2" v 4" egg coal to Ideal Electric Company, Mansfield, Ohio, (a distance of 80 miles from said mine), at a truck delivered price of $3.75 per net ton, whereas the effective minimum price for said coal was $2.35 per net ton f. o. b. said mine;

(c) By selling and delivering during the months of February, March and April 1941, approximately 116.85 tons of 4" lump coal, to Mansfield Transfer and Storage Company, Mansfield, Ohio, (a distance of approximately 80 miles from said mine), at a truck delivered price of $4.25 per net ton, whereas the effective minimum price for said coal was $2.70 per net ton f. o. b. said mine;

(d) By selling and delivering during the months of February and March 1941, approximately 17.135 tons of 4" lump coal, to Marion Metal Products Company, Marion, Ohio (a distance of approximately 100 miles from said mine), at a truck delivered price of $4.25 per net ton, whereas the effective minimum price for said coal was $2.70 per net ton f. o. b. said mine; and

(e) By selling and delivering during the months of February, March and April 1941 to Pittsburgh Plate Glass Company, Fultonham, Ohio (a distance of 12 miles from said mine), approximately 71.145 tons of 1¼" x 2" nut coal, at a truck delivered price of $2.10 per net ton, whereas the effective minimum price for said 1¼" x 2" nut coal was $1.95 per net ton, f. o. b. said mine;

Approximately 52.15 tons of 2" x 4" egg coal, at a truck delivered price of $2.50 per net ton, whereas the effective minimum price for said 2" x 4" egg coal was $2.35 per net ton, f. o. b. said mine; and

Approximately 362.775 tons of 1¼" x 4" egg coal, at a truck delivered price of $2.45 per net ton, whereas the effective minimum price for said 1¼" x 4" egg coal was $2.30 per net ton f. o. b. said mine.

In respect to the coal so delivered to the various purchasers, as set forth in items 1 (a) to (e), inclusive, the defendant failed to add to the effective minimum f. o. b. mine prices an amount or amounts equal as nearly as practicable to its transportation costs from the mine facilities to the plants of the respective purchasers, in violation of section 4 II (g) of the Act, the price provisions of the Act and Code, and Price Instruction No. 6 as set forth in Supplement No. 1 to appendix A–4–T, of the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments.

2. That the defendant during the months of May and June 1941 sold to the Pittsburgh Plate Glass Company at Fultonham, Ohio, approximately 322.875 tons of coal produced at its said mine, which coal it billed as crushed mine run coal, whereas said coal was either uncrushed mine run or graded sizes of coal, all of which sizes of coal actually delivered carry higher effective minimum prices than those charged by defendant.

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director,

[F. R. Doc. 41–9566; Filed, December 19, 1941; 11:05 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address:	*Date application filed*
Beadle & McCauley Coal Co., Brockway, Pa.	Dec. 10, 1941
Bellaire Coal Co., 301 First National Bank Bldg., Bellaire, Ohio	Dec. 8, 1941
J. Warren Gates, Gates Coal Co., 530 Bridge St., New Cumberland, Pa.	Dec. 12, 1941
W. E. Meyers, Meyers Coal Co., 1 Kimball St., Elgin, Ill.	Dec. 6, 1941
Virginia Lime Sales Co., 25 N. George St., York, Pa.	Dec. 10, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before January 19, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th St. NW., Washington, D. C.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9568; Filed, December 19, 1941; 11:05 a. m.]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

ADOPTION OF REGISTRATION STATEMENT FORM, STATEMENT OF THE BORROWER FORM, AND STATEMENT OF NECESSITY TO PREVENT UNDUE HARDSHIP FORM, ALL RELATING TO REGULATION OF CONSUMER CREDIT

Pursuant to Executive Order No. 8843 of August 9, 1941,[1] the Board of Governors of the Federal Reserve System issued its Consumer Credit regulation, as amended, being part 222, chapter II, title 12, Code of Federal Regulations.[2] In accordance with §§ 222.3, 222.5 (d), and 222.8 (d) of such part, as amended, the Board of Governors of the Federal Reserve System has adopted and prescribes the following described statement forms referred to in such sections, respectively:

(1) Registration Statement (Form F.R. 563),[3] to be filed on or before December 31, 1941, and as specified in said § 222.3.

(2) Statement of the Borrower (Form F.R. 564),[3] prescribed for use on and after January 1, 1942.

(3) Statement of Necessity to Prevent Undue Hardship (Form F.R. 565),[3] prescribed for use on and after January 15, 1942.

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
L. P. BETHEA,
Assistant Secretary.

[F. R. Doc. 41–9565; Filed, December 19, 1941; 10:25 a. m.]

[1] 6 F.R. 4035.
[2] 6 F.R. 4443, 4838, 5507. Part 222 corresponds to Regulation W, Board of Governors of the Federal Reserve System.
[3] Filed as part of the original document.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 2–3925]

IN THE MATTER OF UNITED STATES MOLYBDENUM CORPORATION

STOP ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1941.

This matter coming on to be heard before the Commission on the registration statement of United States Molybdenum Corporation, a Colorado corporation, after confirmed telegraphic notice to said registrant that it appeared that said registration statement and a post-effective amendment thereto, filed April 16, 1940, included untrue statements of material facts and omitted to state material facts required to be stated and material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The registrant having applied to the Commission for consent to withdraw said registration statement; and

The Commission having duly considered the matter, and finding that said registration statement and post-effective amendment include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, and finding that withdrawal of registration would not be consistent with the public interest and the protection of investors, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and

The Commission now being fully advised in the premises;

It is ordered, Pursuant to Rule 960 of the General Rules and Regulations promulgated under the Securities Act of 1933, that said application to withdraw said registration statement be, and the same hereby is denied; and

It is further ordered, Pursuant to section 8 (c) of the Securities Act of 1933, that the Commission hereby refuses to declare effective said post-effective amendment of April 16, 1940; and

It is further ordered, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by United States Molybdenum Corporation, a Colorado corporation, be, and the same hereby is, suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9580; Filed, December 19, 1941; 11:38 a. m.]

[File No. 70–451]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Philadelphia Electric Company, having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, Rule U-50 (a) (5), sections 7, 12 (c), and Rule U-42, regarding the following transactions:

(1) The issue, as of February 1, 1942, of not exceeding 280,058 shares of 4.40% Preferred Stock (Cumulative, par value $100 per share) to be offered in exchange, share for share, to the holders of the presently outstanding 280,058 shares of $5 Dividend Preferred Stock (Cumulative, no par); and the issue of Interim Receipts to those holders of the presently outstanding preferred stock who accept the exchange offer, said Interim Receipts to be exchangeable for the new preferred stock, conditioned upon the requisite authorization of said preferred stock by stockholders at a special meeting to be held on January 31, 1942; said Interim Receipts, in the event that the new preferred stock is not authorized will entitle the holders thereof to $110 for each share represented by such Receipts, plus an amount of $1.25 per share in lieu of dividends from November 1, 1941;

(2) The exemption of said issue and exchange from competitive bidding;

(3) The redemption, on February 1, 1942, of such shares of its presently outstanding 280,058 shares of $5 Dividend Preferred Stock as are not exchanged pursuant to said exchange offer;

(4) The incidental alteration of voting and other rights of the common stock of Philadelphia Electric Company; and

Said application and declarations having been filed on December 1, 1941, and certain amendments thereto having been filed, the last amendment having been filed on December 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named party having requested that the effective date of said application and declarations, as amended, be advanced; and

The Commission finding that the requirements of section 6 (b) are satisfied and that the above-named party is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to said issue and exchange offer, subject to the terms and conditions prescribed in Rule U-24, and finding that the standards of Rule U-50 (a) (5) are satisfied; and

The Commission finding with respect to the declaration under section 7 of said Act that the requirements of section 7 (g) are satisfied and that no adverse findings are necessary under section 7 (e), and finding with respect to the declaration pursuant to section 12 (c) of said Act and Rule U-42 thereunder that the requirements of section 12 (c) are satisfied, and being satisfied that the effective date of said declarations, as amended, and the date of granting such application, as amended, should be advanced;

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24 that the application, as amended, be and hereby is granted forthwith and that the aforesaid declarations, as amended, be and hereby are permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9581; Filed, December 19, 1941; 11:38 a. m.]

[File No. 59–17]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS

[File No. 59–11]

THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

[File No. 54–25]

THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER ON APPLICATION NO. 5 FOR PURCHASE BY THE UNITED LIGHT AND POWER COMPANY OF ITS DEBENTURES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December 1941.

The United Light and Power Company, a registered holding company, and its subsidiary companies, having filed

on November 24, 1941 Application No. 5 with the Commission pursuant to the Public Utility Holding Company Act of 1935, in which, among other things, United Light and Power Company proposes to acquire from time to time, by purchase in the open market, by private sale, or pursuant to a call for tenders, at prices (exclusive of commissions) not in excess of the principal amount thereof plus accrued interest, all or any part of the following classes of its debentures:

The United Light and Railways Company (Maine) 6% Debenture Bonds, Series A, due 1973 (assumed),

The United Light and Power Company 6½% Debentures, due 1974, and 6% Debentures, due 1975; and

The United Light and Power Company, having filed on December 9, 1941, an amendment to Application No. 5 requesting (in addition to the original proposal of acquisition) the prompt entry of an order authorizing the purchase in the open market or at private sale of an aggregate of $1,500,000 principal amount of the above-described series of debentures outstanding at this date, said purchases to be made at not in excess of the principal amount plus accrued interest to the date of purchase and at not less than 95% of the principal amount plus accrued interest; and

Notice of the filing of Application No. 5 having been duly given as required by the Act and the applicable rules of the Commission, and a hearing having been ordered therein, commencing December 16, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application for limited acquisition of debentures;

It is hereby ordered, Pursuant to sections 11 (b) and 12 (c) of the Act and Rule U-42 thereunder, subject to the terms and conditions prescribed in Rule U-24, that the application (filed as a part of Application No. 5) to purchase an aggregate of $1,500,000 principal amount debentures upon the terms set forth in the application and in this order described, be and the same hereby is granted, subject to the following conditions:

(a) That no purchase of debentures herein authorized be made after January 31, 1942;

(b) That no fees or commissions be paid in connection with private purchases and that no more than the usual or customary commission be paid in connection with purchases in the open market;

(c) That The United Light and Power Company report to this Commission all purchases of debentures, identifying the issue, stating the principal amount purchased, date of acquisition, cost thereof, fees or commissions paid, and persons from whom acquired; such report to be submitted on or before February 15, 1942.

Jurisdiction is reserved in respect of the application to purchase the remaining debentures and concerning the various other matters specified in Application No. 5.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9582; Filed, December 19, 1941; 11:38 a. m.]

[File No. 70-428]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND MOBILE GAS SERVICE CORPORATION

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of December, A. D. 1941.

Consolidated Electric and Gas Company, a registered holding company, and Mobile Gas Service Corporation, its subsidiary, having filed applications and declarations and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 and particularly sections 6 (b), 7. 10 (a), 12 (b) and 12 (c) thereof and Rules U-23, U-42, U-45 and U-50 thereunder regarding (a) the issue and sale by Mobile Gas Service Corporation of $1,400,000 principal amount of First Mortgage Bonds due December 1, 1961 and 6,000 shares of 6% Cumulative Preferred Stock, $100 par value, the proceeds therefrom to be used to redeem and retire $867,700 principal amount of First Mortgage Bonds, 5% Series, due October 1, 1956; $637,750 principal amount of First Mortgage Income Bonds, 9% Series A, due October 1, 1956; and $236,950 principal amount of First Mortgage Income Bonds, 7% Series B, due October 1, 1956; all issued by Mobile Gas Service Corporation and presently outstanding, and to establish a construction fund of approximately $75,000, the said Mobile Gas Service Corporation to publicly invite proposals for the purchase of the Bonds and Preferred Stock above-described in accordance with said Rule U-50, (b) the surrender by Consolidated Electric and Gas Company to Mobile Gas Service Corporation of $39,800 principal amount of the First Mortgage Bonds, 5% Series, due October 1, 1956, and $41,800 principal amount of the First Mortgage Income Bonds, 9% Series A, due October 1, 1956, as a capital contribution and the acquisition and retirement of the same by Mobile Gas Service Corporation, and (c) a proposed transfer by Mobile Gas Service Corporation from its capital surplus account to its earned surplus account in order to eliminate a deficit therein; and

The Commission having on December 2, 1941, entered its Order granting the applications aforesaid, as amended, and permitting the declarations aforesaid, as amended, to become effective subject to the terms and conditions prescribed by Rule U-24 and to the following further condition:

That Mobile Gas Service Corporation report to the Commission the results of the public invitation of proposals as required by Rule U-50 (c) and comply with such Supplemental order as the Commission may enter in view of the facts disclosed thereby; and

The above-named parties having filed on December 11, 1941, and December 12, 1941, further amendments to the applications and declarations aforesaid, which amendments provide that by order of the Public Service Commission of the State of Alabama the Preferred Stock aforesaid might be sold at a price of less than the par value thereof but not less than $95 per share, and Consolidated Electric and Gas Company will pay to Mobile Gas Service Corporation an amount equivalent to the difference between the purchase price and the par value of the Preferred Stock as additional consideration thereof, to the effect that in the opinion of counsel for the company the paid Preferred Stock will be fully paid and non-assessable, said amendments further providing that the capital contribution aforesaid by Consolidated Electric and Gas Company will be reduced by the amount so paid as additional consideration for the Preferred Stock; and

Mobile Gas Service Corporation, in accordance with the order aforesaid, having made a report in the form of a further amendment to the applications and declarations aforesaid, stating that the said company duly and publicly invited proposals for the purchase of the securities aforesaid and that on the date specified in the said invitation one such proposal was received and the same has been accepted, such bid having been made by a group of seven underwriters headed by The First Boston Corporation and providing that the said underwriters will pay to the company an amount equal to 100.70% of the principal amount of the Bonds and $95 per share for the Preferred Stock, that the said Bonds will be sold to the public at 104.68% of the principal amount thereof and the Preferred Stock will be so sold at $92.50 per share, that the total commission or spread to be received by the said underwriters in connection with the sale of the securities aforesaid will aggregate $40,720 and the total proceeds to be received by the company will aggregate $1,979,800 from which will be deducted expenses of approximately $36,000; and

The Commission finding that the changes in the proposed transactions do not violate the standards of the provisions of the Act previously applied thereto and finding with respect to the sale of the said securities at the prices aforesaid and with the spread aforesaid that no other or further conditions are required under section 6 (b) of the Act;

It is ordered, That the said applications, as amended, be and they hereby are granted and that the said declarations, as amended, be and they hereby are permitted to become effective forthwith with regard to the prices of the securities, the spread thereon and all other matters embraced in amendments filed subsequent to December 2, 1941, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] FRANCES P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9583; Filed, December 19, 1941; 11:39 a. m.]

[File No. 70-466]

IN THE MATTER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY AND THE POWER & LIGHT BUILDING COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 26, 1941, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a), and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

(1) The Cleveland Electric Illuminating Company, a subsidiary of The North American Company and the owner of all of the outstanding securities of The Power & Light Building Company, proposes to acquire, subject to all liabilities, all of the assets of The Power & Light Building Company, a non-public utility company, in consideration of the delivery of the latter company of all its outstanding securities, namely, 4,600 shares of capital stock.

(2) The Power & Light Building Company proposes to cancel its capital stock so to be received by it and to immediately dissolve and liquidate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9584; Filed, December 19, 1941; 11:39 a. m.]

DEC 26 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 248

Washington, Tuesday, December 23, 1941

The President

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF CENSORSHIP AND PRESCRIBING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and particularly by section 303, Title III of the act of December 18, 1941, Public Law 354, 77th Congress, 1st Session, and deeming that the public safety demands it, I hereby order as follows:

1. There is hereby established the Office of Censorship, at the head of which shall be a Director of Censorship. The Director of Censorship shall cause to be censored, in his absolute discretion, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country or which may be carried by any vessel or other means of transportation touching at any port, place, or Territory of the United States and bound to or from any foreign country, in accordance with such rules and regulations as the President shall from time to time prescribe. The establishment of rules and regulations in addition to the provisions of this order shall not be a condition to the exercise of the powers herein granted or the censorship by this order directed. The scope of this order shall include all foreign countries except such as may hereafter be expressly excluded by regulation.

2. There is hereby created a Censorship Policy Board, which shall consist of the Vice-President of the United States, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of the Navy, the Director of the Office of Government Reports, and the Director of the Office of Facts and Figures. The Postmaster General shall act as Chairman of the Board. The Censorship Policy Board shall advise the Director of Censorship with respect to policy and the coordination and integration of the censorship herein directed.

3. The Director of Censorship shall establish a Censorship Operating Board, which shall consist of representatives of such departments and agencies of the Government as the Director shall specify. Each representative shall be designated by the head of the department or agency which he represents. The Censorship Operating Board shall, under the supervision of the Director, perform such duties with respect to operations as the Director shall determine.

4. The Director of the Censorship is authorized to take all such measures as may be necessary or expedient to administer the powers hereby conferred, and, in addition to the utilization of existing personnel of any department or agency available therefor, to employ, or authorize the employment of, such additional personnel as he may deem requisite.

5. As used in this order the term "United States" shall be construed to include the Territories and possessions of the United States, including the Philippine Islands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Washington, D. C., Dec. 19, 1941.

[No. 8985]

[F. R. Doc. 41-9600; Filed, December 20, 1941; 11:45 a. m.]

EXECUTIVE ORDER

AUTHORIZING THE GOVERNOR OF THE PANAMA CANAL TO INCREASE THE COMPENSATION OF CERTAIN EMPLOYEES

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act

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FEDERAL REGISTER

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of July 9, 1937, c. 470, 50 Stat. 487, it is hereby ordered as follows:

SECTION 1. The Governor of The Panama Canal is authorized to increase the rate of compensation to more than $960 a year or 40 cents an hour of not more than 200 employees of The Panama Canal or the Panama Railroad Company who are not citizens of the United States or the Republic of Panama; but such employees shall have no greater leave privileges than employees whose rate of compensation is not greater than $960 a year or 40 cents an hour.

SECTION 2. Paragraphs 6 and 20 of Executive Order No. 1888 of February 2, 1914, prescribing conditions of employment governing employees on the Isthmus of Panama, as amended by the Executive order of February 20, 1920, are amended accordingly.

SECTION 3. Executive Order No. 4721 of September 14, 1927, and the order of the Secretary of War of August 7, 1929, authorizing increases in the compensation of certain employees of The Panama Canal and the Panama Railroad Company, are revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 19, 1941.

[No. 8986]

[F. R. Doc. 41-9601; Filed, December 20, 1941; 11:45 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 31—FEDERAL LAND BANK OF BERKELEY

PARTIAL RELEASE FEES

Section 31.6[1] of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 31.6 *Partial release fees.* Whenever a release of security is requested by persons desiring to sell portions of their mortgaged farms, to permit highways to be constructed across them, to sell water rights, to remove timber, gravel or buildings from the mortgaged land, or whenever a subordination of the mortgage or deed of trust to the rights of the lessee under an oil, gas or mineral lease is desired on Federal Land Bank loans, purchase money mortgages and real estate sales contracts, Commissioner loans, and Federal Farm Mortgage Corporation real estate sales contracts or purchase money mortgages, the fees shall be as follows:

When Bank makes appraisal and association makes field inspection	$20.00
When Bank makes appraisal and association makes no field inspection	15.00
When Bank makes no appraisal and association makes field inspection	5.00
When Bank makes no appraisal and association makes no field inspection	No fee

In the case of an application for partial release or subordination of property covered by a Land Bank loan endorsed by a dormant or liquidated association, there will be no inspection by an association; therefore, the maximum that the borrower may be charged is a $15.00 fee.

When a borrower with a first mortgage Commissioner loan, Federal Farm Mortgage Corporation real estate sales contract or purchase money mortgage requests a partial release or subordination, no field inspection should be made by the association. When such borrower requests the release or partial release of a chattel mortgage, a $15.00 fee will be charged providing an appraisal is deemed necessary by the Bank. No fee will be charged if an appraisal by the Bank is not made.

Whenever an application for partial release or subordination is filed simultaneously with an application for an additional, refunding or divided loan, both the regular application fee and the partial release or subordination fee will be charged if a separate appraisal on the partial release or subordination application is made by the Bank. (Secs. 4, 13 "Ninth", 39 Stat. 363, 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended, sec. 2, 48 Stat. 345; 12 U.S.C. 676 "Seventh", 781 "Ninth", 723 (e), 1016 (e) and Sup., 1020a) [Res. Ex. Com., September 24, 1941]

[SEAL] FEDERAL LAND BANK OF BERKELEY,
By WALTER C. DEAN,
Vice President.

Confirmed:
JOHN W. LAWTON,
Assistant Secretary.

[F. R. 41-9597; Filed, December 20, 1941; 10:08 a. m.]

[1] 5 F.R. 2315.

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[Supp. 12 to General Order No. C-21]

PART 110—PRIMARY INSPECTION AND DETENTION

DESIGNATION OF OGDENSBURG MUNICIPAL AIRPORT AS TEMPORARY AIRPORT OF ENTRY

DECEMBER 19, 1941.

Pursuant to the authority contained in section 7 (d) of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U.S.C. 177 (d)), and section 1 of Reorganization Plan No. V (5 F.R. 2223), the Ogdensburg Municipal Airport, Ogdensburg, New York, is hereby designated as a temporary port for the entry into the United States of aliens arriving by aircraft.

Section 110.3 (b), Title 8, Chapter I, Code of Federal Regulations is hereby amended by inserting Ogdensburg, New York, Ogdensburg Municipal Airport between Niagara Falls, New York, Niagara Falls Municipal Airport and Port Townsend, Washington, Port Townsend Airport in the list of temporary ports of entry for aliens arriving by aircraft.

FRANCIS BIDDLE,
Attorney General.

Approval recommended:
LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge.

[F. R. Doc. 41-9611; Filed, December 22, 1941; 9:54 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 27-4, Civil Air Regulations]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

PROVIDING ALTERNATE QUALIFICATIONS FOR ENDORSEMENT OF AIRCRAFT DISPATCHER CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 19th day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 1, 1942, Part 27 of the Civil Air Regulations is amended as follows:

By amending § 27.23 to read as follows:

§ 27.23 *Periodic endorsement requirements.* No aircraft dispatcher certificate shall receive a periodic endorsement unless the holder thereof shall make application for endorsement upon the applicable form prescribed and furnished by the Administrator and shall show that for 6 months of the preceding 12-month period he has (a) served as an aircraft dispatcher, or (b) served as first or second pilot in scheduled air carrier operation, or (c) has been engaged in the actual supervision of, or has been responsible for determining or certifying the competency or qualifications of, aircraft dispatchers or air carrier dispatching systems.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9615; Filed, December 22, 1941; 10:03 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4129]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF POST INSTITUTE SALES CORPORATION ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* In connection with offer, etc., of respondents' hair and scalp preparations designated Ultrasol Hair Bath, Ultrasol Pituitary Fluid, and Ultrasol .33, either singly or in combination under the designation of Ultrasol Scalp Treatment, or any other substantially similar products, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference, (1) that the use of respondents' preparations, either singly

or in combination, will revive the growth of hair, stop abnormal loss of hair, cause fuzz to develop into mature hair, or cause dull, faded hair to become brilliant; (2) that the use of their preparations, either singly or in combination, will normalize dry or oily scalp, check premature graying, or restore natural color to the hair; (3) that their preparations, either singly or in combination, constitute a cure or remedy for dandruff, or have any value in the treatment of dandruff in excess of effecting the temporary removal of dandruff scales; and (4) that the pituitary substance contained in their preparations is an active ingredient or that it will have any effect upon the growth of hair under the conditions of use; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Post Institute Sales Corporation et al., Docket 4129, December 16, 1941]

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.18 *Claiming indorsements or testimonials falsely.* In connection with offer, etc., of respondents' hair and scalp preparations designated Ultrasol Hair Bath, Ultrasol Pituitary Fluid, and Ultrasol .33, either singly or in combination under the designation of Ultrasol Scalp Treatment, or any other substantially similar products, and among other things, as in order set forth, using, in circulars and other advertising material, any general reference to any article or book written by any doctor or physician which does not subscribe to the statements or theories contained in such circulars and other advertising without disclosing that such article or book does not constitute an endorsement of respondents' preparations or subscribe to the theories advanced by the respondents in such advertising material, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Post Institute Sales Corporation et al., Docket 4129, December 16, 1941]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as educational or research institution:* § 3.96 (b) *Using misleading name — Vendor — Individual or private business being educational or research institution.* In connection with offer, etc., of respondents' hair and scalp preparations designated Ultrasol Hair Bath, Ultrasol Pituitary Fluid, and Ultrasol .33, either singly or in combination under the designation of Ultrasol Scalp Treatment, or any other substantially similar products, and among other things, as in order set forth, using the word "Institute", or any other word of similar import or meaning, in respondents' corporate or trade name, or representing through any other means or device, or in any manner, that respondents constitute scientific organizations or associations formed for the purpose of promoting learning and research, or that the business operated by them, or any of them, is anything other than a private business enterprise for profit, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Post Institute Sales Corporation et al., Docket 4129, December 16, 1941]

§ 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Government indorsement:* § 3.6 (j) *Advertising falsely or misleadingly—Government approval, connection or standards—Tests:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (z5) *Advertising falsely or misleadingly—Seals or emblems of investigation, test, and approval:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.18 *Claiming indorsements or testimonials falsely.* In connection with offer, etc., of respondents' hair and scalp preparations designated Ultrasol Hair Bath, Ultrasol Pituitary Fluid, and Ultrasol .33, either singly or in combination under the designation of Ultrasol Scalp Treatment, or any other substantially similar products, and among other things, as in order set forth, using any seal, emblem, or other insignia which represents, either directly or by implication, that respondents' preparations have been certified, tested, or approved by any board of health of any city or state or by any department of the federal government, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Post Institute Sales Corporation et al., Docket 4129, December 16, 1941]

In the Matter of Post Institute Sales Corporation, a Corporation (Formerly Known as Post Institute, Inc.), Post Institute, a Corporation, Louis J. Stern, Individually Trading as Post Institute and as Officer of Post Institute Sales Corporation (Formerly Known as Post Institute, Inc.) and Post Institute, a Corporation, and Helmuth M. Kiesewetter, Individually and as Officer of Post Institute, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence taken before Lewis C. Russell, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Post Institute Sales Corporation, a corporation (formerly known as Post Institute, Inc.), and its officers, and respondent Louis J. Stern, an individual trading as Post Institute, and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their preparations for the hair and scalp designated Ultrasol Hair Bath, Ultrasol Pituitary Fluid, and Ultrasol .33, either singly or in combination under the designation of Ultrasol Scalp Treatment, or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name or names, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That the use of respondent's preparations, either singly or in combination, will revive the growth of hair, stop abnormal loss of hair, cause fuzz to develop into mature hair, or cause dull, faded hair to become brilliant;

(b) That the use of respondent's preparations, either singly or in combination, will normalize dry or oily scalp, check premature graying, or restore natural color to the hair;

(c) That respondents' preparations, either singly or in combination, constitute a cure or remedy for dandruff, or have any value in the treatment of dandruff in excess of effecting the temporary removal of dandruff scales;

(d) That the pituitary substance contained in respondents' preparations is an active ingredient or that it will have any effect upon the growth of hair under the conditions of use;

(2) Disseminating or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondents' preparations, which advertisement contains any of the representations prohibited in paragraph (1) hereof and the respective subdivisions thereof;

(3) The use, in circulars and other advertising material, of any general reference to any article or book written by any doctor or physician which does not subscribe to the statements or theories contained in such circulars and other advertising without disclosing that such article or book does not constitute an endorsement of respondents' preparations or subscribe to the theories advanced by the respondents in such advertising material;

(4) The use of the word "Institute", or any other word of similar import or meaning, in respondents' corporate or trade name, or representing through any other means or device, or in any manner, that respondents constitute scientific organizations or associations formed for the purpose of promoting learning and research, or that the business operated by them, or any of them, is anything other than a private business enterprise for profit;

(5) The use of any seal, emblem, or other insignia which represents, either directly or by implication, that respondents' preparations have been certified, tested, or approved by any board of health of any city or state or by any department of the federal government.

It is further ordered, That the complaint be dismissed as to the respondents Helmuth M. Kiesewetter, an individual, and Post Institute, a corporation, also known as Post Institute of Delaware, Inc., a corporation.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[1] 5 F.R. 5268.

[F. R. Doc. 41-9636; Filed, December 22, 1941; 11:33 a. m.]

[File No. 21-363]

PART 156—SUN GLASS INDUSTRY

Sec.
156.1 Misbranding of industry products.
156.2 Misuse of terms "ground," "polished," and "ground and polished."
156.3 Misuse of the word "Crookes."
156.4 Other misrepresentations of industry products.
156.5 Defamation of competitors or disparagement of their products.
156.6 Consignment distribution.
156.7 Deception as to origin.
156.8 Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.
156.9 Discriminatory returns.

PROMULGATION OF TRADE PRACTICE RULES

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1941.

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of December 23, 1941.

STATEMENT BY THE COMMISSION

Trade practice rules for the Sun Glass Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules are directed to the elimination and prevention of misrepresentation, deceptive concealment, and various other unfair trade practices, and are established in the interest of safeguarding industry, trade, and the buying public from the harmful effects thereof. Products of the industry consist of sun glasses and other glasses and lenses which are used to provide protection for the eyes against sun glare, strong light, or other similar conditions. Such glasses or lenses are not eye-corrective, but eye-protective, devices. Frames or parts for the glasses are also included among the products of the industry.

The rules relate to the sale or distribution of the products generally, whether by manufacturers, importers, jobbers, distributors, dealers, or other marketers. Volume of business of the manufacturers is reported as aggregating $4,000,000 a year. The glasses are marketed in various channels of trade, reaching the public largely through retail drugstores, tobacco shops, limited price variety stores, and many other retail establishments.

Proceedings for the establishment of trade practice rules were instituted upon application of the industry. Such proceedings included the holding of a general trade practice conference of the whole industry, the submission and consideration of proposed rules, and of briefs, memoranda and other presentations regarding the matter, together with public hearing at which all interested or affected parties were afforded opportunity to present their views to the Commission, including such pertinent information, suggestions or objections as they desired to submit.

Thereafter, and upon full consideration by the Commission of the entire matter, final action was taken whereby the Commission approved the following trade practice rules in Group I.

THE RULES

These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of the industry and the public. Their operation is to be directed toward this end and is not to permit of the use of any practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition.

Group I

The unfair trade practices embraced in these Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 156.1 *Misbranding of industry products.* The false or deceptive marking, branding, or labeling of any product of the industry with respect to the grade, quality, use, effect, purpose, material, content, origin, preparation, manufacture, or distribution of such product, or concerning any component thereof, or in any other material respect, is an unfair trade practice.* (Rule 1)

*§§ 156.1 to 156.9, inclusive, issued under the authority contained in 38 Stat. 717, as amended, and pursuant to other provisions of law administered by the Commission.

§ 156.2 *Misuse of terms "ground," "polished," and "ground and polished."* (a) In the course of or in connection with the sale or distribution of sun glasses or sun glass lenses which have not been ground and polished as hereinafter defined, it is an unfair trade practice to mark, stamp, brand, label, advertise, describe, or otherwise represent, such sun glasses or sun glass lenses, as "ground," "polished," or "ground and polished," or by words or representations of similar import or meaning, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public.

(b) For purposes of this rule a ground and polished lens (as applied to sun glasses) is a lens of which both optical surfaces have first been completely removed with an abrasive to eliminate surface imperfections and to obtain the desired form for the lens (e. g., flat, spherical, toric, etc.) and then polished so as to produce an optical finish which is free from visible surface defects, such as scratches, waves, and grayness.* (Rule 2)

§ 156.3 *Misuse of the word "Crookes."* It is an unfair trade practice, in the sale or distribution of sun glasses or sun glass lenses, to mark, stamp, brand, label, advertise, describe, or otherwise represent, such sun glasses or lenses as being "Crookes" when such is not true in fact; or to use the word "Crookes" or other words or representations in any manner as to import or imply that the lenses to which such marks, words, or representations are applied are "Crookes" lenses when such is not true in fact.

Definitions. For purposes of these rules a "Crookes" lens is defined as a nearly neutral colored ultra-violet absorption glass which contains sufficient crude cerium and/or rare earths to re-

duce the ultra-violet transmission at a thickness of 2.0 mm. to not more than 1% at 334 mu., and also at this thickness to have prominent didymium absorption bands in the yellow region of the spectrum. For sun glasses the visual transmission shall be not more than 67%, but may vary within this limitation according to the desired shade.* (Rule 3)

§ 156.4 *Other misrepresentations of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, use, effect, purpose, material, content, origin, preparation, manufacture, or distribution of any products of the industry, or any component thereof, or in any other material respect.* (Rule 4)

§ 156.5 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice.* (Rule 5)

§ 156.6 *Consignment distribution.* It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or to unreasonably restrain trade. Nothing in this rule shall be construed as restricting or preventing consignment shipping or marketing of industry products in good faith where suppression of competition, restraint of trade, or undue interference with competitors' use of the usual channels of distribution, is not affected.* (Rule 6)

§ 156.7 *Deception as to origin.* In respect to sun glasses having lenses made from glass produced in a foreign country and (1) imported in the finished state, or (2) imported in the unfinished state and finished in the United States, it is an unfair trade practice:

(a) To offer for sale, sell, or distribute any such sun glasses under marks, stamps, brands, labels, or representations which have the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public into the erroneous belief that the sun glasses or the lenses thereof were produced wholly within the United States; or

(b) To offer for sale, sell, or distribute any such sun glasses without the same being marked, stamped, branded, or labeled so as to indicate clearly and nondeceptively the country of origin of such lenses, the failure, refusal, or omission to so mark, stamp, brand, or label such sun glasses having the capacity and tendency or result of thereby promoting, abetting, or effectuating the marketing of the sun glasses under conditions which are misleading or deceptive to purchasers or the consuming public.

(Nothing in this rule shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations, or other applicable provisions of law or regulation, relating to the marking of imported articles.)* (Rule 7)

§ 156.8 (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce[1], in the course of such commerce to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale, of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 8.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this Rule 8 relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this Rule 8 are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-Fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(52 Stat. 446; Sup. 4 U. S. C. Title 15, Sec. 13c.)* (Rule 8)

§ 156.9 *Discriminatory returns.* It is an unfair trade practice for any member of the industry, engaged in commerce,[1] to discriminate in favor of one customer-purchaser against another customer-purchaser of the products of this industry, bought from such member of the industry for resale, by contracting to furnish or furnishing in connection therewith, *upon terms not accorded to all customer-purchasers on proportionally equal terms*, the service or facility whereby such favored purchaser is accorded the privilege of returning industry products so purchased and receiving therefor credit or refund of purchase price: *Provided, however*, Nothing in any of the rules herein shall prohibit or be used to prevent the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has been falsely or deceptively labeled or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect contrary to warranty or purchase contract.* (Rule 9)

Promulgated and issued by the Federal Trade Commission December 23, 1941.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9637; Filed, December 22, 1941; 11:33 a. m.]

[1] As here used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this shall not apply to the Philippine Islands.

[1] See footnote on page 6630.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

RULE CONDITIONALLY EXEMPTING ONE CLASS OF INVESTMENT COMPANIES FROM CERTAIN REQUIREMENTS OF THE ACT RELATING TO THE SELECTION OF INDEPENDENT PUBLIC ACCOUNTANTS

Acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 6 (c) and 38 (a) thereof, and deeming the exemption hereinafter provided appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, the Securities and Exchange Commission hereby adopts § 270.32a [Rule N-32A-1], to read as follows:

§ 270.32a–1 *Exemption of certain companies from affiliation provisions of section 32 (a).* A registered investment company shall be exempt from the provisions of paragraph (1) of section 32 (a) of the Act (Sec. 32 (a), 54 Stat. 838; 15 U.S.C. 80a–32), insofar as said paragraph requires that independent public accountants for such company be selected by a majority of certain members of the board of directors, if:

(a) Such company meets the conditions of paragraphs (1) to (8), inclusive, of section 10 (d) of the Act (Sec. 10 (d), 54 Stat. 807; 15 U.S.C. 80a–10); and

(b) such accountants are selected by a majority of all the members of the board of directors. (Sec. 6 (c), 54 Stat. 802; 15 U.S.C. 80a–6; Sec. 32 (a), 54 Stat. 838; 15 U.S.C. 80a–32). [Rule N–32A, effective December 22, 1941]

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9648; Filed, December 22, 1941; 11:51 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 161—SOLICITATION AND COLLECTION OF FUNDS AND CONTRIBUTIONS[1]

ADDITIONAL RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN FRANCE; GERMANY; POLAND; THE UNITED KINGDOM, INDIA, AUSTRALIA, CANADA, NEW ZEALAND, AND THE UNION OF SOUTH AFRICA; NORWAY; BELGIUM; LUXEMBOURG; NETHERLANDS; ITALY; GREECE; YUGOSLAVIA; HUNGARY; AND BULGARIA

Pursuant to the authority vested in the President by sections 8 and 13 of the joint resolution of Congress approved November 4, 1939 (54 Stat. 8, 11; 22 U.S.C., 1940 ed., 448, 453) and delegated to the Secretary of State by the President's Proclamation 2374 of November 4, 1939 (4 F.R. 4493; 22 CFR 141.1 (c)), as amended, the Secretary of State hereby issues the following rules and regulations in addition to those issued on November 6, 1939 (4 F.R. 4510), as amended,[2] governing the solicitation and collection of contributions for use in France; Germany; Poland; the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, subsequently made applicable to the solicitation and collection of contributions for use in Norway, Belgium, Luxembourg, Netherlands, Italy, Greece, Yugoslavia, Hungary, and Bulgaria. The regulations hereby promulgated shall be effective as of January 1, 1942:

§ 161.17 *Submission of audit by registrant required.* A registrant is required to submit to the Secretary of State within 15 days after the expiration of each three-month period following the date of the acceptance of its application for registration, an audit of its accounts made by a certified public accountant licensed to practice in the state and/or community in which the headquarters of the registrant are located, signed and sworn to by the certified public accountant by whom the audit was made. Failure on the part of a registrant to submit the audit described above within the above-mentioned time limit will constitute, in the discretion of the Secretary of State, cause for the immediate revocation of the registration.

§ 161.18 *Statement to accompany application for registration.* No application for registration will be accepted unless it is accompanied by a sworn statement setting forth a budget of contemplated expenditures for administrative purposes for the ensuing six-month period, together with an estimate of the total amount of contributions which the applicant has a reasonable expectation of collecting during the same period. The Secretary of State reserves the right at any time to revoke registrations in cases where the ratio of administrative expenditures to contributions collected is found to be excessive.

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 19, 1941.

[F. R. Doc. 41-9568; Filed, December 19, 1941; 1:03 p. m.]

[1] The number of this part has been changed from 40 to 161.

[2] The amendments to the regulations of November 6, 1939, which were formerly issued as §§ 161.17–161.23, inclusive, are incorporated in § 161.2 in the 1940 and 1941 Supplements to the Code of Federal Regulations.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1135]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 321.24 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices in § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices For All Shipments Except Truck effective for the coals of Mine Index No. 1537 of O. E. Houser and Mine Index No. 772 of Bathalow Reesman for rail shipments from Colwell, Pennsylvania, on Pittsburgh and Shawmut Railroad shall be applicable only for shipments from Dayton, Pennsylvania, on Baltimore & Ohio Railroad and shall no longer be applicable for shipments of such coals from Colwell, Pennsylvania. All adjustments or allowances required or permitted mines in Freight Origin Group No. 112 shall be applicable for all shipments of coals of the said mines from Dayton, Pennsylvania, on Baltimore & Ohio Railroad.

No relief is granted herein as to additional shipping points for Mine Index Nos. 863, 864, and 501, for the reasons set forth in the Order severing that portion of Docket No. A–1135 which relates to such mines from the remainder of the Docket, designating such portion as Docket No. A–1135 Part II, and scheduling a hearing therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 4, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
435	Adams Fuel Corporation	Riverside #2	30	C'	South Fork, Pa	PRR	49	(†)	(†)	(*)	E	E
976	Allegheny River Mining Co.[1]	Cadogan #2	10	E	Cadogan, Pa	P&S	119	H	H	H	J	J
1224	Coleman & Gindlesperger (O. B. Coleman)	C & G	37	C'	Stoyestown, Pa	B&O	100	(†)	(†)	E	(†)	(†)
3169	Fetterman, Guy & Murray (Guy Fetterman)	Betty	10	E	Shelocta, Pa	B&O	112	(†)	(†)	H	(†)	(†)
967	Graham, S. S.	Shaffer	11	E	Timblin, Pa	P&S	119	(†)	(†)	G	(†)	(†)
1444	Gravish, Ed. (Gravish Coal Co.)	Spike Island	14	C	Osceola Mills, Pa	PRR	45	(†)	(†)	F	(†)	(†)
977	Gravish, Ed. (Gravish Coal Co.)	Spike Island #2	14	B	Osceola Mills, Pa	PRR	45	(†)	(†)	E	(†)	(†)
978	H. M. K. Coal Company (Robert F. Kiefer)	Miller #1	19	D	Beccaria, Pa	PRR	45	(†)	(†)	C	(†)	(†)
979	H. M. K. Coal Company (Robert F. Kiefer)	Miller #2	19	E	Beccaria, Pa	PRR	45	(†)	(†)	F	(†)	(†)
3146	Harper, Lewis	Lewis Harper #2	7	C'	Clearfield, Pa	PRR	45	(†)	(†)	F	(†)	(†)
3157	Kniseley, Harvey	Kniseley	5	D	Knoxdale, Pa	P&S	119	(†)	(†)	E	(†)	(†)
3011	Lowman & Shank (Norval Lowman)	Gibson	15	H'	Clymer, Pa	CT&D	59	(†)	(†)	G	(†)	(†)
980	Patrician Coal Company c/o W. L. Sherman	Patsy #2	44	Tyson	Shaw, W. Va	WM	68	(†)	(†)	E	E	E
3147	Rainy Run Coal Company (H. C. Shumaker)	Rainy Run Coal Co	4	B	Reedy Station, Pa	P&S	119	G	G	G	H	H
964	Reese, Joseph & Ned Fratini (Ned Fratini)	Walker	41	Pgh	Meyersdale, Pa	B&O	100	(†)	(†)	F	(†)	(†)
3148	Sankey, E. E.	Coal Run	14	D	Osceola Mills, Pa	PRR	45	(†)	(†)	E	(†)	(†)
981	Sensabaugh, G. C.	Meadow Mt. #2	42	E	Grantsville, Md	Cast. River	101	(†)	(†)	E	(†)	(†)
3129	Shaffer, Dewey	Foster	37	B	Stoyestown, Pa	B&O	100	(†)	(†)	F	(†)	(†)
2611	Weigle, Hugh & Guy (Guy Weigle)	Weigle	37	D	Friedens, Pa	B&O	100	E	(†)	E	E	(†)

[1] When coals of Mine Index Nos. 76 and 976 are loaded into the same car at Cadogan, Pa., for shipment via P&S RR the price to be applied to such mixture shall be the price listed for that mine of this group which has the highest price classification.

†Indicates no classification effective for these size groups.
*Indicates coal in this size group previously classified and priced.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Adams Fuel Corporation	435	Riverside #2	30	Cambria	C'			(*)	215	205
Allegheny River Mining Co.	976	Cadogan #2	10	Armstrong	E	235	215	215	195	185
Bowser, Dean	969	Bowser	4	Clarion	E	240	215	215	200	190
Cable Brothers (Percy L. Cable).	3165	Cables	38	Somerset	C'			230		
Croyle, J. M. & Sons (J. M. Croyle).	973	Croyle	37	Somerset	E			225		
Fetterman, Guy & Murray (Guy Fetterman).	3169	Betty	10	Armstrong	E			215		
Fochtman, Sarver & Fochtman (Laurence Fochtman).	974	Bloom	37	Somerset	C			225		
Fryburg Motor Company	982	Denslinger	1	Clarion	A'	240	215	215	205	195
Garver, W. C.	972	Garver	4	Clarion	C'	240	215	215	200	190
Graham, S. S.	967	Shaffer	11	Armstrong	E			215		
Gravish, Ed. (Gravish Coal Co.).	977	Spike Island #2	14	Centre	B			225		
H. K. M. Coal Company (Robert F. Kiefer).	978	Miller #1	19	Clearfield	D			235		
H. K. M. Coal Company (Robert F. Kiefer).	979	Miller #2	19	Clearfield	E			220		
Harper, Lewis	3146	Lewis Harper #2	7	Clearfield	C'			220		
Hilliard, Norman, Floyd R. Shick, & James L. Nieswonger (Floyd R. Shick).	3145	Shick	4	Clarion	D	240	215	215	200	190
J. and S. Coal Company (W. H. Shafer).	583	McWilliams	11	Armstrong	E			(*)	205	190
Jones, Lawrence	965	Jones	44	Mineral	Big Vein			230		
Judson, Floyd	970	Judson	4	Clarion	C'	240	215	215	200	190
Kline, Harry F	1900	Deer Park	6	Clearfield	D	250		(*)		205
Kniseley, Harvey	3157	Kniseley	5	Jefferson	D			225		
Kriebel, Brint	971	Brint Kriebel	4	Clarion	C'	240	215	215	200	190
Lilly, Edward F. & Sons (E. F. Lilly).	956	Lilly	27	Blair	B			240		
Nichols & Kuntz (Richard O. Nichols).	3151	H. J. Myers	6	Jefferson	D			225		
Patrician Coal Company c/o W. L. Sherman.	980	Patsy #2	44	Mineral	Tyson			225	215	200
Peters, Elmer	3167	Elmer Peters	7	Clearfield	D			220		
Rainy Run Coal Company (H. C. Shumaker).	3147	Rainy Run Coal Co.	4	Armstrong	B	240	215	215	200	190
Reese, Joseph & Ned Fratini (Ned Fratini).	964	Walker	41	Somerset	Pittsburgh			220		
Sankey, E. E.	3148	Coal Run	14	Clearfield	D			225		
Sensabaugh, G. C.	981	Meadow Mt. #2	42	Garrett	E			225		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41–9571; Filed, December 19, 1941; 11:06 a. m.]

[Docket No. A–1164]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled manner; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 321.24 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3214	Bush, Fred W. & Son (Fred W. Bush)	Bush	8	A	Blue Ball, Pa	PRR	45	(†)	(†)	H	(†)	(†)
2328	Keister, John (Burnwell Coal Co.)	Jenkins	42	E	Grantsville, Md	Cast. River	101	(†)	(†)	E	(†)	(†)
1728	Mazenko, Geo. J. (George J. Mazenko Coal Co.)	Mazenko #1	18	B	Dysart, Pa	PRR	52	(†)	(†)	D	(†)	(†)
3228	Powell, D. G. & LeCorre Bros. (D. G. Powell)	Nancy #3	20	A	Stanley Siding, Pa	PRR	45	(†)	(†)	H	(†)	(†)
3233	Smith, Arthur		43	Bakerstown	Barton, Md	C&P	66	(†)	(†)	H	(†)	(†)
3229	Smith, R. C	Jewell #3	23	E	Black Lick, Pa	PRR	82	(†)	(†)	G	(†)	(†)
3230	Wallwork Coal Company (J. C. Wallwork)	Hawthorn #6	4	B	Hawthorn, Pa	PRR	75	G	G	G	H	H
2632	Williams & Co., George H. (George H. Williams)	Williams	44	B	Gorman, Md	W. Md	68	(*)	(†)	(†)	(†)	H
3231	Williams, R. A. (Williams Coal Mining Company)	Mountain Top	20	A	Becaria, Pa	PRR	45	(†)	(†)	H	(†)	(†)

*Indicates coal in this size group previously classified and priced.

†Indicates no classifications effective for these size groups.

NOTE: If coals of Mine Index Nos. 890, 891, and 3229 are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, mechanically cleaned	2" and under, slack	¼" and under, slack
						1	2	3	4	5
Baney, Walter J. & Brother (W. J. Baney)	3218	Baney #1	7	Clearfield	C'			220		
Bush, Fred W. & Son (Fred W. Bush)	3214	Bush	8	Clearfield	A			210		
Davis, James F	1269	Hoffman	36	Somerset	E	250		(*)	215	
Georgino & Guido (Patsy Georgino)	3217	G. & G. #2	2	Clearfield	C'			210		
Morgantown Coal Co. (Clair F. Gess)	3216	Morgantown	36	Somerset	B			225		
Musser, Jesse L. (Musser Coal Co.)	961	Ward #1	39	Bedford	Kelly			220		
Powell, D. G. & LeCorre Bros. (D. G. Powell)	3228	Nancy #3	20	Clearfield	A			210		
Pritts, George	3219	Pritts	40	Somerset	B			215		
Smith, Arthur	3233		43	Allegany	Bakerstown			210		
Smith, R. C	3229	Jewell #3	23	Indiana	E			215		
Turney, A. C	984	Turney	41	Somerset	Sewickley			225		
Wallwork Coal Company (J. C. Wallwork)	3230	Hawthorn #6	4	Clarion	B	240	215	215	200	190
Williams & Co., (George H. (George H. Williams)	2632	Williams	44	Grant	B	(*)		(*)	(*)	190
Williams, R. A. (Williams Coal Mining Company)	3231	Mountain Top	20	Cambria	A			210		
Wyant, Lee	992	Wyant	4	Clarion	E	240	215	215	200	190

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9570; Filed, December 19, 1941; 11:06 a. m.]

[Docket Nos. A-1141 and A-1150]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED FOR ALL SHIPMENTS BY CERTAIN MINES IN DISTRICT NO. 3

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 3;

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be and they hereby are consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith § 323.6 (*Alphabetical list of code members*) is amended by adding thereto supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto supplement R-II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto supplement R-III, and § 323.23 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Price classifications and minimum prices were requested for coals produced at the Pickett Mine of W. G. Allen in the petition in Docket No. A-1141 for truck shipments. No prices are established herein for this mine because the official files of the Division do not indicate that the said W. G. Allen is a code member.

Price classifications and minimum prices for coals produced at Mine Index Nos. 803 and 927 of C. A. Brant for all shipments except truck were also requested in Docket No. A-1141. Such classifications and prices have been previously established for these mines in the consolidated proceeding in Docket Nos. A-1113, A-1121 and A-1122. Accordingly, no price classifications and minimum prices are established herein for these mines.

Price classifications and minimum prices for coals produced at the Grafton Mine (Mine Index No. 1228) of L. E. Snell (Snell Brothers Coal Company) for all shipments except truck were requested in Docket No. A-1141. The petition proposed that Price Classifications "F" be established for the coals of this mine in Size Group Nos. 1 to 10, inclusive. These proposed price classifications do not appear to conform to the price classifications previously established for other mines located in the same area and producing coals of similar quality from the same seam, and the prices herein established are those which have been established for such other coals.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
140	Alstead Coal Company c/o H. H. Reppert	Taggert	Pittsburgh	Browntown, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
1196	Barlow Coal Company (James H. Barlow)	Barlow	M. V. Freeport	Howesville, W. Va	WVN	71	J	J	J	J	J	J	J	J	J	J						
518	Criss, Harry	Criss	Pittsburgh	Kingmont, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
1230	Domestic Fuel Company (William Morgan)	Jenkins	Pittsburgh	Grafton, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
1022	Dunn, Bryan	Wolfe	Pittsburgh	Morgantown, W. Va	Monon	52	F	F	F	F	F	F	F	F	F	F						
1231	Fallon, John T	Elbon	H. V. Klitt	Junior, W. Va	WM	33	J	J	J	J	J	H	H	H	H	H						
608	Gallo, John	Gladys	Pittsburgh	Wolf Summit, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
1215	Lewis-Gilmer Coal Co. (R. Mark Hall)	Fisher	Pittsburgh	Weston, W. Va	B&O	31	F	F	F	F	F	F	F	F	F	F						
670	Martin, F. P	Martin	Pittsburgh	Meadowbrook, W. Va	B&O	61	F	F	F	F	F	F	F	F	F	F						
1229	Michael Coal Company (James Michael)	Michael #1	Pittsburgh	Haywood, W. Va	B&O	61	F	F	F	F	F	F	F	F	F	F						
*1226	McCartney Coal Co. c/o Roy H. McLain	Mon-Ark	Pittsburgh	(Maidsville, W. Va	Monon	52	F	F	F	F	F	F	F	F	F	F						
*1233	Rosedale Coal Company	Rosedale No. 1 (Strip)	Pittsburgh	(Granville, W. Va	Monon	River	F	F	F	F	F	F	F	F	F	F						
1228	Snell, L. E. (Snell Bros. Coal Co.)	Grafton	M. V. Freeport	(Maidsville, W. Va	Monon	52	F	F	F	F	F	F	F	F	F	F						
1048	Stout, H. V	Stout #1	Pittsburgh	(Maidsville, W. Va	Monon	River	F	F	F	F	F	F	F	F	F	F						
				Morgantown, W. Va	B&O	51	J	J	J	J	J	H	H	H	H	H						
				Clarksburg, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						

*For River Shipments, mines with Index Nos. 1226 and 1233 will take the same prices as mines with index numbers 54, 100, 106, 113, 119, 121, 127, 130, 132 shown in § 323.8 (e) in Effective Minimum Price Schedule No. 1 for District No. 3.

For Ex-River Shipments, mines with Index Nos. 1226 and 1233 will take the same prices as mines with index numbers 54, 100, 106, 113, 119, 121, 127, 130 132 shown in § 323.8 (f) in Effective Minimum Price Schedule No. 1 for District No. 3.

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule No. 1. Group No. 1: 140, 518, 603, 670, 1022 (a), 1048, 1215, 1226 (a), 1229, 1230, 1233 (a). Group No. 3: 1196, 1228, 1231.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule Group No. 1: 140, 518, 603, 670, 1022, 1048, 1215, 1226, 1229, 1230, 1233. Group No. 3: 1196, 1228, 1231.

FOR TRUCK SHIPMENTS

[Prices in cents per net ton for shipment into all market areas]

§ 323.23 *General prices*—Supplement T

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2" bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under, bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1¼" and 2", slack	¾" slack
					1	2	3	4	5	6	7
Alsted Coal Company c/o J. H. Reppert.	140	Taggert	Pittsburgh	Barbour	223	218	218	193	193	178	168
Domestic Fuel Company (William Morgan).	1230	Jenkins	Pittsburgh	Taylor	223	218	218	193	193	178	168
Fallon, John T.	1231	Elbon	H. V. Kitt	Barbour	208	203	203	178	178	168	158
Lewis-Gilmer Fuel Co. (R. Mark Hall).	1215	Fisher	Pittsburgh	Lewis	223	218	218	193	193	178	168
Michael Coal Company (James Michael).	1229	Michael #1	Pittsburgh	Harrison	223	218	218	193	193	178	168
McCartney Coal Co. c/o Roy H. McLain.	1226	Mon-Ark	Pittsburgh	Monongalia	223	218	218	193	193	178	168
Patsey, D. H.	1227	Patsey	Pittsburgh	Barbour	223	218	218	193	193	178	168
Rosedale Coal Company	1233	Rosedale No. 1 (Strip).	Pittsburgh		223	218	218	193	193	178	168
Shaffer, W. C.	1223	Shaffer	M. V. Freeport	Preston	225	225	225	200	200	190	180
Snell, L. E. (Snell Bros. Coal Co.)	1228	Grafton	M. V. Freeport	Monongalia	225	225	225	200	200	190	180
Westfall, Carl G.	1225	Perkins	Pittsburgh	Braxton	223	218	218	193	193	178	168
Williams, C. O.	1221	Williams	Bakerstown	Braxton	218	213	213	188	188	173	163
Wilt & Company (Glen F. Wilt).	1232	McAllister #2	Pittsburgh	Marion	223	218	218	193	193	178	168

[F. R. Doc. 41-9572; Filed, December 19, 1941; 11:06 a. m.]

[Docket No. A-1163]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: November 28, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1237	Bartlett Brothers (E. A. Bartlett)	Bartlett (Strip).	Pittsburgh	Erie, W. Va	B&O	62	F	F	F	F	F	F	F	F	F	F					
1241	H. W. Coal Company c/o A. D. Showalter.	Emily #2	Redstone	Maidsville, W. Va	Monon	62	J	J	J	J	J	J	J	J	J	J					
1239	Hogue & Paynter Coal Co. (Orville Paynter).	H & P	Pittsburgh	Clarksburg, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F					
334	Huggins, John & Sons (Charles Huggins).	Huggins & Sons Co.	Pittsburgh	Morgantown, W. Va	Monon	62	F	F	F	F	F	F	F	F	F	F					
734	Hunter, C. E.	Hunter	H. V. Kitt	Norton, W. Va	WM	33	J	J	J	J	J	H	H	H	H	H					
1242	Jenkins, N. T.	Snider #2	Pittsburgh	Webster, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F					
1244	McDaniel, A. J. (Q. H. Martin & A. J. McDaniel).	Helen	Pittsburgh	Chiefton, W. Va	WM	65	F	F	F	F	F	F	F	F	F	F					
1243	Marion Coal Company	Pyramid #4	L. V. Kitt	Hardman, W. Va	B&O	70	G	G	G	G	G	G	G	G	G	G					
1236	Morgan, Donald	Morgan Bros.	Pittsburgh	Kingmont, W. Va	B&O	59	F	F	F	F	F	F	F	F	F	F					
728	Sanders & Sons, A. D.	Sanders	Pittsburgh	Kingmont, W. Va	B&O	59	F	F	F	F	F	F	F	F	F	F					

§ 323.8 (b) *Special prices—Railroad fuel prices for all movements except via lakes*—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Price Schedule No. 1. Group No. 1: 334 (a), 728, 1236, 1237, 1239, 1242, 1244; Group No. 3: 734; Group No. 4: 1241 (a); Group No. 6: 1243.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all parts*—Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 334 (a), 728, 1236, 1237, 1239, 1242, 1244. Group No. 3: 734. Group No. 4: 1241. Group No. 6: 1243.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2" bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Bartlett Brothers (E. A. Bartlett).	1237	Bartlett (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Beechly, J. T.	1238	Barnes	M. V. Freeport	Preston	235	225	225	200	200	190	180
Brown, Russell E.	1234	Koontz	Eagle	Nicholas	253	248	248	223	223	213	193
Chet Neck Coal Co. (David Wilkins).	1245	Chet Neck	M. V. Freeport	Monongalia	225	225	225	200	200	190	180
H. W. Coal Company c/o A. D. Showalter.	1241	Emily #2	Redstone	Monongalia	223	218	218	193	193	178	168
Hogue & Paynter Coal Co. (Orville Paynter).	1239	H & P	Pittsburgh	Harrison	223	218	218	193	193	178	168
Jenkins, N. T.	1242	Snider #2	Pittsburgh	Taylor	223	218	218	193	193	178	168
Lanham Coal Company, The (L. F. Everhart).	1235	Lanham	M. V. Freeport	Preston	225	225	225	200	200	190	180
McDaniel, A. J. (Q. H. Martin & A. J. McDaniel).	1244	Helen	Pittsburgh	Marion	223	218	218	193	193	178	168
Marion Coal Company	1243	Pyramid #4	L. V. Kitt	Preston	235	235	235	210	210	200	190
Morgan, Donald	1236	Morgan Bros.	Pittsburgh	Marion	223	218	218	193	193	178	168
Sims, M. H.	1224	Sims	Eagle	Nicholas	253	248	248	223	223	213	193

[F. R. Doc. 41-9573; Filed, December 19, 1941; 11:06 a. m.]

[Docket No. A-1157]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The petition proposed that price classifications and minimum prices, be established for the coals of the Pioneer Mine, Mine Index No. 274, of W. T. Williams for rail shipments from Cucumber, West Virginia, on Norfolk and Western Railroad. According to the records of the Division, there is no such shipping point as Cucumber, on the said railroad, and price classifications and minimum prices are established herein for the coals of the said mine for rail shipments from Newhall, West Virginia, the shipping point on the said railroad nearest to the said mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 2, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
274	Williams, W. T. (Jean Pocahontas Coal Co.)	Pioneer	4	Poca. 3	Newhall, W. Va	N&W	30	B	B	A	A	A	B	B	D	D	D

§ 327.21 *High volatile coals: Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
644	Windle, J. G. (Windle Coal & Lumber Company).	Windle #2	Big Eagle	2	Cirtsville, W. Va.	VGN	15	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	C	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	B	C	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 2" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Williams, W. T. (Jean Pocahontas Coal Co.).	274	Pioneer	4	McDowell	Poca. 3	315	250	280	215	185	180

[F. R. Doc. 41–9574; Filed, December 19, 1941; 11:07 a. m.]

[Docket No. A–1168]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R–II, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
503	Atwell, J. H. (Atwell Coal Co.)	Pine Ridge	4	War Creek	War, W. Va.	N&W	30	D	D	D	E	F	(*)	(*)	H	H	H
278	Hotcoal Coal Company c/o L. G. Bolen	Hotcoal	5	Beckley	Hotcoal, W. Va.	VGN	14	A	(†)	(†)	(†)	(†)	A	A	(†)	A	(†)

*Indicates coal in this size group previously classified and priced.

†Indicates no classifications effective for these size groups.

§ 327.21 *High volatile coals: Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Sub-district	Shipping point	Railroad	Freight origin group number	Price classifications by size group Nos. For destinations other than Great Lakes: ½	¾	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: ½	¾	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
597	Rule & Neal (C. S. Rule)	Rule	Eagle	2	Ansted, W. Va.	C&O	16	L	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	L	K	(†)	(†)	(†)	(†)	(†)	H	A	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 2" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Atwell, J. H. (Atwell Coal Co.)	503	Pine Ridge	4	McDowell	War Creek	290	225	(*)	(*)	165	(*)
Hotcoal Coal Company c/o L. G. Bolen	278	Hotcoal	5	Raleigh	Beckley	330	.....	280	215	.....	195
Taylor, J. S.	276	Lynn	4	McDowell	War Creek	.....	.....	250	195	.....	.....

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41–9575; Filed, December 19, 1941; 11:07 a. m.]

[Docket No. A–1173]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 5, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
277	Premier Pocahontas Collieries Co.	Premier #7	4	Davy-Sewell	Premier, W. Va.	N&W	30	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 6¼" or larger; all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Premier Pocahontas Collieries Co.	277	Premier #7	4	McDowell	Davy-Sewell	----	----	280	215	----	----

[F. R. Doc. 41-9569; Filed, December 19, 1941; 11:05 a. m.]

[Dockets Nos. A-1161, A-1162 and A-1166]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 10 FOR TRUCK SHIPMENT; IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE BLACK GOLD MINE (MINE INDEX NO. 1519) OF THE BLACK GOLD COAL COMPANY C/O JOHN C. GIBSON IN DISTRICT 10; AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 10

Original petitions pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 have been duly filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10.

It appearing that the above-entitled matters raise similar and related issues; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be and the same hereby are consolidated.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief be and the same hereby is granted as follows: Commencing [illegible] § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R–I, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, and § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original pe[tition] the above-entitled matter and [motions] to stay, terminate or mo[dify] temporary relief herein granted filed with the Division within [forty-five] (45) days from the date of th[is order] pursuant to the Rules and Re[gulations] Governing Practice and Proce[dure] fore the Bituminous Coal Di[vision] Proceedings Instituted Pursuan[t to Sec]tion 4 II (d) of the Bituminous [Coal Act] of 1937.

It is further ordered, That

TEMPORARY AND CONDITIONALLY

NOTE: The material contained in [this] cations, prices, instructions, excep[tions] Price Schedule for District No. 10 a[s]

FOR

§ 330.2 *Min*

Price group No.	Producer
8	Black Gold Coal Company c/o C. Gibson.
25	Peak, Melvin
33	Three Counties Coal Corporation

[1] Mine Index No. 1519 shall be included in Price Group 8, Schedule No. 1, District to all market areas and for all uses exclus prices apply on board transportation facili

[2] Mine Index No. 1492 shall be included in Price Group 25, Schedule No. 1, District to all market areas and for all uses exclus prices apply on board transportation facili

[3] Mine Index No. 1343 shall be included in Price Group 33, Schedule No. 1. Distri ment to all market areas and for all uses mine prices apply on board transportation

§ 330.10 *Special prices*—(a)

Price group No.	Producer
8	Black Gold Coal Company c/o C. Gibson.
25	Peak, Melvin
33	Three Counties Coal Corporatio

[1] The railroad locomotive fuel price sha
[2] The railroad locomotive fuel price sha
The railroad locomotive fuel price sha

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*

Code member index	Mine index No.	Mine	Seam	1	2	3	4	5	6	7	8	9
DOCKET NO. A-1161												
SECTION NO. 2												
LaSalle County												
Meyers, E. Roy (Peacock Coal Co.)	1527	Peacock	6	325	320	315	305	300	295	240	285	205
SECTION NO. 3												
Henry County												
Utts, James	1529	Shady Lane	1	255	250	245	235	230	225	185	165	160
Warren County												
Taylor, John Warren & Ray (John Warren Taylor)	1498	John Warren Taylor	1	255	250	245	235	230	225	185	165	160
SECTION NO. 5												
Adams County												
Stauffer, Ray E	1528	Ray E. Stauffer	2	255	250	245	235	230	225	170	165	160
Greene County												
Bowns, V. A. & W. E. Cardwell (V. A. Bowns)	1499	V. A. Bowns & W. E. Cardwell	2	255	250	245	235	230	225	170	165	160
McDonough County												
Wayland, Jesse Wm	1526	Wayland	2	255	250	245	235	230	225	170	165	160
Schuyler County												
Dean Merle F	1525	Dean's	2	255	250	245	235	230	225	170	165	160
DOCKET NO. A-1162												
SECTION NO. 9												
Perry County												
Black Gold Coal Co. c/o John G. Gibson	1519	Black Gold	6	265	265	265	250	240	235	220	230	210
DOCKET NO. A-1166												
SECTION NO. 4												
Fulton County												
Peak, Melvin	1492	Putercek	1	255	250	245	235	230	225	185	165	160

[F. R. Doc. 41-9576; Filed, December 19, 1941; 11:07 a. m.]

[Docket No. A-1084]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR A TEMPORARY AND PERMANENT ORDER CHANGING THE CLASSIFICATION OF COALS IN SIZE GROUPS 1 TO 4, INCLUSIVE, PRODUCED BY MAHAN JELLICO COAL COMPANY (MINE INDEX NO. 308) AND GATLIFF COAL COMPANY (MINE INDEX NO. 213) IN SUBDISTRICT NO. 6 IN DISTRICT NO. 8, FOR RAIL SHIPMENT, FROM "C" TO "E."

This is a proceeding instituted upon a petition filed on September 26, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board No. 8, requesting and proposing a revision in the classification of coals in Size Groups 1, 2, 3 and 4 for rail shipment produced at the Mahan Jellico Mine (Mine Index No. 308) of the Mahan Jellico Coal Company, a code member, and the Gatliff Mine (Mine Index No. 213) of the Gatliff Coal Company, also a code member. Both mines are located in Whitley County, Kentucky, in Subdistrict No. 6 of District No. 8. The reduction requested is from "C" to "E."

Pursuant to Orders of the Director, a hearing on this matter was held on November 5, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C. All persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner, District Board 8, appeared, but no appearance was entered for either the Mahan Jellico Coal Company or the Gatliff Coal Company.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The only witness at the hearing was F. L. Poindexter, a member of the Price and Transportation Committee of District Board 8, who testified to the following effect: When price classifications for the coals of the Mahan Jellico Mine and the Gatliff Mine for rail shipment were proposed by the District Board in September 1938, and subsequently established in General Docket No. 15, coals in Size Groups 1, 2, 3 and 4 were assigned price classification "C," 10 cents per ton higher than price classification "E," which was assigned to comparable coals of other producers in the Jellico Seam in Subdistrict No. 6. This 10-cent price differential was proper at that time, based on the market history of the coals of the Mahan Jellico and Gatliff Mines. However, seam conditions at these two mines, it is said, have changed so that the coals produced in Size Groups 1, 2, 3 and 4 are inferior to those produced at the time classification "C" was originally proposed. This change in the quality of the coals has resulted from the large amount of pillar work necessary as the mines near exhaustion. At the present time approximately 70 per cent of the production of the Mahan Jellico Mine and 75 per cent of the production of the Gatliff Mine is from pillar work. Because of the great weight that these pillars have borne during the many years of operation of the mines, the coals taken from the pillars are soft and friable and subject to degradation in handling. The witness contended that since the coals presently produced from these two mines in Size Groups 1, 2, 3 and 4 are comparable to and competitive with coals in these size groups from all other mines producing from the Jellico Seam in Subdistrict No. 6, now classified "E" for rail shipments, the coals of these two mines in these size groups should also be classified "E" for rail shipments.

Upon the basis of the uncontroverted testimony in this proceeding, I find and conclude that the revision of the price classification for rail shipments of the coals in Size Groups 1, 2, 3 and 4 produced at the Mahan Jellico Mine and the Gatliff Mine, from "C" to "E," as requested by the petitioner, will effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.11 (*alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck (High Volatile) be and it is hereby amended by establishing for the coals produced at the Mahan Jellico Mine (Mine Index No. 308) of the Mahan Jellico Coal Company, and the Gatliff Mine (Mine Index No. 213) of the Gatliff Coal Company, in Size Groups 1, 2, 3 and 4, price classification "E" in lieu of price classification "C," for Destinations Other Than Great Lakes, and for Great Lakes Cargo only.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9627; Filed, December 22, 1941; 11:00 a. m.]

[Docket No. A-1184]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE RABBIT EAR SLOPE MINE OPERATED BY THE NORTH PARK COAL CO., A CODE MEMBER IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Rabbit Ear Slope Mine (Mine Index No. 150) operated by the North Park Coal Co., a code member in District No. 16; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 336.5 (*General prices; minimum prices, via rail transportation*) and § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 for All Shipments are amended to include for the coals, in their respective size groups, produced at the Rabbit Ear Slope Mine (Mine Index No. 150) of code member North Park Coal Co., located in Jackson County, Colorado in Subdistrict Price Group 11, the following minimum prices f. o. b. the mine in cents per net ton:

(1) for shipment by rail into all market areas from the shipping point of Coalmont, Colorado on the LNP&W RR in Freight Origin Group No. 10:

§ 336.5 *General prices: minimum prices, via rail transportation.*

Size groups	1	2	3	4	5	10	13
Prices	275	225	225	240	215	100	225

Provided, however, That for such coals in Size Group 10 shipped to Lyman, Nebraska the minimum price f. o. b. the mine is 50 cents per net ton.

The permissive reductions and provisions of Note 1 in § 336.5 in said Schedule of Effective Minimum Prices, as amended by the Order of the Director of April 19, 1941, 6 F.R. 2084, in Docket No. A-17, hereby are made applicable to the coals of said Rabbit Ear Slope Mine for shipment by rail;

(2) for shipment by truck:

§ 336.21 *General prices.*

Size groups	1	2	3	4	5	10	13
Prices	325	275	275	290	265	100	225

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9629; Filed, December 22, 1941; 11:00 a. m.]

[Docket No. A-377]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER CORRECTING ERRORS IN ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT 10 FOR A CHANGE IN THE EFFECTIVE MINIMUM PRICES FOR RAIL SHIPMENTS TO MARKET AREAS 234, 237–241, AND 247–254 IN SIZE GROUP 16

Several typographical errors occurred in Supplement R annexed to and made a part of the Order Approving and Adopting Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner Granting Permanent Relief, issued in this matter on November 17, 1941, 6 F.R. 6203. The undersigned deems it advisable to correct those errors by substituting Supplement R hereto attached[1] in place of Supplement R attached to the order dated November 17, 1941.

Now, therefore, it is ordered, That the Order approving and Adopting Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner and Granting Permanent Relief, dated November 17, 1941, be, and it hereby is, amended to include Supplement R, § 339.5 (*General Prices; minimum prices for shipment via rail transportation*), attached hereto and made a part hereof, in lieu of Supplement R, § 339.5 (*General prices; minimum prices for shipment via rail transportation*), attached to said order dated November 17, 1941.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 41-9628; Filed, December 22, 1941; 11:00 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 116]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PARAGRAPHS OF VOLUME SIX[2]

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations, Volume Six, Section XLVI, in the following manner:

By deleting paragraphs 603 and 614 in their entirety.

LEWIS B. HERSHEY, *Director.*

DECEMBER 19, 1941.

[F. R. Doc. 41-9632; Filed, December 22, 1941; 11:27 a. m.]

[1] Not filed with the original document.
[2] 5 F.R. 4164.

[Amendment No. 117]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PARAGRAPHS OF VOLUME SIX[1]

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective January 1, 1942, the Selective Service Regulations, Volume Six, Section XLVI, in the following manner:

By deleting paragraphs 601, 602, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, and 615 in their entirety.

LEWIS B. HERSHEY, *Director.*

DECEMBER 19, 1941.

[F. R. Doc. 41-9633; Filed, December 22, 1941; 11:27 a. m.]

[Amendment No. 118]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PARAGRAPHS OF VOLUME SIX[1]

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations, Volume Six, Section XLVIII, in the following manner:

By deleting paragraphs 617, 618, 619, and 621 in their entirety.

LEWIS B. HERSHEY, *Director.*

DECEMBER 19, 1941.

[F. R. Doc. 41-9634; Filed, December 22, 1941; 11:27 a. m.]

[Amendment No. 119]

AMENDING THE REGULATIONS SO AS TO DELETE PARAGRAPH 620 OF VOLUME VI[1]

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective January 1, 1942, the Selective Service Regulations, Volume Six, Section XLVIII in the following manner:

By deleting paragraph 620 in its entirety.

LEWIS B. HERSHEY, *Director.*

DECEMBER 19, 1941.

[F. R. Doc. 41-9635; Filed, December 22, 1941; 11:27 a. m.]

[1] 5 F.R. 4164.

PART 623—CLASSIFICATION PROCEDURE

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, by adding in part 623[1] a new section reading as follows:

§ 623.35 *Waiver of physical examination by examining physician.* The Director of Selective Service, as to such registrants as he designates or describes, may waive the requirement that such registrants be physically examined by an examining physician under the provisions of this part. When the requirement that a registrant be physically examined by the examining physician is waived by the Director of Selective Service, classification of such registrant shall be completed in the manner provided in § 623.51 (f).

I further amend the Selective Service Regulations, Second Edition, part 623, by adding a new paragraph, designated as (f), to § 623.51, as follows:

§ 623.51 *Procedure for classification after physical examination.*

* * * * * *

(f) If the requirement that the registrant be physically examined by the examining physician has been waived by the Director of Selective Service under the provisions of § 623.35, the classification of the registrant shall be completed in the manner set forth in this section with the exception that the local board shall make its determination without the assistance of a report of the examining physician and shall not consider whether the registrant has a physical or mental defect which would require that he be classified in either Class IV-F, Class I-B, Class I-B-O, or Class IV-E-LS. Such registrant shall, therefore, be classified in either Class I-A, Class I-A-O, or Class IV-E. The classification thus made by the local board shall have the same effect as a classification made following physical examination by an examining physician. The rights and obligations of each such registrant following classification under such circumstances are exactly the same as if he had been classified following a physical examination by the examining physician. (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective January 1, 1942.

LEWIS B. HERSHEY, *Director.*

DECEMBER 18, 1941.

[F. R. Doc. 41-9631; Filed, December 22, 1941; 11:26 a. m.]

[1] 6 F.R. 6611.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 923—TUNGSTEN

Extension No. 1 of General Preference Order M–29 and Supplementary Order M–29–a

Section 923.3 (*General Preference Order M–29* [1]) and § 923.4 (*Supplementary Order M–29–a* [2]) are hereby extended to expire June 30, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 20th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9591; Filed, December 20, 1941; 9:37 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 1 to Supplementary Order No. M–15–b, To Restrict the Use of Rubber

Supplementary Order No. M–15–b [3] is hereby amended to read as follows:

Whereas, the further importation of crude rubber is imperiled:

Now, therefore, it is hereby ordered, That:

§ 940.3 *Supplementary Order M–15–b*—(a) *Definitions.* For the purposes of this Order:

(1) "Rubber" means compounded liquid latex which on December 11, 1941 had not been processed or mixed in such manner that further processing is necessary to prevent early spoilage, and all forms and types of crude rubber (including crepe rubber for soles or any other purpose) and liquid latex in crude form, but does not include balata, gutta percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber and scrap rubber.

(2) "Person" means any individual, partnership, corporation or other form of business enterprise.

(b) *General restriction on the use of rubber.* From the date of issuance of this Order until otherwise ordered by the Office of Production Management, no Person shall consume, use, process, stamp, cut or in any manner change the form, shape or chemical composition of any Rubber for any purpose other than one or more of the following:

(1) To fill orders assigned an A–3 or better Preference Rating.

(2) To manufacture camelback in amounts not exceeding the minimum amounts specified in letter dated December 5, 1941, from the Director of Priorities to manufacturers of camelback. Any manufacturer of camelback who did not receive such a letter from the Director of Priorities may use Rubber in the manufacture of camelback during any monthly period, beginning with December 1941, in an amount not exceeding the amount of Rubber which he used in the manufacture of camelback during the month of November, 1941.

(3) To manufacture tires, tire casings and tire tubes and other rubber products necessary for the manufacture, maintenance or repair of trucks or buses which require tires of a size of 7:00 x 20 or larger.

(4) To manufacture those rubber products necessary for the maintenance and repair of industrial equipment or necessary to the manufacture of, but not physically incorporated in, any manufactured product other than industrial equipment. For the purposes of this subparagraph "industrial equipment" shall mean equipment used in manufacturing establishments, mining, quarrying, petroleum production and refining, telephone and telegraph systems, radio communication systems, gas, water and electric power systems, railroads, street railways and buses, but shall not include tires, tire casings or tire tubes for any vehicle.

(5) To manufacture laboratory and hospital supplies and such other health supplies as are approved under Preference Rating Order No. P–29, as amended.

(6) To manufacture heels made of black or brown composition rubber only, and rubberized fabrics, innersoles, midsoles, fillers and backing cloths to be incorporated in shoes and other footwear.

(7) To manufacture industrial rubber gloves, fabric-topped footwear made with black compounded rubber soles only, rubber boots, and industrial protective rubber clothing, galoshes with fabric tops, and plain all rubber overshoes and galoshes.

(8) To manufacture plumbers' supplies.

(9) To manufacture articles for use in preserving, canning and packing food, except rubber bands, rubber binders and similar articles used in the field or to hold packages or bundles together.

(10) To manufacture compounds for insulating wire and cable.

(11) To manufacture vulcanizing materials, patches, cement, blowout shoes and similar items for the repair of tires, tire casings and tire tubes.

(12) To manufacture cements necessary in the fabrication of finished products.

(13) To manufacture bottle nipples for feeding infants.

Provided, That the use of Rubber by each such Person during any calendar month, beginning with the month of December, 1941, in the manufacture or processing permitted by sub-paragraphs (4) to (13) inclusive shall not be at rates greater than the rates of consumption in the manufacture of similar items during November, 1941, to fill purchase orders which were not assigned a Preference Rating of A–3 or better.

Provided further, That any Person who, prior to December 11, 1941, had commenced the processing of any Rubber other than compounded liquid latex in such manner that its form or chemical content had undergone a substantial change may continue such processing to completion.

(c) *General restriction on the sale of tires.* Except to fill purchase orders assigned an A–3 or better Preference Rating, from the date of issuance of this Order until January 5, 1942, no new automobile, truck, bus, motorcycle, farm implement, or other type of tire, tire casing or tire tube, other than bicycle tires, shall be sold, leased, traded, delivered or transferred by any person, provided that the foregoing prohibition shall not apply to tires which are sold as a part of new vehicles being sold and which are affixed to such vehicles at the time of their sale.

(d) *Violations and false statements.* Any Person who violates this Order, or who wilfully furnishes false information to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation. The Office of Production Management may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(e) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Office of Production Management by addressing a letter to the Rubber and Rubber Products Branch of the Division of Civilian Supply, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as it deems appropriate.

(f) This Order supersedes the provision of paragraph (c) (1) of General Preference Order M–15, as amended and supplemented, and all letters issued pursuant to such paragraph (c) (1).

(g) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 19th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9612; Filed, December 22, 1941; 9:57 a. m.]

[1] 6 F.R. 4521.
[2] 6 F.R. 5217.
[3] 6 F.R. 6406.

PART 960—CHLORINE

Amendment No. 1 to General Preference Order No. M–19 To Conserve the Supply and Direct the Distribution of Chlorine

Section 960.1 (*General Preference Order M–19* [1]) is hereby amended to read as follows:

Whereas the national defense requirements have created a shortage of Chlorine, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 960.1 *General Preference Order M–19*—(a) *Definitions.* For the purposes of this Order:

(1) "Chlorine" means gaseous and liquid Chlorine.

(2) "Producer" means any person engaged in the production of Chlorine and includes any person who has Chlorine produced for him pursuant to toll agreement.

(3) "Distributor" means any person who purchases Chlorine for resale.

(b) *Applicability of Priorities Regulation No. 1.* Control of the supply and direction of the distribution of Chlorine is hereby taken by the Director of Priorities, and all future transactions of any kind in Chlorine are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August 1941, except as herein otherwise specifically provided.

(c) *Placing orders.* Anything in Priorities Regulation No. 1 to the contrary, notwithstanding, (1) No Producer shall, except as the Director of Priorities may otherwise direct, accept an order, whether it be that of a Distributor, another Producer, or a consumer, for delivery of Chlorine unless such order has been placed with him by the 10th day of the month preceding the month in which delivery is sought, and unless such order is accompanied by Form PD–190 (in duplicate) properly executed by the person placing such an order. The Form PD–190 submitted by a Distributor must be accompanied by the original and one copy of Form PD–190 submitted to him in accordance with the provisions of paragraph (c) (2) hereof in connection with orders accepted by him.

(2) No Distributor shall, except as the Director of Priorities may otherwise direct, accept an order for delivery of Chlorine unless such order has been placed with him by the 5th day of the month preceding the month in which delivery is sought and unless such order is accompanied by Form PD–190 (in triplicate) properly executed by the person placing such order.

(3) No Producer or Distributor shall make, and no person shall accept, delivery of Chlorine unless and until Form PD–190 hereinabove referred to has been properly executed and timelily filed in accordance with the provisions of paragraphs (c) (1) and (2) hereof.

(d) *Withheld deliveries.* (1) No Producer shall make commitments for the sale or delivery of liquid Chlorine during the month of February, 1942, or any calendar month thereafter, with respect to an amount of liquid Chlorine equal to five percent (5%) of his estimated monthly production.

(2) No Producer shall deliver liquid Chlorine as to which commitments may not be made pursuant to paragraph (d) (1) hereof, except upon express instructions of the Director of Priorities. If by the 15th day of the month in which a Producer is required by the provisions of paragraph (d) (1) hereof to withhold deliveries of liquid Chlorine, the Director of Priorities has issued no instructions with respect to the disposition of such liquid Chlorine, Producers may make deliveries of such liquid Chlorine without regard to the restrictions contained in paragraph (c) hereof, but subject, however, to the provisions of Priorities Regulation No. 1.

(e) *Delivery schedules.* (1) Form PD–191 (in triplicate) properly executed, which shall contain, among other things, a schedule of deliveries which such Producer proposes to make in the succeeding month, the preference rating, if any, applicable to each delivery, the orders tendered to him for delivery during the succeeding month which he has not scheduled, his estimated production for the succeeding month and the amount of liquid Chlorine to be reserved for the succeeding month in accordance with the provisions of paragraph (e) hereof, shall on or before the 15th day of each calendar month be filed by each Producer with the Chemicals Branch of the Office of Production Management, Washington, D. C. Such Form PD–191 shall be accompanied by the duplicate copies of every Form PD–190 submitted to the Producer. After such Form PD–191 has been filed with the Chemicals Branch of the Office of Production Management, any changes of circumstances or matters occurring thereafter affecting the accuracy of the statements contained in such Form PD–191 shall be forthwith reported to the Chemicals Branch of the Office of Production Management.

(2) On and after February 1, 1942, except as provided in paragraph (d) (2) hereof and except as may be otherwise specifically authorized by the Director of Priorities, no deliveries of Chlorine shall be made by a Producer to any person unless and until the same shall have been authorized by the Director of Priorities. Such authorization by the Director of Priorities shall be based primarily upon insuring the satisfaction of all defense requirements and providing an adequate supply for essential civilian uses. Each Producer shall, upon being apprised of the deliveries which have been authorized by the Director of Priorities, forthwith notify his customers of the extent of such authorization as the same may affect them. Each Distributor shall, upon being apprised by the Producer of the extent to which deliveries to such Distributor have been authorized by the Director of Priorities, forthwith notify his customers of the extent of such authorization as the same may affect them. If, however, by the 25th day of the month preceding the month in which deliveries are to be made, no instructions have been issued by the Director of Priorities, Producers may make deliveries of Chlorine in accordance with, and only in accordance with, the schedules filed by them with the Chemicals Branch of the Office of Production Management.

(f) *Assignment of preference ratings.* (1) Deliveries under all defense orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(2) Unless a higher preference rating has been specifically assigned by order of the Director of Priorities, and subject to Priorities Regulation No. 1, deliveries of Chlorine for the uses (or for the manufacture of products for such uses) set forth below are hereby assigned the preference rating set opposite each such use as follows:

Use	Preference Rating
(i) Potable water treatment, Sewage treatment	A–2
(ii) Sanitation and sterilization in hospitals, clinics, sanitoria, diaper laundries, dairies and other food processing plants, public eating and drinking establishments, public and institutional swimming pools, surgical and medical supply manufacturing establishments. Manufacture of products for medicinal, surgical, dental and veterinarian uses	A–6
(iii) Food processing other than bleaching, Food preservation	A–9
(iv) Manufacture of vitamin products, Manufacture of insecticides and fungicides, Manufacture of catalyst materials, Industrial water treatment, Metals refining	A–10
(v) Processing of pulps, as follows: (a) High alpha pulps (not less than 90% Alpha Cellulose content), (b) Dissolving pulps, (c) Nitrating pulps, (d) Pulps used in the manufacture of photographic base papers, (e) Pulps in which Chlorine is a processing rather than a bleaching chemical. Manufacture of petroleum-product additives, Manufacture of industrial chemicals and related products, Manufacture of industrial plastics and rubber-like products	B–2
(vi) Textile bleaching, Pulp and paper bleaching not elsewhere classified, Shellac bleaching, Laundry bleaching	B–5
(vii) Foodstuff bleaching, Wiping rag and waste bleaching, Cosmetics and toilet preparation	B–8

[1] 6 F.R. 3730.

(g) *Acceptance of certain non-defense orders.* When a non-defense order for Chlorine for a use specified in paragraph (f) (2) hereof to which a preference rating has been assigned, either by specific certificate or otherwise, is offered to a Producer or a Distributor, it shall, subject to the same terms and conditions applicable to the acceptance of defense orders set forth in Priorities Regulation No. 1, be accepted for scheduling on Form PD–191; and deliveries thereunder shall be scheduled in accordance with the preference rating assigned thereto and the delivery dates specified therein, even though deferment of deliveries under non-defense orders bearing a lower preference rating previously accepted is necessitated thereby, such deliveries thereunder scheduled to be subject, however, to revision by the Director of Priorities under the terms and conditions set forth in this Order. Deliveries shall then be made in accordance with the authorization of the Director of Priorities. Any person seeking to place a non-defense order to which a preference rating has been assigned must make application for acceptance of such order in the first instance to his regular Supplier (if a person has several regular Suppliers, the order should be divided among such Suppliers in accordance with each such person's normal method of placing orders).

(h) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to acceptances of orders and deliveries in the absence of a contrary direction apply not only to acceptances of orders from and deliveries to other persons, including affiliates and subsidiaries, but also to acceptances of orders from and deliveries to one branch, division or section of a single enterprise by or from another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(i) *Reports.* Reports required by Priorities Regulation No. 1 hereinabove referred to shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the Office of Production Management.

(j) *Notification of customers.* Producers and Distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(k) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(l) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 20th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9593; Filed December 20, 1941; 9:37 a. m.]

PART 962—STEEL

Amendment No. 2 of Supplementary Order M–21–a Relating to Alloy Iron, Alloy Steel, and Wrought Iron

Section 962.2 (*Supplementary Order M–21–a*[1]) is amended to read as follows, effective immediately:

§ 962.2 *Supplementary Order M–21–a*—(a) *Definitions.* For the purposes of this Order:

(1) "Alloy Steel" means any steel containing any one or more of the following elements in the following amounts:

Manganese in excess of 1.65%.
Silicon in excess of 0.60%.
Copper in excess of 0.60%.
Aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

(2) "Alloy Iron" means any iron casting containing any one or more of the following elements in the following amounts:

Manganese in excess of 1.65%.
Silicon in excess of 5.00%.
Copper in excess of 0.60%.
Aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, vanadium, zirconium or any other alloying element in any amount specified or known to have been added to obtain a desired alloying effect.

It does not include those materials commonly known as ferro-alloys.

(b) *Priority control.* All the provisions and definitions of General Preference Order M–21, issued August 9, 1941, and of Priorities Regulation No. 1, issued August 27, 1941, as amended from time to time, shall be applicable to alloy iron, alloy steel and wrought iron and are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(c) *Restrictions on melting and deliveries of alloy iron or alloy steel.* (1) Except pursuant to a specific Preference Rating Certificate or Preference Rating Order carrying a preference rating of A–10 or higher and duly issued or extended to the Producer, or pursuant to specific written permission of the Director of Priorities, (i) no Producer shall melt, and (ii) on and after January 1, 1942, no Producer shall deliver any alloy iron or alloy steel containing any one or more of the following elements in the following amounts:

Manganese in excess of 1.65%.
Copper in excess of .60%.
Chromium in excess of .60%.
Molybdenum in excess of .60%.
Nickel in excess of .60%.
Cobalt, tungsten, or vanadium in any amount specified or known to have been added to obtain a desired alloying effect.

(2) *Directions as to deliveries.* The Director of Priorities may from time to time issue directions, directing or forbidding specific deliveries.

(3) *Directions as to alloying content.* The Director of Priorities may from time to time issue directions, specifying as to any alloying element the quantities and proportions which may be used in making alloy iron or alloy steel, and whether and in what proportions, any such element is to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element. Any person who shall violate any such direction, or any person who knowingly receives delivery of alloy iron or alloy steel in violation thereof, may be prohibited from making or receiving further deliveries of such material or subjected to such other action as the Director of Priorities may deem appropriate.

(d) *Restriction of deliveries under toll agreements.* No person shall make any delivery under any contract now outstanding or hereafter entered into for the delivery of alloy iron or alloy steel which he processes, fabricates or casts by toll agreement for any other person, unless specifically authorized to do so by the Director of Priorities.

(e) *Revocation of General Preference Order M–5.* General Preference Order M–5, as amended, Supplementary Order M–5–a, as amended, and Supplementary Order M–5–b, issued to conserve the supply and direct the distribution of nickel-bearing steel, are revoked.

(f) *General Preference Order M–14 still effective.* Nothing contained herein shall be construed to amend or modify any of the provisions of General Preference Order M–14, to conserve the supply and direct the distribution and use of tungsten in high-speed steel.

(g) *Effective date.* This Supplementary order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875 Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 20th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9594; Filed December 20, 1941; 9:38 a. m.]

[1] 6 F.R. 4784, 5995.

PART 966—VANADIUM

General Preference Order M–23–a to Conserve the Supply and Direct the Distribution of Vanadium

Whereas the national defense requirements have created a shortage of Vanadium, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to supplement by further measures the action heretofore taken to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, that:

§ 966.2 *General Preference Order M–23–a*—(a) *Definition.* For the purpose of this order:

(1) "Vanadium" means and includes:

(i) Ores and concentrates containing vanadium (commercially recognized), vanadium pentoxide, and other vanadium compounds for further purification or refining.

(ii) The element vanadium in pure form, ferro-vanadium, and all chemical or other combinations of the element vanadium with other materials in manufactured or semi-manufactured form, prepared either for further processing or for other purposes;

(iii) All scrap or secondary material containing commercially recoverable vanadium as defined in (i) and (ii) above.

(b) *Regulations incorporated.* Except as modified by the terms of this order and as otherwise specifically provided herein, all of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941 (Part 944), as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein.

(c) *Assignment of preference rating.* Deliveries of vanadium under all defense orders (as defined in Regulation No. 1) to which a preference rating of A–10 or higher has not been assigned are hereby assigned a preference rating of A–10.

(d) *Restrictions on deliveries*—(1) *Allocations.* Hereafter no person shall make or accept delivery of vanadium unless specifically authorized by the Director of Priorities. The Director will from time to time allocate the supply of vanadium and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. The Director may also, in his discretion, require any person seeking to place a purchase order for vanadium to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian needs.

(2) *Reports.* Unless otherwise ordered by the Director of Priorities, no person shall be entitled to receive an allocation of vanadium unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the Office of Production Management and with any supplier with whom he may have placed a purchase order for vanadium, a report in the manner and form prescribed from time to time by the Vanadium Branch of the Office of Production Management; *Provided, however,* That, subject to all the other provisions, restrictions and limitations of this order and until further order by the Director of Priorities, any person may receive deliveries during any calendar month up to but not exceeding an aggregate of 50 pounds contained vanadium without filing the reports required by this paragraph.

(e) *Violations.* Any person affected by this order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Priorities, may be prohibited by the Director from making or receiving further deliveries of vanadium, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(f) *General Preference Order M–23 revoked.* General Preference Order M–23, issued by the Director of Priorities August 14, 1941, is hereby revoked.

(g) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of June, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public 89; 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 20th day of December 1941. All reports to be filed, appeals and other communications concerning this order, should be addressed to the Vanadium Branch, Office of Production Management, Social Security Building, Washington, D. C., Reference: M–23–a.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9592; Filed, December 20, 1941; 9:37 a. m.]

[Suspension Order No. S–2]

PART 1010—SUSPENSION ORDERS

Lieb & Buchalter, Inc.

Lieb & Buchalter, Inc., of Brooklyn, New York, is a partnership engaged in the plumbing supply business. On September 19, 1941, this firm placed a purchase order with the Foster-Wheeler Corporation for 4,740 feet of brass pipe and 720 feet of copper tubing. The order was accompanied by the affidavit of Arthur Lieb, a partner in the firm of Lieb & Buchalter, Inc., stating that the material ordered was required for emergency inventory for three hospitals located in Brooklyn, New York, and was assigned a preference rating of A–10 under the provisions of Preference Rating Order No. P–22. At the time the purchase order with Foster-Wheeler Corporation was placed, Lieb & Buchalter, Inc. had received no orders for brass pipe or copper tubing from the institutions specified in the affidavit of Arthur Lieb, and the preference rating assigned by Preference Rating Order No. P–22 was not applicable to this purchase order. In view of the foregoing facts,

It is hereby ordered:

§ 1010.2 *Suspension Order S–2.* (a) During the period in which this order shall be in effect, deliveries of material to Lieb & Buchalter, Inc. of Brooklyn, New York, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Lieb & Buchalter, Inc. by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Priorities, except as specifically directed by the Director of Priorities.

(b) This order shall take effect immediately and shall expire on the first day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 20th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9596; Filed, December 20, 1941; 9:38 a. m.]

[Suspension Order No. S–7]

PART 1010—SUSPENSION ORDERS

State Metals & Steel Co., Inc.

State Metals & Steel Company, Inc. of Canton, Ohio, is a dealer in secondary and scrap metals. Between June 10, 1941, and November 4, 1941, this company delivered to Central Aluminum & Flux Company of Garfield Heights, Ohio, a foundry, 153,234 pounds of aluminum utensil scrap to be melted and processed into the form of secondary aluminun ingot of 98–99% purity. These deliveries constituted violations of Supplementary Order M–1–c, issued by the Director of Priorities on June 10, 1941, in that no preference ratings had been assigned to these deliveries of aluminum scrap, and they had not been specifically authorized by the Director of Priorities. Between August 8, 1941, and October 30, 1941, State Metals & Steel Company, Inc. of Canton, Ohio, accepted delivery from Central Aluminum & Flux Company 98,516 pounds of aluminum ingot and delivered some 67,000 pounds of this ingot to the Timken Roller Bearing Company of Canton, Ohio, to be used for deoxidizing purposes. The remainder of the ingot is held by the State Metals & Steel Company, Inc. of Canton, Ohio. Since June 15, 1941, State Metals & Steel Company, Inc. of Canton, Ohio, and its officials, have been familiar with the provisions of Supplementary Order M–1–c and knew that the shipments of aluminum scrap to Central Aluminum & Flux Company, set forth above, constituted violations of this Order.

Because of the scarcity and critical importance of high grade aluminum scrap, these wilful violations of Supplementary Order M–1–c have resulted in the diversion of high grade aluminum scrap from primary defense needs into uses not authorized for such scrap by the Director of Priorities. In view of the foregoing facts,

It is hereby ordered:

§ 1010.7 *Suspension Order S–7.* (a) During the period in which this Order shall be in effect, deliveries of material to State Metals & Steel Company, Inc. of Canton, Ohio, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to State Metals & Steel Company, Inc. of Canton, Ohio, by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Priorities, except as specifically directed by the Director of Priorities.

(b) During the period in which this Order shall be in effect, State Metals & Steel Company, Inc. of Canton, Ohio, its successors and assigns shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap, aluminum products, or alloys of which aluminum constitutes the major part.

(c) During the period in which this Order shall be in effect, State Metals & Steel Company, Inc. of Canton, Ohio, its successors and assigns shall accept no purchase orders, and enter into no contracts or commitments, for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically directed by the Director of Priorities.

(d) During the period in which this Order shall be in effect, State Metals & Steel Company, Inc. of Canton, Ohio, its successors and assigns shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically directed by the Director of Priorities.

(e) During the period in which this Order shall be in effect, no person shall deliver any primary aluminum, secondary aluminum, aluminum scrap, aluminum products, or alloys of which aluminum constitutes the major part to State Metals & Steel Company, Inc. of Canton, Ohio, in any case in which the acceptance of such delivery by the company would be in violation of this Order; nor shall any person accept delivery of any such material or any aluminum product from State Metals & Steel Company, Inc. of Canton, Ohio, in any case in which the delivery of such material or product by the company would be in violation of this Order.

(f) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Priorities, shall expire on July 1, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 20th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9595, Filed, December 20, 1941; 9:38 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

Conservation Order M–47 To Conserve the Supply and Direct the Distribution of Burlap and Burlap Products

Whereas the uncertainty of future shipments of Burlap from abroad and fulfillment of requirements for the defense of the United States have resulted in a shortage in the supply of Burlap for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to take the measure hereinafter set forth, and to conserve the supply and direct the distribution of Burlap and Burlap Products;

Now, therefore, it is hereby ordered, That:

§ 1014.1 *Conservation Order M–47—*(a) *Definitions.* For the purpose of this Order:

(1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Burlap" means burlap of the Hessian cloth type imported from India.

(3) "Importer" means any person who imported Burlap during the year 1940 other than an Importing Bag Manufacturer.

(4) "Importing Bag Manufacturer" means any person who imported Burlap during the year 1940 and manufactured bags from such Burlap.

(5) "Non-Importing Bag Manufacturer" means a bag manufacturer who purchases Burlap from an Importer or an Importing Bag Manufacturer and manufactures bags for sale or for his own use.

(6) "Pacific Port" means any port on the Pacific Coast of the United States or any inland port of entry for goods from other ports on the Pacific Coast of North America.

(7) "North Atlantic Port" means any port on the Atlantic Coast of the United States, north of Wilmington, North Carolina, or any inland port of entry for goods from other ports on the North Atlantic Coast of North America.

(8) "Gulf Port" means any port on the Gulf Coast of the United States, the port of Wilmington, North Carolina and ports on the Atlantic Coast of the United States to the south thereof, or any inland port of entry for goods from other ports on the Gulf or South Atlantic Coast of North America.

(9) "Agricultural Bag" means any new Burlap bag used to package agricultural products. Such products include, but are not limited to, feed, potatoes, fertilizer, sugar, flour, rice, wool, wheat, corn meal, linseed meal, soy bean meal, beans, starch, seeds, salt, and oats, and shall include chemicals even though non-agricultural, but shall not include cotton or cotton products, textile piece goods or meats.

(b) *Stockpiling of imports; preference for heavy constructions.* Any Importer or Importing Bag Manufacturer hereafter accepting delivery of Burlap from any cargo imported to continental United States, shall set aside, out of his receipts from said cargo, two-thirds of the bales he receives, and shall not dispose thereof except as expressly directed by the Office of Production Management. The bales so set aside shall be the heaviest constructions available. The remaining one-third of such receipts, and all existing spot stocks shall be distributed in accordance with the provisions of paragraph (c). Any Person securing shipping space for Burlap in Calcutta or other point of shipment for import to continental United States shall fill such shipping space with ten-ounce constructions or heavier to the extent available.

(c) *Restrictions on delivery or processing.* No Importer or Importing Bag Manufacturer shall knowingly sell, deliver, or in any manner distribute, and no Person shall purchase, accept delivery of, or in any manner receive Burlap for any use other than for the manufacture of Agricultural Bags except upon express authorization of the Office of Production Management. No Person shall process or use any Burlap other than for the uses mentioned in this paragraph except upon express authorization of the Office of Production Management. The prohibition against processing or use hereinabove mentioned shall apply only to full bales unbroken, at the date of issue of this order. The term "full bales unbroken" means any bale not fully opened so that the content could not readily be restored to the same bale, and includes bales which have been sampled.

(d) *Prohibition of transactions in excess of quotas.* No Person shall, in any manner, buy or acquire Burlap or Agricultural Bags in excess of his quota as determined pursuant to this Order, and no Person shall knowingly, in any manner, deliver or sell to any other Person Burlap in excess of such other Person's quota as so determined.

(e) *Quotas for importers and importing bag manufacturers.* The quota of each Importer or Importing Bag Manufacturer out of each cargo of Burlap imported to continental United States, including the amount required to be set aside under paragraph (b), shall be an amount bearing the same ratio to the amount of such cargo as the average annual imports of such Importer or Importing Bag Manufacturer in the period 1935–1939, inclusive, through ports on the same Coast, Pacific, North Atlantic, or Gulf, as the case may be, bear to the average total imports of all Importers and Importing Bag Manufacturers through ports on the same Coast in the same period; *Provided however,* That whenever the Office of Production Management shall determine that there has been a substantial change in the relative amounts of cargoes discharged at Pacific, or North Atlantic or Gulf Ports as compared with the period 1935–1939, inclusive, it may make such adjustment as it deems appropriate by directing the distribution, in whole or in part, of any cargo or cargoes discharged at any port to Importers or Importing Bag Manufacturers not otherwise entitled to the same under the terms of this paragraph. No Person, other than the United States Government, or its agent acting under express and specific authority, shall import Burlap who did not import Burlap in 1940.

(f) *Burlap to be made available to non-importing bag manufacturers by importing bag manufacturers.* Each Importing Bag Manufacturer, in each month, shall make available to Non-Importing Bag Manufacturers in the aggregate, at regularly established prices and terms of sale and payment, to fill quotas under paragraph (g), a quantity of Burlap bearing the same ratio to monthly receipts of Burlap for such month (other than Burlap required to be set aside by paragraph (b)) as total deliveries during 1939 and 1940 to all Non-Importing Bag Manufacturers by such Importing Bag Manufacturer bear to such total deliveries plus the total amount cut up into bags by such Importing Bag Manufacturer during 1939 and 1940.

(g) *Quotas for non-importing bag manufacturers.* The quota of each Non-Importing Bag Manufacturer for Burlap to be received from Importers or Importing Bag Manufacturers in each calendar year beginning with the year 1942 shall be an amount bearing the same ratio to the amount of all imports to continental United States during such calendar year not required to be set aside in accordance with paragraph (b) as the total deliveries to such Non-Importing Bag Manufacturer by all Importers and Importing Bag Manufacturers during the years 1939 and 1940 bear to the total of the deliveries to all Non-Importing Bag Manufacturers by all Importers and Importing Bag Manufacturers during 1939 and 1940 plus the total amount cut up into bags by Importing Bag Manufacturers during 1939 and 1940. The rate, in any month, at which a Non-Importing Bag Manufacturer may receive delivery of his year's quota shall be limited to the lesser of the following two amounts:

(1) One twenty-fourth of the aggregate quantity of Burlap he received delivery of in the years 1939 and 1940.

(2) An amount which will bring his stocks up to a thirty-day supply based on his current rate of operations.

Each Non-Importing Bag Manufacturer shall certify to each Importer or Importing Bag Manufacturer from whom he receives delivery of Burlap, as a condition to receiving such delivery, the following on the purchase order for such Burlap:

"The undersigned hereby certifies that during the present calendar month the total receipts of Burlap by the undersigned from all sources, including the Burlap hereby ordered, will not exceed one twenty-fourth of the aggregate quantity received by the undersigned in 1939 and 1940, and will not bring the stocks of the undersigned over a thirty-day supply based on current rate of operations and that to date the undersigned has not exceeded his annual quota."

A Non-Importing Bag Manufacturer may purchase the aggregate amount of his quota from any one or more Importers or Importing Bag Manufacturers. The term "Non-Importing Bag Manufacturer" shall include any Importing Bag Manufacturer to the extent of his receipts, if any, of Burlap from Importers or other Importing Bag Manufacturers.

(h) *Separability of quotas.* The quotas set forth in paragraphs (e) and (g) shall be independent of each other, and any Person belonging to both classes may acquire Burlap under the quota for each class to which he belongs.

(i) *Quotas for users of agricultural bags.* The quota for each calendar year beginning with the year 1942 of each purchaser who secures new Agricultural Bags from Importing or Non-Importing Bag Manufacturers shall be determined as follows:

(1) Each Bag Manufacturer who supplied such purchaser during the year 1941 shall make available in each such calendar year to such purchaser at regularly established prices and terms of sale and payment a quantity of Agricultural Bags bearing the same ratio to the quantity of Burlap bags delivered to such purchaser in 1941 as the Bag Manufacturer's receipts of Burlap available for distribution during such calendar year bear to the total quantity of Burlap cut up into bags by such Bag Manufacturer during 1941: *Provided, however,* That Bag Manufacturers may, in good faith, furnish an equitable quota to persons who did not secure any Agricultural Bags in 1941 but require a quantity in 1942 or thereafter. In the event a Bag Manufacturer furnishes such quota, he shall, if necessary, correspondingly reduce the quotas of all other purchasers of Agricultural Bags proportionately. The Bag Manufacturer furnishing such quota shall furnish a complete statement of the facts thereof of the Office of Production Management within ten days.

(2) No Bag Manufacturer shall knowingly deliver Agricultural Bags to a purchaser in excess of the quantity expected to be used in the following thirty days, taking into consideration existing stocks, new and second hand. Within the limits of his quota no purchaser of Agricultural Bags shall receive delivery, in any one month, of more than the lesser of the following two quantities:

(i) The quantity he received delivery of in the corresponding month of the preceding year.

(ii) An amount which will bring his stocks up to a thirty day supply based on his current rate of operations.

(3) Each purchaser who acquires Burlap Bags from a Bag Manufacturer shall certify to such Bag Manufacturer as a condition to securing his bags the following:

The undersigned hereby certifies that he needs these bags for packaging or to distribute to persons packaging -------- (here fill in products), that he intends to, and to the best of his knowledge will, within thirty da: , use these bags for such purpose, or distribute to those so using, and that, to the best of his knowledge and belief the receipt of such bags will not give him more than a thirty-day supply, including existing stocks of new and second-hand bags.

No Bag Manufacturer shall sell, deliver or in any other manner dispose of Agricultural Bags to any such purchaser who fails to furnish such certification or who furnishes a certification which on its face indicates a use other than for Agricultural Bags as defined in paragraph (a) of this Order.

(j) *Restrictions on inventory.* Except as provided in paragraph (b), no Importer, Importing Bag Manufacturer or Non-Importing Bag Manufacturer shall hold in inventory any Burlap, whether baled, cut, manufactured into bags, or otherwise in excess of a thirty days' supply, unless he is unable to secure a fair and reasonable purchase order for the same. No Person dealing in Agricultural Bags shall withhold from sale a supply of new and/or second-hand Burlap bags in excess of a thirty days' supply, taking into consideration existing inventories. No Person using Agricultural Bags at a rate in excess of fifty bags per year shall acquire a supply of new and/or second-hand bags in excess of the quantity he will use within the following thirty days, taking into consideration existing inventories.

(k) *Adjustments.* The Office of Production Management may upon application made in writing, make such adjustments as are deemed appropriate in the quota of any Person, or method to be used in calculating same, in the case of inequity or hardship.

(l) *Exchange of quotas.* No Person shall sell, assign, or otherwise transfer, in whole or in part, the quota prescribed for him by this Order except that any Importer or Importing Bag Manufacturer not desiring to take up his quota out of any cargo may assign such quota, in whole or in part, to one or more other Importers or Importing Bag Manufacturers in exchange for an equal yardage, without regard to constructions, out of the quotas with respect to expected future cargoes of such other Importers or Importing Bag Manufacturers.

(m) *Unused quotas.* If for any reason whatsoever an Importer or Importing Bag Manufacturer, or a Non-Importing Bag Manufacturer does not take up any quota, unused portions thereof shall be reallocated by the Office of Production Management to such other Importers and Importing Bag Manufacturers, or Non-Importing Bag Manufacturers, as the case may be, who desire to share in the reallocation, in proportion to their existing quotas. In the event of such reallocation, the deliveries which would have been required to be made available to purchasers under paragraph (g) hereof, by the Person whose quota is reallocated shall, to the extent practicable, be made available to the same purchasers by the Persons to whom the quota is reallocated.

(n) *Calculation of quotas.* Quotas of Importers, Importing Bag Manufacturers and Non-Importing Bag Manufacturers under (e), (f), (g), or (m) hereof, and permitted monthly receipts under (g) hereof, shall be calculated to the nearest 25 bales, except that any quota or permitted monthly receipts amounting to less than twenty-five bales shall be calculated to the nearest bale. Quotas of purchasers of Agricultural Bags from Bag Manufacturers shall be calculated to the nearest thousand bags except that quotas of persons who secured less than one thousand bags from any Bag Manufacturer shall be calculated to the nearest fifty bags.

(o) *Reports.* (1) Every Importer, Importing Bag Manufacturer, Non-Importing Bag Manufacturer, and other persons holding ten full bales or more of Burlap, shall promptly telegraph to the Office of Production Management his stocks of Burlap in bales as of December 15, 1941, stating separately spot and afloat stocks.

(2) On or before January 1, 1942, reports regarding transactions in, and inventories of, Burlap shall be filed with the Office of Production Management on forms to be secured from such Office by:

(i) Every Importer or Importing Bag Manufacturer, on Form PD–186.

(ii) Every Non-Importing Bag Manufacturer, on Form PD–186.

(3) Every Importer, Importing Bag Manufacturer and Non-Importing Bag Manufacturer or other Person whose stocks of Burlap and/or Burlap bags at any time in 1941 exceeded 20,000 yards, shall:

(i) File such monthly and other reports with the Office of Production Management as shall from time to time be required by said Office. Until further notice, monthly reports, beginning with the report for the month of January to be filed on or before February 15, 1942, shall be filed on Form PD–188.

(ii) Submit from time to time to an audit and inspection by representatives of the Office of Production Management concerning all records required to be kept by this Order.

(p) *Communications to Office of Production Management.* All reports required to be filed hereunder, appeals and other communications concerning this Order, shall be addressed to

Office of Production Management
Washington, D. C. Ref:M–47

(q) *Existing contracts.* The fulfillment of contracts in violation of this Order is prohibited regardless of whether such contracts were entered into before or after the effective date of this Order. No Person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(r) *Conservation of bags for reuse.* No Person shall, to the extent practicable, slash or otherwise mutilate Burlap bags as a means of opening the same. To the extent practicable, all persons filling Agricultural Bags shall close them in a manner which will permit speedy and intact opening of such bags. To the extent practicable, bag users shall promptly empty and return such bags or sell such bags for reuse through existing channels.

(s) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Office of Production Management subject to such amendments or supplements thereof as may be issued from time to time by the Office of Production Management: *Provided, however,* That the provisions of paragraph (e) shall take effect with the discharge, at a port in continental United States of the first Burlap cargo departing from Calcutta or other point of shipment on or after January 15, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended Sept. 12, 1941, O.P.M. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, First Session)

Issued this 22d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9613; Filed, December 22, 1941; 9:57 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

Amendment No. 1 to General Preference Order No. M–55 to Conserve the Supply and Direct the Distribution of Direct-Consumption Sugar

Section 1032.1 (*General Preference Order M–55*[1]) is hereby amended as follows:

(1) Paragraph (c) of said section is hereby amended by adding thereto paragraph (c) (6) reading as follows:

§ 1032.1 *General Preference Order M–55.*

* * * * *

(c) *Restrictions upon receivers.*

* * * * *

(6) In addition to the deliveries a Receiver may accept pursuant to paragraph (e) (1) he may, on or before December 31, 1941, accept delivery of sufficient direct-consumption sugar to give him a supply not in excess of 15% of the average of his monthly use or resales in the months of September, October, and November 1941; *Provided,* That there shall be deducted from the maximum supply thus permitted, the amount of sugar used or resold by him since December 19, 1941: *And provided further,* That any Receiver accepting delivery of direct-consumption sugar pursuant to this paragraph shall file with the Primary Distributor a representation in writing in substantially the following language manually signed by a responsible officer:

The undersigned hereby requests delivery of ---------- bags of direct-consumption
(quantity)
sugar pursuant to paragraph (c) (6) of General Preference Order No. M–55 and hereby represents that by reason of such delivery the supply of direct-consumption sugar in his possession or under his control will not be in excess of the supply to which he is entitled pursuant to paragraph (c) (6) of General Preference Order No. M–55.

Name----------
By----------
(Signature)

* * * * *

(2) Paragraph (c) (1) (iii) of said section is hereby amended to read as follows:

(c) (1) (iii) accept delivery after January 15, 1942, of any direct-consumption sugar unless before accepting the delivery he files with or mails to the Office of Production Management a report on Form PD–206, or such other forms as may be required from time to time by the Director of Priorities.

* * * * *

These amendments shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session; sec. 9, Public, No. 783, 76th Congress, Third Session)

Issued this 22d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9614; Filed, December 22, 1941; 9:57 a. m.]

[1] 6 F.R. 6427.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1334—SUGAR

PRICE SCHEDULE NO. 60—DIRECT-CONSUMPTION SUGARS

Since August 14, 1941, the Office of Price Administration has had in effect a price schedule on raw cane sugars. Until recently this ceiling price has been an effective control on prices in the later stages of the processing and distribution of sugar. With conditions created by the outbreak of war, the prices charged by certain primary distributors and wholesalers have increased sharply in spite of the fact that the price of raw cane sugar has remained constant. To permit the continuation of this situation would be to countenance speculative profits at the expense of the American public. As an emergency measure to correct this situation the Office of Price Administration issues this schedule to control the maximum prices at which refined and other direct-consumption sugars may be sold to the wholesale and retail outlets. The maximum prices established by this Schedule are set at the levels prevailing just before the recent advent of war and the subsequent unwarranted increases of prices of direct-consumption sugar.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1334.51 *The maximum prices for sales of direct-consumption sugars by primary distributors.* On and after December 22, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no primary distributor shall sell, offer to sell, deliver or transfer direct-consumption sugars at prices higher than the maximum prices established in this section 1334.51. These maximum prices are gross prices and shall include commissions, discounts, and all other charges.

(a) (1) The maximum basis price for fine granulated sugar processed by continental United States cane sugar refineries shall be $5.25 per one hundred pounds f. o. b. refinery.

(2) The maximum basis price for fine granulated beet sugar manufactured in the continental United States shall be $5.15 per one hundred pounds f. o. b. seaboard cane sugar refinery nearest freightwise to point of destination.

(3) (i) The maximum basis price for fine granulated sugar delivered to the continental United States from offshore areas shall be $5.20 per one hundred pounds duty-paid basis, f. o. b. United States cane sugar refinery nearest freightwise to port of entry.

(ii) The maximum price for turbinado, washed-white, or similar sugar for direct consumption delivered to the continental United States from offshore areas shall be $5.10 per one hundred pounds duty-paid basis f. o. b. United States cane sugar refinery nearest freightwise to port of entry.

(4) The maximum basis price for direct-consumption sugars other than those sugars provided for in subparagraphs, (a) (1), (a) (2), (a) (3), and (b) (1) hereof, processed from United States mainland sugar cane, including but not limited to turbinado, plantation white and high-washed sugars, shall be $5.15 per one hundred pounds f. o. b. seaboard cane sugar refinery nearest freightwise to point of destination.

(5) The respective maximum basis prices established in subparagraphs (a) (1), (a) (2), (a) (3) (i), and (a) (4), above, shall each be adjusted for grade and package differentials in accordance with the seller's differentials therefor published or in affect on December 1, 1941.

(6) The maximum delivered price for each of the sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (a) (4), above, respectively, shall be determined by applying to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the seller's "freight applications" or "selling prepays" published or in effect on December 1, 1941.

(b) (1) The maximum price for direct-consumption raw cane sugars of 96 degrees polarization, of domestic or foreign origin, shall be $4.35 per one hundred pounds United States mainland shipping point, including all taxes and duty.

(2) The maximum price specified in subparagraph (b) (1), above, shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to the effective date of this schedule.*

*§§ 1334.51 to 1334.60, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1334.52 *The maximum prices for sales of direct-consumption sugars at wholesale by persons other than primary distributors.* On and after December 22, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer direct-consumption sugars at wholesale, and no person shall buy, offer to buy, or accept delivery of direct-consumption sugars at wholesale at prices higher than the maximum prices established in this section 1334.52. These maximum prices are gross prices and include commissions, discounts, and all other charges.

(a) The maximum price shall be the highest price at which the seller sold such sugars of similar grade, package, and amount to a similar purchaser during the period December 1, 1941, to December 6, 1941, inclusive.

(b) These maximum prices shall include at least the same absorption of transportation costs, and other charges, and at least the same rendition of services, as were or would have been absorbed or rendered by the seller on comparable shipments to the same place of destination during said period December 1, 1941, to December 6, 1941, inclusive.*

§ 1334.53 *Sales at retail.* Sales at retail are excepted from the operation of this Schedule.*

§ 1334.54 *Less than maximum prices.* Lower prices than those established in this Schedule may be charged, demanded, paid, or offered.*

§ 1334.55 *Evasion.* The price limitations established by this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of direct-consumption sugars alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect during the period December 1, 1941, to December 6, 1941, inclusive, or by any other means.*

§ 1334.56 *Records and reports.* Every person making sales of direct-consumption sugars after December 22, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every sale including the date thereof, the name of the purchaser, the price paid, the grade, package and amount sold, and the date of shipment.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1334.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of direct-consumption sugars, or of the hoarding or accumulating of unnecessary inventories, are urged to communicate with the Office of Price Administration.*

§ 1334.58 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modifications thereof or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1334.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Direct consumption sugars" means any grade, or type of saccharine product derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

(c) "Primary distributor" means any person who manufactures direct-consumption sugars or the agent of any such person, or any person who delivers to the continental United States from offshore areas or any person who takes such delivery or the agent of any such person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(d) "At wholesale" means a sale other than a sale by a primary distributor or a sale at retail.

(e) "Sale at retail" means a sale to the ultimate consumers; *provided*, no manufacturer, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(f) A grade, package, amount, or purchaser shall be deemed to be "similar" to another grade, package, amount, or purchaser, respectively, if the seller did or would have charged the same price for or to either during the period December 1, 1941, to December 6, 1941, inclusive.

(g) "Specifications" means the designation in the order of the grade, package, amount, and other items customarily included in such terms.*

§ 1334.60 *Effective date of the schedule.* This Schedule shall become effective December 22, 1941.*

Issued this 20th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9643; Filed, December 22, 1941; 11:47 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 36—ACETONE

Section 1335.310 of Price Schedule No. 36[1] is hereby amended to read as follows:

§ 1335.310 *Appendix A; maximum prices for acetone.* The following maximum prices are established for acetone whether produced synthetically or from the fermentation of molasses, corn or other raw material.

(a) *Eastern territory.*[2]

	Per lb. delivered
Tank cars	$0.158
Drums, car-load lots	.168
Drums, less than car-load lots	.173

In the case of acetone produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is $2.50 per hundred pounds of sugar content, delivered to the plant of the producer. For each increase or a decrease of $0.10 in such cost, the maximum prices for such acetone shall be the above maximum prices plus or minus $0.004.

(b) *Western territory.*[2] The maximum prices established for acetone in Western Territory are the maximum prices established by paragraph (a) for acetone in Eastern Territory plus ½¢ per pound.

(c) *Maximum prices for acetone delivered from local stocks.* The maximum price for acetone delivered from local stocks maintained by others than producers shall be the maximum prices established by paragraphs (a) or (b) above, whichever the case may be, plus $0.01 per pound.

(d) *Containers.* For acetone sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraphs (a), (b), and (c) above. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 19th day of December 1941. This amendment No. 1, effective January 1, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9606; Filed, December 20, 1941; 11:56 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 37—BUTYL ALCOHOL

Section 1335.360 of Price Schedule No. 37[3] is hereby amended to read as follows:

§ 1335.360 *Appendix A; maximum prices for normal butyl alcohol.* The following maximum prices are established for normal butyl alcohol whether produced synthetically or from the fermentation of molasses, corn or other raw material:

(a) *Eastern territory.*[2]

	Per lb. delivered
Tank cars	$0.158
Drums, car-load lots	.168
Drums, less than car-load lots	.173

In the case of normal butyl alcohol produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is $2.50 per hundred pounds of sugar content, delivered to the plant of the producer. For each increase or a decrease of $0.10 in such cost, the maximum prices for such normal butyl alcohol shall be the above maximum prices plus or minus $0.004.

(b) *Western territory.*[2] The maximum prices established for normal butyl alcohol in Western Territory are the maximum prices established in paragraph (a) for normal butyl alcohol in Eastern Territory plus ½¢ per pound.

(c) *Maximum prices for normal butyl alcohol delivered from local stocks.* The maximum price for normal butyl alcohol delivered from local stocks maintained by others than producers shall be the maximum prices established by paragraphs (a) or (b) above, whichever the case may be, plus $0.01 per pound.

(d) *Containers.* For normal butyl alcohol sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraphs (a) (b) and (c) above. (E.O. Nos. 8734, 8875, 6FR1917, 4483)

Issued this 19th day of December 1941. This amendment No. 1, effective January 1, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9607; Filed, December 20, 1941; 11:56 a. m.]

[1] 6 F.R. 5340.

[2] When used in this Appendix, the term "Eastern" territory means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western" territory means all other states of the United States.

[3] 6 F.R. 5341.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 185]

PART 2—ENTRY OF VESSELS

DECEMBER 22, 1941.

Section 2.2 is amended to read as follows:

§ 2.2 *Vessels not required to enter.* Entry shall not be required of vessels coming in in distress or for bunkers (fuel or water for the vessel), sea stores, or ship's stores, transacting no other business in the port, and departing within twenty-four hours after arrival. If any such vessel remains more than twenty-four hours after arrival (whether any other business is transacted in the port or not), it is required to make entry unless while in possession of a valid departure permit it is detained in the port by order of the Naval Authorities of the United States. (R.S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9642; Filed, December 22, 1941; 11:44 a. m.]

[Order No. 184]

PART 3—TONNAGE DUTIES AND LIGHT MONEY

Section 3.2 (a) is hereby amended to read as follows:

§ 3.2 *Exemptions from tonnage duty.* (a) Vessels coming in for bunkers (fuel or water for the vessel), sea stores, or ship's stores, transacting no other business in the port, and departing within twenty-four hours after arrival. If any such vessel engaged in trade remains more than twenty-four hours after arrival (whether any other business is transacted in the port or not), it is subject to tonnage tax as provided in this Part, unless while in possession of a valid departure permit it is detained in the port by order of the Naval Authorities of the United States, or unless exempted under the provisions of subsections (b), (c), (d), (e), (f), (g), (h), or (i) of this section. (R.S. 161, R.S. 4219 as amended, Sec. 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 121, 3)

R. S. FIELD,
Director.

Approved: December 22, 1941.

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9641; Filed, December 22, 1941; 11:44 a. m.]

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

[Order No. 183]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS[1]

Order Amending the Regulations to Permit Transportation of Hydrochloric Acid in Bulk

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended, regulations governing the transportation, storage, stowage, or use of explosives or other dangerous articles or substances, and combustible liquids on board vessels, effective April 9, 1941, are hereby amended, under the emergency provisions contained in subsection (9) of R.S. 4472, as amended; (46 U.S.C., Sup. 170); as follows:

To Part 146, Transportation or Storage of Explosives or Other Dangerous Articles or Substances, and Combustible Liquids on Board Vessels, add the following new section:

§ 146.23-13 *Hydrochloric acid in bulk.* (a) Hydrochloric acid may be transported in bulk on board cargo vessels when loaded in rubber-lined tanks (pressure vessel type) independent of the structure of the vessel; constructed, tested and otherwise in full accordance with ICC Specifications 103B or 103BW.

(b) Independent tanks shall be so fitted as to provide sufficient space between the tank and any fixed structural part of the vessel, or in lieu thereof the installation shall be such as it will be practicable to move said tanks for the inspection of the structure of the vessel and the tanks. The design indicative of the manner in which the tank is to be supported and secured on board the vessel shall be approved by the Bureau of Marine Inspection and Navigation prior to installation. Plans shall be submitted when requesting approval.

(c) Hydrochloric acid adulterated by other chemicals, inhibitors, oils, solvents, water, etc., shall not be accepted or transported in bulk on board vessels in rubber-lined specification containers ICC 103B or 103BW.

(d) Hydrochloric acid shall not be accepted or transported in specification containers ICC 103B or 103BW when such tank last contained a product other than one authorized to be transported in such tank by the regulations of the Interstate Commerce Commission. Hydrochloric acid shall not be loaded into a tank which last contained one of the other substances authorized to be loaded in said tank until the tank has been thoroughly washed.

(e) In addition to the markings required by the ICC Specifications the legend "Hydrochloric Acid Only" shall be stenciled, or painted in block letters, (said stenciling or lettering to be at least 2" high) upon the dome or upper portion of the tank in a position plainly visible under operating conditions. This lettering shall be maintained legible at all times.

(f) Conductor piping forming the loading or delivery line of the tank shall be constructed of material that will withstand the severe action of the lading. Any one of the following materials may be used:

(1) Rubber-lined steel pipe, not less than 2" inside diameter before lining.

(2) Strong, acid-resistant, pressure-suction rubber hose.

(3) Hard rubber pipe.

(4) Flange connections shall, if of steel, be adequately protected by means of rubber lining from acid coming in contact therewith.

(5) All valves and fittings shall be of a material resistant to the action of hydrochloric acid.

(6) A design layout of the piping, valves and fittings to be installed on the vessel (other than covered by ICC specifications applicable to the tank) to be used in loading or unloading hydrochloric acid on or from the vessel shall be submitted to the Bureau of Marine Inspection and Navigation prior to installation; said plans shall be in sufficient detail to identify the characteristics of all piping, valves and fittings.

(7) Filling and discharge pipe connections shall be kept disconnected at the tank except when actually loading or unloading the lading of the tank and the outlets on the tank blanked off: *Provided, however*, Such piping need not be disconnected when an efficient stop valve is fitted in the line in a location as close to the tank dome as is practicable.

(8) Discharge connections shall not be detached until pressure in the tank and line has been completely released.

(g) Unloading of hydrochloric acid may be by acid pump, siphon or compressed air.

(1) Air pressure in excess of 30 pounds per square inch shall not be used in unloading hydrochloric acid.

(2) Compressed air used for unloading shall be as free as possible from oil,

[1] 6 F.R. 254, 303, 371, 424, 462, 490.

moisture, or foreign matter. To insure this, the air supply shall be taken from the top of the air receiver (reservoir). This reservoir shall be drained at regular intervals. Compressor shall be disconnected from air line at all times except when actually being used to discharge contents of tank. The air line shall be thoroughly blown out in a reverse direction before making connections to discharge acid. The open ends of the air line at the point of connection to the shore system and tank shall be carefully blanked off when not in use.

(3) All caution markings on sides of tank or dome shall be observed before commencing filling or discharge operations.

(4) When air pressure is used for unloading acid the air line shall include the following fittings: Commencing at the tank and working towards the compressor, these fittings shall be installed in the following order; an ell having a flange on one end to connect with the air inlet flange on the tank with a full faced soft rubber gasket, the opposite end of the ell may consist of a flange or ordinary pipe connection to take either a pipe or flexible rubber hose. Fixed air piping leading to compressor, when desired, an acid resisting flexible rubber hose of optional length may be installed between the ell and the fixed piping. A bleeder valve to release air pressure. A pop valve set to blow at 30# pressure. An air gauge. A pressure-reducing valve set at 30#. An air shutoff valve. A water separator or trap. When it is desired to install these fittings as part of the shore system the only portion of this assembly that is required to be part of the vessel's equipment shall consist of the "ell", the bleeder valve to release air pressure, the pop valve set to blow at 30# pressure, and an air shutoff valve which shall be located at the dome of each tank.

(h) Tools necessary in the operation of loading or unloading of the acid shall be kept clean and so used as to prevent damage to the rubber lining of dome closures, piping or fittings. A hammer or chisel shall not be used for loosening dome fittings, for connecting or disconnecting the filling, discharge or air lines, or upon the tank at any time while the tank is filled with acid or is under discharge pressure.

Gauging rods, if used, shall be of wood. The lower end of such rods shall be equipped with a soft rubber plug.

Tools, bolts, nuts or other material actually dropped into a tank through dome openings shall be removed from the tank before the next loading.

Organic solvents, oils and greases, even in the most minute quantity, shall never be used where they will come in contact with the rubber-coated surfaces of the tank, dome, opening covers or discharge lines. To lubricate nuts or bolts a mixture of flake graphite and gylcerol shall be used.

Tanks shall be kept closed at all possible times to prevent sunlight coming in contact with the rubber lining. Connecting flanges of rubber-lined pipe shall "when broken" be protected from the action of sunlight.

Protect the interior of the tank from the weather. Water or other liquids shall not be introduced into tanks except upon permission of competent authority.

Persons shall not be permitted to remove dome cover and enter tanks except upon permission of competent authority.

(i) Tanks and their fittings shall be retested at intervals conforming with the requirements of the applicable ICC specifications.

(j) Before a tank is placed in service the vessel owner shall furnish the Bureau of Marine Inspection and Navigation a report certifying that the tank and its equipment complies with all the requirements of the applicable specification ICC–103B or ICC–103BW.

The provisions of this order are effective immediately. (R.S. 4472, as amended; 46 U.S.C.; Sup. 170).

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

DECEMBER 20, 1941.

[F. R. Doc. 41–9608; Filed, December 20, 1941; 1:04 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–134]

IN THE MATTER OF W. W. COFFEY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1685, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not W. W. Coffey, Registered Distributor, Registration No. 1685, whose address is Lynchburg, Virginia, the respondent in the above-entitled matter, has violated any provisions of the Act, the Code, any Orders or Regulations of the Division, including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed December 16, 1940, by respondent, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12, and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. During the period from May 26, 1941, to July 31, 1941, both dates inclusive, The Logan & Kanawah Coal Company, acting as sales agent for the Raine Coal and Lumber Company, a code member, sold and shipped to Patterson Mills Company of Roanoke Rapids, North Carolina, approximately 1227.6 net tons of 1¼" nut and slack coal produced by said code member. Respondent secured and accepted from The Logan & Kanawha Coal Company, in the above transactions, approximately $147.31 in the form of discounts from the effective minimum price, although said coal was invoiced to the purchaser by The Logan & Kanawha Coal Company directly, and respondent neither purchased nor resold said coal.

3. In securing, accepting, and retaining the compensation referred to in paragraph 2 hereof, respondent violated paragraph (d) of the Agreement since such transactions were not purchases of coal by him for bona fide resale.

4. In securing, accepting, and retaining the compensation referred to in paragraph 2 hereof, the respondent violated paragraph (g) of the Agreement since respondent performed no service of value in said transactions for The Logan & Kanawha Coal Company acting in the capacity of sales agent for the Raine Coal and Lumber Company, code member.

5. The compensation referred to in paragraph 2 hereof received by respondent from The Logan & Kanawha Coal Company acting as sales agent for the Raine Coal and Lumber Company, was disproportionate to the ordinary value of the services rendered by respondent in said transactions and was paid to respondent with the primary intention and purpose of securing preferment with the said Patterson Mills Company. Respondent in securing, accepting and retaining said compensation, participated in transactions in violation of section 4 II (i) (13) of the Act, Part II (i) (13) of the Code, and Rule 13 of section XIII of the Marketing Rules and Regulations and thereby violated paragraphs (c) and (e) of the Agreement.

6. During the period from July 8, 1941 to August 25, 1941, both dates inclusive, the Minter Fuel Company, acting as sales agent for the E. C. Minter Coal Company, a code member, sold and shipped to Roanoke Mills Company, Roanoke Rapids, North Carolina, approximately 1504.7 net tons of mine run coal produced by said code member. Respondent secured and accepted from the Minter Fuel Company, in the above transactions, approximately $156.55 in the form of discounts from the effective minimum price, although said coal was invoiced to the purchaser by Minter Fuel Company directly, and respondent neither purchased nor resold said coal.

7. In securing, accepting, and retaining the compensation referred to in paragraph 6 hereof, respondent violated paragraph (d) of the Agreement since such transactions were not purchases of coal by him for bona fide resale.

8. In securing, accepting, and retaining the compensation referred to in paragraph 6 hereof, respondent violated paragraph (g) of the Agreement since respondent performed no service of value in said transactions for the Minter Fuel Company acting in the capacity of sales agent for the E. C. Minter Coal Company, code member.

9. The compensation referred to in paragraph 6 hereof, received by respondent from Minter Fuel Company acting as sales agent for the E. C. Minter Coal Company was disproportionate to the ordinary value of the services rendered by respondent in said transactions and was paid to respondent with the primary intention and purpose of securing preferment with said Roanoke Mills Company. Respondent in securing, accepting, and retaining said compensation accordingly participated in transactions in violation of section 4 II (i) (13) of the Act, Part II (i) (13) of the Code, and Rule 13 of section XIII of the Marketing Rules and Regulations, and thereby violated paragraphs (c) and (e) of the Agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 30, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at the United States Court, Lynchburg, Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges alleged herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division; within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the alleged charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 20, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9616; Filed, December 22, 1941; 10:57 a. m.]

[Docket No. A–1180]

PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MILLS MINE (MINE INDEX NO. 202) IN DISTRICT NO. 22 AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF 95 CENTS PER TON FOR ¾" SLACK COAL OF THE A. C. M. #4 MINE (MINE INDEX NO. 1) IN THAT DISTRICT FOR SALE IN CARLOAD LOTS TO THE GREAT NORTHERN RAILWAY COMPANY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 12, 1942 at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 22 for (1) a change in the classification of the Mills Mine, Mine Index No. 202, from Subdistrict 1 to Subdistrict 9 in District No. 22; (2) revision of the effective price classifications and minimum prices for the coals of that mine, for truck shipments, as follows:

	6" Lp. and over	2" Lp.	9" x 6"	6" x 2"	2" x 1¼"	1¼" x ¾"	1¼" x ⅜"	1¼" x 0	1" x 0	⅜" x 0
Size Group No.	1	2	3	5	7	8	9	10	11	12
Prices from	350	325	350	350	274	250	175	110	95	75
To	350	325		300	250		150	100		

and (3) the establishment of a minimum price of 95 cents per net ton f. o. b. the mine, for ¾" slack coal produced from the A. C. M. #4 Mine, Mine Index No. 1, of the Gerber Coal Company, for sale in carload lots to the Great Northern Railway Company for railway use.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9617; Filed, December 22, 1941; 10:57 a. m.]

[General Docket No. 25]

IN THE MATTER OF AMENDING RULE 10 OF SECTION II OF THE MARKETING RULES AND REGULATIONS, AS PRESCRIBED IN GENERAL DOCKET NO. 15, AND § 304.19 (c) OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS, AS PRESCRIBED IN GENERAL DOCKET NO. 12

NOTICE OF AND ORDER FOR HEARING

The Acting Director being of the opinion that a hearing should be held con-

cerning whether Rule 10 of Section II of the Marketing Rules and Regulations and § 304.19 (c) of the Rules and Regulations for the Registration of Distributors, as prescribed in General Dockets No. 15 and No. 12, respectively, should be amended for the purposes of clarification or otherwise.

It is therefore ordered, That a hearing on such matter be held on January 26, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before January 23, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

The matter concerned herewith is in regard to possible amendments of Rule 10, Section II, Marketing Rules and Regulations, and § 304.19 (c), Rules and Regulations for the Registration of Distributors, as set forth in the Appendix attached hereto, or in such other matter, germane to the subject matter hereof, as may be presented by petition of intervention or otherwise.

Notice is further given that any Order that may be entered herein may prescribe such amendments of either of the above-described Rules as may be germane to the subject matter thereof and consistent with evidence that may be adduced and the provisions of the Act relating thereto.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

APPENDIX

Possible Amendments for Consideration at Hearing

Rule 10, Section II, Marketing Rules and Regulations. No commission shall be paid to a sales agent, directly or indirectly, by a code member for the sale of coal to any person who is partially or completely owned or controlled by, or who partially or completely owns or controls, such sales agent, or where the sales agent and the person to whom the coal is sold are under a common ownership or control, partial or complete: *Provided,* That a commission may be allowed and paid in a case where the Division, upon application therefor by the sales agent or by a code member determines that the relationship between the sales agent and the person to whom the coal is sold is such that the allowance of a sales agency commission is not prohibited by Section 4 II (i), 11 and 12, of the Bituminous Coal Act of 137 (Rules 11 and 12 of Section XIII of the Marketing Rules and Regulations), and will not violate any other provisions of the Act or any rule or regulation promulgated by the Bituminous Coal Division, and the Division also determines that the relationship is bona fide and is not established to secure an indirect price reduction.

§ 304.19 (c) *Rules and Regulations for the Registration of Distributors.* No distributor's discount shall be accepted by a distributor on coal purchased by such distributor for resale to any person who is partially or completely owned or controlled by, or who partially or completely owns or controls, such distributor, or where the distributor and the person to whom the coal is resold are under a common ownership or control, partial or complete: *Provided,* That a distributor's discount may be accepted in a case where the Division, upon application therefor by the distributor, determines that the relationship between the distributor and the person to whom the coal is resold is such that the allowance of a distributor's discount is not prohibited by section 4 II (i), 11 and 12 of the Bituminous Coal Act of 1937 (Rules 11 and 12 of section XIII of the Marketing Rules and Regulations), and will not violate any other provisions of the Act or any rule or regulation promulgated by the Bituminous Coal Division, and the Division also determines that the relationship is bona fide and is not established to secure an indirect price reduction.

[F. R. Doc. 41-9623; Filed, December 22, 1941; 10:57 a. m.]

[Docket No. D-5]

IN THE MATTER OF THE APPLICATION OF SERGEANT COAL SALES COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO E. M. SERGEANT COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

E. M. Sergeant, an individual doing business under the name and style of Sergeant Coal Sales Company in Kalamazoo, Michigan, being registered with the Division as a distributor, No. 8264, and acting as a sales agent for certain producers, filed his petition praying:

"For a determination herein that his 'ownership' or 'control' over E. M. Sergeant Coal Company, if any, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act."

It is ordered, That a hearing on such matter be held on February 17, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths, and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 13, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary

corollaries to the relief, if any, granted on the basis of this petition.

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9618; Filed, December 22, 1941; 10: 57 a. m.]

[Docket No. B-35]

IN THE MATTER OF W. F. RASNICK (BLUE EAGLE COAL COMPANY) ALSO KNOWN AS W. F. RASNICK AND MINNIE BARRETT, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF BLUE EAGLE COAL COMPANY, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 12, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 13, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 28, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the County Court House, Abingdon, Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendants, W. F. Rasnick (Blue Eagle Coal Company) also known as W. F. Rasnick and Minnie Barrett, individually and as co-partners, doing business under the name and style of Blue Eagle Coal Company, a code member, whose addresses are Swords Creek, Russell County, Virginia, on or about January 21, 1941, offered to sell, delivered and sold to one J. E. Cockerum of Mt. Airy, North Carolina, and to Jack Shore of Boone, North Carolina, approximately 6.05 net tons and 5.4 net tons respectively, of High Volatile Size Group 5 or stoker coal produced by the defendants at the defendants' Blue Eagle Mine, Mine Index No. 2210, located at or near Swords Creek, Virginia, in District No. 8, at $1.55 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 5 and is priced at $2.25 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipments; and,

That said defendants, during the period October 1, 1940, to April 21, 1941, both dates inclusive, delivered f. o. b. said mine, to one E. B. Neal of Bluefield, Virginia, and to one Bill Cook of North Tazewell, Virginia, approximately 40 net tons and 10 tons respectively, of High Volatile Size Group 7 or 2" and under slack coal, produced by defendants at said mine, without any charge whatsoever therefor but as a gift from the defendants to said E. B. Neal and said Bill Cook respectively, whereas this coal is classified as Size Group 7 and is priced at $1.55 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipments.

Dated, December 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9619; Filed, December 22, 1941; 10:58 a. m.]

[Docket No. 1787-FD]

IN THE MATTER OF CLARENCE MALLIOTT AND WM. MAUCH, A CO-PARTNERSHIP, D. B. A. SILVER TIP MINING COMPANY, CODE MEMBER, DEFENDANTS

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Billings, Montana, on November 14, 1941, pursuant to the Order of the Director dated October 7, 1941, and at the request of the defendants having been continued by the examiner without date, subject to the further order of the Director; and

It appearing to the Acting Director that said matter should now be rescheduled for hearing;

It is ordered, That a hearing in the above-entitled matter be held on January 19, 1942, at 10 o'clock a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana; and

It is further ordered, That D. C. McCurtain or any other officer of the Division duly designated shall preside at the hearing in the above-entitled matter, vice Scott A. Dahlquist.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9622; Filed, December 22, 1941; 10:58 a. m.]

[Docket No. A-1199]

PETITION OF DISTRICT BOARD NO. 8 FOR A REVISION OF THE MINIMUM PRICES OF THE COALS OF CERTAIN MINES IN BREATHITT COUNTY, KENTUCKY, SUBDISTRICT NO. 3 IN DISTRICT NO. 8, FOR TRUCK SHIPMENTS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for a revision of the minimum prices of the coals of certain mines in District No. 8 for truck shipment; and more specifically for a decrease in the minimum prices for the coals of Mine Index Nos. 4004, 2476, 1312, 2876, 1315, and 1316 in

Size groups	1	2	3	4	5	6	7	8
From	$2.75	$2.55	$2.20	$2.25	$2.05	$2.10	$1.55	$1.50
To	2.65	2.45	2.10	2.05	1.90	2.00	1.45	1.40

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9620; Filed, December 22, 1941; 10:58 a. m.]

[Docket No. A-1100]

PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE MINIMUM PRICES AND CHANGE IN THE SEAM DESIGNATIONS OF THE CANNEL COALS OF CERTAIN CODE MEMBERS IN MORGAN COUNTY, KENTUCKY, SUBDISTRICT NO. 1, IN DISTRICT NO. 8, FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petition of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board 8 for revision of the minimum prices and change in the seam designations to increase the prices of the cannel coals of certain code members in Morgan County, Kentucky, Subdistrict No. 1, in District No. 8, for truck shipment; and more specifically for a change in the minimum prices for the coals of Mine Index Nos. 5060, 1215, 2833, 4041, 1223, 3519, 3531, and 3594 in

Size groups	1	2	3	4	5	6	7	8
From	$2.65	$2.45	$2.10	$2.20	$2.05	$2.00	$1.50	$1.45
To	3.50	.....	3.00	.....	2.50	.....	1.50	.....

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9621; Filed, December 22, 1941; 10:59 a. m.]

[Docket No. 1789-FD]

IN THE MATTER OF LUMBERMAN'S BRICK & SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 5757, RESPONDENT

ORDER FOR RESTORATION OF REGISTRATION

The Director, on November 14, 1941, having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon suspending the registration as a distributor of the respondent, the Lumberman's Brick & Supply Company, Registration No. 5757, for a period of thirty (30) days from the date of said Order; and

Said Order having been served upon the respondent on November 18, 1941; and

Lumberman's Brick & Supply Company, the respondent in the above-entitled matter, having filed with the Division on December 11, 1941, an affidavit dated December 9, 1941, pursuant to the provisions of said Order dated November 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said affidavit of Lumberman's Brick & Supply Company sufficiently complies with the provisions of said Order dated November 14, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors;

Now, therefore, it is ordered, That the registration of Lumberman's Brick & Supply Company as a distributor be and it hereby is restored, as of December 15, 1941.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9624; Filed, December 22, 1941; 10:59 a. m.]

[Docket No. 1730-FD]

IN THE MATTER OF COMMERCIAL FUEL COMPANY DEFENDANT—

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on June 12, 1941, by the Bituminous Coal Producers Board for District No. 15, as complainant, pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Commercial Fuel Company, a defendant in the above-entitled matter, of the Act, the Bituminous Coal Code (the "Code"), and the effective minimum prices established thereunder by selling during the period November 11, 1940 to March 20, 1941, both dates inclusive, approximately 594 tons of coal at prices less than the effective minimum prices therefor; and

An Order having been made herein on December 9, 1941, cancelling and revoking the code membership of the Commercial Fuel Company effective ten (10) days from the date thereof; and

Said order of cancellation and revocation having been duly served upon the Commercial Fuel Company; and

The Commercial Fuel Company having filed with the Division its application dated December 17, 1941, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of its code membership; and

It appearing from said application that the Commercial Fuel Company has paid to the Collector of Internal Revenue at Wichita, Kansas, on December 16, 1941, the sum of $416.99, pursuant to said Order dated December 9, 1941, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of the Commercial Fuel Company, dated December 17, 1941, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of code membership and the same be and is hereby granted.

It is further ordered, That said restoration of the code membership of the Commercial Fuel Company shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9625; Filed, December 22, 1941; 10:59 a. m.]

[Docket No. A-7]

PETITION OF DISTRICT BOARD 11 FOR RELIEF IN RESPECT TO OFF-LINE RAILROAD FUEL PRICES FOR CERTAIN CODE MEMBERS IN DISTRICT 11, AND RELATED MATTERS

[Docket No. A-478]

PETITION OF DISTRICT BOARD 11 FOR THE ESTABLISHMENT OF RAILROAD FUEL PRICES FOR MINE INDEX NOS. 5, 57, 58, 80, 81, 87, AND 88, OF DISTRICT 11, UPON COAL SOLD TO THE C. I. & L. RAILWAY FOR FUELING ITS LOCOMOTIVES AT THE K. & I. RAILWAY COAL DOCK AT LOUISVILLE, KENTUCKY

[Docket No. A-751]

IN THE MATTER OF THE MINIMUM PRICES IN THE SALE OF LOCOMOTIVE FUEL BY THE SUNLIGHT COAL COMPANY, DISTRICT NO. 11, TO THE CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILROAD COMPANY, AND REQUEST FOR PRELIMINARY AND PERMANENT RELIEF

MEMORANDUM OPINION AND ORDER CONCERNING MOTION FOR RECONSIDERATION

These are proceedings instituted upon original petitions filed with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In Docket No. A-7, District Board 11 requested that certain freight absorptions be permitted on off-line shipments of coals from certain District 11 mines located on the Algers, Winslow and Western Railroad ("A. W. & W.") and other railroads to the New York Central Railroad ("N. Y. C."), Chicago and Eastern Illinois Railway ("C. & E. I."), and the Southern Railway ("Southern") for use as locomotive fuel. By an Order dated February 28, 1941, the Director granted permanent relief as prayed to Mine Index No. 11 for shipment to the N. Y. C. and C. & E. I. and for Mine Index No. 75 for shipment to N. Y. C., and set a further hearing for the mines shipping to the Southern. The prayer involved in the further hearing was that a freight absorption be permitted on shipment of coal for railroad locomotive fuel from Enos Mine (Mine Index No. 36) of Enos Coal Mining Company, Patoka (Globe) Mine (Mine Index No. 41) of Ayrshire Patoka Collieries Corporation, 20th Century Mine (Mine Index No. 92) of 20th Century Coal Corporation and Winslow Mine (Mine Index No. 97) of Winslow Coal Corporation, served by the A. W. & W. for shipment to the Southern. Petitions of intervention in opposition to this relief were filed by Sunlight Coal Company ("Sunlight") and others. Upon the record of the hearing submitted to him after waivers of the Examiner's Report by all the parties, the Director, on September 25, 1941, issued an Order granting permanent relief as prayed.

In Docket No. A-478, District Board 11 sought the establishment of a railroad fuel price of $1.57 per ton for coals of certain mines on line to the Southern Railway for sale to the Chicago, Indianapolis & Louisville Railway ("C. I. & L." or "Monon") for fueling its locomotive at the railway coal dock of the Kentucky & Indiana Terminal Railroad ("K. & I.") at Louisville, Kentucky, and requested that the coals be subject to certain substitution privileges provided for in the price schedules, and that relief to Mine Index No. 87 (Sunlight No. 11 Mine) be made retroactive to October 1, 1940. Sunlight here intervened in support of relief. Upon the record of the hearing submitted to him after waivers of the Examiner's Report by all the parties, the Director issued, on September 16, 1941, an Order denying relief.

In Docket No. A-751, Sunlight, as original petitioner, requested that it be permitted to absorb 32.6 cents per ton from the presently established minimum f. o. b. mine price of $1.90 per ton on sales of locomotive fuel from its Sunlight No. 11 Mine (Mine Index No. 87) to the C. I. & L., thus permitting the Sunlight No. 11 Mine to have an effective minimum price of $1.574 per ton for sale of locomotive fuel to the said railroad. After a hearing thereon, Examiner D. C. McCurtain, on August 14, 1941, filed his Report in which he recommended that the relief requested herein be denied. On August 29, 1941, Sunlight filed exceptions to Examiner McCurtain's Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations and requested the opportunity to present oral argument. On September 30, 1941, the Director issued a Memorandum Opinion approving and adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner in their entirety and an Order denying relief and denying the request for an oral argument.

On October 10, 1941, Sunlight, intervenor in Dockets Nos. A-7, and A-478, and original petitioner in Docket No. A-751, filed a motion seeking a reconsideration of the matters involved in these three dockets and requesting the Director to grant the relief requested in Dockets Nos. A-478 and A-751 and to deny the relief requested in Docket No. A-7 if relief be ultimately denied in Docket No. A-751. This motion is now before the undersigned.

Dockets Nos. A-7 and A-751

Sunlight contends that in Docket No. A-7 the Director has departed from the principle that no adjustments of off-line locomotive fuel sales should be permitted "except where necessary to protect existing sales tonnage and to maintain existing fair competitive opportunities," by granting the relief requested therein. It is alleged by Sunlight that the mines on the A. W. & W. therein given relief had never in the past, with slight exception, made shipments of railroad locomotive fuel to the Southern. Sunlight contends that the finding of the Director that the A. W. & W. is a tap line connecting with the N. Y. C. and the Southern is not a valid ground for distinction. Sunlight states that the rec-

ord shows that the mines on the A. W. & W. have been considered and operated as adjuncts of the N. Y. C.; that the operators of such mines have in the past considered the N. Y. C. as a sufficient outlet for their railroad fuel, and have shown no reason why such an outlet will not be sufficient in the future.

Sunlight further contends that the following paragraph from the Director's finding in Docket No. A–751 is directly contrary to the granting of relief in Docket No. A–7:

"The granting of the relief requested here would result in the disruption of the 'existing fair competitive opportunities' of the mines located on the C. I. & L. R. R. The relatively fixed and stable market for locomotive fuel is of extreme importance to the continued operation of the mines located on trunk line carriers. This should be disrupted only when a clear need therefor is shown."

Sunlight states that the evidence in Docket No. A–7 furnishes no basis for a finding that mines on the A. W. & W. should have a market for their locomotive fuel on the Southern. Such market has never been enjoyed by these mines in the past, and, since no facts were presented showing that the N. Y. C. will not present a sufficient outlet in the future, a clear need therefor, it is said, is not shown.

Sunlight submits that the finding by the Director in Docket No. A–751 is inconsistent with his decision in Docket No. A–7; that the fact that the mines on the A. W. & W. are located on a tap line is immaterial since they have in the past consistently sold their coal to the N. Y. C. and have not sold locomotive fuel to the Southern. Sunlight contends that it is unfair and prejudicial to apply a standard of protection of "existing sales tonnage" in Docket No. A–751 and at the same time to apply, what it believes to be, a different standard in Docket No. A–7.

Sunlight also asks that the Director's Findings in Docket No. A–751 be reexamined on the ground that the denial of relief therein deprived it of a *right*, which it had prior to October 1, 1940, to absorb 32.6 cents per ton on sales to the C. I. & L., which constituted an existing fair competitive opportunity. Certainly, Sunlight submits, if it is not permitted to sell locomotive fuel to the C. I. & L. in competition with the on-line mines, then its railroad business on the Southern should likewise not be turned over to the mines on the A. W. & W.

I have carefully considered the contentions of Sunlight in the light of the Director's rulings in Dockets Nos. A–7 and A–751 and do not find therein any justification for the modification of the Director's Findings and Orders in those matters. In General Docket No. 15 the Director found that no adjustments of off-line sales should be permitted except where necessary to protect existing fair competitive opportunities. Docket No. A–751 presents the typical situation for the application of this standard. The Sunlight No. 11 Mine, being on-line to the Southern, utilizes its trunk line carrier for a market for its coals. It has not in the past sold off-line fuel to the C. I. & L. Docket No. A–7, on the other hand presents an exceptional case of mines entitled to off-line prices. The A. W. & W. is a tap line railroad connecting both with the N. Y. C. and the Southern at Oakland City Junction. Since the A. W. & W. is an insufficient market for the railroad fuel of its on-line mines, it has always been necessary for such on-line mines to ship to either the N. Y. C. or Southern, and the fact that they shipped in the past chiefly to the N. Y. C. does not deny their ever-existing fair competitive opportunity to ship to the Southern. The past shipments to the N. Y. C. are an additional, and not the sole justification for the absorption allowed on shipments to it. The exceptional situation and disadvantageous position of the mines on the A. W. & W. has been recognized by allowing them freight absorptions on commercial tonnages.[1] This geographical position with relation to the Southern is practically identical to that with relation to the N. Y. C. and differs radically from the position of the Sunlight No. 11 mine. *Existing fair competitive opportunity* and *"right"* are not necessarily synonymous as Sunlight contends. A *"right"* (more properly, a *power*, as Sunlight uses the word) to make an absorption on off-line sales must be considered in the light of the standards of the Act, such as the position of the mines involved in the producing area and their relationship to the market and the competition and distribution therein. The position of the mines on the A. W. & W. is such that of necessity they must have preserved to them their power to make a freight absorption on shipments to *either* the N. Y. C. or the Southern. The undersigned cannot deny such an existing fair competitive opportunity merely because it consists of an alternative, of one part of which, up until the present, the mines have taken no full advantage.

Docket No. A–478

The absorption requested for Sunlight No. 11 Mine in Docket No. A–478 is similar to that requested in Docket No. A–751, except that the requested relief is confined to shipments to one destination. The coal is to be used by the C. I. & L. for fueling of its locomotives at the K. & I. docks in Louisville, Kentucky. District Board 11, on behalf of Sunlight and other mines, here limits its request to an absorption to make profitable to the C. I. & L. a shipment to the K. & I. docks via the Southern and C. I. & L., a movement inaugurated by Sunlight in the summer of 1940, rather than the previous more direct movement via the Southern only. Sunlight relies upon these 1940 shipments as a basis for relief, and asks an absorption which will put its coal on a price parity with the coal of the C. I. & L.'s on-line mines.

After careful reexamination of the record in Docket No. A–478 in the light of Sunlight's contentions in its motion for reconsideration, the undersigned does not find that existing sales tonnage of railroad locomotive fuel to the C. I. & L. is alone sufficient to warrant relief requested in that proceeding. The controlling standard is whether an absorption is necessary to preserve as nearly as may be an existing fair competitive opportunity. The need for the specific locomotive fuel outlet for the preservation of existing sales tonnage must be considered, and is an aid in the determination of whether an existing fair competitive opportunity has to be preserved. Upon all the evidence in the record in Docket No. A–478, the Director found that there was no clear existing fair competitive opportunity to preserve. The record does not show why the former established movement to the K. & I. dock is no longer satisfactory, other than to indicate that it is profitable to some extent to the C. I. & L. to haul an additional distance over its own line rather than to have Sunlight coal follow the shorter natural route. This benefit to the C. I. & L. was accomplished by a substantial absorption and loss of realization to Sunlight. Up to about May 1940, the shipments by Sunlight No. 11 Mine to the K. & I. dock were a natural movement, passing over the Southern, to which Sunlight is on-line, direct to the docks. But the movement for which a freight absorption is requested is a longer route, necessitating shipment on the Southern to French Lick, and therefrom on the C. I. & L. to Louisville. Such a movement over the C. I. & L. is not an economical movement in the absence of evidence that the mines on the C. I. & L. are not able to supply its requirements at the K. & I. docks. Moreover, it has not been shown that Sunlight requires this requested absorption in order to preserve its sales to C. I. & L. Prior to May 1940, C. I. & L. purchased from Sunlight coal for use at the K. & I. docks shipped via Southern. It may still do so.

Now, therefore, it is ordered, That the relief requested in the motion of Sunlight Coal Company for reconsideration of the decisions in Dockets Nos. A–7, A–478 and A–751, be and the same hereby is denied.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9626; Filed, December 22, 1941; 10:09 a. m.]

[1] The Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, as amended in Docket No. A–305, provides "Minimum prices provided herein for rail shipment by Mine Index Nos. 36, 41, 29, and 97 may be decreased by the amount necessary to deliver the coal at destination at the same price as if Oakland City Junction, Indiana, has been used as the shipping point."

Bureau of Reclamation.

BOISE PROJECT, IDAHO, ANDERSON RANCH RESERVOIR SITE

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 22, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat., 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat., 388).

BOISE PROJECT, IDAHO, ANDERSON RANCH RESERVOIR SITE

Boise Meridian

Township 2 North, Range 10 East:
Section 30, Lots 4, 5, 7, 9, 10, 11, 12, E½SW¼.
Section 31, Lots 1, 5, 8, 9, 16.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 4, 1941.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

DECEMBER 11, 1941.

[F. R. Doc. 41–9598; Filed, December 20, 1941; 10:44 a. m.]

SAN CARLOS PROJECT, NEW MEXICO, ALMA RESERVOIR SITE

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 10, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

SAN CARLOS PROJECT, NEW MEXICO, ALMA RESERVOIR SITE

New Mexico Principal Meridian

Township 10 South, Range 20 West:
Section 8, NW¼;
Section 18, Lot 6, SE¼NW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: December 10, 1941.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

DECEMBER 15, 1941.

[F. R. Doc. 41–9599; Filed, December 20, 1941; 10:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

1942 SPECIAL AGRICULTURAL CONSERVATION PROGRAM FOR THE SOUTHERN GREAT PLAINS AREA

Payments will be made for participation in the 1942 Special Agricultural Conservation Program for the Southern Great Plains Area (hereinafter referred to as the 1942 Southern Great Plains Program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. This program will be applicable in counties in the Southern Great Plains designated by the Secretary.

SECTION 1. *Allotments and goals.* County acreage allotments will be determined by the Agricultural Adjustment Administration with the assistance of the State committee in accordance with the provisions contained herein. Farm acreage allotments, permitted acreages, farm normal yields, and farm productivity indexes shall be determined, and restoration land shall be designated, by the county committee, with the assistance of other local committees in the county, in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration.

(a) *Wheat*—(1) *National, State, and county acreage allotments.* The provisions of § 701.301, paragraph (g), subparagraphs (1) and (2), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942), as now or hereafter amended (hereinafter referred to as the 1942 Agricultural Conservation Program Bulletin (ACP–1942)), are incorporated as this subparagraph (1).

(2) *Farm acreage allotments.* The provisions of § 701.301, paragraph (g), subparagraph (3), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (2).

(3) *Non-wheat-allotment farm* means any farm (i) for which no wheat allotment is determined; or (ii) for which a wheat allotment of 15 acres or less is determined and the acreage seeded to wheat exceeds the allotment by 10 percent or more; or (iii) any farm for which a wheat allotment or permitted acreage of more than 15 acres is determined and on which wheat is normally planted for green manure, hay, or pasture, or will be planted for such use in 1942, and the county committee approves, in accordance with instructions issued by the Agricultural Adjustment Administration, the classification of such farm for the purposes of the 1942 program as a non-wheat-allotment farm.

(4) *Acreage planted to wheat* means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Administration upon recommendation of the State committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which is harvested or remains on the land after the final date for disposing of volunteer wheat, such date to be specified by the regional director upon recommendation of the State committee; (iii) any acreage of land which is seeded to a mixture containing wheat designated under (i) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That all or any part of any wheat acreage determined by the county committee to have been totally destroyed by any cause beyond the control of the operator may be considered as not having been planted to wheat, if it cannot be reseeded and with prior approval of the county committee is later replaced by other acreage of seeded or volunteer wheat.

(b) *Cotton*—(1) *National, State, and County acreage allotments.* The provisions of § 701.301, paragraph (b), subparagraphs (1) and (2), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (1)

(2) *Farm acreage allotments.* The provisions of § 701.301, paragraph (b), subparagraph (3), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (2).

(3) *Permitted acreages.* The provisions of § 701.301, paragraph (b), subparagraph (4), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (3).

(4) *Acreage planted to cotton* means the acreage of land seeded to cotton, except that (1) if any acreage in excess of the allotment or permitted acreage fails to reach the stage of growth at which bolls are first formed, (2) if any acreage in excess of the allotment or permitted acreage is disposed of within ten days after notice of the amount of acreage seeded to cotton is given, where such notice is not given ten days prior to the time bolls are first formed, or (3) if substantially all the cotton produced on a particular acreage is determined to be cotton, the staple of which is 1⅛ inches or more in length, then such acreage shall not be considered as planted to cotton.

(c) *Potatoes*—(1) *National, State, and farm acreage allotments.* The provisions of § 701.301, paragraph (d), subparagraphs (1) and (2), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (1).

(2) *Commercial potato farm.* The provisions of § 701.301, paragraph (d), subparagraph (4), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (2).

(3) *Acreage of potatoes harvested* means the acreage of land from which potatoes are harvested or on which potatoes reach maturity except the acreage of potatoes grown in home gardens for use on the farm.

(d) *Corn*—(1) *National, State, and County acreage allotments.* The provisions of § 701.301, paragraph (a), subparagraphs (1) and (2) of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (1).

(2) *Farm acreage allotments.* The provisions of § 701.301, paragraph (a), subparagraph (3) of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (2).

(3) *Commercial corn area.* Counties to be included in the commercial corn area will be determined by the Secretary.

(4) *Non-corn-allotment farm* means a farm in the commercial corn area (a) for which no corn allotment is determined or (b) for which a corn allotment of 15 acres or less is determined and the acreage planted to corn exceeds the allotment by 10 percent or more.

(5) *Acreage planted to corn* means the acreage of land on which field corn is planted (except any acreage of sown corn used as a cover crop or green manure crop) and the acreage of sweet corn used for livestock feed: *Provided*, That all or any part of any corn acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to corn on the farm, may be considered as not having been planted to corn.

(e) *Restoration land*—(1) *Farm restoration land.* The provisions of § 701.301, paragraph (h), subparagraph (1), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this subparagraph (1).

(f) *Minimum conserving acreage and land uses.* (1) The net payment for any farm shall be subject to a deduction of 2 percent of the maximum amount computed in connection with cropland (Section 2 (c), item (1)) for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively to one or more of the following uses throughout the 1942 crop year is less than 20 percent of the cropland on the farm:

(i) An acreage devoted to sweet sorghums, Sudan grass, or millet, used for temporary pasture, silage, or cut for hay. To qualify this acreage must meet the specifications set forth under Practices (14) (b); (14) (c); or (25).

(ii) An acreage devoted to sorghums, Sudan grass, or millet, close-grown or in rows not more than 20 inches apart with all growth being left on the land. To qualify this acreage must meet the specifications set forth under Practice (14) (d).

(iii) An acreage devoted to cowpeas or Mung beans seeded in the spring of 1942 and later plowed or disked into the surface soil. To qualify this acreage must meet the specifications and limitations set forth under Practice (14) (e).

(iv) An acreage left idle during 1942 on which standard terraces are constructed in accordance with specifications set forth under Practice (16).

(v) An acreage devoted to protected summerfallow. To qualify this acreage must meet the specifications set forth under Practice (18) or (19).

(vi) An acreage devoted to forest trees planted on cropland since 1935, cultivated, protected, and maintained in accordance with specifications set forth under Practice (26).

(vii) An acreage planted to forest trees in 1942. To qualify this acreage must meet the specifications set forth under Practice (27).

(viii) An acreage devoted to biennial or perennial legumes or perennial grasses, or mixtures of these, including new seedings, provided such seedings meet the specifications set forth under Practice (2), (3), or (4).

(ix) Green manure crops of which a good stand and good growth is plowed or disked under on irrigated cropland. To qualify this acreage must meet specifications set forth under Practice (13).

SEC. 2. *Rates of payment*—(a) *County rate.* The county rate shall be determined by the Secretary.

(b) *Farm rate.* The farm rate shall be the county rate multiplied by the productivity index for the farm.

(c) *Farm allowance.* The maximum payment, except for the increase in small payments provided for in Section 7, that may be made with respect to any farm in a county shall be the farm rate multiplied by the sum of (1) the acreage of cropland, excluding the acreage of sugar beets planted for harvest in 1942 for the extraction of sugar; (2) the acreage of restoration land; and (3) one-tenth of the acreage of noncrop open pasture land in Oklahoma and Texas. In lieu of item (3) above, the grazing land allowance will be 2 cents per acre of grazing land in the farm, plus 90 cents for each animal unit of grazing capacity (on a 12-month basis) of such grazing land, in Kansas, or 3 cents per acre of grazing land, plus 70 cents for each animal unit of grazing capacity (on a 12-month basis) of such grazing land, in Colorado and New Mexico: *Provided*, That for any farm in Colorado, Kansas, or New Mexico having not more than 2,000 acres of grazing land this grazing land allowance will be 8 cents per acre of grazing land in the farm: *Provided further*, That the grazing capacity item on grazing land on farms having in excess of 2,000 acres shall not be calculated on more than one animal unit for each 10 acres of grazing land in the farm, and the acreage item shall not be calculated on more than 60 acres for each animal unit: *Provided further*, That the amounts computed under this subdivision for any farm in Colorado, Kansas, or New Mexico shall not be less than 8 cents times the number of such acres or 2,000 acres, whichever is smaller; plus 30 cents per acre of mountain meadow land in counties in Colorado designated by the Regional Director as counties in which reseeding and erosion-control practices are necessary and effective in promoting conservation of grazing land.

SEC. 3. *Yields and productivity indexes*—(a) *Wheat normal yields.* The provisions of § 701.301, paragraph (g), subparagraph (4), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this paragraph (a).

(b) *Cotton normal yields.* The provisions of § 701.301, paragraph (b), subparagraph (5), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this paragraph (b).

(c) *Potato normal yields.* The provisions of § 701.301, paragraph (d), subparagraph (3), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this paragraph (c).

(d) *Corn normal yields.* The provisions of § 701.301, paragraph (a), subparagraph (4), of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this paragraph (d).

(e) *Productivity index.* A productivity index shall be determined for each farm. Such productivity index shall be a percentage which reflects the relative productivity of the farm as compared with the average productivity of all farms in the county, adjusted so as to be fair and equitable as compared with the productivity indexes for other farms in the county, taking into consideration type of soil, general fertility, topography, crop yield history, and any farming practices adopted during the year which will affect the crop yields. The average productivity index for all farms in the county shall not exceed 100 percent.

SEC. 4. *Soil-building goals and practices*—(a) *National goal.* The national goal is the conservation of the farm land, the restoration, insofar as is practicable,

of a permanent vegetative cover on land not needed for or unsuited to the continued production of cultivated crops, and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

(b) *County goals.* County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion. The county committee, with the approval of the State Committee, may designate those practices which will be approved toward meeting the soil-building goal in the county in order that the farm allowance will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

(c) *Farm goals.* The soil-building goal for any farm shall be one soil-building practice unit for:

(1) Each acre of cropland excluding the acreage of sugar beets planted for harvest in 1942 for the extraction of sugar.

(2) Each acre of restoration land; and

(3) Each 10 acres of noncrop pasture land in the farm, except that in Kansas, New Mexico, and Colorado one unit shall be computed for each $0.75 of the farm allowance computed with respect to grazing land and mountain meadow land.

The county committee shall determine which of the practices listed in this section are applicable for meeting the soil-building goal for the farms in the county.

The county committee may, upon prior notification to the operator, designate the location and extent of certain practices which must be carried out on the farm. If the operator fails to carry out such practices the county committee may withhold all of the payment for the farm or may withhold that portion of the farm payment which would have been earned by the carrying-out of such designated practices.

(d) *Soil-building practices.* Such of the soil-building practices listed in the following schedule as the county and State committees and the Agricultural Adjustment Administration determine are adapted to any area and should be encouraged in such area may qualify for credit toward the soil-building goal for the farm when such practices are carried out under the provisions of the 1942 program during a period of not more than 12 months, ending between August 31 and December 31, 1942, inclusive, in accordance with specifications issued by the regional director, or by the State committee with the approval of the regional director. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in a workmanlike manner and in accordance with good farming practice for the locality.

If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no credit toward the soil-building goal shall be given for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, credit toward the soil-building goal shall be given for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or any agency thereof by an agency of the same State shall not be deemed to have been furnished by a "State agency" within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service shall not (by virtue of the use of such equipment) be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

Schedule of Soil-Building Practices

The units of credit listed below are the maximum units allowable, and credit for any practice included shall, if necessary in order to reflect relatively lower costs or relative desirability of the practice for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration.

The county committee shall not approve more than one practice for credit when carried out on the same acreage until it has determined that all of the acreage in the farm is adequately protected from wind erosion, and then only where it considers that the combination or duplication of practices will contribute materially to the conservation of soil on the farm. In any event credit for protecting an acreage of cropland or restoration land from wind erosion by any combination of Practices (14) (a), (14) (c), 14 (d), (14) (e), (15), (18), (19), (21), (22), and (24) including duplication of any of these practices on the same acreage shall not exceed one unit per acre.

Where the county committee determines that the carrying-out of any of Practices (14), (13), (20), or (25) has not resulted in the establishment of sufficient cover to adequately protect the land, credit will not be given for such practice unless the land on which sufficient cover was not established is listed on the contour (or by such other method which will control wind erosion) in the fall of 1942.

Application of material. (1) Application of superphosphate to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, permanent pasture, or green manure crops in orchards, 48 pounds available P_2O_5, 3 units.

Seedings. (2) Seeding alfalfa, 1 acre, 6 units.

(3) Seeding permanent grasses or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop, 1 acre, 5 units.

(4) Seeding biennial legumes, timothy, or redtop, 1 acre, 2 units.

Pasture improvement. (5) Reseeding depleted pastures or restoration land with good seed of adapted pasture grasses, perennial legumes, or approved pasture mixtures, 3 pounds, 1 unit.

(6) (a) Natural reseeding of grazing land by nongrazing during the normal pasture season and performance of supplemental practices. That part of the farm allowance computed on grazing and mountain meadow land may be earned under this practice with the prior approval of the county committee.

(6) (b) Conservation of grazing land by limited and rotation grazing and supplemental practices—(Applicable only in the States of Colorado, Kansas, and New Mexico). That part of the farm allowances computed on grazing and mountain meadow land may be earned under this practice with the prior approval of the county committee.

(6) (c) Natural reseeding of noncrop open pasture land by nongrazing during the normal pasture season (Applicable only in Texas and Oklahoma), 7 acres, 1 unit.

(7) With prior approval of the county committee, development of springs or seeps for furnishing water for livestock by excavation at the source: *Provided*, That (1) the source is protected from trampling, and (2) at least 20 cubic feet of available water storage is provided. The minimum unit credit for a single development under this practice shall be 25 units and the maximum unit credit shall be 250 units.

Rate of credit: 1 unit for each 3 cubic feet excavated in soil or gravel, and 1 unit for each 2 cubic feet excavated in rock formation, or 1 unit for each 3 cubic feet of metal, wood, concrete, or rubble masonry storage installed and available to livestock, whichever is larger.

(8) Construction of reservoirs and dams, including enlargements of inadequate earthen structures and diversion to off-channel sites—

(a) 5 cubic yards of earthen material moved, 1 unit in reservoir construction.

(b) 3 cubic feet of concrete or rubble masonry used in reservoir construction, 1 unit.

(c) 15 cubic yards of material moved in constructing a diversion ditch to an off-channel site, 1 unit.

(d) Construction of check dams, gully plugs, or bank riprap to control erosion using rock, timber piling, brush and rock, rock-filled cribs or well-anchored log

booms—1½ square yards exposed surface, 1 unit.

(9) Control of destructive plants on noncrop pasture or grazing land—

(a) With prior approval of the county committee, control, in accordance with approved specifications, of destructive plants or competitive nonpalatable or poisonous plants designated by the Agricultural Adjustment Administration—

(1) Light infestation, 1 acre, ⅔ unit.
(2) Medium infestation, 1 acre, 1 unit.
(3) Heavy infestation, ⅔ acre, 1 unit.

(b) Control of sagebrush. (1) Heavy infestation, 1 acre, ⅔ unit.

Provided, That, if the county committee determines that the control of destructive plants under this practice will reduce the vegetative cover to such an extent as to cause increased soil erosion, artificial reseeding shall also be required.

(10) Destruction of undesirable weeds and shrubs by mowing, 3 acres, 1 unit.

(11) Drilling or digging wells for the purpose of providing water for livestock—

(a) Casings not less than 4 inches in diameter, 1 foot, 3 units.

(b) Casings less than 4 inches in diameter, 1 foot, 1⅓ units.

(12) Contour listing, deep or shallow subsoiling, or contour furrowing of noncrop land, 3,000 feet, 1 unit.

(13) Green manure crops of which a good stand and good growth is plowed or disked under on irrigated cropland—

(a) Legumes, 1 acre, 3 units.
(b) Non-legumes, 1 acre, 1 unit.

(14) Establishing a cover crop of which a good stand and good growth is obtained—

(a) Small-grain stubble, 1 acre, 1 unit.

(b) Stubble of sorghum, broomcorn, Sudan grass or millet close-grown or in rows not in excess of 54 inches or the stalks of corn planted in rows not in excess of 54 inches. No credit will be given for this practice on an acreage on which credit has been given for any other practice, 1 acre, 1½ units.

(c) Sorghum stubble (including broomcorn and Sudan grass), or stalks of corn planted in wide-spaced rows. This practice shall consist of alternate strips of sorghum or corn and fallow. The fallow strips shall not be wider than 22 feet and must not be more than twice as wide as the protective strips, 1 acre, 1 unit.

(d) Leaving on the land all growth of sorghum, Sudan grass, or millet close-grown or in rows not more than 20 inches apart, 1 acre, 2 units.

(e) Cowpeas or Mung beans seeded in the spring of 1942 plowed or disked into the surface soil: *Provided*, That the land on which this practice is carried out is adequately protected from erosion during the remainder of the crop year. (Applicable only to counties recommended by the State Committee and approved by the regional director), 1 acre, 1 unit.

(15) Natural vegetative cover of which a good growth is obtained and the farming plan of the operator provides that such cover will be left on the land until the spring of 1943, 1 acre, 1 unit.

Erosion control. (16) Construction of standard terrace for which proper outlets are provided, 75 linear feet, 1 unit.

(17) Construction of ditching with a depth of one foot and a top width of four feet, or the equivalent cross section thereof, for the diversion and spreading of flood water on farm land, 150 linear feet, 1 unit.

(18) Stripcropping, including protection of summerfallow by means of stripfallowing—

Contour stripcropping, 1 acre, 1½ units.

Stripcropping not on contour, 1 acre, 1 unit.

(19) Protecting summerfallowed acreage from wind and water erosion by contour listing, pit cultivation, incorporating stubble and straw into the surface soil, cultivation with a rod weeder, or contour cultivation with a shovel-type implement (no credit will be given for this practice when carried out in light sandy soils or on soils where destruction of the vegetative cover results in the land becoming subject to serious wind erosion), 1 acre, 1 unit.

(20) Contour farming intertilled crops. No credit will be given for this practice on an acreage on which credit has been given for any other practice, 1 acre, 2 units.

(21) Contour listing (except when carried out on protected summerfallowed acreage or as a part of a seeding operation), 1 acre, 1 unit.

(22) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surface of pit covers at least 25 percent of the ground surface (no credit will be given for this practice when carried out on protected summerfallowed acreage or as a part of a seeding operation), 1 acre, 1 unit.

(23) Contour seeding of small-grain crops and sorghums, when drilled, 1 acre, 1 unit.

(24) With prior approval of the county committee, listing at right angles to prevailing winds on unprotected cropland where contour listing is impractical because the general slope of the land causes contour lines to run parallel to the direction of prevailing winds, 1 acre, 1 unit.

(25) Border planting of sorghums, broomcorn, Sudan grass, or millet. (Credit will be given only for area seeded.) No credit will be given for this practice on an acreage on which credit has been given for any other practice, 1 acre, 2 units.

Forestry. (26) Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, or a mixture of forest trees and shrubs suitable for the protection of wildlife, planted between July 1, 1938, and July 1, 1942. Payment will not be made for this practice in case of trees or shrubs for which payment is made for planting in 1942, 1 acre, 5 units.

(27) Planting forest tree seedlings (including shrubs beneficial to wildlife), provided such trees or shrubs are protected from fire and grazing and cultivated in accordance with good tree culture and wildlife management practice, 1 acre, 12 units.

Other practices. (28) Growing a home garden for a landlord, tenant, or sharecropper family on a farm, 5 units.

(29) Eradication or control, in accordance with approved methods, of seriously infested plots of perennial noxious weeds designated by the Agricultural Adjustment Administration. Payment for this practice may be approved outside of organized weed control districts only: (1) on farms where the infestation is limited to a single farm, (2) where approved weed-control measures are being carried out on all adjacent infested farms and contiguous land, or (3), the county committee determines that there is no likelihood of reinfestation from adjacent farms or contiguous land, 1 acre, 10 units.

(30) The adoption of cultural and management practices recommended by the county committee and approved by the State Committee to improve existing stands of alfalfa or permanent perennial legume and grass meadows, 1 acre, 1 unit.

(31) With the prior approval of the county committee, construction of trench silos, 7 cubic yards, 1 unit.

(32) Subsoiling for soil and moisture conservation—subsoil furrows to be not less than 10'' deep nor more than ½ rod apart:

(a) Spacing between furrows not in excess of ½ rod, 4 acres, 1 unit.

(b) Spacing between furrows not in excess of 44'', 2 acres, 1 unit.

SEC. 5. *Payments and deductions.* (a) The net payment or net deduction computed for any farm in the county shall be the maximum farm payment less the sum of the following:

(1) *Deductions for excess acreages of special crops*—(i) *Wheat.* 1. (Wheat-allotment farms) $1.00 per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment.

2. (Non-wheat-allotment farms) $1.00 per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of the larger of 15 acres or the wheat allotment or permitted acreage, whichever is applicable.

(ii) *Cotton.* 12 cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its permitted acreage or cotton acreage allotment, whichever is applicable.

(iii) *Potatoes.* 20 cents per bushel of the normal yield for each acre of potatoes harvested in excess of the larger of its potato allotment or 3 acres.

(iv) *Corn.* 1. (Corn-allotment farm)—80 cents per bushel of the normal yield for each acre planted to corn in excess of the corn allotment.

2. (Non-corn-allotment farms in the commercial corn area)—80 cents per bushel of the normal yield for each acre planted to corn in excess of 15 acres.

(2) *Deduction for failure to carry out soil-building practices.* The farm rate for each unit by which the soil-building goal is not reached, except that in Kansas, New Mexico, and Colorado this deduction rate shall be computed by dividing the maximum farm allowance by the number of units in the soil-building goal for the farm.

(b) The following deductions, if applicable to any farm, shall be divided among the persons on the farm responsible for such acts, or failures to act, in the proportion that the county committee finds such persons were responsible.

(1) *Deduction for cropping restoration land.* $3.00 for each acre of restoration land and any land previously designated as restoration land which has been reclassified as noncrop open pasture or grazing land which is plowed or tilled in 1942 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations in connection with the seeding of an approved cover crop or permanent grass mixture.

(2) *Deduction for failure to prevent wind or water erosion.* 25 cents per acre for each time wind or water erosion-control methods recommended by the county committee are not carried out on the farm in 1942 by the date specified by the committee.

(3) *Deduction for breaking out native sod.* $3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established broken out during the 1942 program year less the acreage broken out with the approval of the county committee as a good farming practice for which an acreage of cropland other than restoration land is restored to permanent vegetative cover.

(4) *Deduction for failure to maintain practices under previous programs.* Where the county committee, in accordance with instructions of the State committee, determines that (1) any terrace constructed, forest trees planted, or pasture established under previous agricultural conservation programs is not maintained in accordance with good farming practices, (2) any seeding of perennial legumes or grasses is destroyed after producers in the county have been generally informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under any previous program is destroyed during the 1942 program year contrary to good farming practice, there shall be deducted an amount equal to the payment that would be made under the 1942 program for a similar amount of such practice from the net payment due the person on the same or any other farm in the county who was responsible for the failure to maintain such practices. In the event the amount of such deduction exceeds the amount of payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary.

SEC. 6. *Division of payments and deductions.* (a) The payments or deductions computed with respect to any farm, except as provided for in (b) of this Section 6, shall be divided between the landlord and tenant in proportion to the extent to which such landlord and tenant contributed to the carrying-out of soil-building practices on the farm. Where the division of the principal crop in the lease or operating agreement is on the basis of three-fourths to the tenant and one-fourth to the landlord, the tenant shall be deemed to have contributed 80 percent and the landlord 20 percent, and where the division of the principal crop in the lease or operating agreement is on the basis of two-thirds to the tenant and one-third to the landlord, the tenant shall be deemed to have contributed 74 percent and the landlord 26 percent to the carrying-out of the soil-building practices on the farm, unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were different from such respective percentages, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that each such person contributed to the carrying-out of the soil-building practices on the farm. On any farm where there is more than one landlord, the division of the landlord's share of the net payment or net deduction between the several landlords shall be in proportion to the contribution made by each such landlord to the total soil-building goal determined for the farm, unless such landlord establishes to the satisfaction of the county committee that his respective contribution to the carrying-out of the practices was different from such respective percentage, in which event such payment or deduction shall be divided in the proportion in which the county committee determines that such landlord contributed to the carrying-out of the soil-building practices on the farm.

(b) The deductions with respect to (1) cropping restoration land, (2) failure to prevent wind and water erosion, (3) breaking out native sod, and (4) failure to maintain soil-building practices carried out under previous programs shall be divided among the persons responsible for such acts or failure to act in the proportion that the county committee finds such persons were responsible.

SEC. 7. *Increase in small payments.* The provisions of § 701.304 of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this Section 7.

SEC. 8. *Payments limited to $10,000.* The provisions of § 701.305 of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this Section 8.

SEC. 9. *Deductions incurred on other farms.* The provisions of § 701.306 of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this Section 9, the deductions referred to being computed under Section 5 of this bulletin.

SEC. 10. *Deduction for association expenses.* There shall be deducted pro rata from the payments to be made to any person with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SEC. 11. *Conservation materials.* The provisions of § 701.308 of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this Section 11.

SEC. 12. *General provisions relating to payments.* The provisions of § 701.309 of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this Section 12.

SEC. 13. *Application for payment.* The provisions of § 701.310 of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this Section 13. For the purposes of this bulletin, the "§ 701.303" referred to therein shall refer to Section 6 of this bulletin.

SEC. 14. *Appeals.* The provisions of § 701.311 of the 1942 Agricultural Conservation Program Bulletin (ACP–1942) are incorporated as this Section 14.

SEC. 15. *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required in administering the 1942 program pursuant to the provisions hereof.

SEC. 16. *Definitions.* For purposes of the 1942 program, unless the context otherwise requires:

(a) *Officials.* (1) *Secretary* means the Secretary of Agriculture of the United States.

(2) *Regional Director* means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation program in the region.

(3) *State Committee or State Agricultural Conservation Committee* means the group of persons designated within any State to assist in the administration of the agricultural conservation program in such State.

(4) *County committee* or *county agricultural conservation committee* means the group of persons elected within any

county to assist in the administration of the agricultural conservation programs in such county.

(b) *Areas.* (1) *Southern Region* means the area included in the States of

predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

under Government ownership (such lands including, but not being limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the

ministrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regu-

Ladies' Cotton Dresses; 10 learners (T); December 22, 1942.

Cohen-Fein Company, Inc., 199–201 South Washington Street, Wilkes-Barre, Pennsylvania; Shirts; 10 percent (T); December 22, 1942.

Children's Dresses; 48 learners (E); May 11, 1942.

Artificial Flowers and Feathers

Gibuch Flower, Inc., 224 South Market Street, Chicago, Illinois; Apparel Flow-

county to assist in the administration of the agricultural conservation programs in such county.

(b) *Areas.* (1) *Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(2) *Western Region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(c) *Farms. Farm* means all adjacent or nearby farm or grazing land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or grazing land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(d) *Cropland.* (1) *Cropland* means farm land which in 1941 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also, except in the Southern Region, any land in commercial orchards.

(e) *Miscellaneous.* (1) *Person* means an individual, partnership, association, corporation, estate, or trust or other business enterprise or other legal entity, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) *Landlord* or *owner* means a person who owns land.

(3) *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(4) *Tenant* means a person other than a sharecropper who rents land from another person.

(5) *Noncrop open pasture land* means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(6) *Grazing land* means any land in which an operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by livestock without cultivation or general irrigation. Grazing land shall not include public domain of the United States, including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(7) *Animal unit* means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

(8) *Grazing capacity* of grazing land or noncrop open pasture land means the number of animal units which such land will sustain on a 12-month basis, over a period of years, without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

SEC. 17. *Authority, availability of funds, and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended.

(b) *Availability of funds.* The provisions of the 1942 Southern Great Plains Program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided are contingent upon legislative authority to the Secretary to exercise after December 31, 1941, the power now conferred on him by Section 8 of the Act, and upon such appropriation as the Congress may hereafter provide for such purpose; and the amount of such payments in any county will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in the county under the 1942 National Agricultural Conservation Program, and the extent of participation in such county. *As an adjustment for participation, the rates of payment and deduction specified herein may be increased or decreased by as much as 10 percent.*

(c) *Applicability.* The provisions of this bulletin are applicable only to those counties in Colorado, Kansas, New Mexico, Oklahoma, and Texas, for which county rates are established under section 2 (a) and are not applicable to (1) any department or bureau of the United States Government and any corporation wholly owned by the United States; and (2) lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership (such lands including, but not being limited to, lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Division of Grazing or the Bureau of Biological Survey of the United States Department of the Interior); and (3) grazing land on farms having more than 1,920 acres of grazing land in Oklahoma and Texas.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations.

The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land shall include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all the foregoing provisions for eligibility.

Done at Washington, D. C., this 19th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9589; Filed, December 19, 1941; 12:56 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learners Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 22, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Epstein Brothers, 26th and Reed Streets, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); December 22, 1942.

Jones-Littlestown Clothing Company, 32 West King Street, Littlestown, Pennsylvania; Men's Coats; 5 percent (T); December 22, 1942.

Padi Clothes Company, 1326 Vine Street, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); December 22, 1942.

Universal Coat Front Company, 25th and Locust Streets, Philadelphia, Pennsylvania; Canvas Coat Fronts; 5 percent (T); December 22, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Aaron Dress Company, Inc., 4 Norwich Avenue, Colchester, Connecticut; Misses' Dresses; 10 learners (T); December 22, 1942.

The Abeles Company, Inc., 143 Hilbert Street, Cedarburg, Wisconsin; Trousers; 15 learners (E); May 11, 1942.

Alperin Strauss Company, Inc., First Street, Loogootee, Indiana; Dress Shirts; 10 percent (T); December 22, 1942.

Best Manufacturing Company, Inc., Oliver and Chester Streets, Baltimore, Maryland; Washable Service Apparel; 10 learners (T); December 22, 1942.

Capitol City Dress Company, 337 Calder Street, Harrisburg, Pennsylvania; Ladies' Cotton Dresses; 10 learners (T); December 22, 1942.

Cohen-Fein Company, Inc., 199–201 South Washington Street, Wilkes-Barre, Pennsylvania; Shirts; 10 percent (T); December 22, 1942.

H. W. Coombs, 11 Spalding Street, Everett, Massachusetts; Blouses; 5 learners (T); December 22, 1942.

Coronet Manufacturing Company, 1000 Broadway, Kansas City, Missouri; Slack Suits; 10 percent (T); December 22, 1942.

Dainty Kiddie Cap Company, Inc., 25 West 31st Street, New York, N. Y.; Baby Caps; 2 learners (T); April 6, 1942.

D'Amour Foundation Company, 135 Madison Avenue, New York, New York; Brassieres; 10 percent (T); April 6, 1942.

Dunhill Shirt Company, Lexington, Missouri; Dress Shirts, Sport Shirts; 10 percent (T); December 22, 1942.

The Gluckin Corporation, 34 West 14th Street, New York, N. Y.; Brassieres, Girdles; 10 percent (T); April 6, 1942.

Henry Manufacturing Company, Belvidere, Illinois; Overalls, Coveralls; 20 learners (E); June 15, 1942.

The Hollinger Shirt Company, 170 Irving Avenue, Port Chester, New York; Men's Shirts; 10 percent (T); December 22, 1942.

Hollywood-Maxwell Company, 407 Main Street, Arkadelphia, Arkansas; Brassieres; 36 learners (E); June 22, 1942.

Imperial Shirt Company (Mill #2), 420 West Main Street, Pen Argyl, Pennsylvania; Ladies' Sport Blouses; 5 learners (T); December 22, 1942.

Marcus Loeb and Company, Inc., 127 Trinity Avenue, S. W., Atlanta, Georgia; Pants; 10 percent (T); December 22, 1942.

Louisville Shirt Company, Louisville, Georgia; Work Pants; 34 learners (E); June 22, 1942.

Meyers and Son Manufacturing Company, Jefferson Street, Madison, Indiana; Shop Aprons; 5 learners (T); December 22, 1942.

Monroe Shirt Company, 524 Broadway, New York, New York; Shirts; 10 learners (T); May 11, 1942.

The Neatform Company, Inc., 635 6th Avenue, New York, New York; Brassieres, Corsellètes, Girdles; 10 percent (T); April 6, 1942.

New England Overall Company, Nashua Branch, 39 Elm Street, Nashua, New Hampshire; Overalls, Dungarees, Unionalls, Coats; 10 learners (T); May 11, 1942.

Charles Porder Manufacturing Company, 217 Jackson Street, Lowell, Massachusetts; Women's Dresses; 10 learners (T); December 22, 1942.

Poultney Shirt Company, Beaman Street, Poultney, Vermont; Shirts; 127 learners (E); June 22, 1942.

Rosenau Brothers, Main Street, Red Hill, Pennsylvania; Dresses; 10 percent (T); December 22, 1942.

I. Schneierson and Sons, Inc., 113 West Redwood Street, Baltimore, Maryland; Children's Dresses; 48 learners (E); May 11, 1942.

Artificial Flowers and Feathers

Gibuch Flower, Inc., 224 South Market Street, Chicago, Illinois; Apparel Flowers, Millinery Flowers; 2 learners; (T) February 2, 1942.

Gloves

Picardy Mills, Inc., 3611—14th Avenue, Brooklyn, New York; Knit Fabric Gloves; 5 percent (T); December 22, 1942.

Picardy Mills, Inc., 2618 Avenue U, Brooklyn, New York; Knit Fabric Gloves; 5 percent (T); December 22, 1942.

Picardy Mills, Inc., 14 Merric Road, Freeport, Long Island, New York; Knit Fabric Gloves; 5 learners (T); December 22, 1942.

Frank Russell Glove Company, 203 Park Avenue, Berlin, Wisconsin; Leather Dress and Knit Fabric Gloves; 5 learners (E); June 22, 1942.

Hosiery

Altamahaw Hosiery Mills, Altamahaw, North Carolina; Seamless Hosiery; 5 learners (T); December 22, 1942.

Black Mountain Hosiery Mills, Inc., Black Mountain, North Carolina; Seamless Hosiery; 5 learners (T); October 9, 1942.

Bowman Knitting Mill, Box 727 Hickory, North Carolina; Seamless Hosiery; 5 learners (T); December 22, 1942.

Dayton Hosiery Mills, Dayton, Tennessee; Seamless Hosiery; 10 percent (T); December 22, 1942. (This certificate replaces one issued bearing expiration date of August 4, 1942.)

Halifax County Hosiery Mills, Inc., Scotland Neck, North Carolina; Seamless Hosiery; 3 percent (T); December 22, 1942.

Juniper Hosiery Mills, Juniper and Cherry Streets, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 33 learners (E); June 22, 1942.

McPar Hosiery Mills, Inc., 110 W. Henderson Street, Marion, North Carolina; Seamless Hosiery; 3 learners (T); December 22, 1942.

Richmond Hosiery Mills, Rossville, Georgia; Seamless Hosiery; 5 percent (T); December 22, 1942.

Independent Branch of the Telephone Industry

McKrae Telephone Company, Inc., 5 South 5th Street, Burlington, Kansas; to employ learners as commercial switchboard operators at its Burlington Exchange, Burlington, Kansas, until December 22, 1942.

McKrae Telephone Company, Inc., Fredonia, Kansas; to employ learners as commercial switchboard operators at its Fredonia Exchange, at Fredonia, Kansas, until December 22, 1942.

Knitted Wear

Lerner Knitwear, 5 Bridge Street, Shelton, Connecticut; Knitted Outerwear; 5 learners (T); December 22, 1942.

Linden Underwear Company, Inc., Broad Street, Lititz, Pennsylvania; Knitted Underwear; 5 percent (T); December 22, 1942.

Penn Elastic Company, 20 Maplewood Avenue, Philadelphia, Pennsylvania; Commercial Knitting; 5 learners (T); December 22, 1942.

Quality Mills, Inc., Franklin Street, Mount Airy, North Carolina; Knitted Underwear; 5 learners (T); December 22, 1942.

Textile

Beacon Manufacturing Company, Swannanca, North Carolina; Spinning and Weaving of Cotton; 3 percent (T); December 22, 1942.

Fair Mont Spread Company, Route #3, Rockmart, Georgia; Chenille Bedspreads; 5 learners (T); December 22. 1942.

William Margolin, Incorporated, 504 West Pine Street, Athens, Pennsylvania; Silk and Rayon Broad Goods; 3 percent (T); December 22, 1942.

Middleburg Mills, Middleburg, Pennsylvania; Rayon Weaving; 6 learners (E); April 6, 1942.

Piedmont Silk Mills, Inc., Bruce Street, Greensboro, North Carolina; Yarn for Hosiery; 5 learners (T); June 22, 1942.

Primrose Tapestry Company of Georgia, Route 3, Rome, Georgia; Tapestry; 3 percent (T); December 22, 1942.

Rauchar Manufacturing Company, 25–27 Seventh Street, Norwich, Connecticut; Venetian Blind Cords and Shade Cords; 2 learners (T); December 22, 1942.

Santee Mills #1, South Boulevard, Orangeburg, South Carolina; Cotton Sheetings; 10 learners (E); April 6, 1942.

Warren Featherbone Company, Three Oaks, Michigan; Braids, Tapes, Ribbons and Belting; 6 percent (T); December 22, 1942. (This certificate replaces one issued bearing expiration date of November 27, 1942.)

Woolen

Wittenberg Mills, Inc., Cedarburg, Wisconsin; Worsted Yarn and Woolen Goods; 10 learners (E); June 15, 1942.

Signed at Washington, D. C., this 22nd day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9646; Filed, December 22, 1941; 11:55 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective *December 22, 1941.*

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, AND EXPIRATION DATE

American Core-Twine Corporation, Salmon Falls, New Hampshire; Converted Paper Products; 12 learners; 6 weeks for any one learner; 27½ cents per hour; Machine Operators, Tenders, Fixers, and jobs incidental thereto in all departments; May 11, 1942.

A. Brandt Upholstering Company, Inc., 1701 E. Lancaster Avenue, Fort Worth, Texas; Furniture; 7 learners; 8 weeks for any one learner; 30 cents per hour; Springer, Sewing Machine Operator, Woodworking Machine Operator; March 2, 1942.

Colette Manufacturing Company, Santurce, Puerto Rico; Hairnet Industry; for expansion purposes; 5 learners in the occupation of "spooling" at 15¢ an hour for the first 480 hours, 22½¢ an hour for the 2nd 480 hours and 25¢ an hour for every hour thereafter; 4 learners in the occupation of "warping" at 15¢ an hour for the first 480 hours, 17½¢ an hour for the second 480 hours, 20¢ an hour for the 3rd 480 hours, 22½¢ an hour for the 4th 480 hours and 25¢ an hour for every hour thereafter. This certificate effective December 8, 1941 and shall remain in effect for a period not exceeding six months thereafter.

A. W. Walker, McDonough, Georgia; Wood Furniture; 2 learners; 4 weeks for any one learner; 30 cents per hour; Woodworking Machine Operator, Frame Assembler, Sewing Machine Operator; March 2, 1942.

Signed at Washington, D. C., this 22nd day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9645; Filed, December 22, 1941; 11:55 a. m.]

IN THE MATTER OF THE APPLICATIONS FOR THE EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AN INDUSTRY OF A SEASONAL NATURE

NOTICE OF FURTHER HEARING

Whereas, the Kudor Citrus Pulp Company and various other parties applied, pursuant to § 526.4 of the Regulations applicable to industries of a seasonal nature for exemption of the industry engaged in dehydrating citrus pulp and waste in California, Florida and Texas, from the maximum hours provision of the Fair Labor Standards Act of 1938 as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Act, and

Whereas, in accordance with § 526.5 of the Regulations the Administrator determined that a prima facie case for the granting of an exemption had been shown, and notice of this preliminary determination was published in the FEDERAL REGISTER on March 29, 1941, and

Whereas, a public hearing on the applications was held in Los Angeles, California on June 5, 1941 before presiding officer Harold Stein, a duly authorized representative of the Administrator of the Wage and Hour Division of the Department of Labor, and

Whereas, the said presiding officer upon the basis of the record made at the hearing found on October 21, 1941 that the dehydrating of citrus pulp and waste, and the manufacture of cattle feed therefrom, is not an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of the Regulations, and determined that the applications should be denied, and

Whereas, petitions have been filed by the applicants pursuant to § 526.7 of the said Regulations for review of the said denial, and

Whereas, upon due examination and consideration of the applications for exemption, the record of the proceedings, the exhibits, the findings of the presiding officer and the petitions for review, it has been found desirable to set a hearing pursuant to § 526.5 and 526.6 of the Regulations before an authorized representative of the Administrator for the purpose of taking additional evidence on the questions raised by the applications for exemption in lieu of reviewing the determination under the provisions of § 526.7 of the Regulations.

Now, therefore, notice is hereby given that public hearings will be held before James G. Johnson, assistant to and authorized representative of the Administrator of the Wage and Hour Division to take testimony for the purpose of determining:

Whether the dehydrating of citrus pulp and waste is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526, as amended, of the Regulations issued thereunder, and if so, the appropriate limits of said industry.

The public hearings will be held at the following places and dates:

(1) Tampa, Florida, January 12, 1942 at 10 a. m. in the Federal Building.

(2) San Antonio, Texas, January 20, 1942 at 10 a. m. in the Federal Building.

(3) Los Angeles, California, January 26, 1942 at 10 a. m. in the Federal Building.

Particular attention will be paid to evidence relevant to the length of the season during which the industry operates in each locality. In order to avoid unnecessary duplication of testimony, a transcript of the record of the hearing held on June 5, 1941 and the exhibits introduced therein and relied on by the presiding officer will be incorporated into the record of these hearings. Copies of the transcript may be obtained at prescribed rates from the official reporter, the Electrical Reporting Company, 1904 K St. NW., Washington, D. C.

Any person interested in supporting or opposing the applications or in offering evidence may appear on his own behalf or on behalf of any other person, provided that he shall file with the Wage and Hour Division, Department of Labor, Washington, D. C. prior to January 5, 1942, a Notice of Intention to Appear which shall contain the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support or in opposition to the applications for exemption.

(4) The approximate length of time which his presentation will consume.

"Person," as used in this notice, means individual partnership, firm, association, corporation, trust or labor organization.

Signed at Washington, D. C., this 10th day of December, 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-9647; Filed, December 22, 1941; 11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5755]

IN THE MATTER OF WESTERN MASSACHUSETTS ELECTRIC COMPANY; TURNERS FALLS POWER & ELECTRIC COMPANY; UNITED ELECTRIC LIGHT COMPANY, AND PITTSFIELD ELECTRIC COMPANY

NOTICE OF APPLICATION

DECEMBER 18, 1941.

Notice is hereby given that on December 18, 1941, a joint application was filed with the Federal Power Commission, pursuant to the Federal Power Act, by Western Massachusetts Electric Company, a corporation organized under the laws of the State of Massachusetts and doing business in said State, with its principal office at Greenfield, Massachusetts, Turners Falls Power & Electric Company, a corporation organized under the laws of the State of Massachusetts and doing business in said State, with its principal office at Springfield, Massachusetts, United Electric Light Company, a corporation organized under the laws of the State of Massachusetts and doing business in said State, with its principal office at Springfield, Massachusetts, and Pittsfield Electric Company, a corporation organized under the laws of the State of Massachusetts and doing business in said State, with its principal office at Pittsfield, Massachusetts, seeking an order authorizing a merger and consolidation of all of the electric facilities of the four applicants by which Western Massachusetts Electric Company will acquire all of the assets and property of each of the other companies, subject to all their obligations and liabilities, and will issue to the holders of the stock of each of said companies in place thereof stock of the Western Massachusetts Electric Company having an aggregate par value equal to that of the stock of such companies so to be replaced; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 7th day of January 1942, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-9610; Filed, December 22, 1941; 9:42 a. m.]

[Docket No. IT-5756]

IN THE MATTER OF CALIFORNIA ELECTRIC POWER COMPANY

NOTICE OF APPLICATION

DECEMBER 18, 1941.

Notice is hereby given that on December 18, 1941, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by California Electric Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Arizona, California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance of a promissory note in the amount of $1,350,000.00, at interest rate of 3%, to be dated January 1, 1942, and payable $90,000.00 on July 1, 1942, and $30,000.00 on the first of each consecutive month thereafter until paid in full, to Bank of America National Trust and Savings Association; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 29th day of December 1941, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-9609; Filed, December 22, 1941; 9:42 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE EMPLOYMENT SECURITY COMMISSION OF THE STATE OF ARIZONA PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Employment Security Commission of the State of Arizona having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Arizona Employment Security Law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Employment Security Commission of the State of Arizona.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

DECEMBER 16, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

DEC. 18, 1941.

[F. R. Doc. 41-9590; Filed, December 20, 1941; 9:32 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 28765]

EXPRESS L. C. L. SPECIAL EMERGENCY TARIFFS, 1942

NOTICE OF HEARING

DECEMBER 19, 1941.

Railway Express Agency, Incorporated, (herein called the "applicant") has filed

with the Commission a "Special Emergency Charge Supplement" to numerous tariffs filed with the Interstate Commerce Commission and various State regulatory commissions, issued December 19, 1941, effective January 20, 1942, designated "ME–I. C. C.", upon statutory notice. By that supplement it is proposed to add to the title page of these various tariffs a rule reading as follows:

Except as otherwise provided, an emergency charge of ten cents per less-carload shipment of one or more packages or pieces shall be added to the charge computed at less carload rates published in tariffs supplemented hereby, or as amended.

The applicant has also filed with the Commission a "Statement in Support of 10-cent emergency charge on l. c. l. express shipments to meet increased labor costs", dated December 19, 1941. At the request of the Commission the applicant has already made a wide distribution of this statement. Additional copies may be obtained by application to H. S. Marx, Vice President and General Counsel of the applicant, 230 Park Avenue, New York, N. Y., or the statement may be examined at the office of the Commission.

A hearing will be held before Commissioner Aitchison, at Hotel Morrison, Chicago, Illinois, commencing at 10:00 o'clock a. m., January 9, 1942, for the purpose of developing facts which the Commission should know in determining whether the supplement shall be suspended for investigation, or shall become effective without suspension. At that time the applicant will be expected to produce witnesses who will testify as to the facts which it considers justify the proposed supplement, and such witnesses will be subject to cross-examination. At the same time the testimony of other persons who may desire to present facts for consideraion will be received.

Persons who do not appear and testify at the time and place stated, and who desire to submit requests for suspension of the supplement, may make their application to the Commission in the usual manner, in writing, on or before January 9, 1942. Because of the nature of the proceeding, it is requested that fifteen copies of the protests be supplied to the Commission instead of seven, as provided by Rule XIX of the Rules of Practice. A copy of any protest or application for suspension filed with the Commission should be sent simultaneously to H. S. Marx at the address above given.

For convenience in correspondence, etc., the short title and docket number appearing at the head of this notice may be used.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–9630; Filed, December 22, 1941; 11:16 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–364]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY, KENTUCKY POWER & LIGHT COMPANY, THE MIDDLE WEST CORPORATION, AND UNITED PUBLIC SERVICE CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1941.

Kentucky Utilities Company, Kentucky Power & Light Company, The Middle West Corporation and United Public Service Corporation having filed applications and declaration concerning the following:

Kentucky Utilities Company, a public utility subsidiary of The Middle West Corporation, a registered holding company, proposes to purchase from United Public Service Corporation, a registered holding company subsidiary of The Middle West Corporation, a promissory note of Kentucky Power & Light Company, a public utility subsidiary of United Public Service Corporation, said note being payable to United Public Service Corporation in the principal amount of $1,200,000 due April 1, 1942. Kentucky Utilities Company also proposes to purchase from United Public Service Corporation 16,000 shares of common stock of the par value of $50 per share of Kentucky Power & Light Company held by United Public Service Corporation. Kentucky Utilities Company proposes to pay for such acquisitions the sum of $1,100,000, plus accrued interest on said note to the date of delivery and payment.

Upon consummation of such acquisitions Kentucky Utilities Company will hold all the outstanding securities of Kentucky Power & Light Company except its First Mortgage 5½% Gold Bonds, Series A and Series B, outstanding in the principal amount of $1,207,400, and Kentucky Utilities Company proposes to acquire all the property and assets of Kentucky Power & Light Company subject to the liabilities of such company, including said outstanding bonds, in exchange for the securities of Kentucky Power & Light Company to be held by Kentucky Utilities Company.

Kentucky Utilities Company proposes to sell to The Middle West Corporation 31,429 shares of its common stock without par value at their stated value of $35 per share, or $1,100,015 in the aggregate, the proceeds thereof to be used by Kentucky Utilities Company in consummating the acquisition of the securities of Kentucky Power & Light Company from United Public Service Corporation.

Kentucky Utilities Company proposes to sell at private sale $1,000,000 principal amount of its First Mortgage Bonds, Series of 1970, 4% due January 1, 1970, the proceeds of such sale to be used together with general funds of Kentucky Utilities Company to the extent necessary to effect the retirement of the outstanding bonds of Kentucky Power & Light Company by the payment at their maturity on April 1, 1942 of such bonds of Series A outstanding in the principal amount of $755,500 and the redemption on March 1, 1942 at 101¼ of such bonds of Series B outstanding in the principal amount of $451,900; and

United Public Service Corporation having filed a declaration, in the form of an amendment herein, pursuant to section 12 (e) of the Act and Rules U-61 and U-62 thereunder, regarding solicitation of authorizations of its stockholders in connection with the above described transactions; and

Said declaration containing copies of the proposed letter to stockholders, notice of special meeting of stockholders, proxy and proxy statement and a full statement of the manner in which the solicitation is proposed to be made; and

The applicant having requested that the declaration in respect of the proxy solicitation material be considered and disposed of independently of the principal transactions and that the Commission enter its separate order effective not later than December 18, 1941 permitting the within declaration as to all such proxy solicitation material to become effective; and

It appearing that the solicitation of authorizations of the stockholders of United Public Service Corporation as proposed to be conducted does not make it necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Act or the Rules and Regulations thereunder that the Commission issue any order with respect thereto other than an order permitting the declaration as to such solicitation to become effective;

It is therefore ordered, That, without passing upon the merits of the applications and declaration filed pursuant to other sections of the Act, the declaration as to solicitation of authorizations be and it is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9604; Filed, December 20, 1941; 11:50 a. m.]

[File No. 59–39]

IN THE MATTER OF NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM AND THE NORTH AMERICAN COMPANY

ORDER DENYING INTERVENTION BUT PERMITTING LIMITED PARTICIPATION AT HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1941.

City National Bank and Trust Company of Chicago, as successor trustee under the Debenture Agreement dated July 1, 1926, securing certain outstanding debentures issued by North American Light & Power Company, having filed a written petition for leave to intervene as a party in the above entitled proceeding instituted by the Commission pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and the Commission having considered said petition and the allegations therein contained;

It is ordered, That said petition be and it hereby is denied, without prejudice, however, to the right of said petitioner to renew its petition for leave to intervene and to be made a party to these proceedings at a future date;

It is further ordered, That the said City National Bank and Trust Company of Chicago shall be entitled to participate herein to the extent of cross examining witnesses, adducing evidence, the filing of briefs and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9602; Filed, December 20, 1941; 11:50 a. m.]

[File No. 812–238]

IN THE MATTER OF CAJO COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1941.

An application having been duly filed by the above named applicant under and pursuant to the provisions of the Investment Company Act of 1940 for an order under section 3 (b) (2) of the said Act declaring the applicant to be excepted from the provisions of said Act on the ground that the applicant is primarily engaged directly or through majority-owned subsidiaries or through a controlled company in a business other than that of investing, reinvesting, owning, holding or trading in securities or in the alternative for an order under section 6 (d) of the Act declaring it to be exempted from the provisions of the said Act.

It is ordered, That a hearing on the matter of the application of the above-named applicant under and pursuant to sections 3 (b) (2) and 6 (d) of the Investment Company Act of 1940 be held on January 6, 1942 at 10:00 o'clock of the forenoon of that day in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9603; Filed, December 20, 1941; 11:50 a. m.]

[File No. 812–244]

IN THE MATTER OF WESTERN COMMONWEALTH CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1941.

An application having been duly filed by the above-named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption from the provisions of section 8 (b) of the said Act pending determination of its application made pursuant to section 8 (f) of the Act for an order declaring that it has ceased to be an investment company.

It is ordered, That a hearing on the matter of the application of the above-named applicant under and pursuant to section 6 (c) of the Investment Company Act of 1940 be held on January 6, 1942 at 10:00 o'clock in the forenoon of that day in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9605; Filed, December 20, 1941; 11:50 a. m.]

[File No. 43–163]

IN THE MATTER OF SOUTHWESTERN GAS AND ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1941.

Notice is hereby given that a supplemental declaration and/or application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than December 30, 1941, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such supplemental declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said supplemental declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed which are summarized below:

Southwestern Gas and Electric Company, a subsidiary of Central and South West Utilities Company, a registered holding company, proposes (a) to reduce the interest rate on $1,800,000 principal amount of outstanding 2⅞% unsecured notes to 2⅛%, effective on December 1, 1941, and (b) to provide for the payment of the unpaid principal amount of said notes in eight semi-annual installments of $225,000 each, May 1, 1942–November 1, 1945 (instead of four annual installments of $450,000 each).

Under date of March 29, 1939, the Commission permitted the original declaration herein to become effective with respect to the issue and sale by the company of $2,250,000 principal amount of the subject notes to the First National Bank of Chicago, Harris Trust and Savings Bank (Chicago, Illinois) and the American National Bank and Trust Company of Chicago. On November 1, 1941 $450,000 principal amount of said notes matured and were paid by the company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9638; Filed, December 22, 1941; 11:38 a. m.]

[File No. 70-442]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINNESOTA) AND MIDLAND PUBLIC SERVICE COMPANY

ORDER GRANTING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1941.

Northern States Power Company (Minnesota), a registered holding company, and its subsidiary company, Midland Public Service Company, having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935 regarding transactions therein proposed and which are summarized below:

Midland Public Service Company proposes to sell all of its properties of every kind and description to Northern States Power Company (Wisconsin), also a direct subsidiary company of Northern States Power Company (Minnesota), for a net consideration of $213,550.26 of which $202,969.16 will be paid in cash and the remainder by assumption of accounts payable, customers' deposits, accrued salaries, taxes, interest, and other items. As and when the disposition of the properties of Midland Public Service Company has been consummated, Northern States Power Company (Minnesota) proposes to surrender to Midland Public Service Company for cancellation all of the issued and outstanding capital stock of Midland Public Service Company and to cancel the open account indebtedness owing by Midland Public Service Company to Northern States Power Company (Minnesota) for all of the cash and other net assets, if any, of Midland Public Service Company, which, thereupon, will be dissolved forthwith in accordance with the laws of the State of Wisconsin;

Said application and declarations by Northern States Power Company (Minnesota) and Midland Public Service Company having been filed on November 21, 1941, and notice of said filings having been duly given in the form and manner prescribed by Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application of Midland Public Service Company pursuant to section 10 of the Act, and to permit to become effective said declarations of Northern States Power Company (Minnesota) and Midland Public Service Company pursuant to sections 12 (c) and 12 (d) of said Act, and finding with respect to said application of Midland Public Service Company pursuant to section 10 that no adverse findings are necessary under section 10 (d) and section 10 (c) (1) of said Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act, and finding with respect to the declarations of Northern States Power Company (Minnesota) and Midland Public Service Company pursuant to sections 12 (c) and 12 (d) of said Act that no adverse findings are necessary under said sections;

It is hereby ordered pursuant to said Rule U-23 and the applicable provisions of said Act and the rules thereunder, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same hereby is granted, and that the aforesaid declarations be and the same hereby are permitted to become effective, forthwith.

It is further ordered that jurisdiction be and the same hereby is reserved over the accounting treatment in connection with the transactions proposed in the aforesaid declarations.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9639; Filed, December 22, 1941; 11:38 a. m.]

[File No. 54-32]

IN THE MATTER OF NORTH SHORE GAS COMPANY, NORTH SHORE COKE & CHEMICAL COMPANY, AND NORTH CONTINENT UTILITIES CORPORATION

SUPPLEMENTAL FINDINGS AND OPINION AND ORDER OF THE COMMISSION

In our Findings and Opinion herein[1] we approved with certain conditions the plan of reorganization which is the subject of this proceeding, but reserved jurisdiction with respect to the exemption of the proposed new debt securities of the North Shore Gas Company under Section 6 (b) of the Public Utility Holding Company Act of 1935, and the imposition of conditions with respect to them and their issuance and sale until such time as the terms and provisions of the securities and indentures and of the sale were submitted to us in definitive form. Amendments setting forth the definite terms and provisions of the new debt securities[2] and the indentures have since been made, additional evidence has been received, and a further hearing has been held. The necessary consents of the preferred stockholders of the Gas Company and of the common and preferred stockholders of the North Shore Coke & Chemical Company to the plan have been obtained. A few changes have been made in the terms and provisions of the securities and indentures, as originally contemplated in the plan, which provided that the provisions set forth therein with regard to the securities and indentures were tentative and might be changed within certain limits. None of these changes appears to call for extended comment. We see no reason to attach any condition with respect to the indenture securing the bonds and the trust agreement securing the Serial Notes.[3]

It is proposed to issue and sell $3,700,000 principal amount of First Mortgage Series A 4¼% bonds, due December 1, 1961, which shall be redeemable at par and accrued interest plus a premium graduated downward ½% bi-annually, the initial premium to be 5%. It is further proposed to issue and sell Serial Notes in the aggregate principal amount of $700,000, to mature $50,000 semi-annually beginning June 1, 1942 and to bear rates of interest ranging from 2¼% to 3¾%. The bonds are being sold to a group of underwriters headed by Central Republic Company at 98¼ and accrued interest and the initial public offering price will be 101 and accrued interest. The notes are being sold to the same underwriters at 99⅜ and are to be reoffered to the public at an average price of 100.621, to yield 1.00% on the shortest maturity and 3.95% on the longest maturity.[4]

The applicant has estimated that its total fees and expenses (other than the commission to be paid to underwriters) in connection with the refunding will be $30,000. Since we do not have complete information with regard to the expenditures, we shall reserve jurisdiction over their payment.

The proposed new securities have now been expressly approved by the Illinois Commerce Commission; accordingly, as stated in our Findings and Opinion, they qualify for exemption under Section 6 (b) of the Act, and we so find.

It is therefore ordered, That the application, as amended, for an exemption of the proposed new debt securities under Section 6 (b) of the Public Utility Holding Company Act of 1935, is granted, subject, however, to the following conditions and reservations:

1. The conditions prescribed by Rule U-24.

2. No fees or expenses incurred or to be incurred in connection with the refunding and any transactions incident thereto (other than the commission to be paid to underwriters) may be paid until thirty (30) days after the North Shore Gas Company files a notification with this Commission as to the proposed amount of such fees and expenses, with a detailed statement as to the services and expenses for which any such amounts are to be paid. Similar statements shall be filed as to all such fees and expenses as have already been paid. Jurisdiction is reserved as to all such fees and expenses, and further hearings thereon may be required prior to approval of payment if such action is deemed by this Commission necessary or appropriate in the public interest or for the protection of investors or consumers;

3. Jurisdiction is reserved to entertain such further proceedings, to make other findings and to take such other action as may be appropriate in the premises in connection with the plan or the various steps required to execute the plan.

By the Commission (Chairman Eicher and Commissioners Pike, Purcell and Burke), Commissioner Healy being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

DECEMBER 18, 1941.

[F. R. Doc. 41-9640; Filed, December 22, 1941; 11:51 a. m.]

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[1] Holding Company Act Release No. 3131.

[2] Since the original application with regard to the issuance of these securities was filed prior to May 7, 1941, under the circumstances of this case, Rule U-50, the competitive bidding rule, is not applicable.

[3] For the terms and provisions of the indenture and trust agreement, see File No. 54-32.

[4] In view of the fact that the original filing contemplated receipt of par by the Gas Company for the new securities (the bonds to bear interest at the rate of 4%), the pro forma balance sheet and income statement set forth in our Findings and Opinion (Tables IX and X) have changed in certain respects. These changes are so slight, however, that we do not believe they warrant recasting the Tables.

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FEDERAL REGISTER

VOLUME 6 NUMBER 249

Washington, Wednesday, December 24, 1941

The President

DAY OF PRAYER

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

The year 1941 has brought upon our nation a war of aggression by powers dominated by arrogant rulers whose selfish purpose is to destroy free institutions. They would thereby take from the freedom-loving peoples of the earth the hard-won liberties gained over many centuries.

The new year of 1942 calls for the courage and the resolution of old and young to help to win a world struggle in order that we may preserve all we hold dear.

We are confident in our devotion to country, in our love of freedom, in our inheritance of courage. But our strength, as the strength of all men everywhere, is of greater avail as God upholds us.

THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby appoint the first day of the year 1942 as a day of prayer, of asking forgiveness for our shortcomings of the past, of consecration to the tasks of the present, of asking God's help in days to come.

We need His guidance that this people may be humble in spirit but strong in the conviction of the right; steadfast to endure sacrifices and brave to achieve a victory of liberty and peace.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of December in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2531]

[F. R. Doc. 41-9675; Filed, December 23, 1941; 11:32 a. m.]

EXECUTIVE ORDER

ESTABLISHING HONOLULU DEFENSIVE SEA AREA

By virtue of the authority vested in me by section 44 of the Criminal Code as amended (U.S.C. Title 18, Sec. 96), the following-described area is hereby established and reserved, for purposes of national defense, as a naval defensive sea area, to be known as "Honolulu Defensive Sea Area":

All United States territorial waters of Honolulu Harbor, Oahu, Territory of Hawaii, its approaches and tributaries from the contour line of extreme high water as shown on the latest U.S.C. and G.S. charts to:

A line running south true from the shore at Koko Head, Oahu, along the meridian of Longitude 157°42' West, to the seaward limit of United States territorial waters;

A line running south true from Ahua Point Lighthouse to the seaward limit of United States territorial waters; and,

A line running along the seaward limit of United States territorial waters between the above-described bearing lines.

A vessel not proceeding under United States Naval or other United States authorized supervision shall not enter or navigate the waters of the Honolulu Defensive Sea Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the Honolulu Defensive Sea Area must be made, preferably

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FEDERAL REGISTER

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at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limit of the area. If radio telegraph is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port shall be requested. The name of the vessel, purpose of entry, and name of the master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

A vessel entering or navigating the waters of the Honolulu Defensive Sea Area does so at its own risk.

Even though permission has been obtained, it is incumbent upon a vessel entering the Honolulu Defensive Sea Area to obey any further instructions received from the United States Navy, or other United States authority.

A vessel may expect supervision of its movements within the Honolulu Defensive Sea Area, either through surface craft or aircraft. Such controlling surface craft or aircraft will be identified by a prominent display of the Union Jack. The loading or unloading by vessels of oil fuel or other inflammable or explosive materials shall be under the control of the local Naval authority, who shall require such loading or unloading to be accomplished in such manner and at such times as will safeguard the other activities within the Honolulu Defensive Sea Area essential to the national defense.

These regulations are subject to amplification by the local United States Naval authority as necessary to meet local circumstances and conditions.

When a United States Maritime Control Area is established adjacent to or abutting upon the above-established defensive sea area, it shall be assumed that permission to enter, and other instructions issued by proper authority, shall apply to any one continuous passage through or within both areas.

Any master of a vessel or other person within the Honolulu Defensive Sea Area who disregards these regulations, or fails to obey an order of United States Naval authority to stop or heave to, or performs any act threatening the efficiency of mines or other defenses or the safety of navigation, or takes any action inimical to the interests of the United States, may be detained therein by force of arms and shall be liable to attack by United States armed forces, and liable to prosecution as provided for in section 44 of the Criminal Code as amended (U.S.C., title 18, sec. 96).

All United States Government authorities shall place at the disposal of the Naval authorities their facilities for aiding in the enforcement of these regulations. The Governor of the Territory of Hawaii, the local municipal authorities, and the local civilian defense agencies are called upon to render the local Naval authorities all possible assistance in the enforcement of these regulations.

This order shall not be construed as modifying in any way the proclamation of the Governor of the Territory of Hawaii placing the Territory of Hawaii under martial law.

The Secretary of the Navy is charged with the publication and enforcement of these regulations.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 20, 1941.

[No. 8987]

[F. R. Doc. 41-9649; Filed, December 22, 1941; 2:19 p. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3820]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF A. S. ALOE COMPANY

§ 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices.* In connection with the purchase of surgical products in interstate commerce and in the District of Columbia, (1) receiving from fifteen concerns, as specified in order, sellers of such products, the benefits of the discriminatory prices set out in the tabulation contained in Paragraph Four of the findings of facts [i. e., as there set forth, prices paid by it to such various sellers, varying from approximately 10 per cent to about 40 per cent less for such products than certain of its competitors pay sellers in question, depending upon the surgical product and the seller, or either of them], and receiving from such sellers of surgical products, under like circumstances and conditions, the benefits of discriminations in price of a substantially similar degree, to the extent that any such discrimination shall exceed due allowance for the differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such products are sold and delivered; (2) continuing or resuming the practice of inducing and receiving discriminations in prices shown in the tabulation contained in Paragraph Four of the Commission's findings as to the facts and conclusions; and (3) knowingly inducing or receiving discriminations in price prohibited by subsection 2 (a) of the Clayton Act as amended from any seller of surgical products in any manner whatsoever; prohibited. (Sec. 2 (f), 49 Stat. 1527; 15 U.S.C., Sup. IV, sec. 13f) [Cease and desist order, A. S. Aloe Company, Docket 3820, December 15, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of the allegations of the complaint introduced before John P. Bramhall, a duly appointed trial examiner of the Commission designated by it to serve in this proceeding, and a stipulation entered into between the respondent and its attorney with W. T. Kelley, Chief Counsel of the Commission, which was approved by the Commission and entered of record, in which stipulation the respondent waived further hearings, the filing of trial examiner's report, briefs, oral argument and all intervening procedure: And the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13).

It is ordered, That the respondent, A. S. Aloe Company, a corporation, its officers, directors, representatives, agents and employees, directly or indirectly, in connection with the purchase of surgical products in interstate commerce and in the District of Columbia, do forthwith cease and desist:

(1) From receiving from the American Cystoscope Makers, Inc., the W. A. Baum Company, Bausch & Lomb Optical Company, Empire State Thermometer Company, Rieker Instrument Company, Spencer Lens Company, The Vollrath Company, Welch Allyn Company, Wilmot Castle Company, H. Carstens Manufacturing Company, F. Dittmar and Company, Penn Surgical Manufacturing Company, J. Sklar Manufacturing Company, Star Surgical Instrument Company and Western Instrument Manufacturing Company, the benefits of the discriminatory prices set out in the tabulation contained in Paragraph Four of the findings of facts and from receiving from such sellers of surgical products, under like circumstances and conditions, the benefits of discriminations in price of a substantially similar degree, to the extent that any such discrimination shall exceed due allowance for the differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such products are sold and delivered.

(2) From continuing or resuming the practice of inducing and receiving discriminations in prices shown in the tabulation contained in Paragraph Four of the Commission's findings as to the facts and conclusion;

(3) From knowingly inducing or receiving discriminations in price prohibited by subsection 2 (a) of the Clayton Act as amended from any seller of surgical products in any manner whatsoever.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9677; Filed, December 23, 1941; 11:40 a. m.]

[1] 5 F.R. 161.

[Docket No. 4552]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BENTLEY COMPANY, MAIL ORDER DIVISION

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious or misleading guarantees:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety:* § 3.72 (f15) *Offering deceptive inducements to purchase—Guarantee, in general.* In connection with offer, etc., of respondents' "Fat-O-No" medicinal preparation, or any substantially similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation is a safe, simple, easy or effective treatment for obesity or for the reduction of excess fat, that it constitutes a competent fat-reducing remedy, that the purity and safety thereof are guaranteed by an insurance company, or that many physicians have recommended it; or which advertisements fail to reveal that the use of said preparation may result in edema of the lungs, may cause nervousness and irritability because of acceleration of the metabolic processes of the body, and may increase the body temperature and the heart action to a dangerous extent; or which advertisements fail to reveal that said preparation should not be used in cases of nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to the provision, however, that such advertisements need contain only the statement, "Caution, use only as directed", if and when the directions for use wherever they appear on the label, in the labeling, or in both label and labeling, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Bentley Company, Mail Order Division, Docket 4552, December 16, 1941]

In the Matter of Melvin V. Eisenberg, Irwin Goldberg, Harry Krohner and Seymour Eisenberg, Individuals Trading as Bentley Company, Mail Order Division

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondents herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Melvin V. Eisenberg, Irwin Goldberg, Harry Krohner and Seymour Eisenberg, individuals trading as Bentley Company, Mail Order Division, or trading under any other name or names, their representatives, agents, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparation designated as "Fat-O-No", or any preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means

of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation is a safe, simple, easy or effective treatment for obesity or for the reduction of excess fat; that said preparation constitutes a competent fat-reducing remedy; that the purity and safety of said preparation are guaranteed by an insurance company; or that many physicians have recommended said preparation;

2. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that the use of said preparation may result in edema of the lungs, may cause nervousness and irritability because of acceleration of the metabolic processes of the body, and may increase the body temperature and the heart action to a dangerous extent;

3. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement fails to reveal that said preparation should not be used in cases of nausea, vomiting, abdominal pains, or other symptoms of appendicitis: *Provided, however*, That such advertisement need contain only the statement, "Caution, use only as directed", if and when the directions for use, wherever they appear on the label, in the labeling, or in both label and labeling, contain a warning to the above effect;

4. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof or which fails to comply with the requirements set forth in paragraphs 2 and 3 hereof.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether they intend to comply with this order, and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after the service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9678; Filed, December 23, 1941; 11:40 a. m.]

[Docket No. 4559]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF NEWTON PAPER MILLS, ET AL.

§ 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* In connection with the sale, etc., in commerce, of "bogus" paper, and on the part of respondent manufacturer, respondent distributors thereof, and respondent Stay Die Cutters Association, its secretary, and four corporations, two partners and an individual, die cutters and members of such association, and on the part of their officers, etc., and among other things, as in order set forth, entering into or carrying out any understanding, agreement, combination or conspiracy, or any equivalent cooperation, concert or common course of action to hinder, lessen, restrict or restrain competition and trade in the sale or distribution of "bogus" paper, either in its original or converted form, in commerce between and among the several states of the United States, or to monopolize in themselves the business or any part of such business in said commerce, and to that end; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Newton Paper Mills, et al., Docket 4559, December 16, 1941]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.30 (g) *Cutting off competitors' access to customers or market—Withholding supplies from competitors' customers.* In connection with the sale, etc., in commerce, of "bogus" paper, and on the part of respondent die cutters (joined in order in question with respondent manufacturer, respondent distributors, respondent Die Cutters Association, and its executive secretary), and among other things, as in order set forth, pursuant to understanding or agreement, or any equivalent cooperation, concert or common course of action, (1) fixing and establishing prices, terms, discounts and charges for said "bogus" paper, or attending meetings for such purpose; (2) allocating through respondent Association, or any other similar agency, new and prospective customers for "bogus" paper among the members of said respondent Association; (3) refusing to solicit the sale of or to sell "bogus" paper to customers of other members of said respondent Association; (4) restricting their purchases of "bogus" paper to the respondent manufacturer and distributors, or any other manufacturer or distributor; (5) furnishing said respondent Association, or its officers or representatives, with lists of their respective customers or the names of their customers delinquent in their accounts; (6) refusing to sell any delinquent customer of other members of said respondent Association; and (7) utilizing respondent Association, or any similar agency, or its officers or representatives, as a means or instrumentality in aid of or in carrying on any of the acts or practices forbidden by this order; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Newton Paper Mills, et al., Docket 4559, December 16, 1941]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.30 (g) *Cutting off competitors' access to customers or market—Withholding supplies from competitors' customers.* Pursuant to understanding or agreement entered into by respondent die cutters, etc., or any equivalent cooperation, concert or common course of action, and on the part of respondent Die Cutters Association and respondent Haberman, officer thereof (joined also in order in question with respondent manufacturer of "bogus" paper, respondent distributors thereof, and respondent die cutters), and on the part of any other agent or representative of said association, and among other things, as in order set forth, (1) holding meetings of respondent die cutters to fix and establish prices, terms, discounts and charges for their products; (2) circulating and distributing prices, terms, discounts and charges for "bogus" paper fixed and established by respondent die cutters; (3) circulating and distributing lists of customers and prospective customers of respondent die cutters and the names of customers of respondent die cutters who are delinquent in their accounts; (4) prescribing and assessing penalties for violation of said understanding or agreement by the respondent die cutters; and (5) otherwise cooperating with said respondent die cutters in the carrying out and enforcement of said understanding or agreement; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Newton Paper Mills, et al., Docket 4559, December 16, 1941]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.30 (g) *Cutting off competitors' access to customers or market—Withholding supplies from competitors' customers:* § 3.33 (b10) *Cutting off competitors' supplies—Refusing sales to on same terms and conditions.* In connection with the sale, etc., in commerce, of "bogus" paper, and on the part of respondent manufacturer and respondent distributors (joined in order in question with respondent Die Cutters Association, its executive secretary, and respondent die cutters), and on the part of their officers, etc., and among other things, as in order set forth, pursuant to understanding or agreement entered into by them, or any equivalent cooperation, concert, or common course of action, (1) refusing to sell "bogus" paper to any die cutter not a member of respondent Association on the same terms and conditions as they sell to members of said Association; and (2) otherwise cooperating with the respondent die cutters and respondent Association in the carrying out and enforcement of said understanding or agreement; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Newton Paper Mills, et al., Docket 4559, December 16, 1941]

In the Matter of Newton Paper Mills, a Corporation; Samuel Fuchs, Trading as Henry Fuchs and Son; Solomon J. Salwen and Morris Ruben and Sidney Salwen, Copartners Trading as Joe Salwen Company, Salwen Paper Company, a Corporation; Stay Die Cutters Association, Inc., a Corporation; Sidney Haberman, Individually and as Executive Secretary of Stay Die Cutters Association, Inc.; Art Metal Die Manufacturers, a Corporation; Die-Craft Cutting Company, Inc., a Corporation; R. & C. Mounting and Finishing Company, a Corporation; New York Leather Embossing Company, a Corporation; Harry Litky, Jennie Lansky, Trading as Lansky Die Cutting Company; and Morris Silverberg, Trading as F. & S. Die Cutting Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of respondents, in which answers respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered that respondents Newton Paper Company, hereinafter referred to as respondent manufacturer, Samuel Fuchs, trading as Henry Fuchs and Son, Solomon J. Salwen, Sidney Salwen, Reuben Salwen and Maurice J. Salwen, copartners trading as Joe Salwen Paper Company, Salwen Paper Company, a corporation, hereinafter referred to as respondent distributors, Stay Die Cutters Association, Inc., hereinafter referred to as respondent Association, Sidney Haberman, individually and as executive secretary of said respondent Association, Art Metal Die Manufacturers, a corporation, Die-Craft Cutting Company, Inc., a corporation, R. & C. Mounting and Finishing Company, a corporation, New York Leather Embossing Company, a corporation, Harry Litky, Jennie Lansky, trading as Lansky Die Cutting Company, and Morris Silverberg, trading as F. & S. Die Cutting Company hereinafter referred to as respondent die cutters, and their officers, representatives, agents and employees, and each of them, directly or indirectly, or through any corporate or other device in connection with the sale, offering for sale, or distribution of "bogus" paper in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into or carrying out any understanding, agreement, combination or conspiracy, or any equivalent cooperation, concert or common course of action to hinder, lessen, restrict or restrain competition and trade in the sale or distribution of "bogus" paper, either in its original or converted form, in commerce between and among the several states of the United States, or to monopolize in themselves the business or any part of such business in said commerce, and to that end,

It is further ordered, That respondent die cutters, directly or indirectly, or through any corporate or other device in connection with the sale, offering for sale, or distribution of "bogus" paper in said commerce, do forthwith cease and desist from performing any of the following acts or practices pursuant to understanding or agreement, or any equivalent cooperation, concert or common course of action:

1. Fixing and establishing prices, terms, discounts and charges for said "bogus" paper, or attending meetings for such purpose.

2. Allocating through respondent Association, or any other similar agency, new and prospective customers for "bogus" paper among the members of said respondent Association.

3. Refusing to solicit the sale of or to sell "bogus" paper to customers of other members of said respondent Association.

4. Restricting their purchase of "bogus" paper to the respondent manufacturer and distributors, or any other manufacturer or distributor.

5. Furnishing said respondent Association, or its officers or representatives, with lists of their respective customers or the names of their customers delinquent in their accounts.

6. Refusing to sell any delinquent customer of other members of said respondent Association.

7. Utilizing respondent Association, or any similar agency, or its officers or representatives, as a means or instrumentality in aid of or in carrying on any of the acts or practices forbidden by this order, and

It is further ordered, That respondent Association and Sidney Haberman, either individually or as an officer or representative of said Association, or any other agent or representative of said Association, directly or indirectly, or through any corporate or other device, pursuant to said understanding or agreement, or any equivalent cooperation, concert or common course of action, do forthwith cease and desist from:

1. Holding meetings of respondent die cutters to fix and establish prices, terms, discounts and charges for their products.

2. Circulating and distributing prices, terms, discounts and charges for "bogus" paper fixed and established by respondent die cutters.

3. Circulating and distributing lists of customers and prospective customers of respondent die cutters and the names of customers of respondent die cutters who are delinquent in their accounts.

4. Prescribing and assessing penalties for violation of said understanding or agreement by the respondent die cutters.

5. Otherwise cooperating with the said respondent die cutters in the carrying out and enforcement of said understanding or agreement, and

It is further ordered, That respondent manufacturer and respondent distributors and their officers, representatives, agents and employees, directly or indirectly, or through any corporate or other device, in connection with the sale, offering for sale, or distribution of "bogus" paper in said commerce, pursuant to said understanding or agreement, or any equivalent cooperation, concert or common course of action, do forthwith cease and desist from:

1. Refusing to sell "bogus" paper to any die cutter not a member of respondent Association on the same terms and conditions as they sell to members of said Association.

2. Otherwise cooperating with the respondent die cutters and respondent Association in the carrying out and enforcement of said understanding or agreement.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9676; Filed, December 23, 1941; 11:39 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PUBLIC CIRCULAR NO. 8A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

DECEMBER 20, 1941.

All general licenses other than those listed below are hereby reinstated to the

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts. Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Ex. Order 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

extent that they were revoked by Public Circular No. 8.[2]

General License No. 56
General License No. 58
General License No. 59
General License No. 60
General License No. 61
General License No. 63
General License No. 65
General License No. 66
General License No. 68
General License No. 69
General License No. 75

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9551; Filed, December 22, 1941; 4:23 p. m.]

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[1941 Dept. Cir. No. 675]

PART 310—EXCHANGES OF INTERIM CERTIFICATES OF 2½% TREASURY BONDS OF 1967–72 FOR DEFINITIVE COUPON BONDS[3]

Sec.
310.0 Scope of regulations.
310.1 Official agencies.
310.2 Exchanges at official agencies.
310.3 Special arrangements for banks and trust companies.
310.4 Authority of Federal Reserve Banks.
310.5 Reservations.

DECEMBER 15, 1941.

§ 310.0 *Scope of regulations.* The provisions of this circular are hereby prescribed as the regulations to govern the exchange of full-paid interim certificates, issued pursuant to Treasury Department Circulars No. 368, Revised, dated October 15, 1941 (6 F.R. 5289), No. 670, dated October 9, 1941 (6 F.R. 5150), and No. 672, dated December 4, 1941 (6 F.R. 6257), for definitive 2½ percent Treasury Bonds of 1967–72, dated October 20, 1941, in bearer form with coupons covering interest to maturity attached (which may hereinafter be referred to as definitive coupon bonds, definitive bonds, or definitives.*

*§§ 310.0 to 310.5 inclusive, issued under the authority contained in 40 Stat. 288, 46 Stat. 775, 52 Stat. 447.

§ 310.1 *Official agencies.* The official agencies for the exchange hereunder of interim certificates for definitive coupon bonds are the Federal Reserve Banks and their Branches, and the Treasury Department, Division of Loans and Currency, Washington, D. C.*

§ 310.2 *Exchanges at official agencies.* Exchanges may be affected beginning January 19, 1942. Interim certificates to be exchanged must be presented and surrendered to an official agency, at the risk and expense of the holders, and, unless delivered in person, should be forwarded by registered mail or prepaid express. Each delivery of interim certificates must be accompanied by appropriate written advice[4] transmitting the certificates and giving instructions for the delivery of the definitives issued in exchange (see appropriate form appended to this circular). Exchanges will be made on a like par amount basis, and unless other instructions are given in the advice, definitives of the highest possible denominations will be delivered. No charge for the exchange will be made by the United States, and deliveries of definitives will be made within the United States, its territories and possessions at the expense and risk of the United States. No deliveries elsewhere will be made, nor will delivery of definitives be made other than to the party presenting the interim certificates. *Important:* See the next following section for special arrangements for presentation of interim certificates to Federal Reserve Banks by banks and trust companies.*

§ 310.3 *Special arrangements for banks and trust companies.* It is expected that incorporated banks and trust companies within the United States, generally will offer their services to their customers in effecting exchanges of interim certificates for definitive bonds without expense to the holders, and, accordingly, any holders of interim certificates who avail themselves of any such offer should, of course, present and surrender their interim certificates through such institutions. Any such bank or trust company may arrange with the Federal Reserve Bank of its district for the transportation of interim certificates to the Federal Reserve Bank by registered mail at the expense and risk of the United States. Full information concerning such arrangements will be furnished by Federal Reserve Banks to incorporated banks and trust companies upon application. The interim certificates forwarded by incorporated banks and trust companies to the Federal Reserve Banks for exchange pursuant to such arrangements must be clearly stamped on the face, in indelible ink, with a legend reading as follows:

Presented for exchange for definitive coupon bonds by ----------
(Name of bank or trust company)

All such interim certificates so stamped shall thenceforth be deemed non-negotiable and will be accepted by the Federal Reserve Bank only when presented for exchange by or for account of the bank or trust company named thereon. Such arrangements may not be made with the Treasury Department, nor may they be made by individuals or institutions except as herein provided. Deliveries of definitive bonds issued upon such exchanges will be made to the incorporated bank or trust company presenting the interim certificates for exchange, and will be made at the expense and risk of the United States. Incorporated banks and trust companies, in effecting exchanges pursuant to this paragraph, act as agents of the holders of the interim certificates and not as agents of the United States, and the United States will not be responsible for the receipt or custody of the interim certificates or for the custody or delivery of the definitive bonds by the banks or trust companies. The provisions of this section may be extended to private banks doing a recognized banking business and approved by the Federal Reserve Bank of the district in which located.*

§ 310.4 *Authority of Federal Reserve Banks.* Federal Reserve Banks, as fiscal agents of the United States, and their branches are authorized to perform all necessary acts within the purview of this circular, and to carry out such instructions in connection therewith as may, from time to time, be given by the Secretary of the Treasury.*

§ 310.5 *Reservations.* The Secretary of the Treasury reserves the right at any time or from time to time to amend, supplement, or withdraw any or all of the provisions of this circular.*

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9665; Filed, December 23, 1941; 10:02 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 944—PRIORITIES DIVISION REGULATIONS

Amendment of Priorities Regulation No. 1

Effective at once, Priorities Regulation No. 1,[1] §§ 944.1 to 944.21 inclusive, is hereby amended to read as follows:

This Regulation is issued to promote the defense of the United States and facilitate the operation of the Priorities System.

§ 944.1 *Definitions.* (a) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) "Defense Order" means:

(1) Any contract or purchase order for material or equipment to be delivered to, or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(2) Any contract or purchase order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(3) Any other contract or purchase order to which the Director of Priorities assigns a preference rating of A–10 or higher.

(4) Any contract or purchase order for material or equipment required by the Person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (1), (2) or (3) above.

(c) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.*

*§§ 944.1 to 944.21, inclusive, issued pursuant to the authority contained in O.P.M. Regulation 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.

§ 944.1a *Certain defense orders rated A–10.* Every Defense Order (as defined in this Regulation) for any Material which has not been specifically assigned a higher preference rating, is hereby assigned a rating of A–10.*

§ 944.2 *Compulsory acceptance of defense and other rated orders.* Defense Orders for any Material and all other purchase orders bearing preference ratings, including both A and B ratings (hereinafter called "other rated orders") must be accepted and filled in preference to any other contracts or purchase orders for such Material, subject to the following provisions:

(a) Such orders must be accepted even if acceptance will render impossible, or result in deferment of, (1) deliveries under previously accepted orders bearing no preference rating, or

(2) deliveries under previously accepted orders bearing lower preference ratings, unless rejection is specifically permitted by the Director of Priorities or is permitted under the terms of § 944.2 (b) (2);

(b) Any such order need not be accepted (1) if delivery on schedule thereunder would be impossible by reason of the requirements of previously accepted orders bearing higher or equal preference ratings, unless acceptance is specifically directed by the Director of Priorities;

(2) if delivery on schedule thereunder can be made only by use of Material which is already completed when such order is received or which is scheduled to be completed within fifteen days thereafter, and which was specifically produced for delivery under Defense Orders previously accepted bearing lower preference ratings, unless the preferred order bears a rating of AA or acceptance thereof is specifically directed by the Director of Priorities;

(3) if the Person seeking to place such order is unwilling or unable to meet regularly established prices and terms of sale or payment, but there shall be no discrimination against such orders in establishing such prices or terms;

(4) if the Material ordered is not of the kind usually produced or capable of being produced by the Person to whom such order is offered;

(5) if such order specifies deliveries within fifteen days, and if compliance with such delivery dates would require the termination before completion of a specific production schedule already commenced.*

§ 944.3 *Rejected orders.* When a Defense Order or any other rated order for any Material has been rejected in violation of this Regulation, the Person seeking to place such order may file with the Office of Production Management a report setting forth the facts in connection with the rejection. When the facts set forth justify such action, the Director of Priorities will thereupon direct the Person against whom complaint is made to submit a statement setting forth the circumstances concerning the rejection. Thereafter, such action will be taken by the Director of Priorities as he deems appropriate.*

§ 944.4 *Assignment of preference ratings.* Preference ratings may be assigned to contracts, purchase orders or deliveries by means of Preference Rating Certificates issued by authority of the Director of Priorities, or by rules, regulations or Orders issued by the Director of Priorities assigning ratings to particular deliveries or to specified classes of deliveries. Such ratings may be assigned to deliveries under accepted contracts or purchase orders, and also to purchase orders which have not been placed or accepted at the time the rating is applied for. The Director of Priorities may also issue specific Orders as to particular deliveries, without assigning ratings thereto.*

§ 944.4a *Duration of preference rating orders.* In the case of any Order of the Director of Priorities which authorizes a Person to apply a preference rating to deliveries of Material, such rating may, in the absence of a contrary provision in the particular Order, be applied to deliveries to be made after the date of expiration of the Order, provided such application is made during the life of the Order, and provided the purchase order calling for such delivery is not placed further in advance of the delivery date than has been the usual business practice. In the event of revocation or upon expiration of any Order of the Director of Priorities pursuant to which a preference rating has been applied to deliveries of Material, deliveries already rated pursuant to such Order shall be completed in accordance with said rating, unless the rating has been specifically revoked by the Director of Priorities as to such delivery. No applications of a rating to any delivery shall be made by any Person pursuant to any Order of the Director of Priorities, after the revocation or expiration of such Order.*

§ 944.5 *Sequence of preference ratings.* Preference Ratings, in order of precedence, are: AA, A–1–a, A–1–b, etc., * * * A–1–j; A–2, A–3, etc., * * * A–10; BB, B–1, B–2, etc., * * * B–8, AA being the highest rating presently assigned.*

§ 944.6 *Doubtful cases.* Whenever there is doubt as to the preference rating applicable to any delivery, or as to whether a particular order is a Defense Order, the matter is to be referred to the Office of Production Management for determination, with a statement of all pertinent facts.*

§ 944.7 *Sequence of deliveries.* (a) Every delivery under a Defense Order or other rated order shall be made in preference to deliveries under all other contracts or purchase orders whenever, and to the extent, necessary to meet the delivery schedule provided in the preference rating certificate covering such delivery, or in the contract or purchase order if no certificate has been issued. Deliveries bearing no preference rating or lower preference ratings shall be deferred to the extent necessary to assure those deliveries bearing higher preference ratings, even though such deferment may cause defaults under other contracts or purchase orders. Each Person who has Defense Orders or other rated orders on hand must so schedule his production and deliveries that deliveries thereunder will be made on the dates required, giving precedence, in case of unavoidable delay, to deliveries bearing the higher preference ratings.

(b) The sequence of deliveries bearing the same preference rating shall be determined by the delivery dates specified in their respective preference rating certificates, or if the ratings were assigned by rule, regulation or Order of the Director of Priorities, but no certificates were issued, then by the dates specified in the contracts or purchase orders. In any case where both preference ratings and delivery dates are the same, and it is impossible to make all deliveries on schedule, the sequence of deliveries shall be determined by the respective dates on which the preference ratings are applied to the deliveries.

(c) Notwithstanding the foregoing provisions, Material specifically produced for a Defense Order may not be diverted and delivered under a higher rated order subsequently accepted if such Material is completed at the time of the accept-

[2] 6 F.R. 6304.

[3] The regulations prescribed in this circular apply to full-paid interim certificates the issue of which was incident to the issue of 2½% Treasury Bonds of 1967–72 pursuant to the authority of the Second Liberty Bond Act, as amended.

[4] Form PD 1732 filed with the original document.

[1] 6 F.R. 4469.

ance of the higher rated order or is scheduled for completion within fifteen days thereafter, unless such diversion is specifically directed by the Director of Priorities, or unless the subsequently accepted order bears a rating of AA.*

§ 944.8 *Delivery schedules.* No earlier delivery date shall be specified in any Defense Order or other rated order than required by the production or delivery schedules of the Person placing such order, and each such order must bear a specific delivery date or dates. No preference rating will be assigned to any contract or purchase order specifying delivery dates earlier than required by the production or delivery schedules of the Person placing the contract or purchase order.*

§ 944.9 *Deferred deliveries.* When deliveries under Defense Orders or other rated orders have been unreasonably or improperly deferred, the Person entitled to delivery may file with the Office of Production Management a report setting forth the facts in connection with the deferment. When the facts set forth justify such action, the Director of Priorities will thereupon direct the Person against whom complaint is made to submit a statement, setting forth the circumstances concerning the deferment of deliveries. Thereafter, such action will be taken by the Director of Priorities as he deems appropriate.*

§ 944.10 *Allocations and limitations.* When specific allocations of a Material are made by the Director of Priorities, such allocations may, in the discretion of the Director, be made without regard to any preference ratings which have been assigned to deliveries under particular contracts or purchase orders. Allocation orders issued by the Director of Priorities shall take precedence over any preference ratings assigned to deliveries under particular contracts or purchase orders. In the case of any rule, regulation or Order limiting the amount of deliveries, sales, production, manufacture, processing, use or other transactions in any Material, transactions involved in the performance of defense or other rated orders shall be included in calculating the amount permitted by such limitation unless otherwise expressly provided. In case limitations imposed by two or more rules, regulations or Orders are applicable to the same subject matter, the most restrictive shall apply, unless otherwise expressly provided.*

§ 944.11 *Use of material obtained under allocation or preference rating.* Any Person who obtains a delivery of any Material under an Order of the Director of Priorities, or a delivery of Material bearing a preference rating, must use such Material, or an equivalent amount thereof, for the purpose specified in connection with the issuance of the Order or rating.*

§ 944.12 *Intra-company deliveries.* When any rule, regulation or Order of the Director of Priorities prohibits or restricts deliveries of any Material by any Person, such prohibition or restriction shall, in the absence of a contrary direction, apply not only to deliveries to other Persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.*

§ 944.13 *Effect of rule, regulation or order.* When any rule, regulation or Order of the Director of Priorities prohibits or restricts deliveries or use of any Material, such prohibition or restriction shall, in the absence of a contrary direction, apply to all deliveries and use made after the effective date of the rule, regulation or Order, including deliveries under contracts or purchase orders accepted either prior to or subsequent to such effective date. No Person shall be held liable for damages or penalties for any default under any contract or purchase order which shall result directly or indirectly from his compliance with any rule, regulation or Order of the Director of Priorities.*

§ 944.14 *Inventory restriction.* Unless specifically authorized by the Director of Priorities, no Person shall knowingly make delivery of any Material whatever, and no Person shall accept delivery thereof if the inventory of such Material of the Person accepting delivery, in the same or other forms, is, or will by virtue of such acceptance become, in excess of the practicable minimum working inventory reasonably necessary to meet deliveries of the products of the Person accepting delivery, on the basis of his current method and rate of operation. Unless specifically authorized by the Director of Priorities, no Person shall process, fabricate, alloy or otherwise alter the shape or form of any Material if his inventory of such Material in its processed, fabricated, alloyed or otherwise altered shape or form is, or will by virtue of such operation become, in excess of a practicable minimum working inventory thereof. The term "practicable minimum working inventory" is to be strictly construed. The mere fact that the rate of turnover has increased or that materials are difficult to obtain does not justify maintaining inventories above the minimum with which operations can be continued. In the calculation of the practicable minimum working inventory of any Person who imports Material, either directly or through an agent, deliveries of such imported Material to such Person may be excluded.*

§ 944.15 *Records.* Each Person participating in any transaction to which any rule, regulation or Order of the Director of Priorities applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories of the Material or Materials to which such rule, regulation or Order relates and of the details of all transactions in such Materials. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the Material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of Defense Orders and all other rated orders either accepted or offered and rejected, and other pertinent information.*

§ 944.16 *Audit and inspection.* All records required to be kept by this Regulation or by any rule, regulation or Order of the Director of Priorities shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.*

§ 944.17 *Reports.* Each Person participating in any transaction to which any rule, regulation or Order of the Director of Priorities applies shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request.*

§ 944.18 *Violations and penalties.* Any Person who violates any provision of this Regulation or any other rule, regulation or Order of the Office of Production Management, or who, by any statement or omission, wilfully falsifies any records which he is required to keep, or who otherwise wilfully furnishes false or misleading information to the Director of Priorities or to the Office of Production Management, and any Person who obtains a delivery, an allocation of Material or a preference rating by means of a material and wilful, false or misleading statement, may be prohibited by the Director of Priorities from making or obtaining further deliveries of Material under priority control and may be deprived of further priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).*

§ 944.19 *Relief in exceptional cases.* Any Person subject to any requirement of any rule, regulation or Order of the Director of Priorities who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Office of Production Management, setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as it deems appropriate.*

§ 944.20 *Notification of customers.* Any Person who is prohibited from or restricted in, making deliveries of any Material by the provisions of any rule, regulation or Order of the Director of Priorities shall, as soon as practicable, notify each of his regular customers of the requirements of such rule, regulation or Order, but the failure to give such notice shall not excuse any customer from the obligation of complying with any requirements of such rule, regulation or Order applicable to such customer.*

§ 944.21 *Effect and scope of regulation; ratification of prior acts.* This Regulation shall take effect at once and, except where inconsistent with the specific provisions of any existing or future rule, regulation, Order or direction of the Director of Priorities, shall hereafter regulate and govern all matters embraced herein, including transactions in Materials not subjected to priority control otherwise than by this Regulation. All existing rules, regulations, Orders, directions and actions of the Director of Priorities are hereby ratified and confirmed and shall remain in full force and effect until they expire by their terms or are specifically revoked or amended.*

Issued this 23d day of December 1941, effective immediately.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9658; Filed, December 23, 1941; 9:50 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Interpretation No. 1 of General Limitation Order L-3 [1]

The following official interpretation is hereby issued by the Director of Priorities with respect to § 976.3, *General Limitation Order L-3*, issued September 13, 1941:

Section 976.3, paragraph (e), excludes from each Producer's quota light motor trucks produced "under specific contracts or orders placed by or for the account of" the Army or Navy of the United States, certain designated Governments and certain designated Governmental Agencies. Under this subsection, light motor trucks to which the Army, Navy, designated Governments or designated Governmental Agencies take title or contract to take title at the time of the sale are excluded from the Producer's quota, regardless of whether the light motor trucks are sold directly by the Producer or indirectly through the Producer's dealers or other channels of distribution. All light motor trucks which the Producer can identify as going to the Army, Navy, designated Governments, or designated Governmental Agencies are excluded from the quota.

Issued this 23d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9660; Filed, December 23, 1941; 9:50 a. m.]

[1] 6 F.R. 4733.

PART 981—PASSENGER AUTOMOBILES

Interpretation No. 1 of General Limitation Order L-2 [1]

The following official interpretation is hereby issued by the Director of Priorities with respect to § 981.1, *General Limitation Order L-2*, issued September 13, 1941:

Section 981.1, paragraph (f), excludes from each Producer's quota passenger automobiles produced "under specific contracts or orders placed by or for the account of" the Army or Navy of the United States, certain designated Governments, and certain designated Governmental Agencies. Under this subsection, passenger automobiles to which the Army, Navy, designated Governments or designated Governmental Agencies take title or contract at the time of the sale are excluded from the Producer's quota, regardless of whether the passenger automobiles are sold directly by the Producer or indirectly through the Producer's dealers or other channels of distribution. All passenger automobiles which the Producer can identify as going to the Army, Navy, certain designated Governments or certain designated Governmental Agencies are excluded from the quota.

Issued this 23d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9659; Filed, December 23, 1941; 9:50 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Interpretation No. 1 of General Limitation Order L-4 [2]

The following official interpretation is hereby issued by the Director of Priorities with respect to § 983.1, *General Limitation Order L-4*, issued September 16, 1941:

Section 983.1, subparagraph (b) (2), excludes from each Producer's quota parts produced "under contracts or orders for delivery to or for the account of" the Army or Navy of the United States, certain designated Governments, and certain designated Governmental Agencies. Under this subsection, parts to which the Army, Navy, designated Governments or designated Governmental Agencies take title or contract to take title at the time of the sale are excluded from the Producer's quota, regardless of whether the parts are sold directly by the Producer or indirectly through the Producer's dealers or other channels of distribution. All parts which the Producer can identify as going to the Army, Navy, designated Governments, or designated Governmental agencies are excluded from the quota.

Issued this 23d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9661; Filed, December 23, 1941; 9:50 a. m.]

PART 1066—MATERIAL ENTERING INTO THE COMPLETION OF CERTAIN PRIVATE HOUSING PROJECTS NOT QUALIFYING UNDER PREFERENCE RATING ORDER P-55

Preference Rating Order No. P-71

§ 1006.1 *Preference rating order P-71.* For the purpose of facilitating the acquisition of material for the completion of construction of the specific Housing Project hereinafter described, the construction of which was partially completed by October 9, 1941, a preference rating is hereby assigned to deliveries to the above-named Builder and to deliveries to his Suppliers upon the following terms:

(a) *Definitions.* (1) "Builder" means the specific person to whom this Order is addressed above.

(2) "Housing Project" means the specific housing project described in the Builder's Application on Form PD-135, dated ----------, as finally approved.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of Housing Material to the Builder or to another Supplier.

(4) "Housing Material" means any Material included in the Defense Housing Critical List.

(5) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(b) *Assignment of preference rating.* Preference Rating A-10 is hereby assigned (1) to deliveries to the Builder by his Suppliers of those specific quantities and kinds of Housing Material which have been specifically authorized for rating by the Director of Priorities on the Builder's Application on Form PD-135, No. ----------, dated ----------

(2) to deliveries, to any Supplier who has received an order or contract rated hereunder from the Builder or another Supplier, of Housing Material which will be delivered pursuant to such order or contract or of Material which will be physically incorporated into Housing Materials which will be so delivered, or which will be used, within the limitations of paragraph (d) (2), hereof, to replace in such Supplier's inventory Material so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) The Builder.

[1] 6 F.R. 4735.
[2] 6 F.R. 4819, 5954.

(2) Any Supplier of Material to the delivery of which the preference rating has been applied in the manner specified in paragraph (e).

(d) *Restrictions on use of preference rating*—(1) *Restrictions on the builder.* (i) The Builder may apply the rating only to deliveries of those quantities and kinds of Housing Material specifically authorized for such rating by the Director of Priorities as indicated on the copy of Form PD–135 returned to the Builder, and which are necessary in order to complete the specific Housing Project described in said Form PD–135.

(2) *Restrictions on supplier.* (i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may defer applications of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating.* (1) The Builder or any Supplier, in order to apply the preference rating assigned hereunder to deliveries to him, must:

(i) Furnish one copy of Preference Rating Order No. P–71, with the attached form of acceptance thereof unsigned, to each of his Suppliers with whom he places a contract or purchase Order for Material to the delivery of which he elects to apply the preference rating. After one such copy, regardless of Serial Number, has been furnished to a particular Supplier, no additional copy need be furnished to that Supplier to cover any subsequent application of the preference rating assigned hereunder; and

(ii) Endorse on each purchase order or contract which is covered by the rating assigned hereunder, a statement in the following form, manually signed by an official duly authorized for such purpose, specifying the rating assigned and the appropriate Serial Number or Numbers:

Preference Rating A–10 is applied hereto under Preference Rating Order No. P–71, Serial No. (s). ———, with the terms of which Order the undersigned is familiar.

———
(Name of Builder or Supplier)

By ———
(Duly Authorized Official)

Such endorsement shall constitute a representation to the Office of Production Management and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such Supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) A Supplier who has received from two or more Builders or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may (within the limitations of paragraph (d) hereof) include in a single purchase order or contract any or all of the Material which he in turn requires to make such rated deliveries, but must specify in the endorsement on such single purchase order or contract all of the Serial Numbers contained in the purchase orders or contracts which have been so received by him and to fill which he is applying the preference rating.

(3) In addition to the foregoing requirements, a Supplier (but not a Builder), before he first applies the preference rating assigned hereunder to deliveries to him, must accept Preference Rating Order No. P–71 by executing the form of acceptance attached at the end hereof, and file it with the Office of Production Management. No additional acceptance need be filed for any subsequent application of Preference Rating Order No. P–71, regardless of the Serial Number under which or of the name of the Producer to whom it is issued.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Builder, and each Supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Office of Production Management, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(g) *Reports.* The Builder, and each Supplier who applies the preference rating assigned hereunder, shall file such reports as may be required from time to time by the Office of Production Management.

(h) *Communications to Office of Production Management.* Acceptances of this Order, all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

Office of Production Management,
Washington, D. C. Ref: P–71.

(i) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Builder or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder or Supplier affected by such revocation.

(k) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(l) *Effective date.* This Order shall take effect on the date specified in the heading hereof, and, unless sooner revoked, shall expire on the 31st day of March 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 23d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

THIS ORDER IS NOT VALID UNLESS COUNTERSIGNED BY THE DISTRICT MANAGER, PRIORITIES FIELD SERVICE, OFFICE OF PRODUCTION MANAGEMENT

Countersigned by:

———
Name

———
Title

———
Field Office

———
Effective Date

SUPPLIER'S ACCEPTANCE OF PREFERENCE RATING ORDER NO. P–71—MATERIAL ENTERING INTO THE COMPLETION OF CERTAIN PRIVATE HOUSING PROJECTS

(Before signing this acceptance, read carefully the terms of the foregoing Order)

Ref. P–71

To: *Office of Production Management, Washington, D. C.*

The undersigned has received a purchase order or contract containing an endorsement in the form provided in Preference Rating Order No. P–71. For the purpose of applying to deliveries to the undersigned the rating assigned by said Order, the undersigned hereby accepts said Order and agrees to be bound by the terms and conditions thereof.

Dated this ——— day of ——— 194–

———
Legal Name of Supplier

By ———
Signature of Duly Authorized Official — Title

———

———
Address of Supplier

(Section 35 (A) of the Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction).

INSTRUCTIONS

The requirements for furnishing copies of the foregoing Order to Suppliers and for execution of the above form of acceptance by Suppliers are set out in detail in paragraph (e) of the Order. Builders or Suppliers required to furnish the copies must make them by photo-offset or similar photographic process. Such copies must be identical in size and every other respect with the Order and acceptance as issued by the Office of Production Management.

Copies furnished to Suppliers by Builders or other Suppliers, pursuant to the requirements of paragraph (e) of the foregoing Order, should have the form of acceptance left blank for execution by the Suppliers to whom they are furnished.

[F. R. Doc. 41–9663; Filed, December 23, 1941; 9:51 a. m.]

[Suspension Order No. S–3]

PART 1010—SUSPENSION ORDERS

Enterprise Oil Co.

Enterprise Oil Company of Enterprise, Alabama, is a mill engaged in the production of cotton seed oil and mill run cotton linters. It is subject to the provisions of General Preference Order M–12, issued August 19, 1941. This Order provides that a mill making but one cut of cotton linters shall not sell more than 20% of its mill run cotton linters other than for ultimate use in the chemical industry. Enterprise Oil Company, with full knowledge of the requirements of General Preference Order M–12, sold and shipped its entire production of mill run cotton linters for the months of August and September for ultimate use other than in the chemical industry.

Because of the scarcity and critical importance of cotton linters, this wilful violation of General Preference Order M–12 has resulted in the diversion of cotton linters from primary defense needs in the production of explosives and has thus impeded the defense of the United States. In view of the foregoing facts,

It is hereby ordered:

§ 1010.3 *Suspension order S–3.* (a) During the period in which this Order shall be in effect, deliveries of material to Enterprise Oil Company of Enterprise, Alabama, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Enterprise Oil Company of Enterprise, Alabama by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Priorities, except as specifically directed by the Director of Priorities.

(b) During the period in which this Order shall be in effect, Enterprise Oil Company of Enterprise, Alabama, its successors and assigns, shall accept no deliveries of cotton seed from any source, except as specifically directed by the Director of Priorities.

(c) During the period in which this Order shall be in effect, Enterprise Oil Company, Enterprise, Alabama, its successors and assigns, shall make no delivery of cotton linters, except as specifically directed by the Director of Priorities.

(d) During the period in which this Order shall be in effect, no person shall deliver any cotton seed to Enterprise Oil Company, its successors and assigns, in any case in which the acceptance of such delivery by the Company would be in violation of this Order; nor shall any person accept delivery of cotton linters from Enterprise Oil Company in any case in which the delivery of cotton linters by the Company would be in violation of this Order.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Priorities, shall expire at midnight of June 30, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9654; Filed, December 23, 1941; 9:49 a. m.]

[Suspension Order No. S–4]

PART 1010—SUSPENSION ORDERS

Mock, Judson, Voehringer Co. of N. C., Inc.

Mock, Judson, Voehringer Company of N. C., Inc. is a corporation engaged in the manufacture of full-fashioned silk hosiery. On August 2, 1941, the Director of Priorities issued an amendment to General Preference Order M–22 providing that after midnight of that day no raw silk could be thrown, spun, or otherwise processed unless specifically authorized by the Director of Priorities. On September 9, 1941, the Director of Priorities announced that raw silk which had been opened and taken out of the original bales prior to midnight of August 2, 1941, would, upon application, be released from the restrictions of the Order. On September 15, 1941, Mock, Judson, Voehringer Company of N. C., Inc. certified to the Office of Production Management that it held 51,705 pounds of raw silk which was opened and awaiting processing and had been taken out of the original bales prior to midnight of August 2, 1941. Upon the basis of this certification, the Director of Priorities, on September 18, 1941, released this amount of silk from the restrictions of the Order. The certification of Mock, Judson, Voehringer Company of N. C., Inc. was false and misleading in that the silk held by Mock, Judson, Voehringer Company of N. C., Inc. was not open and awaiting processing and had not been taken out of the original bales prior to midnight August 2, 1941, but remained in the original bales and had been opened only for the purpose of testing and sampling.

The misrepresentations of Mock, Judson, Voehringer Company of N. C., Inc. have resulted in the diversion of raw silk from primary defense needs into non-essential uses and have thus impeded the defense of the United States. In view of the foregoing facts,

It is hereby ordered:

§ 1010.4 *Suspension Order S–4.* (a) During the period in which this Order shall be in effect, deliveries of material to Mock, Judson, Voehringer Company of N. C., Inc., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Mock, Judson, Voehringer Company of N. C., Inc. by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Priorities, except as specifically directed by the Director of Priorities.

(b) During the period in which this Order shall be in effect, no deliveries of reserved rayon yarn shall be made to Mock, Judson, Voehringer Company of N. C., Inc. from the amounts set aside by producers thereof in accordance with the provisions of Supplementary Order M–37–a, issued by the Director of Priorities on September 25, 1941.

(c) During the period in which this Order shall be in effect, Mock, Judson, Voehringer Company of N. C., Inc. shall not blend, wet down, throw, knit, weave or otherwise process raw silk.

(d) During the period in which this Order shall be in effect, Mock, Judson, Voehringer Company of N. C., Inc. shall make no delivery or sale of any raw silk in its possession or under its control ex-

cept to the Defense Supplies Corporation. Within 30 days from the effective date of this Order, Mock, Judson, Voehringer Company of N. C., Inc. shall tender to the Defense Supplies Corporation the entire stock of raw silk owned by it or held for its account.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Priorities, shall expire on the 15th day of August, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8865, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9655; Filed, December 23, 1941; 9:49 a. m.]

[Suspension Order No. S-5]

PART 1010—SUSPENSION ORDERS

Siler City Hosiery Co.

Siler City Hosiery Company is a corporation engaged in the manufacture of full-fashioned silk hosiery. On August 2, 1941, the Director of Priorities issued an amendment to General Preference Order M-22 providing that after midnight of that day no raw silk could be thrown, spun, or otherwise processed unless specifically authorized by the Director of Priorities. On September 9, 1941, the Director of Priorities announced that raw silk which had been opened and taken out of the original bales prior to midnight of August 2, 1941, would, upon application, be released from the restrictions of the Order. On September 15, 1941, Siler City Hosiery Company certified to the Office of Production Management that it held 4,622.43 pounds of raw silk which was opened and awaiting processing and had been taken out of the original bales prior to midnight of August 2, 1941. Upon the basis of this certification, the Director of Priorities, on September 18, 1941, released this amount of silk from the restrictions of the Order. The certification of Siler City Hosiery Company was false and misleading in that the silk held by Siler City Hosiery Company was not open and awaiting processing and had not been taken out of the original bales prior to midnight August 2, 1941, but remained in the original bales and had been opened only for the purpose of testing and sampling.

The misrepresentations of Siler City Hosiery Company have resulted in the diversion of raw silk from primary defense needs into nonessential uses and have thus impeded the defense of the United States. In view of the foregoing facts,

It is hereby ordered:

§ 1010.5 *Suspension order S-5.* (a) During the period in which this Order shall be in effect, deliveries of material to Siler City Hosiery Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Siler City Hosiery Company by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Priorities, except as specifically directed by the Director of Priorities.

(b) During the period in which this Order shall be in effect, no deliveries of reserved rayon yarn shall be made to Siler City Hosiery Company from the amounts set aside by producers thereof in accordance with the provisions of Supplementary Order M-37-a, issued by the Director of Priorities on September 25, 1941.

(c) During the period in which this Order shall be in effect, Siler City Hosiery Company shall not blend, wet down, throw, knit, weave or otherwise process raw silk.

(d) During the period in which this Order shall be in effect, Siler City Hosiery Company shall make no delivery or sale of any raw silk in its possession or under its control except to the Defense Supplies Corporation. Within 30 days from the effective date of this Order, Siler City Hosiery Company shall tender to the Defense Supplies Corporation the entire stock of raw silk owned by it or held for its account.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Priorities, shall expire on the 15th day of August, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8865, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9656; Filed, December 23, 1941; 9:49 a. m.]

[Suspension Order No. S-6]

PART 1010—SUSPENSION ORDERS

Alabama Hosiery Mills, Inc.

Alabama Hosiery Mills, Inc. of Decatur, Alabama, is a corporation engaged in the manufacture of full-fashioned silk hosiery. On August 2, 1941, the Director of Priorities issued an amendment to General Preference Order M-22 providing that after midnight of that day no raw silk could be thrown, spun, or otherwise processed unless specifically authorized by the Director of Priorities. On September 9, 1941, the Director of Priorities announced that raw silk which had been opened and taken out of the original bales prior to midnight of August 2, 1941, would, upon application, be released from the restrictions of the Order. On September 15, 1941, Alabama Hosiery Mills, Inc. certified to the Office of Production Management that it held 12,085.36 pounds of raw silk which was opened and awaiting processing and had been taken out of the original bales prior to midnight of August 2, 1941. Upon the basis of this certification, the Director of Priorities, on September 18, 1941, released this amount of silk from the restrictions of the Order. The certification of Alabama Hosiery Mills, Inc. of Decatur, Alabama was false and misleading in that the silk held by Alabama Hosiery Mills, Inc., of Decatur, Alabama was not open and awaiting processing and had not been taken out of the original bales prior to midnight August 2, 1941, but remained in the original bales and had been opened only for the purpose of testing and sampling.

The misrepresentations of Alabama Hosiery Mills, Inc. of Decatur, Alabama have resulted in the diversion of raw silk from primary defense needs into nonessential uses and have thus impeded the defense of the United States. In view of the foregoing facts,

It is hereby ordered:

§ 1010.6 *Suspension order S-6.* (a) During the period in which this Order shall be in effect, deliveries of material to Alabama Hosiery Mills, Inc. of Decatur, Alabama, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Alabama Hosiery Mills, Inc. of Decatur, Alabama by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other orders or regulations of the Director of Priorities, except as specifically directed by the Director of Priorities.

(b) During the period in which this Order shall be in effect, no deliveries of reserved rayon yarn shall be made to Alabama Hosiery Mills, Inc. of Decatur, Alabama from the amount set aside by producers thereof in accordance with the provisions of Supplementary Order M-37-a, issued by the Director of Priorities on September 25, 1941.

(c) During the period in which this Order shall be in effect, Alabama Hosiery Mills, Inc. of Decatur, Alabama shall not blend, wet down, throw, knit, weave or otherwise process raw silk.

(d) During the period in which this Order shall be in effect, Alabama Hosiery Mills, Inc. of Decatur, Alabama shall make no delivery or sale of any raw silk in its possession or under its control except to the Defense Supplies Corporation. Within 30 days from the effective date of this Order, Alabama Hosiery Mills, Inc. of Decatur, Alabama shall tender to the Defense Supplies Corporation the entire stock of raw silk owned by it or held for its account.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Priorities, shall expire on the 15th day of August, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8865, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 22d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9657; Filed, December 23, 1941; 9:49 a. m.]

PART 1047—CONSERVATION OF PRODUCTION MATERIAL FOR THE OIL INDUSTRY

Conservation Order M-68

Whereas the Congress of the United States has declared a "state of war between the United States and the Imperial Japanese Government," and has further adopted Joint Resolutions "declaring that a state of war exists between" the Government of Germany and the Government of Italy "and the Government and people of the United States"; and

Whereas the prosecution of this war requires the immediate increased use in emergency activities of vast quantities of steel, nonferrous metals, rubber, and other critical materials; and

Whereas it is imperative to an effective prosecution of this war that the production of petroleum be conducted under circumstances and conditions which will assure a maximum recovery of petroleum and associated hydrocarbons, and which will not involve a waste and inefficient use of the limited quantities of critical materials available for petroleum production; and

Whereas conservation of materials by means of the restrictions hereinafter ordered in the use of such material in the production of petroleum is necessary in order to maintain the production of petroleum for war uses and essential civilian services and to assure a minimum expenditure of scarce equipment;

Now, therefore, it is ordered, That:

§ 1047.1 *Conservation Order M-68*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Production" means the discovery, development, and depletion of Petroleum Pools, including without limitation the operation of cycling plants and plants for the extraction of natural gasoline and associated hydrocarbons.

(3) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(4) "Operator" means any Person engaged in Production.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind used in Production.

(6) "Exploratory Well" means any well located not less than two miles from any well capable of producing Petroleum.

(7) "Condensate Field" means any condensate, distillate, naphtha, or retrograde Pool or Pools in which the liquid and gaseous hydrocarbons recovered at the surface occur in a single phase under original reservoir conditions or any gas-cap Pool in which commercial oil occurs in the liquid phase and in which there exist a gas-cap or gas-caps of a size sufficient to have the essential characteristics of a condensate Pool.

(8) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(b) *Conservation of material used in production.* Subject to the exceptions in paragraph (c) hereof no Operator shall order, purchase, accept delivery of, withdraw from inventory or in any other manner, directly or indirectly, secure or use Material for Production purposes. Subject to the exceptions in paragraph (c) hereof, no Person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or should know, is intended for use in Production.

(c) *Exceptions.* The provisions of paragraph (b) hereof shall not be applied in the following instances:

(1) To any case where Material is to be used by an Operator for repair or maintenance purposes or as operating supplies as these terms are defined in Preference Rating Order P-98.

(2) To any case where Material is to be used by an Operator exclusively in carrying out, by means of a research laboratory, investigations into more efficient or more effective methods of conducting Production operations.

(3) To any case where Material is to be used by an Operator exclusively for operations directly involved in the search for and discovery of a previously unknown Pool, including without limitation Material necessary for geological, geophysical, and geochemical prospecting and Material used in the drilling and completion of any Exploratory Well.

(4) To any case where Material is to be used by an Operator in secondary recovery operations by means of artificial water drive, gas drive, or air drive operations, but not including Material to be used in Production operations by means of primary gas cycling or pressure maintenance.

(5) To any case where Material necessary for lease equipment, including oil treating equipment and salt water disposal or injection equipment, but not including pumping or other artificial lifting equipment, is to be used by an Operator.

(6) To any case where Material is to be used by an Operator for pumping or artificial lifting equipment to be installed on a well located on any single lease or tract in any field on which lease or tract the number of wells to which pumping or artificial lifting equipment has been or is to be attached does not at any time exceed an average of one well to every 10 surface acres of that part or parts of such lease or tract as are contained within the productive limits of the field; or to any case where Material is to be used by an Operator for pumping or other artificial lifting equipment to be installed on a well located on any single lease or tract of 10 acres or less in any field on which lease or tract no other wells are located to which pumping or other artificial lifting equipment is attached.

(7) To any case where Material is to be used by an Operator to drill or complete any well in any discovered or undiscovered oil field, other than a Condensate Field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 40 surface acres.

(8) To any case where Material is to be used by an Operator to drill, complete, or provide additions to any well in any discovered or undiscovered natural gas field, other than a Condensate Field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 640 surface acres.

(9) To any case where the Director of Priorities, Office of Production Management, upon recommendation of the Office of Petroleum Coordinator, has determined that Production is necessary by any Operator or in any field where any conditions in such field make it necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-214a, OPC Form PD-214b, or OPC Form PD-214c, issued by the Office of Petroleum Coordinator.

(d) *Restriction on subdivision.* No single lease or tract existing as such as of the effective date of this Order shall be subdivided or otherwise rearranged for the purpose of making available to any Person the provisions of paragraph (c) (6).

(e) *Violations.* Any Person affected by this Order who violates any of its provisions or a provision of any other Order or who by any act or omission falsifies records to be kept or information to be

furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable Preference Rating Order without further restrictions, unless such deliveries have been specifically restricted.

(g) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(h) *Effective date.* This Order shall take effect on the date specified in the heading hereof, and shall continue in effect until revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 23d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9662, Filed, December 23, 1941; 9:51 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 11 OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP (REVISED TO DECEMBER 23, 1941)

Sections 1304.1 to 1304.18, inclusive, are hereby amended so that Price Schedule No. 4 shall read as follows:

§ 1304.1 *Maximum prices on sales of iron and steel scrap other than railroad scrap.* On and after April 3, 1941, regardless of the terms of any contract of sale or purchase or other commitment theretofore entered into, no person shall sell, offer to sell, deliver, or transfer iron and steel scrap other than railroad scrap, to the consumer of such scrap or to his broker, at prices higher than the prices set forth in Appendices A, C, D and E, incorporated herein as §§ 1304.13, 1304.15, 1304.16 and 1304.17, and no consumer or his broker shall buy, offer to buy, or accept delivery of, iron and steel scrap other than railroad scrap at prices higher than the prices set forth in Appendices A, C, D and E, except as provided in § 1304.6 and 1304.9 hereof.*

*§§ 1304.1 to 1304.17, inclusive, issued pursuant to the authority contained in Executive Orders No. 8734, 8875, 6 F.R. 1917, 4483.

§ 1304.2 *Maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, regardless of the terms of any contract of sale or purchase, or other commitment theretofore entered into, no person shall sell, offer to sell, deliver or transfer iron and steel railroad scrap to the consumer of such scrap or to his broker, at prices higher than the prices set forth in Appendices B, D and E, incorporated herein as §§ 1304.14, 1304.16 and 1304.17, and no consumer or his broker shall buy, offer to buy, or accept delivery of iron and steel railroad scrap at prices higher than the prices established in Appendix B, except as provided in §§ 1304.6 and 1304.9 hereof.*

§ 1304.3 *Lower than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D and E may, however, be charged, demanded, paid or offered.*

§ 1304.4 *Method of securing information governing maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, no sale of any grade of iron and steel railroad scrap, for which a maximum price is not listed in Appendix B, shall be made until after the Office of Price Administration has established a maximum price therefor, and until opportunity has been given any prospective buyer of such scrap to learn the maximum price applicable to such sale. The prospective buyer may ascertain such maximum price by addressing an inquiry to the Office of Price Administration, Washington, D. C. The railroad maker thereof or other person shall file with the Office of Price Administration the information required to determine with Appendix B the maximum price thereby established for such grade.*

§ 1304.5 *Allocated scrap.* Where, prior to November 23, 1941, the Director of Priorities of the Office of Production Management issued an order allocating a specified tonnage of scrap, and any portion of such tonnage remains undelivered on December 23, 1941, such scrap shall continue to be governed by the provisions of Price Schedule No. 4 in effect at the time the order of allocation was issued.*

§ 1304.6 *Commissions.* No commission shall be payable hereunder, except by a consumer to a broker for brokerage services rendered to the consumer. In the event that a consumer shall employ a broker to purchase iron and steel scrap, such consumer may pay such broker a commission not exceeding 50 cents per gross ton. No commission shall be payable unless (a) the broker guarantees the quality and delivery of an agreed tonnage of scrap; (b) the scrap is purchased by the consumer at a price not higher than the maximum applicable herein; (c) the broker sells the scrap to the consumer at the same price at which he purchased it; (d) the broker does not split or divide the commission with the seller or sellers of the scrap, with another broker or subbroker, or with the consumer. No commission shall be payable to a person for scrap which he prepares. A person who has not acted as a broker prior to April 3, 1941 shall, in no case, be allowed a brokerage commission.*

§ 1304.7 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods, in connection with the purchase, sale, delivery or transfer of iron and steel scrap, alone or in conjunction with any other material, or by way of any commission, cross-billing, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by upgrading, or otherwise.*

§ 1304.8 *Record-keeping and reporting requirements.* Every dealer in, and every maker, smelter, processor, broker, or consumer of, and every other person purchasing or selling iron and steel scrap shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) Each such purchase or sale, the date thereof, the name and address of the buyer or the seller, the shipping point price, the price paid, or received at the point of delivery, and the quantity in pounds and quality in grades, as defined in the applicable appendix. In the case of scrap for which maximum prices have been established under appendices A, C, D and E, hereof, the record, with respect to prices, must contain the shipping point price, the mode or modes of transportation used from shipping point to point of delivery, the transportation charges involved, the bills of lading and other documents evidencing the movement from shipping point to point of delivery, the price at the point of delivery and the commission, if any involved, on the transaction. In the case of scrap for which maximum prices have been established under Appendix B, the record, with respect to prices, must contain comparable data to that required for Appendices A, C, D and E.

(b) As of the close of each month, the quantity in pounds and quality by grades of iron and steel scrap, (1) on hand and (2) on order.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1304.9 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule and, all other Schedules issued by the Office of Price Administration. Such applications must be submitted under oath and in a separate document captioned: "Application for Relief from Price Schedule No. 4—Iron and Steel Scrap," and shall not be contained in any filing of information, or prices required to be filed under this Schedule.*

§ 1304.10 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of iron and steel scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1304.11 *Definitions.* (a) "Person" means an individual, corporation, association, partnership, trustee in bankruptcy, receiver or other entity.

(b) "Iron and steel scrap" means all kinds and grades of imported and domestic iron and steel scrap including iron and steel railroad scrap.

(c) "Iron and steel scrap other than railroad scrap" means the kinds and grades of imported and domestic iron and steel scrap referred to in Appendices A, C, D and E.

(d) "Iron and steel railroad scrap" means iron and steel scrap having a railroad origin and includes the kinds and grades of imported and domestic iron and steel scrap referred to in Appendices B, D and E.

(e) "Railroad" means steam and electric railroads, street, suburban, and interurban electric railways and local trolleys, and mines, logging roads and similar sources of iron and steel scrap.

(f) "Consumer" means a purchaser, for its own consumption, of iron or steel scrap, i. e. smelter, foundry, steel mill, etc.

(g) "Imported scrap" means iron and steel scrap which does not originate in and is not shipped from one of the 48 States or the District of Columbia.*

§ 1304.12 *Effective date.* This Schedule shall become effective April 3, 1941, except as otherwise specifically provided herein.*

Issued this 22d day of December 1941. This amendment No. 11 shall become effective December 23, 1941.

LEON HENDERSON,
Administrator.

§ 1304.13 *Appendix A—Maximum prices for iron and steel scrap other than railroad scrap.* (a) Basing point[1] prices from which shipping point prices and consumers' delivered prices are to be computed.

[All the prices given below are per gross ton]

	Pittsburgh, Pa.[2]	Brackenridge, Pa.	Butler, Pa.	Monessen, Pa.	Midland, Pa.	Johnstown, Pa.	Sharon, Pa.	Canton, Ohio
OPEN HEARTH GRADES[4]								
1. No. 1 heavy melting steel								
2. No. 1 hydraulic compressed black sheet scrap								
3. No. 2 heavy melting steel	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00
4. Dealers' No. 1 bundles								
5. Dealers' No. 2 bundles								
6. No. 1 busheling								
7. Machine shop turnings	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
BLAST FURNACE GRADES								
8. Mixed borings & turnings								
9. Shoveling turnings								
10. No. 2 busheling	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
11. Cast iron borings								
ELECTRIC FURNACE AND FOUNDRY GRADES[4][7]								
(For electric furnace & foundry use only)								
12. Low phos. billet, bloom & forge crops	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
13. Low phos. bar crops & smaller	22.50	22.50	22.50	22.50	22.50	22.50	22.50	22.50
14. Low phos. punchings & plate scrap	22.50	22.50	22.50	22.50	22.50	22.50	22.50	22.50
15. Heavy cut structural & plate scrap, 3 ft. & under	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
16. Heavy cut structural & plate scrap, 2 ft. & under	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50
17. Heavy cut structural & plate scrap, 1 ft. & under	22.00	22.00	22.00	22.00	22.00	22.00	22.00	22.00
18. Cut automotive steel scrap 3 ft. & under	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
19. Cut automotive steel scrap 2 ft. & under	20.50	20.50	20.50	20.50	20.50	20.50	20.50	20.50
20. Cut automotive steel scrap 1 ft. & under	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
21. Alloy free low phos. & sulphur turnings	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00
22. First cut heavy axle & forge turnings	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50
23. Electric furnace bundles	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00

	Steubenville, Ohio	Youngstown, Ohio	Warren, Ohio	Weirton, W. Va.	Cleveland, Ohio	Cincinnati, Ohio[3]	Middletown, Ohio	Portsmouth, Ohio
OPEN HEARTH GRADES[4]								
1. No. 1 heavy melting steel								
2. No. 1 hydraulic compressed black sheet scrap								
3. No. 2 heavy melting steel	$20.00	$20.00	$20.00	$20.00	$19.50	$19.50	$19.50	$19.50
4. Dealers' No. 1 bundles								
5. Dealers' No. 2 bundles								
6. No. 1 busheling								
7. Machine shop turnings	16.00	16.00	16.00	16.00	15.50	15.50	15.50	15.50
BLAST FURNACE GRADES[4]								
8. Mixed borings & turnings								
9. Shoveling turnings								
10. No. 2 busheling	16.00	16.00	16.00	16.00	15.50	15.50	15.50	15.50
11. Cast iron borings								
ELECTRIC FURNACE AND FOUNDRY GRADES[4][7]								
(For electric furnace & foundry use only)								
12. Low phos. billet, bloom & forge crops	25.00	25.00	25.00	25.00	24.50	24.50	24.50	24.50
13. Low phos. bar crops & smaller	22.50	22.50	22.50	22.50	22.00	22.00	22.00	22.00
14. Low phos. punchings & plate scrap	22.50	22.50	22.50	22.50	22.00	22.00	22.00	22.00
15. Heavy cut structural & plate scrap, 3 ft. & under	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50
16. Heavy cut structural & plate scrap, 2 ft. & under	21.50	21.50	21.50	21.50	21.00	21.00	21.00	21.00
17. Heavy cut structural & plate scrap, 1 ft. & under	22.00	22.00	22.00	22.00	21.50	21.50	21.50	21.50
18. Cut automotive steel scrap 3 ft. & under	20.00	20.00	20.00	20.00	19.50	19.50	19.50	19.50
19. Cut automotive steel scrap 2 ft. & under	20.50	20.50	20.50	20.50	20.00	20.00	20.00	20.00
20. Cut automotive steel scrap 1 ft. & under	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50
21. Alloy free low phos. & sulphur turnings	18.00	18.00	18.00	18.00	17.50	17.50	17.50	17.50
22. First cut heavy axle & forge turnings	19.50	19.50	19.50	19.50	19.00	19.00	19.00	19.00
23. Electric furnace bundles	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50

	Ashland, Ky.	Buffalo, N. Y.	Claymont, Del.	Coatesville, Pa.	Conshohocken, Pa.	Harrisburg, Pa.	Phoenixville, Pa.	Sparrow's Point, Md.
OPEN HEARTH GRADES[4]								
1. No. 1 heavy melting steel								
2. No. 1 hydraulic compressed black sheet scrap								
3. No. 2 heavy melting steel	$19.50	$19.25	$18.75	$18.75	$18.75	$18.75	$18.75	$18.75
4. Dealers' No. 1 bundles								
5. Dealers' No. 2 bundles								
6. No. 1 busheling								
7. Machine shop turnings	15.50	15.25	14.75	14.75	14.75	14.75	14.75	14.75

See footnotes at end of table.

	Ala-bama City, Ala.	Bir-ming-ham, Ala.	Los An-geles, Calif.	Pitts-burg, Calif.	San Fran-cisco, Calif.[4]	Minne-qua, Colo.	Seattle, Wash.	Port-land, Oreg.
OPEN HEARTH GRADES[5]								
1. No. 1 heavy melting steel								
2. No. 1 hydraulic compressed black sheet scrap	$17.00	$17.00	$17.00	$17.00	$17.00	$16.50	$14.50	
3. No. 2 heavy melting steel								
4. Dealers' No. 1 bundles								
5. Dealers' No. 2 bundles								
6. No. 1 busheling	13.00	13.00	13.00	13.00	13.00	12.50	10.50	
7. Machine shop turnings								
BLAST FURNACE GRADES[5]								
8. Mixed borings & turnings								
9. Shoveling turnings								
10. No. 2 busheling	13.00	13.00	13.00	13.00	13.00	12.50	10.50	
11. Cast iron borings								
ELECTRIC FURNACE AND FOUNDRY GRADES[6][11]								
(For electric furnace & foundry use only)								
12. Low phos. billet, bloom & forge crops	22.00	22.00	22.00	22.00	22.00	21.50	19.50	
13. Low phos. bar crops & plate scrap	19.50	19.50	19.50	19.50	19.50	19.00	17.00	$15.50
14. Low phos. punchings & plate scrap	19.50	19.50	19.50	19.50	19.50	19.00	17.00	15.50
15. Heavy cut structural & plate scrap, 3 ft. & under	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00
16. Heavy cut structural & plate scrap, 2 ft. & under	18.50	18.50	18.50	18.50	18.50	18.00	16.00	14.50
17. Heavy cut structural & plate scrap, 1 ft. & under	19.00	19.00	19.00	19.00	19.00	18.50	16.50	15.00
18. Cut automotive steel scrap, 3 ft. & under	17.00	17.00	17.00	17.00	17.00	17.00	14.50	14.00
19. Cut automotive steel scrap, 2 ft. & under	17.50	17.50	17.50	17.50	17.50	17.50	15.00	13.99
20. Cut automotive steel scrap, 1 ft. & under	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00
21. Alloy free low phos. & sulphur turnings	15.00	15.00	15.00	15.00	15.00	14.50	12.50	11.00
22. First cut heavy axle & forge turnings	16.50	16.50	16.50	16.50	16.50	16.00	14.00	12.99
23. Electric furnace bundles	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00

[1] A Basing Point includes the switching district of the city named.
[2] The Pittsburgh Basing Point includes the switching districts of Bessemer, Homestead, Duquesne, Munhall and McKeesport, Pa.
[3] The St. Louis Basing Point includes the switching district of Newport, Kentucky.
[4] The San Francisco Basing Point includes the switching districts of South San Francisco, Niles and Oakland, California.
[5] Maximum prices of inferior grades shall continue to bear the same differential below the corresponding listed grades which existed during the period October 1, 1940 to January 31, 1941. In no case shall any grade deemed by buyer or seller, or both to be superior to any grade listed above, be sold at a premium above the corresponding listed grade except upon prior approval by the Office of Price Administration. No special preparation charges may in any case be added to the prices listed above.
[6] Whatever any of these grades may be purchased for open hearth or blast furnace consumption, the price paid therefor may not exceed the most nearly applicable grade listed for the corresponding open hearth grade. The price of items 12 and 23 shall not exceed the price of open hearth grades unless delivered to the consumer direct from the original industrial producer without reconditioning. The same limitations pertain to the sale of item 22 at a price in excess of that established for Blast Furnace grades.

combination of rail and vessel. Where the shipment of scrap to the consumer is by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer. In such cases, the maximum shipping point price shall be:

(i) For shipping points located within a basing point, the price listed in paragraph (a) hereof for the scrap at the basing point in which the shipping point is located, minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. Where such transportation includes vessel movement, the charges at the dock established by tariffs, or, in case no such tariffs are published, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price.

(b) *The most favorable basing point.* The "most favorable basing point" is the basing point which, when used to compute the shipping point price in the manner set forth in paragraph (c) (1) and (2) below, will yield the highest shipping point price.

(c) *Maximum shipping point price—*

(1) *Where shipments to the consumer is wholly or partially by rail, or vessel, or*

	Ash-land, Ky.	Buffalo, N. Y.	Clar-mont, Del.	Coates-ville, Pa.	Con-sho-hocken, Pa.	Harris-burg, Pa.	Phoe-nix-ville, Pa.	Spar-row's Point, Md.
BLAST FURNACE GRADES[1]								
8. Mixed borings & turnings				23.75	23.75	23.75	23.75	$14.75
9. Shoveling turnings				21.25	21.25	21.25	21.25	
10. No. 2 busheling				21.25	21.25	21.25	21.25	
11. Cast iron borings								
ELECTRIC FURNACE AND FOUNDRY GRADES[6][11]								
(For electric furnace & foundry use only)								
12. Low phos. billet, bloom & forge crops				23.75	23.75	23.75	23.75	
13. Low phos. bar crops & plate scrap				21.25	21.25	21.25	21.25	
14. Low phos. punchings & plate scrap				21.25	21.25	21.25	21.25	
15. Heavy cut structural & plate scrap, 3 ft. & under	20.50	20.25	19.75	19.75	19.75	19.75	19.75	19.75
16. Heavy cut structural & plate scrap, 2 ft. & under	20.50	20.25	19.75	20.25	20.25	20.25	20.25	20.25
17. Heavy cut structural & plate scrap, 1 ft. & under	21.00	20.75	20.25	20.75	20.75	20.75	20.75	20.75
18. Cut automotive steel scrap 3 ft. & under	21.50	21.25	20.75	20.75	20.75	20.75	20.75	20.75
19. Cut automotive steel scrap 2 ft. & under	21.50	21.25	20.75	19.25	19.25	19.25	19.25	19.25
20. Cut automotive steel scrap 1 ft. & under	20.00	19.75	19.25	19.75	19.75	19.75	19.75	19.75
21. Alloy free low phos. & sulphur turnings	20.50	20.25	19.75	16.75	16.75	16.75	16.75	16.75
22. First cut heavy axle & forge turnings	17.50	17.25	16.75	18.25	18.25	18.25	18.25	18.25
23. Electric furnace bundles	19.00	18.75	18.25	19.75	19.75	19.75	19.75	19.75

	Chi-cago, Ill.	Bethle-hem, Pa.	Koko-mo, Ind.	Du-luth, Minn.	De-troit, Mich.	Tole-do, Ohio	St. Louis, Mo.[3]	Atlan-ta, Ga.
OPEN HEARTH GRADES[5]								
1. No. 1 heavy melting steel								
2. No. 1 hydraulic compressed black sheet scrap	$18.75	$18.25	$18.25	$18.00	$17.85		$17.50	$17.00
3. No. 2 heavy melting steel								
4. Dealers' No. 1 bundles								
5. Dealers' No. 2 bundles								
6. No. 1 busheling	14.75	14.25	14.25	14.00	13.85	$13.85	13.50	13.00
7. Machine shop turnings								
BLAST FURNACE GRADES[5]								
8. Mixed borings & turnings								
9. Shoveling turnings	14.75	14.25	14.25	14.00	13.85	13.85	13.50	13.00
10. No. 2 busheling								
11. Cast iron borings								
ELECTRIC FURNACE AND FOUNDRY GRADES[6][11]								
(For electric furnace and foundry use only)								
12. Low phos. billet, bloom & forge crops	23.75	23.25	23.25	23.00	22.85		22.50	
13. Low phos. bar crops & plate scrap	21.25	20.75	20.75	20.50	20.35		20.00	
14. Low phos. punchings & plate scrap	21.25	20.75	20.75	20.50	20.35		20.00	
15. Heavy cut structural & plate scrap, 3 ft. & under	19.75	19.25	19.25	19.00	18.85		18.50	18.00
16. Heavy cut structural & plate scrap, 2 ft. & under	20.25	19.75	19.75	19.50	19.35		19.00	18.50
17. Heavy cut structural & plate scrap, 1 ft. & under	20.75	20.25	20.25	20.00	19.85		19.50	19.00
18. Cut automotive steel scrap 3 ft. & under	18.75	18.25	18.25	18.00	17.85		17.50	17.00
19. Cut automotive steel scrap 2 ft. & under	19.25	18.75	18.75	18.50	18.35		18.00	17.50
20. Cut automotive steel scrap 1 ft. & under	19.25	18.75	18.75	18.50	18.35		18.00	17.50
21. Alloy free low phos. & sulphur turnings	16.75	16.25	16.25	16.00	15.85		15.50	15.00
22. First cut heavy axle & forge turnings	18.25	17.75	17.75	17.50	17.35		17.00	16.50
23. Electric furnace bundles	19.75	19.25	19.25	19.00	18.85		18.50	18.00

See footnotes at end of table.

graph (a) hereof for the scrap at the basing point in which the shipping point is located, minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. Where such transportation includes vessel movement, the charges at the dock, established by tariffs or, in case no such tariffs are published, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price. If no established transportation rate exists for all or a portion of the movement from shipping point to basing point, the actual charge or cost customarily incurred by the shipper in such portion of the movement shall be included as part of the deduction in computing the shipping point price.

(3) *Exceptions to the formula for computing shipping point prices contained in (a) and (b) above.*[1] (1) At all shipping points in the United States with the exception of the State of Washington, the maximum shipping point price of No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for other grades) need not fall below $13.00 per gross ton. In Tampa, Florida, Pensacola, Florida, Gulfport, Mississippi, Mobile, Alabama, New Orleans, Louisiana, Lake Charles, Louisiana, Port Arthur, Texas, Beaumont, Texas, Galveston, Texas, Texas City, Texas, Houston, Texas, and Corpus Christi, Texas, the maximum shipping point price need not fall below $14.00 per gross ton for No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for the other grades).

(2) Maximum shipping point prices at any New England shipping point shall be computed from the Johnstown, Pennsylvania basing point prices rather than from the prices at the most favorable basing point.

(3) Maximum shipping point prices at any shipping point in New York City, Brooklyn, N. Y., and New Jersey, which by reason of vessel rates have Buffalo or Sparrows Point as their most favorable basing point shall be computed from the prices at the Bethlehem, Pennsylvania basing point rather than the prices at Buffalo or Sparrows Point.

(4) The maximum shipping point price within the Cincinnati basing point shall be the Cincinnati basing point price minus 80 cents per gross ton.

(d) *Maximum price delivered to the plant of a consumer.* Scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer.

The maximum price at which any grade of scrap may be delivered to the plant of a consumer, is the shipping point price as determined in paragraph (c) above, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. If no established transportation rate exists for all or a portion of the movement from shipping point to point of delivery, then the actual charge or cost incurred in such movement or portion thereof may be used in computing the maximum delivered price. In no case shall such transportation charge include any charge or cost incurred in placing the scrap at the shipping point; nor shall any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included.

If shipment is by water, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included as part of transportation charges. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per gross ton, may be included as part of transportation charges. In either case such charges must be shown as a separate item on the invoice.

In no case, however, shall the delivered price exceed by more than one dollar the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, with the following exceptions:

Exception 1. For consumers having St. Louis as their nearest basing point the delivered price may not exceed the St. Louis basing point price by more than $1.50: *Provided,* That the delivered price of scrap shipped to such consumers from shipping points in Arkansas may not exceed the St. Louis basing point price by more than two dollars. For consumers whose nearest basing points are Detroit and Birmingham, respectively, the delivered price may not exceed by more than two dollars the price at their respective basing points.

Exception 2. Whenever the Director of Priorities of the Office of Production Management shall issue an allocation order for a specified tonnage of Machine Shop Turnings or related grades of turnings, as defined herein, to be delivered to electric furnace producers of ferro alloys, the delivered price of the turnings may exceed by more than $1.00 the price at the basing point nearest the plant of such producer: *Provided,* That immediately upon delivery of such scrap, the producer files, with the Office of Price Administration, Washington, D. C., (a) a fully detailed statement under oath setting forth that the scrap has been shipped in accordance with an allocation order, the name and address of the seller, the shipping point of the scrap, the grade, quantity and price at shipping point, delivered price, the mode of transportation employed and the transportation charges from the shipping point to the point of delivery, and (b) certified copies of all bills of lading covering the shipment.

Exception 3. "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in Appendix A and having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, and Utah.

(i) The delivered price of remote scrap may exceed by more than $1.00 but not more than $5.00 the price at the basing point nearest the consumer's plant; *Provided,* That immediately upon delivery of such scrap, the consumer files with the Office of Price Administration, Washington, D. C., (a) a fully detailed statement under oath setting forth the name and address of the seller, the shipping point of the scrap, the grade, quantity and price at shipping point, delivered price, the mode of transportation employed and the transportation charges from the shipping point to the point of delivery, and (b) certified copies of all bills of lading covering the shipment of such scrap from the remote shipping point to the point of delivery.

(ii) Where the delivered price of remote scrap would exceed by more than $5.00 the price at the basing point nearest the consumer's plant, the consumer may not purchase or accept delivery of such scrap until his application to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap has been approved. Applications by consumers must be under oath and fully detailed, setting forth the name and address of the seller, point of shipment of the scrap,

[1] See also paragraph (e).

the grade, quantity and price at shipping point, proposed delivered prices, the mode of transportation to be employed, and the transportation charges from the shipping point to the consumer's plant. The application must also contain a statement by the consumer of its need for, and its willingness to accept, such scrap at the price quoted.

Immediately upon delivery of such scrap, the consumer must comply with the filing requirements of paragraph (i) (b) above.

Exception 4. Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, or Saginaw, Michigan, the delivered price shall not be limited to one dollar in excess of the price at the basing point nearest the consumer's plant.

Exception 5. In computing the delivered price of Billet, Bloom and Forge crops originating in and shipped from the Pittsburgh Basing Point, the maximum transportation charges which may be added to the shipping point price shall be $2.50.

Exception 6. The delivered price of Low Phos. and Sulphur Punchings and Plate Scrap, Low Phos. and Sulphur Bar Crops and Smaller, Alloy Free Low Phos. and Sulphur Turnings, and First Cut Heavy Axle and Forge Turnings produced in industrial plants in the State of Michigan and shipped directly to consumers located in or nearest, in terms of established transportation charges, to the Pittsburgh, Brackenridge, or Midland, Pa. basing points, shall not exceed by more than $2.75 the price at the basing point nearest the consumer's plant.

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap.

For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap. In no case, however, shall Electric Furnace and Foundry grades, listed in paragraph (a) above, be used as the "corresponding grade or grades of prepared scrap".

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) hereof, until after such preparation has been completed.

(f) *Definitions of grades referred to in paragraph (a).*

Item 1. "No. 1 heavy melting steel". Steel scrap ¼ inch and over in thickness, not over 18 inches in width, and not over 5 feet long. Individual pieces must be cut into such shape that they will be free from attachments and will lie flat in a charging box. Cut boiler plate must be practically clean and free from stay bolts and not over 3 feet long and lie reasonably flat in charging box. No piece may weigh less than 5 pounds. This grade may include structural shapes, angle bars and plates, steel castings, heavy chain, carbon tool steel, heavy forgings, forge butts, and similar heavy material. This grade may also include new mashed pipe ends, original diameter 4 inches and over, thoroughly flattened, sheet bars, billets, blooms, rail ends, railroad steel, and wrought scrap, such as angles, splices, couplers, knuckles, short rails, drawbars, cut cast-steel bolsters, coil and leaf springs (all coil springs to be ⅜ inch or larger in diameter). No needle or skeleton plate scrap, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldy pieces will be accepted. This grade must be free from dirt, excessive rust or scale, or foreign material of any kinds.

Item 2. "No. 1 hydraulic compressed black sheet scrap". New black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into compact, rectangular packages not to exceed 20 inches longest dimension, weighing not less than 75 pounds per cubic foot; must be clean and free from excessive rust, paint, or protective coating of any kind. No detinned scrap, electrical sheets, or material over 0.5 per cent of silicon may be included.

Item 3. "No. 2 heavy melting steel". Plate scrap, such as car sides, automobile frame stock, tank, and skelp crops, ⅛ inch and heavier, steel parts of agricultural implements, wagons, buggies, and scrapped automobiles, auto and buggy springs cut apart, rods and bars, ½ inch and heavier, punchings, ¼ inch and over in thickness, heavy clippings, new unmashed pipe ends, under 4 inches in diameter, horseshoes, and similar material. Car sides and all light plates to be sheared 15 by 15 inches or under and all tires and light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared into such shape that they will lie flat in a charging box and not tangle in handling with a magnet, all to be free from brass, copper, lead, zinc, tin, terneplate, cast iron, malleable iron, burnt scrap, dirt, or foreign material of any kind.

Maximum size is 15 inches wide by 3 feet long, excepting car sides.

Item 4. "Dealers' No. 1 bundles". New, black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into compact, rectangular packages not to exceed 20 inches longest dimension, weighing not less than 75 pounds per cubic foot; must be clean and free from excessive rust, paint, or protective coating of any kind. No detinned scrap, electrical sheets, or material over 0.5 per cent of silicon may be included.

Item 5. "Dealers' No. 2 bundles". New, black steel clippings, shearings, skeleton stamping scrap, side and end sheet and tin-mill scrap, securely tied with not less than two wires or bands into packages not over 18 by 18 inches by 3 feet, weighing not over 125 pounds, to be bundled in such a manner that packages will not come apart in handling with a magnet; must be clean and free from excessive rust, paint, or protective coating of any kind. No detinned scrap, electrical sheets, or material over 0.5 per cent of silicon may be included. This grade may include body and fender scrap, but must not include foreign material such as galvanized tin, etc.

Item 6. "No. 1 busheling". Clean iron and soft-steel pipes and flues, tank, cut hoops and bands no. 12 gage and heavier, steel-plate punchings and clippings, soft-steel and iron forgings, and flashings; no dimension over 8 inches. This grade must be free from burnt material, hard steel, cast, malleable, and galvanized or metal coated stock of any kind.

Item 7. "Machine shop turnings". New, clean steel or wrought-iron turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock may not be included.

Item 8. "Mixed borings & turnings". Clean, short, steel and wrought-iron turnings, drillings, screw cuttings, and cast or malleable iron borings and drillings, free from stringy, bushy, tangled, corroded material, lumps, excessive oil, scale, other metals, dirt, or foreign material of any kind.

Item 9. "Shovelling turnings". Clean, short, steel and wrought-iron turnings, drillings, or screw cuttings free from stringy, bushy, or tangled material, corroded or rusty lumps, excessive oil, scale, other metals, dirt, or foreign material of any kind.

Item 10. "No. 2 busheling". Cut hoops, netting, cotton ties, sheet, and similar material lighter than no. 12 gage, no dimension over 8 inches. This grade must be free from hard steel, cast, malleable, and galvanized or metal coated material of any kind.

Item 11. "Cast iron borings". New, clean cast-iron borings and drillings, free from steel turnings and from badly corroded or rusty material, lumps, oil, scale, other metals, dirt, or foreign material of any kind.

Item 12. "Low phos. billet, bloom & forge crops". Billet, bloom, axle, heavy forge, or bar crops not over 0.04 percent of phosphorus or sulphur, not over 0.5 percent of silicon, free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches. No piece to weigh less than 10 pounds nor more than 500 pounds. Must be new material and free from excessive rust.

Item 13. "Low phos. bar crops & smaller". Bar crops not over 0.04 percent of phosphorus or sulphur, not over 0.5 percent of silicon, free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches. No piece to weigh less than 10 pounds. Must be new material and free from excessive rust.

Item 14. "Low phos. punchings & plate scrap". Punchings from plate and structural-steel scrap, not less than ¼ inch thick and not less than ½ inch diameter, not over 0.04 per cent of phosphorus or 0.05 per cent of sulphur, not over 0.5 per cent of silicon, free from alloys. Must be free from dirt and excessive rust or corrosion. Pieces must be cut 12 inches and under.

Item 15. "Heavy cut structural & plate scrap, 3 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than ¼ inch thick, cut to 3 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Item 16. "Heavy cut structural & plate scrap, 2 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than ¼ inch thick, cut to 2 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Item 17. "Heavy cut structural & plate scrap, 1 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than ¼ inch thick, cut to 1 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Items 18, 19, and 20 shall consist of uncoated steel parts of automobiles cut respectively to the dimensions specified and never to include body and fender stock.

Item 21. "Alloy free low phos. and sulphur turnings". New, clean steel or wrought-iron turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock must not be included. (Material must be alloy free and 0.045 and under in phosphorus and sulphur).

Item 22. "First cut heavy axle & forge turnings". Heavy steel or iron axle or forge turnings, guaranteed not over 0.04 per cent of phosphorus or sulphur. Must not contain foreign material and must be clean and free from excessive rust and corrosion. Must not weigh less than 75 pounds per cubic foot.

*Item 23 must be new all black hydraulic compressed sheet bundles 12 x 12 x 18 in. or smaller.**

§ 1304.14 *Appendix B — Maximum prices for iron and steel scrap originating from railroads—(a) Scrap originating from railroads operating in a basing point[1] named below.* The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer.

"Transportation charges" means the established charges for transporting the scrap by the mode of transportation employed. If no established transportation rate exists for all or a portion of the movement to the point of delivery then the actual charge or cost incurred in such movement or portion thereof may be used in computing transportation charges. In no case shall transportation charges include any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling.

(1) *Delivered to a consumer's plant located on the line of the railroad from which the scrap originated*

[All the prices given below are per gross ton]

Basing points	(i) Listed grades					
	No. 1 railroad grade heavy melting steel	Scrap rails	Rails for rerolling[2]	Scrap rails 3 feet and under	Scrap rails 2 feet and under	Scrap rails 18 inches and under
Ashland, Ky	$20.50	$21.50	$23.00	$23.50	$23.75	$24.00
Birmingham, Ala	18.00	19.00	20.50	21.00	21.25	21.50
Buffalo, N. Y	20.25	21.25	22.75	23.25	23.50	23.75
Canton, Ohio	21.00	22.00	23.50	24.00	24.25	24.50
Chicago, Ill	19.75	20.75	22.25	22.75	23.00	23.25
Cincinnati, O	20.50	21.50	23.00	23.50	23.75	24.00
Cleveland, O	20.50	21.50	23.00	23.50	23.75	24.00
Detroit, Mich	18.85	19.85	21.35	21.85	22.10	22.35
Duluth, Minn	19.00	20.00	21.50	22.00	22.25	22.50
Kansas City, Mo	17.00	18.00	19.50	20.00	20.25	20.50
Kokomo, Ind	19.25	20.25	21.75	22.25	22.50	22.75
Los Angeles, Calif	18.00	19.00	20.50	21.00	21.25	21.50
Middletown, O	20.50	21.50	23.00	23.50	23.75	24.00
Philadelphia, Pa	19.75	20.75	22.25	22.75	23.00	23.25
Pittsburgh, Pa	21.00	22.00	23.50	24.00	24.25	24.50
Portsmouth, O	20.50	21.50	23.00	23.50	23.75	24.00
San Francisco, Calif	18.00	19.00	20.50	21.00	21.25	21.50
Seattle, Wash	16.50	16.50	18.00	18.50	18.75	19.00
Sharon, Pa	21.00	22.00	23.50	24.00	24.25	24.50
Sparrows Point, Md	19.75	20.75	22.25	22.75	23.00	23.25
Steubenville, O	21.00	22.00	23.50	24.00	24.25	24.50
St. Louis, Mo	18.50	19.50	21.00	21.50	21.75	22.00
Wheeling, W. Va	21.00	22.00	23.50	24.00	24.25	24.50
Wilmington, Del	19.75	20.75	22.25	22.75	23.00	23.25
Youngstown, O	21.00	22.00	23.50	24.00	24.25	24.50

[1] Where the railroad originator of the scrap operates in two or more of the Basing Points named above, the highest of the maximum prices established above for such Basing Points shall be the maximum price of the scrap delivered to a consumer's plant at any point on the railroad's line.

[2] The term "rails for rerolling" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for re-laying.

(ii) *Grades not listed.* (a) The price at which a consumer located on the line of the railroad from which the scrap originated may purchase any grade of scrap not listed above shall not exceed the average price per gross ton which such railroad sold such grade delivered to the plant of a consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, or, in case no sale was made during the period, the price at which the grade was last sold by the railroad prior thereto, *and, in either event,* adjusted to allow for the average grade differentials of the railroad in a manner indicated in subparagraph (b) below.

(b) For purposes of subparagraph (a) above, the maximum prices for any grade not listed in paragraph (1), (i), shall be adjusted to allow for the average grade differentials of the railroad by:

First, computing the amount of the base grade differential for the railroad which shall be the difference between the average price per gross ton at which the railroad from which the scrap originated sold No. 1 Railroad Grade Heavy Melting Steel Scrap delivered to the plant of the consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, and the railroad's maximum price established for such grade under paragraph (1), (i); and

Second, by applying this base grade differential to the price to be adjusted by either (1) subtracting the amount of such differential from such prices in case the railroad's average price of No. 1 Railroad Grade Heavy Melting Steel Scrap exceeds the railroad's maximum price established for such grade under paragraph (a), (1), or (ii) adding the same in case the railroad's average price is less than such maximum.

(2) *Delivered to a consumer's plant located off the line of the railroad from which the scrap originated.* Except in the case of shipments of scrap by vessel from Duluth, Minnesota, or Superior, Wisconsin to consumers located in Buffalo, N. Y., Cleveland, Ohio, Elyria, Ohio, and Saginaw, Michigan, the maximum price is either of the following, whichever is greater:

(i) The maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, or, if the consumer can establish that he has been served by the same source of scrap in the past, this maximum price

plus transportation charges (including off-the-line switching charges), from the railroad's line to the point of delivery, of not more than two dollars per gross ton for Rails for Rerolling, Scrap Axles and other scrap for rerolling, and of not more than one dollar per gross ton for all other grades of scrap; or

(ii) The prices listed in paragraph (1) above, for the Basing Point nearest the consumer's plant.

Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Saginaw, Michigan, the maximum delivered price shall be the maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, plus transportation charges from the railroad's line to the point of delivery.

(b) *Scrap originating from railroads not operating in any of the basing points named above.* Except in the case of Rails for Rerolling, the maximum price of any grade of such scrap delivered to consumers located on and off the line of the railroad shall not exceed:

(1) *For the grades listed above, either of the following, whichever is less:*

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940 and ending January 31, 1941; *or*

(ii) The price at the Basing Point nearest, in terms of transportation charges, to the consumer's plant; and

(2) *For the grades not listed above, either of the following, whichever is less:*

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940, and ending January 31, 1941; *or*

(ii) The average price per gross ton as determined in Subparagraph (1) hereof, minus the amount by which the average price of No. 1 Railroad Grade Heavy Melting Steel scrap, as determined in (1), exceeds the price of No. 1 Railroad Grade Heavy Melting Steel scrap at the Basing Point nearest, in terms of transportation charges, to the consumer's plant.

In the case of Rails for Rerolling, the maximum price of such scrap f. o. b. the line of the railroad originator thereof shall be the average price per gross ton at which the railroad originator sold such grade f. o. b. *its line* during the period commencing September 1, 1940, and ending January 31, 1941. The maximum price of Rerolling Rails shall be the f. o. b. line price thus established plus transportation charges from the railroad's line to the rerolling mill's point of delivery.

This exception for Rails for Rerolling applies only to railroads not operating in a Basing Point named in paragraph (a), (1), (i) hereof.

(c) *Scrap which cannot be identified as to origin.* The maximum price per gross ton at which a consumer may purchase any grade of railroad scrap which cannot be identified as to origin, shall not exceed the maximum price established under Appendix A for No. 1 Heavy Melting Steel.

(d) *Railroad scrap for which average price information is inadequate or unrepresentative.* Where scrap originates from a railroad, and the average price information required under paragraph (1) (ii) or (b) above, is inadequate or unrepresentative with respect to any grade of scrap, the Office of Price Administration shall establish such maximum price therefor as it shall deem reasonable. In such case, whenever feasible, due regard shall be given to the maximum prices established for nearby railroads, or the price at the Basing Point nearest the railroad's place of accumulation, or both.

(e) *Maximum shipping point and delivered prices for No. 1 Heavy Melting Steel, scrap rails and rails for rerolling originating from mines, and logging roads—The most favorable basing point.* The "most favorable basing point" is the basing point, which when used to compute the shipping point price in the manner set forth in subparagraphs (1) and (2) below, will yield the highest shipping point price.

(1) *Where shipment to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel.* Where the shipment of such scrap to the consumer is by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it is placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer. In such cases, the maxing shipping point price shall be the price listed in paragraph (a) hereof for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. Where such transportation includes vessel movement, the tariffs establishing charges at the dock or, in case no such tariffs are published, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price.

(2) *Where shipment to the consumer is solely by motor vehicle.* Where the shipment of such scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle. In such cases, the maximum shipping point price shall be the price listed in paragraph (a) hereof for the scrap at the most favorable basing point minus the lowest established charge for transporting scrap by common carrier from the shipping point to such basing point. Where such transportation includes vessel movement, the tariffs establishing charges at the dock, or in case no such tariffs are published, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price. If no established transportation rate exists for all or a portion of the movement from shipping point to basing point, the actual charge or cost customarily incurred by the shipper in such portion of the movement shall be included as part of the deduction in computing the shipping point price.

Provided, however, That the shipping point price as computed in subparagraphs (1) and (2) above, need in no case be less than $13.00 per gross ton for No. 1 Heavy Melting Steel, $14.00 per gross ton for Scrap Rails and $16.00 per gross ton for Rails for Rerolling.

The maximum delivered price of such rails shall be the shipping point price thus established, plus transportation charges from the shipping point to the point of delivery. In no case shall such transportation charges include any charge or cost incurred in placing the scrap at its shipping point. If shipment is by water, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included as part of transportation charges. Where no such tariffs are published, actual charges incurred at the dock, but not to exceed 75 cents per gross ton, may be included as part of transportation charges. In either case such charges must be shown as a separate item on the invoice.

(f) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) hereof, until after such preparation has been completed.*

§ 1304.15 *Appendix C — Maximum prices for cast iron scrap other than railroad scrap*—(a) *Maximum price at shipping point.* Where the shipment of the scrap to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer.

Where shipment of the scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle.

The shipping point price for grades[1] of cast iron scrap at the following shipping points in the United States shall be:

[All the prices given below are per gross ton]

	Group A	Group B	Group C
1. No. 1 Cupola Cast	$18.00	$19.00	$20.00
2. No. 1 Machinery Cast, Drop, Broken, 150 lbs. and under	18.00	19.00	20.00
3. Clean auto cast	18.00	19.00	20.00
4. Stove plate	14.00	15.00	16.00
5. Heavy breakable cast	16.50	17.50	18.50
6. Charging box size cast	17.25	18.25	19.25

Group A includes the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona and New Mexico.
Group B includes the states of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas and Florida.
Group C includes all states not named in groups A and B.

(b) *Maximum price delivered to a consumer.* Scrap is at its point of delivery to a consumer when it has arrived for unloading at the plant of the consumer.

(i) Except as provided in subparagraph (ii), below, the maximum price at which any grade of scrap may be delivered to a consumer is the shipping point price as listed in paragraph (a) above, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transporting employed. If no established transportation rate exists for all or a portion of the movement from shipping point to point of delivery, then the actual charge or cost incurred in such movement or portion thereof, may be added in computing the maximum delivered price. In no case shall such transportation charge include any charge or cost incurred in placing the scrap at the shipping point; nor shall any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included. If shipment is by water, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included as part of transportation charges. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per pross ton, may be included as part of transportation charges. In either case such charges must be shown as a separate item on the invoice.

(ii) Where the shipment of the scrap to the consumer is solely by motor vehicle, the delivered price shall not exceed the shipping point price unless the consumer shall receive a certificate made out to the Office of Price Administration, Washington, D. C. and signed by the person from whose yard or point of accumulation the scrap was placed at its shipping point and by the person by whom or on behalf of whom the scrap was transported from shipping point to point of delivery. Such certificate shall specify the shipping point, quantity and grade of the scrap, and the transportation charges from shipping point to point of delivery. The consumer shall acknowledge receipt of the material on the face of the certificate.

The above mentioned certificate, shall be preserved by the consumer as part of the record-keeping requirements outlined in § 1304.8. A copy shall likewise be preserved by all persons signing the certificate.

(c) *Definitions of grades referred to in paragraph (a).*

Item 1. No. 1 cupola cast. Clean cast-iron scrap, such as columns, pipes, plates, and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds. Must be free from foreign material.

Item 2. No. 1 machinery cast, drop broken, etc. Clean machinery cast-iron scrap. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds.

Item 3. Clean auto cast. Clean, broken auto blocks, free of all steel parts and broken 75 pounds or under.

Item 4. Stove plate. Clean cast-iron stove plate. Must be free from malleable and steel parts, window weights, plow points, grates, burnt iron, etc.

Item 5. Heavy breakable cast. Clean cast-iron scrap, such as columns, pipes, plates, and castings of miscellaneous nature, weighing over 150 pounds, and which can be broken by an ordinary drop into cupola size.

Item 6. Charging box size cast. Clean cast-iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be 18 in. x 18 in. x 5 ft. and smaller.*

§ 1304.16 *Appendix D — Maximum prices for iron and steel scrap for export from the United States.* (Per Gross Ton, f. a. s. and f. o. b. Point of Export)

(a) *Other than railroad scrap.* The maximum export price of any grade of iron and steel scrap other than railroad scrap shall be the maximum shipping point price derived under Appendix A or C, plus all transportation charges, as defined in paragraph (d) of Appendix A, for transporting the scrap from the shipping point to the place of export. For scrap exported by ship this maximum export price shall be f. a. s. vessel at the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be f. o. b. railroad cars at the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of this Schedule and must be shown as a separate charge on the invoice.

(b) *Scrap originating from railroads.* The maximum export price of any grade of iron and steel scrap of railroad origin shall be the maximum price established and determined under Appendix B for a consumer located on the line of the railroad originator of the scrap plus all transportation charges, as defined in paragraph (a) of Appendix B, from the line to the place of export. For scrap originating from a railroad not operating at a Basing Point, no transportation charges shall be added to the maximum prices of such scrap as determined under Appendix B. For scrap exported by ship these maximum prices shall be f. a. s. vessel at the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be f. o. b. railroad cars at the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of this Schedule and must be shown as a separate charge on the invoice.*

§ 1304.17 *Appendix E—Maximum prices for iron and steel scrap imported into the United States.* Only consumers, and persons acting as brokers on behalf of specific consumers, may enter into contracts to import iron and steel scrap.

Imported scrap is at its point of delivery to a consumer when it has arrived for unloading at the consumer's plant.

No such purchase of imported scrap may be made until after the consumer has filed with the Office of Price Administration, Washington, D. C., a fully detailed statement under oath setting forth the name and address of the seller, the grade and quantity of the scrap, a detailed breakdown of all factors of which the price at the point of delivery is comprised; and until such application has been approved.

Immediately upon delivery of such scrap, the consumer must file certified copies of bills of lading covering the shipment of such scrap.*

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[1] Maximum prices of inferior grades shall continue to bear the same differential below the corresponding schedule grade as existed during the period September 1, 1940, to January 31, 1941. In no case shall any grade deemed by buyer, or seller, or both to be superior to any grade listed above be sold at a premium above the corresponding schedule grade except upon prior approval by the Office of Price Administration. No special preparation charges may in any case be added to the prices listed above.

PART 1316—COTTON TEXTILES

AMENDMENT NO. 7 TO PRICE SCHEDULE NO. 11—FINE COTTON GREY GOODS

Sections 1316.1 to 1316.8, inclusive, are hereby amended so that Price Schedule No. 11 shall read as follows:

§ 1316.1 *Maximum prices for fine cotton goods.* On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1316.13), regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer fine cotton goods, and no person shall buy, offer to buy, or accept de-

livery of fine cotton goods, at prices higher than the maximum prices set forth in Appendix A, except as provided in § 1316.3.*

*§§ 1316.1 to 1316.8, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1316.3 *Wholesalers, jobbers, and retailers.* The maximum prices established herein and the provisions of §§ 1316.5 and 1316.6 are not applicable to sales or deliveries of fine cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided,* (a) That sales and deliveries of fine cotton goods (1) to a domestic converter or finisher or (2) by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices; and (b) that records, as required by § 1316.5, shall be kept of every sale or delivery by a wholesaler or jobber for export.*

§ 1316.4 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of fine cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.13 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

§ 1316.5 *Records.* Every person making purchases or sales of fine cotton goods after December 23, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each construction of fine cotton goods purchased or sold; (b) the quantity in yards of fine cotton goods, (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or pounds of each construction of fine cotton goods manufactured during each calendar month. When used in this section, the term "fine cotton goods" includes fine cotton goods whether or not subject to the maximum prices established herein.*

§ 1316.6 *Details required in contract of sale and invoice.* (a) Every seller of fine cotton goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; and (2) a full description of each construction of fine cotton goods sold, including (i) the width; (ii) the cloth count; (iii) the number of yards per pound; and (iv) where, in conformity with the Schedule, a premium is charged, the feature of the goods or of their manufacture for which such premium is allowed.

(b) Every seller of fine cotton goods shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by (a) above or make reference to the contract in which such information is set forth.*

§ 1316.7 *Reports.* (a) On or before January 10, 1942, and on or before the 10th day of each month thereafter, every manufacturer of fine cotton goods (including manufacturers of fine cotton goods not subject to the maximum prices established herein) shall submit to the Office of Price Administration, Washington, D. C. a report on Form 111:6 setting forth in the detail required by the Form all the constructions (including fancy weaves) of fine cotton goods, other than the constructions and weaves for which maximum prices are established in Appendix A, manufactured by such person in quantities in excess of 15,000 yards during the preceding calendar month, and the highest prices at which each such construction was sold, both for immediate and future delivery, during such month. Copies of Form 111:6 can be procured from the Office of Price Administration.

(b) Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.8 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold fine cotton goods, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 111:7, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 111:7 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1316.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of fine cotton goods or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1316.10 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with the Schedule.*

§ 1316.11 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Fine cotton goods" means (i) cotton grey goods made wholly or in part of combed yarn and (ii) carded cotton grey goods, other than those subject to the maximum prices established in Price Schedule No. 35, in which the average number of the warp and filling yarns is 35 or above; but, unless otherwise specified, refers only to goods of the types and specifications for which maximum prices are established in Appendix A;

(c) "Ceiling date" means the date, as specified in Appendix A, on which this Schedule becomes effective with respect to any given fabric;

(d) "For export" means to any person or persons outside the United States, its territories and possessions.*

§ 1316.12 *Effective date of the schedule.* This Schedule shall become effective June 28, 1941.*

§ 1316.13 *Appendix A, maximum prices for fine cotton goods*—(a) *Arrangement of appendix.* Paragraph (b) sets forth the terms of sale to be observed in connection with the maximum prices established in this Schedule.

Paragraph (c) contains the maximum prices established for the types of fine cotton goods listed therein prior to December 24, 1941. The maximum prices set forth in paragraph (c) are applicable to such types of goods there listed when delivered against contracts entered into prior to December 24, 1941, except that they do not apply to deliveries for export or to deliveries against contracts made between December 10 and December 23, 1941, inclusive, in which the parties agreed that the buyer's obligations should be discharged at prices not in excess of the maximum prices established in any revision of this Schedule becoming effective before January 1, 1942.[6]

Paragraph (d), as qualified by paragraph (e), contains maximum prices applicable to all transactions other than (1) deliveries for export against contracts entered into prior to December 24, 1941, and (2) deliveries subject to the maximum prices set forth in Paragraph (c).

Paragraph (e) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraph (d), premiums may be paid for (1) fine cotton goods made to special physical requirements established by the buyer and (2) fine cotton goods of demonstrably superior quality.

(b) *Terms of sale.* The maximum prices set forth herein are prices f. o. b. the seller's point of shipment; they are gross prices before discounts of any nature are deducted and include all commissions.

(c) *Fine cotton goods covered by contract prior to December 24, 1941.* The following are maximum prices for fine cotton goods delivered against any sale or contract of sale (other than a sale or contract of sale for export) entered into prior to December 24, 1941, except that the maximum prices set forth in (d) below shall apply, in lieu of the following maximum prices, to deliveries against sales or contracts of sale entered into between December 10 and December 23, 1941, inclusive, in which the parties agreed that the buyer's obligation should be discharged at prices not in excess of the maximum prices established in any revision of this Schedule becoming effective before January 1, 1942.

The maximum prices set forth herein become effective on December 24, 1941, which shall constitute the ceiling date for the fabric subject thereto.

Type and construction of cloth	*Maximum prices*
Combed broadcloth made of single-ply yarn:	
40" and narrower, 136 sley and below	$0.61 per pound.[1]
37"—136 x 60	.14875 per yard.[1 2]
37"—128 x 68	.14875 per yard.[1 2]
37"—144 x 76	.15875 per yard.[2]
37"—152 x 80	.17 per yard.[2]
Combed lawns:	
36"—76 x 72	.0975 per yard.[1]
36"—88 x 80	.1075 per yard.[2]
40"—68 x 56	.09 per yard.[2]
40"—72 x 68	.10 per yard.[2]
40"—76 x 72	.1025 per yard.[2]
40"—88 x 80	.1125 per yard.[2]
40"—96 x 92	.12875 per yard.[2]
40"—96 x 100	.135 per yard.[2 4]
40"—108 x 112	.16375 per yard.[2]
45"—76 x 72	.11875 per yard.[2]
45"—88 x 80	.12875 per yard.[2]
Dimities:	
36"—96 x 68	$0.1075 per yard.[3]
36½"—114 x 64	.1175 per yard.[3]
36½"—116 x 76	.12625 per yard.[3]
Voile:	
39"—60 x 52, slack	.09 per yard.[3]

[1] This maximum price applies to deliveries against contracts entered into prior to August 23, 1941.

[2] This maximum price applies to deliveries against contracts entered into on or after August 23, 1941.

[3] For seconds and shorts, five per cent less than the above figures constitutes the maximum price.

[4] For deliveries against contracts entered into on or after October 4, 1941, for 40"—96 x 100 combed lawn meeting United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940, a premium of ¾ cent per yard may be charged.

(d) *Fine cotton goods not covered by contract prior to December 24, 1941*—(1) *Applicability of maximum prices in paragraph (d).* The maximum prices established in paragraph (d) apply to all offers to buy or sell, sales or contracts of sale, deliveries, and transfers made or entered into on or after December 24, 1941, except (i) deliveries for which maximum prices are established by (c) above, and (ii) deliveries for export against contracts entered into prior to December 24, 1941.[1]

(2) *Determination of maximum price.* Subject to the qualifications contained in Paragraph (e) below, the maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of fine cotton goods shall be determined in the following manner from the tables appearing below:

(i) *Offer to buy or sell.* By the spot cotton price[2] of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the Schedule;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*[3] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto, except that, where the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound.[4]

(3) *Ceiling date.* The maximum prices set forth in the tables below and the qualifications thereto of paragraph (e) become effective on December 24, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto.

(4) *Maximum price tables*

Table I

In addition to the maximum prices set forth below, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to any fabric which, in its basic construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	*Premium*
Weaves requiring five or more cams:	
Weaves which (exclusive of salvage) require 5 cams.	¼¢ per yd.
Weaves, other than plain, which (exclusive of salvage) require 6 or more cams.	½¢ per yd.
Dobby looms:	
Weaves requiring 16 harnesses or less.	1¼¢ per yd.
Weaves requiring more than 16 harnesses.	1½¢ per yd.
Fancy draw:[1]	
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above.	½¢ per yd.
Each extra beam	½¢ per yd.
Hard twist:	
Warp yarn: where turns per inch equal 5¼ or more times the square root of yarn size.	½¢ per yd.
Filling yarn: where turns per inch equal 4¾ or more times the square root of yarn size.	½¢ per yd.
Clipping	1¢ per yd.[2]
Slubs:	
Cloths with 60 or more picks per inch.	3¢ per lb.
Cloths with less than 60 picks per inch.	2¢ per lb.

[1] The fancy-draw premium is not applicable to all-over patterns made on a dobby loom or with five or more cams unless additional effects of the types specified above are added to the all-over pattern.

[2] For clip spot marquisettes a premium greater than 1 cent per yard may be charged, but it shall not exceed the premium heretofore customary in the trade.

[1] Manufacturers of fine cotton goods may make application to the Office of Price Administration for permission to sell such goods for export at a premium commensurate with the additional packaging costs, selling expenses, and credit risks involved.

[2] The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[3] Except as provided in paragraph (c), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[4] Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (d), as the day on which the sale or contract of sale is made.

Table II[1]

Type and construction of cloth	Spot cotton price—Cents per pound										
	14.49 to 14.98	14.99 to 15.48	15.49 to 15.98	15.99 to 16.48	16.49 to 16.98	16.99 to 17.48	17.49 to 17.98	17.99 to 18.48	18.49 to 18.98	18.99 to 19.48	19.49 to 19.98
	Cents per yard										
Combed Broadcloth Single Fly:											
37" 136 x 60	15.35	15.50	15.65	15.80	15.95	16.10	16.25	16.40	16.55	16.70	16.85
37" 128 x 68	16.00	16.15	16.30	16.45	16.60	16.75	16.90	17.05	17.20	17.35	17.50
37" 144 x 76	16.95	17.10	17.25	17.40	17.55	17.70	17.85	18.00	18.15	18.30	18.45
37" 152 x 80	17.50	17.65	17.80	17.95	18.10	18.25	18.40	18.55	18.70	18.85	19.00
Combed Lawns:											
36" 76 x 72	9.34	9.41	9.48	9.55	9.62	9.69	9.76	9.83	9.90	9.97	10.04
36" 88 x 80	11.09	11.16	11.23	11.30	11.37	11.44	11.51	11.58	11.65	11.72	11.79
39" 68 x 56	8.27	8.33	8.39	8.45	8.51	8.57	8.63	8.69	8.75	8.81	8.87
40" 72 x 68	9.49	9.56	9.63	9.70	9.77	9.84	9.91	9.98	10.05	10.12	10.19
40" 76 x 72	10.53	10.60	10.68	10.75	10.83	10.90	10.98	11.05	11.13	11.20	11.28
40" 88 x 80	11.91	11.99	12.07	12.15	12.23	12.31	12.39	12.47	12.55	12.63	12.71
40" 96 x 92	13.03	13.12	13.21	13.30	13.39	13.48	13.57	13.66	13.75	13.84	13.93
40" 96 x 100[2]	14.45	14.55	14.65	14.75	14.85	14.95	15.05	15.15	15.25	15.35	15.45
40" 108 x 112	16.57	16.68	16.79	16.90	17.01	17.12	17.23	17.34	17.45	17.56	17.67
45" 76 x 72	11.80	11.88	11.97	12.05	12.14	12.22	12.31	12.39	12.48	12.56	12.65
45" 88 x 80	13.03	13.12	13.21	13.30	13.39	13.48	13.57	13.66	13.75	13.84	13.93
Dimities:											
36" 96 x 68	10.18	10.25	10.33	10.40	10.48	10.55	10.63	10.70	10.78	10.85	10.93
36" 114 x 64	11.52	11.61	11.71	11.80	11.90	11.99	12.09	12.18	12.28	12.37	12.47
36½" 116 x 76	11.70	11.78	11.87	11.95	12.04	12.12	12.21	12.29	12.38	12.46	12.55
Voile:											
39" 60 x 52 slack twist	9.12	9.20	9.27	9.35	9.42	9.50	9.57	9.65	9.72	9.80	9.87
Pique:											
38" 176 x 100	23.23	23.42	23.61	23.80	23.99	24.18	24.37	24.56	24.75	24.94	25.13
Pongee:											
38" 72 x 100	13.34	13.44	13.55	13.65	13.76	13.86	13.97	14.07	14.18	14.28	14.39
Marquisettes:											
28½" 44 x 18	6.60	6.65	6.70	6.75	6.80	6.85	6.90	6.95	7.00	7.05	7.10
39" 44 x 22	7.07	7.13	7.19	7.25	7.31	7.37	7.43	7.49	7.55	7.61	7.67
39½" 46 x 20	7.07	7.13	7.19	7.25	7.31	7.37	7.43	7.49	7.55	7.61	7.67
39½" 48 x 22	7.45	7.52	7.58	7.65	7.71	7.78	7.84	7.91	7.97	8.04	8.10
39½" 48 x 28	8.06	8.12	8.19	8.25	8.32	8.38	8.45	8.51	8.58	8.64	8.71
39½" 48 x 32	8.44	8.51	8.58	8.65	8.72	8.79	8.86	8.93	9.00	9.07	9.14
49" 48 x 28	9.51	9.59	9.67	9.75	9.83	9.91	9.99	10.07	10.15	10.23	10.31
49" 48 x 32	10.01	10.09	10.17	10.25	10.33	10.41	10.49	10.57	10.65	10.73	10.81
Filling Sateens:											
36½" 60 x 100 Carded filling:	22.23	22.52	22.81	23.10	23.39	23.68	23.97	24.26	24.55	24.84	25.13
37½" 64 x 88	13.58	13.72	13.86	14.00	14.14	14.28	14.42	14.56	14.70	14.84	14.98
37½" 64 x 104	15.15	15.30	15.45	15.60	15.75	15.90	16.05	16.20	16.35	16.50	16.65
38½" 84 x 136 Carded filling	18.97	19.13	19.29	19.45	19.61	19.77	19.93	20.09	20.25	20.41	20.57
	18.21	18.36	18.50	18.65	18.79	18.94	19.08	19.23	19.37	19.52	19.66

[1] The maximum price for cloth of a thread count listed in this table but of a different width ufrom that mentioned therein shall be directly proportionate, in the ratio of the respective widths, to the stated maximum price for cloth of that thread count.

For seconds and short lengths of any fabric subject to the maximum prices established in this Schedule, the maximum prices shall be five per cent less than the above prices.

[2] For 40" (6 x 100 combed lawn meeting United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940) a premium of ¾ cent per yard may be charged.

(e) *Premiums.* (1) In addition to the maximum prices set forth in (d) above, a premium may be demanded, charged, paid, or accepted for fine cotton goods made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the same goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.13 (e) (3):

(i) The premiums shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June 1941, or, if no such goods have been sold by the seller during that period, 5 per cent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

(2) Every seller making a sale, contract of sale, or delivery of fine cotton goods at a price including all or part of any premium permissible under § 1316.13 (e) (1) shall, on or before the 10th day of the succeeding month, file with the Office of Price Administration a sworn statement on Form 111:8 stating, with respect to each sale, contract of sale, or delivery made during the preceding calendar month, the date of the sale or contract of sale; the quantity of goods covered thereby; the date or dates when delivery is to be or has been made; the name of the manufacturer of the goods and of the buyer; the price agreed upon, charged, or paid; the buyer's specifications, in accordance with which the goods are made; the date of issuance thereof by the buyer; the use to which the goods are to be put; and the special physical requirements which are relied upon for the premium charged: *Provided*, That if a report, as required hereunder, is duly made of a sale or contract of sale, or any delivery pursuant thereto, no report need be made of any subsequent delivery of the same kind of goods pursuant to such sale or contract of sale.

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (c) or (d), a premium for (i) fine cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by the seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; or (iv) fine cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade. Such application, which shall be sworn to before a notary public, shall be accompanied by a yard-long sample of the fabric in its full width and state in detail (i) the construction of the cloth, including the width, thread count, and weight, and, with respect to both the warp and filling yarns, the yarn number and the staple, grade, and kind of cotton used; (ii) the specifications, if any, to which the goods are made; (iii) the use to which the goods are to be put; (iv) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (v) the person or persons, if any, from whom the goods were purchased and the premiums if any, paid (in cents over the prevailing market prices of the same goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted and, if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.*

Issued this 23rd day of December 1941. This amendment No. 7 shall become effective December 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9674; Filed, December 23, 1941; 10:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1500]

PART 273—RAILROAD GRANTS, ETC.

ISSUANCE OF PATENTS FOR LANDS SOLD TO INNOCENT PURCHASERS FOR VALUE BY CERTAIN RAILROAD CARRIERS

§ 273.68 *Statutory authority.* Subsection (b) of section 321, Part II, Title, III, of the Transportation Act of 1940, approved on September 18, 1940 (54 Stat. 954), authorizes the issuance of patents for the benefit of certain innocent purchasers for value of land grant lands from railroad carriers which have released their land grant claims.*

*§§ 273.68 to 273.74, inclusive, issued under the authority contained in R.S. 453, 2478; 43 U.S.C. 2, 1201.

§ 273.69 *Lands for which applications may be made.* Subsection (b) of section 321, Part II, Title III, of the Transportation Act of 1940 provides that in the case of a railroad carrier, or a predecessor, which received a land grant to aid in the construction of any part of its railroad, the laws relating to compensation for certain Government transportation services shall continue to apply as though subsection (a) of section 321 had not been enacted unless the carrier shall file on or before September 18, 1941, with the Secretary of the Interior, in the form and manner prescribed by him, a release of any claim it may have to lands, interests in lands, compensation, or reimbursement on account of lands or interests in lands so granted, claimed to have been granted or claimed should have been granted. Section 321 provides further that nothing therein shall be construed as preventing the issuance of patents confirming the title to such uncertified or unpatented lands as the Secretary of the Interior shall find have been sold prior to September 18, 1940, to innocent purchasers for value. Subsection (b) of section 321 authorizing the issuance of such patents is not an enlargement of the grants, and does not extend them to lands not already covered thereby and, therefore, has no application to lands which for various reasons, such as mineral character, prior grants, withdrawals, reservations, or appropriation, were not subject to the grants. It does apply, however, to lands selected under remedial or lieu acts supplemental to the original grants as well as to primary and indemnity lands. Classification under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U.S.C. Sup. 315 f), will not be required where the sold land is such as the company was authorized by law to select.*

§ 273.70 *Applications.* Application, and supporting evidence, must be filed by the carrier in the proper District Land Office, accompanied by the fees and commissions required in connection with railroad-grant listings and selections. The application should state that it is filed under the railroad land grant act involved, properly cited, and subsection (b) of section 321, Part II, Title III of the Transportation Act of 1940, approved September 18, 1940 (54 Stat. 954). The application must be supported by a showing that the land is of the character which would pass under the grant involved, and was not by some superior or prior claim, withdrawal, reservation, or other reason, excluded from the operation of the grant. Full details of the alleged sale must be furnished, such as dates, the terms thereof, the estate involved, consideration, parties, amounts and dates of payments made, and amounts due, if any, description of the land, and transfers of title. The use, occupancy and cultivation of the land and the improvements placed thereon by the alleged purchaser should be described. All statements should be in affidavit form, duly corroborated. Available documentary evidence, including the contract or deed, should be filed, which may be authenticated copies of the originals. An abstract of title may be necessary, dependent upon the circumstances of the particular case. No application for a patent under this act will be favorably considered unless it be shown that the alleged purchaser is entitled forthwith to the estate and interest transferred by such patent. Evidence of a recorded deed of conveyance from the carrier to the purchaser may be required. Where the company has on file an application in which the sold land is embraced, it need not file a new application, but may file a request for amendment of the pending application to come under the Transportation Act of 1940, together with the showing, supra, required as to the bona fide sale.*

§ 273.71 *Action by registers.* The Registers, after assigning serial numbers to the applications and making notations thereof on their records, will forward all such applications, and the supporting evidence, to the General Land Office, with their current returns, making a brief statement in each case concerning the status of the land according to their records.*

§ 273.72 *Publication of notice.* The Commissioner of the General Land Office will authorize the Register to direct the publication of notice of the application. The notice will be published at the carrier's expense in a newspaper of general circulation in the vicinity of the land. If a daily newspaper be designated, the notice should be published in the Wednesday issue for five consecutive weeks; if weekly, for five consecutive issues; and if semi-weekly, in either issue for five consecutive weeks. The carrier must furnish evidence of such publication in due course. The Register will keep the notice posted in his office during the entire period of the publication. Notice need not be published, in case of amendment of a pending application, where publication has already been had.*

§ 273.73 *Surveying and conveyance fees.* The carrier must pay the cost of the survey of the land, paying also one-half the cost of any segregation survey in accordance with the laws and regulations pertaining to the survey and patenting of railroad lands. See 43 U.S.C. 881 et seq.; also 43 CFR 216.15 and 273.60.*

§273.74 *Patents.* If all be found regular and in conformity with the governing law and regulations, the Commissioner of the General Land Office will cause a patent to be issued in the name of the grantee under the railroad grant, the carrier paying the customary fees for the writing and issuance of a patent pursuant to a railroad land grant. Before any patent is issued, however, a clear list embracing the lands will be submitted to the Secretary of the Interior.

A final decision by the Commissioner of the General Land Office denying such an application for a patent will be subject to a right of appeal in accordance with the Rules of Practice.*

FRED W. JOHNSON,
Commissioner.

Approved: December 10, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 41-9652; Filed, December 23, 1941; 9:40 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 186]

GENERAL RULES AND REGULATIONS

AMENDMENTS

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), an Executive Committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, was, after public notice, convened by the Acting Secretary of Commerce in the office of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C., on December 4, 1941, at which session, after public hearings, the following regulations, amendments, and approvals of miscellaneous items of equipment were adopted.

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

Section 30.3 (aa) is amended to read as follows:

§ 30.3 *Definition of terms.*

* * * * * * *

(aa) *Reid vapor pressure.* Reid vapor pressure of a liquid at a temperature of 100° F. expressed in pounds per square inch, absolute, as determined by the "Reid Method", as described in Tentative Method D 323-40T of the American Society for Testing Materials. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 32—REQUIREMENTS FOR HULLS, MACHINERY AND EQUIPMENT

Section 32.6-4 is amended to read as follows:

§ 32.6-4 *Electrical installation; general; existing tank vessels—TB/ALL.* The present electrical installation of existing tank vessels may be accepted if in the judgment of the inspector such installations are found to be safe and in good mechanical condition, and to comply with the regulations in effect when the vessel was built, or to the requirements of a recognized classification society. All portable extension cables and fittings shall be of an approved type.

Any major change in the present electrical installation or any conversion shall comply with §§ 32.6-1 to 32.6-3. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 32.6-5 is amended to read as follows:

§ 32.6-5 *Electrical installation; cargo pump rooms; existing tank vessels—TB/ALL.* The electrical installation in the pump rooms and enclosed spaces immediately adjoining cargo tanks (except in pump engine rooms as provided in § 32.3-4) of existing tank vessels shall be made to comply with §§ 32.6-1 to 32.6-4, to the extent that the changes required are, in the opinion of the local inspectors, necessary in the interests of safety. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 32.6-6 is deleted. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 32.8-5 is amended to read as follows:

§ 32.8-5 *Cargo pumps and piping; existing vessels—TB/ALL.* Cargo pumps and piping which do not fully comply with the regulations in this subchapter shall be made as nearly equal to the requirements for new vessels as is necessary in the interests of safety. Cargo pipe lines may pass through cargo pump engine compartments on existing vessels, provided no cargo valves are located therein. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 33—LIFE SAVING APPLIANCES

Section 33.2-1 is amended to read as follows:

§ 33.2-1 *Tank ships; ocean—T/O.* All tank ships which normally operate more than 20 miles offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board. No boat shall be of less than 180 cubic feet measurement. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 33.2-3 is amended to read as follows:

§ 33.2-3 *Tank ships; coastwise—T/C.* All tank ships which normally operate 20 miles or less offshore shall carry a sufficient number of lifeboats on each side to accommodate all persons on board. No boat shall be of less than 180 cubic feet measurement, except by approval of the Bureau. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

The headnote of § 33.2-6 is amended to read as follows:

§ 33.2-6 *Tank vessels; bays, sounds, lakes other than Great Lakes, and rivers—TB/BR:* * * * (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

The headnote of § 33.2-7 is amended to read as follows:

§ 33.2-7 *Tank vessels; short voyages beyond certificated waters—TB/LB.* * * * (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 34—FIRE-FIGHTING EQUIPMENT

Section 34.3-12 is amended to read as follows:

§ 34.3-12 *Shutting down of boilers and machinery—T/ALL.* The fire extinguishing systems provided for in Part 34 which depend for their operation on the ship's boilers or machinery shall not be required to be immediately available at docks or at anchorages. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 35—OPERATION

Section 35.1-7 (e) is amended to read as follows:

§ 35.1-7 *Emergency signals; fire and boat drills—T/ALL.*

* * * * * * *

(e) This section relating to fire and boat drills contemplates that such drills shall be conducted precisely as though an emergency existed. To accomplish the purpose of the section, life-boat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position for use, painters carried forward and tended so as to provide a good lead and slack to hold the boat in position under the davits when in the water. The person in charge of each lifeboat or life raft should have a list of its crew and should see that the men under his orders are acquainted with their several duties. The hand pumps and fire pump shall be operated long enough and a sufficient number of outlets used to insure that such equipment is in order and effectual. The motor and the hand-operated propeller gear of each lifeboat shall be operated for a period of not less than 5 minutes once at least in every 7 days, in order that it may be ready for service at any time. Such operation shall be made a part of the report of such drill. When oxygen-breathing apparatus, gas masks, or other special equipment is carried, certain members of the crew shall be trained in the use of the equipment. (R. S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 35.2-1 is amended to read as follows:

§ 35.2-1 *Notice to mariners; aids to navigation—T/ALL.* (a) Licensed officers are required to acquaint themselves with the latest information published by the U. S. Coast Guard and the U. S. Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilot house for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

(b) Notice to Mariners, published weekly by the U. S. Coast Guard, which contains announcements and information regarding aids to navigation and charts of waters of the United States, is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations, and the Marine Division, Customhouse. Notice to Mariners, published weekly by the U. S. Navy, for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the U. S. consulates where they may be inspected. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 35.2-9, paragraphs (b), (c), (d), and (e), is amended to read as follows:

§ 35.2-9 *Reports of accidents to tank vessels—T/ALL.*[63]

* * * * * * *

(b) Whenever a tank ship collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard, or is connected with

[63] See also § 1.38.

any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest board of local inspectors. When any collision of this character is reported to a board of local inspectors, those officers shall immediately transmit such information to the District Commander, U. S. Coast Guard, of the district in which the collision occurred.

(c) Whenever a tank barge in tow collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard, or is connected with any such collision, it shall be the duty of the towing vessel to report the accident to the nearest board of local inspectors, and when any collision of this character is reported to the local inspectors, such information shall be immediately transmitted to the District Commander, U. S. Coast Guard, of the District in which the collision occurred.

(d) Whenever in an investigation of an accident it develops that such accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard, or to any fault of any aid, or to the lack of such aid, the Bureau shall promptly notify the Commandant, U. S. Coast Guard, on the form provided for the purpose, the location of the accident; the aid to navigation near or at which the accident occurred; the nature of the accident; whether or not the accident is due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid; and all other information or recommendations developed in the investigation which would be of value to the U. S. Coast Guard.

(e) Boards of local inspectors are authorized to call on the District Commander, U. S. Coast Guard, of the district for any information concerning aids to navigation that will be useful in an investigation of an accident. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

The headnote of § 35.5-6 is amended to read as follows:

§ 35.5-6 *Approval to start transfer of cargo—TB/ALL.* * * * (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

Section 36.1-1 *Original licenses—T/ALL* is amended by deleting paragraph (e) and relettering paragraphs (f) and (g) to (e) and (f) respectively. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.1-2 (a) is amended to read as follows:

§ 36.1-2 *Qualifications for license as engineer of steam vessels—T/ALL.* (a) No person shall receive an original license as engineer or assistant engineer of steam vessels (except for special license as engineer of a steam vessel of any kind of 10 gross tons or under on which a licensed engineer is required) who has not served at least 36 months in the engineers' department of a steam vessel, except as hereinafter provided. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * * * *

Section 36.1-3 (a) is amended to read as follows:

§ 36.1-3 *Medical examination for original license—T/ALL.* (a) No candidate for original license as master, mate, pilot, or engineer shall be examined until he presents a certificate from the United States Public Health Service, duly attested, that he has passed a satisfactory examination based on the contents of "The Ship's Medicine Chest and First Aid at Sea," or some other manual arranged for the purpose having the approval of the United States Public Health Service. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * * * *

Section 36.1-6 is amended by the addition of a new undesignated paragraph reading as follows:

§ 36.1-6 *Substituting service in next lower grade for raise of grade—T/OC.* * * *

Except as hereinafter provided, service as a licensed officer in charge of a watch shall count as full time for raise of grade to second mate or second assistant engineer. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.1-9 is amended by the addition of a new paragraph (d) reading as follows:

§ 36.1-9 *Master, mate, and pilot of steam pilot vessels or vessels in Puerto Rican and Hawaiian waters—T/OC.*

* * * * * * *

(d) *It is further provided,* That licenses required for masters and engineers operating seagoing vessels propelled by internal-combustion engines navigating exclusively in the district covering the Hawaiian Islands, shall be granted by the local inspectors of that district upon consideration of application duly executed and certified to by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant. The local inspectors shall make diligent inquiry as to the applicant's character and merits, and if satisfied from oral examination, or practical demonstration of the applicant, and with the proof that he offers, that he possesses the requisite knowledge and skill, they shall grant him a license. Nothing herein contained shall debar an applicant who does not present a certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid, provided he is qualified in all other respects. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Footnote "64", entitled "Notice to Mariners", of § 36.1-11 is deleted and § 36.1-11 is amended to read as follows:

§ 36.1-11 *Laws, general rules and regulations and pilot rules to be furnished licensed officers—T/ALL.* Every master, mate, pilot, and engineer of vessels shall, when receiving an original license, a renewed license, or a raise of grade of license, be furnished by the inspectors with a copy of an official publication containing the Inspection Laws governing the Bureau, and a copy of the General Rules and Regulations Prescribed by the Board of Supervising Inspectors including those applicable to tank vessels; and every master and pilot of vessels, including those serving on tank vessels or motor vessels shall, when receiving an original license, a renewed license, or a raise of grade of license, be furnished by the inspectors with a pamphlet copy of the rules and regulations governing pilots and of the statutes upon which such rules are founded, applicable to the waters on which their licenses are intended to be used, as stated in the body thereof. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.1-13 (c) is amended to read as follows:

§ 36.1-13 *Renewal of license—T/ALL.*

* * * * * * *

(c) Whenever an officer shall apply for renewal of his license for same grade, after 12 months after the date of its expiration, he shall be required to pass an examination for the same grade of license, of such length and scope as will, in the judgment of the local inspectors, be sufficient to adequately demonstrate the continued professional knowledge of the examinee. The renewed license shall receive the next higher number for number of issue of present grade and for number of issues of all grades. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.2-1 is amended to read as follows:

§ 36.2-1 *Able seamen—TB/OCLB.* (See § 138.3 of this chapter.) (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.2-2 is amended to read as follows:

§ 36.2-2 *Certificated lifeboat men—TB/OCLB.* (See § 138.4 of this chapter.) (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3-2 *Examination for master of steam vessels—T/O* is amended by deleting subparagraph (b) (11) and renumbering subparagraphs (b) (12), (b) (13), (b) (14), (b) (15), (b) (16), (b) (17), (b) (18), (b) (19), (b) (20), (b) (21), (b) (22), (b) (23), (b) (24), (b) (25), (b) (26), and (b) (27), to (b) (11), (b) (12), (b) (13), (b) (14), (b) (15), (b) (16), (b) (17), (b) (18), (b) (19), (b) (20), (b) (21), (b) (22), (b) (23),

(b) (24), (b) (25), and (b) (26), respectively. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–5 (c) is amended to read as follows:

§ 36.3–5 *Second mate of steam vessels—T/O.*

* * * * *

(c) Any graduate of the U. S. Naval Academy or the U. S. Coast Guard Academy who has had not less than two training cruises, together with 3 months' service in the deck department of ocean or coastwise steam vessels; or, (R. S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–5 (d) is amended to read as follows:

(d) A graduate who has served 2 years in the seamanship class of a State nautical school ship, established under authority of an Act of Congress approved March 4, 1911, and completed two ocean or coastwise cruises before graduation, together with 2 years' service in the deck department of an ocean or coastwise steam vessel of 500 gross tons or over: *Provided*, That where the graduate has completed the two cruises, but not the 2 years' service required, additional service equal to the difference in time shall be served in the deck department of vessels of the class required for the probationary period of 2 years; or, (R.S. 4405, 4417, as amended; 46 C.F.R. 375, 391a)

Section 36.3–7 is amended by the addition of a new paragraph (i) reading as follows:

§ 36.3–7 *Third mate of steam vessels—T/O.*

* * * * *

(i) Any person who has completed the U. S. Maritime Commission's course of training as a cadet (Deck) and has, during the course of such training, served one year and 10 months in an ocean or coastwise vessel and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U. S. Maritime Commission for supplementary special training will be permitted to sit for examination for a license as third mate of ocean vessels. (R.S. 4405, 4417a, as amended; 46 C.F.R. 375, 391a)

Section 36.3–9 is amended by the addition of a new paragraph (f) reading as follows:

§ 36.3–9 *Chief engineer of steam vessels—T/O.*

* * * * *

(f) Eighteen months' service as chief engineer of steam vessels on Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, except ferry vessels, together with six months' service as oiler or watertender, or combined service of both, on ocean or coastwise steam vessels for license as chief engineer of appropriate tonnage. (R.S. 4405, 4417a, as amended; 46 C.F.R. 375, 391a)

Section 36.3–10 is amended by reletter-ing paragraphs (c), (d), and (e), to (d), (e), and (f), respectively, and inserting a new paragraph (c) reading as follows:

§ 36.3–10 *First assistant engineer of steam vessels—T/O.*

* * * * *

(c) Eighteen months' service as first assistant engineer of steam vessels on Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, except ferry vessels, together with six months' service as oiler or watertender, or combined service of both, on ocean or coastwise steam vessels for license as first assistant engineer of appropriate tonnage; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–11 (b) is amended to read as follows:

§ 36.3–11 *Second assistant engineer of steam vessels—T/O.*

* * * * *

(b) Three years' service as second assistant engineer of Great Lakes and all other lake, bay, sound, or river steam vessels, except ferry vessels, for license as second assistant engineer of appropriate tonnage; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–11 is amended by reletter-ing paragraphs (c), (d), (e), and (f), to (d), (e), (f), and (g), respectively, and inserting a new paragraph (c) reading as follows:

(c) Eighteen months' service as second assistant engineer of steam vessels on Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, except ferry vessels, together with six months' service as oiler or watertender, or combined service of both, on ocean or coastwise steam vessels for license as second assistant engineer of appropriate tonnage; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–12 (b) is amended to read as follows:

§ 36.3–12 *Third assistant engineer of steam vessels—T/O.*

* * * * *

(b) Three years' service as oiler, watertender, or engineroom electrician, or combined service of 3 years in these positions, on ocean or coastwise steam vessels; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–12 (c) is amended to read as follows:

(c) Three years' service as licensed engineer of steam vessels on Great Lakes, bays, sounds, and rivers, for license of appropriate tonnage; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–12 (d) is amended to read as follows:

(d) One year's service as licensed engineer of steam vessels on Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, together with six months' service in the engine department of ocean and coastwise steam vessels for a license of appropriate tonnage; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * *

Section 36.3–12 is amended by the addition of a new paragraph (h) reading as follows:

(h) Any person who has completed the U. S. Maritime Commission's course of training as cadet (Engineer) and has during the course of such training served one year and ten months in an ocean or coastwise steam vessel and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U. S. Maritime Commission for supplementary special training will be permitted to sit for examination for a license as third assistant engineer of ocean and coastwise steam vessels. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Part 36 is amended by the addition of a new § 36.3–12a reading as follows:

§ 36.3–12a *Experience as electrician accepted for raise of grade, steam vessels—T/OC.* An applicant for raise of grade of license to second assistant engineer, or first assistant engineer, or chief engineer, ocean and coastwise steam vessels, may substitute service as engine-room watch electrician on electric-drive ocean and coastwise steam vessels, such service to count one-half, and in no case to exceed six months of the required experience. If the experience of an applicant does not warrant an unlimited license, local inspectors shall place an appropriate tonnage upon the license. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–13 (b) is amended to read as follows:

§ 36.3–13 *Engineers of motor vessels—T/O.*

* * * * *

(b) No person shall receive an original license as engineer of motor vessels who has not served at least 36 months in the engine department of a motor vessel, except as hereinafter provided. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * *

Section 36.3–13 is amended by the addition of a new paragraph (d) reading as follows:

(d) *Provided*, That licenses required for masters and engineers operating seagoing vessels propelled by internal-combustion engines navigating exclusively in the district covering the Hawaiian Islands, shall be granted by the local inspectors of that district upon consideration of applications duly executed and certified to by reputable citizens qualified to judge the character, trustworthiness, and ability of the applicant. The local inspectors shall make diligent inquiry as to the applicant's character and merits, and if satisfied, from oral examination, or practical demonstration of the applicant, and with the proof that he offers, that he possesses the requisite knowledge and skill, they shall grant him a license. Nothing herein contained shall debar an applicant who does not present a certificate from the United States Public Health Service based upon the subject of ship sanitation and first aid, provided he is qualified in all other respects. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–14 is amended by the addition of a new paragraph (g) reading as follows:

§ 36.3–14 *Chief engineer of motor vessels—T/O.*

* * * * *

(g) Any person holding a license as chief engineer of steam vessels, who has served one year under a license, and who has graduated from the Martime Commission's Maritime Service Training School in marine Diesel engineering. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–15 is amended by the addition of a new paragraph (g) reading as follows:

§ 36.3–15 *First assistant engineer of motor vessels—T/O.*

* * * * *

(g) Any person holding a license as first assistant engineer of steam vessels, who has served one year under a license, and who has graduated from the Maritime Commission's Maritime Service Training School in marine Diesel engineering; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 35.3–15 is amended by the addition of a new paragraph (h) reading as follows:

(h) Any person holding a license as first assistant engineer of steam vessels who has served six months as oiler in the engine department of motor vessels; or has been employed for not less than three months in the construction or installation of marine motor engines, together with three months' service as oiler in the engine department of motor vessels. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–16 is amended by the addition of a new paragraph (g) reading as follows:

§ 36.3–16 *Second assistant engineer of motor vessels—T/O.*

* * * * *

(g) Any person holding a license as second assistant engineer of steam vessels, who has served one year under a license, and who has graduated from the Maritime Commission's Maritime Service Training School in marine Diesel engineering. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–17 is amended by the addition of a new paragraph (f) reading as follows:

§ 36.3–17 *Third assistant engineer of motor vessels—T/O.*

* * * * *

(f) Any person holding a license as third assistant engineer of steam vessels, who has served one year under his license, and who has graduated from the Maritime Commission's Maritime Service Training School in marine Diesel engineering; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.3–17 is amended by the addition of a new paragraph (g) reading as follows:

(g) Any person who has completed the U. S. Maritime Commission's course of training as cadet (Engineer) and has during the course of such training served six months in a Diesel vessel, out of at least one year and ten months of sea service, and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U. S. Maritime Commission for supplementary special training will be permitted to sit for examination for a license as third assistant engineer of ocean and coastwise motor vessels. (R.S. 4405; 4417a, as amended; 46 U.S.C. 375, 391a)

Part 36 is amended by the addition of a new § 36.3–18 reading as follows:

§ 36.3–18 *Experience as electrician accepted for raise of grade, motor vessels—T/OC.* An applicant for raise of grade of license to second assistant engineer, or first assistant engineer, or chief engineer, ocean and coastwise motor vessels, may substitute service as engine-room watch electrician on electric-drive ocean and coastwise motor vessels, such service to count one-half, and in no case to exceed six months of the required experience. If the experience of an applicant does not warrant an unlimited license, local inspectors shall place an appropriate tonnage upon the license. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.4–5 is amended by reletter-ing paragraphs (f), (g), and (h), to (g), (h), and (i), respectively, and deleting paragraphs (d) and (e), and inserting new paragraphs (d), (e), and (f) reading as follows:

§ 36.4–5 *Second mate of steam vessels—T/C.*

* * * * *

(d) Any graduate of the United States Naval Academy or the United States Coast Guard Academy who has had not less than two training cruises, together with 3 months' service in the deck department of ocean or coastwise steam vessels; or,

(e) A graduate who has served 2 years in the seamanship class of a State nautical school ship, established under authority of an Act of Congress approved March 4, 1911 (36 Stat. 1353; 34 U.S.C. 1121–1123), and completed two ocean or coastwise cruises before graduation, together with 2 years' service in the deck department of ocean or coastwise steam vessels: *Provided*, That where the graduate has completed the two cruises, but not the 2 years' service required, additional service equal to the difference in time shall be served in the deck department of ocean or coastwise steam vessels; or,

(f) One year's service as a licensed master or first-class pilot of lake, bay, or sound steam vessels of 150 gross tons or over, except ferry vessels, together with one year's service in the deck department of ocean or coastwise steam vessels; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.4–7 is amended by reletter-ing paragraphs (b), (c), (d), (e), (f), (g), (h), to (c), (d), (e), (f), (g), (h), and (i), respectively, and inserting a new paragraph (b) reading as follows:

§ 36.4–7 *Third mate of steam vessels—T/C.*

* * * * *

(b) Any applicant who has had 3 years' training at the United States Naval Academy or the United States Coast Guard Academy and who has had not less than two training cruises; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * *

Section 36.4–7 is amended by the addition of a new paragraph (j) reading as follows:

(j) Any person who has completed the U. S. Maritime Commission's course of training as a cadet (Deck) and has during the course of such training served one year and ten months in an ocean or coastwise vessel and one year and two months at a U. S. Maritime Commission Cadet School or locations used by the U. S. Maritime Commission for supplementary special training will be permitted to sit for examination for a license as third mate of coastwise vessels. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.4–9 is amended to read as follows:

§ 36.4–9 *Engineers of steam and motor vessels—T/C.* All engineers of steam and motor coastwise vessels shall have the same qualifications as those required for ocean vessels. (§§ 36.3–9 to 36.3–12a); (§§ 36.3–13 to 36.3–18) (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.5–4 (b) is amended to read as follows:

§ 36.5–4 *Engineers of steam vessels—T/L.*

* * * * *

(b) No person shall receive license as engineer or assistant engineer of steam

vessels who has not had the experience specified in the following sections; and no person shall receive license as above who is not able to pass a satisfactory written examination before the local inspectors. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.5–9 is amended to read as follows:

§ 36.5–9 *Engineers of motor vessels—T/L.* All engineers of motor vessels on the Great Lakes shall have the same qualifications as those required for ocean vessels. (§§ 36.3–13 to 36.3–18) (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.6–4 (b) is amended to read as follows:

§ 36.6–4 *Engineers of steam vessels—T/B.*

* * * * *

(b) No person shall receive license as engineer or assistant engineer of steam vessels who has not had the experience specified in the following sections; and no person shall receive license as above who is not able to pass a satisfactory written examination before the local inspectors. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.6–8 (d) is amended to read as follows:

§ 36.6–8 *Third assistant engineer of steam vessels—T/B.*

* * * * *

(d) A graduate from an engineering class of a State nautical school ship, established under authority of an Act of Congress approved March 4, 1911 (36 Stat. 1353; 34 U.S.C. 1121–1123), the term of such class to be based upon a period of two years; or, (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.6–9 is amended to read as follows:

§ 36.6–9 *Engineers of motor vessels—T/B.* All engineers of motor vessels on bays, sounds, and lakes, other than the Great Lakes, shall have the same qualifications as those required for ocean vessels. (§§ 36.3–13 to 36.3–18) (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.7–4 (b) is amended to read as follows:

§ 36.7–4 *Engineers of steam vessels—T/R.*

* * * * *

(b) No person shall receive license as engineer or assistant engineer of steam vessels who has not had the experience specified in the following sections; and no person shall receive license as above who is not able to pass a satisfactory written examination before the local inspectors. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 36.7–9 is amended to read as follows:

§ 36.7–9 *Engineers of motor vessels—T/R.* All licensed engineers of motor vessels on rivers, where required, shall have the same qualifications as those required for ocean vessels. (§§ 36.3–13 to 36.3–18) (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 37—SPECIFICATIONS FOR LIFE-SAVING APPLIANCES

Section 37.1–4 is amended to read as follows:

§ 37.1–4 *Lifeboat davits—TB/ALL.* (a) No type or make of mechanical or gravity davit shall be used unless it has first been approved by the Board.

(b) No mechanical davits of a character which require manual or other power to turn the boats out to the position for lowering into the water shall be fitted on any vessel the keel of which is laid after September 1, 1941, if such davits are to handle a lifeboat which, without its complement of persons on board, but having on board all air tanks and other lifeboat equipment, exceeds 5,000 pounds total weight: i. e. 2,500 pounds for a single davit arm. An exemption to this requirement may be granted during the period of the national emergency, proclaimed by the President on May 27, 1941, if evidence is presented to the Bureau to substantiate a claim that compliance with this requirement would materially delay the completion and delivery of the vessel.

(c) Davits of an approved type, which are capable of swinging the boats into the lowering position without the application of any effort or external force other than that necessary to operate the releasing mechanism, allowing the boat to move from the stowed position to the lowering position by the force of gravity, shall be provided to handle all lifeboats the total weight of which including air tanks and lifeboat equipment, but without the complement of persons on board, exceeds 5,000 pounds.

(d) Where steel castings are used for davit frames or davit arms this material shall be fully annealed and comply with the following requirements:

(In substantial agreement with A. S. T. M. Spec. A–27–39 and A–215–39T)

Tensile strength minimum psi	66,000
Yield point minimum psi	33,000
Elongation in 2 inches minimum percent	22
Reduction of area minimum percent	33

(e) Chemical composition for castings not intended to be fusion welded.

(In substantial agreement with A. S. T. M. Spec. A–27–39)

Manganese maximum percent	1.00
Phosphorus maximum percent	.05
Sulphur maximum percent	.06

(f) Chemical composition of castings intended to be fabricated by fusion welding.

(In substantial agreement with A. S. T. M. Spec. A–215–39T)

Carbon maximum percent	0.30
Manganese maximum percent	.70
Phosphorus maximum percent	.05
Sulphur maximum percent	.06
Silicon maximum percent	.50

(g) Where structural steel is used for the fabrication of davit frames or davit arms the material shall conform to the following requirements:

(In substantial agreement with A. S. T. M. Spec. A–131–39)

Tensile strength psi	60,000 to 72,000
Yield point minimum psi	0.5 T. S.
Elongation in 8 inches minimum percent	1,500,000 / Ten. Str.
Elongation in 2 inches minimum percent	22

(h) Where welding is employed in the construction of davits, the welders shall be qualified by the Bureau.

(i) All moving parts of davits shall be provided with bushings of nonferrous metal, roller or ball bearings properly lubricated.

(j) An inspector shall be present at the foundry where castings are made to witness the tensile and bend tests prescribed. The manufacturer shall furnish an affidavit stating that the required tests for annealing have been made. When the inspector has satisfied himself that such castings comply with the requirements, he shall stamp the davit arm and frame with the letters, B. M. I. N., the initials of his name and the letters, F. T., and date of inspection.

(k) Each davit and frame shall be tested for strength and operation at the place of manufacture in the presence of an inspector.

(l) All mechanical and gravity davit arms or frames shall be tested at the extreme outboard position by suspending from the eye or end of each davit arm a weight equal to the weight of the fully loaded and equipped boat (including full complement of persons at 165 pounds each) for which the davit is to be approved, plus 10 percent. Under this test, a davit arm or frame shall show no permanent set or undue deflection. While this test is being conducted, the frame and arms, if of cast material, shall be subjected to a test by being hammered to satisfy the inspector that the castings are sound and without flaw.

(m) While this test load is suspended, the operating gear of mechanical davits shall be tested by being operated from inboard to the extreme outboard position with the same operating crank or device used in actual practice aboard ship.

(n) The manufacturer shall affix to the davit arm and frame a heavy plate giving the name of manufacturer, date of inspection, serial number, capacity load, space for the inspector's initials, and the letters B. M. I. N. After the inspector has satisfied himself that the assembled installation meets the requirements, he shall stamp the manufacturer's plates with his initials. Each set of davits shall be marked with identical serial numbers by the manufacturer.

(o) No davit arm or frame comprising mechanical or gravity davits shall be placed on board any vessel until all of the requirements of the rules of this section have been fully complied with. Whenever mechanical or gravity davits or parts of davits, such as davit arms, or frames, are installed on vessels, to take the place of davits, davit arms, or frames which have become damaged or broken, such davits or frames shall have the manufacturer's name plate affixed thereto. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Part 37 is amended by the addition of a new § 37.1–5 reading as follows:

§ 37.1–5 *Mechanical means for lowering—TB/ALL.* Where mechanical means for lowering lifeboats are installed, the requirements of § 59.3a of this chapter shall be met. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.2–3 (c) is amended to read as follows:

§ 37.2–3 *Shell plating—TB/ALL.*

* * * * *

(c) Doubling plates of suitable size shall be fitted on all steel boats at points where the shell is liable to corrosion from contact with the boat's chocks. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.2–14 (a) is amended by changing the first sentence to read as follows:

§ 37.2–14 *Thwarts—TB/ALL.* (a) The dimensions of the thwarts shall be as given in table except that the mast thwarts shall be 2 inches wider and the hole properly reinforced. * * * (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.2–16 (a) is amended to read as follows:

§ 37.2–16 *Housing shackles—TB/ALL.* (a) Hoisting or lifting shackles when installed in the ends of lifeboats shall have the shackle pins go through the stem and sternpost. Sectional area around the shackle pinhole shall be at least equal to the area of the shackle specified for the lifeboat. In cases where the lifting shackles are required to be installed inside of the lifeboats, such lifting shackles shall be attached to bracket plates, riveted to stem and sternpost or to rods with bracket plates riveted to keel. The complete unit for each boat of the brackets, rods, and connecting bolts shall be of sufficient strength to support the loaded lifeboat with a safety factor of 6. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * *

Section 37.3–8 *Breasthooks—TB/ALL* is amended by deleting paragraphs (c), (d), (e), (f), and (g). (RS. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Part 37 is amended by renumbering § 37.3–9 to 37.3–10, and deleting the old § 37.3–10, and inserting a new § 37.3–9 reading as follows:

§ 37.3–9 *Rubbers, filling pieces, bilge keels—TB/ALL.* (a) Fore and aft rubbers shall be fitted to all boats.

(b) Clincher-built boats are to have filling pieces for about one-third of the boat's length amidships, fitted to the projecting plank edges from the gunwale to the bilge.

(c) In all boats intended to accommodate more than 60 persons, vertical fenders extending from the gunwale down to the bilge, are to be fitted to facilitate launching on the high side of a listed ship. These fenders are to be sufficient in number to prevent damage to the boats when being lowered. If the fenders are of wood they are to have cope iron fitted to the outside edges.

(d) Particulars of any proposed arrangements, including alternatives such as skates or rollers temporarily secured to the boat to prevent it from being damaged, and to facilitate launching, are to be submitted for the Board's approval.

(e) When the bilge keels are fitted, they shall be secured to a doubling plank well fastened to the bottom planking and timbers by brass screws. Bilge keel fastenings shall not penetrate the bottom planking. Suitable hand grips shall be made in the bilge keels for use in event of capsizing. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Part 37 is amended by the addition of a new § 37.3–11 reading as follows:

§ 37.3–11 *Air tanks—TB/ALL.* (a) All lifeboats contracted for after September 30, 1912, shall have not more than 50 percent of the air-tank capacity in the ends of the boat and the remaining capacity shall be located in the side tanks.

(b) After June 20, 1912, the air tanks of all lifeboats shall be entirely independent of the hull or other construction and shall be of suitable noncorrosive material and of a capacity of not less than 1.5 cubic feet for each person allowed in metallic boats and not less than 1 cubic foot for each person allowed in wooden boats: *Provided*, That in all metallic boats constructed and inspected on and after March 1, 1931, there shall be at least 1 cubic foot for each person allowed in addition to sufficient air-tank capacity to float the boat (including its equipment), when filled with water. Such air tanks shall be firmly and securely fastened in the hull, and in such manner as will allow them to be temporarily removed, and in no case shall the tanks be punctured or opened for such fastenings. The tops of such tanks shall be thoroughly protected by a grating or platform or by the thwarts or seats. Such air tanks of 6 cubic feet or less shall be constructed of material of a thickness not less than No. 22 B. W. G.; from 6 cubic feet to and including 15 cubic feet, of a thickness not less than No. 20 B. W. G.; and all air tanks of more than 15 cubic feet capacity shall be of a thickness not less than No. 18 B. W. G.

(c) All joints of air tanks shall be properly double riveted and tightly calked or securely hook jointed and efficiently soldered or properly and securely welded, and such air tanks shall be located in such a manner that will permit the lifeboat to be on as near an even keel as possible when flooded with water.

(d) The cubical contents of air space of air tank shall be stamped on the tank where same can be seen when air tank is placed in boat.

(e) All air tanks shall be fitted with a connection of one-half inch outside diameter for testing purposes.

(f) Before any lifeboat is passed and accepted, the air tanks thereof shall be tested in the presence of an inspector of this Bureau by an air pressure of not more than 1 pound to the square inch. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375. 391a)

Section 37.4–1 (b) is amended by changing the first sentence to read as follows:

§ 37.4–1 *Cylinders—TB/ALL.*

* * * * *

(b) The retaining bands which secure the cylinders to the frame shall be made in halves, so that the cylinders may be detached without difficulty and without disassembling the body of the raft, for the purpose of inspection, cleaning, and painting, as required by § 59.46 of this chapter. * * * (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.4–4 is amended by deleting paragraph (d), relettering paragraph (e) to (g), and inserting three new paragraphs (d), (e), and (f) reading as follows:

§ 37.4–4 *Approval—TB/ALL.*

* * * * *

(d) A life raft carried on tank vessels navigating the oceans or coastwise should have a deck area of not less than 4 square feet for each person whom it can accommodate, and the platform should be not less than 6 inches from the water level when the raft is loaded.

(e) A life raft carried on tank vessels navigating the Great Lakes, bays, sounds, and lakes other than the Great Lakes, should have a deck area of not less than 3 square feet for each person whom it can accommodate.

(f) A life raft carried on tank vessels navigating the rivers exclusively should have a deck area of not less than 2.5 square feet for each person whom it can accommodate. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.5–1 is amended by deleting paragraph (k) and relettering paragraphs (l), (m), (n), and (o), to (k),

(l), (m), and (n), respectively. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.5–2 (b) is amended to read as follows:

§ 37.5–2 *Capacity of life rafts—TB/ALL.*

* * * * * *

(b) For every person carried, there shall be not less than 3 cubic feet of air cases or equivalent buoyancy; and for a life raft carried on tank vessels navigating the oceans or coastwise there shall be a deck area of not less than 4 square feet for each person whom it can accommodate, and the platform should be not less than 6 inches above the water level when the raft is loaded; for a life raft carried on tank vessels navigating the Great Lakes, bays, sounds, and lakes other than the Great Lakes, there shall be a deck area of not less than 3 square feet for each person whom it can accommodate; for a life raft carried on tank vessels navigating the rivers exclusively, there shall be a deck area of not less than 2.5 square feet for each person whom it can accommodate. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.7–1 (a) is amended to read as follows:

§ 37.7–1 *Approval—TB/ALL.* (a) Every type kapok life preserver used on any vessel subject to inspection by this Bureau shall first be approved by the Board of Supervising Inspectors. The life preservers receiving such approval shall conform in every respect to the sample submitted to the Board. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * * *

Section 37.7–2 (a) is amended to read as follows:

§ 37.7–2 *Test—TB/ALL.* (a) At least 1 life preserver from each lot of 250 shall be selected indiscriminately by an inspector of this Bureau for buoyancy test. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

* * * * * *

Section 37.7–5 is amended to read as follows:

§ 37.7–5 *Inspection—TB/ALL.* For each lot of 250 life preservers, the manufacturer shall submit to the local inspectors of the district in which manufactured an affidavit setting forth the material with which the life preservers are filled and that the life preservers meet in every respect the requirements of the General Rules and Regulations of the Board of Supervising Inspectors. Every life preserver meeting the above requirements shall be inspected by an inspector of this Bureau and stamped with his initials and the date of inspection. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.10–5 (i) is amended to read as follows:

§ 37.10–5 *Signal pistol—T/OC.*

* * * * * *

(i) Signal cartridges shall not be retained on board and in use for a period of more than 4 years from the date of manufacture. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

SUBCHAPTER G—OCEAN AND COASTWISE: GENERAL RULES AND REGULATIONS

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES (OCEAN)

Section 59.5 (d) is amended to read as follows:

§ 59.5 *Motor-propelled lifeboats.*

* * * * * *

(d) Any lifeboat certified to carry 60 or more persons shall, if not one of the motor lifeboats required above, be motor-propelled or fitted with a hand-operated propeller. (R.S. 4405, 4417, 4426, 4488, as amended; 46 U.S.C. and Sup. 375, 391, 404, 481)

Section 59.6 (a) is amended to read as follows:

§ 59.6 *Lifeboats required on vessels of class* (c). (a) Cargo vessels shall carry a sufficient number of lifeboats on each side to accommodate all persons on board. (R.S. 4405, 4417, 4426, 4488, as amended; 46 U.S.C. and Sup. 375, 391, 404, 481)

* * * * * *

Section 59.54a (f) (1) is amended to read as follows:

§ 59.54a *Buoyant apparatus.*

* * * * * *

(f) *Air tanks—(1) Material.* Where metal air tanks furnish the buoyancy of the apparatus, they shall be constructed of best-quality copper or yellow metal of not less than 18 ounces to the superficial foot. All joints shall be securely hook-jointed and efficiently soldered, or properly and securely welded. Air tanks shall be fitted with suitable testing nipples, and when testing same an air pressure of not more than 1 pound to the square inch shall be used. (R.S. 4405, 4417, 4488, 4491, as amended; 46 U.S.C. and Sup. 375, 391, 481, 489)

* * * * * *

(g) *Name plate.* Each piece of buoyant apparatus shall have a brass plate or its equivalent affixed thereon by the builder, and bearing his name and address, the words "Buoyant apparatus," the number of the apparatus, date of construction, dimensions, and number of persons allowed. (R.S. 4405, 4417, 4488, 4491, as amended; 46 U.S.C. and Sup. 375, 391, 481, 489)

Section 59.54a (g) is amended to read as follows:

(g) *Name plate.* Each piece of buoyant apparatus shall have a brass plate or its equivalent affixed thereon by the builder, and bearing his name and address, the words "Buoyant apparatus," the number of the apparatus, date of construction, dimensions, and number of persons allowed. (R.S. 4405, 4417, 4488, 4491, as amended; 46 U.S.C. and Sup. 375, 391, 481, 489)

Section 59.56 *Ring life buoys* is amended by deleting subparagraph (b) (3). (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

Section 59.57 *Self-igniting water lights* is amended by deleting the proviso in the third undesignated paragraph and deleting the fourth undesignated paragraph. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

Section 59.61 *Line-throwing appliances,* paragraph (i) *Drills,* is amended by deleting the last sentence thereof. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES (COASTWISE)

Section 60.4 (a) is amended to read as follows:

§ 60.4 *Lifeboats required on vessels of class* (c). (a) Cargo vessels shall carry a sufficient number of lifeboats on each side to accommodate all persons on board. (R.S. 4405, 4417, 4426, 4488, as amended; 46 U.S.C. and Sup. 375, 391, 404, 481)

* * * * * *

Section 60.47a (f) (1) is amended to read as follows:

§ 60.47a *Buoyant apparatus.*

* * * * * *

(f) *Air tanks—(1) Material.* Where metal air tanks furnish the buoyancy of the apparatus, they shall be constructed of best-quality copper or yellow metal of not less than 18 ounces to the superficial foot. All joints shall be securely hook-jointed and efficiently soldered, or properly and securely welded. Air tanks shall be fitted with suitable testing nipples, and when testing same an air pressure of not more than 1 pound to the square inch shall be used. (R.S. 4405, 4417, 4488, 4491, as amended; 46 U.S.C. and Sup. 375, 391, 481, 489)

* * * * * *

Section 60.47a (g) is amended to read as follows:

(g) *Name plate.* Each piece of buoyant apparatus shall have a brass plate or its equivalent affixed thereon by the builder, and bearing his name and address, the words "Buoyant apparatus," the number of the apparatus, date of construction, dimentions, and number of persons allowed. (R.S. 4405, 4417, 4488, 4491, as amended; 46 U.S.C. and Sup. 375, 391, 481, 489)

Section 60.49 (a) is amended to read as follows:

§ 60.49 *Ring life buoys—(a) Number required.* The minimum number of life buoys and the minimum number to which water lights shall be attached is fixed by the following table:

Length of vessel	Minimum number of buoys	Minimum number of buoys to which water lights shall be attached
Under 100 feet	2	0
100 feet and under 200 feet	4	2
200 feet and under 300 feet	6	2
300 feet and under 400 feet	12	4
400 feet and under 600 feet	18	9
600 feet and under 800 feet	24	12
800 feet and over	30	15

NOTE: One life buoy on each side of a vessel shall have an attached line at least 15 fathoms in length.

(R.S. 4405, 4426, 4482, and 4488, as amended; 46 U.S.C. and Sup. 375, 404, 475, 481)

* * * * * *

Section 60.49 *Ring life buoys* is amended by deleting subparagraph (b) (3). (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

Section 60.50 *Self-igniting water lights* is amended by deleting the proviso in the third undesignated paragraph and deleting all of the fourth undesignated paragraph. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

Section 60.54 *Line-throwing appliances,* paragraph (i) *Drills,* is amended by deleting the last sentence thereof. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.12 is amended to read as follows:

§ 61.12 *Connecting pipe composition.* All pipes used as mains for conducting water from fire pumps on board steam vessels in place of hose shall be of wrought iron, brass, or copper, with wrought iron, brass, or composition hose connections. (R.S. 4405, 4426, as amended, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. 375, 404, 367, 463a)

Part 61 is amended by the addition of a new § 61.12a reading as follows:

§ 61.12a *Pumps on motor vessels.* Motor vessels or 50 gross tons and over, carrying passengers for hire, shall be equipped with pumps for throwing water according to the tonnage as prescribed in § 61.5, for steam vessels, and equipped as prescribed in §§ 61.5–61.7. (R.S. 4405, 4426, as amended, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. 375, 404, 367, 463a)

Part 61 is amended by renumbering §§ 61.14 to 61.15 *Water sprinkling system* and §§ 61.15 to 61.14 *Fire-fighting equipment on vessels using oil as fuel.* (R.S. 4405, 4426, 4470, 4471, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 464, 367, 463a)

The headnote for § 61.16 is amended to read as follows:

§ 61.16 *Fire-detecting, alarm, automatic sprinkler, and patrol systems; new and existing vessels.* * * * (R.S. 4405, 4426, 4470, 4471, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 464, 367, 463a)

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Section 62.12 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers* is amended by deleting the last two undesignated paragraphs thereof. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Part 62 is amended by the addition of a new § 62.12a reading as follows:

§ 62.12a *Notice to mariners; aids to navigation.* (a) Licensed officers are required to acquaint themselves with the latest information published by the U. S. Coast Guard and the U. S. Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilot house for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

(b) Notice to Mariners published weekly by the U. S. Coast Guard which contains announcements and information regarding aids to navigation and charts of waters of the United States is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations; and the Marine Division, Customhouse. Notice to Mariners published weekly by the U. S. Navy for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the U. S. consulates where they may be inspected. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Section 62.16 is amended to read as follows:

§ 62.16 *Reports of accidents.*[5] The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500 and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided,* That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths.

Whenever a vessel commanded by an officer licensed by the Bureau collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard or is connected with any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest local office of the Bureau. When any collision of this character is reported to a local office, that office shall immediately transmit such information to the District Commander, U. S. Coast Guard, of the district in which the collision occurred.

Whenever in an investigation of an accident to a vessel, made by the Bureau, it is stated by the officers of the vessel concerned, or it is developed by the investigation, or it is stated in a report of an accident, that the accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard, or to any fault of any such aid, or to the lack of such aid, the local inspectors investigating the case, or to whom the report was made, shall promptly report to the Commandant, U. S. Coast Guard, through the supervising inspector of the district and the Director, on the form provided for the purpose, the location of the accident, the aid to navigation near or at which the accident occurred; the nature of the accident, the alleged cause of the accident; whether or not the accident was due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid, if such has been suggested; and all other information or suggestions coming to them which would be of value to the U. S. Coast Guard. If an investigation was held, the findings of the board shall also be reported. Local inspectors shall also report in the same manner any other information or suggestions coming to them concerning the need of additional aids to navigation or the modification of any existing aids.

The Bureau is authorized to call on the District Commander, U. S. Coast Guard, of the district for any information concerning aids to navigation that will be useful in an investigation of an accident. (R.S. 4405, 4426, 4448, as amended; 46 U.S.C. and Sup. 375, 404, 234)

Section 62.17, first undesignated paragraph, is amended to read as follows:

§ 62.17 *Persons allowed in pilot house and on navigation bridge.* Masters and pilots of vessels carrying passengers shall exclude from the pilot house and navigator's bridge of such vessels, while under way, all persons not connected with the navigation of such vessels: *Provided,* That officers of the Bureau of Marine Inspection and Navigation, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the United States Coast Guard, United States Navy, United States Coast and Geodetic Survey, and the Engineer Department of the United States Army, may be allowed in the pilot house or upon the navigator's bridge upon the responsi-

[5] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

bility of the officer in charge. (R.S. 4405, 4426, 4438, as amended; 46 U. S. C. and Sup. 375, 404, 224)

* * * * *

Section 62.18 (d) (2) is amended to read as follows:

§ 62.18 *Station bills, drills, and reports of masters.*

* * * * *

(d) *Drills, tests, and inspection.*

* * * * *

(2) The section relating to fire and boat drills contemplates that such drills shall be conducted precisely as though an emergency existed. To accomplish the purpose of this section, lifeboat covers and strongbacks shall be removed, plugs or caps put in place, boat ladders secured in position for use, painters carried forward and tended so as to provide a good lead and slack to hold the boat in position under the davits when in the water. The person in charge of each lifeboat or life raft should have a list of its crew and should see that the men under his orders are acquainted with their several duties. The hand pumps and fire pumps shall be operated long enough and a sufficient number of outlets used to insure that such equipment is in order and effectual. The motor and the hand-operated propeller gear of each lifeboat shall be operated for a period of not less than 5 minutes once at least in every 7 days, in order that it may be ready for service at any time. Such operation shall be a part of the lifeboat drill and the fact of such operation shall be made a part of the report of such drill. When oxygen-breathing apparatus, gas masks, or other special equipment is carried, certain members of the crew shall be trained in the use of the equipment. (R.S. 4405, 4426, 4438, 4488, as amended, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. and Sup. 375, 404, 224, 481, 463a)

Section 62.37 (d) is amended to read as follows:

§ 62.37 *Second mate of ocean steam or motor vessels.*

* * * * *

(d) A graduate who has served 2 years in the seamanship class of a State nautical school ship, established under authority of an Act of Congress approved March 4, 1911 (36 Stat. 1353; 34 U.S.C. 1121–1123), and completed two ocean or coastwise cruises before graduation, together with 2 years' service in the deck department of an ocean or coastwise steam or motor vessel of 500 gross tons or over: *Provided*, That where the graduate has completed the two cruises, but not the 2 years' service required, additional service equal to the difference in time shall be served in the deck department of vessels of the class required for the probationary period of 2 years; or, (R.S. 4405, 4438, 4440, as amended; 46 U.S.C. and Sup. 375, 224, 228)

Section 62.42 is amended by deleting paragraph (d), relettering paragraphs (e), (f), (g), and (h), to (f), (g), (h), and (i), respectively, and inserting two new paragraphs (d) and (e) reading as follows:

§ 62.42 *Second mate of coastwise steam or motor vessels.*

* * * * *

(d) Any graduate of the United States Naval Academy or the United States Coast Guard Academy who has had not less than two training cruises, together with 3 months' service in the deck department of ocean or coastwise steam or motor vessels; or,

(e) A graduate who has served 2 years in the seamanship class of a State nautical school ship, established under authority of an Act of Congress approved March 4, 1911 (36 Stat. 1353; 34 U.S.C. 1121–1123), and completed two ocean or coastwise cruises before graduation, together with 2 years' service in the deck department of ocean or coastwise steam or motor vessels: *Provided*, That where the graduate has completed the two cruises, but not the 2 years' service required, additional service equal to the difference in time shall be served in the deck department of ocean or coastwise steam or motor vessels; or, (R.S. 4405, 4438, 4440, as amended; 46 U.S.C. and Sup. 375, 224, 228)

Section 62.44 is amended by relettering paragraphs (b), (c), (d), (e), (f), (g), (h), and (i), to (c), (d), (e), (f), (g), (h), (i), and (j), respectively, and inserting a new paragraph (b) reading as follows:

§ 62.44 *Third mate of coastwise steam or motor vessels.*

* * * * *

(b) Any applicant who has had 3 years' training at the United States Naval Academy or the United States Coast Guard Academy and who has had not less than two training cruises; or, (R.S. 4405, 4438, 4440, as amended; 46 U.S.C. and Sup. 375, 224, 228)

Section 62.53 *Third assistant engineer of ocean steam vessels* is amended by deleting the last undesignated paragraph thereof. (R.S. 4405, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 224, 229, 367)

Part 62 is amended by the addition of a new § 62.53a reading as follows:

§ 62.53a *Experience as electrician accepted for raise of grade, steam vessels.* An applicant for raise of grade of license to second assistant engineer, or first assistant engineer, or chief engineer, ocean and coastwise steam vessels, may substitute service as engine-room watch electrician on electric-drive ocean and coastwise steam vessels, such service to count one-half, and in no case to exceed six months of the required experience. If the experience of an applicant does not warrant an unlimited license, local inspectors shall place an appropriate tonnage upon the license. (R.S. 4405, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 224, 229, 367)

Section 62.58 *License as third assistant engineer of motor vessels* is amended by deleting the last undesignated paragraph thereof. (R.S. 4405, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 224, 229, 367)

Part 62 is amended by the addition of a new § 62.58a reading as follows:

§ 62.58a *Experience as electrician accepted for raise of grade, motor vessels.* An applicant for raise of grade of license to second assistant engineer, or first assistant engineer, or chief engineer, ocean and coastwise motor vessels, may substitute service as engine-room watch electrician on electric-drive ocean and coastwise motor vessels, such service to count one-half, and in no case to exceed six months of the required experience. If the experience of an applicant does not warrant an unlimited license, local inspectors shall place an appropriate tonnage upon the license. (R.S. 4405, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 224, 229, 367)

Section 62.115 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers* is amended by deleting paragraph (b) with footnote designated "1" regarding Notice to Mariners. (R.S. 4405, 4438a, as amended; 46 U.S.C. and Sup. 375, 224a)

Part 62 is amended by the addition of a new § 62.115a reading as follows:

§ 62.115a *Notice to mariners; aids to navigation.* (a) Licensed officers are required to acquaint themselves with the latest information published by the U. S. Coast Guard and the U. S. Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilot house for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

(b) Notice to Mariners published weekly by the U. S. Coast Guard which contains announcements and information regarding aids to navigation and charts of waters of the United States is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations; and the Marine Division, Customhouse. Notice to Mariners published weekly by the U. S. Navy for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the U. S. consulates where they may be inspected. (R.S. 4405, 4438a, as amended; 46 U.S.C. and Sup. 375, 224a)

Section 62.120 is amended to read as follows:

§ 62.120 *Field offices of the Bureau where examinations are held.* Boston, Mass.; New London, Conn.; Portland, Maine; Providence, R. I.; New York, N. Y.; Albany, N. Y.; New Haven, Conn.; San Juan, P. R.; Norfolk, Va.; Philadelphia, Pa.; Baltimore, Md.; Charleston, S. C.; Savannah, Ga.; New Orleans, La.; Jacksonville, Fla.; Miami, Fla.; Tampa, Fla.; Mobile, Ala.; Port Arthur, Tex.; Galveston, Tex.; San Francisco, Calif.; Seattle, Wash.; Juneau, Alaska; Portland, Oreg.; Los Angeles (San Pedro), Calif.; Honolulu, Hawaii. (R.S. 4405, 4438a, as amended; 46 U.S.C. and Sup. 375, 224a)

PART 63—INSPECTION OF VESSELS

Section 63.1, third undesignated paragraph, is amended to read as follows:

§ 63.1 *Application for inspection of vessels; exemption of vessels while laid up or dismantled.* * * *

All vessels or other floating equipment used by or in connection with any "civilian nautical school" as defined by section one of the Act of Congress approved June 12, 1940 (54 Stat. 346; 46 U.S.C. 1331) shall, whether being navigated or not, be subject to all the laws covering the inspection of passenger vessels in effect on or before June 12, 1940, and the regulations thereunder, including the inspection of hulls, the installation and inspection of machinery and boilers, lifesaving and fire-fighting equipment, construction, and the licensing of officers and manning, as more particularly set forth in full in this subchapter and Subchapters E (Load Lines) and F (Boilers and Appurtenances) of this chapter. (R. S. 4405, 4417, as amended, 54 Stat. 346; 46 U.S.C. and Sup. 375, 391, 1333)

Section 63.14 is amended to read as follows:

§ 63.14 *Standard in inspection of hulls, boilers and machinery.* In the inspection of hulls, boilers, and machinery of vessels, the rules promulgated by the American Bureau of Shipping respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), or Subchapter F (Boilers and Appurtenances), shall be accepted as standard by the inspectors of the Bureau. (R.S. 4405, 4417, 4418, 4426, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 392, 404, 367)

PART 64—DUTIES OF INSPECTORS

Section 64.10 is amended to read as follows:

§ 64.10 *Testing of boilers and hose.* (a) It shall be the duty of both the hull and boiler inspectors to be present when the boiler is being tested by hydrostatic pressure, and the hull inspector, as well as the boiler inspector, shall observe and note the indication upon the gauge.

(b) It should also be the duty of both the hull and boiler inspectors to examine all pumps, hose, and other fire apparatus and to see that the hose is subjected to a pressure of 100 pounds to the square inch and that the hose couplings are securely fastened in accordance with the rules in this part. (R.S. 4405, 4417, 4418, as amended, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. and Sup. 375, 391, 392, 463a)

Part 64 is amended by the addition of a new § 64.10a reading as follows:

§ 64.10a *Deep-sea sounding apparatus.* It shall be the duty of the local inspectors to require all ocean passenger or freight steam vessels of 500 gross tons and upward, except paddle-wheel steam vessels, to be equipped with an efficient mechanical deep-sea sounding apparatus, in addition to the ordinary deep-sea hand lead. The mechanical deep-sea sounding apparatus above required shall be installed, kept in working order, and ready for immediate use. (R.S. 4405, 4417, 4418, as amended; 46 U.S.C. and Sup. 375, 391, 392)

SUBCHAPTER H—GREAT LAKES: GENERAL RULES AND REGULATIONS

PART 76—BOATS, RAFTS, BULKHEADS AND LIFE-SAVING APPLIANCES

Section 76.51a (f) (1) is amended to read as follows:

§ 76.51a *Buoyant apparatus.*

* * * * *

(f) *Air tanks*—(1) *Material.* Where metal air tanks furnish the buoyancy of the apparatus, they shall be constructed of best-quality copper or yellow metal of not less than 18 ounces to the superficial foot. All joints shall be securely hook-jointed and efficiently soldered, or properly and securely welded. Air tanks shall be fitted with suitable testing nipples, and when testing same an air pressure of not more than 1 pound to the square inch shall be used. (R.S. 4405, 4417, 4488, 4491, as amended; 46 U.S.C. and Sup. 375, 391, 481, 489)

Section 76.51a (g) is amended to read as follows:

(g) *Name plate.* Each piece of buoyant apparatus shall have a brass plate or its equivalent affixed thereon by the builder, and bearing his name and address, the words "Buoyant apparatus," the number of the apparatus, date of construction, dimensions, and number of persons allowed. (R.S. 4405, 4417, 4488, 4491, as amended; 46 U.S.C. and Sup. 375, 391, 481, 489)

Section 76.53 (a) is amended to read as follows:

§ 76.53 *Ring life buoys—(a) Number required.* The minimum number of life buoys and the minimum number to which water lights shall be attached is fixed by the following table:

Length of vessel	Minimum number of buoys	Minimum number of buoys to which water lights shall be attached
Under 100 feet	2	0
100 feet and under 200 feet	4	2
200 feet and under 300 feet	6	2
300 feet and under 400 feet	12	4
400 feet and under 600 feet	18	9
600 feet and under 800 feet	24	12
800 feet and over	30	15

NOTE: One life buoy on each side of a vessel shall have an attached line at least 15 fathoms in length.

(R.S. 4405, 4426, 4482, 4488, as amended; 46 U.S.C. and Sup. 375, 404, 475, 481)

* * * * *

Section 76.53 *Ring life buoys* is amended by deleting subparagraph (b) (3). (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

Section 76.54 *Self-lighting water lights* is amended by deleting the proviso in the third undesignated paragraph and deleting all of the fourth undesignated paragraph. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

PART 77—FIRE APPARATUS; FIRE PREVENTION

Part 77 is amended by renumbering §§ 77.14 to 77.15 *Water sprinkling system* and §§ 77.15 to 77.14 *Fire equipment of vessels using oil as fuel.* (R.S. 4405, 4426, 4470, 4471, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. and Sup. 375, 404, 463, 464, 367, 463a)

The headnote for § 77.16 is amended to read as follows:

§ 77.16 *Fire-detecting, alarm, automatic sprinkler, and patrol systems; new and existing vessels.* * * * (R.S. 4405, 4426, 4470, 4471, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. and Sup. 375, 404, 463, 464, 367, 463a)

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

Section 78.12 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers* is amended by deleting the last two undesignated paragraphs thereof. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Part 78 is amended by the addition of a new § 78.12a reading as follows:

§ 78.12a *Notice to mariners; aids to navigation.* (a) Licensed officers are required to acquaint themselves with the latest information published by the U. S. Coast Guard and the U. S. Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilot house for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on

which they operate available for convenient reference at all times.

(b) Notice to Mariners published weekly by the U. S. Coast Guard which contains announcements and information regarding aids to navigation and charts of waters of the United States is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations; and the Marine Division, Customhouse. Notice to Mariners published weekly by the U. S. Navy for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the U. S. consulates where they may be inspected. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Section 78.16 is amended to read as follows:

§ 78.16 *Reports of accidents.*[1] The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500 and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths.

Whenever a vessel commanded by an officer licensed by the Bureau collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard or is connected with any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest local office of the Bureau. When any collision of this character is reported to a local office, that office shall immediately transmit such information to the District Commander, U. S. Coast Guard, of the district in which the collision occurred.

Whenever in an investigation of an accident to a vessel, made by the Bureau, it is stated by the officers of the vessel concerned, or it is developed by the investigation, or it is stated in a report of an accident, that the accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard, or to any fault of any such aid, or to the lack of such aid, the local inspectors investigating the case, or to whom the report was made, shall promtly report to the Commandant, U. S. Coast Guard, through the supervising inspector of the district and the Director, on the form provided for the purpose, the location of the accident, the aid to navigation near or at which the accident occurred; the nature of the accident, the alleged cause of the accident; whether or not the accident was due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid, if such has been suggested; and all other information or suggestions coming to them which would be of value to the U. S. Coast Guard. If an investigation was held, the findings of the board shall also be reported. Local inspectors shall also report in the same manner any other information or suggestions coming to them concerning the need of additional aids to navigation or the modification of any existing aids.

The Bureau is authorized to call on the District Commander, U. S. Coast Guard, of the district for any information concerning aids to navigation that will be useful in an investigation of an accident. (R. S. 4405, 4426, 4448, as amended; 46 U.S.C. and Sup. 375, 404, 234)

Section 78.17, first undesignated paragraph, is amended to read as follows:

§ 78.17 *Persons allowed in pilot house and on navigation bridge.* Masters and pilots of vessels carrying passengers shall exclude from the pilot house and navigator's bridge of such vessels, while under way, all persons not connected with the navigation of such vessels: *Provided*, That officers of the Bureau of Marine Inspection and Navigation, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the United States Coast Guard, United States Navy, United States Coast and Geodetic Survey, and the Engineer Department of the United States Army, may be allowed in the pilot house or upon the navigator's bridge upon the responsibility of the officer in charge. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

* * * * *

PART 79—INSPECTION OF VESSELS

Section 79.1, third undesignated paragraph, is amended to read as follows:

§ 79.1 *Application for inspection of vessels; exemption from inspection while laid up or dismantled.* * * *

All vessels or other floating equipment used by or in connection with any "civilian nautical school" as defined by section one of the Act of Congress approved June 12, 1940 (54 Stat. 346; 46 U.S.C. 1331) shall, whether being navigated or not, be subject to all the laws covering the inspection of passenger vessels in effect on or before June 12, 1940, and the regulations thereunder, including the inspection of hulls, the installation and inspection of machinery and boilers, lifesaving and fire-fighting equipment, construction, and the licensing of officers and manning, as more particularly set forth in full in this subchapter and Subchapters E (Load Lines) and F (Boilers and Appurtenances) of this chapter. (R. S. 4405, 4417, as amended; 54 Stat. 346; 46 U.S.C. and Sup. 375, 391, 1333)

Section 79.19 is amended to read as follows:

§ 79.19 *Standard in inspection of hulls, boilers and machinery.* In the inspection of hulls, boilers, and machinery of vessels, the rules promulgated by the American Bureau of Shipping respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), or Subchapter F (Boilers and Appurtenances), shall be accepted as standard by the inspectors of the Bureau. (R.S. 4405, 4417, 4418, 4426, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 392, 404, 367)

SUBCHAPTER I—BAYS, SOUNDS, AND LAKES OTHER THAN THE GREAT LAKES: GENERAL RULES AND REGULATIONS

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES

Section 94.53 (a) is amended to read as follows:

§ 94.53 *Ring life buoys*—(a) *Number required.* The minimum number of life buoys and the minimum number to which water lights shall be attached is fixed by the following table:

Length of vessel	Minimum number of buoys	Minimum number of buoys to which water lights shall be attached
Under 100 feet	2	0
100 feet and under 200 feet	4	2
200 feet and under 300 feet	6	2
300 feet and under 400 feet	12	4
400 feet and under 600 feet	18	9
600 feet and under 800 feet	24	12
800 feet and over	30	15

NOTE: One life buoy on each side of a vessel shall have an attached line at least 15 fathoms in length.

(R.S. 4405, 4426, 4482, and 4488, as amended; 46 U.S.C. and Sup. 375, 404, 475, 481)

* * * * * *

Section 94.53 *Ring life buoys* is amended by deleting subparagraph (b) (3). (R.S. 4405, 4417, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

Section 94.54 *Self-igniting water lights* is amended by deleting the proviso in the third undesignated paragraph and deleting all of the fourth undesignated paragraph. (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

PART 95—FIRE APPARATUS; FIRE PREVENTION

The headnote for § 95.15 is amended to read as follows:

§ 95.15 *Fire-detecting, alarm, automatic sprinkler, and patrol systems; new and existing vessels.* * * * (R.S. 4405, 4426, 4470, 4471, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 464, 367, 463a)

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

Section 96.12 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers* is amended by deleting the last two undesignated paragraphs thereof. (RS. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Part 96 is amended by the addition of a new § 96.12a reading as follows:

§ 96.12a *Notice to mariners; aids to navigation.* (a) Licensed officers are required to acquaint themselves with the latest information published by the U. S. Coast Guard and the U. S. Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilot house for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

(b) Notice to Mariners published weekly by the U. S. Coast Guard which contains announcements and information regarding aids to navigation and charts of waters of the United States is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations; and the Marine Division, Customhouse. Notice to Mariners published weekly by the U. S. Navy for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the U. S. consulates where they may be inspected. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Section 96.16 is amended to read as follows:

§ 96.16 *Reports of accidents.*[1] The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500 and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths.

Whenever a vessel commanded by an officer licensed by the Bureau collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard or is connected with any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest local office of the Bureau. When any collision of this character is reported to a local office, that office shall immediately transmit such information to the District Commander, U. S. Coast Guard, of the district in which the collision occurred.

Whenever in an investigation of an accident to a vessel, made by the Bureau, it is stated by the officers of the vessel concerned, or it is developed by the investigation, or it is stated in a report of an accident, that the accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard, or to any fault of any such aid, or to the lack of such aid, the local inspectors investigating the case, or to whom the report was made, shall promptly report to the Commandant, U. S. Coast Guard, through the supervising inspector of the district and the Director, on the form provided for the purpose, the location of the accident, the aid to navigation near or at which the accident occurred; the nature of the accident, the alleged cause of the accident; whether or not the accident was due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid, if such has been suggested; and all other information or suggestions coming to them which would be of value to the U. S. Coast Guard. If an investigation was held, the findings of the board shall also be reported. Local inspectors shall also report in the same manner any other information or suggestions coming to them concerning the need of additional aids to navigation or the modification of any existing aids.

The Bureau is authorized to call on the District Commander, U. S. Coast Guard, of the district for any information concerning aids to navigation that will be useful in an investigation of an accident. (R.S. 4405, 4426, 4448, as amended; 46 U.S.C. and Sup. 375, 404, 234)

Section 96.17, first undesignated paragraph, is amended to read as follows:

§ 96.17 *Persons allowed in pilot house and on navigation bridge.* Masters and pilots of vessels carrying passengers shall exclude from the pilot house and navigator's bridge of such vessels, while under way, all persons not connected with the navigation of such vessels: *Provided*, That officers of the Bureau of Marine Inspection and Navigation, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the United States Coast Guard, United States Navy, United States Coast and Geodetic Survey, and the Engineer Department of the United States Army, may be allowed in the pilot house or upon the navigator's bridge upon the responsibility of the officer in charge. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

* * * * *

PART 97—INSPECTION OF VESSELS

Section 97.1, third undesignated paragraph, is amended to read as follows:

§ 97.1 *Applications and exemptions.* * * *

All vessels or other floating equipment used by or in connection with any "civilian nautical school" as defined by section one of the Act of Congress approved June 12, 1940 (54 Stat. 346; 46 U.S.C. 1331) shall, whether being navigated or not, be subject to all the laws covering the inspection of passenger vessels in effect on or before June 12, 1940, and the regulations thereunder, including the inspection of hulls, the installation and inspection of machinery and boilers, lifesaving and fire-fighting equipment, construction, and the licensing of officers and manning, as more particularly set forth in full in this subchapter and Subchapters E (Load Lines) and F (Boilers and Appurtenances) of this chapter. (R.S. 4405, 4417, as amended, 54 Stat. 346; 46 U.S.C. and Sup. 375, 391, 1333)

Section 97.18 is amended to read as follows:

§ 97.18 *Standard in inspection of hulls, boilers and machinery.* In the inspection of hulls, boilers, and machinery of vessels, the rules promulgated by the American Bureau of Shipping respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), or Subchapter F (Boilers and Appurtenances), shall be accepted as standard by the inspectors of the Bureau. (R.S. 4405, 4417, 4418, 4426, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 392, 404, 367)

SUBCHAPTER J—RIVERS: GENERAL RULES AND REGULATIONS

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES

Section 113.46 (a) is amended to read as follows:

§ 113.46 *Ring life buoys*—(a) *Number required.* The minimum number of life buoys and the minimum number to

[1] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

which water lights shall be attached is fixed by the following table:

Length of vessel	Minimum number of buoys	Minimum number of buoys to which water lights shall be attached
Under 100 feet	2	0
100 feet and under 200 feet	4	2
200 feet and under 300 feet	6	2
300 feet and under 400 feet	12	4
400 feet and under 600 feet	18	9
600 feet and under 800 feet	24	12
800 feet and over	30	15

NOTE: One life buoy on each side of a vessel shall have an attached line at least 15 fathoms in length.

(R.S. 4405, 4426, 4482, and 4488, as amended; 46 U.S.C. and Sup. 375, 404, 475, 481)

* * * * * *

Section 113.46 *Ring life buoys* is amended by deleting subparagraph (b) (3). (R.S. 4405, 4417a, 4488, as amended; 46 U.S.C. and Sup. 375, 391a, 481)

PART 114—FIRE APPARATUS; FIRE PREVENTION

The headnote for § 114.16 is amended to read as follows:

§ 114.16 *Fire-detecting, alarm, automatic sprinkler, and patrol systems; new and existing vessels.* * * * (R.S. 4405, 4426, 4470, 4471, 49 Stat. 1544, sec. 2 (a), 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 464, 367, 463a)

PART 115—LICENSED OFFICERS

Section 115.12 *Laws, general rules and regulations, and pilot rules to be furnished licensed officers* is amended by deleting the last two undesignated paragraphs thereof. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Part 115 is amended by the addition of a new § 115.12a reading as follows:

§ 115.12a *Notice to mariners; aids to navigation.* (a) Licensed officers are required to acquaint themselves with the latest information published by the U. S. Coast Guard and the U. S. Navy regarding aids to navigation, and neglect to do so is evidence of neglect of duty. It is desirable that vessels navigating oceans and coastwise and Great Lakes waters shall have available in the pilot house for convenient reference at all times a file of the applicable Notice to Mariners. All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

(b) Notice to Mariners published weekly by the U. S. Coast Guard which contains announcements and information regarding aids to navigation and charts of waters of the United States is available for free distribution at the following places: Field offices of the U. S. Coast Guard; U. S. Coast and Geodetic Survey field stations; and the Marine Division, Customhouse. Notice to Mariners published weekly by the U. S. Navy for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the U. S. consulates where they may be inspected. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

Section 115.16 is amended to read as follows:

§ 115.16 *Reports of accidents.*[1] The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500 and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths.

Whenever a vessel commanded by an officer licensed by the Bureau collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard or is connected with any such collision, it shall be the duty of the licensed officer in command of such vessel to report the accident to the nearest local office of the Bureau. When any collision of this character is reported to a local office, that office shall immediately transmit such information to the District Commander, U. S. Coast Guard, of the district in which the collision occurred.

Whenever in an investigation of an accident to a vessel, made by the Bureau, it is stated by the officers of the vessel concerned, or it is developed by the investigation, or it is stated in a report of an accident, that the accident was due to a collision with a light vessel, buoy, or other aid to navigation under the jurisdiction of the U. S. Coast Guard, or to any fault of any such aid, or to the lack of such aid, the local inspectors investigating the case, or to whom the report was made, shall promptly report to the Commandant, U. S. Coast Guard, through the supervising inspector of the district and the Director, on the form provided for the purpose, the location of the accident, the aid to navigation near or at which the accident occurred; the nature of the accident, the alleged cause of the accident; whether or not the accident was due to some alleged fault of the aid, either in its operation or location; the proposed improvement in the aid, if such has been suggested; and all other information or suggestions coming to them which would be of value to the U. S. Coast Guard. If an investigation was held, the findings of the board shall also be reported. Local inspectors shall also report in the same manner any other information or suggestions coming to them concerning the need of additional aids to navigation or the modification of any existing aids.

The Bureau is authorized to call on the District Commander, U. S. Coast Guard, of the district for any information concerning aids to navigation that will be useful in an investigation of an accident. (R.S. 4405, 4426, 4448, as amended; 46 U.S.C. and Sup. 375, 404, 234)

Section 115.17, first undesignated paragraph, is amended to read as follows:

§ 115.17 *Persons allowed in pilot house and on navigation bridge.* Masters and pilots of vessels carrying passengers shall exclude from the pilot house and navigator's bridge of such vessels, while under way, all persons not connected with the navigation of such vessels: *Provided*, That officers of the Bureau of Marine Inspection and Navigation, licensed officers of vessels, persons regularly engaged in learning the profession of pilot, officers of the United States Coast Guard, United States Navy, United States Coast and Geodetic Survey, and the Engineer Department of the United States Army, may be allowed in the pilot house or upon the navigator's bridge upon the responsibility of the officer in charge. (R.S. 4405, 4426, 4438, as amended; 46 U.S.C. and Sup. 375, 404, 224)

* * * * * *

PART 116—INSPECTION OF VESSELS

Section 116.1, third undesignated paragraph, is amended to read as follows:

§ 116.1 *Application for inspection of vessels; exemption from while laid up or dismantled.* * * *

All vessels or other floating equipment used by or in connection with any "civilian nautical school" as defined by section one of the Act of Congress approved June 12, 1940 (54 Stat. 346; 46 U.S.C. 1331) shall, whether being navigated or not, be subject to all the laws covering the inspection of passenger vessels in effect on or before June 12, 1940, and the regulations thereunder, including the inspection of hulls, the installation and inspection of machinery and boilers, lifesaving and fire-fighting equipment, construction, and the licensing of officers and manning, as more particularly set forth in full in this subchapter and Subchapters E (Load Lines) and F (Boilers and Appurtenances) of this chapter. (R.S. 4405, 4417, as amended, 54 Stat. 346; 46 U.S.C. and Sup. 375, 391, 1333)

[1] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

Section 116.18 is amended to read as follows:

§ 116.18 *Standard in inspection of hulls, boilers and machinery.* In the inspection of hulls, boilers, and machinery of vessels, the rules promulgated by the American Bureau of Shipping respecting material and construction of hulls, boilers, and machinery, and the certificate of classification referring thereto, except where otherwise provided for by the rules and regulations in this subchapter, Subchapter E (Load Lines), or Subchapter F (Boilers and Appurtenances), shall be accepted as standard by the inspectors of the Bureau. (R.S. 4405, 4417, 4418, 4426, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 392, 404, 367)

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS AND SHIPPING DURING EMERGENCY

Subchapter O is amended by the addition of a new Part 153—*Boats, Rafts, and Lifesaving Appliances; Regulations During Emergency* reading as follows:

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Sec.

153.1 Definitions of terms.
153.2 Additional lifesaving appliances on vessels whose route at any point lies more than 200 miles offshore.
153.3 Construction of lifeboats.
153.4 Construction of life rafts.
153.5 Construction of buoyant apparatus.
153.6 Additional equipment for lifeboats on vessels whose route at any point lies more than 200 miles offshore.
153.7 Additional equipment for life rafts on vessels whose route at any point lies more than 200 miles offshore.

§ 153.1 *Definition of terms.* Certain terms used in the regulations of this part are defined as follows:

(a) *Emergency.* The term "emergency" means the Unlimited National Emergency proclaimed by the President on May 27, 1941.*

*§§ 153.1 to 153.7, inclusive, issued under the authority contained in R.S. 4405, 4417a, 4426, 4488, as amended, and 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391a, 404, 481, 367.

§ 153.2 *Additional lifesaving appliances on vessels whose route at any point lies more than 200 miles offshore.* Vessels whose route at any point lies more than 200 miles offshore shall, during the emergency, be provided with additional lifesaving appliances as follows:

(a) *Cargo vessels and tank ships*—(1) *Lifeboats and rafts.* Such cargo vessels and tank ships shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided*, That where it is necessary to increase the number of lifeboats carried, an additional lifeboat not to exceed 40 persons in capacity shall be installed under davits, crane, boom, or other practicable means for launching. Every cargo vessel and tank ship shall, in addition to the lifeboatage required, be equipped with sufficient approved life rafts to accommodate all persons on board. The minimum number of life rafts to be furnished shall be four, of not less than 15-person capacity each. (This requirement shall be complied with as early as practicable but in no case later than March 1, 1942.)

(2) *Life preservers.* Every such cargo vessel and tank ship shall, in addition to having a life preserver for each person on board, be provided with life preservers stowed on the boat deck for at least 25 percent of the total number of persons allowed to be carried. These life preservers shall be stowed in chests so as to be readily accessible and in such manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (Effective immediately.)

(3) *Ladders.* Every such cargo vessel and tank ship shall be provided with suitable ladders to enable persons to descend to lifeboats and life rafts, one such ladder to be provided for each set of boat davits. These ladders shall be kept ready and convenient for use on the boat deck and shall reach to the vessel's light load water line. (This requirement shall be complied with as early as practicable but in no case later than March 1, 1942.)

(b) *Passenger vessels*—(1) *Life rafts.* Every such passenger vessel shall be equipped with a sufficient number of approved life rafts to accommodate at least 25 percent of all persons on board, in addition to the lifeboats and buoyant apparatus required by Subchapter G of this chapter. Such rafts shall be of not less than 15-person capacity each. (This requirement shall be provided as early as practicable but in no case later than March 1, 1942.)

(2) *Life preservers.* Every such passenger vessel shall, in addition to having on board a life preserver for each person carried, be provided with life preservers stowed on the boat deck for at least 25 percent of the total number of persons allowed to be carried. These life preservers shall be stowed in chests so as to be readily accessible and in such manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (Effective immediately.)*

§ 153.3 *Construction of lifeboats.* During the emergency, lifeboats constructed for use on vessels whose route at any point lies more than 200 miles offshore shall comply with the following additional requirements, which are effective immediately:

(a) *Grab rails, metallic lifeboats.* Hardwood or metal grab rails of suitable length shall be fitted to the lifeboat below the turn of the bilge. They shall be substantially riveted or welded to the shell plating.

(b) *Grab rails, wooden lifeboats.* Grab rails of hardwood and of suitable length shall be fitted on all wooden lifeboats. They shall be attached to the hull planking by suitable bolts riveted on the inside over washers.

(c) *Air tanks.* The air tanks of lifeboats shall be filled with kapok of about three pounds density per cubic foot, and the airtightness of the tank shall be restored after inserting the kapok. The tanks shall be stenciled "Kapok Filled" with the date.*

§ 153.4 *Construction of life rafts.* During the emergency, life rafts constructed for use on vessels whose route at any point lies more than 200 miles offshore shall comply with the following additional requirements, which are effective immediately:

(a) *Air tanks.* The air tanks or flotation chamber of life rafts shall be filled with kapok about three pounds per cubic foot. The airtightness of the tank or flotation chamber shall be restored after inserting the kapok. The tanks shall be stenciled "Kapok Filled" with the date.*

§ 153.5 *Construction of buoyant apparatus.* During the emergency, the following details of construction of buoyant apparatus are provided for:

(a) *Air tanks.* Ferrous metals, properly galvanized of a thickness not less than No. 20 B. W. G. for tanks of 15 cubic feet capacity or less, and a thickness of not less than No. 18 B. W. G. for tanks of over 15 cubic feet capacity may be permitted on air tanks constructed during emergency: *Provided*, That in cases where galvanized iron tanks are used under the emergency provision, the name plate shall show the notation "Gal. air tanks."*

§ 153.6 *Additional equipment for lifeboats on vessels whose route at any point lies more than 200 miles offshore.* The following additional equipment shall, during the emergency, be provided for lifeboats on such vessels as early as possible but in no case later than March 1, 1942:

(a) *Bilge pump.* A hand bilge pump provided with a suction opening not less than 1½ inches in diameter and a discharge pipe or hose of sufficient length to reach clear of the lifeboat's side.

(b) *Blankets.* At least 6 woolen blankets of a size not less than 66" x 90" in waterproof covers.

(c) *Chart.* A current Hydrographic Office (U. S. Navy) Pilot Chart of the waters navigated, in a metal container (similar to a sounding tube case).

(d) *Drinking cup.* One additional enameled or rust-proof drinking cup, suitably marked for measuring in one-half ounce sections, for rationing water.

(e) *First-aid kit.* A first-aid kit in a watertight metal container, containing a pair of scissors, assorted bandages, a tourniquet, boric lint dressings, absorbent cotton, adhesive tape, safety pins, iodine with a camel's hair brush, eye drops with a dropper, aromatic spirits of ammonia, and ointment for burns or sunburn. A supply of splints and brief instructions on first aid also shall be provided.

(f) *Flashlight batteries.* Three extra 3-cell approved flashlight batteries in a waterproof package.

(g) *Canvas hood and side spray curtain.* A canvas hood and side spray curtain to provide shelter to the occupants of the boat. The hood and curtain shall be made of No. 8 yellow, waterproofed cotton duck. The canvas hood should extend from the stem to the mast, but not less than approximately one-third of the length of the lifeboat, and must be easy to rig.

The side spray curtain shall extend from the after side of the canvas hood to approximately the after thwart and shall extend about 12" above the gunwale. The side spray curtain may be held in place by means of rods installed in the rowlock sockets so as to be easily transferred from side to side according to the direction of the wind.

(h) *Lamp wicks.* Two lamp wicks in waterproof container.

(i) *Massage oil.* One gallon of animal or vegetable oil of a type suitable for massaging the feet and legs.

(j) *Mast and sail.* In addition to the mast, sail, and rigging, a suitable jib and 30 fathoms of 15-thread manila line shall be provided.

(k) *Matches.* Two additional boxes of friction matches.

(l) *Painter.* The painter required by § 59.11 of this Chapter shall be secured in the forward part of the boat with a strop eye and toggle so that it may be rigged as a sea painter and readily released from the boat. An additional painter shall be secured to the stem and coiled in the boat ready for use.

(m) *Provisions.* The provisions consisting of hard bread or equivalent of approved emergency ration, shall be removed from the lifeboats and the following provisions shall be provided for each person the boat is certificated to carry:

(1) Fourteen ounces of biscuits known as "Type C" ration covered by U. S. Army specifications.[1]

(2) Fourteen ounces of pemmican covered by specifications for U. S. Navy Aircraft Emergency Ration Pemmican.

(3) Fourteen ounces of chocolate tablets in waterproof packages or containers.

(4) Fourteen ounces of milk tablets in waterproof packages or containers.

(5) The provisions shall be stowed in airtight receptacles as heretofore.

(n) *Signal flag.* One yellow or bright orange bunting flag (4'6" x 8') to be attached to a boat hook pole, for tricing up to mast head to attract aircraft.

(o) *Tiller.* A suitable tiller to be fitted to the rudder.

(p) *Water breakers.* Water breakers having a capacity equivalent to two quarts of water per person in addition to that required by § 59.11 of this Chapter. (Total: Three quarts per person.)

(q) *Wooden plugs.* Not less than 25 soft wood plugs 3" long tapered from ¼" to ¾" diameter and contained in a canvas bag.*

§ 153.7 *Additional equipment for life rafts on vessels whose route at any point lies more than 200 miles offshore.* The following additional equipment shall, during the emergency, be provided for life rafts on such vessels as early as possible but in no case later than March 1, 1942:

(a) *Bridles.* Two bridles of 2¾" circumference manila rope attached to rings or shackles for lifting the raft. The painter shall be secured to the bight of one of the bridles so that it may be readily released.

(b) *Drinking cup.* One of the drinking cups required by § 59.11 of this Chapter shall be suitably marked for measuring in one-half ounce sections for rationing water.

(c) *Provisions.* The provisions, consisting of hard bread or U. S. Army ration, shall be removed from the life rafts and the following provisions shall be provided for each person the raft is certificated to carry:

(1) Fourteen ounces of biscuits known as "Type C" ration covered by U. S. Army specifications.[1]

(2) Fourteen ounces of pemmican covered by specifications for U. S. Navy Aircraft Emergency Ration Pemmican.

(3) Fourteen ounces of chocolate tablets in waterproof packages or containers.

(4) Fourteen ounces of milk tablets in waterproof packages or containers.

(5) The provisions shall be stowed in airtight receptacles as heretofore.

(d) *Signal flag.* One yellow or bright orange bunting flag to be attached to a boat hook pole to attract aircraft.

(e) *Water breakers.* Water breakers having a capacity equivalent to two quarts of water per person in addition to that required by § 59.11 of this Chapter. (Total: Three quarts per person.)

(f) *Wooden plugs.* Twenty-five soft wood plugs 3" long, tapered from ⅛" to ¾" diameter to plug bullet holes in air tanks.*

[1] The size and number of biscuits in each package, as well as the general specifications for the package covering are as follows:

Each biscuit should measure approximately 2⁹⁄₁₆" square by ⁵⁄₁₆" thick. The biscuits will be packed and heat-sealed in moisture- and grease-resisting wax glassine paper.

MISCELLANEOUS ITEMS OF EQUIPMENT APPROVED

The following miscellaneous items of equipment for the better security of life at sea are approved:

Low-Pressure Heating Boiler

Vertical fire tube boiler for use as heating boiler (Drawing dated November 17, 1941), manufactured by Orr & Sembower, Inc., Reading, Pennsylvania. (Approved for a maximum pressure of 30 pounds per square inch.)

Lifeboat-Disengaging Apparatus

Welin Rottmer releasing hook approved as follows: Hook 297 for maximum working load of 17,590 pounds (Drawings 1895–2, 1895–3, and 1895–4); Hook 298 for a maximum working load of 13,850 pounds (Drawings 1894–2, 1894–3, and 1894–4); and Hook 299 for a maximum working load of 7,860 pounds (Drawings 1896–2, 1896–3, and 1897); manufactured by Welin Davit and Boat Corp., Perth Amboy, New Jersey.

Davits

Welin-Maclachlan Gravity Davit, Type 51–59 (General Arrangement Dwg. No. 5159–1 and Load Drawing 5159–2), manufactured by Welin Davit and Boat Corp., Perth Amboy, New Jersey. (Maximum load limit of 7,750 pounds per arm.)

Schat PHA Davit, size M–D–65 (Arrangement Dwg. No. B. A. 224); submitted by Marine Safety Devices, Inc., New York, N. Y.; manufactured by Lane Lifeboat and Davit Corporation, Schat Division, Brooklyn, N. Y. (Maximum load limit of 6,500 pounds per arm.)

Sheath screw davit (Identified by Drawings S–81–2, S–82–2, S–82–3, and S–82–4, manufactured by Gulf Shipbuilding Corporation, Mobile, Alabama. (Maximum load limit of 7,000 pounds per arm.)

Welin Quadrant Davit, Type D–54 (General Arrangement Drawing D–54, dated 11–25–41), manufactured by Welin Davit and Boat Corp., Perth Amboy, New Jersey. (Maximum load limit of 4,500 pounds per arm.)

Lifeboat Winch

Welin Type CWB Lifeboat Winch (General Arrangement Drawing No. 2105 and Assembly Drawing 2106), manufactured by Welin Davit and Boat Corp., Perth Amboy, New Jersey. (Maximum load limit of 11,000 pounds at the drum.)

Life Raft

Well-deck type wood life raft with hollow balsa wood pontoons for 18 persons (Identified by Drawing No. L.R. 5 dated December 5, 1941 revised to have 8" well), manufactured by Winner Manufacturing Co., Trenton, New Jersey. (Approved for use during the emergency on vessels whose route at any point lies more than 200 miles offshore.)

APPROVAL WITHDRAWN

Approval is withdrawn from the following item of equipment:

Lifeboat Hand-Propelling Gear

Withdrawal of approval of Allen manual lifeboat propelling device (Improved design originally approved March 10, 1941 and listed in FEDERAL REGISTER of March 13, 1941) manufactured by Allen Manual Motor Co., San Francisco, California. (R.S. 4405, 4417a, 4426, 4433, 4488, 4491, as amended, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391a, 404, 411, 481, 367)

EXECUTIVE COMMITTEE, BOARD OF SUPERVISING INSPECTORS,
R. S. FIELD, *Director, Chairman.*
GEORGE FRIED,
U. S. Supervising Inspector, 2d District, New York, N. Y.
R. E. COOMBS,
U. S. Supervising Inspector, 5th District, Cincinnati, Ohio.

Approved: December 22, 1941.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–9650; Filed, December 22, 1941; 4:12 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 122—MONTHLY OPERATING REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of November, A. D. 1941.

The subject of monthly reports of revenues and expenses being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 10, 1937, in the matter of monthly reports of revenues and expenses of Class I steam railways, and corresponding sections of the Code of Federal Regulations be, and hereby are annulled, effective January 1, 1942, and the following order shall become effective.

§ 122.1 *Revenues and expenses.*[1] (a) Each and every Class I steam railway, excluding Class I switching and terminal companies, subject to the provisions of Section 20 Part I of the Interstate Commerce Act be, and they hereby are, required to file monthly reports of revenues and expenses in accordance with the form of report which is attached hereto and made a part of this order. Such monthly reports shall be made under oath, and filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before the twenty-sixth day of the month next succeeding the month for which made. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 555, sec. 1, 38 Stat. 1196, 39 Stat. 441, secs. 434–438, 41 Stat. 493, 494; 49 U.S.C. 20 (1)–(10))

(b) *It is further ordered,* That this order shall become effective as of January 1, 1942, and continue in effect until further order of this Commission.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–9687; Filed, December 23, 1941; 11:58 a. m.]

[1] Report form filed as part of the original document. Copies may be obtained from the Commission.

PART 122—MONTHLY OPERATING REPORTS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of November, A. D. 1941.

The subject of monthly reports of selected income and balance-sheet items being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 4, 1941, in the matter of monthly reports of selected income and balance-sheet items of Class I steam railway companies, and corresponding sections of the Code of Federal Regulations, be, and are hereby annulled, effective January 1, 1942, and the following order shall become effective.

§ 122.2 *Selected income and balance sheet items.*[1] Beginning with the month of January 1942, and thereafter until further order of this Commission, each and every Class I steam railway company, excluding Class I switching and terminal companies, subject to the provisions of Section 20 Part I of the Interstate Commerce Act be, and they hereby are, required to file monthly reports of selected income and balance-sheet items in accordance with Form IBS, Monthly Report of Selected Income and Balance-Sheet Items, which is hereby approved, and made a part of this order. Said monthly reports shall be made under oath, and filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., within forty-five days after the end of the month to which they relate (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434–438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)–(10))

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–9688; Filed, December 23, 1941; 11:58 a. m.]

ORDER IN THE MATTER OF THE UNIFORM SYSTEM OF ACCOUNTS FOR PIPE LINES

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 17th day of December, A. D. 1941.

In the matter of the order of July 15, 1941,[1] effective January 1, 1942, modifying the Uniform System of Accounts for Pipe Lines:

It is ordered, That the effective date be changed to January 1, 1943.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41–9689; Filed, December 23, 1941; 11:58 a. m.]

ORDER IN THE MATTER OF THE UNIFORM SYSTEM OF ACCOUNTS FOR CARRIERS BY WATER

The Uniform System of Accounts for Carriers by Water, First Revised Issue, effective January 1, 1942, prescribed by the Interstate Commerce Commission on December 11, 1941, was filed with the Division of the FEDERAL REGISTER, December 23, 1941 at 11:59 a. m., F.R. Doc. 41–9690. Requests for copies should be addressed to the Interstate Commerce Commission.

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1941 Dept. Circ. No. 674]

TREASURY TAX SAVINGS NOTES—TAX SERIES A–1944, TAX SERIES B–1944

I. OFFERING OF NOTES

DECEMBER 15, 1941.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers for sale, to the people of the United States, at par and accrued interest, two issues of nontransferable notes of the United States, designated Treasury Notes of Tax Series A–1944, and Treasury Notes of Tax Series B–1944, which notes, under authority of Section 3657 of the Internal Revenue Code, and subject to the limitations and conditions hereinafter set forth, will be receivable, at par and accrued interest, in payment of Federal income, estate, and gift taxes.

2. The notes will be placed on sale January 1, 1942, and the sale will continue until December 31, 1942, unless earlier terminated, as to either or both series, by the Secretary of the Treasury.

II. DESCRIPTION OF NOTES

1. *General.* The notes of both series will be dated January 1, 1942; they will mature January 1, 1944, and may not be

[1] See note, 6 F.R. 3694.

called by the Secretary of the Treasury for redemption before maturity. Subject to the limitations and conditions set forth in section IV of this circular, the notes of both series will be receivable, at par and accrued interest, in payment of Federal income, estate, and gift taxes. If the notes are not presented in payment of taxes, they will be payable at maturity, or, at the owner's option and request, they will be redeemable before maturity, as provided in section V of this circular, but in either case payment will be made only at the price paid for the notes.

2. *Form, inscription, dating.* The owner's name and address will be entered on each note at the time of its issue by an authorized issuing agent, and the date of issue will be shown by an imprint of the agent's dating stamp. The month in which payment is received and credited by a Federal Reserve Bank or Branch, or by the Treasurer of the United States, will determine the purchase price and issue date of each note. The notes may not be transferred, except, that if notes are held by a corporation owning more than 50 percent of the stock, with voting power, of another corporation, such notes may be transferred to the subsidiary upon request of the corporation and surrender of the notes to the agent that issued them. No hypothecation of the notes on any account will be recognized by the Treasury Department, and they will not be accepted to secure deposits of public money.

3. *Denominations and interest.* The notes of Tax Series A–1944 will be issued in denominations of $25, $50, $100, $500, and $1,000, and interest thereon will accrue from January 1942, in the amount of 16 cents each month on each $100 principal amount, that is, 4 cents on each $25, 8 cents on each $50, 16 cents on each $100, 80 cents on each $500, and $1.60 on each $1,000 denomination of note. The notes of Tax Series B–1944 will be issued in denominations of $100, $500, $1,000, $10,000, $100,000, $500,000, and $1,000,000, and interest thereon will accrue from January 1942, in the amount of 4 cents each month on each $100 principal amount, that is 4 cents on each $100, 20 cents on each $500, 40 cents on each $1,000, $4 on each $10,000, $40 on each $100,000, $200 on each $500,000, and $400 on each $1,000,000 denomination of note. In no case, however, shall interest accrue beyond the month in which the note is presented in payment of taxes, or beyond its maturity. Exchanges of authorized denominations of each series from higher to lower, but not from lower to higher, may be arranged at the office of the agent that issued the note.

4. *Purchase price, and tax-payment value.* Tables are appended to this circular showing the principal amount with accrued interest added, for notes of each denomination of each series, for each month from January 1942 to January 1944, inclusive. The total shown for any denomination for any month—January through December 1942—while the notes remain on sale, is the purchase price, or cost, of the note during that month. Also, the total shown for any denomination for any month—January 1942 through January 1944—is the tax-payment value of the note if receivable during that month in payment of taxes, subject to the provisions of section IV of this circular.

5. *Taxation.* Income derived from the notes shall be subject to all Federal taxes, now or hereafter imposed. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

III. PURCHASE OF NOTES

1. *Applications and payment.* Applications will be received by the Federal Reserve Banks and Branches, and by the Treasurer of the United States, Washington, D. C. Banking institutions generally may submit applications for accounts of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Every application must be accompanied by payment in full, at par and accrued interest from January 1942 to the month in which payment in immediately available funds is received by a Federal Reserve Bank or Branch, or the Treasurer of the United States. Any form of exchange, including personal checks, will be accepted subject to collection, and should be drawn to the order of the Federal Reserve Bank or of the Treasurer of the United States, as payee, as the case may be; Defense Savings Stamps will be accepted at their face value in lieu of cash. The date funds are made available on collection of exchange will govern the issue price and issue date of the notes. Any depositary, qualified pursuant to the provisions of Treasury Department Circular No. 92 (revised February 23, 1932, as supplemented) will be permitted to make payment by credit for notes applied for on behalf of itself or its customers up to any amount for which it shall be qualified in excess of existing deposits.

2. *Reservations.* The Secretary of the Treasury reserves the right to reject any application in whole or in part, and to refuse to issue or permit to be issued hereunder any notes of either or both series in any case or in any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. If an application is rejected, in whole or in part, any payment received therefor will be refunded. The Secretary of the Treasury, in his discretion, may designate agencies other than those herein provided for the sale of, or for the handling of applications for, Treasury notes to be issued hereunder.

3. *Delivery of notes.* Upon acceptance of full-paid applications, notes will be duly issued and, unless delivered in person, will be delivered by registered mail within the Continental United States, the Territories and Insular Possessions of the United States, the Canal Zone and the Philippine Islands. No deliveries elsewhere will be made.

4. *Form of application.* In applying for notes under this circular, care should be exercised to specify whether those of Tax Series A–1944, or Tax Series B–1944 are desired, and there must be furnished the name and address of the individual, corporation, or other entity in which the notes are to be issued; and if address for the delivery of the notes is different, appropriate instructions should be given. The name should be in the same form as that used in the Federal tax return of the purchaser, except that in the case of joint tax returns of individuals, the notes should be inscribed individually—the notes will not be issued in the names of two or more persons jointly. The application should be accompanied by remittance to cover the purchase price—that is, par—together with accrued interest from January 1942 to the month in which the application will be received and the remittance collected by an authorized issuing agent. The use of an official application form is desirable, but not necessary. Appropriate forms may be obtained on application to any Federal Reserve Bank or Branch, or the Treasurer of the United States, Washington, D. C.; banking institutions generally have been supplied with forms for the use of their customers.

IV. PRESENTATION IN PAYMENT OF TAXES

1. During and after the third calendar month from month of purchase (as shown by the issuing agent's dating stamp on each note), during such time, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, notes issued hereunder in the name of a taxpayer (individual, corporation, or other entity) may be presented and surrendered by such taxpayer, his agent, or his estate, to the Collector of Internal Revenue to whom the tax return is made, and will be receivable by the Collector at par and accrued interest from January 1942, to the month, inclusive (but no accrual beyond January 1944), in which presented, in payment of any Federal income taxes (current and back personal and corporation taxes, and excess-profits taxes), or any Federal estate or gift taxes (current and back), assessed against the original purchaser or his estate, but the Collector will accept (a) not more than $1,200 principal amount of notes of Tax Series A–1944, or of Tax Series A–1943, or of the two in combination, and (b) the amount of the accrued interest thereon, on account of any one taxpayer's liability for each class of taxes (income, estate, or gift) for each taxable period: *Provided*, That this limitation shall apply separately to husband and wife on a joint return, and shall apply separately to an owner before death and to his estate for the balance of the same year. The notes must be forwarded to the Collector at the risk and expense of the owner, and, for the owner's protection, should be forwarded by registered mail, if not presented in person.

V. CASH REDEMPTION AT OR PRIOR TO MATURITY

1. *General.* Any Treasury note of Tax Series A–1944 or Tax Series B–1944 will be redeemed for cash at the purchase price at or before maturity. Notes of Tax Series A–1944 may be redeemed before maturity without advance notice, but notes of Tax Series B–1944 may be redeemed before maturity only after 60 days from date of issue (as shown by the dating stamp of the issuing agent) and on 30 days' advance notice. The timely surrender of a note of Tax Series B–1944, bearing a properly executed request for payment, will be accepted as constituting the advance notice required hereunder.

2. *Execution of request for payment.* The owner in whose name the note is inscribed must appear before one of the officers authorized by the Secretary of the Treasury to witness and certify requests for payment, establish his identity, and in the presence of such officer sign the request for payment appearing on the back of the note, adding the address to which check is to be mailed. After the request for payment has been so signed, the witnessing officer should complete and sign the certificate provided for his use.

3. *Officers authorized to witness and certify requests for payment.* All officers authorized to witness and certify requests for payment of United States Savings Bonds, as set forth in Treasury Department Circular No. 530, Fourth Revision, as amended, are hereby authorized to witness and certify requests for cash redemption of Treasury notes issued under this circular. Such officers include United States postmasters, certain other post office officials, and the executive officers of all banks and trust companies incorporated in the United States or its organized territories, including officers at branches thereof who are certified to the Treasury Department as executive officers.

4. *Presentation and surrender.* Notes bearing properly executed requests for payment must be presented and surrendered to the agent that issued the notes (as shown by the agent's dating stamp), at the expense and risk of the owner. For the owner's protection, notes should be forwarded by registered mail, if not presented in person.

5. *Disability or death.* In case of the disability or death of the owner, and the notes are not to be presented in payment of Federal income, estate or gift taxes due from him or from his estate, instructions should be obtained from the issuing agent before the request for payment is executed, or the notes presented.

6. *Partial redemption.* Partial cash redemption of notes of either series, corresponding to an authorized denomination, may be made in the same manner as for full cash redemption, appropriate changes being made in the request for payment. In case of partial redemption of a note, the remainder will be reissued in the same name and with the same date of issue as the note surrendered.

7. *Payment.* Payment of any note, either at maturity or on redemption before maturity, will be made only by the Federal Reserve Bank or the Treasury Department, as the case may be, that issued the note; and will be made by check drawn to the order of the owner, and mailed to the address given in his request for payment. In any case, payment will be made at the purchase price of the note, that is, at par and accrued interest (if any) paid at the time of purchase.

VI. GENERAL PROVISIONS

1. Except as provided in this circular, the notes issued hereunder will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing bonds and notes of the United States.

2. Federal Reserve Banks and their Branches, as fiscal agents of the United States, are authorized to perform such services or acts as may be appropriate and necessary under the provisions of this circular, and under any instructions given by the Secretary of the Treasury.

3. The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this circular, or of any amendments or supplements thereto, and may at any time or from time to time prescribe amendatory rules and regulations governing the offering of the notes, information as to which will promptly be furnished to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

TREASURY NOTES, TAX SERIES A–1944

Purchase Price and Tax-Payment Value During Successive Months

The table below shows the principal amount with accrued interest added, for notes of each denomination, for each month from January 1942 to January 1944, inclusive. The total shown for any denomination for any month—January through December 1942—while the notes remain on sale, is the purchase price, or cost of the note during that month. Also the total shown for any denomination for any month—January 1942 through January 1944—is the tax-payment value of the note if receivable during that month in payment of taxes.

	$25	$50	$100	$500	$1,000
1942					
January	$25.00	$50.00	$100.00	$500.00	$1,000.00
February	25.04	50.08	100.16	500.80	1,001.60
March	25.08	50.16	100.32	501.60	1,003.20
April	25.12	50.24	100.48	502.40	1,004.80
May	25.16	50.32	100.64	503.20	1,006.40
June	25.20	50.40	100.80	501.00	1,008.00
July	25.24	50.48	100.96	504.80	1,009.60
August	25.28	50.56	101.12	505.60	1,011.20
September	25.32	50.64	101.28	506.40	1,012.80
October	25.36	50.72	101.44	507.20	1,014.40
November	25.40	50.80	101.60	508.00	1,016.00
December	25.44	50.88	101.76	508.80	1,017.60
1943					
January	25.48	50.96	101.92	509.60	1,019.20
February	25.52	51.04	102.08	510.40	1,020.80
March	25.56	51.12	102.24	511.20	1,022.40
April	25.60	51.20	102.40	512.00	1,024.00
May	25.64	51.28	102.56	512.80	1,025.60
June	25.68	51.36	102.72	513.60	1,027.20
July	25.72	51.44	102.88	514.40	1,028.80
August	25.76	51.52	103.04	515.20	1,030.40
September	25.80	51.60	103.20	516.00	1,032.00
October	25.84	51.68	103.36	516.80	1,033.60
November	25.88	51.76	103.52	517.60	1,035.20
December	25.92	51.84	103.68	518.40	1,036.80
1944					
January	25.96	51.92	103.84	519.20	1,038.40

TREASURY NOTES, TAX SERIES B–1944

Purchase Price and Tax-Payment Value During Successive Months

The table below shows the principal amount with accrued interest added, for notes of each denomination, for each month from January 1942 to January 1944, inclusive. The total shown for any denomination for any month—January through December 1942—while the notes remain on sale, is the purchase price, or cost of the note during that month. Also the total shown for any denomination

for any month—January 1942 through January 1944—is the tax-payment value of the note if receivable during that month in payment of taxes.

	$100	$500	$1,000	$10,000	$100,000	$500,000	$1,000,000
1942							
January	$100.00	$500.00	$1,000.00	$10,000	$100,000	$500,000	$1,000,000
February	100.04	500.20	1,000.40	10,004	100,040	500,200	1,000,400
March	100.08	500.40	1,000.80	10,008	100,080	500,400	1,000,800
April	100.12	500.60	1,001.20	10,012	100,120	500,600	1,001,200
May	100.16	500.80	1,001.60	10,016	100,160	500,800	1,001,600
June	100.20	501.00	1,002.00	10,020	100,200	501,000	1,002,000
July	100.24	501.20	1,002.40	10,024	100,240	501,200	1,002,400
August	100.28	501.40	1,002.80	10,028	100,280	501,400	1,002,800
September	100.32	501.60	1,003.20	10,032	100,320	501,600	1,003,200
October	100.36	501.80	1,003.60	10,036	100,360	501,800	1,003,600
November	100.40	502.00	1,004.00	10,040	100,400	502,000	1,004,000
December	100.44	502.20	1,004.40	10,044	100,440	502,200	1,004,400
1943							
January	100.48	502.40	1,004.80	10,048	100,480	502,400	1,004,800
February	100.52	502.60	1,005.20	10,052	100,520	502,600	1,005,200
March	100.56	502.80	1,005.60	10,056	100,560	502,800	1,005,600
April	100.60	503.00	1,006.00	10,060	100,600	503,000	1,006,000
May	100.64	503.20	1,006.40	10,064	100,640	503,200	1,006,400
June	100.68	503.40	1,006.80	10,068	100,680	503,400	1,006,800
July	100.72	503.60	1,007.20	10,072	100,720	503,600	1,007,200
August	100.76	503.80	1,007.60	10,076	100,760	503,800	1,007,600
September	100.80	504.00	1,008.00	10,080	100,800	504,000	1,008,000
October	100.84	504.20	1,008.40	10,084	100,840	504,200	1,008,400
November	100.88	504.40	1,008.80	10,088	100,880	504,400	1,008,800
December	100.92	504.60	1,009.20	10,092	100,920	504,600	1,009,200
1944							
January	100.96	504.80	1,009.60	10,096	100,960	504,800	1,009,600

[F. R. Doc. 41-9664; Filed, December 23, 1941; 10:02 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1200]

PETITION OF DISTRICT BOARD NO. 8 FOR A REVISION OF THE MINIMUM PRICES AND A CHANGE IN THE SEAM DESIGNATIONS FOR THE COALS OF CERTAIN MINES IN LEE COUNTY, VIRGINIA, SUBDISTRICT NO. 7, AND HARLAN COUNTY, KENTUCKY, SUBDISTRICT NO. 2 IN DISTRICT NO. 8, FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for a revision of the minimum prices for the coals of certain mines in District No. 8 for truck shipment, and more specifically for a decrease in the minimum prices for the coals of Mine Index Nos. 3184, 2147, 2150, 2151, 2154, 2803, 2161, 2164, 2197, 2186, 2167, 2169, 2170, 2866, 2181, 2184, 2185, 2195, 2196, 2200, 2149, and 2186 in Lee County, Virginia, Subdistrict No. 7, in

Size groups	1	2	3	4	5	6	7	8
From		$2.95	$2.35	$2.45	$2.15	$2.15	$1.70	$1.65
To		$2.65	$2.15	$2.20	$2.05	$2.05	$1.55	$1.50

and for an increase in the minimum prices for the coals of Mine Index Nos. 2830 in Lee County, Virginia, Subdistrict No. 7, in

Size groups	1	2	3	4	5	6	7	8
From		$2.65	$2.15	$2.20	$2.05	$2.05	$1.55	$1.50
To		$2.95	$2.25	$2.45	$2.15	$2.15	$1.70	$1.65

and for a change in the minimum prices for the coals of Mine Index No. 1308 in Harlan County, Kentucky, Subdistrict No. 2, in

Size groups	1	2	3	4	5	6	7	8
From		$2.70	$2.25	$2.30	$2.10	$2.15	$1.75	$1.70
To		$2.95	$2.25	$2.45	$2.15	$2.15	$1.70	$1.55

and to change the seam designation of Mine Index No. 2179 from Imboden to Pinhook; to change the seam designation of Mine Index No. 2189 from Imboden to #4; to change the seam designation of Mine Index No. 2895 from North Fork to Imboden; to change the seam designation of Mine Index No. 1308 from Harlan to #5; and to establish the seam designation Penn Lee for the coals of Mine Index No. 3185.

Dated: December 19, 1941.

DAN H. WHEELER,
Acting Director.

[SEAL]

[F. R. Doc. 41-9666; Filed, December 23, 1941; 10:22 a. m.]

[Docket No. A-1201]

PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS, MINIMUM PRICES, AND SEAM DESIGNATIONS FOR THE COALS OF CERTAIN MINES IN SUBDISTRICTS NOS. 7, 8, AND 9, IN DISTRICT NO. 8

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 20, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for a revision of the price classifications, minimum prices, and seam designations for the coals of certain mines in District No. 8; and more specifically for an increase in the price classifications and minimum prices of the coals of Mine Index No. 2899 for all shipments except truck and for truck shipment; for an increase in the minimum prices of the coals of Mine Index Nos. 2208, 2235, 2254, 2257, 3039, 2436, 2442, 2439, 2715, 2706, 2699, 3304, 2947, 5031, 3326, 2984, 3348, 2203, 2204, 2228, 2227, 2232, 2248, 2253, 2261, 2243, 2263, and 745; and a decrease in the minimum prices of the coals of Mine Index Nos. 2705, 3079, 2444, 2445, 2446, 4099, 2447, 2449, 2450, 2455, 2458, 2459, 2460, 2210, 2233, 2247, 2818, and 2982 for truck shipment.

Dated: December 19, 1941.

DAN H. WHEELER,
Acting Director.

[SEAL]

[F. R. Doc. 41-9667; Filed, December 23, 1941; 10:22 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL

COLORADO RIVER STORAGE PROJECT, NEVADA

NOVEMBER 25, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in Section 10, Act of October 14, 1940 (54 Stat. 1119), and that Departmental Order of November 3, 1936, including the said lands in Grazing District No. 5, Nevada, be modified and made subject to the withdrawal effected by this order.

COLORADO RIVER STORAGE PROJECT

Mount Diablo Meridian, Nevada

Township 22 South, Range 62 East:
Section 1, N½, N½S½, SE¼SW¼, S½SE¼,
Section 2, All
Section 3, All
Section 4, All
Section 9, NW¼SE¼,
Section 21, All
Section 22, All
Section 23, All
Section 24, All
Section 25, All
Section 26, All
Section 27, All
Section 28, All
Section 33, All
Section 34, All
Section 35, All
Section 36, All
Township 20 South, Range 63 East:
Section 31, All
Section 32, All
Section 33, All
Section 34, All
Section 35, All
Township 21 South, Range 63 East:
Section 1, All
Section 2, All
Section 3, All
Section 4, All
Section 5, All
Section 6, All
Section 7, All
Section 8, All
Section 9, All
Section 10, All
Section 11, All
Section 12, All
Section 13, NE¼NE¼, S½NE¼, NW¼NW¼, S½,
Section 14, All
Section 15, All
Section 16, All
Section 17, All
Section 18, All
Section 19, All
Section 20, All
Section 21, N½, SW¼, N½SE¼, SW¼SE¼,
Section 22, N½, N½SW¼, SE¼SW¼, SE¼,
Section 23, All
Section 24, All
Section 25, All
Section 26, All
Section 27, All
Section 28, SE¼NE¼, N½NW¼, NW¼SW¼, S½SW¼, SE¼,
Section 29, N½NE¼, NW¼, S½S½,
Section 30, N½, S½S½
Section 31, All
Section 32, All
Section 33, All
Section 34, All
Section 35, All
Section 36, All
Township 21 South, Range 63½ East (unsurveyed):
Section 1, All
Section 12, All
Section 13, All
Section 24, All
Section 25, All
Section 36, All
Township 22 South, Range 63 East:
Section 1, All
Section 2, All
Section 3, All
Section 4, All
Section 5, All
Section 6, All
Section 7, All
Section 8, All
Section 9, All
Section 10, All
Section 11, All
Section 12, All
Section 13, All
Section 14, All
Section 15, All
Section 16, All
Section 17, All
Section 18, All
Township 23 South, Range 63 East:
Section 4, All
Section 5, All
Section 6, All
Section 7, All
Section 8, All
Section 9, All
Section 16, All
Section 17, All
Section 18, All.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: December 2, 1941.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: December 4, 1941.

FRED W. JOHNSON,
Commissioner of the General Land Office.

DECEMBER 11, 1941.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 41-9653; Filed, December 23, 1941; 9:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND CENTRAL U. S. UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

The above named parties, having filed applications and declarations with the Commission, pursuant to various sections of the Public Utility Holding Company Act of 1935, covering proposed transactions that are part of a general program for the acquisition by Pennsylvania Electric Company, a subsidiary of Central U. S. Utilities Company, a registered holding company, of the assets of The Clarion River Power Company, Erie Lighting Company, Solar Electric Company, Youghiogheny Hydro-Electric Corporation, Logan Light, Heat & Power Company and Associated Maryland Electric Power Corporation, and the issuance by Pennsylvania Electric Company of $32,500,000 principal amount of First Mortgage Bonds and $3,400,000 par value of Preferred Stock, proceeds of which are to be used in part for the redemption and retirement of the long term indebtedness and bank loans presently outstanding and to be assumed by Pennsylvania Electric Company, and the reclassification by Pennsylvania Electric Company of its Common Stock and the making of certain accounting and other adjustments;

Said declarations and applications having been filed on December 16, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated to said Act; and

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said applications and declarations and that said applications shall not be granted nor said declarations become effective except pursuant to further order of the Commission;

It is ordered, That the hearing of such matters under the applicable provisions of the Act and the Rules of the Commission thereunder be held on January 6, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On said day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications and declarations particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the acquisition of the securities and properties by Central U. S. Utilities Company and Pennsylvania Electric Company will tend toward interlocking relations or the concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interests of investors or consumers;

(2) Whether the considerations, including all fees, commissions, and other remunerations to be given directly or indirectly in connection with such acquisitions, are reasonable or bear a fair relation to the sums invested in or the earning capacity of the utility assets to be acquired or the utility assets underlying the securities to be acquired;

(3) Whether the fixed property accounts of the various companies involved contain inflationary items and, if so, what steps should be taken or conditions imposed to eliminate such inflationary items;

(4) Whether the retirement reserves of the various constituent companies are presently adequate and whether the aggregate reserve of the surviving corporation will be adequate;

(5) Whether such acquisition will unduly complicate the capital structure of the holding company system of Central U. S. Utilities Company or will be detrimental to the public interest or the interests of investors or consumers or the proper functioning of such holding company system;

(6) Whether such acquisition will be detrimental to the carrying out of the provisions of Section 11 of the Act;

(7) Whether such acquisition will serve the public interest by tending towards the economical and efficient development of an integrated public utility system;

(8) Whether such accounting as will be involved in the transactions proposed in the applications and declarations is in conformity with the applicable standards of the Act and is in the public interest and in the interest of investors and consumers;

(9) Whether the treatment of its unamortized debt discount and expense by the Pennsylvania Electric Company is in accordance with the applicable standards of the Act and is in the public interest and in the interest of investors and consumers;

(10) Whether any free cash generated by the refunding should be ear-marked for construction purposes;

(11) Whether the terms of the indenture under which the bonds are to be issued are in accordance with the appliable standards of the Act and are in the public interest and in the interest of investors and consumers;

(12) Whether the issuance and sale of bonds and preferred stock should be conditioned in the public interest and for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9679; Filed, December 23, 1941; 11:43 a. m.]

[File No. 70-415]

IN THE MATTER OF NEWPORT WATER CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of December, A. D. 1941.

A declaration or application (or both) having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named person, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

The said declaration or application concerning the proposed dissolution of Newport Water Corporation and the distribution of its remaining assets, consisting principally of cash, to the holders of its 10,000 shares of preferred stock; and all of the common stock of the company, which will not participate in the dissolution, and 8,218 shares of the preferred stock being owned by Ogden Corporation; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 14, 1942, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention will be directed at said hearing to the following matters and questions:

1. Whether it is fair and equitable for Ogden Corporation, as a preferred stockholder, to share ratably with other preferred stockholders in the assets of Newport Water Corporation.
2. Whether the proposed distribution of the assets of Newport Water Corporation will be adverse to the public interest or the interests of investors.
3. Whether the proposed transaction will circumvent the provisions of said Act, or the rules, regulations or orders thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9680; Filed, December 23, 1941; 11:43 a. m.]

[File No. 70-460]

IN THE MATTER OF MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Massachusetts Utilities Associates. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions herein proposed, which are summarized as follows:

Massachusetts Utilities Associates, a subsidiary company of New England Power Association, a registered holding company (New England Power Association being in turn a subsidiary of International Hydro-Electric System, a registered holding company) proposes to borrow on February 9, 1942, the sum of $4,000,000 from The First National Bank of Boston, such borrowing to be evidenced by its unsecured promissory note dated February 9, 1942 and due February 9, 1945, bearing interest at the rate of 2½% per annum payable monthly.

Proceeds of the proposed borrowing will be used to discharge a presently outstanding obligation to The First National Bank of Boston in the amount of $4,000,000 which is evidenced by an unsecured promissory note dated February 8, 1939 and due February 8, 1942, bearing interest at the rate of 2½% per annum payable monthly.

The proposed note will provide among other things that all or any part of the principal amount may be paid at the election of the maker at any time upon not less than thirty (30) days prior written notice.

The company has designated Section 7 of the Act as applicable to the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 9, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the security proposed to be issued is reasonably adapted to the security structure of Massachusetts Utilities Associates and other companies in the same holding company system.

(2) Whether it is necessary or appropriate to impose any term or condition prohibiting or restricting the payment of current or future dividends on the common shares of Massachusetts Utilities Associates.

(3) Whether the term and condition of the proposed security, whereby Massachusetts Utilities Associates agrees that the aggregate indebtedness of its subsidiaries (except taxes and accounts payable incurred in the ordinary course of business and except indebtedness to Massachusetts Utilities Associates or another subsidiary of Massachusetts Utilities Associates) will at no time exceed $500,000, is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9681; Filed, December 23, 1941; 11:43 a. m.]

[File No. 70-467]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION AND COLUMBIA CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than December 29, 1941 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to acquire and the Columbia Corporation, a wholly owned subsidiary of Columbia Gas & Electric Corporation, proposes to sell (a) 900 shares of Cumulative 6% Preferred Stock, Series A, $100 Par Value of Columbia Gas & Electric Corporation for a cash consideration of $90,835; (b) 125 shares of Cumulative Preferred Stock, 5% Series, $100 Par Value of Columbia Gas & Electric Corporation for a cash consideration of $10,604.38; and (c) $3,000 principal amount of General Mortgage 5% Bonds of Binghamton Gas Works, a subsidiary of Columbia Gas & Electric Corporation, for a cash consideration of $2,895. Columbia Gas & Electric Corporation proposes to cancel the shares of

6% Preferred Stock and 5% Preferred Stock and retain the Mortgage Bonds of Binghamton Gas Works in its investment account. It is represented that the purpose of the transaction is to liquidate a self-insurance fund created as of November 1, 1929 by Columbia Gas & Electric Corporation and its various operating subsidiaries for the benefit thereof and administered by Columbia Corporation until its operations were discontinued as of February 1, 1938.

Sections 9 (a) (2), 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 have been designated as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9682; Filed, December 23, 1941; 11:43 a. m.]

[File No. 70-446]

IN THE MATTER OF CAPE & VINEYARD ELECTRIC COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

Cape & Vineyard Electric Company, a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding an exemption from section 6 (a) of the said Act of the issue and sale of notes to the First National Bank of Boston in an aggregate sum not exceeding $300,000 in such amounts and at such times as funds are required to pay for necessary extensions, additions and betterments to its plant and property for the period from May 1, 1941, to March 31, 1942, such notes to bear interest at a rate not to exceed three per cent per annum and to be dated as issued but in any event prior to March 31, 1942, and to mature not later than September 30, 1943; and the applicants representing that the initial borrowing will be $250,000, the proceeds of which will be utilized in part to repay an outstanding note payable to the said bank amounting to $157,500, the proceeds of which were used to complete certain construction included in the program referred to above.

Said application having been filed on November 26, 1941, and an amendment thereto having been filed on December 10, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission finding with respect to the said application under section 6 (b) of the said Act that the requirements of section 6 (b) have satisfied;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be granted forthwith.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9683; Filed, December 23, 1941; 11:44 a. m.]

[File No. 70-450]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY, AND CENTRAL U. S. UTILITIES COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 22nd day of December, A. D. 1941.

The above named parties having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9, 10, 12 (c), 12 (b), and 12 (f) and Rules U-42 and U-43, regarding the following transactions;

Associated Electric Company, a Delaware corporation, a registered holding company, and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, proposes to acquire by merger all of the assets of Central U. S. Utilities Company, also a registered holding company and direct subsidiary of Associated Electric Company. In consideration for these assets of Central U. S. Utilities Company, which as of September 30, 1941, consist primarily of common stocks of operating public utilities (there being twenty-seven such companies involved, the securities of which, including $14,684,569 carrying value of bonds and notes, aggregate $77,312,955 carrying value) and $34,054,182 accounts receivable, Associated Electric Company proposes to surrender to Central U. S. Utilities Company for cancelation all of the outstanding common stock of Central U. S. Utilities Company, which is presently owned by Associated Electric Company, and further, Associated Electric Company proposes to assume the present public securities of Central U. S. Utilities Company which as at September 30, 1941, amounted to $350,000 in the form of a nine months' promissory note payable December 1, 1941, and bearing interest at the rate of 2½%.

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declarations within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The above-named parties having in their filings requested an order thereon at the earliest possible date and further agreeing, in order to avoid at this point the time-consuming work connected with a determination of the value of the investment securities to be transferred, that we reserve jurisdiction over the accounting entries to be made on the books of Associated Electric Company reflecting these transactions; and

The Commission deeming it appropriate in the public interest and in the interests of investors and consumers to grant such application and to permit such declarations to become effective on the terms agreed to by the parties and that the date thereof should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application be, and hereby is, granted, and the aforesaid declarations be, and hereby are, permitted to become effective, subject to the further condition that the Commission hereby expressly reserves jurisdiction over the accounting entries to be made on the books of Associated Electric Company reflecting the results of these proposed transactions.

By the Commission, Commissioner Healy dissenting from that part of the order granting the approval to the application pursuant to section 10 for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9684; Filed, December 23, 1941; 11:44 a. m.]

[File No. 70-405]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY)

ORDER EXTENDING DATE FOR COMPLETION OF TRANSACTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1941.

The Commission having made findings and entered an order herein on October 22, 1941 granting an application, as amended, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, filed by Louisville Gas and Electric Company, a Kentucky corporation and a subsidiary of a registered holding company, for exemption from the provisions of section 6 (a) of said Act of the issuance and sale of 150,000 shares of common stock at a price to the public of $23.50 per share, and for exemption of such issuance and sale from the provisions of Rule U-50 (b) and (c); and such exemptions having been granted subject to the terms and conditions prescribed in Rule U-24;

And it appearing that because of the provisions of said Rule U-24, the said company is required to complete the issue and sale of said stock on or before December 21, 1941;

And it further appearing from the verified petition of the said company filed herein that to and including December 9, 1941, 21,765 shares of stock have been issued and sold leaving 128,235 shares to be sold and that the said company will be unable to sell the balance of the 128,235 shares on or prior to December 21, 1941; and the company having requested an extension of time until March 23, 1942 in which to complete the transaction;

It is ordered, That the date for completing the transaction previously authorized herein by order of this Commission on October 22, 1941 be and the same is hereby extended to March 23, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9685; Filed, December 23, 1941; 11:44 a. m.]

[File No. 70-461, 70-462, 70-463]

IN THE MATTERS OF STATEN ISLAND EDISON CORPORATION, NORTHERN PENNSYLVANIA POWER COMPANY, AND NY PA NJ UTILITIES COMPANY.

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

(*Public Utility Holding Company Act of 1935*)

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

NY PA NJ Utilities Company, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application and declaration, pursuant to various sections of the Public Utility Holding Company Act of 1935, concerning proposed transactions under which NY PA NJ Utilities Company will acquire a large amount of its own outstanding bonds and debentures and certain securities of some of its subsidiaries, with effects, anticipated by it, of facilitating such further steps as may be necessary or desirable for it to take in order to simplify its subholding company system and to provide for its funded and other indebtedness and to reduce the number of cross-holdings and securities among companies in both the NY PA NJ Utilities Company system and that of the Trustees of Associated Gas and Electric Corporation; and

Among such transactions being the acquisition by NY PA NJ Utilities Company, from Northern Pennsylvania Power Company, its subsidiary, of the following securities by way of a dividend in kind to be paid by said latter company and to be charged by it to its earned surplus, namely:

(a) $406,100 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, and

(b) $53,300 principal amount of The Mohawk Valley Company 6% Gold Debentures, due October 1, 2031; and

Further, NY PA NJ Utilities Company proposing to acquire from Staten Island Edison Corporation, a subsidiary of New York State Electric & Gas Corporation, which in turn is a subsidiary of NY PA NJ Utilities Company, $3,015,000 principal amount of Associated Electric Company 4½% Gold Bonds Refunding Series, due 1956; and

In a related filing said Staten Island Edison Corporation having proposed to sell $3,015,000 principal amount of said Associated Electric Company bonds to NY PA NJ Utilities Company, and

In a related filing Northern Pennsylvania Power Company having proposed to declare and pay a dividend in kind to its common stock in the treasury securities, listed above and which NY PA NJ Utilities proposes to acquire;

The Commission having heretofore, on December 18, 1941, issued notices regarding said three filings, subject to Rule U-23 promulgated under the Act, and the Commission having determined that such matters are interrelated and that they can most adequately be treated by consolidating the same;

It is ordered, That the above entitled proceedings be and the same hereby are consolidated.

It further appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a consolidated hearing be held with respect to said applications and declarations, and that said declarations shall not become effective nor said applications be granted except pursuant to further order of the Commission;

It is ordered, That the hearing on such consolidated declarations and applications under the applicable provisions of the Act and the Rules of the Commission thereunder be held on December 30, 1941 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On said day the hearing-room clerk in 1102 will advise as to the room where such hearings will be held.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declarations and applications, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the earned surplus account of Northern Pennsylvania Power Company is correctly stated;

2. Whether, if any restatement of such surplus account is required, there will be a sufficient balance to permit a payment of a dividend.

3. Whether the payment of a dividend in portfolio securities will have the effect of unduly diminishing the cushion behind publicly held securities and whether, if such is the case, payment of a dividend by Northern Pennsylvania Power Company is in the public interest and in the interest of investors and consumers;

4. Whether said securities proposed by Northern Pennsylvania Power Company as the subject of the dividend are to be transferred at their book or underlying value;

5. Whether the securities to be transferred by Staten Island Edison Corporation are to be transferred at book or market value;

6. Whether the public interest in the Metropolitan Edison Company, which is the minority common stockholder of Staten Island Corporation, will be prejudiced by the value to be assigned the securities to be transferred by Staten Island Corporation;

7. Whether the proposed transactions are in conformity with applicable standards of the Act and whether any conditions should attach thereto in the public interest and in the interest of investors and consumers;

8. Whether the acquisition of the securities by NY PA NJ Utilities Company will tend toward interlocking relations or the concentration of control of public utility companies of a kind or to an extent detrimental to the public interest or the interests of investors or consumers;

9. Whether the considerations, including all fees, commissions and other remunerations to be given directly or indirectly in connection with such acquisitions, are reasonable or bear a fair relation to the sums invested in or the earning capacity of the utility assets to be acquired or the utility assets underlying the securities to be acquired;

10. Whether such acquisition will unduly complicate the capital structure of the holding company system of NY PA

NJ Utilities Company or will be detrimental to the public interest or the interests of investors or consumers or the proper functioning of such holding company system;

11. Whether such acquisitions will be detrimental to the carrying out of the provisions of Section 11 of the Act;

12. Whether such acquisitions will serve the public interest by tending toward the economical and efficient development of integrated public utility systems;

13. Whether the terms and conditions of the issue and sale of the securities and of the declaration of dividends are detrimental to the public interest or to the interests of investors and consumers;

14. Whether the public interest or the interests of investors and consumers require the imposition of terms and conditions in connection with the proposed issuance of securities to NY PA NJ Utilities Company and the acquisition by it.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9686; Filed, December 23, 1941; 12:00 m.]

DEC 27 1941

FEDERAL REGISTER

VOLUME 6 NUMBER 250

Washington, Thursday, December 25, 1941

The President

EXECUTIVE ORDER

DIRECTING THAT CERTAIN COMMISSIONED OFFICERS OF THE PUBLIC HEALTH SERVICE SHALL CONSTITUTE A PART OF THE NAVAL FORCES OF THE UNITED STATES

WHEREAS the act of July 1, 1902, as amended by the act of August 14, 1912 (U.S.C., title 42, sec. 8), provides as follows:

The President is authorized, in his discretion, to utilize the Public Health Service in times of threatened or actual war to such extent and in such manner as shall in his judgment promote the public interest without, however, in any wise impairing the efficiency of the service for the purposes for which the same was created and is maintained;

WHEREAS by Executive Order No. 8929 of November 1, 1941, the Coast Guard is now operating as a part of the Navy, subject to the orders of the Secretary of the Navy; and

WHEREAS commissioned officers of the Public Health Service are now serving on Coast Guard vessels and with other Coast Guard units pursuant to orders issued under competent authority:

NOW, THEREFORE, by virtue of the authority vested in me by the statutory provisions above set out, I hereby direct that commissioned officers of the Public Health Service detailed for duty on Coast Guard vessels and with other Coast Guard units shall continue on such details until relieved by competent authority, and that such officers, including those ordered to such duty as replacements or in addition to present complements, while engaged upon such assignments shall constitute a part of the naval forces of the United States, subject to the orders of the Secretary of the Navy.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 23, 1941.

[No. 8988]

[F. R. Doc. 41-9693; Filed, December 23, 1941; 2:50 p. m.]

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF DEFENSE TRANSPORTATION IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to define further the functions and duties of the Office for Emergency Management with respect to the state of war and to assure maximum utilization of the domestic transportation facilities of the Nation for the successful prosecution of the war, it is hereby ordered:

1. The term "domestic transportation" whenever used in this Order shall include railroad, motor, inland waterway, pipe line, air transport, and coastwise and intercoastal shipping.

2. There shall be in the Office for Emergency Management of the Executive Office of the President an Office of Defense Transportation, at the head of which shall be a Director appointed by the President. The Director shall discharge and perform his responsibilities and authorities under the direction and supervision of the President. The Director shall receive compensation at such rate as the President may determine and, in addition, shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties.

3. Subject to such policies, regulations, and directions as the President may from time to time prescribe, the Office of Defense Transportation shall:

a. Coordinate the transportation policies and activities of the several Federal agencies and private transportation groups in effecting such adjustments in the domestic transportation systems of the Nation as the successful prosecution of the war may require.

b. Compile and analyze estimates of the requirements to be imposed upon

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existing domestic transport facilities by the needs of the war effort; determine the adequacy of such facilities to accommodate the increased traffic volume occasioned by the war effort; develop measures designed to secure maximum use of existing domestic transportation facilities; and stimulate the provision of necessary additional transport facilities and equipment in order to achieve the level of domestic transportation services required; and in this connection advise the Supply Priorities and Allocation Board as to the estimated requirements and recommend allocations of materials and equipment necessary for the provision of adequate domestic transportation service.

c. Coordinate and direct domestic traffic movements with the objective of preventing possible points of traffic congestion and assuring the orderly and expeditious movement of men, materials, and supplies to points of need.

d. In cooperation with the United States Maritime Commission and other appropriate agencies, coordinate domestic traffic movements with ocean shipping in order to avoid terminal congestion at port areas and to maintain a maximum flow of traffic.

e. Perform the functions and exercise the authority vested in the President by the following, subject to the conditions set forth in paragraph 3 of this Order:

(1) Sec. 1 (15) of Interstate Commerce Act as amended, USC title 49, sec. 1 (15).

(2) Sec. 6 (8) of Interstate Commerce Act as amended, USC title 49, sec. 6 (8).

f. Survey and ascertain present and anticipated storage and warehousing requirements at points of transfer and in terminal areas; and encourage the provision of increased storage, loading, and unloading facilities where necessary.

g. Represent the defense interest of the Government in negotiating rates with domestic transportation carriers and in advising the appropriate governmental agencies with respect to the necessity for rate adjustments caused by the effect of the defense program.

h. Advise upon proposed or existing emergency legislation affecting domestic transportation, and recommend such additional emergency legislation as may be necessary or desirable.

i. Keep the President informed with respect to progress made in carrying out this Order; and perform such related duties as the President may from time to time assign or delegate to it.

4. In the exercise of its functions and authority with respect to transportation priorities and preferences, the Office of Defense Transportation shall be governed as to the relative importance of deliveries required for defense by such instructions, certifications, and directives as may be issued by the Office of Production Management pursuant to the provisions of the Executive Order of August 28, 1941,[1] entitled "Delegation and Coordination of Priority Authority;" and the Office of Defense Transportation shall take all lawful steps within the scope of its authority to effect such deliveries through appropriate public or private agencies.

5. In the study of problems and in the discharge of its responsibilities, it shall be the policy of the Office of Defense Transportation to collaborate with existing departments and agencies which perform functions and activities pertaining to transportation and to utilize their facilities and services to the maximum. Particularly, the Office of Defense Transportation shall maintain close liaison with the United States Maritime Commission in the consideration of problems involving the relationship of ocean shipping with coastwise and intercoastal shipping and inland transport; with the Interstate Commerce Commission on problems of rates, routing, and car service; and with the War and Navy Departments with respect to the strategic movement of troops and supplies by domestic transportation carriers. The Office of Defense Transportation may arrange for the establishment of committees or groups of advisers representing two or more departments and agencies or private transportation groups, as the case may require, to study and develop plans for the coordination and most effective use of existing domestic transportation facilities.

6. To facilitate unity of policy and action and the use of existing governmental services, the heads of each of the following departments and agencies shall designate a responsible representative or representatives to maintain formal liaison with the Office of Defense Transportation: The Department of War, the Department of the Navy, the Department of the Treasury, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Interstate Commerce Commission, the United States Maritime Commission, the Civil Aeronautics Board, the Federal Works Agency, the Federal Loan Agency, the Board of Investigation and Research appointed under the Transportation Act of 1940, the Office of Production Management, the Office of Price Administration, the Economic Defense Board, and such additional departments and agencies as the President may subsequently designate.

7. There shall be within the Office of Defense Transportation a Division of Railway Transport, a Division of Motor Transport, a Division of Inland Waterway Transport, a Division of Coastwise and Intercoastal Transport, and such other operating and staff divisions as the Director may determine. The Director may provide for the internal management of the Office of Defense Transportation and shall obtain the President's approval for the appointment of the heads of the above divisions and such other divisions as may be established.

8. Within the limits of such funds as may be appropriated or allocated to the Office of Defense Transportation, the Director may employ necessary personnel and make provision for the necessary supplies, facilities, and services. However, the Office of Defense Transportation shall use such statistical, informational, fiscal, personnel, and other general business services and facilities as may be made available through the Office for Emergency Management.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 18, 1941.

[No. 8989]

[F. R. Doc. 41-9716; Filed, December 24, 1941; 11:22 a. m.]

[1] 6 F.R. 4483.

EXECUTIVE ORDER

APPOINTMENT OF STATE EMPLOYMENT SECURITY PERSONNEL TO POSITIONS IN THE SOCIAL SECURITY BOARD, FEDERAL SECURITY AGENCY

By virtue of the authority vested in me by section 1753 of the Revised Statutes, by section 2 of the Civil Service Act (22 Stat. 403, 404), and by section 4 of the act of November 26, 1940, 54 Stat. 1214, it is hereby ordered as follows:

1. Any employee of a state or territorial employment security agency, required by the Federal Security Agency in connection with its operation of employment office facilities and services essential to expediting the national-defense program pursuant to the provisions of the Labor-Federal Security Appropriation Act of 1942, may be appointed to a position in the Social Security Board of the Federal Security Agency, and upon such appointment may acquire a classified civil-service status: *Provided*, (1) that such employee was on the rolls of the state employment security agency at the close of business December 31, 1941; (2) that he was previously approved for permanent or probational appointment, or within the six-months' period beginning January 1, 1942, becomes eligible for such appointment, under the rules of a state merit system previously approved by the Social Security Board; and (3) that he satisfactorily completes a six-months' probationary period from the date of his induction into the Federal service.

2. Finding that such action is necessary to the more efficient operation of the Government, it is ordered that the state salary rates in force on December 31, 1941, may be continued or amended as to employees affected by paragraph 1 hereof by the Federal Security Administrator until such time as the positions shall be classified in accordance with the administrative provisions and salary rates of the Classification Act of 1923, as amended.

3. With the concurrence of the Civil Service Commission, and for such period of time as the Commission may deem necessary, vacancies occurring after December 31, 1941, in public employment office facilities and services operated by the Social Security Board may be filled by the Federal Security Agency from eligible lists prepared under the rules of a state merit system previously approved by the Social Security Board pursuant to the provisions of the Social Security Act. Persons so appointed may, after the satisfactory completion of a six-months' probationary period, acquire a competitive classified civil-service status in the Federal service, subject to such regulations as the Civil Service Commission may prescribe.

This order is recommended by the Federal Security Administrator as an emergency measure essential to the national defense.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 23, 1941.

[No. 8990]

[F. R. Doc. 41-9717; Filed, December 24, 1941; 11:22 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER II—COMMODITY CREDIT CORPORATION

[1941 C.C.C. Corn Form 1—Instructions]

PART 227—1941 CORN LOANS

INSTRUCTIONS CONCERNING LOANS ON 1941 CORN

These instructions are issued pursuant to the provisions of Title III, sec. 302 (a) of the Agricultural Adjustment Act of 1938, as Amended, and Public Law 74, 77th Congress, Approved May 26, 1941.

Commodity Credit Corporation has authorized the making of loans and the purchase of eligible paper secured by corn stored on farms in certain areas. These instructions state the requirements of Commodity Credit Corporation with reference to making such loans on corn and the purchase of notes secured by corn.

PART 227—1941 CORN LOANS

Sec.
227.1 Definitions.
227.2 Corn areas.
227.3 Amount.
227.4 Maturity and interest rate.
227.5 Farm storage.
227.6 Execution and filing of chattel mortgage.
227.7 Liens.
227.8 Insurance.
227.9 Producer responsibility.
227.10 County agricultural conservation committees.
227.11 Approval of corn note by member of county committee.
227.12 Preparation of documents.
227.13 Source of loans.
227.14 Purchase of loans.
227.15 Release of collateral held by Commodity Credit Corporation.

§ 227.1 *Definitions.* For the purpose of these instructions and the notes and mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* (1) For commercial corn counties an eligible producer shall be any person, partnership, association, or corporation producing corn as landowner, landlord, or tenant upon whose farm: 1. The acreage planted to corn on the farm is not in excess of the corn acreage allotment for the farm; 2. The sum of acreages of wheat, cotton, corn, rice, and tobacco for the farm is not in excess of the sum of the allotments or permitted acreages for such crops under the 1941 Agricultural Conservation Program; 3. Such person's aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco, on all farms in the county, does not exceed his aggregate share of the allotments or permitted acreages for such crops under the 1941 Agricultural Conservation Program on such farms.

(2) For noncommercial corn counties an eligible producer shall be any person, partnership, association, or corporation producing corn as landowner, landlord, or tenant, on whose farm the acreages planted to soil-depleting crops are not in excess of the total soil-depleting allotment for the farm, or the acreages permitted to be grown under the Agricultural Conservation Program without deduction.

(b) *Eligible corn.* Ear corn, from December 1, 1941, to September 30, 1942, inclusive, and shelled corn from June 1, 1942, to September 30, 1942, inclusive, produced in 1941, shall be eligible in all areas except the area in which corn is subject to angoumois moth infestation, provided:

(1) The beneficial interest to such corn is and always has been in the eligible producer; or

(2) Such corn was purchased by an eligible producer who will operate a different farm in 1942 (or 1943) from that operated in 1941 (or 1942) from another eligible producer, and the number of bushels placed under loan is not in excess of the number of bushels produced by the borrower on the farm operated by him as an eligible producer in 1941;

(3) Such corn is merchantable field corn which grades No. 3 or better (except for moisture content or testweight) as defined in the Official Grain Standards of the United States, and that the

testweight is not less than 48 pounds or the moisture content is not in excess of the following:

Ear corn

	Percent
From Dec. 1, 1941, to Mar. 31, 1942, both inclusive	20.5
From Apr. 1, 1942, to Apr. 30, 1942, both inclusive	17.5
From May 1, 1942, to Sept. 30, 1942, both inclusive	15.5

Shelled corn

From June 1, 1942, to Sept. 30, 1942, both inclusive	13.5

Where corn is otherwise eligible, but subject to angoumois moth infestation, eligibility is confined to ear corn pledged for loan between December 1, 1941, and March 31, 1942, both inclusive. The angoumois moth infestation area shall be designated by State Agricultural Conservation Committee subject to approval of the Regional Director, Agricultural Adjustment Administration.

Eligible Storage

(c) Eligible storage shall consist of cribs or bins which are of such substantial and permanent construction as to afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committee.

(d) *Lending agency.* Any bank, cooperative marketing association, corporation, partnership, or person, making loans in accordance with these instructions upon C.C.C. Grain Form A, secured by chattel mortgages on C.C.C. Grain Form AA, which has executed the Contract to Purchase on 1940 C.C.C. Form E.

(e) *Eligible paper.* For the purpose of the Contract to Purchase (1940 C.C.C. Form E) eligible paper shall consist of producers' notes (C.C.C. Grain Form A) which have been approved by a member of the county agricultural conservation committee.*

*§§ 227.1 to 227.15, inclusive, issued under authority contained in sec. 302 (a), 52 Stat. 43, 7 U.S.C., Sup., 1302; and paragraph (10) (a) and (b), 55 Stat. 205.

§ 227.2 *Corn areas.* Commercial and noncommercial corn counties in the various States are listed in 1941 C.C.C. Corn Form 1—Supplement 1.*

§ 227.3 *Amount.* Loans will be made on eligible corn to eligible producers in accordance with the county loan rates as indicated in 1941 C.C.C. Corn Form 1—Supplement 1.[1] Corn classified as "Mixed Corn," the rate shall be 2 cents less per bushel. A bushel of ear corn shall be determined by using not less than 2.5 cubic feet of ear corn testing not more than 15.5 percent in moisture content. A deduction from the number of bushels of ear corn so computed will be made for moisture content in excess of 15.5 percent in accordance with the following schedule:

Moisture content percent:	Deduction (percent)
15.6 to 16.5	2
16.6 to 17.5	4
17.6 to 18.5	6
18.6 to 19.5	8
19.6 to 20.5	10
Above 20.5	No loan

[1] Filed as part of the original document. Copies may be obtained from the Commodity Credit Corporation.

A bushel of shelled corn shall be determined by using not less than 1.25 cubic feet of shelled corn.*

§ 227.4 *Maturity and interest rate.* Loans will be available from December 1, 1941, to September 30, 1942, inclusive, and bear interest at the rate of three percent (3%) per annum. Loans mature on August 1, 1944, unless they are called at an earlier date by Commodity Credit Corporation.*

§ 227.5 *Farm storage.* The county agricultural conservation committees will supervise the inspection of storage structures, measuring, and sealing the corn by an inspector, and will arrange for moisture testing and grading of samples. Chattel mortgages covering the corn must be executed, and filed in accordance with the applicable State law. Producers may obtain information and assistance from the county agricultural conservation committee in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant, the expiration date of the lease must be given in section 1 (c) of the chattel mortgage. If the expiration date of the lease is prior to September 30, 1944, the landlord shall execute the Consent for Storage, section 6 of C. C. C. Grain Form AA. The consent agreement must also be signed by any other party or parties entitled to possession of the farm prior to September 30, 1944. Although no loan will be approved unless the borrower has control over, or proper consent for, the storage of the corn until September 30, 1944, borrowers completing their loans prior to April 1, 1942, shall be permitted to deliver collateral between August 1, 1942, and October 31, 1942. Delivery will be accepted at a later date provided a justifiable reason has been approved by the county committee, and any borrower who does not wish to continue his loan until August 1, 1944, may deliver the collateral in satisfaction of the loan between August 1, 1943, and October 31, 1943. In any of the foregoing events borrowers must give their county agricultural conservation committee 30 days' written notice of intention prior to delivery. In the event the note is paid or delivery of the collateral accepted in payment of the note prior to maturity of the loan, it shall be understood that the consent for storage agreement is terminated. Producers delivering collateral in satisfaction of loans on or after January 1, 1943, in accordance with the above provisions, will receive a storage allowance as indicated below, less any deficiency due the Corporation.

STORAGE ALLOWANCE

Delivered on or after the following dates:	Amount of credit per bushel (cents)
January 1, 1943	½
February 1, 1943	1
March 1, 1943	1½
April 1, 1943	2
May 1, 1943	2½
June 1, 1943	3
July 1, 1943	3½
August 1, 1943	4

§ 227.6 *Execution and filing of chattel mortgage.* All chattel mortgages will be prepared in quadruplicate, and the original or duplicate copy shall be filed for record in accordance with the respective State laws. The receipt of the recorder, register of deeds, county clerk, auditor, or similar authorized county official, must be completed and executed on one copy of the mortgage to indicate the date of filing or recordation; such copy to be held in the office of the county association. In those instances in which chattel mortgages must be filed in both the county in which the mortgagor resides and in the county in which the corn is stored, the quadruplicate copy of the mortgage must be used for this purpose and an additional receipt from the county official typed or stamped on the copy of the mortgage held in the office of the county association. Except where required for filing, the quadruplicate copy of the mortgage, with the duplicate copy of the note, should be delivered to the mortgagor. In case the quadruplicate copy is used for filing, the mortgagor should be given a copy of the mortgage which may be completed on any copy of the form. A separate mortgage must be completed for corn stored on each quarter section. The triplicate copy of the chattel mortgage shall be forwarded to the Chicago office weekly on all indirect loans and should accompany the original note when such note is submitted to the Chicago office as a direct loan.*

§ 227.7 *Liens.* The corn collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in C.C.C. Grain Form AA. The names of the holders of all existing liens on the pledged or mortgaged corn, such as landlord, laborers, or mortgagees, must be listed in the space provided therefor in the mortgage. The waiver of priority and consent to pledge or mortgage the corn and the payment of the proceeds of the loan and the proceeds of the sale of the corn solely to the producer as contained in the mortgage or in C.C.C. Form AB must be signed personally by all lienholders listed or by their authorized agents; or, if corporation, by the designated officer thereof customarily authorized to execute such instruments. The producer must direct in his note that the proceeds of the loan be made payable to him and/or such other person or concern as he may direct thereon. Producers should read carefully all real estate or other mortgages previously given by them in order to determine whether crops are covered thereby. Any fraudulent representation made in the execution of the note and mortgage and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.*

§ 227.8 *Insurance.* Commodity Credit Corporation will not require primary insurance certificates in connection with 1941 corn loans. Producers may provide such insurance as they see fit. In the event a total loss of collateral occurs from an external cause, with the exception of a loss caused by conversion, the Commodity Credit Corporation will mark the note paid and return it to the borrower. In case of a partial loss, from an external cause except conversion, the note will be credited at loan value, plus interest for the number of bushels on which the loss occurred. If the loss occurs on or after January 1, 1943, the borrower wil be paid the storage allowance in accordance with the amounts due as indicated in § 227.5 of this chapter on the number of bushels credited on the note.*

§ 227.9 *Producer responsibility.* The note and mortgage govern the responsibility of the producer and should be read carefully. In case the producer delivers the corn collateral in payment of his loan, he shall deliver a quantity of shelled corn grading No. 3 or better (except No. 4 on test weight only) equal to the number of bushels upon which the loan was computed. It is important that the producer place his corn in good storage structures and maintain such structures in good repair and protect the corn collateral against damage from weather, rodents, and insects. In those areas subject to insect infestation careful supervision must be maintained and infestation reported immediately to the county committees. Producers are responsible for any deterioration in quantity or quality of the collateral due to insect infestation. In the event producers desire to shell the collateral corn and store same in satisfactory storage, they should request the county agricultural conservation committee for authority to do so.*

§ 227.10 *County agricultural conservation committees.* C.C.C. Grain Form A provides for an approval by the county committee which should not bear a date prior to the date of the mortgage securing such note and which must be signed in each instance by a member of a county agricultural conservation committee of the county in which the corn is stored. The loan rate applicable to the corn produced on any farming unit, regardless of where stored, shall be the loan rate established for the county in which such farming unit is listed under the Agricultural Conservation Program. When a producer stores corn for a loan in a county other than the county in which the corn was produced, the committee for the county where the corn is stored must secure a written certification of eligibility from the county committee where the corn was produced before certifying the loan.*

§ 227.11 *Approval of corn note by member of county committee.* The member of the county agricultural conservation committee who approved a corn producer's note (C.C.C. Grain Form A) by signing in the space provided on such note for the approval thereof by the county agricultural conservation committee, shall, in so approving the note, certify on behalf of such committee that the corn securing the note, the storage structure(s) in which such corn is stored, and the class, quality, and quantity of such corn have been inspected, determined, and sealed in accordance with the requirements of the Commodity Credit Corporation and the Secretary of Agriculture; that the representations set forth in the chattel mortgage securing such note are true and correct; that the chattel mortgage has been properly executed and filed for record in accordance with the State's legal requirements; that satisfactory evidence of the authority of all parties executing the note and chattel mortgage, lien waivers, and consents for storage has been received and any documentary evidence of authority will be held by the committee; that the original or duplicate copy of said mortgage bearing receipt of the county recording official is held by the committee; that a careful search has been made of lien records and to the best of the knowledge and belief of the committee that priority on all existing liens on the corn covered by said mortgage have been duly waived; that consents for storage where necessary have been executed.*

§ 227.12 *Preparation of documents.* Loan documents will be prepared by county agricultural conservation committees. All blanks in C.C.C. Grain Forms A and AA must be filled in with ink, typewriter, or indelible pencil, and no documents containing additions, alterations, or erasures that may result in a material error will be accepted by Commodity Credit Corporation. Substitutions for these forms will not be acceptable.*

§ 227.13 *Source of loans.* It is contemplated that loans will be obtained from banks and other local lending agencies, which, in turn, may sell the notes evidencing such loans to Commodity Credit Corporation. Producer may also obtain loans directly from Commodity Credit Corporation. Notes for direct loans shall be made payable to Commodity Credit Corporation and shall be delivered to the Chicago office of Commodity Credit Corporation. Paper for direct loans tendered by mail, in person, or otherwise, must be delivered or postmarked prior to October 1, 1942. Upon delivery of all necessary documents properly executed and upon approval of the loan, payment shall be made pursuant to the request of the borrower contained in his note.*

§ 227.14 *Purchase of loans.* Commodity Credit Corporation will purchase without recourse, eligible paper as defined in § 227.1 (e) of this chapter, only from lending agencies which have executed and delivered to the regional director of Commodity Credit Corporation serving the area a Contract to Purchase (1940 C. C. C. Form E). Notes held by lending agencies may be tendered to Commodity Credit Corporation, Chicago, Illinois, at any time prior to July 1, 1944, but must be tendered for purchase upon request of the Commodity Credit Corporation and in no event later than July 1, 1944. The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes, plus accrued interest from the respective dates of disbursement to the date of payment of the purchase price at the rate of 1½ percent per annum. Under the terms of the Contract to Purchase, lending agencies are required to report weekly on 1940 C.C.C. Form F all payments or collections on producers' notes held by them, and to remit promptly to Commodity Credit Corporation an amount equivalent to one and one-half percent (1½%) interest per annum on the principal amount collected from the date of disbursement on the note to the date of payment. In connection with the 1941 corn loan program, lending agencies must submit notes and reports to the Regional Director, Commodity Credit Corporation, 208 South La Salle Street, Chicago, Illinois.*

§ 227.15 *Release of collateral held by Commodity Credit Corporation.* A producer may obtain the return of notes secured by corn upon his request in writing and payment of the principal amount due thereon with accrued interest and proper charges. The producer's note will be transmitted to an approved bank with instructions to deliver such note to the producer, or his agent, upon the payment of the full amount due thereon with accrued interest and proper charges. Where such note is sent to an approved bank for collection, instructions shall be given to return the note to the sender if payment and release are not effected within 15 days. All charges and expenses of the collecting bank shall be paid by the producer. County agricultural conservation committees will be requested to release the mortgage of record after payment in full either by the filing of an instrument of release or by a margin release on the county records.

If the producer's note is made payable directly to Commodity Credit Corporation, and he desires to obtain the release of collateral upon payment, as aforesaid, he should notify the Chicago office of Commodity Credit Corporation. If his note was made payable to a payee other than Commodity Credit Corporation, the producer should notify the payee named therein.

The producer may repay his note in full, obtaining release of all corn securing payment of the note direct to the lending agency, or he may obtain release of one or more complete cribs or bins or a part of a crib or bin of corn under loan by paying the amount loaned, plus interest, on the corn which he wishes released through the county committee.*

[SEAL] J. B. HUTSON,
President.

NOVEMBER 11, 1941.

[F. R. Doc. 41-9692; Filed, December 23, 1941; 12:33 p. m.]

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[P-1941-4]

PART 741—PARITY PAYMENTS

SUBPART C—1941

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1941 (Public Law No. 658, 76th Congress, approved June 25, 1940; 54 Stat. 532, 563), as amended by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Congress, approved July 1, 1941; 55 Stat. 408, 436), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45, 7 U.S.C., Sup., 1301, 1303), as amended, the 1941 Parity Payment Regulations, as approved on September 13, 1940, and amended on April 16, 1941, and August 16 and 20, 1941, are hereby further amended as follows:

1. Section 741.202 [1] (e) is amended to read as follows:

§ 741.202 *Rate of payment and deduction.*

* * * * *

(e) *Tobacco.*

(i) Payment: The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each acre of the following kinds of tobacco:

	Cents
Flue-cured (types 11–14)	0.6
Fire-cured (types 21–24)	.2
Cigar (types 42–44, 46, 51–55)	.7

(ii) Deduction: The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage:

	Cents
Flue-cured (types 11–14)	6.0
Fire-cured (types 21–24)	2.0
Cigar (types 42–44, 46, 51–55)	7.0

2. Section 741.205 [2] is amended to read as follows:

§ 741.205 *Aggregate performance.* Notwithstanding any other provisions of these regulations, the payment to any person whose aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco on all farms in the county does not exceed his aggregate share of the allotments or permitted acreages under the 1941 Agricultural Conservation Program on such farms shall not be less than the sum of his shares of the payments computed under § 741.202 hereof, with respect to each such allotment on each farm on which (1) the acreage of a commodity on the farm does not exceed the acreage allotment determined for the commodity under the 1941 Agricultural Conservation Program and (2) the sum of the acreages of corn, cotton, wheat, rice, and tobacco does not exceed the sum of the allotments or permitted acreages of such crops under the 1941 Agricultural Conservation Program, unless the State committee finds that such person's aggregate share of the 1941 acreages of wheat, cotton, corn, rice, and tobacco on all farms in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms to such an extent as to offset substantially the performance on the farm or farms with respect to which payment might otherwise be made.

Done at Washington, D. C., this 23d day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9691; Filed, December 23, 1941; 12:33 p. m.]

[1] 6 F.R. 4130.
[2] 6 F.R. 413.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER IX—TRANSPORT

PART 93—TRANSPORTATION OF INDIVIDUALS

§ 93.6 *Remains.* (a) During the period that the United States is at war, the shipment home of remains from foreign possessions and other stations outside the continental limits of the United States is suspended. (R.S. 161; 5 U.S.C. 22) [Letter AGO dated December 13, 1941, AG 293.8 (12-9-41) MB-A-M]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9702; Filed, December 24, 1941; 9:54 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3656]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF R. T. VANDERBILT COMPANY, INC., ET AL.

§ 3.24 (c) *Coercing and intimidating—Customers or prospective customers of competitors—By threatening infringement suits, not in good faith:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Patent rights.* In connection with the offer, etc., in commerce, of pyrophyllite, and among other things, as in order set forth, (1) directly, or by implication or innuendo, either orally or by letters, circulars or any other means, representing that the Sproat patents, or any other patent owned or controlled by the respondents, or either of them, confer upon the respondents, or either of them, the exclusive right to use pyrophyllite in the manufacture of semi-vitreous earthenware bodies, or that said patents confer the exclusive right upon the respondents, or either of them, to sell or supply pyrophyllite to be used in the manufacture of semi-vitreous earthenware bodies; and (2) directly, or by implication or innuendo, either orally or by letters, circulars, or any other means, threatening any person, firm or corporation with patent infringement or damage suit, or other legal action, in bad faith, for the purpose of diverting the trade of any competitor to the respondents; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, R. T. Vanderbilt Company, Inc., et al., Docket 3656, December 16, 1941]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with the offer, etc., in commerce, of pyrophyllite, and among other things, as in order set forth, (1) licensing the use of the Sproat patents, or any other patent owned or controlled by the respondents, or either of them, on the condition, agreement or understanding that the licensee shall purchase from the respondents, or either of them, the pyrophyllite used in the process covered by any of said patents; (2) licensing the use of the Sproat patents, or any other patent owned or controlled by the respondents, or either of them, upon the condition, agreement or understanding that the licensee shall not purchase or procure from a competitor of respondents the pyrophyllite used in the process covered by any of said patents; and (3) making any sale, or contract or agreement for sale, of pyrophyllite, on the condition, agreement or understanding that the purchaser thereof shall not use, in the manufacture of semi-vitreous earthenware, pyrophyllite purchased from or supplied by a competitor of respondents; prohibited. (Sec. 3, 38 Stat. 731; 15 U.S.C., sec. 14) [Cease and desist order, R. T. Vanderbilt Company, Inc., et al., Docket 3656, December 16, 1941]

In the Matter of R. T. Vanderbilt Company, Inc., a Corporation, and Standard Mineral Company, Inc.

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the joint answer of the respondents, the testimony and other evidence, the report of the trial examiner thereon and exceptions to said report, briefs in support of the complaint and in opposition thereto, and oral argument by the attorney for the Commission and the attorney for respondents, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act and the provisions of section 3 of an Act of Congress approved October 15, A. D., 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" and the amendments thereto:

It is ordered, That the respondents, R. T. Vanderbilt Company, Inc., and Standard Mineral Company, Inc., their officers, directors, representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pyrophyllite in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Directly, or by implication or innuendo, either orally or by letters, circulars or any other means, representing that the Sproat patents, or any other patent owned or controlled by the respondents, or either of them, confer upon the respondents, or either of them, the exclusive right to use pyrophyllite in the manufacture of semi-vitreous earthenware bodies, or that said patents confer the exclusive right upon the respondents, or either of them, to sell or supply pyrophyllite to be used in the manufacture of semi-vitreous earthenware bodies.

2. Directly, or by implication or innuendo, either orally or by letters, circulars, or any other means, threatening any person, firm or corporation with patent infringement or damage suit, or other legal action, in bad faith, for the purpose of diverting the trade of any competitor to the respondents.

3. Licensing the use of the Sproat patents, or any other patent owned or controlled by the respondents, or either of them, on the condition, agreement or understanding that the licensee shall purchase from the respondents, or either of them, the pyrophyllite used in the process covered by any of said patents.

4. Licensing the use of the Sproat patents, or any other patent owned or controlled by the respondents, or either of them, upon the condition, agreement or understanding that the licensee shall not purchase or procure from a competitor of respondents the pyrophyllite used in the process covered by any of said patents.

5. Making any sale, or contract or agreement for sale, of pyrophyllite, on the condition, agreement or understanding that the purchaser thereof shall not use, in the manufacture of semi-vitreous earthenware, pyrophyllite purchased from or supplied by a competitor of respondents.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-9727; Filed, December 24, 1941; 11:36 a. m.]

[1] 4 F.R. 890.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T.D. 5104]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Regulations 103 amended to conform to Public Law 285 (77th Congress), extending Time for Applications, and Changing Procedure, for Certification of National-Defense Facilities and Contracts for Amortization Purposes

In order to conform Regulations 103 [1] [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] to the provisions of Public Law 285 (77th Congress), approved October 30, 1941, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 19.124–1, as added by Treasury Decision 5016, approved October 23, 1940, and amended by Treasury Decision 5049, approved May 29, 1941, the following:

PUBLIC LAW 285, APPROVED OCTOBER 30, 1941

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 124 (f) (1) of the Internal Revenue Code, as amended, is amended to read as follows:

"(1) There shall be included only so much of the amount otherwise constituting such adjusted basis as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after June 10, 1940, as either the Secretary of War or the Secretary of the Navy has certified as necessary in the interest of national defense during the emergency period, which certification shall be under such regulations as may be prescribed from time to time by the Secretary of War and the Secretary of the Navy, with the approval of the President."

SEC. 2. Section 124 (f) (3) of the Internal Revenue Code, as amended, is amended by striking out "sixty days" and inserting in lieu thereof "six months" and by striking out "February 6, 1941" and inserting in lieu thereof "December 1, 1941".

SEC. 3. Section 124 (i) of the Internal Revenue Code, as amended, is amended to read as follows:

"*Protection of the United States.* If the taxpayer has been or will be reimbursed by the United States for all or a part of the cost of any emergency facility pursuant to any contract (in excess of $15,000 in amount) with the United States, made on its behalf after December 31, 1939, by the War Department, the Navy Department, the United States Maritime Commission, or such other department or agency as the President may designate, either—

"(1) directly, by a provision therein dealing expressly with such reimbursement, or

"(2) indirectly, because the price paid by the United States (insofar as return of cost of the facility is used by the United States as a factor in the fixing of such price) is recognized by the contract as including a return of cost greater than the normal exhaustion, wear, and tear: *Provided*, That no such greater return of cost shall be deemed to have been used as a factor in the fixing of such price when the negotiating or contracting officer reports that after careful consideration he is satisfied that such greater return was not included in the price,

no amortization deduction with respect to such emergency facility shall be allowed for any month after the end of the month in which such contract is made unless either the Secretary of War or the Secretary of the Navy certifies to the Commissioner that the interest of the United States is adequately protected with reference to the future use and disposition of such emergency facility. A certificate of like effect may also be issued with respect to emergency facilities for which the taxpayer has not been or will not be so reimbursed. A certificate by either the Secretary of War or the Secretary of the Navy made to the Commissioner, to the effect that under any such contract, reimbursement for all or a part of the cost of any emergency facility is not provided for within the meaning of clause (1) or clause (2), shall be conclusive for the purposes of this subsection. Except in cases of applications therefor filed before December 1, 1941, the certificates provided for under this subsection shall have no effect unless an application therefor is filed either before the expiration of six months after the making of such contract or before the expiration of sixty days after the making of a certificate under subsection (f), whichever is later.

"The reports of negotiating and contracting officers and the certificates provided for in this subsection shall be issued under such regulations as may be prescribed from time to time by the Secretary of War and the Secretary of the Navy, with the approval of the President.

"The terms and conditions of contracts with reference to reimbursement of the cost of emergency facilities and the protecting of the United States with reference to the future use and disposition of such emergency facilities shall be made available to the public."

SEC. 4. The amendments made by this joint resolution [sic] to section 124 of the Internal Revenue Code shall be applicable as if they were a part of such section on the date of the enactment of the Second Revenue Act of 1940.

PAR. 2. Section 19.124–1, as added by Treasury Decision 5016 and amended by Treasury Decision 5049, is amended by striking out paragraph (a); by redesignating subdivisions (b) and (d) as (a) and (c); and by inserting the following in lieu of subdivision (c):

(b) "*Emergency facility*" means any facility, land, building, machinery, or equipment, or any part thereof—

(1) the acquisition of which occurred after June 10, 1940, or the construction, reconstruction, erection, or installation of which was completed after such date, and

(2) any part of the construction, reconstruction, erection, installation, or acquisition of which has, under such regulations as may be prescribed by the Secretary of War and the Secretary of

[1] 5 F.R. 848, 437, 569.

the Navy, with the approval of the President, been certified by the Secretary of the Department concerned as necessary in the interest of national defense during the emergency period (such certificate to have no effect unless an application therefor is filed (A) before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation, or the date of such acquisition, or (B) before December 1, 1941, whichever date is the later).

The term "emergency facility," as so defined, may include, among other things, improvements of land, such as the construction of airports and the dredging of channels.

PAR. 3. The first sentence of § 19.124–2, as added by Treasury Decision 5016, is amended by striking out "the Advisory Commission and" and by inserting "makes" in lieu of "have made". There is inserted immediately following the first sentence of § 19.124–2 the following sentence:

No amortization deduction shall be allowed for any taxable year unless a certificate of necessity pursuant to section 124 (f) (1) is made prior to the making of the election to take the amortization deduction, or prior to December 1, 1941, whichever is later.

PAR. 4. Section 19.124–6, as added by Treasury Decision 5016, is amended by striking out "the Advisory Commission and" wherever occurring therein; and the first sentence of the third, fourth, and last paragraphs of such section is amended by inserting "certifies" in lieu of "certify".

PAR. 5. The second paragraph of section 19.124–7, as added by Treasury Decision 5016, is amended by striking out "the Advisory Commission and".

PAR. 6. Section 19.124–9, as added by Treasury Decision 5016 and amended by Treasury Decision 5049, is amended to read as follows:

§ 19.124–9 *Reimbursement by United States for cost of facility.* If the taxpayer has been or will be reimbursed by the United States for all or a part of the cost of any emergency facility pursuant to any contract, exceeding $15,000 in amount, with the United States, made on its behalf after December 31, 1939, by the War Department, the Navy Department, the United States Maritime Commission, or such other department or agency as the President may designate, no amortization deductions will be allowed with respect to such facility for any month after the end of the month in which such contract is made, unless the Secretary of the Department concerned certifies to the Commissioner that the interest of the United States is adequately protected with reference to the future use and disposition of such facility. Only one certificate of protection is necessary with respect to a particular emergency facility regardless of the number of contracts entered into. For treatment of reimbursements, see § 19.124–6. If the Secretary of the Department concerned certifies to the Commissioner that under a contract no reimbursement is provided for within the meaning of section 124 (i), such certificate shall be conclusive of such fact. Except in the case of applications therefor filed before December 1, 1941, the certificates referred to in this section shall have no effect unless an application therefor is filed before the expiration of six months after the making of such contract or before the expiration of 60 days after the making of a certificate of necessity under section 124 (f) (1) (see § 19.124–1 (b)), whichever is later.

(This Treasury decision is issued under authority contained in sections 1 to 4, inclusive, of Public Law 285 (77th Congress), approved October 30, 1941, and section 62 of the Internal Revenue Code, 53 Stat. 32 (26 U.S.C., Sup. V, 62).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 23, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9695; Filed, December 23, 1941; 3:36 p. m.]

[T.D. 5105]

PART 19—INCOME TAX

Amending Section 19.149–1 of Regulations 103, Relating to Return of Information by Brokers

Section 19.149–1 of Regulations 103[1] [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 5015, approved October 22, 1940, is amended as follows:

(1) By striking out in the first paragraph the last sentence and that part of the next to the last sentence which reads as follows:

"; and, except as provided in the fourth paragraph of this section, the form shall also show the total of the sales, and the total market value of the securities exchanged for the customer or account".

(2) By striking out the third paragraph.

(This Treasury decision is issued under the authority contained in sections 62 and 149 of the Internal Revenue Code (53 Stat. 32 and 65; 26 U.S.C., Sup. V, 62, 149).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: December 23, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41–9696; Filed, December 23, 1941; 3:36 p. m.]

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[1] 5 F.R. 348, 437, 569.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

[Administrative Order—Supp. 6, Dec. 23, 1941]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Economic Defense Board, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President, promulgated July 17, 1941 (6 F.R. 3555), the following Supplement No. 6 containing certain additions to, deletions from, and amendments to "The Proclaimed List of Certain Blocked Nationals", promulgated July 17, 1941, is hereby promulgated.

Date: December 23, 1941.

By direction of the President.

CORDELL HULL,
Secretary of State.
HENRY MORGENTHAU, JR.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Economic Defense Board.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

ADDITIONS

ARGENTINA

Aachen and Munich, Cia. de Seguros; Corrientes 330, Buenos Aires.
Arai, Takao Soto.
Argento, Mario; Buenos Aires.
Bekker, Werner; Sarmiento 212, Buenos Aires.
Brauhardt & Lutzeler; Tacuari 591, Buenos Aires.
Calera Avellaneda, Soc. Anón; Bmé. Mitre 226, Buenos Aires.
Cine Alvear; Buenos Aires.
Daido Baiki Kaisya Ltda.
Ducati Argentina S. R. L.; Lavalle 1675, Buenos Aires.
Feise, Herman; Sarmiento 212, Buenos Aires.
Gran Cine Teatro San Martín; Buenos Aires.
Hoter, Guillermo; Victoria 1138, Buenos Aires.
"I. M. A. P.", S. R. L.; Sarmiento 212, Buenos Aires.
Kanematsu & Co., F.; Buenos Aires.
Kawai, Kingo.
Kuwahara, Kiyozo; Buenos Aires.
La Mannheim, Cia. de Seguros; Corrientes 330, Buenos Aires.
Mayrhofer & Cia., S. R. L., Ludovico; Pueyrredón 930, Buenos Aires.
Mitsui Bussan Kaisha.
Okamoto, Hidenosuke.
Pabstmann, Teodoro; Paseo Colón, 520, Buenos Aires.
Reinhold, F.; Casilla de Correo 2034, Buenos Aires.

Reinke, Gustavo; Bolívar 144, Buenos Aires.
Storz, Carlos W.; Tucumán 839, Buenos Aires.
Trombino, Guillermo C.; Esmeralda 191, Buenos Aires.
Volberg, Enrique (Heinrich); Leandro N. Alem. 168, Buenos Aires.
Von Engels, José; Avenida de Mayo 981, Buenos Aires.
Yamamoto Hnos.; Talcahuano 487, Buenos Aires.

BOLIVIA

Anzarut, Marco; Cochabamba and La Paz.
Farmacia Nueva; La Paz.
Industrias Bolivianas Unidas, S. A.; Casilla 215, La Paz.
Koester, Germán; La Paz.
Monroy, Victor; La Paz.
Olmos, Emilio M.; La Paz.
Penso, Oni; Casilla 161, Santibañez 62, Cochabamba; and La Paz.
Tames, César; La Paz.
Transocean; La Paz.

BRAZIL

Administrator Industrial, S. A.; Rua Guaycurus, São Paulo.
Ando e Cia. Ltda.; Rua Boa Vista 15, São Paulo.
Associação Central Nipo-Brasileira; Praça Getulio Vargas 2, Rio de Janeiro.
Bancaria Brazcot Ltda., Casa; Rua Boa Vista 116, São Paulo.
Bancaria Immigratoria Ltda., Casa; Rua 15 de Novembro 155, Santos.
Bancaria Tozan, Casa; Rua Florencio Abreu 318, São Paulo.
Bedrikow, Adolpho; Rua 15 de Novembro 233, São Paulo.
Bicker, Harald; Rio de Janeiro.
Boelsums, Boelsum, Johannes; Rio de Janeiro.
Cinema Apollo; Santa Cruz.
Cinema Avenida; Santo Angelo.
Cinema Bastos; Fazenda Bastos, São Paulo.
Cinema Gymnastico; Santa Cruz.
Commercial do Japão, Agencia (Nippon Trade Agency); Avenida Rio Branco 193, Recife.
Cooperativa Agrícola Nipo Bandeirante; Rua Antonio Pais 101, São Paulo.
Cooperativa Central Nippo Brasileira; Praça João Mendes 154, São Paulo.
Cooperativa Nippo Brasileira; Praça João Mendes 154, São Paulo.
Empreza Constructora Bratac Ltda.; Praça da Sé 399, São Paulo.
Hama e Companhia; Rua Paula Sousa 290, Rio de Janeiro.
Hara e Companhia Ltda.; Praça da Sé 54, São Paulo.
Hase, Saburo; Rua Irma Simpliciana 102, São Paulo.
Higashi, Johachi; Rua Ajandega 110, Rio de Janeiro.
Imaizumi, Imisao; Rua Boa Vista 116, São Paulo.
Imaki, Masuo; Avenida Nilo Pecanha 151, Rio de Janeiro.
Imbras Limitada; Rua Bella Cintra 1541, Rio de Janeiro,

Importadora Nipo-Brasileira Ltda., Soc.; Rua Bendito Hipolito 10, Rio de Janeiro.
Industrias de Adubos Kanakao, S. A.; Rua Theodoro Sampaio 2756, and Rua Itapura Miranda 17, Rio de Janeiro.
Industrias Refrigeração Polonor, S. A.; Rua Barra Funda 698, São Paulo.
Ito, Yozo; São Paulo.
Kanakao, S. A.; Rua Theodoro Sampaio 2756, and Rua Itapura Miranda 17, Rio de Janeiro.
Kimura, Yoshikichi; São Paulo.
Koga, Genzabro; Fazenda Bastos, São Paulo.
Konishi e Companhia Ltda.; Rua Senador Feijó 177, São Paulo.
Machinas Metro Ltda.; São Paulo.
Maritima Lagunense Limitada, Agencia; Laguna, Santa Catharina.
Matsumoto, Kasuhiro; São Paulo.
Metallurgica Mar; São Paulo.
Mogi, Seigo; Praca Antonio, Prado 9, São Paulo.
Murai, Yo.
Nakano Iwao; Rua Anhangabahu 911, São Paulo.
Nishio, Hagemu; Rua Rosario 113–a, Rio de Janeiro.
Nishiyma and Cia., Irmaos; Londrina and Cornelio Procopio, Parana.
Noguchi e Cia; Mercado Municipal, Rio de Janeiro.
O Japão São Paulo; Rua Libero Badaró 472, São Paulo.
Oficinas Mechánicas Aeronáuticas do Brazil, Ltda.; Rua México 90, Rio de Janeiro.
Osaki, Takahashi e Cia. Ltda.; Rua Visconde de S. Vicente 83, Rio de Janeiro.
Petsch, Willy; Porto Alegre.
Pfaff, Casa; Avenida 7 de Setembro 38, Bahia.
Reis, Wilhelm; Avenida Almirante Barroso 81, Rio de Janeiro.
Ricotti, Attilio; Avenida Rangel Pestana 1086–88, São Paulo.
Rotundo and Companhia Ltda.; 39 Rua Visconde Inhauma, Ríó de Janeiro.
Sasano, Fukusi; Rua Goiaz Piedade 564, Rio de Janeiro.
Sateh, Sei; Rua Rosario 69, Rio de Janeiro.
Sawamura, K; Rua General Cámara 104, Rio de Janeiro.
Seibel & Cia; Rua Voluntarios da Patria 608, Porto Alegre.
Shiino, Yutaka; Rua Theophilo Ottoni 113, Rio de Janeiro.
Tagawa, Seiichi; Rua Dr. Falcão Filho 56, São Paulo.
Tuji, Kotaro; Pará.
Uyetsuka, Tsukasa; Pará.
Yamada, Tadashi.
Yamagata, Saro e Cia. Ltda.; Niteroi, Rio de Janeiro.
Zaki, Shirato e Cia; Rua Rosario 69, Rio de Janeiro.

CHILE

Arrau, Raúl; Santiago.
Asai, K.; Avenida B. O'Higgins 200, 741 Santiago.
Campos Franco, Fausto; Avda Buzeta 290, Santiago.
"Floralia" Fábrica de Perfumes, Ltda.; Calle Toaca 2522, Santiago.
Fotographia Japonesa; Avenida B. O'Higgins 200, 741 Santiago.
Fotographia Tsunekawa; San Antonio 39, Santiago.
Friederichs, Ernest; Esmeralda 1149, Valparaiso.
Friederichs, Herman; O'Higgins 1260, Valparaiso, and Bandera 620, Santiago.
Friederichs, Kurt; Esmeralda 1149, Valparaiso.
Friederichs & Compañía; O'Higgins 1260, Valparaiso, and Bandera 620, Santiago.
Friederichs Yung, Gustavo; O'Higgins 1260, Valparaiso, and Bandera 620, Santiago.
Hagiwara, Yonosuke; Calle Ramón Nieto 920, Santiago.
Hombo, Casa; Pasaje Matte, 49, Santiago.
Hombo Hombo, Takayasu; Pasaje Matte 49, Santiago.
Iriarte Hnos; San Joaquín 3525, Santiago.
Japonesa, Casa; Av. Pedro Montt 2139, Valparaiso.
Kanda, Karamatsu; Barros Arana 409, Concepción
Kanda, Watanabe & Cia, "El Japon"; Barros Arana 409, Concepción.
Kawaguchi, K.; Santiago.
Kawamura, K.; Santiago.
Koch, Hermann; Casilla 19–D, Punta Arenas.
Liebherr, Hermann; Calle Tosca 2522, Santiago.
Makatsuka, Sueyuke; Calle Ramón Nieto 920, Santiago.
Marimoto Jimbo, Kanji, Santiago.
Matsukawa, S.; Santiago.
Matsumoto Josie, Julio; Avenida B. O'Higgins 2488, Santiago.
Mercería Chile, Ltda. Sociedad; Esmeralda 1149, Valparaiso.
Miramoto, I.; Santiago.
Miyake, Teruo; Agustinas 972, Oficina 613–4, Casilla 69–D, Santiago.
Mizokoshi, Tatsuo; Nueva York 52, Piso 7, Oficina 11, Santiago.
Muffeler, Peter; Iquique and Arica.
Nomura, Fukunosuke; Nueva York 52, Piso 7, Oficina 11, Santiago.
Okayama, M.; Santiago.
Orth, Rodolfo; Miguel Claro 1314, Santiago.
Saito, Nagasi; Barros Arana 409, Concepción.
Schadenberg, Enrique; Calle Roca 960, Punta Arenas.
Schauenburg, August; Margarita 2320, Santiago.
Shigemitsu, Kito; Avenida Pedro Montt 2139, Valparaiso.
Shimizu, T.; Santiago.
Takenaka, Takeshi; Valparaiso.
Tsukame, Alejandro; Sazie 100, 860 and Pedro Valdivia 47, Santiago.
Tsunekawa, Guillermo; San Antonio 39, Santiago.
Vernal y Cia., L.; Lira 759, Santiago.
Watanabe, Moyosuke; Barros Arana 409, Concepción.

Weppelmann Koehne, Alberto; Bandera 620, Santiago.
Yamamoto Oyama, Jorge; Avenida B. O'Higgins 2488, Santiago.

COLOMBIA

Almacén Cocoa; Calle 13, Bogotá.
Bandoh, I.; Edificio de la Bolsa, Bogotá.
Bandoh, K.; Barranquilla.
Barthels, Herbert; Cartagena.
Bermúdez L., Manuel; Barranquilla.
Claussen, Guillermo; Barranquilla.
Crocker, Wilhelm; Bogotá.
Denk, Hans; Bogotá.
Doku, J.; 20 Julio, Barranquilla.
Doyle, William; Apartado 678, Barranquilla.
Freitag, Werner (Walter); Avenida 2a de Bellavista entre Calles 10 y 11, Barranquilla.
Geithner, Herbert; Medellín.
Grünwaldt, Alfredo; Barranquilla.
Heidmann, Wilhelm; Camino Arriba No. 10, Apartado 144, Cartagena.
Henning, Karl; Cartagena.
Heumann, Erwin; Barranquilla.
Hiroto, O.; Bogotá.
Igarishi, Shiro; Calle 13 No. 13–93, Bogotá.
Igarishi Almacén Cocoa; Calle 13, Bogotá.
Ingenieros Lignarolo; Apartado 318, Cali.
Ishi Yoshio.
Jost, Alfredo; Barranquilla.
Joyería "La Esmeralda"; Carrera 6 Entre Calles 11 y 12, Cali.
Kalbfleisch, Karl; Medellín.
Mancini, Adalgiso; Barranquilla.
Mundt, Carl; Bogotá and Medellín.
Nishizawa, Takeo; Barranquilla or Cartegena.
Ogawa, K.; Barranquilla.
Ogawa, Michi "Tokyo Merchants".
Prussmann, Günther; Medellín.
Rehbein, Alfredo; Barranquilla.
Reisner, Hermann; Bogotá.
Salmon, Heinz; Bogotá.
Schaefer, Nikolaus; Bogotá.
Schmieder, Wilhelm; Bogotá.
Schwanhaeuser, Heinz; Bogotá.
Sealman, Heinz; Bogotá.
Stubbs, Edgar; Bogotá.
Tanaka, Johatan; Cali.
Tieck, Hans (Dr.); Barranquilla.
"Tokyo Merchants".
Umbreit, Fritz; Bogotá.
Yamanaka, Sinuilco; Barranquilla.

COSTA RICA

Fabian, Carl (Carlos); Apartado P., San José.
Fabian y Cia., Victor; Apartado P., San José.
Hernández, Luis; Apartado 1294, San José.
Rothe, Fernando; San José.
Wiessel, Agencias; San José.
Wiessel, Carlos M.; San José.
Wiessel, Federico B; San José.
Wiessel y Cia., Federico; Apartado 1790, San José.

ECUADOR

Moller, Hermann; Casilla 930, Guayaquil; and Calle Bolivia y Venezuela, Quito.
Moller, Wilhelm; Casilla 930, Guayaquil; and Calle Bolivia y Venezuela, Quito.
Nacional de Ampolletas, Compañía; Casilla 1318, Guayaquil.
Rota, Luigi; P. O. Box 414, Quito; and 205 Chimborazo Street, Guayaquil.
Schroeder, Otto; Simón Bolívar 401, Guayaquil.
Suzuki, Toshitake; Calles Bolívar y Coronell, Guayaquil.

EL SALVADOR

Almacén Littoria; Frente Teatro Nacional, San Salvador.
Caruso, Pascual y Rizziero; Frente Teatro Nacional, San Salvador.
Restaurant "Ben Tanabe"; La Leiba.

GUATEMALA

Bunge, Rodolfo (Rudolph); Livingston.
Felsmann, Erica Niederer Bornholdt de; Guatemala City.
Felsmann, Kurt; Guatemala City.
Fernández y Cia., Rafael; 12a Avenida Sur 27, Guatemala City.
Finca "El Jocote"; Santa Cruz Naranjo, Santa Rosa.
Fleck, Arturo; Senahu, Alta Verapaz.
Gross, Augusto; Livingston.
Hauber, Hugo; Livingston.
Lehnhoff, Juan; 2a Avenida Sur 52–A, Guatemala City.
Martín S., Juan; Finca "San Rafael Panán," Santa Barbara, Suchitepequez.
Mersiovsky, Juan; Finca "San Rafael Panán," Santa Barbara, Suchitepequez.
Montenegro, Emilio; Calle 13, No. 50, Guatemala City.
Noack, Guillermo; Senahu, Alta Verapaz.
Schellenberg, Walter; Apartado 101, Guatemala City.
Schreckenbach, Hans M.; Finca "San Rafael Panán", Santa Barbara, Suchitepequez.

HAITI

Otte, Richard William; Aux Cayes.

HONDURAS

Asfura, Jorge; Apartado 25, Tegucigalpa.
Bazar Unión; Tela.
Droguería Alemana; Tegucigalpa.
Engelhardt, Erich; Tela.

MEXICO

Arikado, Crescencio P.; Chihuahua.
Ashida, Federico; Sihuatlán and Manzanillo.
Ashihara, Luis; San Luis Potosí.
Ashihira, Frank; Nacozari.
Boston, S. A.; Uruguay 76, México, D. F.
Botica Japonesa; Manzanillo.
Buto, Luis; Chihuahua.
Dental Japonesa, Casa; Avenida Hidalgo 19, México, D. F.
Distribuidora e Importadora Mexicana, S. A.; Piño Suárez 34 y Avenida Venustiano Carranza 13, México, D. F.
El Ancla; Calle Tlaxcla 427, Ciudad Juárez.
El Centro Mercantil; Avenida Madero y Mejía, Ciudad Juárez.
El Sol Naciente; Guadalajara.
Emy, Casa; Manzanillo.
Endo, Tetsu; Calle Mejía 332 Oeste, Ciudad Juárez.
Explotodora de Riquezas Naturales de México, S. R. L.
Farmacia Mexicana Tsurumi; Cananea.
Fischer, Martin; Uruguay 76, México, D. F.
Furuya, Jorge Ishido; Agua Prieta.
García, S. en C., José L., Importador de Occidente; Madero 333, Guadalajara.
García Hermanos; Colón 467 Pte., Monterrey.
Hasegawa, Tseneburo (Tsunejiro); Avenida Juárez 313, Ciudad Juárez.
Hasutaro y Hermanos, Luis; Calle Mejía y Constitución, Ciudad Juárez.
Hata y Miyata; Reforma 360, Mexicali.
Hayasaka, Kieya; Madera 480, Mexicali.
Hayashi, José; Chihuahua.
Hector y Yamada; Guadalajara.
Hirugami, Manuel; Acapulco.
Hojo, Takaichi; Nogales.
Honda, Kiyoji; Calle Tlaxcia 427, Ciudad Juárez.
Honda, Yoshio; Avenida Madero y 16 de Septiembre, Ciudad Juárez.
Hoshi y Sakaguchi en Compañía; Madero 390, Mexicali.
Hoshiko, Hoashi; Reforma 332, Mexicali.
Hoshiko y Hoshiko; Madero 494, Mexicali.
Hoshiko y T. H. Akira; Reforma 377, Mexicali.
Hotel Central; Manzanillo.
Iijima, Ricardo S.; Manzanillo.
Iijima, Ricardo S. (Junior); Manzanillo.
Inukai, T.; Navojoa.
Ishino, Francisco; Tijuana.
Iwadare, Luis; Gerritos.
Jayasi (Hayashi), Pablo; Agua Prieta.
Jayasi (Hayashi), Pablo Senior), Colonia Morelos.
Jemura (Iemura), Alberto C.; Avenida Lerdo Interior 400, Ciudad Juárez.
Jesús y Kunitaki; Agua Prieta.
Jofi, Hector (Dr.); Colima.
Kagazima, José; Chihuahua.
Kamisima, Mariano; Saltillo.
Kanibo, Casa; Uruguay 94, México, D. F.
Karai, R.; Agua Prieta.
Kasai, Reikichi; Agua Prieta.
Kato, Gengi; Uruguay 94, México, D. F.
Katsubo, Antonio; Naco.
Kawabe, Shigezo (Shiego); Tijuana.
Kazuza, Octavio T. (Dr.); Chihuahua.
Koga, Russico; Agua Prieta.
Komaba, José; Chihuahua.
Komikado, Luis; Nacozari.
Kosonoy, J. Jesús; Manzanillo and Sihuatlán.
Kotake, Martín; Nacozari.
Kurachi, Antonio Y.; San Luis Potosí.
La Alianza; Avenida Madero y 16 de Septiembre, Ciudad Juárez.
La Aurora; Calle Mina 130, Ciudad Juárez.
"La Ciudad de Tokyo"; Guadalajara.
La Japonesa; Avenida Juárez 338–N, Ciudad Juárez.
La Japonesa; Torreón.
La Popular; Calle, Mejía y Constitución, Ciudad Juárez.
La Vencedora; Calle Mejía y Callejón Progreso, Ciudad Juárez.
La Violeta; Calle Mejía 332 Oeste, Ciudad Juárez.
Lápiz Nacional S. A.; San Juan de Letrán and Popocatepetl, México, D. F.
Manufacturera de Hilados y Tejidos de Lana Boston, S. A.; Uruguay 76, México, D. F.
Masakichi, Hayasaka; Madero 492, Mexicali.
Masuoko, Hatsumi; Tijuana.
Matoo, Masaru; Manzanillo.
Matsubara, Juan; Los Mochis, Sinaloa.
Matsui, Namisaburo; Ensenada.
Matsumoto, S. A.; Colima 92, México, D. F.
Matsumoto, Tomas T.; Calle Mina 130, Ciudad Juárez.
Matsumoto, Yasutaro; Tijuana.
Matsusaka, Keiji; Calle Acacias 710, Ciudad Juárez.
Mercería la Universal; Torreón.
Mexicana de Petroleo, Laguna, S. A., Cia.; México, D. F.
México Shigen Kaihatsu Goshi Kaisha.
Miami, P. R. (Dr.); Chihuahua.
Minakata, Enrique G.; Guadalcazar.
Minakata y Cia.; Guadalajara.
Mirahka, Yojino.
Mitoma, Francisco J.; Manzanillo.
Mitsui & Co.; Basilio Badillo 13, México, D. F.
Miyagusuku, Yasu M. O. de; Reforma 320, Mexicali.
Miyasawa, J.; Manzanillo.
Morishita, Shinichi; Ensenada.
Murakami, Teisaburo; Tijuana.
Nagamatsu, Yukio.
Naito, Ben; Ensenada.
Naito, Hachiro; Manzanillo.
Nakagosuke, Kameichi U.; Manzanillo.
Nakakawa y Compañía; Guadalajara.
Nakamura, Maria G.; Manzanillo.
Nakashimada, M.; Mexicali.
Nakashimada y Robles "El Pacífico"; Avenida Reforma 305, Mexicali.
Nevería Central; Agua Prieta.
Nitanda, K.; Ensenada.
Niwa, Carlos; Chihuahua.
Niwa, Shuichi; Altamirano 256, Mexicali.
Nonaka, Yanosuke; Ensenada.
Ogane, K.; Mexicali.
Ogatachayo, Keijiro; Tampico.
Ohtomo, Ricardo; Torreón.
Okuno, Ejiro; Calzada 5 de Febrero 1101, Ciudad Juárez.
Ozawa, Kainoshin O.; Ensenada.
Pablo Corn Mill; Nacozari.
Sakurai, Angel K.; Avenida Madero y Mejía, Ciudad Juárez.
Samaguchi; Insurgentes 469, México, D. F.
Sara, Fumiko M.; Calle Mejía y Callejón Progreso, Ciudad Juárez.
Sato, Yoshio; Avenida Juárez 338–N, Ciudad Juárez.
Sato y Hayasaka, Hashi; Reforma 322, Mexicali.
Shibata, Shin; Tijuana.
Takeguchi, J. M.; Tijuana.
Tanabe Restaurant; Agua Prieta.
Tanaka, Alberto; Guadalajara.
Tanaka, Luis; Torreón.
Tozawa, Francisco; Nacozari.
Tsubuki, Guillermo T. (Dr.); Guadalajara.
Tsuru, Kiso (Dr.); Isabel la Católica 85, México, D. F.
Tsutsumi, Jukichi; Mexicali.
Tsutsumi y Hermanos; Reforma 254, Mexicali.
Ueji (Uyeji), Kintaro; Tijuana.
Ueji (Uyeji), Kunihei; Ensenada.
Umababa, Tokichi; San Luis Potosí.
Watanabe, Francisco; Pedro Loza 19, Guadalajara.
Xukuguachi (Tsukuguchi), Santiago; Chihuahua.
Yabuta, Kunio; Madero 438, Mexicali.
Yabuta, R. K.; Mexicali.
Yakajama (Nakayama), Antonio; Mexicali.
Yamada, Hector Y.; Galeana 221, Durango.
Yamasaki, Felipe; Tapachula.
Yamate, Antonio K.; Monterrey.
Yanome, Ernesto M.; Manzanillo.
Yasaki, Mario; Monterrey.
Yasuhara, S.; Tijuana.
Yokoyama, Antonio; Madero 369, Mexicali.
Yokoyama, José N.; Madero 436, Mexicali.
Zawa, Sabasume; Saltillo.

NICARAGUA

Almacén "La Ganga"; Managua.
Bermúdez V., Manuel; Managua.
Reuter, Arthur; Managua.
Reuter y Cia., Ltda., Arthur; Managua.
Veit, Friederich; Managua.

PANAMA

Hess, Aurora Meléndez de; Bolívar 4062, Colón.
Schell, Albert; Calle 18 Número 9.074, Colón.
Universal Drug Store; Bolívar 4062, Colón.

PARAGUAY

Remmele y Cia.; Presidente Avala 20, Asunción.
Tubos Mannesmann, Soc. Ltda., S. A.; Benjamín Constant 215, Asunción.
Von Stroeher, José; Benjamín Constant 215, Asunción.

PERU

Benavides Gonzales, Augusto; Bodegones 330, Lima.
Benavides & Co., Inc.; Bodegones 330, Lima.
Hasegawa, D.; Lima.
Henriod, Carlos; Lima.
Higa, Ryosei; 305 Ortiz, Lima.
Higashide, S.; Ica.
Imafuku, Dairoki; Lima.
Ishii, T.; Ayacucho 786, Lima.
Kawaii, Sogoro.
Kudo, Rokuichi; Union 522, Lima.
Mitsui Bussan Kaisha; Lima.
Morimoto, R.; Carabaya 415 and Arequipa 238, Lima.
Murono, Gino; Huallaga 488, Lima.
Murono, Monsuke; Huallaga 488, Lima.
Nakagawa & Cia., T.; Callao.
Nakamura, R.; Lima.
Nonomiya, Motozo; 306 San José, Lima.
Oberrauch, Gustavo; Hotel Bolívar, Lima.
Okashi, Yasuiko; 488 Huallaga, Lima.
Okura & Co.
Olympia, S. A., Casa; Hotel Bolívar, Lima.
Oyama, F. K.; Chiclayo.
Shinkawa, Yashiro; 1191 Abancay, Lima.
Showa Tsusho Kaisha.
Susuki, S.; 1062 Abancay, Lima.
Tabata, S.; Ayacucho 786, Lima.
Takahashi, S.
Taniguchi, Nabuo.
Taniguchi, Tadao; Lima.
Transocean; Lima.
Yamamoto, Kaichi; 1062 Abancay, Lima.
Yamamoto & Susuki; 1062 Abancay, Lima.

URUGUAY

Carnevali, Natalio; Montevideo.
Fernández, Nicolás; Larrañaga 4517, Montevideo.
Jaeger, Martín; 25 de Mayo 456, Montevideo.
Martinetto, Domingo; Montevideo.
Martinetto y Compañía—"Fibratex"; Calle Martín Berinduague, esquina Concordia, Montevideo.
Nazari, Vincente; 18 de Julio 1485, Montevideo.
Nazari & Carnevali; 18 de Julio 1485, Montevideo.
Tintorería Franco Española; Boulevard General Artigas 3269, Montevideo.
Vallendor, Hermann; Durazno 1362, Montevideo.

VENEZUELA

D'Ambrosio Hermanos Sucr.; Sur 3 No. 46–47 (Apartado 64), Caracas.
Flores & Cia., Juan Francisco; Pajaritos a la Palma 26, Caracas.
Pennacchiotti, A.; Veroes a Santos, Casilla 1, Caracas.
Pennacchiotti & Salmoiraghi; Veroes a Santos, Casilla 1, Caracas.
Von Jess, Hartwig; Maracaibo.

DELETIONS

ARGENTINA

Fortalit S.A. Industrial y Comercial; Moreno 970, Buenos Aires.
Tresoldi y Cia., Mario; 771 Parana, Buenos Aires.

BRAZIL

Pereira & Companhia, Limitada, Arantes; Rua José Bonifacio 278, São Paulo.

CUBA

Banco Popular; San Rafael 3, Habana.
Govantes, Federico; Avenida de Belgica 481, Habana.
Govantes, Francisco; Avenida de Belgica 481, Habana.
Govantes, Pedro; Apartado 1903, Habana.
Rosenstein (Rossenstein), Isaac.
Sinai, Marcos.
Sinai, Salvatori.

DOMINICAN REPUBLIC

Cristobal Colon, Cia. por Acciones; Ciudad Trujillo.

Explotaciones Industriales, Compania Anonima de; Calle Isabel la Catolica 48, Ciudad Trujillo.

Inversiones Immobilarias, Compania Anonima de; Ciudad Trujillo.

GUATEMALA

Almacen Benjaminson (Kurt Felsmann & Cia.[1]); 7a Avenida Sur, No. 12, Guatemala City.

Calvinisti e Hijo, Marcos; Avenida Ermita, No. 58, Guatemala City.

Finca "Bremen"; Purulha, Baja Verapaz.

Finca "Chinsajquin"; San Pedro Carcha, Alta Verapaz.

Finca "Nueva Aguas Pansael"; Purulha, Baja Verapaz.

Finca "Pampa"; Purulha, Baja Verapaz.

Kloth, Carlos (Finca "Chinsajquin"); San Pedro Carcha, Alta Verapaz.

La Estrella (Carlos Sauerbrey & Co., Sucs.)[2]; 8a Avenida Sur, No. 8, Guatemala City.

Thomae, Roberto (Fincas "Bremen", "Nueva Aguas Pansael", "Pampa", and "San Rafael Fanjul"); Tucuru, Alta Verapaz; Purulha and Salama, Baja Verapaz.

Tropical Trading Company; Guatemala City.

MEXICO

Pasquel, Bernardo; 5 de Mayo No. 43, Vera Cruz, and Hamburgo No. 32, Mexico, D. F.

Pasquel, Jorge; Hamburgo No. 32, México, D. F.

Saro, Pedro.

Talleri y Cia., Sucrs, Eugenio; 16 de Septiembre 66, México, D. F.

Waltz, Paul S. en C.; Calle Buen Tono 18, Apartado Postal 1977, Mexico City.

PANAMA

Knaack, Werner (United Agencies Co., Ltd., S. A.); 86 Ancon Avenue, Panama City.

United Agencies Co., Ltd., S. A. (Werner Knaack); Panama City.

PERU

Almacenes Populares (Ano Ander e Hijo); Jiron Camana 590, Lima, and all branches in Peru.

Ander e Hija, Ano (Almacenes Populares); Jiron Camana 590, Lima, and all branches in Peru.

Novoa, Oscar D.; Puno 441, Lima.

Populares, Almacenes (Ander e Hijo, Ano); Jiron Camana 590, Lima, and all branches in Peru.

AMENDMENTS

ARGENTINA

For Bosch, S. A., Robert, Rio Bamba 340–50, Buenos Aires, *substitute* Bosch, S. A., Robert (Cia. Sudamericana de Magnetos y Equipos Eléctricos); Río Bamba 340–50, Buenos Aires.

For First Pan American Mercantile Corporation, Buenos Aires, *substitute* First Pan American Mercantile Corporation, Argentina, S. R. L.; R. S. Peña 917, Buenos Aires.

BOLIVIA

For "El Fenix", Casa (Miranda & Wintruff); Fenix, Casa El (Miranda & Wintruff); and Miranda & Wintruff (Casa "El Fenix") *substitute* "El Fenix" de F. Wintruff, Casa; La Paz.

COSTA RICA

For Aman Company, Puntarenas, *substitute* Amano Cia.; Puntarenas.

GUATEMALA

For Felsmann & Cia., Kurt (Almacen Benjaminson), 7a Avenida Sur No. 12, Guatemala City, *substitute* Felsmann y Cia., Kurt; Guatemala City.

For Finca "La Interdependencia", Candelaria–Xolhuitz, Retalhuleu, *substitute* Finca "La Independencia"; Retalhuleu.

For Finca "Nuevo Mundo", Malacatán, San Marcos, *substitute* Finca "Mundo Nuevo"; Malacatán, San Marcos.

For Sauerbrey & Co., Carlos (Herederos de Carlos Sauerbrey; La Estrella; Finca "Cafetal Hamburgo"), 8a Avenida Sur No. 8, Guatemala City, and all branches in Guatemala, *substitute* Sauerbrey & Co., Carlos (Herederos de Carlos Sauerbrey; Finca "Cafetal Hamburgo"); 8a Avenida Sur No. 8, Guatemala City, and all branches in Guatemala.

[F. R. Doc. 41-9699; Filed, December 23, 1941; 4:47 p. m.]

[1] This deletion relates only to Almacen Benjaminson.

[2] This deletion refers only to La Estrella and not to Carlos Sauerbrey & Co.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 962—STEEL

Amendment No. 2 to Supplementary Order M–21–b Relating to Steel Warehouses

Section 962.3 (*Supplementary Order M–21–b*) is hereby amended to read as follows:

§ 962.3 *Supplementary Order M–21–b*—(a) *Additional definitions.* For the purpose of this Supplementary Order:

(1) "Warehouse" means any person who receives physical delivery of iron or steel from a Producer for sale or resale in the form received.

(2) "Deliveries" includes deliveries on consignment.

(b) *Schedule A products.* With respect to the iron and steel products listed in Schedule A hereto:

(1) *Quota restriction.* No Warehouse shall accept from a Producer during any calendar quarter, deliveries except within the limits of the quota established for such Warehouse by the Director of Priorities. Application for such quota shall be made on Form PD–83–a. Such quota shall be computed on the base tonnage herein described. The base tonnage of any Schedule A product classification is the tonnage of such product classification shipped by the Warehouse from stock during the first calendar quarter of 1941. The quota of the Warehouse in each calendar quarter is the percentage of such base-tonnage shown in column 2 of Schedule A. The base tonnage or the quota may be changed from time to time by the Director of Priorities.

(2) *Preference rating.* The Director of Priorities will issue to each Warehouse for which a quota is established pursuant to paragraph (b) (1), a certificate assigning a preference rating of A–9 to deliveries of iron or steel to such Warehouse, within the limits of such quota. Such preference rating may be changed from time to time by the Director of Priorities.

(3) *Reports.* Each Warehouse shall file with the Iron and Steel Branch, Office of Production Management, Washington, D. C., on or before the 15th day of each month a report on form PD–83, or in such other form as may from time to time be prescribed by the Director of Priorities.

(c) *Schedule B products.* With respect to the iron and steel products listed in Schedule B hereto:

(1) *Quota restriction.* No Producer shall make to a Warehouse and no Warehouse shall accept from a Producer during any calendar quarter, deliveries except within the limits of the quota which such Warehouse is entitled to receive from such Producer. Such quota shall be computed on the base tonnage herein described. The base tonnage of any Schedule B product classification is the tonnage of such product classification shipped by the Producer to the Warehouse during the corresponding calendar quarter of 1940. By written notice delivered to the Producer on or before February 1, 1942 the Warehouse may change the base tonnage of any product classification to one-fourth of the tonnage of such product classification shipped by the Producer to the Warehouse during the year 1940; but the base tonnage cannot thereafter be changed for any subsequent calendar quarter. The quota which each Producer may deliver to each Warehouse in each calendar quarter is the percentage of such base tonnage shown in column 3 of Schedule B. The base tonnage or the quota may be changed from time to time by the Director of Priorities. A Warehouse whose total quota of all Schedule B products from a Producer for the calendar year is less than 120,000 pounds may accept such total quota from such Producer at any time during the calendar year, provided not more than 40,000 pounds is accepted in any calendar quarter. After approval by the Iron and Steel Branch, Office of Production Management on form PD–83–c, the quota of a Warehouse may be transferred from one Producer to another.

(2) *Preference rating.* A preference rating of A–9 is assigned to deliveries of each product classification from a Producer to a Warehouse up to the percentage of the base tonnage shown in column 2 of Schedule B. The tonnage of each product classification which a Producer may deliver to a Warehouse under the A–9 rating shall be reduced in each calendar quarter by the tonnage of such product classification delivered by the Producer to the Warehouse during such calendar quarter under any higher rating. Where the total tonnage of Schedule B products assigned the A–9 rating in any calendar quarter is less than 40,000 pounds but more than 20,000 pounds, such rating may be applied up to 40,000 pounds.

(3) *Reports.* Each Producer shall file with the Iron and Steel Branch, Office of Production Management, Washington, D. C., on or before April 15, 1942 and quarterly thereafter, a statement showing:

(i) The name and address of each Warehouse to which such Producer made deliveries of any Schedule B product during the preceding calendar quarter, or during the year 1940.

(ii) The tonnage of each such product delivered to each such Warehouse during the preceding calendar quarter.

(iii) The tonnage of each such product delivered to each such Warehouse during the corresponding calendar quarter of 1940 and during the year 1940.

(d) *Limitation of deliveries by warehouses.* Except as permitted by paragraph (e), no Warehouse shall make deliveries of carbon steel plates or of alloy steel from its stock except on defense orders. After making provision for defense orders, and subject to the terms of General Preference Order M–21, a Warehouse may make deliveries of other iron and steel products from its stock to non-defense customers.

(e) *Exemption of certain sales by warehouses.* A Warehouse may, during any calendar month, make deliveries of carbon steel plates, alloy tool steel, stainless steel, and other alloy steel on any unrated order for essential repair or maintenance purposes only: *Provided*, That the total amount of each such material delivered to all customers in this manner during any calendar month shall not exceed ten percent (10%) of the average monthly deliveries of such material by the Warehouse to all customers during the first calendar quarter of 1941: *And further provided*, That nothing contained in this paragraph shall be construed to excuse any person from complying with the applicable provisions of General Preference Order M–14, to conserve the supply and direct the distribution and use of tungsten in high speed steel.

(f) *Special instructions.* The Director of Priorities may from time to time issue specific directions to Warehouses requiring them to earmark stocks or to make deliveries during specified periods in fulfillment of contracts, commitments, or purchase orders for particular purposes or to particular persons. Such directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Priorities, without regard to any preference ratings assigned to particular contracts, commitments, or purchase orders, and without regard to any quota established under paragraphs (b) or (c).

(g) *Foreign warehouses.* The Director of Priorities may establish quotas for Warehouses located outside the United States, its territories and possessions (including the Commonwealth of the Philippines), and may assign an A–9 rating to deliveries to such Warehouses.

(h) *Extension of preference rating.* The A–9 preference rating assigned by this Order may be applied by a Producer to deliveries of Material to be physically incorporated into Material to be delivered by the Producer to a Warehouse under the rating assigned above, or to be used within the limitations of this paragraph to replace in the Producer's inventory Material so delivered. Such application of the rating shall be subject to the following:

(1) No producer may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (2) and (3) below, to replace in his inventory Materials so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(2) To extend such rating a Producer must endorse on each purchase order or contract to be covered by the rating assigned hereunder a statement in the following form, manually signed by an official duly authorized for such purpose:

The undersigned hereby certifies that steel products herein ordered are required to complete purchase order Nos. _____ received from a steel warehouse, preference rating A–9.

_____
(Name of Producer)

By _____
(Duly Authorized Official)

Such endorsement shall constitute a representation to the Office of Production Management and to the person with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. The Seller shall be entitled to rely in such representation unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(3) Each Producer extending the A–9 rating in accordance with this paragraph (h) shall file such reports as may be required from time to time by the Office of Production Management, and until further notice shall file form PD–81 (or, at his election, form PD–81–a accompanied by copies of all endorsed purchase orders or contracts for Material to which the preference rating has been applied by him during the preceding month) on or before the 15th day of each month.

(i) *Effective dates.* This Supplementry Order shall take effect immediately and, unless sooner terminated by direction of the Director of Priorities, shall expire on the expiration date of § 962.1 (General Preference Order M–21).

This amendment shall take effect on January 1, 1942.

Issued this 24th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

OFFICE OF PRODUCTION MANAGEMENT

WASHINGTON, D. C.

Warehouse Quotas Assigned Under Supplementary Order M–21–b

Until further notice, Warehouse quotas of iron and steel products for each calendar quarter beginning January 1, 1942 shall be determined in the manner set forth below:

I. Schedule A products (Base tonnage—Sales from Warehouse stock, 1st calendar quarter, 1941 as approved on Form PD–83–a).

Product classification (column 1)	*Quota percent of base tonnage (column 2)*
1. Ingots, blooms, billets, slabs, tube rounds, sheet and tin bars	100
2 Structural shapes and piling	100
3. Plates (universal and sheared)	100
4. Rails—over 60 lbs.	100
5. Rails—all other	100
6. Tie plates and track accessories, including track spikes	100
7. Hot rolled bars, carbon, including hoops and bands	100
9. Hot rolled bars, alloy	100
10. Cold finished bars, carbon and alloy	100
11b. Tubes (mechanical and pressure)	100
12. Wire rods (for wire drawing only)	100
14. Black plate	100
16. Sheets and strip, hot rolled	100
17. Sheets and strip, cold reduced	100
19. Sheets and strip, all other (including long ternes)	100
20. Tool steel bars	100
21. Wheels and axles	100
22. Forgings, armor plate, and ordnance	100
23. Forgings, all other (rough forgings only)	100
24. Steel castings (rough castings only)	100
25. Skelp	100
26. All other	100

II. Schedule B products (Base tonnage—Shipments from Producers to Warehouse stock during corresponding calendar quarter

of 1940, or (on specific election of Warehouse pursuant to paragraph (c) (1) of Order) one-fourth of total shipments to stock in 1940.

Product classification (column 1)	Percent of base tonnage	
	Rated A-9 (column 2)	Maximum which may be shipped (column 3)
8. Hot rolled bars, concrete reinforcing	80	110
11a. Pipe and tubes (all kinds except mechanical and pressure tubing)	80	110
13. Wire and wire products:		
a. Bale ties, nails, welding rods (uncoated), and wire rope	100	140
b. Wire, woven fence wire, poultry netting, stucco netting, barbed wire, staples, fence posts and gates	70	110
15. Terne and terne plate (short ternes)	70	110
18. Galvanized sheet and strip	70	110

[F. R. Doc. 41-9705; Filed, December 24, 1941; 10:01 a. m.]

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L–2–e, Further Restricting the Production of Passenger Automobiles During the Months of December, 1941 and January, 1942

In accordance with the provisions of § 981.1[1] (*General Limitation Order L–2*, issued September 19, 1941); of § 981.2[2] (*Supplementary General Limitation Order L–2–a*, issued October 24, 1941); of § 981.3[3] (*Supplementary General Limitation Order L–2–b*, issued October 27, 1941); of § 981.4[4] (*Supplementary General Limitation Order L–2–c*, issued November 7, 1941); and of Amendment No. 1 to Supplementary General Limitation Order L–2–b, issued December 10, 1941; all of which said orders the following Order supplements,

It is hereby ordered, That:

§ 981.6 *Supplementary General Limitation Order L–2–e*—(a) *Further restricting the production of passenger automobiles in December 1941.* Anything contained in the above-mentioned Orders to the contrary notwithstanding, and subject to the qualifications provided for in paragraph (d) below, during the period commencing December 1, 1941 and ending December 31, 1941, Producers shall respectively manufacture not more than the following number of passenger automobiles:

Name of producer	*Number of passenger automobiles*
General Motors	67,925
Chrysler Corporation	35,453
Ford Motor Company	28,507
Studebaker	6,626
Hudson	4,857
Nash	4,125
Packard	4,328
Willys-Overland	1,458
Crosley	357

[1] 6 F.R. 4735.
[2] 6 F.R. 5487.
[3] 6 F.R. 5487, 6358.
[4] 6 F.R. 5697.

(b) *Further restricting the production of passenger automobiles during the month of January 1942.* Anything contained in the above-mentioned Orders to the contrary notwithstanding, and subject to the qualifications provided for in paragraph (d) below, during the period commencing January 1, 1942 and ending January 31, 1942, Producers shall respectively manufacture not more than the following number of Passenger Automobiles:

Name of producer	*Number of Passenger Automobiles*
General Motors	45,284
Chrysler Corporation	23,636
Ford Motor Company	19,004
Studebaker	4,417
Hudson	3,238
Nash	2,750
Packard	2,885
Willys-Overland	972
Crosley	238

(c) *Allocation among particular makes, December 1941 and January 1942.* Anything contained in the above-mentioned Orders to the contrary notwithstanding, and subject to the qualifications provided for in paragraph (d) below, each Producer shall continue to distribute his authorized production among various makes in accordance with the option heretofore selected by him for the period commencing August 1, 1941 and ending November 30, 1941. For the month of December, 1941, subject to the qualifications provided for in paragraph (d) hereof, production pursuant to options previously selected by the Producers shall be as follows:

Name of make	Number under option A	Number under option B
Chevrolet		33,885
Buick		12,302
Pontiac		10,768
Oldsmobile		8,815
Cadillac		2,155
Plymouth	18,888	
Dodge	8,897	
Chrysler	4,521	
DeSoto	3,147	
Ford	24,230	
Mercury	3,320	
Lincoln-Zephyr	957	

For the month of January, 1942, subject to the qualifications provided for in paragraph (d) below, production pursuant to options previously selected by the Producers shall be as follows:

Name of make	Number under option A	Number under option B
Chevrolet		22,500
Buick		8,201
Pontiac		7,179
Oldsmobile		5,877
Cadillac		1,437
Plymouth	12,592	
Dodge	5,932	
Chrysler	3,014	
DeSoto	2,098	
Ford	16,153	
Mercury	2,213	
Lincoln-Zephyr	638	

(d) *Qualifications on paragraphs (a), (b), and (c) hereinabove.* In spite of the provisions of paragraphs (a) and (c) hereof any Producer of passenger automobiles may produce in the month of December, 1941 that number of passenger automobiles originally authorized for his December, 1941 production by Supplementary Limitation Order L–2–a, issued October 24, 1941, provided that such Producer's January, 1942 quota as authorized in paragraphs (b) and (c) hereinabove, shall be reduced by whatever number such Producer's December, 1941 production exceeds the December, 1941 quotas fixed by paragraphs (a) and (c) hereinabove. Further, any Producer of Passenger Automobiles may carry over to the month of January, 1942, any portion of his December, 1941 quota as authorized in paragraphs (a) and (c) hereinabove, which he failed to produce in the month of December, 1941: *Provided, however*, That in no event shall any Producer's total production of passenger Automobiles for December, 1941 and for January, 1942, exceed the total of his production for those two months authorized in paragraphs (a) and (b) herein.

(e) *Effect of present order on use of "bright work".* Anything in Supplementary General Limitation Order L–2–b, issued October 27, 1941, and Amendment No. 1 to Supplementary General Limitation Order L–2–b, issued December 10, 1941, to the contrary notwithstanding, any Producer of Passenger Automobiles may use "Bright Work", "bright finish", metal finish or body trim containing copper, nickel, chrome or aluminum on that number of Passenger Automobiles originally authorized for production in the Month of December, 1941, by Supplementary General Limitation Order L–2–b, issued October 27, 1941: *Provided, however*, That if any part of such December, 1941, production, so authorized, is carried over into the month of January, 1942, as authorized by Paragraph (d) hereinabove, then and in that event such "Bright Work", "bright finish", metal finish or body trim containing copper, nickel, chrome or aluminum must be applied on the first passenger automobiles produced in January, 1942.

(f) *Prohibition on use of spare tires on new passenger automobiles.* On and after the effective date of this Order no producer shall equip any new Passenger Automobile produced by him with more than four new tires; nor shall such producer or any other person sell, ship or deliver any new passenger automobile equipped with more than four new tires.

(g) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191, E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 24th day of December, 1941

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9706; Filed, December 24, 1941; 10:01 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

PRICE SCHEDULE NO. 61—LEATHER

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of shoes and other leather products. Hostilities in the Pacific have raised the possibility of decreased supplies of imported hides and skins. At the same time there is every likelihood of an increase in the leather requirements of the armed forces of the United States and of an increase in the quantities of leather and of leather raw materials to be furnished to those who are now our allies. This combination of circumstances, unless forestalled, would result in a bidding up of the prices of leather and leather products, which in time would substantially increase the cost of living of the civilian consumer, and at the same time increase the direct cost of the war effort. As a measure of public interest it becomes necessary to establish maximum prices for leather.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering leather will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1314.51 *Maximum prices for leather.* (a) On and after December 29, 1941, no person shall sell, offer to sell, deliver or transfer leather at prices higher than the maximum prices established herein; except that contracts entered into prior to December 29, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between November 6, 1941 and December 6, 1941, inclusive, of leather of the same type, quality and grade to a purchaser of the same general class.

(2) If during said period no such sale or delivery was made, the maximum price shall be a price in line with the maximum prices for related types, qualities and grades of leather determined in accordance with subparagraph (1) above, to purchasers of the same general class.

(3) No seller of leather shall increase the maximum prices established by this Schedule by requiring a purchaser to pay transportation or other charges in connection with a sale or delivery of leather which such purchaser would not have borne during said period.

(c) Sales at retail are excepted from the operation of this Schedule.*

*§§ 1314.51 to 1314.60, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1314.52 *Less than maximum prices.* Lower prices than those established by this Schedule may be charged, demanded, paid or offered.*

§ 1314.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of leather, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1314.54 *Records.* Every person making sales of leather after December 29, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, quality and grade of leather sold. Every such person shall also on or before January 10, 1942, have available for inspection by the Office of Price Administration a record of his prices for all sales and deliveries of leather during the period between November 6, 1941 to December 6, 1941.*

§ 1314.55 *Reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration, Washington, D. C., as it may, from time to time, require.*

§ 1314.56 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold leather, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 161:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 161:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1314.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of leather, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1314.58 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1314.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Leather" means the tanned or processed skins, other than dressed furs, of animals of all types; the term includes shearlings and is applicable to all types, qualities and grades of leather, whether whole pieces or cut stock;

(c) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.*

§ 1314.60 *Effective date of the Schedule.* This Schedule shall become effective December 29, 1941.*

Issued this 24 day of December, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9707; Filed, December 24, 1941; 10:51 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 1 OF PRICE SCHEDULE NO. 47—OLD RAGS [1]

Footnotes 7, 8, 10, 11, 12, and 13 of § 1347.110 are hereby amended to read as follows:

§ 1347.110 *Appendix A; Maximum prices [1] for cotton rags.*

* * * * *

[7] No. 1 Whites Miscellaneous shall be the same as No. 1 Whites Repacked except that they may contain not more than 5% of lace curtains, 20% of No. 2 Whites Miscellaneous and 10% colored, silk, rayon, or wool rags.

[8] Mixed Whites shall be the same as No. 1 and No. 2 Whites Repacked except they shall contain a minimum of 30% No. 1 Whites Repacked.

[10] No. 2 Whites Miscellaneous shall be the same as No. 2 Whites Repacked but may contain up to but not more than 25% of silk, rayon, or wool rags, or colored rags of any kind.

[11] Twos and Blues Repacked shall be rags of strictly house collection, Mixed Whites, and bleachable colored rags, free of reds, blacks, browns, silks, rayons, or wool.

[12] Thirds and Blues Repacked shall be the same as Twos and Blues Repacked except that Mixed Whites may be eliminated.

[13] Thirds and Blues Miscellaneous shall be the same as Thirds and Blues Repacked but may contain up to but not more than 25% of reds, blacks, browns, silks, rayons, or wool.

(E.O. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 23d day of December 1941. This Amendment No. 1 shall be effective December 20, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9694; Filed, December 23, 1941; 3:35 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—LOAD LINES

[Order No. 187]

ORDER WAIVING THE LIMITATION OF THE ACT OF JULY 3, 1941, TO VOYAGES FROM PORT TO PORT IN THE CONTINENTAL UNITED STATES

DECEMBER 24, 1941.

Pursuant to the authority granted by Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6641), the limitation of the Act approved July 3, 1941 (Public Law 153, 77th Congress, 1st Session), to voyages from port to port in the continental United States is hereby waived, and load lines for vessels (except passenger vessels) on voyages between ports in non-contiguous territory of the United States and ports in the United States and its non-contiguous territory may be established and marked in accordance with the provisions of Part 48—*Foreign Voyages During the National Emergency.*[1] Title 46, C. F. R.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9729; Filed, December 24, 1941; 11:44 a. m.]

[1] 6 F.R. 6307.

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

TREASURY NOTES, TAX SERIES A-1943 DATED AUGUST 1, 1941, AND TAX SERIES B-1943 DUE AUGUST 1, 1943

[1941 3d Amendment to Department Circular No. 667]

DECEMBER 23, 1941.

1. Section IV of Department Circular No. 667,[2] dated July 22, 1941, is hereby amended to read as follows:

IV. PRESENTATION IN PAYMENT OF TAXES

1. During and after the third calendar month from month of purchase (as shown by the date of issue on each note), but not before January 1, 1942, during such time, and under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, notes issued hereunder in the name of a taxpayer (individual, corporation, or other entity) may be presented and surrendered by such taxpayer, his agent, or his estate, to the Collector of Internal Revenue, to whom the tax return is made, and will be receivable by the Collector at par and accrued interest from August 1941, to the month, inclusive (but no accrual beyond August 1943), in which presented in payment of any Federal income taxes (current and back personal and corporation taxes, and excess-profits taxes), or any Federal estate or gift taxes (current and back), assessed against the original purchaser or his estate, but the Collector will accept (a) not more than $1,200 principal amount of notes of Tax Series A-1943, and (b) the amount of the accrued interest thereon, on account of any one taxpayer's liability for each class of taxes (income, estate or gift) for each taxable period: *Provided*, That this limitation shall apply separately to husband and wife on a joint return, and shall apply separately to an owner before death and to his estate for the balance of the same year. The notes must be forwarded to the Collector at the risk and expense of the owner, and, for his protection, should be forwarded by registered mail, if not presented in person.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9731; Filed, December 24, 1941; 11:53 a. m.]

[2] 6 F.R. 5297.

[3] 6 F.R. 3831.

WAR DEPARTMENT.

POSTAL SERVICE AT ATLANTIC BASES

Postal service at Atlantic bases. Section II, Circular No. 166, War Department, 1941, is rescinded and the following substituted therefor:

1. *Bases and APO numbers.* Domestic postal rates and conditions apply to mail addressed to personnel at the Atlantic bases where United States post offices have been established, as follows:

Base	APO No.
Newfoundland: Units at—	
St. John's	801
Argentia	801-A
Stephenville	801-B
Newfoundland Air Port	801-C
Quidi Vidi	801-D
Bermuda	802
Trinidad: Units at—	
Port au Spain	803
Fort Read	803-B
Surinam	803-A
Jamaica	804
Saint Lucia	805
Antigua	806
British Guiana	807
Bahamas (see note)	808
Greenland	809
Iceland	810

NOTE: A United States post office has not yet been established at the Bahamas base. Therefore, domestic postal rates and conditions do not apply to mail addressed to personnel at that base, and the APO number should not be used. Notice will be issued upon establishment of a domestic postal unit at the Bahamas base.

2. *Method of addressing mail to Army personnel at Atlantic bases.* a. Mail addressed to Army personnel at Atlantic bases should show clearly—

(1) Grade, first name in full, middle initial, and last name of the person addressed, followed by his Army serial number, if known.

(2) Letter or number of the company or other similar organization of which the soldier is a member.

(3) Designation of the regiment or separate battalion, if any, to which the company belongs.

(4) The Army post office number and base where located. The location of units in Newfoundland and Trinidad, i. e. St. John's, Argentia, Fort Read, etc., should not be shown as a part of the address on mail; the APO number and "Newfoundland" or "Trinidad" are sufficient. Mail for forces in Surinam should be addressed "APO 803-A, Surinam."

(5) Name and address of the sender in the upper left corner.

b. There should be sufficient space to the left of the address to allow for indorsements by forwarding agencies should it not be possible to deliver the piece of mail at the address given.

c. The following is an example of a correctly addressed envelope:

From John B. Doe,
205 W. ---------- St.,
Boston, Mass.

Private Willard J. Roe (Army serial No.)
Company F,
------th Infantry,
APO 801, Newfoundland.

d. The return address on mail from Army personnel will be shown in the upper left corner as follows:

Private Willard J. Roe,
Co. F, ------th Inf., APO 801,
Newfoundland.

Mr. John B. Doe,
205 W. -------th St.,
Boston, Massachusetts.

(R.S. 161; 5 U.S.C. 22) [Sec. III, Cir. 256, W.D., Dec. 13, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-9701; Filed, December 24, 1941; 9:54 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1217]

PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF A PRICE EXCEPTION TO THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10, FOR TRUCK SHIPMENTS, TO PERMIT THE SALE FOR TRUCK SHIPMENT OF 2 MESH BY 0 RESULTANT COAL BY MINE INDEX NO. 84 IN DISTRICT NO. 10

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 27, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 22, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 10 for the establishment of a price exception to the Schedule of Effective Minimum Prices for District No. 10, for Truck Shipments, to read as follows:

Mine Index No. 84 may sell the resultant coal, produced by degradation in handling of washed 6 x 4" and 6 x 2" coals at Wataga Dock, which passes through a 2 mesh screen at the price of $1.30 f. o. b. transportation facilities: *Provided, however*, That no more than 100 tons of such coal may be disposed of at that price monthly.

Dated: December 23, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9709; Filed, December 24, 1941; 11:17 a. m.]

[Docket No. 1799-FD]

IN THE MATTER OF HORNING-ROSS COAL COMPANY (WALTER F. HORNING) REGISTERED DISTRIBUTOR, REGISTRATION NO. 4507, DEFENDANT

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

The Bituminous Coal Producers Board for District No. 15, complainant herein, having filed a motion dated December 9, 1941, with the Division on December 12, 1941 for permission to withdraw its complaint against the defendant, a registered distributor, dated June 11, 1941 and filed with the Division on June 19, 1941, upon the ground that the violations charged in the complaint in the above-entitled matter were disposed of in a proceeding instituted by the Division against this defendant in the matter of Horning-Ross Coal Company (Walter F. Horning) Docket No. 1783-FD and an order entered therein suspending the registration of this defendant as a distributor for a period of 30 days; and

It appearing to the Acting Director that good cause has been shown why the motion for permission to withdraw the complaint in the above-entitled matter should be granted;

Now, therefore, it is ordered, That the motion to withdraw the above-entitled complaint be and the same is hereby granted without prejudice.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9710; Filed, December 24, 1941; 11:17 a. m.]

[Docket No. 1800-FD]

IN THE MATTER OF STERLING COAL & SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 8712, DEFENDANT

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

The Bituminous Coal Producers Board for District No. 15, complainant herein, having filed a motion dated December 9, 1941, with the Division on December 11, 1941 for permission to withdraw its complaint against the defendant, a registered distributor, dated June 3, 1941 and filed with the Division on June 12, 1941, upon the ground that the violations charged in the complaint in the above-entitled matter were disposed of in a proceeding instituted by the Division against this defendant in the matter of Sterling Coal & Supply Company, Docket No. 1784-FD and an order entered therein suspending the registration of this defendant as a distributor for a period of 30 days; and

It appearing to the Acting Director that good cause has been shown why the motion for permission to withdraw the complaint in the above-entitled matter should be granted;

Now, therefore, it is ordered, That the motion to withdraw the above-entitled complaint be and the same is hereby granted without prejudice.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9711; Filed, December 24, 1941; 11:17 a. m.]

[Docket No. 1801-FD]

IN THE MATTER OF LUMBERMAN'S BRICK AND SUPPLY COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 5757, DEFENDANT

ORDER GRANTING MOTION TO WITHDRAW COMPLAINT

The Bituminous Coal Producers Board for District No. 15, complainant herein,

having filed a motion dated December 9, 1941, with the Division on December 11, 1941, for permission to withdraw its complaint against the defendant, a registered distributor, dated June 3, 1941, and filed with the Division on June 12, 1941, upon the ground that the violations charged in the complaint in the above-entitled matter were disposed of in a proceeding instituted by the Division against this defendant in the matter of Lumberman's Brick and Supply Company, Docket No. 1789–FD and an order entered therein suspending the registration of this defendant as a distributor for a period of 30 days; and

It appearing to the Acting Director that good cause has been shown why the motion for permission to withdraw the complaint in the above-entitled matter should be granted;

Now, therefore, it is ordered, That the motion to withdraw the above-entitled complaint be and the same is hereby granted without prejudice.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9712; Filed, December 24, 1941; 11:18 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS ON PRICE ALLOWANCES BY CODE MEMBERS TO DISTRIBUTORS UNDER SECTION 4 II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; IN RE PETITION OF THE F. P. WEAVER COAL COMPANY, LIMITED, FOR ORDER MODIFYING THE SCHEDULE OF MAXIMUM DISCOUNTS THAT MAY BE ALLOWED TO REGISTERED DISTRIBUTORS IN THE PROVINCES OF QUEBEC AND ONTARIO, CANADA

MEMORANDUM OPINION APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND ORDER DENYING RELIEF AND DENYING REQUEST FOR ORAL ARGUMENT

This is a proceeding instituted upon a petition filed with the Bituminous Coal Division by F. P. Weaver Coal Company, Limited, a registered distributor. The petition requests that General Docket No. 12 be reopened for the amendment of the schedule of maximum discounts so as to allow to distributors in the Province of Ontario, Canada, a maximum discount of 21 cents per ton on coal sold for commercial use exclusive of rail fuel and 25 cents on coal sold for domestic use; and in the Province of Quebec, Canada, a maximum discount of 23 cents per ton on all coal sold for commercial use exclusive of rail fuel, and 28 cents on coal sold for domestic use. The petition requests further an additional allowance for profits.[1]

The petitioner alleged that little evidence was presented at the hearing in General Docket No. 12, held for the purpose of establishing maximum discounts, to show the cost of a distributor doing business in Canada, the only evidence pertaining to such matters being given by representatives of wholly-owned Canadian subsidiaries of United States producers, who have since the establishment of such maximum discounts, been granted relief in the form of revised discounts on their transactions;[2] and that otherwise maximum discounts in amounts similar to those established for certain United States distributors are in effect for independent Canadian distributors notwithstanding differences in their costs.[3] Thus, petitioner alleged, prior to establishment of minimum prices, the average cost of selling bituminous coal in the Province of Quebec was approximately 23 cents per ton and, in the Province of Ontario, approximately 21 cents per ton; accordingly, under the effective maximum discounts, registered distributors in these provinces are, it was alleged, losing as much as ten to fourteen cents per ton on all coal handled by them as distributors.

Pursuant to an Order of the Director, and after notice to all interested persons, a hearing in this matter was held on May 6, 7, and 8, 1941, before Travis Williams, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Appearances were entered on behalf of the original petitioner, the Consumers' Counsel Division,[4] District Boards 1, 2, 3, 4, 6, and 7, The American Coal Distributors Association, and Rochester & Pittsburgh Coal Company. Briefs were filed on behalf of the original petitioner, District Board 1, and the Consumers' Counsel Division. Thereafter, the Examiner made his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, dated October 6, 1941, in which he recommended that the relief requested herein be denied.

[1] Relief is also requested for such other distributors of the Provinces of Quebec and Ontario, Canada, as may elect to appear and intervene.

[2] General Docket No. 12, in re Petition of Rochester and Pittsburgh Coal Company, Order dated October 24, 1940, permitting additional allowances from minimum prices to be made when coal was resold by wholly-owned Canadian subsidiaries to another registered distributor in Canada. See § 304.19 (e) of the Distributors' Rules.

[3] The allowable discounts on coal sold to Weaver for resale is 12 cents and 17 cents per ton; on the greatest amount of coal purchased by Weaver the maximum discount is 12 cents per ton.

[4] Now the Office of the Bituminous Coal Consumers' Counsel.

On November 4, 1941, Weaver filed Exceptions to the Examiner's Report, and requested the opportunity to present oral argument.

1. *Examiner's proposed findings and conclusions.* The issues involved in this proceeding are whether the schedule of maximum discounts should be revised by permitting the allowance of a larger maximum discount to independent distributors of bituminous coal operating in the Provinces of Quebec and Ontario, Canada.

In his report, the Examiner pointed out that section 4 II (h) of the Act, which provides for the allowance of maximum discounts from the established minimum prices, was, in effect, an exception to the general minimum price-fixing pattern contemplated by the Act, and hence was to be strictly construed. The Examiner added that maximum discounts should, of course, reflect the service rendered by a distributor and should not be frozen in view of the fact that in a dynamic industry, such as the bituminous coal industry, costs change. The Examiner found, however, that not only were the cost figures submitted by the companies concerned[5] of a wide range, but all the operating figures themselves were subject to some question. The Examiner found that the figures reported the total costs of doing business in Canada rather than the cost of service rendered United States producers of bituminous coal or the value of said services, and reflected the activities of the companies concerned in capacities other than that of distributors. Indeed, the Examiner noted, the evidence indicated that at least part of the tonnage included in these cost computations was not bona fide distributor tonnage. The Examiner also found that these Canadian distributors could not claim discrimination in relation to their competitors. In view of these findings, the Examiner concluded that granting the relief herein requested would undeservedly reduce the realization of the producers and recommended that the prayers for relief should in all respects be denied.

2. *Weaver's exceptions to the examiner's report.*[6] Weaver's exceptions to the Examiner's Report are in summary, as follows:

1. The Examiner erroneously concluded that section 4 II (h) of the Act should be strictly construed.

2. The added services afforded by distributors in Canada result in added costs which should be reflected in the allowable discounts.

3. The cost figures introduced by the Canadian companies do show the actual cost of selling United States bituminous coal in the Provinces of Quebec and Ontario, Canada.

4. Weaver is merely seeking compensation for its reasonable costs and does not seek a subsidy which would result in a reduced realization to the producers.

5. The Proposed Conclusions of Law and Recommendations of the Examiner are not in conformity to the intent and purpose of the Act, or the evidence introduced at the hearing, or the various findings of fact which were made by the Examiner.

These exceptions are discussed and ruled upon below:

(a) *Exception 1.* Weaver contends that the Examiner's statement that section 4 II (h) of the Act must be strictly construed is contrary to the Congressional purpose to allow a fair discount from the effective minimum prices to distributors and sales agents entitled thereto. Weaver contends that the Division has recognized that the schedule of maximum discounts may have to be revised by allowing additional discounts to subsidiary companies serving parts of Canada.

Such contention by Weaver fails to comprehend the complete finding of the Examiner. Although it is true that the Examiner stated that the maximum discount provision must be strictly construed since the allowance of maximum discounts is, in effect, an exception to the general minimum price fixing pattern contemplated by the Act, the Examiner nevertheless agreed that some latitude must be provided in the allowance of such maximum discounts in view of the changing nature of costs in the bituminous coal industry. Indeed, the Examiner quoted the finding of the Director elsewhere expressed[7] to the effect that "The maximum discounts prescribed should take into account the services rendered by a distributor and should provide a range which is both sufficiently wide duly and reasonably to compensate the distributor for such services, and yet is confined to such limits as not unduly to burden producers or to defeat the purpose of the Act by inducing unduly high discounts."

Nor is there any prejudice because of the relief granted elsewhere in General Docket No. 12 to wholly-owned Canadian subsidiaries. The Director stated that these subsidiaries were really sales agents which had been organized as separate corporations only because of certain Canadian legal restrictions. Therefore, there was added § 304.19 (e) to the Rules and Regulations for the Registration of Distributors which authorized producers to give a distributors' discount to their Canadian subsidiary and an additional distributors' discount if the Canadian subsidiary in turn sold a registered distributor. Such relief did not increase the discounts allowed to the initial distributor as compensation for its services. Accordingly, the contention of Weaver in its first exception must be denied.

(b) *Exception 2.* Weaver states that the evidence indicated that it is actually engaged in the performance of many services in furtherance of the distribution in a foreign country of bituminous coal produced in the United States, the maximum and minimum costs to the distributors in the performance of which were clearly indicated by the evidence and found by the Examiner. In view of such finding by the Examiner, the petitioner submits that the Examiner's conclusion that Weaver is not entitled to discounts to compensate it for the cost of performing such additional services is erroneous.

The record indicates that Weaver incurs certain costs in the performance of certain services not performed by a distributor in the United States due to the fact that it distributes United States bituminous coal in a foreign country. However, the evidence indicated that the costs of such services were passed on to the Canadian consumer. The maximum discounts seek to compensate the distributor for costs whose incidence is upon it and which are not passed on. To allow Weaver to take discounts from the effective minimum prices for cost items which it has already passed on to the consumer would hardly be in the interest of a sound bituminous coal industry and certainly would not fall within the purpose of the statute in providing for the allowance of distributors' discounts.

(c) *Exception 3.* Weaver further contends that the Examiner was in error in finding that the cost figures do not in any event disclose the actual cost of selling bituminous coal produced in the United States in the Provinces of Quebec and Ontario, Canada. Weaver contends that its costs cannot be allocated other than as submitted, and that in any event the evidence showed the cost of selling such bituminous coal.

The cost figures submitted on behalf of the petitioner were, however, not sufficiently detailed to warrant the granting of additional maximum discounts on the basis thereof. Such cost data were complex and presented no clear picture of the actual costs incurred by a distributor of United States bituminous coal in the Provinces of Quebec and Ontario, Canada. Thus, there was no attempt made by Weaver to allocate costs between distributors' tonnage and tonnage otherwise handled despite the differences in obligation assumed; nor were over-all costs of doing business properly allocated. In view of the deficiencies of the data upon which the proposals of Weaver are based, it is apparent that the maximum discounts proposed by it upon the basis of such data would result in the producers making an unreasonable contribution to the maintenance of the selling company and to the profits thereof.

(d) *Exception 4.* Weaver also excepts to the finding of the Examiner that if the discounts supported by petitioner were adopted, the United States producers would be making an unreasonable contribution to the maintenance of the Canadian selling companies of their profits. Weaver contends that it is not seeking a subsidy but only a discount sufficient to permit it to continue to sell United States bituminous coal in a foreign market. The record does not support Weaver's position. A review of the evidence can lead to no other conclusion than that to grant the relief requested herein on the basis of the record would be to require United States producers to compensate Weaver for its costs of doing business whether or not that cost is incurred in connection with the sale of bituminous coal in the Provinces of Quebec and Ontario, Canada, and without regard to the value of the service.

(e) *Exception 5.* Weaver excepts to the Proposed Conclusions of Law and Recommendations of the Examiner on the ground that they are not in conformity to the evidence introduced at the hearing or the intent and purpose of the Act.

The maximum discounts originally prescribed after the hearing held in General Docket No. 12 were set up on the basis of exhaustive study. Petitions to revise the schedule of such discounts must set forth concisely the basis for any revision thereof, if those interests sought to be protected under the provisions of the Act are to be guarded. In order to protect the interests of the producers and all distributors, registered distributors seeking an increase in the maximum discounts must show clearly and concisely their costs attributable to the distribution of bituminous coal. Unless such evidence be in the record, relief cannot be granted.

A careful review of the entire record in this proceeding convinces me that the recommendation of the Examiner is proper.[8]

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and the same hereby are, approved and adopted as Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayer for relief herein be, and it hereby is, denied;

It is further ordered, That the request for oral argument herein be, and the same hereby is, denied.

Dated: December 22, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9713; Filed, December 24, 1941; 11:18 a. m.]

[5] Appearing to request the same relief as Weaver were representatives of Canada Coal, Limited, and Boon-Strachan Coal Company, Limited, both registered distributors.

[6] No exceptions were filed by Canada Coal, Ltd., or Boon-Strachan Coal Co., Ltd.

[7] P. 8 of Director's Findings in General Docket No. 12.

[8] On November 24, 1941, District Board 7, a party herein, filed a statement recommending the adoption of the Examiner's Report.

[Docket No. 1623–FD]

IN THE MATTER OF THE POWER FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 7427, DEFENDANT

ORDER OF SUSPENSION OF REGISTRATION

The Notice of and Order for Hearing in the above-entitled matter dated April 24, 1941, having been duly made pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors promulgated by the Bituminous Coal Division (the "Division") pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 (the "Act") to determine whether Power Fuel Company, a Registered Distributor, Registration No. 7427, defendant in the above-entitled matter, has violated the provisions of the Bituminous Coal Code (the "Code") or Regulations thereunder, and more particularly section 4 II (h) of the Act, Sections (b) and (e) of the Agreement (the "Distributor's Agreement") executed by the defendant pursuant to the Order of the National Bituminous Coal Commission (the "Commission") dated March 24, 1939, General Docket No. 12, and the provisions of the Director's Order dated October 9, 1940, General Docket No. 19, by selling, subsequent to September 30, 1940, substantial quantities of coal for shipment by rail which was produced by H. C. Bonner of Rossiter, Pa., and R. H. Barraclough of Punxsutawney, Pa., code members, and for which minimum prices had not been established; and

The defendant, by instrument dated September 20, 1941, the original of which is on file with the Division, (a) having admitted that said Notice of and Order for Hearing herein was duly served on it on May 8, 1941; (b) having admitted certain violations of the Act and Regulations thereunder as hereinafter set forth; (c) having consented to the making and entry of this Order of Suspension of Registration; (d) having agreed that neither it nor any of its officers, representatives, agents, servants, employees, attorneys or affiliates will act as a registered distributor or receive any discounts from the effective minimum prices either directly or indirectly on coal purchased by it or them or any of them from code members or their agents or representatives during the period of suspension hereinafter described; (e) having agreed that neither it nor any of its officers, representatives, agents, servants, employees, attorneys or affiliates will receive or accept any commissions as sales agents or sub-agents on coal sold during said period of suspension under any sales agency contract entered into or filed with the Division subsequent to August 18, 1941, unless such contract shall have been approved under and for the purposes of this Order; (f) having agreed that during said period of suspension it and they will at all times observe and abide by all the provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, the effective minimum price schedules, and all applicable orders of the Division; and (g) in furtherance thereof having waived (1) a hearing pursuant to said Notice of and Order for Hearing, (2) oral argument and the filing of briefs, (3) the preparation and submission of any report, findings of fact or recommendation, (4) the presentation of oral argument, and (5) the preparation and submission of tentative findings of fact or proposed order; and

The defendant in its said statement dated September 20, 1941, having made representations to the Division as follows:

1. That the defendant is a corporation duly organized and existing under and by virtue of the laws of the State of New York with its principal office located at 1127 Marine Trust Building, Buffalo, New York, and branch office at 221 Main Street, Brookville, Pennsylvania, and has been during the times herein mentioned, and now is, engaged under the powers granted to it by its corporate charter in the business of buying and selling coal;

2. That on May 3, 1939, pursuant to Order of the Commission, entered in General Docket No. 12, the defendant filed with the Division its application for registration as a registered distributor which was accompanied by its Distributor's Agreement, executed April 29, 1939, as condition to granting said application; that said application was approved by the Division on November 16, 1939, and certificate No. 7427 was issued to the defendant authorizing it to act as a registered distributor; that the defendant has ever since the last-mentioned date acted, and is now acting as a Registered Distributor;

3. That the defendant in violation of Sections (b) and (e) of its Distributor's Agreement and the Director's Order in General Docket No. 19 dated October 9, 1940, subsequent to said date, sold run of mine coal for railroad shipment and use as railroad fuel for which no minimum prices, temporary or final, had been established by the Division, produced by H. C. Bonner at his Bonner Mine, Mine Index No. 1122, located in Jefferson County, Pennsylvania, and by R. H. Barraclough at his Startzell and Barraclough Mine, Mine Index No. 1045, located in Jefferson County, Pennsylvania, at a price of $2.05 per net ton f. o. b. the mine which was the effective minimum price established by the Division for such coal from other mines in the locality of the above-named mines;

4. That, through inadvertence, the defendant and the above-named producers had failed to request the establishment of effective minimum prices for rail shipment for coal from the above-named mines; and

5. That, subsequent to the above-mentioned transactions, the Division, upon petition of the Bituminous Coal Producers Board for District No. 1 established effective minimum prices for rail shipment of run of mine coal for use as railroad fuel of $2.05 per net ton f. o. b. the Bonner Mine on January 31, 1941, in Docket No. A–559, and $2.05 per net ton f. o. b. the Startzell and Barraclough Mine on January 25, 1941, in Docket No. A–877;

Now, therefore, based upon the above representations of the defendant, upon the defendant's consent to the making and entry of this Order of Suspension of Registration and the agreements of the defendant, (a) that neither it nor any of its officers, representatives, agents, servants, employees, attorneys or affiliates will act as a registered distributor or accept or receive any discounts from the effective minimum prices either directly or indirectly on coal purchased by it or them or any of them from code members, or their agents or representatives during said period of suspension; (b) that neither it nor any of its officers, representatives, agents, servants, employees, attorneys or affiliates will receive or accept any commissions as sales agents or sub-agents on coal sold during said period of suspension under any sales agency contract entered into or filed with the Division subsequent to August 18, 1941, unless such contract shall have been approved under and for the purposes of this order; and (c) that during said period of suspension it and they will at all times observe and abide by all the provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, the effective minimum price schedules, and all applicable orders of the Division.

It is ordered, That the registration of the defendant, Power Fuel Company, as a registered distributor be and it is hereby suspended for a period of 42 days from the date of the service hereof upon defendant and that the defendant, its officers, representatives, agents, servants, employees, and attorneys and all affiliates of the defendant and all officers and agents or any thereof shall be and they are hereby prohibited from accepting or retaining any discounts from the effective minimum prices either directly or indirectly on coal purchased by it, them or any of them during said period of suspension from code members or their agents or representatives: *Provided, however*, That if the defendant shall not have complied with the provisions of Section 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days before the expiration of said period of suspension, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the defendant during said period of suspension shall continue fully to observe, abide by and remain in all respects subject to all pertinent and applicable provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, the effective minimum prices and all applicable orders of the Division.

It is further ordered, That in the event that the defendant shall hereafter violate any of the agreements set forth in said stipulations this matter may be reopened and such action taken and orders entered herein as may seem just and proper under the circumstances, and that jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9714; Filed, December 24, 1941; 11:18 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 670]

IN THE MATTER OF THE PETITION OF CONTINENTAL AIR LINES, INC., FOR AN ORDER FIXING AND DETERMINING THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR AND THE SERVICES NECTED THEREWITH

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding that hearing is hereby assigned for January 13, 1942, 10 o'clock a. m. (Eastern Standard Time) in Conference Room A of the Departmental Auditorium between 12th and 14th Streets on Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated: December 19, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–9697; Filed, December 23, 1941; 3:54 p. m.]

[Docket No. SR–208]

IN THE MATTER OF FRED B. CANN, RESPONDENT, HOLDER OF AIRLINE TRANSPORT PILOT CERTIFICATE NO. 4044

ORDER ASSIGNING ORAL ARGUMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of December 1941.

Acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 609 and 1004 (a) of said Act, the above entitled proceeding, being a hearing pursuant to a complaint filed by the Administrator alleging certain violations of the Civil Air Regulations, is hereby assigned for oral argument, before the Board on the 29th day of December 1941, 10:00 a. m. (Eastern Standard Time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated: December 16th, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–9698; Filed, December 23, 1941; 3:54 p. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS MONDAY, DECEMBER 15, 1941

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,137	51
2. Virgin Islands	15	1
3. Hawaii	257	23
4. Alaska	44	14
5. California	4,201	1,390
6. Louisiana	1,438	651
7. Michigan	3,196	1,510
8. Texas	3,901	2,045
9. Arizona	304	163
10. Georgia	1,960	1,128
11. South Carolina	1,155	701
12. Kentucky	1,731	1,078
13. Alabama	1,723	1,104
14. Mississippi	1,328	884
15. Ohio	4,201	2,878
16. North Carolina	2,172	1,511
17. New Mexico	323	230
18. Arkansas	1,186	893
19. New Jersey	2,530	1,860
20. Tennessee	1,773	1,451
21. Florida	1,154	902
22. Nevada	67	56
23. Indiana	2,085	1,779
24. Illinois	4,803	4,222
25. Oregon	663	583
26. Delaware	162	143
27. Connecticut	1,039	956
28. Wisconsin	1,908	1,760
29. Idaho	319	295
30. Pennsylvania	6,021	5,768
31. Rhode Island	434	422
32. Vermont	218	212
33. West Virginia	1,157	1,185
34. Washington	1,056	1,093
35. New Hampshire	299	310
36. Massachusetts	2,625	2,741
37. Missouri	2,302	2,470
38. Maine	515	557
39. Oklahoma	1,421	1,558
40. Utah	335	383
41. Colorado	683	812
42. Wyoming	152	184
43. Minnesota	1,698	2,067
44. Iowa	1,544	1,883
45. New York	8,197	10,201
46. Montana	340	466
47. Kansas	1,095	1,545
48. North Dakota	390	589
49. Virginia	1,629	2,507
50. South Dakota	391	606
51. Nebraska	800	1,429
52. Maryland	1,108	2,694
53. District of Columbia	403	9,464
GAINS		
By appointment		1,080
By transfer		35
Total		1,115
LOSSES		
By separation		164
By transfer		92
		256
Total appointments		81,528

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,000.

This report supersedes previous report dated December 15, 1941.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director, and Chief Examiner.

[F. R. Doc. 41–9700; Filed, December 17, 1941; 2:47 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER CHANGING PLACE OF HEARING

DECEMBER 23, 1941.

It appearing to the Commission that: Good cause exists for the transfer of the hearing in the above-entitled matter from Raleigh, North Carolina, to Washington, D. C.;

The Commission orders that: The hearing in the above-entitled matter scheduled to be resumed on January 6, 1942, at 9:45 a. m., in the Federal Court House at Raleigh, North Carolina, be resumed on January 6, 1942, at 9:45 a. m., in the Hearing Room of the Commission at 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41–9703; Filed, December 24, 1941; 9:55 a. m.]

[Project No. 1503]

IN THE MATTER OF STATE OF ARIZONA

ORDER POSTPONING DATE OF HEARING

DECEMBER 23, 1941.

Upon application of the Department of the Interior for good cause shown;

The Commission *orders* that: The hearing in this proceeding heretofore set to commence on January 12, 1942, be and it is hereby postponed until February 9, 1942, at 9:45 a. m., in the hearing room, Arizona Corporation Commission, Phoenix, Arizona.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9704; Filed, December 24, 1941; 9:55 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4145]

IN THE MATTER OF AGRICULTURAL INSECTICIDE & FUNGICIDE ASSOCIATION, ITS OFFICERS, DIRECTORS AND MEMBERS, ALLEGHENY CHEMICAL CORPORATION, ANSBACHER-SIEGLE CORPORATION, GENERAL CHEMICAL COMPANY, A CORPORATION, PHELPS DODGE REFINING CORPORATION, AND TENNESSEE CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant, to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, January 8, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9726; Filed, December 24, 1941; 11:36 a. m.]

Reference

DEC 29 1941

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 6 NUMBER 251

Washington, Saturday, December 27, 1941

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[6th Supplement to General Order No. C-28]

ADDITIONAL REGULATIONS RELATING TO NATIONALITY, NATURALIZATION, REGISTRATION OF ALIENS, AND RELATED MATTERS

DECEMBER 20, 1941.

Pursuant to the authority conferred by the Nationality Act of 1940, particularly section 327 thereof (54 Stat. 1150; 8 U.S.C. 727), the Alien Registration Act, 1940, particularly section 37 thereof (54 Stat. 675; 8 U.S.C. 458), § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following regulations are hereby prescribed in aid of the administration and enforcement of those statutes and of the immigration laws of the United States. These regulations are published as the indicated parts and sections of said Title 8, Chapter I, Code of Federal Regulations.

SUBCHAPTER A—ADMINISTRATIVE ORGANIZATION

PART 60—ADMINISTRATIVE FIELD OFFICERS

The following new section is hereby added to this part:

§ 60.6 *Authority to administer oaths and take depositions.* All patrol inspectors, immigrant inspectors, naturalization examiners, and officers of the Immigration and Naturalization Service of a higher grade are hereby authorized to administer oaths and to take depositions without charge in matters relating to the administration of the naturalization and citizenship laws. (Sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

SUBCHAPTER B—IMMIGRATION REGULATIONS

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

Present § 170.2 (§ 29.2 of General Order C-21 of August 8, 1940, 5 F.R. 2837), is rescinded and in lieu thereof the following is published:

§ 170.2 *Who are aliens required to register and be fingerprinted.* (a) An alien, as the term is used in this part, includes any person who is not a citizen of the United States.

(b) United States citizenship is acquired by birth or naturalization, but a person who, being an alien, has applied for naturalization does not become a citizen until he has been finally admitted to citizenship as required by law.

(c) Persons who may be in doubt as to whether they are aliens required to register and be fingerprinted may consult any representative of the Immigration and Naturalization Service. Any person who continues to remain in doubt as to his status should register. No person who registers shall thereby suffer any prejudice to his claim to citizenship. (Sec. 32 (c), sec. 34 (a), and sec. 37 (a), Act of June 28, 1940, 54 Stat. 674, 675; 8 U.S.C. 453, 455, 458)

SUBCHAPTER D—NATIONALITY REGULATIONS

PART 301—DEFINITIONS OF WORDS AND PHRASES USED IN THE NATIONALITY ACT OF 1940

The following new section is hereby added to this part:

§ 301.18 *Definition of other terms.* (a) Words importing the masculine gender shall include the feminine gender.

(b) Words importing the plural number shall include the singular, and words importing the singular shall extend and be applied to the plural.

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(c) The reference to any officer shall include any person authorized by law or regulation to perform the duties of the office held by such officer.

(d) The requirement of an "oath" shall be deemed complied with by making affirmation in judicial form. (Rev. Stat. 1878, sec. 1; 1 U.S.C. 1; sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR. 90.1)

PART 361—OFFICIAL FORMS

The following new sections are hereby added to this part:

§ 361.8 *Discrepancies, corrections, or amendments in declarations of intention or petitions for naturalization.* Any material discrepancies in a declaration of intention or proposed amendments to a petition for naturalization shall be brought formally to the attention of the court for appropriate action at the final hearing upon the petition for naturalization. Except as authorized by §§ 361.6 and 361.7, no requests or suggestions to clerks of courts to make corrections in a declaration of intention or petition for naturalization shall be made by any member of the Immigration and Naturalization Service. When the court orders a petition for naturalization, or the declaration of intention filed with and made a part of such petition, amended at a final hearing, the amendatory order shall be prepared in triplicate, and the original of such order filed with the original petition, and the duplicate and triplicate copies transmitted to the appropriate district or divisional director, who shall forward the duplicate order to the Central Office.* (Nationality Act of 1940, secs. 331, 332, and 334 (d), 54 Stat. 1153–1156, 1157; 8 U.S.C. 731, 732, 734)

*§§ 361.8 and 361.9 issued under the authority contained in sec. 327, 54 Stat. 1150; sec. 37 (a), 54 Stat. 675; 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied, or statutes giving special authority are listed in parentheses at the end of specific sections.

§ 361.9 *Amendment of petition for naturalization or certificate of naturalization after final action by the court*—(a) *Petition for naturalization.* Where an application is made to the naturalization court for amendment of a petition for naturalization, after the petition for naturalization has been granted, the facts shall be reported to the Central Office, with appropriate recommendation, for consideration and instruction as to the position to be taken by the Service when such application comes before the court for disposition. In the absence of instructions from the Central Office, the representative of the Service before the court for disposition. In the absence of instructions from the Central Office, the representative of the Service shall oppose all applications to any court for such amendments which affect either the jurisdiction of the court or the judgment of naturalization. No objection shall be made to a proposed amendment to a petition for naturalization to correct a clerical mistake or an error therein arising from an oversight or omission on the part of the clerk of court or the Service. The Service shall be governed by the rules of the court in which the petition for naturalization was filed in determining whether the petition to amend the petition for naturalization is timely.

(b) *Certificate of naturalization.* Objection shall be made to the alteration of a certificate of naturalization which would cause it to vary from the record on which the naturalization was granted.* (Rules 6 (c) and 60 (a), Federal Rules of Civil Procedure which are set forth following 28 U.S.C.A. 723c; Nationality Act of 1940, secs. 331, 332, and 336, 54 Stat. 1153–1156, 1157; 8 U.S.C. 731, 732, 736)

PART 378—CERTIFICATE OF NATURALIZATION FOR VETERAN OF WORLD WAR ALLIED FORCES

The following new sections are hereby added to this part:

§ 378.3 *Application for certificate of repatriation; who may make; procedure; form; fee.* A person in the United States, who, before January 13, 1941, resumed citizenship of the United States under the twelfth subdivision of section 4 of the Act of June 29, 1906, as amended (40 Stat. 545, 46 Stat. 791; 8 U.S.C. 18), and who desires to obtain a certificate evidencing such citizenship, shall fill out properly, sign, and forward application Form N–579 direct to the Commissioner of Immigration and Naturalization, Washington, D. C. Such application shall be accompanied by three photographs of the applicant in accordance with Part 364 of this chapter and the statutory fee of one dollar in the form of a United States postal money order payable to the order of the "Commissioner of Immigration and Naturalization, Washington, D. C."* (46 Stat. 791; 8 U.S.C. 18)

*§§ 378.3 to 378.4 issued under the authority contained in sec. 327, 54 Stat. 1150, sec. 37 (a), 54 Stat. 675; 8 U.S.C. 458; 8 CFR 90.1. Statutes interpreted or applied, or statutes giving special authority are listed in parentheses at the end of specific sections.

§ 378.4 *Investigation; certificate of repatriation; by whom issued; delivery; receipt; proof.* The Commissioner of Immigration and Naturalization may, if deemed necessary, transmit the application referred to in § 378.3 to the appropriate district director for investigation. Upon proof to the satisfaction of the commissioner that the applicant resumed United States citizenship as claimed, the certificate of repatriation shall be issued and delivered to the applicant in person upon his signed receipt therefor, provided that he is then in the United States. Every applicant for a certificate under this Part shall be required to satisfy the Service that he has not, since he acquired United States citizenship under the twelfth subdivision of section 4 of the Act of June 29, 1906, as amended, lost such citizenship.* (46 Stat. 791; 8 U.S.C. 18)

The following new Parts are hereby added to Subchapter D:

Part[1]

314 Acquisition of citizenship or nationality subsequent to birth: By judicial naturalization of individuals.
322 General class of persons who may be naturalized.
332 Special classes of persons who may be naturalized: Persons misinformed as to their citizenship status.
334 Special classes of persons who may be naturalized: Veterans of the United States armed forces.
337 Special classes of persons who may be naturalized: Seamen.
345 Special classes of persons who may be naturalized: Nationals but not citizens of the United States.

[1] This table of contents includes only the parts of Subchapter D published in this issue of the FEDERAL REGISTER. Necessary additions to the subchapter will be made hereafter. See also previously published parts and amendments at 6 F.R. 231, 3579, 4296, 4780, 5800, 6450.

PART 314—ACQUISITION OF CITIZENSHIP OR NATIONALITY SUBSEQUENT TO BIRTH: BY JUDICIAL NATURALIZATION OF INDIVIDUALS

Sec.

314.1 Persons naturalized by judicial action; effective date.
314.2 Naturalization of individuals by judicial action where citizenship is in doubt.

§ 314.1 *Persons naturalized by judicial action; effective date.* Any person who was or shall hereafter be admitted to citizenship by the written order of a court authorized to exercise naturalization jurisdiction, became or shall become a citizen and national of the United States as of the date of taking and subscribing to the required oath of renunciation and allegiance, or the granting by such court of the waiver of such oath because of infancy where permitted by law. (Constitution, Amendment Art. XIV; secs. 327 and 335 (a), 54 Stat. 1150, 1157, 8 U.S.C. 727, 735; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

§ 314.2 *Naturalization of individuals by judicial action where citizenship is in doubt.* Any person who is not a citizen of the United States or as to whose citizenship of the United States there is a doubt, may apply for naturalization to any court authorized to exercise naturalization jurisdiction, in accordance with the requirements of this subchapter. (Secs. 301–347, 54 Stat. 1140–1168, 8 U.S.C. 701–747; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

PART 322—GENERAL CLASS OF PERSONS WHO MAY BE NATURALIZED

Sec.

322.1 General requirements.
322.2 Procedural requirements.

§ 322.1 *General requirements.* A person, not a citizen of the United States, in order to be eligible for naturalization upon a petition for naturalization to a naturalization court shall, unless specially exempted as set forth in Subchapter D of this title:

(a) be at least 20 years old, if a declaration of intention at least two years old is required to be filed with the petition;

(b) have been lawfully admitted to the United States for permanent residence;

(c) have made a declaration of intention not less than two nor more than seven years before filing his petition;

(d) have resided continuously in the United States for at least five years and in the State in which his petition for naturalization is filed for at least six months, immediately preceding the filing of the petition;

(e) be a person racially eligible for naturalization as defined in Part 350 of this chapter;

(f) have been a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States during all of the periods described in paragraph (d) of this section, and during the period from the date of the filing of the petition up to the time of his admission to citizenship;

(g) be able to speak the English language, unless physically unable to speak;

(h) be able to sign his petition in his own handwriting, unless physically unable to write; and

(i) be not disqualified for naturalization under section 305 or section 306 of the Nationality Act of 1940, or otherwise. (Secs. 101 (c), 301 (d), 303 to 306, inclusive, 307 (a) and 327; 54 Stat. 1137, 1140–1142, 1150, 8 U.S.C. 501, 701, 703–706, 707, 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1)

§ 322.2 *Procedural requirements.* (a) A person, not a citizen of the United States, at least 18 years old, may make application to file a declaration of intention at any time after having been lawfully admitted to the United States for permanent residence. Such person shall not be required to be able to speak the English language, and, if unable to write, may sign the declaration of intention and the photographs affixed thereto by mark.

(b) Application for a declaration of intention shall be made on preliminary Form N–300, as described in § 365.1 of this chapter, which form may be obtained from the clerk of any naturalization court or from any office of the Immigration and Naturalization Service. Following the submission of the preliminary Form N–300 to the appropriate District Director or Divisional Director of Immigration and Naturalization, the applicant will be notified when and where to appear to file the declaration of intention, at which time a fee of $2.50 for the declaration of intention shall be paid to the clerk of the naturalization court. The declaration of intention may be made in any naturalization court, regardless of the place of residence in the United States of the applicant.

(c) When the applicant's declaration of intention is not less than two nor more than seven years old, and he has resided in the United States and State as specified in § 322.1 (d), he may make application to file a petition for naturalization. Such application shall be made on preliminary Form N–400, which the applicant may obtain from the clerk of any naturalization court having jurisdiction over his place of residence, or from any office of the Immigration and Naturalization Service. The filled-in form, accompanied by three signed photographs as described in Part 364 of this chapter, and the declaration of intention, shall be submitted to the office of the Immigration and Naturalization Service named on Form N–400, in ac-

cordance with the Instructions on said Form N–400.

(d) Upon receipt of Form N–400 with the proper enclosures, the Service will thereafter notify the applicant when and where to appear with his witnesses for preliminary examination. Wherever practicable, a preliminary examination of the applicant and his witnesses, as described in § 370.8 of this chapter, shall be made prior to the filing of the petition for naturalization. If possible, the applicant shall bring with him at the time he appears to file his petition for naturalization the same two witnesses named in his preliminary Form N–400, but in the event that he is unable to do so other witnesses may be presented. The petition for naturalization shall be filed in a naturalization court having jurisdiction over the place of residence of the petitioner, and shall be filed only in the office of the clerk of such naturalization court. The petitioner shall pay to the clerk of the naturalization court a fee of $5 for the filing of the petition for naturalization, which fee must be paid at the time the petition is filed.

(e) If the petition is filed in a court operating under section 333 of the Nationality Act of 1940, the petitioner and his witnesses shall be given a preliminary hearing by a designated examiner, immediately after the petition is filed if practicable, and in such cases the designated examiner may excuse the witnesses from appearance at the final hearing before the naturalization court if the witnesses appear to be qualified. The petitioner shall be notified when to appear in court with the witnesses who verified his petition, for the final hearing, unless he has previously been advised by the designated examiner that his witnesses have been excused from further appearance. If the witnesses who verified the petition for naturalization cannot be produced at the final hearing, other witnesses may be substituted as provided in § 373.4 of this chapter.

(f) Before being admitted to citizenship, the petitioner shall take the oath of renunciation and allegiance in open court, as described in § 375.1 of this chapter. A person admitted to citizenship by a naturalization court shall be entitled upon such admission to receive from the clerk of such court a certificate of naturalization as described in section 336 of the Nationality Act of 1940. (Secs. 301, 327, 329 to 336, inclusive, and 342 (a), 54 Stat. 1140, 1150, 1152–1158, 1161, 8 U.S.C. 701, 727, 729–736, 742; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1)

PART 332—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: PERSONS MISINFORMED AS TO THEIR CITIZENSHIP STATUS

Sec.
332.1 Persons eligible.
332.2 Preliminary application and petition for naturalization.
332.3 Proof of requirements.

§ 332.1 *Persons eligible.* A person, not an alien enemy, who resided uninterruptedly within the United States during the period of five years next preceding July 1, 1920, and who was on that date otherwise qualified to become a citizen of the United States except that such person had not made a declaration of intention required by law, and who during or prior to that time, because of misinformation regarding his citizenship status, erroneously exercised the rights and performed the duties of a citizen of the United States in good faith, may file a petition for naturalization without having made a preliminary declaration of intention. Such petitioner shall be required to comply with all of the other requirements of the naturalization laws.* (Nationality Act of 1940, sec. 320, 54 Stat. 1148; 8 U.S.C. 720)

*§§ 332.1 to 332.3, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR. 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 332.2 *Preliminary application and petition for naturalization.* Preliminary application by a person described in § 332.1 to file a petition for naturalization shall be made on Form N–400, in the manner prescribed by § 370.1 of this chapter. The petition shall be filed in accordance with the requirements of Part 370 of this chapter. In addition, the petitioner shall execute in triplicate an affidavit on Form N–420 before either a representative of the Service or the clerk of the naturalization court, and the original and duplicate thereof shall be attached to the original and duplicate petitions for naturalization, respectively, at the time the petition is filed, and the triplicate copy of Form N–420 shall be retained by the field office.* (Nationality Act of 1940, sec. 320, 54 Stat. 1148; 8 U.S.C. 720)

§ 332.3 *Proof of requirements.* Verification of the petition for naturalization and proof of residence and the other requirements prescribed by § 332.1 shall be made in the manner provided by Parts 370 and 373 of this chapter. In addition, the petitioner shall prove, by any evidence satisfactory to the naturalization court, the misinformation regarding his citizenship status and the exercise by him of the rights and the performance of the duties of a citizen of the United States in good faith because of such misinformation, during or prior to the five-year period next preceding July 1, 1920.* (Nationality Act of 1940, secs. 303 to 307, inclusive, 309, 320, 327 (e), 330, and 332 to 336, inclusive, 54 Stat. 1140–1142, 1143, 1148, 1151, 1152, 1154–1157; 8 U.S.C. 703–707, 709, 720, 727, 730, 732–736)

PART 334—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: VETERANS OF THE UNITED STATES ARMED FORCES

Sec.
334.1 Veterans who have served in United States armed forces; exemptions and fees.
334.2 Where service was continuous.
334.3 Where service was not continuous.
334.4 Where petition for naturalization is filed more than six months after termination of service.
334.5 Procedure.

§ 334.1 *Veterans who have served in United States armed forces; exemptions and fees.* A person, including a native-born Filipino, who has served honorably at any time in the United States Army, Navy, Marine Corps, or Coast Guard for a period or periods aggregating three years, and who, if separated from such service, was separated under honorable conditions, may be naturalized, subject to the provisions of §§ 334.2 to 334.5, inclusive. A petitioner for naturalization under this section shall pay the usual fee for filing a petition for naturalization, except that during the time the United States is at war, no clerk of a United States court shall charge or collect a naturalization fee from such petitioner for filing a petition or issuing a certificate of naturalization if the petitioner is in the military or naval service of the United States, and no clerk of any State court shall charge or collect any such fee unless the laws of such State require the charge to be made, in which case only the portion of the fee required to be paid to the State shall be charged or collected.* (Nationality Act of 1940, secs. 324, and 342 (a) (2) and (i), 54 Stat. 1149, 1161; 8 U.S.C. 724, 742)

*§§ 334.1 to 334.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 CFR 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 334.2 *Where service was continuous—(a) Applicant who files petition while still in service.* A person described in § 334.1, whose service in the armed forces described therein has been continuous, may, while still in such service, file a petition for naturalization in any naturalization court, without regard to his place of residence, and without having resided continuously in the United States for at least five years and in the State where the petition is filed for at least six months, immediately preceding such filing. No certificate of arrival and no declaration of intention shall be required to be filed with the petition. The petition shall be verified, but for no specified period of time, by at least two witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this chapter. Such petition may be heard immediately if (1) the petitioner be then actually in such armed forces, and (2) before the filing of the petition, the applicant and at least two verifying witnesses, citizens of the United States, who shall identify the applicant as the person who rendered the service upon which the petition is to be based, have appeared before and been examined by a representative of the Immigration and Naturalization Service, and (3) a certificate of such examination on Form N–440 is filed with the petition in accordance with § 373.5 of this chapter. At the time the petition for naturalization is filed, the petitioner shall present duly authenticated copies of the records of the executive departments having custody of the records covering the petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, which copies must show the period or periods of such service and that it was performed under honorable conditions. Such duly authenticated copies of service records shall be accepted as proof of the good moral character, attachment to the principles of the Constitution of the United States of America, and favorable disposition toward the good order and happiness of the United States of the petitioner for the periods of such service.

(b) *Applicant who files petition after leaving service but within six months.* If the petitioner has been separated from such service prior to filing his petition for naturalization, but files his petition for naturalization within six months after the termination of such service, he shall be entitled to the same exemptions from residence in the United States and State, and within the jurisdiction of the naturalization court, and from filing with his petition for naturalization a certificate of arrival and a declaration of intention as the petitioner described in paragraph (a) of this section. But the petitioner under this paragraph shall prove his residence, good moral character, attachment to the principles of the Constitution of the United States, and his favorable disposition toward the good order and happiness of the United States for the period from the date of his separation from such service to the date of the filing of his petition for naturalization, and from the latter date to the date of his admission to citizenship, by the affidavits and testimony of at least two citizen witnesses, in the manner provided in §§ 370.4 and 373.2 of this chapter. A petitioner under this paragraph shall not be entitled to an immediate hearing upon his petition, but only after the expiration of at least 30 days after the petition is filed, in accordance with the provisions of section 334 (c) of the Nationality Act of 1940.* (Nationality Act of 1940, secs. 307, 309 (a), 324 (a) (b) (c) (e), and 334 (c); 54 Stat. 1142, 1143, 1149–1150, 1156–1157; 8 U.S.C. 707, 709, 724, 734)

§ 334.3 *Where service was not continuous.* A person described in § 334.1, whose service was not continuous, shall be entitled to all of the exemptions set forth in § 334.2 (a) (including an immediate hearing if still in the service), if he files a petition for naturalization while still in such service or within six months after honorable separation therefrom, except that such petitioner must establish his continuous residence, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for the period of five years at least immediately preceding the filing of his petition, and from the date of filing his petition to the date of the final hearing thereon. Proof of such qualifications for the periods during which the petitioner was actually in such service shall be made as provided in § 334.2 (a). As to any part or parts of the five-year period immediately preceding the filing of the petition for naturalization, and as to the period between the date of the filing of the petition and the final hearing thereon, between the periods of the petitioner's service in the United States Army, Navy, Marine Corps, or Coast Guard, such proof must be made by the affidavits and testimony of at least two citizen witnesses, for each such period, as set forth in §§ 370.4 and 373.2, respectively, of this chapter.* (Nationality Act of 1940, secs. 307, 309 (a), 324 (a) (b) (c) (e), and 334 (c); 54 Stat. 1142, 1143, 1149–1150, 1156; 8 U.S.C. 707, 709, 724, 734)

§ 334.4 *Where petition for naturalization is filed more than six months after termination of service.* Where an alien has performed the service specified in § 334.1, but fails to file a petition for naturalization while still in such service or within six months after the termination of such service, he shall not be entitled to any of the exemptions set forth in § 334.2, except that such a petitioner for naturalization may prove his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for any period or periods, during the five-year period immediately preceding the filing of the petition, of service specified in § 334.1, by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, as described in such section, in lieu of affidavits and testimony or depositions of witnesses for the period or periods of such service.* (Nationality Act of 1940, sec. 324 (d) (e), 54 Stat. 1149–1150; 8 U.S.C. 724)

§ 334.5 *Procedure.* An application to file a petition for naturalization under § 334.2, § 334.3, or § 334.4 shall be made on Form N–400. The petition for naturalization shall be filed on Form N–405. There shall be attached to the original of every petition for naturalization filed under any of such sections, an affidavit of the petitioner, sworn to before the clerk of court or a member of the Service on Form N–421, fully setting forth the periods and the description of his service in the United States Army, Navy, Marine Corps, or Coast Guard. Such Form N–421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N–421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively.* Nationality Act of 1940, secs. 324 and 327 (d), 54 Stat. 1149, 1151; 8 U.S.C. 724, 727)

PART 337—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: SEAMEN

Sec.
337.1 Persons who have served on United States Government or merchant vessels; exemptions and fees.
337.2 Where service was continuous.
337.3 Where service was not continuous.
337.4 Where petition for naturalization is filed more than six months after termination of service.
337.5 Procedure.

§ 337.1 *Persons who have served on United States Government or merchant vessels; exemptions and fees.* A person who has served honorably or with good conduct for an aggregate period of at least five years (a) on board of any vessel of the United States Government other than in the United States Navy, Marine Corps, or Coast Guard, or (b) on board of vessels of more than twenty tons burden, whether or not documented under the laws of the United States, and whether public or private, which are not foreign vessels and whose home port is in the United States, may be naturalized, subject to the provisions of §§ 337.2 to 337.5, inclusive. A petitioner for naturalization under this section shall pay the usual fee for filing a petition for naturalization.* (Nationality Act of 1940, secs. 325 and 342 (a) (2), 54 Stat. 1150, 1161, 1162; 8 U.S.C. 725, 742)

*§§ 337.1 to 337.5, inclusive, issued under the authority contained in sec. 327, 54 Stat. 1150; 8 U.S.C. 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1.

Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

§ 337.2 *Where service was continuous—(a) Applicant who files petition while still in service.* A person described in § 337.1, whose service described therein has been continuous, may, while still in such service, file a petition for naturalization in any naturalization court, without regard to his place of residence, and without having resided continuously in the United States for at least five years and in the State where the petition is filed for at least six months, immediately preceding such filing. No certificate of arrival and no declaration of intention shall be required to be filed with the petition. The petition shall be verified, but for no specified period of time, by at least two witnesses, citizens of the United States, as provided in § 370.4 of this chapter, and the verifying witnesses shall also testify at the final hearing unless excused as provided in § 373.2 of this chapter. Such petition may be heard immediately if (1) the petitioner be then actually in such service, and (2) before the filing of the petition, the applicant and at least two verifying witnesses, citizens of the United States, who shall identify the applicant as the person who rendered the service upon which the petition is to be based, have appeared before and been examined by a representative of the Immigration and Naturalization Service, and (3) a certificate of such examination on Form N–440 is filed with the petition in accordance with § 373.5 of this chapter. At the time the petition for naturalization is filed, the applicant shall present duly authenticated copies of the records of the executive departments having custody of the records covering the petitioner's service, if it was on a vessel of the United States Government, which copies must show the period or periods of such service and that it was performed under honorable conditions, or discharge showing service with good conduct if service was on a vessel other than a vessel of the United States Government. Such duly

authenticated copies of service records and discharges shall be accepted as proof of the good moral character, attachment to the principles of the Constitution of the United States of America, and favorable disposition toward the good order and happiness of the United States of the petitioner for the periods of such service.

(b) *Applicant who files petition after leaving service but within six months.* If the petitioner has been separated from such service prior to filing his petition for naturalization, but files his petition for naturalization within six months after the termination of such service, he shall be entitled to the same exemptions from residence in the United States and State, and within the jurisdiction of the naturalization court, and from filing with his petition for naturalization a certificate of arrival and a declaration of intention as the petitioner described in paragraph (a) of this section. But the petitioner under this paragraph shall prove his residence, good moral character, attachment to the principles of the Constitution of the United States, and his favorable disposition toward the good order and happiness of the United States for the period from the date of his separation from such service to the date of the filing of his petition for naturalization, and from the latter date to the date of his admission to citizenship, by the affidavits and testimony of at least two citizen witnesses, in the manner provided in §§ 370.4 and 373.2 of this chapter. A petitioner under this paragraph shall not be entitled to an immediate hearing upon his petition, but only after the expiration of at least 30 days after the petition is filed, in accordance with the provisions of section 334 (c) of the Nationality Act of 1940.* (Nationality Act of 1940, secs. 307, 309 (a), 325, and 334 (c), 54 Stat. 1142, 1143, 1150, 1156; 8 U.S.C. 707, 709, 725, 734)

§ 337.3 *Where service was not continuous.* A person described in § 337.1, whose service was not continuous, shall be entitled to all of the exemptions set forth in § 337.2 (including an immediate hearing if still in the service), if he files a petition for naturalization while still in such service or within six months after honorable separation, or separation with good conduct, therefrom, except that such petitioner must establish his continuous residence, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for the period of five years at least immediately preceding the filing of his petition, and from the date of filing his petition to the date of the final hearing thereon. Proof of such qualifications for the periods during which the petitioner was actually in such service shall be made as provided in § 337.2. As to any part or parts of the five-year period immediately preceding the filing of the petition for naturalization, and as to the period between the date of the filing of the petition and the final hearing thereon, between the periods of the petitioner's service on vessels as described in § 337.1, such proof must be made by the affidavits and testimony of at least two citizen witnesses, for each such period, as set forth in §§ 370.4 and 373.2, respectively, of this chapter.* (Nationality Act of 1940, secs. 307, 309 (a), 325, and 334 (c), 54 Stat. 1142, 1143, 1150, 1156; 8 U.S.C. 707, 709, 725, 734)

§ 337.4 *Where petition for naturalization is filed more than six months after termination of service.* Where an alien has performed the service specified in § 337.1, but fails to file a petition for naturalization while still in such service or within six months after termination of such service he shall not be entitled to claim any of the exemptions set forth in § 337.2, except that such a petitioner for naturalization may prove his good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States, for any period or periods, during the five-year period immediately preceding the filing of the petition, of service specified in § 337.1, by the production of duly authenticated copies of the records of the executive departments having custody of the records of such service, or discharges showing service with good conduct, as described in such section, in lieu of affidavits and testimony or depositions of witnesses for the period or periods of such service.* (Nationality Act of 1940, sec. 325, 54 Stat. 1150; 8 U.S.C. 725)

§ 337.5 *Procedure.* An application to file a petition for naturalization under § 337.2, § 337.3, or § 337.4 shall be made on Form N-400. The petition for naturalization shall be filed on Form N-405. There shall be attached to the original of every petition for naturalization filed under any of such sections, an affidavit of the petitioner, sworn to before the clerk of court or a member of the Service on Form N-421, fully setting forth the periods and the description of his service. Such Form N-421 shall be filed with and made a part of the petition for naturalization at the time such petition is filed. The duplicate and triplicate executed copies of Form N-421 shall be attached to the duplicate and triplicate petitions for naturalization, respectively.* (Nationality Act of 1940, secs. 325 and 327 (d), 54 Stat. 1150, 1151; 8 U.S.C. 725, 727)

PART 345—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: NATIONALS BUT NOT CITIZENS OF THE UNITED STATES

Sec.
345.1 Exemption from residence in the United States.
345.2 Certificate of arrival.

§ 345.1 *Exemption from residence in the United States.* A national of the United States who is not a citizen thereof, and who is otherwise qualified for naturalization, may, if he becomes a resident of any State, be naturalized upon compliance with the requirements of the Nationality Act of 1940. In the case of such a person, residence within any of the outlying possessions of the United States shall be considered as residence within the United States within the meaning of such Act. (Secs. 321 and 327, 54 Stat. 1148, 1150, 8 U.S.C. 721, 727; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1)

§ 345.2 *Certificate of arrival.* A person described in § 345.1, if he entered the United States after June 29, 1906, and a certificate of arrival is required in his case, shall not file a declaration of intention nor a petition for naturalization until his lawful entry into the United States for permanent residence has been verified and a certificate of such arrival has been issued by the Immigration and Naturalization Service in accordance with the requirements of Part 363 of this chapter. The certificate of arrival in such a case shall set forth the date, place, and manner of the applicant's arrival as shown by the records of the service. (Secs. 327, 329 (b) and 332 (c), 54 Stat. 1150, 1152, 1156, 8 U.S.C. 727, 729, 732; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; 8 C.F.R. 90.1)

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General in Charge Immigration and Naturalization Service.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 41-9798; Filed, December 24, 1941; 11:34 a. m.]

[1st Supplement to General Order No. C-24]

PART 90—DEPARTMENTAL ORGANIZATION AND AUTHORITY

Amended Regulations Governing Departmental Organization and Authority

DECEMBER 23, 1941.

Pursuant to the authority conferred by sections 161 and 360 of the Revised Statutes as amended (5 U.S.C. 22, 311); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); section 1 of Reorganization Plan No. V (5 F.R. 2223) and all other authority conferred by law, the following changes are hereby prescribed in Title 8, Chapter I, part 90 of the Code of Federal Regulations:

Section 90.13 is amended to read as follows:

§ 90.13 *Deputy Commissioner in charge of the Adjudications Branch: powers.* Subject to the provisions of § 90.16 of this part, the Deputy Commissioner in charge of the Adjudications Branch (or under his direction, the Assistant to the Deputy Commissioner in charge of that branch) shall have authority after proceedings in accordance with law and regulations to exercise the powers of the Attorney General or of the Commissioner of Immigration and Naturalization:

(a) To consider and determine applications for extensions of temporary admission to the United States, in cases in which field officers do not have such authority or in cases which have been referred by field officers to the Central Office;

(b) To consider and determine applications for permission to re-apply for admission to the United States after exclusion, deportation, or removal on account of distress;

(c) To consider and determine applications for change of status from one non-immigrant class to another or from a non-immigrant class to a student, and subject to the other provisions of this part to consider and determine the status of persons under the provisions of the immigration and nationality laws;

(d) To consider and determine applications to import contract labor, including student labor;

(e) To authorize amendment or endorsement of records of entry to show true status;

(f) To pass upon applications for copies of immigration and naturalization records, or for information therefrom;

(g) To consider and determine applications for certificates of derivative citizenship;

(h) To consider and determine applications for exemption from loss of residence for naturalization purposes (section 307 (b) (c), Act of October 14, 1940);

(i) To order the cancelation of registry fraudulently or illegally procured under the Act of March 2, 1929, as amended, or section 328 (b) of the Act of October 14, 1940;

(j) To exercise such discretion as is appropriate to, and to prepare and sign all orders and correspondence incident to, the execution of the functions of his office.

In addition to the foregoing authority, the Deputy Commissioner in charge of the Adjudications Branch shall perform such other duties compatible with his office as may be from time to time required.

Section 90.16 is amended to read as follows:

§ 90.16 *Reference of cases to the Special Assistant in Charge by the Deputy Commissioner in charge of the Adjudications Branch, Chief of the Warrant and Deportation Branch, or Chief of the Certifications Branch.* The Deputy Commissioner in charge of the Adjudications Branch, the Chief of the Warrant and Deportation Branch, and the Chief of the Certifications Branch shall exercise the authority herein conferred under the direction and supervision of the Special Assistant in Charge. In all cases the appropriate court.
in which any of them shall be in doubt as to the construction of applicable law or as to the proper principle governing the exercise of discretion, he shall refer the matter to the Special Assistant in Charge who shall, after receiving the advice of the General Counsel, either advise him as to the appropriate decision, make decision in his own name, or refer the matter to the Attorney General for decision.

Present §§ 90.17 and 90.18 are renumbered to become respectively §§ 90.49 and 90.50.

The following new § 90.17 is hereby prescribed:

§ 90.17 *General Counsel: powers and duties.* The General Counsel of the Service, under the direction and supervision of the Special Assistant in Charge, shall have authority after proceedings in accordance with law and regulations to exercise the powers of the Attorney General or of the Commissioner of Immigration and Naturalization in the classes of cases prescribed in this section and otherwise to perform the duties herein set forth:

(a) To represent the Service before the Board of Immigration Appeals, before boards of special inquiry, or before presiding inspectors in important exclusion and deportation cases;

(b) To examine all decisions of the Board of Immigration Appeals which reverse a presiding inspector or a board of special inquiry, and to advise the Attorney General on cases certified by the Board of Immigration Appeals to him for decision;

(c) To render such assistance, including preparation of legal memoranda and briefs or presentation of arguments, as may be necessary in behalf of the Service to the Attorney General or other officers of the Department or to United States Attorneys in judicial litigation involving proceedings brought to test the legality of warrants of deportation, exclusion decisions, actions involving steamship fines, matters relating to appeals in naturalization cases, the cancelation of naturalization, the review of actions involving prosecutions for violations of the Alien Registration Act, 1940, or other matters related to the Service.

(d) To examine as to legal form and execution bonds required from aliens in connection with the administration of the immigration laws and to handle matters relating to their disposition, either through compromise or judicial enforcement;

(e) To consider whether steps should be taken looking toward the cancelation of naturalization and to prepare necessary memoranda in those cases where cancelation proceedings are determined upon for submission to the Criminal Division of the Department, with recommendation that the appropriate United States Attorney be authorized and directed to institute judicial proceedings in

(f) To give assistance in the drafting of legislation, Presidential Proclamations, Executive Orders, and regulations in conjunction with branches of the Service charged with the function of preparing, enforcing, or applying such regulations, when requested;

(g) To render opinions and rulings as requested in the course of his duties to officials of the Service on legal questions arising in the exercise of their functions concerning the Service;

(h) To make recommendations to the Pardon Attorney when a question respecting pardons arises and a recommendation by the Service is desired;

(i) To make recommendations concerning the institution of prosecutions or disposition of criminal cases arising under the immigration or nationality laws, except those cases falling within the provisions of § 90.3 (c) of this part; and

(j) To exercise such discretion as is appropriate to, and to prepare and sign all orders and correspondence incident to, the execution of the functions of his office.

In addition to the foregoing authority, the General Counsel shall perform such other duties compatible with his office as may be from time to time required.

* * * * * *

All references in Part 90 of this chapter to the "Warrant Branch" of the Central Office are hereby amended to read "Warrant and Deportation Branch." (Sec. 327, 54 Stat. 1150, 8 U.S.C. 727; sec. 23, 39 Stat. 892, 8 U.S.C. 102; sec. 24, 43 Stat. 166, 8 U.S.C. 222; sec. 1, Reorg. Plan No. V, 5 F.R. 2132, 2223; sec. 37 (a), 54 Stat. 675, 8 U.S.C. 458; secs. 161, 360, R.S., 5 U.S.C. 22, 311)

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General, In charge Immigration and Naturalization Service.

[F. R. Doc. 41-9718; Filed, December 24, 1941; 11:34 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

PART 111—RECORDS AND NOTICES

REVOCATION OF REGULATION REQUIRING NOTICES OF SHIPMENTS

Pursuant to the authority conferred upon the Secretary of Agriculture by section 2 of the act of Congress approved February 2, 1903 (32 Stat. 792; 21 U.S.C. 111), and by the act of Congress approved March 4, 1913 (37 Stat. 832–833; 21 U.S.C. 151–158), and in order better to effectuate the purposes of these acts, § 111.2, (*Notices of shipments required*[1]) Part 111, Chapter I, Title 9, Code of Federal Regulations, [paragraph 2, section 1, regulation 11, B.A.I. Order 276, August 18, 1922, as amended] is hereby revoked.

Done at Washington, D. C., this 24th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9740; Filed, December 26, 1941; 11:00 a. m.]

[1] 6 F.R. 2947.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1155]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 321.24 (*General prices*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein as to Mine Index Nos. 729, 3074, 3202, 685, 3204, 2362 and the Matthews No. 3 Mine of John H. Matthews for the reasons set forth in an Order designating that portion of Docket No. A-1155 which relates to them as Docket No. A-1155 Part II and granting temporary relief therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
759	Bartholomew, Merle Lester	Bartholomew #1.	6	E	Punxsutawney, Pa. & Sprankles Mills, Pa.	PRR, P&S.	78	F	(†)	(*)	F	F
3201	Bartholomew, Merle Lester	Bartholomew #2.	6	E	Punxsutawney, Pa.	PRR.	50	F	(†)	F	F	F
3202	Blose, G. C.	Burkett #1.	6	B	Punxsutawney, Pa.	PRR.	50	F	(†)	F	F	F
2845	Drifting Coal Co.	Drifting #1.	8	B	Munson, Pa.	NYC.	44	(†)	(†)	H	(†)	(†)
803	Huntington, William	W. M. Yarger.	4	E	Timblin, Pa.	P&S.	119	G	G	G	H	H
3203	Maple Ridge Mining Corporation.	Bethel #3.	32	B	Holsopple, Pa.	B&O.	100	(†)	(†)	F	(†)	(†)
3204	Matthews, John H.	Matthews #2.	7	E	Grampian, Pa.	PRR.	45	(†)	(†)	F	(†)	(†)
2362	Matthews, John H.	Matthews #4.	7	D	Grampian, Pa.	PRR.	45	(†)	(†)	F	(†)	(†)
3129	Shaffer, Dewey	Foster.	37	B	Stoyestown, Pa.	B&O.	100	F	(†)	(*)	F	(†)
988	Sotok & Campbell (Mike Sotok).	Sotok & Campbell.	8	D	Hawk Run, Pa.	NYC.	44	(†)	(†)	E	(†)	(†)
3206	Walker, John D.	Bald Eagle #1.	12	D	Mahaffey, Pa.	PRR.	50	G	(†)	G	G	G
3207	Walker, John D.	Bald Eagle #2.	12	E	Mahaffey, Pa.	PRR.	50	G	(†)	G	G	G

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

NOTE.—If coals within each of the following groups are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification: Mine Index Nos. 759 and 3201 of Merle Lester Bartholomew; Mine Index Nos. 213 and 1077 of Penn Smokeless Fuel Company; Mine Index Nos. 3206 and 3207 of John D. Walker.

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over (1)	Double screened top size 2" and under (2)	Run of mine modified R/M (3)	2" and under slack (4)	¾" and under slack (5)
Bartholomew, Merle Lester	759	Bartholomew #1	6	Jefferson	E	245	....	(*)	210	200
Bartholomew, Merle Lester	3201	Bartholomew #2	6	Jefferson	E	245	....	220	210	200
Blose, G. C.	3202	Burkett #1	6	Jefferson	B	245	....	220	210	200
Broadwater, Lee	3245	Orville Kinsinger	42	Garrett	Bakerstown	....	....	210	....	....
Carberry, Dillis	995	Carberry	5	Jefferson	C	....	....	200	....	....
Coudriet, Ellis	991	Buck Run	8	Clearfield	C	....	....	225	....	....
Culver, Norman	3180	Culver #1	8	Clearfield	B	....	....	225	....	....
Hoover, Isaiah	3199	Hoover	41	Somerset	Pittsburgh	....	....	220	....	....
Linamen, H. L.	994	Shook	4	Clarion	B	240	215	215	200	190
Maple Ridge Mining Corporation.	3203	Bethel #3	32	Somerset	B	....	....	225	....	....
Miller, Mae A. (Miller Coal Co.)	987	Miller	40	Somerset	B	....	....	215	....	....
Matthews, John H.	3204	Matthews #2	7	Clearfield	E	....	....	220	....	....
Naugle, Harry F.	989	Naugle	32	Somerset	B	....	....	225	....	....
Ritchey, F. E.	986	F. E. Ritchey	22	Indiana	Pittsburgh	....	....	225	....	....
Rodger, Clark W.	985	Rodger	37	Somerset	B	....	....	220	....	....
Sandy, Joseph	3205	Sandy #2	27	Cambria	E	....	....	220	....	....
Shaffer, Dewey	3129	Foster	37	Somerset	B	245	....	(*)	210	....
Sotok & Campbell (Mike Sotok).	988	Sotok & Campbell	8	Clearfield	D	....	....	225	....	....
Turnbull, Robert, Sr.	3232	Pleezing	43	Allegany	Big Vein	....	....	230	....	....
Walker, John D.	3206	Bald Eagle #1	12	Clearfield	D	240	....	215	210	200
Walker, John D.	3207	Bald Eagle #2	12	Clearfield	E	240	....	215	210	200

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-9669; Filed, December 23, 1941; 10:23 a. m.]

herein for Mine Index 2927 in Size Groups 1 to 10, inclusive, and 12, for all shipments except truck, and in Size Groups 1 to 8, inclusive, for truck shipments, conform in all respects to those heretofore established for the coals of Mine Index Nos. 161 and 210 for such shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 3, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

dex No. 2927 in Size Groups 6 and 12 for rail shipments, price classifications and minimum prices are established herein for Size Groups 1 to 10, inclusive, and 12, for all shipments except truck, and in Size Groups 1 to 8, inclusive, for truck shipments, in accordance with the customary practice in the case of rail-shipping mines in District No. 4.

The petition apparently proposes that a minimum price of 180 cents per net ton be established for the coals of Mine Index No. 2927 in Size Group 12, for off-line sales of railroad fuel. The petition alleges, however, that these coals are comparable and analogous to the coals of Mine Index Nos. 161 and 210 of the Belmont-Wheeling Coal Company and Crescent Valley Mining Corporation, for which minimum prices of 185 cents per net ton have been established for such shipments. Accordingly, the price classifications and minimum prices herein established for the coals of Mine Index No. 2927 in Size Group 12 for off-line railroad fuel use conform to those heretofore established for Mine Index Nos. 161 and 210. Similarly, the prices established

[Docket No. A-1170]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BRADFORD COLLIERIES CORPORATION, A CODE MEMBER IN DISTRICT NO. 4, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS BRADFORD NO. 1 MINE, MINE INDEX NO. 2927

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Bradford No. 1 Mine, Mine Index No. 2927, in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto supplement R-I, § 324.2 (*Seasonal discounts*) is amended by adding thereto supplement R-II, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto supplement R-III, § 324.11 (*Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto supplement R-IV, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Although the petition only requests the establishment of price classifications and minimum prices for the coals of Mine In-

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine Name	Subdistrict No.	Seam	Type	Shipping points in Ohio	Price classifications by size group nos. 1	2	3	4	5	6	7	8	9	10	11	12
2927	Bradford Collieries Corporation c/o A. G. Newcomb.	Bradford No. 1	1	8	Strip	Fairpoint	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	.....	Q

§ 324.2 *Seasonal discounts*[1]—Supplement R-II

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal discounts applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— Apr.	May	June	July	Aug.
Ohio No. 8	12, 14, 17, 18	.....	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 2927.	30	20	10	--	--

[1] Seasonal discounts as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c), and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to additional mine index number hereinabove noted.

§ 324.9 *Recapitulation of price classifications*[1]—Supplement R-III

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas.—See schedule of effective minimum prices, § 324.9, § 324.10. Also applies to market areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and vessel fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine Index Nos.	Additional mine index Nos.
Ohio No. 8	12, 14, 17, 18	.....	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 2927.

[1] Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c), and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to additional mine index number hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*[1]—Supplement R–IV

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See schedule of effective minimum prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	8, 25, 133, 153, 161	Add Mine Index No. 2927.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 2927.
For all Railroads not shown above	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 2927.

[1] Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional mine index number hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump	3½", 4", 5" lump	2" lump	2" x 4" egg, 2" x 5" egg	1¼" lump, 1¼" x 4" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—EASTERN OHIO											
BELMONT COUNTY											
Bradford Collieries Corporation c/o A. G. Newcomb	Bradford No. 1	2927	8	275	265	250	225	220	210	190	180

[F. R. Doc. 41–9668; Filed, December 23, 1941; 10:22 a. m.]

[Docket No. A–942]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS EXCEPT TRUCK OF COALS OF THE HARMIL MINE (MINE INDEX NO. 580) OF THE HARMIL SMOKELESS COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 7, AND FOR THE REVISION OF EFFECTIVE MINIMUM PRICES FOR SUCH COALS IN SIZE GROUP 6 FOR TRUCK SHIPMENT

This proceeding was instituted upon a petition and an amended petition filed with the Bituminous Coal Division by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition, as amended, requests that temporary and permanent relief be granted by establishing price classifications and minimum prices for all shipments except truck of coals of the Pineville Mine (Mine Index No. 580) of the Pineville Coal Company,[1] a code member in District 7, and by revising the effective minimum price of such coals in Size Group 6 for truck shipments.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on October 15, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 7 appeared. At the conclusion of the hearing the preparation and filing of a report by the Examiner was waived and the record in the proceeding was thereupon submitted to the undersigned.

The Pineville Mine (Mine Index No. 580) of the Pineville Coal Company, formerly known as the Harmil Mine of the Harmil Smokeless Coal Company, is located in the Sewell seam in Wyoming County, West Virginia, in District 7. Heretofore, the only prices and classifications established for the mine were a "B" classification in Size Groups 6 and 7 for rail shipments,[2] a price of $1.85 per ton f. o. b. the mine in Size Group 6 for truck shipments, and prices in Size Groups 3 and 4 for truck shipments. In this proceeding, District Board 7 proposes to establish price classifications for all shipments in hitherto unclassified size groups and to change the price in Size Group 6 for truck shipments from $1.85 to $1.90 per ton f. o. b. the mine.

Uncontroverted evidence was introduced by John A. Luse, executive secretary of District Board 7, to show that the price classifications and minimum prices requested in the petition reflect the relative market value of the Pineville Mine coals and will afford them a reasonable opportunity to compete on a fair basis with comparable coals. Thus, the witness Luse revealed that these price classifications were arrived at by District Board 7 after a thorough consideration of the results of chemical and physical analyses conducted in March 1941 by the Commercial Testing and Engineering Company upon the coals of the Pineville Mine and of various other mines in District 7. These analyses, according to the witness, showed that the coals of the Pineville Mine are of a soft, friable structure and should be given a "B" classification for rail shipment in Size Groups 1 and 2.

The witness Luse further testified, in regard to the requested revision of the effective minimum prices for Size Group 6 for truck shipments from $1.85 to $1.90 per ton f. o. b. the mine, that the whole market area price f. o. b. the mine for the Sewell seam of coal in "B" classification is $1.90 and that this change should be made in order to treat all the mines similarly.

Upon the uncontroverted evidence, I find and conclude that the classifications and minimum prices shown in supplements R and T, annexed hereto and made a part hereof, are proper and should be established; that the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck and the Schedule of Effective Minimum Prices for District No. 7 For Truck Shipments should be amended accordingly; that such amendments of the price schedules for District 7 are necessary in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is hereby ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 For All Shipments Except Truck and § 327.34 (*General prices in cents per net ton for shipment into any market area*) in the Schedule of Effective Minimum Prices for District No. 7 For Truck Shipments be and they hereby are amended effective fifteen (15) days from the date hereof, in accordance with the classifications and minimum prices set forth in supplements R and T, annexed hereto and made a part hereof.

Dated: December 8, 1941.

[SEAL] —DAN H. WHEELER, *Acting Director.*

[1] The original petition referred to Mine Index No. 580 as the Harmil Mine of the Harmil Smokeless Coal Company. However, after the date of the original petition, the ownership of the mine changed to Andy New and Homer New, of Pineville, West Virginia, co-partners trading as the Pineville Coal Company, and the amended petition substituted the new mine name.

[2] See Order of the Director dated April 25, 1941, 6 F.R. 2381, in Docket No. A–779.

PERMANENT SUPPLEMENT

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
580	Pineville Coal Co. (Andy New).	Pineville	5	Sewell	Pineville, W. Va.	VGN.	14	B	B	A	A	A	(*)	(*)	B	B	B

*Indicates coal in this size group previously classified and priced.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove	All nut or pea, 1¼" top size or similar	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Pineville Coal Co. (Andy New)	580	Pineville	5	Wyoming	Sewell	315	250	(*)	(*)	195	190

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41–9672; Filed, December 23, 1941; 10:24 a. m.]

[Docket No. A–1001]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1 AND 2 OF MINE INDEX NOS. 208 AND 223 IN DISTRICT NO. 7

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 7, requesting that coals produced at the Wyoming Mine (Mine Index No. 208), of the Red Jacket Coal Corporation and at the No. 2 Mine (Mine Index No. 223), of the Marianna Smokeless Coal Company, be reclassified from "B" to "A" in Size Groups 1 and 2 for shipment by rail into all market areas.

A petition of intervention, as amended, having been filed by District Board 8 requesting relief for the coals of the No. 1 Mine (Mine Index No. 588), of the Marianna Smokeless Coal Company, corresponding to any relief granted to the original petitioner;[1]

Pursuant to an Order of the Director and after notice to all interested parties, a hearing having been held in this matter on September 23, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived, and the record having thereupon been submitted to the undersigned; and the undersigned having made Finding of Fact, Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That, commencing fifteen (15) days from the date of this Order, § 327.11 (*Low volatile coals: Alphabetical list of code members*) and § 327.34 (*General prices in cents per net ton for shipment into any market area*) in the Schedules of Effective Minimum Prices (Low Volatile) for District No. 7 For All Shipments Except Truck and for Truck Shipments be and they are hereby amended by establishing the classifications and minimum prices for the coals of the Wyoming Mine (Mine Index No. 208) of the Red Jacket Coal Corporation, the No. 1 Mine (Mine Index No. 266) and No. 2 Mine (Mine Index No. 223) of the Marianna Smokeless Coal Company, as set forth in Supplements R and T attached hereto and made a part hereof.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[1] Subsequent to this proceeding an Order of the Director, dated November 21, 1941, 6 F.R. 5971, in Docket No. 1547–FD, changed the boundary between District 7 and District 8 with the result that the Marianna No. 1 Mine was withdrawn from District 8 and placed in District 7. In District 7 it was given Mine Index No. 266 and placed in Freight Origin Group 14.

PERMANENT SUPPLEMENT

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group number									
								1	2	3	4	5	6	7	8	9	10
266	Marianna Smokeless Coal Company	Marianna #1	5	Sewell	Marianna, W. Va	VGN. Ry	14	A	A	A	A	A	B	B	B	B	B
223	Marianna Smokeless Coal Company	Marianna #2	5	Sewell	Glover, W. Va	VGN. Ry	14	A	A	A	A	A	B	B	B	B	B
208	Red Jacket Coal Corporation	Wyoming	5	Sewell	Wyoming, W. Va	VGN. Ry	14	A	A	A	A	A	B	B	B	B	B

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump 3¼" or larger; all egg and stove	All nut or pea 1¼", top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Marianna Smokeless Coal Co	266	Marianna #1	5	Wyoming	Sewell	315	250	280	215	195	190

[F. R. Doc. 41-9670; Filed, December 23, 1941; 10:24 a. m.]

[Docket No. A-1165]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR A CHANGE IN FREIGHT ORIGIN GROUP NUMBERS AND SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and a change in freight origin group numbers and shipping points for the coals of certain mines in District No. 8.

Freight Origin Group No. 111 was assigned to the coals of Mine Index No. 225 in Supplement 2 to the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, on the basis of information furnished the Division which indicated that the location of this mine was Middlesboro, Kentucky. Subsequent and more complete information indicates that Mine Index No. 225 is actually located at Murtea, Kentucky. Mine Index No. 225 should accordingly be reassigned to Freight Origin Group No. 113, the correct freight origin group for this shipping point.

A change in shipping points from Glamorgan to Norton, Virginia, is requested for Mine Index No. 3682 because of the inability of this mine to obtain a siding on the Interstate Railroad at Glamorgan, Virginia. It appears that the freight rates applicable from both points are the same. A change in shipping points from Esserville to Norton, Virginia, is requested for Mine Index No. 2308 because of the inability of this mine to obtain loading facilities on the Interstate Railroad at Esserville, Virginia. It appears also that the freight rates applicable from both of these points are also the same.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto supplement R, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points and freight origin group numbers appearing in the aforesaid "Supplement R" for Mine Index Nos. 225, 3682, and 2308 are effective in place of the shipping points and freight origin group numbers heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of the Cameo Mine (Mine Index No. 81) of the Cameo Coal Mining Company as requested in the original petition because the relief requested has already been granted in a Memorandum Opinion and Order dated November 21, 1941, Severing Docket No. A-1165 Part I from Docket No. A-1165 Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-1165 Part I.

No price classifications and no minimum prices are established herein for the coals of Mine Index No. 3901 of Holbrook & Mann (S. W. Holbrook) because prices were established for this mine in an Order dated November 27, 1941, Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-1144.

Freight Origin Group No. 180 listed in the original petition for the coals of Diamond No. 7 Mine (Mine Index No. 3824) of the Diamond Coal Mining Company has been changed to Freight Origin Group No. 40 which is the correct Freight Origin Group Number for Caryville, Tennessee, the shipping point proposed in the original petition for the coals of this mine.

Dated: December 6, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																							
								For destinations other than Great Lakes																For Great Lakes cargo only								
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3062	Abner, Tommy & Earl Fisher (Earl Fisher).	Abner & Fisher	Blue Gem	6	Barbourville, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
3051	Adkins, Rosette (Mrs.)	Fez Creek	No. 5 Block	5	Midkiff, W. Va	C&O	150	Q	Q	L	K	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	H	O	K	(†)	(†)	(†)	(†)	(†)
3018	Bailey, Clayborn	Bailey	Elkhorn	1	Betsy Layne, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	M	H	D	B	F	H	N	K	(†)	(†)	(†)	(†)	C
3044	Bales & Chambers (Arlet Chambers).	Bales & Chambers	Paint Rock	6	Stanley Jct., Tenn	Tenn	71	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
3012	Belcher, Levi	Swindle	Elkhorn	1	Shelby Gap, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
3028	Bentley Coal Co. (E. C. Bentley).	Imboden	Imboden	7	St. Paul, Va	CC&O and N&W.	250	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
3047	Billiter, Kermit	Billiter	Upper Elkhorn.	1	Marrowbone, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
3022	Birchfield, W. M	Birchfield	Upper Elkhorn.	1	Hellier, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
51	Black Star Coal Corp	Black Star	Harlan	2	Alva, Ky	L&N	80	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	K	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	K	(*)	(*)	(*)	(*)	(*)
2847	Brown, J. R	Brown Blue Gem	Blue Gem	6	Mountain Ash, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
3900	Byrd, Hoyal	Patterson Creek	Blue Gem	6	Verne, Ky	L&N	111	A	A	A	A	A	A	C	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
3803	Cassidy, Samuel S. (Cassidy Coal Company).	Davis Coal	Millers Creek	8	Beauty, Ky	N&W	130	D	D	E	E	E	C	C	B	A	G	(†)	(†)	(†)	(†)	(†)	(†)	D	D	E	B	B	B	C	F	G	(†)	(†)	(†)	(†)	(†)
3920	Caudill, R. L	Susan	Horse Creek	6	Manchester, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3883	Clark, Orville (Clark Elkhorn Coal Company).	Clark	Elkhorn	1	Harold, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	G	E	K	H	(†)	(†)	(†)	(†)	C
1706	Cloyd, Leonard	Leonard Cloyd	Lilly	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3778	Coleman & Puckett Coal Co. (Ted Coleman).	Coleman & Puckett Coal Co.	Elkhorn No. 2.	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	O
3962	Collins, Jim	Sunrise	Pittsburgh	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3011	Combs, A. C		Elkhorn No. 2.	1	Dorton, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	O
3932	Comer, Oscar E. (Comer Black Band Coal Co.).	Comer Black Band No. 3.	Black Band	4	Charleston, W. Va.	C&O	123	J	J	L	K	H	F	H	D	D	H	(†)	(†)	(†)	(†)	(†)	(†)	J	J	L	G	E	E	H	J	H	(†)	(†)	(†)	(†)	(†)
2306	Crab Orchard Coal Co. (F. B. Wolfe).	Hall & Kennedy	Widow Kennedy.	7	Coeburn, Va	N&W	30	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
3948	Creech, Moss S	Moss S. Creech	No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	L	K	(†)	(†)	(†)	(†)	(†)	(†)
3824	Diamond Coal Mining Company, The.	Diamond No. 7	Lower Pioneer.	6	Caryville, Tenn	Sou	40	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	K	(†)	(†)	(†)	(†)	(†)
1669	Dozier, J. L	Dozier	Jellico	6	Grays, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3398	Elliott, J. J	Broyles	Jellico	6	Rockhold, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3919	Elliott, Roy	Three Oaks	Horse Creek	6	Manchester, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3056	Evans, W. K. (Kenton Evans Coal Co.).	Beans Fork	Mason	6	Middlesboro, Ky	L&N and Sou.	113	H	H	F	E	E	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	B	C	E	M	K	(†)	(†)	(†)	(†)	(†)
3811	Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	No. 1	Sewanee	6	Ozone, Tenn	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
3812	Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	No. 2	Sewanee	6	Ozone, Tenn	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
3813	Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	Nelson	Nelson	6	Ozone, Tenn	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)
3810	Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	Wolf Den	Sewanee	6	Ozone, Tenn	T.C	72	P	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	M	Q	O	(†)	(†)	(†)	(†)	(†)

See footnotes at end of table.

§ 328.11 *Alphabetical list of code members*—Supplement R—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3894	Foley, B. H.	Foley	Jellico	6	Williamsburg, Ky.	L&N	111	H	H	F	E	E	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	B	C	C	E	K	G	(†)	(†)	(†)	(†)
3872	Fox, Arthur	Fox	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	D	D	M	K	(†)	(†)	(†)	(†)
3780	France Coal Company (W. M. France).	Smith	Harlan	2	Evarts, Ky.	L&N	80	O	O	L	K	F	D	D	D	D	H	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	C	C	D	C	N	H	(†)	(†)	(†)	C
3265	Garrison, Hobart	Hobart	Horse Creek	6	Manchester, Ky.	L&N	111	M	K	K	J	G	E	E	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	K	K	J	F	E	G	G	L	K	(†)	(†)	(†)	(†)
3949	Gayhart, Charles	Charles Gayhart No. 4		6	Combs, Ky.	L&N	100	K	R	J	H	G	D	D	D	K	O	(†)	(†)	(†)	(†)	(†)	(†)	O	K	J	F	D	D	E	E	Q	O	(†)	(†)	(†)	(†)
3918	Gilmore, William & Tom Fisher (William Gilmore).	No. 1	Mason	6	Blackmont, Ky.	L&N	80	R	R	M	L	K	J	E	D	H	O	(†)	(†)	(†)	(†)	(†)	(†)	Q	M	M	L	G	J	D	G	Q	M	(†)	(†)	(†)	(†)
3943	Griffith, C. A.	Griffith Coal Co.	Hazard No. 4	3	Jackson, Ky.	L&N	100	M	M	N	M	K	K	H	D	F	D	M	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	K	H	F	F	K	D	O	N	H	(†)	(†)
4082	Grills & Ward (Theodore Grills).		Harlan	2	Ages, Ky.	L&N	80	O	O	L	K	F	H	D	K	D	F	D	H	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	C	C	J	H	(†)	(†)	(†)	(†)	C
1512	Gudger, Fred	Gudger No. 1	Straight Creek	6	Cary, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
3867	Gudger, Fred (Twin Ridge Coal Company).	Gudger No. 2	Straight Creek	6	Pineville, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	E	C	B	C	A	J	H	(†)	(†)	(†)	A
3881	Hamilton & Spears (Elmer Hamilton).	Weddington	Elkhorn No. 2	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
1440	Henry Coal Company	Henry	Pittsburgh #8	4	Mason City, W. Va., Ohio River at Hallwood.	B&O	240	Q	Q	P	O	M	K	M	H	G	Q	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	K	H	H	M	Q	Q	(†)	(†)	(†)	(†)	(†)
2598	Henry, C. D.	Powell	Blue Gem	6	Barbourville, Ky.	L&N	111	A	A	A	A	A	C	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	E	A	C	D	A	C	C	(†)	(†)	(†)	(†)	A
4006	Hensley, Shelby	Hensley No. 2	Straight Creek	6	Pineville, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
2792	High Top Coal Co.	High Top Coal Co.	No. 5	7	Maness, Va.	L&N and Sou.	204	E	E	E	D	D	C	A	B	C	H	G	K	(†)	A	C	C	A	B	E	E	E	E	C	D	D	E	B	C	K	A	C	C	B
3870	Hill, Cleve	Cleve Hill	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	K	F	G	E	D	E	G	M	K	(†)	(†)	(†)	(†)
3039	Hodge & Deweese (Chester Deweese).	Robinson Creek	Lilly	6	London, Ky.	L&N	111	O	M	K	J	G	E	G	G	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	K	F	G	E	D	E	G	M	K	(†)	(†)	(†)	(†)
3888	Houston Coal Company (Carl Hatcher).	Houston	Elkhorn No. 2	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
2566	Jameson, Robert	Beatrice	Darby	3	Chad, Ky.	L&N	80	E	E	D	C	C	A	C	E	A	D	E	K	(†)	(†)	A	A	A	A	E	E	H	F	D	A	A	C	E	F	E	(†)	A	A	(†)
4017	K. & S. Coal Company (c/o I. M. Slusher).	Kelley	Hignite	6	Kelos, Ky.	L&N and Sou.	113	H	H	F	E	E	A	C	E	D	A	D	E	K	(†)	(†)	(†)	A	(†)	(†)	E	H	F	D	C	B	A	C	E	M	K	(†)	(†)	A	(†)
3957	Kelly & Stallard Coal Co. (Chant B. Kelly).		Clintwood	7	Norton, Va.	L&N and N&W.	205	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
95	Kentucky Glendon Corporation.	Cary	Straight Creek	6	Cary, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A
3871	Lee, Charlie	Lee	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3946	Lewis, John H.	No. 4		6	Combs, Ky.	L&N	100	K	K	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
3869	Marcum, Dewey	Breezy Gap	No. 5 Block	8	Crum, W. Va.	N&W	130	Q	Q	O	J	H	L	G	L	G	K	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	J	N	J	F	G	D	G	L	P	M	(†)	(†)	(†)	(†)
3895	Miller, Harvey	Miller	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	C	E	B	D	G	(†)	(†)	(†)	(†)	C	O	K	M	K	J	H	D	B	B	C	M	K	G	(†)	(†)	(†)	C
3923	Moore-Elliott Coal Company (Charles F. Moore).	Moore-Elliott No. 1.	Elkhorn No. 1	1	Shelby Gap, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
3921	Moore-Elliott Coal Company (Charles F. Moore).	Moore-Elliott No. 2.	Elkhorn No. 2	1	Shelby Gap, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
3892	Petrey & Williams (Cade Williams).	Petrey & Williams	Jellico	6	Grays, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
630	Peytona Coal Company, Inc.	Peytona	No. 2 Gas	4	Peytona, W. Va.	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	B	B	C	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	A	B	B	B	C
4084	Potter, G. W.	Big Lump	Elkhorn	1	Shelby Gap, Ky.	C&O	61	K	K	H	G	E	C	C	B	F	D	(*)	(†)	(†)	(†)	(†)	(†)	K	K	H	F	D	C	E	G	K	G	(†)	(†)	(†)	(†)	(†)
3927	Profitt, S. C.	Profitt No. 3	No. 4	3	Jackson, Ky.	L&N	100	M	M	N	F	E	K	D	D	F	D	G	M	(†)	(†)	(†)	(†)	(†)	M	M	H	F	D	H	C	E	E	G	G	(†)	(†)	(†)	(†)
3902	Quillen, W. G. (Sugar Run Coal Company).	Sugar Run	Blue Gem	6	Colmar, Ky.	L&N	111	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	C	E	D	E	G	K	G	(†)	(†)	(†)	(†)
3933	Renner, Walter		Horse Creek	6	Mt. Vernon	L&N	111	M	M	K	J	E	E	E	G	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	K	K	E	G	C	E	B	E	G	M	K	K	(†)	(†)	(†)	(†)
3953	Rose, Lonnie		Widow Kennedy.	7	Coeburn, Va.	N&W	30	K	M	E	E	C	C	A	B	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	K	K	E	G	C	B	B	E	G	M	K	K	(†)	(†)	(†)	(†)
3915	Salisbury, James W.	Marie	Elkhorn #1 & 2	1	Salisbury, Ky.	C&O	61	H	H	H	G	H	E	G	C	E	G	D	E	B	D	C	G	(†)	(†)	(†)	(†)	(†)	A	H	H	H	J	D	B	B	E	G	J	L	G	(†)	(†)	(†)	(†)	A
3950	Sally, Arnold	Arnold Sally	Hazard No. 4	6	Combs, Ky.	L&N	100	K	K	J	H	G	E	G	C	E	G	D	E	B	D	C	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	H	G	F	D	E	G	J	L	K	(†)	(†)	(†)	(†)
3958	Sizemore, Frank	Sizemore	Horse Creek	6	Richards, Ky.	L&N	111	M	M	K	M	J	K	G	E	G	E	H	D	D	G	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	M	J	G	J	G	E	G	E	M	Q	(†)	(†)	(†)	(†)
3839	Slusher, Isaac (Slusher Coal Mining Co.).	Blacksnake	Mason	6	Blackmont, Ky.	L&N	80	R	R	M	L	K	J	E	H	D	D	G	O	(†)	(†)	(†)	(†)	(†)	(†)	Q	Q	O	M	J	F	D	D	E	G	E	Q	K	O	(†)	(†)	(†)	(†)	(†)	(†)
3969	Spears, Everett	Hubball	No. 5 Block	5	Branchland, W. Va.	C&O	150	Q	Q	L	K	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	F	H	O	K	(†)	(†)	(†)	(†)	(†)
3916	State Line Coal Co. (G. Plenna Belcher).	State Line Coal Co.	Splash Dam	8	Conaway, Va.	N&W	130	M	M	H	G	E	C	E	A	D	E	(†)	(†)	(†)	(†)	(†)	(†)	M	M	H	E	B	B	E	M	E	(†)	(†)	(†)	(†)	(†)
3960	Stonega Coke & Coal Company.	Roda-Premix	Marker-Imboden.	7	Roda, Va.	Inter	200	(†)	(†)	(†)	(†)	(†)	(†)	C	(†)	(†)	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	C	(†)	B	(†)	(†)	(†)	(†)	(†)	(†)	(†)
3272	Tolbey & Miller (Robert Tolbey).	Tolbey & Miller	Lower Banner	7	Coeburn, Va.	N&W	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)
3885	Venters, Linville	Linville Venters	Elkhorn	3	Whitesburg, Ky.	L&N	100	K	K	K	J	G	E	G	C	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
3945	Wright Bros. Coal Company (Joseph A. Wright).		Elkhorn No. 2	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C

§ 328.11 *Alphabetical list of code members*—Supplement R—Continued

LISTINGS TO CHANGE SHIPPING POINTS AND FREIGHT ORIGIN GROUP NUMBERS

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
228	Garmeda Coal Co.	Garco	Lower Hignite	6	Murtea, Ky.	L&N and Sou.	113	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)
3682	Jackson, W. F.	Jackson	Clintwood	7	Norton, Va.	L&N and N&W.	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
2308	Minton, W. C. (Minton Coal Company).	Minton Coal Co.	Blair	7	Norton, Va.	L&N and N&W.	205	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classification effective for these size groups.
*Indicates previously classified these size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in units per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 5"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Weaver, Noah	Weaver	3873	No. 7	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
McKnight, Harry	H. H. Elliott	3910		265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Clark, Orville (Clark Elkhorn Coal Company)	Clark	3883	Elkhorn	285	265	225	230	215	215	165	160
Salisbury, James W	Marie	3915	Elkhorn #1 & 2	285	265	225	230	215	215	170	165
GREENUP COUNTY, KY.											
Kirk, Chester	Fairchild	3882	Clod	265	245	210	220	205	200	150	145
LAWRENCE COUNTY, KY.											
Thompson, Robert C.	Thompson	3898	McHenry	265	245	210	220	205	200	150	145
LETCHER COUNTY, KY.											
Belcher, Lovi	Swindle	3912	Elkhorn	275	255	220	230	215	210	170	165

§ 328.34 *General prices for high volatile coals in units per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 5"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN—Continued											
MAGOFFIN COUNTY, KY.											
Caldwell, James	Caldwell	3868	No. 7	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Billiter, Kermit	Billiter	3947	Upper Elkhorn	275	255	220	230	215	210	170	165
Birchfield, W. M.	Birchfield	3922	Upper Elkhorn	275	255	220	230	215	210	170	165
Coleman & Puckett Coal Co. (Ted Coleman).	Coleman & Puckett Coal Co.	3778	Elkhorn No. 2	275	255	220	230	215	210	170	165
Combs, A. C.		3911	Elkhorn No. 2	275	255	220	230	215	210	170	165
Hamilton & Spears (Elmer Hamilton).	Weddington	3881	Elkhorn No. 2	275	255	220	230	215	210	170	165
Houston Coal Company (Carl Hatcher).	Houston	3888	Elkhorn No. 2	275	255	220	230	215	210	170	165
Moore-Elliott Coal Company (Charles F. Moore).	Moore-Elliott No. 1.	3923	Elkhorn No. 1	275	255	220	230	215	210	170	165
Moore-Elliott Coal Company (Charles F. Moore).	Moore-Elliott No. 2.	3921	Elkhorn No. 2	275	255	220	230	215	210	170	165
Wright Bros. Coal Company (Joseph A. Wright).		3945	Elkhorn No. 2	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 2—HARLAN											
HARLAN COUNTY, KY.											
Clark, Alonzo	Clark	3776	Kelloka	300	280	235	250	225	225	180	175
France Coal Company (W. M. France).	Smith	3780	Harlan	270	260	225	230	210	215	175	170

§ 328.34 *General prices for high volatile coals in units per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" x 6"; egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 3"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 3—HAZARD											
BREATHITT COUNTY, KY.											
Griffith, C. A.	Griffith Coal Co.	3943	Hazard No. 4	265	245	210	205	190	200	145	140
Profitt, S. G.	Profitt No. 3	3927	No. 4	265	245	210	205	190	200	145	140
LETCHER COUNTY, KY.											
Caudill, Delmer	Delmer Caudill	3834	Elkhorn	275	255	220	220	205	210	160	155
Creech, Hursel	Hursel Creech	3848	"C"	300	280	235	250	225	225	180	175
Stacy, Hubert	Hubert Stacy	3909	Hazard No. 4	265	245	220	220	205	210	155	150
Venters, Linville	Linville Venters	3885	Elkhorn	275	255	220	220	205	210	160	155
PERRY COUNTY, KY.											
Hurt & Short (Bradley Short)	Hurt & Short	3907	Hazard No. 4	275	255	220	225	205	210	160	155
WOLFE COUNTY, KY.											
Lindon, Chas. E.		3809	No. 4	265	245	210	220	205	200	150	145
SUBDISTRICT No. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Comer, Oscar E. (Comer Black Band Coal Co.).	Comer Black Band No. 3.	3932	Black Band	280	260	220	215	200	210	165	160
SUBDISTRICT No. 5—LOGAN											
LINCOLN COUNTY, W. VA.											
Adkins, Rosetta (Mrs.)	Fez Creek	3951	No. 5 Block	245	225	220	215	195	210	155	150
Spears, Everett	Hubball	3959	No. 5 Block	245	225	220	215	195	210	155	150
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Evans, W. K. (Kenton Evans Coal Co.).	Beans Fork	3956	Mason	285	265	225	245	215	215	155	150
Gilmore, William & Tom Fisher (William Gilmore).	No. 1	3918	Mason	255	235	215	220	205	205	145	140
Gudger, Fred (Twin Ridge Coal Company).	Gudger No. 2	3867	Straight Creek	295	275	225	245	215	215	165	160
Quillen, W. G. (Sugar Run Coal Company).	Sugar Run	3902	Blue Gem	285	265	220	240	215	210	155	150
Shisher, Isaac (Slusher Coal Mining Co.).	Blacksnake	3839	Mason	255	235	215	220	205	205	145	140
CLAY COUNTY, KY.											
Caudill, R. L.	Susan	3920	Horse Creek	265	245	220	220	205	210	155	150
Elliott, Roy	Three Oaks	3919	Horse Creek	265	245	220	220	205	210	155	150
Sizemore, Frank	Sizemore	3958	Horse Creek	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Abner, Tommy & Earl Fisher (Earl Fisher).	Abner & Fisher	3963	Blue Gem	335	315	235	260	225	225	145	140
Fox, Arthur	Fox	3872	Jellico	255	235	225	225	205	215	155	150
Hill, Cleve	Cleve Hill	3870	Jellico	255	235	225	225	205	215	155	150
Lee, Charlie	Lee	3871	Jellico	255	235	225	225	205	215	155	150

§ 328.34 *General prices for high volatile coals in units per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" x 6"; egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 3"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN—Continued											
KNOX COUNTY, KY.—continued											
Miller, Harvey	Miller	3895	Jellico	255	235	225	225	205	215	155	150
Petrey & Williams (Cade Williams).	Petrey & Williams.	3892	Jellico	255	235	225	225	250	215	155	150
LAUREL COUNTY, KY.											
Allen, Charlie	Hickory	3896	Lilly	265	245	220	220	205	210	155	150
Collins, Jim	Sunrise	3962	Pittsburgh	265	245	220	220	205	210	155	150
Gregory, W. M.	McKnight	3930	Lilly	265	245	220	220	205	210	155	150
York, Felix	Wilhite	3897	Pittsburgh	265	245	220	220	205	210	155	150
LESLIE COUNTY, KY.											
Creech, Moss S.	Moss S. Creech	3948	No. 4	275	255	220	225	205	210	155	150
Gayhart, Charles	Charles Gayhart	3949	No. 4	275	255	220	225	205	210	155	150
Lewis, John H		3946	No. 4	275	255	220	225	205	210	155	150
Sally, Arnold	Arnold Sally	3950	Hazard No. 4	275	255	220	225	205	210	155	150
M'CREARY COUNTY, KY.											
Spradlin, Henry	Spradlin	3924	No. 4	255	235	215	210	200	205	155	150
OWSLEY COUNTY, KY.											
Tincher, James	Tincher	3942	No. 3	265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Adams, Chester	Adams	3877	Horse Creek	265	245	220	220	205	210	155	150
Renner, Walter		3933	Horse Creek	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Byrd, Hoyal	Patterson Creek	3900	Blue Gem	335	315	235	260	225	225	145	140
Foley, B. H.	Foley	3894	Jellico	285	265	225	240	215	215	170	165
Moses, David	Dave Moses	3926	Jellico	285	265	225	240	215	215	170	165
Stephens Brothers (Sherman Stephens).	Becks Creek	3830	Jellico	285	265	225	240	215	215	170	165
Wells, M. G.	Wells	3904	Blue Gem	335	315	235	260	225	225	145	140
CAMPBELL COUNTY, TENN.											
Cusick, H. L.	Cusick	3903	Log Mountain	265	245	205	215	205	195	135	130
Diamond Coal Mining Company, The.	Diamond No. 7	3824	Lower Pioneer	----	----	220	----	----	210	----	----
Orick, C. B.	Orick	3880	Jellico	300	280	225	250	215	215	170	165
CUMBERLAND COUNTY, TENN.											
Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	No. 1	3811	Sewanee	250	230	205	210	185	195	135	130
Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	No. 2	3812	Sewanee	250	230	205	210	185	195	135	130
Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	Nelson	3813	Nelson	250	230	205	210	185	195	135	130
Fall Creek Coal & Lumber Company (c/o Benj. G. Lee).	Wolf Den	3810	Sewanee	250	230	205	210	185	195	135	130
MORGAN COUNTY, TENN.											
Douglas, C. F.	Hatfield	3925	Sewanee	255	235	225	230	205	215	145	140

§ 328.34 *General prices for high volatile coals in units per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" x 6"; egg 4" x 6"	Lump 2" and under; egg 3" x 6"	Lump ¾" and under	Egg 2" x 4"; egg 2" x 3"	Stove 3" and under; nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN—Continued											
SCOTT COUNTY, TENN.											
Bales & Chambers (Arlet Chambers).	Bales & Chambers	3944	Paint Rock	255	235	215	210	200	205	155	150
SUBDISTRICT No. 7—VIRGINIA											
BUCKENSON COUNTY, VA.											
Vanover, E. C.	Vanover Coal Co.	3929	Clintwood	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
Bentley Coal Co. (E. C. Bentley)		3928	Imboden	265	245	220	220	215	210	155	150
Kelly & Stallard Coal Co. (Chant B. Kelly).		3957	Clintwood	265	245	220	220	215	210	155	150
Rose, Lonnie		3953	Widow Kennedy	275	255	220	240	225	210	155	150
Stonega Coke & Coal Company	Roda-Premix	3960	Marker-Imboden	----	----	----	----	225	----	195	----
SUBDISTRICT No. 8—WILLIAMSON											
MARTIN COUNTY, KY.											
Cassidy, Samuel S. (Cassidy Coal Company).	Davis Coal	3893	Millers Creek	305	285	235	240	215	225	170	165
PIKE COUNTY, KY.											
Church, Sam	Church	3890	Pond Creek	245	225	225	210	200	215	160	155
BUCHANAN COUNTY, VA.											
State Line Coal Co. (G. Plenna Belcher).	State Line Coal Co.	3916	Splash Dam	265	245	220	230	215	210	180	175
MINGO COUNTY, W. VA.											
Messer, Troy	Messer	3746	No. 5 Block	245	225	205	210	185	195	145	140
WAYNE COUNTY, W. VA.											
Cooke, Harry E.	Cooke	3847	Pittsburgh	245	225	205	210	185	195	145	140
Marcum, Dewey	Breezy Gap	3869	No. 5 Block	245	225	205	210	185	195	145	140
Preston, Millard		3884	Freeport	245	225	205	210	185	195	145	140

FOR TRUCK SHIPMENTS

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump	Egg: Larger than 3" top	Stove: 3" top size	Nut or pea: 1¼" top or less	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
RUSSELL COUNTY, VA.											
Brown, Cleo	Brown Coal Co.	3914	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 41–9671; Filed, December 23, 1941; 10:23 a. m.]

[Docket No. A–1026]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY AND PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR COALS, FOR SHIPMENT BY TRUCK, PRODUCED AT MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 12

A petition having been filed with the Bituminous Coal Division on August 26, 1941, by District Board 12, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by reducing the effective minimum prices, for shipment by truck, of certain coals produced in District 12:

Pursuant to Orders of the Director and after due notice to interested persons, a hearing in this matter having been held before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof, § 332.24 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments be and it hereby is amended as indicated in the Schedule marked "supplement T" attached hereto and made a part hereof.

It is further ordered, That effective 15 days from the date hereof, pending final disposition of the proceeding in Docket No. A–179 and of the petition herein, the Schedule of Effective Minimum Prices for District No. 12 for Truck Shipments be and it hereby is amended in accordance with the Schedule marked "temporary supplement T" attached hereto and made a part hereof; provided that applications to make permanent, stay, terminate, or modify such temporary relief may be filed.

Dated: December 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[Docket No. A-1054, Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE NO. 9 MINE OF THE CARBON FUEL COMPANY (MINE INDEX NO. 3661) IN DISTRICT NO. 8

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 8 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District 8, including the No. 9 Mine of the Carbon Fuel Company (Mine Index No. 3661);

An Order having been issued by the Director on October 7, 1941, 6 F.R. 5155, severing that portion of Docket No. A-1054 relating to the aforesaid No. 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) and designating it as Docket No. A-1054, Part II, and granting temporary relief pending further Order of the Director;

Pursuant to an Order of the Director, a hearing having been held in this matter on November 14, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which time all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be, and the same hereby is amended as follows: Commencing fifteen (15) days from the date of the Order the classification for Powelton B coals of the No. 9 Mine of the Carbon Fuel Company (Mine Index No. 3661) in Subdistrict No. 4, shall be "E" for Size Groups No. 18, 19, 20 and 21, and "C" for Size Group 27, both for shipments to destinations Other than the Great Lakes and for Great Lakes Cargo only, and shall take the corresponding minimum prices.

It is further ordered, That in all other respects the petition herein be, and the same hereby is, denied.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9715; Filed, December 24, 1941; 11:19 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PUBLIC CIRCULAR NO. 9 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

DECEMBER 24, 1941.

All general licenses, specific licenses, and authorizations of whatsoever character are hereby revoked insofar as they authorize, directly or indirectly, any of the following with respect to any bond, debenture of similar obligation, including coupons (all of which are hereinafter referred to as securities) issued by the Government of Denmark, or any political subdivision, agency or instrumentality thereof:

(a) The removal of such securities from blocked accounts of Denmark, or any person within Denmark, or from any General Ruling No. 6 account; or

(b) The presentation, by or on behalf of or for the benefit of Denmark, or any person within Denmark, or any General Ruling No. 6 account, of such securities for payment or redemption; or

(c) The sale or other disposition of such securities by or on behalf of or for the benefit of Denmark, or any person within Denmark, or any General Ruling No. 6 account,

Provided, That this public circular shall not be deemed to prevent the completion on or prior to December 27, 1941, of purchases and sales of such securities (other than detached coupons) which were made pursuant to the Order on or before December 24, 1941.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9752; Filed, December 26, 1941; 11:48 a. m.]

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[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts. Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, and E.O. 8963, December 9, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 332, Minimum Price Schedule for District No. 12, and supplements thereto.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas—*
Supplement T

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1¼"	Mine run	Nut 2 x 1¼", 1¼ x ¾"	Dom. stoker 1¼", 1 x ¾"	Screenings 2", 1¼" x ¾"	Ind. stoker Cr. 2", 1¼", 1¼" x 0	¾6" x 0
					1	2	3	4	5	6	7	8	9	10
Ritchey Coal Co. (Eugene Johnson); Tillotson Coal Co. (Ted Tillotson).	Ritchey Coal Co. Tillotson	741 718	15 9	Lucas Wapello	292 (*)	282 (*)	272 (*)	262 (*)	207 (*)	207 (*)	207 (*)	157 (*)	217 (*)	250 (*)

*Minimum prices established for these sizes. No changes requested.

Temporary Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1¼"	Mine run	Nut 2 x 1¼", 1¼ x ¾"	Dom. stoker 1¼", 1 x ¾"	Screenings 2", 1¼" x ¾"	Ind. stoker Cr. 2", 1¼", 1¼" x 0	¾6" x 0
					1	2	3	4	5	6	7	8	9	10
Bertell, Silvie (Bertell Coal Co.); Brodshaw, Dan (Caldwell, R. (Caldwell Coal Co.); Fowler, F. R. (Fowler Coal Co.); Guinn, Hardin (Guinn Coal Co.); Hall, Walter; Harrison, Rob't; Kauzlarich & Gronko (Geo. Kauzlarich); Mahalovich, Joe (John Kauzlarich & John Mahalovich); Moore, W. H.; R. & G. Coal Co. (Gabriel Kauzlarich); Raskie, Steve; Schultz, Peter; White Oak Coal Co. (Charles Lamantia).	Bertell	612	2	Appanoose	275	265	255	245	265	255	265	265	265	(*)
	Dan Bradshaw	243	1	Appanoose	260	250	240	230	250	240	250	200	250	(*)
	Caldwell Coal Co.	240	1-A	Appanoose	260	250	240	230	250	240	250	200	250	(*)
	Fowler	327	1-A	Appanoose	260	250	240	230	250	240	250	(*)	250	(*)
	Guinn Coal	325	1	Appanoose	265	255	245	235	255	245	255	200	255	(*)
	Friendship	375	1-A	Appanoose	265	255	245	235	255	245	255	205	255	(*)
	Harrison	358	1-A	Appanoose	265	255	245	235	255	245	255	(*)	255	(*)
	Kauzlarich & Gronko	368	1-A	Appanoose	265	255	245	235	255	245	255	(*)	255	(*)
	Mahalovich Coal Co. (John Kauzlarich & John Mahalovich)	377	1-A	Appanoose	265	255	245	235	255	245	255	(*)	255	(*)
	Hot Blast	399	1-A	Appanoose	265	255	245	235	255	245	255	200	255	(*)
	R. & G.	037	1-A	Appanoose	265	255	245	235	255	245	255	(*)	255	(*)
	Raskie Coal Co.	599	1-A	Appanoose	265	255	245	235	255	245	255	205	255	(*)
	Schultz	433	1-A	Appanoose	260	250	240	230	250	240	250	200	250	(*)
	White Oak	599	1-A	Appanoose	265	255	245	235	255	245	255	(*)	255	(*)

*Minimum prices established for these sizes. No changes requested.

[F. R. Doc. 41-9673; Filed, December 23, 1941; 10:24 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 120]

AMENDING THE REGULATIONS SO AS TO ELIMINATE GROUP NOW DEFERRED BY REASON OF AGE

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] Section XXV, by striking out present subparagraph *b* of Paragraph 365 and substituting therefor the following:

b. In Class IV–E shall be placed each such registrant who is found to be fit for general service. In Class IV–E–LS shall be placed each such registrant who is found to be fit only for limited service. In Class IV–E–H shall be placed every registrant theretofore classified in either Class IV–E or Class IV–E–LS who, prior to being assigned to and accepted for work of national importance under civilian direction, may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class IV–E–H. Class IV–E–LS registrants will be assigned to work of national importance under civilian direction if and when Class I–B registrants are called by the land or naval forces for training and service. The designations "LS" or "H" shall be carried on the Classification Record (Form 100), the Conscientious Objector Report (Form 48), and other appropriate records and notices.

LEWIS B. HERSHEY,
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41-9732; Filed, December 24, 1941; 2:07 p. m.]

[1] 5 F.R. 3923.

[Amendment No. 121]

AMENDING THE REGULATIONS SO AS TO ELIMINATE GROUP NOW DEFERRED BY REASON OF AGE

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] Section XXI, by striking out Paragraph 345 thereof and substituting the following:

345. *Class I–H: Man deferred by reason of age.* In Class I–H shall be placed every registrant, not a volunteer, who prior to induction in the land or naval forces may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class I–H.

LEWIS B. HERSHEY,
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41-9733; Filed, December 24, 1941; 2:07 p. m.]

[Amendment No. 122]

AMENDING THE REGULATIONS SO AS TO CHANGE THE DESIGNATION OF CLASS IV–C

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] Section XVIII, Paragraph 328, by deleting under Class IV "Class IV–C: Nondeclarant alien" and by substituting therefor "Class IV–C: Neutral aliens requesting relief from liability and unacceptable alien enemies."

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41-9734; Filed, December 24, 1941; 2:07 p. m.]

[Amendment No. 123]

AMENDING THE REGULATIONS SO AS TO CHANGE THE COMPOSITION OF CLASS IV–C

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] Section XXIV, in the following respects:

1. By changing the third line of the index thereof to read: Class IV–C: Neutral aliens requesting relief from liability and unacceptable alien enemies.

2. By deleting Paragraph 359 and substituting therefor the following:

359. Class IV–C: *Neutral aliens requesting relief from liability and unacceptable alien enemies.* (a) In Class IV–C shall be placed any registrant, not a national of the United States, who is:

(1) A citizen or subject of a neutral country who, prior to his induction into the land or naval forces, has made application to be relieved from liability for training and service in the land or naval forces of the United States by filing with the local board an Application by Alien for Relief from Military Service (Form 301); or

(2) A citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States, unless he is acceptable to the land or naval forces.

(b) Any registrant who claims to be a citizen or subject of a neutral country or to be a citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States must submit proof of such status to the local board in the form of a birth certificate, entry permit, alien registration certificate, or other information required by the local board.

(c) When a citizen or subject of a neutral country who is liable for training and service prior to his induction into the land or naval forces files an Application by Alien for Relief from Military Service (Form 301), he is thereafter debarred from becoming a citizen of the United States. If a registrant desires to make such application, he shall execute and file two copies of the Application by Alien for Relief from Military Service (Form 301). The original of the Application by Alien for Relief from Military Service (Form 301) shall be transmitted through the State Director of Selective Service to the Immigration and Naturalization Service of the Department of Justice for its files, and the remaining copy shall be retained in the registrant's Cover Sheet (Form 53).

(d) If a registrant is a national of the United States but also contends that he is a citizen or subject of a neutral country or an alien enemy, such contention shall be disregarded and he shall be classified without regard thereto.

(e) Whenever the local board has a perplexing case, it should request assistance through State Headquarters for Selective Service from the Immigration and Naturalization Service.

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41-9735; Filed, December 24, 1941; 2:08 p. m.]

PART 622—CLASSIFICATION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 662,[1] by striking out § 622.16 thereof and substituting the following:

§ 622.16 *Class I–H: Man deferred by reason of age.* In Class I–H shall be placed every registrant, not a volunteer, who prior to induction in the land or naval forces may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class I–H. (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective January 1, 1942.

LEWIS B. HERSHEY,
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41–9736; Filed, December 24, 1941; 2:08 p. m.]

PART 622—CLASSIFICATION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,[1] in the following respects:

1. By striking from § 622.1 thereof the following: "Class IV–C: Nondeclarant alien" and substituting therefor the following: "Class IV–C: Neutral aliens requesting relief from liability and unacceptable alien enemies."

2. By deleting § 622.43 and substituting therefor the following:

§ 622.43 *Class IV–C: Neutral aliens requesting relief from liability and unacceptable alien enemies.* (a) In Class IV–C shall be placed any registrant, not a national of the United States, who is:

(1) A citizen or subject of a neutral country who, prior to his induction into the land or naval forces, has made application to be relieved from liability for training and service in the land or naval forces of the United States by filing with the local board an Application by Alien for Relief from Military Service (Form 301); or

(2) A citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States, unless he is acceptable to the land or naval forces.

(b) Any registrant who claims to be a citizen or subject of a neutral country or to be a citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States must submit proof of such status to the local board in the form of a birth certificate, entry permit, alien registration certificate, or other information required by the local board.

(c) When a citizen or subject of a neutral country who is liable for training and service prior to his induction into the land or naval forces files an Application by Alien for Relief from Military Service (Form 301), he is thereafter debarred from becoming a citizen of the United States. If a registrant desires to make such application, he shall execute and file two copies of the Application by Alien for Relief from Military Service (Form 301). The original of the Application by Alien for Relief from Military Service (Form 301) shall be transmitted through the State Director of Selective Service to the Immigration and Naturalization Service of the Department of Justice for its files, and the remaining copy shall be retained in the registrant's Cover Sheet (Form 53).

(d) If a registrant is a national of the United States but also contends that he is a citizen or subject of a neutral country or an alien enemy, such contention shall be disregarded and he shall be classified without regard thereto.

(e) Whenever the local board has a perplexing case, it should request assistance through State Headquarters for Selective Service from the Immigration and Naturalization Service. (54 Stat. 885; 50 U.S.C., Sup., 301–318 inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective January 1, 1942.

LEWIS B. HERSHEY,
Director.

DECEMBER 22, 1941.

[F. R. Doc. 41–9737; Filed, December 24, 1941; 2:08 p. m.]

PART 622—CLASSIFICATION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,[1] by striking out § 622.53 and substituting therefor the following:

§ 622.53 *Class IV–E–H: Man formerly classified in Class IV–E or Class IV–E–LS, since deferred by reason of age.* In Class IV–E–H shall be placed every registrant theretofore classified in either Class IV–E or Class IV–E–LS who, prior to being assigned to and accepted for work of national importance under civilian direction, may be deferred by reason of age. Unless and until it is determined that a particular age group should be deferred, no registrant shall be classified in Class IV–E–H. (54 Stat. 885; 50 U.S.C., Sup., 301–318 inclusive, E.O. No. 8545, 5 F.R. 3779.)

Effective January 1, 1942.

LEWIS B. HERSHEY,
Director.

DECEMBER 20, 1941.

[F. R. Doc. 41–9738; Filed, December 24, 1941; 2:08 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1018—TINFOIL AND LEAD FOIL

Amendment No. 2 to Limitation Order No. L–25

Section 1018.1 (*Limitation Order L–25*)[1] as heretofore amended November 29, 1941, is hereby further amended as follows:

Paragraph (e) of said Section, as amended, is hereby further amended to read as follows:

§ 1018.1 *Limitation Order No. L–25.*

* * * * *

(e) *Effective date.* This order shall take effect on January 15, 1942, and shall continue in effect until revoked by the Director of Priorities.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, 3d Session, as amended by Public No. 89, 77th Congress, 1st Session; sec. 9, Public No. 783, 76th Congress, 3d Session)

Issued this 23d day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9751; Filed, December 26, 1941; 11:22 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 12 OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP

Section 1304.15[1] is hereby amended by adding thereto paragraph (d):

§ 1304.15 *Appendix C; maximum prices for cast scrap other than railroad scrap.*

* * * * *

(d) *Unprepared scrap.* Except in the case of Heavy Breakable Cast, the maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, exclusive of Heavy Breakable Cast, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (a) hereof, until after such preparation has been completed.

Issued this 24th day of December 1941, this amendment No. 12 shall become effective December 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–9739; Filed, December 24, 1941; 3:05 p. m.]

[1] 6 F.R. 6607.

[1] 6 F.R. 6607.

[1] 6 F.R. 5954, 6145.
[1] 6 F.R. 6694.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 7—COMBED COTTON YARNS[1]

Section 1307.7, *Appendix A, prices per pound for combed peeler yarns,* is hereby amended to read as follows:

§ 1307.7 *Appendix A, maximum prices for combed yarn*—(a) *Maximum prices for combed yarn covered by contract of sale prior to December 24, 1941.* Cotton goods of the following specifications which, prior to December 24, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below.

Prices Per Pound for Combed Peeler Yarns[1]

	Single	2-ply		Single	2-ply
10s	$0.355	$0.425	40s	$0.50	$0.55
12s	.39	.43	50s	.58	.63
14s	.395	.435	60s	.67	.72
16s	.40	.44	70s	.77	.82
18s	.405	.445	80s	.87	.92
20s	.41	.45	90s	1.00	1.12
24s	.42	.46	90s	1.08	1.20
26s	.43	.47	100s	1.28	1.42
30s	.45	.49	110s		1.64
36s	.48	.53	120s		1.88
38s	.49	.54			

[1] The above prices apply only to combed cotton yarns of ordinary commercial quality. For yarns with excess twist, reverse twist, three or more ply, high break, or requiring the use of extra length American cotton, Pima cotton, Egyptian cotton, or Sea Island cotton, a premium over the above prices may be charged to cover the additional cost involved in manufacturing these special qualities.

(b) *Combed yarns not covered by contract prior to December 24, 1941*—(1) *Applicability of maximum prices in paragraph (b).* The maximum prices established in paragraph (b) apply to all transactions entered into or carried out on or after December 24, 1941, except deliveries for which maximum prices are established by paragraph (a).

(2) *Determination of maximum price.* The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of combed yarn shall be determined from the tables below in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price[2] of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the schedule;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.* By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.

[2] The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling $^{15}/_{16}$-inch cotton on ten designated spot markets.

(3) *Maximum price tables*

TABLE I.—*Yarn Numbers Up to 50s*

SPOT COTTON PRICES

[Cents per pound]

Yarn Nos.	14.38 to 14.77	14.78 to 15.17	15.18 to 15.58	15.59 to 15.98	15.99 to 16.38	16.39 to 16.79	16.80 to 17.19	17.20 to 17.59	17.60 to 18.00	18.01 to 18.40	18.41 to 18.80	18.81 to 19.20	19.21 to 19.61
Single:													
10s and under	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42
12s	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5
14s	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
16s	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5
18s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
20s	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5
22s	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45
24s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
26s	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47
28s	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48
30s	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49
32s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
34s	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51
36s	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5
38s	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54
40s	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5
42s	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56	56.5	57
44s	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59
46s	55	55.5	56	56.5	57	57.5	58	58.5	59	59.5	60	60.5	61
48s	57	57.5	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63
Two and Three Ply:													
10s and under	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45
12s	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5
14s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
16s	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5
18s	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47
20s	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48
22s	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49
24s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
26s	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51
28s	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51	51.5	52
30s	47	47.5	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53
32s	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5
34s	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56
36s	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5
38s	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59
40s	55	55.5	56	56.5	57	57.5	58	58.5	59	59.5	60	60.5	61
42s	57	57.5	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63
44s	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64	64.5	65
46s	61	61.5	62	62.5	63	63.5	64	64.5	65	65.5	66	66.5	67
48s	63	63.5	64	64.5	65	65.5	66	66.5	67	67.5	68	68.5	69

TABLE II.—*Yarn Numbers 50s and Above*

SPOT COTTON PRICES

[Cents per pound]

	14.53 to 14.89	14.90 to 15.25	15.26 to 15.62	15.63 to 15.98	15.99 to 16.35	16.36 to 16.71	16.72 to 17.08	17.09 to 17.44	17.45 to 17.81	17.82 to 18.17	18.18 to 18.54	18.55 to 18.90	18.91 to 19.27
Single:													
50s	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64	64.5	65
52s	61	61.5	62	62.5	63	63.5	64	64.5	65	65.5	66	66.5	67
54s	63	63.5	64	64.5	65	65.5	66	66.5	67	67.5	68	68.5	69
56s	65	65.5	66	66.5	67	67.5	68	68.5	69	69.5	70	70.5	71
58s	67	67.5	68	68.5	69	69.5	70	70.5	71	71.5	72	72.5	73
60s	69	69.5	70	70.5	71	71.5	72	72.5	73	73.5	74	74.5	75
62s	71	71.5	72	72.5	73	73.5	74	74.5	75	75.5	76	76.5	77
64s	73	73.5	74	74.5	75	75.5	76	76.5	77	77.5	78	78.5	79
66s	75	75.5	76	76.5	77	77.5	78	78.5	79	79.5	80	80.5	81
68s	77	77.5	78	78.5	79	79.5	80	80.5	81	81.5	82	82.5	83
70s	79	79.5	80	80.5	81	81.5	82	82.5	83	83.5	84	84.5	85
72s	81	81.5	82	82.5	83	83.5	84	84.5	85	85.5	86	86.5	87
74s	83	83.5	84	84.5	85	85.5	86	86.5	87	87.5	88	88.5	89

TABLE II.—*Yarn Numbers 50s and Above—Continued*

SPOT COTTON PRICES—Continued

[Cents per pound]

	14.53 to 14.89	14.90 to 15.25	15.26 to 15.62	15.63 to 15.98	15.99 to 16.35	16.36 to 16.71	16.72 to 17.08	17.09 to 17.44	17.45 to 17.81	17.82 to 18.17	18.18 to 18.54	18.55 to 18.90	18.91 to 19.27
Single—Continued.													
76s	85	85.5	86	86.5	87	87.5	88	88.5	89	89.5	90	90.5	91
78s	87	87.5	88	88.5	89	89.5	90	90.5	91	91.5	92	92.5	93
80s	89	89.5	90	90.5	91	91.5	92	92.5	93	93.5	94	94.5	95
82s	91	91.5	92	92.5	93	93.5	94	94.5	95	95.5	96	96.5	97
84s	94	94.5	95	95.5	96	96.5	97	97.5	98	98.5	99	99.5	100
86s	98	98.5	99	99.5	100	100.5	101	101.5	102	102.5	103	103.5	104
90s	106	106.5	107	107.5	108	108.5	109	109.5	110	110.5	111	111.5	112
100s	126	126.5	127	127.5	128	128.5	129	129.5	130	130.5	131	131.5	132
Two and Three Ply:													
50s	65	65.5	66	66.5	67	67.5	68	68.5	69	69.5	70	70.5	71
52s	67	67.5	68	68.5	69	69.5	70	70.5	71	71.5	72	72.5	73
54s	79	69.5	70	70.5	71	71.5	72	72.5	73	73.5	74	74.5	75
56s	71	71.5	72	72.5	73	73.5	74	74.5	75	75.5	76	76.5	77
58s	73.5	74	74.5	75	75.5	76	76.5	77	77.5	78	78.5	79	79.5
60s	76	76.5	77	77.5	78	78.5	79	79.5	80	80.5	81	81.5	82
62s	78	78.5	79	79.5	80	80.5	81	81.5	82	82.5	83	83.5	84
64s	80	80.5	81	81.5	82	82.5	83	83.5	84	84.5	85	85.5	86
66s	82	82.5	83	83.5	84	84.5	85	85.5	86	86.5	87	87.5	88
68s	84.5	85	85.5	86	86.5	87	87.5	88	88.5	89	89.5	90	90.5
70s	87	87.5	88	88.5	89	89.5	90	90.5	91	91.5	92	92.5	93
72s	89	89.5	90	90.5	91	91.5	92	92.5	93	93.5	94	94.5	95
74s	91	91.5	92	92.5	93	93.5	94	94.5	95	95.5	96	96.5	97
76s	93	93.5	94	94.5	95	95.5	96	96.5	97	97.5	98	98.5	99
78s	95	95.5	96	96.5	97	97.5	98	98.5	99	99.5	100	100.5	101
80s	97	97.5	98	98.5	99	99.5	100	100.5	101	101.5	102	102.5	103
82s	101	101.5	102	102.5	103	103.5	104	104.5	105	105.5	106	106.5	107
84s	105	105.5	106	106.5	107	107.5	108	108.5	109	109.5	110	110.5	111
86s	110	110.5	111	111.5	112	112.5	113	113.5	114	114.5	115	115.5	116
90s	118	118.5	119	119.5	120	120.5	121	121.5	122	122.5	123	123.5	124
100s	140	140.5	141	141.5	142	142.5	143	143.5	144	144.5	145	145.5	146
110s	162	162.5	163	163.5	164	164.5	165	165.5	166	166.5	167	167.5	168
120s	186	186.5	187	187.5	188	188.5	189	189.5	190	190.5	191	191.5	192

TABLE III

In addition to the maximum prices set forth in Tables I and II:—

(1) The following premiums may be charged for yarn twisted or spun with turns per inch equal to 4.50 or more times the square root of the yarn number of single yarns or of the single yarn equivalent of plied yarns:

Yarn numbers:	*Premium Cents per lb.*
Below 30s	No premium.
30s to 39s, inclusive	0.25
40s to 49s, inclusive	.50
50s to 59s, inclusive	.75
60s to 79s, inclusive	1.00
80s to 89s, inclusive	1.50
90s to 99s, inclusive	2.00
100s and above	2.50

(2) A premium may be charged for yarn sold for use in the manufacture of Wind Resistant Cotton Cloth pursuant to Army Specification No. CCC–T 191 and Cotton 8.2 oz. Cloth pursuant to Army Specification No. 6–201 A and alternates of the latter: *Provided*, That such premium does not exceed the increased cost of the cotton actually used over and above the cost of strict middling American cotton of the staple lengths set forth below, according to count.

Yarn numbers:	*Staple*
Up to 24s, inclusive	1 1/16
25s to 30s, inclusive	1 3/32
31s to 44s, inclusive	1 1/8
45s to 55s, inclusive	1 5/32
56s to 70s, inclusive	1 3/16
71s to 80s, inclusive	1 7/32
81s to 90s, inclusive	1 1/4
91s to 100s, inclusive	1 5/16
Over 100s	1 3/8

Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 24th day of December, 1941. This Amendment No. 4 shall become effective December 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–9730; Filed, December 24, 1941; 11:45 a. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 7 TO PRICE SCHEDULE NO. 11—FINE COTTON GREY GOODS

Correction

The premiums for the last two items in Table I appearing in the third column of page 6697 of the issue for Wednesday, December 24, 1941, should be transposed, so as to read as follows:

Name of manufacturing process:	*Premium (per lb.)*
Slubs:	
Cloths with 60 or more picks per inch	2¢
Cloths with less than 60 picks per inch	3¢

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 188]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

DECEMBER 26, 1941.

PART 2—ENTRY OF VESSELS

Section 2.2 is amended to read as follows:

§ 2.2 *Vessels not required to enter.* In addition to the vessels specifically exempted by statute from entry, any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel. Entry shall not be required of vessels coming in in distress or for bunkers (fuel or water for the vessel), sea stores, or ship's stores, transacting no other business in the port, and departing within twenty-four hours after arrival. If any such vessel remains more than twenty-four hours after arrival (whether any other business is transacted in the port or not), it is required to make entry unless while in possession of a valid departure permit it is detained in the port by order of the Naval Authorities of the United States.*

*§§ 2.2, 5.1, 6.14, and 6.16 amended under the authority contained in R.S. 161, Sec. 2, 23 Stat. 118; 5 U.S.C. 22, 46 U.S.C. 2; Act of September 25, 1941; Public Law 260, 77th Congress, 1st Session.

PART 5—FOREIGN CLEARANCES

Section 5.1 (a) is amended to read as follows:

§ 5.1 *Requirements of clearance.* (a) A vessel bound for foreign port or ports must be cleared for definite port or ports in the order of its itinerary, but an application to clear for a port or place "for orders" (instructions to masters as to destination of vessels) may be acted upon favorably if the cargo is to be discharged in a port of the same country as the port to which the vessel is to be cleared. Any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel.*

PART 6—COASTWISE PROCEDURE

Section 6.14 is amended to read as follows:

§ 6.14 *Domestic vessels touching at foreign ports: departure.* (a) The master of every registered or enrolled and licensed vessel departing for a foreign contiguous country shall be required to clear and file a manifest in duplicate on Commerce Form 1374 in the same manner as in the case of a vessel departing for any other foreign country.

(b) Any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to clear prior to its departure from the United States: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel.*

Section 6.16 is amended to read as follows:

§ 6.16 *Domestic vessels touching at foreign ports on the Great Lakes: arrival.* Any vessel of the United States, under frontier enrollment and license, which, during a voyage on the Great Lakes, touches at a foreign port for the purpose of taking on bunker fuel only, shall not be required to enter upon arrival in the United States from such foreign port: *Provided*, That this exemption shall not apply if, while at such foreign port, such vessel lands or takes on board any passengers, or any merchandise other than bunker fuel, receives orders, discharges any seaman by mutual consent, or engages any seaman to replace one discharged by mutual consent, or transacts any other business save that of taking on bunker fuel.*

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41–9761; Filed, December 26, 1941; 11:54 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 89]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

EMERGENCY FACILITIES BY TELEPHONE COMPANIES

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of December 1941;

The Commission having under consideration the matter of the accounting for "emergency facilities" by telephone companies;

Whereas the present national emergency has occasioned the construction by telephone companies of "emergency facilities" of substantial proportions; and

Whereas peculiarities of the expected life of these facilities, ramifications and variations in the agreements governing their construction, and other considerations may be found at the conclusion of studies now in progress to warrant special accounting treatment; and

Whereas it is believed that the accounting for, or ensuing from, the construction of these facilities should accordingly be segregated insofar as practicable before the closing of the accounts for the current calendar year;

Now, therefore, it is ordered, That for the purpose of this order "emergency facilities" shall mean facilities provided by telephone companies pursuant to an agreement to furnish service to the United States Government or to any other person or organization required solely by the national defense program and where the cost of such facilities is segregable from the cost of other facilities of the company; and

It is further ordered, That with respect to all transactions (excepting station apparatus, station installations, drop and block wire, nonmultiple P. B. X.'s, and booths and special fittings) due to the construction or subsequent existence of "emergency facilities" costing $5,000 or more for any project or establishment, constructed by class A and class B telephone companies subsequent to June 30, 1940, subsidiary accounting records shall be maintained until otherwise ordered so as to afford a segregation of such transactions recorded in

(1) account 100.1, "Telephone plant in service,"

(2) account 171, "Depreciation reserve,"

(3) account 175, "Contributions of telephone plant,"

(4) account 608, "Depreciation [expense]," and

(5) all operating revenue accounts:

Provided, however, That items (1), (3), and (5) shall be maintained by projects or establishments and summarized by States, item (2) shall be maintained by States, and item (4) shall be computed by classes of plant for the property in each State; and

Provided further, That the segregation with respect to the operating revenue accounts may be confined to nonrecurring amounts (such as, for example, those occasioned by so-called installation charges, as distinguished from recurring periodic charges); and

Provided further, That the reference to an account or group of accounts in this order shall not be construed as an indication of the propriety or impropriety of the use of such accounts in accounting for transactions of the nature under consideration herein.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41–9742; Filed, December 26, 1941; 11:03 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–150]

IN THE MATTER OF CONCO BUILDING PRODUCTS, INC., A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION No. 1763, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

(a) whether or not Conco Building Products, a corporation, registered distributor, Registration No. 1763, respondent in the above-entitled matter, whose address is Box 111, Mendota, Illinois, has violated any provisions of the Act, the Code, or orders or regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors (the "Distributors' Regulations"), and the Distributor's Agreement (the "Agreement"), executed by respondent on June 12, 1940, pursuant to an Order of the National Bituminous Coal Commission (the "Commission"), dated March 24, 1939, entered in General Docket No. 12 which was subsequently adopted as an Order of the Division; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalty should be imposed;

and for said purposes gives notice that it has information to the effect that:

2. On June 17, 1940, pursuant to an Order of the National Bituminous Coal Commission, dated March 24, 1939, entered in General Docket No. 12 which was subsequently adopted as an Order of the Division, respondent filed with the Division its application dated June 12, 1940, for registration as a registered distributor, which was accompanied by its Distributor's Agreement, dated June 12, 1940, that said application was approved by the Division on June 20, 1940, and certificate No. 1763 was issued to respondent authorizing it to act as a registered distributor; and that respondent has been, ever since said last mentioned date, and is now, acting as a registered distributor.

3. Respondent is a corporation organized during the year 1939 under the laws of the State of Illinois, with an authorized capital stock of 12,000 shares, of which 9,000 shares are issued and outstanding, and is engaged in the business of purchasing, selling and distributing bituminous coal at wholesale.

4. H. D. Conkey & Company is a corporation engaged in the manufacturing

business and is the owner of 6,300 shares of capital stock of the respondent. The remaining 2,700 outstanding shares of the capital stock of respondent are owned in equal parts by L. M. Mumford and Ray G. Ellingen, employees of said H. D. Conkey & Company.

5. The Conco Engineering Works is now, and during the entire period subsequent to October 1, 1940 was, a division of H. D. Conkey & Company. Conco Sand & Gravel is now, and during the entire period subsequent to October 1, 1940 was, a division of H. D. Conkey & Company. The Conco Press during the period October 1, 1940, to August 2, 1941, was a division of H. D. Conkey & Company. L. M. Mumford and W. S. Michael at the time the sales hereinafter described were made, were employees of H. D. Conkey & Company.

6. During the period from October 1, 1940, to May 22, 1941, the respondent purchased from various code member producers in District No. 10 coal produced by said code members, for resale to said H. D. Conkey & Company, Conco Sand & Gravel, Conco Engineering Works, Conco Press, L. M. Mumford and W. S. Michael and accepted distributor's discounts from the effective minimum prices on said cars of coal, as follows:

Date shipped	Purchased from—	Sold to—	Car No.	Weight in pounds
Oct. 8, 1940	Chgo. Wil. & Franklin	H. D. Conkey & Co	IC 215806	89,900
	Chgo. Wil. & Franklin	H. D. Conkey & Co	IC 83242	100,000
Oct. 24, 1940	United Elec. Coal Co	Conco Sand & Gravel	MP 72346	102,000
Oct. 30, 1940	Chgo. Wil. & Franklin	Conco Engineering Wks	Q 165736	104,500
Nov. 6, 1940	Chgo. Wil. & Franklin	Conco Sand & Gravel	IC 216410	93,900
Nov. 14, 1940	Chgo. Wil. & Franklin	Conco Engineering Wks	IC 83219	105,700
Nov. 20, 1940	Chgo. Wil. & Franklin	Conco Sand & Gravel	Q 773814	83,900
Dec. 4, 1940	Chgo. Wil. & Franklin	H. D. Conkey & Co	Q 88463	53,250
		L. M. Mumford		7,680
		Conco Press		3,240
Feb. 28, 1941	Chgo. Wil. & Franklin	H. D. Conkey & Co	Q 88500	45,480
		Conco Press		5,420
		W. S. Michael		9,720
		L. M. Mumford		8,260
Mar. 6, 1941	Midvale Coal—McLaren CC	Conco Sand & Gravel	IC 215257	102,400
Mar. 25, 1941	Midvale Coal—McLaren CC	Conco Sand & Gravel	IC 90238	102,500
Apr. 8, 1941	Chgo. Wil. & Franklin—Florida	Conco Sand & Gravel	IC 94089	74,100
Apr. 11, 1941	Chgo. Wil. & Franklin—Florida	Conco Sand & Gravel	IC 201067	100,600
Apr. 16, 1941	Reliable C. Co.—F.C. Morgan	Conco Sand & Gravel	IC 83641	94,000
	Reliable C. Co.—F.C. Morgan	Conco Sand & Gravel	IC 214897	98,100
May 12, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 399259	106,100
May 18, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 628535	103,900
May 22, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 602033	90,900
May 22, 1941	Enos Coal Co.—Enos Mine #36	Conco Sand & Gravel	NYC 604454	85,300

7. In accepting and retaining distributor's discounts from the effective minimum prices as set forth in paragraph 6 hereof, the respondent violated the following:

(a) Paragraph (g) of the agreement, in that in said transactions respondent performed no services of value for said code member producers and said transactions were entered into between the respondent as a registered distributor and its vendee primarily for the purpose of unjustly enriching the respondent, and except for the incidence of section 4 II (h) of the Act, the consumers would have purchased said coal direct from said code members.

(b) § 304.19 (c) of the Rules and Regulations for the Registration of Distributors and Paragraph (h) of the Distributor's Agreement, in that in the aforesaid transactions, the respondent accepted discounts from the effective minimum prices on coal purchased by it for resale to a person who owned such distributor or who financially or otherwise controlled such distributor.

(c) Section 4 II (i) 12 of the Act, Rule 12 of section XIII of the Marketing Rules and Regulations and Paragraph (c) and (e) of its Agreement, in that the respondent in such transactions was in fact or in effect an agency or instrumentality of a retailer or industrial consumer in the purchase and sale of such coal.

(d) Paragraph (d) of the Agreement, in that said purchases of coal by respondent were not made for bona fide resale, and Car Q 88463 shipped on December 4, 1940, and Car Q 88500 shipped on February 28, 1941, were resold by respondent in less than railroad carload lots.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on January 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 709, U. S. Custom Building, 610 South Canal Street, Chicago, Illinois.

It is further ordered, That W. A. Shipman, or any other officer or officers of the Bituminous Coal Division designated by the Acting Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent, and that any respondent failing to file an answer within such period, unless the Acting Director or the presiding officer shall otherwise order, shall be deemed to have admitted the said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: December 23, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9708; Filed, December 24, 1941; 11:17 a. m.]

[Docket No. D-6]

IN THE MATTER OF THE APPLICATION OF ST. BERNARD COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO WEST KENTUCKY COAL COMPANY (N. J.) AND PEOPLES COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

The St. Bernard Coal Company, a corporation organized under the laws of New Jersey, with its principal offices in Sturgis, Kentucky, being registered with the Division as a distributor, No. 7971, and acting as a sales agent for certain producers, filed its petition praying:

1. That it be determined that the ownership by West Kentucky Coal Company (N. J.) of the stock of St. Bernard Coal Company, and the stock of West Kentucky Coal Company (Del.) and the ownership by West Kentucky Coal Company (Del.) of the stock of Peoples Coal Company, are bona fide, are not established primarily, or otherwise, to secure indirect price reductions and are not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.

2. That St. Bernard Coal Company be permitted to accept and retain distributors' discounts on coal purchased and resold by it in carload lots, without physically handling the coal to West Kentucky Coal Company (N. J.) and Peoples Coal Company.

3. That St. Bernard Coal Company be permitted to secure commissions on coal sold by it as sales agents for code member producers to West Kentucky Coal Company (N. J.) and Peoples Coal Company.

4. For such further and alternative relief as may seem just and equitable.

It is ordered, That a hearing on such matter be held on February 23, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 19, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9746; Filed, December 26, 1941; 11:21 a. m.]

[Docket No. D-7]

IN THE MATTER OF THE APPLICATION OF WEST KENTUCKY COAL COMPANY, INC. FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO ST. BERNARD COAL COMPANY, PEOPLES COAL COMPANY, AND WEST KENTUCKY COAL COMPANY (DEL.)

NOTICE OF AND ORDER FOR HEARING

The West Kentucky Coal Company, Inc., a corporation organized under the laws of New Jersey, with its principal offices in Sturgis, Kentucky, being registered with the Division as a distributor, No. 9598, and acting as a sales agent for certain producers, filed its petition praying:

1. That it be determined that St. Bernard Coal Company, Peoples Coal Company, and West Kentucky Coal Company (Del.) do not own, or financially or otherwise control West Kentucky Coal Company, Inc.

2. That it be determined that the ownership by West Kentucky Coal Company, Inc. of the stock in St. Bernard Coal Company and West Kentucky Coal Company (Del.) and the ownership of West Kentucky Coal Company (Del.) of the stock of Peoples Coal Company, are bona fide, are not established primarily, or otherwise, to secure indirect price reductions and are not within the prohibitions of paragraphs 11 and 12 of section 4 II (i) of the Act.

3. That the West Kentucky Coal Company, Inc. be permitted to accept and retain distributors' discounts on coal purchased and resold by it, in carload lots, without physically handling the coal, to St. Bernard Coal Company, Peoples Coal Company, and West Kentucky Coal Company (Del.).

4. That the West Kentucky Coal Company, Inc. be permitted to secure commissions on coal sold by it as sales agent for code member producers to St. Bernard Coal Company, Peoples Coal Company, and West Kentucky Coal Company (Del.).

5. For such further and alternative relief as may seem just and equitable.

It is ordered, That a hearing on such matter be held on February 23, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 19, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9747; Filed, December 26, 1941; 11:21 a. m.]

[Docket No. 1508-FD]

IN THE MATTER OF THE APPLICATION OF INDIANA COALS CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

MEMORANDUM OPINION AND ORDER

By an Order of May 27, 1941, the Director, pursuant to and in accordance with Section 12 of the Bituminous Coal Act of 1937, provisionally approved Indiana Coals Corporation, the applicant, as a "marketing agency." This Order of approval was subject to certain specified conditions, all of which were designed to ensure that the operations of the applicant would not circumvent the standards of section 12 and the overall objectives of the Act.

On June 26, 1941, the applicant filed a "Motion to Modify and Amend Order of Provisional Approval," requesting the Director to modify and amend his Order of May 27, 1941, by eliminating therefrom conditions numbered 2, 4, 7, 8, 9, and 10, contained therein. On July 11, 1941, the undersigned issued a Memorandum Opinion and Order, denying the applicant's request for modification of the conditions other than Conditions 7 and 8, and effecting changes in Conditions 7 and 8 so as to permit price changes which the applicant seeks to put into effect, after the initial schedule has

become effective, to become immediately effective where the changes effect a decrease in the existing prices; permit the Director to suspend the classifications and prices theretofore made effective, only after a hearing has been held; and provide that any suspension of prices will not affect consummated transactions.

On December 17, 1941, the applicant filed a "Motion to Suspend the Operation of Items 2 and 4 of the Order of Provisional Approval." In support of this motion, the applicant sets forth that it has not organized and functioned as a marketing agency; the subscribers of the applicant have not been satisfied with the form of organization proposed nor with the provisions of the Order of approval of May 27, 1941; subscribers have indicated their desire to consider further the execution of contracts and the function of applicant as a marketing agency in the event that Conditions 2 and 4 are temporarily suspended; the record does not indicate any necessity for the immediate imposition of Conditions 2 and 4; and the applicant would be able to effect contracts with a sufficient production within the State of Indiana to permit the functioning of the marketing agency if Conditions 2 and 4 were temporarily suspended. Together with its motion to suspend the operation of Conditions 2 and 4, the applicant has submitted the affidavit of its assistant secretary who states that he is of the opinion that if Conditions 2 and 4 are temporarily suspended a sufficient number of producers will be favorably inclined to execute contracts.

Conditions 2 and 4 provided in the Order of May 27, 1941, are concerned with sub-agents' commissions and discounts allowed to registered distributors or registered farmers' cooperatives.[1] It does not appear that any immediate harm will result from a brief suspension of those conditions. If, as the applicant asserts, the suspension of Conditions 2 and 4 will enable the applicant to effect contracts covering sufficient tonnage to permit the functioning of the marketing agency, an order effecting such suspension should be entered.

The applicant seeks a six-month suspension. It appears to the undersigned that 90 days is ample time to enable the applicant to obtain sufficient contracts to permit it to operate. Indeed, if by the end of 90 days from the date hereof, which will be almost ten months from the time provisional approval of the applicant was granted, the applicant has not been organized and is not functioning as a marketing agency, the provisional approval granted the applicant on May 27, 1941, should be revoked.

The applicant further asks that a hearing be ordered after the applicant has functioned for a period of five months to determine the necessity and reasonableness of Conditions 2 and 4 in the light of the evidence of the applicant's activities during said period. I see no necessity for ordering such a hearing at this time. However, the undersigned reserves the right at the end of a 90-day period from the start of the applicant's operating and functioning as a marketing agency, to order the applicant to show cause why the operation of Conditions 2 and 4 should be further suspended. To that end and to the end of imposing any further condition that may be found necessary, jurisdiction is also hereby reserved. In the meantime, the functioning of the applicant will be studied in an effort to determine whether its operation conforms to the statutory requirements.

It is concluded, therefore, that the operation of Conditions 2 and 4 set forth in the Order Granting Provisional Approval herein, dated May 27, 1941, should be suspended for a period of 90 days from the date hereof. The applicant's request for longer suspension should be denied. It is further concluded that, unless the applicant is organized and functioning as a marketing agency within 90 days from the date hereof, the provisional approval granted the applicant by Order of May 27, 1941, should be withdrawn and revoked 90 days from the date hereof. It is further concluded that at the end of a 90-day period from the start of the applicant's operating and functioning as a marketing agency, the undersigned may order the applicant to show cause why the operation of Conditions 2 and 4 should be further suspended.

And it is so ordered.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9748; Filed, December 26, 1941; 11:21 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, DEFENDANT

MEMORANDUM OPINION AND ORDER REOPENING THE HEARING

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on May 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, the complainant, alleging that Morris & Campbell, the defendant had wilfully violated the Bituminous Coal Code or rules and regulations thereunder and the effective minimum prices, and praying that an order be entered requiring the defendant to cease and desist from such violations.

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter was held before W. A. Shipman, an Examiner of the Division, at Terre Haute, Indiana, at which the complainant and the defendant appeared. The parties waived the preparation and filing of a Report by the Examiner, and the matter was thereupon submitted to the Director who, on October 31, 1941, issued his Findings of Fact, Conclusions of Law and Opinion, and entered an Order revoking and cancelling the defendant's code membership and directing that prior to any reinstatement of the defendant, or any partner therein, to membership in the Code, there shall be paid to the United States a tax in the amount of $1,213.51, as provided in section 5 (c) of the Act.

On November 24, 1941, District Board 11 filed a petition to vacate the Order of the Director of October 31, 1941, for a reconsideration of the matter, and requesting that a cease and desist order be issued in lieu of the order of revocation and cancellation of code membership. A Statement of Facts and Memorandum in support of this motion was filed on December 3, 1941. On December 4, 1941, an Order was entered denying the petition and suggesting that at the request of any party an opportunity might be afforded the parties to introduce additional evidence, either concerning the violations of the defendant or relevant to the penalties attendant thereon, to show why the Order of the Director of October 31, 1941, should be vacated.

On December 13, 1941, District Board 11 filed a motion requesting (1) that the record be reopened for the purpose of receiving as a part of the record the Statement of Facts and Memorandum heretofore filed by District Board 11 in support of its motion to vacate the Order of October 31, 1941, and to receive an affidavit of Moss Morris, partner of the defendant, attached to the motion, and upon the basis of said statement and affidavit to vacate retroactively the Order revoking and cancelling the defendant's code membership and in lieu thereof issue a cease and desist order; or, (2), reopen the hearing.

Upon a consideration of said motion it appears to the undersigned that the request to reopen the hearing should be granted in order to afford the parties an opportunity to introduce additional evidence herein, either concerning the violations of the defendant or relevant to penalties attendant thereon and to show why the Order of the Director of October 31, 1941, should be vacated.

The motion to vacate the Order of October 31, 1941, pending a decision on the record as supplemented by evidence adduced at the reopened hearing will not be granted. However, the undersigned will suspend, effective as of October 31, 1941, the Order of October 31, 1941, revoking defendant's code membership. This suspension is without prejudice to the right to reinstate the effectiveness of the Order as of October 31, 1941, if upon the record as supplemented by the testimony taken at the reopened hearing, it is concluded that the initial order was proper.

It is therefore ordered, That complainant's motion to vacate the Order of October 31, 1941, entered herein, revoking defendant's code membership, be and the same is hereby denied.

It is further ordered, That said Order of October 31, 1941, revoking defendant's code membership be and it hereby is suspended as of October 31, 1941, without prejudice to the right of reinstatement; and

It is further ordered, That the motion to reopen the hearing be and the same hereby is granted and that the hearing be and the same hereby is reopened for the purpose of taking additional evidence, adduced by any party to this proceeding, concerning the violations of the defendant or relevant to the penalties attendant thereon, and to show why the Order of the Director of October 31, 1941, should, or should not, be vacated; and

It is further ordered, That such hearing be held on January 13, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Terre Haute, Indiana; and

It is further ordered, That the Examiner shall have such power and authority as was conferred upon him by the original Notice of and Order for Hearing in this matter dated July 28, 1941.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9749; Filed, December 26, 1941; 11:21 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and Address	Date application Filed
H. P. McNeer, Receiver, Standard Banner Coal Corp., Wakenva, Va	Dec. 15, 1941
F. H. Stineman, F. H. Stineman Coal Co., South Fork, Pa	Dec. 16, 1941
Valley Coal Co., Market St., Leechburg, Pa	Dec. 17, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before January 26, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9750; Filed, December 26, 1941; 11:22 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective December 26, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

G. F. Gosselin and Sons, 879 Juno Street, St. Paul, Minnesota; Shoes; 3 learners; 8 weeks for any one learner; 30 cents per hour; Hand Moccasin Sewer; March 2, 1942. (This certificate effective 12-22-41 and omitted from Register of that date.)

Murray Printing Company, Newnan, Georgia; Converted Paper Products; 1 learner; 4 weeks for any one learner; 30 cents per hour; Box maker; February 5, 1942.

Paris Shoe Shop, 342 W. Main Street, Spokane, Washington; Shoes; 1 learner; 12 weeks for any one learner; 30 cents per hour; Shoe maker, repairer and rebuilder; April 13, 1942. (This certificate effective 12-22-41 and omitted from FEDERAL REGISTER of that date).

Signed at Washington, D. C., this 24th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9720; Filed, December 24, 1941; 11:40 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3933).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 26, 1941. The Certificates may be cancelled in the manner provided in the regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Arkay Pants Company, 110 Chace Street, Fall River, Massachusetts; Boys' Mackinaws, Suits, Snow Suits; 5 percent (T); December 26, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Archbald Sewing Company, 140 Cherry Street, Archbald, Pennsylvania; Children's Dresses; 10 learners (T); December 26, 1942.

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[1] Condition 2 provides: 2. The amount of commissions to be paid to a sub-agent under the sub-agency contract submitted for approval shall not exceed (1) the amount now paid to such sub-agent under its sales agency contract made directly with the producer; and (2) shall in no event exceed 10% of the sale price.

Condition 4 provides: 4. The form of marketing agency agreements should be modified so as to provide specifically that discounts allowed to registered distributors or to registered farmers' cooperatives shall come out of the sub-agent's commission.

Forest City Dress Company, 354 Main Street, Forest City, Pennsylvania; Dresses; 10 learners (T); December 26, 1942.

Grinnell Pajama Corporation, Kilburn Street, New Bedford, Massachusetts; Nightgowns, Pajamas, Sleepers; 10 percent (T); December 26, 1942.

Jay Dress Company, 701 17th Avenue, Belmar, New Jersey; Dresses; 10 learners (T); December 26, 1942.

Lackawanna Pants Manufacturing Company, Cedar Avenue and Brook Street, Scranton, Pennsylvania; Sport Shirts and Single Pants; 25 learners (E); June 26, 1942. (This certificate is restricted to the employment of learners on commercial work only.)

Lansdale Shirt Factory, 526 N. Broad Street, Lansdale, Pennsylvania; Men's Shirts; 10 learners (T); December 26, 1942.

Maiden Form Brassiere Company, Inc., Rector and Fayette Street, Perth Amboy, New Jersey; Brassieres and Corsets; 50 learners (E); June 26, 1942.

S and S Clothing Corporation, 44 Lehigh Street, Wilkes-Barre, Pennsylvania; Boys' Trousers and Overalls; 10 learners (T); December 26, 1942.

South Jersey Manufacturing Company, Rear Pine Street, Millville, New Jersey; Ladies' Blouses and Dresses; 5 learners (T); December 26, 1942.

Isadore Spivak and Company, S. E. Corner Broad and Carpenter Streets, Philadelphia, Pennsylvania; Men's Pants; 8 learners (T); December 26, 1942.

Standard Garment Company, Inc., Bridal Avenue, West Warwick, Rhode Island; Ladies' Underwear; 10 percent (T); December 26, 1942.

Gloves

The Trion Company, Trion, Georgia; Work Gloves; 5 percent (T); December 26, 1942.

Hosiery

Infants Socks, Inc., Eufaula, Alabama; Seamless Hosiery; 15 learners (E); August 26, 1942.

James Knitting Mills Company, 25th Street, Hickory, North Carolina; Seamless Hosiery; 5 learners (T); December 26, 1942.

Knitted Wear

Clifton Underwear Mills, Inc., 173 Beechwood Avenue, New Rochelle, New York; Knitted Underwear; 45 learners (E); June 15, 1942. (This certificate effective 12-22-41 and omitted from FEDERAL REGISTER of that date.)

Roper Knitting Company, Inc., 343 North Main Street, Canandaigua, New York; Sweaters, Swim Suits; 5 learners (T); December 26, 1942.

Textile

A. D. Juilliard and Company, Inc., Aragon Mills Division, Aragon, Georgia; Cotton Woven Fabrics; 15 learners (T); December 26, 1942.

Mid-Western Rayon and Dyeing Company, Inc., 1300 S. Indiana Avenue, Chicago, Illinois; Rayon Yarns; 2 learners (T); December 26, 1942.

Phoenix Hosiery Company, 320 E. Buffalo Street, Milwaukee, Wisconsin; Processing Silk and other yarns; 10 percent (T); December 26, 1942.

The Unaka Bedspread Company, Inc., 118 Legion Street, Johnson City, Tennessee; Chenille Bedspreads; 25 learners (E); June 26, 1942.

Signed at Washington, D. C., this 24th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9721; Filed, December 24, 1941; 11:40 a. m.]

[Administrative Order No. 135]

RESIGNATION AND REPLACEMENT OF CHAIRMAN AND NOTICE OF CHANGE OF DATE OF CONVENING OF INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY CARRIER INDUSTRY OF PUERTO RICO

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Baird Snyder, Acting Administrator of the Wage and Hour Division, Department of Labor:

(1) hereby accept the resignation of Mr. William Homer Spencer as Chairman of the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico, and appoint Mr. Arthur F. Raper, of Greensboro, Georgia, in his stead as Chairman of such committee; and

(2) hereby postpone the date of the convening of the Industry Committee for the Railroad and Property Carrier Industry of Puerto Rico from January 7, 1942, to January 8, 1942, at 9:30 A. M. The public hearing for the purpose of receiving evidence to be considered by this committee in recommending minimum wage rates consequently will also be postponed to January 8, 1942.

Signed at Washington, D. C., this 24th day of December 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-9753; Filed, December 26, 1941; 11:49 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 37 FOR THE CIGAR INDUSTRY; TO BE HELD JANUARY 13, 1942 AT WASHINGTON, D. C.

Whereas the Administrator of the Wage and Hour Division, United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on November 21, 1941, by Administrative Order No. 131, appointed Industry Committee No. 37 for the Cigar Industry, composed of an equal number of representatives of the public, employers in the industry, and employees in the industry, selected with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 37, on December 10, 1941, recommended minimum wage rates for the Cigar Industry and duly adopted a report containing said recommendations and on December 12, 1941, filed its report with the Administrator in accordance with section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after giving due notice and an opportunity to be heard to interested persons, to approve and carry into effect by order the recommendations of Industry Committee No. 37 if he finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing before him and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given:

I. Industry Committee No. 37 for the Cigar Industry has made the following separable recommendations for minimum wages to be paid employees in the industry:

(a) 35 cents to be paid for: the preparation (as defined by Administrative Order No. 131) or marketing (including wholesaling) of cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(b) 40 cents to be paid for: the manufacture of cigars (as defined in Administrative Order No. 131) from any types of tobacco.

II. The definition of the Cigar Industry, as set forth in Administrative Order No. 131 is as follows:

For the purpose of this order the term "cigar industry" means the manufacture of cigars, from *any* types of tobacco; and the preparation or marketing (including wholesaling) of *cigar* types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of cigars and other tobacco products.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars, including cheroots, stogies, and little cigars.

(b) The manufacture of cigars from *noncigar* types of leaf tobacco and the scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed in the manufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making *cigar* leaf tobacco and scrap tobacco therefrom suitable for use in the manufacture of cigars, whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It includes, but not by way of limitation, the operations of grading, sorting, packing, sweating, fermenting, stemming, and conditioning. It does not include, however, such preliminary processing of *cigar* types of tobacco or scrap tobacco therefrom as is performed in a manufacturing plant as an integral part of the manufacturing operations attending the production of tobacco products other than cigars, nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

The definition of the cigar industry covers all occupations in the industry which are necessary to the production of cigars or to the preparation or marketing of cigar types of tobacco and scrap tobacco therefrom, including clerical, maintenance, and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the Report and Recommendation of Industry Committee No. 37 are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the Wage and Hour Division, United States Department of Labor:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina State Department of Labor.

Atlanta, Georgia, 5th Floor, Witt Building, 249 Peachtree Street NE.

Columbia, South Carolina, Federal Land Bank Building.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building.

Nashville, Tennessee, 509 Medical Arts Building.

Cleveland, Ohio, Main Post Office, West Third and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th and Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendations, and of dissenting statements filed by members of the Committee, are available for inspection at, and may be obtained by writing to, the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 37 shall be approved or disapproved pursuant to section 8 of the Act will be held on January 13, 1942, at 10:00 a. m. in Room 3229 of the United States Department of Labor Building, Washington, D. C., before Major Robert N. Campbell, as Presiding Officer.

V. Any interested person supporting or opposing the recommendations of Industry Committee No. 37 may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person if not later than January 7, 1942, he files with the Administrator, by mail or otherwise, at Washington, D. C., a notice of his intent to appear, which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.

3. Whether such person proposes to appear for or against the recommendations of the Committee.

4. The approximate length of time requested for his presentation.

VI. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator, who will be available for that purpose at the office of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document relating to the Cigar Industry will be available for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, The Cigar Industry, November 1941.

VIII. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request, addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable no-

tice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearings, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 19th day of December, 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-9754; Filed, December 26, 1941; 11:49 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 38 FOR THE TOBACCO INDUSTRY; TO BE HELD JANUARY 19, 1942

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on December 3, 1941, by Administrative Order No. 132, appointed Industry Committee No. 38 for the Tobacco Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 38, on December 16, 1941, recommended a minimum wage rate for the Tobacco Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on December 17, 1941, pursuant to section 8 (d) of the Act and § 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 38 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, Therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 38 is as follows:

Every employer shall pay not less than the following rate per hour to each of his employees who shall be engaged in commerce or in the production of goods for commerce in the Tobacco Industry as defined by Administrative Order No. 132, dated December 3, 1941:

a. 40 cents to be paid for: the manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from any types of tobacco.

b. 40 cents to be paid for: the preparation (as defined by Administrative Order No. 132) or marketing (including wholesaling) of non-cigar types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of tobacco products including cigars.

II. The definition of the Tobacco Industry as set forth in Administrative Order No. 132, issued December 3, 1941, is as follows:

For the purpose of this order the term "tobacco industry" means the manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from *any* types of tobacco; and the preparation or marketing (including wholesaling) of *non-cigar* types of leaf tobacco (as defined by the Bureau of Agricultural Economics of the United States Department of Agriculture) and the scrap tobacco therefrom for use in the manufacture of tobacco products, including cigars.

(a) The term "cigar" wherever used in this definition comprehends all types of cigars including cheroots, stogies, and little cigars.

(b) The manufacture of cigarettes, snuff, chewing tobacco, and smoking tobacco from *cigar* types of leaf tobacco and scrap tobacco therefrom includes the preliminary processing of such tobacco which is performed at the manufacturing plant as an integral part of the manufacturing operation.

(c) The term "preparation" as used herein includes all operations involved in making *non-cigar* leaf tobacco and the scrap tobacco therefrom suitable for sale or for use in the manufacture of all types of tobacco products including cigars whether performed by employees of warehousemen, manufacturers, leaf dealers, or others. It does not include sales operations that are customarily performed on the sales floor of loose leaf tobacco auction warehouses or the direct loading of tobacco off the floor of such warehouses for shipment. It includes the production of Black Fat, Water Baler, and Dark African. It includes, but not by way of limitation, the operations of grading, sorting, conditioning, redrying, stemming, packing and storing. It does not include, however, such preliminary processing of *non-cigar* types of tobacco and scrap tobacco therefrom as is performed in the manufacturing plant as an integral part of the manufacturing operations attending the production of cigars; nor does it include operations performed by a farmer or on a farm as an incident to or in conjunction with farming operations.

The definition of the tobacco industry covers all occupations in the industry which are necessary to the production of the articles enumerated in the definition or to the preparation or marketing of *non-cigar* types of leaf tobacco and scrap tobacco therefrom, including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or manufacturer who are engaged in marketing and distributing the manufactured products of the industry which have been purchased by said wholesaler or manufacturer for resale and who perform no functions other than those relating to marketing and distributing. Where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 38, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 A. M. and 4:30 P. M. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1908 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on January 19, 1941, before Major Robert N. Campbell, Presiding Officer, at 10:00 A. M. in Room 3229 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 38 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 38, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided,* That not later than January 13, 1941, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 38.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 38 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document relating to the Tobacco Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Report entitled, *The Tobacco Industry,* prepared by the Research and Statistics Branch, Wage and Hour Division, U. S. Department of Labor, December 1941.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion or evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 23 day of December 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-9755; Filed, December 26, 1941; 11:49 a. m.]

IN THE MATTER OF DETERMINATION THAT THE FLAT WAREHOUSING OF GRAIN INCLUDING RICE IN THE STATES OF CALIFORNIA, WASHINGTON, OREGON, AND IDAHO IS OF A SEASONAL NATURE PURSUANT TO SECTION 7 (b) (3) OF THE FAIR LABOR STANDARDS ACT OF 1938 AND PART 526 AS AMENDED OF THE REGULATIONS ISSUED THEREUNDER

Whereas application has been made by the California Warehousemen's Association under section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Regulations, Part 526, as amended, issued thereunder for exemption of the flat warehousing of grain and the storage of other agricultural commodities from the maximum hours provision of said Act; and

Whereas a public hearing on said application was held before Harold Stein, duly authorized representative of the Administrator of the Wage and Hour Division on June 2, 1941, at San Francisco, California; and

Whereas following such hearing the said representative made his findings of fact dated September 23, 1941, and determined as follows:

1. A large proportion of the grain stored in the states of Washington, Oregon, Idaho and California, including rough or "paddy" rice in California, is stored in sacks in "flat" warehouses.

2. The flat warehousing of grain is distinguishable from the storing of grain in bulk by its geographical concentration and by differences in physical facilities and operating techniques and may be considered as a separable branch of the grain storing industry.

3. Such flat warehouses receive for storing 50 percent or more of their annual volume of grain in a period or periods aggregating 14 workweeks.

4. The flat warehousing of grain including rice in the states of California, Washington, Oregon and Idaho is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and of Part 526 of the regulations issued thereunder.

Whereas said Findings and Determinations were duly filed with the Administrator and were on record in his office in the Department of Labor Building, Washington, D. C.; and

Whereas on October 14, 1941, the Administrator caused to be published in the FEDERAL REGISTER a Notice of Opportunity, pursuant to the provisions of § 526.7 of the aforesaid regulations, for any person aggrieved by said determination to file a petition with the Administrator requesting a review of the Findings and Determination of the said representative upon the record of the hearing before such representative; and

Whereas petitions for review have been filed by the California Industrial Union Council, the International Longshoremen's and Warehousemen's Union, Local 17 (C. I. O.) and the General Teamsters' and Warehousemen's Union No. 137 (A. F. of L.); and

Whereas I have considered the issues raised by the said petitions; and

Whereas said Findings and Determination are found to be in accordance with the testimony and briefs submitted at said hearing;

Now, therefore, said petitions for review are accordingly denied, and, pursuant to the provisions of § 526.7 of the regulations, the exemption provided by section 7 (b) (3) of the Fair Labor Standards Act of 1938 will become effective on the date that this notice is published in the FEDERAL REGISTER. The exemption shall be applicable only as specified by the aforesaid Findings and Determinations.

Signed at Washington, D. C., this 17th day of December 1941.

BAIRD SNYDER,
Acting Administrator.

[F. R. Doc. 41-9756; Filed, December 26, 1941; 11:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6206]

IN RE APPLICATION OF THE CROSLEY CORP. (W8XO)

AMENDED NOTICE REGARDING HEARING

Application dated August 15, 1941, for construction permit; class of service, developmental broadcast; class of station, developmental broadcast; location, Cincinnati, Ohio; operating assignment specified: Frequency, 700 kc.; emission A-3; power, 100 to 750 kw.; hours of operation, 12 midnight to 6 a. m., E. S. T. and sec. 4.4 (a).

Upon further examination of the above described application the Commission has amended the issues on which the hearing will be based as shown below. The hearing date will remain as scheduled, January 8, 1942.

1. To determine whether the proposed program of research has reasonable promise of substantial contribution to the development of broadcasting or is along lines not already thoroughly investigated.

2. To determine whether the proposed program of research could be conducted by the applicant utilizing the present operating assignment of Station W8XO.

3. To determine the nature, extent, and character of any interference which would be caused to the established service of Station WOR by the granting of the above-entitled application.

4. To determine whether the continued operation of Station W8XO with its present authorized power or with the power applied for, would be in the public interest, particularly in view of the provisions of Senate Resolution 294 (June 13, 1938, 75th Congress).

5. To determine whether the public interest would be served through the continued operation of Station W8XO.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

Dated at Washington, D. C., December 23, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9741; Filed, December 26, 1941; 11:03 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4305]

IN THE MATTER OF A. & M. KARAGHEUSIAN, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 14, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9743; Filed, December 26, 1941; 11:11 a. m.]

[Docket No. 4611]

IN THE MATTER OF FOLDING FURNITURE WORKS, INC., ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 14, 1942, at one o'clock in the afternoon of that day (Central Standard Time), in Room 216, Post Office Building, Indianapolis, Indiana.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9744; Filed, December 26, 1941; 11:11 a. m.]

[Docket No. 4621]

IN THE MATTER OF ASSOCIATED MOTOR OILS, INC., ALSO TRADING AS ASSOCIATED PRODUCTS COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 5, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Hearing Room, Post Office Building, State College, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9745; Filed, December 26, 1941; 11:11 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-432]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY, AND WISCONSIN ELECTRIC POWER COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE PURSUANT TO SECTIONS 6 (b) AND 10

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

Wisconsin Michigan Power Company and Wisconsin Electric Power Company, the former company a direct and the latter company an indirect subsidiary company of The North American Company, a registered holding company, having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the following:

(1) The issue and sale by Wisconsin Michigan Power Company, at par, to Wisconsin Electric Power Company for cash from time to time during the period ending December 31, 1942, 50,000 additional shares of its common stock having an aggregate par value of $1,000,000;

(2) The issue and sale by Wisconsin Michigan Power Company to certain purchasing banks, at the principal amount, unsecured promissory notes in the aggregate principal amount of $1,000,000, bearing interest at the rate of 2¼% per annum, and maturing in installments of $200,000 on the anniversary date thereof in each of the years 1944 to 1948, both inclusive; and

(3) The acquisition by Wisconsin Electric Power Company, for cash, when and as issued and delivered during the period ending December 31, 1942, of 50,000 shares of additional common stock having an aggregate par value of $1,000,000 of Wisconsin Michigan Power Company; and

Said application and declaration having been filed on November 8, 1941 and amendments thereto having been filed on November 22, 1941 and December 4, 1941, and notice of the filing of said application and declaration having been duly given;

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and issued its findings and opinion herein;

It is ordered, Subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and the same hereby is granted and that the aforesaid declaration, as amended, be and the same hereby is permitted to become effective forthwith: *Provided, however*, And on condition that Wisconsin Electric Power Company shall notify the Commission thirty days before it declares any cash dividend on its common stock, such notice to include the amount of the proposed dividend, its declaration, record, and payment date, an estimate of cash receipts and disbursements for the calendar year in which the dividend is proposed to be declared and the immediately following calendar year, and the most recent available balance sheet, whether or not said balance sheet is audited.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9722; Filed, December 24, 1941; 11:41 a. m.]

[File No. 70-409]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

ORDER GRANTING APPLICATION PURSUANT TO SECTION 10

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941.

Iowa Public Service Company, a subsidiary of Sioux City Gas and Electric Company which is a registered holding company, having filed an application under Section 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition of substantially all of the assets of LeMars Gas Company and Independence Gas Company, subsidiaries of Great Lakes Utilities Company which is a registered holding company, including the gas plant and gas distribution system located at Independence, Iowa, and the natural gas distribution system located at LeMars, Iowa, for $125,000 cash and the assumption of all of the liabilities of the vendor companies (except liabilities owing to affiliates of the vendors); and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That, subject to the terms and conditions prescribed in Rule U-24, said application, as amended, be and hereby is granted forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9723; Filed, December 24, 1941; 11:41 a. m.]

[File No. 70-359]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY, LE MARS GAS COMPANY, AND INDEPENDENCE GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of December, A. D. 1941

Great Lakes Utilities Company, Le Mars Gas Company, and Independence Gas Company having filed a declaration and amendments thereto, pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 promulgated thereunder concerning the sale of substantially all of the assets of Le Mars Gas Company and Independence Gas Company; and

A public hearing having been duly held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That said declaration, as amended, be and it hereby is permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9724; Filed, December 24, 1941; 11:41 a. m.]

[File Nos. 7-615 to 7-639, inclusive]

IN THE MATTER OF APPLICATIONS BY THE PITTSBURGH STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO: AMERICAN TELEPHONE & TELEGRAPH COMPANY $100 PAR VALUE CAPITAL STOCK; AVIATION CORPORATION $3 PAR VALUE CAPITAL STOCK; BOEING AIRPLANE COMPANY $5 PAR VALUE COMMON STOCK; CONSOLIDATED OIL CORPORATION COMMON STOCK, NO PAR VALUE; CONTINENTAL MOTORS CORPORATION $1 PAR VALUE COMMON STOCK; GIMBEL BROTHERS, INC., COMMON STOCK, NO PAR VALUE; GOODYEAR TIRE & RUBBER COMPANY COMMON STOCK, NO PAR VALUE; INTERLAKE IRON CORPORATION COMMON STOCK, NO PAR VALUE; INTERNATIONAL NICKEL COMPANY OF CANADA, LTD., COMMON STOCK, NO PAR VALUE; INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION COMMON STOCK, NO PAR VALUE; LOEW'S, INC., COMMON STOCK, NO PAR VALUE; NATIONAL BISCUIT COMPANY $10 PAR VALUE COMMON; NATIONAL DAIRY PRODUCTS CORPORATION COMMON STOCK, NO PAR VALUE; NORTH AMERICAN COMPANY $10 PAR VALUE COMMON STOCK; NORTHERN PACIFIC RAILWAY COMPANY $100 PAR VALUE CAPITAL STOCK; PEPSI COLA COMPANY $1 PAR VALUE COMMON STOCK; PRESSED STEEL CAR COMPANY, INC., $1 PAR VALUE COMMON STOCK; SEARS, ROEBUCK & COMPANY CAPITAL STOCK, NO PAR VALUE; SOUTHERN PACIFIC COMPANY COMMON STOCK, NO PAR VALUE; SOUTHERN RAILWAY COMPANY COMMON STOCK, NO PAR VALUE; STANDARD BRANDS, INC., COMMON STOCK, NO PAR VALUE; STUDEBAKER CORPORATION $1 PAR VALUE COMMON STOCK; TIMKEN DETROIT AXLE COMPANY $10 PAR VALUE COMMON STOCK; WALWORTH COMPANY COMMON STOCK, NO PAR VALUE; AND F. W. WOOLWORTH COMPANY $10 PAR VALUE CAPITAL STOCK

ORDER SETTING HEARING ON APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO TWENTY-FIVE (25) SECURITIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

The Pittsburgh Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard:

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, January 27, 1942, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9725; Filed, December 24, 1941; 11:41 a. m.]

[File Nos. 70-254, 70-267, 70-292]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

The Commission having permitted to become effective a declaration by Central States Power & Light Corporation, a registered holding company in the Ogden Corporation holding company system, concerning the application of approximately $5,300,000 derived by declarant from the sale of certain of its assets to the acquisition of a portion of its First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953, pursuant to the solicitation of tenders at 100 and accrued interest; and

The time within which such bonds could be tendered, in accordance with the Commission's order as modified, having expired on October 31, 1941; and

Declarant having filed an amendment herein stating that, of the proceeds derived from the sale of its properties as aforesaid, $2,835,015 still remains available for the purchase of such bonds and requesting that it be permitted again to solicit tenders of its First Mortgage Bonds at 100 and accrued interest, the period within which such tenders may be accepted to terminate January 31, 1942; and declarant having filed, as Exhibit A to such request, a proposed letter of solicitation; and

It appearing to the Commission that said letter of solicitation, as amended, is adequate and that declarant's request for permission to solicit tenders as hereinbefore described should be granted;

It is ordered, That declarant's request be granted, subject, however, to the following terms and conditions:

1. The terms and conditions set forth in Rule U-24, and the requirements as to post-amendments and supplementary solicitations set forth in paragraphs (d) and (f) of Rule U-62, which requirement as to post-amendments shall be deemed applicable in the event that any person shall be directly or indirectly employed to solicit tenders by direct contact with the holders of bonds.

2. That within ten (10) days after the consummation of the proposed transaction the declarant file with the Commission, a statement showing the names and addresses of the holders of bonds who tendered their bonds and the principal amount of bonds tendered by each.

3. That no bonds directly or indirectly owned or controlled by any affiliate of the declarant or by any officer or director of the declarant or of any such affiliate shall be purchased.

4. That no fees incurred in connection with the resumption of the solicitation of tenders as herein proposed be paid until the same have been approved by further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9726; Filed, December 24, 1941; 11:41 a. m.]

[File No. 812-211]

IN THE MATTER OF NATIONAL UNION MORTGAGE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

An application having been duly filed on October 2, 1941, by the above named applicant under and pursuant to the provisions of sections 6 (c), 17 (e) (2) and 23 (c) (3) of the Investment Company Act of 1940 for (1) an order under section 6 (c) or section 17 (e) (2) of exemption from the provisions of section 17 (e) (2) so as to permit the payment by applicant to Mackubin, Legg & Company, an affiliated person of applicant, of a brokerage commission of 1% of the principal amount of securities purchased or sold as collateral security for applicant's outstanding Collateral Trust Bonds, Series "A"; (2) an order under section 6 (c) or section 17 (e) (2) and under section 23 (c) (3) of exemption from the provisions of sections 17 (e) (2) and 23 (c) (3) and Rule N-23C-1 so as to permit the payment by applicant to Mackubin, Legg & Company of a brokerage commission of 1% of the principal amount of applicant's own outstanding Collateral Trust Bonds, Series "A" repurchased by applicant through Mackubin, Legg & Company, such orders to take retroactive effect from November 1, 1940 and to include commissions of 1% of the principal amount of applicant's Collateral Trust Bonds, Series "B" repurchased prior to the redemption of that series on July 1, 1941; and (3) an order under section 23 (c) (3) to permit generally the repurchase of applicant's own outstanding Collateral Trust Bonds, Series "A" in amounts exceeding the 1% per month limitation contained in Rule N-23C-1, and to permit specifically the purchase by applicant from the United States Fidelity and Guaranty Company of Baltimore, Maryland of $401,500 principal amount of applicant's outstanding Collateral Trust Bonds, Series "A";

It is ordered, That a hearing on this application be held on December 29, 1941, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That William W. Swift, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9757; Filed, December 26, 1941; 11:52 a. m.]

[File No. 811-149]

IN THE MATTER OF CAMBRIDGE INVESTMENT CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

An application having been filed by the above named applicant under section 8 (f) of the Investment Company Act of

estimate of cash receipts and disbursements, and

section 12 (d) of the Public Utility

on the 23rd day of December, A. D. 1941.

1940 for an order declaring that it has ceased to be an investment company within the meaning of said Act;

It is ordered, That a hearing on the aforesaid application be held on January 6, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held;

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9758; Filed, December 26, 1941; 11:52 a. m.]

[File No. 70-447]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

A declaration or application (or both) having been filed with this Commission by the above-named party pursuant to the Public Utility Holding Company Act of 1935 and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise provided by Rule U-23 under said Act; and

The said declaration or application being concerned with the following:

Panhandle Eastern Pipe Line Company, hereinafter called "Panhandle," a subsidiary company of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, which is also a subsidiary of Columbia Gas & Electric Corporation, proposes to alter the basis upon which participating dividends on its Class A Preferred Stock, the entire issue consisting of 100,000 shares being owned by Columbia Oil & Gasoline Corporation, will be declared and paid during the year 1941.

Pursuant to the Certificate of Incorporation of Panhandle, as amended, such Class A Preferred Stock is entitled to receive in any one calendar year participating dividends after $1.50 per share shall have been paid on each share of common stock of Panhandle during such calendar year.

On September 29, 1941, the board of directors of Panhandle declared but withheld payment of a participating dividend in the sum of $201,841.75 on its Class A Preferred Stock, using as a basis a compromise figure of 25 cents per share on account of the dividend payable on the common stock instead of an original declaration of 42 cents, the par value of each share of the common stock of Central Distributing Company, a wholly-owned subsidiary, theretofore distributed as a dividend. On the basis of the original declaration of 42 cents per share, the participating dividend would be $247,592.55.

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 6, 1942 at 10:00 A. M. in the Offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application or declaration, particular attention will be directed, among other things, to:

(a) Whether the dividend of the common stock of Central Distributing Company was a liquidating dividend and whether such dividend may be properly allocable to the computation of the sum of $1.50 payable on the common stock before the Class A preferred is entitled to participating dividends.

(b) Whether and to what extent it is appropriate in the public interest or for the protection of investors and consumers to attach terms and conditions with respect to the accounting entries to be made in connection with the dividend of the common stock of Central Distributing Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9759; Filed, December 26, 1941; 11:52 a. m.]

[File No. 70-413]

IN THE MATTERS OF PEOPLES ICE COMPANY, PUBLIC SERVICE COMPANY OF OKLAHOMA, SOUTHWESTERN LIGHT & POWER COMPANY AND CENTRAL AND SOUTHWEST UTILITIES COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of December, A. D. 1941.

The above named companies having filed declarations and applications under the Public Utility Holding Company Act of 1935, particularly sections 7, 10 and 12 of the Act and Rules U-42 and U-43 thereunder, regarding the following:

(a) The issue and sale by Peoples Ice Company ("Peoples") to Public Service Company of Oklahoma ("Oklahoma") and Southwestern Light & Power Company ("Southwestern") of promissory notes in the amounts of $1,462,500 and $625,500 respectively, bearing no interest, to be dated December 15, 1941, and maturing February 15, 1942, such notes to be issued in exchange for notes of Peoples held by Oklahoma and Southwestern which matured on September 5, 1941, bearing interest at the rates of 8% and 6% per annum respectively;

(b) Oklahoma and Southwestern will acquire all of the issued and outstanding capital stock of Peoples, consisting of 4,000 shares of the par value of $25 per share from Central and South West Utilities Company, in the proportion which their interest bears to the note indebtedness of Peoples, i. e., Oklahoma to acquire 2,800 of said shares at an aggregate price of $36 and Southwestern to acquire the remaining 1,200 shares at an aggregate price of $16;

(c) Failing payment of the notes at maturity on February 15, 1942, such notes will be surrendered and canceled by Oklahoma and Southwestern; and

Said declarations and applications having been filed on October 15, 1941, and an amendment having been filed on December 15, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations and applications within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named parties having requested that said declarations and applications, as amended, become effective and be granted on or before December 24, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations pursuant to section 12 and Rules U-42 and U-43 to become effective and finding with respect to said declaration under Section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act and with respect to said applications under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that section 10 (c) (2) of said Act is not applicable, and being satisfied that the effective date of such declarations, as amended, and the date of granting such applications, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be and hereby are permitted to become effective and that the aforesaid applications, as amended, be granted.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9760; Filed, December 26, 1941; 11:52 a. m.]

JAN 2 - 1942

FEDERAL REGISTER

VOLUME 6 NUMBER 252

Washington, Tuesday, December 30, 1941

The President

EXECUTIVE ORDER

COORDINATING CIVIL METEOROLOGICAL FACILITIES AND SERVICES FOR WAR PURPOSES

By virtue of the authority vested in me by the Constitution and Statutes of the United States, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, and to further the successful prosecution of the war, it is hereby ordered as follows:

1. The Secretary of Commerce shall exercise his control and jurisdiction over the issuance of weather reports and forecasts of the civil weather service so as to meet to the best advantage such requirements with respect thereto as the Secretary of War or the Secretary of the Navy shall determine to be necessary for the successful prosecution of the war.

2. The Secretary of Commerce shall take such steps as may be necessary to secure the coordination of civil meteorological facilities and services to meet the requirements of the Army and Navy and other vital defense activities for essential and effective weather information, and shall not disclose information which may be considered by the Secretary of War or the Secretary of the Navy to be of value to the enemy.

3. The Chief of the Weather Bureau of the Department of Commerce shall serve as liaison officer between the Secretary of Commerce and the Secretary of War and the Secretary of the Navy for the purposes of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 26, 1941.

[No. 8991]

[F. R. Doc. 41-9766; Filed, December 26, 1941; 3:28 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A PRACTICE BOMBING RANGE

WASHINGTON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a practice bombing range:

Willamette Meridian

T. 18 N., R. 25 E.,
sec. 10, SW¼;
sec. 14, NW¼;
containing 320 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 26, 1941.

[No. 8992]

[F. R. Doc. 41-9765; Filed, December 26, 1941; 3:27 p. m.]

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER No. 8389 OF APRIL 10, 1940, AS AMENDED

By virtue of the authority vested in me by Sections 3 (a) and 5 (b) of the Trading with the enemy Act of October 6, 1917 (40 Stat. 415), as amended by Title III of the First War Powers Act, 1941 (Public No. 354, 77th Congress), and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT of the UNITED STATES OF AMERICA, do hereby amend Execu-

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tive Order No. 8389 of April 10, 1940, as amended,[1] in the following respects:

(1) By changing the period at the end of subdivision (1) of section 3 of such Order to a semi-colon and adding the following new subdivision thereafter:

(m) June 14, 1941—
Hong Kong.

(2) By amending paragraph B of section 5 of such Order to read as follows:

B. The term "United States" means the United States and any place subject to the jurisdiction thereof, and the term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska; *provided, however*, that for the purposes of this Order the term "United States" shall not be deemed to include any territory included within the term "foreign country" as defined in paragraph D of this section.

(3) By substituting the following in lieu of subdivision (iii) of paragraph D of section 5:

(iii) Any territory which on or since the effective date of this Order is controlled or occupied by the military, naval or police forces or other authority of such foreign country;

(iv) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing.

Hong Kong shall be deemed to be a foreign country within the meaning of this subdivision.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 26, 1941.

[No. 8998]

[F. R. Doc. 41-9777; Filed, December 27, 1941; 11:14 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

OREGON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land in the State of Oregon be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 5 N., R. 27 E., sec. 34, SE¼; containing 160 acres.

[1] 6 F.R. 2897, 3715, 6348.

This order shall be subject to the order of December 18, 1936, of the Secretary of the Interior, establishing Oregon Grazing District No. 7. After the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that the above-described land is needed for grazing or other uses by the Department of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 26, 1941.

[No. 8999]

[F. R. Doc. 41-9767; Filed, December 27, 1941; 9:45 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

OREGON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land, in the State of Oregon, be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

WILLAMETTE MERIDIAN

T. 4 N., R. 24 E., sec. 22; containing 640 acres.

This order shall be subject to the order of December 18, 1936, of the Secretary of the Interior, establishing Oregon Grazing District No. 7. After the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that the above-described land is needed for grazing or other uses by the Department of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 26, 1941.

[No. 9000]

[F. R. Doc. 41-9768; Filed, December 27, 1941; 9:45 a. m.]

EXECUTIVE ORDER

AUTHORIZING THE WAR DEPARTMENT, THE NAVY DEPARTMENT, AND THE UNITED STATES MARITIME COMMISSION TO PERFORM THE FUNCTIONS AND EXERCISE THE POWERS DESCRIBED IN TITLE II OF AN ACT APPROVED DECEMBER 18, 1941, ENTITLED "AN ACT TO EXPEDITE THE PROSECUTION OF THE WAR EFFORT", AND PRESCRIBING REGULATIONS FOR THE EXERCISE OF SUCH FUNCTIONS AND POWERS

The successful prosecution of the war requires an all-out industrial mobilization of the United States in order that the materials necessary to win the war may be produced in the shortest possible time. To accomplish this objective it is necessary that the Departments of War and the Navy and the United States Maritime Commission cooperate to the fullest possible degree with the Office of Production Management in the endeavor to make available for the production of war material all the industrial resources of the Country. It is expected that in the exercise of the powers hereinafter granted, these Agencies and the Office of Production Management will work together to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant; the spreading of war orders; the conversion of facilities; the assurance of efficient and speedy production; the development and use of subcontracting to the fullest extent and the conservation of strategic materials.

TITLE I

1. By virtue of the authority in me vested by the Act of Congress, entitled "An Act to expedite the prosecution of the War effort", approved December 18, 1941, (hereinafter called "the Act") and as President of the United States and Commander-In-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order that the War Department, the Navy Department, and the United States Maritime Commission be and they hereby respectively are authorized within the limits of the amounts appropriated therefor to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts. The authority herein conferred may be exercised by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission respectively or in their discretion and by their direction respectively may also be exercised through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission. The Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may confer upon any officer or officers of their respective departments, or civilian officials thereof, the power to make further delegations of such powers within the War and the Navy Departments, and the United States Maritime Commission.

2. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

3. The War Department, the Navy Department, and the United States Maritime Commission may by agreement modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any percentum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds, whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof.

4. Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security, need not be required.

TITLE II

Pursuant to Title II of the Act and for the protection of the interests of the United States, I do hereby prescribe the following regulations for the exercise of the authority herein conferred upon the War Department, the Navy Department, and the United States Maritime Commission.

1. All contracts and all purchases made pursuant to the Act and this Executive Order shall be reported to the President of the United States. Such reports shall be made at least quarter-annually, provided, however, that purchases or contracts of less than $100,000 may be consolidated in such reports with other such purchases and need not be separately set forth. In case the War Department, the Navy Department, or the United States Maritime Commission shall deem any purchase or contract to be restricted, confidential, or secret in its nature by reason of its subject matter, or for other reasons affecting the public interest, such purchases or contracts shall not be included with those described in the report just mentioned, but shall be included in a separate report containing such restricted, confidential, or secret purchases or contracts. The Secretary of War, the Secretary of the Navy, and the United

States Maritime Commission shall make public so much of such reports (other than those reports covering restricted, confidential, or secret contracts or purchases) as they shall respectively deem to be compatible with the public interest.

2. Notwithstanding anything in the Act or this Executive Order the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate.

3. No claim against the United States arising under any purchase or contract made under the authority of the Act shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No. 811, 76th Congress, approved October 9, 1940).

4. Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may prescribe.

5. Every contract entered into pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

> The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees. This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

6. Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting.

7. Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds obligated by a contract. In the absence of such limitation, the fixed fee to be paid the Contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this Order shall not exceed seven per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission, as the case may be).

8. No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat. 2036) because of being entered into without advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act, as amended (49 Stat. 1011), the Copeland Act, as amended (48 Stat. 948), and the Eight Hour Law, as amended by the Act of September 9, 1940 (Public No. 781, 76th Congress) if otherwise applicable shall apply to contracts made and performed under the authority of this Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 27, 1941.

[No. 9001]

[F. R. Doc. 41-9798; Filed, December 29, 1941; 11:11 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1941, FOR THE TERRITORY OF HAWAII, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED (REVISED)

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.33c *Farming practices in connection with the production of the 1941 crop of sugarcane in the Territory of Hawaii*—(a) *Application of fertilizer.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in the Territory of Hawaii if fertilizer is applied as follows:

(1) *Amount.* There shall be applied to land on which sugarcane is growing during 1941 sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 100 pounds or 60 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1939 or 1940, whichever is smaller, but any amount by which such 60 percent exceeds 250 pounds shall not be considered.

(2) *Acreage requirement.* The number of acres on which fertilizer is applied in 1941 shall be not less than 80 percent of the number of acres on the farm on which sugarcane is planted, or a ratoon crop of sugarcane is started, at any time during 1941.

(b) *Definitions.* "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid and water-soluble potash.

This determination supersedes the "Determination of Farming Practices to be Carried Out in Connection with the Production of Sugarcane During the Crop Year 1941, for the Territory of Hawaii, Pursuant to the Sugar Act of 1937, as Amended", issued April 8, 1941. (Sec. 302, 50 Stat. 910; 7 U.S.C. 1132)

Done at Washington, D. C., this 27th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9792; Filed, December 29, 1941; 10:53 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 20-24 to 20-30, incl., Civil Air Regulations]

PART 20—PILOT RATING

AERONAUTICAL SKILL AND EXPERIENCE REQUIREMENTS FOR A PILOT CERTIFICATE ON TWO-CONTROL NON-SPINNABLE AIRPLANES WITH NOSE WHEEL TYPE LANDING GEAR

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23rd day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 1, 1942, Part 20 of the Civil Air Regulations is amended as follows:

1. By amending § 20.107 to read as follows:

§ 20.107 No requirement is prescribed.

2. By amending § 20.126 to read as follows:

§ 20.126 *Aeronautical experience.* Applicant shall have logged at least 35 hours of solo flight time: *Provided*, That an applicant seeking a rating limited to two-control non-spinnable airplanes with nose wheel type landing gear shall have logged at least 25 hours of solo flight time. As part of the foregoing applicant shall have logged at least 5 hours within the 60 days immediately preceding the date of filing the application, and at least 5 hours of cross-country flying of which at least 3 hours shall be solo, which shall include at least one flight over a course of net less than 50 miles with at least two full-stop landings at different points along the course. Such experience shall be certified to by some person, other than the applicant, having direct knowledge thereof. A graduate of the private pilot course of a certificated flying school will be deemed to have met the above requirements upon presentation of his certificate of graduation within 30 days thereof.[1]

3. By adding a sentence between the second and third sentences of § 20.300 to read as follows:

A pilot, other than a student pilot, limited by his certificate or Airman Rating Record to two-control non-spinnable airplanes with nose wheel type landing gear shall have logged a minimum of 35 hours of solo flight time of which at least 10 hours shall have been in three-control airplanes of traditional types and he shall demonstrate his ability to pilot competently such airplanes before such limitation may be removed.

4. By amending paragraph (b) of § 20.56 to read as follows:

§ 20.56 (b) No student pilot shall be certified for cross-country solo flight until after he shall have logged 8 hours solo flight time and his instructor shall have certified on his student pilot certificate, in the space provided therefor, that he deems the student competent to make such flight. No student pilot certified for cross-country solo flights shall make a solo flight outside of the area, within a 50-mile radius of the operating base of his instructor, prescribed in writing by the person directly in charge of the landing area on which the instructor's operating base is located and approved by the local inspector of the Administrator: *Provided*, That a certificated flying school may prescribe in writing an area within a 100-mile radius of its operating base and, upon approval of said area by the local inspector of the Administrator, a student pilot enrolled in the flight curriculum of said school and certified for cross-country solo flights may fly solo within such area at the direction of said flying school.

5. By amending § 20.60 by the addition of paragraphs (c) and (d) to read as follows:

(c) The holder of a valid private, limited commercial or commercial pilot certificate limited by his Airman Rating Record to the operation of aircraft incapable of spinning may pilot spinnable aircraft in accordance with subsection (b) of this section only after receiving dual instruction in spins.

(d) The holder of a valid private, limited commercial or commercial pilot certificate limited by his Airman Rating Record to the operation of two-control non-spinnable airplanes with nose wheel type landing gear may pilot three-control airplanes of any class or horsepower in accordance with subsection (b) of this section only after receiving 4 hours of dual instruction in three-control airplanes.

6. By amending Note 13 to § 20.60 to read as follows:

[1] This section does not permit a person who by reason of § 20.104 (e) or § 20.127 (f) has been limited to the operation of a particular make or model of aircraft or a general type of aircraft to operate other makes or models or other general types.

7. By adding a new § 20.6100 to read as follows:

§ 20.6100 *Requirement for first solo*—(a) *Three-control airplanes of traditional type.* No first solo flight shall be made by a student pilot in a three-control airplane of traditional type until he shall have had a minimum of 8 hours of dual instruction in such aircraft, including recovery from spins and stalls.

(b) *Non-spinnable three-control airplanes.* No first solo flight shall be made by a student pilot in a non-spinnable three-control airplane until he shall have had a minimum of 8 hours of dual instruction in three-control airplanes. Instruction in spins is not required.

(c) *Two-control non-spinnable airplanes with nose wheel type landing gear.* No first solo flight shall be made by a student pilot in a two-control non-spinnable airplane with nose wheel type landing gear until he shall have had a minimum of 5 hours of dual instruction in such airplanes.

In addition to meeting the requirements contained in (a), (b) or (c) above a student pilot shall not make a first solo flight unless his instructor deems him competent to make such flight and so certifies on the student pilot certificate in the space provided therefor.

8. By adding a new § 20.6101 to read as follows:

§ 20.6161 *Solo flight restrictions after first solo.* Upon completion of a student pilot's first solo flight his instructor shall make a notation to that effect on the student pilot certificate together with a statement of the date, the type, and in the case of an airplane, the airplane class and horsepower range of the aircraft so flown. If such solo flight is made either in a two-control non-spinnable airplane with nose wheel type landing gear or in a three-control airplane determined to be characteristically incapable of spinning, the instructor shall also make an appropriate notation to that effect. Thereafter:

(a) If such first solo flight was made in a three-control airplane of traditional type the student shall not solo aircraft of a different type, class or horsepower range until such time as his instructor shall deem him competent to fly such other aircraft solo, and shall have made a notation to that effect on his certificate, together with the date, type, and in the case of an airplane, the class and horsepower range.

(b) If such first solo flight was made in a three-control airplane determined to be characteristically incapable of spinning, such pilot shall be subject to the limitations of paragraph (a) above, and in addition he shall not solo an airplane characteristically capable of spinning until after he shall have received dual instruction in spins, and a notation to that effect has been made on his Airman Rating Record.

(c) If such first solo flight was made in a two-control non-spinnable airplane with nose wheel type landing gear such pilot shall be subject to the limitations of paragraphs (a) and (b) above, and in addition, prior to flying solo a three-control airplane, shall have received a minimum of 4 hours of dual instruction in such airplanes.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9808; Filed, December 29, 1941; 11:45 a. m.]

[Amendment 50-3, Civil Air Regulations]

PART 50—FLYING SCHOOL RATING

PRIVATE PILOT FLIGHT CURRICULUM REQUIREMENTS FOR TWO-CONTROL NON-SPINNABLE AIRPLANES WITH NOSE WHEEL TYPE LANDING GEAR

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23d day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 1, 1942, Part 50 of the Civil Air Regulations is amended as follows:

By amending § 50.20 to read as follows:

§ 50.20 *Private pilot flight curriculum.* Private pilot flight curriculum shall be satisfactory to the Administrator and shall consist of not less than 35 hours of flying time: *Provided*, That if the curriculum provides for training in only two-control non-spinnable airplanes with nose wheel type landing gear it shall consist of not less than 25 hours of flying time.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9809; Filed, December 29, 1941; 11:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4134]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CHAMPION BATTERY COMPANY, ETC.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrange-*

ments with others: § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Operations as special or other advertising:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Maker:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, representing (1) that respondents' business is in any way connected with, or that respondents represent, Ball Brothers Company, the Champion Spark Plug Company, or any other business with which respondents have no such connection or which respondents have no authority to represent; (2) that merchandise offered for sale, or sold, in connection with, or separately from, a sales promotion plan is the product of, or manufactured by, any concern other than the actual producer or manufacturer; and (3) that respondents are conducting any advertising or other campaign to introduce or sell any article or articles of merchandise for or on behalf of any manufacturer or other concern when such campaign is not in fact being conducted at the instance of and on behalf of such manufacturer or other concern; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer or order conformance:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* § 3.72 (m10) *Offering deceptive inducements to purchase—Sample, offer or order conformance:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings in general.* In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, representing (1) in any manner that respondents will furnish to purchasers of any sales promotion plan quantities of merchandise greater than the quantities actually furnished; and (2) by the use of purported samples, or otherwise, that the merchandise offered for sale, or sold, by respondents is of a quality or value different from the actual quality or value thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18, 1941]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, (1) representing, or supplying to others the means of representing, that articles of merchandise, the cost of which is included in the purchase price of other merchandise in combination with which such articles are offered, are "free", either by the use of the term stated or any other term or terms of similar import or meaning; and (2) representing that respondents will redeem gift certificates without further cost or obligation to the purchasing dealer or his customers or upon any other terms and conditions different from the actual terms and conditions upon which such certificates will be redeemed; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18, 1941]

§ 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Maker:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) *Using misleading name—Vendor—Identity.* In connection with offer, etc., in commerce, of any sales promotion plan, glassware, china, batteries, or other merchandise, and among other things, as in order set forth, using the word "Ball", the word "Champion", or any simulations thereof, as a part of any trade or other name or names without clearly and unequivocally disclosing that respondents are not in any way connected with Ball Brothers Company of Muncie, Indiana, or the Champion Spark Plug Company of Toledo, Ohio, respectively, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Champion Battery Company, etc., Docket 4134, December 18, 1941]

In the Matter of D. J. Bortz and Edith Bortz, Individually and Trading as Champion Battery Company and The Ball Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, and brief filed in support of the complaint (no brief having been filed in opposition and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Donald J. Bortz and Edith Bortz, individually and trading as Champion Battery Company or as The Ball Company, or under any other name, jointly or severally, their agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of any sales promotion plan, glassware, china, batteries, or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or by implication:

(1) Representing that respondents' business is in any way connected with, or that respondents represent, Ball Brothers Company, the Champion Spark Plug Company, or any other business with which respondents have no such connection or which respondents have no authority to represent;

(2) Representing that merchandise offered for sale, or sold, in connection with, or separately from, a sales promotion plan is the product of, or manufactured by, any concern other than the actual producer or manufacturer;

(3) Representing in any manner that respondents will furnish to purchasers of any sales promotion plan quantities of merchandise greater than the quantities actually furnished;

(4) Representing by the use of purported samples, or otherwise, that the merchandise offered for sale, or sold, by respondents is of a quality or value different from the actual quality or value thereof;

(5) Representing that respondents are conducting any advertising or other campaign to introduce or sell any article or articles of merchandise for or on behalf of any manufacturer or other concern when such campaign is not in fact being conducted at the instance of and on behalf of such manufacturer or other concern;

(6) Representing, or supplying to others the means of representing, that articles of merchandise, the cost of which is included in the purchase price of other merchandise in combination with which such articles are offered, are "free", either by the use of the term stated or any other term or terms of similar import or meaning;

(7) Representing that respondents will redeem gift certificates without further cost or obligation to the purchasing dealer or his customers, or upon any other terms or conditions different from the actual terms and conditions upon which such certificates will be redeemed;

(8) Using the word "Ball," the word "Champion," or any simulations thereof, as a part of any trade or other name or names without clearly and unequivocally disclosing that respondents are not in any way connected with Ball Brothers Company of Muncie, Indiana, or the Champion Spark Plug Company of Toledo, Ohio, respectively.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9778; Filed, December 27, 1941; 11:19 a. m.]

[1] 5 F.R. 4341.

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER C—NEUTRALITY

PART 171—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, ETC.

Section 171.3 of the regulations governing the international traffic in arms, issued on November 6, 1939 (4 F.R. 4512; 22 CFR, Supp., 1939) and amended on October 2, 1941 (6 F.R. 5085) pursuant to the authority vested in the Secretary of State by the provisions of section 12 of the joint resolution of Congress, approved November 4, 1939 (54 Stat. 10; 22 U.S.C., 1940 ed., 452), is hereby amended to read as follows:

§ 171.3 *Certificate of registration.* Upon receipt of an application for registration and the appended certificate of registration duly filled out and accompanied by a registration fee of $100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. (Sec. 12, 54 Stat. 10; 22 U. S. C. 452, 1940 ed.) [Part III, (3)]

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 23, 1941.

[F. R. Doc. 41-9790; Filed, December 29, 1941; 10:40 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1219]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, OF THE NEW GORHAM MINE IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the New Gorham Mine, operated by code members Nick Babich and E. V. Peltzer, in District No. 16; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16, For All Shipments, is amended to include, for the coals in their respective size groups, for truck shipments, produced at the New Gorham Mine (Mine Index No. 149), of code member Nick Babich and E. V. Peltzer, located in Boulder County, Colorado, in Subdistrict Price Group No. 7, in District No. 16, the following effective minimum prices f. o. b. the mine in cents per net ton:

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
Prices	455	405	405	430	405	385	340	265	215	205	185	350

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9797; Filed, December 29, 1941; 10:57 a. m.]

[Docket No. A-912]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 22 FOR ALL SHIPMENTS TO PERMIT CERTAIN CODE MEMBERS IN DISTRICT NO. 22 TO EXCHANGE AT CERTAIN PRICES 1¼" SLACK FOR MINE RUN AND PREPARED COAL FOR LOCOMOTIVE FUEL USE

A petition having been filed with the Bituminous Coal Division by District Board 22, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the establishment of a price exception to the Schedule of Effective Minimum Prices for District No. 22 for All Shipments to permit certain code members in District 22 to exchange their prepared coals with the Republic Coal Company, a code member producer in District 22, for 1¼" x 0 slack on the basis of one ton of the prepared coals for two tons of slack;

A hearing in this matter having been held on August 18, 19, 20, and 21, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Billings, Montana, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 342.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments be and it hereby is amended to include the following price exception:

Coal produced at the Roundup No. 3 Mine (Mine Index No. 13) of the Roundup Coal Mining Company in Subdistrict 1, and at the Prescott Mine (Mine Index No. 11) of the Bair Collins Company in Subdistrict 1, with a top size not larger than 9" and a bottom size not smaller than 1¼" may be sold to the Republic Coal Company for use by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at a price of $2.20 per net ton f. o. b. the mine. Coal produced at the Klein No. 2 Mine (Mine Index No. 8) of the Republic Coal Company in Subdistrict 1 in Size Group No. 10 (1¼" x 0) may be sold to the Roundup Coal Mining Company and the Bair Collins Company at $1.10 per net ton f. o. b. the mine.

It is further ordered, That the prayer for relief contained in the petition filed herein be granted to the extent set forth above and in all other respects denied.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9796; Filed, December 29, 1941; 10:57 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 78 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

DECEMBER 26, 1941.

§ 131.78 *General License No. 78.* A general license is hereby granted licensing any transaction which is prohibited by the Order solely by reason of the fact that it involves property in which Hong Kong, or any national thereof, has at any time prior to December 25, 1941, but not on or since December 25, 1941, had any interest.

This general license shall not be deemed to authorize any transaction, if (i) such transaction is by, or on behalf of, or pursuant to the direction of Hong Kong, or any national thereof, or (ii) such transaction involves property in which Hong Kong, or any national thereof, has at any time on or since December 25, 1941, had any interest. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9301; Filed, December 29, 1941; 11:14 a.m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 10, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

DECEMBER 26, 1941.

1. General License No. 57 is hereby revoked.

2. The offices within Hong Kong and occupied China of banks named in Schedule A of General License No. 58, shall, as of the date hereof, cease to be appointed banks, and, as of the date hereof, such offices shall also cease to be generally licensed nationals within the meaning of General Licenses Nos. 59, 60, or 61, and such general licenses are to such extent hereby revoked.

3. General License No. 13 is hereby amended in the following respects:

(a) The word "Hong Kong" is deleted from subdivision (a) of paragraph (1) thereof; and

(b) The words "Hong Kong" and "Penang" are deleted from subdivision (b) of paragraph (1) thereof.

4. Subparagraph (a) of paragraph (3) of General License No. 53 is hereby amended in the following respects:

(1) A semicolon is substituted for the period at the end of item (x) thereof; and

(2) The following proviso to all of the provisions of subparagraph (a) is added at the end thereof:

Provided, however, That the term "generally licensed trade area" shall not include any territory which is controlled or occupied by the military, naval or police forces or other authority of Japan, Germany, or Italy, or allies thereof.

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 41-9800; Filed, December 29, 1941; 11:14 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 937—ZINC

Extension of General Preference Order No. M-11 as Amended June 28, 1941 and October 16, 1941

Section 937.1 (*General Preference Order No. M-11*[1] as Amended June 28, 1941 and October 16, 1941) is hereby extended, to expire on March 31, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9772; Filed, December 27, 1941; 10:01 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 2 to Supplementary Order No. M-15-b, to Restrict the Use of Rubber

It is hereby ordered, That:

Section 940.3 (*Supplementary Order No. M-15-b*[2]) is amended as follows:

1. By changing subparagraph (b) (6) to read as follows:

(6) To manufacture heels made of black or brown composition rubber only, soles, taps and soling strips made of black composition rubber only, and rubberized fabrics, innersoles, midsoles, fillers and backing cloths to be incorporated in shoes and other footwear.

2. By inserting immediately after subparagraph (b) (13) thereof the following new sub-paragraph designated (b) (14):

(14) To manufacture fire hose and other essential items for fire extinguishing apparatus.

3. By substituting "(14)" for "(13)" in the proviso immediately following subparagraph (b) (14) thereof.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4469; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F. R. 4863; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9773; Filed, December 27, 1941; 10:03 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Supplementary Order No. M-15-c To Restrict Transactions in New Rubber Tires, Casings, and Tubes

Whereas the further importation of crude rubber is imperiled, and

Whereas by Executive Order No. 8629 of January 7, 1941 and Executive Order No. 8875 of August 28, 1941 the Office of Production Management has been created and charged with certain authority and duties with regard to defense and civilian supply, priorities and allocations, and

Whereas by Executive Order 8734 of April 11, 1941 the Office of Price Administration has been created and charged with certain authority and duties with regard to consumer protection, price control, and the prevention of price spiraling,

Now, therefore, by virtue of the authority vested in the Office of Production Management by the aforementioned Executive Orders 8629 and 8875, and in order better to enable the Office of Price Administration to perform the duties with which it is charged under the aforementioned Executive Order 8734,

It is hereby ordered, That:

§ 940.4 *Supplementary Order M-15-c*—(a) *Delegation of authority to Office of Price Administration.* In addition to the powers expressly vested in the Office of Price Administration elsewhere in this Order, the Office of Price Administration is hereby authorized to exercise, in the

[1] 6 F.R. 2857, 3179, 5290.
[2] 6 F.R. 6406.

administration of this order, the powers of the Office of Production Management with respect to:

(1) The granting of exceptions and exemptions,
(2) The interpretation of this Order,
(3) The prescribing of forms for reports,
(4) The prescribing of requirements with respect to the keeping of records,
(5) The making of audits, inspections, and investigations, and
(6) The amendment of this Order in the following respects:

(i) Amendment of paragraph (c) by changing the types of persons or tires included in or excluded from paragraph (c) and List "A" therein referred to;
(ii) Amendment of paragraph (d) by changing the method of fixing quotas;
(iii) Amendment of paragraphs (e), (f), (i), (j), and (k) in any manner, with respect to the present subject matter thereof; and
(iv) Any other amendments of this Order made necessary by the changes specifically authorized above.

Power to revoke this Order and to make amendments other than those hereby authorized is reserved in the Office of Production Management. Subject to the terms of this Order, the Office of Price Administration may exercise the authority and duties hereby delegated to it, through such departments, agencies, officers or employees of the United States or any State as it is or may be hereafter authorized to utilize, and in conformity with Rationing Regulation No. 1 and such other amendatory or supplementary rules and regulations as it may prescribe.

(b) *Definitions.* For the purposes of this Order:

(1) "Person" means any individual, partnership, corporation, association, government agency or subdivision, or other form of enterprise.

(2) "Rubber" means compounded liquid latex which on December 11, 1941 had not been processed or mixed in such manner that further processing is necessary to prevent early spoilage, and all forms and types of crude rubber and liquid latex in crude form, and all forms of reclaimed rubber and scrap rubber as well, but does not include balata, gutta percha, gutta siak, gutta jelutong, and pontianac.

(3) "Tire," "Casing," and "Tube" means any tire, casing, and tube capable of being used on any automobile, truck, bus, motorcycle or farm implement.

(4) "New" as applied to tires, casings, and tubes, means a tire, casing or tube that has been used less than 1,000 miles.

(c) *Prohibition on deliveries of new rubber tires, casings, and tubes except to persons possessing certificates.* (1) Except as provided in this paragraph and in paragraphs (g) and (h) hereof, or in regulations hereafter issued by the Office of Price Administration, no person shall sell, lease, trade, lend, deliver, ship, or transfer new rubber tires, casings, or tubes, and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any such new rubber tires, casings, or tubes. (The provisions of this paragraph shall apply to all new rubber tires, casings, and tubes, whether such new rubber tires, casings, and tubes are at the date of issuance of this Order already manufactured, or whether such new rubber tires, casings, and tubes are manufactured in the future.)

(2) Except as provided in subparagraphs (3) and (4) of this paragraph (c), a person selling new rubber tires, casings or tubes at a retail store, outlet, or premises, which for purposes of this Order shall mean a store, outlet or premises from which transfers or deliveries are made predominantly direct to consumers, may sell, lease, trade, lend, deliver, ship or transfer any new rubber tire, casing, or tube from such premises to a person possessing a certificate authorizing such purchase issued by the Office of Price Administration.

(3) Except as provided in paragraphs (f) and (g), no person (even upon the presentation of a certificate) shall sell, lease, trade, lend, deliver, ship or transfer any new six-ply or eight-ply rubber tires or casings of a size less than 7:00 x 20.

(4) Except as provided in paragraphs (g) and (h) hereof, or in regulations hereafter issued by the Office of Price Administration, no person shall sell, lease, trade, lend, deliver, ship or transfer new rubber tires, casings or tubes from a factory or warehouse or other premises not constituting a retail store, outlet or premises, even upon the presentation of a certificate, provided that a person selling exclusively to consumers, and only such a person, may transfer, or ship to his own retail premises. Authorization to make sales, leases, trades, loans, deliveries, shipments or transfers prohibited by this subparagraph (c) (4) may hereafter be granted by the Office of Price Administration. The purpose of such authorization, when granted will be to enable dealers to replenish their inventories of new rubber tires, casings, and tubes, and in order to accomplish that purpose, permitted shipments to dealers will be based upon certificates and receipts issued pursuant to paragraphs (e), (f), and (g) of this order and held by such dealers as evidence that new rubber tires, casings, and tubes have been sold pursuant to this Order.

(5) Anything in this paragraph (c) to the contrary notwithstanding, any dealer regularly engaged in selling new rubber tires, casings, and tubes exclusively at retail may, on and after January 5, 1942, sell such tires, casings, and tubes (without certificates) to another dealer, to the Reconstruction Finance Corporation, to the Rubber Reserve Corporation, to the Procurement Division of the United States Treasury, or (with the express approval of the Office of Price Administration) to a manufacturer of new rubber tires, casings, or tubes.

(6) Anything in this paragraph (c) to the contrary notwithstanding, any common carrier which on December 11, 1941 was in possession of shipments of new rubber tires, casings, and tubes consigned to a consignee may (without certificates) deliver such tires, casings, and tubes to such consignee.

(d) *Provision for allocation of certificates among the states and counties.* The Office of Price Administration shall set state by state quotas of permissible sales of new rubber tires, casings, and tubes, except that tires sold pursuant to paragraphs (f), (g), and (h) of this order shall not be included in such quotas. Each state's quota shall be divided among the counties of that state, and may be further subdivided if necessary, the method of division to be specified by the Office of Price Administration. These state and county quotas shall be announced from time to time, and shall be based upon registration of commercial vehicles, adjusted for such factors as the Office of Price Administration may consider necessary.

(e) *Acquisition of new rubber tires, casings, and tubes by persons in the categories enumerated in List A attached hereto.* Any person who believes that the vehicle for which he wishes to acquire new rubber tires, casings, or tubes is included in one of the categories enumerated in List A attached hereto may apply to the Office of Price Administration for a certificate permitting him to purchase, lease, trade, borrow, or accept delivery, shipment or transfer of new rubber tires, casings, or tubes. Such permission may be granted by the Office of Price Administration upon a showing by the applicant of the following facts:

(1) That the vehicle on which the new rubber tire, casing, or tube is to be mounted is included in one of the categories enumerated in List A, and thus constitutes an "eligible" vehicle.

(2) That the vehicle on which the new rubber tire, casing, or tube is to be mounted cannot be replaced by a vehicle owned or operated by or subject to the control of the applicant, which is equipped with serviceable tires and tubes and which is not fully employed for a use specified in one or more of the categories enumerated in List A.

(3) That the new rubber tire, casing, or tube is to be installed at once on a wheel or rim, to replace a tire, casing or tube no longer serviceable.

(4) That the tire, casing, or tube, when added to all other tires, casings, and tubes in the applicant's possession, whether unmounted or mounted on a vehicle, and when that total is applied only to eligible vehicles, does not add up to more than one spare tire, casing or tube of a given size for each eligible vehicle.

(5) That the existing tire, casing, or tube cannot be recapped, retreaded or

repaired for safe use at speeds at which the applicant may reasonably be expected to operate, or that such recapping, retreading or repairing cannot be obtained without inordinate delay.

(6) That the applicant agrees to trade in replaced tires, casings, and tubes on new tires, casings, and tubes purchased under this Order, or to dispose of replaced tires, casings, and tubes as may otherwise be directed by the Office of Price Administration.

Upon being satisfied that all of these facts exist, the Office of Price Administration may issue to the applicant a certificate stating the number and type of new rubber tires, casings, and tubes which the applicant is authorized to acquire. Such certificate shall be recognized by any person having new rubber tires, casings, or tubes for sale, and no sale, lease, trade, loan, delivery, shipment or transfer of new rubber tires, casings, or tubes (except as provided in paragraphs (c), (g), and (h) hereof) shall be made except on the basis of such a certificate.

(f) *Acquisition of "obsolete" type new rubber tires, casings, and tubes.* Any person wishing to acquire "obsolete" type new rubber tires, casings, or tubes may apply to the Office of Price Administration for permission to purchase, lease, trade, borrow, or accept delivery, shipment or transfer of such "obsolete" type new rubber tires, casings, or tubes. Such permission may be granted by the Office of Price Administration upon a showing by the applicant of items (3) and (6) of paragraph (e) hereof. Upon being satisfied that all of the facts required by items (3) and (6) exist, the Office of Price Administration may issue to the applicant a certificate stating the number and types of "obsolete" type new rubber tires, casings, and tubes which the applicant is authorized to acquire. Such certificate shall be recognized by any person having "obsolete" type new rubber tires, casings, or tubes for sale, and no sale, lease, trade, loan, delivery, shipment, or transfer of "obsolete" type new rubber tires, casings, or tubes (except as provided in paragraphs (c), (g), and (h) hereof) shall be made except on the basis of such a certificate.

As here used, the word "obsolete" refers to tires, casings, and tubes of the following sizes, and no others:

525–19.	450–21.
525–550–19.	475–21.
550–19.	500–21.
600–19.	525–21.
600–650–19.	600–21.
650–19.	650–21.
700–19.	700–21.
750–19.	500–22.
450–20.	600–22.
475–20.	750–14.
450–475–500–20.	30 x 3.
500–20.	30 x 3½.
525–20.	31 x 4.
550–20.	32 x 4.
600–20.	33 x 4.
600–650–20.	32 x 4½.
650–20.	33 x 4½.
440–450–21.	34 x 4½.
440–21.	

(g) *Sales to the Army, Navy, designated governments, and designated governmental agencies.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment or transfer of new rubber tires, casings, or tubes (without certificates) to or for the account of the following:

(1) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(2) The government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(3) The government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to a contract or order placed by any agency of the United States Government under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(4) Any person holding an A–3 or higher preference rating for such new rubber tires, casings, or tubes, issued on a PD–3 certificate: *Provided,* That the person holding such preference rating shall also possess a signed statement from the official who countersigned such PD–3 certificate to the effect that the vehicle on which the new rubber tires, casings, or tubes are to be used, was, during the six months period preceding the issuance of the statement, engaged to the extent of 75 per cent or more in work done for the Army or Navy of the United States.

Any person, government, or governmental agency acquiring a new rubber tire, casing, or tube, under this paragraph (g) shall execute and deliver to the person from whom such tires, casings, or tubes was acquired a receipt evidencing the transaction, the receipt to be in such form as the Office of Price Administration may direct.

(h) *Sales of new rubber tires, casings, and tubes as part of the original equipment of new vehicles.* Nothing in this order shall prevent any person from selling new rubber tires, casings, or tubes (without certificates) as part of the original equipment (excluding spares) of new vehicles, provided that such tires, casings, or tubes, are affixed to such vehicles at the time of their sale, and that such sale is not prohibited by the terms of any other order of the Office of Production Management.

(i) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales of new rubber tires, casings, and tubes, including sales covered by paragraphs (c), (g), and (h) of this order.

(j) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Price Administration.

(k) *Reports.* All persons affected by this order shall make such reports as may from time to time be required by the Office of Price Administration and the Office of Production Management, including Dealers Report of Stocks of New Tires and Tubes on Hand on December 12, 1941 (PD–216), required to be mailed not later than December 31, 1941.

(l) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept of information to be furnished pursuant to this order may be prohibited by the Office of Price Administration from receiving further deliveries of any new rubber tires, casings, or tubes. Such further action may be taken by the Office of Price Administration as it is deemed appropriate, including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80), and a recommendation to the Office of Production Management that the violator be prohibited from receiving further deliveries of any other material subject to allocation.

(m) *Inapplicability of Priorities Regulation 1.* Except to the extent that such provisions are set out herein or in regulations issued hereunder, the provisions of Priorities Regulation 1 and of any other regulations heretofore or hereafter issued by the Office of Production Management shall not apply to this order.

(n) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

Approved:
WILLIAM KNUDSEN,
Director General.

Approved:
SIDNEY HILLMAN,
Associate Director General.

Approved:
ROBERT P. PATTERSON,
Under Secretary of War.

Approved:
JAMES V. FORRESTAL,
Under Secretary of the Navy.

Approved:
FRANKLIN D ROOSEVELT
The White House.

Date: December 26, 1941.

LIST A—ELIGIBILITY CLASSIFICATION

LIST OF VEHICLES WHICH MAY BE EQUIPPED WITH NEW RUBBER TIRES, CASINGS, OR TUBES

No certificate shall be issued unless the applicant for the certificate certifies that the tire, casing or tube for which application is made is to be mounted:

(a) On a vehicle which is operated by a physician, surgeon, visiting nurse, or a veterinary, and which is used principally for professional services.

(b) On an ambulance.

(c) On a vehicle used exclusively for one or more of the following purposes:

(1) To maintain fire fighting services;
(2) To maintain necessary public police services;
(3) To enforce such laws as relate specifically to the protection of public health and safety;
(4) To maintain garbage disposal and other sanitation services;
(5) To maintain mail services.

(d) On a vehicle with a capacity of ten or more passengers, operated exclusively for one or more of the following purposes:

(1) Transportation of passengers as part of the services rendered to the public by a regular transportation system;
(2) Transportation of students and teachers to and from school;
(3) Transportation of employees to or from any industrial or mining establishment or construction project, except when public transportation facilities are readily available.

(e) On a truck operated exclusively for one or more of the purposes stated in the preceding sections or for one or more of the following purposes:

(1) Transportation of ice, and of fuel;
(2) Transportation of material and equipment for the building and maintenance of public roads;
(3) Transportation of material and equipment for the construction and maintenance of public utilities;
(4) Transportation of material and equipment for the construction and maintenance of production facilities;
(5) Transportation of material and equipment for the construction of defense housing facilities and military and naval establishments;
(6) Transportation essential to render roofing, plumbing, heating and electrical repair services;
(7) Transportation by any common carrier;
(8) Transportation of waste and scrap materials;
(9) Transportation of raw materials, semi-manufactured goods, and finished products, including farm products and foods, provided that no certificate shall be issued for a new tire, casing, or tube to be mounted on a truck used (a) for the transportation of commodities to the ultimate consumer for personal, family or household use; or (b) for transportation of materials for construction and maintenance except to the extent specifically provided by subsections (2), (3), (4), (5), and (6) of this section (e).

(f) On farm tractors or other farm implements, other than automobiles or trucks, for the operation of which rubber tires, casings or tubes are essential.

(g) On industrial, mining, and construction equipment, other than automobiles or trucks, for the operation of which rubber tires, casings, or tubes are essential.

RATIONING REGULATION No. 1

This Rationing Regulation is issued pursuant to Supplementary Order No. M–15–c of the Office of Production Management, issued December 27, 1941.

1. The Office of Price Administration may exercise through local tire rationing boards such of the powers vested in it pursuant to Supplementary Order No. M–15–c of the Office of Production Management as it may deem necessary or desirable, including, without limitation on the foregoing, the following powers:

(a) The power to determine whether a given applicant is an eligible purchaser;

(b) The power to determine which of the eligible applicants shall receive tires, up to the quota allotted to the local board.

2. Each such local board shall consist of three members, and shall be called the Local Tire Rationing Board.

3. Members of Local Tire Rationing Boards shall be appointed by the Office of Price Administration, and shall hold their positions as agents of the Office of Price Administration.

4. In appointing members of Local Tire Rationing Boards, the Office of Price Administration may, in its discretion, be guided by the recommendations of State and Local Defense Councils, and may also, in its discretion, appoint as members of such boards state and local officials.

5. Subject to such exceptions as the Office of Price Administration may make, there shall be at least one Local Tire Rationing Board in every county of the United States, and in those counties where (in the opinion of the Office of Price Administration) density of population or other factors makes it impossible for one Board adequately to administer the functions contemplated by Order No. M–15–c, there shall be as many Local Tire Rationing Boards as the Office of Price Administration may consider necessary for the adequate performance of such functions.

6. Further provisions governing the establishment and operation of Local Tire Rationing Boards may be issued by the Office of Price Administration from time to time, provided that such provisions shall be consistent with paragraph 3 of this regulation.

[F. R. Doc. 41–9788; Filed, December 27, 1941; 12:17 p. m.]

PART 962—STEEL

Supplementary Order M–21–d—Corrosion and Heat Resistant Chrome Steel

Whereas the National Defense requirements, coupled with the threat to supply created by the war in the Pacific Ocean, have created a shortage of chromium for defense for private account and for export, and further conservation measures have become necessary.

Now, therefore, it is hereby ordered, That

§ 962.5 *Supplementary Order M–21–d—*(a) *Restrictions on deliveries, use, etc.* From the date of issuance of this Order until otherwise ordered by the Office of Production Management, no person shall consume, use, process, fabricate, or deliver corrosion or heat resistant alloy iron or alloy steel containing 4 percent or more of chromium except in accordance with the following:

(1) The above prohibition shall not apply to material to be delivered by the holder on a preference rating of A–10 or higher.

(2) The above prohibition shall not apply to fully fabricated articles. It shall apply to raw steel stock in the form received, or cut to size for further processing or fabrication.

(3) During the ten days immediately following the date of issuance of this Order, a person other than a Producer may consume, use, process, fabricate, or deliver such material to an amount not greater than one-third of such person's consumption, use, processing, fabrication, or delivery during the month of December 1940.

(b) *Reports.* Each person having ownership or possession of corrosion or heat resistant alloy iron or alloy steel containing 4 percent or more of chromium and subject to the prohibitions of paragraph (a) shall file with the Iron and Steel Branch, Office of Production Management, Washington, D. C., Ref: M–21–d, on or before January 15, 1942, a report on Form PD–221: *Provided, however,* That the provisions of this paragraph shall not apply to warehouses filing reports pursuant to Supplementary Order M–21–b.

(c) *Violations.* Any person who violates this Order may be deprived of priorities assistance or may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation. The Office of Production Management may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U. S. C. 80).

(d) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, or would result in a serious problem of unemployment in the community, or would disrupt or impair a program of conversion from nondefense to defense work may appeal to the Office of Production Management by addressing a letter to the Iron and Steel Branch, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as it deems appropriate.

(e) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9770; Filed, December 27, 1941; 10:00 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

General Imports Order M-63 To Conserve the Supply and Direct the Distribution of Designated Materials in Which Shortages Exist and Which Are Imported

Whereas War requirements have created a shortage of the materials hereinafter set forth for defense, essential civilian and other uses; such materials are imported and due to the uncertainties of transportation in wartime the restrictions upon the disposition of such materials hereinafter set forth are necessary to prevent dispersion of such materials and to direct the distribution thereof in such manner as to satisfy war and essential civilian needs;

Now therefore, it is hereby ordered, That:

§ 1042.1 *General Imports Order M-63*—(a) *Definitions.* For the purposes of this Order:

(1) "Strategic material" means any material listed in List A.

(2) "Person" means any individual, partnership, association, business trust, corporation or any organized group of persons, whether or not incorporated.

(3) "Owner" of any material means any Person who has any property interest in such material except a Person whose interest is held solely as security for the payment of money.

(4) "Consignee" means the Person to whom a Strategic Material is consigned at the time of importation.

(5) "Import" means to transport in any manner into the Continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). Release from the bonded custody of the United States Bureau of Customs shall, for the purpose of this Order, be deemed a transportation.

(6) "Place of initial storage" means any Warehouse, Yard, Ground Storage or other place to which the Person making the entry or withdrawal from custody of the United States Bureau of Customs of Strategic Material imported after the effective date of this Order directs or has directed that such Strategic Material be transported from the port of entry to be held until disposed of pursuant to this Order.

(b) *Restrictions on importation of strategic materials.* After the effective date of this Order, no Person, other than Metals Reserve Company and any other United States governmental department, agency or corporation, or any agent acting for such Company, department, agency or corporation, shall, without the written authorization of the Director of Priorities, make any contract or other arrangement for the importing of any Strategic Material. This prohibition shall not prevent the importing, under the restrictions hereinafter set forth, of Strategic Material by any Person under any contract made before, or in existence on, the effective date of this Order.

(c) *Restrictions on disposition of imported strategic materials.* Except as hereinafter specifically provided in paragraph (d):

(1) *Restrictions upon owners and consignees.* No Owner or Consignee of any Strategic Material which is imported after the effective date of this Order shall in any way, directly or indirectly

(i) dispose of any interest in such Strategic Material;

(ii) process or in any way change the physical condition of such Strategic Material;

(iii) transfer possession, or cause or permit a transfer of possession, of such Strategic Material except to the port of entry and from the port of entry to the Place of Initial Storage of such Strategic Material; or

(iv) change, or cause or permit a change of, the location of such Strategic Material except to the Port of entry and from the port of entry to the Place of Initial Storage of such Strategic Material.

Provided: That a Consignee of Strategic Material may dispose of his interest in such Strategic Material to the extent necessary to complete any commitment or contract made prior to the effective date of this Order. The Person to whom he disposes of such interest shall be subject to all restrictions imposed upon Owners by this Order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other Person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any Strategic Material imported after the effective date of this Order shall in any way, directly or indirectly, except to the extent necessary to permit a Consignee to make a permissible disposition of Strategic Material in accordance with subparagraph (1) of this paragraph (c),

(i) dispose of any such interest; or

(ii) transfer possession, or cause or permit a transfer of possession, of such instrument.

(d) *Permissible disposition of imported strategic materials*—(1) *Transfer to Governmental agency.* Nothing contained in this Order shall prohibit any person having any interest whether as Owner, Consignee or otherwise, in any Strategic Material imported after the effective date of this Order from disposing of, or making any arrangement to dispose of, any interest in such Strategic Material to Metals Reserve Company or any other United States governmental department, agency or corporation.

(2) *Authorization by Director of Priorities.* Notwithstanding the provisions of paragraph (c), an Owner of Strategic Material imported after the effective date of this Order or a bank or other Person having possession of or an interest in a written instrument evidencing an interest in such Strategic Material, may process such Strategic Material or may dispose of any interest in such Strategic Material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director of Priorities. Any such person may make application in duplicate for such an authorization on Form PD-222A, attached hereto,[1] which Form shall be addressed to Office of Production Management, Ref: M-63, Washington, D. C., (which will receive from the Collectors of Customs reports of all imports of Strategic Materials).

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any Strategic Material of which any United States governmental department, agency or corporation is the Owner at the time of importation, and shall not apply to any such Strategic Material after any United States governmental department, agency or corporation becomes the Owner thereof, and shall not apply to any Strategic Material purchased or otherwise acquired from any United States governmental department, agency or corporation.

(e) *Reports*—(1) *Reports to Metals Reserve Company.* Promptly after the issuance of this Order, every Person other than any United States governmental department, agency or corporation, or any agent acting for any such department, agency or corporation, who has outstanding any order, contract or other arrangement for the importing of any Strategic Material or who has heretofore acquired for import any Strategic Material which has not physically arrived at the port of entry thereof when this Order becomes effective, shall report all relevant facts with respect to such Strategic Material to Metals Reserve Company, Ref: M-63, Washington, D. C. Such report shall be filed in duplicate; one copy will be transmitted to the Office of Production Management by Metals Reserve Company.

(2) *Reports to collectors of customs.* No Strategic Material which is imported after the effective date of this Order, other than Strategic Materials imported by or for the account of Metals Reserve Company or any other United States governmental department, agency or corporation, shall be entered for consumption or withdrawn from warehouse for consumption unless the Person making the entry or withdrawal shall file with the entry or withdrawal a statement of proposed disposition on Form PD-222B, attached hereto.[1] Such statement shall be filed in duplicate; both copies shall be transmitted by the Collector of Customs to Metals Reserve Company, Ref: M-63, Washington, D. C., which will transmit one copy to the Office of Production Management.

(3) *Other reports.* All persons having any interest, whether as Owner or Consignee or otherwise, in any Strategic Material imported after the effective date of this Order shall file such other reports as may be required from time to time by the Office of Production Management.

(f) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(h) *Effective date.* This Order shall take effect at 12:01 a. m. of the day after the date of issuance. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[1] Filed with the original document.

[1] Filed with the original document.

List A, Attached to General Imports Order M-63

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941). Materials are included in this List to the extent that they are covered by the commodity numbers listed below. Ores and concentrates bearing the materials are in all cases included.

Material	Ec. class	Commodity No.
Antimony	1	6650.0
	7	6651.0
	7	6651.1
	7	838.180
	7	838.210
Cadmium	1	674.15
	7	676.04
Chromium	1	6213.0
Copper	1	6400.4
	1	6400.5
	7	6400.7
	7	6400.8
	7	6400.9
Graphite or Plumbago, Crystalline Flake	1	5930.5
Kyanite and Sillimanite	1	593.95
Lead	1	6503.0
	1	6504.0
	7	6505.1
Quicksilver or Mercury	7	6662.0
Rutile	1	6270.2
Tungsten	1	6232.0
Vanadium	1	6260.0
Zinc	1	6557.0
	7	6558.2
Zirconium	1	6270.5

[F. R. Doc. 41-9771; Filed, December 27, 1941; 10:01 a. m.]

PART 1053—FATS AND OILS

General Preference Order M-71 To Conserve the Supply and Direct the Distribution of Fats and Oils

The fulfillment of requirements for the defense of the United States and the uncertainty of imports having resulted in a shortage of fats and oils for defense, for private account, and for export, and it being necessary in the public interest and to promote the national defense to allocate the supply of fats and oils in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That

§ 1053.1 *General Preference Order M-71*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order (1) "Fats and Oils" means all of the raw, crude and refined fats and oils, their by-products and derivatives, and greases, except "essential" oils, mineral oils, and butter.

(2) "Manufacturer" means any person who purchases any fats or oils for use in the manufacture of any product other than products produced in the home for home consumption.

(3) The "Inventory" of a manufacturer at any time shall include fats and oils held or controlled by him and fats and oils purchased by him for future delivery.

(c) *Restrictions on sales and deliveries.* (1) Unless specifically authorized by the Director of Priorities, no manufacturer shall hereafter purchase or accept delivery of any fats or oils if, immediately after such purchase or delivery, such manufacturer will have an inventory of fats and oils in the aggregate (including the amount so purchased or delivered) in excess of the amount necessary to enable him to maintain for ninety days a rate of operations equal to whichever is the highest of the following:

(i) His rate during the thirty days terminating on the date of the issuance of this Order;

(ii) His rate during the same calendar month one year previous to the month in which such delivery is made;

(iii) The average of his monthly rate of operations during 1941;

Provided, however, That deliveries under contracts made before the issuance date of this Order may nevertheless be made even if such deliveries will result in an inventory in excess of the amount otherwise permitted hereunder.

(2) Except as provided in paragraph (d), (e) or (f), no person shall hereafter sell or deliver any fats or oils to any manufacturer, unless such person shall have first received from such manufacturer a certificate in substantially the following form, signed by a person authorized to sign for the manufacturer:

> The undersigned hereby certifies to his vendor and to the Office of Production Management that the purchase or delivery of the fats and oils covered by this receipt will not give the undersigned an inventory of fats and oils in the aggregate in excess of the amount necessary to enable the undersigned to maintain for ninety days a rate of operations equal to (here insert rate from paragraph (c) (1) selected by manufacturer).

unless specifically authorized by the Director of Priorities.

(3) No person shall sell or deliver any fats or oils to any manufacturer if he knows or has reason to believe that such certificate is false.

(d) *Exception for imports.* Nothing in this Order shall prevent purchases or deliveries of imported fats or oils to the person importing the same either directly or through an agent, or to the person for whose account they were imported or to whom they may have been sold prior to being landed in this country.

(e) *Exempted sales and deliveries.* The prohibitions and restrictions of this Order shall not apply to sales or deliveries of fats and oils products in the finished form, sales of refined edible fats and oils (except olive oil) through wholesale and retail channels and directly to the baking, restaurant, hotel and other cooking trades, and sales of lards destined for human consumption without further processing.

(d) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, or would result in a serious problem of unemployment in the community, or would disrupt or impair a program of conversion from nondefense to defense work may appeal to the Office of Production Management by addressing a letter to the Iron and Steel Branch, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as it deems appropriate.

(e) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9770; Filed, December 27, 1941; 10:00 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

General Imports Order M-63 To Conserve the Supply and Direct the Distribution of Designated Materials in Which Shortages Exist and Which Are Imported

Whereas War requirements have created a shortage of the materials hereinafter set forth for defense, essential civilian and other uses; such materials are imported and due to the uncertainties of transportation in wartime the restrictions upon the disposition of such materials hereinafter set forth are necessary to prevent dispersion of such materials and to direct the distribution thereof in such manner as to satisfy war and essential civilian needs;

Now therefore, it is hereby ordered, That:

§ 1042.1 *General Imports Order M-63*—(a) *Definitions.* For the purposes of this Order:

(1) "Strategic material" means any material listed in List A.

(2) "Person" means any individual, partnership, association, business trust, corporation or any organized group of persons, whether or not incorporated.

(3) "Owner" of any material means any Person who has any property interest in such material except a Person whose interest is held solely as security for the payment of money.

(4) "Consignee" means the Person to whom a Strategic Material is consigned at the time of importation.

(5) "Import" means to transport in any manner into the Continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). Release from the bonded custody of the United States Bureau of Customs shall, for the purpose of this Order, be deemed a transportation.

(6) "Place of initial storage" means any Warehouse, Yard, Ground Storage or other place to which the Person making the entry or withdrawal from custody of the United States Bureau of Customs of Strategic Material imported after the effective date of this Order directs or has directed that such Strategic Material be transported from the port of entry to be held until disposed of pursuant to this Order.

(b) *Restrictions on importation of strategic materials.* After the effective date of this Order, no Person, other than Metals Reserve Company and any other United States governmental department, agency or corporation, or any agent acting for such Company, department, agency or corporation, shall, without the written authorization of the Director of Priorities, make any contract or other arrangement for the importing of any Strategic Material. This prohibition shall not prevent the importing, under the restrictions hereinafter set forth, of Strategic Material by any Person under any contract made before, or in existence on, the effective date of this Order.

(c) *Restrictions on disposition of imported strategic materials.* Except as hereinafter specifically provided in paragraph (d):

(1) *Restrictions upon owners and consignees.* No Owner or Consignee of any Strategic Material which is imported after the effective date of this Order shall in any way, directly or indirectly

(i) dispose of any interest in such Strategic Material;

(ii) process or in any way change the physical condition of such Strategic Material;

(iii) transfer possession, or cause or permit a transfer of possession, of such Strategic Material except to the port of entry and from the port of entry to the Place of Initial Storage of such Strategic Material; or

(iv) change, or cause or permit a change of, the location of such Strategic Material except to the Port of entry and from the port of entry to the Place of Initial Storage of such Strategic Material.

Provided: That a Consignee of Strategic Material may dispose of his interest in such Strategic Material to the extent necessary to complete any commitment or contract made prior to the effective date of this Order. The Person to whom he disposes of such interest shall be subject to all restrictions imposed upon Owners by this Order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other Person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any Strategic Material imported after the effective date of this Order shall in any way, directly or indirectly, except to the extent necessary to permit a Consignee to make a permissible disposition of Strategic Material in accordance with subparagraph (1) of this paragraph (c),

(i) dispose of any such interest; or

(ii) transfer possession, or cause or permit a transfer of possession, of such instrument.

(d) *Permissible disposition of imported strategic materials*—(1) *Transfer to Governmental agency.* Nothing contained in this Order shall prohibit any person having any interest whether as Owner, Consignee or otherwise, in any Strategic Material imported after the effective date of this Order from disposing of, or making any arrangement to dispose of, any interest in such Strategic Material to Metals Reserve Company or any other United States governmental department, agency or corporation.

(2) *Authorization by Director of Priorities.* Notwithstanding the provisions of paragraph (c), an Owner of Strategic Material imported after the effective date of this Order or a bank or other Person having possession of or an interest in a written instrument evidencing an interest in such Strategic Material, may process such Strategic Material or may dispose of any interest in such Strategic Material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director of Priorities. Any such person may make application in duplicate for such an authorization on Form PD-222A, attached hereto,[1] which Form shall be addressed to Office of Production Management, Ref: M-63, Washington, D. C., (which will receive from the Collectors of Customs reports of all imports of Strategic Materials).

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any Strategic Material of which any United States governmental department, agency or corporation is the Owner at the time of importation, and shall not apply to any such Strategic Material after any United States governmental department, agency or corporation becomes the Owner thereof, and shall not apply to any Strategic Material purchased or otherwise acquired from any United States governmental department, agency or corporation.

(e) *Reports*—(1) *Reports to Metals Reserve Company.* Promptly after the issuance of this Order, every Person other than any United States governmental department, agency or corporation, or any agent acting for any such department, agency or corporation, who has outstanding any order, contract or other arrangement for the importing of any Strategic Material or who has heretofore acquired for import any Strategic Material which has not physically arrived at the port of entry thereof when this Order becomes effective, shall report all relevant facts with respect to such Strategic Material to Metals Reserve Company, Ref: M-63, Washington, D. C. Such report shall be filed in duplicate; one copy will be transmitted to the Office of Production Management by Metals Reserve Company.

(2) *Reports to collectors of customs.* No Strategic Material which is imported after the effective date of this Order, other than Strategic Materials imported by or for the account of Metals Reserve Company or any other United States governmental department, agency or corporation, shall be entered for consumption or withdrawn from warehouse for consumption unless the Person making the entry or withdrawal shall file with the entry or withdrawal a statement of proposed disposition on Form PD-222B, attached hereto.[1] Such statement shall be filed in duplicate; both copies shall be transmitted by the Collector of Customs to Metals Reserve Company, Ref: M-63, Washington, D. C., which will transmit one copy to the Office of Production Management.

(3) *Other reports.* All persons having any interest, whether as Owner or Consignee or otherwise, in any Strategic Material imported after the effective date of this Order shall file such other reports as may be required from time to time by the Office of Production Management.

(f) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(h) *Effective date.* This Order shall take effect at 12:01 a. m. of the day after the date of issuance. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 27th day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[1] Filed with the original document.

[1] Filed with the original document.

List A, Attached to General Imports Order M-63

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941). Materials are included in this List to the extent that they are covered by the commodity numbers listed below. Ores and concentrates bearing the materials are in all cases included.

Material	Ec. class	Commodity No.
Antimony	1	6650.0
	7	6651.0
	7	6651.1
	7	838.180
	7	838.210
Cadmium	1	674.15
	7	676.04
Chromium	1	6213.0
Copper	1	6400.4
	1	6400.5
	7	6400.7
	7	6400.8
	7	6400.9
Graphite or Plumbago, Crystalline Flake	1	5930.5
Kyanite and Sillimanite	1	593.95
Lead	1	6503.0
	1	6504.0
	7	6505.1
Quicksilver or Mercury	7	6662.0
Rutile	1	6270.2
Tungsten	1	6232.0
Vanadium	1	6260.0
Zinc	1	6557.0
	7	6558.2
Zirconium	1	6270.5

[F. R. Doc. 41-9771; Filed, December 27, 1941; 10:01 a. m.]

PART 1053—FATS AND OILS

General Preference Order M-71 To Conserve the Supply and Direct the Distribution of Fats and Oils

The fulfillment of requirements for the defense of the United States and the uncertainty of imports having resulted in a shortage of fats and oils for defense, for private account, and for export, and it being necessary in the public interest and to promote the national defense to allocate the supply of fats and oils in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That

§ 1053.1 *General Preference Order M-71*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order (1) "Fats and Oils" means all of the raw, crude and refined fats and oils, their by-products and derivatives, and greases, except "essential" oils, mineral oils, and butter.

(2) "Manufacturer" means any person who purchases any fats or oils for use in the manufacture of any product other than products produced in the home for home consumption.

(3) The "Inventory" of a manufacturer at any time shall include fats and oils held or controlled by him and fats and oils purchased by him for future delivery.

(c) *Restrictions on sales and deliveries.* (1) Unless specifically authorized by the Director of Priorities, no manufacturer shall hereafter purchase or accept delivery of any fats or oils if, immediately after such purchase or delivery, such manufacturer will have an inventory of fats and oils in the aggregate (including the amount so purchased or delivered) in excess of the amount necessary to enable him to maintain for ninety days a rate of operations equal to whichever is the highest of the following:

(i) His rate during the thirty days terminating on the date of the issuance of this Order;

(ii) His rate during the same calendar month one year previous to the month in which such delivery is made;

(iii) The average of his monthly rate of operations during 1941;

Provided, however, That deliveries under contracts made before the issuance date of this Order may nevertheless be made even if such deliveries will result in an inventory in excess of the amount otherwise permitted hereunder.

(2) Except as provided in paragraph (d), (e) or (f), no person shall hereafter sell or deliver any fats or oils to any manufacturer, unless such person shall have first received from such manufacturer a certificate in substantially the following form, signed by a person authorized to sign for the manufacturer:

> The undersigned hereby certifies to his vendor and to the Office of Production Management that the purchase or delivery of the fats and oils covered by this receipt will not give the undersigned an inventory of fats and oils in the aggregate in excess of the amount necessary to enable the undersigned to maintain for ninety days a rate of operations equal to (here insert rate from paragraph (c) (1) selected by manufacturer).

unless specifically authorized by the Director of Priorities.

(3) No person shall sell or deliver any fats or oils to any manufacturer if he knows or has reason to believe that such certificate is false.

(d) *Exception for imports.* Nothing in this Order shall prevent purchases or deliveries of imported fats or oils to the person importing the same either directly or through an agent, or to the person for whose account they were imported or to whom they may have been sold prior to being landed in this country.

(e) *Exempted sales and deliveries.* The prohibitions and restrictions of this Order shall not apply to sales or deliveries of fats and oils products in the finished form, sales of refined edible fats and oils (except olive oil) through wholesale and retail channels and directly to the baking, restaurant, hotel and other cooking trades, and sales of lards destined for human consumption without further processing.

(f) *Exemption for small manufacturers.* Notwithstanding the provisions of paragraph (c), any manufacturer may purchase and accept delivery of the minimum commercial quantities, kinds or amounts which includes the amount permitted by paragraph (c) (1), and any person may sell or deliver such minimum commercial amounts, kinds or quantities when such manufacturer shall add to the certificate required to be filed by paragraph (c) (2) the following sentence:

The amount which the undersigned is entitled to purchase under General Preference Order M-71 is _____, and this purchase or delivery is for the minimum commercial amount including such permitted amount.

(g) *Applicability of General Preference Orders governing particular fats and/or oils.* Notwithstanding the foregoing, whenever any General Preference Order imposes more stringent restrictions on deliveries of a particular fat or oil, then deliveries shall be made in accordance with the restrictions of that Order.

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of fats and oils conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management by letter or telegram setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Reference M-71.

(j) *Effective date.* This Order shall take effect immediately, and shall expire at the close of business on January 31, 1942, unless sooner terminated by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 29th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9802; Filed, December 29, 1941; 11:42 a. m.]

CHAPTER XI[1]—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 12—BRASS MILL SCRAP

Price Schedule No. 12,[1] Brass Mill Scrap, is hereby amended by adding to the end of § 1309.11 the following paragraph:

§ 1309.11 *Maximum prices for brass mill scrap.* * * *

If brass mill scrap is imported into the United States, or if imported brass mill scrap is resold in the United States, there may be added to the maximum price established by this Section the actual amount of United States import or customs duty paid on such scrap: *Provided*, That:

(a) the total amount paid or received for such imported scrap f. o. b. shipping point in the continental United States does not exceed the maximum price established in this Section plus the actual amount of import or customs duty paid;

(b) the import or customs duty paid is shown as a separate item on the records required to be kept in accordance with Section 1309.14 hereof and on any invoice rendered to the buyer; and

(c) the buyer files a report of each such purchase with the Office of Price Administration on form 112:3 within five days of the date thereof.

This amendment shall become effective December 27, 1941. (Executive Order No. 8734, 8873, 6 F.R. 1917, 4483).

Issued this 27th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9776; Filed, December 27, 1941; 10:52 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 44[2]—DOUGLAS FIR DOORS

The preamble, § 1312.154, and paragraphs (a), (d), and (f) of § 1312.159 of Price Schedule No. 44 are hereby amended in the following respects:

The preamble is amended to read as follows:

Douglas fir doors, manufactured from Douglas fir lumber and plywood, constitute the majority of doors produced in this country, and their price is a significant factor in construction costs. The importance of fir doors to the economy and the demand for these doors has greatly increased by virtue of the vastly expanded building activity stemming from and accompanying the defense program. Large numbers of fir doors are used in cantonments, factories producing military necessities, and defense housing projects. Despite markedly increased production, the supply of doors has not kept pace with the augmented demand. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing levels. The cumulated price increases cannot be justified either on the basis of the increased costs of production or on the assumption that higher prices bring out appreciably more production.

The Office of Price Administration has determined that the establishment of maximum prices for Douglas fir doors is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. The maximum prices set forth in this Schedule were determined to be fair and reasonable after extensive investigations, conferences with the industry, and full consideration of all relevant factors.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Section 1312.154 is amended to read as follows:

§ 1312.154 *Records and reports.* Every manufacturer who sells and every person who purchases from a manufacturer Douglas fir doors of a value of more than $1,000.00 in any month after December 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale made during such month showing the date thereof, the name and address of the buyer and seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of Douglas fir doors (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.

Section 1312.159 (a), (d), and (f) are amended in the following respects:

§ 1312.159 *Appendix A; Maximum prices[1] for Douglas fir doors.* (a) is amended to read as follows:

(a) The maximum prices f. o. b. factory shall be determined by applying the following discounts to the list prices set forth in paragraph (b).

[1] 6 F.R. 3594, 5041.
[2] 6 F.R. 6084.

Basic Discount:	
To persons who during the first nine months of 1941 received the seller's prevailing maximum discount.	72 percent.
To all other persons.	70 percent.
No. 1 Doors "A" Grade	Basic Discount.
No. 2 Doors "B" Grade	1 point longer than Basic Discount.
No. 3 Doors "C" Grade	2 points longer than Basic Discount.
Millrun 1⅛" only	1 point longer than Basic Discount.
Storm Doors	1 point longer than Basic Discount.
Cupboard Doors (B&Btr. only).	1 point longer than Basic Discount.
"A" Grade Sidelights	Basic Discount.
Rim and French Doors. ("A" & "B" Grades only).	5 points longer than Basic Discount.

* * * * *

(d) *Design extras exclusive of watertables and trim:* is amended by changing F-5 and F-117½ to read:

Design	Net extra per door	
	Flat panel	Raised panel
F-5	None	$0.25
F-117½	None	.25

(f) is amended to read as follows:

(f) *Maximum prices for garage doors f. o. b. factory:*

	Per pair
1¾" Basic Price:	
To persons who during the first nine months of 1941 received the seller's prevailing lowest price	$8.00
To all other persons	8.50
1⅜" Basic Price:	
To persons who during the first nine months of 1941 received the seller's prevailing lowest price	7.50
To all other persons	8.00

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective January 1, 1942. Issued this 27th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9787; Filed, December 27, 1941; 12:15 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

Table I of § 1316.61 (b) (4)[1] is amended to read as follows:

§ 1316.61 *Appendix A, maximum prices for cotton goods.*

* * * * *

(b) (4) *Maximum price tables.*

Table I

In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs or to print cloths of Class B or C; to any fabric excepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	*Premium*
Feeler motion	1¢ per lb.[2]
Weaves requiring five or more cams:	
Weaves, other than plain, which (exclusive of selvage) require five cams	¼¢ per yd.[3]
Weaves, other than plain, which (exclusive of selvage) require six or more cams	½¢ per yd.[3]
Dobby looms:	
Weaves requiring 16 harnesses or less	1½¢ per yd.
Weaves requiring more than 16 harnesses	1½¢ per yd.
Fancy draw:	
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above[3]	½¢ per yd.
Each extra beam	½¢ per yd.
Hard twist:	
Warp yarn: where turns per inch equal 5¼ or more times the square root of yarn size	½¢ per yd.
Filling yarn: where turns per inch equal 4¾ or more times the square root of yarn size	½¢ per yd.
Clipping	1¢ per yd.
Slubs:	
Cloths with over 52 picks per inch	3¢ per lb.
Cloths with 52 picks per inch and under	2¢ per lb.

[1] Not applicable to cloths other than sheetings and Class A print cloths.

[2] Effective December 29, 1941. In connection with deliveries against contracts entered into between October 21 and December 28, 1941, inclusive, premiums are allowable (except on twills and drills of the types and classes listed in Table III-A) as follows:

Weaves which, including selvage, require 5 cams	¼¢ per yd.
Weaves which, including selvage, require 6 or more cams	½¢ per yd.

[3] The fancy-draw premium is not applicable to all-over patterns made on a dobby loom or with five or more cams unless additional effects of the types specified above are added to the all-over pattern. (This footnote effective December 29, 1941).

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483).

Issued this 26th day of December, 1941. This Amendment, No. 2, shall become effective December 29, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9769; Filed, December 27, 1941; 9:55 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

[Revised as of January 1, 1942]

AMENDMENT NO. 4 OF PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Sections 1347.51 to 1347.62 inclusive and § 1347.64 are hereby renumbered and amended to read as follows:

Sec.
1347.51 Maximum prices for paperboard.
1347.52 Less than maximum prices.
1347.53 Evasion.
1347.54 Records.
1347.55 Reports.
1347.56 Affirmation of compliance.
1347.57 Enforcement.
1347.58 Modification of the Price Schedule.
1347.59 Definitions.
1347.60 Effective date.
1347.61 Appendix A. Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.
1347.62 Appendix B. Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains.
1347.63 Appendix C. Maximum prices for paperboards and specialty paperboards not covered by § 1347.61, Appendix A, and § 1347.62, Appendix B, sold east of the Rocky Mountains.
1347.64 Appendix D. Wholesale distributor allowance.
1347.65 Appendix E. Sale of paperboard for export.

§ 1347.51 *Maximum prices for paperboard.* On and after January 1, 1942, regardless of the terms of any contract of sale or purchase or other commitment, in the area east of the Rocky Mountains, no person shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard at prices higher than the maximum prices set forth in Appendices A, B, C, D, and E, hereof, incorporated herein as §§ 1347.61, 1347.62, 1347.63, 1347.64, and 1347.65, respectively. The sale of any paperboard shipped from or into the area east of the Rocky Mountains shall be subject to this Schedule.*

*§§ 1347.51 to 1347.65, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D, and E, may, however, be charged, demanded, paid, or offered.*

§ 1347.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of paperboard, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.54 *Records.* Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase or sale of paperboard made during such month and each month thereafter showing the date thereof, the name of the purchaser or of the seller, the prices paid or received, the quantity

and grade or grades so purchased or sold.*

§ 1347.55 *Reports.* Every producer of any or all grades of paperboard shall, in addition to keeping records as required above, submit such reports as the Office of Price Administration may from time to time require.*

§ 1347.56 *Affirmation of compliance.* All persons who are required by § 1347.54 to keep records, shall transmit, on or before February 10, 1942, an affirmation of compliance on Form 132:1 containing a sworn statement that during the period January 1 to January 31, inclusive, 1942, all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof, and on or before the tenth day of each month thereafter, a similar affirmation of compliance containing a sworn statement that during the preceding calendar month for which the record is kept all purchases and sales were made at prices in compliance with this Schedule or with any exception or modification thereof. Copies of Form 132:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" by 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record or report requirements, or other provisions contained in this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of paperboard, or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.58 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. Such applications must include all relevant facts in detail and must be verified by the individual making the application or by an officer or partner of the business entity making the application: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration.*

§ 1347.59 *Definitions.* When used in this Schedule, or any modifications or exceptions thereto, the term:

(a) "Base price" means the going market price quoted for any grade and type of paperboard specifically listed in Appendices A and B of this Schedule;

(b) "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Colorado, Wyoming, and Montana;

(c) "Exporter" includes any person who is engaged in the business of selling paperboard or other commodities for export, and who is not a producer of paperboard;†

(d) "Gage list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R44–36 entitled "Box Board Thicknesses";

(e) "Item" means paperboard of one size, of the same grade, color, type, weight, caliper, and finish which the purchaser is willing to have delivered at one time;

(f) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard;

(g) "Person" means an individual, partnership, association, corporation, or other business entity;

(h) "Producer" means any person who manufactures from any raw material, paperboard for any use whatever;

(i) "Total transportation cost involved" includes all actual costs involved in transporting and delivering paperboard to the purchaser's plant actually using the paperboard, whether paid by purchaser, by seller, or prorated between purchaser and seller;

(j) "Wholesale distributor" includes any person who is engaged in a business more than 50% of the gross receipts of which during the period commencing October 1st, 1940, and ending September 30th, 1941, were derived from the purchase and resale of the products of producers or converters of paper, paper products, and paperboard, without fabricating other than by pasting sheets, and who does not divide in any manner or degree with any converter, producer, or other wholesale distributor the difference between the amount paid for the products and the price at which they are sold. A wholesale distributor must be able to establish that paperboard, unfabricated other than by pasting sheets, was among the products purchased and resold by him during the above period.†

(k) "Ton" means a net ton of 2000 pounds.*

§ 1347.60 *Effective date.* This Amendment No. 4 to Price Schedule No. 32 shall become effective on January 1, 1942.*

Issued this 26th day of December, 1941.

LEON HENDERSON,
Administrator.

§ 1347.61 *Appendix A. Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.*

(a) *Non-bending boards, mounting-boards, and chip tube & can stock.* (No. 1 Gage List—Regs. 50's to 90's incl. See paragraph (d) for other thicknesses[1]):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price [2]		
		Up to and including 3 tons [3]	Over 3, less 10 tons [3]	10 tons or over [3]
Plain chip	$45.00	+$5.00	+$2.50	Base
News vat lined chip	45.00	+6.50	+4.00	+$1.50
Filled news	45.00	+8.00	+5.50	+3.00
Solid news [1]	45.00	+10.00	+7.50	+5.00
White vat lined chip	45.00	+20.00	+17.50	+15.00
Mounting board	45.00	+8.00	+5.50	+3.00
Chip tube & can stock	45.00	+7.50	+5.00	+2.50

Footnotes on page 6801.

(b) *Folding boards.* (No. 2 Gage List—Reg. 50's to 90's, Incl. See paragraph (d) for other thicknesses):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price [1]		
		Up to and including 3 tons [3]	Over 3, less 10 tons [3]	10 tons or over [3]
Single manila lined chip	$60.00	+$5.00	+$2.50	Base
Single jute lined chip	60.00	+5.00	+2.50	Base
Mist gray lined chip	60.00	+5.00	+2.50	Base
Bleached manila lined chip	60.00	+7.50	+5.00	+$2.50
Semibending and creasing chip	60.00	−7.50	−10.00	−12.50
Full bending chip	60.00	−5.00	−7.50	−10.00

†Other distributors or exporters, see § 1347.58 above.

(c) *White patent coated news.* (No. 6 and No. 7 Gage Lists):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price [2]		
		Up to and including 3 tons [3]	Over 3, less 10 tons [3]	10 tons or over [3]
GAGE LIST NO. 6				
#1 Single White 0.020 and heavier	$75.00	+$5.00	+$2.50	Base
#1 Single White 0.018	75.00	+7.50	+5.00	+$2.50
#1 Single White 0.016	75.00	+10.00	+7.50	+5.00
#1 Single White 0.015	75.00	+12.50	+10.00	+7.50
#1 Single White 0.014	75.00	+15.00	+12.50	+10.00
GAGE LIST NO. [illegible]				
#1 Double White 0.020 and heavier	75.00	+27.50	+25.00	+22.50
#1 Double White 0.018	75.00	+32.50	+30.00	+27.50
#1 Double White 0.016	75.00	+37.50	+35.00	+32.50
#1 Double White 0.015	75.00	+40.00	+37.50	+35.00
#1 Double White 0.014	75.00	+42.50	+40.00	+37.50

(d) *Additional differentials.*

(1) Applying to paragraphs (a) or (b) only:

	Per ton [3]
Regular 35's to 39's	+$5.00
Regular 40's to 49's	+2.50
Regular 91's to 100's	+2.50
Regular 101's to 120's	+5.00
For weights lighter than 120 count see paragraph (g).	
Swim news back	+1.50

(2) Applying to White Patent Coated News, Single Manila Lined Chip, or Bleached Manila Lined Chip only:

	Per ton [3]
Manila back non-bender	+$10.00
Manila back bender	+15.00

(3) Applying to paragraphs (a), (b), or (c):

	Per ton [3]
Silicating (per side)	+$2.50
Pasting 15's and lighter	+7.50
Pasting 14's to ½" thick	+12.50
Gloss ink	+2.50

[1] Except No. 3 Gage List.

[2] See Paragraph (e) for exception to quantity differentials.

[3] A plus sign before a figure establishes it as the maximum amount that may be added to the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Smaller amounts may be added. A minus sign before a figure establishes it as the minimum amount that must be subtracted from the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Larger amounts may be subtracted.

(e) *Exception to quantity differentials.* Where a single purchaser places an order for paperboard of a single grade, thickness, type, and color, and where the sizes ordered and quantities demanded are such as to fill the trim of the seller's papermaking machine and where the only cutting involved can be done by the slitter and chopper knives as the paperboard leaves the machine, the combined weight of such orders made simultaneously shall be used as the basis for the application of the quantity differential set forth herein.

(f) *Special sizes for slitting.* For trimming sheets add $1.00 per side per ton. For maximum prices for dimensions of sheets or rolls requiring extra cutting or slitting operations which cannot be performed at the end of papermaking machine by slitter and chopper knives, see paragraph (g).

(g) *Special whites, special colors, special sizing, special test, and other special characteristics or requirements.* The prices and differentials listed in this Appendix cover the types of paperboard described herein or slight variations thereof. For special whites, special colors, special sizing, special test, and other special characteristics or requirements involving an extra cost, the maximum price shall be determined by adding to the maximum price as established by paragraphs (a), (b), (c), and (d), of this Appendix for the particular type of paperboard involved, an extra charge to cover such extra cost as follows:

(1) For items made since January 1, 1941, the extra charge added shall not exceed the highest extra charge added to the base price of such paperboard sold to the particular purchaser or to a similar purchaser during the first nine months of 1941, for the special weight, special color, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this Appendix;

(2) For items not sold during the first nine months of 1941, the extra charge to be added shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such extra charge to the Office of Price Administration for approval, the producer shall submit under oath complete data on the extra cost involved, together with complete price and cost data on one or more comparable items manufactured since January 1, 1941: *Provided, however*, That invoices may be issued at a price not in excess of the appropriate maximum price for the particular type of paperboard involved as established by paragraphs (a), (b), (c), and (d), of this Appendix, subject to a provision that adjustment of such price may be made to cover any extra charge approved by the Office of Price Administration as provided in this paragraph.

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved, except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* If, in the shipment of any paperboard, the total transportation cost involved exceeds $6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $6.00 and the total transportation cost involved per ton.

§ 1347.62 *Appendix B. Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains.*[1]

(a) *Liners—0.016:*

	Price per M square feet
0.016—42 lb. Fourdrinier Kraft	$1.26
0.016—47 lb. Fourdrinier Kraft	1.41
0.016—50 lb. Fourdrinier Kraft	1.50
0.016—52 lb. Fourdrinier Kraft	1.56
0.016—52–58 lb. Cylinder Kraft—100 lb. test	1.82
0.016—56 lb. Fourdrinier Kraft	1.82
0.016—56–58 lb. Jute—100 lb. test	1.92

(b) *Liners heavier than 0.016:*

0.023—Jute—See paragraph (g).	
0.023—72 lb. Fourdrinier Kraft	2.16
0.030—96–100 lb. Jute—135 lb. test	3.30
0.030—90 lb. Fourdrinier Kraft	2.70
0.030—90–104 lb. Cylinder Kraft—135 lb. test	2.88
0.030—90–106 lb. Cylinder Kraft—150 lb. test	3.00
0.030—90–106 lb. Cylinder Kraft—170 lb. test	3.12

(c) *Liners lighter than 0.016:*

0.009—32 lb. Fourdrinier Kraft	1.04
0.012—33 lb. Fourdrinier Kraft	.99
0.012—48–52 lb. Jute	1.63
0.014—38 lb. Fourdrinier Kraft	1.14
0.014—43 lb. Fourdrinier Kraft	1.29

(d) *Corrugating grades:*

0.009—30–34 lb. Strawboard	.96
0.009—26 lb. Fourdrinier Kraft	.78
0.009—26 lb. Chestnut	.78
0.009—25–30 lb. "Bogus" Corrugating Material	.90
0.009—26 lb. Canadian Sulphite and Ground Wood [1]	.78

(e) *Chip for use in inner packing, single face rolls, or containers:*

	Price per ton
0.007—21 lb. up to 0.016	$47.50
0.017 and heavier	45.00

[1] Where paperboard of any type covered by this Appendix is imported from a foreign country by a purchaser, and duty must be paid on such import, such purchaser may pay this duty although this payment results in a total cost to such purchaser for paperboard which exceeds the maximum prices established in this Appendix. The total amount paid by the purchaser for such imported paperboard shall in no event exceed the prices established in this Appendix plus the actual amount of the import duty paid, and such import duty must be shown as a separate item in the records required to be kept in accordance with § 1347.54 hereof.

(f) *Natural colors.* All Kraft, Jute, and Chip prices are based on standard grades in their respective natural colors.

(g) *Special colors, special sizing, special test, and other special characteristics or requirements.* The prices listed in this Appendix cover the items described herein or slight variations thereof. For special colors, special sizing, special test, and other special characteristics or requirements involving an

extra cost, the maximum price shall be determined by adding to the maximum price as established by paragraphs (a), (b), (c), (d), and (e), of this Appendix for the particular type of paperboard involved, an extra charge to cover such extra cost as follows:

(1) For items made since January 1, 1941, the extra charge added shall not exceed the highest extra charge added to the base price of such paperboard sold to the particular purchaser or to a similar purchaser during the first nine months of 1941, for the special weight, special color, special sizing, special test, or other special characteristics or requirements, if not otherwise specifically provided for in this Appendix;

(2) For items not sold during the first nine months of 1941, the extra charge to be added shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such extra charge to the Office of Price Administration for approval, the producer shall submit under oath complete data on the extra cost involved, together with complete price and cost data on one or more comparable items manufactured since January 1, 1941: *Provided, however,* That invoices may be issued at a price not in excess of the appropriate maximum price for the particular type of paperboard involved as established by paragraphs (a), (b), (c), (d), and (e), of this Appendix, subject to a provision that adjustment of such price may be made to cover any extra charge approved by the Office of Price Administration as provided in this paragraph.

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* (1) If the total transportation cost involved for the type of transportation used in the shipment of Fourdrinier Kraft liners, Cylinder Kraft liners, and Kraft corrugating material, provided such liner or corrugating material is made in the United States from at least 70% virgin Kraft coniferous wood pulp, exceeds $10.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $10.00 and the total transportation cost involved per ton.

(2) If the total transportation cost involved for the type of transportation used in the shipment of corrugating material or liners listed in this Appendix imported from Canada exceeds $12.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $12.00 and the total transportation cost involved per ton.

(3) If the total transportation cost involved for the type of transportation used in the shipment of all other types of paperboard listed in this Appendix, except those provided for in sub-paragraphs (1) and (2) hereof, exceeds $6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $6.00 and the total transportation cost involved per ton.

§ 1347.63 *Appendix C. Maximum prices for paperboards and specialty paperboards not covered by § 1347.61, Appendix A, and § 1347.62, Appendix B, sold east of the Rocky Mountains* — (a) *Classifications.* The provisions of this Appendix shall apply to the following classifications:

(1) Tag Stocks and File Folder Stocks
(2) Press Board, Imitation Press Board and Paperboards used in the manufacture of electrical equipment.
(3) Bristol Board, Bogus Bristols and Mill Blanks.
(4) Leather Fibreboard used in the manufacture of Footwear, and Leatherboard for any purpose.
(5) Container Boards used for foods and purposes other than Foods, limited to:
(i) Milk Bottle Stock.
(ii) Milk Bottle Cap Stock.
(iii) Liquid Tight Can Stock.
(iv) Solid Bleached Boards.
(v) Bleached Lined Solid Manila Board.
(vi) Double Bleached Lined Solid Manila Board.
(vii) Solid Manila Board.
(viii) Solid Wood Pulp Boards.
(6) Paperboard for Egg Fillers, Egg Flats and Molded Pulp Packing Material for Eggs.
(7) Binders Board.
(8) Clay coated Folding Boxboard and Clay Coated Cardboard.
(9) Miscellaneous Specialty Paperboards Not Covered elsewhere in this Schedule.

(b) *Maximum prices for paperboards listed in paragraph (a) above.* (1) For paperboard manufactured or sold at any time during the period from January 1 to September 30, 1941, inclusive, the maximum price shall be the highest price per ton or per thousand square feet charged by the producer during that period. Differentials from such price commensurate with increases or decreases in costs due to (a) quantity ordered, or (b) packaging or packing requirements, may be made.

Such prices shall be f. o. b. the point of shipment. If the highest price charged during the period from January 1, to September 30, 1941, was on a delivered basis, the maximum price under this schedule shall be determined by subtracting from such price the total of all actual transportation and other charges which were paid by the seller from the point of shipment.

(2) For paperboard not manufactured or sold during the period from January 1, 1941, to September 30, 1941, inclusive, the price shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such prices for approval by the Office of Price Administration, the manufacturer shall submit complete data on costs involved, together with complete price and cost data on one or more comparable grades made since January 1, 1941.

§ 1347.64 *Appendix D; wholesale distributor allowance.* In the event that a purchaser of paperboard shall purchase from a wholesale distributor, as defined in § 1347.59 (j) hereof, paperboard owned by such wholesale distributor but not manufactured by him, and

(a) If sale of the same type and quantity of paperboard has been made to the same or a similar purchaser in the period between October 1, 1940, and September 30, 1941, inclusive, such purchaser may pay such wholesale distributor and such wholesale distributor may charge such purchaser, not more than the maximum price established by Appendices A, B, or C of this Schedule for the type and quantity of paperboard sold plus a wholesale distributor's allowance not to exceed the regular allowance customarily charged by the wholesale distributor to the same or a similar purchaser for the type of sale and paperboard involved in the period between October 1, 1940, and September 30, 1941, inclusive; *Provided, however,* That in the event the amount sold is three short tons or less, the allowance may not exceed the following:

Amount of sale in pounds per item	Maximum price per ton of item, for ten tons or over, as established by appendices A, B, and C of this schedule		
	$45.00–$49.99 maximum allowance	$50.00–$54.99 maximum allowance	$55.00–$59.99 maximum allowance
	Per ton	*Per ton*	*Per ton*
0 to 250 lb.	+$24.00	+$25.00	+$26.00
251 to 500 lb.	+17.50	+18.50	+19.50
501 to 1,000 lb.	+14.00	+15.00	+16.00
1,001 to 1,500 lb.	+13.00	+14.00	+15.00
1,501 to 2,000 lb.	+12.50	+13.50	+14.50
2,001 to 6,000 lb.	+11.00	+12.00	+13.00

For items priced at $60.00 per ton or more, this allowance may be increased $1.00 per ton for each $5.00 bracket of price increase.

(b) If sale of the same type and quantity of paperboard has not been made to the same or a similar purchaser in the period between October 1, 1940, and September 30, 1941, inclusive, such purchaser may pay such wholesale distributor, and such wholesale distributor may charge such purchaser not more than the maximum price established by Appendices A, B, or C of this Schedule for the type and quantity of paperboard sold plus a wholesale distributor's allowance as follows:

(1) If the amount sold is three short tons or less, the wholesale distributor's allowance shall not exceed that established in the table set forth in paragraph (a) above for sales of three short tons or less,

(2) If the amount sold is more than three short tons, application must be made to the Office of Price Administration for approval of the wholesale distributor's allowance prior to the issuance of any invoice. When submitting such allowance for approval, the wholesale distributor shall submit under oath all relevant facts, including

(i) The length of time that the wholesale distributor has been engaged in the purchase and resale of the products of other producers or converters of paper, paper products, or paperboard;

(ii) The average monthly gross sales of all paper or paperboard during the period October 1, 1940, to September 30, 1941, inclusive;

(iii) A full description of the type of paperboard to be sold, including name and location of producer and cost per ton to the applicant;

(iv) The amount of paperboard in tons covered by the sale in question;

(v) The amount of the total sale involved in dollars;

(vi) The wholesale distributor's allowance per ton received by the applicant in three or more sales of similar paperboard, setting forth the tonnages sold, cost to applicant, and sale price;

(vii) Whether the particular paperboard is sold from the applicant's warehouse, or direct from the producer; and

(viii) The name and location of purchaser, and information concerning previous sales to such person, including wholesale distributor's allowance, if any.

(c) All prices established by this Appendix are for paperboard delivered to the purchaser's plant actually using the paperboard.

§ 1347.65 *Appendix E. Sale of paperboard for export.* (a) Exporters of paperboard for delivery to foreign countries may receive no more for such paperboard than the maximum prices set forth in Appendices A, B, and C, of this schedule plus:

(1) Actual costs of any additional packing required for export shipments provided such costs are paid to the producer or wholesale distributor of the paperboard sold,

(2) Actual transportation costs from port of export, marine and war risk insurance, consular fees and financial charges, actually paid by said exporter,

(3) An amount not to exceed the average mark-up per ton received for paperboard sold for export by such exporter during the year 1940, exclusive of the items in subparagraphs (1) and (2) above;

(b) Producers of paperboard packed for export shipment may receive no more for such paperboard sold f. a. s. a vessel for export than the maximum prices set forth in Appendices, A, B, and C. of this Schedule, plus the actual cost of any additional packing required for export shipment.

(c) Producers of paperboard who sell such paperboard on a c. i. f. basis to the foreign consumer may receive no more for such paperboard than the maximum prices provided in Appendices A, B, and C of this Schedule, plus:

(1) Actual costs of any additional packing required for export shipment,

(2) Actual transportation costs from port of export, marine and war risk insurance, consular fees and financial charges actually paid by said producer,

(3) An amount not to exceed the average mark-up per ton received for paperboard sold for export by such producer during the year 1940, exclusive of the items in subparagraphs (1) and (2) above.

(d) In the event that a producer or exporter has not exported during the year 1940, application for approval of mark-up should be made to the Office of Price Administration.

(e) No wholesale distributor's allowance shall be allowed in the case of an export sale.

[F. R. Doc. 41–9764; Filed, December 26, 1941; 3:21 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 50—GREEN COFFEE

The preamble and §§ 1351.1, 1351.3, and 1351.7 are hereby amended, and § 1351.1a is hereby added, so that Price Schedule No. 50 [1] shall read as follows:

During the past few months, green coffee prices have shown an inflationary increase as a result of changed conditions affecting foreign supplies and shipping facilities. This has occurred despite the fact that stocks in this and producing countries are adequate, and that the import quota for this year is substantially higher than the estimated national consumption. In order to maintain price stability and to prevent price rises, the Office of Price Administration has determined after careful study that the prices set forth below best accomplish these purposes.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.1 *Maximum prices for green coffee.* (a) On and after December 11, 1941 no person shall sell, offer to sell, deliver or transfer green coffee, and no person shall buy, offer to buy, or accept delivery of green coffee at prices higher than the maximum prices; except that contracts entered into prior to December 11, 1941 providing for a price higher than the maximum prices may be carried out at the contract price.

(b) The maximum prices shall include all commissions and all other charges, except that:

(1) Increases or decreases in the charges prevailing on December 8, 1941 for ocean freight, war risk insurance, and marine insurance shall be added to or subtracted from the maximum prices respectively.

(2) Any buyer who requires the services of a broker at the port of entry may pay such broker a commission over and above the maximum price not to exceed 1% of the maximum price.

(c) The maximum prices for all types and grades of green coffee shall be as follows:

Country and price in cents per pound ex dock New York City

Brazil: Santos No. 2, 14⅛; Santos No. 4, 13⅜; Rio No. 7, 9⅜.
Colombia: Medellin Excelso, 16¼; Manizzles Excelso, 15⅞.
Costa Rica: Strictly Hard, 16½; Prime, 16.
Cuba: Good Washed, 14¼.
Ecuador: Extra Superior Unwashed, 11¼.
Guatemala: Strictly Hard, 16½; Good Washed, 14½.
Haiti: Good Washed Sweet, 13¾.
Hawaii: No. 1 Extra Prime, 16½.
Honduras: Good Washed, 15.
Jamaica: 14½.
Mexico: Coatepec, 16½; Tapuchula, 15½.
Nicaragua: Matagalpa, 15; Good Washed, 14½.
Peru: Fancy, 15¼.
Puerto Rico: Fancy, 15½; Good Washed, 14½.
Salvador: High Grown Washed, 16; Good Washed, 15½; Superior Unwashed, 13¾.
San Domingo: Good Washed Sweet, 13¾.
Surinam: 7¾.
Trinidad: 14½.
Venezuela: Fancy Washed Caracas, 15⅝; Standard Unwashed Sweet Maracaibo, 13⅜.
Abyssinia: 17.
Belgian Congo: 15½.
Bukoba: 13⅛.
Kenya: 16.
Mocha (Arabia): 18½.
Netherlands East Indies: 19½.
Portuguese West Africa: 11¼.
Tanganyika: 15¾.
Uganda: 13.

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for green coffee imported from any other country, or for grades not named of poorer quality, shall be determined by applying the customary trade differentials in effect prior to December 8, 1941.

For aged grades of "extra superior" quality, or for imports from any country

[1] 6 F.R. 6373, 6432.

of limited amounts of coffee of quality markedly superior to the best grade listed for that country, a premium may be added to the maximum price listed for the corresponding grade, provided such premium is commensurate with trade practices prevailing prior to December 8, 1941.

(d) The maximum prices shall be ex dock New York City. For any green coffee sold ex warehouse rather than ex dock, the cost of actually "putting the coffee into the warehouse", as defined in § 1351.7, may be added by the seller who incurred the cost.

(e) The maximum prices for all types and grades ex dock New Orleans, San Francisco, or any other port of entry, shall be determined by adding to or subtracting from the New York City price the customary trade differentials prevailing on December 8, 1941 between New York City and that port. If increases or decreases in shipping charges to New York City and to such other port are not equal, the customary trade differentials may be adjusted accordingly.

(f) The delivered price for any type or grade of green coffee shall in no case exceed the maximum price plus the actual transportation charges from the dock or warehouse at New York City or other port of entry to the place of destination.

(g) Any person making sales of green coffee in lots of twenty five bags or less may add to the maximum prices specified above an amount not in excess of 7½% of the maximum price.

(h) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Coffee and Sugar Exchange. In such contracts the maximum prices shall be the closing prices on the Exchange as of December 8, 1941 for the months then traded in as listed below. The maximum prices for futures contracts for months, if any, after September 1942, shall not exceed the futures price for September 1942. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

Santos No. 4:	*(Cents per pound)*
December	12.83
1942	
March	12.88
May	12.93
July	12.97
September	13.00
Rio No. 7:	
December	8.26
1942	
March	8.55
May	8.65
July	8.75
September	8.85

•

*§§ 1351.1 to 1351.8, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.1a *Sales at retail.* Sales at retail and sales of less than one bag shall be excepted from the operation of this schedule.*

§ 1351.2 *Less than maximum prices.* Lower prices than the maximum prices established by this schedule may be charged, demanded, paid or offered.*

§ 1351.3 *Records and reports.* (a) All sellers and all buyers who have entered into contracts, prior to December 11, 1941, for the sale or delivery of green coffee, on or after that date, at prices higher than the maximum prices established by this schedule shall report all such contracts to the Office of Price Administration on or before January 12, 1942, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) each and every delivery date provided for in the contract; and (d) the price, quantity, and description of the product sold.

When the buyer receives the final shipment called for by the contract he shall report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of green coffee on and after December 11, 1941 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.4 *Modification of schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of green coffee, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1351.6 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of green coffee, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

§ 1351.7 *Definitions.* When used in this Schedule, the term:

(a) "Persons" means an individual, partnership, association, corporation, or other business entity.

(b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no roaster, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting coffee into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for not more than thirty days.*

§ 1351.8 *Effective date of the schedule.* This Schedule shall become effective on December 11, 1941.*

Issued this 27th day of December 1941. This Amendment No. 2, amending the preamble and §§ 1351.1, 1351.3, and 1351.7, and adding § 1351.1a, shall become effective this 29th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9789; Filed, December 27, 1941; 12:59 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

PART 8—REGULATIONS, U. S. COAST GUARD RESERVE

AMENDMENTS [1]

The Regulations, United States Coast Guard Reserve, 1941 (6 F.R. 1925), are hereby amended as follows:

Section 8.2102 (b) is amended to read as follows:

§ 8.2102 *Procurement policy—general.*

• • • • • •

(b) Persons whose availability for active duty is considered by Headquarters to be incompatible with the availability requirements in paragraph (a) of this section shall not be appointed or enlisted in the Reserve.

Section 8.2103 (a) is amended by striking out the words "except that the number of appointments made from this source shall not exceed 20 percent of the total number of appointments to be made" where they appear under the First preference.

Section 8.2103 (g) is amended to read as follows:

§ 8.2103 *Procurement of officers.*

• • • • • •

(g) (1) The provisions of paragraphs (c), (d), (e), and (f) of this section are not applicable to the procurement of temporary officers of the Reserve except that such officers shall be required to qualify physically. Temporary officers of the Reserve will be appointed by the Commandant in grades and ranks up to and including that of lieutenant commander on the recommendation of district commanders, who will satisfy themselves as to the professional, moral and general qualifications of the candidate recommended.

(2) The provisions of paragraph (c), (d), (e), and (f) of this section are not applicable to the procurement of Reserve officers from personnel of the Regular Coast Guard. Qualifications of such personnel for appointment will be determined by an examining board convened by the Commandant at Headquarters.

Section 8.2105 is amended by adding a new paragraph at the end thereof as follows:

§ 8.2105 *Procedure in making application for appointment.*

• • • • • •

(c) The provisions of paragraphs (a) and (b) of this section are not applicable to the personnel of the regular Coast Guard, except such parts thereof as may be required by the examining board convened in accordance with § 8.2103 (g) (2).

Section 8.2201 is amended to read as follows:

§ 8.2201 *Educational requirements, commissioned officers.* A candidate for appointment as a commissioned officer in the Reserve, except a candidate who is a chief warrant officer, warrant officer, or enlisted man of the regular Coast Guard, must be a high school graduate and have sufficient experience in the operation of motorboats or yachts or on seagoing vessels to justify the appointment desired: *Provided*, That boat or seagoing experience shall not be required of candidates who are found by the Commandant to be qualified by reason of their education and experience for special duty.

Section 8.2203 is amended to read as follows:

§ 8.2203 *Ages for original appointment as officers.* (a) The limiting ages for original appointments in the Reserve, except for temporary officers and for personnel of the regular Coast Guard, are prescribed as follows:

Grade	*Age*
Lieutenant (j.g.)	21 to 45
Ensign	21 to 35
Chief warrant officers	[1] 35
Warrant officers	[1] 30

[1] Minimum.

Upper age limits are to nearest birthday. Officers, other than temporary officers, will not be given original appointments in grades above lieutenant (junior grade).

(b) No age limits are prescribed for temporary officers or for officers appointed from the personnel of the regular Coast Guard.

The introductory paragraph of § 8.2204 is amended to read as follows:

§ 8.2204 *Entrance examinations.* A candidate for appointment as a commissioned officer in the Reserve must pass the written entrance examination prescribed with a mark of 70% or better in each subject to be eligible for appointment, except that the written examination will not be required of regular Coast Guard personnel or of candidates being considered for special duty. The scope of the entrance examination is as follows:

• • • • • •

Sections 8.3101 to 8.3110 are stricken out and the following new §§ 8.3101, 8.3102, and 8.3103 are promulgated:

§ 8.3101 *Promotions of officers by seniority.* Officers will be promoted only when they have been found physically and professionally qualified for promotion by the Commandant. The findings of the Commandant may be based upon the recommendations of a Board of Officers, examination, the service record of the officer, or such other evidence as he may deem sufficient.

§ 8.3102 *Limiting percentages of officers in higher grades.* Officers of the rank of lieutenant commander and lieutenant shall not exceed the percentages of 10 and 25 respectively of the total number of commissioned officers as may be authorized from time to time by the Commandant.

§ 8.3103 *Promotion of temporary officers.* If a temporary officer of the Reserve is qualified for a rank or grade other than that which he is holding, the Commandant may, upon the recommendation of the district commander, revoke the extant appointment and reappoint the officer in the rank or grade for which qualified.

Section 8.3201 is amended to read as follows:

§ 8.3201 *Officers required to appear for examinations.* Officers not on active duty authorized to appear before a Board of Officers or to appear for examination (physical or professional) for promotion in accordance with the provisions of § 8.3101 are required to appear without expense to the Government.

Sections 8.3202 and 8.3203 are stricken out.

Section 8.5303 (a) is amended to read as follows:

§ 8.5303 *Training duty without pay.* (a) Reservists who desire to perform training or other duty without pay or allowances may apply to the district commander of their district. District commanders are authorized to approve such requests when the duty is to be performed at activities or aboard vessels within their jurisdiction. In the case of requests for training duty without pay in other districts or aboard vessels outside their jurisdiction, district commanders receiving the requests will forward same with recommendation to the district commander concerned for approval or disapproval and submission to Headquarters for action.

• • • • • •

Section 8.7101 is amended to read as follows:

§ 8.7101 *Active duty and training duty pay and allowances, commissioned officers, chief warrant officers, warrant officers and enlisted men.* Commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when engaged in authorized travel to or from such duty, shall receive the same pay and allowances as are received by commissioned officers, chief warrant officers, warrant officers, and enlisted men of the Naval Reserve of the same rank, grade, rating and length of service. In determining length of service for pay purposes there shall be included, (a) All periods of active duty, except active duty while undergoing training; (b) All other service for which credit for pay purposes is given to members of the regular Coast Guard.

Section 8.7103 is amended to read as follows:

§ 8.7103 *Pay for the 31st day of the month.* When members of the Reserve perform active duty, training duty with pay, or active duty undergoing training, including time spent in traveling to and from such duty, for a period of 30 days or less, such duty performed on the 31st day of the month shall be paid for at the same rate as for other days.

Section 8.7104 is amended to read as follows:

§ 8.7104 *Reservists in travel status entitled to pay.* The pay status of members of the Reserve ordered to active duty or training duty with pay begins at any hour prior to midnight on which they are ordered to entrain for such

[1] Issued under the authority contained in Public No. 8, 77th Congress, 1st Session, approved Feb. 19, 1941.

duty, and ends at midnight on the day on which they could have reached their homes by the shortest usually traveled route after release from such duty.

Section 8.7106 is amended by adding the following sentence at the end thereof:

When authorized training or other duty without pay is performed officers may be furnished with transportation to and from such duty, with subsistence en route.

Section 8.7107 is amended by adding the following sentence at the end thereof:

§ 8.7107 *Travel allowances, enlisted men.* • • • When authorized training or other duty without pay is performed enlisted men may be furnished with transportation to and from such duty, with subsistence enroute.

Section 8.7108 is amended by revising the last sentence thereof to read as follows:

§ 8.7108 *Transportation of dependents.* • • • They are entitled to transportation of dependents at Government expense from home to place of reporting for active duty, and from place of release from active duty to home.

Section 8.7109 is amended to read as follows:

§ 8.7109 *Transportation of household effects.* (a) Commissioned officers, chief warrant officers, warrant officers, and enlisted men of the first, second, and third, pay grades of the Reserve while on active duty are entitled to transportation of household goods at Government expense upon permanent change of station as prescribed in Coast Guard Pay and Supply Instructions for officers and enlisted men of similar ranks, grades, and ratings of the regular Coast Guard. Enlisted men of the Reserve are entitled to transportation of household effects at Government expense from home to place of reporting for active duty and from place of release from active duty to home under the same conditions and subject to the same limitations prescribed for enlisted men of the regular Coast Guard upon permanent change of station.

(b) Officers of the Reserve are entitled, when called to active duty, and release therefrom, to transportation of household effects as prescribed for officers of the regular Coast Guard upon permanent change of station.

Section 8.7110 is amended to read as follows:

§ 8.7110 *Subsistence and rations.* (a) Commissioned officers, chief warrant officers, and warrant officers of the Reserve while in pay status, are entitled to the subsistence allowance prescribed for their respective pay periods or ranks in Pay and Supply Instructions.

(b) Enlisted men of the Reserve while on active duty, training duty with pay, or active duty while undergoing training are entitled to rations in kind, commuted rations, or subsistence allowances as prescribed in Pay and Supply Instructions for enlisted personnel of the regular Coast Guard attached to the unit at which such duty is performed.

(c) When authorized by Headquarters, subsistence in kind will be furnished enlisted men while performing authorized training duty without pay and subsisted in general mess. The commanding officer of the vessel or unit at which such duty is performed will inform the district commander of the estimated total cost of subsistence for each man performing training duty without pay. The costs for subsistence furnished in this manner will not be charged to the district commander's allotment under the Reserve appropriation. The district commander's reports of training, however, will include an estimate as to the total cost of such subsistence.

(d) Officers and enlisted men of the Reserve when detailed to training duty without pay may be furnished a ration in kind, commuted ration, or subsistence allowance as may be prescribed by Headquarters.

Section 8.7111 (a) is amended by inserting the words "or ranks" after the words "pay periods".

Section 8.7112 (a) is amended to read as follows:

§ 8.7112 *Uniform allowances.* (a) Upon first reporting for active or training duty with pay, at a location where uniforms are required to be worn, commissioned or warrant officers of the Reserve shall be paid a sum not to exceed $100 as reimbursement for the purchase of the required uniforms and thereafter shall be paid an additional sum of $50 for the same purpose upon completion of each period of 4 years in the Reserve except that this latter amount of $50 shall not become due any officer until called to active or training duty after the completion of the previous 4 year period.

Section 8.7112 is further amended by adding the following paragraphs (d), (e), and (f):

(d) In addition to the uniform allowance authorized in paragraph (a) of this section, officers of the Coast Guard Reserve, upon first reporting for active duty during time of war or national emergency, shall be paid a further sum of $150 for the purchase of required uniforms. Crediting of this additional sum shall be effected in the same manner as is prescribed for the regular uniform allowance.

(e) In time of war or national emergency, enlisted men of the Reserve, upon first reporting for active duty shall be credited with uniform allowances in the same amount as prescribed as clothing bounty for enlisted men of the regular Coast Guard upon original enlistment. Enlisted men of the Coast Guard Reserve, upon reporting for active duty in time of war or national emergency who have been previously credited with clothing allowance, may be issued without cost such additional articles of uniform and bedding as may be necessary to complete their outfits, such issues not to exceed in value the amount prescribed as clothing bounty for enlisted men of the regular Coast Guard upon original enlistment.

(f) Items of uniform clothing, bedding and equipment issued to members of the Coast Guard Reserve under authority of the preceding articles will remain the property of the Government. Upon separation from the Service the Reservist may be required by his commanding officer to return the clothing so issued. When clothing is turned in, a credit shall be made in the man's service record and, in addition, the officer carrying the clothing account shall be notified of such return.

Section 8.7201 (b) is amended to read as follows:

§ 8.7201 *Compensation for injury, under United States Employees' Compensation Commission.*

• • • • • •

(b) Any reservist, other than a temporary reservist, who if called or ordered into extended active service in excess of thirty days, suffers disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active service of the Coast Guard during such period, and such reservist or his beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for members of the Naval Reserve who suffer disability or death under similar conditions. Any such reservist who is also eligible for a pension under the provisions of § 8.7202 or compensation from the United States Employees' Compensation Commission as set forth in paragraph (a) of this section shall elect which benefit he shall receive.

Section 8.7205 (c) is amended to read as follows:

§ 8.7205 *Certificate for disability allowance.*

• • • • • •

(c) The following affidavit will be required of every Reservist upon reporting for active duty or training duty with or without pay:

I, _____, U. S. Coast Guard Reserve, being first duly sworn, upon oath depose and say that I am not drawing, nor have I a claim pending for a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

_____

Subscribed and sworn to before me this _____ day of _____, 19____.

_____

(Signature and Official Title)

Section 8.7205 is further amended by adding the following new paragraph (d).

(d) Upon being furnished the foregoing affidavit the officer to whom the Reservist reports for active or training duty, shall indorse on all copies of the Reservist's orders, the following cerification:

I certify that the above-named officer has executed the required affidavit stating that he is not drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States.

R. R. WAESCHE,
Rear Admiral, U. S. Coast Guard, Commandant.

Approved: December 13, 1941.

JAMES V. FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 41-9763; Filed, December 26, 1941; 1:35 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 0—ORGANIZATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23d day of December, A. D. 1941.

Section 17 of the Interstate Commerce Act, as amended, being under consideration:

It is ordered, That § 0.4, *Assignment of duties to individual Commissioners*, be amended by adding the following:

§ 0.4 *Assignment of duties to individual Commissioners.*

• • • • • •

(10a) *The Commissioner to whom the Bureau of Motor Carriers reports:* The work, business, and functions of granting temporary operating authority to common or contract carriers by motor vehicle under section 210a (a) of the Interstate Commerce Act are assigned and referred to Commissioner John L. Rogers as an individual Commissioner in addition to the assignment of authority under said section to Division Five of the Commission in the Commission's order of November 15, 1940 (§ 0.2 of this part). (Sec. 17, 24 Stat. 385, sec. 6, 25 Stat. 861, sec. 2, 40 Stat. 270, secs. 430–432, 41 Stat. 492, 493, 47 Stat. 1368, sec. 12, 54 Stat. 913; 49 U.S.C. 17)

And it is further ordered, That this order shall continue in effect until the further order of the Commission.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9811; Filed, December 29, 1941; 11:57 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of December, A. D. 1941.

The subject of the requirement of annual reports from steam railway companies being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated February 6, 1941, In the Matter of Annual Reports from Steam Railway Companies of Class III, and corresponding sections of the code of Federal Regulations be, and hereby are annulled, effective January 1, 1942, and the following order shall become effective:

§ 120.12 *Form prescribed for small steam roads. It is ordered*, That (a) All steam railway companies of Class III, excluding switching and terminal companies, subject to the provisions of Section 20, Part I, of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form C[1] (Small Roads), which is hereby approved and made a part of this order. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434–438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)–(10))

(b) The annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9812; Filed, December 29, 1941; 11:58 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of December, A. D. 1941.

The subject of the requirement of annual reports from switching and terminal companies being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 26, 1940, In the Matter of Annual Reports from Switching and Terminal Companies of Class III, and corresponding sections of the code of Federal Regulations be, and hereby are annulled, effective January 1, 1942, and the following order shall become effective:

§ 120.13 *Form prescribed for small switching and terminal companies.* It is ordered, that (a) All switching and terminal companies of Class III subject to the provisions of Section 20, Part I, of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form D[1] (Small Switching and Terminal Companies), which is hereby approved and made a part of this order. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434–438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)–(10))

(b) The annual report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9813; Filed, December 29, 1941; 11:58 a. m.]

Notices

TREASURY DEPARTMENT.

Office of the Secretary.

[T.D. 50536]

PROCEDURE FOR ADMINISTERING THE DUTIES IMPOSED UPON THE SECRETARY OF THE TREASURY BY ARTICLES XI AND XIII OF EXECUTIVE ORDER NO. 2729–A, DATED OCTOBER 12, 1917, UNDER THE TRADING WITH THE ENEMY ACT, ACT OF OCTOBER 6, 1917[1]

DECEMBER 24, 1941.

By virtue of the authority vested in the Secretary of the Treasury by Executive Order No. 2729–A, dated October 12, 1917, I hereby adopt the following administrative procedure deemed necessary and proper for the executive administration of Article XI, vested by said Executive Order in the Secretary of the Treasury; such administrative procedure to remain in effect unless and until modified or superseded by direction of the Secretary of the Treasury.

(1) I hereby designate the Office of Censorship to act as the agency of the Secretary of the Treasury to administer the authority vested in the Secretary of the Treasury relative to the sending, taking, or transmitting, or attempting to

[1] Filed as part of the original document.

[1] See T.D. 50525, 6 F.R. 6404.

send, take, or transmit, out of the United States, and to issue licenses and exemptions under such regulations or conditions as the said Office may from time to time prescribed, to send, take, or transmit out of the United States, any letter, or other writing, book, map, plan, or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy. All applications for such licenses shall be made to the Office of Censorship in the form prescribed by it.

(2) I hereby designate the Bureau of Customs in the Department of the Treasury to administer and to issue licenses (except licenses to send, take, or transmit out of the United States any letter, writing, or tangible form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy) in respect of the authority vested in the Secretary of the Treasury under Article XI of said Executive Order relative to sending, or taking out of, or bringing into, or attempting to send, take out of, or bring into, the United States any letter or other writing or tangible form of communication except in the regular course of the mail.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: December 26, 1941.

THE WHITE HOUSE,
FRANKLIN D ROOSEVELT

[F. R. Doc. 41-9799; Filed, December 29, 1941; 11:14 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-721-Part II]

PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3

ORDER GRANTING RELIEF

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Eugene L. Campbell, J. H. Baker, R. C. Catlette, Bruce Wiseman, Jake A. Neal, Lee Matheny, individuals, and Odell & Perkins, a partnership, code members in District No. 3, requesting that the minimum f. o. b. mine prices for shipments by truck established for the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in District No. 3, be increased for coals in Size Group 2 from $2.38 to $2.48, in Size Group 5 from $2.03 to $2.23, and in Size Group 7 from $1.73 to $1.93 per net ton;

A hearing in this matter having been held, pursuant to Orders of the Director and after due notice to all interested persons, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Clarksburg, West Virginia, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments be and it hereby is amended by increasing the effective minimum f. o. b. mine prices for the coals produced at the Duffey Mine (Mine Index No. 1193) of A. B. Holcomb, in District No. 3, from $2.38 to $2.48 for coals in Size Group 2, from $2.03 to $2.23 for coals in Size Group 5, and from $1.73 to $1.93 for coals in Size Group 7.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9793; Filed, December 29, 1941; 10:56 a. m.]

[Docket No. D-3]

IN THE MATTER OF THE APPLICATION OF THE AKRON COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENT'S COMMISSION AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO J. P. LOOMIS COAL AND SUPPLY COMPANY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The petitioner having requested that the hearing in the above-entitled matter, heretofore scheduled for January 12, 1942, be postponed to January 15, 1942, and having shown good cause why such request should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10:00 in the forenoon of January 12, 1942, until 10:00 in the forenoon of January 15, 1942, at the place and before the officers heretofore designated.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9794; Filed, December 29, 1941; 10:56 a. m.]

[Docket No. 1700-FD]

IN THE MATTER OF T. E. LUMAN, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated June 2, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 4 on June 16, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by T. E. Luman, Route 2, Roseville, Ohio, of the Bituminous Coal Code and rules and regulations thereunder; and

The Director on October 31, 1941, having made Findings of Fact, Conclusions of Law and Opinion, and entered an Order based thereon revoking the code membership of T. E. Luman after a hearing held in the above-entitled matter on September 19, 1941, at Zanesville, Ohio, pursuant to an Order of the Acting Director dated July 18, 1941, and said Order of Revocation having been duly served upon T. E. Luman on November 8, 1941; and

Said T. E. Luman having filed with the Division as provided in section 5 (c) of the Act his application dated December 16, 1941, for restoration of code membership; and

It appearing from said application that T. E. Luman on November 14, 1941, paid to the Collector of Internal Revenue at Columbus, Ohio, the sum of forty-three dollars and sixty-seven cents ($43.67), as provided in said Order of October 31, 1941, as a condition precedent to restoration of his code membership;

Now, therefore, it is ordered, That said application of T. E. Luman dated December 16, 1941, for restoration of his code membership be granted and that the code membership of T. E. Luman be and hereby is restored as of November 14, 1941.

Dated: December 26, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9795; Filed, December 29, 1941; 10:56 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 298]

IN THE MATTER OF THE ST. JOSEPH STOCK YARDS COMPANY, RESPONDENT-PETITIONER

NOTICE OF PETITION FOR MODIFICATION AND ORDER

On October 15, 1941, the petitioner, The St. Joseph Stock Yards Company, of St. Joseph, Missouri, a stockyard duly posted under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. and Sup. V, §§ 181-231), filed a petition praying for a temporary modification of the orders heretofore entered in this docket on May 4, 1934, August 14, 1936, and April 13, 1938, prescribing schedules of rates and charges for the services rendered by the petitioner, and for an increase in rates and charges for its services. A supplemental petition was filed on November 3, 1941. The reasons alleged in support of the petition for the modification sought are, in substance, as follows:

1. It was estimated, under the schedule of rates prescribed by the Secretary in the order of May 4, 1934, that the estimated volume of receipts would produce a gross revenue of $621,831 annually, resulting in a fair return of $192,010.

2. The volume of receipts of livestock of the respondent and the revenue produced therefrom for the year 1941 will be substantially less than the receipts and the revenue producible therefrom estimated in the order of May 4, 1934.

3. Under the volume of receipts estimated by the petitioner for the year 1941, the net income produced therefrom will be $95,526.64, or $96,483.36 less than the fair net operating income estimated in the order of May 4, 1934.

4. The petitioner during the year 1941 has granted two wage increases, the effect of which has been to increase its payroll $18,000 per year.

It appears that an opportunity for a hearing should be afforded to the petitioner and to all other interested persons including the patrons of the petitioner, for the purpose of determining whether the orders heretofore entered in this proceeding should be modified.

Therefore, by direction of the secretary,

It is ordered, That the petitioner and all other interested persons, including patrons of the petitioner, shall be given an opportunity to be heard and to present such evidence as may be relevant and material to the matters alleged in the petition.

It is further ordered, That all interested persons who desire to be heard shall give notice thereof by filing a petition with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., within 15 days from the date of the publication of this order.

It is further ordered, That a copy of this notice and order shall be served upon The St. Joseph Stock Yards Company, of St. Joseph, Missouri.

It is further ordered, That a copy of this notice and order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of December 1941.

[SEAL] H. E. REED,
Acting Chief,
Agricultural Marketing Service.

[F. R. Doc. 41-9791; Filed, December 29, 1941; 10:53 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations. October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 29, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Ideal Manufacturing Company, 220 Franklin Street, Johnstown, Pennsylvania; Ladies' Belts (Silk Covered), Pleating, Covered Buckles; 5 learners (T); December 29, 1942.

L. D. Fellman, Harleysville, Pennsylvania; Men's Pants; 5 learners (T); December 29, 1942. (This certificate replaces one issued bearing expiration date of December 18, 1942.)

Foster Brothers Sportswear Company, Inc., 21st Street and Hunting Park Avenue, Philadelphia, Pennsylvania; Men's Sportswear, Parkas, Field Jackets, Women's Beachwear; 50 learners (T); April 27, 1942.

Oak Brand Manufacturing Company, 1014 Farnam Street, Omaha, Nebraska; Men's and Boys' Sportswear; 5 learners (T); December 29, 1942.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York; Men's and Boys' Woven Underwear; 5 percent (T); December 29, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel

The Bayly-Underhill Manufacturing Company, 658 Kennedy Street, Oakland, California; Uniform Pants and Shirts; 10 percent (T); December 29, 1942.

Broom and Newman, 21 Washington Street, Carteret, New Jersey; Sport Shirts and Pajamas; 10 percent (T); December 29, 1942.

Caroline Sportswear Company, 74 West Palisade Avenue, Englewood, New Jersey; Ladies' Blouses and Slacks; 10 percent (T); December 29, 1942.

Forest City Manufacturing Company, 701 West Main Street, Collinsville, Illinois; Dresses; 10 percent (T); December 29, 1942.

Forest City Manufacturing Company, 1627 Washington Avenue, St. Louis, Missouri; Dresses; 10 percent (T); December 29, 1942.

Lafayette Pants Company, 401 Lafayette Boulevard, Fredericksburg, Virginia; Single Pants; 10 percent (T); December 29, 1942.

A. F. Martin Manufacturing Company, Tipton, Missouri; Pants, Shirts, Army Trousers; 10 percent (T); December 29, 1942.

Mayfield Dress Company, 606 Poplar Street, Mayfield, Pennsylvania; Dresses; 10 learners (T); December 29, 1942.

Mayflower Dress Company, Inc., 850 Frelinghuysen Avenue, Newark, New Jersey; Dresses; 15 learners (T); December 29, 1942.

Morton Manufacturing Company, 1304 Arch Street, Philadelphia, Pennsylvania; Play Suits, Slack Suits, Bathing Suits; 15 learners (E); May 18, 1942.

Piccadilly Frocks, 17-19 South Street, Freehold, New Jersey; Dresses; 5 learners (T); December 29, 1942.

Rosenau Brothers, Inc., W. Patterson Street, Lansford, Pennsylvania; Children's Dresses; 50 learners (E); April 13, 1942.

Sally Dress Company, Inc., 52 Ryle Avenue, Paterson, New Jersey; Dresses; 36 learners (E); June 29, 1942.

Shenandoah Manufacturing Company, Inc., Washington and Bower Streets, Shenandoah, Pennsylvania; Ladies' Dresses, Blouses, Housecoats; 10 percent (T); December 29, 1942.

Sherrod Shirt Company, 1624 N. Main Street, High Point, North Carolina; Work Shirts and Men's Pajamas; 10 percent (T); December 29, 1942.

Sunshine Clothing Manufacturing Company, Inc., 210 West Commerce Street, San Antonio, Texas; Men's Shirts and Trousers; 10 percent (T); December 29, 1942.

Troy Clothing Company, Inc., 750 Second Avenue, Troy, New York; Pants,

Overalls, etc.; 10 learners (T); December 29, 1942.

Ware Shoals Manufacturing Company, Ware Shoals, South Carolina; Ladies' Flannel Gowns, Men's Shirts; 10 percent (T); December 29, 1942.

Hosiery

Rollins Hosiery Mills, Inc., East 28th and Dean Streets, Des Moines, Iowa; Full Fashioned Hosiery; 5 percent (T); December 29, 1942.

Knitted Wear

Claybrooke Knitting Mills, Hanover and South Streets, Pottstown, Pennsylvania; Knitted Outerwear; 2 learners (T); December 29, 1942.

Laros Textiles Company, Broad and Wood Streets, Bethlehem, Pennsylvania; Knitted Underwear; 5 learners (E); April 27, 1942.

Herman I. Zacharia and Brothers. 596 Broadway, New York, New York; Knitted Underwear; 5 learners (T); April 13 1942.

Millinery

Dave Herstein Company, Inc., 711 Fifth Avenue, New York, New York; Custom-Made Millinery; 5 learners (T); December 29, 1942.

Textile

Carolina Mills, Inc., Plant #2, Newton, North Carolina; Carded Cotton Yarns; 3 percent (T); December 29, 1942.

Louis Messer Silk Company, 185 Sixth Avenue, Paterson, New Jersey; Dress Goods; 1 learner (T); December 29, 1942.

Utica Knitting Company, Mill No. 5, Sherburne, New York; Cotton Yarns; 3 percent (T); December 29, 1942.

Utica Knitting Company, Mill No. 4, Erie Street, Utica, New York; Cotton Yarns; 3 percent (T); December 29, 1942.

Ware Shoals Manufacturing Company, Ware Shoals, South Carolina; Cotton Goods; 3 percent (T); December 29, 1942.

Signed at Washington, D. C., this 29th day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9803; Filed, December 29, 1941; 11:51 a. m.]

NOTICE OF GRANTING OF EXCEPTION TO HOOD RUBBER CO., INC.

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Hood Rubber Company, Inc., Watertown, Massachusetts, relief from the necessity of preserving for two years those records referred to in § 516.15, paragraph (a) (1), including work tickets, production and time records, on condition that the individual employees' weekly totals of production and hours of employment secured from those primary records, are entered on their posting sheets and those sheets are preserved as Basic Employment and Earning Records in accordance with § 516.15, paragraph (a) (1).

This authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 27th day of December 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-9804; Filed, December 29, 1941; 11:51 a. m.]

NOTICE OF POSTPONEMENT OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY

Whereas, in accordance with notice of further hearing published in the FEDERAL REGISTER for November 18, 1941, a public hearing was scheduled to be held on January 13, 1942, before Major Robert N. Campbell as Presiding Officer in Washington, D. C., for the purpose of taking further evidence on the following question:

What, if any prohibition, restriction or regulation of home work in the women's apparel industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent the circumvention or evasion of such order, and to safeguard the 40-cent minimum wage rate established therein; and

Whereas it is deemed advisable to postpone such hearings;

Now, Therefore, notice is hereby given that:

1. The hearing on the home-work problem in the women's apparel industry is postponed to February 16, 1942, at 10 a. m., in room 3229 of the United States Department of Labor Building at Washington, D. C.

2. The date before which any interested person wishing to appear and offer evidence at said hearing must file a notice of his intent to appear is advanced from December 23, 1941, to not later than February 7, 1942. The hearing will be conducted in accordance with the rules and procedure issued for the original hearing in a Notice of Hearing published in the FEDERAL REGISTER on July 1, 1941, and incorporated by reference in the Notice of Further Hearing published in the FEDERAL REGISTER on November 18, 1941.

Signed at Washington, D. C., this 19th day of December 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-9805; Filed, December 29, 1941; 11:51 a. m.]

NOTICE OF POSTPONEMENT OF THE HEARING TO DETERMINE THE REASONABLE COST TO THE PIEDMONT COTTON MILLS, INCORPORATED, AND TO ANY AFFILIATED PERSONS, OF LODGING AND OTHER FACILITIES CUSTOMARILY FURNISHED TO THE EMPLOYEES OF THE PIEDMONT COTTON MILLS, INCORPORATED

Whereas, on December 3, 1941, the Administrator signed a Notice providing for a public hearing to be held on January 9, 1942 in the Henry Grady Hotel, Atlanta, Georgia, pursuant to § 531.2 of the Regulations Determining the Reasonable Cost of Board, Lodging and Other Facilities, Regulations, Part 531, as amended, Title 29, Chapter V, Code of Federal Regulations, to determine the reasonable cost to the Piedmont Cotton Mills, Incorporated, Egan, Georgia, and to any affiliated persons, within the meaning of § 531.1 (a) of Regulations, Part 531, of lodging or other facilities customarily furnished to the employees of the Piedmont Cotton Mills, Incorporated, and

Whereas, it now appears advisable to postpone that hearing to January 30, 1942,

Now, therefore, Notice is hereby given that the hearing referred to above will be held on January 30, 1942, at 10 a. m. in the Henry Grady Hotel, Atlanta, Georgia, before Gustav Peck, Presiding Officer designated as the authorized representative of the Acting Administrator.

The time for filing notice of intention to appear with Mr. J. R. McLeod, Regional Director, 5th Floor, Witt Building, 249 Peachtree Street, Atlanta, Georgia, is herewith extended to not later than January 29, 1942.

Upon the publication of this Notice of Postponement, the Piedmont Cotton Mills, Incorporated, shall notify its employees of the postponement of the hearing by posting supplementary Notices in a form prescribed by the Wage and Hour Division, in conspicuous places on its premises.

Signed at Washington, D. C. this 27th day of December, 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-9806; Filed, December 29, 1941; 11:51 a. m.]

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION IN THE MATTER OF THE APPLICATION FOR QUALIFICATION OF THE EXEMPTION THAT HAS BEEN GRANTED TO THE OPEN-CUT MINING OF PLACER GOLD FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

Whereas after a hearing was held in Washington, D. C. on June 19 and 20, 1939, before Mr. Harold Stein, a duly authorized representative of the Administrator of the Wage and Hour Division, the said Harold Stein duly issued findings and determination (4 F.R. 4588), in which he found that the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska is a branch of an industry of a seasonal nature, within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526, as amended, of the regulations issued thereunder; and

Whereas no petition for review of such findings and determination having been filed with the Administrator within the fifteen days allowed under the said regulations, the exemption for the open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska, was made effective by the Administrator on January 3, 1940 (5 F.R. 24), pursuant to § 526.7 of the regulations; and

Whereas pursuant to § 526.5 (c) of the regulations, the Administrator determined on April 2, 1940, (5 F.R. 1284) that a *prima facie* case had been shown for extending the section 7 (b) (3) exemption to the open-cut mining of placer gold in the State of Colorado as part of the branch of the open-cut placer gold mining industry that had been found to be of a seasonal nature; and

Whereas no objection or request for hearing was received within the fifteen days allowed under the said regulations, the Administrator on April 30, 1940, (5 F.R. 1602) found on the *prima facie* case, pursuant to § 526.5 (b) (ii) of the regulations, that the open-cut mining of placer gold in the State of Colorado is a part of the branch of the open-cut placer gold mining industry that had been found to be of a seasonal nature, pursuant to section 7 (b) (3) of the act, and Part 526 of the regulations issued thereunder; and

Whereas applications were thereafter received from the International Union of Operating Engineers, Local No. 375, Butte, Montana; the International Brotherhood of Teamsters, Chauffeurs, Stablemen and Helpers of America, Local No. 412 and Joint Council No. 23, Butte, Montana; and the Helena, Montana Building and Construction Trades Council, to exclude the open-cut mining of placer gold by means of power machinery from the exemption that had previously been granted; and

Whereas the Administrator then gave notice of a public hearing to be held at the Finlen Hotel, Butte, Montana, on May 21, 1941, before Mr. Harold Stein, an authorized representative of the Administrator, who was authorized to take testimony, hear argument, and determine:

Whether the mining of placer gold from surface or open-cuts by means of bucket dredges, draglines, and other methods employing power machinery in the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska:

(1) Was properly included within the seasonal exemption granted to the placer gold mining industry in the above-defined area, and

(2) If not, whether it is a separable branch of the placer gold mining industry and of a seasonal nature within the meaning of Part 526 of the regulations; and

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

1. There exist separable branches of the placer gold mining industry which are identified by the various methods used to excavate and move the gravel.

2. Placer gold mines employing power machinery to mechanically excavate and move the gravel, within the Territory of Alaska, generally cease operations completely during regularly, recurring times of the year for periods of six months or more, because, due to climatic or other natural conditions, the gravels handled by the industry are not available in the form in which they are normally handled.

3. The open-cut mining of placer gold by means of power machinery in the Territory of Alaska is a branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, and was properly included in the exemption granted on January 3, 1940.

4. About ninety percent of all the placer gold produced by open-cut placer gold mines employing power machinery to excavate and move the gravel within the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming, is produced by those placer mines which, through the use of power machinery, are able to overcome climatic and other natural conditions. These mines, employing power methods, generally operate in excess of six months during each calendar year and maintain an operating season which has no reasonable relation to the fourteen week exemption provided in section 7 (b) (3) of the Fair Labor Standards Act.

5. The open-cut mining of placer gold by means of power machinery within the States of Colorado, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington and Wyoming is a branch of an industry, but is not of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, and should not have been included in the seasonal exemption granted to the open-cut mining of placer gold in the above-mentioned states.

Whereas said findings and determination were duly filed with the Administrator on December 8, 1941, and are now on file in Room 5418, Department of Labor Building, Washington, D. C., and are available for examination by all interested parties;

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date that this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing held before the said representative.

Signed at Washington, D. C., this 5th day of December 1941.

BAIRD SNYDER III,
Acting Administrator.

[F. R. Doc. 41-9807; Filed, December 29, 1941; 11:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5737]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

DECEMBER 26, 1941.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission *orders* that: The hearing in the above-entitled matter heretofore set for January 3, 1942, be and it is hereby postponed to March 9, 1942, at 9:45 a. m., in Jury Room 664, United States Court House, Kansas City, Missouri.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9774; Filed, December 27, 1941; 10:07 a. m.]

[Project No. 1853]

IN THE MATTER OF FIRST IOWA HYDRO-ELECTRIC COOPERATIVE

ORDER CHANGING PLACE OF HEARING

DECEMBER 24, 1941.

Upon application filed December 15, 1941, by the State of Iowa, intervener, for a change of place of the hearing fixed by the Commission on November 4, 1941, in this matter; and

It appearing that: The application points out the crowded hotel accommodations in Washington which have been aggravated by the state of war, difficulties in securing transportation for the large number of witnesses and the expense to which the State and its witnesses would be put in coming to Washington;

The Commission *finds* that: The convenience of witnesses and parties directly interested in the proceeding will be served, and the conduct of the hearing expedited by the change in the place of hearing as hereinafter provided; and

It is *ordered* that: The hearing heretofore set in the above-entitled proceeding to be held on January 12, 1942, in Washington, D. C., be held on January 12, 1942, at 10:00 o'clock a. m., in the court room of the Federal Building, in Davenport, Iowa.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 41-9775; Filed, December 27, 1941; 10:07 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE DEPARTMENT OF EMPLOYMENT SECURITY OF THE STATE OF COLORADO PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Department of Employment Security of the State of Colorado having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Colorado Employment Security Act; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code:

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Department of Employment Security of the State of Colorado.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

DECEMBER 19, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

DECEMBER 24, 1941.

[F. R. Doc. 41-9762; Filed, December 26, 1941; 1:23 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex parte No. 148]

IN THE MATTER OF THE PETITION OF RAILROADS TO INCREASE THEIR RATES, FARES, AND CHARGES

DECEMBER 27, 1941.

The following additional petitions which have been filed since the notices of December 15 and 18, 1941, are assigned for hearing at Hotel Morrison, Chicago, Illinois, before Commissioners Aitchison, Mahaffie, and Splawn, January 5, 1942, at 10 o'clock a. m.

1. Petition, dated December 18, 1941, to amend original petition, filed by Class I railroads of the United States and other railroads. It amends the original petition in certain respects.

2. Petition, dated December 22, 1941, filed by the American Short Line Railroad Association, for authority to increase the freight rates, charges, and passenger fares of its members in the same manner and to the same extent as is requested in the original petition filed by Class I railroads.

3. Petition, dated December 16, 1941, of Agwilines, Inc. (Clyde-Mallory Lines), Merchants and Miners Transportation Company, Ocean Steamship Company of Savannah, Eastern Steamship Lines, Inc., Baltimore Steam Packet Company, The Bull Steamship Line, Pan-Atlantic Steamship Corporation, Colonial Navigation Company, Norfolk, Baltimore and Carolina Line, Inc., North Carolina Line, Inc., and Norfolk & Washington, D. C. Steamboat Company, common carriers by water operating to and from ports on the Atlantic and Gulf coasts, tributary waters, and Chesapeake Bay, for authority to increase rates, fares, and charges in the manner prayed for by Class I railroads in their original petition.

4. Petition, dated December 17, 1941, of the South Omaha Terminal Railway Company, a Class II switching and terminal railroad, for authority to increase its charges in such amounts as are prayed in the original petition of Class I carriers for freight accessorial charges.

5. Petition, dated December 22, 1941, filed by Inland Waterways Corporation, for authority to increase its rates and charges.

6. Petition, dated December 23, 1941, filed on behalf of The Bull Steamship Line, Pan-Atlantic Steamship Corporation, Seatrain Lines, Inc., and Southern Steamship Company, common carriers by water, for authority to increase their rates, fares, and charges for the transportation of property between various ports on the Atlantic and Gulf of Mexico coasts, and via said ports to and from points served by connecting water carriers, railroad companies, and motor vehicle.

7. Petition, dated December 21, 1941, filed by Peninsula Terminal Company, a Class II terminal railroad, for authority to increase its charges in such amounts as are prayed in the original petition of Class I carriers for freight accessorial charges.

The special instructions and rules of procedure to be followed by the parties in connection with the petitions enumerated in this notice are the same as those described in the notice of December 18, 1941, and the appendix thereto, except in the following respects:

Parties desiring to offer evidence in the form of verified statements (affidavits) dealing with the petitions named in this notice, without personal appearance at the hearing of the affiant as a witness, must send the number of copies of verified statements hereinafter specified to the persons named at Hotel Morrison, Chicago, Ill., on or before January 5, 1942.

(a) 15 (and the signed original) as to each petition described in this notice, addressed to Commissioner Aitchison.

(b) 75 as to petition described in paragraph 1, to R. V. Fletcher.

(c) 5 as to petition described in paragraph 2, to Clarence A. Miller.

(d) 15 as to petitions described in paragraphs 3 and 6, to Frank W. Gwathmey.

(e) 5 as to petition described in paragraph 4, to H. L. VanAmburgh.

(f) 5 as to petition described in paragraph 5, to Nuel D. Belnap.

(g) 5 as to petition described in paragraph 7, to P. R. Wigton.

Any objection to the receipt in evidence of any verified statement must be made on the record at the hearing, and must be furnished to the parties submitting such statements, by counsel for the respective petitioning groups of carriers, before the close of testimony on January 6, 1942.

By the Commission.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9810; Filed, December 29, 1941; 11:57 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-510]

IN THE MATTER OF MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY

SUPPLEMENTAL ORDER EXTENDING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The Commission having heretofore on the 27th day of June 1941, granted the Massachusetts Mutual Life Insurance Company an exemption as a holding company from the provisions of the Public Utility Holding Company Act of 1935 for a period of six months from and after said date with respect to its ownership of 10 per centum or more of the voting securities of Indiana Gas & Chemical Corporation, an exempt holding company; and

Said Massachusetts Mutual Life Insurance Company having, on the 19th day of December, 1941, filed an application requesting a six months' extension of said order of exemption; and

The Commission having considered such application and finding that the circumstances upon which the order of exemption was issued still exist and that an extension of the same for a period of six months will not be detrimental to the public interest or the interest of investors or consumers;

It is hereby ordered, That the time during which such order of exemption shall be effective be, and the same hereby is, extended until the 27th day of June, 1942.

It is further ordered, That the jurisdiction of this Commission be and the same is hereby reserved for the purpose of entering such further orders as may from time to time be deemed appropriate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9779; Filed, December 27, 1941; 11:43 a. m.]

[File No. 70-414]

IN THE MATTER OF CENTRAL U. S. UTILITIES COMPANY, AND ARKANSAS GENERAL UTILITIES COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The above named parties having filed declarations pursuant to Rule U-43 and Rule U-44 promulgated under sections 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and an application pursuant to Section 10 of said Act; amendments having been filed from time to time; the filings as amended being concerned with

(a) The sale by Central U. S. Utilities Company, a registered holding company, to Walton Sullivan and Company, investment dealers of Little Rock, Arkansas, for a cash consideration of $325,000, of all of the outstanding capital stock, consisting of 5,000 shares of common stock, no par value, and all of the indebtedness (except certain First Mortgage Bonds hereinafter referred to) aggregating $158,628.71, of Arkansas General Utilities Company.

Upon the date of closing Central U. S. Utilities has agreed to surrender to Arkansas General Utilities Company for cancellation $663,500 principal amount of First Mortgage Series A 6% Bonds, being the total outstanding funded debt of Arkansas General Utilities Company. The consideration of $325,000 is subject to minor adjustments at the date of closing, such minor adjustments to cover items, such as, unbilled revenues, ice inventory, and Federal Transfer Taxes; and

(b) Central U. S. Utilities Company proposes to acquire from Arkansas General Utilities Company 190 shares of capital stock of Atlantic Utilities Service Corporation for the sum of $2,517.50, being the cost thereof to Arkansas General Utilities Company.

Notice of said filing having been issued on October 23, 1941, in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said filings within the period specified in said notice, or otherwise, and not having ordered a hearing thereon;

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective pursuant to Rule U-43 and Rule U-44, promulgated under section 12 (d) and 12 (f); and finding with respect to said application of Central U. S. Utilities Company pursuant to section 10, that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of the Act and that the transaction involved has the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 and the additional condition, to which the companies have expressly agreed in their amendment No. 3, that Central U. S. Utilities Company surrender to Arkansas General Utilities Company for cancellation the above described mortgage bonds of Arkansas General Utilities Company, that the application be and the same hereby is granted, and that the declarations be and the same hereby are permitted to become effective.

By the Commission, Commissioner Healy dissenting from that part of the order granting the approval to the application pursuant to Section 10 for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9780; Filed, December 27, 1941; 11:43 a. m.]

[File Nos. 59-32, 70-455]

IN THE MATTERS OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, RESPONDENTS; AND NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, APPLICANTS-DECLARANTS

ORDER GRANTING APPLICATION TO INTERVENE, DIRECTING HEARING REGARDING CERTAIN MATTERS, CONSOLIDATING SAID HEARING WITH CERTAIN OTHER PROCEEDINGS, AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December A. D. 1941.

The Commission having previously issued its Notice of and Order for Hearing in the matter of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, Debtor (File No. 59-32), pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, in which order it was provided, among other things, that the Respondents should show cause why an immediate order should not be entered requiring the divestment by the Respondents of all their interests in companies operating in states other than New York, Pennsylvania, and New Jersey as more fully specified in said order; and

Northeastern Water and Electric Corporation et al. having filed an application with this Commission (File No. 70-455) with respect to various matters, including among other things the disposition by said corporation of the securities which it owns of certain electric properties operating in the State of Ohio, including the securities of The Ohio Northern Public Service Company, to the Trustees of Associated Gas and Electric Corporation, said proposed transaction being in connection with a proposed sale by said Trustees of their interests in the common stock of Northeastern Water and Electric Corporation to John H. Ware, Jr. and Penn-Jersey Water Company, and which application has by previous order of this Commission, entered December 16, 1941, been set for hearing before this Commission on January 5, 1942; and

The City of Bowling Green, Ohio, having filed a request to intervene in said proceedings under section 11 (b) (1) (File No. 59-32) and to be heard as to all matters affecting the interests of said City, and said City having requested specifically that the Commission order the sale of certain electric and water properties located in and about said City of Bowling Green, said properties being operated by The Ohio Northern Public Service Company and The City Water

Company, both of said companies being subsidiaries of Northeastern Water and Electric Corporation; and

It appearing to the Commission that said request to intervene should be granted, and that specific consideration should be given to the question as to whether an order should be entered directing disposition by the Respondents in said proceedings under section 11 (b) (1) of their interests in the electric properties of The Ohio Northern Public Service Company and of the water properties of The City Water Company;

It further appearing to the Commission that the matters involved in the said proceedings with respect to the application filed by Northeastern Water and Electric Corporation, et al. (File No. 70–455) are related to the request made by said City of Bowling Green in said proceedings under section 11 (b) (1) (File No. 59–32), and that for such purposes a consolidated hearing should be held with respect to said matters;

It appearing further to the Commission that the applicants have requested a postponement of said hearing from January 5, 1942 to January 8, 1942 at 2:00 o'clock P. M., and that said request may appropriately be granted;

It is hereby ordered, That:

1. The request to intervene of the City of Bowling Green, Ohio, be and hereby is granted, and said City of Bowling Green, Ohio, is admitted as a party in said proceedings under section 11 (b) (1), and may be heard as to all matters affecting its interests;

2. The request of the City of Bowling Green that an order should be entered forthwith in said proceedings under section 11 (b) (1) with respect to the disposition by the Trustees of their interests in The Ohio Northern Public Service Company and The City Water Company, is hereby consolidated for hearing with the proceedings pending before this Commission in the matter of Northeastern Water and Electric Corporation, et al., File No. 70–455, and a consolidated hearing with respect to said matters shall be held at the Washington offices of this Commission, the date of which hearing is hereby postponed to January 8, 1942, at 2:00 o'clock P. M., in the room to be designated on said day by the hearing-room clerk in Room 1102, 1778 Pennsylvania Avenue NW., Washington, D. C., before the officer previously designated by order of the Commission entered December 16, 1941, in said matter of Northeastern Water and Electric Corporation, et al.;

3. At said hearing to be held as aforesaid, there will be considered whether an order should be entered directing the disposition by the Respondents of their interests in the electric and water properties operating in Bowling Green, Ohio, said interests being represented by securities of The Ohio Public Service Company and The City Water Company;

4. In connection with said hearing there will also be considered, in addition to the other matters hereinbefore specified in the aforesaid order of December 16, 1941, the question of whether it is in the public interest or the interests of investors and consumers to permit the acquisition by the Trustees of Associated Gas and Electric Corporation of securities representing interests in electric properties located in the State of Ohio, pending the possible sale of said properties by Northeastern Water and Electric Corporation to interests outside the holding company system of said Trustees.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–9781; Filed, December 27, 1941; 11:43 a. m.]

[File No. 70–459]

IN THE MATTER OF NEW MEXICO POWER COMPANY AND ALBUQUERQUE GAS AND ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The above-named companies having filed declarations and an application pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 12 (b) and 12 (f) thereof, and Rules U-43 and U-45 promulgated thereunder, regarding the issue and sale by Albuquerque Gas and Electric Company to John Hancock Mutual Life Insurance Company of $267,000 principal amount of 3½% First Mortgage Bonds at 104¼% of the principal amount thereof, the proceeds to be used to the extent necessary to acquire certain electric utility assets, subject to certain tax liabilities, from New Mexico Power Company, an associate company, said utility assets being adjacent to and interconnected with existing facilities of Albuquerque Gas and Electric Company; and

Said declarations and application having been filed on December 13, 1941 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations pursuant to Rules U-43 and U-45 to become effective and finding that the requirements of section 6 (b) are satisfied and that Albuquerque Gas and Electric Company is entitled to an exemption from the provisions of section 6 (a) of said Act regarding the proposed issue and sale of securities; and finding it appropriate in the public interest and in the interest of investors and consumers that the date of permitting such declarations to become effective and granting such application be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declarations be and hereby are permitted to become effective and that the aforesaid application be and hereby is granted forthwith.

By the Commission (Commissioner Healy dissenting in respect of any order pursuant to section 6 (b) for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–9782; Filed, December 27, 1941; 11:44 a. m.]

[File No. 70–466]

IN THE MATTER OF THE CLEVELAND ELECTRIC ILLUMINATING COMPANY AND THE POWER & LIGHT BUILDING COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The Cleveland Electric Illuminating Company, a subsidiary of The North America Company, a registered holding company, and The Power & Light Building Company, a wholly owned non-utility subsidiary of The Cleveland Electric Illuminating Company, having filed a joint application and declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10, 12 (c) and 12 (f) thereof and Rules U-42 and U-43 promulgated thereunder with regard to: (a) the proposal of The Cleveland Electric Illuminating Company to acquire, subject to all liabilities, all of the assets of The Power & Light Building Company in consideration of its surrender for cancellation of all the outstanding securities of The Power & Light Building Company, namely, 4,600 shares of capital stock of a par value of $100 each, and (b) the proposal of The Power & Light Building Company to make the aforesaid transfer of its assets for such consideration, to retire and cancel all of its capital stock so to be acquired, and to dissolve.

And it appearing to the Commission that said assets consist primarily of an office building owned by The Power & Light Building Company and occupied solely by The Cleveland Electric Illuminating Company and that the continued corporate existence of The Power & Light Building Company serves no useful corporate purpose;

And said joint application and declaration having been filed on December 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said joint application and declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the parties having requested that said joint application and declaration be approved and be permitted to become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to approve said joint application and to permit said joint declaration to become effective, and finding with respect to said application that the requirements of section 10 (b) and (f) of said Act are satisfied and that no adverse findings are necessary under section 10 (c), and finding with respect to said declaration that the requirements of sections 12 (c) and 12 (f) of said Act and of Rules U-42 and U-43 promulgated thereunder are satisfied; and being further satisfied that the approval of said joint application and the effective date of said joint declarations should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said joint application be and the same is hereby approved and that said joint declaration be and the same is hereby permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–9783; Filed, December 27, 1941; 11:44 a. m.]

[File No. 70–470]

IN THE MATTER OF COMMONWEALTH UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than January 12, 1942 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company, proposes to apply proceeds of $1,667,000, received from the sale of its former ice and cold storage subsidiaries, to the redemption of all its outstanding 12,338 shares of $6.50 Preferred Stock of Series C (redeemable at $105 per share) and all its outstanding 3,840 shares of $6 Preferred Stock of Series B (redeemable at $102 per share), on March 1, 1942 and April 1, 1942, respectively. It is further proposed, in order to effect such redemption, to eliminate the deficit resulting from the loss of $1,907,808 sustained in the sale of said properties. It is proposed to charge said deficit to earned surplus and contingent reserve aggregating $767,012, and the balance to the capital surplus of $2,058,377 which will be created by the proposed reduction in the stated value of the company's outstanding 288,873 shares of Class B Common Stock, substantially all of which is held by The United Gas Improvement Company, from the present average stated value of $24.626 per share to $17.50 per share, which reduction will be submitted for stockholders' approval at a special meeting on January 5, 1942. It is further proposed to charge said capital surplus with the premium on the proposed redemption of both series of preferred stock, the excess of liquidating value over the stated value of said preferred stocks, accrued and unpaid dividends on said preferred stocks to the dates of redemption, and redemption expenses. The balance of said capital surplus in the amount of $694,783 will provide for possible losses which may be sustained in the sale of any of the company's remaining assets.

The company has designated sections 6, 7 and 12 (c) of the Act and Rules U-42 and U-46 thereunder as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–9784; Filed, December 27, 1941; 11:45 a. m.]

[File No. 70–458]

IN THE MATTER OF OGDEN CORPORATION, AND LITCHFIELD AND MADISON RAILWAY COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

Litchfield and Madison Railway Company, a subsidiary of Ogden Corporation which is a registered holding company, having filed a declaration pursuant to section 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder, regarding the sale at public auction of 5,350 units of beneficial interest of Utilities Realty Liquidation Trust; and

Ogden Corporation having filed an application pursuant to Section 10 of said Act, regarding the purchase of said 5,350 units of beneficial interest of Utilities Realty Liquidation Trust for $26,750 cash; and

Said application and declaration having been jointly filed on December 9, 1941, and an amendment thereto having been filed on December 18, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named parties having requested that said application, as amended, be granted and that said declaration, as amended, become effective on or before December 24, 1941; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration, as amended, pursuant to Rule U-43 to become effective and to grant the said application, as amended, pursuant to section 10, and finding with respect to said application under section 10 that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act, and finding with respect to said declaration pursuant to Rule U-43 that the requirements of section 12 (f) are satisfied, and being satisfied that the effective date of such declaration, as amended, and the date of granting such application, as amended, should be advanced.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration, as amended, be and hereby is permitted to become effective forthwith and that said application, as amended, be and hereby is granted forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41–9785; Filed, December 27, 1941; 11:45 a. m.]

Reference

JAN 2 1942

[File No. 70-439]

IN THE MATTER OF THE KANSAS POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

The above named company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the reduction (effective October 20, 1941) from 3½% to 2¾%, in the interest rate on $360,195.46 of unsecured notes of the Company due serially January 20, 1942—July 20, 1945, owing to the Continental Illinois National Bank and Trust Company of Chicago and the City National Bank and Trust Company of Chicago, said reduction in interest rate having been agreed to by the banks in consideration of the payment by the Company of $77,608.42 principal amount of unsecured notes maturing January 20, 1946 and July 20, 1946, which maturities were paid by the Company on or about October 9, 1941; and

Said declaration having been filed on November 18, 1941, and an amendment thereto having been filed on December 22, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named Company having requested that said declaration, as filed or as amended, become effective as soon as reasonably practicable; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of such declaration, as amended, should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and hereby is permitted to become effective.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940)

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9786; Filed, December 27, 1941; 11:45 a. m.]

Reference

JAN 2 1942

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 6 NUMBER 253

Washington, Wednesday, December 31, 1941

Rules, Regulations, Orders

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CHAPTER I—AGRICULTURAL MARKETING SERVICE

SUBCHAPTER C—REGULATIONS UNDER THE FARM PRODUCTS INSPECTION ACT

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Definitions

§ 51.1 *Meaning of words.* Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.*

*§§ 51.1 to 51.49, inclusive, issued under the authority contained in 55 Stat. 408; 7 U.S.C., Sup., 414. Also under sec. 12, 50 Stat. 730; 7 U.S.C., Sup., 499n.

§ 51.2 *Terms defined.* For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) *Act.* (1) The "Market Inspection of Farm Products" item of the Agricultural Appropriation Act (55 Stat. 408; 7 U.S.C., Sup. 414); and (2) Sec. 14 of the Perishable Agricultural Commodities Act, 1930, as amended (sec 12, 50 Stat. 730; 7 U.S.C., Sup., 499n).

(b) *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

(c) *Chief of service.* The Chief or Acting Chief of the Agricultural Marketing Service.

(d) *Person.* Individual, partnership, corporation, or association.

(e) *Inspector.* An employee of the Department of Agriculture or other person authorized by the Secretary to investigate and certify to shippers and other interested parties the quality and condition of products under the act.

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FEDERAL REGISTER

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(f) *Products.* Fruits, vegetables, nuts, and other perishable farm products not covered by other regulations under the act.

(g) *Office of inspection.* The office of an inspector of products covered by the regulations in this part.

(h) *Inspection certificate.* A certificate of the quality or condition of products issued by an inspector under the act.

(i) *Regulations.* Rules and regulations of the Secretary under the act.*

Administration

§ 51.3 *Authority.* The Chief of Service is charged with the administration of the provisions of the act, and the regulations in this part, and is authorized to issue such instructions as he may deem proper and necessary.*

Where Service Is Offered

§ 51.4 *Inspection, where made.* Products may be inspected at points indicated in paragraphs (a), (b), and (c) of this section whenever an official inspector is available.

(a) *Shipping points.* Inspection is available in all States with which the Agricultural Marketing Service has entered into cooperative agreements providing for this work.

(b) *Designated markets.* The following are designated as important central markets at which products may be inspected under the act:

Atlanta, Ga.; Baltimore, Md.; Boston, Mass.; Buffalo, N. Y.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Denver, Colo.; Detroit, Mich.; Forth Worth, Tex.; Hartford, Conn.; Houston, Tex.; Indianapolis, Ind.; Jacksonville, Fla.; Kansas City, Mo.; Los Angeles, Calif.; Memphis, Tenn.; Milwaukee, Wis.; Minneapolis, Minn.; New Haven, Conn.; New Orleans, La.; New York, N. Y.; Norfolk, Va.; Oklahoma City, Okla.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Rochester, N. Y.; St. Louis, Mo.; Salt Lake City, Utah; San Francisco, Calif.; Seattle, Wash.; Washington, D. C.

(c) *Other points.* Inspection may be made at other points approved by the Chief of Service, or at any point near a designated market under conditions provided in § 51.40 to the extent permitted by the time of the nearest inspector.*

Inspection Service

§ 51.5 *Kind of service.* Inspection of products may be made according to quality or condition.*

§ 51.6 *Who may obtain service.* An application for inspection may be made by any financially interested person, his authorized agent, and Federal, State, county, and municipal governments, and common carriers.*

§ 51.7 *How to make application.* Application for inspection may be filed in the office of inspection or with an inspector. It may be made in writing, orally, by telegraph, or telephone. If made orally the inspector may require that it be confirmed by applicant in writing or by telegraph, giving the information required by § 51.8. Application may be made for one or more lots, or it may be a blanket application for inspection of all designated lots of a given commodity within a given period, or for all designated lots loaded or received at a given point.*

§ 51.8 *Form of application.* Each application for inspection shall state (a) the name and post-office address of the applicant and of the person, if any, making the application in his behalf; (b) the name and post-office address of the shipper; (c) the kind and quantity of the products involved; (d) the financial interest of the applicant (except the State) therein; (e) the identification of the products by (1) grade, brand, or other marks, if possible, (2) car initials, car number, and name of carrier or number of truck or name of boat, if possible; and (3) name and location of store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the particular time and place at which it is desired that the inspection be made; (g) the name and address of the receiver when the lot is to be inspected in a receiving market; (h) the name of the shipping point and of the destination when known; and (i) such other information as may be necessary for identification of the product or as may be required by the inspector or the Chief of Service.*

§ 51.9 *Filing of application.* An application shall be deemed filed when delivered to the proper office of inspection. A record showing the date and time of filing shall be made in such office.*

§ 51.10 *When application may be rejected.* An application may be rejected by the inspector in charge of the office of inspection in which it is filed, for noncompliance with the act or any applicable regulation thereunder, and such inspector shall immediately notify the applicant of the reasons for such rejection.*

§ 51.11 *When application may be withdrawn.* An application may be withdrawn by the applicant at any time before the work is performed, upon payment of any expenses incurred by the Agricultural Marketing Service in connection therewith.*

§ 51.12 *Authority of agent.* Proof of the authority of any person applying for inspection in behalf of another may be required in the discretion of the inspector.*

§ 51.13 *Accessibility of products.* The applicant shall cause the products for which inspection is requested to be made accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as will permit a true and correct determination to be made of their quality or condition.*

§ 51.14 *Basis of service.* Inspection and certification for quality or condition, unless the applicant shall request otherwise, shall be based upon the official and tentative standards of the United States Department of Agriculture or any State or foreign country, or shall be by description where official standards are lacking.*

§ 51.15 *Order of Inspection.* Inspection shall be made in the order in which applications are received, except that precedence shall always be given (a) to the inspection of lots involved in Perishable Agricultural Commodities Act complaints and (b) to appeal inspections. Precedence may also be given to applications made by a branch of the Federal Government.*

§ 51.16 *Financial interest of inspector.* No inspector shall inspect any products in which he is directly or indirectly financially interested.*

§ 51.17 *Postponing inspection.* If the inspector has reason to believe that because of latent defects due to climatic or other conditions he is unable to determine the true quality or condition of the product, he shall postpone examination of the product for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition.*

§ 51.18 *Official sampling.* Samples may be officially drawn by any duly authorized inspector and delivered or shipped for analysis and certification to the nearest designated market or to such designated market as shall be directed by the Agricultural Marketing Service. The container in which such samples are delivered or shipped shall contain a statement signed by the inspector who drew the samples showing the time and place of the sampling and the brands or other identifying marks of containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the sample and the name of the inspector by whom it was drawn.*

§ 51.19 *Certificate, form.* Certificates shall be issued on forms approved by the Chief of Service: *Provided*, That when application for inspection is made by any branch of the Federal Government or by a public institution or by anyone, for the purpose of determining whether food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or noncompliance may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector: *Provided further*, That memoranda of inspections showing the grades of individual growers' lots offered for manufacturing or other purposes may be issued in lieu of certificates on forms approved by the Chief of Service.*

§ 51.20 *Certificates, issuance.* The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of less-than-carload lots a single certificate may be issued to cover all such lots. Each kind of fruit or vegetable shall constitute a separate lot, but different varieties of the same kind of fruit or vegetable, except peanuts, pecans, and other nuts, shall not be so considered.*

§ 51.21 *Certificates, disposition.* The original certificate and not to exceed four copies, if requested prior to issuance, shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the inspector, or of the cooperating agency, and one copy forwarded to the Chief of Service, except that memoranda of inspections issued as provided in § 51.19 need not be so forwarded. Copies of certificates shall be kept on file until other disposition is ordered by the Chief of Service. In the case of any product with respect to which a marketing agreement and order are in effect under the jurisdiction of the Surplus Marketing Administration copies of certificates covering inspection of such products shall be delivered to the control committee or supervisory body or bodies established thereunder upon the direction of the Secretary or his authorized agent, subject to such terms and conditions as the Secretary may prescribe, for the purpose of effectuating the purposes of said marketing agreement and order. Copies will be furnished to other financially interested parties as outlined in § 51.41.*

§ 51.22 *Advance information.* Upon request of an applicant, all or any part of the contents of the certificates may be telegraphed or telephoned to him, or to any person designated by him, at his expense.*

Appeal Inspection

§ 51.23 *When appeal may be taken.* An application for appeal inspection may be made whenever any financially interested person is dissatisfied with the determination stated in the original certificates.*

§ 51.24 *How to obtain.* Appeal inspection may be obtained by the applicant or other person financially interested in the product by filing a request (a) in the inspection office nearest the point where the product is located or (b) with the inspector who made the original inspection, or (c) in any regional supervisory inspection office, or (d) with the Chief of Service. The application for appeal shall state the reasons therefor and should be accompanied by a copy of any previous inspection certificate or inspection report, or any other information which the applicant shall have received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally or in writing, or by telegraph or telephone. If made orally the person receiving the application may require that it be confirmed in writing.*

§ 51.25 *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.*

§ 51.26 *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal inspection are frivolous or unsubstantial, or that the quality or condition of the products has undergone a material change since the original inspection, or that the products cannot be made accessible for a thorough examination of all parts of the lot,

or the identity has been lost, or the regulations in this part have not been complied with, the application may be denied.*

§ 51.27 *When appeal may be withdrawn.* Any application for appeal inspection may be withdrawn by the applicant at any time before the inspection has been made upon payment of any expenses incurred by the Agricultural Marketing Service in connection therewith.*

§ 51.28 *Order in which made.* Appeal inspections shall be made as far as practicable at the time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except inspections covering lots involved in Perishable Agricultural Commodities Act cases.*

§ 51.29 *Who shall make appeal inspections.* Appeal inspections shall be made by inspectors specially designated therefor by the Chief of Service, and such inspections shall be conducted jointly by two inspectors when practicable. No appeal inspector shall pass upon an appeal involving the correctness of a certificate issued by him.*

§ 51.30 *Appeal findings.* The inspector or inspectors making an appeal inspection shall sign and issue an appeal inspection certificate which shall supersede and refer specifically to the original inspection certificate from which the appeal was taken, and state the quality or condition of the product, as determined by the appeal inspection. In all other respects the provisions of §§ 51.5–51.22 shall apply to appeal inspection certificates, except that if the applicant for appeal inspection be not the original applicant a copy of the appeal inspection certificate shall be mailed to the original applicant.*

§ 51.31 *Superseded certificates.* When an inspection certificate shall have been superseded by an appeal inspection certificate such inspection certificate shall become null and void and shall not thereafter represent the quality or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person receiving the application for appeal inspection, the officer issuing the superseding certificate shall forward notice of such issuance and of the cancelation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the canceled certificate.*

§ 51.32 *Reinspections other than appeals.* Inspections requested to determine factors of quality or condition which may have undergone material change since the original inspection, shall not be considered appeal inspections within the meaning of the regulations in this part. A second inspection requested for the purpose of securing an up-to-date certificate, but where the applicant does not question the correctness of the original certificate covering the lot in question, shall not be considered an appeal inspection.*

Licensed Inspectors

§ 51.33 *Who may be licensed.* Persons showing proper qualifications may be licensed by the Secretary as inspectors of products which may be inspected under the act. All such licenses shall be countersigned by the supervising inspector under whose direction the licensee is to make inspections, or by such other official as may be designated by the Chief of Service.*

§ 51.34 *Suspension of licenses.* Any license may be suspended, pending final action by the Secretary, by the Chief of Service, or any official by whom it may be countersigned whenever such official shall deem such action to be for the good of the service. Within 7 days after any such suspension the licensee may file an appeal in writing to the Secretary, supported by any argument or evidence that he may wish to offer.*

Fees and Expenses

§ 51.35 *Amount of fees, rates and expenses.* For each lot of products inspected a fee and expenses determined in accordance with §§ 51.36–51.41, and § 51.44 or such supplemental schedules as may be promulgated from time to time by the Secretary, shall be paid by the applicant.*

§ 51.36 *Basis for charges.* The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except for peanuts, pecans, and other nuts, and except under the provisions of § 51.19, shall be on the following basis: (a) For an inspection covering quality and condition, $4 when the quantity involved is more than ½ a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $2.50 when the quantity involved is not more than ½ of such a carload; (b) for a condition inspection, $2.50 when the quantity is not more than a carload of customary size; but the maximum fee for any carload not exceeding the customary size shall be $7.50. For each lot of peanuts, pecans, or other nuts inspected, except under § 51.19 the fee shall be $5 when the quantity involved is not more than a full carload, provided that different grades and varieties of peanuts shall be considered separate lots. When the lot involved is in excess of a carload or is not contained in cars, the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and the rates aforesaid applied, except that when inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carload basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of not to exceed $2 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, provided such charges are in substantial conformity with the hourly or carload rate.*

§ 51.37 *Fees for inspections by licenses.* Fees for inspections made by a licensed inspector acting exclusively for the Agricultural Marketing Service shall be those provided in the terms of his contract of employment.*

§ 51.38 *Fees under cooperative agreement.* Fees for inspections made under cooperative agreements shall be those provided for by such agreements.*

§ 51.39 *Fees for appeal inspections.* Fees for appeal inspections of all products shall be double those for original inspections, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged and except that appeal inspection for Government agencies shall be at actual cost, but the maximum fee for the reinspection of a single car shall not exceed $15.*

§ 51.40 *Traveling, and other expenses.* Such further charges may be made for traveling expenses and other items paid or incurred by the Agricultural Marketing Service in connection with an inspection made at a place where no inspector is located, or appeal inspection where the services of a second inspector are required, as will reimburse the Agricultural Marketing Service. These charges shall be included with the fee for inspection on the bill furnished the applicant.*

§ 51.41 *Fees for copies of inspection certificates.* For not to exceed three copies of a certificate furnished to any person financially interested in the products involved, except as provided in § 51.19, the fee shall be $1.*

§ 51.42 *How fees shall be paid.* Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector, and in advance if required by the inspector.*

§ 51.43 *Disposition of fees.* The fees covered by §§ 51.36–51.38 shall be disposed of as follows:

(a) Fees for inspections made by salaried inspectors acting exclusively for the Agricultural Marketing Service shall be promptly remitted to the Service.

(b) Fees for inspections made by a licensed inspector acting exclusively for the Agricultural Marketing Service, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the Agricultural Marketing Service.

(c) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State as may be due the United States shall be remitted to the Agricultural Marketing Service.

Fees covered by §§ 51.39–51.41 shall be remitted to the Agricultural Marketing Service.*

§ 51.44 *Refunds.* Upon filing a declaration of his intention to avail himself of this privilege any applicant who shall have paid for 500 or more carload inspections of fruits and vegetables for quality and condition in any one market within the period of one year immediately following such filing shall receive a refund from the Department at the rate of $1.50 per carload for the first 500 cars. For inspections in excess of 500 cars the fee shall be $2.50 per carload for the remainder of the year unless the total number exceeds 1,000, in which event the applicant shall be entitled to a further refund at the rate of $0.50 per carload for the entire number so inspected. Any applicant who shall have paid for 1,000 or more carload inspections of fruits and vegetables for condition in any one market within the period of one year immediately following such filing shall receive a refund from the Department at the rate of $0.50 per carload for the first 1,000 cars. For inspections in excess of 1,000 cars the fee shall be $2 per car during the remainder of the year. That if at any time before the first 1,000 cars are inspected for such applicant the Agricultural Marketing Service is unable during a continuous period of 30 days to furnish inspections when requested said refund of $1.50 per car shall be made on such cars as have been inspected up to that time on which a refund has not been made: *And provided further*, That in computing the number of carlot fees for the purposes of this section the total of fees paid by an applicant for refund on any basis of charges other than the carlot as provided in § 51.36 shall be reduced to a carlot basis by dividing by 4.*

§ 51.45 *Fraud or misrepresentation.* Any willful misrepresentation or any deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application, the making the product accessible for sampling or inspection as provided in § 51.13, the use of an inspection, reinspection or appeal inspection certificate, or any willful violation of the regulations in this part or of the supplementary rules and instructions issued by the Chief of Service, may be deemed sufficient cause for debarring from any further benefits of the Act the person found guilty thereof, after opportunity for hearing has been accorded him, and, pending investigation and hearing, the Chief of Service may, without hearing, direct that such person shall be denied the benefits of the act.*

§ 51.46 *Interfering with the inspector.* Any further benefits of the act may be denied to an applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or any other improper means, an inspector in the performance of his duties.*

§ 51.47 *Publication.* Publication under the Act and these regulations shall be made in Service and Regulatory Announcements of the Agricultural Marketing Service and such other mediums as the Chief of Service may from time to time designate for the purpose.*

§ 51.48 *Political activity.* All inspectors authorized, either by appointment or license from the Secretary of Agriculture, to issue inspection certificates under the act and these regulations are forbidden, during the period of their appointment or license, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.*

§ 51.49 *Identification.* All inspectors shall have in their possession at all times Agricultural Marketing Service identification cards, and shall identify themselves by such cards on request.*

Done at Washington, D. C., this 27th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9847; Filed, December 30, 1941; 11:12 a. m.]

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 727—FLUE-CURED TOBACCO

PROCLAMATION OF INCREASE IN THE NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR THE 1942–43 MARKETING YEAR

The Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in him by Section 312 of the Agricultural Adjustment Act of 1938, as amended, does hereby determine that:

§ 727.402 *Determination with respect to an increase in the National Marketing Quota for Flue-cured Tobacco for the marketing year beginning July 1, 1942.* It is necessary that the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1942, as proclaimed by the Secretary of Agriculture on October 21, 1941, be increased in order to meet market demands and to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. Therefore, the amount of the national marketing quota for flue-cured tobacco, in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning July 1, 1942 is increased to 679,800,000 pounds. (52 Stat. 38–43, 46; 53 Stat. 1261; 54 Stat. 392; 7 U.S.C. 1940 edition, 1312 (a))

Done at Washington, D. C. this 29th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9850; Filed, December 30, 1941; 11:11 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations, Serial No. 199]

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL REGULATION, CIVIL AIR REGULATIONS, AUTHORIZING EASTERN AIR LINES TO OPERATE AIRCRAFT INTO MOBILE MUNICIPAL AIRPORT UPON CERTAIN CONDITIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 19th day of December 1941.

Having had under consideration the regular use of the Mobile Municipal Airport in scheduled air transportation, the Board finds that:

1. The Mobile Municipal Airport is reaching a stage of construction which will permit its regular use by aircraft operated in scheduled air transportation;

2. First pilots serving in air transportation for Eastern Air Lines on routes touching Brookley Field have become familiar with the new Mobile Municipal Airport through constant examination from the air, so that compliance with the provisions of the Civil Air Regulations requiring each first pilot to have landed at least once at each terminal, scheduled intermediate stop, and intermediate field is not required in the interest of safety: *Provided*, That the familiarity of the first pilot with the Mobile Municipal Airport be sufficiently demonstrated as hereinafter provided.

Now, therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following Special Regulation:

Notwithstanding any provisions of the Civil Air Regulations to the contrary, any first pilot listed in Eastern Air Lines' airman competency letter at the time said air carrier is authorized to commence operations at the Mobile Municipal Airport, as qualified to operate an aircraft in scheduled air transportation over a route for which Brookley Field presently serves as a terminal or intermediate stop, may operate aircraft into and out of the Mobile Municipal Airport in such air transportation upon

furnishing to Eastern Air Lines and to the Chief, Air Carrier Branch of the Civil Aeronautics Administration of the Second Region, Municipal Airport, Atlanta, Georgia, a satisfactory sketch of the Municipal Airport and a written inspection report describing its condition, construction, and surrounding terrain. Such sketch and report shall be preserved by Eastern Air Lines as specified in section 40.2611 (b) of the Civil Air Regulations for written reports and sketches of intermediate fields.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41-9817; Filed, December 30, 1941; 10:03 a. m.]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 1 of Part 601]

PART 601—DESIGNATION OF CONTROL AIRPORTS AND AIRWAY CONTROL AREAS AND REPEAL OF CERTAIN CONTROL ZONES OF INTERSECTION

DECEMBER 29, 1941.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601[1] of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By amending § 601.101 to read as follows:

§ 601.101 *Amber civil airway No. 7 airway traffic control areas (Key West, Fla., to Caribou, Maine).* Those portions of amber civil airway No. 7: From the Key West, Fla., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Florence, S. C., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Raleigh, N. C., radio range station, to the Caribou, Maine, radio range station.

2. By adding a new section, § 601.109 to read as follows:

§ 601.109 *Green civil airway No. 1 airway traffic control areas (U. S.-Canadian Border to Danforth, Maine).* All of green civil airway No. 1.

3. By adding a new section, § 601.110 to read as follows:

§ 601.110 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.)* Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of Superior, Mont.; from a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the La Crosse, Wis., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport), radio range and the U. S.-Canadian border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian border, to the Boston, Mass., radio range station.

4. By adding a new section, § 601.111 to read as follows:

§ 601.111 *Red civil airway No. 8 airway traffic control areas (Concord, N. H., to Portland, Maine).* All of red civil airway No. 8.

5. By adding a new section, § 601.112 to read as follows:

§ 601.112 *Red civil airway No. 13 airway traffic control areas (Westfield, Mass., to Boston, Mass.).* All of red civil airway No. 13.

6. By adding a new section, § 601.113 to read as follows:

§ 601.113 *Red civil airway No. 26 airway traffic control areas (New York, N. Y., to Syracuse, N. Y.).* All of red civil airway No. 26.

7. By adding a new section, § 601.114 to read as follows:

§ 601.114 *Blue civil airway No. 4 airway traffic control areas (Boston, Mass., to Rouses Point, N. Y.).* All of blue civil airway No. 4.

8. By adding a new section, § 601.115 to read as follows:

§ 601.115 *Blue civil airway No. 18 airway traffic control areas (Newark, N. J., to Burlington, Vt.).* All of blue civil airway No. 18.

9. By amending § 601.2 to include the repeal of the following control zones of intersection: Albany, New York; Boston, Massachusetts; Burlington, Vermont; Concord, New Hampshire; Millinocket, Maine; Portland, Maine; and Syracuse, New York.

10. By amending § 601.3 to include the designation of the following airports as control airports:

City	*Airport*
Bakersfield, Calif.--	Bakersville Municipal Airport (Kern County Airport).
Phoenix, Ariz.-----	Phoenix Municipal Airport (Sky Harbor).

This amendment shall become effective 12:01 A. M., E. S. T., January 1, 1942.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 41-9816; Filed, December 30, 1941; 9:41 a. m.]

[1] 6 F.R. 6453.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4579]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WOODFINISHING PRODUCTS COMPANY ET AL.

§ 3.15 (a) *Bribing customers' employees—To influence employers—Employees of private concerns:* § 3.15 (b) *Bribing customers' employees—To purchase or push donor's goods.* In connection with offer, etc., in commerce, of paints, varnishes, stains, thinners, lacquers, sealers, toners, or other woodfinishing products, and on the part of respondent partners, trading as Woodfinishing Products Company, and respondent Thomas, individually and as agent thereof, and on the part of respondents' agents, etc., giving or offering to give sums of money or other things of value to employees of respondents' customers or prospective customers, or those of their competitors' customers or prospective customers, without the knowledge or consent of their employers, as inducements to influence said employees to purchase the products of respondents, or to recommend such purchases to said employers, or to recommend to said employers the use of respondents' products, or as promised gratuities for having induced such purchases by such employers, or for having recommended the use of respondents' products to such employers, or to influence such employers to refrain from dealing, or contracting to deal, with competitors of respondents, or to influence such employers to continue to deal with respondents, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Woodfinishing Products Company et al., Docket 4579, December 23, 1941]

In the Matter of James Ledwith and Morton E. Rosenthall, Individually and as Copartners, Trading as Woodfinishing Products Company, and J. M. Thomas, Individually and as Agent for James Ledwith and Morton E. Rosenthall, Copartners, Trading as Woodfinishing Products Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission, upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission, having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

[1] 6 F.R. 6196.

It is ordered, That the respondents, James Ledwith and Morton E. Rosenthal (named in the complaint herein as Morton E. Rosenthall) trading as Woodfinishing Products Company or trading under any other name or names, and respondent J. M. Thomas, individually and as agent for respondents James Ledwith and Morton E. Rosenthal, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of paints, varnishes, stains, thinners, lacquers, sealers, toners, or other woodfinishing products in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Giving or offering to give sums of money or other things of value to employees of respondents' customers or prospective customers, or those of their competitors' customers or prospective customers, without the knowledge or consent of their employers, as inducements to influence said employees to purchase the products of respondents, or to recommend such purchases to said employers, or to recommend to said employers the use of respondents' products, or as promised gratuities for having induced such purchases by such employers, or for having recommended the use of respondents' products to such employers, or to influence such employers to refrain from dealing, or contracting to deal, with competitors of respondents, or to influence such employers to continue to deal with respondents.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9853; Filed, December 30, 1941; 11:36 a. m.]

[Docket No. 3973]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BEHO RUBBER COMPANY, INC., ET AL.

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Manufacture or preparation:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Quality:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer or order conformance:* § 3.72 (m10) *Offering deceptive inducements to purchase—Sample, offer or order conformance.* In connection with offer, etc., in commerce, of retreaded or recapped tires, and among other things, as in order set forth, representing (1) by the use of purported samples or otherwise, that the tires sold by respondents are of a quality or value different from that of the actual quality or value of such tires; (2) that the "carcasses" used by respondents in their retreaded or recapped tires are less than one year old, when such is not the fact; (3) that tires which are not free from boots or patches are free from boots or patches; (4) that the tires shipped by respondents will be of sizes ordered by the purchaser, unless said sizes are furnished; and (5) that tires which contain boots or patches, rotten rubber or other defects which render them not suitable for ordinary usage are suitable for ordinary usage, and that such tires will give many miles of service in the normal course of usage at a fraction of the cost of new tires; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C. Supp. IV, sec. 45b) [Cease and desist order, Beho Rubber Company, Inc., et al., Docket 3973, December 23, 1941]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods — Terms and conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase — Undertakings, in general.* In connection with offer, etc., in commerce, of retreaded or recapped tires, and among other things, as in order set forth, representing (1) that tires ordered by purchasers will be shipped from any point other than the actual point of shipment; (2) that respondents will ship tires to purchasers on consignment unless such tires are shipped on consignment; (3) that the freight rate on respondents' tires will be lower than the actual rate applying to such shipments; (4) that respondents will supply purchasers of their tires with free tire racks and metal tire stands, when such is not the fact; and (5) that respondents will pay one-half or any other portion of the advertising expenditures incurred by purchasers in advertising respondents' products unless respondents pay such amounts to such purchasers as represented; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Beho Rubber Company, Inc., et al., Docket 3973, December 23, 1941]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Concealed subsidiary or "alter ego":* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Dealer as manufacturer:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Scientific or relevant facts.* In connection with offer, etc., in commerce, of retreaded or recapped tires, and among other things, as in order set forth, representing (1) that, except for sale over the counter at its retail store in Chicago, Sears Roebuck & Co. sell retreaded or recapped tires; (2) that respondents supply Sears Roebuck & Co. with retreaded or recapped tires for resale to the public; (3) that the business conducted by respondents under their several trade names has no connection with and is not a part of the business of respondents; and (4) that respondents manufacture the retreaded or recapped tires sold by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Beho Rubber Company, Inc., et al., Docket 3973, December 23, 1941]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings:* § 3.80 (e5) *Securing agents or representatives falsely or misleadingly—Quality of product:* § 3.80 (f) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* In connection with offer, etc., in commerce, of retreaded or recapped tires, and among other things, as in order set forth, representing (1) that the tires sold by respondents are of a quality or value different from that of the actual quality or value of such tires; (2) that any specified salary or commission is paid salesmen for the sale of respondents' products in excess of that actually paid; and (3) that persons learning to become salesmen will be reimbursed for the expenses incurred by them in this connection, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Beho Rubber Company, Inc., et al., Docket 3973, December 23, 1941]

§ 3.72 (k5) *Offering deceptive inducements to purchase—Repair or replacement guarantee.* In connection with offer, etc., in commerce, of retreaded or recapped tires, and among other things, as in order set forth, representing that tires are sold under a warranty against defects, unless all the terms and conditions of such warranty are conspicuously set forth and strictly complied with, and inserting in the warranty clause of their order blanks a disclaimer of liability for promises and representations made to purchasers by respondents' salesmen, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Beho Rubber Company, Inc., et al., Docket 3973, December 23, 1941]

In the Matter of Beho Rubber Company, Inc., a Corporation; and Bernard Holtzman, Mae Murray, and Milton M. Holtzman, Individually and as Officers and Directors of Beho Rubber Company, Inc., Also Trading as The Best Tire House, The Modern Improved Retread Outlet, and The Assured Remolded Tire Distributors

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint, the report of the trial examiner thereon and exceptions thereto, and briefs filed on behalf of the Commission and of the respondents; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Beho Rubber Company, Inc., a corporation, also trading as The Best Tire House, The Modern Improved Retread Outlet, and The Assured Remolded Tire Distributors, its officers, directors, agents, representatives and employees, and respondents Bernard Holtzman, Mae Murray and Milton M. Holtzman, individually and as officers and directors of Beho Rubber Company, Inc., trading under its corporate name or under any of its said trade names, or any other trade name or names, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of retreaded or recapped tires, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

(1) By the use of purported samples or otherwise that the tires sold by respondents are of a quality or value different from that of the actual quality or value of such tires;

(2) That the "carcasses" used by respondents in their retreaded or recapped tires are less than one year old, when such is not the fact;

(3) That tires which are not free from boots or patches are free from boots or patches;

(4) That the tires shipped by respondents will be of sizes ordered by the purchaser, unless said sizes are furnished;

(5) That tires ordered by purchasers will be shipped from any point other than the actual point of shipment;

(6) That respondents will ship tires to purchasers on consignment unless such tires are shipped on consignment;

(7) That the freight rate on respondents' tires will be lower than the actual rate applying to such shipments;

(8) That, except for sale over the counter at its retail store in Chicago, Sears Roebuck & Co. sell retreaded or recapped tires;

(9) That respondents supply Sears Roebuck & Co. with retreaded or recapped tires for resale to the public;

(10) That respondents will supply purchasers of their tires with free tire racks and metal tire stands, when such is not the fact;

(11) That respondents will pay one-half or any other portion of the advertising expenditures incurred by purchasers in advertising respondents' products unless respondents pay such amounts to such purchasers as represented;

(12) That the business conducted by respondents under their several trade names has no connection with and is not a part of the business of respondents;

(13) That tires which contain boots or patches rotten rubber or other defects which render them not suitable for ordinary usage are suitable for ordinary usage and from representing that such tires will give many miles of service in the normal course of usage at a fraction of the cost of new tires;

(14) That respondents manufacture the retreaded or recapped tires sold by them;

(15) That any specified salary or commission is paid salesmen for the sale of respondents' products in excess of that actually paid;

(16) That persons learning to become salesmen will be reimbursed for the expenses incurred by them in this connection, when such is not the fact;

(17) That tires are sold under a warranty against defects unless all the terms and conditions of such warranty are conspicuously set forth and strictly complied with;

And do further cease and desist from:

Inserting in the warranty clause of their order blanks a disclaimer of liability for promises and representations made to purchasers by their salesmen.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9854; Filed, December 30, 1941; 11:36 a. m.]

[1] 5 F.R. 1110.

[Docket No. 4164]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MAGNETIC RAY COMPANY, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with offer, etc., of respondent's "magnetic ray" device, or any other substantially similar device, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device, which advertisements represent, directly or by implication, that the use of respondent's device provides a cure or remedy for rheumatism, eczema, diabetes, Bright's disease, arthritis, asthma, indigestion, constipation, hemorrhoids, varicose veins, ulcers, goiter, high blood pressure, catarrh, neuralgia, insomnia, neuritis, sciatica, anemia, catarrh, bronchitis, heart disease, obesity, low blood pressure, epilepsy, lumbago, impotence, menstrual troubles, catarrhal deafness, colds, sinus troubles, tuberculosis and tumors, and constitutes a safe, scientific, competent and effective treatment for such diseases and disorders, or any other disease or disorder, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Magnetic Ray Company etc., Docket 4164, December 23, 1941]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "magnetic ray" device, or any other substantially similar device, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, of said device, which advertisements represent, directly or by implication, (1) that respondent's device, magnetic ray, exceeds electricity, light, heat, X-rays, radium rays, and violet and ultra-violet rays in therapeutic value; (2) that the use of said device stimulates the normal and healthful functioning of the various organs and glands of the body; (3) that the use of said device equalizes the circulation of the human blood, relieving congestions or lack of blood supply in any part of the body, relieves pain, produces marked relaxation and relieves muscular and nervous tension; and (4) that the use of said device stimulates rapid increase in the oxidation and elimination of accumulated poisons, thereby removing the condition of auto-toxemia; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Magnetic Ray Company etc., Docket 4164, December 23, 1941]

In the Matter of Frank B. Moran, an Individual Doing Business as Magnetic Ray Company and Magnetic Ray Clinic

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, the testimony and other evidence introduced in support of the complaint and the testimony introduced in opposition thereto, the report of the trial examiner thereon and the exceptions thereto, and briefs filed on behalf of the Commission and of the respondent, and the Commission having made its findings as to the facts and its conclusion that respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Frank B. Moran, an individual doing business as Magnetic Ray Company and Magnetic Ray Clinic, or doing business under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of his device designated as "magnetic ray", or by any other name, or any other device of substantially similar construction, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly;

(1) Disseminating or causing to be disseminated any advertisement by means of the United States Mails, or by any other means, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that the use of respondent's device provides a cure or remedy for rheumatism, eczema, diabetes, Bright's disease, arthritis, asthma, indigestion, constipation, hemorrhoids, varicose veins, ulcers, goiter, high blood pressure, catarrh, neuralgia, insomnia, neuritis, sciatica, anemia, catarrh, bronchitis, heart disease, obesity, low blood pressure, epilepsy, lumbago, impotence, menstrual troubles, catarrhal deafness, colds, sinus troubles, tuberculosis and tumors, and constitutes a safe, scientific, competent and effective treatment for such diseases and disorders, or any other disease or disorder;

(2) Disseminating or causing to be disseminated any advertisement by means of the United States Mails, or by any other means, in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication—

(a) That respondent's device, magnetic ray, exceeds electricity, light, heat, X-rays, radium rays, and violet and ultra-violet rays in therapeutic value;

(b) That the use of respondent's device stimulates the normal and healthful functioning of the various organs and glands of the body;

(c) That the use of respondent's device equalizes the circulation of the human blood, relieving congestions or lack of blood supply in any part of the body, relieves pain, produces marked relaxation and relieves muscular and nervous tension;

(d) That the use of respondent's device stimulates rapid increase in the oxidation and elimination of accumulated poisons, thereby removing the condition of autotoxemia.

(3) Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, which advertisement contains any of the representations prohibited in Paragraphs (1) and (2) hereof.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9855; Filed, December 30, 1941; 11:36 a. m.]

[1] 6 F.R. 1439.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 601—DEFINITIONS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 601 of the Second Edition of the Selective Service Regulations:

Paragraph 104 as amended becomes § 601.1.
Paragraph 105 becomes § 601.13.
Paragraph 106 becomes § 601.5.
Paragraph 107 becomes § 601.15.
Paragraph 108 as amended becomes § 601.14.
Paragraph 109 becomes § 601.4.
Paragraph 111 as amended becomes § 601.6.
Paragraph 113 as amended becomes § 601.11.
Paragraph 115 becomes § 601.9.
Paragraph 116 as amended becomes § 601.2.
Paragraph 117 becomes § 601.8.
Paragraph 118 becomes § 601.3.
Paragraph 405 as amended becomes § 601.12.
Paragraph 406 as amended becomes § 601.7.
Paragraph 407 becomes § 601.8.
Paragraph 603a as amended becomes § 601.9.
Paragraph 603b as amended becomes § 601.10.

PART 601—DEFINITIONS

Sec.
601.1 Definitions to govern.
601.2 Aliens.
601.3 Board of appeal.
601.4 County.
601.5 Delinquent.
601.6 Governor.
601.7 Inducted man.
601.8 Induction station.
601.9 Military.
601.10 Physical.
601.11 Registrant.
601.12 Selected man.
601.13 Selective service law.
601.14 State.
601.15 Singular and plural.

§ 601.1 *Definitions to govern.* The definitions contained in this part shall govern in the interpretation of the Selective Service Regulations.*

*§§ 601.1 to 601.15, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 601.2 *Aliens.* (a) The term "alien" means any person who is not a national of the United States.

(b) The term "national of the United States" means (1) a citizen of the United States or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

(c) The term "citizen or subject of a neutral country" is used to designate any alien except (1) a citizen or subject of a cobelligerent country or (2) an alien enemy.

(d) The term "cobelligerent country" means any country at war with a country against which the United States has declared war.

(e) The term "alien enemy" means a citizen or subject of any country who has been or may hereafter be proclaimed by the President to be an alien enemy of the United States.*

§ 601.3 *Board of appeal.* The term "board of appeal" when used in these regulations shall mean "appeal board." *

§ 601.4 *County.* The word "county" includes, where applicable, counties, independent cities, and similar subdivisions, such as the independent cities of Virginia, the parishes of Louisiana, and the towns of the New England States.*

§ 601.5 *Delinquent.* A "delinquent" is (a) any man, required under the selective service law and directions given pursuant thereto to present himself for and submit to registration on a certain day fixed by the President, who fails to so present himself for and submit to registration on that day and has no valid reason for having failed to perform that duty; or (b) any registrant who, prior to his induction into the military service, fails to perform, at the required time or within the allowed period of given time, any duty imposed upon him by the selective service law and directions given pursuant thereto and has no valid reason for having failed to perform that duty.*

§ 601.6 *Governor.* The word "Governor" includes, where applicable, the Governor of each of the States of the United States, the Governor of the Territory of Alaska, the Governor of the Territory of Hawaii, the Governor of Puerto

Rico, and the Commissioners of the District of Columbia.*

§ 601.7 *Inducted man.* An "inducted man" is a man who has become a member of the land or naval forces through the operation of the Selective Service System.*

§ 601.8 *Induction station.* The term "induction station" refers to any camp, post, ship, or station at which selected men are received by the military authorities and, if found acceptable, are inducted into military service.*

§ 601.9 *Military.* The term "military" includes the Army, the Navy, and the Marine Corps, except where such construction would be unreasonable.*

§ 601.10 *Physical.* The term "physical," in such phrases as "physical examination," "physical defects," and "physical condition," shall comprehend the physical, psychic, and nervous aspects, except where such construction would be unreasonable.*

§ 601.11 *Registrant.* A "registrant" is a person registered under the selective service law and includes any person outside the age of liability for training and service who is authorized to and who does volunteer under the selective service law.*

§ 601.12 *Selected man.* A "selected man" is any registrant who has been designated by a local board to fill a call.*

§ 601.13 *Selective service law.* The term "selective service law" includes the Selective Training and Service Act of 1940, and all acts and resolutions amending or supplementing that act, and all rules and regulations issued thereunder.*

§ 601.14 *State.* The word "State" includes, where applicable, the several States of the United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, and the District of Columbia.*

§ 601.15 *Singular and plural.* Words importing the singular number shall include the plural, and vice versa, except where such construction would be unreasonable.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9818; Filed, December 30, 1941; 10:55 a. m.]

PART 602—SELECTIVE SERVICE PERSONNEL

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 602 of the Second Edition of the Selective Service Regulations:

Paragraph 148 as amended becomes § 602.2.
Paragraph 171 as amended becomes § 602.4.
Paragraph 174 (1st sentence) as amended becomes § 602.5, (2d sentence) as amended becomes § 602.8.
Paragraph 175a as amended becomes § 605.5.
Paragraph 175b as amended becomes § 602.6.
Paragraph 175c as amended becomes § 602.8.
Paragraph 175d as amended becomes § 602.7.
Paragraph 177 as amended becomes § 602.6.
Paragraph 512 as amended becomes § 602.2.
Paragraph 513 as amended becomes § 602.3.
Paragraph 555 becomes § 602.1.

PART 602—SELECTIVE SERVICE PERSONNEL

Sec.
602.1 Citizenship.
602.2 Voluntary services.
602.3 Uncompensated services.
602.4 Oath of Office and Waiver of Pay or Compensation (Form 21).
602.5 Termination of appointment.
602.6 Removal.
602.7 Suspension.
602.8 Vacancies.

§ 602.1 *Citizenship.* No person shall be appointed to any position in the Selective Service System who is not a citizen of the United States.*

*§§ 602.1 to 602.8, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 602.2 *Voluntary services.* Voluntary services in the administration of the selective service law may be accepted and should be encouraged.*

§ 602.3 *Uncompensated services.* The services of registrars, members of local boards, members of boards of appeal, members of medical advisory boards, members and associate members of advisory boards for registrants, government appeal agents and associate government appeal agents, examining physicians and examining dentists, reemployment committeemen, interpreters, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated.*

§ 602.4 *Oath of Office and Waiver of Pay or Compensation (Form 21).* (a) Every person who undertakes to render voluntary uncompensated service in the administration of the selective service law shall, before he enters upon his duties, execute an Oath of Office and Waiver of Pay or Compensation (Form 21).*

(b) Every person who undertakes to render compensated service in the administration of the selective service law shall, before he enters upon his duties, execute the Oath of Office portion of Form 21, but shall not execute the Waiver of Pay or Compensation portion of Form 21.

(c) When executed in the manner hereinbefore provided, the Oath of Office and Waiver of Pay or Compensation (Form 21) shall be sent to the State Director of Selective Service for filing.*

§ 602.5 *Termination of appointment.* The appointment of any deputy, officer, agent, employee, or other person engaged in the administration of the selective service law, whether with or without compensation, may be terminated by resignation, transfer, death, or removal.*

§ 602.6 *Removal.* Any deputy, officer, agent, employee, or other person engaged in the administration of the selective service law may be removed by the Director of Selective Service with or without a recommendation of the Governor. The Governor may recommend to the Director of Selective Service the removal, for cause, of any deputy, officer, agent, employee, or other person assisting in the administration of the selective service law in his State. The Director of Selective Service shall make such investigation of the Governor's recommendation as he deems necessary and upon completion thereof shall take such action thereon as he deems proper.*

§ 602.7 *Suspension.* The Director of Selective Service may suspend any deputy, officer, agent, employee, or other person engaged in the administration of the selective service law, pending his consideration of the advisability of removing any such person. During the period that such person is suspended, he shall be disqualified to act in his official capacity.*

§ 602.8 *Vacancies.* Vacancies shall be filled by an appointment made in the same manner and by the same person or board as in the case of an original appointment.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9819; Filed, December 30, 1941; 10:55 a. m.]

PART 603—SELECTIVE SERVICE OFFICERS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding two new sections; and by publishing such rearranged, renumbered, and amended paragraphs and the new sections as the sections of Part 603 of the Second Edition of the Selective Service Regulations:

Paragraph 119 becomes § 603.1.
Paragraph 120 as amended becomes § 603.11.
Paragraph 121 as amended becomes § 603.12.
Paragraph 122 as amended becomes § 603.13.
Paragraph 123 as amended becomes § 603.14.
Paragraph 124 as amended becomes § 603.15.
Paragraph 125 becomes § 603.51.
Paragraph 126 becomes § 603.52.
Paragraph 127 becomes § 603.53.
Paragraph 128 (1st and 2d sentences) becomes § 603.54.
Paragraph 128 (3d and 4th sentences) becomes § 603.55.
Paragraph 129 as amended becomes § 603.56.
Paragraph 130 as amended becomes § 603.58.
Paragraph 131 as amended becomes § 603.60.
Paragraph 133 as amended becomes § 603.91.
Paragraph 134 as amended becomes § 603.61.
Paragraph 134 as amended becomes § 603.62.
Paragraph 135 as amended becomes § 603.71.
Paragraph 137 becomes § 603.21.
Paragraph 138 becomes § 603.22.
Paragraph 139 becomes § 603.23.
Paragraph 140a becomes § 603.24.
Paragraph 140b as amended becomes § 603.25.
Paragraph 141 as amended becomes § 603.26.
Paragraph 142 as amended becomes § 603.27.
Paragraph 143 as amended becomes § 603.29.
Paragraph 145 as amended becomes § 603.41.
Paragraph 146 becomes § 603.31.
Paragraph 169 as amended becomes § 603.28.
Paragraph 169 as amended becomes § 603.59.
Paragraph 170b as amended becomes § 603.57.
Paragraph 172 becomes § 603.91.
Paragraph 173 as amended becomes § 603.57.
New Section § 603.63.
New Section § 603.81.

PART 603—SELECTIVE SERVICE OFFICERS

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NATIONAL ADMINISTRATION

§ 603.1 *Director of Selective Service.* The Director of Selective Service is responsible directly to the President. He is hereby charged with the administration of the selective service law and is hereby authorized and directed:

(a) To prescribe such amendments to these regulations as he shall deem necessary.

(b) To issue such public notices, orders, and instructions as shall be necessary to the efficient administration of the selective service law.

(c) To obligate funds appropriated for the administration of the selective service law.

(d) To appoint such officers, employees, assistants, and deputies whose salary is $5,000 per annum or less, as shall be necessary to the efficient administration of the selective service law.

(e) To perform such other duties as shall be required of him under the selective service law.

(f) To delegate any of his functions and powers to such officers, agents, or persons as he may designate.*

*§§ 603.1 to 603.91, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

STATE ADMINISTRATION

§ 603.11 *Governor.* The Governor of each State shall have charge of the administration of the selective service law in his State. The office by means of which he performs his selective service functions shall be called "State Headquarters for Selective Service." State Headquarters for Selective Service shall be an office of record for selective service operations only; all selective service records and no other records shall be maintained in this office. For the operation of State Headquarters for Selective Service any necessary expense, including the hire of clerical personnel, shall be paid for by the Federal Government as provided in these regulations.*

§ 603.12 *State Director of Selective Service.* The Governor of each State is authorized to recommend for appointment an official to whom he may delegate his administrative functions relating to selective service. This official, if so recommended and appointed, shall be called the "State Director of Selective Service" and shall be in immediate charge of State Headquarters for Selective Service.*

§ 603.13 *State procurement officer.* In each State, a State procurement officer shall be appointed upon recommendation of the Governor. He shall report to the State Director of Selective Service for duty at State Headquarters for Selective Service.*

§ 603.14 *State medical officers.* In each State, one or more medical officers of the land or naval forces shall be assigned by the President, upon recommendation of the Governor. Medical officers shall report to the State Director of Selective Service for duty at State Headquarters for Selective Service.*

§ 603.15 *State occupational advisers.* (a) In each State, one or more officers of the land or naval forces may be designated for the purpose of furnishing information with respect to occupational deferments and labor supply. Such officer shall report to the State Director of Selective Service for duty at State Headquarters for Selective Service. Such officer shall maintain liaison between State Headquarters and procurement agencies of the War and Navy Departments in the State through the State Director of Selective Service; and liaison between State Headquarters for Selective Service and procurement agencies in Washington, D. C., through the Director of Selective Service; and shall perform such other duties and functions as may be assigned to him by the State Director of Selective Service.

(b) One or more representatives of labor, an equal number of representatives of industry and, where applicable, one or more representatives of agriculture shall be appointed by the Governor in each appeal board area for the purpose of assisting the State occupational advisor in securing information with respect to occupational deferments.*

BOARDS OF APPEAL

§ 603.21 *Area.* Each State Director of Selective Service shall establish one or more board of appeal areas in his State. Each such area shall include whole local board areas and, unless a larger number is authorized by the Director of Selective Service, should have not more than 70,000 registrants as a result of the first registration.*

§ 603.22 *Composition and appointment.* For each board of appeal area, a board of appeal, normally of five members, shall be appointed by the President, upon recommendation of the Governor. The members shall be male citizens of the United States who are not members of the land or naval forces; they shall be residents of the area for which their board is appointed; and they should be at least 36 years old. The board of appeal should be a composite board, representative of all activities of its district, and as such should include one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. If the number of appeals sent to one board becomes too great for the board to handle without undue delay, additional groups of five members similarly constituted shall be appointed to the board by the President, upon recommendation of the Governor. Each such group shall have full authority to act for the board on all cases assigned to it by the board. Each group shall act separately. An additional member, who shall supervise and coordinate the work of all the groups of a board of appeal, shall be appointed by the President, upon recommendation of the Governor.*

§ 603.23 *Designation.* Where there is only one board of appeal for a State, the board shall be called Board of Appeal for the State of _____. Where there is more than one board of appeal for a State, each board shall be given a number and called Board of Appeal No. ____, for the State of _____.*

§ 603.24 *Jurisdiction.* Each board of appeal shall have jurisdiction to review any decision by any local board in the area of the board of appeal and to affirm or change such decision, when appealed to it. It shall have the same appellate jurisdiction to review any decision transferred to it by another board of appeal for review. In the event a decision over which it does not have jurisdiction is submitted to a board of appeal, the board of appeal shall immedi-

ately return same to the local board from which received, calling attention to the lack of its jurisdiction.*

§ 603.25 *Disqualification.* No member of any board of appeal shall act on the case of a registrant who is his first cousin or closer relation, either by blood or marriage, or who is an employer or employee, or stands in the relationship of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of such provision, or for any other reason, a board of appeal cannot act on the case of a registrant, it shall transfer such case to another board of appeal as provided in § 627.22.*

§ 603.26 *Organization and meetings.* The board shall elect a chairman and a secretary. A majority of the board shall constitute a quorum for the transaction of business. A majority of those present at any meeting shall decide any question. Every member present, unless disqualified, shall vote on every classification. In case of a tie vote on a classification, the board shall postpone action until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board, the board shall request the Governor to recommend to the President that such member be removed and a new member appointed.*

§ 603.27 *Minutes of meetings.* Each board of appeal shall keep a record of each meeting of the board by making appropriate entries in the Minute Book (Form 101).*

§ 603.28 *Signing official papers.* Official papers issued by a board of appeal may be signed by the clerk "by direction of the board of appeal" if he is authorized to do so by a resolution duly adopted by and entered in the minutes of such board of appeal, provided that the chairman or a member of a board of appeal must sign a particular paper when specifically required to do so by the provisions of a regulation or by an instruction issued by the Director of Selective Service.*

§ 603.29 *Office.* Each board of appeal, subject to the approval of the State Director of Selective Service, may select a location for its office. The location of the office may be changed by the State Director of Selective Service or the Director of Selective Service.*

MEDICAL ADVISORY BOARDS

§ 603.31 *Composition, appointment, and duties.* In each State, medical advisory boards shall be appointed by the Governor to assist local boards in determining the physical qualifications of registrants. The board shall, if practicable, consist of internists; eye, ear, nose, and throat specialists; orthopedists; surgeons; psychiatrists; clinical pathologists; radiographers; and dentists. In the event that a medical advisory board cannot be made available to a local board, the Governor shall appoint individual specialists, who shall act as a medical advisory board, to assist the local board.*

ADVISORY BOARDS FOR REGISTRANTS

§ 603.41 *Composition, appointment, and duties.* In each State, advisory boards for registrants shall be appointed by the Governor to insure that advice and assistance in preparing Selective Service Questionnaires (Form 40), claims, or other papers which will serve as a basis for classification are readily available to every registrant. Each board shall normally be composed of three lawyers or three other reputable persons. The chairman shall be, if practicable, a judge of a county court or of a court of similar jurisdiction. Associate members of the advisory boards for registrants shall be appointed by the Governor upon recommendation of the members of the advisory boards for registrants. The advisory boards for registrants shall certify to the Governor the names of all persons who are associate members of advisory boards for registrants and who have been appointed through the procedure heretofore existing. The appointment of such persons will then be completed in the same manner as for persons who are hereafter appointed to be associate members.*

LOCAL BOARDS

§ 603.51 *Area.* Each State shall be divided into local board areas by the Governor. Each area should have a population of about 30,000. There shall be at least one separate local board area in each county.*

§603.52 *Composition and appointment.* For each local board area, a local board of three or more members shall be appointed by the President, upon recommendation of the Governor. The members shall be male citizens of the United States who are not members of the land or naval forces; they preferably should be residents of the area for which their board is appointed, and in any event, shall be residents of the county in which their local board has jurisdiction; and they should be at least 36 years old.*

§ 603.53 *Designation.* Each local board shall be given a specific name or number, or both, by the Governor, and it shall be so known.*

§ 603.54 *Jurisdiction.* The jurisdiction of each local board shall extend to all persons registered in, or subject to registration in, the area for which it was appointed and to all persons whose Registration Cards (Form 1) are duly transferred to it. It shall have full authority to do and perform all acts authorized by the selective service law.*

§ 603.55 *Disqualification.* (a) No member shall act on the case of a registrant who is his first cousin or closer relation, either by blood or marriage, or who is an employee or employer, or stands in the relation of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision a majority of a board cannot act on the case of a registrant, the board shall transfer the registrant to another local board for action on his case.

(b) The local board shall be disqualified to consider the classification of any registrant who is a member, examining physician, examining dentist, governmental appeal agent, associate government appeal agent, member of an advisory board for registrants, associate member of an advisory board for registrants, reemployment committeeman, or employee of such local board, and in each such case it shall advise the State Director of Selective Service of its disqualification. The State Director of Selective Service will then designate another local board to classify such registrant and the registrant shall be transferred for classification to the local board thus designated in the manner provided in § 623.12. The local board so designated shall classify the registrant and retain jurisdiction of his classification at all times.*

§ 603.56 *Organization and meetings.* The board shall elect a chairman and a secretary. A majority of the board shall constitute a quorum for the transaction of business. A majority of those present at any meeting shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall postpone action on the question or classification until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board, the board shall request the Governor to recommend to the President that such member be removed and a new member appointed.*

§ 603.57 *Oath of witnesses.* A member of the local board shall administer the following oath to every person testifying before the local board:

You swear (or affirm) that the evidence you give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

*

§ 603.58 *Minutes of meetings.* Each local board shall keep a record of each meeting of the board by making appropriate entries in the Minute Book (Form 101).*

§ 603.59 *Signing official papers.* Official papers issued by a local board may be signed by the clerk "by direction of the local board" if he is authorized to do so by a resolution duly adopted by and entered in the minutes of such local board, provided that the chairman or a member of a local board must sign a particular paper when specifically required to do so by the provisions of a regulation or by an instruction issued by the Director of Selective Service.*

§ 603.60 *Office.* Each local board, subject to the approval of the State Director of Selective Service, may select a location for its office. The location of the office may be changed by the State Director of Selective Service or the Director of Selective Service.*

EXAMINING PHYSICIANS AND DENTISTS

§ 603.61 *Examining physicians.* The President shall, from qualified persons recommended by the Governor, appoint at least one examining physician for each local board and may, from qualified persons recommended by the Governor, appoint such additional examining physicians for each local board as he deems necessary for the examination of the registrants of such local board. The State Director of Selective Service may authorize any duly appointed examining physician to examine registrants for any local board within the State.*

§ 603.62 *Examining dentists.* The President may, from qualified persons recommended by the Governor, appoint one or more examining dentists for each local board as he deems necessary for the dental examination of the registrants of such local board. The State Director of Selective Service may authorize any duly appointed examining dentist to examine registrants for any local board within the State.*

§ 603.63 *Disqualification.* No examining physician or examining dentist shall examine for a local board any registrant who is his first cousin or a closer relation, either by blood or marriage, or who is an employee or employer, or stands in relation of superior or subordinate in connection with any employment, or is a partner or close business associate of such examining physician or dentist.*

GOVERNMENT APPEAL AGENTS

§ 603.71 *Appointment and duties.* (a) For each local board, a government appeal agent shall be appointed by the President, upon recommendation of the Governor. The duties of the person so designated are: To appeal from any classification by a local board which, in his opinion, should be reviewed by the board of appeal; to care for the interests of ignorant registrants and their dependents with respect to appeals and, where the decision of the local board is against the interests of such persons and where it appears that such persons may not take appeals, due to their own nonculpable ignorance, to inform them of their rights and assist them to enter appeals to the board of appeal; and, after classification, to investigate and report upon matters which are submitted for his investigation by the local board. It shall also be the duty of such government appeal agent, where the interests of justice may require, to suggest to the local board a reopening of any case and to impart to the local board any information which in his opinion ought to be investigated. The government appeal agent should expedite the examination of the records of registrants as soon as they have been classified by the local board in order that appeals to the board of appeal, where found necessary, may be filed within the time limit specified in the regulations.

(b) An associate government appeal agent may be appointed for a local board by the President when the government appeal agent requests such assistance and, in the opinion of the Governor, the circumstances require it, and the Governor recommends the appointment. He shall perform such duties and shall have such powers and rights as are delegated to him by the government appeal agent. In the absence or inability of the government appeal agent to act, he shall perform the duties and shall have the powers and rights of the government appeal agent.*

REEMPLOYMENT COMMITTEEMEN

§ 603.81 *Appointment and duties.* (a) For each local board area, one or more reemployment committeemen shall be appointed by the Director of Selective Service, upon recommendation of the State Director of Selective Service. Each State Director of Selective Service shall certify to the Director of Selective Service the names of all persons who have been appointed reemployment committeemen through the procedure heretofore existing. The appointment of such persons will then be completed in the same manner as for persons who are hereafter appointed to be reemployment committeemen.

(b) It shall be the duty of reemployment committeemen to render aid in the replacement in their former position of, or in securing new positions for, the following:

(1) Any person who, subsequent to May 1, 1940, shall have entered upon active military or naval service in the land or naval forces of the United States if such person has satisfactorily completed any period of active duty; or

(2) Any person who shall have satisfactorily completed any period of his training and service under the Selective Training and Service Act of 1940.

When necessary, reemployment committeemen, in order to secure compliance with the law, shall assist any such person to present complete facts relating to his case to the proper authorities.*

INTERPRETERS

§ 603.91 *Appointment and oath.* (a) When necessary, the local board shall use interpreters.

(b) The following oath shall be administered to an interpreter each time he is used by a local board:

You swear (or affirm) that you will truly interpret in the matter now in hearing. So help you God.

*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9820; Filed, December 30, 1941; 10:55 a. m.]

PART 604—CIVILIAN EMPLOYEES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 604 of the Second Edition of the Selective Service Regulations:

Paragraph 132 as amended becomes § 604.21.
Paragraph 144 as amended becomes § 604.31.
Paragraph 510a as amended becomes § 604.1.
Paragraph 510b as amended becomes § 604.21.
Paragraph 511 as amended becomes § 604.1.
Paragraph 511 as amended becomes § 604.11.
Paragraph 514 as amended becomes § 604.1.
Paragraph 516 as amended becomes § 604.51.
Paragraph 517 as amended becomes § 604.21.
Paragraph 518 as amended becomes § 604.31.
Paragraph 519a as amended becomes § 604.1.
Paragraph 519c as amended becomes § 604.2.
Paragraph 519e as amended becomes § 604.12.
Paragraph 552 as amended becomes § 604.1.
Paragraph 554a as amended becomes § 604.51.
Paragraph 554b as amended becomes § 604.31.
Paragraph 554c as amended becomes § 604.41.
Paragraph 554d as amended becomes § 604.21.
Paragraph 556 as amended becomes § 604.71.
Paragraph 557a as amended becomes § 604.1.
Paragraph 557 as amended becomes § 604.73.
Paragraph 558a as amended becomes § 604.12.
Paragraph 558b as amended becomes § 604.11.
Paragraph 559 as amended becomes § 604.74.
Paragraph 560 as amended becomes § 604.74.
Paragraph 561 as amended becomes § 604.75.
Paragraph 561e as amended becomes § 604.12.
Paragraph 562 as amended becomes § 604.75.
Paragraph 563 as amended becomes § 604.72.
New Section § 604.61.

PART 604—CIVILIAN EMPLOYEES

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604.74 Notice of appointment; placing on duty.
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EMPLOYMENT IN GENERAL

§ 604.1 *Appointment and tenure.* (a) All civilian employees engaged in the administration of the selective service law who receive compensation from the United States, including temporary and

intermittent or part-time employees, shall be employed in accordance with the provisions of the Federal civil service laws and the rules and regulations of the United States Civil Service Commission; *Provided, however,* That no civilian shall be employed at a salary rate of $2,000 or more per annum without the prior and specific written approval of the Director of Selective Service.

(b) All such civilian employees (other than those intermittent or part-time employees who come within the provisions of § 604.2) shall be selected from the first three available persons on a certificate of eligibles secured from the district manager of the United States Civil Service Commission. (*See* § 604.71 et seq.)

(c) Attention is directed to the several statutory provision prohibiting or restricting the receipt of dual compensation from the United States. No person receiving salary or compensation from the United States Government shall be appointed to the Selective Service System without the eligibility of such person to receive dual compensation being first ascertained. Complete details shall be submitted to the Director of Selective Service for his advice and approval.

(d) When the State Director of Selective Service or the Director of Selective Service finds the employment of any clerk or other employee to be unnecessary, it shall be his duty to order the discontinuance of such employment.*

*§§ 604.1 to 604.75, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 604.2 *Intermittent or part-time employees.* (a) Any person whose duties will require only a portion of his time or whose services will be needed only for very brief periods at intervals and whose personal salary compensation will aggregate not more than $540 per annum may be employed under the provisions of Schedule A, section I, paragraph 6, of the civil service rules without selection from a civil service register of eligibles.

(b) A report of each person so employed shall be submitted through the State Director of Selective Service direct to the Director of Selective Service.

(c) At the end of each calendar year, a statement for each person so employed during the year, showing the number of days he served by months, the rate of his compensation, and the aggregate sum paid to him, shall be submitted through the State Director of Selective Service direct to the Director of Selective Service.

(d) Persons shall not be employed for job work under the provisions of this section. (*See* sec. 4, rule VIII, of the civil service rules.)*

COMPENSATION IN GENERAL

§ 604.11 *Fixing compensation.* (a) The classification grades and salary rates prescribed by the Classification Act of 1923, as amended, shall apply to all civilian employees receiving compensation from the United States, except the following:

(1) Local board employees.
(2) Persons employed in Puerto Rico.
(3) Persons appointed by the President.

(b) The salary rates of civilian employees of local boards shall be fixed in the manner set out in § 604.21.

(c) The salary rates of civilian employees in Puerto Rico shall be fixed in accordance with instructions given and limitations imposed by the Director of Selective Service.

(d) The salary rates of civilian employees appointed by the President will be fixed by the appointing authority.

(e) When the State Director of Selective Service or the Director of Selective Service finds the classification grade or salary rate of any clerk or other employee to be excessive, it shall be his duty to order the reduction of the classification grade or of the salary rate.*

§ 604.12 *Salary rates.* (a) All original appointments to positions subject to the Classification Act of 1923, as amended, shall be at the minimum salary for the respective classification grade.

(b) An appointment by reinstatement or by transfer from another Government agency is not considered an original appointment and may be made at any standard salary rate, in the appropriate classification grade, not exceeding the salary received in the former position, except that in the case of an appointment by reinstatement or transfer to a position of a classification grade carrying a higher entrance salary than the salary received in the former position, the salary shall be the minimum for the new classification grade.

(c) Any part-time or intermittent employment shall be at one of the standard classification grades and salaries.

(d) If an employee is entitled to the benefits of the Civil Service Retirement Act of May 29, 1920, as amended, 3½ percent shall be deducted from each of his pay checks for credit to the retirement fund.*

LOCAL BOARD EMPLOYEES

§ 604.21 *Appointment and tenure.* (a) Local board employees must be employed under civil service laws and civil service rules and regulations. They are not, however, subject to the provisions of the Classification Act of 1923, which provides for the classification grades and pay scale for certain civilian positions. They are neither given classification grades nor is their compensation fixed or governed by the provisions of that Act. Each local board shall by a majority vote determine the individuals to be employed, and the chairman of the local board shall act as the appointing officer. Each local board may by a majority vote designate one of its employees as the clerk of the local board.

(b) The number of persons employed by each local board on a full-time, temporary, part-time, or intermittent basis and the rates of compensation to be paid shall be fixed by the State Director of Selective Service in accordance with instructions given and limitations imposed by the Director of Selective Service. Before fixing the rates of compensation to be paid to employees of a local board, the State Director of Selective Service should determine the rates being paid in the same community for the same or similar services, and the rates of compensation fixed by him should not exceed that amount.

(c) Each local board may employ, in the manner provided by the civil service laws and civil service rules and regulations, the number of persons authorized by the State Director of Selective Service at rates of compensation not exceeding those fixed by the State Director of Selective Service. The local board shall not employ nor continue in employment any person related to any member of the board as close as or closer by blood or marriage than a first cousin. All persons employed by the local board must be citizens of the United States, loyal, of good character and habits, and have good records in previous employments. They must be able to meet the physical standards required by the United States Civil Service Commission for their respective positions. All clerical employees of every local board must possess the following minimum qualifications: Training equivalent to that represented by graduation from high school, at least 1 year's successful experience in clerical work, ability to type accurately, ability to handle the records and paper work involved in classifications, and mental alertness.

(d) Before any compensation is paid to any local board employee or before any local board employee's rate of compensation is changed, a report must be executed, in quintuplicate, by the local board on Report of Employment, Separation, or Status Change for Local Board Employee (Form 250) and shall be distributed as follows: The original and all four copies shall be forwarded to the State Director of Selective Service, who, if he approves the employment or change of status, will endorse his approval on the original and each of the four copies, forward the original and one copy to the manager of the appropriate civil service district, two copies to the local board, and retain one copy in his files; the local board shall attach one copy to the next pay roll affected and retain one copy in its files; the manager of the civil service district will forward the original to the Director of Selective Service.

(e) When the local board finds the employment of any clerk or other employee of the local board unnecessary or the rate of compensation excessive, it shall be the duty of the local board to discontinue such employment or to reduce such compensation.

(f) When the State Director of Selective Service or the Director of Selective Service finds the employment of any clerk or other employee of a local board unnecessary or the rate of compensation excessive, it shall be his duty to order the discontinuance of such employment or the reduction of such compensation.

(g) The State Director of Selective Service or the Director of Selective Service, when he deems it to be in the best interest of the Selective Service System, may authorize the joint employment of an individual by two or more local boards.*

BOARD OF APPEAL EMPLOYEE

§ 604.31 *Appointment and tenure.* (a) Each board of appeal may have only one employee. The classification grade and salary rate of such employee shall be fixed by the State Director of Selective Service in accordance with instructions given and limitations imposed by the Director of Selective Service. Unless authorized by the Director of Selective Service, upon recommendation of the State Director of Selective Service, the person selected shall be employed on an intermittent or part-time basis for not more than 10 days or 70 hours in any one calendar month (*see* § 604.2) in a classification grade and at a salary rate not higher than that fixed by the State Director of Selective Service.

(b) Each board of appeal shall determine by a majority vote the individual to be employed, and the chairman of the board of appeal shall act as the appointing officer. Each board of appeal may designate by a majority vote the person employed as the clerk of the board of appeal.*

MEDICAL ADVISORY BOARD EMPLOYEE

§ 604.41 *Appointment and tenure.* If the State Director of Selective Service, in accordance with instructions given and limitations imposed by the Director of Selective Service, authorizes the chairman of a medical advisory board to do so, he may employ an office assistant on a per diem or hourly basis only, and such person shall not be employed for more than 10 days or 70 hours in any one calendar month, except upon specific authority of the Director of Selective Service pursuant to a recommendation of a State Director of Selective Service.*

STATE HEADQUARTERS EMPLOYEES

§ 604.51 *Appointment and tenure.* The Director of Selective Service shall determine the number and classification grades of compensated civilians to be employed by each State Headquarters for Selective Service. The State Director of Selective Service shall designate an appointing officer to employ individuals approved by him or pursuant to his direction to fill such positions.*

NATIONAL HEADQUARTERS EMPLOYEES

§ 604.61 *Appointment and tenure.* The Director of Selective Service shall determine the number and duties of compensated civilians to be employed by National Headquarters for Selective Service and shall designate an appointing officer to employ individuals approved by him or pursuant to his direction to fill such positions.*

PROCEDURE FOR EMPLOYMENT

§ 604.71 *Request for certificate of eligibles.* When a vacancy occurs in any compensated position, the appointing officer concerned shall, except in cases of employment under the provisions of § 604.2, address and forward through the State Director of Selective Service a request to the manager of the appropriate civil service district for the certification of qualified eligibles. The request shall contain all available information with reference to the position in which the vacancy exists and shall include the following:

(a) Pay-roll designation and salary.

(b) A brief description of the duties, such as stenographer and typist, file clerk, general clerk with ability to operate calculating machine, or a similar description. In addition to describing the duties, the classification grade should be indicated except in the case of local board employees.

(c) Sex—if there is any preference.

(d) Statement as to whether the position is permanent or is of a strictly temporary nature, such as 30 days, 60 days, or other limited period. If the position is permanent, the appointing officer in his request should ask that persons be certified for "probational appointment."*

§ 604.72 *United States civil service districts.* For the convenience of the appointing officer, the following table set forth the address of, and the territory served by, each district manager of the United States Civil Service Commission:

District	Headquarters	Territory served
First	Post Office and Courthouse Bldg., Boston, Mass.	Maine New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.
Second	Federal Bldg., Christopher St., New York, N. Y.	New York and New Jersey.
Third	Customhouse, 2d and Chestnut Sts., Philadelphia, Pa.	Pennsylvania and Delaware.
Fourth	McCrory Bldg., 820 7th St. NW., Washington, D. C.	Maryland, Virginia, West Virginia, North Carolina, and District of Columbia.
Fifth	New Post Office Bldg., Atlanta, Ga.	South Carolina, Georgia, Alabama Florida, Mississippi, Tennessee, and Puerto Rico.
Sixth	Post Offices and Courthouse Bldg. Cincinnati, Ohio.	Ohio, Indiana, and Kentucky.
Seventh	New Post Office Bldg., Chicago, Ill.	Wisconsin, Michigan, and Illinois.
Eighth	Post Office and Customhouse Bldg., St. Paul, Minn.	Minnesota, North Dakota, South Dakota, Nebraska, and Iowa.
Ninth	New Federal Bldg., St. Louis, Mo.	Kansas, Missouri, Oklahoma, and Arkansas.
Tenth	Customhouse Bldg., New Orleans, La.	Louisiana and Texas.
Eleventh	Post Office Bldg., Seattle, Wash.	Montana, Oregon, Idaho, Washington, and Territory of Alaska.
Twelfth	Federal Office Bldg., San Francisco, Calif.	California, Nevada, Arizona, and Territory of Hawaii.
Thirteenth	New Customhouse Bldg., Denver, Colo.	Colorado, New Mexico, Utah, and Wyoming.

Hawaii (subsidiary to Twelfth District).—Assistant Manager in Charge, Branch Office, Twelfth U. S. Civil Service District, Honolulu.
Puerto Rico (under supervision of Manager, 6th District, in so far as employment under United States Government is concerned).—Chairman, Puerto Rico Civil Service Commission, San Juan.
Canal Zone.—Secretary, Board of U. S. Civil Service Examiners, Balboa Heights.
Philippine Islands.—Commissioner, Bureau of Civil Service, Manila.

§ 604.73 *Selection.* (a) The appointing officer will receive from the manager of the appropriate civil service district a certificate of persons eligible for the position in which the vacancy exists, accompanied by the civil service examination papers of the persons certified. The individual or board having authority to fill the vacancy may select the person to be employed from the first three available persons on the list certified as eligible. The appointing officer, whenever possible, should arrange for an interview between each available person certified as eligible to fill the vacancy and the individual or board having authority to select the person to be employed.

(b) When the individual to be employed has been selected, the appointing officer shall indicate the person selected on the certificate of eligibles in accordance with instructions printed thereon.

(c) If any person listed as eligible on the certificate has declined an offer of employment, such declination should be attached to the certificate of eligibles.

(d) If the name of a person certified as eligible who has a veteran's preference is passed over, the appointing officer should attach to the certificate of eligibles a separate letter justifying such action.

(e) The appointing officer shall then return, without delay, through the State Director of Selective Service, to the manager of the appropriate civil service district the certificate of eligibles and the civil service examination papers.

(f) If it is not possible to make a selection from the list certified as eligible, the appointing officer should request the manager of the appropriate civil service district, through the State Director of Selective Service, to furnish another list of eligibles.*

§ 604.74 *Notice of appointment; placing on duty.* When a selection has been made from the certificate of eligibles and the report of the persons selected for employment has been forwarded to the manager of the appropriate civil service district, the appointing officer shall issue to the person selected for employment a letter of appointment and shall forward a duplicate thereof to the State Director of Selective Service. The letter

shall be in the following form and shall contain the information indicated:

(a) Name of appointee.

(b) Agency in which appointed and location, for example: State Headquarters for Selective Service, Richmond, Va.

(c) Pay-roll title of position, grade (except in the case of a local board employee), and salary.

(d) Effective date of entrance on duty.

(e) Statement as to whether appointment is temporary or probational.

The employee may then be immediately placed on duty.*

§ 604.75 *Forms to be completed for each person selected for appointment.* (a) Before entering upon his duties, each person selected for appointment to a position as a civilian employee in the Selective Service System shall execute the following forms:

(1) The Oath of Office portion of Form 21. (The Waiver of Pay or Compensation portion of Form 21 shall not be executed.)

(2) Personnel Affidavit (Standard Form No. 47).

(3) Application and Personal History Statement (Form 25).

(4) Declaration of Appointee (Civil Service Form 124–B), for each appointee selected from a civil service list of eligibles.

(5) Fingerprint Card (Civil Service Form 2390).

(6) Designation of Retirement Beneficiary (Civil Service Form 2806–1) and Retirement Card (Civil Service Form 3008), when the appointee is entitled to the benefits of the Civil Service Retirement Act of May 29, 1920, as amended.

(b) The manager of the appropriate civil service district will issue instructions for each person selected for probational appointment to report for physical examination to a medical officer designated by him. The appointee shall report to such medical officer and shall be examined. The medical officer will prepare a Certificate of Medical Examination (Civil Service Form 2413) and forward it to the appointing officer.

(c) A Job Classification Sheet (Form 83) is not required in connection with a local board appointee. In all other cases, the appointing officer shall prepare and sign a Job Classification Sheet (Form 83) for each appointee, which shall contain the following information: Pay-roll title and position; the classification grade; the salary; description of the duties and responsibilities of the position, listing in detail the major or more important tasks, the tasks of lesser frequency or importance, and the approximate percentage of time given to each task listed; the name of the appointee's immediate supervisor; and the number of individuals whose work is to be supervised by the appointee, if any, with the classification grades of such employees, if they are classified.

(d) The appointing officer shall forward to the State Director of Selective Service the following papers in connection with each appointment:

(1) Oath of Office portion of Form 21.

(2) Personnel Affidavit (Standard Form No. 47).

(3) Application and Personal History Statement (Form 25).

(4) Declaration of Appointee (Civil Service Form 124–B), for each appointee selected from a civil service list of eligibles.

(5) Fingerprint Card (Civil Service Form 2390).

(6) Designation of Retirement Beneficiary (Civil Service Form 2806–1) and Retirement Card (Civil Service Form 3008), when the appointee is entitled to the benefits of the Civil Service Retirement Act of May 29, 1920, as amended.

(7) Certificate of Medical Examination (Civil Service Form 2413) for each person selected for probational appointment.

(8) Job Classification Sheet (Form 83), except for local board appointee.

(9) Copy of civil service certificate of eligibles, or, if a copy is not available, a reference to the date and the number of the certificate and the civil service district issuing such certificate, or a copy of the district manager's letter authorizing an appointment where the person was not selected from a civil service certificate of eligibles.

(10) Copy of notice of appointment. (*See* § 604.74).

(e) The State Director of Selective Service shall file the Oath of Office portion of Form 21 and Personal Affidavit (Standard Form 47). He shall forward the Designation of Retirement Beneficiary (Civil Service Form 2806–1) and the Retirement Card (Civil Service Form 3008) direct to the United States Civil Service Commission, Washington, D. C., no transmittal letter being necessary. He shall forward, for review and confirmation or disapproval, the remaining papers to the Director of Selective Service, Washington, D. C.; all such papers to be forwarded through the manager of the appropriate civil service district, except those for appointments made under the provisions of Schedule A, section I, paragraph 6 of the civil service rules which shall be forwarded direct to the Director of Selective Service.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9821; Filed, December 30, 1941; 10:56 a. m.]

PART 605—GENERAL ADMINISTRATION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new members to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 605 of the Second Edition of the Selective Service Regulations:

Paragraph 149 as amended becomes § 605.11.
Paragraph 150 becomes § 605.12.
Paragraph 151 becomes § 605.13.
Paragraph 152 becomes § 605.14.
Paragraph 153 as amended becomes § 605.15
Paragraph 154 as amended becomes § 605.21.
Paragraph 162 as amended becomes § 605.21.
Paragraph 163*a* as amended becomes § 605.51.
Paragraph 163*b* as amended becomes § 605.53.
Paragraph 163*c* as amended becomes § 605.52.
Paragraph 164 as amended becomes § 605.22.
Paragraph 165*a* as amended becomes § 605.31.
Paragraph 165*b* as amended becomes § 605.35.
Paragraph 165*c* as amended becomes § 605.36.
Paragraph 165*d* as amended becomes § 605.37.
Paragraph 165*e* as amended becomes § 605.38.
Paragraph 165*f* as amended becomes § 605.32.
Paragraph 165*g* becomes § 605.34.
Paragraph 165*h* becomes § 605.33.
Paragraph 165*i* as amended becomes § 605.39.
Paragraph 166 as amended becomes § 605.40.
Paragraph 167 as amended becomes § 605.41.
Paragraph 168 becomes § 605.23.
Paragraph 170 as amended becomes § 605.1.

PART 605—GENERAL ADMINISTRATION

GENERAL

Sec.
605.1 Administration of oaths generally.

COMMUNICATIONS

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605.12 Letters.
605.13 Telegrams, radiograms, and cablegrams.
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CONFIDENTIAL RECORDS

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605.36 Physical and mental condition: When information not confidential.
605.37 Court record: When information not confidential.
605.38 Military service: When information not confidential.
605.39 "Disclose," "furnish," and "examine" defined.
605.40 Availability of information that is not confidential.
605.41 Furnishing lists of registrants prohibited.

SELECTIVE SERVICE FORMS

605.51 Forms made part of regulations.
605.52 Forms supplied by State Headquarters for Selective Service.
605.53 Special forms must be authorized

GENERAL

§ 605.1 *Administration of oaths generally.* (a) Unless a specified person is designated to administer an oath re-

quired under the provisions of these regulations, any civil officer authorized to administer oaths generally, any commissioned officer of the land or naval forces assigned for duty with the Selective Service System, any member or clerk of a local board or board of appeal, any government appeal agent or associate government appeal agent, any member or associate member of an advisory board for registrants, any postmaster, acting postmaster, or assistant postmaster may administer such oath.

(b) Whenever an oath is required, an affirmation in judicial form, if made by a person having conscientious scruples against the taking of oaths, shall be sufficient compliance.

(c) No fee or charge shall be made for the administration of oaths in the execution of the selective service law.*

*§§ 605.1 to 605.53, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

COMMUNICATIONS

§ 605.11 *Channels of communications.* (a) Any person interested in any selective service matter should communicate with the local board. If the matter seems important, the local board may communicate it to State Headquarters for Selective Service, which in turn may take it up with the Director of Selective Service.

(b) All communications sent to the Director of Selective Service shall be addressed:

The Director of Selective Service
21st and C Streets NW.
Washington, D. C.

(c) Communications intended for State Headquarters for Selective Service shall be addressed as in the following example:

State Director of Selective Service
Montgomery, Alabama

§ 605.12 *Letters.* Communication should generally be by letter. Official letters in execution of the selective service law may be sent in official penalty envelopes, marked in the upper left-hand corner, "Selective Service—Official Business" and the name of the sending agency, and in the upper right-hand corner, "Penalty for private use to avoid payment of postage, $300." When printed envelopes furnisned by the Director of Selective Service are not available, these inscriptions may be written, typed, or rubber stamped on a plain envelope.*

§ 605.13 *Telegrams, radiograms, and cablegrams.* Official telegrams, radiograms, and cablegrams may be used for official business when speed is essential. The probable hour when the addressee will actually receive such a message, as compared to the probable hour when he would receive an ordinary or air-mail letter, should be considered. Reasonable economy is necessary, and a more complete statement can usually be made in a letter.*

§ 605.14 *Long distance telephone.* Long distance telephone service may be used for official business at Government expense when absolutely essential. It is relatively very expensive and much more subject to faulty understanding between the parties than are written messages.*

§ 605.15 *Personal messages.* No personal inquiries or messages shall be sent by official envelope, telegram, radiogram, cablegram, or telephone. Messages regarding leave of absence, payment of salary or expense account and similar messages fall under this prohibition.*

RECORDS IN GENERAL

§ 605.21 *Records to be maintained.* (a) In addition to all other records required by these regulations to be kept by selective service agencies, each such agency shall keep a full set of Selective Service Regulations and such forms as pertain to its functions. All such agencies shall be required to keep up, day by day, amendments, memoranda, changes, and all other pertinent information published by the Director of Selective Service.

(b) Each selective service agency shall retain all correspondence received and a copy of all correspondence sent in its files until authorization for its disposition is received from the Director of Selective Service.*

§ 605.22 *Protection of records.* Selective service agencies shall take all possible care to keep records from being lost or destroyed. Under no circumstances shall a record be entrusted to any person not authorized to have it in his custody. When the person charged with the custody of a record transmits or delivers it to another, he shall place a notation showing the person or agency to which it is transmitted or delivered in his files in the place from which the record was withdrawn.*

§ 605.23 *Entries on records.* Selective service agencies shall make entries on records with typewriter, black ink, or rubber stamp. Red ink shall be used only as specifically directed.*

CONFIDENTIAL RECORDS

§ 605.31 *What records confidential.* Except as hereinafter in these regulations provided, the information in a registrant's file shall be confidential insofar as it relates to the following subjects:

(a) His earnings or income.
(b) His dependency status.
(c) His physical or mental condition.
(d) His court record.
(e) His previous military service.*

§ 605.32 *Information not confidential as to certain persons.* No information shall be confidential as to the persons designated in this section, and any information may be disclosed or furnished to or examined by such persons, namely:

(a) The registrant, or any person having written authority from the registrant.

(b) The members and clerical and stenographic employees of the local board, medical advisory board, or board of appeal, the examining physician or examining dentist, and the government appeal agent or associate government appeal agent, dealing with the registrant's case; proper representatives of the State Director of Selective Service or the Director of Selective Service; United States attorneys and their duly authorized representatives.

(c) Any other Federal official or employee, but only to the extent that such other Federal official or employee is specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.*

§ 605.33 *Waiver of confidential nature of information.* The making or filing of a claim or action for damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, shall be a waiver of the confidential nature of information in all such records, and, in addition, all such records shall be produced and published in response to the subpena or summons of the tribunal in which such claim or action is pending.*

§ 605.34 *Subpena of records.* In the prosecution of a registrant or any other person for a violation of the Selective Training and Service Act of 1940 or any amendment thereof, the Selective Service Regulations, any orders or directions made pursuant to any of such acts or regulations, or for perjury, all records of the registrant shall be produced and published in response to the subpena or summons of the court in which such prosecution is pending.*

§ 605.35 *Dependency: When information not confidential.* (a) The fact that dependency has been claimed and the names and addresses of the claimed dependents shall not be confidential and may be disclosed or furnished.

(b) Information as to dependents or home conditions of a registrant shall be furnished to a representative of the American National Red Cross who has been authorized by the Army, Navy, or Marine Corps to investigate the registrant's request for separation from active service or discharge from the armed forces. For the purpose of such investigation, information so given shall not be considered confidential as to the investigator. The investigator shall not be permitted to examine the registrant's file, but any information contained therein relating to his dependents or home conditions will be furnished orally during a consultation with members of the local board or their authorized representative.*

§ 605.36 *Physical and mental condition: When information not confidential.* The information relating to physical or mental condition shall not be confidential under the circumstances and to the extent following:

(a) Such information may be disclosed or furnished by the examining physician, the examining dentist, or a member of the medical advisory board to the appropriate civil authorities where such persons are required by law to report diseases or defects noted therein.

(b) Such information may be disclosed or furnished to or examined by any person individually designated, or within a group described and designated, by the State Director of Selective Service or the Director of Selective Service as assisting in the selective service plan for correction of physical defects of certain registrants.*

§ 605.37 *Court record: When information not confidential.* Information concerning the court record of a registrant may be disclosed or furnished to or examined by peace officers of the United States and the several States and subdivisions thereof, judges and officers of courts of the United States and the several States and subdivisions thereof, and proper representatives of the armed forces. Information so given shall not be confidential as to such persons.*

§ 605.38 *Military service: When information not confidential.* Information relating to previous military service shall not be confidential as to proper representatives of the armed forces and may be disclosed or furnished to or examined by them.*

§ 605.39 *"Disclose," "furnish," and "examine" defined.* When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or board of appeal as the case may be.*

§ 605.40 *Availability of information that is not confidential.* The clerk who is in charge of a record shall read or point out information in any portion thereof which is not confidential to any person who requests such information, if he can do so without interfering with his other duties. Except when otherwise specifically provided in these regulations or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record.*

§ 605.41 *Furnishing lists of registrants prohibited.* Lists of registrants shall not be furnished for any purpose except in the administration of the selective service law and then only when specifically authorized by the Director of Selective Service.*

SELECTIVE SERVICE FORMS

§ 605.51 *Forms made part of regulations.* All forms and revisions thereof referred to in these or any new or additional regulations, or in any amendment to these or such new or additional regulations, whether heretofore or hereafter adopted, and all forms and revisions thereof heretofore or hereafter prescribed by the Director of Selective Service shall be and become a part of these regulations in the same manner as if each form, each provision therein, and each revision thereof were set forth herein in full. Whenever in any form or the instructions printed thereon, whether heretofore or hereafter adopted or prescribed, any person shall be instructed or required to perform any act in connection therewith, such person is hereby charged with the duty of promptly and completely complying with such instruction or requirement.*

§ 605.52 *Forms supplied by State Headquarters for Selective Service.* Agencies of the Selective Service System requiring blank forms may obtain them from State Headquarters for Selective Service.*

§ 605.53 *Special forms must be authorized.* Whenever local conditions make necessary a form not included in the Selective Service Regulations, the agency concerned shall submit a copy of the proposed form, with a full statement of the necessity and proposed use, through State Headquarters for Selective Service to the Director of Selective Service. The form shall not be used until approved by the Director of Selective Service.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9822; Filed, December 30, 1941; 10:56 a. m.]

PART 606—FINANCE ADMINISTRATION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 606 of the Second Edition of the Selective Service Regulations:

Paragraph 122 as amended becomes § 606.4.
Paragraph 501 as amended becomes § 606.5.
Paragraph 502 as amended becomes § 606.5.
Paragraph 503 as amended becomes § 606.1.
Paragraph 504 as amended becomes § 606.3.
Paragraph 505 as amended becomes § 606.2.
Paragraph 506 as amended becomes § 606.4.
Paragraph 508 as amended becomes § 606.4.
Paragraph 509 as amended becomes § 606.6.
Paragraph 544 as amended becomes § 606.7.

PART 606—FINANCE ADMINISTRATION

Sec.
606.1 The Director of Selective Service may authorize expenditures.
606.2 Chief of Finance, United States Army, fiscal, disbursing, and accounting agent.
606.3 State Director of Selective Service may authorize certain expenditures.
606.4 State procurement officer's duties.
606.5 Limitation on obligations.
606.6 Report of Obligations (Form 260 and supplements).
606.7 Preparation and distribution of vouchers.

§ 606.1 *The Director of Selective Service may authorize expenditures.* The Director of Selective Service may authorize such lawful expenditures as he deems necessary in the administration of the selective service law.*

*§§ 606.1 to 606.7, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 606.2 *Chief of Finance, United States Army, fiscal, disbursing, and accounting agent.* The Chief of Finance, United States Army, is designated as the fiscal, disbursing, and accounting agent of the Director of Selective Service. Disbursement of funds for the Selective Service System shall be made by the Chief of Finance, upon properly certified vouchers, through designated finance officers.*

§ 606.3 *State Director of Selective Service may authorize certain expenditures.* The State Director of Selective Service may authorize such lawful expenditures within amounts allotted as he determines to be necessary for the operation and maintenance of the Selective Service System in his State, subject to the provisions of these regulations and to any limitation imposed by the Director of Selective Service.*

§ 606.4 *State procurement officer's duties.* The State procurement officer shall procure and account for supplies and equipment, contract on behalf of the Government, certify vouchers, and perform such other duties as are assigned to him by the State Director of Selective Service or the Director of Selective Service. We shall keep the State Director of Selective Service and the Director of Selective Service advised of the relationship of expenditures and allotments.*

§ 606.5 *Limitation on obligations.* Obligations may be incurred only for purposes authorized by law and in amounts not in excess of funds allotted.*

§ 606.6 *Report of Obligations (Form 260 and supplements).* Each person receiving an allotment of funds shall prepare, before the 10th of each month, a Report of Obligations (Form 260 and supplements) showing all funds obligated by him during the preceding month and shall distribute the original and copies of such forms in accordance with instructions thereon.*

§ 606.7 *Preparation and distribution of vouchers.* All vouchers shall be prepared on the typewriter in the manner provided in these regulations or in instructions on such voucher. Statistical Information (Form W.D., F.D. 28) shall be used as the first carbon copy of all vouchers. The statistical data on such carbon copy shall be an exact duplicate of the statistical data on the original voucher. The first carbon copy, Statistical Information (Form W.D., F.D. 28), shall be immediately transmitted to the finance officer who is to make payment on the original voucher. The original voucher and the other carbon copies of the voucher shall be distributed in the manner directed by the instructions upon the original voucher.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9823; Filed, December 30, 1941; 10:56 a. m.]

PART 607—PAYMENT FOR PERSONAL SERVICES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 607 of the Second Edition of the Selective Service Regulations:

Paragraph 545 becomes § 607.1.
Paragraph 546 as amended becomes § 607.2.
Paragraph 546*g* as amended becomes § 607.4.
Paragraph 547 as amended becomes § 607.3.
Paragraph 548 as amended becomes § 607.5.

PART 607—PAYMENT FOR PERSONAL SERVICES

Sec.
607.1 Payment of entire personnel of board or headquarters upon same voucher.
607.2 Computation of time: Payment of employees.
607.3 Computation of time: Payment of per diem employees.
607.4 Change in pay status.
607.5 Voucher for personal services.

§ 607.1 *Payment of entire personnel of board or headquarters upon same voucher.* The entire personnel employed at any board or headquarters should be paid upon the same voucher for any service rendered during the period which the voucher covers.*

*§§ 607.1 to 607.5, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 607.2 *Computation of time: Payment of employees.* The following rules for the computation of time for payment of services at monthly or annual rates shall be observed:

(a) For any full calendar month's service, at a stipulated monthly rate of compensation, payment shall be made at such stipulated rate without regard to the number of days in that month.

(b) When service commences on an intermediate day of the month, 30 days shall be assumed as the length of the month, whatever the number of days therein.

(c) When the service terminates on an intermediate day of the month, the actual number of days during which service was rendered in that calendar month will be allowed.

(d) Services commencing in February will be calculated as though the month contained 30 days, thus: From February 21 to 28 (or 29), inclusive, 10 days. When the service commences on the 28th day of that month, 3 days will be allowed; and when on the 29th, 2 days.

(e) If service commences on the 31st day of any month, payment shall not be made for that day.*

§ 607.3 *Computation of time: Payment of per diem employees.* Per diem employees shall be paid for the actual number of days during which service was rendered. The daily equivalent of an annual salary rate is determined by dividing the annual salary rate by 360. The daily equivalent of a monthly salary rate is determined by dividing the monthly salary rate by 30.*

§ 607.4 *Change in pay status.* Change in pay status (except by employment or discharge) will be made only on the first day of any pay period, unless otherwise specifically authorized by the Director of Selective Service.*

§ 607.5 *Voucher for personal services.* (a) Personal-service pay rolls shall be prepared once each month. The Director of Selective Service, upon the recommendation of the State Director of Selective Service, may authorize the preparation of pay rolls twice each month, covering the period of the 1st to the 15th, inclusive, and the 16th to the last day of the month, inclusive.

(b) Pay Roll for Personal Services (Form 255) and the memorandum copy thereof (Form 255a) shall be used for the payment of civilians employed in the administration of the selective service law.

(c) The finance officer shall be furnished the Pay Roll for Personal Services (Form 255), together with a memorandum copy thereof (Form 255a), and a copy thereof on Statistical Information (Form WD, FD 28) completed in accordance with the instructions printed thereon and in the following manner:

(1) On the face of the pay-roll voucher, in the places provided at the top, shall be entered the official designation and the location of the board or headquarters of the personnel to be paid by such voucher and the period of time which the voucher covers.

(2) On the face of the pay-roll voucher, the certificate shall be completed so as to show:

(i) In the case of a local board, the date upon which the State Director of Selective Service, under the provisions of § 604.21, fixed the number and rate of compensation of its employees.

(ii) In the case of a board of appeal, the date upon which the State Director of Selective Service, under the provisions of § 604.31, fixed the classification grade and salary rate of its employee.

(iii) In the case of a medical advisory board, the date upon which the State Director of Selective Service, under the provisions of § 604.41, authorized the employment of its employee.

(iv) In the case of a State Headquarters for Selective Service, the date upon which the Director of Selective Service, under the provisions of § 604.51, fixed the number and classification grades of its employees.

(v) In the case of National Headquarters for Selective Service, the date upon which the Director of Selective Service, under the provisions of § 604.61, fixed the number and duties of its employees.

(3) In the column headed "Name" on the back of the pay-roll voucher shall be entered the name of each civilian employee who has performed services for which compensation is claimed for the board or headquarters during the period of time which the pay-roll voucher covers. The name shall be entered, for example. Doe, John K.

(4) In the column headed "Designation" will be shown the person's official designation, such as "Stenographer" or "Clerk."

(5) In the column headed "Rate of Compensation" shall be entered the base amount for which compensation is claimed.

(6) In the column headed "Unit of Employment" shall be entered the basis upon which compensation is claimed, i. e., hourly, daily, monthly, or annually.

(7) In the column headed "Total Units Employed" shall be entered the total number of hours, days, or months covered by the pay period.

(8) In the column headed "Gross Amount Earned" shall be entered the total amount that is obtained by multiplying the total number of units served by the rate of compensation.

(9) In the subcolumn headed "Retirement" shall be entered the amount deducted from the employee's gross amount earned for credit to his retirement account under the provisions of the Civil Service Retirement Act of May 29, 1920, as amended.

(10) The subcolumn headed "Other" shall be used for deductions for unauthorized absences or deductions made for lost or damaged Government property.

(11) In the column headed "Net Amount Paid" shall be entered an amount equal to the gross amount earned less all deductions entered in the subcolumns headed "Retirement" and "Other."

(12) The column headed "Signatures for Cash and Notations for Check Payments" shall be filled in by the disbursing officer who pays the voucher.

(13) In the column headed "Remarks" shall be explained any and all deductions made, any facts that may affect the compensation status, the date of appointment, the authority for the appointment, any other information in regard to an appointment, date of entry upon duty, transfer, promotions, demotions,

separations, and any other changes that affect the compensation status.

(d) The original of the Pay Roll for Personal Services (Form 255) for a local board, a board of appeal, or a medical advisory board shall be certified by the chairman of the board, or by a member of the board designated in a resolution regularly adopted by the board as the certifying officer for such purpose, and shall be approved by the State procurement officer.

(e) The original of pay-roll vouchers for a State Headquarters for Selective Service shall be certified to and approved by the State Director of Selective Service or the State procurement officer.

(f) When a local board employee is appointed, separated, or his status is changed, there shall be attached to the first pay roll affected a signed copy of the Certificate of Appointment, Separation, or Change of Status for Local Board Employee (Form 250).

(g) The State procurement officer shall forward all properly prepared and executed personal-service pay rolls to the designated finance officer for payment.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9824; Filed, December 30, 1941; 10:57 a. m.]

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 608 of the Second Edition of the Selective Service Regulations:

Paragraph	151*b*	as	amended	becomes § 608.22.
Paragraph	515	as	amended	becomes § 608.43.
Paragraph	520	as	amended	becomes § 608.11.
Paragraph	521	as	amended	becomes § 608.21.
Paragraph	522	as	amended	becomes § 608.22.
Paragraph	523	as	amended	becomes § 608.1.
Paragraph	524	as	amended	becomes § 608.2.
Paragraph	525	as	amended	becomes § 608.4.
Paragraph	526	as	amended	becomes § 608.5.
Paragraph	527	as	amended	becomes § 608.6.
Paragraph	528*a*	as	amended	becomes § 608.2.
Paragraph	528*b*	as	amended	becomes § 608.1.
Paragraph	528*c*	as	amended	becomes § 608.2.
Paragraph	529	as	amended	becomes § 608.3.
Paragraph	530*a*	as	amended	becomes § 608.41.
Paragraph	530*b*	as	amended	becomes § 608.41.
Paragraph	530*c*	as	amended	becomes § 608.43.
Paragraph	530*d*	as	amended	becomes § 608.43.
Paragraph	530*e*	as	amended	becomes § 608.46.
Paragraph	531	as	amended	becomes § 608.42.
Paragraph	532	as	amended	becomes §608.45.
Paragraph	533	as	amended	becomes § 608.44.
Paragraph	549	as	amended	becomes § 608.31.
Paragraph	550	as	amended	becomes § 608.23.
Paragraph	551	as	amended	becomes § 608.46.

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

PROPERTY, EQUIPMENT, AND SUPPLIES

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PROPERTY, EQUIPMENT, AND SUPPLIES

§ 608.1 *Purchase.* (a) The State procurement officer, upon receiving proper authorization from the Director of Selective Service through the Chief of Finance, United States Army, shall procure or authorize the procuring of the necessary property, equipment, and supplies for the various boards and for State Headquarters for Selective Service within the limitation of the funds provided.

(b) When it is impracticable for the State procurement officer to make a purchase in compliance with the request of the chairman of a local board or board of appeal, he may authorize the chairman to make the purchase.

(c) When practicable, purchases should be made from the General Schedule of Supplies, prepared under the direction of the Secretary of the Treasury.

(d) No contract shall be negotiated or entered into for the procurement of supplies or services from any firm or company with which any person authorizing or making the purchase is in any way connected as a member, officer, agent, or employee.

(e) Purchase of supplies and equipment procured, mined, or manufactured outside the United States is prohibited by law.

(f) The selective service law permits the Selective Service System to obtain by loan or gift such equipment and supplies as may be needed. Such loans or gifts should be encouraged, but persons making such loans should be reminded that the Government is not responsible for the care or safekeeping of such articles.*

*§§ 608.1 to 608.46, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C. Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 608.2 *Requisitions.* (a) The State Director of Selective Service or the chairman of a local board or board of appeal shall use the Requisition for Supplies (Form 259) when requesting the State procurement officer to furnish property, equipment, or supplies.

(b) The chairman of each local board is authorized to request the State procurement officer to furnish such supplies as may be required by the examining physician or examining dentist of such board.*

§ 608.3 *Medical advisory board examinations or tests.* The chairman of a medical advisory board shall authorize such special examinations or laboratory tests as he may deem necessary and shall cause to be forwarded to the State procurement officer for payment the bill for such examinations and tests, after affixing his approval. The bill or statement shall contain the following certificate by the person or laboratory rendering such services:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amount billed.

*

§ 608.4 *Purchase Order.* A Purchase Order (Form 258) shall be prepared, in quadruplicate, by the officer authorizing the purchase and shall be distributed as follows: Original to vendor, two copies to be attached to the voucher forwarded to the finance officer, and the remaining copy to be retained by the officer making the purchase.*

§ 608.5 *Bills and invoices.* (a) All bills and invoices of whatever nature shall be prepared in duplicate and sent to the State procurement officer by the vendor.

(b) In order to expedite payment, the officer making the purchase should notify the vendor at the time of the purchase to submit invoices in duplicate, only the original of which shall be signed, to the State procurement officer. The original only of such invoices shall bear the following certificate, duly signed:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards and all conditions of purchase applicable to

the transactions have been complied with; and that State or local sales taxes are not included in the amount billed.

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§ 608.6 *Receiving Report.* (a) Upon receipt of the property, equipment, or supplies ordered, a Receiving Report (Form 264) shall be prepared, in quadruplicate, by the officer responsible for property and shall be distributed as follows: One copy to be retained by the officer responsible for property, the original and two copies to be transmitted to the State procurement officer who, after completing the form and making proper notation for record purposes, will attach the original and one copy to the voucher forwarded to the finance officer.

(b) Receiving officers shall forward the Receiving Reports (Form 264) promptly, in order that advantage may be taken of any discount offered by the vendor.*

LEASES

§ 608.11 *Lease of offices.* (a) When practicable, the offices of local boards, boards of appeal, and State Headquarters for Selective Service shall be located in public buildings.

(b) Existing regulations governing the leasing of space require that such leases shall be submitted to the Public Buildings Administration for clearance in advance of the execution of the lease. This requirement has been temporarily waived so that the local boards and others concerned with the administration of the selective service law need not be delayed in the rental of quarters.

(c) When space in public buildings is not available, an office shall be rented. Before leasing an office, competition must be secured from three or more sources in order to obtain the lowest rental possible for suitable space. The result of this competition shall be shown on the Statement and Certificate of Award (Standard Form 1036) which shall be attached to the lease.

(d) "SEC. 322. Hereafter no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year; • • •." (Economy Act of June 30, 1932, 47 Stat. 412) ": *Provided, further,* That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed $2,000 per annum." (Economy Act of March 3, 1933, 47 Stat. 1517) In the case of rent-free premises, the recommendation of the State Director of Selective Service for alterations, improvements, or repairs of the premises shall be accompanied by an estimate of the fair rental value of the premises, exclusive of any and all facilities, for the first year of occupancy or for the period of occupancy less than one year, and the fair rental value as thus fixed shall be adopted as a basis for computation in determining limitations upon expenditures for alterations, improvements, and repairs. Subject to the limitation specified in this subsection, the State Director of Selective Service may authorize alterations, improvements, and repairs to local and appeal board offices and to State Headquarters for Selective Service in an amount not to exceed $50 in the aggregate for any one office. No alterations, improvements, or repairs to any one office in excess of said $50 aggregate may be made without the prior approval of the Director of Selective Service, upon the recommendation of the State Director of Selective Service.

(e) Where leases involve an annual rental rate of $2,000 or more, a Statement of Fair Market Value (Form 270), with necessary supporting papers, shall be attached to the lease.

(f) Subject to the above, the State procurement officer is authorized to lease offices for local and appeal boards and for State Headquarters for Selective Service. Each lease shall be executed in behalf of the Government of the United States, on Lease (Standard Form No. 2) for a period not to exceed one year, with the privilege of renewal. The lease should include, if practicable, heat, light, water, and janitor service. The lease shall contain a provision for cancelation upon 30 days' notice in writing by either the lessor or the Government.

(g) When other than the owner of the property executes the lease, adequate evidence of the agent's or representative's authority to sign the lease shall be obtained and shall be attached to the lease.

(h) Each lease executed by the State procurement officer and by the lessor on Lease (Standard Form No. 2) shall be in quintuplicate, all copies of which shall be signed by the contracting parties. The State procurement officer, after making proper notations for record purposes, shall send the original, properly numbered, to the General Accounting Office, Washington, D. C., one copy each to the lessor and the chairman of the board or State Director of Selective Service, and two copies to the finance officer designated to make payments.

(i) When a lease has been executed, it will be reported on a Request for Approval of Lease (P–SC Form No. 6) in quadruplicate. The original and one copy shall be mailed to the Commissioner of Public Buildings, Federal Works Agency, Washington, D. C., one copy shall be mailed to the Director of Selective Service, and one copy retained by the person making the report.

(j) Rental bills for fractional parts of a month shall be computed on the basis of the actual number of days of the month.*

TELEPHONE AND TELEGRAPH

§ 608.21 *Telephone: Authorization.* (a) A telephone may be installed in the office of a local board or board of appeal when requested by the chairman or in State Headquarters for Selective Service. Telephones shall be used for official business only.

(b) Contracts for telephone installation shall be executed by the State procurement officer on the Contract for Telephone Service (Standard Form No. 40) in quintuplicate. All copies of the contracts shall be signed by the contracting parties. The original, properly numbered, shall be sent to the General Accounting Office, Washington, D. C., one copy each to the telephone company and chairman of the board or the State Director of Selective Service, and two copies to the finance officer designated to make payment.*

§ 608.22 *Certification of bills.* (a) Telephone and telegraph bills shall contain the following certificate signed by the chairman of the board:

I certify that the above account is correct and that the service was rendered for prompt transaction of official business.

(b) The chairman of the board should notify the telephone and telegraph companies that their bills must contain the following certificate:

I certify that the above bill is correct and just; that payment therefor has not been received; that all statutory requirements as to American production and labor standards and all conditions of purchase applicable to the transactions have been complied with; and that State or local sales taxes are not included in the amount billed.

(c) With reference to long-distance telephone tolls, attention is called to the following statutory provision: "• • • hereafter no part of this or any other appropriation for any executive department, establishment, or agency shall be used for the payment of long-distance telephone tolls except for the transaction of public business which the interests of the Government require to be so transacted; and all such payments shall be supported by a certificate by the head of the department, establishment, or agency concerned, or such subordinates as he may specially designate, to the effect that the use of the telephone in such instances was necessary in the interest of the Government." (Sec. 4, act May 10, 1939, 53 Stat. 738; 31 U.S.C. 680 (a))

(d) In compliance with subsection (c) above, a certificate shall be required to support payments of official long-distance telephone tolls. The certificate shall be executed only by such officers as may be appointed and designated by the Director of Selective Service as certifying officers for such purposes. For uniformity in such certifications, the following is prescribed for each public voucher and for each travel or station-

expense reimbursement voucher that includes toll charges for official long-distance telephone calls:

Pursuant to section 4 of the act approved May 10, 1939, 53 Stat. 738, I certify that the use of the telephone for the official long-distance calls listed herein was necessary in the interest of the Government.

(e) The Director of Selective Service shall furnish the General Accounting Office with a certified copy of each order of appointment of such certifying officers.

(f) Interzone messages can ordinarily be made by calling the same telephone operators who serve the metropolitan area, while special operators must be utilized for long-distance calls beyond the established telephone zones. Interzone messages need not be classed as long-distance toll messages with respect to the requirements as to special certification to telephone invoices. Local and interzone charges need not be specially certified.

(g) Telegrams, cablegrams and radiograms on official business shall be endorsed "Selective Service System—Official Business—Government rate" and shall indicate the class of message (telegram, day message, day letter, night message, night letter). On the face of the message the sender shall make this certificate:

I certify that this message is on official business necessary for the public service in the administration of the selective service law.

(Signature)

(Official title)

(h) Designated finance officers shall pay vouchers covering charges for telegrams, cablegrams, radiograms, and telephone calls properly certified to them by the State procurement officer.*

§ 608.23 *Public voucher for telephone and telegraph service.* The Public Voucher for Purchases and Services Other Than Personal (Standard Form No. 1034) shall be used for the vouchering of all claims against the Government covering telephone and telegraph services. This form shall be prepared by the State procurement officer in the manner prescribed in § 608.31. In addition to these instructions, the State procurement officer shall certify to the following:

The services to be obtained by this instrument are authorized by, are for the purposes set forth in, and are chargeable to Procurement Authority ----------, the available balance of which is sufficient to cover cost of same.

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VOUCHERING EXPENDITURES OTHER THAN PERSONAL OR TRAVEL

§ 608.31 *Preparation of vouchers for purchases and services other than personal.* The Public Voucher for Purchases and Services Other Than Personal (Standard Form 1034) shall be used for the vouchering of all claims against the Government involving expenditures for purchases and leases and for all services other than personal and travel. This form shall be prepared by the State procurement officer in the manner herein prescribed:

(a) In the proper places on the form shall be entered a description of each article purchased or the services rendered, with the date of purchase or of rendering of service, and the amount claimed for each. When a payee submits for payment an invoice or bill which has been properly certified, such invoice or bill may be accepted if it constitutes a valid claim against the Government. The invoice is to be fastened securely to the voucher, and in such cases it shall not be necessary to state the invoice or bill in detail or secure the payee's signature on the voucher. The voucher otherwise shall be completed in due form. In cases where the payee does submit a properly certified invoice, it should be described on the voucher sufficiently to identify it and the amount or amounts carried to the "Amount" column. More than one invoice or bill of the same payee may be attached to and paid on a single voucher, provided the transactions are under the same agreement and are furnished under the same conditions as to method or absence of advertising.

(b) In the blocks headed "Accounting Classification," the appropriation symbol, appropriation title, procurement authority, and purpose numbers shall be shown.

(c) The memorandum voucher (Standard Form 1034a) shall be prepared so as to be a duplicate of the original, except that there shall be no signature. It is recommended that a typewriter be used and carbon paper inserted between the original and memorandum. If a typewriter is not used, the original and memorandum shall be made out in ink.

(d) When there is not sufficient space on Standard Form 1034 for completely itemizing the payee's bill or invoice, the itemizing shall be begun on the Continuation Sheet (Standard Form 1035) with Standard Form 1035a as the memorandum. When more than one sheet is thus used, all sheets shall be securely fastened together, the certificate sheet (Standard Form 1034) being the final sheet, and the totals of each sheet carried forward to, or summarized upon, the final sheet (Standard Form 1034).

(e) The State procurement officer shall place his signature and title in the space provided in the certificate printed on the voucher.

(f) The voucher shall further be supported by two copies of the Purchase Order (Form 258) (§ 608.4) and two copies of the Receiving Report (Form 264) (§ 608.6).

(g) The voucher, when properly prepared and supported by the required documents shall then be promptly forwarded to the finance officer designated to make payment.

(h) Statistical data shall be furnished to the Chief of Finance on Statistical Information (Form W.D., F.D. 28).*

TRAVEL AND SUBSISTENCE

§ 608.41 *Travel: Authorization.* (a) To the extent provided by appropriation made therefor, the following may authorize travel at Government expense in the execution of the selective service law:

(1) The Director of Selective Service, the Deputy Directors of Selective Service, or any other official designated by any one of them.

(2) The Governor of a State or the State Director of Selective Service, for the travel of the personnel of the Selective Service System of his State, provided such travel shall be confined to the territorial limits of the corps area or naval district in which his State is located, unless travel beyond the territorial limits of the corps area or the naval district is authorized or approved by the Director of Selective Service.

(b) A Travel Order (Form 251) shall be used to authorize all official travel. All Travel Orders (Form 251) shall be numbered serially, beginning with the number 1 as of the first of each fiscal year.*

§ 608.42 *Travel and subsistence expenses.* Except as provided in section 608.43 of these regulations or provided for by law, the amount of travel and subsistence expense or the per diem allowance is fixed in Standardized Government Travel Regulations.*

§ 608.43 *Special provisions concerning travel and subsistence expenses.* (a) The travel of a person serving without compensation in the administration of the selective service law shall be specifically authorized, and such person so authorized may be reimbursed in accordance with Standardized Government Travel Regulations for transportation and traveling expenses incurred while traveling on official business, including travel from home to the office of the board to which such person is assigned and return. No reimbursement shall be made for travel occurring wholly within the limits of the municipal corporation in which a person resides or for more than one trip and return in any one day between two given points.

(b) A per diem allowance not to exceed $5 in lieu of subsistence expenses may be authorized while traveling on official business within the limits of the continental United States. The rates of the per diem in lieu of actual expenses for subsistence authorized by law and regulations represent the maximum allowable and not the minimum. It is the responsibility of the issuing official to authorize only such per diem rates as are justified by the nature of the travel. Care should be exercised to prevent the fixing of a per diem rate in excess of that required to meet the necessary authorized expenses.

(c) Members of the land or naval forces who are on active duty in the service of the United States and assigned to duty with the Selective Service System, when properly authorized to travel, shall be paid from Selective Service System funds at rates authorized by law for the travel of such members of the land or naval forces.*

§ 608.44 *Government Requests for Transportation (Standard Form 1030): Use and preparation.* (a) Government Requests for Transportation (Standard Form 1030) may be issued for both land and water transportation, including ocean travel, and for sleeping-car service. Books of such requests shall be supplied by the Director of Selective Service to the State Director of Selective Service, who in turn shall supply local boards with such books of requests as are necessary. Such requests shall be issued by local boards or by any duly authorized representative of the State Director of Selective Service or Director of Selective Service as follows:

(1) When it is necessary to transport selected registrants from local boards to induction stations.

(2) When it is necessary to transport a registrant from the office of a local board to the office of a medical advisory board and return.

(3) When it is necessary to transport a registrant from the office of a local board to an examining board of the armed forces and return.

(4) When it is necessary to transport a registrant in order to carry out the instructions issued by the Director of Selective Service for remedying the defects of such registrant.

(5) Whenever practicable, when travel is performed by officers or employees incident to the provisions of the selective service law.

(b) In the preparation of Government Requests for Transportation (Standard Form 1030), the typewriter shall be used when practicable; otherwise, ink or indelible pencil. The use of ordinary lead pencil is prohibited.

(c) The issuing official shall enter the estimated cost of transportation on the memorandum copy (Form 1031).

(d) The memorandum copies (Form 1031) of all Government Requests for Transportation (Standard Form 1030) shall be detached and mailed under the same cover, at the close of the day on which issued, directly to the Finance Officer, United States Army, Transportation Division, Washington, D. C.

(e) No alteration shall be made above the signature of the issuing officer on Government Requests for Transportation (Standard Form 1030). In case of errors requiring erasures, the request shall be canceled and a new request issued. If an explanation is required, it shall be made on the back of the request.

(f) If a request is canceled before the memorandum copy has been forwarded to the Finance Officer, the canceled request and memorandum copy shall be forwarded to the Director of Selective Service. If cancelation occurs after the memorandum copy has been forwarded to the Finance Officer, the canceled request shall be promptly sent to the Finance Officer, United States Army, Transportation Division, Washington, D. C.

(g) Great care must be exercised in safeguarding Government Requests for Transportation (Standard Form 1030). When such requests are lost or stolen, the person to whom the book was issued or the traveler shall immediately notify the Director of Selective Service and local ticket agents, giving the serial numbers of such requests. The Director of Selective Service shall immediately pass this information on to the Finance Officer, United States Army, Transportation Division, Washington, D. C.

(h) If a lost or stolen request is later recovered, it shall not be used but shall be canceled and forwarded to the Director of Selective Service.

(i) When all of the Government Requests for Transportation (Standard Form 1030) in a book have been issued or canceled, the book, with the tabulation sheet (Form 1029), shall be forwarded to the State Director of Selective Service who, after crediting the local board, shall forward it to the Director of Selective Service.*

§ 608.45 *Government request for meals or lodgings for civilian registrants (Form 256).* (a) Meal and Lodging Ticket Books containing Government Requests for Meals or Lodgings for Civilian Registrants (Form 256) shall be supplied by the Director of Selective Service to the State Director of Selective Service, who in turn shall supply local boards with such books as are necessary. Government Requests for Meals or Lodgings for Civilian Registrants (Form 256) shall be issued by local boards or by any duly authorized representative of the State Director or Selective Service or the Director of Selective Service to provide necessary meals or lodgings, at customary hours, for registrants ordered to report to medical advisory boards, to examining boards of the armed forces, to induction stations, or when necessary in accordance with instructions issued by the Director of Selective Service in remedying the defects of a registrant. One request may be used to provide meals or lodgings for a group of registrants.

(b) For a registrant ordered to report to a medical advisory board or to an examining board of the armed forces, meals or lodgings shall be provided for the time spent in travel from the local board to the medical advisory board and return, or to the examining board of the armed forces and return, and for the 3 days or less that a registrant may be before a medical advisory board or an examining board of the armed forces.

(c) For a registrant ordered to report to an induction station, meals or lodgings shall be provided from the time the registrant reports at the local board to the time he is scheduled to arrive at the induction station.

(d) For a registrant cooperating in remedying his defects, meals or lodgings may be provided from the time he leaves until he returns to his home, except for such time as he may be in a hospital or other institution and receiving meals and lodgings as a patient of such institution.

(e) The value of such meals or lodgings shall not exceed the following amounts:

Breakfast	$0.50
Lunch	.50
Dinner	.75
Lodging, per day	1.50

(f) When a Government Request for Meals or Lodgings for Civilian Registrants (Form 256) is issued to a registrant, the memorandum copy shall be completed and forwarded to the State Director of Selective Service. The stub, with the pertinent information thereon, shall be retained in the book.

(g) No erasures or alterations of any kind shall be made. If an error is detected or a request is erroneously made out, the original and memorandum copies shall be marked "Canceled" and returned to the State Director of Selective Service, who in turn shall forward both to the Director of Selective Service.

(h) When all requests in a book have been used, the book shall be forwarded to the State Director of Selective Service, who, after crediting the local board, shall forward the book to the Director of Selective Service.

(i) Government Request for Meals or Lodgings for Civilian Registrants (Form 256) are in the nature of checks, and care should be taken that neither the Meal and Lodging Ticket Books nor the individual requests fall into the hands of unauthorized persons. Books shall be receipted for and accounted for separately from other supplies.*

§ 608.46 *Voucher for reimbursement of expenses incident to official travel.* (a) The Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel (Standard Form 1012) shall be used for the purpose of vouchering expenses incurred incident to official travel by officers or employees of the Selective Service System when traveling under competent orders on official business.

(b) The Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel (Standard Form 1012) shall be prepared upon completion of the authorized travel or at the end of any month if the officer or employee is still in travel status. The original and duplicate Travel Order (Form 251) shall accompany it. Instructions for its preparation are contained in the "Standardized Government Travel Regulations." The voucher is submitted to the State procurement officer.

(c) Oaths subscribed on Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel

(Standard Form 1012) may be administered by any person authorized by these regulations to administer oaths.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F.R. Doc. 41-9825; Filed, December 30, 1941; 10:57 a. m.]

PART 609—PROPERTY ACCOUNTABILITY

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 609 of the Second Edition of the Selective Service Regulations:

Paragraph 534 as amended becomes § 609.1.
Paragraph 536 as amended becomes § 609.2.
Paragraph 537 as amended becomes § 609.3.
Paragraph 538 as amended becomes § 609.4.
Paragraph 539 as amended becomes § 609.5.
Paragraph 540 as amended becomes § 609.6.
Paragraph 541 as amended becomes § 609.5.
Paragraph 541 as amended becomes § 609.6.
Paragraph 542 becomes § 609.7.

PART 609—PROPERTY ACCOUNTABILITY

Sec.
609.1 Property of the United States.
609.2 Government property: Responsibility and accountability for.
609.3 Semiannual report required.
609.4 Transfer of responsibility and accountability: Procedure.
609.5 Unserviceable property: Condemnation and sale of.
609.6 Nonexpendable property: Lost, stolen, or destroyed.
609.7 Obsolete blank forms: Disposition of.

§ 609.1 *Property of the United States.* All equipment and supplies of whatever character acquired by purchase with Government funds, transfer from some other Federal agency, or donation, as specifically authorized in the Selective Training and Service Act of 1940, are the property of the United States and must be accounted for. Such property shall be used solely for the transaction of Government business.*

*§§ 609.1 to 609.7, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 609.2 *Government property: Responsibility and accountability for.* (a) The chairman of each local board, board of appeal, or medical advisory board, or, where designated by the board to act in place of the chairman for this specific purpose, the member or the clerk so designated shall be responsible to the State procurement officer for the nonexpendable property of the United States in the possession of the board. The State Director of Selective Service shall designate a person to be responsible to the State procurement officer for nonexpendable property of the United States in the possession of State Headquarters for Selective Service.

(b) The State procurement officer shall be accountable to the Director of Selective Service for all United States Government nonexpendable property purchased by, or issued, transferred, or donated to, the Selective Service System within his State and shall be required to keep accurate records of such property.*

§ 609.3 *Semiannual report required.* (a) On the last day of June and December of each year every official of the Selective Service System within a State who is responsible for United States Government property shall render an inventory report to the State procurement officer on the Nonexpendable Property Inventory (Form 16). The inventory report shall show all articles of nonexpendable property owned by the United States and in the possession of the board or State Headquarters for Selective Service on the last day of each semiannual period.

(b) As of the last day of June and December of each year, every State procurement officer who is accountable for United States Government property shall render a consolidated report to the Director of Selective Service on the Consolidated Nonexpendable Property Report (Form 17). This report shall show all articles of nonexpendable property owned by the United States and in the possession of the Selective Service System within his State as of the last day of each semiannual period and shall be submitted not later than the 15th day of the month immediately following.

(c) The Nonexpendable Property Continuation Sheet (Form 18) shall be used in conjunction with the Nonexpendable Property Inventory (Form 16) and the Consolidated Nonexpendable Property Report (Form 17) if additional space is required.*

§ 609.4 *Transfer of responsibility and accountability: Procedure.* (a) Whenever any responsible officer is relieved from office for any cause, he shall transfer his responsibility for all nonexpendable property to the person designated under the provisions of § 609.2 to succeed him as the responsible officer. The transfer shall be accomplished by the preparation, in triplicate, of the Nonexpendable Property Inventory (Form 16), which shall list all articles of nonexpendable property in the possession of the board or State Headquarters for Selective Service at the time of the transfer. The incoming officer shall accept responsibility for the property listed by signing each copy of the form and having his signature witnessed by the outgoing officer. The original shall be forwarded to the State procurement officer, one copy shall be placed in the files of the board or State Headquarters for Selective Service, and the other copy shall be retained by the outgoing officer.

(b) Whenever any accountable officer is relieved from office for any cause, he shall transfer to his successor accountability for all nonexpendable property within his State. The transfer shall be accomplished by the preparation, in duplicate, of the Consolidated Nonexpendable Property Report (Form 17), which shall list all articles of nonexpendable property in the possession of the Selective Service System within his State at the time of the transfer. The incoming officer shall accept accountability for the property listed therein by signing both copies of the form and having his signature witnessed by the outgoing officer. The original shall be filed in the State Headquarters for Selective Service, and the copy shall be retained by the outgoing officer.

(c) Upon receipt of the original of the Nonexpendable Property Inventory (Form 16) by the State procurement officer, the nonexpendable property listed therein shall be checked with the property account of the outgoing officer. If all the property for which the outgoing officer is responsible has been listed, notice of his clearance shall be sent to him by the State procurement officer. No payment shall be made to any outgoing officer until after the clearance has been issued.

(d) The Consolidated Nonexpendable Property Report (Form 17) shall be checked by the incoming accountable officer with the property accounts of the outgoing accountable officer. If all property charged to the outgoing officer has been accounted for, notice of his clearance shall be issued to him by the State Director of Selective Service. No payment shall be made to any outgoing accountable officer until after the clearance has been issued.*

§ 609.5 *Unserviceable property: Condemnation and sale of.* (a) In case any board or State Headquarters for Selective Service has any nonexpendable property which has become unserviceable, the responsible officer shall prepare, in duplicate, and submit to the State Director of Selective Service a report of such property. A surveying officer, who shall be designated by the State Director of Selective Service to make such surveys, shall examine the property, endorse on the original and copy of the report his findings and recommendations, and return them to the State Director of Selective Service. The State Director of Selective Service, by endorsement on the original and copy of the report, shall order the property sold or disposed of in such other manner as he may deem proper. He shall send the original of the report, with said endorsements thereon, to the State procurement officer for compliance and shall send the copy to the responsible officer.

(b) Unserviceable property ordered sold shall be disposed of for cash at public auction or to the highest bidder on sealed proposals after due notice and in such market as the public interest may require.

(c) The proceeds from the sale of any unserviceable property, after deducting expenses of the sale, shall be turned over to the State procurement officer, who shall forward such proceeds for deposit to the finance officer, United States Army, in the area in which the sale took place. The State procurement officer shall obtain from such finance officer a receipt for the amount so forwarded.

(d) The report required under the provisions of § 609.3 shall show property disposed of in the manner hereinbefore provided until the Director of Selective Service issues written instructions that it shall be dropped. Such written instructions shall be attached to the first report in which the property so disposed of is not listed.*

§ 609.6 *Nonexpendable property: Lost, stolen, or destroyed.* (a) Whenever any article of nonexpendable property is lost, stolen, or destroyed, the responsible officer shall prepare, in triplicate, a complete report on such lost, stolen, or destroyed article and submit it to the State Director of Selective Service. A surveying officer, who shall be designated by the State Director of Selective Service to make such surveys, shall make a complete investigation of the facts and circumstances surrounding the loss, theft, or destruction, endorse on the original and copies of the report his findings and recommendations, and return them to the State Director of Selective Service. The State Director of Selective Service, by endorsement on the original and each copy of the report, shall indicate his approval or disapproval of the findings and recommendations of the surveying officer. The original and both copies of the report, with the endorsements thereon, shall then be forwarded to the Director of Selective Service, who shall have final review of the recommended action on the case. If the Director of Selective Service approves the recommendation of the State Director of Selective Service, one copy of the report shall be retained in the files of National Headquarters for Selective Service, and the original and other copy shall be forwarded for necessary action to the State procurement officer, through the State Director of Selective Service, who shall retain the original and forward the copy to the responsible officer. In the event that the Director of Selective Service disapproves the recommendation of the State Director of Selective Service, he shall direct the disposition to be made of the case by endorsement on the original and each copy of the report. One copy of the report and endorsements thereon shall be retained in the files of National Headquarters for Selective Service, and the original and other copy thereof shall be forwarded to the State procurement officer through the State Director of Selective Service. After the State procurement officer has complied with the direction of the Director of Selective Service, he shall retain the original of the report and endorsements thereon and shall forward the copy thereof to the responsible officer.

(b) The report required under the provisions of § 609.3 shall show the property reported as lost, stolen, or destroyed until the Director of Selective Service issues written instructions that it shall be dropped. Such written instructions shall be attached to the first report in which the lost, stolen, or destroyed property is not listed.*

§609.7 *Obsolete blank forms: Disposition of.* Whenever blank forms or other printed matter become obsolete, the Director of Selective Service will order the disposition to be made thereof.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9826; Filed, December 30, 1941; 10:57 a. m.]

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such renumbered and amended paragraphs as the sections of Part 611 of the Second Edition of the Selective Service Regulations.

Paragraph 201 as amended becomes § 611.1.
Paragraph 202 as amended becomes § 611.2.
Paragraph 203 as amended becomes § 611.3.
Paragraph 204 becomes § 611.4.
Paragraph 205 as amended becomes § 611.5.

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

Sec.

611.1 Duty to be registered.
611.2 Change of status.
611.3 Man outside areas where local boards are organized.
611.4 Inmate of institution.
611.5 Responsibility for performance of duty.

§ 611.1 *Duty to be registered.* (a) The provisions of the Selective Training and Service Act of 1940, as amended, requiring certain men to present themselves for and submit to registration read as follows:

Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder (sec 2, Selective Training and Service Act of 1940, as amended).

(b) By the provisions of section 5 (a) of the Selective Training and Service Act of 1940, as amended, certain men are not required to be registered so long as they have a certain status. These provisions read as follows:

Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Servey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b) (sec. 5 (a), Selective Training and Service Act of 1940, as amended).

(c) The enactment of the Coast Guard Auxiliary and Reserve Act of 1941 added a group of men to those not required to be registered so long as they have a certain status. The applicable portions of that act read:

208. Members of the (Coast Guard) Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *.

207. The Commandant, with the approval of the Secretary of the Treasury, is hereby authorized to enroll for active duty, as temporary members of the (Coast Guard) Reserve, such owners, regulars officers, and members of the crew of any motorboat or yacht placed at the disposal of the Coast Guard as are citizens of the United States or of its territories or possessions except the Philippine Islands * * *.

(d) On the day and between the hours fixed for registration by Presidential proclamation, every man required to do so under the foregoing provisions shall present himself for and submit to registration before a duly designated registration official or the local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day.*

*§§ 611.1 to 611.5, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545; 5 F.R. 3779.

§ 611.2 *Change of status.* Every man who would have been required to be registered on a day fixed for registration by Presidential proclamation except for the fact that he was in one of the groups mentioned in section 5 (a), Se-

lective Training and Service Act of 1940, as amended, or section 208, Coast Guard Auxiliary and Reserve Act of 1941, shall be required, under the provision of section 5 (h) of the Selective Training and Service Act of 1940, as amended, to present himself for and submit to registration before a local board when a change in his status removes him from such group.*

§ 611.3 *Man outside areas where local boards are organized.* Every man subject to registration who, on the day fixed for registration, is not within one of the several States of the United States, the District of Columbia, Alaska, Hawaii, or Puerto Rico, and who is therefore outside of the areas where local boards are organized, when he enters any State of the United States, the District of Columbia, Alaska, Hawaii, or Puerto Rico, shall present himself for and submit to registration before a local board.*

§ 611.4 *Inmate of institution.* Every man subject to registration who is an inmate of an insame asylum, jail, penitentiary, reformatory, or similar institution on the day fixed for registration shall be registered on the day he leaves the institution.*

§ 611.5 *Responsibility for performance of duty.* (a) Every man subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

(b) Every person is deemed to have notice of the requirements of the Selective Training and Service Act of 1940, as amended, and of the rules and regulations prescribed thereunder upon the publication by the President of a proclamation or other public notice fixing a time for registration.

(c) Every man who, on the day fixed for registration, is required to be registered is personally charged with the duty of presenting himself before the proper officials and submitting to registration.

(d) The duty of every man subject to registration to present himself for and submit to registration shall continue at all times, and if for any reason any such man is not registered on the day fixed for his registration, he shall immediately present himself for and submit to registration before the local board in the area where he happens to be.

(e) The Selective Training and Service Act of 1940, as amended, section 11, provides that any person charged as herein provided with the duty of carrying out any of the provisions of this Act, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said Act, rules, regulations, or directions who shall knowingly make, or be a party to the making of, any false, improper, or incorrect registration, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making of, any false statement or certificate as to the fitness or unfitness or liability or nonliability of himself or any other person for service under the provisions of this Act, or rules, regulations, or directions made pursuant thereto, or who otherwise evades registration or service in the land or naval forces or any of the requirements of this Act, or who knowingly counsels, aids, or abets another to evade registration or service in the land or naval forces or any of the requirements of this Act, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect to perform any duty required of him under or in the execution of this Act, or rules or regulations made pursuant to this Act, or any person or persons who shall knowingly hinder or interfere in any way by force or violence with the administration of this Act or the rules or regulations made pursuant thereto, or conspire to do so, shall, upon conviction in the district court of the United States having jurisdiction thereof, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by any military or naval court martial in any case arising under this Act unless such person has been actually inducted for the training and service prescribed under this Act or unless he is subject to trial by court martial under laws in force prior to the enactment of this Act. Precedence shall be given by courts to the trial of cases arising under this Act.

(f) Men required to present themselves for and submit to registration shall not be paid for performing such obligation nor shall they be paid travel allowances or expenses.*

LEWIS B. HERSHEY,
Director

DECEMBER 20, 1941.

[F. R. Doc. 41-9827; Filed, December 30, 1941; 10:58 a. m.]

PART 624—VOLUNTEERS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 624 of the Second Edition of the Selective Service Regulations:

Paragraph 334 as amended becomes § 624.1.
Paragraph 335 as amended becomes § 624.2.
Paragraph 335 as amended becomes § 624.3.
Paragraph 335 as amended becomes § 624.4.

PART 624—VOLUNTEERS

Sec.
624.1 Who may volunteer.
624.2 Where person may volunteer.
624.3 Registration of certain volunteers.
624.4 Classification of volunteers.

§ 624.1 *Who may volunteer.* Men between the ages of 18 and 45 may volunteer at the local board for induction into the land and naval forces for training and service under the Selective Training and Service Act of 1940, as amended. The local board shall not accept for induction any person who is under 21 years of age unless he furnishes the local board with the written consent of his parents. However, the local board may dispense with this consent upon a showing that the consent of any parent cannot be obtained because the parent is absent and cannot be reached. The term "parent" in this section includes guardian. If the volunteer has no parents living and has no guardian, he shall submit a statement to that effect to the local board. There is no special form for parents' or guardians' consent.*

§§ 624.1 to 624.4, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 624.2 *Where person may volunteer.* (a) If a man has been registered and desires to volunteer for induction, he may so volunteer only through his own local board. If a man has not been registered and desires to volunteer for induction, he may register and then volunteer, but may do so only through the local board having jurisdiction of the area in which he resides.

(b) In case either such man is so far from the local board through which he may volunteer that it would be a hardship for him to appear in person at such local board in order to volunteer, he may present himself at a local board having jurisdiction of the area in which he is at the time located, and such local board shall assist him by correspondence or other means to volunteer through his own local board or the local board having jurisdiction of the area in which he resides, as the case may be, to the end that all uncompleted procedure with reference to such man's registration, classification, selection, and induction may be completed as soon as possible, including, when necessary, transfer for classification, reference for physical examination, transfer for delivery, or any of such steps which may be considered proper for the purpose.*

§ 624.3 *Registration of certain volunteers.* (a) If a person who is required to be registered but who has failed to do so volunteers for induction, he shall be registered as a late registrant and shall be given a serial number and order number in exactly the same manner as any other registrant. In all such cases, as well as in the case of a registrant who already has an order number, a "V" shall be placed on the Registration Card (Form 1) immediately following the or-

der number to indicate that such a registrant is a volunteer.

(b) If a person not required to be registered volunteers for induction, he shall be registered on a white Registration Card (Form 1), but shall not be given either a serial number or an order number. A "V" shall be placed on the Registration Card (Form 1) in the space provided for the order number to indicate that such person is a volunteer.

(c) In registering the volunteer, the local board will follow the procedure set forth in part 613, and, as in the case of any other registrant, the local board for the area in which the residence of the registrant (the place indicated on line 2 of the Registration Card (Form 1)) is located will have jurisdiction of such registrant.*

§ 624.4 *Classification of volunteers.* A volunteer shall not be inducted if after classification he is deferred. He shall be classified in exactly the same manner as any other registrant, except that no person who volunteers shall be classified in Class I–H.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9828; Filed, December 30, 1941; 10:58 a. m.]

PART 625—APPEARANCE BEFORE LOCAL BOARD

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 625 of the Second Edition of the Selective Service Regulations:

Paragraph 367 as amended becomes § 625.1.
Paragraph 368 as amended becomes § 625.1.
Paragraph 369 as amended becomes § 625.2.

PART 625—APPEARANCE BEFORE LOCAL BOARD

Sec.

625.1 Opportunity to appear in person.
625.2 Appearance before local board.

§ 625.1 *Opportunity to appear in person.* (a) Every registrant, after his classification is determined by the local board (except a classification which is itself determined upon an appearance before the local board under the provisions of this part), shall have an opportunity to appear in person before the member or members of the local board designated for the purpose if he files a written request therefor within 10 days after the local board has mailed a Notice of Classification (Form 57) to him. Such 10-day period may not be extended, except when the local board finds that the registrant was unable to file such request within such period because of circumstances over which he had no control.

(b) No person other than the registrant may request an opportunity to appear in person before the local board.

(c) If the written request of the registrant to appear in person is filed with the local board within the 10-day period or if it is filed after such 10-day period and the local board finds that the registrant was unable to file such request within such period because of circumstances over which he had no control, the local board shall enter upon the Classification Record (Form 100) the date on which the request was received and the date and time fixed for the registrant to appear and shall promptly mail to the registrant a notice of the time and place fixed for such appearance.

(d) If such a written request of a registrant for an opportunity to appear in person is received after the 10-day period following the mailing of a Notice of Classification (Form 57) to the registrant, the local board, unless it specifically finds that the registrant was unable to file such a request within such period because of circumstances over which he had no control, should advise the registrant, by letter, that the time in which he is permitted to file such a request has expired, and a copy of such letter should be placed in the registrant's file. Under such circumstances, no other record of the disposition of the registrant's request need be made.*

*§§ 625.1 to 625.2, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 625.2 *Appearance before local board.* (a) At the time and place fixed by the local board, the registrant may appear in person before the member or members of the local board designated for the purpose. The fact that he does appear shall be entered in the proper place on the Classification Record (Form 100). If the registrant does not speak English adequately, he may appear with a person to act as interpreter for him. No registrant may be represented before the local board by an attorney.

(b) At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. The registrant may present such further information as he believes will assist the local board in determining his proper classification. Such information shall be in writing or, if oral, shall be summarized in writing and, in either event, shall be placed in the registrant's file. The information furnished should be as concise as possible under the circumstances. The member or members of the local board before whom the registrant appears may impose such limitations upon the time which the registrant may have for his appearance as they deem necessary.

(c) After the registrant has appeared before the member or members of the local board designated for the purpose, the local board shall consider the new information which it receives and shall again classify the registrant in the same manner as if he had never before been classified: *Provided,* That if he has been physically examined by the examining physician, the Report of Physical Examination and Induction (Form 221) already in his file shall be used in case his physical or mental condition must be determined in order to complete his classification.

(d) After the registrant has appeared before the member or members of the local board designated for the purpose, the local board, as soon as practicable after it again classifies the registrant, shall mail notice thereof on the Notice of Classification (Form 57) to the persons entitled to receive such notice on an original classification under the provisions of § 623.53.

(e) Each such classification shall be followed by the same right of appeal as in the case of an original classification.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9829; Filed, December 30, 1941; 10:58 a. m.]

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

Effective January 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; by adding a new section; and by publishing such renumbered and amended paragraphs and the new section as the sections of Part 626 of the Second Edition of the Selective Service Regulations:

Paragraph 385 as amended becomes § 626.1.
Paragraph 386 as amended becomes § 626.2.
Paragraph 386 as amended becomes § 626.3.
Paragraph 387 as amended becomes § 626.11.
Paragraph 387 becomes § 626.13.
Paragraph 388 as amended becomes § 626.14.
New section § 626.12.

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

REOPENING REGISTRANT'S CLASSIFICATION

Sec.

626.1 Classification not permanent.
626.2 When registrant's classification may be reopened and considered anew.
626.3 Refusal to reopen and consider anew registrant's classification.

CLASSIFICATION ANEW

626.11 When classification reopened it shall be considered anew.
626.12 Notice of action when classification considered anew.
626.13 Right of appeal following reopening of classification.
626.14 Induction stayed when classification reopened.

REOPENING REGISTRANT'S CLASSIFICATION

§ 626.1 *Classification not permanent.* (a) No classification is permanent. At any time prior to the mailing by the local board of an Order to Report for Physical Examination by the Armed Forces (Form 150A) to a registrant, his classification may be reopened and considered anew in the manner hereinafter in this part provided. At any time after the local board has mailed an Order to Report for Physical Examination by the Armed Forces (Form 150A) to a registrant and before such registrant is inducted, his classification may be reopened and considered anew, provided that the local board finds that the registrant had no control over the circumstances which resulted in a change in his status.

(b) Each classified registrant shall, within 10 days after it occurs, and any other person should, within 10 days after knowledge thereof, report to the local board in writing any fact that might result in such registrant being placed in a different classification.

(c) The local board shall keep informed of the status of classified registrants. Registrants may be questioned or physically or mentally re-examined, employers may be required to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.*

*§§ 626.1 to 626.14, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 626.2 *When registrant's classification may be reopened and considered anew.* (a) The local board may reopen the classification of a registrant on its own motion when it receives information presenting facts not considered when the registrant was classified, provided that such facts, if true, would justify a change in such registrant's classification.

(b) The local board may reopen and consider anew a registrant's classification upon the written request of the registrant, any person who claims to be a dependent of the registrant, any interested party in the case involving occupational deferment, or the government appeal agent, provided that such request is accompanied by written information presenting facts not considered when the registrant was classified and that such facts, if true, would justify a change in such registrant's classification.

(c) The local board shall reopen and consider anew the classification of a registrant upon the written request of the State Director of Selective Service or the Director of Selective Service.

(d) On July 1 of each year the local board shall reopen the case of each registrant then classified in Class I-A, Class I-A-O, Class I-B, or Class I-B-O who has not been inducted and who on or before that day has attained the 28th anniversary of the day of his birth and shall change the classification of such registrants to Class I-H (or other deferred class if grounds are then established).

(e) On July 1 of each year the local board shall reopen the case of each registrant then classified in Class IV-E or Class IV-E-LS who has not been inducted and who on or before that day has attained the 28th anniversary of the day of his birth and shall change the classification of such registrants to Class IV-E-H (or other deferred class if grounds are then established).*

§ 626.3 *Refusal to reopen and consider anew registrant's classification.* When a registrant, any person who claims to be a dependent of a registrant, any interested party in a case involving occupational deferment, or the government appeal agent files with the local board a written request to reopen and consider anew the registrant's classification and the local board is of the opinion that the information accompanying such request fails to present any facts in addition to those considered when the registrant was classified or, even if new facts are presented, the local board is of the opinion that such facts, if true, would not justify a change in such registrant's classification, it shall not reopen the registrant's classification. In such a case, the local board, by letter, should advise the person filing the request that the information submitted does not warrant the reopening of the registrant's classification and should place a copy of the letter in the registrant's file. No other record of the receipt of such a request and the action taken thereon is required.*

CLASSIFICATION ANEW

§ 626.11 *When classification reopened, it shall be considered anew.* When the local board reopens the registrant's classification, it shall consider the new information which it has received and shall again classify the registrant in the same manner as if he had never before been classified, provided that if he has been physically examined, the examining physician's Report of Physical Examination and Induction (Form 221), already in his file, shall be used to determine whether he has any defect set forth in Part I or Part II of the List of Defects (Form 220) when such fact is necessary in order to complete his classification. Such classification shall be and have the effect of a new and original classification even though the registrant is again placed in the class that he was in before his classification was reopened.*

§ 626.12 *Notice of action when classification considered anew.* When the local board reopens the registrant's classification, it, as soon as practicable after it again classifies the registrant, shall mail notice thereof on a Notice of Classification (Form 57) to the persons entitled to receive notice of an original classification under the provisions of § 623.52.*

§ 626.13 *Right of appeal following reopening of classification.* Each such classification shall be followed by the same right of appearance before the local board and the same right of appeal as in the case of an original classification.*

§ 626.14 *Induction stayed when classification reopened.* No registrant shall be ordered to report for induction and no Order to Report for Induction (Form 150) shall be effective during the period when the local board is considering the registrant's classification anew, commencing with the day when such classification is reopened.*

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 41-9830; Filed, December 30, 1941; 10:59 a. m.]

PART 627—APPEAL TO BOARD OF APPEAL

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 627 of the Second Edition of the Selective Service Regulations:

Paragraph	370a	as amended	becomes	§ 627.2.
Paragraph	370b	as amended	becomes	§ 627.1
Paragraph	371a	as amended	becomes	§ 627.1.
Paragraph	371b and c	as amended	becomes	§ 627.2.
Paragraph	372a and b	as amended	becomes	§ 627.11.
Paragraph	372c	as amended	becomes	§ 627.12.
Paragraph	372d	as amended	becomes	§ 627.13.
Paragraph	373a	as amended	becomes	§ 627.21.
Paragraph	373b	as amended	becomes	§ 627.22.
Paragraph	373	as amended	becomes	§ 627.23.
Paragraph	374	as amended	becomes	§ 627.24.
Paragraph	374d	as amended	becomes	§ 627.27.
Paragraph	375	as amended	becomes	§ 627.25.
Paragraph	376	as amended	becomes	§ 627.26.
Paragraph	377a	as amended	becomes	§ 627.32.
Paragraph	377b	as amended	becomes	§ 627.31.
Paragraph	378	as amended	becomes	§ 627.41.

PART 627—APPEAL TO BOARD OF APPEAL

WHO MAY APPEAL

Sec.
627.1 Who may appeal any determination of a local board to a board of appeal at any time.
627.2 Who may appeal registrant's classification to board of appeal under certain circumstances.

PROCEDURE FOR TAKING APPEAL

627.11 How appeal to board of appeal is taken.
627.12 Statement of person appealing.
627.13 Local board to transmit record to board of appeal.

PROCEDURE FOLLOWED BY BOARD OF APPEAL

Sec.
627.21 Entry of appeal in Docket Book of Board of Appeal (Form 102).
627.22 Transfer of appeal.
627.23 Preliminary review.
627.24 Review by board of appeal.
627.25 Special provisions where appeal involves claim that registrant is a conscientious objector.
627.26 Decision of board of appeal.
627.27 Record of decision on appeal.

LOCAL BOARD ACTION ON RECEIVING DECISION OF BOARD OF APPEAL

627.31 Action of local board if board of appeal does not change classification.
627.32 Action of local board if board of appeal changes classification.

EFFECT OF APPEAL

627.41 Appeal stays induction.

WHO MAY APPEAL

§ 627.1 *Who may appeal any determination of a local board to a board of appeal at any time.* (a) Either the State Director of Selective Service or the Director of Selective Service may appeal from any determination of a local board.

(b) Either the State Director of Selective Service or the Director of Selective Service may take such an appeal at any time.*

*§§ 627.1 to 627.41, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 627.2 *Who may appeal registrant's classification to board of appeal under certain circumstances.* (a) The registrant, any person who claims to be a dependent of a registrant, any person who has filed written evidence of the occupational necessity of a registrant, or the government appeal agent may appeal to a board of appeal from any classification of the registrant by the local board except that no such person may appeal from the determination of the registrant's physical or mental condition by the examining physician, the examining station of the armed forces, or the local board.

(b) The government appeal agent may take any appeal authorized under (a) above at any time prior to the date when the local board mails to the registrant an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A).

(c) The registrant, any person who claims to be a dependent of the registrant, or any person who has filed written evidence of the occupational necessity of the registrant may take an appeal authorized under (a) above at any time within 10 days after the date when the local board mails to the registrant a Notice of Classification (Form 57). At any time prior to the date that the local board mails to the registrant an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A), the local board may permit any such person to appeal, even though such 10-day period has elapsed, if it is satisfied that the failure of such person to appeal within the 10-day period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board thereafter permits an appeal, the right of such persons to appeal shall expire at the end of the 10-day period. If such an extension of time to appeal is granted by the local board, a record thereof shall be entered on the Selective Service Questionnaire (Form 40) under the heading "Minutes of Other Actions."*

PROCEDURE FOR TAKING APPEAL

§ 627.11 *How appeal to board of appeal is taken.* (a) Any person entitled to do so may appeal in either of the following ways:

(1) By filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the registrant and the name and identity of the person appealing so as to show the right of appeal.

(2) By signing the "Appeal to Board of Appeal" on the Selective Service Questionnaire (Form 40).

(b) The local board shall enter on the Classification Record (Form 100) the date on which an appeal is filed.*

§ 627.12 *Statement of person appealing.* The person appealing may attach to his notice of appeal or to the Selective Service Questionnaire (Form 40) a statement specifying the respects in which he believes the local board erred, may direct attention to any information in the registrant's file which he believes the local board has failed to consider or give sufficient weight, and may set out in full any information which was offered to the local board and which the local board failed or refused to include in the registrant's file.*

§ 627.13 *Local board to transmit record to board of appeal.* (a) Within 10 days after an appeal has been taken to the board of appeal the local board shall transmit to the board of appeal the registrant's complete record, including any statement filed by the person appealing which is authorized by § 627.12.

(b) Before forwarding the registrant's file, the local board shall make sure that all information considered by the local board appears in the file. The local board shall make and place in the registrant's file a written summary of any facts considered by the local board in classifying the registrant which do not already appear in the written information in the file. In making such written summary the local board should refrain from expressing any opinion concerning the information contained in the registrant's file or placed in the summary and should refrain from including any argument in support of its decision.

(c) The local board shall enter in the Classification Record (Form 100) the date that the registrant's file is forwarded to the board of appeal.*

PROCEDURE FOLLOWED BY BOARD OF APPEAL

§ 627.21 *Entry of appeal in Docket Book of Board of Appeal (Form 102).* Upon receiving the record of a registrant, the board of appeal shall enter the registrant's name, order number, and the date the record is received in the Docket Book of Board of Appeal (Form 102) on the separate page provided for appeals from the registrant's local board.*

§ 627.22 *Transfer of appeal.* If a board of appeal has jurisdiction but for any reason cannot act on the case of a registrant, it shall forward the case to the State Director of Selective Service. If there is more than one board of appeal in the State, the State Director of Selective Service will designate one of the other boards of appeal to review the case. If the board of appeal which has forwarded the case to the State Director of Selective Service is the only board of appeal in the State, the Director of Selective Service, upon the request of the State Director of Selective Service, shall designate a board of appeal in a neighboring State to review the case. The State Director of Selective Service shall forward the case to the designated board of appeal and shall advise the local board from which the appeal is taken of that fact and of the reason why the case is not being reviewed by the board of appeal for the area in which such local board is located. The board of appeal so designated shall review the case in the same manner and make the same records as in the case of any appeal received by it in the regular manner except that all entries in records will be made in red ink. When it has rendered its decision, it shall return the case to the State Director of Selective Service from whom it was received.*

§ 627.23 *Preliminary review.* (a) The board of appeal shall make a preliminary review of the file to determine whether the case comes from a local board in its area or is a case that the State Director of Selective Service or the Director of Selective Service has instructed it to review and whether the record is complete and the information in the file sufficient to enable it to decide therefrom, fairly and intelligently, the classification of the registrant. If it finds that the case is improperly before it, the file shall be returned to the local board from which or the person from whom it was received. If it finds that the record is incomplete or believes that further information is advisable, it shall return the file to the local board of origin with instructions as to what action should be taken by the local board. If the board of appeal returns the record for any of the foregoing reasons, it shall enter the date of return in column 4 of the Docket Book of Board of Appeal (Form 102).

(b) If a local board receives a record from a board of appeal, pursuant to (a) above, it shall:

(1) If the board of appeal indicates that the record is incomplete, take whatever action is necessary to complete it.

(2) If the board of appeal instructs it to do so, endeavor to secure further evidence.

(3) Carry out any other proper directions of the board of appeal.

(c) The local board, as soon as it has carried out the directions of the board of appeal, shall return the record to the board of appeal, unless, as a result of the information received in carrying out such directions, it determines that the classification of the registrant should be changed, in which event it shall of its own motion follow the procedure provided in part 626, and any further appeal shall then be from the new classification of the registrant by the local board and shall be treated as a new appeal.

(d) If the local board makes a new classification and the record of the registrant is not returned to the board of appeal, the local board shall report the action taken by it to the board of appeal, and the board of appeal, upon receiving such report, shall note the local board's decision in the Docket Book of Board of Appeal (Form 102), mark the case "Closed," and indicate the reason therefor in the "Remarks" column.

(e) If the record is returned to the board of appeal, the board of appeal shall enter the date when such record is returned to it in column 5 of the Docket Book of Board of Appeal (Form 102) and proceed with the determination of the registrant's classification.*

§ 627.24 *Review by board of appeal.* (a) The Board of appeal shall consider appeals in the order in which they are received.

(b) In reviewing the appeal, no information shall be considered which is not contained in the record received from the local board and the decision of the board of appeal shall be based solely thereon.*

§ 627.25 *Special provisions where appeal involves claim that registrant is a conscientious objector.* (a) If an appeal involves the question of whether or not a registrant is entitled to be sustained in his claim that he is a conscientious objector, the board of appeal shall first determine whether the registrant should be classified in Class I–C, Class IV–F, Class IV–D, Class IV–C, Class IV–B, Class IV–A (not considered in time of war), Class III–A, Class II–B, Class II–A, or Class I–H, in the order listed, and if it so determines, it shall place such registrant in such class. If the board of appeal does not determine that such registrant belongs in one of such classes, it shall transmit the entire file to the United States district attorney for the judicial district in which the local board of the registrant is located for the purpose of securing an advisory recommendation of the Department of Justice. No registrant's file shall be forwarded to the United States district attorney by any board of appeal and any file so forwarded shall be returned, unless in the "Minutes of Other Actions" on the Selective Service Questionnaire (Form 40) the record shows and the letter of transmittal states that the board of appeal reviewed the file and determined that the registrant should not be classified in Class I–C, Class IV–F, Class IV–D, Class IV–C, Class IV–B, Class IV–A (not considered in time of war), Class III–A, Class II–B, Class II–A, or Class I–H.

(b) The Department of Justice shall thereupon make an inquiry and hold a hearing on the character and good faith of the conscientious objections of the registrant. The registrant shall be notified of the time and place of such hearing and shall have an opportunity to be heard. If the objections of the registrant are found to be sustained, the Department of Justice shall recommend to the board of appeal (1) that if the registrant is inducted into the land or naval forces, he shall be assigned to noncombatant service, or (2) that if the registrant is found to be conscientiously opposed to participation in such noncombatant service, he shall be assigned to work of national importance under civilian direction. If the Department of Justice finds that the objections of the registrant are not sustained, it shall recommend to the board of appeal that such objections be not sustained.

(c) Upon receipt of the report of the Department of Justice, the board of appeal shall determine the classification of the registrant, and in its determination it shall give consideration to, but it shall not be bound to follow, the recommendation of the Department of Justice.*

§ 627.26 *Decision of board of appeal.* (a) The board of appeal shall classify the registrant, giving consideration to each class in the order in which the local board gives consideration thereto when it classifies a registrant. (*See* part 623.)

(b) Such classification of the registrant shall be final, except where an appeal to the President is taken, *Provided, however,* That this shall not be construed as prohibiting a local board from changing the classification of a registrant in a proper case under the provisions of part 626.*

§ 627.27 *Record of decision on appeal.* When the board of appeal makes its classification it shall record its decision, showing the yes and no vote, upon the Selective Service Questionnaire (Form 40) and in the Docket Book of Board of Appeal (Form 102) and shall immediately return the record to the local board and mark the case "Closed" in the "Remarks" column of the Docket Book of Board of Appeal (Form 102).*

LOCAL BOARD ACTION ON RECEIVING DECISION OF BOARD OF APPEAL

§ 627.31 *Action of local board if board of appeal does not change classification.* If the board of appeal affirms the local board's classification, the local board, upon receiving the file from the board of appeal, shall proceed as follows:

(a) Mail a Notice of Continuance of Classification (Form 58) to the registrant, the government appeal agent, and to the person who made the appeal, if other than the registrant or government appeal agent.

(b) If one or more members of the board of appeal dissented from the determination of that board, the local board shall indicate on the Notice of Continuance of Classification (Form 58) the numerical division of the board of appeal.*

§ 627.32 *Action of local board if board of appeal changes classification.* If the board of appeal does not affirm the local board's classification, the local board, upon receiving the file from the board of appeal, shall proceed as follows:

(a) Mail a Notice of Classification (Form 57) to the registrant, the government appeal agent, and to the person who made the appeal, if other than the registrant or the government appeal agent.

(b) Enter on the Classification Record (Form 100) the date of mailing the notice.

(c) Enter on the Classification Record (Form 100) the board of appeal classification and, with red ink, draw a line through the local board classification.*

EFFECT OF APPEAL

§ 627.41 *Appeal stays induction.* The local board shall not issue an order for a registrant to report for induction either during the period afforded him to take an appeal to the board of appeal or during the time such an appeal is pending. Any such order to report for induction which has been issued shall be ineffective and shall be canceled by the local board.*

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41–9831; Filed, December 30, 1941; 10:59 a. m.]

PART 628—APPEAL TO THE PRESIDENT

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; by adding a new section; and by publishing such renumbered and amended paragraphs and the new section as the sections of Part 628 of the Second Edition of the Selective Service Regulations:

Paragraph 379a as amended becomes § 628.1.
Paragraph 379b as amended becomes § 628.2.
Paragraph 379c as amended becomes § 628.3.
Paragraph 380 as amended becomes § 628.4.
Paragraph 381 as amended becomes § 628.5.
Paragraph 381 as amended becomes § 628.6.
New Section § 628.7.

PART 628—APPEAL TO THE PRESIDENT

Sec.
628.1 Who may appeal to the President from any determination of a board of appeal.
628.2 Who may appeal to the President on grounds of dependency only.
628.3 How appeal to the President is taken.
628.4 Procedure on appeal to the President.
628.5 File to be returned after appeal to the President is decided.
628.6 Procedure of local board when appeal to the President is returned.
628.7 Appeal to the President stays induction.

§ 628.1 *Who may appeal to the President from any determination of a board of appeal.* When either the State Director of Selective Service or the Director of Selective Service deems it to be in the national interest or necessary to avoid an injustice, he may appeal to the President from any determination of a board of appeal. He may take such an appeal at any time.*

*§§ 628.1 to 628.7, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 628.2 *Who may appeal to the President on grounds of dependency only.* (a) The registrant, any person who claims to be a dependent of the registrant, or the government appeal agent, at any time within 10 days after the mailing by the local board of the Notice of Classification (Form 57) or the Notice of Continuance of Classification (Form 58), may appeal, on the grounds of dependency only, to the President from the board of appeal classification of a registrant in either Class I–A, Class I–A–O, Class I–B, Class I–B–O, Class IV–E, or Class IV–E–LS, provided either (1) one or more members of the board of appeal dissented from the determination of that board or (2) the government appeal agent executes a certificate in writing, as follows:

Great and unusual hardship will follow the induction of ---------- I therefore recommend that he be placed in Class III–A.
(Name of registrant)

The Government appeal agent shall not make any other statement or attach any other information to such certificate. An appeal to the President may not be taken from any other classification of the registrant or on any other grounds by any of the persons mentioned in this section.

(b) The local board may permit any person who is entitled to appeal under this section to do so, even though the 10-day period herein provided for appeal has elapsed, if it is satisfied that the failure of such person to appeal within the 10-day period was due to a lack of understanding of the right of appeal or to some cause beyond the control of such person. Unless the local board permits such an appeal, the right of such persons to appeal shall terminate at the end of the 10-day period herein provided.*

§ 628.3 *How appeal to the President is taken.* The appeal shall be taken (1) by mailing or delivering to the local board written notice of appeal or (2) by going to the local board and signing the appeal to the President on the Selective Service Questionnaire (Form 40) and, in either case, attaching thereto the certificate and recommendation of the government appeal agent, when necessary. If the appeal is taken by filing a written notice of appeal, such notice need not be in any particular form but should include the name of the registrant, his serial and order numbers, the identity of the person appealing (sufficiently definite to show the right of appeal), and the fact that such person wishes the President to review the determination of the board of appeal.*

§ 628.4 *Procedure on appeal to the President.* (a) When an appeal to the President is taken, the local board shall (1) notify the registrant that such an appeal has been taken, unless he is the person who took the appeal; (2) forward the entire file to the State Director of Selective Service; and (3) enter on the Classification Record (Form 100) the date the file is forwarded. The local board shall not place in the file any statement or expression of opinion concerning the information in the registrant's file or the reasons for its decision.

(b) The State Director of Selective Service shall check the file to be sure that all procedural requirements have been properly complied with, and if he discovers any procedural defects, he shall return the file for its correction. If any information has been placed in the file which was not considered by the local board in making the classification from which the appeal to the President is taken, the State Director of Selective Service shall review such information, and if he is of the opinion that such information, if true, would justify a different classification of the registrant, he shall return the file to the local board with instructions to reopen the registrant's classification and classify the registrant anew.

(c) When the State Director of Selective Service has complied with the provisions of (b) above, he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service. The State Director of Selective Service, unless he himself is the appealing party, shall not place in the file any statement or expression of opinion concerning the information in the registrant's file.*

§ 628.5 *File to be returned after appeal to the President is decided.* When the appeal to the President has been decided, the file shall be returned to the local board through the appropriate State Director of Selective Service.*

§ 628.6 *Procedure of local board when appeal to the President is returned.* When the file of the registrant is received by the local board, it shall: (1) If the classification of the registrant by the board of appeal has been affirmed, mail a Notice of Continuance of Classification (Form 58) to the registrant and to the person making the appeal; (2) if the classification of the registrant by the board of appeal has been changed and the registrant has been placed in a different class, mail a Notice of Classification (Form 57) to the registrant and to the person making the appeal; (3) enter in the Classification Record (Form 100) the date of the mailing of such notices; and (4) if the classification of the registrant by the board of appeal has been changed, enter the new classification in the Classification Record (Form 100), and, with red ink, draw a line through the board of appeal classification.*

§ 628.7 *Appeal to the President stays induction.* The local board shall not issue an order for a registrant to report for induction either during the period afforded the registrant to take an appeal to the President or during the time such an appeal is pending. Any such order to report for induction which has been issued shall be ineffective and shall be canceled by the local board.*

LEWIS B. HERSHEY,
Director.

DECEMBER 22, 1941.

[F. R. Doc. 41–9832; Filed, December 30, 1941; 10:59 a. m.]

PART 631—QUOTAS AND CREDITS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 631 of the Second Edition of the Selective Service Regulations:

Paragraph 401 as amended becomes § 631.1.
Paragraph 402 as amended becomes § 631.3.
Paragraph 402 as amended becomes § 631.4.
Paragraph 403 as amended becomes § 631.5.
Paragraph 404 as amended becomes § 631.2.
Paragraph 409 as amended becomes § 631.6.
Paragraph 410 as amended becomes § 631.7.
Paragraph 411 as amended becomes § 631.8.
Paragraph 412 as amended becomes § 631.9.

PART 631—QUOTAS AND CREDITS

Sec.
631.1 Quota basis.
631.2 Credit.
631.3 Quota percentage.
631.4 Gross quota.
631.5 Net quota.
631.6 Director of Selective Service to determine quotas and credits for nation and States.
631.7 State Director of Selective Service to determine quotas and credits of local boards.
631.8 Estimating quota bases and quotas.
631.9 Correcting classification and delinquency of registrants failing to report entry into armed forces.

§ 631.1 *Quota basis.* (a) The national quota basis is the total number of registrants liable for training and service, not inducted, who, upon proper classification, are now classified in or will hereafter be classified in Class I–A and Class I–A–O, plus the total of the credits for all States.

(b) The State quota basis is the total number of registrants liable for training and service, not inducted, who, upon

proper classification, are now classified in or will hereafter be classified in Class I–A and Class I–A–O in all of the local boards of the State, plus the credit for the State.

(c) The local board quota basis is the total number of registrants of the local board liable for training and service, not inducted, who, upon proper classification are now classified in or will hereafter be classified in Class I–A and Class I–A–O, plus the credit for the local board.

(d) When specifically prescribed by the Director of Selective Service, the national, State, or local board quota basis may include the registrants classified in any of the other classes.*

* §§ 631.1 to 631.9, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 631.2 *Credit.* The credit for any subdivision is:

(a) The total number of registrants of the subdivision who have been classified in Class I–C by reason of their induction into the land or naval forces through the Selective Service System, plus

(b) The total number of registrants and nonregistrants from the subdivision known by the Director of Selective Service to have been members of the land or naval forces on November 30, 1940, or to have thereafter become members of such forces other than by induction through the Selective Service System, less

(c) The total number of such men who, after becoming members of the land or naval forces, have been or are hereafter separated therefrom by resignation or dismissal at any time; by discharge dated prior to December 8, 1941, for any cause; or by discharge dated on or after December 8, 1941, for any cause other than physical disability.*

§ 631.3 *Quota percentage.* (a) The State quota percentage is the ratio of the State quota basis to the national quota basis, expressd in percentage.

(b) The local board quota percentage is the ratio of the local board quota basis to the State quota basis, expressed in percentage.*

§ 631.4 *Gross quota.* (a) The national gross quota on a given date is the total of the strength set by proper authority to be attained by the land and naval forces.

(b) The State gross quota is the national gross quota multiplied by the State quota percentage.

(c) The local board gross quota is the State gross quota multiplied by the local board quota percentage.*

§ 631.5 *Net quota.* The net quota for any subdivision is the difference between the gross quota of that subdivision and the credit given to that subdivision.*

§ 631.6 *Director of Selective Service to determine quotas and credits for nation and States.* (a) The Director of Selective Service shall determine the quotas and credits for the nation and for each State. He shall from time to time call upon each State Director of Selective Service for a report on registration, classification, and induction and for such other information as he may require. It shall be the duty of each State Director of Selective Service to currently keep in State Headquarters for Selective Service cumulative records of information relative to registration, classification, and induction of registrants in his State.

(b) The Director of Selective Service will receive from the War or Navy Department or the Marine Corps a Home Address Report (Form 166) for each man who is or becomes a member of the land or naval forces other than by induction through the Selective Service System.

(c) When a member of the land or naval forces is discharged from such forces, the Director of Selective Service will receive from the War or Navy Department or the Marine Corps a Report of Separation (Form 167).

(d) After crediting the proper States, the Director of Selective Service shall forward all Home Address Reports (Form 166) and Reports of Separation (Form 167) to the appropriate State Director of Selective Service.

(e) The Director of Selective Service shall from time to time notify each State Director of Selective Service of the quotas and credits of his State and of the number of men to be furnished by his State to the land or naval forces.*

§ 631.7 *State Director of Selective Service to determine quotas and credits for local boards.* (a) The State Director of Selective Service shall determine the quotas and credits for each local board area in his State. He shall from time to time call upon each local board for information concerning registration, classification, and induction of its registrants. He will receive from each induction station a list of the men inducted on Delivery List (Form 151).

(b) Upon receiving the Home Address Reports (Form 166) and Reports of Separation (Form 167), the State Director of Selective Service shall credit the proper local boards. He may either forward the reports to the boards, or, if he prefers to retain them in State Headquarters for Selective Service, he shall inform the local boards of the names and addresses of the men shown thereon.

(c) The State Director of Selective Service shall from time to time notify each local board of its net quota.*

§ 631.8 *Estimating quota bases and quotas.* Until the actual numbers necessary for determining quota bases, quotas, and credits are known, the quota bases, quotas, and credits may be estimated.*

§ 631.9 *Correcting classification and delinquency of registrants failing to report entry into armed forces.* (a) Upon receiving Home Address Reports (Form 166) and Reports of Separation (Form 167) from the State Director of Selective Service or the information from the State Director of Selective Service based thereon, should he elect to retain the reports themselves in State Headquarters for Selective Service, the local board shall check such reports or information against its records to determine whether any registrant has entered the land or naval forces without reporting that fact to the local board. Any registrant who has entered the land or naval forces shall be classified in Class I–C. If he was suspected of being a delinquent only because he failed to report to the local board that he had entered the land or naval forces, the local board shall remove any charge of delinquency made against the registrant and shall make the report required by § 642.6 of these regulations.

(b) The local board shall make an entry in its Classification Record (Form 100) only for those men who have Registration Cards (Form 1) on file with the board.*

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41-9833; Filed, December 30, 1941; 10:59 a. m.]

PART 632—INDUCTION CALLS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such renumbered and amended paragraphs as the sections of Part 632 of the Second Edition of the Selective Service Regulations:

Paragraph 414 as amended becomes § 632.1.
Paragraph 415 as amended becomes § 632.2.
Paragraph 416 as amended becomes § 632.3.

PART 632—INDUCTION CALLS

Sec.
632.1 Induction calls by the Director of Selective Service.
632.2 Induction calls by the State Director of Selective Service.
632.3 Selection of men to fill induction call.

§ 632.1 *Induction calls by the Director of Selective Service.* When the Director of Selective Service receives from the Secretary of War or the Secretary of the Navy a requisition for a number of specified men to be inducted, he shall distribute the number of specified men requisitioned among the States to be called upon to furnish such men to fill such requisition. He shall then issue a call on a Notice of Call on State (Form 12) to the State Director of Selective Service of each State concerned, sending two copies thereof to the Secretary who issued the requisition. The State Director of Selective Service, upon receiving such call, shall confer with the Corps Area Commander (or representative of the Navy or Marine Corps) for the purpose of determining the number of specified men to be delivered, in order to actually induct a net of the number of the specified men in such call, and arranging the details as to the times when and the places where such men will be delivered.*

*§§ 632.1 to 632.3, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 632.2 *Induction calls by the State Director of Selective Service.* (a) After conference with the Corps Area Commander (or representative of the Navy or Marine Corps), the State Director of Selective Service shall issue calls to local boards to meet the number agreed upon as necessary in order to fill the State call. The calls to local boards shall be issued on the Notice of Call (Form 10), filled out in quadruplicate. The State Director of Selective Service shall send the original of each Notice of Call (Form 10) to the local board concerned for its permanent file, a copy to the Corps Area Commander (or to the representative of the Navy or Marine Corps), a copy to the commanding officer of the induction station concerned, and shall file the remaining copy. Calls shall be numbered consecutively, without regard to the service for which the call is made. The calls shall be issued in sufficient time to permit the local boards to mail the Order to Report for Induction (Form 150) to the selected registrants within the time specified in § 633.1.

(b) No call on a local board shall be for more than the board's current net quota.

(c) No call shall be made for men with special qualifications.*

§ 632.3 *Selection of men to fill induction call.* When a call is received by a local board, the board shall immediately proceed to select a sufficient number of specified men to fill the call. The men specified in the call shall be selected in sequence of their order numbers, beginning with the smallest order number: *Provided*, That all specified men who have volunteered for induction shall be selected to fill the call before any specified man who has not volunteered shall be so selected: *Provided, further*, That a man who was not accepted by the armed forces because he was found to have one or more disqualifying defects when he was physically examined by the armed forces shall not be selected to fill a call unless he has refused to have such defect or defects remedied and the Director of Selective Service has secured a waiver of such defect or defects from the armed forces and has specifically directed that such man be selected.*

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41-9834; Filed, December 30, 1941; 11:01 a. m.]

PART 633—DELIVERY AND INDUCTION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 633 of the Second Edition of the Selective Service Regulations:

Paragraph 417 as amended becomes § 633.2.
Paragraph 418 as amended becomes § 633.1.
Paragraph 421 as amended becomes § 633.2.
Paragraph 422 as amended becomes § 633.3.
Paragraph 423 as amended becomes § 633.4.
Paragraph 424 as amended becomes § 633.5.
Paragraph 425 as amended becomes § 633.11.
Paragraph 426 as amended becomes § 633.6.
Paragraph 427 as amended becomes § 633.7.
Paragraph 428 as amended becomes § 633.8.
Paragraph 429 as amended becomes § 633.9.
Paragraph 430 as amended becomes § 633.12.
Paragraph 433 as amended becomes § 633.10.
Paragraph 434 as amended becomes § 633.13.
Paragraph 435 as amended becomes § 633.14.

PART 633—DELIVERY AND INDUCTION

Sec.
633.1 Order to Report for Induction (Form 150).
633.2 Appointment of leader and assistant leader.
633.3 Delivery List (Form 151).
633.4 Transportation request and meal or lodging request.
633.5 Records sent to induction station.
633.6 Procedure before delivery.
633.7 Telegraphic report to commanding officer of induction station.
633.8 Reception of selected men at the induction station and return of rejected men.
633.9 Induction.
633.10 Records returned by induction station commander.
633.11 Transferring men for delivery.
633.12 No replacements for men not inducted.
633.13 Classification after man is inducted or is found not acceptable.
633.14 Classification after separation from land or naval forces.

§ 633.1 *Order to Report for Induction (Form 150).* (a) Immediately upon determining which men are to report for induction, the local board shall prepare for each man an Order to Report for Induction (Form 150), in triplicate. The local board shall mail the original to the registrant and shall file the two copies in his Cover Sheet (Form 53).

(b) The time specified for reporting shall be at least 10 days after the date the order is mailed; provided, however, in case of death or extreme emergency to a person in the registrant's immediate family, serious illness of registrant, or other extreme emergency beyond the registrant's control, the local board may, after the Order to Report for Induction (Form 150) has been issued, postpone the time when such registrant shall so report for a period not to exceed 60 days from the date of such postponement; subject, however, in cases of imperative necessity, to one further postponement for a period not to exceed 60 days; and provided also that the Director of Selective Service or any State Director of Selective Service (as to registrants within his State) may for good cause at any time prior to the issuance of an Order to Report for Induction (Form 150) order a local board to delay the issuance of such order until such time as he may deem advisable, or the Director of Selective Service or any State Director of Selective Service (as to registrants within his State) may for good cause at any time after the issuance of an Order to Report for Induction (Form 150) order a local board to postpone the induction of a registrant until such time as he may deem advisable, and no registrant shall be inducted into the land or naval forces during the period of any of such delays or postponements.

(c) The date of issuance and the date of expiration of any period of delay or postponement authorized in (b) above shall be noted in the "Remarks" column of the Classification Record (Form 100).

(d) Any period of delay or postponement may be terminated before the date of expiration when the issuing authority so directs.*

*§§ 633.1 to 633.14, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 633.2 *Appointment of leader and assistant leader.* (a) After selecting the registrants who are to fill the call, the local board shall designate one selected man to be the leader of the group and one or more to be assistant leaders. Because the leader and assistant leaders have grave responsibilities, the board should, in selecting them, consider each man's age, experience, character, and personality.

(b) Before the time set for selected men to report for delivery to the induction station, the local board should prepare an Appointment of Leader or Assistant Leader (Form 158) for each leader and assistant leader.

(c) Leaders and assistant leaders shall have such authority as is necessary to deliver the group to the induction station.*

§ 633.3 *Delivery list (Form 151).* (a) Before the time set for selected men to report for delivery to the induction station, the local board shall prepare a Delivery List (Form 151), in triplicate. The local board shall make no entries in column 4 of this form.

(b) If a man fails to report as ordered, his absence shall be noted in column 3 on the Delivery List (Form 151) before it is turned over to the leader.

(c) If a man ordered to report for induction has been transferred to another local board for delivery, his name shall nevertheless be carried on the Delivery List (Form 151) in the same manner as though he were being delivered, but a notation shall be made in column 3 opposite his name stating that he was transferred to another local board for delivery and identifying the local board to which such man was transferred for delivery.

(d) If a man ordered to report for induction has been transferred from another local board for delivery, his name shall appear on the Delivery List (Form 151), but a notation shall be made in column 3 opposite his name stating that he was transferred from another local board for delivery and identifying the local board from which such man was transferred for delivery.*

§ 633.4 *Transportation request and meal or lodging requests.* (a) Before the time set for selected men to report for delivery to the induction station, the local board, unless otherwise directed, shall prepare Government Requests for Transportation (Standard Form 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256).

(b) As a convenience to the leader, the local board may exchange the prepared transportation request for transportation tickets.*

§ 633.5 *Records sent to induction station.* (a) The following records shall be turned over to the leader for delivery to the commanding officer of the induction station:

(1) For the group:

Three copies of the Delivery List (Form 151).

(2) For each selected man:

The original and two copies of the Report of Physical Examination and Induction (Form 221); and

The original and one copy of the Order to Report for Induction (Form 150), or, in the case of a man transferred for delivery, the original and one copy of the Order for Transferred Man to Report for Induction (Form 156).

(3) For each selected man under the age liable for training and service:

Written consent of his parents (or guardian), dated not more than 30 days before induction, or the statement prescribed in § 624.1.

(b) If any registrant fails to bring his original Order to Report for Induction (Form 150), the local board may send the two copies in lieu of the original and a copy.*

§ 633.6 *Procedure before delivery.* (a) At the time and place designated for the selected men to report for delivery, the local board shall:

(1) Call the roll of selected men.

(2) Read and issue the appointment of the leader and assistant leaders.

(3) Turn over to the leader the transportation request or tickets, the meal and lodging requests, and the records for the induction station.

(4) Notify the leader of arrangements that have been made at the induction station for the reception of the selected men.

(5) Specifically order the selected men to obey the leader and assistant leaders.

(6) Specifically order the selected men to report to the induction station.

(b) The procedure directed in (a) above should be conducted with brief and dignified ceremony. It may be varied to include speeches by representative citizens, the presence of uniformed organizations, the playing of band music, and parades. All members of the local board and the government appeal agent should be present.*

§ 633.7 *Telegraphic report to commanding officer of induction station.* If upon the departure of men for the induction station it is found that the delivery does not conform to the information supplied on the Notice of Call (Form 10) as to the number of men actually being delivered, the means of transportation, the time or place of arrival, or in any other material respect, the local board shall telegraph or, if less expensive, telephone the commanding officer of the induction station, advising him of any change which have occurred.*

§ 633.8 *Reception of selected men at the induction station and return of rejected men.* In the manner and to the extent prescribed by regulations of the land or naval forces, the commanding officer of the induction station is required to have the selected men met at the railroad station or bus terminal, transported to the induction station, and provided with food and lodging after their arrival and pending their induction or rejection. In the manner and to the extent prescribed by the regulations of the land or naval forces, the commanding officer of the induction station is required to provide transportation and subsistence for the return of the selected men who have been rejected.*

§ 633.9 *Induction.* At the induction station, the selected men found acceptable will be inducted into the land or naval forces.*

§ 633.10 *Records returned by induction station commander.* (a) The State Director of Selective Service of each State from which selected men are delivered to an induction station will receive from the induction station commander a copy of each Delivery List (Form 151).

(b) Each local board delivering selected men to an induction station will receive from the induction station commander the following records:

(1) The original of each Order to Report for Induction (Form 150) or, in the case of a man transferred for delivery, the original of each Order for Transferred Man to Report for Induction (Form 156).

(2) The original Delivery List (Form 151).

(3) One copy of the Report of Physical Examination and Induction (Form 221).

(4) As to each man found not acceptable to the land or naval forces, in addition to the foregoing, the original of the Report of Physical Examination and Induction (Form 221).

(c) The local board, upon receipt of the Report of Physical Examination and Induction (Form 221) from the induction thereon in Series VI to the copy thereof held in its files and shall then forward one copy of the Report of Physical Examination and Induction (Form 221) to the State Director of Selective Service. The remaining copy of the Report of Physical Examination and Induction (Form 221) and in the case of a rejected man, the original thereof, shall be retained in the registrant's Cover Sheet (Form 53).*

§ 633.11 *Transferring men for delivery.* (a) If any man has been ordered to report for induction and is so far from his own local board that reporting to his own local board for delivery would be a hardship, he may be transferred for delivery to the local board having jurisdiction of the area in which he is at the time located.

(b) Any such man desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at the time located, present his Order to Report for Induction (Form 150), and make a request in writing that he be transferred for delivery, stating the full circumstances of his absence from his own local board area. This request shall be made on a Request for Transfer for Delivery (Form 154), in triplicate, and left with the local board to which such man requests to be transferred for delivery.

(c) The local board to which such man makes his request shall investigate the circumstances of his absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon all copies of the request; mail the original to the man's own local board; mail a copy to the man who has requested transfer; and file the remaining copy. Such man will then be required to report for delivery in accordance with the Order to Report for Induction (Form 150) received from his own local board.

(d) If the local board to which such man makes his request for transfer finds that he has a good reason for his absence from his own local board area, it shall endorse its approval upon all copies of the request; mail the original, via air mail (unless ordinary mail is as expeditious), to the man's own local board; mail a copy to the man who has requested the transfer; and file the remaining copy.

(e) Immediately upon receipt of the approved request, the man's own local board shall transfer him. It shall prepare a Transfer of Registrant for Delivery (Form 155), in duplicate, filing the copy and mailing the original to the local board to which the man is being transferred, together with the following papers:

(1) Copy of Order to Report for Induction (Form 150).

(2) The original and two copies of the Report of Physical Examination and Induction (Form 221).

(3) In the event only that the man is a volunteer under the age liable to service, there shall be forwarded also the written consent of his parents (or guardian), dated not more than 30 days before induction, or the statement prescribed in § 624.1.

(f) The local board to which such man is transferred for delivery shall proceed to deliver him for induction as soon as practicable. If possible, the transferred man shall be delivered with the next call on the local board to which he has been transferred, but if there is to be no such call at an early date or the local board has no unfilled quota, it shall deliver such transferred man specially whenever the induction station is receiving men. The local board to which such man has been transferred for delivery shall prepare the Order for Transferred Man to Report for Induction (Form 156), in triplicate, and mail the original to the transferred man; provided the time specified therein to report shall be at least 10 days from the date of the mailing of the transferred man's original Order to Report for Induction (Form 150). The local board to which the man is transferred for delivery shall retain in its files the copy of the Order to Report for Induction (Form 150) received from the transferred man's own local board and shall send to the induction station for such transferred man the original and one copy of the Order for Transferred Man to Report for Induction (Form 156) in place of the Order to Report for Induction (Form 150).

(g) The transferred man's own local board will list the transferred man on its Delivery List (Form 151), even though he has been transferred to another local board for delivery; shall make notation on the Delivery List (Form 151) as prescribed in § 633.3 (c); and shall not replace such transferred man. The local board to which the man is transferred for delivery shall deliver him as prescribed in § 633.6, shall include such transferred man on its Delivery List (Form 151), shall make notation on the Delivery List (Form 151) as prescribed in § 633.3 (d), and shall not substitute the transferred man for one of its selected men but shall deliver the transferred man in addition to any deliveries it otherwise would make to fill its own call.

(h) When all of the papers pertaining to such transferred man are returned by the induction station, the local board to which such man was transferred for delivery shall forward all such papers, with the exception of the Delivery List (Form 151), to the transferred man's own local board. In the event he was inducted, the transferred man's own local board, upon receipt of all papers pertaining to him, shall forward to its State Headquarters for Selective Service the copy of the Order for Transferred Man to Report for Induction (Form 156) as substantiating evidence of the credit claimed for such transferred man. After examining such substantiating evidence, the State Headquarters for Selective Service shall return the Order for Transferred Man to Report for Induction (Form 156) to the transferred man's own local board for its files.

(i) The transferred man, if inducted, shall not be credited to the local board to which he was transferred for delivery but shall be credited to his own local board.*

§ 633.12 *No replacements for men not inducted.* (a) A local board shall select from its own registrants and order to report for induction the number of men demanded by the call. If any such men fail to report for delivery, fail to report at the induction station, are transferred to other local boards for delivery, are rejected at the induction station, or for any other reason are not inducted, the local board shall not furnish replacements for such man.

(b) When any man ordered to report for induction has failed to report for delivery or has failed to report at the induction station but later reports for delivery and the local board finds that he was innocent of wrongful intent in having failed to report as directed, such man shall be delivered to the induction station at the earliest time possible and without any extension of time; provided that if such man has been reported as a delinquent in the manner prescribed by these regulations, he shall not be delivered for induction unless the local board first obtains permission from the United States district attorney to whom he was reported.*

§ 633.13 *Classification after man is inducted or is found not acceptable.* (a) Upon receiving notice from the induction station that a selected man has been inducted, he shall be placed in Class I–C.

(b) Upon receiving notice from the induction station that a selected man has been found not acceptable because of a physical defect the local board shall reopen his classification and classify him in Class I–B, Class I–B–O or Class IV–F, as the case may require: *Provided, however,* Where the local board, after consultation with the examining physician or the examining dentist, believes that his physical defect is remediable, it shall classify the registrant by following the procedure set out in § 629.11 for the classification of registrants having remediable defects.

(c) Upon receiving notice from the induction station that a selected man has been found not acceptable because morally unqualified, the local board shall reopen his classification and classify him in Class IV–F.*

§ 633.14 *Clasification after separation from land or naval forces.* (a) Upon receiving a report that a registered man has been separated from the land or naval forces (1) by resignation, dismissal, or discharge prior to December 8, 1941, or (2) by discharge on or after December 8, 1941, for a cause other than physical disability, the local board shall reopen his classification and classify him anew.

(b) Upon receiving a report that a registrant has been separated from the land or naval forces (1) by discharge on or after December 8, 1941, based on physical disability or (2) by death at any time, the local board shall not change his classification, but shall note the facts in the Classification Record (Form 100), on the registrant's Cover Sheet (Form 53), and on his Registration Card (Form 1).*

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 41–9835; Filed, December 30, 1941; 11:01 a. m.]

PART 641—NOTICE

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such renumbered and amended paragraphs as the sections of Part 641 of the Second Edition of the Selective Service Regulations:

Paragraph 155 as amended becomes § 641.1.
Paragraph 156 as amended becomes § 641.5.
Paragraph 157 as amended becomes § 641.4.
Paragraph 158 becomes § 641.3.
Paragraph 159 as amended becomes § 641.2.
Paragraph 160 becomes § 641.6.

PART 641—NOTICE

Sec.
641.1 Notice of requirements of selective service law.
641.2 Failure to take notice.
641.3 Communication by mail.
641.4 Notice of mailing of Questionnaires.
641.5 Classification Record (Form 100).
641.6 Computation of time.

§ 641.1 *Notice of requirements of selective service law.* Every person shall be deemed to have notice of the requirements of the Selective Training and Service Act of 1940 and amendments thereto upon publication by the President of a proclamation or proclamations or other public notice fixing a time for any registration. This provision shall apply not only to registrants but to all other persons.*

* §§ 641.1 to 641.6, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 641.2 *Failure to take notice.* (a) If a registrant or a person required to present himself for and submit to registration fails to perform any duty prescribed by the selective service law, or directions given pursuant thereto, within the required time, he shall be liable to fine and imprisonment under section 11 of the Selective Training and Service Act of 1940, as amended.

(b) If a registrant or any other person concerned fails to claim and exercise any right or privilege within the required time, he shall be deemed to have waived the right or privilege.*

§ 641.3 *Communication by mail.* It shall be the duty of each registrant to keep his local board advised at all times of the address where mail will reach him.

The mailing of any order, notice, or blank form by the local board to a registrant at the address last reported by him to the local board shall constitute notice to him of the contents of the communication, whether he actually receives it or not.*

§ 641.4 *Notice of mailing of questionnaires.* The Important Notice to Registrants (Form 55) announces that Selective Service Questionnaires (Form 40) have been mailed to certain registrants. It shall be publicly posted at the local board office and shall constitute notice to all persons concerned that classification of such registrants is about to begin.*

§ 641.5 *Classification Record (Form 100).* The Classification Record (Form 100) shall be open to the public at the local board office. It shall be the duty of each registrant to keep himself informed of his status, and any entry concerning him on the Classification Record (Form 100) shall constitute due legal notice thereof to him and to all other interested persons.*

§ 641.6 *Computation of time.* The period of days allowed a registrant or other person to perform any act or duty required of him shall be counted as beginning on the day following that on which the notice to him is posted or mailed.*

LEWIS B. HERSHEY,
Director.

DECEMBER 19, 1941.

[F. R. Doc. 41-9836; Filed, December 30, 1941; 11:01 a. m.]

PART 643—PAROLE

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding three new sections; and by publishing such rearranged, renumbered, and amended paragraphs, and such new sections as the sections of Part 643 of the Second Edition of the Selective Service Regulations:

Paragraph 176*a* as amended becomes § 643.1.
Paragraph 176*b* as amended becomes § 643.2.
Paragraph 176*c* as amended becomes § 643.3.
Paragraph 176*d* as amended becomes § 643.6.
Paragraph 176*e* as amended becomes § 643.7.
Paragraph 176*f* becomes § 643.8.
Paragraph 176*g* becomes § 643.9.
Paragraph 176*h* as amended becomes § 643.11.
Paragraph 176*i* becomes § 643.12.
New Section § 643.10.
New Section § 643.4.
New Section § 643.5.

PART 643—PAROLE

Sec.
643.1 Parole: General.
643.2 Parole of person required to register.
643.3 Parole of person who is not required to register.
643.4 Procedure prior to release on parole.
643.5 Classification and induction of persons paroled for induction into the land or naval forces of the United States.
643.6 Change of parole for person who leaves service in the land or naval forces.
643.7 Parole for assignment to work of national importance under civilian direction.
643.8 Terms and conditions imposed by the Attorney General.
643.9 Revocation of parole by Attorney General.
643.10 Deductions for good conduct.
643.11 Additional rules and regulations.
643.12 Application of general parole laws.

§ 643.1 *Parole: General.* Any person who has heretofore or may hereafter be convicted of a violation of any of the provisions of the Selective Training and Service Act of 1940, or any amendment thereto, or any rules or regulations prescribed thereunder, shall at any time after such conviction be eligible for parole for service in the land or naval forces of the United States, or for work of national importance under civilian direction, or for any other special service established pursuant to said act, in the manner and under the conditions hereinafter set out.*

* §§ 643.1 to 643.12, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 643.2 *Parole of person required to register.* The parole provided for in § 643.1 may be granted by the Attorney General to any person required to register under the provisions of the Selective Training and Service Act of 1940, as amended, and any proclamation of the President thereunder, if in the judgment of the Attorney General it is compatible with the public interest and the enforcement of the Selective Training and Service Act of 1940, as amended, upon the recommendation of the Director of Selective Service. Before recommending the parole of any such person, the Director of Selective Service shall determine and include in his recommendation whether such person should be paroled for (1) induction into the land or naval forces of the United States; or (2) induction into the land or naval forces of the United States for noncombatant service, as such service has been or may hereafter be defined; or (3) assignment to work of national importance under civilian direction in lieu of induction into the land or naval forces of the United States; or (4) assignment to such other special service as may be established by the Attorney General pursuant to the Selective Training and Service Act of 1940, as amended. If the parole is granted, it shall conform to such recommendation.*

§ 643.3 *Parole of person who is not required to register.* The parole provided for in § 643.1 may be granted by the Attorney General to any person not required to register under the provisions of the Selective Training and Service Act of 1940, as amended, and any proclamation of the President thereunder, if in the judgment of the Attorney General it is compatible with the public interest and the enforcement of the Selective Training and Service Act of 1940, as amended. Such person shall thereupon be inducted into the land or naval forces of the United States, if he is acceptable to such forces, or shall be assigned to any special service established pursuant to the Selective Training and Service Act of 1940, as amended, upon such terms and conditions as may be specified by the Attorney General, and the Attorney General is authorized to establish or designate such special services.*

§ 643.4 *Procedure prior to release on parole.* If the parole of a person required to be registered is under consideration, he shall be registered, physically examined, and the forms needed in his classification shall be executed in the manner set out in § 642.7. If the person whose parole is under consideration has made application for parole into the land or naval forces, he shall also sign an application for voluntary induction. All such documents shall be transmitted to the Director of Selective Service for reference to the proper local board through the appropriate State Director of Selective Service.*

§ 643.5 *Classification and induction of persons paroled for induction into the land or naval forces of the United States.* (a) If the Director of Selective Service recommends to the Attorney General that the registrant be paroled for induction into the land or naval forces, he shall forward the documents referred to in § 643.4 to the appropriate State Director of Selective Service with a request that the proper local board classify the registrant.

(b) Upon receipt of such request, the local board shall consider the registrant as a volunteer for induction. In classifying such a registrant, it is not advisable to place him in a deferred class except when he is found to be physically unfit. Therefore, the local board shall place him in Class I–A or Class I–A–O, unless his physical condition requires his classification in Class I–B, Class I–B–O, or Class IV–F.

(c) One copy of the Notice of Classification (Form 57) shall be mailed to the registrant in care of the warden or superintendent of the institution in which he is confined. If the registrant has been placed in Class I–A or Class I–A–O, the local board will receive from the proper prison officials a certified copy of the order suspending parole supervision of the registrant during military service as provided in § 622.61 (5).

(d) Upon receipt of a copy of such order, the local board shall proceed to order the registrant to report for physical examination by the armed forces and to report for induction in the same manner as in the case of any other registrant, except that at the time the registrant is ordered to report for induction a certified copy of the order suspending parole supervision shall be sent to the commanding officer of the induction station with a letter of explanation as provided in § 622.61 (5). Arrangements will be made by the proper prison officials for the release of the registrant so that he can be physically examined and inducted by the armed forces.*

§ 643.6 *Change of parole for person who leaves service in land or naval forces.* Any person who is paroled for service in the land or naval forces of the United States but is not actually inducted into said forces or who after induction and before completion of the service specified in the order granting the parole is discharged from such forces may then be paroled by the Attorney General, upon recommendation of the Director of Selective Service, to work of national importance under civilian direction or to any special service established by the Attorney General pursuant to the Selective Training and Service Act of 1940, as amended, or may be returned to a penal or correctional institution to complete the sentence originally imposed with or without deduction for the time spent on parole as the Attorney General may determine.*

§ 643.7 *Parole for assignment to work of national importance under civilian direction.* If in the opinion of the Director of Selective Service any person paroled for assignment to work of national importance under civilian direction fails or refuses to perform such work or service or abide by the rules of conduct established in connection therewith, the Director of Selective Service shall so notify the Attorney General, who may revoke the parole of such person and return him to the penal or correctional institution to complete the sentence originally imposed with or without deduction for the time spent on parole as the Attorney General may determine.*

§ 643.8 *Terms and conditions imposed by the Attorney General.* The Attorney General shall impose such terms and conditions as he may deem proper upon any person released on parole and shall supervise the parolee to see that he abides by the terms and conditions of the parole: *Provided, however,* That such power of supervision shall be suspended while the parolee is in the active land or naval forces of the United States.*

§ 643.9 *Revocation of parole by Attorney General.* The parole herein authorized may be revoked at any time in the discretion of the Attorney General or his authorized agent: *Provided, however,* That such power of revocation shall be suspended while the parolee is in the active land or naval forces of the United States. Upon revocation of the parole, the parolee shall thereupon be returned to the proper penal or correctional institution to complete the sentence originally imposed with or without deduction for the time spent on parole as the Attorney General may determine, or until reparole.*

§ 643.10 *Deductions for good conduct.* Any person granted parole under this part for service in work of national importance under civilian direction or other special service established by the Attorney General pursuant to the Selective Training and Service Act of 1940, as amended, may be released from such service at the expiration of his sentence less credits earned for good conduct, as provided by the act approved June 21, 1902 (32 Stat. 397), and, upon such release, shall be subject to parole supervision, as provided by section 4 of the act approved June 29, 1932 (47 Stat. 381).*

§ 643.11 *Additional rules and regulations.* The Attorney General and the Director of Selective Service are authorized to prescribe such rules and regulations not inconsistent herewith as may be necessary for the proper administration of their respective functions and duties set forth in this part.*

§ 643.12 *Application of general parole laws.* Nothing in these regulations shall be construed as limiting or restricting the application of the act entitled "An act to parole United States prisoners, and for other purposes," approved June 25, 1910 (36 Stat. 819), as amended.*

LEWIS B. HERSHEY,
Director.

DECEMBER 19, 1941.

[F. R. Doc. 41-9837; Filed, December 30, 1941; 11:02 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 974—TOLUENE (TOLUOL)

Amendment No. 1 to General Preference Order No. M–34 to Conserve the Supply and Direct the Distribution of Toluene (Toluol)

Section 974.1 (*General Preference Order No. M–34*) is hereby amended to read as follows:

Whereas the national defense requirements have created a shortage of Toluene for defense, for private account and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 974.1 *General Preference Order M–34*—(a) *Definitions.* For the purposes of this Order:

(1) "Toluene" means Toluene from whatever source derived, except that it shall not include petroleum solvents and diluents of Kauri-butanol values less than 85 Kauri-butanol number.

(2) "Nitration Grade Toluene" means Toluene which meets the requirements of Grade "A" in United States Army Specification No. 50–11–38C (PXS–820, Rev. 3, September 17, 1941), as the same may from time to time be revised.

(3) "Commercial Grade Toluene" means Toluene other than Nitration Grade Toluene.

(4) "Producer" means any person engaged in the production of Toluene and includes any person who has Toluene produced for him pursuant to toll agreement, and any person who has purchased or purchases Toluene for purposes of resale.

(b) *Applicability of Priorities Regulation No. 1.*[1] Control of the supply and direction of the distribution of Toluene is hereby taken by the Director of Priorities, and all future transactions of any kind in Toluene are regulated and governed by the provisions and definitions contained in Regulation No. 1 of the Priorities Division of the Office of Production Management, issued on the 27th day of August, 1941, except as herein otherwise specifically provided.

(c) *Production of toluene.* After February 1, 1942, Producers of Toluene shall so operate their production facilities that, of the Toluene produced during any month, the maximum amount of Nitration Grade Toluene capable of being produced with such facilities shall be produced, and in no event shall the amount of Nitration Grade Toluene produced be less than 70% of the total amount of Toluene produced.

(d) *Restrictions on delivery of nitration grade toluene.* After the effective date of this Order, no Producer shall deliver Nitration Grade Toluene to any person, except as may be specifically authorized by the Director of Priorities; and no person shall accept delivery of Nitration Grade Toluene in violation of the foregoing clause.

(e) *Restrictions on export.* No Toluene shall be exported by any person, except upon express authorization of the Director of Priorities.

(f) *Restrictions on use.* After February 1, 1942, no Toluene may be sold or delivered for use, or used, by any person as a diluent for protective coatings. The provisions of this paragraph shall apply with respect to stocks of Toluene on hand on said date. Persons who use Toluene as a diluent for protective coatings and who on February 1, 1942, have stocks of Toluene on hand, shall forthwith report such fact (and the details thereof) to the Chemicals Branch of the Office of Production Management and hold such Toluene for disposition by the Director of Priorities.

(g) *Restrictions on delivery of commercial grade toluene.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding, with respect to deliveries of Commercial Grade Toluene to be made on and after February 1, 1942:

[1] 6 F.R. 4489.

(1) No Producer shall, except as the Director of Priorities may otherwise direct, accept an Order for delivery of Commercial Grade Toluene unless such Order has been placed with him by the 10th day of the month preceding the month in which delivery is sought, and unless such Order is accompanied by Form PD–223 properly executed by the person placing such Order.

(2) No Producer shall make, and no person shall accept, delivery of Commercial Grade Toluene unless and until Form PD–223 hereinabove referred to has been properly executed and punctually filed in accordance with the provisions of paragraph (g) (1) hereof.

(3) Form PD–224 properly executed, which shall schedule, among other things, orders received for delivery of Commercial Grade Toluene during the succeeding month, the preference ratings, if any, applicable to such orders, the deliveries which such Producer proposes to make and his estimated production of Commercial Grade Toluene and Nitration Grade Toluene for the succeeding month, shall, on or before the 15th day of each calendar month commencing January, 1942, be filed by each Producer with the Chemicals Branch of the Office of Production Management. Such Form PD–224 shall be accompanied by a copy of every Form PD–223 submitted to the Producer. After such Form PD–224 has been filed with the Chemicals Branch of the Office of Production Management, any changes of circumstances or matters occurring thereafter affecting the accuracy of the statements contained in such Form PD–224 shall be forthwith reported to the Chemicals Branch of the Office of Production Management.

(4) On and after February 1, 1942, no deliveries of Commercial Grade Toluene shall be made by a Producer to any person unless and until the same shall have been specifically authorized by the Director of Priorities; and no person shall accept delivery of Commercial Grade Toluene made in violation of the foregoing clause. Authorization by the Director of Priorities shall be based primarily upon insuring the satisfaction of all defense requirements and the providing of an adequate supply for essential civilian uses. Each Producer shall, upon being apprised of the deliveries which have been authorized by the Director of Priorities, forthwith notify his customers of the extent of such authorization as the same may affect them. If, however, by the 25th day of the month preceding the month in which deliveries are to be made, no restrictions have been issued by the Director of Priorities, Producers may make deliveries of Commercial Grade Toluene in accordance with the schedules filed by them with the Chemicals Branch of the Office of Production Management.

(h) *Assignment of preference ratings.* (1) Deliveries under all defense orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(2) Unless a higher preference rating has been specifically assigned by order of the Director of Priorities, deliveries of Commercial Grade Toluene for the uses (or for the manufacture of products for such uses) set forth below are hereby assigned a preference rating as set opposite each such use as follows:

Use	Preference rating
Medicinals and drugs	B–1
Petroleum additives	B–2
Dyes and intermediates	B–3
Rubber accelerators	B–4
Miscellaneous organic chemicals	B–5
Solvents	B–6

(i) *Acceptance of certain non-defense orders.* When a non-defense order for Commercial Grade Toluene for a use specified in paragraph (h) (2) hereof is offered to a Producer, it shall, subject to the same terms and conditions applicable to the acceptance of defense orders set forth in Priorities Regulation No. 1, be accepted for scheduling on Form PD–224 (such scheduling to be in accordance with the preference rating assigned thereto and delivery schedule specified therein). Deliveries, however, shall be made under such an order only in accordance with directions of the Director of Priorities, as hereinabove provided. Any person seeking to place such a non-defense order must make application for acceptance of such order in the first instance to his regular Supplier (if a person has several regular Suppliers, the order should be divided among such Suppliers in accordance with such person's normal method of placing orders.)

(j) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to acceptances of orders and deliveries in the absence of a contrary direction apply not only to acceptances of orders from and deliveries to other persons, including affiliates and subsidiaries, but also to acceptances of orders from and deliveries to one branch, division or section of a single enterprise by or from another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(k) *Reports.* Reports required by Priorities Regulation No. 1 hereinabove referred to shall be made at such times and on such forms as shall be prescribed therefor by the Chemicals Branch of the Office of Production Management. Persons who have stocks of Toluene on hand which they are forbidden by the terms of this Order to deliver (or use) shall forthwith report such fact (and the details thereof) to the Chemicals Branch of the Office of Production Management and hold the said stocks until further order of the Director of Priorities.

(l) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(m) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(n) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 30th day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41–9838; Filed, December 30; 1941; 11:04 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1358—TOBACCOS

PRICE SCHEDULE NO. 62—CIGARETTES

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. On December 27, 1941, the American Tobacco Company announced a substantial price increase on Lucky Strike cigarettes. Officials of the company were asked by the Office of Price Administration to rescind the increase pending investigation of factors justifying the price advance. This the company refused to do, unless formally required to do so by the Office of Price Administration. Therefore, pending full investigation, the Office of Price Administration hereby limits the price of all brands of cigarettes sold by manufacturers thereof to those levels prevailing on Friday, December 26, 1941. After completion of the studies under way, further action will be taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1358.1 *Maximum prices for cigarettes.* On and after December 30, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person manufacturing cigarettes shall sell, offer to sell, deliver or transfer any brand of cigarettes at prices higher than those charged for such brand by said person for a similar quantity to a similar purchaser on December 26, 1941, or, in the event no sale was made on said date, at prices higher than the prices he would have charged on said date for a similar quantity to a similar purchaser.*

*§§ 1358.1 to 1358.9, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483. 1917, 4483.

§ 1358.2 *Less than maximum prices:* Lower prices than those charged on December 26, 1941, may be charged by any person manufacturing cigarettes.*

§ 1358.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cigarettes, alone or in conjunction with any other commodity or tobacco product, or by way of any commission, service, transportation or other charge, or by combination sales or a tying agreement or other trade understanding, or by making discounts, premiums or coupons given, or other terms of sale more onerous to the purchaser than those available or in effect on December 26, 1941.*

§ 1358.4 *Records.* Every manufacturer of cigarettes making sales of cigarettes after December 30, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each brand of cigarettes sold.*

§ 1358.5 *Reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration, as it may from time to time require.*

§ 1358.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of federal, state, county and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cigarettes, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1358.7 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1358.8 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other busines entity;

(b) "Cigarette" means any rolls of tobacco, or substitute therefor, wrapped in paper or any substance other than tobacco;

(c) "Similar quantity to a similar purchaser" means a purchaser with respect to whom the same price did apply or would have applied for the same brand on December 26, 1941.*

§ 1358.9 *Effective date of the Schedule.* This Schedule shall become effective December 30, 1941.*

Issued this 30th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–9872; Filed, December 30, 1941; 12:12 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the aerial gunnery range south of Horn Island, defined in § 204.91 is hereby redefined, the title and regulations being amended as follows:

§ 204.91 *Waters of Gulf of Mexico and Mississippi Sound; aerial gunnery ranges south of Horn, Petit Bois and Deer Islands, Miss.*—(a) *The danger zones*—(1) *South of Horn and Petit Bois Islands.* The aerial gunnery range lies within the following longitudes and latitudes:

Longitude	*Latitude*
88°22′	30°00′
88°45′	30°00′
88°45′	30°10′
88°22′	30°10′

(b) *The regulations.* (1) The fact that aerial target practice is to take place over the designated area shall be advertised to the public through the usual media for the dissemination of information. Inasmuch as such practice is likely to be engaged in throughout the year without regard to season, such advertising of firing shall be repeated at frequent intervals which shall not exceed 3 months and which shall be more frequent when, in the opinion of the Commanding Officer responsible for the use of the range, such frequent repetition is necessary in the interests of public safety.

(2) Prior to the conducting of each target practice, the area shall be patrolled by Army Aircraft to insure that no watercraft are within the danger area and any such watercraft seen in the vicinity shall be warned by means of signals that target practice is about to take place. The patrol aircraft shall employ the method of warning known as "buzzing" which consists of low flight by the airplane and repeated opening and closing of the throttle.

(3) Any such watercraft shall, upon being so warned, immediately leave the vicinity and shall, until the conclusion of the practice, remain at such a distance that it will be safe from falling projectiles.

(4) No marking of the area is proposed and all aircraft and watercraft shall be presumed to know their whereabouts by distances and direction from land marks or other topographical features along the shore.

(5) The foregoing regulations shall not deny traverse of portions of the danger area in the case of regular cargo-carrying vessels proceeding on established steamer lanes. In case of the presence of any such vessel in the danger area, the officer in charge of gunnery operations shall cause the cessation or postponement of fire until the vessel shall have cleared the part of the area in which it might be endangered by falling projectiles.

(6) These regulations shall be enforced by the Commanding Officer, Key Field, Meridian, Mississippi. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Dec. 16, 1941 (E.D. 7195 (Mexico, Gulf of)–35/11)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41–9815; Filed, December 30, 1941; 9:41 a. m.]

[1] § 204.91 (a) (1) and (b) is amended.

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 241—WILDLIFE

AMENDMENT OF REGULATION W-6

By virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), the Act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), and the Act of August 11, 1916 (39 Stat. 476; 16 U.S.C. 683), Regulation W-6 of the rules and regulations governing the occupancy, use, protection and administration of the National Forests, which constitutes Section 241.6, Part 241, Chapter II, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 241.6 *Noontootly National Game Refuge, Georgia.* Fishing is hereby authorized within Noontootly National Game Refuge, Chattahoochee National Forest, Georgia, under permits issued by the Supervisor of the Chattahoochee National Forest, in accordance with instructions received by him from the Chief of the Forest Service, Washington, D. C., which permits shall state the place and time of fishing, the fee, and the number and size of fish that may be taken. [Regulation W-6]

Done at Washington, D. C., this 30th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41-9849; Filed, December 30, 1941; 11:11 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-26]

PART 170—COMMERCIAL ZONES

BOSTON, MASS., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 13th day of December, A. D. 1941.

Investigation of the matters and things involved in this proceeding having been made, and the said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof: [1]

It is ordered, That the applicable provisions of the Code of Federal Regulations be, and they are hereby, amended by adding the following:

[1] Filed as part of the original document.

§ 170.9 *Boston, Mass.* For the purpose of administration and enforcement of the Interstate Commerce Act, the zone adjacent to and commercially a part of Boston, Mass., and contiguous municipalities in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt under section 203 (b) (8) of the act from regulation, shall be, and it is hereby, defined to include the following:

Boston, Mass.; Winthrop, Mass.; Chelsea, Mass.; Revere, Mass.; Everett, Mass.; Malden, Mass.; Medford, Mass.; Somerville, Mass.; Cambridge, Mass.; Watertown, Mass.; Brookline, Mass.; Newton, Mass.; Needham, Mass.; Dedham, Mass.; Milton, Mass.; Quincy, Mass.

(Sec. 203 (b) (8), 49 Stat. 546; 54 Stat. 919; 49 U.S.C., Sup. 303 (b) (8))

It is further ordered, That this order shall become effective 30 days from the date hereof and shall continue in effect until the further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 41-9871; Filed, December 30, 1941; 11:58 a. m.]

Notices

DEPARTMENT OF STATE.

TRADE-AGREEMENT NEGOTIATIONS WITH PERU

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution 61, approved April 12, 1940, and to Executive Order 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Peru.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

[SEAL] CORDELL HULL,
Secretary of State.

DECEMBER 29, 1941.

[F. R Doc. 41-9852; Filed, December 30, 1941; 11:31 a. m.]

Committee for Reciprocity Information.

TRADE-AGREEMENT NEGOTIATIONS WITH PERU

PUBLIC NOTICE

Closing date for submission of briefs, January 24, 1942, closing date for application to be heard, January 24, 1942, public hearings open, February 2, 1942.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Peru, of which notice of intention to negotiate has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, January 24, 1942. Such communications should be addressed to "The Chairman, Committee for Reciprocity Information, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held beginning at 10 a. m. on February 2, 1942, before the Committee for Reciprocity Information, in Room 105 (Conference Room), the National Archives Building, Pennsylvania Avenue between Seventh and Ninth Streets NW., where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 29th day of December 1941.

FELTON M. JOHNSTON,
Secretary.

DECEMBER 29, 1941.

List of Products on Which the United States Will Consider Granting Concessions to Peru

NOTE: The rates of duty or import tax indicated are those now applicable to products of Peru. Where the rate is one which has been reduced pursuant to a previous trade agreement by 50 percent (the maximum permitted by the Trade Agreements Act) it is indicated by the symbol MR. Where a rate has been bound free of duty in a previous trade agreement, it is indicated by the symbol B.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930, or, as the case may be, to the appropriate sections of the Internal Revenue Code. The descriptive phraseology is, however, in many cases limited to a narrower field than that covered by the numbered tariff paragraph or section in the Internal Revenue Code. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

List of products on which the United States will consider granting concessions to Peru

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
35	Pyrethrum on insect flowers, and derris, tube, or tuba root, all the foregoing which are natural and uncompounded, and not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol	10% ad val.	
35	Barbasco or cube root, and timbo root, crude or unmanufactured, but advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever, beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol	5 or 10% ad val. (5% rate applies to ground root only).	MR
36	Coca leaves	10¢ per lb.	
302 (c)	Tungsten ore or concentrates	50¢ per lb. on the metallic tungsten contained therein	
377	Bismuth	7½ per lb.	
404	Cedar commercially known as Spanish cedar, granadilla, mahogany, rosewood, and salthwood: In the form of sawed boards, planks, deals, and other forms not further manufactured than sawed, and flooring	15% ad val. (plus a tax of $3.00 per thousand feet, board measure, under section 3424, Internal Revenue Code; see below).	
501	Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees And for each additional sugar degree shown by the polariscope test	1.2843¾¢ per lb. 0.0281¼¢ per lb. additional, and fractions of a degree in proportion.	
778	Ginger root, candied, or otherwise prepared or preserved	20% ad val.	
781	Spices and spice seeds: Ginger root, not preserved or candied	4¢ per lb.	
783	Cotton having a staple of one and one-eighth inches or more in length	7¢ per lb.	
1001	Flax straw	$1.50 per ton	MR
1001	Flax, hackled	3¼¢ per lb.	MR
1001	Flax, hackled, including "dressed line"	1¼¢ per lb.	MR
1001	Flax tow and flax noils	¼¢ per lb.	MR
1001	Hemp and hemp tow	2¢ per lb.	
1001	Hackled New Zealand flax	3½ per lb.	
1102 (b)	Hides of the alpaca, llama, and vicuna: In the grease or washed: Scoured	34¢ per lb. of clean content.	
	On the skin	37¢ per lb. of clean content.	
	Scoured, or matchless, if not scoured	33¢ per lb. of clean content.	
1501 (b) (1)	Hats and hoods, composed wholly or in chief value of the fiber of the *carludovica palmata*, commercially known as toquilla fiber or straw, and not blocked or trimmed, and not bleached, dyed, colored, or stained	12½% ad val.	MR
1602	Pyrethrum on insect flowers, and derris, tube, or tuba root, and in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to proper packing and the prevention of decay or deterioration pending manufacture, not containing alcohol	Free.	
1609	Cochineal, and extracts thereof, not containing alcohol	Free.	

[1] The rate of duty on natural and uncompounded barbasco or cube root, advanced in value by grinding, was reduced from 10% to 5% ad valorem in the trade agreement with Venezuela, effective December 16, 1939.

United States Tariff Act of 1930 paragraph	Description of article	Present rate of duty	Symbol
1619	Barks, cinchona or other, from which quinine may be extracted	Free	B
1654	Coffee, except coffee imported into Puerto Rico and upon which a duty is imposed under the authority of section 319	Free	B
1670	Dyeing or tanning materials, whether crude or advanced in value or condition by shredding, grinding, chipping, polishing, or any similar process, and not containing alcohol: Tara	Free.	B
1681	Furs and fur skins, not specially provided for, undressed: Otter	Free	B
1685	Gums and resins: Gutta-percha	Free.	
1686	Leche caspi	Free.	B
1697	India rubber, crude, including jelutong or pontianak	Free.	B
1707	Gutta balata, crude	Free.	B
1719	Minerals, crude or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for: Vanadium ore	Free.	B
1722	Barbasco or cube root, and timbo root, crude or unmanufactured, not specially provided for	Free	B
1732	Oils, expressed or extracted: Olitiea	Free.	B
1748	Quinine, cinchonidine, and all alkaloids and salts of alkaloids derived from cinchona bark	Free	B
1765	Reptile skins, raw	Free.	B
1765	Goat and kid skins, raw	Free.	
1768 (1)	Spices and spice seeds: Cinnamon, not preserved or candied, if unground	Free	B
1778	Tagua nuts	Free	B
1779	Tamarinds	Free	B
1803 (1)	Sawed bales lumber and timber, not further manufactured than sawed, and tongued and grooved, not specially provided for	Free. (Subject to a tax of $1.50 per thousand feet, board measure, under section 3424, Internal Revenue Code; see below.)	B
1803 (2)	Balsa, cedar commercially known as Spanish cedar, granadilla, mahogany, rosewood, and salthwood, in the log	Free	B
Internal Revenue Code Section	Description of article	Present rate of import tax	
3424	Cedar commercially known as Spanish cedar, granadilla, mahogany, rosewood, and salthwood: Lumber, rough, or planed or dressed on one or more sides	$3 per thousand feet, board measure.	MR
3424	Balsa lumber, rough, or planed or dressed on one or more sides	$1.50 per thousand feet, board measure.	MR

[F. R. Doc. 41-9851; Filed, December 30, 1941; 11:31 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1239]

IN THE MATTER OF A REVIEW OF THE MINIMUM PRICES EFFECTIVE FOR SHIPMENT OF COALS BY RAIL AND BY RIVER FOR DELIVERY IN THE CITY OF CINCINNATI, OHIO (MARKET AREA 19)

NOTICE OF AND ORDER FOR HEARING

The Division has received communications concerning the coordination of minimum prices effective for shipment of the high volatile coals of District No. 8 by river and by rail into the city of Cincinnati, Ohio (situated in Market Area No. 19). In particular, Solid Fuel Institute, an organization of retailers in Cincinnati, through its manager, Dom J. Schuh, has complained of the relationship between the delivered prices for such coals shipped to retailers all-rail and those shipped to retailers by river, contending that retailers who purchase coal shipped all-rail are prejudiced

to the advantage of retailers who are affiliated with and purchase from producers who ship by river. These complaints have been directed primarily to the provisions of the special price instructions and exceptions affecting shipments by river and ex-river which appear on pages 37, 38 and 40–42 of the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck, particularly the following:

1. *Definition of river (free alongside) deliveries.* "River (free alongside) deliveries," as used in this Schedule, means:

* * * * *

(c) Deliveries in barges or other floating equipment alongside river docks or other barge unloading facilities to those retail dealers (not located in the Cincinnati, Louisville, Memphis, Chicago, or Minneapolis-St. Paul areas as herein defined), for resale at retail, who operate such river and storage facilities (in which the coal purchased free alongside is stored, when it is stored) adjoin such river docks or other barge unloading facilities.

* * *

5. *Price exceptions for retail dealers*—(a) *F. o. b. mine prices.* All sales to retail dealers having facilities, as described under Item 1 (c) of Special River Price Instructions, but who are located within the Cincinnati, Louisville, Memphis, Chicago, or Minneapolis-St. Paul areas, as herein described, shall be made on the basis of an f. o. b. mine price, plus the all-rail or lake (as the case may be) freight rate to the destination, the same as herein described for ex-river movement, except that not more than the following deductions in cents per net ton may be made from the f. o. b. mine price in order that such coal may deliver in barges alongside such retail dealers' barge unloading facilities at delivered prices less than the all-rail or lake delivered price by the amount of these deductions:

Size Groups 1 to 15, inclusive, 24, 25, 26, deduct 60¢.

Size Groups 16 to 23, inclusive, 27, deduct 20¢.

* * * * *

(b) *Base freight rates.* In determining the base delivered price from which these deductions may be made, the published freight rates from the following Freight Origin Groups shall be used:

Cincinnati Area: Freight Origin Groups 61, 123, 150.

* * * * *

(c) *Description of retail dealer areas.* The following are descriptions of the areas to which prices for retail dealers, as referred to in Ex-River Deliveries, Item 5, are applicable:

Cincinnati Area: Both banks of the Ohio River from a point at and on the opposite bank of the River from Silver Grove, Kentucky, downstream to and including a point at and on the opposite bank of the River from Columbia Park, Ohio.

Both banks of the Licking River from a point at and on the opposite bank of the River from DeCoursey, Kentucky, downstream to the confluence of the Licking and Ohio Rivers.

Under section 4 II (b) of the Act, it is the duty of the Division from time to time to review and revise the effective minimum prices in accordance with the standards set forth in sections 4 II (a) and 4 II (b). The Acting Director, accordingly, deems it advisable (a) that a general hearing be held to hear evidence concerning such complaints and related matters, which may be offered by Solid Fuel Institute and other interested persons; and (b) to review, and revise, to the extent that evidence adduced shows it to be necessary, the effective minimum prices and related price instructions and exceptions established for shipment of coals, from District No. 8 and from any other districts, into the Cincinnati area.

It is therefore ordered, That a hearing in the above-entitled matter, under the applicable provisions of the Bituminous Coal Act of 1937, be held on January 28, 1942, at 10 o'clock in the forenoon of that day in a hearing room of the Bituminous Coal Division, at Room 820, United States District Court, Cincinnati, Ohio.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all persons or entities having an interest in these proceedings. Any person desiring to be admitted as a party to this proceeding or to present evidence may file a petition of intervention, setting forth in detail, and clearly and concisely: the status of such person; the nature of his interest in this matter; whether he believes that the effective minimum prices established for shipment of coals into the Cincinnati area are improper and do not conform with the standards of the Act; if that is his belief, the reasons therefor; and any other facts which he may deem relevant to this matter. In all other respects such petitions of intervention shall conform with the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. All petitions shall be filed with the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C., on or before January 21, 1942. The aforesaid Rules and Regulations, so far as practical, shall apply to this proceeding.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may effect revision in the effective minimum prices for shipment of coals from all districts into the Cincinnati area, and may concern, in addition to the matters specifically referred to herein, other matters necessarily incidental and related thereto which may be raised by the petitions of intervention or otherwise, or which may be necessary corollaries to the matter concerned herewith, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to a review of the minimum prices and price instructions and exceptions effective for shipment of coals by river, rail, or otherwise to retail dealers and other purchasers in the Cincinnati area.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9839; Filed, December 30, 1941; 11:08 a. m.]

[Docket No. B–135]

IN THE MATTER OF FRANK W. MILLIRON (MILLIRON COAL COMPANY), ALSO KNOWN AS FRANK W. MILLIRON, AN INDIVIDUAL DOING BUSINESS AS MILLIRON COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 2:00 o'clock in the afternoon of January 12, 1942, at Room 323, Post Office Building, Altoona, Pennsylvania; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 2:00 o'clock in the afternoon of January 12, 1942, until 10:00 o'clock in the forenoon of January 16, 1942, at Room 323, Post Office Building, Altoona, Pennsylvania, and before the officers previously designated to preside at said hearing.

Dated: December 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41–9840; Filed, December 30, 1941; 11:08 a. m.]

[Docket No. A–810]

PETITION OF THE CITY OF DETROIT FOR AMENDMENT AND MODIFICATION OF THE MARKETING RULES AND REGULATIONS REGARDING PENALTY AND PREMIUM CONTRACTS

OPINION CONCERNING EXCEPTIONS TO THE EXAMINER'S REPORT AND ORDER DISMISSING EXCEPTIONS AND MOTIONS FOR TEMPORARY RELIEF

The original petition in this matter was filed by the City of Detroit, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, with the Bituminous Coal Division. The petition requested that Rule 6 of Section VIII of the Marketing Rules and Regulations be amended so as to permit political subdivisions of States to enter into penalty and premium contracts without regard to the requirement that the aggregate contract price shall not be below the applicable minimum price.[1]

Pursuant to an Order of the Director dated April 29, 1941, a hearing in this matter was held on May 28 and 29, 1941, before Charles S. Mitchell, a duly designated Examiner of the Division.

On June 10, 1941, the City of St. Louis, an intervenor, filed a motion for temporary relief. A similar motion was filed on June 14, 1941, by the petitioner, City of Detroit. The Office of the Bituminous Coal Producers Boards for Districts sumers' Counsel") joined in both petitions on June 17, 1941.

One June 23, 1941, the City of Detroit filed a brief in support of its original petition. On June 24, 1941, the Bituminous Coal Producers Boards for Districts Nos. 1 and 11 filed briefs in opposition to the requested relief.

The intervenor, City of St. Louis, filed a brief on June 27, 1941, in support of its petition. On July 3, 1941, Consumers' Counsel filed a supporting brief. On July 17, 1941, the City of New York, whose petition for intervention was filed with the Bituminous Coal Division on May 1, 1941, filed a memorandum adopting the reasons given by the City of Detroit, the City of St. Louis, and Consumers' Counsel in support of the requested relief.

The Examiner, Charles S. Mitchell, submitted Proposed Findings of Fact and Conclusions of Law and Opinion, dated July 12, 1941, in which he recommended that the requested relief be denied. An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. Consumers' Counsel and the City of Detroit filed exceptions to the Examiner's Report and briefs in support thereof.

The Examiner's Report discusses in great detail the features of the penalty and premium contracts as revealed at the hearing and arrived at his conclusion after an analysis of the facts presented there. The method whereby the petitioner purchased coal was presented in detail by the Examiner.

Some of the exceptions filed by the Exceptants were the same and can be jointly discussed. Several concerned themselves with similar matters and can be grouped for the purpose of discussion.

Both Exceptants took their first exception to the Examiner's statement that "Neither the petitioner nor the intervening cities indicated a desire to adopt * * *" the modification to the proposed amendment suggested by the Consumers' Counsel. As the basis for this, both Exceptions point to statements in their *briefs* indicating a desire to accept any amendment. As I read the Examiner's Report and the transcript of the testimony given at the hearing, it appears that the Examiner was referring to the actions of the parties at the *hearing.* It was at that time that the witness for Consumers' Counsel first suggested the modifications of the petitioner's proposed amendment and submitted them as Exhibit 14. None of the parties was forewarned that any amendment other than the one advanced by the petitioner was to be introduced. Under these circumstances the lack of detailed testimony regarding the modification is understandable.

Both Exceptants allege the same reason for their second exception, namely, that the Examiner stated that the witness opposing the petition appeared on behalf of the "District Boards" rather than on behalf of District Board 10. This statement, it is alleged, "is one of the many instances showing a producer-bias on the part of the Examiner,"[2] and "suggests that the testimony of this witness is entitled to more weight than if, as is the fact, he had been offered as a witness solely by and for one District Board."[3] As a matter of record, the attorney who called this witness represented both District Boards Nos. 7 and 10. In addition, this witness was not cross-examined by District Board No. 1[4] and the cross-examination by District Board No. 2 actually augmented the direct examination of this witness.[5]

The City of Detroit's Exception No. 3 is dismissed for the reason that the failure of the Examiner to make a finding that a witness who testified in opposition to the relief requested never sold coal to the City of Detroit, is of little importance to the ultimate discussion here. A person is not disqualified from testifying concerning matters affecting the coal industry because he does not sell to each coal consumer. Probably few, if any, porducers sell all three cities here seeking relief.

The City of Detroit's Exception No. 4, which is an exception to the finding that the premium and penalty contract "is of dubious design" because of "the lack of control over its provisions," must be disallowed. An examination reveals that the statement of the Examiner was not quoted by the Exceptant in its entirety. That statement pointed out that "lack of control over its provisions" is only one reason "among the many other reasons why penalty and premium contract, as used by the petitioner, is of dubious design * * *" That statement must then be read in conjunction with the remainder of the opinion which furnishes adequate support for the statement.[6]

Similarly, the City of Detroit's Exception No. 5, which is an exception to the Examiner's "reference to 'poor and careless' samples," must be disallowed. The reason given for the exception is that "there is nothing in the record about 'poor and careless' samples." The record fails to support this exception. See pages 65 and 142 of the Transcript where the matter was specifically mentioned.

The City of Detroit (Exception No. 6) and Consumers' Counsel (Exception No. 4 (b)) except to the Examiner's statement that "the argument advanced by petitioner that a distinction should be drawn between purchases by municipalities and by private consumers is without sound basis in the record." The Examiner's Report goes on to explain the statement to which the exception was taken. That statement is fully substantiated by the record.[7] And the exception must, therefore, be disallowed. Of course, where it is not inconsistent with the policy of the Act,[8] effort is made to relieve governmental subdivisions from the requirements of the Act. But where such relaxation would impair the attainment of the Act's objective, it may not be allowed.

Exceptions Nos. 7, 8, 9, 11, and 12 of the City of Detroit and Exceptions Nos. 5 and 8 of Consumers' Counsel must be disallowed. A study of the record does not disclose the "many inconsistent statements and arguments" allegedly contained therein. There is adequate support for the statements of the Examiner to which exceptions were taken. Exception No. 8 of Consumers' Counsel, which is taken to the finding that "The effect of granting the requested relief would be to give some of the coals, now in competitive balance, different competitive opportunities with regard to cities using penalty and premium contracts based upon analyses alone," is dismissed for the reason that the evidence also adequately supports the Examiner's statement.[9]

In like manner, Exceptions Nos. 3 (a), 4 (a), 11 (a), and 12 of Consumers' Counsel concern themselves with the failure of the Examiner to make specific findings and must be disallowed. The evidence does not warrant the findings as urged by the Exceptant. With regard to Exception No. 3 (a), the failure of the Examiner to find that the desire of the consumers to assure themselves of the receipt of coal substantially of a quality for which they contract is a sufficient reason for granting the requested relief, is negatived by the record. That points to the same desire on the part of private

[1] The petition contained a proposed amendment, as follows: *Provided, however,* That this prohibition shall not apply to contracts made upon a premium and penalty basis, with the Government of the United States, States or political subdivisions thereof, on which the analysis guaranteed as the basis for determining premiums and penalties is an analysis made by the United States Bureau of Mines, or an analysis on file with the Division made by or for the Bituminous Coal Producers Board for the District in which the mine is located and on which the buyer permits a tolerance before penalties are assessed or premiums paid that are as liberal as A. S. T. M. standards.

[2] Page 2, Exceptions to Examiner's Report by City of Detroit.

[3] Page 4, Exceptions of Consumers' Counsel to the Examiner's Report and Brief in Support Thereof.

[4] Tr. p. 232.

[5] Tr. pp. 233–237. In addition, both District Boards Nos. 1 and 2 deferred their cross-examination of Mr. Jeffords and Mr. Briscoe to that of Mr. Guider. Tr. pp. 280 and 315, respectively.

[6] See, *inter alia,* Tr. pp. 71–72. Cf. Examiner's Report in Docket No. 1608–FD.

[7] The testimony at pages 42, 75, 77, 82, 90–92, 110, 168, 186–189, and 278 are specifically referred to in this connection.

[8] E. g., section 3 (e) of the Act.

[9] See, *inter alia,* Tr. pp. 45, 237, and 248.

consumers. Indeed, in its brief, Consumers' Counsel does not distinguish between the type of customer involved so far as the "need" and "want" of relief are concerned.[10] Moreover, the exception does not take into consideration the many other factors which were involved in the establishment of minimum prices. Similarly, so far as Exception No. 4 (a) is concerned, the desirability of the relief for municipalities, as espoused by petitioner, is equally pertinent for private purchasers. This Exceptant's own brief is positive in its desire not to prevent the same relief from being extended to them. Its concern, however, that a finding was not made that this relief is "especially necessary and desirable for governmental agencies,"[11] attempts to make a distinction which finds inadequate support in the record. With regard to Exception No. 11 (a), the requested finding of Exceptant to the effect that the matter of the fairness of the past or present specifications used by the cities is immaterial on the general question as to whether relief should be granted, ignores certain fundamental facts. Exceptant contends that "This testimony goes to the matter of enforcement or supervision" rather than to the question of whether relief should be granted. I do not agree with this view. I believe that the testimony with regard to the specifications used by the municipalities in purchasing coal is relevant in order to understand the basis for the requested relief and the system under which it might operate.

With regard to Exception No. 12, which was taken to the failure of the Examiner to find that the testimony of the only opposing witness affords no substantial basis for denying the requested relief, overlooks the purpose of the entire hearing. It does not take into account, for example, that the witnesses supporting the position of the petition were subjected to cross-examination which elicited certain information. In addition, petitioner's exhibits were subjected to the interpretation of the parties and the Examiner. Exceptant's statement that "if a producer submits an analysis that shows *'a higher quality of coal than he knew he could deliver'* it is obvious that in the normal functioning of the Coal Division the question of reclassifying that producer's mine will arise * * *"[12] fails of support. The question of reclassification may or may not arise if the sole criterion is that of analysis alone. Especially would it be doubtful of coming to light if the analysis did not show a higher quality of coal than the producer could deliver. Instead of a price reclassification, the more likely procedure would be the imposition of the penalties involved for intentional misrepresentation. The concession by the Exceptant that penalty and premium contracts were common methods of price cutting in the past, coupled at the same time with the argument that at present the industry is under governmental regulation and therefore the conditions under which sales were formerly made should now be different, provides, I conclude, no reason for the allowance of the exception, much less for the allowance of the requested relief. The proposed amendment would not fortify the industry against a recurrence of this same evil.

Exceptions Nos. 3 (b), 9, 10, 11 (b) (which is similar to City of Detroit's Exceptions Nos. 4, 13, and 15 (a)), which are exceptions to statements by the Examiner in so far as they are intended to be a substantive basis for the Examiner's failure to make certain specified findings, must be disallowed. The statements are sound and are adequately supported by the record. It follows, therefore, that, having established the validity of the statements, to deny them their appropriate meaning and effect would be to nullify the purpose of the hearing. The statements having a sound foundation, the effect ascribed to them cannot be so minimized as to render them valueless.

In its Exception No. 3 (b), the Consumers' Counsel states its failure to understand what was meant by the Examiner's reference to "insignificant and variable analyses." If the expression was used to indicate, as I read it to indicate, that the analysis was not of primary importance in considering the many factors involved in the establishment of minimum prices and that it is not constant, the expression is not ill-advised. With regard to Exception No. 9, the contention of the Exceptant that if the use of analyses alone are an unreliable criterion for determining price, "It must be only because the producer did not get the original contract price,"[13] is not strictly true. The hearings in General Docket 15 furnish adequate proof of the many factors involved in fixing prices and refutes this contention. In considering Exception No. 10, the Exceptant discusses what the Examiner's statement "standing alone . . . appears to suggest."[14] Suffice it to say that the statement, like most statements, must be read as a part of the entire report and not as an isolated remark having no connection with the remainder of the opinion. Discussing Exception No. 11 (b), the Exceptant advances the argument that "the bidders are at liberty to refuse to bid if they believe the specifications and conditions of sale to be unreasonable." The evidence devastates this contention with explanations that the specifications actually encourage the producers to guarantee a higher quality of coal than they may be able to deliver. All that can result from such transactions is the imposition of penalties which the producer has already discounted in his bid price. Instead, therefore, of acting as a deterrent, the specifications may well react as a challenge. In considering Exception No. 13, the Exceptant's statement that the finding "must be read in the light of the fact that it is not based upon specific evidence regarding the experience of many cities. Other cities may have been paid substantial premiums," overlooks the fact that this evidence was introduced by the petitioner itself. Its failure to furnish evidence more in accord with its desire is no reason why the Examiner should deliberately stretch outside of the record in order to indulge in conjectures and unsupportable opinions. In fact, the statement seems to be a tacit admission of petitioner's failure to sustain its case. The same tacit admission seems to be apparent in Exception No. 15 (a), where a purported distinction is attempted to be made between the proposed amendment and the modification as suggested by Consumers' Counsel.

Exceptions Nos. 6 (b) and 14 of Consumers' Counsel must also be disallowed. With regard to 6 (b), the reason is fully set forth in the Examiner's Report to the effect that there is a difference between Section X of the Marketing Rules and Regulations and the requested relief. While it is true that the basis for the Examiner's explanation of section X is not developed in the record, that does not detract from the validity of the distinction. The reason is that Section X was not the issue in the proceedings before the Examiner. Likewise, with regard to Exception No. 14, the Examiner's Report clearly supplies a satisfactory explanation of the fundamental purpose and distinction between the provisions regarding substandard coal and the type of coal for which relief is requested here. These two sections of the Marketing Rules and Regulations are designed to operate in separate spheres. That fact is clearly pointed out. The purpose behind the use of the present Marketing Rules and Regulations relating to analyses is not to use the analysis as the basis of any exact deduction in price because one element comprising the analysis fails to measure up to the guaranteed amount. Rather, the purpose is to acquaint the Division with all of the facts surrounding the transaction so that it may take appropriate action with regard thereto, if any is required. To ask the Division to exercise a reasonable measure of control over the making of the sample analyses, would impose a tremendous burden upon the Division as an excuse for the granting of the requested relief. This suggestion by Exceptant, it seems, misconstrues the reasoning of the Examiner which decided the question upon the basis of legal, in addition to practical, factors.

The City of Detroit's Exception No. 10 and Consumers' Counsel's Exception No. 6 (a) are both taken on the findings by the Examiner concerning the legality of

[10] Pages 5 and 6, Exceptions of Consumers' Counsel and Brief in Support Thereof.
[11] Page 10, Exceptions of Consumers' Counsel and Brief in Support Thereof.
[12] Page 26, Exceptions of Consumers' Counsel and Brief in Support Thereof.
[13] Page 19, Exceptions of Consumers' Counsel and Brief in Support Thereof.
[14] Page 21, Exceptions of Consumers' Counsel and Brief in Support Thereof.

the requested relief. The conclusion expressed by the Examiner is inescapable and I affirm it. The attempt of the City of Detroit to accentuate the words "most likely" in the Examiner's statement that "the granting of petitioner's prayer would most likely permit the purchase of coal at a price below the effective minimum price * * *" as an illustration of the Examiner's confusion and uncertainty is difficult to take seriously. Similarly, Consumers' Counsel seizes upon the use of the word "might" in the phrase concluding that statement of the Examiner to the effect that the granting of petitioner's prayer thus "might operate to nullify one of the chief objectives of the Coal Act * * *" as indicative of doubt in the Examiner's mind. Those words, as I interpret them, are obviously meant to apply to the probability that coal will be sold at the minimum price level and that therefore penalties will result in sales below the effective minimum prices. It is obvious that the words do not connote uncertainty. It should be evident that if the cities' purchases are made at the minimum prices and are subjected to penalties, the net result will be that the sales will be at prices below the minimum prices. It is that result which the Examiner points to without any untoward confusion of thought.

By the same token, Exception No. 7 of Consumers' Counsel must be disallowed. The statement to which that exception is taken is as follows: "Moreover, it is clearly stated in the Act that the established prices must be maintained so that the rate per ton to the producers will equal as nearly as may be the weighted average of the total costs of production per net ton. To permit a departure from the price provisions of the Act—even if authorized—would distort this realization."[15] The citation by Exceptant of instances which allegedly do "distort" realization does not afford a sound reason to permit a practice that assuredly will result in a distortion. I deem it unnecessary at this time to point out wherein those cases of alleged distortion differ from the instant matter.

Exception No. 15 (c) is taken by Consumers' Counsel for the reason that the Examiner does not find and conclude that the amendment "as herein proposed by the City of Detroit" is inconsistent with any of the provisions of the Coal Act, but only finds that it "would contravene the purposes underlying the establishment of effective minimum prices pursuant to the Bituminous Coal Act of 1937." The purpose of this emphasis and attempted distinction by Exceptant is to show that the Examiner did not take into consideration the suggestions to the proposed amendment by the Consumers' Counsel. This point has already been determined by me, but it must be emphasized at this point that the reason for the Examiner's opinion is not so much the fact that the suggestions of Consumers' Counsel were not well considered, but that the exclusion of the condition in Rule 6 of section VIII of the Marketing Rules and Regulations would, as the Examiner pointed out, contravene the purposes underlying the establishment of effective minimum prices pursuant to the Bituminous Coal Act of 1937.

I have carefully re-examined the arguments of the various parties to this proceeding, the Examiner's Report, and the entire record, and upon the basis thereof I find that for the reasons set forth herein the exceptions to the Proposed Findings of Fact and Conclusions of Law and Opinion of the Examiner taken by the Petitioner and the Bituminous Coal Consumers' Counsel are not well taken and should be disallowed. It follows that the motions for the granting of temporary relief must be denied.

It is, therefore, ordered, That the exceptions of the City of Detroit and of the Bituminous Coal Consumers' Counsel to the Examiner's Report be, and they are, hereby disallowed.

It is further ordered, That the motions for temporary relief of the City of St. Louis, the City of Detroit, and the Bituminous Coal Consumers' Counsel be, and the same are, hereby denied.

It is further ordered, That the Proposed Findings of Fact and Conclusions of Law and Opinion of the Examiner be, and the same hereby are, adopted as the Findings of Fact and Conclusions of Law of the Acting Director.

It is further ordered, That the relief requested by the petition herein be denied.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9841; Filed, December 30, 1941; 11:08 a. m.]

[18] Proposed Findings of Fact and Conclusions of Law and Opinion of the Examiner, page 8.

[15] F.R. 1258.

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 71-A 7]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER NO. 27, AS AMENDED, AND TO THE TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA, INCLUDING A PROPOSAL TO ENLARGE THE MARKETING AREA TO INCLUDE CERTAIN ADDITIONAL TERRITORY IN THE STATE OF NEW YORK AND CERTAIN COUNTIES IN THE STATES OF NEW JERSEY AND PENNSYLVANIA

Notice is hereby given of a hearing to be held beginning at 9:30 a. m., e. s. t., January 7, 8, and 9, 1942, at the St. George Hotel, Brooklyn, New York; at 9:30 a. m., e. s. t., January 12, 13, and 14, 1942, at the Hotel Martin, Utica, New York; at 9:30 a. m., e. s. t., January 15, 16, and 17, 1942, at the Arlington Hotel, Binghamton, New York; and, if necessary to complete the hearing, at 9:30 a. m., e. s. t., January 19 and 20, 1942, at the Hotel Martin, Utica, New York, with respect to proposed amendments to the tentatively approved marketing agreement and to Order No. 27, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

This notice is given pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and of the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture.

This public hearing is for the purpose of receiving evidence with respect to the following amendments proposed by interested parties and filed with the Hearing Clerk, Office of the Solicitor, in response to a letter dated December 16, 1941, signed by the Chief, Dairy Division, Surplus Marketing Administration, and addressed to all handlers subject to Order No. 27, as amended:

I

Amendments proposed by the Metropolitan Cooperative Milk Producers' Bargaining Agency, The Dairy Farmers Union, Associated Independents, Dairymen's League Cooperative Association, Ins., and Eastern Milk Producers Cooperative Association, Inc.:

1. Amend § 927.1 (c) to read:

(c) New York and New Jersey metropolitan and incidental milk marketing area means the City of New York, the counties of Nassau, Suffolk (except Fisher's Island) and Westchester, all in the State of New York, and all of the territory in the State of New York lying southeast of the following boundaries:

The west and north lines of Chemung County, and west and north lines of Tompkins County and the west line of Cayuga County to a point ten miles north of the main line New York Central Railroad tracks; continuing from there in an easterly direction ten miles north of the main line New York Central Railroad tracks to Schenectady, from there easterly ten miles north of the Mohawk River to the west line of Rensselaer County; thence along the west and north lines of Rensselaer County to the State line;

And the following counties in Pennsylvania: Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Schuylkill, Carbon, Luzerne, Lackawanna, Wayne, Susquehanna, Wyoming, Columbia, Monroe and Montour;

And the following territory in the State of New Jersey: the territory included within the boundary lines of the counties of Bergen, Essex, Hudson, Union, Passaic, Morris, Middlesex, Ocean and Mon-

mouth; and is hereinafter called the "marketing area".

2. Amend § 927.4(a)(3) establishing prices for Class I milk in such a manner as to assure more immediate reflection of factors influencing farm costs by establishing within the order an index of farm costs for farms of the New York Milk Shed, and providing in the order for mobility and flexibility of prices for Class I milk in accordance with costs and cost trends as shown by such index. The price for Class I milk under present conditions of costs to be fixed at not less than $3.86 per cwt. for milk of 3.5 butter fat content at the 201–210 mile zone.

Or, in the alternative:

Amend § 927.4 (a) (3) to establish prices for Class I milk in accordance with special findings of the Commissioner of Agriculture of the State of New York, and of the Secretary with respect to the following:

(a) The reasonable value of and the prevailing rates of wages paid for farm labor on dairy farms supplying milk to the marketing area, and the amount of labor required to produce 100 pounds of approved milk on such farms.

(b) Prevailing prices of feeds at stores within the production area, and the amount of feed required to produce 100 pounds of market milk.

(c) The prevailing prices currently paid for hay within the production area, and the amount of hay required to produce 100 pounds of milk.

(d) The prevailing cost of producing ensilage, and the amount of ensilage required to produce 100 pounds of milk.

(e) The prevailing costs of things farmers buy other than feed stuffs together with other miscellaneous costs, and the amount of such miscellaneous costs properly allocated to the cost of producing 100 pounds of milk.

And, on the basis of the above findings:

(f) The estimated prevailing cost of producing 100 pounds of milk for the marketing area. Such findings to be made from time to time on the basis of the evidence adduced at the hearing herein requested and at other further hearings, in order to provide a basis for fixing and appraising producer price returns, and in order to provide experience for the establishment of a mobile index of New York Milk Shed farm costs for incorporation in the milk order at some future time.

Or, in the alternative, the following:

Amend § 927.4 (a) (3) to read as follows:

(3) For Class I milk, the price per hundredweight during each month shall be, except as specified in sub-paragraphs (4), (5) and (6) of this paragraph, as set forth in the table in this sub-paragraph: *Provided, however,* That in any month when the result of dividing either the Class III or the Class IV–B price for the preceding month by 4.2 higher than the average butter price announced pursuant to § 927.2 (3) (1), it shall be used in place thereof in applying the following table:

92-score butter, wholesale, at New York, average announced pursuant to § 927.2 (e) (*cents per pound*):	*Class I price (dollars per cwt.)*
Under 25	$2.66
25 or over, but under 30	2.86
30 or over, but under 35	3.06
35 or over, but under 40	3.26
40 or over, but under 45	3.46
45 or over, but under 50	3.66
50 or over, but under 55	3.86
55 or over, but under 60	4.06
60 or over, but under 65	4.26
65 or over, but under 70	4.46
70 or over	4.66

3. Amend § 927.6 (a) by eliminating therefrom subdivision (2) and renumbering the following subdivisions.

4. Amend § 927.7 (b) by adding a new subdivision (3) to read as follows:

(3) Plus 10 cents for all milk delivered by such producer to a pasteurizing and bottling plant located in a city of 30,000 or more inhabitants according to the 1940 census, from a farm located more than five miles from such plant, other than milk which has been paid a differential under the preceding subdivision.

5. Amend § 927.1 (h) by striking out the words following the words "New York."

6. Amend § 927.3 (b) (3) to read:

(5) Class III–A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of evaporated milk in hermetically sealed cans, sweetened condensed milk, milk chocolate, and other candy products, milk powder, malted milk powder, or cheeses other than those specified in paragraphs (10) and (12).

7. Amend § 927.3 (b) by adding the following new paragraphs and renumbering present paragraphs (6) and (7) as (11) and (12):

(6) Class III–B milk shall be all milk the butterfat from which is delivered as cream to a purchaser outside New York and New England the classification of which is not established in some other class.

(7) Class III–C milk shall be all milk the butterfat from which leaves a plant in the form of frozen desserts or homogenized mixtures used in frozen desserts, provided the frozen desserts in both instances were sold and remained in New York State outside New York City.

(8) Class III–D milk shall be all milk the butterfat from which leaves a plant in the form of frozen desserts or homogenized mixtures used in frozen desserts, provided the frozen desserts in both instances were sold and remained outside New York State and the New England States.

(9) Class III–E milk shall be all milk the butterfat from which is delivered as cream to a purchaser in the New England States.

(10) Class III–F milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream cheese.

8. Amend § 927.4 (a) by adding a new paragraph (11) as follows, and changing the present paragraphs (11) and (12) to (12) and (13):

(11) For milk in Classes III–B, III–C, III–D, III–E and III–F, the prices, subject to the adjustment, if any, computed pursuant to paragraph (d) of this section, shall be prices computed by the market administrator by dividing the cream quotation for the respective class as set forth in the following table by 33.48, multiplying the result by 3.5 and subtracting 16 cents making allowance; and subtracting transportation allowances, for Classes III–B, III–D and III–E of 5.2 cents, plus an additional cent for each 50 miles or fraction thereof, in excess of 250 miles that the plant where the cream was made is distant, in case of Class III–E, from the State House at Boston, or is distant, in case of Classes III–B and III–D, from the City Hall at Philadelphia, and in case of Classes III–C and III–F, 2½ cents if cream is delivered to the plant of utilization.

Class	Reporting authority	Price designation (all per 40 quart can)
III–B	U.S.D.A.	"Pennsylvania and Newark" cream (midpoint).
III–C	N.Y.S., D.A. & M.	"Cream for Up-state ice cream."
III–D	U.S.D.A.	"N. J. uninspected cream" "Penn. uninspected cream" (simple average).
(Unless and until this quotation is established, the price of this class shall be the III–B price.)		
III–E	U.S.D.A.	"Bottling quality cream at Boston from plants not under Orders 4 and 27."
III–F	N.Y.S., D.A. & M	"Cream for cream-cheese North-east."

9. Amend Section 927.4 by adding a new paragraph (e) as follows:

(e) The minimum prices for Classes II–C, III–B, III–C, III–D, III–E, III–F and IV–A shall be minus ------ cents per cwt. as to any milk manufactured and marketed by a cooperative association of producers in such classes; which was received from producers by such cooperative association at plants operated by it; which was offered by such association for sale at such class prices, subject to differentials applicable pursuant to Sec. 927.4 (b) and (c) f. o. b. receiving or cream plant, by public notice posted on the bulletin board of the market administrator at least ten days before the first of the month during which such milk was received, specifying the quantities and receiving plants; and which was not purchased by some other handler as so offered by written notice of such purchase delivered to the market administrator and the cooperative association making the offer five days before the first of the month covered by the offer, and as to any such milk not so purchased by some other handler and classified by the offering cooperative association in Class IV–A, diversion payments shall be allowable in any month of the year. When milk is so offered at a cream plant, it may only be purchased in the form of cream, in which event 19 cents shall be added to the price as making allowance. Any such milk so purchased by such other handler shall nevertheless remain available for Class I and Class II–A under the provisions of § 927.7.

10. Strike out present first paragraph in paragraph (e) of § 927.7 and substitute in place thereof the following:

(e) *Cooperative payments.* (1) For the purposes of this paragraph, the word "cooperative" means any cooperative association whose members consist of producers, and any federation of such cooperative associations. When applied to a federation of cooperative associations, the words "member" and "patron" means, respectively, the members and the patrons of the cooperative associations which themselves constitute the members of the federation. Any cooperative may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this paragraph.

11. Strike out all of paragraph (e) of § 927.7 after the first and second paragraphs and substitute in place thereof the following:

The Market Administrator shall make the payments authorized by this paragraph, or issue credit therefor, out of the producer-settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based.

The payments set forth below shall be made to any cooperative determined to conform to the following requirements, provided that no such cooperative nor any member thereof shall concurrently collect payments under more than one provision of this paragraph:

(i) The cooperative is incorporated, either with or without capital stock;

(ii) Substantially all of the memberships or shares of capital stock carrying rights to vote in the meetings of the corporation are held by persons who produce milk for sale, or by other cooperatives which conform to the provisions of this sub-paragraph;

(iii) Rights to vote or to be represented in the meetings of the corporation are held by members, including all holders of voting shares of capital stock, either equally or in proportion to their patronage of the corporation;

(iv) Dividends or interest on all forms of capital investment (such as capital stock, certificates of interest and certificates of indebtedness issued to patrons, but not excluding other forms) are limited to 8 per cent per year;

(v) Except in case of cooperatives qualified under subdivision (2) of this section all proceeds from the marketing of milk and all other income, after the deduction of expenses including depreciation, and after the deduction of reasonable reserves, is distributed annually, or more frequently, either directly or indirectly, to all patrons in proportion to their patronage in the form of (a) cash, or (b) evidences of capital investment, or (c) individual credits to the patrons clearly shown in the records of the corporation or of the cooperatives constituting a federation: *Provided,* That nothing herein contained shall prevent a cooperative from blending the proceeds of its sales in all markets and establishing such differentials as may be permitted under its contract with its producers;

(vi) All the milk of its members and patrons is sold by the Cooperative and more milk is handled or sold for members than for non-members;

(vii) The corporation is free from direct or indirect control or domination by any handler other than a cooperative association, either through the furnishing of capital or through any other means or method whatever.

(2) Payment shall be made at the rate of ------ cents per hundredweight of net pooled milk caused to be delivered by a cooperative to the plant of a handler provided the cooperative is the marketing agent for 60 percent of the producers delivering to such plant.

(3) Payment shall be made at the rate of ------ cents per hundredweight of net pooled milk reported and collected for by a cooperative that:

(i) Has at least 1,000 members who are producers;

(ii) Sells not more than 75 percent of its milk in any month to one handler, including its affiliates and subsidiaries;

(iii) Contracts for the sale of no milk in classes other than I and II–A for longer than monthly periods;

(iv) Systematically checks the weights and tests of milk delivered by its members;

(v) Accumulates at a rate of at least ------ cents (same as amount of payment under (3)) per hundredweight of milk delivered by its producers, either from payments hereunder or from its producers or from both, funds invested in cash or readily marketable securities or controlling interests in plants approved for receiving milk to be sold in the marketing area, until the total amount equals $1.00 or more per hundredweight of milk delivered by its producers during the next preceding month or the preceding June, whichever is greater;

(vi) Issues and distributes a publication conveying market information to its producers at least once a month;

(vii) Blends the net proceeds of all its sales;

(viii) Has contracts with not less than half of the producers making regular deliveries to each of ten plants;

(ix) Maintains an adequate staff of persons with suitable training and performs educational, legal, statistical, and other services that contribute to the orderly and efficient marketing of milk and to more effective organization of producers for these purposes.

(4) Payments shall be made at the rate of ------ cents per hundredweight of net pooled milk at plants operated by a cooperative which meets all the requirements set forth in (iii), (iv), (vi), and (vii) of (e) (3) of this section and which accumulates at a rate of at least ------ cents (same as the amount of payment under (4)) per hundredweight of milk delivered by its producers, either from payments hereunder or from its producers or from both, an investment in plants approved for receiving milk to be sold in the marketing area, until the total amount equals at least 75 percent of the book value thereof, provided that at no time shall such investment constitute less than 20 percent of such value.

(5) Payments shall be made at the rate of ------ cents per hundredweight of net pooled milk reported by a cooperative or federation of cooperatives that:

(i) Has at least 2,000 members who are producers;

(ii) Contracts for the sale of no milk in Classes other than I and II–A for longer than monthly periods;

(iii) Systematically checks the weights and tests of milk delivered by its members;

(iv) Issues and distributes a publication conveying market information to its producers at least once a month;

(v) Blends the net proceeds of all its sales;

(vi) Maintains a central sales organization;

(vii) Maintains an adequate staff of persons with suitable training and performs educational, legal, statistical, and other services that contribute to the orderly and efficient marketing of milk and to more effective organization of producers for these purposes;

(viii) Has contracts with not less than half of the producers making regular deliveries to each of ten plants;

(ix) Owns and operates plants approved by a health authority in the marketing area and located at distances greater than 170 miles from New York City, capable of converting into cream and products manufactured from skim milk not less than 35% of the quantity of milk delivered by its members in the preceding June; provided that no plants hereafter equipped nearer than 225 miles from New York City shall be considered in applying this requirement;

(x) Owns and operates plants, which may include any or all of those described in subparagraph (ix) above, capable of receiving not less than half the quantity of milk delivered by its members in the preceding June;

(xi) Accumulates at a rate of at least ------ cents (same as amount of payment under (5)) per hundredweight of milk delivered by its producers, either from payments hereunder or from its producers or from both, an investment

in plants approved for receiving milk to be sold in the marketing area, until the total amount equals at least 75% of the book value thereof, provided that at no time shall such investment constitute less than 20% of such value;

(xii) Complies with requests to the Market Administrator to supply to any handler milk for use in the marketing area in Classes I and II–A under the following provisions when the cooperative has milk available in excess of regular or contract sales in those classes:

1. Quantities of not less than 17,000 pounds per shipment for cash on delivery.
2. Transportation supplied at option of buyer and at his expense.
3. Butterfat content nearest to that desired by the purchaser which the cooperative has available at plants whose supply would otherwise be utilized in some other class.
4. Sales price equal to that specified in § 927.4 (a) (3) subject to the applicable differentials pursuant to (a) § 927.4 (c); (b) the butterfat differentials set forth in § 927.4 (b); (c) plus the payments provided for in § 927.8; and (d) plus not more than the following charges for handling through the country plant:

	Cents per cwt.	
	Spot sales	*Monthly contract*
January through March	27	22
April through June	22	17
July through October	27	22
November through December	32	27

(xiii) Complies with requests of the Market Administrator to supply cream to any handler for distribution in the marketing area at the following rate for a 40-quart can of 40 per cent cream f. o. b. the country plant:

Class price set forth in § 927.4 (a) (7) plus or minus the applicable transportation differential, minus the adjustment, if any, computed pursuant to paragraph (d) of § 927.4, plus 21 cents times 9.5666.

(6) Payments shall be made at the rate of ------ cents per hundredweight of net pooled milk reported by a cooperative that meets all the requirements set forth in subdivisions (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii) and (xiii) of (e) (5) of this section and also the following:

(i) Has at least 10,000 members who are producers;

(ii) Has contracts with not less than half the producers supplying milk to the plants of any handler to whom more than 25% of its sales are made in any month;

(iii) Has capacity in plants operated as described in (e) (5) (ix) capable of converting into cream and products manufactured from skim milk not less than ten per cent of all the milk in the last June pool below Class I.

12. Amend § 927.7 (a) by striking out all of said paragraph after the word "Provided" in the fifth line and inserting in lieu thereof the following:

That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act, may, with respect to producers or cooperative marketing associations who are under contract with such association make distribution, in accordance with the contract between the association and such producers or marketing associations, of the net proceeds of all its sales in all markets in all use classifications.

13. Amend § 927.7 (f) (6) (ii) (c) to read:

(c) Plus not more than the following charges for handling through the country plant:

	Cents per cwt.	
	Spot sales	*Monthly contract*
January through March	27	22
April through June	22	17
July through October	27	22
November through December	32	27

14. Amend § 927.4 by changing paragraph (d) to read as follows:

(d) *Skim milk charge.* All skim milk obtained according to the following yield table from the manufacture of cream used in any classification shall be priced per cwt. of skim milk according to the following provisions figuring a yield of 91¼ pounds of skim from a hundredweight of milk containing 3.5% butter fat plus ¼ pound of skim milk for each point of butter fat below 3.5 and minus ¼ pound of skim milk for each point of butter fat above 3.5.

(1) For skim milk distributed for fluid consumption alone or in combination with other products except cream distributed for fluid consumption as cream either sweet or sour, the price shall be the Class I price less $1.40.

(2) For all skim milk which the handler shows was not used as described in paragraph 1, the price shall be computed by the market administrator as follows:

(Present formula except change last figure to 8.3.)

15. Amend § 927.4 (a) (7) and (11) by taking out the words "subject to the plus adjustment if any, computed pursuant to paragraph (d) of this section,"

16. Amend § 927.6 (a) by adding a new paragraph (9) and changing the number of present paragraph 9 to 10, new paragraph (9) to read as follows:

"(9) Add all charges under section 927.4 (d)."

17. Amend § 927.7 to read:

§ 927.7 *Payment to producers*—(a) *Time of payment.* On or before the 10th day of each month each handler shall make a payment to each producer for one-half of the milk delivered by such producer during the preceding month at 90% of the amount estimated by the market administrator as the uniform price for such month subject to the differentials provided in Section 927.4 (c) and on or before the 25th day of each month, each handler shall make a payment to each producer for all milk delivered by such producer during the preceding month after taking credit for the payment made on the 10th day of the month, at not less than the uniform price • • • (Continue as in present Order).

18. Amend § 927.4 (a) (2) to read:

(2) Payment of the minimum prices for milk received direct from producers shall be in accordance with § 927.7. Any handler who purchases or receives during any month milk from a cooperative association of producers which is also a handler, shall pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section, on the 1st day of the following month for all milk purchased or received during the first half of the month and on the 15th day of the following month for all milk purchased or received during the second half of the month.

19. Amend § 927.3 (b) (6) to read:

(6) Class IV–A milk shall be all the milk, the butterfat from which leaves or is on hand at a plant in the form of butter which is not used in the form of frozen desserts or in the form of homogenized mixtures used in frozen desserts.

20. Amend § 927.4 (a) (10) by striking out the following evaporated milk plants:

Mt. Pleasant, Mich.; Sparta, Mich.; Hudson, Mich.; Wayland, Mich.; Coopersville, Mich.; Coldwater, Ohio; Delta, Ohio.

21. Amend the order so as to include a definition of "new producer".

22. Amend the order so as to provide a method of making individual producers responsible for unbalanced excesses of production by setting up a system of price differentials for level production. If necessary, further amend the order by revising the provisions fixing prices to producers on the basis of mileage zones and the provisions setting up near-by location differentials.

II

Proposed amendments submitted by the New York Metropolitan Milk Distributors' Bargaining Agency:

1. Change the definition of Class III milk (which is presently contained in § 927.3 (b) (5) of the order as now in force) to eliminate from such classification cream cheese and milk the butterfat from which leaves a plant in the form of frozen desserts or in the form of homogenized mixtures used in frozen desserts and all milk the butterfat from which is delivered as cream.

2. With respect to Class III milk (so amended as above), change the price provision now contained in § 927.4 (a) (10) so as to substitute the figure 7¢ for the figure 10¢ now appearing in such provision.

3. Create new classifications in respect of the uses proposed to be eliminated from the present definition of Class III milk.

4. Location differentials should not be applicable to milk of a producer which is of less than 3.5 percent butterfat content based on the monthly average test of such producer.

To accomplish this, § 927.6 (a) (8) should be amended by adding at the end thereof the following:

Provided however, That in each of the foregoing cases such deductions shall be made only with respect to milk received from producers which is of a butterfat content of at least 3.5% based on the monthly average of the test of the milk of such producer delivered to the handler.

and also § 927.7 (b) (2) should be amended by adding at the end thereof:

, such sums, however, to be payable to a producer only if the said milk delivered by such producer had a butterfat content of at least 3.5% based on the monthly average of the test of the milk delivered by such producer.

5. Revise the compensable hauling distances and allowances therefor in § 927.7 (f) (3) so as to make the compensable hauling distances and allowances more nearly in line with the experience, needs and costs of hauling milk entitled to diversion payments.

6. Amend § 927.7 (f) (4) so that the claim for diversion payments will be adjusted for movements to a zone farther from as well as to a zone nearer to New York City than the zone of the plant from which the movement was made.

7. Revise the prices and pricing policies of milk used for cream in and outside of the marketing area, in line with market and competitive conditions and needs.

III

Proposed amendments submitted by the Southern Regional Members of the Association of Ice Cream Manufacturers of New York State:

1. Amend § 927.3 (b) (3) to read as follows:

(3) Class II–B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, or, except as set forth in sub-paragraph ( ) of this paragraph, frozen desserts or homogenized mixtures.

2. Amend § 927.3 (b) to include a new subparagraph (5):

(5) Class II–D milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse at an average temperature below zero degrees Fahrenheit for 7 consecutive days, and below 15 degrees Fahrenheit for at least 21 days thereafter, as shown by charts of a recording thermometer and which is subject at all times to being inspected by a representative of the market administrator to determine the physical presence of the cream and the temperature of the room where stored. After the first 7 consecutive days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 48 hours thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.7 (k) for the difference between the Class II–D and Class II–A prices for the month in which the II–D classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this sub-paragraph.

3. Amend § 927.4 (a) (8) to read:

(8) For Class II–B milk the price during each month shall be 50 cents higher than the Class IV–A price.

4. Amend § 927.4 (a) to include new sub-paragraph to read:

(10) For Class II–D milk the price during each month shall be 40 cents higher than the Class IV–A price.

5. Amend Section 927.7 (g) to read as follows:

(g) *Storage cream payments.* With respect to butterfat in frozen cream held in one or more licensed cold storage warehouses for more than 28 days under the conditions set forth in Sec. 927.3 (b) (3), the handler whose net pool obligations included such butterfat as Class II–D milk may make claim, on forms supplied by the market administrator, for payments out of the producer-settlement fund, if such butterfat was stored during the months of April to September, inclusive, and was used in Class ------ during the months of July to March, inclusive, or in Class IV–A during the months of January to March, inclusive. The market administrator shall, after investigation and audit of such claims, make payment to such handler out of the producer-settlement fund, or issue credit against balances due from such handler to the producer-settlement fund in an amount equal to the difference between the Class II–D price and the Class ------ price, or to the difference between the Class II–D price and the Class IV–A price, as the case may be, respectively, in effect for the month during which the milk was received from producers.

6. Amend Class III to distinguish the various products specified therein by separate sub-classifications; and amend the Class III price accordingly, basing the price of cream and ice cream uses upon open market cream values.

IV

Proposal submitted by New York State Guernsey Breeders' Co-Operative, Inc.:

1. Insert a new paragraph in § 927.7 identified as (d) to read as follows:

(d) *Market differential.* For milk specially adapted by quality including a butterfat test in excess of 4.4 per cent, reputation and customary conditions of its marketing to Class I utilization and handled and identified separately from other milk from production to final sale, received from producers at a plant receiving only milk qualified for such use and where the average test exceeds 4.4 per cent, each handler shall pay to producers, in addition to the uniform price and all other payments required pursuant to this section, an amount per hundredweight equivalent to the following differential on all milk so received: Of the quantity of such milk utilized in Class I, determine such an amount that the remainder bears the same proportion to the quantity of such milk utilized in all other classes as all Class I milk included in computation of the uniform price bears to the milk of all other classes so included; and the decimal fraction obtained by dividing the amount so determined by the total quantity of such milk, but in no event above .66, shall be multiplied by the difference between the Class I price under § 927.4 (a) (3) and the uniform price.

2. Amend § 927.6 (a) to include:

Deduct the total of payments required to be made for such month by § 927.7 (d).

Proposal submitted by Martin H. Clumb, Hillsdale, New York:

Add a subparagraph (2) to § 927.7, changing the paragraph (c) to (c) (1), which new subparagraph (2) shall read as follows:

(2) Extra butterfat differential. The uniform price shall also be plus, in the case of milk testing above 4% of average butterfat content of milk delivered by any producer during any month, an additional amount per hundredweight for each one-tenth of 1% above 4%, computed as follows: The difference between the aggregate amount paid by handlers pursuant to § 927.4 (b) for milk testing more than 3.5% butterfat and the amount payable pursuant to subparagraph (1) hereof shall be divided by the pounds of butterfat in the quantity of milk delivered by producers during the month in excess of 4% butterfat; and further divide the result by 10.

VI

Proposal submitted by United Milk Producers of New Jersey:

1. Amend § 927.4 (6) to read as follows:

For Class I milk which has not passed through the marketing area, but including Class I milk which was received di-

rect from producers at a plant in the marketing area, and which is ultimately distributed in an area not regulated by an order of the Secretary, the price shall be the Class I price, except where milk is produced and sold within a state where the price is fixed by a state agency.

2. Amend § 927.6 (8) to read as follows:

Deduct 20 cents per hundredweight in the case of net pooled milk at plants located at West Coxsackie, Kyserike, Ellenville, and Accord, New York, and at plants located in the New York Counties of Columbia, Dutchess, Orange, Putnam and Rockland, and Litchfield County in the State of Connecticut and the County of Berkshire in the State of Massachusetts; 30 cents in the case of net pooled milk at plants in the marketing area and in the following Counties of New Jersey:

Hunterdon, Union, Sussex, Somerset, Morris, Passaic, Essex, Warren, and Burlington.

3. Amend § 927.7 (2) to read as follows:

Plus the differentials, if any, applicable pursuant to § 927.6 (a) (8) plus 5 cents.

VII

Proposal submitted by Adler's Creamery, Inc.

1. Section 927.8 eliminate the words: "and which was properly classified in Class 1, 11–A, and 11–B,".

2. Section 927.7 eliminate entirely all paragraphs under division (e).

3. If the above amendment is not passed, then add the following to paragraph 3 under division F of § 927.7: "Any payments made under division (e) of this section shall be deducted from the above diversion payments."

4. Under § 927.3 division (b) paragraph 5 eliminate the words "milk powder, malted milk powder," and renumber paragraph 6 to paragraph 7 and paragraph 7 to paragraph 8 and insert the following for paragraph (6): "Class 3A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of milk powder or malted milk powder."

5. Under § 927.4 renumber paragraph 11 to paragraph 12 and paragraph 12 to paragraph 13 and insert paragraph (11) as follows: For class 3A milk the price during each month shall be determined as follows:

From the average of all the dry whole milk, spray, other brands, barrels, carlots per pound (using midpoint of any range as one quotation) published during each month in "The Producers' Price-Current," subtract 6 cents, and multiply by 12.

VIII

Proposal submitted by George S. Reed on behalf of Hoffman and Dyde, St. Law-

Lowville Producers Dairy Cooperative, Inc.:

1. Amend § 927.4 (12) to read: For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows:

"From the average of weekly quotations at Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Twins there shall be deducted 2 cents and the result multiplied by 9.45: *Provided*, That if there are no such weekly quotations for Twins, the weekly quotations at Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, less 2 cents, and the result multiplied by 9.45."

2. Amend § 927.7 (f) (1) so as to read as follows:

(1) Payments may be made only on milk which has been, pursuant to Section 927.3 properly classified, for any month of the year, in Classes II–A, II–B, II–C, III and IV–B; or for the months of January, February, March and April in Class IV–A.

IX

Proposal submitted on behalf of Andes Cooperative Creamery, Inc., and Bovina Center Creamery, Inc.:

1. Amend § 927.3 (b) (5) eliminating therefrom all cream uses in competition with western cream and placing such cream in a new class, such as III–B.

2. Amend § 927.4 (a) by inserting a new paragraph for paragraph 10 establishing a price for the new III–B cream class to be in line with prices prevailing for western cream in eastern markets.

3. Amend § 927.4 (d) by removing "other brand human consumption" from the formula determining the skim milk adjustment prices.

4. Amend § 927.7 (f) by removing the entire section relative to diversion payments.

X

Proposal submitted by I. Elkin Nathans on behalf of Tri-County Dairy Company, Penn-Reed Milk Company, Inc., Mifflin Creamery Company, Inc., Lancaster Milk Company, Inc., Troy Dairy Farms, East Smithfield Farms, Inc. and Puritan Dairy:

1. Section 927.4 (c) *Transportation differentials.* Delete the words "by more than 15 miles" in line 7 of printed copy.

2. Section 927.3 (b) *Classes of milk.* Delete paragraphs (3), (4), and (5) of this sub-division and substitute therefor paragraphs (5), (4), (6), (7), and (8) of similar sub-division as carried in order dated March 1 1941. The effect of this would be to restore the classifications of II–C, III–A, III–B, III–C, and III–D as they were in the order effective March 1, 1941.

3. Section 927.7 (f) (1) *Diversion payments.* Amend to read

of the year, in Classes II–A, II–B, II–C and III (or in such classes as may be fixed pursuant to this hearing covering the same utilizations) and in Class IV–A and in the months of April, May, June, July, August, September and October in Class IV–B.

Appropriate pricing for these classifications as may be developed by competitive conditions presently encountered to be made based on evidence submitted.

4. Section 927.4 *Minimum prices.* (a) Class prices. Sub-paragraph (6). Delete the words "plus 20 cents per hundredweight included in the net pool obligation for such milk pursuant to § 927.6 (a).

XI

Proposal submitted by Leland Spencer, Professor of Marketing, Cornell University:

1. Section 927.4 (a) (3), change the first three lines to read:

(3) For Class I milk the price per hundredweight during each month shall be, except as specified in subparagraphs (4), (5), (6) and (10) of this paragraph, the prices set forth in the table in this subparagraph:

2. Section 927.4 (7), change first three lines to read:

(7) For Class II–A milk the price during each month shall, except as specified in sub-paragraph (10) of this paragraph and subject to the plus adjustment, if any, computed pursuant to paragraph (d) of this section, be as follows:

3 Section 927.4 (8), change to read:

(8) For Class II–B milk the price during each month shall, except as specified in subparagraph (10) of this paragraph, be ---- cents less than the Class II–A price.

4. Section 927.4 Insert a new subparagraph (10) and renumber subparagraphs (10) to (12) accordingly.

(10) Not later than the 12th day of July, August and September, respectively, the Administrator shall announce the percentage by which the average precipitation in the production area of the New York milk shed during the 3 months immediately preceding the date of announcement has been greater or less than the normal precipitation for the period. In making the necessary determinations precipitation data compiled by the U. S. Weather Bureau for stations in the following states and counties shall be used with the weights indicated:

(i) The entire State of New York, 9 per cent.

(ii) Counties of Pennsylvania in which milk is received by handlers from producers, 10 per cent.

(iii) Counties of New Jersey, in which milk is received by handlers from producers, 5 per cent.

In determining the 3-month average precipitation for each state or section of a state the data for each month shall be weighted as follows:

First month preceding date of announcement, 40 per cent.

Second month preceding date of announcement, 40 per cent.

Third month preceding date of announcement, 20 per cent.

In any month when the average precipitation announced by the Market Administrator is below normal by more than 10 per cent, the minimum prices for Classes I, II–A and II–B milk shall be adjusted according to the following schedule, beginning on the 16th of said month and continuing until the following March 31st.

Average precipitation—Percent below normal as announced by Market Administrator	Noncumulative adjustment in minimum prices	
	Class I	Classes II–A and II–B
10 and over but under 20	Plus 20 cents per hundredweight.	Plus 12.5 cents per hundredweight.
20 and over but under 30	Plus 30 cents per hundredweight.	Plus 25 cents per hundredweight.
30 and over	Plus 40 cents per hundredweight.	Plus 37.5 cents per hundredweight.

XII

Proposal submitted by Intervale Farms, Inc.:

Inasmuch as we consider the trucking rates between long distance hauls far in excess of the freight differential allowed, thereby making milk costs higher than milk hauled from a medium distance of 200 miles, and placing those producers who are farther from the Metropolitan Area at a disadvantage in selling their milk for fluid consumption, we hereby propose that the fluid milk differential be changed as follows:

For every 10 miles away from the 200 mile zone and up to the 350 mile zone, 1¢ per hundred lbs. of fluid milk be allowed as a freight differential, beyond the 350 mile zone ½¢ per hundred lbs. of fluid milk be allowed as a freight differential which would make table contained under Section 927.4 as follows:

Freight zone (miles)	Class I (cents per cwt.)	Classes II–A, II–B, and II–C (cents per cwt.)
141–150	+3.5	+3
151–160	+2.5	+2
161–170	+2.5	+2
171–175	+1.5	+2
176–180	+1.5	+1
181–190	+1.5	+1
191–200	0.0	+1
201–210	0.0	0
211–220	−1	0
221–230	−2	0
231–240	−3	−1
241–250	−4	−1
251–260	−5	−1
261–270	−6	−2
271–280	−7	−2
281–290	−8	−2
291–300	−9	−3
301–310	−10	−3
311–320	−11	−3
321–330	−12	−4
331–340	−13	−4
341–350	−14	−4
351–360	−14½	−5
361–370	−15	−5
371–380	−15½	−5
381–390	−16	−6
391–400	−16½	−6
401–410	−17	−6
411–420	−17½	−7
421–430	−18	−7
431–440	−18½	−7
441–450	−19	−8
451–460	−19½	−8
461–470	−20	−8
471–480	−20½	−9
481–490	−21	−9
491–500	−21½	−9

XIII

Proposal submitted by Connecticut Milk Producers Association:

Delete subparagraph (6), paragraph (a), § 927.4, and substitute therefor the following:

(6) For Class I milk sold or distributed in an area not regulated by an order of the Secretary, the price shall be the price ascertained by the Market Administrator as the prevailing price paid by dealers for milk of equivalent use in the market where such Class I milk is utilized.

XIV

Proposal submitted on behalf of Rupert Creamery Corporation:

Add to the first sentence in § 927.3 (c) the words "and if truck transportation to New York City is feasible."

XV

Proposals submitted by the Dairy Farmers' Union:

1. Amend § 927.4 (c) so that if and when the laws and regulations of the Interstate Commerce Commission and the Public Service Commission compel the filing of trucking rates, handlers shall account for their Class I milk at the trucking rate and special rail rates whenever they are lower than the standard tank car rail rates on which such milk is accounted for under the present order.

2 Amend the order by striking out from [illegible] § 927.7 subdivision (f), relating to diversion payments and sections (1), (2), (3), (4), (5), and (6) under subdivision (f).

XVI

Proposals submitted on behalf of Gold Medal Farms, Inc.:

1. Eliminate § 927.3 (a) (1).

2. Strike out from § 927.7 (f), the words "* * * not having any equipment other than that needed for the receiving and shipping of milk * * *."

XVII

Amendments submitted by Sullivan County Milk Producers' Committee:

Amend § 927.6 (a) (8) to read as follows:

(8) Deduct 20 cents per hundredweight in the case of net pooled milk at plants located at West Coxsackie, Kyserike, Ellenville, and Accord, New York; 30 cents in the case of net pooled milk at plants in the marketing area; and 20 cents per hundredweight in the case of all net pooled milk at plants located at Wallkill, Phinney's Crossing, Gardiner, and New Paltz, New York, and in the following counties:

New Jersey Counties: Hunterdon, Somerset, Essex, Union, Morris, Warren, Sussex, Passaic, Burlington.

New York Counties: Columbia, Dutchess, Orange, Putnam, Rockland, Sullivan.

Connecticut: Litchfield County.

Massachusetts: Berkshire County.

XVIII

Proposal submitted by Connecticut Milk Producers' Association:

After § 927.7 (f), subparagraph (6), add a new subparagraph numbered (7) to read as follows:

(7) No claim shall be allowed if the milk on which the claim is made is received from producers at a plant at any location set forth in § 927.6 (a) (8).

XIX

Proposals submitted by New England Milk Producers' Association:

1. Amend § 927.4 (a) (10) by inserting after the words "For Class III milk", the words "except as specified in subparagraph (11) of this paragraph".

2. Add the following new subparagraph (11) in § 927.4, paragraph (a) and renumber the subsequent subparagraphs in this section and paragraph:

(11) For Class III milk the butterfat from which is distributed as cream in an area regulated by another order of the Secretary, the price shall be the same as would be applicable to such milk under such other order.

3 Amend § 927.7 (f) (1) by adding after the word "III" the words "except milk the butterfat from which is delivered as cream to a purchaser outside the special cream area which is not subsequently moved back into the special cream area or the marketing area" so as to read as follows:

rect from producers at a plant in the marketing area, and which is ultimately distributed in an area not regulated by an order of the Secretary, the price shall be the Class I price, except where milk is produced and sold within a state where the price is fixed by a state agency.

2. Amend § 927.6 (8) to read as follows:

Deduct 20 cents per hundredweight in the case of net pooled milk at plants located at West Coxsackie, Kyserike, Ellenville, and Accord, New York, and at plants located in the New York Counties of Columbia, Dutchess, Orange, Putnam and Rockland, and Litchfield County in the State of Connecticut and the County of Berkshire in the State of Massachusetts; 30 cents in the case of net pooled milk at plants in the marketing area and in the following Counties of New Jersey:

Hunterdon, Union, Sussex, Somerset, Morris, Passaic, Essex, Warren, and Burlington.

3. Amend § 927.7 (2) to read as follows:

Plus the differentials, if any, applicable pursuant to § 927.6 (a) (8) plus 5 cents.

VII

Proposal submitted by Adler's Creamery, Inc.

1. Section 927.8 eliminate the words: "and which was properly classified in Class 1, 11–A, and 11–B,".

2. Section 927.7 eliminate entirely all paragraphs under division (e).

3. If the above amendment is not passed, then add the following to paragraph 3 under division F of § 927.7: "Any payments made under division (e) of this section shall be deducted from the above diversion payments."

4. Under § 927.3 division (b) paragraph 5 eliminate the words "milk powder, malted milk powder," and renumber paragraph 6 to paragraph 7 and paragraph 7 to paragraph 8 and insert the following for paragraph (6): "Class 3A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of milk powder or malted milk powder."

5. Under § 927.4 renumber paragraph 11 to paragraph 12 and paragraph 12 to paragraph 13 and insert paragraph (11) as follows: For class 3A milk the price during each month shall be determined as follows:

From the average of all the dry whole milk, spray, other brands, barrels, carlots per pound (using midpoint of any range as one quotation), published during each month in "The Producers' Price-Current," subtract 6 cents, and multiply by 12.

VIII

Proposal submitted by George S. Reed on behalf of Hoffman and Dudo, St. Lawrence County Cooperative Dairies, Inc., Chateaugay Cooperative Milk Association, Inc., Hermon Dairy Company, Morley Butter and Cheese Company, and Lowville Producers Dairy Cooperative, Inc.:

1. Amend § 927.4 (12) to read: For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows:

"From the average of weekly quotations at Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Twins there shall be deducted 2 cents and the result multiplied by 9.45: *Provided*, That if there are no such weekly quotations for Twins, the weekly quotations at Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, less 2 cents, and the result multiplied by 9.45."

2. Amend § 927.7 (f) (1) so as to read as follows:

(1) Payments may be made only on milk which has been, pursuant to Section 927.3 properly classified, for any month of the year, in Classes II–A, II–B, II–C, III and IV–B; or for the months of January, February, March and April in Class IV–A.

IX

Proposal submitted on behalf of Andes Cooperative Creamery, Inc., and Bovina Center Creamery, Inc.:

1. Amend § 927.3 (b) (5) eliminating therefrom all cream uses in competition with western cream and placing such cream in a new class, such as III–B.

2. Amend § 927.4 (a) by inserting a new paragraph for paragraph 10 establishing a price for the new III–B cream class to be in line with prices prevailing for western cream in eastern markets.

3. Amend § 927.4 (d) by removing "other brand human consumption" from the formula determining the skim milk adjustment prices.

4. Amend § 927.7 (f) by removing the entire section relative to diversion payments.

X

Proposal submitted by I. Elkin Nathans on behalf of Tri-County Dairy Company, Penn-Reed Milk Company, Inc., Mifflin Creamery Company, Inc., Lancaster Milk Company, Inc., Troy Dairy Farms, East Smithfield Farms, Inc. and Puritan Dairy:

1. Section 927.4 (c) *Transportation differentials.* Delete the words "by more than 15 miles" in line 7 of printed copy.

2. Section 927.3 (b) *Classes of milk.* Delete paragraphs (3), (4), and (5) of this sub-division and substitute therefor paragraphs (5), (4), (6), (7), and (8) of similar sub-division as carried in order dated March 1, 1941. The effect of this would be to restore the classifications of II–C, III–A, III–B, III–C, and III–D as they were in the order effective March 1, 1941.

3. Section 927.7 (f) (1) *Diversion payments.* Amend to read:

Payment may be made only on milk which has been, pursuant to Section 927.3, properly classified, for any month of the year, in Classes II–A, II–B, II–C and III (or in such classes as may be fixed pursuant to this hearing covering the same utilizations) and in Class IV–A and in the months of April, May, June, July, August, September and October in Class IV–B.

Appropriate pricing for these classifications as may be developed by competitive conditions presently encountered to be made based on evidence submitted.

4. Section 927.4 *Minimum prices.* (a) Class prices. Sub-paragraph (6). Delete the words "plus 20 cents per hundredweight included in the net pool obligation for such milk pursuant to § 927.6 (a).

XI

Proposal submitted by Leland Spencer, Professor of Marketing, Cornell University:

1. Section 927.4 (a) (3), change the first three lines to read:

(3) For Class I milk the price per hundredweight during each month shall be, except as specified in subparagraphs (4), (5), (6) and (10) of this paragraph, the prices set forth in the table in this subparagraph:

2. Section 927.4 (7), change first three lines to read:

(7) For Class II–A milk the price during each month shall, except as specified in sub-paragraph (10) of this paragraph and subject to the plus adjustment, if any, computed pursuant to paragraph (d) of this section, be as follows:

3 Section 927.4 (8), change to read:

(8) For Class II–B milk the price during each month shall, except as specified in subparagraph (10) of this paragraph, be ---- cents less than the Class II–A price.

4. Section 927.4 Insert a new subparagraph (10) and renumber subparagraphs (10) to (12) accordingly.

(10) Not later than the 12th day of July, August and September, respectively, the Administrator shall announce the percentage by which the average precipitation in the production area of the New York milk shed during the 3 months immediately preceding the date of announcement has been greater or less than the normal precipitation for the period. In making the necessary determinations precipitation data compiled by the U. S. Weather Bureau for stations in the following states and counties shall be used with the weights indicated:

(i) The entire State of New York, 75 per cent.

(ii) Counties of Pennsylvania in which milk is received by handlers from producers, 15 per cent.

(iii) Counties of New Jersey in which milk is received by handlers from producers, 5 per cent.

(iv) Counties of Vermont in which milk is received by handlers from producers, 5 per cent.

In determining the 3-month average precipitation for each state or section of a state the data for each month shall be weighted as follows:

First month preceding date of announcement, 40 per cent.

Second month preceding date of announcement, 40 per cent.

Third month preceding date of announcement, 20 per cent.

In any month when the average precipitation announced by the Market Administrator is below normal by more than 10 per cent, the minimum prices for Classes I, II–A and II–B milk shall be adjusted according to the following schedule, beginning on the 16th of said month and continuing until the following March 31st.

Average precipitation—Percent below normal as announced by Market Administrator	Noncumulative adjustment in minimum prices	
	Class I	Classes II–A and II–B
10 and over but under 20	Plus 20 cents per hundredweight.	Plus 12.5 cents per hundredweight.
20 and over but under 30	Plus 30 cents per hundredweight.	Plus 25 cents per hundredweight.
30 and over	Plus 40 cents per hundredweight.	Plus 37.5 cents per hundredweight.

XII

Proposal submitted by Intervale Farms, Inc.:

Inasmuch as we consider the trucking rates between long distance hauls far in excess of the freight differential allowed, thereby making milk costs higher than milk hauled from a medium distance of 200 miles, and placing those producers who are farther from the Metropolitan Area at a disadvantage in selling their milk for fluid consumption, we hereby propose that the fluid milk differential be changed as follows:

For every 10 miles away from the 200 mile zone and up to the 350 mile zone, 1¢ per hundred lbs. of fluid milk be allowed as a freight differential, beyond the 350 mile zone ½¢ per hundred lbs. of fluid milk be allowed as a freight differential which would make table contained under Section 927.4 as follows:

Freight zone (miles)	Class I (cents per cwt.)	Classes II–A, II–B, and II–C (cents per cwt.)
1–10	+15	+8
11–20	+14	+8
21–25	+13	+8
26–30	+13	+7
31–40	+13	+7
41–50	+13	+7
51–60	+10.5	+7
61–70	+10.5	+6
71–75	+9.5	+6
76–80	+8	+6
81–90	+8	+5
91–100	+8	+5
101–110	+7	+5
111–120	+7	+4
121–125	+6	+4
126–130	+5	+4
131–140	+5	+3
141–150	+3.5	+3
151–160	+2.5	+2
161–170	+2.5	+2
171–175	+1.5	+2
176–180	+1.5	+1
181–190	+1.5	+1
191–200	0.0	+1
201–210	0.0	0
211–220	−1	0
221–230	−2	0
231–240	−3	−1
241–250	−4	−1
251–260	−5	−1
261–270	−6	−2
271–280	−7	−2
281–290	−8	−2
291–300	−9	−3
301–310	−10	−3
311–320	−11	−3
321–330	−12	−4
331–340	−13	−4
341–350	−14	−4
351–360	−14½	−5
361–370	−15	−5
371–380	−15½	−5
381–390	−16	−6
391–400	−16½	−6
401–410	−17	−7
411–420	−17½	−7
421–430	−18	−7
431–440	−18½	−7
441–450	−19	−8
451–460	−19½	−8
461–470	−20	−8
471–480	−20½	−9
481–490	−21	−9
491–500	−21½	−9

XIII

Proposal submitted by Connecticut Milk Producers Association:

Delete subparagraph (6), paragraph (a), § 927.4, and substitute therefor the following:

(6) For Class I milk sold or distributed in an area not regulated by an order of the Secretary, the price shall be the price ascertained by the Market Administrator as the prevailing price paid by dealers for milk of equivalent use in the market where such Class I milk is utilized.

XIV

Proposal submitted on behalf of Rupert Creamery Corporation:

Add to the first sentence in § 927.3 (c) the words "and if truck transportation to New York City is feasible."

XV

Proposals submitted by the Dairy Farmers' Union:

1. Amend § 927.4 (c) so that if and when the laws and regulations of the Interstate Commerce Commission and the Public Service Commission compel the filing of trucking rates, handlers shall account for their Class I milk at the trucking rate and special rail rates whenever they are lower than the standard tank car rail rates on which such milk is accounted for under the present order.

2. Amend the order by striking out from Section 927.7 subdivision (f), relating to diversion payments and sections (1), (2), (3), (4), (5), and (6) under subdivision (f).

XVI

Proposals submitted on behalf of Gold Medal Farms, Inc.:

1. Eliminate § 927.3 (a) (1).

2. Strike out from § 927.7 (f), the words "* * * not having any equipment other than that needed for the receiving and shipping of milk * * *."

XVII

Amendments submitted by Sullivan County Milk Producers' Committee:

Amend § 927.6 (a) (8) to read as follows:

(8) Deduct 20 cents per hundredweight in the case of net pooled milk at plants located at West Coxsackie, Kyserike, Ellenville, and Accord, New York; 30 cents in the case of net pooled milk at plants in the marketing area; and 20 cents per hundredweight in the case of all net pooled milk at plants located at Wallkill, Phinney's Crossing, Gardiner, and New Paltz, New York, and in the following counties:

New Jersey Counties: Hunterdon, Somerset, Essex, Union, Morris, Warren, Sussex, Passaic, Burlington.

New York Counties: Columbia, Dutchess, Orange, Putnam, Rockland, Sullivan.

Connecticut: Litchfield County.

Massachusetts: Berkshire County.

XVIII

Proposal submitted by Connecticut Milk Producers' Association:

After § 927.7 (f), subparagraph (6), add a new subparagraph numbered (7) to read as follows:

(7) No claim shall be allowed if the milk on which the claim is made is received from producers at a plant at any location set forth in § 927.6 (a) (8).

XIX

Proposals submitted by New England Milk Producers' Association:

1. Amend § 927.4 (a) (10) by inserting after the words "For Class III milk", the words "except as specified in subparagraph (11) of this paragraph".

2. Add the following new subparagraph (11) in § 927.4, paragraph (a) and renumber the subsequent subparagraphs in this section and paragraph:

(11) For Class III milk the butterfat from which is distributed as cream in an area regulated by another order of the Secretary, the price shall be the same as would be applicable to such milk under such other order.

3. Amend § 927.7 (f) (1) by adding after the word "III" the words "except milk the butterfat from which is delivered as cream to a purchaser outside the special cream area which is not subsequently moved back into the special cream area or the marketing area," so as to read as follows:

(1) Payments may be made only on milk which has been, pursuant to § 927.3, properly classified, for any month of the year, in Classes II–A, II–B, II–C, and III, except milk the butterfat from which is delivered as cream to a purchaser outside the special cream area which is not subsequently moved back into the special cream area or the marketing area; for the months of January, February, March, April, September, and October, in Class IV–A; or, for the months of May, June, July, and August, in Class IV–B."

XX.

Proposals submitted on behalf of Sodus Creamery Corporation:

1. Amend § 927.1 (e), so that it reads as follows:

(e) "Producer" means any person who produces milk which is delivered to a handler at a plant which is approved, or was on December 1, 1941, approved by any health authority for the receiving of milk to be sold in the marketing area.

2. Amend § 927.1 (f) so that it reads as follows:

(f) "Handler" means any person who engages in the handling of milk, or cream or milk products therefrom, which milk was received at a plant which is approved or was on December 1, 1941, approved, by any health authority for the receiving of milk to be sold in the marketing area, which handling is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce. This definition shall be deemed to include a cooperative association of producers with respect to any milk received from producers at any plant approval for which is, or was on December 1, 1941, held by such association, or with respect to any milk which it causes to be delivered from producers to any other handler for the account of such association and for which such association receives payment.

3. Amend such other provisions of the order as may be necessary to carry out the intention above expressed.

XXI

Proposal submitted on behalf of forty-two cooperative associations:

1. Amend § 927.7 (e), first paragraph, by putting a period after the word "members" in the next to the last line thereof and striking out the following words "and complying with all provisions of this order applicable to it."

2. Amend § 927.7 (e), second paragraph, to read as follows:

After the Secretary has determined any cooperative to be qualified to receive payments pursuant to this paragraph, such cooperative shall from time to time, as requested by the Secretary, make reports to him with respect to services rendered and the use of the sums received under this paragraph. Such payments shall be continued until the Secretary has, after hearing, disqualified such cooperative.

XXII

Proposals submitted by Farmers Union of the New York Milk Shed:

1. Elimination of the producer contract system.

2. Elimination of payments to cooperative associations for alleged services under the order.

3. Diversions of milk to be wholly under control and at the direction of the Administrator during the emergency period in order to assure maximum contribution to the war effort.

4. Provision for a flexible system of price changes to meet changing conditions of production and distribution without undue delays.

XXIII

Amendments submitted on behalf of Rockdale Creamery Corporation:

1. Amend § 927.4 (a) (9) by adding Greensboro, Maryland, to the locations of evaporated plants.

2. Eliminate in full § 927.6 (a) (8).

3. Delete the following proviso in § 927.7 (a):

Provided, That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act, may, with respect to producers who are members of and under contract with such association make distribution, in accordance with the contract between the association and such members, of the net proceeds of all its sales in all markets in all use classifications.

and substitute the following:

No handler proprietory or co-operative shall make payment at less than the uniform price to producers subject to differentials set forth in paragraphs (b) and (c) of this section.

4. Delete § 927.7 (e) and substitute the following:

Any handler may apply to the Secretary to receive payments, namely 4¢ per hundredweight of net pooled milk at plants operated by such handler, if such handler sells Class I milk in times of short supply in the marketing area and secures the greatest possible returns to all producers in times of long supply.

5. Delete § 927.7 (f) (1) and substitute the following:

Payments may be made only on milk which has been, pursuant to Section 927.3, properly classified for any month of the year from funds obtained from the Surplus Commodities Corporation in Class II–A, II–B, II–C, III and IV–B provided the skim milk in II–A II–B, II–C, III is used for milk powder. Also III whole milk is used for the manufacture of evaporated milk and whole milk powder.

6. Delete § 927.7 (f) (3) and substitute the following:

Claims shall be paid only if complying with Paragraph I, as amended, with funds obtained from the Surplus Commodities Corporation.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days, and it is hereby determined that the period of notice given is reasonable under the circumstances.

Additional copies of this notice of hearing containing the proposed amendments, copies of the proposed amendments, and copies of Order No. 27, as amended, now in effect, may be procured at the office of the Market Administrator, 383 Madison Avenue, New York City, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

Dated: December 29, 1941.

[F. R. Doc. 41–9848; Filed, December 30, 1941; 11:11 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

EXTENSION OF EXEMPTION FROM THE PROVISIONS OF THE PUBLIC CONTRACTS ACT OF CONTRACTS FOR FUTURES PURCHASES OF CERTAIN CANNED FRUITS AND VEGETABLES

On June 9, 1941, at the request of the Secretary of War and on his finding that the inclusion in contracts for futures purchases of the canned fruits and vegetables named in the attached list of the representations and stipulations of section 1 of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) otherwise known as the Walsh-Healy Public Contracts Act and hereinafter called the Act, would seriously impair the conduct of government business, I granted an exemption expiring December 31, 1941 permitting the award of contracts for such futures purchases without the inclusion in the contracts of any of the representations and stipulations of section 1 of the Act.

I was impelled to grant this exemption because (1) it appeared that good business practice required that the War Department make futures purchases of canned foods in order that it might, subject to the limitation of existing equipment, obtain canned foods in the sizes of cans desired for efficient operation and wherever possible make contracts in advance of production so that production might be increased to meet these demands without causing a shortage of food for civilian consumption; (2) the War Department pack would have to go through canneries simultaneously with the ordinary commercial work because of the fact that the War Department would not take all grades but confined its purchases to choice or extra-standard; and (3) the conditions existing in the industry were such that canneries operating on government orders could not dispose of the commercial part of their pack in competition with canneries not engaged on government work if the canneries engaged on government work had to comply with all the standards of the Act.

After granting the exemption a committee was appointed to study the problem presented by the award of contracts subject to the Act to members of the canning industry and the committee will not be ready to report its recommendations until some time after the expiration of the present exemption.

The Secretary of War has made written findings that the inclusion of the representations and stipulations of section 1 of the Act will under conditions now existing seriously impair the conduct of government business and the facts appearing now to be the same as those which impelled me in the first instance to exempt all contracts for futures purchases of the canned fruits and vegetables named in the attached list from the requirement that there be included therein the representations and stipulations of section 1 of the Act,

I find that justice and the public interest will be served by continuing the exemption in effect for a period of time sufficiently long to permit the committee to make its report and suggestions.

Therefore, I hereby exempt for the period from December 31, 1941, to and including April 30, 1942, all contracts for the futures purchases of the canned fruits and vegetables named in the list attached from the requirement that there be included therein the representations and stipulations of section 1 of the Act.

Dated: December 30, 1941.

FRANCES PERKINS.

CANNED FRUITS AND VEGETABLES SUBJECT TO THE EXEMPTION FROM THE PROVISIONS OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT OF CONTRACTS FOR FUTURES PURCHASES

Apples, canned.
Applesauce, canned.
Apricots, canned.
Asparagus, canned.
Beans, lima, canned.
Beans, string (or snap) canned.
Beets, canned.
Blackberries, canned.
Blueberries (huckleberries), canned.
Carrots, canned.
Catsup, canned.
Cherries, canned.
Corn, canned.
Figs, canned.
Fruit cocktail, canned.
Grapefruit, canned.
Grapefruit juice, canned.
Grapes, various, canned.
Loganberries, canned.
Peaches, canned.
Pears, canned.
Peas, canned.
Pineapple, canned.
Plums, canned.
Prunes, fresh, canned.
Pumpkin, canned.
Raspberries, canned.
Sauce, chili.
Spinach, canned.
Squash, canned.
Tomato Juice, canned.
Tomato Puree, canned.
Tomatoes, canned.

[F. R. Doc. 41–9867; Filed, December 30, 1941; 11:48 a. m.]

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners not to exceed at any one time ten workers issued to the Brooks Manufacturing Corporation, Brooks Boulevard, Manville, New Jersey, on May 26, 1941, has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C. this 26th day of December 1941.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 41–9865; Filed, December 30, 1941; 11:45 a. m.]

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that a special certificate for the employment of learners not to exceed at any one time three workers, issued to the Fullerton Textile Company, Marry Street, Fullerton, Pennsylvania, on May 29, 1941, has been ordered cancelled as of the first date of violation because of violation of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this company Notice shall have appeared in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken upon the petition.

Signed at Washington, D. C. this 15th day of December, 1941.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 41–9866; Filed, December 30, 1941; 11:45 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 682]

IN THE MATTER OF THE APPLICATION OF NORTHEAST AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF HEARING

Please take notice, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401 and 1001 of said Act, in the above-entitled proceeding, that public hearing is hereby assigned to be held on December 31, 1941, at 10 a. m. (eastern standard time) in Room 5044 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: December 29, 1941.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–9814; Filed, December 30, 1941; 9:40 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. 148]

INCREASED RAILWAY RATES, FARES, AND CHARGES, 1942

EXPRESS L. C. L. SPECIAL EMERGENCY TARIFFS, 1942

DECEMBER 30, 1941.

The above entitled proceedings, now assigned for hearing at Chicago, Illinois, on January 5 and 9, 1942, respectively, are hereby reassigned for hearing at St. Louis, Missouri, at Hotel Statler, commencing at 10:00 o'clock a. m., on the same dates.

Representations have been made that because of conditions growing out of the present national emergency, it is desirable that the oral argument in Docket Ex Parte No. 148 should be in St. Louis immediately following the hearing. That proceeding accordingly is set for argument before the Commission at St.

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

Louis immediately after the close of the taking of testimony.

Persons submitting verified statements in Ex Parte No. 148 in response to the petitions described in the Commission's notice of December 27, 1941, should address copies thereof to the persons named in that notice at the Hotel Statler, in St. Louis.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 41-9370; Filed, December 30, 1941; 11:56 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-40, 59-40]

IN THE MATTERS OF CONSOLIDATED ELECTRIC AND GAS COMPANY, APPLICANT; AND CENTRAL PUBLIC UTILITY CORPORATION CONSOLIDATED ELECTRIC AND GAS COMPANY, RESPONDENTS

NOTICE OF AND ORDER FOR HEARING ON PLAN FILED UNDER SECTION 11 (e) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND SETTING DATE FOR HEARING, AND ORDER CONSOLIDATING SUCH PROCEEDINGS FOR PURPOSES OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of December, A. D. 1941.

I

Consolidated Electric and Gas Company having filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan for the simplification of its corporate structure and for the divestment of control of its subsidiaries, which plan provides:

1. Consolidated Electric and Gas Company proposes to reclassify its outstanding Preferred Stock into such number of shares of new Common Stock as shall be convenient for distribution to the holders of the presently outstanding Preferred Stock.

2. Consolidated Electric and Gas Company will proceed to cancel and retire all of its presently outstanding Class A Stock and Common Stock without any consideration to the holders of such Class A Stock and Common Stock.

3. The capitalization of Consolidated Electric and Gas Company will then consist of presently outstanding and long term debt and one class of capital stock, the new Common Stock distributed to the holders of the presently outstanding Preferred Stock.

4. Consolidated Electric and Gas Company proposes to pursue a program of liquidation and actively to endeavor to sell or exchange the securities or assets of its subsidiaries at fair prices and, to the extent required, apply the proceeds received therefrom to the retirement of its debt securities and, upon the extinguishment of such debt securities, to distribute the remaining assets to the holders of the new Common Stock.

II

The Commission's public official files disclose that:

1. Central Public Utility Corporation is a registered holding company, organized under the laws of Delaware, with its principal offices for the doing of business located in Jersey City, New Jersey. It has two direct subsidiaries, Central Securities Transfer Company, engaged in the business of transferring securities and not a public utility company within the meaning of the Public Utility Holding Company Act of 1935 and Consolidated Electric and Gas Company, a public utility holding company within the meaning of the said Act.

2. Consolidated Electric and Gas Company is a registered holding company organized under the laws of Delaware with its principal offices for the doing of business located in New York, New York. Among its direct subsidiaries, The Islands Gas & Electric Company is a public utility holding company within the meaning of the Act.

3. The Islands Gas & Electric Company, organized under the laws of Maryland, has been granted exemption until August 1, 1943 from certain provisions of the said Act by order of this Commission dated August 2, 1941 and is not a registered holding company.

4. The following are subsidiary companies of Central Public Utility Corporation and Consolidated Electric and Gas Company and are public utility companies, within the meaning of the said Act, operating within the United States:

Name	State of organization	State of operation	Nature of business
The Asheville Gas Company	N. C.	N. C.	Gas.
Athens and Sayre Gas Company	Pa.	Pa.	Gas.
Atlanta Gas Light Company	Ga.	Ga., S. C.	Gas.
Bangor Gas Company	Pa.	Pa.	Gas.
Baraga County Light and Power Company	Mich.	Mich.	Electric.
Bluefield Gas Company	W. Va.	W. Va.	Gas.
Central Illinois Electric and Gas Company	Ill.	Ill.	Electric, gas, water, steam transportation.
Central Indiana Gas Company	Ind.	Ind.	Gas.
Chambersburg Gas Company	Pa.	Pa.	Gas.
Citizens Gas Company	Pa.	Pa.	Gas.
Commonwealth Public Service Corp.	Va.	Va.	Gas.
The Durham Gas Company	N. C.	N. C.	Gas.
Florida Public Utilities Company	Fla.	Fla.	Electric, gas water, and ice.
The Gas Light Company of Waverly	N. Y.	N. Y.	Gas.
Hagerstown Gas Company	Md.	Md.	Gas.
Hoosier Gas Corporation	Ind.	Ind.	Gas.
Hoosier Public Utility Company	Ind.	Ind.	Electric and gas.
Houghton County Electric Light Co.	Mich.	Mich.	Electric.
Iron Range Light and Power Co.	Mich.	Mich.	Electric.
Jersey Shore Gas Company	Pa.	Pa.	Gas.
Lynchburg Gas Company	Va.	Va.	Gas.
Maine Public Service Company	Me.	Me.	Electric.
Martinsburg Gas Company	W. Va.	W. Va.	Gas.
Mobile Gas Service Corporation	Ala.	Ala.	Gas.
Peoples Gas Company	Texas	Texas	Gas.
Portsmouth Gas Company	N. H.	N. H.	Gas.
Pottsville Gas Company	Pa.	Pa.	Gas.
The Raleigh Gas Company	N. C.	N. C.	Gas.
Roanoke Gas Company	Va.	Va.	Gas.
The Salem Gas Light Company	N. J.	N. J.	Gas.
Suffolk Gas Company	Va.	Va.	Gas.
Washington County Gas Company	Tenn.	Tenn.	Gas.
Waynesboro Gas Company	Pa.	Pa.	Gas.

5. The following are subsidiary companies of Central Public Utility Corporation and Consolidated Electric and Gas Company and are public utility companies, within the meaning of the Act, operating outside the United States:

Name	Country of organization	Place of operation	Nature of business
Maine and New Brunswick Electrical Power Company, Limited.	Canada	New Brunswick, Canada	Electric.
Porto Rico Gas & Coke Company	U. S. (Del.)	Puerto Rico	Gas, Electric and Gas.
Union Electrica de Canarias, S. A.	Spain	Canary Islands	

6. The following are subsidiary companies of Central Public Utility Corporation, Consolidated Electric and Gas Company, and The Islands Gas & Electric Company and are public utility companies, within the meaning of the Act, operating outside the United States.

Name	Country of organization	Place of operation	Nature of business
Companie d'Eclairage des Villes de Fort-au-Prince et du Cap Haitien.	Haiti	Haiti	Electric.
Compagnia Electrica de Santo Domingo C. Por A.	Dominican Republic	Dominican Republic	Electric, water, and ice.
Gas y Electricidad S. A	Spain	Mallorca I.	Electric and gas.
Manila Gas Corporation	Philippine I.	Philippine I.	Gas.

7. The following are subsidiary companies of Central Public Utility Corporation and Consolidated Electric and Gas Company and are not public utility holding companies or public utility companies within the meaning of the Act but are engaged in the businesses respectively set forth opposite their names:

Name	State of organization	State of operation	Nature of business
Carolina Coach Company	N. C.	N. C., Va.	Transportation.
Virginia Carolina Coach Company	Va.	N. C., Va.	Transportation.
Central Natural Gas Company	Ind.	Ind.	Gas transmission.
Lynchburg Traction & Light Co.	Va.	Va.	Transportation:
Roanoke Railway & Electric Co.	Va.	Va.	Transportation.
Safety Engineering and Management Co.	Del.		Investments.
Safety Motor Transit Corp.	Va.	Va.	Transportation.
Southern Cities Ice Company	Del.	S. C.	Ice.
Wheeling Public Service Co.	W. Va.	W. Va.	Transportation.

III

The Commission's official public files further disclose that:

1. Central Public Utility Corporation has outstanding as of December 31, 1941, the following:

a. $42,101,202 principal amount of Twenty Year 5½% Income Bonds, dated August 1, 1932, due August 1, 1952, the accrued and unpaid interest thereon amounting to approximately $18,307,000 as of December 31, 1940.

b. 320,372$^{29}/_{100}$ shares of $4 Non-Cumulative Preferred Stock, no par value, with a stated value of $10 per share.

c. 1,719,816$^{3}/_{50}$ shares of Class A Stock, $1 par value.

d. 1,305,020 shares fo Common Stock, $1 par value.

Of the foregoing, only the Preferred Stock and the Common Stock have voting rights, each having one vote per share.

2. All of the Common Stock of Central Public Utility Corporation has been deposited with and is presently held by Christopher H. Coughlin, William T. Crawford and Rawleigh Warner, as Voting Trustees under a Voting Trust Agreement dated August 1, 1932. The said Voting Trustees constitute a public utility holding company within the meaning of the Act and are a registered holding company.

3. Consolidated Electric and Gas Company has outstanding as of June 30, 1941, the following:

a. Bonds assumed by Consolidated Electric and Gas Company:

(1) Central Gas and Electric Company First Collateral Trust Sinking Fund Bonds:

(a) 6% Series of 1926, due March 1, 1946, $3,342,300.

(b) 5½% Series of 1926, due Dec. 1, 1946, $5,495,800.

(2) Federated Utilities, Inc. First Collateral Trust 5½% Bonds, due March 1, 1957, $5,336,500.

(3) Southern Cities Utilities Company 30-year 5% First Lien Collateral Trust Bonds, Series A, due April 1, 1958, $7,855,000.

b. Collateral Trust Bonds of Consolidated Electric and Gas Company:

(1) 6% Series, due August 1, 1957, $4,208,500.

(2) 3%-6% Series A, due August 1, 1962 (convertible), $14,857,500.

(3) 3%-6% Series B, due August 1, 1962 (convertible) $1,723,000.

Total Bonds Outstanding—Issued and Assumed, $42,818,600.

c. 182,975 shares of $6.00 Cumulative Preferred Stock, no par value, stated value $100 per share.

d. 1,480,000 shares of Class A non-cumulative stock, $1 par value, liquidating value $25 per share.

e. 1,000,000 shares Common Stock $1 par value.

There are dividend arrearages on the $6 Preferred Stock totalling $9,671,951 as of June 30, 1941.

Of the foregoing, only the Preferred Stock and the Common Stock have voting rights, each having one vote per share.

IV

The Commission having been advised by its Public Utility Division that the information set out in paragraph II hereof and other and further information contained in the Commission's public official files tends to show that:

1. The public utility and non-utility subsidiaries in the Central Public Utility Corporation holding company system, using the mails and engaged in interstate and foreign commerce, operate in an extensive area comprising eighteen states, two island possessions of the United States and four foreign countries.

2. The holding company system of Central Public Utility Corporation is not confined in its operations to those of a single integrated public-utility system as provided by section 11 (b) (1) of the Act or to such single system and additional systems which may be retained under Clauses (A), (B) and (C) of section 11 (b) (1) and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such system or systems.

V

The Commission being further advised by its Public Utility Division that the information set out in paragraph III hereof and other and further information contained in the Commission's public official files tends to show that:

1. The preferred stock of Central Public Utility Corporation has 18% and its common stock has 82% of the total voting power.

2. The company's assets are insufficient to satisfy the claim of the Twenty Year 5½% Income Bonds.

3. Voting power is unfairly and inequitably distributed among the security holders of Central Public Utility Corporation.

4. The corporate structure and continued existence of Central Public Utility Corporation unduly and unnecessarily complicates the structure of the holding company system, of which it is a part.

5. The continued existence of the Voting Trustees unduly and unnecessarily complicates the structure of the holding company system, of which they are a part.

6. The Voting Trustees and Central Public Utility Corporation have subsidiary companies which themselves have subsidiary companies which are holding companies, in contravention of provisions of section 11 (b) (2) of the Act.

7. The Common Stock of Consolidated Electric and Gas Company has 85% of the total voting power.

8. After allowing for the claims of the holders of the issued and assumed bonds, the Preferred Stock represents a claim upon all of the company's remaining assets.

9. Voting power is unfairly and inequitably distributed among the security holders of Consolidated Electric and Gas Company.

10. The corporate structure of Consolidated Electric and Gas Company is such as not to justify more than a single class of stock.

11. The corporate structure of Consolidated Electric and Gas Company unduly and unnecessarily complicates the structure of the holding company system, of which it is a part.

VI

It being the duty of the Commission, pursuant to section 11 (b) (1) of the Act, to require, by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding company system, of which said company is a part, to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system, and to such additional integrated public-utility system or systems which the Commission finds to be in compliance with the standards of subsections (A), (B) and (C) of section 11 (b) (1);

It further being the duty of the Commission, pursuant to section 11 (b) (2) of said Act, to require by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof shall take such steps as the Commission shall

find necessary to ensure that the corporate structure or continued existence of any company in a holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders of such holding company system and to require each registered holding company (and any company in the same holding company system with such holding company) to take such action as the Commission shall find necessary in order that such holding Company shall cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company; and

The Commission, before approving any plan under the provision of section 11 (e) of said Act, being required to find such plan, as submitted or as modified, necessary to effectuate the provisions of subsection (b) of section 11, and fair and equitable to the persons affected by such plan; and

It appearing appropriate to the Commission that notice be given and a hearing be ordered to be held for the purpose of giving an opportunity to be heard with respect to what action should be ordered to be taken under sections 11 (b) (1) and 11 (b) (2) of the Act, as more particularly hereinafter ordered, and with respect to said plan for simplification of corporate structure and divestment of control filed under section 11 (e) of the Act;

It further appearing that the matters here concerned are related and involve common questions of law or fact and that evidence offered in respect of each of the matters may have a bearing on the other; and that substantial savings in time, effort, and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is hereby ordered, That the proceedings here involved be consolidated for hearing and that a hearing be held thereupon at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such day by the hearing room clerk in Room 1102 at 10 A. M. on the 20th day of January 1942, at which hearing Central Public Utility Corporation and Consolidated Electric and Gas Company shall be given an opportunity to be heard as to:

1. Whether or not the plan for simplification of its corporate structure and for the divestment of control, as submitted or modified, is necessary to effectuate the provisions of subsection (b) of section 11, as well as being fair and equitable to the persons affected by such plan, and whether the Commission should enter an order approving such plan.

2. Whether the allegations of paragraphs numbered II, III, IV, and V hereof, inclusive, are true and accurate.

3. What order, if any, should be entered pursuant to section 11 (b) (1) of said Act requiring that said Central Public Utility Corporation and/or Consolidated Electric and Gas Company limit the operations of their holding company systems to a single integrated public-utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system.

4. What order, if any, should be entered pursuant to section 11 (b) (2) of said Act requiring Central Public Utility Corporation and/or Consolidated Electric and Gas Company to take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the Central Public Utility Corporation's holding company system or the continued existence of the Voting Trustees under the Voting Trust Agreement of August 1, 1932 does not unduly or unnecessarily complicate the corporate structure, or unfairly or inequitably distribute voting power among security holders of Central Public Utility Corporation and/or Consolidated Electric and Gas Company.

5. What order, if any, should be entered pursuant to section 11 (b) (2) of said Act requiring Central Public Utility Corporation and the Voting Trustees aforesaid to cease to be a holding company with respect to each of their subsidiary companies which itself has a subsidiary company which is a holding company.

The Commission reserves the right if at any time it may appear conducive to an orderly and economical disposition of any one or all of the matters here involved to order a separate hearing concerning any such matter, to close the record with respect to any such matter, or to take appropriate action on any such matter prior to closing the record on other matters.

It is further ordered, That Central Public Utility Corporation and Consolidated Electric and Gas Company, respondents herein file with the Secretary of the Commission on or before January 15, 1942 their respective answers, admitting or denying the allegations of paragraphs II, III, IV and V hereof.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, by registered mail, to Central Public Utility Corporation and Consolidated Electric and Gas Company, and that notice of said hearing be given, by registered mail, to Christopher H. Coughlin, William T. Crawford and Rawleigh Warner, Voting Trustees under a Voting Trust Agreement dated August 1, 1932; and that notice of said hearing shall be and hereby is given to all security holders of Central Public Utility Corporation, Consolidated Electric and Gas Company and their subsidiaries, to all consumers of said companies, to all States, municipalities, island possessions of the United States, Foreign countries or political subdivisions of any of the foregoing in which are located any of the utility assets of the holding company system of Central Public Utility Corporation or under the laws of which any of said subsidiary companies are incorporated, to all state commissions, state security commissions and all agencies, authorities or instrumentalities of one or more states, municipalities, or other bodies politic or subdivisions thereof having jurisdiction over Central Public Utility Corporation, Consolidated Electric and Gas Cmpany or any subsidiaries thereof or over any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER;

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before the 15th day of January 1942, a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9856; Filed, December 30, 1941; 11:41 a. m.]

[File No. 70-447]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1941.

Panhandle Eastern Pipeline Company, hereinafter called "Panhandle", a subsidiary of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, which is also a subsidiary of Columbia Gas & Electric Corporation, having filed a declaration pursuant to sections 6 (a) (2) and (7) of the Public Utility Holding Company Act of 1935, regarding a proposal to alter the basis upon which participating dividends on its outstanding Class A preferred stock consisting of 100,000 shares, owned by Columbia Oil & Gasoline Corporation, will be declared and paid during the year 1941; and

The Commission having on December 24, 1941 ordered that a hearing with respect to said declaration be held on January 6, 1942; and

Panhandle having filed a written request for a postponement of said hearing to January 8, 1942; and

The Commission having considered the request for postponement and being of the opinion that the same should be granted;

It is ordered, That the hearing in the above matter be, and the same is hereby postponed to 10:00 A. M. on January 8, 1942, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such day by the hearing room clerk in room 1102.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9857; Filed, December 30, 1941; 11:41 a. m.]

[File No. 70-423]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY AND NEBRASKA PUBLIC SERVICE COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of December, A. D. 1941.

Iowa Public Service Company, a registered holding company and a subsidiary of Sioux City Gas & Electric Company (also a registered holding company), and Nebraska Public Service Company, a wholly-owned subsidiary of Iowa Public Service Company, having filed declarations pursuant to sections 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43 and U-44 promulgated thereunder regarding the sale by Iowa Public Service Company to Nebraska Public Service Company of 7,700 shares of the latter's $50 par value common stock, which Nebraska Public Service Company will retire, for $325,000 cash; and

Said declarations having been filed on October 31, 1941, and certain amendments having been filed thereto, the last of said amendments having been filed on December 9, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declarations, as amended, pursuant to Rules U-42, U-43 and U-44 to become effective, and finding with respect to said declaration, as amended, pursuant to Rule U-42 that the requirements of section 12 (c) are satisfied, and finding with respect to said declaration, as amended, pursuant to Rules U-43 and U-44 that the requirements of section 12 (d) are satisfied, and being satisfied that the effective date of such declarations, as amended, should be advanced:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declarations, as amended, be and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9858; Filed, December 30, 1941; 11:41 a. m.]

[File No. 70-332]

IN THE MATTER OF ALABAMA POWER COMPANY, THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE), AND THE GENERAL CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of December 1941.

The Commonwealth & Southern Corporation (Delaware), a registered holding company, and Alabama Power Company and The General Corporation, subsidiary companies thereof, having filed applications and declarations, and amendments thereto, with the Commission pursuant to sections 6 (b), 10 and 12 of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44, U-45, U-46, U-50 and U-62 promulgated thereunder, in regard to the following proposals, (in addition to other matters consummated pursuant to our previous order of September 10, 1941 in these proceedings, Holding Company Act Release No. 2996):

1. The issuance and sale by Alabama Power Company of:

(a) $80,000,000 principal amount First Mortgage Bonds, series due 1972, coupon rate as yet undetermined but not to exceed 3½%, to the successful bidder at competitive bidding,

(b) $12,000,000 principal amount unsecured notes to banks, repayable, with interest at 2⅞%, in 16 equal semi-annual installments, the first installment to be due six months after the date of closing.

The proceeds of these bonds and notes, together with an estimated amount of $4,500,000 of treasury funds, to be used by Alabama to retire its outstanding bonds in an aggregate principal amount of $95,583,600 at a retirement cost, exclusive of accrued interest, of $97,522,150.

2. The reduction by Alabama Power Company of its common stock stated capital by $30,516,282, from $51,278,782 to $20,762,500; the amount of this reduction plus salvage credits of $208,885 and the balance of the earned surplus account as of the effective date of the adjustments, an aggregate of $31,354,256 plus or minus an adjustment as noted in sub-paragraph (a) below, will be used by Alabama for:

(a) The immediate reduction in utility plant account in the amount of $23,114,762, increased or decreased by the amount of the net change in earned surplus account between October 31, 1941 and the effective date of the proposed adjustments;

(b) The creation of a special surplus reserve account of $7,685,670 with respect to Martin Dam and Jordan Dam licensed projects; and

(c) The increase in the stated capital represented by the preferred stock to be outstanding to $100 per share, an adjustment upward of $553,824.

3. The surrender by The Commonwealth & Southern Corporation (Delaware) to Alabama Power Company for cancellation of its holding of 11,302 shares of preferred stock in Alabama, represented by a stated capital of $1,101,239. The cost of these shares to Commonwealth ($717,483) will be treated as an additional investment by Commonwealth in the common stock of Alabama and the balance of such stated capital ($383,756) will be added to the stated capital represented by the preferred stock to be outstanding, publicly held.

The transactions outlined in paragraphs 2 and 3 are to be carried out whether or not the proposed financing program described in paragraph 1 is consummated.

4. The solicitation of authorizations from the stockholders of Alabama Power Company in respect of the proposed financing program and accounting adjustments; and

5. The making of various accounting entries and adjustments and the taking of other action, as particularly described in the applications and declarations, as amended, and described in our Findings and Opinion filed herein.

Pursuant to Rule U-50 of the General Rules and Regulations of the Commission under the Act, Alabama Power Company will publicly invite proposals for the purchase of the $80,000,000 principal amount First Mortgage Bonds, due 1972, the interest rate of said bonds to be determined in accordance with the provisions of the accepted bid.

A public hearing having been held after appropriate notice, and the Commission

having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, That the issuance and sale of the proposed bonds and notes described in paragraph 1 hereof be, and the same hereby is, exempted from the provisions of section 6 (a) of the Act, and that said declarations, as amended, be and the same are hereby permitted to become effective forthwith, and that the applications, as amended, be and the same are hereby granted; subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further condition:

(1) That Alabama Power Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby; jurisdiction is hereby reserved for this purpose.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9859; Filed, December 30, 1941; 11:41 a. m.]

[File No. 70-457]

IN THE MATTER OF FLORIDA POWER & LIGHT COMPANY AND CONSUMERS WATER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

The above-named persons having filed an application and declaration pursuant to the Public Utility Holding Company Act of 1935, and particularly sections 7 and 10 thereof, with respect to a transaction wherein Florida Power & Light Company proposes to sell all its interest in Consumers Water Company, its wholly-owned subsidiary, and to acquire, as partial consideration for such sale, $550,000 principal amount of First Mortgage Bonds, 4% Series, due 1935, proposed to be issued by Consumers Water Company; and

Said application and declaration having been filed on December 9, 1941, and a certain amendment having been filed thereto on December 12, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named persons having requested that the said application, as amended, be granted, and that said declaration, as amended, become effective as promptly as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, and to permit said declaration, as amended, to become effective, and being satisfied that the date of granting such application, as amended, and the effective date of such declaration, as amended, should be advanced:

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be, and it hereby is granted, and that the aforesaid declaration, as amended, be, and it hereby is, permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9860; Filed, December 30, 1941; 11:42 a. m.]

[File Nos. 70-453, 59-4]

IN THE MATTERS OF THE WESTERN PUBLIC SERVICE COMPANY, A MARYLAND CORPORATION, THE WESTERN PUBLIC SERVICE COMPANY, A DELAWARE CORPORATION, ENGINEERS PUBLIC SERVICE COMPANY; AND ENGINEERS PUBLIC SERVICE COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND ORDER OF DIVESTMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 29th day of December, A. D. 1941

Engineers Public Service Company, a registered holding company, The Western Public Service Company, a Maryland corporation, and The Western Public Service Company, a Delaware corporation, its subsidiaries, having filed applications and declarations pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935 and appropriate rules promulgated thereunder, and also pursuant to instructions 8C to the Uniform System of Accounts for Public Utility Holding Companies, regarding the following transactions:

The contribution by Engineers Public Service Company to The Western Public Service Company, a Maryland corporation, or $1,032,000 principal amount of First Mortgage Bonds, 31,341 shares of Preferred Stock Series A, and 10,000 shares of Preferred Stock Series B of said The Western Public Service Company and the acquisition and retirement of said securities by said The Western Public Service Company, a Maryland corporation;

The amendment of the charter of The Western Public Service Company, a Maryland corporation, so as to change the common stock from no par to $1 par value and the capitalization represented by its common stock from $5,000,000 to $500,000;

The call for redemption by The Western Public Service Company, a Maryland corporation, of 8,292 shares of Preferred Stock, Series A at $27.50 per share plus accrued dividends;

The declaration by The Western Public Service Company, a Maryland corporation, of a dividend in partial liquidation, to Engineers Public Service Company, of all the securities of Missouri Service Company and The Northern Kansas Power Company;

The acquisition by Engineers Public Service Company of all of the securities of The Western Public Service Company, a Delaware corporation, The Northern Kansas Power Company, and Missouri Service Company;

The transfer by The Western Public Service Company, a Maryland corporation, at the direction of Engineers Public Service Company, of all its Wyoming properties to The Western Public Service Company, a Delaware corporation, and the acquisition thereof by said Delaware corporation;

The issuance by The Western Public Service Company, a Delaware corporation, of the $508,800 5% notes payable and $653,200 of par value common stock and the assumption of $258,000 principal amount of municipal bonds heretofore assumed by The Western Public Service Company, a Maryland Corporation, and the acquisition of said notes and stock by Engineers Public Service Company;

The execution by Engineers Public Service Company of a $300,000 bond of indemnity covering liability for payment of said $258,000 principal amount of municipal bonds;

The method of recordation on the books of Engineers Public Service Company of the securities of The Western Public Service Company, a Delaware Corporation, The Northern Kansas Power Company, and Missouri Service Company to be acquired by it;

All other transactions necessary to facilitate the sale of the Nebraska and South Dakota assets of The Western Public Service Company, a Maryland corporation, to Consumers Public Power District, an instrumentality and political subdivision of the State of Nebraska;

The acquisition and retirement by Engineers Public Service Company of not to exceed 35,000 shares of its own preferred stock outstanding in the hands of the public by invitation for tenders and by open market purchases.

The Commission having heretofore issued its Notice of and Order for Hearing pursuant to section 11 (b) (1) of the Act, in *Engineers Public Service Company and Its Subsidiary Companies, Respondents*, File No. 59-4, but having as yet issued no order of divestment with respect to The Western Public Service Company, a Maryland corporation, and finding it necessary and appropriate that the applications and declarations in File No. 70-453 should be consolidated with said File No. 59-4;

Engineers Public Service Company having filed its written consent to an order of divestment pursuant to section 11 (b) (1) of the Act;

It is ordered, That the applications and declarations in File No. 70-453 be and they hereby are consolidated with the proceedings in File No. 59-4;

That jurisdiction be and the same hereby is reserved as to the proposed acquisition and retirement by Engineers Public Service Company of not to exceed 35,000 shares of its own Preferred Stock,

That otherwise said applications be and the same hereby are granted and said declarations be and the same hereby are permitted to become effective forthwith.

It is further ordered, Pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that Engineers Public Service Company shall divest itself of its interest in the securities of Missouri Service Company, The Northern Kansas Power Company and The Western Public Service Company, a Delaware corporation, proposed to be acquired by it pursuant to applications and declarations now pending before the Commission in File No. 70-453, if and when Engineers Public Service Company acquires direct ownership of said securities.

It is further ordered, That Engineers Public Service Company, in accordance with subparagraph (c) of section 11 of said Act, shall comply with the preceding paragraph of this Order within one year from the date when it acquires direct ownership of said securities, without prejudice to its right to apply for additional time to comply with such Order as provided in such Section.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9861; Filed, December 30, 1941; 11:42 a. m.]

[File No. 70-443]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of December, A. D. 1941.

The above named company having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly Section 10 thereof, regarding the purchase from Central States Power & Light Corporation of Oklahoma of a water system located in Allen, Oklahoma, for the sum of $10,000, plus and minus certain adjustments of the purchase price as provided for in the purchase contract; and

Said application having been filed on November 24 and an amendment having been filed on December 19, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named company having requested that said application, as filed or as amended, be granted as soon as possible; and

The Commission finding with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act and that section 10 (c) (2) of said Act is not applicable and being satisfied that the effective date of such application, as amended, should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and hereby is granted.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.)

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9862; Filed, December 30, 1941; 11:42 a. m.]

[File No. 70-368]

IN THE MATTER OF WESTERN NEW YORK WATER COMPANY

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of December, A. D. 1941.

Western New York Water Company, a subsidiary of New York Water Service Corporation, which in turn is a subsidiary of Federal Water and Gas Corporation, a registered holding company, having filed applications and amendments thereto pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935 concerning the proposed issue and sale to Northwestern Mutual Life Insurance Company of $3,000,000 principal amount of First Mortgage Sinking Fund Bonds, 3¾% series, due 1966 and $1,400,000 principal amount of 3¾% Sinking Fund Notes, due 1956, such issue and sale to be consummated in the manner described in said applications; and

The Commission having approved the said applications subject to the terms and conditions prescribed by Rule U-24, by its order herein dated October 31, 1941; and

The said applications having been amended subsequent to the Commission's order hereinabove referred to by the filing of a modified mortgage and deed of trust and a modified indenture; and

It appearing to the Commission that the modifications of said mortgage and deed of trust and the modifications of said indenture are not of such a nature as to make it appropriate to impose any terms or conditions other than as specified in Rule U-24;

It is ordered, That said applications, as amended, be and they hereby are approved, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9863; Filed, December 30, 1941; 11:42 a. m.]

[File No. 68-1]

IN THE MATTER OF JESSE JACOBS, PAUL SHIPMAN ANDREWS, AND DANIEL J. McCORMACK, PROTECTIVE COMMITTEE FOR SECURITY HOLDERS OF ASSOCIATED GAS AND ELECTRIC COMPANY

ORDER DENYING APPLICATION, ETC.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1941.

Jesse Jacobs, Paul Shipman Andrews, and Daniel J. McCormack, as a Protective Committee for holders of certain securities of Associated Gas and Electric Company, a registered holding company, having filed an application and declaration, pursuant to the Public Utility Holding Company Act of 1935 and particularly section 12 (e) and Rule U-62 thereunder, for permission to solicit authorizations from more than one class of securities of said Associated Gas and Electric Company, and with respect to such solicitation in connection with the reorganization proceedings of said company and its subsidiary, Associated Gas and Electric Corporation, which reorganization proceedings are now pending before the United States District Court for the Southern District of New York;

Public notice and opportunity for hearing with respect to said application and declaration having been duly given, a hearing having been held on said application and declaration, request for findings of fact, briefs, and oral argument having been waived, and the Commission having this day made and filed its findings and opinion herein;

It appearing to the Commission that the proposed solicitation of security holders by said Jesse Jacobs, Paul Shipman Andrews, and Daniel J. McCormack, as a Protective Committee as aforesaid, would not be in the public interest and would be detrimental to the interests of investors, and the Commission therefore deeming it necessary and appropriate to deny permission to solicit authorizations as aforesaid and to order that said declaration shall not become effective;

It is therefore ordered, That the application of Jesse Jacobs, Paul Shipman Andrews, and Daniel J. McCormack, as

a Protective Committee proposing to represent security holders of Associated Gas and Electric Company, for permission to solicit authorizations from more than one class of security holders be and is hereby denied; and

It is further ordered, That the aforesaid declaration of Jesse Jacobs, Paul Shipman Andrews, and Daniel J. McCormack, as a Protective Committee as aforesaid, shall not be permitted to become effective, and no solicitation shall be made under said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9864; Filed, December 30, 1941; 11:43 a. m.]

IN THE MATTER OF PHILIP J. LIUZZA, 204 MARITIME BUILDING, NEW ORLEANS, LOUISIANA, AND PHILIP J. LIUZZA, INC., 204 MARITIME BUILDING, NEW ORLEANS, LOUISIANA

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of December 1941.

This proceeding was instituted under section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Philip J. Liuzza (hereinafter referred to as Liuzza) should be suspended or revoked, and to determine whether the registration as a broker and dealer of Philip J. Liuzza, Inc., should be denied or postponed.

Philip J. Liuzza, Inc., a corporation of which Liuzza is the president, filed with the Commission on October 17, 1941, an application for registration pursuant to Rule X-15B-1 adopted by the Commission under sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934, and the Commission, following the filing on November 14, 1941, by Philip J. Liuzza, Inc., of an amendment to said application, ordered that the effective date of registration be deferred to December 14, 1941.

The order for hearing, dated November 15, 1941, notice of which was served upon Liuzza, recited that the staff had reported to the Commission information obtained as a result of an investigation of Liuzza which tended to show that during the period from January 1, 1941, to August 19, 1941:

(a) Liuzza as agent used the mails and means and instrumentalities of interstate commerce to purchase and sell various securities for the account of divers customers and in effecting such purchases and sales falsely represented to such customers the prices at which such transactions had been effected; thereby Liuzza was able to and did obtain secret profits;

(b) Liuzza, while a member of the New Orleans Stock Exchange, a national securities exchange, had no net capital employed in his business and at the same time in the ordinary course of his business as a broker he owed substantial sums to various customers, banks and other individuals;

(c) Liuzza, while in an insolvent condition, used the mails and means and instrumentalities of interstate commerce to solicit and accept orders for the purchase of securities as agent for the account of divers customers, accepted securities from such customers, the proceeds from the sale of which were to be applied to the purchase of other securities for such customers, and without the knowledge or consent of such customers appropriated to his own use and benefit either the securities turned over to him for sale or the proceeds received by him on the sale of such securities;

(d) Liuzza did not make and keep certain books and records including, among others:

(1) Blotters or other records of original entry containing itemized daily records of purchases or sale of securities and receipts and deliveries of securities;

(2) Ledgers of other records reflecting all assets and liabilities, income and expense and capital accounts;

(3) A memorandum of each brokerage order and of any other instruction given or received for the purchase or sale of securities whether executed or unexecuted; and

(4) A memorandum of each purchase or sale of securities for his own account.

A hearing was ordered to determine whether the information reported by the staff is true; whether these facts, if they are true, require a finding that Liuzza wilfully violated section 17 (a) of the Securities Act of 1933 and sections 8 (b), 15 (c) (1), and 17 (a) of the Securities Exchange Act of 1934; and whether it is in the public interest to suspend or revoke Liuzza's registration as a broker and dealer and to postpone or deny the registration of Philip J. Liuzza, Inc. Also, pending final determination, it was ordered that the effective date of registration of said corporation be postponed until December 29, 1941.

Liuzza, on November 21, 1941, in his own behalf and as president of Philip J. Liuzza, Inc., acknowledged receipt and service of adequate notice of the proceeding, waived hearing, admitted the allegations contained in the aforesaid order for hearing for the purposes of this proceeding, and consented to the entry of an order by the Commission revoking his registration as a broker or dealer and denying the registration of Philip J. Liuzza, Inc., as a broker or dealer.

We find, therefore, that Liuzza has wilfully violated section 17 (a) of the Securities Act of 1933, and sections 8 (b), 15 (c) (1), and 17 (a) of the Securities Exchange Act of 1934, and that it is in the public interest that his registration be revoked and that the registration of Philip J. Luizza, Inc., be denied.

It is therefore ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Philip J. Liuzza, Inc., as a broker and dealer, be, and it hereby is, revoked, and the registration of Philip J. Linzza, Inc., as a broker and dealer be, and it hereby is, denied.

By the Commission (Chairman Eicher and Commissioners Healy and Purcell), Commissioners Pike and Burke being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9869; Filed, December 30, 1941; 11:54 a. m.]

[File No. 70-464]

IN THE MATTER OF INDIANA SERVICE CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of December A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Indiana Service Corporation. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Indiana Service Corporation proposes to issue and sell $404,448 principal amount of its serial notes as part payment for 40 electric trackless trolley coaches. Concurrently the manufacturer of the trolley coaches will sell the notes to a bank and an insurance company. It is proposed that the notes will each be in the principal amount of $6,740.80, and will mature serially starting one month from date. Serial notes numbered 1 to 12, both inclusive, are to bear interest at the rate of three per cent (3%) per annum from date until payment, and serial notes numbered 13 to 60, both inclusive, are to bear interest at the rate of three and three-quarters per cent (3¾%) per annum from date until paid, all such interest to be payable monthly commencing one month from the date of the serial notes.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 8, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the issue and sale by Indiana Service Corporation of its serial notes are solely for the purpose of financing its business and have been expressly authorized by the Public Service Commission of Indiana.

(2) Whether the security proposed to be issued is reasonably adapted to the security structure of Indiana Service Corporation.

(3) Whether the operations by Indiana Service Corporation of its traction properties are reasonably incidental, or economically necessary or appropriate, to the operations of its electric properties.

(4) Whether the purchase of the trolley coaches by Indiana Service Corporation should be financed out of the company's cash rather than by the issuance of serial notes.

(5) Whether it is necessary or appropriate to impose any term or condition prohibiting or restricting the payment of any of the principal of the debt or any of the interest on the debt owing by Indiana Service Corporation to its parent, Midland Utilities Company.

(6) Whether any other conditions should be imposed upon Indiana Service Corporation as appropriate in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-9868; Filed, December 30, 1941; 11:54 a. m.]